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THE FEDERAL REGISTER SUBJECT INDEX

The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in this Index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the Code of *Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

Two finding aids have been included at the end of this Index:

A table which lists the pages with the dates of publication in the *Federal Register*.

An alphabetical list of titles in the Code of *Federal Regulations*.

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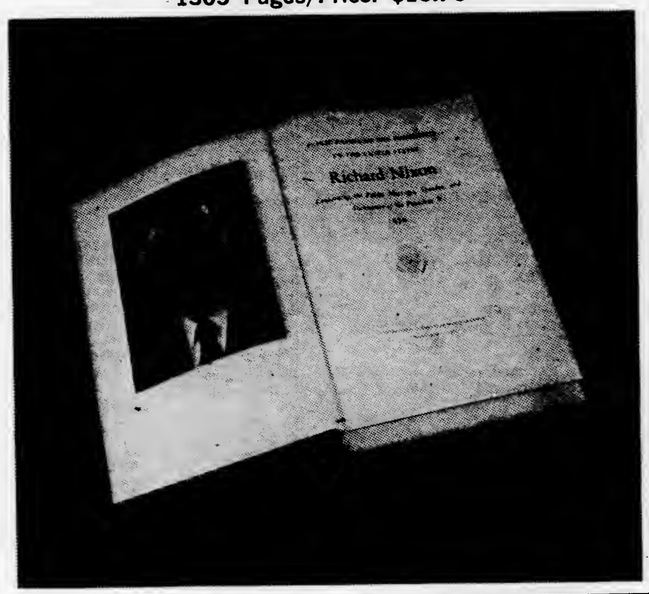

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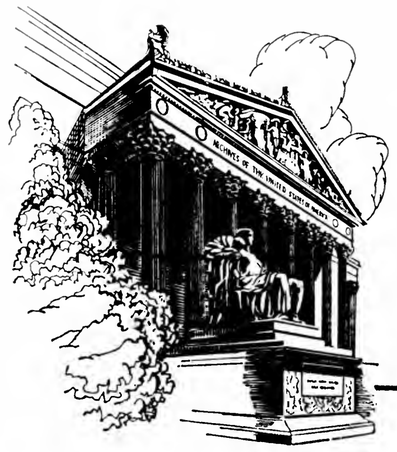

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PROCLAMATION 4026

Proclamation Amending and Correcting Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain articles which may be imported into the United States in any quota year; and

WHEREAS, in accordance with section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963, proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the import restrictions on certain dairy products set forth in part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963; Proclamation No. 3562 of November 26, 1963; Proclamation No. 3597 of July 7, 1964; section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950); Proclamation No. 3709 of March 31, 1966; Proclamation No. 3790 of June 30, 1967; Proclamation No. 3822 of December 16, 1967; Proclamation No. 3856 of June 10, 1968; Proclamation No. 3870 of September 24, 1968; and Proclamation No. 3884 of January 6, 1969; and

WHEREAS, pursuant to said section 22, the Secretary of Agriculture advised me there was reason to believe that the articles, for which

import restrictions are hereinafter proclaimed, are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS, under the authority of said section 22, I requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the United States Tariff Commission has made an investigation under the authority of said section 22 with respect to this matter and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of such investigation and report, I find and declare that the articles, for which import restrictions are hereinafter proclaimed, are being imported and are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS I find and declare that for the purpose of the first proviso of section 22(b) of the Agricultural Adjustment Act, as amended, the representative period for imports of such articles is the calendar years 1967 through 1969; and

WHEREAS, on the basis of such investigation and report, I find and declare that the imposition of the import restrictions hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such articles will not render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, or to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS I find and declare that the allocation of shares of the import quotas proclaimed herein among the countries of origin shall be based upon the proportion of such articles supplied by such countries during the twelve months July 1969 through June 1970, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned; and

WHEREAS it has been determined advisable, in order to carry out the intent of the import restrictions proclaimed pursuant to said section 22 with respect to articles for which licenses are required, that the Secretary of Agriculture be authorized to adjust, within the aggregate quantity of any such article permitted to be entered from all countries

during a calendar year, the quantities of any such article which may be entered from particular countries of origin;

WHEREAS the Secretary of Commerce has advised me that, due to a processing error, the published figures for the importation during the calendar year 1967 of articles originating in Iceland, on which the import restriction of such articles set forth in item 950.10D of Part III of the Appendix to the Tariff Schedules of the United States was based, understated actual imports from that country for 1967 by 89,000 pounds; and

WHEREAS, in order to carry out the Presidential intention that such import restriction should be based on the level of imports of such articles from Iceland during the calendar year 1967, the figure in the quota quantity column opposite Iceland in item 950.10D of Part III of the Appendix to the Tariff Schedules of the United States should be corrected by increasing the amount by 89,000 pounds;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that:

1. Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

(a) Headnote 3(a) is amended as follows:

(1) Subdivision (i) is amended by changing the item number "950.15" in the first sentence to "950.16" and by revising the last sentence to read as follows:

"No licenses shall be issued which will permit entry during the first six months of a quota year of more than one-half of the quantities specified in the column entitled 'Quota Quantity' for any of the articles subject to the quotas provided for in items 950.07 through 950.10E, 950.15, and 950.16."

(2) In subdivision (iii) the phrase "items 950.10B, 950.10C, and 950.10D" is changed to read "items 950.10B through 950.10E".

(3) A new subdivision (iv) is added which reads as follows:

"(iv) Notwithstanding any other provision of this part, if the Secretary of Agriculture determines that, in the case of any article for which licenses are required by subdivision (i) hereof, a quantity specified in the column entitled 'Quota Quantity' opposite the name of any country is not likely to be entered within any calendar year, he may by regulation provide with respect to such article for the adjustment for that calendar year, within the aggregate quantity of such article permitted to be entered from all countries during such calendar year, of the quantities of such article which may be entered during such year from particular countries of origin."

(b) Item 950.10E is added following item 950.10D, which reads as follows:

950.10E Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in this part; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound:

Country of Origin	*Quota Quantity (in pounds)*
Denmark	6,680,000
United Kingdom	791,000
Ireland	756,500
West Germany	100,000
Poland	385,600
Australia	123,600
Iceland	64,300
Other	None

(c) Items 950.16, 950.17, and 950.18 are added following item 950.15, which read as follows:

950.16 Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, schedule 1, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection):

Country of Origin	*Quota Quantity (in pounds)*
United Kingdom	930,000
Ireland	3,750,000
Other	None

950.17 Animal feeds containing milk or milk derivatives, classified under item 184.75, subpart C, part 15, schedule 1:

Country of Origin	*Quota Quantity (in pounds)*
Ireland	12,060,000
United Kingdom	185,000
New Zealand	3,930,000
Australia	125,000
Other	None

950.18 Ice cream, as provided for in item 118.25 of part 4, subpart D, schedule 1:

Country of Origin	*Quota Quantity (in gallons)*
Belgium	243,650
New Zealand	155,680
Denmark	3,450
Netherlands	27,600
Jamaica	950
Other	None

(d) The figure in the quota quantity column opposite "Iceland" in item 950.10D is corrected to read "649,000".

2. Articles which were exported to the United States on a through bill of lading, or which were in bonded warehouse, but not entered, or withdrawn from warehouse, for consumption prior to the effective date of this proclamation, shall not be denied entry under the import restrictions herein proclaimed. Notwithstanding headnote 3(a)(i) of part 3 of the Appendix to the Tariff Schedules of the United States, import licenses

shall not be required for the entry into the United States during the first six months of the calendar year 1971 of articles subject to the quotas provided in items 950.10E and 950.16.

3. The provisions of this proclamation shall become effective upon publication in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I hereunto set my hand this thirty-first day of December, in the year of our Lord nineteen hundred and seventy and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[F.R. Doc. 70-17658; Filed, Dec. 31, 1970; 12:21 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of Special Assistant to the General Counsel and Confidential Assistant to the General Counsel in the Office of the Special Representative for Trade Negotiations are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are revoked under paragraph (d) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * * *

(d) *Office of the Special Representative for Trade Negotiations.* * * *

(2) [Revoked]

(3) [Revoked]

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–17614; Filed, Dec. 31, 1970; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Overseas Private Investment Corporation

Section 213.3317 is amended to show that one position of Secretary to the President, Overseas Private Investment Corporation, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3317 as set out below.

§ 213.3317 Overseas Private Investment Corporation.

* * * * * *

(b) One Secretary to the President.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–17615; Filed, Dec. 31, 1970; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1971 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Correction

In F.R. Doc. 70–16995 appearing at page 19330 in the issue of Tuesday, December 22, 1970, the following changes should be made in the tables under § 722.467(b)(2):

1. The entry in the third column for Lauderdale County, Miss., reading "2,046" should read "2,064".

2. The entry in the first column for Sharkey County, Miss., should read "19,589".

3. The entry in the second column for Hidalgo County, Tex., should read "233".

4. The entry in the first column for Roberts County, Tex., reading "199" should read "119".

[Amdt. 3]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

Correction

In F.R. Doc. 70–17048 appearing at page 19167 in the issue of Friday, December 18, 1970, the word "quality" appearing in the 16th line of § 725.69(b)(6)(ii) should read "qualify".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815:12]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1971

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act", for the purpose of allotting the portion of the sugar quota for Puerto Rico for the calendar year 1971 which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within probable mainland and local quotas (R 9). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the mainland quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States. The allotments made effective by this order are small in relation to the quantities of sugar that could be produced for marketing and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective on January 1, 1971, in order to fully effectuate the purposes of section 205(a) of the Act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1971.

Preliminary statement. Under the provisions of section 205(a) of the Act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205(a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the direct-consumption

portion of the quota is necessary and a notice was published on October 24, 1970 (35 F.R. 16594), of a public hearing to be held at Santurce, P.R., in Conference Room, Seventh Floor, Segarra Building, Stop 20, on November 12, 1970, at 9:30 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1971. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions contained herein, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining to the allotment of the direct-consumption portion of the mainland quota.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • •

The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within the probable quotas. Thus, to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market sugar within the quota as required by section 205(a) of the Act, allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1971 is found to be necessary (R–8, 9).

While all three factors specified in the provisions of section 205(a) of the Act quoted above have been considered, only the "past marketings" and "ability to market" factors have been given percentile weightings in the formula on which the allotment of the direct-consumption portion of the mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for over 90 percent of the direct-consumption sugar brought into the continental United States each year do not process sugar from sugarcane and accordingly, no weight should be given to the factor "processings from proportionate shares" (R–9, 10).

The Government witness proposed that the factor "past marketings" be measured for each processor and refiner by the average annual quantity of direct-consumption sugar which he marketed in the continental United States within the mainland quotas for Puerto Rico during the 5 years, 1966 through 1970, inclusive expressed as a percentage of the sum of such quantities for all processors and refiners. The witness stated that the use of the quantities marketed in the most recent 5-year period will reflect market conditions similar to those which would be expected to occur in the marketing of direct-consumption sugar in the mainland in 1971, and furthermore, that a 5-year average of such marketings tends to minimize short-run influences affecting data for a single year and adds stability to the "past marketings" factor (R–11, 12).

The Government witness proposed that the factor "ability to market" be measured by the largest quantity of direct-consumption sugar marketed in the mainland by each refiner and processor in any one of the past 5 years, 1966 through 1970, expressed as a percentage of the sum of such quantities for all refiners and processors. The witness stated that the actual demonstrated ability of each allottee as measured by the largest quantity of sugar marketed in any one of the last 5 years is believed to be the best measure of processor's and refiner's relative ability to market direct-consumption sugar in the mainland in 1971, and that the use of a more remote period would not be as indicative of current ability to market (R–11, 12).

In determining allotments of the direct-consumption portion of the mainland quota for the calendar year 1971, the Government witness proposed that the factors "past marketings" and "ability to market", measured as proposed above, be weighted equally and such weighted percentages shall be applied to the quantity to be allotted in determining individual allotments (R–13).

The order allotting the direct-consumption portion of the mainland quota for 1970 established a liquid sugar reserve of 20 short tons, raw value, for other than named allottees. The record of the hearing reveals that shipment of liquid sugar from other than named allottees totaled 13 tons in 1967, 15 tons in 1968, 13 tons in 1969, and 13 tons to date in 1970. Accordingly, the Government witness proposed that a liquid sugar reserve in an amount not to exceed 20 short tons, raw value, be established to permit the marketing of liquid sugar in the continental United States in 1971 by other than named allottees. Provision is therefore made for determining allotments by applying the weighted percentage factors for each allottee to the direct-consumption portion of the mainland quota less such liquid sugar reserve.

At the hearing the witness representing three of the named allottees supported and endorsed the Government's proposal.

A proposal was made by the witness for Central San Francisco that initial allotments be established at 95 percent of the direct-consumption quota instead of 90 percent so that allottees could, particularly the smaller ones, better prepare their plans in advance for the coming year. This proposal has not been adopted since the official records of the Department show that no allottee has been restricted in past years due to the 90 percent provision from marketing sugar within its ability.

In accordance with the record of the hearing (R–16, 17) provision has been made in the findings and the order to revise allotments for the calendar year 1971, without further notice or hearing for purposes of (1) giving effect to the substitution of revised estimates or final data or both for estimates of the quantity of direct-consumption sugar imported into the continental United States by each allottee, (2) allotting any quantity of an allotment to other allottees or to the residuary balance available for all persons when written notification of release of such allotment becomes a part of the official records of the Department, and (3) giving effect to any increase or decrease in the direct-consumption portion of the mainland quota. Also, as proposed in the record (R–20) the findings and order contain provisions relating to restrictions on marketing similar to those contained in the 1970 Puerto Rican allotment order since such provisions operated successfully in 1970 and no objection was made in the record to their inclusion.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) Based upon the rate of production of refiners and processors in Puerto Rico in 1970, the potential capacity of Puerto Rican processors and refiners to produce direct-consumption sugar during the calendar year 1971 is at least 328,560 short tons, and this quantity is proportionately far greater than the total quantity of such sugar which may be marketed within the mainland and local sugar quotas for Puerto Rico for the calendar year 1971.

(2) The allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1971 is necessary to prevent disorderly marketings of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of percentile weight to the "processing from proportionate shares" factor in the allotment formula would not result in fair, efficient, and equitable allotments.

(4) An allotment of 20 short tons, raw value, shall be established as a liquid sugar reserve to permit the marketing of liquid sugar in the continental United States by persons other than named allottees during the calendar year 1971.

(5) The "past marketings" factor shall be measured by each allottee's percentage of the average entries of direct-consumption sugar by all allottees into the continental United States during the years 1966 through 1970.

(6) The "ability to market" factor shall be measured for each allottee by expressing each allottee's largest entries of direct-consumption sugar into the United States during any one of the past 5 years, 1966 through 1970, as a percent of the sum of such entries for all allottees.

(7) The quantities of sugar and percentages referred to in paragraphs (5) and (6), above, based on data involving estimates for 1970 direct-consumption entries which shall be used to establish allotments pending availability and substitution of revised or final data for such estimates, are set forth in the following table:

Processor or refiner	Average annual marketings 1966–70		Highest annual marketings 1966–70	
	Short tons raw value	Percent of total	Short tons raw value	Percent of total
	(1)	(2)	(3)	(4)
Aguirre Co	6,016	4.0316	6,785	4.0781
Central Roig Refining Co	19,411	13.0063	22,508	13.5285
Central San Francisco	1,020	.6836	1,344	.8078
Puerto Rican American Sugar Refinery, Inc	101,125	67.7691	110,769	66.5779
Western Sugar Refining Co	21,648	14.5074	24,969	15.0077
Total	149,220	100.0000	166,375	100.0000

(8) Allotments totaling the direct-consumption portion of the Puerto Rican mainland quota for the calendar year 1971, less the liquid sugar reserve provided for in finding (4), above, should be established by giving 50 percent weight to past marketings, measured as provided in finding (5), above, and 50 percent weight to ability to market, measured as provided in finding (6), above; and the sum of such weighted percentages for each allottee applied to the quantity to be allotted shall determine the allotment for each allottee.

(9) This order may be revised without further notice or hearing for the purpose of substituting revised estimates or final data or both for previous estimates of the Puerto Rican direct-consumption sugar entries by and on behalf of each allottee in 1970 when such revised data or final data or both become part of the official records of the Department.

(10) This order shall be revised without further notice or hearing to revise allotments to give effect to any change in the direct-consumption portion of the quota for Puerto Rico for the calendar year 1971 on the same basis as is provided in these findings for establishing allotments.

(11) This order shall require each allottee to submit to the Department, in writing, an estimate of the maximum quantity of direct-consumption sugar he will be able to market during the quota year within any allotment, and a release for allocation to other allottees or to a residuary balance available for all persons the portion of any allotment which may be established for him in excess of such maximum quantity. Such notice shall be submitted to the Department by each allottee in the following form on October 1, 1971, and on December 1, 1971.

I, the undersigned allottee, estimate that I will be able to market not to exceed _____ short tons, commercial weight, equivalent to _____ short tons, raw value, of sugar during the entire calendar year 1971, within any allotment of the direct-consumption portion of the 1971 mainland quota for Puerto Rico which may be established for me pursuant to S.R. 815.

I release for disposition under the provisions of S.R. 815, the portion of any allotment in excess of the above stated quantity of sugar and any increase in my allotment in excess of such stated amount which would result from either an increase in the direct-consumption portion of the Puerto Rican sugar quota or the allocation of any allotment, or a portion thereof, released by one or more, other allottees, occurring in either case, from the date of this release until the end of the calendar year.

Allottees may revise a previous notice of the maximum quantity he may market during the quota year and a previous release of allotment deficit by submitting to the Department on the prescribed form a new notice of the maximum quantity he may market during the quota year and a new release of allotment deficit. A revised notice and release may be given effect only to the extent that the allotment of any other allottee will not be reduced solely thereby as provided in finding (12).

(12) This order shall provide for reallotment without further notice or hearing of any allotment, or portion thereof, that may be released by an allottee as provided in finding (11) whenever such released allotments or portions thereof become available.

In revising allotments for the purpose of giving effect to a quota increase or decrease, or to give effect to a release by an allottee, allotment deficits shall be determined and allocated without regard to any previous determination and proration of deficits and such deficits shall be allocated proportionately among other allottees to the extent they are able to utilize additional allotments, on the basis of allotments computed for such allottees without including allocation of any allotment deficits: *Provided*, That the allotment previously in effect for an allottee which includes a deficit proration shall not be reduced solely to give effect to a revised notice received from another allottee subsequent to such deficit proration and which notice increases the declared maximum quantity such other allottee is able to market. Such deficit allocations to any allottee shall be limited in accordance with the written statement of the maximum quantity he will market submitted as provided in finding (11). In the event the total of allotment deficits released by allottees exceeds the total quantity which can be utilized by other allottees, the excess quantity shall be placed in a residual balance available for all persons.

(13) Official notice will be taken of (a) written notice to the Department by an allottee of the estimated maximum marketings of such allottee within an allotment and of the quantities of sugar released for reallotment when the notification becomes a part of the official records of the Department, (b) final data and revised estimates for 1970 calendar year marketings of sugar for direct-consumption in the mainland that become a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the mainland sugar quota for Puerto Rico and the direct-consumption portion thereof established for 1971.

(14) Each allottee during the calendar year 1971 shall be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of the sum of his allotment established herein and the quantity brought in under any residual balance available for all persons or the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico and the quantity of sugar acquired from Puerto Rican processors by the allottee during such year for shipment to the mainland within the applicable mainland quota for Puerto Rico. All other persons shall be prohibited from bringing direct-consumption sugar into the continental United States during the calendar year 1971 for consumption therein except such sugar acquired in such year from an allottee within his allotment established herein or sugar brought in within the liquid sugar reserve established for other than named allottees or within any residual balance available for all persons. All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption sugar other than crystalline sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 126,033 short tons, raw value. Of that part of the direct-consumption portion of the mainland quota that may be filled by either liquid or crystalline sugar, 20 short tons, raw value, shall be reserved to cover shipments of liquid sugar by other than named allottees as provided in finding (4).

(15) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(16) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205(a) of the Act.

(17) To assure that an allottee will not market a quantity of sugar in excess of his final 1971 allotment to be established later on the basis of final data; allotments established by this order should be limited to 90 percent of the direct-consumption portion of the mainland sugar quota for Puerto Rico pending the allotment of the quota based on final data.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made: *It is hereby ordered:*

§ 815.12 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1971.

(a) *Allotments.* For the period January 1, 1971, until the date allotments of the entire 1971 direct-consumption portion of the mainland sugar quota for Puerto Rico are prescribed 90 percent of

the 1971 direct-consumption portion of the mainland sugar quota for Puerto Rico is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Aguirre Co	5,966
Central Roig Refining Co	19,522
Central San Francisco	1,097
Puerto Rican American Sugar Refinery, Inc	98,834
Western Sugar Refining Co	21,713
Liquid sugar reserve for persons other than named above	18
Subtotal	147,150
Unallotted	16,350
Total	163,500

(b) *Restrictions on marketing.* (1) During the calendar year 1971, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the sum of the allottee's allotment established in paragraph (a) of this section and the quantity brought in within any residual balance available for all persons, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico, and the quantity of sugar produced from Puerto Rican sugarcane which was sugar acquired by the allottee in 1971 for further processing and shipment within the direct-consumption portion of the mainland quota, for Puerto Rico for the calendar year 1971.

(2) During the calendar year 1971, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except that acquired from an allottee within the quantity limitations established in subparagraph (1) of this paragraph and that brought in within the liquid sugar reserve for persons other than named allottees or within any residual balance available for all persons.

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principally of crystalline structure, except that 20 short tons, raw value, of such balance is reserved to cover shipments of liquid sugar by other than named allottees.

(4) Each allottee shall submit the notices and releases as provided in finding (11) accompanying this order.

(c) *Revision of allotments.* The Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this section without further notice or hearing to give effect to (1) the substitution of revised estimates or final data for estimates as provided in finding (9) accompanying this order, (2) any increase or decrease in the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1971, as provided in finding (10) accompanying this order, and (3) the reallocation, as provided in finding (12) accompanying this order, of any allotment or portion thereof released by an allottee.

(d) *Transfer of marketing rights under allotments.* The Director, Sugar Division, Agricultural Stabilization and Conservation Service, of the Department of Agriculture, consistent with the provisions of the Act, may permit a quantity of sugar produced from sugarcane grown in Puerto Rico to be brought into the continental United States for direct-consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon relinquishment by the latter allottee of an equivalent quantity of his allotment and upon receipt of evidence satisfactory to the Director that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Effective date: January 1, 1971.

Signed at Washington, D.C., December 28, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-17648; Filed, Dec. 31, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-817]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(5) relating to the State of Missouri is amended to read:

(5) *Missouri.* (i) That portion of Lafayette County bounded by a line beginning at the junction of State Highways O and FF; thence, following State Highway FF in an easterly direction to State Highway 13; thence, following State Highway 13 in a southerly direction to Interstate Highway 70; thence, following Interstate Highway 70 in a westerly direction to State Highway O; thence, following State Highway O in a northerly direction to its junction with State Highway FF.

(ii) That portion of Lafayette County bounded by a line beginning at the junction of State Highways O and FF; thence, following State Highway FF in a westerly direction to State Highway 131; thence, following State Highway 131 in a northerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a northeasterly direction to County Home Road; thence, following County Home Road in an easterly direction to State Highway O; thence, following State Highway O in a southerly direction to its junction with State Highway FF.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Lafayette County, Mo., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of December 1970.

GEORGE W. IRVING, JR.,
Administrator, Agricultural Research Service.

[F.R. Doc. 70-17622; Filed, Dec. 31, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10750; Amdt. 37-29]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Technical Data Requirements

The purpose of this amendment to Part 37 of the Federal Aviation Regulations is to provide for a reduction in the number of copies of required technical data that must be submitted by an applicant for a Technical Standard Order (TSO) Authorization.

Section 37.5(a)(2) currently provides that an applicant for a TSO authorization must submit to the Region in which he is located the number of copies of technical data required in the applicable TSO. The number of copies of technical data that must be submitted by an applicant is specified in the individual TSO's and varies with each TSO. The regions have found, however, that in many instances, they have no need for more than one copy of this data and the more recent TSO's require the applicant to submit one copy only. On the other hand, there are numerous TSO's in existence which still require that multiple copies of technical data be submitted to the FAA. The requirement for multiple copies has created storage problems for the regions and in those instances where the regions need only one copy, it results in an unnecessary burden on the applicant. It is, therefore, considered appropriate to amend the regulations to require that an applicant submit the number of copies of technical data required by the applicable TSO unless a lesser number of copies is authorized by the appropriate region.

For the foregoing reasons and since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 37.5(a)(2) of Part 37 of the Federal Aviation Regulations is hereby amended, effective January 1, 1971, to read as follows:

§ 37.5 Application and issue.

(a) • • •

(2) Copies of the technical data required in the applicable performance standards of Subpart B of this part, unless a lesser number of copies is authorized by Chief, Engineering and Manufacturing Branch in the region in which the manufacturer is located or in the case of the Western Region, the Chief, Aircraft Engineering Division.

• • • • • •

(Secs. 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on December 23, 1970.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 70-17628; Filed, Dec. 31, 1970; 8:46 a.m.]

[Docket No. 70-CE-23-AD; Amdt. 39-1138]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 177 and 177A Series Airplanes

There have been reports of fatigue-induced cracks in the upper end of the stabilator support angles on certain Cessna Model 177 series airplanes (Serial Nos. 17700001 through 17701164) and certain Cessna Model 177A series airplanes (Serial Nos. 17701165 through 17701370) that could result in complete separation of the stabilator brackets. Since this condition is likely to exist or develop in other airplanes of the same models, an Airworthiness Directive is being issued requiring within 25 hours' time in service after the effective date of this AD, a one time inspection of the stabilator attachment angles for cracks, and the rework or replacement thereof if cracks are found, and installation of stiffener brackets on all Cessna Model 177 series airplanes (Serial Nos. 17700001 through 17701164) and Cessna Model 177A series airplanes (Serial Nos. 17701165 through 17701370) in accordance with Cessna Service Letter SE70-32, dated December 18, 1970, and Cessna Service Kit No. SK177-11, dated December 8, 1970.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is not practicable and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

CESSNA. Applies to Model 177 series (Serial Nos. 17700001 through 17701164) and Model 177A series (Serial Nos. 17701165 through 17701370) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent cracks in the stabilator attachment angles P/N 1712108, accomplish the following:

(A) Within 25 hours' time in service after the effective date of this AD, remove the fuselage tail stinger and inspect the stabilator attachment angles, P/N 1712108, for evidence of cracks using the dye penetrant method in conjunction with the procedure set forth in Cessna Service Kit, No. SK 177-11, dated December 8, 1970, or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. If no cracks are found during this inspection, install stiffener brackets, P/N 1709019-3 and -4, in accordance with the instructions contained in said Service Kit.

(B) If cracks are detected during the inspection required by paragraph A, prior to further flight, rework or replace the stabilator attachment angles, P/N 1712108, and then install stiffener brackets P/N 1709019-3 and -4 in accordance with the instructions contained in Cessna Service Kit SK 177-11, dated December 8, 1970, or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Cessna Service Letter SE70-32, dated December 18, 1970, or later FAA-approved revisions pertain to this subject.

This amendment becomes effective January 5, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 24, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-17629; Filed, Dec. 31, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stores Stock Items

REVISION OF CONTRACT CLAUSE

Section 5A-72.105-12 is amended to provide for a simplification of the contractor reporting requirement by prescribing, as a general rule, the use of monthly reports instead of weekly, semimonthly or monthly reports, as follows:

§ 5A-72.105-12 Contractor reports.

(a) Ordinarily, national and zone indefinite delivery type contracts for stores stock items shall include a contract clause requiring contractors to submit periodic reports to the contracting officer of orders received and shipments made under such contracts. GSA Form 1227, Contractor's Report of Orders Received and Shipments Made (see § 5A-16.950-1227 of this chapter), shall be used for this purpose.

(b) The report frequency shall be not more than necessary for effective contract administration. Generally, monthly reports should suffice. If in exceptional cases more frequent reports are required, the clause in paragraph (c) of this section may be appropriately changed to prescribe weekly or semimonthly reports. Any such deviation from the monthly reporting requirement must be approved by the head of the procuring activity.

(c) When contractor's reports of orders received and shipments made are required, the following clause shall be included in the solicitation for offers:

REPORTS OF ORDERS RECEIVED AND SHIPMENTS MADE

(a) The contractor shall furnish monthly reports of orders received and shipments made under contracts awarded as a result of this solicitation. The reports shall be made on GSA Form 1227, "Contractor's Report of Orders Received and Shipments Made", and be forwarded within 15 calendar days after the close of each reporting period to: Contracting Officer, General Services Administration, Federal Supply Service (insert complete mailing address). Contractor shall also forward a copy of the completed GSA Form 1227 to the office designated to perform inspections under the contract. The reporting period shall be from the first through the end of the month.

(b) A report shall be submitted for this period even if the contract was not in force during the full reporting period. Reports shall be submitted until all shipments under purchase orders issued under the contract are made. If no orders are received during a reporting period, a report must be submitted showing orders on hand and shipments made during such period. If during a reporting period no orders are on hand and no shipments were made, a negative report must be submitted.

(c) Failure or refusal to furnish the required reports, or falsification thereof, shall constitute sufficient cause for applying the provisions of Article 11 of the General Provisions (Standard Form 32), entitled "Default".

• • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: December 22, 1970.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[F.R. Doc. 70-17642; Filed, Dec. 31, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife refuge, Sumner, Mo., is permitted on the areas designated by signs as open to fishing. The open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from March 1 through September 30, 1971, inclusive, during daylight hours only.

(2) Boats, without motors, may be used on Swan Lake, Silver Lake, and that portion of South Lake immediately adjacent to No. 5 levee.

(3) Travel is permitted on all roads except those posted with "Road Closed" signs.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1971.

ROBERT H. TIMMERMAN,
Refuge Manager, Swan Lake,
National Wildlife Refuge,
Sumner, Mo.

DECEMBER 22, 1970.

[F.R. Doc. 70-17611; Filed, Dec. 31, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Low Income Allowance and Standard Deduction

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 4, 141, 143, and 144 of the Internal Revenue Code of 1954 to section 802 of the Tax Reform Act of 1969 (83 Stat. 676), such regulations are amended as follows:

PARAGRAPH 1. Section 1.4 is amended by revising subsections (a), (c), and (f)(4) of section 4 and by revising the historical note to read as follows:

§ 1.4 Statutory provisions; rules for optional tax.

SEC. 4. *Rules for optional tax*—(a) *Number of exemptions.* For purposes of the tables prescribed by the Secretary or his delegate pursuant to section 3, the term "number of exemptions" means the number of exemptions allowed under section 151 as deductions in computing taxable income.

• • • • • •

(c) *Husband or wife filing separate return.* (1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be the lesser of the tax shown in—

(A) The table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the percentage standard deduction, or

(B) The table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the low income allowance.

(3) The table referred to in paragraph (2)(B) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the percentage standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in the table referred to in paragraph (2)(B) in lieu of the tax shown in the table referred to in paragraph (2)(A). For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

(4) For purposes of this subsection, determination of marital status shall be made under section 143.

• • • • • •

(f) *Cross references.* • • •

(4) For computation of tax by Secretary or his delegate, see section 6014.

[Sec. 4 as amended by secs. 232(f)(1) and 301(b)(1) and (3), Rev. Act 1964 (78 Stat. 111, 140); secs. 802(c)(1), (2), and (3), Tax Reform Act 1969 (83 Stat. 677, 678)]

PAR. 2. Section 1.4-3 is amended by revising paragraph (b)(1), by redesignating paragraph (c) as paragraph (d), by revising such redesignated paragraph, and by adding a new paragraph (c), to read as follows:

§ 1.4-3 Husband and wife filing separate returns.

• • • • • •

(b) *Taxable years beginning after December 31, 1963, and before January 1, 1970.* (1) In the case of a husband and wife filing a separate return for a taxable year beginning after December 31, 1963, and before January 1, 1970, the optional tax imposed by section 3 shall be—

(i) For taxable years beginning in 1964, the lesser of the tax shown in Table IV (relating to the 10-percent standard deduction for married persons filing separate returns) or Table V (relating to the minimum standard deduction for married persons filing separate returns) of section 3(a), and

(ii) For a taxable year beginning after December 31, 1964, and before January 1, 1970, the lesser of the tax shown in Table IV (relating to the 10-percent standard deduction for married persons filing separate returns) or Table V (relating to the minimum standard deduction for married persons filing separate returns) of section 3(b).

• • • • • •

(c) *Taxable years beginning after December 31, 1969.* (1) In the case of a husband and wife filing a separate return for a taxable year beginning after December 31, 1969, the optional tax imposed by section 3 shall be the lesser of the tax shown in—

(i) The table prescribed under section 3 applicable to such taxable year in the case of married persons filing separate returns which applies the percentage standard deduction, or

(ii) The table prescribed under section 3 applicable to such taxable year in the case of married persons filing separate returns which applies the low income allowance.

(2) If the tax of one spouse is determined by the table described in subparagraph (1)(i) of this paragraph or if such spouse in computing taxable income uses the percentage standard deduction provided for in section 141(b), then the table described in subparagraph (1)(ii) of this paragraph shall not apply in the case of the other spouse, if such other spouse elects to pay the optional tax imposed under section 3. Thus, if a husband and wife compute the tax with reference to the standard deduction, one cannot elect to use the percentage standard deduction and the other elect to use the low income allowance. A married individual described in section 141(d)(2) may elect pursuant to such section and the regulations thereunder to pay the tax shown in the table described by subparagraph (1)(ii) of this paragraph in lieu of the tax shown in the table described by subparagraph (1)(i) of this paragraph. See section 141(d) and the regulations thereunder for rules relating to the standard deduction in the case of married individuals filing separate returns.

(d) *Determination of marital status.* For the purpose of applying the restrictions upon the right of a married person to elect to pay the tax under section 3, (1) the determination of marital status is made as of the close of the taxpayer's taxable year or, if his spouse died during such year, as of the date of death; (2) a person legally separated from his spouse under a decree of divorce or separate maintenance on the last day of his taxable year (or the date of death of his spouse, whichever is applicable) is not considered as married; and (3) with respect to taxable years beginning after December 31, 1969, a person, although considered as married within the meaning of section 143(a), is considered as not married if he lives apart from his spouse and satisfies the requirements set forth in section 143(b). See section 143 and the regulations thereunder.

PAR. 3. Section 1.141 is revised to read as follows:

§ 1.141 Statutory provisions; standard deduction.

SEC. 141. *Standard deduction*—(a) *Standard deduction.* Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the percentage standard deduction or the low income allowance.

(b) *Percentage standard deduction.* The percentage standard deduction is an amount equal to the applicable percentage of adjusted gross income shown in the following table, but not to exceed the maximum amount shown in such table (or one-half of such maximum amount in the case of a separate return by a married individual):

Taxable years beginning in—	Applicable percentage	Maximum amount
1970	10	$1,000
1971	13	1,500
1972	14	2,000
1973 and thereafter	15	2,000

[For Code sec. 141(c) as amended effective for taxable years beginning after December 31, 1971, see sec. 141(c) immediately following this sec. 141(c).]

(c) *Low income allowance*—(1) *In general.* The low income allowance is an amount equal to the sum of—

(A) The basic allowance, and

(B) The additional allowance.

(2) *Basic allowance.* For purposes of this subsection, the basic allowance is an amount equal to the sum of—

(A) $200, plus

(B) $100, multiplied by the number of exemptions.

The basic allowance shall not exceed $1,000.

(3) *Additional allowance*—(A) *In general.* For purposes of this subsection, the additional allowance is an amount equal to the excess (if any) of $900 over the sum of—

(i) $100, multiplied by the number of exemptions, plus

(ii) The income phase-out.

(B) *Income phase-out.* For purposes of subparagraph (A)(ii), the income phase-out is an amount equal to one-half of the amount by which the adjusted gross income for the taxable year exceeds the sum of—

(i) $1,100, plus

(ii) $625, multiplied by the number of exemptions.

(4) *Married individuals filing separate returns.* In the case of a married taxpayer filing a separate return—

(A) The low income allowance is an amount equal to the basic allowance, and

(B) The basic allowance is an amount (not in excess of $500) equal to the sum of—

(i) $100, plus

(ii) $100, multiplied by the number of exemptions.

(5) *Number of exemptions.* For purposes of this subsection, the number of exemptions is the number of exemptions allowed as a deduction for the taxable year under section 151.

(6) *Special rule for 1971.* For a taxable year beginning after December 31, 1970, and before January 1, 1972,—

(A) Paragraph (3)(A) shall be applied by substituting "$850" for "$900",

(B) Paragraph (3)(B) shall be applied by substituting "one-fifteenth" for "one-half",

(C) Paragraph (3)(B)(i) shall be applied by substituting "$1,050" for "$1,100", and

(D) Paragraph (3)(B)(ii) shall be applied by substituting "$650" for "625".

[Sec. 141(c) as amended effective for taxable years beginning after Dec. 31, 1971]

(c) *Low income allowance.* The low income allowance is $1,000 ($500, in the case of a married individual filing a separate return).

(d) *Married individuals filing separate returns.* Notwithstanding subsection (a)—

(1) The low income allowance shall not apply in the case of a separate return by a married individual if the tax of the other spouse is determined with regard to the percentage standard deduction.

(2) A married individual filing a separate return may, if the low income allowance is less than the percentage standard deduction, and if the low income allowance of his spouse is greater than the percentage standard deduction of such spouse, elect (under regulations prescribed by the Secretary or his delegate) to have his tax determined with regard to the low income allowance in lieu of being determined with regard to the percentage standard deduction.

[Sec. 141 as amended by sec. 112(a), Rev. Act 1964 (78 Stat. 23); sec. 802 (a), (c)(4), and (e), Tax Reform Act 1969 (83 Stat. 676, 678)]

PAR. 4. Section 1.141–1 is amended by revising paragraph (a), redesignating paragraphs (d) and (e) as paragraphs (f) and (g), respectively, revising redesignated paragraph (f), and adding new paragraphs (d), (e), and (h), to read as follows:

§ 1.141–1 Standard deduction.

(a) *In general.* The standard deduction referred to in this section is:

(1) For taxable years beginning before January 1, 1964, the 10-percent standard deduction,

(2) For taxable years beginning after December 31, 1963, and before January 1, 1970, the larger of the 10-percent standard deduction or the minimum standard deduction, and

(3) For taxable years beginning after December 31, 1969, the larger of the percentage standard deduction or the low income allowance.

The taxpayer may elect to take, in addition to the deductions from gross income allowable in computing adjusted gross income and the deduction described in section 151, relating to personal exemptions, a standard deduction in lieu of all deductions other than those described in section 62 and in lieu of certain credits allowable to the taxpayer, had he not so elected. See section 36. Such credits include: The credit provided by section 33 for taxes imposed by foreign countries and possessions of the United States; the credit provided by section 32 for tax withheld at source under section 1451 by the obligor on tax-free covenant bonds with respect to interest on such bonds; and the credit provided by section 35 with respect to interest on United States obligations and interest on obligations of instrumentalities of the United States. In the case of a taxable year beginning before January 1, 1970, such standard deduction, however, may in no event exceed $1,000, or $500 in the case of a separate return by a married individual. For determination of marital status see § 1.143–1. See section 4 and the regulations thereunder for rules relating to standard deduction in respect of optional tax. The optional tax tables provided for in section 3 reflect the standard deduction provided for in section 141.

* * * * *

(d) *Percentage standard deduction.* The percentage standard deduction is an amount equal to the applicable percentage of adjusted gross income shown in the following table, but not to exceed the maximum amount shown in such table (or one-half of such maximum amount in the case of a separate return by a married individual):

Taxable years beginning in—	Applicable percentage	Maximum amount
1970	10	$1,000
1971	13	1,500
1972	14	2,000
1973 and thereafter	15	2,000

(e) *Low income allowance*—(1) *In general*—(i) *For taxable years beginning in 1970 and 1971.* For taxable years beginning after December 31, 1969, and before January 1, 1972, the low income allowance is an amount equal to the sum of the basic allowance and the additional allowance. The low income allowance is never less than the basic allowance. In the case of a married taxpayer (as determined by applying section 143(a), but not including an individual who is not considered as married, as determined by applying section 143(b)), filing a separate return, however, the low income allowance is equal to the basic allowance, and the basic allowance is an amount (not in excess of $500) equal to the sum of (*a*) $100, plus (*b*) $100, multiplied by the number of exemptions allowed as a deduction for the taxable year under section 151.

(ii) *For taxable years beginning after December 31, 1971.* For taxable years beginning after December 31, 1971, the low income allowance is $1,000 in the case of a return of an individual who is not married (including an individual who is not considered as married by virtue of section 143(b)) or in the case of a joint return of a married couple. The low income allowance is $500 in the case of a married individual filing a separate return.

(2) *Basic allowance.* The basic allowance is an amount, not in excess of $1,000, equal to the sum of—

(i) $200, plus

(ii) $100, multiplied by the number of exemptions allowed as a deduction for the taxable year under section 151.

(3) *Additional allowance*—(i) *In general.* The additional allowance is an amount equal to the excess (if any) of $900 ($850, in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972) over the sum of—

(*a*) $100, multiplied by the number of such exemptions, plus

(*b*) The income phase-out, if any.

(ii) *Income phase-out.* The income phase-out is an amount equal to one-half (one-fifteenth in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972) of the amount (if any) by which the adjusted gross income for the taxable year exceeds the sum of—

(*a*) $1,100 ($1,050, in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972), plus

(*b*) $625 ($650, in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972) multiplied by the number of such exemptions.

(4) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). H, a married individual, files a joint return with W, his wife, for calendar year 1970. Their combined adjusted gross income for that year is $5,000. They are entitled to six exemptions under section 151 for the year. Their standard deduction is the low income allowance ($1,025.00) since it is larger than the percentage standard deduction ($500) and is computed as follows:

Percentage standard deduction (10% of $5,000)		$500
Low income allowance:		
(i) Basic allowance ($200, plus $100 multiplied by the number of exemptions [6], but not in excess of $1,000)	$800	
Plus		
(ii) Additional allowance (Excess of $900 over the sum of $100 multiplied by the number of exemptions and the income phaseout):		
(*a*) $100×number of exemptions (6)	$600	
Plus		
(*b*) Income phaseout:		
(*1*) Adjusted gross income	$5,000	
(2) Less ($1,100+[625×6])	4,850	
	150	
(3) Income phaseout (½×150)	75	
(c) Additional allowance ($900−[600+75])	225	
(iii) Low income allowance (basic allowance [$800] plus additional allowance [$225])		1,025

Example (2). H, a married individual, files a joint return with W, his wife, for calendar year 1971. Their combined adjusted gross income for that year is $5,000. They are entitled to six exemptions under section 151 for the year. Their standard deduction is the low income allowance ($1,046.67) since it is larger than the percentage standard deduction ($650) and is computed as follows:

Percentage standard deduction (13% of $5,000)		$650.00
Low income allowance:		
(i) Basic allowance ($200, plus $100 multiplied by the number of exemptions [6], but not in excess of $1,000)	$800.00	
Plus		
(ii) Additional allowance (Excess of $850 over the sum of $100 multiplied by the number of exemptions and the income phaseout):		
(*a*) $100×number of exemptions (6)	$600.00	
Plus		
(*b*) Income phaseout:		
(*1*) Adjusted gross income	$5,000.00	
(2) Less ($1,050+[650×6])	4,950.00	
	50.00	
(3) Income phaseout (⅓×50)	3.33	
(c) Additional allowance ($850−[600+3.33])	246.67	
(iii) Low income allowance (basic allowance [$800] plus additional allowance [$246.67])		1,046.67

Example (3). H, a married taxpayer living with his spouse, files a separate return for 1971 and has adjusted gross income of $3,000 for that year. He is entitled to six exemptions under section 151 for the year. H's standard deduction is the low income allowance which is equal to the basic allowance (not in excess of $500), and is computed as follows:

Percentage standard deduction ($3,000×13%)		$390
Low income allowance:		
Basic allowance ($100, plus $100 multiplied by number of exemptions [6] but not in excess of $500)	$500	
Low income allowance		500

Example (4). H, a married individual entitled to six exemptions, files a separate return for 1971, is living apart from his spouse, and qualifies under section 143(b) and paragraph (b) of § 1.143–1 to be considered as not married. H has adjusted gross income of $5,000. His standard deduction is the low income allowance ($1,046.67) and is computed in the manner shown in example (2).

(f) *Married individuals filing separate returns.* (1) In the case of a married individual filing a separate return for a taxable year beginning after December 31, 1969, the low income allowance shall not apply if the tax of the other spouse is determined with regard to the percentage standard deduction or is computed by the Internal Revenue Service pursuant to section 6014.

(2) A married individual filing a separate return for a taxable year beginning after December 31, 1969, may elect to determine his tax with regard to the low income allowance in lieu of determining it under the percentage standard deduction although his low income allowance is less than the percentage standard deduction if the low income allowance of his spouse is greater than the percentage standard deduction of such spouse. A taxpayer shall signify on his return his election to determine his tax with regard to the low income allowance by claiming thereon the deduction in the amount provided for in section 141(c) instead of the amount provided for in section 141(b).

(3) In the case of a taxable year beginning after December 31, 1963, and before January 1, 1970, subparagraphs (1) and (2) of this paragraph shall be applied by substituting "minimum standard deduction", "the 10-percent standard deduction" and "December 31, 1963, and before January 1, 1970" for "low income allowance", "percentage standard deduction", and "December 31, 1969", respectively.

(4) For rules relating to the election to pay the optional tax imposed by section 3 when married individuals file separate returns, see section 4(c) and the regulations thereunder.

(g) *Short taxable year due to death of taxpayer.* An election to take the standard deduction may be made for a taxable year which is less than 12 months on account of the death of the taxpayer.

(h) *Cross reference.* For the computation of the standard deduction for a fiscal year beginning in 1969, 1970, 1971, or 1972, see section 21(d) and the regulations thereunder.

PAR. 5. Section 1.143 is amended by revising section 143 and by adding a historical note to read as follows:

§ 1.143 Statutory provisions; determination of marital status.

SEC. 143. *Determination of marital status*—(a) *General rule.* For purposes of this part—

(1) The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and

(2) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(b) *Certain married individuals living apart.* For purposes of this part, if—

(1) An individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

(2) Such individual furnishes over half of the cost of maintaining such household during the taxable year, and

(3) During the entire taxable year such individual's spouse is not a member of such household,

such individual shall not be considered as married.

[Sec. 143 as amended by sec. 802(b), Tax Reform Act 1969 (83 Stat. 677)]

PAR. 6. Section 1.143–1 is amended to read as follows:

§ 1.143–1 Determination of marital status.

(a) *General rule.* The determination of whether an individual is married shall be made as of the close of his taxable

year unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and, except as provided in paragraph (b) of this section, an individual shall be considered as married even though living apart from his spouse unless legally separated under a decree of divorce or separate maintenance. The provisions of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer A and his wife B both make their returns on a calendar year basis. In July 1954, they enter into a separation agreement and thereafter live apart, but no decree of divorce or separate maintenance is issued until March 1955. If A itemizes and claims his actual deductions on his return for the calendar year 1954, B may not elect the standard deduction on her return since B is considered as married to A (although permanently separated by agreement) on the last day of 1954.

Example (2). Taxpayer A makes his returns on the basis of a fiscal year ending June 30. His wife B makes her returns on the calendar year basis. A died in October 1954. In such case, since A and B were married as of the date of death, B may not elect the standard deduction for the calendar year 1954 if the income of A for the short taxable year ending with the date of his death is determined without regard to the standard deduction.

(b) *Certain married individuals living apart.* (1) For purposes of part IV of subchapter B of chapter 1 of the Code, an individual is not considered as married for taxable years beginning after December 31, 1969, if (i) such individual is married (within the meaning of paragraph (a) of this section) but files a separate return; (ii) such individual maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (*a*) who (within the meaning of section 152 and the regulations thereunder) is a son, stepson, daughter, or stepdaughter of the individual, and (*b*) with respect to whom such individual is entitled to a deduction for the taxable year under section 151; (iii) such individual furnishes over half of the cost of maintaining such household during the taxable year; and (iv) during the entire taxable year such individual's spouse is not a member of such household.

(2) For purposes of subparagraph (1)(ii)(*a*) of this paragraph, a legally adopted son or daughter of an individual, a child (described in paragraph (c)(2) of § 1.152–2) who is a member of an individual's household if placed with such individual by an authorized placement agency (as defined in paragraph (c)(2) of § 1.152–2) for legal adoption by such individual, or a foster child (described in paragraph (c)(4) of § 1.152–2) of an individual if such child satisfies the requirements of section 152(a)(9) of the Code and paragraph (b) of § 1.152–1 with respect to such individual, shall be treated as a son or daughter of such individual by blood.

(3) For purposes of subparagraph (1)(ii) of this paragraph, the household must actually constitute the home of the individual for his taxable year. However, a physical change in the location of such home will not prevent an individual from qualifying for the treatment provided in subparagraph (1) of this paragraph. It is not sufficient that the individual maintain the household without being its occupant. The individual and the dependent described in subparagraph (1)(ii)(*a*) of this paragraph must occupy the household for more than one-half of the taxable year of the individual. However, the fact that such dependent is born or dies within the taxable year will not prevent an individual from qualifying for such treatment if the household constitutes the principal place of abode of such dependent for the remaining or preceding part of such taxable year. The individual and such dependent will be considered as occupying the household during temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which a child or stepchild is absent for less than 6 months in the taxable year of the taxpayer, shall be considered a temporary absence due to special circumstances. Such absence will not prevent an individual from qualifying for the treatment provided in subparagraph (1) of this paragraph if (i) it is reasonable to assume that such individual or the dependent will return to the household and (ii) such individual continues to maintain such household or a substantially equivalent household in anticipation of such return.

(4) An individual shall be considered as maintaining a household only if he pays more than one-half of the cost thereof for his taxable year. The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants for such taxable year. The cost of maintaining a household shall not include expenses otherwise incurred. The expenses of maintaining a household include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. Such expenses do not include the cost of clothing, education, medical treatment, vacations, life insurance, and transportation. In addition, the cost of maintaining a household shall not include any amount which represents the value of services rendered in the household by the taxpayer or by a dependent described in subparagraph (1)(ii)(*a*) of this paragraph.

(5) For purposes of subparagraph (1)(iv) of this paragraph, an individual's spouse is not a member of the household during a taxable year if such household does not constitute such spouse's place of abode at any time during such year. An individual's spouse will be considered to be a member of the household during temporary absences from the household due to special circumstances. A nonpermanent failure to occupy such household as his abode by reason of illness, education, business, vacation, or military service shall be considered a mere temporary absence due to special circumstances.

(6) The provisions of this paragraph may be illustrated by the following example:

Example. Taxpayer A, married to B at the close of the calendar year 1971, his taxable year, is living apart from B, but A is not legally separated from B under a decree of divorce or separate maintenance. A maintains a household as his home which is for 7 months of 1971 the principal place of abode of C, his son, with respect to whom A is entitled to a deduction under section 151. A pays for more than one-half the cost of maintaining that household. At no time during 1971 was B a member of the household occupied by A and C. A files a separate return for 1971. Under these circumstances, A is considered as not married under section 143(b) for purposes of the standard deduction. Even though A is married and files a separate return A may claim for 1971 as his standard deduction the larger of the low income allowance up to a maximum of $1,050 consisting of both the basic allowance and additional allowance (rather than the basic allowance only subject to the $500 limitation applicable to a separate return of a married individual) or the percentage standard deduction subject to the $1,500 limitation (rather than the $750 limitation applicable to a separate return of a married individual). See § 1.141–1. For purposes of the provisions of part IV of subchapter B of chapter 1 of the Code and the regulations thereunder, A is treated as unmarried.

PAR. 7. Section 1.144–1 is amended by adding a new paragraph (d) to read as follows:

§ 1.144–1 Manner and effect of election to take the standard deduction.

* * * * * * *

(d) For determination of marital status, see § 1.143–1.

PAR. 8. Section 1.144–2 is amended by adding a new paragraph (e) to read as follows:

§ 1.144–2 Change of election with respect to the standard deduction.

* * * * * * *

(e) For determination of marital status, see § 1.143–1.

[F.R. Doc. 70–17596; Filed, Dec. 31, 1970; 8:45 a.m.]

[26 CFR Part 31]
EMPLOYMENT TAX
Voluntary Withholding Agreements

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner

within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3401, 3402, 6011, and 6302 of the Internal Revenue Code of 1954 to the portion of section 805(g) of the Tax Reform Act of 1969 (83 Stat. 708) relating to new subsection (p)(1) of section 3402 of the Code, such regulations are amended as follows:

PARAGRAPH 1. Section 31.3401(a)–2 is amended by adding a new paragraph (a)(4). This added provision reads as follows:

§ 31.3401(a)–2 Exclusions from wages.

(a) *In general.* * * *

(4) For provisions relating to payments with respect to which a voluntary withholding agreement is in effect, which are not defined as wages in section 3401(a) but which are nevertheless deemed to be wages, see §§ 31.3401(a)–3 and 31.3402(p)–1.

* * * * * * *

PAR. 2. The following new section is added immediately after § 31.3401(a)–2.

§ 31.3401(a)–3 Amounts deemed wages under voluntary withholding agreements.

(a) *In general.* Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§ 31.3401(a)–3).

(b) *Remuneration for services.* (1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§ 31.3401(c)–1 and 31.3401(d)–1 for the definitions of "employee" and "employer".

(2) For purposes of this paragraph, remuneration for services shall not include amounts not subject to withholding under § 31.3401(a)–1(b)(12) (relating to remuneration for services performed by a permanent resident of the Virgin Islands), § 31.3401(a)–2(b) (relating to fees paid to a public official), section 3401(a)(5) (relating to remuneration for services for foreign government or international organization), section 3401(a)(8)(B) (relating to remuneration for services performed in a possession of the United States (other than Puerto Rico) by citizens of the United States), section 3401(a)(8)(C) (relating to remuneration for services performed in Puerto Rico by citizens of the United States), section 3401(a)(11) (relating to remuneration other than in cash for service not in the course of employer's trade or business), section 3401(a)(12) (relating to payments from or to certain tax-exempt trusts, or under or to certain annuity plans or bond purchase plans), section 3401(a)(14) (relating to group-term life insurance), section 3401(a)(15) (relating to moving expenses), or section 3401(a)(16)(A) (relating to tips paid in any medium other than cash).

PAR. 3. The following new sections are added immediately after § 31.3402(o)–1.

§ 31.3402(p) Statutory provisions; income tax collected at source; voluntary withholding agreements.

SEC. 3402. *Income tax collected at source.*

* * *

(p) *Voluntary withholding agreements.* The Secretary or his delegate is authorized by regulations to provide for withholding—

(1) From remuneration for services performed by an employee for his employer which (without regard to this subsection) does not constitute wages, and

(2) From any other type of payment with respect to which the Secretary or his delegate finds that withholding would be appropriate under the provisions of this chapter, if the employer and the employee, or in the case of any other type of payment the person making and the person receiving the payment, agree to such withholding. Such agreement shall be made in such form and manner as the Secretary or his delegate may by regulations provide. For purposes of this chapter (and so much of subtitle F as relates to this chapter) remuneration or other payments with respect to which such agreement is made shall be treated as if they were wages paid by an employer to an employee to the extent that such remuneration is paid or other payments are made during the period for which the agreement is in effect.

[Sec. 3402(p) as added by sec. 805(g), Tax Reform Act of 1969 (83 Stat. 708)]

§ 31.3402(p)–1 Voluntary withholding agreements.

(a) *In general.* An employee and his employer may enter into an agreement under section 3402(p) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of § 31.3401(a)–3, made after December 31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder.

(b) *Form and duration of agreement.* (1) An employee who desires to enter into an agreement under section 3402(p) shall furnish his employer with a request for withholding. He shall also furnish the employer with Form W–4 (withholding exemption certificate) executed in accordance with the provisions of section 3402(f) and the regulations thereunder. If accepted by the employer as provided below in this paragraph, the request shall be attached to, and constitute part of, the employee's Form W–4. The request shall be signed by the employee, and shall contain—

(i) The name, address, and social security number of the employee making the request,

(ii) The name and address of the employer,

(iii) A statement that the employee desires withholding of Federal income tax, and

(iv) If the employee desires that the agreement terminate on a specific date, the date of termination of the agreement.

No request for withholding under section 3402(p) shall be effective as an agreement between an employer and an employee until the employer accepts the request by commencing to withhold from the amounts with respect to which the request was made.

(2) An agreement under section 3402(p) shall be effective for such period as the employer and employee mutually agree upon. However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other. Unless the employer and employee agree on an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first "status determination date" (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished. If the employee executes a new Form W–4, the request upon which an agreement under section 3402(p) is based shall be attached to, and constitute a part of, such new Form W–4.

PAR. 4. Section 31.6011(a)–4 is amended by revising paragraph (a) thereof to read as follows:

§ 31.6011(a)–4 Returns of income tax withheld from wages.

(a) *In general.* (1) Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a)–5, every person required to make a return of income tax withheld from wages pursuant to section 1622 of the Internal Revenue Code of 1939 for the calendar quarter ended December 31, 1954, shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)–6. Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a)–5, every person not required to make a return for the calendar

quarter ended December 31, 1954, shall make a return of income tax withheld from wages pursuant to section 3402 for the first calendar quarter thereafter in which he is required to deduct and withhold such tax and for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)–6. Except as otherwise provided in subparagraph (2) or (3) of this paragraph, Form 941 is the form prescribed for making the return required under this paragraph.

(2) Form 942 is the form prescribed for making the return required under subparagraph (1) of this paragraph with respect to income tax withheld, pursuant to an agreement under section 3402(p), from wages paid for domestic service in a private home of the employer not on a farm operated for profit. The preceding sentence shall not apply in the case of an employer who has elected under paragraph (a)(3) of § 31.6011(a)–1 to use Form 941 as his return with respect to such payments for purposes of the Federal Insurance Contributions Act.

(3) Every person shall make a return of income tax withheld, pursuant to an agreement under section 3402(p), from wages paid for agricultural labor for the first calendar year in which he is required (by reason of such agreement) to deduct and withhold such tax and for each subsequent calendar year (whether or not wages for agricultural labor are paid therein) until he has filed a final return in accordance with § 31.6011(a)–6. Form 943 is the form prescribed for making the return required under this subparagraph.

• • • • • •

PAR. 5. Paragraph (a) of § 31.6302(c)–1, is amended by revising subdivision (iii) of subparagraph (1), by revising the heading and subdivisions (ii) and (iii) of subparagraph (2), and by revising subdivision (iii) of subparagraph (3) thereof. These revised provisions read as follows:

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement*—(1) *In general.* • • •

(iii) As used in subdivisions (i) and (ii) of this subparagraph, the term "taxes" means—

(*a*) The employee tax withheld under section 3102,

(*b*) The employer tax under section 3111, and

(*c*) The income tax withheld under section 3402,

exclusive of taxes with respect to wages for domestic service in a private home of the employer or, if paid before February 1, 1971, wages for agricultural labor. In addition, any taxes described in subparagraph (2)(ii) of this paragraph, with respect to wages paid during January 1971, which are not required under such subparagraph to be deposited shall be deemed included within the term "taxes".

• • • • • •

(2) *Wages paid before February 1, 1971, with respect to agricultural labor.* • • •

(ii) *Requirement for taxes with respect to wages paid after December 31, 1955, and before February 1, 1971.* Except as provided in paragraph (b) of this section, if during any calendar month other than December, after December 31, 1955, and before February 1, 1971, the aggregate amount of—

(*a*) The employee tax withheld under section 3102 during such month with respect to wages for agricultural labor, plus any such employee tax which was previously withheld in the same calendar year with respect to such wages but which was neither deposited nor required to be deposited on or before the last day of such month,

(*b*) The employer tax under section 3111 for such month with respect to wages for agricultural labor, plus any such employer tax, which was neither deposited nor required to be deposited on or before the last day of such month, for any prior month of the same calendar year with respect to wages for agricultural labor, and

(*c*) The income tax withheld under section 3402 during such month with respect to wages paid after December 31, 1970, and before February 1, 1971, for agricultural labor,

exceeds $100 in the case of an employer, such employer shall deposit such aggregate amount within 15 days after the close of such calendar month with a Federal Reserve bank or authorized commercial bank.

(iii) *Additional requirement for 1968, 1969, and 1970.* If the aggregate amount of taxes reportable on a return on Form 943 for calendar year 1968, 1969, or 1970, exceeds by more than $100 the total amount deposited by the employer pursuant to subdivision (ii) of this subparagraph for such calendar year, the employer shall, on or before the last day of the first calendar month following the period for which the return is required to be filed, deposit with a Federal Reserve bank or authorized commercial bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to subdivision (ii) of this subparagraph for such calendar year.

(3) *Depositary forms.* • • •

(iii) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited under subparagraph (1) of this paragraph for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Withheld Income and FICA Taxes, form (Form 501), or the Federal tax deposit form applicable to FICA taxes and withheld income taxes with respect to agricultural workers (Form 511), or both, as the case may be. Each remittance of amounts required to be deposited under paragraph (2) of this paragraph for years subsequent to 1967 and before 1971 and for January 1971 shall be accompanied by the Federal tax deposit form applicable to FICA taxes and withheld income taxes with respect to agricultural workers (Form 511). Such forms shall be prepared in accordance with the instructions applicable thereto. The remittance, together with the required form or forms, shall be forwarded to a Federal Reserve bank or, at the election of the employer, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date the deposit is received (or is deemed received under section 7502(c)) by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each employer making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

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[F.R. Doc. 70–17621; Filed, Dec. 31, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 907, 908]

NAVEL AND VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (Subparts—Rules and Regulations; §§ 907.100–907.142 and §§ 908.100–908.142; 35 F.R. 457), respectively, currently in effect pursuant to the applicable provisions of the marketing agreements, as amended, and Order Nos. 907 and 908, as amended (7 CFR Parts 907 and 908; 35 F.R. 16625 and 16359), regulating, respectively, the handling of Navel oranges and Valencia oranges grown in Arizona and designated part of California. These are regulatory programs effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendments of said rules and regulations were proposed by the Navel Orange Administrative Committee and the Valencia Orange Administrative Committee, established under said amended marketing agreements and orders as the agencies to administer, respectively, the terms and provisions thereof. The proposal involving the Navel orange program concerns only the changing from seven to five the number of meetings required for nomination of committee members to represent independent growers. The proposal involving the Valencia orange program would make the same change in the required number of nomination meetings. In addition, it would (1) specify that handlers shall make a certification to the Valencia Orange Administrative Committee as to their control of oranges rather than submitting copies of their written contracts with growers, (2) prescribe a procedure to be followed by handlers and the committee relative to lending of allotment, and (3) establish a procedure for the allocation of "Early maturity allotment."

The proposed amendments are as follows:

§§ 907.102, 908.102 [Amended]

1. Amend § 907.102(a)(3) *Nomination procedure* and § 908.102(a)(3) *Nomination procedure* by deleting the word "seven" in the first sentence of each subparagraph and inserting in lieu thereof the word "five."

2. Amend § 908.108 *Prorate bases and allotments* by deleting paragraph (b) and revising the second sentence of paragraph (a) to read as follows:

§ 908.108 Prorate bases and allotments.

(a) *Application to be filed.* • • • Such application shall contain the information required pursuant to § 908.53(b) and a certification to the United States Department of Agriculture and the Valencia Orange Administrative Committee by the handler that the information in the application is true and that he has control, for all purposes relating to this part, of the oranges described in the application. • • •

(b) [Deleted]

• • • • • •

3. Amend § 908.111 *Allotment loans* by redesignating paragraph (b) (4), (5), and (6) as paragraph (b) (5), (6), and (7), respectively, revising the second sentence of paragraph (a)(1), and adding a new paragraph (b)(4) to read, respectively, as follows:

§ 908.111 Allotment loans.

(a) • • •

(1) *Payback date.* • • • Each loan agreement entered into between handlers in the same district to whom short-life allotments have been issued shall provide for the repayment of the loan during the time the borrowing short-life handler will be issued allotment.

• • • • • •

(b) • • •

(4) In arranging loans for handlers to whom short-life allotments have been issued, the committee shall offer such loans first, to other handlers within the same district to whom short-life allotments have been issued; second, to handlers within the same district to whom general maturity allotments have been issued; and third, to handlers in other districts to whom allotments have been issued. All such loans to handlers to whom general maturity allotments have been issued shall provide for a payback date within the scheduled shipping period of the lending short-life handler.

• • • • • •

4. Add a new paragraph (c) to § 908.113 *Early maturity allotments* to read as follows:

§ 908.113 Early maturity allotments.

• • • • • •

(c) Whenever the total amount of early maturity allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of early maturity allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 28, 1970.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–17623; Filed, Dec. 31, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 10749; Notice 70–52]

AIRBORNE RADIO RECEIVING AND DIRECTION FINDING EQUIPMENT

Proposed Technical Standard Order

The Federal Aviation Administration is considering amending § 37.139 of Part 37 of the Federal Aviation Regulations to update the minimum performance standards for airborne radio receiving and direction finding equipment.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 5, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The FAA proposes to amend § 37.139 by requiring airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilohertz to meet the requirements of Radio Technical Commission for Aeronautics (RTCA) Document No. DO–142 entitled, "Minimum Performance Standards—Airborne Radio Receiving and Direction Finding Equipment Operating Within the Radio Frequency Range of 200–850 Kilohertz", dated January 8, 1970, and RTCA Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", dated June 27, 1968. RTCA Document No. DO–142 has had wide distribution and acceptance within the aviation industry. It has also been coordinated with the European Organization for Civil Aviation Electronics. The FAA plans to incorporate RTCA Document DO–138 in all future revisions to TSO's covering electronic equipment.

A number of technical changes would be made to TSO–C41b in accomplishing the foregoing. The rf frequency operating range requirements for Class A equipment would be changed to 200–850 KHz. This would insure that the equipment is capable of selecting any assignable frequency which may be required when operating in the European-Mediterranean area.

The CW rf energy that may be present across the sense antenna terminals of the receiver, in the band 70 KHz to 150 KHz, would be limited to 200 microvolts. This would limit the allowable emission of spurious radio levels of interfering signals that may be radiated.

Based on service experience, the null sharpness and directivity response (manual direction finder function) requirements have been relaxed. The rf signal field strength that was required at all positions of the loop within 45° of its null position is now required only at all positions of the loop within 30° of its null position.

The time allowed for equipment warm-up has been reduced to insure the availability of operable equipment at takeoff. In addition, a new standard is proposed which requires that the equipment be capable of effecting an instituted frequency or function selection within 15 seconds.

Finally, the title to the TSO would be changed to make it more consistent with present terminology for such equipment.

In consideration of the foregoing, it is proposed to amend § 37.139 of the Federal Aviation Regulations to read as follows:

§ 37.139 Airborne radio receiving and direction finding equipment TSO–C41c.

(a) Applicability: This technical standard order prescribes the minimum performance standards that airborne radio receiving and direction finding equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section) must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO–142 entitled "Minimum Performance Standards—Airborne Radio Receiving and Direction Finding Equipment Operating within the Radio Frequency Range of 200–850 kilo-Hertz" dated January 8, 1970, and Radio Technical Commission for Aeronautics Document No. DO–138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA Documents Nos. DO–142 and DO–138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23. Additionally, RTCA Documents Nos. DO–142 and DO–138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, DC 20006, at a cost of $4 per copy for Document No. DO–142 and $4 per copy for Document No. DO–138.

(b) Marking: In addition to the markings specified in § 37.7 the equipment must be permanently and legibly marked with the following:

(1) The equipment must be marked to indicate the environmental categories over which it has been designed to operate in accordance with Appendix B of RTCA Document DO–138.

(2) The equipment must be marked to indicate its class as follows:

Class A. Equipment intended for operation in the European-Mediterranean area (EUM) and in other areas where the frequency separation and geographical separation of ground facilities and their output powers are similar to the EUM area. The equipment must be capable of selecting any assignable frequency within the range 200 to 850 KHz. Assignable frequencies may exist in 0.5 KHz increments from 200 to 850 KHz.

Class B. Equipment intended for operation in the United States of America and its possessions, and in other areas where the frequency and geographical separation of ground facilities and their output powers are similar to the U.S.A. areas. The equipment must be capable of selecting any assignable frequency within the range 200 to 415 KHz. Assignable frequencies may exist in 1 KHz increments from 200 to 415 KHz.

Equipment which complies with both Class A and Class B requirements need only be marked as Class A equipment.

(3) Each separate component of the equipment (antenna, receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the component is designed to operate. Where an environmental test procedure described in DO–138 is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that environmental category.

(c) Data requirements: In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division), Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) One copy of the manufacturer's operating instructions and equipment limitations including a statement specifying the class of the equipment.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a list of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. The procedures must show all limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the manufacturer's test report.

(d) One copy of the installation procedures with the data identified in paragraph (c)(2) of this section, including limitations, restrictions, or other conditions pertinent to the installation must be furnished with each equipment manufactured under this TSO.

(e) Previously approved equipment: Airborne radio receiving and direction finding equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and 1421, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 29, 1970.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 70–17627; Filed, Dec. 31, 1970; 8:46 a.m.]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 745]

CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Notice of Proposed Rule Making

On Wednesday, December 16, 1970, notice of proposed rule making regarding Clarification and Definition of Account Insurance was published in the FEDERAL REGISTER (35 F.R. 19027). The following addition is made:

This notice was published pursuant to section 553 of title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than January 17, 1971.

H. NICKERSON, Jr.,
Administrator.

[F.R. Doc. 70–17619; Filed, Dec. 31, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

FREDERICK J. BRADSHAW

Notice of Granting of Relief

Notice is hereby given that Frederick J. Bradshaw, 5833 Banks Avenue, Superior, WI 54880, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 4, 1935, in the U.S. District Court, St. Paul, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frederick J. Bradshaw because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Frederick J. Bradshaw to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Frederick J. Bradshaw's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Frederick J. Bradshaw be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70–17634; Filed, Dec. 31, 1970; 8:47 a.m.]

DENNIS R. DUNCAN

Notice of Granting of Relief

Notice is hereby given that Mr. Dennis R. Duncan, 8310 Sacramento Street, Portland, OR 97220, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 2, 1967, in the District Court of Grant County, Oreg., of a crime punishable by imprisonment for a team exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis R. Duncan because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dennis R. Duncan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis R. Duncan's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis R. Duncan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70–17635; Filed, Dec. 31, 1970; 8:47 a.m.]

DALE ELDRED FELDPAUSCH

Notice of Granting of Relief

Notice is hereby given that Dale Eldred Feldpausch, 607½ North Clinton Street, St. Johns, MI 48879, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 10, 1969, in the Circuit Court of Clinton County, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dale E. Feldpausch because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dale E. Feldpausch to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dale E. Feldpausch's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dale E. Feldpausch be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70–17636; Filed, Dec. 31, 1970; 8:47 a.m.]

ROBERT C. LEWIS

Notice of Granting of Relief

Notice is hereby given that Robert C. Lewis, 508 Presidio Avenue, San Francisco, CA 94115, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 23, 1954, in the Superior Court of the State of California in and for the City and County of San Francisco, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert C. Lewis because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Robert C. Lewis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert C. Lewis' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Robert C. Lewis be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of December, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-17637; Filed, Dec. 31, 1970; 8:47 a.m.]

HENRY FREDERICK WELZIN

Notice of Granting of Relief

Notice is hereby given that Henry Frederick Welzin, 1536 Emily Street, Saginaw, MI 48601 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 26, 1944, in the Genesee County Circuit Court, Flint, Mich., and on May 15, 1948, in the Saginaw County Circuit Court, Saginaw, Mich., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Henry Frederick Welzin, because of such convictions to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Henry Frederick Welzin to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Henry Frederick Welzin's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Henry Frederick Welzin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 18th day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-17638; Filed, Dec. 31, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA-GEIGY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2617) has been filed by Ciba-Geigy Corp., Plastics and Additives Division, Ardsley, N.Y. 10502, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to revise the limitation on octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate so that it may be used in olefin polymers that contact fatty food where the percentage concentration of the additive multiplied by the thickness in inches of the finished olefin polymer shall not exceed a factor of 0.0025, except that concentrations of not more than 0.05 percent of the additive may be used without limitation on the thickness of the finished olefin polymer.

Dated: December 15, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-17616; Filed, Dec. 31, 1970; 8:45 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2615) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended in paragraph (b)(3)(vii)(c) to provide for the safe use of 2,2-dimethyl-1,3-propanediol in the preparation of polyester resins used in the production of resinous and polymeric coatings for food-contact use.

Dated: December 15, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-17617; Filed, Dec. 31, 1970; 8:45 a.m.]

STOKELY-VAN CAMP, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Stokely-Van Camp, Inc., Post Office Box 1113, Indianapolis, Ind., 46206, has withdrawn its petition (FAP 0A2538), notice of which was published in the FEDERAL REGISTER of May 21, 1970 (35 F.R. 7828), proposing that § 121.1017 *Calcium disodium EDTA* (21 CFR 121.1017) be amended in paragraph (b)(1) to provide for the safe use of calcium disodium EDTA as a color stabilizer in canned, cooked hominy.

Dated: December 15, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-17618; Filed, Dec. 31, 1970; 8:45 a.m.]

NATIONAL HEALTH-RELATED ITEMS CODE SYSTEM

Notice Requesting Manufacturers and Repackagers of Health-Related Items To Apply for Labeler Identity Code Designations

The Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, has delegated to the Food and Drug Administration the responsibility for establishing a National Health-Related Items Code (NHRIC) System. Like its counterpart the National Drug Code System (NDC), the NHRIC System will provide an identification system in computer language to permit the automated processing of health-related item information.

Health-related items include products generally used in the diagnosis, care, and treatment of patients in hospitals, clinics, and nursing homes as well as those treated on an outpatient or home care basis. Examples of these products are surgical instruments and dressings, hypodermic syringes and needles, intravenous administration sets, anesthesia apparatus, and wheelchairs.

The NHRIC System will exclude drug products (covered under the National Drug Code System); text books; dental equipment and supplies; eyeglass frames and lenses; clinical and research laboratory equipment and supplies; pipeline equipment for gas and vacuum services; food and laundry service equipment; and all equipment, furniture, and supplies not directly patient care related.

The system has been developed as a result of Government-industry agreement and will consist of a 10-character NHRIC code. The first four characters are the Labeler Identity Code and will be assigned by the Food and Drug Administration. The next six characters are the Health-Related Product (Item) Identity Code and will identify the health-related item and its packaging and will be assigned by the manufacturing or repackaging firm within parameters defined by FDA.

When codes have been assigned and product information has been processed, a National Health-Related Items Code Directory will be published by the Government to provide a complete listing of the products in the NHRIC System and their codes.

The Commissioner of Food and Drugs, therefore, requests all firms which manufacture and label or which repackage and label health-related items to apply for Labeler Identity Code designations. It is preferable that such application be submitted within 30 days of publication of this notice in the FEDERAL REGISTER. Applications should be addressed to the Director, Center for Drug Information (BD-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852.

Along with their Labeler Identity Codes, firms will be sent an instruction package outlining how product codes should be assigned, how health-related product information should be returned to FDA for processing, and how the code should be imprinted on trade package labels.

Dated: December 15, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-17644; Filed, Dec. 31, 1970; 8:47 a.m.]

NATIONAL DRUG CODE SYSTEM

Notice Requesting Drug Distribution Firms To Apply for Labeler Identity Code Designations

A notice in the FEDERAL REGISTER of July 2, 1969 (34 F.R. 11157), requested drug firms to apply for Labeler Identity Code designations as a prerequisite to participation in the National Drug Code System. At that time, participation was limited to "all firms which manufacture and label or which repackage and label drugs." The notice further stipulated that "initially, a code designation cannot be assigned to a person whose only connection with drugs is that of a retailer, wholesaler, jobber, or distributor, even though his name appears on the label as such."

To aid in drug utilization review procedures and to facilitate third party processing of drug reimbursement claims, the National Drug Code System is being expanded. Participation in the system is now being extended to distributors who are marketing drug products in interstate commerce, under their own name (label), and through multiple wholesale outlets and/or five or more retail outlets.

The Commissioner of Food and Drugs therefore invites all firms engaged in the type of drug distribution business described above to apply for Labeler Identity Code designations. Applications should be directed to the Food and Drug Administration, Center for Drug Information (BD-214), Bureau of Drugs, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: December 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-17645; Filed, Dec. 31, 1970; 8:47 a.m.]

Office of Education

EXPERIMENTAL SCHOOLS

Closing Date for Receipt of Applications

Notice of establishment of closing date for receipt of letter of interest for the Experimental Schools Program, phase one, to be conducted during fiscal year 1972 under the Cooperative Research Act (Public Law 83-531) as amended, and regulations issued pursuant thereto (45 CFR Part 151).

The Cooperative Research Act (Title IV of the Elementary and Secondary Education Act of 1965, as amended) provides for programs of research, surveys, demonstrations in the field of education, and dissemination of information derived from educational research.

The Experimental Schools program in fiscal year 1972 will be in two phases:

Phase one. Operational projects (to be in operation, in schools, in September 1971), with emphasis on evaluation, focusing on educational reform through a comprehensive design that includes use of selected promising practices and products of research in a K–12 framework (hereinafter called Operational Projects).

Phase two. Developmental projects (to be planned in fiscal year 1972) with emphasis on evaluation, focusing on educational reform through a comprehensive design that presents alternatives to current school structures, practices and performance (hereinafter called Developmental Projects). Support in fiscal year 1972 will be limited to planning. Detailed information regarding developmental projects will not be available until March 1971.

Parties eligible to participate in the Experimental Schools program are universities or colleges or other public (including State and local education agencies) or private nonprofit agencies, institutions, or organizations.

Notice is hereby given that in order to be assured of consideration for planning awards for phase one operational projects, letters of interest, which constitute formal submission of applications (and therefore must comply with 45 CFR 151.4), from eligible parties must be received in the U.S. Office of Education within 30 days after date of publication of this notice in the FEDERAL REGISTER. The award of contracts for conducting a phase one operational project will be limited to those who have been selected to receive a phase one planning award pursuant to this notice.

The Government will fund the total incremental cost of a selected experimental schools program. The incremental cost is the difference between the total cost of the project and the product of the number of students in the program and the prevailing average per pupil expenditure.

In connection with the criteria in 45 CFR 151.7, the following will be considered in the selection of grantees:

1. Demonstration of applicant's experience with educational innovations on a large scale.

2. Capabilities of applicant's staff to manage comprehensive experimentation.

3. Development of a plan for broad participation in the design, implementation and governance of a project.

4. Identification of the targeted population for a potential project.

5. Extent to which design fulfills the aims of the Experimental Schools Program, including:

a. A primary target population of low-income children;

b. A student population approximately 2,000 to 5,000;

c. A longitudinal K–12 design; and

d. A comprehensive approach to the learning environment, including, but not

limited to, curriculum development, community participation, teacher performance, administration, and organization.

6. Attention to evaluation and documentation of the total project.

Letters of interest should address themselves explicitly to the above criteria. In addition, applicants should define the goals they wish to accomplish by participating in this program.

Basic information, which includes specific instructions for preparation of letters of interest, is being sent to all persons, organizations, and agencies which have expressed interest in the program and to all State and local education agencies. This information may also be obtained from the Experimental Schools Program, U.S. Office of Education, Washington, D.C. 20202.

Dated: December 28, 1970.

PETER P. MUIRHEAD,
Acting Commissioner of Education.

Approved: December 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-17652; Filed, Dec. 31, 1970; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Application for Construction Permit and Facility License

The Toledo Edison Co., 420 Madison Avenue, Toledo, OH 43601, and The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, OH 44101, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, have filed an application dated August 1, 1969, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor on the applicants' approximately 900-acre site on the southwest shore of Lake Erie, about 21 miles east of Toledo and about 9 miles northwest of Port Clinton, in Ottawa County, Ohio.

The proposed reactor, designated by the applicants as the Davis-Besse Nuclear Power Station (the station), is designed for initial operation at approximately 2,633 megawatts thermal, with a net electrical output of approximately 872 megawatts.

The Toledo Edison Co. and The Cleveland Electric Illuminating Co. as tenants in common will share undivided ownership of the station and the site, with each sharing the costs of construction and operation of the station. Toledo Edison will have complete responsibility for the design, installation and operation of the facility.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Ida Rupp Public Library, Port Clinton, Ohio.

Dated at Bethesda, Md., this 4th day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-16672; Filed, Dec. 10, 1970; 8:46 a.m.]

[Docket No. 50-1]

IIT RESEARCH INSTITUTE

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 10 to Facility License No. R-3. The license presently authorizes the IIT Research Institute (IITRI) to possess, but not to operate, its homogeneous solution-type nuclear research reactor located in Chicago, Ill. Amendment No. 9 to the license issued on September 15, 1970, authorized IITRI to remove the fuel solution from the reactor for return to the Commission's Savannah River Plant using two shipping containers. Amendment No. 10 authorizes a change in the loading plans with the major difference being that of using three shipping containers for return of the fuel rather than two. Shipment of the fuel solution in three containers provides a safer configuration than with two; therefore, there are no new safety considerations involved in the changes to the loading procedures not previously considered.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's application for license amendment dated August 6, 1970, and amendment thereto dated December 7, 1970, (2) Amendments 9 and 10 to Facility License No. R-3, and (3) the related Safety Evaluation by the Division of Reactor Licensing dated September 15, 1970 (issued with Amendment No. 9), all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of items (2) and (3) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of December 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-17641; Filed, Dec. 31, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22946, 22859; Order 70-12-143]

AMERICAN AIRLINES, INC., AND UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1970.

By tariff revisions[1] bearing various posting and filing dates in November and December 1970, American Airlines, Inc. (American), and United Air Lines, Inc. (United), propose general air freight increases marked to become effective January 15, and January 12, 1971, respectively.

General commodity rates. United proposes increases according to the following formula:

Weight	Increases by distance		
	Under 1,050 miles	1,051-1,100 miles	Over 1,100 miles
Under 100 lbs.—per lb.	$0.02	$0.02	$0.02
100 lbs.—per 100 lbs.	2.00	1.40	1.25
500 lbs.—per 100 lbs.	1.25	1.25	1.25
1,000, 2,000, 3,000 lbs.—per 100 lbs.	1.25	1.25	1.25

The only exception to the formula is in the Hawaiian market where United proposes no changes in rates for weight breaks below 1,000 pounds and increases of $1.25 per 100 pounds for 1,000, 2,000, and 3,000 pounds.

American proposes to increase all general commodity rates by approximately 6 percent, with the exception of eastbound directional rates, which are being increased by 10 percent.

Specific commodity rates. United proposes the following revisions to its specific commodity rates:

(A) Cancel all rates at 100-pound weight breaks with the exception of rates on fish, flowers, and periodicals in the Hawaiian market, which are being increased $1.25 per 100 pounds. (Rates on fish, flowers and periodicals which are currently under investigation are not being changed).

(B) Cancel rates on auto parts from Detroit to San Francisco.

(C) Cancel "Basket Group" rates from the West Coast to eastern destinations.

(D) Establish rates on electrical appliances and tape recorders in a few markets affected by the cancellation of the basket groups by increasing the current basket group levels by $1.25 per 100 pounds. (These items are currently contained in these basket groups).

(E) Revise rates on strawberries, involving both moderate increases and decreases.

(F) Increase all other rates by $1.50 per 100 pounds for segments under 1,000 miles and by $1.25 per 100 pounds for segments 1,000 miles and over.

American proposes the following revisions to its specific commodity rates:

(A) Cancel all rates at the 100-pound weight break and establish a 200-pound weight break by adding the dollar increment in the increase of the 100-pound general commodity rate to the current 100-pound specific commodity rates in each market.

(B) Adjust strawberry rates to "reflect competitive rate levels," involving both increases and decreases.

(C) Increase all other rates by the same dollar increment as the increase in the general commodity rate for each segment and weight break, subject to maximum increases of 10 percent (with the exception of rates on fish, flowers, and periodicals which are under investigation and are not being changed).

Parcel post rates. American proposes to increase its parcel post rates by the same dollar increment as the increase in the general commodity rate for each segment and weight break, subject to a maximum increase of 10 percent.

United proposes no increase in its parcel post rates at this time.

Container rates. United proposes to increase all container rates and minimum charges to reflect the rates for bulk movements described above.

American proposes no increase in container rates at this time, but states in its transmittal that it intends to do so in the near future.

Complaints against one or both proposals requesting suspension and investigation were filed by Allied American Bird Co., Aquarium Supply Co., Domestic Air Express, Inc., Emery Air Freight Corp., Wings and Wheels Express, Inc., jointly by the Society of American Florists and the National Fisheries Institute Inc., and jointly by Airborne Freight Corp., Jet Air Freight, Profit By Air, Inc., Shulman Air Freight, and WTC Air Freight. Additionally, a complaint against United's proposals requesting only investigation was filed by the State of Hawaii.[2]

The complaints variously assert, inter alia, (1) that the higher rates proposed would result in sharp increases on top of increases previously effected; (2) that the rates are unsupported by valid cost data; (3) that the container rates, which are proposed to be raised proportionately more than most bulk rates, are not supported by any cost or other data; (4) that the rates would force some shippers to curtail their air movements and depress the volume of air freight traffic and load factors; (5) that the proposals are inconsistent with previous Board policy; (6) that forwarders will be forced to raise their rates to shippers, thus widening the gap between such rates and air express rates; (7) that the increases in premium-rated commodities would raise such rates by higher dollar amounts than for other commodities, although such rates are already under investigation.

In their justifications and in answer to complaints, the carriers variously assert, inter alia, that the proposed rates are justified by a critical need for additional freight revenues as a result of substantial losses in their cargo operations, that greater losses will be incurred in 1971 because of severe inflationary pressures, and that the current proposals would increase revenues by smaller amounts than required for a fair return. United has submitted a detailed cost justification for its rates, according to shipment size and length of haul.

In response to forwarders' protests of higher container rates, United claims (1) that its losses are primarily the result of increasing capacity costs, not ground handling costs, and, therefore, container rates should bear the same increase as general commodity rates and (2) that these increasing costs and low load factors are caused to a great degree by the workload peaking and low density characteristics of forwarder traffic.

All the rates and charges involved in the instant tariff filings are automatically under investigation in the proceeding recently instituted in Docket 22859, Domestic Air Freight Rate Investigation. The question now before the Board is whether to permit them to become effective pending investigation or to suspend them.

The Board concludes that American and United have adequately demonstrated that they require an immediate increase in air freight revenues. For the 12 months ended June 30, 1970, these carriers reported operating losses of $1,100,000 and $13,500,000, respectively, in their domestic services with all-cargo aircraft. These results are typical of the domestic trunkline and all-cargo carriers as a group. In the same 12-month period, the combined results showed an operating loss in all-cargo services of $27 million on operating revenues of $254 million, most of which were from air freight. All cargo services accounted for over 60 percent of total domestic scheduled air freight ton-miles and thus are a fair indicator of the profitability of air freight services in general. Moreover, these operating losses must be viewed in the context of the depressed economic results being experienced by these carriers in their overall domestic services.

Accordingly, the Board has determined to permit the American filing, except in one respect, to become effective as an interim matter pending investigation. The increases in general commodity rates proposed by American—6 percent westbound and 10 percent eastbound—and the increases in specific commodity rates not exceeding 10 percent do not appear unreasonably large in view of the carrier's revenue needs, and should not adversely affect most shippers to a significant degree since all the increases are within a moderate range and none exceeds 10 percent. The one exception in American's filing relates to the so-called premium rates.[3] No showing has been made that existing rates and charges, which range from 150 to 250 percent of general commodity rates, do not cover the costs of transporting premium-rated traffic. Accordingly, we will suspend, pending investigation,[4] American's proposed increases in general commodity rates insofar as they would be used in the determination of rates and minimum charges in conjunction with exception ratings to general commodity rates where the exception ratings exceed 100 percent.

United's proposals similarly represent a moderate increase on the average, namely about 10 percent. However, the increases are applied to the mainland general commodity rates in a fashion that a great many shippers would sustain far greater increases, up to 28 percent, and others would sustain much smaller increases. While United contends its proposed rates structure comports with its unit cost patterns, this is a highly complex and controversial area. The increases resulting from the application of United's formula are so great in many instances and have the potential for very significant adverse effects on many shippers, that the Board concludes they should not be permitted to become effective pending investigation. Although many of United's rate increases are moderate in extent, we shall suspend all the mainland general commodity rates because suspension of only the larger increases would leave in force a distorted general rate structure not proposed by United. We shall also suspend United's increased container rates because they are based on the suspended rates for bulk shipments, and the increased rates on personal effects from Honolulu to the mainland,[5] resulting from the cancellation of the 100-pound rate, in view of the magnitude, up to 420 percent, of the resulting increases.

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariffs CAB Nos. 8 (Agent J. Aniello series), 26, 115, and United Air Lines, Inc., Tariffs CAB Nos. 164 and 302.

[2] Several informal letters of protest have been received from various shippers and Members of Congress.

[3] These apply to certain live animals and birds, uncrated automobiles, and human remains.

[4] Most of the premium rates are under investigation in Docket 21474. In the matter of air freight rates on live animals and birds, which will be processed to final decision. The tariffs on this traffic, as well as the tariffs on other premium traffic, are also included in Docket 22859.

[5] These rates are available only to the Department of Defense for shipments moving on Government bills of lading.

We will permit the remainder of United's filing to become effective pending investigation. As earlier noted, these relate principally to specific commodity rates and to limited increases in general commodity rates in the Hawaii markets. We believe adjustments to specific commodity rates aimed at improving the economics of such transportation lie to a substantial degree within the discretion of the carriers. Many of the specific rates proposed to be increased appear to be very low and questionable from an economic standpoint. The increased general commodity rates in the Hawaii markets will still be lower than mainland general rates for similar distances and shipment sizes.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. Pending hearing and decision by the Board, the rates, minimum charges, and provisions described in Appendix A attached hereto[*] (except rates, minimum charges, and provisions applying to or from Canadian points) are suspended and their use deferred to and including April 11, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Docket 22946 initiated herein, be consolidated into Docket 22859, Domestic Air Freight Rate Investigation;

3. The complaints filed by Emery Air Freight Corp., in Dockets 22878 and 22819; Allied American Bird Co., in Dockets 22808 and 22848; Domestic Air Express, Inc., in Dockets 22849 and 22826; Aquarium Supply Co., in Docket 22821; The State of Hawaii, in Docket 22873; Society of American Florists and the National Fisheries Institute, Inc., in Dockets 22882 and 22814; Airborne Freight Corp., Jet Air Freight, Profit By Air, Inc., Shulman Air Freight, and WTC Air Freight, in Dockets 22829 and 22885, Wings and Wheels Express, Inc., in Docket 22820 will be dismissed except to the extent granted herein; and

4. A copy of this order shall be filed with the tariff and shall be served upon American Airlines, Inc., United Air Lines, Inc., Emery Air Freight Corp.; Allied American Bird Co.; Domestic Air Express, Inc.; Aquarium Supply Co.; State of Hawaii; Society of American Florists and the National Fisheries Institute, Inc.; Airborne Freight Corp.; Jet Air Freight; Profit By Air, Inc.; Shulman Air Freight; WTC Air Freight; and Wings and Wheels Express, Inc., which are hereby made parties to Docket 22946 and upon all parties to Docket 22859.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-17626; Filed, Dec. 31, 1970; 8:46 a.m.]

[*] Filed as part of the original document.

[Docket No. 22916]

AMERICAN AIRLINES, INC., AND WESTERN AIR LINES, INC.

Notice of Prehearing Conference Regarding Merger Agreement

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 26, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William J. Madden.

Requests for information and evidence, statements of proposed issues, proposed procedural dates, and motions shall be filed with the Examiner and served upon Bureau Counsel and the applicants on or before January 18, 1971.

Dated at Washington, D.C., December 28, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-17633; Filed, Dec. 31, 1970; 8:46 a.m.]

[Docket No. 20993; Order 70-12-132]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 23, 1970.

By Order 70-11-131, dated November 25, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-11-131 will herein be made final.

Agreement C.A.B. 21753, R-36 and R-37, be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-17630; Filed, Dec. 31, 1970; 8:46 a.m.]

[Docket No. 20993; Order 70-12-140]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority December 24, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend the resolution governing the rounding-off of cargo rates by the inclusion of the currency of Malawi.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

CAB Agreement:	*IATA Resolutions*
22121	100(Mail 868)023b. 200(Mail 082)023b. 300(Mail 348)023b. JT12(Mail 759)023b. JT23(Mail 267)023b. JT31(Mail 191)023b. JT123(Mail 656)023b.

Accordingly, it is ordered, That:

Action on Agreement C.A.B. 22121 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-17631; Filed, Dec. 31, 1970; 8:46 a.m.]

[Docket No. 22868]

OUT ISLAND AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on January 8, 1971, at 11:00 a.m., e.s.t., immediately following the prehearing conference, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

Dated at Washington, D.C., December 28, 1970.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[F.R. Doc. 70-17632; Filed, Dec. 31, 1970; 8:46 a.m.]

TARIFF COMMISSION

WILTON AND VELVET CARPETS AND RUGS

Report to the President

DECEMBER 29, 1970.

The U.S. Tariff Commission, in a report sent to the President today on recent developments in the trade in Wilton and velvet carpet rugs, indicated that U.S. producers' annual shipments of all carpets and rugs (including tufted) may decline in 1970 for the first time in recent years. The Commission reported that the output of Wiltons and velvets in the first half of 1970 was 6 percent less than in the corresponding period of 1969, continuing the downward trend in output of those types of carpets and rugs that started in 1959. In most of the 17 firms producing Wiltons and velvets, such floor coverings account for a minor part of their total output, but in some four or five smaller firms Wiltons and velvets account for all or a major part of total production of the firms.

U.S. imports of Wiltons and velvets also declined in 1970, following a gradual increase during 1965–69. Of the total imports during January–September 1970, about 60 percent were imitation oriental types on which the escape-clause rate was terminated as of the close of 1969. It is estimated that imports of the nonoriental types in 1970 will equal about 1.3 percent of U.S. consumption of such floor coverings.

The Commission report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Although the President permitted the increased rate of duty on imitation oriental types of carpeting to revert to 21 percent ad valorem at the close of 1969, he extended the escape-clause rate (40 percent ad valorem) on Wilton and velvets other than the imitation oriental types to the close of December 31, 1972.

Copies of the public report (TC Publication No. 350) will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-17625; Filed, Dec. 31, 1970; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

EVERETT PIANO CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of October 21, 1970, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Furniture Workers of America, AFL–CIO on behalf of workers at the plant of the Everett Piano Co. at South Haven, Mich. The certification request was made under the terms of Presidential Proclamation 3964 ("Modification of Trade Agreement Concessions and Adjustment of Duty on Certain Pianos") of February 21, 1970. In that Proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certification of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302(b)(2) provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3) upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of the Office of Foreign Economic Policy instituted an investigation, following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority, 34 F.R. 18342; Notice of Investigation, 35 F.R. 16613). The Director reported that increased imports of pianos of the types covered by Presidential Proclamation 3964 have been the major factor in causing the unemployment or underemployment of a significant number or proportion of workers of the Everett Piano Co. plant at South Haven, Mich. He further reported that this employment or underemployment began July 18, 1969.

After due consideration, I make the following certification:

Those hourly and salaried employees of the Everett Piano Company plant at South Haven, Mich., who became or will become unemployed or underemployed after July 18, 1969, are eligible to apply for adjustment assistance under Chaper 3, Title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 23d day of December 1970.

GEORGE H. HILDEBRAND,
Deputy Under Secretary, International Affairs.

[F.R. Doc. 70-17649; Filed, Dec. 31, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 40]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 24, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC-30504 (Deviation No. 9), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, IN 46621, filed December 14, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 131 and Michigan Highway 11, over Michigan Highway 11 to junction Interstate Highway 96, thence over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction U.S. Highway 20, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from South Bend, Ind., over U.S. Highway 20 to Elkhart, Ind. (also from South Bend over U.S. Highway 33 to Elkhart), thence over U.S. Highway 20 to junction Ohio Highway 120 (formerly Business Route U.S. Highway 20), thence over Ohio Highway 120 to Toledo, Ohio; and

(2) from Grand Rapids, Mich., over U.S. Highway 131 to the Michigan-Indiana State line, thence over Indiana Highway 15 to Bristol, Ind., thence over Indiana Highway 120 to Elkhart, Ind., thence over U.S. Highway 33 to South Bend, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same routes.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-17640; Filed, Dec. 31, 1970; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 24, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket Case MT-863, filed November 5, 1970. Applicant: SHAY'S SERVICE, INC., North Main Street, Dansville, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, as defined in the contemporaneously effective order of the Commission in Case MT-4467, between Dansville, N.Y., on the one hand, and, on the other, points and places on and west of U.S. Highway 14, in New York. Restriction: The proposed service is restricted to the transportation of shipments having a prior or subsequent movement within New York State and movement in and out of New York State. Both intrastate and interstate authority sought.

HEARING: To be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, NY 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4470 Sub 7, filed December 14, 1970. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, TN 38583. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* excluding used household goods and commodities in bulk, between Spencer, Tenn., and Fall Creek Falls State Park, Tenn., and all points within 10 miles of the boundary of the said park, over any available routes, to be used in conjunction with all of applicant's other authority. Both intrastate and interstate authority sought.

HEARING: January 28, 1971, at 1:30 p.m. Commission's Courtroom, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219 and should not be directed to the Interstate Commerce Commission.

State Docket No. 70468-CCT, filed October 23, 1970. Applicant: NATIONAL COLD TRANSPORT, INC., 1801 Northwest First Avenue, Miami, FL 33136. Applicant's representative: Robert M. Gosselin, 9940 West Suburban Drive, Miami, FL 33156. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *commercially packaged food, foodstuffs, and foodstuff materials*, irrespective of their use and whether they require temperature-controlled equipment, restricted, however, against the transportation of bulk commodities moving in tank vehicles, between all points and places within Collier, Dade, Broward, Palm Beach, Hillsborough, Pinellas, Orange, and Duval Counties, Fla., and all points between said counties: Provided, however, all transportation performed shall be as a regulated carrier without benefit of any exemption of any kind and to engage in transportation in interstate and foreign commerce within the limits of the intrastate authority granted.

HEARING: Not known at this time. Requests for procedural information including the time for filing protests concerning this application should be addressed to Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-17639; Filed, Dec. 31, 1970; 8:47 a.m.]

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FEDERAL REGISTER

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FEDERAL REGISTER

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EXECUTIVE ORDER 11575

Providing for the Administration of the Disaster Relief Act of 1970

By virtue of the authority vested in me by the Disaster Relief Act of 1970, hereinafter referred to as the Act, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) The authorities vested in the President by section 102(1) of the Act to declare a major disaster, by section 251 of the Act to provide for the restoration of Federal facilities, and by section 253 of the Act to prescribe time limits for granting priorities for certain public facilities and certain public housing assistance are reserved to the President.

(b) Except as otherwise provided in subsections (a), (c), and (d) of this section, the Director of the Office of Emergency Preparedness is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by the Act.

(c) The Secretary of Defense is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by section 210 of the Act concerning the utilization and availability of the civil defense communications system for the purpose of disaster warnings.

(d) The Secretary of Agriculture is designated and empowered to exercise, without the approval, ratification, or other action of the President, all of the authority vested in the President by section 238 of the Act concerning food coupons and surplus commodities.

SEC. 2. The Director of the Office of Emergency Preparedness may delegate or assign to the head of any agency of the executive branch of the Government, subject to the consent of the agency head concerned in each case, any authority or function delegated or assigned to the Director by the provisions of this order. Any such head of agency may redelegate any authority or function so delegated or assigned to him by the Director to any officer or employee subordinate to such head of agency whose appointment is required to be made by and with the advice and consent of the Senate.

SEC. 3. Rules, regulations, procedures, and documents issued under the authority of the Act of September 30, 1950 (64 Stat. 1109); the Disaster Relief Act of 1966 (80 Stat. 1316); and the Disaster Relief Act of 1969 (83 Stat. 125) shall remain in effect for purposes of the Act unless otherwise modified, superseded, or revoked by the appropriate

Federal official, and, unless inappropriate, all references in those rules, regulations, procedures, and documents or in any Executive order or other document to the Act of September 30, 1950, the Disaster Relief Act of 1966, or the Disaster Relief Act of 1969 shall be deemed to be references to the Act.

SEC. 4. In order to assure the most effective utilization of the personnel, equipment, supplies, facilities, and other resources of Federal agencies pursuant to the Act, agencies shall make and maintain suitable plans and preparations in anticipation of their responsibilities in the event of a major disaster. The Director of the Office of Emergency Preparedness shall coordinate, on behalf of the President, such plans and preparations.

SEC. 5. Executive Order No. 10427 of January 16, 1953, Executive Order No. 10737 of October 29, 1957, and Executive Order No. 11495 of November 18, 1969, are hereby revoked. Unless inappropriate, any reference to those Executive orders in any rule, regulation, procedure, document, or other Executive order, shall be deemed to be a reference to this Executive order.

Richard Nixon

THE WHITE HOUSE,
December 31, 1970.

[F.R. Doc. 71-175; Filed, Jan. 4, 1971; 9:03 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that positions of agricultural commodity graders (processed fruits and vegetables), grade GS-9 and below, and of graders' aides (processed fruits and vegetables), grades GS-3 and 4, who serve on a temporary (part-time or intermittent) basis for not to exceed 1,280 hours a year will be excepted under a separate Schedule A authority after June 30, 1971. The positions are currently excepted under § 213.3113(a)(1). Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (f) of § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

• • • • • •

(f) *Consumer and Marketing Service.* • • •

(5) After June 30, 1971, positions of agricultural commodity graders (processed fruits and vegetables), GS-9 and below, and of graders' aides (processed fruits and vegetables), GS-3 and 4, for temporary employment on a part-time or intermittent basts for not to exceed 1,280 hours a year.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-46; Filed, Jan. 4, 1971; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132 is amended to show that the Schedule A authority for positions of receivers or trustees who serve on an intermittent basis in receivership actions affecting Small Business Investment Companies has been extended for 1 year, until December 31, 1971. Effective on publication in the FEDERAL REGISTER, paragraph (b) of § 213.3132 is amended as set out below.

§ 213.3132 Small Business Administration.

• • • • • •

(b) Until December 31, 1971, positions of receivers or trustees who serve on an intermittent basis in receivership actions affecting Small Business Investment Companies.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-51; Filed, Jan. 4, 1971; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Assistant Secretary for Tourism is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (1) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(1) *U.S. Travel Service* • • •

(3) One Private Secretary to the Assistant Secretary for Tourism.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-47; Filed, Jan. 4, 1971; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Executive Assistant to the Commissioner of Education is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (c) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(c) *Office of Education.* • • •

(7) One Executive Assistant to the Commissioner of Education.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-48; Filed, Jan. 4, 1971; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Secretary to the Assistant Director for Program Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (27) is added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* • • •

(27) One Confidential Secretary to the Assistant Director for Program Development.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-50; Filed, Jan. 4, 1971; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Metropolitan Planning and Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (d) is amended under § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

• • • • • •

(d) *Office of the Assistant Secretary for Metropolitan Planning and Development.* • • •

(3) Seven Special Assistants to the Assistant Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-49; Filed, Jan. 4, 1971; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 7]

PART 20—LIMITATION OF IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

RESTRICTION ON THE IMPORTATION OF MEAT—CALENDAR YEAR 1971

The regulations set forth in this subpart are amended to add a section prohibiting the importation during the calendar year 1971 of meat which is the product of Australia, New Zealand, or Ireland, except direct shipments of such meat destined to the United States on an original through bill of lading. This regulation is issued to carry out bilateral agreements negotiated by the United States with the governments of such countries pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553 (Supp. V, 1969).

The subpart, section 204 Import Regulations of Part 20, Subtitle A of Title 7 (35 F.R. 10837, as amended) is further amended as follows:

1. Section 20.3 is amended by deleting the period after "Restrictions" in the section heading and adding "for 1970."

2. Section 20.4 "Effective date," is deleted and a new § 20.4 is added which reads as follows:

§ 20.4 Restrictions for 1971.

(a) *Transshipment.* No meat which is the product of Australia, New Zealand, or Ireland may be entered, or withdrawn from warehouse, for consumption in the United States except direct shipments of such meat destined to the United States on an original through bill of lading. The Secretary of Agriculture, with the concurrence of the Secretary of State and Special Representative for Trade Negotiations, by letter dated December 31, 1970 has requested the Commissioner of Customs to take such action as is necessary to implement this regulation.

Effective date: The regulation contained in the amendment shall become effective January 1, 1971, or upon filing of the amendment with the FEDERAL REGISTER, whichever is later, but shall not apply to meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date.

(Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and E.O. 11539)

Issued at Washington, D.C., this 31st day of December 1970.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

[F.R. Doc. 70-17660; Filed, Dec. 31, 1970; 12:42 p.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1971 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1971 crop of extra long staple cotton held during the period December 7 to 11, 1970, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.564 Result of the national marketing quota referendum for the 1971 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1971 crop of extra long staple cotton was held by mail ballot during the period December 7 to 11, 1970, each inclusive, in accordance with § 722.561 (35 F.R. 16311) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 2,013 farmers engaged in the production of the 1970 crop of extra long staple cotton voted in the referendum. Of those voting, 1,900 farmers, or 94.4 percent, favored the 1971 national marketing quota and 113 farmers, or 5.6 percent, opposed the 1971 national marketing quota.

(c) *1971 national marketing quota continues in effect.* The national marketing quota for the 1971 crop of extra long staple cotton of 120,000 bales proclaimed in § 722.558 (35 F.R. 16311) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 30, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-17657; Filed, Dec. 31, 1970; 12:40 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 40, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangelos grown in Florida.

Order. In § 905.526 (Tangelo Regulation 40; 35 F.R. 14500, 17937, 19245) paragraph (a) (2) (ii) is amended to read as follows:

§ 905.526 Tangelo Regulation 40.

(a) • • •

(1) • • •

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions of the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 30, 1970, to become effective December 31, 1970.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71-92; Filed, Jan. 4, 1971; 8:50 a.m.]

[Tangerine Reg. 40, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.528 (Tangerine Regulation 40; 35 F.R. 16075, 17167, 17938, 19245) paragraph (a) (1) (ii) is amended to read as follows:

§ 905.528 Tangerine Regulation 40.

(a) • • •

(1) • • •

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2 4/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 30, 1970, to become effective December 31, 1970.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71-93; Filed, Jan. 4, 1971; 8:50 a.m.]

[Lemon Reg. 461]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.761 Lemon Regulation 461.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 3, 1971, through January 9, 1971, are hereby fixed as follows:

(i) District 1: 28,000 cartons;

(ii) District 2: 64,000 cartons;

(iii) District 3: 84,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1970.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-17656; Filed, Dec. 30, 1970; 4:50 p.m.]

[966.207 Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Expenses and Rate of Assessment

Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), and the recommendation of the Florida Tomato Committee, paragraph (a) of § 966.207 *Expenses and rate of assessment* (35 F.R. 14764), is hereby amended to increase the total expenses by $500 to read as follows:

§ 966.207 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1971, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $103,750.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1970.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71-14; Filed, Jan. 4, 1971; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Barley Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Barley Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 11166 and 11902, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of barley are amended as follows:

Section 1421.56 is revised to delete all references in paragraph (a) relating to

approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (c) which relates to warehouses operated by eastern common carriers. The revised section reads as follows:

§ 1421.56 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the barley is deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of barley stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on barley stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the barley was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 29, 1970.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 71-91; Filed, Jan. 4, 1971; 8:50 a.m.]

[CCC Grain Price Support Regs., 1970 Crop Barley Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Barley Loan and and Purchase Program

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 11168 and 12194 containing provisions for price support loans and purchases applicable to the 1970 crop of barley are amended as follows:

1. Section 1421.73 is amended to correct the reference to the Feed Grain Program Regulations. The amended section reads as follows:

§ 1421.73 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1970 Feed Grain Program Regulations (35 F.R. 5082, 6958, 7495, 8273, 8537, and 14498), and any amendments thereto, on barley of the 1970 crop produced on the farm on which the barley tendered for loan or purchase was produced except that such qualification is not necessary with respect to barley produced in Alaska or in any other area of the United States in which the feed grain program is not in effect.

2. Section 1421.74 is amended to delete in the introductory sentence of § 1421.74 all references to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (b) which relates to warehouses operated by eastern common carriers. The amended section reads as follows:

§ 1421.74 Warehouse charges.

Subject to the provisions of § 1421.56, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1971	Deduction (cents per bushel)	Maturity date of May 31, 1971
(1)	(1)	(1)
Prior to May 16, 1970	13	Prior to June 16, 1970.
May 16-June 12	12	June 16-July 13.
June 13-July 10	11	July 14-Aug. 10.
July 11-Aug. 7	10	Aug. 11-Sept. 7.
Aug. 8-Sept. 4	9	Sept. 8-Oct. 5.
Sept. 5-Oct. 2	8	Oct. 6-Nov. 2.
Oct. 3-Oct. 30	7	Nov. 3-Nov. 30.
Oct. 31-Nov. 27	6	Dec. 1-Dec. 28.
Nov. 28-Dec. 25	5	Dec. 29, 1970-Jan. 25, 1971.
Dec. 26, 1970-Jan. 22, 1971.	4	Jan. 26-Feb. 22.
Jan. 23-Feb. 19	3	Feb. 23-Mar. 22.
Feb. 20-Mar. 19	2	Mar. 23-Apr. 19.
Mar. 20-Apr. 30, 1971	1	Apr. 20-May 31, 1971.

[1] Date storage charges start, all dates inclusive.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 28, 1970.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 71-42; Filed Jan. 4, 1971; 8:47 a.m.]

[CCC Grain Price Support Regs., 1970 Crop Grain Sorghum Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Grain Sorghum Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 10747, 11382, and 12393, containing provisions for price support loans and purchases applicable to the 1970 crop of grain sorghum are amended as follows:

Section 1421.236 is amended to correct the reference to the Feed Grain Program Regulations. The amended section reads as follows:

§ 1421.236 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1970 Feed Grain Program Regulations (35 F.R. 5082, 6958, 7495, 8273, 8537, and 14498), and any amendments thereto, on grain sorghum of the 1970 crop produced on the farm on which the grain sorghum tendered for loan or purchase was produced except that such qualification is not necessary with respect to grain sorghum produced in any area of the United States in which the feed grain program is not in effect.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 29, 1970.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 71-90; Filed, Jan. 4, 1971; 8:50 a.m.]

(C.C.C. Grain Price Support Regs., 1970-Crop Tung Oil Warehouse-Stored Supp.)

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970-Crop Tung Oil Warehouse-Stored Loan Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363) and any amendments thereto and the 1970 and Subsequent Crop Tung Oil Warehouse-Stored Loan Program Regulations (35 F.R. 19499) and any amendments to such regulations are further supplemented for the 1970 crop by adding §§ 1421.450-1421.453 to read as follows:

§ 1421.450 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available from November 1, 1970 through September 30, 1971.

§ 1421.451 Service fees and delivery charges.

Producers shall pay a loan service fee as provided in § 1421.11(a) of the general regulations, and instead of the delivery charge specified in § 1421.11(b) of the general regulations, a delivery charge of 6 cents per hundredweight for the quantity of tung oil tendered to CCC for loan which is not redeemed by October 31, 1971. Such fee and charge will be deducted from loan proceeds, but the charge applicable to the quantity of oil redeemed will be credited to the producer's account.

§ 1421.452 Support rate.

Loans on eligible tung oil produced from 1970-crop tung nuts shall be made at the rate of 26.4 cents per pound.

§ 1421.453 Maturity of loans.

Loans will mature on demand but not later than October 31, 1971.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1062, as amended, 1064; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 28, 1970.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 71-41; Filed, Jan. 4, 1971; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Interpretation

Section 121.3-14 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding a new § 121.3-14(k) to read as follows:

§ 121.3-14 Interpretations.

• • • • • •

(k) *Section 121.3-8(e)(12).* The Small Business Size Appeals Board has interpreted this section to apply only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, is considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: December 22, 1970.

EINAR JOHNSON,
Acting Administrator.

[F.R. Doc. 71-32; Filed, Jan. 4, 1971; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10154; Amdt. Nos. 1-20; 91-84]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Airport Traffic Areas

The purpose of these amendments to the Federal Aviation Regulations is to change the definition of an airport traffic area to include that airspace up to, but not including an altitude of 3,000 feet above the elevation of the airport, and to amend the VFR cruising altitude or flight level rule to conform to the change.

These amendments were proposed in Notice 70-9 and published in the FEDERAL REGISTER on March 7, 1970 (35 F.R. 4262).

Public comments received in response to Notice 70-9 were light and generally favorable. The consensus was that the addition of 1,000 feet to the airport traffic area would add greatly to safety and would not be unduly restrictive. The concept of measuring the airport traffic area from the airport elevation, in order to provide a level and measurable upper limit, was endorsed without reservation. There was some opposition to the proposed amendment based on an anticipated increase in frequency congestion and controller workload. During the development of Notice 70-9, however, the question of controller workload was carefully considered in arriving at an optimum size for airport traffic areas. Although an upward expansion of the area to 3,000 feet would create some increase in controller workload, this increase would be minimal. Expansion beyond the proposed size, however, would probably require an increase in manpower and equipment at most tower locations.

There was also some concern that the expanded area would cause inconvenience to VFR pilots, especially with low ceilings prevailing, and it was recommended that the expanded airport traffic area be designated only at those airports having sufficient high performance aircraft to warrant the change. While this course of action would relieve some of the inconvenience to certain operators, it would complicate the rules far out of proportion to the benefits realized and lead to problems in publication and charting.

The question of safety was raised by some commentators who felt that the increase in the use of 3,000 feet above the surface by traffic overflying the airport traffic area would result in an increase in the risk of collision at that altitude. This would, of course, be true of whatever altitude is used as the upper limit of airport traffic areas. However, the fact that transiting traffic would normally be in level cruising flight, and well clear of traffic pattern aircraft, would add considerably to its safety and minimize the risk of collision.

The Air Transport Association, while supporting the proposal to expand the area, objected to application of the 200-knot speed limit in the expanded area. They suggested that the 250-knot limit for aircraft operating below 10,000 feet obviates the need for the 200-knot airport traffic area limit. Rescission of the 200-knot airport traffic area limitation was recommended. As an alternative, it was recommended that the 200-knot limit not apply above 1,900 feet.

The FAA believes that the airport traffic area speed limit, along with the two-way radio requirement, is an essential part of the airport traffic area regulation, and the benefit to be gained from expanding the area would be substantially reduced if the speed controls were not applicable in the expanded areas.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matters presented. In consideration of the foregoing, and for the reasons stated in Notice 70-9, Parts 1 and 91 of the Federal Aviation Regulations are amended as follows, effective February 4, 1971:

1. Part 1 is amended by amending the definition of "airport traffic area" in § 1.1 to read as follows:

§ 1.1 General definitions.

• • • • • •

"Airport traffic area" means, unless otherwise specifically designated in Part 93, that airspace within a horizontal radius of 5 statute miles from the geographical center of any airport at which a control tower is operating, extending from the surface up to, but not including, an altitude of 3,000 feet above the elevation of the airport.

• • • • • •

2. Part 91 is amended by amending the introductory paragraph of § 91.109 to read as follows:

§ 91.109 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight at an altitude of more than 3,000 feet above the surface shall maintain the appropriate altitude prescribed below:

• • • • • •

(Secs. 307 and 313(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 24, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 71-89; Filed, Jan. 4, 1971; 8:50 a.m.]

[Airspace Docket No. 70-WE-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of VOR Federal airway No. 87 between San Francisco, Calif., and Napa, Calif.

Due to an out of tolerance condition, the San Francisco VOR has been relocated from lat. 37°37'10.4" N., long. 122° 22'22.1" W., to lat. 37°36'50" N., long. 122°21'24" W. This will require a 2 degree change in the description of V-87 between the San Francisco VOR and the Napa VORTAC. The relocation will require a change of approximately 2 degrees in the charted radials of V-25 between the Woodside, Calif., VORTAC and the San Francisco VOR. However, this will not require a redescription of this portion of V-25 since it is described as direct from the Woodside VORTAC to the San Francisco VOR.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows: In V-87 the phrase "INT San Francisco 359°" is deleted and the phrase "INT San Francisco 357°" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 30, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 71-53; Filed, Jan. 4, 1971; 8:49 a.m.]

[Airspace Docket No. 70-WA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Miscellaneous Amendments

On October 28, 1970, Federal Register Document No. 70-14460 was published in the FEDERAL REGISTER (35 F.R. 16677) which amended Parts 71 and 75 of the Federal Aviation Regulations by designating positive control area in south Texas from flight level 240 to and including flight level 600 and would revoke Jet Advisory Areas Nos. 25 and 29.

The Federal Aviation Administration has determined that it is appropriate to delay the effective date of the amendments contained in Airspace Docket No. 70-WA-30 until February 18, 1971. The commissioning date for the Oilton, Tex., radar system has been deferred to February 18, 1971, therefore the effective date of Airspace Docket No. 70-WA-30 has been established to coincide with the commissioning date of the Oilton, Tex., radar system.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, Federal Register Document No. 70-14460 is amended as follows: "effective 0901 G.m.t., January 7, 1971" is deleted and "effective 0901 G.m.t., February 18, 1971" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 30, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 71-52; Filed, Jan. 4, 1971; 8:49 a.m.]

[Airspace Docket No. 70-WA-44]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a temporary restricted area at Keweenaw Point, Mich.

The University of Michigan is presently involved with an important research project that has been assigned it by the National Aeronautical and Space Agency for the purpose of sounding the upper atmosphere to measure and study various phenomena including solar radiation, absorption of radio electrons, and free electron activity. This scientific project is of such unique character that the high altitude probe and soundings may be made only when certain precise atmospheric conditions exist. In order to accomplish this, only a limited notice as short as 6 hours will be available to notify the public before the high altitude Nike-Apache rocket is fired from the Keweenaw Peninsula, Mich.

The FAA has been advised, based on recently received information, that the desired atmospheric conditions necessary to support this research project will probably exist between January 4 and March 5, 1971. As a result of scientific computations, the impact area of the Nike missile is calculated to embrace an area of 35 statute miles in radius that will be centered at coordinates 47°08" N. and 86°55" W. The launch and booster impact area will be centered at 47°25" N. and 87°42" W., and will have an approximate radius of 10 statute miles. These two areas, measured from the ground up to an unlimited altitude, will enclose the only areas of potential airspace danger and will be utilized only once, for a one-shot missile operation for a short duration sometime between 10 a.m. and 2 p.m. between January 4 and March 5, 1971.

The FAA, in order to protect persons and property on the surface, as well as to insure that safety will be maintained in the airspace, is designating two restricted areas to accommodate the rocket operation. Among other matters considered in reaching this decision were the possible problems involving impact of the missile with vessels traveling over the water. We are in receipt of information indicating that during the period here involved, the water in the customary shipping lanes will be frozen and will be deplete of ships. Regardless of this, coordination has been established with the Coast Guard who have agreed to provide surveillance of the involved areas of possible danger to warn any ships that might enter the areas during the missile shot. In the event of missile malfunction, the personnel controlling the missile will destroy it.

Between the months of January and March, there is little or no VFR traffic that operates in the area of the proposed missile shot. Should a pilot intend to operate in this VFR area, he will be advised by NOTAM at least 6 hours in advance of the time of the missile launch. Pilots will also receive specific information concerning the operation from broadcasts made by the Houghton Flight Service Station. All IFR traffic, will, of course, be under the control of the Center, and crew members will also obtain additional advice from the NOTAM, FSS broadcasts, or even from company radio.

The restricted areas will be activated by the issuance of a NOTAM at least 6 hours in advance covering the time the areas will be utilized, and will be issued by the controlling agency, the Federal Aviation Administration, Minneapolis, Minn., Air Route Traffic Control Center.

Since the Administrator of the Federal Aviation Administration finds that this amendment is essential and a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

Section 73.42 (35 F.R. 2335) is amended by adding the following:

R-4203 Keweenaw Point, Mich.
Boundaries.
That airspace within a circular area with a 10-statute-mile radius centered at lat. 47°25' 24" N., long. 67°42'40" W.; including the additional airspace within a circular area with a 35 statute mile radius centered at lat. 47°08'00" N., long. 86°55'00" W.
Designated altitudes. Surface to unlimited.
Time of designation. By NOTAM issued at least 6 hours in advance during the period 10 a.m. to 2 p.m. e.s.t., January 4 through March 5, 1971.
Controlling agency. Federal Aviation Administration, Minneapolis, Minn., ARTCC.
Using agency. NASA, Goddard Space Flight Center, Greenbelt, Md.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 30, 1970.

ROBERT W. MARTIN,
Acting Director, Air Traffic Service.

[F.R. Doc. 71-64; Filed, Jan. 4, 1971; 8:50 a.m.]

[Docket No. 10752; Amdt. Nos. 121-73 and 135-25]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Carriage of Dangerous Weapons Aboard Aircraft

The purpose of these amendments to Parts 121 and 135 of the Federal Aviation Regulations is to change the references in §§ 121.585 and 135.64 from "air carrier" and "air taxi operator" to "certificate holder," thereby making the prohibition against the carriage of deadly or dangerous weapons encompass persons aboard aircraft operated by commercial operators certificated under Parts 121 and 135 of the Federal Aviation Regulations. The amended rule will also encompass persons aboard aircraft operated by air travel clubs certificated under Part 123, since that part requires compliance with § 121.585 as it applies to commercial operators.

These amendments are considered necessary in the interest of safety in view of the increasing hazards to safety in air commerce due to the hijacking of aircraft.

Because of the emergency nature of the threat to the safety of persons and property carried in air commerce due to hijacking, I find that notice and public procedure thereon are impracticable and contrary to the public interest, and that this amendment may become effective in less than 30 days notice.

In consideration of the foregoing, Parts 121 and 135 of the Federal Aviation Regulations are amended, effective January 5, 1971, as follows:

1. In § 121.585 by striking out the words "an air carrier in air transportation" in the opening paragraph and inserting the words "a certificate holder" in place thereof; and by striking out the words "air carrier" in paragraph (b) and inserting the words "certificate holder" in place thereof.

2. In § 135.64 by striking out the words "an air taxi operator" in the opening paragraph and inserting the words "a certificate holder" in place thereof; and by striking out the words "air taxi operator" in paragraph (b) and inserting the words "certificate holder" in place thereof.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a) and 1421, and section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 24, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 71-88; Filed, Jan. 4, 1971; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 421—UNSOLICITED MAILING OF CREDIT CARDS

Rescission of Trade Regulation

Effective October 26, 1970, the Federal Trade Commission rescinded the Trade Regulation Rule in Title 16 Part 421, relating to the Unsolicited Mailing of Credit Cards.

By virtue of enactment of Public Law 91-508, 91st Congress, HR 15073, the Truth In Lending Act has been amended so as to prohibit the issuance of a credit card except in response to a request or application for such card. The prohibition does not apply to credit cards issued as renewals or in substitution for credit cards previously accepted by the cardholder. This statute therefore supersedes the Commission's Trade Regulation rule interdicting the unsolicited mailing of credit cards.

The Federal Trade Commission, along with other Government agencies, is charged with the responsibility of enforcement of the above cited amendment to the Truth In Lending Act. The Commission invites retail credit card issuers to direct any questions they may have about this amendment to the Truth In Lending Act to the Division of Special Projects, Federal Trade Commission, Washington, D.C. 20580. Further, the Commission urges consumers who receive unsolicited credit cards to promptly call this to the Commission's attention.

Issued: January 5, 1971.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 71-37; Filed, Jan. 4, 1971; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-394, etc.]

PART 154—RATE SCHEDULES AND TARIFFS

Termination of Moratorium Provisions in Southern Louisiana; Area Rate Proceeding

DECEMBER 24, 1970.

Order granting in part and denying in part applications for rehearing of Order No. 413 and Order issued in Docket No. AR69-1.

The Municipal Distributors Group (MDG), the Public Service Commission of the State of New York (PSCNY) and the Associated Gas Distributors (AGD) on November 27, 1970, filed applications for rehearing of the Commission's Order No. 413 issued October 27, 1970, in Docket No. R-394 and the associated order issued the same day in Docket No. AR69-1 implementing Order No. 413. Order No. 413 terminated the moratorium on above ceiling increased rate filings in Southern Louisiana prescribed in paragraphs (f) and (g) of § 154.105 of the Commission's regulations under the Natural Gas Act (18 CFR 154.105 (f) and (g)) and Ordering Paragraph (B) of Opinion No. 546-A (41 FPC 301 at 340). The order in Docket No. AR69-1 established the procedures to be followed in connection with increased rate filings made as a result of the lifting of the moratorium.

PSCNY in its application for rehearing points out that in Order No. 413 we did not mention its opposition to the proposed lifting of the moratorium. We did, however, reject the basic position advanced by PSCNY that the moratorium should not be lifted without an evidentiary hearing when we specifically rejected similar contentions by MDG and the Public Service Commission of the State of Wisconsin.

We have by separate order today reopened the initial area rate proceedings in the Southern Louisiana area, Docket No. AR61-2 et al. Our original decisions in those proceedings, Opinion Nos. 546 (40 FPC 530) and 546-A (41 FPC 301), have been affirmed by the U.S. Court of Appeals for the Fifth Circuit, Austral Oil Co. v. FPC, 428 F. 2d 407 (CA5 1970). Petitions for a writ of certiorari to the Fifth Circuit were denied by the U.S. Supreme Court on December 7, 1970.

The Fifth Circuit's opinion stressed that the determination of whether the moratorium provisions should be modified was to be reviewed without reference to their qualified affirmance by that court, 428 F. 2d at 431. The Court also cautioned that if supply problems exist, quick remedies will be required. We take this to be a judicial mandate to reexamine the moratoriums which were estab-

lished on the basis of the record in Docket No. AR61–2 et al. This mandate and the reopened record in those proceedings lend additional support to our determination that prompt action is required.

We did not, in either Order No. 413 or the accompanying order in Docket No. AR69–1, impose any limitation on rate increase filings which might be made subsequent to the lifting of the moratorium. Rate increases filed thereafter were therefore subject only to the price limitations of the governing contracts. AGD states in its application for rehearing that it agrees with the objective of the Commission's action but suggests that such rate increases be limited to the rate levels set forth in the settlement proposal filed in Dockets Nos. AR61–2 et al. and AR69–1 subsequent to the issuance of Order No. 413 and the order in Docket No. AR69–1.[1]

We are well aware that a few parties have responded to the settlement proposal by contending that the settlement rates are either too low or too high. The settlement proposal, on the other hand, has widespread support among many of the interested parties involved in those proceedings. While we presently make no determination as to the merits of these respective positions, we believe the proposed settlement ceilings provide a justifiable temporary ceiling for increased rate filings. We shall therefore modify our previous orders regarding the moratorium provisions so as to limit rate increase filings, as permitted by contract, to the levels set forth in the filed settlement proposal. The moratorium provisions, as so limited, will expire on June 30, 1971, absent further Commission action.

The applications for rehearing set forth no further new facts or principles of law which were not fully considered in Order No. 413 and the order in Docket No. AR69–1, or which, having now been considered, warrant any modification of those orders, except as hereinafter provided.

The Commission finds: It is necessary and appropriate in the public interest and for carrying out the provisions of the Natural Gas Act, that Order No. 413 and the order in Docket No. AR69–1 be modified as hereinafter ordered.

The Commission orders:

(A) Order No. 413 is modified to prohibit any increased rate filing in excess of: [2]

(a) For contracts dated prior to October 1, 1968

Onshore 22.375 cents per Mcf.
Offshore 21.375 cents per Mcf.[3]

(b) For contracts dated on or after October 1, 1968 [4]

Onshore 26 cents per Mcf.
Offshore 26 cents per Mcf.

(B) The limitations on increased rate filings set forth in Ordering Paragraph (A) above shall expire on June 30, 1971.

(C) Any increased rate filing made as a result of the issuance of Order No. 413 which is in excess of the applicable level prescribed in Ordering Paragraph (A) above is rejected ab initio to the extent it exceeds the applicable level prescribed in Ordering Paragraph (A) above. Any producer who has made such an above ceiling increased rate filing may collect the applicable rate level prescribed in Ordering Paragraph (A) above, subject to refund, as of January 10, 1971 or as of the expiration of the suspension period for such filing in accordance with the provisions of the order issued October 27, 1970 in Docket No. AR69–1.

(D) Except as herein granted, the applications for rehearing of Order No. 413 and the accompanying order in Docket No. AR69–1 are denied.

(E) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB.
Acting Secretary.

[F.R. Doc. 71–63; Filed, Jan. 4, 1971; 8:51 a.m.]

[1] See Motion of United Distribution Companies for Promulgation of Settlement Proposal, filed Nov. 6, 1970, in Dockets Nos. AR61–2 et al. and AR69–1.

[2] All prices stated at 15.025 p.s.i.a. The ceiling prices are subject to upward or downward B.t.u. adjustment as provided in Opinions Nos. 546 and 546–A. The ceiling price for offshore gas delivered by a producer onshore shall be the applicable offshore price plus 1 cent per Mcf.

[3] The onshore ceiling shall apply to gas produced offshore where there is a dispute between Louisiana and the United States as to jurisdiction.

[4] Including those contracts set forth in Appendix B of Commission Order No. 546–A.

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 615—EXTENDED UNEMPLOYMENT COMPENSATION

Title 20 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 615 dealing with the Federal-State extended unemployment compensation program established by the Federal-State Extended Unemployment Compensation Act of 1970 (Title II of Public Law 91–373).

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because the regulations relate solely to public benefits and are not addressed primarily to members of the public but rather to the several States which must adopt and administer such programs, and further, notice, public participation, and delay is found not to be in the public interest which in this instance makes desirable the prompt enactment by the States of appropriate legislation and the prompt payment of the extended unemployment compensation.

The regulations shall become effective on the date of their publication in the FEDERAL REGISTER.

As added, Part 615 reads as follows:

Sec.
615.1 Purpose.
615.2 Definitions.
615.3 Early effective date.
615.4 Entitlement; exhaustee.
615.5 Amount of extended compensation.
615.6 More extended compensation resulting from more regular compensation awarded on appeal.
615.7 No duplication.
615.8 Recovery including restitution and offset.
615.9 Terms and conditions of State law.
615.10 Effect of disqualification for regular compensation on entitlement to extended compensation.
615.11 Charging extended compensation.
615.12 Employer's reimbursement of extended compensation.
615.13 Determination of national and State indicators.
615.14 Computation of rate of insured unemployment.
615.15 Extended benefit period: beginning and ending.
615.16 Announcement of the beginning and ending of an extended benefit period.
615.17 Payment to States.
615.18 Information, reports and studies.

AUTHORITY: The provisions of this Part 615 issued under Public Law 91–373; Secretary's Order No. 14–69, dated Mar. 14, 1969, 34 F.R. 6502.

§ 615.1 Purpose.

These regulations are promulgated to implement the Federal-State Extended Unemployment Compensation Act of 1970 (Title II, Public Law 91–373) which requires, as a condition for any tax offset under the Federal Unemployment Tax Act, that a State unemployment compensation law provide after December 31, 1971 (or after June 30, 1972, if the State legislature does not meet in regular session in 1971), extended unemployment compensation during periods of high unemployment to workers who, because they have exhausted their rights to regular unemployment compensation, have no rights to cash unemployment benefits under any State or Federal laws, and that the Federal Government pay one-half of all extended unemployment compensation paid in the State, including compensation provided under regular State programs in excess of 26 weeks of benefits when such benefits are paid during the defined high unemployment periods. State unemployment compensation laws may provide for such a program betewen October 11, 1970, and December 31, 1971, and receive the Federal payment, under certain conditions.

§ 615.2 Definitions.

For the purpose of these regulations—

(a) The term "Act" means the Federal-State Extended Unemployment Compensation Act of 1970.

(b) Terms defined in section 205 of the Act have the same meaning in these regulations except insofar as the meaning of any such term is implemented in this section.

(c) The term "eligibility period" means, with respect to an individual, the period consisting of (1) the weeks in his benefit year which begin in an extended benefit period and, (2) if his benefit year ends within an extended benefit period, any weeks thereafter which begin in such extended benefit period.

(d) The term "additional compensation" means compensation totally financed by a State and payable under a State law to exhaustees by reason of conditions of high unemployment or by reason of other special factors, such as, an exhaustee's being in training with the approval of the State agency.

(e) The term "regular compensation" means compensation payable to an individual (including dependents' allowances) under any State unemployment compensation law (including compensation payable pursuant to 5 U.S.C. Chapter 85) other than extended compensation and additional compensation.

(f) The term "extended compensation" means compensation payable for weeks of unemployment beginning in an extended benefit period to an individual under those provisions of a State law which satisfy the requirements of the Act with respect to the payment of extended compensation and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. Chapter 85.

(g) The term "sharable compensation" is described in the Act to include—

(1) Extended compensation paid to an individual for weeks of unemployment in his eligibility period to the extent that the aggregate extended compensation paid to such individual with respect to any benefit year does not exceed the smallest of the following amounts:

(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to him during this applicable benefit year,

(ii) 13 times his average weekly benefit amount during such benefit year, or

(iii) 39 times his average weekly benefit amount, reduced by the regular compensation paid (or deemed paid) to him during such benefit year; and

(2) Regular compensation paid to an individual for weeks of unemployment in his eligibility period to the extent that the sum of such compensation, plus the regular compensation paid (or deemed paid) to him with respect to prior weeks of unemployment in the benefit year exceeds 26 times (and does not exceed 39 times) the average weekly benefit amount (including allowances for dependents) for weeks of total unemployment payable to such individual during such benefit year.

§ 615.3 Early effective date.

(a) No extended benefit period under the Act may become effective in any State with a week that begins prior to October 11, 1970.

(b) Compensation paid for a week of unemployment in an extended benefit period that begins with a week that begins within the period from October 11, 1970, through December 31, 1971, shall be sharable compensation only if—

(1) The State law providing such compensation is approved under section 3304(a)(11) of the Internal Revenue Code of 1954, and

(2) With respect to weeks beginning before January 1, 1972, the State law provides that an extended benefit period for the State shall be determined solely on the basis of a State "on" and a State "off" indicator respectively.

§ 615.4 Entitlement; exhaustee.

(a) *Entitlement.* An individual is entitled to extended compensation for a week of unemployment in his eligibility period if, with respect to such week, he is an exhaustee under this section and he meets the requirements of State law applicable to him as provided in the Act and these regulations.

(b) *Exhaustee.* An individual is an exhaustee with respect to a week of unemployment in his eligibility period if—

(1) He has received, prior to such week, all the regular compensation payable to him according to the monetary determination for his current benefit year that includes such week under the unemployment compensation law of the State in which he files a claim for extended compensation or the unemployment compensation law of any other State; or

(2) He has received, prior to such week, all the regular compensation available to him in his current benefit year that includes such week under the unemployment compensation law of the State in which he files a claim for extended compensation or the unemployment compensation law of any other State after a cancellation of some or all of his wage credits or the partial or total reduction of his right to regular compensation; or

(3) His benefit year having expired prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any State a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular compensation by reason of a State law provision which meets the requirement of section 3304(a)(7) of the Internal Revenue Code of 1954; and

(4) He has no right to unemployment compensation or allowances, as the case may be, under the following Federal laws: the Railroad Unemployment Insurance Act, the Trade Expansion Act, and the Automotive Products Trade Act; and

(5) He has not received and is not seeking for such week unemployment compensation under the law of the Virgin Islands or of Canada, but if he is seeking such compensation and the appropriate agency finally determines that he is not entitled to compensation under such law, he is an exhaustee.

(c) For the purposes of paragraphs (b) (1) and (2) of this section, an individual shall be deemed to have received in his current benefit year all of the regular compensation payable to him according to the monetary determination or available to him, as the case may be, even though—

(1) As a result of a pending appeal with respect to wages or employment or both that were not included in the original monetary determination with respect to such benefit year, he may subsequently be determined to be entitled to more regular compensation; or

(2) By reason of a seasonal provision in the State law that establishes the weeks of the year in which regular compensation may be paid to individuals on the basis of wages in seasonal employment, (i) he may be entitled to regular compensation with respect to future weeks of unemployment but such compensation is not payable with respect to the week of unemployment for which he is claiming extended compensation; and (ii) he is otherwise an exhaustee within the meaning of this section with respect to his rights to regular compensation, under such State seasonal provision, during the portion of the year in which that week of unemployment occurs; or

(3) Having established a benefit year, no regular compensation is payable to him during such year because his wage credits were cancelled or his right to regular compensation was totally reduced as the result of the application of a disqualification.

§ 615.5 Amount of extended compensation.

(a) *Weekly amount*—(1) *Total unemployment.* The State law shall specify that the weekly amount of extended compensation payable to an individual for a week of total unemployment in his eligibility period shall be the amount of regular compensation payable to him for a week of total unemployment during his current benefit year, or if he has no current benefit year, his most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during such benefit year, the weekly amount of extended compensation for total unemployment shall be any one of the following specified in the State law:

(i) The average of such weekly amounts of regular compensation, or

(ii) The last weekly benefit amount of regular compensation in such benefit year, or

(iii) An amount that is reasonably representative of the weekly amount of regular compensation payable during such benefit year.

If the method in subdivision (iii) of this subparagraph is provided for, the State law shall specify how such amount is to be computed. If the method in subdivision (i) of this subparagraph is provided for, and the amount computed is not an even dollar amount, the amount shall be raised or lowered to an even dollar amount as provided by State law for regular compensation.

(2) *Partial unemployment.* The weekly benefit amount of extended compensation payable for a week of less than total unemployment shall be based on the weekly benefit amount determined pursuant to subparagraph (1) of this paragraph.

(b) *Individual's extended compensation account.* (1) The State law shall provide for the establishment of an extended compensation account for each individual who files an application for

extended compensation with respect to each applicable benefit year in an amount not less than whichever of the following is the least:

(i) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to him during his applicable benefit year;

(ii) 13 times his average weekly benefit amount during such benefit year, or

(iii) 39 times his average weekly benefit amount, reduced by the regular compensation paid (or deemed paid) to him during such benefit year.

Wherever the individual's average weekly benefit amount is necessary for the computation of the total in the individual's account, the weekly amount determined pursuant to paragraph (a) of this section shall be used.

(2) States which paid additional compensation for weeks of unemployment which began prior to the effective date of an extended benefit period which is current when an individual first claims extended compensation may reduce the individual's extended compensation account by the amount of such additional compensation paid (or deemed paid) if the State law provides for such reduction.

(3) If an individual is entitled to more extended compensation as a result of an appeal which afforded him more regular compensation, an appropriate change shall be made in the individual's extended compensation account.

§ 615.6 More extended compensation resulting from more regular compensation awarded on appeal.

If an individual who has received extended compensation for week(s) of unemployment is determined to be entitled to more regular compensation with respect to such week(s) as the result of an appeal, the extended compensation paid to him shall be treated as if it were regular compensation up to the greater amount of regular compensation to which he has been determined to be entitled and the State agency shall make appropriate adjustments between the State and Federal accounts. If the individual is entitled to more extended compensation as a result of being entitled to more regular compensation, an amended determination shall be made of his entitlement to extended compensation and a notice of such determination shall be given to the individual and if appropriate under the State law to his employer(s), as provided in § 615.9(a)(3).

§ 615.7 No duplication.

(a) No individual shall be paid additional compensation and extended compensation with respect to the same week. An individual who is eligible for both for the week shall be appropriately informed of the consequences of his claiming either type of compensation, and shall be given the opportunity to elect which of the two types of compensation he wishes to claim. If he makes no election, the State agency shall process the claim for the type of compensation that it believes is most advantageous to him.

(b) An individual who is entitled to both extended compensation under the Act and training allowances under section 203 of the Manpower Development and Training Act with respect to a week shall be treated as he would have been treated had he been entitled to both regular compensation and such training allowance.

§ 615.8 Recovery including restitution and offset.

The provisions of State law applicable to recovery of overpayments (including restitution and offset) shall apply to overpayments of extended compensation. If there is recovery of extended compensation, that proportion of the amount restored or offset which represents the Federal share of the original payment shall be restored to the appropriate Federal account.

§ 615.9 Terms and conditions of State law.

(a) Except where the result would be inconsistent with the purpose of the Act, the terms and conditions of the State law which apply to claims for, and payment of, regular compensation shall apply to claims for, and the payment of, extended compensation, including, but not limited to—

(1) Claim filing, claimant reporting, and registration for work;

(2) Information to claimants;

(3) Notices to claimants and to employers, as appropriate, which shall apply also to a notice of claimant's weekly amount of extended compensation determined pursuant to § 615.5(a) and the total amount in a claimant's extended compensation account determined pursuant to § 615.5(b);

(4) Determinations, redeterminations, appeals, and review;

(5) The week for which compensation is paid, i.e., flexible, calendar or other statutory week;

(6) Ability to work, availability for work and search for work, and

(7) Disqualifications.

(b) The State statute or regulations shall specify those of its terms and conditions not applicable to claims for, or payment of, extended compensation. Among such terms and conditions shall be at least those relating to—

(1) Any waiting period;

(2) Monetary or other qualifying requirements and such requalifying requirements as are necessary to meet the requirements of 3304(a)(7) of the Internal Revenue Code of 1954, and

(3) Computation of weekly and total regular compensation.

§ 615.10 Effect of disqualification for regular compensation on entitlement to extended compensation.

If the week of unemployment for which an individual claims extended compensation is a week to which a disqualification for regular benefits applies, the individual shall not be entitled to extended compensation for that week.

§ 615.11 Charging extended compensation.

Section 3303(a)(1) of the Internal Revenue Code of 1954 does not require that extended compensation paid to an individual be charged to the experience rating account of his employer(s). The State law may, however, consistently with section 3303(a)(1), require the charging of extended compensation paid to an individual, and if it does, it may provide for charging all or any portion of such compensation paid. Sharable regular compensation must be charged as all other regular compensation is charged under the State law.

§ 615.12 Employer's reimbursement of extended compensation.

The State law shall require an employer to reimburse the State fund for 50 percent of any sharable compensation paid to an individual that is attributable under the State law to service with such employer if the employer, consistently with the requirements of section 3303 of the Internal Revenue Code of 1954, is reimbursing the State fund with respect to such service.

§ 615.13 Determination of national and State indicators.

(a) There is a national "on" indicator for a week if the Secretary determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 percent.

(b) There is a national "off" indicator for a week if the Secretary determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 percent.

(c) There is a State "on" indicator for a State for a week if the head of the State agency determines, in accordance with § 615.14(b), that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted)—

(1) Equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period in each of the preceding 2 calendar years, and

(2) Equaled or exceeded 4 percent.

(d) There is a State "off" indicator for a State for a week if the head of the State agency determines, in accordance with § 615.14(b), that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted)—

(1) Was less than 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, or

(2) Was less than 4 percent.

(e) Within ten (10) calendar days after the end of any week with respect to which the head of a State agency has determined that there is an "on" indicator or an "off" indicator in his State by reason of which an extended benefit period will begin or end in his State, as the case may be, he shall notify the Secretary of his determination. Such notice shall state clearly the State agency head's determination of the specific week for which there is a State "on" indicator or "off" indicator, as the case may be, and the week which begins an extended benefit period under the State law or ends such an extended benefit period, whichever is appropriate. Such notice shall include also the State agency head's findings of the volume and rates of insured unemployment and the average monthly covered employment for the appropriate periods that support his determination.

§ 615.14 Computation of rate of insured unemployment.

(a) *National "on" and "off" indicators.* (1) The Secretary shall determine the "rate of insured unemployment" for purposes of the national "on" and "off" indicators. In making such determination he shall use, for each of the three most recent calendar months ending before the week for which the determination is made, a fraction the numerator of which will be the weekly average number of weeks claimed in all States as reported to the Secretary by all State agencies on regular reports required pursuant to § 615.18, adjusted by the seasonal adjustment factor or factors applicable to the month, and the denominator of which will be the average monthly covered employment in all States as reported to the Secretary by all State agencies for the first four of the last six calendar quarters ending before each month.

(2) The rate of insured unemployment for any month, seasonally adjusted, shall be the quotient derived from the use of the fraction for the month as provided in subparagraph (1) of this paragraph, computed to four decimal places and not otherwise rounded.

(3) The seasonal adjustment factor or factors for a month shall be the latest applicable seasonal adjustment factor or factors for the month published by the Bureau of Labor Statistics, United States Department of Labor.

(b) *State "on" and "off" indicators.* (1) The head of the State agency shall determine the "rate of insured unemployment" for purposes of the State "on" and "off" indicators. In making such determination he shall use a fraction, the numerator of which will be the weekly average number of weeks claimed in the State for the 13-week period ending with the week for which the determination is made (not seasonally adjusted) and the denominator of which will be the average monthly employment covered under the State law for the first four of the last six calendar quarters ending before the close of the 13-week period. The quotient obtained is to be computed to four decimal places and is not to be otherwise rounded.

(2) The rate for the most recent 13-week period is to be divided by the average of the rates for the corresponding 13-week periods in each of the 2 prior years to determine whether the rate is equal to 120 percent of the average rate for the 2 years. The quotient obtained is to be computed to four decimal places and is not to be otherwise rounded. The average of the rates for the corresponding 13-week periods in each of the 2 prior years will be one-half the sum of such rates for such period computed to four decimal places and not otherwise rounded.

(3) For the purpose of determining the corresponding 13-week period ending in each of the preceding calendar years the first week in any calendar year shall be the first full calendar week in such year. The Secretary shall issue to each State a list of numbered weeks for each calendar year beginning with the first Sunday in January 1968.

(c) *For both national and State indicators.* (1) In determining the "weekly average number of weeks claimed" for any period the State agency shall count weeks claimed in continued claims (including interstate claims filed in the State) for total, partial or part-total unemployment for regular, extended or additional compensation, and shall exclude claims filed under 5 U.S.C. Chapter 85 (UCFE/UCX) and interstate claims filed against the State as liable State.

(2) Each State agency shall, in accordance with Part III of the "Employment Security Manual," section 2015, adjust the weekly average number of weeks claimed in a State to eliminate distortions or fluctuations in the volume of weekly claims due to such factors as rescheduling a claimant's reporting day when it falls on a holiday or when the agency shifts from a weekly to a biweekly reporting system, or to delayed receipt of mail claims.

(3) The determination of the "average monthly employment for the first four of the last six completed calendar quarters covered under a State law" shall be based on the employment data submitted by a State agency on regular reports required pursuant to § 615.18, which data shall not include Federal civilian and military employment. After covered employment data for any quarter have been used to calculate a rate of insured unemployment under the provisions of the Act, such data shall not after such use be changed for the purpose of that calculation or of any calculation for any subsequent quarter.

§ 615.15 Extended benefit period: beginning and ending.

(a) An extended benefit period in a State shall begin on the first day of the third calendar week after whichever of the following occurs first:

(1) A week for which there is a national "on" indicator, or

(2) A week for which there is an "on" indicator in that State.

(b) An extended benefit period in a State shall end on the last day of the third week after the first week for which there is both a national and a State "off" indicator in that State. An extended benefit period established in a State prior to January 1, 1972, may be terminated before that date solely on the basis of a State "off" indicator in that State.

(c) Notwithstanding the provisions of paragraph (b) of this section, an extended benefit period which becomes effective in any State shall continue for not less than 13 consecutive weeks.

(d) In the case of any State no extended benefit period may begin by reason of a State "on" indicator before the 14th week after the close of a prior extended benefit period with respect to such State.

(e) "Week" for the purpose of determining whether a State or national "on" or "off" indicator occurs means a calendar week beginning at 12:01 a.m. Sunday and ending 12 p.m. on the following Saturday.

§ 615.16 Announcement of the beginning and ending of an extended benefit period.

(a) Immediately after the Secretary determines that there is a national "on" indicator or that there is a national "off" indicator he shall publish in the FEDERAL REGISTER a notice of such determination. In addition to stating the Secretary's determination with respect to the national indicator, such notice shall designate the beginning or ending date, as the case may be, of an extended benefit period for all States. If an extended benefit period continues beyond such ending date in a State by reason of a State indicator, such notice shall list all such States. The Secretary shall also notify appropriate news media and the heads of all State agencies of his determination of any national "on" or "off" indicator and of its effect.

(b) Upon receipt of the notice required by § 615.13(e), the Secretary shall publish in the FEDERAL REGISTER a notice of the State agency head's determination that there is an "on" indicator or an "off" indicator in his State, as the case may be, the name of the State and the beginning or ending date of the extended benefit period, whichever is appropriate. The Secretary shall also notify appropriate news media and the heads of all other State agencies of the State agency head's determination of such State "on" or "off" indicator and of its effect.

(c) Whenever a State agency head determines that there is an "on" indicator in his State by reason of which an extended benefit period will begin in his State or an "off" indicator by reason of which an extended benefit period in his State will end, he shall promptly announce his determination through appropriate news media in the State. Such announcement shall include the beginning or ending date of the extended benefit period, whichever is appropriate. In the case of an extended benefit period that is about to begin, the announcement shall also describe clearly what unemployed individuals may be eligible for extended compensation during the extended benefit period.

§ 615.17 Payment to States.

(a) *Sharable compensation to individuals covered by State law.* (1) Except

as provided in subparagraph (3) of this paragraph and in paragraph (b) of this section—

(i) The Secretary shall promptly reimburse each State which has paid sharable compensation to individuals covered by the State law an amount representing one-half of the amount of such sharable compensation paid under the State law during any calendar month.

(ii) The Secretary may instead, when he deems it necessary, advance to a State such amount as he estimates will represent one-half of the sharable compensation to be paid under the State law for a calendar month or fraction thereof, reduced or increased, as the case may be, by any amount by which the Secretary finds that a previous advance for any prior calendar month or fraction thereof was greater or less than was necessary for the purpose of paying sharable compensation.

(2) Any payments to a State pursuant to subparagraph (1) of this paragraph shall be made by a transfer from the extended unemployment compensation account in the Unemployment Trust Fund to the account of the State in such fund.

(3) The Secretary shall make no payment to a State under this paragraph in respect of sharable compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act.

(b) *Extended compensation to individuals covered by 5 U.S.C. chapter 85.* (1) The Secretary shall pay to each State as provided in 5 U.S.C. 8505 an amount equal to the additional cost of extended compensation paid to Federal civilian workers and ex-servicemen pursuant to 5 U.S.C. Chapter 85.

(2) Any payments to a State pursuant to subparagraph (1) of this paragraph shall be made out of appropriations for the payment of unemployment compensation to Federal civilian workers and ex-servicemen pursuant to 5 U.S.C. Chapter 85.

(c) *Combined wage credits.* Where regular compensation exhausted by an individual or sharable regular compensation was based on combined wage credits earned in more than one State, any payment required by paragraph (a) or (b) of this section shall be made only to the State which paid the compensation with respect to which the payment is made to the individual.

(d) *Interstate benefits.* Where sharable compensation is paid to an individual under the provisions of the Interstate Benefits Payment Plan, any payment required by paragraph (a) or (b) of this section shall be made only to the liable State.

§ 615.18 Information, reports and studies.

State agencies are required to furnish to the Secretary such information and reports and to make such studies as he finds necessary or appropriate for carrying out the purposes of the Act.

Signed at Washington, D.C., this 30th day of December 1970.

MALCOLM R. LOVELL, JR.,
Assistant Secretary for Manpower.

[F.R. Doc. 71-36; Filed, Jan. 4, 1971; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 524—SPECIAL MINIMUM WAGES FOR HANDICAPPED WORKERS IN COMPETITIVE EMPLOYMENT

On September 30, 1970, notice of proposed rule making regarding Part 524 of Title 29, Code of Federal Regulations, was published in the FEDERAL REGISTER (35 F.R. 15224).

After consideration of all relevant matter presented by interested persons, I am persuaded that it is not necessary at this time to provide for temporary certificates at rates of less than 50 percent of the minimum, in order to prevent the curtailment of opportunities for employment generally. A State vocational rehabilitation agency or the Veterans' Administration may apply for a special certificate to the Wage and Hour Division when the agency considers a special certificate authorizing a wage rate of less than 50 percent of the minimum wage is necessary for a handicapped individual with severely impaired earning power who is under the sponsorship of the agency.

Under the proposed authorization for the Veterans' Administration or State vocational rehabilitation agency to apply for a special certificate without issuing a temporary certificate, a new section should be inserted, which, when certain deletions are made in the amendment as proposed, will become a new § 524.4(e).

The amendment as proposed is hereby adopted, subject to the following changes:

1. In the table of contents, the title to § 524.4 is revised.

2. In § 524.4, all of paragraph (e); the second sentence of paragraph (d); and the third sentence of paragraph (e) are deleted.

3. In § 524.4, paragraphs (d) and (e) are redesignated as paragraphs (c) and (d), respectively.

4. In § 524.4, a new paragraph (e) is added.

Effective date. This amendment shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Signed this 30th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, United States Department of Labor.

Sec.
524.1 Applicability of this part.
524.2 Definitions, as used in this part.
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AUTHORITY: The provisions of this Part 524 issued under sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214. Interpret or apply sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

§ 524.1 Applicability of this part.

(a) The Fair Labor Standards Amendments of 1966 (Public Law 89-601, 80 Stat. 830), among other things, revise the provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) for the competitive employment of handicapped persons at special minimum wages. The provision is now codified at section 14(d) of that Act. It reads in part as follows:

(d) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimums applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

(b) Paragraphs (2)(A) and (3)(A) and (B) of section 14(d) of the Act quoted above make provision for the employment of individuals whose work is incidental to State agency certified training or evaluation programs or whose productive capacity is inconsequential. Special minimum wages for such persons, which may, when appropriate, be less than 50 per centum of the minimum wage applicable under section 6 of the Act, apply only when they are employed in sheltered workshops under certificates authorized in Part 525 of this chapter.

(c) Under this Part 524, certificates are not issued for less than 75 per centum of the statutory minimum, unless a lower rate is clearly justified, in which case the lowest rate generally that may be authorized is 50 per centum of that minimum. For the multihandicapped and other workers whose earning capacity is severely impaired (referred to in section 14(d)(2)(B) of the Act), a wage lower than 50 per centum of the statutory minimum (but not less than 25 per centum of that minimum) under appropriate circumstances may be authorized after certification by the State agency administering or supervising rehabilitation services. (Generally, workers with such severely impaired earning capacity are employed in sheltered workshops under certificates authorized in Part 525 of this chapter.)

§ 524.2 Definitions, as used in this part.

(a) "Handicapped worker" or "worker" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury for the work he is to perform.

(b) "Handicapped trainee" or "trainee" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is receiving or is scheduled to receive on-the-job training in industry under any vocational rehabilitation program administered by the Veterans' Administration or an authorized vocational rehabilitation agency operating pursuant to the Vocational Rehabilitation Act, as amended.

(c) "State agency" shall mean the State agency which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, Puerto Rico, or the territory or possession of the United States in which the employment at special minimum wages is to occur.

(d) "Competitive employment" is employment of a handicapped worker whose earning or productive capacity would yield wages equal to at least 50 per centum of the minimum wage applicable under section 6 of the Act at wage rates which are commensurate with those for nonhandicapped workers in the industry in the vicinity for essentially the same type, quality, and quantity of work.

§ 524.3 Application for a certificate.

(a) Application shall be made to the Regional Director of the administrative region of the Wage and Hour Division, U.S. Department of Labor, in which the handicapped worker or handicapped trainee is to be employed. For Puerto Rico, the Virgin Islands, and the Canal Zone, application shall be made to the Caribbean Director in Puerto Rico. Application forms may be obtained from the appropriate Director.

(b) The application shall set forth, among other things, the nature of the disability, a description of the occupation at which the worker is to be employed, and the wage the firm proposes to guarantee the worker per hour. The nature of the disability must be set out in detail. Vague statements such as "nervous condition", "physically incapacitated", "slow worker", etc., are not sufficient.

(c) When a wage is requested which is less than 50 per centum of the minimum wage applicable under section 6 of the Act, the application shall also contain—

(1) Evidence that the individual is multihandicapped or so severely impaired that he is unable to engage in competitive employment as defined in § 524.2(d). For such workers the rate shall be not less than 25 per centum of the statutory minimum.

(2) Such application shall also be certified by the State agency defined in § 524.2(c) that the individual is a multihandicapped individual or other individual whose earning capacity is so severely impaired that he is unable to engage in competitive employment.

(d) The application shall be signed jointly by the employer and worker and be returned to the Regional or District Director by the employer.

(e) No application is required for a temporary certificate for a special minimum wage for a handicapped trainee being trained under any authorized vocational rehabilitation program. Such temporary certificates are issued in accordance with procedures set out in § 524.4.

§ 524.4 Special provisions applicable to handicapped trainees.

(a) Employment of a trainee (pursuant to the Vocational Rehabilitation Act or to a vocational rehabilitation program of the Veterans' Administration for veterans with a service-incurred disability) under a temporary certificate or a special certificate shall be governed by this part as modified by this section.

(b) Temporary certificates authorizing the employment of such trainees at wages lower than the minimum wage applicable under section 6 of the Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work may be issued whenever employment at such lower rate is necessary in order to prevent curtailment of opportunities for employment. Such temporary certificates are to be issued by duly designated representatives of State vocational rehabilitation agencies and of the Veterans' Administration.

(c) A temporary certificate will designate the employer, the trainee, and the special minimum wage rate. A temporary certificate will be valid for a period not to exceed 90 days from the date of issuance and may not be issued retroactively.

(d) Within 10 days after issuance of a temporary certificate, the supervising rehabilitation agency will forward a copy of the certificate together with a recommendation covering the special minimum rates for the balance of the training period to the appropriate Director of the Wage and Hour Division, U.S. Department of Labor. Such recommendation shall not be for a wage which is less than is authorized pursuant to this § 524.4. The Regional or Caribbean Director, pursuant to this part may then issue a special certificate effective upon the expiration of the temporary certificate, or may terminate the temporary certificate prior to its expiration date, with or without issuing a superseding special certificate. If a temporary certificate is terminated prior to its expiration date without the issuance of a superseding special certificate, written notice of such a termination shall be given the employer, the trainee, and the supervising rehabilitation agency.

(e) When a special certificate authorizing a wage rate of less than 50 percentum of the minimum wage applicable under section 6 of the Act is considered necessary, the State agency or Veterans Administration may request that such certificate be issued by the Wage and Hour Division. Such a request shall be accompanied by supporting information, including certification by the State vocational rehabilitation agency that the handicapped worker is a multihandicapped individual or other handicapped individual whose earning capacity is so severely impaired that he is unable to engage in competitive employment.

(f) Money paid to the trainee by a State vocational rehabilitation agency or the Veterans' Administration for maintenance or other expenses shall not be considered as off-setting any part of the wage or other remuneration due the trainee by the employer.

(g) A temporary certificate shall not be issued for a trainee if a satisfactory training opportunity for the desired training is available in the community at the minimum wage applicable under section 6 of the Act or above.

§ 524.5 Conditions for granting a certificate.

If the application is in proper form and sets forth facts showing: (a) A special minimum wage is necessary to prevent curtailment of the worker's or trainee's opportunities for employment; and (b) the earning or productive capacity of the worker for the work he is to perform is impaired by age or physical or mental deficiency or injury, a certificate may be issued.

§ 524.6 Additional data when required.

To determine whether the facts justify the issuance of a certificate, the Administrator or his authorized representative may require the submission of additional information and may require the worker to take a medical examination.

§ 524.7 Issuance of a certificate.

(a) If the application and other available information indicate that the requirements of this part are satisfied, the Administrator or his authorized representative shall issue a certificate. Otherwise, he shall deny a certificate.

(b) If issued, copies of the certificate shall be transmitted to the employer and the worker or trainee, and, in the case of a certificate for a trainee, to the appropriate vocational rehabilitation agency. If a certificate is denied, the same parties shall be given written notice of the denial.

(c) A certificate may not be issued retroactively.

§ 524.8 Terms of a certificate.

(a) A certificate shall specify, among other things, the name of the worker or trainee, the occupation in which he is to be employed, the special minimum wage rate(s), and the period(s) of time during which such rate(s) may be paid.

(b) A certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Workers or trainees may be paid special minimum wages only during the effective period of the certificate.

(c) The wage rate(s) set in the certificate shall be fixed at a figure designed to reflect adequately the individual worker's or trainee's earning or productive capacity. No wage rate shall be fixed at less than 75 per centum of the applicable minimum wage under section 6 of the Act unless after investigation a lower rate appears to be clearly justified. Such lower rate shall not be less than 50 per centum of the minimum wage applicable under section 6 of the Act, except for individuals certified by the State agency as having earning capacity so impaired that they are unable to engage in competitive employment, but in no event shall such wage rate be less than 25 per centum of the applicable minimum wage under section 6 of the Act nor less than is commensurate with wages paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(d) In an establishment or a vicinity where nonhandicapped employees are employed at piece rates in the same occupation, the handicapped worker or trainee shall be paid at least the same piece rates. The worker or trainee must be paid his full piece rate earnings or the earnings at the hourly rate specified in the certificate, whichever is the greater.

(e) The worker or trainee shall be paid not less than one and one-half times the regular rate at which he is employed for all hours worked in excess of the maximum workweek applicable to him under section 7 of the Act.

(f) No provision of this part, or of any certificate issued under this part, shall excuse noncompliance with any other Federal or State law or municipal ordinance establishing higher standards.

(g) The terms of any certificate, including the wage rate(s) specified therein, may be amended by the Administrator or his authorized representative upon written notice to the parties concerned, if the facts justify such amendment.

§ 524.9 Renewal of a certificate.

(a) Application for renewal of any certificate shall be filed in the same manner as an original application.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

§ 524.10 Records to be kept.

Every employer who employs a handicapped worker or handicapped trainee pursuant to these regulations shall keep, maintain, and have available for inspection by the Administrator or his authorized representative a copy of the certificate and all other records required under the applicable provisions of Part 516 (recordkeeping regulations) of this chapter.

§ 524.11 Review.

Any person aggrieved by an action of an authorized representative of the Administrator taken pursuant to this part may, within 15 days after such action, file with the Administrator a petition for review of the action complained of, setting forth grounds for seeking review. If such review is granted, the Administrator or an authorized representative who took no part in the action under review may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 524.12 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 524.1 to 524.11, the Administrator may authorize the issuance of certificates to permit employment of handicapped workers at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such workers. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14(d) of the Act as the Administrator shall determine will best further any such experimental programs.

§ 524.13 Amendment of this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

[F.R. Doc. 71-96; Filed, Jan. 4, 1971; 8:51 a.m.]

PART 723—LAUNDRY AND CLEANING INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Order No. 613 (35 F.R. 6436), the Secretary of Labor appointed and convened Industry Committee No. 96-B for the Laundry and Cleaning Industry in Puerto Rico, referred to the committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 96-B are hereby published, to be effective January 18, 1971, in this order amending § 723.2 of Title 29, Code of Federal Regulations.

As amended, § 723.2 reads as follows:

§ 723.2 Wage rates.

* * * * *

(a) *Driver classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(b) *Other activities classification.* (1) The minimum wage for this classification is $1.35 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.47 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended, 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C. this 30th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, United States Department of Labor.

[F.R. Doc. 71-97; Filed, Jan. 4, 1971; 8:51 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Regulation 1 (Rev. 5) Amdt. 26]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments

Proclamation 4025, dated December 22, 1970 (35 F.R. 19391) amended Proclamation 3279 to eliminate historical bases for the making of allocations of imports of crude oil, unfinished oils, and finished products. This action is reflected in the amendments of sections 4, 10, 11, 12, and 13 of Oil Import Regulation 1 (Rev. 5) which are set fourth below. Section 10 of the regulation is amended to provide, for the allocation period January 1, 1971, through December 31, 1971, allocations to refiners of imports of crude oil into Districts I–IV. Because of a considerable increase in the quantity of imports of crude oil available for allocation to refiners in District V, section 11 is amended to provide for tentative allocations which will later be adjusted according to a schedule revised after consideration of a proposal shortly to be issued. Limited quantities of unfinished oils may be imported under allocations made pursuant to section 10 or 11. A quantity of imports of crude oil, unfinished oils, and finished products is made available to the Oil Import Appeals Board by an amendment of section 21. The definition of "refinery inputs" in section 22 is amended to correspond to a change made by amendatory Proclamation 4025, and the definition of "residual fuel oil" is amended to correspond to the change made by amendatory Proclamation 4018 (35 F.R. 16357). Section 30 is amended to provide, for the allocation period January 1, 1971, through December 31, 1971, allocations of imports of No. 2 fuel oil into District I. Except for the elimination of "historical allocations" required by amendatory Proclamation 4025, this Amendment 26 makes no major changes in the system of allocating imports of crude oil and unfinished oils to refiners or of allocating imports of No. 2 fuel oil into District I. A new allocation period begins January 1, 1971. The formulation of orderly programs of importation, including those involving exchanges of oil, depend upon the making of allocations and the issuance of licenses thereunder. Further, provision should promptly be made for the relief of any cases of exceptional hardship which may arise. In the circumstances, the public interest would not be served either by giving notice of proposed rulemaking or by delaying the effective date of this amendment. Accordingly, this Amendment 26 shall become effective immediately.

Pending a decision on the proposed amendment to section 7 which appeared in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), the Administrator, Oil Import Administration, is directed to issue, under each allocation which is made pursuant to section 10 or 11 and which is in excess of 1,300,000 barrels, a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is the greater. If such an allocation does not exceed 1,300,000 barrels, a license shall be issued in the full amount of the allocation.

Oil Import Regulation 1 (Rev. 5) is amended as set forth below.

FRED J. RUSSELL,
Under Secretary of the Interior.

DECEMBER 31, 1970.

I Concur: December 31, 1970.

HAAKON LINDJORD,
Acting Director,
Office of Emergency Preparedness.

1. Paragraphs (c) and (d) of section 4—Eligibility for Allocations—of Oil Import Regulation 1 (Rev. 5), as amended (31 F.R. 7746) are revoked.

2. Section 10 of Oil Import Regulation 1 (Rev. 5) as amended (34 F.R. 19975) is amended to read as follows:

Sec. 10 Allocations: refiners; Districts I–IV.

(a) For the allocation period January 1, 1971, through December 31, 1971, the Administrator shall allocate, as provided in paragraph (b) of this section, approximately 600,000 b/d of imports of crude oil into Districts I–IV among eligible persons having refinery capacity in these districts.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1970, and computed according to the following schedule:

Average b/d Input		Percent of Input		No. of Days
0–10,000	(×)	20.0	(×)	365
10–30,000		12.0		
30–100,000		7.0		
100,000 plus		3.5		

However, each such allocation shall be reduced by the amount of any licenses issued to the applicant under an interim allocation for the allocation period.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 15 percent of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred, and except as this regulation may provide otherwise, no license issued under such an allocation shall permit the importation of Canadian imports as defined in section 1A of Proclamation 3279 as amended.

3. Section 11 of Oil Import Regulation I (Rev. 5) as amended (34 F.R. 19976) is amended to read as follows:

Sec. 11 Allocations: refiners; District V.

(a) For the allocation period January 1, 1971, through December 31, 1971, the Administrator shall make tentative allocations, as provided in paragraph (b) of this section, of imports of crude oil into District V among eligible persons having refinery capacity in that district. The schedule set forth in paragraph (b) of this section will be revised, and such tentative allocations will be adjusted in accordance with the revised schedule.

(b) Each eligible applicant shall receive a tentative allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1970, and computed according to the following schedule:

Average b/d Input		Percent of Input		No. of Days
0–10,000	(×)	40.0	(×)	365
10–30,000		9.3		
30–100,000		4.3		
100,000 plus		1.9		

However, each such allocation shall be reduced by the amount of any licenses issued to the applicant under an interim allocation for the allocation period.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Clause (1) of paragraph (a) of section 12—Eligibility for and allocations of residual fuel oil to be used as fuel—District I—of Oil Import Regulation 1 (Rev. 5), as amended (32 F.R. 1175) is revoked.

5. Section 13 of Oil Import Regulation 1 (Rev. 5), as amended (34 F.R. 19976) is amended to read as follows:

Sec. 13 Finished products.

(a) For the allocation period January 1, 1971, through December 31, 1971, there is allocated to the Department of Defense 20,000 b/d of imports of finished products into Districts I–IV and 7,500 b/d of imports of finished products into District V. For the same allocation period, 15,000 b/d of finished products have been allocated pursuant to subparagraph (4) of paragraph (b) of section 3 of Proclamation 3279, as amended.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

6. A new paragraph (e), reading as follows, is added to section 21 of Oil Import Regulation 1 (Rev. 5) as amended 35 F.R. 163, 12759, 16976):

(e) For the allocation period January 1, 1971, through December 31, 1971, 45,000 b/d of imports into Districts I–IV of crude oil and unfinished oils (including Canadian imports as defined in section 1A of Proclamation 3279, as amended) and finished products and 4,000 b/d of imports into District V of crude oil, unfinished oils, and finished products are made available to the Oil Import Appeals Board.

7. Subparagraph (7) of paragraph (g) of section 22 of Oil Import Regulation 1 (Rev. 5) as amended (32 F.R. 11382) is amended to read as follows:

(7) residual fuel oil—(i) Topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybolt universal 100° F. and (ii) crude oil which is to be used as fuel without further processing other than by blending by mechanical means.

8. Paragraph (k) of section 22 of Oil Import Regulation 1 (Rev. 5) as amended (33 F.R. 8449) is amended to read as follows:

(k) "Refinery inputs" means feedstocks charged to "refinery capacity":

(1) And include only—

(i) Crude oil;

(ii) Unfinished oils imported pursuant to an allocation, and

(iii) Unfinished natural gas products

(2) but do not include inputs of crude oil or unfinished oils imported pursuant to paragraph (e), (f), or (h) of section 1A of Proclamation 3279, as amended, or, with respect to refinery inputs in District V, inputs of crude oil or unfinished

oils imported pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended.

9. Section 30 of Oil Import Regulation 1 (Rev. 5) (35 F.R. 12759) is amended to read as follows:

Sec. 30 Allocations of No. 2 Fuel Oil—District I.

(a) For the purposes of this section:

(1) The term "No. 2 fuel oil" means a finished product which has the following physical and chemical characteristics:

Closed cup flash point °F.--	Minimum 100.
Pour point °F.----------	Maximum 20.
Water and sediment, percent.	Maximum 0.10.
Carbon residue on 10 percent residuum percent.	Maximum 0.35.
Distillation temperature °F.	
90 percent point.	Maximum 675.
	Minimum 540.
Viscosity, Saybolt Universal Seconds at 100° F.	Maximum 40.0.
	Minimum 33.0.
Gravity A.P.I.----------	Minimum 30.0.

(2) The term "Western Hemisphere" means North America, Central America, South America, and the West Indies.

(3) The term "deep water terminal" means a permanent land installation which:

(i) Consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps and pipelines used for storage, transfer and handling of No. 2 fuel oil;

(ii) Is on waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water; and

(iii) Has a berth that will permit the delivery of No. 2 fuel oil into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

(4) The term "throughput agreement" means a written agreement which provides for the delivery to a deep water terminal by a person of No. 2 fuel oil which he owns at the time of delivery to the terminal and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits for a person who would not otherwise be eligible shall not be deemed to constitute a throughput agreement.

(b) For the period July 1, 1971, through December 31, 1971, 40,000 b/d of imports of No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere are available for allocation in District I to ellgible persons having qualified terminal inputs of No. 2 fuel oil in this district.

(c) (1) Except as provided in subparagraph (2) of this paragraph, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil and has under his management and operational control a deep water terminal which is located in District I and in which No. 2 fuel oil is handled, or

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deep water terminal operator in District I who does not have a crude oil import allocation in Districts I–IV.

(2) No person who has an allocation of imports into Districts I–IV of crude oil under sections 9, 10, or 25 of this regulation shall be eligible for an allocation under paragraph (e) of this section.

(d) A person seeking an allocation under paragraph (e) of this section must file an application with the Administrator on such form as he may prescribe no later than fifteen (15) days after the publication of this section in the FEDERAL REGISTER. The application shall disclose such information as the Administrator may deem necessary in such detail as he may require.

(e) (1) For the period January 1, 1971, through December 31, 1971, each eligible applicant under this section shall receive an allocation of imports into District I of No. 2 fuel oil which has been manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere computed according to the following formula:

$$\frac{\text{Applicant's qualified terminal inputs—average b/d for the period Oct. 1, 1969, through Sept. 30, 1970}}{\text{Average b/d of all qualified terminal inputs for the period Oct. 1, 1969, through Sept. 30, 1970}} \times 40{,}000 \text{ average b/d of No. 2 fuel oil}$$

However, each such allocation shall be reduced by the amount of any licenses issued to the applicant under an interim allocation for the allocation period.

(2) Under each allocation made pursuant to this paragraph (e) the Administrator shall issue a license which shall limit importations after midnight March 31, 1971, to 50 percent of that allocation. Upon a showing that such a limitation will prevent a person from importing in full tanker cargoes or for other good cause shown the Administrator may, upon written petition, adjust the percentum which such person may import after March 31, 1971, to such a degree as in the opinion of the Administrator is necessary to afford the petitioner a reasonable measure of relief.

(f) (1) An eligible applicant may count as qualified terminal inputs quantities of No. 2 fuel oil:

(i) delivered during the 12-month period ending September 30, 1970, into a deep water terminal in District I which was under his management and operational control or into a deep water terminal with which the eligible applicant had a throughput agreement before the oil was delivered, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep water terminal in District I; or

(ii) which the applicant owned, sold to a Federal agency or to any agency of a State or a political subdivision of a State, and delivered during the 12-month period ending September 30, 1970, to a deep water terminal in District I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deep water terminal in District I; or

(iii) which was delivered to applicant's deep water terminal in District I as a first delivery into a deep water terminal in District I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title during the 12-month period ending September 30, 1970, upon withdrawal by him from the terminal.

(2) For the purpose of this paragraph (f), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deep water terminal under the management and operational control of a person who has an allocation of imports of crude oil into Districts I–IV shall not be deemed to be a first delivery to a deep water terminal in District I.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of No. 2 fuel oil which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere. No. 2 fuel oil imported under an allocation made pursuant to this section shall be sold for use as fuel in District I.

[F.R. Doc. 70-17659; Filed, Dec. 31, 1970; 1:18 p.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Bully Creek, Agency Valley, and Warm Springs Dams and Reservoirs, Malheur River Basin, Malheur and Harney Counties, Oreg.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709) the following § 208.93 is hereby prescribed to govern the use and operation of Bully Creek, Agency Valley, and Warm Springs Dams and Reservoirs in the Malheur River Basin, Oregon, for flood control purposes.

§ 208.93 Bully Creek, Agency Valley, and Warm Springs Dams and Reservoirs, Malheur River Basin, Oregon.

The Bureau of Reclamation, acting through the Vale, Oregon Irrigation District, shall operate Bully Creek, Agency Valley, and Warm Springs Dams and Reservoirs in the interest of flood control, as follows:

(a) Storage space up to 30,000 acre-feet between elevations 2456.6 feet and 2516.0 feet in Bully Creek Reservoir, up to 60,000 acre-feet between elevations 3263.2 feet and 3340.0 feet in Agency Valley Reservoir, and up to 95,500 acre-feet between elevations 3381.5 feet and 3406.0 feet in Warm Springs Reservoir will be kept available for flood purposes on a seasonal basis in accordance with the Flood Control Regulations Schedule currently in force.

(b) Releases from Bully Creek, Agency Valley, and Warm Springs Reservoirs shall be regulated primarily to control flows in the Malheur River downstream from Vale, Oregon, to not exceed its bankfull capacity presently estimated as 8,000 cubic feet per second, insofar as such control can be accomplished using the effective storage capacity of the three reservoirs.

(c) The Flood Control Regulations of this Section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modification may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of the same day to the office of the Regional Director of the Bureau of Reclamation in charge of the locality.

(d) The Flood Control Regulation Schedule currently in force for Bully Creek, Agency Valley, and Warm Springs Reservoirs as of the promulgation of this section is dated November 9, 1970, file No. MH–V–20–1/1, and is on file in the Office, Chief of Engineers, Department of the Army, Washington, D.C., and in the office of the Commissioner, Bureau of Reclamation, Washington, D.C. Revisions of the Flood Control Regulation Schedule for the above-named reservoirs may be developed as necessary by the Corps of Engineers and the Bureau of Reclamation. Each revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation, and from that date until replaced shall be considered as currently in force for purposes of this Section. Copies of the Flood Control Regulation Schedule currently in force shall be kept on file in, and may be obtained from, the office of the District Engineer, Corps of Engineers and the Regional Director, Bureau of Reclamation, in charge of the locality.

(e) Nothing in the regulations in this section shall be construed to require dangerously rapid changes in magnitude of water releases, or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dams and the reservoirs from major damage or inconsistent with safe routing of the inflow design flood.

(f) The Bureau of Reclamation shall procure current basic hydrological data, make determinations of required flood control space reservations from the Flood Control Regulation Schedule currently in force, and make calculations of permissible releases from the reservoirs as are required to accomplish the flood control objectives prescribed in this Section.

(g) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, currently advised of hydrological data and operating criteria which affect the schedule of operation. Details of the hydrologic reporting network and operating criteria are described in "Report on Reservoir Regulations for Flood Control, Malheur River Reservoirs."

[Regs., Dec. 2, 1970, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

LEONARD S. LEE,
Colonel, AGC,
Comptroller, TAGO.

[F.R. Doc. 71-66; Filed, Jan. 4, 1971; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Fire Island National Seashore; Vehicular Use

At page 1168 of the FEDERAL REGISTER of January 29, 1970, a notice and text of a proposed amendment to § 7.20, Chapter I, Title 36 CFR was published. The effect of this amendment requires that applicants first obtain village beach buggy permits under certain conditions before seashore permits are issued. The standard hourly restrictions are generally applied to travel by public beach taxis on seashore lands throughout the area, and the use of personal beach vehicles to reach beach houses is ruled out in the summer months when water transportation is available. One subparagraph of the present regulation is entirely eliminated.

Interested persons were given 30 days in which they could submit written comments, suggestions, or objections to the proposed amendment. An overwhelming number of the comments received were from persons and organizations which supported part of the proposed amendments. A substantial portion of those in objection misread the purpose of amendment and so addressed their remarks to parts of the existing regulations which were unaffected by this proposal. To the extent that the comments and suggestions were appropriate and consistent with the purposes of the seashore as defined in the act authorizing its establishment, they are reflected in the regulations which are set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.20 of Chapter I, Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles.* • • •

(2) *Permits.* • • •

(vii) No permit will be issued by the Superintendent for any motor vehicle until the applicant has first secured from the towns of Brookhaven and/or Islip (and if required from the village of Ocean Beach or Saltaire also) an appropriate permit covering the same activity, vehicular use, and area of use for which a seashore permit is requested.

(3) *Authorized and prohibited travel.* • • •

(vi) Travel on seashore lands by motor vehicles for hire is permitted between Robert Moses State Park and the westerly boundary of Cherry Grove subject to the times of travel provided for in subdivision (i) of this subparagraph. Travel on seashore lands by such vehicles between the westerly boundary of Cherry Grove and the easterly boundary of Ocean Ridge is permitted from May 15 through November 10, inclusive; daily at any hour, but not 9 a.m. to 6 p.m. Saturdays and Sundays, except that, such vehicles may be used by householders between Davis Park and Barrett Beach while traveling to their homes daily at any hour. Use by such vehicles between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park shall be limited to providing service to persons residing therein in the exercise of their prior existing rights of ingress and egress.

(vii) Travel on seashore lands by all other vehicles is prohibited from May 15 through September 14 inclusive except under prior existing rights of ingress and egress. However, during the period of September 15 through May 14 such vehicles may, for recreational purposes, travel over seashore lands at any time on the beach along the Atlantic Ocean between Smith Point County Park and Long Cove. No such vehicle may travel farther inland from the ocean than the base of the dunes.

(viii) [Deleted]

• • • • •

THOMAS NORRIS, JR.,
Assistant Superintendent,
Fire Island National Seashore.

[F.R. Doc. 71-27; Filed, Jan. 4, 1971; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 3 is amended as follows:

PART 3–1—GENERAL

1. In § 3–1.107–2, paragraph (b) is revised to read as follows:

§ 3–1.107–2 Numbering.

* * * * *

(b) Material issued by operating agencies and staff offices of HEW to implement and supplement the HEWPR will be identified by prefixes to the digit 3 part, subpart, section, and subsection. The following are the assigned prefixes:

Organization	*Prefix*
HEW	(None)
Office of the Secretary	OS
Office of Field Coordination	OFC
Facilities Engineering and Construction Agency	FEC
Individual Regional Office	(Roman No.)
Environmental Health Service	EHS
Food and Drug Administration	FDA
Office of Education	OE
Health Services and Mental Health Administration	HSM
National Institutes of Health	NIH
Social and Rehabilitation Service	SSA
Social Security Administration	SRS

2. Section 3–1.108–2 is revised to read as follows:

§ 3–1.108–2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from either the FPR or HEWPR shall be kept to a minimum and controlled as follows:

(a) When a change is considered necessary to a prescribed contract clause, request for approval shall be submitted in the manner set forth in § 3–16.5003 of this chapter.

(b) With the exception of paragraph (a) of this section, the head of each operating agency and staff office or the official he has designated to act for him in authorizing a deviation from procurement regulations shall authorize a deviation from the FPR or HEWPR only after he obtains the Assistant Secretary for Administration's approval. Deviation requests are to be submitted to the Assistant Secretary through the Director, Division of Procurement and Materiel Management, OASA–OGS.

(c) When an agency or staff office determines that a deviation is needed, it shall normally request the deviation in writing as far as possible in advance of need. In an exigency, an agency or staff office may request a deviation verbally, to be confirmed in writing as soon as circumstances permit.

(d) A deviation request shall set forth clearly and precisely:

(1) Nature of the needed deviation;

(2) Identification of the FPR or HEWPR from which the deviation is needed;

(3) Circumstances under which the deviation would be used;

(4) Intended effect of the deviation;

(5) Time-frame; and

(6) Reasons which will contribute to complete understanding and support of the requested deviation. Copies of pertinent background papers such as forms, or contractor's request, should accompany the deviation request.

(e) Where deviations from the FPR in classes of cases are considered necessary, requests for authority to deviate shall be submitted through administrative channels to the Director, Division of Procurement and Materiel Management, OASA–OGS, who will consider the submission jointly with the General Services Administration (GSA). Where compelling circumstances preclude the obtaining of prior concurrence of GSA, the Director of General Services, OS, may authorize a deviation and shall inform GSA of the deviation including the circumstances under which it was required.

3. Section 3–1.401 is added to read as follows:

§ 3–1.401 Responsibility of the head of the procuring activity.

The head of the procuring activity (see § 3–75.101 of this chapter) is responsible for the conduct of an effective and efficient procurement program. Adequate controls shall be established to assure compliance with applicable laws, regulations, procedures, and the dictates of good management practices. Periodic reviews shall be conducted and evaluated by qualified personnel, preferably assigned to positions other than in the procurement activity being reviewed, to determine the extent of adherence to prescribed policies and regulations, and to detect a need for guidance and/or training. The Procurement and Materiel Checklist, Form HEW–552, available through normal distribution channels, shall be used to assist in conducting such reviews.

(5 U.S.C. 301; 40 U.S.C. 486(c))

PART 3–7—CONTRACT CLAUSES

4. Section 3–7.5005 is revised to read as follows:

§ 3–7.5005 HEW Contract Financial Report.

(a) When financial information on Form HEW 515–4/69, Contract Financial Report, is required by paragraph 3–60–40G, DHEW Accounting Manual, insert the clause set forth below. Use appropriate word to specify monthly or quarterly reporting.

HEW CONTRACT FINANCIAL REPORT

Financial reports on Form HEW 515–4/69 shall be submitted by the contractor in accordance with the instructions on the reverse of the form, and in an original and two copies not later than the 15th of the following (month, quarter). The line entries for subdivisions of work and elements of cost (types of expense) to be reported within the total contract shall be determined by the Contracting Officer after giving consideration to the recommendations of the Contractor. Subsequent changes and/or additions in the line entries shall be similarly determined. The contracting officer shall notify the contractor of each change and addition and the reporting period to which each shall apply. Financial reporting shall commence with a report for the first calendar (month, quarter) following the date of this contract.

(b) Form HEW 515–4/69 and Form HEW 515A, Procedures for Reporting Financial Information by Contractors, may be requisitioned through normal distribution channels.

(5 U.S.C. 301, 40 U.S.C. 486(c))

PART 3–16—PROCUREMENT FORMS

5. Part 3–16 is added to read as follows:

Subpart 3–16.2—Forms for Negotiated Supply Contracts

Sec.
3–16.202 Contract forms.
3–16.202–1 General.

Subpart 3–16.50—Forms for Negotiated Procurements

3–16.5000 Scope of subpart.
3–16.5001 Standardized request for proposal (RFP) format and checklist for solicitation documents. [Reserved]
3–16.5002 Contract forms.
3–16.5002–1 Negotiated Contract (Form HEW–554).
3–16.5002–2 Contents of Contract (Form HEW–555).
3–16.5002–3 Special Provisions (Form HEW–556).
3–16.5002–4 General Provisions.
3–16.5002–5 Standard Form 30, Amendment of Solicitation/Modification of Contract.
3–16.5003 Additions, modifications, and substitutions to General Provisions.
3–16.5004 Availability of forms.

AUTHORITY: The provisions of this Part 3–16 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–16.2—Forms for Negotiated Supply Contracts

§ 3–16.202 Contract forms.

§ 3–16.202–1 General.

Forms prescribed for negotiated procurements by this Department are set forth in Subpart 3–16.50.

Subpart 3–16.50—Forms for Negotiated Procurements

§ 3–16.5000 Scope of subpart.

(a) This subpart prescribes forms to be used in procuring:

(1) Supplies, equipment, and services by negotiation when authorized under Subpart 1–3.2 of this title;

(2) For experimental, developmental or research work and related services and property; and

(3) For the conduct of studies or surveys.

(b) Excluded from the scope of this subpart are:

(1) Purchases that do not exceed $2,500—small purchases (see Subparts 1–3.6 of this title and 3–3.6 of this chapter);

(2) Contracts for the construction, alteration, or repair of buildings, bridges, roads, or other real property (see Subpart 1–16.4 of this title) or the leasing of real property (see Subpart 1–16.6 of this title); and

(3) Negotiated fixed-price supply contracts for which Standard Form 26, Award/Contract, or Standard Form 33, Solicitation, Offer, and Award, are used pursuant to § 1–16.202–1 of this title.

§ 3–16.5001 Standardized request for proposal (RFP) format and checklist for solicitation documents. [Reserved]

§ 3–16.5002 Contract forms.

§ 3–16.5002–1 Negotiated Contract (Form HEW–554).

Negotiated Contract, Form HEW–554, is the cover page of the contract and must be executed to reflect mutual agreement by the contracting parties.

§ 3–16.5002–2 Contents of Contract (Form HEW–555).

Contents of Contract, Form HEW–555, shall be used to list the contents of the contract including applicable "Special Provisions" by article number and name, and "General Provisions" (Forms HEW–313, 314, 315, 316, or others) which are appropriate to the type of contract consumated.

§ 3–16.5002–3 Special Provisions (Form HEW–556).

Each contract shall include a section headed "Special Provisions" (Form HEW–556 is optional for this purpose) to describe the scope of work, schedulings, special terms, conditions, and additions, modification, and substitutions, to General Provisions, if any, as authorized by § 3–16.5003.

§ 3–16.5002–4 General Provisions.

The appropriate General Provisions set forth in this § 3–16.5002–4 shall be incorporated by the contracting officer in all contracts to which this Subpart 3–16.50 applies.

(a) Form HEW–313 (Rev. 8/64), General Provisions (Negotiated Fixed-Price Contract With Non-Profit Organizations).

(b) Form HEW–314 (Rev. 8/64), General Provisions (Negotiated Fixed-Price Contract With Profit Making Organization).

(c) Form HEW–315 (Rev. 8/64), General Provisions (Negotiated Cost-Reimbursement Contract).

(d) Form HEW–316 (Rev. 8/64), General Provisions (Negotiated Cost-Plus-A-Fixed-Fee Contract).

§ 3–16.5002–5 Standard Form 30, Amendment of Solicitation/Modification of Contract.

Modifications of existing contracts shall be accomplished by the use of change orders and/or supplemental agreements. Standard Form 30, Amendment of Solicitation/Modification of Contract, may be used for these purposes (see § 1–16.901–30 of this title for illustration of form).

§ 3–16.5003 Additions, modifications, and substitutions to General Provisions.

(a) Contracting officers shall include additional clauses or substitute alternate clauses for those included in the four General Provisions (Forms HEW–313–316) in accordance with applicable instructions in this § 3–16.5003 and the FPR. No other changes shall be made in the General Provisions without the prior approval of the Office of General Counsel, OS (BAL). Written requests shall be submitted through procurement channels directly to the Office of General Counsel (OGC–BAL), with a copy to the Director, Division of Procurement and Materiel Management (DPMM–OGS), OASA–OGS. The approval shall be transmitted by OGC–BAL through procurement channels to the contracting officer with a copy to DPMM–OGS. In the event expeditious action is required, contracting officers are authorized to request oral or written approval directly from OGC–BAL. If oral approval is received from OGC–BAL, contracting officers must, however, submit a confirming letter of approval to DPMM–OGS–OASA.

(1) The "Small Business Subcontracting Program" clause set forth in § 1–1.710–3(b) of this title shall be included in all contracts under the circumstances set forth in that section.

(2) The "Labor Surplus Area Subcontracting Program" clause set forth in § 1–1.805–3(b) of this title shall be included in all contracts under circumstances set forth in that section.

(3) The following "Patent Indemnity" clause shall be used in contracts exceeding $5,000 which call for the delivery of supplies (or supplies with relatively minor modifications made thereto) which normally are or have been sold to the public in the commercial open market:

PATENT INDEMNITY

The Contractor agrees to indemnify the Government and its officers, agents, and employees against liability, including costs, for infringements of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the performance of this contract, or out of the use of or disposal by or for the account of the Government, of supplies furnished hereunder. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply if: (i) The infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used; or (ii) the infringement results from addition to, or change in, such supplies or components furnished which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) the claimed infringement is settled without the consent of the Contractor, unless required by final decree or a court of competent jurisdiction.

(For the purpose of excluding from patent indemnification such items as normally are not or have not been sold or offered for sale by any supplier to the public in the commercial open market, the following sentence may be added to the end of the clause:

"The foregoing shall not apply to the following items: (list the items to be excluded).")

(4) Where the primary objective of the contract is the delivery of end items other than designs, drawings, or reports, the following "Inspection" clause shall be used in lieu of the "Inspection" clause in HEW Forms 313 and 314, unless the contracting officer determines that the use of such clause is impracticable:

INSPECTION

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requiremnts of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

(5) Where the primary objective of the contract is the delivery of end items other than designs, drawings, or reports, the following "Inspection and Correction of Defects" clause shall be used in

lieu of the "Inspection" clause in HEW Form 316 unless the contracting officer determines that the use of such clause is impracticable:

INSPECTION AND CORRECTION OF DEFECTS

(a) All work under this contract shall be subject to inspection and test by the Government (to the extent practicable) at all times (including the period of performance) and places, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final inspection and acceptance shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than ninety (90) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other time as may be provided in the contract) after acceptance of all of the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence, except as provided in (d) below. Except as otherwise provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," but no additional fee shall be payable with respect thereto. Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under the contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances; or (ii) in the case of articles not delivered, may require the delivery of such articles, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances; or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract, if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of paragraph (b) above shall apply to any corrected or replacement end item or component until 6 months after its acceptance.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the contract, the Contractor shall have no obligation or liability to correct or replace articles which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the contract, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

(6) Where the primary objective of the contract is the delivery of end items other than designs, drawings, or reports, the "Inspection and Correction of Defects" clause set forth in subparagraph (5) of this paragraph shall be used in lieu of the "Inspection" clause in HEW Form 315, unless the contracting officer determines that the use of such clause is impracticable, except that the following paragraph (b) shall be used in lieu of paragraph (b) of the clause set forth in subparagraph (5) of this paragraph:

(b) At any time during performance of this contract but not later than six (6) months (or such other period as may be provided in the contract) after acceptance of all of the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence except as provided in (d) below. Except as provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be as provided in the clause of this contract entitled "Allowable Cost and Payment." Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby; or (ii) in the case of articles not delivered, may require the delivery of such articles; or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(7) Paragraph (h) of the "Rights in Data" clause may be included whenever the project officer or appropriate program official determines that information resulting from contract performance should not be published or disseminated without prior approval of the project officer. If paragraph (h) is included, the contracting officer shall, prior to execution of the contract, apprise the responsible academic official of the limitations on the institution's right to publish or disseminate information resulting from work performed under the contract.

(8) [Reserved]

(9) The "Federal, State and Local Taxes" clause in Forms HEW-313 and -314 shall be used under the circumstances set forth in § 1-11.401-1 of this title. The clause set forth in § 1-11.401-2 of this title shall be used under the circumstances set forth in that section in lieu of the clause in Forms HEW-313 and -314. The Supplementary clause set forth in § 1-11.401-3(a) of this title shall be added when the contract will be performed in whole or in part in a possession of the United States or in Puerto Rico.

(10) Contracts providing for advance payments shall include the clause set forth in § 1-30.414-2 of this title, except that variations in the clause may be made where necessary in the circumstances described in § 1-30.414 of this title.

(11) Contracts providing for progress payments based on a percentage of the total costs shall include the clause set forth in § 1-30.510-1(a) of this title, except that the clause set forth in § 1-30.510-1(b) of this title may be used if the estimated cost of the procurement will not exceed $100,000. Contracts providing for progress payments based on a percentage of direct labor and materials cost shall include the clause set forth in § 1-30.510-2(a) of this title except that the clause set forth in § 1-30.510-2(b) of this title may be used if the estimated cost of the procurement will not exceed $100,000.

(12) Where certificate of cost or pricing data is required in accordance with § 1-3.807-3(b) of this title the applicable "Price Reduction for Defective Cost or Pricing Data" clause set forth in § 1-3.814-1 of this title shall be included in the contract, and the appropriate clauses set forth in §§ 1-3.814-2 and 1-3.814-3 of this title shall be used if required by those sections.

(13) [Reserved]

(14) [Reserved]

(15) The Equal Opportunity Clause contained in Form HEW-386 shall be substituted for Clause 6, Equal Opportunity, Forms HEW-313, -314, -315, and -316.

(16) Use of GSA Supply Sources by Contractors Performing Cost Reimbursement Type Contracts. Subpart 3-5.9 of this chapter presents the contract clause to be used when it is contemplated that the Contractor will be authorized to use GSA supply sources.

(17) Pursuant to §§ 1-3.704-3 and 1-3.705(g) of this title, the following paragraph shall be added to the prescribed clause entitled "Negotiated Overhead Rates" (Forms HEW-315, -316, § 1-3.704 of this title) when the contractor is an educational institution or a nonprofit organization:

(g) Submission of proposed provisional and/or final overhead rates together with supporting data to the Secretary, and agreements on provisional and/or final overhead rates entered into with the Department as evidenced by a Negotiated Overhead Rate Agreement signed by both parties, shall be deemed to fulfill the requirements of paragraphs (b), (d), and (e) above.

(18) Use, as appropriate, the special Contract Clauses contained in Subpart 3-7.50 of this chapter.

§ 3-16.5004 Availability of forms.

The forms prescribed by this subpart are available through normal requisitioning channels.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1970.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 71-44; Filed, Jan. 4, 1971; 8:47 a.m.]

Chapter 114—Department of the Interior

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

U.S. Government National Credit Card

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-69) and section 205(c), 63 Stat. 390; 40 U.S.C. 486 (c), a new Part 114-26 (as set forth below) is added to Chapter 114, Title 41 of the Code of Federal Regulations.

This new part contains the Department of the Interior Regulations (41 CFR Chapter 114, cited as IPMR) which supplement the Federal Property Management Regulations (41 CFR Chapter 101, cited as FPMR) on the use of Standard Form 149, U.S. Government National Credit Card. References to the Bureau of Commercial Fisheries and the Federal Water Quality Administration have been deleted. These regulations are presently published in 41 CFR Subpart 114-38.8 which is hereby superseded.

This part shall become effective on the date of its publication in the FEDERAL REGISTER.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

DECEMBER 29, 1970.

Subpart 114-26.406—U.S. Government National Credit Card for Use in Obtaining Service Station Deliveries and Services

Sec.

114-26.406-1 General.
114-26.406-2 Billing code.
114-26.406-4 Administrative control of credit cards.
114-26.406-6 Notice to GSA of assignment of billing codes and billing addresses.

AUTHORITY: The provisions of this Part 114-26 issued under 5 U.S.C. 301 (Supp. V, 1965-69) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114-26.406—U.S. Government National Credit Card for Use in Obtaining Service Station Deliveries and Services

§ 114-26.406-1 General.

Each motor vehicle which will require fueling and servicing at commercial service stations shall be provided with either a Standard Form 149, U.S. Government National Credit Card, or commercial credit cards from as many Federal Supply Schedule contractors as needed to satisfy requirements. The head of each Bureau and Office shall specify the type of credit card to be used in his bureau.

§ 114-26.406-2 Billing code.

(a) The first three digits of the 10-digit billing code embossed on national credit cards in use in the Department of the Interior will always be 000.

(b) The fourth digit may be used by Bureaus and Offices to designate the vehicle class or provide additional billing code numerals. If not used for either of these purposes, zero will be used.

(c) The fifth and sixth digits will be "14", the agency code assigned to the Department of the Interior.

(d) The seventh, eighth, and ninth digits, which indicate the agency billing code number, should be assigned to field offices as determined by each Bureau and Office. Blocks of billing code numbers are assigned to Bureaus and Offices of the Department as follows:

Southwestern Power Administration—000 through 009 inclusive.
Bonneville Power Administration — 010 through 019 inclusive.
Geological Survey—020 through 029 inclusive.
Southeastern Power Administration — 030 through 039 inclusive.
Office of Territories—040 through 059 inclusive.
Bureau of Mines—060 through 099 inclusive.
Reserved—100 through 149 inclusive.
Bureau of Sport Fisheries and Wildlife—150 through 199 inclusive.
Bureau of Reclamation—200 through 499 inclusive.
Bureau of Indian Affairs—500 through 549 inclusive.
National Park Service—550 through 569 inclusive.
Bureau of Land Management—570 through 599 inclusive.
Office of the Secretary—600 through 624 inclusive.
Reserved—625 through 699 inclusive.
Alaska Power Administration—700 through 704 inclusive.
Bureau of Indian Affairs—705 through 784 inclusive.
Reserved—785 through 799 inclusive.
Bureau of Land Management—800 through 864 inclusive.
Reserved—865 through 964 inclusive.
National Park Service—965 through 999 inclusive.

§ 114-26.406-4 Administrative control of credit cards.

(a) In the event a Standard Form 149 is lost or stolen, reasonable precautions should be taken to minimize the opportunity of purchases being made by unauthorized persons. The following actions should be taken as a minimum:

(1) The paying office should be notified of the loss or theft and to be on the alert for any unauthorized bills, and

(2) Appropriate service station outlets in the area should be notified of the loss or theft to guard against purchases by unauthorized persons.

(b) The same precautions as indicated above should be taken in the event of loss or theft of a credit card issued by a Federal Supply Schedule contractor.

§ 114-26.406-6 Notice to GSA of assignment of billing codes and billing addresses.

(a) Bureaus and Offices using Standard Form 149 shall notify GSA of billing codes assigned and billing addresses as required by FPMR 101-26.406-6(a).

(b) Changes in billing codes and billing addresses should be forwarded to GSA at the address shown in FPMR 101-26.406-6(a).

[F.R. Doc. 71-81; Filed, Jan. 4, 1971; 8:49 a.m.]

PART 114-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Noncollusive Bids and Proposals

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-69) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), § 114-45.317 (a) and (b) of Part 114-45 are revised as set forth below to correct references contained therein. These revised paragraphs shall become effective on the date of their publication in the FEDERAL REGISTER.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

DECEMBER 29, 1970.

Subpart 114-45.3—Sale of Personal Property

§ 114-45.317 Noncollusive bids and proposals.

(a) Certificate of independent price determination: A certificate of indepen-

dent price determination shall be required with each bid or offer for the purchase of personal property, except where the price is fixed in advance of sale pursuant to law or regulation.

(1) The certificate of independent price determination clause contained in Condition No. 20 of the General Sale Terms and Conditions, Standard Form 114C, shall be included in all invitations for bids and requests for quotations on Government sales of personal property and shall be submitted with sealed bids and written quotations submitted in response thereto.

(2) Auction and spot bid sales: Bureaus and Offices conducting sales of Government property by the auction or spot bid methods shall include an appropriate provision in the sales notice which will put the successful bidder on notice that he will be required, as a condition of award, to sign a certificate to the effect that "the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror."

(3) The requirement for a certificate of independent price determination applies to sales of surplus personal property and to program sales made pursuant to special statutes as referred to in IPMR 114-45.316-2(a).

(b) The authority to make the termination referred to in FPMR 101-45.317 (b) is vested in the heads of bureaus and offices and may not be redelegated.

• • • • •

[F.R. Doc. 71-80; Filed, Jan. 4, 1971; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4976]

[ES 6156]

ALABAMA

Opening of Land Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), it is ordered as follows:

In DA-14-Alabama the Federal Power Commission determined that the power value of the following described land, withdrawn in part in Project No. 2165, will not be injured or destroyed by its restoration under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

HUNTSVILLE MERIDIAN

T. 12 S., R. 6 W.,
Sec. 13, SE¼NE¼.

The area described aggregates 40 acres in Winston County.

At 10 a.m. on January 29, 1971, the above described land shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and to the requirements of applicable law, and subject to the provisions of section 24 of the Federal Power Act, supra, and to the right of the licensee for Project No. 2165, its successors and assigns, to occupy and use the project lands for project purposes.

Inquiries concerning the land should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-65; Filed, Jan. 4, 1971; 8:48 a.m.]

[Public Land Order 4978]

[Oregon 6586 (Wash.)]

WASHINGTON

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. The order of the Bureau of Reclamation of June 13, 1947, concurred in by the Bureau of Land Management on June 18, 1947, withdrawing lands for the Columbia Basin Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 10 N., R. 31 E.,
Sec. 26, NW¼.
T. 10 N., R. 32 E.,
Sec. 4, lots 1 to 4, inclusive, S½NW¼, SW¼, SW¼NE¼, SE¼SE¼.

The areas described aggregate approximately 632.98 acres in Franklin County.

The lands are located 14 miles northeast of Pasco, Wash., and approximately 4 miles northwest of the Snake River. Vegetative cover is sagebrush, native grasses, and forbs.

2. At 10 a.m. on January 29, 1971, the lands shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 29, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Mangement, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-18; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4979]

[Sacramento 3526]

CALIFORNIA

Addition to the Abbey Bridge Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Abbey Bridge Recreation Area

T. 24 N., R. 13 E.,
Sec. 1, lots 1 and 2;
Sec. 2, lots 2, 3, and 4;
Sec. 3, lots 1, 2, 3, and 4;
Sec. 8, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 9, SW¼NW¼, SW¼, S½NW¼SE¼, and S½SE¼;
Sec. 10, SW¼SW¼ and S½SE¼SW¼;
Sec. 14, S½NE¼, NW¼NW¼, and SE¼NW¼;
Sec. 15, N½NE¼ and N½NW¼.
T. 24 N., R. 14 E.,
Sec. 5, SW¼NW¼, E½SW¼, NW¼SW¼, and W½SE¼;
Sec. 6, lots 1 and 2, and SE¼NE¼;
Sec. 7, lot 2.
T. 25 N., R. 13 E.,
Sec. 32, SE¼NE¼;
Sec. 33, S½NE¼ and NW¼;
Sec. 34, SW¼NE¼, S½NW¼, and SE¼;
Sec. 35, S½SW¼ and SE¼.
T. 25 N., R. 14 E.,
Sec. 31, lot 4, E½SW¼, and W½SE¼.

The areas described aggregate approximately 2,654 acres in Plumas County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-19; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4980]

[Wyoming 23414]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. § 300 (1964), it is ordered as follows:

1. The departmental order of August 3, 1921, creating Stock Driveway Withdrawal No. 146 (Wyoming No. 20), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 110 W.,
Sec. 5, E½SW¼.

The area described contains approximately 80 acres in Sublette County.

The lands lie approximately 6 miles north of Cora, Wyoming. The tract is rolling sagebrush land, of which a small portion slopes into the New Fork River Valley.

2. At 10 a.m. on January 29, 1971, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 29, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Assistant Manager, Branch of Lands, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-20; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4981]

[Wyoming 22747]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. § 416 (1964), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the Glendo Dam and Reservoir of the Missouri River Basin Project:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 68 W.,
Sec. 24, NE¼.

The area described contains 160 acres in Platte County.

All of the mineral rights in the described lands belong to the State of Wyoming.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-21; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4982]

[Sacramento 080090]

CALIFORNIA

Withdrawal for Protection of the Applegate Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Applegate Reservoir project:

ROGUE RIVER NATIONAL FOREST
MOUNT DIABLO MERIDIAN

T. 48 N., R. 11 W.,
Sec. 17, lots 3, 4, SE¼SW¼;
Sec. 18, lot 1.

The areas described aggregate approximately 139.19 acres in Siskiyou County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the national forest lands for purposes other than construction of the Applegate Reservoir project. The terms and conditions for utilization of the national forest lands for the construction and maintenance of the project facilities by the Corps of Engineers will be governed by the memorandum of agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended and supplemented.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-22; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4983]

[Arizona 035187]

ARIZONA

Withdrawal of Lands for the Fort Bowie National Historic Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, and reserved for use in connection with the dedication and preservation of the Fort Bowie National Historic Site, authorized by the Act of August 30, 1964, 78 Stat. 681, 16 U.S.C. § 461 (1964):

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 28 E.,
Sec. 1, SW¼NE¼SW¼, SE¼SW¼, SE¼NE¼SW¼;
Sec. 2, S½N½SE¼, S½SE¼;
Sec. 3, S½SW¼SE¼, SW¼SE¼SE¼, S½SE¼SW¼;
Sec. 10, N½NE¼NW¼, N½N½NE¼;
Sec. 11, N½NW¼NW¼, SE¼NW¼NW¼, NE¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼, N½NE¼, N½SE¼NE¼, SE¼SE¼NE¼, N½SW¼NE¼, N½S½SW¼NE¼;
Sec. 12, N½NW¼, N½SW¼, S½N½NE¼, S½N½, N½SE¼.

The areas described aggregate approximately 970 acres in Cochise County.

2. Of the 970 acres described above 700 acres are public lands, and 270 acres, described as the SE¼NE¼SW¼, sec. 1, S½SE¼SW¼, sec. 2, and the S½N½, N½SE¼, sec. 12, were privately owned lands, which have been acquired by the United States for use as part of the historic site. The withdrawal of these lands from appropriation under the public land laws, and the mining laws, and from leasing under the mineral leasing laws, as provided for in paragraph 1, is subject to a reservation of an undivided one-fourth interest of oil, gas, and other minerals in the acquired lands described as the S½N½ sec. 12, vested in A. L. Stransberry and Mary M. Stransberry, as recorded in Docket 184, at page 620, County Records, Cochise County, Ariz.

3. All of the lands described in this order will be administered by the National Park Service pursuant to provisions of the Act of August 25, 1916, 39 Stat. 666, 16 U.S.C. §§ 1-4 (1964), as amended by the Historic Sites Act of August 21, 1935, 16 U.S.C. §§ 461-467 (1964), except that grazing thereon will be administered by the Bureau of Land Management in cooperation with the National Park Service, so long as it is compatible with uses to which the lands are to be dedicated.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-23; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4984]

[Riverside 2572]

CALIFORNIA

Withdrawal From Mineral Entry

By virtue of the authority vested in the President and pursuant to Execu-

tive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals reserved to the United States in the following described patented lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of the lands and preservation of their surface resources, including the Tecate Cypress:

SAN BERNARDINO MERIDIAN

T. 18 S., R. 2 E.,
Sec. 24, SW¼SE¼;
Sec. 25, lots 3 to 9, inclusive, and lots 11, 12, 13;
Sec. 26, E½NE¼.
T. 18 S., R. 3 E.,
Sec. 29, lot 7;
Sec. 30, lot 2.

The areas described aggregate 585.21 acres in San Diego County.

The lands were patented pursuant to the Act of December 29, 1916, 39 Stat. 862, as amended, 43 U.S.C. section 291 (1964), with a reservation of all the minerals to the United States, under the jurisdiction of the Secretary of the Interior. They are part of a 2,261-acre tract bequeathed to the State of California and placed under the control of the Department of Natural Resources and are to remain in State ownership in perpetuity.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-24; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4985]
[Montana 13651]

MONTANA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

KOOTENAI NATIONAL FOREST

PRINCIPAL MERIDIAN

Whitetail Campground Expansion

T. 35 N., R. 32 W., unsurveyed, but probably will be when surveyed:
Sec. 6, that part of HES 847 in sec. 6.
T. 36 N., R. 32 W., unsurveyed, but probably will be when surveyed:
Sec. 31, that part of HES 847 in sec. 31.
T. 35 N., R. 33 W., unsurveyed, but probably will be when surveyed:
Sec. 1, that part of HES 847 in sec. 1; that part of S½SW¼NE¼ outside the boundaries of HES 847; that part of W½SE¼NE¼ outside the boundaries of HES 847.
T. 36 N., R. 33 W., unsurveyed, but probably will be when surveyed:
Sec. 36, that part of HES 847 in sec. 36.

The areas described aggregate 86.41 acres in Lincoln County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-25; Filed, Jan. 4, 1971; 8:46 a.m.]

[Public Land Order 4986]
[Nevada 2114]

NEVADA

Withdrawal for Department of the Air Force

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from filing of applications and offers under the mineral leasing laws, and reserved for use of the Department of the Air Force as an addition to the Indian Springs Auxiliary Air Field:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 54 E.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, NE¼.
T. 16 S., R. 55 E.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, N½;
Sec. 5, N½;
Sec. 6, N½.
T. 16 S., R. 55½ E.,
Sec. 1, N½;
Sec. 2, N½.

The areas described aggregate 3,631.19 acres in Clark and Nye Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws. However, leases, licenses, or permits will be issued only if the Department of the Air Force finds that the proposed use of the lands will not interfere with the proper operation of the facilities on the lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-26; Filed, Jan. 4, 1971; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (c) of § 177.4, *Special allowances*, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to include two previously published subparagraphs establishing special allowance rates which were not reflected in the revised regulations for the Guaranteed Student Loan Program, published October 31, 1970. These subparagraphs, published July 1, 1970, and October 1, 1970, now appear as § 177.4(c)(3)(iv) and (v), respectively.

Paragraph (c) of § 177.4 is further amended to provide for the payment of a special allowance for the period of October 1, 1970, through December 31, 1970, inclusive. This amendment is accomplished through a new subdivision, § 177.4(c)(3)(vi).

§ 177.4 Special allowances.

* * *

(c) * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(iv) For the period April 1, 1970, through June 30, 1970, inclusive, in an amount equal to the rate of 2¼ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(v) For the period July 1, 1970, through September 30, 1970, inclusive, in an amount equal to the rate of 2 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(vi) For the period October 1, 1970, through December 31, 1970, inclusive, in an amount equal to the rate of 1½ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

* * * * *

(Sec. 2, 83 Stat. 141)

CORRECTIONS

In F.R. Doc. 70-14670 which appears at pages 16888-16896 of the issue for Saturday, October 31, 1970, the following changes should be made:

(1) At page 16889 § 177.1(k) line 4, "instruction" should be "institution".

(2) At page 16889 § 177.1(n) line 9, "persits" should be "persists"

(3) At page 16894 § 177.31(a) line 11, "defualt" should be "default"

(4) At page 16894 § 177.41 line 7 insert "and where he" after "§ 177.12,".

Dated: December 28, 1970.

PETER P. MUIRHEAD,
Acting Commissioner of Education.

Approved: December 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 71-43; Filed, Jan. 4, 1971; 8:47 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 2; Amdt. No. 7-3]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Miscellaneous Amendments

The purpose of this amendment to Part 7 of Subtitle A of Title 49, Code of Federal Regulations, is to reflect the establishment, within the Department of Transportation, of the National Highway Safety Bureau as an operating administration and the abolition of the Office of the Assistant Secretary for Public Affairs.

The National Highway Safety Bureau was established as a separate operating administration by an amendment to Part 1 of the regulations of the Office of the Secretary of Transportation (35 F.R. 4955), on March 21, 1970. The Office of the Assistant Secretary for Public Affairs was abolished by an amendment to Part 1 on August 6, 1970 (35 F.R. 12763).

Since this amendment relates to Departmental organization, procedure, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 7 of Title 49 of the Code of Federal Regulations is amended as set forth below effective January 1, 1971.

(Sec. 552, title 5, U.S.C.; sec. 9, Department of Transportation Act, Public Law 89-670, 49 U.S.C. 1657; title V, Independent Offices Appropriation Act of 1952, 65 Stat. 290)

Issued in Washington, D.C., on the 29th day of December 1970.

JOHN A. VOLPE,
Secretary of Transportation.

1. The table of contents is amended by adding the following at the end thereof:

Appendix H—National Highway Safety Bureau.

2. Section 7.1(c) is amended by striking the words "A through G" and inserting the words "A through H" in place thereof.

3. Sections 7.1(c), 7.11, 7.43 (a) and (c), 7.71(b), and paragraphs 2 and 4 of Appendix A are amended by striking the words "Assistant Secretary for" and inserting the words "Director of" in place thereof.

4. Section 7.43(a) and paragraph 2 of Appendix A are amended by striking the words "800 Independence Avenue SW.," and inserting the words "400 Seventh Street SW.," in place thereof.

5. Section 7.71 (d) and (e) are amended by striking the words "Assistant Secretary" and inserting the word "Director" in place thereof.

6. Section 7.85(g) is amended to read as follows:

§ 7.85 Fee schedule.

* * * * *

(g) Microreproduction fees are as follows:

(1) Microfilm copies, each 100-foot roll or less	$8.00
(2) Microfiche copies, each standard size sheet (4" x 6", 60 copies)	.50

* * * * *

7. Paragraph 4 of Appendix A is amended by striking the letter "(a)" and inserting the number "2" in place thereof.

8. A new Appendix H is added to read as follows:

APPENDIX H—NATIONAL HIGHWAY SAFETY BUREAU

1. *General.* This appendix describes the document inspection facilities of the National Highway Safety Bureau (NHSB), the kinds of records that are available for public inspection and copying at these facilities, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facilities.* Document inspection facilities are maintained for NHSB Headquarters and each NHSB regional office. These facilities are open to the public during regular working hours at the following addresses:

Washington Headquarters:
National Highway Safety Bureau, Office of Administrative Services, Room 5108, 400 Seventh Street SW., Washington, DC 20591.
National Highway Safety Bureau, Docket Section, Room 4223, 400 Seventh Street SW., Washington, DC 20591. (Material covered by paragraph 3(c) only.)

REGIONAL OFFICES

Region I—Regional Director, NHSB, Transportation Systems Center, 55 Broadway, Cambridge, MA 02412.
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Region II—Regional Director, NHSB, 4 Normanskill Boulevard, Delmar, NY 42054.
New Jersey, New York, and Puerto Rico.
Region III—Regional Director, NHSB, Room 817, Federal Building, 31 Hopkins Plaza, Baltimore, MD 21201.
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.
Region IV—Regional Director, NHSB, Suite 400, 1720 Peachtree Road NW., Atlanta, GA 30309.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Region V—Regional Director, NHSB, 18209 Dixie Highway, Homewood, IL 60430.
Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Region VI—Regional Director, NHSB, Room 8A42, 819 Taylor Street, Fort Worth, TX 76102.
Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Region VII—Regional Director, NHSB, Post Office Box 7186, Country Club Station, Kansas City, MO 64113.
Iowa, Kansas, Missouri, and Nebraska.
Region VIII—Regional Director, NHSB, Room 107, Building 40, Denver Federal Center, Denver CO 80225.
Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Region IX—Regional Director, NHSB, 450 Golden Gate Avenue, Box 36096, San Francisco, CA 94102.
Arizona, California, Hawaii, and Nevada.
Region X—Regional Director, NHSB, Room 301, Mohawk Building, 222 SW. Morrison Street, Portland, OR 97204.
Alaska, Idaho, Oregon, and Washington.

3. Records available at document inspection facilities.

(a) The following records are available at the NHSB Headquarters document inspection facility.

(1) Final opinions and orders made in the adjudication of cases and issued from within the National Highway Safety Bureau.

(2) Any policy or interpretation issued within the National Highway Safety Bureau, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(b) The following records are available at all NHSB document inspection facilities:

NHSB Orders. These orders are issued by National Highway Safety Bureau and contain policy, instructions, and general procedures.

NHSB Audit Manual. Audit Manual (issued by Audits & Investigation—FHWA).

NHSB Notices. These notices are issued by National Highway Safety Bureau and transmit one-time or short-term announcements or temporary directives (90 days or less).

Motor Vehicle Safety Standards. These standards, issued by National Highway Safety Bureau, apply to new motor vehicles and equipment thereon.

Highway Safety Standards. These standards, issued by National Highway Safety Bureau, apply to State highway safety programs.

(c) Informal interpretations and opinions concerning provisions of the National Traffic and Motor Vehicle Safety Act of 1966 and regulations and standards issued thereunder which have been given to members of the public by National Highway Safety Bureau officials are available at the NHSB Docket Section.

4. *Request for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, may submit his request, in writing, to any NHSB document inspection facility. If that facility does not have custody of the record, it will forward the request to the appropriate office. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsidcration of determinations not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Associate Director for Admin-

istration, National Highway Safety Bureau, Nassif Building, 400 Seventh Street SW., Washington, DC 20591, for reconsideration of his request. The decision of the Associate Director for Administration is administratively final.

[F.R. Doc. 71-99; Filed, Jan. 4, 1971; 8:51 a.m.]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-58; Amendment No. 173-40]

PART 173—SHIPPERS

Retest of Damaged Tank Car Tanks

The purpose of this amendment is to require the hydrostatic retest of damaged tank car tanks after repairs requiring hot or cold forming to restore the tank contour.

On September 16, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-58; Notice No. 70-17 (35 F.R. 14511), proposing to amend the regulations as stated above.

Interested parties were invited to give their views on this proposal. No objections were received to the provisions of the basic proposal. One commenter observed that it might minimize confusion if the word "shell" were deleted from the first sentence of § 173.31(c)(9) as it was proposed. On the basis of intent regarding the change, and in the interest of safety in repair of cars to be returned to service, the Board agrees that the rule would be improved by this change.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.31 paragraph (c)(9) is amended to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

• • • • • •

(c) • • •

(9) After repairs requiring welding, riveting, caulking of rivets, or hot or cold forming to restore tank contour, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service. Glass, lead, or rubber-lined tanks must be retested before lining is renewed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.

• • • • • •

This amendment is effective March 10, 1971. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on December 29, 1970.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 71-100; Filed, Jan. 4, 1971; 8:51 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1051; Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Privately Owned Coal Cars

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 23d day of December 1970.

Upon further consideration of Service Order No. 1051 (35 F.R. 16088) and good cause appearing therefor:

It is ordered, That: § 1033.1051 *Distribution of privately owned coal cars*, Service Order No. 1051 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1970.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-76; Filed, Jan. 4, 1971; 8:49 a.m.]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32153]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Uniform System of Accounts for Railroad Companies

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of December 1970.

On September 1, 1970, revised notice of proposed rulemaking regarding proposed amendments of the Uniform System of Accounts for Railroad Companies, pertaining to the accounting treatment of terminals and highway equipment used in TOFC/COFC (piggyback) service and other matters, was published in the FEDERAL REGISTER (34 F.R. 13844). After consideration of all such relevant matter as was submitted by interested persons, the amendments as so proposed are hereby adopted.

It is ordered, That the amendments to Part 1201 as proposed are adopted subject to the following changes:

1. In the sentence added to the text of account 37, the words "and similar machines listed below" are added after the word "equipment".

2. By added amendment, in Note "B" of account 202, the words "enginehouse expense accounts" are changed to "expense accounts for servicing locomotives".

3. By adding amendment, in Note "A" of account 218, the stated titles of accounts 388 and 400 are changed to 388, "Servicing yard locomotives", and 400, "Servicing train locomotives", respectively.

4. By added amendments, in the "Condensed Classification of Operating Expenses", the account titles listed for accounts 388 and 400 are changed to "388. Servicing yard locomotives" and "400. Servicing train locomotives", respectively.

It is further ordered, That these amendments are effective January 1, 1971.

And it is further ordered, That service of this order shall be made on all carriers by railroad which are affected hereby and notice thereto shall be given the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

I. INSTRUCTIONS AMENDED

Item No. 1. Instruction "2-5 Equipment" is amended by revising the first sentence as follows: "Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, highway revenue equipment, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. • • •"

Item No. 2. Instruction "2-25 Lists of units of property" is amended as follows:

(a) Directly below the list of units for "Account 24, Coal and Ore Wharves" add the following:

Account 25, TOFC/COFC Terminals

A complete building.
A complete building, including attached platform and ramp.
A complete platform and attached ramp, structurally detached from a building.
A portable ramp.
A complete fence.
Paving, each complete installation.
An overhead crane, complete.
Each sewer installation.
A truck or tractor used exclusively at TOFC/COFC terminals.
Each floodlighting pole or tower installation.
Each floodlighting installation.
A power distribution system, complete.
Any applicable units listed under other accounts.

(b) The following item is added to the list of units for "Account 37, Roadway Machines":

Each on and/or off-track automotive vehicle complete, including appurtenant special-purpose machinery.

(c) The account number, title, and list of units for "Account 51, Steam Locomotives" are deleted.

(d) The title and list of units for "Account 52, Other Locomotives" are revised as follows:

Account 52, Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.
Radio control locomotive.
Steam locomotive, complete.
Steam locomotive, exclusive of tender.
Steam locomotive tender.
Steam locomotive booster.

(e) Directly below the list of units for "Account 54, Passenger-Train Cars" add the following:

Account 55, Highway Revenue Equipment

A complete vehicle.
A chassis.
A container.
A bogie.

(f) The list of units for "Account 58, Miscellaneous Equipment" is revised as follows:

Account 58, Miscellaneous Equipment

An airplane.
A complete vehicle.

Item No. 3. Directly below the caption "Instructions for Depreciation Accounts," Instruction "5-1 Method" is amended by revising the list of primary accounts following paragraph (c) as follows:

(a) The following line item is added directly below "24 Coal and ore wharves":

25. TOFC/COFC terminals.

(b) Line item "51 Steam locomotives" is deleted.

(c) Line item "52 Other locomotives" is changed to:

52. Locomotives

(d) The following line item is added directly below "54 Passenger-train cars":

55. Highway revenue equipment.

II. TEXTS OF PROPERTY ACCOUNTS ADDED, AMENDED, DELETED, AND REVISED

Item No. 1. The system of accounts following the text of account 24, "Coal and ore wharves", is amended by adding the following account number, title and text:

25 TOFC/COFC Terminals.

This account shall include the cost of structures, fixtures, machinery and appurtenances comprising terminals used for loading and unloading trailers and containers on and from flat cars.

TOFC/COFC TERMINAL STRUCTURES AND DETAILS

Cranes and hoists, including related machinery and appurtenances
Drainage and sewerage.
Fences.
Grading and preparing grounds for TOFC/COFC terminals.
Offices, TOFC/COFC terminal
Lighting system.
Platforms, ramps and appurtenances.
Power distribution systems.
Sidewalks, pavements and driveways on terminal grounds.
Terminal trucks and tractors

NOTE: "Trailers", as used in the text and elsewhere in this system of accounts unless otherwise indicated in the context, means trailer bodies used in TOFC/COFC service which are permanently mounted on running gear. "Containers" means trailer bodies used in TOFC/COFC service which are not permanently mounted on wheels or chassis, but are separated from such running gear before being loaded on flat cars.

Item No. 2. Account 37 Roadway Machines. The text of this account is amended by adding the following sentence: "• • • This account shall also include the cost of on and/or off-track automotive vehicles, permanently equipped with special-purpose machinery such as hydraulic cranes, derricks, ditching apparatus, pile-driving equipment, and similar machines listed below, and used exclusively in maintenance of way and structures."

• • • • • •

Item No. 3. Account 51 Steam Locomotives. This account is deleted.

Item No. 4. Account 52 Other Locomotives. The title and text of this account are revised to read as follows:

52 Locomotives.

(a) This account shall include the cost of locomotives and tenders purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

(b) Records shall be maintained to reflect separately the investment cost of locomotives on the basis of their initial identification for depreciation purposes; i.e., road passenger, road freight, road switching and yard switching.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire-extinguishing apparatus.
Gongs.
Headlamps.
Metallic packing.
Pneumatic sanding equipment.
Radio equipment, permanently attached.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps
Steam-heat equipment and hose
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE: Cars with motor equipment are not to be classed as locomotives.

Item No. 5. The system of accounts following the text of account 54, "Passenger-train cars", is amended by adding the following account number, title, and text:

55 Highway Revenue Equipment.

(a) This account shall include the cost of highway vehicles used in revenue transportation service, including pickup and delivery service, substitute line-haul service, and TOFC/COFC service; also the cost of appurtenances (such as radio communication equipment) necessary to equip them for service, and the inspection and transportation costs and charges required for delivery of the vehicles into the carrier's revenue service.

(b) Records shall be maintained to identify the carrier's investment in the following items:

LIST OF HIGHWAY REVENUE EQUIPMENT

Bogies.
Buses.
Chassis.
Containers.
Semi-trailers
Tractors.
Trailers.
Trucks.

(c) The cost of trucks and tractors, which are used exclusively at TOFC/COFC terminals for loading and unloading trailers and containers on and from flat cars shall be charged to account 25, "TOFC/COFC terminals".

Item No. 6. Account 58 Miscellaneous Equipment. The text of this account is revised to read as follows:

58 Miscellaneous Equipment.

(a) This account shall include the cost of automobiles, trucks and other highway equipment not used in revenue transportation service and not provided for elsewhere; the cost of airplanes; the cost of appurtenances (such as radio communication equipment) necessary to equip them for service; and the inspection and transportation costs and charges required for delivery of the vehicles to the carrier.

(b) The cost of on and/or off-track automotive vehicles, which are permanently equipped with special-purpose machinery and used exclusively in maintenance of way and structures, shall be charged to account 37, "Roadway machines"

III. TEXTS OF REVENUE ACCOUNTS AMENDED

Item No. 1. Account 101 Freight. The text of this account is amended by supplementing the lists of items to be credited and charged, following paragraph (c), and revising "Note G" as follows:

ITEMS TO BE CREDITED

• • • • •

(j) Revenue from transportation of trailers and containers on flat cars in TOFC/COFC service upon the basis of all-rail line-haul freight tariff rates and under arrangements for motor carrier-railroad joint haul, and from the loading and unloading of trailers and containers on and from flat cars upon the basis of tariff rates and under arrangements for motor carrier-railroad joint haul.

• • • • •

ITEMS TO BE CHARGED

(l) Amounts paid to motor truck companies for hauling trailers and containers to and from TOFC/COFC terminals, and allowances to shippers who perform such service on the basis of tariff rates.

• • • • •

NOTE G: This account shall be maintained so as to show separately payments and allowances for (a) terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates, further separated between (1) TOFC/COFC service, and (2) all other freight service; also (b) payments for switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (c) payments on basis of tariff rates for loading and unloading livestock.

Item No. 2. Account 137 Demurrage. The text of this account is amended by adding the following sentence and "Note":

137 Demurrage.

• • • This account shall also include the revenue from the detention of trailers and containers used in TOFC/COFC service, incident to loading and unloading, upon the basis of tariff rates.

NOTE: This account shall be maintained so as to reflect separately (1) revenue from detention of cars, and (2) revenue from detention of trailers and containers used in TOFC/COFC service.

IV. TEXTS OF MAINTENANCE OF WAY AND STRUCTURES ACCOUNTS ADDED AND AMENDED

Item No. 1. Account 202 Roadway Maintenance. The text of this account is amended by revising "Note B" as follows:

• • • • •

NOTE B. Loading ashes at engineyard tracks shall be charged to the expense accounts for servicing locomotives.

• • • • •

Item No. 2. Account 218 Ballast. The text of this account is amended by revising the first sentence of "Note A" as follows:

• • • • •

NOTE A: The cost of loading cinders at ash pits shall be charged to account 388, "Servicing yard locomotives", or account 400, "Servicing train locomotives", as appropriate. • • •

• • • • •

Item No. 3. The system of accounts following the text of account 243, "Coal and ore wharves", is amended by adding the following account number, title and text:

244 TOFC/COFC Terminals.

(a) This account shall include the cost of repairing TOFC/COFC terminal structures, fixtures, machinery and appurtenances.

(b) A list of TOFC/COFC terminal structures and appurtenances appears in property account 25, "TOFC/COFC terminals."

V. TEXT OF MAINTENANCE OF EQUIPMENT ACCOUNTS ADDED, AMENDED, DELETED, AND REVISED

Item No. 1. Account 308 Steam Locomotives; Repairs. This account is deleted.

Item No. 2. Account 311 Other Locomotives; Repairs. The title and text of this account are revised to read as follows:

311 Locomotives; Repairs.

(a) This account shall include the cost of repairing transportation service locomotives and tenders, including appurtenances; the cost of inspecting and lubricating locomotives; also the cost of small hand tools, materials, lubricants and supplies used in repairs and other related expense items. This account shall also include the cost of work train service for the transportation of locomotives without power to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without power which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

(b) A list of locomotive appurtenances appears in property account 52, "Locomotives".

NOTE A: The cost of repairing locomotives and tenders of foreign lines, waybilled as freight and damaged in transit, shall be charged to acount 418, "Loss and damage; Freight"; and the cost of repairing locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause for which the carrier is liable, shall be charged to account 416, "Damage to property".

NOTE B: The cost of running locomotives under power to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE C: The cost of repairing locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment; Repairs". The cost of repairing locomotives on account of construction work shall be included in the cost of the work.

Item No. 3. Account 314 Freight-train Cars; Repairs. The text of this account is amended by revising the first sentence of paragraph (a) and adding paragraph (c) and "Note C" as follows:

314 Freight-Train Cars: Repairs.

(a) This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; the cost of car inspection, such as checking for mechanical defects and making repairs, and inspecting, repacking and oiling car journal boxes and air brake equipment; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items. • • •

• • • • •

(c) This account shall be maintained so as to reflect separately (1) cost of car inspection, and (2) other freight-train car repair costs.

• • • • •

NOTE C: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 4. Account 317 Passenger-train Cars; Repairs. The text of this account is amended by revising paragraph (a) and adding paragraph (c) and "Note C" as follows:

317 Passenger-Train Cars; Repairs.

(a) This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service; amounts paid to others for repairs of passenger-train cars for which the carrier is liable; the cost of car inspection, such as checking for mechanical defects and making repairs, and inspecting, repacking and oiling car journal boxes and air brake equipment; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items.

• • • • •

(c) This acount shall be maintained so as to reflect separately (1) cost of car inspection, and (2) other passenger-train car repair costs.

• • • • •

NOTE C: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 5. The system of acounts following the text of account 317, "Passenger-train cars; Repairs", is amended by adding the following account number, title and text:

318 Highway Revenue Equipment; Repairs.

(a) This account shall include the cost of repairing highway revenue equipment and appurtenances; the cost of related towing and wrecker services; also the cost of small hand tools, materials, lubricants, and supplies used in repairs, and other related expense items. This account shall also include the net loss sustained on account of the destruction of foreign highway revenue equipment in the carrier's transportation service, and payments to others for repairs of highway revenue equipment for which the carrier is liable.

(b) A list of highway revenue equipment appears in property account 55, "Highway revenue equipment".

NOTE: A: The cost of repairing highway revenue equipment of foreign lines, waybilled as freight and damaged in transit, shall be charged to account 418, "Loss and damage; Freight"; and the cost of repairing highway revenue equipment of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck or other cause for which the carrier is liable, shall be charged to account 416, "Damage to property".

NOTE B: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 6. Account 328 Miscellaneous Equipment; Repairs. The text of this account is revised to read as follows:

328 Miscellaneous Equipment; Repairs.

This account shall include the cost of repairing miscellaneous equipment and appurtenances (see account 58, "Miscellaneous equipment"); the cost of related towing and wrecker services; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items.

Item No. 7. Account 331 Equipment; Depreciation. The text of this account is revised to read as follows:

331 Equipment; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 52 through 58.

VI. TEXTS OF TRANSPORTATION EXPENSE ACCOUNTS AMENDED AND DELETED

Item No. 1. The following accounts are deleted:

385 Water for yard locomotives.
386 Lubricants for yard locomotives.
387 Other supplies for yard locomotives.

Item No. 2. Account 388 Enginehouse Expenses; Yard. The title and text of this account are revised as follows:

388 Servicing Yard Locomotives.

This account shall include the expense of preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching and work service.

(a) *Employees.* The pay of enginehouse and other employees engaged in wiping, cleaning, watching and dispatching locomotives; keeping and preparing fires, dumping ashes and washing boilers; cleaning fireboxes, smokestacks, air brake equipment, ash and cinder pits; watering locomotives; checking locomotive tool equipment; operating turntables and drying sand; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks and other related supervisory costs.

(b) *Miscellaneous expenses.* The cost of supplies and sundry expenses on account of preparing locomotives.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Enginehouse cupboards.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table and turntable machinery.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Sand, and materials and supplies for drying sand, for locomotives.
Signal lights on transfer tables and turntables.
Waste.
Water for locomotives, cinder pits and washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate maintenance account for locomotives.

NOTE C: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 400, "Servicing train locomotives". Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE D: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in account 400, "Servicing train locomotives". The cost of supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

Item No. 3. The following accounts are deleted:

397 Water for train locomotives.
398 Lubricants for train locomotives.
399 Other supplies for train locomotives.

Item No. 4. Account 400 Enginehouse Expenses; Train. The title and text of this account are revised as follows:

400 Servicing Train Locomotives.

This account shall include the expense of preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching and work service.

(a) *Employees.* The pay of enginehouse and other employees engaged in wiping, cleaning, watching, and dispatching locomotives; keeping and preparing fires, dumping ashes and washing boilers; cleaning fireboxes, smokestacks, air brake equipment, ash and cinder pits; watering locomotives; operating turntables and drying sand; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks and other related supervisory costs.

(b) *Miscellaneous expenses.* The cost of supplies and sundry expenses on account of preparing locomotives.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Enginehouse cupboards.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table and turntable machinery.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Sand, and materials and supplies for drying sand, for locomotives.
Signal lights on transfer tables and turntables.
Waste.
Water for locomotives, cinder pits and washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate maintenance account for locomotives.

NOTE C: When the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used on locomotives engaged in yard service, the entire cost of such material shall be included in account 388, "Servicing yard locomotives". Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE D: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. The entire cost of supplies consumed by yard locomotives in yard switching service and in terminal switching and transfer service shall be included in account 388, "Servicing yard locomotives". The cost of supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

Item No. 5. Account 402 Train Supplies and Expenses. The text of this account is amended by revising paragraph (d) as follows:

402 Train Supplies and Expenses.

• • • • •

(d) *Inspecting cars.* The cost of inspecting cars in transportation train service such as coupling air hoses, testing air or bleeding train line, checking and carding cars for commodity loading, coopering, cleaning, etc., inspecting and adjusting lading, closing side doors and checking for right-of-way clearance.

• • • • •

Item No. 6. Account 418 Loss and Damage; Freight. The text of this account is amended by revising paragraph (a) as follows:

418 Loss and Damage: Freight.

(a) This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives, cars and highway revenue equipment transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction or damage to shipments of company material.

• • • • •

Item No. 7. The system of accounts following the text of account 420, "Injuries to persons", is amended by adding the following account numbers, titles and texts:

421 TOFC/COFC Terminals.

This account shall include the cost of operating TOFC/COFC terminals in connection with the transportation of trailers and containers on flat cars.

(a) *Employees.* The pay of tractor drivers, crane operators and other employees, or compensation to others, engaged in loading or unloading trailers and containers on and from flat cars; and the pay of other employees engaged in operating TOFC/COFC terminals.

(b) *Terminal expenses.* The cost of heating and lighting TOFC/COFC ter-

minals; building, equipment and other rentals; fuel, supplies and other related expense items.

422 Other Highway Transportation Expenses.

This account shall include all expenses in connection with highway revenue transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Pay of drivers, fuel, supplies and other direct expenses of operating highway revenue equipment.
Pay of employees engaged in loading and unloading freight on and from trailers and containers used in TOFC/COFC service at shippers' or consignees' premises.
Washing and cleaning highway revenue equipment.

VII. TEXTS OF INCOME ACCOUNTS AMENDED

Item No. 1. Account 503 Hire of Freight Cars; Credit Balance. This account is amended by revising the title, text and "Note A" and adding "Note D" as follows:

503 Hire of Freight Cars and Highway Revenue Freight Equipment; Credit Balance.

(a) This account shall include, except as provided in the texts of accounts 509, "Income from lease of road and equipment", and 542, "Rent for leased roads and equipment", the net credit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and highway revenue freight equipment, over (2) amounts payable accrued for the use of the freight cars of others leased or interchanged, and highway revenue freight equipment of others.

(b) This account shall be maintained so as to reflect separately the net credit balance applicable to (1) rent from freight-train cars, and (2) rent from highway revenue freight equipment.

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars and highway revenue freight equipment; Debit balance".

* * * * *

NOTE D: Rent from the use of highway equipment recorded in account 58, "Miscellaneous equipment", shall be included in account 510, "Miscellaneous rent income".

Item No. 2. Account 536 Hire of Freight Cars; Debit Balance. This account is amended by revising the title, text and "Note A" and adding "Note E" as follows:

536 Hire of Freight Cars and Highway Revenue Freight Equipment; Debit Balance.

(a) This account shall include, except as provided in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment", and 542, "Rent for leased roads and equipment", the net debit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and highway revenue freight equipment, under (2) amounts payable accrued for the use of the freight cars of others leased or interchanged, and highway revenue freight equipment of others.

(b) This account shall be maintained so as to reflect separately the net debit balance applicable to (1) rent for freight-train cars, and (2) rent for highway revenue freight equipment.

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars and highway revenue freight equipment; Credit balance".

* * * * *

NOTE E: Rent paid for highway equipment not used in revenue transportation service and not provided for elsewhere shall be charged to account 543, "Miscellaneous rents". Rent paid for highway equipment used in construction work shall be included in the cost of the work.

VIII. FORM OF INCOME STATEMENT AMENDED

"599 Form of Income Statement" is amended as follows:

Item No. 1. Line item "503 Hire of freight cars—Credit balance" is changed to:

503 Hire of freight cars and highway revenue freight equipment—Credit balance.

Item No. 2. Line item "536 Hire of freight cars—Debit balance" is changed to:

536 Hire of freight cars and highway revenue freight equipment—Debit balance.

IX. MISCELLANEOUS AMENDMENTS

Item No. 1. The list of "Property Accounts" is amended as follows:

(a) Directly below "24 Coal and ore wharves" add:

25 TOFC/COFC terminals.

(b) Line item "51 Steam locomotives" is deleted.

(c) Line item "52 Other locomotives" is changed to:

52 Locomotives.

(d) Directly below "54 Passenger-train cars" add:

55 Highway revenue equipment.

Item No. 2. The list of "Railway Operating Expense Accounts" is amended as follows:

(a) Directly below "243 Coal and ore wharves" add:

244 TOFC/COFC terminals.

(b) Line item "311 Other Locomotives; repairs" is changed to:

311 Locomotives; repairs.

(c) Directly below "317 Passenger-train cars; repairs" add:

318 Highway revenue equipment; repairs.

(d) Line item "388 Enginehouse expenses; yard" is changed to:

388 Servicing yard locomotives.

(e) Line item "400 Enginehouse expenses; train" is changed to:

400 Servicing train locomotives.

(f) The following line items are added directly below "420 Injuries to persons":

421 TOFC/COFC terminals.
422 Other highway transportation expenses.

(g) The following line items are deleted:

308 Steam locomotives; repairs.
385 Water for yard locomotives.
386 Lubricants for yard locomotives.
387 Other supplies for yard locomotives.
397 Water for train locomotives.
398 Lubricants for train locomotives.
399 Other supplies for train locomotives.

Item No. 3. The list of "Income Accounts" is amended by revising the following line items:

(a) "503 Hire of freight cars; credit balance" is changed to:

503 Hire of freight cars and highway revenue freight equipment; credit balance.

(b) "536 Hire of freight cars; debit balance" is changed to:

536 Hire of freight cars and highway revenue freight equipment; debit balance.

Item No. 4. 480 Accounts for Small Carriers, Class II. The "Condensed Classification of Operating Expenses" is amended as follows:

(a) The listing "Accounts for Small Carriers—Class II" is revised as follows:

(1) Line item "2226 Car repairs" is changed to:

2226 Car and highway revenue equipment repairs.

(2) Line item "2255 Other rail transportation expenses" is changed to:

2255 Other rail and highway transportation expenses.

(b) The listing "Accounts for Large Carriers—Class I" is amended as follows:

(1) Directly below "243 Coal and ore wharves" add the following (includible in the account grouping "2203. Maintaining structures".):

244 TOFC/COFC terminals.

(2) Line item "311 Other locomotives—Repairs" is changed to:

311 Locomotives—Repairs.

(3) Directly below "317 Passenger-train cars—Repairs" add the following (includible in the account grouping "2226. Car and highway revenue equipment repairs".):

318 Highway revenue equipment—Repairs.

(4) Line item "388 Enginehouse expenses—Yard" is changed to:

388 Servicing yard locomotives.

(5) Line item "400 Enginchouse expenses—Train" is changed to:

400 Servicing train locomotives.

(6) Directly below "376 Station supplies and expenses" add the following (includible in account grouping "2242. Station service".):

421 TOFC/COFC terminals.

(7) Directly below "411 Other expenses" add the following (includible in account grouping "2255. Other rail and highway transportation expenses".):

422 Other highway transportation expenses.

(8) The following line items are deleted:

308 Steam locomotives—Repairs.
385 Water for yard locomotives.
386 Lubricants for yard locomotives.
387 Other supplies for yard locomotives.
397 Water for train locomotives.
398 Lubricants for train locomotives.
399 Other supplies for train locomotives.

[F.R. Doc. 71-77; Filed, Jan. 4, 1971; 8:49 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. AR61-2, etc.]

AREA RATE PROCEEDINGS (SOUTHERN LOUISIANA AREA)

Order Reopening and Consolidating Area Rate Proceedings and Establishing Procedures

DECEMBER 24, 1970.

On September 25, 1968, and March 20, 1969, respectively, the Commission issued in Docket No. AR61-2 et al. Opinions Nos. 546 (40 FPC 530) and 546-A (41 FPC 301) setting just and reasonable rates for jurisdictional sales of natural gas in southern Louisiana. Those orders were appealed to the U.S. Court of Appeals for the Fifth Circuit, which handed down its decision on March 19, 1970. The court affirmed but stated: "The mandate of this court should not, however, be interpreted to interfere with Commission action that would change the rates we have approved here." Austral Oil Co. v. F.P.C., 428 F. 2d 407, 444-5 (CA5 1970) (hereinafter Austral). This statement of the Commission's continuing jurisdiction over the AR61-2 et al. rates was reaffirmed by the Fifth Circuit in its decision on petition for rehearing issued June 16, 1970. The court there stated: "We wish to make crystal clear the authority of the Commission in this case to reopen any part of its order that circumstances require be reopened. * * * The Commission can make retrospective as well as prospective adjustments in this case if it finds that it is in the public interest to do so." (Austral Oil Co. v. F.P.C., —— F. 2d ——, Fifth Circuit, slip opinion dated June 16, 1970, mimeo page 2). A number of parties to the AR61-2 et al proceedings filed petitions for certiorari requesting the Supreme Court to review the decision of the Fifth Circuit. On December 7, 1970, the Supreme Court denied all such petitions.

In Opinion No. 546, ordering paragraph (H), we left the proceedings in Docket No. AR61-2 et al. open for such further action as may be necessary with respect to individual respondents and such other action as may be necessary in the premises. Thereafter, in Opinion No. 546-A, ordering paragraphs (L) and (M), we denied motions of certain respondents to reopen the record in these proceedings for the receipt of additional evidence and to reopen and consolidate these proceedings with the proceedings in Docket No. AR69-1.

In light of the decision in Austral, we believe it is in the public interest that Docket No. AR61-2 et al. be reopened and consolidated with the second round area rate proceeding in southern Louisiana, Docket No. AR69-1, which is now in hearing, so that the parties may be given an opportunity to submit, if they so desire, relevant evidence concerning whether the rates established in Opinions Nos. 546 and 546-A should be changed in light of the criteria set forth in Austral. The motion of producer respondents filed herein on July 2, 1970, requesting that the proceedings in Docket No. AR61-2 et al. be reopened and consolidated with the proceeding in Docket No. AR69-1 will therefore be granted.

In a related development the United Distribution Companies filed on November 6, 1970 in Dockets Nos. AR61-2 et al. and AR69-1 a motion for promulgation by the Commission of a settlement proposal, and for approval thereof, pursuant to § 1.12 of the rules of practice and procedure. The settlement proposal includes issues in Dockets Nos. AR61-2 et al and AR69-1. A notice of the motion for promulgation of the settlement was issued by the Commission on November 9, 1970. Comments have been filed in response thereto. The settlement proposal will be incorporated and thereby made a part of the consolidated proceedings in Dockets Nos. AR61-2 et al. and AR69-1.

On July 2, 1970 we issued an order in Docket No. AR61-2 et al. continuing the stay of our rate orders in Opinion No. 546, as amended, until further order of the Commission. We believe it remains in the public interest to stay any rate reductions, refunds or other obligations required to be made by that opinion.

The Commission finds: It is necessary and appropriate in the public interest and for carrying out the provisions of the Natural Gas Act that the area rate proceedings in Docket No. AR61-2 et al., be reopened and consolidated with the proceeding in Docket No. AR69-1 and that the stay of our rate orders in Opinion No. 546, as amended, be continued.

The Commission orders:

(A) The motion of producer respondents filed herein on July 2, 1970, requesting the proceedings in Docket No. AR61-2 et al., be reopened and consolidated with the proceeding in Docket No. AR69-1 is hereby and to that extent granted.

(B) All evidence submitted in the consolidated proceeding shall be filed on or before February 15, 1971.

(C) Appendix A to the Motion of United Distribution Companies For Promulgation of Settlement Proposal, filed November 6, 1970, is hereby incorporated and made a part of the record in the consolidated proceedings.

(D) Any rate reductions, refunds or other obligations required to be made in Opinion No. 546, as amended, are hereby stayed until further order of this Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 71-60; Filed, Jan. 4, 1971; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 525]

EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Change in Conditions for Renewal of Special Certificates

Pursuant to authority in section 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and 29 CFR 525.19, I propose to amend Part 525 of Title 29 of the Code of Federal Regulations. This amendment would provide for a simplified procedure for the renewal of special certificates for the employment of handicapped clients in sheltered workshops at special minimum wages.

Part 525 provides for applications for several different types of special certificates. Experience under these regulations indicates that requiring an application for the renewal of a special certificate may require different data from that needed for an original application. Accordingly, this proposal would amend 29 CFR Part 525 to eliminate the requirement in § 525.10(a) that an application for renewal of a special certificate be filed in the same manner as an original application.

Interested persons are invited to submit written data, views, or arguments regarding the proposed amendment to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Section 525.10(a) would be amended to read as follows:

§ 525.10 Renewal of special certificates.

(a) Application may be filed for renewal of any special certificate.

* * * * *

(Sec. 14, 52 Stat. 1068 as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 30th day of December 1970.

ROBERT D. MORAN, *Administrator, Wage and Hour Division, U.S. Department of Labor.*

[F.R. Doc. 71-95; Filed, Jan. 4, 1971; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Revision of Rates

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 1, 2, 3, 6014(a), 511(b)(1), 632, 641, 1347, 5(b) (1) and (5), 6015(a)(1), 1304 (b)(1) of the Internal Revenue Code of 1954 to section 111 of the Revenue Act of 1964 (78 Stat. 19), and to section 803 (a)–(d) of the Tax Reform Act of 1969 (83 Stat. 487), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1 is amended by revising subsections (a) and (b)(1) of section 1 to reflect the changes made by section 111 of the Revenue Act of 1964, by deleting from section 1.1 subsections (b) (2), (3), and (4) of section 1, by adding a historical note, by adding thereafter section 1 as amended by section 803(a) of the Tax Reform Act of 1969 and by adding a historical note. These amended and added provisions read as follows:

§ 1.1 Statutory provisions; tax imposed.

SECTION 1. *Tax imposed*—(a) *Rates of tax on individuals*—(1) *Taxable years beginning in 1964.* In the case of a taxable year beginning on or after January 1, 1964, and before January 1, 1965, there is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	16% of the taxable income.
Over $500 but not over $1,000	$80, plus 16.5% of excess over $500.
Over $1,000 but not over $1,500	$162.50, plus 17.5% of excess over $1,000.
Over $1,500 but not over $2,000	$250, plus 18% of excess over $1,500.
Over $2,000 but not over $4,000	$340, plus 20% of excess over $2,000.
Over $4,000 but not over $6,000	$740, plus 23.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,210, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000	$1,750, plus 30.5% of excess over $8,000.
Over $10,000 but not over $12,000	$2,360, plus 34% of excess over $10,000.
Over $12,000 but not over $14,000	$3,040, plus 37.5% of excess over $12,000.
Over $14,000 but not over $16,000	$3,790, plus 41% of excess over $14,000.
Over $16,000 but not over $18,000	$4,610, plus 44.5% of excess over $16,000.
Over $18,000 but not over $20,000	$5,500, plus 47.5% of excess over $18,000.
Over $20,000 but not over $22,000	$6,450, plus 50.5% of excess over $20,000.
Over $22,000 but not over $26,000	$7,460, plus 53.5% of excess over $22,000.
Over $26,000 but not over $32,000	$9,600, plus 56% of excess over $26,000.
Over $32,000 but not over $38,000	$12,960, plus 58.5% of excess over $32,000.
Over $38,000 but not over $44,000	$16,470, plus 61% of excess over $38,000.
Over $44,000 but not over $50,000	$20,130, plus 63.5% of excess over $44,000.
Over $50,000 but not over $60,000	$23,940, plus 66% of excess over $50,000.
Over $60,000 but not over $70,000	$30,540, plus 68.5% of excess over $60,000.
Over $70,000 but not over $80,000	$37,390, plus 71% of excess over $70,000.
Over $80,000 but not over $90,000	$44,490, plus 73.5% of excess over $80,000.
Over $90,000 but not over $100,000	$51,840, plus 75% of excess over $90,000.
Over $100,000 but not over $200,000	$59,340, plus 76.5% of excess over $100,000.
Over $200,000	$135,840, plus 77% of excess over $200,000.

(2) *Taxable years beginning after December 31, 1964.* In the case of a taxable year beginning after December 31, 1964, there is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,130, plus 25% of excess over $6,000.
Over $8,000 but not over $10,000	$1,630, plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,190, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,830, plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,550, plus 39% of excess over $14,000.
Over $16,000 but not over $18,000	$4,330, plus 42% of excess over $16,000.
Over $18,000 but not over $20,000	$5,170, plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,070, plus 48% of excess over $20,000.
Over $22,000 but not over $26,000	$7,030, plus 50% of excess over $22,000.
Over $26,000 but not over $32,000	$9,030, plus 53% of excess over $26,000.
Over $32,000 but not over $38,000	$12,210, plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$15,510, plus 58% of excess over $38,000.
Over $44,000 but not over $50,000	$18,990, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$22,590, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$28,790, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$35,190, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$41,790, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$48,590, plus 69% of excess over $90,000.
Over $100,000	$55,490, plus 70% of excess over $100,000.

(b) *Rates of tax on heads of households*—(1) *Rates of tax*—(A) *Taxable years beginning in 1964.* In the case of a taxable year beginning on or after January 1, 1964, and before January 1, 1965, there is hereby imposed on the taxable income of every individual who is the head of a household a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	16% of the taxable income.
Over $1,000 but not over $2,000	$160, plus 17.5% of excess over $1,000.
Over $2,000 but not over $4,000	$335, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$715, plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,155, plus 23% of excess over $6,000.
Over $8,000 but not over $10,000	$1,615, plus 27% of excess over $8,000.
Over $10,000 but not over $12,000	$2,155, plus 29% of excess over $10,000.
Over $12,000 but not over $14,000	$2,735, plus 32% of excess over $12,000.
Over $14,000 but not over $16,000	$3,375, plus 34% of excess over $14,000.
Over $16,000 but not over $18,000	$4,055, plus 37.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,805, plus 39% of excess over $18,000.
Over $20,000 but not over $22,000	$5,585, plus 42.5% of excess over $20,000.
Over $22,000 but not over $24,000	$6,435, plus 43.5% of excess over $22,000.
Over $24,000 but not over $26,000	$7,305, plus 45.5% of excess over $24,000.
Over $26,000 but not over $28,000	$8,215, plus 47% of excess over $26,000.

If the taxable income is:	The tax is:
Over $28,000 but not over $32,000	$9,155, plus 48.5% of excess over $28,000.
Over $32,000 but not over $36,000	$11,095, plus 51.5% of excess over $32,000.
Over $36,000 but not over $38,000	$13,155, plus 53% of excess over $36,000.
Over $38,000 but not over $40,000	$14,215, plus 54% of excess over $38,000.
Over $40,000 but not over $44,000	$15,295, plus 56% of excess over $40,000.
Over $44,000 but not over $50,000	$17,535, plus 58.5% of excess over $44,000.
Over $50,000 but not over $52,000	$21,045, plus 59.5% of excess over $50,000.
Over $52,000 but not over $60,000	$22,235, plus 61% of excess over $52,000.
Over $60,000 but not over $64,000	$27,115, plus 62% of excess over $60,000.
Over $64,000 but not over $70,000	$29,595, plus 63.5% of excess over $64,000.
Over $70,000 but not over $76,000	$33,405, plus 65% of excess over $70,000.
Over $76,000 but not over $80,000	$37,305, plus 66% of excess over $76,000.
Over $80,000 but not over $88,000	$39,945, plus 67% of excess over $80,000.
Over $88,000 but not over $90,000	$45,305, plus 69% of excess over $88,000.
Over $90,000 but not over $100,000	$46,685, plus 69.5% of excess over $90,000.
Over $100,000 but not over $120,000	$53,635, plus 71% of excess over $100,000.
Over $120,000 but not over $140,000	$67,835, plus 72.5% of excess over $120,000.
Over $140,000 but not over $160,000	$82,335, plus 74% of excess over $140,000.
Over $160,000 but not over $180,000	$97,135, plus 75% of excess over $160,000.
Over $180,000 but not over $200,000	$112,135, plus 75.5% of excess over $180,000.
Over $200,000	$127,235, plus 77% of excess over $200,000.

(B) *Taxable years beginning after December 31, 1964.* In the case of a taxable year beginning after December 31, 1964, there is hereby imposed on the taxable income of every individual who is the head of a household a tax in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$660, plus 20% of excess over $4,000.
Over $6,000 but not over $8,000	$1,060, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,500, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$2,000, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,540, plus 31% of excess over $12,000.
Over $14,000 but not over $16,000	$3,160, plus 32% of excess over $14,000.
Over $16,000 but not over $18,000	$3,800, plus 35% of excess over $16,000.
Over $18,000 but not over $20,000	$4,500, plus 36% of excess over $18,000.
Over $20,000 but not over $22,000	$5,220, plus 40% of excess over $20,000.
Over $22,000 but not over $24,000	$6,020, plus 41% of excess over $22,000.
Over $24,000 but not over $26,000	$6,840, plus 43% of excess over $24,000.
Over $26,000 but not over $28,000	$7,700, plus 45% of excess over $26,000.
Over $28,000 but not over $32,000	$8,600, plus 46% of excess over $28,000.
Over $32,000 but not over $36,000	$10,440, plus 48% of excess over $32,000.
Over $36,000 but not over $38,000	$12,360, plus 50% of excess over $36,000.
Over $38,000 but not over $40,000	$13,360, plus 52% of excess over $38,000.
Over $40,000 but not over $44,000	$14,400, plus 53% of excess over $40,000.
Over $44,000 but not over $50,000	$16,520, plus 55% of excess over $44,000.
Over $50,000 but not over $52,000	$19,820, plus 56% of excess over $50,000.
Over $52,000 but not over $64,000	$20,940, plus 58% of excess over $52,000.
Over $64,000 but not over $70,000	$27,900, plus 59% of excess over $64,000.
Over $70,000 but not over $76,000	$31,440, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000	$35,100, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000	$37,580, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000	$42,620, plus 64% of excess over $88,000.
Over $100,000 but not over $120,000	$50,300, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000	$63,500, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000	$76,900, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000	$90,500, plus 69% of excess over $160,000.
Over $180,000	$104,300, plus 70% of excess over $180,000.

[Sec. 1 as amended by sec. 111, Rev. Act 1964 (78 Stat. 19)]

SECTION 1. TAX IMPOSED.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

(1) Every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

(2) Every surviving spouse (as defined in section 2(a)),

A tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 15% of excess over $1,000.
Over $2,000 but not over $3,000	$290, plus 16% of excess over $2,000.
Over $3,000 but not over $4,000	$450, plus 17% of excess over $3,000.
Over $4,000 but not over $8,000	$620, plus 19% of excess over $4,000.
Over $8,000 but not over $12,000	$1,380, plus 22% of excess over $8,000.
Over $12,000 but not over $16,000	$2,260, plus 25% of excess over $12,000.
Over $16,000 but not over $20,000	$3,260, plus 28% of excess over $16,000.
Over $20,000 but not over $24,000	$4,380, plus 32% of excess over $20,000.
Over $24,000 but not over $28,000	$5,660, plus 36% of excess over $24,000.
Over $28,000 but not over $32,000	$7,100, plus 39% of excess over $28,000.
Over $32,000 but not over $36,000	$8,660, plus 42% of excess over $32,000.
Over $36,000 but not over $40,000	$10,340, plus 45% of excess over $36,000.
Over $40,000 but not over $44,000	$12,140, plus 48% of excess over $40,000.
Over $44,000 but not over $52,000	$14,060, plus 50% of excess over $44,000.
Over $52,000 but not over $64,000	$18,060, plus 53% of excess over $52,000.
Over $64,000 but not over $76,000	$24,420, plus 55% of excess over $64,000.
Over $76,000 but not over $88,000	$31,020, plus 58% of excess over $76,000.
Over $88,000 but not over $100,000	$37,980, plus 60% of excess over $88,000.
Over $100,000 but not over $120,000	$45,180, plus 62% of excess over $100,000.
Over $120,000 but not over $140,000	$57,580, plus 64% of excess over $120,000.
Over $140,000 but not over $160,000	$70,380, plus 66% of excess over $140,000.
Over $160,000 but not over $180,000	$83,580, plus 68% of excess over $160,000.
Over $180,000 but not over $200,000	$97,180, plus 69% of excess over $180,000.
Over $200,000	$110,980, plus 70% of excess over $200,000.

(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$660, plus 19% of excess over $4,000.
Over $6,000 but not over $8,000	$1,040, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,480, plus 23% of excess over $8,000.
Over $10,000 but not over $12,000	$1,940, plus 25% of excess over $10,000.
Over $12,000 but not over $14,000	$2,440, plus 27% of excess over $12,000.
Over $14,000 but not over $16,000	$2,980, plus 28% of excess over $14,000.
Over $16,000 but not over $18,000	$3,540, plus 31% of excess over $16,000.
Over $18,000 but not over $20,000	$4,160, plus 32% of excess over $18,000.
Over $20,000 but not over $22,000	$4,800, plus 35% of excess over $20,000.
Over $22,000 but not over $24,000	$5,500, plus 36% of excess over $22,000.
Over $24,000 but not over $26,000	$6,220, plus 38% of excess over $24,000.
Over $26,000 but not over $28,000	$6,980, plus 41% of excess over $26,000.
Over $28,000 but not over $32,000	$7,800, plus 42% of excess over $28,000.
Over $32,000 but not over $36,000	$9,480, plus 45% of excess over $32,000.
Over $36,000 but not over $38,000	$11,280, plus 48% of excess over $36,000.
Over $38,000 but not over $40,000	$12,240, plus 51% of excess over $38,000.
Over $40,000 but not over $44,000	$13,260, plus 52% of excess over $40,000.
Over $44,000 but not over $50,000	$15,340, plus 55% of excess over $44,000.
Over $50,000 but not over $52,000	$18,640, plus 56% of excess over $50,000.
Over $52,000 but not over $64,000	$19,760, plus 58% of excess over $52,000.
Over $64,000 but not over $70,000	$26,720, plus 59% of excess over $64,000.

If the taxable income is:	The tax is:
Over $70,000 but not over $76,000	$30,260, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000	$33,920, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000	$36,400, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000	$41,440, plus 64% of excess over $88,000.
Over $100,000 but not over $120,000	$49,120, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000	$62,320, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000	$75,720, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000	$89,320, plus 69% of excess over $160,000.
Over $180,000	$103,120, plus 70% of excess over $180,000.

(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000	$1,110, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,590, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$2,090, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,630, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$3,210, plus 31% of excess over $14,000.
Over $16,000 but not over $18,000	$3,830, plus 34% of excess over $16,000.
Over $18,000 but not over $20,000	$4,510, plus 36% of excess over $18,000.
Over $20,000 but not over $22,000	$5,230, plus 38% of excess over $20,000.
Over $22,000 but not over $26,000	$5,990, plus 40% of excess over $22,000.
Over $26,000 but not over $32,000	$7,590, plus 45% of excess over $26,000.
Over $32,000 but not over $38,000	$10,290, plus 50% of excess over $32,000.
Over $38,000 but not over $44,000	$13,290, plus 55% of excess over $38,000.
Over $44,000 but not over $50,000	$16,590, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$20,190, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$26,390, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$32,790, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$39,390, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$46,190, plus 69% of excess over $90,000.
Over $100,000	$53,090, plus 70% of excess over $100,000.

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS; ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,130, plus 25% of excess over $6,000.
Over $8,000 but not over $10,000	$1,630, plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,190, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,830, plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,550, plus 39% of excess over $14,000.
Over $16,000 but not over $18,000	$4,330, plus 42% of excess over $16,000.
Over $18,000 but not over $20,000	$5,170, plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,070, plus 48% of excess over $20,000.
Over $22,000 but not over $26,000	$7,030, plus 50% of excess over $22,000.
Over $26,000 but not over $32,000	$9,030, plus 53% of excess over $26,000.
Over $32,000 but not over $38,000	$12,210, plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$15,510, plus 58% of excess over $38,000.
Over $44,000 but not over $50,000	$18,990, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$22,590, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$28,790, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$35,190, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$41,790, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$48,590, plus 69% of excess over $90,000.
Over $100,000	$55,490, plus 70% of excess over $100,000.

[Sec. 1 as amended by sec. 803(a), Tax Reform Act 1969 (83 Stat. 487)]

PAR. 2. Paragraph (a) of § 1.1–1 is amended to read as follows:

§ 1.1–1 Income tax on individuals.

(a) *General rule.* (1) Section 1 of the Code imposes an income tax on every individual, resident or nonresident, other than a nonresident alien individual subject to the tax imposed by section 871(a) or section 877. For optional tax in the case of taxpayers with adjusted gross income of less than $5,000 (less than $10,000 for taxable years beginning after Dec. 31, 1969) see section 3. The tax imposed is upon taxable income (determined by subtracting the allowable deductions from gross income). The tax is determined in accordance with the table contained in section 1. See subparagraph (2) for reference guides to the appropriate table for taxable years beginning on or after January 1, 1964, and before January 1, 1965, taxable years beginning after December 31, 1964, and before January 1, 1971, and taxable years beginning after December 31, 1970. In certain cases credits are allowed against the amount of the tax. See part IV (section 31 and following), subchapter A, chapter 1 of the Code. In general, the tax is payable upon the basis of returns rendered by persons liable therefor (subchapter A (sections 6001 and following), chapter 61 of the Code) or at the source of the income by withholding. For the computation of tax in the case of a joint return of a husband and wife, or a return of a surviving spouse, for taxable years beginning before January 1, 1971, see section 2. The computation of tax in such a case for taxable years beginning after December 31, 1970, is determined in accordance with the table contained in section 1(a) as amended by the Tax Reform Act of 1969. For other rates of tax on individuals, see section 5(a). For the imposition of an additional tax for the calender years 1968, 1969, and 1970, see section 51(a).

(2) For taxable years beginning on or after January 1, 1964, the tax imposed upon a single individual, a head of a household, a married individual filing a separate return, and estates and trusts is the tax imposed by section 1 determined in accordance with the appropriate table contained in the following subsection of section 1:

	Taxable years beginning in 1964	Taxable years beginning after 1964 but before 1971	Taxable years beginning after Dec. 31, 1970 (references in this column are to the Code as amended by the Tax Reform Act of 1969)
Single individual	Sec. 1(a)(1)	Sec. 1(a)(2)	Sec. 1(c).
Head of a household	Sec. 1(b)(1)	Sec. 1(b)(2)	Sec. 1(b).
Married individual filing a separate return.	Sec. 1(a)(1)	Sec. 1(a)(2)	Sec. 1(d).
Estates and trusts	Sec. 1(a)(1)	Sec. 1(a)(2)	Sec. 1(d).

(3) The income tax imposed by section 1 upon any amount of taxable income is computed by adding to the income tax for the bracket in which that amount falls in the appropriate table in section 1 the income tax upon the excess of that amount over the bottom of the bracket at the rate indicated in such table.

(4) The provisions of section 1 of the Code, as amended by the Tax Reform Act of 1969, and of this paragraph may be illustrated by the following examples:

Example (1). A, an unmarried individual, had taxable income for the calendar year 1964 of $15,750. Accordingly, the tax upon such taxable income would be $4,507.50, computed as follows from the table in section 1(a)(1):

Tax on $14,000 (from table)	$3,790.00
Tax on $1,750 (at 41 percent as determined from the table)	717.50
Total tax on $15,750	4,507.50

Example (2). Assume the same facts as in example (1), except the figures are for the calendar year 1965. The tax upon such taxable income would be $4,232.50, computed as follows from the table in section 1(a)(2):

Tax on $14,000 (from table)	$3,550.00
Tax on $1,750 (at 39 percent as determined from the table)	682.50
Total tax on $15,750	4,232.50

Example (3). Assume the same facts as in example (1), except the figures are for the calendar year 1971. The tax upon such taxable income would be $3,752.50, computed as follows from the table in section 1(c), as amended:

Tax on $14,000 (from table)	$3,210.00
Tax on $1,750 (at 31 percent as determined from the table)	542.50
Total tax on $15,750	3,752.50

* * * * *

PAR. 3. Section 1.1–2 is deleted and § 1.1–3 is amended and redesignated § 1.1–2 as follows:

§ 1.1–2 Limitation on tax.

(a) *Taxable years ending before January 1, 1971.* For taxable years ending before January 1, 1971 the tax imposed by section 1 (whether by subsection (a) or subsection (b) thereof) shall not exceed 87 percent of the taxable income for the taxable year. For purposes of determining this limitation the tax under section 1 (a) or (b) and the tax at the 87-percent rate shall each be computed before the allowance of any credits against the tax. Where the alternative tax on capital gains is imposed under section 1201(b), the 87-percent limitation shall apply only to the partial tax computed on the taxable income reduced by 50 percent of the excess of net long-term capital gains over net short-term capital losses. Where, for purposes of computations under the income averaging provisions, section 1201(b) is treated as imposing the alternative tax on capital gains computed under section 1304(e)(2), the 87-percent limitation shall apply only to the tax equal to the tax imposed by section 1, reduced by the amount of the tax imposed by section 1 which is attributable to capital gain net income for the computation year.

(b) *Taxable years beginning after December 31, 1970.* If, for any taxable year beginning after December 31, 1970, an individual has earned taxable income which exceeds his taxable income as defined by section 1348, the tax imposed by section 1, as amended by the Tax Reform Act of 1969, shall not exceed the sum computed under the provisions of section 1348. For imposition of minimum tax for tax preferences see sections 56 through 58.

PAR. 4. Section 1.1–4 is deleted and § 1.1–5 is redesignated as § 1.1–3:

§ 1.1–3 Change in rates applicable to taxable year.

* * * * *

PAR. 5. Section 1.2 is amended by inserting sections 1(b) (2), (3), and (4) before section 2, by revising section 2 to reflect the changes made by section 803(b) of the Tax Reform Act 1969, by revising the historical note, by adding thereafter section 2 as amended by section 803(b) of the Tax Reform Act of 1969 and by adding a historical note. These amended and added provisions read as follows:

§ 1.2 Statutory provisions.

SECTION 1. *Tax imposed.* * * *

(b) *Rates of tax on heads of households*—

(2) DEFINITION OF HEAD OF HOUSEHOLD.—For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in section 2(b)), and either—

(A) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(i) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or decendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(B) Maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151.

For purposes of this paragraph and of section 2(b)(1)(B), an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(3) DETERMINATION OF STATUS.—For purposes of this subsection—

(A) A legally adopted child of a person shall be considered a child of such person by blood;

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(C) A taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

(D) A taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C) died during the taxable year.

(4) LIMITATIONS.—Notwithstanding paragraph (2), for purposes of this subtitle a taxpayer shall not be considered to be a head of a household—

(A) If at any time during the taxable year he is a nonresident alien; or

(B) By reason of an individual who would not be a dependent for the taxable year but for—

(i) Paragraph (9) of section 152(a),

(ii) Paragraph (10) of section 152(a), or

(iii) Subsection (c) of section 152.

* * * * *

SEC. 2. DEFINITIONS AND SPECIAL RULES.

*

[Sec. 2(a)]

(a) DEFINITION OF SURVIVING SPOUSE.—

(1) IN GENERAL.—For purposes of section 1, the term "surviving spouse" means a taxpayer—

(A) Whose spouse died during either of his 2 taxable years immediately preceding the taxable year, and

(B) Who maintains as his home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent (i) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer, and (ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of section 1 a taxpayer shall not be considered to be a surviving spouse—

(A) If the taxpayer has remarried at any time before the close of the taxable year, or

(B) Unless, for the taxpayer's taxable year during which his spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

[Sec. 2(b)]

(b) DEFINITION OF HEAD OF HOUSEHOLD.—

(1) IN GENERAL.—For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

(A) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(i) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(B) Maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintain-

ing the household during the taxable year is furnished by such individual.

(2) DETERMINATION OF STATUS.—For purposes of this subsection—

(A) A legally adopted child of a person shall be considered a child of such person by blood;

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(C) A taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

(D) A taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this subtitle a taxpayer shall not be considered to be a head of a household—

(A) If at any time during the taxable year he is a nonresident alien; or

(B) By reason of an individual who would not be a dependent for the taxable year but for—

(i) Paragraph (9) of section 152(a),

(ii) Paragraph (10) of section 152(a), or

(iii) Subsection (c) of section 152.

[Sec. 2(c)]

(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual who, under section 143(b), is not to be considered as married shall not be considered as married.

[Sec. 2(d)]

(d) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, the tax imposed by section 1 shall apply only as provided by section 871 or 877.

[Sec. 2(c)]

(c) CROSS REFERENCE.—

For definition of taxable income, see section 63.

[Sec. 2 as amended by sec. 803(b) Tax Reform Act 1969]

PAR. 6. Section 1.2–1 is amended to read as follows:

§ 1.2–1 Tax in case of joint return of husband and wife or the return of a surviving spouse.

(a) *Taxable year ending before January 1, 1971.* (1) For taxable years ending before January 1, 1971, in the case of a joint return of husband and wife, or the return of a surviving spouse as defined in section 2(b), the tax imposed by section 1 shall be twice the tax that would be imposed if the taxable income were reduced by one-half. For rules relating to the filing of joint returns of husband and wife, see section 6013 and the regulations thereunder.

(2) The method of computing, under section 2(a), the tax of husband and wife in the case of a joint return, or the tax of a surviving spouse, is as follows:

(i) First, the taxable income is reduced by one-half. Second, the tax is determined as provided by section 1 by using the taxable income so reduced. Third, the tax so determined, which is the tax that would be determined if the taxable income were reduced by one-half, is then multiplied by two to produce the tax imposed in the case of the joint return or the return of a surviving spouse, subject, however, to the allowance of any credits against the tax under the provisions of sections 31 through 38 and the regulations thereunder.

(ii) The limitation under section 1(c) of the tax to an amount not in excess of a specified percent of the taxable income for the taxable year is to be applied before the third step above, that is, the limitation to be applied upon the tax is determined as the applicable specified percent of one-half of the taxable income for the taxable year (such one-half of the taxable income being the actual aggregate taxable income of the spouses, or the total taxable income of the surviving spouse, as the case may be, reduced by one-half). For the percent applicable in determining the limitation of the tax under section 1(c), see § 1.1–2(a). After such limitation is applied, then the tax so limited is multiplied by two as provided in section 2(a) (the third step above).

(iii) The following computation illustrates the method of application of section 2(a) in the determination of the tax of a husband and wife filing a joint return for the calendar year 1965. If the combined gross income is $8,200, and the only deductions are the two exemptions of the taxpayers under section 151 (b) and the standard deduction under section 141, the tax on the joint return for 1965, without regard to any credits against the tax, is $1,034.20 determined as follows:

1. Gross income		$8,200.00
2. Less:		
Standard deduction, section 141	$820	
Deduction for personal exemption, section 151	1,200	2,020.00
3. Taxable income		6,180.00
4. Taxable income reduced by one-half		3,090.00
5. Tax computed by the tax table provided under section 1(a) (2) ($310 plus 19 percent of excess over $2,000)		517.10
6. Twice the tax in item 5		1,034.20

(b) *Taxable years beginning after December 31, 1970.* (1) For taxable years beginning after December 31, 1970, in the case of a joint return of husband and wife, or the return of a surviving spouse as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969, the tax shall be determined in accordance with the table contained in section 1(a) of the Code as so amended. For rules relating to the filing of joint returns of husband and wife see section 6013 as amended and the regulations thereunder.

(2) The following computation illustrates the method of computing the tax of a husband and wife filing a joint return for calendar year 1971. If the combined gross income is $8,200, and the only deductions are the two exemptions of the taxpayers under section 151(b), as amended, and the standard deduction under section 141, as amended, the tax on the joint return for 1971, without regard to any credits against the tax, is $968.46, determined as follows:

1. Gross income		$8,200.00
2. Less:		
Standard deduction, section 141	$1,066.00	
Deduction for personal exemption, section 151	1,300.00	2,366.00
3. Taxable income		5,834.00
4. Tax computed by the tax table provided under section 1(a) ($620 plus 19 percent of excess over $4,000)		968.46

(3) The limitation under section 1348 with respect to the maximum rate of tax on earned income shall apply to a married individual only if such individual and his spouse file a joint return for the taxable year.

(c) *Death of a spouse.* If a joint return of a husband and wife is filed under the provisions of section 6013 and if the husband and wife have different taxable years solely because of the death of either spouse, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of the computation of the tax in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(d) *Computation of optional tax.* For computation of optional tax in the case of a joint return or the return of a surviving spouse, see section 3 and the regulations thereunder.

(e) *Change in rates.* For treatment of taxable years during which a change in the tax rates occurs see section 21 and the regulations thereunder.

PAR. 7. Section 1.2–2 is amended to read as follows:

§ 1.2–2 Definitions and special rules.

(a) *Surviving spouse.* (1) If a taxpayer is eligible to file a joint return under the Internal Revenue Code of 1954 without regard to section 6013(a)(3) thereof for the taxable year in which his spouse dies, his return for each of the next 2 taxable years following the year of the death of the spouse shall be treated as a joint return for all purposes if all three of the following requirements are satisfied:

(i) He has not remarried before the close of the taxable year the return for which is sought to be treated as a joint return, and

(ii) He maintains as his home a household which constitutes for the taxable year the principal place of abode as a member of such household of a person who is (whether by blood or adoption) a son, stepson, daughter, or stepdaughter of the taxpayer, and

(iii) He is entitled for the taxable year to a deduction under section 151 (relating to deductions for dependents) with

respect to such son, stepson, daughter, or stepdaughter.

(2) See paragraphs (c)(1) and (d) of this section for rules for the determination of when the taxpayer maintains as his home a household which constitutes for the taxable year the principal place of abode, as a member of such household, of another person.

(3) If the taxpayer does not qualify as a surviving spouse he may nevertheless qualify as a head of a household if he meets the requirements of § 1.2–2(b).

(4) The following example illustrates the provisions relating to a surviving spouse:

Example: Assume that the taxpayer meets the requirements of this paragraph for the years 1967 through 1971, and that the taxpayer, whose wife died during 1966 while married to him, remarried in 1968. In 1969, the taxpayer's second wife died while married to him, and he remained single thereafter. For 1967 the taxpayer will qualify as a surviving spouse, provided that neither the taxpayer nor the first wife was a nonresident alien at any time during 1966 and that she (immediately prior to her death) did not have a taxable year different from that of the taxpayer. For 1968 the taxpayer does not qualify as a surviving spouse because he remarried before the close of the taxable year. The taxpayer will qualify as a surviving spouse for 1970 and 1971, provided that neither the taxpayer nor the second wife was a nonresident alien at any time during 1969 and that she (immediately prior to her death) did not have a taxable year different from that of the taxpayer. On the other hand, if the taxpayer, in 1969, was divorced or legally separated from his second wife, the taxpayer will not qualify as a surviving spouse for 1970 or 1971, since he could not have filed a joint return for 1969 (the year in which his second wife died).

(b) *Head of household.* (1) A taxpayer shall be considered the head of a household if, and only if, he is not married at the close of his taxable year, is not a surviving spouse (as defined in paragraph (a) of this section, and (i) maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of at least one of the individuals described in subparagraph (3), or (ii) maintains (whether or not as his home) a household which constitutes for such taxable year the principal place of abode of one of the individuals described in subparagraph (4).

(2) Under no circumstances shall the same person be used to qualify more than one taxpayer as the head of a household for the same taxable year.

(3) Any of the following persons may qualify the taxpayer as a head of a household:

(i) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer. For the purpose of determining whether any of the stated relationships exist, a legally adopted child of a person is considered a child of such person by blood. If any such person is not married at the close of the taxable year of the taxpayer, the taxpayer may qualify as the head of a household by reason of such person even though the taxpayer may not claim a deduction for such person under section 151, for example, because the taxpayer does not furnish more than half of the support of such person. However, if any such person is married at the close of the taxable year of the taxpayer, the taxpayer may qualify as the head of a household by reason of such person only if the taxpayer is entitled to a deduction for such person under section 151 and the regulations thereunder. In applying the preceding sentence there shall be disregarded any such person for whom a deduction is allowed under section 151 only by reason of section 152(c) (relating to persons covered by a multiple support agreement).

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151 and paragraphs (3) through (8) of section 152(a) and the regulations thereunder. Under section 151 the taxpayer may be entitled to a deduction for any of the following persons:

(a) His brother, sister, stepbrother, or stepsister;

(b) His father or mother, or an ancestor of either;

(c) His stepfather or stepmother;

(d) A son or a daughter of his brother or sister;

(e) A brother or sister of his father or mother; or

(f) His son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law;

if such person has a gross income of less than the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. The taxpayer may not be considered to be a head of a household by reason of any person for whom a deduction is allowed under section 151 only by reason of sections 152(a)(9), 152(a)(10), or 152(c) (relating to persons not related to the taxpayer, persons receiving institutional care, and persons covered by multiple support agreements).

(4) The father or mother of the taxpayer may qualify the taxpayer as a head of a household, but only if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151 (determined without regard to section 152(c)). For example, an unmarried taxpayer who maintains a home for his widowed mother may not qualify as the head of a household by reason of his maintenance of a home for his mother if his mother has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins, or if he does not furnish more than one-half of the support of his mother for such calendar year. For this purpose, a person who legally adopted the taxpayer is considered the father or mother of the taxpayer.

(5) For the purpose of this paragraph, the status of the taxpayer shall be determined as of the close of the taxpayer's taxable year. A taxpayer shall be considered as not married if at the close of his taxable year he is legally separated from his spouse under a decree of divorce or separate maintenance, or if at any time during the taxable year the spouse to whom the taxpayer is married at the close of his taxable year was a nonresident alien. A taxpayer shall be considered married at the close of his taxable year if his spouse (other than a spouse who is a nonresident alien) dies during such year.

(6) If the taxpayer is a nonresident alien during any part of the taxable year he may not qualify as a head of a household even though he may comply with the other provisions of this paragraph. See the regulations prescribed under section 871 for a definition of nonresident alien.

(c) *Household.* (1) In order for a taxpayer to be considered as maintaining a household by reason of any individual described in paragraph (a)(1) or (b)(3) of this section, the household must actually constitute the home of the taxpayer for his taxable year. A physical change in the location of such home will not prevent a taxpayer from qualifying as a head of a household. Such home must also constitute the principal place of abode of at least one of the persons specified in such paragraph (a)(1) or (b)(3) of this section. It is not sufficient that the taxpayer maintain the household without being its occupant. The taxpayer and such other person must occupy the household for the entire taxable year of the taxpayer. However, the fact that such other person is born or dies within the taxable year will not prevent the taxpayer from qualifying as a head of household if the household constitutes the principal place of abode of such other person for the remaining or preceding part of such taxable year. The taxpayer and such other person will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which a child or stepchild is absent for less than 6 months in the taxable year of the taxpayer, shall be considered temporary absence due to special circumstances. Such absence will not prevent the taxpayer from being considered as maintaining a household if (i) it

is reasonable to assume that the taxpayer or such other person will return to the household, and (ii) the taxpayer continues to maintain such household or a substantially equivalent household in anticipation of such return.

(2) In order for a taxpayer to be considered as maintaining a household by reason of any individual described in paragraph (b)(4) of this section, the household must actually constitute the principal place of abode of the taxpayer's dependent father or mother, or both of them. It is not, however, necessary for the purposes of such subparagraph for the taxpayer also to reside in such place of abode. A physical change in the location of such home will not prevent a taxpayer from qualifying as a head of a household. The father or mother of the taxpayer, however, must occupy the household for the entire taxable year of the taxpayer. They will be considered as occupying the household for such entire year notwithstanding temporary absences from the household due to special circumstances. For example, a nonpermanent failure to occupy the household by reason of illness or vacation shall be considered temporary absence due to special circumstances. Such absence will not prevent the taxpayer from qualifying as the head of a household if (i) it is reasonable to assume that such person will return to the household, and (ii) the taxpayer continues to maintain such household or a substantially equivalent household in anticipation of such return. However, the fact that the father or mother of the taxpayer dies within the year will not prevent the taxpayer from qualifying as a head of a household if the household constitutes the principal place of abode of the father or mother for the preceding part of such taxable year.

(d) *Cost of maintaining a household.* A taxpayer shall be considered as maintaining a household only if he pays more than one-half the cost thereof for his taxable year. The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants for such taxable year. The cost of maintaining a household shall not include expenses otherwise incurred. The expenses of maintaining a household include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. Such expenses do not include the cost of clothing, education, medical treatment, vacations, life insurance, and transportation. In addition, the cost of maintaining a household shall not include any amount which represents the value of services rendered in the household by the taxpayer or by a person qualifying the taxpayer as a head of a household or as a surviving spouse.

(e) *Certain married individuals living apart.* For taxable years beginning after December 31, 1969, an individual who is considered as not married under section 143(b) shall be considered as not married for purposes of determining whether he or she qualifies as a single individual, a married individual, a head of household or a surviving spouse under sections 1 and 2 of the Code.

PAR. 8. Section 1.3 is amended to insert after section 3, applicable to taxable years ending before January 1, 1970, new section 3 applicable to taxable years beginning after December 31, 1969 and by adding a historical note. These amended and added provisions read as follows:

§ 1.3 Statutory provisions; optional tax tables for individuals.

SEC. 3. *Optional tax tables for individuals.* In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $10,000, and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1.

TABLE I.—SINGLE PERSON—NOT HEAD OF HOUSEHOLD

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—							If adjusted gross income is—		And the number of exemptions is—						
At least	But less than	1	2	3	4	5	6	7 or more	At least	But less than	1	2	3	4	5	6	7 or more
		The tax is—									The tax is—						
0	$900	0	0	0	0				$2,450	$2,475	$236	$124	$23	0	0	0	0
$900	925	$2	0	0	0				2,475	2,500	240	128	26	0	0	0	0
925	950	5	0	0	0				2,500	2,525	244	132	30	0	0	0	0
950	975	9	0	0	0				2,525	2,550	248	136	33	0	0	0	0
975	1,000	12	0	0	0				2,550	2,575	253	139	37	0	0	0	0
1,000	1,025	16	0	0	0				2,575	2,600	257	143	40	0	0	0	0
1,025	1,050	19	0	0	0				2,600	2,625	261	147	44	0	0	0	0
1,050	1,075	23	0	0	0				2,625	2,650	265	151	47	0	0	0	0
1,075	1,100	26	0	0	0				2,650	2,675	270	155	51	0	0	0	0
1,100	1,125	30	0	0	0				2,675	2,700	274	159	54	0	0	0	0
1,125	1,150	33	0	0	0				2,700	2,725	278	163	58	0	0	0	0
1,150	1,175	37	0	0	0				2,725	2,750	282	167	61	0	0	0	0
1,175	1,200	40	0	0	0				2,750	2,775	287	171	65	0	0	0	0
1,200	1,225	44	0	0	0				2,775	2,800	291	175	68	0	0	0	0
1,225	1,250	47	0	0	0				2,800	2,825	295	179	72	0	0	0	0
1,250	1,275	51	0	0	0				2,825	2,850	299	183	76	0	0	0	0
1,275	1,300	54	0	0	0				2,850	2,875	304	187	79	0	0	0	0
1,300	1,325	58	0	0	0				2,875	2,900	308	191	83	0	0	0	0
1,325	1,350	61	0	0	0				2,900	2,925	312	195	87	0	0	0	0
1,350	1,375	65	0	0	0				2,925	2,950	317	199	91	0	0	0	0
1,375	1,400	68	0	0	0				2,950	2,975	322	203	94	0	0	0	0
1,400	1,425	72	0	0	0				2,975	3,000	327	207	98	0	0	0	0
1,425	1,450	76	0	0	0				3,000	3,050	333	213	104	$4	0	0	0
1,450	1,475	79	0	0	0				3,050	3,100	342	221	111	11	0	0	0
1,475	1,500	83	0	0	0				3,100	3,150	350	229	119	18	0	0	0
1,500	1,525	87	0	0	0				3,150	3,200	359	238	126	25	0	0	0
1,525	1,550	91	0	0	0				3,200	3,250	367	246	134	32	0	0	0
1,550	1,575	94	0	0	0				3,250	3,300	376	255	141	39	0	0	0
1,575	1,600	98	0	0	0				3,300	3,350	385	263	149	46	0	0	0
1,600	1,625	102	$2	0	0				3,350	3,400	393	272	157	53	0	0	0
1,625	1,650	106	5	0	0				3,400	3,450	402	280	165	60	0	0	0
1,650	1,675	109	9	0	0				3,450	3,500	410	289	173	67	0	0	0
1,675	1,700	113	12	0	0				3,500	3,550	419	297	181	74	0	0	0
1,700	1,725	117	16	0	0				3,550	3,600	427	306	189	81	0	0	0
1,725	1,750	121	19	0	0				3,600	3,650	436	315	197	89	0	0	0
1,750	1,775	124	23	0	0				3,650	3,700	444	324	205	96	0	0	0
1,775	1,800	128	26	0	0				3,700	3,750	453	334	213	104	$4	0	0
1,800	1,825	132	30	0	0				3,750	3,800	462	343	221	111	11	0	0
1,825	1,850	136	33	0	0				3,800	3,850	470	353	229	119	18	0	0
1,850	1,875	139	37	0	0				3,850	3,900	479	362	238	126	25	0	0
1,875	1,900	143	40	0	0				3,900	3,950	487	372	246	134	32	0	0
1,900	1,925	147	44	0	0				3,950	4,000	496	381	255	141	39	0	0
1,925	1,950	151	47	0	0				4,000	4,050	504	390	263	149	46	0	0
1,950	1,975	155	51	0	0				4,050	4,100	513	399	272	157	53	0	0
1,975	2,000	159	54	0	0				4,100	4,150	521	407	280	165	60	0	0
2,000	2,025	163	58	0	0				4,150	4,200	530	416	289	173	67	0	0
2,025	2,050	167	61	0	0				4,200	4,250	538	424	297	181	74	0	0
2,050	2,075	171	65	0	0				4,250	4,300	547	433	306	189	81	0	0
2,075	2,100	175	68	0	0				4,300	4,350	556	442	315	197	89	0	0
2,100	2,125	179	72	0	0				4,350	4,400	564	450	324	205	96	0	0
2,125	2,150	183	76	0	0				4,400	4,450	573	459	334	213	104	$4	0
2,150	2,175	187	79	0	0				4,450	4,500	581	467	343	221	111	11	0
2,175	2,200	191	83	0	0				4,500	4,550	590	476	353	229	119	18	0
2,200	2,225	195	87	0	0				4,550	4,600	598	484	362	238	126	25	0
2,225	2,250	199	91	0	0				4,600	4,650	607	493	372	246	134	32	0
2,250	2,275	203	94	0	0				4,650	4,700	615	501	381	255	141	39	0
2,275	2,300	207	98	0	0				4,700	4,750	624	510	391	263	149	46	0
2,300	2,325	211	102	$2	0				4,750	4,800	633	519	400	272	157	53	0
2,325	2,350	215	106	5	0				4,800	4,850	641	527	410	280	165	60	0
2,350	2,375	219	109	9	0				4,850	4,900	650	536	419	289	173	67	0
2,375	2,400	223	113	12	0				4,900	4,950	658	544	429	297	181	74	0
2,400	2,425	227	117	16	0				4,950	5,000	667	553	438	306	189	81	0
2,425	2,450	231	121	19	0												

TABLE II—HEAD OF HOUSEHOLD

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—							If adjusted gross income is—		And the number of exemptions is—						
At least	But less than	1	2	3	4 or more				At least	But less than	1	2	3	4	5	6	7 or more
		The tax is—									The tax is—						
0	$900	0	0	0	0				$2,450	$2,475	$230	$121	$23	0	0	0	0
$900	925	$2	0	0	0				2,475	2,500	234	124	26	0	0	0	0
925	950	5	0	0	0				2,500	2,525	238	128	30	0	0	0	0
950	975	9	0	0	0				2,525	2,550	242	131	33	0	0	0	0
975	1,000	12	0	0	0				2,550	2,575	246	135	37	0	0	0	0
1,000	1,025	16	0	0	0				2,575	2,600	250	138	40	0	0	0	0
1,025	1,050	19	0	0	0				2,600	2,625	254	142	44	0	0	0	0
1,050	1,075	23	0	0	0				2,625	2,650	258	146	47	0	0	0	0
1,075	1,100	26	0	0	0				2,650	2,675	262	150	51	0	0	0	0
1,100	1,125	30	0	0	0				2,675	2,700	266	154	54	0	0	0	0
1,125	1,150	33	0	0	0				2,700	2,725	270	158	58	0	0	0	0
1,150	1,175	37	0	0	0				2,725	2,750	274	162	61	0	0	0	0
1,175	1,200	40	0	0	0				2,750	2,775	278	166	65	0	0	0	0
1,200	1,225	44	0	0	0				2,775	2,800	282	170	68	0	0	0	0
1,225	1,250	47	0	0	0				2,800	2,825	286	174	72	0	0	0	0
1,250	1,275	51	0	0	0				2,825	2,850	290	178	75	0	0	0	0
1,275	1,300	54	0	0	0				2,850	2,875	294	182	79	0	0	0	0
1,300	1,325	58	0	0	0				2,875	2,900	298	186	82	0	0	0	0
1,325	1,350	61	0	0	0				2,900	2,925	302	190	86	0	0	0	0
1,350	1,375	65	0	0	0				2,925	2,950	307	194	89	0	0	0	0
1,375	1,400	68	0	0	0				2,950	2,975	311	198	93	0	0	0	0
1,400	1,425	72	0	0	0				2,975	3,000	316	202	96	0	0	0	0
1,425	1,450	75	0	0	0				3,000	3,050	322	208	102	$4	0	0	0
1,450	1,475	79	0	0	0				3,050	3,100	330	216	109	11	0	0	0
1,475	1,500	82	0	0	0				3,100	3,150	338	224	116	18	0	0	0
1,500	1,525	86	0	0	0				3,150	3,200	346	232	123	25	0	0	0
1,525	1,550	89	0	0	0				3,200	3,250	354	240	130	32	0	0	0
1,550	1,575	93	0	0	0				3,250	3,300	363	248	137	39	0	0	0
1,575	1,600	96	0	0	0				3,300	3,350	371	256	144	46	0	0	0
1,600	1,625	100	$2	0	0				3,350	3,400	379	264	152	53	0	0	0
1,625	1,650	103	5	0	0				3,400	3,450	387	272	160	60	0	0	0
1,650	1,675	107	9	0	0				3,450	3,500	395	280	168	67	0	0	0
1,675	1,700	110	12	0	0				3,500	3,550	403	288	176	74	0	0	0
1,700	1,725	114	16	0	0				3,550	3,600	411	296	184	81	0	0	0
1,725	1,750	117	19	0	0				3,600	3,650	419	305	192	88	0	0	0
1,750	1,775	121	23	0	0				3,650	3,700	427	314	200	95	0	0	0
1,775	1,800	124	26	0	0				3,700	3,750	435	323	208	102	84	0	0
1,800	1,825	128	30	0	0				3,750	3,800	444	332	216	109	11	0	0
1,825	1,850	131	33	0	0				3,800	3,850	452	341	224	116	18	0	0
1,850	1,875	135	37	0	0				3,850	3,900	460	350	232	123	25	0	0
1,875	1,900	138	40	0	0				3,900	3,950	468	359	240	130	32	0	0
1,900	1,925	142	44	0	0				3,950	4,000	476	368	248	137	39	0	0
1,925	1,950	146	47	0	0				4,000	4,050	484	376	256	144	46	0	0
1,950	1,975	150	51	0	0				4,050	4,100	492	384	264	152	53	0	0
1,975	2,000	154	54	0	0				4,100	4,150	500	392	272	160	60	0	0
2,000	2,025	158	58	0	0				4,150	4,200	508	400	280	168	67	0	0
2,025	2,050	162	61	0	0				4,200	4,250	516	408	288	176	74	0	0
2,050	2,075	166	65	0	0				4,250	4,300	525	417	296	184	81	0	0
2,075	2,100	170	68	0	0				4,300	4,350	533	425	305	192	88	0	0
2,100	2,125	174	72	0	0				4,350	4,400	541	433	311	200	95	0	0
2,125	2,150	178	75	0	0				4,400	4,450	549	441	323	208	102	84	0
2,150	2,175	182	79	0	0				4,450	4,500	557	449	332	216	109	11	0
2,175	2,200	186	82	0	0				4,500	4,550	565	457	341	224	116	18	0
2,200	2,225	190	86	0	0				4,550	4,600	573	465	350	232	123	25	0
2,225	2,250	194	89	0	0				4,600	4,650	581	473	359	240	130	32	0
2,250	2,275	198	93	0	0				4,650	4,700	589	481	368	248	137	39	0
2,275	2,300	202	96	0	0				4,700	4,750	597	489	377	256	144	46	0
2,300	2,325	206	100	$2	0				4,750	4,800	606	498	386	264	152	53	0
2,325	2,350	210	103	5	0				4,800	4,850	614	506	395	272	160	60	0
2,350	2,375	214	107	9	0				4,850	4,900	622	514	404	280	168	67	0
2,375	2,400	218	110	12	0				4,900	4,950	630	522	413	288	176	74	0
2,400	2,425	222	114	16	0				4,950	5,000	638	530	422	296	184	81	0
2,425	2,450	226	117	19	0												

TABLE III—MARRIED PERSONS FILING JOINT RETURNS

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—			If adjusted gross income is—		And the number of exemptions is—						
At least	But less than	2	3	4 or more	At least	But less than	2	3	4	5	6	7 or more
		The tax is—					The tax is—					
0	$1,600	0	0	0	$2,800	$2,825	$172	$72	0	0	0	0
$1,600	1,625	$2	0	0	2,825	2,850	176	75	0	0	0	0
1,625	1,650	5	0	0	2,850	2,875	179	79	0	0	0	0
1,650	1,675	9	0	0	2,875	2,900	183	82	0	0	0	0
1,675	1,700	12	0	0	2,900	2,925	187	86	0	0	0	0
1,700	1,725	16	0	0	2,925	2,950	191	89	0	0	0	0
1,725	1,750	19	0	0	2,950	2,975	194	93	0	0	0	0
1,750	1,775	23	0	0	2,975	3,000	198	96	0	0	0	0
1,775	1,800	26	0	0	3,000	3,050	204	102	84	0	0	0
1,800	1,825	30	0	0	3,050	3,100	211	109	11	0	0	0
1,825	1,850	33	0	0	3,100	3,150	219	116	18	0	0	0
1,850	1,875	37	0	0	3,150	3,200	226	123	25	0	0	0
1,875	1,900	40	0	0	3,200	3,250	234	130	32	0	0	0
1,900	1,925	44	0	0	3,250	3,300	241	137	39	0	0	0
1,925	1,950	47	0	0	3,300	3,350	249	144	46	0	0	0
1,950	1,975	51	0	0	3,350	3,400	256	151	53	0	0	0
1,975	2,000	54	0	0	3,400	3,450	264	159	60	0	0	0
2,000	2,025	58	0	0	3,450	3,500	271	166	67	0	0	0
2,025	2,050	61	0	0	3,500	3,550	279	174	74	0	0	0
2,050	2,075	65	0	0	3,550	3,600	286	181	81	0	0	0
2,075	2,100	68	0	0	3,600	3,650	294	189	88	0	0	0
2,100	2,125	72	0	0	3,650	3,700	302	196	95	0	0	0
2,125	2,150	75	0	0	3,700	3,750	310	204	102	84	0	0
2,150	2,175	79	0	0	3,750	3,800	318	211	109	11	0	0
2,175	2,200	82	0	0	3,800	3,850	326	219	116	18	0	0
2,200	2,225	86	0	0	3,850	3,900	334	226	123	25	0	0
2,225	2,250	89	0	0	3,900	3,950	342	234	130	32	0	0
2,250	2,275	93	0	0	3,950	4,000	350	241	137	39	0	0
2,275	2,300	96	0	0	4,000	4,050	358	249	144	46	0	0
2,300	2,325	100	$2	0	4,050	4,100	365	256	151	53	0	0
2,325	2,350	103	5	0	4,100	4,150	372	264	159	60	0	0
2,350	2,375	107	9	0	4,150	4,200	379	271	166	67	0	0
2,375	2,400	110	12	0	4,200	4,250	386	279	174	74	0	0
2,400	2,425	114	16	0	4,250	4,300	394	286	181	81	0	0
2,425	2,450	117	19	0	4,300	4,350	401	294	189	88	0	0
2,450	2,475	121	23	0	4,350	4,400	408	302	196	95	0	0
2,475	2,500	124	26	0	4,400	4,450	415	310	204	102	84	0
2,500	2,525	128	30	0	4,450	4,500	422	318	211	109	11	0
2,525	2,550	131	33	0	4,500	4,550	430	326	219	116	18	0
2,550	2,575	135	37	0	4,550	4,600	437	334	226	123	25	0
2,575	2,600	138	40	0	4,600	4,650	444	342	234	130	32	0
2,600	2,625	142	44	0	4,650	4,700	451	350	241	137	39	0
2,625	2,650	146	47	0	4,700	4,750	459	358	249	144	46	0
2,650	2,675	149	51	0	4,750	4,800	467	366	256	151	53	0
2,675	2,700	153	54	0	4,800	4,850	474	374	264	159	60	0
2,700	2,725	157	58	0	4,850	4,900	482	382	271	166	67	0
2,725	2,750	161	61	0	4,900	4,950	490	390	279	174	74	0
2,750	2,775	164	65	0	4,950	5,000	497	398	286	181	81	0
2,775	2,800	168	68	0								

TABLE IV—MARRIED PERSONS FILING SEPARATE RETURNS 10-PERCENT STANDARD DEDUCTION

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
At least	But less than	1	2	3	4 or more	At least	But less than	1	2	3	4	5	6	7	8 or more
		The tax is—						The tax is—							
0	$675	0	0	0	0	$2,325	$2,350	$226	$131	$43	0	0	0	0	0
$675	700	$3	0	0	0	2,350	2,375	229	134	46	0	0	0	0	0
700	725	6	0	0	0	2,375	2,400	233	137	49	0	0	0	0	0
725	750	9	0	0	0	2,400	2,425	237	141	52	0	0	0	0	0
750	775	12	0	0	0	2,425	2,450	241	144	55	0	0	0	0	0
775	800	15	0	0	0	2,450	2,475	245	148	58	0	0	0	0	0
800	825	18	0	0	0	2,475	2,500	249	151	61	0	0	0	0	0
825	850	22	0	0	0	2,500	2,525	252	155	65	0	0	0	0	0
850	875	25	0	0	0	2,525	2,550	256	158	68	0	0	0	0	0
875	900	28	0	0	0	2,550	2,575	260	162	71	0	0	0	0	0
900	925	31	0	0	0	2,575	2,600	264	166	74	0	0	0	0	0
925	950	34	0	0	0	2,600	2,625	268	169	78	0	0	0	0	0
950	975	37	0	0	0	2,625	2,650	272	173	81	0	0	0	0	0
975	1,000	40	0	0	0	2,650	2,675	275	176	84	0	0	0	0	0
1,000	1,025	44	0	0	0	2,675	2,700	279	180	88	$3	0	0	0	0
1,025	1,050	47	0	0	0	2,700	2,725	283	184	91	6	0	0	0	0
1,050	1,075	50	0	0	0	2,725	2,750	287	187	95	9	0	0	0	0
1,075	1,100	53	0	0	0	2,750	2,775	291	191	98	12	0	0	0	0
1,100	1,125	56	0	0	0	2,775	2,800	294	194	101	15	0	0	0	0
1,125	1,150	59	0	0	0	2,800	2,825	298	198	105	18	0	0	0	0
1,150	1,175	62	0	0	0	2,825	2,850	302	202	108	22	0	0	0	0
1,175	1,200	66	0	0	0	2,850	2,875	306	205	111	25	0	0	0	0
1,200	1,225	69	0	0	0	2,875	2,900	310	209	115	28	0	0	0	0
1,225	1,250	72	0	0	0	2,900	2,925	314	212	118	31	0	0	0	0
1,250	1,275	75	0	0	0	2,925	2,950	318	216	122	34	0	0	0	0
1,275	1,300	79	0	0	0	2,950	2,975	323	220	125	37	0	0	0	0
1,300	1,325	82	0	0	0	2,975	3,000	327	223	128	40	0	0	0	0
1,325	1,350	86	$1	0	0	3,000	3,050	333	229	133	45	0	0	0	0
1,350	1,375	89	4	0	0	3,050	3,100	342	236	140	51	0	0	0	0
1,375	1,400	92	7	0	0	3,100	3,150	350	244	147	58	0	0	0	0
1,400	1,425	96	10	0	0	3,150	3,200	359	252	154	64	0	0	0	0
1,425	1,450	99	13	0	0	3,200	3,250	367	259	161	70	0	0	0	0
1,450	1,475	102	16	0	0	3,250	3,300	376	267	169	77	0	0	0	0
1,475	1,500	106	19	0	0	3,300	3,350	385	275	176	84	0	0	0	0
1,500	1,525	109	23	0	0	3,350	3,400	393	282	183	91	$5	0	0	0
1,525	1,550	113	26	0	0	3,400	3,450	402	290	190	97	12	0	0	0
1,550	1,575	116	29	0	0	3,450	3,500	410	298	197	104	18	0	0	0
1,575	1,600	119	32	0	0	3,500	3,550	419	305	205	111	24	0	0	0
1,600	1,625	123	35	0	0	3,550	3,600	427	313	212	118	30	0	0	0
1,625	1,650	126	38	0	0	3,600	3,650	436	322	219	124	37	0	0	0
1,650	1,675	129	41	0	0	3,650	3,700	444	330	226	131	43	0	0	0
1,675	1,700	133	45	0	0	3,700	3,750	453	339	234	138	49	0	0	0
1,700	1,725	136	48	0	0	3,750	3,800	462	348	242	145	56	0	0	0
1,725	1,750	140	51	0	0	3,800	3,850	470	356	249	152	62	0	0	0
1,750	1,775	143	54	0	0	3,850	3,900	479	365	257	159	68	0	0	0
1,775	1,800	146	57	0	0	3,900	3,950	487	373	265	166	75	0	0	0
1,800	1,825	150	60	0	0	3,950	4,000	496	382	272	173	82	0	0	0
1,825	1,850	154	64	0	0	4,000	4,050	504	390	280	181	88	$3	0	0
1,850	1,875	157	67	0	0	4,050	4,100	513	399	287	188	95	9	0	0
1,875	1,900	161	70	0	0	4,100	4,150	521	407	295	195	102	16	0	0
1,900	1,925	164	73	0	0	4,150	4,200	530	418	303	202	109	22	0	0
1,925	1,950	168	77	0	0	4,200	4,250	538	424	310	209	115	28	0	0
1,950	1,975	172	80	0	0	4,250	4,300	547	433	319	217	122	35	0	0
1,975	2,000	175	83	0	0	4,300	4,350	556	442	328	224	129	41	0	0
2,000	2,025	179	87	$2	0	4,350	4,400	564	450	336	231	136	47	0	0
2,025	2,050	182	90	5	0	4,400	4,450	573	459	345	239	142	54	0	0
2,050	2,075	186	94	8	0	4,450	4,500	581	467	353	247	149	60	0	0
2,075	2,100	190	97	11	0	4,500	4,550	590	476	362	254	157	66	0	0
2,100	2,125	193	100	14	0	4,550	4,600	598	484	370	262	164	73	0	0
2,125	2,150	197	104	17	0	4,600	4,650	607	493	379	270	171	79	0	0
2,150	2,175	200	107	20	0	4,650	4,700	615	501	387	277	178	86	$1	0
2,175	2,200	204	110	24	0	4,700	4,750	624	510	396	285	185	93	7	0
2,200	2,225	208	114	27	0	4,750	4,800	633	519	405	293	193	100	14	0
2,225	2,250	211	117	30	0	4,800	4,850	641	527	413	300	200	106	20	0
2,250	2,275	215	120	33	0	4,850	4,900	650	536	422	308	207	113	26	0
2,275	2,300	218	124	36	0	4,900	4,950	658	544	430	316	214	120	33	0
2,300	2,325	222	127	39	0	4,950	5,000	667	553	439	325	221	127	39	0

TABLE V—MARRIED PERSONS FILING SEPARATE RETURNS MINIMUM STANDARD DEDUCTION

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
At least	But less than	1	2	3	4 or more	At least	But less than	1	2	3	4	5	6	7	8 or more
		The tax is—						The tax is—							
0	$800	0	0	0	0	$2,400	$2,425	$244	$132	$30	0	0	0	0	0
$800	825	$2	0	0	0	2,425	2,450	248	136	33	0	0	0	0	0
825	850	5	0	0	0	2,450	2,475	253	139	37	0	0	0	0	0
850	875	9	0	0	0	2,475	2,500	257	143	40	0	0	0	0	0
875	900	12	0	0	0	2,500	2,525	261	147	44	0	0	0	0	0
900	925	16	0	0	0	2,525	2,550	265	151	47	0	0	0	0	0
925	950	19	0	0	0	2,550	2,575	270	155	51	0	0	0	0	0
950	975	23	0	0	0	2,575	2,600	274	159	54	0	0	0	0	0
975	1,000	26	0	0	0	2,600	2,625	278	163	58	0	0	0	0	0
1,000	1,025	30	0	0	0	2,625	2,650	282	167	61	0	0	0	0	0
1,025	1,050	33	0	0	0	2,650	2,675	287	171	65	0	0	0	0	0
1,050	1,075	37	0	0	0	2,675	2,700	291	175	68	0	0	0	0	0
1,075	1,100	40	0	0	0	2,700	2,725	295	179	72	0	0	0	0	0
1,100	1,125	44	0	0	0	2,725	2,750	299	183	76	0	0	0	0	0
1,125	1,150	47	0	0	0	2,750	2,775	304	187	79	0	0	0	0	0
1,150	1,175	51	0	0	0	2,775	2,800	308	191	83	0	0	0	0	0
1,175	1,200	54	0	0	0	2,800	2,825	312	195	87	0	0	0	0	0
1,200	1,225	58	0	0	0	2,825	2,850	317	199	91	0	0	0	0	0
1,225	1,250	61	0	0	0	2,850	2,875	322	203	94	0	0	0	0	0
1,250	1,275	65	0	0	0	2,875	2,900	327	207	98	0	0	0	0	0
1,275	1,300	68	0	0	0	2,900	2,925	331	211	102	$2	0	0	0	0
1,300	1,325	72	0	0	0	2,925	2,950	336	215	106	5	0	0	0	0
1,325	1,350	76	0	0	0	2,950	2,975	341	219	109	9	0	0	0	0
1,350	1,375	79	0	0	0	2,975	3,000	346	223	113	12	0	0	0	0
1,375	1,400	83	0	0	0	3,000	3,050	353	228	119	18	0	0	0	0
1,400	1,425	87	0	0	0	3,050	3,100	362	238	126	25	0	0	0	0
1,425	1,450	91	0	0	0	3,100	3,150	372	246	134	32	0	0	0	0
1,450	1,475	94	0	0	0	3,150	3,200	381	255	141	39	0	0	0	0
1,475	1,500	98	0	0	0	3,200	3,250	391	263	149	46	0	0	0	0
1,500	1,525	102	82	0	0	3,250	3,300	400	272	157	53	0	0	0	0
1,525	1,550	106	5	0	0	3,300	3,350	410	280	165	60	0	0	0	0
1,550	1,575	109	9	0	0	3,350	3,400	419	289	173	67	0	0	0	0
1,575	1,600	113	12	0	0	3,400	3,450	429	297	181	74	0	0	0	0
1,600	1,625	117	16	0	0	3,450	3,500	438	306	189	81	0	0	0	0
1,625	1,650	121	19	0	0	3,500	3,550	448	315	197	89	$4	0	0	0
1,650	1,675	124	23	0	0	3,550	3,600	457	323	205	96	11	0	0	0
1,675	1,700	128	26	0	0	3,600	3,650	467	331	213	104	18	0	0	0
1,700	1,725	132	30	0	0	3,650	3,700	476	343	221	111	25	0	0	0
1,725	1,750	136	33	0	0	3,700	3,750	486	353	229	119	32	0	0	0
1,750	1,775	139	37	0	0	3,750	3,800	495	362	238	126	39	0	0	0
1,775	1,800	143	40	0	0	3,800	3,850	505	372	246	134	46	0	0	0
1,800	1,825	147	44	0	0	3,850	3,900	514	381	255	141	53	0	0	0
1,825	1,850	151	47	0	0	3,900	3,950	524	391	263	149	60	0	0	0
1,850	1,875	155	51	0	0	3,950	4,000	533	400	272	157	67	0	0	0
1,875	1,900	159	54	0	0	4,000	4,050	543	410	280	165	74	0	0	0
1,900	1,925	163	58	0	0	4,050	4,100	552	419	289	173	81	0	0	0
1,925	1,950	167	61	0	0	4,100	4,150	562	429	297	181	89	$4	0	0
1,950	1,975	171	65	0	0	4,150	4,200	571	438	306	189	96	11	0	0
1,975	2,000	175	68	0	0	4,200	4,250	581	448	315	197	104	18	0	0
2,000	2,025	179	72	0	0	4,250	4,300	590	457	324	205	111	25	0	0
2,025	2,050	183	76	0	0	4,300	4,350	600	467	334	213	119	32	0	0
2,050	2,075	187	79	0	0	4,350	4,400	609	476	343	221	126	39	0	0
2,075	2,100	191	83	0	0	4,400	4,450	619	486	353	229	134	46	0	0
2,100	2,125	195	87	0	0	4,450	4,500	628	495	362	238	141	53	0	0
2,125	2,150	199	91	0	0	4,500	4,550	638	505	372	246	149	60	0	0
2,150	2,175	203	94	0	0	4,550	4,600	647	514	381	255	157	67	0	0
2,175	2,200	207	98	0	0	4,600	4,650	657	524	391	263	165	74	0	0
2,200	2,225	211	102	$2	0	4,650	4,700	666	533	400	272	174	81	0	0
2,225	2,250	215	106	5	0	4,700	4,750	676	543	410	280	181	89	$4	0
2,250	2,275	219	109	9	0	4,750	4,800	685	552	419	289	189	96	11	0
2,275	2,300	223	113	12	0	4,800	4,850	696	562	429	297	197	104	18	0
2,300	2,325	227	117	16	0	4,850	4,900	707	571	438	306	205	111	25	0
2,325	2,350	231	121	19	0	4,900	4,950	718	581	448	315	213	119	32	0
2,350	2,375	236	124	23	0	4,950	5,000	729	590	457	324	221	126	39	0
2,375	2,400	240	128	26	0										

TABLE I.—RETURNS CLAIMING 1 EXEMPTION

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				If adjusted gross income is—		And you are—			
		Single, not head of household	Head of household	Married filing a separate return claiming—				Single, not head of household	Head of household	Married filing a separate return claiming—	
At least	But less than			Low income allowance	standard deduction	At least	But less than			Low income allowance	standard deduction
		Your tax is—						Your tax is—			
0	$700	0	0	0	0	$2,150	$2,175	$93	$92	$199	$196
$700	725	0	0	0	2	2,175	2,200	99	97	203	200
725	750	0	0	0	5	2,200	2,225	105	102	207	204
750	775	0	0	0	9	2,225	2,250	110	108	211	207
775	800	0	0	0	12	2,250	2,275	116	113	215	211
800	825	0	0	0	15	2,275	2,300	122	118	219	214
825	850	0	0	2	18	2,300	2,325	127	123	223	218
850	875	0	0	5	21	2,325	2,350	133	129	227	222
875	900	0	0	9	24	2,350	2,375	138	134	231	225
900	925	0	0	12	27	2,375	2,400	144	139	236	229
925	950	0	0	16	31	2,400	2,425	150	145	240	233
950	975	0	0	19	34	2,425	2,450	156	151	244	237
975	1,000	0	0	23	37	2,450	2,475	162	157	248	241
1,000	1,025	0	0	26	40	2,475	2,500	168	163	253	244
1,025	1,050	0	0	30	43	2,500	2,525	174	169	257	248
1,050	1,075	0	0	33	46	2,525	2,550	180	175	261	252
1,075	1,100	0	0	37	50	2,550	2,575	186	181	265	256
1,100	1,125	0	0	40	53	2,575	2,600	192	187	270	260
1,125	1,150	0	0	44	56	2,600	2,625	198	193	274	263
1,150	1,175	0	0	47	59	2,625	2,650	204	199	278	267
1,175	1,200	0	0	51	62	2,650	2,675	210	205	282	271
1,200	1,225	0	0	54	65	2,675	2,700	216	211	287	275
1,225	1,250	0	0	58	68	2,700	2,725	222	217	291	279
1,250	1,275	0	0	61	72	2,725	2,750	228	223	295	283
1,275	1,300	0	0	65	75	2,750	2,775	235	229	299	286
1,300	1,325	0	0	68	78	2,775	2,800	241	235	304	290
1,325	1,350	0	0	72	82	2,800	2,825	247	241	308	294
1,350	1,375	0	0	76	85	2,825	2,850	254	247	312	298
1,375	1,400	0	0	79	89	2,850	2,875	260	253	317	302
1,400	1,425	0	0	83	92	2,875	2,900	266	259	322	306
1,425	1,450	0	0	87	96	2,900	2,925	273	265	327	309
1,450	1,475	0	0	91	99	2,925	2,950	279	271	331	314
1,475	1,500	0	0	94	102	2,950	2,975	286	277	336	318
1,500	1,525	0	0	98	105	2,975	3,000	292	283	341	322
1,525	1,550	0	0	102	109	3,000	3,050	302	292	348	329
1,550	1,575	0	0	106	112	3,050	3,100	315	305	358	337
1,575	1,600	0	0	109	116	3,100	3,150	329	318	367	346
1,600	1,625	0	0	113	119	3,150	3,200	343	332	377	354
1,625	1,650	0	0	117	122	3,200	3,250	358	345	386	363
1,650	1,675	0	0	121	126	3,250	3,300	371	358	396	371
1,675	1,700	0	0	124	129	3,300	3,350	380	366	405	380
1,700	1,725	0	0	128	132	3,350	3,400	388	374	415	388
1,725	1,750	$3	$3	132	136	3,400	3,450	397	382	424	397
1,750	1,775	8	8	136	139	3,450	3,500	405	390	434	405
1,775	1,800	13	13	139	143	3,500	3,550	414	399	443	414
1,800	1,825	18	18	143	146	3,550	3,600	423	407	453	423
1,825	1,850	24	24	147	150	3,600	3,650	431	415	462	431
1,850	1,875	29	29	151	153	3,650	3,700	440	423	472	440
1,875	1,900	34	34	155	157	3,700	3,750	448	431	481	448
1,900	1,925	39	39	159	160	3,750	3,800	457	439	491	457
1,925	1,950	45	45	163	164	3,800	3,850	465	447	500	465
1,950	1,975	50	50	167	168	3,850	3,900	474	455	510	474
1,975	2,000	55	55	171	171	3,900	3,950	482	463	519	482
2,000	2,025	60	60	175	175	3,950	4,000	491	471	529	491
2,025	2,050	66	66	179	178	4,000	4,050	500	480	538	500
2,050	2,075	71	71	183	182	4,050	4,100	508	488	548	508
2,075	2,100	77	76	187	186	4,100	4,150	517	496	557	517
2,100	2,125	82	81	191	189	4,150	4,200	525	504	567	525
2,125	2,150	88	87	195	193	4,200	4,250	534	512	576	534

TABLE I.—RETURNS CLAIMING 1 EXEMPTION—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				If adjusted gross income is—		And you are—			
		Single, not head of household	Head of household	Married filing a separate return claiming—				Single, not head of household	Head of household	Married filing a separate return claiming—	
At least	But less than			Low income allowance	standard deduction	At least	But less than			Low income allowance	standard deduction
		Your tax is—						Your tax is—			
$4,250	$4,300	$542	$520	$586	$542	$7,150	$7,200	$1,093	$1,027	$1,218	$1,143
4,300	4,350	551	528	595	551	7,200	7,250	1,103	1,036	1,230	1,155
4,350	4,400	559	536	605	559	7,250	7,300	1,113	1,045	1,243	1,168
4,400	4,450	568	544	614	568	7,300	7,350	1,123	1,054	1,255	1,180
4,450	4,500	576	552	624	576	7,350	7,400	1,133	1,063	1,268	1,193
4,500	4,550	585	561	633	585	7,400	7,450	1,144	1,073	1,280	1,205
4,550	4,600	593	569	643	593	7,450	7,500	1,156	1,083	1,293	1,218
4,600	4,650	602	577	652	602	7,500	7,550	1,167	1,092	1,305	1,230
4,650	4,700	611	585	662	611	7,550	7,600	1,178	1,102	1,318	1,243
4,700	4,750	619	593	671	619	7,600	7,650	1,189	1,112	1,330	1,255
4,750	4,800	628	601	681	628	7,650	7,700	1,201	1,122	1,343	1,268
4,800	4,850	636	609	690	636	7,700	7,750	1,212	1,132	1,355	1,280
4,850	4,900	645	617	701	645	7,750	7,800	1,223	1,142	1,368	1,293
4,900	4,950	653	625	712	653	7,800	7,850	1,234	1,152	1,380	1,305
4,950	5,000	662	633	723	662	7,850	7,900	1,246	1,162	1,393	1,318
5,000	5,050	671	642	731	671	7,900	7,950	1,257	1,172	1,405	1,330
5,050	5,100	679	650	745	681	7,950	8,000	1,268	1,182	1,418	1,343
5,100	5,150	688	658	756	690	8,000	8,050	1,279	1,191	1,430	1,355
5,150	5,200	697	667	767	701	8,050	8,100	1,291	1,201	1,443	1,368
5,200	5,250	707	676	778	712	8,100	8,150	1,302	1,211	1,455	1,380
5,250	5,300	717	685	789	723	8,150	8,200	1,302	1,211	1,455	1,380
5,300	5,350	727	694	800	734	8,200	8,250	1,313	1,221	1,468	1,393
5,350	5,400	737	703	811	745	8,250	8,300	1,324	1,231	1,480	1,405
5,400	5,450	747	712	822	756	8,300	8,350	1,336	1,241	1,493	1,418
5,450	5,500	757	721	833	767	8,350	8,400	1,347	1,251	1,505	1,430
5,500	5,550	766	730	844	778	8,400	8,450	1,358	1,261	1,518	1,443
5,550	5,600	776	739	855	789	8,450	8,500	1,369	1,271	1,530	1,455
5,600	5,650	786	748

TABLE II—RETURNS CLAIMING 2 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$1,400	0	0	0	0	0
$1,400	1,425	0	0	0	0	$3
1,425	1,450	0	0	0	0	6
1,450	1,475	0	0	0	0	9
1,475	1,500	0	0	0	0	12
1,500	1,525	0	0	0	0	16
1,525	1,550	0	0	0	0	19
1,550	1,575	0	0	0	$2	22
1,575	1,600	0	0	0	5	25
1,600	1,625	0	0	0	9	28
1,625	1,650	0	0	0	12	31
1,650	1,675	0	0	0	16	34
1,675	1,700	0	0	0	19	38
1,700	1,725	0	0	0	23	41
1,725	1,750	0	0	0	26	44
1,750	1,775	0	0	0	30	47
1,775	1,800	0	0	0	33	50
1,800	1,825	0	0	0	37	53
1,825	1,850	0	0	0	40	57
1,850	1,875	0	0	0	44	60
1,875	1,900	0	0	0	47	63
1,900	1,925	0	0	0	51	66
1,925	1,950	0	0	0	54	69
1,950	1,975	0	0	0	58	72
1,975	2,000	0	0	0	61	76
2,000	2,025	0	0	0	65	79
2,025	2,050	0	0	0	68	83
2,050	2,075	0	0	0	72	86
2,075	2,100	0	0	0	76	89
2,100	2,125	0	0	0	79	93
2,125	2,150	0	0	0	83	96
2,150	2,175	0	0	0	87	99
2,175	2,200	0	0	0	91	103
2,200	2,225	0	0	0	94	106
2,225	2,250	0	0	0	98	110
2,250	2,275	0	0	0	102	113
2,275	2,300	0	0	0	106	116
2,300	2,325	0	0	0	109	120
2,325	2,350	0	0	0	113	123
2,350	2,375	$3	$3	$3	117	126
2,375	2,400	5	5	5	121	130
2,400	2,425	13	13	13	124	133
2,425	2,450	18	18	18	128	137
2,450	2,475	24	24	24	132	140
2,475	2,500	29	29	29	136	143
2,500	2,525	34	34	34	139	147
2,525	2,550	39	39	39	143	150
2,550	2,575	45	45	45	147	154
2,575	2,600	50	50	50	151	158
2,600	2,625	55	55	55	155	161
2,625	2,650	60	60	60	159	165
2,650	2,675	66	66	66	163	168
2,675	2,700	$71	$71	$71	$167	$172
2,700	2,725	77	76	76	171	176
2,725	2,750	82	81	81	175	179
2,750	2,775	88	87	87	179	183
2,775	2,800	93	92	92	183	186
2,800	2,825	99	97	97	187	190
2,825	2,850	105	102	102	191	194
2,850	2,875	110	108	108	195	197
2,875	2,900	116	113	113	199	201
2,900	2,925	122	118	118	203	204
2,925	2,950	127	123	123	207	208
2,950	2,975	133	129	129	211	212
2,975	3,000	138	134	134	215	215
3,000	3,050	147	142	142	221	221
3,050	3,100	159	154	153	229	228
3,100	3,150	171	166	164	238	236
3,150	3,200	183	178	176	246	243
3,200	3,250	195	190	187	255	251
3,250	3,300	207	202	198	263	259
3,300	3,350	219	214	209	272	266
3,350	3,400	231	226	221	280	274
3,400	3,450	244	238	232	289	282
3,450	3,500	257	250	243	297	289
3,500	3,550	270	262	254	306	297
3,550	3,600	282	274	266	315	304
3,600	3,650	295	286	277	324	312
3,650	3,700	308	298	288	334	321
3,700	3,750	322	311	300	343	329
3,750	3,800	334	323	310	353	338
3,800	3,850	343	332	318	362	347
3,850	3,900	353	341	326	372	355
3,900	3,950	362	350	334	381	364
3,950	4,000	372	359	342	391	372
4,000	4,050	381	367	350	400	381
4,050	4,100	391	375	357	410	389
4,100	4,150	398	383	364	419	398
4,150	4,200	406	391	371	429	406
4,200	4,250	415	399	378	438	415
4,250	4,300	425	408	386	448	424
4,300	4,350	432	416	393	457	432
4,350	4,400	441	424	400	467	441
4,400	4,450	449	432	407	476	449
4,450	4,500	458	440	414	486	458
4,500	4,550	466	448	422	495	466
4,550	4,600	475	456	429	505	475
4,600	4,650	483	464	436	514	483
4,650	4,700	492	472	443	524	492
4,700	4,750	500	480	450	533	500
4,750	4,800	509	489	458	543	509
4,800	4,850	518	497	466	552	518
4,850	4,900	526	505	473	562	526
4,900	4,950	535	513	481	571	535
4,950	5,000	$543	$521	$489	$581	$543
5,000	5,050	552	529	496	590	552
5,050	5,100	560	537	504	600	562
5,100	5,150	569	545	512	609	571
5,150	5,200	577	553	519	619	581
5,200	5,250	586	561	527	628	590
5,250	5,300	595	570	535	638	600
5,300	5,350	603	578	542	647	609
5,350	5,400	612	586	550	657	619
5,400	5,450	620	594	558	666	628
5,450	5,500	629	602	565	676	638
5,500	5,550	637	610	573	685	647
5,550	5,600	646	618	580	696	657
5,600	5,650	654	626	588	707	666
5,650	5,700	663	634	596	718	676
5,700	5,750	671	642	603	729	685
5,750	5,800	680	651	611	740	696
5,800	5,850	689	659	619	751	707
5,850	5,900	698	668	627	762	718
5,900	5,950	708	677	636	773	729
5,950	6,000	718	686	644	784	740
6,000	6,050	728	695	653	795	751
6,050	6,100	738	704	661	806	762
6,100	6,150	748	713	670	817	773
6,150	6,200	758	722	678	828	784
6,200	6,250	768	731	687	839	795
6,250	6,300	777	740	696	850	806
6,300	6,350	787	749	704	861	817
6,350	6,400	797	758	713	872	828
6,400	6,450	807	767	721	883	839
6,450	6,500	817	776	730	894	850
6,500	6,550	827	785	738	905	861
6,550	6,600	837	794	747	916	872
6,600	6,650	847	803	755	927	883
6,650	6,700	857	812	764	938	894
6,700	6,750	867	821	772	949	905
6,750	6,800	876	830	781	960	916
6,800	6,850	886	839	790	971	927
6,850	6,900	896	848	798	982	938
6,900	6,950	906	857	807	993	949
6,950	7,000	916	866	815	1,004	960
7,000	7,050	926	875	824	1,015	971
7,050	7,100	936	884	832	1,026	982
7,100	7,150	946	893	841	1,037	993
7,150	7,200	956	902	849	1,048	1,004
7,200	7,250	966	911	858	1,059	1,015
7,250	7,300	975	920	867	1,070	1,026
7,300	7,350	985	929	875	1,081	1,037
7,350	7,400	995	938	884	1,092	1,048
7,400	7,450	1,005	947	892	1,103	1,059
7,450	7,500	1,015	956	901	1,114	1,070
7,500	7,550	$1,025	$965	$909	$1,125	$1,081
7,550	7,600	1,035	971	918	1,136	1,092
7,600	7,650	1,045	983	926	1,149	1,103
7,650	7,700	1,055	992	935	1,161	1,114
7,700	7,750	1,065	1,001	943	1,174	1,125
7,750	7,800	1,074	1,010	952	1,186	1,136
7,800	7,850	1,084	1,019	961	1,199	1,149
7,850	7,900	1,094	1,028	969	1,211	1,161
7,900	7,950	1,104	1,037	978	1,224	1,174
7,950	8,000	1,114	1,046	986	1,236	1,186
8,000	8,050	1,124	1,055	995	1,249	1,199
8,050	8,100	1,134	1,064	1,003	1,261	1,211
8,100	8,150	1,146	1,074	1,012	1,274	1,224
8,150	8,200	1,157	1,084	1,020	1,286	1,236
8,200	8,250	1,168	1,094	1,029	1,299	1,249
8,250	8,300	1,179	1,103	1,038	1,311	1,261
8,300	8,350	1,191	1,113	1,046	1,324	1,274
8,350	8,400	1,202	1,124	1,055	1,336	1,286
8,400	8,450	1,213	1,133	1,063	1,349	1,299
8,450	8,500	1,224	1,143	1,072	1,361	1,311
8,500	8,550	1,236	1,153	1,080	1,374	1,324
8,550	8,600	1,247	1,163	1,089	1,386	1,336
8,600	8,650	1,258	1,173	1,097	1,399	1,349
8,650	8,700	1,269	1,183	1,106	1,411	1,361
8,700	8,750	1,281	1,193	1,114	1,424	1,374
8,750	8,800	1,292	1,202	1,123	1,436	1,386
8,800	8,850	1,303	1,212	1,132	1,449	1,399
8,850	8,900	1,314	1,222	1,140	1,461	1,411
8,900	8,950	1,326	1,232	1,149	1,474	1,424
8,950	9,000	1,337	1,242	1,157	1,486	1,436
9,000	9,050	1,348	1,252	1,166	1,499	1,449
9,050	9,100	1,359	1,262	1,174	1,511	1,461
9,100	9,150	1,371	1,272	1,183	1,524	1,474
9,150	9,200	1,382	1,282	1,191	1,536	1,486
9,200	9,250	1,393	1,292	1,200	1,549	1,499
9,250	9,300	1,404	1,301	1,209	1,561	1,511
9,300	9,350	1,416	1,311	1,217	1,574	1,524
9,350	9,400	1,427	1,321	1,226	1,586	1,536
9,400	9,450	1,438	1,331	1,234	1,599	1,549
9,450	9,500	1,449	1,341	1,243	1,611	1,561
9,500	9,550	1,461	1,351	1,251	1,624	1,574
9,550	9,600	1,472	1,361	1,260	1,637	1,586
9,600	9,650	1,483	1,371	1,268	1,651	1,599
9,650	9,700	1,494	1,381	1,277	1,665	1,611
9,700	9,750	1,506	1,391	1,285	1,679	1,624
9,750	9,800	1,517	1,400	1,294	1,693	1,637
9,800	9,850	1,528	1,410	1,303	1,707	1,651
9,850	9,900	1,539	1,420	1,311	1,721	1,665
9,900	9,950	1,551	1,430	1,320	1,735	1,679
9,950	10,000	1,562	1,440	1,328	1,749	1,693

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE III—RETURNS CLAIMING 3 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$2,075	0	0	0	0	0
$2,075	2,100	0	0	0	0	$1
2,100	2,125	0	0	0	0	4
2,125	2,150	0	0	0	0	7
2,150	2,175	0	0	0	0	10
2,175	2,200	0	0	0	0	13
2,200	2,225	0	0	0	0	16
2,225	2,250	0	0	0	0	19
2,250	2,275	0	0	0	0	23
2,275	2,300	0	0	0	$2	26
2,300	2,325	0	0	0	5	29
2,325	2,350	0	0	0	9	32
2,350	2,375	0	0	0	12	3
2,375	2,400	0	0	0	16	38
2,400	2,425	0	0	0	19	41
2,425	2,450	0	0	0	23	45
2,450	2,475	0	0	0	26	48
2,475	2,500	0	0	0	30	51
2,500	2,525	0	0	0	33	54
2,525	2,550	0	0	0	37	57
2,550	2,575	0	0	0	40	60
2,575	2,600	0	0	0	44	64
2,600	2,625	0	0	0	47	67
2,625	2,650	0	0	0	51	70
2,650	2,675	0	0	0	54	73
2,675	2,700	0	0	0	58	77
2,700	2,725	0	0	0	61	80
2,725	2,750	0	0	0	65	83
2,750	2,775	0	0	0	68	87
2,775	2,800	0	0	0	72	90
2,800	2,825	0	0	0	76	93
2,825	2,850	0	0	0	79	97
2,850	2,875	0	0	0	83	100
2,875	2,900	0	0	0	87	103
2,900	2,925	0	0	0	91	107
2,925	2,950	0	0	0	94	110
2,950	2,975	0	0	0	98	111
2,950	2,965	0	0	0	98	111
2,975	3,000	$3	$3	$3	102	117
3,000	3,050	11	11	11	108	122
3,050	3,100	21	21	21	115	129
3,100	3,150	32	32	32	123	136
3,150	3,200	42	42	42	130	142
3,200	3,250	53	53	53	138	149
3,250	3,300	63	63	63	145	157
3,300	3,350	74	74	74	153	164
3,350	3,400	$85	$84	$84	$161	$171
3,400	3,450	96	95	95	169	178
3,450	3,500	108	105	105	177	185
3,500	3,550	119	116	116	185	193
3,550	3,600	130	126	126	193	200
3,600	3,650	141	137	137	201	207
3,650	3,700	153	148	148	209	214
3,700	3,750	165	160	159	217	221
3,750	3,800	177	172	170	225	229
3,800	3,850	189	184	181	234	236
3,850	3,900	201	196	193	242	244
3,900	3,950	213	208	204	251	252
3,950	4,000	225	220	215	259	259
4,000	4,050	238	232	226	268	267
4,050	4,100	251	244	238	276	275
4,100	4,150	263	256	249	285	282
4,150	4,200	276	268	260	293	290
4,200	4,250	285	276	268	302	298
4,250	4,300	293	284	275	310	305
4,300	4,350	302	292	283	320	313
4,350	4,400	310	300	290	329	322
4,400	4,450	320	309	298	339	330
4,450	4,500	329	318	306	348	339
4,500	4,550	339	327	314	358	348
4,550	4,600	348	336	322	367	356
4,600	4,650	358	345	330	377	365
4,650	4,700	367	354	338	386	373
4,700	4,750	377	363	346	396	382
4,750	4,800	386	372	354	405	390
4,800	4,850	396	381	362	415	399
4,850	4,900	405	390	370	424	407
4,900	4,950	415	399	378	434	416
4,950	5,000	424	408	386	443	424
5,000	5,050	433	417	394	453	434
5,050	5,100	442	425	401	462	443
5,100	5,150	450	433	408	472	453
5,150	5,200	459	441	415	481	462
5,200	5,250	467	449	422	491	472
5,250	5,300	476	457	430	500	481
5,300	5,350	484	465	437	510	491
5,350	5,400	493	473	444	519	500
5,400	5,450	501	481	451	529	510
5,450	5,500	510	489	459	538	519
5,500	5,550	519	498	467	548	529
5,550	5,600	527	506	474	557	538
5,600	5,650	536	514	482	567	548
5,650	5,700	$544	$522	$490	$576	$557
5,700	5,750	553	530	497	586	567
5,750	5,800	561	538	505	595	576
5,800	5,850	570	546	512	605	586
5,850	5,900	578	554	520	614	595
5,900	5,950	587	562	528	624	605
5,950	6,000	595	570	535	633	614
6,000	6,050	604	579	543	643	624
6,050	6,100	613	587	551	652	633
6,100	6,150	621	595	558	662	643
6,150	6,200	630	603	566	671	652
6,200	6,250	638	611	574	681	662
6,250	6,300	647	619	581	690	671
6,300	6,350	655	627	589	701	681
6,350	6,400	664	635	597	712	690
6,400	6,450	672	643	604	723	701
6,450	6,500	681	651	612	734	712
6,500	6,550	690	660	620	745	723
6,550	6,600	699	669	628	756	734
6,600	6,650	709	678	637	767	745
6,650	6,700	719	687	645	778	756
6,700	6,750	729	696	654	789	767
6,750	6,800	739	705	662	800	778
6,800	6,850	749	714	671	811	789
6,850	6,900	759	723	679	822	800
6,900	6,950	769	732	688	833	811
6,950	7,000	779	741	696	844	822
7,000	7,050	788	750	705	855	833
7,050	7,100	798	759	714	866	844
7,100	7,150	808	768	722	877	855
7,150	7,200	818	777	731	888	866
7,200	7,250	828	786	739	899	877
7,250	7,300	838	795	748	910	888
7,300	7,350	848	804	756	921	899
7,350	7,400	858	813	765	932	910
7,400	7,450	868	822	773	943	921
7,450	7,500	878	831	782	954	932
7,500	7,550	887	840	791	965	943
7,550	7,600	897	849	799	976	954
7,600	7,650	907	858	808	987	965
7,650	7,700	917	867	816	998	976
7,700	7,750	927	876	825	1,009	987
7,750	7,800	937	885	833	1,020	998
7,800	7,850	947	894	842	1,031	1,009
7,850	7,900	$957	$903	$850	$1,042	$1,020
7,900	7,950	967	912	859	1,053	1,031
7,950	8,000	977	921	867	1,064	1,042
8,000	8,050	986	930	876	1,075	1,053
8,050	8,100	996	939	885	1,086	1,064
8,100	8,150	1,006	948	893	1,097	1,075
8,150	8,200	1,016	957	902	1,108	1,086
8,200	8,250	1,026	966	910	1,119	1,097
8,250	8,300	1,036	975	919	1,130	1,108
8,300	8,350	1,046	984	927	1,143	1,119
8,350	8,400	1,056	993	936	1,155	1,130
8,400	8,450	1,066	1,002	944	1,168	1,143
8,450	8,500	1,076	1,011	953	1,180	1,155
8,500	8,550	1,085	1,020	962	1,193	1,168
8,550	8,600	1,095	1,029	970	1,205	1,180
8,600	8,650	1,105	1,038	979	1,218	1,193
8,650	8,700	1,115	1,047	987	1,230	1,205
8,700	8,750	1,125	1,056	996	1,243	1,218
8,750	8,800	1,136	1,065	1,004	1,255	1,230
8,800	8,850	1,147	1,075	1,013	1,268	1,243
8,850	8,900	1,158	1,085	1,021	1,280	1,255
8,900	8,950	1,169	1,095	1,030	1,293	1,268
8,950	9,000	1,181	1,105	1,038	1,305	1,280
9,000	9,050	1,192	1,114	1,047	1,318	1,293
9,050	9,100	1,203	1,124	1,056	1,330	1,305
9,100	9,150	1,214	1,134	1,064	1,343	1,318
9,150	9,200	1,226	1,144	1,073	1,355	1,330
9,200	9,250	1,237	1,154	1,081	1,368	1,343
9,250	9,300	1,248	1,164	1,090	1,380	1,355
9,300	9,350	1,259	1,174	1,098	1,393	1,368
9,350	9,400	1,271	1,184	1,107	1,405	1,380
9,400	9,450	1,282	1,194	1,115	1,418	1,393
9,450	9,500	1,293	1,204	1,124	1,430	1,405
9,500	9,550	1,304	1,213	1,133	1,443	1,418
9,550	9,600	1,316	1,223	1,141	1,455	1,430
9,600	9,650	1,327	1,233	1,150	1,468	1,443
9,650	9,700	1,338	1,243	1,158	1,480	1,455
9,700	9,750	1,349	1,253	1,167	1,493	1,468
9,750	9,800	1,361	1,263	1,175	1,505	1,480
9,800	9,850	1,372	1,273	1,184	1,518	1,493
9,850	9,900	1,383	1,283	1,192	1,530	1,505
9,900	9,950	1,394	1,293	1,201	1,543	1,518
9,950	10,000	1,406	1,303	1,209	1,555	1,530

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE IV—RETURNS CLAIMING 4 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$2,775	0	0	0	0	0
$2,775	2,800	0	0	0	0	$1
2,800	2,825	0	0	0	0	4
2,825	2,850	0	0	0	0	8
2,850	2,875	0	0	0	0	11
2,875	2,900	0	0	0	0	14
2,900	2,925	0	0	0	0	17
2,925	2,950	0	0	0	0	20
2,950	2,975	0	0	0	0	23
2,975	3,000	0	0	0	0	26
3,000	3,050	0	0	0	$4	31
3,050	3,100	0	0	0	11	37
3,100	3,150	0	0	0	18	44
3,150	3,200	0	0	0	25	50
3,200	3,250	0	0	0	32	56
3,250	3,300	0	0	0	39	63
3,300	3,350	0	0	0	46	69
3,350	3,400	0	0	0	53	76
3,400	3,450	0	0	0	60	82
3,450	3,500	0	0	0	67	89
3,500	3,550	0	0	0	74	96
3,550	3,600	0	0	0	81	103
3,600	3,650	$5	$5	$5	89	109
3,650	3,700	16	16	16	96	116
3,700	3,750	26	26	26	104	123
3,750	3,800	37	37	37	111	130
3,800	3,850	47	47	47	119	136
3,850	3,900	58	58	58	126	143
3,900	3,950	68	68	68	134	150
3,950	4,000	79	79	79	141	157
4,000	4,050	91	89	89	149	165
4,050	4,100	102	100	100	157	172
4,100	4,150	113	110	110	165	179
4,150	4,200	124	121	121	173	186
4,200	4,250	136	131	131	181	193
4,250	4,300	147	142	142	189	201
4,300	4,350	159	154	153	197	208
4,350	4,400	171	166	164	205	215
4,400	4,450	$183	$178	$176	$213	$222
4,450	4,500	195	190	187	221	230
4,500	4,550	207	202	198	229	237
4,550	4,600	219	214	209	238	245
4,600	4,650	229	224	219	246	253
4,650	4,700	238	232	226	255	260
4,700	4,750	246	240	234	263	268
4,750	4,800	255	248	241	272	276
4,800	4,850	263	256	249	280	283
4,850	4,900	272	264	256	289	291
4,900	4,950	280	272	264	297	299
4,950	5,000	289	280	271	306	306
5,000	5,050	297	288	279	315	315
5,050	5,100	306	296	286	321	321
5,100	5,150	315	305	294	331	331
5,150	5,200	324	314	302	343	343
5,200	5,250	331	323	310	353	353
5,250	5,300	343	332	318	362	362
5,300	5,350	353	341	326	372	372
5,350	5,400	362	350	334	381	381
5,400	4,450	372	359	342	391	391
5,450	5,500	381	368	350	400	400
5,500	5,550	391	377	358	410	410
5,550	5,600	400	386	366	419	419
5,600	5,650	410	395	374	429	429
5,650	5,700	419	404	382	438	438
5,700	5,750	429	413	390	448	448
5,750	5,800	438	422	398	457	457
5,800	5,850	448	431	406	467	467
5,850	5,900	457	440	414	476	476
5,900	5,950	467	449	422	486	486
5,950	6,000	476	458	430	495	495
6,000	6,050	485	466	438	505	505
6,050	6,100	494	474	445	514	514
6,100	5,150	502	482	452	524	524
6,150	6,200	511	490	460	533	533
6,200	6,250	519	498	467	543	543
6,250	6,300	528	507	475	552	552

TABLE IV—RETURNS CLAIMING 4 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
$6,300	$6,350	$537	$515	$483	$562	$562
6,350	6,400	545	523	490	571	571
6,400	6,450	554	531	498	581	581
6,450	6,500	562	539	506	590	590
6,500	6,550	571	547	513	600	600
6,550	6,600	579	555	521	609	609
6,600	6,650	588	563	529	619	619
6,650	6,700	596	571	536	628	628
6,700	6,750	605	579	544	638	638
6,750	6,800	614	588	552	647	647
6,800	6,850	622	596	559	657	657
6,850	6,900	631	604	567	666	666
6,900	6,950	639	612	575	676	676
6,950	7,000	648	620	582	685	685
7,000	7,050	656	628	590	696	696
7,050	7,100	665	636	597	707	707
7,100	7,150	673	644	605	718	718
7,150	7,200	682	652	613	729	729
7,200	7,250	691	661	620	740	740
7,250	7,300	700	670	629	751	751
7,300	7,350	710	679	638	762	762
7,350	7,400	720	688	646	773	773
7,400	7,450	730	697	655	784	784
7,450	7,500	740	706	663	795	795
7,500	7,550	750	715	672	806	806
7,550	7,600	760	724	680	817	817
7,600	7,650	770	733	689	828	828
7,650	7,700	780	742	697	839	839
7,700	7,750	790	751	706	850	850
7,750	7,800	799	760	715	861	861
7,800	7,850	809	769	723	872	872
7,850	7,900	819	778	732	883	883
7,900	7,950	829	787	740	894	894
7,950	8,000	839	796	749	905	905
8,000	8,050	849	805	757	916	916
8,050	8,100	859	814	766	927	927
8,100	8,150	869	823	774	938	938
$8,150	$8,200	$879	$832	$783	$949	$949
8,200	8,250	889	841	791	960	960
8,250	8,300	898	850	800	971	971
8,300	8,350	908	859	809	982	982
8,350	8,400	918	868	817	993	993
8,400	8,450	928	877	826	1,004	1,004
8,450	8,500	938	886	834	1,015	1,015
8,500	8,550	948	895	843	1,026	1,026
8,550	8,600	958	904	851	1,037	1,037
8,600	8,650	968	913	860	1,048	1,048
8,650	8,700	978	922	868	1,059	1,059
8,700	8,750	988	931	877	1,070	1,070
8,750	8,800	997	940	886	1,081	1,081
8,800	8,850	1,007	949	894	1,092	1,092
8,850	8,900	1,017	958	903	1,103	1,103
8,900	8,950	1,027	967	911	1,114	1,114
8,950	9,000	1,037	976	920	1,125	1,125
9,000	9,050	1,047	985	928	1,136	1,136
9,050	9,100	1,057	994	937	1,149	1,149
9,100	9,150	1,067	1,003	945	1,161	1,161
9,150	9,200	1,077	1,012	954	1,174	1,174
9,200	9,250	1,087	1,021	962	1,186	1,186
9,250	9,300	1,098	1,030	971	1,199	1,199
9,300	9,350	1,106	1,039	980	1,211	1,211
9,350	9,400	1,116	1,048	988	1,224	1,224
9,400	9,450	1,126	1,057	997	1,236	1,236
9,450	9,500	1,137	1,066	1,005	1,249	1,249
9,500	9,550	1,148	1,076	1,014	1,261	1,261
9,550	9,600	1,159	1,085	1,022	1,274	1,274
9,600	9,650	1,171	1,096	1,031	1,286	1,286
9,650	9,700	1,182	1,106	1,039	1,299	1,299
9,700	9,750	1,193	1,116	1,048	1,311	1,311
9,750	9,800	1,204	1,125	1,057	1,324	1,324
9,800	9,850	1,216	1,135	1,065	1,336	1,336
9,850	9,900	1,227	1,145	1,074	1,349	1,349
9,900	9,950	1,238	1,155	1,082	1,361	1,361
9,950	10,000	1,249	1,165	1,091	1,374	1,374

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE V—RETURNS CLAIMING 5 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$3,500	0	0	0	0	0
$3,500	3,550	0	0	0	0	$7
3,550	3,600	0	0	0	0	13
3,600	3,650	0	0	0	0	19
3,650	3,700	0	0	0	$7	26
3,700	3,750	0	0	0	14	32
3,750	3,800	0	0	0	21	38
3,800	3,850	0	0	0	28	44
3,850	3,900	0	0	0	35	51
3,900	3,950	0	0	0	42	57
3,950	4,000	0	0	0	49	63
4,000	4,050	0	0	0	56	70
4,050	4,100	0	0	0	63	76
4,100	4,150	0	0	0	70	83
4,150	4,200	0	0	0	78	90
4,200	4,250	0	0	0	85	97
4,250	4,300	$11	$11	$11	93	103
4,300	4,350	21	21	21	100	110
4,350	4,400	32	32	32	108	117
4,400	4,450	42	42	42	115	124
4,450	4,500	53	53	53	123	130
4,500	4,550	63	63	63	130	137
4,550	4,600	74	74	74	138	144
4,600	4,650	85	84	84	145	151
4,650	4,700	96	95	95	153	158
4,700	4,750	108	105	105	161	165
4,750	4,800	119	116	116	169	173
4,800	4,850	130	126	126	177	180
4,850	4,900	141	137	137	185	187
4,900	4,950	153	148	148	193	194
4,950	5,000	165	160	159	201	201
5,000	5,050	177	172	170	209	209
5,050	5,100	185	180	178	217	217
$5,100	$5,150	$193	$188	$185	$225	$225
5,150	5,200	201	196	193	234	234
5,200	5,250	209	204	200	242	242
5,250	5,300	217	212	208	251	251
5,300	5,350	225	220	215	259	259
5,350	5,400	234	228	223	268	268
5,400	5,450	242	236	230	276	276
5,450	5,500	251	244	238	285	285
5,500	5,550	259	252	245	293	293
5,550	5,600	268	260	253	302	302
5,600	5,650	276	268	260	310	310
5,650	5,700	285	276	268	320	320
5,700	5,750	293	284	275	329	329
5,750	5,800	302	292	283	339	339
5,800	5,850	310	300	290	348	348
5,850	5,900	320	309	298	358	358
5,900	5,950	329	318	306	367	367
5,950	6,000	339	327	314	377	377
6,000	6,050	348	336	322	386	386
6,050	6,100	358	345	330	396	396
6,100	6,150	367	354	338	405	405
6,150	6,200	377	363	346	415	415
6,200	6,250	386	372	354	424	424
6,250	6,300	396	381	362	434	434
6,300	6,350	405	390	370	443	443
6,350	6,400	415	399	378	453	453
6,400	6,450	424	408	386	462	462
6,450	6,500	434	417	394	472	472
6,500	6,550	443	426	402	481	481
6,550	6,600	453	435	410	491	491
6,600	6,650	462	444	418	500	500
6,650	6,700	472	453	426	510	510
6,700	6,750	481	462	434	519	519

TABLE V—RETURNS CLAIMING 5 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
$6,750	$6,800	$491	$471	$442	$529	$529
6,800	6,850	500	480	450	538	538
6,850	6,900	510	489	459	548	548
6,900	6,950	519	498	467	557	557
6,950	7,000	529	507	476	567	567
7,000	7,050	538	516	484	576	576
7,050	7,100	546	524	493	586	586
7,100	7,150	555	532	499	595	595
7,150	7,200	563	540	507	605	605
7,200	7,250	572	548	514	614	614
7,250	7,300	580	556	522	624	624
7,300	7,350	589	564	529	633	633
7,350	7,400	597	572	537	643	643
7,400	7,450	606	580	545	652	652
7,450	7,500	614	588	552	662	662
7,500	7,550	623	597	560	671	671
7,550	7,600	632	605	568	681	681
7,600	7,650	640	613	575	690	690
7,650	7,700	649	621	583	701	701
7,700	7,750	657	629	591	712	712
7,750	7,800	666	637	598	723	723
7,800	7,850	674	645	606	734	734
7,850	7,900	683	653	614	745	745
7,900	7,950	692	662	621	756	756
7,950	8,000	702	671	630	767	767
8,000	8,050	711	680	639	778	778
8,050	8,100	721	689	647	789	789
8,100	8,150	731	698	656	800	800
8,150	8,200	741	707	664	811	811
8,200	8,250	751	716	673	822	822
8,250	8,300	761	725	681	833	833
8,300	8,350	771	734	690	844	844
8,350	8,400	781	743	698	855	855
$8,400	$8,450	$791	$752	$707	$866	$866
8,450	8,500	801	761	715	877	877
8,500	8,550	810	770	724	888	888
8,550	8,600	820	779	733	899	899
8,600	8,650	830	788	741	910	910
8,650	8,700	840	797	750	921	921
8,700	8,750	850	806	758	932	932
8,750	8,800	860	815	767	943	943
8,800	8,850	870	824	775	954	954
8,850	8,900	880	833	784	965	965
8,900	8,950	890	842	792	976	976
8,950	9,000	900	851	801	987	987
9,000	9,050	909	860	810	998	998
9,050	9,100	919	869	818	1,009	1,009
9,100	9,150	929	878	827	1,020	1,020
9,150	9,200	939	887	835	1,031	1,031
9,200	9,250	949	896	844	1,042	1,042
9,250	9,300	959	905	852	1,053	1,053
9,300	9,350	969	914	861	1,064	1,064
9,350	9,400	979	923	869	1,075	1,075
9,400	9,450	989	932	878	1,086	1,086
9,450	9,500	999	941	886	1,097	1,097
9,500	9,550	1,008	950	895	1,108	1,108
9,550	9,600	1,018	959	904	1,119	1,119
9,600	9,650	1,028	968	912	1,130	1,130
9,650	9,700	1,038	977	921	1,143	1,143
9,700	9,750	1,048	986	929	1,155	1,155
9,750	9,800	1,058	995	938	1,168	1,168
9,800	9,850	1,068	1,004	946	1,180	1,180
9,850	9,900	1,078	1,013	955	1,193	1,193
9,900	9,950	1,088	1,022	963	1,205	1,205
9,950	10,000	1,098	1,031	972	1,218	1,218

* This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE VI—RETURNS CLAIMING 6 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married filing joint return*	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$4,150	0	0	0	0	0
$4,150	4,200	0	0	0	0	$1
4,200	4,250	0	0	0	0	7
4,250	4,300	0	0	0	$4	14
4,300	4,350	0	0	0	11	20
4,350	4,400	0	0	0	18	26
4,400	4,450	0	0	0	25	33
4,450	4,500	0	0	0	32	39
4,500	4,550	0	0	0	39	45
4,550	4,600	0	0	0	46	51
4,600	4,650	0	0	0	53	58
4,650	4,700	0	0	0	60	64
4,700	4,750	0	0	0	67	70
4,750	4,800	0	0	0	74	77
4,800	4,850	0	0	0	81	84
4,850	4,900	$5	$5	$5	89	91
4,900	4,950	16	16	16	96	97
4,950	5,000	26	26	26	104	104
5,000	5,050	37	37	37	111	111
5,050	5,100	47	47	47	119	119
5,100	5,150	58	58	58	126	126
5,150	5,200	68	68	68	134	134
5,200	5,250	79	79	79	141	141
5,250	5,300	91	89	89	149	149
5,300	5,350	102	100	100	157	157
5,350	5,400	113	110	110	165	165
5,400	5,450	124	121	121	173	173
5,450	5,500	134	130	130	181	181
5,500	5,550	141	137	137	189	189
5,550	5,600	149	144	144	197	197
5,600	5,650	157	152	151	205	205
5,650	5,700	165	160	159	213	213
5,700	5,750	173	168	166	221	221
5,750	5,800	181	176	174	229	229
5,800	5,850	189	184	181	238	238
5,850	5,900	197	192	189	246	246
5,900	5,950	205	200	196	255	255
5,950	6,000	213	208	204	263	263
6,000	6,050	221	216	211	272	272
6,050	6,100	229	224	219	280	280
6,100	6,150	238	232	226	289	289
6,150	6,200	246	240	234	297	297
6,200	6,250	255	248	241	306	306
6,250	6,300	263	256	249	315	315
6,300	6,350	272	264	256	324	324
6,350	6,400	280	272	264	334	334
6,400	6,450	289	280	271	343	343
6,450	6,500	297	288	279	353	353
6,500	6,550	306	296	286	362	362
6,550	6,600	315	305	294	372	372
6,600	6,650	324	314	302	381	381
6,650	6,700	334	323	310	391	391
6,700	6,750	343	332	318	400	400
6,750	6,800	353	341	326	410	410
6,800	6,850	362	350	334	419	419
6,850	6,900	372	359	342	429	429
6,900	6,950	381	368	350	438	438
6,950	7,000	391	377	358	448	448
7,000	7,050	400	386	366	457	457
7,050	7,100	410	395	374	467	467
7,100	7,150	419	404	382	476	476
7,150	7,200	429	413	390	486	486
7,200	7,250	438	422	398	495	495
7,250	7,300	448	431	406	505	505
7,300	7,350	457	440	414	514	514
7,350	7,400	467	449	422	524	524
7,400	7,450	476	458	430	533	533
7,450	7,500	486	467	438	543	543
7,500	7,550	495	476	446	552	552
7,550	7,600	505	485	454	562	562
7,600	7,650	514	494	463	571	571
7,650	7,700	524	503	471	581	581
7,700	7,750	533	512	480	590	590
7,750	7,800	543	521	488	600	600
7,800	7,850	552	530	497	609	609
7,850	7,900	562	539	505	619	619
7,900	7,950	571	548	514	628	628
7,950	8,000	581	557	522	638	638
8,000	8,050	590	565	530	647	647
8,050	8,100	598	573	538	657	657
8,100	8,150	607	581	546	666	666
8,150	8,200	615	589	553	676	676
8,200	8,250	624	597	561	685	685
8,250	8,300	633	606	569	696	696
8,300	8,350	641	614	576	707	707
8,350	8,400	650	622	584	718	718
8,400	8,450	658	630	592	729	729
8,450	8,500	667	638	599	740	740
8,500	8,550	675	646	607	751	751
8,550	8,600	684	654	614	762	762
8,600	8,650	693	663	622	773	773
8,650	8,700	703	672	631	784	784
8,700	8,750	713	681	639	795	795
8,750	8,800	722	690	648	806	806
8,800	8,850	732	699	657	817	817
8,850	8,900	742	708	665	828	828
8,900	8,950	752	717	674	839	839
8,950	9,000	762	725	682	850	850
9,000	9,050	772	735	691	861	861
9,050	9,100	782	744	699	872	872
9,100	9,150	792	753	708	883	883
9,150	9,200	802	762	716	894	894
9,200	9,250	812	771	725	905	905
9,250	9,300	821	780	734	916	916
9,300	9,350	831	789	742	927	927
9,350	9,400	841	798	751	938	938
9,400	9,450	851	807	759	949	949
9,450	9,500	861	816	768	960	960
9,500	9,550	871	825	776	971	971
9,550	9,600	881	834	785	982	982
9,600	9,650	891	843	793	993	993
9,650	9,700	901	852	802	1,004	1,004
9,700	9,750	911	861	810	1,015	1,015
9,750	9,800	920	870	819	1,026	1,026
9,800	9,850	930	879	828	1,037	1,037
9,850	9,900	940	888	836	1,048	1,048
9,900	9,950	950	897	845	1,059	1,059
9,950	10,000	960	906	853	1,070	1,070

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE VII—RETURNS CLAIMING 7 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married filing joint return*	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$4,850	0	0	0	0	0
$4,850	4,900	0	0	0	0	$2
4,900	4,950	0	0	0	$7	8
4,950	5,000	0	0	0	14	14
5,000	5,050	0	0	0	21	21
5,050	5,100	0	0	0	28	28
5,100	5,150	0	0	0	35	35
5,150	5,200	0	0	0	42	42
5,200	5,250	0	0	0	49	49
5,250	5,300	0	0	0	56	56
5,300	5,350	0	0	0	63	63
5,350	5,400	0	0	0	70	70
5,400	5,450	0	0	0	78	78
5,450	5,500	0	0	0	85	85
5,500	5,550	$11	$11	$11	93	93
5,550	5,600	21	21	21	100	100
5,600	5,650	32	32	32	108	108
5,650	5,700	42	42	42	115	115
5,700	5,750	53	53	53	123	123
5,750	5,800	63	63	63	130	130
5,800	5,850	74	74	74	138	138
5,850	5,900	85	84	84	145	145
5,900	5,950	93	91	91	153	153
5,950	6,000	100	98	98	161	161
6,000	6,050	108	105	105	169	169
6,050	6,100	115	112	112	177	177
6,100	6,150	123	119	119	185	185
6,150	6,200	130	126	126	193	193
6,200	6,250	138	133	133	201	201
6,250	6,300	145	140	140	209	209
6,300	6,350	153	148	148	217	217
6,350	6,400	161	156	155	225	225
6,400	6,450	169	164	163	234	234
6,450	6,500	177	172	170	242	242
6,500	6,550	185	180	178	251	251
6,550	6,600	193	188	185	259	259
6,600	6,650	201	196	193	268	268
6,650	6,700	209	204	200	276	276
6,700	6,750	217	212	208	285	285
6,750	6,800	225	220	215	293	293
6,800	6,850	231	228	223	302	302
6,850	6,900	242	236	230	310	310
6,900	6,950	251	244	238	320	320
6,950	7,000	259	252	245	329	329
7,000	7,050	268	260	253	339	339
7,050	7,100	276	268	260	348	348
7,100	7,150	285	276	268	358	358
7,150	7,200	293	284	275	367	367
7,200	7,250	302	292	283	377	377
7,250	7,300	310	300	290	386	386
7,300	7,350	320	309	298	396	396
7,350	7,400	329	318	306	405	405
7,400	7,450	339	327	314	415	415
7,450	7,500	348	336	322	424	424
7,500	7,550	358	345	330	434	434
7,550	7,600	367	354	338	443	443
7,600	7,650	377	363	346	453	453
7,650	7,700	386	372	354	462	462
7,700	7,750	396	381	362	472	472
7,750	7,800	405	390	370	481	481
7,800	7,850	415	399	378	491	491
7,850	7,900	424	408	386	500	500
7,900	7,950	434	417	394	510	510
7,950	8,000	443	426	402	519	519
8,000	8,050	453	435	410	529	529
8,050	8,100	462	444	418	538	538
8,100	8,150	472	453	426	548	548
8,150	8,200	481	462	434	557	557
8,200	8,250	491	471	442	567	567
8,250	8,300	500	480	450	576	576
8,300	8,350	510	489	459	586	586
8,350	8,400	519	498	467	595	595
8,400	8,450	529	507	476	605	605
8,450	8,500	538	516	483	614	614
8,500	8,550	548	525	493	624	624
8,550	8,600	557	534	501	633	633
8,600	8,650	567	543	510	643	643
8,650	8,700	576	552	518	652	652
8,700	8,750	586	561	527	662	662
8,750	8,800	595	570	535	671	671
8,800	8,850	605	579	544	681	681
8,850	8,900	614	588	552	690	690
8,900	8,950	624	597	561	701	701
8,950	9,000	633	606	569	712	712
9,000	9,050	642	615	577	723	723
9,050	9,100	651	623	585	734	734
9,100	9,150	659	631	592	745	745
9,150	9,200	668	639	600	756	756
9,200	9,250	676	647	608	767	767
9,250	9,300	685	655	615	778	778
9,300	9,350	694	664	623	789	789
9,350	9,400	704	673	632	800	800
9,400	9,450	714	682	640	811	811
9,450	9,500	724	691	649	822	822
9,500	9,550	733	700	658	833	833
9,550	9,600	743	709	666	844	844
9,600	9,650	753	718	675	855	855
9,650	9,700	763	727	683	866	866
9,700	9,750	773	736	692	877	877
9,750	9,800	783	745	700	888	888
9,800	9,850	793	754	709	899	899
9,850	9,900	803	763	717	910	910
9,900	9,950	813	772	726	921	921
9,950	10,000	823	781	734	932	932

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE VIII—RETURNS CLAIMING 8 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married filing joint return*	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$5,500	0	0	0	0	0
$5,500	5,550	0	0	0	$4	$4
5,550	5,600	0	0	0	11	11
5,600	5,650	0	0	0	18	18
5,650	5,700	0	0	0	25	25
5,700	5,750	0	0	0	32	32
5,750	5,800	0	0	0	39	39
5,800	5,850	0	0	0	46	46
5,850	5,900	0	0	0	53	53
5,900	5,950	0	0	0	60	60
5,950	6,000	0	0	0	67	67
6,000	6,050	0	0	0	74	74
6,050	6,100	0	0	0	81	81
6,100	6,150	$5	$5	$5	89	89
6,150	6,200	16	16	16	96	96
6,200	6,250	26	26	26	104	104
6,250	6,300	37	37	37	111	111
6,300	6,350	46	46	46	119	119
6,350	6,400	53	53	53	126	126
6,400	6,450	60	60	60	134	134
6,450	6,500	67	67	67	141	141
6,500	6,550	74	74	74	149	149
6,550	6,600	81	81	81	157	157
6,600	6,650	89	88	88	165	165
6,650	6,700	96	95	95	173	173
6,700	6,750	104	102	102	181	181
6,750	6,800	111	109	109	189	189
6,800	6,850	119	116	116	197	197
6,850	6,900	126	123	123	205	205
6,900	6,950	134	130	130	213	213
6,950	7,000	141	137	137	221	221
7,000	7,050	149	144	144	229	229
7,050	7,100	157	152	151	238	238
7,100	7,150	165	160	159	246	246
7,150	7,200	173	168	166	255	255
7,200	7,250	181	176	174	263	263
7,250	7,300	189	184	181	272	272
7,300	7,350	197	192	189	280	280
7,350	7,400	205	200	196	289	289
7,400	7,450	213	208	204	297	297
7,450	7,500	221	216	211	306	306
7,500	7,550	229	224	219	315	315
7,550	7,600	238	232	226	324	324
7,600	7,650	246	240	234	334	334
7,650	7,700	255	248	241	343	343
7,700	7,750	263	256	249	353	353
7,750	7,800	272	264	256	362	362
7,800	7,850	280	272	264	372	372
7,850	7,900	289	280	271	381	381
7,900	7,950	297	288	279	391	391
7,950	8,000	306	296	286	400	400
8,000	8,050	315	305	294	410	410
8,050	8,100	324	314	302	419	419
8,100	8,150	334	323	310	429	429
8,150	8,200	343	332	318	438	438
8,200	8,250	353	341	326	448	448
8,250	8,300	362	350	334	457	457
8,300	8,350	372	359	342	467	467
8,350	8,400	381	368	350	476	476
8,400	8,450	391	377	358	486	486
8,450	8,500	400	386	366	495	495
8,500	8,550	410	395	374	505	505
8,550	8,600	419	404	382	514	514
8,600	8,650	429	413	390	524	524
8,650	8,700	438	422	398	533	533
8,700	8,750	448	431	406	543	543
8,750	8,800	457	440	414	552	552
8,800	8,850	467	449	422	562	562
8,850	8,900	476	458	430	571	571
8,900	8,950	486	467	438	581	581
8,950	9,000	495	476	446	590	590
9,000	9,050	505	485	454	600	600
9,050	9,100	514	494	463	609	609
9,100	9,150	524	503	471	619	619
9,150	9,200	533	512	480	628	628
9,200	9,250	543	521	488	638	638
9,250	9,300	552	530	497	647	647
9,300	9,350	562	539	505	657	657
9,350	9,400	571	548	514	666	666
9,400	9,450	581	557	522	676	676
9,450	9,500	590	566	531	685	685
9,500	9,550	600	575	539	696	696
9,550	9,600	609	584	548	707	707
9,600	9,650	619	593	556	718	718
9,650	9,700	628	602	565	729	729
9,700	9,750	638	611	573	740	740
9,750	9,800	647	620	582	751	751
9,800	9,850	657	629	590	762	762
9,850	9,900	666	638	599	773	773
9,900	9,950	676	647	607	784	784
9,950	10,000	685	656	616	795	795

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE IX—RETURNS CLAIMING 9 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married filing joint return*	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$6,150	0	0	0	0	0
$6,150	6,200	0	0	0	$7	$7
6,200	6,250	0	0	0	14	14
6,250	6,300	0	0	0	21	21
6,300	6,350	0	0	0	28	28
6,350	6,400	0	0	0	35	35
6,400	6,450	0	0	0	42	42
6,450	6,500	0	0	0	49	49
6,500	6,550	0	0	0	56	56
6,550	6,600	0	0	0	63	63
6,600	6,650	0	0	0	70	70
6,650	6,700	$7	$7	$7	78	78
6,700	6,750	14	14	14	85	85
6,750	6,800	21	21	21	93	93
6,800	6,850	28	28	28	100	100
6,850	6,900	35	35	35	108	108
6,900	6,950	42	42	42	115	115
6,950	7,000	49	49	49	123	123
7,000	7,050	56	56	56	130	130
7,050	7,100	63	63	63	138	138
7,100	7,150	70	70	70	145	145
7,150	7,200	78	77	77	153	153
7,200	7,250	85	84	84	161	161
7,250	7,300	93	91	91	169	169
7,300	7,350	100	98	98	177	177
7,350	7,400	108	105	105	185	185
7,400	7,450	115	112	112	193	193
7,450	7,500	123	119	119	201	201
7,500	7,550	130	126	126	209	209
7,550	7,600	138	133	133	217	217
7,600	7,650	145	140	140	225	225
7,650	7,700	153	148	148	234	234
7,700	7,750	161	156	155	242	242
7,750	7,800	169	164	163	251	251
7,800	7,850	177	172	170	259	259
7,850	7,900	185	180	178	268	268
7,900	7,950	193	188	185	276	276
7,950	8,000	201	196	193	285	285
8,000	8,050	209	204	200	293	293
8,050	8,100	217	212	208	302	302
8,100	8,150	225	220	215	310	310
8,150	8,200	234	228	223	320	320
8,200	8,250	242	236	230	329	329
8,250	8,300	251	244	238	339	339
8,300	8,350	259	252	245	348	348
8,350	8,400	268	260	253	358	358
8,400	8,450	276	268	260	367	367
8,450	8,500	285	276	268	377	377
8,500	8,550	293	284	275	386	386
8,550	8,600	302	292	283	396	396
8,600	8,650	310	300	290	405	405
8,650	8,700	320	309	298	415	415
8,700	8,750	329	318	306	424	424
8,750	8,800	339	327	314	434	434
8,800	8,850	348	336	322	443	443
8,850	8,900	358	345	330	453	453
8,900	8,950	367	354	338	462	462
8,950	9,000	377	363	346	472	472
9,000	9,050	386	372	354	481	481
9,050	9,100	396	381	362	491	491
9,100	9,150	405	390	370	500	500
9,150	9,200	415	399	378	510	510
9,200	9,250	424	408	386	519	519
9,250	9,300	434	417	394	529	529
9,300	9,350	443	426	402	538	538
9,350	9,400	453	435	410	548	548
9,400	9,450	462	444	418	557	557
9,450	9,500	472	453	426	567	567
9,500	9,550	481	462	434	576	576
9,550	9,600	491	471	442	586	586
9,600	9,650	500	480	450	595	595
9,650	9,700	510	489	459	605	605
9,700	9,750	519	498	467	614	614
9,750	9,800	529	507	476	624	624
9,800	9,850	538	516	484	633	633
9,850	9,900	548	525	493	643	643
9,900	9,950	557	534	501	652	652
9,950	10,000	567	543	510	662	662

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE X—RETURNS CLAIMING 10 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$6,750	0	0	0	0	0
$6,750	6,800	0	0	0	$4	$4
6,800	6,850	0	0	0	11	11
6,850	6,900	0	0	0	18	18
6,900	6,950	0	0	0	25	25
6,950	7,000	0	0	0	32	32
7,000	7,050	0	0	0	39	39
7,050	7,100	0	0	0	46	46
7,100	7,150	0	0	0	53	53
7,150	7,200	0	0	0	60	60
7,200	7,250	0	0	0	67	67
7,250	7,300	$4	$4	$4	74	74
7,300	7,350	11	11	11	81	81
7,350	7,400	18	18	18	89	89
7,400	7,450	25	25	25	96	96
7,450	7,500	32	32	32	104	104
7,500	7,550	39	39	39	111	111
7,550	7,600	46	46	46	119	119
7,600	7,650	53	53	53	126	126
7,650	7,700	60	60	60	134	134
7,700	7,750	67	67	67	141	141
7,750	7,800	74	74	74	149	149
7,800	7,850	81	81	81	157	157
7,850	7,900	89	88	88	165	165
7,900	7,950	96	95	95	173	173
7,950	8,000	104	102	102	181	181
8,000	8,050	111	109	109	189	189
8,050	8,100	119	116	116	197	197
8,100	8,150	126	123	123	205	205
8,150	8,200	134	130	130	213	213
8,200	8,250	141	137	137	221	221
8,250	8,300	149	144	144	229	229
8,300	8,350	157	152	151	238	238
8,350	8,400	$165	$160	$159	$246	$246
8,400	8,450	173	168	166	255	255
8,450	8,500	181	176	174	263	263
8,500	8,550	189	184	181	272	272
8,550	8,600	197	192	189	280	280
8,600	8,650	205	200	196	289	289
8,650	8,700	213	208	204	297	297
8,700	8,750	221	216	211	306	306
8,750	8,800	229	224	219	315	315
8,800	8,850	238	232	226	324	324
8,850	8,900	246	240	234	334	334
8,900	8,950	255	248	241	343	343
8,950	9,000	263	256	249	353	353
9,000	9,050	272	264	256	362	362
9,050	9,100	280	272	264	372	372
9,100	9,150	289	280	271	381	381
9,150	9,200	297	288	279	391	391
9,200	9,250	306	296	286	400	400
9,250	9,300	315	305	294	410	410
9,300	9,350	324	314	302	419	419
9,350	9,400	334	323	310	429	429
9,400	9,450	343	332	318	438	438
9,450	9,500	353	341	326	448	448
9,500	9,550	362	350	334	457	457
9,550	9,600	372	359	342	467	467
9,600	9,650	381	368	350	476	476
9,650	9,700	391	377	358	486	486
9,700	9,750	400	386	366	495	495
9,750	9,800	410	395	374	505	505
9,800	9,850	419	404	382	514	514
9,850	9,900	429	413	390	524	524
9,900	9,950	438	422	398	533	533
9,950	10,000	448	431	406	543	543

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XI—RETURNS CLAIMING 11 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$7,400	0	0	0	0	0
$7,400	7,450	0	0	0	$7	$7
7,450	7,500	0	0	0	14	14
7,500	7,550	0	0	0	21	21
7,550	7,600	0	0	0	28	28
7,600	7,650	0	0	0	35	35
7,650	7,700	0	0	0	42	42
7,700	7,750	0	0	0	49	49
7,750	7,800	0	0	0	56	56
7,800	7,850	0	0	0	63	63
7,850	7,900	0	0	0	70	70
7,900	7,950	$7	$7	$7	78	78
7,950	8,000	14	14	14	85	85
8,000	8,050	21	21	21	93	93
8,050	8,100	28	28	28	100	100
8,100	8,150	35	35	35	108	108
8,150	8,200	42	42	42	115	115
8,200	8,250	49	49	49	123	123
8,250	8,300	56	56	56	130	130
8,300	8,350	63	63	63	138	138
8,350	8,400	70	70	70	145	145
8,400	8,450	78	77	77	153	153
8,450	8,500	85	84	84	161	161
8,500	8,550	93	91	91	169	169
8,550	8,600	100	98	98	177	177
8,600	8,650	108	105	105	185	185
8,650	8,700	115	112	112	193	193
$8,700	$8,750	$123	$119	$119	$201	$201
8,750	8,800	130	126	126	209	209
8,800	8,850	138	133	133	217	217
8,850	8,900	145	140	140	225	225
8,900	8,950	153	148	148	234	234
8,950	9,000	161	156	155	242	242
9,000	9,050	169	164	163	251	251
9,050	9,100	177	172	170	259	259
9,100	9,150	185	180	178	268	268
9,150	9,200	193	188	185	276	276
9,200	9,250	201	196	193	285	285
9,250	9,300	209	204	200	293	293
9,300	9,350	217	212	208	302	302
9,350	9,400	225	220	215	310	310
9,400	9,450	234	228	223	320	320
9,450	9,500	242	236	230	329	329
9,500	9,550	251	244	238	339	339
9,550	9,600	259	252	245	348	348
9,600	9,650	268	260	253	358	358
9,650	9,700	276	268	260	367	367
9,700	9,750	285	276	268	377	377
9,750	9,800	293	284	275	386	386
9,800	9,850	302	292	283	396	396
9,850	9,900	310	300	290	405	405
9,900	9,950	320	309	298	415	415
9,950	10,000	329	318	306	424	424

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XII—RETURNS CLAIMING 12 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$8,000	0	0	0	0	0
$8,000	8,050	0	0	0	$4	$4
8,050	8,100	0	0	0	11	11
8,100	8,150	0	0	0	18	18
8,150	8,200	0	0	0	25	25
8,200	8,250	0	0	0	32	32
8,250	8,300	0	0	0	39	39
8,300	8,350	0	0	0	46	46
8,350	8,400	0	0	0	53	53
8,400	8,450	0	0	0	60	60
8,450	8,500	0	0	0	67	67
8,500	8,550	$4	$4	$4	74	74
8,550	8,600	11	11	11	81	81
8,600	8,650	18	18	18	89	89
8,650	8,700	25	25	25	96	96
8,700	8,750	32	32	32	104	104
8,750	8,800	39	39	39	111	111
8,800	8,850	46	46	46	119	119
8,850	8,900	53	53	53	126	126
8,900	8,950	60	60	60	134	134
8,950	9,000	67	67	67	141	141
$9,000	$9,050	$74	$74	$74	$149	$149
9,050	9,100	81	81	81	157	157
9,100	9,150	89	88	88	165	165
9,150	9,200	96	95	95	173	173
9,200	9,250	104	102	102	181	181
9,250	9,300	111	109	109	189	189
9,300	9,350	119	116	116	197	197
9,350	9,400	126	123	123	205	205
9,400	9,450	134	130	130	213	213
9,450	9,500	141	137	137	221	221
9,500	9,550	149	144	144	229	229
9,550	9,600	157	152	151	238	238
9,600	9,650	165	160	159	246	246
9,650	9,700	173	168	166	255	255
9,700	9,750	181	176	174	263	263
9,750	9,800	189	184	181	272	272
9,800	9,850	197	192	189	280	280
9,850	9,900	205	200	196	289	289
9,900	9,950	213	208	204	297	297
9,950	10,000	221	216	211	306	306

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XIII—RETURNS CLAIMING 13 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$8,650	0	0	0	0	0
$8,650	8,700	0	0	0	$7	$7
8,700	8,750	0	0	0	14	14
8,750	8,800	0	0	0	21	21
8,800	8,850	0	0	0	28	28
8,850	8,900	0	0	0	35	35
8,900	8,950	0	0	0	42	42
8,950	9,000	0	0	0	49	49
9,000	9,050	0	0	0	56	56
9,050	9,100	0	0	0	63	63
9,100	9,150	0	0	0	70	70
9,150	9,200	$7	$7	$7	78	78
9,200	9,250	14	14	14	85	85
9,250	9,300	21	21	21	93	93
$9,300	$9,350	$28	$28	$28	$100	$100
9,350	9,400	35	35	35	108	108
9,400	9,450	42	42	42	115	115
9,450	9,500	49	49	49	123	123
9,500	9,550	56	56	56	130	130
9,550	9,600	63	63	63	138	138
9,600	9,650	70	70	70	145	145
9,650	9,700	78	77	77	153	153
9,700	9,750	85	84	84	161	161
9,750	9,800	93	91	91	169	169
9,800	9,850	100	98	98	177	177
9,850	9,900	108	105	105	185	185
9,900	9,950	115	112	112	193	193
9,950	10,000	123	119	119	201	201

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XIV—RETURNS CLAIMING 14 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$9,250	0	0	0	0	0
$9,250	9,300	0	0	0	$4	$4
9,300	9,350	0	0	0	11	11
9,350	9,400	0	0	0	18	18
9,400	9,450	0	0	0	25	25
9,450	9,500	0	0	0	32	32
9,500	9,550	0	0	0	39	39
9,550	9,600	0	0	0	46	46
$9,600	$9,650	0	0	0	$53	$53
9,650	9,700	0	0	0	60	60
9,700	9,750	0	0	0	67	67
9,750	9,800	$4	$4	$4	74	74
9,800	9,850	11	11	11	81	81
9,850	9,900	18	18	18	89	89
9,900	9,950	25	25	25	96	96
9,950	10,000	32	32	32	104	104

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XV—RETURNS CLAIMING 15 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$9,900	0	0	0	0	0
$9,900	9,950	0	0	0	$7	$7
$9,950	$10,000	0	0	0	$14	$14

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XVI—RETURNS CLAIMING 1 EXEMPTION

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—					
		Single, not head of household	Head of household	Married filing a separate return claiming—			
At least	But less than			Low income allowance	Standard deduction		
		Your tax is—					
0	$750	0	0	0	0		
$750	775	0	0	0	$2		
775	800	0	0	0	5		
800	825	0	0	0	8		
825	850	0	0	0	11		
850	875	0	0	$2	14		
875	900	0	0	5	17		
900	925	0	0	9	20		
925	950	0	0	12	23		
950	975	0	0	16	26		
975	1,000	0	0	19	29		
1,000	1,025	0	0	23	32		
1,025	1,050	0	0	26	35		
1,050	1,075	0	0	30	38		
1,075	1,100	0	0	33	41		
1,100	1,125	0	0	37	45		
1,125	1,150	0	0	40	48		
1,150	1,175	0	0	44	51		
1,175	1,200	0	0	47	54		
1,200	1,225	0	0	51	57		
1,225	1,250	0	0	54	60		
1,250	1,275	0	0	58	63		
1,275	1,300	0	0	61	66		
1,300	1,325	0	0	65	69		
1,325	1,350	0	0	68	72		
1,350	1,375	0	0	72	75		
1,375	1,400	0	0	76	79		
1,400	1,425	0	0	79	82		
1,425	1,450	0	0	83	85		
1,450	1,475	0	0	87	88		
1,475	1,500	0	0	91	92		
1,500	1,525	0	0	94	95		
1,525	1,550	0	0	98	98		
1,550	1,575	0	0	102	101		
1,575	1,600	0	0	106	105		
1,600	1,625	0	0	109	108		
1,625	1,650	0	0	113	111		
1,650	1,675	0	0	117	114		
1,675	1,700	0	0	121	118		
1,700	1,725	2	2	124	121		
1,725	1,750	6	6	128	124		
1,750	1,775	9	9	132	128		
1,775	1,800	$13	$13	136	131		
1,800	1,825	17	17	139	134		
1,825	1,850	21	21	143	137		
1,850	1,875	24	24	147	141		
1,875	1,900	28	28	151	144		
1,900	1,925	32	32	155	147		
1,925	1,950	35	35	159	151		
1,950	1,975	39	39	163	154		
1,975	2,000	43	43	167	158		
2,000	2,025	47	47	171	161		
2,025	2,050	50	50	175	165		
2,050	2,075	54	54	179	168		
2,075	2,100	58	58	183	172		
2,100	2,125	62	62	187	175		
2,125	2,150	65	65	191	179		
2,150	2,175	69	69	195	182		
2,175	2,200	$73	$73	$199	$186		
2,200	2,225	77	77	203	189		
2,225	2,250	81	80	207	192		
2,250	2,275	85	84	211	196		
2,275	2,300	89	88	215	199		
2,300	2,325	93	91	219	203		
2,325	2,350	97	95	223	206		
2,350	2,375	101	99	227	210		
2,375	2,400	105	103	231	213		
2,400	2,425	109	106	236	217		
2,425	2,450	113	110	240	220		
2,450	2,475	117	114	244	224		
2,475	2,500	121	118	248	227		
2,500	2,525	125	121	253	231		
2,525	2,550	129	125	257	235		
2,550	2,575	133	129	261	238		
2,575	2,600	137	133	265	242		
2,600	2,625	141	136	270	246		
2,625	2,650	145	140	274	250		
2,650	2,675	149	144	278	253		
2,675	2,700	154	149	282	257		
2,700	2,725	158	153	287	261		
2,725	2,750	162	157	291	264		
2,750	2,775	166	161	295	268		
2,775	2,800	171	166	299	272		
2,800	2,825	175	170	304	275		
2,825	2,850	179	174	308	279		
2,850	2,875	183	178	312	283		
2,875	2,900	188	183	317	287		
2,900	2,925	192	187	322	290		
2,925	2,950	196	191	327	294		
2,950	2,975	200	195	331	298		
2,975	3,000	205	200	336	301		
3,000	3,050	211	206	343	307		
3,050	3,100	220	215	353	315		
3,100	3,150	228	223	362	323		
3,150	3,200	237	232	372	331		
3,200	3,250	247	240	381	340		
3,250	3,300	256	249	391	348		
3,300	3,350	265	257	400	356		
3,350	3,400	274	266	410	364		
3,400	3,450	283	274	419	373		
3,450	3,500	292	283	429	381		
3,500	3,550	301	291	438	389		
3,550	3,600	310	300	448	397		
3,600	3,650	320	310	457	406		
3,650	3,700	330	319	467	414		
3,700	3,750	340	329	476	422		
3,750	3,800	351	338	486	431		
3,800	3,850	361	348	495	439		
3,850	3,900	371	358	505	447		
3,900	3,950	381	367	514	455		
3,950	4,000	391	377	524	464		
4,000	4,050	401	386	533	472		
4,050	4,100	411	396	543	480		
4,100	4,150	421	406	552	488		
4,150	4,200	432	415	562	497		
4,200	4,250	442	425	571	505		
4,250	4,300	452	434	581	513		
4,300	4,350	462	444	590	521		
4,350	4,400	472	454	600	530		
4,400	4,450	482	463	609	538		
4,450	4,500	492	473	619	546		
4,500	4,550	503	482	628	554		
4,550	4,600	513	492	638	563		
4,600	4,650	523	502	647	571		
4,650	4,700	533	511	657	579		
4,700	4,750	543	521	666	588		
4,750	4,800	553	530	676	596		
4,800	4,850	563	540	685	604		
4,850	4,900	573	550	695	612		
4,900	4,950	584	559	707	621		
4,950	5,000	594	569	718	629		
5,000	5,050	604	578	729	637		
5,050	5,100	614	588	740	645		
5,100	5,150	624	598	751	654		
5,150	5,200	634	607	762	662		
5,200	5,250	644	617	773	670		
5,250	5,300	655	626	784	678		
5,300	5,350	665	636	795	687		
5,350	5,400	675	646	806	696		
5,400	5,450	685	655	817	705		
5,450	5,500	696	665	828	715		
5,500	5,550	707	675	839	724		
5,550	5,600	718	685	850	734		
5,600	5,650	729	695	861	744		
5,650	5,700	740	706	872	753		
5,700	5,750	752	716	883	763		
5,750	5,800	763	726	894	773		
5,800	5,850	774	736	905	784		
5,850	5,900	785	746	916	795		
5,900	5,950	796	756	927	806		
5,950	6,000	805	764	938	817		
6,000	6,050	814	772	949	828		
6,050	6,100	823	781	960	839		
6,100	6,150	833	789	971	850		
6,150	6,200	842	797	982	861		
6,200	6,250	851	805	993	872		
6,250	6,300	860	814	1,004	883		
6,300	6,350	869	822	1,015	894		
6,350	6,400	878	830	1,026	905		
6,400	6,450	887	839	1,037	916		
6,450	6,500	896	847	1,048	927		
6,500	6,550	906	855	1,059	938		
6,550	6,600	915	863	1,070	949		
6,600	6,650	924	872	1,081	960		
6,650	6,700	933	880	1,092	971		
6,700	6,750	942	888	1,103	982		
6,750	6,800	951	896	1,114	993		
6,800	6,850	960	905	1,125	1,004		
6,850	6,900	970	913	1,136	1,015		
6,900	6,950	979	921	1,149	1,026		
6,950	7,000	988	929	1,161	1,037		
7,000	7,050	997	938	1,174	1,048		
7,050	7,100	1,006	946	1,186	1,059		
7,100	7,150	1,015	954	1,199	1,070		
7,150	7,200	1,024	963	1,211	1,081		
7,200	7,250	1,034	971	1,224	1,092		
7,250	7,300	1,043	979	1,236	1,103		
7,300	7,350	1,052	987	1,249	1,114		
7,350	7,400	1,061	996	1,261	1,125		
7,400	7,450	1,070	1,004	1,274	1,136		
7,450	7,500	1,079	1,012	1,286	1,149		
7,500	7,550	1,088	1,020	1,299	1,161		
7,550	7,600	1,097	1,029	1,311	1,174		
7,600	7,650	1,107	1,037	1,324	1,186		
7,650	7,700	1,117	1,046	1,336	1,199		
7,700	7,750	1,127	1,056	1,349	1,211		
7,750	7,800	1,137	1,065	1,361	1,224		
7,800	7,850	1,148	1,075	1,374	1,236		
7,850	7,900	1,158	1,084	1,386	1,249		
7,900	7,950	1,169	1,094	1,399	1,261		
7,950	8,000	1,179	1,103	1,411	1,274		
8,000	8,050	1,190	1,113	1,424	1,286		
8,050	8,100	1,200	1,123	1,436	1,299		
8,100	8,150	1,211	1,132	1,449	1,311		
8,150	8,200	1,221	1,142	1,461	1,324		
8,200	8,250	1,231	1,151	1,474	1,336		
8,250	8,300	1,242	1,161	1,486	1,349		
8,300	8,350	1,252	1,170	1,499	1,361		
8,350	8,400	1,263	1,180	1,511	1,374		
8,400	8,450	1,273	1,190	1,524	1,386		
8,450	8,500	1,284	1,199	1,536	1,399		
8,500	8,550	1,294	1,209	1,549	1,411		
8,550	8,600	1,304	1,218	1,561	1,424		
8,600	8,650	1,315	1,228	1,574	1,436		
8,650	8,700	1,325	1,237	1,586	1,449		
8,700	8,750	1,336	1,247	1,599	1,461		
8,750	8,800	1,346	1,257	1,611	1,474		
8,800	8,850	1,357	1,266	1,624	1,486		
8,850	8,900	1,367	1,276	1,637	1,499		
8,900	8,950	1,378	1,285	1,651	1,511		
8,950	9,000	1,388	1,295	1,665	1,524		
9,000	9,050	1,398	1,304	1,679	1,536		
9,050	9,100	1,409	1,314	1,693	1,549		
9,100	9,150	1,419	1,324	1,707	1,561		
9,150	9,200	1,430	1,333	1,721	1,574		
9,200	9,250	1,440	1,343	1,735	1,586		
9,250	9,300	1,451	1,352	1,749	1,599		
9,300	9,350	1,461	1,362	1,763	1,611		
9,350	9,400	1,472	1,371	1,777	1,624		
9,400	9,450	1,482	1,381	1,791	1,637		
9,450	9,500	1,492	1,391	1,805	1,651		
9,500	9,550	1,503	1,400	1,819	1,665		
9,550	9,600	1,513	1,410	1,833	1,679		
9,600	9,650	1,524	1,419	1,847	1,693		
9,650	9,700	1,534	1,429	1,861	1,707		
9,700	9,750	1,545	1,438	1,875	1,721		
9,750	9,800	1,555	1,448	1,889	1,735		
9,800	9,850	1,565	1,458	1,903	1,749		
9,850	9,900	1,576	1,467	1,917	1,763		
9,900	9,950	1,586	1,477	1,931	1,777		
9,950	10,000	1,597	1,488	1,945	1,791		

TABLE XVI—RETURNS CLAIMING 1 EXEMPTION—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—					
		Single, not head of household	Head of household	Married filing a separate return claiming—			
At least	But less than			Low income allowance	Standard deduction		
		Your tax is—					
$4,200	$4,250	$442	$425	$571	$505		
4,250	4,300	452	434	581	513		
4,300	4,350	462	444	590	521		
4,350	4,400	472	454	600	530		
4,400	4,450	482	463	609	538		
4,450	4,500	492	473	619	546		
4,500	4,550	503	482	628	554		
4,550	4,600	513	492	638	563		
4,600	4,650	523	502	647	571		
4,650	4,700	533	511	657	579		
4,700	4,750	543	521	666	588		
4,750	4,800	553	530	676	596		
4,800	4,850	563	540	685	604		
4,850	4,900	573	550	695	612		
4,900	4,950	584	559	707	621		
4,950	5,000	594	569	718	629		
5,000	5,050	604	578	729	637		
5,050	5,100	614	588	740	645		
5,100	5,150	624	598	751	654		
5,150	5,200	634	607	762	662		
5,200	5,250	644	617	773	670		
5,250	5,300	655	626	784	678		
5,300	5,350	665	636	795	687		
5,350	5,400	675	646	806	696		
5,400	5,450	685	655	817	705		
5,450	5,500	696	665	828	715		
5,500	5,550	707	675	839	724		
5,550	5,600	718	685	850	734		
5,600	5,650	729	695	861	744		
5,650	5,700	740	706	872	753		
5,700	5,750	752	716	883	763		
5,750	5,800	763	726	894	773		
5,800	5,850	774	736	905	784		
5,850	5,900	785	746	916	795		
5,900	5,950	796	756	927	806		
5,950	6,000	805	764	938	817		
6,000	6,050	814	772	949	828		
6,050	6,100	823	781	960	839		
6,100	6,150	833	789	971	850		
6,150	6,200	842	797	982	861		
6,200	6,250	851	805	993	872		
6,250	6,300	860	814	1,004	883		
6,300	6,350	869	822	1,015	894		
6,350	6,400	878	830	1,026	905		
6,400	6,450	887	839	1,037	916		
6,450	6,500	896	847	1,048	927		
6,500	6,550	906	855	1,059	938		
6,550	6,600	915	863	1,070	949		
6,600	6,650	924	872	1,081	960		
6,650	6,700	933	880	1,092	971		
6,700	6,750	942	888	1,103	982		
6,750	6,800	951	896	1,114	993		
6,800	6,850	960	905	1,125	1,004		
6,850	6,900	970	913	1,136	1,015		
6,900	6,950	979	921	1,149	1,026		
6,950	7,000	988	929	1,161	1,037		
7,000	7,050	997	938	1,174	1,048		
7,050	7,100	1,006	946	1,186	1,059		

If adjusted gross income is—		And you are—					
		Single, not head of household	Head of household	Married filing a separate return claiming—			
At least	But less than			Low income allowance	Standard deduction		
		Your tax is—					
$7,100	$7,150	$1,015	$954	$1,199	$1,070		
7,150	7,200	1,024	963	1,211	1,081		
7,200	7,250	1,034	971	1,224	1,092		
7,250	7,300	1,043	979	1,236	1,103		
7,300	7,350	1,052	987	1,249	1,114		
7,350	7,400	1,061	996	1,261	1,125		
7,400	7,450	1,070	1,004	1,274	1,136		
7,450	7,500	1,079	1,012	1,286	1,149		
7,500	7,550	1,088	1,020	1,299	1,161		
7,550	7,600	1,097	1,029	1,311	1,174		
7,600	7,650	1,107	1,037	1,324	1,186		
7,650	7,700	1,117	1,046	1,336	1,199		
7,700	7,750	1,127	1,056	1,349	1,211		
7,750	7,800	1,137	1,065	1,361	1,224		
7,800	7,850	1,148	1,075	1,374	1,236		
7,850	7,900	1,158	1,084	1,386	1,249		
7,900	7,950	1,169	1,094	1,399	1,261		
7,950	8,000	1,179	1,103	1,411	1,274		
8,000	8,050	1,190	1,113	1,424	1,286		
8,050	8,100	1,200	1,123	1,436	1,299		
8,100	8,150	1,211	1,132	1,449	1,311		
8,150	8,200	1,221	1,142	1,461	1,324		
8,200	8,250	1,231	1,151	1,474	1,336		
8,250	8,300	1,242	1,161	1,486	1,349		
8,300	8,350	1,252	1,170	1,499	1,361		
8,350	8,400	1,263	1,180	1,511	1,374		
8,400	8,450	1,273	1,190	1,524	1,386		
8,450	8,500	1,284	1,199	1,536	1,399		
8,500	8,550	1,294	1,209	1,549	1,411		
8,550	8,600	1,304	1,218	1,561	1,424		
8,600	8,650	1,315	1,228	1,574	1,436		
8,650	8,700	1,325	1,237	1,586	1,449		
8,700	8,750	1,336	1,247	1,599	1,461		
8,750	8,800	1,346	1,257	1,611	1,474		
8,800	8,850	1,357	1,266	1,624	1,486		
8,850	8,900	1,367	1,276	1,637	1,499		
8,900	8,950	1,378	1,285	1,651	1,511		
8,950	9,000	1,388	1,295	1,665	1,524		
9,000	9,050	1,398	1,304	1,679	1,536		
9,050	9,100	1,409	1,314	1,693	1,549		
9,100	9,150	1,419	1,324	1,707	1,561		
9,150	9,200	1,430	1,333	1,721	1,574		
9,200	9,250	1,440	1,343	1,735	1,586		
9,250	9,300	1,451	1,352	1,749	1,599		
9,300	9,350	1,461	1,362	1,763	1,611		
9,350	9,400	1,472	1,371	1,777	1,624		
9,400	9,450	1,482	1,381	1,791	1,637		
9,450	9,500	1,492	1,391	1,805	1,651		
9,500	9,550	1,503	1,400	1,819	1,665		
9,550	9,600	1,513	1,410	1,833	1,679		
9,600	9,650	1,524	1,419	1,847	1,693		
9,650	9,700	1,534	1,429	1,861	1,707		
9,700	9,750	1,545	1,438	1,875	1,721		
9,750	9,800	1,555	1,448	1,889	1,735		
9,800	9,850	1,565	1,458	1,903	1,749		
9,850	9,900	1,576	1,467	1,917	1,763		
9,900	9,950	1,586	1,477	1,931	1,777		
9,950	10,000	1,597	1,488	1,945	1,791		

TABLE XVII—RETURNS CLAIMING 2 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—					
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—		
At least	But less than				Low income allowance	Standard deduction	
		Your tax is—					
0	$1,500	0	0	0	0	0	
$1,500	1,525	0	0	0	0	$2	
1,525	1,550	0	0	0	0	5	
1,550	1,575	0	0	0	0	8	
1,575	1,600	0	0	0	0	11	
1,600	1,625	0	0	0	$2	14	
1,625	1,650	0	0	0	5	17	
1,650	1,675	0	0	0	9	20	
1,675	1,700	0	0	0	12	24	
1,700	1,725	0	0	0	16	27	
1,725	1,750	0	0	0	19	30	
1,750	1,775	0	0	0	23	33	
1,775	1,800	0	0	0	26	36	
1,800	1,825	0	0	0	30	39	
1,825	1,850	0	0	0	33	42	
1,850	1,875	0	0	0	37	45	
1,875	1,900	0	0	0	40	48	
1,900	1,925	0	0	0	44	51	
1,925	1,950	0	0	0	47	54	
1,950	1,975	0	0	0	51	57	
1,975	2,000	0	0	0	54	60	
2,000	2,025	0	0	0	58	63	
2,025	2,050	0	0	0	61	66	
2,050	2,075	0	0	0	65	69	
2,075	2,100	0	0	0	68	72	
2,100	2,125	0	0	0	72	76	
2,125	2,150	0	0	0	76	79	
2,150	2,175	0	0	0	79	82	
2,175	2,200	0	0	0	83	85	
2,200	2,225	0	0	0	87	89	
2,225	2,250	0	0	0	91	92	
2,250	2,275	0	0	0	94	95	
2,275	2,300	0	0	0	98	99	
2,300	2,325	0	0	0	102	102	
2,325	2,350	0	0	0	106	105	
2,350	2,375	$2	$2	$2	109	108	
2,375	2,400	6	6	6	113	112	
2,400	2,425	9	9	9	117	115	
2,425	2,450	13	13	13	121	118	
2,450	2,475	17	17	17	124	121	
2,475	2,500	21	21	21	128	125	
2,500	2,525	24	24	24	132	128	
2,525	2,550	28	28	28	136	131	
2,550	2,575	32	32	32	139	134	
2,575	2,600	35	35	35	143	138	
2,600	2,625	39	39	39	147	141	
2,625	2,650	43	43	43	151	144	
2,650	2,675	47	47	47	155	148	
2,675	2,700	50	50	50	159	151	
2,700	2,725	54	54	54	163	155	
2,725	2,750	58	58	58	167	158	
2,750	2,775	$62	$62	$62	$171	$162	
2,775	2,800	65	65	65	175	165	
2,800	2,825	69	69	69	179	169	
2,825	2,850	73	73	73	183	172	
2,850	2,875	77	77	77	187	175	
2,875	2,900	81	80	80	191	179	
2,900	2,925	85	84	84	195	182	
2,925	2,950	89	88	88	199	186	
2,950	2,975	93	91	91	203	189	
2,975	3,000	97	95	95	207	193	
3,000	3,050	103	101	101	213	198	
3,050	3,100	111	108	108	221	205	
3,100	3,150	119	116	116	229	212	
3,150	3,200	127	123	123	238	219	
3,200	3,250	135	131	131	246	226	
3,250	3,300	143	138	138	255	233	
3,300	3,350	151	146	146	263	241	
3,350	3,400	160	155	154	272	248	
3,400	3,450	168	163	162	280	256	
3,450	3,500	177	172	170	289	263	
3,500	3,550	186	181	178	297	270	
3,550	3,600	194	189	186	306	278	
3,600	3,650	203	198	194	315	285	
3,650	3,700	211	206	202	324	293	
3,700	3,750	220	215	210	334	300	
3,750	3,800	228	223	218	343	307	
3,800	3,850	237	232	226	353	315	
3,850	3,900	247	240	234	362	324	
3,900	3,950	256	249	242	372	332	
3,950	4,000	265	257	250	381	340	
4,000	4,050	274	266	258	391	348	
4,050	4,100	283	274	266	400	357	
4,100	4,150	292	283	274	410	365	
4,150	4,200	301	291	282	419	373	
4,200	4,250	310	300	290	429	381	
4,250	4,300	320	310	299	438	390	
4,300	4,350	330	319	307	448	398	
4,350	4,400	340	329	316	457	406	
4,400	4,450	351	338	324	467	414	
4,450	4,500	361	348	333	476	423	
4,500	4,550	371

TABLE XVIII—RETURNS CLAIMING 3 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$2,250	0	0	0	0	0
$2,250	2,275	0	0	0	0	$4
2,275	2,300	0	0	0	0	6
2,300	2,325	0	0	0	0	9
2,325	2,350	0	0	0	0	12
2,350	2,375	0	0	0	$2	15
2,375	2,400	0	0	0	5	18
2,400	2,425	0	0	0	9	21
2,425	2,450	0	0	0	12	24
2,450	2,475	0	0	0	16	27
2,475	2,500	0	0	0	19	30
2,500	2,525	0	0	0	23	33
2,525	2,550	0	0	0	26	36
2,550	2,575	0	0	0	30	39
2,575	2,600	0	0	0	33	42
2,600	2,625	0	0	0	37	45
2,625	2,650	0	0	0	40	48
2,650	2,675	0	0	0	44	51
2,675	2,700	0	0	0	47	54
2,700	2,725	0	0	0	51	57
2,725	2,750	0	0	0	54	60
2,750	2,775	0	0	0	58	63
2,775	2,800	0	0	0	61	67
2,800	2,825	0	0	0	65	70
2,825	2,850	0	0	0	68	73
2,850	2,875	0	0	0	72	76
2,875	2,900	0	0	0	75	79
2,900	2,925	0	0	0	79	83
2,925	2,950	0	0	0	83	86
2,950	2,975	0	0	0	87	89
2,975	3,000	0	0	0	91	92
3,000	3,050	$4	$4	$4	96	97
3,050	3,100	11	11	11	104	104
3,100	3,150	19	19	19	111	110
3,150	3,200	26	26	26	119	117
3,200	3,250	34	34	34	126	123
3,250	3,300	41	41	41	134	130
3,300	3,350	49	49	49	141	136
3,350	3,400	56	56	56	149	143
3,400	3,450	63	63	63	157	150
3,450	3,500	71	71	71	165	157
3,500	3,550	79	78	78	173	164
3,550	3,600	87	86	86	181	171
$3,600	$3,650	$95	$93	$93	$189	$178
3,650	3,700	103	101	101	197	185
3,700	3,750	111	108	108	205	192
3,750	3,800	119	116	116	213	198
3,800	3,850	127	123	123	221	205
3,850	3,900	135	131	131	229	212
3,900	3,950	143	138	138	238	219
3,950	4,000	151	146	146	246	226
4,000	4,050	160	155	154	255	234
4,050	4,100	168	163	162	263	241
4,100	4,150	177	172	170	272	249
4,150	4,200	185	181	178	280	256
4,200	4,250	194	189	186	289	263
4,250	4,300	203	198	194	297	271
4,300	4,350	211	206	202	306	278
4,350	4,400	220	215	210	315	286
4,400	4,450	228	223	218	324	293
4,450	4,500	237	232	226	334	300
4,500	4,550	247	240	234	343	308
4,550	4,600	256	249	242	353	316
4,600	4,650	265	257	250	362	324
4,650	4,700	274	266	258	372	332
4,700	4,750	283	274	266	381	341
4,750	4,800	292	283	274	391	349
4,800	4,850	301	291	282	400	357
4,850	4,900	310	300	290	410	365
4,900	4,950	320	310	299	419	374
4,950	5,000	330	319	307	429	382
5,000	5,050	340	329	316	438	390
5,050	5,100	351	338	324	448	398
5,100	5,150	361	348	333	457	407
5,150	5,200	371	358	341	467	415
5,200	5,250	381	367	350	476	423
5,250	5,300	391	377	358	486	431
5,300	5,350	401	386	367	495	440
5,350	5,400	411	396	375	505	448
5,400	5,450	421	406	384	514	456
5,450	5,500	432	415	392	524	465
5,500	5,550	442	425	401	533	473
5,550	5,600	452	434	409	543	481
5,600	5,650	462	444	418	552	489
5,650	5,700	472	454	427	562	498
5,700	5,750	482	463	435	571	506

TABLE XVIII—RETURNS CLAIMING 3 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
$5,750	$5,800	$492	$473	$444	$581	$514
5,800	5,850	503	482	452	590	524
5,850	5,900	513	492	461	600	533
5,900	5,950	523	502	470	609	543
5,950	6,000	533	511	479	619	552
6,000	6,050	543	521	489	628	562
6,050	6,100	553	530	498	638	571
6,100	6,150	563	540	507	647	581
6,150	6,200	573	550	516	657	590
6,200	6,250	584	559	525	666	600
6,250	6,300	594	569	534	676	609
6,300	6,350	604	578	543	685	619
6,350	6,400	613	587	551	696	628
6,400	6,450	622	595	559	707	638
6,450	6,500	630	603	566	718	647
6,500	6,550	638	611	574	729	657
6,550	6,600	646	619	581	740	666
6,600	6,650	655	626	588	751	676
6,650	6,700	663	634	596	762	685
6,700	6,750	671	642	603	773	696
6,750	6,800	679	650	611	784	707
6,800	6,850	688	658	618	795	718
6,850	6,900	697	666	626	806	729
6,900	6,950	706	674	634	817	740
6,950	7,000	715	682	642	828	751
7,000	7,050	724	691	651	839	762
7,050	7,100	733	699	659	850	773
7,100	7,150	742	707	667	861	784
7,150	7,200	751	716	676	872	795
7,200	7,250	761	724	684	883	806
7,250	7,300	770	732	692	894	817
7,300	7,350	779	740	700	905	828
7,350	7,400	788	749	709	916	839
7,400	7,450	797	757	717	927	850
7,450	7,500	806	765	725	938	861
7,500	7,550	815	773	733	949	872
7,550	7,600	824	782	742	960	883
7,600	7,650	834	790	750	971	894
7,650	7,700	843	798	758	982	905
7,700	7,750	852	806	766	993	916
7,750	7,800	861	815	775	1,004	927
7,800	7,850	870	823	783	1,015	938
7,850	7,900	879	831	791	1,026	949
$7,900	$7,950	$888	$840	$800	$1,037	$960
7,950	8,000	898	848	808	1,048	971
8,000	8,050	907	856	816	1,059	982
8,050	8,100	916	864	824	1,070	993
8,100	8,150	925	873	833	1,081	1,004
8,150	8,200	934	881	841	1,092	1,015
8,200	8,250	943	889	849	1,103	1,026
8,250	8,300	952	897	857	1,114	1,037
8,300	8,350	961	906	866	1,125	1,048
8,350	8,400	971	914	874	1,136	1,059
8,400	8,450	980	922	882	1,149	1,070
8,450	8,500	989	930	890	1,161	1,081
8,500	8,550	998	939	899	1,174	1,092
8,550	8,600	1,007	947	907	1,186	1,103
8,600	8,650	1,016	955	915	1,199	1,114
8,650	8,700	1,025	963	923	1,211	1,125
8,700	8,750	1,035	972	932	1,224	1,136
8,750	8,800	1,044	980	940	1,236	1,149
8,800	8,850	1,053	988	948	1,249	1,161
8,850	8,900	1,062	997	957	1,261	1,174
8,900	8,950	1,071	1,005	965	1,274	1,186
8,950	9,000	1,080	1,013	973	1,286	1,199
9,000	9,050	1,089	1,021	981	1,299	1,211
9,050	9,100	1,099	1,030	990	1,311	1,224
9,100	9,150	1,108	1,038	998	1,324	1,236
9,150	9,200	1,118	1,047	1,006	1,336	1,249
9,200	9,250	1,128	1,057	1,014	1,349	1,261
9,250	9,300	1,139	1,066	1,023	1,361	1,274
9,300	9,350	1,149	1,076	1,031	1,374	1,286
9,350	9,400	1,160	1,085	1,039	1,386	1,299
9,400	9,450	1,170	1,095	1,047	1,399	1,311
9,450	9,500	1,180	1,105	1,056	1,411	1,324
9,500	9,550	1,191	1,114	1,064	1,424	1,336
9,550	9,600	1,201	1,124	1,072	1,436	1,349
9,600	9,650	1,212	1,133	1,081	1,449	1,361
9,650	9,700	1,222	1,143	1,089	1,461	1,374
9,700	9,750	1,233	1,152	1,097	1,474	1,386
9,750	9,800	1,243	1,162	1,105	1,486	1,399
9,800	9,850	1,253	1,172	1,114	1,499	1,411
9,850	9,900	1,264	1,181	1,122	1,511	1,424
9,900	9,950	1,274	1,191	1,130	1,524	1,436
9,950	10,000	1,285	1,200	1,138	1,536	1,449

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XIX—RETURNS CLAIMING 4 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$3,000	0	0	0	0	0
$3,000	3,050	0	0	0	0	$4
3,050	3,100	0	0	0	0	11
3,100	3,150	0	0	0	$4	17
3,150	3,200	0	0	0	11	23
3,200	3,250	0	0	0	18	29
3,250	3,300	0	0	0	25	35
3,300	3,350	0	0	0	32	41
3,350	3,400	0	0	0	39	47
3,400	3,450	0	0	0	46	53
3,450	3,500	0	0	0	53	59
3,500	3,550	0	0	0	60	65
3,550	3,600	0	0	0	67	72
3,600	3,650	0	0	0	74	78
3,650	3,700	$1	$1	$1	81	85
3,700	3,750	11	11	11	89	91
3,750	3,800	19	19	19	96	98
3,800	3,850	26	26	26	104	104
3,850	3,900	34	34	34	111	111
3,900	3,950	41	41	41	119	117
3,950	4,000	49	49	49	126	124
4,000	4,050	56	56	56	134	130
4,050	4,100	63	63	63	141	137
4,100	4,150	71	71	71	149	143
4,150	4,200	79	78	78	157	150
4,200	4,250	87	86	86	165	157
4,250	4,300	95	93	93	173	164
4,300	4,350	103	101	101	181	171
4,350	4,400	111	108	108	189	178
4,400	4,450	119	116	116	197	185
4,450	4,500	127	123	123	205	192
4,500	4,550	135	131	131	213	199
4,550	4,600	143	138	138	221	206
4,600	4,650	151	146	146	229	213
4,650	4,700	160	155	154	238	220
4,700	4,750	168	163	162	246	227
$4,750	$4,800	$177	$172	$170	$255	$231
4,800	4,850	186	181	178	263	242
4,850	4,900	194	189	186	272	249
4,900	4,950	203	198	194	280	256
4,950	5,000	211	206	202	289	264
5,000	5,050	220	215	210	297	271
5,050	5,100	228	223	218	306	279
5,100	5,150	237	232	226	315	286
5,150	5,200	247	240	234	324	293
5,200	5,250	256	249	242	334	301
5,250	5,300	265	257	250	343	308
5,300	5,350	274	266	258	353	316
5,350	5,400	283	274	266	362	324
5,400	5,450	292	283	274	372	333
5,450	5,500	301	291	282	381	341
5,500	5,550	310	300	290	391	349
5,550	5,600	320	310	299	400	358
5,600	5,650	330	319	307	410	366
5,650	5,700	340	329	316	419	374
5,700	5,750	351	338	324	429	382
5,750	5,800	361	348	333	438	391
5,800	5,850	371	358	341	448	400
5,850	5,900	381	367	350	457	410
5,900	5,950	391	377	358	467	419
5,950	6,000	401	386	367	476	429
6,000	6,050	411	396	375	486	438
6,050	6,100	421	406	384	495	448
6,100	6,150	432	415	392	505	457
6,150	6,200	442	425	401	514	467
6,200	6,250	452	434	409	524	476
6,250	6,300	462	444	418	533	486
6,300	6,350	472	454	427	543	495
6,350	6,400	482	463	435	552	505
6,400	6,450	492	473	444	562	514
6,450	6,500	503	482	452	571	524
6,500	6,550	513	492	461	581	533

TABLE XIX—RETURNS CLAIMING 4 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
$6,550	$6,600	$523	$502	$470	$590	$543
6,600	6,650	531	509	478	600	552
6,650	6,700	539	517	485	609	562
6,700	6,750	548	525	493	619	571
6,750	6,800	556	534	500	628	581
6,800	6,850	564	541	507	638	590
6,850	6,900	572	549	515	647	600
6,900	6,950	581	556	522	657	609
6,950	7,000	589	564	530	666	619
7,000	7,050	597	572	537	676	628
7,050	7,100	605	580	544	685	638
7,100	7,150	614	588	552	696	647
7,150	7,200	622	595	559	707	657
7,200	7,250	630	603	567	718	666
7,250	7,300	639	611	574	729	676
7,300	7,350	647	619	581	740	685
7,350	7,400	655	627	589	751	696
7,400	7,450	663	635	596	762	707
7,450	7,500	672	643	604	773	718
7,500	7,550	680	650	611	784	729
7,550	7,600	688	658	618	795	740
7,600	7,650	697	666	626	806	751
7,650	7,700	706	675	635	817	762
7,700	7,750	715	683	643	828	773
7,750	7,800	724	691	651	839	784
7,800	7,850	734	699	659	850	795
7,850	7,900	743	708	668	861	806
7,900	7,950	752	716	676	872	817
7,950	8,000	761	724	684	883	828
8,000	8,050	770	733	693	894	839
8,050	8,100	779	741	701	905	850
8,100	8,150	788	749	709	916	861
8,150	8,200	798	757	717	927	872
8,200	8,250	807	766	726	938	883
8,250	8,300	816	774	734	949	894
$8,300	$8,350	$825	$782	$742	$960	$905
8,350	8,400	834	790	750	971	916
8,400	8,450	843	799	759	982	927
8,450	8,500	852	807	767	993	938
8,500	8,550	862	815	775	1,004	949
8,550	8,600	871	823	783	1,015	960
8,600	8,650	880	832	792	1,026	971
8,650	8,700	889	840	800	1,037	982
8,700	8,750	898	848	808	1,048	993
8,750	8,800	907	857	817	1,059	1,004
8,800	8,850	916	865	825	1,070	1,015
8,850	8,900	925	873	833	1,081	1,026
8,900	8,950	935	881	841	1,092	1,037
8,950	9,000	944	890	850	1,103	1,048
9,000	9,050	953	898	858	1,114	1,059
9,050	9,100	962	906	866	1,125	1,070
9,100	9,150	971	914	874	1,136	1,081
9,150	9,200	980	923	883	1,149	1,092
9,200	9,250	989	931	891	1,161	1,103
9,250	9,300	999	939	899	1,174	1,114
9,300	9,350	1,008	947	907	1,186	1,125
9,350	9,400	1,017	955	916	1,199	1,136
9,400	9,450	1,026	964	924	1,211	1,149
9,450	9,500	1,035	972	932	1,224	1,161
9,500	9,550	1,044	980	940	1,236	1,174
9,550	9,600	1,053	989	949	1,249	1,186
9,600	9,650	1,062	997	957	1,261	1,199
9,650	9,700	1,072	1,005	965	1,274	1,211
9,700	9,750	1,081	1,014	974	1,286	1,224
9,750	9,800	1,090	1,022	982	1,299	1,236
9,800	9,850	1,099	1,030	990	1,311	1,249
9,850	9,900	1,108	1,038	998	1,324	1,261
9,900	9,950	1,118	1,048	1,007	1,336	1,274
9,950	10,000	1,129	1,057	1,015	1,349	1,286

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XX—RETURNS CLAIMING 5 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$3,750	0	0	0	0	0
$3,750	3,800	0	0	0	$4	$5
3,800	3,850	0	0	0	11	11
3,850	3,900	0	0	0	18	17
3,900	3,950	0	0	0	25	23
3,950	4,000	0	0	0	32	29
4,000	4,050	0	0	0	39	35
4,050	4,100	0	0	0	46	41
4,100	4,150	0	0	0	53	47
4,150	4,200	0	0	0	60	54
4,200	4,250	0	0	0	67	60
4,250	4,300	0	0	0	74	66
4,300	4,350	$4	$4	$4	81	72
4,350	4,400	11	11	11	89	78
4,400	4,450	19	19	19	96	85
4,450	4,500	26	26	26	104	91
4,500	4,550	34	34	34	111	98
4,550	4,600	41	41	41	119	105
4,600	4,650	49	49	49	126	111
4,650	4,700	56	56	56	134	118
4,700	4,750	63	63	63	141	124
4,750	4,800	71	71	71	149	131
4,800	4,850	79	78	78	157	137
4,850	4,900	87	86	86	165	144
4,900	4,950	95	93	93	173	151
4,950	5,000	103	101	101	181	158
5,000	5,050	111	108	108	189	164
5,050	5,100	119	116	116	197	171
5,100	5,150	127	123	123	205	178
5,150	5,200	135	131	131	213	185
5,200	5,250	143	138	138	221	192
5,250	5,300	151	146	146	229	199
5,300	5,350	160	155	154	238	206
5,350	5,400	168	163	162	246	213
5,400	5,450	177	172	170	255	220
5,450	5,500	186	181	178	263	227
5,500	5,550	194	189	186	272	235
5,550	5,600	203	198	194	280	242
5,600	5,650	211	206	202	289	249
5,650	5,700	220	215	210	297	257
5,700	5,750	228	223	218	306	264
5,750	5,800	237	232	226	315	272
5,800	5,850	247	240	234	324	280
5,850	5,900	256	249	242	334	289
5,900	5,950	265	257	250	343	297
5,950	6,000	274	266	258	353	306
6,000	6,050	283	274	266	362	315
6,050	6,100	292	283	274	372	324
6,100	6,150	301	291	282	381	334
6,150	6,200	310	300	290	391	343
6,200	6,250	320	310	299	400	353
6,250	6,300	330	319	307	410	362
6,300	6,350	340	329	316	419	372
6,350	6,400	351	338	324	429	381
6,400	6,450	361	348	333	438	391
6,450	6,500	371	358	341	448	400
6,500	6,550	381	367	350	457	410
6,550	6,600	391	377	358	467	419
6,600	6,650	401	386	367	476	429
6,650	6,700	411	396	375	486	438
6,700	6,750	421	406	384	495	448
6,750	6,800	432	415	392	505	457
6,800	6,850	441	424	400	514	467
6,850	6,900	449	432	407	521	476
6,900	6,950	457	439	414	533	486
6,950	7,000	465	447	421	543	495
7,000	7,050	471	455	428	552	505
7,050	7,100	482	463	435	562	514
7,100	7,150	490	471	442	571	524
7,150	7,200	499	479	449	581	533
7,200	7,250	507	486	456	590	543
7,250	7,300	515	494	463	600	552
7,300	7,350	523	502	471	609	562
7,350	7,400	532	510	478	619	571
7,400	7,450	540	518	486	628	581
7,450	7,500	548	526	493	638	590
7,500	7,550	556	533	500	647	600
7,550	7,600	565	511	508	657	609
7,600	7,650	573	549	515	666	619
7,650	7,700	581	557	523	676	628
7,700	7,750	589	565	530	685	638
7,750	7,800	598	573	537	696	647
7,800	7,850	606	580	545	707	657
7,850	7,900	614	588	552	718	666
7,900	7,950	623	596	560	729	676
7,950	8,000	631	604	567	740	685
8,000	8,050	639	612	574	751	696
8,050	8,100	647	620	582	762	707
8,100	8,150	656	627	589	773	718
8,150	8,200	664	635	597	784	729
8,200	8,250	672	643	604	795	740
8,250	8,300	680	651	611	806	751
8,300	8,350	689	659	619	817	762
8,350	8,400	698	667	627	828	773
8,400	8,450	707	675	635	839	784
8,450	8,500	716	683	643	850	795
8,500	8,550	725	692	652	861	806
8,550	8,600	734	700	660	872	817
8,600	8,650	743	708	668	883	828
8,650	8,700	752	716	676	894	839
8,700	8,750	762	725	685	905	850
8,750	8,800	771	733	693	916	861
8,800	8,850	780	741	701	927	872
8,850	8,900	789	750	710	938	883
8,900	8,950	798	758	718	949	894
8,950	9,000	807	766	726	960	905
9,000	9,050	816	774	734	971	916
9,050	9,100	826	783	743	982	927
9,100	9,150	835	791	751	993	938
9,150	9,200	844	799	759	1,004	949
9,200	9,250	853	807	767	1,015	960
9,250	9,300	862	816	776	1,026	971
9,300	9,350	871	824	784	1,037	982
9,350	9,400	880	832	792	1,048	993
9,400	9,450	889	840	800	1,059	1,004
9,450	9,500	899	849	809	1,070	1,015
9,500	9,550	908	857	817	1,081	1,026
9,550	9,600	917	865	825	1,092	1,037
9,600	9,650	926	874	834	1,103	1,048
9,650	9,700	935	882	842	1,114	1,059
9,700	9,750	944	890	850	1,125	1,070
9,750	9,800	953	898	858	1,136	1,081
9,800	9,850	963	907	867	1,149	1,092
9,850	9,900	972	915	875	1,161	1,103
9,900	9,950	981	923	883	1,174	1,114
9,950	10,000	990	931	891	1,186	1,125

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXI—RETURNS CLAIMING 6 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$4,400	0	0	0	0	0
$4,400	4,450	0	0	0	$1	0
4,450	4,500	0	0	0	11	0
4,500	4,550	0	0	0	18	$5
4,550	4,600	0	0	0	25	11
4,600	4,650	0	0	0	32	17
4,650	4,700	0	0	0	39	23
4,700	4,750	0	0	0	46	30
4,750	4,800	0	0	0	53	36
4,800	4,850	0	0	0	60	42
4,850	4,900	0	0	0	67	48
4,900	4,950	0	0	0	73	54
4,950	5,000	$4	$4	$4	81	60
5,000	5,050	11	11	11	89	66
5,050	5,100	19	19	19	96	72
5,100	5,150	26	26	26	104	79
5,150	5,200	34	34	34	111	85
5,200	5,250	41	41	41	119	92
5,250	5,300	49	49	49	126	98
5,300	5,350	56	56	56	134	105
5,350	5,400	63	63	63	141	111
5,400	5,450	71	71	71	149	118
5,450	5,500	79	78	78	157	124
5,500	5,550	87	86	86	165	131
5,550	5,600	95	93	93	173	138
5,600	5,650	103	101	101	181	144
5,650	5,700	111	108	108	189	151
5,700	5,750	119	116	116	197	158
5,750	5,800	127	123	123	205	165
5,800	5,850	135	131	131	213	173
5,850	5,900	143	138	138	221	181
5,900	5,950	151	146	146	229	189
5,950	6,000	160	155	154	238	197
6,000	6,050	168	163	162	246	205
6,050	6,100	177	172	170	255	213
6,100	6,150	186	181	178	263	221
6,150	6,200	194	189	186	272	229
6,200	6,250	203	198	194	280	238
6,250	6,300	211	206	202	289	246
6,300	6,350	220	215	210	297	255
6,350	6,400	228	223	218	306	263
6,400	6,450	237	232	226	315	272
6,450	6,500	247	240	234	324	280
6,500	6,550	256	249	242	334	289
6,550	6,600	265	257	250	343	297
6,600	6,650	274	266	258	353	306
6,650	6,700	283	274	266	362	315
6,700	6,750	292	283	274	372	324
6,750	6,800	301	291	282	381	334
6,800	6,850	310	300	290	391	343
6,850	6,900	320	310	299	400	353
6,900	6,950	330	319	307	410	362
6,950	7,000	340	329	316	419	372
7,000	7,050	350	338	324	429	381
7,050	7,100	358	346	331	438	391
7,100	7,150	367	354	338	448	400
$7,150	$7,200	$375	$362	$345	$457	$410
7,200	7,250	383	369	352	467	419
7,250	7,300	392	377	359	476	429
7,300	7,350	400	385	366	486	438
7,350	7,400	408	393	373	495	448
7,400	7,450	416	401	380	505	457
7,450	7,500	425	409	387	514	467
7,500	7,550	434	416	393	523	476
7,550	7,600	441	424	400	533	486
7,600	7,650	449	432	407	543	495
7,650	7,700	458	440	414	552	505
7,700	7,750	466	448	421	562	514
7,750	7,800	474	456	428	571	524
7,800	7,850	482	463	435	581	533
7,850	7,900	491	471	442	590	543
7,900	7,950	499	479	449	600	552
7,950	8,000	507	487	457	609	562
8,000	8,050	516	495	464	619	571
8,050	8,100	524	503	471	628	581
8,100	8,150	532	510	479	638	590
8,150	8,200	540	518	486	647	600
8,200	8,250	549	526	493	657	609
8,250	8,300	557	534	501	666	619
8,300	8,350	565	542	508	676	628
8,350	8,400	573	550	516	685	638
8,400	8,450	582	557	523	696	647
8,450	8,500	590	565	530	707	657
8,500	8,550	598	573	538	718	666
8,550	8,600	606	581	545	729	676
8,600	8,650	615	589	553	740	685
8,650	8,700	623	597	560	751	696
8,700	8,750	631	604	567	762	707
8,750	8,800	640	612	575	773	718
8,800	8,850	648	620	582	784	729
8,850	8,900	656	628	590	795	740
8,900	8,950	664	636	597	806	751
8,950	9,000	674	643	604	817	762
9,000	9,050	681	651	612	828	773
9,050	9,100	689	659	619	839	784
9,100	9,150	698	667	627	850	795
9,150	9,200	707	676	636	861	806
9,200	9,250	716	684	644	872	817
9,250	9,300	726	692	652	883	828
9,300	9,350	735	700	660	894	839
9,350	9,400	744	709	669	905	850
9,400	9,450	753	717	677	916	861
9,450	9,500	762	725	685	927	872
9,500	9,550	771	734	693	938	883
9,550	9,600	780	742	702	949	894
9,600	9,650	789	750	710	960	905
9,650	9,700	799	758	718	971	916
9,700	9,750	808	767	727	982	927
9,750	9,800	817	775	735	993	938
9,800	9,850	826	783	743	1,004	949
9,850	9,900	835	791	751	1,015	960
9,900	9,950	844	800	760	1,026	971
9,950	10,000	853	808	768	1,037	982

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXII—RETURNS CLAIMING 7 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$5,050	0	0	0	0	0
$5,050	5,100	0	0	0	$4	0
5,100	5,150	0	0	0	11	0
5,150	5,200	0	0	0	18	0
5,200	5,250	0	0	0	25	0
5,250	5,300	0	0	0	32	$5
5,300	5,350	0	0	0	39	12
5,350	5,400	0	0	0	46	18
5,400	5,450	0	0	0	53	24
5,450	5,500	0	0	0	60	30
5,500	5,550	0	0	0	67	36
5,550	5,600	0	0	0	74	42
5,600	5,650	$4	$4	$4	81	48
5,650	5,700	11	11	11	89	54
5,700	5,750	19	19	19	96	60
5,750	5,800	26	26	26	104	67
5,800	5,850	34	34	34	111	74
5,850	5,900	41	41	41	119	81
5,900	5,950	49	49	49	126	89
5,950	6,000	56	56	56	134	96
6,000	6,050	63	63	63	141	104
6,050	6,100	71	71	71	149	111
6,100	6,150	79	78	78	157	119
6,150	6,200	87	86	86	165	126
6,200	6,250	95	93	93	173	134
6,250	6,300	103	101	101	181	141
6,300	6,350	111	108	108	189	149
6,350	6,400	119	116	116	197	157
6,400	6,450	127	123	123	205	165
6,450	6,500	135	131	131	213	173
6,500	6,550	143	138	138	221	181
6,550	6,600	151	146	146	229	189
6,600	6,650	160	155	154	238	197
6,650	6,700	168	163	162	246	205
6,700	6,750	177	172	170	255	213
6,750	6,800	186	181	178	263	221
6,800	6,850	194	189	186	272	229
6,850	6,900	203	198	194	280	238
6,900	6,950	211	206	202	289	246
6,950	7,000	220	215	210	297	255
7,000	7,050	228	223	218	306	263
7,050	7,100	237	232	226	315	272
7,100	7,150	247	240	234	324	280
7,150	7,200	256	249	242	334	289
7,200	7,250	265	257	250	343	297
7,250	7,300	272	265	257	353	306
7,300	7,350	280	272	263	362	315
7,350	7,400	287	279	270	372	324
7,400	7,450	295	286	276	381	334
7,450	7,500	302	293	283	391	343
$7,500	$7,550	$309	$299	$290	$400	$353
7,550	7,600	318	307	296	410	362
7,600	7,650	326	315	303	419	372
7,650	7,700	334	323	310	429	381
7,700	7,750	342	331	317	438	391
7,750	7,800	351	339	324	448	400
7,800	7,850	359	346	331	457	410
7,850	7,900	367	354	338	467	419
7,900	7,950	376	362	345	476	429
7,950	8,000	384	370	352	486	438
8,000	8,050	392	378	359	495	448
8,050	8,100	400	386	366	505	457
8,100	8,150	409	393	373	514	467
8,150	8,200	417	401	380	524	476
8,200	8,250	425	409	387	533	486
8,250	8,300	433	417	394	543	495
8,300	8,350	442	425	401	552	505
8,350	8,400	450	433	408	562	514
8,400	8,450	458	440	415	571	524
8,450	8,500	466	448	422	581	533
8,500	8,550	475	456	429	590	543
8,550	8,600	483	464	436	600	552
8,600	8,650	491	472	443	609	562
8,650	8,700	499	480	450	619	571
8,700	8,750	508	487	457	628	581
8,750	8,800	516	495	464	638	590
8,800	8,850	524	503	472	647	600
8,850	8,900	533	511	479	657	609
8,900	8,950	541	519	487	666	619
8,950	9,000	549	528	494	676	628
9,000	9,050	557	534	501	685	638
9,050	9,100	566	542	509	696	647
9,100	9,150	574	550	516	707	657
9,150	9,200	582	558	523	718	666
9,200	9,250	590	566	531	729	676
9,250	9,300	599	573	538	740	685
9,300	9,350	607	581	546	751	696
9,350	9,400	615	589	553	762	707
9,400	9,450	623	597	560	773	718
9,450	9,500	632	605	568	784	729
9,500	9,550	640	613	575	795	740
9,550	9,600	648	620	583	806	751
9,600	9,650	657	628	590	817	762
9,650	9,700	665	636	597	828	773
9,700	9,750	673	644	605	839	784
9,750	9,800	681	652	612	850	795
9,800	9,850	690	660	620	861	806
9,850	9,900	699	668	628	872	817
9,900	9,950	708	676	636	883	828
9,950	10,000	717	684	644	894	839

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXIII—RETURNS CLAIMING 8 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$5,700	0	0	0	0	0
$5,700	5,750	0	0	0	$4	0
5,750	5,800	0	0	0	11	0
5,800	5,850	0	0	0	18	0
5,850	5,900	0	0	0	25	0
5,900	5,950	0	0	0	32	0
5,950	6,000	0	0	0	39	$4
6,000	6,050	0	0	0	46	11
6,050	6,100	0	0	0	53	18
6,100	6,150	0	0	0	60	25
6,150	6,200	0	0	0	67	32
6,200	6,250	0	0	0	74	39
6,250	6,300	$4	$4	$4	81	46
6,300	6,350	11	11	11	89	53
6,350	6,400	19	19	19	96	60
6,400	6,450	26	26	26	104	67
6,450	6,500	34	34	34	111	74
6,500	6,550	41	41	41	119	81
6,550	6,600	49	49	49	126	89
6,600	6,650	56	56	56	134	96
6,650	6,700	63	63	63	141	104
6,700	6,750	71	71	71	149	111
6,750	6,800	79	78	78	157	119
6,800	6,850	87	86	86	165	126
6,850	6,900	95	93	93	173	134
6,900	6,950	103	101	101	181	141
6,950	7,000	111	108	108	189	149
7,000	7,050	119	116	116	197	157
7,050	7,100	126	123	123	205	165
7,100	7,150	134	130	130	213	173
7,150	7,200	141	137	137	221	181
7,200	7,250	149	144	144	229	189
7,250	7,300	157	152	151	238	197
7,300	7,350	165	160	159	246	205
7,350	7,400	173	168	166	255	213
7,400	7,450	181	176	174	263	221
7,450	7,500	189	184	181	272	229
7,500	7,550	197	192	189	280	238
7,550	7,600	205	200	196	289	246
7,600	7,650	213	208	204	297	255
7,650	7,700	221	216	211	306	263
7,700	7,750	229	223	218	315	272
7,750	7,800	236	230	225	324	280
7,800	7,850	243	237	231	334	289
$7,850	$7,900	$251	$244	$238	$343	$297
7,900	7,950	258	251	244	353	306
7,950	8,000	266	258	251	362	315
8,000	8,050	273	265	257	372	324
8,050	8,100	280	272	264	381	334
8,100	8,150	288	279	270	391	343
8,150	8,200	295	286	277	400	353
8,200	8,250	302	293	283	410	362
8,250	8,300	310	300	290	419	372
8,300	8,350	318	308	297	429	381
8,350	8,400	326	316	304	438	391
8,400	8,450	335	323	311	448	400
8,450	8,500	343	331	318	457	410
8,500	8,550	351	339	325	467	419
8,550	8,600	359	347	332	476	429
8,600	8,650	368	355	339	486	438
8,650	8,700	376	363	346	495	448
8,700	8,750	384	370	353	505	457
8,750	8,800	393	378	359	514	467
8,800	8,850	401	386	366	524	476
8,850	8,900	409	394	373	533	486
8,900	8,950	417	402	380	543	495
8,950	9,000	426	409	387	552	505
9,000	9,050	434	417	394	562	514
9,050	9,100	442	425	401	571	524
9,100	9,150	450	433	408	581	533
9,150	9,200	459	441	415	590	543
9,200	9,250	467	449	422	600	552
9,250	9,300	475	456	429	609	562
9,300	9,350	483	464	436	619	571
9,350	9,400	492	472	443	628	581
9,400	9,450	500	480	450	638	590
9,450	9,500	508	488	457	647	600
9,500	9,550	516	496	465	657	609
9,550	9,600	525	503	472	666	619
9,600	9,650	533	511	480	676	628
9,650	9,700	541	519	487	685	638
9,700	9,750	550	527	494	696	647
9,750	9,800	558	535	502	707	657
9,800	9,850	566	543	509	718	666
9,850	9,900	574	550	517	729	676
9,900	9,950	583	558	524	740	685
9,950	10,000	591	566	531	751	696

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXIV—RETURNS CLAIMING 9 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$6,350	0	0	0	0	0
$6,350	6,400	0	0	0	$4	0
6,400	6,450	0	0	0	11	0
6,450	6,500	0	0	0	18	0
6,500	6,550	0	0	0	25	0
6,550	6,600	0	0	0	32	0
6,600	6,650	0	0	0	39	$4
6,650	6,700	0	0	0	46	11
6,700	6,750	0	0	0	53	18
6,750	6,800	0	0	0	60	25
6,800	6,850	0	0	0	67	32
6,850	6,900	$4	$4	$4	74	39
6,900	6,950	11	11	11	81	46
6,950	7,000	18	18	18	89	53
7,000	7,050	25	25	25	96	60
7,050	7,100	32	32	32	104	67
7,100	7,150	39	39	39	111	74
7,150	7,200	46	46	46	119	81
7,200	7,250	53	53	53	126	89
7,250	7,300	60	60	60	134	96
7,300	7,350	67	67	67	141	104
7,350	7,400	74	74	74	149	111
7,400	7,450	81	81	81	157	119
7,450	7,500	89	88	88	165	126
7,500	7,550	96	95	95	173	134
7,550	7,600	104	102	102	181	141
7,600	7,650	111	109	109	189	149
7,650	7,700	119	116	116	197	157
7,700	7,750	126	122	122	205	165
7,750	7,800	132	128	128	213	173
7,800	7,850	139	134	134	221	181
7,850	7,900	145	140	140	229	189
7,900	7,950	152	147	147	238	197
7,950	8,000	159	154	153	246	205
8,000	8,050	166	161	160	255	213
8,050	8,100	173	168	166	263	221
8,100	8,150	180	175	173	272	229
$8,150	$8,200	$187	$182	$179	$280	$238
8,200	8,250	194	189	186	289	246
8,250	8,300	201	196	192	297	255
8,300	8,350	208	203	199	306	263
8,350	8,400	215	210	205	315	272
8,400	8,450	222	217	212	324	280
8,450	8,500	229	224	218	334	289
8,500	8,550	236	231	225	343	297
8,550	8,600	244	238	232	353	306
8,600	8,650	251	245	238	362	315
8,650	8,700	259	252	245	372	324
8,700	8,750	266	259	251	381	334
8,750	8,800	273	265	258	391	343
8,800	8,850	281	272	264	400	353
8,850	8,900	288	279	271	410	362
8,900	8,950	296	286	277	419	372
8,950	9,000	303	293	284	429	381
9,000	9,050	310	300	290	438	391
9,050	9,100	319	308	297	448	400
9,100	9,150	327	316	304	457	410
9,150	9,200	335	324	311	467	419
9,200	9,250	343	332	318	476	429
9,250	9,300	352	339	325	486	438
9,300	9,350	360	347	332	495	448
9,350	9,400	368	355	339	505	457
9,400	9,450	376	363	346	514	467
9,450	9,500	385	371	353	524	476
9,500	9,550	393	379	360	533	486
9,550	9,600	401	388	367	543	495
9,600	9,650	410	394	374	552	505
9,650	9,700	418	402	381	562	514
9,700	9,750	426	410	388	571	524
9,750	9,800	434	418	395	581	533
9,800	9,850	443	426	402	590	543
9,850	9,900	451	433	409	600	552
9,900	9,950	459	441	416	609	562
9,950	10,000	467	449	423	619	571

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXV—RETURNS CLAIMING 10 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$7,000	0	0	0	0	0
$7,000	7,050	0	0	0	$4	0
7,050	7,100	0	0	0	11	0
7,100	7,150	0	0	0	18	0
7,150	7,200	0	0	0	25	0
7,200	7,250	0	0	0	32	0
7,250	7,300	0	0	0	39	$4
7,300	7,350	0	0	0	46	11
7,350	7,400	0	0	0	53	18
7,400	7,450	0	0	0	60	25
7,450	7,500	0	0	0	67	32
7,500	7,550	$4	$4	$4	74	39
7,550	7,600	11	11	11	81	46
7,600	7,650	18	18	18	89	53
7,650	7,700	25	25	25	96	60
7,700	7,750	31	31	31	104	67
7,750	7,800	37	37	37	111	74
7,800	7,850	43	43	43	119	81
7,850	7,900	49	49	49	126	89
7,900	7,950	55	55	55	134	96
7,950	8,000	61	61	61	141	104
8,000	8,050	67	67	67	149	111
8,050	8,100	74	74	74	157	119
8,100	8,150	80	80	80	165	126
8,150	8,200	87	86	86	173	134
8,200	8,250	93	92	92	181	141
8,250	8,300	100	98	98	189	149
8,300	8,350	106	104	104	197	157
8,350	8,400	113	110	110	205	165
8,400	8,450	119	116	116	213	173
$8,450	$8,500	$126	$122	$122	$221	$181
8,500	8,550	133	128	128	229	189
8,550	8,600	139	134	134	238	197
8,600	8,650	146	141	141	246	205
8,650	8,700	153	148	147	255	213
8,700	8,750	160	155	154	263	221
8,750	8,800	166	161	160	272	229
8,800	8,850	173	168	167	280	238
8,850	8,900	180	175	173	289	246
8,900	8,950	187	182	180	297	255
8,950	9,000	194	189	186	306	263
9,000	9,050	201	196	193	315	272
9,050	9,100	208	203	199	324	280
9,100	9,150	215	210	206	334	289
9,150	9,200	222	217	212	343	297
9,200	9,250	229	224	219	353	306
9,250	9,300	237	231	225	362	315
9,300	9,350	244	238	232	372	324
9,350	9,400	252	245	238	381	334
9,400	9,450	259	252	245	391	343
9,450	9,500	266	259	251	400	353
9,500	9,550	274	266	258	410	362
9,550	9,600	281	273	265	419	372
9,600	9,650	289	280	271	429	381
9,650	9,700	296	287	278	438	391
9,700	9,750	303	294	284	448	400
9,750	9,800	311	301	291	457	410
9,800	9,850	319	309	298	467	419
9,850	9,900	327	316	305	476	429
9,900	9,950	336	324	312	486	438
9,950	10,000	344	332	319	495	448

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXVI—RETURNS CLAIMING 11 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$7,650	0	0	0	0	0
$7,650	7,700	0	0	0	$4	0
7,700	7,750	0	0	0	11	0
7,750	7,800	0	0	0	18	0
7,800	7,850	0	0	0	25	0
7,850	7,900	0	0	0	32	0
7,900	7,950	0	0	0	39	$4
7,950	8,000	0	0	0	46	11
8,000	8,050	0	0	0	53	18
8,050	8,100	0	0	0	60	25
8,100	8,150	0	0	0	67	32
8,150	8,200	0	0	0	74	39
8,200	8,250	$1	$1	$1	81	46
8,250	8,300	7	7	7	89	53
8,300	8,350	13	13	13	96	60
8,350	8,400	19	19	19	104	67
8,400	8,450	25	25	25	111	74
8,450	8,500	31	31	31	119	81
8,500	8,550	37	37	37	126	89
8,550	8,600	43	43	43	134	96
8,600	8,650	50	50	50	141	104
8,650	8,700	56	56	56	149	111
8,700	8,750	62	62	62	157	119
8,750	8,800	68	68	68	165	126
$8,800	$8,850	$74	$74	$74	$173	$134
8,850	8,900	81	80	80	181	141
8,900	8,950	87	86	86	189	149
8,950	9,000	94	92	92	197	157
9,000	9,050	100	98	98	205	165
9,050	9,100	107	104	104	213	173
9,100	9,150	113	110	110	221	181
9,150	9,200	120	117	117	229	189
9,200	9,250	126	123	123	238	197
9,250	9,300	133	129	129	246	205
9,300	9,350	139	135	135	255	213
9,350	9,400	146	141	141	263	221
9,400	9,450	153	148	147	272	229
9,450	9,500	160	155	154	280	238
9,500	9,550	167	162	161	289	246
9,550	9,600	174	169	167	297	255
9,600	9,650	181	176	174	306	263
9,650	9,700	188	183	180	315	272
9,700	9,750	195	190	187	324	280
9,750	9,800	202	197	193	334	289
9,800	9,850	209	204	200	343	297
9,850	9,900	216	211	206	353	306
9,900	9,950	223	218	213	362	315
9,950	10,000	230	225	219	372	324

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXVII—RETURNS CLAIMING 12 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$8,300	0	0	0	0	0
$8,300	8,350	0	0	0	$14	0
8,350	8,400	0	0	0	11	0
8,400	8,450	0	0	0	18	0
8,450	8,500	0	0	0	25	0
8,500	8,550	0	0	0	32	0
8,550	8,600	0	0	0	39	$4
8,600	8,650	0	0	0	46	11
8,650	8,700	0	0	0	53	18
8,700	8,750	0	0	0	60	25
8,750	8,800	0	0	0	67	32
8,800	8,850	0	0	0	74	39
8,850	8,900	0	0	0	81	46
8,900	8,950	0	0	0	89	53
8,950	9,000	$1	$1	$1	96	60
9,000	9,050	7	7	7	104	67
9,050	9,100	13	13	13	111	74
9,100	9,150	19	19	19	119	81
$9,150	$9,200	$26	$26	$26	$126	$89
9,200	9,250	32	32	32	134	96
9,250	9,300	38	38	38	141	104
9,300	9,350	44	44	44	149	111
9,350	9,400	50	50	50	157	119
9,400	9,450	56	56	56	165	126
9,450	9,500	62	62	62	173	134
9,500	9,550	68	68	68	181	141
9,550	9,600	75	74	74	189	149
9,600	9,650	81	80	80	197	157
9,650	9,700	88	86	86	205	165
9,700	9,750	94	93	93	213	173
9,750	9,800	101	99	99	221	181
9,800	9,850	107	105	105	229	189
9,850	9,900	114	111	111	238	197
9,900	9,950	120	117	117	246	205
9,950	10,000	127	123	123	255	213

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXVIII—RETURNS CLAIMING 13 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$8,950	0	0	0	0	0
$8,950	9,000	0	0	0	$4	0
9,000	9,050	0	0	0	11	0
9,050	9,100	0	0	0	18	0
9,100	9,150	0	0	0	25	0
9,150	9,200	0	0	0	32	0
9,200	9,250	0	0	0	39	$4
9,250	9,300	0	0	0	46	11
9,300	9,350	0	0	0	53	18
9,350	9,400	0	0	0	60	22
9,400	9,450	0	0	0	67	35
$9,450	$9,500	0	0	0	$74	$39
9,500	9,550	0	0	0	81	46
9,550	9,600	0	0	0	89	53
9,600	9,650	0	0	0	96	60
9,650	9,700	0	0	0	104	67
9,700	9,750	$2	$2	$2	111	74
9,750	9,800	8	8	8	119	81
9,800	9,850	14	14	14	126	89
9,850	9,900	20	20	20	134	96
9,900	9,950	26	26	26	141	104
9,950	10,000	32	32	32	149	111

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXIX—RETURNS CLAIMING 14 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$9,600	0	0	0	0	0
$9,600	9,650	0	0	0	$4	0
9,650	9,700	0	0	0	11	0
9,700	9,750	0	0	0	18	0
9,750	9,800	0	0	0	25	0
$9,800	$9,850	0	0	0	$32	0
9,850	9,900	0	0	0	39	$4
9,900	9,950	0	0	0	46	11
9,950	10,000	0	0	0	53	18

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXX—RETURNS CLAIMING 15 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
		Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
At least	But less than				Low income allowance	Standard deduction
		Your tax is—				
0	$10,250	0	0	0	0	0

*This column may also be used by certain widows or widowers who qualify for special tax rates.

PAR. 9. Section 1.3–1 is amended to read as follows:

§ 1.3-1 Application of optional tax.

(a) *General rules.* (1) For taxable years ending before January 1, 1970, an individual whose adjusted gross income is less than $5,000 (or a husband and wife filing a joint return whose combined adjusted gross income is less than $5,000) may elect to pay the tax imposed by section 3 in place of the tax imposed by section 1 (a) or (b). For taxable years beginning after December 31, 1969 and before January 1, 1971 an individual whose adjusted gross income is less than $10,000 (or a husband and wife filing a joint return whose combined adjusted gross income is less than $10,000) may elect to pay the tax imposed by section 3 as amended by the Tax Reform Act of 1969 in place of the tax imposed by section 1 (a) or (b). For taxable years beginning after December 31, 1970 an individual whose adjusted gross income is less than $10,000 (or a husband and wife filing a joint return whose combined adjusted gross income is less than $10,000) may elect to pay the tax imposed by section 3 as amended in place of the tax imposed by section 1 as amended. See § 1.4–2 for the manner of making such election. A taxpayer may make such election regardless of the sources from which his income is derived and regardless of whether his income is computed by the cash method or the accrual method. See section 62 and the regulations thereunder for the determination of adjusted gross income. For the purpose of determining whether a taxpayer may elect to pay the tax under section 3, the amount of the adjusted gross income is controlling, without reference to the number of exemptions to which the taxpayer may be entitled. See section 4 and the regulations thereunder for additional rules applicable to section 3.

(2) The following examples illustrate the rule that section 3 applies only if the adjusted gross income is less than $10,000 ($5,000 for taxable years ending before January 1, 1970).

Example (1). A is employed at a salary of $9,200 for the calendar year 1970. In the course of such employment, he incurred travel expenses of $1,500 for which he was reimbursed during the year. Such items constitute his sole income for 1970. In such case the gross income is $10,700 but the amount of $1,500 is deducted from gross income in the determination of adjusted gross income and thus A's adjusted gross income for 1954 is $9,200. Hence, the adjusted gross income being less than $10,000, he may elect to pay his tax for 1970 under section 3. Similarly, in the case of an individual engaged in trade or business (excluding from the term "engaged in trade or business" the performance of personal services as an employee), there may be deducted from gross income in ascertaining adjusted gross income those expenses directly relating to the carrying on of such trade or business.

Example (2). If B has, as his only income for 1970, a salary of $11,600 and his spouse has no gross income, then B's adjusted gross income is $11,600 (not $11,600 reduced by exemptions of $1,250) and he is not for such year, entitled to pay his tax under section 3. If, however, B has for 1970 a salary of $13,000 and incident to his employment he incurs expenses in the amount of $3,400 for travel, meals, and lodging while away from home, for which he is not reimbursed, the adjusted gross income is $13,000 minus $3,400 or $9,600. In such case his adjusted gross income being less than $10,000, B may elect to pay the tax under section 3. However, if B's wife has adjusted gross income of $400, the total adjusted gross income is $10,000. In such case, if B and his wife file a joint return, they may not elect to pay the optional tax since the combined adjusted gross income is not less than $10,000. B may nevertheless elect to pay the optional tax, but if he makes this election he must file a separate return and, since his wife has gross income, he may not claim an exemption for her in computing the optional tax.

(b) *Surviving spouse.* The return of a surviving spouse is treated as a joint return for purposes of section 3. See section 2, and the regulations thereunder, with respect to the qualifications of taxpayer as a surviving spouse. Accordingly, if the taxpayer qualifies as a surviving spouse and elects to pay the optional tax, he shall use the column in the tax table, appropriate to his number of exemptions, provided for cases in which a joint return is filed.

(c) *Use of tax table.* (1) To determine the amount of the tax, the individual ascertains the amount of his adjusted gross income, refers to the appropriate table set forth in section 3 or the regulations thereunder, ascertains the income bracket into which such income falls, and, using the number of exemptions applicable to his case, finds the tax in the vertical column having at the top thereof a number corresponding to the number of exemptions to which the taxpayer is entitled.

(2) Section 3(b) (relating to taxable years beginning after Dec. 31, 1964 and ending before Jan. 1, 1970) contains 5 tables for use in computing the tax. Table I is to be used by a single person who is not a head of household. Table II is to be used by a head of household. Table III is to be used by married persons filing joint returns and by a surviving spouse. Table IV is to be used by married persons filing separate returns using the 10 percent standard deduction. Table V is to be used by married persons filing separate returns using the minimum standard deduction. For an explanation of the standard deduction see section 141 and the regulations thereunder.

(3) 30 tables are provided for use in computing the tax under the Tax Reform Act of 1969. Tables I through XV apply for taxable years beginning after December 31, 1969 and ending before January 1, 1971. Tables XVI through XXX apply for taxable years beginning after December 31, 1970. The standard deduction for Tables I through XV, applicable to taxable years beginning in 1970, is 10 percent. The standard deduction for Tables XVI through XXX, applicable to taxable years beginning in 1971, is 13 percent. For an explanation of the standard deduction and the low income allowance see section 141 as amended by the Tax Reform Act of 1969.

(4) In the case of married persons filing separate returns who qualify to use the optional tax imposed by section 3, such persons shall use the tax imposed by the table for the applicable year in accordance with the rules prescribed by sections 4(c) and 141 and the regulations thereunder governing the use and application of the standard deduction and the low income allowance.

(5) The tax shown in the tax tables set forth in section 3 reflects full income splitting in the case of a joint return (including the return of a surviving spouse) and lesser income splitting in the case of a head of household. Therefore, it is possible for the tax shown in the tables relating to joint returns, or relating to a return of a head of a household, to be lower than that shown in the table for separate returns even though the amounts of adjusted gross income and the number of exemptions are the same.

PAR. 10. Section 1.511 is amended by revising subsection (b)(1) of section 511 to reflect the change made by section 803(d)(2) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

SEC. 511. Imposition of tax on unrelated business income of charitable organizations • • •

(b) *Tax on Charitable, etc., trusts.*—

(1) *Imposition of tax.*—There is hereby imposed for each taxable year on the unrelated business taxable income of every trust described in paragraph (2) a tax computed as provided in section 1(d). In making such computation for purposes of this section, the term "taxable income" as used in section 1 shall be read as "unrelated business taxable income" as defined in section 512.

• • • • •

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (74 Stat. 535); sec. 803(d)(2) Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 11. Section 1.511–1 is amended to read as follows:

§ 1.511–1 Imposition and rates of tax.

Section 511(a) imposes a tax upon the unrelated business taxable income of certain organizations otherwise exempt from Federal income tax. Under section 511(a)(1), organizations described in section 511(a)(2)(A) and in paragraph (a) of § 1.511–2 and organizations described in section 511(a)(2)(B) are subject to normal tax and surtax at the corporate rates provided by section 11. Under section 511(b)(1), trusts described in section 511(b)(2) are subject to tax at the individual rates prescribed in section 1(d) of the Code as amended by the Tax Reform Act of 1969 (section 1 for taxable years ending before Jan. 1, 1971). The deduction for personal exemption provided in section 642(b) in the case of a trust taxable under subchapter J, chapter 1 of the Code, is not allowed in computing unrelated business taxable income.

PAR. 12. Section 1.641 is amended by revising subsection (a) of section 641 to reflect the change made by section 803(d)(3) of the Tax Reform Act of 1969 and by adding a historical note thereafter. The amended provision and note read as follows:

§ 1.641(a) Statutory provisions; estates and trusts; imposition of tax; application of tax.

SEC. 641. Imposition of tax—(a) *Application of Tax.*—The tax imposed by section 1(d) shall apply to the taxable income of estates or of any kind of property held in trust, including—

• • • • •

[Sec. 641(a) as amended by sec. 803(d)(3) Tax Reform Act of 1969 (83 Stat. 487, 684)]

PAR. 13. Section 1.641(a)–1 is amended to read as follows:

§ 1.641(a)–1 Imposition of tax; application of tax.

For taxable years beginning after December 31, 1970, section 641 prescribes that the taxes imposed by section 1(d), as amended by the Tax Reform Act of 1969, shall apply to the income of estates or of any kind of property held in trust. For taxable years ending before January 1, 1971, section 641 prescribes that the taxes imposed upon individuals by chapter 1 of the Code apply to the income of estates or of any kind of property held in trust. The rates of tax, the statutory provisions respecting gross income, and, with certain exceptions, the deductions and credits allowed to individuals apply also to estates and trust.

PAR. 14. Section 1.632 is amended by revising section 632 to reflect the changes made by section 803(d)(4) of the Tax Reform Act of 1969 and by adding a historical note thereafter. The amended provision and historical note read as follows:

§ 1.632 Statutory provisions; sale of oil or gas properties.

SEC. 632. *Sale of oil or gas properties.* In the case of a bona fide sale of any oil or gas property, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration or discovery work done by the taxpayer, the portion of the tax imposed by section 1 attributable to such sale shall not exceed 33 percent of the selling price of such property or interest.

[Sec. 632 as amended by sec. 803(d)(4), Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 15. Paragraph (a) of § 1.632–1 is amended to read as follows:

§ 1.632–1 Tax on sale of oil or gas properties.

(a) If the taxpayer, by prospecting and locating claims or by exploring or discovering undeveloped claims, has demonstrated the principal value of oil or gas property, which prior to his efforts had a relatively minor value, the portion of the tax (or, in the case of taxable years beginning before Jan. 1, 1971, the surtax) imposed by section 1 attributable to a sale of such property, or of any interest of the taxpayer therein, shall not exceed 33 percent (or, in the case of taxable years beginning before Jan. 1, 1971, 30 percent) of the selling price of such property or such interest. Shares of stock in a corporation owning oil or gas property do not constitute an interest in such property. To determine the application of section 632 to a particular case, the taxpayer should first compute the tax (or surtax) imposed by section 1 upon his entire taxable income, including the taxable income from any sale of such property or interest therein, without regard to section 632. The proportion of the tax (or surtax) so computed, indicated by the ratio which the taxpayer's taxable income from the sale of the property or interest therein, computed as prescribed in this section, bears to his total taxable income is the portion of the tax attributable to such sale and, if it exceeds 33 percent (or 30 percent) of the selling price of such property or interest, such portion of the tax (or surtax) shall be reduced to that amount.

PAR. 16. Section 1.1347 is amended by revising section 1347 to reflect the changes made by section 803(d)(5) of the Tax Reform Act of 1969 and by revising the historical note thereafter. The amended provision and note read as follows:

§ 1.1347 Statutory provisions; claims against the United States involving acquisition of property.

SEC. 1347. *Claims against the United States involving acquisition of property.* In the case of amounts (other than interest) received by a taxpayer from the United States with respect to a claim against the United States involving the acquisition of property and remaining unpaid for more than 15 years, the

tax imposed by section 1 attributable to such receipt shall not exceed 33 percent of the amount (other than interest) so received. This section shall apply only if claim was filed with the United States before January 1, 1958.

[Sec. 1347 as amended by sec. 61 Technical Amendments Act 1958 (72 Stat. 1648); sec. 803(d)(5), Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 17. Paragraphs (a) and (b) of § 1.1347–1 are amended to read as follows:

§ 1.1347–1 Tax on certain amounts received from the United States.

(a) In the case of an amount (other than interest) received from the United States by an individual under a claim involving acquisition of property and remaining unpaid for more than 15 years, the tax (or, in the case of taxable years beginning before Jan. 1, 1971, the surtax) imposed by section 1 attributable to such amount shall not exceed 33 percent of the amount (other than interest) so received (30 percent for taxable years beginning before Jan. 1, 1971). For the purpose of section 1347 and this section, such amount shall not include any amount received from the United States which constitutes interest, whether such interest was included in the claim or in any judgment thereon or has accrued on such judgment. Section 1347 and this section shall only apply with respect to amounts received under a claim filed with the United States before January 1, 1958.

(b) To determine the application of section 1347 and this section to a particular amount, the taxpayer shall first compute the tax (or, in the case of taxable years beginning before Jan. 1, 1971, the surtax) imposed by section 1 upon his entire taxable income, including the amount specified in paragraph (a) of this section, without regard to the limitation on tax provided in section 1347. The proportion of the tax (or surtax), so computed, indicated by the ratio which the taxpayer's taxable income attributable to the amount specified in paragraph (a) of this section, computed as prescribed in paragraph (c) of this section (bears to his total taxable income, is the portion of the tax (or surtax) attributable to such amount. If this portion of the tax (or surtax) exceeds 33 percent (30 percent for taxable years beginning before Jan. 1, 1971) of the amount specified in paragraph (a) of this section, that portion of the tax (or surtax) shall be reduced to 33 percent (or 30 percent) of such amount.

PAR. 18. Section 1.5 is amended by revising subsection (b) of section 5 to reflect the changes made by section 803(d)(6) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.5 Statutory provisions; cross reference relating to tax on individuals.

SEC. 5. *Cross references relating to tax on individuals.* • • •

(b) Special limitations on tax.—

(1) For limitation on tax attributable to sales of oil or gas properties, see section 632.

(2) For limitation on tax in case of income of members of Armed Forces on death, see section 692.

(3) For limitation on tax where an individual chooses the benefits of income averaging, see section 1301.

(4) For computation of tax where taxpayer restores substantial amount held under claim of right, see section 1341.

(5) For limitation on tax attributable to claims against the United States involving acquisitions of property, see section 1347.

[Sec. 5 as amended by sec. 232(b)(2), Rev. Act 1964 (78 Stat. 111); sec. 803(d)(6) Tax Reform Act 1969 (83 Stat. 487, 684).]

PAR. 19. Section 1.6015 is amended by revising subsection (a)(1) of section 6015 to reflect the changes made by section 803(d)(7) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.6015 Statutory provisions; declaration of estimated income tax by individuals; requirement of declaration.

SEC. 6015. *Declaration of estimated income tax by individuals*—

(a) Requirement of declaration. Except as otherwise provided in subsection (i), every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $5,000, in the case of—

(i) A single individual other than a head of a household (as defined in section 2(b) or a surviving spouse (as defined in section 2(a));

(ii) A married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(iii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(B) $10,000, in the case of—

(i) A head of a household (as defined in section 2(b)); or

(ii) A surviving spouse (as defined in section 2(a)); or

• • • • •

[Sec. 6015(a) as amended by sec. 5, Act of Sept. 14, 1960 (74 Stat. 1000); sec. 103(j)(1) Foreign Investors Tax Act 1966 (74 Stat. 1000); sec. 803(d)(7) Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 20. Section 1.6015(a)–1 is amended by revising paragraph (a) to read as follows:

§ 1.6015(a)–1 Declaration of estimated income tax by individuals.

(a) *Requirement*—(1) *Taxable years beginning after December 31, 1966.* With respect to taxable years beginning after December 31, 1966, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)–1 from the requirement of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000, in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2)) for taxable years ending before Jan. 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970) or a surviving spouse (as defined in section 2(b) for taxable years ending before Jan. 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970);

(*2*) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(*3*) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of household (as defined in section 1(b)(2) for taxable years ending before Jan. 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970); or

(*2*) A surviving spouse (as defined in section 2(b) for taxable years ending before Jan. 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

(2) *Taxable years beginning before January 1, 1967.* With respect to taxable years beginning before January 1, 1967, and after December 31, 1960, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration shall be made by every citizen of the United States, whether residing at home or abroad, every individual residing in the United States though not a citizen thereof, every nonresident alien who is a resident of Canada, Mexico, or Puerto Rico and who has wages subject to withholding at the source under section 3402, and every nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, if—

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000, in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2)); or

(*2*) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(*3*) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of a household (as defined in section 1(b)(2)); or

(*2*) A surviving spouse (as defined in section 2(b)); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

PAR. 21. Section 1.1304 is amended by revising subsection (a)(1) to reflect the change made by section 803(d)(8) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.1304 Statutory provisions; special rules.

SEC. 1304. *Special rules.* • • •

(b) *Certain provisions inapplicable.*—If the taxpayer chooses the benefits of this part for the taxable year, the following provisions shall not apply to him for such year:

(1) Section 3 (relating to optional tax),

(2) Section 72(n)(2) (relating to limitation of tax in case of total distribution),

(3) Section 911 (relating to earned income from sources without the United States),

(4) Subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States),

(5) Section 1201(b) (relating to alternative capital gains tax), and

(6) Section 1348 (relating to 50 percent maximum rate on earned income).

• • • • •

[Sec. 1304 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 803(d)(8) Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 22. Paragraph (a)(1) of § 1.1304–2 is amended to read as follows:

§ 1.1304–2 Provisions inapplicable if income averaging is chosen.

(a) *Provisions inapplicable.* If a taxpayer chooses the benefits of income averaging for any taxable year, pursuant to section 1304(a) and § 1.1304–1, the following sections of the Code will not apply for such year:

(1) Section 3 (relating to optional tax). A taxpayer may not, therefore, make use of the tax table contained in section 3 for any taxable year for which he chooses the benefits of income averaging. For availability of standard deduction, see section 144(d) and the regulations thereunder.

• • • • •

[F.R. Doc. 71–5; Filed, Jan. 4, 1971; 8:45 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Section 1250 Property

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 167(j) of the Internal Revenue Code of 1954 (83 Stat. 649; 26 U.S.C. 167) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 521(a) of the Tax Reform Act of 1969 (83 Stat. 649), such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.167(j) to read as follows:

§ 1.167(j)–1 Special rules for section 1250 property.

(a) *Depreciation of section 1250 property*—(1) *General.* In the case of section 1250 property, section 167(j) provides limitations on the methods of depreciation which will be considered to result in a reasonable allowance under section 167(a). Generally, in the case of section 1250 property the original use of which commences with the taxpayer after July 24, 1969, the 200 percent declining balance and sum of the years-digits methods of depreciation are available only with respect to residential rental property (sec. 167(j)(2)); other such property is limited to the straight line method, the 150 percent declining balance method, or any other consistent method described in subparagraph (C) of section 167(j)(1) (sec. 167(j)(1)). Under section 167(j)(3), if construction of section 1250 property has begun before July 25, 1969, or if there is a written contract binding on the taxpayer for construction or permanent financing on that date, the property is not subject to the limitations of section 167(j)(1). In the case of section 1250 property acquired after July 24, 1969, the original use of which does not commence with the taxpayer, section 167(j)(4) provides that the straight line method of depreciation generally is the only method which will be considered to result in a reasonable allowance under section 167(a); except that, under section 167(j)(5), if such property has a useful life of 20 years or more and qualifies as residential rental property, the 125 percent declining balance method may be used. Section 167(j)(6)(C) provides that if used section 1250 property is acquired after July 24, 1969, pursuant to a written contract for acquisition or for permanent financing which was, on July 24, 1969, and at all times thereafter, binding on the taxpayer, such property is not subject to the limitations of section 167(j)(4) and (5). Section 167(j)(6)(A) provides that rules similar to the rules contained in paragraphs (5), (9), (10), and (13), of section 48(h) shall be applied for purposes of paragraphs (3), (4), and (5) of section 167(j).

(2) *Meaning of terms.* For purposes of this section and §§ 1.167(j)–2 through 1.167(j)–7—

(i) The term "section 1250 property" means any real property (other than sec. 1245 property, as defined in sec. 1245(a)(3)) which is or has been property of a character subject to the allowance for depreciation provided in section 167; and

(ii) The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of the property by the taxpayer. (See § 1.167(c)–1(a).)

§ 1.167(j)–2 Depreciation of new section 1250 property.

(a) *Depreciation of new section 1250 property*—(1) *General rule.* Except as provided in §§ 1.167(j)–3 and 1.167(j)–4, section 167(b) shall not apply in the case of section 1250 property the original use of which commences with the taxpayer after July 24, 1969, and the methods of depreciation described in paragraph (b) of this section shall be deemed to produce a reasonable allowance for depreciation. Any other reasonable and consistently applied method of computing depreciation may be used unless such method is allowable solely by reason of paragraph (2), (3), or (4) of section 167(b). The reasonableness of any claim for depreciation shall be determined upon the basis of conditions known to exist at the end of the period for which the return is made. Generally, depreciation deductions so claimed will be changed only where there is a clear and convincing basis for the change. It is the responsibility of the taxpayer to establish the reasonableness of the deduction for depreciation claimed. Regardless of the method used in computing depreciation, deductions for depreciation shall not exceed such amounts as may be necessary to recover the unrecovered cost or other basis less salvage during the remaining useful life of the property.

(2) *Application of methods.* For principles governing the application of methods to item, group, classified, or composite accounts, see § 1.167(b)–0(c).

(b) *Depreciation methods*—(1) *Straight line method.* For principles governing the computation of depreciation under the straight line method, see § 1.167(b)–1.

(2) *Declining balance method.* (i) Under the declining balance method a uniform rate is applied each year to the unrecovered cost or other basis of the property. The unrecovered cost or other basis is the basis provided by section 167(g), adjusted for depreciation previously allowed or allowable, and for all other adjustments provided by section 1016 and other applicable provisions of law. The declining balance rate may be determined without resort to formula. Such rate determined under section 167(j)(1)(B) shall not exceed 150 percent of the appropriate straight line rate computed without adjustment for salvage. While salvage is not taken into account in determining the annual allowances under this method, in no event shall an asset (or an account) be depreciated below a reasonable salvage value.

(ii) In the declining balance method when a change is justified in the useful life estimated for an account, subsequent computations shall be made as though the revised life had been originally estimated. For example, assume that an account has an estimated useful life of 10 years and that the declining balance method using a 15 percent rate (150 percent of the straight line rate computed without adjustment for salvage (10 percent)) is adopted. If, at the end of the fourth year, it is determined that the remaining useful life of the account is 8 years, computations shall be made as though the estimated useful life was originally determined as 12 years. Accordingly, the applicable depreciation rate will be 12½ percent (150 percent×1/12). This rate is thereafter applied to the uncovered cost or other basis.

(3) *Other methods.* (i) Under section 167(j)(1)(C), a taxpayer may use any consistent method of computing depreciation, such as the sinking fund method, provided depreciation allowances computed in accordance with such method do not result in accumulated allowances at the end of any taxable year greater than the total of the accumulated allowances which would have resulted from the use of the declining balance method described in section 167(j)(1)(B). This limitation applies only during the first two-thirds of the useful life of the property. For example, an asset costing $320, having a useful life of 6 years, may be depreciated under the declining balance method in accordance with subparagraph (2) of this paragraph at a rate of 25 percent. During the first 4 years (two-thirds of the useful life), maximum depreciation allowances under this method would be as follows:

	Current depreciation	Accumulated depreciation	Balance
Cost of asset			$320.00
First year	$80.00	$80.00	240.00
Second year	60.00	140.00	180.00
Third year	45.00	185.00	135.00
Fourth year	33.75	218.75	101.25

An annual allowance computed by any other method under section 167(j)(1)(C) could not exceed $80 for the first year, and at the end of the second year the total allowances for the 2 years could not exceed $140. Likewise, the total allowances for the first 3 years could not exceed $185 and for the first 4 years could not exceed $218.75. This limitation would not apply in the fifth and sixth years.

(ii) It shall be the responsibility of the taxpayer to establish to the satisfaction of the Commissioner that a method of depreciation under section 167(j)(1)(C) is both a reasonable and consistent method and that it does not produce depreciation allowances in excess of the amount permitted under the limitations provided in such section.

§ 1.167(j)–3 Residential rental property.

(a) *In general.* Section 167(j)(1) shall not apply and section 167(b) shall apply (subject to the limitations of section 167(c)) in the case of residential rental property (as defined in section 167(j)(2)(B)) the original use of which commences with the taxpayer: *Provided*, That—

(1) Such property is located in the United States or any of its possessions, or

(2) Such property is located within a foreign country, and the laws of such country provide a method of depreciation for such property comparable to the declining balance or sum of the years-digits method of depreciation. If this subparagraph applies to property located within a foreign country, and if the allowance for depreciation provided under the laws of such country is greater than that provided under section 167(j)(1), but less than the maximum depreciation allowance computed under section 167(b), then the amount of depreciation computed under section 167(b) shall not exceed the amount of depreciation computed under the laws of such foreign country.

For purposes of this paragraph, a method of depreciation shall be considered comparable to the declining balance or sum of the years-digits method only if such method results in depreciation allowances during the first two-thirds of the useful life of the property (determined under § 1.167(a)–1(b)) which are greater than depreciation allowances computed under the declining balance method of depreciation using 150 percent of the straight line rate computed without adjustment for salvage.

(b) *Definition of residential rental property*—(1) *In general.* The term "residential rental property" means, for any taxable year, a building or structure used to provide living accommodations on a rental basis, provided that 80 percent or more of the gross rental income (as defined in subparagraph (2) of this paragraph) for such taxable year from such building or structure is rental income from dwelling units. Generally, a dwelling unit is a house or an apartment, used to provide living accommodations, but does not include any unit in a hotel, motel, inn, or other establishment more than one-half of the units in which are used on a transient basis (see § 1.167(k)–3(c)).

(2) *Gross rental income defined.* For purposes of this paragraph, the term "gross rental income" means, generally, the gross amounts received from the use of or the right to use real property. If an amount is received with respect to property consisting of both real and personal property, such as a furnished house or apartment, that portion of the rent attributable to the personal property does not constitute gross rental income. If an amount is received with respect to a facility outside a building, such as a parking lot, such amount does not constitute gross rental income from the building. The gross amount attributable to the furnishing of services which are usually or customarily attributable to the use of or right to use real property does constitute gross rental income from the building. However, the gross amount attributable to the performance of significant services for the occupant which are other than those usually or customarily rendered in connection with the mere rental of rooms or other space for occupancy does not constitute gross rental income from the building. Amounts attributable to the performance of maid service, for example, do not constitute gross rental income, whereas amounts attributable to the furnishing of heat and light, the cleaning of public entrances, exits, stairways, and lobbies, the collection of trash, etc., would generally constitute gross rental income. Where an amount is paid by the tenant directly to an independent contractor, such as an amount paid to a public utility for electricity or gas, such amount does not constitute gross rental income from the building.

(3) *Gross rental income from a dwelling unit.* Gross rental income from a building will be considered as being from a dwelling unit in such building only if it is attributable to the use of or right to use such unit as a living accommodation. If the right to use parking space is included in the regular rental payment for the dwelling unit, and is not separately charged for by a payment made only by those tenants using the parking space, the entire rental payment shall constitute gross rental income from a dwelling unit. However, if the parking space is separately charged for, such separate payment shall not constitute gross rental income from a dwelling unit. If a portion of the building is used for a drug store, grocery store, or commercial laundry, or other commercial operation, the rent paid for such portion is not rental income from a dwelling unit. Similarly, if, pursuant to the terms of a lease or other agreement, a portion of a house or apartment is used as office space, such as a doctor's office, the rent paid with respect to such portion constitutes gross rental income from the building but does not constitute rental income from a dwelling unit.

(4) *Special rules.* For purposes of computing the gross rental income from a building or structure, the rental at which a vacant unit is offered, and interest reduction payments under section 221(d)(3) or 236 of the National Housing Act, are not taken into account. If any portion of a building or structure is occupied by the taxpayer, the fair rental value of such portion shall be included in gross rental income in determining whether the building or structure qualifies as residential rental property. The fair rental value of any portion of a building or structure shall be determined upon the basis of all the facts and circumstances.

(5) *Certain records required.* The taxpayer shall maintain a record of the gross rental income derived from a building, and the portion thereof which constitutes gross rental income from dwelling units, in addition to the records required under § 1.167(a)–7(c) with respect to property in a depreciation account.

(6) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). A constructs a six-story building, beginning after July 24, 1969. The building is placed in service in 1970. The first floor is rented to a commercial store and the remaining area, consisting of 25 dwelling units, is rented to tenants for living accommodations. The gross rental income from the store during 1970 is $15,000 and the gross rental income from the dwelling units is $60,000. Since 80 percent ($60,000/$75,000) of the gross rental income constitutes rental income from dwelling units, the building qualifies as residential rental property for 1970.

Example (2). The facts are the same as in example (1), except that A operates the commercial store himself and lives in one of the dwelling units. Assuming that the fair rental value for the commercial store and for the dwelling units are the amounts set forth in example (1), the building qualifies as residential rental property for 1970.

Example (3). The facts are the same as in example (1). In 1971, the gross rental income from the store is $18,000 and the gross rental income from the dwelling units is $64,000. Since only 78.05 percent ($64,000/$82,000) of the gross rental income constitutes rental income from dwelling units, the building does not qualify as residential rental property for 1971.

(c) *Change in depreciation method*—(1) *In general.* Any change in the computation of the allowance for depreciation with respect to any section 1250 property for any taxable year, permitted or required by reason of the qualification or disqualification of such property as residential rental property under paragraph (b) of this section, shall not be considered a change in a method of accounting. For purposes of this paragraph, a change in the computation of the allowance for depreciation is permitted in any taxable year without consent only if property qualifies as residential rental property for such year and did not qualify as residential rental property in the first taxable year in which the current method of depreciation with respect to such property was adopted. Further, for purposes of this paragraph, a change in the computation of the allowance for depreciation is required in any taxable year only if the property is subject to the limitations of section 167(j)(1) (or section 167(j)(4) in the case of used section 1250 property) for such year and the current method of depreciation with respect to the property is not permitted under section 167(j)(1) (section 167(j)(4) in the case of used section 1250 property). If a change in the computation of the allowance for the depreciation is not permitted or required under this paragraph, such change is considered a change in a method of accounting for which the taxpayer must secure the consent of the Secretary or his delegate. (See section 446(e).) However, see section 167(e) for special rules relating to certain changes in the method of computing depreciation which do not require such consent. The principles of this subparagraph may be illustrated by the following examples:

Example (1). In 1970, A constructs a building which qualifies as residential rental property and adopts the sum of the years-digits method of depreciation. In 1971, the building does not qualify as residential rental property. A is required to adopt a method of depreciation permitted under section 167(j)(1) for 1971 with respect to the building, such as the declining balance method using 150 percent of the straight line rate computed without adjustment for salvage. The change of depreciation method for 1971 is not considered a change in a method of accounting.

Example (2). The facts are the same as in example (1). In 1972, the building again qualifies as residential rental property. A may adopt any method of depreciation described in section 167(b) for 1972, subject to the limitations of section 167(c), and this change of depreciation method is not considered a change in a method of accounting.

Example (3). The facts are the same as in example (1), except that in 1970 the taxpayer adopts the 150 percent declining balance method of depreciation. Any change in the computation of the allowance for depreciation for any subsequent year would be considered a change in a method of accounting.

(2) *Computation of depreciation after change in method.* If a change in the computation of the allowance for depreciation is permitted or required under subparagraph (1) of this paragraph, the unrecovered cost or other basis (less a reasonable estimate for salvage if required under the new method of depreciation) shall be recovered through annual allowances over the estimated remaining useful life of the property. The rate of depreciation for property changed to the straight line or sum of the years-digits method of depreciation shall be based upon the estimated remaining useful life of the property at the time of the change. The rate of depreciation for property changed to any declining balance method shall be based upon the estimated useful life of such property as of the date such property was placed in service by the taxpayer. The taxpayer shall furnish a statement with respect to the property which is the subject of the change showing the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, the estimated useful life of the property, and such other information as may be required. The statement shall be attached to the taxpayer's return for the taxable year in which the change is made. If a change in the computation of the allowance for depreciation is made, the new method of depreciation must be adhered to for the entire taxable year of the change and for all subsequent taxable years unless in a subsequent year—

(i) The taxpayer is permitted or required to change to a different method of depreciation under subparagraph (1) of this paragraph, or

(ii) A change in depreciation method is made with the consent of the Commissioner (see sec. 446(e)).

(3) *Examples.* The principles of this paragraph may be illustrated by the following examples.

Example. (i) Beginning after July 24, 1969, B constructs a building which is placed in service on January 1, 1970. The building has a cost of $100,000, a 40-year useful life, and a $10,000 salvage value. In 1970, the building does not qualify as residential rental property and B adopts the declining balance method of depreciation using 150 percent of the straight line rate computed without adjustment for salvage. B may claim a depreciation deduction of $3,750 for 1970 (0.0375×$100,000).

(ii) In 1971, the building qualifies as residential rental property and B adopts the sum of the years-digits method of depreciation. At that time, the property has a remaining estimated useful life of 39 years, a salvage value of $10,000, and an adjusted basis of $96,250. Table I of § 1.167(b)–3(a) shows that the decimal equivalent for a 39-year useful life under the sum of the years-digits method is 0.0500. Since the adjusted basis less salvage value is $86,250, B may claim a depreciation deduction of $4,312.50 (0.05×$86,250) for 1971.

(iii) In 1972, the building does not qualify as residential rental property and B adopts the declining balance method of depreciation using 150 percent of the straight line rate computed without adjustment for salvage. The adjusted basis of the property is now $91,937.50 ($96,250 minus $4,312.50) and B may claim a depreciation deduction of $3,447.66 for 1972 (0.0375×$91,937.50).

§ 1.167(j)–4 Property constructed, etc., before July 25, 1969.

(a) *Construction, reconstruction, or erection*—(1) *General rule.* Section 167(j)(3)(A) provides that section 167(j)(1) shall not apply and section 167(b) shall apply (subject to the limitations contained in section 167(c)) in the case of any section 1250 property the construction, reconstruction, or erection of which (whether or not by the taxpayer) was begun before July 25, 1969. Where construction, reconstruction, or erection was begun before July 25, 1969, the limitations of section 167(j)(1) do not apply to the completed building (including structural components necessary to the operation of the building, such as furnaces and central air conditioners), provided that the building is completed in accordance with building plans in existence on July 24, 1969. If there is a material modification in the building plans or specifications after July 24, 1969, any section 1250 property which was not an integral part of the construction plans or specifications on July 24, 1969, shall not qualify under this paragraph. (See, however, § 1.167(j)–7.) For example, if the taxpayer begins the construction of a 25-unit motel before July 25, 1969, but

changes his plans after July 24, 1969, and constructs a 40-unit motel, the section 1250 property which is a part of, or attributable to, the construction of the additional 15 units does not qualify under this paragraph. The principles of this subparagraph may be illustrated by the following example:

Example. C begins the construction of a building before July 25, 1969. Prior to completion, the building is sold to D. Upon completion, D may adopt any method of depreciation described in section 167(b), since the construction began before July 25, 1969, and the original use of the property commenced with D.

(2) *Commencement of construction.* For purposes of this section, the construction, reconstruction, or erection of section 1250 property begins when work of a significant nature commences on a building as distinguished from the beginning of, or engaging in, preliminary activities, and this determination shall be based upon all of the facts and circumstances of a particular case. Thus, preliminary work such as test drilling to determine soil conditions, the preparation of architect's sketches, and similar preliminary work does not constitute the beginning of construction, reconstruction, or erection of a building. On the other hand, the digging of the footings of a building or the driving of foundation piles would constitute the beginning of actual construction of a building.

(b) *Binding contract for construction*—(1) *General rule.* Section 167(j)(3)(B) provides that section 167(j)(1) shall not apply and section 167(b) shall apply (subject to the limitations contained in section 167(c)) in the case of any section 1250 property for which a written contract with respect to any part of the construction, reconstruction, or erection, or for a substantial portion of the permanent financing, was on July 25, 1969, and at all times thereafter, binding on the taxpayer. A contract for construction, reconstruction, or erection shall not be considered a binding contract under section 167(j)(3)(B) unless such contract meets the requirements of subparagraphs (2) through (7) of this paragraph. A contract with respect to permanent financing shall not be considered a binding contract for purposes of section 167(j)(3)(B), unless such contract meets the requirements of paragraph (c) of this section.

(2) *Type of contract.* (i) A contract for the construction, reconstruction, or erection of property will qualify under this paragraph only if—

(*a*) The construction, reconstruction, or erection of such property is the subject matter of the contract,

(*b*) The contract provides that the property is to be constructed, reconstructed, or erected by or for the taxpayer, and either

(*c*) The parties to the contract are the taxpayer and the person who is to construct, reconstruct, or erect property for the taxpayer, or

(*d*) The parties to the contract are the taxpayer who is the builder and owner of the property, and the person for whom such construction, reconstruction, or erection is to be performed.

(ii) Section 167(j)(3)(B) does not apply if a person who is a party to a binding contract under this paragraph transfers rights in such contract (or in the property to which such contract relates) after July 25, 1969, to another person, even though the first person retains a right to use the property under a lease with such other person. For example, if, after July 25, 1969, A begins the construction of a building for B under a contract entered into before July 25, 1969, and B then sells his rights under the contract to C, this paragraph does not apply to the property in C's hands, even though this paragraph would have applied to the property in B's hands. See § 1.167(j)-7(a)(3) for certain cases where a transfer of property which is subject to a binding contract will be disregarded.

(3) *Legal formality.* An agreement between the taxpayer and a builder, or between the taxpayer acting as a builder and the person for whom the property is to be constructed, shall be considered as a contract binding on the taxpayer, for purposes of this paragraph, only if such agreement (i) is in writing, (ii) constitutes a contract under applicable State or local law, and (iii) is enforceable against the taxpayer under such law. A contract which does not represent a bona fide agreement negotiated at arm's length shall not be considered a binding contract under this paragraph.

(4) *Liability for and amount of damages.* A contract will not be considered to be binding upon the taxpayer for purposes of this paragraph unless (i) the taxpayer's failure to perform would subject him to liability for damages or to a forfeiture of a down payment or a deposit, and (ii) the amount of such liability for damages is not limited by the terms of the contract or, if contractually limited, the liability or forfeiture is more than nominal. Thus, if the deposit, liquidated damages, or down payment, is a significant portion of the reasonably estimated cost of construction of the property, the contract may qualify under this paragraph.

(5) *Continuing existence of contract and its terms.* A contract shall qualify as a binding contract for purposes of this paragraph only if such contract is (i) binding upon the taxpayer on July 25, 1969, and at all times thereafter until performance under the contract is completed, and (ii) performance is substantially in accordance with the terms of the contract as such terms existed on July 24, 1969. A contract whose terms are substantially modified after July 24, 1969, will not be considered a binding contract for purposes of this paragraph with respect to any property which was not an integral part of the construction plans or specifications contained in, or incorporated by reference in, the contract on July 24, 1969. (See, however, § 1.167(j)-7.) Whether a modification of a contract will be considered substantial or minor will depend upon all the facts and circumstances. A modification of a contract in which the lessee of property becomes the purchaser, or the purchaser of property becomes the lessee, would not be considered a substantial modification in the absence of any other factors. On the other hand, if a contract which provides for the construction of a 3-story office building is modified to provide for the construction of an eight-story office building, such modification would be a substantial modification and therefore, the contract would be considered binding only with respect to the property subject to the contract before the modification.

(6) *Contract with undetermined terms or conditions.* A contract may be considered to be binding upon the taxpayer under this paragraph even if some of its terms are to be determined at a date later than July 25, 1969: *Provided,* That the determination of such terms is not within the unrestricted control of the taxpayer, and such terms are in fact subsequently determined. Similarly, a contract may be considered binding upon the taxpayer under this paragraph even if it is subject to the happening of certain contingencies which have not occurred by July 25, 1969, provided that the happening of such contingencies is not within the unrestricted control of the taxpayer, and the contingencies in fact occur.

(7) *Extent of taxpayer's obligations.* A contract with respect to the construction, reconstruction, or erection of property will meet the requirements of this paragraph only if performance of the contract would be considered the commencement of construction under paragraph (a)(2) of this section and construction plans are in existence on July 24, 1969. Thus, for example, a contract for the preparation of architect's sketches, or for test drilling to determine soil conditions, would not be considered a binding contract for construction. On the other hand, if performance of a contract would be considered the commencement of construction under paragraph (a)(2) of this section and if construction plans are in existence on July 24, 1969, the completed building (including structural components necessary for the operation of the building, such as a furnace and central air conditioning unit) may qualify under section 167(j)(3)(B). Thus, for example, if a taxpayer enters into a contract for the construction of a building shell on July 1, 1969, and construction plans with respect to the completed building are in existence on July 24, 1969, the completed building, including plumbing and heating not subject to such contract, may qualify under section 167(j)(3)(B). On the other hand, if the taxpayer has entered into a contract for the excavation of the footings of a building, but completed construction plans are not in existence on July 24, 1969, only the property subject to the contract will qualify under section 167(j)(3)(B). (See, however, § 1.167(j)-7.)

(c) *Contract for permanent financing*—(1) *General rule.* Section 167(j)(3)(B) provides that section 167(j)(1) shall not apply and section 167(b) shall apply (subject to the limitations of section 167(c)) in the case of any section 1250 property for which a written contract with respect to a substantial portion of the permanent financing of such property was binding on the taxpayer on July 25, 1969, and at all times thereafter. A contract for permanent financing will qualify under section 167(j)(3)(B) only if such contract meets the requirements of subparagraphs (2) through (7) of this paragraph.

(2) *Nature of permanent financing contract.* A contract will qualify under this paragraph only if (i) the contract specifically describes the property to be constructed, reconstructed, or erected, (ii) the parties to the contract are the taxpayer and an independent lender, (iii) the term of the loan extends at least 3 years beyond the scheduled completion of the project, and (iv) the financing agreement provides funds covering a substantial portion of the permanent financing of the property to be constructed, reconstructed, or erected. Generally, the financing agreement will be considered to cover a substantial portion of the permanent financing of the property if the terms of the agreement provide for the lending of an amount in excess of 40 percent of the reasonably estimated cost of construction, reconstruction, or erection of the property, which is to be financed by borrowing. For purposes of this subparagraph, an independent lender need not necessarily be a bank, building and loan association, or other financing institution, provided that the agreement represents a bona fide commitment of funds on behalf of a financially responsible person or organization, negotiated at arm's length.

(3) *Legal formality.* In order for a financing agreement to qualify as permanent financing under this paragraph, such agreement (i) must be in writing, (ii) must constitute a contract under applicable State or local law, and (iii) must be enforceable against the taxpayer under such law.

(4) *Continuing existence of contract and its terms.* In order for a financing agreement to qualify under this paragraph, the terms of such agreement must not be materially modified after July 24, 1969. Among the modifications which will ordinarily be considered material are a change in the interest rate of the loan, a change in the term of the loan, or an alteration in the amount of the loan, unless such modifications are pursuant to a contract provision in effect on July 24, 1969, such as a provision for a variable rate of interest. Generally, if there is a material modification in a financing agreement, the agreement will not qualify under this paragraph. However, if circumstances exist which show that the modification does not reduce the taxpayer's obligation under the financing agreement, for example, an increase in the amount of the loan, then such agreement will be considered as binding to the extent of the terms prior to the modification.

(5) *Extent of taxpayer's obligations.* If an agreement qualifies as permanent financing under this paragraph, the completed building or buildings which constitute the underlying subject matter of the financing agreement will qualify under section 167(j)(3)(B): *Provided,* That the agreement identifies and describes the property to be constructed, reconstructed, or erected, and there is no material change in the construction plans or specifications after July 25, 1969. Thus, if an agreement represents, in effect, a general line of credit, the agreement will not be considered a contract for permanent financing under this paragraph, since the property to be constructed is not identified. Further, if there is a change in construction plans or specifications after July 24, 1969, only the property which was an integral part of construction plans or specifications on July 24, 1969, shall qualify under this paragraph.

(6) *Contracts with undetermined terms or conditions.* A financing agreement may qualify under this paragraph even though some of its terms are to be determined after July 24, 1969: *Provided,* That the determination is not within the unrestricted control of the taxpayer, and such terms are in fact determined. Similarly, a financing agreement may be considered binding upon the taxpayer even if it is subject to the happening of certain contingencies which have not occurred by July 25, 1969: *Provided,* That the happening of the contingencies is not within the unrestricted control of the taxpayer, and the contingencies in fact occur. For example, a permanent financing agreement which provides for a variable rate of interest may qualify under this paragraph.

(7) *Liability for damages.* A financing agreement will not qualify under this paragraph unless (i) the taxpayer's failure to perform would subject him to liability for damages or to a forfeiture of a down payment, commitment fee, or deposit, and (ii) the, amount of such liability or forfeiture is more than nominal. In determining whether a deposit, commitment fee, or down payment is nominal, the size of the deposit, commitment fee, or down payment relative to the amount of funds to be provided is one of the circumstances to be taken into account. Thus, if a commitment fee is paid to a lender at the time a permanent financing arrangement is entered into, the fee is forfeitable if the taxpayer fails to consummate the loan, and the size of the commitment fee is more than nominal, the agreement may qualify as permanent financing under this paragraph even though the taxpayer is not legally obligated to consummate the loan.

§ 1.167(j)-5 Depreciation of used section 1250 property.

(a) *General rule.* Except as provided in § 1.167(j)-6, in the case of section 1250 property acquired after July 24, 1969, the original use of which does not commence with the taxpayer, the reasonable allowance for depreciation provided by section 167(a) shall not exceed an amount computed under (1) the straight line method of depreciation, or (2) any other reasonable and consistently applied method of computing depreciation other than (i) any declining balance method, (ii) the sum of the years-digit method, or (iii) any other method allowable solely by reason of section 167(b)(4) or 167(j)(1)(C). Generally, a method of depreciation will be considered reasonable under this section if depreciation allowances computed in accordance with such method do not, during the first two-thirds of the useful life of the property, result in accumulated allowances at the end of any taxable year greater than the total of the accumulated allowances which would have resulted under the straight line method of depreciation. For purposes of this section property shall be deemed to be acquired on the date the taxpayer first bears the burden and enjoys the benefits of ownership. For special rules with respect to used property acquired after July 24, 1969, pursuant to a binding written contract in effect on such date, see section 167(j)(6)(C) and § 1.167(j)-7(c).

§ 1.167(j)-6 Depreciation of used residential rental property.

(a) *Special rule.* In the case of section 1250 property which is residential rental property (as defined in section 167(j)(2)(B)) for the taxable year, acquired after July 24, 1969, which has an estimated useful life of 20 years or more in the hands of the taxpayer at the time of such acquisition, and the original use of which does not commence with the taxpayer, the reasonable allowance provided by section 167(a) shall not exceed an amount computed under one of the following methods of depreciation: (1) The straight line method; (2) the declining balance method using a rate not exceeding 125 percent of the appropriate straight line rate computed without adjustment for salvage; or (3) any other reasonable and consistently applied method of computing depreciation, not including (i) the sum of the years-digits method, (ii) any declining balance method using a rate greater than 125 percent of the straight line rate computed without adjustment for salvage, or (iii) any other method allowable solely by reason of section 167(b)(4) or 167(j)(1)(C). For purposes of determining whether property qualifies as residential rental property for a taxable year under section 167(j)(2)(B), only the gross rental income attributable to that portion of the year in which the taxpayer is entitled to compute depreciation with respect to the property shall be taken into account. (For period when depreciation is allowable, see § 1.167(a)-10.) Thus, if a calendar year taxpayer acquires a building on June 15, 1970, which had been placed in service on January 1, 1970, only the rent attributable to the period from June 15, 1970, to December 31, 1970, shall be taken into account for 1970 for purposes of section 167(j)(2)(B). A change in the computation of the allowance for depreciation with respect to used section 1250 property may be permitted or required by reason of the qualification or disqualification of such property as residential rental property under section 167(j)(2)(B). (See § 1.167(j)-3(c).)

Generally, a method of depreciation will be considered reasonable under this section if depreciation allowances computed in accordance with such method do not, during the first two-thirds of the useful life of the property, result in accumulated allowances at the end of any taxable year greater than the total of the accumulated allowances which would have resulted under the declining balance method of depreciation, using a rate not exceeding 125 percent of the appropriate straight line rate computed without adjustment for salvage. For purposes of this section, property shall be deemed to be acquired on the date the taxpayer first bears the burdens and enjoys the benefits of ownership. For special rules with respect to used residential rental property acquired after July 24, 1969, pursuant to a binding written contract in effect on such date, see section 167(j)(6)(C) and § 1.167(j)-7(c).

§ 1.167(j)-7 Special operating rules.

(a) *Special exceptions for section 1250 property*—(1) *In general.* Under section 167(j)(6)(A), certain special rules similar to the rules contained in paragraphs (5), (9), (10), and (13) of section 48(h) are, under regulations prescribed by the Secretary or his delegate, to be applied for purposes of paragraphs (3), (4), and (5) of section 167(j). The operation of the special rules contained in section 167(j)(6)(A) is described in subparagraphs (2) through (5) of this paragraph.

(2) *Completed building rule.* If section 167(j)(3) applies to section 1250 property (generally where such property is subject to a binding written contract, or where construction, reconstruction, or erection of property has begun) section 167(j)(1) does not apply and the methods of depreciation described in section 167(b) (subject to the limitations contained in section 167(c)) are deemed to produce a reasonable allowance for depreciation. Under the completed building rule of this subparagraph, certain section 1250 property may qualify under section 167(j)(3) which, but for this subparagraph, would not qualify under such section because of the lack of construction plans or specifications on July 24, 1969. Under the completed building rule of this subparagraph, if construction plans or specifications are not complete on July 24, 1969, but there is a contract which meets the requirements of § 1.167(j)-4(b) or a permanent financing agreement which meets the requirements of § 1.167(j)-4(c), and more than 50 percent of the cost of the completed building is subject to such contract, then the completed building will qualify under section 167(j)(3)(B). Likewise, if construction, reconstruction, or erection of property has begun before July 25, 1969, and more than 50 percent of the cost of the completed building is subject to construction plans in existence on July 24, 1969, but construction plans are not complete with respect to the remainder of the building on such date, all the section 1250 property in the completed building will qualify under section 167(j)(3)(A).

(3) *Transfers to be disregarded*—(i) *Transfers by death or certain transactions.* If section 1250 property or rights under a contract (which meets the requirements of paragraphs (b) and (c) of § 1.167(j)-4) are transferred in a transfer by reason of death or a transaction described in subdivision (ii) of this subparagraph, and such property (or the property acquired under such contract) would have qualified under section 167(j)(3), or 167(j)(6)(C) in the hands of the decedent or the transferor, such property shall qualify under such sections in the hands of the transferee. For purposes of determining whether property would have qualified in the hands of the decedent or transferor, the principles contained in section 167(j)(3), 167(j)(6)(C), and this section apply. The term "transfer by reason of death" means, for purposes of this subparagraph, a transfer of property which, in the hands of the transferee, has a basis determined under the provisions of section 1014(a) (relating to basis of property acquired from a decedent) because of the death of the transferor.

(ii) *Transactions covered.* The transactions referred to in subdivision (i) of this subparagraph are transactions as a result of which the basis of property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of any of the following provisions:

(*a*) Section 332 (relating to distributions in liquidation of an 80 percent or more controlled subsidiary corporation);

(*b*) Section 351 (relating to transfers to a corporation controlled by the transferor);

(*c*) Section 361 (relating to exchanges pursuant to certain corporate reorganizations);

(*d*) Section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings);

(*e*) Section 374(a) (relating to exchanges pursuant to certain railroad reorganizations);

(*f*) Section 721 (relating to transfers to a partnership in exchange for a partnership interest);

(*g*) Section 731 (relating to distributions by a partnership to a partner).

(iii) *Transactions to which section 334(b)(2) applies.* If property or rights under a contract are acquired in a transaction to which section 334(b)(2) (relating to certain liquidations of a subsidiary) applies, and such property (or the property acquired under such contract) would have qualified under section 167(j)(3) or 167(j)(6)(C) in the hands of the transferor corporation, then such property shall also qualify in the hands of the transferee corporation. This subparagraph shall apply only if 80 percent or more of the stock of the corporation making the distribution under section 334(b)(2) was acquired by the distributee before July 25, 1969, or pursuant to a written contract which was binding on the distributee on July 25, 1969.

(4) *Section 1250 property acquired from affiliated corporation.* If section 1250 property or rights under a contract are acquired after July 24, 1969, by a corporation which is a member of an affiliated group from another member of the same affiliated group, the acquiring corporation shall be treated as having (i) acquired the property on the date it was acquired by the other member, (ii) entered into a binding written contract for the construction, reconstruction, erection, acquisition, or permanent financing of the property on the date on which the other member entered into such a binding contract, and (iii) commenced construction, reconstruction, or erection of the property on the date on which the other member commenced such construction, reconstruction, or erection. Thus, in general, the determination of whether section 1250 property qualifies under section 167(j)(3) or 167(j)(6)(C) in the hands of the acquiring corporation depends upon whether the property would have qualified under such sections in the hands of the transferor corporation. For purposes of this subparagraph, the term "affiliated group" shall have the same meaning as in section 1504(a), except that all corporations are to be treated as includible corporations (without any exclusion under section 1504(b)). The provisions of this subparagraph shall apply whether or not the affiliated group elects to file a consolidated return.

(5) *Certain replacement property.* Under this subparagraph, section 1250 property may qualify under section 167(j)(3) or 167(j)(6)(C) if such property is placed in service to replace property which was destroyed or damaged by fire, storm, shipwreck, or other casualty, or stolen. This rule shall apply only to the extent that the cost or other basis of the replacement section 1250 property does not exceed the adjusted basis of the property which was destroyed, damaged, or stolen. The property which is replaced must have been section 1250 property in the hands of the taxpayer, and the replacement property must be similar or related in service or use to the replaced property.

(b) *Property considered as used property*—(1) *General rule.* If section 1250 property which is not property described in section 167(a) when its original use commences becomes property described in section 167(a) after July 24, 1969, such property shall not be considered property the original use of which commences with the taxpayer for purposes of section 167(j)(1) and (2) and shall be subject to the provisions of section 167(j)(4) or (5).

(2) *Example.* Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. A buys a new house in January of 1969, occupies the house as a personal residence until November of 1969, and then rents the house. The property is considered as property the original use of which does not commence with the taxpayer.

(c) *Binding contract with respect to used property.* Under section 167(j)(6)(C), sections 167(j)(4) and 167(j)(5) shall not apply in the case of section 1250 property acquired after July 24, 1969, pursuant to a written contract for

the acquisition of such property, or for a substantial portion of the permanent financing thereof, which was on July 24, 1969, and at all times thereafter binding on the taxpayer. Thus, if this paragraph applies, property may be depreciated under a method of depreciation described in § 1.167(b)-0(b), such as the declining balance method using a rate not exceeding 150 percent of the appropriate straight line rate. For purposes of this paragraph, a contract for the acquisition of property or for a substantial portion of the permanent financing of property shall not be considered binding on the taxpayer unless such contract meets the requirements of paragraph (b) or (c) of § 1.167(j)-4, whichever is applicable. For purposes of this paragraph, property shall be deemed to be acquired on the date the taxpayer first bears the burdens and enjoys the benefits of ownership.

PAR. 2. Section 1.167(e)-1 is amended by revising paragraphs (a) and (b) thereof, and by adding a new paragraph (d), to read as follows:

§ 1.167(e)-1 Change in method.

(a) *In general.* Any change in the method of computing the depreciation allowances with respect to a particular account (other than a change in method permitted or required by reason of the operation of section 167(j)(2) and § 1.167(j)-3(c)) is a change in method of accounting, and such a change will be permitted only with the consent of the Commissioner, except that certain changes to the straight line method of depreciation will be permitted without consent as provided in section 167(e)(1), (2), and (3). Except as provided in paragraphs (c) and (d) of this section, a change in method of computing depreciation will be permitted only with respect to all the assets contained in a particular account as defined in § 1.167(a)-7. Any change in the percentage of the current straight line rate under the declining balance method, as for example, from 200 percent of the straight line rate to any other percent of the straight line rate, or any change in the interest factor used in connection with a compound interest or sinking fund method, will constitute a change in method of depreciation. Any request for a change in method of depreciation shall be made in accordance with section 446 and the regulations thereunder and shall state the character and location of the property, method of depreciation being used and the method proposed, the date of acquisition, the cost or other basis and adjustments thereto, amount recovered through depreciation and other allowances, the estimated salvage value, the estimated remaining life of the property, and such other information as may be required. For rules covering the use of depreciation methods by acquiring corporations in the case of certain corporate acquisitions, see section 381(c)(6) and the regulations thereunder.

(b) *Declining balance to straight line.* In the case of an account to which the method described in section 167(b)(2) is applicable, a taxpayer may change without the consent of the Commissioner from the declining balance method of depreciation to the straight line method at any time during the useful life of the property under the following conditions. Such a change may not be made if a provision prohibiting such a change is contained in an agreement under section 167(d). When the change is made, the unrecovered cost or other basis (less a reasonable estimate for salvage) shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at the time. With respect to any account, this change will be permitted only if applied to all the assets in the account as defined in § 1.167(a)-7. If the method of depreciation described in section 167(b)(2) (the declining balance method of depreciation using a rate not exceeding 200 percent of the straight line rate) is an acceptable method of depreciation with respect to a particular account, the taxpayer may elect under this paragraph to change to the straight line method of depreciation even if with respect to that particular account the declining balance method is permitted under a provision other than section 167(b)(2). Thus, for example, in the case of section 1250 property to which section 167(j)(1) is applicable, section 167(b) does not apply, but the declining balance method of depreciation using 150 percent of the straight line rate is an acceptable method of depreciation under section 167(j)(1)(B). Accordingly, the taxpayer may elect under this paragraph to change to the straight line method of depreciation with respect to such property. Similarly, if the taxpayer acquired used property before July 25, 1969, and adopted the 150 percent declining balance method of depreciation permitted with respect to such property under § 1.167(b)-0(b), the taxpayer may elect under this paragraph to change to the straight line method of depreciation with respect to such property. The taxpayer shall furnish a statement with respect to the property which is the subject of the change showing the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, the remaining useful life of the property, and such other information as may be required. The statement shall be attached to the taxpayer's return for the taxable year in which the change is made. A change to the straight line method must be adhered to for the entire taxable year of the change and for all subsequent taxable years unless, with the consent of the Commissioner, a change to another method is permitted.

* * * * *

(d) *Change with respect to section 1250 property.* (1) In respect of his first taxable year beginning after July 24, 1969, a taxpayer may elect, without the consent of the Commissioner, to change the method of depreciation of section 1250 property (as defined in section 1250(c)) from any declining balance method or sum of the years-digits method to the straight line method. With respect to any account (as defined in § 1.167(a)-7) this change may be made notwithstanding any provision to the contrary in an agreement under section 167(d), but such change will constitute (as of the first day of such taxable year) a termination of such agreement as to all property in such account. With respect to any account, this change will be permitted only if applied to all the section 1250 property in the account. The election shall be made by a statement on, or attached to, the return for such taxable year filed on or before the last day prescribed by law, including extensions thereof, for filing such return.

(2) When an election under this paragraph is made in respect of section 1250 property in an account, the unrecovered cost or other basis (less a reasonable estimate for salvage) of all the section 1250 property in the account shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at that time. If there is other property in such account, the other property shall be placed in a separate account and depreciated by using the same method as was used before the change permitted by this paragraph, but the estimated useful life of such property shall be redetermined in accordance with § 1.167(b)-2 or § 1.167(b)-3, whichever is applicable. The taxpayer shall maintain records which permit specific identification of the section 1250 property in the account with respect to which the election is made and any other property in such account. The records shall also show for all the property in the account the date of the acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the estimated remaining useful life of the property. A change to the straight line method under this paragraph must be adhered to for the entire taxable year of the change and for all subsequent taxable years unless, with the consent of the Commissioner, a change to another method is permitted.

PAR. 3. Section 1.381(c)(6)-1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.381(c)(6)-1 Depreciation method.

(a) *Carryover requirement*—(1) *Distributions in taxable years ending before July 25, 1969.* (i) Section 381(c)(6) provides that if, in a transaction in a taxable year which ends before July 25, 1969, to which section 381(a) applies, an acquiring corporation acquires depreciable property from a distributor or transferor corporation which computes its allowance for the depreciation of the property under section 167(b)(2), (3), or (4), the acquiring corporation shall compute its depreciation allowance by the same method used by the distributor or transferor corporation with respect to such property. Thus, if the distributor or transferor corporation used the sum of the years-digits method under section 167(b)(3) with respect to an asset

distributed or transferred to an acquiring corporation, the acquiring corporation will be required to use the sum of the years-digits method with respect to such asset acquired. The computation of the depreciation allowance with respect to the property acquired shall be made under the provisions of section 167 and the regulations thereunder.

(ii) The rules provided in section 381(c)(6) and subdivision (i) of this subparagraph will apply only with respect to that part or all of the basis of the property in the hands of the acquiring corporation immediately after the date of distribution or transfer as does not exceed the basis of the property in the hands of the distributor or transferor corporation on the date of the distribution or transfer. For this purpose, the basis of the property in the hands of the distributor or transferor corporation shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property. For provisions defining the date of distribution or transfer see § 1.381–1(b).

(2) *Distributions in taxable years ending after July 24, 1969.* (i) Section 381(c)(6) provides that if, in a transaction in a taxable year ending after July 24, 1969, to which section 381(a) applies, an acquiring corporation acquires depreciable property from a distributor or transferor corporation which computes its allowances for the depreciation of the property under subsection (b), (j) or (k) of section 167, the acquiring corporation shall compute its depreciation allowance by the same method used by the distributor or transferor corporation with respect to such property. Thus, if the distributor or transferor corporation used the straight line method under section 167(b)(1) with respect to an asset distributed or transferred to an acquiring corporation, the acquiring corporation will be required to use the straight line method with respect to such asset. Similarly, if the distributor or transferor corporation elected to compute depreciation under section 167(k) with respect to property attributable to rehabilitation expenditures, and such property is transferred to an acquiring corporation, the acquiring corporation will be required to compute depreciation under section 167(k) with respect to the property acquired. The computation of the depreciation allowance with respect to the property acquired shall be made under the provisions of section 167 and the regulations thereunder.

(ii) The rules provided in section 381(c)(6) and subdivision (i) of this subparagraph shall apply only with respect to that part or all of the basis of the property in the hands of the acquiring corporation immediately after the date of distribution or transfer as does not exceed the basis of the property in the hands of the distributor or transferor corporation on the date of the distribution or transfer. For this purpose, the basis of the property in the hands of the distributor or transferor corporation shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property. For provisions defining the date of distribution or transfer see § 1.381–1(b).

(b) *Portion in excess of distributor or transferor corporation's basis*—(1) *General rule.* With respect to that part of the basis of the depreciable property (other than certain section 1250 property described in subparagraph (2) of this paragraph) which in the hands of the acquiring corporation exceeds the adjusted basis to the distributor or transferor corporation, the acquiring corporation may use any reasonable method of computing depreciation, other than the methods provided in section 167(b) (2), (3), or (4). See paragraph (b) of § 1.167(b)–0 for methods which are acceptable under section 167(a) with respect to such property. See also sections 334(b)(1) and 362(b) for the determination of basis of property in the hands of the acquiring corporation in connection with a transaction to which section 381(a) applies.

(2) *Section 1250 property.* With respect to that part of the basis of section 1250 property acquired after July 24, 1969, which in the hands of the acquiring corporation exceeds the adjusted basis to the distributor or transferor corporation, the acquiring corporation shall be subject to the limitations contained in section 167(j)(4) (relating to used section 1250 property) or 167(j)(5) (relating to used residential rental property). Thus, for example, if section 1250 property which is not residential rental property is acquired in a section 381(a) transaction after July 24, 1969, the straight line method of depreciation (or other method allowable under section 167(j)(4)(B)) is the only acceptable method with respect to that portion of the basis of the property which, in the hands of the acquiring corporation, exceeds the adjusted basis to the transferor or distributor corporation.

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[F.R. Doc. 71-3; Filed, Jan. 4, 1971; 8:45 a.m.]

[26 CFR Part 1]

INCOME TAX

Annual Reports of Private Foundations

On Tuesday, October 13, 1970, notice of proposed rule making relating to returns and annual reports of exempt organizations was published in the FEDERAL REGISTER (35 F.R. 16049). Notice is hereby given that § 1.6056–1 of the regulations which was published in tentative form in paragraph 5 of the appendix to the notice of proposed rule making is withdrawn. In addition notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, and are received before January 15, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to provide Income Tax Regulations (26 CFR Part 1) under section 6056 of the Internal Revenue Code of 1954, as added by section 101(d)(3) of the Tax Reform Act of 1969 (83 Stat. 521), the following regulation is added:

There is added where appropriate in Part 1 of the regulations the following new section:

§ 1.6056–1 Annual reports by private foundations.

(a) *In general.* (1) The foundation managers (as defined in section 4946(b)) of every private foundation (as defined in section 509(a)) the assets of which are at least $5,000 at any time during a taxable year shall file an annual report setting forth the information described in subparagraph (3) or (4) of this paragraph.

(2) Form of annual report, time, and place of filing: The annual report required by this paragraph may be in printed, typewritten, or other form, provided that it readily and legibly discloses the information required by section 6056 and this section. Form 990–AR, Annual Report of Private Foundation, may be used for this purpose. The annual report shall be filed at the place specified in the instructions applicable to Form 990 on or before the 15th day of the 5th calendar month following the close of the period for which the report is filed.

(3) Foundations not using Form 990–AR: Foundation managers not choosing to use Form 990–AR as the annual report required by this paragraph shall file a report in accordance with subparagraphs (1) and (2) of this paragraph, setting forth the information required by section 6056(b) and in accordance with the instructions applicable to Form 990–AR.

(4) Notice to public of availability of annual report: A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual reports), and proof of publication thereof, shall be filed with the annual report required by this paragraph. A copy of such notice as published, and a statement signed by a foundation manager stating that such notice was published, setting forth the date of publication and the publication in which it appeared, shall be sufficient proof of publication for purposes of this subparagraph.

(b) *Special rules*—(1) *Manner of making annual report available for public inspection.* The foundation managers of a private foundation may satisfy the requirement that the annual report be made available for public inspection at the foundation's principal office by furnishing a copy free of charge to persons who request inspection.

(2) *Furnishing copies to libraries and depositories.* The Commissioner may designate appropriate libraries or depositories to which the foundation managers will be required to send copies of their annual reports, in addition to, and not in lieu of, filing such annual reports with the Internal Revenue Service and making such annual reports available for public inspection at the principal office of the foundation.

(3) *Furnishing of copies to State officers.* The foundation managers shall furnish to the attorney general of each State which has jurisdiction over the foundation or its assets or activities, a copy of the annual report required by this section. Such report shall be so furnished on or before the due date for the filing of such report with the Internal Revenue Service. In addition, the foundation managers shall provide upon request a copy of the annual report to the attorney general or other appropriate State officer of any State. For purposes of this paragraph and § 301.6104–3 of this chapter, the States which have jurisdiction over a private foundation include but are not limited to all those to which the foundation is required by provisions of State law to report in any manner on its activities or assets, and all those with which the foundation is required by State law to register in any manner.

[F.R. Doc. 71-98; Filed, Jan. 4, 1970; 8:51 a.m.]

[26 CFR Part 42]

FOUNDATION EXCISE TAXES

Operating Foundation

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

The following regulations are prescribed under section 4942(j)(3) of the Internal Revenue Code of 1954, as enacted by section 101(b) of the Tax Reform Act of 1969, relating to the definition of operating foundation. Except as otherwise provided in § 53.4942(b)–1 through –6, such sections take effect for taxable years commencing after December 31, 1969.

PRIVATE FOUNDATIONS

§ 53.4942(b) Statutory provisions; operating foundations.

SEC. 4942. *Taxes on failure to distribute income.*

* * * * *

(j) *Other definitions.*

* * * * *

(3) *Operating foundation.* For purposes of this section, the term "operating foundation" means any organization—

(A) Which makes qualifying distributions (within the meaning of paragraph (1) or (2) of subsection (g)) directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated equal to substantially all of its adjusted net income (as defined in subsection (f)); and

(B) (i) Substantially more than half of the assets of which are devoted directly to such activities or to functionally related businesses (as defined in paragraph (5)), or to both, or are stock of a corporation which is controlled by the foundation and substantially all of the assets of which are so devoted,

(ii) Which normally makes qualifying distributions (within the meaning of paragraph (1) or (2) of subsection (g)) directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated in an amount not less than two-third of its minimum investment return (as defined in subsection (e)), or

(iii) Substantially all of the support (other than gross investment income as defined in section 509(e)) of which is normally received from the general public and from five or more exempt organizations which are not described in section 4946(a)(1)(H) with respect to each other or the recipient foundation; not more than 25 percent of the support (other than gross investment income) of which is normally received from any one such exempt organization; and not more than half of the support of which is normally received from gross investment income.

[Sec. 4942(j) as added by sec. 101(b), Tax Reform Act 1969 (83 Stat. 489)]

§ 53.4942(b)–1 Operating foundation—in general.

(a) *Definition of operating foundation.* Section 4942(j)(3) defines the term "operating foundation" to mean any private foundation substantially all of the adjusted net income of which is spent directly for the active conduct of its activities constituting the purpose or function for which it is organized and operated, and which, in addition, meets either the assets test set forth in section 4942(j)(3)(B)(i), the endowment test set forth in section 4942(j)(3)(B)(ii), or the support test set forth in section 4942(j)(3)(B)(iii).

(b) *Foreign organizations.* A private foundation which meets the definition of the term "operating foundation" set forth in section 4942(j)(3) will be considered an operating foundation for purposes of making any determination under the internal revenue laws with respect to such foundation, or any grantor or contributor thereto, regardless of the fact that its funds are not used within the United States or its possessions, or it was created or organized other than in, or under the law of, the United States, any State or territory, the District of Columbia, or any possession of the United States.

§ 53.4942(b)–2 Operating foundation—income test.

(a) *General rule.* In order to qualify as an operating foundation, an organization must make qualifying distributions (within the meaning of section 4942(g)(1) or (2)) directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated equal to substantially all of its adjusted net income (as defined in section 4942(f)).

(b) *Meaning of "directly for the active conduct" of exempt activities.* (1) To satisfy the income test set forth in section 4942(j)(3)(A), the qualifying distributions which a foundation makes in satisfaction of the "substantially all" requirement (described in paragraph (e) of this section) must be used:

(i) By the distributing foundation itself, rather than by or through one or more distributee organizations which receive such qualifying distributions directly or indirectly from the distributing foundation; and

(ii) To carry on the active conduct of one or more of the distributing foundation's activities constituting the purpose or function for which it is organized and operated.

(2) Grants made to other organizations to assist them in conducting their activities are considered an indirect, rather than direct, means of carrying out an exempt purpose of the grantor foundation, regardless of the fact that the activities of the grantee organization may further the exempt program or purpose of the grantor foundation.

(3) An operating foundation is one which makes qualifying distributions to support activities or programs which it undertakes on its own in order to accomplish its exempt purpose. A foundation which merely makes grants to other organizations or which, without some further significant involvement as described in paragraph (c) of this section, makes grants, scholarships, or other payments to individual beneficiaries is not considered to be employing such distributions directly for the active conduct of activities which constitute the purpose

or function for which it is organized and operated. Thus, except as provided in paragraph (c) of this section, the act of paying funds or making them available by making grants, giving scholarships, or extending or guaranteeing credit does not constitute an exempt activity which is being directly and actively conducted by the foundation within the meaning of section 4942(j)(3)(A). For a foundation to be considered as making qualifying distributions "directly for the active conduct" of its exempt activities, it must itself utilize such distributions to carry on one or more of the activities which directly accomplish its exempt purposes (as distinguished from merely paying funds or making them available).

(4) Amounts paid to acquire or maintain assets which are directly devoted to the active conduct of the foundation's exempt activities within the meaning of section 4942(j)(3)(B)(i), such as the operating assets of a museum, public park or historic site, are considered qualifying distributions made directly for the active conduct of the foundation's exempt activities under section 4942(j)(3)(A). Administrative expenses (such as staff salaries and traveling expenses) and other operating costs necessary to carry on exempt programs (regardless of whether they are "directly for the active conduct" of exempt activities) which constitute part or all of the function for which the foundation is organized and operated are also counted toward meeting the income test under section 4942(j)(3)(A). However, administrative expenses and operating costs which are not attributable to such exempt programs, such as those expenses which are attributable to the production of income, are not counted toward meeting such income test. Administrative expenses and operating costs attributable both to exempt programs and to the production of income shall be allocated to each such activity on a reasonable basis.

(c) *Special grants, scholarships, and other payments to individual beneficiaries*—(1) *General rule.* If a foundation makes grants, scholarships, or other payments to individual beneficiaries (including program-related investments within the meaning of section 4944(c) made to individuals or corporate enterprises) to accomplish an exempt purpose in which the foundation otherwise maintains some significant involvement through the conduct of programs or activities (apart from such grants, scholarships, or other payments), such grants, scholarships, or other payments will be considered as qualifying distributions made directly for the active conduct of its exempt activities for purposes of paragraph (a) of this section. The act of selection, investigation, and screening of individual recipients of grants, scholarships, or other payments, without any further programs or activities by the foundation with respect thereto, does not, in and of itself, constitute a "significant involvement" within the meaning of this paragraph.

(2) *Meaning of "significant involvement".* For purposes of subparagraph (1) of this paragraph, a foundation will be considered as maintaining a "significant involvement" if it satisfies either subdivision (i) or subdivision (ii) of this subparagraph:

(i) (*a*) The primary charitable purpose of the foundation is the relief of poverty or human distress and its activities or programs are designed to ameliorate conditions among a poor or distressed class of persons or in an area subject to poverty or national disaster;

(*b*) The making of the grant or other payment accomplishes such purpose directly and without the assistance of an intervening organization or agency; and

(*c*) The foundation maintains a salaried or voluntary staff of administrators, researchers, or other personnel which supervise and direct the activities carried on in furtherance of the purposes described in (*a*) of this subdivision on a continuing basis.

For example, providing food or clothing to indigents or residents in a disaster area directly accomplishes the charitable purpose of relief of poverty or distress.

(ii) The foundation—

(*a*) Has developed some specialized skills, expertise, or involvement in a particular discipline or substantive area, such as scientific or medical research, social work, education, or the social sciences;

(*b*) Maintains a salaried staff of administrators, researchers, or other personnel who supervise or carry on programs or activities which support and advance its work in its particular area of interest; and

(*c*) As a part of its programs or activities, makes grants, scholarships, or other payments to individuals to encourage and further their involvement in the foundation's particular area of interest and in some part of the programs or activities carried on by the foundation.

The determination whether the making of grants, scholarships, or other payments described in subdivision (ii) of this subparagraph is pursuant to a significant involvement by the foundation in the exempt purposes which such grants, scholarships, or other payments are intended to accomplish, and is therefore a qualifying distribution made directly for the active conduct of the foundation's exempt purposes, must be based upon the facts and circumstances of each particular case. The test applied is a qualitative, rather than a strictly quantitative, one. Therefore, if the foundation maintains a significant involvement within the meaning of subdivision (i) or (ii) of this subparagraph, it will not fail to meet the general rule of subparagraph (1) of this paragraph solely because more of its funds are devoted to the grants, scholarships, or other payments than to the active programs or activities which such grants, scholarships, or other payments support. However, if such grants, scholarships, or other payments are not pursuant to some significant involvement by the foundation, they shall not be treated as being made within the meaning of subdivision (i) or (ii) of this subparagraph. The types of payments which will usually fall within the meaning of subdivision (ii) of this subparagraph are those which require or encourage the recipient to participate in activities or programs carried on by the grantor foundation. These would include, for example, grants under which the recipients, in addition to independent study, attend classes, seminars, or conferences sponsored or conducted by the grantor, or grants to engage in social work or scientific research projects which are under the general direction and supervision of the grantor. In each case, however, the foundation must have substantial, established, and continuing programs or activities (other than the making of grants, scholarships, or other payments) which are related to the purposes for which the grants, scholarships, or other payments are made and in which the recipients are, or are encouraged to become, involved. Absent such programs or activities, the grants, scholarships, or other payments will not be considered as qualifying distributions made directly for the active conduct of the exempt purposes of the foundation. Thus, a foundation which does no more than screen and investigate applicants for grants or scholarships, pursuant to which the recipients perform their work or studies alone or exclusively under the direction of some other organization, will not be considered as meeting the requirements of subdivision (ii) of this subparagraph. However, the administrative expenses of such screening and investigation (as opposed to the grants or scholarships themselves) will be considered as having been made directly for the active conduct of the foundation's exempt activities.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). M, an organization described in section 501(c)(3), was created to improve conditions in a particular urban ghetto. It receives its funds primarily from a limited number of wealthy contributors interested in furthering its exempt purpose. M's program consists of making a survey of the problems of the ghetto to determine the areas in which its funds may be applied most effectively. Approximately 10 percent of its adjusted net income is used to conduct this survey. The balance of its income is used to make grants to other nonprofit organizations doing work in the ghetto in those areas determined to have the greatest likelihood of resulting in improved conditions. Under these circumstances, only 10 percent of M's adjusted net income may be considered as constituting qualifying distributions made directly for the active conduct of activities constituting the purpose or function for which it is organized and operated. M is therefore not an operating foundation because it fails to meet the income test under section 4942(j)(3)(A).

Example (2). Assume the facts as stated in Example (1), except that M uses the remaining 90 percent of its adjusted net income for the following purposes: (1) M maintains a salaried staff of social workers and researchers who analyze its surveys and make recommendations as to methods for improving ghetto conditions; (2) M makes grants to independent social scientists who assist in these analyses and recommendations; (3) M publishes periodic reports indicating the results of its surveys and recommendations; (4) M makes grants to social workers and others who act as advisors to nonprofit organizations, as well as small business enterprises, functioning in the community (these advisors act under the general direction of the foundation and attempt to implement the foundation's recommendations through their advice and assistance to the nonprofit organizations and small business enterprises); and (5) M also makes grants to other social scientists who study and report on the success of the various enterprises which attempt to implement the foundation's recommendations. Under these circumstances, the foundation meets the requirements of paragraph (c)(2)(ii) of this section, and the various grants it makes are considered to be made directly for the active conduct of its exempt purposes.

Example (3). N, a museum described in section 501(c)(3), was founded by the gift of an endowment from a single contributor. It uses substantially all of its adjusted net income to operate the museum. If N meets one of the tests in section 4942(j)(3)(B), it is an operating foundation since substantially all of the qualifying distributions which it makes are used by N directly for the active conduct of the activity which constitutes the purpose for which it is organized and operated, within the meaning of section 4942(j)(3)(A).

Example (4). O is a charitable organization described in section 501(c)(3). It was created for the purpose of giving scholarships to children of the employees of X corporation who meet the standards set by O. O not only screens and investigates each applicant to make sure that he complies with the academic and financial requirements set for scholarship recipients, but also administers an examination which each applicant must take. Substantially all of its adjusted net income is used in awarding these scholarships to the chosen applicants. O does not carry on any programs or activities of an educational nature on its own. Although O is using its funds in furtherance of its exempt program, it is not directly engaged in the active conduct of an activity constituting the purpose for which it is organized and operated, within the meaning of section 4942(j)(3)(A).

Example (5). P is an educational organization described in section 501(c)(3). It was created for the purpose of training teachers for institutions of higher eduction. Each year it awards a substantial number of fellowships to students for graduate study leading towards their M.A. or Ph. D. degrees. The applicants for these fellowships are carefully screened by the organization's staff, and only those applicants who indicate a strong interest in teaching in colleges or universities are chosen. The organization publishes and circulates various pamphlets encouraging a development of interest in college teaching and describing its fellowships. It conducts annual summer seminars which are attended by its fellowship recipients, its staff, consultants and other interested parties. The purpose of these seminars is to foster and encourage the development of college teaching. The organization publishes a report of the seminar proceedings along with related studies written by those who attended. Despite the fact that a substantial portion of the organization's adjusted net income is devoted to granting fellowships, its commitment to encouraging individuals to become teachers at institutions of higher learning, its maintenance of a staff and programs designed to further this purpose, and the granting of fellowships to encourage involvement both in its own seminars and in its exempt purpose indicate a significant involvement in its exempt purposes beyond the mere granting of fellowships. Under these circumstances, the fellowship grants constitute qualifying distributions made directly for the active conduct of its exempt purposes, within the meaning of section 4942(j)(3)(A).

Example (6). Q is a section 501(c)(3) organization composed of professional organizations interested in different branches of one academic discipline. The society trains its own professional staff, conducts its own program of research, selects research topics, screens and investigates grant recipients, makes grants to those selected, and sets up and conducts conferences and seminars for the grantees. Q has particular knowledge and skill in the given discipline, carries on a program of activities to advance its study of that discipline, and makes grants to individuals to enable them to participate in activities which it conducts to further its exempt purposes. Under these circumstances, Q's grants are considered as made directly for the active conduct of its exempt activities, within the meaning of section 4942(j)(3)(A).

Example (7). R is a medical research organization described in section 501(c)(3) which was created to study and perform research concerning heart disease. R has its own research center in which it carries on a broad number of research projects in the field of heart disease with its own professional staff. Physicians and scientists who are interested in special projects in this area present the plans for their projects to R. The directors of R study these plans and decide if the project is feasible and will further the work being done by R. If it is, R makes a grant to the individual to enable him to carry out his project, either at R's facilities or elsewhere. Reports of the progress of the project are made periodically to R, and R exercises a certain amount of supervision over the project. The resulting findings of these projects are usually published by R. Under these circumstances, the grants made by R constitute qualifying distributions made directly for the active conduct of R's exempt activities, within the meaning of section 4942(j)(3)(A).

Example (8). S is an organization described in section 501(c)(3) which maintains a large library of manuscripts and other historical reference material relating to the history and development of the region in which the collection is located. It makes a limited number of annual grants to enable postdoctoral scholars and doctoral candidates to use its library. Sometimes S obtains the right to publish the scholar's work, although this is not a prerequisite to the receipt of a grant. The primary criterion for selection of grant recipients is the usefulness of the library's resources to the applicant's field of study. Under these circumstances, the grants made by S constitute qualifying distributions made directly for the active conduct of S's exempt activities, within the meaning of section 4942(j)(3)(A).

Example (9). T is a charitable organization described in section 501(c)(3). It was created by the members of one family for the purpose of relieving poverty and human suffering. T has a large salaried staff of employees who operate offices in various areas throughout the country. Its employees make gifts of food and clothing to poor persons in the area serviced by each office. On occasion, it also provides temporary relief in the form of food and clothing to persons in areas stricken by natural disasters. If conditions improve in one poverty area, T transfers the resources of the office in that area to another poverty area. Under these circumstances, the gifts of food and clothing are considered qualifying distributions made directly for the active conduct of T's exempt activities, within the meaning of section 4942(j)(3)(A).

Example (10). U is a scientific organization described in section 501(c)(3). Its principal purpose is to study the effect of early childhood brain damage. It carries on an active and continuous research program in this area through a salaried staff of scientists and physicians. As part of its research program, U awards scholarships to young people suffering mild brain damage to enable them to attend special schools equipped to handle such problems. The recipients are periodically tested to determine the effect of such schooling upon them. Under these circumstances, the scholarships awarded by U are considered as qualifying distributions made directly for the active conduct of U's exempt activities, within the meaning of section 4942(j)(3)(A).

(e) *Meaning of "substantially all".* For purposes of section 4942(j)(3)(A), as well as section 4942(j)(3)(B)(i) and (iii), the term "substantially all" shall mean 85 percent or more. If an organization makes qualifying distributions directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated in an amount equal to at least 85 percent of its adjusted net income, it will be considered as satisfying the income test under section 4942(j)(3)(A) even if it makes grants to organizations or engages in other activities with the remainder of its adjusted net income and with other funds. In determining whether the amount of qualifying distributions made directly for the active conduct of exempt purposes equals at least 85 per cent of its adjusted net income, an organization is not required to trace the source of such expenditures to determine whether they were derived from income or from contributions.

(f) *Treatment of section 4940 tax.* For purposes of section 4942(j)(3)(A) and (B)(ii), the tax imposed upon an organization under section 4940 shall be considered a qualifying distribution within the meaning of section 4942(g)(1) which is made directly for the active conduct of the organization's exempt purposes.

§ 53.4942(b)-3 Operating foundation—assets test.

(a) *General rule.* A private foundation will meet the requirements of the assets test set forth in section 4942(j)(3)(B)(i) if substantially more than half of the foundation's assets:

(1) Are devoted directly (i) to the active conduct of the activities constituting the purpose or function for which it is organized and operated; (ii) to functionally related businesses (as defined in section 4942(j)(5)); or (iii) to any combination thereof;

(2) Are stock of a corporation which is controlled by the foundation and substantially all the assets of which are so devoted; or

(3) Are in part assets which are described in subparagraph (1) of this paragraph and in part stock which is described in subparagraph (2) of this paragraph.

For purposes of subparagraph (2) of this paragraph, the term "controlled" shall be as defined in section 368(c).

(b) *Qualifying assets.* (1) An asset is devoted directly to the active conduct of the activities constituting the purpose or function for which the foundation is or-

ganized and operated only if the asset is used by the foundation in the actual carrying on of the charitable, educational, or other similar function which gives rise to the exempt status of the foundation and the carrying on of such function is directly for the active conduct of an exempt activity within the meaning of section 53.4942(b)-2(b). Thus, such assets as real estate, physical facilities, or objects (such as museum assets, classroom fixtures and equipment, and research facilities) and intangible assets (such as patents, copyrights and trademarks) will be considered assets described in section 4942(j)(3)(B)(i) to the extent that they are used directly by the foundation in actively carrying on its exempt activities or programs. However, assets (for example, stock, bonds, interest-bearing notes, or real estate leased to other organizations), including endowment funds, when held for the production of income, for investment, or for some other similar use, are not devoted directly to the active conduct of the foundation's exempt activities, even though income from such assets is used to carry on the foundation's charitable, etc., program or function. Furthermore, assets which are held for the purpose of extending credit, or making funds available, to members of a charitable class are not considered assets devoted directly to the active conduct of an exempt activity. For example, assets which constitute program-related investments under section 4944(c) (other than those referred to in § 53.4942(b)-2(c)(1)) or which are set aside in special reserve accounts to guarantee student loans made by lending institutions will not be considered assets devoted directly to the active conduct of activities constituting the purpose or function for which the foundation is organized and operated.

(2) Whether an asset is held for the production of income, for investment, or for some other similar use, rather than being used directly in the active conduct of the foundation's exempt activities or functions, is a question of fact. For example, an office building used for the purpose of providing offices for employees engaged in the management of endowment funds of the foundation is not devoted directly to the active conduct of activities constituting the purpose or function for which the foundation is organized and operated. However, to the extent that administrative assets, such as real estate, office equipment and supplies, can be allocated directly to the active conduct of the foundation's exempt activities, they shall be considered as devoted directly to such activities. Real estate purchased by the foundation for use in carrying on its charitable, etc., activities may be considered devoted directly to the active conduct of such activities even though the property, in whole or in part, is leased for a limited period of time during which arrangements are made for its conversion to the use for which it was acquired, provided such income-producing use of the property does not last longer than 1 year. Any amount set aside by the foundation for a specific project, such as, for example, the acquisition, construction, or restoration of additional buildings or facilities in which to carry on its exempt activities, will be considered an asset which is devoted directly to the active conduct of the activities constituting the basis of the foundation's exemption during the period of such set-aside, if the initial setting aside of the funds constituted a set-aside within the meaning of section 4942(g)(2) and the specific project for which such amount was set aside is one which will directly involve the foundation in the active conduct of activities constituting the purpose or function for which it is organized and operated.

(3) Any asset which is held by the foundation for part of a taxable year shall be taken into account for such taxable year for purposes of section 4942(j)(3)(B)(i) only in the proportion which the number of days of such year in which such asset was so held bears to the total number of days of such year.

(4) A foundation which devotes substantially more than half of its assets to any combination of the uses described in subparagraphs (1), (2), and (3) of paragraph (a) of this section will meet the assets test of section 4942(j)(3)(B)(i). Any assets devoted to functionally related businesses (as defined in section 4942(j)(5)) are therefore to be counted toward meeting the assets test. For example, X foundation is devoted to acquiring, preserving, and otherwise making available for public use large and geographically diversified areas of natural beauty. X has acquired and erected facilities for lodging and other visitor accommodations in National Park areas created as a result, in part, of its direct grants. The operation of such accommodations constitutes a functionally related business within the meaning of section 4942(j)(5) and, therefore, the foundation's assets which are directly devoted to such business will be counted toward meeting the assets test under section 4942(j)(3)(B)(i). If substantially more than half of the foundation's assets are so devoted, either alone or in combination with assets devoted directly to the active conduct of the foundation's exempt activities, the foundation will satisfy the requirements of section 4942(j)(3)(B)(i). Similarly, foundation assets consisting of stock of a corporation which is controlled by the foundation are counted toward meeting the assets test of section 4942(j)(3)(B)(i) if substantially all of such corporation's assets are devoted directly either to the active conduct of activities which constitute the purpose or function for which the foundation is organized and operated or to functionally related businesses or to both. For example, Y foundation is devoted to the maintenance and operation of an historic area for the benefit of the general public. Y holds the stock of a separately incorporated, wholly owned subsidiary which operates a restaurant and inn for visitors to the area. These facilities comprise substantially all of the subsidiary's assets. The stock of the subsidiary will be considered as part of Y foundation's assets which can be counted toward satisfying the assets test of section 4942(j)(3)(B)(i). Similarly, Z foundation has constructed and maintains a large horticultural and recreational area for the use of the general public. Through a wholly owned subsidiary corporation, Z provides food, lodging, and other services for visitors to the garden. These facilities constitute substantially all of the subsidiary's assets. The stock of the subsidiary can therefore be counted by Z toward meeting the assets test of section 4942(j)(3)(B)(i).

(5) For purposes of determining whether substantially more than half of a foundation's assets are devoted directly to the purposes specified in section 4942(j)(3)(B)(i), all assets shall be valued at their fair market value. Fair market value shall be determined at such time and in such manner as prescribed by the regulations under section 4942(e)(2). However, in the case of assets which are unique and for which neither a ready market nor standard valuation methods exist (such as historical objects or buildings, certain works of art, and botanical gardens), the historical cost (unadjusted for depreciation) shall be considered equal to fair market value unless the foundation demonstrates that fair market value is other than cost. Where it has been demonstrated that the fair market value of a unique asset is other than cost, such valuation will be considered valid for a period of 5 taxable years after the taxable year of such valuation, absent destruction, substantial damage to the asset, or other special circumstances.

(c) *Meaning of "substantially more than half".* For purposes of section 4942(j)(3)(B)(i), the term "substantially more than half" shall mean 65 percent or more.

§ 53.4942(b)-4 Operating foundations—endowment test.

A foundation will meet the endowment alternative under the provisions of section 4942(j)(3)(B)(ii) if it normally makes qualifying distributions (within the meaning of section 4942(g)(1) or (2)) directly for the active conduct of activities constituting the basis of its exemption in an amount not less than two-thirds of its minimum investment return (as defined in section 4942(e)). For the meaning of the term "qualifying distributions directly for the active conduct of activities" constituting the basis of exemption, see § 53.4942(b)-2. In determining whether the amount of such qualifying distributions is not less than an amount equal to two-thirds of the organization's minimum investment return, the organization is not required to trace the source of such expenditures to determine whether they were derived from investment income or from contributions. For example, X foundation has $400,000 of endowment funds and other assets not used (or held for use) directly in carrying out the foundation's exempt purpose. X makes qualifying distributions of $17,000 in 1970 directly for the active conduct of the activities constituting the purpose or function for

which it is organized. Two-thirds of X's minimum investment return on its endowment funds and nonoperating assets is $16,000 (6 percent×$400,000=$24,000; ⅔×$24,000=$16,000). X foundation meets the endowment test of section 4942(j)(3)(B)(ii). However, if X's qualifying distributions were only $15,000, X would not qualify under the endowment test unless it either reduced its endowment to $375,000 (6 percent×$375,000=$22,500; ⅔×$22,500=$15,000) or increased its current qualifying distributions for operating purposes to $16,000.

§ 53.4942(b)-5 Operating foundation—support test.

(a) *In general.* A foundation will meet the support test under the provisions of section 4942(j)(3)(B)(iii) if:

(1) Substantially all of its support (other than gross investment income as defined in section 509(e)) is normally received from the general public and from five or more exempt organizations which are not described in section 4946(a)(1)(H) with respect to each other or the recipient foundation;

(2) Not more than 25 percent of its support (other than gross investment income) is normally received from any one such exempt organization; and

(3) Not more than half of its support is normally received from gross investment income.

(b) *Support.* The term "support" shall, for purposes of section 4942(j)(3)(B)(iii), have the same meaning as the term "support" in section 509(d). A foundation may satisfy the "substantially all" requirement of section 4942(j)(3)(B)(iii) if 85 percent or more of its support (other than gross investment income) is normally received from the general public, from five or more exempt organizations, or from some combination of these sources. However, the support received from any one exempt organization may be counted toward the satisfaction of the required 85 percent support test only if the foundation receives support from no fewer than five exempt organizations. For example, a foundation which normally receives 20 percent of its support (other than gross investment income) from each of five exempt organizations may qualify under section 4942(j)(3)(B)(iii) even though it receives no support from the general public. However, if a foundation normally received 50 percent of its support (other than gross investment income) from three foundations and the balance of such support from sources other than exempt organizations, such foundation would not meet the test under section 4942(j)(3)(B)(iii) because it could not meet the "substantially all" test without including support from fewer than five exempt organizations.

(c) *Support from the general public.* In determining whether the "substantially all" test is satisfied, support received from an individual, or from a trust or corporation (other than an exempt organization), shall be taken into account as support from the general public only to the extent that the total amount of the support received from any such individual, trust, or corporation during the period for determining the normal sources of the foundation's support (as set forth in § 53.4942(b)-6) does not exceed 1 percent of the foundation's total support (other than gross investment income) for such period. In applying the 1-percent limitation, all support received from any donor or customer of the foundation and any person or persons standing in a relationship to such donor or customer which is described in section 4946(a)(1)(C) through (G) and the regulations thereunder shall be treated as received from one person. For purposes of section 4942(j)(3)(B)(iii), support received from a governmental unit described in section 170(c)(1) shall be treated as support received from the general public, but shall not be subject to the 1-percent limitation on support from members of the general public described in this paragraph.

§ 53.4942(b)-6 Determination of compliance with operating foundation tests.

(a) *General rule.* The determination whether the income test under section 4942(j)(3)(A) and one of the three tests under section 4942(j)(3)(B) are met depends on whether the tests are met in the normal and regular operation of a foundation over a period of years, rather than on any given day during a taxable year or on a year-by-year basis. A foundation may therefore meet the income test and either the assets, endowment, or support test by satisfying them for any 3 years during a 4-year period consisting of the taxable year in question and the three immediately preceding taxable years or on the basis of an aggregation of all pertinent amounts of income or assets held, received, or distributed during such 4-year period. A foundation may not use one method for satisfying section 4942(j)(3)(A) and another for satisfying section 4942(j)(3)(B). Thus, if a foundation meets the income test under section 4942(j)(3)(A) on the 3-out-of-4-year basis for a particular taxable year, it may not use the 4-year aggregation method for meeting section 4942(j)(3)(B) for that particular year. However, the fact that a foundation has chosen one method for satisfying the tests under section 4942(j)(3) for 1 taxable year will not preclude it from satisfying such tests for a subsequent taxable year by the alternate method.

(b) *Three-out-of-four-year method.* A foundation will be considered an operating foundation for a particular taxable year if it meets the income test and one of the tests set forth in section 4942(j)(3)(B) for any 3 years during a 4-year period consisting of the taxable year in question and the three immediately preceding taxable years. If a foundation fails to meet such tests for a particular taxable year, and is unable to meet such tests under the aggregation method described in paragraph (c) of this section, it shall be treated as a nonoperating foundation for such taxable year and for all subsequent taxable years until it meets the tests set forth in section 4942(j)(3) for a taxable year occurring after the taxable year in which it was treated as a nonoperating foundation.

(c) *Aggregation method.* A foundation will be considered an operating foundation for a particular taxable year if, for a period consisting of that particular taxable year and the three immediately preceding taxable years:

(1) The total amount of the qualifying distributions made during such period directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated was equal to substantially all of its total adjusted net income during such period; and

(2) Either—

(i) Substantially more than half of the total amount of its assets during such period were devoted directly to such activities or to functionally related businesses or to both, or were stock of a corporation which was controlled by the foundation and substantially all of the assets of which were so devoted;

(ii) The qualifying distributions made during such period directly for the active conduct of the activities constituting the purpose or function for which it is organized and operated was in an aggregate amount not less than two-thirds of the total of its minimum investment returns for each year during such period; or

(iii) Substantially all of the total amount of support (other than gross investment income) received during such period is from the sources described in section 4942(j)(3)(B)(iii); not more than 25 percent of the total support (other than gross investment income) is received during such period from any one exempt organization described in section 4942(j)(3)(B)(iii); and not more than half of its total support is received during such period from gross investment income.

(d) *New foundations.* Except as provided in paragraph (e) of this section, a newly created foundation will be treated as an operating foundation only if it has satisfied the tests in section 4942(j)(3) by the aggregation method described in paragraph (c) of this section for at least 1 taxable year. If a foundation meets such tests by the end of its first taxable year, it will be treated as an operating foundation from the beginning of such taxable year. After meeting such tests for 1 taxable year, it may continue its status as an operating foundation for its second and third taxable years only by meeting such tests by the aggregation method described in paragraph (c) of this section for such taxable years as it has been in existence.

(e) *New foundations; special rule for first year—*(1) *Special rule.* A newly created foundation will be treated as an operating foundation prior to the end of its first taxable year if it submits evidence sufficient to establish to the satisfaction of the Secretary or his delegate that it can reasonably be expected to meet the test under section 4942(j)(3)

(A) and one of the tests under section 4942(j)(3)(B) for such first taxable year pursuant to paragraph (d) of this section. An organization which, pursuant to this subparagraph, has been treated as an operating foundation for its first taxable year (without withdrawal of such treatment by notification from the Internal Revenue Service during such year), but fails actually to qualify as an operating foundation under paragraph (d) of this section for such taxable year, will be treated as a private foundation which is not an operating foundation as of the first day of its second taxable year for purposes of making any determination under the internal revenue laws with respect to such organization, until such time as the organization does meet the requirements of section 4942(j)(3). For the status of grants or contributions with respect to grantors or contributors under sections 170 and 4942 to such organization, see paragraph (f) of this section.

(2) *Transitional rule for existing organizations.* An organization in existence on December 31, 1969, but which is unable to meet the tests under section 4942(j)(3) for its first taxable year beginning after such date on the basis of its operations for years prior to such taxable year under any of the methods prescribed in paragraph (b) or (c) of this section, will be treated as a new organization for purposes of paragraphs (d) and (e)(1) of this section if:

(i) It changes its methods of operation during such first taxable year beginning after December 31, 1969, to conform to the requirements of section 4942(j)(3), and

(ii) It submits evidence sufficient to establish to the satisfaction of the Secretary or his delegate that it can reasonably be expected to meet the tests under section 4942(j)(3) for such first taxable year pursuant to paragraph (d) of this section.

An organization shall submit detailed information with respect to its operations for the 3 taxable years prior to its first taxable year beginning after December 31, 1969, as part of the evidence required to determine whether it has changed its methods of operation pursuant to subdivision (i) of this subparagraph.

(f) *Treatment of contributions.* The status of grants or contributions as grants or contributions to an operating foundation under sections 170 and 4942 will not be affected until notice of change of status of such organization is made to the public (such as by publication in the Internal Revenue Bulletin), unless the grantor or contributor (or any person standing in a relationship to such grantor or contributor which is described in section 4946(a)(1)(C) through (G)):

(1) Was in part responsible for, or was aware of, the act or failure to act that resulted in the organization's inability to satisfy the requirements of section 4942(j)(3), or

(2) Acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from classification as an operating foundation.

[F.R. Doc. 71-4; Filed, Jan. 4, 1971; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

[Docket No. AO-269-A5]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Hearing on Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Notice is hereby given of a public hearing to consider a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), hereinafter referred to collectively as the "order", regulating the handling of domestic dates produced or packed in a designated area of California.

The notice of hearing is pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900). The public hearing will be held at the Coachella Valley Water District Auditorium, Avenue 52 and Highway 111, Coachella, CA, beginning at 9:30 a.m., local time, January 15, 1971. The proposed amendment has not received the approval of the Secretary of Agriculture.

The purpose of the public hearing is to receive evidence on the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Date Administrative Committee, the administrative agency established pursuant to the order, submitted the following amendatory proposals and requested a hearing thereon:

1. Section 987.4 is revised to read:

§ 987.4 **Area of production.**

"Area of production" means Riverside County, Calif.

2. Section 987.6 is revised to read:

§ 987.6 **Crop year.**

"Crop year" means the 12-month period beginning on October 1 of each year and ending September 30 of the following year, except that the crop year ending September 30, 1971, shall begin on August 1, 1970. (In connection with the proposed revision of § 987.6, evidence will be received relative to changing the deadline dates specified in the order so that they will be compatible with such revision of the term crop year that may result from the public hearing. Such deadline dates includes, but are not limited to: August 1 in § 987.34; July 31 in § 987.34(b); January 31 in § 987.45(b); July 31 in § 987.45 (e) and (f); January 31 in § 987.46; September 30 in § 987.58; January 1, June 1, and August 1 in § 987.61; and June 1 in § 987.82(b)(2)).

3. Section 987.9 is revised to read:

§ 987.9 **Handle.**

"Handle" means to sell, consign, transport, or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets, except that sales or deliveries, by producers, of other than cull dates to a handler within the area of production, or the movement of dates by a handler to storage for his account within the area of production, or within the counties of San Bernardino and Imperial, in the State of California, or within such other counties in the State of California, adjoining the area of production as the Committee may prescribe, with the approval of the Secretary, shall not be considered as handling.

4. Section 987.18 is revised to read:

§ 987.18 **Committee.**

"Committee" means the California Date Administrative Committee established pursuant to § 987.21.

5. Section 987.19 is revised to read:

§ 987.19 **Cooperative association of producers.**

"Cooperative association of producers" means a cooperative association of date producers organized under the laws of the State of California.

6. Section 987.20 is revised to read:

§ 987.20 **Part and subpart.**

"Part" means the order regulating the handling of domestic dates produced or packed in Riverside County, Calif., and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

7. Section 987.21 is revised to read:

§ 987.21 **Establishment of California Date Administrative Committee.**

A California Date Administrative Committee consisting of eight members is hereby established to administer the terms and conditions of this part. For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply to alternate members.

8. Section 987.22 is revised to read:

§ 987.22 **Membership representation.**

(a) Five members of the Committee shall be individuals who are producers or employees of producers; and such members are referred to in this part as "producer members". Three members shall be individuals who are handlers or employees of handlers; and such members are referred to in this part as "handler members".

(b) The producer members shall be apportioned, as provided in this section, between the group of producers affiliated with cooperative associations of producers (referred to in this part as "cooperative producers") and the group of producers having no such affiliation (referred to in this part as "independent producers"). The apportionment shall be according to the respective total quantities of field-run dates delivered to handlers by the producers thereof in the respective groups during the then current crop year through April, as determined by the Committee on the basis of its applicable records. Each such group shall have one producer member for each portion of the applicable total quantity of such dates delivered by the producers in such group that represents 20 percent of the combined total quantities delivered by both groups plus one additional producer member for the remainder, if any, of such applicable total quantity that is in an amount greater than one-half of the amount represented by the basic 20 percent: *Provided*, That the cooperative producers shall be represented by not more than three producer members and the remaining producer members shall represent the independent producers. At least one independent producer member shall be a producer-handler, if there is such a qualified person available, who produced during the then current crop year through April at least 51 percent of all the dates handled by him during such period. Whenever it is determined pursuant to this paragraph that a change in producer representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee, and other available information, revise the representation consistent with the provisions of this paragraph.

9. Section 987.23 is revised to read:

§ 987.23 **Term of office.**

The term of office for members shall be 1 year beginning August 1 but each such member shall continue to serve until his successor has been selected and has qualified: *Provided*, That the incumbent members serving on the Date Administrative Committee immediately prior to the effective date of this amended subpart shall serve as members of the California Date Administrative Committee until such time as the initial producer members and handler members selected by the Secretary in accordance with § 987.24 of this amended subpart to serve on the California Date Administrative Committee have qualified.

10. Revise § 987.24 to read:

§ 987.24 **Nomination and selection.**

(a) Nominations for members of the Committee shall be made not later than June 15 of each year.

(b) A cooperative association of producers shall, by a resolution adopted by its board of directors, nominate the applicable number of individuals to serve as producer members representing cooperative producers as provided in § 987.22. Whenever there are two or more cooperative associations of producers, the vote by each such association shall be weighted by the number of its cooperative producers during the then current crop year through April 1. The individual receiving the highest number of votes for a position shall be the nominee.

(c) A meeting or meetings of independent producers shall be held in the area of production for the purpose of nominating individuals to serve as producer members on the Committee. Such producers shall nominate the applicable number of individuals for producer member positions in conformity with § 987.22. Each such producer, regardless of the number and location of his date gardens, shall be entitled to one vote for each producer member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee.

(d) A meeting or meetings of handlers shall be held in the area of production for the purpose of nominating three individuals to serve as handler members on the Committee. Each handler shall be entitled to vote for only one handler member position to be filled. The vote of each handler shall be weighted by the tonnage of dates the handler acquired, or if a cooperative association of producers, by the tonnage the handler received, from producers and had certified for handling or for further processing during the then current crop year through April. The individual receiving the highest number of votes for a handler member position shall be the nominee for that position.

(e) Promptly after the completion of the meetings required by this section, the Committee shall report to the Secretary the nominees for each position to be filled, together with a certification of such results and all necessary tonnage data and other information required by the Secretary. From such nominees or from other eligible persons, the Secretary shall select the Committee members as prescribed in § 987.22.

11. The following sentence is added at the end of § 987.27: "However, if both a producer member and his alternate are absent from an assembled meeting, the chairman may, with the concurrence of the producer members present from the producer group affected by the absence, designate an alternate member from such group who is present at the meeting and is not acting as a member, to act in the place and stead of the absent member and alternate."

12. Section 987.31 is revised to read:

§ 987.31 **Procedure.**

(a) Five members, including alternates acting as members, of the Committee shall constitute a quorum.

(b) The members of the Committee shall, from among its members, select a chairman and such other officers, and adopt such rules for the conduct of its business, as it may deem advisable.

(c) For any decision of the Committee to be valid, at least five members must cast a concurring vote. At all assembled meetings, each vote shall be cast in person.

(d) The Committee may vote upon any proposition by mail, telephone when confirmed in writing within 2 weeks, or telegram, upon due notice and full and identical explanation to all members, and eight concurring votes shall be required for the adoption of any such proposition.

13. The third sentence of § 987.33 is revised to read: "However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members."

14. The last sentence of paragraph (d) of § 987.45 is revised to read: "Any handler who during a crop year disposes, in restricted outlets, of a quantity of marketable dates in excess of his restricted obligation of such year may: (1) On written request to the Committee have a part or all of such excess transferred, by the Committee, to such other handler or handlers as he may name, for crediting such other handlers' restricted obligations incurred in that crop year; and in addition (2) have a part or all of the remainder of such excess credited to his restricted obligation to the next crop year, but only to the extent prescribed by the Committee, with the approval of the Secretary".

15. The heading and first sentence of § 987.68 are revised to read:

§ 987.68 **Verification of reports and records.**

For the purpose of checking compliance with recordkeeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to matters within the purview of this part.

16. Make such other changes in the order as may be necessary to make the entire order conform to any changes that may result from this hearing.

Copies of this notice may be obtained from the Los Angeles Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 1733, 312 North Spring Street, Los Angeles, CA 90012, or from the Date Administrative Committee, 81-855 Highway 111, Room 2-G, Indio, CA 92201.

Dated: December 29, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 71-13; Filed, Jan. 4, 1971; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

CHILDREN'S SLEEPWEAR

Notice of Procedures for Public Hearing

The following procedures are established for the informal public oral hear-

ing to be held on January 14, 1971, on the proposed children's sleepwear standard (PFF 3–70, 35 F.R. 17670, Nov. 17, 1970). This hearing was announced in the FEDERAL REGISTER on December 23, 1970 (35 F.R. 19520). I have been designated by the Secretary of Commerce under authority of § 7.9(c), Flammable Fabrics Act Procedures (15 CFR Part 7) to conduct such hearings and establish reasonable procedures therefor. Persons desiring to testify at such hearing should notify the Assistant Secretary for Science and Technology, Department of Commerce, Room 3862, Main Commerce Building, Washington, DC 20230, as promptly as possible, and in any event prior to the hearing date, in order that preparations may be made to accommodate every person who desires to appear.

I. *Purpose.* The purpose of the informal oral hearing on children's sleepwear is to provide all interested segments of the public with an opportunity to comment upon the Department's proposed children's sleepwear standard. This hearing will be held in accordance with § 7.9, Flammable Fabrics Act Procedures (15 CFR Part 7).

II. *Conduct of hearings.* a. This hearing shall be an informal, nonadversary proceeding at which there will be no formal pleadings or adverse parties.

b. The presiding officer shall have the right to apportion the time of persons making presentations at the hearing in an equitable manner. Witnesses may submit a written presentation of their views for the record.

c. The presiding officer and other Department representatives shall have the right to question witnesses appearing at this hearing as to their testimony and other matters relating to the proposed standard.

d. The presiding officer shall have the right to terminate or shorten the presentation of any party appearing at this hearing when, in the opinion of said presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearing.

e. The presiding officer has the right to exercise authority necessary to contribute to the equitable and efficient conduct of these hearings and to maintain order at the hearings.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

DECEMBER 30, 1970.

[F.R. Doc. 71–87; Filed, Jan. 4, 1971; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

NICKEL AND NICKEL-EARING MATERIALS FROM FRANCE

Removal of Restrictions on Imports

The Office of Foreign Assets Control is satisfied that nickel and nickel-bearing materials imported from France subsequent to the date hereof will not contain nickel of Cuban origin. Accordingly, the Office of Foreign Assets Control's instructions to the Bureau of Customs under the Cuban Assets Control Regulations to detain unlicensed imports of nickel and nickel-bearing materials of French origin are rescinded. Such materials may now be imported without obtaining a certificate of origin or specific license issued in connection with the Cuban Assets Control Regulations.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 71–123; Filed, Jan. 4, 1971; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON; CHIEF, DIVISION OF MANAGEMENT SERVICES ET AL.

Delegation of Authority; Contracts and Leases

Correction

In F.R. Doc. 70–17342 appearing on page 19582 in the issue of Thursday, December 24, 1970, the word "Oregon" should be added to the heading as set forth above.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE REGION III (PHILADELPHIA)

Designation

The official named below is hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region III, during the vacancy in the position of Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance.

1. Douglas E. Chaffin, Assistant Regional Administrator for Administration.

(Delegation May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 6th day of October 1970.

WARREN P. PHELAN,
Regional Administrator, Region III.

[F.R. Doc. 71–11; Filed, Jan. 4, 1971; 8:45 a.m.]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR REGION VIII (DENVER)

Delegation of Authority With Respect to Surplus Real Property

The Regional Administrator and the Deputy Regional Administrator, Region VIII (Denver), each is authorized to exercise the authority of the Secretary of Housing and Urban Development to dispose of the hereinafter described property, together with any improvements and related personal property located thereon, transferred to the Secretary by the Administrator of General Services on December 24, 1970, pursuant to section 414(a) of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b):

Fargo Radio Range Site, Fargo, Cass County, N. Dak.; identified more particularly in the Report of Excess Real Property dated June 12, 1970, from the Department of Health, Education and Welfare (GSA Control No. GR–ND–438).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date: This delegation of authority is effective as of December 28, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 71–10; Filed, Jan. 4, 1971; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DENTAL HYGIENIST, DENVER STANDARD METROPOLITAN STATISTICAL AREA

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS–682 DENTAL HYGIENIST SERIES

Geographic Coverage: Denver Standard Metropolitan Statistical Area (includes Adams, Arapahoe, Boulder, Denver, and Jefferson Counties).
Effective Date: First day of the first pay period beginning on or after December 27, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS–4	$7,413	$7,608	$7,803	$7,998	$8,193	$8,388	$8,583	$8,778	$8,973	$9,168
GS–5	7,856	8,074	8,292	8,510	8,728	8,946	9,164	9,382	9,600	9,818
GS–6	8,509	8,752	8,995	9,238	9,481	9,724	9,967	10,210	10,453	10,696
GS–7	9,178	9,448	9,718	9,988	10,258	10,528	10,798	11,068	11,338	11,608

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numberd rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71–45; Filed, Jan. 4, 1971; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18845–18849; FCC 70R–449]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lamar Life Broadcasting Co., Jackson, Miss., Docket No. 18845, Files Nos. BPCT–4320, BRCT–326; Civic Communications Corp., Jackson, Miss., Docket No. 18846, File No. BPCT–4305; Dixie National Broadcasting Corp., Jackson, Miss., Docket No. 18847, File No. BPCT–4317; Jackson Television, Inc., Jackson, Miss., Docket No. 18848, File No. BPCT–4318; and Channel 3, Inc., Jackson, Miss., Docket No. 18849, File No. BPCT–4319; for a construction permit.

1. Each of the above-captioned mutually exclusive applicants seeks a permit to construct a new commercial television broadcast station to operate on Channel 3 in Jackson, Miss.[1] By Order (FCC 70–462, 25 FCC 2d 101, released May 4, 1970, reconsideration denied 24 FCC 2d 618, released Aug. 3, 1970), the Commission designated the applications for hearing on an air hazard issue against Dixie National Broadcasting Corp. (Dixie), Jackson Television, Inc. (Jackson), and Channel 3, Inc. (Channel 3), and on the standard comparative issue. By Memorandum Opinion and Order, FCC 70R–358, released October 22, 1970, 26 FCC 2d 112, 20 RR 2d 509, the Review Board enlarged the scope of the proceeding by adding limited financial qualifications issues against Civic Communications Corp. (Civic);[2] other requested issues, relating to Civic's financial and character qualifications, were denied. Presently before the Review Board is a joint petition to enlarge issues, filed July 6, 1970, by Dixie, Jackson, and Channel 3, requesting the addition of nine issues relating to the financial and character qualifications of Civic.[3] For the most part, the requested issues arise out of representations made to the Commission by Civic with respect to its financial proposal. Petitioners rely in particular on representations made in Civic's June 16, 1970, opposition to petitions to enlarge issues, filed May 22, 1970, by Dixie, Jackson, and Channel 3, and in an amendment to Civic's application, filed June 17, 1970, and accepted by the Hearing Examiner by Memorandum Opinion and Order, FCC 70M–943, released July 7, 1970.

CIVIC'S FINANCIAL QUALIFICATIONS

2. *Availability of loans.* Petitioners request an inquiry into the availability of loans to Civic from Citizens Investment Co. (Citizens Investment) and Citizens State Bank. In support, petitioners aver that Civic's plan of financing, as amended on June 17, 1970, depends, in part, upon the availability of a $175,000 loan from Citizens Investment, Dickinson, Tex.; and that the availability of this loan is evidenced, in turn, by letters of commitment from Citizens Investment and from the Alvin State Bank, Alvin, Tex.[4] Petitioners contend, however, that the arrangements for placement of collateral made between Alvin State Bank and Citizens Investment have not been specified either in the letter of commitment or in a balance sheet of Citizens Investment submitted for that purpose; therefore, argue petitioners, Civic may not rely upon the availability of the proposed loan from Citizens Investment. Petitioners further maintain that the loan commitment letter from Citizens Investment, and one from Citizens State Bank (Dickinson, Tex.) totaling $725,000, call for assignment of all accounts receivable of Civic's proposed station; however, in petitioners' view, Civic has not shown the manner in which its accounts receivable can be simultaneously assigned to secure both loans.

3. Civic and the Broadcast Bureau oppose addition of the requested issue. Civic notes first that letters of commitment submitted by it limit assignment of accounts receivable "up to the amount of the loan". In Civic's opinion, then, petitioners have not raised a substantial question regarding the ability of Civic to meet the repayment terms of these loans. Civic also contends that the Alvin State Bank has indicated its satisfaction with the collateral to be supplied by Citizens Investment, and that petitioners have shown no reason why the judgment of the bank should be questioned. The Bureau argues that the collateral running between Citizens Investment and the Alvin State Bank is irrelevant to the question of the availability of that loan to Civic; in the Bureau's view, the letters of commitment from the Alvin State Bank and Citizens Investment provide reasonable assurance that a $175,000 loan is available to Civic.

4. The Review Board is of the opinion that an inquiry into the availability of Civic's proposed loan from Citizens Investment is not warranted. In our October 22, 1970, Memorandum Opinion and Order, supra, we held that, "the letters of commitment from Citizens State Bank and Citizens Investment and the sworn affidavit of [Walter G.] Hall [concerning Texas banking practices] provide reasonable assurance of the availability to Civic of a total of $900,000 in bank loans." 26 FCC 2d at 115, 20 RR 2d at 514. Petitioners have alleged no new facts or circumstances which persuade us to depart from this holding. While it is generally true that even a bank loan commitment to a lender of funds to an applicant must disclose the required security, if any, for the loan, Big Chief Broadcasting Co. of Lawton, Inc., 20 FCC 2d 122, 125 n. 6, 17 RR 2d 696, 699 n. 6 (1969), relying upon Viking Television, Inc., 16 FCC 2d 1018, 1021, 15 RR 2d 954, 958 (1969), we have been willing to make exceptions to this disclosure rule where other indicia of security are present. For example, in Big Chief, we declined to add a financial qualifications issue where the language of a line-of-credit letter indicated that a bank was well aware of a lender's financial standing and that a loan "on his signature" would be available. On the other hand, in Viking, we were constrained to add a financial qualifications issue where the letter from the bank did not indicate the security required of the lender for the loan or the bank's satisfaction with the lender's ability to meet security requirements. In the instant case, the statement by the Alvin State Bank that Citizens Investment has arranged "for placement of collateral and other conditions which will enable us to make this commitment," clearly demonstrates Alvin State Bank's awareness of Citizen Investment's financial standing, and affords reasonable assurance that the loan to Citizens Investment will be made. Big Chief Broadcasting Co. of Lawton, Inc., supra; cf. Vista Broadcasting Co., 20 FCC 2d 867, 17 RR 2d 1209 (1969). With regard to petitioners' allegation concerning the simultaneous assignment of Civic's accounts receivable, it is noteworthy that each of the letters of commitment specifically limits Civic's pledge of its accounts receivable to the amount of each loan; therefore, there is no inherent contradiction warranting an evidentiary inquiry. Moreover, in light of Walter G. Hall's position in both financial institutions (see paragraph 5 of our prior Memorandum Opinion and Order, supra), there was clearly no attempt to mislead these financial institutions. In view of the foregoing circumstances, the requested general inquiry into the availability of the loans from Citizens Investment and Citizens State Bank will be denied.

5. *Basis of construction costs estimate.* Petitioners allege that Civic, in its June 16, 1970, opposition to Jackson's petition to enlarge issues, has conceded that it does not have available a $300,000 mortgage loan.[5] Petitioners assert that this concession indicates that Civic has given inadequate, if any, consideration to the cost of construction of its studio facilities. For instance, argue petitioners, Civic has submitted no showing of the basis on which studio construction costs were estimated; therefore, an issue is warranted to determine the basis of Civic's estimated costs of construction. Civic and the Broadcast Bureau oppose the requested issue. Civic argues that the burden is on petitioners to show that the proposed facility cannot be constructed for the amount proposed. The Bureau agrees with Civic and cites WPIX, Inc., 22 FCC 2d 960, 18 RR 2d 1196 (1970). In reply, petitioners again argue that Civic may not propose a construction cost estimate that is merely "in the ball park" with those of the other applicants, but that Civic must come forward with its own showing of the basis on which its studio construction costs were estimated.

6. The requested issue will be denied. It is well established that the requirement that an applicant demonstrate its ability to complete construction and to operate the facility for 1 year, as proposed in its application, does not relieve a competing applicant of the obligation to make a proper showing in support of an enlargement petition. Section 1.229(c) of the Commission's Rules; *Home Service Broadcasting Corp.*, 21 FCC 2d 168, 172, 18 RR 2d 63 68 (1970). See WPIX, Inc., supra. Compare National Broadcasting Co., 21 FCC 2d 611, 628–29, 18 RR 2d 381, 400–01 (1970). In this regard, petitioners have made no specific factual allegations whatsoever regarding Civic's studio construction costs; and a speculative assertion premised solely upon Civic's concession is manifestly insufficient, in our opinion, to support addition of the requested issue. See United Television Co., FCC 70R–382, released November 16, 1970, —— FCC 2d ——, 20 RR 2d 741; cf. Harry D. Stephenson and Robert E. Stephenson, 18 FCC 2d 337, 344–46, 16 RR 2d 678, 686–88 (1969). In short, the cost figures specified by Civic for studio construction appear reasonable on their face, and petitioners have not shown that higher cost figures would be more realistic. In any event, a mortgage loan availability issue was added to this proceeding in our prior Memorandum Opinion and Order; that issue provides for an adequate inquiry into the matter (see note 2, supra) and a broader inquiry is not warranted on the basis of petitioners' refurbished allegations.

CIVIC'S CHARACTER QUALIFICATIONS

7. *Representation of the availability of a $300,000 mortgage loan.* Petitioners contend that Civic's concession that it does not have available a $300,000 mortgage loan, when viewed in light of Civic's April 28, 1970, financial amendment to its application, warrants addition of a nondisclosure issue to this proceeding. Petitioners note that, in its April 28 amendment, Civic included an estimate of $60,000 for buildings in a breakdown of funds required for construction and operation of the station. In explanation of the $60,000 estimate, continue petitioners, Civic stated:

> This represents a downpayment of 20 percent on a $300,000 building. Mortgage payments are included in the cost of operation.

Petitioners contend that the foregoing estimate of $60,000 and the quoted language were designed to give the impression that Civic had obtained a $300,000 mortgage loan to finance its studio construction, whereas Civic's concession shows that no such loan had been obtained. The Broadcast Bureau supports the addition of the requested issue. In the Bureau's opinion, Civic's representation was calculated to convey the impression that there was a specific mortgage with a particular plan of retirement and a precise rate of interest. The Bureau further argues that the Commission relied on Civic's representation of the mortgage loan in finding Civic financially qualified; and, the Bureau concludes, the fact that a commitment for such a mortgage was not available to Civic raises a material question with respect to Civic's representation.

8. In opposition, Civic contends that neither the $60,000 estimate for buildings nor the explanatory language noted above implies that Civic had a mortgage loan commitment.[6] Civic therefore characterizes the requested issue as "absurd". In reply, petitioners submit that Civic has had an opportunity in its opposition pleading to explain this matter, but that Civic has chosen to remain silent.

9. The Board is of the view that petitioners have raised a substantial question as to whether Civic has misrepresented to the Commission the availability of the $300,000 mortgage.[7] Cf. Atlantic Video Corp., 17 FCC 2d 571, 16 RR 2d 77 (1969); Marbro Broadcasting Co., 4 FCC 2d 290, 8 RR 2d 51 (1966). Civic's financial qualifications, based on the applicant's own plan of financing, depend on the availability of the $300,000 mortgage loan. Civic, in filling out its application, acted without "reasonable assurance" that it would have available the mortgage loan in question; and, unlike the respondent in Atlantic Video, supra, Civic has failed to offer an adequate explanation of its conduct. In our view, too, Civic had reason to know at the time of filing its application that the Commission would construe the $60,000 estimate for buildings and the explanatory language in support of its estimate to mean that Civic had actually obtained, or was actively in the process of negotiating, a $300,000 mortgage loan to finance its studio construction;[8] in the absence of such an interpretation by the Commission, Civic would have had to demonstrate the availability of in excess of $200,000 in additional funds in order to be found financially qualified. Civic's contention that, because it proposes studio facilities comparable to those of the other applicants, a mortgage loan will be available to it under terms and conditions similar to those obtained by the other applicants, completely ignores the well-established Commission requirement that an applicant must show that he has reasonable assurance of the availability of funds relied on, i.e., he must submit a verified copy of a bank "letter of commitment" showing the amount of the loan, the terms of repayment, if any, and the security, if any.[9] See our prior Memorandum

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[1] The Commission's June 27, 1968 grant of the application (BRCT–326) of Lamar Life Broadcasting Co. (Lamar), for renewal of license of television broadcast Station WLBT, Channel 3, in Jackson, was reversed and remanded to the Commission on June 20, 1969, by the U.S. Court of Appeals for the District of Columbia Circuit. Office of Communication of the United Church of Christ v. FCC, 425 F. 2d 543, 16 RR 2d 2095, rehearing denied en banc, Sept. 5, 1969, 17 RR 2d 2001. The Court, while not disqualifying Lamar from being a broadcast licensee, directed the Commission to invite the filing of new applications for the channel. By Memorandum Opinion and Order, FCC 70–957, released Sept. 8, 1970, 20 RR 2d 167, the Commission granted the application of Communications Improvement, Inc. to operate on Channel 3 on an interim basis.

[2] The added issues read as follows:

(a) To determine whether Civic Communications Corp. will have available a $300,000 mortgage loan to finance its studio construction, and, if so, the terms, conditions and collateral required in connection therewith; and

(b) To determine whether stock subscribers Walter G. Hall, Weyman H. D. Walker, Mrs. Patricia M. Derian, Hodding Carter III, and Charles Young, of Civic Communications Corp. can meet their respective stock subscription commitments; and

(c) To determine whether, in light of the evidence adduced pursuant to issues (a) and (b), the applicant is financially qualified.

[3] Also before the Board are the following related pleadings: (a) Motion to strike and opposition to joint petition to enlarge issues, filed July 13, 1970, by Civic; (b) comments on the joint petition and on (a), filed July 21, 1970, by the Broadcast Bureau; and (c) joint reply to (a) and (b), filed July 31, 1970, by Dixie, Jackson, and Channel 3. Civic's motion to strike will be denied. The issues requested in the joint petition are largely responsive to points raised for the first time by Civic in pleadings filed with the Commission on or about June 16, 1970. Striking the joint petition on procedural grounds, then, would be inappropriate. Cf. Martin Lake Broadcasting Co., 23 FCC 2d 721 n. 1, 19 RR 2d 277, 278 n. 1 (1970). Furthermore, good cause for the late filing of the petition has been shown, and it will therefore be considered on its merits. Chapman Radio and Television Co., 7 FCC 2d 557, 9 RR 2d 831 (1967).

[4] The letter of commitment from the Alvin State Bank to Civic states:

> This is our commitment to loan to Citizens Investment Co. $175,000 for its purpose in loaning that amount to you for use in construction and operation of your proposed television station in Jackson, Miss.
>
> Citizens Investment Co. has made arrangements with us for placement of collateral and other conditions which will enable us to make this commitment.

[5] See paragraph 3 of the Board's Memorandum Opinion and Order, FCC 70–R358, supra, 26 FCC 2d at 113, 20 RR 2d at 512.

[6] Earlier, in its June 16, 1970, opposition, Civic had asserted that because it proposed studio facilities comparable to those of the other applicants, a mortgage loan will be available to it under terms and conditions similar to those obtained by the other applicants.

[7] Petitioners request the addition of a "nondisclosure" issue; however, in our opinion, the allegations more properly concern "misrepresentation".

[8] In this connection, the following language from the explanation prefacing the questions in section III of Form 301 (Financial Qualifications of Broadcast Applicants) is significant:

> The Commission is seeking in the questions that follow information as to contracts and arrangements now in existence, as well as any arrangements or negotiations, written or oral, which relate to the present or future financing of the station; the questions must be answered in the light of this instruction.

[9] The logical extension of Civic's position would be that an applicant in a multiparty (comparative) proceeding need not establish his basic qualifications if a competing applicant establishes his. That this position is directly contrary to the Communications Act of 1934, as amended, and to the Commission's rules is obvious. Section 308(b) of the Communications Act; Integrated Communications Systems Inc. of Massachusetts (WREP), 25 FCC 2d 909, 20 RR 2d 290 (1970). Cf. Marbro Broadcasting, supra, where the Board held that if an applicant specifies a site in its application, and does not contact the owner of that site to inquire as to its availability until after the application is

Opinion and Order, FCC 70R-358, supra, paragraph 4, 26 FCC 2d at 113, 20 RR 2d at 512; Connecticut Coast Broadcasting Co., 7 FCC 2d 438, 442, 9 RR 2d 839, 844 (1967); Tri-City Broadcasting Co., 35 FCC 364, 1 RR 2d 81 (1963). In short, Civic's contention disregards the well-established statutory requirement that an applicant must establish his financial qualifications in order to be considered eligible for a broadcast license. Integrated Communications Systems, Inc. of Massachusetts (WREP), supra, note 9. An appropriate misrepresentation issue will therefore be added.

11. Civic's June 17, 1970, financial amendment. Petitioners aver that Civic's June 17 petition for leave to amend its application—to show a loan commitment of $725,000 from Citizens State Bank and one of $175,000 from Citizens Investment—stated that it was filed in response to Channel 3's and Dixie's May 22 petitions to enlarge issues; however, petitioners argue, the reexecuted letters are all dated May 15, 1970, and thus predate those petitions. Petitioners allege that this fact raises a serious question as to whether Civic has failed to disclose its revised financing in the hope that it would not be challenged. Petitioners further allege that this matter also warrants the addition of a Rule 1.65 issue because Civic waited 33 days to report to the Commission a significant change in its plan of financing.

12. In opposition to the requested nondisclosure and Rule 1.65 issues, Civic urges that its June 17 amendment does not significantly change its financial proposal, but merely demonstrates the method by which the $900,000 loan commitment from Citizens State Bank (which Civic originally had represented in an April 6 amendment was available to it) would be obtained in conformity with Texas banking laws and practice. The Bureau does not agree that Civic's change in "method" is outside the ambit of Rule 1.65; however, the Bureau avers that since the change was in fact reported, albeit 3 days late, the issue should not be added.

13. The requested issues will be denied. In our previous Memorandum Opinion and Order, supra, we accepted Civic's representation that its June 17 amendment is a demonstration of the method by which it had intended as of April 6 to obtain its proposed $900,000 bank loan from Citizens State Bank. FCC 70R-358, paragraph 6, 26 FCC 2d at 115, 20 RR 2d at 514. It is the Board's opinion that Civic's June 17 amendment does not involve a change in Civic's financial qualifications (i.e., it still has "reasonable assurance" of the availability of a total of $900,000 in bank loans); however, the June 17 amendment does involve a substantial change in the factual basis on which that conclusion rests. Prior to the amendment, the factual basis was a $900,000 loan commitment letter from one bank, Citizens State Bank; thereafter, the underlying support for the loan was loan commitment letters totaling $900,000 from Citizens State Bank and Citizens Investment. In addition, other Texas banks, heretofore undisclosed, would participate in the loan in accordance with Texas banking practice. We have held that where the factual bases of a proposal have substantially changed after filing of an application—even though the legal conclusion arising therefrom arguably remains constant—the change in factual bases should be reported pursuant to Rule 1.65. Media, Inc., 23 FCC 2d 729, 732, 19 RR 2d 268, 272 (1970). However, we believe that the instant situation does not fall within the purview of our holding in Media. We have not previously required that an applicant also submit letters of commitment from participating banks. See TVue Associates, Inc.[10] In addition, Civic has explained in its June 16 opposition that it relied upon our action in TVue in specifying its bank loan commitment.[11] In our opinion, Civic's reliance upon TVue was entirely reasonable and in good faith; and, in light of this circumstance, our holding in Media is inapposite. Furthermore, in our opinion, a nondisclosure issue relating to the isolated fact that the reexecuted loan commitment letters predate Channel 3's and Dixie's petitions is not warranted. The letters are merely evidence of Civic's April 6 plan of financing, and that plan was fully disclosed to the Commission in a manner consistent with Commission precedent.

14. *Walter G. Hall's participation in Civic affairs.* Petitioners allege that Walter G. Hall, a director and 18.1 percent stockholder of Civic, on April 3, 1970, committed Citizens State Bank to lend Civic $900,000 in return for assignment of accounts receivable of Civic's proposed station up to the amount of the loan. Petitioners aver that Hall has admitted in an affidavit dated June 15, that the April 3 bank loan commitment to Civic, signed by him, exceeded the amount that Texas statutory law allows to a single borrower, and that Hall has conceded, in an affidavit dated June 18, that he had not obtained approval from the bank's Board of Directors to make the commitment, which (petitioners allege) he, as a principal of the bank and of Civic, was required by Texas law to do. Petitioners argue that Hall's sworn disclosures indicate that, on April 3, Hall misrepresented his ability to issue a $900,000 bank loan commitment upon which Civic relies to meet expenses of construction and operation of its proposed facilities. Petitioners also argue that the April 3 loan commitment to Civic contemplates a violation of Texas State law in that the Alvin State Bank, which has a legal lending limit of $180,000 to a single borrower, proposes to lend Civic, a total of $355,000 ($175,000 through Citizens Investment plus a $180,000 direct loan); and, finally, that Hall's ability to claim assignment of Civic's accounts receivable up to the amount of the loan should the Civic application be granted warrants a real party-in-interest issue.

15. The Board is of the opinion that petitioners have failed to allege facts or circumstances not before us when similar requested issues were denied in our October 22, 1970, Memorandum Opinion and Order, supra. There, in declining to add a financial qualifications issue, we expressly relied upon Hall's representation, in his aforementioned affidavits, that his conduct in making the April 3 loan commitment to Civic was entirely consistent with established banking practice in Texas. Paragraph 6, FCC 70R-358, 26 FCC 2d at 115, 20 RR 2d at 514. In our view, petitioners have excerpted Hall's admission and his concession from the context of his overall representation concerning Texas banking practice. We therefore believe that, in the absence of a substantial challenge to Hall's overall representation, petitioners' requested misrepresentation issues are unwarranted. Similarly, we believe that, for reasons already stated in our Memorandum Opinion and Order, supra, a character qualifications issue relating to the loan commitments from the Alvin State Bank and a real party-in-interest issue relating to Hall's alleged ability to claim assignment of Civic's accounts receivable are not warranted. Paragraphs 6 and 15, 26 FCC 2d at 115 and 121, 20 RR 2d at 514 and 521, respectively.

16. *Accordingly, it is ordered,* That the motion to strike, filed July 13, 1970, by Civic Communications Corp., is denied; and

17. *It is further ordered,* That the joint petition to enlarge issues, filed July 6, 1970, by Dixie National Broadcasting Corp., Jackson Television, Inc., and Channel 3, Inc. is granted to the extent indicated below, and is denied in all other respects; and

18. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Civic Communications Corp. has misrepresented to the Commission the availability of a $300,000 mortgage loan, and, if so, whether such conduct reflects adversely on Civic Communications Corp.'s basic and/or comparative qualifications to be a Commission licensee.

19. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein will be on Dixie National Broadcasting Corp., Jackson Television, Inc., and Channel 3, Inc., and the burden of proof will be on Civic Communications Corp.

Adopted: December 21, 1970.

Released: December 24, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[12] Board Member Berkemeyer not participating.

[F.R. Doc. 71-38; Filed, Jan. 4, 1971; 8:47 a.m.]

filed, the addition of a character qualifications issue is warranted. 4 FCC 2d at 292, 8 RR 2d at 54. See also Radio Antilles, Inc., FCC 70R-259, released July 27, 1970, 19 RR 2d 802.

[10] 5 FCC 2d 419, 8 RR 2d 864 (1966). In this regard, see also Cherokee Broadcasting Co., 8 FCC 2d 138, 9 RR 2d 1277 (1967); and our Memorandum Opinion and Order, supra, 26 FCC 2d at 115, n. 9, 20 RR 2d at 515, n. 9.

[11] In TVue, where two principals of Civic were also involved, an applicant submitted a $700,000 loan commitment letter from Citizens State Bank. Petitioner argued that the amount exceeded Texas statutory authority and, therefore, that the bank could not make the loan. In refutation, respondent pointed to a Texas banking practice whereby statutory compliance is accomplished and the loan is available because other Texas banks are expected to participate in the loan when it is "taken down". We accepted respondent's refutation and held that the bank had made a valid $700,000 loan commitment. We relied upon TVue in our Memorandum Opinion and Order, supra, 26 FCC 2d at 115, 20 RR 2d at 514, to find that Civic has available a $900,000 bank loan commitment.

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, N.Y. 10004.

Agreement No. 7680-30, among the member lines of the American West African Freight Conference, will revise the conference agreement by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (Revised).

Dated: December 30, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-73; Filed, Jan. 4, 1971; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-6311, etc.]

AMERADA HESS CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 22, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6311 ..... D 11-19-70	Amerada Hess Corp. (Operator) et al., Post Office Box 2040, Tulsa, OK 74102 (partial abandonment).	Northern Natural Gas Co., Monument Field, Lea County, N. Mex.	(1)	.....
G-11952 ..... D 12-2-70	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	United Gas Pipe Line Co., acreage in Karnes County, Tex.	(2)	.....
G-12994 ..... D 8-19-69	Mobil Oil Corp. (Operator) et al.	Transcontinental Gas Pipe Line Corp., West Gueydan Field, Vermilion Parish, La.	Uneconomical	.....
G-12910 ..... D 10-19-70	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, TX 77001.	Cities Service Gas Co., acreage in Alfalfa County, Okla.	Depleted	.....
G-13633 ..... D 11-16-70	Pennzoil Producing Co. (Operator) et al., 900 Southwest Tower, Houston, TX 77002 (partial abandonment).	United Gas Pipe Line Co., Monroe Field, Ouachita, Union and Morehouse Parishes, La.	Uneconomical	.....
G-15424 ..... C 10-29-70 as amended 12-10-70	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	West Lake Natural Gasoline Co., South Lake Trammell and Nena Lucia Fields, Nolan County, Tex.	[2] 9.5	14.65
G-17113 ..... C 9-10-70 [3]	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Cities Service Gas Co., acreage in Texas County, Okla.	20.0	14.65
C161-1719 ..... E 11-23-70	Macpet (successor to William L. McKnight, d.b.a. Arrowhead Exploration Co.), 3700 Greenway Plaza Drive, Suite 425, Houston, TX 77027.	El Paso Natural Gas Co., acreage in Ochiltree County, Tex.	26.1138	14.65
C162-833 ..... C 11-16-70	Chevron Oil Co., Western Division, Post Office Box 599, Denver, CO 80201.	Lone Star Gas Co., Durant East Field, Bryan County, Okla.	17.90	14.65
C166-536 ..... 10-28-70 [4]	Texaco Inc. (Operator) et al., Post Office Box 52332, Houston, TX 77052.	Columbia Gulf Transmission Co., West Gueydan Field, Vermilion Parish, La.	18.7995	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-956..... E 10-28-70	Clark Oil Producing Co. (successor to Clark Oil & Refining Corp.), 2629 Humble Bldg., 800 Bell Avenue, Houston, TX 77002.	Mountain Fuel Supply Co., Ace Unit Area, Moffat County, Colo.	13.0	15.025
CI67-385..... E 11-12-70	Texas Oil & Gas Corp. (successor to Atlantic Richfield Co.), 2700 Fidelity Union Tower Bldg., Dallas, TX 75201.	El Paso Natural Gas Co., North Cox Field, Crockett County, Tex.	[1] 17.0638	14.65
CI67-822..... C 11-13-70	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, TX 75250.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	[2] 13.0	15.025
CI68-498..... C 11-16-70 [3]	Cabot Corp., Post Office Box 1101, Pampa, TX 79065.	United Gas Pipe Line Co., Block 773, Mustang Island Area, Nueces County, Tex.	[4] 17.0	14.65
CI68-512..... E 11-17-70	Bradley H. Keyes (successor to George E. Willett), Post Office Box 842, Aztec NM 87410.	El Paso Natural Gas Co., Pinon Fruitland Field, San Juan County, N. Mex.	13.0	15.025
CI69-269..... C 11-27-70	Spartan Gas Co., Post Office Box 766, Charleston, WV 25323.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI69-678..... E 11-16-70	L. S. Benge (successor to William M. Wiseman), Post Office Box 276, Goliad, TX 77963.	Transkline Gas Co., Maetze Field, Goliad County, Tex.	16.0	14.65
CI70-298..... C 11-4-70	Lyons Petroleum, 1590 Beck Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., Houma Field, Terrebonne Parish, La.	18.5	15.025
CI70-915..... C 12-1-70	Eason Oil Co., Post Office Box 18755, Oklahoma City, OK 73118.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	15.0	14.65
CI71-71..... (CI61-396) F 7-28-70 [5]	Texas Oil & Gas Corp. (Operator) (successor to Midwest Oil Corp.), 2700 Fidelity Union Tower, Dallas, TX 75201.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	18.5	14.65
CI71-284..... A 9-30-70 [6]	Commonwealth Gas Corp., 801 Union Bldg., Charleston, WV 25325.	United Fuel Gas Co., Grant District, Jackson County, W. Va.	32.0	15.325
CI71-349..... (G-6124) F 10-14-70	Garfield Gas Gathering Co. (successor to Harper Oil Co.), c/o Walker P. Sandlin, attorney, 722 Southwest 22d, Oklahoma City, OK 73109.	Cities Service Gas Co., Acreage in Oklahoma County, Okla.	12.0	14.65
CI71-377..... (CI64-1138) F 10-27-70 as amended 11-13-70	Getty Oil Co. (successor to Texaco Inc. (Operator), et al.), Post Office Box 1404, Houston, TX 77001.	El Paso Natural Gas Co., Fuller Gasoline Plant, Scurry County, Tex.	[11] 18.1553	14.65
CI71-383..... (CI61-650) F 10-29-70 [12]	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.), c/o Jack C. Caldwell, attorney, Post Office Box 592, Franklin, LA 70538.	Transcontinental Gas Pipe Line Corp., Lacy Field, St. Charles and St. John the Baptist Parishes, La.	20.625	15.025
CI71-410..... A 11-12-70	Rose F. Wilson, 810 Southeast Second Avenue, Aledo, IL 61231.	El Paso Natural Gas Co., Ballard Field, San Juan County, N. Mex.	10.0	15.025
CI71-411..... A 11-16-70	Texaco Inc., Post Office Box 60252, New Orleans, LA 70160.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 176 Field, Ship Shoal Area, Offshore La.	27.5	15.025
CI71-412..... B 11-16-70	E. G. Rodman, Post Office Box 3826, Odessa, TX 79760.	Northern Natural Gas Co., Harmon Field, Woodward County, Okla.	Depleted	.....
CI71-413..... B 11-16-70	Union Oil Co. of California, Union Oil Center, Los Angeles, CA 90017.	Cities Service Gas Co., Sterling Field, Comanche County, Okla.	Uneconomical	.....
CI71-414..... A 11-17-70	The Louisiana Land and Exploration Co., 225 Baronne Street, Post Office Box 60350, New Orleans, LA 70160.	Florida Gas Transmission Co., Jay Field, Santa Rosa County, Fla.	30.0	14.65
CI71-415..... B 11-17-70	Texas Gas Exploration Corp., 111 First City National Bank Bldg., Houston, TX 77025.	Texas Gas Transmission Corp., Graham Gas Field, Muhlenberg County, Ky.	[13]	.....
CI71-416..... B 11-17-70	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	United Fuel Gas Co., Northeast Rayne Field, Acadia Parish, La.	Depleted	.....
CI71-417..... B 11-18-70	Josaline Production Co. (Operator) et al., c/o Monnett, Hayes, Bullis, Grubb & Thompson, attorneys, 1719 First National Bldg., Oklahoma City, OK 73102.	Lone Star Gas Co., Sholem Alechem Field, Carter County, Okla.	Depleted	.....
CI71-419..... (CI63-1040) F 11-12-70	Consolidated Production Corp. (Operator) et al. (successor to R. J. Caraway (Operator) et al.), Suite 516, Hightower Bldg., Oklahoma City, OK 73102.	Arkansas Louisiana Gas Co., Manziel Field, Wood County, Tex.	13.4426	14.65
CI71-420..... (CI67-1772) F 11-13-70	Consolidated Production Corp. (Operator) et al. (successor to Texota Oil Co. (Operator) et al.).	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	15.0	14.65
CI71-421..... A 11-19-70	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	Gas Gathering Corp., Section 28, Donie Field, St. Martin Parish, La.	25.0	15.025
CI71-422..... A 11-19-70	Cabot Corp. (Operator) et al., Post Office Box 1101, Pampa, TX 79065.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Moreane Field, Beaver County, Okla.	[15] 18.5	14.65
CI71-423..... A 11-19-70	Dewey W. Waters and Victor Waters, The First National Bank, agent, Prestonburg, KY 41653.	United Fuel Gas Co., acreage in Floyd County, Ky.	27.0	15.325
CI71-424..... A 11-19-70	Kenmore Oil Co., Inc. (Operator) et al., 526 Whitney Bldg., New Orleans, LA 70130.	Florida Gas Transmission Co., West Addis Field, Iberville Parish, La.	25.0	15.025
CI71-425..... A 11-19-70	Pan American Petroleum Corp	Panhandle Eastern Pipe Line Co., Richfield Field, Morton County, Kans.	[16] 17.5	14.65
CI71-426..... (CI70-1078) F 11-16-70	Dugan Production Corp. (successor to Skelly Oil Co.), Post Office Box 234, Farmington, NM 87401.	Southern Union Gathering Co., Aztec-Pictured Cliffs Field, San Juan County, N. Mex.	[17] 13.0551	15.025
CI71-427..... (G-17559) F 11-16-70	do	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	[18] 14.0593	15.025
CI71-428..... (G-8317) F 11-16-70	do	El Paso Natural Gas Co., Fulcher-Kutz, Ballard, Gavilan and South Blanco Fields, San Juan and Rio Arriba Counties, N. Mex.	[19] 13.0551	15.025
CI71-429..... (CI65-404) F 11-16-70	do	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	[20] 14.0	15.025
CI71-430..... (G-17460) F 11-16-70	do	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	[21] 14.0	15.025
CI71-431..... (G-10965) F 11-16-70	do	El Paso Natural Gas Co., Ignacio-Blanco and South Blanco Fields, Rio Arriba County, N. Mex. and La Plata County, Colo.	[22] 15.0634	15.025
CI71-432..... (G-17548) F 11-16-70	do	El Paso Natural Gas Co., Gavilan, South Blanco, Ballard and Aztec Fields, San Juan and Rio Arriba Counties, N. Mex.	[18] 13.0551	15.025
CI71-433..... A 11-16-70	Claude Smith et al., Post Office Box 234, Farmington, NM 87401.	Southern Union Gathering Co., Fulcher Kutz Field, Pictured Cliffs Formation, San Juan County, N. Mex.	13.0551	15.025
CI71-434..... B 11-20-70	Herbert J. Schmitz	The Manufacturers Light and Heat Co., Luthersburg Field, Clearfield County, Pa.	Depleted	.....
CI71-435..... A 11-20-70	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Campbell State No. 1 Well, Reeves County, Tex.	[18] 26.5	14.65
CI71-436..... B 11-20-70	Cabot Corp	El Paso Natural Gas Co., The X Bar (Canyon) Field, Schleicher County, Tex.	Depleted	.....
CI71-437..... B 11-20-70	Sun Oil Co	Tennessee Gas Pipe Line Co., a division of Tenneco Inc., El Paual Field, Starr County, Tex.	Depleted	.....
CI71-438..... A 11-23-70	Texaco Inc	National Gas Pipeline Co. of America, Balko Field, Beaver County, Okla.	20.0	14.65
CI71-439..... A 11-23-70	Getty Oil Co	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle, Southwest quarter Block 63, Offshore Lafourche and Jefferson Parishes, La.	27.5	15.025

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI71-440..... A 11-23-70	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Natural Gas Pipeline Co. of America, Worsham Bayer Field, Reeves County, Tex.	[23] 27.0	14.65
CI71-441..... A 11-27-70	Solito Petroleum Co., 970 First National Office Bldg., Oklahoma City, OK 73102.	Panhandle Eastern Pipe Line Co., Northeast Keenan Field, Woodward County, Okla.	[24] 22.0	14.65
CI71-442..... A 11-27-70	do	do	[24] 22.0	14.65
CI71-443..... A 11-27-70	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Montana-Dakota Utilities Co., Slick Creek Unit Area, Washakie County, Wyo.	15.384	15.025
CI71-444..... A 11-27-70	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Block 63 (SW/4), Offshore La.	27.5	15.025
CI71-445..... A 11-30-70	Oil and Gas Futures, Inc. of Texas (Operator), 2200 South Post Oak Road, Houston, TX 77027.	Transcontinental Gas Pipe Line Corp., Acreage in Terrebonne Parish, La.	20.0	15.025
CI71-446..... A 12-1-70	Pan American Petroleum Corp	Transcontinental Gas Pipe Line Corp., Luby and Petronilla Fields, Nueces County, Tex.	[25] 16.0	14.65
CI71-447..... A 12-2-70	Shenandoah Oil Corp. (Operator) et al., 1500 Commerce Bldg., Fort Worth, TX 76102.	Northern Natural Gas Co., acreage in Ellis County, Okla.	[13] 23.5	14.65
CI71-448..... A 12-2-70	The Fundamental Oil Corp. (Operator) et al., 1900 One Main Place, Dallas, TX 75250.	United Gas Pipe Line Co., Southeast Houma Field, Terrebonne Parish, La.	21.5	15.025
CI71-449..... B 11-30-70	Sun Oil Co	United Gas Pipe Line Co., East Gibson Field, Terrebonne Parish, La.	Depleted	.....
CI71-450..... (G-4846) F 12-2-70	Dakota Mining & Development Corp. (successor to Alvin Wilson), Post Office Box 449, Carthage, TX 75633.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bethany Field, Panola County, Tex.	[26] 15.05625	14.65
CI71-451..... A 12-3-70	Atlantic Richfield Co	Natural Gas Pipeline Co., of America, Haley Unit, Evetts Field, Winkler and Loving Counties, Tex.	[13] 27.0	14.65
CI71-452..... A 11-30-70	Har-Ken Oil Co., Post Office Box 616, Owensboro, KY 42301.	Texas Gas Transmission Corp., St. Charles Field, Hopkins County, Ky.	15.0	15.025

[1] Partially abandons service due to decline in pressure.
[2] Deletes nonproductive leases.
[3] Rate in effect subject to refund in Docket No. RI70-52.
[4] Application previously noticed Oct. 6, 1970, in Docket No. G-3617, et al., at a rate of 17 cents per Mcf. By letter filed Dec. 10, 1970, applicant amended its application to reflect a rate of 20 cents per Mcf in lieu of 17 cents, pursuant to Opinion No. 586.
[5] Application to amend certificate to include the interest of W. E. Walker et al., in the Zwan RA Sand Unit "A" and the Zwan RA Sand Unit "B" created by Louisiana Department of Conservation.
[6] By motion filed Dec. 10, 1970, applicant requests that this rate be made effective subject to refund in Docket No. RI69-787.
[7] Base price is 15.2869 cents per Mcf; however, applicant states its willingness to accept certificate at the rate of 13 cents per Mcf.
[8] Application to amend certificate to include the interest acquired from Texas Gas Exploration Corp., et al.
[9] Rate in effect subject to refund in Docket No. RI70-141.
[10] Application previously noticed Aug. 10, 1970, in Docket No. G-9963 et al., at a rate of 17 cents per Mcf. By letter filed Dec. 9, 1970, applicant requested certificate at 18.5 cents per Mcf, area ceiling rate prescribed by Opinion No. 586.
[11] Application previously noticed Oct. 15, 1970, in Docket No. G-6061 et al., at a rate of 30 cents per Mcf. By amendment filed Nov. 18, 1970, applicant amended its application to provide for area ceiling rate of 32 cents per Mcf.
[12] Rate in effect subject to refund in Docket No. RI70-201. Also subject to orders in Dockets Nos. RI68-458 and RI68-461.
[13] Application previously noticed Dec. 3, 1970, in Docket No. G-5716, et al., at a rate of 18.5 cents per Mcf. Applicant filed revised contract summary to reflect a rate of 20.625 cents per Mcf in lieu of 18.5 cents.
[14] Conveyed interest to Texas Gas Transmission Corp.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Contract price is 22 cents per Mcf; however, Applicant requests certificate at 17.5 cents per Mcf for casinghead gas, as prescribed by Opinion No. 586.
[17] Rate in effect subject to refund in Docket No. RI71-177.
[18] Rate in effect subject to refund in Docket No. RI69-362.
[19] Rate in effect subject to refund in Docket No. RI69-389.
[20] Rate in effect subject to refund in Docket No. RI70-19.
[21] Rate in effect subject to refund in Docket No. RI69-362.
[22] For gas delivered at 500 p.s.i.g. in New Mexico; rate shall be 13.0551 cents per Mcf for gas delivered at 250 p.s.i.g. in New Mexico; and 15 cents per Mcf for gas delivered in Colorado. Rates in effect subject to refund in Docket No. RI69-389.
[23] Contract provides for rate of 25 cents per Mcf; however, Applicant agrees to accept certificate at 16 cents per Mcf.
[24] Rate in effect subject to refund in Docket No. RI70-685.

[F.R. Doc. 71-2; Filed, Jan. 4, 1971; 8:45 a.m.]

[Docket No. G-4820, etc.]

TEXACO, INC., ET AL.

Findings and Order After Statutory Hearing

DECEMBER 21, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing and terminating proceedings, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Marine Properties, Inc., applicant in Docket No. G-10833, proposes to continue the sale of natural gas heretofore authorized in said docket to be made by H. T. Shalett pursuant to H. T. Shalett and David Crow FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Marine Properties, Inc. et al. The presently effective rate under the subject rate schedule is in effect subject to refund in Docket No. RI67-112, and applicant has filed a motion to be substituted in lieu of H. T. Shalett as co-respondent together with an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be substituted as co-respondent; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Clinton Oil Co. (Operator) et al., as applicant in Docket No. CI60-66 proposes to continue in toto the sale of natural gas heretofore authorized in said docket to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 250 and, as applicant in Dockets Nos. CI71-129 and CI71-130, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G-17008 and G-11033, respectively, to be made pursuant to Humble Oil & Refining Co. (Operator) et al., FPC Gas Rate Schedules Nos. 144 and 118, respectively. Humble's FPC Gas Rate Schedule No. 250 will be redesignated as that of applicant and the contracts comprising Humble's FPC Gas Rate Sched-

ules Nos. 118 and 144 will also be accepted for filing as rate schedules of applicant. The present rate under Humble's FPC Gas Rate Schedule No. 250 is in effect subject to refund in Docket No. RI70-870 and the present rate under Humble's FPC Gas Rate Schedules Nos. 118 and 144 is in effect subject to refund in Docket No. RI70-869. Therefore, applicant will be made co-respondent in said proceedings and the proceedings will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Alfred C. Glassell, Jr., as applicant in Docket No. CI71-149, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI65-630 to be made pursuant to Continental Oil Co. FPC Gas Rate Schedule No. 292 and, Alfred C. Glassell, Jr. (Operator) et al., as applicant in Docket No. G-6947, proposes to continue in toto the sale of natural gas heretofore authorized in said docket to be made pursuant to Continental Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 82. Continental's FPC Gas Rate Schedule No. 82 will be redesignated as a rate schedule of applicant and the contract comprising Continental's FPC Gas Rate Schedule No. 292 will also be accepted for filing as a rate schedule of applicant. The present rates under Continental's FPC Gas Rate Schedules Nos. 82 and 292 are in effect subject to refund in Dockets Nos. RI70-440 and RI70-439, respectively. Applicant has filed a motion to be made co-respondent in said proceedings, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceedings. Therefore, applicant will be made co-respondent; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, Applicants in Docket No. CI71-176, propose to continue in part the sale of natural gas heretofore authorized in Docket No. G-5303 to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 36. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicants. The present rate under Skelly's rate schedule is in effect subject to refund in Docket No. RI69-130. Therefore, applicants will be made co-respondents in said proceeding; the proceeding will be redesignated accordingly; and applicants will be required to file an agreement and undertaking to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by The People of The State of California and The Public Utilities Commission of the State of California was filed in Docket No. CI67-1847. Said intervention has been withdrawn. El Paso Natural Gas Company filed a petition to intervene in Docket No. CI70-48, but by letter filed November 30, 1970, indicates that it has no objection to issuance of authorization for the sale from additional acreage subject to refund in Docket No. RI69-374. No other petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on December 17, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. C171-152 and C171-337 should be canceled and that the applications filed therein should be treated as petitions to amend the certificates heretofore issued in Dockets Nos. G-6947 and CI61-93, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Dockets Nos. RI67-106 and RI69-306 should be severed from the proceedings in Docket No. AR64-1 et al., and terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Marine Properties, Inc., should be substituted in lieu of H. T. Shalett as co-respondent in the proceeding pending in Docket No. RI67-112; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Marine Properties, Inc., in said proceeding should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Clinton Oil Co. (Operator) et al., should be made a co-respondent in the proceedings pending in Dockets Nos. RI70-869 and RI70-870 and that said proceedings should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Alfred C. Glassell, Jr., should be made a co-respondent in the proceedings pending in Dockets Nos. RI70-439 and RI70-440; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted in said proceedings should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, should be made co-respondents in the proceeding pending in Docket No. RI69-130; that said proceeding should be redesignated accordingly; and that they should be required to file an agreement and undertaking.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. CI63-708, CI67-1847, CI71-129, CI71-130, and CI71-341 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rates, whichever are lower. Within 45 days from the date of this order Applicant in Dockets Nos. CI71-129 and SI71-130 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(b) The initial rates for sales authorized in Dockets Nos. CI71-176, CI71-306, and CI71-328 shall be the applicable area base rates prescribed in Opinion No. 586, as adjusted for quality of gas, or the contract rates, whichever are lower. Within 90 days from the date of initial delivery applicants shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI63-708, CI67-1847, CI71-129, CI71-130, CI71-176, CI71-306, CI71-328, and CI71-341 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, and Opinion No. 586, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) No increases in rates shall be filed by Applicants in Dockets Nos. CI71-176, CI71-306, and CI71-328 prior to July 1, 1977, at any price which would exceed the ceiling for the Hugoton-Anadarko area, except as permitted by Opinion No. 586.

(e) In the event that any amounts are collected in excess of the applicable area rate, as adjusted for quality of the gas, applicant in Docket No. CI63-708 shall refund to Northern Natural Gas Co., with interest at the rate of 7 percent per annum, all excess amounts so collected from the date of initial delivery.

(f) The rate for sales authorized in Dockets Nos. CI63-1095, CI70-897, and CI71-294 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(g) The initial rate for the sale authorized in Docket No. CI71-202 shall be 16 cents per Mcf at 14.65 p.s.i.a.

(h) The initial rate for the sale authorized in Docket No. CI71-236 shall be 20 cents per Mcf at 14.65 p.s.i.a. Applicant may file a notice of change in rate in accordance with the provisions of section 4(d) of the Natural Gas Act.

(i) Sales from the added acreage in Docket No. CI70-48 shall be made at a rate subject to refund in Docket No. RI69-374.

(j) Sales from the added acreage in Docket No. CI71-84 shall be made at a rate subject to refund in Docket No. RI60-460. Acceptance of the October 1, 1970, letter agreements does not constitute acceptance of the rate provided therein and a notice of change must be filed pursuant to § 154.94 of the regulations under the Natural Gas Act in order to effect the rate provided for therein.

(k) The initial rate for the sale authorized in Docket No. CI71-321 shall be 25.45 cents per Mcf at 15.025 p.s.i.a. subject to refund in Docket No. RI70-938 for gas produced from the newly discovered reservoirs.

(l) The authorization granted in Docket No. CI64-1464 shall be subject to Opinion No. 586.

(E) Applicant in Docket No. CI63-708 shall file three copies of a billing statement for the first month's service for each of the added acreage supplements; and applicant in Docket No. CI70-1052 shall file three copies of a billing statement reflecting the proposed rate of 28 cents per Mcf at 15.325 p.s.i.a. for the added acreage as required by the regulations under the Natural Gas Act.

(F) Dockets Nos. CI71-152 and CI71-337 are canceled.

(G) The order issuing a certificate in Docket No. G-4820 is amended to revise average daily contract quantity, extend the contract term and provide for price schedule to apply during extended term pursuant to the agreement dated October 3, 1968.

(H) The orders issuing certificates in Dockets Nos. G-7009, G-11120, CI63-708, CI63-743, CI63-1095, CI63-1162, CI67-1847, CI70-48, CI70-129, CI70-897, CI70-1052, and CI71-84 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-5303	CI71-176
G-7177	CI71-321
G-11033	CI71-130
G-12273	CI70-48
G-15472	CI71-236
G-17008	CI71-129
CI60-492	CI71-84
CI60-569	CI71-45
CI65-259	CI71-306
CI65-630	CI71-149
CI70-112	CI71-323

(J) The orders issuing certificates in Dockets Nos. G-6947, G-10833, CI60-66, CI61-93, CI64-1464, CI64-1550, and CI65-791 are amended to reflect the successors in interest as certificate holders.

(K) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonment in Docket No. CI71-308 shall not be construed to relieve applicant of any refunds obligations in the proceedings pending in Dockets Nos. CI61-586, RI63-168, and RI65-231.

(M) Permission for and approval of the abandonment in Docket No. CI71-326 shall not be construed to relieve applicant of any refund obligations in the proceedings pending in Dockets Nos. G-3498, G-16600, and G-18414.

(N) The certificate heretofore issued in Docket No. CI64-474 is terminated only with respect to sales made pursuant to Hazel Woodford et al., FPC Gas Rate Schedule No. 2.

(O) The certificates heretofore issued in Dockets Nos. G-3498, G-15500, CI61-586, CI61-1006, and CI64-1418 are terminated.

(P) The proceedings pending in Dockets Nos. RI67-106 and RI69-306 are severed from the proceedings in Docket No. AR61-1 et al., and are terminated.

(Q) Marine Properties, Inc., is substituted in lieu of H. T. Shalett as co-respondent in the proceeding pending in Docket No. RI67–112; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Marine Properties, Inc., in said proceeding is accepted for filing. Marine Properties, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(R) Clinton Oil Co. (Operator) et al., is made a co-respondent in the proceedings pending in Dockets Nos. RI70–869 and RI70–870 and said proceedings are redesignated accordingly. Clinton Oil Co. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(S) Alfred C. Glassell, Jr., is made a co-respondent in the proceedings pending in Dockets Nos. RI70–439 and RI70–440; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by him in said proceedings is accepted for filing. He shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(T) John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, are made co-respondents in the proceeding pending in Docket No. RI69–130 and said proceeding is redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(U) Within 30 days from the date of this order, John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI69–130 to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(V) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–4820 ..... 10–5–70 [1]	Texaco, Inc.	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria County, Tex.	Agreement 10–3–68	91	9
G–7069 ..... D [2]	Cities Service Oil Co.	United Fuel Gas Co., acreage in Pike, Perry, and Letcher Counties, Ky.	Assignment 2–3–69 [3]	235	22
			Assignment 7–17–69	235	23
			Assignment 8–29–69	235	24
			Assignment 5–1–70	235	25
			Assignment 5–1–70	235	26
			Assignment 7–6–70	235	27
			Assignment 5–9–70	235	28
			Effective dates: Same as dates of assignments.		
G–10833 ..... E 7–29–70	Marine Properties, Inc., et al. (successor to H. T. Shalett & David Crow).	Southern Natural Gas Co., Bear Creek Field, Bienville Parish, La.	H. T. Shalett & David Crow, FPC GRS No. 1.	1	
			Supplements Nos. 1–5	1	1–5
			Notice of succession 7–29–70		
			Conveyance 1–2–70	1	6
			Effective date: 7–1–69		
G–11120 ..... D [2]	Cities Service Oil Co.	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	Sublease agreement 1–24–69 [4]	274	16
			Effective date: 1–24–69		
C160–66 ..... E 8–7–70	Clinton Oil Co. (Operator) et al. (Successor to Humble Oil & Refining Co.)	El Paso Natural Gas Co., Figure Four Canyon Unit, Sublette County, Wyo.	Humble Oil & Refining Co., FPC GRS No. 250.	42	
			Supplements Nos. 1–10	42	1–10
			Notice of succession 8–5–70		
			Assignments 2–26–70 [5]	42	11
			Effective date: 1–1–70		
C161–93 ..... (C171–337) E 10–16–70 [6]	The Ohio Fuel Supply Co. (Successor to R. E. Crawford)	Panhandle Eastern Pipe Line Co., Hugoton Field, Texas County, Okla.	R. E. Crawford, FPC GRS No. 2.	6	
			Notice of succession 10–12–70.		
			Assignment 8–1–70	6	1
			Effective date: 8–1–70		
C163–708 ..... C 7–1–70	C R A, Inc. [7]	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	Supplemental agreement 12–2–63 [8] [9]	49	15
C 7–1–70	do	do	Supplemental agreement 1–20–64 [8] [9]	49	16
C 7–1–70	do	do	Supplemental agreement 4–22–64 [8] [9]	49	17
C 7–1–70	do	do	Supplemental agreement 4–23–64 [8] [9]	49	18
C 7–1–70	do	do	Supplemental agreement 6–15–64 [8] [9]	49	19
C 7–1–70	do	do	Supplemental agreement 10–1–65 [8] [9]	49	20
C163–741 ..... C 9–22–70	Forest Oil Corp. (Operator) et al.	Clinton Oil Co., East Blackwell Field, Kay County, Okla.	Amendment 11–13–69 [9]	28	7
C163–1065 ... C 9–17–70	Union Texas Petroleum, a division of Allied Chemical Corp., et al. [10]	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Amendment 7–15–70 [9]	72	4
C163–1162 ... D 3–12–70	Humble Oil & Refining Co.	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Assignment 3–13–69 [9]	327	18
C164–1464 ... E 9–8–70	Herman Geo. Kaiser (successor to Sohio Petroleum Co.).	Plateau Natural Gas Co., Sparks Field, Stanton County, Kans.	Sohio Petroleum Co., FPC GRS No. 101.	12	
			Supplement No. 1	12	1
			Notice of succession 9–2–70		
			Assignment 8–25–70	12	2
			Effective date: 8–1–70		
C164–1550 ... E 9–3–70	Mack R. Worl (et al., d.b.a. Waco Industries (successor to Ray A. Jones).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Ray A. Jones, FPC GRS No. 3.	2	
			Supplement No. 1	2	1
			Notice of succession 8–18–70		
			Assignment 2–14–70	2	2
			Effective date: 12–14–70		
C165–701 ... E 9–3–70	....do	Consolidated Gas Supply Corp., acreage in Gilmer County, W. Va.	Ray A. Jones, FPC GRS No. 4.	3	
			Supplement No. 1	3	1
			Notice of succession 8–18–70		
			Assignment 2–14–70	3	2
			Effective date: 2–14–70		
C 167–1847 ... C 7–2–70	Tamarack Petroleum Company, Inc. [10]	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Supplemental agreement 6–16–70 [10]	15	7
			Quality statement 6–17–70	15	1–7
C 8–7–70			Amendatory agreement 6–17–70 [10]	15	8
			Supplemental agreement 8–4–70 [10]	15	9
C170–48 ..... (G–12273) C 6–3–70	Tenneco Oil Co.	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, San Juan County, N. Mex.	Conveyance 10–9–67 [9]	257	4
			Effective date: 10–9–67		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C170–129 ..... D [2]	Cities Service Oil Co.	Consolidated Gas Supply Corp., Glades District, Kanawha County, W. Va.	Assignment 10–10–69 [4]	318	1
			Assignment 1–1–70 [5]	318	2
			Assignment 8–28–70 [5]	318	3
			Effective date: 6–1–70		
C170–567 ..... G 8–5–70	Royal Resources Corp. [2]	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Amendment 6–1–70	1	3
			Amendment 8–1–70	1	4
C170–1062 ..... C 9–8–70	Syndex, Inc., et al.	Equitable Gas Co., acreage in Gilmer County, W. Va.	Letter agreement 7–7–70 (Deletes to Contract No. 6857).	2	
C171–45 ..... (C160–569) F 9–8–70	Rock Hill Industries, Inc. (successor to Alfred E. McEane et al.)	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	Contract 8–1–56 [3]	1	
			Assignment 4–1–70 [5]	1	
			Effective date: 4–1–70		
F C171–84 ..... (C160–442) C 10–14–70	Jerome P. McHugh, et al.	El Paso Natural Gas Co., Horseshoe Gallup Field, San Juan County, N. Mex.	Assignment 2–6–70 [3]	2	2
			Assignment 2–28–70 [5]	2	3
			Effective date: 8–31–70		
C171–121 ..... (G–17066) F 8–7–70	Clinton Oil Co. (Operator) et al. (successor to Humble Oil & Refining Co.).	El Paso Natural Gas Co., Anasazi-Tippett Field, Upton County, Tex.	Letter agreement 10–1–70 [5]	2	1
			Effective date: 11–14–70		
C171–130 ..... (G–11033) F 8–7–70	do	El Paso Natural Gas Co., Anasazi-Tippett Field, King Mountain Fields, Upton County, Tex.	Contract 3–26–46 [6]	1	1
			Letter agreement 3–26–46	1	2
			Amendment 7–24–47	1	3
			Letter agreement 6–7–49	1	4
			Amendment 6–7–49	1	5
			Amendment 4–6–54	1	6
			Letter agreement 6–19–58	1	7
			Amendment 3–11–59	1	8
			Amendment 3–11–59	1	9
			Partial release 2–28–62	1	10
			Letter agreement 8–29–63	1	11
			Assignment 7–3–69 [4]	1	12
			Assignment 7–3–69 [4]	218	13
C171–149 ..... (C165–699) F 8–17–70	Alfred C. Glassell, Jr. (successor to Continental Oil Co.).	Lone Star Gas Co., Fort Worth Basin Field, Panola County, Tex.	Contract 9–30–44 [3]	6	1
			Assignment 1–1–70 [5]	6	2
			Effective date: 1–1–70		
C171–152 ..... (G–4967) E 8–14–70 [1]	Alfred C. Glassell, Jr. (Operator) et al. (successor to Continental Oil Co.).	Texas Gas Transmission Corp., East Carthage Field, Panola County, Tex.	Contract 8–14–56 [3]	4	1
			Assignment Nos. 1–9	4	1–9
			Notice of succession 8–12–70		
			Conveyance 1–1–70	4	10
			Effective date: 1–1–70		
C171–156 ..... (G–5300) F 8–24–70	John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr. Trust No. 1 (successor to Skelly Oil Co.).	Kansas-Nebraska Natural Gas Co., Inc., Kansas Dugeton Field, Finney County, Kans.	Contract 11–3–53	51	1
			Letter agreement 6–8–56	51	2
			Agreement 6–8–56	51	3
			Letter Agreement 6–19–64	51	4
			Assignment 7–6–70	51	5
			Assignment 7–6–70	51	6
			Assignment 7–6–70	51	7
			Effective date: 7–1–70		
C171–205 ..... A 8–5–70	Houston Oil & Minerals Corp. (Operator), et al.	United Gas Pipe Line Co., West Wesselette Field, Goliad County, Tex.	Contract 6–25–70	12	1
			Compliance 9–22–70 [11]	12	
C171–230 ..... (G–15427) F 9–10–70	Standard Producing Corp. (successor to Associated Tank Co.).	Trunkline Gas Co., Alta Loma Field, Galveston County, Tex.	Contract 5–14–58 [3]		
			Letter agreement 1–20–59		
			Amendment 2–25–70		
			Assignment 3–31–70	1	5
			Effective date: 3–1–70		
(G–15427)			Assignment 2–20–70 [5]	318	10
C171–276 ..... A 9–23–70	Phillips Petroleum Co. (Operator), et al., d.b.a. Poverty Gas Co.	Equitable Gas Co., De Kalb District, Gilmer County, W. Va.	Contract 6–23–64 [3]	1	1
			Amendment 9–20–46	1	2
			Assignment 7–13–70 [4]	1	3
			Effective date: 7–13–70		
C171–280 ..... (CI61–1066) B 10–1–70	Rounds & Stewart Natural Gasoline Co., Inc. (Operator).	Cities Service Gas Co., Tallgate-Peru Field, Marion County, Kans.	Notice of Cancellation 9–25–70, [4] [12]	1	4

[1] Amendment to the certificate to reflect terms of amendatory agreement dated Oct. 3, 1968.
[2] Acreage certificate filed pursuant to Commission Order No. 419, issued Oct. 21, 1970, in Docket No. R–389–B, et al., whereby sales would be covered by small producer certificate pursuant to § 157.40 of the regulations.
[3] From Cities Service Oil Co. to J. W. Kluger (Supplements Nos. 22 through 28).
[4] From Cities Service Oil Co. to Mid-East Oil Co.
[5] Eight similar assignments from Humble to Clinton.
[6] Application for permanent certificate authorization filed as a petition to amend the certificate in Docket No. CI61–93 and Docket No. CI71–337 will be terminated.
[7] By letter dated Sept. 16, 1970, applicant agreed to accept permanent authorization conditioned as Opinion Nos. 468 and 468–A.
[8] Sales being rendered without prior Commission authorization. Applicant was unaware that its predecessor, Brookhaven Oil Co., had failed to obtain amendments to the basic contract, dated Nov. 16, 1965.
[9] Effective date: Date of initial delivery or 60 days from filing date, whichever is later (or as indicated).
[10] Applicant filed for contract rate of 19 cents, however, by letter dated Oct. 19, 1970, applicant agreed to accept a permanent certificate conditioned to the area ceiling rate of 15 cents.
[11] Conveys nonproductive acreage to Petroleum, Inc.

[12] Effective date: Date of this order.
[13] Kaiser is filing for the contractual rate of 14.5 cents. The 14.5 cents proposed rate is presently being collected subject to refund in Docket No. R169-302 under Sohio's FPC GRS No. 101, said rate does not exceed the area base rate established by Opinion No. 586. Therefore, the rate proceeding in Docket No. R169-302 will be severed from the proceedings in Docket No. AR64-1 et al., and will be terminated.
[14] By letter filed Aug. 19, 1970, applicant agreed to accept permanent authorization conditioned as Opinions Nos. 468 and 468-A.
[15] Adds casinghead gas.
[16] Amends the Feb. 23, 1955 contract with respect to the liquid content of the casinghead gas.
[17] From Pan American Petroleum Corp. to Tenneco. Acreage dedicated to Mar. 15, 1967 contract on file as Pan American Petroleum Corp. (Operator), et al., FPC GRS No. 195.
[18] From Cities Service Oil Co. to Allen Beard.
[19] From Cities Service Oil Co. to Harry A. Holtom.
[20] Contract rate is 16 cents, however, applicant states willingness to accept permanent authorization at 15 cents.
[21] Between Alfred E. McLane et al., and El Paso; on file as Estate of Alfred E. McLane et al., FPC GRS No. 3.
[22] From Dixie M. McLane Trust and Lewis Chandler to Rock Hill Industries, Inc.
[23] From Gulf Oil Corp. (covered under Gulf's FPC GRS No. 190) to Dugan Production Corp.
[24] From Dugan Production Corp. to Jerome P. McHugh.
[25] Pertains to gas covered by the original application.
[26] Pertains to gas covered by the application to amend.
[27] On file as Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 144.
[28] Assigns acreage from Humble to Clinton Oil Co.
[29] On file as Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 118.
[30] Between Continental Oil Co. and the purchaser. Also on file as Continental's FPC GRS No. 292.
[31] By letter dated Dec. 4, 1970, applicant advised the Commission that the application filed on Aug. 14, 1970, is a complete succession rather than a partial succession, therefore, the application in Docket No. C171-152 will be treated as a petition to amend the certificate in Docket No. G-9847 and Docket No. C171-152 will be canceled.
[32] Also on file as Skelly Oil Co., FPC GRS No. 36.
[33] From Skelly Oil Co. to applicant.
[34] Accepts temporary certificate issued. Applicant agrees to accept a permanent certificate at the rate of 16 cents.
[35] Partial successor to Phillips Petroleum Co. Associated Tank Co. never made certificate filing covering the subject acreage.
[36] Contract between Phillips Petroleum Co. and Trunkline Gas Co. Currently on file as Phillips Petroleum Co. (Operator) et al., FPC GRS No. 318.
[37] Transfers acreage from Phillips Petroleum Co. to Associated Tank Co.
[38] Transfers acreage from Associated Tank Co. to Standard Producing Corp.
[39] No certificate filing made or necessary. Rate filing submitted Mar. 30, 1970
[40] Between James A. Tierney Development Co. and Pittsburgh and West Virginia Gas Co. (now Equitable Gas Co.). Sale being rendered on June 7, 1954, by predecessor.
[41] From predecessor to applicant.
[42] Production of gas no longer economically feasible.
[43] Rate of 16 cents is being collected subject to refund in Docket No. R167-106, said rate is below the applicable just and reasonable rate established by Opinion No. 586. Therefore, the rate proceeding in Docket No. R167-106 will be severed from the proceedings in Docket No. AR64-1 et al., and will be terminated.
[44] Contract provides for rate of 19 cents per Mcf, however, applicant states willingness to accept a permanent certificate at 15 cents per Mcf.
[45] On file as Southwest Oil Industries, Inc., FPC GRS No. 1.
[46] Source of gas depleted.
[47] Between Gulf Oil Corp. and United Gas Pipe Line Co.; on file as Gulf Oil Corp. (Operator) et al., FPC GRS No. 74.
[48] Assigns acreage from Gulf to Howard Berry from 7,669 feet to 7,500 feet (The Eufaw A and B Zones).
[49] Notice of change in rate reflecting operator's currently effective rate subject to refund.
[50] Other sales covered under the certificate in Docket No. C164-474, therefore, the certificate in said docket will be terminated only with respect to applicant's FPC GRS No. 2.
[51] On file as John H. Hill FPC GRS No. 11.
[52] Assigns acreage from John H. Hill to applicant.
[53] Applicant has stated its willingness to accept a permanent certificate conditioned as Opinion Nos. 468 and 468-A.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent ------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 19--.

(Name of respondent)

By ----------

Attest:

[F.R. Doc. 71-1; Filed, Jan. 4, 1971; 8:45 a.m.]

[Docket No. RP71-86]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Proposed Changes in Rates and Charges

DECEMBER 30, 1970.

Notice is hereby given that Kentucky West Virginia Gas Co. (Kentucky West Virginia) an affiliate of Equitable Gas Co., on December 29, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective February 15, 1971. The proposed changes would increase rates and charges to jurisdictional customers by $1.8 million per year, based upon sales for the year ended August 31, 1970, as adjusted. The proposed increases would be applicable to the company's Rate Schedule S-1, covering sales for resale to its two jurisdictional customers, Equitable Gas Co. and United Fuel Gas Co.

Kentucky West Virginia states that the principal reasons for the rate increase filing are: (1) The claimed need for an 8.5 percent rate of return; (2) the need for sufficient revenues to finance the continuing new investment in production facilities required to maintain the present level of gas deliveries; (3) its claimed need for an income tax allowance, whereas none has been claimed before, due to the amendments to the Internal Revenue Code with respect to statutory depletion; (4) increases in the cost of purchased gas reflecting the new rate levels in Appalachian Rate Order No. 411; and (5) increases in operating expense, depreciation, depletion, and amortization expense.

Kentucky West Virginia requests deferral or waiver of the requirement for filing Statement P (written testimony) required by § 154.63 (b) (3), and (f) and that the Commission permit the rate increase to become effective without suspension.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-33; Filed, Jan. 4, 1971; 8:46 a.m.]

[Docket No. CP71-161]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

DECEMBER 28, 1970.

Take notice that on December 18, 1970, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-161 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of one compressor unit of the 4,500 horsepower class on its gas supply line extending to the Woodward and Laverne Areas of Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that, by reason of new gas purchase contracts it has entered into and the development of additional reserves under older contracts, it must expand the capacity of its system extending to the Woodward and Laverne Areas to enable it to transport to its southwest main line system the volumes of gas it is obligated to purchase. To obtain the increase in capacity, Applicant proposes to install, at an estimated cost of $1,981,350, a compressor unit of the 4,500 horsepower class at a new compressor station to be located on the Woodward gas supply line in Comanche County, Kans. Applicant proposes no additional sales and states that it will finance the facilities with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-57; Filed, Jan. 4, 1971; 8:49 a.m.]

[Docket No. RP71-44]

OKLAHOMA NATURAL GAS GATHERING CO.

Order Permitting Rate Increase Filing To Become Effective Without Suspension

DECEMBER 29, 1970.

On November 20, 1970, Oklahoma Natural Gas Gathering Co. (Gas Gathering) tendered for filing a proposed change in its FPC Gas Tariff[1] to be effective as of January 1, 1971. The filing proposes to increase the level of rate to Oklahoma Natural Gas Co. (Oklahoma Natural) and Cities Service Gas Co. (Cities Service) by 1.31 cents per Mcf (from 18.5¢ to 19.81¢) under Rate Schedules Nos. 1 and 2. The proposed change would increase jurisdictional revenues by approximately $570,000 per annum based on operations for the 12-month period ended August 31, 1970. In its filing Gas Gathering states that it would reduce its rates to track rate reductions of its supplier's rates which are currently under review and would flow-through any refunds which it may receive from such suppliers including any interest associated with such refunds.

In support of its filing, Gas Gathering states that the filing is made solely to track the rate increases of its suppliers. Because it is a tracking filing Gas Gathering requests waiver of § 154.63(e)(6) of the Commission's regulations under the Natural Gas Act as such relates to the filing of an opinion statement by an independent accountant.

[1] Original Volume No. 1, Original Sheets Nos. 1 through 57 inclusive.

Notice of the proposed change was issued by the Commission on December 2, 1970, and no protests or petitions to intervene have been received.

Analysis of the cost of service and revenue data submitted with the filing indicates that after giving effect to the proposed increased rate the overall earned rate of return would be 6.42 percent. We find that the proposed increased rate has been supported and should be permitted to become effective as requested.

The Commission orders:

(A) The increased rates contained in the tariff sheets listed above as filed by Gas Gathering on November 20, 1970, are hereby accepted to be effective as of January 1, 1971.

(B) Gas Gathering's petition for waiver of § 154.63(e)(6) is hereby granted.

(C) During the period that the rates hereby made effective shall remain in full force and effect, Gas Gathering shall make rate reductions and refunds to reflect rate reductions and refunds of its suppliers as provided in its filing.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against Gas Gathering or any other persons affected by the rates hereby permitted to be effective.

By the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-58; Filed, Jan. 4, 1971; 8:49 a.m.]

[Docket No. CP62-59]

PACIFIC GAS TRANSMISSION CO.

Notice of Petition To Amend

DECEMBER 28, 1970.

Take notice that on December 17, 1970, Pacific Gas Transmission Co. (petitioner), 245 Market Street, San Francisco, CA 94106, filed in Docket No. CP62-59 a petition to amend the order of the Commission in this docket dated April 6, 1962 (27 FPC 671), as amended, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner, for an additional 3-year period, to construct and operate taps and metering facilities to enable applicant to deliver at points in Idaho, Washington, and Oregon natural gas which it will transport in its pipeline for El Paso Natural Gas Co. (El Paso), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued in Docket No. G-17350 et al. (24 FPC 134), petitioner is authorized to transport for El Paso natural gas received by El Paso at the international boundary in Idaho. By order issued in the instant docket, petitioner was authorized to construct and operate facilities and to deliver natural gas for El Paso's account to El Paso's Northwest Division customers along petitioner's pipeline in Idaho, Washington, and Oregon. The latter authorization, as amended, expired on December 2, 1970. Petitioner requests that this authorization be extended for 3 years, until December 2, 1973.

Applicant states that the cost of each new delivery point will not exceed $25,000, and will be borne by El Paso.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-59; Filed, Jan. 4, 1971; 8:50 a.m.]

[Docket No. RP71-49, etc.]

TEXAS EASTERN TRANSMISSION CORP.

Order Permitting Tracking of Purchase Gas Increase, Subject to Effectiveness of Supplier Rate Increase and Consolidating Proceedings

DECEMBER 29, 1970.

Texas Eastern Transmission Corp. (Texas Eastern) on November 30, 1970, tendered for filing proposed changes in its FPC Gas Tariff Second Revised Volume No. 1,[1] to become effective on January 1, 1971. Texas Eastern requests waiver of section 154 of the Commission's regulations to permit the filing of the proposed tariff sheets.

The proposed changes in rates would result in an estimated increase in jurisdictional revenues of approximately $196,000 annually, based on the adjusted test period sales volumes ended on December 31, 1969. This is in addition to the increased jurisdiction revenues

[1] 2d Revised Sheet No. 10B; 5th Revised Sheets Nos. 25, 57; 8th Revised Sheet No. 10A; 9th Revised Sheets Nos. 12A, 65L; 12th Revised Sheets Nos. 28A, 44B; 13th Revised Sheets Nos. 7, 9, 10, 13; 15th Revised Sheets Nos. 65G, 65H; 16th Revised Sheets Nos. 14, 16, 17, 19, 23, 30, 32, 33, 35, 39, 41, 44, 46, 48, 49, 51, 55, 85B, 65F; 17th Revised Sheets Nos. 27, 56, 59; 18th Revised Sheet No. 24; and 19th Revised Sheet No. 61.

of $60,150,000[2] in Docket No. RP70–29 which were placed into effect subject to refund on November 1, 1970. The subject rate increase tracks the rate increase filed by Southern Natural Gas Co. (Southern) on June 16, 1970, and amended on November 20, 1970, in Docket No. RP70–38. Southern's proposed rate increase has been suspended until January 1, 1971, or such later date as it is made effective in the manner prescribed by the Natural Gas Act.

Texas Eastern proposes that the increased rates be effective January 1, 1971, or such other date as the increased rates proposed by Southern in RP70–38 become effective.

Since Texas Eastern's rates are presently the subject of proceedings in Dockets Nos. RP70–29 and RP71–12, it appears appropriate that the proposed rate increase in Docket No. RP71–49 be consolidated with the RP70–29 and RP-71–12 proceedings.

The Commission finds: Good cause exists for waiving section 154 of the Commission's regulations to permit the filing of the proposed revised tariff sheets.

The Commission orders:

(A) Section 154 of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the above listed tariff sheets, to be effective as of January 1, 1971, or such other date as the increases proposed by Southern in Docket No. RP70–38 become effective, subject to any orders heretofore issued in Docket No. RP70–29 and such orders which hereafter may be issued in these consolidated proceedings.

(B) Docket No. RP71–49 is hereby consolidated with Dockets Nos. RP70–29 and RP71–12, for purposes of hearing and decision.

By the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71–61; Filed, Jan. 4, 1971; 8:50 a.m.]

[Project No. 190]

UINTAH POWER AND LIGHT CO. AND MOON LAKE ELECTRIC ASSOCIATION, INC.

Notice of Application for Transfer of License for Constructed Project

DECEMBER 29, 1970.

Public notice is hereby given that application for approval of transfer of license by Uintah Power and Light Co. and Moon Lake Electric Association, Inc., from the former to the latter (correspondence to: Elliott Lee Pratt, Attorney for Uintah Power and Light Co. and Moon Lake Electric Association, Inc., 351 South State Street, Salt Lake City, UT 84111), for the constructed Pole Creek Project No. 190, located in Duchesne County, Utah, and affecting lands of the United States within Ashley National Forest and Indian tribal lands within the Uintah and Ouray Reservations.

According to the application, under a recent agreement between the applicants, the approval of which is being petitioned for before the Utah Public Service Commission, the system and assets of Uintah, including Project 190, will be transferred to Moon Lake.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71–62; Filed, Jan. 4, 1971; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Ameribanc, Inc., St. Joseph, Mo., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The American National Bank of St. Joseph, and the successor by merger to Belt National Bank of St. Joseph, both in St. Joseph, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Ameribanc, Inc., St. Joseph, Mo., for the Board's approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The American National Bank of St. Joseph, and the successor by merger to Belt National Bank of St. Joseph, both in St. Joseph, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Deputy Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16572), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved; *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] December 28, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71–69; Filed, Jan. 4, 1971; 8:48 a.m.]

BARCLAYS BANK D.C.O.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Barclays Bank D.C.O., London, England (which presently owns more than 25 percent of the voting stock of one bank), for approval of action to become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Barclays Bank of New York, New York, N.Y., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barclays Bank D.C.O., London, England (a subsidiary of Barclays Bank, Ltd., London, England, a registered bank holding company) which presently owns more than 25 percent of the voting shares of Barclays Bank of California, San Francisco, Calif., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of all (less directors' qualifying shares) of the voting shares of Barclays Bank of New York, New York, N.Y., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banking for the State of New York and requested his views and recommendation. The Superintendent responded that he had no objection to the proposal.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[2] As reduced by $4,303,586 in Docket No. RP71–12.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 13, 1970 (35 F.R. 17451), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That this approval shall remain in effect only so long as Barclays Bank D.C.O. remains a subsidiary of Barclays Bank, Ltd., and provided that the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order: *And provided further*, That (c) Barclays Bank of New York shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] December 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71–70; Filed, Jan. 4, 1971; 8:48 a.m.]

BARCLAYS BANK, LTD.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barclays Bank, Ltd., London, England, for approval of indirect acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Barclays Bank of New York, New York, N.Y., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barclays Bank, Ltd., London, England, a registered bank holding company as a result of its control of banks in the United States, for the Board's prior approval of the indirect acquisition—through its subsidiary, Barclays Bank D.C.O., London, England—of 100 percent of the voting shares (less directors' qualifying shares) of Barclays Bank of New York, New York, N.Y., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banking for the State of New York and requested his views and recommendation. The Superintendent responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 13, 1970 (35 F.R. 17451), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the application so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order: *And provided further*, That (c) Barclays Bank of New York shall be opened for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] December 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71–71; Filed, Jan. 4, 1971; 8:49 a.m.]

EXCHANGE BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Exchange Bancorporation, Inc., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of Exchange Bank of North Winter Haven, Winter Haven, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, December 28, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71–67; Filed, Jan. 4, 1971; 8:48 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of State Bank of Mayville, Mayville, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly out-

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Sherrill. Absent and not voting: Chairman Burns and Governors Maisel and Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Sherrill. Absent and not voting: Chairman Burns and Governors Maisel and Brimmer.

weighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

By order of the Board of Governors, December 29, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc 71-68; Filed, Jan. 4, 1971; 8:48 a.m.]

SOUTHEAST BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Bancorporation, Inc., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Deerfield Beach Bank and Trust Co., Deerfield Beach, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3), and application by Southeast Bancorporation, Inc., Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Deerfield Beach Bank and Trust Co., Deerfield Beach, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 17, 1970 (35 F.R. 16345), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the second largest banking organization in Florida, controls 11 banks which hold combined deposits of approximately $841 million, representing close to 7 percent of total deposits held by Florida's commercial banks. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank, Applicant's control of deposits in the State would rise to 7.2 percent.

The relevant banking market is considered to be the northern one-third of Broward County, which includes the cities of Pompano Beach, Lighthouse Point, and Deerfield Beach, and that portion of Palm Beach County which contains the city of Boca Raton. The market is one of the most rapidly growing areas in Florida. Bank, with deposits of $39.5 million, is the smallest among five banking organizations in the relevant banking area, and holds 12.6 percent of commercial bank deposits there. It is reported that five charter applications have been filed seeking to establish new banks in the market. In addition, one new State bank has received charter approval.

Although Applicant is dominant in Dade County, which is to the south of Broward County, Applicant's area of dominance is 60 miles from Bank and no significant competition now exists between Bank and Applicant's Dade County subsidiaries. Applicant's subsidiary located closest to Bank is in Fort Lauderdale, 15 miles south of Bank and, according to the record, derives only a minimal amount of business from Bank's service area. Because of the distances involved and the traffic patterns in the areas concerned, the location of 27 banks in the area intervening between Bank and Applicant's closest subsidiary, the indications that deconcentration will be effected in the relevant market by virtue of the establishment of new banks, and the fact that Florida law prohibits branch banking, it appears that consummation of the proposal herein would not result in the elimination of any significant present competition nor the foreclosure of any significant potential competition between Bank and any of Applicant's subsidiaries. On the record before the Board, considerations relating to the financial condition, management, and prospects of Applicant, its present subsidiaries and Bank are consistent with approval of the application. All banking needs of the North Broward area appear to be served adequately. However, a future need for increased bank services seems likely; and consummation of the proposed acquisition would enable Bank to provide expanded and improved services. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[1] December 28, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 71-72; Filed, Jan. 4, 1971 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

GROWTH BUSINESS FUNDS, INC.

Notice of Application for License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), under the name of Growth Business Funds, Inc., Home Federal Building, 2100 East Hallandale Beach Boulevard, Hallandale, FL 33009, for a license to operate in the State of Florida as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors are as follows:

Alan J. Leinwand, 460 Poinciana Drive, Hallandale, FL 33009, President, General Manager, and Director.

Sheldon Shaffer, 1000 North Lake Drive North, Hollywood, FL 33020, Vice President and Director.

Aaron Schecter, 3424 Pierce Street, Hollywood, FL 33020, Vice President, Director, and Assistant Secretary.

Herbert Warren Goldblatt, 1010 Diplomat Drive, Hallandale, FL 33009, Treasurer and Director.

Paul Bernard Anton, 920 Adams Street, Hollywood, FL 33020, Secretary and Director.

Robert David Rapaport, Casa Bendita, Palm Beach, FL 33480, Director.

There are no persons or concerns owning 10 or more percent of the licensee's stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations. Generally, the company will emphasize equity investments with particular attention to growth potentials whenever it is practicable. It will render management consulting services to

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

clients and other small business concerns. Also, it will conduct its operations principally in the State of Florida.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Miami, Fla.

JAMES THOMAS PHELAN, *Acting Associate Administrator for Investment.*

DECEMBER 18, 1970.

[F.R. Doc. 71-31; Filed, Jan. 4, 1971; 8:46 a.m.]

[Delegation of Authority No. 30-H (Region II), Amdt. 2]

CHIEF, PROCUREMENT AND MANAGEMENT ASSISTANCE DIVISION, REGION II

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-H, 35 F.R. 11603, as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority 30-H (Region II) 35 F.R. 12805, as amended (35 F.R. 18351), is hereby further amended by revising Item I.J., to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs.* • • •

J. *Chief, Procurement and Management Assistance Division.* 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

• • • • • •

Effective date: October 30, 1970.

CARLOS A. VILLAMIL, *Regional Director, Region II.*

[F.R. Doc. 71-30; Filed, Jan. 4, 1971; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 31]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 24, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(0)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 572), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed December 16, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction of Rockside Road and Interstate Highway 77 over Interstate Highway 77 to access at Miller Road, thence over Miller Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction the Ohio Turnpike at Interchange No. 11, thence over the Ohio Turnpike to junction Interstate Highway 80 at Exit No. 15, thence over Interstate Highway 80 to junction Interstate Highway 680, thence over Interstate Highway 680 to Youngstown, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: between Cleveland, Ohio, and Youngstown, Ohio, over U.S. Highway 422.

No. MC-109780 (Deviation No. 32), CONTINENTAL TRAILWAYS, INC. (Central Division), 300 South Broadway Avenue, Post Office 730, Wichita, KS 67201, filed December 15, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Joliet, Ill., over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Illinois Highway 53, near Gardner, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), approximately 14 miles north of Joliet, Ill., thence over Illinois Highway 53 via Joliet, Wilmington, Godley, and Gardner, Ill., to junction U.S. Highway 66, and return over the same route.

No. MC-109780 (Deviation No. 33), CONTINENTAL TRAILWAYS, INC. (Central Division), 300 South Broadway Avenue, Post Office Box 730, Wichita, KS 67201, filed December 15, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 54 and Interstate Highway 80, located 1.6 miles south of Harvey, Ill., over Interstate Highway 80 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 6 to Harvey, Ill. (also from Hammond over Shibley Boulevard to Harvey), thence over U.S. Highway 54 to Kankakee, Ill., and return over the same route.

No. MC-109780 (Deviation No. 35), CONTINENTAL TRAILWAYS, INC. (Central Division), 300 South Broadway Avenue, Post Office Box 730, Wichita, KS 67201, filed December 15, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Kankakee, Ill., over Illinois Highway 17 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction U.S. Highway 54, located 1.3 miles west of Onarga, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as

follows: From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 6 to Harvey, Ill. (also from Hammond over Shibley Boulevard to Harvey), thence over U.S. Highway 54 via Kankakee, Ill., to junction Illinois Highway 115, thence over Illinois Highway 115 to junction U.S. Highway 54, thence over U.S. Highway 54 to Fullerton, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-9; Filed, Jan. 4, 1971; 8:45 a.m.]

[Notice 219]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 28, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43685 (Sub-No. 15 TA), filed December 21, 1970. Applicant: MERCER TRUCKING CO., INC., Box 475, Greenacres, WA 99016. Applicant's representative: George R. LaBissoniere, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and contractors' equipment, materials and supplies* which because of their size or weight require the use of special equipment, between Spokane, Wash., on the one hand, and, on the other, points in Idaho, Oregon, Montana, and Washington, for 180 days. Supporting shippers: Bower Machinery Co., Inc., Terminal Box 2807, Spokane, WA 99220; Air Mac, Inc., East 3710 Trent Avenue, Spokane, WA 99220; Barber Engineering, North 1404 Regal, Spokane, WA 99202; Riblet Tramway Co., Box 5220, Spokane, WA 99205; Andrews Equipment Service of Washington, Inc., East 4620 Trent Avenue, Spokane, WA 99220; and Ziegler Lumber Co., North 4110 Market Street, Spokane, WA 99207. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 112520 (Sub-No. 230 TA) filed December 21, 1970. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Adel, Ga., to points in Florida, for 180 days, Supporting shipper: Cotton Producters Association, Post Office Box 2210, Atlanta, GA 30301. Send protests to: District Supervisor G. H, Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 123613 (Sub-No. 8 TA) filed December 21, 1970. Applicant: CLAREMONT MOTOR LINES, INC., Post Office Box 296, Highway 64-70 East, Claremont, NC 28610. Applicant's representative: Bill R. Davis, 1919 Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Hickory, Newton, Conover, Claremont, Catawba, Maiden, Lenoir, Granite Falls, Hudson, Joyceton, Lincolnton, Taylorsville, Morganton, Drexel, Valdese, Hildebran, Ashville, Marion, Shelby, Rutherfordton, Mocksville, N.C., and points within 10 miles of each, to points in Michigan and points in New York and Pennsylvania on and west of U.S. Highway 11, for 180 days. Supporting shippers: There are approximately 39 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 Morehead Street, Charlotte, NC 28202.

No. MC 124796 (Sub-No. 81 TA), filed December 22, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., Post Office Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and packaged foodstuffs*, from Chicago, Melrose Park, and Carol Stream, Ill., to points in Florida (except Jacksonville) and Texas (except Dallas); (2) *toilet preparations, toilet articles, germicides, buffing and polishing compounds; cleaning, scouring, and washing compounds; solvents; starch; sponges; sweetening compounds; drugs, janitorial supplies, and advertising materials*, from Chicago, Melrose Park, and Carol Stream, Ill., to points in Florida and Texas; and (3) *returned shipments* of the commodities described in (1) and (2) above, from points in the destinations stated above, to Chicago, Melrose Park, and Carol Stream, Ill. Restricted to a transportation service to be performed under a continuing contract, or contracts, with Alberto-Culver Co., for 150 days. Supporting shipper: Alberto-Culver Co., 2525 West Armitage Avenue, Melrose Park, IL 60160. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 125433 (Sub-No. 22 TA), filed December 21, 1970. Applicant: F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit pipe containing asbestos and cement together with accessories*, coupling, fitting made of plastic and rubber, when traveling as part of the same shipment from Stockton, Calif., to points in Wyoming, for 180 days. Supporting shipper: Johns-Manville Products Corporation of California, Post Office Box 1587, Stockton, CA. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 129631 (Sub-No. 15 TA), filed December 21, 1970. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Idaho and Montana, to points in Arizona and from points in Coconino, Navaja, Apache, and Yavapai Counties, Ariz., to points in Utah, for 180 days. Supporting shippers: Boise Cascade Corp., Post Office Box 7747, Boise, ID 83707; Davidson Lumber Sales, Inc., 145 West Central Avenue, Salt Lake City, UT 84107; Forest Products Sales, 31 East 33d South, Salt Lake City, UT 84115; Kaibab, Post Office Box 20506, Phoenix, AZ 85036. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 133741 (Sub-No. 7 TA) filed December 21, 1970 Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton and Evanston, Wyo., to points in Iowa, Illinois, and Missouri, for 180 days. Supporting shipper: Star Studs, Inc., Post Office Box 517, Afton, WY 83110. Send protests to: District Supervisor P. A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc 71-8; Filed, Jan. 4, 1971; 8:45 a.m.]

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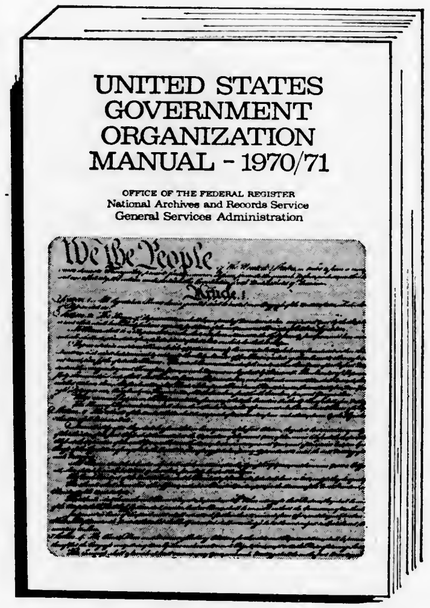

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Under the authority of § 301.80–2 of the Witchweed Quarantine regulations, 7 CFR 301.80–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.80–2a, is hereby amended as follows:

(A) In § 301.80–2a relating to the State of North Carolina, under generally infested areas, in the counties of Richmond and Wayne, the following properties are added in alphabetical order as follows:

NORTH CAROLINA

(1) *Generally infested area.* • • •

Richmond County. • • •

The Terry, Tom, farm located on both sides of State Secondary Road 1442 and 0.3 mile northeast of its junction with State Secondary Road 1477.

• • • • • •

Wayne County. • • •

The Grant, Maggie, estate located on the west side of North Carolina Highway 111 and 1.1 miles south of the junction of State Secondary Road 1730 with said highway.

• • • • • •

(B) In § 301.80–2a relating to the State of North Carolina, under suppressive areas, in the counties of Johnston, Lenoir, and Wilson, the following properties are added in alphabetical order as follows:

NORTH CAROLINA

• • • • • •

(2) *Suppressive area.* • • •

Johnston County. • • •

The Oliver, Mrs. Beulah, farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

• • • • • •

Lenoir County. The Barwick, Wilson, farm located in the northwest junction of State Secondary Roads 1333 and 1332.

• • • • • •

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

• • • • • •

Wilson County. • • •

The Harrison, J. W. Heirs, farm located 1.5 miles north of Sims on the south side of State Secondary Road 1302, 0.8 mile east of the intersection of State Secondary Roads 1302 and 1301.

• • • • • •

(C) In § 301.80–2a relating to the State of South Carolina, under suppressive areas, in the county of Chesterfield, the following property is added in alphabetical order as follows:

SOUTH CAROLINA

• • • • • •

(2) *Suppressive area.* • • •

The Curry, Henry, Estate farm located on the south side of State Secondary Highway 337 and 1 mile southeast of its junction with State Secondary Highway 144.

• • • • • •

(D) In § 301.80–2a relating to the State of North Carolina, under suppressive areas, all of Montgomery County is deleted, and the following property in Brunswick County is deleted:

The Register, A. M., farm located at the end of a dirt road 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.

(E) In § 301.80–2a relating to the State of South Carolina, under suppressive areas, all of Lee County is deleted.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.80–2)

The Director of the Plant Protection Division has determined that witchweed infestations have been found or that there is reason to believe they exist in the civil divisions, parts of civil divisions, or premises in the quarantined States listed above, or that it is necessary to regulate such areas because of their proximity to witchweed infestations or their inseparability for quarantine enforcement purposes from witchweed infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Accordingly, such civil divisions, parts of civil divisions, and premises listed above are designated as witchweed regulated areas.

The purpose of this amendment is to delete from regulation the entire counties of Montgomery in North Carolina and Lee in South Carolina, and the A. M. Register farm located in Brunswick County, N.C. In addition, the regulated area has been extended in the previously regulated counties of Johnston, Lenoir, Richmond, Wayne, and Wilson in North Carolina, and Chesterfield in South Carolina.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to this amendment are impracticable and unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 31st day of December 1970.

J. F. SPEARS,
Acting Director,
Plant Protection Division.

[F.R. Doc. 71–160; Filed, Jan. 5, 1971; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years

IDENTIFICATION OF RICE

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to remove the provision requiring each person who buys or acquires rice to obtain the names and addresses of all producers in the county who are ineligible for price support. The price support procedure currently provides for this information to be furnished as necessary.

Since rice harvest is substantially completed in the rice producing areas, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this amendment shall become effective as provided herein.

The Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years (32 F.R. 8666, as amended) is amended as follows:

Section 730.17 is amended by revising the second and third sentences thereof to read as follows:

§ 730.17 **Identification of rice by buyer.**

• • • In addition, before acquiring any rice, each person who buys or acquires rice shall obtain from the county committee of each county where the rice being offered to him was produced, or from the State executive director, a list showing (a) the serial number of each farm in the county which is subject to

a penalty and (b) the names and addresses of all producers who were engaged in the production of rice on such farm in the year for which the penalty was determined. If there are no farms in the county subject to a penalty for the current year's crop or a previous crop, the list shall so state.

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 30, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 71-159; Filed, Jan. 5, 1971; 8:50 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1971 CROP RICE, AND APPORTIONMENT OF 1971 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

The provisions of §§ 730.1501 to 730.1503 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1971 crop of rice. The purpose of these provisions is to (1) proclaim that marketing quotas shall be in effect for the 1971 crop of rice, (2) establish the national acreage allotment for such crop, and (3) apportion the national acreage allotment among the States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14620), in accordance with the provisions of 5 U.S.C. 553. Data, views and recommendations were submitted pursuant to such notice and consideration was given thereto to the extent permitted by law.

It is essential that these provisions be made effective as soon as possible, since the proclamation of quotas is required to be made not later than December 31, 1970, and a referendum to determine whether rice producers favor or oppose the quotas must be held within 30 days after proclamation of the quotas. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interests and §§ 730.1501 to 730.1503 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1501 Marketing quotas for the 1971 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1970, is determined to be 99.3 million hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 93.8 million hundredweight (rough basis). Since the total supply of rice for the 1970–71 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect for the 1971 crop of rice.

§ 730.1502 National acreage allotment of rice for 1971.

(a) The normal supply of rice for the marketing year commencing August 1, 1971, is determined to be 93.2 million hundredweight (rough basis). The carryover of rice on August 1, 1971, is estimated at 12.5 million hundredweight. Therefore, the production of rice needed in 1971 to make available a supply of rice for the 1971–72 marketing year equal to the normal supply for such marketing year is 80.7 million hundredweight. The national average yield of rice for the 5 calendar years 1966 through 1970 is determined to be 4,397 pounds per planted acre. The national acreage allotment of rice for 1971 computed on the basis of the normal supply for 1971, less estimated carryover, and the national average yield per planted acre for the 5 calendar years, 1966 through 1970, is 1,836,461 acres.

(b) Since this amount is more than the total acreage allotted in 1956, which is the minimum national acreage allotment prescribed by section 353(C)(6) of the act, the national allotment for rice for the calendar year 1971 shall be 1,836,461 acres.

§ 730.1503 Apportionment of 1971 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1502, less a reserve of 679 acres, is hereby apportioned among the several rice-producing States as follows:

State		Acres
Arizona		254
Arkansas		443,331
California		333,054
Florida		1,063
Illinois		22
Louisiana:		
Farm Administrative Area	508,923	
Producer Administrative Area	18,833	
State total		527,756
Mississippi		51,858
Missouri		5,286
North Carolina		43
Oklahoma		166
South Carolina		3,163
Tennessee		575
Texas		469,211
Total apportioned to States		1,835,782
Unapportioned national reserve		679
U.S. total		1,836,461

(Secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 29, 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-17654; Filed, Dec. 30, 1970; 4:44 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1971

On page 18918 of the FEDERAL REGISTER of December 12, 1970, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1971 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1971. Interested persons were given until December 24, 1970, to submit written data, views, or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Effective date: January 1, 1971.

Signed at Washington, D.C., on December 30, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1971. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the Government.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1971, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1971.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1971 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1971.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1971 is 135,000 short tons, raw value, and a quota of 135,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1971.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1971 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (33 F.R. 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1971 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area. Furthermore, pursuant to section 211(c) of the Act sugar may be unladed from a carrier and brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged pursuant to S.R. 816 to the applicable respective local quota.

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1970, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 36,000 short tons of sugar, raw value, and 125,000 short tons of sugar, raw value, respectively.

Based on preliminary 1970 U.S. Census data the population of Hawaii and Puerto Rico as of April 1, 1970, was 748,575 and 2,689,932, respectively.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1960 through 1969 the annual sugar consumption in this area has varied from approximately 88 to 138 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1971 than in the 12 months ended September 30, 1970, when sugar marketings approximated 36,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1970, marketings of sugar for local consumption totaled approximately 125,000 short tons, raw value. After making allowance for possible consumption increases in 1971 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1971 may be approximately 135,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1971 local quota is not completely filled. It is therefore, desirable to establish the 1971 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1971 have been determined to be 50,000 and 135,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 201, 203, 209, 211; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121)

[F.R. Doc. 71-94; Filed, Jan. 5, 1971; 8:46 a.m.]

[Sugar Reg. 814.9]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

Calendar Year 1971

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of establishing preliminary allotments of a portion of the 1971 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1971, until the date allotments of such quota are prescribed for the full calendar year 1971 on the basis of a subsequent hearing.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that approximately 905,000 tons of 1969 and 1970 crop sugar will remain to be marketed after January 1, 1971. This quantity of sugar, along with production of sugar from 1971 crop sugarcane, will result in a supply of sugar available for marketing in 1971 sufficiently in excess of the 1971 quota that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R 6). The inventories of sugar on January 1, 1971, together with production in early 1971, may make it possible for some allottees to market shortly after January 1, 1971, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments to be effective, be in effect on January 1, 1971. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this order shall be effective on January 1, 1971.

Preliminary statement. Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 21, 1970 (35 F.R. 17953), of a public hearing to be held at Washington, D.C., in Room 4711, South Building, on December 3, 1970, beginning at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Administrator, ASCS, (1) to affirm, modify, or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient, and equitable allotments of a portion of the 1971 quota for the Mainland Cane Sugar Area for the period January 1, 1971, until the date the Secretary prescribes allotments of such quota for the calendar year 1971 based on a subsequent hearing.

The hearing was held at the time and place specified in the notice of hearing and testimony was received with respect to the subject and issues referred to in the hearing notice. In arriving at the findings, conclusions, and the regulatory provisions of this order all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which porportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketings of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugar beets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That • • • the marketing allotments of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, • • •: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, floods, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any area served by the factory or factories of such person. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made. • • •

The necessity for allotment of the 1971 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1971 exceeds the quota that may be established and that in the absence of allotments disorderly marketings would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R 6, 7).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1971 until most allottees have completed processing of 1970 crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1971. On the basis of estimated 1971 effective sugar inventories of individual processors, it appears that no processor will market in excess of his final 1971 allotments early in 1971 assuming the allotment method used for determining final 1971 allotments is the same as that used in 1970. However, there is a possibility that the 1970 crop production of an individual processor, due to unforeseen circumstances, might be at such a high level that an allottee's marketings of sugar early in the year might exceed his final allotment.

The Department of Agriculture proposed at the hearing that for the period January 1, 1971, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, the preliminary 1971 allotment for each allottee be established at the larger of 75 percent of each allottee's respective 1970 allotment for the area which became effective on August 15, 1970, pursuant to Sugar Regulation 814.8, Amendment 2 (35 F.R. 13003), or the respective allotee's estimated January 1, 1971, effective inventory which cannot be marketed within the allottee's 1970 marketing allotment.

The witness representing all the processors in the Mainland Cane Sugar Area concurred in the proposal made by the representative of the Department.

The proposal by the Government witness included provisions as to the latest dates for the submission of inventory data to be used in determining allotments, and also, included a provision whereby the allotment order could be revised to substitute revisions of estimated inventories.

The method for determining preliminary allotments of a portion of the 1971 Mainland Cane Sugar Area quota adopted herein as set forth in the accompanying findings and conclusions follows the proposal of the Government witness that would establish minimum preliminary allotments which would permit all processors to market their January 1, 1971, effective inventories which could not be marketed within 1970 allotments. Other provisions included in this allotment order also were apparently agreeable to all interested persons and follow the proposal made by the Government witness. It has been determined that preliminary 1971 allotments for each individual processor established at the higher of 75 percent of his 1970 allotment or his estimated January 1, 1971, effective inventory would not permit any allottee to market sugar early in 1971 in excess of the final 1971 allotment for such allottee which will be established on the basis of a subsequent hearing.

The hearing record contains proposals to include in the order to become effective January 1, 1971, paragraphs essentially the same as paragraphs (b), (c), and (d) of § 814.8, Sugar Regulation 814.8, Amendment 2 (35 F.R. 13003) (R 11).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1971 Mainland cane sugar processors will have available for marketing from 1970 crop sugarcane approximately 905,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1971 crop sugarcane, will result in a supply of sugar available for marketing in 1971 sufficiently in excess of the anticipated 1971 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1971 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1971 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1970 crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1971 quota effective January 1, 1971, to prevent any allottee from marketing a quantity of sugar larger than eventually may be allotted to it when the entire 1971 quota is allocated.

(4) The findings in (3), above, require that effective for the period January 1, 1971, until the date allotments of the 1971 calendar year Mainland Cane Sugar Area quota are prescribed on the basis of a subsequent hearing, the preliminary allotment of the 1971 Mainland Cane Sugar Area quota for each allottee shall be established at the larger of 75 percent of its 1970 allotment which became effective on August 15, 1970, pursuant to Sugar Regulation 814.8, Amendment 2 (35 F.R. 13003), or the respective allottee's estimated January 1, 1971, effective inventory, which could not be marketed within its 1970 marketing allotment. Official notice will be taken of production reports received from allottees of their estimated January 1, 1971, effective inventories by letters or written reports postmarked not later than December 24, 1970, when they became official records of the Department. Subsequent to the issuance of this initial order official notice will be taken of all revised and corrected January 1, 1971, inventory data when they become part of the official records of the Department.

(5) January 1, 1971, effective inventories of sugar are physical inventories of sugar on January 1, 1971, plus sugar produced from 1970 crop sugarcane in 1971. Such estimated January 1, 1971, effective inventories of sugar in short tons, raw value, which could not be marketed under 1970 marketing allotments are shown as follows for each named allottee.

Cajun Sugar Co-op., Inc	24,184
Cora-Texas Manufacturing Co., Inc	8,288
St. James Sugar Co-op., Inc	20,822
South Coast Corp	56,930
Atlantic Sugar Association, Inc	27,075
Florida Sugar Corp	20,377
Glades County Sugar Growers Co-op., Association	40,410
Gulf+Western Food Products Co., Division of Gulf+Western Industries, Inc	75,892
Osceola Farms Co	46,545
Sugarcane Growers Co-op. of Florida	97,806
Talisman Sugar Corp	46,727
U.S. Sugar Corp	195,861

The allotment established for each such named allottee in this order is not less than such listed quantity. The individual preliminary allotments for all other allottees determined at 75 percent of each allottee's 1970 allotment as provided in finding (4) above exceeds their respective estimated January 1, 1971, effective inventories.

(6) Consideration has been given to the statutory factors "processings," "past marketings," and "ability to market" in establishing allotments of the 1971 sugar quota for the Mainland Cane Sugar Area as set forth in finding (4) above.

(7) No allotments shall be established herein for the former allottee, Young's Industries, Inc., which does not plan to market sugar during 1971.

(8) Gulf & Western Food Products Co., a Division of Gulf & Western Industries, Inc., shall succeed to all rights of South Puerto Rico Sugar Co., incident to allotments of the Mainland Cane Sugar Area Quota and Southdown Lands, Inc., shall succeed to all rights of Southdown, Inc., incident to allotments of the Mainland Cane Sugar Area Quota.

(9) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(10) Only sugar produced from 1970 or earlier crops of sugarcane may be marketed under allotments established herein.

(11) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such cane as he would normally process, if operating, is processed by other allottees.

(12) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1971 Mainland Cane Sugar Area quota.

(13) For the period January 1, 1971, until the date allotments of the Mainland Cane Sugar Area quota for the 1971 calendar year are prescribed on the basis of a subsequent hearing, the allotments established in the foregoing manner provide a fair, efficient, and equitable distribution of such quota and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered:*

§ 814.9 Allotment of the 1971 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1971, until the date allotments of the 1971 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, on the basis of a subsequent hearing, the 1971 quota of 1,186,667 tons for the Mainland Cane Area is hereby allotted in part, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw Value)
Albania Sugar Co	8,544
Alma Plantation, Ltd	10,153
J. Aron & Co., Inc	12,429
Billeaud Sugar Factory	9,467
Breaux Bridge Sugar Co-op	8,691
Wm. T. Burton Industries, Inc	6,239
Caire & Graugnard	5,444
Cajun Sugar Co-op., Inc	24,184
Caldwell Sugars Co-op., Inc	13,704
Columbia Sugar Co	6,995
Cora-Texas Manufacturing Co., Inc	8,288
Dugas & LeBlanc, Ltd	16,058
Duhe & Bourgeois Sugar Co	10,006
Evan Hall Sugar Co-op., Inc	21,905
Frisco Cane Co., Inc	2,344
Glenwood Co-op., Inc	15,323
Helvetia Sugar Co-op., Inc	11,487
Iberia Sugar Co-op., Inc	16,676
Lafourche Sugar Co	19,935
Harry L. Laws & Co., Inc	14,518
Levert-St. John, Inc	10,996
Louisa Sugar Co-op., Inc	10,054
Louisiana State Penitentiary	3,482
Louisiana State University	38
Meeker Sugar Co-op., Inc	10,114
Milliken & Farwell, Inc	10,467
M. A. Patout & Son, Ltd	14,577
Poplar Grove Planting & Refining Co	8,466
Savoie Industries	14,587
St. James Sugar Co-op., Inc	20,822
St. Mary Sugar Co-op., Inc	13,380
South Coast Corp	56,930
Southdown Lands, Inc	34,718
Sterling Sugars, Inc	23,524
J. Supple's Sons Planting Co., Ltd.	4,718
Valentine Sugars, Inc	12,242
Vida Sugars, Inc	4,689
A. Wilbert's Sons Lumber & Shipping Co	9,074
Louisiana subtotal	505,266
Atlantic Sugar Association, Inc	27,075
Florida Sugar Corp	20,377
Glades County Sugar Growers Co-op., Association	40,410
Gulf & Western Food Products Co., Division of Gulf & Western Industries, Inc	75,892
Osceola Farms Co	46,545
Sugarcane Growers Co-op. of Florida	97,806
Talisman Sugar Corp	46,727
U.S. Sugar Corp	195,861
Florida subtotal	550,693
Total allotted	1,055,959
Unallotted	130,708
Total Mainland Cane	1,186,667

(b) *Marketing limitations.* Marketings shall be limited to the marketing of sugar produced from the 1969 and 1970 crops of sugarcane and to the allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (33 F.R. 8495).

(c) *Transfer of allotments.* The Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department of Agriculture, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Director that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent qauntity of sugar processed by him in excess of his allotment establishment in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Revision of allotments.* Allotments established under this order may be revised without further notice or hearing to give effect to the substitution of revised estimates or final data for estimates of such data.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date: January 1, 1971.

Signed at Washington, D.C., on December 30, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 71-102; Filed, Jan. 5, 1971; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 6]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container - Marking Regulations

Notice is hereby given of the approval of amendment, as hereinafter set forth, of § 906.340 (Subpart—Container and Pack Requirements) effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On August 22, 1970, Amendment 5 of § 906.340 *Container, pack, and container marking regulations* was published in the

FEDERAL REGISTER (35 F.R. 13449) with an effective date of January 1, 1971. Said amendment was recommended by the Texas Valley Citrus Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof. On such effective date said amendment will, unless further amended, delete the 20-pound bag from the list of authorized containers in which handlers may ship oranges or grapefruit.

The committee now has recommended unanimously that said effective date be changed to February 1, 1971, to provide handlers an extra month during which they may ship oranges and grapefruit in 20-pound bags. The extra month during which such usage is permitted under this amendment will provide handlers the additional time necessary to exhaust their inventories of 20-pound bags.

The committee also has recommended that during the period January 1 through March 31, 1971, handlers be permitted to ship oranges and grapefruit in mesh or woven type bags having a capacity of 18 pounds of such fruit. The committee wishes to ascertain whether there is a suitable market demand for fruit packed in the aforementioned capacity and types of bags and whether to recommend use of such containers after March 31, 1971. Accordingly, it has recommended permitting the use of such bags only for the limited time specified herein and has developed plans to evaluate the economic results of fruit shipments in the 18-pound bags.

It is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the act. Therefore, § 906.340(a)(1)(iv) is hereby amended to read as follows:

§ 906.340 Container, pack and container marking regulations.

(a) • • •
(1) • • •

(iv) Bags having a capacity of 5 or 8 pounds of fruit: *Provided*, That handlers may, until February 1, 1971, ship fruit in bags having a capacity of 20 pounds of fruit: *Provided further*, That handlers may, during the period January 1 through March 31, 1971, ship fruit in mesh or woven type bags having a capacity of 18 pounds of fruit;

• • • • •

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (3) this amendment was recommended by members of the Texas Valley Citrus Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views, and (4) this amendment relieves restrictions on the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

(Secs. 1–19, 48 Stat. 31, as ameneded; 7 U.S.C. 601–674)

Dated, December 30, 1970, to become effective January 1, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71–101; Filed, Jan. 5, 1971; 8:46 a.m.]

[Navel Orange Reg. 218, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.518 (Navel Orange Regulation 218, 35 F.R. 19631) are hereby amended to read as follows:

§ 907.518 Navel Orange Regulation 218.

• • • • •

(b) *Order.* (1) • • •
(i) District 1: 576,000 cartons;
(ii) District 2: 90,000 cartons;
(iii) District 3: 24,000 cartons.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1970.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71–158; Filed, Jan. 5, 1971; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70–318]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (c) is amended by adding the name of the State of Alabama; paragraph (f) is amended by deleting the name of the State of Alabama; and a new paragraph (e)(15) relating to the State of Alabama is added to read:

(15) *Alabama.* That portion of Dallas County bounded by a line beginning at the junction of U.S. Highway 80 and the Alabama River; thence, following U.S. Highway 80 in a southeasterly direction to State Highway 41; thence, following State Highway 41 in a generally southwesterly direction to Cedar Creek; thence following the north bank of Cedar Creek in a generally northwesterly direction to the Alabama River; thence, following the east bank of the Alabama River in a generally northeasterly direction to its junction with U.S. Highway 80.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Dallas County, Alabama, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment also deletes Alabama from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from and to such eradication States under Part 76 are no longer applicable to Alabama.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of December 1970.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 71–133; Filed, Jan. 5, 1971; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

FEES FOR FACILITIES AND MATERIALS LICENSES

On August 4, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 12412) proposed amendments to 10 CFR Parts 30, 40, 70, and 170 of its regulations which would revise fees charged for facilities and materials licenses. Interested persons were invited to submit written comments and suggestions for consideration within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Subsequently, the time for submitting comments was extended for an additional 45 days to October 18, 1970.

The decision to publish the notice of proposed rule making was based on the Bureau of the Budget Circular No. A–25 and Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a), which states:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency • • • to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government shall be self-sustaining to the fullest extent possible, and the head of each Federal agency is authorized by regulation • • • to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts • • •.

The revised fees for facilities and materials licenses are based on the principle of full cost recovery. Only those regulatory costs associated with the processing of licenses were used. No costs related to compliance, rule making, development of standards, codes, criteria, special nuclear material safeguards, and administration of the State relations program were included. Costs associated with licenses exempt from fees were identified and excluded. The Commission has also sought to achieve simplicity of computation and ease in the administration of the fee system in the establishment of the fee schedule. Where feasible, groupings have been made of different kinds of licenses and a common fee established for the entire grouping in order to avoid undue complexity.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications discussed below.

Several commentators maintained that, where an operating license fee has been paid for the first reactor at multiple unit, single-site power stations, similar additional units at these stations should be subject to a reduced operating license fee where they are subject to concurrent review. To reflect anticipated reduced effort in such situations, the fee schedule in § 170.21 of the proposed amendment has been modified to reduce the operating license fee for follow-on units at multiple unit, single-site power stations that are the same design as the first unit and are subject to concurrent licensing review. To maintain the principle of full cost recovery, the revenue that will be lost by reducing the operating license fee for these follow-on units is recovered by increasing the fee itself. Section 170.21 has also been modified to establish an upper limit power level for computation of construction permit fees, operating license fees, and annual fees for power reactors. (Minor modifications have also been made to the description of the fee to be paid for construction permits issued for multiple unit, single-site power stations to make the language consistent with the revised language for operating licenses.)

Section 170.11(a) has been amended to exempt from license fees uranium used in licensed devices and containers as shielding material.

Section 170.12(c) has been revised to clarify the due date for payment of license fees. Payment of prescribed fees for those licenses that have not been subject to fees prior to the amendments to Part 170 herein will be required within 30 days after the effective date. In the case of licenses that have been subject to fees prior to promulgation of these amendments, the licensee will be billed at the revised rate 1 year from the due date of the last fee payment.

The fee schedule in § 170.31 of the proposed amendment has been modified to more clearly identify those licensed activities that were included in the proposed fee Category 3A. This has been accomplished by establishing a category for licenses authorizing distribution of generally licensed items or quantities, and a category for licenses authorizing distribution of exempt items or quantities. Fees are required for each of these licensed activities because each involves distinct licensing effort.

One commentator maintained that where the reviews of applications for construction permits for reactors at multiple unit, single-site power stations are conducted concurrently but, because of some technicality the permits are not issued concurrently, applicants should not have to pay a separate construction permit fee for the delayed unit. It was not the Commission's intent to charge a separate fee for such units that are delayed solely because of technicalities unrelated to health and safety.

The Commission is required in accordance with BoB Circular No. A–25 to keep the matter of license fees under continuing review and, if costs of licensing services change, it may be expected that the fee schedule will be adjusted.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 30, 40, 70, and 170, are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. Footnote 1 which follows § 30.32(e) of 10 CFR Part 30 is deleted and § 30.32(e) is amended to read as follows:

§ 30.32 Applications for specific licenses.

• • • • • •

(e) Each application for a byproduct material license, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in § 170.31 of this chapter. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in § 170.31 of this chapter.

PART 40—LICENSING OF SOURCE MATERIAL

2. Footnote 2 which follows § 40.31(f) of 10 CFR Part 40 is deleted and § 40.31(f) is redesignated (e) and amended to read as follows:

§ 40.31 Applications for specific licenses.

• • • • • •

(e) Each application for a source material license, other than a license

exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in § 170.31 of this chapter. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in § 170.31 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

3. Footnote 1 which follows § 70.21(e) of 10 CFR Part 70 is deleted and § 70.21(e) is amended to read as follows:

§ 70.21 Filing.

* * * * *

(e) Each application for a special nuclear material license, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in § 170.31 of this chapter. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in § 170.31 of this chapter.

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

4. Section 170.2 of 10 CFR Part 170 is amended to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for, or holder of, a specific license for byproduct material issued pursuant to Parts 30 and 32–35 of this chapter, for source material issued pursuant to Part 40 of this chapter, for special nuclear material issued pursuant to Part 70 of this chapter, or for a production or utilization facility issued pursuant to Part 50 of this chapter.

5. Paragraph (l) of § 170.3 is deleted and a new paragraph (p) is added to § 170.3 to read as follows:

§ 170.3 Definitions.

As used in this part:

* * * * *

(l) [Deleted]

* * * * *

(p) "Human use" means the internal or external administration of byproduct, source, or special nuclear material, or the radiation therefrom, to human beings.

6. New subparagraphs (6), (7), and (8) are added to § 170.11(a) of 10 CFR Part 170 to read as follows:

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

* * * * *

(6) A license authorizing the human use only of byproduct material, source material, or special nuclear material.

(7) A license authorizing the use of byproduct material, source material, or special nuclear material in civil defense activities only.

(8) A license authorizing the use of source material as shielding only in devices and containers, provided, however, that all other licensed byproduct material, source material, or special nuclear material in the device or container will be subject to the fees prescribed in § 170.31.

* * * * *

7. Section 170.12(c) of 10 CFR Part 170 is amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(c) *Annual fees.* All licenses outstanding on February 5, 1971, are subject to payment of the annual fee prescribed by this Part 170, as amended, within 30 days after February 5, 1971, and annually thereafter: *Provided, however,* That, in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable 1 year from the due date of the last fee payment and annually thereafter.

* * * * *

8. Section 170.21 of 10 CFR Part 170 is amended to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below: *Provided, however,* That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities:

SCHEDULE OF FEES

Facility (thermal megawatt values refer to the maximum capacity stated in the permit or license) [1]	Application fee for construction permit	Construction permit fee [2]	Operating license fee [4]	Annual fee after issuance of operating license
(1) Power reactor [3]	$25,000	[3] $15/Mw(t)	$60,000 + [3] $65/Mw(t)	[3] $2/Mw(t) ($2,000 minimum)
(2) Testing facility	500	3,000	4,500	2,500
(3) Research reactor	500	2,000	3,000	1,500
(4) Other production or utilization facility	8,000	15,000	30,000	10,000

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee of $15/Mw(t) will be charged only for the first reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $60,000+$95/Mw(t) for the first reactor and $30,000+$32.50/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3,000 Mw(t) the fee will be computed on a maximum power level of 3,000 Mw(t).

9. Section 170.31 of 10 CFR Part 170 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses [1]	Application fee [2]	Annual fee
1. Special nuclear material:		
A. Licenses for quantities greater than 350 grams of contained uranium-235, uranium-233 and plutonium, except for licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter and licenses for storage only.	$1.60 per gram (maximum fee $8,000).	$1.60 per gram (maximum fee $8,000).
B. Licenses for quantities greater than 350 grams of contained uranium-235, uranium-233 and plutonium, for storage only, except for licenses authorizing storage only of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$550	$550.
C. All other specific special nuclear material licenses	$40	$40.
2. Source material:		
A. Licenses for source material in quantities greater than 50 kilograms, except licenses for storage only.	$1.45 per kilogram (maximum fee $800).	$1.45 per kilogram (maximum fee $800).
B. All other specific source material licenses	$40	$40.
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material or quantities of byproduct material for commercial distribution.	$500	$500.
B. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography.	$150	$150.
C. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	$375	$375.
D. Licenses issued pursuant to Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Part 31 or 35 of this chapter.	$500	$500.
E. Licenses issued pursuant to Part 32, except § 32.11, of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	$500	$500.

SCHEDULE OF MATERIALS LICENSE FEES—continued

Category of materials licenses [1]	Application fee [2]	Annual fee
4. Waste Disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	$500	$500.
5. All other licenses:		
A. All other specific materials licenses other than licenses in Categories 1A through 4A.	$40	$40.

[1] Amendments reducing the scope of a licensee's program shall not entitle the licensee to a partial refund of any fee; applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Washington, D.C., this 29th day of December 1970.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[F.R. Doc 71-35; Filed, Jan. 5, 1971; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 19, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17790) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Los Banos Municipal Airport, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change. In the fourth line of the transition area description insert "* * * VORTAC * * *" after "* * * Los Banos * * *".

Effective date. This amendment shall be effective 0901 G.m.t., March 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on December 24, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (35 F.R. 2134) the following transition area is added:

LOS BANOS, CALIF.

That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the Los Banos VORTAC 348° radial, extending from the 3-mile-radius area to 18.5 miles north of the VORTAC.

[F.R. Doc. 71-140; Filed, Jan. 5, 1971, 8:49 a.m.]

[Airspace Docket No. 70-CE-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Ames, Iowa.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Ames, Iowa. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., March 4, 1971, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

AMES, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.), and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½-mile-radius area to 7 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-141; Filed, Jan. 5, 1971; 8:49 a.m.]

[Docket No. 10751; Amdt. 736]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.17 is amended by establishing, revising, or canceling the follow-

ing ILS SIAPs, effective January 28, 1971:

New York, N.Y.—John F. Kennedy International Airport; ILS Runway 4R, Amdt. 16; Revised.

2. Section 97.19 is amended by establishing, revising, or canceling the following Radar SIAPs, effective January 28, 1971:

New York, N.Y.—John F. Kennedy International Airport; Radar 1, Amdt. 15; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective January 23, 1971:

Austin, Tex.—Robert Mueller Municipal Airport; VOR Runway 16R, Amdt. 22; Revised.
Beaumont, Tex.—Jefferson County Airport; VOR–A, Amdt. 2; Revised.
Beaumont, Tex.—Jefferson County Airport; VOR–B, Amdt. 1; Revised.
Crystal Lake, Ill.—Crystal Lake Airport; VOR–A, Amdt. 3; Revised.
Killeen, Tex.—Killeen Municipal Airport; VOR–A, Amdt. 5; Revised.
Leesburg, Va.—Leesburg Municipal/Godfrey Field; VOR–A, Amdt. 1; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; VOR–A, Amdt. 6; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; VOR Runway 9R, Amdt. 1; Revised.
San Francisco, Calif.—San Francisco International Airport; VOR–A, Original; Established.
San Francisco, Calif.—San Francisco International Airport; VOR–B Original; Established.
San Francisco, Calif.—San Francisco International Airport; VOR Runway 10L/R, Amdt. 6; Canceled.
San Francisco, Calif.—San Francisco International Airport; VOR Runway 19L, Amdt. 14; Canceled.
San Francisco, Calif.—San Francisco International Airport; VOR Runway 28L/R, Amdt. 13; Revised.
Talladega, Ala.—Talladega Municipal Airport; VOR–A, Amdt. 2; Revised.
Beaumont, Tex.—Jefferson County Airport; VOR/DME–A, Original; Established.
Beaumont, Tex.—Jefferson County Airport; VOR/DME Runway 34, Original; Established.
Talladega, Ala.—Talladega Municipal Airport; VOR/DME Runway 3, Original; Established.
Trenton, Tenn.—Gibson County Airport; VOR/DME–A, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective January 28, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 9R, Amdt. 3; Revised.
New Orleans, La.—Lakefront Airport; LOC Runway 17, Amdt. 1; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; LOC (BC) Runway 11, Amdt. 1; Revised.
Parkersburg, W. Va.—Wood County Airport/Gill Robb Wilson Field; LOC Runway 3, Amdt. 2; Revised.
San Francisco, Calif.—San Francisco International Airport; LOC (BC)–A, Original; Established.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective January 28, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Amdt. 1; Revised.
Hayward, Wis.—Hayward Municipal Airport; NDB Runway 20, Amdt. 3; Revised.
San Francisco, Calif.—San Francisco International Airport; NDB Runway 19L, Amdt. 1; Revised.
San Francisco, Calif.—San Francisco International Airport; NDB Runway 28L, Amdt. 1; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective January 28, 1971:

San Francisco, Calif.—San Francisco International Airport; ILS Runway 19L, Amdt. 6; Revised.
San Francisco, Calif.—San Francisco International Airport; ILS Runway 28L, Amdt. 6; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on December 23, 1970.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[F.R. Doc. 71-6; Filed, Jan. 5, 1971; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148h—KANAMYCIN SULFATE

Effective on publication in the FEDERAL REGISTER, Part 148h is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

SEC.
148h.1 Nonsterile kanamycin sulfate.
148h.1a Sterile kanamycin sulfate.
148h.2 Kanamycin sulfate injection.
148h.3 Kanamycin sulfate capsules.

AUTHORITY: The provisions of this Part 148h issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148h.1 Nonsterile kanamycin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate is the sulfate salt of a kind of kanamycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency on an anhydrous basis is not less than 750 micrograms of kanamycin per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 4 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(v) Its residue on ignition is not more than 1.0 percent.

(vi) It gives a positive identity test for kanamycin.

(vii) It contains not more than 5.0 percent kanamycin B.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, identity, kanamycin B content, and crystallinity.

(ii) Samples required on the batch: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 5.0 micrograms of kanamycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 10 milligrams per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(6) *Identity.* Dissolve about 10 milligrams of kanamycin sulfate in 1 milliliter of water, and add 1 milliliter of a 1:500 solution of triketohydrindene hydrate in normal butyl alcohol; then add 0.5 milliliter of pyridine. Heat in a steam bath for 5 minutes and add 10 milliliters of water; a deep-purple color is produced.

(7) *Kanamycin B content—*(i) *Cylinders (cups).* Use cylinders described under § 141a.1(a) of this chapter.

(ii) *Culture medium.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F. Make agar for the base and seed layers as follows:

Peptone	6.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Agar	15.0 gm.
pH 7.8 to 8.0 after sterilization.	
Distilled water, q.s.	1,000.00 ml.

(iii) *Working standard.* Dissolve a suitable quantity of the kanamycin sulfate working standard, accurately weighed, in 0.1*M* potassium phosphate buffer, pH 8.0, to give a concentration equivalent to 1.0 milligram of kanamycin per milliliter.

(iv) *Preparation of sample.* To 100 milligrams, accurately weighed, of kanamycin sulfate in a suitable container (such as a 7.5-milliliter serum vial) add 5.0 milliliters of 6*N* hydrochloric acid, and tightly close the container. Heat in a water bath at 100° C. for 1 hour and cool. Add 4 milliliters of 6*N* sodium hydroxide, then dilute with sterile 0.1*M* potassium phosphate buffer, pH 8.0, to obtain a concentration of the equivalent of 1 microgram of kanamycin B per milliliter (estimated).

(v) *Preparation of test organism.* Use *Bacillus subtilis* (ATCC 6633) prepared as described in § 141.104 of this chapter, using method 2.

(vi) *Preparation of plates.* Add 21 milliliters of the agar prepared as described in this subparagraph to each Petri dish (20 millimeters x 100 millimeters). Distribute the agar evenly in the plates and allow to harden. Use the plates the same day they are prepared. Add 4.0 milliliters of the fresh daily inoculum described in subdivision (iv) of this subparagraph to each plate, tilting the plates back and forth to spread the inoculated agar evenly over the surface.

(vii) *Standard curve.* Prepare on the day of testing in 0.1M potassium phosphate buffer, pH 7.8 to 8.0, from the standard stock solution, sufficient volumes of the following concentrations: 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms per milliliter. The 1.0 microgram-per-milliliter solution is the reference point of the standard curve. On each of three plates fill three cylinders with the 1.0 microgram-per-milliliter standard and the other three cylinders with the concentration under test. Thus, there will be thirty-six 1.0-microgram determinations for each of the other points on the curve. After the plates have incubated read the diameters of the circles of inhibition. Average the readings of the 1.0 microgram-per-milliliter concentration and the readings of the concentration test for each set of three plates and average also all 36 readings of the 1.0 microgram-per-milliliter concentration. The average of the 36 readings of the 1.0 microgram-per-milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram-per-milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8-microgram concentration, the average of the 36 readings of the 1.0 microgram-per-milliliter concentration is 16.5 millimeters and the average of the 1.0 microgram-per-milliliter concentration of this set of three plates is 16.3 millimeters, the correction is +0.2 millimeter. If the average readings of the 0.8 microgram-per-milliliter concentration of these same three plates is 15.9 millimeters, the corrected value is 16.1 millimeters. Plot these corrected values, including the average of the 1.0 microgram-per-milliliter concentration, on 2-cycle semilogarithmic paper, using the concentration in micrograms per milliliter as the ordinate and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L = \frac{3a+2b+c-e}{5},$$

$$H = \frac{3c+2d+c-a}{5},$$

where:

L = Calculated zone diameter for the lowest concentration of the standard curve;
H = Calculated zone diameter for the highest concentration of the standard curve;
c = Average zone diameter of 36 readings of the 1.0 microgram-per-milliliter standard;
a, b, d, e = Corrected average values for the 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms-per-milliliter solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(viii) *Assay.* Place six cylinders on the inoculated agar surface in each Petri dish prepared as described in subdivision (vi) of this subparagraph, so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 microgram-per-milliliter standard and three cylinders with the 1.0 microgram (estimated)-per-milliliter sample, alternating standard and sample. Incubate plates for 16 hours to 18 hours at 32° C. to 35° C., and measure the diameter of each circle of inhibition.

(ix) *Estimation of kanamycin B content.* Average the zone readings of the standard and average the zone readings of the sample on the three plates used. If the sample gives larger average zone size than the average of the standard, add the difference between them to the 1.0-microgram zone size of the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 1.0-microgram value on the curve. From the curve, read the kanamycin potencies corresponding to these corrected values of zone sizes. Multiply the observed potency by 100 and divide by 126 to obtain a value representing the potency in terms of the milligram equivalent of kanamycin B. The calculated amount of kanamycin B is not more than 5 percent of the content of kanamycin found in subparagraph (1) of this paragraph.

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148h.1a Sterile kanamycin sulfate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate is the sulfate salt of a kind of kanamycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency on an anhydrous basis is not less than 750 micrograms of kanamycin per milligram.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its loss on drying is not more than 4 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(vii) Its residue on ignition is not more than 1.0 percent.

(viii) It gives a positive identity test for kanamycin.

(ix) It contains not more than 5.0 percent kanamycin B.

(x) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, residue on ignition, identity, crystallinity, and kanamycin B content.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 5.0 micrograms of kanamycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 10 milligrams of kanamycin per milliliter.

(5) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 10 milligrams per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(8) *Identity.* Dissolve about 10 milligrams of kanamycin sulfate in 1 milliliter of water and add 1 milliliter of a 1:500 solution of triketohydrindene hydrate in normal butyl alcohol. Then add 0.5 milliliter of pyridine. Heat in a steam bath for 5 minutes and add 10 milliliters of water; a deep-purple color is produced.

(9) *Kanamycin B content.* Proceed as directed in § 148h.1(b)(7).

(10) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148h.2 Kanamycin sulfate injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate injection is an aqueous solution of kanamycin sulfate with suitable and harmless buffer substances and preservatives. It contains either 75 milligrams of kanamycin per 2.0 milliliters, or 250 milligrams of kanamycin per milliliter, or 1.0

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gram of kanamycin per 3.0 milliliters. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of kanamycin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. Its pH is not less than 3.5 and not more than 5.0. The kanamycin sulfate used conforms to the standards prescribed by § 148h.1a(a)(1) (i), (v), (vii), (viii), (ix), and (x).

(2) *Labeling.* In addition to the requirements prescribed by § 148.3 of this chapter, the labeling of each package shall bear a warning to the effect that older patients and patients receiving a total dose of more than 20 grams of the drug should be carefully observed for signs of eighth-nerve damage. In patients with impaired kidney function or with prerenal azotemia, the risk of severe ototoxic reaction that may result in permanent deafness is sharply increased.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The kanamycin sulfate used in making the batch for potency, residue on ignition, loss on drying, identity, crystallinity, and kanamycin B content.

(*b*) The batch for potency, sterility, safety, pyrogens, and pH.

(ii) Samples required:

(*a*) The kanamycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: Minimum of 12 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Introduce a representative aliquot of the solution into an appropriate-sized volumetric flask and dilute to mark with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Mix well and further dilute with solution 3 to the reference concentration of 5 micrograms of kanamycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 10 milligrams of kanamycin per milliliter.

(5) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted solution.

§ 148h.3 Kanamycin sulfate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Kanamycin sulfate capsules are composed of crystalline kanamycin sulfate, with or without one or more suitable and harmless buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings, enclosed in gelatin capsules. Each capsule contains 500 milligrams of kanamycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of kanamycin that it is represented to contain. The loss on drying is not more than 4.0 percent. The crystalline kanamycin sulfate used conforms to the standards prescribed by § 148h.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The kanamycin sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, identity, kanamycin B content, and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) Kanamycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: Minimum of 30 capsules.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a glass blending jar containing 500 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Using a high-speed blender, blend 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 5 micrograms of kanamycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 15, 1970.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc. 71-17; Filed, Jan. 5, 1971; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7085]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Termination of Private Foundation Status by Transfer to, or Operation as, Public Charity

The following regulations relate to the application of section 507(b)(1) of the Internal Revenue Code of 1954, as added by section 101(a) of the Tax Reform Act of 1969 (83 Stat. 492) to the requirements for termination of private foundation status by transfer to, or operation as, a public charity.

The regulations set forth herein are temporary and are designed to clarify and modify Temporary Treasury Regulation § 13.12, 35 F.R. 15913 (1970) in order to provide an extension of time to comply with the requirements of section 507(b)(1). The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner and approved by the Secretary or his delegate.

In order to provide such temporary regulations under section 507(b)(1) of the Internal Revenue Code of 1954, the regulations are amended as follows:

Paragraphs (a)(4) and (j)(1) of Temporary Treasury Regulations § 13.12 are amended as follows:

§ 13.12 Termination of private foundation status by transfer to, or operation as, public charity.

(a) • • •

(4) *Special transitional rule.* (i) Section 4940(a) imposes a tax upon private foundations with respect to the carrying on of activities for each taxable year. For purposes of section 4940, an organization which terminates its private foundation status under section 507(b)(1)(A) by the end of the period described in subdivision (ii) of this subparagraph will not be considered as carrying on activities within the meaning of section 4940 during such period. Such organization will therefore not be subject to the tax imposed under section 4940(a) for such period.

(ii) The period referred to in subdivision (i) of this subparagraph is the 12-month period beginning with the first day of the organization's first taxable year which begins after December 31, 1969, but such period shall not be treated as ending before the 45th day after the last of the following dates:

(*a*) The day on which regulations (other than temporary regulations) first prescribed under section 507(b)(1) become final;

(*b*) The day on which regulations (other than temporary regulations) first prescribed under section 509 become final; or

(c) The day on which corrective and clarifying regulations under section 170(b)(1)(A) and designated as § 1.170A-9 of this chapter become final.

(iii) If the period described in subdivision (ii) of this subparagraph does not expire prior to the due date for the organization's Form 990 for its first taxable year which begins after December 31, 1969, an organization described in subdivision (i) of this subparagraph must submit a statement to the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: T:MS:EO, no later than the date on which the organization files its Form 990. Such statement shall be to the effect that the organization intends to terminate its private foundation status under section 507(b)(1)(A) by the 90th day after the last of the dates referred to in subdivision (ii) (*a*), (*b*), or (c) of ths subparagraph. A copy of such statement must be attached to the Form 990, and the organization shall complete all lines on the Form 990 relating to the computation of the tax under section 4940, except for the line entitled "Tax on investment income from Part III", as if such organization were liable for such tax. If the termination of private foundation status under section 507(b)(1)(A) does not occur as described in such statement, the organization shall be liable for such tax as of the first date on which it would have been so liable if it had not filed such statement. Alternatively, the organization may pay such tax and seek a refund upon completion, within the period specified in subdivision (ii) of this subparagraph, of its termination of private foundation status under section 507(b)(1)(A).

• • • • •

(j) *Extension of time.* (1) (i) For purposes of this section, the 12-month period referred to in section 507(b)(1)(B) shall not be treated as having expired before the end of the period described in § 13.12(a)(4)(ii).

(ii) For purposes of paragraph (c)(3) and (4) of this section, an organization will be considered as "normally" meeting the requirements of section 170(b)(1)(A)(iv) or (vi) or 509(a)(2) (as the case may be) if it meets the requirements of such provision with respect to either:

(*a*) The 12-month period beginning with the organization's first taxable year which begins after December 31, 1969; or

(*b*) The period described in § 13.12(a)(4)(ii).

Thus, for example, an organization on a calendar year basis which seeks to convert to a section 509(a)(2) organization under section 507(b)(1)(B) may meet the one-third support requirement based on the aggregate support received during the period described either in subdivision (ii) (*a*) or (*b*) of this subparagraph, for purposes of paragraph (c)(4) of this section.

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Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: December 31, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-184; Filed, Jan. 5, 1971; 8:51 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7086]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Tax on Use of Civil Aircraft

In order to prescribe temporary regulations, which shall remain in effect until superseded by permanent regulations, under sections 4491, 4492, 4493, and 6426(a), (b), (c), and (d) of the Internal Revenue Code of 1954, as added by section 206 of the Airport and Airway Revenue Act of 1970 (Public Law 91-258, 84 Stat. 242), the following regulations are hereby prescribed:

§ 154.3 Statutory provisions; imposition of tax; definitions; special rules; payment of tax by lessee.

Sections 4491, 4492, and 4493(a) of the Internal Revenue Code of 1954, as added by section 206(a) of the Airport and Airway Revenue Act of 1970:

SEC. 4491. *Imposition of tax*—(a) *Imposition of tax.* A tax is hereby imposed on the use of any taxable civil aircraft during any year at the rate of—

(1) $25, plus

(2) (A) In the case of an aircraft (other than a turbine engine powered aircraft) having a maximum certificated takeoff weight of more than 2,500 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight, or (B) in the case of any turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight.

(b) *By whom paid.* Except as provided in section 4493(a), the tax imposed by this section shall be paid—

(1) In the case of a taxable civil aircraft described in section 4492(a)(1), by the person in whose name the aircraft is, or is required to be, registered, or

(2) In the case of a taxable civil aircraft described in section 4492(a)(2), by the United States person by or for whom the aircraft is owned.

(c) *Proration of tax.* If in any year the first use of the taxable civil aircraft is after the first month in such year, that portion of the tax which is determined under subsection (a)(2) shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such year.

(d) *One tax liability per year*—(1) *In general.* To the extent that the tax imposed by this section is paid with respect to any taxable civil aircraft for any year, no further tax shall be imposed by this section for such year with respect to such aircraft.

(2) *Cross reference.* For privilege of paying tax imposed by this section in installments, see section 6156.

(e) *Termination.* On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.

SEC. 4492. *Definitions*—(a) *Taxable civil aircraft.* For purposes of this subchapter, the term "taxable civil aircraft" means any engine driven aircraft—

(1) Registered, or required to be registered, under section 501(a) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1401(a)), or

(2) Which is not described in paragraph (1) but which is owned by or for a United States person.

(b) *Weight.* For purposes of this subchapter, the term "maximum certificated takeoff weight" means the maximum such weight contained in the type certificate or airworthiness certificate.

(c) *Other definitions.* For purposes of this subchapter—

(1) *Year.* The term "year" means the one-year period beginning on July 1.

(2) *Use.* The term "use" means use in the navigable airspace of the United States.

(3) *Navigable airspace of the United States.* The term "navigable airspace of the United States" has the definition given to such term by section 101(24) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1301(24)), except that such term does not include the navigable airspace of the Commonwealth of Puerto Rico or of any possession of the United States.

SEC. 4493. *Special rules*—(a) *Payment of tax by lessee.*—(1) *In general.* Any person who is the lessee of any taxable civil aircraft on the day in any year on which occurs the first use which subjects such aircraft to the tax imposed by section 4491 for such year may, under regulations prescribed by the Secretary or his delegate, elect to be liable for payment of such tax. Notwithstanding any such election, if such lessee does not pay such tax, the lessor shall also be liable for payment of such tax.

(2) *Exception.* No election may be made under paragraph (1) with respect to any taxable civil aircraft which is leased from a person engaged in the business of transporting persons or property for compensation or hire by air.

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[Secs. 4491, 4492, and 4493(a) as added by sec. 206(a) of the Airport and Airway Revenue Act of 1970 (84 Stat. 242)]

§ 154.3-1 Tax on use of civil aircraft.

(a) *Purpose of this section.* In general, section 4491 of the Internal Revenue Code of 1954, as added by the Airport and Airway Revenue Act of 1970, imposes a tax upon the use, at any time during the taxable period, of any taxable civil aircraft in the navigable airspace of the United States. This tax is imposed upon such use during any taxable period beginning on July 1, 1970, and on each subsequent July 1 before July 1, 1980. This section sets forth rules as to the general applicability of the tax and also sets forth rules, as authorized by section 4493(a), to provide a method whereby certain lessees of taxable civil aircraft may elect to be liable for the tax. Further, this section provides administrative provisions relating to the payment of tax and the filing of tax returns.

(b) *Definitions*—(1) *Use.* The term "use" means use in the navigable airspace of the United States, as defined in section 4492(c)(3), except that such term does not include use by a manufacturer, dealer, wholesaler, retailer, exporter, or importer of aircraft solely for demonstration, testing, or delivery purposes. Mere possession of a civil aircraft does not constitute "use."

(2) *Taxable civil aircraft.* The term "taxable civil aircraft" means any engine powered aircraft which is either registered or required to be registered under section 501(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(a)) or which is owned by or for a U.S. person. Such term includes civil aircraft owned by the

United States and State and local governments. Military aircraft and aircraft of the National Guard are not within the definition of taxable civil aircraft.

(3) *Taxable period.* The term "taxable period" means any 1-year period beginning July 1 and ending the following June 30 during the period after June 30, 1970, and before July 1, 1980.

(4) *U.S. person.* The term "United States person" means a citizen or resident of the United States, a domestic partnership, a domestic corporation, or any estate or trust (other than a foreign estate or foreign trust within the meaning of section 7701(a)(31)).

(5) *Maximum certificated takeoff weight.* The term "maximum certificated takeoff weight" means the maximum weight of the aircraft, accessories, fuel, pilot, passengers, and cargo that is permitted on takeoff under the best conditions, as determined for such aircraft by the Federal Aviation Administration. Such weight is normally stated on the type certificate.

(6) *Navigable airspace of the United States.* The term "navigable airspace of the United States" has the definition given to such term by section 101(24) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(24)), except that such term does not include the navigable airspace of the Commonwealth of Puerto Rico or of any possession of the United States.

(c) *Rate and computation of tax*—(1) *Rate.* The tax imposed for any taxable period on each taxable civil aircraft is $25 (the "basic charge") plus, in certain instances, a tax based on weight (the "poundage charge"). The poundage charge is (i) in the case of a turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight of the aircraft, and (ii) in the case of a nonturbine engine powered aircraft with a maximum certificated takeoff weight of more than 2,500 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight of the aircraft.

(2) *Proration of tax.* If the first use of a taxable civil aircraft is made after the first month of the taxable period, the poundage charge is computed by multiplying the amount of the poundage charge that would be due for the full taxable period by a fraction, the numerator of which is the number of months, including the month of first use, that remain in the taxable period and the denominator of which is 12.

(d) *Persons liable for payment of tax*—(1) *In general.* Except as provided for certain leased aircraft, the tax imposed by section 4491 shall be paid (i) by the person in whose name the taxable civil aircraft is registered, or required to be registered, under section 501(a) of the Federal Aviation Act of 1958, or, (ii) if not so registered or required to be registered, by the U.S. person by or for whom the aircraft is owned. The tax liability arises at the time of the first use of such aircraft in the taxable period.

(2) *Subsequent owners.* If the entire tax has been paid by the person liable therefor as of the time of the first use in the taxable period, any subsequent owners in the same taxable period are not subject to further tax on use of the transferred taxable civil aircraft. However, if the tax has not been paid for that taxable period, both the person liable for the tax at the time of the first use during the taxable period and any subsequent owners during that period shall be liable for the unpaid tax (including any outstanding installments) for that period.

(3) *Leased aircraft.* Under section 4493(a) a lessee of a taxable civil aircraft may elect to pay the tax and file a return if he is the lessee on the day on which occurs the first use of the aircraft for the taxable period. Notwithstanding this election, the lessor shall also be liable for the tax if the lessee fails to pay the tax. No election may be made with respect to an aircraft leased from a person engaged in the business of transporting persons or property for compensation or hire by air. The election under section 4493(a) shall be made by filing Form 4638 (Federal Use Tax Return on Civil Aircraft) and attaching a list of leased aircraft as required by the instructions on such return.

(e) *Returns.* Every person liable for payment of tax imposed by section 4491 shall make a return of such tax on Form 4638 (Federal Use Tax Return on Civil Aircraft). The return shall be filed with the Internal Revenue Service Center designated on such form. If the first use of the taxable civil aircraft occurs in July the return for the taxable period shall be filed on or before August 31. However, if the first use of the taxable civil aircraft occurs after July the return for the taxable period shall be filed on or before the last day of the month following the month during which such use occurs.

(f) *Installment payments of tax*—(1) *Privilege to pay tax in installments.* Except in the case of liability for tax first incurred in April, May, or June of any taxable period, the liability shown on Form 4638 may be paid in equal installments, rather than by a single payment, if the return is timely filed and the person filing the return elects in the return, in accordance with the instructions contained therein, to pay the tax in installments.

(2) *Dates for paying installments.* The installments must be paid in accordance with the following table:

If the liability was incurred in—	1st installment is due on or before the last day of—	2d installment is due on or before the last day of—	3d installment is due on or before the last day of—	4th installment is due on or before the last day of—
July	Aug.	Dec.	Mar.	June.
Aug.	Sept.	Dec.	Mar.	June.
Sept.	Oct.	Dec.	Mar.	June.
Oct.	Nov.	Mar.	June.	
Nov.	Dec.	Mar.	June.	
Dec.	Jan.	Mar.	June.	
Jan.	Feb.	June.		
Feb.	Mar.	June.		
Mar.	Apr.	June.		

(3) *Proration of additional tax to installments.* If an installment payment election has been made and additional tax is assessed on a return for such tax before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to all installments, whether paid or unpaid. That part of the additional tax so prorated to any installment not yet due shall be collected at the same time and as part of such installment. The part of the additional tax so prorated to any installment not yet due shall be paid upon notice and demand from the director of the service center where the return was required to be filed.

(4) *Acceleration of payment.* If any person elects under the provisions of this section to pay the tax in installments, any installment may be paid prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment, the whole amount of the unpaid tax shall be paid upon notice and demand from the director of the service center where the return was required to be filed.

(g) *Extension of time for filing returns.* The director of the service center may, upon application of the taxpayer, grant a reasonable extension of time in which to file the return. Application for an extension of time for filing the return should be addressed to the director of the service center where the return is to be filed. The application must contain a full recital of the causes of the delay. An extension of time for filing shall operate to extend the time for payment of the tax or any installment thereof unless specified to the contrary in the extension.

(h) *Tax identification number.* Form 4638 (Federal Use Tax Return on Civil Aircraft) requires a tax identification number. For an individual, this is his Social Security number. For any other taxpayer, the number is the employer identification number. If such number has not been secured or applied for, an application on Form SS-4 shall be filed on or before the 7th day after the date of the first use of the taxable civil aircraft. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4.

§ 154.4 Statutory provisions; special rules; certain persons engaged in foreign air commerce; refund of aircraft use tax where plane transports for hire in foreign air commerce; general rule; definitions; payments to persons paying tentative tax; time for filing claim.

Sections 4493(b) and 6426(a), (b), (c), and (d) of the Internal Revenue Code of 1954, as added by section 206 (a) and (c) of the Airport and Airway Revenue Act of 1970:

SEC. 4493 *Special rules.* • • •

(b) *Certain persons engaged in foreign air commerce.*—(1) *Election to pay tentative tax.* Any person who is a significant user of taxable civil aircraft in foreign air commerce may, with respect to that portion of the tax imposed by section 4491 which is determined under section 4491(a)(2) on any taxable civil aircraft for any year beginning on or after July 1, 1970, elect to pay the tentative tax determined under paragraph (2). The payment of such tentative tax shall not relieve such person from payment of the net liability for the tax imposed by section 4491 on such taxable civil aircraft (determined as of the close of such year).

(2) *Tentative tax.* For purposes of paragraph (1), the tentative tax with respect to any taxable civil aircraft for any year is an amount equal to that portion of the tax imposed by section 4491 on such aircraft for such year which is determined under section 4491(a)(2), reduced by a percentage of such amount equal to the percentage which the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)(2)) with respect to the preceding year is of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year. In the case of the year beginning on July 1, 1970, this subsection shall apply only if the person electing to pay the tentative tax establishes what the tentative tax would have been for such year if section 4491 had taken effect on July 1, 1969.

(3) *Significant users of aircraft in foreign air commerce.* For purposes of paragraph (1), a person is a significant user of taxable civil aircraft in foreign air commerce for any year only if the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)(2)) with respect to the preceding year was at least 10 percent of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year.

(4) *Net liability for tax.* For purposes of paragraph (1), the net liability for the tax imposed by section 4491 with respect to any taxable civil aircraft for any year is—

(A) the amount of the tax imposed by such section, reduced by

(B) the amount payable under section 6426 with respect to such aircraft for the year (determined without regard to section 6426(c)(2)).

SEC. 6426. *Refund of aircraft use tax where plane transports for hire in foreign air commerce.*—(a) *General rule.* In the case of any aircraft used in the business of transporting persons or property for compensation or hire by air, if any of such transportation during any period is transportation in foreign air commerce, the Secretary or his delegate shall pay (without interest) to the person who paid the tax under section 4491 for such period the amount determined by multiplying that portion of the amount so paid for such period which is determined under section 4491(a)(2) with respect to such aircraft by a fraction—

(1) the numerator of which is the number of airport-to-airport miles such aircraft traveled in foreign air commerce during such period while engaged in such business, and

(2) the denominator of which is the total number of airport-to-airport miles such aircraft traveled during such period.

(b) *Definitions.* For purposes of this section—

(1) *Foreign air commerce.* The term "foreign air commerce" means any movement by air of the aircraft which does not begin and end in the United States; except that any segment of such movement in which the aircraft traveled between two ports or stations in the United States shall be treated as travel which is not foreign air commerce.

(2) *Airport-to-airport miles.* The term "airport-to-airport miles" means the official mileage distance between airports as determined under regulations prescribed by the Secretary or his delegate.

(c) *Payments to persons paying tentative tax.* In the case of any person who paid a tentative tax determined under section 4493(b) with respect to any aircraft for any period, the amount payable under subsection (a) with respect to such aircraft for such period—

(1) shall be computed with reference to that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), and

(2) as so computed, shall be reduced by an amount equal to—

(A) the amount by which that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), exceeds

(B) the amount of the tentative tax determined under section 4493(b) paid for such period.

(d) *Time for filing claim.* Not more than one claim may be filed under this section by any person with respect to any year. No claim shall be allowed under this subsection with respect to any year unless filed on or before the first September 30 after the end of such year.

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[Secs. 4493(b) and 6426 (a), (b), (c), and (d) as added by sec. 206 (a) and (c) of the Airport and Airway Revenue Act of 1970 (84 Stat. 242, 245)]

§ 154.4–1 Tentative tax and refunds where plane transports for hire in foreign air commerce.

(a) *Purpose of this section.* This section sets forth rules relating to the election to pay the tentative tax provided by section 4493(b). The purpose of the tentative tax provisions is to permit persons who are significant users of aircraft in foreign air commerce to pay, in lieu of the full poundage charge, a portion of such charge based upon the taxpayer's experience in foreign air commerce during the preceding taxable period. This section also sets forth rules relating to refunds of the aircraft use tax under section 6426 and the definition of airport-to-airport miles (prescribed under the authority contained in section 6426(b)(2)).

(b) *Definitions*—(1) *Airport-to-airport miles.* The term "airport-to-airport miles" means the official mileage distance between airports contained in the direct airport-to-airport mileage record maintained by the Schedule Records Unit of the Office of the Secretary of the Civil Aeronautics Board.

(2) *Significant user of taxable civil aircraft in foreign air commerce.* A person is a "significant user of taxable civil aircraft in foreign air commerce" for any taxable period only if the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)(2)) with respect to the preceding taxable period was at least 10 percent of the aggregate taxes imposed by section 4491 for which such person was liable for payment for the preceding taxable period.

(3) *Foreign air commerce.* The term "foreign air commerce" means use of an aircraft in the business of transporting persons or property for compensation or hire if the movement does not begin and end in the United States. Any segment of such movement in which the aircraft pursuant to its schedule traveled between two ports or stations in the United States shall not be treated as foreign air commerce. For example, if an aircraft travels from London to New York to Chicago pursuant to its schedule, only the London to New York portion of the trip is in "foreign air commerce." Moreover, the London to New York portion of the trip continues to be in "foreign air commerce" even if the aircraft has to land in Boston because of adverse weather conditions before traveling on to New York, since the stopover in Boston is not scheduled.

(c) *Election to pay tentative tax*—(1) *Method of making election.* The election of a significant user of taxable civil aircraft in foreign air commerce to pay the tentative tax shall be made by filing Form 4638 and attaching thereto detailed computations showing (i) qualification as a significant user of taxable civil aircraft in foreign air commerce, and (ii) the amount of tentative tax for the taxable period.

(2) *Completed return.* Persons who elect to pay the tentative tax must file a completed return on Form 4638 and pay any net liability for tax (as defined in section 4493(b)(4)) by the first September 30 after the end of the taxable period.

(d) *Computation of tentative tax.* The tentative tax with respect to any aircraft for any taxable period is an amount equal to the poundage charge reduced by a percentage of such amount equal to the percentage which the aggregate of the payments to which the person electing to pay the tentative tax was entitled under section 6426 (determined without regard to section 6426(c)(2)) with respect to the preceding taxable period is of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding taxable period. A person electing to pay the tentative tax with respect to the year beginning on July 1, 1970, must establish what the tentative tax would have been for such year if section 4491 had been in effect on July 1, 1969.

(e) *Refunds under section 6426*—(1) *Purpose of refund provision.* Section 6426 provides for a refund with respect to the poundage charge for an aircraft used in the business of transporting persons or property for compensation or hire by air, if any of the transportation provided on such aircraft during the taxable period is in foreign air commerce. This refund procedure is available where no tentative tax election was made and, also, where the tentative tax election was made and the amount of tentative tax paid exceeds actual tax liability for the taxable period.

(2) *Determination of refund.* (i) Where the full poundage charge has been

paid with respect to an aircraft, the amount of the refund is determined by multiplying the poundage charge for the aircraft for the taxable period by a fraction the numerator of which is the number of airport-to-airport miles the aircraft traveled in foreign air commerce during the taxable period while engaged in such business and the denominator of which is the total number of airport-to-airport miles the aircraft traveled during the taxable period.

(ii) Where tentative tax has been elected and paid with respect to an aircraft, the amount of the refund is the refund that would be due with respect to that aircraft if the tentative tax had not been so elected and paid, reduced by the amount of the poundage charge not paid due to the tentative tax election. For example, if an aircraft upon which a tentative tax of $800 has been paid and upon which the full poundage charge is $1,000 is used 50 percent in foreign air commerce in the taxable period, the refund with respect to the aircraft would be $300 (the amount of the refund if the tentative tax had not been elected, $500, less the excess of the full poundage charge over the tentative tax paid, $200).

(3) *Aircraft-by-aircraft computations.* Computations under section 6426 must be made separately with respect to each aircraft for which the taxpayer paid the tax imposed by section 4491 for a taxable period. However, if a taxpayer can demonstrate, to the satisfaction of the Commissioner, that the difference between making computations under section 6426 on an aircraft-by-aircraft basis and on a basis of aggregating all aircraft of the same weight class is insubstantial, then the Commissioner will, upon application, permit such taxpayer to make computations on an aggregated basis. To make such a demonstration a taxpayer ordinarily will be required to submit computations on both an aircraft-by-aircraft basis and an aggregated basis for at least one full taxable period.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 4493(a)(1), 6426(b)(2), and 7805, 84 Stat. 244, 245 68A Stat. 917; 26 U.S.C. 4493(a)(1), 6426(b)(2), and 7805, of the Internal Revenue Code of 1954)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: December 31, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 71-165; Filed, Jan. 5, 1971; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—MISCELLANEOUS PROVISIONS

PART 12—NATIONAL CEMETERY REGULATIONS

PART 55—NATIONAL CEMETERY REGULATIONS

Visitor Use and Informational Guidelines

On pages 14995, 14996, and 14997 of the FEDERAL REGISTER of September 26, 1970, there was published a notice of proposed rule making to amend Part 1 of Title 36, to redesignate Part 55 of Title 36 as Part 12 of Title 36, and to revise the national cemetery regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received. Therefore the proposed regulations are hereby adopted without change as set forth below and shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Dated: December 21, 1970.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

1. Section 1.1(a) of Part 1 of Title 36 of the Code of Federal Regulations is amended to read as follows:

§ 1.1 Applicability and scope.

(a) The regulations contained in Parts 1 through 6 of this chapter shall apply to all persons entering, using, visiting, or who are otherwise within the boundaries of any federally owned or controlled areas administered by the National Park Service except: (1) Areas administered by the National Park Service in the District of Columbia and its environs to which Part 50 of this chapter is specifically applicable, and (2) national cemeteries to which Part 12 of this chapter is specifically applicable. The special regulations in Part 7 of this chapter also apply to all persons entering, using, or visiting the areas for which they are adopted. The regulations contained in Parts 1 through 7 of this chapter are hereby made and prescribed for the proper use, management, government and protection of, and maintenance of good order in the areas to which they apply.

* * * * *

2. Redesignated Part 55 is revised to read as follows:

VISITOR USE REGULATIONS

Sec.
12.1 Purpose.
12.2 Authority for national cemeteries.
12.3 Administration, control, and supervision.
12.4 Visitors.
12.5 Services and ceremonies.
12.6 Penalties.

INFORMATIONAL GUIDELINES

12.7 Interments and disinterments.
12.8 Headstones and markers.
12.9 Monuments and inscriptions at private expense.
12.10 Private memorials and commemorative tablets.
12.11 Cemetery maintenance.
12.12 Uses and display of flags.

AUTHORITY: The provisions of this Part 12 issued under R.S. 4881, as amended, sec. 1, 19 Stat. 99, as amended, secs. 1-3, 495, 496; 16 U.S.C. 1, 3, 231, 450o, 24 U.S.C. 278, 286. E.O. 6166, as amended, 5 U.S.C. 132 note; E.O. 8428, 5 F.R. 2131; and Proc. 2554, 7 F.R. 3143.

VISITOR USE REGULATIONS

§ 12.1 Purpose.

The following regulations apply to all persons entering, using, visiting, or who are otherwise within the boundaries of a national cemetery under the administration of the National Park Service, or within an area listed in § 12.3.

(a) The regulations in Parts 4 and 5 of this chapter and §§ 2.1, 2.3, 2.4, 2.6, 2.7, 2.8, 2.9, 2.10, 2.15, 2.16, 2.19, 2.21, 2.22, 2.24, and 2.29, of this chapter are incorporated by reference.

§ 12.2 Authority for national cemeteries.

Basic legal authority pertaining to national cemeteries is contained in the Act of February 22, 1867, ch. 61, 14 Stat. 400, as amended; 24 U.S.C. 271; the Act of August 25, 1916, ch. 408, 39 Stat. 535, as amended; 16 U.S.C. 1 and E.O. 6166, June 10, 1933, as amended; 5 U.S.C. 132 (note).

§ 12.3 Administration, control, and supervision.

The Director of the National Park Service, under the direction and control of the Secretary of the Interior, is responsible for the operation, maintenance, and administration of the national cemeteries below listed, and for the formulation of plans, policies, procedures, and regulations pertaining thereto.

Andrew Johnson National Monument.
Antietam (Sharpsburg), Md.
Battleground, District of Columbia.
Chalmette National Historical Park.
Custer Battlefield National Monument.
Fort Donelson (Dover), Tenn.
Fredericksburg, Va.
Gettysburg, Pa.
Poplar Grove (Petersburg), Va.
Shiloh (Pittsburgh Landing), Tenn.
Stones River (Murfreesboro), Tenn.
Vicksburg, Miss.
Yorktown, Va.

§ 12.4 Visitors.

(a) Visitors will be admitted during the hours the gates are open.

(b) The possession, destruction, injury, defacement, removal, or disturbance in any manner of any building, sign, equipment, monument, statue, marker, or other structure, or of any animal or plant matter and direct or indirect products thereof, including but not limited to petrified wood, flower, cone or other fruit, egg, nest, or nesting site, or of any soil, rock, mineral formation, phenomenon of crystallization, artifact, relic, historic or prehistoric feature, or of any other public property of any kind, is prohibited.

(c) The use of a trap, seine, hand-thrown spear, net (except a landing net), firearm (including an air- or gas-powered pistol or rifle), blowgun, bow and arrow or crossbow, or any other implement designed to discharge missiles in the air or under the water which is capable of destroying animal life is prohibited, except that firearms may be used as part of an official ceremony.

(d) Camping, picnicking, fishing, and the kindling of any fire is prohibited.

(e) The use of national cemetery drives as public highways is prohibited. The speed of vehicles shall not exceed 25 miles per hour.

(f) Special advance plans may be developed, in anticipation of large crowds, to restrict the number of motor vehicles permitted to enter the cemetery area in order to relieve congestion and to promote public safety.

§ 12.5 Services and ceremonies.

(a) *General.* Patriotic organizations may, with proper permission, conduct services in national cemeteries. Requests for permission should be addressed to the cemetery superintendent who will assign an appropriate time and render assistance in carrying out the programs. No organization will be given exclusive permission to enter any cemetery or for any particular occasion. Where several requests are received for separate services, the superintendent will schedule each so as to avoid interference.

(b) *Special occasions.* Since many organizations regularly conduct such services on Memorial Day, Veteran's Day, Easter Sunday, national holidays, and other special occasions, the procedure governing such services will be essentially as above provided. When Memorial Day falls on Sunday the ceremonies may be scheduled for either Sunday or Monday.

§ 12.6 Penalties.

Any person who violates any provision of §§ 12.1-12.5, or as the same may be amended or supplemented, in regard to any national cemetery under the jurisdiction of the Secretary of the Interior shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or imprisonment for not exceeding 6 months, or both, and be adjudged to pay all costs of the proceedings (16 U.S.C. 3): *Provided,* That the penalties set out in § 1.3(b) of this chapter shall apply to violations which take place at Andrew Johnson National Monument and Chalmette National Historical Park.

INFORMATIONAL GUIDELINES

§ 12.7 Interments and disinterments.

(a) *Who may be interred.* Bural in a national cemetery is authorized in accordance with regulations prescribed by the Secretary of the Army.

(b) *Burial permits.* Burial permits, usually a part of the death certificate, are required for interments except those of cremated remains. In such cases burial permits will be required only where State law makes them mandatory. It is permissible to inter, prior to receipt of the burial permit, the remains of members of the Armed Forces who die on active duty.

(c) *Assignment of gravesites.* (1) Under present policy of the Department of the Army, only one gravesite is authorized for the burial of the service member and eligible members of his immediate family. This policy will be applied to all national cemeteries under the jurisdiction of the Department of the Interior, except in those cases in which the Director specifically determines this to be infeasible.

(2) Gravesites will not be reserved in cemeteries in which the one-gravesite-per-family-unit policy has been placed in effect.

(3) Gravesite reservations made in writing prior to the establishment of the one-gravesite-per-family-unit policy will remain in effect as long as the reservee remains eligible for burial in a national cemetery.

(4) Burial sections:

(i) Layout plans for burial sections in all national cemeteries will be approved by the Director. Sizes of gravesites will conform to dimensions designated by the Chief of Support Services, Department of the Army.

(ii) Until grave space is exhausted in sections that were in existence prior to January 1, 1947, burials may be made in accordance with procedures and policies in effect at the time such sections were established, provided, however, that no person otherwise eligible will be denied burial by reason of policies in existence prior to Januray 1, 1947, if burial space exists anywhere in the cemetery. In all burial sections established on or after January 1, 1947, burials will be made in accordance with policies or procedures in effect on or after January 1, 1947.

(iii) Burials will not be made in memorial sections.

(iv) As the need arises for the use of new sections for burials, such cases will be forwarded to the Director for approval. Plans and recommendations for resolving the situation will accompany the request for final decision.

(d) *Disinterments.* (1) Interments of eligible remains in national cemeteries are considered to be permanent and final and disinterments will not be permitted except upon approval of the Director. Disinterments and removal of remains from a national cemetery will be approved only when next of kin (includes the person who directed the initial interment if still living) give their consent and establish cogent reasons for the disinterment, or in recognition of a court order directing the disinterment.

(2) All requests for authority to disinter remains will be submitted to the Director, and must state the reason for desiring the disinterment and be accompanied by the following documents:

(i) Notarized affidavits by all close living relatives of the deceased, stating that they interpose no objection to the proposed disinterment. "Close relatives" are defined as surviving spouse, parents, adult brothers and sisters, and adult children and will include the person who directed the initial interment, if living, even though the legal relationship of such person to the decedent may have changed.

(ii) A sworn statement, by a person having knowledge thereof, that those who supplied such affidavits comprise all the living close relatives of the deceased, including the person who directed the initial interment.

(iii) In lieu of the documents required in this subparagraph (2), an order of a court of competent jurisdiction will be considered.

(iv) Any disinterment that may be authorized under this section must be accomplished without expense to the Government.

§ 12.8 Headstones and markers.

Headstones and markers, authorized to be furnished at Government expense, will be provided under rules and regulations promulgated by the Secretary of the Army.

§ 12.9 Monuments and inscriptions at private expense.

(a) The erection of markers and monuments at private expense to mark graves in lieu of Government headstones and markers requires prior approval of the Director and is permitted only in sections in existing national cemeteries in which private monuments and markers were authorized as of January 1, 1947. Such monuments will be simple in design, dignified, and appropriate to a military cemetery. The name of the person(s) or the name of an organization, fraternity, or society responsible for the purchase and erection of the marker will not be permitted on the marker or anywhere else in the cemetery.

(b) Where a headstone or monument has been erected to an individual interred in a national cemetery and the next of kin desires to inscribe thereon the name and appropriate data pertaining to a deceased spouse, parent, son, daughter, brother, or sister whose remains have not been recovered and who would have been eligible in their own right for burial in a national cemetery, such inscriptions may be incised on the headstone or monument at no expense to the Government with the prior written approval of the Director. The words "In Memoriam" or "In Memory Of" are mandatory elements of such inscriptions.

(c) Except as may be authorized for marking group burials, ledger monuments, monuments of free-standing cross design, narrow shafts, mausoleums, or overground vaults are prohibited. Underground vaults may be placed at private expense, if desired, at the time of interment.

§ 12.10 Private memorials and commemorative tablets.

(a) *Purpose.* (1) The purpose of this section is to implement the Act of August 27, 1954 (68 Stat. 880, as amended, 24 U.S.C. 279d), which provides that the Secretary of the Interior and the Secretary of the Army shall set aside, when available, suitable plots in the national cemeteries under their jurisdiction to honor the memory of members of the Armed Forces missing in action or who died or were killed while serving in such forces, and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable, and to permit the erection of appropriate markers thereon in honor of any such member or group of members. The regulations in this section govern the erection of private memorial markers in national cemeteries under the jurisdiction of the Department of the Interior, a list of which is set forth in § 12.3. The source of the regulations in this section is the "Joint Resolution" of the Secretary of the Interior and the Secretary of the Army, issued pursuant to the Act of August 27, 1954, supra, and effective January 26, 1956.

(b) *Scope*—(1) *Those who may be memorialized.* Those members of the Armed Forces of the United States whose deaths occurred during a period when the United States was at war or as a result of military operations; whose remains have not been identified, have been buried at sea, or have been determined officially to be nonrecoverable; and on whom there has been either:

(i) A report of missing in action and a subsequent official finding of death; or

(ii) An official report of death in action. "In action" as used in this paragraph characterizes the casualty status as having been the direct result of hostile action; sustained in combat and related thereto; or sustained going to or returning from a combat mission, provided the occurrence was directly related to hostile action.

(2) *Extent of memorialization.* The erection of a private marker may be authorized to memorialize a person or a group of persons. Only one individual marker will be authorized for the memorialization of a person; however, the erection of an individual marker to a person will not preclude the inscription of his name on a group marker.

(c) *Application for memorialization.* (1) Application for authority to erect a private memorial marker shall be submitted to the Director, whose approval should be obtained prior to fabrication of the marker, since erection will not be permitted except on compliance with the conditions specified in the regulations in this part.

(2) Application for permission to erect an individual marker must be submitted by the legal next of kin of the decedent or the authorized representative of the legal next of kin.

(3) Application for permission to erect a group marker may be submitted by a person, a group of persons, or an organization. Each group-marker application must be accompanied by (i) a list of names of the persons to be memorialized and other data desired for inscription on the marker; (ii) the written approval of the legal next of kin of each person whose name is to be inscribed on the marker; and (iii) a scale plan depicting the details of the design, materials, finish, carving, lettering, and arrangement of inscription.

(4) The Chief of Support Services, Department of the Army, will determine the eligibility of the persons or groups of persons to be memorialized.

(5) The Director will exercise approval authority and control over assignment of plots for and the design type, size, materials, inscription, and erection of the memorial markers. Approval for erection will be conditional upon the applicant's granting to the Department of the Interior the substantive right to remove and dispose of the marker, if the applicant fails to maintain it in a condition acceptable to the Department.

(d) *Markers which may be authorized.* (1) Memorial markers will conform to the type, size, materials, design, and specifications prescribed for the cemetery section in which the memorial marker is to be erected. The inscriptions will conform to those authorized to mark graves in national cemeteries and in addition will include the words "In Memoriam" or "In Memory Of" as mandatory elements. The inscription on a memorial marker may not include the name of the person or group of persons or the name or insignia of an organization, fraternity, or society responsible for the purchase and erection of the marker.

(e) *Cost and maintenance of memorials.* (1) The cost of the private memorial markers, transportation, and erection in the cemetery will be at no expense to the Government. The Department of the Interior will assume no liability or responsibility incident to the purchase, fabrication, delivery, erection, maintenance of, or damage to private memorial markers.

§ 12.11 Cemetery maintenance.

Cemetery maintenance will be performed generally in accordance with the methods and procedures described in chapter 5 of Department of the Army Technical Manual TM 10-287.

§ 12.12 Use and display of flag.

The flag will be used and displayed in accordance with regulations promulgated pursuant to law (56 Stat. 377, ch. 435; 36 U.S.C. 173-178).

[F.R. Doc. 71-117; Filed, Jan. 5, 1971; 8:47 a.m.]

PART 6—MISCELLANEOUS FEES

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yosemite National Park, Calif.; Revocation of Special Truck Restrictions; Correction

The purpose of this amendment is to correct errors of format and citation appearing in the preamble of a notice of rule making deleting special provisions prohibiting operation of commercial trucks on Tioga Road, Yosemite National Park, Calif. The notice appeared at page 10658 of the FEDERAL REGISTER on July 1, 1970. The preamble is hereby amended as follows:

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 2 of the Act of October 1, 1890 (26 Stat. 650, 16 U.S.C. 61), section 5 of the Act of June 2, 1920 (415 Stat. 731, 16 U.S.C. 57), 245 DM-1 (34 F.R. 13879, as amended), National Park Service Order No. 34 (31 F.R. 4255), and Regional Director, Western Region Order No. 4 (31 F.R. 5577); there is hereby revoked § 6.4 (c) (3) of Part 6, Chapter I and § 7.16(c) of Part 7, Chapter I, of Title 36 of the Code of Federal Regulations.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

[F.R. Doc. 71-116; Filed, Jan. 5, 1971; 8:47 a.m.]

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Assignability of Reservations

Section 251.17, Part 251 of Title 36, Code of Federal Regulations, is amended as follows:

§ 251.17 Grantor's right to occupy and use lands conveyed to the United States.

* * * * *

(a) Except when provided otherwise by statute, the reservation so created shall not be assigned, used, or occupied by anyone other than the grantor without the consent of the United States.

* * * * *

(e) Except when provided otherwise by statute, the reservation shall terminate (1) upon the expiration of the period named in the deed; (2) upon failure for a period of more than one calendar year to use and occupy the premises for the purposes named in the deed; (3) by use and occupancy for unlawful purposes or for purposes other than those specified in the deed; and (4) by voluntary written relinquishment by the owner.

* * * * *

(36 Stat. 961, as amended, 16 U.S.C. 513-518, 42 Stat. 465, as amended, 16 U.S.C. 485, 486, and 50 Stat. 525, as amended, 7 U.S.C. 1011, and 70 Stat. 1034, 7 U.S.C. 428a, 78 Stat. 890, 16 U.S.C. 1131-1136; 79 Stat. 843, 16 U.S.C. 460p—460p-5; 79 Stat. 1295, 16 U.S.C. 460q—460q-9; 80 Stat. 190, 16 U.S.C. 460r—460r-5; 82 Stat. 904, 16 U.S.C. 460v—460v-8; 82 Stat. 919, 16 U.S.C. 1241-1249 and 82 Stat. 906, 16 U.S.C. 1271-1287)

Effective date. This amendment shall become effective on date of its publication in the FEDERAL REGISTER.

T. K. COWDEN,
Assistant Secretary of Agriculture.

DECEMBER 30, 1970.

[F.R. Doc. 71-132; Filed, Jan. 5, 1971; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 171—MONEY ORDERS

Payments to Banks Through Federal Reserve System

In Part 171 § 171.9 is added, having been inadvertently omitted from the recent revision of Chapter I of Title 39, Code of Federal Regulations (35 F.R. 19399).

§ 171.9 Payments to banks through Federal Reserve System.

(a) *Presentation for payment.* Banks may present money orders for payment through the Federal Reserve System.

(b) *Definitions.* (1) "Money order" means a U.S. Postal Money Order.

(2) "Federal Reserve Bank" means a Federal Reserve Bank or branch thereof which presents a money order for payment by the Postmaster General.

(3) "Presenting bank" means a bank which presents a money order to and receives credit therefor from a Federal Reserve Bank.

(4) "Reclamation" means the action taken by the Postmaster General to obtain refund of the amounts of paid money orders.

(5) "Examination" includes examination of money orders for indicia of theft, forged endorsements, forged signatures or initials of issuing personnel, raised amounts, and other material defects by means of electronic methods and also visual inspection for discovery of defects which cannot be electronically discovered.

(6) "Stolen money order" means a U.S. Postal Money Order which has been stolen from a post office, classified or contract station, or branch or postal employee before it has been officially issued by the post office, classified or contract station, or branch or by a postal employee in the course of discharging his official duties.

(c) *Payment.* The Postmaster General has the usual right of a drawee to examine money orders presented for payment by banks through the Federal Reserve System and to refuse payment of money orders and shall have a reasonable time after presentation to make such examination. Provisional credit shall be given to the Federal Reserve Bank when it furnishes the money orders for payment by the Postmaster General. Money orders shall be deemed to be paid only after examination has been fully completed subject to the right of the Postmaster General to make reclamation as provided for in paragraph (e) of this section.

(d) *Endorsements.* The presenting bank and the endorser of a money order presented for payment are deemed to guarantee to the Postmaster General that all prior endorsements are genuine, whether or not an express guarantee to that effect has been placed on the money order. When an endorsement has been made by a person other than the payee personally, the presenting bank and the endorser are deemed to guarantee to the Postmaster General, in addition to other warranties, that the person who so endorsed had unqualified capacity and authority to endorse the money order on behalf of the payee.

(e) *Reclamation.* The Postmaster General shall have the right to demand refund from the presenting bank of the amount of a paid money order, if, after payment, the money order is found to have been stolen, or to bear a forged or unauthorized endorsement, or to contain any material defect or alteration which was not discovered upon examination. Such right includes, but is not limited to, the right to make reclamation of the amount by which a genuine money order bearing a proper and an authorized endorsement has been raised. Such right shall be exercised within a reasonable time after the Postmaster General discovers that the money order has been stolen, or bears a forged or unauthorized endorsement, or is otherwise defective. If refund is not made by the presenting bank within 60 days after demand, the Postmaster General shall take such action as may be necessary to protect the interests of the United States.

(5 U.S.C. 301, 39 U.S.C. 501, 5101)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 71-82; Filed, Jan. 5, 1971; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.407-1(c) is revised to read as follows:

§ 5A-2.407-1 General.

* * * * *

(c) Preaward inquiries from bidders normally shall be directed to the Business Service Center in accordance with § 5-2.408(c) of this title. If the inquiry is about the status of an award and notice of award has not been issued, the Business Service Center personnel or the contracting personnel, as appropriate, shall normally limit their response to a statement that final award determination has not been made. This does not preclude advising a bidder, who is pressing for award status, that award will not be made to him, when such conclusion has been reached at the appropriate level required by the Delegations of Authority, nor does it preclude, when applicable, advising the bidder that his case has been referred to the Small Business Administration for consideration as to Certificate of Competency action and the reasons therefor. Any action or discussion which may create false impressions in the eyes of prospective contractors about any forthcoming award must be avoided. Bidders must clearly understand that until a formal notice of award is issued that no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made. This includes, but is not limited to, requests for clarification of an offer, requests to extend the offer acceptance time, or requests for information for the purpose of verifying an offeror's ability to perform any resultant contract. In conformance with the foregoing, the following provision shall be included in all solicitations for offers:

AWARD

Until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made.

PART 5A-8—TERMINATION OF CONTRACTS

Subpart 5A-8.7—Clauses

Section 5A-8.700-2 is revised to read as follows:

§ 5A-8.700-2 Applicability.

Pursuant to § 1-8.7 of this title, the following termination for convenience clauses shall be included in FSS contracts exceeding $2,500 in amount:

(a) For fixed-price supply contracts expected to exceed $2,500 but not expected to exceed $100,000, the short-form termination clause prescribed in § 1-8.705-1 of this title shall be used (article 46(a) of GSA Form 1424).

(b) For fixed-price supply contracts expected to exceed $100,000, the long-form clause prescribed in § 1-8.701 of this title shall be used (see article 46(b) of GSA Form 1424).

(c) For service contracts, the short-form termination clause prescribed in § 1-8.705-1 of this title shall be used (article 46(a) of GSA Form 1424), except where a determination is made under § 1-8.700-2(a)(2) of this title that the long-form clause should be used.

(d) For other types of contracts, see § 1-8.700-2 of this title for guidance.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to delete §§ 5A-16.950-102 (FL), 5A-16.950-1504(FM), and 5A-16.950-2313 and to include the following entries:

Sec.	
5A-16.950-102	GSA Form 102, Delinquent Contractor's Report of Orders Received.
5A-16.950-1504	GSA Form 1504, Letter—Review of Invitations and Solicitations.

Sec.
5A-16.950-1773 GSA Form 1773, Notice of Partial Small Business Set-Aside.
5A-16.950-1790 GSA Form 1790, Subcontracting Programs.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days from the date shown below.

Dated: December 28, 1970.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[F.R. Doc. 71-162; Filed, Jan. 5, 1971; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Order. 1. The Commission has before it the desirability of amending § 0.485 showing the location of the Field Engineering Bureau's examination points for amateur and commercial radio operator licenses.

2. Authority for the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, section 552 of the Administrative Procedure Act and § 0.261(a) of the Commission's rules. Because the amendment is procedural in nature, the prior notice and effective date provisions of section 553 of the Administrative Procedure Act do not apply.

3. *It is ordered,* That effective January 11, 1971, Parts 0 and 97 of the rules and regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: December 29, 1970.

Released: December 30, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 0.485(c) is amended by adding in the appropriate alphabetical order, to the listing of semiannual examination points the cities of Juneau, Alaska, and Ketchikan, Alaska.

Appendix I, Part 97, is amended by adding in the appropriate alphabetical order to the listing of semiannual examination points the cities of Juneau, Alaska, and Ketchikan, Alaska.

[F.R. Doc. 71-119; Filed, Jan. 5, 1971; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 4)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Accessorial or Terminal Services; Effective Date

In the matter of amendment of § 1056.4 *General rules and regulations of motor carriers of household goods.*

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, including the report and order of the Commission, 335 ICC 698, amending § 1056.4 of Title 49 of the Code of Federal Regulations (formerly numbered § 276.4 of that title), the order served October 29, 1970, modifying the original order to become effective on December 1, 1970, and the joint petition filed on November 23, 1970, by the California Household Goods Carriers' Bureau, and B. W. Carrington, Agent, seeking modification of the effective date; and good cause appearing therefor:

It is ordered, That the order in this proceeding served on October 29, 1970, be, and it is hereby, modified so as to become effective on February 1, 1971, without other change in the requirements of the said order. No further extensions are contemplated.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication therein.

Dated at Washington, D.C., on this 30th day of November 1970.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-131; Filed, Jan. 5, 1971; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 240—GROUNDFISH FISHERIES

A notice of proposed rule making which would amend the Groundfish Fisheries regulations (50 CFR Part 240) was published in the FEDERAL REGISTER on October 20, 1970. An alternative notice was subsequently published in the FEDERAL REGISTER on November 28, 1970. Both proposals were designed to implement the recommendations of the International Commission for the Northwest Atlantic Fisheries, concerning the catch of yellowtail flounder (Limanada ferruginea (Storer)) in Subarea 5. Interested persons were given 60 days from the date of the first publication to submit comment.

A public hearing was conducted at New Bedford, Mass., on December 14, 1970, to enable interested persons to participate in the rule making through the submission of comments, views, and data to appropriate Federal officials. Upon a review of the whole record, it has been concluded that the quarterly quota proposed on November 28, 1970 (35 F.R. 18202) within the annual catch limitation and an increased cod end mesh size would provide additional escapement of immature fish, thereby achieving the desired conservation objectives of the Commission.

Since many editorial changes are required to include yellowtail flounder as a regulated species, Part 240 has been redrafted.

Changes in this part which reflect the recommendation of the Commission concerning yellowtail flounder are as follows:

In §§ 240.1, 240.2 and 240.5 through 240.10, yellowtail flounder is added as a regulated species.

The word "license" in §§ 240.2 through 240.5 is used instead of "registration certificate" or "certificate" so that conforming language is used.

In § 240.3 a 4½-inch manila cod end mesh size is permitted to March 31, 1971, after which a minimum cod end mesh size of 5⅛-inch manila is in force. This will provide industry with sufficient time to make the necessary adjustments.

In § 240.5, exemptions for yellowtail flounder will be allowed on a trip basis during a closed season of 5,000 pounds or 10 percent by weight of all fish on board, whichever is greater, and for vessels engaged primarily in a mixed fishery a 12 months 10-percent exemption will be allowed while using meshes less than 4½ inches.

Section 240.6 accomplishes three objectives. It provides for the creation of two regulatory areas, one east and the other west of 69° west longitude. It further establishes quarterly quotas in each of the two areas. Finally, it permits the Director of the National Marine Fisheries Service to adjust each succeeding quarterly quota in both areas as may be required in light of the preceding quarterly catch rates.

Section 240.7 defines the dates for each quarter, and establishes the tentative quarterly allotments, as well as the authority of the Director to announce each quarterly closure.

Section 240.8 describes the criteria by which the closure is to occur.

Certain restrictions are described in § 240.9 which shall apply during the period when the yellowtail flounder season is closed after the quarterly quota has been reached.

Section 240.10 contains reporting requirements which shall apply to all firms or corporations purchasing yellowtail flounder, and to the master or operator of any fishing vessel holding a license under these regulations.

All reference to the Bureau of Commercial Fisheries, Department of the Interior is changed to National Marine Fisheries Service, Department of Commerce.

Effective date. The season opens on January 1, and the regulations of ICNAF which these rules are intended to implement become effective January 7, 1971. Therefore, these amendments will be effective on the date of publication in the FEDERAL REGISTER.

These regulations are issued under the authority contained in the subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 16527).

Issued at Washington, D.C., and dated December 31, 1970.

WILLIAM M. TERRY,
Acting Director,
National Marine Fisheries Service.

Sec.
240.1 Meaning of terms.
240.2 License.
240.3 Restrictions on fishing gear.
240.4 Temporary suspension of licenses.
240.5 Certain persons and vessels exempted.
240.6 Catch limits.
240.7 Open season.
240.8 Closed seasons and areas.
240.9 Restrictions applicable to fishing vessels.
240.10 Reports and recordkeeping.

AUTHORITY: The provisions of this Part 240 issued under subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 F.R. 16527).

§ 240.1 Meaning of terms.

When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

(a) Convention area: The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) Regulatory area: The term "Regulatory area" means and includes the whole of those portions of the convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1 as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 miles to the point of beginning.

(c) The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term regulated species is used it shall apply to those in this list.

(1) In Subarea 1:
(i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) Ocean perch (redfish) (*Sebastes*).
(iv) Halibut (*Hippoglossus hippoglossus* (L.)).
(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) In Subarea 2:
(i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) Ocean perch (redfish) (*Sebastes*).
(iv) Halibut (*Hippoglossus hippoglossus* (L.)).
(v) Grey sole (witch) (*Glyptocephsius cynoglossus* (L.)).
(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) In Subarea 3.
(i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical Division 3N, 3O, and 3P halibut (*Hippoglossus hippoglossus* (L.)) grey sole (witch) (*Glyptocephalus cynoglossus* (L.)) yellowtail flounder (*Limanda ferruginea* (Storer)) dab (American plaice) (*Hippoglossoides platessoides* (Fab.)) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)) pollock (saithe) (*Pollachius virens* (L.)) white hake (*Urophycis tenuis* (Mitch.)).

(4) In Subarea 4:
(i) Cod (*Gadus morhua* (L.)).
(ii) Haddock (*Melanogrammus aeglefinus* (L.)).
(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus*

(L.)) yellowtail flounder (*Limanda ferruginea* (Storer)) black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb)) dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(5) In Subarea 5:

(i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus seglefinus* (L.)).

(iii) Yellowtail Flounder (*Limanada ferruginea* (Storer)).

(d) Fishing: The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish protected under the regulations in this part.

(e) Fishing vessel: The words "fishing vessel" denote every kind, type or description of watercraft subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(f) Trawl net: The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(g) Cod end: The words "cod end" mean the bag-like extention attached to the after end of the belly of the trawl net and used to retain the catch.

(h) Convention: The International Convention for the Northwest Atlantic Fisheries signed at Washington, February 8, 1949.

(i) Commission: The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(j) Contracting governments: Member governments of the Convention.

(k) Executive Secretary: The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) Service: The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(m) Service Director: The Director of the National Marine Fisheries Service.

(n) Regional Director: The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930. Telephone number: Area Code (617) 281-0640.

(o) Open season: The time during which haddock or yellowtail flounder may lawfully be captured and taken on board a fishing vessel without limitation on the quantity permitted to be retained during each fishing voyage except as provided under § 240.5.

(p) Closed season: The time during which haddock or yellowtail flounder in specified areas may not be taken in quantities exceeding the amounts as an incident to fishing for other species.

(q) Demersal species: Fishes living at the bottom of the sea.

(r) Person: Any owner, master or operator of a fishing vessel.

§ 240.2 License.

(a) The license and the logbook required under § 240.10(b) shall be issued without fee by authorized officers of the Government of the United States.

(b) Unless permitted to do so by § 240.5 no person shall engage in fishing for these species of fish mentioned in § 240.1(c) within the Convention area, nor shall any person possess, transport or deliver by means of any fishing vessel such species taken within such area except under a license issued and in force in conformity with the provisions of this part.

(1) The owner or operator of a fishing vessel may obtain without charge a license by furnishing, on a form to be supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the license is desired. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the license for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the license is issued. New licenses shall similarly be issued to replace expired, lost or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application not later than 10 days prior to the expiration date of the expiring license.

(2) The license issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

(c) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Restrictions on fishing gear.

(a) Minimum mesh sizes:

(1) In Subarea 1, no person shall use or attempt to use from any vessel for which a license is in force, a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 5⅛-inch (130 mm.) manilla trawl net.

(2) In Subareas 2, 3, 4, and 5, no person shall use or attempt to use from any vessel for which a license is in force a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 4½ inches (114 mm.) or a trawl net or nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 4½-inch (114 mm.) manilla trawl net. No person shall possess at any time on board a vessel for which a license is in force a trawl net or nets, parts of nets, or netting having a mesh size less than that specified in this subparagraph for the appropriate fishery.

(3) Except as provided in subparagraph (4) of this paragraph, a minimum mesh size of 4½ inches (114 mm.) manilla as specified in subparagraph (2) of this paragraph shall apply to persons engaged in the yellowtail flounder fishery.

(4) Beginning April 1, 1971, in Subarea 5 no person engaged in the yellowtail flounder fishery shall use or attempt to use from any vessel for which a license is in force a cod end of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 5⅛ inches (130 mm.). No person shall possess at any time on board a vessel for which a license is in force a cod end having a mesh size less than that specified in this subparagraph.

(b) As used in this section, the term "mesh size" shall mean:

(1) With respect to any part of the net except the cod end; the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(2) With respect to the cod end, the average of the measurements of any 20 consecutive meshes running parallel to the long axis of the cod end, beginning at the after end of the cod end, and being at least 10 meshes from the side lacings or, the average of the measurements of the meshes in any series of consecutive meshes, running the full length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings such measurements of the cod end to be made when wet after use, or, at the option of the user, a cod end for use in specified subareas, which, has been approved, in accordance with paragraph (e) of this section, by an authorized employee of the National Marine Fisheries Service as having a mesh size when dry before use equivalent to not less than that required by this section for such a cod end when measured wet after use.

(c) All measurements of meshes shall be made by the insertion into the meshes under a pressure or pull of 5.0 kilograms (11.0 pounds.) of a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters.

(d) Mesh size differentials to be used in determining the selectivity equivalent of different trawl net materials including both the body of the net and the cod end shall apply as follows:

(1) In Subarea 1 in relation to 5⅛-inch (130 mm.) mesh size:

(i) Such part of any trawl net as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers: 4¾ inches (120 mm.).

(ii) Such part of any trawl net as is made of manilla polypropylene (Ulstron, Courlene, Drumfil) or any other material not mentioned above: 5⅛ inches (130 mm.).

(2) In Subareas 2, 3, 4, and 5 in relation to 4½-inch (114 mm.) mesh size:

(i) Such part of any trawl net as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers 4⅛ inches (105 mm.).

(ii) Such part of any trawl net as is made of manila polypropylene (Ulstron, Courlene, Drumfil) or any other material not mentioned above: 4½ inches (114 mm.).

(3) In Subarea 5 in relation to 5⅛-inch (130 mm.) mesh size:

(i) Cod end as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers: 4¾ inches (120 mm.).

(e) For the purpose of approving a dry cod end before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings, when stretched under a tension of 200 pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than 10 percent of the meshes in such row shall be more than one-half inch (13 mm.) smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of one of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for fishing for the regulated species in Subareas 2, 3, 4, and 5 by any authorized employee of the National Marine Fisheries Service by the attachment to such cod end of an appropriate seal.

Types of twine	Manufacturer's specifications	Average mesh size
Manilla, double strand:		
4-ply 45-yard		5.625 inches (5⅝").
4-ply 50-yard		5.625 inches (5⅝").
4-ply 75-yard		5.625 inches (5⅝").
4-ply 80-yard		5.500 inches (5½").
Westerbeke No. 2 Nylon Braid, 100% Nylon Braid.	Linear density, 38.89 yards/lb. Picks/inch, 9.0. Carriers, 16. Ends/carrier, 3. Total ends, 48. 840 denier/140 filament 2 ply. 12.1 T.P.I. of "Z" twist in singles. 9.9 T.P.I. of "S" twist in 2 ply.	4.6875 inches (4 11/16").

(f) The alteration, defacement, or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(g) The repair, alteration, or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for fishing for the regulated species. Nothing contained in this paragraph shall preclude the continued use at the option of the user of a cod end having an invalidated seal affixed thereto if such cod end after repair, alteration, or other modification does not have a mesh size of less than that defined in paragraph (b) of this section for such a cod end when measured wet after use.

(h) The use in fishing for the regulated species within the regulatory area of any device or method which will obstruct the meshes of the trawl net of which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That a protective covering of canvas, netting, or other material may be attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting may be attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer" as described below. For the purposes of this paragraph, the required mesh size when measured wet after use shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the netting, such measurements to be made as specified in paragraph (c) of this section. Within the regulatory area, the "ICNAF-type chafer" may be used in any subarea; the "multiple flap-type chafer" and the "Polish-type chafer" may be used in any subarea other than Subarea 5. Specifications of each type of chafer are as follows:

(1) *ICNAF (single piece) type chafer.* (i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such widths to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified in this section for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* (i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all the pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified in this section for the cod end to which it is attached.

(3) *Polish-type chafer.* (i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified in this section for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine material and size as that of the cod end.

§ 240.4 Temporary suspension of licenses.

(a) The owner or operator of any fishing vessel which is proposed to be used in fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than those indicated in § 240.1(c) may obtain a temporary suspension of the license issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of license shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of the State of Maine or of the State of Massachusetts or by an authorized officer of any one of the following agencies: The National Marine Fisheries Service, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the license evidencing the duration of its suspension.

§ 240.5 Certain persons and vessels exempted.

Except as otherwise provided in this section, nothing contained in §§ 240.2(b) to 240.4 shall apply to the following: *Provided*, That during any closed period under § 240.8(a), the exemptions provided for haddock and yellowtail flounder under paragraphs (c) and (d) of this section shall automatically be suspended:

(a) Any person or vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes for those species listed in § 240.1(c).

(b) Any vessel permanently documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any person who in the course of fishing in Subareas 3, 4, or 5 for nonregulated species takes and possesses a

quantity of cod, haddock, yellowtail flounder, and of the other regulated species in aggregate, not to exceed 5,000 pounds for each or 10 percent by weight for each, whichever is the greater amount, of all fish on board the vessel taken in the subarea where fishing was conducted. The exemption provided in this paragraph shall apply separately in Subareas 3, 4, and 5.

(d) Any person who, while engaged in fishing for nonregulated species within Subareas 3, 4, or 5, does not take in any period of 12 months the regulated species in quantities in excess of 10 percent by weight for each of cod, haddock, yellowtail flounder, and the aggregate of the other listed species in § 240.1(c), of all the trawl-caught fish taken by such person within such period of 12 months in each subarea. Any such person desiring to avail himself of the exemption provided for this paragraph shall obtain a license for exemption and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge an exemption by furnishing on a form to be supplied by the National Marine Fisheries Service information specifying the name and address of the owner and operator of the vessel and the name, official number, and the home port of the vessel. The application form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant an exemption valid for the calendar year. The exemption shall authorize during this period the use of the vessel for which issued, in the taking of the regulated species within the regulatory area without regard to restrictions on fishing gear imposed, respectively, by §§ 240.2 and 240.3 provided:

(i) The vessel and its fishing gear are not used to take the regulated species within Subareas 3, 4, or 5 in quantities in excess of 10 percent by weight for each of cod, haddock and yellowtail flounder and the aggregate of the other regulated species, of all the trawl-caught fish taken by means of such vessel during the period covered by the exemption.

(ii) The 10 percent exemption for each of cod, haddock, and yellowtail flounder and the aggregate of the other regulated species shall be computed separately for each subarea by the weight of all fish caught within the same subarea.

(2) Duplicate exemptions shall be issued to replace lost or mutilated exemptions.

(3) An application for renewal of an expiring exemption shall be made in like manner as the original application not later than 15 days prior to the expiration date of the expiring exemption.

(4) No renewal shall be granted if it is determined by said Regional Director that the fishing vessel for which a renewal is sought was used to take quantities of regulated species in excess of the allowable percentages during the period covered by the expiring exemption.

(5) The license issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued.

(6) The owner or operator of a fishing vessel for which a license is in force shall furnish on a form supplied by the National Marine Fisheries Service, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report,[1] certified, to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish sold or delivered. Failure to submit a certified report pertaining to the catches of fish as required by this subparagraph shall be cause for the Regional Director to revoke the license issued under this paragraph.

(7) The owner or operator of a fishing vessel for which an exemption is in force, who proposes to use such vessel in fishing primarily for the regulated species during any period of time within the period covered by the exemption may obtain a temporary suspension of such exemption in like manner as provided in § 240.4 and may make application to engage in fishing for the regulated species under a license as provided in § 240.2. Any of the regulated species taken by means of a vessel for which a license is in force and by means of fishing for the regulated species conducted in conformity with the restrictions on fishing gear prescribed by § 240.3, shall be excluded from the total of all trawl-caught fish taken during the applicable period when computing the ratio of the regulated species to the trawl-caught fish taken during such periods. For the purposes of computing the quantities of the regulated species so to be excluded, the owner or operator of a fishing vessel covered by a suspended exemption and taking the regulated species while operating under a license shall submit catch reports in like manner as provided in subparagraph (6) of this paragraph.

§ 240.6 Catch limits.

(a) An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X of Subarea 4 and Subarea 5 by the fishing vessels of all contracting governments participating in the fishery in each year during 1971 and 1972.

(1) The annual catch in Subarea 4, Division 4X, shall not exceed 18,000 metric tons (round, fresh weight).

(2) The annual catch in Subarea 5 shall not exceed 12,000 metric tons (round, fresh weight).

(b) An annual limitation of 29,000 metric tons (63,945,000 pounds) is placed on yellowtail flounder taken by fishing vessels of contracting governments in 1971.

(1) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area east of 69°00′ west longitude shall not exceed 16,000 metric tons (35,280,000 pounds). For the purpose of the U.S. yellowtail flounder fishery, the following quarterly catch quotas will be effective:

January 1–March 31—1,900 metric tons.
April 1–June 30—3,800 metric tons.
July 1–September 30—4,400 metric tons.
October 1–December 31—1,200 metric tons.

(2) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area west of 69°00′ west longitude shall not exceed 13,000 metric tons (23,665,000 pounds). For the purpose of the U.S. yellowtail flounder fishery, the following quarterly catch quotas will be effective:

January 1–March 31—2,600 metric tons.
April 1–June 30—1,400 metric tons.
July 1–September 30—1,850 metric tons.
October 1–December 31—1,000 metric tons.

(3) The Director by notice in the FEDERAL REGISTER may adjust by addition or subtraction the quotas for any of the quarters.

§ 240.7 Open season.

(a) The open season for haddock fishing in Division 4X of Subarea 4, and Subarea 5 shall begin annually at 0001 hours of the 1st day of January and terminate at a time and a date to be determined and announced as provided in § 240.8: *Provided*, That the areas described in § 240.8 shall be closed to the use of gear capable of catching demersal species including any otter trawl gear or similar devices, hook and line, or gill net, from 0001 hours, March 1, to 2400 hours April 30, during the years 1971 and 1972.

(b) The open season for yellowtail flounder fishing in Subarea 5 in 1971 shall begin at 0001 hours local time on the first day of January, April, July, and October, and terminate at a time and date to be determined. The Director of the National Marine Fisheries Service shall announce the time and date of each closure as provided in § 240.8(a)(4).

§ 240.8 Closed seasons and areas.

(a) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Division 4X of Subarea 4 and Subarea 5 during the open season by the vessels of all contracting governments participating in the fishery.

(1) He shall notify each contracting government of the date on which accumulative landings of haddock in Division 4X of Subarea 4 and Subarea 5 equal 80 percent of the catch limits described in § 240.6(a) (1) and (2).

(2) He shall notify each contracting government when the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5 in either the area east of 69°00′ west longitude or west of

[1] 18 U.S.C. 1001 provides that whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

69°00′ west longitude equal 80 percent of the annual catch limits for each such area, described in § 240.6(b) (1) and (2).

(3) The Director of the National Marine Fisheries Service shall announce the closure date for the entire season within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if the Executive Secretary determines that the original notification has been affected by changed circumstances, he may substitute a further notification and the Service Director may in like manner announce a new season closure date.

(4) The Director of the National Marine Fisheries Service shall announce the closing time and date of the first, second, and third quarters when he has made a determination from catch data and catch rates that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5 in either area (east or west of 69°00′ west longitude) will equal the quarterly quota as described in § 240.6(b) (1) and (2). Such announcement shall be made by publication in the FEDERAL REGISTER. Closure of the yellowtail flounder season when the total annual catch is reached will be in accordance with the procedures set forth in subparagraph (3) of this paragraph.

(b) It shall be unlawful for any fishing vessel to use, during the period from 0001 hours, March 1 to 2400 hours, April 30 in the years 1971, and 1972 fishing gear capable of catching demersal species, including any otter trawl gear or similar devices, hook and line, or gill net; in the following areas:

(1) Division 4X of Subarea 4. The area that lies between 42°00′ north latitude and 43°00′ north latitude and between 67°00′ west longitude and 64°30′ west longitude.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates.

(i) 70°00′ west longitude, 42°10′ north latitude; 69°10′ west longitude, 41°10′ north latitude; 68°30′ west longitude, 41° 35′ north latitude; 69°20′ west longitude, 42°30′ north latitude.

(ii) 67°00′ west longitude, 42°20′ north latitude; 67°00′ west longitude, 41°15′ north latitude; 65°40′ west longitude, 41° 15′ north latitude; 65°40′ west longitude, 42°00′ north latitude; 66°00′ west longitude, 42°20′ north latitude.

(c) It shall be unlawful for any person to fish for or possess on board any fishing vessel red hake *Urophycis chuss* (Walb.) and silver hake. *Merluccius bilinearis* (Mitch.) during the period January 1 to March 31, 1971, and 1972, in the area bounded by the coordinates 69° 00′ west longitude and 71°40′ west longitude and 39°50′ north latitude and 40°20′ north latitude: *Provided*, That during this period vessels fishing for other species of fin fish, crustacea, or mollusks may take on each trip during which they fish in the said area red and silver hake in amounts not to exceed 10 percent each of the total catch by weight in the said area on each trip.

§ 240.9 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, after the dates announced in the manner provided in § 240.8 for the closing of the haddock fishing seasons in Division 4X of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess haddock on board such vessel in those areas or to land haddock taken in those areas in any port or place until the haddock fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in haddock fishing prior to the date of closure of the haddock fishing season in Division 4X of Subarea 4 may continue to take and retain haddock in Division 4X of Subarea 4 without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of haddock or other groundfish, but in no case may the trip extend more than 10 days after the closure date.

(c) Any master or other person in charge of a fishing vessel which has departed port to engage in haddock fishing prior to the date of closure of the haddock fishing season in Subarea 5 may continue to take and retain haddock in Subarea 5 without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of haddock or other groundfish taken during such voyage; but in no case may the trip extend more than 10 days after the closure date.

(d) Any master or other person in charge of a fishing vessel which has departed port after the date of closure of the haddock season in Division 4X of Subarea 4 or Subarea 5 may possess on board such vessel and land in any port or place haddock taken as an incident to fishing for other species, but in no event shall the haddock permitted to be possessed or landed by such vessels exceed ten percent (10%) by weight, of all other fish on board.

(e) The limitation on the quantity of incidentally caught haddock specified in paragraph (d) of this section shall be applied to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31, in every case where the catch of haddock has been made during a fishing voyage begun in the closed season.

(f) Except as provided in paragraphs (g) and (h) of this section, after the dates announced in the manner provided in § 240.8(a) for the closing of the yellowtail flounder fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowtail flounder in the regulatory areas or to land yellowtail flounder taken in those areas in any port or place until the next succeeding open season for yellowtail flounder.

(g) Notwithstanding the provisions in paragraph (f) of this section, any master or other person in charge of a fishing vessel which has departed port to engage in the yellowtail flounder fishery prior to the date of closure of any yellowtail flounder fishing season in Subarea 5 may continue to take and retain yellowtail flounder without restriction as to quantity, but in no case may the trip extend more than 5 days after the closure date.

(h) Any master or other person in charge of a fishing vessel which has departed port after the date of closure of the yellowtail flounder season may possess and land in any port or place yellowtail flounder taken as incidental to fishing for other species, but in no event shall the yellowtail flounder permitted to be possessed or landed by such vessel to exceed not more than 5,000 pounds or 10 percent by weight, of all other fish on board caught in the closed area.

(i) Any master or other person in charge of a fishing vessel which has departed port after the date of closure in any quarter shall be limited to the quantity specified in paragraph (h) of this section regardless of the vessel's date of arrival in port.

(j) The limitation on the quantity of incidentally caught yellowtail flounder specified in paragraph (i) of this section shall be applied to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of yellowtail flounder has been made during a fishing voyage begun in the closed season.

§ 240.10 Reports and recordkeeping.

(a) All persons, firms, or corporations that shall buy from fishing vessels or from other U.S.-flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, haddock or yellowtail flounder or any other species of finfish taken within the Convention area by a fishing vessel of the United States, shall keep and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale, records of each purchase.

(1) The statistical return must be full and correct in all respects.

(2) The possession by any person, firm or corporation of haddock or yellowtail flounder which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license is prohibited.

(b) The master or operator of any fishing vessel holding a license under the regulations of this part shall keep on forms furnished by the Service an accurate log of fishing operations showing date, type, and size of mesh of otter trawl or gill net, locality fished, duration of fishing time or tow, and the estimated poundage of each specie taken at each retrieval of the fishing gear to be recorded once during each watch. Such logs shall be available for inspection by authorized officers of the Government of the United States. At the conclusion of each fishing trip, the duplicate log

sheet shall be delivered to an authorized officer of the Government of the United States.

(c) For the purpose of inspection representatives of the Service, shall have at all times free and unobstructed access to any area on board a fishing vessel, transport vessel, or shore facility where fish are landed, handled, stored, or processed and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

[F.R. Doc. 71-134; Filed, Jan. 5, 1971; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-WA-3]

POSITIVE CONTROL AREA

Proposed Alteration; Supplemental Notice

On April 4, 1968 (33 F.R. 5366), the Federal Aviation Administration published a notice of proposed rule making that proposed to amend Parts 71 and 75 of the Federal Aviation Regulations to expand the positive control area from flight level 600 to 18,000 feet MSL in the north central and northwest portions of the United States and to revoke Jet Advisory Areas Nos. 32, 36, 38, 107, 500, 515, 532, 533, and 538.

Several comments received in response to the notice contended that expansion of the positive control area at that time would place an undue burden on the work force and that additional qualified air traffic controllers and additional equipment should be acquired prior to expanding the airspace to be controlled. The Department of the Air Force objected to the establishment of positive control area on the grounds that procedural separation of aircraft, without radar and the loss of prerogative to revert to VFR flight operations when delays are encountered, would have an undesirable impact on military operations. In view of the objections, issuance of the rule was deferred indefinitely.

While a radar environment, although desirable, has never been a requirement of positive control airspace, the Federal Aviation Administration has determined that it now has sufficient equipment and qualified personnel to provide positive control services as envisaged in the Notice. Accordingly, this supplemental notice of proposed rule making proposes to amend Parts 71 and 75 in the manner set out in the original notice (33 F.R. 5366).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Area Positive Control (APC) is presently designated throughout most of the United States as that part of continental control area between flight level 240 and flight level 600. In a rule, adopted November 9, 1967, Airspace Docket No. 67-WA-16 (32 F.R. 13270), the vertical limits of the APC were lowered to 18,000 feet MSL in the northeast and part of north central United States.

In the notice of proposd rule making preceding the above rule (32 F.R. 7219), it was stated that "see and avoid" type separation as provided by pilots themselves while operating in accordance with Visual Flight Rules (VFR) is increasingly less effective as closure speeds increase since aircraft can now be upon each other before pilots can detect other aircraft and maneuver to avoid collision. Designation of this stratum as area positive control would largely replace "see and avoid" separation with detection and control by radar. This would eliminate the inherent limitations of the human eye and human reaction which limit application of "see and avoid" type separation.

It was further stated that separate actions to lower the floor of the positive control area in other sections of the country may be proposed as the FAA attains the capability to provide positive control service therein. The FAA has determined that it now has the capability to provide positive control service in the remaining north central and northwestern portions of the United States.

The requirement for Jet Advisory Areas Nos. 32, 36, 38, 107, 500, 515, 532, 533, and 538 would no longer exist as Jet Advisory Areas are not included in airspace designated as positive control area.

The action proposed herein would designate as positive control area that airspace within the continental control area from 18,000 feet MSL up to flight level 600 bounded by a line beginning on the United States/Canadian border at:

Lat. 49°00'00" N., long. 100°00'00" W.; thence along United States/Canadian border to lat. 47°40'40" N., long. 86°46'00" W.; thence to lat. 46°42'00" N., long. 89°45'00" W.; thence to lat. 47°35'30" N., long. 91°-19'00" W.; thence to lat. 47°33'00" N., long. 92°19'00" W.; thence to lat. 46°27'30" N., long. 95°35'00" W.; thence to lat. 46°07'-30" N., long. 96°47'30" W.; thence to lat. 45°40'20" N., long. 98°20'40" W.; thence to lat. 46°14'00" N., long. 100°00'00" W.; thence to point of beginning,

and designate as positive control area that airspace within the continental control area from 18,000 feet MSL to flight level 240 bounded by a line beginning at:

Lat. 48°30'00" N., long. 124°45'00" W.; thence along United States/Canadian border to lat. 49°00'00" N., long. 100°00'00" W.; thence to lat. 46°14'00" N., long. 100°00'00" W.; thence to lat. 45°40'20" N., long. 98°20'40" W.; thence to lat. 46°07'30" N., long. 96°47'30" W.; thence to lat. 46°27'-30" N., long. 95°35'00" W.; thence to lat. 47°33'00" N., long. 92°19'00" W.; thence to lat. 47°35'30" N., long. 91°19'00" W.; thence to lat. 46°42'00" N., long. 89°45'00" W.; thence to lat. 47°40'40" N., long. 86°-46'00" W.; thence along United States/Canadian border to lat. 43°52'00" N., long. 82°11'20" W.; thence to lat. 43°52'00" N., long. 84°10'00" W.; thence to lat. 44°04'-00" N., long. 85°00'00" W.; thence to lat. 44°50'00" N., long. 88°00'00" W.; thence to lat. 45°10'00" N., long. 88°35'30" W.; thence to lat. 45°34'30" N., long. 89°18'00" W.; thence to lat. 44°57'45" N., long 90°-01'30" W.; thence to lat. 46°17'45" N., long. 93°50'00" W.; thence to lat. 45°54'00" N., long. 95°29'00" W.; thence to lat. 43°04'-30" N., long. 95°37'00" W.; thence to lat. 43°00'00" N., long. 96°43'00" W.; thence to lat. 43°16'30" N., long. 97°01'45" W.; thence to lat. 42°20'00" N., long. 98°34'00" W.; thence to lat. 42°08'15" N., long. 99°-01'15" W.; thence to lat. 43°30'00" N., long. 99°00'00" W.; thence to lat. 43°30'00" N., long. 100°28'00" W.; thence to lat. 44°-20'00" N., long. 101°00'00" W.; thence to lat. 44°37'00" N., long. 101°00'00" W.; thence to lat. 45°07'00" N., long. 104°15'-00" W.; thence to lat. 45°14'15" N., long. 106°00'00" W.; thence to lat. 45°20'00" N., long. 107°45'00" W.; thence to lat. 45°-20'00" N., long. 115°00'00" W.; thence to lat. 45°30'00" N., long. 115°00'00" W.; thence to lat. 45°30'00" N., long. 117°30'-00" W.; thence to lat. 44°37'00" N., long. 119°21'00" W.; thence to lat. 44°28'00" N., long. 119°24'00" W.; thence to lat. 43°30'-00" N., long. 119°35'00" W.; thence to lat. 42°40'00" N., long. 119°00'00" W.; thence to lat. 41°00'00" N., long. 119°30'00" W.; thence to lat. 41°00'00" N., long. 121°15'-00" W.; thence to lat 41°20'00" N., long. 122°25'00" W.; thence to lat. 41°20'00" N., long. 123°30'00" W.; thence to lat. 41°19'-30" N., long. 124°08'55" W.; thence via a line 3 nautical miles from the coastline to point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 28, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 71-142; Filed, Jan. 5, 1971; 8:49 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 2-6; Notice 4]

ROOF INTRUSION PROTECTION FOR PASSENGER CARS

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a motor vehicle safety standard that would establish minimum strength requirements for a passenger car roof to reduce the likelihood of roof collapse in a rollover accident. An advance notice of rule making on the general subject of intrusion from exterior impact, including roof intrusion, was published on October 13, 1967 (32 F.R. 14278; Docket No. 2-6).

The strength of a vehicle's roof has an evident bearing on the integrity of the passenger compartment in a rollover-type accident and consequently on the safety of the occupants. When applied to 1969 accident data, the analysis developed in a recent study indicates that approximately 1,400 motor vehicle occupants were killed in that year by impact with roof structure in rollover accidents. Roof intrusion would have been sufficient in many of the cases for the roof to have struck the head of a properly restrained occupant. The benefits of occupant restraint are negated if the passenger compartment collapses in this fashion, and it is therefore important that minimum roof strength requirements be established.

The proposed standard would establish requirements for the forward portion of the roof. This is the area of the roof most likely to sustain severe damage, particularly for front-engine passenger cars. In addition, the front seats are more frequently occupied than the rear seats, and tend to be more dangerous in a crash.

The resistance of the roof to intrusion is determined by a static test, in which a force of 1½ times the empty weight of the vehicle or 5,000 pounds, whichever is less, is gradually applied to the roof in the vicinity of the "A" pillar. The force is applied by a flat test device at a 25° roll angle and 10° pitch angle to simulate the direction of forces that can be encountered in a rollover. During the test, the roof may show no more than 5 inches of intrusion, as measured by the movement of the test device.

Proposed effective date: January 1, 1973.

In consideration of the above, it is proposed that a standard on roof intrusion protection be issued as set forth below. Comments are invited on the proposal, particularly on the lead time required for compliance. Comments should identify the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted.

All comments received before the close of business on April 5, 1971, will be considered, and will be available for examination in the Rules Docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Bureau. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on December 28, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

§ 571.21 **Federal motor vehicle safety standards.**

* * * * *

ROOF INTRUSION PROTECTION—PASSENGER CARS

S1. *Scope.* This standard establishes strength requirements, under compressive forces such as those likely to be experienced in a rollover accident, for the forward portion of the passenger compartment roof.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries due to the intrusion of the roof into the passenger compartment in rollover accidents.

S3. *Application.* This standard applies to passenger cars.

S4. *Requirements.* A test device as described in S5. shall not move more than 5 inches, measured in accordance with S6.4, when it is used to apply a force of 1½ times the empty weight of the vehicle or 5,000 pounds, whichever is less, to each side of a vehicle's roof in accordance with the procedures of S6.

S5. *Test device.* The test device is a rigid, unyielding block with its lower surface formed as a flat square 12 inches on a side, and padded to a uniform depth of 2 inches. The padding is of such a stiffness that when the center of the padded surface is statically depressed 1 inch by a rigid disc 4 inches in diameter, the resistance offered by the padding is between 675 and 725 pounds.

S6. *Test procedures.* Each vehicle shall meet the requirements of S4. when tested in accordance with the following procedure.

S6.1 Place the sills or the chassis frame of the vehicle on a rigid horizontal surface, fix the vehicle rigidly in position, and close and lock all doors.

S6.2 Orient the test device as shown in Figure 1, so that its lower surface—

(a) Is at a forward (side view) angle of 10° below the horizontal;

(b) Is at a lateral (front view) outboard angle of 25° below the horizontal;

(c) Has two edges parallel to the vertical plane through the vehicle's longitudinal centerline; and

(d) At its center, is tangent to the surface of the vehicle.

S6.3 Apply force in a downward direction perpendicular to the rigid lower surface of the test device at a rate of not more than 200 pounds per second until reaching a force of 1½ times the empty weight of the tested vehicle or 5,000 pounds, whichever is less. Guide the test device so that throughout the test it moves in a straight line with its rigid lower surface oriented as shown in Figure 1.

S6.4 Measure the distance that the test device moves, i.e., the distance between the location of the rigid portion of the test device as the maximum force level is reached and its original location.

S6.5 Repeat the test on the other front corner of the roof of the vehicle.

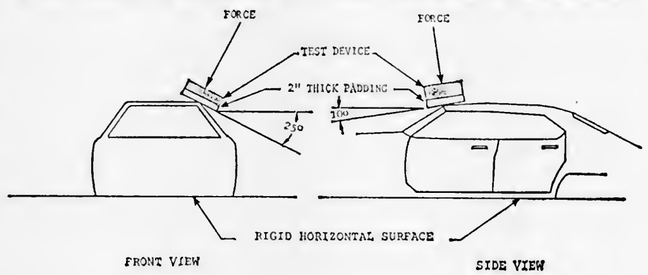

TEST DEVICE LOCATION AND APPLICATION TO THE ROOF

FIGURE 1

[F.R. Doc. 71-7; Filed, Jan. 5, 1971; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 2]

PUBLIC USE AND RECREATION

Scientific Specimens

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), it is proposed to amend § 2.25 of Title 36 of the Code of Federal Regulations to add paragraph (a) as set forth below.

The purpose of the amendment is to implement the intent of section 3(a) and section 3(c) of Departmental regulations concerning preservation, use, and management of fish and wildlife resources (35 F.R. 14574, Sept. 17, 1970); to regulate the collection of renewable natural objects in conformity with other consumptive resource uses such as sport fishing and hunting; and to therefore insure that all collections of plant and animal specimens made pursuant to § 2.25 shall be in accordance with applicable State and Federal laws governing taking, possession and transportation of such specimens.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Director, National Park Service, Department of the Interior, Washington, D.C., within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 2.25 is amended to read as follows:

§ 2.25 **Scientific specimens.**

* * * * *

(e) The collection of plant and animal specimens, where permitted, shall be in conformity with all State and Federal laws governing the taking, possession and transportation of such specimens.

Dated: December 23, 1970.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

[F.R. Doc. 71-115; Filed, Jan. 5, 1971; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-400]

LIMITATION ON PROVISIONS IN NATURAL GAS RATE SCHEDULES RELATING TO MINIMUM TAKE PROVISIONS

Notice of Postponement of Conference

DECEMBER 30, 1970.

On December 16, 1970, Southwest Gas Corp. filed a request that the conference set for January 6, 1971, by notice issued on December 7, 1970, be postponed.

Upon consideration, notice is hereby given that the conference in the above-designated matter is postponed until January 21, 1971, at 10 a.m. in Room 2043, in the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-111; Filed, Jan. 5, 1971; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

ACADIA NATIONAL PARK

Notice of Intention To Negotiate Concession Permit

NOVEMBER 10, 1970.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; U.S.C. 20), public notice is herby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Acadia National Park, Maine, proposes to negotiate a concession permit with Mr. William F. Tapley authorizing him to provide saddle horse and carriage hire service for the public at Acadia National Park, Maine, for the period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed his obligations under the prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposals to be considered and evaluated must be submitted within thirty (30) days of the publication date of this notice.

Interested parties should contact the Superintendent, Acadia National Park, Hulls Cove, ME 04644, for information concerning the requirements of the proposed permit.

Dated: November 10, 1970.

JOHN M. GOOD,
Superintendent.

[F.R. Doc. 71-29; Filed, Jan. 5, 1971; 8:45 a.m.]

GLACIER NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Secretary of the Interior, through the Director of the National Park Service, proposes to issue a concession permit with the Whitefish Clinic authorizing it to provide concession facilities and services for the public at Glacier National Park, Mont., for a period of one (1) year from January 1, 1971 through December 31, 1971. The foregoing concessioner has performed its obligation under its current permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evalauted must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Glacier National Park, West Glacier, MT 59936 for information as to the requirements of the proposed permit.

Dated: December 1, 1970.

WILLIAM J. BRIGGLE,
Superintendent.

[F.R. Doc. 71-28; Filed, Jan. 5, 1971; 8:45 a.m.]

CERTAIN NATIONAL PARKS AND MONUMENTS

Notice of Intention To Extend Concession Contracts

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the two concession contracts with Utah Parks Co., authorizing it to provide concession facilities and services for the public at Bryce Canyon, Grand Canyon (North Rim), and Zion National Parks, and Cedar Breaks National Monument, Utah and Arizona, for a period of one (1) year from January 1, 1971, through December 31, 1971. The foregoing concessioner has performed its obligations under the previous contracts to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contracts and in the negotiation of new contracts. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contracts.

THOMAS FLYNN,
Director, National Park Service.

[F.R. Doc. 71-114; Filed, Jan. 5, 1971; 8:47 a.m.]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 3, 1970, Part II (pp. 2476-2496), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on March 3 (pp. 4013-4014), April 7 (pp. 5635-5636), May 5 (pp. 7086-7087), June 3 (pp. 8600-8602), July 8 (pp. 10964-10966), August 4 (pp. 12416-12417), September 1 (pp. 13851-13852), October 6 (pp. 15653-15654), November 3 (pp. 16946-16947), and December 3 (pp. 18407-18409). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following boundary change has been made:

WASHINGTON

King County

Seattle, *Pike Place Market Historic District*, Bounded on the southwest by Western Avenue from the intersection of Pike Street to the northwesterly line of Lot 4, Block G; then northeast along this line to the centerline of Pike Place; then southeast along Pike Place to the northwesterly line of Lot 9, Block G; then northeast along this line and that of Lot 10 to 1st Avenue; then southeast on 1st Avenue to the southeasterly line of Lot 3, Block F; then southwest along this line to the alley in Block F; then northwest along the alley to the southeasterly line of Lot 1, Block F; then southwest to a line 83 feet northeast of and parallel to the center of Western Avenue then northwest along this line to the southeasterly line of Pike Street; then southwest along Pike Street to the beginning point.

The following properties have been added since December 3:

ALABAMA

Calhoun County

Jacksonville, *Francis, Dr. J. C., Office*, 100 Gayle Street.

Jefferson County

Birmingham, *Arlington (Mudd-Munger Home)*, 331 Cotton Avenue SW.

ARIZONA

Santa Cruz County

Tubac, *Old Tubac Schoolhouse.*

Tubac, *Tubac Presidio*, Broadway and River Road.

CALIFORNIA

Sacramento County

Sacramento, *California Governor's Mansion*, southwest corner of 16th and H Streets.

COLORADO

Clear Creek County

Georgetown and Silver Plume vicinity, *Georgetown Loop Railroad Roadbed*, between the city limits of Georgetown and Silver Plume.

Georgetown, *Toll House (Julius G. Pohle House)*, south side of town adjacent to Interstate 70 right-of-way.

Jefferson County

Golden vicinity, *Mount Vernon House (Robert W. Steele House)*, about 1 mile south of the Golden city limits at the junction of Interstate 70, Colorado 26, and Mount Vernon Canyon Road.

CONNECTICUT

New London County

New London, *Hempsted, Nathaniel, House (Old Huguenot House)*, corner of Jay, Hempsted, Colt, and Truman Streets.

Windham County

Windham Center, *Hunt, Dr. Chester, Office*, Windham Center Road.

DELAWARE

Sussex County

Lewes, *Maull House*, 542 Pilottown Road.

GEORGIA

Fulton County

Atlanta, *Cyclorama of the Battle of Atlanta*, Cherokee Avenue, Grant Park.

Atlanta, *Smith, Tullie, House*, 3099 Andrews Drive NW.

ILLINOIS

Cook County

Chicago, *Monadnock Building*, 53 West Jackson Boulevard.

KANSAS

Doniphan County

Highland vicinity, *Iowa, Sac, and Fox Presbyterian Mission (Highland Presbyterian Mission)*, 1.5 miles east of Highland on U.S. 36 and 0.2 mile north on K-136.

Geary County

Junction City vicinity, *First Territorial Capitol*, on K-18 in Fort Riley Military Reservation.

MINNESOTA

Chisago County

Taylors Falls, *Munch-Roos House*, 360 Bench Street.

Hennepin County

Minneapolis, *Atwater, Isaac, House*, 1607 South Fifth Street.

Morrison County

Little Falls vicinity, *Lindbergh, Charles A., State Park and Lindbergh House*, southwest of Little Falls on the Mississippi River.

Nicollet County

Fairfax, *Fort Ridgely*, Sec. 6, T. 113 N., R. 32 W.

St. Peter, *Cox, E. St. Julien, House*, 500 North Washington Avenue.

Winona County

Winona, *Winona County Courthouse*, Washington Street between Third and Fourth Streets.

MISSISSIPPI

Holmes County

Richland, *Eureka Masonic College*, on Mississippi 17.

MISSOURI

Cape Girardeau County

Oriole vicinity, *Trail of Tears State Park Archeological Site*, north of Oriole on the Mississippi River.

Cooper County

Wooldridge vicinity, *Wooldridge Archeological Site*, 0.5 mile northwest of Wooldridge.

Pemiscot County

Wardell vicinity, *Wallace, J. M., Archeological Site (Wardell Mounds)*, 1 mile southwest of Wardell.

Saline County

Miami vicinity, *Guthrey Archeological Site*, 1.75 miles east-northeast of Miami.

Shelby County

Bethel, *Bethel Historic District*, Bounded on the north by a line parallel to and 322 feet north of Fourth Street; bounded on the east and west by lines parallel to and approximately equidistant (513 feet) from Main Street running south 1,930 feet to the southern boundary; bounded on the south by a line parallel to and 312 feet south of First Street.

Warren County

Marthasville vicinity, *Borgmann Mill*, 5 miles east of Marthasville on County Route D.

NEW JERSEY

Monmouth County

Highlands, *Twin Lights (Navesink Lighthouse)*, south of New Jersey 36 on a promontory between the Navesink River and Sandy Hook Bay.

Morris County

Morristown, *Speedwell Village*, 333 Speedwell Avenue.

Somerset County

Somerville, *Wallace House*, 38 Washington Place.

NEW YORK

New York County

New York City, *New York Shakespeare Festival Public Theater (Astor Library)*, 425 Lafayette Street.

Orange County

Newburgh, *Dutch Reformed Church*, northeast corner of Grand and Third Streets.

Rensselaer County

Troy, *Ilium Building*, northeast corner of Fulton and Fourth Streets.

NORTH CAROLINA

Beaufort County

Bath, *St. Thomas Episcopal Church*, Craven Street.

Wake County

Raleigh, *St. Mary's Chapel*, 900 Hillsborough Street.

OHIO

Auglaize County

Wapakoneta vicinity, *Fort Amanda Site*, 9 miles northwest of Wapakoneta on Ohio 198.

Brown County

Ripley, *Rankin, John, House.*

Carroll County

Carrollton, *McCook, Daniel, House*, Public Square.

Carrollton vicinity, *Petersburg Mill*, 4.3 miles south of Carrollton on Ohio 322.

Darke County

Fort Jefferson, *Fort Jefferson Site*, Ohio 121.

Fairfield County

Tarlton vicinity, *Tarlton Cross Mound*, 1 mile north of Tarlton off Ohio 159.

Franklin County

Columbus, *Campbell Mound*, McKinley Avenue, 0.5 mile south of Trabue Road.

Westerville, *Hanby House*, 160 West Main Street.

Gallia County

Gallipolis, *Our House*, 434 First Avenue.

Hamilton County

Cincinnati, *Stowe House*, 2950 Gilbert Avenue.

Montgomery, *Universalist Church Historic District*, Montgomery Road from 9433 north to Remington Avenue.

Mount Nebo, *William Henry Harrison Tomb*, Ohio 128.

Highland County

Hillsboro vicinity, *Fort Hill*, 18 miles southeast of Hillsboro on Ohio 41.

Jackson County

Coalton vicinity, *Leo Petroglyph*, 4 miles northwest of Coalton off U.S. 35.

Jackson vicinity, *Buckeye Furnace*, 10 miles east of Jackson on Township Road 167, Milton Township.

Jefferson County

Mount Pleasant, *Friends Meetinghouse*, near Ohio 150.

Licking County

Hopewell Township, *Flint Ridge*, 2 miles north of Ohio 40 on County Route 668.

Meigs County

Pomeroy vicinity, *Buffington Island*, 20 miles east of Pomeroy on Ohio 124, Lebanon Township.

Mercer County

Fort Recovery Site, Fort Recovery on Ohio 49.

Montgomery County

Miamisburg vicinity, *Miamisburg Mound*, 1 mile southeast of Miamisburg on Ohio 725.

Morgan County

Stockport vicinity, *Big Bottom*, 1 mile southeast of Stockport on Ohio 266.

Preble County

Eaton vicinity, *Fort St. Clair Site*, 1 mile west of Eaton.

Ross County

Bainbridge vicinity, *Seip Mound*, 3 miles east of Bainbridge on U.S. 50.

Scioto Township, *Adena*, Allen Avenue extended.

Stark County

Canton, *William McKinley Tomb*, Seventh Street NW.

Summit County

Akron, *Fort Island Works*, approximately 600 feet west of the west end of Fort Island Drive.

Tuscarawas County

Bolivar vicinity, *Fort Laurens Site*, 0.5 mile south of Bolivar near Ohio 212.

Gnadenhutten vicinity, *Gnadenhutten Massacre Site*, 1 mile south of Gnadenhutten.

New Philadelphia, *Schoenbrunn Site*, U.S. 250.

Warren County

Lebanon, *Glendower*, U.S. 42.

Washington County

Marietta, *Ohio Company Land Office*, Campus Martius Museum, corner of Second and Washington Streets.
Marietta, *Putnam, Rufus, House*, Campus Martius Museum, corner of Second and Washington Streets.
Marietta, *W. P. Snyder, Jr.* (steamboat), Sacra Via.

Wyandot County

Upper Sandusky vicinity, *Indian Mill*, 3.5 miles northeast of Upper Sandusky on Crane Township Road.

PENNSYLVANIA

Delaware County

Broomall, *Massey, Thomas, House*, Lawrence Road, opposite Springhouse Road.
Prospect Park, *Morton Homestead*, 100 Lincoln Avenue.

Luzerne County

Forty Fort, *Denison House*, 35 Denison Street.

Montgomery County

Evansburg vicinity, *Skippack Bridge*, east of Evansburg on Pennsylvania 422.

Philadelphia County

Philadelphia, *St. Clement's Protestant Episcopal Church*, southwest corner of 20th and Cherry Streets.

York County

York, *Billmeyer House*, East Market Street.

RHODE ISLAND

Newport County

Newport, *Newport Casino*, 194 Bellevue Avenue.

Providence County

Lincoln, *Arnold, Israel, House*, Great Road.
Lincoln, *Blackstone Canal* (*Paul Ronci Memorial Park*), from Front Street north Ashton Dam.
Providence, *College Hill Historic District*, bounded on the north by Olney Street, on the south by Cohan Boulevard, on the east by Hope Street, and on the west by the Providence and Moshassuck rivers.

SOUTH CAROLINA

Beaufort County

Gardens Corner vicinity, *Sheldon Church Ruins*, northwest of Gardens Corner on U.S. 21.
Hiltonhead vicinity, *Skull Creek* (*Hilton Head*), north of Hiltonhead off Hickory Bluff-Mount Calvary Church Road.

Charleston County

Charleston, *Stuart, Colonel John, House*, 104–106 Tradd Street.
Charleston, *Sword Gates House*, 32 Legare Street, 111 Tradd Street.
Rockville vicinity, *Horse Island*, 1 mile south of Rockville on Seabrook Island.

Greenville County

Tigerville vicinity, *Poinsett Bridge*, about 4 miles north of Tigerville on County Route 42.

Pickens County

Clemson, *St. Julien-Ravenel House* (*Hanover House*), Clemson University campus.

Richland County

Columbia, *Washington Street United Methodist Church*, 1401 Washington Street.

Spartanburg County

Spartanburg, *Foster's Tavern*, 191 Cedar Spring Road.

UTAH

Wasatch County

Heber City, *Wasatch Stake Tabernacle and Heber Amusement Hall*, Main Street at 100 North Street and 100 West Street corners.

VERMONT

Windsor County

Plymouth, *Plymouth Historic District*, the entire village of Plymouth; bounded on the east by East Mountain on the south by Blueberry Hill and Soltudus Mountain, on the west by Mount Tom, and on the north by Wood Peak.

VIRGINIA

Charlottesville (*independent city*)

University of Virginia Historic District, bounded on the north by University Avenue, on the south by Jefferson Park Avenue, on the east by Hospital Road, and on the west by McCormick Road.

WASHINGTON

King County

Redmond vicinity, *Marymoor Prehistoric Indian Site*, 6046 West Lake Sammamish Parkway NE.

WEST VIRGINIA

Kanawha County

Dunbar, *Dutch Hollow Wine Cellars*, Dutch Hollow Road.

Mineral County

Fort Ashby, *Fort Ashby*, South Street.

Ohio County

Wheeling, *Shepherd Hall* (*Monument Place*), Monument Place and Kruger Street.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 71-118; Filed, Jan. 5, 1971; 8:47 a.m.]

Office of the Secretary

GUIDEVILLE RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

Notice of Termination of Federal Supervision Over Property

Notice is hereby given deleting the name of the following dependent member of the immediate family of distributees from those listed in the August 30, 1965 approved Notice of Termination of Federal Supervision Over the Property of the Guideville Rancheria in California and Individual Members Thereof.

Deletion of dependent family member	Date of birth	Address	Relationship to distributee	Distributee
Keith Pike	2-24-51	Post Office Box 143, Talmage, Calif.	Son	Minerva Pike (Lawrence Pike, father).

The father, Lawrence Pike, of the above-named dependent family member is a nonterminated member of the Manchester Band of Pomo Indians. This notice, with respect to the above-named dependent family member only, rescinds pro tanto, and as of September 3, 1965, the Notice of Termination approved August 30, 1965, which became effective on publication on September 3, 1965, FEDERAL REGISTER, Volume 30, Number 171. This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

FRED J. RUSSELL,
Under Secretary of the Interior.

DECEMBER 29, 1970.

[F.R. Doc. 71-161; Filed, Jan. 5, 1971; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

RICE

Notice of Marketing Quota Referendum for 1971 Crop

Marketing quotas for the crop of rice to be produced in 1971 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1970 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1971 crop rice, public notice (35 F.R. 14620) was given in accordance with 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law. It is hereby determined that the rice marketing quota referendum under said act for the 1971 crop of rice shall be held during the period January 18 to 22, 1971, each inclusive by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345).

Signed at Washington, D.C., on December 30, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-17655; Filed, Dec. 30, 1970; 4:44 p.m.]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

ILLINOIS STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Bureau of Domestic Commerce, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00299–33–46070. Applicant: Illinois State University, Normal, IL 61761. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for studies involving seed, pollen, and leaves, fungus mycelium and spores, other microbiological specimens, cuticular surface features of insects, insect eggs, and various invertebrate parasites. Investigations will also include the study of freeze-etched surfaces of cells, cell membranes and cell organelles. The application of scanning electron microscopy will be taught to graduate students. Application received by Commissioner of Customs: December 9, 1970.

Docket No. 71–00301–65–46040. Applicant: University of Connecticut, Institute of Materials Science, Storrs, CT 06268. Article: Electron microscope, Model HU–200F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies on dislocation structures and subboundary structures formed in high temperature alloys during fatigue and creep; for a study of stacking faults and antiphase boundaries in nickel-base superalloys; and for studies on oral biological materials and on polymeric materials. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00302–33–46040. Applicant: University of Southern California, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for ultrastructural studies on cell membranes and membrane components. A continuing project concerns red blood cell membranes, another study is on viruses and virus components, and other research is planned on Australian anitgen (hepatitis) and the structure of myxo-virus such as Influenza. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00303–33–46040. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study peripheral nerve tissue from animals with experimental neuropathy, as well as from healthy man and from patients. The investigation particularly relates to the macromolecular organization of various diseases of nerves occurring in man and produced experimentally in animals. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00304–00–46040. Applicant: The University of Texas at Austin, Box 7306, University Station, Austin, TX 78712. Article: Plate changing device with airlock. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory for an existing Elmiskop I electron microscope used for basic and applied research. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00305–65–25100. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, MO 65401. Article: Boron carbide motar and pestle. Manufacturer: The Carborundum Co., Ltd., United Kingdom. Intended use of article: The article will be used for grinding oxides and metal alloys to extremely fine powders for X-ray analyses at low temperatures. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00308–33–46500. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, LA 70112. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning tissues for studies to view connections between cells during organogenesis. Other projects involve the study of crystalline material in hard tissues in normal and abnormal cartilage; and the use of tissues from animals treated with radioisotopes. Application received by Commissioner of Customs: December 14, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[F.R. Doc. 71-16; Filed, Jan. 5, 1971; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SS–P–7]

PIPELINE ACCIDENT IN FRANKLIN COUNTY, MO.

Notice of Investigation Hearing

In the matter of the investigation of a products pipeline accident in Franklin County, Mo., on December 9, 1970, involving a pipeline owned and operated by the Phillips Pipe Line Co.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., on Tuesday, February 2, 1971, in the Ballroom of Stouffer's Riverfront Inn at 200 South Fourth Street, St. Louis, MO.

Dated this 29th day of December 1970.

FRANCIS H. MCADAMS,
Chairman, Board of Inquiry.

[F.R. Doc. 71-163; Filed, Jan. 5, 1971; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–255]

CONSUMERS POWER CO.

Order Extending Provisional Construction Permit Completion Date

DECEMBER 29, 1970.

By application dated December 18, 1970, Consumers Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–25. The permit authorizes Consumers Power Co. to construct a pressurized water nuclear reactor, designated as the Palisades Plant, on the applicant's site in Covert Township, Van Buren County, Mich.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR–25 is extended from December 31, 1970 to June 30, 1971.

Dated at Bethesda, Md., this 29th day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER, JR.,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 71-104; Filed, Jan. 5, 1971; 8:46 a.m.]

[Docket Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Draft Detailed Statement and Applicant's Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic

Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Florida Power & Light Co. has submitted an environmental report, dated November 15, 1970, which discusses environmental considerations relating to the proposed operation of the Turkey Point Plant Units Nos. 3 and 4. The Commission's regulatory staff has prepared a draft detailed statement dated December 23, 1970. A copy of both the report and draft statement have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the County Manager of Dade County, Fla. The Florida Power & Light Co. has applied for an operating license for the Turkey Point Plant Unit No. 3 which is located on its site at Turkey Point in Dade County, Fla.

The Commission hereby requests comments on the proposed action, the draft statement, and the reports from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

Copies of the Florida Power & Light Co.'s report dated November 15, 1970, the draft statement dated December 23, 1970, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 71-103; Filed, Jan. 5, 1971; 8:46 a.m.]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Schedule for Hearing

In the matter of Long Island Lighting Co. (Shoreham Nuclear Power Station Unit No. 1).

The hearing in the captioned matter will be continued on Tuesday, January 12, 1971, at 10 a.m., local time, in the Holiday Inn, 4089 Nesconset, Port Jefferson Highway, Centereach, NY 11720.

Dated: December 30, 1970.

ATOMIC SAFETY AND LICENSING BOARD,
JACK M. CAMPBELL,
Chairman.

[F.R. Doc. 71-121; Filed, Jan. 5, 1971; 8:48 a.m.]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Substitution of Presiding Officer

On February 25, 1970, a Notice of Hearing on Application for Provisional Construction Permit was published in the FEDERAL REGISTER (35 F.R. 3693) in the matter of Long Island Lighting Co., Shoreham Nuclear Power Station, Unit 1. That notice designated the Atomic Safety and Licensing Board (ASLB) to conduct the hearing. Jack M. Campbell, Esq., Santa Fe, N. Mex., was designated ASLB Chairman; and James P. Gleason, Esq., Washington, D.C., was designated as an alternate qualified in the conduct of administrative proceedings.

The public hearing commenced on September 21, 1970, and has not been completed. The most recent hearing session was held on December 17, 1970, and on December 30, 1970, the ASLB issued an order to reconvene the hearing on January 12, 1970.

Chairman Campbell, due to compelling personal reasons, will be unavailable to serve as a member of the ASLB designated to conduct the hearing after January 12, 1971. James P. Gleason, Esq., Chairman Campbell's designated alternate, is also unavailable to serve due to the responsibilities of the public office he has assumed subsequent to the Notice of Hearing referred to above.

In view of the foregoing, pursuant to § 2.704(d) of the Commission's rules of practice, 10 CFR 2.704(d): *It is ordered*, That James R. Yore, Esq., Washington, D.C. a member of the Atomic Safety and Licensing Board Panel, is designated Chairman of the Atomic Safety and Licensing Board effective January 13, 1971.

Dated at Washington, D.C., on this 31st day of December 1970.

By the Commission.

F. T. HOBBS,
Acting Secretary
of the Commission.

[F.R. Doc. 71-122; Filed, Jan. 5, 1971; 8:48 a.m.]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Portland General Electric Co., 621 Southwest Alder Street, Portland, OR; The City of Eugene, Eugene Water & Electric Board, 500 East Fourth Street, Eugene, OR; and Pacific Power & Light Co., 920 Southwest Sixth Avenue, Portland, OR, pursuant to the Atomic Energy Act of 1954, as amended, filed an application, dated June 25, 1969, for a permit to construct and a license to operate a pressurized water nuclear power reactor at the Trojan Nuclear Plant, an approximately 623-acre site on the west bank of the Columbia River, about 31 miles north of Portland, Oreg., 4 miles south-southeast of Rainier, Oreg., and 3 miles northwest of Kalama, Wash., in Columbia County, Oreg.

In amendments to its application, the Portland General Electric Co. and the City of Eugene, Oreg., acting by and through the Eugene Water & Electric Board and the Pacific Power & Light Co. will be coowners of the proposed Trojan Nuclear Plant. Portland General Electric Co. will act as representative of the owners with respect to design, construction and operation of the facility.

The proposed reactor, designated as the Trojan Nuclear Plant, is designed for initial operation at approximately 3,423 thermal megawatts with a net electrical output of approximately 1,106 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views within sixty (60) days from date of publication of this notice in the FEDERAL REGISTER.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Law Library, Columbia County Circuit Court, St. Helens, Oreg.

Dated at Bethesda, Md., this 30th day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 71-144; Filed, Jan. 5, 1971; 8:49 a.m.]

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO.

Notice of Application for Construction Permit and Operating License

Virginia Electric & Power Co., 700 East Franklin Street, Richmond, Va., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated March 21, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the North Anna Power Station, Units Nos. 1 and 2, at a 1,075-acre site adjacent to the North Anna River in Louisa County, Va., about 24 miles southwest of Fredericksburg, Va.

Each of the proposed reactors is designed for initial operation at approximately 2,652 thermal megawatts with a gross electrical output of approximately 892 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 31, 1970.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the offices of the County Board of Supervisors, Louisa County Courthouse, Louisa, Va.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 24th day of December 1970.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-17504; Filed, Dec. 29, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22956, 22600; Order 70-12-150]

AMERICAN AIRLINES, INC.

Order Regarding Chicago-Acapulco Nonstop Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1970.

On August 1, 1970, the United States concluded amendments to a bilateral Air Transport Agreement with the Mexican Government authorizing, inter alia, nonstop air service between Chicago and Acapulco by a designated U.S.-flag carrier. At present there is direct service between Chicago and Acapulco provided by Braniff and America [1] and Aeronaves de Mexico presently offers Chicago-Acapulco nonstop service.

On July 31, August 3 and 12, Braniff,[2] American,[3] and Eastern,[4] respectively, filed applications for Chicago-Acapulco nonstop authority. American further filed an application [5] for exemption authority to operate Chicago-Acapulco nonstop service pendente lite. In support of its application, American relies primarily on overcrowded flights in the Chicago-Acapulco/Mexico City markets, which condition American argues would be alleviated considerably with the addition of a single daily nonstop flight between Chicago and Acapulco.

Braniff filed an answer in opposition to American's exemption request and American filed a reply to Braniff's answer.

Upon consideration of the foregoing pleadings and the relevant facts, we have decided (1) to institute an investigation into the need for U.S.-flag Chicago-Acapulco nonstop service, pursuant to the amended United States-Mexico Bilateral Air Transport Agreement, and (2) to deny the request of American for an exemption pendente lite for Chicago-Acapulco nonstop authority.

We are not persuaded that this is an appropriate situation for the exercise of the Board's extraordinary exemption powers. Both American and Braniff presently provide one-stop service between Chicago and Acapulco. It seems clear that nonstop service by American would divert traffic from Braniff and we are not persuaded that there has been a showing of lack of capacity in the market.[6] American has not established that enforcement of the Act would be an undue burden on it and not in the public interest.

Accordingly, it is ordered, That:

1. An investigation designated the Chicago-Acapulco Nonstop Service Investigation, be and it hereby is instituted in Docket 22956 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to consider the need for authorization of U.S.-flag service between Chicago and Acapulco on a nonstop basis;

2. The following applications are hereby consolidated with the above investigation: American Airlines, Inc., Docket 22429; and Braniff Airways, Inc., Docket 22417; [7]

3. Applications and motions to consolidate and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order, and answers to such pleadings shall be filed within 15 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be designated hereafter;

5. The application of American Airlines, Inc., for exemption, Docket 22600, be and it hereby is denied; and

6. A copy of this order shall be served upon American Airlines, Inc., Eastern Air Lines, Inc., Braniff Airways, Inc., and each carrier and civic party designated for service in Docket 22600.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-84; Filed, Jan. 5, 1971; 8:46 a.m.]

[1] Braniff is authorized to operate via San Antonio and American to operate via Mexico City or Dallas/Fort Worth.
[2] Docket 22417.
[3] Docket 22429.
[4] Docket 22467.
[5] Docket 22600.

[Docket No. 22590; Order 70-12-141]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority December 24, 1970.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-10-130, dated October 28, 1970, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on five round trips per week between Youngstown, Canton/Akron, and Columbus, Ohio.

The Postmaster General filed a petition on December 10, 1970, stating that the present rate of 67 cents per great circle aircraft mile applicable to this route was based upon a mail load requirement of 1,600 pounds; that the mail load has recently increased to 2,500 pounds; and that the use of larger aircraft to accommodate such increased volume of mail is required. The Postmaster General asserts that the air taxi will provide service with a modified Beechcraft C-45 aircraft capable of carrying a 2,500-pound mail load, and that he and the carrier have agreed that the proposed rate of 75 cents per great circle aircraft mile is the fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after December 10, 1970, to Buckeye Air Service, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 75 cents per great circle aircraft mile between Youngstown, Canton/Akron, and Columbus, Ohio.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with a modified Beechcraft C-45 aircraft capable of carrying a 2,500-pound mail load.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its organization regulations 14 CFR 385.14(f):

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Buckeye Air Service, Inc., the Postmaster

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[6] Braniff points out that much of the "overcrowding" in the Chicago-Acapulco market could be handled with the addition of extra sections during peak seasons.

[7] Because Eastern's application includes other authority which may be heard in separate proceedings, we will not consolidate its application as framed; the carrier is, however, free to move consolidation of an application conforming to the scope of this proceeding in accordance with ordering paragraph 3.

General, Allegheny Airlines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 71-83; Filed, Jan. 5, 1971; 8:46 a.m.]

[Docket No. 22962; Order 70-12-154]

EMERY AIR FREIGHT CORP.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 30th day of December 1970.

By tariff [1] bearing the posting date of November 27, and marked to become effective January 3, 1971, Emery Air Freight Corp. (Emery) proposes to establish airport-to-airport general commodity charges on shipments weighing 9 pounds or less, subject to an expiration date of December 31, 1971. The proposed charges would be the same for various sized shipments between numerous points on Emery's system regardless of length of haul and are as follows: For a shipment of 5 pounds or less, $7.47; 6 pounds, $8.52; 7 pounds, $9.57; 8 pounds, $10.61; and 9 pounds, $11.66.[2]

The charges would apply only when one or more shipments of the foregoing sizes are tendered by a shipper at one address at one time in a total tender of five or more shipments of any size to one or more consignees at one or more destinations. The proposal would result in reductions below the charges for singly tendered shipments ranging from 25 percent for a shipment of 1-5 pounds to 4 percent for a 9-pound shipment. The charges would not apply in connection with shipments accorded assembly service, distribution service, special handling service, person-to-person signature service, or armed surveillance service.

A complaint requesting suspension and investigation of the proposal was filed by REA Express, Inc. (REA). The complaint asserts, inter alia, that the proposed charges are not adequately supported by the proponent, and would be uncompensatory and discriminatory.

In support of its proposal and in answer to the complaint, Emery states that (1) the proposed reductions are intended to attract small shipments now moving by surface transport and air parcel post, and meet the competitive threat of new post office small package air service and REA; (2) the added traffic would raise load factors for direct carriers; (3) the additional traffic would incur little added cost since it would be handled in the same containers or consolidations with other traffic; (4) the limitation of the reductions to multiple shipments is intended to prevent dilution of revenues; (5) forwarders are exempt from the requirement to provide cost figures in support of tariff proposals; (6) REA's protest of the proposed reduction is inconsistent with the company's recent rate reductions; (7) discount rates limited to certain traffic are common for direct carriers, such as specific commodity rates for certain markets and reduced fares for groups, families, youths, etc.; and (8) no shipper has filed a complaint against its proposal.

Upon consideration of all relevant matters, the Board finds that Emery's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Emery's proposal would make the availability of a reduced charge on a shipment dependent upon the tender of other shipments in the same or other markets. Thus, two identical shipments between the same two points receiving the same service would be assessed different charges because one of the shippers can tender sufficient additional shipments to the same or other points.

Emery's contentions for savings essentially are upon the basis that the larger traffic volume to be developed from rate reductions will provide lower unit costs through greater utilization of resources. Savings of this nature, however, would occur to the same extent by a simple reduction of rates to the levels proposed, without conditioning their availability to the multiple shipment requirement. This points to the principle that rates must be based upon a unit of traffic, i.e., single shipment.[3]

Our action herein is consistent with previous Board rulings that aggregate rates, similar to those in the current proposal, are unlawful. Aggregate Weight Rule Proposed by Shulman, Inc. Investigation, Order 68-11-32. In the Multi-charter Cargo Rates Investigation, Order E-25936, the Board ruled that lower charter rates for several charters than for single charters would also be unjustly discriminatory.

In view of the serious questions of discrimination, the Board will not permit the proposal to go into effect without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates, charges and provisions in Emery Air Freight Corporation's CAB No. 50 and rules, regulations or practices affecting such rates, charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges and provisions in Emery Air Freight Corporation's CAB No. 50 (except rates, charges and provisions applying to Canadian points) are suspended and their use deferred to and including April 2, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated;

4. The complaint of REA Express, Inc., in Docket No. 22867, is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariffs and served upon Emery Air Freight Corp. and REA Express, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-85; Filed, Jan. 5, 1971; 8:46 a.m.]

[Docket No. 20993; Order 70-12-138]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 24, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated December 1, 4, 7, and 16, 1970, names additional specific commodity rates under an existing description and specifies rates under a number of new descriptions, as set forth in the attachment hereto.[1] These rates reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22096, R-1 through R-6, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that, insofar as air transportation as defined by the Act is concerned, tariff filings shall not be made to implement the agreement prior to eventual approval, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-86; Filed, Jan. 5, 1971; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Principal Deputy General Counsel, Office of the General Counsel of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-147; Filed, Jan. 5, 1971; 8:50 a.m.]

[1] Attachment filed as part of original document.

[1] Emery Multiple Small Shipment Tariff No. 2 CAB 50.

[2] Emery's tariff also contains proposed exception ratings for certain live animals and other commodities. The ratings range between 150 and 250 percent of the foregoing charges.

[3] The model rules for assembly and distribution service define a shipment as consisting of a single consignment of one or more pieces, from one consignor at one time at one address, receipted for in one lot, and moving on one airbill to one consignee at one destination address. 12 CAB 337.

DEPARTMENT OF THE ARMY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-148; Filed, Jan. 5, 1971; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for Legislative Implementation, Maritime Administration, Office of the Maritime Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-150; Filed, Jan. 5, 1971; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20, the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Environmental Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-151; Filed, Jan. 5, 1971; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Business and Defense Services Administration, Assistant Secretary for Domestic and International Business.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-149; Filed, Jan. 5, 1971; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Deputy Commissioner of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-155; Filed, Jan. 5, 1971; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-156; Filed, Jan. 5, 1971; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner for Program Review.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-157; Filed, Jan. 5, 1971; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Title Change in Noncareer Executive Assignment

By notice of December 17, 1969, F.R. Doc. 69-14929, the Civil Service Commission authorized the General Services Administration to fill by noncareer executive assignment the position of Chairman, GSA Board of Contract Appeals. This is notice that the title of this position is now being changed to Assistant to the Administrator and Chairman, GSA Board of Contract Appeals.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-154; Filed, Jan. 5, 1971; 8:50 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director for Program Development, Office of Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-152; Filed, Jan. 5, 1971; 8:50 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Community Development Division, Office of Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-153; Filed, Jan. 5, 1971; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 524]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 28, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3232-C2-P-71—Skyline Telephone Secretarial Service Inc. (New), C.P. for a new 2-way station to be located at 2117 South Ash Street, Denver, CO, to operate on frequency 152.06 MHz.

3233-C2-P-71—Northwestern Bell Telephone Co. (KAA813), C.P. to add frequency 152.72 MHz base and 157.98 MHz test at station located at 604 Ninth Street, Des Moines, IA, and change the antenna system.

3243-C2-P-(3)71—Pacific Northwest Bell Telephone Co. (KOA612), C.P. to add frequencies 152.66 MHz and 35.26 MHz base and 157.92 and 157.83 MHz test and change the antenna system located at 2.2 miles south-southwest of Eugene, Oreg.

RURAL RADIO SERVICE

3238-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 21 miles northeast of Bagdad, Ariz., to operate on frequency 157.95 MHz communicating with Station KOP304, Williams, Ariz.

3247-C1-P-71—The Western Union Telegraph Co. (KSG95), C.P. to add 6034.2 and 6152.8

3245-C1-P-71—The Western Union Telegraph Co. (New), C.P. for a new fixed station. Frequencies: 6226.9, 6256.5, 6345.5, and 6375.2 MHz. Location: 1 mile west of Sylvan Lake, Ill.

3246-C1-P-71—The Western Union Telegraph Co. (New), C.P. for a new fixed station. Frequencies: 5945.2, 6063.8, 11,015, and 11,175 MHz. Location: Hartland, 5 miles southwest of Hebron, Ill.

3247-C1-P-71—The Western Union Telegraph Co. (KSG95), C.P. to add 6034.2 and 6152.8 MHz directed toward Sylvan Lake, Ill., at its station located Board of Trade Building, Chicago, IL.

American Telephone & Telegraph Co. C.P.'s (36) to construct two additional pairs of Type TD-3 telephone channels between Faulkner, Md., Missouri Branch, W. Va., and Arkabutla, Miss.

3248-C1-P-71—American Telephone & Telegraph Co. (KGN87), Add frequencies 3930 and 4010 MHz toward Stafford, Va., at 0.5 mile southwest of Faulkner, Md.

3249-C1-P-71—American Telephone & Telegraph Co. (KYJ83), Add 3890 and 3970 MHz directed toward Faulkner, Md., and Rhoadesville, Va., at 4 miles west of Stafford, Va.

3250-C1-P-71—American Telephone & Telegraph Co. (KYJ84), Add 3930 and 4010 MHz directed toward Stafford and Advance Mills, Va., at 1.2 miles east-southeast of Rhoadesville, Va.

RURAL RADIO SERVICE—continued

3276-C1-P-71—American Telephone & Telegraph Co. (KYN26), Add 3910 and 3990 MHz toward Brace and Olivehill, Tenn., at 3.7 miles east of Waynesboro, Tenn.

3277-C1-P-71—American Telephone & Telegraph Co. (KYN27), Add 3870 and 3950 MHz toward Waynesboro and Michie, Tenn., at 4.9 miles south-southwest of Olivehill, Tenn.

3278-C1-P-71—American Telephone & Telegraph Co. (KYN28), Add 3910 and 3990 MHz toward Olivehill and Pocahontas, Tenn., at 1 mile east-northeast of Michie, Tenn.

3279-C1-P-71—American Telephone & Telegraph Co. (KYN29), Add 3870 and 3950 MHz toward Michie and Saulsbury, Tenn., at 1.7 miles east-northeast of Pocahontas, Tenn.

3280-C1-P-71—American Telephone & Telegraph Co. (KYN30), Add 3910 and 3990 MHz toward Pocahontas and Slayden at 1.7 miles west-northwest of Saulsbury, Tenn.

3281-C1-P-71—American Telephone & Telegraph Co. (KYN31), Add 3870 and 3950 MHz toward Saulsbury and Cockrum at 4.3 miles west of Slayden, Miss.

3282-C1-P-71—American Telephone & Telegraph Co. (KYN32), Add 3910 and 3990 MHz toward Slayden and Arkabutla at 1 mile west-northwest of Cockrum, Miss.

3283-C1-P-71—American Telephone & Telegraph Co. (KTG40), Add 3870 and 3950 MHz toward Cockrum, Miss., at 1 mile southwest of Arkabutla, Miss.

3284-C1-P-71—The Western Union Telegraph Co. (KQN43), C.P. to add 5974.9 and 6093.5 MHz directed toward Shawnee Land, Va., at its station 3 miles southeast of Romney, W. Va.

3285-C1-P-71—The Western Union Telegraph Co. (New), C.P. for a new fixed station. Frequencies: 6226.9, 6256.5, 6345.5, and 6375.1 MHz. Location: Shawnee Land, 5.9 miles northeast of Capon Springs, Va.

3286-C1-P-71—The Western Union Telegraph Co. (New), C.P. for a new fixed station. Frequencies: 6004.5 and 6123.1 MHz. Location: 0.9 mile southwest of Middletown, Va.

Major Amendments

5623-C1-P-70—Western Union Telegraph Co. (KQC35), Change frequencies 6004.5 and 6123.1 MHz toward Belleview, Ky., to 5945.2 and 6063.8 MHz. Station location: Fifth and Vine Streets, Cincinnati, OH.

5624-C1-P-71—Western Union Telegraph Co. (KJJ52), Change frequencies 6256.4 and 6375.1 MHz toward Cincinnati, Ohio, to 6226.9 and 6345.5 MHz; change frequencies 6197.2 and 6315.8 MHz toward Wheatley, Ky., to 6256.5 and 6375.2 MHz. Station location: Belleview, 2.5 miles northeast of Grant, Ky.

5625-C1-P-71—Western Union Telegraph Co. (KJJ24), Change frequencies 5974.9 and 6093.5 MHz toward Belleview, Ky., to 6034.2 and 6152.8 MHz. Station location: Wheatley, 1.5 miles west of New Liberty, Ky. All other particulars same as reported in Public Notice dated Apr. 6, 1970 and Nov. 23, 1970.

(Informative: Western Union proposes to delete original request for additional facilities at the above station and in lieu of, proposes to replace licensed RCA, Type MM-600-A-6 600-A-6 transmitters with Raytheon KTR-3A transmitters, which will operate on frequencies presently licensed for the above stations.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3234-C1-AL-(8)-71—Cablecom-General, Inc. Consent to assignment of license from Cablecom-General, Inc., Assignor, to Microvideo, Inc., Assignee. Stations: (KLH36), Silverton, Tex.; (KLH36), Memphis, Tex.; (KLU60), Childress, Tex.

Major Amendment

2649-C1-MP-71—American Microwave & Communications, Inc. (KQM44), Application amended to the following proposal: Modification of C.P. (4709-C1-P-70) To (1) change frequencies 6180.2 and 6100.9 MHz to 6137.9 and 5960.0 MHz respectively; (2) change license frequency 6035.0 MHz to 6019.3 MHz toward Elmira, Mich., on azimuth 356°07', Mount Tom, Mich., on azimuth 70°04', and Leetsville, Mich., on azimuth 313°00'; and (3) power split 6137.9 MHz toward a new point of communication at Kalkaska, Mich., on azimuth 311°30'. (Informative: Applicant proposes to provide the television signal of Station WJRT-TV of Flint, Mich., to Northern Entertainment, Inc.; the proposed operator of a new UHF television broadcast station at Traverse City, Mich.) Previously listed in Public Notice dated Nov. 23, 1970.

[F.R. Doc. 71-39; Filed, Jan. 5, 1971; 8:45 a.m.]

RURAL RADIO SERVICE—continued

3251-C1-P-71—American Telephone & Telegraph Co. (KYJ85), Add 3890 and 3970 MHz directed toward Rhoadesville and Afton, Va., at Advance Mills, 4.8 miles southwest of Ruckersville, Va.

3252-C1-P-71—American Telephone & Telegraph Co. (KYJ86), Add 3930 and 4010 MHz directed toward Advance Mills and McKinley, Va., at 2.8 miles west-southwest of Afton, Va.

3253-C1-P-71—American Telephone & Telegraph Co. (KYJ87), C.P. to add frequencies 3890 and 3970 MHz directed toward Afton and Warm Springs, Va., at its station located McKinley, 3.5 miles southeast of Craigsville, Va.

3254-C1-P-71—American Telephone & Telegraph Co. (KYJ88), C.P. add 3930 and 4010 MHz toward McKinley, Va., and Anthony, W. Va. at 1 mile south-southeast of Warm Springs, Va.

3255-C1-P-71—American Telephone & Telegraph Co. (KYJ89), C.P. add 3890 and 3970 MHz toward Warm Springs, Va., and Springdale, W. Va., at Anthony, 4.3 miles east-northeast of Woodman, W. Va.

3256-C1-P-71—American Telephone & Telegraph Co. (KYJ90), C.P. add 3930 and 4010 MHz toward Anthony and Flat Top, W. Va. at 1.7 miles northeast of Springdale, W. Va.

3257-C1-P-71—American Telephone & Telegraph Co. (KYJ91), C.P. add 3890 and 3970 MHz toward Springdale and Kopperston, W. Va. at 0.1 mile north of Flat Top, W. Va.

3258-C1-P-71—American Telephone & Telegraph Co. (KYJ92), C.P. add 3930 and 4010 MHz toward Flat Top and Holden, W. Va., at Kopperston, 5.2 miles west-southwest of Arnett, W. Va.

3259-C1-P-71—American Telephone & Telegraph Co. (KYJ93), C.P. add 3890 and 3970 MHz toward Kopperston and Missouri Branch, W. Va. at 3.7 miles southwest of Holden, W. Va.

3260-C1-P-71—American Telephone & Telegraph Co. (KYJ94), C.P. add 3930 and 4010 MHz toward Holden, W. Va. and Paintsville, Ky., at Missouri Branch, 5.1 miles east-northeast of Webb, W. Va.

3261-C1-P-71—American Telephone & Telegraph Co. (KYJ95), C.P. add 3890 and 3970 MHz toward Missouri Branch, W. Va. and Seitz, Ky., at 2 miles south-southeast of Paintsville, Ky.

3262-C1-P-71—American Telephone & Telegraph Co. (KYJ96), C.P. add 3930 and 4010 MHz toward Paintsville and Cowcreek, Ky., at 4.7 miles west-southwest of Seitz, Ky.

3263-C1-P-71—American Telephone & Telegraph Co. (KYJ97), C.P. add 3890 and 3970 MHz toward Seitz and Annville, Ky., at 4.5 miles east-southeast of Cowcreek, Ky.

3264-C1-P-71—American Telephone & Telegraph Co. (KYJ98), C.P. add frequencies 3930 and 4010 MHz directed toward Cowcreek and Mount Victory, Ky., at its station located 3.4 miles northwest of Annville, Ky.

3265-C1-P-71—American Telephone & Telegraph Co. (KYJ99), C.P. add 3890 and 3970 MHz toward Annville and Monticello, Ky., at 2.7 miles north-northeast of Mount Victory, Ky.

3266-C1-P-71—American Telephone & Telegraph Co. (KYC99), Add 3930 and 4010 MHz toward Mount Victory and add 3890 and 3970 MHz toward Ida, Ky., at 5 miles east-northeast of Monticello, Ky.

3267-C1-P-71—American Telephone & Telegraph Co. (KYM98), Add 3930 and 4010 MHz toward Monticello, Ky., and Alons, Tenn., at 1.4 miles north-northwest of Ida, Ky.

3268-C1-P-71—American Telephone & Telegraph Co. (KYM99), Add 3890 and 3970 MHz toward Ida, Ky., and Algood, Tenn., at 1.8 miles north-northwest of Alons, Tenn.

3269-C1-P-71—American Telephone & Telegraph Co. (KYN20), Add 3930 and 4010 MHz toward Alons and Cassville, Tenn., at 1.4 miles east of Algood, Tenn.

3270-C1-P-71—American Telephone & Telegraph Co. (KYN21), Add 3890 and 3970 MHz toward Algood and Centertown, Tenn., at 1.8 miles west-northwest of Cassville, Tenn.

3271-C1-P-71—American Telephone & Telegraph Co. (KYN22), Add 3930 and 4010 MHz toward Cassville and Wartrace, Tenn., at 0.9 mile northwest of Centertown, Tenn.

3272-C1-P-71—American Telephone & Telegraph Co. (KYN23), Add 3890 and 3970 MHz toward Centertown and Farmington, Tenn., at 4.5 miles east of Wartrace, Tenn.

3273-C1-P-71—American Telephone & Telegraph Co. (KIA60), Add 3930 and 4010 MHz toward Wartrace and add 3870 and 3950 MHz toward Culleoka, Tenn., at 0.7 mile northeast of Farmington, Tenn.

3274-C1-P-71—American Telephone & Telegraph Co. (KYN24), Add 3910 and 3990 MHz toward Farmington and Brace, Tenn., at 2.4 miles west-northwest of Culleoka, Tenn.

3275-C1-P-71—American Telephone & Telegraph Co. (KYN25), C.P. for add frequencies 3870 and 3950 MHz directed toward Culleoka and Waynesboro, Tenn., at its station located 2.5 miles west-southwest of Brace, Tenn.

MEXICAN STANDARD BROADCAST STATIONS

Notification List

DECEMBER 23, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		800 kHz							
XEUN	Mexico, D.F.	45kw D/25kw N	DA-2	U	II				

FCC NOTE: Notification of basic information in a notification list has not been received as of this issue date. Supplementary information was transmitted by letter of Nov. 21, 1970, in accordance with privisional procedures for exchange of notifications established in a memorandum of understanding between the delegations of the United States and Mexico signed in Washington on Nov. 27, 1968.

Issued: December 23, 1970.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 71-40; Filed, Jan. 5, 1971; 8:45 a.m.]

[Dockets Nos. 18845-18849; FCC 70R-456]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lamar Life Broadcasting Co., Jackson, Miss., Docket No. 18845, Files Nos. BPCT-4320, BRCT-326; Civic Communications Corp., Jackson, Miss., Docket No. 18846, File No. BPCT-4305; Dixie National Broadcasting Corp., Jackson, Miss., Docket No. 18847, File No. BPCT-4317; Jackson Television, Inc., Jackson, Miss., Docket No. 18848, File No. BPCT-4318; and Channel 3, Inc., Jackson, Miss., Docket No. 18849, File No. BPCT-4319; for a construction permit.

1. By Order (FCC 70-462, 25 FCC 2d 101 (35 F.R. 7205), released May 4, 1970, reconsideration denied 24 FCC 2d 618, 19 RR 2d 851, released Aug. 3, 1970), the Commission designated the above-captioned applications for authority to operate a television broadcast station on Channel 3, Jackson, Miss., for consolidated hearing on specified issues.[1] Now before the Review Board is a petition to enlarge issues, filed May 22, 1970, by Civic Communications Corp., (hereinafter "Civic"). Petitioner seeks to have certain issues specified against three of the four competing applicants (viz., Lamar, Dixie National Broadcasting Corp. (hereinafter "Dixie"), and Jackson Television, Inc. (hereinafter "Jackson")), and to include a comparative programing evaluation in this proceeding.[2] The Board will dispose of the requested issues in the order in which they have been raised against the various competing applicants. Because a comparative programing evaluation would affect all of the applicants in this proceeding, the Board will dispose of that request separately.

Issues requested against Lamar. 2. Civic petitions the Review Board to add the following issues against Lamar:

(a) To determine whether during the years 1961-64 Station WLBT-TV, Jackson, Miss., afforded reasonable opportunity for the discussion of conflicting views on issues of public importance;

(b) To determine whether Station WLBT-TV, Jackson, Miss., during the years 1961-64 afforded reasonable opportunity for the use of its broadcasting facilities by the significant groups comprising the community of its service area;

(c) To determine whether Station WLBT-TV, Jackson, Miss., during the years 1961-64 acted in good faith with respect to the presentation of programs dealing with the issues of racial discrimination, and, particularly, whether it misrepresented to the public or to the Commission with respect to the presentation of such programing;

(d) To determine whether Lamar Life Broadcasting Co. and/or Lamar Life Insurance Co. have engaged in conduct effecting transfer of control of Station WLBT-TV without obtaining consent of the Commission in violation of section 310(b) of the Communications Act of 1934, as amended;

(e) To determine whether Lamar Life Broadcasting Co. and/or Lamar Life Insurance Co. have misrepresented to the Commission the nature of the ownership and control of Station WLBT-TV, Jackson, Miss.

(f) To determine whether in light of all the evidence adduced with respect to the foregoing issues a grant of the application of Lamar Life Broadcasting Co. is qualified to be a licensee of the Commission. [Sic]

Petitioner indicates that requested issues (a), (b), and (c) had previously been specified against Lamar by the Commission in its Order (3 FCC 2d 784, 7 RR 2d 445, released May 26, 1966), designating Lamar's renewal application for hearing. Civic explains that the Commission specified the above issues pursuant to the remand order of the United States Court of Appeals for the District of Columbia Circuit in Office of Communication of the United Church of Christ v. FCC, —— U.S. App. D.C. ——, 359 F. 2d 994, 7 RR 2d 2001 (1966), which directed that an evidentiary hearing be held on Lamar's renewal application for Station WLBT. Thereafter, relates petitioner, the Hearing Examiner found Lamar qualified to be a Commission licensee and ordered the regular renewal of WLBT's license; he concluded that, on the basis of the record before him, none of the serious charges against the station had been corroborated or substantiated.

[1] On June 20, 1969, the U.S. Court of Appeals for the District of Columbia Circuit reversed the Commission's Decision (14 FCC 2d 431, 13 RR 2d 769, released June 28, 1968), which had granted Lamar Life Broadcasting Co. (hereinafter "Lamar") renewal of its license to operate Station WLBT on Channel 3. Office of Communications of the United Church of Christ v. FCC, —— U.S. App. D.C. ——, 425 F. 2d 543, 16 RR 2d 2095, rehearing en banc denied Sept. 5, 1969, 425 F. 2d 551, 17 RR 2d 2001. In vacating the grant of Lamar's renewal application, the Court remanded the proceeding to the Commission and directed the latter to invite the filing of new applications for the Jackson facility; however, the Court refrained from holding that Lamar is disqualified from filing a new application in the absence of an appropriate Commission determination of that question.

[2] Also before the Board are: (a) Opposition to petition to enlarge issues, filed June 4, 1970, by Lamar; (b) opposition to petition to enlarge issues, filed June 16, 1970, by Dixie; (c) opposition to petition to enlarge issues, filed June 16, 1970, by Jackson; (d) opposition to petition to enlarge issues, filed June 16, 1970, by Channel 3, Inc.; (e) comments re: petition to enlarge issues, filed June 16, 1970, by the Broadcast Bureau; (f) supplement to opposition, filed June 19, 1970, by Jackson; (g) reply to opposition of Lamar, filed June 19, 1970, by Civic; (h) reply to opposition of Dixie, filed June 29, 1970, by Civic; (i) reply to opposition of Jackson, filed June 29, 1970, by Civic; (j) reply to opposition of Channel 3, Inc., filed June 29, 1970, by Civic; and (k) response to comments of Broadcast Bureau, filed June 29, 1970, by Civic.

Lamar Life Insurance Co., 14 FCC 2d 495, 11 RR 2d 457 (1967).[3]

3. Petitioner adds that the Commission subsequently sustained the Hearing Examiner's determination that the Lamar renewal application should be granted and agreed with the Examiner that the preponderance of the evidence of record established that WLBT had provided reasonable opportunity for the discussion of controversial issues and had complied with the Commission's 1960 Programing Statement (FCC 60-970, 20 RR 1901). See 14 FCC 2d 431, 13 RR 2d 769 (1968). In subsequent appellate litigation, however, records Civic, the Court of Appeals vacated the Commission's grant of renewal. See note 1, supra. In directing the Commission to invite new applications for the Channel 3 facility, emphasizes petitioner, the Court expressed its "profound concern" over the Commission's disposition of the case, and stated that: "[t]he administrative conduct reflected in this record is beyond repair." 425 F. 2d at 550, 16 RR 2d at 2106. Consequently, reasons Civic, the issues originally designated by the Commission against Lamar in the 1966 hearing proceeding are as unresolved today as they were at the moment of designation and since they have never been explored in a proper evidentiary proceeding, the Board should specify similar issues in the instant proceeding to determine Lamar's basic qualifications to be a licensee.[4]

4. Lamar opposes petitioner's request and observes initially that issues (a), (b), and (c) are virtually a repetition of the first three issues specified against Lamar by the Commission in the earlier renewal hearing.[5] Thereafter, Lamar submits that, as a threshold matter, the pendency of various questions before the Commission and the Court of Appeals[6] renders premature any Review Board action on the instant petition. Lamar explains that its collateral pleadings and appeal argue for the recognition of its "rightful and lawful status" in the current proceeding as a pending renewal applicant under section 307(d) of the Communications Act and section 558(c) of the Administrative Procedure Act.[7] If it is ultimately accorded standing as a renewal applicant, submits Lamar, then it can rely affirmatively upon its past record of operation, at least up to December 5, 1969 (the date of the vacating of the Commission's prior grant of renewal), or, possibly, up to May 4, 1970 (the date of designation of the instant proceeding). In any event, Lamar asserts that the scope of the requested issues cannot be appropriately limited to the period, 1961-1964, since it is entitled to rely upon a "past record compiled under prior lawful authority" in the same manner as any other new applicant. Moreover, Lamar contends that if the Commission and/or the Court decline to accord it the status of a pending renewal applicant, the burden of going forward with the evidence and the ultimate burden of proof as to requested issues (a), (b), and (c) should fall upon Civic, not Lamar. In this regard, Lamar also points out that none of Civic's allegations in support of issues (a), (b), and (c) is based upon an affidavit of someone with personal knowledge of the facts, as is required by § 1.229(c) of the rules and that only Weyman Walker, the president of Civic, has offered an affidavit in support of the factual allegations contained in the petition to enlarge issues. Consequently, reasons Lamar, Civic's petition fails to comply with § 1.229(c) of the rules and should be denied for that reason alone. In conclusion, Lamar argues that Board action on Civic's petition would be premature and improper, but that, in the event the Board decided to add requested issues (a), (b), and (c), the burdens of going forward and of ultimate proof should both be clearly assigned to Civic, and Lamar should be given the right to adduce evidence of its past record of operation, not solely for the period from 1961 until 1964, but from 1961 to at least December 5, 1969, or, alternatively, until May 4, 1970.[8]

5. In reply to Lamar's opposition, Civic asserts that the results of Lamar's pending collateral pleadings and appeals would have no bearing on the Board's consideration of Civic's instant petition since requested issues (a), (b), and (c) relate to the basic qualifications of Lamar to be a Commission licensee and must be resolved regardless of Lamar's status during hearing and regardless of who receives interim authority to operate Channel 3. See note 6, supra. Moreover, maintains Civic, Lamar's posture in the instant proceeding would be of little consequence in regard to the burdens of proceeding and proof under the requested issues since Civic is willing to accept the Board's apportionment of the evidentiary burdens as determined by applicable precedent and since, in any event, the Board can be moved to correct the misplacement of an evidentiary burden should Lamar's current posture change. Civic counters Lamar's further objection that the former's allegations are not supported by proper affidavit with the rejoinder that "official notice" may be taken of the specific facts alleged by petitioner in support of its request, as provided for in § 1.229(c) of the rules. In this regard, Civic notes that the facts alleged in regard to Lamar's 1961-64 programing were contained within both the Commission's Memorandum Opinion and Order (38 FCC 1143, 5 RR 2d 205) granting Lamar a 1-year renewal of its license in 1965, and the Commission's order (3 FCC 2d 784, 7 RR 2d 445), designating Lamar's renewal application for hearing in 1966. Petitioner asserts that even though the facts alleged by it were "found" by the Commission and resulted in the specification of "substantially similar issues" against Lamar, the question concerning Lamar's basic qualifications have never been properly resolved. Finally, Civic dismisses Lamar's contention that the period of investigation

[3] Civic notes that the designation Order changed the licensee's name to Lamar Life Insurance Co. to reflect a prior transfer of control. Subsequently, reports Civic, the name of the licensee was changed back to Lamar Life Broadcasting Co.

[4] The factual allegations adduced by Civic in support of its requested issues are essentially an elaboration of the Commission's summary description of the pleadings before it when, in May of 1966, it designated similar issues. The Commission there stated that "the substantial issues raised relate to charges that the programing presented by applicant [Lamar] has been unfair to various groups, particularly Negro groups, within the service area, and has discriminatorily denied such groups the opportunity for local expression over the facilities of applicant's station." (Footnote omitted) 3 FCC 2d at 786, 7 RR 2d at 448. The issues specified by the Commission in 1966 are the same as those now requested by Civic except for the petitioner's injection of the years "1961-1964."

[5] Lamar indicates that the petitioner here would restrict the scope of the inquiry under the requested issues to the years "1961-1964" or the period immediately preceding the filing of Lamar's 1964 renewal application, against which petitions to deny were filed.

[6] Lamar refers to its petition for reconsideration of the Commission's May 4, 1970, designation order and to its petitions to deny the applications of Channel 3, of Jackson, and of the Communications Improvement, Inc., for interim authority to operate Station WLBT during the comparative hearing. Lamar also notes its appeal to the U.S. Court of Appeals for the District of Columbia in Cases Nos. 23,920 and 23,953 from the Commission actions vacating the grant of Lamar's renewal application and inviting the filing of new applications (20 FCC 2d 635, released Dec. 5, 1969) and denying Lamar's petition for reconsideration thereof (21 FCC 2d 277, 18 RR 2d 274, released Feb. 2, 1970). As indicated in paragraph 1, supra, Lamar's petition for reconsideration of the designation order herein was denied. In addition, by Memorandum Opinion and Order, FCC 70-957, 20 RR 2d 167, released September 8, 1970, the Commission granted the application of Communications Improvement, Inc. to operate the Channel 3 facility of an interim basis and denied the competing applications of Channel 3 of Jackson and of Lamar (who had filed an interim application although it considered that no interim authorization could be issued by the Commission). Lamar has filed a notice of appeal of the Commission's action granting an interim authorization.

[7] Lamar explains that its Court appeal (note 6, supra) is grounded upon the contention that the Commission erroneously directed it to file a "new" application and refused to recognize its rightful status as a hold-over renewal applicant "even though the Commission has repeatedly recognized that Lamar's renewal application is, in fact, still pending without final disposition." Lamar further asserts that since it has always operated Station WLBT under lawful authority, its record of operation thereunder is "valid, relevant and admissible," citing Consolidated Nine, Inc. v. FCC, 131 U.S. App. D.C. 179, 403 F. 2d 585, 14 RR 2d 2006 (1968).

[8] The Broadcast Bureau also opposes the addition of requested issues (a), (b), and (c). It is the Bureau's position that Civic's request for disqualifying issues is premised on the same specific facts which were before the Commission when, following the Court of Appeals' action in 1969 (note 1, supra), it determined that such matters should be inquired into on a comparative basis only. The Bureau, citing Atlantic Broadcasting Company (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1966), contends that the Board should deny enlargement since no new factual allegations have been presented by Civic.

under the requested issues should include the years from 1961 until 1969 as "procedurally out of place" and inconsistent with Lamar's claim to renewal applicant status. As a renewal applicant, explains Civic, Lamar would not be permitted to adduce evidence as to improved program service after the filing of a petition to deny.[9]

6. In response to the Broadcast Bureau's comments, Civic argues that the Court of Appeals, by refusing to find Lamar disqualified to be a new applicant for Channel 3, did not thereby determine that Lamar was, in fact, qualified to be a licensee; therefore, Civic asserts, the Commission cannot conclude, sub silentio, that Lamar is qualified to continue as a licensee without further hearing or the adduction of additional evidence. According to the petitioner, the Bureau cannot urge that the Commission is capable of making the determination contemplated by the Court through reliance on facts adduced in a hearing which has produced a record the Court termed incapable of rehabilitation. It is Civic's position that since the requested issues have never been properly considered nor finally resolved, the Commission must now decide the question of "whether Lamar's stewardship of WLBT (TV) during the 1961–64 license period disqualifies it from continuing as licensee of that station."

7. The historical background of this proceeding, which has been referred to in summary fashion by the petitioner and respondents, is both long and complicated, and, to the extent possible, the Board will refrain from an undue recitation of well-known facts. As an initial point of departure and in order to give proper perspective to our ultimate ruling, however, we must take note of the evolution of the issues now requested by Civic. Similar issues—not specifically limited to the period from 1961 to 1964—were designated by the Commission against Lamar in 1966 pursuant to the Court of Appeals' holding that the Commission had erred in its 1965 grant of renewal of the WLBT license for a 1-year period and the court's directive that the circumstances surrounding the station's programing practices required inquiry in an evidentiary hearing under section 309(e) of the Communications Act, which also permitted public intervention. In its Order (3 FCC 2d 784, 7 RR 2d 445 (1966), designating Lamar's renewal application for hearing, the Commission noted that substantial questions had been raised as a result of charges that WLBT's programing had been unfair to various groups, particularly Negro groups, within the station's service area and that WLBT had discriminatorily denied such groups the opportunity for local expression over its facilities; accordingly, the Commission specified issues similar to those now requested by Civic.[10] The burden of proof under these factual issues was allocated to the intervenors and the Broadcast Bureau by the Commission while the burden of proof under the ultimate conclusory issue was placed on Lamar. After hearing on the specified issues, the Commission agreed with the Hearing Examiner's evaluation that the intervenors had failed to prove their charges against Lamar and concluded that "* * * the preponderance of the evidence before us establishes that Station WLBT has afforded reasonable opportunity for the use of its facilities by the significant community groups comprising its service area." 14 FCC 2d at 437–38, 13 RR 2d at 777. In deciding to grant a regular renewal of the WLBT license, however, the Commission did note the fact that the record of the proceeding would not support a conclusion that WLBT's performance during the period in question had been above reproach.

8. Upon appeal of the Commission's 1968 Decision, the Court of Appeals reversed and remanded for further proceedings, holding that the Commission action was not supported by "substantial evidence." In effect, the court found that both the Examiner and the Commission had erroneously placed the burden of proof under the factual issues on the intervenors, which resulted in the subsequent rejection of testimonial evidence offered by the intervenors as mere "allegations"; that the Commission had a duty to conduct an affirmative and objective investigation of the matters at issue, especially since the Commission itself had earlier found the licensee wanting; and that, as a result, the administrative conduct reflected in the record was "beyond repair." The court also directed the Commission to invite the filing of new applications for the Channel 3 facility and stated:

> We do refrain, however, from holding that the licensee be declared disqualified from filing a new application; the conduct of the hearing was not primarily the licensee's responsibility, although as the applicant it had the burden of proof. Moreover, the Commission necessarily did not address itself to the precise question of WLBT's qualifications to be an applicant in the new proceeding now ordered and we hesitate to pass on this subject not considered by the Commission. 425 F. 2d at 550, 16 RR 2d at 2106.

Subsequently, in a per curiam order of September 5, 1969 (425 F. 2d 551, 17 RR 2d 2001), the Court denied requests for rehearing of the case. In a statement accompanying the order, Judges McGowan and Tamm explained that although Lamar had not in over 6 years established its right to renewal of the WLBT license, the Court had refrained from declaring the license ineligible to seek new authority to use the channel since the Commission had erred in the administrative proceeding involving the renewal application; however, they also noted that Lamar was no more than "a licensee in name only" and that, in such light, Lamar would take its place among the competing applicants for Channel 3. Thereafter, the Commission designated the competing applications for hearing on air menace issues against Dixie, Jackson and Channel 3 and on the standard comparative issue and, in regard to Lamar's status, stated:

> To assure that Lamar compete "* * * on even terms as nearly may be, with any other applicant," United Church of Christ v. FCC, Case No. 19,409, order denying rehearing, p. 2, we wish to make clear that Lamar will be judged on its basic application (BPCT–4320). The grant or denial of the pending renewal application (BRCT–326) for station WLBT (TV) will rest on the determination made with respect to BPCT–4320. In accordance with the Court's above-described direction, no preference will be based on the Lamar WLBT(TV) past record, since to do so would be preferential to Lamar, the only applicant which would have had the opportunity to obtain a preference in this respect. The past record of the Lamar WLBT(TV) operation can of course be examined for defects significant to the public interest judgment, with Lamar afforded the full opportunity to establish in rebuttal that its operation does not warrant any demerit. In all other respects (e.g., the operation of WJDX (AM & FM) to the extent appropriate), the Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965), is applicable. As previously stated, the recent Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 35 F.R. 822 (1970), is inapplicable to this proceeding. 25 FCC 2d at 101–02.

There was no discussion of the relevance of the issues previously specified against Lamar in the designation order although the Commission did circumscribe the past record factor of the comparative issue to insure that no preference would accrue to Lamar. In denying reconsideration of its designation order, the Commission refused to permit Lamar to show that its past record from 1964 to 1969 was above average and that it was therefore entitled to a comparative preference; the Commission reasoned that to allow such a showing would contravene the Court's directive that Lamar compete on equal terms with the other applicants and would be inconsistent with the Commission's previous finding that Lamar's pre-1964 record did not justify a full 3-year renewal and with the Court's ruling that the hearing held on Lamar's past performance up to 1967 did not support a renewal of the WLBT license. 24 FCC 2d at 619–20, 19 RR 2d at 853–54.

9. In light of the Court's specific disclaimer in its 1969 Decision to the effect that it was not passing on Lamar's qualifications to be a "new" applicant for the Channel 3 facility, but was leaving that determination up to the Commission in the first instance in the context of the comparative hearing to be ordered, and in the absence of any specific discussion by the Commission in its designation Order as to the relevance of the issues previously specified against Lamar to the question of its qualifications to be a "new" licensee, the Board is not persuaded by the Bureau's argument that the Atlantic rationale applies here. Moreover, the Board agrees with Civic's contention that the Court of Appeals, in effect, has held that there has not been a proper resolution of the issues originally specified by the Commission in 1966 on a disqualifying basis because of the procedural infirmities inherent in the administrative hearing held on Lamar's renewal application. Therefore, it is appropriate that such issues should be specified in this proceeding since the matters involved are relevant to Lamar's qualifications to receive a construction permit and since these matters could be expected to be developed under the comparative factor of past broadcast record in any event. Our decision to inject these issues in this comparative hearing is reinforced by our recognition of an apparent anomaly which could result if Lamar were ultimately to be preferred in this proceeding and the Commission were required to rule on the accompanying renewal application without the benefit of a record under the same qualifications issues which were specified earlier.[11] Unlike Lamar, we can see nothing wrong with Civic's reliance on official notice of the factual allegations which underly its request since those same facts formed the basis for the Commission's prior specification of issues and since there has not been a proper litigation or resolution of those issues as contemplated by the Court.

10. We will not entertain Lamar's suggestion that the scope of the issues requested by Civic be expanded to include the period from 1961 to either 1969 or 1970 in order to enable Lamar to rely upon a "past record compiled under prior lawful authority." The Board fails to see the relevance and materiality of Lamar's post-1964 record under the issues to be specified. In this regard, we note that the suggestion runs counter to the Commission's attempt to limit the scope of the evidence to be received under the past broadcast record criterion, as noted above. Since Lamar's performance at WLBT has been in issue since at least 1964 and since its pre-1964 record has been found wanting by both the Commission and the Court, we are not convinced that Lamar, as a "new" applicant, should be permitted to use its post-1964 record to cure any serious inadequacies that may be developed under the issues. Immaculate Conception Church of Los Angeles v. FCC, 116 U.S. App. D.C. 73, 320 F. 2d 795 (1963), cert. denied 375 U.S. 904. However, under the specified issues, Lamar may be permitted to introduce evidence to show that claimed deficiencies did not exist or were counterbalanced by its overall performance in the particular area under consideration. Finally, contrary to Lamar's further suggestions, we will split the evidentiary burdens under the issues to be specified so that Civic will assume the burden of going forward with the introduction of evidence and Lamar will assume the ultimate burden of proof under the issues and will be required to demonstrate its qualifications to be a Commission licensee. Such an allocation appears to be in keeping with the Court of Appeals' 1969 Decision and with Lamar's status as a "new" applicant.[12]

Unauthorized transfer of control and misrepresentation issues. 11. Civic also requests the addition of issues to determine whether Lamar Life Broadcasting Co. and/or Lamar Life Insurance Co. engaged in conduct affecting the unauthorized transfer of control of Station WLBT and whether either or both have misrepresented to the Commission the real ownership and control of WLBT. In support of its request, Civic recites factual allegations based upon the Commission's 1965 Memorandum Opinion and Order (1 FCC 2d 1484, 6 RR 2d 308) approving a transfer of control of the station from Lamar Life Broadcasting Co. to Lamar Life Insurance Co. More specifically, the petitioner notes that, in the original 1952 application for WLBT, the Commission was advised that the broadcasting company was a wholly owned subsidiary of the insurance company; that, in 1953, the application was amended to show that the insurance company had sold all of its stock in the broadcasting company to several individuals who were either employees, directors or stockholders of the broadcasting or insurance companies; that the Commission then granted a construction permit to the broadcasting company; and that, shortly thereafter, the broadcasting company executed an option, which was periodically renewed, whereby the insurance company acquired the right to repurchase the stock of the broadcasting company from the individual stockholders for $10,000. Contrary to the Commission's finding that "there was clearly no deliberate plan here to effect an unauthorized transfer of control, accompanied or compounded by misrepresentations to the Commission",[13] Civic contends that, during the period in which the broadcasting company's stock was held by several individuals (1953 to 1965), actual control of WLBT resided with the insurance company. In support of this contention, Civic refers to an announcement by the president of the insurance company, which was broadcast by WLBT in October of 1962, to the effect: "I am president of Lamar Life Insurance Co., which in turn owns this station."[14] Petitioner also relies on the dissenting statement of Commissioner Cox in regard to the Commission's 1965 transfer of control action for the proposition that, prior to 1965, the indicia of true control resided with the insurance company. Civic urges that the pre-1965 disclosures to the Commission in various filings by Lamar of the close relationship between the insurance and broadcasting companies do not satisfy the "stringent and explicit" requirements of section 310(b) of the Act, and that the present proceeding presents another opportunity for investigation of WLBT's ownership between 1953 and 1965. In addition, the petitioner asserts that more recent ownership reports bear scrutiny because, although prior to 1968 the insurance company reported that various companies and individuals (including members of the Murchison family) held interests therein, it was not revealed, until the filing of an ownership report, dated November 19, 1968, that the Murchison family's aggregate holdings amounted to more than 50 percent. Since this shift in ownership represented a change in the control of WLBT and since no transfer of control application has been filed in regard thereto, as required by section 310(b), Civic contends that inquiry into this matter is also necessary.

12. In its opposition, Lamar distinguishes between its alleged conduct before 1965 and that which is urged by Civic to have occurred thereafter. Charges relating to the period before December of 1965, submits Lamar, are merely a recapitulation of allegations which were considered and rejected by the Commission in its previous decision, approving the 1965 transfer of control applications; therefore, Lamar contends that that portion of Civic's request which pertains to Lamar's pre-1965 conduct is clearly res adjudicata and cannot properly be raised in the instant hearing. As to matters occurring after December of 1965, and not previously considered by the Commission, Lamar asserts that Civic's allegations are not only unsupported but are wholly groundless as well. In this regard, Lamar notes that the November 19, 1968, ownership report disclosed that John D. Murchison and C. W. Murchison, Jr. had increased the percentage of stock held in their individual names from 44.8 percent to 50.6 percent and that the additional stock had been obtained from the A. B. Frank Company (an organization controlled by the Murchison brothers), which had held the stock as collateral security for a loan. Pledge of the Murchisons' stock to the A. B. Frank Co., urges Lamar, was disclosed to the Commission in Exhibit 12 of the 1965 transfer of control application (FCC File No. BTC–4842), and Table I of BTC–4842 had reported that

[9] Civic refers to the Commission's Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424, 18 RR 2d 1901 (1970).

[10] Petitions to deny Lamar's 1964 renewal application had been filed by the Mississippi AFL–CIO and by the United Church of Christ, together with certain individuals, alleging the licensee's noncompliance with the Fairness Doctrine. In granting short-term renewals of the licenses of Lamar's Stations WJDX, WJDX-FM, and WLBT, the Commission conceded that serious questions had been presented concerning the licensee's operations and its compliance with the requirements of the Fairness Doctrine; however, the Commission concluded that renewal grants conditioned on, inter alia, Lamar's strict compliance with the Fairness Doctrine, represented a more appropriate resolution of the matters raised by the petitions to deny and the Commission's own investigation than did a hearing on the renewal applications. See 38 FCC at 1153–55, 5 RR 2d at 219–21.

[11] We do not find that Lamar's pending appeals (see note 6, supra) concerning its status in this proceeding prevent our consideration of Civic's instant request. The matters raised by Civic relate to Lamar's basic qualifications and, as such, are relevant to Lamar's status as either a "new" applicant or a renewal applicant.

[12] If any further change in Lamar's posture in this proceeding should require modification of our action, an appropriate petition can be filed with the Board. We do not mean to imply, however, that a change in Lamar's status will necessarily affect other aspects of this proceeding, including the allocations of the evidentiary burdens under the issue.

[13] 1 FCC 2d at 1486, 6 RR 2d at 312.

[14] 1 FCC 2d at 1486, 6 RR 2d at 311.

the Murchison family interests amounted to 47.701 percent, while that of the A. B. Frank Co. amounted to 6.41 percent. Moreover, notes Lamar, Exhibit 12 recited that the Murchison brothers controlled the A. B. Frank Co., which, along with other companies, held specified shares of the Murchisons' stock in the insurance company as pledges for loans. Therefore, reasons Lamar, the 1965 transfer of control application made full and complete disclosure of the ultimate ownership of the Lamar Life Insurance Co., and, in fact, Exhibit 13 of the application noted specifically that the Murchisons or their pledges held, in the aggregate, 513,485 shares out of the 998,250 shares outstanding or in excess of 50 percent. Lamar argues that to contend, as Civic does, that a new transfer application was necessary when the Murchisons' controlled company thereafter released back to the Murchisons the relatively few shares held by it as a collateral pledge is "to elevate form over substance." Accordingly, urges Lamar, Civic's request for unauthorized transfer of control and misrepresentation issues should be denied.[15]

13. Civic replies to Lamar's opposition by insisting that mere disclosure of information concerning licensee control—either through ownership reports or through other "indirect" filings—does not satisfy the mandate of section 310(b) of the Communications Act. Civic asserts that a licensee is affirmatively bound to file for Commission approval prior to any transfer of control (whether it be de jure or de facto) and that the Commission is not relieved of its responsibility to investigate the transfer solely because the licensee has not attempted to conceal matters. In response to the Broadcast Bureau's comments, Civic denounces its position as a "transparent ploy" to enable the Commission to dodge the basic issue of licensee fitness. Civic reasserts, moreover, that the 1965 transfer of control matter was never properly investigated by the Commission in an adversarial and evidentiary proceedings.

14. Insofar as Civic would have us specify issues against Lamar based on the period prior to 1965, the Board will deny that portion of its request. Examination of the Commission's 1965 decision in Lamar Life Broadcasting Co., 1 FCC 2d 1484, 6 RR 2d 308, has persuaded the Board that petitioner's allegations here were previously considered and disposed of favorably to Lamar. The Commission specifically found that there was no deliberate plan to effect an unauthorized transfer of control or to misrepresent the actual ownership situation to the Commission. Since the matter has already been fully considered by the Commission and since petitioner has pleaded no new facts in regard thereto, the Board is precluded from granting the relief requested. See Atlantic Broadcasting Co., supra, 5 FCC 2d at 720–21, 8 RR 2d at 996. Insofar as Civic would have us specify the same issues against Lamar based on the period between 1965 and 1968, the Review Board will also deny that portion of petitioner's request. Initially, we note that Lamar's earlier transfer of control application (granted in December of 1965) disclosed in Table I, that Clint W. Murchison held 6.658 percent of the insurance company's stock, C. W. Murchison, Jr., 13.95 percent, and John D. Murchison, 27.093 percent. The Murchison family's direct interest was thus listed as 47.701 percent of the outstanding stock. Table I also indicated that the A. B. Frank Co. held 6.41 percent of the insurance company's stock, and Exhibit 12 of Lamar's transfer application further revealed that the A. B. Frank Co. was controlled by the Murchison brothers. Moreover, Exhibit 13 of Lamar's 1965 transfer application indicated that, of the 998,250 shares of stock outstanding, the Murchison brothers (or their pledgees) owned 513,485 shares, or in excess of 50 percent of the insurance company's stock. In these circumstances, the Board is of the opinion that the description of the Murchisons' interests in the insurance company, both direct and indirect, contained within the 1965 transfer application constituted adequate disclosure of the fact that the insurance company, the proposed transferee, was controlled by the Murchisons. The effect of such disclosure was not invalidated or undermined by the A. B. Frank Co.'s subsequent reconveyance to the Murchisons (John D. and C. W. Murchison Jr.) of the insurance company's stock held as loan collateral. In the Board's view, the release of the stock held under the pledge by a company which was disclosed to be controlled by the Murchisons does not raise a question concerning either a de jure or de facto change in corporate control, nor does it present a serious question about the disclosures made to the Commission as to WLBT's ownership or control. Cf. Lawrence County Broadcasting Corp., 15 FCC 2d 910, 15 RR 2d 482 (1969). Civic's request will therefore be denied in its entirety.[16]

"Section 1.65 issue". 15. Civic requests that the Board specify a disqualifying issue to determine whether Dixie National Broadcasting Corp. has violated the provisions of § 1.65 of the Commission's rules. In support of its request, petitioner alleges that Dixie failed to disclose in section II of its application that Rubel L. Phillips, the corporate applicant's Chairman of the Board and 5 percent stockholder, was, prior to his resignation in 1967, Secretary of Dixie National Insurance Co. The insurance company, notes petitioner, holds 40 percent of Dixie's stock and Mr. Phillips served as its Secretary from the date of its inception until his resignation in 1967. Civic concludes that Dixie has failed to file a complete and accurate application; that the application has remained uncorrected from the date of filing until the present; and that, therefore, an issue is warranted to determine whether Dixie has violated the provisions of § 1.65 of the Commission's rules and, if so, the effect thereof upon its qualifications to be a Commission licensee.

16. In opposition, Dixie initially notes that Civic has misconstrued its requested relief. Rule 1.65, explains Dixie, is directed to an applicant's failure to apprise the Commission of significant changes in its application; therefore, it it Dixie's position that petitioner has mistakenly invoked Rule 1.65 to support its charge that Dixie's application failed to make full disclosure of its principal's business interests ab initio. In any event, continues Dixie, an issue is not warranted, for the facts alleged could not support a finding of misrepresentation. In this regard, Dixie attaches an affidavit of Rubel L. Phillips, which, it alleges, demonstrates both the bona fides of Dixie's efforts to comply with Commission requirements and the absence of any intent to withhold information from the Commission. In his affidavit, Mr. Phillips, a practicing attorney in Jackson, Miss., attests that, on April 3, 1965, he was one of sixteen incorporators of Modern Dixie Life Insurance Co. (now Dixie National Life Insurance Co.);[17] that he served as Secretary of the company from April 3, 1965, until June 10, 1967, but that, other than serving as legal counsel, he has never been active in the management of the company; that, on August 8, 1966, he was one of nine incorporators of Modern Dixie Corp. (now Dixie National Corp.); and that he served as its Vice President from the date of incorporation until October 31, 1969, but that he was never compensated for his services as an officer of Dixie National Corp. and attended meetings of the board of directors in his compensated capacity as legal counsel. Mr. Phillips explains that, in preparing the biographical information required by FCC Form 301, section II, he did not disclose his association with either Dixie National Life Insurance Co. or with Dixie National Corp.[18] because he did not consider his participation in either party to have been of any great significance. In this regard, Mr. Phillips notes that, of the 460,000 shares of Dixie National Life Insurance Co. outstanding at the time of the filing of Dixie's application, he owned 1,920 (less than 0.5 percent) and that, of the 445,285 shares of Dixie National Corp. then outstanding, he owned 4,833 (slightly more than 1 percent). Dixie itself concludes, that the purported omissions concerning Mr. Phillips' associations can have "no conceivable relevance" to the instant proceeding, citing, inter alia, Terre Haute Broadcasting Corp., 17 FCC 2d 815, 16 RR 2d 303 (1969).

17. In its comments, the Broadcast Bureau asserts that Rubel L. Phillips' association with Dixie National Life Insurance Co. is clearly a matter which, because of that company's holdings in Dixie, ought to have been brought to the Commission's attention. The Bureau urges addition of the requested § 1.65 issue in the absence of an adequate explanation by Dixie. In the event the Board is of the opinion that the violation represents an "inadvertent omission", the Bureau would support the specification of only a comparative § 1.65 issue. In its reply to Dixie's opposition, Civic contends that Mr. Phillips' relationship with two entities so closely related to the applicant corporation should have been revealed either originally in Dixie's application or by amendment thereto. Dixie's initial failure to disclose, its subsequent neglect to amend, and its complete inability here to explain its prior nonfeasance, charges petitioner, militate for specification of a disqualifying § 1.65 issue.

18. Although the Review Board must observe preliminarily that, in asking for a § 1.65 issue upon the facts here alleged,[19] Dixie has used the "wrong writ", the Board will nonetheless specify an issue inquiring into Dixie's failure to disclose, ab initio, Mr. Phillips' associations with Dixie National Life Insurance Co., Dixie National Corp. and other companies. Rubel L. Phillips' explanation that he did not believe the application form required him to disclose his relationships with corporations in which he had no substantial investment and no active part in the management, other than in his capacity as compensated counsel, is unconvincing to the Board. Despite assertions to the contrary, it is difficult to understand how Mr. Phillips, a Dixie principal and practicing attorney, could have misunderstood the Commission's precise and detailed instructions regarding disclosure of a principal's other business interests contained in Table II of section II of FCC Form 301. The Board's doubt in this regard is reinforced when the affiliation between the corporate applicant and the Dixie National Life Insurance Co. and Dixie National Corp. and the official capacities in which Phillips functioned at the latter two companies are noted. Omission of information concerning Phillips' associations with these and other corporations cannot be viewed as inadvertent on the basis of the pleadings before us, and, in view of the circumstances surrounding the nondisclosures, cannot be accepted as mere error in judgment. Compare Sunset Broadcasting Corp., 15 FCC 2d 276, 14 RR 2d 705 (1968). An issue will therefore be added to permit inquiry into Dixie's apparent failure to provide financial information required by the Commission's application form and the effect of such nondisclosure on the applicant's qualifications to be a licensee. North American Broadcasting Co., Inc., 15 FCC 2d 984, 15 RR 2d 367 (1969). Dixie, of course, will have the opportunity to counter any unfavorable inference or to mitigate any adverse conclusion.[20]

Interrelated applicants issue. 19. Civic also requests that the Board specify an issue to determine whether, on the basis of business interrelationships, Dixie and Jackson are, in fact, independent applicants, and in light thereof, whether they are qualified to be Commission licensees. In support of requested issue (i), Civic initially refers to the fact that both applicants rely on the same bank (Deposit Guarantee National Bank of Jackson, Miss.) for much of their financing. Petitioner points out that the relationship between the applicants and the bank extends beyond mere financing arrangements. For example, Civic notes that three important stockholders of Jackson and two of Dixie are associated with the bank: Alvin Flannes, president, chairman of the board and 14 percent stockholder of Jackson, is a member of the bank's advisory board; Robert Guyton, Treasurer and 6 percent stockholder of Jackson, is a vice president and less than 1 percent stockholder of the bank; Stuart Irby, 8 percent stockholder of Jackson, is a director of the bank; W. D. Mounger, president and 40 percent stockholder of Dixie, is a vice president, director, and less than 10 percent stockholder of the bank; and James Roland, vice president and 1 percent stockholder of Dixie, is an officer of the bank. Moreover, submits Civic, both applicants, through their principals, are also represented on the boards o fdirectors of the First Mississippi Corp. and the Mississippi Chemical Corp. The petitioner specifies in some detail the nature of that representation and enumerates several other instances of the applicants' mutual representation in various institutions in a less than controlling capacity. Since the executive officers of both applicants are related by their association with the same local bank that is supplying the financing for both applicants and since stockholders with a 40 percent ownership in Jackson have common business interests with stockholders holding over a 44 percent ownership in Dixie, Civic contends that this community of interest raises a serious question as to whether Dixie and Jackson are independent applicants.

20. In opposition, Dixie seeks to refute any adverse inferences drawn by Civic from Dixie's purported relationships with Jackson, the bank, and the other corporations listed by Civic. Dixie sets out at length, in attached affidavits, the memberships of the boards of directors of the bank, First Mississippi Corp., Mississippi Chemical Corp., Coastal Chemical Corp.,[21] and the other entities mentioned by petitioner. Dixie indicates that since W. D. Mounger resigned as vice president of the bank, as of December 31, 1969,[22] he has not been active in its management and that only James S. Roland, vice president of Dixie and 1 percent stockholder therein, is still actively serving at the bank as assistant vice president in the Real Estate Department. Other than 2 percent stockholder Owen Cooper, asserts Dixie, no person connected with Dixie has "any connection whatever" with First Mississippi Corp., Mississippi Chemical Corp., Triad Chemical Corp., or Miscoa. As for the other companies described by petitioner as sharing certain directors of both Dixie and Jackson, Dixie urges that no significance should attach thereto for "[i]t is not uncommon in Mississippi for various business leaders to serve on the boards of many companies." Specifically addressing itself to Civic's allegation concerning the bank's loan commitment letter, Dixie submits that comparison of the credit commitments extended to Dixie by the bank with the other credit arrangements relied on in this proceeding discloses no irregularity and demonstrates conclusively that no economic advantage can accrue to Dixie.

21. Jackson, in opposition, suggests that Civic's request be summarily dismissed as without merit. In general, Jackson demurs to Civic's assertion that Dixie and Jackson experience an overlap of business interests; however, Jackson disagrees with Civic's characterization of the magnitude of the overlap, asserting that the actual degree of cross-ownership in other businesses is no more than 1 percent. Moreover, submits Jackson, none of the organizations are "closed corporations" from which an inference of intimate interconnection can be drawn, but rather all are large institutions, having from 11 to 40 directors. In addition, Jackson submits the affi-

[15] The Broadcast Bureau also opposes the addition of requested issues (d) and (e), pointing out that the entire matter of unauthorized transfer of control has been adjudicated by the Commission and that Civic has not alleged new facts. However, the Bureau notes the Commission's critical language in approving the 1965 transfer of control and suggests that the matter could be raised on a comparative basis if the Board concludes that the transfer situation is relevant to Lamar's past broadcast record.

[16] Since both the Commission and the Board have concluded that no substantial questions have been raised concerning claimed unauthorized transfers of control, we see no reason to inject these matters in the instant proceeding under the comparative criterion of Lamar's past broadcast record, as the Bureau suggests. The Board would also observe that recent Commission action would permit a change in the Murchison brothers' ownership position in Lamar Life Insurance Co. from de jure to de facto control. See Public Notice of December 3, 1970 (Report No. 9520). The Commission noted further that if, as anticipated, Lamar Life Insurance Co. repurchased a significant portion of shares held by the Murchison brothers, the latter's holdings would be reduced from in excess of, to less than, 50 percent of the total issued and outstanding stock.

[17] Dixie National Corp. now owns approximately 43 percent of Dixie National Life Insurance Co., according to Mr. Phillips.

[18] Affiant also states that he did not list his associations with "numerous other companies which I have represented as counsel and of which I might have served as an officer or director during the formative stages."

[19] While Civic alleges also that Dixie has never corrected its application through amendment, the thrust of its charge concerns Dixie's failure to file complete and accurate responses in the first instance.

[20] Since we have concluded that the information about Rubel L. Phillips' business associations should have been filed with the Dixie application, an amendment comporting with the requirements of Table II of section II of the application form would seem appropriate.

[21] Dixie explains that Coastal Chemical Corp. is linked with Mississippi Chemical Corp. in a partnership called Miscoa and that Miscoa is an equal partner with First Mississippi Corp. in Triad Chemical Corp.

[22] Dixie points out that Mr. Mounger's resignation was disclosed to the Commission and that Mr. Mounger remains a director and stockholder of the bank.

davit of its president, Alvin P. Flannes, to the effect that, regardless of Jackson's and Dixie's mutual interests in third corporations, their applications are being pursued at arm's length and in an entirely adversary manner. According to Jackson, Commission precedent establishes that interrelation of applicants through outside business interests does not, absent some indication of cross-ownership or control, hold any significance; the fact that both Jackson and Dixie propose to be financed by the same bank is likewise immaterial, Jackson urges, citing Veterans Broadcasting Company, Inc., FCC 62-131, 22 RR 949 1962). Since the principle enunciated in the Veterans case applies here with identical effect, Jackson contends that Civic's request should be summarily dismissed.

22. The Broadcast Bureau also opposes Civic's request and submits that petitioner has not alleged circumstances which would give rise to a "substantial question concerning the bona fides or actual, separate control of the Jackson TV and Dixie applications." (Footnote omitted.) In this regard, the Bureau notes that Civic has not indicated relationships which suggest that majority control of the stock, proxy vote authorizations, or directorships in one applicant is held by a group controlling directly, or through a third entity, another applicant. Referring to the three Jackson principals who own less than 1 percent of the bank's stock and a total of 28 percent of Jackson's stock and the two Dixie principals who hold less than 10 percent of the bank's stock and less than 41 percent of Dixie's stock, the Bureau points out that five individuals hold, among themselves, less than 11 percent of the bank's stock and that no one holds majority control of either applicant or of the bank.[23] Nor do the five individual stockholders, estimates the Bureau, represent a majority of the officers or directors of either applicant or of the bank. For these reasons and since Civic has not raised any new facts, the Bureau opposes addition of the requested issue.

23. In response to the Bureau's comments, Civic emphasizes that, to the extent members of the boards of directors of Jackson and Dixie are represented in the directorship of the bank, they share a common purpose in that a substantial question exists as to the bona fides of the competition between the applicants if such competition will have an adverse impact upon the bank. Moreover, advances petitioner, the Bureau incorrectly equates de facto control of a corporation with de jure control. That principals of Jackson and Dixie together control only 11 percent of the bank's stock does not, according to petitioner, indicate that these principals cannot control either of the applicants (or the bank) through voting their shares as a block. Civic also stresses the fact that several of the applicants' shareholders are directors of the bank (as well as of their respective applicants), and that therefore the question of de facto cross-control is magnified. In reply to Dixie's opposition, Civic reasserts the importance of its distinction between de jure and de facto control insofar as cross-ownership is concerned and renews its contention that a community of business interests exists between Jackson and Dixie which raises an unresolved question of whether Jackson and Dixie are, in fact, bona fide competing applicants. In response to Jackson's opposition, petitioner submits that Jackson's citations to precedent are inapposite since each dealt with relationship between an applicant and an existing broadcasters not involved in the same proceeding, whereas its own allegations are directed at interrelationships between two applicants purportedly competing for the same facility. Civic contends that Veterans Broadcasting Company, Inc., supra, did not treat of relationships comparable with those here, nor was the procedural stance identical; in Veterans, the allegations were designed to effect the dismissal of an application before hearing whereas petitioner here requests full examination of allegations at hearing. Asserting that the interrelationships here are of far greater magnitude than were those in Jefferson Standard Broadcasting Company, 33 FCC 471, 24 RR 319 (1962), Civic concludes that an enlargement of issues to examine the matter is definitely warranted.

24. The Review Board is of the opinion that Civic has failed to demonstrate the alleged interrelationship between the Jackson and Dixie applications. Absent some indication that principals and/or directors of one applicant are in a position to influence or control the other applicant through interests in third entities, no unfavorable implications can be drawn from interests of individual principals of the applicants in third entities. The fact that stockholders representing 40 percent of Jackson's ownership, may have "common business interests" with stockholders representing 44 percent of Dixie's ownership, is not, in itself, significant or, without more, suggestive of improper interdependence and control. Nowhere is de jure control of either applicant or a third entity by Jackson and/or Dixie principals alleged; nowhere can de facto control by specific Jackson and/or Dixie principals be discerned. Civic indicates that stockholders representing 28 percent of Jackson's ownership and less than 41 percent of Dixie's ownership are associated with the bank which is provided each of the applicants with financing. Yet, as the Broadcast Bureau indicates, the five named individuals account for less than 11 percent of the bank's stock ownership and do not represent a majority of the officers or directors of the bank.[24] Jackson and Dixie stockholders are therefore apparently incapable of exercising majority control (either directly or indirectly) of the applicants or of the bank.[25] Furthermore, "[n]o showing has been made by petitioner herein that the loan arrangements with the banking institution would create anything other than the usual debtor-creditor relationship between the bank and the applicant[s] * * *" (Veterans Broadcasting Company, Inc., supra, 22 RR at 950), or that the bank would be in a position to control either applicant. Civic does not contend, nor do any factual allegations suggest, that the bank's employees and officers who hold stock in Dixie or Jackson are acting in anything other than their individual capacities, or that they are in any way acting as agents for any undisclosed principal, such as the bank. Veterans Broadcasting Company, Inc., supra. Jackson's and Dixie's alleged representation in other business ventures[26] (via the selected participation of individual principals) is so diffuse and remote as to negate any inference that Jackson and Dixie show a community of business interests which compromises their independence and impugns the bona fides of their competitive applications. In summary, then, the Review Board does not find petitioner's allegations specific enough, substantial enough or serious enough to warrant addition of the requested interrelationship issue.[27]

25. *Comparative programing issue.* Civic requests the specification of an issue to determine whether significant differences characterize the means by which each of the instant applicants would meet the ascertained needs of its service area. Petitioner submits that, in comparison with the programing proposed by the other applicants in this proceeding, its projected program schedule reveals a superiority "beyond ordinary differences in judgment" and "demonstrates a superior devotion to public service." Civic claims that its superiority rests upon "more and better programs designed and scheduled to serve the ascertained needs and interests of the entire area served by Channel 3, Jackson, Miss." [28] and that the superiority of its proposal is evident in each

[23] The Bureau explains that although one of Dixie's principals owns 40 percent of the applicant's stock, Dixie National Insurance Co. also owns 40 percent of Dixie's stock.

[24] Nor do the five named individuals represent a majority of the officers or directors of either applicant.

[25] Civic's further suggestion that the stock which Jackson and Dixie principals hold may well assure them aggregate de facto control of either applicant or of the bank is wholly unsupported. Moreover, the charge is apparently without substance—in the case of the bank—in light of that institution's relatively large size and wide directorship.

[26] E.g., First Mississippi Corp., Mississippi Chemical Corp., Triad Chemical Corp.

[27] Sections 1.518 and 1.520 of the rules prohibit the filing of inconsistent, conflicting or multiple applications by the same applicants.

[28] Civic asserts that it conducted a superior survey by interviewing more (240) community leaders in more (30) of the 37 counties attributed by the American Research Bureau to the Area of Dominant Influence of Channel 3 than did any other of the five competing applicants. Civic further claims that its "exhaustive" survey included 300 members of the listening public throughout its service area.

category of programing, citing Chapman Radio and Television Company, 7 FCC 2d 213, 9 RR 2d 635 (1967). In support of this claim, petitioner provides the following weekly comparison of its programing proposal with those of its competitors:

	News	Public affairs	Other
Civic	21:35(17.2%)	9:05(7.3%)	21:05(16.7%)
Lamar	13:05(10.5%)	5:12(4.2%)	12:08(9.8%)
Channel 3	11:55(9.5%)	5:47(4.6%)	19:29(15.5%)
Jackson TV	15:47(12.3%)	7:15(5.7%)	17:58(14.0%)
Dixie	6:37(5%)	2:55(2%)	6:37(5%)

Civic also compares its proposal for local programing with those of the other applicants:

	8 a.m.–6 p.m.	6 p.m.–11 p.m.	All other hours	Total
Civic	16:00	9:45	7:15	33:00
Lamar	10:45	5:15	3:10	19:10
Channel 3	12:30	7:00	7:20	26:50
Jackson TV	15:55	6:30	3:40	26:05
Dixie	9:30	4:30	6:50	20:50

Civic contends that its local programing proposal evidences superior devotion to public service because it assures "the greatest amount of locally produced and locally oriented programs during the period of greatest potential audience." Civic also indicates that, having ascertained a need for quality news programs dealing thoroughly and equitably with local events and issues, it has proposed a concentration (75 percent) of locally produced news programs on matters of purely local concern. In this regard, petitioner emphasizes that it proposes 13:55 hours per week of locally produced news programing whereas Lamar plans but 7:21 hours; Jackson, 8:45 hours; and Dixie and Channel 3, lesser amounts of time each.[29]

26. Civic also stresses its pre-eminence in public affairs programing, which proposal arose out of its having detected a need to explore such localized and contemporary topics as race relations, school desegregation and busing, black political representation, welfare measures, pollution and industrialization. Civic emphasizes that, on a weekly basis, it has projected 8:35 hours of locally produced public affairs programing whereas Lamar has projected only 4 hours; Channel 3, 8:15 hours; Jackson, 7 hours; and Dixie, 2 hours. Moreover, it has scheduled its locally produced public affairs program so as to reach the maximum potential audience and to effect maximum public service; in prime time, it proposes 4 hours a week compared with Lamar's 0:10 hour; Channel 3's 2:25 hours; Jackson's 2:30 hours; and Dixie's 1 hour. On this basis, Civic asserts that not only has it proposed to broadcast more public affairs programing, but it has planned more locally produced programing and more locally produced programing in prime time. The petitioner also claims that a superior devotion to public service is apparent in its "other" programing since it has proposed more religious, agricultural, and instructional programing than any of its competitors. Civic concludes its request with the contention that the "substantial differences" which establish its superior devotion to public service (in the areas of news, public affairs, and "other" programing) require a comparative investigation of the applicants' proposed programing.[30]

27. Jackson, in opposition to the instant request, characterizes Civic's showing as an artificial proposal designed to gain a hearing preference rather than to serve ascertained community needs and, in support of this assertion, points to the fact that Civic amended its programing proposal subsequent to the filing of the mutually exclusive applications. Jackson also urges that Civic proposes an unrealistic amount of local programing in order to support a comparative preference and notes that the Commission has in the past assessed a slight demerit to an applicant which it found to have proposed unrealistic local programing, citing WHDH, Inc., 16 FCC 2d 1, 15 RR 2d 411 (1969). Moreover, indicates Jackson, the Commission, in WHDH, stated that there is no assumption that an unusually high percentage of time to be devoted to local or other types of programing is necessarily to be preferred. 16 FCC 2d at 15, 15 RR 2d at 430. Dixie also urges the Board to deny Civic's request for a comparative programing issue. Dixie reminds the Board that the Commission's designation order in this proceeding found that each of the applicants had complied in satisfactory fashion with the tentative standards concerning ascertainment of community needs set forth in the Notice of Inquiry in Docket No. 18774, 20 FCC 2d 880 (1969). It is Dixie's position that Civic has not met the standard of "substantial disparity" in programing proposals which has been enunciated by the Commission in Chapman Radio and Television Company, supra, and that, moreover, Civic's amended (as of April 1970) application is highly questionable in that Civic therein indicates its intention to devote 17.20 percent of its programing to news, 7.28 percent to public affairs, and 16.72 percent to "other" programing (exclusive of entertainment and sports) without altering its staffing proposal of 64 employees. Dixie questions Civic's ability to effectuate its amended programing proposal with this staff proposal and also suggests that Civic's representation to devote more than 41 percent of its total broadcast time (excluding commercial matter) to news, public affairs, and "other" programing is extravagant. In conclusion Dixie asserts that its own programing proposals[31] derive from its good faith effort to identify various community needs and problems, and that examination of both its ascertainment efforts and its programing proposals precludes any conclusion of a substantial disparity between its proposal and Civic's. In opposition, Channel 3 terms Civic's alleged programing superiority the result of an "11th hour amendment" and of an unimpressive survey, which does not reveal a "superior devotion to public service in terms of better programing," but does disclose unrealistic proposals and extravagant promises. Moreover, Channel 3 notes that Civic's vaunted superiority in local public affairs programing is actually but 20 minutes more of such programing a week than Channel 3's proposal. Although Channel 3 is confident that its own programing proposals would merit preference under a comparative inquiry, it nonetheless requests the Board not to burden the record with material not of decisional significance.

28. In its comments, the Broadcast Bureau endorses Civic's request. The Bureau asserts that Civic has submitted a prima facie showing of "substantial disparity" between its programing proposal and that of each of the other applicants in two significant areas: Local news programing and public affairs programing. As to the former, the Bureau notes that Civic has ascertained in its survey the need for more discussion of local events and issues and that Civic, in response thereto, proposes to devote 75 percent of its locally produced news programing to local events and issues; that Civic proposes 5 hours more per week of locally produced news programing than any other applicant; and that it proposes a 14-man, nontechnical news staff which would easily be the largest proposed by any of the applicants. In the Bureau's view, Civic's proposal shows a need for locally produced programing directed to local news and issues and displays a greater dedication thereto in terms of time, effort, and resources than does any other proposal. As to public affairs programing, the Bureau points out that Civic has ascertained a need to promote racial communication and cooperation and to investigate economic problems throughout the station's service area and that, in response thereto, Civic has proposed public affairs programing directed to various aspects of the racial, educational, and economic problems ascertained. In addition, the Bureau stresses that petitioner proposes more time for locally produced public affairs programing than any other applicant, and more of it during prime time than any other applicant. Thus, concludes the Bureau,

[29] Civic submits that Dixie's and Channel 3's applications indicate that they propose, respectively, 6:37 and 11:55 hours per week for total news presentations. Dixie, according to Civic, further proposes that 45 percent of its total news time will be devoted to local and regional news while Channel 3 has announced its intention to devote 60 percent of news time to local or regional broadcasts.

[30] Lamar, even though refusing to concede Civic's purportedly superior programing proposal, does not address itself to the particulars of Civic's request. Instead, Lamar adverts to its own petition to enlarge issues, in which Lamar requested both a comparative efforts issue and a comparative programing issue. Lamar, therefore, while disputing the evidentiary basis for Civic's request, does not oppose addition of a comparative programing issue per se.

[31] Dixie points out that petitioner has apparently overlooked an amendment tendered by Dixie on Mar. 9, 19[7]0, wherein the following programing proposals were made: News—10 percent; public affairs—2.7 percent; and other programing—8.0 percent.

Civic displays in this area also a willingness to expend greater effort and resources so as to comply with standards set forth in Chapman Radio and Television Company, supra, and referred to in WPIX, Inc., 23 FCC 2d 245, 19 RR 2d 182 (1970).

29. In reply to Jackson's opposition, Civic insists that its present public affairs programing is, in every significant respect, identical with that submitted in its original application in March of 1969. Civic explains that its April 6, 1970, amendment would have reduced the amount of public affairs programing by 25 minutes per week but for the addition of the previously omitted 30-minute weekly show, "Meet the Press". In petitioner's view, its amended proposal reflects a de minimis increase of 5 minutes per week. In "Other Programing", submits petitioner, the great bulk of the difference between its original and amended proposals is accounted for by Civic's decision to substitute the hour-long show, "Sesame Street" for the 30-minute show, "Television School." With some reclassification of programing, the difference, calculates petitioner, amounts to 3½ hours of programing per week. On this basis, Civic argues that its programing amendment was not an attempt to upgrade its application in response to competing applications but, rather, was a reflective response to "continuing and emerging community needs ascertained as a result of additional surveys." Replying to Channel 3's opposition, Civic submits, not only that its proposal is realistic, but that it is prophetic in view of the recent Commission pronouncements restricting network prime time programing. Civic refers to its reply to Jackson's opposition in answer to Channel 3's allegations that petitioner attempted an eleventh-hour upgrading of its programing proposal. Moreover, Civic asesrts that its survey efforts had been amplified long before the Commission advised petitioner that its original survey efforts lacked certain items enumerated in the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 20 FCC 2d 880, 34 FR 20282 (1969). In reply to Dixie, petitioner argues that minor differences in ascertainment are not material to a comparison of program proposals and reminds the Board that Dixie has, despite its March 9, 1970, programing amendment, proposed the least amount of public service programing. It is Civic's position that, inasmuch as Dixie did not question the ability of petitioner's proposed staff to implement its original programing proposal, the amended programing proposal is certainly unimpeachable from a staffing and effectuation point of view; in this regard, Civic also points to its financial amendment of April 28, 1970, which included a proposed monthly operating statement (Exhibit B), providing for 81 employees and five trainees.

30. The Review Board, pursuant to Civic's request, will specify a comparative programing issue. Petitioner has submitted the requisite prima facie showing that there are significant differences in the programing proposed by the applicants and that its claimed substantial superiority in program planning is related to ascertained community needs. Chapman Radio and Television Company, supra, 7 FCC 2d at 215, 9 RR 2d at 638. While the Board is mindful that no assumption exists whereby an unusually high percentage of time to be devoted to local or other specific types of programs is necessarily to be preferred, Civic has nonetheless presented us with particular community needs which its ascertainment efforts have unearthed and which its programing proposal would attempt to meet through an emphasis on locally produced news, public affairs and other programing. More specifically, Civic has presented tabular comparisons of the applicants' proposals to demonstrate its superiority—both absolutely and proportionately—in the amounts of time to be devoted to news, public affairs, and other programing. Civic also promises more locally produced news programs, especially during prime time hours, than any other applicant, and asserts that 75 percent of such programs will deal with matters of local concern in order to meet the community's need for quality local news.[32] Civic proposes more locally produced public affairs programing than any other applicant and more of it during prime time hours in an attempt to explore topics of local concern such as race relations, school desegregation, etc. Although the other applicants approach Civic's programing proposals to varying degrees—Jackson and Channel 3 more closely and often than Dixie and Lamar—none matches the petitioner's emphasis on the ascertained need for locally produced news and public affairs programing. Contrary to some assertions, Civic's proposals are not, on their face, unrealistic or extravagant, nor do they reflect a deliberate attempt to secure only a comparative preference. Compare WHDH, Inc., supra, 16 FCC 2d at 16, 15 RR 2d at 430–31. Unlike WHDH, Inc., supra, Civic has proposed not 36.3 percent local live programing, but only 26 percent (or 33 hours per week); moreover, petitioner's proposal in this regard does not represent an "extraordinary percentage" in view of the proposals advanced by Channel 3 and Jackson, i.e., 26:50 and 26:05 hours, respectively. In addition, Civic's amended staffing proposal adequately answers the claim that its programing proposal cannot be effectuated. Since the Board perceives, in Civic's showing, the indicia of an applicant's unusual attention to local community matters, an inquiry is warranted to determine the significant differences among the applicants with respect to the means by which each proposes to meet the ascertained needs of the service area.[33] WPIX, Inc., supra.

31. *Accordingly, it is ordered*, That the petition to enlarge issues, filed May 22, 1970, by Civic Communications Corporation, is granted to the extent herein indicated and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether, during the years 1961–64 Station WLBT afforded reasonable opportunity for the discussion of conflicting views on issues of public importance;

(b) To determine whether, during the years 1961–64, Station WLBT afforded reasonable opportunity for the use of its broadcasting facilities by the significant groups comprising the community of its service area;

(c) To determine whether, during the years 1961–64, Station WLBT acted in good faith with respect to the presentation of programs dealing with the issue of racial discrimination, and, particularly, whether it misrepresented to the public or the Commission with respect to the presentation of such programing;

(d) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, Lamar Life Broadcasting Co. is qualified to be a licensee of the Commission;

(e) To determine whether Dixie National Broadcasting Corp. failed to make full disclosure of the business interests of one of its principals as required by FCC Form 301 (Table II of section II) and, if so, the effect thereof on the requisite and/or comparative qualifications of Dixie National Broadcasting Corp. to be a Commission licensee;

(f) To determine whether, on a comparative basis, there are significant differences among the applicants with respect to the means by which each proposes to meet the ascertained needs of the area to be served.

32. *It is further ordered*, That the burden of proceeding with the introduction of evidence under issues (a) through (e) added herein shall be upon Civic Communications Corp.; that the burden of proof under issues (a) through (d) shall be upon Lamar Life Broadcasting Co.; and that the burden of proof under issue (e) shall be upon Dixie National Broadcasting Corp.

Adopted: December 28, 1970.

Released: December 31, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 71-120; Filed, Jan. 5, 1971; 8:48 a.m.]

[32] In this regard, we note that Civic has proposed the largest (14) nontechnical news staff of any applicant, and that this dedication of resources lends credence to the petitioner's programing proposal. WPIX, Inc., supra, 23 FCC 2d at 259, 19 RR 2d at 197.

[33] The fact that the Commission, in its designation order herein, found that all applicants had complied with announced Suburban requirements does not preclude our consideration and grant of Civic's request for a comparative programing issue. See Jay Sadow (WRIF), 26 FCC 2d 131, 132, 20 RR 2d 538, 541 (1970).

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 248]

COMPARATO AIR CARGO EXPRESS

Order of Revocation

By letter dated November 5, 1970, Comparato Air Cargo Express of 66 West 38th Street, New York, NY 10018, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 248 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 20, 1970.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Comparato Air Cargo Express has failed to respond to our certified letter.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 248 of Comparato Air Cargo Express be and is hereby revoked effective November 20, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Comparato Air Cargo Express.

AARON W. REESE,
Managing Director.

[F.R. Doc. 71-74; Filed, Jan. 5, 1971; 8:46 a.m.]

[Independent Ocean Freight Forwarder License 719]

AUGUSTO A. NAZARIO

Order of Revocation

By letter dated November 5, 1970, Augusto A. Nazario, Twenty-One West Street, Suite 2507, New York, NY 10006, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 719 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 3, 1970.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Augusto A. Nazario has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Augusto A. Nazario be and is hereby revoked effective December 3, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Augusto A, Nazario c/o Carlos A. Nazario.

AARON W. REESE,
Managing Director.

[F.R. Doc. 71-75; Filed, Jan. 5, 1971; 8:46 a.m.]

AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. R. Harper, Secretary, Australia, New Zealand, and South Sea Islands Pacific Coast Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 7580-12 is a modification of the Australia, New Zealand, and South Sea Islands Pacific Coast Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: December 31, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-124; Filed, Jan. 5, 1971; 8:48 a.m.]

AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to institute an exclusive patronage (dual rate) system filed by:

Mr. J. R. Harper, Secretary, Australia, New Zealand, and South Sea Islands Pacific Coast Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Notice is given that the member lines of the Australia, New Zealand, and South Sea Islands Pacific Coast Conference have filed an application to institute an exclusive patronage contract system pursuant to section 14(b) of the Shipping Act, 1916. The contract would encompass the range of Australian ports only from Port Pirie (South Australia) easterly to Cairns (Queensland) and Tasmania to Pacific Coast ports of the United States and Canada. Nonsignatory shippers would be assessed rates of

freight ten percent (10 percent) more than those accorded contract shippers.

Dated: December 31, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-125; Filed, Jan. 5, 1971; 8:48 a.m.]

EVANS PRODUCTS CO. AND RETLA STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.

Agreement No. 9549-6, between the carriers noted above, expands the term "Evans" as a party to the arrangement to include Evans Products Co.'s subsidiaries, including Evans International Trading Co.

Dated: December 31, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-126; Filed, Jan. 5, 1971; 8:48 a.m.]

INDIA, PAKISTAN, BURMA & CEYLON/WEST COAST UNITED STATES & CANADA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary, India, Pakistan, Burma & Ceylon/West Coast United States & Canada Rate Agreement, 417 Montgomery Street, San Francisco, CA 94104.

Agreement No. 9247-3, among the members to the India, Pakistan, Burma & Ceylon/West Coast United States & Canada Rate Agreement, amends their basic agreement to (1) clarify the understanding that action by the parties with respect to their individually published tariffs shall also include "rules and regulations" in addition to rates, charges, classifications, practices, and related tariff matters; and (2) update the terms of the self-policing procedures to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: December 31, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-127; Filed, Jan. 5, 1971; 8:48 a.m.]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. R. Harper, Secretary, Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 50-21 is a modification to the Pacific Coast Australasian Tariff Bureau's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: December 31, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-128; Filed, Jan. 5, 1971; 8:48 a.m.]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward F. Reardon, Assistant Secretary, U.S. Atlantic & Gulf/Australia-New Zealand Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 6200-16 is a modification to the U.S. Atlantic & Gulf/Australia-New Zealand Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: December 31, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-129; Filed, Jan. 5, 1971; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Florida Bancorporation, which is a bank holding company located in Tempa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Bank of Tavares, Tavares, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, December 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71-112; Filed, Jan. 5, 1971; 8:47 a.m.]

FIRST UNION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Union, Inc., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Rolla State Bank, Rolla, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, December 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71-113; Filed, Jan. 5, 1971; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 29, 1970.

On October 12, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of the Republic of China concerning exports of cotton textiles and cotton textile products from the Republic of China to the United States. The agreement provides annual limitations on exports of all cotton textiles and cotton textile products from the Republic of China to the United States. Among the provisions of the agreement are those applying specific export limitations to Categories 5, 6, 9, 15, 18/19, 22/23, 24/25, 26, 28, 30, 32, 34, 35, 41/42, 44, 45, 46, 47, 50, 51, 52, 53, 54, 57, 59, 60, 62, 63, and 64.

On December 22, 1970, the two Governments exchanged notes amending the agreement and extending its term through June 30, 1971.

Accordingly, there is published below a letter of December 29, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton

textile products in the above Categories, produced or manufactured in the Republic of China, which may be entered or withdrawn from warehouse for consumption for the 6-month period beginning January 1, 1971, and extending through June 30, 1971, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DECEMBER 29, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 12, 1967 between the Governments of the United States and the Republic of China, as amended and extended, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective January 1, 1971, and for the 6-month period extending through June 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 5, 6, 9, 15, 18/19, 22/23, 24/25, 26 28, 30, 32, 34, 35, 41/42, 44, 45, 46, 47, 50, 51, 53, 54, 57, 59, 60, 62, 63, and 64 produced or manufactured in the Republic of China, in excess of the following levels of restraint:

Category	*6-Month level of restraint*
5	642,570 square yards.
6	407,054 square yards.
9	12,109,858 square yards.
15	356,173 square yards.
18/19	667,824 square yards.
22/23	1,324,541 square yards.
24/25	1,292,236 square yards.
26	2,179,775 square yards. (of which not more than 1,292,236 square yards may be duck [1]).
28	605,493 pieces.
30	1,068,518 pieces.
32	159,268 dozen.
34	72,204 pieces.
35	48,063 pieces.
41/42	55,349 dozen.
44	10,686 dozen.
45	8,412 dozen.
46	160,278 dozen.
47	17,809 dozen.
50	86,907 dozen.
51	139,620 dozen.
52	89,044 dozen.
53	7,123 dozen.
54	14,960 dozen.

[1] The T.S.U.S.A. Nos. for duck are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

Category	*6-Month level of restraint*
57	71,235 dozen.
59	17,809 dozen.
60	13,463 dozen.
62	16,735 pounds.
63	89,044 pounds.
64	84,254 pounds.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above-categories, produced or manufactured in the Republic of China and which have been exported from the Republic of China prior to January 1, 1971, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 12, 1967, as amended and extended, between the Governments of the United States and the Republic of China which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4800).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 71-12; Filed, Jan. 5, 1971; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2834]

ISL VARIABLE ANNUITY FUND A AND INVESTORS SYNDICATE LIFE INSURANCE AND ANNUITY CO.

Notice of Application for Exemption

DECEMBER 30, 1970.

Notice is hereby given that ISL Variable Annuity Fund A (Variable Fund A), and Investors' Syndicate Life Insurance and Annuity Co. (Investors Life), (herein collectively referred to as "Applicants"), Eighth Street at Marquette Avenue, Minneapolis, MN, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from the provisions of section 22(d) of the Act to the extent described below. Variable Fund A is an open-end diversified management investment company registered under the Act. Investors Life established Variable Fund A on May 10, 1968, under Minnesota law as a separate account through which it will set aside and invest payments accruing from the sale of variable annuity contracts offered by Investors Life. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that they presently offer three types of individual variable annuity contracts: (1) Installment purchase payment deferred annuity contracts; (2) single purchase payment deferred annuity contracts; and (3) single purchase payment immediate annuity contracts. Applicants state that they are in the process of revising these contracts to include combination features which would allow payments under the contracts to be allocated to the purchase of a variable or fixed annuity or both, and to provide transfer provisions between the two portions.

In connection with the sale of variable annuity contracts, charges are deducted from payments to pay sales and administrative expenses. Applicants request exemption from section 22(d) of the Act to the extent necessary to permit the following.

1. Applicants request the elimination of charges for sales and administrative expenses when the cash surrender values under certain fixed-dollar annuity contracts of Investors Life's are transferred from such annuity to purchase Applicants' variable annuity contracts. Applicants state that the sales and administrative charges paid on fixed annuities are identical to the sales and administrative charges which would have been paid had the annuitant initially applied that amount toward the purchase of variable annuity contracts. Applicants assert that since the deduction from purchase payments under the fixed and variable contracts are identical, to require an investor to incur duplicate loading charges would be unjust and inconsistent with the protection of investors. Applicants state that the transfer of accumulated amounts from fixed to variable accounts will be limited to one transfer each year per participant.

2. Applicants request exemption to permit an investor who desires to transfer accumulated amounts from the fixed account to the variable account to be treated in regard to future payments as if the sales and administrative charges paid on fixed annuities and attributable to transferred amounts were paid upon the purchase of variable annuities. Applicants state that on installment purchase payment contracts the deduction for sales and administrative charges is 20 percent of payments for the first year, 18 percent for the second and third contract years, 7 percent for the fourth year, and 4 percent for payments for every year thereafter. Applicants represent that these decreasing charges necessitate the requested procedure if investors are to be treated fairly since the charges paid upon the purchase of the fixed annuities to which the requested exemption would apply are identical to those paid upon the purchase of variable annuities, and that there is no justification for charging a prior year's sales charge.

3. Applicants request exemption to permit the usual decreasing sales and administrative charges on purchase of variable annuities to apply regardless of whether prior purchase payments under combination contracts were allocated to variable annuities or the fixed account. Applicants state that in order to treat shareholders in a uniform and equitable manner, it is necessary to consider the sales and administrative charges paid on fixed annuities which are purchased under combination contracts and have charges identical to those made upon the purchase of variable annuities as if they had been paid upon the purchase of variable annuities since the contracts provide for decreasing sales and administrative charges. Applicants represent, by way of example, that an investor holding a combination contract under which he makes yearly payments of $1,000 and who during the first year has allocated the entire amount to the variable portion of the contract, but who during the second and third years has allocated the entire amount to the fixed portion, should be required to pay only a 7 percent charge on any payment made during the fourth year to the variable portion even though that would be only the second year in which payments were made directly to the variable portion of the contract.

4. Applicants request exemption to permit the beneficiary of a contract purchaser to elect to have the proceeds payable upon the death of the annuitant, including those not derived from the separate account, applied to a variable annuity in lieu of a lump sum payment without deduction of a sales or administrative charge. Applicants represent that since in all cases a sales and administrative charge would have been paid by the original contract purchaser, this exemption, if granted, would avoid any cumulating of sales charges.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. Because the above described securities may be sold at an offering price which varies from that described in the prospectus, the exemption is requested.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 71-135; Filed, Jan. 5, 1971; 8:49 a.m.]

[812-2835]

ISL VARIABLE ANNUITY FUND B AND INVESTORS SYNDICATE LIFE INSURANCE AND ANNUITY CO.

Notice of Application for Exemption

DECEMBER 30, 1970.

Notice is hereby given that ISL Variable Annuity Fund B (Variable Fund B), and Investors' Syndicate Life Insurance and Annuity Co. (Investors Life) (herein collectively referred to as "Applicants"), Eighth Street at Marquette Avenue, Minneapolis, MN, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from the provisions of section 22(d) of the Act to the extent described below. Variable Fund B is an open-end diversified management investment company registered under the Act. Investors Life established Variable Fund on June 10, 1969, under Minnesota law as a separate account through which it will set aside and invest payments accruing from the sale of individual, tax deferred variable annuity contracts offered by Investors Life. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that they presently offer three types of individual variable annuity contracts: (1) Installment purchase payment deferred annuity contracts; (2) single purchase payment deferred annuity contracts; and (3) single purchase payment immediate annuity contracts. Applicants state that they are in the process of revising these contracts to include combination features which would allow payments under the contracts to be allocated to the purchase of a variable or fixed annuity or both, and to provide transfer provisions between the two portions.

In connection with the sale of variable annuity contracts, charges are deducted from payments to pay sales and administrative expenses. Applicants request exemption from section 22(d) of the Act to the extent necessary to permit the following.

1. Applicants request the elimination of charges for sales and administrative expenses when the cash surrender values under certain of Investors Life's fixed-dollar annuity contracts are transferred from such annuity to purchase Applicants' variable annuity contracts both during the accumulation period and upon the commencement of the annuity payout period. Applicants state that the sales and administrative charges paid on fixed-dollar annuities are identical to the sales and administrative charges which would have been paid had the annuitant initially applied that amount toward the purchase of variable annuity contracts. Applicants assert that since the deduction from purchase payments under the fixed and variable contracts are identical, to require an investor to incur duplicate loading charges would be unjust and inconsistent with the protection of investors. Applicants state that the transfer of accumulated amounts from fixed to variable accounts will be limited to one transfer each year per participant.

2. Applicants request exemption to permit an investor who desires to transfer accumulated amounts from the fixed account to the variable account to be treated in regard to future payments as if the sales and administrative charges paid on fixed annuities and attributable to transferred amounts were paid upon the purchase of variable annuities. Applicants state that on installment purchase payment contracts, the deduction for sales and administrative charges is 20 percent of the first $1,000 of purchase payments received and 4 percent of all purchase payments in excess of $1,000. Applicants represent that this decreasing scale necessitates the requested procedure if investors are to be treated fairly since the charges paid upon the purchase of the fixed annuities to which the requested exemption would apply are iden-

tical to those paid upon the purchase of variable annuities, and that there is no justification for charging the higher load again.

3. Applicants request exemption to permit the usual decreasing sales and administrative charges on purchases of variable annuities to apply regardless of whether prior purchase payments under combination contracts were allocated to variable annuities or the fixed account. Applicants state that in order to treat shareholders in a uniform and equitable manner, it is necessary to consider the sales and administrative charges paid on fixed annuities which are purchased under combination contracts and have charges identical to those made upon the purchase of variable annuities as if they had been paid upon the purchase of variable annuities since the contracts provide for decreasing sales and administrative charges. Applicants represent, by way of example, that an investor holding a combination contract who makes an initial payment of $1,000 and who allocates $500 to the variable portion of the contract, and $500 to the fixed portion, and who on his second payment again allocates the amount equally between the variable and fixed portion of the contract should be required to pay only a 4 percent charge on the second payment even though the amount allocated to the variable portion is not in excess of $1,000.

4. Applicants request exemption to permit the beneficiary of a contract purchaser to elect to have the proceeds payable upon the death of the annuitant, including those not derived from the separate account, applied to a variable annuity in lieu of a lump sum payment without deduction of a sales or administrative charge. Applicants represent that since in all cases a sales and administrative charge would have been paid by the original contract purchaser, this exemption, if granted, would avoid any cumulating of sales charges.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. Because the above-described securities may be sold at a load which varies from that described in the prospectus, the exemption is requested.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 71-136; Filed, Jan. 5, 1971; 8:49 a.m.]

[70-4908]

PENNSYLVANIA ELECTRIC CO.

Notice of Posteffective Amendment Regarding Proposed Issue and Sale of Short-Term Promissory Notes to Banks

DECEMBER 30, 1970.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 (Act) regarding the following proposed transactions. All interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated September 21, 1970 (Holding Company Act Release No. 16837), the Commission granted Penelec's application requesting that, for the period ending on December 31, 1971, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act relating to the issue and sale of short-term notes be increased from 5 percent to approximately 9.3 percent of the principal amount and par value of other securities of Penelec at the time outstanding. Penelec proposed to have outstanding at any one time not in excess of an aggregate of $50 million of short-term notes to banks.

Penelec now proposes that said section 6(b) exception be increased so that it may have outstanding at any one time not in excess of an aggregate of $58 million of short-term notes to a group of 56 banks, which amount is approximately 10.3 percent of the principal amount and par value of other securities of Penelec at the time outstanding. It is further proposed that Penelec not be required to reduce the maximum amount of indebtedness which it may incur pursuant to the application by the amount of the net proceeds of any permanent debt financing. In all other respects, the proposed transactions remain the same.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 18, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 71-137; Filed, Jan. 5, 1971; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7564]

CAROLINA POWER & LIGHT CO.

Order Suspending Tendered Rate Schedules, Granting Waiver of Notice Requirements, Providing for Hearings; and Granting Intervention

DECEMBER 23, 1970.

This order suspends for 5 months the operation of tendered rate schedules, orders a public hearing to be held on the lawfulness of those schedules, grants waiver of notice requirements, permits intervention in this proceeding, and orders a hearing on a motion to reject the tendered rate schedule filing.

Carolina Power and Light Co. (CP&L), a public utility subject to the jurisdiction of this Commission, filed on September 30, 1970, changes in rates for sales to municipalities, investor-owned utilities and rural electric cooperatives. CP&L proposes to change its existing wholesale for resale rate schedules, Schedules RS-5A and RS-4. The proposed rate schedule supplements are identified in Appendix A set forth below. The filings were initially proposed to become effective December 1, 1970.

The proposed rate, the terms of which are detailed in Appendix B set forth below, will provide increased revenues of $7,911,780 (32 percent) based upon projections of sales and revenues for the 12 months immediately preceding and $8,823,971 (32 percent) based upon projections of sales and revenues for the 12 months immediately succeeding December 1, 1970.

CP&L contends that the proposed increase is necessary because of the general increases in the cost of capital and the more rapidly growing resale requirements of the municipalities, private companies and cooperatives, thus rendering the company's rate of return inadequate.

CP&L initially proposed an effective date for the present filings of December 1, 1970. However, the original filing was deficient and was not completed until November 27, 1970, whereupon CP&L requested a waiver of the 60-day notice requirement of § 35.13(b)(4) of the Commission's regulations in order for the filing to become effective on December 28, 1970, 30 days after completion of the filing. We will grant waiver of that notice requirement subject to the provisions of this order.

Notice of the filing was given by publication in the FEDERAL REGISTER on October 14, 1970 (35 F.R. 16115), stating that any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure. In reply the Commission has received protests from the Towns of Southport, Fremont, and Selma, N.C., requesting denial of the proposed rate increase, and petitions to intervene from: (1) The State of North Carolina; (2) the North Carolina Electric Membership Corp. (N.C.E.M.C.) and the Jones-Onslow EMC; (3) the ElectriCities of North Carolina and the municipalities of New Bern, N.C., Camden, and Bennettsville, S.C.; and (4) Haywood Electric Membership Corp. All the petitions to intervene requested: (a) Intervention, (b) a full hearing, and (c) the maximum suspension period for the filings. In addition, petitions (1) and (3) above requested a full investigation of the matter and that the Commission deny CP&L any deviation from the filing requirements. Petitions (2) and (4) also asked that the Commission dismiss and deny the proposed rate increase.

In view of the magnitude of the rate increase and the protests and petitions of CP&L's customers and the State of North Carolina, suspension of the proffered rate schedules is appropriate. No answers to these petitions have been received.

On November 18, 1970, a "Motion to Reject Rate Filing and Dismiss; or, in the Alternative, to Reject Rate Filing and Convert the Filing into a section 206 Proceeding" was filed with the Commission by the N.C.E.M.C.[1] and the Jones-Onslow Electric Membership Corp. The grounds for the motion of this intervenor are: (1) The presently applicable Resale Service Schedules RS-4 constitutes a contracted rate under the CP&L-EMC Excess Power and Energy Contract and also under the quadri-contract power supply arrangement;[2] and such rate cannot legally be increased unilaterally by CP&L until and unless the Government-Customer contract (one of the other contracts under the quadri-contract agreement) is terminated; (2) all parties to the quadri-contract power supply agreement were in agreement with the terms set forth in the quadri-contract, and to permit CP&L unilaterally to abandon the RS-4 rate and to impose a new rate enormously higher would be to ignore the substantial considerations moving to CP&L in the quadri-contract power supply arrangement and impair the EMCs contract rights, resulting in irreparable, monumental, and irremedial damage to the affected EMCs; (3) the EMCs have foregone and waived their rights to certain beneficial entitlements as preference customers under the preference clause in exchange for, among other things, the Resale Service Schedule RS-4 rate and the term of duration applying to that contract; (4) by its own filing CP&L acknowledges that it is receiving a rate of return of at least 4.3606 percent from the EMCs under the RS-4 rate—without taking into account any beneficial values to CP&L derived from the quadri-contract power supply arrangement. Such action is claimed to be contrary to the holdings in Federal Power Commission v. Sierra Pacific Power Company, 350 U.S. 348; 18 FPC 15 (1957); 267 F. 2d 165 (1959); United Gas Pipe Line Co. v. Mobile Gas Service Corp.; 350 U.S. 322 (1957).

Movants also claim that two EMCs which do not purchase power pursuant to the quadri-contract nevertheless purchase power from CP&L pursuant to a contracted rate.

On December 8, 1970, CP&L filed an answer requesting that the intervenor's motion be denied in its entirety. CP&L claims, inter alia, that the Government-Customer contract by its terms expired June 30, 1966, and that consequently the CP&L-EMC Excess Power and Energy contract by its terms also expired on that date, thus leaving CP&L free to file a rate increase. In a response to that answer filed December 14, 1970, the EMCs allege, inter alia, that the CP&L-EMC Excess Power and Energy contract is not tied to the term of the Government-Customer contract, but to the mere effectiveness of that contract.

The motion, answer thereto and the movants' response to the answer raise complex questions of fact and law which we believe can best be resolved through a hearing. We are therefore reserving decision on the motion pending a hearing to be held promptly before a hearing Examiner of this Commission. It is our intention that the hearing on the motion to reject be concluded within the 5-month period of suspension of the subject rate schedules.

The Commission further finds:

(1) The tendered rate schedule filings designated in Appendix A attached hereto may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause has been shown to grant CP&L's request for waiver of the 60-day provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the tendered filings and that the tendered filings be suspended and the use thereof be deferred and a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter provided.

(4) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307,

[1] Consisting of the following electric membership corporations: Pitt & Greene, Randolph, South River, Tri-County, Wake, Carteret-Craven, Central, Four County, French Broad, Halifax, Harkers Island, Jones-Onslow, Lumbee River Pamlico-Beaufort, Pee Dee, Brunswick, and Piedmont (EMCs).

[2] The quadri-contract arrangement consists of the following:

(1) Contract between Southeastern Power Administration (SEPA) and CP&L (Government-Company contract).

(2) Contract between SEPA and the EMCs (Government-Customer contract).

(3) Contract for deficiency energy between CP&L and the EMCs (CP&L-EMC Deficiency Energy contract).

(4) Contract for excess power and energy between CP&L and EMCs (CP&L-EMC Excess Power and Energy contract).

308, and 309 thereof, that the Commission enter upon a hearing concerning the issues raised in the motion to reject filed by the N.C.E.M.C. and the Jones-Onslow EMC, the answer thereto and the response to the answer.

(5) Participation by the aforementioned petitioners for intervention in this proceeding may be in the public interest.

(6) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) CP&L's request for waiver of the 60-day provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act is hereby granted to permit the tendered filing to take effect 5 months after completion of the filing, subject to the provisions of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C. at a date and time to be set by the hearing examiner of the Commission designated to preside over these proceedings, concerning the lawfulness of CP&L's rate schedules identified in Appendix A below.

(C) Pending such hearing and decision thereon, the tendered rate schedules designated in Appendix A set forth below are hereby suspended and the use thereof deferred until May 28, 1971. On that day those filings shall take effect in the manner prescribed by the Federal Power Act, and CP&L, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those filings for all power sold and delivered thereunder.

(D) CP&L shall file with the Commission and serve on all parties, on or before March 26, 1971, its case-in-chief in support of the subject rate schedules including testimony of witnesses and exhibits. The parties may submit to the Presiding Examiner, on or before April 19, 1971, proposed dates for commencement of cross-examination of the company's witnesses. If any party believes that a prehearing conference would serve to expedite the proceeding, he may file with the Chief Examiner or the designated Presiding Examiner, on or before April 19, 1971, a motion for a prchearing conference, including a statement of how the proceeding would be expedited thereby and a proposed agenda for the conference. All further procedural dates shall be as ordered by the Presiding Examiner.

(E) CP&L shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on May 28, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of May 28, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to May 28, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(F) The State of North Carolina, The North Carolina Electric Membership Corp. and Jones-Onslow EMC and Haywood Electric Membership Corp., the ElectriCities of North Carolina and the municipalities of New Bern, N.C., and Camden and Bennettsville, S.C., are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(G) Unless otherwise ordered by the Commission, CP&L shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(H) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C. on January 18, 1971, concerning the issues raised in the motion to reject filed November 18, 1970, by the N.C.E.M.C. and the Jones-Onslow EMC, the answer thereto, and the response to that answer. On that date, the parties shall be prepared with their witnesses to present evidence on these issues.

(I) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before January 15, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Rate Schedule Designations

CAROLINA POWER & LIGHT COMPANY

Filed: Sept. 30, 1970, completed Nov. 27, 1970.
Instrument: Resale Service Schedule R-7 Undated.

Supplement No.	Supersedes supplement No.	Rate schedule FPC No.	Customer
	PRIVATE UTILITIES		
3	2	51	Laurel Hill Electric Co.
3	1	69	Pinehurst Inc.
	MUNICIPALITIES		
4	2	49	City of Bennettsville.
3	2	50	City of Camden.
3	2	68	Town of Louisburg.
3	2	70	Town of Laurinburg.
3	2	71	City of Lumberton.
4	2	72	Town of Apex.
2	1	74	Town of Benson.
3	1	74	Town of Clayton.
4	3	75	Town of Farmville.
3	1st Revised Sheet No. 17	76	City of Kingston.
3	1	77	Town of Red Springs.
3	2	78	Town of Selma.
4	2	79	Town of Southport.
2	1	81	Town of Fremont.
2	1	82	Town of Hookerton.
3	1	83	Town of LaGrange.
3	1	84	City of New Bern.
2	1	85	Town of Pikeville.
4	1	87	Town of Smithfield.
2	1	88	Town of Wake Forest.
3	1	89	Town of Waynesville.
3	2	90	Town of Wilson.
1	Resale Service Schedule 5-B	93	City of Fayetteville.
1	do	94	City of Rocky Mount.

ELECTRIC MEMBERSHIP CORPORATION

Supplement No.	Supersedes supplement No.	Rate schedule FPC No.	Customer
7	Exhibit B	47	French Broad EMC.
1	do	48	Four County EMC.
3	do	52	Brunswick EMC.
5	do	53	Carteret-Craven EMC.
2	do	54	Central EMC.
1	do	55	Halifax EMC.
2	do	56	Harker's Island EMC.
1	do	57	Haywood EMC.
10	do	58	Jones-Onslow EMC.
4	do	59	Lumbee River EMC.
6	do	60	Pamlico-Beaufort EMC.
7	do	61	Pee Dee EMC.
3	do	62	Piedmont EMC.
2	do	63	Pitt & Greene EMC.
5	do	64	Randolph EMC.
11	do	65	South River EMC.
4	do	66	Tri-County EMC.
11	do	67	Wake EMC.

APPENDIX B

CAROLINA POWER & LIGHT CO.

Proposed Rates

Wholesale Service to Cooperatives, Municipals and Private Utilities.

Schedule R7

Monthly rate:
$50 plus $2.04 per kW of demand. Includes 200 hours use per kW.
Next 220 kWh per kW.
First 220,000 kWh—1.02 cents per kWh.
Next 1,320,000 kWh—0.97 cent per kWh.
Over 1,540,000 kWh—0.92 cent per kWh.
Over 420 Wh per kW—0.57 cent per kWh.

Billing demand:
Monthly 15-minute maximum demand, ratcheted to 95 percent of the maximum use established during months of June through September.

Power factor:
Power factor is not to be less than 85 percent and RKVA demand is not to be more than 62 percent of maximum demand established in any month.

Excess power and energy service:
For cooperative customers receiving SEPA allotments the monthly metered demand and energy quantities are to be reduced by such SEPA allotment.

Term:
The agreement is to be effective for 7 years and may be terminated at the end of that period or any subsequent period upon 3 years written notice.

[F.R. Doc. 71-34; Filed, Jan. 5, 1971; 8:45 a.m.]

[Docket No. RP71-51]

CASCADE NATURAL GAS CORP.

Order Permitting Rate Increase Filing To Become Effective Without Suspension

DECEMBER 30, 1970.

On December 1, 1970, Cascade Natural Gas Corp. (Cascade) tendered for filing a proposed change to its FPC Gas Tariff, Rate Schedule No. 1, to be effective as of January 1, 1971. The filing, which is submitted under the periodic price increase provision of Article IV of the contract between Cascade and its sole jurisdictional customer, Mountain Fuel Supply Co., increases the level of the rate from 21 cents per Mcf to 22 cents.

In support of its filing Cascade states that the filing is in accordance with its contracts dated September 3, 1965, and certificate authorizations and is necessary to defray increased purchased gas costs which will be experienced beginning January 1, 1971, as well as certain other operating costs. The company requests that in view of the indicated deficiency in earnings, after the proposed increase rate, the filing be permitted to become effective without suspension.

Notice of the proposed change was issued by the Commission on December 8, 1970 and no protests or petitions to intervene have been received.

Analysis of the cost of service and revenue data submitted with the filing indicates that the proposed increase has been supported and is appropriate. Accordingly, we find that the aforementioned filing should be permitted to become effective as requested.

The Commission orders:

(A) Cascade's rate increase filed December 1, 1970, to implement the periodic price increase provision of Article IV of its contract dated September 4, 1965, on file as its Rate Schedule No. 1, is accepted for filing to be effective as of January 1, 1971.

(B) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against Cascade or any other persons affected by the rates permitted to be effective.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-108; Filed, Jan. 5, 1971; 8:47 a.m.]

[Docket No. CP66-226]

CITIES SERVICE GAS CO.

Notice of Extension of Time

DECEMBER 23, 1970.

On December 22, 1970, Pan American Petroleum Corp. filed a request for an extension of time within which to file protests or petitions to intervene in the above-designated matter. The request states that Cities Service Gas Co. has no objection to the extension of time.

Upon consideration, notice is hereby given that the time is extended to and including January 18, 1971, within which protests or petitions to intervene may be filed in the above-designated matter. The notice of petition to amend issued on December 8, 1970, is amended accordingly.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-110; Filed, Jan. 5, 1971; 8:47 a.m.]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Approving Rate Increase Without Suspension and Granting Petitions To Intervene

DECEMBER 30, 1970.

On November 2, 1970, Transcontinental Gas Pipe Line Corp. (Transco) proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2. Transco proposed that its revised sheets take effect on January 1, 1971, without suspension.[1] The proposed rate changes, which are set forth in Transco's document, "Agreement as to Rates", appended hereto, would increase charges for jurisdictional sales and service by approximately $10.6 million annually, based on sales for the 12 months ended March 31, 1970, as adjusted.

Transco asserts that the proposed rate increase is required to offset increased and increasing costs, especially the increased cost of debt, and to improve Transco's return. The cost of service data, filed with this application, utilizes a 7.88 percent rate of return and reflects a return on common equity of 12.739 percent, which Transco states is at the lower end of the just and reasonable scale for a company with Transco's capitalization.[2]

[1] On Nov. 9, 1970, Transco filed three tariff sheets, numbers 24th Revised Sheet No. 28-P of Original Volume No. 1, and Eighth Revised Sheet No. 52 and Fourth Revised Sheet No. 321 of Original Volume No. 2, to correct errors in corresponding tariff sheets filed on Nov. 2, 1970. These changes did not affect the rate levels contained in those sheets filed on Nov. 2, 1970.

[2] Transco's capitalization as of Mar. 31, 1970, as adjusted for changes during the following 9 months:

	Amount	Percent of capitalization	Cost	Weighted cost
		Percent	*Percent*	*Percent*
Long-term debt	$800,342,000	68.044	6.736	4.644
Preferred stock	128,529,000	10.949	6.590	0.722
Accumulated deferred taxes	4,187,842	0.356		
Common equity	231,858,814	19.751	12.739	2.516
Total	1,173,917,656	100.000		7.882

Transco states that in the absence of the rate relief sought therein, it will have to borrow by the end of 1971, the full extent of long-term debt permitted by its mortgages and debenture indentures plus approximately $109 million of short-term money in order to meet the growing requirements of its customers.

Transco requests that the increase be permitted to become effective on January 1, 1971, without suspension because Transco's indentures provide that whenever a determination of coverages is made for the issuance of additional debt securities, increased revenues resulting from a rate of return greater than that last allowed by the Commission, which are subject to refund, are excluded. Granting Transco the rate relief which it seeks on January 1, 1971, will provide an opportunity for Transco to issue additional long-term debt in 1971, will permit a reduction in short-term borrowing, and will produce greater flexibility for future financing.

Transco's document, "Agreement as to Rates", consists of conditions it would accept as part of an order approving its proposed changes without suspension. This document contains, inter alia, a provision for tracking supplier increases and decreases in rates charged Transco, a provision for flow-through of supplier refunds, and a moratorium provision under which Transco agrees, subject to exception for changes in tax laws, not to place into effect any rate increase prior to January 1, 1972, after full suspension under the Natural Gas Act.

Transco states that because of the nature of this filing Statement F(5), Schedules I–1 through I–6, and Statements J, K, and P have been omitted. Transco requests waiver of the regulations under the Natural Gas Act, which require such exhibits, and waiver of § 154.63(e)(2).[3]

Transco also requests permission to amortize by uniform annual amounts over a 14-year period commencing January 1, 1971, the balance in Account 282, in lieu of the vintage-year basis method authorized by Commission order issued August 12, 1966, in Docket No. RP67–3.[4] Transco proposes for the present to remain on flow-through accounting with respect to liberalized depreciation.

Transco states that advance copies of the cost of service and revenue data supporting the proposed rates have been furnished to the staff, customers, and those interested parties who desired such information. Thus all parties were able to evaluate Transco's filing and determine whether any objections should be raised. Petitions to Intervene and a notice of intervention have been filed.[5] No objection has been made to the change proposed.

Our Staff received the cost of service and revenue data supporting the proposed rates in August 1970, and, in addition to thoroughly reviewing that material, the Staff conducted a field investigation in Transco's offices in Houston, Tex., in September. Because Transco's system is, for all practical purposes, entirely jurisdictional, no allocation problems were involved nor were any issues raised by Staff or others on matters of rate design. Based upon its review of the instant filing, the material submitted in advance, and its field investigation, the Staff concludes that there is no basis for any significant adjustment to the cost of service presented by Transco.

While we are of the view that a 7.882 percent overall rate of return for Transco is fair and proper, we note that the resulting return on equity is 13.07 percent, adjusting Transco's cost of long term debt to reflect the discounts on acquisition of Transco's own bonds and preferred stocks and to reflect the premiums paid for the call of preferred stock prior to maturity, in accordance with our Opinion No. 583, The Manufacturers Light and Heat Company, et al., issued August 17, 1970. The capitalization set forth below reflects $25 million of preferred stock which was issued in September 1970, at the actual cost of 10.60 percent in lieu of the estimated cost of 10.30 percent used by Transco in this filing.[6]

We find that the rates proposed by Transco are just and reasonable. Accordingly, they should be permitted to go into effect as requested on January 1, 1971, without suspension. We are able to reach this conclusion because, due to Transco's advance submission of data to its customers and to our Staff, interested parties have had an opportunity to thoroughly review and evaluate Transco's presentation and they do not take issue with such presentation.

The Commission orders:

(A) The rates proposed by Transcontinental Gas Pipe Line Corp. are approved and the revised tariff sheets contained in the application, as amended by Transco on November 9, 1970, are permitted to go into effect, subject to the terms and conditions in the appended document, "Agreement as to Rates."[7]

(B) The requirements of § 154.63 of the regulations under the Natural Gas Act that Statement F(5), Schedules I–1 through I–6, and Statements J, K, and P be included as part of a major rate increase application and § 154.63(e)(2) are waived in this docket.

(C) The Petitioners hereinabove set forth are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene: *And provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved, because of any order or orders of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 71-107; Filed, Jan. 5, 1971; 8:47 a.m.]

[3] Section 154.63(e)(2) requires, inter alia, that the last day of the 12 months of actual experience be not more than four months prior to the date of filing the proposed changes in rates and charges.

[4] The 14 years is the same period remaining under the vintage-year method of amortization presently utilized.

[5] Petitions to intervene have been filed by: Commonwealth Natural Gas Corp., Consolidated Edison Company of New York, Inc., Elizabethtown Gas Co., Long Island Lighting Co., Piedmont Natural Gas Co., Inc., South Jersey Gas Co., and Washington Gas Light Co. A notice of intervention was filed by the Public Service Commission of the State of New York.

[6] Transco's capitalization reflecting the Commission's adjustments:

	Percent of capitalization	Cost	Weighted cost
	Percent	*Percent*	*Percent*
Long-term debt	68.944	6.623	4.566
Preferred stocks	10.949	6.698	0.733
Accumulated deferred taxes	0.356	----------	----------
Common equity	19.751	13.078	2.583
Total	100.000	----------	7.882

[7] Filed as part of the original document.

[Docket No. RP71-29]

UNITED GAS PIPE LINE CO.

Order Regarding Settlement Proposal and Postponement of Hearing

DECEMBER 29, 1970.

The record made to date in the above captioned proceeding has been certified to us by the Presiding Examiner. An interim compromise settlement proposal made by United Gas Pipe Line Co. (United) appears in the record. The record contains the views of the parties to the proceeding with respect to such proposal and shows all parties generally concurring in the proposal except for Monsanto Chemical Corp. (Monsanto), which objects to the proposal. The Presiding Examiner ordered a postponement of the hearing until January 12, 1971. The record shows that Monsanto agreed to the postponement.

On the basis of the record before us, we approve the settlement proposal.

We also affirm the Presiding Examiner's ruling adjourning the hearing until January 12, 1971. We authorize the hearing to proceed at such dates and upon such procedures as the Presiding Examiner may direct.

The Commission finds:

The issuance of an order in this proceeding is required by the public convenience and necessity and is appropriate in carrying out the provisions of the Natural Gas Act, particularly sections 4, 5, 7, and 16.

The Commission orders:

The interim compromise settlement as reflected in the record of December 22, 1970, is approved.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 71-109; Filed, Jan. 5, 1971; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 220]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 29, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 40915 (Sub-No. 43 TA), filed December 23, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from Anaheim, Calif., to Dalton, Ga., for 150 days. Supporting shipper: Ozite Corp., 1755 Butterfield Road, Libertyville, IL 60048. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 113009 (Sub-No. 4 TA), filed December 23, 1970. Applicant: L. J. BEAL & SON, INC., 212 S. Main Street, Brooklyn, MI 49230. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives, including binding or treating ingredients*, in bulk, in pneumatic equipment, from Albion, Mich., to points in Indiana and Ohio, for 180 days. NOTE: No interlining or tacking intended. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, IL 60076. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 225, Lansing, MI 48933.

No. MC 114194 (Sub-No. 159 TA) filed December 23, 1970. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Gene Kreider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from St. Louis, Mo., to points in Illinois, Indiana, and Michigan, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, MN 55402. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 123233 (Sub-No. 31 TA) (Correction) filed December 1, 1970 published FEDERAL REGISTER issue of December 10, 1970, and republished in part as corrected this issue. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville D'Anjou 437, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, fuel oils and gasoline*, in bulk, in tank vehicles, from ports of entry on the U.S.A./Canada boundary lines at or near Alexandria Bay, Ogdensburg, Rooseveltown, Trout River, and Champlain, N.Y., Highgate Springs, Derby Line, and Norton, Vt., to points in New York, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, for 180 days. NOTE: The purpose of this republication is to redescribe the territorial description as pertains to the destination territory by including the word *to*, which word was inadvertently omitted from the previous publication. The rest of application remains as previously published.

No. MC 124154 (Sub-No. 42 TA) filed December 21, 1970. Appliacnt: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and agricultural chemical materials*, from McIntosh, Ala., to points in Indiana, Ohio, Minnesota, Illinois, Iowa, Nebraska, Missouri, Kansas, North Dakota, South Dakota, Michigan, and Wisconsin, for 180 days. Supporting shipper: Ciba-Geigy Corp., Ardsley, N.Y. 10502. Send protest to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 125362 (Sub-No. 3 TA) filed December 21, 1970. Applicant: THOMAS P. SMITH, 10045 East Michigan Avenue, Parma, MI 49269. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Lacrosse and Sheboygan, Wis., and South Bend, Ind., to Jackson, Mich., and (2) *Wine*, from Chicago, Ill., to Jackson, Mich., for 180 days. NOTE: No tacking or interlining intended. Supporting shipper: Stadelman Distributing Co., 4915 West Michigan Avenue, Jackson, MI 49201 (by John G. Stadelman, President). Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, MI 48933.

No. MC 126548 (Sub-No. 7 TA), filed December 23, 1970. Applicant: ELMER A. FEHRLE, doing business as FEHRLE TRUCKING, 2329 18th Street SW., Cedar Rapids, IA 52404. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, raggle boards, pallets, skids, wood chips and sawdust*, from Belle Plaine, Iowa to points in Alabama, Georgia, Maryland, South Carolina, Virginia, and West Virginia, for 180 days. Supporting shipper: Belle Plaine Sawmill, Inc., Belle Plaine, Iowa 52208. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 135187 (Sub-No. 1 TA), filed December 21, 1970. Applicant: ALLAN L. WHITCOMB, Route 1, Box 1, Deary, ID 83823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts and used automobile parts*, from points in Montana west of the Continental Divide, points in Idaho and points in Asotin County, Wash., to Spokane, Wash., for 150 days. Supporting shipper: A American By Products Co., East 6203 Mission Avenue Mail: Post Office Box 437, Parkwater Station, Spokane, WA 99211. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-78; Filed, Jan. 5, 1971; 8:46 a.m.]

[Notice 631A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72574. By application filed December 22, 1970. J. DERENZO COMPANY, doing business as CIVIL EQUIP., 85 Wexford Street, Needham, MA 02194, seeks temporary authority to lease the operating rights of PELOSO, INC., 1074 Plainfield Street, Johnston, RI, under section 210a(b). The transfer to J. DERENZO COMPANY, doing business as CIVIL EQUIP., of the operating rights of PELOSO, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-79; Filed, Jan. 5, 1971; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 29, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42100—*Grain and grain products with in the southwest.* Filed by Southwestern Freight Bureau, agent (No. B-203), for interested rail carriers. Rates on grain (not popcorn), grain sorghums, and products related thereto as described in the application, from points in Oklahoma and Texas, also State Line, Okla.-Kans. to points in Arkansas on the Graysonia, Nashville & Ashdown Railroad Co.

Grounds for relief—Motortruck competition and rate relationship.

Tariffs—Supplements 4 and 122 to Southwestern Freight Bureau, agent, tariffs ICC 4927 and 4516, respectively.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-174; Filed, Jan. 5, 1971; 8:52 a.m.]

[Notice 32]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 31, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 573) (Cancels Deviation No. 484), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed December 22, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Lafayette, La., over Interstate Highway 10 to Lake Charles, La.; (2) from Duson, La., over Louisiana Highway 95 to junction Interstate Highway 10; (3) from Rayne, La., over Louisiana Highway 35 to junction Interstate Highway 10; (4) from Crowley, La., over Louisiana Highway 13 to junction Interstate Highway 10; (5) from junction U.S. Highway 90 and Louisiana Highway 97 over Louisiana Highway 97 to junction Interstate Highway 10; (6) from junction U.S. Highway 90 and Louisiana Highway 26 over Louisiana Highway 26 to junction Interstate Highway 10; (7) from junction U.S. Highways 90 and 165 over U.S. Highway 165 to junction Interstate Highway 10; (8) from junction U.S. Highway 61 and Interstate Highway 10, southeast of Baton Rouge, La., over Interstate Highway 10 to junction Louisiana Highway 415, thence over Louisiana Highway 415 to junction U.S. Highway 190; and (9) from New Orleans, La., over Interstate Highway 10 to junction Louisiana Highway 49, thence over Louisiana Highway 49 to Kenner, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Broussard, La., over Louisiana Highway 192 to Lafayette, La., thence over U.S. Highway 90 to Lake Charles, La.; (2) from Natchez, Miss., over U.S. Highway 61 via Scotlandville, La., to New Orleans, La.; and (3) from junction U.S. Highways 90 and 190 east of Slidell, La., over U.S. Highway 190 via Slidell to Opelousas, La., and return over the same routes.

No. MC-13300 (Deviation No. 16) (Cancels Deviation No. 8), CAROLINA COACH COMPANY, 1201 South Blount Street, Post Office Box 1591, Raleigh, NC 27602, filed December 21, 1970. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, DC 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspaper* in the same vehicle with passengers, over a deviation route as follows: From Petersburg, Va., over Interstate Highway 85 to junction U.S. Highway 1 near Henderson, N.C., thence over U.S. Highway 1 to junction U.S. Highway 401, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service route as follows: (1) From Richmond, Va., over combined U.S. Highways 1 and 301 to Petersburg, Va., thence over U.S. Highway 301 to Pleasant Hill, N.C., thence over North Carolina Highway 48 to Roanoke Rapids, N.C.; (2) from Raleigh, N.C., over U.S. Highway 401 via Louisburg, N.C., to Warrenton, N.C.; (3) from Louisburg, N.C., over North Carolina Highway 561 via Centerville and Brinkleyville, N.C., to Halifax, N.C.; and (4) from Brinkleyville, N.C., over North Carolina Highway 48 to Roanoke Rapids, N.C., and return over the same routes.

No. MC-58719 (Sub-No. 1) Deviation No. 2), INGRAM BUS LINES, INC., 313 Jordon Avenue, Tallassee, AL 36078, filed December 23, 1970. Carrier's representative: J. Douglas Harris, 409-412 Bell Building, Montgomery, AL 36104. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Heflin, Ala., over Alabama Highway 9 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction U.S. Highway 431, thence over U.S. Highway 431 (an access road) to Anniston, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Opelika, Ala., over U.S. Highway 431 to junction Alabama Highway 9, thence over Alabama Highway 9 to Heflin, Ala., thence over U.S. Highway 78 to junction U.S. Highway 431, thence over U.S. Highway 431 to Anniston, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-168; Filed, Jan. 5, 1971; 8:51 a.m.]

[Notice 41]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 31, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-60580 (Deviation No. 2), HIGHWAY EXPRESS LINES, INC., 1314 North Irving Street, Allentown, PA 18103, filed December 11, 1970, amended December 21, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Philadelphia, Pa., over U.S. Highway 1 to Jersey City, N.J., thence over New Jersey Highway 17 the New Jersey-New York State line, thence over New York Highway 17 to junction New York Highway 32 near Harriman, N.Y., thence over New York Highway 32 to Newburgh, N.Y., thence over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to Syracuse, N.Y.; and (2) from Palatine Bridge, N.Y., over New York Highway 10 to Canajoharie, N.Y., thence over New York Highway 5S to Sprakers, N.Y., thence over New York Highway 162 to Sloansville, N.Y., thence over New York Highway 30A via Central Bridge, N.Y., to junction New York Highway 7, thence over New York Highway 7 to junction New York Highway 30, thence over New York Highway 30 to Middleburg, N.Y., thence over New York Highway 145 to Catskill, N.Y., and return over the same routes.

No. MC-109533 (Deviation No. 6), OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, VA 23224, filed December 22, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Va.-Tenn., over U.S. Highway 11W to Tate Springs, Tenn., thence over U.S. Highway 25E to Corbin, Ky., thence over access road to junction Interstate Highway 75, thence over Interstate Highway 75 to Lexington, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Bristol, Va.-Tenn., over U.S. Highway 23 to Norton, Va.; (2) from Norton, Va., over U.S. Highway 23 to Pound, Va.; and (3) from Jenkins, Ky., over U.S. Highway 119 to Whitesburg, Ky., thence over Kentucky Highway 15 to Winchester, Ky., thence over U.S. Highway 60 to Lexington, Ky., and return over the same routes.

No. MC-112713 (Deviation No. 16), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, MO 64114, filed December 23, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over U.S. Highway 22 and Alternate U.S. Highway 22 via Weirton, W. Va.; to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 42, thence over U.S. Highway 42 (an access road) to junction U.S. Highway 40, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 18 to New Castle, Pa.; (2) from Beaver Falls, Pa., over unnumbered highway to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Salem, Ohio; (3) from Akron, Ohio, over U.S. Highway 224 to Deerfield, Ohio, thence over Ohio Highway 14A to Salem, Ohio, thence over U.S. Highway 62 to Canton, Ohio; (4) from Upper Sandusky, Ohio, over U.S. Highway 30N to Mansfield, Ohio, thence over U.S. Highway 30 to Canton, Ohio; (5) from Springfield, Ohio, over U.S. Highway 40 to junction U.S. Highway 42, thence over U.S. Highway 42 to Mansfield, Ohio; and (6) from Indianapolis, Ind., over U.S. Highway 40 to Columbus, Ohio, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-169; Filed, Jan. 5, 1971; 8:51 a.m.]

[Notice 120]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 31, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission

MOTOR CARRIERS OF PROPERTY

No. MC 113267 (Sub-No. 236) (Republication), filed April 24, 1970, published in the FEDERAL REGISTER issue of June 4, 1970, and republished this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). The modified procedure has been followed in this proceeding and a report and order of the Commission, Operating Rights Board, dated November 30, 1970, and served December 28, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides) from the plantsites and storage facilities of Swift & Co. at St. Louis, Mo., to Charleston, Huntington, and Parkersburg, W. Va., to points in Allegany and Garrett Counties, Md., to those points in that part of Somerset County, Pa., east of U.S. Highway No. 219 and on and south of Pennsylvania Highway No. 53 and U.S. Highway No. 30, and to those points in that part of Bedford County, Pa., on and south of U.S. Highway No. 30 and U.S. Interstate Highway No. 70, restricted to the transportation of traffic originating at said plantsite and storage facilities and destined to the indicated destination point. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority granted herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen the proceeding, or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134541 (Republication) filed April 20, 1970, published in the FEDERAL REGISTER issue of May 28, 1970, and republished this issue. Applicant: TERMINAL TRANSFER, INC., 3601 Northwest Yeon, Portland, OR 97210. Applicant's representative: Richard J. Kathrens (same address as above). The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights

Board, dated November 20, 1970, and served December 4, 1970, finds; (1) that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Washington, Multnomah, and Clackamas Counties, Oreg., and Clark County, Wash., in retail delivery service, restricted to the transportation of traffic originating at or destined to retail stores and storage facilities of Montgomery Ward Co., Inc.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and (2) that the authority granted in this order and applicant's existing authority that it duplicates, shall be constructed as conferring only a single operating right. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134651 (Republication), filed May 25, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished this issue. Applicant: GIBSCO TRANSPORT LIMITED, 2111 Lakeshore Road East, Clarkson, ON, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, NY 14202. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated November 30, 1970, served December 28, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of cement, from those ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to Buffalo, N.Y., and of returned shipments, on return, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

Nos. MC 7768 (Sub-No. 4) and MC 119968 (Notice of Filing of Petition for Reopening and Modification of Certificate), filed December 8, 1970. Petitioner: A. J. WEIGAND, INC., 1008 North Tuscarawas Avenue, Dover, OH 44622. Petitioner's representatives: Beery & Pemberton, 88 East Broad Street, Columbus, OH 43215. Petitioner, as herein pertinent, seeks reopening of the above-entitled proceedings and modification of the certificate issued in MC 119968, and states substantially as follows: "1. Petitioner is a common carrier, by motor vehicle, operating in interstate commerce by virtue of authority granted to Petitioner in Docket No. MC–119968 which, as pertinent herein, authorizes Petitioner to transport: (a) *Such commodities* as are manufactured and sold by chemical manufacturing plans (except petroleum products, in bulk, in tank trucks), and *returned empty containers* for such commodities, when moving to or from warehouses or other facilities of chemical manufacturing plants, between Dover, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, West Virginia, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and the southern peninsula of Michigan. (b) *Machinery, equipment, materials*, and *supplies* used in the business mentioned immediately above, from points in the States named immediately above to Dover, Ohio. 2. The foregoing authority was originally issued to Petitioner in an application proceeding in Docket No. MC–7768 Sub 4 and was reissued in the form of the present certificate in Docket No. MC–7768 Sub 11. 3. As filed, the application in Docket No. MC–7768 Sub 4 requested authority to operate as a contract carrier by motor vehicle, over irregular routes, as follows:

"(a) *Fatty acids of vegetable, animal, fish or sea animal oils; wood or coal tar derivatives; chemicals; acids; petroleum or petroleum products; alcohol*, other than alcoholic liquors, in containers or in bulk in tank trucks, between Dover, Ohio, on the one hand, and, on the other, points and places in Illinois, the southern peninsula of Michigan, Indiana, Kentucky, Ohio, West Virginia, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware and Maryland. (b) *Machinery, equipment, materials* and *supplies* used in the manufacture, processing, packing or shipping of fatty acids of vegetable, animal, fish or sea animal oils; wood or coal tar derivatives; chemicals; acids; petroleum or petroleum products; alcohol, other than alcoholic liquors from points and places in Illinois, the southern peninsula of Michigan, Indiana, Kentucky, Ohio, West Virginia, New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware and Maryland, to Dover, Ohio. 4. At the hearing held June 23, 1948, the first part of the commodity description in the Sub 4 application was amended as follows: (a) *Fatty acids of vegetable, animal, fish or sea animal oils; wood or coal tar derivatives; chemicals; acids; petroleum or petroleum* products; alcohol, other than alcoholic liquors, in containers, and (b) *Fatty acids or vegetable and animal, fish or sea animal oils; wood or coal tar derivatives; chemicals; acids, alcohol* or other than alcoholic liquors in bulk in tank trucks. The purpose for which the amendment was submitted was to eliminate from the authority requested the right to transport petroleum or petroleum products in bulk in tank trucks. 5. The Sub 4 application was the subject of a Report and Order served October 19, 1948 wherein the authority was redescribed in the manner now set forth in Certificate No. MC–119968. 6. Since receiving the authority granted in the Sub 4 application, Petitioner has conducted substantial and continuous operations in interstate commerce in the transportation of chemicals and acids as well as the other commodities contained in the Sub 4 application, in bulk, in tank vehicles, between points in its authorized territory. Petitioner has conducted such operations in the belief that the Sub 4 authority authorizes Petitioner to transport such commodities without regard to the deviation or chemical composition of such commodities so long as the limitations set forth by the Commission in its decision in *Maxwell Co., Extension—Addyson*, 63 M.C.C. 677 are observed. Petitioner has not engaged in the transportation of petroleum or petroleum products, in bulk, in tank trucks.

"7. On or about July 8, 1970 a formal complaint against Petitioner was filed with the Commission alleging that Petitioner has been and is engaged in the transportation of certain liquid chemicals, in bulk, in tank vehicles, without proper operating authority from this Commission. By Order of the Commission served July 23, 1970, the Commission docketed the complaint as Docket No. MC–C–6900 and assigned the complaint for handling under the Commission's rules governing modified procedure. 8. On or about September 17, 1970, the complainants and certain intervenors in the Docket No. MC–C–6900 proceeding filed opening statements of fact and argument in support of the complaint. In their argument in that proceeding, complainants cite certain decisions of this Commission which, if applied to Petitioner's certificate, would substantially impair, if not eliminate, Petitioner's authority to transport chemicals and acids under that portion of Petitioner's certificate originally granted in the Sub 4 proceeding. All of the cases relied upon by complainants in the Docket No. MC–C–6900 proceeding relate to the effect, if any, of the exception contained therein on Petitioner's right to transport chemicals. All of such cases were decided long after Petitioner's Sub 4 authority was granted. Among the cases cited and relied upon the complainants in the complaint proceeding are *Everts Commercial Transport, Inc.—Extension—Methanol*, 67 M.C.C. 707 and *Refiners Transport & Terminal Corporation, Extension—Painesville, Ohio*, 88 M.C.C. 611.

"9. Petitioner has invested substantial moneys in equipment and property in developing its service to the public in the transportation of liquid chemicals, in bulk, in tank vehicles. As of June 12, 1970, Petitioner had invested $946,427.79 in tractors and $568,949.32 in tank trailers utilized in the transportation of liquid chemicals, in bulk, and other liquid bulk commodities transported by Petitioner under its certificate. More than 80% of Petitioner's total chemical traffic would have to be discontinued if the interpretation of Petitioner's authority urged by complainants in the Docket No. MC–C–6900 proceeding is applied to Petitioner's authority and the shipping public served by Petitioner would be deprived of the substantial service provided by Petitioner. 10. The record of the proceeding in Docket No. MC–7768 Sub 4 clearly supports Petitioner's position that the exception contained in Petitioner's certificate was never intended to modify or in any way limit Petitioner's authority to transport liquid chemicals but was inserted only for the purpose of eliminating from the authority granted in the Sub 4 proceeding petroleum or petroleum products in bulk, in tank trucks, in conformity with the amendment to the Sub 4 application submitted at the hearing on June 23, 1948. By the instant petition, Petitioner requests that the proceedings in Docket Nos. MC–7768 Sub 4 and MC–119968 be reopened and the certificate in MC–119968 be modified so as to eliminate the exception contained in that portion originally granted in the Docket No. MC–7768 Sub 4 proceeding or, in the alternative, to restate that portion of the authority granted in the Docket No. MC–7768 Sub 4 proceeding relating to Petitioner's authority to transport liquid bulk commodities, in tank vehicles, so as to accurately reflect the amendment to the Sub 4 application submitted at the hearing in that proceeding." Any interested person desiring to participate in this proceeding may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 59640 (Sub-No. 19) (Notice of Filing of Petition To Modify Permit by Adding North Haven, Conn., as an Origin Point), filed December 17, 1970. Petitioner: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Petitioner, as here pertinent, states it holds authority in Permit No. MC 59640 (Sub-No. 19), as a contract carrier, over irregular routes, in the transportation of (1) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in Woodbridge Township, N.J., on the one hand, and, on the other, points in Berks County, Pa.; and (2) from Waterbury, Conn., to points in Woodbridge Township, N.J., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Supermarkets General Corp. of Cranford, N.J. By the instant petition, petitioner seeks to amend only the second territorial paragraph of the above-described permit by adding North Haven, Conn., as an origin point. If granted, the amendment would permit petitioner to originate traffic from both Waterbury and North Haven, Conn., to points in Woodbridge Township, N.J. No duplicating authority is sought, and there would be no change in the contracting shipper or destination territory. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114132 (Notice of Filing of Petition for Modification of Certificate), filed November 16, 1970. Petitioner: CHURN'S TRUCK LINE, New Brunswick, NJ. Petitioner's representative: Alexandria Markowitz, Post Office Box 793, Vineland, NJ 08360. Petitioner holds Certificate No. MC–114132, authorizing, as pertinent, the transportation of general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, Cape Charles, Va., and points within 15 miles of Cape Charles, in Virginia. By the instant petition, petitioner requests individual consideration, pursuant to the procedure described in the Sixth Supplemental Report in *Commercial Zones and Terminal Areas*, 54 M.C.C. 21, at page 58, of its terminal area at New York, N.Y., to permit terminal area service from and to all points in New Jersey within 5 miles of New York, N.Y., including those points within the 5-mile radius not within the "exempt" zone as defined in *New York, N.Y., Commercial Zone*, 112 M.C.C. 203. In effect, the relief sought would constitute a modification of petitioner's certificate, and the petition therefore will be treated as a petition for the modification of petitioner's certificate No. MC 114132. No oral hearing is contemplated in this procedure, and any interested person desiring to participate may file an original and seven copies of written representations, views, or arguments in support of or against the petition on or before February 1, 1971. A copy of each such statement must be served on petitioner's representative.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 120526 (Sub-No. 2), filed December 7, 1970. Applicant: GRIGGS TRUCKING COMPANY, a corporation, Ruby, SC 29741. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except petroleum products in bulk, in tank trucks, high explosives and other dangerous commodities and household goods as defined in Motor Freight Tariff 8–A, SCPSC. MF. No. 26 and revisions thereto and except cotton in bales and canning factory building materials, machinery, equipment supplies, parts, materials, and products from South Carolina Canneries); (a) between points in Chesterfield, Dillon, Florence, Kershaw, Lancaster, Lee, Marion, Marlboro, Orangeburg, Sumter, and Williamsburg Counties, S.C.; and (b) between points in (a) above and points in South Carolina, (2) *cotton in bales*, between points in South Carolina; and (3) *canning factory building materials, machinery, equipment, supplies, parts, materials, and products* for South Carolina Canneries between points in South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C. The instant application is a matter directly related to No. MC–F–11043 published in the FEDERAL REGISTER issue of December 16, 1970.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–11055. Authority sought for purchase by PRICE HILL COACH LINE, INC., 520 North Finley Street, Cleves, OH 45002, of a portion of the operating rights of GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113, and for acquisition by JERALD R. ROBBINS, also of Cleves, Ohio 45002, of control of such rights through the purchase. Applicants' attorneys: Langdon D. Bell, 218 East State Street, Columbus, OH, and Barrett Elkins, 1400 West Third Street, Cleveland, OH 44113. Operating rights sought to be transferred: Passengers and their baggage and express and newspapers in the same vehicle with passengers, as a common carrier, over regular routes, between Cincinnati, Ohio, and Bedford, Ind., between Elizabeth-

town, Ohio, and Lawrenceburg, Ind., between Cleves, Ohio, and Elizabethtown, Ohio; serving all intermediate points, this route is described in certificate No. MC-1501 Sub 104, pages 1 and 2, issued to Greyhound Lines' predecessor in interest and assigned No. MC-1515 Sub 8, and is presently pending before the Commission. Vendee holds no authority from this Commission. However, it is affiliated with OHIO BUS LINE, INC., 130 Main Street, Hamilton, OH 45013, which is authorized to operate as a common carrier in Ohio, Indiana, Illinois, Kentucky, Michigan, Pennsylvania, Tennessee, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-1515 Sub-No. 162 is a matter directly related.

MOTOR CARRIERS OF PROPERTY

No. MC-F-11045 (Correction) (AMERICAN VAN & STORAGE, INC.—Purchase — SMITH TRANSFER & STORAGE, INC.), published in the December 16, 1970, issue of the FEDERAL REGISTER, on page 19048. This correction to show correct docket number should have read *MC-F-11045*, in lieu of *MC-F-10945*.

No. MC-F-11056. Authority sought for purchase by FRIEDMAN'S EXPRESS, INC., 635 North Pennsylvania Avenue, Wilkes-Barre, PA 18703, of a portion of the operating rights of DALEY'S BLUE LINE TRANSFER CO. Eugene Drive, Plains Township, Wilkes-Barre, PA 18703, and for acquisition by HARRY FRIEDMAN 635 North Pennsylvania Avenue, Wilkes-Barre, PA 18703; ARTHUR FRANK, STANLEY FRANK, and MORTON J. FRANK all of 55-80 47th Street, Maspeth, NY, of control of such rights through the purchase. Applicants' representatives: Edward L. Nehez, 10 East 40th Street, New York, NY 10016, and Charles Burke, Eugene Drive, Plains Township, Wilkes-Barre, PA 18703. Operating rights sought to be transferred: *general commodities*, excepting among others, classes A and B explosives and household goods, as a *common carrier*, over regular routes, between Reading, Pa., and Allentown, Pa., over U.S. Highway 222, between Allentown, Pa., and Reading, Pa., from Allentown over Pennsylvania Highway 29 to Hereford, Pa., thence over Pennsylvania Highway 100 to Pottstown, Pa., thence over U.S. Highway 422 to Reading, and return over the same route, serving all intermediate points on both routes. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11057. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, CA 94604 (MC-730), CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, IA 51401 (MC-123389), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Omaha, Nebr., and Chicago, Ill., and certain specified points in Iowa. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. NOTE: PACIFIC INTERMOUNTAIN EXPRESS CO. holds authority from this Commission to operate from coast to coast.

No. MC-F-11058. Authority sought for control by DIXIE TRANSPORT CO. OF TEXAS, Post Office Box 5447 (3840 I.S.10 S), Beaumont, TX 77706, of WESTERN LINES, INC., Post Office Box 1145 (3523 McCarty Avenue), Houston, TX 77001, and for acquisition by DIXIE CARRIERS, INC., 1616 West Loop, South Houston, TX 77027, and KIRBY INDUSTRIES, INC., First City National Bank Building, Houston, TX 77001, of control of WESTERN LINES, INC., through the acquisition by DIXIE TRANSPORT CO. OF TEXAS. Applicants' attorney: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Operating rights sought to be controlled: *Steel articles and such materials as are used or useful on highway construction projects* (except cement, rock, sand, and gravel), as a *common carrier*, over irregular routes, from Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma within 400 miles of Houston, Tex.; *refused, rejected, or damaged shipments* of the above-specified commodities, from points in Arkansas, Louisiana, and Oklahoma within 400 miles of Houston, Tex., to Houston, Tex.; *lumber*, from points in Louisiana and New Mexico, to points in Texas, from points in Louisiana and Texas, to points in New Mexico, Oklahoma, and Louisiana (except from Texarkana, Tex., to points in that part of New Mexico on and north of U.S. Highway 66); *wooden farm implement parts*, from Acadia, La., to Memphis, Tenn.; *rough and dressed lumber*, from points in that part of Texas on, east and south of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line, points in that part of Arkansas on and south of U.S. Highway 70, and points in that part of Mississippi on and south of U.S. Highway 78, to Acadia, La.;

Finished lumber, from Ada, Heflin, Danville, and Hunt, La., to points in that part of Texas on, east, and south of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line, points in that part of Arkansas south of U.S. Highway 70, and points in that part of Mississippi on and south of U.S. Highway 78, from Danville and Hunt, La., to points in Shelby County, Tenn.; *rough or dressed lumber*, from Ada, Heflin, Danville, and Hunt, La., to points in that part of Texas west and north of a line beginning at Galveston, Tex., and extending along U.S. Highway 75 to Dallas, Tex., and thence along U.S. Highway 67 to the Texas-Arkansas State line; *iron and steel articles* (except oil field pipe as described in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), between Greenville, Natchez, and Vicksburg, Miss., on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas; with restrictions. DIXIE TRANSPORT CO. OF TEXAS is authorized to operate as a *common carrier* in Texas, Louisiana, Alabama, Arkansas, Colorado, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11059. Authority sought for purchase by T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Road, Maspeth, NY 11378, of the operating rights of JAMES P. TUCCINARDI, doing business as T. & T. TRUCKING & TRANSPORTATION CO., 43-06 54th Road, Maspeth, NY 11378, and for acquisition by JAMES P. TUCCINARDI, also of Maspeth, N.Y., of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Operating rights sought to be transferred: *Glue and materials* used in the manufacture thereof, *printed advertising matter, hats, shirts, and pajamas*, as a *common carrier*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Newark and Elizabeth, N.J.; *store fixtures*, between New York, N.Y., on the one hand, and, on the other, Newark, N.J., and Westport, Conn.; *shoes*, between New York, N.Y., and Elizabeth, N.J. Vendee holds no authority from this Commission. However, it is affiliated with J & M CARRIERS CORP., also of Maspeth, N.Y., which is authorized to operate as a *contract carrier* in New York, New Jersey, Connecticut, Delaware, Pennsylvania, and Maryland. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-167; Filed, Jan. 5. 1971; 8:51 a.m.]

[Notice 221]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 30, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 80428 (Sub-No. 75 TA) (Correction), filed November 19, 1970, and published FEDERAL REGISTER issue November 28, 1970, and republished in part as corrected this issue. Applicant: McBRIDE TRANSPORTATION, INC., 289 West Main Street, Post Office Box 430, Goshen, NY 10924. NOTE: The purpose of this partial republication is to include the State of Connecticut in the destination territory, which was inadvertently omitted in the previous publication. The rest of publication remains as previously published.

No. MC 107496 (Sub-No. 795 TA), filed December 23, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, having a prior out-of-State movement by rail, from Savage, Minn., to Fairmont, Minn., for 150 days. Supporting shipper: Rexene Polymers Co., 1800 North 30th Avenue, Melrose Park, IL 60160. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 112617 (Sub-No. 284 TA) (Correction), filed December 9, 1970, and published FEDERAL REGISTER issue December 22, 1970, and republished in part as corrected this issue. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road, 40219, Louisville, KY 40221. Applicant's representative: Charles R. Dunford (same address as above). NOTE: The purpose of this partial republication is to add the State of Mississippi as a destination State, which was inadvertently omitted in previous publication. The rest of publication remains as previously published.

No. MC 112822 (Sub-No. 176 TA), filed December 21, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74032. Applicant's representative: Joe W. Ballard, Post Office Box 1191, Cushing, OK 74032. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal litter and pet supplies*, from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma and from Kansas City, Kans.-Mo. commercial zone to Boston, Mass.; Jersey City, Bayonne, and Camden N.J.; Baltimore, Md.; Charlotte, N.C.; Tampa, Fla.; Atlanta, Ga.; Houston, Tex.; Cleveland, Ohio; Chicago, Ill.; Oakland and Glendale, Calif.; and (2) *animal litter and pet supplies, bleaching, cleaning, laundry and scouring compounds, and materials and supplies*, except commodities in bulk, in tank vehicles, from Atlanta, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: The Clorox Co., G. W. Juninger, Traffic Manager, Post Office Box 24305, Oakland, CA 94632. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115826 (Sub-No. 210 TA), filed December 23, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in section A of appendix 1, from Grand Island, Nebr., and Glenwood, Iowa, to points in Georgia, North Carolina, South Carolina, and Tennessee, for 150 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 118806 (Sub-No. 16 TA), filed December 23, 1970. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road, Winnipeg 6, MB Canada. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor graders*, from the ports of entry on the international boundary of the United States and Canada at or near Buffalo, N.Y., and Port Huron, Mich., to points in New York, Michigan, Kansas, Texas, Georgia, Wisconsin, Minnesota, and North Dakota, restricted to traffic originating at the plantsite and warehouse facilities of The Dominion Road Machinery Co., Ltd., at or near Goderich, Ontario, Canada, for 180 days. Supporting shipper: Cleveland Equipment Division, The Old Dominion Road Machinery Corp., 1300 Rickett Road, Post Office Box 29, Brighton, MI. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 126111 (Sub-No. 3 TA), filed December 23, 1970. Applicant: LYLE W. SCHAETZEL, doing business as SCHAETZEK TRUCKING COMPANY, 2436 Algoma Boulevard, Oshkosh, WI 54901. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankington Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candace*, in bulk, in tank vehicles, from Fond du Lac, Wis., to Sulphur Springs, Tex., and Centralia, Ill., for the account of The Borden Co. Inc., doing business as Galloway-West Co., for 150 days. Supporting shipper: Galloway-West Co., Post Office Box 987, Fond du Lac, Wis. 54935 (Mr. John H. Look, Vice President). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 133478 (Sub-No. 2 TA), filed December 23, 1970. Applicant: HEARING FOREST INDUSTRIES, INC., doing business as, HEARING TRANSPORTATION CO., Post Office Box 25387, 4854 Scholls Ferry Road, Portland, OR 97225. Applicant's representative: Nick I. Goyak, 710 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefinished paneling and similar wood and plywood materials*, from Beaverton, Oreg., to points in Oregon, Washington, California, Idaho, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Colorado, Utah, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Tennessee, Kentucky, Louisiana, Missouri, Iowa, Illinois, Indiana, Michigan, Ohio, Nevada, Arizona, Alabama, Pennsylvania, New Mexico; and (2) *plywood paneling stock, paint, mill machinery, and materials*, used in connection with manufacturing of wood and plywood products, from Torrance, Los Angeles, Riverside, San Francisco, and San Diego, Calif., and Tacoma, Wash., to Beaverton, Oreg., the services herein applied for to be performed for the account of Hearing Products, Inc., an Oregon corporation, for 180 days. Supporting shipper: Hearing Products, Inc., Post Office Box 25387, Portland, OR 97225. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 135088 (Sub-No. 1 TA) (Correction) filed December 9, 1970, and published FEDERAL REGISTER issue December 22, 1970, and republished in part as corrected this issue. Applicant: STREETER MOVING & STORAGE CO. INC., 1051 Market Road, Columbia, SC 29201. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. NOTE: The purpose of this partial republication is to include the duration of days (180 days) which was inadvertently omitted in previous publication. The rest of application remains as previously published.

No. MC 135146 (Sub-No. 1 TA), filed December 21, 1970. Applicant: TIMMER TRANSFER, INC., Rural Route 1, Box 129, Beecher, IL 60401. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a

contract carrier, by motor vehicle, over irregular routes, transporting: *Hair goods*, human or imitation human hair, between the plant and warehouse facilities of Normandy Hall at or near Worth, Ill., on the one hand, and, on the other, points in the States of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Normandy Hall, 11731 South Austin Avenue, Worth, IL 60482. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135189 TA, filed December 23, 1970. Applicant: G. WYLIE BLUM, Post Office Box 197, Richardson Avenue, Negley, OH 44441. Applicant's representative: Jerome Solomon, 704 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and carbonaceous materials*, from Middleton Township, Columbiana County, Ohio, to points in Allegheny County, Pa., under a continuing contract with Negley Refractories Division of Metropolitan Industries, Inc.; (2) *limestone*, from Hillsville, Lawrence County, Pa., to Middleton Township, Columbiana County, Ohio, under a continuing contract with Negley Refractories Division of Metropolitan Industries, Inc.; (3) *clay and carbonaceous materials*, from Middleton Township, Columbiana County, Ohio, to River Rogue, Mich.; Buffalo, N.Y.; Aliquippa, Butler, Duquesne, Farrell, Homestead, Johnstown, Midland, and Pittsburgh, Pa.; and Weirton, W. Va.; under a continuing contract with Stroh-Butler Co. for 180 days. Supporting shippers: Negley Refractories Division, Metropolitan Industries, Inc., 306 Market Avenue North, Canton, OH 44702; The Stroh-Butler Co., Inc., 1310 Central Tower Building, Youngstown, OH 44503. Send protests to: District Supervisor, Joseph A. Niggemyer, Bureau of Operations, Interstate Commerce Commission, 531 Hawley Building, Wheeling, WV 26003.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 71-171; Filed, Jan. 5, 1971; 8:51 a.m.]

[Notice 222]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 31, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20858 (Sub-No. 13 TA), filed December 23, 1970. Applicant: J. P. HUNTER TRANSPORTATION CO., INC., Post Office Box 304, Elmira, NY 14902. Applicant's representative: J. Phillip Hunter, Jr., 415 East Water Street, Elmira, NY 14901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Leather bends, sole leather, rough and finished shoulders, bellies and heads*, from Elkland, Pa., to points in Massachusetts and in New Hampshire within 60 miles of Boston, Mass. NOTE: Applicant intends to tack the authority sought in MC 20858 and Subs 2, 6, 10, and 12, for 180 days. Supporting shippers: J. F. McElwain Co., Division Melville Shoe Corp., 12 Murphy Drive, Nashua, NH 03060; Elkland Leather Co., Inc., Elkland (Tioga County) PA 16920. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West Syracuse, NY 13202.

No. MC 60169 (Sub-No. 26 TA), filed December 28, 1970. Applicant: FREEDMAN MOTOR SERVICE, INC., Vineyard Road, Post Office Box 280, Edison, NJ 08817. Applicant's representative: Alexander Markowitz, 1619 Woodcrest Avenue, Vineland, NJ 08360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fomaldehyde*, in bulk, in tank vehicles, from plantsite or warehouse facilities E. I. du Pont de Nemours & Co., at Grasselli, N.J., within 200 miles of Grasselli, N.J., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and to Wilton, N.H., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, DE 19898. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 129427 (Sub-No. 2 TA), filed December 28, 1970. Applicant: JOSEPH GEORGIANA, 26 Lafayette Street, Somerset, NJ 08823. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cigar boxes, books and book slipcases, records record albums, corrugated containers and pulp board boxes*, from New Brunswick and Bloomfield, N.J., to Indianapolis and Crawfordsville, Ind., and Clermont and Owensboro, Ky., for 180 days. Supporting shipper: Alexander Ungar, Inc., 15 Industrial Drive, New Brunswick, NJ 08903. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 129600 (Sub-No. 2 TA), filed December 28, 1970. Applicant: POLAR TRANSPORT, INC., 11 Holly Street, Hingham, MA 02043. Business Address: 575 Pond Street, Post Office Box 273, Braintree, MA 02184. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, restaurant supplies and equipment*, except in bulk, from New York, N.Y., and Secaucus, N.J., to Los Angeles, Calif.; Miami, Fla.; Atlanta and East Point, Ga.; Chicago, Ill.; Arlington, Dallas, and Houston, Tex.; and points in Connecticut, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont; (2) *frozen bakery products*, from Bedford, Pa., to Chicago, Ill.; Cleveland, Ohio; Baltimore, Md.; Brockton, Mass.; Atlanta and East Point, Ga.; Arlington, Dallas, and Houston, Tex.; and Los Angeles, Calif.; (3) *carbonated beverages*, except in bulk, from Garfield, N.J., to Brockton, Mass.; (4) *ice cream*, from Baltimore, Md., to Bedford, Pa., and New York, N.Y.; *returned and rejected shipments* of the above-described commodities in (1), (2), (3), and (4), from the above-named respective destination points, to the above-named respective origin points, *pallets*, between New York, N.Y., Secaucus, N.J., and points in Massachusetts. Restriction: The operations sought herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Haward D. Johnson Co., of New York, N.Y. NOTE: No duplicating authority is sought for 180 days. Supporting shipper: Howard D. Johnson Co., of New York, Braintree, MA 02184. Send protests to: John B. Thomas, Bureau of Operations, Interstate Commerce Commission, J. F. Kennedy Building, Room 2211-B, Government Center, Boston, MA 02203.

No. MC 133737 (Sub-No. 4 TA), filed December 28, 1970. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 8998 L Street, Suite 231, Omaha, NE. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen macaroni products;* and (2) *dry macaroni products*, when moving in mixed loads with frozen macaroni products, from Omaha, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, New Mexico, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and West Virginia; and (3) *corrugated cartons, cellophane, polyethylene paper, dry macaroni products, and sack flour*, from the above-named destination States to Omaha, Nebr., all under a continuing contract with Skinner Macaroni Co., for 150 days. Supporting shipper: Skinner Macaroni Co., 6848 F Street, Omaha, NE 68117. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Building, Omaha, NE 68102.

No. MC 134129 (Sub-No. 3 TA), filed December 28, 1970. Applicant: WILLIAM A. LONG, Bealeton, VA 22712. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe, culvert sectional plate, couplings and coating* for culvert pipe and sections: (1) from Bealeton, Va., to points in North Carolina and West Virginia; (2) from Cessna, Pa., to points in North Carolina; and (3) from Ashland, Ky., to Bealeton, Va., and points in West Virginia, restricted to service to be performed under a continuing contract with Lane Juniata, Inc., of Bedford, Pa., and its affiliate, Lane-Penncarva, Inc., of Bealeton, Va., for 180 days. Supporting shipper: Lane-Penncarva, Inc., Post Office Box 67, Bealeton, VA. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue, NW., Washington, DC 20423.

No. MC 134264 (Sub-No. 7 TA), filed December 28, 1970. Applicant: OCKENFEL'S TRANSFER, INC., 732 Rundell Street, Post Office Box 3, Iowa City, IA 52240. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic drainage tubing and related articles, accessories, and supplies*, from Rowland, N.C., to points in Georgia, South Carolina, and Virginia, for 180 days. Supporting shipper: Advanced Drainage Systems, Post Office Box 912, Iowa City, IA 52240. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 134300 (Sub-No. 8 TA), filed December 28, 1970. Applicant: PELHAM PRODUCE CARRIERS, INC., 649 Pelham Boulevard, St. Paul, MN 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products* (except hides and commodities in bulk), as set forth in sections A and C to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the plantsite and warehouse facilities of the Rod Barnes Packing Co. and Flanery Meat Co. at or near Huron, S. Dak., to points in Virginia and West Virginia, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134336 (Sub-No. 2 TA), filed December 21, 1970. Applicant: TOM BOWEN, INC., Box 689, Sturgis, SD 57785. Applicant's representative: Tom Bowen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Sturgis, S. Dak., and 1-mile radius thereof, to points in Iowa; for 180 days. NOTE: Applicant intends to tack the authority held in MC 134336. Supporting shipper: J. U. Dickson Sawmills, Box 269, Sturgis, SD 57785, James U. Dickson. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, SD 57501.

No. MC 135107 (Sub-No. 1 TA), filed December 28, 1970. Applicant: HIGHWAY DUMP HAULERS, INC., 70 Shamburger Lane, Post Office Box 3172, Little Rock, AR 72203. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Huntington, Ark., and points within 10 miles thereof to ports on the Arkansas River at Fort Smith and Van Buren, Ark. NOTE: Applicable on traffic having a subsequent out-of-State movement, for 150 days. Supporting shipper: Farrell Mining Co., 65 Union Avenue, Suite 414, Memphis, TN 38103. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135191 TA, filed December 28, 1970. Applicant: MEDFORD MOVING & STORAGE, INC., 201 West Barnett Street, Medford, OR 97501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Jackson County, Oreg., to within Jackson County, Josephine County, and Douglas County, Oreg., and Siskiyou County, Calif., for 180 days. Supporting shipper: Department of the Air Force, 4788th Air Base Group (ADC) Kingsley Field, OR 97601. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 135194 TA, filed December 28, 1970. Applicant: HARRY WANN, doing business as TWIN CITY DRAYAGE, Route 3, De Soto, MO 63020. Applicant's representative: B. W. LaTourette, Jr., 850 Railway Exchange Building, 611 Olive Street, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nuclear materials*, from Oak Ridge, Tenn., to Hematite, Mo., for 150 days. Supporting shipper: United Nuclear Corp., Commercial Products Division, Route 21A, Hematite, MO 63047. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 71-170; Filed, Jan. 5, 1971; 8:51 a.m.]

[Notice 631]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72423. By order of December 17, 1970, the Motor Carrier Board approved the transfer to Martin Crowley, doing business as Martin A. Crowley Trucking, Franklin, NH, of the operating rights in certificate No. MC-30754 issued April 22, 1941, to John Reidy, South Boston, Mass., authorizing the transportation of machinery, electrical goods and refrigerators between Boston, Mass., on the one hand, and, on the other points in Massachusetts. Thomas F. August, 341 Broadway Street, Cambridge, MA, attorney for transferor. Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, attorney for transferee.

No. MC-FC-72484. By order of December 15, 1970, the Motor Carrier Board approved the transfer to D. R. Burgher, Inc., Fifth Avenue North, Audubon, IA 50025, of certificates Nos. MC-92723 and MC-92723 (Sub-No. 3) issued to Fred Scarlett, Jr., Adair, IA 50002, authorizing the transportation of: Various commodities of a general commodity nature, between specified points in Illinois and Iowa.

No. MC-FC-72490. By order of December 16, 1970, the Motor Carrier Board approved the transfer to E & E Transportation, Inc., Somerville, Mass., of the certificate of registration in No. MC-13558 (Sub-No. 2) issued December 8, 1969, to Edward J. Enright, doing business as Wellesley Freight Lines, Inc., Wellesley, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186, attorney for applicants.

No. MC-FC-72528. By order of December 14, 1970, the Motor Carrier Board approved the transfer to Telluride Transfer Co., Telluride, Colo., of certificate No. MC-79148 and certificate of registration No. MC-79148 (Sub-No. 2) both issued April 23, 1970, covering the transportation of: General commodities, with exceptions, between specified points in Colorado. John H. Lewis, The 1650 Grant Bldg., Denver, CO 80203, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-172; Filed, Jan. 5, 1971; 8:52 a.m.]

[Notice 632]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 31, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72371. By order of December 29, 1970, the Motor Carrier Board approved the transfer to Lesser Transportation, Inc., Palmyra, Mo., of the operating rights in certificates Nos. MC-123245 (Sub-No. 1) and MC-123245 (Sub-No. 3), issued June 1, 1966, and June 10, 1968, respectively, to Stauffer Truck Service, Inc., Taylor, Mo., authorizing the transportation of ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients, other than liquid, from the plantsite of American Cyanamid Co. at South River (Marion County), Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and anhydrous ammonia, from the said plantsite at South River, Mo., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Ohio, South Dakota, and Wisconsin. Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036, and Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, MO 65101, attorneys for applicants.

No. MC-FC-72480. By order of December 29, 1970, the Motor Carrier Board approved the transfer to Skinner Transfer Corp., Reedsburg, Wis., of the operating rights in certificates Nos. MC-109376, MC-109376 (Sub-No. 2), MC-109376 (Sub-No. 5), and MC-109376 (Sub-No. 8) issued December 8, 1949, March 20, 1961, February 10, 1967, and April 30, 1968, to E. R. Skinner, doing business as E. R. Skinner Transfer, Reedsburg, Wis., authorizing the transportation of poultry, eggs, butter, canned goods, and agricultural commodities, over a regular route between Reedsburg, Wis., and Chicago, Ill., lumber, empty cans, and containers, sugar, salt, and farm machinery, from Chicago to Reedsburg; petroleum products, in containers, mill feed and commercial fertilizer, farm implements, livestock and agricultural commodities, and empty beer containers, from, to, and between points as specified in Illinois, Iowa, Minnesota, and Wisconsin; household goods, between Reedsburg, Wis., and points within 25 miles thereof, on the one hand, and on the other, points in Minnesota, Iowa, and Illinois; rough lumber, from points as specified in Wisconsin to specified points in Illinois and points in Indiana within the Chicago, Ill., commercial zone as defined by the Commission; logs and rough lumber, from specified points in Wisconsin to points in Gogebic County, Mich., and cans and can ends, from Loves Park, Ill., to Reedsburg and Sauk City, Wis. John L. Bruemmer, 121 West Doty Street, Madison, WI 53703, attorney for applicants.

No. MC-FC-72481. By order of December 29, 1970, the Motor Carrier Board approved the transfer to Skinner Transfer Corp., Reedsburg, Wis., of the operating rights in certificate No. MC-119754 issued May 24, 1961, to Stanley A. Westgor, doing business as Westgor Trucking Co., Wittenberg, Wis., authorizing the transportation of cedar posts and poles, between points in Wisconsin, the Upper Peninsula of Michigan, that part of Illinois on and north of Illinois Highway 9, and that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction U.S. Highway 53, north of Virginia, Minn., and thence along U.S. Highway 53 to International Falls, Minn., including International Falls, Minneapolis, and St. Paul, Minn., and points within 5 miles of Minneapolis and St. Paul, Minn.; and lumber and charcoal from and to specified points in the Upper Peninsula of Michigan, Wisconsin, and Illinois. John L. Bruemmer, 121 West Doty Street, Madison, WI 53703, attorney for applicants.

No. MC-FC-72503. By order of December 16, 1970, the Motor Carrier Board approved the transfer to Edward Schwabler, doing business as Eddie's Moving & Messenger Service, Elmont, N.Y., of the operating rights in certificate No. MC-67603 issued September 15, 1953, to Weeks Moving & Storage Corp., Rockville Centre, N.Y., authorizing the transportation of household goods between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut, and between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, and the District of Columbia, Alexandria, Va., and a described area of Pennsylvania. Jerome G. Greenspan, 404 Clarendon Road, Uniondale, NY 11553, attorney for applicants.

No. MC-FC-72531. By order of December 16, 1970, the Motor Carrier Board approved the transfer to Bullock's Inc., 1008 East Platt, Maquoketa, IA 52060, of the operating rights in certificate No. 125386 issued April 9, 1964, to Dwight Bullock, doing business as Bullock's, 1008 East Platt, Maquoketa, IA 52060, authorizing the transportation of bulk and bag commercial livestock feed, from Burlington, Wis., to Maquoketa, Iowa.

No. MC-FC-72540. By order of December 22, 1970, the Motor Carrier Board approved the transfer to Erskine Trucking, Inc., Lowellville, Ohio, of the operating rights in certificates Nos. MC-79550 and MC-79550 (Sub-No. 2) authorizing the transportation of iron and steel products, pile-driving caps and machinery, and roofing cement, from Youngstown, Ohio, to points in that part of New York west of a line extending from Oswego, N.Y., along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line, those points in Pennsylvania west of U.S. Highway 219, via Bradford, Dubois, Griffiths, Kane, Wilcox, Ridgway, Brockaway, Edensburg, Somerset, Brotherton, Berlin, and Garrett, Pa., and those in West Virginia west of a line extending from the West Virginia-Ohio State line along U.S. Highway 21 to Charleston, W. Va., and north of a line from Charleston, W. Va., along U.S. Highway 60 via St. Albans, Hurricane, and Milton, W. Va., to the West Virginia-Kentucky State line, including points on the indicated portions of the highways specified, and steel, structured or fabricated, from Portsmouth, Ohio, to specified points in Pennsylvania, and from Pittsburgh, Pa., to Georgetown and Youngstown, Ohio. Richard H. Brandon, 79 East State Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-72543. By order of December 23, 1970, the Motor Carrier Board approved the transfer to George A. Grogan and DeRoy Grogan, a partnership, doing business as Grogan Bros. Moving & Storage Co., Pittsburgh, Pa., of that portion of the operating rights in certificate No. MC-47720, issued June 11, 1942, to Hubert Transfer & Storage Co., Inc., Pittsburgh, Pa., authorizing the transportation of household goods, office furniture and equipment and store fixtures between points in Pennsylvania, on the one hand, and, on the other, points in West Virginia, Connecticut, Indiana, Massachusetts, Illinois, Delaware, Virginia, Kentucky, Tennessee, Missouri, Rhode Island, and the District of Columbia. Arthur J. Diskin, Esq., 806 Frick Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC-FC-72545. By order of December 23, 1970, the Motor Carrier Board approved the transfer to Joseph Ribaul Transfer Co., Inc., Gretna, La., of the operating rights in corrected permit No. 133594, issued May 13, 1970, to Intracoastal Transfer Line, Inc., Harvey, La., authorizing the transportation of gypsum and other specified commodities from Westwego, La., to points in Mississippi, Alabama, and a specified part of Florida. Daniel Lund, 806 National Bank of Commerce Building, New Orleans, LA 70112, attorney for applicants.

No. MC-FC-72554. By order of December 23, 1970, the Motor Carrier Board approved the transfer to David A. White, Raphine, Va., of the operating rights in certificate No. MC-124868, issued April 9, 1963, to W. J. Landes, doing business as Landes' Garage, Staunton, Va., authorizing the transportation of wrecked and disabled motor vehicles and replacement vehicles therefor, by use of wrecker equipment only, in truckaway service, between points in Virginia; between points in Virginia on the one hand, and, on the other, points in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Vermont, West Virginia, and the District of Columbia. Harry J. Jordan, Esquire, Macdonald & McInerny, 1000 16th Street NW., Washington, DC 20036, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-173; Filed, Jan. 5, 1971; 8:52 a.m.]

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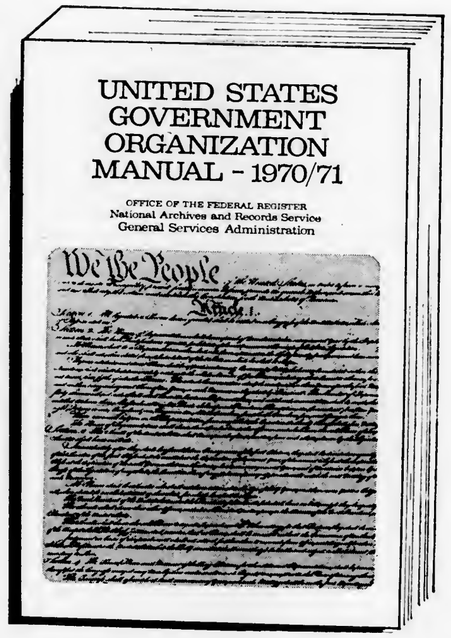

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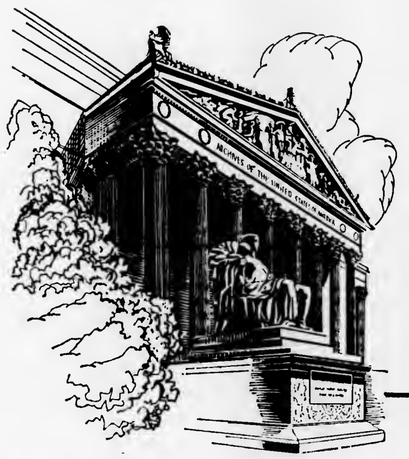

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 220]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.520 Navel Orange Regulation 220.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 5, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 8, 1971, through January 14, 1971, are hereby fixed as follows:

(i) District 1: 592,000 cartons;
(ii) District 2: 184,000 cartons;
(iii) District 3: 24,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 6, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71–281; Filed, Jan. 6, 1971; 11:41 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 9, Amdt. 12]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Manufacturer of Refined Petroleum Products for Purpose of Government Procurements

On November 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16940) a notice that the Administrator of the Small Business Administration (SBA) proposed to amend the definition of a small manufacturer of refined petroleum products for the purpose of Government procurement to provide that any product furnished to the Government pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District as that in which the small refinery is located.

Interested persons were given 30 days in which to file written statements of facts, opinion, or arguments concerning the proposal.

After consideration of all relevant matter presented by interested persons, it has been determined to adopt the amendment as proposed. Accordingly the amendment set forth below is hereby adopted.

Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby further amended by:

1. Revising the final proviso in § 121.3–8(g) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * * * *

(g) *Refined petroleum products.* * * * *And provided further,* That the exchange of products for products to be delivered to the Government will be completed within 90 days after the expiration of the delivery period under the Government contract, and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District pursuant to Schedule F of Part 121, as that in which the small refinery is located: * * *

2. Adding new Schedule F to read as follows:

SCHEDULE F—PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS AS UTILIZED BY THE DEFENSE FUEL SUPPLY CENTER IN THE PROCUREMENT OF REFINED PETROLEUM PRODUCTS

PAD district and States included in PAD district

1. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.
2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee.
3. New Meixco, Texas, Arkansas, Louisiana, Mississippi, and Alabama.
4. Montana, Idaho, Wyoming, Utah, and Colorado.
5. Alaska, Hawaii, Washington, Oregon, Nevada, California, and Arizona.

Effective date. This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER, but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: December 23, 1970.

EINAR JOHNSON,
Acting Administrator.

[F.R. Doc. 71–188; Filed, Jan. 6, 1971; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-36-AD; Amdt. 39-1140]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas DC-9 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring rework or replacement of the existing emergency evacuation slide cover latch clip on Douglas DC-9 series airplanes was published in 35 F.R. 17054.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment noted an alternative method of compliance to the notice, specifically, lockwiring the swaged head of the cable assembly to a clip mounted on the door to prevent latch rotation. This method has been determined to be unacceptable. The manufacturer issued Revision A to All Operators Letter (AOL) 9-370, dated November 19, 1970, wherein the lockwire method was described as insufficient and recommending the notching of the Douglas P/N 3753213-39 clip as the primary corrective action, or replacing the P/N 3753213-39 clip with P/N 3753213-99 clip which incorporates a tab to prevent latch rotation as a secondary method. One operator who had used the lockwire method per AOL 9-870, dated November 17, 1969, advised that this fix was not sufficient. The rule, as adopted, reflects the method described in the notice.

One comment requested an extension of the compliance time to 1,000 hours. The leadtime, provided both by the date of effectivity from the publication date in the FEDERAL REGISTER and the specified compliance time, is considered adequate. Therefore, in the absence of a substantial basis for further delay, the agency has determined to retain the compliance time as originally proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to DC-9 series airplanes certificated in all categories.

Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failures in the deployment of the emergency evacuation slide, accomplish the following:

(a) Modify the Douglas Aircraft Co. P/N 3753213-39 latch clip in accordance with Douglas Aircraft Co. All Operators Letter (AOL) 9-370, dated November 17, 1969, or Revision A thereto, dated November 19, 1970, or later FAA-approved revisions, to provide a notch in the latch clip at the point of interference with the clevis pin in the swaged head of the emergency evacuation slide deployment cable assembly, or

(b) Replace Douglas P/N 3753213-39 latch clip with Douglas P/N 3753213-99 latch clip, or

(c) An equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective February 17, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on December 29, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 71-200; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15405 of the FEDERAL REGISTER dated October 2, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at McPherson, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

The McPherson Municipal Airport coordinates recited in the McPherson, Kans., transition area designation as "latitude 38°21'25" N., longitude 97°41'-30" W." are changed to read "latitude 38°21'19" N., longitude 97°41'29" W.".

This amendment shall be effective 0901 G.m.t., March 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 15, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MCPHERSON, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

[F.R. Doc. 71-203; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Carroll, Iowa.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Carroll, Iowa. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., March 4, 1971, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

CARROLL, IOWA

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42° 02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile-radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 18½ miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 21, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-204; Filed, Jan 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On page 14560 of the FEDERAL REGISTER dated September 17, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Minneapolis, Minn., and St. Paul, Minn., control zones and the Minneapolis, Minn., transition area.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

In lines 41 and 42 of the redesignation of the Minneapolis, Minn., transition area, the longitude coordinate "98°06'00" W." is changed to read "longitude 95°06'00" W.".

This amendment shall be effective 0901 G.m.t., March 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 17, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zones are amended to read:

MINNEAPOLIS, MINN.

Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile-radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile-radius zone to one-half mile southwest of AP-OM.

MINNEAPOLIS, MINN. (CRYSTAL AIRPORT)

Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

MINNEAPOLIS, MINN. (FLYING CLOUD)

Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

ST. PAUL, MINN.

Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93°03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile-radius area to 18½ miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile-radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile-radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile-radius area west of Minneapolis southwest along the northwest edge of V-148; thence clockwise along a 70-mile-radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; thence southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile-radius area thence counterclockwise along the 36-mile-radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00"; on the north by latitude 46°13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile-radius arc.

[F.R. Doc. 71-205; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-CE-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 15936 of the FEDERAL REGISTER dated October 9, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Iron Mountain, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., March 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

IRON MOUNTAIN, MICH.

Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.); within 2½ miles each side of the Iron Mountain VORTAC 141° radial extending from the 5-mile radius zone to 6½ miles southeast of the VORTAC, within 3 miles each side of the Iron Mountain VORTAC 193° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7½ miles south of the airport; within 3 miles each side of the 276° bearing from Ford Airport extending from the 5-mile radius zone to 7½ miles west of the airport; and within 3 miles each side of the Iron Mountain VORTAC 004° radial, extending from the 5-mile radius zone to 7½ miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

IRON MOUNTAIN, MICH.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Iron Mountain VORTAC; with 4½ miles west and 9½ miles east of the Iron Mountain VORTAC 193° radial, extending from the 13-mile radius area to 18½ miles south of the VORTAC; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.) extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15½-mile radius of the Iron Mountain VORTAC; within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VORTAC 141° radial; extending from the VORTAC to 18½ miles southeast of the VORTAC; and within 4½ miles east and 9½ miles west of the Iron Mountain VORTAC 004° radial, extending from the VORTAC to 18½ miles north of the VORTAC, excluding the portion which overlies the Marquette, Mich., 1,200-foot transition area.

[F.R. Doc. 71-206; Filed, Jan. 6, 1971; 8:48 a.m.]

[Airspace Docket No. 70-SO-94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On November 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18205), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Daytona Beach, Fla., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined, through the application of Terminal Instrument Procedures (TERPs) criteria, that the proposed controlled airspace protection for AL-5459 VOR RWY 8 Instrument Approach Procedure to Ormond Beach Municipal Airport was inadequate with respect to the width of the control zone extension predicated on Daytona Beach VORTAC 256° radial. The width should have been proposed as 5 miles each side in lieu of 3 miles each side of the radial. It is necessary to alter the description to provide required controlled airspace protection. Since this amendment is made in accordance with TERPs criteria, which was coordinated with government agencies concerned and affected industry groups, notice and public procedure hereon are unnecessary and action is taken herein to alter the control zone description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 4, 1971, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Daytona Beach, Fla., control zone is amended to read:

DAYTONA BEACH, FLA.

Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side of Daytona Beach VORTAC 256° radial, extending from the 5-mile-radius zone to 8.5 miles west of the VORTAC.

In § 71.181 (35 F.R. 2134), the Daytona Beach, Fla., transition area is amended to read:

DAYTONA BEACH, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); excluding the portion outside the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C 1655(c))

Issued in East Point, Ga., on December 30, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 71-207; Filed, Jan. 6, 1971; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

DEBENTURE INTEREST RATES

The following miscellaneous amendments have been made to this chapter to change the debenture interest rate:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	Jan. 1, 1970
6¼	Jan. 1, 1970	July 1, 1970
6¾	July 1, 1970	Jan. 1, 1971
6¼	Jan. 1, 1971	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	Jan. 1, 1970
6¼	Jan. 1, 1970	July 1, 1970
6¾	July 1, 1970	Jan. 1, 1971
6¼	Jan. 1, 1971	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	Jan. 1, 1970
6¼	Jan. 1, 1970	July 1, 1970
6¾	July 1, 1970	Jan. 1, 1971
6¼	Jan. 1, 1971	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations-Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	July 1, 1969
5¾	July 1, 1969	Jan. 1, 1970
6¼	Jan. 1, 1970	July 1, 1970
6¾	July 1, 1970	Jan. 1, 1971
6¼	Jan. 1, 1971	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., December 30, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 71-139; Filed, Jan. 6, 1971; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-16—PROCUREMENT FORMS

Architect-Engineer Contracts

This amendment of the Federal Procurement Regulations prescribes standard forms and related policies and procedures applicable to contracts for architect-engineer services as follows: (1) A standard contract form, (2) a standard form containing general contractual provisions, and (3) instructions for modifying Standard Form 19-B, Representations and Certifications (Construction Contract).

The table of contents for Part 1-16 is amended by revising and adding entries as follows:

Subpart 1-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

* * * * *

Subpart 1-16.7—Forms for Negotiated Architect-Engineer Contracts

Sec.
1-16.700 Scope of subpart.
1-16.701 Forms prescribed.
1-16.702 Required use.
1-16.703 Terms, conditions, and provisions.
1-16.901-252 Standard Form 252: Architect-Engineer Fixed-Price Contract.
1-16.901-253 Standard Form 253: General Provisions (Architect-Engineer Contract).

Section 1-16.000 is revised to read as follows:

§ 1-16.000 Scope of part.

This part prescribes forms for use by executive agencies in connection with procurement of supplies, purchase and delivery orders, nonpersonal services, construction, leases for real property, architect-engineer services, and other miscellaneous forms for use in connection with the procurement of supplies and services. Illustrations of these forms are contained in Subpart 1-16.9. When using these forms for procurement outside the United States, its possessions, and Puerto Rico, they may be modified as appropriate, in accordance with agency procedures.

Subpart 1-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineer Contracts)

Section 1-16.500 is revised to read as follows:

§ 1-16.500 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated nonpersonal service contracts (other than construction and architect-engineer contracts).

Subpart 1-16.7 is added to read as follows:

Subpart 1-16.7—Forms for Negotiated Architect-Engineer Contracts

§ 1-16.700 Scope of subpart.

This subpart prescribes forms for use in the procurement of architect-engineer professional services by negotiation (no advertised contract forms are prescribed for this purpose). Illustrations of these forms are contained in Subpart 1-16.9.

§ 1-16.701 Forms prescribed.

The following standard forms are prescribed for use in accordance with this Subpart 1-16.7:

(a) Architect-Engineer Fixed-Price Contract (Standard Form 252, August 1970 edition).

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition).

(c) Representations and Certifications (Construction Contract) (Standard Form 19-B, October 1969 edition). Pending publication of a new edition of the form, when the form is used in contracting for architect-engineer services, it shall be modified by an appropriate provision in the schedule, specifications, or continuation sheet as follows:

(1) Change the title of the form to read:

REPRESENTATIONS AND CERTIFICATIONS (CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS)

(For use with Standard Forms 19, 21, and 252)

(2) Change the Reference block to read: Reference (Enter same No(s). as on SF 19, 21, and 252).

(3) Change (c) of paragraph 1, Small Business, to read:

(c) Had average annual receipts for the preceding 3 fiscal years not exceeding $7,500,000 for construction contracts, $1 million for architect-engineer contracts primarily architectural, and $5 million for architect-engineer contracts primarily engineering.

(d) When cost or pricing data are required by § 1-3.807-3, contract pricing proposal forms employed by agencies should be supported by attachments detailing direct costs, including those for job categories, hourly rates, man-hours, number of drawings and specifications pages, transportation, travel expenses, telephone, reproduction, and consultants.

§ 1-16.702 Required use.

The forms prescribed by § 1-16.701 shall be used for negotiated fixed-price contracts to be performed in the United States, its possessions, and Puerto Rico, for the procurement of architect-engineer services related to construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. Such services include master planning, architectural and engineering studies, investigations, development of the design, preparation of plans and specifications, and inspection or supervision of work performed during the period of construction, alteration, or repair.

§ 1-16.703 Terms, conditions, and provisions.

(a) Additional provisions, e.g., detailed description of the work, the payment schedule, cost or pricing data, surveys and subsoil information, laboratory tests, redesign within available funds, inspection or supervision, post construction contract services, patents, travel, and per diem, considered by an agency to be essential to its contractual relationships and which are not inconsistent with any provisions contained in the forms prescribed in this Subpart 1-16.7 may be incorporated as an added section of the contract entitled "Special Provisions" in accordance with agency procedures.

(b) The term "architect-engineer" may be used in lieu of the term "contractor" whenever any additional clause, the text of which is prescribed by the Federal Procurement Regulations, is included in the contract.

(c) The Disputes clause of Standard Form 253 may be altered, by appropriate provision in the "Special Provisions," in accordance with agency procedures, to define "head of the Federal agency" or to provide for an intermediate appeal board procedure.

(d) The Government Rights (Unlimited) clause of Standard Form 253 may be deleted and the following clause substituted where sole property rights of the Government are required:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF GOVERNMENT

All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Government and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of 3 years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such materials beyond such period.

Subpart 1-16.9—Illustrations of Forms

1. Section 1-16.901-252 is added to illustrate Standard Form 252 as follows:

§ 1–16.901–252 Standard Form 252: Architect-Engineer Fixed-Price Contract.

(a) Page 1 of Standard Form 252.

STANDARD FORM 252 AUGUST 1970 EDITION GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1–16.701 252–101	ARCHITECT-ENGINEER FIXED-PRICE CONTRACT	1. CONTRACT NO.
		2. DATE OF CONTRACT

2. NAME AND ADDRESS OF ARCHITECT-ENGINEER*

4. DEPARTMENT OR AGENCY AND ADDRESS*

5. PROJECT TITLE AND LOCATION

6. CONTRACT FOR (General description of services to be provided)

7. CONTRACT AMOUNT (Express in words and figures)

8. NEGOTIATION AUTHORITY

9. ADMINISTRATIVE, APPROPRIATION, AND ACCOUNTING DATA

SPECIMEN

*Include ZIP code, Area code, and Telephone Number

(b) Page 2 of Standard Form 252.

10. The United States of America (hereinafter called the Government) represented by the Contracting Officer executing this contract and the Architect-Engineer agree to perform this contract in strict accordance with the General Provisions (Standard Form 253) and the documents identified as follows, all of which are made a part of this contract:

The parties hereto have executed this contract as of the date recorded in Item 2 above.

SIGNATURES	NAMES AND TITLES (Typed)
11. ARCHITECT-ENGINEER	
A	
B	
C	
D	
12. THE UNITED STATES OF AMERICA	
	Contracting Officer

SPECIMEN

Revised Standard Form 252 (8–70)

2. Section 1–16.901–253 is added to illustrate Standard Form 253 as follows:

§ 1–16.901–253 Standard Form 253: General Provisions (Architect-Engineer Contract).

(a) Page 1 of Standard Form 253.

Standard Form 253
August 1970 Edition
General Services Administration
Fed. Proc. Reg. (41CFR) 1–16.701
253–101

GENERAL PROVISIONS
(Architect-Engineer Contract)

1. DEFINITIONS

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, or any other head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

2. RESPONSIBILITY OF THE ARCHITECT-ENGINEER

(a) The Architect-Engineer shall be responsible for the professional quality, technical accuracy and the coordination of all designs, drawings, specifications, and other services furnished by the Architect-Engineer under this contract. The Architect-Engineer shall, without additional compensation, correct or revise any errors or deficiencies in his designs, drawings, specifications, and other services.

(b) Neither the Government's review, approval or acceptance of, nor payment for, any of the services required under this contract shall be construed to operate as a waiver of any rights under this contract or of any cause of action arising out of the performance of this contract, and the Architect-Engineer shall be and remain liable to the Government in accordance with applicable law for all damages to the Government caused by the Architect-Engineer's negligent performance of any of the services furnished under this contract.

(c) The rights and remedies of the Government provided for under this contract are in addition to any other rights and remedies provided by law.

3. CHANGES

(a) The Contracting Officer may, at any time, by written order, make changes within the general scope of the contract in the services to be performed. If such changes cause an increase or decrease in the Architect-Engineer's cost of, or time required for, performance of any services under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim of the Architect-Engineer for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Architect-Engineer of the notification of change unless the Contracting Officer grants a further period of time before the date of final payment under the contract.

(b) No services for which an additional cost or fee will be charged by the Architect-Engineer shall be furnished without the prior written authorization of the Contracting Officer.

4. TERMINATION

(a) The Contracting Officer may, by written notice to the Architect-Engineer, terminate this contract in whole or in part at any time, either for the Government's convenience or because of the failure of the Architect-Engineer to fulfill his contract obligations. Upon receipt of such notice, the Architect-Engineer shall: (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Architect-Engineer in performing this contract, whether completed or in process.

(b) If the termination is for the convenience of the Government, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

(c) If the termination is due to the failure of the Architect-Engineer to fulfill his contract obligations, the Government may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Architect-Engineer shall be liable to the Government for any additional cost occasioned to the Government thereby.

(d) If, after notice of termination for failure to fulfill contract obligations, it is determined that the Architect-Engineer had not so failed, the termination shall be deemed to have been effected for the convenience of the Government. In such event, adjustment in the contract price shall be made as provided in paragraph (b) of this clause.

(e) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

5. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Architect-Engineer. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Architect-Engineer mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. This provision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged: *Provided, however*, that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Architect-Engineer shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Architect-Engineer shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

6. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Architect-Engineer from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act; and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Administration, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

7. GOVERNMENT RIGHTS (UNLIMITED)

The Government shall have unlimited rights, for the benefit of the Government, in all drawings, designs, specifications, notes and other work developed in the performance of this contract, including the right to use same on any other Government work without additional cost to the Government; and with respect thereto the Architect-Engineer agrees to and does hereby grant to the Government a royalty-free license to all such data which he may cover by copyright and to all designs as to which he may assert any rights or establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of three (3) years after completion of the project agrees to furnish and to provide access to the originals or copies of all such materials on the request of the Contracting Officer.

8. EXAMINATION OF RECORDS

(The following clause is applicable if the amount of this contract exceeds $2,500.)

(a) The Architect-Engineer agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Architect-Engineer involving transactions related to this contract.

(b) The Architect-Engineer further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase

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(d) Page 4 of Standard Form 253.

(b) The Architect-Engineer will, in all solicitations or advertisements for employees placed by or on behalf of the Architect-Engineer, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The Architect-Engineer will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Architect-Engineer's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Architect-Engineer will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Architect-Engineer will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Architect-Engineer's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Architect-Engineer may be declared ineligible for further Government contracts, in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Architect-Engineer will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Architect-Engineer will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Architect-Engineer becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Architect-Engineer may request the United States to enter into such litigation to protect the interests of the United States.

★ U.S. GOVERNMENT PRINTING OFFICE: 1971—O-426-941

(c) Page 3 of Standard Form 253.

orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

9. COVENANT AGAINST CONTINGENT FEES

The Architect-Engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the Architect-Engineer for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

10. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

11. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330), is subject to the following provisions and exceptions of such applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Architect-Engineer or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Architect-Engineer and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Architect-Engineer and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Architect-Engineer from any moneys payable on account of work performed by the Architect-Engineer or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Architect-Engineer or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Architect-Engineer shall insert paragraphs (a) through (d) of this clause and the preamble in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Architect-Engineer shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

12. EQUAL OPPORTUNITY CLAUSE

The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Architect-Engineer agrees as follows:

(a) The Architect-Engineer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Architect-Engineer will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Architect-Engineer agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective May 29, 1971, but may be observed earlier if copies of the new standard forms are available.

Dated: January 5, 1971.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 71-241; Filed, Jan. 6, 1971; 8:50 a.m.]

Chapter 114—Department of the Interior

PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c), §§ 114–45.316–2 and 114–47.304–51 are amended as set forth below. These revised sections shall become effective on the date of their publication in the FEDERAL REGISTER.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

DECEMBER 30, 1970.

Subpart 114–45.3—Sale of Personal Property

I. The following amends 41 CFR 114–45 as previously published at 35 F.R. 292:

Section 114–45.316–2(a) is amended to limit the applicability thereof to personal property and to read as follows:

§ 114–45.316–2 Reporting requirements and procedures.

(a) The reporting requirements specified in FPMR 101–45.316–2 are applicable to all sales of Government-owned personal property made on a competitive basis whether competition is obtained through sealed bid, negotiation, auction, or spot bid procedures. They apply to:

(1) Program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific items of personal property and,

(2) Sales of surplus personal property made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

• • • • •

Subpart 114–47.3—Surplus Real Property Disposal

II. The following amends 41 CFR 114–47 as previously published at 35 F.R. 295:

§ 114–47.304–51 [Amended]

a. Section 114–47.304–51 (a) and (b) are amended to read as follows:

(a) Certificate of independent price determination: A certificate of independent price determination shall be required with each bid or offer for the purchase of real property, except where the price is fixed in advance of sale pursuant to law or regulation.

(1) The certificate of independent price determination clause contained in Condition No. 20 of the General Sale Terms and Conditions, Standard Form 114C, shall be included in all invitations for bids and requests for quotations on Government sales of real property and shall be submitted with sealed bids and written quotations submitted in response thereto.

(2) Auction and spot bid sales: Bureaus and Offices conducting sales of Government property by the auction or spot bid methods shall include an appropriate provision in the sales notice which will put the successful bidder on notice that he will be required, as a condition of award, to sign a certificate to the effect that "the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror."

(3) The requirement for a certificate of independent price determination applies to sales of surplus real property and to program sales made pursuant to special statutes as referred to in IPMR 114–47.304–8(a).

(b) The authority to make the determination described in paragraph (d) of Condition No. 20 of the General Sale Terms and Conditions, Standard Form 114C, is vested in the head of bureaus and offices and may not be redelegated.

b. Change the reference in the last sentence of paragraph (c), § 114–47.304–51 to read 114–47.304–8.

c. Section 114–47.304–52 is amended to read as follows:

§ 114–47.304–52 Compliance review.

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property in the categories referred to in IPMR 114–47.304–8(a) shall install an appropriate monitoring system at the headquarters office level to ensure compliance with the provisions of IPMR 114–47.304–8 and 114–47.304–51. The monitoring system installed by each Bureau and Office will be subject to review by the Department's internal audit staff to determine its adequacy and effectiveness.

[F.R. Doc. 71-177; Filed, Jan. 6, 1971; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–C for the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 95–C are hereby published, to be effective January 23, 1971, in this order amending § 619.2 of Title 29, Code of Federal Regulations.

As amended, § 619.2 reads as follows:

§ 619.2 Wage rates.

• • • • •

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

• • • • •

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 31st day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 71-193; Filed, Jan. 6, 1971; 8:47 a.m.]

PART 661—BANKING, INSURANCE, AND FINANCE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–C for the Banking, Insurance and Finance Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the Industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 95–C are hereby published, to be effective January 23, 1971, in this order amending § 661.2 of Title 29, Code of Federal Regulations.

As amended, § 661.2 reads as follows:

§ 661.2 Wage rates.

• • • • • •

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

• • • • • •

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 31st day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 71–194; Filed, Jan. 6, 1971; 8:47 a.m.]

PART 725—EDUCATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (53 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208), and by means of Administrative Order No. 613 (35 F.R. 6436), the Secretary of Labor appointed and convened Industry Committee No. 98–A for the Education Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it. The recommendations of Committee 98–A are limited to those employees in the education industry brought into coverage by reason of the Fair Labor Standards Amendments of 1966 within the purview of 29 CFR Part 725.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 98–A are hereby published, to be effective January 23, 1971, in this order amending § 725.2 of Title 29, Code of Federal Regulations.

As amended, § 725.2 reads as follows:

§ 725.2 Wage rates.

Wages at the rate of not less than $1.40 an hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.54 an hour thereafter shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the education industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 4th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[F.R. Doc. 71–195; Filed, Jan. 6, 1971; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

On October 27, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16639) to amend Part 481 by designating the Northwest Nevada Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on November 6, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.115, as set forth below, designating the Northwest Nevada Intrastate Air Quality Control Region, is adopted effective on publication.

§ 481.115 Northwest Nevada Intrastate Air Quality Control Region.

The Northwest Nevada Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nevada:

Carson City.	Storey County.
Douglas County.	Washoe County.
Lyon County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: December 31, 1970.

WILLIAM D. RUCKELSHAUS,
Administrator.

[F.R. Doc. 71–191; Filed, Jan. 6, 1971; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–7; Notice No. 70–211]

PART 391—QUALIFICATIONS OF DRIVERS

Drivers of Light-Weight Farm Vehicles

The American Farm Bureau Federation, the National Council of Farmer Cooperatives, and certain other individuals and groups representing farmers have filed petitions, asking the Director of the Bureau of Motor Carrier Safety to suspend the application of the provisions of Part 391 of the Motor Carrier Safety Regulations insofar as those provisions apply to drivers of motor vehicles operated on behalf of farmers. Upon consideration of those petitions, the Director has concluded that, while some relief is warranted, it would not be in the interest of safety to provide an indefinite suspension of the rules or to exempt drivers of the larger, and inherently more dangerous, motor vehicles. Therefore, he is granting a 6-month suspension of certain of the driver qualification rules applicable solely to drivers of light-weight vehicles used to transport farm produce from a farm or supplies to a farm. The temporary exemption is limited to rules which would otherwise first apply to farm vehicle drivers on January 1, 1971. However, no exemption is being granted with respect to any requirement that applied to farm vehicle drivers prior to that date, since there appears to be no hardship resulting from continuing the effectiveness of those provisions.

Since this amendment relieves a restriction and imposes no additional burden upon any person, notice and public procedure are unnecessary, and it is effective on January 1, 1971.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued on December 31, 1970.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

I. The introductory clause of § 391.11 (b) is amended to read as follows:

§ 391.11 Qualifications of drivers.

• • • • • •

(b) Except as provided in §§ 391.61 and 391.67, a person is qualified to drive a motor vehicle if he—

• • • • • •

II. Paragraph (a) of § 391.31 is amended to read as follows:

§ 391.31 Road test.

(a) Except as provided in §§ 391.33, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

• • • • • •

III. Paragraph (a) of § 391.35 is amended to read as follows:

§ 391.35 Written examination.

(a) Except as provided in §§ 391.37, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first taken a written examination and has been issued a certificate of written examination in accordance with this section.

• • • • • •

IV. Paragraph (a) of § 391.41 is amended to read as follows:

§ 391.41 Physical qualifications for drivers.

(a) A person shall not drive a motor vehicle unless he is physically qualified to do so and, except as provided in § 391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a motor vehicle.

• • • • • •

V. The introductory clause of § 391.45 is amended to read as folows:

§ 391.45 Persons who must be medically examined and certified.

Except as provided in § 391.67, the following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to drive a motor vehicle:

• • • • • •

VI. Subpart G is amended by adding a new § 391.67 at the end of the subpart, reading as follows:

§ 391.67 Farm vehicle drivers.

(a) Before July 1, 1971, the following rules do not apply to a farm vehicle driver as defined in paragraph (b) of this section.

(1) Section 391.11(b)(1) (relating to minimum age of drivers).

(2) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background character, and driving record of drivers).

(3) Section 391.31 (relating to road tests).

(4) Section 391.35 (relating to written examinations).

(5) So much of § 391.45(a) as requires a driver to have a medical examiner's certificate, or a copy of the certificate, on his person.

(6) Section 391.45 (relating to medical examinations).

(b) A "farm vehicle driver" is a person who is at least 18 years old and who is driving a vehicle that—

(1) Is controlled and operated by a farmer;

(2) Is being used to transport the produce of that farmer's farm from the farm or is being used to transport supplies to that farmer's farm for use at the farm;

(3) Has a gross weight, including its load, of 10,000 pounds or less; and

(4) Is not being used in the operations of a for-hire carrier.

VII. The table of contents is amended by adding the following at the end of the table:

Sec.
391.67 Farm vehicle drivers.

[F.R. Doc. 71–179; Filed, Jan. 6, 1971; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1; Rev. 5]

IMPORTS OF SMALL QUANTITIES

Notice of Proposed Rule Making

In order to facilitate administration with respect to entries of small quantities, it is proposed to amend section 8 of Oil Import Regulation 1 (Revision 5) to read as set forth below. Final action upon the proposal will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, Jr.,
Acting Administrator,
Oil Import Administration.

DECEMBER 31, 1970.

Section 8 of Oil Import Regulation 1 (Revision 5) (31 F.R. 7747) would be amended to read as follows:

Sec. 8 Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Administrator to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight. In each instance in which such an entry is made, the owner of the aircraft shall promptly file with the Administrator a written report of the circumstances in which the entry was made and the quantity entered. Failure to promptly file such report may result in the suspension or abrogation of the privilege of making such entries.

(b) A person desiring to import small quantities of crude oil, unfinished oils, or finished products in circumstances not covered by paragraph (a) of this section shall file with the Administrator a written request for authorization for entry without a license for each shipment, describing the oil and the quantity thereof proposed to be imported and the circumstances which would justify an entry without a license, the date when the shipment is scheduled to arrive or upon which it has arrived, and the port of entry. If the Administrator determines that the entry without a license is consonant with the purposes of Proclamation 3279, as amended, he may authorize such an entry.

[F.R. Doc. 71-221; Filed, Jan. 6, 1971; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Eligibility of Substances for Classification as Generally Recognized as Safe in Food; Extension of Time for Filing Comments on Proposal

The notice published in the FEDERAL REGISTER of December 8, 1970 (35 F.R. 18623), proposing to revise § 121.3 regarding classification of substances as generally recognized as safe in food, provided for the filing of comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing coments regarding the subject proposal is hereby extended to January 22, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-88, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 4, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 71-199; Filed, Jan. 6, 1971; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-CE-113]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Creve Coeur, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Two new instrument approach procedures have been developed for Arrowhead Airport at Creve Coeur, Mo. Consequently, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Creve Coeur, Mo. The new procedures will become effective concurrently with the designation of the transition area. The St. Louis, Mo., Approach Control Facility will control IFR traffic into and out of Arrowhead Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is added:

CREVE COEUR, MO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on December 15, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-201; Filed, Jan. 6, 1971; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-116]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Watertown, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Watertown, S. Dak., the approach procedures for the Watertown Municipal Airport have been revised. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Watertown, S. Dak., control zone and transition area to adequately protect aircraft executing the new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

WATERTOWN, S. DAK.

That airspace within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 3 miles each side of the 149° bearing from the Watertown Municipal Airport, extending from the 5-mile radius to 8 miles southeast of the airport.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

WATERTOWN, S. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 4½ miles east and 9½ miles west of the Watertown VORTAC 006° radial extending from the 10-mile radius to 18½ miles north of the VORTAC; within 3 miles each side of the 149° bearing from the Watertown Municipal Airport, extending from the 10-mile radius to 10½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 23½ mile radius circle centered on the Watertown VORTAC, extending from a line 5 miles north of and parallel to the VORTAC 086° radial clockwise to a line 5 miles northwest of and parallel to the VORTAC 235° radial; within a 13-mile radius of the Watertown VORTAC from a line 5 miles northwest of and parallel to the VORTAC 235° radial clockwise to a line 5 miles north of and parallel to the VORTAC 086° radial; within 9½ miles east and 4½ miles west of the Watertown VORTAC 185° radial extending from the VORTAC to 30 miles south of the VORTAC; and within 9½ miles northeast and 4½ miles southwest of the 149° bearing from the Watertown Municipal Airport extending from the airport to 22 miles southeast of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c), of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on December 17, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 71-202; Filed, Jan. 6, 1971; 8:48 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 6; Notice 70-3]

EASTERN-CENTRAL STANDARD TIME ZONE BOUNDARY

Proposed Relocation of Boundary With Respect to Perry County, Ind.; Extension of Time for Comments

On November 7, 1970, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (35 F.R. 17195) requesting comments on a proposal to relocate the boundary between the eastern and central time zones as it relates to Perry County, Ind., so as to place that county in the central time zone. The proposal was based on a petition from the Governor of Indiana to that effect. The notice stated that consideration would be given to all comments received on or before December 15, 1970.

Numerous responses in favor of and opposed to the proposal were received as a result of the original notice. However, the Board of County Commissioners of Perry County, Ind., by resolution dated December 7, 1970, has requested the Secretary of Transportation to defer action on the proposal until after the close of the 1971 session of the Indiana General Assembly. Under Article 4 of the Constitution of the State of Indiana the General Assembly will convene in January 1971 and could extend into April 1971. The Board of County Commissioners made the request to defer action on the proposal because the Indiana General Assembly is expected to consider the issue of exempting the entire State of Indiana from the requirement of "advanced time" as provided for by section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a). A number of similar requests were received from local business interests and individuals.

From the responses received to date, it is clear that if the Indiana General Assembly exempts the State from the requirement of advancing its time 1 hour during the summer months the views of the citizens of Perry County who now favor a change to the central time zone could be significantly altered. If a State law is enacted exempting Indiana from observing "advanced time", the alternatives available with respect to Perry County would then be eastern standard time the entire year or central standard time the entire year. Neither alternative would involve "advanced time" during the summer months as is now the case.

Under the time zone act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the request by the Board of County Commissioners of Perry County to defer action on the proposal to place Perry County in the central time zone, the Department of Transportation is reopening the proceeding and, before taking any action to adopt, deny, or modify the proposed boundary change, will consider the comments of all interested persons received on or before April 15, 1971. Communications should identify the regulatory docket or notice number and be submitted to the Docket Clerk, Office of General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State

may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.59(a) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on December 31, 1970.

JAMES A. WASHINGTON, JR.,
General Counsel.

[F.R. Doc. 71-189; Filed, Jan. 6, 1971; 8:47 a.m.]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS IN MARYLAND

Proposed Designation and Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Maryland as set forth in the following new §§ 481.154–481.156 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Maryland, Pennsylvania, Delaware, West Virginia, and Virginia, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 10 a.m., January 18, 1971, in the Public Service Commission Hearing Room, State Office Building, 301 Preston Street, Baltimore, MD.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.154 Eastern Shore Intrastate Air Quality Control Region.

The Eastern Shore Intrastate Air Quality Control Region (Maryland) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Caroline County.	Somerset County.
Cecil County.	Talbot County.
Dorchester County.	Wicomico County.
Kent County.	Worcester County.
Queen Annes County.	

§ 481.155 Central Maryland Intrastate Air Quality Control Region.

The Central Maryland Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Frederick County.	Washington County.

§ 481.156 Southern Maryland Intrastate Air Quality Control Region.

The Southern Maryland Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Calvert County.	St. Marys County.
Charles County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: December 31, 1970.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[F.R. Doc. 71-192; Filed, Jan. 6, 1971; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 415]

ADVERTISING OF NONPRESCRIPTION SYSTEMIC ANALGESIC DRUGS

Termination of Trade Regulation Rule Proceeding

Notice is hereby given that the Federal Trade Commission has determined to terminate the Trade Regulation Rule proceeding relating to the Advertising of Nonprescription Systematic Analgesic Drugs, which had been initiated by the issuance of a public notice including a proposed rule on July 5, 1967 (32 F.R. 9843).

Commissioner Paul Rand Dixon dissented as to the foregoing action noting his position as follows: "Commissioner Dixon would not have cancelled the Trade Regulation Rule proceeding."

Issued: January 7, 1971.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 71-143, Filed, Jan. 6, 1971; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[EX PARTE No. 272]

INVESTIGATION INTO LIMITATIONS OF CARRIER SERVICE ON C.O.D. AND FREIGHT-COLLECT SHIPMENTS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of December 1970.

In this general investigation and rulemaking proceeding, instituted here on our own motion, we propose to study, on an industrywide scale, the developing problems encountered by carriers, shippers, and receivers of freight in transporting or in having transported, in interstate or foreign commerce, collect-on-delivery (c.o.d.) or freight-collect shipments. We are especially concerned with the apparently growing reluctance or refusal of carriers subject to our jurisdiction to handle c.o.d. shipments as well as carrier proposals to require that the freight charges on all shipments they handle be prepaid, and with the effect that those developments may have upon this Nation's transportation system and the adequacy of that system to meet the needs of the commerce of the United States, of the postal service, and of the national defense.

The Congress has decreed that for-hire transportation service be fully responsive to the constantly changing needs of shippers and receivers of freight and, through the national transportation policy and the comprehensive provisions of the Interstate Commerce Act, has empowered this Commission to oversee the accomplishment of this purpose. The present investigation will inquire into the extent to which the described and other related carrier practices and proposals may affect or curtail the quantity or quality of service offered by the regulated carriers to the Nation's shippers and receivers of freight, and looks toward the prescription of such regulations or the recommendation of such legislation as may be found necessary and desirable in the public interest.

Collect-on-delivery or c.o.d. shipments are those in which the commodity being shipped is to be paid for, often in cash, at the time of delivery to the buyer, which amount is to be remitted by the carrier to the shipper. The carrier's transportation charges may or may not be prepaid. Freight-collect shipments are those in which the carrier's transportation charges are due from or paid by the consignee upon delivery of the goods and not by the shipper. There appears in the appendixes to this notice and order a sampling of representative tariff provisions published by motor common carriers of property which limit service with respect to shipments on which freight charges are collect (appendix A), to shipments on which collections are to be made on delivery (appendix B), to shipments on which transportation services are performed on a combination of rates (appendix C), and to shipments on which transportation services are performed under an order-notify bill of lading (appendix D).

Other factors which have given rise to our proposed study are our interest in and increasing concern for the need to determine the extent, if any, to which one or more of the following matters may affect the adequacy of service offered by regulated carriers to the shipping public:

A. The attitude that collection on delivery of freight charges or c.o.d. amounts is undesirable or inconvenient for carriers because of additional accounting procedures and expense;

B. The attitude that carriers' handling of the c.o.d. funds of others at terminals increases the risks at those terminals to loss, theft, embezzlement, or negligence in addition to the increased responsibilities promptly to transmit such funds to the carrier's home office or directly to the shipper;

C. The apparent belief of carriers that the handling of such funds on and after delivery frequently is resisted by carriers' employees and creates or contributes to personnel problems either because bonding of employees handling such funds (including union employees protected by extensive grievance machinery) sometimes cannot be accomplished or because the backgrounds of employees (particularly casual employees) cannot adequately be investigated;

D. The frequency of shipments returned by delivery drivers because of a lack of funds on the part of the consignees for either c.o.d. amounts or freight charges and the additional burdens imposed by rehandling or having freight on hand;

E. The frequency of shipments on which disputes arise between shipper and consignee as to whether freight charges are to be prepaid or collect, whether c.o.d. amounts due are accurate, and whether the consignee's payment of the amount of the c.o.d. in a form other than cash will be acceptable to the shipper;

F. The exposure of the carrier to the involuntary extension of credit through driver oversight, negligence, or other factors, as well as the forfeiture by the carrier of its lien on the goods;

G. The operational costs incurred and the instances in which the costs of delays exceed the revenues on shipments of certain sizes or to certain areas and for which the carriers obtain no additional compensation;

H. The extent to which carriers have refused transportation of c.o.d. or freight-collect shipments because such carriers earlier have experienced disputes between shippers and consignees as to the unauthorized return of merchandise previously shipped and received; and

I. The extent to which transportation service has been curtailed or eliminated on the basis of the method of payment or freight charges on shipments destined to so-called high-crime-frequency areas, and the curtailment or elimination of transportation service from or to such areas on any other basis or bases.

Shippers have registered with this Commission their opposition to many of the tariff provisions set forth in the appendixes (or provisions substantially similar thereto), and they have asserted that such tariff provisions violate certain provisions of the act, particularly sections 216 (b) and (d). They also have argued that the implementation of such tariff provisions and carrier rules and practices places an undue and restrictive burden on many small shippers and receivers of freight contrary to the national transportation policy. In addition to their legal arguments, these shippers also have contended that any requirement by carriers that all shipments be prepaid increases tremendously their volume of paperwork, necessitates changes in their accounting systems, and causes consignees to lose their ability to control the routing of shipments which they receive.

Carrier responses to shippers' complaints typically have included an enumeration of those conditions which the carriers contend are unique with respect to providing service on certain shipments to certain areas (particularly New York City) and which assertedly have compelled the publication of requirements that freight charges on small shipments so consigned be prepaid. Many of these same factors bear upon the ability and willingness of carriers to provide service at such points on c.o.d. shipments. Thus, carriers argue that extreme congestion and very high costs are incurred in operating to and from the five boroughs of New York City. The same appears to be their view also of other densely populated metropolitan areas as can be seen by the proposal affecting service at Chicago, Ill., set forth in item 3 of appendix A to this notice. Extensive delays regularly are encountered, according to the carriers, by drivers attempting to collect freight charges and c.o.d. amounts; these amounts often are not collectable at the freight receiving platforms and, thus, drivers are required to locate a person authorized to make payment and frequently the one person so authorized is not available. As a consequence, it is argued, carriers then have the costly and time-consuming alternatives of leaving the shipment and extending credit involuntarily or returning with the shipment at a later time, thereby incurring additional expenses. Delinquent accounts are said to result often when shipments are left without payment and further costs or collection procedures must be borne or the bad debts written off.

The carriers rely upon a number of actions by this Commission in failing to suspend tariff provisions which require the prepayment of freight charges and cite the principles enunciated in Ex Parte No. 73, Regulations for Payment of Rates and Charges, 171 ICC 268, where, at page 280, it was stated:

> We have no authority to issue an order requiring carriers to grant any credit. It is their right and privilege not only to demand payment of the freight charges before relinquishing possession of the freight at destination, but to demand the payment of such charges before forwarding the freight from the point of origin.

Notwithstanding the fact that this Commission has declined to suspend tariff provisions which require the prepayment of freight charges, the effect on the Nation's commerce and the more intense impact on small enterprises particularly, are such that we now must exercise those powers which are conferred by the act to determine whether the practices, proposals, and considerations described in this notice require immediate remedial action in the form of appropriate regulations or, if necessary, the possible recommendation of legislation.

Two recent events have contributed significantly to the present timing of the issuance of this notice and the institution of this investigation. On the one hand, we have observed that the National Classification Board[1] of the National Motor Freight Traffic Association, Inc., agent, located in Washington, D.C., is presently considering a proposal, designed as Subject 68 of docket No. 705, which would provide for an amendment of item 770 of the classification so as to require that freight charges on all motor shipments be prepaid. And secondly, a number of Senators and Congressmen have recently expressed the belief that the decision of some motor common carriers to refuse to accept c.o.d. shipments, as well as the proposed change in motor carrier rules with respect to accepting shipments only on a freight prepaid basis, both constitute substantial threats to the economic well-being of an important segment of American business whose operations have been geared to c.o.d. and freight-collect shipments, and that both of these actions would affect small business enterprises most severely.

The sampling of tariff provisions of motor carriers and the partial recitation

[1] The National Classification Board considers proposals of motor common carriers which, if adopted, are published in a tariff publication, known as the National Motor Freight Classification, and names, ratings, rules, and regulations which govern the freight rates published in tariffs of numerous motor common carriers.

above of some of the many factors which have prompted our present action creates a perspective for our overall inquiry, and to some extent touches upon and briefly describes some of the more unique or localized factors pertaining to the adequacy of service offered by regulated carriers. A number of significant questions thus have arisen which must be considered. In this context we believe that in this proceeding we should (1) examine the nature and scope of the practices of all regulated carriers with respect to limitations of service on the basis of the factors described in this notice and order; (2) investigate the impact on the Nation's commerce of those practices; (3) analyze the motivational forces which have contributed to these and other related carrier practices and actions; (4) determine the parameters of this Commission's jurisdiction with respect to each of the matters described in this notice; (5) consider the need for or the desirability of the adoption of just, reasonable, and lawful rules and regulations governing (a) these and other matters (including possible carrier bonding requirements) relating to the handling of or refusal by regulated carriers to transport c.o.d. shipments generally or with respect to certain areas, and (b) the complete or partial refusal by regulated carriers to transport freight-collect shipments generally or those destined to specified points; and (6) determine the need for such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

It is for these purposes that the instant investigation and rule-making proceeding is instituted.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of the national transportation policy (49 U.S.C. preceding section 1), parts I, II, III, and IV of the Interstate Commerce Act (49 U.S.C. 1, 301, 901, and 1001, all et seq.), and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to (1) examine the nature and scope of the practices of all regulated carriers with respect to limitations of service on the basis of the factors described in this notice and order; (2) investigate the impact on the Nation's commerce of those practices; (3) analyze the motivational forces which have contributed to these and other related carrier practices and actions; (4) determine the scope of this Commission's jurisdiction with respect to each of the matters described in this notice; (5) consider the need for or the desirability of the adoption by this Commission of just, reasonable, and lawful rules and regulations governing (a) these and other matters (including possible carrier bonding requirements) relating to the handling of or refusal by regulated carriers to transport c.o.d. shipments generally or with respect to certain areas, and (b) the complete or partial refusal by regulated carriers to transport freight-collect shipments generally or those destined to specified points; and (6) determine the need for such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

It is further ordered, That all railroads, express companies, motor carriers, water carriers, brokers, and freight forwarders subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify this Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before February 1, 1971, the original and one copy of a statement of his intention to participate; that this Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-240; Filed, Jan. 6, 1971; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 12891]

UTAH

Notice of Proposed Classification of Public Lands for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315g), and to the regulations in 43 CFR 2400.0-3, it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934, supra (43 CFR 2200) for lands within the Salt Lake District.

This proposal has been discussed with the District Advisory Board, local government officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4(d), which authorized classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program."

Publication of this notice will segregate the land from all appropriation including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

No application for an exchange will be accepted until it has first been determined that it is in the public interest for the United States to acquire the proposed offered lands and that the value of the offered lands equals or exceeds that of the selected lands.

All applications for exchange must be accompanied by a statement from the Bureau of Land Management, Salt Lake District Manager, that the proposal is feasible, in accordance with 43 CFR 2201.2.

Information concerning these lands is available at the Brigham City Suboffice, Bureau of Land Management, Brigham City, UT 84302, and the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, UT 84104.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments, suggestions, or objections to the District Manager of the Salt Lake District, Bureau of Land Management, 1750 South Redwood Road, Room 214, Salt Lake City, UT 84104; or the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, UT 84111.

The lands affected by this proposal are located in Box Elder County, Utah, and are described as follows:

SALT LAKE MERIDIAN, UTAH

T. 5 N., R. 18 W.,
Secs. 4, 6, 8, 10, 12, and 18.
T. 6 N., R. 18 W.,
Secs. 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 7 N., R. 18 W.,
Sec. 4, lots 3 and 4, S½NW¼, SW¼, N½SE¼;
Secs. 6, 8, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 7 N., R. 19 W.,
Secs. 8, 10, 12, 14, 20, 22, 24, 26, and 28.

The above described area aggregates 24,319.97 acres.

EDWARD J. HOFFMAN,
Acting State Director.

[F.R. Doc. 71-178; Filed, Jan. 6, 1971; 8:46 a.m.]

[OR 6409]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70-16935 appearing at page 19193 in the issue of Friday, December 18, 1970, the entry for Sec. 2 under "T. 12 S., R. 33 E.," should read "lots 1, 2, S½NE¼, E½SW¼, SE¼;".

Office of the Secretary

[Order No. 2508, Amdt. 90]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

• • • • • •

(49) The act of September 18, 1970 (84 Stat. 843) which authorizes reimbursement to the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah for tribal funds that have been used for construction, operation, and maintenance of the Uintah Indian irrigation project, Utah.

FRED J. RUSSELL,
Acting Secretary of the Interior.

DECEMBER 24, 1970.

[F.R. Doc. 71-187; Filed, Jan. 6, 1971; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (35 F.R. 12862, 14226, 15655, 17134, and 18887) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Pioneer Packing Co., Establishment 372, and the reference to swine with respect to such establishment are deleted. The reference to swine with respect to Sunray Meats, Inc., Establishment 2274, is deleted. The reference to H.A.S. Sweetmeat, Inc., Establishment 7025, and the reference to swine with respect to such establishment are deleted. The reference to swine with respect to Dic-Kota Meat Products, Inc., Establishment 7645, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Mankato Packing Co.	455	(*)						
George Waldenmaier & Sons	5327	(*)						
Utica Packing Co.	6832						(*)	
Schwartzman Packing Co.	7003	(*)						
Danville Meat Products	7486	(*)	(*)	(*)		(*)		
New establishments reported: 5.								
Perretta Packing Co., Inc.	671		(*)	(*)				
Clayton Packing Co.	2373			(*)				
Springfield Dressed Beef, Inc.	2590						(*)	
Community Abattoir, Inc.	2075					(*)		
Skyberg's	7616			(*)				
Monteith Meat Service	7617			(*)				
Anfedt's Locker Plant	7623			(*)				
Stanley Locker Service	7632		(*)	(*)				
Davidson's Processing Plant	7633		(*)					
Lundi Processing	7634		(*)					
Dakota Meats, Inc.	7636		(*)	(*)				
Species added: 14.								

Done at Washington, D.C., on December 30, 1970.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[F.R. Doc. 71-130; Filed, Jan. 6, 1971; 8:45 a.m.]

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination With Respect to Continuation in Effect of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER (35 F.R. 17795) that a referendum would be conducted among the growers who, during the period January 1, 1970, through October 31, 1970 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 1 to December 12, 1970, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: January 4, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 71-218; Filed, Jan. 6, 1971; 8:49 a.m.]

Packers and Stockyards Administration

TRI COUNTY LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Hodges Stock Yards of Alabama, Hurtsboro, Oct. 1, 1959.	Tri County Livestock Auction, Jan. 1, 1971.
IDAHO	
Burley Livestock Commission Co., Burley, Mar. 31, 1950.	Burley Livestock Commission Company, Nov. 18, 1970.
OKLAHOMA	
Anadarko Livestock Sale, Anadarko, Sept. 7, 1961--	J & B Livestock Auction, Nov. 10, 1970.
Locust Grove Sale Co., Inc., Locust Grove, May 1, 1959.	Locust Grove Sale Barn, Oct. 16, 1970.
PENNSYLVANIA	
Chesley's Livestock Auction, Little Hope, Dec. 9, 1959.	Chesley's Sales, Inc., Mar. 29, 1970.
TEXAS	
Coastal Cattle Association, Inc., Beaumont, Jan. 15, 1957.	Beaumont Livestock Commission Company, Sept. 1, 1970.

Done at Washington, D.C., this 4th day of January 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 71-219; Filed, Jan. 6, 1971; 8:49 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-500]

EUGENE ARMSTRONG

Notice of Loan Application

DECEMBER 31, 1970.

Eugene Armstrong, 43 Hudson Avenue, Port Monmouth, NJ 07758, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 42-foot length overall steel vessel to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[F.R. Doc. 71-182; Filed, Jan. 6, 1971; 8:48 a.m.]

[Docket No. B-501]

EUGENE L. BRACY

Notice of Loan Application

DECEMBER 31, 1970.

Eugene L. Bracy, Box 171, Horse Point Road, Port Clyde, ME 04855, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 36-foot length overall fiber glass vessel to engage in the fishery for lobsters and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[F.R. Doc. 71-183; Filed, Jan. 6, 1971; 8:46 a.m.]

[Docket No. B-499]

VINCENT DI MARTINO

Notice of Loan Application

DECEMBER 31, 1970.

Vincent Di Martino, 5 Berth Avenue, Kingston, RI 02881, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 56-foot length overall wood vessel to engage in the fishery for flounders, groundfish, butterfish, squid, scup, and lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[F.R. Doc. 71-176; Filed, Jan. 6, 1971; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Order Extending Provisional Construction Permit Completion Date

By application dated November 16, 1970, Omaha Public Power District requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-41. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Fort Calhoun Station, Unit No. 1 at the applicant's site in Washington County, Nebr., on the southwest bank of the Missouri River about 19 miles northwest of Omaha, Nebr.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-41 is extended from December 31, 1970, to December 31, 1972.

Dated at Bethesda, Md., this 30th day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 71-181; Filed, Jan. 6, 1971; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21866-7]

DOMESTIC PASSENGER FARE INVESTIGATION; PHASE 7—FARE LEVEL

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be heard on January 28, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 4, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[F.R. Doc. 71-215; Filed, Jan. 6, 1971; 8:49 a.m.]

[Dockets Nos. 21866, 22784; Order 70-12-155]

NORTHEAST AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1970.

By tariff revisions[1] marked to become effective January 11, 1971, Northeast Airlines, Inc. (Northeast), proposes to increase its military standby fares in noncompetitive markets from 50 percent to 60 percent of the normal coach fare. The carrier also proposes to cancel its Discover America fares in all markets except between Miami and Los Angeles.

The Board has recently suspended a number of proposals to increase both military-standby and military-reservation fares, and we shall take the same action here. As we have previously stated both fares have had wide usage by military personnel on furlough and as such are invested with broad public interest and national defense considerations which should be carefully explored before significant increases are permitted.

Upon consideration of the tariff proposal, the Board finds that the proposed military-standby fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. For the reasons stated above, we find that the proposals considered herein should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether fares and provisions described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military-standby fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-216; Filed, Jan. 6, 1971; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17,

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Filed as part of the original document.

[3] Concurring and dissenting statement of member Minetti and dissenting statement of vice chairman Gillilland, with member Adams agreeing, filed as part of the original document.

1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Executive Assistant to the Assistant Attorney General" to "Deputy Assistant Attorney General": Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-217; Filed, Jan. 6, 1971; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19113; FCC 70-1346]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of the Western Union Telegraph Co. Tariff FCC No. 251 applicable to SICOM service.

1. The Commission has under consideration (a) Tariff Supplement No. 1, filed by The Western Union Telegraph Co. on December 1, 1970, which cancels, effective January 1, 1971, Western Union's Tariff FCC No. 251 applicable to its Securities Industry Communication Service (SICOM), (b) "Motion to Reject Tariff Supplement Cancelling SICOM Tariff F.C.C. No. 251 and For Further Relief" filed December 17, 1970, by The Computer Time-Sharing Services Section of the Association of Data Processing Service Organizations, Inc. (ADAPSO) and (c) a "Petition for Suspension" of the tariff supplement filed December 18, 1970, by The Bunker Ramo Corp.[1]

2. Western Union states in its transmittal letter that the purpose of the canceling supplement is to permit SICOM, with certain new added features, to be offered by a new affiliate of Western Union on an unregulated, nontariffed basis. The new affiliate is named "Securities Information Communications Corporation" and the new features to be added to its SICOM offering are so-called "Order Match" services which include "price validation, order file storage, order file adjustments, order file inquiry, order/execution match, and order file maintenance."

3. SICOM is a computer-based information-communication service for members of the brokerage community, i.e., it is available only to members of the New York Stock Exchange, American Stock Exchange, or other exchanges in the United States dealing in securities and commodities, and their correspondents. The tariff offers channel facilities and station equipment for the transmission of communications between stations on a customer's private network, on a store and forward basis through a Western Union computer center. In addition to such message switching, the computer, under the present tariff, performs error checks, a system of transmission and delivery priorities, recording and reporting usage and format control. A more detailed description of the SICOM service appears in our decision In the Matter of the Western Union Telegraph Company Tariff F.C.C. No. 251 Applicable to SICOM Service, 11 FCC 2d 1 (1967). In this decision we carefully examined the various features of SICOM as it presently exists and denied petitions that had been filed by Bunker-Ramo and Scantlin Electronics, Inc., requesting us to suspend and investigate SICOM. We specifically held, in denying the petitions, that we were neither approving nor disapproving the SICOM tariff and that its validity was subject to challenge by properly supported complaint or petition, 11 FCC 2d 12-13.

4. Western Union contends that the addition of the "Order Match" computer functions to SICOM, together with other alleged data processing features to be added in the near future, will transform SICOM from a communication service to a "hybrid" data processing service competitive with similar services offered by Bunker-Ramo, Ultronics and similar nonregulated firms, and that, under the Commission's Tentative Decision in the Computer Inquiry, Docket No. 16979, released April 3, 1970 (FCC 70-338), such hybrid data processing service should be furnished on an unregulated competitive basis. The company states that it will sell its SICOM assets to the new affiliate at net book value for about $10 million. (The assets to be sold are the computers, dalcodes and terminals.) In summary, the company argues that the cancellation will benefit the SICOM customers by making available to them a service that can be promptly changed to meet the needs of the securities industry in a highly competitive field and by creating a separate company that will be able to meet the special needs of SICOM customers. Further, the company claims that the cancellation will benefit Western Union by strengthening its financial position by the aforementioned $10 million and by divesting Western Union of what is essentially a data processing service that is not in consonance with the long-range integrated communications service objectives of Western Union.

5. In our Tentative Decision in the Computer Inquiry, Docket No. 16979, we proposed to establish a policy that would permit communications common carriers (other than the Bell System) to engage indirectly in the sale of data processing services on a nontariffed basis through separate corporate entities subject to certain requirements and safeguards. However, ADAPSO, Bunker-Ramo and others have submitted comments in partial opposition to such proposal and have argued orally before the Commission en banc in support of their objections. The matter is now before us for final decision.

6. Thus, ADAPSO and Bunker-Ramo contend that Western Union should not be allowed to provide SICOM service, either directly or through an affiliate, on an unregulated or de-tariffed basis, at least until the Commission renders its final decision in the aforesaid Computer Inquiry. They contend, among other things, that if we permit the canceling supplement to go into effect, we will be prejudging some of the contentions made by ADAPSO and Bunker-Ramo in the Computer Inquiry. For example, ADAPSO and Bunker-Ramo urge that communications carriers, either directly or indirectly, be absolutely barred from furnishing data processing services to others or that they be severely restricted in providing such services by the imposition of more extensive safeguards than those proposed by the Commission in its Tentative Decision.

7. Under the foregoing circumstances, we are of the opinion that the validity of the tariff supplement withdrawing the SICOM service as a common carrier offering should be assessed on the basis of the final policy determinations we will make shortly in the Computer Inquiry. This procedure will in our judgment best conduce to orderly administrative process and the ends of justice. Accordingly, we will suspend the tariff supplement at this time with the expectation that our final decision in the Computer Inquiry will be forthcoming within a matter of several weeks. It is our intention to take prompt further action with respect to the tariff supplement in light of, or in conjunction with, such final decision, including the immediate lifting of the suspension if warranted by that decision.

8. *It is ordered*, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the above-described canceling supplement in Tariff FCC No. 251, Supplement No. 1, including cancellations, amendments or reissues thereof;

9. *It is further ordered*, That, pursuant to the provisions of section 204, the operation of the above-described supplement is hereby suspended until April 1, 1971.

10. *It is further ordered*, That pending the issuance of a final decision in the Computer Inquiry, the investigation instituted herein shall be held in abeyance, and the Commission will issue such further orders herein as may be appropriate in the light of such final decision.

11. *It is further ordered*, That the Western Union Telegraph Co. is made a party respondent and The Computer Time-Sharing Services Section of the Association of Data Processing Service Organizations, Inc. and The Bunker-Ramo Corp. shall be permitted to intervene as parties upon the filing of notices of intent to intervene within 15 days from the release date of this order.

Adopted: December 23, 1970.

Released: December 31, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 71-196; Filed, Jan. 6, 1971; 8:47 a.m.]

[1] The Commission has also considered a "Petition For Relief" by The Business Equipment Manufacturers Association filed on Dec. 21, 1970, an "Opposition" to such petition filed by W.U. on Dec. 22, 1970, and an "Opposition" filed by W.U. on Dec. 22, 1970, to the petitions of Bunker-Ramo and ADAPSO.

[Docket No. 19043; FCC 70R-455]

WESTERN CONNECTICUT BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In the matter of revocation of the licenses of Western Connecticut Broadcasting Co. for standard broadcast station WSTC and FM broadcast station WSTC-FM, Stamford, Conn.

1. This proceeding was instituted by an order to show cause and notice of apparent liability (FCC 70-1093, released Oct. 8, 1970), directed toward the possible revocation of the licensees of Western Connecticut Co. (Western Connecticut) for Stations WSTC and WSTC-FM, Stamford, Conn. Among the various issues specified in the order were misrepresentation and character qualification issues. Presently before the Review Board is a motion to enlarge and modify issues, filed November 16, 1970, by Western Connecticut.[3]

2. Western Connecticut first requests enlargement of the issues to allow adduction of evidence relating to its past broadcast record. In support thereof, petitioner asserts that equitable considerations demand the admission of such mitigating evidence in order to permit Commission consideration of its overall broadcast performance before resolving the public interest questions. Petitioner insists this evidence is also necessary to assess correctional measures, if any are found to be needed. Further, maintains Western Connecticut, since the misrepresentation issue is based on the alleged misconduct of Julian Schwartz, WSTC's station manager, it should be permitted to introduce evidence pertaining to Schwartz's character and reputation for honesty. Petitioner indicates that "it may well be" that such evidence is admissible under the existing issues. If not, however, petitioner requests the addition of an appropriate issue. Therefore, to ensure a full inquiry into these matters, Western Connecticut requests the addition of issues to determine:

Whether the stations' past programming and service to the community have been meritorious and whether the stations have been operated in a manner consistent with the obligations of a licensee.
and

Whether Julian Schwartz is of good character and has a reputation for honesty and integrity.

3. In its comments, the Bureau indicates that it has no general objection to petitioner's request for a meritorious programing issue, but it does object to the inclusion of the issue as framed by Western Connecticut. The Bureau opposes an issue which would permit the adduction of evidence to establish a licensee has operated consistent with Commission rules—every licensee, urges the Bureau, is presumed to have met its minimal obligations and this evidence cannot therefore demonstrate meritorious programing. Thus, the Bureau states, the only appropriate issue which would be included is as follows:

To determine whether the programing of Stations WSTC and WSTC-FM has been meritorious, particularly with regard to public service programs.

Regarding the requested clarification or addition of an issue relating to Schwartz, the Bureau is of the opinion that this request has been brought in the wrong forum; such requests, concludes the Bureau, should first be ruled on by the Hearing Examiner.

4. The Review Board will add an issue permitting Western Connecticut to adduce evidence in support of an asserted past record of meritorious programing. Such evidence may mitigate adverse findings under the misrepresentation and character issues. See Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969). Nevertheless, the addition of this issue will not preclude the parties from arguing the weight to be accorded the evidence adduced. United Television Co. (WFAN-TV), 25 FCC 2d 1014, 20 RR 2d 293 (1970), and Hawaiian Paradise Park Corp., —— FCC 2d ——, 19 RR 2d 894 (1970). However, we agree with the Broadcast Bureau that a demonstration of operation consistent with Commission rules and requirements cannot be equated with a demonstration of meritorious programing; thus, the only evidence which is acceptable here is that relating to meritorious programing. The issue, consistent with our usual practice, will therefore be framed as suggested by the Bureau. E.g., Jack Straw Memorial Foundation, 26 FCC 2d 492 (1970), and Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968).

5. The Board also concurs with the Bureau in that Western Connecticut's request for clarification should first be addressed to the Hearing Examiner. See § 1.248(c)(1) of the Commission's rules. This procedure, well established in Commission precedent, facilitates the orderly and effective workings of the Commission processes. William Garett Driskell, 18 FCC 2d 654, 16 RR 2d 914 (1969), and Royal Broadcasting Co. (KHAI), 4 FCC 2d 863, 8 RR 2d 637 (1966). Therefore, petitioner's request for clarification or enlargement of issues as it relates to Schwartz's character and representation will be denied.

6. *Accordingly, it is ordered*, That the motion to enlarge and modify issues, filed November 16, 1970, by Western Connecticut Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and

7. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programing of Stations WSTC and WSTC-FM have been meritorious, particularly with regard to public service programs.

8. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and of proof on the issue herein added shall be on Western Connecticut Broadcasting Co.

Adopted: December 28, 1970.

Released: December 30, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 71-197; Filed, Jan. 6, 1971; 8:47 a.m.]

[Report No. 525]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JANUARY 4, 1971.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior-filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

[2] Commissioner Johnson concurring in the result; Commissioner Wells absent.

[3] Comments were filed by the Broadcast Bureau on Nov. 30, 1970.

exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call, sign and nature of application

3318-C2-TC-71—Danville Redipage, Inc. Consent to transfer of control from C. Eugene Simpson, Charles O. Simpson, Leslie P. Simpson, Joseph O. and Joyce E. Goggin (Joint Tenants with Right of Survivorship), Transferors, to: C. Eugene Simpson, Charles O. Simpson and Leslie P. Simpson, Transferees. Station: KSA343, Danville, Ill.

3319-C2-P-71—Electrocom Corp. (KCI297), C.P. for additional facilities to operate on frequency 454.10 MHz at location No. 2: 111 Perkins Street, Boston, MA.

3320-C2-P-71—ComEx, Inc. (KCC797), C.P. for additional facilities to operate on frequency 454.10 MHz at a new site described as location No. 4: 111 Perkins Street, Boston, MA.

3342-C2-P-71—General Telephone Co. of Pennsylvania (New), C.P. for a new one-way station to be located at Cranberry Township, 2 miles south of Oil City, Pa., to operate on frequency 35.58 MHz.

3344-C2-P-71—Page Boy Inc. (KEA860), C.P. for additional facilities to operate on frequency 35.22 MHz at the Empire State Building, 350 Fifth Avenue, New York.

3345-C2-AL-71—Associated Telephone Answering Service. Consent to assignment of license from Associated Telephone Answering Service, Assignor, to Associated Communications, Inc., Assignee. Station: KCI309, Bridgeport, Conn.

Major Amendment

2685-C2-TC-71—General Telephone Co. of Georgia. Amendment to reflect assignment of license rather than transfer of control from General Telephone Co. of Georgia to General Telephone Co. of the Southeast. Station KIY396, Dalton, Ga. (Public Notice dated Nov. 30, 1970.)

RURAL RADIO SERVICE

3346-C1-P/L-71—Center Island Beach Club Inc. (New), C.P. and license for a new rural subscriber station to be located at 23 Chinook Way, Center Island, WA, to operate on frequencies 157.77 and 157.80 MHz communicating with Station KOA732, Seattle, Wash.

3347-C1-P/L-71—United Telephone Co. of Florida (New), C.P. and license for a new rural subscriber station to be located at Cabbage Key Island, 4.25 miles west of Pineland, Fla., to operate on frequencies 157.89 and 157.95 MHz communicating with Station KIJ354, Fort Myers, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

3321-C1-P-71—Northern Ohio Telephone Co. (KQK39), C.P. to change antenna system and replace transmitters operating on frequencies 6197.2, 6226.9, 6345.5, and 6315.9 MHz at its station located 508 Main Street, Genoa, OH.

3322-C1-P-71—Northern Ohio Telephone Co. (KQK40), C.P. to change antenna system and replace transmitters operating on 5945.2 and 6063.8 MHz at its station 122 Jefferson Street, Port Clinton, OH.

3324-C1-P-71—American Telephone & Telegraph Co. (KEA77), C.P. to add 6063.8 MHz directed toward Iselin, N.J., at its station 0.8 mile north of Cherryville, N.J.

3325-C1-P-71—American Telephone & Telegraph Co. (KEA76), C.P. to add 6315.9 MHz directed toward Cherryville, N.J., and New York 7, N.Y., at its station 0.85 mile west of Iselin, N.J.

3326-C1-P-71—American Telephone & Telegraph Co. (KEL79), C.P. to add 6063.8 MHz toward Iselin, N.J., at its station 811 10th Avenue, New York, NY.

3330-C1-AL-71—American Telephone & Telegraph Co. (KOV56), Consent to assignment of license from American Telephone & Telegraph Co., Assignor, to The Mountain States Telephone & Telegraph Co., Assignee. (Great Falls, Mont.)

3331-C1-AL-71—Northwestern Bell Telephone Co. (KGD51), Consent to assignment of license from Northwestern Bell Telephone Co., Assignor, to American Telephone & Telegraph Co., Assignee. (St. John, N. Dak.)

3336-C1-P-71—Indiana Bell Telephone Co. (KSV86), C.P. to replace transmitters operating on frequencies 6271.4, 6330.7, 6412.2, and 11,405 MHz at its station 1100 feet west of South 23d and Raible Streets, Anderson, IN.

3349-C1-MP-71—Northwestern Bell Telephone Co. (KAK53), Modification of C.P. to change frequency 6192.0 MHz to 5935.0 MHz toward Arthur, N. Dak., at its station 409 First Avenue, North Fargo, ND.

3350-C1-MP-71—Northwestern Bell Telephone Co. (KAK54), Same as above, except: Change frequency 5935.0 MHz to 6108.0 MHz toward Fargo, N. Dak., at its station 3.5 miles south of Arthur, N. Dak.

[F.R Doc. 71-198; Filed, Jan 6, 1971; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement No. 9899]

AMERICAN EXPORT ISBRANDTSEN LINES, ET AL.

Supplemental Order Requiring Submission of Information

On November 24, 1970, the Commission pursuant to section 15 of the Shipping Act, 1916, approved an agreement providing for the exchange of certain types of information between American Export Isbrandtsen Lines, Atlantic Container Lines, Ltd., Dart Containerline, Hapag-Lloyd, A.G., Seatrain Lines, Inc., Sea-Land Service, Inc., and United States Lines, Inc.

The approval of the agreement was, among other things, conditioned upon the following language:

It is further ordered, That each and every exchange, discussion, or agreement transacted under the terms of this agreement shall be reported in writing to the Commission within ten (10) days of such occurrence. Such report will be rendered in a form adequate to fully inform the Commission of the topics discussed or information exchanged and the time such discussion and exchange took place.

On December 11, 1970, the Department of Justice filed with the U.S. Court of Appeals for the District of Columbia [1] an application for a temporary stay and a motion for stay pending review of our order of approval of Agreement 9899. On December 30, 1970, the Court, per curiam, denied the Department's motion and application conditioned upon a Commission order that the parties to the agreement supply the Commission all information exchanged pursuant to Agreement 9899.

Accordingly, the order of approval dated November 24, 1970, is hereby amended by substitution of the following language in lieu of that set forth above:

It is further ordered, That each and every exchange, discussion, or agreement transacted under the terms of this agreement shall be reported in writing to the Commission within ten (10) days of such occurrence. Such report will be rendered in a form adequate to fully inform the Commission of the topics discussed and shall contain ten (10) copies of all information exchanged as well as the time such discussion and exchange took place. All information exchanged to date pursuant to the terms of this agreement shall be forwarded to the Commission within five (5) days of service of this supplemental order.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-209; Filed, Jan. 6, 1971; 8:49 a.m.]

[1] United States of America v. Federal Maritime Commission and United States of America, Docket No. 24,895.

SUN LINE, INC.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-58 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,050.

Sun Line, Inc.,
8 Othonos Street,
Athens, Greece.

Whereas, Sun Line, Inc., has ceased to operate the passenger vessel *Stella Solaris;* and

Whereas, Sun Line, Inc., has returned Certificate (Performance) No. P-58 and Certificate (Casualty) No. C-1,050 for revocation.

It is ordered, That Certificate (Performance) No. P-58 and Certificate (Casualty) No. C-1,050 covering the *Stella Solaris* be and are hereby revoked effective December 30, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-208; Filed, Jan. 6, 1971; 8:48 a.m.]

FLAGSHIP CRUISES, LTD., AND FLAGSHIP CRUISES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; Indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Flagship Cruises, Ltd., and Flagship Cruises, Inc., Bank of Bermuda Building, Hamilton, Bermuda.

Dated: December 16, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-210; Filed, Jan. 6, 1971; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9314-1, between the carriers listed above, modifies the basic transshipment agreement between them pertaining to the transportation of cargo from Indonesia to Oregon and Washington by (1) adding Singapore and all Japanese ports as transshipment points; and (2) reapportioning the through rates on the basis of one-third to American President Lines and two-thirds to American Mail Line.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-211; Filed, Jan. 6, 1971; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND EVERETT ORIENT LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9918, between the carriers listed above, provides for the transportation of cargo under through bills of lading and pursuant to the terms of the agreement from American Mail Line's ports of call in Oregon, Washington, and Alaska to Everett Orient Line's ports of call in Malaysia and Singapore with transshipment in Japanese ports or in Hong Kong.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-212; Filed, Jan. 6, 1971; 8:49 a.m.]

JAPAN LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set

forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Graydon S. Staring, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Japan Line, "K" Line, Mitsui-O.S.K. Lines, Yamashita-Shinnihon Steamship Co., Lilly Shipping Agencies, Transpacific Transportation Co., Kerr Steamship Co., Williams-Dimond-Rountree Agencies, Williams Dimond & Co., and Japan Line (USA) Ltd.

Agreement No. 9721, as amended, between the parties noted above is an arrangement between the four Japanese flag lines and their West Coast agents which permits the establishment and operation of terminals in Oakland and Los Angeles for the container ship service of the four lines. All parties are shareholders in the Oakland Container Terminal Co., Inc., and in the Los Angeles Container Terminal Co., Inc. The purpose of Agreement No. 9721-2, which has been filed, is to permit the stock in the terminals corporations now held by Transpacific Transportation Co. (Transpacific) to be relinquished by them to the other shareholders, and reissued by those shareholders to Transpacific's successor agent, Japan Line (USA) Ltd.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-213; Filed, Jan. 6, 1971; 8:49 a.m.]

NORTON LINE JOINT SERVICE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following agreement will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER.

Notice of agreement filed by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, One Twenty Broadway, New York, NY 10005.

Agreement No. 7559-7, among the member lines of the Norton Line Joint Service, provides for the termination of their agreement as a joint service effective January 31, 1971.

Dated: January 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-214; Filed, Jan. 6, 1971; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

TENNESSEE NATIONAL BANCSHARES, INC.

Amendment to Application

In the matter of the application of Tennessee National Bancshares, Inc., Maryville, Tenn., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

On March 26, 1970, there was published in the FEDERAL REGISTER (35 F.R. 5137) an order by the Board approving the application of Tennessee National Bancshares, Inc., Maryville, Tenn., to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, and The First National Bank of Oneida, Oneida, and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, all located in the State of Tennessee.

Notice is hereby given that an amendment to the application has been filed, whereby Applicant seeks approval to acquire 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, Tenn., and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, Tenn. In its amended application, Applicant does not seek approval to acquire any voting shares of The First National Bank of Oneida, Oneida, Tenn.

Not later than January 20, 1971, comments and views regarding the amended proposal may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application and amendment may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, December 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71-186; Filed, Jan. 6, 1971; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 121]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 31, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 268), filed November 25, 1970. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. James and St. Charles Parishes, La. (except from the plantsite of Monsanto Co. at or near Luling, La., in St. James Parish, and, except from the plantsite of Union Carbide Corp. at or near Taft, La., in St. Charles Parish, to points in Texas, California, Washington, and Oregon; and, except the plantsite of Hooker Chemical Co. at or near Taft, La., in St. Charles Parish to points in Texas; and except points in St. James Parish within 15 miles of Geismar, La.). NOTE: Applicant states that tacking is possible but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1074 (Sub-No. 13), filed November 24, 1970. Applicant: ALLEGHENY FREIGHT LINES, INCORPORATED, Post Office Box 601, Winchester, VA 22601. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Women's apparel and materials, supplies, and equipment* used in or useful to their manufacture, serving Harrisville, W. Va., as an off-route point in connection with carriers presently authorized regular route authority in Docket No. MC 1074 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 207), filed November 25, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood, paneling, and moulding;* and (2) *materials, supplies, and accessories* (except commodities in bulk), used in the installation of plywood, paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling, and moulding, from points in Manatee County, Fla., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 3468 (Sub-No. 160), filed December 7, 1970. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint MI 48501. Applicant's representative: Gerald K. Gimmel, Suite 705, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes*, in driveaway and truckaway service, from Brighton, Mich., to points in the United States (except points in Hawaii); and (2) *motor homes*, in secondary movements, in truckaway and driveaway service, between points in the United States (except points in Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 10761 (Sub-No. 252), filed December 4, 1970. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representatives: L. G. Naidow (same address as applicant), and A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Borg & Beck Division of Borg-Warner Corp., at 18½ Mile Road, east of Mound Road, Sterling Heights, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich., and serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 31879 (Sub-No. 30), filed December 11, 1970. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, MO 64116. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock, restricted so that no service shall be rendered in the transportation of any parcel, package, or article weighing more than 100 pounds and further restricted against the transportation of any parcel, package, or article weighing in the aggregate of more than 200 pounds from any one consignor at any one location to any one consignee at any one location, on any one day; between points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Charlton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Hold, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Monitcau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Claire, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo., points in Kansas, and points in Nebraska on, south, and 10 miles north of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30, and thence continuing over U.S. Highway 30 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in the Oklahoma counties of Kay, Noble, Payne, Logan, Canadian, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, Love, Ottawa, Craig, Mayes, Wagoner, Tulsa, Muskogee, McIntosh, Pittsburg, Atoka, and Bryan, and the Texas counties of Tarrant and Dallas. NOTE: Applicant states it intends to tack at points in Kansas to serve Denver, Colo., Boone and Carroll Counties, Ark., and St. Louis, Mo. (applied for in Sub-28). If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 44984 (Sub-No. 4), filed November 30, 1970. Applicant: BROWN'S MOVING AND STORAGE COMPANY, INC., 1215 State Fair Boulevard, Syracuse, NY 13209. Applicant's representative: John A. Barnaba, 224 Harrison Street, Suite 609, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, limited to the transportation of shipments both (1) moving on the through bill lading of a freight forwarder operating under the exemption provisions of section 402(b); and (2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water or air, between points in Oswego, Cayuga, Oneida, Onondaga, Madison, and Cortland Counties on the one hand, and, on the other, points in the State of New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, Buffalo, or Rochester, N.Y.

No. MC 55778 (Sub-No. 16), filed December 9, 1970. Applicant: MOTOR DISPATCH, INC., 2559 South Archler Avenue, Chicago, IL. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant and warehouse sites of the Kitchens of Sara Lee Corp. at Deerfield and Chicago, Ill., to points in New York, New Jersey, Delaware, Maryland, District of Columbia, Rhode Island, Connecticut, Pennsylvania, Massachusetts, West Virginia, Virginia, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96630 (Sub-No. 5), filed December 11, 1970. Applicant: BALSER TRUCK CO., a corporation, 8332 Wilcox Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in specially designed compartmentalized tank trailers, from Cucamonga, Calif., to points in El Paso County, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 99019 (Sub-No. 4) (Amendment), filed October 26, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished as amended, this issue. Applicant: ROBERT BLACK & SONS, INC., Roseville and Hydraulic Streets, Buffalo, NY. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Flour*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Pennsylvania on and west of U.S. Highway 15, restricted to traffic having a prior movement by rail; (b) *dry commodities*, in bulk, in tank vehicles, except cement, from Buffalo, N.Y., to points in Pennsylvania and Ashtabula, Cleveland, Columbus, Millersburg, Solon, Toledo, and Youngstown, Ohio, restricted against the movement of traffic originating from points in Canada; (c) *general commodities*, except liquid chemicals, coal tar products and petroleum and petroleum products, in bulk, in tank vehicles, between points in Erie County, N.Y.; and from points in Erie County, N.Y., to points in Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, and Wyoming Counties in New York; from points in Niagara County, N.Y., to points in Erie County, N.Y.; (d) *iron, steel, machinery and refrigeration equipment*, from points in Erie County, N.Y., to points in Cayuga, Tompkins, and Yates Counties in New York; and (e) *machinery*, from points in Cattaraugus County, N.Y., to points in Erie County, N.Y. NOTE: The instant application seeks to convert its certificate of registration under Sub-No. 1 as sought in paragraphs (c), (d), and (e) above, to a certificate of public convenience and necessity. The purpose of this republication is to amend paragraphs (b) and (c) and to clarify note. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 103993 (Sub-No. 583), filed November 30, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Ralph H. Miller and Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements; *buildings and sections of buildings*, from Pontotoc County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Ada, Okla.

No. MC 103993 (Sub-No. 584), filed December 7, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from points in Hancock and Warren Counties, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107227 (Sub-No. 116), filed December 7, 1970. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and motor showrooms*, from points in Grayson County, Tex., and Tulare County, Calif., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 477), filed December 17, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, partitions, shutters, screens, windows, sash, frames (window or door), and accessories* used in the installation thereof, from Pella, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107295 (Sub-No. 479), filed December 17, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox, Pre-Fab Transit Co., Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, finished and unfinished, from Bessemer, Mich., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 107515 (Sub-No. 721), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant), and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in New York on and west of New York State Highway 57 and Interstate Highway 81 to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Virginia, Tennessee, Louisiana, Texas, Mississippi, Arkansas, and Oklahoma. NOTE: Applicant states that the requested authority could be tacked with its existing authority under Sub 471 in Pike and Spalding Counties, Ga., which would allow service to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin, but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111467 (Sub-No. 28) (Amendment), filed October 27, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished as amended this issue. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flux stone*, from points in Rock Island County, Ill., to Dubuque, Iowa. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. The purpose of this republication is to reflect the origin as from points in Rock Island County, Ill., in lieu of Hillsdale, Ill., thereby broadening the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 111940 (Sub-No. 50) (Correction), filed October 23, 1970, published in the FEDERAL REGISTER issue of November 26, 1970, and republished as corrected, in part this issue. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, PA 17756. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. The purpose of this partial republication is to reflect one of the commodities sought, "compounded oil greases and lubricated greases" to read instead as *compounded oil and greases and lubricating greases*. The rest of the application remains as previously published.

No. MC 113434 (Sub-No. 40), filed December 14, 1970. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foodstuffs*, from points in Ionia County, Mich., to points in Indiana and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 113434 (Sub-No. 41), filed December 15, 1970. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the site of Hirzel Canning Co., Inc., located at or near Toledo, Ohio, to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 113951 (Sub-No. 5), filed December 3, 1970. Applicant: CRESSY TRANS. CO., INC., 109 Glenellen Road, West Roxbury (Boston), MA 02132. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and banana advertising displays*; (1) from Wilmington, Del.; Providence, R.I.; and Boston and Fall River, Mass.; to Bath and Gardiner, Maine; and Manchester, N.H.; and (2) from Manchester, N.H., to points in Maine, and Barre, Burlington, and White River Junction, Vt. NOTE: Applicant states that the requested authority can be tacked at Manchester, N.H., for service into Maine and to the three Vermont points. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 115162 (Sub-No. 212), filed November 30, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight and containers* between points in Mobile County, Ala., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states tacking can be accomplished at points in Mobile County, Ala., through MC 115162 (Sub-No. 5) et al. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115180 (Sub-No. 67), filed November 23, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, drugs, pharmaceuticals* (except in bulk), in mechanical refrigerated equipment, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115654 (Sub-No. 12), filed December 9, 1970. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Nashville, TN 37202. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, moving in mechanically temperature controlled vehicles), including *advertising materials, premiums, and related commodities*, when moving in connection with foodstuffs shipments, from Cincinnati, Ohio, to Nashville, Tenn., and *refused, rejected, or damaged shipments*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115814 (Sub-No. 7), filed December 4, 1970. Applicant: MARK TRUCKING, INC., Trella Street, Belleville, PA 17004. Applicant's representative: R. Lee Ziegler, 5 North Main Street, Lewistown, PA 17044. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Paper dairy case product containers*, from Moorestown, N.J., to Belleville, Pa., over U.S. Highway 130, Interstate Highway 76, U.S. Highway 30, U.S. Highway 22, and State Highway 655, under contract with Abbotts Dairies Division of Fairmont Foods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewistown, Harrisburg, or Altoona, Pa.

No. MC 116947 (Sub-No. 14), filed November 30, 1970. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts and accessories and equipment* used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from Baltimore, Md.; Long Island City, N.Y.; Edison, N.J.; Collierville, Tenn.; and Hamburg, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kansas, Missouri, Oklahoma, and Texas, under contract with National Can Corp. of Chicago, Ill. NOTE: Applicant holds common carrier authority under MC 117956 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117765 (Sub-No. 115), filed December 7, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (nonalcoholic), in containers, (1) from plantsite of Shasta Beverages, Lenexa, Kans., to points in Illinois, Iowa, Minnesota, Nebraska, and South Dakota; and (2) from plantsite of Shasta Beverages, Granite City, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118776 (Sub-No. 13), filed November 30, 1970. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, IL 62301. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, IL 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand*, bonded, in bulk, from Aurora, Ill., to points in the United States, except Hawaii, Alaska, Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 124459 and Sub-1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant

requests it be held at Springfield, Ill.; St. Louis or Kansas City, Mo.

No. MC 119619 (Sub-No. 39), filed December 8, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from East Brunswick, N.J., to points in Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, Nebraska, Missouri, Kansas, Kentucky, and points in Pennsylvania on and west of U.S. Highway 15, from the Maryland-Pennsylvania State line to its intersection with the Pennsylvania-New York State line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 119754 (Sub-No. 5), filed November 12, 1970. Applicant: STANLEY A. WESTGOR, doing business as WESTGOR TRUCKING CO., Wittenberg, WI 54499. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden posts and poles*, between points in Wisconsin; the Upper Peninsula of Michigan; that part of Illinois on and north of Illinois Highway 9; and that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction U.S. Highway 53 north of Virginia, Minn., thence along U.S. Highway 53 to International Falls, Minn., including International Falls, Minneapolis, and St. Paul, Minn., and points within 5 miles of Minneapolis and St. Paul, Minn. NOTE: Applicant states that the sole purpose of this application is to change the commodity descripiton comprising a portion of its lead certificate, so as to substitute for the description "cedar posts and poles", to "wooden posts and poles". Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 126276 (Sub-No. 41), filed December 7, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plates, plastic and paper; cups, plastic and paper; plastic knives, spoons and forks; and materials and supplies used or useful in the manufacturing thereof*, from the plantsite of American Can Co. at Lexington, Ky., to points in Illinois, Wisconsin, Michigan, and Indiana, under contract with the American Can Co. NOTE: Applicant has pending in MC 134612 a common carrier application, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127304 (Sub-No. 8), filed December 9, 1970. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses, between Wichita, Kans., on the one hand, and, on the other, points in California, Oregon, Washington, Idaho, Utah, Montana, Colorado, New Mexico, Arizona, and Nevada, under a continuing contract with Kansas Beef Industries, Inc., and its subsidiaries and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Lincoln, Nebr.

No. MC 127336 (Sub-No. 1), filed December 11, 1970. Applicant: PETE INSANA, doing business as PETE INSANA'S AUTO AND BODY REPAIR, 139 Ohio Street, Washington, PA 15301. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Replacement vehicles* for wrecked or disabled motor vehicles, trailers, or busses, by use of wrecker equipment only, between points in Allegheny, Washington, Greene, Fayette, Westmoreland, and Beaver Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, New York, and New Jersey; and (2) *wrecked, disabled, or repossessed motor vehicles, trailers, and busses* (except trailers designed to be drawn by passenger automobiles) and replacement vehicles therefor, by use of wrecker equipment only; (a) between points in Washington County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, Florida, Georgia, Mississippi, and Alabama; and (b) between points in Bedford County, Pa., on the one hand, and, on the other, points in Maryland. NOTE: Applicant states that the requested authority could be tacked at points in Washington County, Pa. However, no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128527 (Sub-No. 16), filed December 4, 1970. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergguist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products* from the plantsite of Idaho Meat Packers, Inc., at Caldwell, Idaho, to Spokane, Seattle, Tacoma, Fort Lewis, and McChord Air Force Base, Wash.; (2) *canned and bottled foodstuffs* from Payette, Idaho, and Nyssa, Oreg., to points in California; and (3) *scrap metal and compressed automobile bodies and parts* from points in Idaho south of the southern boundary of Idaho County to Portland, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128806 (Sub-No. 5), filed November 23, 1970. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, IL 60010. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bags, from the facilities of Illinois Nitrogen Corp., at or near Marseilles, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129352 (Sub-No. 6), filed December 4, 1970. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle, WA 98135. Applicant's representative: George R. LaBissoniefe, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, and aluminum* in bars, sheets, plate, and tubing, between Los Angeles and Berkeley, Calif., and Portland, Oreg., and Kent, Wash.; and (2) *lumber* from points in Washington and Oregon on the west of U.S. Highway 97 to points in California; under contract with Northwest Hardwoods, Inc., and Ducommun Metals & Supplies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133021 (Sub-No. 4) (Amendment), filed November 13, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished in part, as amended, this issue. Applicant: JOHN L. WILSON, doing business as J. W. TRUCKING, Post Office Box 144, Round Hill, VA 22141. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Spring, MD 20910. NOTE: The purpose of this republication is to include the State of Florida as an additional destination State in item (1) and as an additional origin State in item (2) as previously published on December 10, 1970. The rest of the application remains as published on that date.

No. MC 133893 (Sub-No. 1), filed December 9, 1970. Applicant: MASPETH TRUCKING SERVICE, INC., 48–98 Maspeth Avenue, Maspeth, New York, NY 11378. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, knitted and woven cloth, cotton, wool, and synthetic fabric waste, and wearing apparel*, between that portion of the New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), and Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Passaic and Union Counties, N.J. NOTE: Applicant states it seeks to include the counties of Passaic and Union to the authority it holds to serve points in New York and New Jersey. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134286 (Sub-No. 7), filed December 10, 1970. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Cmaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Platte Valley Foods at Wahoo, Nebr., to points in Alabama, Arkansas, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Maine, Vermont, New Hampshire, New Jersey, Delaware, Maryland, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134300 (Sub-No. 7), filed December 15, 1970. Applicant: PELHAM PRODUCE CARRIERS, INC., 649 Pelham Boulevard, St. Paul, MN 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, packinghouse products and articles distributed by meat packinghouses* as set forth in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs* when transported in mixed shipments with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Hertford County, N.C., and that portion of Tennessee on and east of U.S. Highway 27 and on and north of Tennessee Highway 68. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135007 (Sub-No. 1), filed December 7, 1970. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities of Spencer Foods, Inc., at or near Schuyler and Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Washington, D.C., North Carolina, and South Carolina under contract with Spencer Foods, Inc., restricted to traffic destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135062 (Sub-No. 1) (Correction), filed November 4, 1970, published in the FEDERAL REGISTER issue of December 3, 1970, and republished as corrected this issue. Applicant: MIKE MERCURE TRUCKING, INC., Rural Delivery No. 1, New Waterford, OH 44445. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, in bulk, in dump vehicles, from points in Middleton Township (Columbiana County), Ohio to points in Beaver, Allegheny and Westmoreland Counties, Pa.; and Weirton, W. Va., under continuing contract with Metropolitan Industries, Inc.; and (2) *coal*, in bulk, in dump vehicles, from points in Elkrun and Middleton Townships (Columbiana County), Ohio to points in Beaver County, Pa., under continuing contract with Ferris Coal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa. The purpose of this republication is to clarify the scope of the authority sought.

No. MC 135131 (Sub-No. 1), filed December 7, 1970. Applicant: LONG BROTHERS TRUCKING, INC., 429 Josephine Drive, Billings, MT 59101. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections, including doors, windows, hardware and miscellaneous building materials and parts*, when moving at the same time in the same vehicle and part of the same shipment with the buildings in sections from Chehalis, Wash., to points in Montana and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135155, filed December 3, 1970. Applicant: G. P. SULLIVAN COMPANY, 2000 South Western Avenue, Chicago, IL 60608. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture* from trailers to warehouses and from warehouses to consumers; and (2) *lawn mowers, lawn and garden equipment, snow removal equipment, boats, boat and camping equipment, home power tools, bicycles, floor covering, artificial Christmas trees and ornaments, electrical appliances, stoves, washing machines, refrigerators, air conditioners, television sets, radios, gas appliances, build-equipment and ranges*, from points in Cook County, Ill., to points in Lake and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135169, filed December 7, 1970. Applicant: B & D TRANSFER & BONDED WAREHOUSE, INC., 2540 Northwest 74th Street, Miami, FL 33147. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and commodities requiring refrigeration), between points in Dade and Broward Counties, Fla., restricted to shipments having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 135171, filed December 9, 1970. Applicant: T & D TRANSFER & STORAGE, a corporation, 345 K Street, Post Office Box 275, Chula Vista, CA 92012. Applicant's representative: Clyde E. Herring, 320 Transportation Building, 815 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in San Diego, Orange, and Los Angeles Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Diego or Los Angeles, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 159) (Amendment), filed November 6, 1970, published

in the FEDERAL REGISTER issue of December 3, 1970, and republished in part, this issue. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. The purpose of this partial republication is to show the following changes: (1) To change the description of the operating authority applied for to read "the transportation of *passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours," beginning and ending at all of the various counties and cities originally applied for with the following additions for deletions of the counties named; (2) to add to the origin territory Chatham and Randolph Counties, N.C.; and (3) to delete from the origin territory the following counties: Onslow, Lenoir, Greene, Pitt, Beaufort, Washington, Tyrrell, Martin, Wilson, Edgecomb, Nash, Halifax, Northampton, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Gates, Camden, Currituck, Orange, Almance, Lee, Montgomery, and Moore Counties, N.C.; Surry County, Va.; and Kent, Queen Annes, Talbot, Caroline, and Dorchester Counties, Md. The rest of the application remains as previously published.

No. MC 2072 (Sub-No. 7), filed November 30, 1970. Applicant: LAKE SHORE SYSTEM, INC., 600 West Town Street, Columbus, OH 43215. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Allen, Athens, Auglaize, Belmont, Coshocton, Delaware, Franklin, Fairfield, Guernsey, Harrison, Rocking, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Ross, Tuscarawas, Union, and Washington Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

APPLICATION OF WATER CARRIER

No. W-1036 (Sub-No. 17) (TERMINAL STEAMSHIP COMPANY, INC.—Extension—Tug and Barge), filed December 7, 1970. Applicant: TERMINAL STEAMSHIP COMPANY, INC., 2000 Southwest Fifth Avenue, Portland, OR 97201. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. By application filed December 7, 1970, applicant seeks a revision of its present Sixth Amended Permit issued September 14, 1967, under W-1036, so as to authorize it to perform the following additional service over the routes and between ports and points as follows: To operate as a contract carrier by water by non-self-propelled vessels with the use of a separate towing vessel; (a) in the transportation of *lumber*, in lots of 500,000 board feet or more for not more than three shippers on any one voyage, from ports and ports and points on the Pacific coast to Poughkeepsie, N.Y.; Providence, R.I.; New Haven, Conn.; Camden and Trenton, N.J.; and Wilmington, Del., by way of the Panama Canal; and (b) *lumber and lumber products*, in lots of 500,000 board feet or more for not more than three shippers on any one voyage, from ports and points on the Pacific coast to Baltimore, Md.; Philadelphia, Pa.; Port Newark, N.J.; New York, N.Y.; Bridgeport and New London, Conn.; Portsmouth, R.I.; New Bedford and Boston, Mass.; and Port Canaveral, Palm Beach (including West Palm Beach), and Port Everglades, Fla., by way of the Panama Canal.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-166; Filed, Jan. 6, 1971; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-523 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 28, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-523	Atlantic Richfield Co.	158	[3] 43	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Field Block 43, Offshore Louisiana) (Disputed Zone).	$5,840	12-1-70	[4] 12-1-70	12-5-70	19.5	[5] 20.0	RI68-37.
RI71-524	Cities Service Oil Co.	186	[6] 21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 41 Field, Offshore Louisiana) (Disputed Zone).	460	12-10-70	[4] 12-10-70	12-11-70	19.0	[5] 19.5	

* The pressure base is 15.025 p.s.i.a.
[4] Pursuant to Opinion No. 567.
[5] Includes documents establishing new reservoirs pursuant to Opinion No. 567.
[3] Applies to the LA Sand Reservoir.
[6] Applies to the FJ Sand Reservoir.

The proposed increases of Atlantic Richfield Co. and Cities Service Oil Co. involve sales of gas-well gas produced from newly discovered reservoirs in the offshore Louisiana "Disputed Zone." The gas qualifies as third and second vintage gas, pursuant to Opinion No. 567. The proposed rates are equal to the area base rates established in Opinion No. 546 for third and second vintage gas produced from within the State taxing jurisdiction, but exceed by 1.5 cents the rates for gas-well gas produced from the Federal domain. The proposed rates shall be suspended for 1 day from the date of filing. Thereafter, the increased rates may be collected subject to the refunding of those amounts attributable to the difference in the onshore and offshore rates paid for gas-well gas finally held to have been produced from the Federal domain.

[F.R. Doc. 71-55; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RI71-514 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 28, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 12, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-514..	Getty Oil Co.....	107	[4] 23	Tennessee Gas Pipeline Co., a division of Tenneco Inc., (Grand Isle Block 41 Field, Offshore Louisiana).	$460	11-23-70	11-23-70	11-24-70	[16] 19.0	[3] [16] 19.5	
R171-515..	Pan American Petroleum Corp.	2	[3] 18	Transcontinental Gas Pipe Line Corp. (Greta Field Refugio County, Tex., (RR. District No. 2).	----------	11-30-70	1- 1-71	[17] Accepted.	[3] [13] 11.04070		
								[17] Accepted.	[3] [13] 12.0444		
								[17] Accepted.	[3] [13] 13.04810		
		2	19	-----do-----		11-30-70	1- 1-71	1- 2-71	[3] [13] 11.04070	[3] [13] 14.0	
					[16] 70,840	11-30-70	1- 1-71	1- 2-71	[3] [13] 12.0444	[3] [13] 14.0	
					----------	11-30-70	1- 1-71	1- 2-71	[3] [13] 13.04810	[3] [13] 14.0	
		92	[3] 19	Transcontinental Gas Pipe Line Corp. (Harris, Coqnat, and Oakville Fields, Live Oak County, Tex. RR. District No. 2).	----------	12- 1-70	1- 1-71	[17] Accepted.	[3] [13] 11.0407		
								[17] Accepted.	[3] [13] 12.0444		
								[17] Accepted.	[3] [13] 13.0481		
		92	[4] 20	-----do-----	9,609	12- 1-70	1- 1-71	1- 2-71	[3] [13] 11.0407	[3] [11] [13] 14.0	
									[3] [13] 12.0444		
									[3] [13] 13.0481		
		81	[3] 15	Transcontinental (Luby-Petronella Field, Nueces County, Tex.) (RR. District No. 2).	----------	11-30-70	1- 1-71	[17] Accepted	----------		
		81	16	-----do-----	29,505	11-30-70	1- 1-71	1- 1-71	[15]	[3] [13] 14.0	
R170-82...	Amerada Hess Corp.	125	4	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin).	(141)	11-25-70	11-20-70	[18] Accepted	17.5	[14] 17.0533	R170-82.
		132	8	-----do-----	(150)	11-25-70	11-20-70	[18] Accepted	17.9023	[12] 17.4453	R170-82.
		133	10	-----do-----	(469)	11-25-70	11-20-70	[18] Accepted	17.9029	[12] 17.4453	R170-82.
R171-516..	Atlas Corp.....	2	10	El Paso Natural Gas Co. (Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	15	11-27-70	12-28-70	12-29-70	[9] 13.0	[9] 13.0536	
		5	6	-----do-----	15	11-27-70	12-28-70	12-29-70	[9] 13.0	[9] 13.0536	
		1	8	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin).	30	11-27-70	12-28-70	12-29-70	[9] 13.0	[9] 13.0536	

* Unless otherwise stated, pressure base is 14.65 p.s.i.a.
[1] Pursuant to Opinion No. 567.
[2] Amendatory agreement dated Nov. 25, 1970 provides among other things for an extension of term of contract until Apr. 1, 1981 and is the basis for the rates proposed.
[3] Subject to a 0.21931-cent dehydration charge.
[4] Includes documents establishing new reservoirs pursuant to Opinion No. 567. Applies to the FJ Sand Reservoirs.
[5] For gas not requiring compression or gas compressed by buyer.
[6] For gas compressed by buyer, the facilities for which seller may elect to maintain and operate.
[7] For gas requiring compression, the facilities for which seller elects to maintain and operate.
[8] Contract provides for 19 cents (from reservoir discovered prior to Sept. 28, 1960), 21 cents (from reservoir discovered between Apr. 28, 1960 and June 17, 1970) and 25 cents for gas produced from reservoirs discovered on or after June 17, 1970.
[9] Includes documents required by Opinion No. 567 showing that the Upper Slick, Luling, Mackhank, and Queen City Reservoirs qualify.
[10] Based on the assumption that all gas is sold at the 11.04070 cents which may or may not be the case as the gas may be sold at one, two or all three rates.
[11] For gas produced from reservoirs discovered prior to Sept. 28, 1960.
[12] For gas produced from reservoirs discovered after Sept. 28, 1960, as identified in the documents filed per Opinion No. 567.
[13] Subject to downward B.t.u. adjustment.
[14] Reflects compression charge of 0.4467 cent per Mcf by buyer.
[15] Reflects compression charge of 0.4467 cent per Mcf by buyer with corresponding tax reduction.
[16] Pressure base is 15.025 p.s.i.a.
[17] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column. The proposed increased rate contained therein, however, is suspended as provided herein.
[18] Accepted, subject to refund in Docket No. RI70-82, as of Nov. 20, 1970.
[19] Rates in effect are the same as those set forth under Supplement No. 19 to Pan American's FPC Gas Rate Schedule No. 2.

The proposed increase of Getty Oil Co. (Getty) involves gas-well gas produced from a newly discovered reservoir located in the offshore Louisiana "Disputed Zone." Pursuant to Opinion No. 567 the gas qualifies as second vintage gas. The 19.5-cent proposed rate is equal to the 19.5-cent area base rate for second vintage gas-well gas produced from within the State's taxing jurisdiction but the rate exceeds the 18-cent rate for gas-well gas produced from the Federal domain. Therefore, Getty's proposed increase is suspended for one day from the date of filing. Getty thereafter may collect the increased rate subject to refund of those amounts attributable to the difference in the onshore and offshore rate paid for gas-well gas finally held to have been produced from the Federal domain.

The rates proposed by Pan American do not exceed the area increased rate ceiling, but Pan American is contractually due higher rates and has not agreed to waive its contractual right to file for such higher rates. In these circumstances, we shall suspend Pan American's proposed increases for 1 day. However the related agreements are accepted subject to the condition that the provision contained in each of the agreements relating to the area rate will only be applicable upon the Commission's approval of a just and reasonable rate or a settlement rate in an applicable area rate proceeding. The condition is inserted because these provisions do not accord fully with § 154.93(b-1) of the Commission's regulations. The agreements are also accepted only insofar as they relate to the reserves specified therein. The acceptance of such agreements, of course, does not constitute any authorization to abandon any acreage covered by the original contracts which is not covered by these agreements.

The proposed decreases of Amerada Hess Corp. reflect a contractual compression charge of 0.4467 cent per Mcf deducted by the buyer. Since the proposed rates exceed the applicable area increased rate ceiling, they are accepted for filing as of the date of filing subject to refund in the existing rate proceeding in Docket No. RI70-82.

The proposed tax reimbursement increases of Atlas Corp. (Atlas) exceed the applicable ceiling rate by the amount of such reimbursement. Therefore the proposed tax reimbursement increases of Atlas are suspended for 1 day from the date of expiration of statutory notice.

[F.R. Doc. 71-54; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. CS71-131, etc.]

R. M. MORAN, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 28, 1970.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date Filed	Name of Applicant
CS71-131.....	11-23-70	R. M. Moran et al., Post Office Box 1919, Hobbs, NM 88240.
CS71-132.....	11-23-70	Kenneth M. Axlerod, Post Office Drawer A, Borger, TX 79007.
CS71-133.....	11-23-70	Beverly M. Axlerod, Post Office Drawer A, Borger, TX 79007.
CS71-134.....	11-23-70	Mamie Axlerod Estate, Post Office Drawer A, Borger, TX 79007.
CS71-135.....	11-23-70	Marlow Oil Co., Post Office Drawer A, Borger, TX 79007.
CS71-136.....	11-23-70	Gasco, Inc., Post Office Drawer A, Borger, TX 79007.
CS71-137.....	11-23-70	Comps, Inc., Post Office Drawer A, Borger, TX 79007.
CS71-138.....	11-23-70	Woodtex Oil & Gas Co., Post Office Drawer A, Borger, TX 79007.
CS71-139.....	11-23-70	M. L. Sloan, a.k.a. Marion L. Sloan and Merle R. Sloan, Post Office Box 296, Liberal, KS 67901.
CS71-140.....	11-23-70	T. L. Nutt, Post Office Box 562, Great Bend, KS 67530.
CS71-141.....	11-25-70	California Time Petroleum, Inc., Suite 819, 1880 Century Park East, Los Angeles, CA 90067.
CS71-142.....	11-25-70	Chris Dale, 1503 East Hackberry, Garden City, KY 67846.
CS71-143.....	11-27-70	Sigma Exploration Corp., Suite 327, 8609 Northwest Plaza Dr., Dallas, TX 75225.
CS71-144.....	11-27-70	Service Drilling Co., 406 South Boulder, Tulsa, OK 74103.
CS71-145.....	11-27-70	David Jackman, Jr. and Robert C. Armstrong, 915 Century Plaza, Wichita, KS 67202.
CS71-146.....	11-27-70	Robert C. Armstrong (Operator) et al., 915 Century Plaza, Wichita, KS 67202.
CS71-147.....	11-30-70	Coquina Oil Corp., 418 Bldg. of the Southwest, Midland, TX 79701.
CS71-148.....	12- 2-70	Weaver Operating Co., 3401 Northwest 50th, Oklahoma City, OK 73112.
CS71-149.....	12- 2-70	Remig Oil Co., Post Office Box 86, Ardmore, OK 73401.
CS71-150.....	12- 2-70	William Bartlett Marshall, 14 Church St., Belfast, ME 04915.
CS71-151.....	12- 3-70	W. A. McCarty and John Hazlewood, 2028 South Austin St., Amarillo, TX 79110.
CS71-152.....	12- 4-70	North American Royalties, Inc., 200 East Eighth St., Chattanooga, TN 37402.

[F.R. Doc. 71-56; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RI71-534 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 30, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-534..	Union Oil Co. of California.	103	11	United Gas Pipe Line Co. (Block 32 Eugene Island Offshore Louisiana).	$111,750	12- 7-70	1- 7-71	1-20-71	16.75	17.5	
RI71-535..	M. F. McCain	7	4	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish) (South Louisiana).	450	12- 7-70	1- 7-71	1-20-71	20.0	21.25	
RI71-536..	J. M. Huber Corp.	85	2	Sea Robin Pipeline Co. (Block 222 Ship Shoal) (Offshore Louisiana).	3,593	12- 4-70	1- 4-71	1-17-71	20.0	21.25	R170-1413.
RI71-537..	Birthright Oil Co.	2	4	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Southwest Belle Isle Field) (St. Mary and Iberia Parishes) (South Louisiana).	8,700	12- 4-70	1- 4-71	1-17-71	20.0	21.25	
RI71-538..	Sun Oil Co.	382	9	United Gas Pipe Line Co. (North Leroy Field, Vermilion Parish) (South Louisiana).	788	12- 4-70	1- 4-71	1-17-71	20.625	22.375	
RI71-539..	Coastal States Gas Producing Co.	49	8	United Gas Pipe Line Co. (Hawkins, Hays Unit, Jefferson Davis and Calcasieu Parishes) (South Louisiana).	27,000	12- 4-70	1- 4-71	1-17-71	20.25	22.75	
		77	1	Trunkline Gas Co. (Tigre Lagoon Field Area, Vermilion Parish) (South Louisiana).	49,500	12- 4-70	1- 4-71	1-17-71	[1] 20.0	21.25	
		79	1	....do	49,500	12- 4-70	1- 4-71	1-17-71	[2] 18.5	21.25	
				Texas Eastern Transmission Corp. (Southwest Lake Boeuf Field, Lafourche Parish) (South Louisiana).	2,250	12- 4-70	1- 4-71	1-17-71	[1] 20.0	21.25	
		79	1	....do	2,250	12- 4-70	1- 4-71	1-17-71	[2] 18.5	21.25	
		80	10	Transcontinental Gas Pipe Line Corp. (Tigre Lagoon Field Vermilion and Iberia Parishes) (South Louisiana).	14,400	12- 4-70	1- 4-71	1-17-71	18.75	20.75	R163-159.
RI71-540..	CRA International, Ltd.	3	6	United Gas Pipe Line Co. (Iberia Field, Iberia Parish) (South Louisiana).	3,960	12- 9-70	1- 9-71	1-22-71	19.5	20.0	
RI71-541..	J. C. Trahan Drilling Contractor, Inc.	14	3	Transcontinental Gas Pipe Line Co. (Duson Field, Lafayette Parish, South Louisiana).	14,125	12- 4-70	1- 4-71	1-17-71	20.625	23.65	
RI71-542..	North Central Oil Corp.	7	7	Transcontinental Gas Pipe Line Corp. (West Kaplan Field, Vermilion Parish) (South Louisiana).	163,350	12- 7-70	1- 7-71	1-20-71	20.625	23.65	
RI71-543..	Warall J. N. Whipple, W. W. Rucks III, and Walters, Sirera III.	1	2	Southern Natural Gas Co. (Montlegut Field, Terrebonne and Lafourche Parishes) (South Louisiana).	[1] 30,000	12- 7-70	1- 7-71	1-20-71	[1] 20.0	21.25	
				....do	[1] 30,000	12- 7-70	1- 7-71	1-20-71	[2] 18.5	21.25	
RI71-544..	Circle Drilling Co. Inc.[3]	1	5	Texas Gas Transmission Corp. (North Rousseau Area, Lafourche Parish, South Louisiana).	3,340	12-10-70	1-10-71	1-23-71	20.625	24.80	
	....do[3]	2	4	....do	3,340	12-10-70	1-10-71	1-23-71	20.625	24.80	
RI71-545..	Midwest Oil Corp.	28	3	United Fuel Gas Co. (North Erath Field, Vermilion Parish, South Louisiana).		12- 9-70	1- 9-71	1-22-71	[4] 19.9271	20.3	
		50	5	Texas Gas Transmission Corp. (North Maurice Field, Lafayette Parish, South Louisiana).		12- 7-70	1- 7-71	1-20-71	19.5	21.25	
RI71-546..	Essex Royalty Corp.	2	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field) (Offshore Louisiana).	15,055	12- 7-70	1- 7-71	1-20-71	20.0	[5] 21.25	R171-397.
RI71-547..	Kewanee Oil Co.	83	7	Southern Natural Gas Co. (St. Jackson Field, Plaquemines Parish, South Louisiana).	2,800	12-10-70	1-10-71	1-23-71	19.0	20.5	
		84	7	Transcontinental Gas Pipe Line Corp. (Rousseau Field, Lafourche Parish) (South Louisiana).	6,865	12-10-70	1-10-71	1-23-71	20.625	25.0	
RI71-548..	Sohio Petroleum Co.	123	2	Transcontinental Gas Pipe Line Corp. (Johnson Bayou Field, Cameron Parish) (South Louisiana).	459	12-10-70	1-10-71	1-23-71	18.5	21.625	
RI71-549..	Sun Oil Co.	439	5	Michigan Wisconsin Pipe Line Co. (Buck Point Field, Vermilion Parish) (South Louisiana).	13,000	11-30-70	12-31-70	1- 2-71	21.25	22.25	
		441	4	Michigan Wisconsin Pipe Line Co. (East Buck Point Field, Vermilion Parish) (South Louisiana).	4,250	11-30-70	12-31-70	1- 2-71	21.25	22.25	
RI71-550..	Felmont Oil Corp.	15	[6] 2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 233, Offshore Louisiana).	3,960	12- 7-70	1- 7-71	1-20-71	17.0	21.25	
				....do	3,960	12- 7-70	1- 7-71	1-20-71	18.5	21.25	
		16	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit) (Offshore Louisiana).	7,350	12- 7-70	1- 7-71	1-20-71	20.0	21.25	R171-385.
		17	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field) (Offshore Louisiana).	15,055	12- 7-70	1- 7-71	1-20-71	20.0	[5] 21.25	R171-386.
RI71-551..	Cabot Corp (SW)	51	9	United Gas Pipe Line Co. (St. Martinville Field) (Choplin Unit) (St. Martinville Parish) (South Louisiana).	949	12- 4-70	1- 4-71	1-17-71	22.0	22.5	R162-208.
		55	5	Southern Natural Gas Co. (Bayou Long Field, Iberia Parish) (South Louisiana).	43,735	12- 4-70	1- 4-71	1-17-71	20.625	27.25	
		95	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 233) (Offshore Louisiana).	5,610	12- 4-70	1- 4-71	1-17-71	18.5	21.25	
				....do	5,610	12- 4-70	1- 4-71	1-17-71	17.0	21.25	
		98	3	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 239 Unit) (Offshore Louisiana).	14,000	12- 4-70	1- 4-71	1-17-71	20.0	21.25	R171-318.
				....do	14,100	12- 4-70	1- 4-71	1-17-71	17.0	21.25	
		99	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 230 Field) (Offshore Louisiana).	11,325	12- 4-70	1- 4-71	1-17-71	20.0	21.25	R171-318.
				....do	11,325	12- 4-70	1- 4-71	1-17-71	17.0	21.25	

* The pressure base is 15.025 p.s.i.a.
[1] For gas well gas—at present all gas is gas well gas.
[2] For casinghead gas.
[3] Applicant has changed name to Circo Exploration, Inc., but has not yet submitted filing to reflect name change.
[4] Not used.
[5] Includes 0.4271-cent B.t.u. adjustment.
[6] Applies to gas well gas sales only.
[7] Gas well gas sales only.
[8] As corrected.

Under the provisions of the Commission's order, issued October 27, 1970, in Docket No. AR69–1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by Nov. 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of Jan. 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69–1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[F.R. Doc. 71–106; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RI71–525 etc.]

EDWIN L. COX ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 29, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before Feburary 19, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-525..	Edwin L. Cox	77	7	Texas Gas Transmission Corp. (Ramos Field, St. Mary's Parish, South Louisiana).	$44,250	11-30-70	12-31-70	1-13-71	[1] 19.5	[1] 22.75	
RI71-526..	Lyons & Logan (Operator) et al.	8	7	United Gas Pipe Line Co. (East Bell City Field, Calcasieu Parish) (South Louisiana).	3,031	11-30-70	12-31-70	1-13-71	[1] 20.25	[1] 22.375	
RI71-527..	Franks Petroleum, Inc.	13	2	Transcontinental Gas Pipe Line Corp. (Crowley Field, Acadia Parish, South Louisiana).	22,812	11-30-70	12-31-70	1-13-71	[2] 20.0	[2] 21.25	[3]
RI71-528..	Exchange Oil & Gas Corporation et al.	11	3	Southern Natural Gas Co. (Block 19 Field, Breton Sound Area, Plaquemines Parish) (South Louisiana).	2,104	12-2-70	1-2-71	1-15-71	[2] 19.5	[2] 20.0	
RI71-529..	Paul M. Tate (Operator) et al.	8	1	Michigan Wisconsin Pipe Line Co. (West Gueydan Field, Vermilion Parish) (South Louisiana).	3,967	12-2-70	1-2-71	1-15-71	[2] 20.0	[2] 21.25	

* The pressure base is 15.025 p.s.i.a.
[1] Increase to contractually due rate pursuant to orders issued Oct. 27, 1970, in Docket No. AR69–1.
[2] Opinion No. 546 rate temporary certificated 20 cents (G–14515) and 20.75 cents (G–14835) rates currently being collected.
[3] Includes 1.75-cent tax reimbursement.
[4] Temporary certificated initial rate.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69–1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by Nov. 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of Jan. 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69–1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[F.R. Doc. 71–105; Filed, Jan. 6, 1971; 8:45 a.m.]

[Docket No. RP71-50]

EASTERN SHORE NATURAL GAS CO.

Order Permitting Rate Increase Filing To Become Effective Without Suspension

DECEMBER 30, 1970.

Eastern Shore Natural Gas Co. (Eastern Shore) on November 30, 1970, filed changes to its FPC Gas Tariff [1] proposing to increase the level of rates in its Rate Schedules Nos. CD-1, CD-E, G-1, and PS-1 by 1 cent per Mcf (from 31.4 cents to 32.4 cents) and in its Rate Schedule No. I-1, by 8 cents per Mcf (from 42 cents to 50 cents). The rate changes would result in an increase in jurisdictional revenues of approximately $32,000 per annum, based on operations for the 12-month period ended July 31, 1970. Eastern Shore requests an effective date of January 1, 1971.

In support of its filing Eastern Shore states the submittal is necessary to effectuate a partial tracking of the increases in the commodity component in its supplier's (Transcontinental's) Rate Schedule No. CD-3 which became effective on January 1, 1970, and a further increase proposed by that supplier to become effective on January 1, 1971. Eastern Shore's filing reflects a jurisdictional cost of service for the perlod ending July 31, 1970, utilizing an 8.25 percent rate of return. The filing contains a stipulation providing for rate reductions to track supplier's rate reductions and a further provision providing for flow-through of supplier refunds.

Notice of the proposed changes was issued by the Commission on December 4, 1970. No protests or petitions to intervene have been received.

A review of the cost of service submitted with the instant rate filing and the revenues developed from the resulting rates indicates that the 8.25 percent applied to the present capital structure results in a 11.5 percent on equity. This is comparable to the 11 percent return on equity reflected in the rate settlement approved by the Commission in Eastern Shore's Docket No. RP61-20 by order issued June 27, 1962 (27 FPC 1371). Therein a 6.25 percent overall rate of return was utilized.

Based on the foregoing we find that the filing should be permitted to be effective as of January 1, 1971, as hereinafter provided.

The Commission orders:

(A) The aforementioned tariff sheets filed on November 30, 1970, are accepted to be effective as of January 1, 1971, subject to the terms and conditions of the stipulation filed and this order.

(B) During the perlod that the rates hereby made effective shall remain in full force and effect, Eastern Shore shall make rate reductions and refunds to reflect rate reductions and refunds of its suppliers as provided in Articles I and II of the stipulation filed concurrently with the rate filing on November 30, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 71-184; Filed, Jan. 6, 1971; 8:46 a.m.]

[1] 18th Revised Sheets Nos. 5, 8, and 11; 1st Revised Sheets Nos. 9B, 18C, and 18N; and 2d Revised Sheet No. 9E.

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Application for New License for Constructed Project

DECEMBER 30, 1970.

Public notice is hereby given that application for a new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by South Carolina Electric & Gas Co. (correspondence to: George H. Fischer, Esquire, Vice President and General Counsel, South Carolina Electric & Gas Co., Post Office Box 764, Columbia, SC 29202) for its constructed Columbia Project No. 1895, located on the Broad and Congaree Rivers in Richland and Lexington Counties, S.C., partly within the city limits of Columbia. The original license for the project expired June 30, 1970.

The existing project consists of (1) a dam composed of a rock filled timber crib overflow type section approximately 1,009 feet long and 14 feet high, a 120-foot-long nonoverflow diversion section, and a 240-foot-long canal headgate and lockgate section; (2) a 265-acre reservoir, approximately 3.5 miles long, with a controlled surface elevation of 153.8 feet, USGS; (3) a power canal approximately 200 feet wide extending about 3 miles downstream from the dam; (4) a masonry and brick powerhouse containing five 1,600-kw. generators and two 1,300-kw. generators; and (5) all other facilities and interests appurtenant to operation of the project.

Recreational features: The Broad River above the Diversion Dam is suitable for limited boating use, and the Applicant proposes to develop family picnic and fishing sites on both sides of the river in this area for general public use. Existing fairweather roads provide access to both sites. Applicant has shown evidence of cooperation with the South Carolina Department of Parks, Recreation, and Tourism in efforts for future development of recreational facilities, and refers to the possible publication of a plan for future downtown development for the city of Columbia.

According to the application: (1) The power generated by the project is delivered directly into the distribution system of the Columbia, S.C. metropolitan area for light, industrial, commercial and residential use; (2) the estimated net investment in the project as of the expiration date of the license was estimated to be $655,000, which is less than the estimated fair value; (3) the estimated severance damages in the event of "takeover" by the United States is over $617,000; and (4) the annual taxes paid to Federal, State, and local governmental agencies amounted to approximately $80,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 71-185; Filed, Jan. 6, 1971; 8:46 a.m.]

[Docket No. CP71-6]

EL PASO NATURAL GAS CO.

Notice of Amended Application and Petition To Amend

JANUARY 4, 1971.

Take notice that on December 22, 1970, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71-6 an amended application and a petition to amend the order of the Commission issued October 30, 1970, in the consolidated proceedings consisting of Dockets Nos. CP71-6, CP64-99, CP71-7, and CP71-8, all as more fully set forth in the amended application and petition to amend on file with the Commission and open to public inspection.

By order issued October 30, 1970, in the consolidated proceeding, the Commission, inter alia, issued a limited-term certificate of public convenience and necessity authorizing petitioner to render new firm winter service to customers served by its Northwest Division under Rate Schedule SGS-1 pursuant to an allocation filed by Petitioner on October 9, 1970. This certificate authority was to commence on November 1, 1970, and continue through the earlier of April 15, 1971, or final determination of the consolidated proceeding.

Petitioner states that at the hearing in this proceeding on December 10, 1970, it was indicated that agreement had been reached between the distributor-intervenors and petitioner, and petitioner indicated its intention to file the instant amendment in order to effectuate the provisions of the stipulation and agreement dated December 9, 1970, between petitioner and the distributor-intervenors.

Petitioner amends its application to provide for a new allocation of gas, agreed to and incorporated into the December 9, 1970, stipulation and agreement. Further, petitioner requests that

the Commission's order issued October 30, 1970, in this proceeding be modified so as to grant a permanent certificate of public convenience and necessity to petitioner pursuant to the new allocation.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 71-231; Filed, Jan. 6, 1971; 8:50 a.m.]

[Docket No. E-7586]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Amendment to Interconnection Agreement and Proposed Rate Schedule Increase

DECEMBER 31, 1970.

Take notice that on December 11, 1970, the signatory utilities of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) filed a Supplemental Agreement dated November 19, 1970, to the PJM Interconnection Agreement dated September 26, 1956, as amended and supplemented. Said amendment was filed with the Commission on December 11, 1970.

In order that the provisions of this Supplemental Agreement may apply throughout the calendar year 1971, PJM has requested that the 30-day notice requirement be waived and the new Supplemental Agreement be permitted to become effective on January 1, 1971.

The parties contend that the Supplemental Agreement best reflects the premise that coordination in installation of generating capacity additions results in parties having planned capacity excesses and deficiencies, whereas under the present Supplemental Agreement such planned capacity excesses and deficiencies are considered incidental.

It is further contended that the current level of costs being experienced in the installation and operation of new generating capacity is also reflected in the Supplemental Agreement by the increase in the annual factor in dollars per kilowatt for determining payments with respect to installed capacity deficiencies from the present $10.40 (one-half of $20.80 annual savings as of 1956) to $11.44 in 1971 and to $12.40 in 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1971, file with the Federal Power Commission, Washington D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 71 230; Filed, Jan. 6, 1971; 8:50 a.m.]

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PART II

DEPARTMENT OF THE INTERIOR

Bureau of Mines

COAL MINE HEALTH AND SAFETY

Mandatory Health Standards; Surface Work Areas of Underground Coal Mines and Surface Coal Mines

No. 4—Pt. II——1

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 71]

COAL MINE HEALTH AND SAFETY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173) to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, and in accordance with the provisions of section 101(i) of the Act which direct the Secretary to publish proposed mandatory health standards for surface coal mines and for surface work areas of underground coal mines not later than December 30, 1970, it is proposed that Part 71, as set forth below, be added to Subchapter O of Chapter I, Title 30, Code of Federal Regulations. This proposed Part 71 sets forth mandatory health standards prescribed by the Secretary of Health, Education, and Welfare which must be complied with in the surface work areas of each underground coal mine and at each surface coal mine.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

FRED J. RUSSELL,
Under Secretary of the Interior.

DECEMBER 29, 1970.

Subchapter O of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

PART 71—MANDATORY HEALTH STANDARDS — SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

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AUTHORITY: The provisions of this Part 71 are issued under sec. 101(i) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Subpart A—General

§ 71.1 Scope.

This Part 71 sets forth health standards, compliance with which shall be mandatory, in the surface work areas of each underground coal mine and at each surface coal mine subject to the Federal Coal Mine Health and Safety Act of 1969. This Part 71 also prescribes certain actions, conditions, and requirements which must be met by each coal mine operator in carrying out the health standards set forth herein.

§ 71.2 Definitions.

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173).

(b) "Secretary" means Secretary of the Interior.

(c) "Average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active working of a mine is exposed (1) as measured, during the period ending June 30, 1971, over a number of continuous production shifts to be determined by the Secretary and the Secretary of Health, Education, and Welfare and (2) as measured thereafter, over a single shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the provisions of § 101 of the Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift.

(d) "Concentrations of respirable dust" means the average concentration of respirable dust if measured with an MRE instrument or such equivalent concentrations if measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare.

(e) "MRE Instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(f) "Respirable dust" means only dust particulates 5 microns or less in size.

(g) "Certified" or "registered" as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by title II and title III of the Federal Coal Mine Health and Safety Act of 1969, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary.

(h) "Qualified person" means, as the context requires, an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by the Act.

(i) "Miner" means any individual working in a coal mine.

(j) "Surface coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(k) "Surface work areas of an underground coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(l) "Surface installation" means any structure in the surface work areas of an underground coal mine or at a surface coal mine in which miners are regularly employed.

(m) "Surface work site" means any area in the surface work areas of an underground coal mine or any area of a surface coal mine within which miners are regularly employed.

(n) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Subpart B—Dust Standards

§ 71.100 Dust standards; respirable dust; quartz.

(a) On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall continuously maintain the average concentration of respirable dust in the atmosphere of each surface installation and at each surface work site during each shift to which each miner in such mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air.

(b) Notwithstanding the provisions of paragraph (a) of this section, where the average concentration of respirable dust in samples taken in a surface installation or at a surface work site pursuant to this Subpart B contains more than 5 per centum quartz, the operator shall continuously maintain an average concentration of respirable dust in such installation or at such work site at or below a level, expressed in milligrams per cubic meter of air, which shall be determined by dividing the per centum of quartz present in such concentration into the number 10.

§ 71.101 Sampling; general requirement.

Each operator of an underground coal mine and each operator of a surface coal mine shall, as prescribed in this Subpart B, take accurate samples of the amount of respirable dust in the atmosphere to which each miner employed in a surface installation or at a surface work site is exposed.

§ 71.102 Sampling; by whom done.

The dust sampling required by this Subpart B shall be done by, or as directed by, a person—

(a) Who has had practical experience in a coal mine;

(b) Who has a working knowledge of the mining equipment employed in the mine in which samples are taken;

(c) Who has a working knowledge of the operation and care of the sampling devices mentioned in § 71.103 and the filters employed in such devices; and,

(d) Who has satisfactorily completed a course approved by the Secretary in the sampling and evaluation of respirable coal mine dust concentration with the sampling devices mentioned in § 71.103.

§ 71.103 Approved sampling devices.

The samples which this Subpart B requires to be taken shall be taken only with a coal mine dust personal sampler unit approved under Part 74 of this chapter or with an MRE instrument.

§ 71.104 Approved sampling devices; operation, rates of flow.

An approved coal mine dust personal sampler unit shall be operated at a flow rate of 2.0 liters of air per minute. An MRE instrument shall be operated at a flow rate of 2.5 liters of air per minute.

§ 71.105 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust expressed in milligrams per cubic meter of air shall be determined by dividing the weight of dust in milligrams collected on the filter by the volume of air in cubic meters passing through the filter. To convert a concentration of respirable dust as measured with an approved coal mine dust personal sampler unit to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with an approved coal mine dust personal sampler unit shall be multiplied by a constant factor of 1.6 and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 71.106 Initial sampling cycle; establishment of basic sample; notice of violation.

(a) On or before December 30, 1971, one respirable dust sample shall be taken with respect to each miner employed in a surface installation and with respect to each miner employed at a surface work site.

(b) If the data recorded pursuant to § 71.112 for an initial sample establish a concentration of respirable dust in excess of 2.0 milligrams per cubic meter of air in the normal work position of the miner to be sampled, the Secretary shall advise the operator that additional samples will be required to determine compliance with the respirable dust standard set forth in this Subpart B.

(c) Upon receipt of advice pursuant to paragraph (b) of this section, the operator shall take samples of respirable dust in the normal work position of the miner to be sampled on 10 consecutive shifts, each of which is worked on a separate calendar day beginning with the first shift worked by such miner following receipt of such advice. This series of 10 samples shall constitute the basic sample with respect to that miner.

(d) If the data recorded pursuant to § 71.112 for a basic sample establish a cumulative concentration in excess of 20 milligrams per cubic meter of air in the normal work position of the miner initially sampled without regard to the number of samples analyzed, the Secretary shall issue a notice to the operator that he is in violation of the respirable dust standard set forth in this Subpart B. Upon receipt of a Notice of Violation, the operator shall take continuous samples with respect to the normal work position of the miner initially sampled as required under Section 104(i) of the Act.

§ 71.107 Initial sampling cycle; basic sampling cycle; subsequent samples; semi-annual sampling requirements.

(a) Where the data recorded pursuant to § 71.112 for an initial sample taken in accordance with § 71.106(a), a basic sample taken in accordance with § 71.106(c), or a subsequent sample taken in accordance with § 71.108 establish a concentration of respirable dust which falls within a range of more than 0.5 milligrams per cubic meter of air and no more than 2.0 milligrams per cubic meter of air with respect to the miner sampled, the operator shall, during each succeeding six-month period, take one sample of the mine atmosphere to which each such miner sampled is exposed.

§ 71.108 Initial sampling cycle; basic sampling cycle; subsequent samples; annual sampling requirements.

The data recorded pursuant to § 71.112 for an initial sample (same as in § 71.107), a basic sample or a subsequent sample, establish a concentration of respirable dust which is 0.5 milligrams or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one sample of the mine atmosphere to which each miner sampled is exposed.

§ 71.109 Subsequent semiannual and annual samples; establishment of basic sample.

(a) Where the data recorded pursuant to § 71.112 for any subsequent semiannual sample taken in accordance with the provisions of § 71.107 or for any annual sample taken in accordance with § 71.108 establish a concentration of respirable dust in excess of 2.0 milligrams per cubic meter of air, the Secretary shall advise the operator pursuant to paragraph (b) of § 71.106 and the operator shall be required to establish a basic sample with respect to the miner sampled in accordance with the provisions of paragraph (c) of § 71.106.

(b) Where the data recorded pursuant to § 71.112 for any subsequent semiannual sample taken in accordance with the provisions of § 71.107 or for any annual sample taken in accordance with § 71.108 establish a concentration of respirable dust of 0.5 milligrams or less per cubic meter of air, the operator shall, during each succeeding 12-month period, take one sample for the mine atmosphere of each such miner sampled.

§ 71.110 Partial sampling; initial samples; basic samples; additional samples required.

(a) If the Secretary fails to receive the number of valid samples required under the provisions of § 71.106 or if samples have been rejected by the Secretary as invalid samples, the Secretary shall, in accordance with the provisions of § 71.112 analyze the valid samples received to determine whether the concentration of respirable dust is in compliance with the respirable dust limit.

(b) If the Secretary receives less than the required number of valid samples

with respect to a miner, and has determined in accordance with the provisions of paragraph (a) of this section that the cumulative concentration of respirable dust does not exceed the limit set forth in this Subpart B, the Secretary shall advise the operator to take a specified number of additional samples. Upon receipt of advice that additional sampling is required the operator shall commence such sampling on the first day on which the miner is employed in his regular duties following the day upon which he receives such advice from the Secretary.

(c) Where additional sampling is required under the provisions of paragraph (b) of this section to establish a basic sample and the Secretary receives more than the number of samples required, such additional samples shall be combined with the samples previously received and the most recent valid sample or more recent valid 10 samples shall, where appropriate, constitute the initial sample or the basic sample.

(d) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section and combined with the valid samples already received pursuant to § 71.106(c), a daily determination of compliance or noncompliance shall be made with respect to the miner sampled. If the data recorded pursuant to § 71.112 with respect to the miner sampled establish a cumulative concentration of respirable dust in excess of 20 milligrams, the Secretary shall issue a notice to the operator that he is in violation of the respirable dust limit.

§ 71.111 Respirable dust samples; transmission.

(a) At the conclusion of each production shift, the operator shall promptly collect and transmit all samples in a container provided by the manufacturer of the cassette to:

Pittsburgh Field Health Group, Bureau of Mines, Department of the Interior, Pittsburgh, PA 15213.

(b) Each sample shall be accompanied by a completed 3- x 5-inch white data card provided for this purpose by the cassette manufacturer. The card shall have an identification number identical to that on the cassette used to take the sample, and only the name, Social Security number, and the normal work position of the miner whose environment was being sampled shall be provided. The data card shall be initialed by the miner whose environment was sampled and the representative of the company responsible for the dust sampling program.

§ 71.112 Respirable dust samples; analysis by the Secretary; report to the operator.

Upon receipt by the Secretary of respirable dust samples taken with respect to a miner, each sample shall be analyzed and the following data shall be recorded:

(a) The mine identification number;

(b) The surface installation or surface work site within the mine where the sample was taken;

(c) The dust concentration, expressed in milligrams per cubic meter of air, for each sample;

(d) The cumulative total of respirable dust for all valid samples with respect to the miner sampled, expressed in milligrams per cubic meter of air; and

(e) The Social Security number of the individual miner whose atmosphere was sampled.

§ 71.113 Report of data.

The Secretary shall provide the operator with a report of the data recorded pursuant to § 71.112 as soon as practicable.

§ 71.114 Spot health inspections.

In order to obtain compliance with the provisions of this Subpart B, the Secretary shall conduct frequent spot health inspections in surface installations and at the surface work sites of each underground coal mine and each surface coal mine.

Subpart C—Airborne Contaminants

§ 71.200 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.

On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall not permit concentrations of noxious or poisonous gases, dusts, fumes, mists, and vapors, other than respirable coal dust and respirable dust containing quartz, in surface installations and at surface work sites to exceed the recommendations of the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" and any revisions or any amendments to this document which is hereby incorporated by reference and made a part hereof. This document is available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, DC; and at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the document may be purchased for $0.50 from the Secretary-Treasurer, American Conference of Governmental Industrial Hygienists, Post Office Box 1937, Cincinnati, OH 45202. An official historic file of Threshold Limit Values of Airborne Contaminants will be maintained at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD.

§ 71.201 Sampling; general requirements.

(a) Air samples shall be taken periodically and analyzed by the Secretary to determine the concentration of noxious or poisonous gases, dusts, fumes, mists, and vapors in surface installations and at surface work sites.

(b) Upon written notification by the Secretary, each operator of an underground coal mine and each operator of a surface coal mine shall conduct such additional air sampling tests and analyses as the Secretary may from time to time require in order to ensure compliance with the standard set forth in this section in each surface installation and at each surface work site.

(c) Where inhalation hazards are known by the operator to exist in a surface installation or at a surface work site, he shall immediately institute control measures and take appropriate air sampling tests to determine the concentration of any noxious or poisonous gas, dust, fume, mist, or vapor which may be present.

(d) Where potential inhalation hazards are known by the operator to exist in a surface installation or at a surface work site, he shall institute appropriate air sampling tests and immediately provide control measures where the standards set forth in this section are exceeded.

Subpart D—Noise Standard

§ 71.300 Noise standard; general requirements.

(a) On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall comply with the minimum standard for noise exposure prescribed in Subpart F, Part 70, of this Subchapter O.

(b) Each operator shall maintain the noise level in each surface installation and at each surface work site at or below the maximum noise exposure allowed under paragraph (a) of this section.

§ 71.301 Measurement of noise levels.

Each operator shall measure the noise levels in each surface installation and at each surface work site in the manner prescribed in Subpart F, Part 70, of this Subchapter O.

Subpart E—Surface Bathing Facilities, Change Rooms and Sanitary Toilet Facilities

§ 71.400 Bathing Facilities; change rooms; adjacent sanitary toilet facilities.

On and after June 30, 1971, each operator of an underground coal mine and each operator of a surface coal mine shall provide bathing facilities, clothing change rooms, and adjacent sanitary facilities, as hereinafter prescribed, for the use of miners employed in the surface installations and at the surface work sites of such mines.

§ 71.401 Location of surface facilities.

Bathhouses, change rooms, and adjacent sanitary toilet facilities shall be in a location convenient for the use of the miners. Where such facilities are designed to serve both an underground mine and the surface work areas of an underground mine or more than one mine, they shall be centrally located so as to be as convenient for the use of all miners served by such facilities.

§ 71.402 Minimum requirements for bathing facilities, change rooms, and adjacent sanitary toilet facilities.

(a) All bathing facilities, change rooms, and adjacent sanitary toilet facilities shall be provided with adequate, light, heat, and ventilation so as to maintain a comfortable air temperature and to minimize the accumulation of moisture and odors, and such facilities shall be maintained in a clean and sanitary condition.

(b) Bathing facilities, change rooms, and adjacent sanitary facilities shall be constructed and equipped so as to comply with applicable State and local building codes: *Provided, however,* That where no State or local building codes apply to such facilities, or where no State or local building codes exist, such facilities shall be constructed and equipped so as to meet the minimum construction requirements in the National Building Code (1967 edition) and the plumbing requirements in the National Plumbing Code (ASA A 40.8–1955) which documents are hereby incorporated by reference and made a part hereof. These documents are available for examination at the Bureau of Mines, 18th and C Streets NW., Washington, DC; at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD; and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of the National Building Code (1967 edition) may be purchased from the American Insurance Association, 85 John Street, New York, NY 10038, for $2.50 per copy and copies of the National Plumbing Code (ASA A 40.8–1955) may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018, for $6 per copy. An official historic file of the National Building Code (1967 edition) and of the National Plumbing Code (ASA A 40.8–1955) will be maintained at the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD.

(c) In addition to the minimum requirements specified in paragraphs (a) and (b) of this § 71.402, facilities maintained in accordance with § 71.400 shall include the following:

(1) *Bathing facilities.* (i) Showers shall be provided with both hot and cold water.

(ii) At least one shower head shall be provided where five or less miners use such showers.

(iii) Where five or more miners use such showers, sufficient showers shall be furnished to provide approximately one shower head for five miners.

(iv) A suitable cleansing agent shall be provided for use at each shower.

(2) *Sanitary toilet facilities.* (i) At least one sanitary flush toilet shall be provided where 10 or less miners use such bathing, change rooms and sanitary facilities.

(ii) Where 10 or more miners use such sanitary toilet facilities, sufficient toilets shall be furnished to provide approximately one sanitary flush toilet for each 10 miners.

(iii) Where 30 or more miners use sanitary toilet facilities, one urinal may be substituted for one sanitary flush toilet, however, where such substitutions are made they shall not reduce the number of toilets below a ratio of two toilets to one urinal.

(iv) An adequate supply of toilet paper shall be provided with each toilet.

(v) Adequate handwashing facilities or hand lavatories shall be provided in or adjacent to each toilet facility.

(3) *Change rooms.* (i) Individual clothes storage containers or lockers shall be provided for storage of miners clothing and other incidental personal belongings during and between shifts.

(ii) Change rooms shall be provided with ample space to permit the use of such facilities by all members changing clothes prior to and after each shift.

§ 71.403 Waiver of surface facilities requirements.

The Coal Mine Health and Safety District Manager for the district in which the mine is located may, upon written application by the operator, waive any or all of the requirements for §§ 71.400 through 71.402 if he determines that the operator of the mine cannot or need not meet any part or all of such requirements, and upon issuance of such waiver, he shall set forth the facilities which will not be required and the specific reason or reasons for such waiver.

§ 71.404 Application for waiver of surface facilities requirements.

Applications for waivers of the requirements of §§ 71.400 through 71.402 shall be filed with the Coal Mine Health and Safety District Manager and shall contain the following information:

(a) The name and address of the mine operator;

(b) The name and location of the mine;

(c) A statement explaining why, in the opinion of the operator, the installation or maintenance of surface facilities is impractical or unnecessary.

Subpart F—Sanitary Toilet Facilities at Surface Work Sites

§ 71.500 Sanitary toilet facilities at surface work sites; approved sanitary toilets; installation requirements.

(a) On and after June 30, 1971, each operator of a surface coal mine shall provide and install one approved sanitary toilet, together with an adequate supply of toilet tissue, within 1,000 feet of each surface work site where miners are regularly employed. A single approved sanitary toilet may serve two or more surface work sites in the same surface mine where the sanitary toilet is located within 1,000 feet of each such work site.

(b) Only sanitary toilets approved by the Health Division, Coal Mine Health and Safety, Bureau of Mines shall meet the requirements of this section.

(c) Applications for approval of sanitary toilets shall be submitted to:

Health Division, Coal Mine Health and Safety, Bureau of Mines, U.S. Department of the Interior, Washington, DC 20240.

§ 71.501 Sanitary toilet facilities; maintenance.

Sanitary toilets provided in accordance with the provision of § 71.500 shall be regularly maintained in a clean and sanitary condition. Holding tanks shall be serviced and cleaned when full and in no case less than once each week by draining or pumping or by removing them for cleaning or recharging. Transfer tanks and transfer equipment shall be equipped with suitable fittings to permit complete drainage and allow for the sanitary transportation of wastes. Waste shall be disposed of in accordance with State and local laws and regulations.

Subpart G—Drinking Water

§ 71.600 Drinking water; general.

On and after June 30, 1971, an adequate supply of potable water shall be provided for drinking purposes in each surface installation and at each surface work site of the mine, and such water shall be carried, stored, and otherwise protected in sanitary containers.

§ 71.601 Drinking water; quality.

(a) Potable water provided in accordance with the provisions of § 71.600 shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located.

(b) Where no State or local health requirements apply to drinking water or where no State or local minimum health requirements exist, drinking water provided in accordance with the provisions of § 71.600 shall contain a minimum of 0.2 milligrams of free chlorine per liter of water, and otherwise conform to the Public Health Service Drinking Water Standards, 42 CFR Part 72 Subpart J.

§ 71.602 Drinking water; quantity; location.

(a) Each operator shall provide an adequate supply of potable water for drinking purposes in the surface work areas of each underground coal mine and at each work site of a surface coal mine.

(b) A minimum of 4 quarts of potable water shall be provided for each person employed in the surface work areas of each underground coal mine and at each work site of a surface coal mine and such water shall be located within 500 feet of each work site on the surface.

§ 71.603 Drinking water; distribution.

(a) Water shall be piped to each work site or transported to each work site in sanitary containers. Water pipes shall be constructed of smooth, nontoxic material, fixtures and appurtenances to the water supply system shall be constructed and maintained in accordance with state and local requirements, and the water supply system shall be adequately protected against cross-connections.

(b) Water transported to the site shall be carried, stored and otherwise protected in sanitary containers constructed of smooth, impervious heavy gauge, unbreakable, corrosion resistant materials.

§ 71.604 Drinking water; dispensing requirements.

(a) Water shall be dispensed through a drinking fountain or from a water storage container with an adequate supply of single service cups stored in a clean, sanitary manner. Water shall not be dipped from inside water storage containers.

(b) Water containers shall remain sealed at all times during use and shall not be refilled with water for reuse without first being disinfected with the use of heat or sanitizers.

(c) Drink fountains from which water is dispensed shall be thoroughly cleaned and disinfected once each week.

(d) Ice used for cooling drinking water shall not be immersed or in direct contact with the water to be cooled.

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Chief, Field Office, Anti-Trust Division, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (d) of § 213.3310 is amended as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(d) *Anti-Trust Division.* (1) Chief, Field Office (three positions).

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-249; Filed, Jan. 7, 1971; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that three positions of Special Assistant to the Assistant Attorney General for Internal Security are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (p) of § 213.3310 is added as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(p) *Internal Security Division.* • • •

(5) Three Special Assistants to the Assistant Attorney General.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-248; Filed, Jan. 7, 1971; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Deputy Administrator, Alaska Power Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (o) is added to § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

• • • • • •

(o) *Alaska Power Administration.* (1) Deputy Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-246; Filed, Jan. 7, 1971; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant to the Assistant Secretary for Safety and Consumer Affairs and a second position of Special Assistant to the Assistant Secretary for Policy and International Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (21) is amended and subparagraph (23) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(21) Two Special Assistants to the Assistant Secretary for Policy and International Affairs.

• • • • • •

(23) One Special Assistant to the Assistant Secretary for Safety and Consumer Affairs.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-250; Filed, Jan. 7, 1971; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service (Food Stamp Program), Department of Agriculture

SUBCHAPTER C—FOOD STAMP PROGRAM

PART 270—GENERAL INFORMATION AND DEFINITIONS

Definitions

Correction

In F.R. Doc. 70-17531 appearing at page 19737 in the issue of Wednesday, December 30, 1970, the last line of paragraph (z) in § 270.2 should appear as the sixth line of that paragraph.

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Brown-Tail Moth

REGULATED AREAS

Under the authority of § 301.45–2 of the Gypsy Moth and Brown-Tail Moth quarantine regulations, 7 CFR 301.45–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.45–2a, is hereby amended as follows:

§ 301.45–2a Regulated areas; suppressive and generally infested areas.

(a) The civil divisions or parts of civil divisions described below are designated as gypsy moth regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

• • • • • •

NEW JERSEY

(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

NEW YORK

(1) *Generally infested area.*

Albany County. The entire county.

Bronx County. The entire county.

Broome County. The towns of Binghamton, Colesville, Conklin, Dickinson, Kirkwood, Sanford, Vestal, and Windsor; and the city of Binghamton.

Chenango County The towns of Afton, Bainbridge, and Guilford.

Clinton County. The entire county.

Columbia County. The entire county.

Delaware County. The entire county.

Dutchess County. The entire county.

Essex County. The towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Minerva, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willisboro, and Wilmington.

Franklin County. The towns of Bangor, Bellmont, Bombay, Burke, Chateaugay, Constable, Fort Covington, Malone, Moira, St. Regis Indian Reservation, and Westville.

Fulton County. The entire county.

Greene County. The entire county.

Hamilton County. The towns of Arietta, Benson, Hope, Indian Lake, Lake Pleasant, and Wells.

Herkimer County. The towns of Columbia, Danube, Fairfield, Frankfort, German Flatts, Herkimer, Litchfield, Little Falls, Manheim, Newport, Norway, Russia, Salisbury, Schuyler, Stark, Warren, and Winfield; and the city of Little Falls

Kings County. The entire county.

Madison County. The town of Brookfield.

Montgomery County. The entire county.

Nassau County. The entire county.

New York County. The entire county.

Oneida County. The towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Trenton, Westmoreland, and Whitestown; and the city of Utica.
Orange County. The entire county.
Otsego County. The entire county.
Putnam County. The entire county.
Queens County. The entire county.
Rensselaer County. The entire county.
Richmond County. The entire county.
Rockland County. The entire county.
St. Lawrence County. The towns of Brasher, Lawrence, and Massena.
Saratoga County. The entire county.
Schenectady County. The entire county.
Schoharie County. The entire county.
Suffolk County. The entire county.
Sullivan County. The entire county.
Ulster County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Westchester County. The entire county.
(2) *Suppressive area.*
Jefferson County. The towns of Brownville and Orleans.

PENNSYLVANIA

(1) *Generally infested area.*
Berks County. The entire county.
Bucks County. The entire county.
Carbon County. The entire county.
Centre County. The townships of Haines, Miles, and Penn; and the borough of Millheim.
Chester County. The entire county.
Columbia County. The entire county.
Dauphin County. The entire county.
Delaware County. The entire county.
Lackawanna County. The entire county.
Lancaster County. The entire county.
Lebanon County. The entire county.
Lehigh County. The entire county.
Luzerne County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Montour County. The entire county.
Northampton County. The entire county.
Northumberland County. The entire county.
Philadelphia County. The entire county.
Pike County. The entire county.
Schuylkill County. The entire county.
Susquehanna County. The entire county.
Sullivan County. The entire county.
Wayne County. The entire county.
Wyoming County. The entire county.
(2) *Suppressive area.* None.

* * * * *

(b) The civil divisions or parts of civil divisions described below are designated as brown-tail moth, regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

MAINE

(1) *Generally infested area.*
Cumberland County. The towns of Brunswick, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gray, Gorham, Harpswell, North Yarmouth, Pownal, Scarboro, Windham, and Yarmouth; the cities of Portland, South Portland, and Westbrook; and the offshore islands within the Casco Bay area of Cumberland County.
Sagadahoc County. The towns of Arrowsic, Georgetown, Phippsburg, West Bath, and Woolwich; the city of Bath; and the offshore islands within the Casco Bay area of Sagadahoc County.
(2) *Suppressive area.*
York County. The entire county.

MASSACHUSETTS

(1) *Generally infested area.*
Barnstable County. The towns of Barnstable, Dennis, Provincetown, Truro, and Yarmouth.
(2) *Suppressive area.*
Barnstable County. The towns of Brewster, Chatham, Eastham, Harwich, Orleans, and Wellfleet.

NEW HAMPSHIRE

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Belknap County. The entire county.
Carroll County. The towns of Brookfield, Effingham, Freedom, Moultonborough, Ossipee, Sandwich, Tamworth, Wakefield, and Wolfeboro.
Hillsborough County. The entire county.
Merrimack County. The entire county.
Rockingham County. The entire county.
Strafford County. The entire county.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.45-2)

This amendment shall become effective January 8, 1971.

The Director of the Plant Protection Division has determined that infestations of the gypsy moth exist or are likely to exist in the civil divisions or parts of civil divisions listed as regulated areas in paragraph (a), or that it is necessary to regulate such areas because of their proximity to gypsy moth infestations or their inseparability for quarantine enforcement purposes from gypsy moth infested localities. The Director has also determined that infestations of the brown-tail moth exist or are likely to exist in the civil divisions or parts of civil divisions listed as regulated areas in paragraph (b), or that it is necessary to regulate such areas because of their proximity to brown-tail moth infestations or their inseparability for quarantine enforcement purposes from brown-tail moth infested localities.

The Director has further determined that each of the quarantined States, wherein less than the entire State is designated as a regulated area, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the gypsy moth and brown-tail moth. Accordingly, such civil divisions listed above in paragraph (a) are designated as gypsy moth regulated areas and those listed in paragraph (b) are designated as brown-tail moth regulated areas.

This amendment adds to the gypsy moth regulated area all or parts of the following previously nonregulated counties: Cumberland County in New Jersey; Broome, Chenango, Jefferson, and St. Lawrence Counties in New York; and Chester, Columbia, Dauphin, Delaware, Lancaster, Lebanon, Montour, Northumberland, and Sullivan Counties in Pennsylvania. The gypsy moth regulated area has been extended in some previously regulated counties and some counties were changed from suppressive to generally infested areas. With the addition of Cumberland County and the nonregulated portions of previously regulated counties in New Jersey, the entire State of New Jersey is now under Federal regulation for gypsy moth.

This amendment adds to the brown-tail moth regulated area parts of the previously nonregulated counties of Cumberland and Sagadahoc in Maine. It also removes from Federal regulation Essex County and a portion of Barnstable County in Massachusetts; and Cheshire, Grafton, and Sullivan Counties and a portion of Carroll County in New Hampshire. Several counties have been changed from generally infested to suppressive areas. This is the first time that suppressive areas have been listed in the brown-tail moth regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the gypsy moth and the brown-tail moth and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 31st day of December 1970.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[F.R. Doc. 71-138; Filed, Jan. 7, 1971; 8:45 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published July 16, 1970 (35 F.R. 11365), which were designated for corn crop insurance for the 1971 crop year.

KANSAS

Cheyenne.	Thomas.
Kearny.	

NEBRASKA

Adams.	Fillmore.
Clay.	Scotts Bluff.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] FRANK W. NAYLOR, JR.,
Acting Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 71-235; Filed, Jan. 7, 1971; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
Arizona	Maricopa	Unincorporated areas.	E 04 013 0000 01 through E 04 013 0000 03	Arizona State Land Department, Fourth Floor Capital Annex East, Phoenix, AZ 85007. Arizona Department of Insurance, Post Office Box 7098, 718 West Glenrosa, Phoenix, AZ 85011.	Flood Control District, Maricopa County, 3325 West Durango St., Phoenix, AZ 85009.	Dec. 31, 1970.
Arkansas	Pope	Russellville	I 05 115 3450 03 through I 05 115 3450 09	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, AR 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, AR 72204.	Office of the City Building Official, City of Russellville, Russellville, AR 72801.	Do.
California	Contra Costa	Martinez	E 06 013 2080 01 through E 06 013 2080 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Do.
Do	Los Angeles	Azusa	E 06 037 0230 01 E 06 037 0230 02	do	Office of the Director of Public Works, City of Azusa, 213 East Foothill Blvd., Azusa, CA 91702.	Do.
Do	Marin	San Rafael	E 06 041 3410 01 through E 06 041 3410 14	do	Public Works Office, Room 301, City Hall, 1400 Fifth Ave., San Rafael, CA 94902.	Do.
Do	San Bernardino	Montclair	E 06 071 2238 01	do	Office of the City Clerk, 5111 Benito St., Post Office Box 2308, Montclair, CA 91763.	Do.
Do	do	San Bernardino	E 06 071 3201 01 through E 06 071 3201 16	do	Office of the City Clerk, City Hall, City of San Bernardino, CA 92401.	Do.
Do	do	Upland	E 06 071 4000 01 through E 06 071 4000 04	do	City Administrative Offices, 123 East D St., Upland, CA 91786.	Do.
Louisiana	St. Tammany Parish.	Unincorporated areas.	E 22 103 0000 01 through E 22 103 0000 12	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Department of Planning and Engineering, Suite M3, Courthouse, Covington, LA 70433.	Do.
New Jersey	Cape May	Avalon	I 34 009 0130 03 I 34 009 0130 04	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the Borough Clerk, Borough Hall, 3rd and Dune Dr., Avalon, NJ 08202.	Do.
Do	do	Cape May Point	I 34 009 0550 02	do	Office of the Cape May Point Building Inspector, Borough Pump House, Light House Ave., Cape May Point, NJ 08212.	Do.
Do	do	Sea Isle City	I 34 009 3000 03 I 34 009 3000 04	do	Office of the City Clerk, City Hall, 4416 Landis Ave., Sea Isle City, NJ 08243.	Do.
Do	do	Stone Harbor	I 34 009 3200 03 I 34 009 3200 04	do	Borough Clerk's Office, Municipal Bldg., 95th and Second Ave., Stone Harbor, NJ 08247.	Do.
Do	do	West Wildwood	I 34 009 3630 02	do	Borough of West Wildwood, 701 West Glenwood Ave., West Wildwood NJ 08260.	Do.
Do	do	Wildwood	I 34 009 3670 02	do	Office of the Treasurer, City of Wildwood, Municipal Bldg., 4400 New Jersey Ave., Wildwood, NJ 08260.	Do.
Ohio	Erie	Vermilion	I 39 043 8400 03 through I 39 043 8400 05	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, OH 43215.	Office of the Clerk of Council, City Hall, Vermilion, Ohio 44089.	Do.
Do	Lorain	Brownhelm Township.	I 39 093 0710 02	do	Office of the Township Clerk, 8372 Claus Rd., Amherst, OH 44001.	Do.
Oregon	Jackson	Unincorporated areas.	E 41 029 0000 01 through E 41 029 0000 07	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Department of Commerce, Insurance Division, 158 12th St. NE., Salem, OR 97310.	Jackson County Planning Department, Courthouse, Medford, OR 97501.	Do.
Do	Josephine	do	E 41 033 0000 01 through E 41 033 0000 10	do	Josephine County Planning Office, 130 Northwest B St., Grants Pass, OR 97526.	Do.
Do	Lane	do	E 41 039 0000 01 through E 41 039 0000 05	do	Office of General Administration, Lane County Courthouse, 125 Eighth Ave. East, Eugene, OR 97401.	Do.
Do	do	Springfield	E 41 039 1960 01 through E 41 039 1960 03	do	Office of the City Manager, 223 North A, Springfield, OR 97477.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Texas	Hunt	Greenville	E 48 231 2860 01 through E 48 231 2860 07	Texas Water Development Board, 301 West Second St., Austin, TX 78711. State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the Department of Community Development, City of Greenville, Greenville, Tex. 75401.	Dec. 31, 1970.
Do	Montgomery	Pinehurst	E 48 339 5357 01	do	Office of the City Tax Assessor-Collector, Johnson's Butane, 1627 West Strickland Dr., Orange, TX 77630.	Do.
Do	Tarrant	Arlington	I 48 439 0260 03 through I 48 439 0260 11	do	Office of the Administrative Assistant, Post Office Box 231, Arlington, TX 76010.	Do.
Wisconsin	Crawford	Prairie du Chien	I 55 023 3890 02, I 55 023 3890 03	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	Municipal Office, 207 West Blackhawk Ave., Prairie du Chien, WI 53701.	Do.
Do	Pierce	Unincorporated areas.	E 55 093 0000 01	do	Pierce County Zoning Office, Court House, Ellsworth, WI 54011.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 31, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 71-145; Filed, Jan. 7, 1971; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arizona	Maricopa	Unincorporated areas.	T 04 013 0000 01 through T 04 013 0000 03	Arizona State Land Department, Fourth Floor Capital Annex East, Phoenix, AZ 85007. Arizona Department of Insurance, Post Office Box 7098, 718 West Glenrosa, Phoenix, AZ 85011.	Flood Control District, Maricopa County, 3325 West Durango St., Phoenix, AZ 85009.	Dec. 31, 1970.
Arkansas	Pope	Russellville	H 05 115 3450 03 through H 05 115 3450 09	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, AR 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, AR 72204.	Office of the City Building Official, City of Russellville, Russellville, Ark. 72801.	July 17, 1970.
California	Contra Costa	Martinez	T 06 013 2090 01 through T 06 013 2090 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Dec. 31, 1970.
Do	Los Angeles	Azusa	T 06 037 0230 01 T 06 037 0230 02	do	Office of the Director of Public Works, City of Azusa, 213 East Foothill Blvd., Azusa, CA 91702.	Do.
Do	Marin	San Rafael	T 06 041 3410 01 through T 06 041 3410 14	do	Public Works Office, Room 301, City Hall, 1400 Fifth Ave., San Rafael, CA 94902.	Do.
Do	San Bernardino	Montclair	T 06 071 2238 01	do	Office of the City Clerk, 5111 Benito St., Post Office Box 2308, Montclair, CA 91763.	Do.
Do	do	San Bernardino	T 06 071 3201 01 through T 06 071 3201 16	do	Office of the City Clerk, City Hall, City of San Bernardino, San Bernardino, CA 92401.	Do.
Do	do	Upland	T 06 071 4000 01 through T 06 071 4000 04	do	City Administrative Offices, 123 East D St., Upland, CA 91786.	Do.
Louisiana	St. Tammany Parish.	Unincorporated areas.	T 22 103 0000 01 through T 22 103 0000 12	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Department of Planning and Engineering, Suite M3, Courthouse, Covington, LA 70433.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Cape May	Avalon	H 34 009 0130 03 H 34 009 0130 04	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the Borough Clerk, Borough Hall, 3rd and Dune Dr., Avalon, NJ 08202.	Apr. 17, 1970.
Do	do	Cape May Point	H 34 009 0550 02	do	Office of the Cape May Point Building Inspector, Borough Pump House, Light House Ave., Cape May Point, NJ 08212.	June 27, 1970.
Do	do	Sea Isle City	H 34 009 3000 03 H 34 009 3000 04	do	Office of the City Clerk, City Hall, 4416 Landis Ave., Sea Isle City, NJ 08243.	June 16, 1970.
Do	do	Stone Harbor	H 34 009 3260 03 H 34 009 3260 04	do	Borough Clerk's Office, Municipal Bldg., 95th and Second Ave., Stone Harbor, NJ 08247.	Oct. 16, 1970
Do	do	West Wildwood	H 34 009 3630 02	do	Boronch of West Wildwood, 701 West Glenwood Ave., West Wildwood, NJ 08260.	Sept. 8, 1970.
Do	do	Wildwood	H 34 009 3670 02	do	Office of the Treasurer, City of Wildwood, Municipal Bldg., 4400 New Jersey Ave., Wildwood, NJ 08260.	June 5, 1970.
Ohio	Erie	Vermillion	H 39 043 8400 03 through H 39 043 8400 05	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, OH 43215.	Office of the Clerk of Council, City Hall, Vermillion, Ohio 44089.	May 5, 1970.
Do	Lorain	Brownhelm Township.	H 39 093 0710 02	do	Office of the Township Clerk, 8372 Claus Rd., Amherst, OH 44001.	Aug. 20, 1970.
Oregon	Jackson	Unincorporated areas.	T 41 029 0000 01 through T 41 029 0000 07	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Department of Commerce, Insurance Division, 158 12th St. NE., Salem, OR 97310.	Office of the Jackson County Planning Department, Courthouse, Medford, OR 97501.	Dec. 31, 1970.
Do	Josephine	do	T 41 033 0000 01 through T 41 033 0000 10	do	Josephine County Planning Office, 130 Northwest B St., Grants Pass, OR 97526.	Do.
Do	Lane	do	T 41 039 0000 01 through T 41 039 0000 05	do	Office of General Administration, Lane County Courthouse, 125 Eighth Ave. East, Eugene, OR 97401.	Do.
Do	do	Springfield	T 41 039 1960 01 through T 41 039 1960 03	do	Office of the City Manager, 223 North A, Springfield, OR 97477.	Do.
Texas	Hunt	Greenville	T 48 231 2860 01 through T 48 231 2860 07	Texas Water Development Board, 301 West Second St., Austin, TX 78711. State Board of Insurance, 1110 San Jacinto St., Austin, TX 7870 .	Office of the Department of Community Development, City of Greenville, Greenville, Tex. 75401.	Do.
Do	Montgomery	Pinehurst	T 48 339 5357 01	do	Office of the City Tax Assessor-Collector, Johnson's Butane, 1627 West Strickland Dr., Orange, TX 77630.	Do.
Do	Tarrant	Arlington	H 48 439 0260 03 through H 48 439 0260 11	do	Office of the Administrative Assistant, Post Office Box 231, Arlington, TX 76010.	Aug. 6, 1970.
Wisconsin	Crawford	Prairie du Chien	H 55 023 3890 02 H 55 023 3890 03	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	Municipal Office, 207 West Blackhawk Ave., Prairie du Chien, WI 53701.	May 22, 1970.
Do	Pierce	Unincorporated areas.	T 55 093 0000 01	do	Pierce County Zoning Office, Court House, Ellsworth, WI 54011.	Dec. 31, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 31, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 71-146; Filed, Jan. 7, 1971; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-319]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) (15) relating to the State of Alabama is amended to read:

(15) *Alabama.* (i) That portion of Dallas County bounded by a line beginning at the junction of U.S. Highway 80 and the Alabama River; thence, following U.S. Highway 80 in a southeasterly direction to State Highway 41; thence, following State Highway 41 in a generally southwesterly direction to Cedar Creek; thence, following the north bank of Cedar Creek in a generally northwesterly direction to the Alabama River; thence, following the east bank of the Alabama River in a generally northeasterly direction to its junction with U.S. Highway 80.

(ii) That portion of Covington County bounded by a line beginning at the junction of the Covington-Crenshaw-Coffee County lines; thence, following the Covington-Coffee County line in a southerly direction to U.S. Highway 84; thence,

following U.S. Highway 84 in a southwesterly direction to Secondary Road 11; thence, following Secondary Road 11 in a southwesterly direction to Secondary Road 77; thence, following Secondary Road 77 in a northeasterly direction to the Mount Gilead-Five Points Road; thence, following the Mount Gilead-Five Points Road in a northeasterly direction to Primary Road 43; thence, following Primary Road 43 in a northeasterly direction to the Covington-Crenshaw County line; thence, following the Covington-Crenshaw County line in a generally southeasterly direction to its junction with the Coffee County line.

2. In § 76.2, the reference to the State of Indiana in the introductory portion of paragraph (e) and paragraph (e)(3) relating to the State of Indiana are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 128–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Covington County, Ala., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude a portion of Wayne County, Ind., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. The amendments release Indiana from the list of States quarantined because of hog cholera.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 71-258; Filed, Jan. 7, 1971; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7084]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Gain From Dispositions of Certain Depreciable Realty

On May 12, 1966, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to certain provisions of section 231 of the Revenue Act of 1964 (78 Stat. 100), relating to gain from dispositions of certain depreciable realty, was published in the FEDERAL REGISTER (31 F.R. 6966). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment as proposed is hereby adopted, subject to the changes which follow. The amendment does not reflect the amendments made to section 1250 by the Tax Reform Act of 1969 (83 Stat. 487).

PARAGRAPH 1. Paragraph (c)(3)(i) of § 1.170–1 is amended.

PAR. 2. Paragraph (c)(1) of § 1.453–9 is amended.

PAR. 3. Paragraph (c) of § 1.751–1 is amended by revising subparagraphs (4)(ii) and (6)(ii).

PAR. 4. Section 1.1245–2(a)(8) is amended.

PAR. 5. Section 1.1245–6(b) is revised.

PAR. 6. Section 1.1250 is revised.

PAR. 7. Section 1.1250–1 is revised.

PAR. 8. Section 1.1250–2 is amended by revising paragraphs (a), (b), (c) (1) and (2)(iii), and (d) (2), (3)(ii), (4)(ii), and (6).

PAR. 9. Section 1.1250–3 is revised.

PAR. 10. Section 1.1250–4 is amended by revising paragraphs (a), (b)(2), (f), and (g).

PAR. 11. Section 1.1250–5 is revised.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: December 31, 1970.

EDWIN S. COHEN,
Assistant Secretary
of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to certain provisions of section 231 of the Revenue Act of 1964 (78 Stat. 100), relating to gain from dispositions of certain depreciable realty, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c)(3) (i) and (ii) of § 1.170–1 is amended to read as follows:

§ 1.170–1 Charitable, etc., contributions and gifts; allowance of deduction.

• • • • • •

(c) *Contribution in property.* • • •

(3) *Reduction for depreciable property.* (i) With respect to a charitable contribution of section 1245 property (as defined in section 1245(a)(3)), or section 1250 property (as defined in section 1250(c)), section 170(e) requires that the amount of the charitable contribution taken into account under section 170 shall be reduced by the amount which would have been treated (but was not actually treated) as gain to which section 1245(a)(1) or 1250(a) (relating to gain from dispositions of depreciable property) applies if the property contributed had been sold at its fair market value (determined at the time of such contribution).

(ii) Section 170(e) applies to charitable contributions of section 1245 property in taxable years beginning after December 31, 1962, except that in respect of section 1245 property which is an elevator or escalator section 170(e) applies to charitable contributions after December 31, 1963. Section 170(e) applies to charitable contributions of section 1250 property after December 31, 1963.

• • • • • •

PAR. 2. Section 1.301 is amended by revising subsections (b)(1)(B)(ii) and (d)(2)(B) of section 301 and the historical note to read as follows:

§ 1.301 Statutory provisions; distributions of property.

SEC. 301. *Distributions of property.* • • •

(b) *Amount distributed—(1) General rule.* • • •

(B) *Corporate distributees.* • • •

(ii) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing corporation which is recognized under subsection (b) or (c) of section 311, under section 341(f), or under section 1245(a) or 1250(a).

• • • • • •

(d) *Basis—(1) Noncorporate distributees.* • • •

(2) *Corporate distributees.* • • •

(B) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing corporation which is recognized under subsection (b) or (c) of section 311, under section 341(f), or under section 1245(a) or 1250(a).

• • • • • •

[Sec. 301 as amended by sec. 5 (a) and (b), Rev. Act 1962 (76 Stat. 977); sec. 13(f)(2), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(2), Rev. Act 1964 (78 Stat. 105); Act of Aug. 22, 1964 (Pub. Law 88–484, 78 Stat. 597)]

PAR. 3. Section 1.301–1 is amended by revising paragraph (d), paragraph (h)(2)(ii)(b), paragraph (j)(1), example (1) in paragraph (k), and paragraph (n)(2). These revised provisions read as follows:

§ 1.301–1 Rules applicable with respect to distributions of money and other property.

• • • • • •

(d) *Distributions of property to corporate shareholders.* If property (other than money and other than the obligations of the distributing corporation) is distributed in kind to a shareholder which is a corporation and the fair market value of such property is greater than the adjusted basis in the hands of the distributing corporation, only the adjusted basis of such property (determined immediately before the distribution and increased for any gain recognized to the distributing corporation under section 311 (b) and (c) and section 1245(a) or 1250(a)) shall be taken into account under section 301(c). Thus, in such a case, the amount of such a dividend in kind under section 301(c)(1) may not exceed such adjusted basis. Similarly, in such cases where the distribution is not out of earnings and profits, the amount of the reduction in basis of the shareholder's stock and the amount of any gain resulting from such distribution are determined by reference to the adjusted basis of the property distributed. If the property distributed is money, the amount of the distribution shall be the the amount of such money. If the property distributed consists of the obligations of the distributing corporation, or stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b), the amount of such distribution shall be an amount equal to the fair market value of such obligations, stock, or rights. For special rules as to distributions by a foreign corporation of property (other than money, the obligations of the distributing corporation, stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b)) after December 31, 1962, to a shareholder which is a corporation, see section 301(b)(1)(C) and paragraph (n) of this section.

• • • • • •

(h) *Basis.* • • •

(2) • • •

(ii) • • •

(b) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property increased in the amount of gain to the distributing corporation which is recognized under section 311(b) (relating to distributions of LIFO inventory), section 311(c) (relating to distributions of property subject to liabilities in excess of basis) or section 1245(a) or 1250(a) (relating to gain from dispositions of certain depreciable property);

• • • • • •

(j) *Transfers for less than fair market value.* • • •

(1) Where the fair market value of the property equals or exceeds its adjusted basis in the hands of the distributing corporation the amount of the distribution shall be the excess of the adjusted basis (increased by the amount of gain recognized under section 311 (b) or (c) or section 1245(a) or 1250(a) to the distributing corporation) over the amount paid for the property;

• • • • • •

(k) *Application of rule respecting transfers for less than fair market value.* • • •

Example (1). On January 1, 1955, A, an individual shareholder of corporation X, purchased property from that corporation for $20. The fair market value of such property was $100, and its basis in the hands of corporation X was $25. The amount of the distribution determined under section 301(b) is $80. If A were a corporation, the amount of the distribution would be $5 (assuming that sections 311 (b) and (c), 1245(a), and 1250(a) do not apply), the excess of the basis of the property in the hands of corporation X over the amount received therefor. The basis of such property to corporation A would be $25. If the basis of the property in the hands of corporation X were $10, the corporate shareholder, A, would not receive a distribution. The basis of such property to corporation A would be $20. Whether or not A is a corporation, the excess of the amount paid over the basis of the property in the hands of corporation X ($20 over $10) would be a taxable gain to corporation X.

• • • • • •

(n) *Distributions of certain property by foreign corporations to corporate shareholders.* • • •

(2) If any deduction is allowable to the recipient under section 245 with respect to a distribution of property described in subparagraph (1) of this paragraph and if the fair market value of the property exceeds its adjusted basis in the hands of the distributing corporation (increased by any gain to the distributing corporation recognized under section 311 (b) or (c), or under section 1245 (a) or 1250(a)), then the amount taken into account under section 301(c) shall be determined under subparagraph (3) of this paragraph. In order to determine such amount—

(i) First, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b) or (c), or under section 1245(a) or 1250(a)) which is out of earnings and profits of the taxable year (within the meaning of section 316(a)(2)).

(ii) Second, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b) or (c), or under section 1245(a) or 1250(a)) which is out of earnings and profits accumulated during the portion of the uninterrupted period described in section 245(a) which ends at the beginning of the taxable year.

(iii) Third, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b) or (c), or under section 1245(a) or 1250(a)) which is out of sources other than earnings and profits of the taxable year and earnings and profits accumulated during the uninterrupted period described in section 245(a).

(iv) Fourth, with respect to each of the portions computed under subdivisions (i), (ii), and (iii) of this subparagraph, determine the proportionate part of the fair market value of the property attributable to such portion. The proportionate part of the fair market value attributable to each portion shall be such fair market value multiplied by the ratio which such portion bears to the sum of all portions.

PAR. 4. Section 1.312 is amended by revising section 312(c)(3) and the historical note to read as follows:

§ 1.312 Statutory provisions; effect on earnings and profits.

SEC. 312. *Effect on earnings and profits.* • • •

(c) *Adjustments for liabilities, etc.* • • •

(3) Any gain to the corporation recognized under subsection (b) or (c) of section 311 or under section 1245(a) or 1250(a).

• • • • • •

[Sec. 312 as amended by sec. 13(f)(3), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(3), Rev. Act 1964 (78 Stat. 105)]

PAR. 5. Section 1.312–3 is amended to read as follows:

§ 1.312–3 Liabilities.

The amount of any reductions in earnings and profits described in section 312 (a) or (b) shall be (a) reduced by the amount of any liability to which the property distributed was subject and by the amount of any other liability of the corporation assumed by the shareholder in connection with such distribution, and (b) increased by the amount of gain recognized to the corporation under section 311 (b) or (c) or under section 1245(a) or 1250(a).

PAR. 6. Paragraph (c)(1) of § 1.453–9 is amended to read as follows:

§ 1.453–9 Gain or loss on disposition of installment obligations.

• • • • • •

(c) *Disposition from which no gain or loss is recognized.* (1)(i) Under section 453(d)(4)(A), no gain or loss shall be recognized to a distributing corporation with respect to the distribution of installment obligations if the distribution is made, pursuant to a plan for the complete liquidation of a subsidiary meeting the requirements of section 332, to a corporation in the hands of which no gain or loss is recognized with respect to such distribution. However, if the basis of the property of the liquidating corporation in the hands of the distributee is determined under section 334(b)(2), then the preceding sentence shall not apply to the extent that under section 453(d)(1) gain to the distributing corporation would be considered as gain to which section 1245(a)(1) or 1250(a) relating to gain from dispositions of depreciable property) applies, computed under the principles of paragraph (d) of § 1.1245–6 or

paragraph (c)(6) of § 1.1250–1, whichever is applicable.

(ii) Under section 453(d)(4)(B), no gain or loss shall be recognized to a distributing corporation with respect to the distribution of installment obligations if the distribution is made, pursuant to a plan for the complete liquidation of a corporation which meets the requirements of section 337, under conditions whereby no gain or loss would have been recognized to the corporation had such installment obligations been sold or exchanged on the day of the distribution. The preceding sentence shall not apply to the extent that under section 453(d)(1) gain to the distributing corporation would be considered as gain to which section 1245(a)(1) or 1250(a) applies, computed under the principles of paragraph (d) of § 1.1245–6 or paragraph (c)(6) of § 1.1250–1, whichever is applicable.

• • • • • •

PAR. 7. Section 1.751 is amended by revising section 751(c) and the historical note to read as follows:

§ 1.751 Statutory provisions; unrealized receivables and inventory items.

SEC. 751. *Unrealized receivables and inventory items.* • • •

(c) *Unrealized receivables.* For purposes of this subchapter, the term "unrealized receivables" includes, to the extent not previously includible in income under the method of accounting used by the partnership, any rights (contractual or otherwise) to payment for—

(1) Goods delivered, or to be delivered, to the extent the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset, or

(2) Services rendered, or to be rendered.

For purposes of this section and sections 731, 736, and 741, such term also includes section 1245 property (as defined in section 1245(a)(3)) and section 1250 property (as defined in section 1250(c)), but only to the extent of the amount which would be treated as gain to which section 1245(a) or 1250(a) would apply if (at the time of the transaction described in this section or section 731, 736, or 741, as the case may be) such property had been sold by the partnership at its fair market value.

• • • • • •

[Sec. 751 as amended by sec. 13(f)(1), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(6), Rev. Act 1964 (78 Stat. 105)]

PAR. 8. Paragraph (c) of § 1.751–1 is amended by revising subparagraphs (4), (5), and (6) to read as follows:

§ 1.751–1 Unrealized receivables and inventory items.

• • • • • •

(c) *Unrealized receivables.* • • •

(4)(i) With respect to any taxable year of a partnership beginning after December 31, 1962, the term "unrealized receivables," for purposes of this section and sections 731, 736, 741, and 751, also includes "potential section 1245 income." With respect to each item of partnership section 1245 property (as defined in sec. 1245(a)(3)), "potential section 1245 income" is the amount which would be treated as gain to which section 1245(a)(1) would apply if (at the time of the transaction described in section 731, 736, 741, or 751, as the case may be) the item of section 1245 property were sold by the partnership at its fair market value. See paragraph (e)(1) of § 1.1245–1. For example, if a partnership would recognize under section 1245(a)(1) gain of $600 upon a sale of one item of section 1245 property and gain of $300 upon a sale of its only other item of such property, the potential section 1245 income of the partnership would be $900.

(ii) With respect to any taxable year of a partnership ending after December 31, 1963, the term "unrealized receivables," for purposes of this section and sections 731, 736, 741, and 751, also includes "potential section 1250 income." With respect to each item of partnership section 1250 property (as defined in section 1250(c)), "potential section 1250 income" is the amount which would be treated as gain to which section 1250(a) would apply if (at the time of the transaction described in section 731, 736, 741, or 751, as the case may be) the item of section 1250 property were sold by the partnership at its fair market value. See paragraph (f)(1) of § 1.1250–1.

(iii) For purposes of determining potential section 1245 income or potential section 1250 income, any arm's-length agreement between the buyer and seller, or between the partnership and distributee partner, will generally establish the fair market value of section 1245 property or section 1250 property (as the case may be).

(5) For purposes of subtitle A of the Code, the basis of potential section 1245 income and of potential section 1250 income is zero.

(6)(i) If (at the time of the transaction referred to in subparagraph (4) of this paragraph) a partnership holds section 1245 (or 1250) property and if (*a*) a partner had a special basis adjustment under section 743(b) in respect of the property, or (*b*) the basis under section 732 of the property if distributed to the partner would reflect a special basis adjustment under section 732 (d), or (c) on the date a partner acquires his partnership interest by way of a sale or exchange (or upon death of another partner) the partnership owned the property and an election under section 754 was in effect with respect to the partnership, then the partner's share of the potential section 1245 (or 1250) income of the partnership in respect of the property shall be determined under subdivision (ii) of this subparagraph.

(ii) The partner's share of the potential section 1245 (or 1250) income of the partnership in respect of the property to which this subdivision applies shall be that amount of gain which the partner would recognize under paragraph (e)(3) of § 1.1245–1 (or paragraph (f) of § 1.1250–1) upon a sale of the property by the partnership, except that, for purposes of this subparagraph (*a*) the items which are allocated under (or in a manner consistent with the principles provided in) paragraph (e)(3)(ii) of § 1.1245–1 shall be allocated to the partner in the same manner as his share of partnership property is determined, and (*b*) the amount of a special basis adjustment under section 732(d) shall be treated as if it were the amount of a special basis adjustment under section 743(b).

• • • • • •

PAR. 9. Paragraph (c)(1) of § 1.1245–1 is amended to read as follows:

§ 1.1245–1 General rule for treatment of gain from dispositions of certain depreciable property.

• • • • • •

(c) *Other dispositions.* (1) In the case of a disposition of section 1245 property other than by way of a sale, exchange, or involuntary conversion, the gain to which section 1245(a)(1) applies is the amount by which (i) the lower of the fair market value of the property on the date of disposition or the recomputed basis of the property, exceeds (ii) the adjusted basis of the property. If property is transferred by a corporation to a shareholder for an amount less than its fair market value in a sale or exchange, for purposes of applying section 1245 such transfer shall be treated as a disposition other than by way of a sale, exchange, or involuntary conversion.

• • • • • •

PAR. 10. Paragraph (a) of § 1.1245–2 is amended by adding a new subparagraph (8). The new provision reads as follows:

§ 1.1245–2 Definition of recomputed basis.

(a) *General rule.* • • •

(8) *Exempt organizations.* In respect of property disposed of by an organization which is or was exempt from income taxes (within the meaning of section 501(a)), adjustments reflected in the adjusted basis (within the meaning of subparagraph (2) of this paragraph) shall include only depreciation or amortization allowed or allowable (i) in computing unrelated business taxable income (as defined in section (512(a)), or (ii) in computing taxable income of the organization (or a predecessor organization) for a period during which it was not exempt or, by reason of the application of section 502, 503, or 504, was denied its exemption.

• • • • • •

PAR. 11. Paragraph (d) of § 1.1245–4 is amended by revising so much of subparagraph (4) as precedes subdivision (i) thereof, and by adding new subparagraph (7). These revised and added provisions read as follows:

§ 1.1245–4 Exceptions and limitations.

• • • • • •

(d) *Limitation for like kind exchanges and involuntary conversions.* • • •

(4) *Application to disposition of section 1245 property and nonsection 1245 property in one transaction.* For purposes of this paragraph, if both section 1245 property and nonsection 1245 property are acquired as the result of one disposition in which both section 1245 property and nonsection 1245 property are disposed of, then except as provided in subparagraph (7) of this paragraph—

• • • • • •

(7) *Coordination with section 1250.* For purposes of this paragraph, if section 1245 property and section 1250 property are disposed of in one transaction in which the property acquired includes section 1250 property, the allocation rules of paragraph (d)(6) of § 1.1250–3 shall apply.

• • • • • •

PAR. 12. Paragraphs (b) and (e) of § 1.1245–6 are amended to read as follows:

§ 1.1245–6 Relation of section 1245 to other sections.

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(b) *Nonrecognition sections overridden.* The nonrecognition provisions of subtitle A of the Code, which section 1245 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, 501(a), and 512(b)(5). See section 1245(b) for the extent to which section 1245(a)(1) overrides sections 332, 351, 361, 371(a), 374(a), 721, 731, 1031, 1033, 1071, and 1081 (b)(1) and (d)(1)(A). For limitation on amount of adjustments reflected in adjusted basis of property disposed of by an organization exempt from income taxes (within the meaning of section 501(a)), see paragraph (a)(8) of § 1.1245–2.

• • • • • •

(e) *Exempt income.* The fact that section 1245 provides for recognition of gain as ordinary income does not change into taxable income any income which is exempt under section 115 (relating to income of states, etc.), 892 (relating to income of foreign governments), or 894 (relating to income exempt under treaties).

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PAR. 13. There are inserted immediately after § 1.1249–1 the following new sections:

§ 1.1250 Statutory provisions: gain from dispositions of certain depreciable realty.

SEC. 1250. *Gain from dispositions of certain depreciable realty*—(a) *General rule.* Except as otherwise provided in this section—

(1) *Additional depreciation after December 31, 1969.* If section 1250 property is disposed of after December 31, 1969, the applicable percentage of the lower of—

(A) That portion of the additional depreciation (as defined in subsection (b)(1) or (4)) attributable to periods after December 31, 1969, in respect of the property, or

(B) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of such property (in the case of any other disposition), over

(ii) The adjusted basis of such property,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

(C) *Applicable percentage.* For purposes of paragraph (1), the term "applicable percentage" means—

(i) In the case of section 1250 property disposed of pursuant to a written contract which was, on July 24, 1969, and at all times thereafter, binding on the owner of the property, 100 percent minus 1 percentage point for each full month the property was held after the date the property was held 20 full months;

(ii) In the case of section 1250 property constructed, reconstructed, or acquired by the taxpayer before January 1, 1975, with respect to which a mortgage is insured under section 221(d)(3) or 236 of the National Housing Act, or housing is financed or assisted by direct loan or tax abatement under similar provisions of State or local laws, and with respect to which the owner is subject to the restrictions described in section 1039(b)(1)(B), 100 percent minus 1 percentage point for each full month the property was held after the date the property was held 20 full months;

(iii) In the case of residential rental property (as defined in section 167(j)(2)(B)) other than that covered by clauses (i) and (ii), 100 percent minus 1 percentage point for each full month the property was held after the date the property was held 100 full months;

(iv) In the case of section 1250 property with respect to which a depreciation deduction for rehabilitation expenditures was allowed under section 167(k), 100 percent minus 1 percentage point for each full month in excess of 100 full months after the date on which such property was placed in service; and

(v) In the case of all other section 1250 property, 100 percent.

Clauses (i), (ii), and (iii) shall not apply with respect to the additional depreciation described in subsection (b)(4).

(2) *Additional depreciation before January 1, 1970*—(A) *In general.* If section 1250 property is disposed of after December 31, 1963, and the amount determined under paragraph (1)(B) exceeds the amount determined under paragraph (1)(A), then the applicable percentage of the lower of—

(i) That portion of the additional depreciation attributable to periods before January 1, 1970, in respect of the property, or

(ii) The excess of the amount determined under paragraph (1)(B) over the amount determined under paragraph (1)(A),

shall also be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

(B) *Applicable percentage.* For purposes of subparagraph (A) the term "applicable percentage" means 100 percent minus 1 percentage point for each full month the property was held after the date on which the property was held for 20 full months.

(b) *Additional depreciation defined.* For purposes of this section—

(1) *In general.* The term "additional depreciation" means, in the case of any property, the depreciation adjustments in respect of such property; except that, in the case of property held more than 1 year, it means such adjustments only to the extent that they exceed the amount of the depreciation adjustments which would have resulted if such adjustments had been determined for each taxable year under the straight line method of adjustment. For purposes of the preceding sentence, if a useful life (or salvage value) was used in determining the amount allowed as a deduction for any taxable year, such life (or value) shall be used in determining the depreciation adjustments which would have resulted for such year under the straight line method.

(2) *Property held by lessee.* In the case of a lessee, in determining the depreciation adjustments which would have resulted in respect of any building erected (or other improvement made) on the leased property, or in respect of any cost of acquiring the lease, the lease period shall be treated as including all renewal periods. For purposes of the preceding sentence—

(A) The term "renewal period" means any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, but

(B) The inclusion of renewal periods shall not extend the period taken into account by more than two-thirds of the period on the basis of which the depreciation adjustments were allowed.

(3) *Depreciation adjustments.* The term "depreciation adjustments" means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 168, 169, or 185). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed.

(4) *Additional depreciation attributable to rehabilitation expenditures.* The term "additional depreciation" also means, in the case of section 1250 property with respect to which a depreciation deduction for rehabilitation expenditures was allowed under section 167(k), the depreciation adjustments allowed under such section to the extent attributable to such property, except that, in the case of such property held for more than 1 year after the rehabilitation expenditures so allowed were incurred, it means such adjustments only to the extent that they exceed the amount of the depreciation adjustments which would have resulted if such adjustments had been determined under the straight line method of adjustment without regard to the useful life permitted under section 167(k).

(c) *Section 1250 property.* For purposes of this section, the term "section 1250 property" means any real property (other than section 1245 property, as defined in section 1245(a)(3)) which is or has been property of a character subject to the allowance for depreciation provided in section 167.

(d) *Exceptions and limitations*—(1) *Gifts.* Subsection (a) shall not apply to a disposition by gift.

(2) *Transfers at death.* Except as provided in section 691 (relating to income in respect of a decedent), subsection (a) shall not apply to a transfer at death.

(3) *Certain tax-free transactions.* If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of sections 332, 351, 361, 371(a), 374(a), 721, or 731, then the amount of gain taken into account by the transferor under subsection (a) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section. This paragraph shall not apply to a disposition to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by this chapter.

(4) *Like kind exchanges; involuntary conversions, etc.*—(A) *Recognition limit.* If property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under section 1031 or 1033, then the amount of gain taken into account by the transferor under subsection

(a) shall not exceed the greater of the following:

(i) The amount of gain recognized on the disposition (determined without regard to this section), increased as provided in subparagraph (B), or

(ii) The amount determined under subparagraph (C).

(B) *Increase for certain stock.* With respect to any transaction, the increase provided by this subparagraph is the amount equal to the fair market value of any stock purchased in a corporation which (but for this paragraph) would result in nonrecognition of gain under section 1033(a)(3)(A).

(C) *Adjustment where insufficient section 1250 property is acquired.* With respect to any transaction, the amount determined under this subparagraph shall be the excess of—

(i) The amount of gain which would (but for this paragraph) be taken into account under subsection (a), over

(ii) The fair market value (or cost in the case of a transaction described in section 1033(a)(3)) of the section 1250 property acquired in the transaction.

(D) *Basis of property acquired.* In the case of property purchased by the taxpayer in a transaction described in section 1033(a)(3), in applying the last sentence of section 1033(c), such sentence shall be applied—

(i) First solely to section 1250 properties and to the amount of gain not taken into account under subsection (a) by reason of this paragraph, and

(ii) Then to all purchased properties to which such sentence applies and to the remaining gain not recognized on the transaction as if the cost of the section 1250 properties were the basis of such properties computed under clause (i).

In the case of property acquired in any other transaction to which this paragraph applies, rules consistent with the preceding sentence shall be applied under regulations prescribed by the Secretary or his delegate.

(E) *Additional depreciation with respect to property disposed of.* In the case of any transaction described in section 1031 or 1033, the additional depreciation in respect of the section 1250 property acquired which is attributable to the section 1250 property disposed of shall be an amount equal to the amount of the gain which was not taken into account under subsection (a) by reason of the application of this paragraph.

(5) *Section 1071 and 1081 transactions.* Under regulations prescribed by the Secretary or his delegate, rules consistent with paragraphs (3) and (4) of this subsection and with subsections (e) and (f) shall apply in the case of transactions described in section 1071 (relating to gain from sale or exchange to effectuate policies of FCC) or section 1081 (relating to exchanges in obedience to SEC orders).

(6) *Property distributed by a partnership to a partner*—(A) *In general.* For purposes of this section, the basis of section 1250 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(B) *Additional depreciation.* In respect of any property described in subparagraph (A), the additional depreciation attributable to periods before the distribution by the partnership shall be—

(i) The amount of the gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time and the applicable percentage for the property had been 100 percent, reduced by

(ii) If section 751(b) applied to any part of such gain, the amount of such gain to which section 751(b) would have applied if the applicable percentage for the property had been 100 percent.

(7) *Disposition of principal residence.* Subsection (a) shall not apply to a disposition of—

(A) Property to the extent used by the taxpayer as his principal residence (within the meaning of section 1034, relating to sale or exchange of residence), and

(B) Property in respect of which the taxpayer meets the age and ownership requirements of section 121 (relating to gains from sale or exchange of residence of individual who has attained the age of 65) but only to the extent that he meets the use requirements of such section in respect of such property.

(8) *Disposition of qualified low-income housing.* If section 1250 property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under section 1039, then—

(A) *Recognition limit.* The amount of gain recognized by the transferor under subsection (a) shall not exceed the greater of—

(i) The amount of gain recognized on the disposition (determined without regard to this section), or

(ii) The amount determined under subparagraph (B).

(B) *Adjustment where insufficient section 1250 property is acquired.* With respect to any transaction, the amount determined under this subparagraph shall be the excess of—

(i) The amount of gain which would (but for this paragraph) be taken into account under subsection (a), over

(ii) The cost of the section 1250 property acquired in the transaction.

(C) *Basis of property acquired.* The basis of property acquired by the taxpayer, determined under section 1039(d), shall be allocated—

(i) First to the section 1250 property described in subparagraph (E)(i), in the amount determined under such subparagraph, reduced by the amount of gain not recognized attributable to the section 1250 property disposed of,

(ii) Then to any property (other than section 1250 property) to which section 1039 applies, in the amount of its cost, reduced by the amount of gain not recognized except to the extent taken into account under clause (i), and

(iii) Then to the section 1250 property described in subparagraph (E)(ii), in the amount determined thereunder, reduced by the amount of gain not recognized except to the extent taken into account under clauses (i) and (ii).

(D) *Additional depreciation with respect to property disposed of.* The additional depreciation with respect to any property acquired shall include the additional depreciation with respect to the corresponding section 1250 property disposed of, reduced by the amount of gain recognized attributable to such property.

(E) *Property consisting of more than one element.* There shall be treated as a separate element of section 1250 property—

(i) That portion of the section 1250 property acquired the cost of which does not exceed the net amount realized (as defined in section 1039(b)) attributable to the section 1250 property disposed of, reduced by the amount of gain recognized (if any) attributable to such property, and

(ii) That portion of the section 1250 property acquired the cost of which exceeds the net amount realized (as defined in section 1039(b)) attributable to the section 1250 property disposed of.

(F) *Allocation rules.* For purposes of this paragraph—

(i) The amount of gain recognized attributable to the section 1250 property disposed of shall be the net amount realized with respect to such property, reduced by the greater of the adjusted basis of the section 1250 property disposed of or the cost of the section 1250 property acquired, but shall not exceed the gain recognized in the transaction, and

(ii) If any section 1250 property is treated as consisting of more than one element by reason of the application of subparagraph (E) to a prior transaction, then the amount of gain recognized, the net amount realized, and the additional depreciation, with respect to each such element shall be allocated in accordance with regulations prescribed by the Secretary or his delegate.

(e) *Holding period.* For purposes of determining the applicable percentage under this section, the provisions of section 1223 shall not apply, and the holding period of section 1250 property shall be determined under the following rules:

(1) *Beginning of holding period.* The holding period of section 1250 property shall be deemed to begin—

(A) In the case of property acquired by the taxpayer, on the day after the date of acquisition, or

(B) In the case of property constructed, reconstructed, or erected by the taxpayer, on the first day of the month during which the property is placed in service.

(2) *Property with transferred basis.* If the basis of property acquired in a transaction described in paragraph (1), (2), (3), or (5) of subsection (d) is determined by reference to its basis in the hands of the transferor, then the holding period of the property in the hands of the transferee shall include the holding period of the property in the hands of the transferor.

(3) *Principal residence.* If the basis of property acquired in a transaction described in paragraph (7) of subsection (d) is determined by reference to the basis in the hands of the taxpayer of other property, then the holding period of the property acquired shall include the holding period of such other property.

(4) *Qualified low-income housing.* The holding period of any section 1250 property acquired which is described in subsection (d)(8)(E)(i) shall include the holding period of the corresponding element of section 1250 property disposed of.

(f) *Special rules for property which is substantially improved*—(1) *Amount treated as ordinary income.* If, in the case of a disposition of section 1250 property, the property is treated as consisting of more than one element by reason of paragraph (3), then the amount taken into account under subsection (a) in respect of such section 1250 property as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 shall be the sum of the amounts determined under paragraph (2).

(2) *Ordinary income attributable to an element.* For purposes of paragraph (1), the amount taken into account for any element shall be the sum of—

(A) The amount (if any) determined by multiplying—

(i) The amount which bears the same ratio to the lower of the amounts specified in subparagraph (A) or (B) of subsection (a)(1) for the section 1250 property as the additional depreciation for such element attributable to periods after December 31, 1969, bears to the sum of the additional depreciation for all elements attributable to periods after December 31, 1969, by

(ii) The applicable percentage for such element, and

(B) The amount (if any) determined by multiplying—

(i) The amount which bears the same ratio to the lower of the amounts specified in subsection (a)(2)(A) (i) or (ii) for the section 1250 property as the additional depreciation for such element attributable to periods before January 1, 1970, bears to the sum of the additional depreciation for all elements attributable to periods before January 1, 1970, by

(ii) The applicable percentage for such element.

For purposes of this paragrph, determinations with respect to any element shall be made as if it were a separate property.

(3) *Property consisting of more than one element.* In applying this subsection in the case of any section 1250 property, there shall be treated as a separate element—

(A) Each separate improvement,

(B) If, before completion of section 1250 property, units thereof (as distinguished from improvements) were placed in service, each such unit of section 1250 property, and

(C) The remaining property which is not taken into account under subparagraphs (A) and (B).

(4) *Property which is substantially improved.* For purposes of this subsection—

(A) *In general.* The term "separate improvement" means each improvement added during the 36-month period ending on the last day of any taxable year to the capital account for the property, but only if the sum of the amounts added to such account during such period exceeds the greatest of—

(i) 25 percent of the adjusted basis of the property,

(ii) 10 percent of the adjusted basis of the property, determined without regard to the adjustments provided in paragraphs (2) and (3) of section 1016(a), or

(iii) $5,000.

For purposes of clauses (i) and (ii), the adjusted basis of the property shall be determined as of the beginning of the first day of such 36-month period, or of the holding period of the property (within the meaning of subsection (e)), whichever is the later.

(B) *Exception.* Improvements in any taxable year shall be taken into account for purposes of subparagraph (A) only if the sum of the amounts added to the capital account for the property for such taxable year exceeds the greater of—

(i) $2,000, or

(ii) 1 percent of the adjusted basis referred to in subparagraph (A)(ii), determined, however, as of the beginning of such taxable year.

For purposes of this section, if the amount added to the capital account for any separate improvement does not exceed the greater of clause (i) or (ii), such improvement shall be treated as placed in service on the first day, of a calendar month, which is closest to the middle of the taxable year.

(C) *Improvement.* The term "improvement" means, in the case of any section 1250 property, any addition to capital account for such property after the initial acquisition or after completion of the property.

(g) *Special rules for qualified low-income housing*—(1) *Amount treated as ordinary income.* If, in the case of a disposition of section 1250 property, the property is treated as consisting of more than one element by reason of the application of subsection (d)(8)(E), and gain is recognized in whole or in part, then the amount taken into account under subsection (a) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 shall be the sum of the amounts determined under paragraph (2).

(2) *Ordinary income attributable to an element.* For purposes of paragraph (1), the amount taken into account for any element shall be the amount determined by multiplying—

(A) The amount which bears the same ratio to the lower of the additional depreciation or the gain recognized for the section 1250 property disposed of as the additional depreciation for such element bears to the sum of the additional depreciation for all elements disposed of, by

(B) the applicable percentage for such element.

For purposes of this paragraph, determinations with respect to any element shall be made as if it were a separate property.

(h) *Adjustments to basis.* The Secretary or his delegate shall prescribe such regulations as he may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under subsection (a).

(i) *Application of section.* This section shall apply notwithstanding any other provision of this subtitle.

[Sec. 1250 as added by sec. 231(a), Rev. Act 1964 (78 Stat. 100), as amended by sec. 521 (b), (c), and (d), sec. 704(b), and sec. 910 (b), Tax Reform Act 1969 (83 Stat. 652, 653, 654, 670, 720, 721, and 722)]

§ 1.1250–1 Gain from dispositions of certain depreciable realty.

(a) [Reserved]

(b) *Dispositions before January 1, 1970*—(1) *Ordinary income.* In general, section 1250(a)(2) provides that, upon a disposition of an item of section 1250 property after December 31, 1963, and before January 1, 1970, the applicable percentage of the lower of—

(i) The additional depreciation (as defined in § 1.1250–2) attributable to periods before January 1, 1970, in respect of the property, or

(ii) The excess of the amount realized on a sale, exchange, or involuntary conversion (or the fair market value of the property on any other disposition) over the adjusted basis of the property,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (that is, shall be recognized as ordinary income). The amount of such gain shall be determined separately for each item (see subparagraph (2)(ii) of this paragraph) of section 1250 property. For relation of section 1250 to other provisions, see paragraph (c) of this section.

(2) *Meaning of terms.* (i) For purposes of section 1250, the term "disposition" shall have the same meaning as in paragraph (a)(3) of § 1.1245–1. "Section 1250 property" is, in general, depreciable real property other than section 1245 property. See paragraph (e) of this section. For purposes of this paragraph, the term "applicable percentage" means 100 percent minus 1 percentage point for each full month the property was held after the date on which the property was held 20 full months. See paragraph (d)(2) of this section. If, however, the property is considered to have two or more elements with separate holding periods (for example, because units thereof are placed in service on different dates, or improvements are made to the property), see the special rules of § 1.1250–5.

(ii) For purposes of applying section 1250, the facts and circumstances of each disposition shall be considered in determining what is the appropriate item of section 1250 property. In general, a building is an item of section 1250 property, but in an appropriate case more than one building may be treated as a single item. For manner of determining whether an expenditure shall be treated as an addition to the capital account of an item of section 1250 property or as a separate item of section 1250 property, see paragraph (d)(2)(iii) of § 1.1250–5.

(3) *Sale, exchange, or involuntary conversion before January 1, 1970.* (i) In the case of a disposition of section 1250 property by a sale, exchange, or involuntary conversion before January 1, 1970, the gain to which section 1250(a)(2) applies is the applicable percentage for the property multiplied by the lower of (*a*) the additional depreciation in respect of the property or (*b*) the excess (referred to as "gain realized") of the amount realized over the adjusted basis of the property.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. Section 1250 property, which has an adjusted basis of $200,000, is sold for $290,000 before January 1, 1970. At the time of the sale the additional depreciation in respect of the property is $130,000 and the applicable percentage is 60 percent. Since the gain realized ($90,000, that is, amount realized, $290,000, minus adjusted basis, $200,000) is lower than the additional depreciation ($130,000), the amount of gain recognized as ordinary income under section 1250(a)(2) is $54,000 (that is, 60 percent of $90,000). The remaining $36,000 ($90,000 minus $54,000) of the gain may be treated as gain from the sale or exchange of property described in section 1231.

(4) *Other dispositions before January 1, 1970.* (i) In the case of a disposition of section 1250 property before January 1, 1970, other than by way of a sale, exchange, or involuntary conversion, the gain to which section 1250(a)(2) applies is the applicable percentage for the property multiplied by the lower of (*a*) the additional depreciation in respect of the property, or (*b*) the excess (referred to as "potential gain") of the fair market value of the property on the date of disposition over its adjusted basis. If property is transferred by a corporation to a shareholder for an amount less than its fair market value in a sale or exchange, for purposes of applying section 1250 such transfer shall be treated as a disposition other than by way of a sale, exchange, or involuntary conversion.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. Assume the same facts as in the example in subparagraph (3)(ii) of this paragraph except that the property is distributed by a corporation to a stockholder before January 1, 1970, in complete liquidation of the corporation, and that at the time of the distribution the fair market value of the property is $370,000. Since the additional depreciation ($130,000) is lower than the potential gain of $170,000 (that is, fair market value, $370,000, minus adjusted

basis, $200,000), the amount of gain recognized as ordinary income under section 1250(a)(2) is $78,000 (that is, 60 percent of $130,000) even though, in the absence of section 1250, section 336 would preclude recognition of gain to the corporation.

(5) *Instances of nonapplication.* (i) Section 1250(a)(2) does not apply to losses. Thus, section 1250(a)(2) does not apply if a loss is realized upon a sale, exchange, or involuntary conversion of property, all of which is considered section 1250 property, nor does the section apply to a disposition of such property other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of such property is not greater than its adjusted basis.

(ii) In general, in the case of section 1250 property with a holding period under section 1223 of more than one year, section 1250(a)(2) does not apply if for periods after December 1, 1963, there are no "depreciation adjustments in excess of straight line" (as computed under section 1250(b) and paragraph (b) of § 1.1250–2).

(iii) In a case in which section 1250 property (including each element thereof, if any) has a holding period under § 1.1250–4 (or paragraph (a)(2)(ii) of § 1.1250–5) of at least 10 years, section 1250(a)(2) does not apply. If within the 10-year period preceding the date the property is disposed of, an element is added to the property by reason, for example, of an addition to capital account, see § 1.1250–5.

(6) *Allocation rule.* In the case of a sale, exchange, or involuntary conversion of section 1250 property and nonsection 1250 property in one transaction before January 1, 1970, the total amount realized upon the disposition shall be allocated between the section 1250 property and the other property in proportion to their respective fair market values. Such allocation shall be made in accordance with the principles set forth in paragraph (a)(5) of § 1.1245–1 (relating to allocation between section 1245 property and nonsection 1245 property).

(c) *Relation of section 1250 to other provisions*—(1) *General.* The provisions of section 1250 apply notwithstanding any other provision of subtitle A of the Code. See section 1250(i). Thus, unless an exception or limitation under section 1250(d) and § 1.1250–3 applies, gain under section 1250(a) is recognized notwithstanding any contrary nonrecognition provision or income characterizing provision. For example, since section 1250 overrides section 1231 (relating to property used in the trade or business), the gain recognized under section 1250(a) upon a disposition will be treated as ordinary income and only the remaining gain, if any, from the disposition may be considered as gain from the sale or exchange of a capital asset if section 1231 is applicable. See the example in paragraph (b)(3)(ii) of this section.

(2) *Nonrecognition sections overridden.* The nonrecognition provisions of subtitle A of the Code which section 1250 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, 501(a), and 512(b)(5). See section 1250(d) for the extent to which section 1250(a) overrides sections 332, 351, 361, 371(a), 374(a), 721, 731, 1031, 1033, 1039, 1071, and 1081(b)(1) and (d)(1)(A). For amount of additional depreciation in respect of property disposed of by an organization exempt from income taxes (within the meaning of section 501(a)), see paragraph (d)(6) of § 1.1250–2.

(3) *Exempt income.* The fact that section 1250 provides for recognition of gain as ordinary income does not change into taxable income any income which is exempt under section 115 (relating to income of States, etc.), 892 (relating to income of foreign governments), or 894 (relating to income exempt under treaties).

(4) *Treatment of gain not recognized under section 1250.* Section 1250 does not prevent gain which is not recognized under section 1250 from being considered as gain under another provision of the Code, such as, for example, section 1239 (relating to gain from sale of depreciable property between certain related persons). Thus, for example, if section 1250 property which has an adjusted basis of $10,000 is sold for $17,500 in a transaction to which section 1239 applies, and if $5,000 of the gain would be recognized under section 1250(a) then the remaining $2,500 of the gain would be treated as ordinary income under section 1239.

(5) *Normal retirement of asset in multiple asset account.* Section 1250(a) does not require recognition of gain upon normal retirements of section 1250 property in a multiple asset account as long as the taxpayer's method of accounting, as described in paragraph (e)(2) of § 1.167(a)–8 (relating to accounting treatment of asset retirements), does not require recognition of such gain.

(6) *Installment method.* Gain from a disposition to which section 1250(a) applies may be reported under the installment method if such method is otherwise available under section 453 of the Code. In such case, the income (other than interest) on each installment payment shall be deemed to consist of gain to which section 1250(a) applies until all such gain has been reported, and the remaining portion (if any) of such income shall be deemed to consist of other gain. For treatment of amounts as interest on certain deferred payments, see section 483.

(d) *Applicable percentage*—(1) [Reserved]

(2) *Definition for purposes of section 1250(a)(2).* For purposes of section 1250(a)(2), the term "applicable percentage" means—

(i) In case of property with a holding period of 20 full months or less, 100 percent;

(ii) In case of property with a holding period of more than 20 full months but less than 10 years, 100 percent minus 1 percentage point for each full month the property is held after the date on which the property is held 20 full months; and

(iii) In case of property with a holding period of at least 10 years, zero.

(3) *Holding period.* For purposes of this paragraph, the holding period of property shall be determined under the rules of § 1.1250–4, and not under the rules of section 1223, notwithstanding that the property was acquired on or before December 31, 1963. In the case of a disposition of section 1250 property which consists of 2 or more elements (within the meaning of paragraph (c) of § 1.1250–5), the holding period for each element shall be determined under the rules of paragraph (a)(2)(ii) of § 1.1250–5.

(4) *Full month.* For purposes of this paragraph, the term "full month" (or "full months") means the period beginning on a date in 1 month and terminating on the date before the corresponding date in the next succeeding month (or in another succeeding month), or, if a particular succeeding month does not have such a corresponding date, terminating on the last day of such particular succeeding month.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Property is purchased on January 17, 1959. Under paragraph (b)(1) of § 1.1250–4, its holding period begins on January 18, 1959, and thus at any time during the period beginning on October 17, 1960, and ending on November 16, 1960, the property is considered held 21 full months and has an applicable percentage under section 1250(a)(2) of 99 percent. On and after January 17, 1969, the property has a holding period of at least 120 full months (10 years) and, therefore, the applicable percentage under section 1250(a)(2) for the property is zero. Accordingly, no gain would be recognized under section 1250(a)(2) upon disposition of the property. If, however, the property consists of two or more elements, see the special rules of § 1.1250–5.

Example (2). Property is purchased on January 31, 1968. Under paragraph (b)(1) of § 1.1250–4 its holding period begins on February 1, 1968, and thus at any time during the period beginning on February 29, 1968, and ending on March 30, 1968, the property is considered held 1 full month. At any time during the period beginning on March 31, 1970, and ending on April 29, 1970, the property is considered held 26 full months. At any time during the period beginning on April 30, 1970, and ending on May 30, 1970, the property is considered held 27 full months.

(e) *Section 1250 property*—(1) *Definition.* The term "section 1250 property" means any real property (other than section 1245 property, as defined in section 1245(a)(3) and § 1.1245–3) which is or has been property of a character subject to the allowance for depreciation provided in section 167. See section 1250(c).

(2) *Character of property.* For purposes of subparagraph (1) of this paragraph, the term "is or has been property of a character subject to the allowance for depreciation provided in section 167" shall have the same meaning as when used in paragraph (a)(1) and (3) of § 1.1245–3. Thus, if a father uses a house in his trade or business during a period after December 31, 1963, and then gives the house to his son as a gift for the son's personal use, the house is section 1250 property in the hands of the son. For exception to the application of section 1250(a) upon disposition of a principal residence, see section 1250(d)(7).

(3) *Real property.* (i) For purposes of subparagraph (1) of this paragraph, the term "real property" means any property which is not personal property within the meaning of paragraph (b) of § 1.1245–3. The term section 1250 property includes three types of depreciable real property. The first type is intangible real property. For purposes of this paragraph, a leasehold of land or of section 1250 property is intangible real property, and accordingly such a leasehold is section 1250 property. However, a fee simple interest in land is not depreciable, and therefore is not section 1250 property. The second type is a building or its structural components within the meaning of paragraph (c) of § 1.1245–3. The third type is all other tangible real property except (*a*) "property described in section 1245(a)(3)(B)" as defined in paragraph (c)(1) of § 1.1245–3 (relating to property used as an integral part of a specified activity or as a specified facility), and (*b*) property described in section 1245(a)(3)(D). An elevator or escalator (within the meaning of section 1245(a)(3)(C)) is not section 1250 property.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. A owns and leases to B for a single lump-sum payment of $100,000 property consisting of land and a fully equipped factory building thereon. If 30 percent of the fair market value of such property is properly allocable to the land, 25 percent to section 1250 property (the building and its structural components), and 45 percent to section 1245 property (the equipment), then 55 percent of B's leasehold is section 1250 property.

(4) *Coordination with definition of section 1245 property.* (i) Property may lose its character as section 1250 property and become section 1245 property. Thus, for example, if section 1250 property of the third type described in subparagraph (3)(i)(*a*) of this paragraph is converted to use as an integral part of manufacturing, the property would lose its character as section 1250 property and would become section 1245 property. However, once property in the hands of a taxpayer is section 1245 property, it can never become section 1250 property in the hands of such taxpayer. See also paragraph (a)(4) and (5) of § 1.1245–2.

(ii) [Reserved]

(f) *Treatment of partnerships and partners.* If a partnership disposes of section 1250 property, the amount of gain recognized under section 1250(a) by the partnership and by a partner shall be determined in a manner consistent with the principles provided in paragraph (e) of § 1.1245–1. Thus, for example, a partner's distributive share of gain recognized by the partnership under section 1250(a) shall be determined in the same manner as his distributive share of gain recognized by the partnership under section 1245(a)(1) is determined, and, if required, additional depreciation in respect of section 1250 property shall be allocated to the partner in the same manner as the adjustments reflected in the adjusted basis of section 1245 property are allocated to the partner. For a further example, if on the date a partner acquires his partnership interest by way of a sale or exchange the partnership owns section 1250 property and an election under section 754 (relating to optional adjustment to basis of partnership property) is in effect with respect to the partnership, then such partner's additional depreciation in respect of such property on such date is deemed to be zero. For limitation on the amount of gain recognized under section 1250(a) in respect of a partnership and for the amount of additional depreciation in respect of partnership property after certain transactions, see paragraph (f) of § 1.1250–3. For treatment of section 1250 property as an unrealized receivable, see section 751(c).

§ 1.1250–2 Additional depreciation defined.

(a) *In general*—(1) *Definition for purposes of section 1250(b)(1).* Except as otherwise provided in paragraph (e) of this section, for purposes of section 1250(b)(1), the term "additional depreciation" means—

(i) In the case of property which at the time of dispositon has a holding period under section 1223 of not more than 1 year, the "depreciation adjustments" (as defined in paragraph (d) of this section) in respect of such property for periods after December 31, 1963, and

(ii) In the case of property which at the time of disposition has a holding period under section 1223 of more than 1 year, the depreciation adjustments in excess of straight line for periods after December 31, 1963, computed under paragraph (b)(1) of this section.

(2) [Reserved]

(3) *Allocation to periods after December 31, 1963.* With respect to a taxable year beginning in 1963 and ending in 1964, the amount of depreciation adjustments or of depreciation adjustments in excess of straight line (as the case may be) shall be ascertained by applying the principles of paragraph (c)(3) of § 1.167(a)–8 (relating to determination of adjusted basis of retired asset), and the amount determined in such manner shall be allocated on a daily basis in order to determine the portion thereof which is attributable to a period after December 31, 1963.

(b) *Computation of depreciation adjustments in excess of straight line*—(1) *General rule.* For purposes of paragraph (a)(1) of this section, depreciation adjustments in excess of straight line shall be, in the case of any property, the excess of (i) the sum of the "depreciation adjustments" (as defined in paragraph (d) of this section) in respect of the property attributable to periods after December 31, 1963, over (ii) the sum such adjustments would have been for such periods if such adjustments had been determined for the entire period the property was held under the straight line method of depreciation (or, if applicable, under the lease-renewal-period provision in paragraph (c) of this section). Depreciation in excess of straight line may arise, for example, if the declining balance method, the sum of the years-digits method, or the units of production method is used, or for another example, if the cost of a leasehold improvement or of a leasehold is depreciated over a period which does not take into account certain renewal periods referred to in paragraph (c) of this section. For computations of depreciation adjustments in excess of straight line (or a deficit therein) both on an annual basis and on the basis of the entire period the property was held, see subparagraph (6) of this paragraph.

(2) [Reserved]

(3) *General rule for computing useful life and salvage value.* For purposes of computing under subparagraph (1)(ii) of this paragraph the sum the depreciation adjustments would have been under the straight line method, if a useful life (or salvage value) was used in determining the amount allowed as a depreciation adjustment for any taxable year, such life (or value) shall be used in determining the amount such depreciation adjustment would have been for such taxable year under the straight line method. If, however, for any taxable year a method of depreciation was used as to which a useful life was not taken into account such as, for example, the units of production method, or as to which salvage value was not taken into account in determining the annual allowances, such as, for example, the declining balance method or the amortization of a leasehold improvement over the term of a lease, then, for the purpose of determining the amount such depreciation adjustment would have been under the straight line method for such taxable year—

(i) There shall be used the useful life (or salvage value) which would have been proper if depreciation had actually been determined under the straight line method throughout the period the property was held, and

(ii) Such useful life (or such salvage value) shall be determined by taking into account for each taxable year the same facts and circumstances as would have been taken into account if the taxpayer had used such method throughout the period the property was held.

(4) [Reserved]

(5) *Property held before January 1, 1964.* In the case of property held before January 1, 1964—

(i) For purposes of computing under subparagraph (1)(ii) of this paragraph the sum the depreciation adjustments would have been under the straight line method, the adjusted basis of the property on such date shall be the amount such adjusted basis would have been if depreciation deductions allowed or allowable before such date had been determined under the straight line method computed in accordance with subparagraph (3) of this paragraph, and

(ii) The depreciation adjustments in excess of straight line in respect of the property computed under subparagraph (1) of this paragraph, but without regard to this subdivision, shall be reduced by the amount of depreciation

adjustments less than straight line for periods before January 1, 1964, that is, by the excess (if any) of the sum the depreciation adjustments would have been for periods before January 1, 1964, under the straight line method, over the sum of the depreciation adjustments attributable to periods before such date.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A calendar year taxpayer sells section 1250 property on January 1, 1968, which he purchased for $10,000 on January 1, 1963. For the period of 1963 through 1967 he computed depreciation deductions in respect of the property under the declining balance method using a rate of 200 percent of the straight line rate and a proper useful life of 10 years. Under such method salvage value is not taken into account in computing annual allowances. For purposes of applying subparagraph (3) of this paragraph, if the taxpayer had used the straight line method for such period, he would have used a salvage value of $1,000, and the depreciation under the straight line method would have been $900 each year, that is, one-tenth of $10,000 minus $1,000. As of January 1, 1968, the additional depreciation for the property is $1,123, as computed in the table below:

Year	Actual depreciation	Straight line	Additional depreciation (deficit)
1963	$2,000	$900	
1964	1,600	900	$700
1965	1,280	900	380
1966	1,024	900	124
1967	819	900	(81)
Sum for periods after Dec. 31, 1963	4,723	3,600	1,123

Example (2). Assume the same facts as in example (1) except that the taxpayer sells the section 1250 property on January 1, 1970. Assume further that as of January 1, 1968, the taxpayer elects under section 167(e)(1) to change to the straight line method. On that date the adjusted basis of the property is $3,277 ($10,000 minus $6,723). He redetermines the remaining useful life of the property to be 8 years and its salvage value to be $77, and thus takes depreciation deductions for 1968 and 1969 of $400 (the amount allowable) for each such year, that is, one-eighth of $3,200 (that is, $3,277 minus $77). For purposes of applying subparagraph (3) of this paragraph, if he had used the straight line method throughout the period he held the property, the adjusted basis of the property on January 1, 1968, would have been $5,500 ($10,000 minus $4,500), and the depreciation which would have resulted under such method for 1968 and 1969 would have been $678 for each such year, that is, one-eighth of $5,423 ($5,500 minus $77). As of January 1, 1970, the additional depreciation for the property is $567, as computed in the table below:

Years	Depreciation	Straight line	Additional depreciation (deficit)
1964 through 1967	$4,723	$3,600	$1,123
1968	400	678	(278)
1969	400	678	(278)
Sum for periods after Dec. 31, 1963	5,523	4,956	567

(c) *Property held by lessee—(1) Amount depreciation would have been.* For purposes of paragraph (b) of this section, in case of a leasehold which is section 1250 property, in determining the amount the depreciation adjustments would have been under the straight line method in respect of any building or other improvement (which is section 1250 property) erected or made on the leased property, or in respect of any cost of acquiring the lease, the lease period shall be treated as including all renewal periods. See section 1250(b)(2). For determination of the extent to which a leasehold is section 1250 property, see paragraph (e)(3) of § 1.1250–1.

(2) *Renewal period.* (i) For purposes of this paragraph, the term "renewal period" means any period for which the lease may be renewed, extended, or continued pursuant to an option or options exercisable by the lessee (whether or not specifically provided for in the lease) except that the inclusion of one or more renewal periods shall not extend the period taken into account by more than two-thirds of the period on the basis of which the depreciation adjustments were allowed.

(ii) In respect of the cost of any building erected (or other improvement made) on the leased property by the lessee, or in respect of the portion of the cost of acquiring a leasehold which is attributable to an existing building (or other improvement) on the leasehold at the time the lessee acquires the leasehold, the inclusion of one or more renewal periods shall not extend the period taken into account to a period which exceeds the useful life remaining, at the time the leasehold is disposed of, of such building (or such other improvement). Determinations under this subdivision shall be made without regard to the proper period under section 167 or 178 for depreciating or amortizing a leasehold acquisition cost or improvement.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. Assume that a leasehold improvement with a useful life of 30 years is properly amortized on the basis of a 10-year initial lease term. The lease is renewable for an additional 9 years. The period taken into account is 16⅔ years, that is, 10 years plus two-thirds of 10 years. If, however, the leasehold improvement were disposed of at the end of 12 years, and if its remaining useful life were only 3 years, then the period taken into account would be 15 years.

(d) *Depreciation adjustments—(1) General.* For purposes of this section, the term "depreciation adjustments" means, in respect of any property, all adjustments reflected in the adjusted basis of such property on account of deductions described in subparagraph (2) of this paragraph allowed or allowable (whether in respect of the same or other property) to the taxpayer or to any other person. For cases where the taxpayer can establish that the amount allowed for any period was less than the amount allowable, see subparagraph (4) of this paragraph. For determination of adjusted basis of property in a multiple asset account, see paragraph (c)(3) of § 1.167(a)–8. The term "depreciation adjustments" as used in this section does not have the same meaning as the term "adjustments reflected in the adjusted basis" as defined in paragraph (a)(2) of § 1.1245–2.

(2) *Deductions.* The deductions described in this subparagraph are allowances (and amounts treated as allowances) for depreciation or amortization (other than amortization under section 168, 169 (as enacted by section 704(a), Tax Reform Act of 1969 (83 Stat. 667)), or 185). Thus, for example, such deductions include a reasonable allowance for exhaustion, wear, and tear (including a reasonable allowance for obsolence) under section 167, the periodic deductions referred to in § 1.162–11 in respect of a specified sum paid for the acquisition of a leasehold and in respect of the cost to a lessee of improvements on property of which he is the lessee. However, such deductions do not include deductions for the periodic payment of rent.

(3) *Depreciation of other taxpayers or in respect of other property.* (i) The depreciation adjustments (reflected in the adjusted basis) referred to in subparagraph (1) of this paragraph (*a*) are not limited to adjustments with respect to the property disposed of, nor to those allowed or allowable to the taxpayer disposing of such property, and (*b*) except as provided in subparagraph (4) of this paragraph, are taken into account, whether allowed or allowable in respect of the same or other property and whether to the taxpayer or to any other person. For manner of determining the amount of additional depreciation after certain dispositions, see paragraph (e) of this section.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. On January 1, 1966, a calendar year taxpayer purchases for $100,000 a building for use in his trade or business. He takes depreciation deductions of $20,000 (the amount allowable), of which $3,000 is additional depreciation, and transfers the building to his son as a gift on January 1, 1968. Since the exception for gifts in section 1250(d)(1) applies, the taxpayer does not recognize gain under section 1250(a)(2). In the son's adjusted basis of $80,000 for the building there is reflected $3,000 of additional depreciation. On January 1, 1969, after taking a depreciation deduction of $10,000 (the amount allowable), of which $1,000 is additional depreciation, the son sells the building. At the time of the sale the additional depreciation is $4,000 ($3,000 allowed the father plus $1,000 allowed the son).

(4) *Depreciation allowed or allowable.* (i) For purposes of subparagraph (1) of this paragraph, generally all deductions (described in subparagraph (2) of this paragraph) allowed or allowable shall be taken into account. See section 1016(a)(2) and the regulations thereunder for the meaning of "allowed" and "allowable." However, if a taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for any period was less than the amount allowable for such period, the amount to be taken into account for such period shall be the amount allowed. The preceding sentence shall not apply for purposes of computing under paragraph (b)(1)(ii) of this section the amount such deductions would have been under the straight line method.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. In the year 1969 it becomes necessary to determine the additional depreciation in respect of section 1250 property, the adjusted basis of which reflects a depreciation adjustment of $1,000 with respect to depreciation deductions allowable for the calendar year 1965 under the sum of the years-digits method. Under paragraph (b)(1)(ii) of this section, the depreciation which would have resulted under the straight line method for 1965 is $800. If the taxpayer can establish by adequate records or other sufficient evidence that he did not take, and was not allowed, any deduction for depreciation in respect of the property in 1965, then, for purposes of computing the depreciation adjustments in excess of straight line in respect of the property, the amount to be taken into account for 1965 as allowed or allowable is zero, and the amount to be taken into account in computing deductions which would have resulted under the straight line method in 1965 is $800. Thus, in effect, there is a deficit in additional depreciation for 1965 of $800.

(5) *Retired or demolished property.* Depreciation adjustments referred to in subparagraph (1) of this paragraph generally do not include adjustments in respect of retired or demolished portions of an item of section 1250 property. If a retired or demolished portion is replaced in a disposition described in section 1250(d)(4)(A) (relating to like kind exchanges and involuntary conversions), see paragraph (d)(7) of § 1.1250–3.

(6) *Exempt organization.* In respect of property disposed of by an organization which is or was exempt from income taxes (within the meaning of section 501(a), the depreciation adjustments (reflected in the adjusted basis) referred to in subparagraph (1) of this paragraph shall include only adjustments allowed or allowable (i) in computing unrelated business taxable income (as defined in section 512(a)), or (ii) in computing taxable income of the organization for a period during which it was not exempt or, by reason of the application of section 502, 503, or 504, was denied its exemption.

(e) *Additional depreciation immediately after certain acquisitions—(1) Zero.* If on the date a person acquires property his basis for the property is determined solely (i) by reference to its cost (within the meaning of sec. 1012), (ii) by reason of the application of section 301(d) (relating to basis of property received in corporate distribution) or section 334(a) (relating to basis of property received in a liquidation in which gain or loss is recognized), or (iii) under the rules of section 334(b)(2) or (c) (relating to basis of property received in certain corporate liquidations), then on such date the additional depreciation for the property is zero.

(2) *Transactions referred to in section 1250(d).* In the case of property acquired in a disposition described in section 1250(d) (relating to exceptions and limitations to application of section 1250), additional depreciation shall be computed in accordance with the rules prescribed in § 1.1250–3.

(f) *Records to be kept and information to be filed—(1) Records to be kept.* In any case in which it is necessary to determine the additional depreciation of an item of section 1250 property, the taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the amount of such additional depreciation, including the following—

(i) The date, and the manner in which, the property was acquired,

(ii) The taxpayer's basis on the date the property was acquired and the manner in which the basis was determined,

(iii) The amount and date of all adjustments to the basis of the property allowed or allowable to the taxpayer for depreciation adjustments referred to in paragraph (d)(1) of this section and the amount and date of any other adjustments by the taxpayer to the basis of the property, and

(iv) In the case of section 1250 property which has an adjusted basis reflecting depreciation adjustments referred to in paragraph (d)(1) of this section taken by the taxpayer with respect to other property, or by another taxpayer with respect to the same or other property, the information described in subdivisions (i), (ii), and (iii) of this subparagraph with respect to such other property or such other taxpayer.

(2) *Information to be filed.* If a taxpayer acquires in a transaction (other than a like kind exchange or involuntary conversion described in section 1250(d)(4)) section 1250 property which has a basis reflecting depreciation adjustments referred to in paragraph (d)(1) of this section allowed or allowable to another taxpayer, then the taxpayer shall file with its income tax return or information return for the taxable year in which the property is acquired a statement showing all information described in subparagraph (1) of this paragraph. See section 6012 (relating to persons required to make returns of income) and part III of subchapter A of chapter 61 of the Code (relating to information returns).

§ 1.1250–3 Exceptions and limitations.

(a) *Exception for gifts—(1) General rule.* Section 1250(d)(1) provides that no gain shall be recognized under section 1250(a) upon a disposition by gift. For purposes of this paragraph, the term "gift" shall have the same meaning as in paragraph (a) of § 1.1245–4. For reduction in amount of charitable contribution in case of a gift of section 1250 property, see section 170(e) and paragraph (c)(3) of § 1.170–1.

(2) *Disposition in part a sale or exchange and in part a gift.* Where a disposition of property is in part a sale or exchange and in part a gift, the disposition shall be subject to the provisions of § 1.1250–1 and the gain to which section 1250(a) applies, shall be computed under that section.

(3) *Treatment of property in hands of transferee.* If property is disposed of in a transaction which is a gift—

(i) The additional depreciation for the property in the hands of the transferee immediately after the disposition shall be an amount equal to (*a*) the amount of the additional depreciation for the property in the hands of the transferor immediately before the disposition, minus (*b*) the amount of any gain (in case the disposition is in part a sale or exchange and in part a gift) which would have been taken into account under section 1250(a) by the transferor upon the disposition if the applicable percentage had been 100 percent.

(ii) For purposes of computing the applicable percentage, the holding period under section 1250(e)(2) of property received as a gift in the hands of the transferee includes the transferor's holding period.

(iii) In case of a disposition which is in part a sale or exchange and in part a gift, if the adjusted basis of the property in the hands of the transferee exceeds its adjusted basis immediately before the transfer, the excess is an addition to capital account under paragraph (d)(2)(ii) of § 1.1250–5 (relating to property with 2 or more elements), and

(iv) If the property disposed of consists of two or more elements within the meaning of paragraph (c) of § 1.1250–5, see paragraph (e)(1) of § 1.1250–5 for the amount of additional depreciation and holding period for each element in the hands of the transferee.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) On May 15, 1967, Smith transfers section 1250 property to his son for $45,000. In the hands of Smith the property had an adjusted basis of $40,000 and a fair market value of $70,000. Thus, the gain realized is $5,000 (amount realized, $45,000, minus adjusted basis, $40,000), and Smith has made a gift of $25,000 (fair market value, $70,000, minus amount realized, $45,000).

(ii) Smith's holding period for the property is 80 full months and, thus, the applicable percentage under section 1250(a)(2) is 40 percent. The additional depreciation for the property is $10,000. Since the gain realized ($5,000) is lower than the additional depreciation ($10,000), Smith recognized as ordinary income under section 1250(a)(2) gain of $2,000 (that is, applicable percentage, 40 percent, multiplied by gain realized, $5,000) and the $3,000 remaining portion of the gain realized may be treated as gain from the sale of property described in section 1231.

(iii) On the date the son receives the property, the additional depreciation for the property in his hands is $5,000, that is, the additional depreciation for the property in the hands of the father immediately before the transfer ($10,000), minus the gain which would have been recognized under section 1250(a)(2) upon the transfer if the applicable percentage had been 100 percent ($5,000); for purposes of computing applicable percentage his holding period is his father's holding period of 80 full months; and under § 1.1015–4 his unadjusted basis for the property is $45,000, that is, the amount he paid ($45,000) plus the excess (zero) of his father's adjusted basis over such amount.

(iv) The son sells the property for $80,000 on March 15, 1968, 10 full months after he received it from his father. Thus, his holding period is 90 full months (his father's holding period of 80 full months plus the 10 full months the son actually owned the property) and the applicable percentage under section 1250(a)(2) is 30 percent. Assume that no depreciation was allowed or allowable to the son. Thus, the son's adjusted basis and additional depreciation for the property on the date of the sale is the same as on the date he received it. Accordingly, the gain realized is $35,000 (selling price of $80,000, minus adjusted basis of $45,000). Since the additional depreciation ($5,000) is lower than the gain realized ($35,000), the son recognizes as ordinary income under section 1250(a)(2) gain of $1,500, that is, applicable percentage (30 percent) multiplied by additional depreciation ($5,000).

Example (2). Assume the same facts as in example (1), except that the son sells the property on June 15, 1969, 25 full months after he received it from his father. Thus, his holding period is 105 full months (his father's holding period of 80 full months plus the 25 full months the son actually owned the property) and the applicable percentage under section 1250(a)(2) is 15 percent. Assume further that on the date of the sale the adjusted basis of the property is $39,000, and that for the period the son actually owned the property there is a deficit in additional depreciation of $2,000. Accordingly, the gain realized is $41,000 (selling price of $80,000, minus adjusted basis of $39,000), and the additional depreciation for the property is $3,000 (that is, the additional depreciation for the property in the hands of the son on the date he received it, as determined in example (1), $5,000, minus the amount of the deficit in additional depreciation for the period the son actually owned the property, $2,000). Since the additional depreciation ($3,000) is lower than the gain realized ($41,000), the son recognizes as ordinary income under section 1250(a)(2) gain of $450, that is, applicable percentage (15 percent) multiplied by additional depreciation ($3,000).

(b) *Exception for transfers at death*—(1) *General rule.* Section 1250(d)(2) provides that, except as provided in section 691 (relating to income in respect of a decedent), no gain shall be recognized under section 1250(a) upon a transfer at death. For purposes of this paragraph, the term "transfer at death" shall have the same meaning as in paragraph (b) of § 1.1245–4.

(2) *Treatment of transferee.* (i) If as of the date a person acquires property from a decedent such person's basis is determined, by reason of the application of section 1014(a), solely by reference to the fair market value of the property on the date of the decedent's death or on the applicable date provided in section 2032 (relating to alternate valuation date), then (*a*) on the date of death the additional depreciation for the property is zero, and (*b*) for purposes of computing applicable percentage the holding period of the property under section 1250(e)(1)(A) is deemed to begin on the day after the date of death.

(ii) If property is acquired in a transfer at death to which section 1250(d)(2) applies, the amount of the additional depreciation for the property in the hands of the transferee immediately after the transfer shall be the amount (if any) of the additional depreciation in respect of the property allowed the transferee before the decedent's death, but only to the extent that the basis of the property (determined under section 1014(a)) is required to be reduced under the second sentence of section 1014(b)(9) (relating to adjustments to basis where property is acquired from a decedent prior to his death) by depreciation adjustments referred to in paragraph (d)(1) of § 1.1250–2 which give rise to such additional depreciation. For treatment of such property as having a special element with additional depreciation so computed, see paragraph (c)(5)(i) of § 1.1250–5 (relating to property with two or more elements). For purposes of determining applicable percentage, such special element shall have a holding period which includes the transferee's holding period for such property for the period before the decedent's death.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On March 6, 1966, Smith dies owning an item of section 1250 property. On March 7, 1968, the executor distributes the property to Smith's son pursuant to a specific bequest of the property in Smith's will. Under section 1014(a)(2) and paragraph (a)(2) of § 1.1014–4, the unadjusted basis of the property in the hands of the son is its fair market value on March 6, 1966 (the date Smith died), and the son is considered to have acquired the property on such date. Under section 1250(e)(1)(A), the son's holding period for the property begins on March 7, 1966 (the day after the day he is considered to have acquired the property). Thus, on March 7, 1968 (the date the property was distributed to the son), the holding period for the property is 24 full months, and the applicable percentage under section 1250(a)(2) is 96 percent. On such date, the additional depreciation for the property includes any additional depreciation in respect of the property for the period the property was possessed by the estate.

Example (2). H purchases section 1250 property in 1965 which he immediately conveys to himself and W, his wife, as tenants by the entirety. Under local law each spouse is entitled to one-half the income from the property. H and W file joint income tax returns for calendar years 1965, 1966, and 1967. Over the 3 years, depreciation allowed in respect of the property was $4,000 (the amount allowable) of which $500 is additional depreciation. One-half of these amounts are allocable to W. Thus, depreciation deductions of $2,000, of which $250 is additional depreciation, are allowable to W. On January 1, 1968, H dies and the entire value of the property at the date of death is included in H's gross estate. Since W's basis for the property (determined under section 1014(a)) is reduced (under the second sentence of section 1014(b)(9)) by the $2,000 depreciation deductions allowed W before H's death of which $250 is additional depreciation, the additional depreciation for the property in the hands of W immediately after H's death is $250.

(c) *Limitation for certain tax-free transactions*—(1) *General.* Section 1250(d)(3) provides that upon a transfer of property described in subparagraph (2) of this paragraph, the amount of gain taken into account by the transferor under section 1250(a) shall not exceed the amount of gain recognized to the transferor on the transfer (determined without regard to section 1250). For purposes of this subparagraph, in case of a transfer of both section 1250 property and nonsection 1250 property in one transaction, the amount realized from the disposition of the section 1250 property shall be deemed to consist of that portion of the fair market value of each property acquired which bears the same ratio to the fair market value of such acquired property as the amount realized from the disposition of the section 1250 property bears to the total amount realized. The preceding sentence shall be applied solely for purposes of computing the portion of the total gain (determined without regard to section 1250) which shall be recognized as ordinary income under section 1250(a). Section 1250(d)(3) does not apply to a disposition of property to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by chapter 1 of the Code.

(2) *Transfers covered.* The transfers described in this subparagraph are transfers of property in which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of any of the following provisions:

(i) Section 332 (relating to distributions in complete liquidation of an 80 percent or more controlled subsidiary corporation). For application of section 1250(d)(3) to such a complete liquidation, the principles of paragraph (c)(3) of § 1.1245–4 shall apply.

(ii) Section 351 (relating to transfer to a corporation controlled by transferor).

(iii) Section 361 (relating to exchanges pursuant to certain corporate reorganizations).

(iv) Section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings).

(v) Section 374(a) (relating to exchanges pursuant to certain railroad reorganizations).

(vi) Section 721 (relating to transfers to a partnership in exchange for a partnership interest).

(vii) Section 731 (relating to distributions by a partnership to a partner). For special carryover basis rule, see section 1250(d)(6)(A) and paragraph (f)(1) of this section.

(3) *Treatment of property in hands of transferee.* In the case of a transfer described in subparagraph (2) (other than subdivision (vii) thereof) of this paragraph—

(i) The additional depreciation for the property in the hands of the transferee immediately after the disposition shall be an amount equal to (*a*) the amount of the additional depreciation for the property in the hands of the transferor immediately before the disposition, minus (*b*) the amount of additional depreciation necessary to produce an amount equal to the gain taken into account under section 1250(a) by the transferor upon the disposition (taking into account the applicable percentage for the property),

(ii) For purposes of computing applicable percentage, the holding period under section 1250(e)(2) of the property in the hands of the transferee includes the transferor's holding period.

(iii) If the adjusted basis of the property in the hands of the transferee exceeds its adjusted basis immediately before the transfer, the excess is an addition to capital account under paragraph (d)(2)(ii) of § 1.1250–5 (relating to property with 2 or more elements), and

(iv) If the property disposed of consists of 2 or more elements within the meaning of paragraph (c) of § 1.1250–5, see paragraph (e)(1) of § 1.1250–5 for the amount of additional depreciation and the holding period for each element in the hands of the transferee.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) Green transfers section 1250 property on March 1, 1968, to a corporation, which is not exempt from taxation, in exchange for cash of $9,000 and stock in the corporation worth $91,000, in a transaction qualifying under section 351. Thus, the amount realized is $100,000 ($9,000 plus $91,000). The property has an applicable percentage under section 1250(a)(2) of 60 percent, an adjusted basis of $40,000, and additional depreciation of $20,000. The gain realized is $60,000, that is, amount realized ($100,000) minus adjusted basis ($40,000). Since the additional depreciation ($20,000) is lower than the gain realized ($60,000), the amount of gain which would be treated as ordinary income under section 1250(a)(2) would be $12,000 (60 percent of $20,000) if the limitation provided in section 1250(d)(3) did not apply. Since under section 351(b) gain in the amount of $9,000 would be recognized to the transferor without regard to section 1250, the limitation provided in section 1250(d)(3) limits the gain taken into account by the transferor under section 1250(a)(2) to $9,000.

(ii) The amount of additional depreciation for the property in the hands of the transferee immediately after the transfer is $5,000, that is, the amount of additional depreciation before the transfer ($20,000) minus the amount of additional depreciation necessary to produce an amount equal to the gain recognized under section 1250(a)(2) upon the transfer ($15,000, that is, $9,000 of gain recognized divided by 60 percent, the applicable percentage). (If the property is subsequently disposed of, and for the period after the initial transfer there is additional depreciation in respect of the property, then at the time of the subsequent disposition the additional depreciation will exceed $5,000. If, however, for the period after the initial transfer there was a deficit in additional depreciation, then at the time of the subsequent disposition the additional depreciation would be less than $5,000.)

Example (2). (i) Assume the same facts as in example (1) except that the additional depreciation is $10,000. Since additional depreciation ($10,000) is lower than the gain realized ($60,000), the amount of gain which would be treated as ordinary income under section 1250(a)(2) would be $6,000 (60 percent of $10,000) if the limitation provided in section 1250(d)(3) did not apply. Since under section 351(b) gain in the amount of $9,000 would be recognized to the transferor without regard to section 1250, the limitation under section 1250(d)(3) does not prevent treatment of the entire $6,000 as ordinary income under section 1250(a)(2). The $3,000 remaining portion of the $9,000 gain may be treated as gain from the sale of property described in section 1231.

(ii) Immediately after the transfer, the amount of additional depreciation is zero, that is, the amount of additional depreciation before the transfer ($10,000) minus the amount of additional depreciation necessary to produce an amount equal to the gain taken into account under section 1250(a)(2) upon the transfer ($10,000) that is, $6,000 divided by 60 percent.

(d) *Limitation for like kind exchanges and involuntary conversions*—(1) *Limitation on gain.* (i) Under section 1250(d)(4)(A), if property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part under section 1031 (relating to like kind exchanges) or section 1033 (relating to involuntary conversions), then the amount of gain taken into account by the transferor under section 1250(a) shall not exceed the greater of the two limitations set forth in subdivisions (ii) and (iii) of this subparagraph. Immediately after the transfer the basis of the acquired property shall be determined under subparagraph (2), (3), or (4) (whichever is applicable) of this paragraph, and its additional depreciation shall be computed under subparagraph (5) of this paragraph. The holding period of the acquired property for purposes of computing applicable percentage, which is determined under section 1250(e)(1), does not include the holding period of the property disposed of. In the case of a disposition of section 1250 property and other property in one transaction, see subparagraph (6) of this paragraph. In case of a disposition described in section 1250(d)(4)(A) of a portion of this item of property, see subparagraph (7) of this paragraph.

(ii) For purposes of this subparagraph, the first limitation is the sum of—

(*a*) The amount of gain recognized on the disposition under section 1031 or 1033 (determined without regard to section 1250), plus

(*b*) An amount equal to the cost of any stock purchased in a corporation which (without regard to section 1250) would result in nonrecognition of gain under section 1033(a)(3)(A).

(iii) For purposes of this subparagraph, the second limitation is the excess (if any) of—

(*a*) The amount of gain which would (without regard to section 1250(d)(4)) be taken into account under section 1250(a), over

(*b*) The fair market value (or cost in the case of a transaction described in section 1033(a)(3)) of the section 1250 property acquired in the transaction.

(iv) The provisions of this subparagraph may be illustrated by the following example:

Example. A taxpayer receives $96,000 of insurance proceeds upon the destruction of section 1250 property by fire. If section 1250(d)(4)(A) did not apply to the disposition, $16,000 of gain would be recognized under section 1250(a). In acquisitions qualifying under section 1033(a)(3)(A), he uses $90,000 of the proceeds to purchase property similar or related in service or use to the property destroyed, of which $42,000 is for one item of section 1250 property and $48,000 is for one piece of land, and $5,000 of the proceeds to purchase stock in the acquisition of control of a corporation owning property similar or related in service or use to the property destroyed. The taxpayer properly elects under section 1033(a)(3)(A) and the regulations thereunder to limit recognition of gain (determined without regard to section 1250) to $1,000, that is, the excess of the amount realized from the conversion ($96,000) over the cost of the property acquired in acquisitions qualifying under section 1033(a)(3)(A) ($95,000, that is, $90,000 plus $5,000). The amount of gain recognized under section 1250(a) is $6,000, determined in the following manner:

The first limitation:	
(*a*) Amount of gain recognized under section 1033(a)(3), determined without regard to section 1250(a)	$1,000
(*b*) Fair market value of stock in a corporation which qualifies under section 1033(a)(3)(A)	5,000
(*c*) Sum of (*a*) plus (*b*)	6,000
The second limitation:	
(*d*) Amount of gain which would be recognized under section 1250(a) if section 1250(d)(4) did not apply	16,000
(*e*) Cost of section 1250 property acquired in transaction	42,000
(*f*) Excess of (*d*) over (*e*)	0

Since the first limitation ($6,000) exceeds the second limitation (zero), the amount of gain recognized under section 1250(a) is $6,000. The balance ($10,000) of the gain realized ($16,000) is not recognized.

(2) *Basis of property purchased upon involuntary conversion into money.* (i) If section 1250 property is purchased in a compulsory or involuntary conversion to which section 1033(a)(3) applies, and if by reason of the application of section 1250(d)(4)(A) all or part of the gain computed under section 1250(a) is not taken into account, then the basis of the section 1250 property and other purchased property shall be determined under the rules prescribed in this subparagraph. See section 1250(d)(4)(D).

(ii) The total basis of all purchased property, the acquisition of which results in the nonrecognition of any part of the gain realized upon the transaction, shall be (*a*) its cost, reduced by (*b*) the portion of the total gain realized which was not recognized. To the extent that section 1250(d)(4)(A)(i) prevents the purchase of stock from resulting in nonrecognition of gain, the basis of purchased stock is its cost.

(iii) If purchased property consists of both section 1250 property and other property, the total basis computed under subdivision (ii) of this subparagraph shall be allocated between the section 1250 property (treated as a class) and the other property (treated as a class) in proportion to their respective costs, except that for purposes of this subdivision (but not subdivision (iv) of this subparagraph) the cost of the section 1250 property shall be deemed to be the excess of (*a*) its actual cost, over (*b*) the gain not taken into account under section 1250(a) by reason of the application of section 1250(d)(4)(A).

(iv) If the property acquired consists of more than one item of section 1250

property (or of more than one item of other property), the total basis of the section 1250 property (or of the other property), as computed under subdivisions (ii) and (iii) of this subparagraph, shall be allocated to each item of section 1250 property (or other property) in proportion to their respective actual costs.

(v) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume the same facts as in the example in subparagraph (1)(iv) of this paragraph. Assume further that the portion of the gain realized which was not recognized under section 1033(a)(3) or 1250(a) upon the transaction is $60,000, of which the gain computed under section 1250(a) which is not taken into account by reason of the application of section 1250(d)(4)(A) is $10,000, that is, the excess of the gain which would have been recognized under section 1250(a) if section 1250(d)(4)(A) did not apply ($16,000) over the gain recognized under section 1250(a) ($6,000). In such example $95,000 of proceeds were used to purchase property in acquisitions qualifying under section 1033(a)(3)(A) of which $42,000 was for section 1250 property, $18,000 for land, and $5,000 for stock in a corporation. The basis of each acquired property is determined in the following manner:

(*a*) Under subdivision (ii) of this subparagraph, the total basis of the acquired properties (other than the stock) is $30,000, that is, their cost ($90,000, of which $42,000 is for section 1250 property and $48,000 is for land), reduced by the portion of the total gain realized which was not recognized ($60,000).

(*b*) Under subdivision (iii) of this subparagraph, such total basis is allocated between the section 1250 property and the land in proportion to their respective costs, and for this purpose the cost of the section 1250 property is considered to be $32,000, that is, its actual cost ($42,000) minus the gain not recognized under section 1250(a) by reason of the application of section 1250(d)(4)(A) ($10,000). Thus, the basis of the section 1250 property is $12,000 (32/80 of $30,000), and the basis of the land is $18,000 (48/80 of $30,000).

(*c*) The basis of the purchased stock is its cost of $5,000. See last sentence of subdivision (ii) of this subparagraph.

Example (2). Assume the same facts as in example (1) except that the section 1250 property purchased for $42,000 consists of 2 items of such property ($10,500 for C, and $31,500 for D), and that the land purchased for $48,000 consists of 2 pieces of land ($12,000 for X, and $36,000 for Y). Under subdivision (iv) of this subparagraph, the total basis for each class of property is allocated between the individual properties of such class in proportion to their respective actual costs. Thus, the total basis of $12,000, as determined in example (1), for the section 1250 property is allocated as follows:

To C: $12,000 × ($10,500/$42,000)	$3,000
To D: $12,000 × ($31,500/$42,000)	9,000
Total	12,000

The total basis of $18,000, as determined in example (1), for the land is allocated as follows:

To X: $18,000 × ($12,000/$48,000)	$4,500
To Y: $18,000 × ($36,000/$48,000)	13,500
Total	18,000

(3) *Basis of property acquired upon involuntary conversion into similar property.* If property is involuntarily converted into property similar or related in service or use in a transaction to which section 1033(a)(1) applies, and if by reason of the application of section 1250(d)(4)(A) all or part of the gain computed under section 1250(a) is not taken into account, then—

(i) The total basis of the acquired property shall be determined under the first sentence of section 1033(c), and

(ii) If more than one item of property is acquired, such total basis shall be allocated to the individual items of property acquired in accordance with the principles prescribed in subparagraph (2)(iii) and (iv) of this paragraph, except that an amount equivalent to the fair market value of each item of property on the date acquired shall be treated as its actual cost.

(4) *Basis of property acquired in like kind exchange.* If section 1250 property is transferred in an exchange described in section 1031 (a) or (b), and if by reason of the application of section 1250(d)(4)(A) all or part of the gain computed under section 1250(a) is not taken into account, then—

(i) The total basis of the property (including nonsection 1250 property) acquired of the type permitted to be received under section 1031 without recognition of gain or loss shall be determined under section 1031(d), and

(ii) If more than one item of property of such type was received, such total basis shall be allocated to the individual items of property of such type in accordance with the principles prescribed in subparagraph (2)(iii) and (iv) of this paragraph, except that an amount equivalent to the fair market value of each such item of property on the date received shall be treated as its actual cost.

(5) *Additional depreciation for property acquired in like kind exchange or involuntary conversion.* (i) If property is disposed of in a transaction described in section 1031 or 1033, and if by reason of the application of section 1250(d)(4)(A) all or part of the gain computed under section 1250(a) is not taken into account, then the additional depreciation for the acquired property immediately after the transaction (as computed under section 1250(d)(4)(E)) shall be an amount equal to the amount of gain computed under section 1250(a) which was not taken into account by reason of the application of section 1250(d)(4)(A).

(ii) In case more than one item of section 1250 property is acquired in the transaction, the additional depreciation computed under subdivision (i) of this subparagraph shall be allocated to each such item of section 1250 property in proportion to their respective adjusted bases.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). (*a*) On January 15, 1969, section 1250 property X is condemned and proceeds of $100,000 are received. On such date, X's adjusted basis is $25,000, the additional depreciation is $10,000, and the applicable percentage under section 1250(a)(2) is 70 percent. Since the additional depreciation ($10,000) is less than the gain realized ($75,000, that is, $100,000 minus $25,000) the amount of gain computed under section 1250(a)(2) (without regard to section 1250(d)(4)(A)) is $7,000, that is, 70 percent of $10,000.

(*b*) On March 1, 1969, all the proceeds are used to purchase section 1250 property Y in a transaction qualifying under section 1033(a)(3)(A) for nonrecognition of gain. Accordingly, the gain not recognized by reason of the application of section 1033(a)(3)(A) is $75,000, of which $7,000 is gain computed under section 1250(a)(2) which is not taken into account by reason of the application of section 1250(d)(4)(A). See subparagraph (1) of this paragraph.

(*c*) Immediately after the transaction, Y's basis is $25,000, that is, its cost ($100,000) minus the total gain realized which was not recognized ($75,000), and the additional depreciation (as computed under section 1250(d)(4)(E)) is $7,000, that is, the amount of gain not taken into account under section 1250(a)(2) by reason of the application of section 1250(d)(4)(A).

(*d*) On December 15, 1969, before any depreciation deductions were allowed or allowable in respect of Y, Y is sold for $90,000. Under section 1250(e)(1), the holding period of Y is 9 months, and thus, under section 1250(a)(2), the applicable percentage is 100 percent. Since the additional depreciation ($7,000) is less than the gain realized ($65,000, that is $90,000 minus $25,000), the amount of gain recognized under section 1250(a)(2) as ordinary income is $7,000, that is, 100 percent of $7,000.

Example (2). Assume the same facts as in example (1), except that property Y was purchased on June 15, 1962, and that 90 full months thereafter, or December 15, 1969, it is sold for $35,000. Thus the applicable percentage under section 1250(a)(2) is 30 percent. Assume further that at the time of such sale Y's adjusted basis is $5,000 and additional depreciation in respect of Y for periods after it was acquired is $2,500. Thus, the additional depreciation at the time of the sale is $9,500, that is, the sum of the additional depreciation in respect of Y attributable to X as computed under section 1250(d)(4)(E) in (c) of example (1) ($7,000), plus the additional depreciation attributable to periods after Y was acquired ($2,500). Since the additional depreciation ($9,500) is less than the gain realized ($30,000, that is, $35,000 minus $5,000), the gain recognized under section 1250(a)(2) as ordinary income is $2,850, that is, 30 percent of $9,500.

(6) *Single disposition of section 1250 property and property of different class.* (i) For purposes of this subparagraph—

(*a*) Section 1250 property, section 1245 property (as defined in section 1245(a)(3)), and other property shall each be treated as a separate class of property, and

(*b*) The term "qualifying property" means property which may be acquired without recognition of gain under the applicable provision of section 1031 or 1033 (applied without regard to section 1250 or 1245) upon the disposition of property.

(ii) If upon a sale of section 1250 property gain would be recognized under section 1250(a) and if such section 1250 property together with property of a different class or classes are disposed of in one transaction in which gain is not recognized in whole or in part under section 1031 or 1033 (without regard to sections 1245 and 1250), then—

(*a*) The total amount realized shall be allocated between the different classes of property disposed of in proportion to their respective fair market values,

(*b*) The amount realized upon the disposition of property of a class shall be deemed to consist of so much of the fair market value of qualifying property of the same class acquired as is not in excess of the amount realized from the property of such class disposed of,

(*c*) The remaining portion (if any) of the amount realized upon the disposition of property of such class shall be deemed to consist of so much of the fair market value of any other property acquired as is not in excess of such remaining portion, and

(*d*) For purposes of applying (c) of this subdivision, the fair market value of acquired property shall be taken into account only once and in such manner as the taxpayer determines.

(iii) The amounts determined under this subparagraph in respect of property shall apply for all purposes of the Code.

(iv) The application of this subparagraph may be illustrated by the following example:

Example. (*a*) Green owns property consisting of land and a fully equipped factory building thereon. The property is condemned and proceeds of $100,000 are received. If the property were sold for $100,000, gain of $40,000 would be recognized of which $10,000 would be recognized as ordinary income under section 1250(a). Proceeds of $95,000 are used to purchase property similar or related in service or use to the condemned property and under section 1033(a)(3)(A) (without regard to sections 1245 and 1250) recognition of gain is limited to $5,000. The fair market values by classes of the property disposed of, and of the property acquired, are summarized in the table below:

	Fair market value of property	
	Disposed of	Acquired
Sec. 1245 property	$35,000	$55,000
Sec. 1250 property	45,000	28,000
Land	20,000	12,000
Cash		5,000
	100,000	100,000

(*b*) The allocations under subdivision (ii) of this subparagraph are summarized in the table below:

Property disposed of	Property acquired			Cash remaining
	Sec. 1245 property	Sec. 1250 property	Land	
$35,000 of sec. 1245 property	$35,000			
$45,000 of sec. 1250 property	[1] 17,000	$28,000		
$20,000 of land	[1] 3,000		$12,000	[1] $5,000
Total	55,000	28,000	12,000	5,000

[1] Determined by taxpayer pursuant to subdivision (ii)(*d*) of this subparagraph.

(*c*) Upon the disposition of the section 1245 property, only section 1245 property is acquired, and thus gain (if any) would not be recognized under section 1245(a)(1). See section 1245(b)(4). Upon the disposition of the section 1250 property gain under section 1250(a) would not be recognized by reason of the application of section 1250(d)(4)(A). See subparagraph (1) of this paragraph. If the gain realized on the disposition of the land is not less than $5,000, then under section 1033(a)(3)(A) the gain recognized would be $5,000, that is, an amount equal to the portion of the proceeds from the disposition of the land ($5,000) not invested in qualifying property.

(7) *Disposition of portion of property.* A disposition described in section 1250(d)(4)(A) of a portion of an item of property gives rise to an addition to capital account described in the last sentence of paragraph (d)(2)(i) of § 1.1250–5 (relating to property with 2 or more elements). If the addition to capital account is a separate improvement within the meaning of paragraph (d) of § 1.1250–5, and thus an element, then immediately after the addition is made the amount of additional depreciation for such separate improvement shall be computed under subparagraph (5) of this paragraph by treating such portion and such addition as separate properties. If the addition is not a separate improvement, then immediately after the addition is made such property is considered under paragraph (c)(5)(ii) of § 1.1250–5 as having a special element with the same amount of additional depreciation so computed. For purposes of computing applicable percentage, the holding period of the separate improvement or special element (as the case may be), which is determined under section 1250(e)(1), does not include the holding period of the property disposed of.

(e) *Section 1071 and 1081 transactions*—(1) *General.* This paragraph prescribes regulations under section 1250(d)(5) which apply in the case of a disposition of section 1250 property in a transaction in which gain (determined without regard to section 1250) is not recognized in whole or in part by reason of the application of section 1071 (relating to gain from sale or exchange to effectuate policies of FCC) or section 1081 (relating to gain from sale or exchange in obedience to order of SEC).

(2) *Involuntary conversion treatment under section 1071.* If section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part solely by reason of an election under the first sentence of section 1071(a) to treat the transaction as an involuntary conversion, the consequences of the transaction shall be determined under the principles of paragraph (d) of this section.

(3) *Basis reduction under section 1071 or 1082(a)(2).* (i) If section 1250 property is disposed of and gain (determined without regard to section 1250) is not recognized in whole or in part by reason of a reduction in basis of property pursuant to an election under section 1071(a) or the application of section 1082(a)(2), then the amount of gain taken into account by the transferor under section 1250(a) shall not exceed the sum of—

(*a*) The amount of gain recognized on such disposition (determined without regard to section 1250), plus

(*b*) In case involuntary conversion treatment was also elected under section 1071(a), an amount equal to the cost of any stock purchased in a corporation which (without regard to section 1250) would result in nonrecognition of gain under section 1033(a)(3), as modified by section 1071(a), plus

(*c*) The portion of the gain computed under section 1250(a) (without regard to this paragraph) which is neither taken into account under (*a*) or (*b*) of this subdivision nor applied under subdivision (ii) of this subparagraph to reduce the basis of section 1250 property.

(ii) (*a*) The amount of gain computed under section 1250(a) (without regard to this paragraph) which is not taken into account under subdivision (i) (*a*) or (*b*) of this subparagraph shall be applied to the amount by which the basis of the section 1250 property was reduced under section 1071(a) or 1082(a)(2), as the case may be, before other gain (which is not gain computed under section 1250(a)) is so applied.

(*b*) If the basis of more than one item of section 1250 property was so reduced, the gain applied under (*a*) of this subdivision to all such section 1250 properties shall be applied to such items in proportion to the amounts of their respective basis reductions.

(*c*) Any gain not applied under (*a*) of this subdivision shall be applied to the amount by which the basis of the nonsection 1250 property was reduced.

(iii) If gain computed under section 1250 is applied under subdivision (ii) of this subparagraph to reduce the basis of section 1250 property, the amount so applied shall be treated as additional depreciation in respect of such section 1250 property. For treatment of such section 1250 property as having a special element with additional depreciation consisting of such amount, see paragraph (c)(5)(i) of § 1.1250–5. For purposes of computing applicable percentage, such special element shall have a holding period beginning on the day after the date as of which the property's basis was so reduced.

(4) *Section 1081(d)(1)(A) transaction.* No gain shall be recognized under section 1250(a) upon an exchange of property as to which gain is not recognized (without regard to section 1250) because of the application of section 1081(d)(1)(A) (relating to transfers within system group). For treatment of property in the hands of a transferee, the principles of paragraph (c)(3) of this section shall apply.

(f) *Property distributed by a partnership to a partner*—(1) *General.* For purposes of section 1250(d)(3) and (e)(2), the basis of section 1250 property distributed by a partnership to a partner shall be determined by reference to the adjusted basis of such property to the partnership. Thus, if section 731 applies to a distribution of section 1250 property by a partnership to a partner, then even though the partner's basis is not determined for other purposes by reference to the partnership's basis, (i) the amount of gain taken into account by the partnership under section 1250(a) is limited by section 1250(d)(3) to the amount of gain recognized to the partnership upon the distribution (determined without regard to section 1250), and (ii) the

holding period of the property in the hands of the partner shall, under section 1250(e)(2), include the holding period of the property in the hands of the partnership. For nonapplication of section 1250(d)(3) to a disposition to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by chapter 1 of the Code, see paragraph (c)(1) of this section.

(2) *Treatment of property distributed by partnership.* (i) If section 1250 property is distributed by a partnership to a partner in a distribution in which no part of the partnership's "potential section 1250 income" in respect of the property was recognized as ordinary income to the partnership under paragraph (b)(2)(ii) of § 1.751–1, the additional depreciation for the property in the hands of the distributee attributable to periods before the distribution shall be an amount equal to the total potential section 1250 income of the partnership in respect of the property immediately before the distribution, recomputed as if the applicable percentage for the property had been 100 percent. Under paragraph (c)(4) of § 1.751–1, the potential section 1250 income is, in effect, the gain to which section 1250(a) would have applied if the property had been sold by the partnership immediately before the distribution at its fair market value at such time.

(ii) If upon the distribution any potential section 1250 income in respect of the property was recognized to the partnership under paragraph (b)(2)(ii) of § 1.751–1, then after the distribution the additional depreciation shall be an amount equal to (*a*) the total potential section 1250 income in respect of the property, as recomputed in subdivision (i) of this subparagraph, minus (*b*) the amount of potential section 1250 income which would have been recognized to the partnership under paragraph (b)(2)(ii) of § 1.751–1 if the applicable percentage for the property had been 100 percent.

(iii) If the partner's basis for the property immediately after the transaction exceeds the partnership's adjusted basis for the property immediately before the transaction, the excess may be an addition to capital account under paragraph (d)(2)(ii) of § 1.1250–5 (relating to property with two or more elements).

(3) *Examples.* The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). (i) A partnership distributes a building to Smith on January 1, 1969, in a complete liquidation of his partnership interest to which section 736(a) does not apply. On the date of the distribution, the partnership's holding period for the property is 40 full months and, accordingly, the applicable percentage under section 1250(a)(2) is 80 percent. On such date, the partnership's additional depreciation for the building ($6,250) is lower than the excess ($40,000) of its fair market value ($140,000) over adjusted basis ($100,000). Thus, under paragraph (c)(4) of § 1.751–1, the partnership's potential section 1250 income in respect of the building is $5,000 (80 percent of $6,250). Assume that section 751(b) does not apply to the distribution. Accordingly, no gain would be recognized to the partnership under section 731(b) (without regard to the application of section 1250). Smith's basis for his partnership interest was $150,000, and under section 732(b) Smith's basis for the building is equal to his basis for his partnership interest. Thus, Smith's basis for the building is not determined by reference to the partnership's basis for the building. Nevertheless, under subparagraph (1) of this paragraph, no gain is recognized to the partnership under section 1250(a)(2) and Smith's holding period for the property includes the partnership's holding period.

(ii) Six full months after Smith received the building in the distribution, or July 1, 1969, he sells it for $153,000. Assume that no depreciation was allowed or allowable to Smith for the building, and that the special rules under § 1.1250–5 for property with two or more elements do not apply. Since Smith's holding period for the building includes its holding period in the hands of the partnership, his holding period is 46 full months (40 full months for the partnership plus 6 full months for Smith) and the applicable percentage under section 1250(a)(2) is 74 percent.

(iii) Since no potential section 1250 income was recognized to the partnership under paragraph (b)(2)(ii) of § 1.751–1, the additional depreciation for the building attributable to periods before the distribution is determined under the provisions of subparagraph (2)(i) of this paragraph. Under such provisions, the potential section 1250 income to the partnership, which was actually $5,000 (that is, 80 percent of $6,250), is recomputed as if the applicable percentage were 100 percent, and thus such additional depreciation is $6,250 (that is, 100 percent of $6,250). Since no depreciation was allowed or allowable for the building in Smith's hands, the additional depreciation for the building attributable to Smith's total holding period (46 full months) is $6,250. Since the gain realized ($3,000, that is, amount realized, $153,000, minus adjusted basis, $150,000), is lower than the additional depreciation ($6,250), the gain recognized to Smith under section 1250(a)(2) is $2,220 (that is, 74 percent of $3,000).

Example (2). Assume the facts as in example (1) except that as a result of the distribution the partnership recognizes under paragraph (b)(2)(ii) of § 1.751–1 potential section 1250 income of $1,000 (that is, 80 percent of $1,250). The additional depreciation attributable to periods before the distribution, as determined under the provisions of subparagraph (2)(ii) of this paragraph, is $5,000, that is, (*a*) the total potential section 1250 income in respect of the property, recomputed in example (1) as if the applicable percentage were 100 percent ($6,250), minus (*b*) the amount of potential section 1250 income which would have been recognized to the partnership under paragraph (b)(2)(ii) of § 1.751–1 if the applicable percentage for the property had been 100 percent ($1,250, that is, 100 percent of $1,250).

(4) *Treatment of partnership property after certain transactions.* If under paragraph (b)(3) of § 1.751–1 (relating to certain distributions of partnership property other than section 751 property treated as sales or exchanges) a partnership is treated as purchasing section 1250 property (or a portion thereof) from a distributee who reliquishes his interest in such property (or portion), then after the date of such purchase the following rules shall apply:

(i) If only a portion of the property is treated as purchased, there shall be excluded from the additional depreciation for the remaining portion any additional depreciation in respect of the purchased portion for periods before such purchase.

(ii) In respect of the purchased property (or portion), (*a*) as of the date of purchase the amount of additional depreciation shall be zero, and (*b*) for purposes of computing applicable percentage the holding period shall begin on the day after the date of such purchase.

(5) *Cross reference.* See paragraph (f) of § 1.1250–1 for the amount of additional depreciation for partnership property in respect of a partner who acquired his partnership interest in certain transactions when an election under section 754 (relating to optional adjustments to basis of partnership property) was in effect.

(g) *Disposition of principal residence—(1) In general.* (i) Section 1250(d)(7)(A) provides that section 1250(a) shall not apply to a disposition of property by a taxpayer to the extent the property is used by the taxpayer as his principal residence (within the meaning of section 1034(a) and the regulations thereunder, relating to a sale or exchange of residence). Thus, for example, if a doctor sells a house, of which one portion was used as his principal residence within the meaning of section 1034(a) and the other portion was properly subject to the allowance for depreciation as property used in his trade or business, then, by reason of the application of section 1250(d)(7)(A), section 1250(a) does not apply in respect of the disposition of the portion used as his principal residence. The provisions of this subparagraph shall apply regardless of whether section 1034 applies. Thus, for example, if section 1034 did not apply to the sale because the doctor did not invest in a new principal residence within the period specified in section 1034, nevertheless section 1250(a) would not apply to the disposition of the portion used as a principal residence.

(ii) Section 1250(d)(7)(B) provides that section 1250(a) shall not apply to a disposition of section 1250 property by a taxpayer who, in respect of the property, satisfies the age and ownership requirements of section 121 (relating to exclusion from gross income of gain on sale or exchange of residence of individual who has attained age 65), but only to the extent the taxpayer satisfies the use requirements of section 121 in respect of such property. Thus, if a taxpayer has attained the age of 65 before the date on which he disposes of section 1250 property, and if during the 8-year period ending on the date of the disposition the property has been owned and used by the taxpayer solely as his principal residence for periods aggregating 5 years or more, then section 1250(a) does not apply in respect to the disposition. This result would not be changed even if the taxpayer does not or cannot make the election provided for in section 121 and even if section 121 applies to only a portion of the gain because the adjusted sales price exceeds the $20,000 limitation in section 121(b)(1). If, however, only a

portion of the property has been used as his principal residence for such periods aggregating 5 years or more, then, by reason of the application of section 1250(d)(7)(B), section 1250(a) is inapplicable only to the portion so used. For special rules for determining whether the age, ownership, and use requirements of section 121 are treated as satisfied, and for the manner of applying such requirements, see section 121(d) and the regulations thereunder.

(2) *Concurrent operation of section 1250(d)(7) with other provisions.* Upon the disposition of a principal residence, gain computed under section 1250(a) may not be recognized in whole or in part by reason of the application of both the provisions of section 1250(d)(7) and the provisions of one of the other exceptions or limitations enumerated in section 1250(d). Thus, for example, if an entire house is transferred as a gift, and if section 1250(d)(7) applies to only a portion of the house, then section 1250(d)(1) excepts the disposition of the entire house from the application of section 1250(a).

(3) *Special rule.* If by reason of section 1250(d)(7) a disposition is partially excepted from the application of section 1250(a), and if no other paragraph of section 1250(d) excepts the disposition entirely from such application, then the gain to which section 1250(a) applies shall be an amount which bears the same ratio to (i) the gain computed under section 1250(a) (without regard to section 1250(d)(7)), as (ii) the fair market value of the portion of the property to which the exception in section 1250(d)(7) does not apply, bears to (iii) the total fair market value of the property. Thus, for example, if under paragraph (a)(2) of this section gain of $300 would be recognized as ordinary income under section 1250(a) (without regard to section 1250(d)(7)) upon a combined sale and gift of section 1250 property, and if the property has a fair market value of $25,000 of which $10,000 is properly allocable to a portion not used as a principal residence, then the amount of gain recognized as ordinary income under section 1250(a) would be $120 ($\frac{10}{25}$ of $300).

(4) *Treatment of property in hands of transferee.* If property is disposed of in a transaction to which section 1250(d)(7) applies, and if its basis in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 1250(d)(1) (relating to gifts) or section 1250(d)(3) (relating to certain tax-free transactions), then the treatment of the property in the hands of the transferee shall be determined under paragraph (a)(3) or (c)(3) (whichever is applicable) of this section.

(5) *Treatment of property acquired in like kind exchange or involuntary conversion.* If property is disposed of in a transaction to which section 1250(d)(7) (relating to principal residence) and section 1250(d)(4) (relating to like kind exchanges and involuntary conversions) apply, then—

(i) The basis of the property acquired shall be determined under the applicable provisions of paragraph (d)(2), (3), or (4) of this section, applied as if all gain computed under section 1250(a) (except any gain not recognized solely by reason of the application of section 1250(d)(7)) were not taken into account by reason of section 1250(d)(4)(A),

(ii) The additional depreciation for the property acquired shall be determined in the manner prescribed in paragraph (d)(5) of this section, so applied, and

(iii) For purposes of computing the applicable percentage, the holding period of the acquired property shall be determined under section 1250(e)(1).

(6) *Treatment of property acquired in section 1034 transaction.* If a principal residence is disposed of in a transaction to which section 1250(d)(7) applies, and if by reason of the application of section 1034 (relating to sale or exchange of residence) the basis of property acquired in the transaction is determined by reference to the basis in the hands of the taxpayer of the property disposed of, then—

(i) The additional depreciation for the acquired property immediately after the transaction shall be an amount equal to (*a*) the amount of the additional depreciation for the property disposed of, minus (*b*) the amount of any gain which would have been taken into account under section 1250(a) by the transferor upon the disposition if the applicable percentage for the property had been 100 percent,

(ii) For purposes of computing the applicable percentage, the holding period of the acquired property includes the holding period of the disposed of property (see section 1250(e)(3)),

(iii) If the adjusted basis of the acquired property exceeds the adjusted basis immediately before the transfer of the property disposed of, the excess is an addition to capital account under paragraph (d)(2)(ii) of § 1.1250–5 (relating to property with more than one element), and

(iv) If the property disposed of consisted of two or more elements within the meaning of paragraph (c) of § 1.1250–5, see paragraph (e)(3) of § 1.1250–5 for the amount of additional depreciation and the holding period for each element in the hands of the transferee.

(h) [Reserved]

§ 1.1250–4 Holding period.

(a) *General.* In general, for purposes only of determining the applicable percentage (as defined in sec. 1250(1)(C) and (2)(B)) of section 1250 property, the holding period of the property shall be determined under the rules of section 1250(e) and this section and not under the rules of section 1223. If the property is treated as consisting of two or more elements (within the meaning of paragraph (c)(1) of § 1.1250–5), see paragraph (a)(2)(ii) of § 1.1250–5 for application of this section to determination of holding period of each element. Section 1250(e) does not affect the determination of the amount of additional depreciation in respect of section 1250 property.

(b) *Beginning of holding period.* (1) For the purpose of determining the applicable percentage, in the case of property acquired by the taxpayer (other than by means of a transaction referred to in paragraph (c) or (d) of this section), the holding period of the property shall begin on the day after the date of its acquisition. See section 1250(e)(1)(A). Thus, for example, if a taxpayer purchases section 1250 property on January 1, 1965, the holding period of the property begins on January 2, 1965. If he sells the property on October 1, 1966, the holding period on the day of the sale is 21 full months, and, accordingly, the applicable percentage is 99 percent. This result would not be changed even if the property initially had been used solely as the taxpayer's residence for a portion of the 21-month period. If, however, the property were sold on September 30, 1966, the holding period would be only 20 full months.

(2) For the purpose of determining the applicable percentage in the case of property constructed, reconstructed, or erected by the taxpayer, the holding period of the property shall begin on the first day of the month during which the property is placed in service. See section 1250(e)(1)(B). Thus, for example, if a taxpayer constructs section 1250 property and places it in service on January 15, 1965, its holding period begins on January 1, 1965. If the taxpayer sells the property on December 31, 1966, its holding period on the day of sale is 24 full months, and, accordingly, the applicable percentage is 96 percent. For purposes of this subparagraph, property is placed in service on the date on which it is first used, whether in a trade or business, in the production of income, or in a personal activity. Thus, for example, a residence constructed by a taxpayer for his personal use is placed in service on the date it is occupied as a residence. For purposes of determining the date property is placed in service, it is immaterial when the period begins for depreciation with respect to the property under any depreciation practice under which depreciation begins in any month other than the month in which the property is placed in service. If one or more units of a single property are placed in service on different dates before the completion of the property, see paragraph (c)(3) of § 1.1250–5 (relating to treatment of each such unit as an element).

(c) *Property with transferred basis.* Under section 1250(e)(2), if the basis of property acquired in a transaction described in this subparagraph is determined by reference to its basis in the hands of the transferor, then the holding period of the property in the hands of the transferee shall include the holding period of the property in the hands of the transferor. The transactions described in this subparagraph are:

(1) A gift described in section 1250(d)(1),

(2) Certain transfers at death to the extent provided in paragraph (b)(2)(ii) of § 1.1250–3.

(3) Certain tax-free transactions to which section 1250(d)(3) applies. For application of section 1250 (d)(3) and (e)(2) to a distribution by a partnership to a partner, see paragraph (f)(1) of § 1.1250–3.

(4) A transfer described in paragraph (e)(4) of § 1.1250–3 (relating to transaction under section 1081(d)(1)(A)).

(d) *Principal residence acquired in certain transactions.* The holding period of a principal residence acquired in a transaction to which section 1034 and paragraph (g)(6) of § 1.1250–3 apply includes the holding period of the principal residence disposed of in such transaction. See section 1250(e)(3). The holding period of a principal residence acquired does not include the period beginning on the day after the date of the disposition and ending on the date of the acquisition.

(e) *Application of transferred basis and principal residence rules.* The determination of holding period under this section shall be made without regard to whether a transaction occurred prior to the effective date of section 1250 and without regard to whether there was any gain upon the transaction. Thus, for example, under paragraph (c) of this section a donee's holding period for property includes his donor's holding period notwithstanding that the gift occurred on or before December 31, 1963, or that there was no additional depreciation in respect of the property at the time of the gift.

(f) [Reserved]

(g) *Cross reference.* If the adjusted basis of the property in the hands of the transferee immediately after a transaction to which paragraph (c) or (d) of this section applies exceeds its adjusted basis in the hands of the transferor immediately before the transaction, the excess is an addition to capital account under paragraph (d)(2)(ii) of § 1.1250–5 (relating to property with two or more elements).

§ 1.1250–5 Property with two or more elements.

(a) *Dispositions before January 1, 1970*—(1) *Amount treated as ordinary income.* If section 1250 property consisting of two or more elements (described in paragraph (c) of this section) is disposed of before January 1, 1970, the amount of gain taken into account under section 1250(a)(2) shall be the sum, determined in three steps under subparagraphs (2), (3), and (4) of this paragraph, of the amounts of gain for each element.

(2) *Step 1.* The first step is to make the following computations:

(i) In respect of the property as a whole, compute the additional depreciation (as defined in section 1250(b)), and the gain realized. For purposes of this paragraph, in the case of a transaction other than a sale, exchange or involuntary conversion, the gain realized shall be considered to be the excess of the fair market value of the property over its adjusted basis.

(ii) In respect of each element as if it were a separate property, compute the additional depreciation for the element, and the applicable percentage (as defined in section 1250(a)(2)) for the element. For additional depreciation in respect of an element of property acquired in certain transactions, see paragraph (e) of this section. For purposes of determining additional depreciation, the holding period of an element shall be determined under section 1223, applied by treating the element as a separate property. However, for the purpose of determining applicable percentage, the holding period for an element shall, except to the extent provided in paragraphs (c)(5), (e), and (f) of this section, be determined in accordance with the rules prescribed in § 1.1250–4.

(3) *Step 2.* The second step is to determine the amount of gain for each element in the following manner:

(i) If the amount of additional depreciation in respect of the property as a whole is equal to the sum of the additional depreciation in respect of each element having additional depreciation, and if such amount is not more than the gain realized, then the amount of gain to be taken into account for an element is the product of the additional depreciation for the element, multiplied by the applicable percentage for the element.

(ii) If subdivision (i) of this subparagraph does not apply, the amount of gain to be taken into account for an element is the product of—

(*a*) The additional depreciation for the element, multiplied by

(*b*) The applicable percentage for the element, and multiplied by

(*c*) A ratio, computed by dividing (*1*) the lower of the additional depreciation in respect of the property as a whole or the gain realized, by (*2*) the sum of the additional depreciation in respect of each element having additional depreciation.

(4) *Step 3.* The third step is to compute the sum of the amounts of gain for each element, as determined in step 2.

(5) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Gain of $35,000 is realized upon a sale, before January 1, 1970, of section 1250 property which consists of four elements (W, X, Y, and Z). Since on the date of the sale the amount of additional depreciation in respect of the property as a whole ($24,000) is equal to the sum of the additional depreciation in respect of each element having additional depreciation and is less than the gain realized, the additional depreciation for each element is determined under subparagraph (3)(i) of this paragraph. The amount of gain taken into account under section 1250(a)(2) is $7,500, as determined in the following table in accordance with the additional facts assumed.

Element	Additional depreciation	×	Applicable percentage	=	Gain for element
W	$12,000	×	0	=	0
X	6,000	×	50	=	$3,000
Y	0	×	63	=	0
Z	6,000	×	75	=	4,500
Totals	24,000				7,500

Example (2). Assume the same facts as in example (1), except that in respect of the property as a whole the additional depreciation is $20,000 because with respect to element Y additional depreciation allowed was $4,000 less than straight line. Accordingly, the sum of the additional depreciation for each element having additional depreciation is $24,000, that is, $4,000 greater than the additional depreciation in respect of the property as a whole. Thus, the additional depreciation for each element is determined under subparagraph (3)(ii) of this paragraph. The ratio referred to in subparagraph (3)(ii)(c) of this paragraph is twenty-fourths, that is, the lower of additional depreciation in respect of the property as a whole ($20,000) or the gain realized ($35,000), divided by the sum of the additional depreciation in respect of each element having additional depreciation ($24,000). The amount of gain taken into account under section 1250(a)(2) is $6,250, as determined in the following table:

Element	Additional depreciation	×	Applicable percentage	×	Ratio	=	Gain for element
W	$12,000	×	0	×	20:24	=	0
X	6,000	×	50	×	20:24	=	$2,500
Y	0	×	63	×	20:24	=	0
Z	6,000	×	75	×	20:24	=	3,750
Totals	24,000						6,250

(b) [Reserved]

(c) *Element*—(1) *General.* For purposes of this section, in the case of section 1250 property, there shall be treated as separate elements the separate improvements, units, remaining property, and special elements which are respectively referred to in subparagraphs (2), (3), (4), and (5) of this paragraph.

(2) *Separate improvements.* There shall be treated as an element each "separate improvement" (as defined in paragraph (d)(1) of this section) to the property.

(3) *Units.* If before completion of section 1250 property one or more units thereof are placed in service, each such unit of the section 1250 property shall be treated as an element.

(4) *Remaining property.* The remaining property which is not taken into account under subparagraph (2) or (3) of this paragraph shall be treated as an element.

(5) *Special elements.* (i) If the basis of section 1250 property is reduced in the manner described in paragraph (b)(2)(ii) of § 1.1250–3 (relating to property acquired from a decedent prior to his death) or in paragraph (e)(3)(iii) of § 1.1250–3 (relating to basis reduction under section 1071 or 1082(a)(2)), then such property shall be considered as having a special element with additional depreciation equal to the amount of additional depreciation included in the depreciation adjustments (referred to in paragraph (d)(1) of § 1.1250–2) to which the basis reduction is attributable. For purposes of computing applicable percentage, the holding period of a special element under this subdivision shall be determined under paragraph (b)(2)(ii) or (e)(3)(iii) (whichever is applicable) of § 1.1250–3.

(ii) If a disposition described in section 1250(d)(4)(A) (relating to like kind exchanges and involuntary conversions) of a portion of an item of property gives rise to an addition to capital account described in the last sentence of paragraph (d)(2)(i) of this section) which is not a separate improvement, then such property shall be considered as having a special element with additional depreciation and, for purposes of computing applicable percentage, a holding period determined under paragraph (d)(7) of § 1.1250–3.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer constructs an apartment house which he places in service in three stages. The total cost is $1 million, of which $350,000 is allocable to the first stage, $500,000 to the second stage, and $150,000 to the third stage. The first stage, which is placed in service on January 1, 1965, consists of 300 apartments and certain facilities including a central heating system and a common lobby. The second stage, which is placed in service on July 15, 1965, consists of 550 apartments and certain facilities including the motor for a central air-conditioning system. The third stage, which is placed in service on January 19, 1966, consists of the residue of the apartment house. On December 31, 1968, the taxpayer disposes of the apartment house. On such date, the apartment house has three elements which are described in the table below:

Stage	Kind of element	Cost	Full months in holding period	Applicable percentage
1	Unit	$350,000	48	72
2	Unit	500,000	42	78
3	Remaining property	150,000	36	84

Example (2). Assume the same facts as in example (1) except that on January 1, 1969, two new floors, which were added after the apartment house was completed, are placed in service and that on July 1, 1972, the taxpayer disposes of the building. Assume further that the two new floors are one separate improvement (within the meaning of paragraph (d) of this section). On the date disposed of, the property consists of four elements, that is, the three elements described in example (1) and the separate improvement.

(d) *Separate improvement*—(1) *Definition.* For purposes of this section, with respect to any section 1250 property, the term "separate improvement" means an "addition to capital account" described in subparagraph (2) of this paragraph which qualifies as an "improvement" under the 1–year test prescribed in subparagraph (3) of this paragraph and which satisfies the 36–month test prescribed in subparagraph (4) of this paragraph.

(2) *Addition to capital account.* (i) In the case of any section 1250 property, an addition to capital account described in this subparagraph is any addition to capital account in respect of such property after its initial acquisition or completion by the taxpayer or by any person who held the property during a period included in the taxpayer's holding period (see § 1.1250–4) for the property. An addition to the capital account of section 1250 property may arise, for example, if there is an expenditure for section 1250 property which is an improvement, replacement, addition, or alteration to such property (regardless of whether the cost thereof is capitalized or charged against the depreciation reserve). In such a case, the "addition to capital account" is the gross addition, unreduced by amounts attributable to replaced property, to the net capital account and not the net addition to such account. Thus, if a roof has an adjusted basis of $20,000, and is replaced by constructing a new roof at a cost of $50,000, the gross addition of $50,000 is an addition to capital account. (The adjusted basis of the old roof is no longer included in the capital account for the property.) For purposes of this section, the status of an addition to capital account is not affected by whether or not it is treated as a separate property for purposes of determining depreciation adjustments. In case of an addition to the capital account of property arising after December 31, 1963, upon a disposition referred to in section 1250(d)(4) (relating to like kind exchanges and involuntary conversions) of a portion of an item of such property, the amount of such addition (and its basis for all purposes of the Code) shall be the basis thereof determined under paragraph (d)(2), (3), or (4) (whichever is applicable) of § 1.1250–3, applied by treating such portion and such addition as separate properties.

(ii) An addition to capital account may be attributable to an excess of the adjusted basis of section 1250 property in the hands of a transferee immediately after a transaction referred to in section 1250(e)(2) (relating to holding period of property with transferred basis) over its adjusted basis in the hands of the transferor immediately before the transaction. Thus, for example, such excess may arise from a gift which is in part a sale or exchange (see paragraph (a)(2) of § 1.1250–3), from an increase in basis due to gift tax paid (see section 1015(d)), from a transfer referred to in paragraph (c)(2) of § 1.1250–3 (relating to certain tax-free transactions) in which gain is partially recognized, or from a distribution by a partnership to a partner in which no gain is recognized by reason of the application of section 731. Similarly, an addition to capital account may be attributable to an excess of the adjusted basis of a principal residence acquired in a transaction referred to in section 1250(e)(3) over the adjusted basis of the principal residence disposed of, as well as to any increase in the adjusted basis of section 1250 property of a partnership by reason of an optional basis adjustment under section 734(b) or 743(b).

(iii) Whether or not an expenditure shall be treated as an addition to capital account described in this subparagraph, as distinguished from a separate item of property, may depend on how the property or properties are disposed of. Thus, for example, if a taxpayer, who owns a motel consisting of 10 buildings with common heating and plumbing systems, adds to the motel three new buildings which are connected to the common systems, and if the taxpayer sells the motel to one person in one transaction, then for purposes of this subparagraph the cost of the three new buildings shall be treated as an addition to the capital account of the motel and, if the 1-year and 36-month tests of subparagraphs (3) and (4) of this paragraph are satisfied, the motel consists of at least two elements. If, however, the 10-building group and the three-building group were individually sold in separate transactions to two different people each of whom would operate his group as a separate business, the motel would consist of two items of property.

(3) *One-year test for improvement.* (i) An addition to capital account of section 1250 property for any taxable year (including a short taxable year and the entire taxable year in which the disposition occurs) shall be treated as an improvement only if the sum of all additions to the capital account of such property for such taxable year exceeds the greater of—

(*a*) $2,000, or

(*b*) One percent of the unadjusted basis of the property, determined as of the beginning (*1*) of such taxable year, or (*2*) of the holding period (within the meaning of § 1.1250–4) of the property, whichever is the later.

(ii) For purposes of this section, the term "unadjusted basis" means the adjusted basis of the property, determined without regard to the adjustments provided in section 1016(a) (2) and (3) (relating to adjustments for depreciation, amortization, and depletion). For purposes of this paragraph, as of any particular date the unadjusted basis of section 1250 property (*a*) includes the cost of any addition to capital account for the property which arises prior to such date (regardless of whether such addition qualified under this subparagraph as an improvement), and (*b*) does not include the cost of a component retired before such date.

(iii) In respect of a particular disposition of section 1250 property by a person—

(*a*) There shall not be taken into account under the 1-year test for improvements in this subparagraph any addition to capital account which arises by reason of (or after) such disposition or which arises before the beginning of the holding period under § 1.1250–4 of such person for the property, and

(*b*) Such test shall be made in respect of each taxable year of such person (and of any prior transferor) any day of which is included under § 1.1250–4 in such person's holding period for the property, except that (*1*) such test shall be made for a taxable year of such person only if such person actually owned the property on at least 1 day of such taxable year, and (*2*) such test shall be made for a taxable year of such prior transferor only if such prior transferor actually owned the property on at least 1 day of such taxable year.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). The unadjusted basis of section 1250 property as of the beginning of January 1, 1960, is $300,000. During the taxable year ending on December 31, 1960, the only additions to the capital account for the property are addition A on January 1, 1960, costing $1,000, and addition B on July 1, 1960, costing $600. Since the sum of the amounts added to capital account for such taxable year is less than $2,000, A and B are not treated as improvements. This result would not be changed if addition C, costing $600, were added on December 15, 1960, since although the sum of the additions ($1,000 plus $600 plus $600, or $2,200) exceeds $2,000, such sum is less than 1 percent of the unadjusted basis of the property as of the beginning of 1960 ($3,000, that is, 1 percent of $300,000). If however, C cost $1,500, then A, B, and C would each be considered an improvement since the sum of the amounts added to capital account ($3,100) would exceed $3,000.

Example (2). Green and his son both use the calendar year as the taxable year. On February 1, 1965, Green makes addition A to a piece of section 1250 property. On June 15, 1965, Green transfers such property to his son as a gift which is in part a sale (see paragraph (a) of § 1.1250-3). Addition B arises by reason of the transfer. On August 1, 1965, the son makes addition C to the property. For purposes of determining the amount of gain recognized under section 1250(a) to Green upon the transfer, the determination of whether addition A is an improvement is made without taking into account additions B and C. For purposes of determining the amount of gain recognized under section 1250(a) upon a subsequent disposition of the property by the son, additions B and C would be taken into account in the determination of whether A is an improvement, and A would be taken into account in the determination of whether B and C are improvements.

Example (3). Assume the same facts as in example (2). Assume further that on September 15, 1965, the son transfers the property to a corporation in exchange for cash and stock in the corporation in a transaction qualifying under section 351 (see paragraph (c) of § 1.1250-3), and that the corporation uses a fiscal year ending November 30. For purposes of determining the amount of gain recognized under section 1250(a) upon a subsequent disposition by the corporation, the one-year test under subdivision (i) of this subparagraph is made for the entire taxable year of Green and of the son ending on December 31, 1965, and in respect of the corporation's taxable year ending November 30, 1965. Accordingly, if on December 7, 1965, addition D is made by the corporation, then, upon a subsequent disposition by the corporation, D is taken into account for purposes of the determination in respect of the entire taxable year of Green and of the son ending on December 31, 1965, and for the corporation's taxable year ending November 30, 1966, but not for purposes of the corporation's taxable year ending November 30, 1965. If D were made on January 3, 1966, D would still be taken into account for purposes of the determination in respect of the corporation's taxable year ending November 30, 1966. However, since neither Green nor his son actually owned the property on any day of the taxable year ending December 31, 1966, no determination is made in respect of such taxable year of Green or of the son.

(4) *36-month test for separate improvement.* (i) If, during the 36-month period ending on the last day of any taxable year (including a short taxable year and the entire taxable year in which the disposition occurs), the sum of the amounts treated under subparagraph (3) of this paragraph as improvements for such period exceeds the greatest of—

(*a*) 25 percent of the adjusted basis of the property,

(*b*) 10 percent of the unadjusted basis (determined under subparagraph (3) (ii) of this paragraph) of the property, or

(*c*) $5,000,

then each such improvement during such period shall be treated as a separate improvement, and thus as an element. For purposes of (*a*) and (*b*) of this subdivision, the adjusted basis (or unadjusted basis) of section 1250 property shall be determined as of the beginning of the 36-month period, or as of the beginning of the holding period of the property (within the meaning of § 1.1250-4), whichever is the later.

(ii) In respect of a particular disposition of section 1250 property by a person—

(*a*) There shall not be taken into account under the 36-month test for separate improvements in this subparagraph any amount treated under subparagraph (3) of this paragraph as an improvement which arises by reason of (or after) the disposition or which arises before the beginning of the holding period under § 1.1250-4 of such person for the property, and

(*b*) Such test shall be made in respect of each 36-month period ending on the last day of each taxable year of such person (and of any prior transferor) if at least 1 day of such period is included under § 1.1250-4 in such person's holding period for the property, except that (*1*) such test shall be made for a 36-month period ending on the last day of a taxable year of such person only if such person actually owned the property on at least 1 day of such period, and (*2*) such test shall be made for a 36-month period ending on the last day of a taxable year of such prior transferor only if such prior transferor actually owned the property on at least 1 day of such period.

(iii) For illustration of the principles of subdivision (ii) of this subparagraph, see examples (2) and (3) in subparagraph (3) (iv) of this paragraph.

(5) *Example.* The application of this paragraph may be illustrated by the following example:

Example. (i) On December 31, 1967, X, a calendar year taxpayer, purchases an item of section 1250 property at a cost of $100,000. In the table below, the adjusted basis and unadjusted basis of the property are shown for the beginning of January 1 of each taxable year and it is assumed that each addition to capital was added on January 1 of the year shown.

Year	Adjusted basis	Unadjusted basis	1 percent of unadjusted basis	Addition	
1969	$94,000	$100,000	$1,000	A	$10,000
1970	97,030	110,000	1,100	B	4,000
1971	94,041	114,000	1,140	C	6,000
1972	92,709	120,000	1,200		
1973	86,158	120,000	1,200	D	18,000

(ii) Since each addition to capital account for the property exceeds the greater of $2,000 or one percent of unadjusted basis, determined as of the beginning of the taxable year in which made, each addition to capital account qualifies as an improvement under subparagraph (2) of this paragraph.

(iii) Since the beginning of the holding period of the property under § 1.1250-4 (Jan. 1, 1968) is later than the beginning of the 36-month period ending on December 31, 1969, the determination as to whether there are any separate improvements on the property as of December 31, 1969, is made by examining the adjusted basis (or unadjusted basis) of the property as of the beginning of January 1, 1968. As of December 31, 1969, there were no separate improvements on the property since the only amount treated as an improvement for the period beginning on January 1, 1968, and ending on December 31, 1969, is addition A (costing $10,000), which is less than $25,000, that is, 25 percent of the adjusted basis ($100,000) of the property as of the beginning of January 1, 1968.

(iv) As of December 31, 1970, there were no separate improvements on the property since the sum of the amounts treated as improvements for the 36-month period ending on December 31, 1970, is $14,000 (that is, $10,000 for A, plus $4,000 for B), and this sum is less than $25,000, that is, 25 percent of the adjusted basis ($100,000) of the property as of the beginning of January 1, 1968.

(v) As of December 31, 1971, there were no separate improvements on the property since the sum of the amounts treated as improvements for the 36-month period ending on December 31, 1971, is $20,000 (that is, $10,000 for A, plus $4,000 for B, plus $6,000 for C), and this sum is less than $23,500, that is, 25 percent of the adjusted basis ($94,000) of the property as of the beginning of January 1, 1969.

(vi) As of December 31, 1972, there were no separate improvements on the property since the sum of the amounts treated as improvements for the 36-month period ending on December 31, 1972, is $10,000 (that is, $4,000 for B plus $6,000 for C), and this sum is less than $24,258 that is, 25 percent of the adjusted basis ($97,030) of the property as of the beginning of January 1, 1970.

(vii) As of December 31, 1973, C and D are separate improvements (notwithstanding that as of December 31, 1971 and 1972, C was not a separate improvement) since the sum of the amounts added for the 36-month period ending December 31, 1973, is $24,000 (that is, $6,000 for C plus $18,000 for D), and this sum exceeds the greatest of—

(*a*) $23,510, that is, 25 percent of the adjusted basis ($94,041) of the section 1250 property as of the beginning of January 1, 1971,

(*b*) $11,400, that is, 10 percent of the unadjusted basis ($114,000) of the property as of the beginning of such first day, or

(*c*) $5,000.

(c) *Additional depreciation and holding period of property acquired in certain transactions.*—(1) *Transferred basis.* If property consisting of two or more elements is disposed of, and if the holding period of the property in the hands of the transferee for purposes of computing applicable percentage includes the holding period of the transferor by reason of the application of paragraph (c) (other than subparagraph (2) thereof) of § 1.1250-4, then the additional depreciation for each element of the property in the hands of the transferee immediately after the transfer shall be computed in the manner set forth in this subparagraph. First, any element having a deficit in additional depreciation in the hands of the transferor immediately before such transfer shall be considered to have the same deficit in the hands of the transferee. Second, elements having additional depreciation in the hands of the transferor immediately before the transfer shall be considered to have additional depreciation in the hands of the transferee. The sum of the transferee's additional depreciation for all elements of the property having additional depreciation in the hands of the transferor shall be an amount equal to the additional depreciation in respect of the property as a whole immediately after the transfer increased by the sum of the deficits in additional depreciation for all elements having such deficits. In case there is more than one element having additional depreciation, the additional depreciation for any such element in the hands of the transferee shall be computed by multiplying (i) the amount computed under the preceding sentence by (ii) the additional depreciation for such element in the hands of the transferor divided by the sum of the additional deprecation for all such elements having additional depreciation in the hands of the transferor. For purposes of computing applicable percentage, the holding period for an element of such property in the hands of the transferee shall include the holding period of such element in the hands of the transferor.

(2) *Example.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. Section 1250 property has additional depreciation of $16,000 of which $12,000 is additional depreciation for element X and $4,000 for element Y. The property is transferred to a corporation in exchange for cash of $6,000 and for stock in the corporation. Assume that recognition of gain under section 1250(a) is limited to $6,000 (the amount of cash received) by reason of the application of section 351(b) (relating to transfer to corporation controlled by transferor) and section 1250(d)(3) (relating to limitation on application of section 1250 in certain tax-free transactions). Under paragraph (c)(3)(i) of § 1.1250-3, the additional depreciation for the property in the hands of the corporation immediately after the transfer is $10,000, that is, the additional depreciation for the property in the hands of the transferor immediately before the transfer ($16,000) minus the gain under section 1250(a) recognized upon the transfer ($6,000). Under subparagraph (1) of this paragraph, in the hands of the corporation immediately after the transfer element X has additional depreciation of $7,500 ($^{12}/_{16}$ of $10,000) and element Y as additional depreciation of $2,500 ($^{4}/_{16}$ of $10,000). Under paragraph (d)(2)(ii) of this section there is an addition of $6,000 to the capital account for the property.

(3) *Principal residence.* If a principal residence consisting of two or more elements is disposed of, and if for purposes of computing applicable percentage the holding period of the principal residence acquired includes the holding period of the principal residence disposed of by reason of the application of paragraph (d) of § 1.1250-4, then the additional depreciation (or a deficit in additional depreciation) for an element of the principal residence acquired immediately after the transaction shall be determined in a manner consistent with the principles of subparagraph (1) of this paragraph. For purposes of computing applicable percentage, the holding period for an element of the principal residence acquired includes the holding period of such element of the principal residence disposed of, but not the period beginning on the day after the date of the disposition and ending on the date of the acquisition.

(4) [Reserved]

(f) *Holding period for small separate improvements.*—(1) *General.* This paragraph prescribes a special holding period solely for the purpose of computing the applicable percentage of a separate improvement (as defined in paragraph (d) of this section) which is treated as an element. See paragraph (a)(2)(ii) of this section for determination of holding period under section 1223 for purposes of computing additional depreciation. In respect of section 1250 property, if the amount of a separate improvement does not exceed the greater of—

(i) $2,000, or

(ii) One percent of the unadjusted basis (within the meaning of paragraph (d)(3)(ii) of this section) of such property, determined as of the beginning of the taxable year in which such separate improvement was made,

then such separate improvement shall be treated for purposes of computing applicable percentage as placed in service on the first day, of a calendar month, which is the closest such first day to the middle of the taxable year. See the last sentence of section 1250(f)(4)(B). If two such first days are equally close to the middle of the taxable year, the earliest of such days is the applicable day.

(2) *Example.* The application of this paragraph may be illustrated by the following example:

Example. (i) The unadjusted basis of section 1250 property as of the beginning of January 1, 1960, is $100,000. During the taxable year ending on December 31, 1960, the only additions to the capital account for the property are addition A on March 10, 1960, costing $1,200 and addition B on September 16, 1960, costing $1,400. Since the sum of the additions ($2,600) exceeds the greater of $2,000 and 1 percent of unadjusted basis ($1,000, that is, 1 percent of $100,000), each addition is an improvement under the 1-year test of paragraph (d)(3) of this section. Assume that the 36-month test of paragraph (d)(4) of this section is satisfied and, therefore, each addition is a separate improvement treated as an element.

(ii) Since each element is less than $2,000, the provisions of this paragraph apply. Since there are 366 days in 1960, the middle of the year is at the end of 183 days, or July 1. Thus, that first day of a calendar month in 1960, which is the closest first day (of a calendar month) to the middle of the taxable year, is July 1, 1960. Accordingly, for purposes of computing applicable percentage, elements A and B are each treated as placed in service on July 1, 1960.

[F.R. Doc. 71-220; Filed, Jan. 7, 1971; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Delegations of Authority Within Workplace Standards Administration

Pursuant to the authority delegated to me under Secretary of Labor's Orders numbered 19-70 and 20-70, which are published in the FEDERAL REGISTER on this date and the statutory authority cited below, Part 4 of Title 29, Code of Federal Regulations, is hereby amended to reflect the establishment of the Workplace Standards Administration (WSA) within the Department and delegations of authority within the WSA as they pertain to that part.

The amendments shall be effective immediately.

The amendments of Part 4 of Title 29, Code of Federal Regulations, read as follows:

1. Section 4.3 is amended to read as follows:

§ 4.3 Register of wage determinations and fringe benefits.

The Director of the Office of Government Contracts Wage Standards, Workplace Standards Administration (WSA), of the Department of Labor will determine the minimum monetary wages and specify the fringe benefits to be furnished the various classes of service employees for the several localities in which they are to be employed under contracts subject to such determinations under the Act. These determinations and specifications will be issued as an orderly series constituting a register of such minimum wages and fringe benefits. Such a register will be available for public inspection during business hours at the national and regional offices of the Workplace Standards Administration of the U.S. Department of Labor. Provisions may also be made, when practicable, for maintaining such a register at other locations where the needs of procurement agencies for the information contained therein may be better served by such action.

2. Section 4.4 is amended to read as follows:

§ 4.4 Notice of intention to make a service contract.

(a) Not less than 30 days prior to any invitation for bids or the commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, the contracting agency shall file with the Office of Government Contracts Wage Standards, Workplace Standards Administration, of the Department of Labor its notice of intention to make a service contract on Standard Form 98, Notice of Intention to Make a Service Contract, completed in accordance with the instructions on the reverse thereof.

Copies of Standard Form 98 are available from the General Services Administration.

(b) If exceptional circumstances prevent the filing of the notice of intention required by this section on or before a date 30 days prior to any invitation for bids or the commencement of negotiations, the notice shall be submitted to the Office of Government Contracts Wage Standards, Workplace Standards Administration, as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

3. In § 4.5 paragraphs (a) and (c) are amended to read as follows:

§ 4.5 Contract minimum wage determinations and fringe benefit specifications.

Any contract agreed upon in excess of $2,500 shall contain the minimum wages and fringe benefits specified in any applicable currently effective determination including any expressed in any document referred to in paragraph (a) or (b) of this section.

(a) Any communication from the Office of Government Contracts Wage Standards, Workplace Standards Administration, of the Department of Labor responsive to the notice required by § 4.4; or

• • • • • •

(c) If the notice of intention required by § 4.4(a) is not filed within the time provided in § 4.4(a), the contracting agency shall exercise any and all of its power that may be needed (including where necessary, its power to negotiate, its power to pay any necessary additional costs, and its power under any provision of the contract authorizing changes) to include in the contract any determinations communicated to it within 30 days of the filing of such notice or of the discovery by the Workplace Standards Administration, U.S. Department of Labor, of such omission.

4. In § 4.6 paragraphs (b), (c), and the introductory text of paragraph (g) are amended to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

The clauses set forth in the following paragraphs shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, in excess of $2,500, the principal purpose of which is to furnish services through the use of service employees:

• • • • • •

(b) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employees which is not listed therein, but which is to be employed under this contract, shall be classified by the contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question, together with his recommendation, to the Director, Office of Government Contracts Wage Standards, WSA, of the Department of Labor for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Director or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(c) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of Workplace Standards, Department of Labor. (Subpart B of this part.)

• • • • • •

(g) The contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified in subparagraphs (1) through (5) of this paragraph for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Administrator of Workplace Standards of the U.S. Department of Labor.

• • • • • •

5. Section 4.101 is amended to read as follows:

§ 4.101 Official rulings and interpretations in this subpart.

The purpose of this subpart is to provide, pursuant to the authority cited in § 4.104, official rulings and interpretations with respect to the application of the McNamara-O'Hara Service Contract Act for the guidance of the agencies of the United States and the District of Columbia which may enter into and administer contracts subject to its provisions, the persons desiring to enter into such contracts with these agencies, and the contractors, subcontractors, and employees who perform work under such contracts. This subpart supersedes all prior rulings and interpretations issued under the Act to the extent, if any, that they may be inconsistent with rules herein stated. Principles governing the application of the Act as set forth in this subpart are clarified or amplified in particular instances by illustrations and examples based on specific fact situations. Since such illustrations and examples cannot and are not intended to be exhaustive, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries may be directed to the Administrator of Workplace Standards, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional Office of the WSA. Safety and health inquiries may be addressed directly to the Director, Bureau of Labor Standards, WSA, U.S. Department of Labor, Washington, D.C. 20210, or to any WSA Regional Office. A full description of the facts and any relevant documents should be submitted if an official ruling is desired.

6. In § 4.123 paragraph (b) is amended to read as follows:

§ 4.123 Administrative limitations, variations, tolerances, and exemptions.

• • • • • •

(b) *Administrative action under section 4(b) of the Act.* The authority conferred on the Secretary by section 4(b) of the Act will be exercised with due regard to the remedial purpose of the statute to protect prevailing labor standards and to avoid the undercutting of such standards which could result from the award of Government work to contractors who will not observe such standards, and whose saving in labor cost therefrom enables them to offer a lower price to the Government than can be offered by the fair employers who maintain the prevailing standards. Administrative action consistent with this statutory purpose may be taken under section 4(b) with or without a request therefor, when found necessary and proper in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a request for exemption from the Act's provisions will be granted only upon a strong and affirmative showing that it is necessary and proper in the public interest or to avoid serious impairment of Government business. If the request for administrative action under section 4(b) is not made by the headquarters office of the contracting agency to which the contract services are to be provided, the views of such office on the matter should be obtained and submitted with the request or the contracting officer may forward such a request through channels to the agency headquarters for submission with the latter's views to the Administrator of Workplace Standards, Department of Labor.

• • • • • •

7. In § 4.133 paragraph (b) is amended to read as follows:

§ 4.133 Government as beneficiary of contract services.

• • • • • •

(b) *Special situations.* It is not considered that the Act was intended to cover every contract, however, which is entered into with the Government by a contractor to furnish services, no matter how indirect or remote a benefit the Government may derive therefrom. If, for example, a contract with the Government grants the contractor the privilege of operating as a concessionaire in a Government park for the purpose of furnishing services to the public generally rather than to the Government or to personnel engaged in its business, the contract is not considered subject to the Act. Since the statute itself provides no clear line of demarcation, questions of contract coverage where doubt arises because of remoteness of benefit to the Government from the services to be furnished shou'd be referred to the Office of Government Contracts Wage Standards, WSA, for resolution.

8. In § 4.164 paragraph (b)(2) is amended to read as follows:

§ 4.164 Making the determinations and informing contractors.

• • • • • •

(b) *Provision for consideration of currently prevailing wage rates and fringe benefits.* • • •

(2) The regulations, in § 4.4, provide for the filing with the Office of Government Contracts Wage Standards, Workplace Standards Administration, by the awarding agency, prior to any invitation for bids or the commencement of negotiations for contracts exceeding $2,500, of a notice of intention to make a service contract which is subject to the Act. Upon receipt of the notice that Office may make a determination of minimum monetary wages and fringe benefits for the classes of service employee who will perform on the contract or may revise a determination which is currently in effect.

• • • • • •

(Secs. 2(a) and 4, 79 Stat. 1034, 1035, 41 U.S.C. 351, 353; 5 U.S.C. 301)

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[F.R. Doc. 71-285; Filed, Jan. 7, 1971; 8:49 a.m.]

PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL SERVICE CONTRACTS

Delegations of Authority Within Workplace Standards Administration

Pursuant to Secretary of Labor's Orders numbered 19-70 and 20-70, published in the FEDERAL REGISTER on this date, and the statutory authority cited below, Part 6 of Title 29, Code of Federal Regulations, is hereby amended in the manner indicated below. The changes reflect the establishment of the Workplace Standards Administration within the Department of Labor and delegations of authority within the Workplace Standards Administration.

The amendments of Part 6 are the following:

1. Section 6.2 is amended to revise paragraph (d) and to revoke paragraph (e), and reads as follows:

§ 6.2 Definitions.

• • • • • •

(d) "Administrator" means the Administrator of Workplace Standards, U.S. Department of Labor.

(e) [Revoked]

2. Paragraph (b)(3) of § 6.6 is amended to read as follows:

§ 6.6 Consent findings and order.

• • • • • •

(b) • • •

(3) A waiver of any further procedural steps before the hearing examiner and the Administrator; and

• • • • • •

3. Section 6.12 is amended to read as follows:

§ 6.12 Relief from ineligible list.

Application for relief from the ineligible list provision under section 5(a) of the Act may be filed by the respondent with the Secretary of Labor within 20 days from the date of service of the hearing examiner's decision or Administrator's decision, as the case may be. Notice of the determination of the Secretary on the application of the ineligible list provision of the Act shall be served upon the parties.

4. Section 6.13 is amended to read as follows:

§ 6.13 Transmission of record.

If exceptions are filed, the hearing examiner shall transmit the record of the proceeding to the Administrator. The record shall include: The pleadings, motions, and requests filed in written form, rulings thereon, the transcript of the testimony and proceeding taken at the hearing, together with the exhibits admitted in evidence, any documents or papers filed in connection with prehearing conferences, such proposed findings of fact, conclusions of law, orders, and supporting reasons, as may have been filed, the hearing examiner's decision, and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

5. Section 6.14 is amended to read as follows:

§ 6.14 Decisions and order of the Administrator.

If exceptions to the decision of the hearing examiner are taken as provided in this part, the Administrator shall upon consideration thereof, together with the record references and authorities cited in support thereof, make his decision, which shall affirm modify, or set aside, in whole or part, the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of reasons or bases for the actions taken. With respect to the findings of fact, the Administrator shall modify or set aside only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties. Any such decision shall treat any question of recommendation for relief from the ineligible list under section 5(a) of the Act to the same extent and subject to the same limitations as provided in § 6.10(b) concerning decisions of the hearing examiner.

6. In § 6.15, paragraph (c) is amended to read as follows:

§ 6.15 Service; copies of documents and pleadings.

• • • • • •

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, the original with the officer before whom the case is pending (hearing examiner, chief hearing examiner, Administrator, or the Secretary of Labor) and the copies with the attorney representing the Department during the hearing or the Associate Solicitor in charge of litigation.

7. In § 6.19, paragraph (b) is amended to read as follows:

§ 6.19 Hearing examiners.

• • • • • •

(b) *How assigned.* The presiding hearing examiner shall be designated by the Chief Hearing Examiner.

• • • • • •

(Sec. 4, 79 Stat. 1035; 41 U.S.C. 353)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER, but shall not affect delegations of decisional authority in any formal adjudicatory proceedings pending as of that date.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[F.R. Doc. 71-266; Filed, Jan. 7, 1971; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

These amendments prescribe a minimum 30-calendar-day-bidding period in certain instances where brand name descriptions are used and prescribe additional criteria for determining reasonableness of price in formally advertised procurement.

PART 1–1—GENERAL

Subpart 1–1.3—General Policies

Section 1–1.307–4 is amended as follows:

§ 1–1.307–4 Brand name products or equal.

(a) Purchase descriptions which contain references to one or more brand name products followed by the words "or equal" may be used only in accordance with this § 1–1.307–4 and §§ 1–1.307–5 through 1–1.307–9. The term "brand name product" means a commercial product described by brand name and make or model number or other appropriate nomenclature by which such product is offered for sale to the public by the particular manufacturer, producer, or distributor. Where feasible, all known acceptable brand name products should be referenced. Where a "brand name or equal" purchase description is used in connection with a primary item, or a major component, prospective contractors must be given the opportunity to offer products other than those specifically referenced by brand name if such other products will meet the needs of the Government in essentially the same manner as those referenced. If modifications to standard products of prospective contractors to meet the purchase description requirements are anticipated, a minimum of 30 calendar days shall be allowed between issuance of the solicitation and opening of bids or receipt of proposals, provided that periods of less than 30 calendar days may be set in cases of urgency or when the contracting officer has reason to believe that bidders can bid effectively on the basis of a shorter period.

• • • • •

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents of Part 1–2 is amended to provide a revised entry as follows:

Sec.
1–2.407–2 Responsible bidder—Reasonableness of price.

Subpart 1–2.2—Solicitation of Bids

Section 1–2.202–1 is amended as follows:

§ 1–2.202–1 Bidding time.

• • • • •

(c) *Minimum bidding time.* As a general rule, bidding time shall be not less than 15 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. (Where brand name or equal purchase descriptions are used involving a modification of the brand name product, see § 1–1.307–4 of this chapter.) This rule need not be observed in special circumstances or where the urgency for the supplies or services does not permit such delay. Procurement activities shall develop procedures for ensuring that these bidding time requirements are observed.

Subpart 1–2.4—Opening of Bids and Award of Contract

Section 1–2.407–2 is revised as follows:

§ 1–2.407–2 Responsible bidder—reasonableness of price.

Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible (see § 1–1.310 of this chapter) and that the prices offered are reasonable. The price analysis techniques set forth in § 1–3.807–2(b)(1) of this chapter may be used as guidelines, where appropriate, but determination in each case shall be made in the light of all prevailing circumstances. Particular care must be taken in cases where only a single bid is received.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective January 1, 1971, but may be observed earlier.

Dated: December 31, 1970.

ROD KREGER,
Acting Administrator of General Services.

[F.R. Doc. 71-223; Filed, Jan. 7, 1971; 8:45 a.m.]

Chapter 50—Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

Delegations of Authority Within Workplace Standards Administration

Pursuant to the authority delegated to me under Secretary of Labor's Orders numbered 19–70 and 20–70, which are published in the FEDERAL REGISTER on this date, and the statutory authority cited below, Part 50–201 of Title 41, Code of Federal Regulations, is hereby amended in the manner indicated below in order to reflect the establishment of the Workplace Standards Administration (WSA) within the Department and to reflect delegations of authority within the WSA as they pertain to that part.

The amendments of Part 50–201 of Title 41, Code of Federal Regulations, read as follows:

1. In § 50–201.601 paragraph (b) is amended as follows:

§ 50–201.601 Requests for exceptions and exemptions.

• • • • •

(b) All requests for exceptions or exemptions which relate solely to safety and health standards shall be transmitted directly to the Bureau of Labor Standards, WSA, Department of Labor. All other requests for exceptions or exemptions shall be transmitted to the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

2. Section 50–201.602 is amended to read as follows:

§ 50–201.602 Decisions concerning exceptions and exemptions.

Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

3. Section 50–201.1101 is amended to read as follows:

§ 50–201.1101 Minimum wages.

Determinations of prevailing minimum wages or changes therein will be published in the FEDERAL REGISTER, and sent to contracting officers by the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

(Secs. 1, 4, 49 Stat. 1036, 1038, as amended, 41 U.S.C. 35, 38, 5 U.S.C. 301)

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[F.R. Doc. 71-263; Filed, Jan. 7, 1971; 8:48 a.m.]

PART 50–203—RULES OF PRACTICE

Delegations of Authority Within Workplace Standards Administration

Pursuant to the authority delegated to me under Secretary of Labor's Orders numbered 19–70 and 20–70, which are published in the FEDERAL REGISTER on this date, and the statutory authority cited below, Part 50–203 of Title 41, Code of Federal Regulations, is hereby amended in the manner indicated below in order to reflect the establishment of the Workplace Standards Administration (WSA) within the Department of Labor and to reflect delegations of authority within the WSA as they pertain to that part.

As amended, Part 50–203 of Title 41, Code of Federal Regulations, reads as follows:

1. In § 50–203.1, paragraph (b) is amended and paragraph (c) is deleted. As amended, § 50–203 reads as follows:

§ 50–203.1 Reports of breach or violation.

• • • • •

(b) A report of breach or violation may be reported to the nearest regional or local office of the Workplace Standards Administration, U.S. Department of Labor, or with the Administrator of Workplace Standards, U.S. Department of Labor, Washington, D.C. 20210.

(c) [Deleted]

• • • • •

2. In § 50–203.6, paragraph (b) is amended to read as follows:

§ 50–203.6 Witnesses and subpoenas.

• • • • •

(b) The Trial Examiner (or the Administrator holding the hearing as provided in § 50–203.8(m)) shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence, or documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

• • • • •

3. In § 50–203.8, paragraph (m) is amended to read as follows:

§ 50–203.8 Hearing.

• • • • •

(m) The Administrator of Workplace Standards may, in his discretion, direct that in lieu of the procedure set forth in paragraph (a) of this section, the hearing on formal complaint shall be held in the first instance before him; in which event the Administrator shall issue an order embodying his decision.

4. In § 50–203.11, paragraphs (a), (d), (e), (f), (g), and (h) are amended to read as follows:

§ 50–203.11 Review.

(a) Within twenty (20) days after service of the decision of the Trial Examiner any interested party to the proceeding may file with the Chief Trial Examiner an original and four copies of a petition for review of the decision. The petition shall set out separately and particularly each error assigned. The request for review and the record will then be certified to the Administrator of Workplace Standards.

• • • • •

(d) No matter properly subject to objection before the Trial Examiner will be considered by the Administrator unless it shall have been raised before the Trial Examiner or unless there were reasonable grounds for failure so to do; nor will any matter be considered by the Administrator unless included in the assignment or errors. In the discretion of the Administrator, review may be denied if the petition and brief in support thereof fail to show adequate cause for such review.

(e) The order denying review, or the decision of the Administrator, whichever is entered, will be made a part of the record, and a copy of such order or decision will be served upon the parties who were served with a copy of the Trial Examiner's decision.

(f) If the respondent is found to have violated the Act, the Administrator in his decision shall make recommendations to the Secretary of Labor as to whether respondent shall be relieved from the application of the ineligible-list provisions of section 3 of the Walsh-Healey Public Contracts Act (sec. 4, 49 Stat. 2039; 41 U.S.C. 37).

(g) Application for relief from the ineligible-list provisions of section 3 shall be filed by the respondent with the Secretary of Labor within 20 days from the date of service of the Trial Examiner's decision or the Administrator's decision.

(h) Notice of the determination of the Secretary on the application of the ineligible-list provisions of section 3 of the Walsh-Healey Public Contracts Act (sec. 3, 49 Stat. 2037; 41 U.S.C. 37) shall be served upon the parties who were served with a copy of the Trial Examiner's decision or the Administrator's decision, as the case may be.

5. In § 50–203.13, paragraph (c) is amended to read as follows:

§ 50–203.13 Requests for exceptions and exemptions.

• • • • •

(c) All requests for exceptions or exemptions which relate solely to safety and health standards shall be transmitted directly to the Bureau of Labor Standards, WSA, Department of Labor. All other requests for exceptions or exemptions shall be transmitted to the Office of Government Contracts Wage Standards, WSA, of the Department of Labor.

6. Section 50–203.14 is amended to read as follows:

§ 50–203.14 Decisions concerning exceptions and exemptions.

Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transferred to the department or agency originating the request and to the Comptroller General. All such decisions shall be promulgated to all contracting agencies by the Office of Government Contracts Wage Standards, WSA of the Department of Labor.

7. A new section, designated § 50–203.23, is added to Subpart C and reads as follows:

§ 50–203.23 Delegation of authority.

The duties of the Secretary of Labor under this subpart may be exercised in any particular proceeding by the Secretary of Labor, the Assistant Secretary for Workplace Standards, or the Administrator of Workplace Standards, Department of Labor.

(Sec. 4, 49 Stat. 2038; 41 U.S.C. 38)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER, but shall not affect delegations of decisional authority in any formal adjudicatory proceedings pending as of that date.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[F.R. Doc. 71-264; Filed, Jan. 7, 1971; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter V—National Highway Safety Bureau, Department of Transportation

[Docket No. 3-3; Notice 4]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Flammability of Interior Materials in Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses

This notice amends § 571.21 of Title 49 of the Code of Federal Regulations by adding a new motor vehicle safety standard, No. 302, Flammability of Interior Materials. Notices of proposed rule making on the subject were published on December 31, 1969 (34 F.R. 20434), and June 26, 1970 (35 F.R. 10460).

As stated in the notice of December 31, 1969, the occurrence of thousands of fires per year that begin in vehicle interiors provide ample justification for a safety standard on flammability of interior materials. Although the qualities of interior materials cannot by themselves make occupants safe from the hazards of fuel-fed fires, it is important, when fires occur in the interior of the vehicle from such sources as matches, cigarettes, or short circuits in interior wiring, that there be sufficient time for the driver to stop the vehicle, and if necessary for occupants to leave it, before injury occurs.

The question on which the public responses to the above notices differed most widely was the burn rate limit to be required. The rate proposed was 4 inches per minute, measured by a horizontal test. Some manufacturers suggested maximum burn rates as high as 15 inches per minute. The Center for Auto Safety, the Textile Fibers and By-Products Association, and the National Cotton Batting Institute, on the other hand, suggested essentially a zero burn rate, or self-extinguishment, requirement, with a vertical rather than a horizontal test. A careful study was made of the available information on this subject, including the burn rates of materials currently in use or available for use, recommendations or regulations of other agencies, and the economic and technical consequences of various possible rate levels and types of tests. A considerable amount of [illegible] sponsored research has been conducted and is continuing on the subject. On consideration of this data, the Bureau has decided to retain the 4-inch-per-minute burn limit, with the horizontal test, in this standard. It has been determined that suitable materials are not available in sufficient quantities, at reasonable costs, to meet a significantly more stringent burn rate by the effective date that is hereby established. The 4-inch rate will require a major upgrading of materials used in many areas, and a corresponding improvement in this aspect of motor vehicle safety. It is important that this standard not hinder manufacturers' efforts to comply with the crash protection requirements that are currently being imposed, and that in the Bureau's

judgment are of the greatest importance. Further study will be made, however, of the feasibility of, and justification for, imposing more stringent requirements with a later effective date.

As pointed out in several comments, the problem of toxic combustion byproducts is closely related to that of burn rate. Release of toxic gases is one of the injury-producing aspects of motor vehicle fires, and many of the common ways of treating materials to reduce their burn rates involve chemicals that produce highly poisonous gases such as hydrogen chloride and hydrogen cyanide. The problem of setting standards with regard to combustion byproducts is difficult and complex, and the subject of continuing research under Bureau auspices. Until enough is known in this area to form the basis for a standard, and to establish the proper interaction between burn rate and toxicity, this uncertainty constitutes an additional reason for not requiring self-extinguishing materials.

The proposal specified a particular commercial gas for the test burner, and several comments suggested problems in obtaining the gas for manufacturer testing. As is the case with all the motor vehicle safety standards, the test procedures describe the tests that the regulated vehicles or equipment must be capable of passing, when tested by the Bureau, and not the method by which a manufacturer must ascertain that capability. Any gas with at least as high a flame temperature as the gas described in the standard would therefore be suitable for manufacturer testing. To make this point clearer, and to use a more readily available reference point, the standard has been reworded to specify a gas that "has a flame temperature equivalent to that of natural gas."

The dimensions of the enclosure within which the test is conducted have been changed from those proposed, in order to provide more draft-free conditions, and consequently more repeatable results. Smaller cabinets, furthermore, evidently are more generally available than larger ones. Again it should be noted that there is no necessity that manufacturers duplicate the dimensions of the test cabinet, as long as they can establish a reasonable basis for concluding that their materials will meet the requirements when tested in such a cabinet.

Several comments questioned the need for specifying the temperature and relative humidity under which the material is conditioned and the test is conducted. The foregoing discussions of the relation of the standard to manufacturer testing apply here also. The specification of temperature and relative humidity for conditioning and testing is made to preclude any arguments, in the face of a compliance test failure, that variations in test results are due to permitted variations in test conditions. The relative humidity specification has been changed from 65 percent, as proposed, to 50 percent. This humidity level represents more closely the conditions encountered in use during fairly dry weather. While it is a slightly more stringent condition, it is one in wide use for materials testing, according to the comments, and is not, in the judgment of the Bureau, a large enough change in the substance of the proposal to warrant further notice and opportunity for comment.

Several comments suggested that the standard should specify the number of specimens to be tested, with averaging of results, as is commonly found in specification-type standards. The legal nature of the motor vehicle safety standards is such, however, that sampling and averaging provisions would be inappropriate. As defined by the National Traffic and Motor Vehicle Safety Act, the standards are minimum performance levels that must be met by every motor vehicle or item of motor vehicle equipment to which they apply. Enforcement is based on independent Bureau testing, not review of manufacturer testing, and manufacturers are required to take legal responsibility for every item they produce. The result, and the intent of the Bureau in setting the standards, is that manufacturers must establish a sufficient margin of performance between their test results and the standard's requirements to allow for whatever variances may occur between items tested and items produced.

The description of portions to be tested has been changed slightly, such that the surface and the underlying materials are tested either separately or as a composite, depending on whether they are attached to each other as used in the vehicle. In the proposal, surface and underlying materials were to be tested separately regardless of how used, an element of complexity found unnecessary for safety purposes.

In response to comments with respect to materials that burn at a decreasing rate, to which the application of the test is not clear, an additional criterion has been added. If material stops burning before it has burned for 60 seconds, and does not burn more than 2 inches, it is considered to meet the requirement.

In consideration of the foregoing, § 571.21 of Title 49, Code of Federal Regulations, is amended by the addition of Standard No. 302, Flammability of Interior Materials, as set forth below.

Effective date. September 1, 1972. Because of the extensive design changes that will be necessitated by this new standard, and the leadtime consequently required by manufacturers to prepare for production, it is found, for good cause shown, that an effective date later than 1 year from the issuance of this notice is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 (35 F.R. 4955))

Issued on December 29, 1970.

DOUGLAS W. TOMS,
Director.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 302

FLAMMABILITY OF INTERIOR MATERIALS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Scope.* This standard specifies burn resistance requirements for materials used in the occupant compartments of motor vehicles.

S2. *Purpose.* The purpose of this standard is to reduce the deaths and injuries to motor vehicle occupants caused by vehicle fires, especially those originating in the interior of the vehicle from sources such as matches or cigarettes.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Requirements.*

S4.1 The portions described in S4.2 of the following components of vehicle occupant compartments shall meet the requirements of S4.3: Seat cushions, seat backs, seat belts, headlining, convertible tops, arm rests, all trim panels including door, front, rear, and side panels, compartment shelves, head restraints, floor coverings, sun visors, curtains, shades, wheel housing covers, engine compartment covers, mattress covers, and any other interior materials, including padding and crash-deployed elements, that are designed to absorb energy on contact by occupants in the event of a crash.

S4.2 The portions of the components that shall meet the requirements of S4.3 are all of the following:

(a) The surface material taken separately if it is not bonded, sewed or mechanically attached to underlying material.

(b) A composite consisting of the surface material bonded, sewed or mechanically attached to underlying material, if such a composite is used in the component.

(c) Padding and cushioning materials taken separately, if those materials are not bonded, sewed or mechanically attached to surface materials.

S4.3 Material described in S4.1 and S4.2 shall not burn, or transmit a flame from across its surface, at a rate of more than 4 inches per minute. However, if a material stops burning before it has burned for 60 seconds from the start of timing, and has not burned more than 2 inches from the point where timing was started, it shall be considered to meet this requirement.

S5. *Test procedure.*

S5.1 *Conditions.*

S5.1.1 The test is conducted in a metal cabinet for protecting the test specimens from drafts. The interior of the cabinet is 15 inches long, 8 inches deep, and 14 inches high. It has a glass observation window in the front, a closable opening to permit insertion of the specimen holder, and a hole to accommodate tubing for a gas burner. For ventilation, it has a ½-inch clearance space around the top of the cabinet, ten ¾-inch-diameter holes in the base of the cabinet, and legs to elevate the bottom of the cabinet by three-eighths of an inch, all located as shown in Figure 1.

S5.1.2 Prior to testing, each specimen is conditioned for 24 hours at a temperature of 70° F. and a relative humidity of 50 percent, and the test is conducted under those ambient conditions.

S5.1.3 The test specimen is inserted between two matching U-shaped frames of metal stock 1-inch wide and ⅜ of an inch high. The interior dimensions of the U-shaped frames are 2 inches wide by 13 inches long. A specimen that softens and bends at the flaming end so as to cause erratic burning is kept horizontal by supports consisting of thin, heat-resistant wires, spanning the width of the U-shaped frame under the specimen at 1-inch intervals. A device that may be used for supporting this type of material is an additional U-shaped frame, wider than the U-shaped frame containing the specimen, spanned by 10-mil wires of heat-resistant composition at 1-inch intervals, inserted over the bottom U-shaped frame.

S5.1.4 A bunsen burner with a tube of ⅜-inch inside diameter is used. The gas adjusting valve is set to provide a flame, with the tube vertical, of 1½ inches in height. The air inlet to the burner is closed.

S5.1.5 The gas supplied to the burner has a flame temperature equivalent to that of natural gas.

S5.2 *Preparation of specimens.*

S5.2.1 Each specimen of material to be tested is a rectangle 4 inches wide by 14 inches long, wherever possible. The thickness of the specimen is that of the material as used in the vehicle, except that where the material's thickness exceeds ½ inch the specimen is cut down to that thickness. Where it is not possible to obtain a flat specimen, because of component configuration, the specimen is cut to not more than ½ inch in thickness at any point, from the area with the least curvature, and in such a manner as to include the face side. The maximum available length or width of a specimen is used where either dimension is less than 14 inches or 4 inches respectively.

S5.2.2 Material with directional effects is oriented so as to provide the most adverse results.

S5.2.3 Material with a napped or tufted surface is placed on a flat surface and combed twice against the nap with a comb having seven to eight smooth, rounded teeth per inch.

S5.3 *Procedure.*

(a) Mount the specimen so that both sides and one end are held by the U-shaped frame, and one end is even with the open end of the frame. Where the maximum available width of a specimen is not more than 2 inches, so that the sides of the specimen cannot be held in the U-shaped frame, place the specimen in position on wire supports as described in S5.1.3, with one end held by the closed end of the U-shaped frame.

(b) Place the mounted specimen in a horizontal position, in the center of the cabinet.

(c) With the flame adjusted according to S5.1.4, position the bunsen burner and specimen so that the center of the burner tip is three-fourths of an inch below the center of the bottom edge of the open end of the specimen.

(d) Expose the specimen to the flame for 15 seconds.

(e) Begin timing (without reference to the period of application of the burner flame) when the flame from the burning specimen reaches a point 1½ inches from the open end of the specimen.

(f) Measure the time that it takes the flame to progress to a point 1½ inches from the clamped end of the specimen. If the flame does not reach the specified end point, time its progress to the point where flaming stops.

(g) Calculate the burn rate from the formula

$$B = 60 \times \frac{D}{T}$$

Where:

B = Burn rate in inches per minute,
D = Length the flame travels in inches, and
T = Time in seconds for the flame to travel D inches.

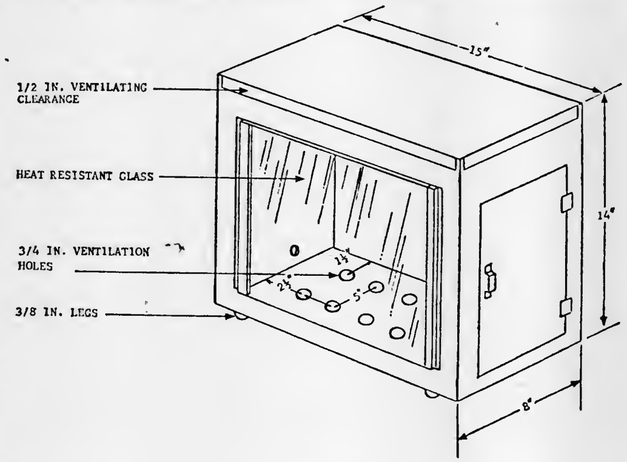

FIGURE 1

[F.R. Doc. 71-190; Filed, Jan. 7, 1971; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Amortization of Pollution Control Facilities

Correction

In F.R. Doc. 70-17472 appearing at page 19672 in the issue of Tuesday, December 29, 1970, the following changes should be made:

1. The monetary figure in the 18th line of Example 1 under § 1.169-1(b) should read "$120,000".

2. Delete the eighth line of § 1.169-3 (f)(2) and insert instead "is made, such expenditures shall be taken".

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-73; Notice 71-1]

TRANSPORTATION OF HAZARDOUS MATERIALS

Design Approvals for Radioactive Materials Packages

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to transfer the administrative requirements for approvals of radioactive materials packages from the Department to the U.S. Atomic Energy Commission (USAEC).

At the present time, the Department issues special permits for radioactive materials packages which meet the Department's performance standards but which are not among the limited number of specification packagings prescribed for radioactive materials in the regulations. In most instances, the USAEC performs detailed safety evaluations to determine whether a petitioner's package design does in fact meet the Department's performance standards. As a result, the Department's special permits are often only duplicative paperwork incorporating the USAEC approval by reference. The Board has concluded that it would be in the public interest to eliminate this duplicative ministerial requirement. This would reduce the administrative burden on both the nuclear industry and the Department, without adversely affecting the safe transport of radioactive materials. The USAEC has agreed to this procedure.

Under this change in procedure, special permits would only be issued by the Department in those cases where it is necessary and appropriate to provide an exemption or waiver of the regulations. Petitioners for routine package approvals would apply directly to the USAEC for package review, evaluation, and approval. The procedures for obtaining USAEC approval are contained in the regulations of the USAEC (10 CFR Part 71) for USAEC licensees, and in USAEC Manual Chapter 0529 for USAEC prime operating contractors. Specific procedures for USAEC approval of Type B packages are being developed at this time. Provisions would be made for continuation of the existing special permits until their date of expiration as well as for establishment of a package numbering/identification system. The Office of Hazardous Materials of the Department would continue to issue certificates of competent authority under IAEA regulations.

The Board believes that this proposal would effectively reduce delays in granting package approval without adversely affecting safety in transportation.

In consideration of the foregoing, it is proposed to amend 49 CFR 173.394, 173.395, and 173.396 as follows:

(A) In § 173.394 paragraphs (b)(3) and (c)(2) would be amended; paragraphs (b)(4) and (c)(3) would be added to read as follows:

§ 173.394 Radioactive material in special form.

* * * * * *

(b) * * *

(3) Any other Type B packaging approved by the U.S. Atomic Energy Commission.

(4) Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate Certificate has been issued by a foreign competent authority.

(c) * * *

(2) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(B) In § 173.395 paragraphs (b)(2) and (c)(2) would be amended; paragraphs (b)(3) and (c)(3) would be added to read as follows:

§ 173.395 Radioactive material in normal form.

* * * * * *

(b) * * *

(2) Any other Type B packaging approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate Certificate has been issued by a foreign competent authority.

(c) * * *

(2) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(C) In § 173.396 paragraphs (b)(4) and (c)(3) would be amended; paragraphs (b)(5) and (c)(4) would be added; paragraph (d) and note following would be canceled as follows:

§ 173.396 Fissile radioactive material.

* * * * * *

(b) * * *

(4) Any other Type A or B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(5) Any other Type A or B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(c) * * *

(3) Any other Type B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(4) Any other Type B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(d) [Canceled]

NOTE: [Canceled]

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before March 10, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-143 and 1472(h)).

Issued in Washington, D.C., on January 4, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 71-254; Filed, Jan. 7, 1971; 8:47 a.m.]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

PHOENIX-TUCSON INTRASTATE AIR QUALITY CONTROL REGION

Proposed Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to revise the boundaries of the presently designated Phoenix-Tucson Intrastate Air Quality Control Region (Arizona) (§ 481.36). It is proposed to make such redesignation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Arizona and California and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed revision are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 2 p.m., January 19, 1971, in the Environmental Health Services Conference Room, 4019 North 33d Avenue, Phoenix, AZ 85017.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852.

The Phoenix-Tucson Intrastate Air Quality Control Region (Arizona) (§ 481.36) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona:

Gila County.	Pinal County.
Maricopa County.	Santa Cruz County.
Pima County.	

It is now proposed to add Yuma County, Ariz., to the Phoenix-Tucson Intrastate Air Quality Control Region.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: January 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[F.R. Doc. 71-253; Filed, Jan. 7, 1971; 8:47 a.m.]

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate two Intrastate Air Quality Control Regions in the State of Wisconsin as set forth in the following new §§ 481.157-481.158 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Duluth (Minnesota)—Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60), the designated Menominee-Escanaba (Michigan)—Marinette (Wisconsin) Interstate Air Quality Control Regions (§ 481.67), and the designated Southeast Minnesota—La Crosse (Wisconsin) Interstate Air Quality Control Region (§ 481.66).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Wisconsin, Michigan, Minnesota, Illinois, and Iowa and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 1 p.m., January 15, 1971, in Room 1305, Wisconsin Department of Natural Resources, 4610 University Avenue, Madison, WI.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.157 North Central Wisconsin Intrastate Air Quality Control Region.

The North Central Wisconsin Intrastate Air Quality Control Region (Wisconsin) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited:

In the State of Wisconsin:

Adams County.	Marathon County.
Forest County.	Oneida County.
Juneau County.	Portage County.
Langlade County.	Vilas County.
Lincoln County.	Wood County.

Additionally, it is proposed that Florence County, Wis., presently in the designated Menominee-Escanaba (Michigan)—Marinette (Wisconsin) Interstate Air Quality Control Region (§ 481.67), be added to the proposed North Central Wisconsin Intrastate Air Quality Control Region.

§ 481.158 Southern Wisconsin Intrastate Air Quality Control Region.

The Southern Wisconsin Intrastate Air Quality Control Region (Wisconsin) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wisconsin:

Columbia County.	Jefferson County.
Dane County.	Lafayette County.
Dodge County.	Richland County.
Green County.	Sauk County.
Iowa County.	

§ 481.60 [Amended]

The Duluth (Minnesota)—Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Carlton County.	Lake County.
Cook County.	Pine County.
Koochiching County.	St. Louis County.

In the State of Wisconsin:

Bayfield County.	Douglas County.
Burnett County.	

It is now proposed to add the following counties in the State of Wisconsin: Ashland, Iron, Price, Rusk, Sawyer, Taylor, and Washburn. Additionally, it is proposed to change the name of the Duluth (Minnesota)—Superior (Wisconsin) Interstate Air Quality Control Region to the Duluth (Minnesota)—Northwestern Wisconsin Interstate Air Quality Control Region.

§ 481.66 [Amended]

The Southeast Minnesota—La Crosse (Wisconsin) Interstate Air Quality Control Region (§ 481.66) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Dodge County.	Mower County.
Fillmore County.	Olmstead County.
Freeborn County.	Steele County.
Goodhue County.	Wabasha County.
Houston County.	Winona County.

In the State of Wisconsin:

Buffalo County.	Trempealeau County.
La Crosse County.	Vernon County.

It is now proposed to add the following counties in the State of Wisconsin: Barron, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, Monroe, Pepin, Pierce, Polk, and St. Croix. Additionally, it is proposed to change the name of the region to the Southeast Minnesota—West Central Wisconsin Interstate Air Quality Control Region.

§ 481.67 [Amended]

The Menominee-Escanaba (Michigan)—Marinette (Wisconsin) Interstate Air Quality Control Region (§ 481.67) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan:

Delta County.	Menominee County.
Dickinson County.	

In the State of Wisconsin:

Florence County.	Oconto County.
Marinette County.	

It is now proposed to (1) add the following counties in the State of Wisconsin: Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marquette, Menominee, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago; (2) delete Florence County, in the State of Wisconsin, from the region; and (3) change the name of the Region to the Menominee-Escanaba (Michigan)—Lake Michigan (Wisconsin) Interstate Air Quality Control Region.

§ 481.30 [Amended]

It is proposed to change the name of the presently designated Metropolitan Milwaukee Intrastate Air Quality Control Region (Wisconsin) (§ 481.30) to the Southeastern Wisconsin Intrastate Air Quality Control Region. The existing boundaries would remain unchanged.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: January 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[F.R. Doc. 71-252; Filed, Jan. 7, 1971; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 9]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurement for Air Transportation

Notice is hereby given that the Administrator of the SBA proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing a new definition of small business for the purpose of Government procurement for air transportation.

The currently effective size standard for the purpose of Government procurement for air transportation is 1,000 employees. Department of Defense (DOD) procurement statistics indicate that there has been a generally upward trend in the employment size of air carriers bidding on Government contracts, and that the small business "share" of Government air transportation procurements has declined from twenty-one percent (21%) in fiscal year 1968 to seven percent (7%) in fiscal year 1970.

Based on the above and all other available information concerning the size of concerns in this field of operation, it has been concluded that the size standard should be increased to 1,500 employees.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416. Attention: Size Standards Staff.

It is proposed to amend the regulation by revising § 121.3-8(f)(2) of Part 121 to reads as follows:

§ 121.3-8 Definition of small business for government procurement.

* * * * * *

(f) * * *

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,500 persons.

* * * * * *

Dated: December 30, 1970.

ANTHONY G. CHASE,
Acting Administrator.

[F.R. Doc. 71-242; Filed, Jan. 7, 1971; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WILLIAM RONALD BRADFORD

Notice of Granting of Relief

Notice is hereby given that William Ronald Bradford, 17 Hart Street, San Rafael, CA 94901, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 11, 1969, in the U.S. District Court, San Francisco, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William Ronald Bradford because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for William Ronald Bradford to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William Ronald Bradford's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That William Ronald Bradford be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 71-236; Filed, Jan. 7, 1971; 8:46 a.m.]

WAYNE EDWARD FILLMORE

Notice of Granting of Relief

Notice is hereby given that Wayne Edward Fillmore, Box 88, Rocky Ridge, OH 43458, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on May 26, 1964, in the Ottawa County Ohio Juvenile Court and July 21, 1964, in the Ottawa County Ohio Common Pleas Court, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Wayne Edward Fillmore because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Wayne Edward Fillmore to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Wayne Edward Fillmore's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Wayne Edward Fillmore be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 71-237; Filed, Jan. 7, 1971; 8:46 a.m.]

JAMES AUGUST NOLTE

Notice of Granting of Relief

Notice is hereby given that James August Nolte, 224 East Williamsburg Road, Sandston, VA 23150 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on September 1, 1954, in the Caroline County, Va., Circuit Court, on June 17, 1955 and April 1, 1957, in the King William County, Va., Circuit Court, on February 27, 1957 in the Richmond City Hustings Court, Va., and on October 15, 1968 in the King and Queen County, Va., Circuit Court, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James August Nolte, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions it would be unlawful for James August Nolte to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James August Nolte's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James August Nolte be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 71-239; Filed, Jan. 7, 1971; 8:46 a.m.]

GORDON JOHN PARKS

Notice of Granting of Relief

Notice is hereby given that Gordon John Parks, Star Route, Box 55, Luzerne, MI 48636, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 17, 1950, and November 5, 1951, in the Genesee Circuit Court, Flint, Mich., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gordon John Parks because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such convictions, it would be unlawful for Gordon John Parks to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gordon John Parks' application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Gordon John Parks be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of December 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 71-238; Filed, Jan. 7, 1971; 8:46 a.m.]

Office of the Secretary

SHEET GLASS FROM BELGIUM

Notice of Tentative Negative Determination

DECEMBER 30, 1970.

Information was received on September 23, 1968, that sheet glass from Belgium was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 19, 1968, on page 18943.

I hereby make a tentative determination that sheet glass from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Information gathered during the course of the investigation indicated that sales in the home market amounted to less than 25 percent of sales other than for export to the United States.

None of the parties involved in these sales was related within the meaning of section 207 of the Act.

Purchase price was compared to the price to third countries for fair value purposes.

Purchase price was based on the delivered price to purchasers in the United States. Deductions were made for discounts, inland freight, port charges, U.S. duty, commissions, ocean freight, insurance, and packing.

Price to third countries was based on both c.i.f. and f.o.b. prices. Adjustments were made for discounts, customs duties, ocean freight, insurance, port charges, inland freight, and packing.

Comparisons between purchase price and price to third countries revealed that purchase price was not lower than the price to third countries.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-269; Filed, Jan. 7, 1971; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269]

DUKE POWER CO.

Notice of Proposed Issuance of Facility Operating License

The U.S. Atomic Energy Commission (the Commission) is considering the issuance of a facility operating license which would authorize Duke Power Co. to possess, use, and operate the Oconee Nuclear Station Unit 1 pressurized water nuclear reactor powerplant on the applicant's Oconee Nuclear Station site located in eastern Oconee County, approximately 8 miles northeast of Seneca, S.C. Construction of Unit No. 1 was authorized by Provisional Construction Permit No. CPPR-33 issued by the Commission on November 6, 1967.

The Oconee Nuclear Station Unit 1 would be initially authorized to operate at power levels up to 2,452 megawatts thermal. Operation at power levels up to 2,568 megawatts thermal would be authorized upon notification by the Commission that performance in full conformance with design expectations has been verified to the Commission's satisfaction. Operation would be authorized only in accordance with the provisions of the license and the Technical Specifications appended thereto.

The Commission has found that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I.

During construction of the facility, it has been periodically inspected by the Commission. Prior to issuance of the operating license, the facility will be further inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-33. The license will be issued after the Commission makes the findings which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. As a prerequisite to issuance of the license, Duke Power Co. will be required to execute an indemnity agreement and furnish proof of financial protection as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In a separate notice published in the FEDERAL REGISTER, on December 29, 1970, entitled "Notice of Receipt of Applications for Facility Operating Licenses," pertaining to this docket and also to Oconee Nuclear Station, Units 2 and 3, Dockets Nos. 50-270 and 50-287, the Commission is advising of certain rights under subsection 105c(3) of the Act, as recently amended (84 Stat. 1472), pertaining to an antitrust review of this application and of those in the dockets referred to above. In the event that such an antitrust review is initiated, the Commission could, pursuant to subsection 105c(8), as amended, issue an operating license in advance of consideration of, and findings with respect to, the antitrust aspects of the application, provided that the license contains appropriate conditions. Such conditions would be substantially as follows: (a) This license shall be subject to an antitrust review by the Attorney General pursuant to subsection 105c of the Atomic Energy Act of 1954, as amended; (b) Duke Power Co. shall furnish to the Commission such information as the Attorney General determines to be appropriate for the conduct of the review and the rendering of his advice with respect to the license; (c) the Commission may hold a hearing on antitrust matters on the recommendation of the Attorney General or at the request of any person whose interest may be affected by the proceeding, and, on the basis of its findings made after such hearing, the Commission will continue, rescind, or amend this license to include such conditions as the Commission deems appropriate; and (d) Duke Power Company shall comply with any order issued or license condition imposed by the Commission pursuant to subsection 105c of the Atomic Energy Act of 1954, as amended, with respect to the licensed activities.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed facility operating license, see (1) the application for construction permit and facility license dated November 28, 1966, as amended (Amendments Nos. 7 through 24); (2) the report of the Advisory Committee on Reactor Safeguards on the application for the Oconee Nuclear Station Unit No. 1 facility license, dated September 23, 1970; (3) the proposed facility operating license, including Technical Specifications; and (4) the safety evaluation prepared by the Division of Reactor Licensing, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (4) above may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 71-296; Filed, Jan. 7, 1971; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22869; Order 71-1-8]

EASTERN AIR LINES, INC., ET AL.

Order Denying Petition for Reconsideration and Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of January 1971.

By Order 70-11-93, dated November 19, 1970, the Board among other matters permitted Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), Northeast Airlines, Inc. (Northeast), and United Air Lines, Inc. (United), to black out family fares in Florida markets for a 4-month period from December 1 through April 30. Since issuance of that order, the carriers have refiled tariffs to defer introduction of the blackout until January 11, 1971.[1]

On December 10, 1970, the Tampa Bay Area Parties (Tampa) filed a petition for reconsideration of Order 70-11-93 and complaint requesting institution of an investigation encompassing the tariffs of all four carriers and suspension of United's pending investigation.[2]

The complainants allege that elimination of family fares in Florida markets during the winter season will prejudice that state by leaving it as the only one without these highly beneficial fares; that the record in the Discount Fares phase of the Domestic Passenger Fare Investigation, Docket 21866, shows Florida markets as the top family fare markets in terms of percentage relationship to total traffic; and that the proposed blackout will result in hundreds of thousands of travelers being denied family fares when they most want them. It is further alleged that the record in the fare investigation demonstrates a significant generative effect from these fares; that the Examiner so found; and that the large volume of traffic stimulated to travel to Florida this season by the family fares will be lost, unless they travel by surface means. Finally, the complaint contends that special circumstances which would justify the alleged preference and prejudice have not been shown; that the carriers have not supported their statement that traffic will move to other discounted services; and that nothing constituting particular circumstances, cost or otherwise, affecting the Florida markets in the winter months has been established.

In answer, Eastern alleges that the makeup of family fare traffic to Florida in the winter months differs from its year-round system experience, and that because of this difference family fares are not generative in these markets during the proposed blackout period. It is contended that family fare travel in the winter peak season months is much more heavily comprised of couples, as opposed to larger groups including children, and that use of first-class family fares in Florida markets is almost twice that on its system as a whole. The carrier points to the Examiner's finding in the investigation that neither category of traveler is significantly susceptible to generation by the reduced family fares. It is alleged that it is the total cost of the trip and not the air fare alone which concerns the potential vacationer, and that the high cost of accommodations in Florida further distinguishes the markets in question from others which it serves.

In addition to the particular characteristics of the winter Florida market and those relating to that State as a resort destination, Eastern alleges unique traffic peaking and more costly operational requirements stemming therefrom as distinguishing circumstances which justify the degree of prejudice involved. It reiterates the allegation contained in its initial justification for the blackout that it seeks to induce the limited number of price conscious travelers to use night coach service on which load factors are low, and to this extent alleviate the need for additional peak capacity.

Upon consideration of the pleadings and all other relevant matters, the Board concludes that the petition and complaint do not set forth sufficient facts to warrant investigation or suspension, and therefore the request for reconsideration of Order 70-11-93 will be denied and the complaint dismissed.

There is no requirement in the statute that fare discounts be established and applied identically in all markets. Different applications, e.g. blackout provisions, do not automatically result in undue preferences or prejudices. On the contrary, different applications in different areas or markets may be required by relevant circumstances if the fare discount is to meet the statutory test of reasonableness. Eastern has made a reasonable showing that the characteristics of the winter travel market to Florida and of the State as a resort destination differ from those generally prevailing elsewhere in the country. During the winter period of high demand for air transportation to Florida points, the diversion to the family discounts of persons who would be willing to pay regular fares would quite likely exceed the generation of new traffic and result in a reduction of net revenue to the carriers. Additionally, the traffic generated by the discount would create an even greater demand

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 142.

[2] Tampa has filed an amendment to its complaint dated Dec. 23, 1970, which purports to seek suspension of all four tariffs as well as similar tariffs filed by Delta Air Lines, Inc., and Trans World Airlines, Inc. Its complaint will be so considered.

for capacity, thus aggravating the seasonal peaking problem and its attendant costs, but without contributing the revenues necessary to cover those costs. In such circumstances, serious question of the reasonableness of the discount would be raised. These circumstances, peculiar to winter Florida travel, are quite different from those prevailing in other markets at the same time or in Florida markets at other times. Such differences in underlying economic circumstances can be expected to produce quite different economic results as between family fare travel in general and in wintertime Florida markets.

Tampa has not shown that it and other Florida cities will be unduly prejudiced by the blackout vis-a-vis other resort area. Tampa simply argues that without the family discount many persons will use surface transportation or will not go at all. However, we note that the carriers provide a substantial amount of night coach service which will be available to the price conscious traveler. In any event, it is anomalous that the carriers should be required to offer a discount fare to their economic disadvantage, at the very time hotels and other facilties in that resort area are charging peak season prices.

In our opinion, in view of the characteristics peculiar to the peak-season Florida markets, the selective blackouts during the four winter months do not appear unreasonable or unduly prejudice Florida markets in relation to other markets where a similar blackout is not being imposed. The Board has not infrequently permitted selective fare adjustments upon a showing of atypical circumstances and, indeed, did so when it permitted the introduction of northbound excursion fares from three Florida cities (one of which was Tampa) earlier this year.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The petition of the Tampa Bay Area Parties filed in Docket 22869 requesting reconsideration of Order 70-11-93, dated November 20, 1970, is hereby denied, and the complaint filed in said docket dismissed.

2. Copies of this order shall be served upon the Tampa Bay Area Parties, Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-267; Filed, Jan. 7, 1971; 8:49 a.m.]

[3] Order 70-3-19, Mar. 4, 1970.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director of Policy Analysis, Office of the Secretary, Office of the Special Assistant to the Secretary for Policy Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-244; Filed, Jan. 7, 1971; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of August 14, 1969, F.R. Doc. 69-9600 the title of the position of General Deputy, Land and Facilities Development Administration was changed to Deputy Director, Community Resources Development Administration. This is notice that the title is now further changed to Deputy Director, Office of Resources Development, Office of the Assistant Secretary for Metropolitan Planning and Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-245; Filed, Jan. 7, 1971; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Associate Deputy Attorney General for United States Attorneys" to "Director, Executive Office for United States Attorneys", Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-247; Filed, Jan. 7, 1971; 8:47 a.m.]

INDUSTRIAL RELATIONS SPECIALIST AND ASSISTANT GENERAL COUNSEL FOR LABOR RELATIONS, POST OFFICE DEPARTMENT

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on December 30, 1970, for positions of Industrial Relations Specialist, GS-230-14/15 and the single position of Assistant General Counsel for Labor Relations, GS-905-15 in the Post Office Department, Washington, D.C.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

This authorization automatically terminates on December 31, 1971.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71-251; Filed, Jan. 7, 1971; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Nos. 70-48, 70-49]

HAPAG-LLOYD AKTIENGESELLSCHAFT AND SEA-LAND SERVICES, INC.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

JANUARY 4, 1971.

Respondents Hapag-Lloyd Aktiengesellschaft and Sea-Land Service have requested an enlargement of time within which to respond to the Commission's orders of December 11, 1970.[1]

Respondents cite as grounds for the enlargement the difficulties attendant to assembling materials and preparing affidavits for submission to the Commission. A sufficient demonstration of good cause has been shown and the requests will be granted. The Commission wishes to emphasize that these actions do not indicate, in any way, a diminution in its concern regarding the matters under adjudication herein.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondents on or before January 29, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before February 15, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-255; Filed, Jan. 7, 1971; 8:48 a.m.]

[1] For purposes of this notice only, the requests are here consolidated for consideration.

[Docket No. 71-1]

SEATRAIN LINES, INC.

Order To Show Cause Regarding Publication of Discriminatory Rates

Seatrain Lines, Inc. (Seatrain), is a common carrier by water in the foreign commerce of the United States operating, inter alia, in the trade between U.S. Atlantic ports and continental European ports in the Bordeaux-Hamburg range. During the last several weeks Seatrain has effectuated significant reductions in certain rates published in its Tariff FMC-2 on file with the Commission (Attachment 1[1]). Despite the fact that Seatrain offers a transportation service in both directions of the U.S. Atlantic/continental European trade area, the reductions in question are applicable to the commodities concerned only if they are carried in a westbound direction since no rate changes applicable to such commodities have been filed with the Commission applicable to Seatrain's eastbound operations. Moreover, a review of certain major moving commodities in subject trade (Attachment 2[1]) reveals that with regard to these commodities as well as the recently reduced rates significant disparities exist between export and import rates of Seatrain.

Therefore Seatrain charges significantly different rates for what appear in all respects to be like services differing only in directional movement. Thus shippers of like traffic will not enjoy the same or even approximately equivalent rates and, specifically, American exporters will be charged rates significantly higher than their European counterparts.

The Commission is aware of no transportation circumstances or conditions which would justify the establishment or maintenance by Seatrain of discriminatory rates in the manner described especially since they may very likely require that American exporters compensate for any losses that may occur because of the decline in revenues accruing to the carrier.

Section 17 of the Shipping Act, 1916, provides in pertinent part that "* * * no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers * * * Whenever the Commission finds that any such rate, fare, or charge, is demanded, charged or collected it may alter the same to the extent necessary to correct such unjust discrimination * * * and make an order that the carrier shall discontinue demanding, charging or collecting any such unjustly discriminatory * * * rate, fare, or charge." Therefore, in the Commission's opinion, unless Seatrain can offer valid reasons which would justify these rates, Seatrain is charging rates which must be considered to be unjustly discriminatory between shippers in violation of section 17 of the Shipping Act, 1916, 46 U.S.C. 816.

Now therefore, it is ordered, Pursuant to sections 22 and 17 of the Shipping Act, 1916, that Seatrain Lines, Inc. be named respondent in this proceeding and that it be ordered to show cause why the Commission should not order the unjust discrimination existing in its export/import rate structure and in certain instances aggravated by its recent rate reductions as detailed by increasing rates in its westbound services to the level of its eastbound rates, or by reducing the comparable rates which Seatrain charges in its eastbound services, or by changing rates in both directions so as to eliminate rate disparities on the commodities in question.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before January 29, 1971. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business January 29, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business February 12, 1971. Oral argument will be scheduled at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than the close of business January 19, 1971.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[F.R. Doc. 71-256; Filed, Jan. 7, 1971; 8:48 a.m.]

[1] Attachments 1 and 2 filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. E-7582]

PACIFIC POWER & LIGHT CO.

Notice of Application

DECEMBER 31, 1970.

Take notice that on December 7, 1970, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $40 million in principal amount of its first mortgage bonds.

The new bonds are to be issued under and pursuant to Applicant's presently existing mortgage and deed of trust, dated as of July 1, 1947, to Morgan Guaranty Trust Co. of New York and R. E. Sparrow, as trustees, as supplemented and as proposed to be supplemented by a 23d supplemental indenture thereto. The new bonds will bear interest from February 1, 1971, at a rate per annum to be fixed by competitive bidding and will mature on February 1, 2001. Applicant proposes to sell the new bonds at competitive bidding in accordance with applicable requirements of § 34.1a of the Commission's regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the new bonds are proposed to be applied to the prepayment of promissory notes outstanding under a credit agreement dated December 31, 1969, or outstanding commercial paper, or both, and to finance construction expenditures. Applicant's construction expenditures for 1971 are presently estimated at $120,467,000, most of which it is contemplated will be financed through cash to be internally generated, sale of additional bonds and equity securities later in 1971, and short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance

with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-334; Filed, Jan. 7, 1971; 9:51 a.m.]

FEDERAL RESERVE SYSTEM

[Dockets Nos. BHC-102-106, BHC-107]

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Order Making Determinations Regarding Planned Insurance Activities of Nonbanking Subsidiaries Under Bank Holding Company Act

In the matter of the applications of Otto Bremer Co. and Otto Bremer Foundation, St. Paul, Minn., for determinations under section 4(c)(8) of the Bank Holding Company Act of 1956 relating to the planned insurance activities of their nonbanking subsidiaries: Farmers State Agency of Frederick, Bank of Willmar Agency, Inc., Peoples State Agency of Colfax, Inc., Shelly State Agency, Inc., Washburn State-Bayfield Agency, Inc., and Union State-Webster, Inc.

Otto Bremer Co. and Otto Bremer Foundation, St. Paul, Minn., both holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. section 1841(a)), have filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by their nonbank subsidiaries: Farmers State Agency of Frederick, Bank of Willmar Agency, Inc., Peoples State Agency of Colfax, Inc., Shelly State Agency, Inc., Washburn State-Bayfield Agency, Inc., and Union State-Webster, Inc., are of the kind described in section 4(c)(8) of the Act (12 U.S.C. section 1843(c)(8)) and § 222.4(a) of Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting the ownership or control of voting shares in nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on July 29, 1970. On November 18, 1970, the Hearing Examiner filed his reports and recommended decisions,[1] copies of which are annexed hereto, wherein he recommended that the Board make the requested determinations subject to certain conditions with respect to the application relating to Union State-Webster, Inc. The time for filing exceptions to the reports and recommended decisions has expired. No exception has been filed to the reports and recommended decisions of the Hearing Examiner. The findings of fact, conclusions of law, and recommendations of the Hearing Examiner are adopted, and on the basis of the entire record.

It is hereby ordered, That the activities to be undertaken by Farmers State Agency of Frederick, Bank of Willmar Agency, Inc., Peoples State Agency of Colfax, Inc., Shelly State Agency, Inc., Washburn State-Bayfield Agency, Inc., and Union State-Webster, Inc., are determined to be so closely related to the business of banking and of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Act to apply in order to carry out its purposes, on the condition that Union State-Webster, Inc. shall terminate its real estate business activities, and on the further condition that Union State-Webster, Inc. shall cease the solicitation of insurance business which is not connected with banking activity or solicitation for banking business: *Provided, however*, That this determination is subject to revocation by the Board if the facts upon which it is based change in any material respect: *And provided, further*, That applicants shall not proceed in reliance upon the terms of this order for 10 days from the date hereof.

By order of the General Counsel of the Board of Governors, December 31, 1970, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71-222; Filed, Jan. 7, 1971; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BETHLEHEM MINES CORP. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10986, Bethlehem Mines Corp., Revloc Mine No. 32, USBM ID No. 36 00842 0, Ebensburg, Cambria County, Pa., Section ID No. 006 (B South).

(2) ICP Docket No. 10324, Winding Gulf Coals, Inc., East Gulf Mine, USBM ID No. 46 01513 0, East Gulf, Raleigh County, W. Va., Section ID No. 002 (11 Panel-North Mains).

(3) ICP Docket No. 10071, Island Creek Coal Co., Virginia Pocahontas No. 1 Mine, USBM ID No. 44 00246 0, Keen Mountain, Buchanan County, Va., Section ID No. 001 (No. 1 Longwall-1st East), Section ID No. 002 (No. 2 Longwall-2d East).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 5, 1971.

[F.R. Doc. 71-234; Filed, Jan. 7, 1971; 8:46 a.m.]

HARRISBURG COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10891, Harrisburg Coal Co., Mine No. 1, USBM ID No. 11 00629 0, Marion, Williamson County, Ill., Section ID No. 001 (1st East off Main South) (Carney Sections).

(2) ICP Docket No. 11062, the Youghiogheny & Ohio Coal Co., Allison Mine, USBM ID No. 33 01070 0, Beallsville, Belmont County, Ohio, Section ID No. 002 (Main East North Returns), Section ID No. 004 (Main East).

(3) ICP Docket No. 11181, Freeman Coal Mining Corp., Orient Mine No. 4, USBM ID No. 11 00628 0, Pittsburg, Williamson County, Ill., Section ID No. 009 (7 North off Northwest), Section ID No. 007 (5 North off Northwest Main Entries.).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 5, 1971.

[F.R. Doc. 71-233; Filed, Jan. 7, 1971; 8:46 a.m.]

IMPERIAL COAL CO. AND FREEMAN COAL MINING CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10922, Imperial Coal Co., Eagle Mine, USBM ID No. 05 00307 0, Erie, Weld County, Colo., Section ID No. 004 (No. 4 Section 6 North off Main East).

(2) ICP Docket No. 11112, Freeman Coal Mining Corp., Crown Mine, USBM ID No. 11 00604 0, Farmersville, Montgomery County, Ill., Section ID No. 011 (6 North off 2 MW off 1 South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 5, 1971.

[F.R. Doc. 71-233; Filed, Jan. 7, 1971; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4959]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

DECEMBER 31, 1970.

Notice is hereby given that Central Power and Light Co. (CP&L), 120 North Chaparral Street, Corpus Christi, TX 78403, an electric utility subsidiary company of Central and South West Corp. (Central), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

CF&L proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $36 million principal amount of first mortgage bonds, Series L, ------ percent, due February 1, 2001. The interest rate (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to CP&L for the bonds (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds will be issued under the first mortgage dated November 1, 1943, between CP&L and The First National Bank of Chicago and Robert L. Grinnell, as trustees, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated February 1, 1971, and which includes a prohibition until February 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

The net proceeds from the sale of the bonds will be used to finance the construction program of CP&L (including repayment or prepayment of borrowings from banks and from Central incurred therefor, which borrowings aggregated $4,200,000 as of Nov. 30, 1970). Construction expenditures for 1971 are presently estimated at $58 million.

It is stated that the fees and expenses to be incurred in connection with the issue and sale of the bonds are estimated at $62,000, including accountants' fees of $3,000 and counsel fees of $15,000. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at not to exceed $9,500. It is further stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 25, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 71-225; Filed, Jan. 7, 1971; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 31, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 1, 1971, through January 10, 1971, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 71-224; Filed, Jan. 7, 1971; 8:45 a.m.]

[812-2526]

PAINE WEBBER MUNICIPAL BOND FUND, FIRST SERIES

Notice of Filing of Application for Exemption

DECEMBER 31, 1970.

Notice is hereby given that Paine Webber Municipal Bond Fund, 140 Broadway, New York, NY 10005, First Series (applicant), registered under the Investment Company Act of 1940 (Act) as a unit investment trust, has filed an application pursuant to section 6(c) of the Act for an order exempting the secondary market operations of applicant's sponsor from the provisions of Rule 22c-1 under the Act. The sponsor seeks to continue the practice of valuing applicant's units, for repurchase and resale by the sponsor in the secondary market, at prices computed once a week as of the close of business on the last business day

of the week, effective for all transactions made during the following week. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations contained therein, which are summarized below.

Applicant, which was created in June 1966, has outstanding securities consisting of units (units), each representing an equal undivided interest in applicant's assets. These assets consist of obligations of States, counties, municipalities, and territories of the United States, and authorities and political subdivisions thereof which are exempt from Federal income tax (hereinafter referred to as the "Bonds"), all undistributed interest received or accrued thereon, and any undistributed cash realized from the sale, redemption or other disposition of the Bonds. Under the trust indenture and agreement pursuant to which applicant was created, additional bonds may not be added to applicant's portfolio and additional units may not be issued. Applicant's units are redeemable by the holders thereof at a redemption price determined on the basis of the "bid" prices of the Bonds.

Applicant's sponsor, Paine, Webber, Jackson & Curtis, Inc., is presently maintaining a market for the units and continuously is offering to repurchase units from holders at a price based on the "asked" prices of the Bonds. Such price, according to the application, may exceed the redemption price, based upon the "bid" prices of the Bonds, by $15 or $20 per unit. In addition, the sponsor resells units at a public offering price based upon the "asked" prices of the Bonds plus a sales charge of 3.846 percent of the public offering price. Both the repurchase and resales price are computed as of the close of business on the last business day of each week and are effective for all purchases and sales by the sponsor during the following week. The evaluation is made by applicant's evaluator, Investors Management Sciences, Inc., the successor by merger to Standard Statistics Co., Inc. (evaluator).

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant asserts that the pricing by the sponsor in the secondary market in no way affects applicant's assets, and that the public unit holders benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that the sponsor has undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the sponsor will order a full evaluation. In case of resale, if the evaluator cannot state that the previous Friday's price is no more than one-half point ($5 on a unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 71-226; Filed, Jan. 7, 1971; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.1–1, Rev. 3]

DIRECTOR, OFFICE OF FINANCING, ET AL.

Delegation of Authority Regarding Financial Assistance

Delegation of Authority No. 4.1–1, Revision 2 (33 F.R. 9855), as amended (33 F.R. 10424), is hereby revised to read as follows:

I. Pursuant to the authority delegated by the Associate Administrator for Financial Assistance to the Deputy Associate Administrator for Financial Assistance in Delegation of Authority No. 4.1, Revision 2 (35 F.R. 18493), the following authority, which does not include the authority to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations, is hereby redelegated to the specific positions as indicated herein:

A. *Director, Office of Financing.* 1. To approve or decline business, economic opportunity, trade adjustment, disaster, displaced business, and coal mine health and safety loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of business, economic opportunity, and displaced business loan applicants.

B. *Deputy Director, Office of Financing.* 1. To approve or decline business, economic opportunity, trade adjustment, disaster, displaced business, and coal mine health and safety loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of business, economic opportunity, and displaced business loan applicants.

C. *Chief, Processing Division.* 1. To approve or decline business, economic opportunity, trade adjustment, disaster, displaced business, and coal mine health and safety loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of business and displaced business loan applicants.

D. *Chief, Economic Opportunity Division.* 1. To determine eligibility of economic opportunity loan applicants.

E. *Director, Office of Loan Administration.* 1. To take all necessary action in connection with the servicing, collection or liquidation of partially or fully disbursed loans and other obligations, and the disposal of acquired property within all loan programs of the Small Business Administration, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness, exclusive of property acquired, owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the initiation of suit for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary actions in connection with the liquidation of SBIC's, rehabilitation loans for the Department of Housing and Urban Development, and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under section 8(a) of the Small Business Act, as amended.

F. *Chiefs, Field Operations and Programs and Systems Divisions.* 1. To take all necessary action in connection with the servicing, collection or liquidation of partially or fully disbursed loans and other obligations, and the disposal of acquired property within all loan programs of the Small Business Administration, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness, exclusive of property acquired, owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the initiation of suit for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary actions in connection with the liquidation of SBIC's, rehabilitation loans for the Department of Housing and Urban Development, and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under section 8(a) of the Small Business Act, as amended.

G. *Director, Office of Community Development.* 1. To approve or decline development company (sections 501 and 502) loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of Development Company loan applicants.

4. To approve or decline applications for the guarantee of the payment of rent under a lease where the aggregate rentals do not exceed $2,500,000.

5. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

6. To reinsure or decline to reinsure any application for the guarantee of the payment of rent under a lease where the aggregate rentals do not exceed $2,500,000.

7. To approve the investment of moneys in the Lease Guarantee revolving fund not needed for the payment of current operating expenses for the payment of claims arising under the Lease Guarantee program, in bonds or other obligations guaranteed as to principal and interest by the United States.

8. To make size and eligibility determinations for the purpose of the Lease Guarantee program.

H. *Chief, Development Company Loan Division.* 1. To approve or decline development company (sections 501 and 502) loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed loans.

3. To determine eligibility of Development Company loan applicants.

I. *Chief, Lease Guarantee Division.* 1. To approve or decline applications for the guarantee of the payment of rent under a lease where the aggregate rentals do not exceed $2,500,000.

2. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

3. To reinsure or decline to reinsure any application for the guarantee of the payment of rent under a lease where the aggregate rentals do not exceed $2,500,000.

4. To make size and eligibility determinations for the purpose of the Lease Guarantee program.

J. *Director, Office of Program Management.* 1. To determine eligibility of disaster and coal mine health and safety loan applicants, with the exception of applicants for displaced business loans.

2. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

K. *Chief, Disaster Planning Division.* 1. To determine eligibility of disaster and coal mine health and safety loan applicants, with the exception of applicants for displaced business loans.

2. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

II. The authority delegater herein may be redelegated, with the exception of that contained in item G.7.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting in that position.

IV. Authority delegated by Delegation of Authority No. 4.1–1, Revision 2 (33 F.R. 9855) is hereby revoked by this revision without prejudice to any prior actions taken thereunder.

Effective date: December 4, 1970.

ANTHONY S. STASIO,
Deputy Associate Administrator for Financial Assistance.

[F.R. Doc. 71-243; Filed, Jan. 7, 1971; 8:46 a.m.]

TARIFF COMMISSION

[337–L–43]

PAPER STITCHERS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on December 16, 1970, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Robert T. Kaufman of Silver Spring, Md., alleging unfair methods of competition and unfair acts in the importation and sale of certain paper stitchers which are embraced within the claims of U.S. Patent No. 2,994,881 owned by the complainant. Ordibel Collators, Inc., 103 Park Avenue, New York, N.Y., has been named as an importer and A. B. Dick & Co., Inc., of Chicago, Ill., has been named as a distributor of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than March 1, 1971. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: January 4, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 71-229; Filed, Jan. 7, 1971; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

UNEMPLOYMENT COMPENSATION LAWS

Certification of States to Secretary of the Treasury

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Puerto Rico.
Rhode Island.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify that the foregoing States to the Secretary of the Treasury for the taxable year 1970.

J. D. HODGSON,
Secretary of Labor.

DECEMBER 31, 1970.

[F.R. Doc. 71-227; Filed, Jan. 7, 1971; 8:45 a.m.]

UNEMPLOYMENT COMPENSATION LAWS

Certification of State Laws to Secretary of the Treasury

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1970 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)) to the Secretary of the Treasury for the taxable year 1970.

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Rhode Island.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

J. D. HODGSON,
Secretary of Labor.

DECEMBER 31, 1970.

[F.R. Doc. 71-228; Filed, Jan. 7, 1971; 8:45 a.m.]

LABOR STANDARDS APPLICABLE TO FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Notice of Guidelines to Reflect Organizational Changes

There are published in the FEDERAL REGISTER on this date Secretary of Labor's Orders No. 19-70, 20-70, dealing, among other things, with the establishment of the Workplace Standards Administration (WSA), and 24-70, dealing with the jurisdiction of the Wage Appeals Board, and a description of organizational changes in the administration of the Davis-Bacon Act and related laws within the Department's New WSA. The changes will require the amendment of Parts 1, 3, 5, and 7 of Title 29, Code of Federal Regulations.

Pending the making of these amendments, Parts 1, 3, 5, and 7 of Title 29 should be read in light of the aforementioned documents. The following guidelines may be useful in such reading.

1. The operating responsibility for administering 29 CFR Part 1, the procedure for making wage determinations under the Davis-Bacon Act, is placed in the Office of Government Contracts Wage Standards, Workplace Standards Administration, except that hearing examiners to preside at any hearings under § 1.3(c) or § 1.8 shall be designated by the Chief Hearing Examiner and that the final decisions following such hearings shall be those of the Administrator of Workplace Standards, or a duly authorized representative.

2. The Director, Office of Government Contracts Wage Standards, Workplace Standards Administration, or his designee shall pass upon questions concerning the permissibility of payroll deductions under the rules issued to implement the Copeland Act which are published in 29 CFR Part 3.

3. The Administrator of Workplace Standards and under his direction the Wage and Hour Division and the Regional Administrators, WSA, shall administer 29 CFR Part 5, which contains rules providing for the coordination of the administration and enforcement of the Davis-Bacon Act and its related laws, except that the granting of any variations, tolerances, and exemptions from 29 CFR Parts 1, 3, and 5 shall be reserved to the Administrator of Workplace Standards.

4. Title 29 CFR Part 7 should be read as permitting review by the Wage Appeals Board of final decisions by the Administrator of Workplace Standards, the Administrator of the Wage and Hour Division, and the Director of the Office of Government Contracts Wage Standards, as if they had been made heretofore by the Solicitor.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[F.R. Doc. 71-258; Filed, Jan. 7, 1971; 8:48 a.m.]

[Secretary of Labor's Order 19-70]

ASSISTANT SECRETARY FOR WORKPLACE STANDARDS

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* This order redesignates the Assistant Secretary for Wage and Labor Standards as the Assistant Secretary for Workplace Standards and delegates to the Assistant Secretary for Workplace Standards the authority vested in the Secretary of Labor for workplace standards programs, heretofore called wage and labor standards programs.

2. *Background.* Several organizational elements of the Department of Labor involved with workplace standards activities were transferred to the Wage and Labor Standards Administration, pursuant to Secretary's Order No. 24-69. The principle guiding the transfer was to place under one Assistant Secretary the programs which contribute to the achievement of the same major goal. This order consolidates in one directive the authority of the Assistant Secretary for Workplace Standards.

3. *The Workplace Standards Administration (WSA).* There is established in the Department of Labor a Workplace Standards Administration which supersedes the Wage and Labor Standards Administration (WLSA) and is assigned all of the responsibilities, personnel, equipment and facilities of WLSA.

The Workplace Standards Administration shall be headed by an Assistant Secretary who reports to the Secretary of Labor.

4. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Workplace Standards is hereby delegated authority and assigned responsibility, except as hereinafter provided, for:

(1) Carrying out the workplace standards programs and activities of the Department of Labor including the functions to be performed by the Secretary of Labor under:

(a) Fair Labor Standards Act of 1938, as amended;
(b) The Walsh-Healey Public Contracts Act of 1936, as amended;
(c) McNamara-O'Hara Service Contract Act of 1965;
(d) The Davis-Bacon Act and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act.
(e) Contract Work Hours and Safety Standards Act;
(f) Title III of the Consumer Credit Protection Act;
(g) Age Discrimination in Employment Act of 1967;
(h) Vocational Rehabilitation Act Amendments of 1965;
(i) Arts and Humanities Act of 1965;
(j) Federal Employees' Compensation Act as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to Employees' Compensation Appeals Board);
(k) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;
(l) Maritime Safety Act;
(m) The Act of 1920 establishing a Women's Bureau (Public Law 66-259);
(n) Executive Order 10990—Federal Safety Council;
(o) Executive Order 11126—as amended by Executive Order 11221—Status of Women;
(p) Executive Order 11136, as amended—President's Committee on Consumer Interests and Consumer Advisory Committee;
(q) Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance;
(r) The responsibilities of the Secretary of Labor with respect to labor safety provisions of any other Federal statutes;
(s) Such additional Federal acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

b. In carrying out the authority and responsibility delegated under this order, the Assistant Secretary for Workplace Standards shall perform the above functions in accordance with existing Governmental and Departmental regulations, including Chapter 4-1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing and Analyzing Planned Versus Actual Performance, and Evaluating Program Effectiveness.

c. The authority and responsibility delegated to the Assistant Secretary may be redelegated by him.

d. The Assistant Secretary is delegated authority for making organizational changes within policies established by the Secretary in accordance with the provisions of Chapter 4-200 of the Manual of Administration.

e. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive orders listed in paragraph 4a(1) above.

5. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the statutes and Executive orders listed in paragraph 4a(1) above.

(2) The bringing of legal proceedings under the statutes and Executive orders listed in paragraph 4a(1) above, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor.

b. The jurisdiction of the Wage Appeals Board, as presently described in its rules of practice (29 CFR Part 7) is reserved, and the Board shall be empowered to review decisions under this order relating to the Davis-Bacon Act and its related laws within the scope of that jurisdiction.

6. *Directives affected.* a. The following Secretary's orders are canceled by this order: 23-64, 15-67, 19-67, 10-68, 17-68, 25-68, and 24-69.

b. The following Secretary's orders remain in effect until canceled, except that the overall responsibility for the authority delegated in them is now vested in the Assistant Secretary for Workplace Standards: 2-67, 18-67, 21-67, 11-68, 21-68, 26-68, 2-69, 3-69, and 4-69.

7. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 24th day of August 1970.

JAMES D. HODGSON,
Secretary of Labor.

[F.R. Doc. 71-259; Filed, Jan. 7, 1971; 8:48 a.m.]

[Secretary of Labor's Order 20-70]

ADMINISTRATOR, WORKPLACE STANDARDS ADMINISTRATION, ET AL.

Redelgation of Authority and Responsibility

1. *Purpose.* This order delegates authority and assigns responsibility to (a) the Administrator, Workplace Standards Administration, (b) the Deputy Assistant Secretary for Program Development and Administration, (c) the Deputy Assistant Secretary for Federal Contract Compliance, and (d) the Director of the Women's Bureau.

2. *Background.* Secretary's Order No. 19-70 established the Workplace Standards Administration and delegated to the Assistant Secretary for Workplace Standards the authority and responsibility for workplace standards programs vested in the Secretary.

Inherent in establishment of the Workplace Standards Administration is the desire of the Secretary to improve the delivery of services in all program areas involved, with particular attention being given to occupational health and safety and equal employment opportunity.

3. *Delegation of authority and responsibility.* a. The Administrator, Wage and Hour Division, shall also be the Administrator, Workplace Standards Administration (WSA). He shall report to the Assistant Secretary, shall act for the Assistant Secretary in his absence, and shall have responsibility for carrying out workplace standards programs and activities including functions to be performed by the Secretary under:

(1) Fair Labor Standards Act of 1938, as amended;
(2) The Walsh-Healey Public Contracts Act of 1936, as amended;
(3) McNamara-O'Hara Service Contract Act of 1965;
(4) The Davis-Bacon Act and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act, Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act;
(5) Age Discrimination in Employment Act of 1967;
(6) Vocational Rehabilitation Act Amendments of 1965;
(7) Contract Work Hours and Safety Standards Act;
(8) Title III of the Consumer Credit Protection Act;
(9) Arts and Humanities Act of 1965;
(10) Federal Employees' Compensation Act as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to Employees' Compensation Appeals Board);
(11) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;
(12) Maritime Safety Act;
(13) Executive Order 10990—Federal Safety Council;
(14) The responsibilities of the Secretary of Labor with respect to labor safety provisions of any other Federal statutes;
(15) Such additional Federal acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

b. The Director, Bureau of Labor Standards, shall also be the Deputy Administrator, WSA.

c. The Deputy Assistant Secretary for Program Development and Administration shall report to the Assistant Secretary and shall have responsibilities for providing staff assistance to the Assistant Secretary, the Administrator, WSA, and the Deputy Assistant Secretary for Federal Contract Compliance, the Director of the Women's Bureau and the heads of units who report to them. Staff assistance to be provided shall include:

(1) Developing and recommending policies, plans, programs, and standards at the request of the Assistant Secretary, Administrator, WSA, Deputy Assistant Secretary for Federal Contract

Compliance and the Director of the Women's Bureau or on his own initiative;

(2) Planning and conducting research, at the request of the Assistant Secretary, the Administrator, WSA, the Deputy Assistant Secretary for Federal Contract Compliance and the Director of the Women's Bureau or on his own initiative;

(3) Developing and recommending budgets;

(4) Developing and recommending (a) management systems, (b) organization structures, and (c) personnel management policies;

(5) Providing or securing office and other space, facilities and equipment;

(6) Developing and recommending systems for review and analysis (comparing actual with planned performance) and making reviews and analysis of program performance; and

(7) Conducting program evaluation.

d. The Deputy Assistant Secretary for Federal Contract Compliance shall report to the Assistant Secretary and shall have responsibility for carrying out the Secretary's responsibilities under Executive Order 11246 as amended by Executive Order 11375—Federal Contract Compliance.

e. The Director of the Women's Bureau shall report to the Assistant Secretary and shall have responsibility for carrying out the Secretary's responsibilities included under:

(1) The Act of 1920 establishing a Women's Bureau (Public Law 66–259);

(2) Executive Order 11126—as amended by Executive Order 11221—Status of Women;

(3) Executive Order 11136, as amended—President's Committee on Consumer Interests and Consumer Advisory Committee.

f. Regional Administrators, WSA, shall report to the Administrator, WSA, and shall have responsibility for carrying out the directives and policies of the Administrator, WSA.

g. The Administrator, WSA, the Deputy Assistant Secretaries in WSA and the Director of the Women's Bureau may redelegate authority vested in them by this Order.

h. The Administrator, WSA, Deputy Assistant Secretaries, WSA, and the Director of the Women's Bureau shall administer programs in such a manner as to be consistent with the policies of the Secretary of Labor and the Assistant Secretary for Workplace Standards including policies established by staff units in the Office of the Secretary pursuant to delegations to them by the Secretary.

i. The Administrator, WSA, and the Deputy Assistant Secretary for Program Development and Administration shall be members of the Deputies Committee for Management and Operations Reform, and the Departmental Committee on Executive Personnel Assignments.

4. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 24th day of August 1970.

ARTHUR A. FLETCHER,
Assistant Secretary for Workplace Standards.

[F.R. Doc. 71–260; Filed, Jan. 7, 1971; 8:48 a.m.]

[Secretary of Labor's Order 24–70]

WAGE APPEALS BOARD

Authority and Responsibilities

1. *Purpose.* To describe the authority and responsibilities of the Wage Appeals Board in deciding appeals from final decisions by the Assistant Secretary for Workplace Standards and by his delegees under the laws named in this order.

2. *Delegation of authority and assignment of responsibility.* There is in the Department of Labor a Wage Appeals Board which is directly responsible to the Secretary of Labor. The Board shall act as the authorized representative of the Secretary of Labor in deciding appeals, concerning questions of fact and law, taken in the discretion of the Board, from final decisions of the Assistant Secretary for Workplace Standards or his delegees under the following:

a. The Davis-Bacon Act; any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act (a list of such laws as of the date of this order is set forth below), Contract Work Hours and Safety Standards Act, the Copeland Act, and Reorganization Plan No. 14 of 1950.

b. The final decisions include those involving wage determinations, debarment, disputes, and the assessment of liquidated damages under the Contract Work Hours and Safety Standards Act (except matters pertaining to safety).

3. *Composition.* The Board shall consist of three public members, one of whom shall be designated Chairman. The members of the Board shall be appointed by the Secretary of Labor, and shall be selected upon the basis of their qualifications and competence in matters within the authority of the Board.

4. *Voting.* The Chairman of the Board may, in his discretion, designate himself or any other member of the Board to decide any appeal provided the interested persons or parties have consented to the disposition of the appeal in this manner. The Chairman may also direct that any appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the case will be decided by the full Board. When an appeal is decided by all three members of the Board, a majority vote shall be necessary for decision. Any decision in any other matter and the issuance of any procedural rules shall also be by a majority vote, except that a decision to hear any appeal may be by one member.

5. *Location of Board proceedings.* The Board shall hold its proceedings in Washington, D.C., unless for good cause the Board orders that proceedings in a particular matter be held in another location.

6. *Rules of practice and procedure.* The Board shall prescribe such rules of procedure as it deems necessary or appropriate for the conduct of its proceedings. The rules which are prescribed in 29 CFR Part 7 as of the date of this order shall govern the proceedings of the Board until changed.

7. *Departmental counsel.* The Solicitor shall provide counsel to represent the Assistant Secretary for Workplace Standards in proceedings before the Board.

8. *Directives affected.* This order supersedes Secretary's Order No. 32–63, dated December 30, 1963.

9. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 7th day of October 1970.

JAMES D. HODGSON,
Secretary of Labor.

The Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–7, and as extended to the Federal-Aid Highway Acts codified in 23 U.S.C. 113).

National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715e, 1715k, 1715*l*(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h–2, 1750g, 1715*l*(h) (1), 1715z(j)(1), 1715z–1, 1715y(d), Subchapter IX–A and X–B, 1715z–7).

Hospital Survey and Construction Act as amended by the Hospital and Medical Facilities Amendments of 1964 (42 U.S.C. 291e).

Federal Airport Act (49 U.S.C. 1114(b)).

Housing Act of 1949, as amended (42 U.S.C. 1459).

School Survey and Construction Act of 1950 (20 U.S.C. 636).

Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592i).

United States Housing Act of 1937 (42 U.S.C. 1416).

Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).

Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).

Cooperative Research Act (20 U.S.C. 332a (c)).

Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d(c)(4), 293a(c)(5)).

Mental Retardation Facilities Construction Act (42 U.S.C. 295(a)(2)(D), 2662(5), 2675(a)(5)).

Community Mental Health Centers Act (42 U.S.C. 2685(a)(5)).

Higher Educational Facilities Act of 1963 (20 U.S.C. 753).

Vocational Education Act of 1963 (20 U.S.C. 35f).

Library Services and Construction Act (20 U.S.C. 355c(a)(4)).

Urban Mass Transportation Act of 1964 (49 U.S.C. 1609).

Economic Opportunity Act of 1964 (42 U.S.C. 2947).

Housing Act of 1964 (42 U.S.C. 1486(f); 42 U.S.C. 1452b(e)).

The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779c(b)).

The Nurse Training Act of 1964 (42 U.S.C. 296a(b)(5)).

Elementary and Secondary Education Act of 1965 (20 U.S.C. 241l, 848).

Federal Water Pollution Control Act, as amended, by the Water Quality Act of 1965 (33 U.S.C. 466e(g)).

Appalachian Regional Development Act of 1965 (40 U.S.C. App. 402).

National Technical Institute for the Deaf Act (20 U.S.C. 684(b)(5)).

Housing Act of 1959 (12 U.S.C. 1701(q)(c)(3)).

College Housing Act of 1950, as amended (12 U.S.C. 1749a(f)).

Housing and Urban Development Act of 1965 (42 U.S.C. 1500c–3, 3107).

National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)).

Public Works and Economic Development Act of 1965 (42 U.S.C. 3222).

High Speed Ground Transportation Study (49 U.S.C. 1636(b)).

Heart Disease, Cancer and Stroke Amendments of 1965 (42 U.S.C. 299d(b)(4)).

Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (20 U.S.C. 618(g)).

Vocational Rehabilitation Act Amendments of 1965 (23 U.S.C. 41a(b)(4)).

Clean Air and Solid Waste Disposal Acts (42 U.S.C. 3256).

Medical Library Assistance Act of 1965 (42 U.S.C. 280b–3(b)(3)).

Veterans Nursing Home Care Act (38 U.S.C. 5035(a)(8)).

National Capital Transportation Act of 1965 (40 U.S.C. 682(b)(4)).

Model Secondary School for the Deaf Act (80 Stat. 1028).

Allied Health Professions Personnel Training Act of 1966 (42 U.S.C. 295h(b)(2)(E)).

Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1416).

Air Quality Act of 1967 (42 U.S.C. 1857j–3).

Elementary and Secondary Education Amendments of 1967 (Title VII—Bilingual Education Act) (20 U.S.C. 880b–6).

Vocational Rehabilitation Amendments of 1967 (29 U.S.C. 42a(c)(3)).

National Visitor Center Facilities Act of 1968 (40 U.S.C. 808).

Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3843).

Housing and Urban Development Act of 1968 (including New Communities Act of 1968) (42 U.S.C. 3909).

Public Health Service Act Amendment (Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968) (42 U.S.C. 2681 et seq.).

Vocational Education Amendments of 1968 (20 U.S.C. 1246).

Postal Reorganization Act (39 U.S.C. 410).

[F.R. Doc. 71–261; Filed, Jan. 7, 1971; 8:48 a.m.]

Workplace Standards Administration

DESCRIPTION OF ORGANIZATION

1. *Background.* Secretary of Labor's Order No. 19–70, published in the FEDERAL REGISTER on this date, established in the Department of Labor the Workplace Standards Administration (WSA), which is headed by the Assistant Secretary for Workplace Standards. By virtue of that order, the Assistant Secretary for Workplace Standards is delegated authority and assigned responsibility for the performance of functions of the Secretary of Labor in the administration of workplace standards programs authorized by certain statutes and Executive orders. The programs include, among others, a number of statutory programs which are administered at the operational level by the Wage and Hour Division, the Bureau of Labor Standards, the Office of Federal Contract Compliance, the Women's Bureau, and the Bureau of Employees' Compensation. See the "United States Government Organization Manual—1970/71," pp. 320, 323–324. They also include programs and activities of the Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 276a–276a–7) and statutes requiring prevailing wage findings made by the Secretary of Labor in accordance with such Act, and under the Contract Work Hours and Safety Standards Act, Reorganization Plan No. 14 of 1950, the Copeland Act, and the Tennessee Valley Authority Act. Responsibility for carrying out workplace standards programs and activities under these latter statutes and the statutory programs administered at the operational level by the Wage and Hour Division, the Bureau of Labor Standards, and the Bureau of Employees' Compensation has been redelegated by the Assistant Secretary for Workplace Standards to the Administrator, Workplace Standards Administration (hereinafter referred to as Administrator of Workplace Standards or Administrator, WSA), as provided in Secretary of Labor's Order No. 20–70, also published in the FEDERAL REGISTER on this date.

2. *Responsibilities of Administrator of Workplace Standards*—a. *General.* Subject to the reservations and conditions set forth in Secretary's Orders Nos. 19–70 and 20–70 cited above, the workplace standards programs and activities for which he is responsible are carried out by the Administrator of Workplace Standards or under his direction and control by the Wage and Hour Division, the Bureau of Labor Standards, the Bureau of Employees' Compensation, the Office of Government Contracts Wage Standards, and the Regional Administrators, WSA. In the performance of their functions, the Administrator, WSA, and his representatives act upon the advice of the Solicitor of Labor whenever a question of law is involved. The bringing of legal proceedings is reserved to the Secretary, the determination of whether such proceedings are appropriate being made by the Solicitor.

b. *Wage and Hour Division, Bureau of Labor Standards, and Bureau of Employees' Compensation.* The operational responsibilities of the Wage and Hour Division, the Bureau of Labor Standards, and the Bureau of Employee's Compensation remain as described in the "United States Government Organization Manual—1970/71," pp. 320, 324 in the absence of express action by the Administrator of Workplace Standards, making different provisions. To the extent that different provisions have been made to date, they are described in this document.

c. *Office of Government Contracts Wage Standards.* (1) The making of wage determinations and any required fringe benefit determinations under the Davis-Bacon Act and any laws requiring the determination of prevailing wages in accordance with the Davis-Bacon Act, the Service Contract Act, and the Walsh-Healey Public Contracts Act, and any other laws providing for the making of such determinations by the Secretary of Labor which may from time to time be enacted, is carried out by the Office of Government Contracts Wage Standards, Workplace Standards Administration.

(2) The making of decisions on the permissibility of payroll deductions under rules issued to implement the Copeland Act shall be carried out by the Office of Government Contracts Wage Standards, Workplace Standards Administration.

(3) The Office of Government Contracts Wage Standards, Workplace Standards Administration, shall also handle at the operational level other matters regarding interpretations, regulations, and exemptions relating to the various laws providing wage standards for Government contracts.

d. *Particular responsibilities of the Administrator, WSA.* The issuing of rulings and interpretations of general application upon the advice of the Solicitor and the granting or revoking of variations, tolerances, and exemptions provided for under any laws subject to Reorganization Plan No. 14 of 1950 and in Parts 1, 3, and 5 of Title 29, Code of Federal Regulations, are powers to be exercised by the Administrator of Workplace Standards.

e. *Enforcement of the Davis-Bacon Act and related laws.* The powers and duties relating to enforcement of the Davis-Bacon Act and related laws are carried out by the Administrator of Workplace Standards and under his direction by the Wage and Hour Division and Regional Administrator, WSA; including without limitation, the conduct of investigations regarding compliance with the laws subject to Reorganization Plan No. 14 of 1950; settling, adjusting, and adjudicating by informal means cases involving the payment of wages and liquidated damages under the laws subject to the Plan; coordinating the enforcement activities of the various Federal agencies having labor standards enforcement responsibilities under such laws and regulations; requesting the withholding, or causing to be withheld, by such agencies from accrued contract payments or advances such sums as may be considered necessary to make required wage payments, or payments of liquidated damages, or both; recommending the commencement of legal proceedings for the adjudication of violations of such laws and regulations and imposition of sanctions, including debarment proceedings; adjudicating such violations and imposing sanctions (except that no employee engaged in investigative or prosecuting functions relating to any case shall participate or advise in the adjudication thereof); and approving or disapproving recommendations of Federal agencies concerning relief for contractors or subcontractors from liquidated damages under section 104(c) of the Contract Work Hours and Safety Standards Act.

3. *Wage Appeals Board.* The delegations under Secretary's Order No. 19–70, the redelegation contained in Secretary's Order No. 20–70, and this description do not affect the powers and duties reserved to the Wage Appeals Board, which are set forth in Secretary of Labor's Order No. 24–70, published in the FEDERAL REGISTER on this date.

4. *Certain safety provisions.* This document does not deal with the powers and duties of the Secretary of Labor under section 107 of the Contract Work Hours and Safety Standards Act, as added by Public Law 91–54 (83 Stat. 96), relating to construction safety and health standards, nor with the powers and duties of the Secretary of Labor under the Occupational Safety and Health Act of 1970 (Public Law 91–596).

5. *Pending actions.* The delegations described in this document do not affect any cases of rulemaking or adjudication which may be pending as of this date.

Signed at Washington, D.C., this 16th day of December 1970.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[F.R. Doc. 71-262; Filed, Jan. 7, 1971; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 223]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 38509 (Sub-No. 15 TA), filed December 29, 1970. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, WA 98121. Applicant's representative: George H. Hart, IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Minneapolis, Minn., on the one hand, and, on the other, points in Grant, Roberts, Marshall, Day, Brown, Spink, Clark, Beadle, Hand, Sully, Lyman, Brule, Hyde, Hughes, Stanley, Haakon, Meade, Pennington, Lawrence, Butte, Custer, Fall River, Jackson, and Jones Counties, S. Dak., and traversing Aurora, Hanson, Minnehaha, Davison, and McCook Counties, S. Dak., for 180 days. Supporting shipper: Federal Reserve Bank of Minneapolis, Minneapolis, MN 55440. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 105984 (Sub-No. 11 TA), filed December 29, 1970. Applicant: JOHN B. BARBOUR, JR., doing business as JOHN B. BARBOUR TRUCKING COMPANY, 402 East Hiway, Post Office Box 577, Iowa Park, TX 76367. Applicant's representative: John B. Barbour, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass/epoxy line pipe and fittings*, from Burkburnett, Tex., to points in California and to pipeline rights-of-way for stringing, for 180 days. Supporting shipper: CIBA–GEIGY Corp., Ardsley, NY 10502. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 113267 (Sub-No. 249 TA), filed December 29, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and cat litter*, from Wrens, Ga., to points in Illinois, Indiana, and Ohio, for 180 days. Supporting shipper: Georgia-Tennessee Mining & Chemical Co., Suite 810, 3379 Peachtree Road NE. at Lenox Square, Atlanta, GA 30326. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 114632 (Sub-No. 32 TA), filed December 29, 1970. Applicant: APPLE LINES, INC., Box 507, 225 South Van Eps Avenue, Madison, SD 57042. Applicant's representative: Robert A. Applwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans.; West Point and Dakota City, Nebr.; Luverne, Minn.; Le Mars, Mason City, Fort Dodge, and Denison, Iowa; to points in Michigan, Indiana, Illinois, Missouri, Kansas, Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, Arkansas, Oklahoma, and Nebraska, for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, NE 69731. Starr H. Lloyd, Manager-Analysis. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 114789 (Sub-No. 31 TA) (Correction), filed December 8, 1970, and published FEDERAL REGISTER issue December 18, 1970, and republished in part as corrected this issue. Applicant: NATIONAL CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). NOTE: The purpose of this partial republication is to show that contract carrier authority is sought in lieu of common carrier, which was inadvertently shown in previous publication, the rest of the application remains as previously published.

No. MC 119917 (Sub-No. 28 TA), filed December 29, 1970. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips, potato sticks, popped corn, corn chips, twists and puffs*, in straight or mixed shipments with bakery products and *related shipping containers and devices* empty or loaded, used in the transportation of the shipment of these commodities, from the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Atlanta, Ga., to the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Charlotte N.C.; and (2) *bakery products and potato chips, potato sticks, popped corn, corn chips, twists and puffs*, in straight or mixed shipments with bakery products and *related shipping containers and devices*, empty or loaded, used in the transportation of the shipment of these commodities, from the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Charlotte, N.C., to the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Atlanta, Ga., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., Atlanta, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133646 (Sub-No. 7 TA), filed December 29, 1970. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, bags and blocks, from the salt

plant of Dakota Salt & Chemical Co., located near Williston, N. Dak., to points in Minnesota, Montana, South Dakota, and Wyoming, for 180 days. Supporting shipper: Dakota Salt & Chemical Co., West Haven Road, Lawrenceville, IL 62439. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 134599 (Sub-No. 6 TA), filed December 29, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and related rubber products, and equipment, materials, and supplies*, used in the manufacture and production thereof, between Ardmore, Okla., on the one hand, and on the other, Eau Claire, Wis., Detroit, Mich., Los Angeles, Calif., Chicopee Falls, Mass., Indianapolis, Ind., Port Clinton, Ohio, Niles, Mich., Tomson, Ga., Shelbyville and Chattanooga, Tenn., Port Neches, Tex., Winnsboro, S.C., Galveston, Tex., Louisville, Ky., Houston, Tex., New Orleans, La., and Opelika, Ala., for 180 days. Supporting shipper: Uniroyal, Inc., Rockefeller Center, 1230 Avenue of the Americas, New York, NY 10020. Send protests to: District Supervisor Roger L. Buchanan, 2022 Federal Building, Denver, CO 80202.

No. MC 135014 (Sub-No. 1 TA), filed December 29, 1970. Applicant: SPEADMARK, INC., 132 West 31st Street, New York, NY 10001. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, from Carrier's Terminal in New York, N.Y., to supporting shipper's Stores in Hempstead, Huntington, Babylon, Manhasset, Garden City, Smithhaven, N.Y., and Woodbridge, N.J., and returned shipments in opposite direction, for 180 days. Supporting shipper: Abraham & Strauss, Brooklyn, N.Y. 11201. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135118 (Sub-No. 1 TA), filed December 29, 1970. Applicant: MACKLIN MOVING & STORAGE, INC., 842 Champion, Lemoore, CA 93245. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, subject to the "Kingpak" Restriction, between points in Fresno, Kings, and Tulare Counties, Calif., for 180 days. Supporting shipper: Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-257; Filed, Jan. 7, 1971; 8:48 a.m.]

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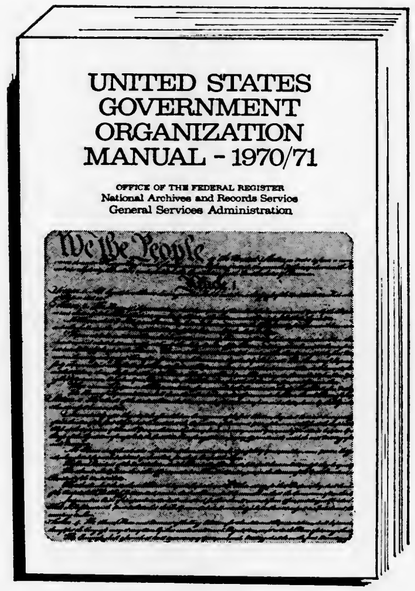

UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

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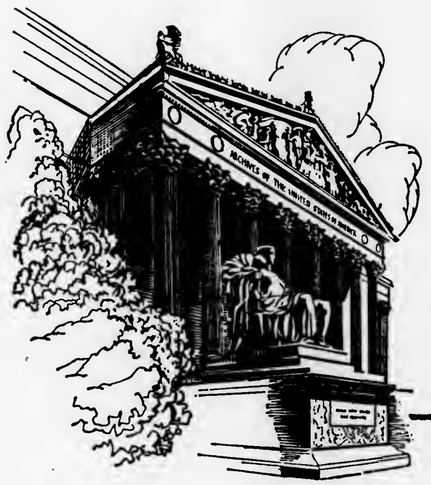

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[Rev. 9, Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Interpretation

Correction

In F.R. Doc. 71–32 appearing on page 43 in the issue of Tuesday, January 5, 1971, the bracket should read as set forth above.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the positions of one Private Secretary and one Special Assistant to the Director, National Highway Safety Bureau, are no longer excepted under Schedule C. It is also amended to show that the following positions are excepted under Schedule C: The Deputy Administrator of the Urban Mass Transportation Administration, the Deputy Administrator of the National Highway Traffic Safety Administration, and one Private Secretary and one Special Assistant to the Administrator of the National Highway Traffic Safety Administration. Effective on publication in the FEDERAL REGISTER, subparagraphs (4) and (5) of paragraph (d) are revoked, and subparagraph (3) of paragraph (f) and paragraph (i) are added under § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

• • • • • •

(d) *Federal Highway Administration.* • • •

(4) [Revoked]

(5) [Revoked]

• • • • • •

(f) *Urban Mass Transportation Administration.* • • •

(3) Deputy Administrator.

• • • • • •

(i) *National Highway Traffic Safety Administration.* (1) Deputy Administrator.

(2) One Private Secretary to the Administrator.

(3) One Special Assistant to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 71–347; Filed, Jan. 7, 1971; 2:51 p.m.]

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

PART 2410—COUNCIL INTERPRETATIONS OF THE ORDER AND STATEMENTS ON MAJOR POLICY ISSUES

Interpretations and Statements of Policy

On September 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15161) a notice of the proposed adoption of rules governing interpretations and statements of policy by the Council. Interested persons were invited to submit their views and suggestions in writing within 20 days after publication of the notice of proposed rule making. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed rules, with changes as set forth below.

Accordingly, the Council hereby amends Title 5 of the Code of Federal Regulations by adding to Chapter XIV, a new Part 2410 to read as follows:

Sec.
2410.1 Definitions.
2410.2 Scope.
2410.3 Procedures.
2410.4 Issuance and publication.

AUTHORITY: The provisions of this Part 2410 issued under 5 U.S.C. 3301, 7301; E.O. 11491, 34 F.R. 17605, 3 CFR Comp., p. 191.

§ 2410.1 Definitions.

(a) "Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service."

(b) Terms defined in the order are used in this part with the meaning attached to them in the order.

§ 2410.2 Scope.

Pursuant to section 4(b) of the order, and consistent with § 2411.21 of these regulations, the Council will issue interpretations of the order and statements on major policy issues as it deems appropriate to assure the effectuation of the purposes of the order. The Council will issue such an interpretation or policy statement only where it deems the adjudicatory procedures provided would not be suitable.

§ 2410.3 Procedures.

When considering issuance of an interpretation or policy statement, the Council will obtain views from interested agencies and labor organizations, orally or in writing, as it deems necessary and appropriate.

§ 2410.4 Issuance and publication.

Interpretations and statements on major policy issues provided under this part shall be published in the FEDERAL REGISTER. Copies shall be distributed to agencies and labor organizations and made available to other interested persons at the Office of the Council.

For the Council.

ROBERT E. HAMPTON,
Chairman.

[F.R. Doc. 71–276; Filed, Jan. 8, 1971; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 462]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.762 Lemon Regulation 462.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 5, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 10, 1971, through January 16, 1971, are hereby fixed as follows:

(i) District 1: 30,000 cartons;
(ii) District 2: 55,000 cartons;
(iii) District 3: 90,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 6, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 71-342; Filed, Jan. 8, 1971; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 3—BOARD OF IMMIGRATION APPEALS

Miscellaneous Amendments

Reference is had to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16545), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of the proposed amendments pertaining to limitation on appeals in voluntary departure cases; summary dismissal of frivolous appeals; oral argument on appeal from orders denying motions; and stay of execution pending appeal. The representations which have been received concerning the proposed rules of October 23, 1970, have been considered. The only changes made in the proposed rules have been in § 3.6(b), by adding language defining the respective powers of the Board of Immigration Appeals and of special inquiry officers to stay deportation pending appeal from a special inquiry officer's order denying a motion; and in § 3.6(c), by adding a saving clause preserving existing stays pending disposition of the appeal by the Board. The proposed rules, as modified, are hereby adopted:

§ 3.1 [Amended]

1. Subparagraph (2) of § 3.1(b), *Appellate jurisdiction,* is amended by changing the period at the end to a comma and adding the following: "except that no appeal shall lie from an order of a special inquiry officer under § 244.1 of this chapter granting voluntary departure within a period of at least 30 days, if the sole ground of appeal is that a greater period of departure time should have been fixed."

2. Subparagraph (1-a) of § 3.1(d)(1), *Summary dismissal of appeals,* is amended by striking the word "or" before the numeral "(iii)", changing the period at the end to a comma, and adding the following: "or (iv) the Board is satisfied, from a review of the record, that the appeal is frivolous and filed solely for purpose of delay."

3. Subparagraph (e) of § 3.1, *Oral argument,* is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that oral argument shall not be heard on appeal from an order of a special inquiry officer under § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation, unless the Board specifically directs that oral argument be granted."

4. Section 3.6, *Stay of execution of decision,* is amended to read as follows:

§ 3.6 Stay of execution of decision.

(a) Except as provided in § 242.2 of this chapter and paragraph (b) of this section, the decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

(b) The provisions of paragraph (a) of this section shall not apply to an order of a special inquiry officer under § 242.22 of this chapter denying a motion to reopen or reconsider or to stay deportation, except when a stay pending appeal has been granted by the special inquiry officer. The Board may, in its discretion, stay deportation while an appeal is pending from any such order if no stay has been granted by the special inquiry officer.

(c) *Saving clause.* Notwithstanding the provisions of paragraph (b) of this section, any stay of execution of decision existing under paragraph (a) of this section when paragraph (b) of this section becomes effective shall continue until the Board has disposed of the appeal.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: January 4, 1971.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 71-302; Filed, Jan. 8, 1971; 8:47 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

District No. 1 of subparagraph (2) of paragraph (c) of § 100.4 is amended to read as follows:

§ 100.4 Field Service.

• • • • • •

(c) *Suboffices.* • • •

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* • • •

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

*Alburg, Vt.
*Alburg Springs, Vt.
*Beebe Plain, Vt.
*Beecher Falls, Vt.
*Canaan, Vt.
*Derby Line, Vt.
*East Richford, Vt.
*Highgate Springs, Vt.
Morses Line, Vt.
*Newport, Vt.
*North Troy, Vt.
*Norton, Vt.
*Richford, Vt.
St. Albans, Vt.
*West Berkshire, Vt.

• • • • • •

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.1 [Amended]

Paragraph (g) *Officers in charge* of § 103.1 *Delegations of authority* is amended by adding the following at the end thereof: "Hong Kong—Authorize conditional entry under section 203(a)(7) of the Act."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.7 [Amended]

1. Item (c) of subdivision (ii) *Submission of statement* of subparagraph (2) *Section 212(a) (1) and (3) (certain mental conditions)* of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows: "(c) that the specified facility or specialist will furnish the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, an initial report giving a current evaluation of the mental status of the alien within 30 days after his arrival; semiannual reports of his mental status for a period of 5 years, even if he has been discharged from care, training, or schooling, unless approval has been granted by the U.S. Public Health Service to transfer responsibility for the medical supervision of the alien to another facility or specialist; prompt notification of the death of the alien, of his departure without approval of the facility or specialist, or of his failure to report to the facility or specialist as may be required in connection with semiannual reports, or of his failure to report to the facility or specialist within 30 days after the facility or specialist receives notice from the U.S. Public Health Service that he has arrived in the United States;"

2. The first sentence of subparagraph (3) *Assurances: bonds* of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows: "In all cases under paragraph (b) of this section the alien or his sponsoring family member shall also submit an assurance that the alien will comply with any special travel requirements as may be specified by the U.S. Public Health Service and that, upon the admission of the alien into the United States, he will proceed directly to the facility or specialist specified for the initial evaluation, and will submit to such further examinations, treatment, schooling, training, and medical regimen as may be required, whether in an outpatient, inpatient, study, or other status, and that, before responsibility for the medical supervision of the alien is transferred to another facility or specialist, the alien or the sponsoring family member will obtain approval from the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333."

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

§ 234.2 [Amended]

1. The last two sentences of subparagraph (1) *Applicants for status of permanent resident* of paragraph (c) *Civil surgeon reports* of § 234.2 *Examination in the United States of alien applicants for benefits under the immigration laws* are amended to read as follows: "That office will forward to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, a copy of Form I-486A with X-ray and laboratory reports. In addition when the applicant has been found by the civil surgeon to be afflicted, Form FS-398 will be forwarded to the Director of the Foreign Quarantine Program for issuance of an appropriate medical certificate, and decision on the application for status of permanent resident shall be deferred pending receipt of the certificate."

2. The last sentence of subparagraph (1) *Applicants for status of permanent resident* of paragraph (d) *U.S. Public Health Service hospital and outpatient clinic reports* of § 234.2 *Examination in the United States of alien applicants for benefits under the immigration laws* is amended to read as follows: "The copy of Forms I-486A, PHS-124(FQ), or FS-398 retained by the U.S. Public Health physician will be sent to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, where a central file of these cases will be maintained."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 100.4(c)(2) relates to agency management and the amendments to §§ 103.1(g), 212.7(b)(2), 212.7(b)(3), 234.2(c)(1), and 234.2(d)(1) relate to agency procedure.

Dated: January 5, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 71-301; Filed, Jan. 8, 1971; 8:47 a.m.]

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Miscellaneous Amendments

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on October 28, 1970 (35 F.R. 16684), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of the proposed amendments to Parts 242 and 243 clarifying the jurisdiction to authorize release from custody and clarifying the jurisdiction of special inquiry officers to stay deportation pending appeal. Representations which were received concerning the proposed rules of October 28, 1970, have been considered. The only change made in the proposed rules has been to change the last sentence of § 242.2(b) from: "The filing of such an appeal shall not operate to disturb the custody of the respondent or to stay the administrative proceeding or deportation." to: "The filing of such an appeal shall not operate to delay compliance, during the pendency of the appeal, with the custody directive from which appeal is taken, or to stay the administrative proceeding or deportation.". The proposed rules, as modified, are hereby adopted:

1. Paragraphs (a), (b), and (c) of § 242.2 are amended to read as follows:

§ 242.2 Apprehension, custody, and detention.

(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242(d) of the Act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest. However, such warrant may be issued by no one other than a district director, acting district director, or deputy district director, and then only whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it; any district director, acting district director, or deputy district director may authorize its cancellation. When a warrant of arrest is served under this part, the respondent shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions under which he may be released. A respondent on whom a warrant of arrest has been served may apply to the district director, acting district director, or deputy district director for release or for amelioration of the conditions under which he may be released. The district director, acting district director, or deputy district director, when serving the warrant of arrest and when determining any application pertaining thereto, shall furnish the respondent with a notice of decision, which may be on Form I-286, indicating whether custody will be continued or terminated, specifying the conditions, if any, under which release is permitted, and advising the respondent appropriately whether he may apply to a special inquiry officer pursuant to paragraph (b) of this section for release or modification of the conditions of release or whether he may appeal to the Board. A direct appeal to the Board from a determination by a district director, acting district director, or deputy

district director shall not be allowed except as authorized by paragraph (b) of this section.

(b) *Authority of special inquiry officers; appeals.* After an initial determination pursuant to paragraph (a) of this section, and at any time before a deportation order becomes administratively final, upon application by the respondent for release from custody or for amelioration of the conditions under which he may be released, a special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I-342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any information which is available to the special inquiry officer, or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. After a deportation order becomes administratively final, the respondent may appeal directly to the Board from a determination by the district director, acting district director, or deputy district director, except that no appeal shall be allowed when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose. An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, or deputy district director by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the respondent and the Service. Upon the filing of a notice of appeal, the district director shall immediately transmit to the Board all records and information pertaining to the determination from which the appeal has been taken. The filing of such an appeal shall not operate to delay compliance, during the pendency of the appeal, with the custody directive from which appeal is taken, or to stay the administrative proceeding or deportation.

(c) *Revocation.* When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, or deputy district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled. The provisions of paragraph (b) of this section shall govern availability to the respondent of recourse to other administrative authority for release from custody.

* * * * *

§ 242.22 [Amended]

2. The last two sentences of § 242.22 *Reopening or reconsideration* are deleted and the following two sentences are inserted in lieu thereof to read as follows: "The filing with a special inquiry officer of a motion under this section shall not serve to stay the execution of an outstanding decision; execution shall proceed unless the special inquiry officer who has jurisdiction over the motion specifically grants a stay of deportation. In his discretion, the special inquiry officer may stay deportation pending his determination of the motion and also pending the taking and disposition of an appeal from such determination."

§ 243.4 [Amended]

3. The last sentence of § 242.4 *Stay of deportation* is amended to read as follows: "Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter, nor shall such denial preclude the special inquiry officer, in his discretion, from granting a stay in connection with, and pending his determination of, a motion to reopen or a motion to reconsider a case falling within his jurisdiction pursuant to § 242.22 of this chapter, and also pending an appeal from such determination."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to clarify those rules of the Service pertaining to the jurisdiction to authorize release from custody and to clarify the jurisdiction of special inquiry officers to stay deportation pending appeal.

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: January 5, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 71-303; Filed, Jan. 8, 1971; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-320]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f) Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of South Carolina, and a new paragraph (e) (9) relating to the State of South Carolina is added to read:

(9) *South Carolina.* That portion of Horry County bounded by a line beginning at the junction of State Highway 905 and State Highway 9; thence, following State Highway 9 in a southeasterly direction to the Waccamaw Creek; thence, following the west bank of the Waccamaw Creek in a southwesterly and then northwesterly direction to State Highway 31; thence, following State Highway 31 in a northerly direction to State Highway 905; thence, following State Highway 905 in a generally northeasterly direction to its junction with State Highway 9.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Horry County, South Carolina, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of January 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 71-317; Filed, Jan. 8, 1971; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18205), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Oneida, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 4, 1971, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

ONEIDA, TENN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.); within 9.5 miles northwest and 4.5 miles southeast of the 221° bearing from Scott RBN (lat. 36°27'22" N., long. 84°35'16" W.), extending from the RBN to 18.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 31, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 71-286; Filed, Jan. 8, 1971; 8:46 a.m.]

[Airspace Docket No. 70-SO-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On November 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18206), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vero Beach, Fla., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined, through the application of Terminal Instrument Procedures (TERPs) criteria, that the proposed controlled airspace protection for AL-437 VOR RWY 11 Instrument Approach Procedure to Vero Beach Municipal Airport was inadequate with respect to the width of the transition area extension predicated on Vero Beach VORTAC 291° radial. The width should have been proposed as 5 miles each side in lieu of 3 miles each side of the radial. It is necessary to alter the description to provide required controlled airspace protection. Since this amendment is made in accordance with TERPs criteria, which was coordinated with government agencies concerned and affected industry groups, notice and public procedure hereon are unnecessary and action is taken herein to amend the transition area description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 4, 1971, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Vero Beach, Fla., control zone is amended to read:

VERO BEACH, FLA.

Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

In § 71.181 (35 F.R. 2134), the Vero Beach, Fla., transition area is amended to read:

VERO BEACH, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 5 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles West of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" W.); excluding the portion outside the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C 1655(c))

Issued in East Point, Ga., on December 31, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 71-287; Filed, Jan. 8, 1971; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 155—INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM

Miscellaneous Amendments

The following amendments to Part 155 have been approved:

1. Section 155.6(a), as amended, now reads as follows:

§ 155.6 Administration.

(a) The Assistant Secretary of Defense (Administration) shall provide overall policy guidance for the Program and is responsible for its administration, including the organization and composition of the various boards and staffs, and the establishment of field offices. The Assistant Secretary of Defense (Administration), or his designee, may issue such supplemental instructions and guidance as may be desirable for efficient and equitable operation of the Program or to accomplish the objectives set out in Executive Order 10865. (See § 155.12)

2. New § 155.12 has been added as follows:

§ 155.12 Personnel clearance memorandums.

(a) *Personnel Clearance Memorandum No. 70-1, Clearance Applications*—(1) *Purpose.* This § 155.12(a) is published under the authority of § 155.6(a) and establishes policy for administrative termination of the processing of an industrial personnel security clearance.

(2) *Policy.* A contractor employee who is being processed for an industrial security clearance must have a need for access to classified information in order for a clearance request to be processed. An employee who has submitted a Personnel Security Questionnaire (DD Forms 48 or 49),[1] but who avers on the form, or otherwise makes it known during the processing of the clearance application, that he will not, under any circumstances, work on classified contracts or perform in a capacity requiring access to classified information, cannot be considered a bona fide candidate for clearance notwithstanding the formal initiation of a request for clearance. Such a reservation on the part of the employee negates the requirement for clearance because he will not, in fact, have access to classified information. The processing of such a request for clearance serves no useful Government purpose and causes needless

[1] Filed as part of original.

effort and expense to the Department of Defense and the contractor. Such a clearance request, when identified, will be administratively terminated without prejudice to the individual concerned. The contractor and the employee will be advised of the termination and will be informed that the clearance request may be reinstituted on a showing of a change in the applicable facts.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 71-304; Filed, Jan. 8, 1971; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Regulation 1 (Rev. 5) Amdt. 26]

OI REG. 1—OIL IMPORT REGULATION

Miscellaneous Amendments; Correction

JANUARY 6, 1971.

In F.R. Doc. 70-17659 appearing at page 53 in the issue of Tuesday, January 5, 1971, there is an error in paragraph (b) of section 30. The word "July" should be deleted and the word "January" should be substituted therefor, so that the introductory phrase of paragraph (b) will read "For the period January 1, 1971 through December 31, 1971 • • •."

FRED J. RUSSELL,
Under Secretary of the Interior.

[F.R. Doc. 71-278; Filed, Jan. 8, 1971; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

Retention Period for Records in Connection With Grants for Exchange of Medical Information

In § 17.266, paragraph (e) is amended to read as follows:

§ 17.266 Applications.

• • • • • •

(e) *To include assurance records will be kept.* Each application shall include sufficient assurances that the applicant shall keep records which fully disclose the amount and disposition of the proceeds of the grant, the total cost of the project or undertaking in connection with which the grant is made or used, the portion of the costs supplied by non-Federal sources, and such other records as will facilitate an effective audit. All such records shall be retained by the applicant (grantee) in good condition for a period of 3 years after final payment unless, prior to that time, such records have been audited as provided in paragraph (f) of this section, and

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: January 5, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 71-297; Filed, Jan. 8, 1971; 8:47 a.m.]

PART 36—LOAN GUARANTY

Loans in Condominium Housing Development or Project

1. In § 36.4301, paragraphs (i), (aa), (ff), and (hh) are amended to read as follows:

§ 36.4301 Definitions.

• • • • • •

(i) "Dwelling" means any building designed primarily for use as a home consisting of not more than four family units plus an added unit for each veteran if more than one eligible veteran participates in the ownership thereof, except that in the case of a condominium housing development or project within the purview of 38 U.S.C. 1810(d) and § 36.4358, the term is limited to one single-family residential unit.

• • • • • •

(aa) "Real-estate loan" means any obligation incurred for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements, or repairs thereon required by §§ 36.4300 to 36.4375, inclusive, to be secured by a lien on such property or is so secured. Loans for the purpose specified in 38 U.S.C. 1810(a)(5) (refinancing of mortgage loans or other liens on a dwelling or farm residence) and loans to purchase one-family residential units in condominium housing developments or projects within the purview of 38 U.S.C. 1810(d) and § 36.4358 shall also be considered real-estate loans.

• • • • • •

(ff) "Residential property" means (1) any one-family residential unit in a condominium housing development within the purview of 38 U.S.C. 1810(d) and § 36.4358, (2) any improved real property (other than a condominium housing development) or leasehold estate therein as limited by §§ 36.4300 to 36.4375, inclusive, the primary use of which is for occupation as a home, consisting of not more than four-family units, plus an added unit for each eligible veteran if more than one participates in the ownership thereof, or (3) any land to be purchased out of the proceeds of a loan for the construction of a dwelling, and on which such dwelling is to be erected.

• • • • • •

(hh) "Condominium housing development" means a housing development as to which the Secretary of Housing and Urban Development has issued evidence of insurance of at least one mortgage loan for the purchase of a one-family residential unit under section 234 of the National Housing Act.

• • • • • •

2. In § 36.4312(d), subparagraph A(6) under Part I is amended to read as follows:

§ 36.4312 Charges and fees.

• • • • • •

(d) The following schedule of permissible fees and charges shall be applicable to all Veterans' Administration-guaranteed or insured loans.

PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (38 U.S.C. 1810)

A. • • •

(6) Survey, if required by lender or veteran; except that any charge for a survey in connection with a loan under § 36.4358 (condominium loans) must have the prior approval of the Administrator.

• • • • • •

3. In § 36.4313, paragraph (e) is added to read as follows:

§ 36.4313 Advances and other charges.

• • • • • •

(e) Notwithstanding the provisions of paragraph (a) or (b) of this section, holders of condominium loans guaranteed or insured under 38 U.S.C. 1810(d) shall not pay those assessments or charges allocable to the condominium unit which are provided for in the instruments establishing the condominium form of ownership in the absence of the prior approval of the Administrator.

4. In § 36.4320(h), subparagraph (7) is amended and subparagraph (10) is added to read as follows:

§ 36.4320 Sale of security.

• • • • • •

(h) • • •

(7) As between the holder and the Administrator, the responsibility for any loss due to damage to or destruction of the property or due to personal injury sustained in respect to such property shall be governed by the provisions of this subparagraph and subparagraph (10) of this paragraph. Ordinary wear and tear excepted, the holder shall bear such risk of loss from the date of acquisition by the holder to the date such risk of loss is assumed by the Administrator. Such risk of loss is assumed by the Administrator from the date of his receipt of the holder's election to convey or transfer the property to him, or, in the event of receipt of notice of such election prior to acquisition, from the date of the Administrator's receipt of notice of acquisition by the holder: *Provided*, That if custody over the property has not been

delivered by the holder to the Administrator on the date when he otherwise would have assumed the risk of loss, his assumption of the risk of loss will be deferred until such custody over the property is delivered, or until the property has been conveyed or transferred to him. The amount of any loss chargeable to the holder may be deducted from the amount payable by the Administrator at the time the property is transferred. In any case wherein pursuant to the Veterans Administration Regulations rejection of the title is legally proper, the Administrator may surrender custody of the property as of the date specified in his notice thereof to the holder. The Administrator's assumption of such risk shall terminate upon such surrender.

• • • • • •

(10) In respect to a property which was the security for a condominium loan guaranteed or insured under 38 U.S.C. 1810(d) the responsibility for any loss due to damage to or destruction of the property or due to personal injury sustained in respect to such property shall in no event pass to the Administrator until he expressly assumes such responsibility or until conveyance of the property to the Administrator, whichever first occurs. The holder shall have the right to convey such property to the Administrator only if the property (including elements of the development or project owned in common with other unit owners) is undamaged by fire, earthquake, windstorm, flooding, or boiler explosion. The absence of a right in the holder to convey such property which is so damaged shall not preclude a conveyance thereof, if the Administrator agrees in a given case to such a conveyance upon completion of repairs within a specified period of time and such repairs are so completed and the conveyance is otherwise in order.

• • • • • •

5. In § 36.4336, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 36.4336 Eligibility of loans; reasonable value requirements.

(a) Evidence of guaranty or insurance shall be issued in respect to a loan for any of the purposes specified in 38 U.S.C. 1810 (a) and (d) only if:

• • • • • •

6. Section 36.4358 is added to read as follows:

§ 36.4358 Condominium loans (38 U.S.C. 1810(d)).

A loan to an eligible veteran to purchase a one-family residential unit in a condominium housing development or project shall be eligible for guaranty or insurance to the same extent and on the same terms as other loans under 38 U.S.C. 1810, provided:

(a) Each such proposed loan is submitted to the Administrator for approval prior to closing.

(b) The Secretary of Housing and Urban Development has issued evidence of insurance of at least one mortgage loan for the purchase of a one-family residential unit in such development or project under section 234 of the National Housing Act.

(c) The loan otherwise conforms to the provisions of chapter 37, title 38, United States Code, except for sections 1805 (construction warranty), 1811 (direct loans), 1812 (farm loans), 1813 (business property), 1814 (refinancing), and 1827 (structural defects), and the automatic guaranty provisions of sections 1802, 1803, and 1810.

(d) The loan conforms to the otherwise applicable provisions of the regulations concerning the guaranty or insurance loans to veterans. Sections 36.4353, 36.4355, and 36.4364 shall not be applicable.

(e) For lenders of a class specified in the first sentence of 38 U.S.C. 1802(d), the effective date of the prior approval requirement in paragraph (a) of this section is February 16, 1971.

7. Section 36.4362 is revised to read as follows:

§ 36.4362 Requirement of construction warranty.

Each certificate of reasonable value issued by the Administrator relating to a proposed or newly constructed dwelling unit, except those covering one-family residential units in condominium housing developments or projects within the purview of § 36.4358, shall be subject to the express condition that the builder, seller, or the real party in interest in the transaction shall deliver to the veteran constructing or purchasing such dwelling with the aid of a guaranteed or insured loan a warranty, in the form prescribed by the Administrator, that the property has been completed in substantial conformity with the plans and specifications upon which the Administrator based his valuation of the property, including any modifications thereof, or changes or variations therein, approved in writing by the Administrator, and no certificate of guaranty or insurance credit shall be issued unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

8. In § 36.4363, paragraphs (a) and (c) are amended to read as follows:

§ 36.4363 Nondiscrimination and equal opportunity in housing certification requirements.

(a) Any request for a master certificate of reasonable value on proposed or existing construction, and any request for appraisal of individual existing housing not previously occupied, which is received on or after November 21, 1962, will not be assigned for appraisal prior to receipt of a certification from the builder, sponsor or other seller, in the form prescribed by the Administrator, that neither it nor anyone authorized to act for it will decline to sell any property included in such request to a prospective purchaser because of his race, color, religion, or national origin.

• • • • • •

(c) Each builder, sponsor or other seller requesting approval of site and subdivision planning shall be required to furnish a certification, in the form prescribed by the Administrator, that neither it nor anyone authorized to act for it will decline to sell any property included in such request to a prospective purchaser because of his race, color, religion, or national origin.

• • • • • •

(c) Each builder, sponsor or other seller requesting approval of site and subdivision planning shall be required to furnish a certification, in the form prescribed by the Administrator, that neither it nor anyone authorized to act for it will decline to sell any property included in such request to a prospective purchaser because of his race, color, religion, or national origin. Site and subdivision analysis will not be commenced by the Veterans Administration prior to receipt of such certification.

9. In § 36.4364, paragraph (b) is amended to read as follows:

§ 36.4364 Correction of structural defects.

• • • • • •

(b) A written application for assistance in the correction of structural defects shall be filed by a borrower under a guaranteed, insured or direct loan with the Director of the Veterans Administration office having loan jurisdiction over the area in which the dwelling is located. The application must be filed not later than 4 years after the date on which the first direct, guaranteed or insured mortgage loan on the dwelling was made, guaranteed or insured by the Administrator. A borrower under a direct, guaranteed or insured mortgage loan on the same dwelling which was made, guaranteed or insured subsequent to the first such loan shall be entitled to file an application if it is filed within 4 years of the date on which such first loan was made, guaranteed or insured by the Administrator.

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective upon publication in the FEDERAL REGISTER.

Approved: January 5, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 71-298; Filed, Jan. 8, 1971; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4988]

[Anchorage 4733]

ALASKA

Modification of Public Land Order No. 4582 of January 17, 1969

By virtue of the authority vested in the President by section 1 of the Act of

June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. § 141 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, is hereby modified to permit the issuance of all permits necessary or convenient, including permits for the disposal of mineral materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. §§ 601–604, for the construction, maintenance, or operation of those airports for which leases and conveyances are permitted by Public Land Order No. 4669 of June 16, 1969.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 5, 1971.

[F.R. Doc. 71-305; Filed, Jan. 8, 1971; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich. is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Streams and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M–28 south to the Diversion Ditch.

(b) Walsh Creek and Ditch from Highway M–28 south to C–3 Pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1971, through December 31, 1971.

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All pools — January 1, 1971, through February 28, 1971.

(b) Show Pools (located west of Highway M–77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 30, 1971) through Labor Day (Sept. 6, 1971).

(c) C–3 Pool from July 1, 1971 through Labor Day (Sept. 6, 1971).

(4) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(5) Snowmobiles, All-Terrain vehicles or motorized bikes are not allowed on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich. 49883.

DECEMBER 7, 1970.

[F.R. Doc. 71-408; Filed, Jan. 8, 1971; 10:41 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-129]

CEDAR BAYOU, TEX.

Drawbridge Operation Regulations

1. The Chief, Office of Operations, U.S. Coast Guard Headquarters, is considering a request by the Missouri Pacific Railroad to establish special operation regulations that would permit automated operation of its vertical lift bridge across Cedar Bayou. This would allow the draw to be unmanned most of the time. Present regulations governing this bridge require that the draw be opened on signal. The proposed regulations would permit the draw to be maintained in the raised position with a minimum vertical clearance of 49.9 feet except when a train is or soon will be crossing the draw at which time the draw will be lowered. A clearance of 81.4 feet is available: however 12 hours' advance notice will be required when this clearance is needed due to the manually operated machinery used. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655 (g)(2)) and 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4) (35 F.R. 15922).

2. Accordingly, it is proposed to amend Part 117 by adding § 117.550 to read as follows:

§ 117.550 Cedar Bayou, Tex., Missouri Pacific automated drawbridge.

(a) The bridge need not be manned by a regular attendant.

(b) The lift span shall normally be maintained at a minimum vertical clearance of 49.9 feet, and fixed green navigation lights shall be displayed on the left span. A clearance of 81.4 feet is available; however 12 hours' advance notice is required when this clearance is desired due to the fact that this greater height can only be attained manually.

(c) When a train approaches the bridge, the navigation lights shall change from green to red, alternating flashing red lights shall go on and a horn shall start sounding for 6 minutes. At the end of 6 minutes the horn stops and the draw starts to lower and lock provided the scanning equipment reveals nothing under the bridge. If the scanning equipment detects an obstruction, the draw shall remain in place until the obstruction is cleared.

(d) After the train has cleared the bridge, the draw shall raise to its normal height, the flashing red lights shall stop, and the navigation lights shall change from red to green.

3. Interested persons may participate in this proposed rulemaking by submitting written data, views, arguments, or comments as they may desire on or before February 8, 1971. All submissions should be made in writing to the Commander, Eighth Coast Guard District, Customhouse, New Orleans, LA 70130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Eighth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations will thereafter make a final determination with respect to these proposals.

Dated: December 4, 1970.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[F.R. Doc. 71-409; Filed, Jan. 8, 1971; 10:41 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-74]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Artesia, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

ARTESIA, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 104°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Artesia, N. Mex., Municipal Airport.

It is likely that an additional approach procedure will also be developed which will afford reciprocal course (southeast) capability for the Artesia, N. Mex., Municipal Airport. If so, a northwesterly extension of the proposed transition area similar to the southeasterly extension can be anticipated. Comments on the possible additional approach procedure are solicited at this time to preclude the necessity for issuance of a subsequent notice of proposed rule making.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 28, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 71-289; Filed, Jan. 8, 1971; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-69]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Waco, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134, 11617), the Waco, Tex., 700-foot transition area is amended by substituting "lat. 31°39'30" N., long. 96°43'50" W., to lat. 31°17'00" N., long. 96°47'00" W., to "lat. 31°17'00" N., long. 97° 13'00" W." for lat. 31°39'30" N., long. 96°43'50" W., to lat. 31°28'20" N., long. 96°55'40" W., to lat. 31°17'00" N., long. 96°56'00" W., to lat. 31°17'00" N., long. 97°13'00" W.:".

This proposed boundary change of the Waco, Tex., 700-foot transition area will provide controlled airspace for aircraft executing instrument approach/departure procedures proposed to serve the Marlin Airport at Marlin, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 31, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 71-290; Filed, Jan. 8, 1971; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-78]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Dallas-Fort Worth, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

Proposed alteration of the Dallas-Fort Worth, Tex., 700-foot transition area will provide controlled airspace necessary to accommodate an instrument approach procedure proposed to serve Arlington Municipal Airport. This proposed procedure will utilize the Fort Worth Greater Southwest VORTAC and will supplant the current approach procedure based on the Britton VORTAC concurrently with decommissioning of the Britton VORTAC.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134, 11617), the Dallas-Fort Worth, Tex., transition area 700-foot portion is amended in part by deleting "lat. 32°32'00" N., long. 96°40'00" W.; to lat. 32°25'00" N., long. 97°29'00" W." and substituting therefor "lat. 32°32'00" N., long. 96°40'00" W., to lat. 32°29'00" N., long. 97°01'00" W., to lat. 32°23'00" N., long. 97°05'00" W., to lat. 32°25'00" N., long. 97°29'00" W."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 31, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 71-291; Filed, Jan. 8, 1971; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-73]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Hobbs, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054), the Hobbs, N. Mex., control zone is amended to read:

HOBBS, N. MEX.

That airspace within a 5-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°-13'01" W.), within a 5-mile radius of Crossroads Intercontinental Airport (lat. 32°46'-00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone of the Lea County Airport to 10.5 miles southwest of the VOR.

(2) In § 71.181 (35 F.R. 2134, 11617, 14304), the Hobbs, N. Mex., 700-foot transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 9-mile radius of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial extending from the 9-mile radius zone of the Lea County Airport to 11.5 miles southwest of the VOR.

Alteration of the Hobbs, N. Mex., control zone and 700-foot transition area will provide controlled airspace to accommodate instrument approach/departure procedures proposed at Crossroads Intercontinental Airport. Procedures currently serving Lea County Airport also are being revised in accordance with standard terminal instrument approach/departure (TERPs) criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 31, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 71-292; Filed, Jan. 8, 1971; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-73]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Ephrata and Grant County, Wash., control zones and Moses Lake, Wash., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

As a result of new instrument approach procedures for Ephrata and Grant County, Wash., airports, it is necessary to provide additional controlled airspace protection for aircraft executing the prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Ephrata, Wash., control zone is amended to read as follows:

EPHRATA, WASH.

Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile-radius zone to 8 miles northeast of the VORTAC.

In § 71.171 (35 F.R. 2054) the description of the Grant County, Wash., control zone is amended to read as follows:

GRANT COUNTY, WASH.

Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18'50" W.); within 2 miles each side of the Ephrata VORTAC 156° radial, extending from the 5-mile-radius zone to 3 miles southeast of the VORTAC, and within 2 miles each side of the Moses Lake ILS localizer south course, extending from the 5-mile-radius zone to the Moses Lake VOR, excluding the portion within the Ephrata, Wash., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (35 F.R. 2134) the description of the Moses Lake, Washington transition area is amended by beginning in the second line and deleting all between "• • • longitude 119°18'50" • • •" and "• • • Moses Lake VOR 144° radial • • •" and substituting therefore "• • • within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile-radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials, extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the ARC of a 21-mile-radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC • • •"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on December 28, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 71-293; Filed, Jan. 8, 1971; 8:46 a.m.]

[14 CFR Part 91]

[Docket No. 10759; Notice 71-1]

TAKEOFF WEATHER MINIMUMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to apply the takeoff weather minimums in Part 91 to all aircraft, except U.S. military aircraft, operating under instrument flight rules.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 10, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 97 of the Federal Aviation Regulations prescribes standard instrument approach procedures for instrument letdown to many airports in the United States and prescribes the weather minimums that apply to takeoffs and landings under instrument flight rules (IFR) at those airports for which procedures are prescribed. Section 91.116(c) requires persons conducting certain kinds of operations under IFR to comply with the takeoff weather minimums prescribed for an airport in Part 97 or, if takeoff minimums are not prescribed in Part 97 for a particular airport, to comply with takeoff minimums prescribed in § 91.116(c). The kinds of operations to which the IFR takeoff minimums in § 91.116(c) apply are limited to those conducted under Parts 121, 123, 129, and 135; that is, operations conducted by air carriers and commercial operators of large aircraft, air travel clubs, foreign air carriers, and air taxi operators and commercial operators of small aircraft. Takeoff minimums have applied to these kinds of operations, in the form of regulations or operating limitations, for many years. However, the Federal Aviation Regulations do not presently require compliance with takeoff minimums during operations that are not conducted under those parts. Therefore, a person using an aircraft in an operation to which Part 121, 123, 129, or 135 does not apply may take off from a civil airport under IFR when the weather conditions are below the weather minimums prescribed in Part 97 or in § 91.116(c), and no lower minimums apply.

The FAA proposes to amend the civil airport takeoff minimums in § 91.116 to apply takeoff minimums to the operation of all aircraft, except military aircraft of the United States. Specifically,

the proposal would amend § 91.116(c) to make it applicable to all aircraft by deleting the limiting references to Part 121, 123, 129, or 135 in the current rule. As a result, the applicability of § 91.116 (c) would be made the same as current § 91.116(b), which prescribes landing minimums. No further substantive changes are proposed. The full text of § 91.116(c), as proposed, is set out below.

In 1957, the Civil Aeronautics Board, which then had the responsibility for prescribing flight rules, proposed to apply takeoff weather minimums to all aircraft operations (Civil Air Regulations Draft Release No. 57–11; May 29, 1957; 22 F.R. 3758). The Board was then of the opinion that: "The minimums for IFR takeoff are established in careful consideration of the safety requirements dictated by local conditions and should, therefore, be consistently applicable in the interest of safety of not only the pilots and passengers but of the communities surrounding airports" (Item No. 7; Draft Release No. 57–11). On December 2, 1957, the proposal to introduce IFR takeoff minimums for all aircraft was withdrawn (Draft Release 57–27; Dec. 10, 1957; 22 F.R. 9868). The Board said: "The majority of airspace users appear to believe that such a prohibition would impose an unnecessary burden on IFR flight operations which heretofore have been conducted safely" (22 F.R. 9871). The takeoff minimums proposed for airports having no prescribed minimums were to be 300-foot ceiling and 1-mile visibility.

The Federal Aviation Administration has continued to consider the need for takeoff minimums. Takeoff minimums were discussed during "Air-Share" meetings in 1961. However, takeoff minimums were generally opposed on the basis of aircraft accident records. A study of aviation accidents revealed only one accident had occurred during an IFR takeoff from January 1956, through March 1961, and in that instance the takeoff was conducted in weather conditions that were better than the takeoff minimums applicable to operators to whom takeoff minimums applied. Nevertheless, it was noted at the Air-Share meetings in April and May of 1961 that some pilots were in favor of adopting the minimums as rules so they would be protected from the job demands of their employers. Historically, as companies operating airplanes become larger and more complex and their fleets larger, competitive pressures build toward operating under more marginal conditions. Many companies operating airplane fleets had established voluntary minimums as company policy. However, at the time of the Air-Share meetings, it appeared that there were a number of companies whose operations concerned the FAA inspectors to the extent that they believed that the apparently good safety record should be attributed to the fact that weather conditions rarely required takeoffs below minimums rather than to the argument that the takeoff operations below minimums were inherently safe.

Private operations are no longer typically conducted in small airplanes. The private operations of airplane fleets by business and industry have been rapidly increasing over the past few years and these include large transport category airplanes. The FAA believes that takeoff minimums should be required for all aircraft, since private operations involve the use of the same kinds of aircraft used by air carriers, including jet transports, and these aircraft have the same potential for endangering the safety of persons and property on the surface as aircraft operated by persons presently subject to IFR takeoff minimums.

The more recent record is not free of accidents involving takeoffs under IFR in weather conditions less than the prescribed minimums. During 1968 and 1969 there were at least three such accidents. In the light of this accident record there no longer appears to be any justification for excluding some kinds of operations from the applicability of reasonable takeoff minimums.

The Federal Aviation Administration is also considering amending § 91.116(c) to change the specific minimum visibility requirements. At airports where minimums are not specified in a standard instrument approach procedure, § 91.116 (c) presently requires takeoff minimums of 1 statute mile visibility for aircraft having two engines or less and one-half statute mile visibility for aircraft having more than two engines. The FAA recognizes that the present visibility requirements in § 91.116(c) may not be appropriate for single-engine aircraft operations. Therefore, the FAA is especially interested in comments on the adequacy of the current rule regarding the visibility required for safe operation of aircraft under IFR takeoffs and on the relationship of the number of engines to the visibility required.

In light of comments received, the FAA may make appropriate changes relaxing the specific visibility minimum and engine requirements or, if suggested revisions are extensive and it is determined to be in the public interest to proceed with further rule making, the FAA will issue another notice of proposed rule making.

In consideration of the foregoing, it is proposed to amend § 91.116 of Part 91 of the Federal Aviation Regulations by revising paragraph (c) to read as follows:

§ 91.116 Takeoff and landing under IFR: General.

• • • • • •

(c) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft (except a military aircraft of the United States) may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport in Part 97 of this chapter. If takeoff minimums are not prescribed in Part 97 of this chapter for a particular airport, the following minimums apply to takeoffs under IFR:

(1) Aircraft having two engines or less: one statute mile visibility.

(2) Aircraft having more than two engines: one-half statute mile visibility.

• • • • • •

This amendment is proposed under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 4, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 71-288; Filed, Jan. 8, 1971; 8:46 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 71-1, Notice No. 1]

GLAZING MATERIALS FOR USE IN PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

Notice of Proposed Rule Making

Federal Motor Vehicle Safety Standard No. 205, published February 3, 1967 (32 F.R. 2414) and amended July 8, 1967 (32 F.R. 10072), September 19, 1968 (33 F.R. 14162), and March 1, 1969 (34 F.R. 3688) specifies requirements for glazing materials for use in motor vehicles. The requirements of the standard, with minor exceptions, are based on the United States of America Standards Institute (now the American National Standards Institute) "American Standard Safety Code for Safety Glazing Material for Glazing Motor Vehicles Operating on Land Highways," ASA Standard Z26.1–1966, July 15, 1966 (hereinafter referred to as ANS Z26), which is incorporated into the standard by reference. The National Highway Safety Bureau has received, pursuant to 49 CFR 553.31 of the procedural rules, petitions for rulemaking concerning the standard from Eastman Chemical Products, Inc., a subsidiary of the Eastman Kodak Co., and from the State of California Highway Patrol. This notice proposes certain amendments to Standard No. 205 pursuant to the petitions received, and others initiated by the Bureau.

1. The Eastman petition requests that an additional "item" of motor vehicle glazing be established that would allow certain plastics that do not meet chemical resistance tests presently specified for them in ANS Z26 to be used in certain specified locations in motor vehicles. These tests require the material to resist chemical agents that are normally used for cleaning purposes, such that when the material is subjected to them, no tackiness, crazing, or loss of transparency occurs.

On the basis of the Eastman petition, the Director has determined that rulemaking should be proposed to allow plastic materials that do not possess these chemical resistance qualities to be used in specified locations of motor vehicles when, because of the location of the material relative to the driver, possession, or retention of optical qualities is unnecessary. The material would be required, however, to possess superior structural qualities that are not adversely affected by the chemical agents. They would be further required to be labeled with instructions for cleaning, indicating methods and agents which can be used to minimize the loss of transparency.

The proposed amendment to Standard No. 205 would add two new items of glazing materials to the list presently specified in ANS Z26. These items would be designated "Item 12—Rigid Plastics," and "Item 13—Flexible Plastics," consistently with the numbering scheme presently used in ANS Z26. Item 12 rigid plastics would be required to meet one of two tests for flammability presently specified in ANS Z26 (either test 23 or 24) and three new tests, numbered 33, 34, and 35, which are based on present Tests Nos. 19, 20, and 26, respectively, of ANS Z26. Tests Nos. 33 and 34 prescribe chemical resistance requirements that require retention of structural strength rather than optical qualities, while Test No. 35 prescribes a 5-pound ball penetration resistance requirement. Item 13 (flexible) plastics would be required to meet each of these requirements, as well as the flexibility requirement specified in present Test No. 22 of ANS Z26.

Materials meeting either of these series of requirements would be allowed to be used in specified locations in motor vehicles at levels not requisite for driving visibility. The locations proposed, discussed in further detail below, are: (a) Windows and doors in campers, pick-up caps, pick-up covers, and pick-up canopies, (b) motorcycle windscreens below the intersection of the horizontal plane 15 inches vertically above the lowest seating position, (c) standee windows in buses, (d) interior partitions and auxiliary wind deflectors, (e) folding doors, (f) openings in the roof, and (g) flexible curtains, readily removable windows, or ventilators used in conjunction with readily removable windows.

Standard No. 205 presently requires glazing for all but forward-facing windows of campers, pick-up caps, pick-up canopies, and pick-up covers to meet the specifications for glazing materials that, pursuant to ANS Z26, can be used in any location of a motor vehicle (FHWA Ruling 68–1, Mar. 26, 1968, 33 F.R. 5020). Forward-facing windows of these equipment items, however, are required to be constructed of either item 1 (AS 1), item 2 (AS 2), item 3 (AS 3), item 4 (AS 4), or item 5 (AS 5) glazing materials. With reference to other than forward-facing windows of campers and similar equipment, the proposed amendment would allow the use of item 12 and item 13 glazing materials because the structural qualities of item 12 or item 13 glazing are greater than those of all the glazing materials presently allowed except item 1.

With reference to forward-facing windows of campers and similar equipment, a notice of proposed rulemaking published March 1, 1969 (34 F.R. 3699), would restrict glazing allowed in this location to item 1 (AS 1) glazing, or item 2 or item 3 glazing that meets the requirement of test 26 in ANS Z26. Because item 12 and item 13 glazing materials would meet penetration resistance requirements very similar to those proposed for forward-facing windows in the notice of March 1, 1969, and because forward-facing windows of campers and similar equipment are not generally important for driver visibility, item 12 and item 13 glazing would also be appropriate for this location. The use of item 12 or item 13 glazing, however, would not be allowed in the forward-facing window, commonly called a "boot window", that is adjacent to the rear pick-up cab window, when that window could be used by the driver for rearward visibility when operating the vehicle. The Bureau is continuing to investigate the safety hazard created when unrestrained occupants of campers lie close to the forward-facing window while the vehicle is moving, and are thus likely to suffer serious personal injury in the event of a crash. Data concerning accidents of this type, including details of occupant injury, are invited from the public as part of that investigation.

The proposed amendment would allow the use of item 12 and item 13 glazing in motorcycle windscreens, but only below the intersection of a horizontal plane 15 inches vertically above the lowest seating position. Glazing above this line is considered to be used for driver visibility, and should comply with the requirements of ANS Z26. The remaining locations where item 12 and 13 glazing would be permitted by the proposed amendment are locations, at levels not requisite for driving visibility, where plastics are presently allowed. They are (a) standee windows in buses, (b) interior partitions and auxiliary wind deflectors, (c) folding doors, (d) openings in the roof, and (e) flexible curtains, readily removable windows, or ventilators used in conjunction with readily removable windows.

2. The Director has also been petitioned to amend the standard by the State of California Highway Patrol. The petition requests that the standard be amended to require uniform specified markings on glazing materials that would identify the manufacturer, the type, and the model number of the glazing material. It further requests that the markings be required to be placed in specified locations on the glazing surface. The requirement would assist law enforcement personnel in enforcing applicable State and Federal requirements, by making glazing materials more readily identifiable.

Standard No. 205 presently incorporates the marking requirements of section 6 of ANS Z26, and provides that, by the addition of the symbol "DOT" and a code number representing the name of the prime glazing material manufacturer, the marking will serve as an alternative to the certification requirement in section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1403). Under S3.4 of the standard, a prime glazing material manufacturer is one who fabricates, laminates, or tempers the glazing material.

The proposed amendment to Standard No. 205 would make the certification alternative mandatory, and would also make some changes in and additions to the marking requirements presently specified in section 6 of ANS Z26. Under the proposed amendment, prime glazing material manufacturers would be required to mark glazing materials in accordance with section 6 of ANS Z26, and to add to that marking requirement the symbol "DOT", followed by a code number identifying the manufacturer. The symbol "DOT" and the code number together would represent the manufacturer's certification that his product complies with Standard No. 205. The code number would be assigned by the Bureau on the manufacturer's written request. The proposed amendment would further require the "DOT" symbol, the code number, and the glazing model number (required by section 6 of ANS Z26) to be on the same line, with no other mark on that line except, at the option of the manufacturer, the AS designation (also required by section 6 of Standard Z26). The amendment would require each person who cuts a section of glazing material for use in a motor vehicle to mark the section using the marking of the prime glazing material manufacturer. The marking would be required to be placed in the lower left corner of the windshield, and either the lower left or lower right corner of any other window.

3. The proposed amendment would change the requirements of tests nos. 19 and 20 of ANS Z26 as incorporated into Standard No. 205. These tests are designed to demonstrate the resistance of materials to certain chemicals normally used for cleaning purposes. The chemicals presently specified are carbon tetrachloride, one percent solution of a nonabrasive soap, kerosene, undiluted denatured alcohol and commercial motor car gasoline. The notice proposes to substitute trichlorethylene for carbon tetrachloride, because of the proposed Federal ban on the use of the latter chemical. Trichlorethylene would be included to test plastics for resistance against chlorinated hydrocarbons, chemicals which are likely to be used in cleaning solutions.

The Bureau is aware that fluoro-chloro hydrocarbons (freons) have also come into use as cleaning agents for glazing materials. While not proposing that glazing materials be tested for resistance to freons at this time, comments are requested concerning the prospective use of freons as cleaning agents, in particular whether they are sufficiently corrosive to glazing materials to warrant testing for chemical resistance, and which freon or freon derivative would be most suitable as a testing agent.

4. The proposed amendment would require glazing material used in all mirrors located in the interior of the vehicle to be constructed of one of the glazing types (items 1 through 13) for which requirements are specified in Standard No. 205, because of the potential of these items for causing injuries in crashes.

5. The proposed amendment would also revise the incorporation by reference of ANS Z26 to include supplement Z26.1a–1969, March 7, 1969. In addition, the United States of America Standards Institute has changed its name to the American National Standards Institute, and Standard 205 will, therefore, refer to ANS Z26 as the American National Standard Z26.1–1966, July 15, 1966, as supplemented by Z26.1a–1969, March 7, 1969.

Proposed effective dates: The proposed requirement adding item 12 and item 13 glazing materials, and the performance tests these materials must meet, impose no additional burdens and relieve restrictions under Standard No. 205. Accordingly, good cause exists for an effective date less than 180 days from issuance of the final rule. Therefore, it is proposed that these requirements become effective July 1, 1971.

The proposed effective date for requirements for certification, amendments of tests 19 and 20 of ANS Z26 as incorporated into Standard No. 205, the incorporation by reference of Z26.1a–1969 (Mar. 7, 1969), and requirements for mirrors is January 1, 1972.

In consideration of the above, it is proposed that Motor Vehicle Safety Standard No. 205, "Glazing Materials," in section 571.21 of Title 49, Code of Federal Regulations, be revised as set forth below. Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, DC 20591. Ten copies are requested but not required. All comments received before the close of business on March 9, 1971, will be considered, and will be available for examination both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Bureau. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1392, 1401, 1403, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on December 31, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

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MOTOR VEHICLE SAFETY STANDARD No. 205

GLAZING MATERIALS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

S1. *Scope.* This standard specifies requirements for glazing materials for use in motor vehicles.

S2. *Purpose.* The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions.

S3. *Application.* This standard applies to glazing materials for use in passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

S4. *Requirements.*

S4.1 *Materials.*

S4.1.1 Glazing materials for use in motor vehicles, except as otherwise provided in this standard, shall conform to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1–1966, July 15, 1966, as supplemented by Z26.1a–1969, March 7, 1969, and hereinafter referred to as "ANS Z26".

S4.1.1.1 For the purposes of this standard, the chemicals specified for testing chemical resistance in Tests Nos. 19 and 20 of ANS Z26 shall be:

(a) Trichorethylene.
(b) One percent solution of nonabrasive soap.
(c) Kerosene.
(d) Undiluted denatured alcohol, Formula SD No. 30 (1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).
(e) Commercial motor car gasoline.

S4.1.2 In addition to glazing materials specified in ANS Z26, materials conforming to S4.1.2.1 or S4.1.2.2 may be used in the locations of motor vehicles specified in those sections.

S4.1.2.1 *Item 12—Rigid plastics.* Safety glazing materials that comply with Tests Nos. 23 or 24 of ANS Z26, Tests Nos. 33, 34, and 35 as specified in S4.1.2.3, and the labeling requirements of S4.1.2.4, may be used in a motor vehicle only in the following specific locations at levels not requisite for driving visibility.

(a) Windows and doors in campers, pickup caps, pickup covers, and pickup canopies.
(b) Motorcycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.
(c) Standee windows in buses.
(d) Interior partitions and auxiliary wind deflectors.
(e) Folding doors.
(f) Openings in the roof.
(g) Readily removable windows or in ventilators used in conjunction with readily removable windows.

S4.1.2.2 *Item 13—Flexible plastics.* Safety glazing materials that comply with Tests Nos. 22, and 23 or 24 of ANS Z26, Tests Nos. 33, 34, and 35 as specified in S4.1.2.3, and the labeling requirements of S4.1.2.4, may be used in a motor vehicle only in the following specific locations at levels not requisite for driving visibility.

(a) Windows and doors in campers, pickup caps, pickup covers, and pickup canopies.
(b) Motorcycle windscreens below the intersection of a horizontal plan 15 inches vertically above the lowest seating position.
(c) Standee windows in buses.
(d) Interior partitions and auxiliary wind deflectors.
(e) Folding doors.
(f) Openings in the roof.
(g) Flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

S4.1.2.3 *Test specifications*—(a) *Test No. 33—Chemical Resistance (Unstressed)*—(1) *Purpose.* The purpose of this test is to determine whether unstressed plastic will resist degradation of structural properties when subjected to the following chemicals, likely to be used for cleaning purposes in motor vehicle service:

(i) Trichlorethylene.
(ii) One percent solution of nonabrasive soap.
(iii) Kerosene.
(iv) Undiluted denatured alcohol (Formula SD No. 30—1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).
(v) Commercial motor car gasoline.

(2) *Procedure.* The test procedure is the same as the procedure specified in paragraph 5.19.2 of ANS Z26, except that the sample size is 12" x 12".

(3) *Interpretation of results.* The tested specimens shall meet the requirements of Test No. 35 of this standard.

(b) *Test No. 34—Chemical Resistance (Stressed)*—(1) *Purpose.* The purpose of this test is to determine whether plastic under stress will resist degradation of structural properties when subjected to the following chemicals, likely to be used for cleaning purposes in motor vehicle service.

(i) Trichlorethylene.
(ii) One percent solution of nonabrasive soap.
(iii) Kerosene.
(iv) Undiluted denatured alcohol (Formula SD No. 30—1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).
(v) Commercial motor car gasoline.

(2) *Procedure.* The test procedure is the same as the procedure specified in paragraph 5.20.2 of ANS Z26, except that:

(i) The sample size is 12" x 12".
(ii) The load in pounds is $222t^2$, where t=thickness in inches, spread uniformly across the 12-inch width of the Class-I lever.
(iii) The overhang of the load is 9 inches from the fulcrum point.

(3) *Interpretation of results.* The tested specimens shall meet the requirements of Test No. 35 of this standard.

(c) *Test No. 35—Penetration Resistance*—(1) *Purpose.* The purpose of this test is to determine whether the glazing material has satisfactory penetration resistance.

(2) *Procedure.* The test procedure is the same as the procedure specified in paragraph 5.26.2 of ANS Z26.

(3) *Interpretation of results.* The impact may damage the plastic; however, the ball shall not pass through any specimen within 5 seconds after impact.

S4.1.2.4 *Cleaning instructions.* Each manufacturer of glazing materials meeting the requirements of S4.1.2.1 or S4.1.2.2 shall affix a label, removable by hand, to each item of glazing material. The label shall specify instructions and agents for cleaning the material that will minimize the loss of transparency.

S4.2 *Edges.* In vehicles except school buses, exposed edges shall be treated in accordance with SAE Recommended Practice J673a, "Automotive Glazing," August 1967. In school buses, exposed edges shall be banded.

S4.3 *Mirrors.* Glazing material used in mirrors located in the interior of the vehicle shall be one of the glazing types (items 1 through 13) for which requirements are specified in this standard.

S5. *Certification.*

S5.1 Each prime glazing material manufacturer, except as specified below, shall mark glazing materials manufactured by him in accordance with section 6 of ANS Z26. A prime glazing material manufacturer is one who fabricates, laminates, or tempers the glazing material.

S5.2 Each prime glazing material manufacturer shall certify that his product complies with this standard, pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, by adding to the mark required by S5.1, in letters and numerals of the size specified in section 6 of ANS Z26, the symbol "DOT" and a manufacturer's code mark, which will be assigned by the Bureau on the written request of the manufacturer.

S5.3 The markings required by S5.1 and S5.2 shall be in the form specified by section 6 of ANS Z26 except that one line shall contain the "DOT" symbol followed by a hyphen and the manufacturer's code mark, which in turn shall be followed by the model number of the material. No other marking shall be placed on the line except, at the option of the manufacturer, the "AS" designation specified in section 6 of ANS Z26.

S5.4 Each person who cuts a section of glazing material for use in a motor vehicle shall mark the section, in accordance with S5.1 through S5.3, and S5.5, with the markings used by the prime glazing material manufacturer.

S5.5 The markings required by S5.1 through S5.4 shall be placed so as to be visible, after installation of the glazing material in the vehicle, in the lower left corner of each windshield, and in either the lower left or lower right corner of any other window.

[F.R. Doc. 71–272; Filed, Jan. 8, 1971; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19045]

TELEVISION BROADCAST STATIONS

Table of, Assignments, Clarksville, Tenn.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Clarksville, Tenn.), Docket No. 19045, RM–1637.

1. This proceeding was begun by notice of proposed rule making (FCC 70–1099), adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER, October 15, 1970, 35 F.R. 16181. The dates presently designated for filing comments and reply comments are December 28, 1970 and January 11, 1971, respectively.

2. On December 24, 1970, Music City Video Corp. (Music City) filed a request to extend the time for filing comments to and including January 11, 1971. Music City states the additional time is necessary because of the holidays and other pressing obligations for which its counsel is already committed.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Music City Video Corp. is granted to and including January 11, 1971 for comments and January 22, 1971 for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d) of the Commission's rules and regulations.

Adopted: December 30, 1970.

Released: January 5, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[F.R. Doc. 71–299; Filed, Jan. 8, 1971; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

MANAGER, PLANNING GROUP, OFFICE OF PRIVATE RESOURCES ET AL.

Redelegation of Authority From Assistant Administrator, Office of Private Resources, Regarding Investment Guaranties, Loans to Private Borrower, and Surveys of Investment Opportunities

Pursuant to the authority delegated to me by the Administrator, Agency for International Development in Delegation of Authority No. 39, dated April 3, 1964 (29 F.R. 5355), as amended, I hereby redelegate authority as follows:

(1) Harry L. Freeman, Manager, Planning Group, Office of Private Resources, to the extent consistent with law, all the authorities now or hereafter delegated to or conferred by Delegation of Authority No. 39 as it may be amended, from time to time and by other A.I.D. delegations of authorities, regulations, manual orders, notices, or other documents, by law or by any competent authority;

(2) To the Manager and Associate Manager Insurance Group,

(a) To authorize and issue investment insurance under section 234(a)(1) of the Foreign Assistance Act of 1961, as amended (hereinafter the "Act"), covering investment (1) which takes the form of royalties or (2) which, as described in the Special Terms and Conditions of Contracts of Insurance, does not exceed $10 million for each such investment and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable as provided in sections 237(b), 237(d), 237(f), and 237(k) of the Act;

(b) To make arrangements for sharing liabilities under section 234(a)(2) of the Act; *Provided*, That the maximum share of liabilities assumed by the Corporation shall not exceed $10 million and in connection therewith to make all related approvals and determinations as are deemed necessary or desirable therein or as provided in sections 237(b), 237(d), 237(f), and 237(k) of the Act;

(c) To amend and consent to the assignment of any investment insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act provided that such amendment does not increase the amount of investment covered by such insurance to more than $10 million;

(d) To issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of insurance issued under section 234(a)(1) or 234(a)(2) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act; and

(e) To cancel any contract of insurance issued under section 234(a)(1) of the Act when the investor covered thereunder has failed to pay delinquent fees thereon within thirty (30) days following written notice of delinquency;

(3) To the Directors of the Latin American, Africa, Near-East—South Asia and East Asia Divisions, Insurance Group, each severally for the countries and areas within the jurisdiction of each of them,

(a) To authorize and issue investment insurance under section 234(a)(1) of the Act covering investment (1) which takes the form of royalties or (2) which, as described in the Special Terms and Conditions of Contracts of Insurance, does not exceed $500,000 for each such investment and in connection therewith to exercise all related functions and to make all related approvals and determinations as provided in sections 237(b), 237(d), 237(f), and 237(k) of the said Act;

(b) To amend and consent to the assignment of any investment insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act provided that such amendment does not increase the amount of investment covered by such insurance to more than $500,000; and

(c) To issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act;

(4) To the Chief, International Loan Branch, Accounting Division, to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to that provided for in section 234(a)(1) of the Act;

(5) To the Manager, Financial Administration Group,

(a) To amend contracts of insurance issued under section 234(a)(1) of the Act or under predecessor programs and authorities similar to those provided under section 234(a)(1) of the Act to modify the reporting requirements thereunder;

(b) To determine and certify reimbursement rights pursuant to contracts and grants issued under section 234(d) of the Act or under predecessor programs and authorities similar to those provided in section 234(d) of the Act;

(c) To amend and implement any investment guaranty issued under section 234(b) of the Act or under predecessor programs and authorities similar to that provided for in section 234(b) of the Act and in connection therewith to amend and implement other related agreements and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the investment guaranty or change the interest rate on the loan covered by such investment guaranty; and

(d) To amend and implement loan agreements under section 234(c) of the Act or under section 104(e) of the Agricultural Trade, Development and Assistance Act of 1954 (Public Law 480), as amended (7 U.S.C. section 1704(e)), and in connection therewith to execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the loan or change the interest rate of the loan;

(6) To the Manager, Financing Group,

(a) To amend, implement, and consent to the assignment of any investment guaranty issued under section 234(b) of the Act, or under predecessor programs and authorities similar to that provided for in section 234(b) of the Act and in connection therewith to execute, amend, and implement other related agreements and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the investment guaranty, or extend the date of the last maturity of the loan covered by such investment guaranty or change the interest rate on such loan, or change the fee due on the guaranty;

(b) To amend and implement loan agreements and section 234(c) of the Act or under section 104(e) of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended, 7 U.S.C. section 1704(e), and in connection therewith to execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the loan or extend the date of the last maturity of the loan, or change the interest rate of the loan; and

(c) Amend and implement contracts and grants issued under section 234(d) of the Act and to exercise all related functions and to make all related approvals and determinations in connection with contracts issued under section 234(d) of the Act or in connection with predecessor programs and authorities similar to those provided for in section 234(d) of the Act provided that no amendment to any such contract or grant agreement shall increase the amount obligated thereby;

(7) To the Directors for Near-East—South Asia, East Asia, Latin America, and Africa, Financing Group each separately for the areas and countries within the jurisdiction of each of them,

(a) To amend, implement, and consent to the assignment of any investment guaranty issued under section 234(b) of the Act, or under predecessor programs and authorities similar to that provided for in section 234(b) of the Act, and in connection therewith to execute, amend, and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable: *Provided*, That no such amendment, related agreement, function, approval, or determination shall increase the amount of the investment guaranty, or extend the date of the last maturity of the loan covered by such investment guaranty or change the interest rate on such loan, or change the fee due on the guaranty;

(b) To amend and implement loan agreements and section 234(c) of the Act or under section 104(e) of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended, 7 U.S.C. section 1704(e), and in connection therewith to execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, provided that no such amendment, related agreement, function, approval or determination shall increase the amount of the loan or extend the date of the last maturity of the loan, or change the interest rate of the loan; and

(c) Amend and implement contracts and grants issued under section 234(d) of the Act and to exercise all related functions and to make all related approvals and determinations in connection with contracts issued under section 234(d) of the Act or in connection with predecessor programs and authorities similar to those provided for in section 234(d) of the Act provided that no amendment to any such contract shall increase the amount obligated thereby.

This redelegation of authority is effective as of the date hereof. The authority delegated in paragraphs 1 and 6 (a)–(b) may be further redelegated. All authority redelegated herein other than the authority referred to in the preceding sentence may not be further redelegated.

Dated: December 31, 1970.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 71-295; Filed, Jan. 8, 1971; 8:47 a.m.]

Office of the Secretary

[Public Notice 335]

BOISE CASCADE CORP.

Notice of Application for Pipeline Permit

The Department of State has received an application, dated December 9, 1970, from the Boise Cascade Corp., a Delaware corporation, for a permit to construct, connect, operate, and maintain three pipelines for bark and refuse, pulp, and treated water, at the international boundary line between the United States and Canada near International Falls, Minn., and Fort Frances, Ontario.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

For the Secretary of State.

JOHN B. RHINELANDER,
Deputy Legal Adviser.

[F.R. Doc. 71-279; Filed, Jan. 8, 1971; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 71-280, Federal Deposit Insurance Corporation, *infra*.

Office of the Secretary

[Order No. 173-4]

DIRECTOR, U.S. SECRET SERVICE

Delegation of Authority

Pursuant to the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and pursuant to the authority vested in me by Treasury Department Order No. 190 (Revision 7, dated Sept. 4, 1969; 34 F.R. 15846), there is delegated to the Director, U.S. Secret Service, the authority to perform the functions of the Secretary of the Treasury with respect to the Executive Protective Service under the laws of the District of Columbia relating to the Metropolitan Police force. These laws include, but are not limited to, the Act of October 24, 1951, as amended (4 D.C. Code 807), relating to compensation for working on holidays, the Act of August 1, 1958, as amended (4 D.C. Code 828), relating to positions to be included as technicians, and section 201(a) of the Act of June 30, 1970 (84 Stat. 354), relating to the uniform of officers.

Dated: January 5, 1971.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-318; Filed, Jan. 8, 1971; 8:49 a.m.]

CERAMIC WALL TILE FROM THE UNITED KINGDOM

Determination of Sales at Less Than Fair Value

JANUARY 5, 1971.

Information was received on February 27, 1969, that ceramic wall tile from the United Kingdom was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 10, 1970.

I hereby determine that for the reasons stated below, ceramic wall tile from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information before the Bureau indicates that the basis for comparison is between purchase price or exporter's sales price and the home market price.

Exporter's sales price was calculated on the delivered price in the United States with adjustments made for discounts, ocean freight, brokerage fee, U.S. duty, and selling expense, when the merchandise is sold on an f.o.b. port of entry basis. When sold on a warehouse delivery basis, an additional adjustment was made for warehousing expenses.

Purchase price was calculated on the established price list prices, with appropriate adjustments for discounts and included inland freight.

Home market price was based upon the price list prices with adjustments for discounts, inland freight, differences in circumstances of sale, and a packing differential. Adjustments for differences in circumstances of sale include bad debts, advertising expenses, and technical services.

Comparison between purchase price or exporter's sales price and the adjusted home market price revealed the home

market price to be higher than purchased price or exporter's sales price by amounts that are considered more than minimal in relation to the total volume of sales. Offers of assurances to make no future sales at less than fair value were, therefore, not accepted.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-282; Filed, Jan. 8, 1971; 8:46 a.m.]

MICROANALYZERS FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

JANUARY 5, 1971.

Information was received on January 27, 1969, that electron probe microanalyzers manufactured by Hitachi, Ltd., Tokyo, Japan, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of June 28, 1969, on page 10005.

I hereby announce an intent to discontinue the antidumping investigation of electron probe microanalyzers manufactured by Hitachi, Ltd., Tokyo, Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. Sales to U.S. purchasers were made to related parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish a basis of comparison.

Accordingly, exporter's sales price was compared with the adjusted home market price of similar merchandise.

Exporter's sales price was computed by deducting from the resale price to the U.S. purchasers by a related firm, air freight and insurance, United States duty, clearance charges, the applicable selling expenses, demonstration laboratory expenses and the inland shipping charges incurred both in Japan and the United States.

Adjusted home market price of similar merchandise was computed on the basis of the weighted average delivered prices. From such prices were deducted, as applicable, inland freight, differences in credit terms, technical assistance and selling expenses. Adjustments were made for differences in the merchandise, and for any differences in packing costs.

The comparisons made revealed that exporter's sales price was lower than adjusted home market price of similar merchandise.

Subsequently, formal assurances were received from the manufacturer responsible for effecting all exports to the United States of the merchandise under investigation, that he would make no future sales for exportation to and importation into the United States of electron probe microanalyzers of those specific models under investigation, or of models constituting the same class or kind of merchandise.

The facts recited above, together with the fact that very few electron probe microanalyzers were shipped from Japan to the United States during the period under investigation, constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)). (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-319; Filed, Jan. 8, 1971; 8:49 a.m.]

PLATE AND FLOAT GLASS FROM JAPAN

Determination of Sales at Less Than Fair Value

JANUARY 5, 1971.

Information was received on May 16, 1969, that plate and float glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 10, 1970.

I hereby determine that for the reasons stated below, clear plate and clear float glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information gathered during the course of the investigation indicated that sales in the home market were sufficient to afford a basis for comparison.

None of the parties involved in these sales was related within the meaning of section 207 of the Act.

Purchase price was based on the delivered price to purchasers in the United States. Deductions were made for discounts, commissions, freight, port charges, U.S. duty, insurance and packing. An addition was made for reimbursement of Japanese duties.

Home market price was based on a delivered price to domestic purchasers. Adjustments were made for discounts, rebates, freight, credit costs, breakage compensations, technical assistance, advertising costs, selling expenses and packing.

Comparisons between purchase price and home market price revealed that purchase price was lower than home market price.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-283; Filed, Jan. 8, 1971; 8:46 a.m.]

PRECISION MINIATURE AND INSTRUMENT BALL BEARINGS FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

JANUARY 5, 1971.

Information was received on February 28, 1969, that precision miniature and instrument ball bearings from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of June 24, 1969, at page 9767.

I hereby announce an intent to discontinue the antidumping investigation of precision miniature and instrument ball bearings from Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. Sales to the United States were made to a wholly owned subsidiary, a related party, within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish an appropriate basis for comparison.

Accordingly, exporter's sales price was compared with the adjusted home market price of such or similar merchandise.

Exporter's sales price was computed by deducting from the resale price to the U.S. purchasers by the related subsidiary, ocean freight and marine insurance, Customs brokerage charges, U.S. freight charges, applicable selling expenses, letter of credit bank charges, shipping charges, packing cost differential, the inland shipping charges incurred in Japan, and U.S. duty.

Adjusted home market price of such or similar merchandise was computed on the basis of the weighted average delivered prices. From such prices were deducted inland freight, applicable selling expenses, and a discount given for commercial billing.

The comparisons made revealed some instances where exporter's sales price was lower than adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturer and the wholly owned U.S. subsidiary that they would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15 of the Customs Regulations (19 CFR 153.15).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-320; Filed, Jan. 8, 1971; 8:49 a.m.]

SHEET GLASS FROM JAPAN

Determination of Sales at Less Than Fair Value

JANUARY 5, 1971.

Information was received on February 11, 1969, that sheet glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 10, 1970.

I hereby determine that for the reasons stated below, sheet glass from Japan is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price.

Purchase price was calculated by deducting Japanese inland freight, ocean freight, marine insurance, U.S. duty, clearance charges, U.S. inland freight, commissions, rebates, and discounts from the price for exportation to the United States.

Home market price was based on a weighted average price. Adjustments were made for inland freight, credit costs, rebates, discounts, and breakage.

Comparisons between purchase price and home market price revealed that home market price is higher than purchase price by amounts that were more than minimal in relation to the total volume of sales.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-284; Filed, Jan. 8, 1971; 8:46 a.m.]

TAPERED ROLLER BEARINGS FROM JAPAN

Notice of Tentative Negative Determination

JANUARY 5, 1971.

Information was received on August 28, 1969, that tapered roller bearings manufactured by the Koyo Seiko Co., Tokyo, Japan, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 19, 1969, on page 19914.

I hereby make a tentative determination that tapered roller bearings manufactured by the Koyo Seiko Co., Tokyo, Japan, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. It was determined that the appropriate basis of comparison for fair value purposes was between home market price and exporter's sales price.

Home market price was based upon sales of identical or similar merchandise in the home market. Where similar merchandise was used, due allowance was made for differences in the merchandise. Adjustments were made for interest costs, quality claims, general selling expenses, inland freight, and for the packing differential.

Exporter's sales price was based upon the price to all original equipment manufacturers in the United States, with the deductions of all costs, charges, and expenses incurred on these sales in the United States.

Exporter's sales price was found to be higher than the home market price in all cases.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 71-321; Filed, Jan. 8, 1971; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. U-8742]

UTAH

Notice of Classification of Public Lands for Multiple-Use Management, and Designation of Outstanding Natural Areas

Correction

In F.R. Doc. 70-17321 appearing at page 19529 in the issue for Wednesday, December 23, 1970, the seventh line under the heading "(B) Calf Creek Recreation Area", now reading "SE¼NW¼ SW¼, SW¼SW¼, W½SE¼", should read "SE¼NW¼SW¼, SW¼SW¼, W½SE¼".

National Park Service

WHISKEYTOWN NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Oak Bottom Marina, a partnership, authorizing it to provide concession facilities and services for the public at Whiskeytown National Recreation Area for a period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed its obligations under an expiring Concession Permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and

evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: December 30, 1970.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[F.R. Doc. 71-307; Filed, Jan. 8, 1971; 8:48 a.m.]

WASHINGTON OFFICE

Revocation of Authority

SECTION 1. *Revocation.* National Park Service Delegation of Authority Order No. 40 (32 F.R. 11172) which vested authority in Land Liaison Officers located in the Southeast, Midwest, Southwest, and Western National Park Service Regional Offices for performing certain functions relating to the acquisition of lands or interests therein is hereby revoked.

(205 DM .11.1; 245 DM .1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 7, 1970.

PHILIP O. STEWART,
Chief, Division of
Land Acquisition.

[F.R. Doc. 71-306; Filed, Jan. 8, 1971; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the proposed operation of Dresden Nuclear Power Station, Unit No. 3 by the Commonwealth Edison Company," is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the Office of the Chairman of the Board of Supervisors, Grundy County Courthouse, Morris, Ill., where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal, State, and local agencies. A notice of proposed issuance of an operating license for the Dresden Nuclear Power Station Unit No. 3 was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17876).

Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 71-294; Filed, Jan. 8, 1971; 8:47 a.m.]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Toledo Edison Co., 420 Madison Avenue, Toledo, OH 43601, and The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, OH 44101, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application dated August 1, 1969, for a construction permit and a facility license to authorize construction and operation of a pressurized water nuclear reactor on the applicants' approximately 900-acre site on the southwest shore of Lake Erie, about 21 miles east of Toledo and about 9 miles northwest of Port Clinton, in Ottawa County, Ohio.

The proposed reactor, designated by the applicants as the Davis-Besse Nuclear Power Station (the station), is designed for initial operation at approximately 2,633 megawatts thermal, with a net electrical output of approximately 872 megawatts.

The Toledo Edison Co., and The Cleveland Electric Illuminating Co., as tenants in common will share undivided ownership of the station and the site, with each sharing the costs of construction and operation of the station. Toledo Edison will have complete responsibility for the design, installation and operation of the facility.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views within sixty (60) days from date of publication of this notice in the FEDERAL REGISTER.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Ida Rupp Public Library, Port Clinton, Ohio.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 71-377; Filed, Jan. 8, 1971; 9:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22966]

KOREAN AIR LINES

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 14, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless on or before January 13, 1971, a person objects or shows reason for further postponement.

Dated at Washington, D.C., January 6, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 71-310; Filed, Jan. 8, 1971; 8:48 a.m.]

[Docket No. 22975; Order 71-1-11]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1971.

By Tariff revision [1] filed November 16, and effective December 16, 1970, Overseas National Airways, Inc. (ONA), established a charge for a cargo charter in its DC-9 aircraft from Atlanta to Detroit of $1,000.42, applicable Mondays through Fridays, inclusive.

Complaints were filed by Airlift International, Inc. (Airlift), and Eastern Air Lines, Inc. (Eastern), which were untimely as requests for suspension. They were due on November 30, according to the Board's regulations, 14 CFR 302.505. The complaints, however, were received in telegraphic form on December 11 and December 14, respectively, followed by written complaints on December 14 and 16, respectively. The complaints will, therefore, be considered as requests for investigation only. Delta Air Lines, Inc. (Delta), submitted an answer in support of Airlift's complaint.

The complaints and Delta's supporting answer variously claim, inter alia, that ONA's filing would result in an unduly low charge, below experienced costs of ONA and other air carriers, that other carriers are providing a considerable volume of scheduled air service in the market and that the charge filed would undermine the rate structure in the markets and would result in unreasonable diversion.

In answer to the complaints, ONA points to their lateness as requests for suspension, and asserts, inter alia, that

[1] Revision to Overseas National Airways, Inc., Tariff CAB No. 22 (Overseas National Airways Series).

(1) charter services involve significant cost reductions below those applicable to the individually waybilled services offered by complainants, and (2) the charge filed would be profitable to ONA.

In view of all relevant factors, the Board finds that ONA's charter charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated.

The charge amounts to $1.68 per revenue plane mile. The cargo charter rate in effect for ONA's DC-9 aircraft for general application is $2.40 per charter mile plus $2.20 per ferry mile, with additional stops involving a charge of $500 per stop. Thus, the charge filed involves a reduction of approximately 30 percent, disregarding any charge that may be required for ferry mileage. However, the carrier presents no explanation or reasons for its filing, nor the basis of the rate-making employed.

The charges in effect for other carriers for DC-9 aircraft are considerably higher than that established by ONA. For example, the charge in effect for Delta's DC-9-42 aircraft (used in the transportation of passengers or property) amounts to $2.25 per charter mile plus a departure charge of $1,100, and a ferry rate of $1.70 per mile, with a departure charge of $350. The charge in effect for Allegheny Airlines, Inc.'s DC-9-31 aircraft amounts to $2.25 per charter mile plus a departure charge of $1,200 and a ferry rate of $2 per mile plus a departure charge of $100. Other carriers have similar charges.

On the basis of ONA's reports, fully allocated costs for its DC-9 aircraft are estimated to average $1.90 per aircraft mile for the first three quarters of 1970. The foregoing figure includes both direct and indirect costs, but does not include an earnings element. The revenue yield from the proposed charge, $1.68 per aircraft mile, would be 12 percent below the carrier's operating costs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the cargo charter charge and provisions on Second Revised Page 9 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series) including subsequent revisions and reissues thereof and rules, regulations, and practices affecting such charge and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. The complaints of Airlift International, Inc., in Docket 22872, and Eastern Air Lines, Inc., in Docket 22883 are dismissed, except to the extent granted herein;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be served upon Overseas National Airways, Inc., Airlift International, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc., which are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 71-311; Filed, Jan. 8, 1971; 8:48 a.m.]

[1] Filed as part of original document.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business December 31, 1970, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 476,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 198,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 94,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1970.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by the State Member Banks of the Federal Reserve System," dated December 1970.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated December 1970.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December, 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit
Insurance Corporation.

THOMAS G. DESHAZO,
Acting Comptroller
of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 71-280; Filed, Jan. 8, 1971; 8:45 a.m.]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income and Dividends for the calendar year 1970 on Form 73 (Savings), revised December 1951,[1] to the Federal Deposit Insurance Corporation within 10 days after notice that such report shall be made. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated December 1962, and any amendments thereto.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 71-322; Filed, Jan. 8, 1971; 8:49 a.m.]

[1] Filed as part of original F.R. Doc. 71-280, *supra*.

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income

Pursuant to the provisions of section 7 (a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income for the calendar year 1970 on Form 73 (revised December, 1969)[1] to the Federal Deposit Insurance Corporation within 30 days after December 31, 1970. Said Report of Income shall be prepared in accordance with "Instructions for the preparation of Report of Income on Form 73," dated December 1970.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 71-323; Filed, Jan. 8, 1971; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 82]

TRUSTEES OF CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND

Notice of Receipt of Application for Permission To Retain Control of Mendocino-Lake Savings and Loan Association

JANUARY 6, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Trustees of Central States, Southeast and Southwest Areas Pension Fund Chicago, Ill., for approval of retention of control of the Mendocino-Lake Savings and Loan Association, Ukiah, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies. Said control was acquired pursuant to a pledge of the guarantee stock of Mendocino-Lake Savings and Loan Association to secure a loan. Comments on the application should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 71-300; Filed, Jan. 8, 1971; 8:47 a.m.]

[1] Filed as part of original F.R. Doc. 71-280, *supra.*

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 58]

CONTINENTAL FORWARDERS CO.

Order of Revocation

By letter dated October 7, 1970, Continental Forwarders Co., 228 East 58th Street, New York, NY 10022, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 58 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 28, 1970.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Continental Forwarders Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated Sept. 29, 1970).

It is ordered, That the Independent Ocean Freight Forwarder License of Continental Forwarders Co., be and is hereby revoked effective October 28, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Continental Forwarders Co.

AARON W. REESE,
Managing Director.

[F.R. Doc. 71-308; Filed, Jan. 8, 1971; 8:48 a.m.]

SCANDINAVIA BALTIC GREAT LAKES WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 205753, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Lars-Inge Carlsio, Secretary, Scandinavia Baltic Great Lakes Westbound Freight Conference, Packhusplatsen 6, Gothenburg, Sweden.

Agreement No. 9408-1, modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: January 5, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 71-309; Filed, Jan. 8, 1971; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7586]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Amendment to Interconnection Agreement and Proposed Rate Schedule Increase

DECEMBER 31, 1970.

Take notice that on December 11, 1970, the signatory utilities of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) filed a Supplemental Agreement dated November 19, 1970 to the PJM Interconnection Agreement dated September 26, 1956, as amended and supplemented. Said amendment was filed with the Commission on December 11, 1970.

In order that the provisions of this Supplemental Agreement may apply throughout the calendar year 1971, PJM has requested that the 30-day notice requirement be waived and the new Supplemental Agreement be permitted to become effective on January 1, 1971.

The parties contend that the Supplemental Agreement best reflects the premise that coordination in installation of generating capacity additions results in parties having planned capacity excesses and deficiencies, whereas under the present Supplemental Agreement such planned capacity excesses and deficiencies are considered incidental.

It is further contended that the current level of costs being experienced in the installation and operation of new generating capacity is also reflected in the Supplemental Agreement by the increase in the annual factor in dollars per kilowatt for determining payments with

respect to installed capacity deficiencies from the present $10.40 (one-half of $20.80 annual savings as of 1956) to $11.44 in 1971 and to $12.40 in 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-348; Filed, Jan. 8, 1971; 8:49 a.m.]

[Docket No. CP71-7]

WASHINGTON NATURAL GAS CO.

Notice of Amended Application and Petition To Amend

JANUARY 7, 1971.

Take notice that on January 5, 1971, Washington Natural Gas Co. (petitioner), 815 Mercer Street, Seattle, WA 98111, filed in Docket No. CP71-7 an amendment to its application in the subject docket and a petition to amend the order of the Commission issued October 30, 1970, in consolidated Dockets Nos. CP71-6, CP64-99, CP71-7, and CP71-8, as hereinafter described, all as more fully set forth in the amended application and the petition to amend on file with the Commission and open to public inspection.

Petitioner proposed in its application in this proceeding to construct and operate certain pipeline facilities connecting the Jackson Prairie Storage Project (Storage Project) with the mainline facilities of El Paso Natural Gas Co.'s Northwest Division (El Paso), near Chehalis, Wash., and further, to operate the Storage Project under the terms of an agreement with El Paso, and Washington Water Power Co. By order issued September 25, 1970, petitioner was authorized to construct the facilities proposed in its application, and by order issued on October 30, 1970, petitioner was further granted a limited-term certificate to operate the Storage Project and related facilities for the current winter season, and El Paso was authorized for a similarly limited-term to render service under its Rate Schedule SGS-1 according to an interim allocation of new winter service.

Petitioner states that at the beginning of the scheduled hearing, discussions among the parties resulted in a settlement of various issues. This settlement was recorded in the stipulation and agreement, dated December 9, 1970, copied into the record at Tr. 422-436.

Petitioner herein amends its application in the subject docket to conform the operation of the Storage Project and related facilities to the terms and provisions of the above-mentioned stipulation and agreement. Further, petitioner requests that the Commission's order issued October 30, 1970, in this proceeding be modified so as to grant a permanent certificate of public convenience and necessity to petitioner to permanently operate the Storage Project and appurtenant facilities pursuant to its amended application.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 71-349; Filed, Jan. 8, 1971; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 71-280, Federal Deposit Insurance Corporation, *supra.*

FIRST NATIONAL BANCORPORATION, INC.

Order Disapproving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The First National Bancorporation, Inc., Denver, Colo., for approval of acquisition of more than 80 percent of the voting shares of Montbello State Bank, Denver, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The First National Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Montbello State Bank, Denver, Colo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Colorado State Bank Commissioner and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 11, 1970 (35 F.R. 14352), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] January 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 71-273; Filed, Jan. 8, 1971; 8:45 a.m.]

NATIONAL SCIENCE FOUNDATION

NATIONAL HAIL RESEARCH EXPERIMENT

Summary Statement of Proposed Federal Action Affecting the Environment

DECEMBER 29, 1970.

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (Public Law 91-190) and paragraph 9(c) of the Interim Guidelines issued thereunder (35 F.R. 7390-7393, Apr. 30, 1970). The proposed Federal activity is described as follows:

The proposed experiment to develop and test techniques for modifying hailstorms in order to suppress the formation of hail of damaging size would be conducted in a test area approximately 50 miles on a side, comprising parts of Logan, Morgan, and Weld Counties, Colo., Cheyenne and Kimball Counties, Nebr., and Laramie County, Wyo., and centered over the Pawnee National Grasslands in northeastern Colorado. Recommended

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Chairman Burns and Governors Daane and Sherrill filed as part of the original document and available upon request.

[2] Voting for this action: Governors Robertson, Mitchell, Maisel, and Brimmer. Voting against this action: Chairman Burns and Governors Daane and Sherrill.

by a committee of the Federal Council for Science and Technology in 1965, the experiment is sponsored by the National Science Foundation and would be managed in the field by the National Center for Atmospheric Research, Boulder, Colo. Contingent upon the availability of funds, the project will begin in the early summer of 1972 and run for approximately 5 years. Universities planning to participate in the experiment include Colorado State University, South Dakota School of Mines and Technology, the University of Chicago, the University of Illinois, the University of Nevada, and the University of Wyoming. Participating Federal agencies would include the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of the Interior, the Department of Transportation, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

Silver-iodide nucleating material would be delivered into a developing hail cell by aircraft-launched exploding rockets or by dropping from above. Resulting precipitation would be observed and its effects studied. Storms would be monitored by a synchronous meteorological satellite, by aircraft, and by ground instrumentation. Field observations would be used to construct a dynamic mathematical model for developing operational procedures to reduce hail.

Only one-half of the suitable hail cells (about 10 per summer) passing over a designated "protected area" of 20 by 30 miles would be seeded. Probably no more than 1 kilogram of silver iodide would be inserted into each storm to see whether the hail cell would disipate in rainfall following seeding rather than precipitate hail on the protected area. The level of silver in precipitation is expected to be at the lower limit of detectability, well below the U.S. Public Health Service standard for drinking water. The protected and surrounding areas are not expected to be affected adversely by the experiment.

A copy of the draft Environmental Statement with an attached sketch map of the experiment site and a schematic drawing of the experiment, as filed with the Council on Environmental Quality and other Federal agencies, is available from the Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550 (telephone area code 202, 632–7360). Comments from appropriate State and local agencies, addressed as above, should be submitted within 60 days of the date of this summary notice.

Dated: December 29, 1970.

R. L. BISPLINGHOFF,
Acting Director.

[F.R. Doc. 71-274; Filed, Jan. 8, 1971; 8:45 a.m.]

WINTER OROGRAPHIC CLOUD MODIFICATION EXPERIMENT IN THE ROCKY MOUNTAINS OF COLORADO

Summary Statement of Federal Action Affecting the Environment

DECEMBER 29, 1970.

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (Public Law 91–190) and paragraph 9(c) of the Interim Guidelines issued thereunder (35 F.R. 7390–7393, Apr. 30, 1970). The Federal activity is described as follows:

Since 1960, the National Science Foundation has funded Colorado State University, Fort Collins, for systematic investigation of orographic cloud and precipitation processes over the Rocky Mountains in the vicinity of Climax, Colo. The experiment to improve the scientific understanding of natural processes involved in the increase of snowpack from winter storms requires seeding of clouds with silver-iodide ground generators. Randomized seeding of mountain storms is conducted on selected storms systems during the months of November through April over the target area, which included parts of Eagle, Lake, Park, and Summit Counties. An average of about 15 seeded storms per year yield approximately twice the depth of snowpack that similar unseeded storms produce naturally. The net increase in snowfall in the target area for the 6 winter months averages approximately 20 percent (about 1 foot). Downwind from the target area, in Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, Jefferson, and Weld Counties, an increase in snowfall is sometimes detectable on days when seeding is performed; this downwind effect is to be investigated.

The overall seasonal increase in snow depth on roadways and in residential and mining areas resulting from the experiment is considered to be within the yearly variation of mountain snow accumulation and causes no serious snow removal problem. Ski areas welcome the additional snow, and mining interests have endorsed the project from the early years. There is little impact on agriculture since practically none exists in the area; the increase in snowpack is not believed to have limited significantly the availability of grazing to cattle and wildlife. Avalanches have not been a critical problem in this area. The level of silver in precipitation resulting from seeding storms is generally less than that allowed by U.S. Public Health Service standards for drinking water; the normal level of silver in mountain streams flowing over natural silver ore beds has been measured at 1,000 times the level of concentration of silver in seeded precipitation.

A copy of the draft Environmental Statement with an attached sketch map of the experiment site, as filed with the Council on Environmental Quality and other Federal agencies is available from the Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550 (telephone area code 202, 632–7360). Comments from appropriate State and local agencies, addressed as above, should be submitted within 60 days of the date of this summary notice.

Dated: December 29, 1970.

R. L. BISPLINGHOFF,
Acting Director.

[F.R. Doc. 71-275; Filed, Jan. 8, 1971; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 31, 1970.

On December 11, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Republic of Korea, concerning exports of cotton textiles and cotton textile products from the Republic of Korea to the United States. Under this agreement the Republic of Korea has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those providing export limitations for categories 7, 9, 18/19, 22, part of 26 (duck only), part of 26 (other than duck), 31 (wiping cloth only), 34, 38, 39, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, parts of 64 (tablecloths and napkins only), and part of 64 (zipper tapes only).

On December 31, 1970, the two Governments exchanged notes amending and extending the agreement for a period of 6 months.

There is published below a letter of December 31, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States for the 6-month period beginning January 1, 1971, and extending through June 30, 1971, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DECEMBER 31, 1970.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective January 1, 1971, the directive issued to you on November 30, 1970, by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles and cotton textile products from the Republic of Korea in Categories 39, 53, 55, and 63.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 11, 1967, as amended and extended, between the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed effective January 1, 1971, and for the 6-month period extending through June 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile and cotton textile products in Categories 7, 9, 18/19, 22, 26, 31 (T.S.U.S.A. No. 366.2740 only), 34, 38, 39, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, and 64 (T.S.U.S.A. Nos.: 366.4500, 366.4600, 366.4700, and 347.3340 only), produced or manufactured in the Republic of Korea, in excess of the following 6-month levels of restraint:

Category		6-month level of restraint
7	square yards	303,877
9	do	1,519,383
18/19	do	1,154,731
22	do	486,203
26 (duck only [1])	do	6,685,285
26 (other than duck)	do	577,366
31 (only T.S.U.S.A. No. 366.2740)	pieces	577,974
34	do	54,090
38	pounds	78,644
39	dozen pairs	66,492
45	dozen	18,233
46	do	14,586
47	do	14,470
48	do	5,788
49	do	15,194
50	do	25,526
51	do	34,642
52	do	18,233
53	do	5,788
54	do	27,349
55	do	5,788
60	do	15,802
63	pounds	50,982
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700)	do	277,744
64 (only T.S.U.S.A. No. 347.3340)	do	34,034

[1] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories except Categories 38, 39, 47, 48, 53, 55, and 63 produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to January 1, 1971, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1970, and extending through December 31, 1970. In the event that the level of restraint for the 12-month period ending December 31, 1970, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. Entries of cotton textile products in Categories 39, 53, 55, and 63 produced or manufactured in the Republic of Korea, shall be subject to this directive regardless of the date of their export from the Republic of Korea. Cotton textile products in Categories 38, 47, and 48 produced or manufactured in the Republic of Korea and exported from the Republic of Korea prior to January 1, 1971, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry over of short falls in certain categories to that next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 71-313; Filed, Jan. 8, 1971; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 31, 1970.

On December 31, 1970, the Government of the United States, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new bilateral cotton textile agreement with the Government of the Socialist Federal Republic of Yugoslavia, concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States. Under this agreement the Government of the Socialist Republic of Yugoslavia has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 23,360,000 square yards equivalent for the first agreement year beginning January 1, 1971. Among the provisions of the agreement are those applying specific export limitations to Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 48, and 49.

Accordingly, there is published below a letter of December 31, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the period beginning January 1, 1971, and extending through December 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck), 26 (other than duck), 48, and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States on or after January 1, 1971, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 31, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton agreement of December 31, 1970, between the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order

11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1971, and for the 12-month period extending through December 31, 1971, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18–19, 22, 26 (duck only[1]), 26 (other than duck), 48 and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of the following levels of restraint:

Category		12-Month level of restraint
9	square yards	10,000,000
18–19	do	500,000
22	do	4,000,000
26 (duck[1])	do	2,000,000
26 (other than duck)	do	2,500,000
48	dozen	14,000
49	do	27,700

Entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, and exported to the United States prior to January 1, 1971, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period January 1, 1970, through December 31, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry-over of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee

[F.R. Doc. 71-312; Filed, Jan. 8, 1971; 8:48 a.m.]

[1] T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

TARIFF COMMISSION

[337-L-42]

LIGHTWEIGHT LUGGAGE

Extension of Time for Filing Written Views

On November 24, 1970, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Atlantic Products Corp., of Trenton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of lightweight luggage (35 F.R. 18222). Interested parties were given until January 11, 1971, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business February 10, 1971.

Issued: January 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 71-277; Filed, Jan. 8, 1971; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 224]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5619 (Sub-No. 2 TA), filed December 29, 1970. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ores, iron pyrites, welding compounds, foundary sand, ferro alloys*, other than in bulk vehicles, from the plant of C. E. Minerals Division, Combustion Engineering, Inc., Wilmington, Del., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting shipper: C. E. Minerals Division, Combustion Engineering, Inc., Valley Forge, Pa. 19481. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 53965 (Sub-No. 70 TA), filed December 29, 1970. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Box 838, Salina, KS 67401. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids, and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Aristo Kansas Meat Packers, a Division of Aristo Foods, Inc., located at or near Holton, Kans., to points in Arkansas, Colorado (on and east of the Continental Divide), Nebraska, Oklahoma, Texas, Louisiana, Kentucky, Tennessee, and Mississippi. NOTE: Applicant states it does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers, for 180 days. Supporting shipper: Aristo Kansas Meat Packers, a division of Aristo Foods, Inc., Fourth and Indiana, Holton, KS 66436. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 103993 (Sub-No. 593 TA), filed December 29, 1970. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial greenhouses in sections and parts and hydroponic grass buildings*, from Long Beach, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Hydroculture, Inc., Phoenix, Ariz. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 119641 (Sub-No. 98 TA), filed December 29, 1970. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Box 471, Fowler, IN 47944. Applicant's representative: Leo A. Maciolek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts therefor*, from Huntsville, Ala., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Corn States Hybrid Service, Inc., 6139 Fleur Drive, Des Moines, IA. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 128988 (Sub-No. 11 TA), filed December 29, 1970. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: Louis C. Currier (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air-conditioning units*, from plantsites and warehouse facilities, of Fraser & Johnson Co. located at San Lorenzo, Calif., to points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas; and (2) *materials, equipments, and supplies* used in the manufacture and distribution of the products described above, from points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, to the plantsites and warehouse facilities of Fraser & Johnson Co. located at San Lorenzo, Calif. Restriction: The transportation service is restricted against the transportation of commodities in bulk or those which by reason of size or weight require special equipment or handling and is limited to a transportation service to be performed under continuing contract, or contracts, with Fraser & Johnson Co., for 150 days. Supporting shipper: Fraser & Johnson Co., 2222 Grant Avenue, San Lorenzo, CA 94580. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135142 (Sub-No. 1 TA), filed December 29, 1970. Applicant: K & R TRANSPORTATION, INC., 253 East 21st South Street, Salt Lake City, UT 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gourmet foodstuffs;* (1) from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio, to points in Salt Lake County, Utah, and San Francisco, Calif.; and (2) from points in Salt Lake County, Utah, to San Francisco, Calif.; and (3) from points in California to points in Salt Lake County, Utah, for 180 days. Supporting shipper: Holly World Foods, Inc., 2520 South Seventh West, Salt Lake City, UT 84119. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 135195 TA, filed December 29, 1970. Applicant: JOSEPH L. STOVER, doing business as STOVER AIR CARGO, 3619 Meadowbrook Road, Quincy, IL 62301. Applicant's representatives: Routman and Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between Quincy, Ill., and Hannibal, Louisiana, Monroe City, and Troy, Mo., on the one hand, and, on the other, Lambert Field, St. Louis, Mo., on traffic having an immediately prior or subsequent movement by air (restricted to transportation of said commodities in straight trucks), for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-316; Filed, Jan. 8, 1971; 8:48 a.m.]

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Domestic Commerce Bureau
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Federal Aviation Administration
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Wage and Hour Division

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UNITED STATES STATUTES AT LARGE

91st Congress, 1st Session
1969

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EXECUTIVE ORDER 11576

Adjusting Rates of Pay for Certain Statutory Pay Systems

By virtue of the authority vested in me by subchapter I of chapter 53 of title 5 of the United States Code, as amended by the Federal Pay Comparability Act of 1970, and section 3(c) of that Act, it is hereby ordered as follows:

General Schedule

SECTION 1. The rates of basic pay in the General Schedule contained in section 5332(a) of title 5 of the United States Code are adjusted as follows:

"GENERAL SCHEDULE

"Grade	"Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$4,326	$4,470	$4,614	$4,758	$4,902	$5,046	$5,190	$5,334	$5,478	$5,622
GS-2	4,807	5,060	5,233	5,386	5,549	5,712	5,875	6,038	6,201	6,364
GS-3	5,524	5,708	5,892	6,076	6,260	6,444	6,628	6,812	6,996	7,180
GS-4	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065
GS-5	6,938	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017
GS-6	7,727	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049
GS-7	8,582	8,868	9,154	9,440	9,726	10,012	10,298	10,584	10,870	11,156
GS-8	9,493	9,809	10,125	10,441	10,757	11,073	11,389	11,705	12,021	12,337
GS-9	10,470	10,819	11,168	11,517	11,866	12,215	12,564	12,913	13,262	13,611
GS-10	11,517	11,901	12,285	12,669	13,053	13,437	13,821	14,205	14,589	14,973
GS-11	12,615	13,036	13,457	13,878	14,299	14,720	15,141	15,562	15,983	16,404
GS-12	15,040	15,541	16,042	16,543	17,044	17,545	18,046	18,547	19,048	19,549
GS-13	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089
GS-14	20,815	21,509	22,203	22,897	23,591	24,285	24,979	25,673	26,367	27,061
GS-15	24,251	25,059	25,867	26,675	27,483	28,291	29,099	29,907	30,715	31,523
GS-16	28,129	29,067	30,005	30,943	31,881	32,819	33,757	34,695	35,633	
GS-17	32,546	33,631	34,716	35,801	36,886*					
GS-18	37,624*									

"*The rate of basic pay for employees at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $36,000)."

Schedules for the Department of Medicine and Surgery of the Veterans' Administration

SEC. 2. The schedules contained in section 4107 of title 38 of the United States Code, for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, are adjusted as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $37,624*.
"Medical Director, $32,546 minimum to $36,886 maximum*.
"Director of Nursing Service, $24,251 minimum to $31,523 maximum.
"Director of Chaplain Service, $24,251 minimum to $31,523 maximum.
"Chief Pharmacist, $24,251 minimum to $31,523 maximum.
"Chief Dietitian, $24,251 minimum to $31,523 maximum.

"*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $36,000).

"Physician and Dentist Schedule

"Director grade, $28,129 minimum to $35,633 maximum.
"Executive grade, $26,143 minimum to $33,982 maximum.
"Chief grade, $24,251 minimum to $31,523 maximum.
"Senior grade, $20,815 minimum to $27,061 maximum.
"Intermediate grade, $17,761 minimum to $23,089 maximum.
"Full grade, $15,040 minimum to $19,549 maximum.
"Associate grade, $12,615 minimum to $16,404 maximum.

"Nurse Schedule

"Assistant Director grade, $20,815 minimum to $27,061 maximum.
"Chief grade, $17,761 minimum to $23,089 maximum.
"Senior grade, $15,040 minimum to $19,549 maximum.
"Intermediate grade, $12,615 minimum to $16,404 maximum.
"Full grade, $10,470 minimum to $13,611 maximum.
"Associate grade, $9,026 minimum to $11,735 maximum.
"Junior grade, $7,727 minimum to $10,049 maximum."

Foreign Service Schedules

SEC. 3.(a) The per annum salaries of Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), are adjusted as follows:

"Class 1	$35,617	$36,804*	$37,624*					
Class 2	27,935	28,866	29,797	$30,728	$31,659	$32,590	$33,521	
Class 3	22,155	22,873	23,611	24,349	25,087	25,825	26,563	
Class 4	17,761	18,353	18,945	19,537	20,129	20,721	21,313	
Class 5	14,432	14,913	15,394	15,875	16,356	16,837	17,318	
Class 6	11,918	12,315	12,712	13,109	13,506	13,903	14,300	
Class 7	10,014	10,348	10,682	11,016	11,350	11,684	12,018	
Class 8	8,582	8,868	9,154	9,440	9,726	10,012	10,298	

*The salary for employees at these rates is limited by section 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $36,000)."

(b) The per annum salaries of staff officers and employees in the schedule contained in section 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 870(a)), are adjusted as follows:

"Class 1	$22,135	$22,873	$23,611	$24,349	$25,087	$25,825	$26,563	$27,301	$28,039	$28,777
Class 2	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089
Class 3	14,432	14,913	15,394	15,875	16,356	16,837	17,318	17,799	18,280	18,761
Class 4	11,918	12,315	12,712	13,109	13,506	13,903	14,300	14,697	15,094	15,491
Class 5	10,692	11,048	11,404	11,760	12,116	12,472	12,828	13,184	13,540	13,896
Class 6	9,587	9,907	10,227	10,547	10,867	11,187	11,507	11,827	12,147	12,467
Class 7	8,598	8,885	9,172	9,459	9,746	10,033	10,320	10,607	10,894	11,181
Class 8	7,712	7,969	8,226	8,483	8,740	8,997	9,254	9,511	9,768	10,025
Class 9	6,915	7,146	7,377	7,608	7,839	8,070	8,301	8,532	8,763	8,994
Class 10	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065".

Conversion Rules

SEC. 4. The agencies hereinafter designated shall prescribe such rules as may be necessary to convert the rates of basic pay or salaries of officers and employees to the rates prescribed in this order:

(1) General Schedule, the Civil Service Commission;

(2) Schedules for the Department of Medicine and Surgery of the Veterans' Administration, the Veterans' Administration;

(3) Foreign Service schedules, the Department of State.

Effective Date

SEC. 5. This order shall take effect as of the first day of the first applicable pay period beginning on or after January 1, 1971.

Richard Nixon

THE WHITE HOUSE,
January 8, 1971.

[FR Doc.71-468 Filed 1-11-71;10:53 am]

EXECUTIVE ORDER 11577

Adjusting the Rates of Monthly Basic Pay for Members of the Uniformed Services

By virtue of the authority vested in me by the laws of the United States, including the Act of December 16, 1967, and the Federal Pay Comparability Act of 1970, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The rates of monthly basic pay for members of the uniformed services within each pay grade are adjusted upwards as set forth in the following tables:

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	2 or less	Over 2	Over 3	Over 4
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80
O-9	1,871.40	1,920.60	1,961.70	1,961.70
O-8	1,693.00	1,745.70	1,787.40	1,787.40
O-7	1,408.20	1,504.20	1,504.20	1,504.20
O-6	1,043.70	1,147.20	1,221.90	1,221.90
O-5	834.60	980.70	1,047.90	1,047.90
O-4	704.10	856.50	914.40	914.40
O-3 [2]	654.30	731.10	781.20	864.90
O-2 [2]	524.40	622.80	748.20	773.10
O-1 [2]	450.60	499.20	622.80	622.80

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 6	Over 8	Over 10	Over 12
O-10 [1]	$2,185.80	$2,269.50	$2,269.50	$2,443.50
O-9	1,961.70	2,011.20	2,011.20	2,094.60
O-8	1,787.40	1,920.60	1,920.60	2,011.20
O-7	1,571.10	1,571.10	1,662.60	1,662.60
O-6	1,221.90	1,221.90	1,221.90	1,221.90
O-5	1,047.90	1,047.90	1,080.30	1,137.90
O-4	930.60	972.30	1,038.30	1,097.10
O-3 [2]	906.00	938.70	989.10	1,038.30
O-2 [2]	789.30	789.30	789.30	789.30
O-1 [2]	622.80	622.80	622.80	622.80

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-10 [1]	$2,443.50	$2,618.40	$2,618.40	$2,793.30
O-9	2,094.60	2,269.50	2,269.50	2,443.50
O-8	2,011.20	2,094.60	2,185.80	2,269.50
O-7	1,745.70	1,920.60	2,052.60	2,052.60
O-6	1,263.30	1,463.10	1,537.80	1,571.10
O-5	1,213.80	1,304.70	1,379.70	1,421.10
O-4	1,147.20	1,197.00	1,230.30	1,230.30
O-3 [2]	1,063.80	1,063.80	1,063.80	1,063.80
O-2 [2]	789.30	789.30	789.30	789.30
O-1 [2]	622.80	622.80	622.80	622.80

COMMISSIONED OFFICERS

Pay Grade	Years of Service computed under section 205		
	Over 22	Over 26	Over 30
O-10 [1]	$2,793.30	$2,967.60	$2,967.60
O-9	2,443.50	2,618.40	2,618.40
O-8	2,361.00	2,361.00	2,361.00
O-7	2,052.60	2,052.60	2,052.60
O-6	1,662.60	1,803.30	1,803.30
O-5	1,471.20	1,471.20	1,471.20
O-4	1,230.30	1,230.30	1,230.30
O-3 [2]	1,063.80	1,063.80	1,063.80
O-2 [2]	789.30	789.30	789.30
O-1 [2]	622.80	622.80	622.80

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000.00 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30
O-2	773.10	789.30	814.20	856.50	883.80
O-1	622.80	685.10	690.00	714.60	739.80

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 14	Over 16	Over 18	Over 20	Over 22
O-3	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	914.40	914.40	914.40	914.40	914.40
O-1	773.10	773.10	773.10	773.10	773.10

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205	
	Over 26	Over 30
O-3	$1,080.30	$1,080.30
O-2	914.40	914.40
O-1	773.10	773.10

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$666.30	$714.60	$714.60	$731.10	$764.40
W-3	605.70	657.00	657.00	665.10	673.20
W-2	530.40	573.60	573.60	590.40	622.80
W-1	441.90	507.00	507.00	549.00	573.60

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$798.00	$831.00	$889.80	$930.60	$963.90
W-3	722.40	764.40	789.30	814.20	838.80
W-2	657.00	681.90	706.50	731.10	756.60
W-1	598.50	622.80	648.30	673.20	698.10

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	864.90	897.90	930.60	963.90	963.90
W-2	781.20	806.10	838.80	838.80	838.80
W-1	722.40	748.20	748.20	748.20	748.20

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 [1]					
E-8					
E-7	$399.00	$478.50	$496.20	$513.60	$531.30
E-6	344.10	417.90	435.00	453.00	470.40
E-5	297.30	366.00	383.70	400.50	426.60
E-4	249.90	312.90	330.90	356.70	374.40
E-3	180.90	252.30	269.70	287.40	287.40
E-2	149.10	208.80	208.80	208.80	208.80
E-1	143.70	191.10	191.10	191.10	191.10
E-1 (Under 4 months)	134.40				

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 [1]		$756.90	$774.30	$792.00	$809.70
E-8	$635.10	652.80	670.20	687.90	705.30
E-7	548.10	565.50	583.50	609.60	626.70
E-6	487.50	505.20	531.30	548.10	565.50
E-5	444.00	461.70	478.50	487.50	487.50
E-4	374.40	374.40	374.40	374.40	374.40
E-3	287.40	287.40	287.40	287.40	287.40
E-2	208.80	208.80	208.80	208.80	208.80
E-1	191.10	191.10	191.10	191.10	191.10

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]	$827.70	$843.90	$888.60	$975.00	$975.00
E-8	722.10	740.10	783.60	870.90	870.90
E-7	644.10	652.80	666.60	783.60	783.60
E-6	574.50	574.50	574.50	574.50	574.50
E-5	487.50	487.50	487.50	487.50	487.50
E-4	374.40	374.40	374.40	374.40	374.40
E-3	287.40	287.40	287.40	287.40	287.40
E-2	208.80	208.80	208.80	208.80	208.80
E-1	191.10	191.10	191.10	191.10	191.10

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps basic pay for this grade is $1,185.00 regardless of cumulative years of service computed under section 205 of this title.

SEC. 2. This order shall take effect January 1, 1971.

Richard Nixon

THE WHITE HOUSE,
January 8, 1971.

[FR Doc.71-467 Filed 1-11-71;10:52 am]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-501]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Ohio in the introductory portion of paragraph (e) and paragraph (e)(8) relating to the State of Ohio are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Clinton County, Ohio, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. The amendment releases Ohio from the list of States quarantined because of hog cholera.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of January 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-375 Filed 1-11-71;8:49 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Civil Aeronautics Board

Section 213.3340 is amended to show that one position of Director of Information is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (c) is added to § 213.3340 as set out below.

§ 213.3340 Civil Aeronautics Board.

* * * * *

(c) Director of Information.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-350 Filed 1-11-71;8:47 am]

PART 213—EXCEPTED SERVICE

Federal Maritime Commission

Section 213.3367 is amended to show that the position of Confidential Assistant to the Chairman is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3367 is amended as set out below.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner other than the Chairman.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 C.F.R. 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-351 Filed 1-11-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10760; Amdt. 737]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective February 4, 1971:

Traverse City, Mich.—Traverse City Municipal Airport; ADF 1, Amdt. 3; Canceled.
Goodland, Kans.—Goodland Municipal Airport; VOR 1, Amdt. 5; Canceled.

Kingman, Ariz.—Kingman Municipal Airport; VOR-1, Original; Canceled.

2. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs effective February 4, 1971:

Fresno, Calif.—Fresno Air Terminal; VOR/DME No. 1, Amdt. 1; Canceled.
Fresno, Calif.—Fresno Air Terminal; VOR/DME No. 2, Amdt. 1; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective February 4, 1971:

Bridgeport, Tex.—Lake Bridgeport Airport; VOR–A, Original; Established.
Chicago (Lansing), Ill.—Chicago-Hammond Airport; VOR–A, Original; Established.
Fort Wayne, Ind.—Municipal (Baer Field); VOR Runway 4, Amdt. 8; Revised.
Fort Wayne, Ind.—Municipal (Baer Field); VOR Runway 9, Amdt. 5; Revised.
Fort Wayne, Ind.—Municipal (Baer Field); VOR Runway 13, Amdt. 7; Revised.
Fort Wayne, Ind.—Municipal (Baer Field); VOR Runway 22, Amdt. 1; Revised.
Fresno, Calif.—Fresno Air Terminal; VOR Runway 11L, Amdt. 3; Revised.
Goodland, Kans.—Renner Field Goodland Municipal Airport; VOR Runway 30, Original; Established.
Howell, Mich.—Livingston County Airport; VOR Runway 31, Amdt. 1; Revised.
Jefferson City, Mo.—Jefferson City Memorial Airport; VOR Runway 12, Amdt. 7; Revised.
Jefferson City, Mo.—Jefferson City Memorial Airport; VOR Runway 30, Amdt. 5; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 7 L/R, Amdt. 5; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 25 L/R, Amdt. 6; Revised.
Poughkeepsie, N.Y.—Dutchess County Airport; VOR–A, Amdt. 8; Revised.
St. Clairsville, Ohio—Alderman Field; VOR–A, Amdt. 6; Revised.
St. Paul, Minn.—St. Paul Downtown Holman Field; VOR Runway 30, Amdt. 4; Revised.
Tecumseh, Mich.—Tecumseh Airport; VOR–A, Amdt. 1; Revised.
Traverse City, Mich.—Cherry Capital Airport; VOR–A, Amdt. 7; Revised.
Westfield, Mass.—Barnes Municipal Airport; VOR Runway 20, Amdt. 11; Revised.
Bay City, Tex.—Municipal Airport; VOR/DME–A, Original; Established.
Corpus Christi, Tex.—International Airport; VOR/DME Runway 35, Amdt. 1; Revised.
Fresno, Calif.—Fresno Air Terminal; VORTAC Runway 29R, Original; Established.
Lake City, Fla.—Lake City Municipal Airport; VOR/DME–A, Original; Established.
Poughkeepsie, N.Y.—Dutchess County Airport; VOR/DME Runway 6, Original; Established.
Humboldt, Tenn.—Humboldt Muncipal Airport; VOR/DME–A, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective February 4, 1971:

Allentown, Pa.—Allentown-Bethlehem-Easton Airport; LOC (BC) Runway 24, Amdt. 9; Revised.
Fort Wayne, Ind.—Municipal (Baer Field); LOC Runway 4, Original; Established.
Fort Wayne, Ind.—Municipal (Baer Field); LOC (BC) Runway 13, Amdt. 4; Revised.
Fresno, Calif.—Fresno Air Terminal; LOC (BC) Runway 11L, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 6L, Amdt. 3; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; Parallel LOC (BC) Runway 6L, Original; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 6R, Amdt. 3; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 6 L/R, Original; Established.
Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 7R, Amdt. 5; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 4, 1971:

Athens, Ohio—Ohio University Airport; NDB Runway 27, Amdt. 2; Revised.
Brookings, S. Dak.—Brookings Airport; NDB Runway 12, Amdt. 3; Revised.
Columbia, Tenn.—Maury County Airport; NDB Runway 5, Amdt. 1; Revised.
Columbia, Tenn.—Maury County Airport; NDB Runway 23, Amdt. 1; Revised.
Dexter, Mo.—Dexter Municipal Airport; NDB Runway 36, Original; Established.
Fort Wayne, Ind.—Municipal (Baer Field); NDB Runway 31, Amdt. 13; Revised.
Fresno, Calif.—Fresno Air Terminal; NDB Runway 29R, Amdt. 15; Revised.
Goodland, Kans.—Renner Field Goodland Municipal Airport; NDB Runway 12, Original; Established.
Goodland, Kans.—Renner Field Goodland Municipal Airport; NDB Runway 30, Original; Established.
Greenwood, S.C.—Greenwood County Airport; NDB (ADF) Runway 27, Original; Canceled.
Greenwood, S.C.—Greenwood County Airport; NDB (ADF) Runway 9, Original; Canceled.
Lawrenceburg, Tenn.—Lawrenceburg Municipal Airport; NDB Runway 24, Original; Established.
Los Angeles, Calif.—Los Angeles International Airport; NDB Runway 24 L/R, Amdt. 5; Revised.
Los Angeles, Calif.—Los Angeles International Airport; NDB Runway 25 L/R, Amdt. 33; Revised.
Millard, Nebr.—Millard Municipal Airport; NDB Runway 12, Original; Established.
Nevada, Mo.—Nevada Municipal Airport; NDB Runway 20, Original; Established.
Parsons, Kans.—Tri-City Airport; NDB Runway 18, Original; Established.
Tallahassee, Fla.—Tallahassee Municipal Airport; NDB Runway 36, Amdt. 10; Revised.
Traverse City, Mich.—Cherry Capital Airport; NDB Runway 28, Original; Established.
Troy, Ala.—Troy Municipal Airport; NDB Runway 7, Amdt. 1; Canceled.
Westfield, Mass.—Barnes Municipal Airport; NDB Runway 20, Amdt. 8; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 4, 1971:

Asheville, N.C.—Asheville Municipal Airport; ILS Runway 34, Amdt. 12; Revised.
Fort Wayne, Ind.—Municipal (Baer Field); ILS Runway 31, Amdt. 17; Revised.
Fresno, Calif.—Fresno Air Terminal; ILS Runway 29R, Amdt. 18; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 7L, Amdt. 3; Revised.
Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 7L, Original; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24L, Amdt. 5; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24R, Amdt. 1; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 24R, Amdt. 2; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24 L/R, Original; Established.
Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 24 L/R, Amdt. 3; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25L, Amdt. 36; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 25L, Amdt. 1; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25R, Amdt. 13; Canceled.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25 L/R, Original; Established.
Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 25 L/R, Amdt. 2; Canceled.
Tallahassee, Fla.—Tallahassee Municipal Airport; ILS Runway 36, Amdt. 11; Revised.
Traverse City, Mich.—Cherry Capital Airport; ILS Runway 28, Original; Established.
Troy, Ala.—Troy Municipal Airport; ILS Runway 7, Amdt. 1; Canceled.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective February 4, 1971:

Fort Wayne, Ind.—Municipal (Baer Field); Radar-1, Amdt. 6; Revised.
Los Angeles, Calif.—Los Angeles International Airport; Radar-1, Amdt. 27; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 4, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-285 Filed 1-11-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 422—FAILURE TO POST MINIMUM RESEARCH OCTANE RATINGS ON GASOLINE DISPENSING PUMPS CONSTITUTES AN UNFAIR TRADE PRACTICE AND AN UNFAIR METHOD OF COMPETITION

Promulgation of Trade Regulation Rule and statement of basis and purpose.

Introduction. The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart B, Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has conducted a proceeding for the promulgation of a Trade Regulation Rule

regarding the posting of research octane ratings on gasoline dispensing pumps. Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on July 30, 1969 (34 F.R. 12449). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments and to appear and orally express their views as to the proposed rule and to suggest amendments, revisions, and additions thereto.

The Commission has now considered all matters of fact, law, policy, and discretion, including the data, views, and arguments presented on the Record by interested parties in response to the notice, as prescribed by law, and has determined that the adoption of the Trade Regulation Rule and statement of its basis and purpose set forth herein is in the public interest.

§ 422.1 The rule.

In connection with the sale or consignment of motor gasoline for general automotive use, in commerce as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice for refiners or others who sell to retailers, when such refiners or other distributors own or lease the pumps through which motor gasoline is dispensed to the consuming public, to fail to disclose clearly and conspicuously in a permanent manner on the pumps the minimum research octane number or numbers of the motor gasoline being dispensed. In the case of those refiners or other distributors who lease pumps, the disclosure required by this section should be made as soon as it is legally practical; for example, not later than the end of the current lease period. Nothing in this section should be construed as applying to gasoline sold for aviation purposes.

NOTE: For the purposes of this section, "research octane rating" shall mean the research octane rating as described in The American Society For Testing Materials (ASTM) "Standard Specifications for Gasoline" (D 439–70).

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Effective: June 28, 1971.

Promulgated: December 30, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

STATEMENT OF BASIS AND PURPOSE

I. *Background.* The Commission's affirmative interest in the question of posting octane ratings on gasoline dispensing pumps was indicated by announcement on July 30, 1969 of the initiation of a rulemaking proceeding. The notice was published in the FEDERAL REGISTER July 30, 1969, 34 F.R. 12449.

The information gathered in the public Record[1] of the recent proceedings does indicate that the absence of posting octane ratings on gasoline pumps by refiners or other marketers of gasoline does have an impact on consumers' ability to select the proper gasoline for their automobiles, both in terms of engine requirements and prices paid for the gasoline.

Before outlining the varied arguments for and against the proposition that octane ratings should be affirmatively disclosed on gasoline pumps, it may be well to review first principles: What is octane? What it is not. And why is octane important?

There is little, if any, disagreement as to what octane is. "The octane number of gasoline is a measure of the antiknock value of the gasoline or its ability to resist knock during combustion in an engine." (Ethyl Technical Notes, Record 174.)

"The octane number of a gasoline is simply a measurement which tells you how well the gasoline will resist knocking in an engine." (What's Octane? pamphlet published by Petroleum Chemicals Division, E. I. Du Pont de Nemours & Co., Inc., Record 101.) (For other descriptions of octane ratings see Popular Mechanics Product Feature, Octane, Record 102; Consumer's Report, October 1968, Buying Gasoline, Record 801; Atlantic Richfield Co., Record 703, Tr. 126; American Petroleum Institute, Western Oil and Gas Association, Record 455, Tr. 207; Mobil Oil Corp., Record 737, Tr. 246; The Standard Oil Co. of Ohio, Record 316; American Oil Co., Record 254; Continental Oil Co., Record 436; and Humble Oil & Refining Co., Record 569.)

Octane should not be confused with other features of gasoline and should not be considered the sole factor contributing to gasoline makeup.

"Octane is not power. Octane is not good mileage. It is not fast starts, or resistance to corrosion, or prevention of vaporlock, or any one of several other significant factors in gasoline quality." (Mobile Oil Corp., Record 737, Tr. 246.)

"Higher octane, in itself, will not improve gasoline mileage." (Ford Motor Co., Record 168.) (See also article entitled Gasoline—myth vs. fact, Changing Times, The Kiplinger Magazine, Record 143, 145.)

Professor Phillip S. Myers of the University of Wisconsin and national president of the Society of Automotive Engineers describes the phenomenon of "knocking."

"Under normal circumstances combustion in your car engine is the result of smooth progression of the flame front across the combustion chamber of the engine. However, if the air-fuel mixture in the cylinder is subjected to high pressures and temperatures for too long a period of time, the air-fuel mixture will burn in a very short period of time. This excessively rapid combustion is variously called detonation, knock or ping. The observant consumer is aware of this quality characteristic by the noise caused by this rapid combustion which is transmitted through the engine walls. As a matter of interest, the addition of lead to the gasoline enables it to withstand higher pressures, temperatures and/or longer times before knocking." (Statement of Professors P. W. Myers and O. A. Uyehara, Record 641, 645, Tr. 334, 340. See also Popular Science Monthly article Gas For Your Car, Record 109, for description of knocking, and statement of Ethyl Corp., Record 422; Standard Oil Co. of Ohio, Tr. 402.)

Knocking has its effects. "Knocking wastes power, lowers the engine's effectiveness and usually sounds like a multitude of light hammer taps on metal • • • Persistent or severe knock can damage your engine—crack pistons, damage valves and subject engine bearings to too-heavy shock loads." (Consumer Reports, October 1968, article entitled Buying Gasoline, Record 801, 803. See also Ethyl Technical Notes, Motor Gasoline Tests and Their Meaning, Record 175; Popular Science Monthly, Gas For Your Car, Record 109.)

Owners of Chevrolet automobiles for the year 1968 are warned in the owner's manual about the effect of engine knocking. "• • • continuous or excessive knocking may result in engine damage and constitutes misuse of the engine for which the Chevrolet Division is not responsible under the terms of the Manufacturer's New Vehicle Warranty." (Record 179.) Many of the 1970 owner's manuals published by auto manufacturers contain similar language showing their concern with excessive knocking. (See Pontiac, Oldsmobile, Chevrolet, Buick, American Motors, Cadillac, and Lincoln Continental owner's manuals, not included in the Record.)

The fact that "knocking," the beast to be controlled by the proper octane rating for gasoline, can be the agent of damage or the agent for potential damage to automobile engines reveals one of the reasons why the subject of octane rating of gasoline is important to consumers, refiners and automobile manufacturers.

It is important to the purchaser of gasoline from a standpoint of cost. "Unfortunately, many people buy too much octane. This is a throwback to the late 1950's when approximately half of the cars manufactured needed high octane gas for their high compression engines. In those days, the alternative would have been detonations and millions of knocking engines.

"This is no longer true. Almost 67 percent of today's new cars are designed to run on low octane (regular) gas. Those who use high octane (premium) unnecessarily are spending 4¢, 5¢, even 6¢ a gallon more for no reason. The high octane is not giving their engines anything that lower octane gasoline can't give them." (Popular Mechanics Product Feature, Octane, Record 102.)

"Your engine's octane requirement must be satisfied. There's no way to actually measure the octane number of a gasoline with your car, but the exact number doesn't matter. The important thing is to observe the antiknock performance of the fuel. If other aspects of gasoline performance are satisfactory, there's no reason to pay more for octanes than your car needs. On the other hand, if you want something you can get in a more expensive grade of gas, the extra octanes won't do any harm." (Gas For Your Car, Popular Science Monthly, Record 114; see also statements of Professor P. W. Myers, supra at Record 649; Continental Oil Co., Record 437.)

The Ford Motor Co. states that, "Studies have shown that a significant percentage of customers will purchase premium grade fuels for a regular grade engine, whether the engine needs it or not." (Record 170.)

Sun Oil Co., in explaining their marketing techniques through the use of a pump that offers eight blends of gasoline, reveals that the octane rating of gasoline is a matter of some importance to the purchaser of gasoline. "This is the basic philosophy of our custom-blending system. It offers a wide range of choices of octane quality with prices varying with the quality. Individual customers are encouraged to locate themselves properly in the system, so that they use octane that is high enough to provide satisfactory performance but does not waste money on more octane than necessary for that performance." (FTC Industry Conference On Marketing Of Automotive Gasoline, Hearings Before Subcommittee No. 4 on Distribution Problems of the Select Committee on Small Business, House of Representatives, 89th Cong., first session, Vol. 2, p. 1906, Record 157.)

The uneconomic choice of a higher octane gasoline than is needed can be costly according to Senator Proxmire of Wisconsin. "• • • the average consumer does not know how to find out the octane ratings of the various gasoline brands and, thus, is liable

[1] As used herein "Record" refers to the written comments and materials in the public record of this proceeding, and "Tr." refers to the transcript of the public hearing of this proceeding.

to be spending much more money for gasoline than he needs to. This is particularly true for poor people who have to spend a large percentage of their income for gasoline in order to get to work. According to the President of Sun Oil Co., Americans who earn less than $3,000 a year spend an average of 6.2¢ of every dollar on gasoline compared to 1.5¢ for the $15,000 plus income group. A savings of $40 or $50 a year is very important to them." (Record 699.)

Mobil Oil Corp. estimates that savings accrued by purchasing regular in lieu of premium, "• • • for the average motorist would run something less than $30 a year." (Tr. 248.)

A word about the method gasoline refiners use to increase the octane levels of the gasolines to meet the ever increasing need for gasoline to resist "knocking" in automobile engines. "One way to raise a gasoline's octane value is to add tetraethyl lead (TEL)—an industry practice for almost 40 years. Another way is to reshape (the petroleum industry says 'reform') certain of the gasoline molecules into compounds that have a higher octane level. As a rule, most refineries use both methods." (Buying Gasoline, Consumers Report, October 1968, Record 119. See also Popular Science Monthly, Gas For Your Car, Record 111; Changing Times, Gasoline—myth vs. fact, Record 144; American Petroleum Institute and Western Auto Gas Association, Tr. 230; Mobil Oil Corp., Tr. 262. For a description of the lead antiknock compounds used in gasoline and the amounts utilized, see Ethyl Technical Notes, supra at Record 177.)

It is the use of lead in gasoline that has led to allegations and concern that the air pollution problem is aggravated by lead emissions, as well as others, from the exhaust pipes of automobiles.

"Fuels which are either too high or too low in octane tend to create excessive emissions. Fuels with an octane rating lower than required by the vehicle often cause heat buildup in the engine. Higher temperatures and pressures are created within the engine causing increased emissions of oxides of nitrogen (pollutants which contribute to photochemical smog and atmospheric discoloration and are of concern because of health considerations).

"A corollary result of higher combustion temperatures is the phenomenon of 'dieseling' or engine run-on after the ignition is shut off. Dieseling, as well as being a nuisance creates excess emissions of hydrocarbons, a prime ingredient of photochemical smog. We expect the occurrence of dieseling will be reduced as more consumers purchase gasoline of the correct octane.

"Conversely, the use of too high an octane fuel results in excess emissions of lead compounds. This occurs because the average lead content of premium fuels is roughly 25% greater than the average lead content of regular fuels. Thus, some reduction in lead emissions is to be expected from a reduction in the unnecessary use of premium fuels." (Statement of William H. Megonnell, Assistant Commissioner for Standards and Compliance, Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, Record 565.)

Legislation has been introduced by Congressman John Dingell, H.R. 1649, which would require disclosure "on the pump or other dispensing device • • • the minimum octane rating of the fuel and the additives contained therein." (Record 150.)

American autos, trucks, and other vehicles "guzzle" gasoline in staggering quantities. In 1967 the total consumption of gasoline was 77 billion plus gallons; passenger cars alone consumed 55 billion plus gallons. Passenger cars in 1967 consumed an average of 671 gallons of gasoline per vehicle. (Statistical Abstract of the United States, 1969, p. 547.)

In 1967, in excess of 18 billion dollars was spent on gasoline and oil. (Id. at 314.) As of 1963, there were 211,473 gasoline stations in the country. (Id. at 758.)

The above discussion should serve to answer in part the question why the subject is of any import. Octane ratings, the refining processes that are involved to increase octane ratings, the cost impact that gasoline of varying grades has upon individual consumers, the concern of auto manufacturers with "knocking" in engines, and the increasing concern with automobiles and gasolines as they relate to the problem of air pollution, indicate that the subject of gasoline and the octane rating of gasoline is worthy of attention. It is for the above reasons that the Commission considered the more precise question as to whether or not gasoline marketers and refiners should be required to post the octane rating of the gasoline on the dispensing pump.

II. *The Trade Regulation Rule Proceeding.* The public notice published by the Commission on July 30, 1969, focused upon the need or not, to post octane ratings on gasoline pumps. The Commission stated that it had reason to believe:

"(1) Failure by refiners and other marketers of gasoline to identify the gasoline being dispensed through the pumps in terms of research octane ratings may constitute a deception, and an unfair trade practice in that it fails to provide the consumer with a criterion to which he can relate the gasoline with engine requirements of his automobile;

"(2) The failure of refiners and other marketers to disclose the research octane ratings on the gasoline pumps is an unfair practice in that it does not afford to the consumer information with any degree of preciseness as to the range of octane ratings available. In certain instances gasolines are being marketed by the descriptive grade name of 'regular' which are in fact of a lower octane rating than the average acceptable range of 'regular' brands normally marketed with resulting damage to the engines and in some instances the warranties on new cars are not being honored because the car owner unwittingly used a low octane gasoline which he assumed to be a 'regular' blend;

"(3) Refiners and other marketers of gasoline own and/or control the pumps through which gasoline is dispensed at the retail outlet;

"(4) Many consumers are unaware that the engine requirements of their automobile may permit the use of a lower octane gasoline and are paying higher prices needlessly for gasolines of a higher octane rating; and, therefore,

"(5) The practice of failing to disclose the research octane ratings of the gasoline being dispensed from the pump constitutes an unfair method of competition and an unfair or deceptive act or practice, in violation of Section 5 of the Federal Trade Commission Act.

"Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

"In connection with the sale of motor gasoline for general automotive use, in commerce as 'commerce' is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice for the refiners or other marketers who own and/or control the pumps through which motor gasoline is dispensed at the retail outlet to fail to clearly and conspicuously disclose, in a permanent manner on the pumps, the research octane rating or ratings of the motor gasoline being dispensed. (NOTE: For purposes of this Rule, 'research octane rating' shall mean the research octane rating as described in The American Society for Testing Materials (ASTM) 'Specifications for Gasoline' (D439–68T).)"

Interest in the Trade Regulation Rule proceeding was substantial and the response to the invitation for comments on the proposed rule resulted in a public record of written statements, letters, oral testimony, and other materials of three volumes.

Public hearings before a presiding officer appointed by the Commission, Mr. William D. Dixon, Acting Chief, Division of Trade Regulation Rules, began on October 14, 1969 and continued through October 16, 1969. All persons who sought to orally express their views on the proposed rule were able to do so. The 421-page stenographic transcript of the hearings has been made a part of the public record.

III. *In support of the Rule.* The information gathered by virtue of these proceedings substantiates most of the "reasons to believe" in the public Notice. In addition, the proceedings did divulge other information warranting a conclusion that posting of octane ratings on gasoline pumps is necessary. As an example, the relationship of lead to gasoline and its effect on the air pollution problem surfaced unexpectedly during the proceedings and has been highlighted recently by government as well as industry concern.

(1) Failure by refiners and other marketers of gasoline to identify the gasoline being dispensed through the pumps in terms of research octane ratings may constitute a deception and an unfair trade practice in that it fails to provide the consumer with a criterion to which he can relate the gasoline with engine requirements of his automobile.

The lack of information concerning gasoline capability in relation to the engine needs of a particular automobile is described by the Consumers Union representative.

"Consumers Union's interest in gasoline goes back thirty-three years to the very first issue of Consumer Reports, when we reached the conclusion that: 'The average automobile owner wastes two or three cents every time he buys a gallon of gasoline because the gasoline industry forces him to pay for a high antiknock quality which his engine does not need.' Things have changed a little since then, but not much.

"• • • Your proposal will also enable car manufacturers to recommend the proper fuel for their products by octane level rather than by a generalized price level. As a matter of fact, we urge you to supplement your proposal with just such a requirement for these manufacturers." (Statement of William J. Tancig, Chemical Division Head, Consumers Union of U.S., Inc., Record 790, 795.) (For others recognizing expressly or by implication the fact that the automobile owner lacks adequate information necessary to judge what gasoline is best for his particular automobile; see Delaware Valley Dealers Association, Tr. 264; Commonwealth of Virginia, Dept. of Agriculture and Commerce, Record 563; Department of H.E.W., Public Health Service, Record 565; U.S. Department of Interior, Bureau of Mines, Record 855; Statement of Committee of Students, George Washington University Law School, Record 860, 875; Comments of the U.S. Department of Justice, Record 885, 888; Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, Tr. 21, Record 778; Statement of Honorable John Dingell, House of Representatives, as read by Mr. Gregg Potvin, Tr. 35 and 39; Honorable John A. Ochlogrosso, Commissioner, Office of Consumer Affairs, Nassau County, N.Y., Tr. 42, 49; Sarah H. Newman, National Consumers League, Tr. 58–60; Honorable Joshea Eilberg, House of Representatives, Tr. 175, 176. See also statement of Kiekhaefer-Mercury Corp. showing the effect that lack of octane posting on marine gasoline pumps has upon marine gasoline engines and their ability to instruct boat owners in the proper use of gasoline. Tr. 69–70, 72.)

One of the industry members, through its own advertising, stresses the need for octane ratings meeting each engine's needs and goes on to advise that an auto owner should: "Select the major brand of gasoline that offers the widest choice of octane ratings. Obviously, you have a better chance of meeting your engine's octane needs if you can choose from several octane ratings rather than from the two or three which most stations offer. Of the major brands, Sunoco offers the widest choice—eight octane levels, about a penny apart in price." After instructing the operator as to the technique of selecting one of the eight selections available on the Sunoco pump, the advertisement concludes, "• • • In any event, what you're doing is carefully customizing gasoline to your engine's needs for peak efficiency and performance at the lowest possible cost." (Popular Mechanics Product Feature, Record 102.)

In documentation submitted to the FTC Conference on Gasoline Marketing, Sun Oil Co., in describing its new gasoline pump which blended various octane levels of gasoline, recognized the need to meet a particular engine's gasoline needs with a particular blend of gasoline.

"This is the basic philosophy of our custom blending system. It offers a wide range of choices of octane quality with prices varying with the quality. Individual customers are encouraged to locate themselves properly in the system, so that they use octane that is high enough to provide satisfactory performance but does not waste money on more octane than necessary for that performance." (FTC Industry Conference on Marketing of Automotive Gasoline, Hearings Supra 1906, Record 157; the need to match a particular gasoline with a particular engine, in terms of octane, is further detailed by Sun Oil Co., Id. at 1909, 1910; Record 160, 161.)

Although standing in opposition to the proposed rule on the grounds that the posting of research octane will not provide the consumer with information as to the range of octane ratings available nor provide the consumer with a criterion with which gasoline can be related to the engine requirements of his automobile, Continental Oil Co. does describe its efforts to educate consumers through a program offering four grades of gasoline.

"In recent years, in order to offer consumers a wider choice of gasoline grades, Continental has developed the so-called 'Four Grade Program' whereby motorists are provided a greater selection of gasoline grades. Advertising of the Four Grade Program in television commercials, newspapers and trade publications, and in explanatory literature furnished dealers for distribution to the public has been devoted to helping the motorist select the grade of gasoline suitable for his car, avoiding his paying an additional charge for a grade carrying an unnecessarily high octane rating. Some of the advertising has been so specific as to name particular makes of automobiles and to specify the least expensive grade of Conoco gasoline which may be expected to perform satisfactorily in the automobile." (Statement of Continental Oil Co., Record 436 & n. 2.)

What both Sunoco and Conoco appear to be doing is recognizing that there is a need to inform consumers of the way to purchase gasoline so that the gasoline suits the need of each particular engine without at the same time purchasing gasoline in excess of the automobile's needs and incurring extra cost.

One automobile manufacturer, the Ford Motor Co., does indicate in its owner's manual grades of fuel recommended for use. This recommendation is in terms of the words "regular" and "premium" as well as in terms of fuel octane requirements. For example, for the 240 CID–6 engine Ford recommends "Regular, at least 94 octane." (Record 166.) Volkswagen of America, Inc., in its owner's manual informs the owner of the octane rating of gasoline required (Record 302) and endorses steps to enable consumers to make informed choice of fuel. (Record 302.) Similarly, the National Association of Auto Dealers recognizes the value of posting octane ratings to fill a gap in consumer knowledge of gasolines as it relates to his auto's engine. "We agree that the posting of octane ratings may be of benefit to the conscientious consumer, especially if specific engine requirements were supplied by the manufacturers." (Record 848.)

The U.S. Government's purchase specifications for gasoline point up the importance of octane rating in gasoline. That specification points out in no uncertain terms what the General Services Administration considers as the differentiating factor in grades of gasoline.

"1.1 Scope. This specification covers two grades of commercial gasoline for use in automotive gasoline engines under all climatic conditions.

"1.2 Classification.

"1.2.1 Grades. Automotive gasoline covered by this specification provides for two grades of commercial gasoline known as premium and regular. The major difference between these grades is octane number." (Federal Specifications, Gasoline Automotive VV–G–76a. Jan. 7, 1963, Tr. 325, Record 676.)

The representatives of the petroleum industry and others, while not conceding that failure to post octane ratings is or may be a deception, do acknowledge that the octane rating of gasoline in varying degrees is an important feature of gasoline. The Ethyl Corp. points out that: "Of the many individual properties of gasoline that determine the over-all quality of the finished product, antiknock value is one of the most important." (Ethyl Technical Notes, Record 180.) For other statements discussing octane rating as a factor that contributes to gasoline efficiency or cost see Standard Oil Company of California, Record 308, 309; Atlantic Richfield Co., Record 703; A Technical Discussion On Research Octane Number As A Measure Of Fuel Antiknock Performance In Cars, Du Pont, September 1969, Record 469; Professor P. S. Myers, Record 645; Phillips Petroleum Co., Record 728; Sun Oil Co., Record 102, 412, 413; Continental Oil Co., Record 436 and n.2; Humble Oil & Refining Co., Record 569.

Both the oil industry and the Bureau of Mines recognize the importance of octane ratings. The Bureau of Mines, Department of Interior, bi-annually publishes the summarized octane ratings of several thousand gasoline samples which is published as an approximate guide for the petroleum industry. (Consumers Union Statement, Record 791.) The Ethyl Corp. publishes a monthly "Gasoline Quality Survey" which reports the research and motor octane numbers of selected samples of gasoline from different service stations in various cities and makes available the results of their laboratory determined octane ratings. (Statement of Phillips Petroleum Co., Tr. 375, Record 728.)

Another survey testing samples of gasoline for their Research Octane, Motor Octane, and Road Octane numbers is performed by the Du Pont Co. (See excerpts from Du Pont's Road Octane Survey, Northeastern U.S. Gasolines, Summer 1969, Record 734; and Du Pont Road Octane Survey, Western U.S. Gasolines, Summer 1969, Record 243.)

The octane rating of gasoline is related to the problem of knock in the engines of the automobile and the possible damage knock can cause. Automobile manufacturers are concerned that the owner use the gasoline in the automobile with an octane rating adequate to prevent knock. The Ford Motor Co. in its owner's manual recommends the grades of fuel to be used in the various size engines that are installed in Ford cars. Ford then recommends not only the grade of gasoline in terms of regular and premium, but goes on to specify a recommended octane requirement for each engine. (1970 Ford Owner's Manual, p. 43. See also 1970 Registered Owner's Manual Mercury Montego, p. 61; 1970 Torino, Fairlane, Ranchero Owner's Manual, p. 40; 1970 Maverick Owner's Manual, p. 30. Manuals not included in public record.)

A Ford owner conscientiously attempting to follow Ford's recommendations as to the minimum octane gasoline to be used would find it most difficult to ascertain at the gas station whether or not gasolines coming from these pumps were of the minimum octane recommended by Ford Motor Co. This information, except for a few instances, is not readily available to the automobile owner.

Other major American automobile manufacturers, while not listing recommended octane rating, do express their concern with the use of gasoline which has adequate antiknock capabilities, i.e., octane rating.

American Motors recommends gasoline in terms of regular and premium only. The instructions to owners show the concern over knocking because of improper gasoline. "• • • Persistent knock or detonation, however, may indicate the need for a higher grade of antiknock gasoline. Because heavy engine knocking is damaging and constitutes actual 'misuse' under your warranty, check with your dealer immediately, since he will be anxious to have the reason for such knocks determined, assuming they do exist." (1970 Owner's Manual, American Motors, p. 52. Not entered in public record.)

Similarly, Chevrolet advises its automobile purchasers:

"Use of a fuel which is too low in antiknock quality will result in 'spark knock'. Since the antiknock quality of all regular grade or of all premium grade gasolines is not the same and factors such as altitude, terrain and air temperature affect operating efficiency, knocking may result even though you are using the grade of fuel recommended for your engine. If persistent knocking is encountered, it may be necessary to change to a higher grade of gasoline and, if knocking continues, consult your authorized Chevrolet Dealer.

"In any case, continuous or successive knocking may result in engine damage and constitute misuse of the engine for which the Chevrolet Division is not responsible under the terms of the Manufacturers New Vehicle Warranty." ('68 Chevrolet Owner's Manual, p. 46, Record 179.) This caveat is contained also in most of the other General Motors Owner's Manuals.

The unavailability of octane rating in both car owner's manuals and at the point of sale gives rise to a circular sort of argument; the gasoline marketer can plead that there is no point in providing octane information because the owner of the car is not provided with octane rating recommendations by the manufacturer. Similarly, the auto manufacturer pleads the futility of instructing owners as to octane since the information is not available at the point of sale. (See Consumer Reports, Buying Gasoline, Record 803.)

This argument is not insurmountable. A regulation requiring gasoline marketers to post octane ratings on their pumps may signal a beginning of a gradual educational process of consumers concerning octane ratings and how they relate to the engine performance of their automobiles, which in turn may prompt automobile manufacturers to publish recommendations as to what octane gasoline should be used in the automobiles that they market. The providing of complete information to automobile owners as to the octane rating of gasolines marketed and the recommendations by automobile manufacturers as to what octane gasolines should be used in the cars manufactured by them should give rise to an educated selection by consumers of gasoline that meets the needs of their automobiles.

Popular Science magazine lists antiknock behavior as one of the two basic constituents of fuel quality. "The approach is to shop around among the brands and grades of gasoline available in your area, keeping an eye on two basic aspects of fuel quality: antiknock behavior and driveability properties." (Gas For Your Car, Record 114.)

Informed members of the public and representatives of consumer groups appearing at the hearings or submitting statements and consumers writing to the Commission indicate an awareness of the importance of octane ratings.

Senator Proxmire sums up by stating, "I realize that there are other important qualities to gasoline, but the octane rating is the single most important criterion in the quality and price of gasoline." (Tr. 16, Record 700.)

"For a consumer to make a judgment as to whether to buy sub-regular, regular or premium, to buy branded or unbranded, surely knowing the octane rating is the most useful single piece of information that he can be given." (Statement of Representative Dingell as read by Mr. Gregg Potvin, Tr. 35, Record 770.)

For statements from State and Federal agencies outlining the need for the consumer to be provided with octane information as a guide to the educated purchase of gasoline, see the submissions of the Department of Agriculture of the Commonwealth of Virginia, Record 563; U.S. Department of Interior, Bureau of Mines, Record 855; U.S. Department of Justice, Record 885, 887; National Highway Safety Bureau, Department of Transportation, Record 907; Department of Health, Education, and Welfare, P.H.S., Consumer Protection and Environmental Health Service, Record 565.

In Great Britian, a system of gasoline grading is utilized by gasoline marketers under the impetus of British Standard 4040 which was issued on March 16, 1967, and voluntarily adopted by the major oil companies in the United Kingdom. The grading system, posted on pumps, utilizes "star" designators ranging from "2 star" to "5 star" gasoline. The stars indicate the research octane rating of the gasoline ranging from two star for a minimum of 90 Research Octane Number (RON) to five star for a minimum of 100 Research Octane Number (RON). (Statement of R. H. Wilmot, British Embassy, Record 304.)

Mr. Wilmot illustrates the importance of octane ratings: "In our view the Star grading system has been generally successful. It has afforded the motorist a reliable means of estimating the differences between the grades and offered a close enough guide to the motor manufacturers in recommending grades suitable for their engines. We regard the research octane number as the most useful indicator of gasoline quality yet devised (though admittedly it does not indicate all the characteristics of a motor fuel)." (Id. at 306.)

There are several States which have enacted regulations monitoring in some manner the quality of gasoline marketed in those jurisdictions. While none of them require posting of octanes on the pumps, many of them set out octane as one important feature of quality control. (See State of Louisiana, Department of Revenue Statement, Record 82; Florida Gasoline Inspection Law and Rules and Regulations, Record 186, 191, and Monthly Report of Analyses, Inspections and Calibrations March 1968, Florida Department of Agriculture, Record 208; Virginia Gasoline and Motor Fuels Law, Record 230, and Virginia Department of Agriculture Bulletin, Record 236; Statement of Louisiana Oil Marketers Association, Record 267, and Statement of Honorable Joe D. Waggoner, Jr., Member of Congress, Record 840; Statement of Alabama Department of Agriculture and Industries, Record 275; Statement of North Carolina Department of Agriculture, Record 291; Statement of Motor Vehicle Comptroller, State of Mississippi, Record 825; Statement of Department of Revenue, State of Indiana, Record 911, 912, 913, and Statement of Hawaii Department of Agriculture, Record 25, 29; Regulations and Standards for Petroleum Products, State of Georgia, Record 327.

For other statements indicating the importance of octane rating to consumers in their selection of gasolines see statements of Hon. Virginia A. Knauer, Special Assistant to the President for Consumer Affairs, Tr. 20, 25; Hon. John A. Ochlogrosso, supra at Tr. 42, Record 695; National Consumers League, supra at Tr. 60; Kiekhaefer-Mercury, supra at Tr. 72; Delaware Valley Service Station Dealers Association, Record 723; Louisiana Consumers League, Record 83; Consumer Federation of America, Record 320; National Automobile Dealers Association, Record 848; George Washington Law School Student Group, Record 8.

The bulk of the letters received from individuals commenting favorably recognize that posting of octane ratings would provide consumers with information vital to a sound purchase decision of gasoline. Mr. Andrew Stewart writes:

"Octane ratings are clearly the single most significant factor other than price affecting the consumers' choice of which gasoline to purchase. Despite this fact, it is quite difficult for a consumer to obtain any accurate information as to the octane of the gasoline he is purchasing. I have frequently asked gasoline station attendants what the octane rating of gasoline was and have been given both inconsistent answers, and frequently, no answer at all, since this information is not generally provided to gas station attendants • • • the consumer will be enabled to make a more enlightened choice and will obtain better results from his investment in his autoamobile, if he is advised of the octane rating of the gasoline which he purchases." (Record 13.) For other letters expressing the importance of octane rating see Record 7, 11, 18, 19, 21, 22, 56, 58, 66, 67, 75, 92, 281, 807, 819, 822, 831, 847, 895, 897, 898, 899, 900, and 901. (For letters from individuals opposing posting of octane see Record 9 and 10.)

Some of the letters written express consumer frustration with the fact that when queried most gasoline station attendants do not know the octane rating of the gasoline which they are dispensing. Mr. William C. Schmidt in a letter to Senator Proxmire relates his experience:

"With the recent purchase of a new Buick, I decided that it was necessary to determine what the owner's manual meant by the statement, 'Your Buick is designed to operate efficiently on 'Regular' or 'Premium' grade fuels commonly sold • • •.

"From past experience I judged that an octane rating of 95 (Motor Research Method) would be adequate for the compression ratio of my automobile engine. To verify this, I checked with several service stations and was astonished to find that of all those contacted, none even knew the octane ratings of the gasolines they were selling, let alone the gasoline required for my automobile!" (Record 6. For other letters complaining of the unavailability of octane information at the pump see Record 13, 20, 58, 79 and 274.)

Many letters were sent in response to an article which appeared in the April 1970 issue of the Popular Science magazine authored by Mr. Ralph Nader. The article was entitled, Why They Should Tell You The Octane Rating Of The Gasoline You Buy, which supported the concept of posting octane ratings and invited the readers to let the Federal Trade Commission know of their concern for the lack of information as to octane ratings. In the 2 months since the publication of the article the Commission has received 195 letters, and the overwhelming majority of them express support for a regulation requiring the posting of octane ratings of gasoline.

The May 1970 issue of Popular Science carries a rebuttal argument entitled, "There's More To Gasoline Quality Than Octane Rating" authored by Mr. Frank N. Ikard, President, American Petroleum Institute. (Both of these articles and the letters in response are included in the public record.)

The Record shows that the oil industry is intimately familiar with octane ratings; the procurement agencies of the U.S. Government are familiar with octane ratings; the automobile industry is concerned with the very thing octane rating of gasoline is supposed to prevent, i.e., knocking. Consumer periodicals and spokesmen for consumers participating in these proceedings show an awareness of the importance of the octane rating—yet the consumer has no real way of being exposed to this information. The consumer's lack of exposure was neatly put by Consumers Union spokesmen:

"The point needs reiterating. Everybody knows about otcane numbers—everybody except the buying public." (Record 800.)

Furthermore, filling this infomation void would inure to the consumers' advantage.

"Posting octane numbers on the pumps would give drivers a yardstick to measure what they get for their money, other than credit cards, automobile clubs and restrooms. In short, as your present proposal recognizes, and our data confirm, motorists cannot intelligently shop for gasoline on the basis of price without knowing about antiknock property in the form of octane ratings. We view the petroleum industry's withholding of this fundamental information as deceptive and indefensible." (Id. at 795.)

The Record demonstrates the importance of octane ratings to the consumer and the requirements of his automobile and therefore failure of marketers to disclose the octane rating of gasoline is a deception.

(2) The failure of refiners and other marketers to disclose the research octane ratings on the gasoline pumps is an unfair practice in that it does not afford to the consumer information with any degree of preciseness as to the range of octane ratings available.

The Record seems clear enough that there are different ranges of octane ratings available. Many marketers offer a regular (94 octane generally) and a premium (99–100 octane generally). Some offer in addition to regular and premium a middle classification such as Esso which offers in addition to Esso Regular and Esso Extra, Esso Plus. Sunoco offers a variety of eight different selections of gasoline, all varying somewhat in octane rating. Gulf and Sun Oil Co. offer a so-called aub-regular (Gulftane and Sunoco 190) at about 92–93 octane rating. (Consumers Report supra, Record 806.)

The Bureau of Mines Survey of Motor Gasolines, Summer 1968, speaks in terms of five different ranges of gasoline. They are regular price gasoline at an average of 93.8 research octane number; premium price gasoline at an average of 99.9 research octane number; a third grade gasoline with an average 92.5 research octane number; an intermediate grade gasoline with an average research octane number of 96.4; and finally, a super premium gasoline with an average research octane number of 102.4. (Mineral Industry Surveys, U.S. Department of Interior, Bureau of Mines, Petroleum Products Survey No. 58, Motor Gasolines, Summer 1968, p. 4, figures 1 and 2, pp. 33, 34, and 35.)

The Atlantic Richfield Co.'s spokesman notes that most gasolines fall within four ranges. "Nearly all gasoline sold in the United States today as 'regular' has a research octane rating of 92 to 95, while that sold as 'premium' gasoline has a research octane rating of 99 to 101. 'Mid-premium' gasoline generally has a research octane rating of 95.1 to 98.9, and 'sub-regular' a research octane rating of about 89.5 to 91.9." (Record 706.)

Mobil Oil Co. acknowledges a seven point or so spread between their premium and regular gasoline. (Tr. 247.)

Sunoco offers eight different blends of gasoline ranging from an economy gasoline to a super premium. There is a variance in the octane ratings of each grade. "This is the basic philosophy of our custom blending system. It offers a wide range of choices of octane quality with prices varying with the quality. Individual customers are encouraged to locate themselves properly in the system, so that they use octane that is high enough to provide satisfactory performance but does not waste money on more octane than necessary for the performance." (FTC Conference on Automotive Gasoline, House Hearings, supra, Record 157. See also statement of Theodore A. Burtis, Sun Oil Co., Tr. 297.)

Continental Oil Co. offers a "Four Grade Program" providing motorists with a greater selection of gasoline grades and states that its advertising program "• • • has been devoted to helping the motorist select the grade of gasoline suitable for his car, avoiding his paying an additional charge for a grade carrying an unnecessarily high octane rating." (Record 436 & n.2)

Despite the variations in the octane ratings of gasolines marketed by these companies, none of them provide for disclosure of that information to the motorist.

In discussion of the lack of availability of octane information the representative of Cities Service Oil Co. concluded that there is presently no index of octane measurement available to the consumer.

"Mr. Dixon: That brings me back, I think, to the question I was asking Mr. Kane. Without knowing the numbers, octane numbers of gasolines, how does the consumer compare and know what he is comparing? There again, using the apples and pears situation, of comparing Brand A's 94 with Brand B's 96, so that he is essentially comparing different things.

Mr. Rosen: He has no good index.

Mr. Dixon: Does he have any index now?

Mr. Rosen: Not really. The only thing he can rely on, and it is a strong reliance, is the tremendous competitive measures of our industry which never allows anyone, really, to get very far ahead of anyone else • • •" (Tr. 108.)

Further discussion by industry representatives and others illustrated the varying ranges of octane available and the possibility that individuals may be purchasing a higher octane gasoline than is needed for their automobiles. (See testimony of representatives of Cities Service Oil Co., Tr. 109; Atlantic Richfield, Tr. 138; Professor Myers, Tr. 360; Popular Science article, Gas For Your Car, Record 111–113.) Although Mobil Oil Co. and Phillips Petroleum Co. maintain that there is not as much variability in the octane number of gasoline sold as might be thought. (Tr. 248, Record 728.)

Here again, industry is well aware of the range of octane available in gasoline. The automobile industry illustrates its awareness of the available ranges by publication in its owner's manuals of recommendations to use regular or premium, and in the case of Ford Motor Co. to use a grade of not less than a certain research octane number. The automobile owner purchasing gasoline has no effective way of ascertaining what the octane rating is of gasoline being sold at the pump except in a few rare instances where independents may post octane ratings, such as "Scot" and Hess appear to be doing in the Washington area, and some advertising by certain oil companies which alludes to the octane content of their gasoline such as Hess Oil Co. (Record 239 and Sunoco, Record 102.)

The consumer should know the ranges of octane available to meet the operating needs of his car and yet not waste octane by purchasing gasoline with a higher octane rating than is required by his automobile. The consumers should know the ranges of octane available because of the correlation between octane and the price of gasoline. There is no need to pay extra money for extra octanes if the automobile engine does not require high octane gasoline.

Therefore, failure to post octane ratings is unfair because it does not disclose the range of octane ratings available to the consumer.

(2) • • • In certain instances gasolines are being marketed by the descriptive grade name of "regular" which are in fact of a lower octane rating than the average acceptable range of "regular" brands normally marketed with resulting damage to the engines and in some instances the warranties on new cars are not being honored because the car owner unwittingly used a low octane gasoline which he assumed to be a "regular" blend.

There has been little data made available demonstrating any damage to automobile engines by the use of too low an octane gasoline, although there are several sources which have been previously mentioned which note that use of too low an octane gasoline can cause severe damage to an engine such as the article published in the November 1966 edition of Changing Times which stated "There can be risks in trying to 'save' on gas—you can ruin an engine and waste gas in a misdirected attempt to economize." (Record 143) See also Consumer Reports, supra, Record 803; Ethyl Technical Notes, Motor Gasoline Tests and Their Meaning, Record 175; the several citations to the various automobile owner's manuals which point out the engine damage possible because of knocking and the automobile manufacturers' assertion that continued use of gasoline which knocks will be construed as misuse under the automobile warranty. The gasoline companies participating in the proceedings deny that there is any engine damage due to the use of their gasoline. (Mobil Oil, Record 746; Standard Oil of Ohio, Record 317; American Oil Co., Record 262; Gulf Oil Co., Record 359; United Refining Co., Record 96.)

None of the automobile manufacturers confirmed that they had knowledge of cases of engine damage due to use of too low an octane gasoline, nor did they state that they had not honored warranty provisions because of engine damage caused by use of too low an octane gasoline. (See statements of Ford Motor Co., Record 278, 836; American Motors Corp., Record 834; General Motors Corp., Record 841; and Chrysler Corp., Record 843.) Volkswagen did state that it is possible to damage an engine by use of a fuel with too low an octane rating. (Record 302.)

The most that the Record will support is a conclusion that use of fuels of a low octane could cause engine damage if knocking occurs over a consistent period of time. In theory then, as recognized by periodicals, statements of industry representatives and certainly by most of the automobile companies in their owner's manuals, the use of improper grades of gasoline (too low an octane) can cause knocking, and continued use of such gasoline can cause engine damage.

Certainly the automobile industry's concern over the use of gasolines having an octane rating low enough to cause engine knock is manifested by the statements contained in Ford Motor Co.'s owner's manuals specifying the minimum octane-rated gasoline recommended for use with each particular engine manufactured by that company; the statement in General Motors' owner's manuals warning that "• • • continuous or excessive knocking may result in engine damage and constitutes misuse of the engine" which would negate the manufacturers' new vehicle warranty; and a similar caveat contained in the owner's manual published by American Motors. This documentation is sufficient to warrant a conclusion by the Commission that automobile manufacturers are sufficiently concerned with the use of too low an octane gasoline by the owners to post in their manuals such dire warnings concerning the consequences of use of low octane gasoline. Thus, if a particular owner's manual stated that the automobile should use a "good grade regular gasoline" and that such gasoline should be purchased from "reputable suppliers" as is set out in the 1970 Plymouth Fury Operator's Manual, this leaves the owner with the problem of determining what is a "good grade of regular" and just who is a "reputable supplier." Certainly, since the octane rating of gasoline is important in the gasoline/engine relationship, the posting of octane ratings should assist the owner in ascertaining what a good grade of gasoline is—even though it may be conceded that there are other elements necessary to quality gasoline.

Therefore, the failure of refiners to post octane ratings is unfair because (a) it does not provide the consumer with knowledge of the range of octanes available, (b) it could conceivably cause the purchase of gasoline of an octane rating so low as to do damage to an engine, and (c) it does not assist consumers in operating their automobiles in accordance with the recommendations of automobile manufacturers concerning the use of gasoline and could prevent an owner from recovering costs of repairs under his new vehicle warranty provisions.

(3) Refiners and other marketers of gasoline own and/or control the pumps through which gasoline is dispensed at the retail outlet.

The larger major brand refiners and marketers own the pumps of the stations. See testimony of Delaware Valley Dealers Association, Tr. 289.

Testifying on behalf of the Society of Independent Gasoline Marketers of America, Mr. Deer stated that in the case of independent marketers "the ownership of the stations, the ownership of the pumps and ownership of the real estate in most cases, resides with the company and not with the operator." (Tr. 119.)

Continental Oil Co. maintains that "With some variation from company to company, only a minority of the stations through which the major oil companies market are operated by the companies. Most stations owned by the supplying companies are leased

to independent operators. By operation of law, lease of the service station premises vests the operator with dominion and control of the dispensing pumps. Other operators (so-called 'free dealers') own their stations and equipment, while still others are so-called 'jobber dealers' who typically operate stations owned by the distributors under various form of contractual arrangements." (Record 441.)

Standard Oil of California states that some of its stations are owned by the company and consequently the pumps are controlled by the company, and some stations are operated under a lease agreement where the lessee dealer has certain contractual rights to the use of the property. In further discussion, the representative of Standard Oil concluded that under lease situations the oil company would be able to post octane numbers on the pumps if so required. "There is no reason why a marketer of gasoline cannot now put on octane rating if you think that is a valuable promotional tool or helpful to the consumer." (Tr. 94.)

(4) Many consumers are unaware that the engine requirements of their automobile may permit the use of a lower octane gasoline and are paying higher prices needlessly for gasolines of a higher octane rating.

This subject has surfaced tangentially in the discussions of the other premises set out in the public notice; because of its pocket impact it should be highlighted.

There seems to be little doubt that there is a direct relationship between the cost of gasoline and its octane rating. The higher the octane rating of the gasoline the more it costs to refine and the more it costs the consumer.

"As of today what does the car owner know about buying gasoline? • • • One can usually, but not always, assume two things: The 'premium' is higher octane than the 'regular' and has a higher price." (Statement of Consumers Union, Record 790.)

The industry representatives participating in the hearings agree that the cost of gasoline production increases with increase of octane rating. (See testimony of American Petroleum Institute, Tr. 226; Mobil Oil Corp., Tr. 261; Phillips Petroleum Co., Tr. 398; Standard Oil Co. of Ohio, Tr. 412.)

The higher the octane rated the gasoline, the more expensive it is. Does the consuming public know this? Is the consuming public buying more octane than necessary and therefore paying more than necessary? The Record supports an answer in the affirmative.

The Ford Motor Co. states that "Studies have shown that a significant percentage of customers will purchase premium grade fuels for a regular grade engine, whether the engine needs it or not." (Record 170.)

As previously cited, Sun Oil Co. has stated in its advertisements that "Unfortunately many people buy too much octane." (Record 102.) And in a written submission to the FTC Conference on Marketing of Automotive Gasoline, supra, Record 160, it stated "• • • the public traditionally has bought more octane than necessary." In further discussion of the two grade system (premium and regular) Sun Oil Co. concludes that "• • • many automobiles do not need octane as high as that provided by the regular grade. This is particularly true in the east where regular grades are about one octane higher than the nationwide average. A lower octane fuel would be entirely adequate for a sizeable segment of the automobile population. This is actually being done in the southwest and west where the regular grades are significantly lower in octane. Second, automobiles which need higher octane than that provided by the regular grades have to jump to the premium in the two grade system. This results in a sizeable area of excess octane quality and, in our opinion, is a real deficiency of the two grade system." (Record 160.)

Several of the witnesses appearing in opposition to the proposed rule do concede that some customers probably do buy a higher octane gasoline than is required for their automobile, although they do not know just how many purchase or how much extra octanes are purchased. (See Mobil Oil Corp., Tr. 261; Phillips Petroleum, Tr. 395; Cities Service Oil Co. testimony, Tr. 110; Atlantic Richfield testimony, Tr. 137; Sun Oil Co. testimony, Tr. 306; Professor Myers' testimony, Tr. 360.)

Many of the parties supporting the promulgation of a rule requiring octane posting also state that in their opinion many people unknowingly buy higher octane than is necessary. (See statements of Senator Proxmire, Tr. 12; see also Congressman Dingell's statement, Tr. 40; Consumers Union statement, Tr. 197; Delaware Valley Service Station Dealers Association, Tr. 288; Department of Justice statement, Record 890; statement of G. W. Law School students, Record 876.)

Since the higher octane gasolines (premiums) are more expensive and it's quite probable that some or many buy a gasoline with a higher octane rating than their automobiles demand, a proper selection of the correct octane rated gasoline should in most cases result in a savings to the consumer. This is particularly important to the low income user of gasoline.

"• • • the average consumer does not know how to find out the octane ratings of the various gasoline brands and, thus, is liable to be spending much more money for gasoline than he needs to. This is particularly true for poor people who have to spend a large percentage of their income for gasoline in order to get to work. According to the President of Sun Oil Company, Americans who earn less than $3,000 a year spend an average of 6.2 cents of every dollar on gasoline compared to 1.5 cents for the $15,000 plus income group. A savings of $40 or $50 a year is very important to them." (Senator Proxmire, Tr. 14.)

Representative Joshua Eilberg estimates a possible savings in the amount of $50 per year. (Tr. 176.)

The Consumers Union in discussing differences in gasoline prices (even though the octane ratings may be similar) illustrates how savings can be effected through selected price comparisons of gasoline.

"Price, however, is something else. Prices for a given designation of the majors differ from city to city, differ within the same city, differ from the independents' prices and change seasonally. Obviously, you must shop around if you're interested in price. We found that, on the average, buying a major brand at a cut rate station will save you about 1.5 cents per gallon over the price for the same brand at a regular station, regardless of designation. And if you can switch from a branded gasoline sold at a regular price to an independent gasoline sold cut rate you can save about 4 cents per gallon. That adds up to $28 a year for 700 gallons, which is about the national average gas consumption per car." (Record 805.) Similar savings could be effected by the auto owner who changes from a premium gasoline to a lower priced regular if he was made aware that his auto needed only the lower octane rated regular gasoline rather than the higher octane rated premium that he is presently paying 3 cents to 4 cents more per gallon.

Mobil Oil Corp. estimates that savings accrued by purchasing regular (low octane) in lieu of premium (high octane) "• • • would run something less than $30 a year." (Tr. 248.)

Any estimates of savings to the individual consumer of gasoline, considering the number of auto owners, the different brands and grades, and the octane ratings that may appear on pumps, is highly speculative. But what is important is the fact that savings can reasonably be predicted to occur simply because it has been established that people buy too high an octane rated gasoline. Once educated to the fact that many cars need not use premiums (high octane) it seems reasonable to conclude that savings through purchases of regulars rather than premiums, or middle ranges rather than premiums, will eventuate. Even if this did not come to pass, the consumer is entitled to have octane information made available to him, regardless of the amount of money saved. The information is useful to the car owner. It is needed in order that he satisfy his engine needs and yet not "overkill" in the use of gasoline. Postings on pumps should prompt automobile manufacturers to educate automobile owners as to gasoline/engine requirements of the cars they produce and market.

The consumers' dilemma is thus:

"Gasoline is an anonymous product to the consumer. He knows only that he is buying a petroleum product, that it has been transformed into gasoline at a refinery, that it is the fuel required for his automobile, and that it may be procured at his local gasoline station. The consumer never sees the gasoline he purchases. He has no idea of what is in it. He has no way to objectively distinguish one gasoline from another. He is unable to distinguish one quality claim from another. Finally, he lacks the sophisticated knowledge necessary to determine if his engine's fuel requirements are being satisfied. But he must use gasoline. He accepts the maze." (G. W. Law School student statement, Record 860.)

The first step out of this maze is succinctly described by W. C. Tancig:

"Posting octane numbers on the pumps would give drivers a yardstick to measure what they get for their money, other than credit cards, automobile clubs and rest rooms. In short, as your present proposal recognizes, and our data confirm, motorists cannot intelligently shop for gasoline on the basis of price without knowing about antiknock property in the form of octane ratings. We view the industry's withholding of this fundamental information as deceptive and indefensible.

"• • • Your proposal will also enable car manufacturers to recommend the proper fuel for their products by octane level rather than by a generalized price level. As a matter of fact, we urge you to supplement your proposal with just such a requirement for these manufacturers." (Consumers Union, Record 795.)

IV. *In opposition to the Proposed Rule.* 1. Probably the most frequent argument posed by opponents to the proposed rule is that the posting of research octane numbers creates the impression that octane rating is the only quality feature of gasoline and therefore is misleading.

"I believe this testimony will show that posting of research octane numbers could mislead the motorist into buying a product that may lack essential characteristics of a good gasoline. These characteristics include quick starting, dependable acceleration, cleanliness, and good mileage. Undue emphasis on Research Octane ratings could delude the consumer into believing that gasoline with a higher posting would perform better, which may not be the case.

"Aggressive marketing competition among oil companies has produced the high quality gasolines that motorists expect and receive today. The posting of octane numbers would tend to minimize competitive efforts to maintain and improve overall quality, and

place undue emphasis on Research Octane rating, in itself an inadequate total performance criterion.

"• • • Even if antiknock performance could be accurately predicted by some yet-to-be devised laboratory octane test, it would not guarantee the consumer top engine performance. There are numerous characteristics essential in judging the quality and performance of a motor fuel."

"(1) Proper fuel vaporization at low temperature. This feature insures quick engine starting in cold weather, without vapor locks.

"(2) The optimum degree of fuel vaporization as the engine warms up and temperatures rise. This insures fast warm up, smooth acceleration, and uniform fuel distribution among the engines' cylinders.

"(3) Careful control of high-boiling fuel hydrocarbons. Good fuel distribution and freedom from excessive crankcase dilution and deposits are insured when the amount of very high-boiling hydrocarbons is kept to a minimum.

"(4) Proper relationship between vaporization and the altitude and climate where the fuel is to be used. This feature also prevents vapor lock, the result of fuel boiling in the fuel pump and fuel line.

"(5) Low gum content. This prevents valve sticking, carburetor difficulties, and gum deposits in the engine and intake manifold.

"(6) Low sulphur content. This minimizes corrosion and reduces atmospheric pollutants.

"(7) Good storage stability. This keeps gum from forming.

"All of these characteristics are essential to a high performance fuel; none of them depends on a gasoline Research Octane rating." (Statement of Francis C. Moriarity, American Petroleum Institute and Western Oil and Gas Association, Record 454 and 456–457. For other statements pointing out that octane is not the sole indicia of quality in gasoline and/or posting of octane numbers would mislead, see statements of Standard Oil Co. of California, Record 306; Cities Service Oil Co., Record 354; Society of Independent Gasoline Marketers of America, hereinafter referred to as SIGMA, Record 430; Atlantic Richfield Co., Record 703; National Petroleum Refiners Association, Record 755; Mobil Oil Corp., Record 737; Sun Oil Co., Record 411, 416 and 856; American Petroleum Refiners Association, Record 656 and 661; Professors P. S. Myers and O. A. Uyehara, Record 644, 650; Phillips Petroleum Co., Record 728, 729; Standard Oil Co. of Ohio, Record 313, 314; J & L Oil Co., Inc., Record 57; APCO Oil Corp., Record 62; Sunland Refining Co., Record 72; Louisiana Department of Revenue, Record 82; Plateau, Inc., Record 88a; Kendall Refining Co., Record 87; Council of Safety Supervisors, Vermont Truck & Bus Association, Record 93; United Refining Co., Record 95; Mohawk Petroleum Corp., Inc., Record 240; American Oil Co., Record 258; La Gloria Oil and Gas Co., Record 269; California Department of Agriculture, Record 277; North Carolina Department of Agriculture, Record 291; Union Oil Co., Record 293, 296; Michigan Petroleum Association, Record 300; North Carolina Oil Jobbers Association, Record 349; Gulf Oil Co., Record 357, 360; Shell Oil Co., Record 361, 363; Continental Oil Co., Record 434, 437; Rock Island Refining Corp., Record 447; SYMPA, Record 564; Humble Oil & Refining Co., Record 568; Georgia Association of Petroleum Retailers, Record 325, 336; Kentucky Petroleum Marketers Association, Record 813; Illinois Petroleum Marketers Association, Record 852; Fuel Merchants Association of New Jersey, Record 827; Texaco, Inc., Record 837; George C. Stafford & Sons, Record 839; State of Indiana Department of Revenue, Record 911.)

2. A further refinement of the argument that postings mislead consumers is that the posting of octane ratings on gasoline pumps as a result of a Federal agency regulation "• • • would be tantamount to giving a government stamp of approval to octane as the sole, or primary, index of gasoline quality." (Mobil Oil Corp., Record 745; see also statements of Professors Myers and Uyehara, Record 650; Standard Oil Co. of Ohio, Record 316; and Shell Oil Co., Record 362.)

The Federal Specifications for the purchase of automotive gasoline, VV-G-76a, January 7, 1963, is cited to illustrate that gasoline contains many quality features. "The department of Government responsible for purchasing untold millions of dollars of fuel for engines from jet to diesel learned many years ago that not only is there no single standard for gasoline, but the variables necessary to assure high quality performance were so numerous and intricately related that they issued a specification requirement composed of an unbelievable number of factors which must be met. This specification VV-G-76a • • • and its complexity requirements is proof sufficient that research octane number in no manner is an indice of over-all quality." (American Petroleum Refiner's Association, Tr. 325.)

3. It is pointed out that each automobile has different engine characteristics and because of this has different octane needs.

"Any two automobiles of identical make and model may vary as much as six to eight octane numbers in the gasoline characteristics required to prevent knocking. Also, a very high compression engine needs one kind of gasoline. The same gasoline may not be needed in an engine of lower compression which may operate efficiently on a gasoline of different characteristics—not an inferior gasoline, but a different gasoline. The motorist finds out what is right for his car by its performance as he drives it with one gasoline or another in the tank. It is his driving experiences, and not the posting of octanes, that will inform the driver what gasoline his car should use." (Statement of Standard Oil of California, Record 307; see also Cities Service Oil Co., Record 352; SIGMA, Record 431; American Petroleum Institute, Record 459, 470; Mobil Oil Corp., Record 740; William A. Fluhr, Inc., Record 787; Sun Oil Co., Record 412; Professors Myers & Uyehara, Record 648; Standard Oil Co. of Ohio, Record 317; APCO Oil Corp., Record 62; Plateau, Inc., Record 86a; Council of Safety Supervisors, Vermont Truck & Bus Association, Record 93; Mohawk Petroleum Corp., Inc., Record 241; American Oil Co., Record 256; Union Oil Co., Record 295; Michigan Petroleum Association, Record 300; Gulf Oil Co., Record 358; Continental Oil Co., Record 437; Humble Oil & Refining Co., Record 575; Fuel Merchants Association of New Jersey, Record 828.)

4. It is forcefully argued that the research octane number method of evaluating gasolines antiknock capabilities is not an accurate measure, that the motor method is no more effective and that the road method is the best of the three but not in itself a totally accurate gauge.

"Our belief that octane posting would not serve to inform the motorist has a sound technical basis. The technical problems arise from the fact that there are three methods of measuring the octane of automotive gasoline: the Research method and the Motor method, both of which are performed in the laboratory, and the Road rating approach, which is carried out in a multicylinder automobile engine under highway operating conditions. Since the Road method most closely simulates actual car operation, the Road rating is a better indicator of the gasoline antiknock performance to be expected. The octane numbers derived for the same gasoline by each of the three methods, however, will vary markedly.

"As the American Society for Testing and Materials (ASTM) explains it:

"At the present time, there is no completely satisfactory way of translating Motor and Research octane numbers into terms of a rating for all vehicles on the road. Correlations of laboratory ratings with Road ratings have been developed, but at best such correlations represent only the average result obtained for a limited number of vehicles when operated under prescribed conditions. (1969 ASTM Standard. Part 17, page 172.)

"Research octane, the one proposed for posting in the FTC rule, is least related of all the methods to actual car performance. Research octane is a laboratory test measured on a single cylinder engine which is not like the modern six or eight cylinder automobile engines. The Research method was designed as a successor to the Motor laboratory method to accommodate the higher octane fuels developed in the 1930's. The Research method, in combination with the Motor method, is in use by oil companies as a means of monitoring the octane level of refinery streams and also finished gasoline products. But it is only of value in these instances because the limitations of the data are understood by the people who use them, and the Research number is only one of the many measurements used by refiners. They have also measured the Road octane, and know the relationship between the Research and Motor measurements and actual performance for a particular composition of gasoline. The Research method alone is not a satisfactory method of comparing the road performance of several gasolines." (Sun Oil Co. Statement, Record 413, 414.) For other statements indicating that Research octane rating is an inadequate measure of gasoline quality see Standard Oil Co. of California, Tr. 76; Union Oil Co., Record 294–295; Cities Service Oil Co., Record 352; SIGMA, Record 431; Ethyl Corp., Record 423, 426; American Petroleum Institute, Record 455, 468; Mobil Oil Corp., Record 739; American Petroleum Refiners Association, Record 656; Professors Myers & Uyehara, Record 648; Phillips Petroleum Co., Record 729; Standard Oil Co. of Ohio, Record 319; Department of Agriculture, State of Hawaii, Record 29; Kendall Refining Co., Record 87; Mohawk Petroleum Corp., Record 240; American Oil Co., Record 256, 258; Michigan Petroleum Association, Record 300; North Carolina Oil Jobbers Association, Record 349; Gulf Oil Co., Record 358; Shell Oil Co., Record 362; Continental Oil Co., Record 440; Humble Oil & Refining Co., Record 579; Empire State Petroleum Association, Inc., Record 850; Texaco, Inc., Record 837.)

Similarly this was the thread of the argument presented by the Ethyl Corp. in the demonstration before the Commission of its Crosley engine with four different fuel supply devices which supplied to the engine two different brands of "premium" gasoline and two different brands of "regular" gasoline, all having similar research octane numbers. Ethyl after demonstrating that the four gasolines when burned in the engine have different "knock" propensities maintains that the necessary conclusion that must follow is that gasolines of the same RON will react differently in any given engine and therefore "the use of research octane number alone as the index of fuel quality could be misleading to the motoring public." (Record 426.) (For similar observations concerning the incongruities between the Research Octane Method and the Road Method see Mobil Oil Corp., Record 739; Sun Oil Co., Record 413–414; American Petroleum Refiners Association, Record 663, 664; Standard Oil Co. of Ohio, Tr. 405; Mohawk Petroleum Co.,

Record 241; Union Oil Co., Record 294; Humble Oil & Refining Co., Record 575, 604.)

5. The result of posting of octane numbers on gasoline pumps will be octane wars. So state industry members in opposition to the proposed rule.

"The proposed Rule will tend to lead the public to believe that a gasoline with a higher research octane rating will in all or almost all cases fill their needs better than a lower research octane gasoline.

"* * * In addition, by overemphasizing research octane the Rule might upset the widespread practice of selling lower octane gasoline in the Rocky Mountain States than in other parts of the country. Since octane requirements decrease at higher altitudes, this practice does not affect gasoline performance. However, if the proposed Rule with its emphasis on research octane is put into effect, there may well be the tendency to increase the research octane of gasoline sold in the Rocky Mountain States to levels prevailing in other parts of the country.

"Thus by overemphasizing the importance of research octane the proposed Rule may well cause some marketers to add certain components to their gasoline in order to raise research octane levels and thus gain a competitive advantage. Competitive factors could then force other marketers to follow this practice. Most elements of gasoline quality would not be enhanced by this increase in research octane ratings. Thus the Rule may change the buying habits of the public without bringing them any substantial benefit." (Statement of Atlantic Richfield Co., Record 704–705.) Other participants who fear that octane wars will result from posting and the public placing too much emphasis on the value of octane ratings include SIGMA, Record 431; National Petroleum Refiners Association, Record 757; Mobil Oil Corp., Record 742; Sun Oil Co., Record 411; Professors Myers and Uyehara, Record 651; Phillips Petroleum Co., Tr. 386; Standard Oil of Ohio, Tr. 412, Record 316; American Oil Co., Record 263; Gulf Oil Co., Record 360; Shell Oil Co., Record 363; Continental Oil Co., Record 440; Rock Island Refining Corp., Record 448; Humble Oil & Refining Co., Record 577–578; Kentucky Petroleum Marketers Association, Record 814; Fuel Merchants Association of New Jersey, Record 828.

Another member of the petroleum industry believes that with minimum posting requirements, most manufacturers will not race to increase octanes, but rather will tend to produce gasoline with the minimum amount of octane rating possible. (American Petroleum Institute, Tr. 218.)

6. Posting of octane ratings will inhibit research, so states Standard Oil of California.

"As the President of a research company which has a long record of product innovation and improvements over the years, it would be particularly distressing to see this happen. It would arise from the fact that if research octane postings were required, then, of course, the target that would be forced on a manufacturer and on the research group backing them up, would be to try to obtain that research number at the lowest possible cost." (Tr. 81, 82.)

"The emphasis given research octane by the Commission's proposed trade regulation rule could create an artificial barrier to improvement; for gaining public acceptance of some new ingredient might be very difficult if the necessity of posting the research octane rating induced the erroneous impression that this new gasoline was not really any different from other products bearing the same research octane rating." (Standard Oil Co. of California, Record 308.) For expressions of similar sentiments see Atlantic Richfield, Record 707; Phillips Petroleum Co., Tr. 387; and Standard Oil Co. of Ohio, Record 316; Kentucky Petroleum Marketers Association, Record 815.)

7. Since the octane requirements of automobile engines differ in certain parts of the country, the motorist driving from one area to another will be confused by the different octane ratings appearing on the pumps. This argument is presented as another reason why posting of octane ratings will confuse and therefore should not be required.

"If octane postings were required, a consumer would find that the same brand of premium gasoline with a posting of 100 octane in New York City might have a posting of 97 octane in Denver, Colo., and yet provide equivalent antiknock performance in both areas. However, with octane posting, the motorist would not know that the gasolines—despite such differences in octane ratings—were made to perform properly and satisfactorily under different temperature and altitude conditions. In such instances, posting of octane numbers on gasoline pumps would not only not help the consumer but would in fact, serve to confuse him. And it would certainly not be in the consumer's interest for him to purchase, unnecessarily, a higher octane number gasoline in high-altitude areas." (American Petroleum Institute, Western Oil and Gas Association, Record 458–459. See also Atlantic Richfield Co., Record 704, Tr. 137, 138; American Petroleum Refiners Association, Record 338, 657; APCO Oil Corp., Record 62; Plateau Inc., Record 86a; Motor Transport Association of New Hampshire, Record 91; Mohawk Petroleum Corp., Inc., Record 241; American Oil Co., Record 257; Standard Oil of California, Record 309.)

8. Industry members point out that under the present system of gasoline marketing if an automobile knocks, or the customer is otherwise unhappy with gasoline performance, he will buy another brand or grade of gasoline. (See statement of Standard Oil of California, Tr. 81; Cities Service Oil Co., Tr. 109; Mobil Oil Corp., Tr. 247, Record 741; La Gloria Oil & Gas Co., Record 270; Union Oil Co., Record 295; Gulf Oil Co., Record 358–359; Rock Island Refining Corp., Record 447; Humble Oil & Refining Co., Record 576, 577; Empire State Petroleum Association, Record 850; Vermont Petroleum Inc., Record 826; Vermont State Farm Bureau, Record 830; George C. Stafford & Sons, Inc., Record 839.)

As a companion to the above argument is the position that the present system of identifying gasoline qualities and capabilities provides adequate information to the consumer.

"In Atlantic Richfield's view, the maintenance of this basic terminology—'regular' and 'premium'—is more meaningful and more useful to consumers than would be a requirement that gasoline be identified by research octane ratings. Should gasoline marketers be required to post the actual research octane rating at the pump, this, as a matter of consumer psychology, will influence consumers to purchase the highest rated gasolines." (Record 706. See also statements of American Petroleum Institute, and Western Auto Gas Association, Tr. 217; Union Oil Co., Record 293; Continental Oil Co., Record 436 & N.2; Humble Oil & Refining Co., Record 576.)

9. The smaller independent refiners argue that posting of research octane ratings on pumps will work a hardship upon them. It is their insistence that many of the small refiners, because of the crude oil they utilize, are able to refine gasoline that may have an excellent "Road Octane Rating" but have a relatively unimpressive Research Octane Rating.

"There is no need nor justification for these small refiners to produce a product with an unnecessarily high Research Octane number when they are already making a higher performance gasoline than the high Research Octane number gasoline marketed by intermediate and major refiners. As a documented example, there is attached a specification sheet of Famariss Pool gasoline for September. It shows our premium grade gasoline tests.

97.9 Research Octane
92.6 Motor Octane
and
101.6 Road Octane

Under your proposed regulation of pump posting we would flunk on the Research Octane which is the number the consumers would see.

"What the consumer would not see is that he's passing up the whipping cream to get skim milk because in the same market highly advertised gasolines have been tested at

99.9 Research
92.2 Motor
and
98.2 Road Octane

"What is true of Famariss gasoline is typical of the gasoline of most small refiners." (American Petroleum Refiners Association, Record 663–664; see also statements of Mohawk Petroleum Corp., Inc., Record 241; Kendall Refining Co., Record 87.)

This point is corroborated by the Du Pont Technical Discussion On Research Octane Number As A Measure Of Fuel Antiknock Performance In Cars. "Here again, it will be observed that the road antiknock quality of gasoline marketed by these small companies is fully competitive with that of the major companies, despite the fact that the Research Octane Numbers are appreciably lower." (Record 476.)

10. In the view of independent marketers the worrisome feature of mandatory postings is that they have no control over the octane rating of the gasoline that they purchase from refineries or middlemen.

"* * * SIGMA is most seriously concerned with the effect the proposed rule could have upon its efforts to remain competitive in the retailing industry. As already noted, SIGMA members are almost wholly dependent upon major oil companies for product supply. Such dependence means that SIGMA members have no control over the octane ratings of gasoline purchased from the majors, and no means of determining octane ratings except to rely upon rating data furnished by the supplier. The problem is greatly compounded by the fact that an individual independent marketer often must look to various major brand sources for his product supply. If the Commission adopts a rule requiring the posting of octane ratings, which we oppose for reasons already stated, such a rule must contain a provision permitting independent marketers to rely on octane ratings furnished by the refiner * * *" (Society of Independent Gasoline Marketers, Record 432. See also statements of Mohawk Petroleum Corp., Inc., Record 241; and comments of Department of Justice, Record 891–892.)

Conversely, the independent refiners are also concerned over the fact that once the gasoline leaves the refinery it may pass through several parties prior to sale and the refiner may have no control over the ultimate octane number of the gasoline at the point of sale. "Since the independent refiner markets his gasoline through many different channels, a particularly worrisome aspect of the proposed compulsory posting Rule, concerns the amount of control over the exact research octane and the problems involved in maintaining the same octane rating from the refinery to the gasoline pump. The independent refiner can accurately label the octane of the gasoline at his refinery and at his own retail outlets, but would have no way of controlling the quality of the product sold at the refinery after it has left his plant and is subject to subsequent handling which could affect the octane rating. This could be particularly troublesome in cases where the gasoline is handled by different parties, i.e., jobbers, transporters, etc., before reaching the retail marketers." (Statement of National Petroleum Refiners Association, Record 756–757; see also statement of Sunland Refining Corp., Record 72.)

11. It has been suggested by some that the posting of octane ratings of gasoline on pumps will tend to divorce consumer purchase decisions from brand names. Shell Oil Co. asks: "* * * Is the Rule a measure to reduce consumer identification of performance satisfaction with a particular brand? If so, why? There is nothing undesirable about consumer identification of superior performance with a particular brand * * *" (Record 363.)

Similarly, a fear of brand name erosion because of octane posting was voiced by the Georgia Association of Petroleum Retailers, Inc. "* * * The ability of the unbranded dealer to purchase gasoline on a competitive bid basis would be an unfair competitive advantage over branded dealers who are locked-in under short term leases with a landlord-supplier should you adopt the proposed rules which we believe will result in consumers disregard of brand names and other qualities by making selection on octane rating only." (Record 326.) See also comments of the representative of Phillips Petroleum Co., Tr. 392.

12. Opponents point out that gasoline companies presently must adhere to stringent State laws which set out precise specifications for gasoline quality and therefore these State requirements adequately protect the consumer.

"State law provides necessary safeguards for gasoline products as to octane and certain other qualities and thus protects the consumer from deception as to quality meeting the requirement for today's automobiles." (Georgia Association of Petroleum Retailers, Inc., Record 324; see also statement of APCO Oil Corp., Record 62; State of Louisiana, Department of Revenue, Record 82; Louisiana Oil Marketers Association, Record 267; Alabama Department of Agriculture and Industries, Record 275; Crown Central Petroleum Corp., Record 347; Continental Oil Co., Record 441, 444; Mississippi Motor Vehicle Comptroller, Record 825; Honorable Joe D. Waggonner, Jr., Member of Congress, Record 840.)

13. It is pointed out that there is really little variation in the octane ratings of competing gasolines today and therefore the motorist is capable of judging for himself the gasoline he needs under the present grading system. See statement of Atlantic Richfield, Record 706; Phillips Petroleum Co., Record 728; and Humble Oil & Refining Co., Record 576.

V. *Suggested alternatives and modifications to the proposed rule.* 1. Parties appearing in support as well as in opposition to the proposed Rule suggest that the Rule should require the marketers to post minimum octane ratings on the pump, i.e., state that the gasoline being dispensed from the pump is at least 90 octane, rather than requiring a marketer to state that the gasoline is precisely 90 octane at any time it is sold.

"* * * the proposed regulation would appear to impose unnecessarily difficult requirements in its direction that exact octane ratings be posted on dispensing pumps. This, again, would impose considerable burden on independent marketers whose supplies are derived from different manufacturers, in lots of different octane rating, which are inexactly mixed in dispensing tanks. In meeting this situation, or that created by evaporation of the more volatile components with consequential changes in actual rating, we recommend that the proposed regulation be amended to require only specification of the minimum octane rating of the gasolines included in the mix. Absent anticompetitive agreement among retailers or suppliers to maintain uniform octane postings, it would seem inevitable that the pressures of competition would shortly require that the minimum ratings posted be as near as possible to the actual." (Comments of the Department of Justice, Record 892–893; see also Statements of Consumers Union, Record 799; Crown Central Petroleum Corp., Record 347; Department of Transportation, Record 907. The Petroleum Products Division of the Louisiana Department of Revenue recommends the minimum postings of the base stocks of gasoline being dispensed from blend-o-matic pumps. Record 903.)

2. It has been suggested that the proposed rule be enlarged in scope so as to require the automobile industry to specify in their owner's manuals the octane rating of the gasoline that they recommend for their automobiles. See statements of Consumers Union, Record 795; Hon. John A. Ochlogrosso, Record 696.

3. The Commissioner of Consumer Affairs of Nassau County also recommends that federal financial assistance be afforded to local offices of consumer protection. (Record 696.)

4. The representatives of Kiekhaefer Mercury Co., a builder of motorboat propulsion systems recommends that the rule be expanded to cover all internal combustion engines, and that "all engine builders" as well as marketers be required to post octane information relating to the engines they manufacture. (See Record 685 and Tr. 66.) Their point is that in internal combustion engines used in outboard motors, quite often low octane gasoline (60–65) is sold as Marine White, and when used causes severe damage to such engines. Therefore posting of the octane rating should be required on marine pumps and that manufacturers of engines be required to recommend gasoline for their engines in terms of octane rather than the general terms "regular" or "premium."

5. The George Washington University Student Group requests that "the Federal Trade Commission re-examine the gasoline industry practices of dual distribution and exchange agreements taking into full account the deceptive effects of these practices upon the consumer." (Record 883.)

6. The Atlantic Richfield Co. suggests, "* * * that the appropriate rule should require that gasoline being offered for sale at the retail level be identified by trade name or other means as 'premium,' 'mid-premium,' 'regular,' or 'sub-regular' and that the rule or guide define each of these grades of gasoline by prescribing its minimum research octane rating. It is our further suggestion that the minimum octane ratings be set at 99 for 'premium,' 92 for 'regular,' 95 for 'mid-premium' and 89.5 for 'sub-regular.'" (Record p. 709.)

The proposal of Atlantic Richfield would not, however, require that octane ratings be posted on the pump. (Tr. 144–145.)

7. The Sun Oil Co. also suggests as an alternative to posting of octane ratings that "The Trade Regulation Rule should create a graded system registering fuels based on Road octane number, with a minimum of five categories to accommodate the five grades of gasoline most commonly available today: subregular, regular, intermediate, premium and super premium.

"* * * We believe that by using categories, rather than specific numbers, the danger of misleading the consumer by playing up insignificant numerical differences, the general confusion over rating methods, and the potential disagreements over the accuracy of posted numbers would be avoided." (Record 416.)

Sun Oil believes that "Posting categories instead of numbers would, of course, protect the motorist from attaching undue importance to small numerical differences." (Record 856.) Sun Oil Co.'s proposal evidently does not contemplate the posting of octane numbers on the pumps, but rather relying on grades as are presently used. (Tr. 309.)

The Crown Central Petroleum Corp. suggests as an alternative to posting that refiners file with the FTC a certification that their grades of gasoline meet certain minimum octane ratings. (Record 347, 348.)

8. Dr. Myers of the University of Wisconsin suggests (Record 652) that the Commission "* * * ask some prestigious and qualified body, such as the National Academy of Engineering or the Society of Automotive Engineers—is there a single unique quality criterion for gasoline. If there is, it should be made known to the customer."

Dr. Myers further suggests that the Commission "* * * see that information about the quality characteristics of gasoline (including knock) be prepared by a knowledgeable and impeccable group, such as the National Academy of Engineering or The Society of Automotive Engineers, expressed in simple laymeu terms and made available to the general public." (Record 653. See also Sun Oil statement, Record 417.)

9. The Director of The Division of Weights and Measures, Hawaii Department of Agriculture, suggests that the Commission rather than utilize Research Octane Ratings, use a more meaningful criteria that they are presently in the process of developing in the State of Hawaii (Record 28). The "Performance Index" as contemplated by The Hawaiian Department of Weights and Measures would include factors other than Research Octane Numbers above. It is also suggested that if the Commission does promulgate a Trade Regulation Rule such a rule be made inapplicable to states having a "value indicator law." (Record 29.)

VI. *Summary and conclusions.* On the basis of the Record of the Trade Regulation Rule proceeding, including those portions referred to in the preceding paragraphs, the Commission has concluded that the issuance of a Trade Regulation Rule requiring the posting of minimum research octane ratings on gasoline dispensing pumps is required by that Record and is in the public interest.

The public Record has demonstrated:

1. A relationship between the cost of gasoline and its octane rating, and that as a general rule, the higher the octane rating of the gasoline the higher the cost per gallon, and that there is a varying range of gasolines with different octane ratings available;

2. A relationship exists between the octane rating of the gasoline and the requirements of the automobile engine, and that different engines need differing octane rated gasolines;

3. The great majority of marketers of gasoline do not disclose to the consumer the octane rating of the gasoline being sold at the pump in a readily available manner;

4. Consequently, consumers are unaware that octane requirements of their particular automobile may permit the use of a gasoline with a lower octane rating, and as a result are paying higher prices needlessly for gasolines of a higher octane rating. Furthermore, the use of a gasoline which is either too high or too low in octane rating for that particular automobile tends to create excessive emissions which contribute to air pollution;

5. Motorists find it difficult to relate the octane needs of their automobile engines to the octane ratings of the gasolines available for sale. This is particularly true of automobile owners who must follow the requirements set out in their owner's manuals as

to gasoline use in order to comply with the "new car" warranty provisions of many automobile manufacturers. In some instances it is possible that through ignorance on the part of a motorist the use of too low an octane gasoline for an extended period of time could cause severe engine damage.

Therefore, on the basis of its accumulated knowledge and experience and the Record in this proceeding, the Commission concludes that the failure on the part of marketers of gasoline for general automotive use to affirmatively disclose the research octane rating of the gasoline to the consumer at the point of sale in a readily accessible manner constitutes an unfair method of competition and an unfair trade practice in violation of section 5 of the Federal Trade Commission Act.

It has been forcefully argued that there are many components to gasoline makeup, in addition to the octane rating, which contribute to the overall quality and efficiency of gasoline, and posting of octane ratings on gasoline pumps will lead the consumer to conclude that the octane rating of gasoline is the only indicia of quality. It is further argued that the requirement by a Federal agency mandating the posting of octane ratings on gasoline pumps would be tantamount to a Government stamp of approval to octane rating as the sole index of gasoline quality. The Commission rejects this view. It is granted that the posting of octane ratings will certainly make the public more aware of such a quality feature than has been the case previously. However, it is too broad a jump to conclude that the consuming public is so gullible as to assume that octane rating is the sole criteria of quality. Certainly purchasers of watches do not base their purchase decision strictly on how many jewels are in the watch. The same is true of clothing. Purchase decisions are not based solely on the fabric alone. Other factors such as style, price, and service play a role in a customer's decision to purchase one watch or one article of clothing in lieu of another. The jewel movements in a watch and the fabric in an article of clothing are but one vital piece of information made available to the consumer. So, too, with the octane rating of gasoline. It is a vital piece of information that should be made available to the consumer to be considered along with price and other factors in the purchase of gasoline.

Whether or not consumers will consider the fact that octane posting is a Federal requirement and therefore constitutes a Government stamp of approval is subject to speculation. Assuming the worst, i.e., that consumers did jump to this conclusion, this would be no justification for not providing to consumers an otherwise essential information factor in their selection of gasolines. Perhaps consumers buy the highest USDA grades of meat available at the meat counter on the assumption that this is a Government stamp of approval—this would be no reason to eliminate grading of meats by the USDA. The information is made available to consumers of meats. If they choose to purchase only the most expensive grades that is their choice. They have been provided with essential information. To what extent they let it influence their purchase decision is a matter for them to decide. The same would be true of the posting of octane information.

The opponents of the proposed rule maintained that since automobiles have differing engine characteristics which will have differing octane needs, the posting of the octane rating on the pump will not inform the motorist what gasoline his car should use.

It is because different autos have different octane requirements that the need to post such information concerning the octane number of the gasolines available becomes critical. The car owner's driving experience tells him which gasoline is best suited for his car. This proposition is granted. The car owner's ability to ascertain the precise gasoline for his particular engine will be enhanced with the added increment of information, the octane rating of the gasoline dispensed at the pump. The variations in autos illustrate the need for posting the octane ratings on gasoline pumps. It does not disprove the merit of the proposed rule.

The Commission recognizes the argument that at present the research octane number of evaluating gasoline antiknock capabilities is not a technically accurate measure, that the motor method is more effective, and that the road method is the best of the three but not in itself a totally accurate gauge.

The question, as the Commission views it, is not whether the Research Octane Method of evaluating gasoline antiknock properties is a technically perfect barometer, or whether the Road Method is technically superior to either the Research or Motor Method. The question that presents itself for consideration is whether the Research Octane Method of grading fuel antiknock properties is sufficient to afford the motoring public a benchmark in the selection of the gasoline which meets the needs of their particular automobile. Granted a given octane rating placed on a pump will not necessarily satisfy a given automobile. That is too much to expect and is, of course, far more than is needed. What is needed is a yardstick made available to the automobile driver, a starting point from which he can begin to evaluate gasoline antiknock values in relation to his automobile. The motorist needs no perfect measuring device, but he does need a yardstick, albeit not technically flawless, which gives him a starting point to compare gasolines. The Research Octane Number Method of rating gasoline antiknock properties is in common use in industry and in government purchase specifications as a yardstick—it need not be denied the motorist on grounds of nice technical distinctions as to accuracy.

The Commission is not persuaded by the prediction that posting of octane ratings on gasoline pumps will lead to octane wars. The possibility of octane wars eventuating is again a matter of conjecture. The fact remains that the customer is entitled to have that vital piece of information, the octane rating of the gasoline made available, in order to make an educated purchase decision. Nor is the Commission persuaded that a requirement that marketers of gasoline post octane ratings on the dispensing pumps will inhibit research in an industry as large as and as competitive as the petroleum industry.

Opponents of the proposed rule pointed out that since the octane requirements of automobile engines differ in certain parts of the country, the motorist driving from one area to another will be confused by the different octane ratings appearing on the pumps.

Despite the fact that geographic differences may require postings of different ratings, the bulk of gasoline consumed by the car owner is probably used for local driving, and the advantages of posting octane ratings enhance his knowledge of the gasolines available for local driving which represents the greater part of his dollar outlay for gasoline. For the tourists who may be puzzled as they travel from New York with 100 octane to Denver with 96 octane, it would not seem to be an insurmountable problem for gas station attendants to explain the why of such a variance in octane ratings between Denver and New York.

Industry members and others point out that under the present system a customer unhappy with a gasoline's performance may purchase another brand or grade of gasoline; and further, the existing designations of "regular," "premium," etc., are more meaningful to consumers that octane ratings. The Commission concludes that these arguments overlook certain points. The first is that while a customer may be able to ascertain when he is purchasing too little octane, he has no real way of determining that he is buying too much and consequently paying extra money for unneeded octanes. Secondly, without posting of octane ratings, customers have no really effective way of shopping "brands" or "grades" of gasoline. He is limited to shopping for brands or grades on the basis of price, station cleanliness and additive claims, which of course may be factors worth considering. The motorist should also be able to consider the quality of gasoline in relation to price and octane ratings of the gasoline purchased. To argue that if one is dissatisfied with X brand, shop around for Y and Z brands really misses the point. Shopping brands or grades without relevant information as to the octane rating/price relationship, or the octane rating/engine requirement relationship is shopping blind.

The Commission recognizes that there is some variation in the research octane numbers of gasolines produced by different refiners and that these variations may be reflected in the posting of minimum octane numbers on the gasoline pumps. However, the posting of research octane numbers is but one bit of information made available to the customer to be considered in his selection of gasoline. The numerical value of the octane rating of the gasoline will be evaluated by the consumer in relation to the price per gallon of the gasoline, in relation to other brands and in relation to the individual octane needs of the consumer's particular automobile. Octane is only one piece of information to be used by the consumer, and slight variations in octane numbers appearing on pumps may be overcome by differences in prices between that gasoline and one with slightly higher minimum posted octane number or other competitive factors.

Independent marketers of gasoline express concern that they have no control over the octane rating of the gasoline they purchase from refineries or middlemen and that the accuracy of their posting of octane ratings depends to a great extent upon the refiners and middlemen who supply them. Conversely, the independent refiners are also concerned with the fact that once the gasoline leaves the refinery it may pass through several parties prior to sale at the pump and the refiner may have no control over the ultimate octane number of the gasoline posted on the pump at the point of sale. The Commission recognizes that a requirement that marketers post minimum octane ratings on gasoline pumps may require greater efforts on the part of independent refiners to assure that the octane rating of the gasoline refined and sold by them is accurately posted. So, too, will independent marketers have to exert efforts to assure that their suppliers deliver the correct octane rated gasoline to them. The extra efforts required are far outweighed by the increased advantage to consumers of having the octane rating of gasoline made available to them through posting on the pump.

Some industry members have suggested the possibility that the posting of octane ratings will tend to divorce consumer purchase decisions from brand names. The Commission concludes that whether or not the posting of research octane numbers on gasoline pumps tends to make the consumer less attached to a certain brand name and more attentive to octane numbers and price is a matter of conjecture. If the Record establishes a need for the posting of octane ratings as an essential bit of consumer information

it matters little whether or not brand name significance is diluted or for that matter whether or not it is enhanced.

Opponents point out that gasoline companies presently must adhere to stringent State laws which set out precise specifications for gasoline quality and therefore these State requirements adequately protect the consumer.

Of course the purpose of the rule is not to question the quality of gasoline available or to otherwise improve gasoline specifications. It is rather designed to see that the information concerning one vital aspect of fuel capability is made available to the consumer. Apparently no State has chosen to require gasoline companies to make available to consumers one piece of information they consider essential in order to protect consumers, the octane rating of the gasoline sold in their respective States. The Commission believes this is an essential requirement.

It has been suggested that there is little variation in the octane ratings of competing gasolines of similar grades, i.e., most regulars have a research octane rating of 92 to 95 and most premiums have a research octane of 99 to 101. It is argued, therefore, that since there is little variation in octane ratings there is no need to post them and the motorist will be able to rely on such present descriptions as "regular" and "premium."

The Commission is not persuaded. Granting the accuracy of the above statement would also point up then the large gap that must exist in octanes between regulars and premiums and subregulars and premiums. As the range of octanes for each grade of gasoline narrows, then the gap in octanes between grades must widen—so that he who buys premium when regular will do is paying considerably more for considerably more octanes than necessary. In addition, the fact that some marketers are getting away from the two-grade system and going into subregulars, middle ranges between regular and premiums, superpremiums, Conoco's four-grade system and even multiple blending pumps which offer as many as eight selections indicates that there may in fact be many variances of octane ratings of gasoline being sold. If this be the case, then the consumer should be informed of the octane rating of the gasoline being dispensed from the pump so that he may weigh the cost, octane ratings, and engine requirement variables so as to make a more educated purchase.

Parties submitting statements in support as well as those in opposition to the proposed rule suggest that the rule should be modified so as to require marketers to post minimum octane ratings on the pump, i.e., the posting would then indicate that the gasoline being dispensed from the pump is at least 90 octane, rather than requiring a marketer to state that the gasoline is precisely 90 octane at any time it is sold. The Commission agrees that this modification is desirable. The modification requiring only the posting of the minimum octane rating enables the marketer to post an octane rating which he must always equal or even exceed. The use of a minimum research octane number should obviate any disputes as to how much tolerance should be allowed by the Commission on either side of a posted number when testing is accomplished. The Commission has modified the language of the rule so as to reflect the requirement that minimum research octane numbers be posted.

The Commission has also modified the language of the rule so as to exclude gasoline sold for aviation purposes from the requirements of this regulatory action. Although, as indicated by some witnesses, aviation gasoline is presently rated in terms of octane, the Commission is of the opinion the marketing of aviation gasoline may be a unique area with problems unrelated to a Trade Regulation Rule associated with other gasoline burning vehicles designed primarily to afford information to consumers as to cost and engine requirements vis-a-vis the octane rating of gasoline sold at the retail outlets.

Suggestions were made that the Commission enlarge the scope of the rule so as to require the automobile industry and other engine manufacturers to specify in owner's manuals and instruction documents the octane rating of the gasoline that they recommend for use in those engines. The Commission declines to follow such suggestions at this time. It may well be that once gasoline marketers make octane a matter of readily available information the automobile manufacturers and other marketers of gasoline engines may follow suit and publish recommended octane ratings in their manuals without the prodding of regulatory action. This would do much to complete the information circle, i.e., the manual recommends the octane rating of the gasoline to be used and the information as to octane rating is readily available to the car owner at the pump.

The Commission is also of the opinion that the existing language of the rule is broad enough to include within its purview a requirement that gasoline pumps dispensing marine gasoline for craft powered by gasoline engines contain posted octane ratings.

The Commission was urged to re-examine the gasoline industry practices of dual distribution and exchange agreements taking into full account the deceptive practices upon the consumer. The Commission after lengthy hearings into the anticompetitive practices in the marketing of gasoline published its findings in 1967. The Commission has under scrutiny at all times the marketing practices dealt with in that report and Commission policy is one of proceeding against violators on a case-by-case basis looking to the issuance of cease and desist orders.

The Commission rejects suggestions that terms of art be adopted such as "regular," "premium," "mid-premium," "sub-regular," and that the rule define each of these by prescribing each in terms of minimum research octane rating.

This proposal would require only that gasoline marketers ascribe to certain minimum octane rating requirements in the gasoline they sell. No posting of the octane information is required. The whole rationale for any Commission action is to provide the consumer, not the FTC, with information as to the octane rating of the gasoline. Under the proposed rule there is no reason why gasoline marketers must discontinue the use of the grade names of regular and premium. Their only other requirement would be to state that their regular was a minimum octane rating or that their premium was a minimum octane rating. The rule imposes no restrictions on the use of the commonly accepted terms as regular, premium, super, etc. It merely affords the consumer another piece of information in the selection of his gasoline. The consumer needs the information as to the minimum octane rating of gasolines marketed; the FTC does not need that information stored in some file cabinet away from the eyes of the public.

The alternate suggestion that a Trade Regulation Rule creating a graded system registering fuels based on road octane numbers but requiring no posting of numbers on the pumps, and the suggestion that refiners only be required to file with the Federal Trade Commission certifications that their grades meet certain minimum octane ratings are not considered satisfactory by the Commission.

One would utilize grade labeling but would not require the posting on the pumps of the octane number. The other would simply make the FTC the repository of certifications. Again, under these plans, industry and government would agree that each grade of gasoline had certain numerical minimum octane ratings. The consumer would be effectively denied the same information.

Several have suggested that the Commission consult with other learned sources such as the National Academy of Engineering or the Society of Automotive Engineers for further consideration as to the need for and utility of posting octane ratings on gasoline dispensing pumps. The Commission concludes that the Record which contains informed testimony from both industry members and consumer groups demonstrates the need and feasibility for industry making a simple affirmative disclosure of the research octane rating of gasoline. This Commission is the body to determine whether or not the affirmative disclosure of minimum research octane ratings of gasoline will assist the consumer to effect an educated purchase. We conclude that such postings are necesary.

The suggestion that the Commission utilize a "performance index" which involves several features of gasoline quality in addition to octane ratings is of interest. Ultimately there may be devised an overall quality index that may provide consumers with a complete view of the quality of gasoline. At present there does not appear to be any such sophisticated system in use. Rather than wait for one, the industry has readily available a piece of information that will assist the consumer, the Research Octane Number. This should be utilized now by the industry. If the state of the art progresses to a point where a better index of quality can be developed, then this could be substituted for research octane posting on the pumps.

The Commission is not unaware of the recent developments concerning the relationship between lead and gasoline refining. As a result of the present national concern and governmental action as evidenced by the presidential recommendation for legislation enabling the regulation of fuel composition and additives; the action of the Department of Health, Education, and Welfare in developing emission standards; the interim report of the Department of Commerce's Technical Advisory Board Panel recommending a requirement for the general availability of an unleaded grade of gasoline by July 1974; and by the announcements of the introduction of nonleaded or low lead gasoline by several industry members such as Atlantic Richfield, Shell Oil Co., Union Oil Co., and Humble Oil & Refining Co., the Commission has been urged to forgo action. The basis for this recommendation is that the introduction of a new category of gasoline, along with a requirement to post octane ratings for all gasolines, will add to consumer confusion.

The Commission is of the opinion that the unknowns involved in the marketing of unleaded or gasolines with less lead do not militate against the need for posting octane ratings on gasoline pumps. Gasolines without lead or with smaller amounts of lead will continue to have octane ratings. It should work to the advantage of consumers to have octane ratings of all gasolines posted, leaded or unleaded, so as to assist them in deciding which gasoline is best for their car.

VII. *The Commission's rulemaking authority.* The argument was made during the course of this proceeding, as has been done in other Trade Regulation Rule proceedings, that the Commission has no authority to promulgate Trade Regulation Rules. (See Record pp. 307, 359, 361, 364, 434 and n. 1, 578, 626, and 702.)

In its Statement of Basis and Purpose accompanying the Cigarette Rule, the Commission elaborated at length on its trade

regulation rulemaking authority and concluded that a Trade Regulation Rule is "• • • within the scope of the general grant of rulemaking authority in section 6(g) (of the Federal Trade Commission Act), and authority to promulgate it is, in any event, implicit in section 5(a)(6) (of the Act) and in the purpose and design of the Trade Commission Act as a whole." (See Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking and Accompanying Statement of Basis and Purpose of Rule, pp. 127–150 and 150.) The Commission continues to adhere to that view.

VIII. *The effective date of the Rule.* The effective date of the rule will be one hundred and eighty (180) days after the date of promulgation.

[FR Doc.71-271 Filed 1-11-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-380; Order 410-A]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Accounting and Rate Treatment of Advance Payments to Suppliers for Gas

JANUARY 8, 1971.

Accounting and rate treatment of advance payments to suppliers for gas, and amending FPC Form No. 2; Docket No. R-380.

On November 27, 1960, the Commission issued an order granting rehearing for purposes of further consideration of Order No. 410 in Docket No. R-380, which order provided for accounting and rate treatment of advance payments made to suppliers, by pipelines for gas to be delivered at a future date, and amended its Uniform Systems of Accounts for Class A and Class B Natural Gas Companies consistent with amendments to such regulations.

The order granting rehearing was issued in response to those petitions for rehearing as indicated therein. On December 22, 1970, Pennzoil Offshore Gas Operators, Inc., and Pennzoil Producing Co. submitted a joint answer and on December 23, 1970, Texas Gas Transmission Corp. also filed an answer to this rule making proceeding.

Some petitions for rehearing have persuaded us to renotice Account 166, to consider modifying Account 166, and to consider a new Account 167 with respect to advances for exploration (including lease aquisition costs). In order to afford all parties an opportunity to be heard on all issues, we issue concurrently a notice of proposed rule making in Docket No. R-411.

In the interim, we have determined that advances by pipelines to independent producers for exploration and lease acquisition costs will be assured of accounting and rate treatment pursuant to Order 410 as modified herein. With regard to advance payments by pipelines to their own affiliates for exploration and lease acquisition costs in this interim, we will reserve for determination in the order or orders, if any, in R-411 whether such advances will be assured rate treatment pursuant to Order 410 as modified herein. Advances to independent producers and to affiliates for development in this interim will be assured of accounting and rate treatment pursuant to Order 410 as modified herein. Advances to independent producers and to affiliates subsequent to the issuance of an order, if any, in R-411 will be controlled by the order, if any, in R-411.

However until such modification may be accomplished under formal rule making procedures, the amendments prescribed herein are deemed appropriate upon consideration of the petitioners requests for clarification.

The Commission finds:

(1) Adoption of the amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed in Order 410, as modified in the ordering paragraph below is necessary and appropriate to the administration of the Natural Gas Act.

(2) Good cause exists for the adoption herein of the revision of Balance Sheet Account 166, Advance Payments for Gas, prescribed in ordering paragraph (A), to be effective immediately.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly by sections 4, 5, 7, 15, and 16 (52 Stat. 822, 823, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962): 15 U.S.C. 717c, 717d, 717f, 717n, and 717o, orders:

(A) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations, as amended by Order 410, is further amended as follows:

(1) The text of Balance Sheet Account is amended by revising Account "166, Advance Payments for Gas," to read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

• • • • •

3. CURRENT AND ACCRUED ASSETS

166 Advance payments for gas.

A: This account shall include all advance payments made for gas (whether called "advance payments," "contribution," or otherwise) to others, including advances to affiliated or associated companies, for exploration (including lease acquisition costs), development, or production of natural gas, when such advance payments are to be repaid by delivery of gas. Under each agreement with payee, such payments must be made prior to initial gas deliveries, or if the agreement provides for advances on a well by well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization as appropriate. Noncurrent advance payments not to be repaid in gas within a 2-year period shall be reclassified and transferred to account 124, Other Investments, for balance sheet purposes. This transfer is for reporting purposes only and has no effect on accounting or rate making.

B. This account shall include advances to a pipeline affiliated producer obtaining a working interest in any production activity. When a pipeline obtains a working interest as a result of advance payments to producers, such advances shall be included in the appropriate production accounts.

C. Outstanding advance payments should be fully reduced within a reasonable period of time following commencement of deliveries. A sufficient portion of all gas taken should be credited to outstanding advance payments so as to eliminate the advance within a 5-year period or as otherwise authorized by the Commission upon request by the pipeline company. The reduction of the outstanding advance payments should not be dependent on a buyer purchasing more than 100 percent of the minimum take or pay quantity provided in the contract.

D. This account must be credited by the amount of advances which become nonrecoverable at the time such amounts are recognized as nonrecoverable. Nonrecoverable advance payments significant in amount may be charged to Account 435, Extraordinary Deductions, or when authorized by the Commission, charged to Account 186, Miscellaneous Deferred Debits, and Amortized to Account 813, Other Gas Supply Expenses. Nonrecoverable advance payments insignificant in amount should be charged directly to Account 813 in the year recognized as nonrecoverable.

E. Recovered advance payments shall be credited to this account and charged to the appropriate gas purchase account.

F. Whenever as a result of advances included in this account, a pipeline obtains any interest in leases, operations or findings of a producer (including an affiliated producer), any income or return from such interest must be credited to this account, as received, to the extent that there is any amount of the related advance unrecovered. Any income or return in excess of a fully recovered advance is to be credited, first, to this account to the extent that there are any nonrecoverable advance payments outstanding. Second, an amount up to the total of all nonrecoverable advances that may have been amortized is to be credited to Account 813, Other Gas Supply Expenses. Third, if there is any excess after fully satisfying the recovery of the related advance and all nonrecoverable advances as hereinbefore indicated, such excess shall be credited to Account 421, Miscellaneous Nonoperating Income, except that an amount computed at 7 percent, simple interest, of (1) the outstanding unrecovered advance payments over the period that such payments are included in this account, and of (2) the nonrecoverable advance payments from the time that such payments were included in this account, shall be credited to Account 495, Other Gas Revenues. The computation of the applicable amount of such interest shall be made over the entire period that the related advance payment or unrecovered balance thereof had been recorded in this account, and the period that the nonrecoverable advance payments were first included in this account until the time fully recovered by the company from interests obtained from other advances. If the income or return is received in other than money, then it shall be included at the market value of such assets received.

G. No transfers shall be made from this account to any other account, unless otherwise provided herein, except as authorized by the Commission upon request by the pipeline company.

H. Three copies of any agreement concerning advance payments will be filed with the Secretary within 30 days of the initial related entry in Account 166.

NOTE: To keep the Commission informed on any activities or circumstances which cause the repayment of an advance in other than gas or when an advance is nonrecoverable by any means, the company must submit the full details involved as soon as such change becomes known.

(B) Except as herein granted, the applications for rehearing of Order No. 410 are denied.

(C) This order modifying Order No. 410 is effective immediately upon issuance.

(D) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-451 Filed 1-11-71;8:49 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 870—RESTRICTION ON GARNISHMENT

Exemption of Garnishments Issued Under Laws of Virginia

On September 11, 1970, notice was published in the FEDERAL REGISTER (35 F.R. 14368) that seven States, including the State of Virginia, had filed applications with the Administrator of the Wage and Hour Division of the Department of Labor for the exemption of the respective State-regulated garnishments from the provisions of section 303(a) of the Consumer Credit Protection Act (CCPA). Interested persons were given 30 days in which to comment on each of the applications.

After examination of sections 34-26, 34-27, and 34-29 of the Code of Virginia, as amended and reenacted by Chapter 428 of the Acts of the General Assembly of Virginia (1970), and the regulations promulgated under section 34-29(b) by the State Commissioner of Labor and Industry, and after consideration of all relevant matters received, I have determined that the laws of the State of Virginia provide restrictions on garnishment which are substantially similar to those provided in section 303(a) of the CCPA, and that, therefore, garnishments issued under those laws should be exempted from the provisions of section 303(a).

Accordingly, pursuant to sections 305 and 306 of the CCPA (82 Stat. 164; 15 U.S.C. 1675, 1676), and to 29 CFR 870.2 and Subpart C of such part, I hereby amend § 870.57 in the manner set forth below.

Effective date. Inasmuch as this amendment grants an exemption, no delay in effective date is required by 5 U.S.C. 553. Nor would any delay serve a useful purpose here. Accordingly, this amendment shall become effective upon the date prescribed therein.

Section 870.57 of Title 29 of the Code of Federal Regulations (35 F.R. 18527) is hereby amended by adding thereto an additional paragraph, designated paragraph (b), and reads as follows:

§ 870.57 Exemptions.

• • • • •

(b) *State of Virginia.* Effective January 12, 1971, garnishments issued under the laws of the State of Virginia are exempt from the provisions of section 303(a) of the CCPA under the following additional conditions: (1) Whenever garnishments are ordered in the State of Virginia which are not deemed to be governed by section 34-29 of the Code of Virginia, as amended, and the laws of another State are applied, section 303(a) of the CCPA shall apply to such garnishments according to the provisions thereof; and (2) whenever the earnings of any individual subject to garnishment are withheld and a suspending or supersedeas bond is undertaken in the course of an appeal from a lower court decision, section 303(a) of the CCPA shall apply to the withholding of such earnings under this procedure according to the provisions thereof.

(Secs. 305, 306, 82 Stat. 164; 15 U.S.C. 1675, 1676)

Signed at Washington, D.C., this 7th day of January 1971.

ROBERT D. MORAN, *Administrator.*

[FR Doc.71-341 Filed 1-11-71;8:46 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-45]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Emergency Rail Services Act of 1970

The purpose of this amendment is to delegate certain of the Secretary's functions under the Emergency Rail Services Act of 1970 (Public Law 91-663) to the Federal Railroad Administrator.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective January 8, 1971, § 1.49 of Title 49, Code of Federal Regulations, is amended by adding the following new paragraph at the end thereof:

§ 1.49 Delegations to Federal Railroad Administrator.

• • • • • •

(m) Exercise the authority vested in the Secretary by the Emergency Rail Services Act of 1970 (Public Law 91-663), except the authority to make findings required by section 3(a) of that Act and the authority to sign guarantees of certificates issued by trustees.

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on the 8th day of January 1971.

JAMES M. BEGGS, *Acting Secretary of Transportation.*

[FR Doc.71-469 Filed 1-11-71;11:39 am]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1709—REIMBURSEMENT OF OTHER FEDERAL AGENCIES PERFORMING MAJOR DISASTER RELIEF FUNCTIONS

PART 1710—FEDERAL DISASTER ASSISTANCE

Applications for Disaster Assistance Under Disaster Relief Act of 1970

CROSS REFERENCE: For a document superseding certain regulations in Parts 1709 and 1710 of Chapter XVII of Title 32 of the Code of Federal Regulations, see F.R. Doc. 71-340, Office of Emergency Preparedness, in the Notices section of this issue.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4987]

[Sacramento 2694]

CALIFORNIA

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32

Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Auburn-Folsom South Unit, American River Division, Central Valley Project:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 19, lots 19 and 20.

The areas described aggregate approximately 70.20 acres in Placer and El Dorado Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 31, 1970.

[FR Doc.71-344 Filed 1-11-71;8:47 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

[General Order 109, Rev.]

PART 390—CAPITAL CONSTRUCTION FUND

In F.R. Doc. 70-17609, appearing in the FEDERAL REGISTER issue of December 31, 1970 (35 F.R. 20002), the text of the joint regulation of the Commissioner of Internal Revenue and the Assistant Secretary of Commerce for Maritime Affairs/Maritime Administrator was incorporated in to a new Subchapter K—Regulations under Public Law 91-469 and a new Part 390—Capital Construction Fund of this title and chapter.

Part 390 is hereby revised to read as follows:

§ 390.1 Deposits for taxable year 1970.

In the case of taxable years commencing after December 31, 1969, and on or before December 31, 1970, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

(a) A Capital Construction Fund Agreement executed and entered into by a taxpayer on or prior to the due date, with extensions, for the filing of his Federal income tax return, will be deemed to have been effective on the date of the actual execution of the agreement or as of the close of business of the last regular business day of such taxable year, whichever date is earlier;

(b) Deposits made in a capital construction fund pursuant to such an agreement within 60 days after the actual date of execution of the agreement, or on or prior to the due date, with extensions, for the filing of his Federal income tax return, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of such taxable year, whichever date is earlier. Nothing in this paragraph shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 91-469, 84 Stat. 1018; sec. 21(a), 84 Stat. 1026)

Dated: January 7, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs/Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71-441 Filed 1-11-71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Interest Rates on Policy Loans

1. Section 6.96 is revised to read as follows:

§ 6.96 Special dividends.

Any special U.S. Government Life Insurance dividend that may be declared shall be paid in cash. Such special dividends shall not be accepted to accumulate on deposit or as a dividend credit. Except as provided in § 6.19, unpaid special dividends shall not be available to pay premiums.

2. In § 6.102, paragraph (c) is added to read as follows:

§ 6.102 Rate of interest on policy loans on and after July 19, 1939.

* * * * *

(c) All loans applied for on and after January 11, 1971, will be granted at the interest rate of 5 per centum per annum.

3. In § 8.28, paragraph (c) is added to read as follows:

§ 8.28 Policy loan: other than 5-year level premium term and limited convertible 5-year level premium term policies.

* * * * *

(c) All loans applied for on and after January 11, 1971, will be granted at the interest rate of 5 per centum per annum.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective January 11, 1971.

Approved: December 30, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-372 Filed 1-11-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Swamp National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted only in approved Public Use Areas as designated by signs, for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are allowed on a leash not exceeding 10 feet in length in the public parking lots only.

The refuge area, comprising 4,645 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 4, 1971.

[FR Doc.71-336 Filed 1-11-71;8:46 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel on foot or by motor vehicle except snowmobile is permitted on designated travel routes, for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Fishing and hunting may be permitted under special regulations.

The refuge area, comprising 10,783 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director.

JANUARY 4, 1971.

[FR Doc.71-337 Filed 1-11-71;8:46 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the Refuge.

The Refuge area, comprising 6,041 acres, is delineated on maps available at Refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director.

JANUARY 4, 1971.

[FR Doc.71-338 Filed 1-11-71;8:46 am]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from January 1, 1971, through December 31, 1971 inclusive, in all waters of that portion of the refuge open for recreational uses by the general public, except buoyed swimming areas and areas closed by appropriate signs. These open waters, comprising approximately 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing with closely attended poles and lines, including rods and reels is permitted. The taking of any fish by any other means is prohibited, except the taking of nongame fish from the Wichita Mountains Wildlife Refuge portion of Elmer Thomas Lake by the use of gigs, spears, or other similar devices (but not including bows and arrows) containing not more than three (3) points, with no more than two (2) barbs on each point, is permitted.

(2) Fishermen may use one-man inner tube type "fishing floaters" while fishing. Wading while fishing is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

DECEMBER 23, 1970.

[FR Doc.71-339 Filed 1-11-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

MINIMUM TAX FOR TAX PREFERENCES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 70-17544 appearing at page 19757 in the issue for Wednesday, December 30, 1970, the following changes should be made:

1. The first table in *Example 4* of § 1.57-4(e) should appear as set forth below:

Gross income—1970		$170,000
Deductions:		
Capital gains deduction	disallowed	
Business deductions	$120,000	120,000
Taxable income for section 172 (b)(2)		50,000

2. In paragraph (a) of *Example (1)* of § 1.58-7 (b)(2)(vi) a zero should be inserted in the third column opposite the entry "Excess of U.S. net income over investment interest expenses:".

3. The first table in *Example 4* of § 1.58-7 (c)(1)(iii) should appear as set forth below:

Foreign loss:		
Gross income		$400,000
Deductions:		
Preferences (excess of accelerated depreciation on section 1250 property over straight-line)	$200,000	
Other deductions	550,000	(750,000)
Net operating loss		350,000

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 80]

RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Proposed Hunter Safety Program

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 919; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), it is proposed to revise Part 80 of Title 50, Code of Federal Regulations, as set forth below.

The proposed changes will establish regulations for a hunter safety program as authorized by the Federal Aid in Wildlife Restoration Act Amendments of 1970 (Public Law 91-503). Also, the 1970 Amendment removes the limitations on expenditures for maintenance and management activities and engineering costs. This is reflected in the proposed changes.

1. Section 80.1(e) will be altered to revise the definition of "Project" so that that it may encompass a hunter safety program.

2. Section 80.1(k) refers to the previous limitation on use of Federal Aid in Wildlife Restoration funds for management activities. This paragraph will be deleted.

3. Section 80.1 (o) and (p) will be added to provide definitions for "Hunter Safety Program" and "Target Range," as authorized by Public Law 91-503.

As amended, § 80.1 will read as follows:

§ 80.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

* * * * *

(e) *Project.* A sound and substantial undertaking with the general objective of (1) restoring or managing fish and wildlife populations now and for the future and for preserving and improving sport fishing, hunting, and related uses of these resources, or (2) providing facilities and services for conducting a hunter safety program.

* * * * *

(k) [Deleted]

* * * * *

(o) *Hunter safety program.* A program to provide instruction and practice in safe use of firearms, instruction in avoidance of all types of accidents and hazards associated with hunting and instruction in survival techniques and first aid. Training in sporting ethics and rudiments of wildlife management and in the proper use of archery equipment may be provided incidental to the program.

(p) *Target range.* A facility, to provide for the safe discharge of rifles, shotguns, pistols, and archery equipment. In carrying out the hunter safety program, public outdoor target ranges may be constructed, operated, and maintained to provide opportunity for training and practice in the use of shotguns, rifles, pistols, and archery equipment.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240 within 30 days of the publication of this notice in the FEDERAL REGISTER.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 6, 1971.

[FR Doc.71-346 Filed 1-11-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1061]

[Docket No. AO-367-A2]

MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Rochester, Minn., on August 19, 1970, pursuant to notice thereof which was issued August 3, 1970 (35 F.R. 12613).

The material issues on the record of the hearing relate to:

1. Class I price level after October 31, 1970.
2. Pool plant performance standards.
3. Basis for making producer payments.
4. Charges on overdue accounts.
5. Miscellaneous, administrative and conforming changes.

Under Issue 5, no testimony was received concerning proposals 7, 8, and 9 as published in the notice of hearing, and no other basis exists in the record for considering the changes proposed. Accordingly, no action on such proposals is taken in this decision.

A final order concerning Issue No. 1 was made effective November 1, 1970 (35 F.R. 16790). This decision deals with the remaining issues.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Pool plant performance standards.* No change should be made in the monthly shipping percentages for pooling distributing and supply type plants, or in the number of months for qualifying a supply plant for automatic pooling. The pool plant provisions should be changed to substitute the term "route disposition" for the presently provided "route", to revise the method of pooling a supply plant operated by a cooperative association, and to clarify the status of "reload" points.

Currently, the order provides that a pool distributing plant must dispose of not less than 10 percent of its Grade A receipts (excluding packaged fluid milk products) for the month as Class I milk in the marketing area either on routes or to another plant from which it then is disposed of in the marketing area on routes. The order further provides that during the months of February through August, not less than 15 percent (20 percent in all other months) of such receipts be disposed of as Class I milk either on routes or in the form of packaged fluid milk products moved to other plants.

A cooperative association proposed that performance standards for pool distributing plants be increased to provide that a minimum of 25 percent of a handler's Grade A receipts (excluding packaged fluid milk products) be distributed as Class I milk during the month (as route disposition), except during the months of September through January when such Class I distribution percentage should be one-third of the Grade A receipts in the distributing plant. No change was proposed for the 10 percent in-area requirement.

Proponent based the claim for establishing higher performance standards on the stated necessity for distributing plants and supply plants to have a greater degree of association with the market than at present. The witness pointed out that the standards presently provided by the order are below those generally provided in Federal orders.

The proposal was opposed by a cooperative association operating in the market. If adopted, the proposal would result in depooling the association's distributing plant. Another cooperative association serving the market supported this association in its opposition to the proposal, contending that no plant regularly associated with the pool should be deprived of that status.

Pool plant performance standards identify plants that are associated with the market as regular suppliers of milk needed for fluid use. The standards provided in the order were established as the minimum requirements such plants must meet to acquire pool plants status. Because pool supply plants and pool distributing plants follow different marketing practices, and because they serve different functions in the market, performance standards have been provided for each type of plant. Basically, pooling standards are intended to accommodate a sharing of the Class I sales of the regulated market among those dairy farmers who constitute its regular sources of milk supply. Otherwise, dairy farmers who have no regular affiliation could casually, or in an incidental manner, associate with the market when it is to their advantage to do so, but without intention of providing it with a dependable supply over time.

At the inception of the order there were 15 distributing plants pooled. Two additional distributing plants have been pooled since then, one of them discontinuing operations at the end of June 1970. At the time of the hearing in August there were ten remaining pool distributing plants, of which nine have been pooled since the inception of the order. The decrease in the number of pool distributing plants has resulted primarily from plant closings.

In the promulgation decision for the order, the Under Secretary concluded that the performance standards for distributing plants should be such that all plants serving the market at that time could qualify as pool plants. Some of the distributing plants in this area of heavy milk production carry on extensive manufacturing operations. In such plants, the total Grade A milk received normally exceeds substantially the quantity needed for fluid sales alone. In April 1968, before the order was established, at least one of the distributing plants serving the market had Class I route disposition only slightly more than 15 percent of the plant's Grade A milk receipts. At the time of the August 1970 hearing, the proportion was about the same.

The present pooling standards have accommodated, as intended, the pooling of all distributing plants regularly associated with the market. The testimony that was presented to change the standards did not substantiate a need to do so at this time. It is concluded that more stringent provisions for qualifying pool distributing plants should not be adopted.

Proponent proposed also that the requirements for pool supply plant qualification be increased. Specifically, it was proposed that not less than one-third of a supply plant's total Grade A producer receipts be delivered during each month to pool distributing plants. The order requires, currently, that at least 15 percent of such receipts be delivered to pool distributing plants. The qualifying period for automatic pooling status in other months now includes the months of September through November. Proponent would add the months of December and January.

The main thrust of proponent's testimony, again, was that neighboring Federal milk orders provide for higher standards for pooling supply plants than does the Dairyland order.

Originally, there were two pool supply plants serving the market. As a result of mergers and acquisitions since the inception of the order there was only one pool supply plant at the time of the hearing. The operator of the one remaining pool supply plant did not testify on the proposal to increase the performance standards for pool supply plants.

One witness, representing a large cooperative, testified in opposition to the proposed increase in pool supply plant standards because the cooperative already had organized its operation for the purpose of pooling a supply plant during the September through November 1970 qualifying period. This is additional to the supply plant previously mentioned. Prior to July 1, 1970, this cooperative received member-producer milk at its bottling plant, a pool distributing plant under the order. On July 1, 1970, this plant was closed and the cooperative entered into a custom bottling arrangement with another handler, also with a pool distributing plant under the order.

After July 1, 1970, the milk of the member-producers was received directly at the latter plant. During the 1970 fall qualifying period, however, the cooperative will have shipped such milk through its own supply plant, which it planned to add to the market September 1, 1970.

The performance standards for pool supply plants recognize the dual marketing function of supply plants in this market, which is to ship milk to distributing plants when it is needed and to manufacture the excess when it is not needed by distributing plants. Local outlets for Grade A milk have not expanded in proportion to the Grade A milk supply. When local and out-of-market sales do not absorb the excess it must be manufactured. The relatively low shipment standards required for pool plant status make it possible for a supply plant to pool if it also engages in manufacturing dairy products.

If the pooling qualification standards for supply plants were revised, as proposed, one of the supply plants serving the market would be disqualified from pooling, and possibly the planned one also. The chief result would be to disqualify from pooling a substantial number of producers who regularly have been associated with the market. Further, the reason given by proponent to change the

pooling standards for supply plants is not adequate, of itself, to warrant such a change for this market. No reason in marketing was shown to change pool supply plant performance standards at this time.

When the order was established, the Under Secretary determined that supply plant milk is most likely to be needed in the months of September, October, and November. These months were selected as the months during which supply plants would make the necessary shipments for pooling, after which they could retain pool status during the following months of December through August regardless of further shipments. Proponent proposed that the months of December and January be added to the qualifying months now provided. However, no testimony substantiating the need to provide 2 additional months was presented.

The months during which supply plant milk is most likely to be needed has not changed since the inception of the order. In 1969, September, October, and November were the months during which the greatest proportion of producer milk was used in Class I. The percentages were 69 percent, 70 percent, and 64 percent respectively. Prior to September, and after November, the proportion of producer milk used in Class I was substantially less. The proposal to add additional months would not be appropriate and, accordingly, is denied.

In its posthearing brief, a cooperative association proposed that when a distributing plant qualifies for pooling it should be pooled automatically in the following month. No factual data was presented to substantiate the need for such provision in the order. Accordingly, it also is denied.

Another cooperative association proposed that the reference to "route" in the pool distributing plant provision be revised so that the provision refers to "route disposition". This clarifying change should be made to comport with the definition now provided in the order. As provided, route disposition means a delivery from a plant (including delivery from a retail store at such plant and delivery through vendors or distribution points) of any fluid milk product classified as Class I under § 1061.41(a) to a retail or wholesale outlet other than a milk plant.

The order provides that in the case of a supply plant operated by a cooperative association, the milk which the association causes to be delivered to distributing pool plants directly from the farms of member producers may be considered as a receipt at the supply plant of the association for the purpose of determining the qualification of such plant as a pool supply plant. Proponent proposed that the order be amended to make this provision mandatory rather than optional as at present.

Proponent contended that any supply plant which a cooperative association qualifies for pooling under this provision should be subject to regulation under the Dairyland order for as long as such association supplies the major portion of its producer members' milk to handlers regulated by the order, and any shipments from the plant to pool plants in other order markets are only occasional and incidental to the handling of reserve supplies of the Dairyland market. Otherwise, proponent contended, such plant might become subject to regulation under different orders in succeeding months, possibly creating disorderly marketing conditions. With the proximity of the Dairyland order to other Federal orders in this general area, such shifting could occur readily.

The purpose of the provision currently provided is to facilitate the pooling of reserve milk handled by the "balancing plant" of any cooperative association whose member producers have their milk delivered from their farms to pool distributing plants. The supply plant of a cooperative association may be the most efficient outlet for manufacturing the reserve milk of such plants. This method of providing for the handling of reserve milk serves a purpose similar to that of diversion, and it should continue to be provided in the order as an alternate means of pooling a supply plant of a cooperative association.

Heretofore, such designation has been optional. A cooperative association that is primarily engaged in supplying milk directly from the farms of its members to pool distributing plants it does not operate should be permitted to pool a plant which it operates as an adjunct to this primary function. Such association would be performing valuable services for the market in maintaining an adequate supply of milk for the market's needs and assuming the responsibility for marketing all milk produced by its member producers that is in excess of handlers' requirements. Permitting a cooperative association, under these conditions, to pool the returns from the sale of milk that moves directly to the association's plant may contribute materially to orderly marketing. For these reasons, a cooperative association should continue to have the option of designating its plant as a balancing plant for the market.

In this connection, the order should provide further that the cooperative may designate the particular plants for which it desires pooling on this basis. The designation would remain in force so long as the requirement for pooling is met or until the cooperative requests nonpool status for the plant.

Such plant should not be prevented from shifting to regulation under another order if the cooperative develops sufficient outlets in another order market to pool the plant there. This would be especially true if it would result in better returns than may be obtained under the Dairyland order where a relatively high proportion of the milk that is pooled is utilized in Class II.

It is recognized that the regulation of such plant under different orders in succeeding months could create disorderly marketing conditions. Nevertheless, the nominal provisions for pooling a balancing plant under the Dairyland order should not lock the plant into regulation under the order. In this area of heavy production a cooperative association should not be inhibited from terminating the balancing plant function of a plant for the Dairyland market when it is advantageous to do so. When this is done, however, it should not be possible to requalify the plant immediately thereafter for pool status under the Dairyland order unless it meets the same shipping requirements as other plants for the ensuing 12 months (a full production year).

A facility used only for transferring bulk milk from one tank truck to another should not be considered a plant, or part of a plant. Such truck transfers should be regarded as in transit from the farm to the plant, at which stationary handling facilities such as holding tanks are maintained. The provision provided herein will clarify the order language in line with this intended application, set forth in the promulgation decision (34 F.R. 3812).

3. *Basis for paying producers.* A provision to limit the form of payments under the order to cash, checks, or money orders should not be adopted.

A cooperative association proposed that payments under the order be in the form of cash, checks, or money orders. The witness for the association stated that no other form of payment should be accepted to fulfill order obligations. Although no specific problem was cited under the order, proponent testified that the proposal would improve the effective administration of the producer-settlement fund and would assist the market administrator in determining whether payments under the order have been made to producers and to cooperative associations.

Basic purposes of the order are to fix minimum prices that all handlers must pay for producer milk in accordance with the manner in which it is used and to return to producers the uniform price based on the utilization of all producer milk in the market.

Money is paid into the producer-settlement fund by those handlers whose obligation for producer milk received during the month is more than the amount they are required to pay for such milk at the uniform price. A handler whose utilization is below the average for the market, and whose obligation for producer milk received during the month is less than the uniform price value, receives payment of the difference from the producer-settlement fund. This equalization process enables all handlers to pay their producers the uniform price for milk delivered.

One of the duties of the market administrator is to verify that handlers have paid producers and cooperative associations the applicable minimum price for milk received from them. If a handler fails to pay his obligation to the producer-settlement fund, or fails to pay producers or cooperative associations the full minimum uniform price value for milk received from them, by the dates provided in the order, he is in violation of the order. Should this occur, whether he receives payment from or makes payment to, the producer-settlement fund, he is subject to normal legal procedures to obtain compliance.

Since the producer-settlement fund is a clearing house for the receipt and disbursement of funds obligated under the order, it must function, necessarily, on the basis of prompt payment as prescribed. Even temporary defaults by some handlers would work unfairness to others, encourage wider noncompliance, and affect producers adversely. Proponent's proposal could not be expected to improve the effective administration of the producer-settlement fund. Payments by handlers to the producer-settlement fund customarily are being made by check and proponent's proposal would not change this.

While payment of obligations to the producer-settlement fund is under the immediate scrutiny of the market administrator, it is not so readily apparent whether payments to producers or to cooperative associations have been made by the dates provided in the order. A complaint of nonpayment may be made to the market administrator by a producer or by a cooperative association and an investigation undertaken. In the absence of such complaint, the market administrator normally will not discover whether a handler is in violation of the payment provisions until the handler's reports have been examined and the information reported has been verified.

Proponent indicated that the proposed requirement would assist in a determination by the market administrator that payments to a producer or to a cooperative association have been accomplished. Payment by cash, check, or money order would not necessarily reflect the ultimate transaction. While payment made by any of these means might appear to discharge a particular obligation, we know of no way of ascertaining whether such payments properly have been made other than by the verification process. The market administrator must do this now, and it is not readily apparent that proponent's proposal would aid significantly in this determination.

The proposed provision would appear to apply uniformly to all handlers. It seems clear, however, from the testimony that uniform application is not intended. Instead, proponent would have the market administrator apply the provision selectively at the discretion of the cooperative association supplying the particular handler. Such a condition would be incompatible with the responsibility and authority of the Secretary in administering and enforcing order provisions. Such action, therefore, may not be authorized.

For the foregoing reasons, the proposal is denied.

4. *Charges on overdue accounts.* The present four-tenths of 1 percent per month charge prescribed under the order on overdue obligations to the producer-settlement fund should be increased to three-fourths of 1 percent per month.

A witness for a cooperative association testified that a charge of only four-tenths of 1 percent per month is unrealistic in light of present day commercial rates for carrying charges. By withholding obligations to the producer-settlement fund, handlers could obtain a source of short-term operating funds at an unduly low rate. Proponent testified that the lower rate now provided could encourage delinquency in payment of producer-settlement fund obligations.

Proponent cited varying rates currently being charged by lenders for a range of credit transactions. However, in borrowing money for guaranteeing payment to producers, proponent testified that the association currently must pay about 10 percent interest on an annual basis.

The charge made on unpaid obligations is not a substitute for prompt payment as required by the Act and the order. Its purpose is to encourage prompt settlement of accounts by counteracting any failure by handlers to make prompt payments.

It is essential that payments to the producer-settlement fund be made promptly so that the market administrator will have funds to make required payments out of the producer-settlement fund. A charge to encourage such payment should apply not only to original obligations payable to the producer-settlement fund, but also to overdue obligations to the fund stemming from audit adjustments. If a handler refuses or fails to file a report from which his obligation to the producer-settlement fund is computed, a charge for unpaid obligations should be made on any payments due the market administrator as though the report had been filed when due. Otherwise, handlers would be provided an incentive to be delinquent in filing their reports.

Also, some handlers can have an advantage over other handlers when such obligations are not paid on the due date, because they can then use such monies as an inexpensive source of operating capital. Other persons are affected also in that payments from the producer-settlement fund would have to be reduced pro rata until the obligations to such fund were paid.

A charge of three-fourths of 1 percent per month is a reasonable rate to encourage prompt settlement of accounts when due. It is in line with the prevailing annual rate of 10 percent on short-term commercial borrowings in this area.

5. *Miscellaneous provisions*—(a) *Duties.* The duties of the market administrator should provide for the announcement of the producer butterfat differential presently computed pursuant to § 1061.81. This information is available at the same time as the uniform price, and it is currently being announced with the uniform price even though its announcement is not specifically provided among the market administrator's duties at this time.

(b) *Reports.* The market administrator should report by the 20th day after the end of the month to each cooperative association, which so requests, the amount and classification of milk received by each handler from cooperative association member producers. The report should show the quantity of milk received by a handler from producer members of the association and the quantity assigned to each class in the proportion that the total producer milk in each class is to the total receipts of producer milk by such handler.

One of the chief purposes of a Federal milk order is to insure an adequate supply of Class I milk to the handlers regulated by the order. If one handler is short of milk and another handler is using relatively large quantities of milk in Class II, the cooperative associations supplying the market should be able to shift member producer milk supplies within the market. This aids in maintaining the highest possible Class I utilization for the market. The information provided by the report proposed herein will assist the cooperative associations in marketing milk more effectively.

The order also defines the obligations of a handler operating a partially regulated distributing plant. In order for the market administrator to determine the obligation of such person under the order, it is necessary that such handler file his producer payroll report with the market administrator if he elects the option provided in the order of having his order obligation computed as though his plant were a pool plant. Provision for such report is made herein.

(c) *Supply plant.* A supply plant should be defined as any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which Grade A milk is moved to a distributing plant. At present, the order provides for the movement of such milk to a "plant". The change proposed herein will designate more specifically the intent of the definition as indicated in the decision promulgating the order (34 F.R. 3812).

(d) *Other source milk.* A modification of the "other source milk" definition should be provided. Among the items included under the other source milk definition of the order are plant receipts, from any source, of manufactured dairy products (principally Class II), which are reprocessed, repackaged, or converted to another product during the month.

This provision is designed to require handlers to keep records and to account for the nonfluid products from other sources under the circumstances described in order that, to the extent that they are converted in the handler's plant to a higher valued use, the increment of increased value will be reflected in the total value of producer milk. Without such requirement, for example, a handler by failing to keep records of the nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid milk products could gain a competitive advantage over other handlers in the market. The provision should be clarified to include any disappearance of

products other than fluid milk products that are in a form which may be converted into fluid milk products and for which specific use cannot be verified by the administrator.

(e) *Allocation.* The order should provide that there shall be no obligation on milk received at a pool plant from an unregulated supply plant if such milk has been priced as Class I milk under this or any other Federal order.

Bulk milk could be transferred, for example, from a pool plant under this or another order to a nonfederally regulated plant and, on the basis of its ultimate utilization, be classified and priced as Class I milk. The unregulated plant, in turn, could transfer bulk or packaged milk to a Dairyland order pool plant.

To the extent that this or an equivalent amount of milk has been priced as Class I milk under a Federal order, the Dairyland regulated handler receiving the milk should not have a further pool obligation on such milk. On any unpriced milk received from an unregulated supply plant the Dairyland handler would continue to have an obligation to the producer-settlement fund at the difference between the Class I price and the uniform price, as now provided by the order.

(f) *Computation of the uniform price.* In the computation of the uniform price, the provision instructing the market administrator to exclude the report of a handler who had not paid his producers individually the uniform price announced the previous month should be deleted.

Procedures are established to assure that all handlers comply with each provision of the order, including the requirement for the payment of the uniform price to producers by specified dates. These procedures include, among others, legal action against violations. However, the fact that some handler had not paid his producers the previous month's uniform price does not affect directly the operation of the producer-settlement fund or the ability of the market administrator to compute the uniform price.

The computation of the uniform price normally cannot await until a handler has paid producers, and, therefore, should not be a determining factor in whether the handler is performing in a manner to have his receipts of milk reflected in the current price computation.

(g) *Administrative expense.* The Act provides that the administrative cost of an order shall be borne by handlers, including cooperative associations in their capacity as handlers.

In this market, a number of cooperative associations operate plant facilities and they are handlers under the order. In this capacity they are quite similar in operation to proprietary handlers operating plants. Nevertheless, it is readily apparent, in the competitive situation existing in this market, that if the administrative assessment on bulk transfers from such a cooperative plant to a proprietary handler were levied only on the operating cooperative, this value would become a bargaining tool whereby all such cooperatives simply would outbid any bargaining cooperative for outlets with proprietary handlers. Thus, any proprietary handler could avoid the burden of administrative cost simply by purchasing milk only from a cooperative association which also happens to be a handler.

Under such circumstances, the bargaining cooperative might be forced to absorb the administrative cost (even though levied directly on the handler), risking violation of the order as the only practical means of retaining its accounts.

For the reasons stated above, it is concluded that the administrative expense provisions should be changed to provide that a handler shall pay the administrative expense on milk received from a cooperative association in its capacity as a handler on farm bulk tank milk and on milk transferred in bulk to a pool plant from a plant owned and operated by the cooperative association. A cooperative association would pay the administrative assessment only on its receipts for which the assessment is applicable and for which such assessment is not to be paid by other handlers.

(h) *Conforming changes.* The proposed changes contained herein include certain conforming and qualifying changes, including the deletion of obsolete provisions. These changes are necessary to effectuate the findings and conclusions made herein. Except for the terms of the order previously discussed, these changes of conforming nature will not affect the scope of the order or its application to any handler subject therewith.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Southeastern Minnesota-Northern Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1061.10 is revised as follows:

§ 1061.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a distributing plant.

2. In § 1061.11, paragraph (b)(3) is revoked, and the introductory text, paragraph (a) (1) and (2), and paragraph (b)(2) are revised as follows:

§ 1061.11 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except an exempt distributing plant, the plant of a handler exempted pursuant to § 1061.60 or the plant of a producer-handler: *Provided,* That if a portion of a plant is operated separately from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section: *And provided further,* That facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a pool plant or part of a pool plant pursuant to this section.

(a) • • •

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area either as route disposition or moved as packaged fluid milk products to other plants from which it is disposed of in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 15 percent during the months of February–August and 20 percent during the months September–January of such receipts is disposed of as Class I milk either as route disposition or moved in the form of packaged fluid milk products to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) • • •

(2) In determining the pool plant qualifications of a cooperative association's plant, member producer milk of such association which is delivered directly to plants described in paragraph (a) of this section shall be considered for purposes of this paragraph as having been first received at the cooperative's plant subject to the following conditions:

(i) Written request is made to the market administrator by the cooperative association prior to or during the month, designating the plant to be a pool plant pursuant to this subparagraph for the month, and for each month thereafter, until such request is withdrawn or terminated pursuant to subdivision (ii) of this subparagraph;

(ii) Any such plant which in a succeeding month is pooled under the provisions of another order issued pursuant to the Act shall not be pooled under this subparagraph for the ensuing 12 months.

• • • • •

3. Section 1061.12(c) is revised as follows:

§ 1061.12 Nonpool plant.

• • • • •

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

• • • • •

4. Section 1061.13(e) is revised as follows:

§ 1061.13 Handler.

• • • • •

(e) Any person in his capacity as the the operator of an other order plant from which during the month fluid milk products are either disposed of as route disposition in the marketing area or shipped to a pool plant; and

• • • • •

5. Section 1061.14 is revised as follows:

§ 1061.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk of his own production is disposed of as route disposition in the marketing area, and who receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts by plant transfer from pool plants and who receives no nonfluid milk products from any source for use in reconstituted fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk and milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are wholly the personal enterprise and risk of such person.

6. In § 1061.18, paragraph (b) is revised as follows:

§ 1061.18 Other source milk.

• • • • •

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and for which specific use cannot be verified by the market administrator.

§ 1061.22 [Amended]

7. In § 1061.22, paragraph (i) is revised as follows:

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81, and notify each handler of his obligations to the producer-settlement fund;

8. In § 1061.22, delete "and" at the end of paragraph (k), replace the period at the end of paragraph (l) with a semicolon, and add a new paragraph (m) as follows:

(m) On or before the 20th day of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler during the immediately preceding month from such cooperative association in its capacity as a handler pursuant to § 1061.13(c) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after allocation pursuant to § 1061.46(a) (1) through (10) and the corresponding steps of § 1061.46(b).

9. Section 1061.30(b) is revised as follows:

§ 1061.30 Monthly reports of receipts and utilization.

• • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as route disposition inside and outside the marketing area that are classified as Class I; and

• • • • •

10. In § 1061.44(d), subparagraph (3) is revised as follows:

§ 1061.44 Transfers.

• • • • •

(d) • • •

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), shall be assigned first to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to such receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to receipts of fluid milk products from plants fully regulated by such order, and thereafter pro rata to such receipts from pool plants and other order plants not regulated by such order.

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts as such nonpool plant from all pool and other order plants; and

• • • • •

§ 1061.46 [Amended]

11. In § 1061.46(a), subparagraphs (1), (3), (6), (7), (8), and the introductory text of (5)(i) are revised as follows:

(a) • • •

(1) Substract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

• • • • •

(3) Subtract from the remaining pounds of skim milk in Class I, the

pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

• • • • • •

(5) • • •

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

• • • • • •

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (5)(i) of this paragraph;

12. In subdivision (i) of paragraph (a)(9) of § 1061.46 change "1061.22(i)" to "§ 1061.22(j)".

13. Section 1061.60 is revised as follows:

§ 1061.60 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to the plant of a handler that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1061.11 and a greater volume of fluid milk products is disposed of from such plant as route disposition in this marketing area and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1061.61 [Amended]

14. In § 1061.61, paragraphs (a)(1) and (2) and (b)(1) and (2) are revised as follows:

(a) • • •

(1) Determine the obligation that would have been computed pursuant to § 1061.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the nonpool plant in the class to which allocated at the fully regulated plant;

(iii) Any transfers described in subdivision (ii) of this subparagraph that are classified as Class I milk shall be priced as follows:

(*a*) Such Class I transfers shall not be subject to obligation at the partially regulated distributing plant if the operator of the transferee pool plant or other order plant is not obligated under the applicable order because such transfer is treated under such order as milk received at the partially regulated distributing plant from a plant fully regulated by an order issued pursuant to the Act where it has been priced as Class I milk; and

(*b*) Remaining Class I transfers, to the extent that such do not exceed Grade A receipts from dairy farmers at the partially regulated distributing plant and at a plant described pursuant to subdivision (v) of this subparagraph shall be priced at the uniform price of the respective order (or at the weighted average price if the order provides such price).

(iv) Unless subdivision (v) of this subparagraph applies, the obligation for the partially regulated distributing plant shall include the charge specified in § 1061.70(f) and the credit specified in § 1061.83(b)(2) with respect to receipts of Class I milk from another nonpool plant which serves as a supply plant for such partially regulated distributing plant: *Provided*, That if Class I transfers to fully regulated plants pursuant to subdivision (iii) of this subparagraph remain after the application of subdivision (iii)(*b*), the charge pursuant to § 1061.70(f) and the credit pursuant to § 1061.83(b)(2) shall not apply pursuant to this paragraph to such remaining amount.

(v) If the operator of the partially regulated distributing plant so requests, the obligation for such plant shall include a similar obligation for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1061.11(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1061.30 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(v) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(v) of this paragraph applies to such plant.

(b) • • •

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

15. In the introductory paragraph of § 1061.61, change "§ 1061.31(c)" to "§ 1061.31 (c) and (d)".

16. In § 1061.70, paragraph (f) is revised as follows:

§ 1061.70 Computation of the net pool obligation of each handler.

• • • • • •

(f) Add the value at the Class I price with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

17. In § 1061.71, paragraph (a) is revised as follows:

§ 1061.71 Computation of uniform price.

• • • • • •

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to §§ 1061.30 and 1061.31(b) for the month and who made payments pursuant to § 1061.83 for the preceding month;

• • • • • •

18. Section 1061.90 is revised as follows:

§ 1061.90 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay

to the market administrator on or before the 14th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant of another handler) with respect to his receipts of producer milk (including such handler's own-farm production, and milk received in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1061.46(a)(4) and (8) and the corresponding steps of § 1061.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.10(b), and other order plants assigned to such disposition.

19. Section 1061.92 is revised as follows:

§ 1061.92 Adjustment of overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1061.61, 1061.83, and 1061.85 shall be increased three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That,

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Signed at Washington, D.C., on January 6, 1971.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[FR Doc.71-343 Filed 1-11-71;8:46 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR EXPLORATION AND LEASE ACQUISITION OF GAS PRODUCING PROPERTIES

Notice of Proposed Rule Making

JANUARY 8, 1971.

1. Notice is hereby given, pursuant to section 553 of title 5 of the United States Code and sections 4; 5, 7, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717n, and 717o) that the Commission is proposing to amend its regulations under the Natural Gas Act so as to provide for accounting and rate treatment of advance payments made to suppliers by pipelines for gas to be delivered at a future date.

2. This issue was formerly before the Commission and treated in Order No. 410 issued October 2, 1970 (35 F.R. 15908, Oct. 9, 1970); however in subsequent Order No. 410–A issued January 8, 1971, in response to petitions for rehearing and clarification, the Commission deemed it appropriate to offer all parties further opportunity to comment on Account 166, including a proposed modification thereof, and establishment of a separate Account 167 treating advances for exploration and lease acquisition costs.

3. The advance payments treated in this notice are amounts paid to others, including affiliated companies, for exploration, development, or production of natural gas (which amounts are to be repaid by delivery of gas.) Such payments are made prior to initial gas deliveries, or if the agreement provides for advances on a well by well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization, as appropriate.

4. The Commission hereby renotices Account 166 as promulgated in R–380. As an alternative, the Commission will determine whether to amend Account 166 in accordance with alternate B, infra.

5. The Commission will determine whether any working interest received by a company or a company's affiliated producer as a result of advance payments for exploration and/or lease acquisition shall bar such payments from inclusion in the rate base, and whether these interests shall be included in production accounts.

6. Where an economic interest other than a working interest is received by a pipeline in return for advances made for exploration and lease acquisition, it will be determined whether such advances will be treated as a rate base item, and any realization therefrom to be included in the appropriate revenue account so as to reduce the cost of service. The propriety of the particular advancement may be an issue in a pipeline's rate case.

7. It will be determined whether the pipeline's option of treating such advance payments as a rate base item will be available only at the time the payments are made.

8. It is further proposed that provisions for the reduction of advance payments following commencement of deliveries, the treatment of non-recoverable advance payments, the treatment of recovered advance payments and the full disclosure of related information be treated similarly to that in Order No. 410–A issued January 8, 1971, without change.

9. The purpose of these proposals is to assure that appropriate benefits accruing from advance payments for exploration and lease acquisition are passed on, if successful, to those who contribute to the advancements. The Commission therefore will determine whether to re-promulgate Account 166 as stated in Alternate A given below or under Alternate B add a new Account 167, Advance Payments for Gas (Exploration and Lease Acquisition) and modify Account 166 in the Uniform System of Accounts prescribed for Class A and Class B Natural Gas Companies, Part 201, Subchapter F, Chapter I, Title 18 of the Code of Federal Regulations, which alternates are presented as follows:

ALTERNATE A

166 Advance payments for gas.

A. This account shall include all advance payments made for gas (whether called "advance payments," "contribution," or otherwise) to others, including advances to affiliated or associated companies, for exploration (including lease acquisition costs), development, or production of natural gas, when such advance payments are to be repaid by delivery of gas. Under each agreement with payee, such payments must be made prior to initial gas deliveries, or if the agreement provides for advances on a well by well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization, as appropriate. Noncurrent advance payments not to be repaid in gas within a two-year period shall be reclassified and transferred to account 124, Other Investments, for balance sheet purposes. This transfer is for reporting purposes only and has no effect on accounting or rate making.

B. This account shall include advances to a pipeline affiliated producer obtaining a working interest in any production activity. When a pipeline obtains a working interest as a result of advance payments to producers, such advances shall be included in the appropriate production accounts.

C. Outstanding advance payments should be fully reduced within a reasonable period of time following commencement of deliveries. A sufficient portion of all gas taken should be credited to outstanding advance payments so as to eliminate the advance within a 5-year period or as otherwise authorized by the Commission upon request by the pipeline company. The reduction of the outstanding advance payments should not be dependent on a buyer purchasing more than 100 percent of the minimum take or pay quantity provided in the contract.

D. This account must be credited by the amount of advances which become nonrecoverable at the time such amounts are recognized as nonrecoverable. Nonrecoverable advance payments significant in amount may be charged to Account 435, Extraordinary Deductions, or

when authorized by the Commission, charged to Account 186, Miscellaneous Deferred Debits, and Amortized to Account 813, Other Gas Supply Expenses. Nonrecoverable advance payments insignificant in amount should be charged directly to Account 813 in the year recognized as nonrecoverable.

E. Recovered advance payments shall be credited to this account and charged to the appropriate gas purchase account.

F. Whenever as a result of advances included in this account, a pipeline obtains any interest in leases, operations or findings of a producer (including an affiliated producer), any income or return from such interest must be credited to this account, as received, to the extent that there is any amount of the related advance unrecovered. Any income or return in excess of a fully recovered advance is to be credited, first, to this account to the extent that there are any nonrecoverable advance payments outstanding. Second, an amount up to the total of all nonrecoverable advances that may have been amortized is to be credited to Account 813, Other Gas Supply Expenses. Third, if there is any excess after fully satisfying the recovery of the related advance and all nonrecoverable advances as hereinbefore indicated, such excess shall be credited to Account 421, Miscellaneous Nonoperating Income, except that an amount computed at 7 percent, simple interest, of (1) the outstanding unrecovered advance payments over the period that such payments are included in this account, and of (2) the nonrecoverable advance payments from the time that such payments were included in this account, shall be credited to Account 495, Other Gas Revenues. The computation of the applicable amount of such interest shall be made over the entire period that the related advance payment or unrecovered balance thereof had been recorded in this account, and the period that the nonrecoverable advance payments were first included in this account until the time fully recovered by the company from interests obtained from other advances. If the income or return is received in other than money, then it shall be included at the market value of such assets received.

G. No transfers shall be made from this account to any other account, unless otherwise provided herein, except as authorized by the Commission upon request by the pipeline company.

H. Three copies of any agreement concerning advance payments will be filed with the Secretary within 30 days of the initial related entry in Account 166.

NOTE: To keep the Commission informed on any activities or circumstances which cause the repayment of an advance in other than gas or when an advance is nonrecoverable by any means, the company must submit the full details involved as soon as such change becomes known.

ALTERNATE B

Proposed modifications to Account 166 as follows:

1. The account title to be changed to:

166 Advance payments for gas development and production.

* * * * *

2. First sentence of paragraph A after the word "companies," delete the words "for exploration (including lease acquisition costs),".

3. Paragraph B to be revised to read:

B. Under no circumstances shall this account include any amounts where a company or a company's affiliated producer shall obtain a working interest other than to receive deliveries of gas, in a lease, operations or findings of a producer receiving advances included herein.

A new account for exploration to be added as follows:

167 Advance payments for gas exploration.

A. This account shall include all advance payments made for gas (whether called "advance payments," "contribution," or otherwise) to others, including advances to affiliated or associated companies, for exploration (including lease acquisition costs) of natural gas, when such advance payments are to be repaid by delivery of gas. Payments included in this account shall be so included at the time of advancement. Under each agreement with payee, such payments must be made prior to initial gas deliveries, or if the agreement provides for advances on a well by well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization, as appropriate. Noncurrent advance payments not to be repaid in gas within a 2-year period shall be reclassified and transferred to Account 124, Other Investments, for balance sheet purposes. This transfer is for reporting purposes only and has no effect on accounting or rate making.

B. This account shall not include any amounts where a company or a company's affiliated producer shall obtain any working interest in leases, operations or findings of a producer receiving advances. Advances where such working interest is obtained shall be included in production accounts.

C. Whenever as a result of advances included in this account, a pipeline obtains any interest in leases, operations or findings of a producer (including an affiliated producer) other than a working interest, any income or return from such interest must be credited to this account, as received, to the extent that there is any amount of the related advance unrecovered. Any income or return in excess of a fully recovered advance is to be credited, first, to this account to the extent that there is any nonrecoverable advance payments outstanding. Second, an amount up to the total of all nonrecoverable advances that may have been amortized is to be credited to Account 813, Other Gas Supply Expenses. Third, if there is any excess after fully satisfying the recovery of the related advance and all nonrecoverable advances as hereinbefore indicated, such excess shall be credited to Account 421, Miscellaneous Nonoperating Income, except that an amount computed at 7 percent, simple interest, of (1) the outstanding unrecovered advance payments over the period that such payments are included in this account, and of (2) the nonrecoverable advance payments from the time that such payments were included in this account, shall be credited to Account 495, Other Gas Revenues. The computation of the applicable amount of such interest shall be made over the entire period that the related advance payment or unrecovered balance thereof had been recorded in this account, and the period that the nonrecoverable advance payments were first included in this account until the time fully recovered by the company from interests obtained from other advances. If the income or return is received in other than money, then it shall be included at the market value of such assets received.

D. Outstanding advance payments should be fully reduced within a reasonable period of time following commencement of deliveries. A sufficient portion of all gas taken should be credited to outstanding advance payments so as to eliminate the advance within a 5-year period or as otherwise authorized by the Commission upon request by the pipeline company. The reduction of the outstanding advance payments should not be dependent on a buyer purchasing more than 100 percent of the minimum take or pay quantity provided in the contract.

E. This account must be credited by the amount of advances which become nonrecoverable at the time such amounts are recognized as nonrecoverable. Nonrecoverable advance payments significant in amount may be charged to Account 435, Extraordinary Deductions, or when authorized by the Commission, charged to Account 186, Miscellaneous Deferred Debits, and Amortized to Account 813, Other Gas Supply Expenses. Nonrecoverable advance payments insignificant in amount should be charged directly to Account 813 in the year recognized as nonrecoverable.

F. No transfers shall be made from this account to any other account, unless otherwise provided herein, except as authorized by the Commission upon request by the pipeline company.

G. Recovered advance payments shall be credited to this account and charged to the appropriate gas purchase account.

H. This account shall be maintained in such a manner as to allow full disclosure of each advance payment.

I. Three copies of any agreement concerning advance payments will be filed with the Secretary within 30 days of the initial related entry in Account 166.

NOTE: To keep the Commission informed on any activities or circumstances which cause the repayment of an advance in other than gas or when an advance is nonrecoverable by any means, the compny must submit the full details involved as soon as such change becomes known.

10. Until the conclusion of these rulemaking proceedings, we have determined that advances by pipelines to independent producers for exploration and lease acquisition costs will be assured of accounting and rate treatment pursuant to Order 410-A. With regard to advance payments by pipelines to their own affiliates for exploration and lease acquisition costs in this interim, we will reserve for determination in the order or orders, if any, in R-411 whether such advances will be assured of rate treatment pursuant to Order 410-A. Advances to independent producers and to affiliates for development in this interim will be assured of accounting and rate treatment pursuant to Order 410-A. Advances to independent producers and to affiliates subsequent to the issuance of order in R-411 will be controlled by the order, if any, in Docket No. R-411.

11. So that the reporting of the Class A and Class B companies under Part 260, Statements and Reports (Schedules) will comply with the above proposed changes in the Uniform System of Accounts as indicated above, the Commission proposes that effective for the reporting year 1970, Schedule pages 110, and 210B of FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1 Chapter 1, Title 18 of the Code of Federal Regulations be amended as follows, all as set out in the attachments hereto: [1]

(1) Schedule page 110, Comparative Balance Sheet, be amended by revising line 23 to read "Advance Payments for Gas Development and Production (166)", inserting line 24 "Advance Payments for Gas Exploration (167)", and renumbering succeeding lines, all as shown in Attachment A.[1]

(2) Schedule page 210B, Advance Payments for Gas Prior to Initial Deliveries or Commission Certification, be amended by revising the words at the end of the Schedule title to read "(Accounts 124, 166, and 167)", by revising lines 2 and 3 of paragraph 1 of the instructions to refer to "Accounts 166, Advance Payments for Gas Development and Production and 167, Advance Payments for Gas Exploration", by adding a reference to Account 167 in the fourth line of paragraph 1 of the instructions, and by revising the column heading of column (b) to refer to Accounts 124, 166, or 167, all as shown in Attachment B.[1]

12. The revision of the Commission's Regulations is proposed to be issued under the authority granted to the Federal Power Commission by the Natural Gas Act, as amended particularly sections 4, 5, 6, 15, and 17 thereof (52 Stat. 822, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C.s, 717 c, d, f, n, and o).

13. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 16, 1971, views and comments in writing concerning the alternatives here proposed or any other appropriate alternative thereto. Operating, technical and economic data and views on the proposals are solicited. Any such submittal should contain the name, title, and mailing address of the person or persons to whom communications concerning the matter should be addressed. An original and 14 copies of all submittals should be filed. Responses to the submittals may be filed not later than March 16, 1971, in the same form and number as the original submittals. After receipt and analysis of the written submittals by our staff, a conference of interested persons or representatives of interested groups with common interests, and our staff may be held. The Commission will consider all such written submittals and responses before issuing an order in this proceeding. All comments, petitions, and answers previously filed in rulemaking proceedings regarding Docket No. R-380 will be considered as part of the record in Docket No. R-411.

14. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[1] Attachments A and B filed as part of the original document.

[FR Doc.71-450 Filed 1-11-71;8:49 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 430]

BILLING PRACTICES ARISING OUT OF ADMINISTRATION OF CUSTOMER ACCOUNTS BY CREDIT CARD ISSUERS AND OTHER RETAIL ESTABLISHMENTS

Notice of Postponement of Hearing Date Concerning Proposed Trade Regulation Rule

The Federal Trade Commission has postponed indefinitely the public hearings scheduled for January 25 and 26, 1971, relating to the proposed Trade Regulation Rule concerning billing practices arising out of the administration of customer accounts by credit card issuers and other retail establishments, published on October 8, 1970 (35 F.R. 15842).

The public record will remain open until further notice for submission of written data, views, or arguments concerning the proposed rule. Written data, views, or arguments may be filed with the Assistant Director, Division of Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

Issued: January 7, 1971.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc.71-367 Filed 1-11-71;8:48 am]

[16 CFR Part 432]

POWER OUTPUT OF AMPLIFIERS UTILIZED FOR HOME ENTERTAINMENT PRODUCTS

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule relating to the advertising of power output of sound power amplification equipment for home entertainment products.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

Sec.
432.1 Scope.
432.2 Required disclosures.
432.3 Optional disclosures.
432.4 Prohibited disclosures.
432.5 Liability for violation.

AUTHORITY: The provisions of this Part 432 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

§ 432.1 Scope.

(a) This part shall apply whenever any power output (in watts or otherwise), power band or power frequency response, or distortion capability or characteristic is represented, either expressly or by implication, in connection with the advertising, sale, or offering for sale, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sound power amplification equipment manufactured or sold for home entertainment purposes, such as for example, radios, record and tape players, radio-phonograph and/or tape combinations, component audio amplifiers and the like.

(b) It is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. section 45(a)(1)) to violate any applicable provision of this part.

§ 432.2 Required disclosures.

Whenever any direct or indirect representation is made of the power output, power band or power frequency response, or distortion characteristics of sound power amplification equipment, the following disclosures shall be made clearly, conspicuously, and more prominently than any other representations or disclosures permitted under this part:

(a) The manufacturer's rated minimum sine wave continuous RMS power output, in watts, per channel (if the equipment is designed to amplify two or more channels simultaneously)—

(1) For each load impedance required to be disclosed in paragraph (b) of this section, when measured with resistive load or loads equal to such (nominal) load impedance or impedances; and

(2) Measured with all associated channels fully driven to rated per channel power;

(b) The load impedance or impedances, in ohms, for which the manufacturer intends the equipment to be used by the consumer;

(c) The manufacturer's rated power band or power frequency response, in Hertz (Hz), for each rated power output required to be disclosed in paragraph (a)(1) of this section; and

(d) The manufacturer's rated percentage of maximum total harmonic distortion at any power level from zero (0) watts to the rated power output, for each such rated power output and its corresponding rated power band or power frequency response.

§ 432.3 Optional disclosures.

Other operating characteristics and technical specifications not required in § 432.2 may be disclosed, provided:

(a) Any other power output is rated by the manufacturer, is expressed in minimum watts per channel, and such power output representation(s) comply with the provisions of § 432.2(a)(1) through (d); except that if a peak or other instantaneous power rating, such as music power or peak power, is represented under this section, the maximum percentage of total harmonic distortion (see § 432.2(d)) may be disclosed only at such rated output: *And provided further*, That,

(b) All disclosures or representations made under this section are less conspicuously, and prominently made than the disclosures required in § 432.2; and

(c) The rating and testing methods or standards used in determining such representations are disclosed, are well known and generally recognized by the industry at the time the representation or disclosure is made, are neither intended nor likely to deceive or confuse the consumer, and are not otherwise likely to frustrate the purpose of this part.

NOTE 1: For the purpose of paragraph (b) of this section, optional disclosures will not be considered less prominent if they are either bold faced or are more than two-thirds the height of the disclosures required by § 432.2.

NOTE 2: Use of the asterisk in effecting any of the disclosures required by §§ 432.2 and permitted by 432.3 shall not be deemed conspicuous disclosure.

§ 432.4 Prohibited disclosures.

No performance characteristics to which this part applies shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner without the use of extraneous aids.

§ 432.5 Liability for violation.

If the manufacturer, or in the case of foreign made products, if the importer or domestic sales representative of a foreign manufacturer, of any product covered by this part furnishes the information required or permitted under this part, then any other seller of the product shall not be deemed to be in violation of § 432.4 due to his reliance upon or transmittal of the written representations of the manufacturer or importer if such seller has been furnished by the manufacturer, importer, or sales representative, a written certification attesting to the accuracy of the representations to which this part applies: *And provided further*, That such seller is without actual knowledge of the violation contained in said written certification.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule with the Assistant Director, Division of Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, not later than April 6, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a public hearing to be held at 10 a.m., e.s.t., April 13, 1971, in Room 532 of the Federal Trade Commission Building, Washington, D.C. Mr. C. E. Aldhizer has been designated Commission Attorney for this proceeding.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director, Division of Industry Guidance, not later than April 6, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director, Division of Industry Guidance on or before April 6, 1971.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: January 12, 1971.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-270 Filed 1-11-71;8:45 am]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Utah 115]

UTAH

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN, UTAH

Coal Lands:

T. 41 S., R. 4 E.,
Secs 13 to 36, inclusive, in part unsurveyed.
T. 42 S., R. 4 E.,
Secs. 1 to 19, inclusive;
Sec. 20, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 21, N½, N½SW¼, SE¼;
Secs. 22 to 25, inclusive;
Sec. 26, NE¼, N½NW¼, SW¼NW¼, N½SE¼, SW¼SE¼;
Sec. 27, N½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 29, W½NE¼, W½, SE¼;
Secs. 30 to 32, inclusive;
Sec. 35, NE¼;
Sec. 36, N½N½.
T. 41 S., R. 5 E.,
Sec. 14, NE¼NW¼, unsurveyed;
Sec. 15, W½, W½SE¼, unsurveyed;
Sec. 16;
Secs. 17 to 22, inclusive, unsurveyed;
Sec. 23, SW¼SW¼, unsurveyed;
Sec. 24, SE¼NE¼, unsurveyed;
Sec. 25, S½NW¼, SW¼, unsurveyed;
Sec. 26, W½NE¼, SE¼NE¼, W½, SE¼, unsurveyed;
Secs. 27 to 31, inclusive, unsurveyed;
Sec. 32;
Secs. 33 and 34, unsurveyed;
Sec. 35, N½, N½SW¼, SE¼, unsurveyed;
Sec. 36, W½, SE¼.
T. 42 S., R. 5 E.,
Sec. 1, N½NE¼, NW¼NW¼, unsurveyed;
Sec. 2, lots 1 and 2;
Sec. 3, W½NE¼, NW¼, N½SW¼, NW¼SE¼, unsurveyed;
Secs. 4 to 9, inclusive, unsurveyed;
Sec. 10, W½, SE¼, unsurveyed;
Sec. 14, W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼, unsurveyed;
Sec. 15, unsurveyed;
Sec. 16;
Secs. 17 to 23, inclusive, unsurveyed;
Sec. 24, SW¼NW¼, W½SW¼, SE¼SW¼, unsurveyed;
Sec. 25, NW¼, N½SW¼, SW¼SW¼, unsurveyed;
Secs. 26 and 27, unsurveyed;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼, unsurveyed;
Sec. 29 N½, N½SE¼, unsurveyed;
Sec. 30, unsurveyed;
Sec. 31, N½N½, unsurveyed;
Sec. 33, NE¼, E½NW¼, NE¼SE¼, unsurveyed;
Sec. 34, N½NE¼, W½NW¼, NW¼SW¼, unsurveyed;
Sec. 35, NW¼NE¼, N½NW¼, unsurveyed.

Reclassified coal lands from noncoal lands:

Prior classification of the following lands as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 42 S., R. 5 E.,
Sec. 25, N½NE¼, SW¼NE¼, SE¼SW¼, SE¼, unsurveyed;
Sec. 34, NE¼SE¼; unsurveyed;
Sec. 35, NE¼NE¼, S½NE¼, SE¼NW¼, NW¼SW¼, unsurveyed;
Sec. 36, NW¼NE¼, N½NW¼, SW¼NW¼.

Noncoal Lands:

T. 42 S., R. 4 E.,
Sec. 20, SE¼SE¼;
Sec. 21, S½SW¼;
Sec. 26, SE¼NW¼, SW¼, SE¼SE¼;
Sec. 27, SE¼NE¼, SW¼NW¼, NE¼SE¼;
Sec. 28, N½, W½SW¼;
Sec. 29, E½NE¼;
Sec. 35, E½NW¼, SE¼;
Sec. 36, S½N½, S½.
T. 41 S., R. 5 E.,
Sec. 13, unsurveyed;
Sec. 14, NE¼, W½NW¼, SE¼NW¼, S½, unsurveyed;
Sec. 15, NE¼, E½SE¼, unsurveyed;
Sec. 23, N½, N½SW¼, SE¼SW¼, SE¼, unsurveyed;
Sec. 24, N½NE¼, SW¼NE¼, W½, SE¼, unsurveyed;
Sec. 25, NE¼, N½NW¼, SE¼, unsurveyed;
Sec. 26, NE¼NE¼, unsurveyed;
Sec. 35, S½SW¼, unsurveyed;
Sec. 36, NE¼.
T. 42 S., R. 5 E.,
Sec. 1, S½NE¼, NE¼NW¼, S½NW¼, SW¼, N½SE¼, SW¼, S½SE¼, unsurveyed;
Sec. 2, lots 3 and 4, S½N½, S½;
Sec. 3, E½NE¼, S½SW¼, NE¼SE¼, S½SE¼, unsurveyed;
Sec. 10, NE¼, unsurveyed;
Sec. 11, N½N½, unsurveyed;
Sec. 14, W½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼, unsurveyed;
Sec. 28, SW¼SW¼, unsurveyed;
Sec. 29, SW¼, S½SE¼, unsurveyed;
Sec. 31, S½N½, unsurveyed;
Sec. 32, N½;
Sec. 33, W½NW¼, NE¼SW¼, W½SE¼, SE¼SE¼, unsurveyed;
Sec. 34, S½NE¼, E½NW¼, NE¼SW¼, SW¼SW¼, unsurveyed.

The area described aggregates 70,351 acres, more or less, of which about 61,515 acres are classified coal lands, about 720 acres which were formerly classified noncoal lands are reclassified coal lands, and about 8,116 acres are classified noncoal lands.

W. A. RADLINSKI, *Acting Director.*

JANUARY 5, 1971.

[FR Doc.71-335 Filed 1-11-71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

ARMED FORCES INSTITUTE OF PATHOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00815-33-46040. Applicant: Armed Forces Institute of Pathology, Washington, D.C. 20305. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for research on ocular and other body tissues that have been especially prepared and sectioned for ultrastructural studies. In addition, cell suspensions, tissue fragments, cytoplasmic organelles, chromosomes, bacteria, viruses, and fungi will constitute the material under investigation. The Ophthalmic Pathology Branch conducts a comprehensive training program for physicians in ophthalmic pathology, including the use of all modern methods of tissue examination.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We find that the additional resolving capability of the foreign article

is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-324 Filed 1-11-71;8:45 am]

BOSTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00048-33-46040. Applicant: Boston University Biology Department, 2 Cummington Street, Boston, MA 02215. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan.

Intended use of article: The article will be used for research concerning the aging of microcirculation, including changes in endothelial lining cells of small blood vessels, changes in smooth muscle of blood vessel walls and changes in elastic fibers and microfibrils of small blood vessels with age; for studies on blood platelets and thrombocytes related to the clotting and wound healing processes; and for studies on protozoa (Stentor) and demonstration of deoxyribonucleic acid (DNA) in the basal bodies of Stentor cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated November 20, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-325 Filed 1-11-71;8:45 am]

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket 71-00055-38-46040. Applicant: Cornell University, 18 East Avenue, Ithaca, NY 14850. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for studies on the structure of special thin graphite platelets to be used for substrates for very high resolution electron microscopy; biomolecular specimens, as molecular dispersions of enzymes, nucleic acids and the interaction of enzymes with nucleic acids; and also to study the resolution and contrast limits set by the various specimen preparative techniques such as negative and positive staining, shadowcasting and freeze etching.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated November 20, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-326 Filed 1-11-71;8:45 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00058-33-46040. Applicant: Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: Electron microscope, Model EM 100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article will be used for long on-going studies on the primary, secondary, and tertiary organization of structural macromolecules, principally collagen and myosin. Detailed structural analyses of the collagen molecule and its supramolecular aggregation, similar studies on the structure of muscle proteins, and studies of the molecular structure and function of the myosin molecule are projects using the electron microscope as a major tool.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 20, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-327 Filed 1-11-71;8:45 am]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00070-33-46040. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, CA 94304. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The aim of the research for which the article will be used is to elucidate the molecular structure of viruses, membranes and complex protein and nucleic acid molecules. Members of the Biochemistry Department are studying the synthesis of INA; the structure and multiplication of viruses; the mechanism of genetic recombination in viruses; and the structure of cell membranes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 20, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-328 Filed 1-11-71;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00056-33-46040. Applicant: University of California, Medical Center, Third and Parnassus, San Francisco, CA 94122. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research on a study of the relationship and interaction between the different tissues during the embryonogenesis; a study of isolated molecules by observing the ultrastructure of isolated macromolecules (proteins and nucleic acids) with relation to their biochemical activities; and for a project concerning the overall and subunit structure of proteins, and examining their interaction with other molecules, for example, nucleic acids (in the formation of chromosomes) or with other proteins (for example, in the formation of membranes).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 20, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-329 Filed 1-11-71;8:45 am]

UNIVERSITY OF HAWAII

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00810-33-46040. Applicant: University of Hawaii School of Medicine, Department of Pathology, c/o Leahi Hospital, Young 5, 3675 Kilauea Avenue, Honolulu, HI 96816. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research concerned with ultrastructural appearances and the mode of formation of a pigment which occurs in disease states of man and experimental animals. The pigment is called ceroid (wax-like) and is derived by oxidative polymerization from unsaturated fats only. When deposited in vital organs and organelles of man, their function is interfered with a wide variety of human diseases and symptoms appear, particularly those associated with aging.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We find that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-330 Filed 1-11-71;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. C-331]

VITO AND ANGELA POMILIA

Notice of Loan Application

JANUARY 5, 1971.

Vito Pomilia and Angela Pomilia, 83 Wakefield Avenue, Daly City, CA 94015, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43.8-foot registered length wood vessel to engage in the fishery for salmon, albacore and Dungeness crab.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-371 Filed 1-11-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permit and Operating License

Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated January 13, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the Midland Plant, Units Nos. 1 and 2, at its site on the Tittabawasee River in Midland County, Mich., and adjacent to the Dow Chemical Co.'s main industrial complex in the city of Midland.

Each of the proposed reactors is designed for initial operation at approximately 2,452 thermal megawatts, with a total electrical output of approximately 1,325 megawatts plus 4,050,000 lbs./hr. of process steam.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 12, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-180 Filed 1-11-71;8:45 am]

[Docket No. 50-377]

GULF ENERGY & ENVIRONMENTAL SYSTEMS, INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Gulf Energy & Environmental Systems, Inc., San Diego, Calif., has submitted an application dated December 9, 1970, for a license to authorize the export of a 250 kilowatt thermal TRIGA Mark I nuclear research reactor to the Medical University, Hanover, West Germany.

Upon finding that the reactor proposed for export is within the scope of and consistent with the terms of the Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to Gulf Energy & Environmental Systems, Inc., a facility export license and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated December 9, 1970, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Strect NW., Washington, DC.

Dated at Bethesda, Md., this 23d day of December 1970.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[FR Doc.71-370 Filed 1-11-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21866, 22784; Order 71-1-26]

ALLEGHENY AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of January 1971.

By tariff revisions marked to become effective January 7, 1971,[1] Allegheny Airlines, Inc. (Allegheny), proposes to increase its present jet custom-class and propeller first-class fares in 113 markets under 500 miles in distance which involve the Boston, New York, Washington/Baltimore, and Chicago terminals.[2] The increases range from $0.92 to $2.78. Allegheny also proposes to cancel all of its Discover America fares.

In justification of its proposal Allegheny alleges that increased fares in the markets selected are warranted to help offset continually rising costs resulting from airport and airway congestion and higher than usual station expenses; and that it experiences abnormally longer air traffic delays in and out of each of these airports, resulting in slower flying times and relatively higher costs. Allegheny estimates that its proposed adjustments in regular fares will increase its annual revenue by $3.24 million at 1970 traffic levels, and that cancellation of Discover America fares will result in additional revenues of $2.3 million annually although it indicates that this latter estimate is overstated since it assumes no loss of Discover America passengers.

Complaints against Allegheny's proposed fares[3] have been filed by Mr. Reuben B. Robertson III, and by Representative John E. Moss and 39 other Members of Congress, requesting investigation and suspension. The Robertson complaint alleges that the carrier has failed to demonstrate any showing of special need or any other economic or social justification for raising fares now in these markets; that the carrier did not submit justification for raising fares now in these markets; that the carrier did not submit justification in conformance with § 221.165 of the Board's economic regulations; and that Board action based on American's submissions cannot serve as justification, per se, for raising everyone's prices. The complaint also alleges that quite apart from the question of who is responsible for congestion and who must pay for it, no carrier should be permitted to profit from the existence of congestion unless it can demonstrate that it has not been able to turn a profit in high density markets despite efficient operations.

The Moss complaint touches on most of the points raised by Mr. Robertson, emphasizing that the carrier has failed to show that it is incurring losses in the markets in which it is proposing to increase fares, and that it has not furnished cost estimates necessary to support the allegation that increases are required to bring revenues more into line with the cost of service.

In answer to the complaints, Allegheny alleges that they are devoid of any factual basis or other cogent reasons for the suspension and investigation of its proposal; that there is ample justification for the proposed fare increases; that Allegheny has presented facts which show that New York, Chicago, Washington, and Boston schedules involve greater block times than trips of similar distance in less congested markets; that this experience at these points has contributed substantially to increased operating expenses in these markets; and that the complaints present nothing to show that these facts are incorrect or that they are irrelevant to Allegheny's request for selective fare increases. Allegheny further states its position that it need not show losses or load factor data in the markets involved, and that with regard to demand elasticity no meaningful estimates can be made.

Allegheny's proposal to increase certain normal fares comes within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

The proposal involves the basic normal fares charged by Allegheny over a fairly substantial portion of its system. As such, it necessarily involves an evaluation of basic costs of service, including passenger load factors, now under review in the general investigation. In this respect the filing is similar to the tariffs filed by various domestic air carriers for effectiveness on October 15, 1970, and suspended by the Board pending investigation.[4] For similar reasons, we have decided to suspend Allegheny's filing except as set forth below.

We will permit the proposed increases in the following seven markets: New York-Baltimore, Boston-Philadelphia, New York-Pittsburgh, Washington-Hartford, Washington-Philadelphia, Boston-Washington, and Chicago-Pittsburgh. In our opinion, the information furnished by Allegheny, as well as other information available to the Board, adequately establishes that it experiences airport and airway congestion in these markets of a magnitude which results in costs atypical of those prevailing in the air transport system. Moreover, they are relatively high density in nature, are served by numerous flights and are operated by Allegheny at load factors generally above its system average—characteristics which would tend toward profitable operations. We will also permit increases as proposed in 20 other markets in which the Board has previously permitted increases for similar reasons. It is reasonable to assume that atypical costs previously demonstrated would equally affect any carrier operating in the same market. Finally, we will permit the carrier to cancel its Discover America fares, all of which are in markets under 1,500 miles consistent with our action in Order 70-11-93.

The Board will suspend the increased normal fares in the remaining markets included in Allegheny's proposal, many of which are relatively small in terms of traffic volume, in the absence of any showing of adverse operating conditions due to airport and airway congestion. In addition to this lack of evidence as to the specific markets, we note that Allegheny's reported system block-to-block speed with its two predominant aircraft types is at or slightly above the average for the local service industry as a whole, which would seem to indicate that its operations overall are not unduly affected by the problem of congestion. Finally, we are not persuaded that higher than usual station expenses such as landing fees, rent, and services warrant the selected increases sought here, at least prior to a full airing of the question in the structure phase of the investigation.

Upon consideration of all relevant matters, the Board finds that the proposed military fare increases, which stem from higher basic fares we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that these fares should be suspended together with all other fare increases in the same markets pending investigation.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the YM class fares and provisions described in Appendix A attached hereto,[6] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[6] are suspended and their use deferred to and including April 6, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784;

4. A copy of this order will be filed with the aforesaid tariffs and served upon Allegheny Airlines, Inc., and the complainants in Dockets 22905 and 22915; and

5. Except to the extent granted herein, the complaints in Dockets 22905 and 22915 insofar as they apply to the filings considered herein are dismissed.

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 136.

[2] Various discount fares would be adjusted to maintain existing percentage relationships to coach fares.

[3] The complaints are also directed to selected short-haul fare increase proposals of Eastern, National, TWA, and United. These proposals will be disposed of by subsequent orders.

[4] Order 70-9-123.

[5] Markets wherein we are permitting the proposed increases to become effective are listed in the attachment which is filed as part of the original document.

[6] Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-368 Filed 1-11-71;8:48 am]

[Docket No. 22973; Order 70-12-164]

NEW ENGLAND SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of December 1970.

This order implements the Board's decision in the Northwest-Northeast Merger Case to institute a New England Service Investigation to consider means of improving air service in New England. The considerations underlying our decision to institute this investigation are set forth in our opinion in the merger case and will not be repeated herein.

The New England Service Investigation will consider three main approaches to improving air service in New England. First, and of the most immediate importance, we will evaluate Northwest's plans for an initial pattern of service after the merger, and determine whether this pattern of service, together with the service of other authorized carriers, will satisfactorily meet the needs of the New England communities. From a longer range standpoint, we will also consider whether the New England routes Northwest will acquire as a result of the merger should be realigned to facilitate improved service, and whether the temporary replacement arrangements approved in Order 69-12-73, dated December 16, 1969, involving the suspension of Northeast and Mohawk, should be authorized on a more permanent basis.

To permit a thorough consideration of Northwest's plans to serve the New England routes, we will direct Northwest to submit, within 180 days of the date of the transfer of Northeast's certificates, a comprehensive plan for service to New England.[1] This service plan shall be served upon the chief executive of each community, the Governors of each State, and the State commissions having jurisdiction over air transportation. These parties will be afforded an opportunity to submit comments on Northwest's proposals. Thereafter, the Board will consider these submissions and determine whether any steps should be taken to require Northwest to provide an improved level of service.[2]

As indicated above, the New England Service Investigation will also consider whether the New England route structure should be realigned to permit improved service to the public and more efficient and economical operations.[3] To facilitate this aspect of the investigation we expect Northwest to submit, no later than 180 days from the date of certificate transfer, a proposed realignment (if deemed necessary) including all appropriate certificate applications.

Finally, we shall include in our investigation three applications filed by Northeast and Mohawk and already set for hearing[4] which seek certificate amendments involving, inter alia, various New England points at which the Board has authorized replacement service by Mohawk and/or an air taxi operator in place of the certificated operations previously offered by Northeast or Mohawk. This replacement service has been authorized for a temporary experimental period,[5] and in the New England Service Investigation we will evaluate the results of the experiment and determine whether these replacement arrangements furnish the best means for providing air service to the affected communities.

Accordingly, it is ordered, That:

1. An investigation, to be designated as the New England Service Investigation, be and it hereby is instituted in Docket 22973, pursuant to sections 204 (a), 401(g), and 404(a) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of the certificates of public convenience and necessity for routes 27 and 27-F, to effect a realignment of the segments north of New York;

2. Northwest Airlines, Inc., be and it hereby is directed to file, with appropriate applications, a proposed realignment, if deemed necessary, of the New England route structure Northwest will acquire as a result of the merger, within 180 days of the date of transfer of Northeast's certificates to Northwest;

3. The applications of Northeast Airlines, Inc., in Dockets 21331 and 21332 and the application of Mohawk Airlines, Inc., in Docket 21333, be and they hereby are consolidated for hearing in the New England Service Investigation, Docket 22973;

4. Northwest Airlines, Inc., be and it hereby is directed to file a comprehensive service plan for all New England communities at which it is to be certificated, including schedules and the times thereof, within 180 days after the date of transfer of Northeast's certificates and objections to the service plan shall be filed no later than 30 days thereafter;

5. Northwest Airlines, Inc., shall serve a copy of its proposed realignment of the New England route structure and a copy of its comprehensive service plan on each air carrier serving one of the points affected, the chief executive of each community affected, the various state commissions having jurisdiction over air transportation, and the Governor of each State affected;

6. Motions to consolidate applications may be filed no later than 20 days after Northwest filed its comprehensive service plan and proposed realignment of the New England route structure and answers to such pleadings may be filed no later than 20 days thereafter; and

7. This investigation will be set for hearing at a time and place to be hereafter designated.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-369 Filed 1-11-71;8:48 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Director, Office of Field Services, Assistant Secretary for Domestic and International Business" to "Director, Office of Business Services, Domestic and International Business, Bureau of Domestic Commerce".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-352 Filed 1-11-71;8:47 am]

[7] Concurring and dissenting statements of Vice Chairman Gilliland and member Minetti filed as part of the original document.

[1] We expect Northwest to include in this plan all proposed service at New England points, other than Boston or Hartford/Springfield, where the carrier is to be certificated. With respect to Boston and Hartford/Springfield, Northwest should set forth all proposed service between these points and other New England communities. In addition, we have approved the transfer to Northwest of a number of New England points at which Northeast has been authorized to suspend service, subject, in most cases, to a requirement of replacement service. We expect Northwest to indicate whether it intends to continue to suspend service at these points, and whether it intends to prosecute Northeast's application, Docket 21331, for certificate amendments relating, inter alia, to the New England points at which Northeast has been authorized to suspend service.

[2] The steps the Board might take include an expedited adequacy-of-service investigation, as either an issue in the present case or as a separate proceeding.

[3] For example, we note that the Maine Parties have suggested that Northwest be authorized to provide service between Hartford/Springfield and points in Maine.

[4] Dockets 21331, 21332, and 21333.

[5] Order 69-12-73, dated Dec. 16, 1969.

FEDERAL POWER COMMISSION

[Docket No. AR61-1 etc.]

AREA RATE PROCEEDING (PERMIAN BASIN SHOW CAUSE)

Notice of Further Interim Extension of Time

JANUARY 5, 1971.

A number of producers have filed motions requesting the Comimssion to reconsider the November 2, 1970, letter orders in which the Commission denied a previous motion filed by the producers on September 14, 1970, requesting, inter alia, that refunds be deferred pending formulation of a Commission policy on refunds. Movants request that a conference be convened concerning refunds in those proceedings and that the time within which to make refunds be extended. An interim extension of time to and including January 7, 1971, was granted by notice issued December 15, 1970.

In order to provide time for the Commission to consider the motions which have been filed herein, notice is hereby given that the time is further extended to and including February 8, 1971, within which refund reports shall be filed in the above-designated proceedings, pursuant to the November 2, 1970, letter orders.

KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-359 Filed 1-11-71;8:47 am]

[Docket No. AR61-1 etc.]

AREA RATE PROCEEDING (PERMIAN BASIN SHOW CAUSE)

Notice of Interim Extension of Time; Correction

DECEMBER 22, 1970.

In the notice of interim extension of time, issued December 15, 1970, and published in the FEDERAL REGISTER December 24, 1970 (35 F.R. 19594), change "January 7, 1970" to "January 7, 1971".

GORDON M. GRANT, *Secretary.*

[FR Doc.71-357 Filed 1-11-71;8:47 am]

[Dockets Nos. RP71-18—RP71-25]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Granting Petitions to Intervene; Correction

DECEMBER 9, 1970.

Columbia Gulf Transmission Co., Docket No. RP71-18; United Fuel Gas Co., Docket No. RP71-19; Atlantic Seaboard Corp., Docket No. RP71-20; Kentucky Gas Transmission Corp., Docket No. RP71-21; The Ohio Fuel Gas Co., Docket No. RP71-22; Cumberland and Allegheny Gas Co., Docket No. RP71-23; The Manufacturers Light and Heat Co., Docket No. RP71-24; Home Gas Co., Docket No. RP71-25.

In the order providing for hearing, suspending proposed revised tariff sheets and granting petitions to intervene, issued November 13, 1970, and published in the FEDERAL REGISTER November 25, 1970 (35 F.R. 18060):

Appendix A: Kentucky Gas Transmission Corp., add: "Third Revised Sheet No. 32".

Appendix B: United Fuel Gas Co., change: "Third Revised Sheets Nos. 23 and 8", to read "Third Revised Sheets Nos. 23 and 28". Home Gas Co., add: "Fifth Revised Sheet No. 38". "Sixth Revised Sheet No. 37". "Seventh Revised Sheet No. 33".

Appendix C: Change "Commonwealth North Gas Corp." to read "Commonwealth Natural Gas Corp."

GORDON M. GRANT, *Secretary.*

[FR Doc.71-358 Filed 1-11-71;8:47 am]

[Docket No. E-7585]

INTERSTATE POWER CO.

Notice of Application

JANUARY 6, 1971.

Take notice that on December 28, 1970, Interstate Power Co. (applicant) of Dubuque, Iowa, filed an application pursuant to section 203 of the Federal Power Act seeking authority to purchase from Central Iowa Power Cooperative of Marion, Iowa, certain electric transmission facilities and easements located in the counties of Buchanan and Delaware, State of Iowa.

The facilities proposed to be purchased by Applicant for a purchase price of $260,541, consist of approximately 18.1 miles of 161-kv. transmission line beginning at Interstate Power Co.'s Hazleton, Iowa, substation and running easterly to the Central Iowa Power Cooperative's Dundee substation in Delaware County, Iowa. One lot of terminating equipment installed in Interstate Power Co.'s Hazleton substation.

Applicant represents that after the purchase there will be no change in the use of the facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-361 Filed 1-11-71;8:48 am]

[Docket No. E-7577]

MISSISSIPPI POWER & LIGHT CO.

Notice of Extension of Time

JANUARY 5, 1971.

On December 31, 1970, Mississippi Power & Light Co. filed a motion requesting an extension of time within which to answer the "Protest and Petition to Intervene and for Rejection of Rate Schedules Submitted for Filing" filed by Capital Electric Power Association et al., on December 22, 1970, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including January 8, 1971, within which Mississippi Power & Light Co. may file an answer to the petition filed by Capital Electric Power Association et al.

KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-360 Filed 1-11-71;8:47 am]

[Docket No. RP71-87]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 6, 1971.

Take notice that on December 31, 1970, Mississippi River Transmission Corp. (Mississippi) filed changes in its FPC Gas Tariff to be effective as of February 1, 1971. The proposed tariff revisions would increase charges for jurisdictional sales and services by approximately $10,600,000 per annum based on operations for the 12-month period ended September 30, 1970, as adjusted.

Mississippi's filing consists of two alternative sets of revised tariff sheets. The first contains provisions relating to a purchase gas adjustment clause; the second does not. In other aspects the two sets are identical. Mississippi requests waiver of the provisions of the Regulations under the Natural Gas Act, to the extent necessary, for purposes of accepting for filing the proposed tariff sheets incorporating the proposed gas adjustment clause in its tariff. If such waiver is not granted, Mississippi requests consideration of the alternative set.

The company states that the principal reasons for the changes in its tariff are (1) need for an overall rate of return of 10.5 percent; (2) increase in purchase gas costs stemming from tracking suppliers' rate increases and from changes in gas purchase pattern; (3) increased wages and salaries and increased cost of materials and supplies; (4) increased taxes; (5) increased in book depreciation to 5

percent; and (6) a return to normalization accounting for liberalized depreciation in determining Federal income taxes for cost-of-service purposes.

Any person desiring to be heard or to make any protest with reference to this filing should on or before January 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-362 Filed 1-11-71;8:48 am]

[Docket No. RP71-88]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 7, 1971.

Take notice that on December 31, 1970, North Penn Gas Co. (North Penn) filed revised tariff sheets to its FPC Gas Tariff to be effective as of January 31, 1971. The proposed changes would increase charges for jurisdictional sales and service by approximately $84,000 per annum based on operations for the 12-month period ended October 31, 1970, as adjusted to reflect wage increases to be effective as of January 1, 1971, and certain other costs. North Penn states that the purpose of the rate filing is to offset increased costs of gas purchased from two of its suppliers—Consolidated Gas Supply Corp.'s increase which became effective as of November 1, 1970, and Transcontinental Gas Pipe Line Corp.'s increase which became effective as of January 1, 1971. The company concurrently filed a proposal that it be permitted to tack supplier rate changes and to flow through refunds received from its suppliers.

Any person desiring to be heard or to make protest with respect to said filing should on or before January 20, 1971, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing is available at the Commission's offices for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-363 Filed 1-11-71;8:48 am]

[Docket No. E-7590]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application

JANUARY 7, 1971.

Take notice that on December 30, 1970, Northern States Power Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of $50 million principal amount of First Mortgage Bonds (Bonds).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged primarily in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

The Bonds are to be issued at competitive bidding pursuant to the Commission's regulations under the Federal Power Act. Applicant has scheduled February 23, 1971, as the date for the opening of bids. The Bonds will be dated as of March 1, 1971, and will mature on either March 1, 1976, or March 1, 2001. The maturity date will be fixed by applicant not less than 3 business days prior to opening of bids.

If the Bonds mature on March 1, 1976, none of the Bonds will be subject to redemption.

If the Bonds mature on March 1, 2001, none of the Bonds will be redeemable prior to March 1, 1976, other than for the sinking fund, with money borrowed at a lower cost.

The proceeds from the sale of the Bonds will be used for construction expenditures and to prepay some of the outstanding short-term borrowings of the applicant, which are estimated at $50 million as of the date of issuance of the Bonds. The short-term borrowings have been or will be incurred in connection with the construction program of applicant.

Expenditures during 1971 for the construction program of applicant are estimated at $180 million, of which $170 million is for electric facilities, $6 million for gas facilities, and $4 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-364 Filed 1-11-71;8:48 am]

[Docket No. E-7581]

PENNSYLVANIA POWER & LIGHT CO.

Further Notice of Application

JANUARY 7, 1971.

Take notice that on December 4, 1970, Pennsylvania Power & Light Co. (applicant), 901 Hamilton Street, Allentown, PA 18101, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking authority to issue short-term Promissory Notes including commercial paper notes.

Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution, and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.4 million persons.

The unsecured promissory notes are to be issued from time to time, prior to December 31, 1973, to lenders, brokers, dealers or direct purchasers of unsecured promissory notes, including banks and institutional investors. Notes in the form of commercial paper will mature in no more than 270 days from the date of issue, and all other notes will have maturities of less than 1 year from the date of issue. The aggregate face amount of such notes to be outstanding at any one time is not to exceed (i) 25 percent of applicant's gross revenues during the preceding 12 months of operations, or (ii) $90 million, whichever is less.

The proceeds from the issuance of the notes will be used principally as interim financing of applicant's construction program, which will require approximately $582 million over the 1971–73 period.

On December 16, 1970, the Commission issued a notice of the subject application. However, said notice was not published by FEDERAL REGISTER until December 28, 1970.

In order to give adequate notice, any person desiring to be heard or to make any protest with reference to said application should, on or before January 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-410 Filed 1-11-71;8:49 am]

[Docket No. RP71-41]

UNITED GAS PIPE LINE CO.

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting and Suspending Proposed Alternate Revised Tariff Sheets

DECEMBER 31, 1970.

On November 13, 1970, United Gas Pipe Line Co. (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on January 1, 1971. The proposed rate changes would increase charges for jurisdictional sales and services by about $56,100,000 based on sales and transportation deliveries for the 12-month period ending July 31, 1970, as adjusted.

United also requests a waiver of § 154.38(d)(3) of the Commission's regulations, with respect to United's proposal to include a purchased gas adjustment clause in its rate schedules. If the waiver of § 154.38(d)(3) (which prohibits the inclusion of such clauses in rate schedules) is not granted, United proposes that its alternate tariff sheets,[1] which eliminate all references to the purchase gas adjustment clause, be considered in lieu of and in substitution for the proposed revised tariff sheets which contain such clause.

In addition to changes in rate levels, United proposes (1) modification of the billing demand provisions in Rate Schedules DG–C, DG–J, DG–NW, and DG–S, (2) revisions of the demand charge adjustment provision in said rate schedules and (3) other changes in the General Terms and Conditions and Forms of Service Agreement relating to definition of rate zones, determination of quality, measurement, delivery points, Maximum Daily Quantity, sales to rural customers, the inclusion of the above referred to purchased gas adjustment clause.

United states the main reasons for the proposed rate increases are (1) increases in costs over the costs included in its rate increase filing in Docket No. RP70–13, to maintain its gas supplies, for operating and maintaining its pipeline system, purchasing supplies, material, labor, and services for the pipeline, taxes, and financing its pipeline operations; (2) the proposed increases in its book depreciation rates to a composite rate of 5 percent; and (3) the need for an increase in rate of return to 9⅜ percent.

The reasonableness of including a purchased gas adjustment provision in United's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before rates and charges to United's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of United's proposed tariff sheets, containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, United will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by United in this proceeding.

Review of the rate filing indicates that the issues therein raised require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in United's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in Appendix A hereto be suspended, and the use thereof deferred as herein provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing at 10 a.m. on February 1, 1971, in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, United's alternate set of revised tariff sheets not containing a purchased gas adjustment provision described in Appendix A are hereby suspended and the use thereof is deferred until June 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) United's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties of the Commission Staff, as a proposed purchased gas adjustment provision to be included in United's tariff.

(D) A Presiding Examiner to be designated by the Chief Examiner for that purpose [See Delegation of Authority, 18 CFR 3.5(d)], shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(E) At the hearing on February 1, 1971, United's prepared testimony (Statement P) filed and served on November 30, 1970, together with its entire rate filing as submitted and served on November 13, 1970, shall be submitted to the record as United's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to the motions by other parties to exclude or strike this or other evidence.

(F) Following admission of United's complete case-in-chief, the parties shall proceed to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

ALTERNATE PROPOSED TARIFF SHEETS FILED NOVEMBER 13, 1970

FIRST REVISED VOLUME NO. 1

Twelfth Revised Sheet No. 1
Eighth Revised Sheet No. 3
Eleventh Revised Sheet No. 4
Third Revised Sheet No. 5
Eleventh Revised Sheet No. 6
Third Revised Sheet No. 7
Thirteenth Revised Sheet No. 8
Third Revised Sheet No. 9
First Revised Sheet No. 9–C
First Revised Sheet No. 9–D
Eleventh Revised Sheet No. 10
Eleventh Revised Sheet No. 12
Thirteenth Revised Sheet No. 14
First Revised Sheet No. 15–A
First Revised Sheet No. 15–B
Eleventh Revised Sheet No. 21
Eleventh Revised Sheet No. 23
Eleventh Revised Sheet No. 25
Fourth Revised Sheet No. 26
Eleventh Revised Sheet No. 27
Eleventh Revised Sheet No. 30
Eleventh Revised Sheet No. 32
Second Revised Sheet No. 49
Third Revised Sheet No. 50
First Revised Sheet No. 51
Second Revised Sheet No. 52
First Revised Sheet No. 54
First Revised Sheet No. 55
First Revised Sheet No. 56
First Revised Sheet No. 59
First Revised Sheet No. 60
Second Revised Sheet No. 63
Second Revised Sheet No. 72
Second Revised Sheet No. 76
First Revised Sheet No. 77
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First Revised Sheet No. 82
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[FR Doc.71-356 Filed 1-11-71;8:47 am]

[1] See Appendix A hereto.

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Bankers Trust New York Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of The Industrial Bank of Binghamton, Binghamton, N.Y.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

By order of the Board of Governors, January 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-331 Filed 1-11-71;8:46 am]

FIRST UNION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Union, Inc., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Crystal City State Bank, Crystal City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, January 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-332 Filed 1-11-71;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

APPLICATIONS FOR DISASTER ASSISTANCE UNDER DISASTER RELIEF ACT OF 1970

1. (a) Notice is hereby given that the authorities conferred upon the President by sections 201, 203 (a)–(g), 206, 221, 224, 225, 226(b), 237(b), 240, 241, 242(d), and 252 of the Disaster Relief Act of 1970 (Public Law 91-606), hereinafter referred to as the Act, have been delegated to the Director of the Office of Emergency Preparedness by Executive Order No. 11575 of December 31, 1970. In addition, the Director of the Office of Emergency Preparedness has been assigned certain other authorities by sections 202, 203(h), 207, 208, 209, 222, 223, 226(a), and 239 of the Act. Those sections of the Act authorize certain Federal assistance to States, communities, and individuals that suffered damage as a result of a major disaster as determined by the President either heretofore or hereafter under the meaning of the Act of September 30, 1950 or of this Act. Those sections of the Act are effective as of December 31, 1970, except that sections 226(b), 237(b), 241, and 252(a) are effective as of August 1, 1969.

(b) Assistance under the above-cited sections shall be provided in accordance with disaster assistance agreements entered into between the Federal Government and the Governors of the affected States. Pending the development and adoption of new regulations, which are scheduled to be issued in the near future, project applications may be submitted by State or local government entities through the Governor's Authorized Representative to regional offices of the Office of Emergency Preparedness, on the forms now in use for purposes of the Act of September 30, 1950 (Public Law 875, 81st Congress; 64 Stat. 1109).

2. The provisions of the current Parts 1709, 1710, 1711, and 1715, of Title 32 of the Code of Federal Regulations, and any other record or document of the United States referring to the Act of September 30, 1950 (64 Stat. 1109) shall be applicable with respect to the provisions of the Disaster Relief Act of 1970 that are administered by the Director of the Office of Emergency Preparedness, except to the extent that they are inconsistent with that Act and except that §§ 1709.2(e) and 1710.7 of those regulations are hereby superseded.

Dated: January 6, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-340 Filed 1-11-71;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

C. P. ELECTRONICS, INC.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of former workers of C. P. Electronics, Inc., Columbus Plant, located at Columbus, Ind. (No. TEA-W-31). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before January 15, 1971.

Signed at Washington, D.C., this 6th day of January 1971.

EDGAR I. EATON,
Director, Office of
Foreign Economic Policy.

[FR Doc.71-365 Filed 1-11-71;8:48 am]

WOOD & BROOKS CO.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Wood & Brooks Co., Buffalo Plant, located at Buffalo, NY (No. TEA-W-33). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before January 15, 1971.

Signed at Washington, D.C., this 6th day of January 1971.

EDGAR I. EATON,
Director, Office of
Foreign Economic Policy.

[FR Doc.71-366 Filed 1-11-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 7, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42101—*Liquid caustic soda to Griffin, Ga.* Filed by O. W. South, Jr., agent (No. A6215), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, in tank carloads, as described in the application, from Memphis, Tenn., to Griffin, Ga.

Grounds for relief—Rate relationship.

Tariff—Supplement 298 to Southern Freight Association, agent, tariff ICC S-484.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-374 Filed 1-11-71;8:49 am]

[Notice 633]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 7, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72177. By order of December 31, 1970, the Motor Carrier Board approved the transfer to Caesar Towing, Inc., doing business as Arrow Towing, Brooklyn, N.Y., of certificate No. MC 125890 (Sub No. 1) issued to 50 State Auto Delivery, Inc., doing business as Arrow Towing Service, Brooklyn, N.Y., authorizing the transportation of: Wrecked, disabled, and replacement vehicles, used forklift trucks, used car cranes and used truck cranes, between New York, N.Y., and points on Long Island, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. George A. Olsen, practitioner, 69 Tonnele Avenue, Jersey City, NJ 07306.

No. MC-FC-72366. By order of December 31, 1970, the Motor Carrier Board on reconsideration approved the transfer to Shea Moving & Storage, Inc., Harrison, N.Y., of the operating rights in certificate No. MC-81852 issued June 1, 1949, to Katherine L. Shea, Thomas Gregory Shea and George Archer, Jr., a partnership, doing business as Hugh Shea & Sons, Harrison, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Massachusetts, Connecticut, New Hampshire, Rhode Island, New Jersey, Pennsylvania, and Maryland, traversing Delaware for operating convenience only. Alvin Altman, 1776 Broadway, New York, NY 10019, attorney for applicants.

No. MC-72496. By order of December 29, 1970, the Motor Carrier Board approved the transfer to Julian Martin, Batesville, Ark., of the operating rights in certificate No. MC-124141, issued September 10, 1962, to Roy A. Prince, Amagon, Ark., authorizing the transportation of: Lumber, from Harrisburg, Ark., to Memphis, Tenn. Mr. Julian Martin, 1490 South 14th Street, Batesville, AR 72501.

No. MC-FC-72508. By order of December 31, 1970, the Motor Carrier Board approved the transfer to Mike Mitchell, doing business as Lost Trail Stages, Salmon, Idaho, of the operating rights in No. MC-113730 (Sub-No. 1), issued July 22, 1968, to Glenn S. Munkres, doing business as Lost Trail Stages, Salmon, Idaho, authorizing the transportation of Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Salmon, Idaho, and Darby, Mont., over regular routes, serving all intermediate points with reservation of incidental charter operations in interstate or foreign commerce. Frederick H. Snook, Box 1227, Salmon, ID 83467, attorney at law.

No. MC-FC-72553. By order of December 30, 1970, the Motor Carrier Board approved the transfer to Starner Trucking Co., Inc., York, Pa., of the operating rights in certificate No. MC-76085 (Sub-No. 1), issued November 23, 1959, to Earl E. King, Rural Delivery No. 1, East Berlin, PA 17316, authorizing the transportation of: Agricultural limestone, in spreader type equipment, over irregular routes, from Jackson Township (York County), Pa., to points other than incorporated municipalities, in Baltimore, Carroll, Cecil, Frederick, Harford, Howard, and Montgomery Counties, Md. Norman T. Petow, Esq., 43 North Duke Street, York, PA 17401, attorney for transferee.

No. MC-FC-72564. By order of December 31, 1970, the Motor Carrier Board approved the transfer to Loraine Transfer & Storage Co., Inc., Post Office Box 1752, Shreveport, LA 71102, of the operating rights in certificate No. MC-111705 (Sub-No. 1) issued April 4, 1961, to

H. L. Davidson, doing business as Loraine Transfer & Storage Co., 3514 East Texas, Bossier City, LA 71010, authorizing the transportation of household goods, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Arkansas and Texas.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-373 Filed 1-11-71;8:49 am]

[No. 35251]

BANKERS DISPATCH CORP.

Petition for Relief

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of August, 1970.

It appearing that by petition filed April 5, 1970, Bankers Dispatch Corp., seeks relief from the requirements of section 218(a) of the Interstate Commerce Act with respect to filing schedules of its actual rates and charges similar to the relief granted in Armored Carrier Corp. Petition for Relief, section 218(a), 303 I.C.C. 781; and confirmation that the operations of petitioner are within the purview of 49 CFR § 1053.3, to preclude the necessity of filing copies of its transportation contracts with the Commission; and that pursuant to publication of notice of the filing of the instant petition in the FEDERAL REGISTER on July 1, 1970, no replies have been received thereto;

It is ordered, That an investigation be, and it is hereby, instituted for the purpose of determining whether the relief sought is warranted as required in section 218(a), and publication of this order be made in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be handled under the modified procedure; and that the filing and service of pleadings be as follows: (a) Opening statement of facts and argument by the petitioner, and any party supporting the petitioner, on or before 20 days from the date of publication of this order in the FEDERAL REGISTER, (b) 30 days after that date, statement of facts and argument by any party in opposition; and (c) 10 days thereafter reply by the petitioner and any supporting party.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.71-314 Filed 1-8-71;8:48 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 7

Tuesday, January 12, 1971 • Washington, D.C.

PART II

POSTAL RATE COMMISSION

•

Rules of Practice and Procedure

No. 7—Pt. II——1

Title 39—POSTAL SERVICE

Chapter III—Postal Rate Commission

PART 3001—RULES OF PRACTICE AND PROCEDURE

The Postal Rate Commission promulgates this Part 3001 as the Postal Rate Commission's rules of practice and procedure governing the conduct of proceedings before the Commission in matters concerning rates of postage, fees for postal services, mail classification schedules and changes in such schedules, changes in the nature of postal services generally affecting service on a nationwide or substantially nationwide basis, complaints as to rates and services of such nature.

The Postal Reorganization Act, as well as the legislative history and matters developed in pertinent hearings before committees of the House and Senate, including presentations to the Congress by the Postal Service concerning revenue objectives and imminent proposals for postal rate increases, point to the urgency of the immediate promulgation of Part 3001.

Notice and public procedure are not required by the Administrative Procedure Act as to rules of agency organization, procedure or practices. Furthermore, as to the rules here promulgated the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

This Part 3001 shall become effective upon its publication in the FEDERAL REGISTER.

Interested persons may submit written comments concerning these rules to the Postal Rate Commission, Washington, D.C. 20268.

By order of the Postal Rate Commission.

WILLIAM J. CROWLEY,
Chairman.

Subpart A—Rules of General Applicability

Sec.
3001.1 The Commission and its offices.
3001.3 Scope of rules.
3001.4 Method of citing rules.
3001.5 Definitions.
3001.6 Appearances.
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3001.8 No participation by investigative or prosecuting officers.
3001.9 Filing of documents.
3001.10 Form and number of copies of documents.
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Subpart B—Rules Applicable to Requests for Changes in Rates or Fees

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Subpart E—Rules Applicable to Rate and Service Complaints

3001.81 Applicability.
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3001.83 Contents of complaints.
3001.84 Answers by the Postal Service.
3001.85 Informal procedures.
3001.86 Proceedings on the record.
3001.87 Commission determinations.

AUTHORITY: The provisions of this Part 3001 issued under sec. 3603, 84 Stat. 759, 39 U.S.C. 3603.

Subpart A—Rules of General Applicability

§ 3001.1 The Commission and its offices.

(a) *The Commission.* The Postal Rate Commission is an independent establishment of the Executive Branch of the U.S. Government created by the Act. The Commission consists of five Commissioners appointed by the President one of whom is designated as Chairman by the President. Three members of the Commission constitute a quorum for the transaction of business, but all final acts of the Commission shall be by a vote of an absolute majority of the Commissioners.

(b) *The Chairman.* The Chairman has the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the officers and employees of the Commission. He has the administrative duty to preside at the meetings and sessions of the Commission and to represent the Commission in matters specified by statute or executive order or as the Commission directs. The Commission will, in case of a vacancy in the office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, designate one of its members Acting Chairman to serve during the period of vacancy, absence or inability.

(c) *The Secretary.* The Secretary shall have custody of the Commission's seal, the minutes of all action taken by the Commission, its rules and regulations, its administrative and other orders, and records. All orders and other actions of the Commission shall be authenticated or signed by the Secretary or any such other person as may be authorized by the Commission.

(d) *The Staff.* The Staff consists of such accounting, economic, engineering, legal, and rate experts, and such other employees as the Commission, from time to time, shall find necessary.

(e) *Offices.* The offices of the Commission are in Washington, D.C. All communications to the Commission should be addressed to: Postal Rate Commission, Washington, DC 20268.

(f) *Hours.* The offices of the Commission will be open from 8:45 a.m. to 5:15 p.m. of each day except Saturdays, Sundays, and holidays, unless otherwise directed by Executive order or officially declared, with appropriate notice.

§ 3001.3 Scope of rules.

The rules of practice in this part are applicable to proceedings before the Postal Rate Commission under the Act, including those which involve a hearing on the record before the Commission or its designated presiding officer. They do not preclude the informal disposition of any matters coming before the Commission not required by statute to be determined upon notice and hearing.

§ 3001.4 Method of citing rules.

This part shall be referred to as the "rules of practice." Each section, paragraph, or subparagraph shall include only the numbers and letters to the right of the decimal point. For example, "3001.24 *Prehearing conferences*" shall be referred to as "section 24."

§ 3001.5 Definitions.

(a) "Act" means the Postal Reorganization Act (84 Stat. 719, Title 39, United States Code).

(b) "Postal Service" means the U.S. Postal Service established by the Act.

(c) "Commission" or "Commissioner" means, respectively, the Postal Rate Commission established by the Act or a member thereof.

(d) "Secretary" means the Secretary or the Acting Secretary of the Commission.

(e) "Presiding officer" means the Chairman of the Commission in proceedings conducted by the Commission en banc or the Commissioner or hearing examiner of the Commission designated to preside at hearings or conferences.

(f) "Person" means an individual, a partnership, corporation, trust, unincorporated association, or governmental agency.

(g) "Party" means the Postal Service, a complainant, or a person who has been permitted to intervene in a proceeding before the Commission.

(h) "Participant" means any party and the officer of the Commission who is designated to represent the interests of the general public.

(i) "Complainant" means a person or interested party who as permitted by section 3662 of the Act files a complaint with the Commission in the form and manner hereinafter prescribed.

(j) "Hearing" means a hearing under sections 556 and 557 of title 5, United States Code (80 Stat. 386), as provided by sections 3624, 3661, and 3662 of the Act.

(k) "Record" means the transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, which constitutes the exclusive record for decision.

(l) "Effective date" of an order or notice issued by the Commission or an officer thereof means the date of issuance unless otherwise specifically provided.

§ 3001.6 Appearances.

(a) *By whom.* An individual may appear in his own behalf; a member of a partnership may represent the partnership; and an officer may represent a corporation, trust, unincorporated association, or governmental agency. A person may be represented in a proceeding by an attorney at law admitted to practice and in good standing before the Supreme Court of the United States, the highest court of any State or Territory of the United States or the District of Columbia, or the Court of Appeals or the District Court for the District of Columbia.

(b) *Authority to act.* When an officer of any party or an attorney acting in a representative capacity appears in person or signs a paper filed with the Commission, his personal appearance or signature shall constitute a representation to the Commission that he is authorized to represent the particular party in whose behalf he acts. Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of his authority to act in such capacity.

(c) *Designation for service.* A person intending to appear before the Commission or its presiding officer in a representative capacity for a party in a proceeding shall file with the Commission a notice of appearance in the form prescribed by the Secretary unless the person is named in an initial filing of the party whom he represents as a person to whom communications from the Commission in regard to the filing are to be addressed. Failure to file a notice required by this paragraph shall constitute a waiver of the right to service of documents.

(d) *Standards of conduct.* Individuals practicing before the Commission shall conform to the standards of ethical conduct required of practitioners in the courts of the United States.

(e) *Disqualification and suspension.* After hearing, the Commission may disqualify and deny, temporarily or permanently, the privilege of appearing and practicing before it in any way to any individual who is found not to possess the requisite qualifications, or to have engaged in unethical or improper professional conduct. Contumacious conduct at any hearing before the Commission or its presiding officer shall be ground for exclusion of any individual from such hearing and for summary suspension for the duration of the hearing by the Commission or the presiding officer.

(f) *Disqualification of former members and employees*—(1) *Permanent.* No former Commissioner or employee, including a special Commission employee, shall act as agent or attorney before the Commission for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise as a Commissioner or employee.

(2) *Temporary.* Within 1 year after termination of employment with the Commission, no former Commissioner or employee, including a special Commission employee, shall appear personally before the Commission on behalf of any person other than the United States in any Commission proceeding or matter in which the United States is a party or has a direct and substantial interest and which was under his official responsibility at any time within 1 year preceding termination of such responsibility. The term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

§ 3001.7 Ex parte communications.

(a) *Prohibition.* To avoid the possibility or appearance of impropriety or of prejudice to the public interest and persons involved in proceedings pending before the Commission, no person who is a party to any on-the-record proceeding or his counsel, agent, or other person acting on his behalf, nor any interceder, shall volunteer or submit to any member of the Commission or member of his personal staff, to the presiding officer, or to any employee participating in the decision in such proceeding, any ex parte off-the-record communication regarding any matter at issue in the on-the-record proceeding, except as authorized by law; and no Commissioner, member of his personal staff, presiding officer, or employee participating in the decision in such proceeding, shall request or entertain any such communication. For the purposes of this section, the term "on-the-record proceeding" means a proceeding noticed pursuant to § 3001.17. The prohibitions of this paragraph shall apply from the date of issuance of such notice.

(b) *Placement in public file.* All written ex parte communications prohibited by paragraph (a) of this section shall be delivered to the Secretary of the Commission for placement in a public file associated with the case but separate from the record material upon which the Commission may rely in reaching its decision.

(c) *Offer of communications.* A Commissioner, member of his immediate staff, presiding officer or employee participating in the decision in any on-the-record proceeding who receives an offer of any communication concerning any matter at issue in such proceeding shall decline to listen to such communication and explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he will not consider the communication and shall promptly and fully inform the Commission in writing of the substance of and the circumstances attending the communication, so that the Commission will be able to take appropriate action. Such written report shall be included in the file maintained by the Secretary pursuant to paragraph (b) of this section.

(d) *Opportunity to rebut.* Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication which the Secretary has associated with the record may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Generally, in lieu of actually receiving rebuttal material, the Commission will direct that the alleged factual assertion and the proposed rebuttal be disregarded in arriving at a decision.

§ 3001.8 No participation by investigative or prosecuting officers.

In any proceeding noticed pursuant to § 3001.17, no officer, employee or agent of the Commission who appears in the hearing in a proceeding before the Commission as an attorney or witness or who actively participates in the preparation of evidence or argument presented by such persons, shall participate or advise as to the intermediate decision or Commission decision in that proceeding except as a witness or counsel in public proceedings.

§ 3001.9 Filing of documents.

(a) *Filing with the Commission.* The filing of any written document required by these rules or any applicable statute,

rule, regulation or order of the Commission, or by direction of the presiding officer shall be made by filing with the Office of the Secretary, Postal Rate Commission, Washington, DC 20268, during normal business hours on a date no later than that specified for such filing. Documents received after the close of normal business hours or on a Saturday, Sunday, or holiday, shall be deemed to be filed on the next regular business day.

(b) *Acceptance for filing.* Only such documents as conform to the requirements of this part and any other applicable rule, regulation or order of the Commission shall be accepted for filing. Unacceptable filings will be rejected by the Secretary and will not be included in the file in the proceeding involved. The Secretary shall notify the sender of any unacceptable document and all parties to the proceeding in which such document was tendered that such document was rejected. Acceptance for filing shall not waive any failure to comply with the rules, and such failure may be cause for subsequently striking all or any part of any document.

§ 3001.10 Form and number of copies of documents.

(a) *Typewritten.* If not printed, documents filed with the Commission shall be typewritten on paper of letter size, 8 to 8½ inches wide by 10½ to 11 inches long, with left-handed margin not less than 1½ inches wide and other margins not less than 1 inch, except that tables, charts or special documents attached thereto may be larger if required, provided that they are folded to the size of the document to which they are attached. The impression shall be on only one side of the paper unless there are more than 10 pages. The text shall be double-spaced except that footnotes and quotations of more than a few lines may be single spaced. Type not smaller than elite shall be used. If the document is bound, it shall be bound on the left side. Copies of documents for filing and service may be reproduced by any duplicating process that produces clear and legible copies.

(b) *Printed.* Printed documents filed with the Commission shall, insofar as practicable, not be less than 10-point type adequately leaded, on unglazed paper cut or folded to a size of 8 to 8½ inches wide and 10½ to 11 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded, indented quotations.

(c) *Number of copies.* Except for correspondence or as otherwise may be required by the Commission, the Secretary, or the presiding officer in any proceeding, an original and 14 fully conformed copies of each document required or permitted to be filed under this part shall be filed with the Secretary. The copies need not be signed but shall show the full name of the person signing the original document and the certificate of service attached thereto.

§ 3001.11 General contents of documents.

(a) *Caption and title.* The caption of a document filed with the Commission in any proceeding shall clearly show the docket designation and title of the proceeding before the Commission. The title of such document shall show the name of the person in whose behalf the filing is made and a brief description of the document or the nature of the relief sought therein (i.e., motion for extension, brief on exceptions, complaint, petition to intervene, answer to complaint). If the document is filed on behalf of more than one person, a single name only need be included in the title.

(b) *Designation of person to receive service.* The first page of the initial document filed by any person in any proceeding shall state the name and full post office address of the person or persons who may be served with any documents relating to the proceeding.

(c) *Contents.* In the event there is no rule, regulation or order of the Commission which specifically prescribes the contents of any document to be filed, such document shall contain a proper identification of the parties concerned and a concise but complete statement of the relief sought and of the facts and citations of authority and precedent relied upon.

(d) *Improper matter.* Defamatory, scurrilous, or unethical matter shall not be included in any document filed with the Commission.

(e) *Subscription.* The original of any document filed with the Commission shall be signed in ink by the participant filing the same or by an authorized officer, employee, attorney or other representative, and all other copies of such document filed with the Commission and served on the participants in any proceeding shall be fully conformed thereto. The signature of any person subscribing any document filed with the Commission constitutes a certification that he has read the document being subscribed and filed; that he knows the contents thereof; that if executed in any representative capacity, the document has been subscribed and executed in the capacity specified in the document with full power and authority so to do; that to the best of his knowledge, information and belief every statement contained in the document is true and no such statements are misleading; and that such document is not filed for purposes of delay.

(f) *Table of contents.* All documents other than briefs filed with the Commission consisting of 20 or more pages shall contain a subject-index of the matter in such document with page references.

(g) *Certificate of service.* There shall be attached to the original of each document filed with the Commission a certificate of service signed in ink showing service on all participants in a proceeding as prescribed by § 3001.12. All other copies filed and served shall be fully conformed thereto.

§ 3001.12 Service of documents.

(a) *Service by the Commission.* Notices, orders, and other similar documents issued by the Commission or presiding officer shall be served by the Secretary upon the participants in the proceeding individually or by such groups as may be directed by the Commission or presiding officer.

(b) *Service by the parties.* Every document filed by any person with the Commission in a proceeding shall be served by the person filing such document upon the participants in the proceeding individually or by such groups as may be directed by the Commission or presiding officer.

(c) *Limitation on extent of service.* To avoid the imposition of an unreasonable burden upon participants, the Commission or the presiding officer may, by appropriate order, limit service to service upon participants intending to actively participate in the hearing, or upon a person or persons designated for properly representative groups, or by requiring the making of documents available for convenient public inspection, or by any combination of such methods.

(d) *Service list.* The Secretary shall maintain a current service list in each proceeding which shall include the participants in that proceeding and the person or persons designated for service of documents by each party with the address designated in the party's initial pleading in such proceeding or a notice of appearance as provided in § 3001.6(c); provided, however, the Secretary is not required to include on such list more than two designated representatives for any party to the proceeding. The service list shall show the participants actively participating in the hearing and representative groups established pursuant to paragraph (c) of this section. Service on the persons, active participants or groups on the Secretary's service list in any proceeding, as directed by the Commission or hearing officer, shall be deemed service in compliance with the requirements of this section.

(e) *Method of service.* Service may be made by first class mail or personal delivery to the address shown for the persons designated on the Secretary's service list. Service upon the Postal Service shall be made by delivering or mailing the same to the Office of the Assistant General Counsel, Postal Rates and Mail Classifications Divisions, U.S. Postal Service, Washington, DC 20260.

(f) *Date of service.* Whenever service is made by mail, the date of mailing shall be the date of service. Whenever service is made by personal delivery, the date of such delivery shall be the date of service.

(g) *Form of certificate of service.* The certificate of service shall show the name of the participant or his counsel making service, the date and place of service, and include the statement that "I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice."

§ 3001.13 Docket and hearing calendar.

The Secretary shall maintain a docket of all proceedings, and each proceeding as initiated shall be assigned an appropriate designation. The Secretary shall maintain a hearing calendar of all proceedings which have been set for hearing, which proceedings shall be heard on the

date set in the hearing order, except that the Commission may for cause, with or without motion, at any time with due notice to the parties advance or postpone the date of hearing. The docket and hearing calendar shall be available for public inspection during the office hours of the Commission, insofar as consistent with the proper discharge of the Commission's duties.

§ 3001.14 Consolidation and separation of proceedings.

The Commission, with or without motion, may order proceedings involving related issues or facts to be consolidated for hearing of any or all matters in issue in such proceedings. The Commission may sever proceedings which have been consolidated, or order separate proceedings on any issue presented, if it appears that separate proceedings will be more convenient, expeditious, or otherwise appropriate.

§ 3001.15 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part, or by any notice, order, rule or regulation of the Commission or a presiding officer, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Commission, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or holiday. A partday holiday shall be considered as other days and not as a holiday.

§ 3001.16 Continuances and extensions of time.

Continuances of any proceeding or hearing and extensions of time for making any filing or performing any act required or allowed to be done within a specified time or by a specified date may be granted by the Commission or the presiding officer upon motion for good cause shown unless the time for performance or filing is limited by statute. Requests for extension of time shall be by written motion timely filed with the Commission stating the facts on which the application rests, except that after a hearing has convened, such requests shall be made by written or oral motion to the presiding officer. Requests for continuances or extensions of time may as a matter of discretion be acted upon without waiting for answers thereto.

§ 3001.17 Notice of proceeding.

(a) *When issued.* The Commission shall issue a notice of a proceeding to be determined on the record with an opportunity for any interested person to request a hearing whenever:

(1) The Postal Service files a formal request that the Commission submit a recommended decision on changes in postal rates or fees or establishing or changing the mail classification schedule;

(2) The Commission proposes on its own initiative to issue a recommended decision on changes in the mail classification schedule;

(3) The Postal Service files a request with the Commission to issue an advisory opinion on a proposed change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis;

(4) The Commission in the exercise of its discretion determines that an opportunity for hearing should be provided with regard to a complaint filed pursuant to Subpart E of this part; or

(5) The Commission in the exercise of its discretion determines to institute any other proceeding under the Act.

(b) *Publication and service of notice.* Each notice of proceeding shall be published in the FEDERAL REGISTER and served on the Postal Service, and the complainant in a complaint proceeding.

(c) *Contents of notice.* The notice of a proceeding shall include the following:

(1) The general nature of the proceeding involved in terms of the categories listed in paragraph (a) of this section;

(2) A reference to the legal authority under which the proceeding is to be conducted;

(3) A concise description of proposals for changes in rates or fees, proposals for the establishment of or changes in the mail classification schedule, or proposals for changes in the nature of postal services or, in the case of a complaint, an identification of the complainant and a concise description of the subject matter of the complaint;

(4) The date by which petitions for leave to intervene and requests for hearing must be filed; and

(5) Such other information as the Commission may desire to include.

§ 3001.18 Nature of proceedings.

(a) *Proceedings to be set for hearing.* In any case noticed for a proceeding to be determined on the record pursuant to § 3001.17, the Commission shall hold a public hearing if a hearing is requested by any party to the proceeding or if the Commission in the exercise of its discretion determines that a hearing is in the public interest. The Commission may give notice of its determination that a hearing shall be held in its original notice of the proceeding or in a subsequent notice issued pursuant to paragraph (b) of this section and § 3001.19.

(b) *Procedure in hearing cases.* In proceedings which are to be set for hearing, the Commission shall issue a notice of hearing or prehearing conference pursuant to § 3001.19. After the completion of the hearing, the Commission or the presiding officer shall receive such briefs and hear such oral argument as may be ordered by the Commission or the presiding officer pursuant to §§ 3001.34 to 3001.37, and the Commission shall then issue a recommended decision, advisory opinion, or public report, as appropriate, in accordance with the provisions of §§ 3001.38 to 3001.39.

(c) *Procedure in non-hearing cases.* In any case noticed for a proceeding to be determined on the record in which a hearing is not requested by any party or ordered by the Commission, the Commission or the presiding officer shall issue a notice of the procedure to be followed with regard to the filing of briefs and oral argument, and a recommended decision, advisory opinion, or public report, as appropriate, shall then be issued pursuant to the provisions of §§ 3001.34 to 3001.39. The Commission or presiding officer may, if necessary or desirable, call procedural conferences by issuance of a notice pursuant to § 3001.19.

§ 3001.19 Notice of prehearing conference or hearing.

In any proceeding noticed for a proceeding on the record pursuant to § 3001.17, the Commission shall give due notice of any prehearing conference or hearing in the notice of proceeding by including therein the time and place of the conference or hearing or by subsequently issuing a notice of prehearing conference or hearing. Such notice of prehearing conference or hearing shall give the title and docket designation of the proceeding, a reference to the original notice of proceeding and the date of such notice, and the time and place of the conference or hearing and the designation of the presiding officer. Similar notice shall be issued of the time and place where a hearing will be reconvened unless announcement was made thereof by the presiding officer at the adjournment of an earlier session of the prehearing conference or hearing. Such notices shall be published in the FEDERAL REGISTER and served on all participants in the proceeding involved.

§ 3001.20 Formal interventions.

(a) *Who may intervene.* A petition for leave to intervene will be entertained in those cases that are noticed for a proceeding pursuant to § 3001.17 from any person claiming an interest of such nature that his intervention is necessary or appropriate to the administration of the Act.

(b) *Contents of petitions.* A petition to intervene shall clearly and concisely set forth the nature and extent of the petitioner's interest in the issues to be decided, including the classifications of postal service utilized by the petitioner giving rise to his interest in the proceeding, and the position of the petitioner with regard to the proposed changes in postal rates, fees, classifications, or services, or the subject matter of the complaint, as described in the notice of the proceeding. Such petition shall affirmatively state whether or not the petitioner requests a hearing or in lieu thereof, a conference, and whether or not the petitioner intends to actively participate in a hearing. Such petition shall also include on page one thereof the name and full mailing address of the person or persons who are to receive service of any documents relating to such proceeding.

(c) *Form and time of filing of petitions.* Petitions to intervene shall be filed no later than the date fixed for the filing of such petitions in any notice or order with respect to the proceeding issued by

the Commission or its Secretary, unless in extraordinary circumstances for good cause shown, the Commission authorizes a late filing. Petitions to intervene shall conform to the requirements of §§ 3001.9 to 3001.11 and shall be served on the Postal Service and the complainant in a complaint proceeding pursuant to § 3001.12.

(d) *Answers.* Answers to petitions to intervene may be filed by any party to a proceeding or any person who has filed a petition to intervene therein no later than 7 days after the petition to intervene is filed.

(e) *Action on petitions.* As soon as practicable after the expiration of the time for filing answers to petitions to intervene, the Commission shall rule on each petition to intervene and shall grant or deny such intervention or may, if found to be appropriate, authorize limited participation.

(f) *Effect of granting intervention.* A person permitted to intervene shall be a party to the proceeding, subject, however, to the right of the Commission or the presiding officer as specified in § 3001.24 to require two or more interveners having substantially like interests and positions to join together for purposes of service of documents, presenting evidence, making and arguing motions and objections, cross-examining witnesses, filing briefs, and presenting oral arguments to the Commission or presiding officer. No decision granting intervention to any person shall be deemed to constitute a decision that the intervening party has such an interest in the proceeding that he would be aggrieved by an ultimate decision or order of the Commission.

§ 3001.21 Motions to the Commission.

(a) *Scope and contents.* An application to the Commission for an order or ruling not otherwise specifically provided for in this part shall be by motion. Motions shall set forth with particularity the ruling or relief sought, the grounds and basis therefor, and the statutory or other authority relied upon, and shall be filed with the Commission and served pursuant to the provisions of §§ 3001.9 to 3001.12.

(b) *Answers.* Within 7 days after a motion is filed, or such other period as the Commission may fix, any party to the proceeding may file and serve an answer in support of or in opposition to the motion pursuant to §§ 3001.9 to 3001.12. Such answers shall state with particularity the position of the participant with regard to the ruling or relief requested in the motion and the grounds and basis and statutory or other authority relied upon. Unless the Commission otherwise provides, no reply to an answer or any further responsive document shall be filed.

§ 3001.22 Requests for waiver.

Upon request by motion, any requirement of any subpart of this Part 3001 may be waived in whole or in part to the extent permitted by law upon a showing that such waiver will not unduly prejudice the interests of other participants and is consistent with the public interest and the Commission's expeditious discharge of its responsibilities under the Act. A request for waiver shall not be entertained unless it is timely filed so as to permit Commission disposition of the request prior to the date specified for the requirement for which waiver is requested. The pendency of a request for waiver does not justify or excuse any person from timely meeting the requirements of this part.

§ 3001.23 Presiding officers.

(a) *Authority delegated.* Presiding officers shall have the authority, within the Commission's powers and subject to its published rules, as follows:

(1) To regulate the course of the hearing, including the recessing, reconvening, and adjournment thereof, unless otherwise directed by the Commission, as provided in § 3001.16;

(2) To administer oaths and affirmations;

(3) To issue subpoenas authorized by law;

(4) To rule upon offers of proof and receive relevant evidence;

(5) To take or authorize that depositions be taken as provided in § 3001.33;

(6) To hold appropriate conferences before or during hearings and to rule on matters raised at such conferences including those specified in paragraph (d) of § 3001.24;

(7) To dispose of procedural requests or similar matters but not, before their initial or recommended decision, to dispose of motions made during hearings to dismiss proceedings or other motions which involve a final determination of the proceeding;

(8) Within their discretion, or upon direction of the Commission, to certify any question to the Commission for its consideration and disposition;

(9) To submit an initial or recommended decision in accordance with §§ 3001.38 and 3001.39; and

(10) To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations, and policies of the Commission.

(b) *Conduct of hearings.* It is the duty of the presiding officer to conduct a fair and impartial hearing and to maintain order. Any disregard by participants or counsel of his rulings on matters of order and procedure shall be noted on the record, and where he deems it necessary shall be made the subject of a special written report to the Commission. In the event that participants or counsel should be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any hearing, the presiding officer immediately may submit to the Commission his report thereon, together with his recommendations, and in his discretion, suspend the hearing.

(c) *Limitations.* Presiding officers shall perform no duties inconsistent with their duties and responsibilities as such. Except to the extent required for the disposition of ex parte matters as authorized by law and by the rules of the Commission, no presiding officer shall, in any proceeding in which the Commission may so direct, or in any proceeding required by statute to be determined on the record after opportunity for hearing, consult any person on any matter in issue unless upon notice and opportunity for all participants to be heard.

(d) *Disqualification.* A presiding officer may withdraw from a proceeding when he deems himself disqualified, or he may be withdrawn by the Commission for good cause found after timely affidavits alleging personal bias or other disqualifications have been filed.

§ 3001.24 Prehearing conferences.

(a) *Initiation and purposes.* In any proceeding the Commission or the presiding officer may, with or without motion, upon due notice as to time and place, direct the participants in a proceeding to appear for a prehearing conference for the purposes of considering all possible ways of expediting the proceeding, including those in paragraph (d) of this section. It is the intent of the Commission to issue its recommended decision or advisory opinion on requests under sections 3622, 3623, and 3661 of the Act with the utmost practicable expedition. The Commission directs that these prehearing procedures shall be rigorously pursued by the presiding officer and all participants to that end.

(b) *Informal off-the-record procedures.* In order to make the prehearing conference as effective as possible, the presiding officer may, in his discretion, direct that conferences be held off the record at the beginning of a prehearing conference or at other appropriate times, without the presiding officer being present. Such informal off-the-record conferences shall be presided over by the Commission's officer designated to represent the interests of the general public or such other person as the participants may select. At such off-the-record conferences the participants shall be expected to reach agreement on those matters which will expedite the proceeding, including the matters specified in the notice of the prehearing conference, in the ruling of the presiding officer directing that the off-the-record conference be held and in paragraph (d) of this section. A report on the results of such off-the-record conference shall be made to the presiding officer on the record at a time specified by the presiding officer and he shall then determine the further prehearing procedures to be followed.

(c) *Required preparation and cooperation of all parties.* All participants in any proceeding before the Commission are required and expected to come to the prehearing conference fully prepared to discuss in detail and resolve all matters specified in paragraph (d) of this section, and notice of the prehearing conference, and such other notice or agenda as may have been issued by the Commission or the presiding officer. All participants are required and expected to cooperate fully at all stages of the proceeding to achieve these objectives, through thorough advance preparation for the

prehearing conference, including informal communications between the participants, requests for discovery and appropriate discovery procedures at the earliest possible time and no later than at the prehearing conference, and the commencement of preparation of evidence and cross-examination. The failure of any participant to appear at the prehearing conference or to raise any matters that could reasonably be anticipated and resolved at the prehearing conference shall not be permitted to unduly delay the progress of the proceeding and shall constitute a waiver of the rights of the participant with regard thereto, including all objections to the agreements reached, actions taken, or rulings issued by the presiding officer with regard thereto.

(d) *Matters to be pursued.* At the prehearing conference in any proceeding, the presiding officer and the participants shall consider and resolve the following matters:

(1) The definition and simplification of the issues including any appropriate explanation, clarification, or amendment of any proposal, filing, evidence, complaint or other pleading filed by any participant.

(2) Arrangement for timely completion of discovery from the Postal Service or any other participant with regard to information desired by any participant with regard to any issues in the proceeding or prior filings, evidence or pleadings of any participant.

(3) Agreement as to procedures for timely discovery with regard to any future evidentiary filings of any participant.

(4) Stipulations, admissions or concessions as to evidentiary facts, and agreements as to documentary matters, exhibits and matters of official notice, which will avoid unnecessary proof or dispute.

(5) Grouping parties with substantially like interests for purposes of presenting evidence, making and arguing motions and objections, cross-examining witnesses, filing briefs, and presenting oral argument to the Commission or presiding officer.

(6) Disclosure of the number, identity and qualifications of witnesses, and the nature of their testimony, particularly with respect to the policies of the Act and, as applicable according to the nature of the proceeding, each factor stated in section 3622 or 3623 of the Act.

(7) Limitation of the scope of the evidence and the number of witnesses to eliminate irrelevant, immaterial, or cumulative and repetitious evidence.

(8) Procedures to direct and control the use of discovery prior to the hearing and submission of written testimony and exhibits on matters in dispute so as to restrict to a bare minimum the amount of hearing time required for oral cross-examination of witnesses.

(9) Division of the proceeding where practicable into two or more phases for separate simultaneous hearings.

(10) Fixing dates for the submission and service of such written testimony and exhibits as may be appropriate in advance of the hearing.

(11) Order of presentation of the evidence and cross-examination of witnesses so that the hearing may proceed in the most expeditious and orderly manner possible.

(12) All other matters which would aid in an expeditious disposition of the proceeding, including consent of the participants to the conduct of the entire proceedings off the record.

(e) *Rulings by presiding officer.* The presiding officer at such prehearing conference, irrespective of the consent of the participants, shall dispose of by ruling (1) any of the procedural matters itemized in paragraph (d) of this section and (2) such other procedural matters on which he is authorized to rule during the course of the hearing if ruling at this stage would expedite the proceeding. Either on the record at the conclusion of such prehearing conference, or by order issued shortly thereafter, the presiding officer shall state the agreements reached by the participants, the actions taken, and the rulings made by the presiding officer. Such rulings shall control the subsequent course of the proceedings unless modified at the hearing to prevent manifest injustice.

§ 3001.25 Interrogatories for purpose of discovery.

(a) *Service and contents.* In the interest of expedition and limited to information which appears reasonably calculated to lead to the discovery of admissible evidence, any participant may serve upon any other participant in a proceeding written interrogatories, including request for nonprivileged information relevant to the subject matter in such proceeding, to be answered by the participant served who shall furnish such information as is available to the participant. A participant through interrogatories may require any other participant to identify each person whom the other participant expects to call as a witness at the hearing and to state the subject matter on which the witness is expected to testify.

(b) *Answers and objections.* Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. An interrogatory otherwise proper is not necessarily objectionable because an answer would involve an opinion or contention that relates to fact or the application of law to fact, but the Commission or presiding officer may order that such an interrogatory need not be answered until a prehearing conference or other later time. The answers are to be signed by the person making them and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers and objections if any, within 10 days after service of the interrogatories or within such other period as may be fixed by the presiding officer, but before the conclusion of the hearing.

(c) *Supplemental answers.* A participant who has answered interrogatories is under the duty to seasonably amend a prior answer if he obtains information upon the basis of which he knows that the answer was incorrect when made or is no longer true.

(d) *Orders.* The Commission or the presiding officer may order that any participant or person shall answer on such terms and conditions as are just and may for good cause make any protective order, including an order limiting or conditioning interrogatories, as justice requires to protect a party or person from undue annoyance, embarrassment, oppression, or expense.

§ 3001.26 Requests for production of documents or things for purpose of discovery.

(a) *Service and contents.* In the interest of expedition and limited to information which appears reasonably calculated to lead to the discovery of admissible evidence, any participant may serve on any other participant to the proceeding a request to produce and permit the participant making the request, or someone acting in his behalf, to inspect and copy any designated documents or things which constitute or contain matters, not privileged, which are relevant to the subject matter involved in the proceeding and which are in the custody or control of the participant upon which the request is served. The request shall set forth the items to be inspected either by individual item or category, and describe each item and category with reasonable particularity, and shall specify a reasonable time, place and manner of making inspection.

(b) *Answers and objections.* The participant upon whom the request is served shall serve a written answer on the participant who filed the request within 5 days after the service of the request; or within such other period as may be fixed by the presiding officer. The answer shall state, with respect to each item or category, that inspection will be permitted as requested unless the request is objected to, in which event the reason for the objection shall be stated. If objection is made to part of an item or category, the part shall be specified.

(c) *Orders.* The Commission or the presiding officer may, on such terms and conditions as are just and reasonable, order that any participant in a proceeding shall repsond to a request for inspection, and may make any protective order of the nature provided in paragraph (d) of § 3001.25 as may be appropriate.

§ 3001.27 Requests for admissions for purpose of discovery.

(a) *Service and content.* In the interest of expedition any participant may serve upon any other participant a written request for the admission, for purposes of the pending proceeding only, of any relevant, unprivileged facts, including the genuineness of any documents or exhibits to be presented in the hearing.

(b) *Answers and objections.* Each matter of which an admission is requested shall be separately set forth and is admitted unless within 10 days after service of the request, or within such

other period as may be fixed by the presiding officer, the participant to whom the request is directed serves upon the participant requesting the admission a written answer or objection addressed to the matter which shall be signed by the participant or his attorney.

(c) *Orders.* If the Commission or presiding officer determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served, or may determine that final disposition of the request be made at a pretrial conference or at a designated time prior to the hearing.

§ 3001.28 Failure to comply with orders for discovery.

If a participant or an officer or agent of a participant fails to obey an order of the Commission or the presiding officer to provide or permit discovery, pursuant to §§ 3001.25 to 3001.27, the Commission or the presiding officer may make such orders in regard to the failure as are just, and among others, may direct that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the proceeding in accordance with the claim of the participants obtaining the order, or prohibit the disobedient participant from introducing designated matters in evidence, or strike the evidence, complaint or pleadings or parts thereof.

§ 3001.29 Settlement conferences.

Any participant in a proceeding may submit offers of settlement or proposals of adjustment at any time and may request a conference between the participants to consider such offers or proposals. The Commission or the presiding officer shall afford the participants appropriate opportunity prior to or during the hearing for conferences for the purpose of considering such offers or proposals as time, the nature of the proceeding, and the public interest permit. Unaccepted offers of settlement or adjustment and proposed stipulations not agreed to shall be privileged and shall not be admissible in evidence against any participant claiming such privilege.

§ 3001.30 Hearings.

(a) *How Initiated.* Hearings for the purpose of taking evidence shall be initiated by the issuance of a notice by the Commission as provided in § 3001.19.

(b) *Presiding officer.* All hearings shall be held before the Commission sitting en banc, or a duly designated presiding officer.

(c) *Entering of appearances.* The Commission or the presiding officer before whom the hearing is held will cause to be entered on the record all appearances together with a notation showing in whose behalf each such appearance has been made.

(d) *Order of procedure.* In public hearings before the Commission, the Postal Service shall open and close in proceedings which it has initiated under section 3622, 3623, or 3661 of the Act, and a complainant shall open and close in proceedings on complaints filed under section 3662 of the Act. With respect to the order of presentation of all other participants, and in all other proceedings, unless otherwise ordered by the Commission, the presiding officer shall direct the order of presentation of evidence and issue such other procedural orders as may be necessary to assure the orderly and expeditious conclusion of the hearing.

(e) *Presentation by parties.* Any participant shall have the right in public hearings of presentation of evidence, cross-examination, objection, motion, and argument. When objections to the admission or exclusion of evidence before the Commission or the presiding officer are made, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary.

(f) *Limitations on presentation of the evidence.* The taking of evidence shall proceed with all reasonable diligence and dispatch, and to that end, the Commission or the presiding officer may limit appropriately (1) the number of witnesses to be heard upon any issue, (2) the examination by any participant to specific issues, and (3) the cross-examination of a witness to that required for a full and true disclosure of the facts necessary for the disposition of the proceeding and to avoid irrelevant, immaterial, or unduly repetitious testimony.

(g) *Motions during hearing.* After a hearing has commenced in a proceeding, a request may be made by motion to the presiding officer for any procedural ruling or relief desired. Such motions shall set forth the ruling or relief sought, and state the grounds therefor and statutory or other supporting authority. Motions made during hearings may be stated orally upon the record, except that the presiding officer may require that such motions be reduced to writing and filed separately. Any participant shall have the opportunity to answer or object to such motions at the time and in the manner directed by the presiding officer.

(h) *Rulings on motions.* The presiding officer is authorized to rule upon any such motion not formally acted upon by the Commission prior to the commencement of a prehearing conference or hearing where immediate ruling is essential in order to proceed with the prehearing conference or hearing, and upon any motion to the presiding officer filed or made after the commencement thereof, except that no motion made to the presiding officer, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon affirmatively by the presiding officer except as a part of his intermediate decision. This section shall not preclude a presiding officer, within his discretion, from referring any motion made in hearing to the Commission for ultimate determination.

§ 3001.31 Evidence.

(a) *Form and admissibility.* In any public hearing before the Commission, or a presiding officer, relevant and material evidence which is not unduly repetitious or cumulative shall be admissible. Witnesses whose testimony is to be taken shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them.

(b) *Documentary.* Documents and detailed data and information shall be presented as exhibits. Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant or not intended to be put in evidence, the participant offering the same shall plainly designate the matter offered excluding the immaterial or irrelevant parts. If other matter in such document is in such bulk or extent as would unnecessarily encumber the record, such document may be marked for identification, and, if properly authenticated, the relevant and material parts thereof may be read into the record, or, if the Commission or the presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit. Copies of documents shall be delivered by the participant offering the same to the other participants or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire document and to offer in evidence in like manner other material and relevant portions thereof.

(c) *Commission's files.* In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or other file containing the matter so offered.

(d) *Public document items.* Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion or published scientific or economical statistical data issued by any of the Executive Departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations) and such document (or part thereof) has been shown by the offeror thereof to be reasonably available to the public, such document need not be produced or physically marked for identification, but may be offered in evidence as a public document item by clearly identifying the document and the relevant parts thereof.

(e) *Prepared testimony.* Unless the presiding officer otherwise directs, the direct testimony of witnesses shall be reduced to writing and offered either as such or as an exhibit.

(f) *Form of prepared testimony and exhibits.* All prepared testimony and exhibits of a documentary character shall, so far as practicable, conform to the requirements of § 3001.10 (a) and (b).

(g) *Copies to participants.* Except as otherwise provided in these rules, copies of prepared testimony and exhibits shall be furnished to the presiding officer and to the participants or counsel, unless the presiding officer otherwise directs. In addition, unless otherwise directed by the presiding officer, eight copies of all prepared testimony and exhibits shall be furnished for the use of the Commission.

(h) *Reception and ruling.* The presiding officer shall rule on the admissibility of evidence and otherwise control the reception of evidence so as to confine it to the issues in the proceeding.

(i) *Offers of proof.* Any offer of proof made in connection with any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form, or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(j) *Official notice of facts.* Official notice may be taken of such matters as might be judicially noticed by the courts of the United States or of any other matter peculiarly within the general knowledge of the Commission as an expert body: *Provided,* That any participant shall, on timely request, be afforded an opportunity to show the contrary.

§ 3001.32 Appeals from rulings of the presiding officer.

(a) *During hearing or conference.* Rulings of the presiding officer may be appealed by participants during the course of conferences or hearings only in extraordinary circumstances where the presiding officer shall find that prompt decision by the Commission is necessary to prevent detriment to the public interest. In such instance the appeal shall be referred forthwith by the presiding officer to the Commission for determination.

(b) *Commission action.* Unless the Commission acts upon questions referred by the presiding officer within 7 days after referral, the appeal shall be deemed to be denied. The participants in the proceeding shall be notified by the presiding officer of the date of referral.

§ 3001.33 Depositions.

(a) *When permissible.* The testimony of a witness may be taken by deposition upon authorization by the Commission or the presiding officer on application of any participant before the hearing is closed. An authorization to take the deposition of a witness will be issued only if (1) the person whose deposition is to be taken would be unavailable at the hearing, or (2) the deposition is deemed necessary to perpetuate the testimony of the witness, or (3) the taking of the deposition is necessary to prevent undue and excessive expense to a participant and will not result in undue delay or an undue burden to other participants.

(b) *Application.* An application for authorization to take testimony by deposition shall be filed in duplicate with the Commission or the presiding officer and shall state (1) the name, identification, and post office address of the witness, (2) the subject matter of the testimony, (3) the time and place of taking the deposition, (4) the name, identification, and post office address of the officer before whom the deposition is to be taken, and (5) the reasons why the testimony of such witness should be taken by deposition.

(c) *Authorization.* If the application so warrants, the Commission or the presiding officer will issue and serve or cause to be served on the participants within a reasonable time in advance of the time fixed for taking testimony, an authorization for the taking of such testimony by deposition. Such authorization shall name the witness, and the time, place, and officer before whom the deposition shall be taken, and shall specify the number of copies of the deposition to be submitted to the Commission. The authorization may include such terms and conditions as the Commission or the presiding officer deems fair and reasonable.

(d) *Qualifications of officer before whom taken.* Such deposition may be taken before a presiding officer or other authorized representative of the Commission, or any officer, not being counsel or attorney for any participant or having an interest in the proceeding, authorized to administer oaths by the laws of the United States or of the place where the deposition is to be taken.

(e) *Oath and reduction to writing.* The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by some one acting under his direction and in his presence, record the examination of the witness. The examination shall be transcribed in the form specified in § 3001.10(a), signed by the witness, and certified in the usual form by the officer. The original of the deposition, together with the number of copies required by the authorization to be made by such officer, shall be forwarded by the officer to the Secretary by personal delivery or registered mail. Upon receipt the Secretary shall hold the original for use in the hearing upon request by any participant and shall make copies available for public inspection.

(f) *Scope and conduct of examination.* Unless otherwise directed in the authorization, the witness may be questioned regarding any matter which is relevant to the issues involved in the proceeding. Participants shall have the right of cross-examination and objection. In lieu of participation in the oral examination, participants may transmit written interrogatories to the officer who shall propound them to the witness.

(g) *Objections.* The officer before whom the deposition is taken shall not have the power to rule upon procedural matters or the competency, materiality, or relevancy of questions. Procedural objections or objections to questions of evidence shall be stated briefly and recorded in the deposition without argument. Objections not stated before the officer shall be deemed waived.

(h) *When a part of the record.* No portion of a deposition shall constitute a part of the record in the proceeding unless received in evidence by the presiding officer. If only a portion of the deposition is offered in evidence by a participant, any other participant may require him to introduce all of it which is relevant to the part introduced, and any participant may offer in evidence any other portions.

(i) *Fees.* Witnesses whose depositions are taken and the officer taking the same shall be entitled to the same fees as are paid for like services in the District Courts of the United States to be paid directly by the participant or participants on whose application the deposition was taken.

§ 3001.34 Briefs.

(a) *When filed.* Such briefs shall be filed in any proceeding as may be ordered by the Commission or the presiding officer. The determination of what, if any, briefs are to be filed and the time to be allowed for the filing of briefs shall give regard to the timely issuance of a recommended decision or advisory opinion to the Postal Service within the contemplation of sections 3641(a) and 3661 of the Act. In addition, subject to such consideration, due regard shall be given to the nature of the proceeding, the complexity and importance of the issues involved, and the magnitude of the record. In cases subject to a limitation on the time available to the Commission for decision, the Commission shall generally direct that each participant shall file a single brief at the same time. In cases where, because of the nature of the issues and the record or the limited number of participants involved, the filing of initial and reply briefs or the filing of initial, answering, and reply briefs, will not unduly delay the conclusion of the proceeding and will aid in the proper disposition of the proceeding, the participants may be directed to file more than one brief and at different times rather than a single brief at the same time.

(b) *Contents.* Each brief filed with the Commission shall be as concise as possible, within any page limitation specified by the Commission or the presiding officer, and shall include the following in the order indicated:

(1) A subject index with page references, and a list of all cases and authorities relied upon, arranged alphabetically, with references to the pages where the citation appears;

(2) A concise statement of the case from the viewpoint of the filing participant;

(3) A clear, concise and definitive statement of the position of the filing participant as to the proposals of the Postal Service, the subject matter of the complaint, or recommended decision, advisory opinion, or public report to be issued;

(4) A discussion of the evidence, reasons, and authorities relied upon with exact references to the record and the authorities; and

(5) Proposed findings and conclusions with appropriate references to the record or the prior discussion of the evidence and authorities relied upon.

(c) *Incorporation by references.* Briefs before the Commission or a presiding officer shall be completely self-contained and shall not incorporate by reference any portion of any other brief, pleading or document.

(d) *Excerpts from the record.* Testimony and exhibits shall not be quoted or included in briefs except for short excerpts pertinent to the argument presented.

(e) *Filing and service.* Briefs shall be filed in the form and manner and served as required by §§ 3001.9 to 3001.12.

§ 3001.35 Proposed findings and conclusions.

In lieu of formal briefs the Commission or the presiding officer may direct the filing of proposed findings and conclusions with a brief statement of the supporting reasons for each proposed finding and conclusion.

§ 3001.36 Oral argument before the presiding or other designated officer.

In any case in which the presiding officer is to issue an initial or recommended decision, or another resignated officer of the Commission is to issue a recommended decision, such officer may permit the presentation of oral argument before him when, in his opinion, time permits, and the nature of the proceedings, the complexity or importance of the issues of fact or law involved, and the public interest warrants his hearing such argument. Such officer shall determine the time and place for oral argument. He may specify the issue or issues on which oral argument is to be presented, the order in which the presentations shall be made, and the amount of time allowed each participant. A request for oral argument before the issuance of an intermediate decision shall be made during the course of the hearing on the record.

§ 3001.37 Oral argument before the Commission.

(a) *When ordered.* In any proceeding before the Commission for decision, the Commission, upon the request of any participant or on its own initiative, may order oral argument when, in the Commission's discretion, time permits, and the nature of the proceedings, the complexity or importance of the issues of fact or law involved, and public interest warrants such argument.

(b) *How requested.* Any participant in a proceeding before the Commission for decision may request oral argument before the Commission by filing a timely motion pursuant to § 3001.21. In a proceeding before the Commission on exceptions to an intermediate decision, such motion shall be filed no later than the date for the filing of briefs on exceptions. Motions requesting oral argument may be included in briefs or briefs on exceptions or in a separate document.

(c) *Notice of oral argument.* The Commission shall rule on requests for oral argument, and if argument is allowed, the Commission shall notify the participants of the time and place set for argument, the amount of time allowed each participant, and the issue or issues on which oral argument is to be heard. Unless otherwise ordered by the Commission, oral argument shall be limited to matters properly raised on the record and in the briefs before the Commission.

(d) *Use of documents at oral argument.* Charts, graphs, maps, tables and other written material may be presented to the Commission at oral argument only if limited to facts in the record of the case being argued and if copies of such documents are filed with the Secretary and served on all parties at least 7 days in advance of the argument. Enlargements of such charts, graphs, maps and tables may be used at the argument provided copies are filed and served as required by this paragraph.

§ 3001.38 Omission of intermediate decisions.

(a) *Basis of omission.* In any proceeding noticed pursuant to § 3001.17, the Commission, on the motion of any participant or on its own initiative, may direct the certification of the record to the Commission and omit any intermediate decision upon a finding on the record that due and timely execution of its functions imperatively and unavoidably so requires. In proceedings in which all participants concur in a request by any participant that any intermediate decision be ommitted, the Commission shall direct the certification of the record to the Commission and forthwith render a final decision unless the Commission denies such request within 10 days next following its filing or referral by the presiding officer.

(b) *Requests for omission.* Requests for omission of the intermediate decision in any proceeding shall be made by motion pursuant to § 3001.21 or made orally on the record before the presiding officer who shall promptly refer the same to the Commission. Such requests shall specify (1) the concurrence of other parties and (2) whether opportunity for filing briefs or presenting oral argument to the Commission is desired or waived. Failure of any party to object to such request shall constitute a waiver of any objections.

§ 3001.39 Intermediate decisions.

(a) *Initial decision by presiding officer.* In any proceedings in which a Commissioner or hearing officer has presided at the reception of evidence, such presiding officer, as soon as practicable after the conclusion of the hearing and the filing of briefs, shall certify and file with the Secretary, a copy of the record of the hearing and his initial decision on the matters and issues presented for decision in such proceeding.

(b) *Tentative decision.* Prior to the issuance of an initial decision by the presiding officer, the Commission, with notice to the participants or by order in specific cases or by general rule for a class of cases, may direct the certification of the record to the Commission for the purpose of the issuance of a tentative decision. In such cases, the Commission may issue a tentative decision or require that the presiding officer or any designated responsible officer of the Commission recommend a decision.

(c) *Contents.* All intermediate decisions (initial, recommended or tentative) shall include (1) findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record, and (2) the appropriate recommended decision, advisory opinion or public report pursuant to the Act. An intermediate decision in a proceeding under section 3622 or 3623 of the Act shall include a statement specifically responsive to the criteria established under section 3622 or 3623 of the Act, as the case may be; and an intermediate decision in a proceeding under section 3661 of the Act shall include a determination of the question of whether or not the proposed change in the nature of postal service conforms to the policies established under the Act.

(d) *Service and Commission review.* All intermediate decisions shall be part of the record, shall be served on the participants to the proceeding by the Secretary pursuant to § 3001.12 and shall be subject to review by the Commission on its own initiative, or the filing of exceptions by the participants pursuant to § 3001.40.

(e) *Unavailability of presiding officer.* In any proceeding in which the intermediate decision is not omitted pursuant to § 3001.38, if a presiding officer becomes unavailable to issue an intermediate decision on a timely basis, the Commission shall, by a notice served on the participants require the record to be certified to it and it shall either designate a qualified responsible officer of the Commission to issue a recommended decision or will itself issued a tentative decision, as the Commission may deem appropriate.

(f) *Effect of intermediate decision.* Unless briefs on exceptions are filed to an intermediate decision pursuant to § 3001.40 or unless the Commission issues an order to review an intermediate decision on its own initiative, the intermediate decision shall become the final action of the Commission after 30 days from the date of issuance thereof. If briefs on exceptions are timely filed or the Commission initiates review on its own motion, the intermediate decision is stayed until further order of the Commission.

§ 3001.40 Exceptions to intermediate decisions.

(a) *Briefs on exceptions and opposing exceptions.* Any participant in a proceeding may file exceptions to any intermediate decision by filing a brief on exceptions with the Commission within 15 days after the date of issuance of the intermediate decision or such other time as may be fixed by the Commission. Any participant to a proceeding may file a response to briefs on exceptions within 15 days after the time limited for the filing of briefs on exceptions or such other time as may be fixed by the Commission. No further response will be entertained unless the Commission upon motion for good cause shown or on its own initiative, so orders.

(b) *Filing and contents.* Briefs on exceptions and briefs opposing exceptions shall be filed in accordance with § 3001.34. In briefs on exceptions, the discussion of evidence, reasons and authorities shall be specifically directed to the findings, conclusions and recommendations in the intermediate decision to which exception is taken. Briefs on exceptions should not include a discussion of evidence and authorities on matters and issues to which no exception to the intermediate decision is taken. Briefs on exceptions and briefs opposing exceptions need not contain a statement of the case to the extent that it was correctly stated in either the intermediate decision or the brief on exceptions of another participant to which reference is made.

(c) *Failure to except results in waiver.* Any participant who fails to except or object to any part of an intermediate decision in its brief on exceptions may not thereafter raise such exceptions or objections which shall be deemed to have been waived.

§ 3001.41 Rulemaking proceedings.

(a) *General notice.* Before the adoption of any rule of general applicability, or the commencement of any hearing on any such proposed rulemaking, the Commission will cause general notice to be given by publication in the FEDERAL REGISTER, such notice to be published therein not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rulemaking, except where a shorter period is reasonable and good cause exists therefor. However, where the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefor.

(b) *Contents of notice.* The notice shall include (1) a statement of the time, place and nature of the public rulemaking proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(c) *Participation.* After notice given as provided in paragraph (a) of this section, the Commission shall give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation.

(d) *General statement as to basis and purpose.* After consideration of the relevant matter presented, the Commission shall incorporate in the rules adopted a concise general statement of their basis and purpose.

(e) *Exceptions.* Except when notice or hearing is required by statute, the Commission may issue at any time rules of organization, procedure or practice, or interpretive rules, or statements of policy, without notice or public procedure, and this section is not to be construed as applicable to the extent that there may be involved any military, naval or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to U.S. property, loans, grants, benefits, or contracts.

§ 3001.42 Public information and requests.

This section prescribes the rules governing: Publication of recommended decisions, advisory opinions, and public reports; and public records of the Commission.

(a) *Notice and publication.* Service of intermediate and recommended decisions, advisory opinions and public reports upon parties to the proceedings is provided in §§ 3001.12(a) and 3001.39(d). Descriptions of the Commission's organization, its methods of operation, statements of policy and interpretations, procedural and substantive rules, and amendments thereto will be filed with and published in the FEDERAL REGISTER. Commission recommended decisions, advisory opinions and public reports, Commission orders, and intermediate decisions will be released to the press and made available to the public promptly.

(b) *Public records.* The public records of the Commission, available upon specific request for inspection and copying during regular business hours in the Secretary's office include:

(1) All submittals and filings as follows:

(i) Requests of the Postal Service for recommended decisions or advisory opinions, public reports, complaints (both formal and informal) and other papers seeking Commission action;

(ii) Financial, statistical and other reports to the Commission, and other filings and submittals to the Commission in compliance with the requirements of any statute, Executive order, or Commission rule, regulation, or order;

(iii) All answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts, and briefs in any matter or proceeding;

(iv) All exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing;

(v) Any Commission correspondence relating to any of the foregoing.

(2) All other parts of the formal record in any matter or proceeding set for formal or statutory hearing and any Commission correspondence related thereto. "Formal record" includes in addition to all the filings and submittals, any notice or Commission order initiating the matter or proceeding, and, if a hearing is held, the following: the designation of the presiding officer, transcript of hearing, all exhibits received in evidence, offers of proof, motions, stipulations, proofs of service, referrals to the Commission, and determinations made by the Commission thereon, certifications to the Commission, and anything else upon which action of the presiding officer or the Commission may be based; it does not include any unaccepted offer of settlement made by a party in the course of a proceeding and not formally submitted to the Commission.

(3) Any proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence.

(4) All presiding officer actions and all presiding officer correspondence and memoranda to or from others except within his own office.

(5) All Commission orders, notices, findings, determinations, and other actions in any matter or proceeding and all Commission minutes which have been approved.

(6) All Commission correspondence relating to any furnishing of data or information by the Postal Service.

(7) Commission correspondence with respect to the furnishing of data, information, comments, or recommendations to or by another branch, department, or agency of the Government where furnished to satisfy a specific requirement of a statute or where made public by that branch, department or agency.

(8) Commission correspondence and reports on legislative matters under consideration by the Office of Management and Budget or Congress but only if and after made public or released for publication by that Office or the Committee or Member of Congress involved.

(9) Commission correspondence on the interpretation or applicability of any statute, rule, regulation, recommended decision, advisory opinion, or public report issued or administered by the Commission and letters of opinion on that subject signed by the General Counsel and sent to others than the Commission, a Commissioner, or any of the staff.

(10) Copies of all filings by the Commission, and all orders, judgments, decrees, and mandates directed to the Commission in Court proceedings involving Commission action and all correspondence with the courts or clerks of court.

(11) The Commission's administrative and operating manuals as issued.

(12) All other records of the Commission except for those that are:

(i) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Related solely to the internal personnel rules and practices of the Commission;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Commission;

(vi) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(vii) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated members of the staff while particularly assigned, in accordance with all applicable legal requirements, to aid the Commission in the drafting of any recommended decision, advisory opinion or public report and findings, with or without opinion, or report in any matter or proceeding;

(viii) Unaccepted offers of settlement in any matter or proceeding unless or until made public by act of the offeror.

(c) *Other records.* Records not made part of the public records by this section may be requested in writing, accompanied by a showing in support thereof, filed with the Secretary and will be made available for public reference upon good cause shown by order of the Commission where consistent with the public interest and permitted by the Commission's statutory authority.

(d) *Procedure in event of withholding of public records.* In any case where there is a question of interpretation under paragraph (b) of this section, the person seeking such record may request the Secretary, by petition to make such record available for inspection and copying. The Secretary shall either cause the record to be made available or shall state in writing the basis for his determination that the document requested is not a public record under paragraph (b) of this section. If the Secretary denies the petition, the person seeking the record may appeal such denial to the Commission by petition conforming to the requirements of §§ 3001.9 to 3001.12.

(e) *Procedure in event of subpoena.* If an officer or employee of the Commission is served with a subpoena duces tecum, material which is not part of the public files and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it deems advisable.

Subpart B—Rules Applicable to Requests for Changes in Rates or Fees

§ 3001.51 Applicability.

The rules in this subpart govern the procedure with regard to requests of the Postal Service pursuant to section 3622 of the Act that the Commission submit a recommended decision on changes in a rate or rates of postage or in a fee or fees for postal service if the Postal Service determines that such changes would be in the public interest and in accordance with the policies of the Act. The Rules of General Applicability in Subpart A of this part are also applicable to proceedings on requests subject to this subpart.

§ 3001.52 Filing of formal requests.

Whenever the Postal Service determines to request that the Commission submit a recommended decision on changes in rates or fees subject to this subpart, the Postal Service shall file with the Commission a formal request for a recommended decision. Such request shall be filed in accordance with the requirements of §§ 3001.9 to 3001.11 and 3001.54.

§ 3001.53 Filing of prepared direct evidence.

Simultaneously with the filing of the formal request for a recommended decision under this subpart, the Postal Service shall file all of the prepared direct evidence upon which it proposes to rely in the proceeding on the record before the Commission to establish that the proposed changes or adjustments in rates or fees are in the public interest and are in accordance with the policies and the applicable criteria of the Act. Such prepared direct evidence shall be in the form of prepared written testimony and documentary exhibits which shall be filed in accordance with § 3001.31.

§ 3001.54 Contents of formal requests.

(a) *General requirements.* Each formal request filed under this subpart shall include such information and data and such statements of reasons and basis as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance and impact of the proposed changes or adjustments in rates or fees and to show that the changes or adjustments in rates or fees are in the public interest and in accordance with the policies of the Act and the applicable criteria of the Act. Detailed data, information, and statements of explanation or reasons set forth in the Postal Service's prepared direct evidence may be relied upon for purposes of the formal request without restatement therein by specific reference to the portions of the prepared direct evidence relied upon.

(b) *Specific information.* Subject to the right of the Commission to request additional information, each formal request shall include the following, where applicable:

(1) The then effective rate or rates of postage and fee or fees for postal service and the rate or rates of postage and fee or fees for postal service as proposed to be changed or adjusted by the Postal Service;

(2) The total estimated costs of the Postal Service as specified in section 3621 of the Act which forms the basis for the proposed change in rates or fees. Such estimated costs shall be for a twelve-month period beginning not more than 9 months subsequent to the filing date of the formal request. Operating expenses included in such costs shall be shown with such reasonable detail as to classification and with such reasonable explanation so that the estimated amount for each item of expense may be readily understood. The amounts included for depreciation on capital facilities and equipment, debt service, and as a reasonable provision for contingencies shall be stated and explained in reasonable detail.

(3) Estimated revenues of the Postal Service from the then effective postal rates and fees and from the rates and fees as proposed to be changed or adjusted, shown separately by each class of mail or type of mail service and in total, and all other revenues of the Postal Service including appropriations, for the 12-month period utilized in the determination of the total estimated costs of the Postal Service upon which the request for changes in rates or fees is based;

(4) A statement of the actual costs and revenues of the Postal Service for the most recent 12-month period for which actual costs and revenues are reasonably available in the same detail as the estimated costs of the Postal Service upon which the request for changes in rates or fees is based, together with a comparison for each cost classification between actual costs thus shown and the estimated costs for the future 12-month period and an explanation of the reasons and basis for the differences;

(5) An analysis of the direct and indirect costs attributable to each class of mail or type of mail service and the portion of all other costs of the Postal Service reasonably assignable to each such class or type, together with a full statement and supporting information and data with regard to the nature and propriety of the costing concepts and the methods of cost allocation or assignment utilized;

(6) Such studies, information and data relevant to the criteria established by section 3622 of the Act with appropriate explanations as will assist the Commission in determining whether or not the proposed rates or charges for postal service are in accordance with such criteria.

§ 3001.55 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12.

Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule

§ 3001.61 Applicability.

The rules in this subpart govern the procedure with regard to requests of the Postal Service pursuant to section 3623 of the Act that the Commission submit a recommended decision on establishing or changing the mail classification schedule. The Rules of General Applicability in Subpart A of this part are also applicable to proceedings on requests subject to this subpart.

§ 3001.62 Filing of formal requests.

Whenever the Postal Service determines to request that the Commission submit a recommended decision on establishing or changing the mail classification schedule, the Postal Service shall file with the Commission a formal request for a recommended decision. Such request shall be filed in accordance with the requirements of §§ 3001.9 to 3001.11 and 3001.64.

§ 3001.63 Filing of prepared direct evidence.

Simultaneously with the filing of the formal request for a recommended decision under this subpart, the Postal Service shall file all of the prepared direct evidence upon which it proposes to rely in the proceeding on the record before the Commission to establish that the mail classification schedule or changes therein proposed by the Postal Service are in accordance with the policies and the applicable criteria of the Act. Such prepared direct evidence shall be in the form of prepared written testimony and documentary exhibits which shall be filed in accordance with § 3001.31.

§ 3001.64 Contents of formal requests.

(a) *General requirements.* Each formal request filed under this subpart shall include such information and data and such statements of reasons and basis as are necessary and appropriate fully to inform the Commission and the parties of the nature, scope, significance and impact of the proposed new mail classification schedule or the proposed changes therein and to show that the mail classification schedule as proposed to be established or changed is in accordance with the policies and the applicable criteria of the Act. Detailed data and information and statements of reasons or basis set forth in the Postal Service's prepared direct evidence may be relied upon for purposes of the formal request without restatement therein by reference in the request to the portions of the prepared direct evidence relied upon.

(b) *Specific information.* Subject to the right of the Commission to request additional information, each formal request shall include the following, where applicable:

(1) The then effective mail classification schedule and the mail classification schedule to be established; or, after the establishment of the mail classification schedule, the then effective mail classification schedule and the proposed changes;

(2) A full and complete statement of the reasons and basis for the Postal Service's proposed mail classification schedule or proposed changes therein;

(3) Such studies, information and data relevant to the applicable criteria of the Act that will assist the Commission in determining whether or not the proposed mail classification schedule or proposed changes therein are in accordance with the policies and the applicable criteria of the Act;

(4) To the extent that the proposed mail classification schedule or proposed changes therein involve a change in rates or fees, such studies, information and data relevant to the criteria established by section 3622 of the Act as will assist the Commission in determining whether or not the proposed rates or charges for postal service are in accordance with such criteria; and

(5) To the extent that the proposed mail classification schedule or proposed changes therein involve changes in rates or fees which significantly increases the Postal Service's total revenues from rates and fees, such portion of the information and data and statement of reasons and basis specified for a formal request for a recommended decision for proposed changes in rates or fees in § 3001.54 as is necessary and appropriate to support and justify the proposed revenue increase.

§ 3001.65 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12.

Subpart D—Rules Applicable to Requests for Changes in the Nature of Postal Services

§ 3001.71 Applicability.

The rules in this subpart govern the procedure with regard to proposals of the Postal Service pursuant to Section 3661 of the Act requesting from the Commission an advisory opinion on changes in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis. The Rules of General Applicability in Subpart A of this part are also applicable to proceedings on requests subject to this subpart.

§ 3001.72 Filing of formal requests.

Whenever the Postal Service determines to request that the Commission issue an advisory opinion on a proposed change in the nature of postal services subject to this subpart, the Postal Service shall file with the Commission a formal request for such an opinion in accordance with the requirements of §§ 3001.9 to 3001.11 and 3001.74. Such request shall be filed not less than 90 days in advance of the date on which the Postal Service proposes to make effective the change in the nature of postal services involved.

§ 3001.73 Filing of prepared direct testimony.

Simultaneously with the filing of a formal request for an advisory opinion under this subpart, the Postal Service shall file all of the prepared direct evidence upon which it proposes to rely in the proceeding on the record before the Commission to establish that the proposed change in the nature of postal services is in accordance with and conforms to the polices of the Act. Such prepared direct evidence shall be in the form of prepared written testimony and documentary exhibits which shall be filed in accordance with § 3001.31.

§ 3001.74 Contents of formal requests.

(a) *General requirements.* Each formal request filed under this subpart shall include such information and data and such statements of reasons and basis as are necessary and appropriate to fully inform the Commission and the parties of the nature, scope, significance and impact of the proposed change in the nature of postal services and to show that such change in the nature of postal service is in accordance with and conforms to the policies established under the Act. Detailed data and information and statements of reasons or basis set forth in the Postal Service's prepared direct evidence may be relied upon for purposes of the formal request without restatement therein by reference in the request to the portions of the prepared direct evidence relied upon.

(b) *Specific information.* Subject to the right of the Commission to request additional information, each formal request shall include the following:

(1) A detailed statement of the present nature of the postal services proposed to be changed and the change proposed;

(2) The proposed effective date for the proposed change in the nature of postal services;

(3) A full and complete statement of the reasons and basis for the Postal Service's determination that the proposed change in the nature of postal services is in accordance with and conforms to the policies of the Act.

§ 3001.75 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission in a proceeding under this subpart, the Postal Service shall serve copies of its formal request for an advisory opinion and its prepared direct evidence upon such officer and the parties permitted to intervene as provided by § 3001.12.

Subpart E—Rules Applicable to Rate and Service Complaints

§ 3001.81 Applicability.

The rules in this subpart govern the procedure with regard to rate and service complaints filed under section 3662 of the Act. The Rules of General Applicability in Subpart A of this part are also applicable to proceedings on such complaints.

§ 3001.82 Scope and nature of complaints.

Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in

the Act, or who believe that they are not receiving postal service in accordance with the policies of such title, may file and serve a written complaint with the Commission in the form and manner required by §§ 3001.9 to 3001.12. The Commission shall entertain only those complaints which clearly raise an issue concerning whether or not rates or services contravene the policies of the Act; thus, complaints raising a question as to whether the Postal Service has properly applied its existing rates and fees or mail classification schedule to a particular mail user or with regard to an individual, localized, or temporary service issue not on a substantially nationwide basis shall generally not be considered as properly raising a matter of policy to be considered by the Commission. The Commission shall, in the exercise of its discretion, decline to entertain a complaint during the period the complainant is continuing to pursue the general subject matter of the complaint before a hearing examiner or the judicial officer of the Postal Service.

§ 3001.83 Contents of complaints.

Subject to the right of the Commission to require the furnishing of additional information, each complaint shall include the following information:

(a) The full name and address of the complainant(s):

(b) A full and complete statement of the grounds for such complaint, including specific reference to the postal rates or services involved and the policies to which it is claimed they do not conform;

(c) A list or description of all persons or classes of persons known or believed to be similarly affected by the rates or services involved in the complaint;

(d) A statement of the specific relief or redress requested;

(e) Copies of all correspondence or written communications between the complainant, his agent, representative, or attorney, and the Postal Service or any officer, employee or instrumentality thereof, and which relates to the subject matter of the complaint; provided, however, that any such documents which are a part of a public file in any proceeding before a hearing examiner or the Judicial Officer of the Postal Service need not be included if the complaint states the title, docket reference, nature, current status, and disposition of such proceeding.

§ 3001.84 Answers by the Postal Service.

Within 30 days after the filing of a complaint with the Commission the Postal Service shall file and serve an answer in the form and manner required by §§ 3001.9 to 3001.12. Such answer shall include the following:

(a) Specific admission, denial or explanation of each fact alleged in the complaint or, if the Postal Service is without knowledge thereof, a statement to that effect. Each fact alleged in a complaint not thus specifically answered shall be deemed to have been admitted;

(b) A statement as to the position of the Postal Service on the allegations in the complaint that the rates or service involved are not in accord with the policies of the Act, and the facts and reasons in support of such position;

(c) The position of the Postal Service on the specific relief or redress requested by the complainant, the disposition of the complaint recommended by the Postal Service, including whether or not a hearing should be held, and a statement of any facts and reasons in support of such position.

§ 3001.85 Informal procedures.

It shall be the general policy and practice of the Commission to encourage the resolution and settlement of complaints by informal procedures, including correspondence, conferences between the parties, and the conduct of proceedings off the record with the consent of the parties.

§ 3001.86 Proceedings on the record.

If a complaint is not resolved or settled under informal procedures, the Commission shall consider whether or not, in its discretion, a proceeding on the record with an opportunity for hearing should be held on such complaint. If the Commission has reason to believe that the complaint may be justified and that a hearing may otherwise be appropriate in the exercise of its discretion, the Commission shall issue a notice of proceeding pursuant to § 3001.17, and further formal proceedings shall then be held as appropriate under the Commission's rules in Subpart A of this part.

§ 3001.87 Commission determinations.

If the Commission determines, after the completion of proceedings which provide an opportunity for hearing, that a complaint is justified in whole or in part, the Commission shall issue a recommended decision to the Postal Service if the complaint involves a matter of rates and fees or mail classification and shall render a public report if the complaint involves other matters. The Commission shall notify the complainant, the Postal Service, and any other parties in each complaint proceeding of the action taken or the final disposition of the complaint.

[FR Doc.71-376 Filed 1-11-71;8:45 am]

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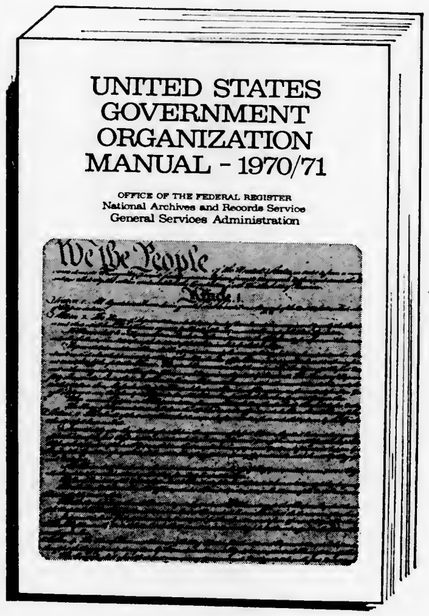

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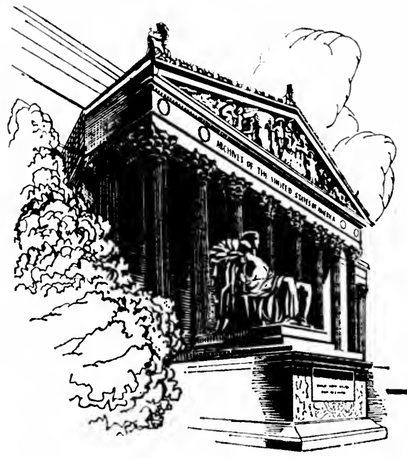

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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Part 0 of Title 7 of the Code of Federal Regulations is hereby revised in its entirety. Numerous editorial and clarifying changes have been made. Substantive changes appear in §§ 0.735–3, 0735–14, 0.735–31, 0735–34, and 0.735.43. These changes provide more specific assignment of responsibilities for counseling and advisory services; general and individual waivers to the conflict of interest prohibitions of 18 U.S.C. 208(a); criteria for inclusion of positions below GS–13 or equivalent among those requiring submission of a financial interest statement; clarification of the time and place for submission of financial interest statements; more specific assignment of responsibilities and clarification of procedures for reviewing financial interest statements, making determinations thereon, and documenting same.

The revised 7 CFR Part 0 reads as follows:

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0.735–2 Definitions.
0.735–3 Counseling and advisory service.
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AUTHORITY: The provisions of this Part 0 issued under Executive Order 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 0.735–1 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The confidence of citizens in their Government is influenced not only by the manner in which employees serve the public but in the way they conduct themselves in the eyes of the public. The avoidance of misconduct and conflicts of interests on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the regulations for employees of the U.S. Department of Agriculture, prescribing standards of conduct and responsibilities and governing the reporting of employment and financial interests.

§ 0.735–2 Definitions.

In this part:

(a) "Agency" means an independent subagency of the U.S. Department of Agriculture.

(b) "Agency Head" is the Administrator or Chief Executive Officer of an agency.

(c) "Conflict of interest" means the situation that exists when there is a conflict, or appearance of conflict, between the interest of an employee and the performance of his Government duties.

(d) "Employee" means a regular officer or employee of the Department of Agriculture including excepted and WOC employees and includes a special Government employee unless otherwise provided.

(e) "Special Government employee" means an officer or employee of the Department of Agriculture who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days.

(f) "The Executive Order" means Executive Order 11222 of May 8, 1965.

§ 0.735–3 Counseling and advisory service.

(a) The Assistant General Counsel for Marketing, Regulatory Laws, Research and Operations, shall serve as the Department Counselor and designee to the Civil Service Commission on matters covered by the regulations in this part. He shall have overall responsibility for coordination of the Department's counseling and advisory service, and for assuring advice and interpretations on questions of conflicts or apparent conflicts of interest and other matters covered by the regulations in this part are available to Deputy Counselors and Assistant Deputy Counselors hereinafter designated.

(b) The Director of Personnel and the Chief, Security and Employee Conduct Division, Office of Personnel, shall be Department Deputy Counselors.

(c) Agency Heads will be Agency Deputy Counselors. If necessary in order to assure that counseling and advisory service is available to all Washington and field employees, the Agency Head may designate as Agency Assistant Deputy Counselors such employees as are qualified and in a position to give authoritative advice and guidance on most matters covered by this part.

(d) All employees are to be notified of the availability of counseling and by whom this service is provided. Initial notification must be made within 90 days after issuance of this part, and periodically thereafter. A new employee or new special Government employee must be notified at or before the time of his entrance on duty.

(e) Each new employee shall be furnished at the time of hiring a copy of this part. Current employees shall be furnished a copy of these regulations within 90 days following issuance. Subsequent changes to these regulations will be furnished employees upon issuance. Each employee shall be reminded of the regulations in this part semiannually.

§ 0.735–4 Agency supplementation.

Agencies of the Department may issue such additional regulations as are necessary and consistent with the regulations in this part, subject to the prior approval of the Director of Personnel. Agencies are expected to issue such supplemental regulations, with respect to employees assigned to particular programs, as are necessary to prevent such employees from being in a potential conflict of interest situation or a situation giving the appearance of a conflict of interest. Such Agency regulations shall be furnished to employees in the same manner as the regulations in this part.

§ 0.735–5 Remedial action.

(a) A violation of this part by an employee may be cause for remedial action.

Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee of a conflicting interest;

(3) Disqualification for a particular assignment; or

(4) Disciplinary action which may be in addition to any penalty prescribed by law.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart B—Conduct and Responsibilities of Employees

§ 0.735–11 Prohibited conduct—general.

(a) An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside of official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees are specifically prohibited from:

(1) Engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government;

(2) Betting or participating in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, or selling or buying a number slip or ticket, while on Government-owned or leased property or while on duty for the Government;

(3) Consuming intoxicating beverages on Government-owned or leased property, or transporting such beverages in Government-owned or leased vehicles, or using such beverages at any time or place to the extent that it adversely affects performance of official duties;

(4) Lending funds at usurious interest rates;

(5) Provoking or harassing other employees, or making unwarranted criticism or accusations against other employees;

(6) Monitoring or recording, or authorizing or permitting others under their administrative control to monitor or record, telephone conversations for the purpose of taking a verbatim transcript of all or part of the conversation, unless such monitoring or recording is agreed to in advance by all participants in the conversation;

(7) Utilizing a mechanical or electronic device to monitor or record nontelephone conversations, unless such monitoring or recording is agreed to in advance by all participants in the conversation;

(8) Soliciting, making collections, canvassing for the sale of any article, or distributing or posting literature, advertising matter, or any other graphic matter, in any space occupied by the Department, except as authorized in writing by the Director of Personnel;

(9) Soliciting money from, or selling tickets to, persons outside the Government for the benefit of any organization of the Department;

(10) Taking any action which might prejudice the Government's interest in a criminal or civil case;

(11) Giving aid or assistance, other than in the discharge of official duties, to any claimant in prosecuting any claim against the United States;

(12) Distributing through the Department's mail and messenger service, or otherwise distributing or posting, in any space occupied by the Department, any circulars, flyers, announcements, pictures, or other graphic matter, etc., that:

(i) Directly or indirectly attack or adversely reflect on the integrity of any official, officer or employee of any branch of the Government; or

(ii) Directly or indirectly condemn or criticize the policies of any Government department or agency.

§ 0.735–12 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, unusual discount, or any other thing of monetary value from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his duty.

(b) The restrictions in paragraph (a) of this section do not prohibit:

(1) Acceptance of any of the usual courtesies in an obvious family or personal relationship (such as those between the employee and his parents, spouse, children, or close personal friends) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(3) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other things of nominal value; and

(4) The exchange of usual social courtesies which are wholly free of any embarrassing or improper implications.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit the voluntary giving or acceptance of a gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided in 5 U.S.C. 7342.

(e) Neither this section nor § 0.735–13(a) precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967 (46 Comp. Gen. 689).

§ 0.735–13 Outside employment and activities.

(a) An employee shall not engage in any outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment, whether on his own behalf, or for private individuals, firms, companies, institutions, or State or local governments. Incompatible activities include but are not limited to:

(1) Outside employment or activity which may result in, or create the appearance of, a conflict of interests;

(2) Outside employment or activities which tend to impair an employee's physical or mental capacity to perform his Government duties in an acceptable manner, or prevent him from rendering full-time service to the Government;

(3) Outside work or activity which may be construed by the public to be official acts of the Department, or of a nature closely paralleling the work of the Department;

(4) Outside work or activity which involves participation in a commercially sponsored broadcast, or which relates to a written discussion of policies or official work of the Department, unless authorized in advance by the Office of Information;

(5) Outside work or activity which involves permission, or the appearance of permission, to use an employee's name in the advertising of organizations commercializing the results of research conducted by the Department, regardless of any merits which such enterprises may appear to possess.

(6) Outside work or activity which may involve the use of information secured as the result of employment in the Department and to the detriment of the public service; and

(7) Any outside work or activity which may tend to bring criticism on, or cause embarrassment to, the Department.

(b) Employees are specifically prohibited from acting as the agent of a foreign principal registered under the Foreign Agent's Registration Act (18 U.S.C. 219).

(c) No employee, whether in a duty or nonduty status, shall accept employment, with or without compensation, from any foreign government, corporation, partnership, or individual without written prior approval from his Agency Head.

(d) It is the policy of the Department to grant permission to an employee to teach, lecture, or write, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, provided:

(1) Prior written authorization is obtained from the Agency Head;

(2) Such teaching, lecturing, or writing is not performed at or for any educational institution or other organization that discriminates because of race, creed, color, or national origin in the admission or subsequent treatment of students;

(3) Such teaching, lecturing, or writing is not dependent on information obtained as a result of his employment with the Department, except when that information has been made available to the general public or when the Agency Head gives specific authorization for the use of nonpublic information in the public interest; and

(4) Such teaching, lecturing, or writing is not otherwise incompatible with the provisions of this part.

(e) Articles prepared officially are the property of the Government, and authors thereof may not accept payment for such articles published in outside journals, magazines, or newspapers.

(f) Employees may not accept honoraria for addresses on radio or television or other appearances performed as part of their official duties.

(g) No employee, except a special Government employee, shall accept compensation for services as consultant or advisor to any organization, public or private, in any manner which draws upon the experience, competence, or professional standing acquired or enhanced by or through his position in this Department unless he has received permission from his Agency Head. A special Government employee shall not use his employment with the Department for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another.

§ 0.735–14 Conflict of interest.

(a) The following prohibitions apply to both a regular employee and a special Government employee:

(1) He may not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his responsibilities and duties as a Federal employee

(2) He may not engage in, directly or indirectly, a financial transaction relying upon information obtained through his employment.

(3) He may not participate directly or indirectly in any transaction concerning the purchase or sale of corporate stocks or bonds, commodities, or other property for speculative purposes if such action might tend to interfere with the proper and impartial performance of his duties or bring discredit upon the Department.

(4) If he is concerned in any way with the administration of acts regulating trading in commodities for future delivery, programs for the purchase or sale of commodities, price support programs, commodity loan programs, or other programs which directly affect market prices of agricultural commodities, he may not directly or indirectly speculate in any agricultural commodity.

(5) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(6) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)).

(7) Except as permitted by paragraphs (b) and (c) of this section, he may not participate personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest (18 U.S.C. 208(a)).

(b) The prohibition in paragraph (a)(7) of this section shall not apply if the employee first advises his Agency Head or the Director of Personnel of the nature and circumstances of the particular Government matter involved and makes full disclosure of the financial interest and receives in advance a written determination made by the Agency Head or the Director of Personnel that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the employee. Authority to make such written determinations may not be redelegated by the Agency Head or the Director of Personnel.

(c) The following types of interests, except where otherwise prohibited by statute or regulation, are exempted from the prohibition in paragraph (a)(7) and the requirements of paragraph (b) of this section as being too remote or too inconsequential to affect the integrity of an employee's services to the Government:

(1) Any holding in a widely held mutual fund or regulated investment company which does not specialize in a particular industry or commodity and as to which the employee has no managerial control or directorship.

(2) Ownership of shares of common or preferred stock, corporate bonds, or other corporate securities, if the aggregate value of the holdings in any single corporation or enterprise is less than $5,000 and is less than 1 percent of the value of the outstanding stock, bonds, or other securities of that corporation or enterprise, and as to which the employee has no managerial control or directorship.

(d) The following prohibitions apply only to a regular employee:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest (18 U.S.C. 203 and 205).

(2) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(e) The following prohibitions apply only to a special Government employee:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205).

(2) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the Government agency he serves unless he has served there no more than 60 days during the past 365 days (18 U.S.C. 203 and 205).

(f) This section does not preclude an employee from:

(1) Acting without compensation, and if not inconsistent with the faithful performance of his duties, as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings;

(2) Giving testimony under oath or making statements required to be made under penalty for perjury or contempt; or

(3) Having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government, provided it is not prohibited by law, Executive Order 11222, 5 CFR Part 735, this part, or agency regulations supplementing this part.

(g) This section does not purport to paraphrase the restrictions contained in 18 U.S.C., Chapter 11. The omission of a restriction in no way relieves an employee of the legal effect of such restriction.

§ 0.735–15 Attendance and leave.

(a) Employees must observe designated duty hours and be punctual in reporting for work and returning from lunch periods. Tardiness can result in employees being placed in a nonpay status or in a charge against annual or compensatory leave in multiples of 1 hour or remedial action.

(b) Employees normally must obtain advance authorization for absence from duty. Where absence from duty results from illness or an emergency, employees are required to notify their supervisor or other appropriate person as soon as possible. When an employee fails to properly notify his supervisor absence may be charged as an unauthorized absence. It also may result in remedial action.

(c) Sick leave is to be used by employees only when they are incapacitated from duty because of sickness or injury, when they need to obtain medical, dental, or optical examination or treatment, when they are subject to quarantine imposed by local health authorities, or when they are required to give care to a member of their immediate family who has a contagious disease.

§ 0.735–16 Use of Government property, facilities, and services.

(a) Employees are prohibited from directly or indirectly using, or allowing the use of, Government property, facilities, or services of any kind, including those leased to or otherwise paid for by the Government, for other than officially approved activities. Employees have a positive duty to conserve and protect Government property.

(b) Personal property offered for sale by the Department may be purchased by employees only when the sale of such property is based upon competitive bids, provided that no purchase may be made, either directly or indirectly, by the employee who was formerly accountable for the property, who formerly used the property, or who was in any way connected with its condemnation, declaration as excess, or sale, except:

(1) Surplus perishable products may be sold to employees at the best price obtainable in quantities not exceeding the needs of their immediate households.

(2) Special clothing and other articles or personal equipment purchased for the exclusive use of and fitted to an individual employee may, when not otherwise usable by the Department and in all respects surplus to the needs of the Government, be sold to such employee at the best price obtainable in the event of his separation from the Service or permanent assignment to duties not requiring such clothing or equipment.

§ 0.735–17 Use of vehicles.

(a) An employee who wilfully uses or authorizes the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes shall be suspended for 1 month or removed from office in accordance with 31 U.S.C. 638a(c)(2).

(b) An employee who wilfully uses or authorizes the use of a Government-owned or leased motor vehicle other than passenger carrying for other than official purposes, is subject to disciplinary action up to and including removal.

(c) An employee shall not store Government-owned or leased motor vehicles in or near his private residence or use such vehicles for transportation between his residence and place of employment unless such storage or use shall have been specifically authorized by the Secretary or another official to whom such authority has been delegated.

§ 0.735–18 Indebtedness.

(a) Employees who fail to pay their just financial obligations in a timely and proper manner will be subject to such disciplinary action as the Agency Head or his designee considers appropriate. For the purpose of this section, "just financial obligations" are those acknowledged by the employee, reduced to judgment by a court, or confirmed by a final administrative determination of a unit of the Federal, State, or local government. A "proper and timely manner" means in a manner which the Agency Head or his designee determines does not, under the circumstances, reflect adversely on the Department as his employer.

(b) In cases where a legal judgment exists against the employee, the employee concerned will be required to satisfy the judgment within a reasonable period of time unless he can arrange to have it modified or set aside.

(c) When an employee is the subject of a complaint for failure to pay taxes or other debts that are the subject of a final administrative determination by a unit of the Federal, State, or local government, he shall be advised of the complaint and told to make payment arrangements satisfactory with that unit of government.

(d) When an employee is the subject of a letter of complaint from a creditor who does not hold a legal judgment, the Agency Head or his designee shall determine whether the employee acknowledges the debt and call the provisions of this section to the employee's attention. Subsequent action, if any, will be taken in accord with the facts of the case and the provisions of this section.

§ 0.735–19 Political activity.

A Federal employee other than an officer exempted by 5 U.S.C. 7324(d) may not take an active part in political management or in a political campaign. He may not solicit or receive any assessment, subscription, or contribution for any political purpose from an officer or employee of the Government. Whatever the employee may not do directly, he may not do indirectly or through an agent, officer, or employee chosen by him or subject to his control.

§ 0.735–20 Use, protection, and release of information.

(a) An employee is prohibited from using or giving information acquired through his official position, prior to its release to the general public, to advance the interests of himself, his family, associates, or friends, or any other person or enterprise.

(b) Classified defense information and restricted information shall be safeguarded and released in accordance with the provisions of applicable directives, statutes, or regulations. For further information consult the USDA Records Security Regulations.

(c) "For Official Use Only" material shall not be examined by, released to, nor discussed with any person except in the performance of official duties and as prescribed by Title 1, Chapter 9, Administrative Regulations, U.S. Department of Agriculture.

(d) Unauthorized, premature disclosure of information which might influence or affect the market value of any product of the soil grown within the United States, or of information which by law or rule of the Department is required to be withheld from publication until a fixed time is punishable by fine and imprisonment.

(e) The subject matter of public hearings with respect to the proposed issuance of an order, regulation or other administrative determination, after the close of the hearing and prior to issuance by the Secretary of the order, regulation, or other administrative determination shall not be discussed with any interested person or with any representative of an interested person without written permission of the Secretary. However, this shall not preclude an employee who has been assigned to or has supervision over a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding.

(f) Official mail shall be safeguarded from indiscriminate publication. It is prohibited to use or to quote in whole or in part any letters from the White House to this Department.

(g) Information concerning inventions and patent applications may be revealed only for official purposes. Employee inventors and employees who handle or obtain information concerning inventions of employee inventors or concerning any other inventions in which the Department may have an interest shall not reveal such information prior to the issuance of the patent, except for official purposes.

(h) The release of any list of names of employees of the Department of political purposes or for purposes of commercial solicitation is prohibited.

(i) It is prohibited to release lists of names of farmers, businessmen, persons, organizations, or firms that may be available in the Department directly or indirectly to any person, firm or association if such lists will be used for solicitation purposes, or such lists directly or indirectly provide information which customarily would not be released to the public by the person from whom the Department obtained it. Exceptions shall not be made unless authorized by the Director of Information, and it is clear that the public interest will be served and there will be negligible public expense or interruption of work. A request for a Department list must state the purpose for which the list will be used. Lists of manufacturers, dealers, breeders, etc., should not be furnished so as to imply that the Department endorses certain firms to the possible detriment of others or that the lists necessarily include all dealers of a certain line.

§ 0.735–21 Activities with regard to farm organizations.

(a) Department employees shall refrain from participating actively in meetings and in other activities concerned with the establishment of general or specialized farm organizations, or with recruiting members for existing organizations such as the national, regional, State, and local organizations of the National Grange, the American Farm Bureau Federation, the National Farmers Organization, the Farmers' Union, the National Association of Soil Conservation Districts, the National Rural Electric Cooperative Association, the National Council of Farmer Cooperatives and Breed and Commodity Organizations. This is a necessary corollary of the equally long-established policy of the Department that it shall deal fairly with all organizations and deal with each upon the same basis. As a continuation of this policy, it should be understood by employees of the Department that it is not permissible for any of them to:

(1) Participate in establishing any general or specialized farm organization.

(2) Act as organizer for any such organization, or hold any other office therein.

(3) Act as financial or business agent for any such organization.

(4) Participate in any way in any membership campaign or other activity designed to recruit members for any such organization.

(5) Accept the use of free office space or contributions for salary or traveling expense from any such organization.

(6) Advocate that any particular general or specialized organization of farmers is better adapted for carrying out the work of this Department than any individual citizen, group of citizens, or organizations.

(7) Advocate that the responsibilities of any agency of this Department or any other Federal agency should be carried out through any particular general or specialized organization of farmers.

(8) Advocate or recommend that any State or local agency should carry out its responsibilities through any particular general or specialized organization of farmers.

(9) Approve contracts for the Department with any cooperative or other commercial organization whenever such cooperative or other commercial organization deducts or checks off from payments due farmers, membership dues of such farmers to any general or specialized organization of farmers, except as it is determined that current authorization for such deduction has been knowingly filed by such individual farmers with the cooperative or other commercial organization.

(b) The restrictions set forth in paragraph (a) of this section do not:

(1) Apply to FHA County Committeemen.

(2) Apply to specialized organizations of farmers such as cow testing associations and similar groups.

(3) Prohibit employees from participating in the organization of groups that are needed in carrying out federally authorized programs; for example, an REA cooperative and similar groups determined by the appropriate Agency Head to be essential in effectuating federally authorized programs.

(c) If any violations of any of the provisions of this section should occur, full information with reference thereto should at once be submitted to the Office of the Inspector General by the head of the agency in which the person violating any of these provisions is employed.

§ 0.735–22 Prohibitions upon employees serving abroad.

An employee on foreign assignment may not:

(a) Violate Department of State regulations governing the post to which he is assigned.

(b) Receive a "profit" from the sale of his personal car or other property when such "profit" accrues from import privileges granted him by reason of his official status. "Profit" for the purposes of this paragraph is as defined in Department of State regulations or directives governing the post of assignment.

(c) Engage in political activities in the country of assignment.

(d) Violate the laws of the country in which he is assigned.

(e) Have an interest in any business enterprise or engage in any profession in any country to which assigned.

(f) Speculate in foreign real estate, bonds, shares, stocks, and currencies.

§ 0.735–23 Miscellaneous provisions.

(a) Any money, property, or other thing of value received by or coming into custody of an employee in connection with the discharge of his duties must be accounted for, deposited or otherwise disposed of in accordance with established procedures.

(b) Employees are required under § 5.3 of Civil Service Rule V (5 CFR 5.3) to give the Civil Service Commission and its authorized representatives all information and testimony in regard to matters arising under laws, rules, and regulations administered by the Commission.

(c) Employees are obligated to give information to authorized representatives of the Department when called upon if the inquiry relates to official matters and the information is obtained in the course of employment or as a result of relationships incident to such employment. Failure to respond to requests for information or to appear as a witness in an official proceeding may result in disciplinary penalty.

(d) Agency officials have the authority to transfer and reassign employees within their respective jurisdictions whenever necessary to meet operational needs. Employees have an obligation to the Department to accept transfers and changes in assignment. Failure to accept a transfer or reassignment may result in the separation of the employee.

§ 0.735–24 Miscellaneous statutory provisions.

(a) Each employee has a positive duty to acquaint himself with each statute that relates to his ethical and other conduct as an employee of his Agency, of the Department, and of the Government. The attention of each employee is directed to the following statutory provisions:

(1) House Concurrent Resolution 175, 85th Congress, second session, 72A Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (Executive Order 10450, 5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions against the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783).

(7) The prohibition against the disclosure of confidential information (18 U.S.C. 1905).

(8) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(9) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a).

(10) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(11) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(12) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(13) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(14) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(15) The prohibition against embezzlement of Government money or property (18 U.S.C. 641).

(16) The prohibition against embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(17) The prohibition against failing to account for public money (18 U.S.C. 643).

(18) The prohibition against unauthorized use of documents relating to

claims from or by the Government (18 U.S.C. 285).

(19) The prohibition against proscribed political activities (5 U.S.C. 7324, and 18 U.S.C. 602, 603, 607, and 608).

(20) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(21) The prohibition against the employment of a person convicted of a felony for participating in or promoting a riot or civil disorder (5 U.S.C. 7313).

(22) The prohibition against the publication of data and information obtained pursuant to the Commodity Exchange Act which would disclose the business transactions of any person, trade secrets or customer names (7 U.S.C. 12).

(23) The prohibition against using or revealing information relative to formulas of products acquired by the Secretary incident to the registration of economic poisons, with intent to defraud (7 U.S.C. 135f(c)).

(24) The prohibition against the unauthorized release of information, in the Packers and Stockyards Act (7 U.S.C. 222).

(25) The prohibition against the release of information in an employee's possession concerning cotton standards, estimates, tests, and analyses unless authorized by the Secretary (7 U.S.C. 472).

(26) The prohibitions against the release of information acquired from parties to any marketing agreement, and handlers subject to marketing agreement orders, except as authorized by the Secretary for the purposes of suit or administrative hearings (7 U.S.C. 608d(2)).

(27) The prohibition against the unauthorized prediction as to cotton prices in a governmental publication (12 U.S.C. 1141j(d)).

(28) The prohibition against the making of false statements or reports, or wilfully overvaluing land, property or security to influence action in connection with agricultural loans (18 U.S.C. 1014).

(29) The prohibition against the willful disclosure of official information which might influence or affect the market value of crops prior to authorized publication. An employee acquiring by reason of his employment, information as to the market value of agricultural crops, which information is required to be withheld, is prohibited from speculating in such product (18 U.S.C. 1902).

(30) Limitations on the use or availability of information furnished in connection with marketing agreements and orders (7 U.S.C. 610(i)).

(31) The availability of information furnished in connection with marketing agreements and orders, applicable to marketing agreements and orders, applicable to marketing agreements for anti-hog-cholera serum and hog-cholera virus is restricted (7 U.S.C. 855).

(32) Information furnished in connection with collection of peanut statistics shall be used only for statistical purposes for which supplied. No publication shall be made where the data furnished by any establishment can be identified (7 U.S.C. 955).

(33) Information with respect to individual operations of processor, producer, or laborer will not be made public in connection with recommendations with respect to producer-processor and producer-labor contracts (7 U.S.C. 1159).

(34) Information furnished in connection with the establishment and adjustment of farm marketing quotas shall be disclosed only as authorized by the Secretary for the purpose of suit or administrative hearing (7 U.S.C. 1373(c)).

(35) The prohibition against a person licensed to inspect or grade grain, or employed by the Department to carry out the provisions of the Grain Standards Act being financially or otherwise interested in a grain elevator or employed by a grain elevator or warehouse (7 U.S.C. 87).

(36) The prohibition against persons administering the Sugar Act of 1948, from investing or speculating in sugar or liquid sugar, contracts relating thereto, or stock or membership interests of any association or corporation engaged in sugar production (7 U.S.C. 1157).

(37) The prohibition against persons administering activities concerned with cotton option contracts and commodity benefits as provided by the Agriculture Adjustment Act speculating in agricultural commodities or products to which such contracts or benefits apply, or in contracts relating thereto, or in the stock or membership interests of any association or corporation handling such commodities or products (7 U.S.C. 610(g)).

(38) The prohibition against an officer or employee being the beneficiary of or receiving any fee, commission or gift for or in connection with any transaction or business under the Consolidated Farmers Home Administration Act of 1961, other than such salary, fee or compensation as he may receive as an officer or employee. Members of a FHA County Committee making any certification with respect to a loan to purchase any land in which they or any person related to them have any financial interest (7 U.S.C. 1986).

(39) The prohibition against the making of false statements in connection with activities of the Commodity Credit Corporation or embezzlement or conversion of anything of value belonging or pledged to the Corporation, or conspiring to commit such acts (15 U.S.C. 714m).

(40) The prohibition against the acceptance of any fee, gift, or other consideration for compromise, adjustment, or cancellation of farm indebtedness (18 U.S.C. 217).

(41) The prohibition against the embezzlement of money or property of the Federal Crop Insurance Corporation and the Farmers Home Administration, and of pledged or entrusted property (18 U.S.C. 657).

(42) The prohibition against the conversion of property mortgaged or pledged to the Farmers Home Administration and the Federal Crop Insurance Corporation, with intent to defraud (18 U.S.C. 658).

(43) The prohibition against the making of false entries, or participation in any benefit through any transaction in connection with Departmental activities concerned with agricultural loans (18 U.S.C. 1006).

(44) The prohibition against speculation in agricultural commodities to which the Federal Crop Insurance Act applies or to contracts relating thereto, or stock or membership interests of corporations or associations handling such commodities by any person administering such law (18 U.S.C. 1903).

(45) The prohibition against the compilation or issuance of false crop reports (18 U.S.C. 2072).

(46) The prohibition against the acceptance by an employee of money or other things of value given with intent to influence a decision in connection with the performance of duties under the Federal Meat Inspection Act, or when received from a person or firm engaged in commerce given for any purpose whatever (21 U.S.C. 622).

(47) The prohibition against any person using to his own advantage or improperly revealing information concerning trade secrets acquired under the Poultry Products Inspection Act (21 U.S.C. 458).

(48) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(49) The tax imposed on certain employees (e.g., Presidential appointees, employees excepted under Schedule C, employees in GS–16 or above or a comparable pay level) who knowingly engage in self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from, a private foundation.

(b) This section does not purport to enumerate or paraphrase all statutory restrictions imposed on employees. The omission of a restriction in no way relieves an employee of the legal effect of such restriction.

Subpart C—Statements of Employment and Financial Interests

§ 0.735–31 Employees required to submit statements.

Except as provided in § 0.735–32 the following employees shall submit a statement of employment and financial interests on USDA Form AD–392 in accordance with this part:

(a) Employees paid at a level of the Executive Schedule in Subchapter II of 5 U.S.C., Chapter 53.

(b) Employees appointed as Hearing Examiners under 5 U.S.C. 3105.

(c) Employees classified at GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under other authority, who are in positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement, administering or monitoring grants or subsidies, regulating or auditing private or other non-Federal enterprise, or other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(d) Employees classified at GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under other authority, who are in positions which the Agency has determined have duties and responsibilities which require that the incumbents report their employment and financial interests in order to avoid involvement in a possible conflict-of-interests situation and carry out the purpose of law. Executive order, part 735 of the Civil Service Commission's regulations, this part, and applicable Agency regulations.

(e) Employees classified below GS–13 under 5 U.S.C. 5332, or at a comparable pay level under other authority, where the Agency has determined that they are in positions which otherwise meet the criteria in paragraphs (c) and (d) of this section and that a statement from them is essential to protect the integrity of the Government and avoid employee involvement in a possible conflict-of-interests situation, provided such determination has been approved in writing by the Civil Service Commission.

§ 0.735–32 Exceptions.

(a) A statement of employment and financial interests is not required from a Presidential appointee covered by section 401(a) of the Executive order. Such appointees are subject to separate reporting requirements under section 401 of the Executive order.

(b) Employees in positions that meet the criteria in § 0.735–31(c) may be excluded from the reporting requirement when the Department Counselor determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote or;

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(c) Exceptions will be considered by the Department Counselor at the request of the Agency Head.

(d) An employee shall be afforded the opportunity for a review, through the Departmental grievance procedure as described in Chapter 771 of the Department Personnel Manual, of the designation of his position as one requiring the submission of a statement of employment and financial interests.

§ 0.735–33 Identification of employees required to submit statements.

For control and reporting purposes, those employees required to submit statements shall be specifically identified in the personnel records system.

§ 0.735–34 Time and place for submission of employees' statements.

(a) When a decision is reached to make an appointment to a position requiring submission of a statement of employment and financial interest, the prospective employee should be informed of the requirement, furnished a copy of these regulations and the statement form, and advised of the availability of counseling with respect thereto. Submission of the initial statement may be made prior to appointment. In that event, review of the statement and resolution of any conflict questions should be made promptly and, if possible, prior to appointment. Initial statements must be submitted no later than 30 days after entrance on duty in such position.

(b) Employees and prospective employees in the following positions will submit statements directly to the Director of Personnel:

(1) Positions in the immediate staff and offices of the Office of the Secretary;

(2) Agency Heads, Associates, Deputies, and Assistants; and

(3) Noncareer Executive or Schedule C positions.

(c) Those in other positions will submit statements to the Agency Head or to an employee designated by him.

(d) Agencies are responsible for assuring that persons subject to the reporting requirements are notified of those requirements and are provided the necessary forms and instructions.

§ 0.735–35 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in an annual supplementary statement as of March 31 each year. If no changes or additions occur, a report so stating is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest or taking an action that could result in a violation of the conflicts-of-interests provisions of section 208 of Title 18, United States Code, or § 0.735–14.

§ 0.735–36 Types of interests to be reported.

The financial statements shall include the following:

(a) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations and educational or other institutions with which the employee is connected as an employee, officer, owner, director, trustee, partner, advisor, or consultant, or in which he has any continuing financial interest through a pension or retirement plan, shared income or otherwise as a result of any current or prior employment or business or professional associations, or in which he has any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts. Shares in credit unions, building and loan associations, social or religious organizations, or deposits in savings and loan associations and banks, and interests exempted under § 0.735–14(c) need not be reported.

(b) A list of the names of his creditors other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. Indebtedness on owner-occupied farms must be reported.

(c) A list of interests in real property or rights in land other than property which the employee occupies as a personal residence. Owner-occupied farms must be listed. Property acquired for the personal use of the employee and members of his family, such as beach lots and cemetery lots need not be listed.

(d) The interests and obligations as listed above of a spouse, minor child, or blood relations who are full-time residents of the employee's household.

§ 0.735–37 Information prohibited.

The regulations in this part do not require an employee to submit any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in employee's statement of employment and financial interest.

§ 0.735–38 Interests of employee's relatives.

(a) The financial interest of a spouse, minor child, or other member of an employee's immediate household shall be reported to the same extent as the financial interest of the reporting employee. An "other member" of the immediate household means blood relatives who are full-time residents of the employee's household.

(b) The employment of such persons need not be reported unless such person is engaged in an activity, which if held by the employee, would place him in a conflict or apparent conflict of interest situation.

§ 0.735–39 Information not known by employee.

If any information required to be included on a statement of employment and financial interest, or supplement thereto, including holdings placed in trusts, is not known to the employee but is known to another person, the employee shall ask such person to furnish the information in his behalf.

§ 0.735–40 Effect of employee's statement.

The statements of employment and financial interests and supplementary

statements required under this part are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, the Executive order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, the Executive order, or the regulations in this part.

§ 0.735–41 Specific provisions for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests on USDA Form AD–392A which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee with the Department.

(b) An Agency Head may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or expert when the Agency Head finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted to the Agency Head of the Agency in which the special Government employee is to serve not later than the time of employment. Each special Government employee shall keep his statement of employment and financial interests current throughout his employment with the Department by the submission of supplementary statements.

§ 0.735–42 Review of statements and determination of conflicting interests.

(a) The Director of Personnel is responsible for the review of, and determinations on, those statements submitted directly to him pursuant to § 0.735–34(b). The responsibility for an initial review and determination may be delegated to the Chief, Security and Employee Conduct Division, Office of Personnel, and to staff members of that Division. Final determinations in cases involving substantial conflict questions shall be made only by the Director of Personnel, and he shall set criteria identifying the types of cases which must be referred to him for final determination.

(b) Agency Heads are responsible for the review of, and determinations on, those statements submitted to an Agency official. This responsibility may be delegated, subject to the following restrictions:

(1) Responsibility for an initial review and determination may be delegated only to responsible Agency officials who the Agency Head has determined have sufficient experience, judgment, and understanding of the conflict of interest problem to properly carry out such responsibility.

(2) Responsibility for final determinations in cases involving substantial conflict questions may be delegated only to Associate, Deputy, and Assistant Agency Heads, except that in the Forest Service, such responsibility may be delegated to Regional Foresters, Station Directors, and Area Directors. The Agency Head shall set criteria identifying the types of cases which must be referred to such officials for final determination.

(c) Delegations of review and determination responsibility must be in writing from the Director of Personnel or the Agency Head, as appropriate.

(d) The Director of Personnel shall issue general guidelines covering the review of statements, recognizing possible conflicts or the appearance thereof, obtaining additional information, resolving conflict situations, documentation, and remedial action. Agencies shall supplement these with more specific guidelines applicable to the particular Agency. A copy of both the general and the specific guidelines shall be furnished to each employee to whom review and determination responsibility has been delegated.

(e) Whenever a question of a conflict or the appearance of conflict arises, a written determination must be made. The basis of the determination must also be documented in writing. The employee must be advised in writing of the determination, and, if the determination involves a change in duties or disqualification for a particular assignment, a copy of the determination should be furnished to the employee's immediate supervisor. Where affirmative action by the employee is required, a report of his compliance shall be obtained and made a part of the record.

(f) If a determination cannot be made at the Agency level, the case shall be referred to the Director of Personnel. If the Director of Personnel cannot make a determination, he shall refer the case to the Department Counselor for his determination or referral to the Secretary for determination. The record shall include copies of all pertinent documents and a written statement from each referring official setting forth his recommendation as to a final determination and the reasons therefor.

(g) Before a final determination requiring any remedial action is made, the employee concerned shall be given an opportunity to explain the conflict or appearance thereof and to offer any suggestions he may wish as to how the matter might be resolved. If an employee feels that the final determination will cause him undue hardship, he may request a review and modification by forwarding to the Director of Personnel a written statement setting forth all the facts and circumstances in support of his request and any alternative solution which he thinks appropriate.

(h) If the final determination requires positive action on the part of the employee, he shall take such action as soon as possible and advise the determining official when he has done so. Failure to take a required action within a reasonable time may result in disciplinary action.

§ 0.735–43 Protection of employees' statements.

(a) The statements of employment and financial interests, and supplements thereto, required by or pursuant to the regulations in this part shall be held in confidence and afforded adequate physical security. No information as to the contents thereof shall be disclosed except to the head of the employing Agency and such other persons as may be designated custodians or reviewers of such reports unless specific authorization has been obtained from the Department Counselor. An official, custodian, reviewer, or other employee having possession of a statement of employment and financial interests shall not allow access to, or allow information to be disclosed from the statement except to carry out the purposes of this Subpart C.

(b) Information from a statement of employment and financial interests shall not be disclosed outside of the Department except as the Civil Service Commission or the Secretary of Agriculture may determine for good cause shown.

(c) Reports shall be separately maintained by the officials designated as custodians for such reports and shall not be made a part of the official personnel folders.

(d) Regardless of the means or manner of transmission, when these reports leave the physical custody of the employee or a designated reviewer, they shall be enclosed in a double sealed envelope. The inner envelope shall be marked: "For Official Use Only," "Contains AD–392 (or AD–392–A)," as appropriate, and "To Be Opened By Addressee Only."

These amendments were approved by the Civil Service Commission on September 15, 1970, and are effective on publication in the FEDERAL REGISTER.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

JANUARY 7, 1971.

[FR Doc.71–418 Filed 1–12–71;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves the restriction that no person may package lettuce on Sunday, January 10, 1971.

Regulation, as amended:

In § 971.311 (35 F.R. 16360, 18261) the second sentence of the introductory paragraph is hereby amended to read as follows:

§ 971.311 Limitation of shipments.

• • • Further, no person may package lettuce during the above period on any Sunday, with the exception of Sunday, January 10, 1971.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued January 8, 1971, to become effective upon issuance.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–446 Filed 1–12–71;8:50 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 9, Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Terms "Annual Soles" and "Annual Receipts"; Correction

On December 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19077) an amendment to the title, chapter, and part as it appears in the above heading with the omission of the revision and amendment numbers. Revision 9, Amendment 9 should have been included in the headings as indicated above. The text of the material remains the same.

EINAR JOHNSON,
Acting Administrator.

JANUARY 6, 1971.

[FR Doc.71–391 Filed 1–12–71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70–EA–118; Amdt. 39–1142]

PART 39—AIRWORTHINESS DIRECTIVES

Air Cruisers Co. Life Rafts

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to certain liferaft models of Air Cruisers Co.

There have been reports of failures of the subject liferafts to fully inflate resulting from leakage in the O-ring area of the inflation valves due to corrosion. Since this deficiency can exist or develop in the rafts of similar design, an airworthiness directive is being issued which will require inspection and replacement of the valves where necessary.

Since a situation exists, requiring expeditious adoption of the rule, notice and public procedure herein are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AIR CRUISERS CO. LIFE RAFTS. Applies to Air Cruisers Co., Division of Garrett Corp., Life Raft Models 12D11751–7, 12D11751–8, and 18D23350–5.

Compliance required as indicated.

To prevent loss of pressure in the inflation bottles on the rafts, accomplish the following:

(a) Within 100 hours in service after the effective date of this AD, but not later than 100 hours in service since the last pressure check of the cylinder and valve assembly, unless the modification described in subparagraph (1) or (2) below has been accomplished, perform a pressure check of the cylinder and valve assembly, P/Ns 24C17382–1 and 24C17382–2. When pressure measures less than 2,600 p.s.i.g. in the former, or less than 2,000 p.s.i.g. in the latter, both at 70° F., or an equivalent pressure at other temperatures, before return to service, accomplish the following:

Disassemble the inflation valve assembly, P/N 24D29261–1, and inspect for corrosion in the O-ring areas.

1. If no corrosion is found, replace the O-rings, in accordance with Air Cruisers Co Service Bulletin 111–70–1, dated December 18, 1970.

2. If corrosion is found, either:

(i) Strip and alodine the valve body, and replace the O-rings as described in paragraph (a)(1), or

(ii) Replace the valve with P/N 24D29261–2, modified in accordance with Air Cruisers Co. Service Bulletin 111–70–1, dated December 18, 1970.

(b) For those assemblies which have been modified in accordance with paragraph (a)(1) or (a)(2)(i) prior to the effective date of this AD, repeat the procedure described in para. (a) within 1,800 hours in service after the last inspection.

(c) Following the initial inspection pursuant to this AD, and until the modification described in paragraph (a)(2)(ii) is accomplished:

1. For assemblies which did not demonstrate a pressure drop, repeat the procedure of paragraph (a) every 100 hours in service thereafter.

2. For assemblies which did demonstrate a pressure drop and which were modified pursuant to paragraphs (a)(1) or (a)(2)(i) reinspect every 1,800 hours in service thereafter.

This amendment is effective January 14, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on December 31, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region

[FR Doc.71–393 Filed 1–12–71;8:46 am]

[Docket No. 70–EA–114; Amdt. 39–1139]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA–31 type aircraft.

There have been reports of shorts in the battery system which caused the electrolyte to boil. The fumes resulting from the heating entered the overboard battery drains and upon being exhausted were drawn into the cabin because of the proximity of the drains to the cabin air intakes. Since this deficiency could develop or exist in aircraft of the same

type design, an airworthiness directive is being issued which will require relocation of the battery drain.

Since the foregoing requires expeditious adoption of this rule, notice and public procedure herein are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER AIRCRAFT. Applies to Model PA-31 and PA-31-300 S/Nos. 31-2 to 31-591.

Compliance required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To prevent the hazards associated with toxic fumes from the battery being drawn into the cabin, accomplish the following:

(a) Relocate the battery drain in accordance with Piper Service Bulletin No. 325 dated November 10, 1970, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective January 14, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 23, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-394 Filed 1-12-71;8:46 am]

[Docket No. 70-EA-119; Amdt. 39-1143]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney type JT4A aircraft engines.

There have been reports of failures of the 12th stage compressor rotor discs on the JT4A aircraft engine. Since this is a deficiency which can develop on other aircraft engines of the same type design, an airworthiness directive is being issued which will require removal of certain numbered discs. Because of the nature of the deficiency, this airworthiness directive was transmitted to all owners of affected aircraft by telegram under date of December 10, 1970. Since the same urgency exists, the rule may be made effective without notice and public procedure and in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to all Pratt & Whitney Aircraft JT4A series turbojet engines which incorporate the following serial number 12th stage compressor rotor disc part number 360112

1F-6145	4F-0465	4F-8301
1F-6150	4F-0467	4F-8458
1F-6151	4F-0471	5F-6445
2F-2758	4F-0473	5F-6446
2F-2759	4F-0475	5F-6447
2F-2764	4F-0477	5F-6449
2F-3781	4F-3006	5F-6452
2F-3785	4F-3690	5F-7606
2F-3788	4F-3692	5F-7748
2F-3926	4F-3699	5F-7749
2F-3927 through 2F-3933	4F-3700 through 4F-3830	5F-7835 through 5F-7838
2F-9674	4F-3831	5F-7839
2F-9675	4F-4569	5F-7840
2F-9676	4F-4570	5F-7867
2F-9677	4F-4642	5F-7872
3F-0551 through 3F-0558	4F-4643 through 4F-4648	5F-7875 through 5F-7987
3F-0559	4F-4747	5F-8031
3F-0560	4F-4748	5F-8032
3F-0563	4F-4749	5F-8035
3F-8849	4F-4750	5F-8039
3F-8850 through 3F-8855	4F-4752 through 4F-5029	5F-8042 through 5F-8122
3F-8856	through	5F-8123
3F-8920	4F-5035	5F-8342
3F-8921	4F-5059	5F-8346
3F-8923	through	5F-8405
3F-8924	4F-5063	5F-8510
3F-8926	4F-5087	5F-8512
3F-8927	4F-5089	5F-8522
3F-8928	4F-5090	5F-8529
3F-9114	4F-5091	5F-8589
3F-9115	4F-5092	
3F-9116	through	
4F-0454	4F-5099	
4F-0461	4F-8300	

Compliance required as indicated.

To preclude 12th stage compressor rotor disc failure as the result of suspected material deficiency, accomplish the following:

(1) For all the previously listed serial number 12th stage compressor rotor discs:

a. With 5,000 cycles or more in service within the next 25 cycles in service after the effective date of this AD replace the suspect serial number disc.

b. With 5,000 cycles or less in service prior to the accumulation of 5,025 cycles in service replace the suspect serial number disc.

(2) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time.

This airworthiness directive is effective January 14, 1971 and was effective as to all recipients of the telegram dated December 10, 1970, which contained this airworthiness directive.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 31, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-395 Filed 1-12-71;8:46 am]

[Docket No. 70-EA-112; Amdt. 39-1141]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 68-20-8 applicable to Sikorsky S61 type helicopters.

Subsequent to the promulgation of AD 68-20-8, the Administrator has determined, through industrial experience, that the repetitive inspection required in paragraph D may be relaxed from 200 hours to 1,200 hours. It is also intended to correct paragraph C to clarify the intent that the test must be performed prior to the next flight which utilizes the automatic flight control system.

Since the foregoing amendments are relaxatory and clarifying in nature, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), AD 68-20-8, § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. Amend paragraph C so as to insert the words "After the effective date of this AD as amended and prior to the next AFCS Flight, if not already accomplished • • •" before the word "with".

2. Amend paragraph D so as to delete the numbers "200" where they appear, and insert in lieu thereof "1,200"; delete in Section D.1. "B-1 through B-5 inclusive" and insert in lieu thereof "B-5".

This amendment is effective January 14, 1971.

(Sec. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 31, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-396 Filed 1-12-71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 20—FROZEN DESSERTS

Ice Cream Identity Standard; Calcium Carbonate and Magnesium Carbonate as Optional Ingredients

In the matter of amending the identity standard for ice cream (21 CFR 20.1) to list calcium carbonate and magnesium carbonate as optional ingredients:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of August 27, 1970 (35 F.R. 13667), based on a petition filed by the Food Adjuncts Association, Inc., 4804 Moorland Lane, Washington, DC 20014. In response to the notice, one comment was received from a frozen dessert ingredient supplier favoring the proposed change.

On the basis of the information submitted in the petition, the comment received, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 20.1(f)(8)(ii) be revised to read as follows:

§ 20.1 Ice cream; identity; label statement of optional ingredients.

• • • • • •

(f) • • •

(8) • • •

(ii) Calcium oxide, magnesium oxide, calcium hydroxide, magnesium hydroxide, calcium carbonate, magnesium carbonate, or any combination of two or more of these; but the total quantity of the solids of such ingredients is not more than 0.04 percent of the weight of the finished ice cream.

• • • • • •

Due to cross-references, this amendment of the standard for ice cream (§ 20.1), upon becoming effective, will make the subject mineral salts permitted ingredients also of frozen custard (§ 20.2) and ice milk (§ 20.3).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 31, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-420 Filed 1-12-71;8:48 am]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Redesignation

CROSS REFERENCE: For a document redesignating Part 120 of Chapter I as Part 420 of a new Chapter III in Title 21, see F.R. Doc. 71-414, *infra*.

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Spectinomycin Dihydrochloride Pentahydrate Soluble Powder

The Commissioner of Food and Drugs has evaluated a supplemental new animal-drug application (38-661V) filed by Amdal Co., Division of Abbott Laboratories, regarding the safe and effective use of spectinomycin dihydrochloride pentahydrate soluble powder in the drinking water of floor-raised broiler chickens for increasing the rate of weight gain and improving feed efficiency. The supplemental application is approved.

This order also provides for recodification of the existing regulation concerning said drug from Part 121 to Part 135c in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135c are amended as follows:

§ 121.329 [Amended]

1. Section 121.329 *Spectinomycin* is deleted from Part 121.

2. Part 135c is amended by adding the following new section:

§ 135c.32 Spectinomycin dihydrochloride pentahydrate soluble powder.

(a) *Specifications.* The spectinomycin dihydrochloride pentahydrate used in manufacturing the drug is the antibiotic substance produced by growth of *Streptomyces flavopersicus* (var. Abbott) or the same antibiotic substance produced by any other means.

(b) *Sponsor.* Amdal Co., Division of Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

(c) *Special considerations.* The quantities of spectinomycin cited in this section refer to the equivalent weight of base activity for the drug.

(d) *Related tolerances.* See § 135g.24 of this chapter.

(e) *Conditions of use.* (1) It is administered in the drinking water of growing chickens at 2 grams of spectinomycin per gallon of water as the only source of drinking water for the first 3 days of life and for 1 day following each vaccination It is administered as an aid in the prevention or control of losses due to CRD associated with *M. gallisepticum* (PPLO). Do not administer to laying chickens. Do not administer within 5 days of slaughter.

(2) It is administered in the drinking water of floor-raised broiler chickens at 0.5 gram of spectinomycin per gallon of water as the only source of drinking water for the first 3 days of life and for 1 day following each vaccination. It is administered for increased rate of weight gain and improved feed efficiency. Do not administer to laying chickens. Do not administer within 5 days of slaughter.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 30, 1970.

JAMES O. GESLING,
Acting Director, Bureau of Veterinary Medicine

[FR Doc.71-422 Filed 1-12-71;8:48 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2490) filed by The Dow Chemical Co., Midland, Mich. 48640, and other relevant material, concludes that § 121.2526 of the food additive regulations should be amended to provide for the safe use of poly[acrylamide-acrylic acid-*N*-(dimethylaminomethyl)-acrylamide] as a drainage aid and retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •

(5) • • •

List of substances	Limitations
• • •	• • •
Poly[acrylamide - acrylic acid - *N* - (dimethyl - aminomethyl) acrylamide], produced by reacting polyacrylamide with dimethylamine and formaldehyde in the weight ratio 3.12:1.55:1, respectively, and containing no more than 0.2 percent monomer as acrylamide.	For use only as a drainage aid and retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard for use in contact with fatty foods under conditions of use described in paragraph (c) of this section, table 2, conditions of use E, F, and G.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-388 Filed 1-12-71;8:46 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Topical-Otic Ointment

The Commissioner of Food and Drugs has evaluated an application (40-123V) filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the safe and effective use of cephalonium, polymyxin B sulfate, flumethasone, iodochlorhydroxyquin, and piperocaine hydrochloride in an antifungal, antibiotic, and corticosteroid ointment for topical and otic use in dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section, as follows:

§ 135a.4 Cephalonium, polymyxin B sulfate, flumethasone, iodochlorhydroxyquin, piperocaine hydrochloride topical-otic ointment.

(a) *Specifications.* Each gram of the drug contains 10 milligrams cephalonium, 5,000 units polymyxin B sulfate, 0.25 milligram flumethasone, 30 milligrams iodochlorhydroxyquin, and 40 milligrams piperocaine hydrochloride in a suitable and harmless ointment base.

(b) *Sponsor.* Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206.

(c) *Conditions of use.* The drug is recommended for dermal and otic use on dogs and cats for the treatment of the following conditions when complicated by bacteria, yeast, or fungus: Pyodermatitis, allergic dermatitis, dermatophytosis, nonspecific pruritus, and external otitis. For mild inflammations a periodic treatment of applying from once daily to twice weekly may be indicated. In severe conditions apply once or twice daily when continuous treatment may be indicated. Dosage per treatment should not exceed 300 milligrams of the ointment. For otic use treatment should not exceed a total of 12 days. For use only by or on the order of a licensed veterinarian.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 30, 1970.

JAMES O. GESLING,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.71-421 Filed 1-12-71;8:48 am]

Chapter III—Environmental Protection Agency

ESTABLISHMENT OF CHAPTER AND TRANSFER OF REGULATIONS

The Environmental Protection Agency was created by Reorganization Plan No. 3 of 1970 (35 F.R. 15623). To implement the transfer of certain functions described by the plan, a new Chapter III is established in Title 21 of the Code of Federal Regulations to read as set forth above.

Certain parts formerly appearing in Chapter I of Title 21 are transferred to Chapter III and redesignated as follows:

Former part No. Chapter I	*New part No. Chapter III*
120 Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities	420

Certain sections of Part 121, Chapter I, concerning food additives, are now being identified for transfer to Part 421, Chapter III.

The redesignation is interim pending the establishment of a new title in the Code of Federal Regulations which will contain all of the regulations of the Environmental Protection Agency. Until that time, the term "Department of Health, Education, and Welfare" will be deemed to mean "Environmental Protection Agency", the term "Secretary" will be deemed to mean "Administrator" in the redesignated Part 420 and the terms "Commissioner" and "Petitions Control Branch" will be correspondingly changed as necessary.

Effective date. This amendment is effective as of publication in the FEDERAL REGISTER (Reorganization Plan No. 3 of 1970, 35 F.R. 15623).

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 7, 1971.

[FR Doc.71-414 Filed 1-12-71;8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

The following amendments are made to various delegations of authority to reflect recent internal transfers of functions and other changes in the organization of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner:

1. In the Table of Contents under Subpart D, the headings of §§ 200.78, 200.79, 200.80, 200.81, and 200.82 are amended as follows:

Sec.
200.78 Director Accounting Division and Deputy.
200.79 Director Insurance Division and Deputy.
200.80 Director Fiscal Division and Deputy.
200.81 Director Procedures Division and Deputies.
200.82 Director Financial Reports Division and Deputy.

2. In § 200.77, paragraphs (a), (g), (h), (m), (o), (p), (q), (t), (w), (y), (aa), (bb), (cc), (dd), and (ff) are amended and new paragraphs (gg), (hh), and (ii) are added to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

• • • • • •

(a) To be responsible for coordination and general supervision of the Accounting Division, the Insurance Division, the Fiscal Division, the Procedures Division, and the Financial Reports Division.

• • • • • •

(g) To direct and supervise, or cause to be directed and supervised, periodic portfolio examinations of institutions insured under the provisions of section 2 of title I of the National Housing Act.

(h)(1) • • •

(i) • • •

(ii) The redemption or sale of investments in bonds or other obligations of the United States, or in bonds or other obligations guaranteed as to principal and interest by the United States, representing undisbursed mortgage proceeds relating to multifamily mortgages assigned to the Secretary; and

(2) To recommend, or cause to be recommended under his direction, liquidation of investments and redemption of debentures; to execute, or cause to be executed under his direction, assignments in connection with the redemption of debentures held for the account of the FHA insurance funds or received in exchange for acquired security; and to maintain, or cause to be maintained under his direction, liaison with the Treasury Department in the execution of fiscal proposals.

(i) To certify financial statements, and to execute and submit or to cause to be executed and submitted under his direction to the Treasury Department and/or to the Office of Management and Budget intergovernmental financial reports required by applicable statutes or regulations of the Treasury Department or Office of Management and Budget.

• • • • • •

(m) To develop and maintain or cause to be developed and maintained under his direction a program for the fiscal servicing of all Secretary-held home and project mortgages; to execute or cause to be executed under his direction all vouchers for expenditures from mortgagor's escrow accounts, for payment of taxes on home and project properties where title is vested in the Secretary and, with respect to home properties acquired by the Secretary, vouchers for payment of excess proceeds to effect final settlement on certificates of claim; and to execute and receipt or cause to be executed and receipted under his direction applications and receipts for any payments received representing refunds of taxes or other payments made by the Secretary in connection with property acquired by the Secretary under the provisions of the National Housing Act.

• • • • • •

(o) To recommend the terms and conditions under which FHA offers to sell purchase money mortgages and assigned mortgage notes to approved mortgagees; upon approval of the recommendation make offers for the sale of such mortgages and assigned notes; and execute in the name of the Secretary acceptance of such offers.

(p) To endorse, or cause to be endorsed under his direction, mortgage notes for insurance; to take, or cause to be taken under his direction, any action necessary to consummate the sale of Secretary-held mortgages to purchasers of such mortgages; and to execute, or cause to be executed, satisfactions of Secretary-held mortgages when the mortgage indebtedness has been paid in full.

(q) To endorse, or cause to be endorsed under his direction, checks and other negotiable instruments for deposit or collection; to endorse, or cause to be endorsed under his direction, loss drafts relating to insurance coverage on Secretary-held home and project mortgages; to endorse, or cause to be endorsed under his direction, checks and other negotiable instruments in order to perfect negotiability for other parties at interest where the Secretary is not entitled to the proceeds of such instruments, relating to applications for insurance benefits; and to execute assignments and other instruments pertaining to the sale or other disposition of stock or other securities received as a result of agreements between mortgagors or other depositors and FHA.

• • • • • •

(t) To approve or disapprove, or cause to be approved or disapproved under his direction, amounts claimed by mortgagees in their applications for insurance benefits, including amounts for operating, protecting and preserving properties prior to conveyance to the Secretary; to execute, or cause to be executed under his direction, Certificates of Claim; to certify, or caused to be certified under his direction, the requisitions to the Treasury Department for the issuance of debentures; to certify, or caused to be certified under his direction, vouchers for cash settlement of applications for insurance benefits; and to approve or disapprove, or cause to be approved or disapproved under his direction, the purchase of debentures submitted by mortgagees in connection with the payment of mortgage insurance premiums and adjusted premium charges.

• • • • • •

(w) To issue, or cause to be issued, duplicate or corrective Mortgage Insurance Certificates; to cancel, or cause to be canceled under his direction, insurance endorsement or the Mortgage Insurance Certificate on insured mortgages where a joint request for termination is made by the mortgagor and mortgagee, or when the insurance endorsement or the Mortgage Insurance Certificate is otherwise to be canceled; and to exercise the authority of the Commissioner in any instance which is subject to the approval of the Commissioner in connection with the prepayment or voluntary termination of insured mortgages.

• • • • • •

(y) To exercise, or cause to be exercised, the authority of the Commissioner to endorse any preferred stock certificate held by him in any corporation for the purpose of retirement and cancellation.

• • • • • •

(aa) • • •

(1) To reserve or, as appropriate, record, or cause to be reserved or recorded, all approved reservations of funds and to record and control, or cause to be recorded and controlled, all obligations of funds for loans under this fund.

(2) To disburse, or cause to be disbursed, moneys in the fund for making loans to sponsors for development of applications for commitments for project mortgages for projects under section 207 of the Appalachian Regional Development Act of 1965 approved pursuant to section 223 of such Act and for general expenses of administration of section 207 of such Act; and

(3) To collect, or cause to be collected, the loan repayments and interest thereon.

(bb) With respect to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966: To perform, or cause to be performed, all fiscal duties and functions necessary to comply with the requirements of the agreement entered into between the Department of Defense and the Department of Housing and Urban Development.

(cc) • • •

(1) To reserve or, as appropriate, record, or cause to be reserved or recorded, all approved reservations of funds and to record and control, or cause to be recorded and controlled, all obligations of funds for loans made under the fund.

(2) To disburse, or cause to be disbursed, moneys in the fund for making loans, without interest, to nonprofit sponsors of housing for low and moderate income families; and

(3) To collect, or cause to be collected, the loan repayments.

(dd) To reserve or, as appropriate, record, or cause to be reserved or recorded, all approved reservations of contract authority and to record and control, or cause to be recorded and controlled, all contractual obligations of contract authority pertaining to assistance payment contracts under section 235; interest reduction contracts under section 236; contracts for debt management or counseling services under section 237; and contracts for rent supplement payments, pursuant to section 101 of the Housing and Urban Development Act of 1965, and amendments thereto.

• • • • • •

(ff) To reendorse, or cause to be reendorsed, for insurance under section 222 eligible mortgages on single-family dwellings insured under other home mortgage sections of the Act, where the mortgages have been assumed by eligible servicemen.

(gg) To approve or disapprove, or cause to be approved or disapproved under his direction, the settlement of mortgagees' applications for insurance benefits without deduction from the insurance benefits for losses occasioned by fire damage to home properties or by fire and other hazards to multifamily properties, in accordance with the provisions of §§ 203.379(b) and 207.260(d), respectively, of the FHA regulations.

(hh) To extend, or cause to be extended under his direction, the period of time for assignment to the Secretary of a mortgage on which the assistance payment contract has been terminated because of nonoccupancy by the original mortgagor or qualified purchaser.

(ii) To approve or disapprove, or cause to be approved or disapproved, certificates of interest rate changes submitted by mortgagees with respect to mortgages with flexible interest rates insured under section 236.

3. In § 200.78, the heading, introductory text, and paragraphs (a), (c), (f), (g), (h), and (i) are amended and new paragraphs (k), (l), (m), (n), and (o) are added to read as follows:

§ 200.78 Director Accounting Division and Deputy.

To the position of Director, Accounting Division, and under his general supervision to the position of Deputy Director, Accounting Division, there is delegated the following basic authority and functions:

(a) To direct the activities of the Accounting Division.

• • • • • •

(c) To devise and establish procedures and policies and to maintain official records for all home properties and mortgages held by the Secretary.

• • • • • •

(f) To maintain liaison with the Government National Mortgage Association and other Government agencies on matters pertaining to the sale and insurance of Secretary-held mortgages.

(g) To endorse mortgage notes for insurance and to take any action necessary to consummate the sale of Secretary-held mortgages to purchasers of such mortgages.

(h) To develop and maintain a program for the fiscal servicing of Secretary-held home mortgages including the execution of vouchers for expenditures from mortgagors' escrow accounts.

(i) To execute vouchers for payment of taxes on home properties where title is vested in the Secretary and for payment of excess proceeds to effect final settlement with mortgagees on certificates of claim under provisions of the National Housing Act.

• • • • • •

(k) With respect to the Appalachian Housing Fund, pursuant to the Appalachian Regional Development Act of 1965:

(1) To reserve or, as appropriate, record all approved reservations of funds and to record and control all obligations of funds for loans under this fund.

(2) To disburse moneys in the fund for making loans to sponsors for development of applications for commitments for project mortgages for projects under section 207 of such Act, approved pursuant to section 223 of such Act, and for general expenses of administration of section 207 of such Act; and

(3) To collect the loan repayments and interest thereon.

(l) With respect to section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966: To perform all fiscal duties and functions necessary to comply with the requirements of the agreement entered into between the Department of Defense and the Department of Housing and Urban Development.

(m) With respect to the Low and Moderate Income Sponsor Fund, pursuant to section 106 of the Housing and Urban Development Act of 1968:

(1) To reserve or, as appropriate, record all approved reservations of funds and to record and control all obligations of funds for loans made under the fund.

(2) To disburse moneys in the fund for making loans, without interest, to nonprofit sponsors of housing for low and moderate income families; and

(3) To collect the loan repayments.

(n) To reserve or, as appropriate, record all approved reservations of contract authority and to record and control all contractual obligations of contract authority pertaining to assistance payment contracts under section 235; interest reduction contracts under section 236; contracts for debt management or counseling services under section 237; and contracts for rent supplement payments, pursuant to section 101 of the Housing and Urban Development Act of 1965, and amendments thereto; and

(o) To establish and maintain an account for the deposit of fees collected under the Interstate Land Sales Full Disclosure Act.

4. In § 200.79, the heading, introductory text, and paragraphs (a), (g), and (h) are amended and paragraphs (k), (l), (m), (n), (o), and (p) are added to read as follows:

§ 200.79 Director Insurance Division and Deputy.

To the position of Director, Insurance Division, and under his general supervision to the position of Deputy Director, Insurance Division, there is delegated the following basic authority and functions:

(a) To direct the activities of the Insurance Division.

• • • • • •

(g) To devise and maintain procedures relating to the fiscal servicing of Secretary-held project mortgages and to execute vouchers for payment of all expenditures from mortgagor escrow accounts relating thereto.

(h) To develop and maintain fiscal procedures for the operation of Secretary-owned project properties by agents of the Secretary under contract for the management of such properties; to provide advice and guidance to those agents with respect to such fiscal procedures, and to execute vouchers for payment of real estate taxes, special assessments, hazard insurance, and repairs relating to such properties.

• • • • • •

(k) To direct and supervise periodic portfolio examinations of institutions insured under the provisions of section 2 of title I of the National Housing Act.

(l) To execute satisfactions and releases of Secretary-held mortgages when the mortgage indebtedness has been paid in full.

(m) To issue duplicate or corrective Mortgage Insurance Certificates.

(n) To exercise the authority of the Commissioner to endorse any preferred stock certificate held by him in any corporation for the purpose of retirement and cancellation.

(o) To reendorse for insurance under section 222 eligible mortgages on single-family dwellings insured under other home mortgage sections of the Act, where the mortgages have been assumed by eligible servicemen; and

(p) To approve or disapprove certificates of interest rate changes submitted by mortgagees with respect to mortgages with flexible interest rates insured under section 236.

5. In § 200.80 the heading, introductory text and paragraphs (a), (d), (e), and (f) are amended and new paragraphs (i), (j), (k), (l), (m), (n), and (o) are added as follows:

§ 200.80 Director Fiscal Division and Deputy.

To the position of Director, Fiscal Division, and under his general supervision to the position of Deputy Director, Fiscal Division, there is delegated the following basic authority and functions:

(a) To direct the activities of the Fiscal Division.

• • • • • •

(d) To certify that all required documents, information and approvals with respect to operating and property expense and debenture transactions are present; to verify the accuracy of the computations and the consistency of the information included in the various documents; to determine that the transactions are in strict accordance with all applicable regulations, decisions and laws; to execute Certificates of Claim; to certify requisitions to the Treasury Department for the issuance of debentures; and to certify vouchers for cash settlement of applications for insurance benefits.

(e) To approve or disapprove amounts claimed by mortgagees in their applications for insurance benefits, including amounts for operating, protecting and preserving properties prior to conveyance to the Secretary.

(f) To extend the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for insurance benefits.

• • • • • •

(i) To make disbursements to mortgagees for assistance payments under section 235; interest reduction payments under section 236; payments under contracts with public or private organizations to provide budget, debt management, and related counseling services to mortgagors whose mortgages are insured under section 237; and payments to mortgagors under contracts for rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 and amendments thereto, and to process notices of termination of assistance payment contracts due to nonoccupancy by original mortgagors or qualified purchasers or for other reasons and collect any overpaid assistance payments.

(j) To be responsible for the collection, receipt and deposit of all funds covering fees, premiums and other charges affecting FHA programs.

(k) To approve or disapprove the settlement of mortgagees' applications for insurance benefits without deduction from the insurance benefits for losses occasioned by fire damage to home properties or by fire and other hazards to multifamily properties, in accordance with the provisions of §§ 203.379(b) and 207.260(d), respectively, of the FHA regulations.

(l) To approve or disapprove the purchase of debentures submitted by mortgagees in connection with the payment of mortgage insurance premiums and adjusted premium charges.

(m) To endorse checks and other negotiable instruments for deposit or collection; to endorse loss drafts relating to insurance coverage on Secretary-held home and project mortgages; to endorse checks and other negotiable instruments in order to perfect negotiability for other parties at interest, where the Secretary is not entitled to the proceeds of such instruments, relating applications for insurance benefits.

(n) To deposit fees collected under the Interstate Land Sales Full Disclosure Act, and to make disbursements from appropriated funds and receipts for general expenses of administration of land sales registration under such Act and make refunds of overpayments of land sales registration fees.

(o) To extend the period of time for assignment to the Secretary of a mortgage on which the assistance payment contract has been terminated because of nonoccupancy by the original mortgagor or qualified purchaser.

6. In § 200.81 the heading and introductory text are amended as follows:

§ 200.81 Director Procedures Division and Deputies.

To the position of Director, Procedures Division, and under his general supervision to the position of Deputy Director for Accounting Systems with respect to paragraphs (a), (b), (f), (g), (h), (i), and (j) of this section and to the position of Deputy Director for Automatic Data Processing with respect to paragraphs (c), (d), and (e) of this section, there is delegated the following basic authority and functions:

7. In § 200.82 the heading, introductory text, and paragraphs (a), (g), and (h) are amended and a new paragraph (l) is added to read as follows:

§ 200.82 Director Financial Reports Division and Deputy.

To the position of Director, Financial Reports Division, and under his general supervision to the position of Deputy Director, Financial Reports Division, there is delegated the following basic authority and functions:

(a) To direct the activities of the Financial Reports Division.

• • • • • •

(g) To execute and submit to the Treasury Department and/or to the Office of Management and Budget intergovernmental financial reports required by applicable statutes or regulations of the Treasury Department or Office of Management and Budget.

(h) To maintain liaison with the General Accounting Office, Treasury Department and Office of Management and Budget on matters pertaining to financial activities, and with mortgagees concerning the acceptance of debentures in exchange for mortgages held by the Secretary.

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(l) To recommend liquidation of investments and redemption of debentures; to execute assignments in connection with the redemption of debentures held for the account of the FHA insurance funds or received in exchange for acquired security; and to maintain liaison with the Treasury Department in the execution of fiscal proposals.

(Sec. 1 of National Housing Act, 48 Stat. 1246, 12 U.S.C. 1702; sec. 7(d) of Department of Housing and Urban Development Act, 79 Stat. 670, 42 U.S.C. 3535(d); Secretary's delegation to Assistant Secretary-Commissioner published at 35 F.R. 2749)

Issued at Washington, D.C., December 29, 1970.

WOODWARD KINGMAN,
for Eugene A. Gulledge,
Assistant Secretary-Commissioner.

[FR Doc.71-419 Filed 1-12-71;8:48 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 672—BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

PART 726—CONSTRUCTION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436) and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–A for the Construction Industry in Puerto Rico and Industry Committee No. 95–C for the Construction, Business Service and Miscellaneous Industry in Puerto Rico, referred to the Committees the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industries, and gave notice of hearings to be held by the Committees.

Subsequent to investigations and hearings conducted pursuant to the notice, the Committees have filed with the Administrator of the Wage and Hour Division of the Department of Labor reports containing their findings of fact and recommendations with respect to the matters referred to them. The recommendations of the Committees apply only to those employees brought into coverage by reason of the Fair Labor Standard Amendments of 1966 within the purview of 29 CFR, Parts 726 and 672, those of Committee No. 95–A being limited to the employees in the construction industry within the scope of Part 726, and those of Committee No. 95–C restricted to those employees in the business service, motion picture and miscellaneous industry in Part 672 as defined in § 672.2(b)(2).

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 95–A and No. 95–C are hereby published, to be effective January 28, 1971, in this order revising Part 672 and Part 726 of Title 29, Code of Federal Regulations. For a more systematic alignment of the construction industry in Puerto Rico, the pertinent wage determination for employees engaged in the construction industry brought within the scope of the Fair Labor Standards Act prior to the Amendments of 1966, currently included in Part 672 of this title, is transferred to and incorporated into Part 726.

Parts 672 and 726 of Title 29, Code of Federal Regulations are hereby revised as indicated below.

1. As revised, Part 672 reads as follows:

Sec.
672.1 Definition.
672.2 Wage rates.
672.3 Notices.

AUTHORITY: The provisions of this Part 672 issued under secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 206, 208.

§ 672.1 Definition.

The business service, motion picture, and miscellaneous industry in Puerto Rico is defined as follows: The activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; and the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definitions of other industries in Puerto Rico for which wage orders have been issued: *Provided, however*, That the industry shall not include any activity carried on by an establishment primarily engaged in another industry in Puerto Rico for its own use.

§ 672.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

(2) This classification is defined as all activities in the business service, motion picture, and miscellaneous industry in Puerto Rico to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period ending January 31, 1971, and $1.60 an hour thereafter.

(2) This classification is defined as all activities in the business service, motion picture, and miscellaneous industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

§ 672.3 Notices.

Every employer subject to the provisions of § 672.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 672.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

2. As revised Part 726 reads as follows:

Sec.
726.1 Definition.
726.2 Wage rates.
726.3 Notices.

AUTHORITY: The provisions of this PART 726 issued under secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 206, 208.

§ 726.1 Definition.

The construction industry in Puerto Rico, to which this part shall apply, is defined as follows: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements on land; the assembling at the construction site and the installation of machinery and other facilities in or upon such improvements; and the dismantling, wrecking, or other demolition of such improvements: *Provided, however,* That the construction industry shall not include any activity carried on by an establishment in Puerto Rico for its own use to which another wage order for the primary business of such establishment would otherwise be applicable.

§ 726.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

(2) This classification is defined as all activities in the construction industry in Puerto Rico to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

(2) This classification is defined as all activities in the construction industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

§ 726.3 Notices.

Every employer subject to the provisions of § 726.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 726.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C. this 7th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-380 Filed 1-12-71;8:45 am]

PART 683—WHOLESALING AND WAREHOUSING INDUSTRY IN PUERTO RICO

PART 721—RETAIL TRADE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208), and by means of Administrative Order No. 613 (35 F.R. 6436), the Secretary of Labor appointed and convened Industry Committee No. 96–A for the Retail Trade Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it. The recommendations of Committee 96–A apply to those employees in the retail trade industry brought into coverage by reason of the Fair Labor Standards Amendments of 1966 within the purview of 29 CFR, Part 721.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 96–A are hereby published, to be effective January 28, 1971.

For a more systematic alignment of the retail trade industry in Puerto Rico, the pertinent wage determination for employees engaged in the retail trade industry brought within the scope of the Fair Labor Standards Act prior to the Amendments of 1966, currently included in Part 683 of this title, is transferred to and incorporated into Part 721.

Parts 683 and 721 of Title 29, Code of Federal Regulations, are hereby revised as indicated below.

1. As revised, Part 683 reads as follows:

Sec.
683.1 Definition.
683.2 Wage rates.
683.3 Notices.

AUTHORITY: The provisions of this Part 683 issued under secs. 5, 6, 8, 52 Stat. 1062, 1064, 29 U.S.C. 205, 206, 208.

§ 683.1 Definition.

The wholesaling and warehousing industry in Puerto Rico is defined as follows: The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, brokers and agents, and public warehouses: *Provided, however,* That the industry shall not include the activities of employees who are engaged in wholesaling, warehousing, and other distribution of products manufactured by their employer in Puerto Rico, or any activities included in the definition of the Communications, Utilities and Transportation Industry in Puerto Rico (29 CFR Part 671), or in the definition of the Tobacco Industry in Puerto Rico (29 CFR Part 657), or in the definition of the Food and Related Products Industry in Puerto Rico (29 CFR Part 673).

§ 683.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Employments covered prior to 1966 amendments.* (1) The minimum wage for this classification is $1.60 an hour.

(2) This classification applies to all activities of employees in the wholesaling and warehousing industry in Puerto Rico to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

(2) This classification is defined as all activities in the wholesaling and warehousing industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

§ 683.3 Notices.

Every employer subject to the provisions of section 683.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of section 683.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

2. As revised, Part 721 reads as follows:

Sec.
721.1 Definition.
721.2 Wage rates.
721.3 Notices.

AUTHORITY: The provisions of this Part 721 issued under section 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 206, 205, 208.

§ 721.1 Definition.

The retail trade industry in Puerto Rico, to which this part shall apply, is defined as follows: The selling at retail, and incidental activities performed by employees of an establishment so engaged including services on the goods sold and food service in such establishments: *Provided, however,* That the industry shall not include the activities of employees who are engaged in wholesaling, warehousing and other distribution of products manufactured by their employer in Puerto Rico, or any activities included in the definitions of the Communications, Utilities, and Transportation Industry in Puerto Rico (29 CFR Part 671), The Hotel and Motel Industry in Puerto Rico (29 CFR Part 728), or the Restaurant and Food Service Industry in Puerto Rico (29 CFR Part 729).

§ 721.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Employments covered prior to 1966 amendments.* (1) The minimum wage for this classification is $1.60 an hour.

(2) This classification applies to all activities of employees in the retail industry in Puerto Rico to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970 and ending January 31, 1971, and $1.60 an hour thereafter.

(2) This classification is defined as all activities in the retail trade industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

§ 721.3 Notices.

Every employer subject to the provisions of section 721.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of 721.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 7th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.17-378 Filed 1-12-71;8:45 am]

PART 724—HOSPITAL AND RELATED INSTITUTIONS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208), and by means of Administrative Order No. 613 (35 F.R. 6436), the Secretary of Labor appointed and convened Industry Committee No. 98–B for the Hospital and Related Institutions Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

As authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 98–B are hereby published, to be effective January 28, 1971, in this order amending section 724 of Title 29, Code of Federal Regulations.

Section 724.2 is amended by changing paragraphs (a), (b), and (c) and reads as follows.

§ 724.2 Wage rates.

(a) *Application.* Wages at rates not less than those prescribed in paragraphs (b) and (c) of this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hospital and related institutions industry in Puerto Rico who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(b) *Classification A.* (a) The minimum wage for Classification A is $1.45 an hour for the period beginning February 1, 1970 and ending January 31, 1971, and $1.60 an hour thereafter.

* * * * *

(c) *Classification B.* (1) The minimum wage for Classification B is $1.35 an hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.53 an hour thereafter.

* * * * *

(Secs. 5, 8, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 7th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-379 Filed 1-12-71;8:45 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 3 (AGE–2, Amdt. 5)]

AGE–2—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Miscellaneous Amendments

In F.R. Doc. 70–17167, appearing in the FEDERAL REGISTER issue of December 22, 1970 (35 F.R. 19351), the bracketed line in the heading should read "[NSA Order 3 (AGE–2, Amdt. 5)]", and the word "follow" beginning at the end of line 4 of the text of the document should read "follows."

Dated: January 6, 1971.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-404 Filed 1-12-71;8:47 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Dockets Nos. 1, 4, 2, 3, 15, 16; Amdts. Nos. 1-44, 5-3, 7-4, 9-3, 95-3, 99-3]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Establishment

The purpose of this amendment to Parts 1, 5, 7, 9, 95, and 99 of Subtitle A of title 49, Code of Federal Regulations is to reflect the abolishment of the National Highway Safety Bureau and the concurrent establishment of its successor organization, the National Highway Traffic Safety Administration. This organizational change was made by the Highway Safety Act of 1970 which was signed by the President on December 31, 1970. The changes made by this amendment are made primarily to insure continuity of operations, pending a more complete revision of existing delegations of authority relating to highway traffic safety.

Since the amendment relates to Departmental management, proceedures, and practices, notice and public procedure thereon is unnecessary, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective January 6, 1970, Parts 1, 5, 7, 9, 95, and 99 of title 49, Code of Federal Regulations, are amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

(1) The table of contents is amended by striking out the item

1.51 Delegations to Director of National Highway Safety Bureau.

and inserting in place thereof

1.51 Delegations to National Highway Traffic Safety Administrator.

(2) Section 1.2(g) is amended to read as follows:

§ 1.2 Definitions.

* * * * * *

(g) *The Administrator of the National Highway Traffic Safety Administration.*

(3) Section 1.3(b)(7) is amended to read as follows:

§ 1.3 Organization of the Department.

* * * * * *

(b) * * *

(7) The National Highway Traffic Safety Administration, headed by the Administrator.

(4) The caption of § 1.4(h) is amended to read as follows:

§ 1.4 General responsibilities.

* * * * * *

(h) *The National Highway Traffic Safety Administration.*

(5) The caption of § 1.51 is amended to read as follows:

§ 1.51 Delegations to National Highway Traffic Safety Administrator.

(6) The text of section 1.51 is amended by striking out the words "Director of the National Highway Safety Bureau" and inserting in place thereof the words "National Highway Traffic Safety Administrator."

PART 5—RULE MAKING

The text of section 5.1 is amended by striking out the words "National Highway Safety Bureau" and inserting in place thereof the words "National Highway Traffic Safety Administration."

PART 7—PUBLIC AVAILABILITY OF INFORMATION

(1) The table of contents is amended by striking out the item

Appendix H—National Highway Safety Bureau

and inserting in place thereof,

Appendix H—National Highway Traffic Safety Administration.

(2) Section 7.5(g) is amended to read as follows:

§ 7.5 Definitions.

* * * * * *

(g) The National Highway Traffic Safety Administration.

(3) Appendix H is amended to read as follows:

APPENDIX H

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

1. *General.* This appendix describes the document inspection facilities of the National Highway Traffic Safety Administration (NHTSA), the kinds of records that are available for public inspection and copying at these facilities, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facilities.* Document inspection facilities are maintained for NHTSA Headquarters and each NHTSA regional office. These facilities are open to the public during regular working hours at the following addresses:

Washington Headquarters:
National Highway Traffic Safety Administration, Office of Administrative Services, Room 5108, 400 Seventh Street SW, Washington, DC 20591.
National Highway Traffic Safety Administration, Docket Section, Room 4223, 400 Seventh Street SW, Washington, DC 20591. (Material covered by paragraph 3(c) only.)

REGIONAL OFFICES

Region I—Regional Administrator, NHTSA, Transportation Systems Center, 55 Broadway, Cambridge, MA 02412.
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Region II—Regional Administrator, NHTSA, 4 Normanskill Boulevard, Delmar, NY 12054.
New Jersey, New York, and Puerto Rico.
Region III—Regional Administrator, NHTSA, Room 817, Federal Building, 31 Hopkins Plaza, Baltimore, MD 21201.
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.
Region IV—Regional Administrator, NHTSA, Suite 400, 1720 Peachtree Road NW., Atlanta, GA 30309.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Region V—Regional Administrator, NHTSA, 18209 Dixie Highway, Homewood, IL 60430.
Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Region VI—Regional Administrator, NHTSA, Room 8A42, 819 Taylor Street, Fort Worth, TX 76102.
Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Region VII—Regional Administrator, NHTSA, Post Office Box 7186, Country Club Station, Kansas City, MO 64113.
Iowa, Kansas, Missouri, and Nebraska.
Region VIII—Regional Administrator, NHTSA, Room 107, Building 40, Denver Federal Center, Denver, CO 80225.
Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Region IX—Regional Administrator, NHTSA, 450 Golden Gate Avenue, Box 36096, San Francisco, CA 94102.
Arizona, California, Hawaii, and Nevada.
Region X—Regional Administrator, NHTSA, Room 301, Mohawk Building, 222 Southwest Morrison Street, Portland, OR 97204.
Alaska, Idaho, Oregon, and Washington.

3. Records available at document inspection facilities.

(a) The following records are available at the NHTSA Headquarters document inspection facility.

(1) Final opinions and orders made in the adjudication of cases and issued from within the National Highway Traffic Safety Administration.

(2) Any policy or interpretation issued within the National Highway Traffic Safety Administration, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(b) The following records are available at all NHTSA document inspection facilities:

NHTSA Orders. These orders are issued by National Highway Traffic Safety Administration and contain policy, instructions, and general procedures.

NHTSA Audit Manual. Audit Manual (issued by Audits & Investigation—FHWA).

NHTSA Notices. These notices are issued by National Highway Traffic Safety Administration and transmit one-time or short-term announcements or temporary directives (90 days or less).

Motor Vehicle Safety Standards. These standards, issued by National Highway Traffic Safety Administration, apply to new motor vehicles and equipment thereon.

Highway Safety Standards. These standards, issued by National Highway Traffic Safety Administration, apply to State highway safety programs.

(c) Informal interpretations and opinions concerning provisions of the National Traffic and Motor Vehicle Safety Act of 1966 and regulations and standards issued thereunder which have been given to members of the public by National Highway Traffic Safety Administration officials are available at the NHTSA Docket Section.

4. *Request for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, may submit his request, in writing, to any NHTSA document inspection facility. If that facility does not have custody of the record, it will forward the request to the appropriate office. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Associate Administrator for Administration, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20591, for reconsideration of his request. The decision of the Associate Administrator for Administration is administratively final.

PART 9—TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Section 9.3(g) is amended to read as follows:

§ 9.3 Definitions.

* * * * * *

(g) The National Highway Traffic Safety Administration.

PART 95—ADVISORY COMMITTEES

The text of paragraph (a) of § 95.1 is amended by striking out the words "National Highway Safety Bureau" and inserting in place thereof the words "National Highway Traffic Safety Administration".

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Section 99.735-3(g) is amended to read as follows:

§ 99.735-3 Definitions.

* * * * * *

(g) The National Highway Traffic Safety Administration.

This action is taken under section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on the 6th day of January 1971.

JAMES M. BEGGS,
Acting Secretary of Transportation.

[FR Doc.71-389 Filed 1-12-71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1971, through December 31, 1971, in areas designated on map as I and III; and from March 15, 1971, through September 30, 1971, daylight hours only, in area designated on map as II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, during daylight hours, from January 1, 1971 through December 31, 1971.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devil's Kitchen Lake and on Little Grassy Lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1971.

L. A. MEHRHOFF, JR.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

JANUARY 5, 1971.

[FR Doc.71-385 Filed 1-12-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 10, 13, 16, 25, 54]

MERCHANDISE WHOSE CLASSIFICATION IS DEPENDENT UPON PROOF OF ACTUAL USE

Notice of Proposed Rule Making

General Headnote 10(e)(ii), Tariff Schedules of the United States, sets forth conditions under which importers may be entitled to duty free entry or entry at reduced rates for imported merchandise classifiable under a tariff provision controlled by actual use of the merchandise in the United States. These conditions include a 3-year time limitation in which to prove actual use.

It has been decided to revise the Customs Regulations to delete the repetitious requirements for specified merchandise, and to substitute new provisions relating to proof of actual use which will be generally applicable when classification is controlled by actual use.

Accordingly, notice is hereby given that under authority of R.S. 251 (19 U.S.C. 66), General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202, Gen. Hdnte. 11), and section 624, Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to amend the Customs Regulations as follows:

PART 10—ARTICLES CONDITIONALLY FREE; SUBJECT TO A REDUCED RATE, ETC.

1. Part 10 is amended by adding at the end thereof a center heading and new §§ 10.131 through 10.139 reading as follows:

RATE OF DUTY DEPENDENT UPON ACTUAL USE

§ 10.131 Circumstances in which applicable.

The provisions of §§ 10.131 through 10.139 are applicable in those circumstances in which the rate of duty applicable to merchandise is dependent upon actual use, unless there is a specific provision in this part or Part 54 of this chapter which governs the treatment of the merchandise.

§ 10.132 Examples of actual use provisions.

Examples of actual use provisions found in the Tariff Schedules of the United States (19 U.S.C. 1202) which will be subject to the provisions of §§ 10.131 through 10.139 are:

(a) Rice * * * Patna, cleaned, for use in the manufacture of canned soups (Item 131.37, Tariff Schedules of the United States);

(b) Woven bolting cloths, wholly of silk, imported to be used for milling purposes, and marked so as to be fit for such purposes (Item 375.25, Tariff Schedules of the United States); and

(c) Limestone, crude, broken, or crushed, when imported to be used in the manufacture of fertilizer (Item 480.05, Tariff Schedules of the United States).

§ 10.133 Conditions required to be met.

When the tariff classification of any article is controlled by its actual use in the United States, three conditions must be met in order to qualify for free entry or a lower rate of duty unless the language of the particular item of the Tariff Schedules of the United States applicable to the merchandise specifies other conditions. The conditions are that:

(a) Such use is intended at the time of importation.

(b) The article is so used.

(c) Proof of use is furnished within 3 years after the date the article is entered or withdrawn from warehouse for consumption.

(77A Stat. 14; 19 U.S.C 1202 (Gen Hdnte. 10(e)(ii))

§ 10.134 Declaration of intent.

A showing of intent by the importer as to the actual use of imported merchandise shall be made by filing at the time of filing the entry for consumption or for warehouse a declaration as to the intended use of the merchandise, or by entering the proper item number of an actual use provision of the Tariff Schedules of the United States and the reduced or free rate of duty on the entry form. Entry made under an actual use provision of the Tariff Schedules of the United States may be construed as a declaration that the merchandise is entered to be used for the purpose stated in the schedules, provided the district director is satisfied the merchandise will be so used. However, the district director shall require a written declaration to be filed if he is not satisfied that merchandise entered under an actual use provision will be used for the purposes stated in the schedules.

§ 10.135 Deposit of duties.

When the requirement of § 10.134 has been met the merchandise may be entered or withdrawn from warehouse for consumption without deposit of duty when proof of use will result in free entry, or with deposit of duty at the lower rate when proof of use will result in a lower rate of duty. For bond requirements, see section 8.28 of this chapter.

§ 10.136 Suspension of liquidation.

Liquidation of an entry covering merchandise for which a declaration of intent has been made pursuant to § 10.134 and any required deposit of duties made, shall be suspended until proof of use is furnished or the 3-year period allowed for production thereof has expired.

§ 10.137 Records of use.

(a) *Maintenance by importer.* The importer shall maintain accurate and detailed records showing the use or other disposition of the imported merchandise. The burden shall be on the importer to keep records so that the claim of actual use can be readily established.

(b) *Retention of records.* The importer shall retain records of use or disposition for a period of 3 years from the date of liquidation of the entry.

(c) *Examination of records.* The records required to be kept by paragraph (a) shall be available at all times for examination and inspection by an authorized Customs officer.

§ 10.138 Proof of use.

Within 3 years from the date of entry or withdrawal from warehouse for consumption, the importer shall submit in duplicate in support of his claim for free entry or for a reduced rate of duty a certificate executed by (1) the superintendent or manager of the manufacturing plant, or (2) the individual end-user or other person having knowledge of the actual use of the imported article. The certificate shall include a description of the processing in sufficient detail to show that the use contemplated by the law has actually taken place. A blanket certificate covering all purchases of a given type of merchandise from a particular importer during a given period, or all such purchases with specified exceptions, may be accepted for this purpose, provided the importer shall furnish a statement showing in detail, in such manner as to be readily identified with each entry, the merchandise which he sold to such manufacturer or end-user during such period.

§ 10.139 Liquidation.

(a) *In general.* Upon satisfactory proof of timely use of the merchandise for the purpose specified by law, the entry shall be liquidated free of duty or at the lower rate of duty specified by law. When such proof is not filed within 3 years from the date of entry or withdrawal from warehouse for consumption, the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.

(b) *Exception for blackstrap molasses.* An entry covering blackstrap molasses, as hereinafter defined, may be accepted and liquidated with duty at a lower rate upon compliance with section 10.134. Blackstrap molasses is "final" molasses practically free from sugar crystals, containing not over 58 percent total sugars and having a ratio of

$$\frac{\text{total sugars} \times 100}{\text{Brix}}$$

not in excess of 71. In the event of doubt, an ash determination may be made. An ash content of not less than 7 percent indicates a blackstrap molasses within the meaning of this paragraph.

2. Part 10 is further amended as follows:

In § 10.43, paragraph (c) and footnote 40 appended thereto are deleted.

Section 10.88 and footnote 79 appended thereto are deleted.

Section 10.100 and footnotes 92a and 92b appended thereto are deleted.

Section 10.101 and footnote 93 appended thereto are deleted.

Section 10.111 is deleted.

Section 10.113 is deleted.

(R.S. 251, 77A Stat. 14, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdntes. 10 and 11), 1624)

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

3. Part 13 is amended by deleting § 13.4 and footnotes 3 and 4 appended thereto.

(R.S. 251, Sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

4. In § 16.3, paragraph (b) is amended to read:

(b) The liquidation of entries covering articles entered at a conditionally reduced rate or conditionally free of duty under provisions of the Tariff Schedules of the United States in accordance with sections 10.131–10.135 of this chapter relating to actual use shall be suspended in accordance with section 10.136 of this chapter.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 25—CUSTOMS BONDS

5. In section 25.18, paragraph (b) is amended to read as follows:

(b) In cases where there is a 3-year limitation for furnishing proof of the use or disposition of merchandise in, or exportation from, the United States, and such proof is not furnished within the prescribed period, the district director may extend the 3-year period for further periods of 1 year each, but not to exceed 5 years from the date of entry. However, no extensions shall be granted extending the 3-year limitation for suspension of liquidation provided by 10.136 of this chapter.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

6. Part 54 is amended as follows:

Section 54.4 is deleted.

Section 54.7 is deleted.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 22, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-445 Filed 1-12-71;8:50 am]

POST OFFICE DEPARTMENT

[39 CFR Part 124]

SEXUALLY ORIENTED ADVERTISEMENTS

Notice of Proposed Rule Making

Section 3010(a) of title 39, United States Code, as enacted by the Postal Reorganization Act (Public Law 91-375, approved August 12, 1970) provides that any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postal Service may prescribe. Section 3010(d) defines sexually oriented advertisement. The Department implemented section 3010(a) by issuing regulations as § 125.9 of Title 39, Code of Federal Regulations, on pages 18743 and 18744 of the daily issue of December 10, 1970.

The Department now intends to implement subsections (b) and (c) of section 3010. These subsections relate basically to the right of citizens not to receive sexually oriented advertisements if that is their wish. The proposed regulations are set forth below. It should be noted that the regulations incorporate, without substantive change, the regulations implementing section 3010(a), cited above.

Interested persons who desire to do so may submit written data, views, and arguments concerning these proposed regulations to the Assistant General Counsel, Mailability Division, Post Office Department, Washington, D.C. 20260, at any time prior to January 20, 1971. After consideration of all comments received, the Department will then promulgate the final regulations decided upon, to be effective February 1, 1971, which is the effective date of section 3010 of title 39.

Accordingly, the Department proposes the following regulations, to be effective February 1, 1971.

In Part 124 new § 124.9 is added, reading as follows:

§ 124.9 Sexually oriented advertisements.

(a) *General.* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. 3011 and in 18 U.S.C. 1735–37.

(2) 39 U.S.C. 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for ensuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by section 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the List.

(b) *Application for listing.* (1) A person may invoke the protection of section 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office to the Office of ADP Management, Finance and Administration Department, U.S. Postal Service, Box 677, Washington,

DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Office of ADP Management, Finance and Administration Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. The 30-day period provided by section 3010(b) starts on the day that the person's name and address are placed on the List.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing.* A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of section 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service List.* (1) Copies of the List and periodic amendments thereto shall be available to any person by annual subscription. A subscription year runs from January 1 through December 31. Requests for information on subscriptions and requests for subscriptions should be submitted to the Director, Office of Mail Classification, Finance & Administration Department, U.S. Postal Service, Washington, DC 20260. Requests for subscriptions must be accompanied by a check for $5,000 payable to the U.S. Postal Service. This money will be applied to the subscription price at the end of the year, and any excess will be refunded to the subscriber. The annual subscription price will be established following each subscription year, and will represent the cost, prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription price exceed $10,000. The List will be in the form of a reduced reproduction of computer print outs. For an additional fee a computer tape of the listings can also be secured in conjunction with subscriptions to the List. Details of the List format may be obtained from the Director, Office of Mail Classification.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope.* Section 3010 (a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the notice, separating them from anything else appearing on the exterior face of the mail piece.

(f) *Violations.* (1) The following is a partial list of conduce which may violate 39 U.S.C. section 3010 or U.S.C. section 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the List for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b)(1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed on the List should direct his inquiry to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b)(1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b)(4) of this section has been obtained and shall thereafter be destroyed.

DAVID A. NELSON,
General Counsel.

JANUARY 11, 1971.

[FR Doc.71-501 Filed 1-12-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 70-SO-99]

RESTRICTED AREAS

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering proposals submitted by the Department of the Navy that would designate temporary restricted areas in the coastal region adjacent to Jacksonville, Beaufort, and Lake Waccamaw, N.C., and alter Restricted Area R-5306A.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the designation of the following temporary restricted areas and alteration of R-5306A:

1. Name: R-5305 Exotic Dancer IV Joint Military Exercise.

Location: Jacksonville, N.C.

Boundaries: Beginning at point on the northwest boundary of Restricted Area R-5306A at lat. 35°02'00" N., long. 76°58'15" W.; thence southwest and southeast along the boundary of R-5306A, R-5306B, and R-5306C to lat. 34°30'20" N., long. 77°15'50" W.; thence southwest along the boundary of Warning Area W-122 to lat. 34°17'45" N., long. 77°37'50" W.; to lat. 34°35'30" N., long. 77°42'30" W.; to lat. 34°37'30" N., long. 77°50'00" W.; to lat. 34°55'00" N., long. 77°49'30" W.; to lat. 35°15'00" N., long. 77°30'00" W.; to lat. 35°02'00" N., long. 77°09'00" W.; thence counterclockwise along the boundary of the New Bern control zone to the point of beginning, excluding the airspace below 5,000 feet MSL within the Jacksonville, N.C., control zone and Jacksonville transition area (8.5 statute mile radius of New River MCAS lat. 34°42'25" N., long. 77°26'35" W., and 6.5 statute mile radius of Albert Ellis, N.C., Airport lat. 34°49'49" N., long. 77°36'42" W.); excluding that airspace below 5,000 feet MSL, 4 nautical miles either side of the New River, N.C. (NCA), radio beacon 312° M bearing extending from New River MCAS to the Albert Ellis Airport; transition area; and that airspace from 1,000 to 5,000 feet MSL within 4 nautical miles either side of the Wilmington, N.C., VORTAC 047° M (051° T) radial, extending from the Jacksonville transition area southwest to the restricted area boundary; excluding that airspace from 1,000 to 5,000 feet MSL within 4 nautical miles either side of the Fayetteville, N.C., VORTAC 102° M (106° T) radial, extending from the Jacksonville transition area, westward to the restricted area boundary, and excluding the airspace below 3,000 feet MSL, within a 5-statute-mile radius of the Beaufort-Morehead City Airport and within 5 statute miles each side of a line extending from the Airport to the New Bern VOR.

Designated Altitude: Surface to 17,000 feet MSL.

Time of Designation: Continuous, May 1 through May 14, 1971.

Controlling Agency: FAA, Washington ARTC Center, Leesburg, Va.

Using Agency: U.S. Atlantic Command, Norfolk, Va.

2. Name: R-5307 Exotic Dancer IV Joint Military Exercise.

Location: Beaufort, N.C.

Boundaries: Beginning at the northeast corner of Restricted Area R-5306A at lat. 35°-04'30" N., long. 76°04'30" W.; to lat. 35°00'-30" N., long. 76°01'20" W.; thence southwest along the boundary of Warning Area W-122 to lat. 34°37'30" N., long. 76°56'20" W.; thence north and northeast along the eastern boundary of R-5306A to point of beginning, excluding the airspace below 3,000 feet MSL, within a 5-statute-mile radius of the Beaufort-Morehead City Airport and within 5 statute miles each side of a line extending from the Airport to the New Bern VOR.

Designated Altitude: Surface to FL 350.

Time of Designation: Continuous, May 1 through May 14, 1971.

Controlling Agency: FAA, Washington ARTC Center, Leesburg, Va.

Using Agency: U.S. Atlantic Command, Norfolk, Va.

3. Name: R-5309 Exotic Dancer IV Joint Military Exercise.

Location: Lake Waccamaw, N.C.

Boundaries: Beginning at lat. 34°23'30" N., long. 78°35'00" W.; to lat. 34°19'30" N., long. 78°20'30" W.; to lat. 34°11'40" N., long. 76°-15'30" W., to lat. 34°05'30" N., long. 78°25'-00" W.; to lat. 34°15'30" N., long. 78°35'00" W.; thence to point of beginning.

Designated Altitude: Surface to 17,000 feet MSL.

Time of Designation: April 23 through May 13, 1971.

Controlling Agency: FAA, Washington ARTC Center, Leesburg, Va.

Using Agency: U.S. Atlantic Command, Norfolk, Va.

4. Alter Restricted Area R-5306A to exclude temporarily from May 1, 1971, through May 14, 1971, the airspace below 3,000 feet MSL, within a 5-statute-mile radius of the Beaufort-Morehead city Airport and within 5 statute miles each side of a line extending from the Airport to the New Bern VOR.

The proposed restricted areas would be utilized for a Joint Military Training Exercise, wherein during the designated period extensive air drop and landing assaults will occur in support of ground forces. Tactical air maneuvers will be contained in the proposed special use airspace under both VFR and IFR conditions through direct control by the appropriate Military Air Traffic Regulations Center. Nonexercise air traffic generated by civil airports within the proposed restricted area will be handled on a coordinated basis using preferential routings, altitudes and coordinated times to effect safe ingress and egress of the proposed area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 8, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-442 Filed 1-12-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation and Redesignation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Virginia as set forth in the following new §§ 481.143–481.146 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to change the name of the presently designated Metropolitan Norfolk Intrastate Air Quality Control Region (§ 481.93) to the Hampton Roads Intrastate Air Quality Control Region.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Virginia, Maryland, West Virginia, and North Carolina and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and redesignation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and redesignation. Such consultation will take place at 10 a.m., January 12, 1971, in the Department of Highways Auditorium, 1221 East Broad Street, Richmond, VA.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation.

The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.143 Central Virginia Intrastate Air Quality Control Region.

The Central Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Amelia.	Franklin.
Amherst.	Halifax.
Appomattox.	Henry.
Bedford.	Lunenburg
Brunswick.	Mecklenburg
Buckingham.	Nottoway.
Campbell.	Patrick.
Charlotte.	Pittsylvania.
Cumberland.	Prince Edward.

CITIES

Bedford.	Martinsville.
Danville.	South Boston
Lynchburg.	

§ 481.144 Northeastern Virginia Intrastate Air Quality Control Region.

The Northeastern Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Accomack.	Louisa.
Albemarle.	Madison.
Caroline.	Mathews.
Culpeper.	Middlesex.
Essex.	Nelson.
Fauquier.	Northampton.
Fluvanna.	Northumberland.
Gloucester.	Orange.
Greene.	Rappahannock.
King and Queen.	Richmond.
King George.	Spotsylvania.
King William.	Stafford.
Lancaster.	

CITIES

Charlottesville.	Fredericksburg.

§ 481.145 State Capital Intrastate Air Quality Control Region.

The State Capital Intrastate Air Quality Control Region (Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Charles City.	Henrico.
Chesterfield.	New Kent.
Dinwiddie.	Powhatan.
Goochland.	Prince George
Greensville.	Surry.
Hanover.	Sussex.

CITIES

Colonial Heights.	Petersburg.
Emporia.	Richmond.
Hopewell.	

§ 481.146 Valley of Virginia Intrastate Air Quality Control Region.

The Valley of Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

COUNTIES

Alleghany.	Highland.
Augusta.	Montgomery
Bath.	Page.
Botetourt.	Pulaski.
Clarke.	Roanoke.
Craig.	Rockbridge.
Floyd.	Rockingham.
Frederick.	Shenandoah.
Giles.	Warren.

CITIES

Buena Vista.	Roanoke.
Clifton Forge	Salem.
Covington.	Staunton.
Harrisonburg.	Waynesboro
Lexington.	Winchester.
Radford.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: January 7, 1971.

WILLIAM T. RUCKELSHAUS,
Administrator.

[FR Doc.71–415 Filed 1–12–71;8:48 am]

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation of Regions; Consultation With State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of North Carolina as set forth in the following new §§ 481.147–481.153 inclusive which would be added to Part 481 of title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of North Carolina, Virginia, South Carolina, and Tennessee, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 10 a.m., January 13, 1971, in the Governor's Conference Room, Administration Building, 116 West Jones Street, Raleigh, NC.

Mr. Gene B. Welsh is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Welsh, Air Pollution Control Office, Environmental Protection Agency, Room 404, 50 Seventh Street NE., Atlanta, GA 30323.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.147 Eastern Mountain Intrastate Air Quality Control Region.

The Eastern Mountain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Alexander County.	Mitchell County.
Alleghany County.	Polk County.
Ashe County.	Rutherford County
Avery County.	Watauga County.
Burke County.	Wilkes County.
Caldwell County.	Yancey County.
McDowell County.	

§ 481.148 Eastern Piedmont Intrastate Air Quality Control Region.

The Eastern Piedmont Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Chatham County.	Northampton County.
Durham County.	Orange County.
Edgecombe County.	Person County.
Franklin County.	Vance County.
Granville County.	Wake County.
Halifax County.	Warren County.
Johnston County.	Wilson County.
Lee County.	
Nash County.	

§ 481.149 Northern Coastal Plain Intrastate Air Quality Control Region.

The Northern Coastal Plain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Beaufort County.	Hyde County.
Bertie County.	Martin County.
Camden County.	Pasquotank County.
Chowan County.	Perquimans County.
Currituck County.	Pitt County.
Dare County.	Terrell County.
Gates County.	Washington County.
Hertford County.	

§ 481.150 Northern Piedmont Intrastate Air Quality Control Region.

The Northern Piedmont Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Brunswick County.	Lenoir County.
Carteret County.	New Hanover County.
Columbus County.	Onslow County.
Craven County.	Pamlico County.
Duplin County.	Pender County.
Greene County.	Wayne County.
Jones County.	

§ 481.153 Western Mountain Intrastate Air Quality Control Region.

The Western Mountain Intrastate Air Quality Control Region (North Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdicitions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Buncombe County.	Jackson County.
Cherokee County.	Macon County.
Clay County.	Madison County.
Graham County.	Swain County.
Haywood County.	Transylvania County.
Henderson County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: January 7, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–416 Filed 1–12–71;8:48 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R–405]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Notice of Extension of Time

JANUARY 11, 1971.

On December 16, 1970, the National Electric Reliability Council filed a request for an extension of time within which to submit information required to be filed on or before January 7, 1971, by the "Policy Statement Notice of Investigation and Proposed Rulemaking with Respect to Developing Emergency Plans" (Notice) issued on November 4, 1970, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including January 27, 1971, within which the information heretofore required to be filed by January 7, 1971, by the Notice, issued November 4, 1970, shall be filed with the Commission.

GORDON M. GRANT,
Secretary.

[FR Doc.71–532 Filed 1–12–71;10:00 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 429]

COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Notice of Additional Hearing Dates and Extension of Time for Submitting Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

Notice of a public hearing regarding the proposed Trade Regulation Rule to be held on January 19, 1971, at the Federal Trade Commission Building in Washington, D.C. was published in the FEDERAL REGISTER September 29, 1970 on page 15164 (35 F.R. 15164). The notice also set forth the text of the proposed rule.

The Federal Trade Commission has scheduled an additional hearing on the above-captioned rule. The hearing will be held on February 23 and 24, 1971, commencing at 10 a.m., c.s.t., each day in Room 204A, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, IL.

All interested persons desiring to orally present views at the hearing should so inform Mr. Jerome S. Lamet, Senior Attorney, Federal Trade Commission, Room 486, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604, not later than February 16, 1971, and state the estimated time required for such oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with Mr. Lamet, on or before February 16, 1971.

The Commission has extended from January 12, 1971, until February 16, 1971, the closing date for the submission of written data, views, or arguments concerning the proposed rule. These should be submitted to the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580.

To the extent practicable, persons filing written presentations or prepared statements which are in excess of two pages should submit 20 copies.

Copies of the original notice including the proposed rule may be obtained upon request to the Federal Trade Commission at either of the addresses shown herein.

Issued: January 13, 1971.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc.71–405 Filed 1–12–71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 3)]

GENERAL RULES OF PRACTICE (DISCOVERY RULES)

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of December 1970.

This general investigation and rulemaking proceeding is directed to a thorough examination and evaluation of our existing discovery procedures and techniques, and certain revisions of those discovery practices proposed by the Association of Interstate Commerce Commission Practitioners, the Committee on Practice and Procedure of the Motor Carrier Lawyers' Association, and the Administrative Conference of the United States. The recognized aim of discovery in an administrative agency proceeding is to ensure that each party to the proceeding has access to all pertinent, unprivileged information prior to the actual presentation of the evidence, in order to enable all parties to participate more fairly and effectively in the administrative decision-making process. We intend here to consider the needs of all parties—industry and consumer representatives alike—for more effective and efficient discovery devices than those now specified in our Rules of Practice, with a view toward adopting those discovery and other related procedures that will best aid in developing the fairest and most complete record that may be compiled in each case coming before this Commission for decision.

During the past several years, we have become increasingly concerned with the efficacy of our present rules and regulations (49 CFR Part 1100), concerning discovery as reproduced in Appendix A to this notice.[1] While specific discovery tools such as depositions (49 CFR 1100.57 through 1100.67) and prehearing conferences (49 CFR 1100.68) are provided in our present Rules of Practice, any participant in any of our proceedings may petition this Commission for the prescription of appropriate discovery procedures tailored to the special requirements of the particular case (49 CFR 1100.102). The expense, delay, and inconvenience of deposition procedures, the impracticality of, and costs entailed in scheduling prehearing conferences in the many cases annually presented to this Commission, and the uncertainties involved in the general petition procedures—all seem to discourage efforts by parties having genuine interests in proceedings pending before this Commission to avail themselves of these discovery techniques. As a result, recourse to such procedures has been sought only in rare instances.

[1] Filed as part of the original document.

This Commission's regulatory responsibility is exceptionally broad, and we are daily confronted with a sweeping variety of cases ranging from a relatively simple motor carrier licensing case to a complex rail merger or general rate increase proceeding, and affecting the public interest and the National Transportation Policy to varying degrees. Certain of these proceedings lend themselves readily to the scheduling of prehearing conferences and the use of specific discovery devices. Others do not warrant the burden and expense entailed in such procedures. To fit all these cases into one unyielding judicialized mold would, in our view, be contrary to sound administration and inimical to fair, efficient, and expeditious decision-making.

To cite but one example, which represents by far the greatest majority of formal proceedings presented to this Commission—those involving applications for motor carrier operating authority—we have found it necessary to require full disclosure by applicants of the nature and identity of supporting testimony upon which they intend to rely. See Schaeffer and Schaeffer Extension—New York City, 106 M.C.C. 100 (1967), as modified in Carl Subler Trucking, Inc., Extension—Canned Goods, 111 M.C.C. 624 (1970), and Carolina Transit Lines, Com. Car. Applic., 111 M.C.C. 630 (1970). Protests filed by those opposing the applications also must contain more information in greater detail. (49 CFR 1100.247) Additionally, in individual proceedings involving applications for motor carrier authority and in rulemaking proceedings, we have specified explicit procedures to require a greater degree of disclosure by all parties concerned. Disclosure, however, concerns only that information within the possession of a party which the party itself desires or is required by our regulations to be made known, and does not generally permit the latitude for information-gathering which may be possible pursuant to appropriate discovery procedures.

Each of the many and varied proceedings presented for decision should, we think, be governed by procedures which will facilitate and make effective the participation of Government and private interests alike, including the actual suppliers and customers of transportation services as well as the ultimate consumer, and yet do so without increased expense or delay. We are especially concerned that consumer groups may be unable, in appropriate proceedings, properly to prepare their presentations, and thus have adequate representation, due either to a lack of sufficient information now discoverable or to the absence of proper procedures to facilitate discovery. We must thus accommodate the needs of the interested parties and this Commission for greater and more reliable information with the essential requirements for a just, speedy, and inexpensive determination of the issues presented. In this process of accommodation, we are convinced that the door to the administrative decisional process must always remain open to those who cannot afford to hire talented counsel, for these are the very persons whom administrative agencies such as this Commission were initially created to hear without the aid of a go-between. Fair and expeditious decisions and economical procedures are prerequisites to sound regulation.

A number of studies of administrative discovery methods have been made by this Commission, the Administrative Conference of the United States, the Motor Carrier Lawyers' Association, and the Association of Interstate Commerce Commission Practitioners. As a result of these studies, and in order to consider certain recommendations made therein, we are, by this notice and order, instituting this general investigation and rulemaking proceeding to examine our existing discovery procedures, and to consider the desirability of either modifying the existing rules or replacing them with entirely new, and broadened discovery measures.

The comments of the Administrative Conference of the United States concerning existing administrative-agency discovery methods and general recommendations for change are set forth in Appendix B; and proposed discovery rules to replace those now in force as recommended by the Motor Carrier Lawyers' Association and the Association of Interstate Commerce Commission Practitioners are respectively reproduced in Appendices C and D to this notice and order. The Administrative Conference recommends that each agency adopt certain minimum standards for discovery in adjudicatory proceeding subject to 5 U.S.C. 554, 556, and 557 (the Administrative Procedure Act). In general, the rules prepared by the Practitioners' association would permit unlimited discovery in certain classes of cases in much the same manner as the Federal Rules of Civil Procedure, while those advanced by the Motor Carrier Lawyers' Association would require affirmative action by this Commission prior to discovery.

In order to develop a complete record upon which the necessary determinations may here be made, the procedures in this rulemaking proceeding will permit any interested person or persons to present written comments, suggestions, or proposals concerning the matters under consideration. Parties should be cognizant that any discovery procedures, if not drawn and administered in the most careful manner, can result in creating added expenses and increased procedural delays, instead of accomplishing their intended purposes. As a consequence, persons electing to participate in this proceeding are requested to address themselves to the following questions in addition to any additional suggestions or comments they may wish to present:

(1) Is there a need to modify this Commission's existing discovery procedures in whole or in part?

(2) Are the recommended minimum standards set forth by the Administrative Conference properly applicable and necessary to proceedings before this Commission? How can we best accommodate the needs of the parties and this Commission for information with the requirement for a just, speedy, and inexpensive determination of the issues?

(3) Should any broadened discovery rules be made applicable to all cases, to certain specified classes of cases, or only to specific cases individually designated by appropriate order?

(4) With respect to the proposals of the Motor Carrier Lawyers' Association and the Interstate Commerce Commission Practitioners Association, should these proposed rules be adopted, rejected, or modified; and, as so recommended, do they contain significant omissions or duplications? Are the proposed rules as simple and clear as possible?

(5) What safeguards are necessary to prevent abuse of such discovery procedures as may be adopted? Are the opportunities for delays or the burdens on the parties too great?

The proposals and comments set forth in this notice and order are merely representative of the matters and things here under investigation, and are not intended to be all-inclusive; they should not be construed as limiting in any manner the scope of this proceeding which is designed to enable this Commission to take all action with respect to discovery and other related procedures as the facts and circumstances developed on the record in this proceeding may justify or require.

Upon consideration of the above-described matters, and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of the Interstate Commerce Act (49 U.S.C. § 1 et seq.), including more specifically sections 12 and 17, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the revised rules set forth in the appendices to this notice, or other rules or regulations of similar effect should be adopted to establish new (or modify existing) discovery procedures, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the taking of testimony in this proceeding unless a need therefor should later appear, but that any interested person may participate in this proceeding by submitting for consideration written statements of facts, views, arguments, and suggestions on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify this Commission, by filing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 1, 1971, the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commissions or Boards of every State; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX B—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Recommendation 21: Discovery in Agency Adjudication

Prehearing discovery in agency adjudication insures that the parties to the proceeding have access to all relevant, unprivileged information prior to the hearing. Its primary objectives include the more expeditious conduct of the hearing itself, the encouragement of settlement between the parties, and greater fairness in adjudication. Agencies that conduct adjudicatory proceedings generally enjoy broad investigatory powers, and fairness requires that private parties have equal access to all relevant, unprivileged information at some point prior to the hearing.

RECOMMENDATION

It is therefore recommended that each agency recognize the following minimum standards for discovery in adjudicatory proceedings subject to sections 5, 7, and 8 of the Administrative Procedure Act, now codified as 5 U.S.C. 554, 556, and 557. Individual agencies may permit additional discovery where appropriate and may tailor the recommended standards to meet the needs of particular types of proceedings where special or less elaborate discovery procedures will accomplish the same basic objectives or where the protective measures here recommended will be inadequate to achieve the ends sought. Each agency should undertake to train its hearing examiners in the application of the rules it promulgates to implement these standards. This training should draw upon the experience of other agencies, the Federal Courts, private practitioners, and bar associations.

The recommended minimum standards include the following procedures:

1. *Prehearing conferences.* The presiding officer should have the authority to hold one or more prehearing conferences during the course of the proceeding on his own motion or at the request of a party to the proceeding. The presiding officer should normally hold at least one prehearing conference in proceedings where the issues are complex or where it appears likely that the hearing will last a considerable period of time. The presiding officer at a prehearing conference should have the authority to direct the parties to exchange their evidentiary exhibits and witness lists prior to the hearing. Where good cause exists, the parties should have the right at any time to amend, by deletion or supplementation, their evidentiary exhibits and witness lists.

2. *Depositions.* A party to the proceeding should be able to take depositions of witnesses upon oral examination or written questions for purposes of discovering relevant, unprivileged information, subject to the following conditions:

(1) The taking of depositions should normally be deferred until there has been at least one prehearing conference;

(2) The party seeking to take a deposition should apply to the presiding officer for an order to do so;

(3) The party seeking to take a deposition should serve copies of the application on the other party or parties to the proceeding, who should be given an opportunity, along with the deponent, to notify the presiding officer of any objections to the taking of the deposition;

(4) The presiding officer should not grant an application to take a deposition if he finds that the taking of the deposition would result in undue delay;

(5) The presiding officer should otherwise grant an application to take a deposition unless he finds that there is not good cause for doing so; and

(6) The deposing of an agency employee should only be allowed upon an order of the presiding officer based on a specific finding that the party applying to take the deposition is seeking significant, unprivileged information not discoverable by alternative means. Any such order should be subject to an interlocutory appeal to the agency.

An order to take a deposition should be enforceable through the issuance of a subpoena ad testificandum.

3. *Witnesses*—(a) *Prior statements.* At the prehearing conference or at some other reasonable time prior to the hearing the attorney or employee appearing on behalf of the agency in the proceeding should make available to the other parties to the proceeding any prior statements of agency witnesses which are in the possession of the agency or obtainable by it from any other Federal agency and which relate to the subject matter of the expected testimony. "Statement" is defined to include only a written statement signed or adopted by the witness or a recording or transcription which is a substantially verbatim recital of an oral statement made by the witness to an agent of the Federal government.

(b) *Narrative summaries of expected testimony.* At the prehearing conference or at some other reasonable time prior to the hearing each party to the proceeding should make available to the other parties to the proceeding the names of the witnesses he expects to call and a narrative summary of their expected testimony. The attorney or employee appearing on behalf of the agency in the proceeding should have the authority to designate any prior statement or statements of an agency witness which he makes available to the other parties under Recommendation 3(a) as all or part of the narrative summary of that witness's expected testimony. Where good cause exists, the parties should have the right at any time to amend, by deletion or supplementation, the list of names of the witnesses they plan to call and the narrative summaries of the expected testimony of those witnesses.

4. *Witten Interrogatories to Parties*—(a) *Availability.* A party to the proceeding should be able to serve written interrogatories upon any other party for purposes of discovering relevant, unprivileged information. A party served with interrogatories should be able, before he must answer the interrogatories, to apply to the presiding officer for the holding of a prehearing conference for the

mutual exchange of evidentiary exhibits and other information. Each interrogatory which requests information not previously supplied at a prehearing conference should be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection should be stated in lieu of an answer. The party upon whom the interrogatories have been served should serve a copy of the answers and objections within a reasonable time upon the party submitting the interrogatories. The party submitting the interrogatories may move the presiding officer for an order compelling an answer to an interrogatory or interrogatories to which there has been an objection or other failure to answer.

(b) *Interrogatories directed to the agency.* Each agency should designate an appropriate official on whom other parties to the proceeding may serve written interrogatories directed to the agency. That official should arrange for agency personnel with knowledge of the facts to answer and sign the interrogatories on behalf of the agency. The attorney or employee appearing on behalf of the agency in the proceeding should have the authority to make and sign objections to interrogatories served upon the agency. Interrogatories directed to the agency which seek information available only from the agency head, member, or members should only be allowed upon an order of the agency based on a specific finding that the interrogating party is seeking significant unprivileged information not discoverable by alternative means.

5. *Requests for admissions*—(a) *Availability.* A party to the proceeding should be able to serve upon any other party a written request for the admission, for purposes of the pending proceeding, of any relevant, unprivileged facts, including the genuineness of any document described in the request.

(b) *Requests directed to the agency.* Each agency should designate an appropriate official on whom other parties to the proceeding may serve requests for admissions directed to the agency. That official should arrange for agency personnel with knowledge of the facts to respond to the requests on behalf of the agency. The attorney or employee appearing on behalf of the agency in the proceeding should have the authority to make and sign objections to requests for admissions served upon the agency. Requests directed to the agency which seek admissions obtainable only from the agency head, member or members should only be allowed upon an order of the agency based on a specific finding that the requesting party is seeking significant, unprivileged information not discoverable by alternative means.

6. *Production of documents and tangible things*—(a) *From nonparties.* A party to the proceeding should be able to obtain in accordance with agency rules a subpoena duces tecum requiring a nonparty to produce relevant designated documents and tangible things, not privileged, at a prehearing conference, at the taking of the nonparty's deposition, or at any other specific time and place designated by the issuing officer.

(b) *From parties.* A party to the proceeding should be able to apply to the presiding officer for an order requiring any other party to produce and to make available for inspection, copying or photographing, at a prehearing conference or other specific time and place, any designated documents and tangible things, not privileged, which constitute or contain relevant evidence. The party seeking production should serve copies of the application on the other party or parties to the proceeding, who should be given an opportunity to notify the presiding officer of any objections. The presiding officer should order the production of such designated documents and tangible things unless he finds that there is not good cause for doing so.

(c) *From the agency.* For the purposes of Recommendation 6, the agency conducting the proceeding should be considered a party to the proceeding whether or not the agency staff participates as a party to the proceeding.

7. *Role of the presiding officer*—(a) *Control over discovery.* The presiding officer should have the authority to impose schedules on the parties to the proceeding specifying the periods of time during which the parties may pursue each means of discovery available to them under the rules of the agency. Such schedules and time periods should be set with a view to accelerating disposition of the case to the fullest extent consistent with fairness.

(b) *Interlocutory appeals.* Except as provided by Recommendation 2(6) above, an interlocutory appeal from a ruling of the presiding officer on discovery should be allowed only upon certification by the presiding officer that the ruling involves an important question of law or policy which should be resolved at that time by the appropriate review authority. Notwithstanding the presiding officer's certification, the review authority should have the authority to dismiss summarily the interlocutory appeal if it should appear that the certification was improvident. An interlocutory appeal should not result in a stay of the proceedings except in extraordinary circumstances.

8. *Protective orders*—(a) *Authority of presiding officer in general.* The presiding officer should have the authority, upon motion by a party or by the person from whom discovery is sought, and for good cause shown, to make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) That the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the presiding officer; (6) that a deposition after being sealed be opened only by order of the presiding officer; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the presiding officer.

(b) *Names of witnesses.* The presiding officer should have the authority upon motion by a party or other person, and for good cause shown, by order (a) to restrict or defer disclosure by a party of the name of a witness, a narrative summary of the expected testimony of a witness or, in the case of an agency witness, any prior statement of the witness, and (b) to prescribe other appropriate measures to protect a witness. Any party affected by any such action should have an adequate opportunity, once he learns the name of a witness and obtains the narrative summary of his expected testimony or, in the case of an agency witness, his prior statement or statements, to prepare for cross-examination and for the presentation of his case.

(c) *In camera proceedings.* The presiding officer should have the authority to permit a party or person seeking a protective order to make all or part of the showing of good cause in camera. A record should be made of such in camera proceedings. If the presiding officer enters a protective order following a showing in camera, the record of such showing should be sealed and preserved and made available to the agency or court in the event of an appeal.

9. *Subpoenas.* The presiding officer should have the power to issue subpoenas ad testificandum and duces tecum at any time during the course of the proceeding. Agencies affected by these Recommendations that do not have the statutory authority to issue subpoenas should seek to obtain any necessary authority from the Congress.

APPENDIX C—RECOMMENDATIONS OF THE COMMITTEE ON PRACTICE AND PROCEDURE OF THE MOTOR CARRIERS LAWYERS' ASSOCIATION

The proposed rules have been drafted so that they might be incorporated into the Commission's present rules of practice in the following manner:

(1) The proposed rules may be physically substituted for present rules 57 through 67 and the present corresponding rules may be eliminated.

(2) The caption preceding rule 55 should be changed to read "Notice of Hearing; Subpoenas; Depositions; Discovery."

(3) Rule 102 should be amended by eliminating the parenthetical phrase "which relief shall be construed as including appropriate discovery procedures."

Rule 57—*Discovery.*

Parties may obtain discovery in any proceeding by serving written interrogatories in compliance with Rule 63 or by serving requests for admission in compliance with Rule 64. Discovery by deposition upon oral examination may be had only by order of the Commission issued pursuant to Rule 60 (a)(2), upon a showing of good cause in the petition requesting such an order. A showing of good cause supporting a request for an oral deposition for purposes of discovery must include a showing that preliminary discovery has been sought through written interrogatories and/or requests for admission or an explanation why preliminary discovery through such means was not attempted. If written interrogatories and/or requests for admission have been served prior to the filing of a petition for an order under Rule 60(a)(2), the required showing of good cause shall include an explanation why interrogatories and/or requests for admission already served have not provided adequate discovery. Discovery may also be had for production of documents or things or permission to enter on land or other property for inspection or other purposes as set forth in Rule 66.

Rule 58—*Discovery; scope and protective orders.*

(a) *Scope.* Unless otherwise ordered in accordance with these rules, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible as evidence or relates to the position and burden of proof of another party, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(b) *Protective orders.* Upon motion by any party, or by the person from whom discovery is sought, or by any person asserting an interest in the data, information or material sought to be discovered, and for good cause shown, any order which justice requires may be entered to protect a party or person from

annoyance, embarrassment, oppression, or undue burden of expense, or prevent the raising of issues untimely or inappropriate to the proceeding. Relief through a protective order may include one or more of the following: (1) That discovery not be had; (2) that discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that discovery may be had only upon provision for indemnification to the party or person against whom discovery is sought; (4) that discovery may be had only by a method other than that selected by the party seeking discovery; (5) that certain matters not be inquired into, or that the scope of discovery be limited to certain matters; (6) that discovery be conducted with no one present except persons designated in the protective order; (7) that a deposition after being sealed be opened only by order of the Commission; (8) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (9) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened only by order of the Commission.

If the motion for a protective order is denied in whole or in part, an order may be entered, on such terms and conditions as are just, requiring any party or person to provide or permit discovery.

Rule 59—*Discovery; supplementation of reponses and stipulations.*

(a) *Supplementation of Responses.* A person who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows: (1) A person is under a duty seasonably to supplement his response with respect to any question directly addressed to (A) the identity and location of persons having knowledge of discoverable matters, and (B) the identity of each person expected to be called as an expert witness at the hearing and the subject matter on which he is expected to testify; (2) a person who knows or later learns that his response is incorrect is under a duty seasonably to correct the response; and (3) a duty to supplement responses may be imposed by order, agreement of the parties, or at any time prior to hearing or the submission of verified statements under modified procedure, through requests for supplementation of prior responses.

(b) *Stipulations regarding discovery.* Unless otherwise ordered, the parties may by written stipulation filed with the Commission (1) provide that depositions be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery.

Rule 60—*Depositions.*

(a) *Purpose.* (1) The Commission will either upon its own initiative, or upon good cause shown by a party to the proceeding, issue an order to take the testimony of any person, including a party, by deposition upon oral examination for use as evidence. (2) The Commission may in accordance with Rule 57 issue an order to take the testimony of any person, including a party, by deposition upon oral examination for purposes of discovery, which may also include use of the deposition as evidence. The attendance of witnesses may be compelled by the use of subpenas as provided in Rule 56.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or a person designated by written stipulation of all parties filed with the Commission.

(c) *When taken.* Unless special circumstances and good cause are shown, no deposition shall be taken within 10 days prior to the date assigned for commencement of hearing or the filing of opening statements of fact and argument under modified procedure, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such dates.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission shall be entitled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

Rule 61—*Depositions; petitions and orders.*

(a) *Petitions.* A petition requesting an order to take a deposition and to produce documents and materials (1) shall be filed with due regard to the time periods specified in Rule 60(c); (2) shall be served upon all parties to the proceeding and upon the person sought to be deposed and/or the custodian of the documents or materials to be produced; (3) shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause of reason why such deposition should be taken; and (4) shall specify with particularity the documents and materials which the deponent is requested to produce.

(b) *Order.* If the petition requesting an order to take a deposition is granted, which action may be taken without awaiting the possible filing of a reply, the Commission will serve upon the parties an order naming the witness whose deposition is to be taken, and specifying the time when, the place where, and the officer before whom the witness is to testify, but such time and place, and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as set out in the petition.

(c) *Where depositions shall be taken.* Unless otherwise ordered or agreed to by stipulation, depositions shall be taken in the city or municipality wherein the office of deponent is located.

Rule 62—*Depositions; procedures.*

(a) *Examination.* Examination and cross-examination of witnesses shall proceed as permitted at a hearing. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

(b) *Motions to protect.* At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the officer conducting the examination may be ordered to cease forthwith from taking the deposition, or *may limit* the scope and manner of the taking of the deposition may be limited as provided in Rule 58(b). If the order made terminates the examination, it shall be resumed thereafter only if so ordered. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

(c) *Recordation.* The officer before whom the deposition is to be taken shall observe the provisions respecting appearances (Rule 71(a)), and typographical specifications (Rule 15), put the witness on oath, and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise to record the evidence.

(d) *Signing.* When the testimony is fully transcribed or otherwise recorded the deposition of each witness shall be submitted to him for examination and shall be read to or by him unless such examination and reading are waived by the witness and the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness unless the parties by stipulation waive the signing or the witness is ill or can not be found or refuses to sign. If the deposition is not signed by the witness within 15 days the officer shall sign it and state thereon the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, it is otherwise found that the reasons given for the refusal to sign requires rejection of the deposition in whole or in part.

(e) *Attestation.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not of counsel or attorney for any of the parties, and that he is not interested in the event or the proceedings.

(f) *Return.* The officer shall securely seal the deposition in an envelope endorsed with sufficient information to identify the proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send the original and one copy thereof together with the original and one copy of all exhibits, by registered mail to the Secretary of the Commission. A deposition to be offered in evidence must reach the Commission not later than 5 days before the date it is to be so offered.

(g) *Notice.* The party taking the deposition shall give prompt notice of its filing to all other parties.

(h) *Copies.* Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

Rule 63—*Written interrogatories.*

(a) *Availability; procedures for use.* Any party may serve upon any person written interrogatories to be answered by the person served or, if the person served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the person.

Each interrogatory shall be answered separately and fully in writing unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them and subscribed by an appropriate verification generally in the form prescribed in No. 6 of Appendix B to these rules. Objections are to be signed by the attorney making them. The person upon whom the interrogatories have been served

shall serve a copy of the answers and objections within a period designated by the party submitting the interrogatories, not less than 15 days after the service thereof.

(b) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the person upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the person served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

If information sought is contained in computer runs, punch cards or tapes which also contain privileged or proprietary information or information the disclosure of which is proscribed by the Interstate Commerce Act, it shall be a sufficient response under these rules, that the person upon whom the interrogatory has been served is willing to make available to and permit an independent professional organization not interested in the proceeding and paid by the party serving the interrogatory to extract from such runs punch cards or tapes the information sought in the interrogatory that is not privileged or proprietary information or information the disclosure of which is proscribed by the Interstate Commerce Act.

Rule 64—*Request for admission.*

(a) *Availability; procedures for use.* A party may serve upon any other party a written request for the admission, for purposes of the pending proceeding only, of the truth of any matters within the scope of Rule 58 (a) set forth in the request, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection.

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within a period designated in the request, not less than 15 days after service thereof the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party can not truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for hearing may not, on that ground alone, object to the request; he may deny the matter or set forth reasons why he can not admit or deny it.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless it is ordered that withdrawal or amendment of the admission will be permitted. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

Rule 65—*Depositions, request for admission and written interrogatories—inclusion in record.*

At the oral hearing, or upon the submission of statements under modified procedure, depositions, requests for admission and written interrogatories may be offered in evidence by the party at whose instance they were taken. If not offered by such party, they may be offered in whole or in part by any other party. If only part of a deposition, request for admission or written interrogatory is offered in evidence by a party, any other party may require him to introduce all of it, which is relevant to the part introduced and any party may introduce any other parts. Such depositions, requests for admission and written interrogatories shall be admissible in evidence subject to such objections as to competency, relevancy, or materiality of the testimony as were noted at the time of their taking or are made at the time they are offered in evidence.

Rule 66—*Production of documents and things and entry upon land for inspection and other purposes.*

(a) *Scope.* Upon petition and if the Commission determines good cause is shown the Commission may issue an order and direct any party (1) to produce and permit the petitioning party to inspect any designated documents (including writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which intelligence can be perceived, with or without the use of detection devices) or to inspect, test, or sample any tangible things which constitute or contain matters within the scope of Rule 58(a) and which are in the possession, custody or control of the party upon whom the order is served, but if the writings or data compilations (including computer runs, punch cards, and tapes) include privileged or proprietary information or information the disclosure of which is proscribed by the Interstate Commerce Act, such writings or data compilations need not be produced under this rule but may be provided pursuant to Rule 63(b); or (2) to permit, subject to appropriate liability releases, and safety and operating considerations, entry upon designated land or other property in the possession or control of the party upon whom the order is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 58(a).

(b) *Procedure.* The petition shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The petition shall specify a reasonable time, place and manner of making the inspection and performing related acts.

Rule 67—*Failure to make discovery.*

If a deponent fails to answer, or gives an evasive or incomplete answer to, a question propounded under Rule 62(a), or a person fails to answer, or gives evasive or incomplete answers to, written interrogatories served pursuant to Rule 63(a), the discovering party may apply for an order compelling an answer, by motion filed with the Commission and served on all parties and persons affected thereby. On matters relating to a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

APPENDIX D—RECOMMENDATIONS OF THE ASSOCIATION OF INTERSTATE COMMERCE COMMISSION PRACTITIONERS

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INTERSTATE COMMERCE COMMISSION PROPOSED DISCOVERY RULES

Rule 151—*General provisions governing discovery.*

(a) *Discovery methods.* Parties may obtain discovery in any adversary proceeding which has been designated for oral hearing by one or more of the following methods, depositions upon oral examination or written questions; written interrogatories, production of documents or things or permission to enter upon land or other property, for inspection and other purposes; and requests for admission. Unless the presiding officer orders otherwise, the frequency of use of these methods is unlimited.

NOTE: (1) "Oral Hearing" includes modified procedure cases only to the extent that they may be subsequently at the request of a party assigned for oral hearing on all or part of the issues.

(2) An "adversary proceeding" means not only cases involving direct formal adversaries, but is to be broadly construed to include those cases where parties technically in the same posture, such as common respondents, have in fact adversary interest. If the matter is questioned, the presiding officer shall make the determination upon the basis of the facts of the particular case.

(b) *Presiding officer.* The term "presiding officer" as used in Rules 151–160 of this part shall mean "officer" as defined in Rule 5 of this part.

(c) *Scope of Discovery.* Unless otherwise ordered by the presiding officer in accordance with these rules, including orders entered after agreement of the parties or imposition of protective orders at prehearing conferences held pursuant to Rule 68, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, whether it relates to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

NOTE: (1) The purpose of this rule is to promote the efficient and expeditious conduct of discovery procedures and to encourage stipulations and agreements to enable the expeditious disposition of the proceeding.

(2) Under the rule, the issuance of an order is required by the presiding officer who can change the discovery procedure only through agreement between the parties or by protective order under Rule 151(d).

(d) *Protective orders.* Upon motion by any party, or by the person from whom discovery is sought, or by any person asserting an interest in the data, information or material sought to be discovered, and for good cause shown, the presiding officer may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, or prevent the raising of issues untimely or inappropriate to the proceeding, including one or more of the following: (1) That discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that discovery be had only upon provision for indemnification to the party or person against whom discovery is sought; (4) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (5) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (6) that discovery be conducted with no one present except persons designated by the presiding officer; (7) that a deposition after being sealed be opened only by order of the presiding officer; (8) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (9) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the presiding officer; (10) that no discovery will be permitted because the data, information, or material sought to be discovered are otherwise available.

If the motion for a protective order is denied in whole or in part, the presiding officer may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

NOTE. The provision for indemnification in subsection (d)(3) should be construed to include reasonable expenses including attorney's fees in the case of a person other than a party.

(e) *Limitations on discovery from the Commission.* Discovery from the Commission shall be subject to the following further limitations:

(1) Any documents which are within the exemption provisions of § 552(a)(4) of title 5 U.S.C. as amended by Public Law 90–23.

(2) Staff memoranda, staff investigation reports, and statements in the Commission's possession by persons interviewed shall be considered privileged documents.

(3) The informer's privilege shall be construed broadly and shall encompass information which may lead to the disclosure of an informer's identity.

(4) Commission personnel may be questioned on oral deposition as to matters within their direct personal knowledge only. Other information, if not privileged, may be sought by other discovery procedures.

(f) *Sequence and timing of discovery.* Unless the presiding officer upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, or the parties involved in the discovery agree otherwise, methods of discovery may be used in any sequence.

(g) *Supplementation of responses.* A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to (A) the identity and location of persons having knowledge of discoverable matters, and (B) the identity of each person expected to be called as an expert witness at the hearing and the subject matter on which he is expected to testify.

(2) A party who knows or later learns that his response is incorrect is under a duty seasonably to correct the response.

(3) A duty to supplement responses may be imposed by order of the presiding officer, agreement of the parties, or at any time prior to hearing through requests for supplementation of prior responses.

(h) *Notices.* All notices affecting discovery matters shall appropriately identify the proceeding to which they relate, and two copies of every such notice shall be served on the Secretary of the Commission at the time they are served on the parties or persons from whom discovery is sought.

(i) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission.

(j) *Where depositions shall be taken.* Unless otherwise ordered by the presiding officer or agreed to by stipulation, depositions shall be taken in the city or municipality wherein the office of deponent is located.

COMMENT: The Commission's jurisdiction is nationwide, which distinguishes it from the several Federal courts for which the Federal rules were designed. If parties are permitted to require deponents to appear any place in the nation to suit the lawyers' convenience, discovery can easily constitute a device for harrassment of deponents. The proposed rules would eliminate that problem.

Rule 152—*Stipulations regarding discovery procedure.*

Unless the presiding officer orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery.

Rule 153—*Depositions upon oral examination.*

(a) *When depositions may be taken.* After commencement of the proceeding, any party may take the testimony of any person, including a party, by deposition upon oral examination. The attendance of witnesses may be compelled by the use of subpena as provided in Rule 160.

(b) *Notice of examination: General requirements.* (1) A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. If a subpena duces tecum is to be served on the person to be examined, a designation of the materials to be produced thereunder shall be attached to or included in the notice.

(2) If a party taking a deposition wishes to have the testimony recorded by other than stenographic means, the notice shall specify the manner of recording, preserving, and filing the deposition. The presiding officer may require stenographic taking or make any other order to assure that the recorded testimony will be accurate and trustworthy. If requested by one of the parties, the testimony shall be transcribed at the expense of the requesting party.

(3) The notice to a party deponent may be accompanied by a request made in compliance with Rule 157 for the production of documents and tangible things at the taking of deposition.

(4) A party may in his notice name as the deponent a public or private corporation or a partnership or association and must designate with reasonable particularity the matters on which examination is requested. The organization so named shall designate one or more officers, directors, or managing agents, or other persons duly authorized and consenting to testify on its behalf. The persons so designated shall testify as to matters known or available to the organization. This subdivision (b)(4) does not preclude taking a deposition by any other procedure authorized in these rules.

(c) *Examination and cross-examination; record of examination; oath; objections.* Examination and cross-examination of witnesses may proceed as permitted at the hearing. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means designated in accordance with subdivision (b)(2) of this rule. If requested by one of the parties, the testimony shall be transcribed.

All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions on the party taking the deposition and require him to transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

(d) *Motion to terminate or limit examination.* At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the presiding officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Rule 151(d). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the presiding officer before whom the proceeding is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

(e) *Submission to witness; changes, signing.* When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon a deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 155(d)(4) the presiding officer holds that the reasons given for refusal to sign require rejection of the deposition in whole or in part.

(f) *Certification and filing by officer; exhibits; copies; notice of filing.* (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with sufficient information to identify the proceeding and marked "Deposition of (here insert name of witness)" and shall promptly file it with the presiding officer or send it by registered mail to the Secretary of the Commission.

Documents and things, unless objection is made to their production for inspection during the examination of the witness, shall be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that (A) the person producing the materials may substitute copies to be marked for identification, if he affords to all parties fair opportunity to verify the copies by comparison with the originals, and (B) if the person producing the materials requests their return, the officer shall mark them, and the materials may then be used in the same manner as if annexed to and returned with the deposition.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

Rule 154—*Depositions of witnesses upon written questions.*

(a) *Serving questions; notice.* After a proceeding has been assigned for hearing, any party may take the testimony of any person, including a party, by deposition upon written questions. The attendance of witnesses may be compelled by the use of subpena as provided in Rule 160.

A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating (1) the name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and (2) the name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association in accordance with the provisions of Rule 153(b)(4).

Within 20 days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within 20 days after being served with cross questions, a party may serve redirect questions upon all other parties. The presiding officer may for cause shown enlarge or shorten the time.

(b) *Officer to take responses and prepare record.* A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by Rule 153 (c), (e), and (f), to take the testimony of the witness in response to the questions and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the questions received by him.

(c) *Notice of filing.* When the deposition is filed the party taking it shall promptly give notice thereof to all other parties.

Rule 155—*Use of depositions in commission proceedings.*

(a) *Use of depositions.* At the hearing or in a pleading, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or a person designated under Rule 153(b)(4) or 154(a) to testify on behalf of a public or private corporation, partnership or association which is a party may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds: (A) that the witness is dead; or (B) that the witness is at a greater distance than 100 miles from the place of hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (C) that the witness is unable to attend or testify because of age, sickness, or infirmity; or (D) that the party offering the deposition has been unable to procure the attendance of the witness by subpena; or (E) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when a proceeding has been dismissed and another proceeding involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former proceeding may be used in the latter as if originally taken therefor.

(b) *Objections to admissibility.* Subject to the provisions of subdivision (d)(3) of this rule, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(c) *Effect of taking or using depositions.* A party does not make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in subdivision (a)(2) of this rule. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) *Effect of errors and irregularities in depositions*—(1) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(2) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(3) *As to taking of deposition.* (A) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(B) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(C) Objections to the form of written questions submitted under Rule 154 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within 10 days after service of the last questions authorized.

(4) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Rules 153 and 154 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been ascertained.

Rule 156—*Interrogatories to parties.*

(a) *Availability; procedures for use.* Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of the presiding officer, be served upon the party filing the initial pleading in an adversary proceeding and upon any other party with or after service or notice of the pleading upon that party.

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers and objections within a period designated by the party submitting the interrogatories, not less than 30 days after the service thereof or within such shorter or longer time as the presiding officer may allow. The party submitting the interrogatories may move for an order under Rule 159(a) with respect to any objection to or other failure to answer an interrogatory.

(b) *Scope; use at hearing.* Interrogatories may relate to any matters which can be inquired into under Rule 151(c), and the answers may be used to the extent permitted by the rules of evidence.

An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory involves an opinion, contention, or legal conclusion, but the presiding officer may order that such an interrogatory be answered at a later time, or after designated discovery has been completed, or at a prehearing conference.

(c) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

If information sought is contained in computer runs, punch cards or tapes which also contain privileged or proprietary information or information proscribed by the Interstate Commerce Act, it shall be a sufficient response under these rules, that the party upon whom the interrogatory has been served is willing to make available to and permit an independent professional organization not interested in the proceeding and paid by the party serving the interrogatory to extract from such runs, punch cards or tapes the information sought in the interrogatory that is not privileged or proprietary information or information proscribed by the Interstate Commerce Act.

COMMENT: Computer runs, punch cards and tapes prepared in the usual course of business can contain a large volume of information, including information which a party is not entitled to receive under these rules. It is frequently a time-consuming and expensive task to rework such data and generally the personnel and machines are limited because their expense is such that no organization can afford to carry any excess capacity. A party should not be denied the benefit of the alternative provided in Rule 156(c) merely because the runs, punch cards or tapes include information that must be protected. Thus, a tender of the runs, punch cards or tapes to an independent service organization such as IBM, of integrity and professionally able to program a separation of the data entitled to protection, should be sufficient to give a party upon whom an interrogatory has been served the benefit of the option provided in Rule 156(c).

Rule 157—*Production of documents and things and entry upon land for inspection and other purposes.*

(a) *Scope.* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy, any designated documents (including writing, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which intelligence can be perceived, with or without the use of detection devices) or to inspect and copy, test, or sample any tangible things which constitute or contain matters with the scope of Rule 151(c) and which are in the possession, custody or control of the party upon whom the request is served, but if the writings or data compilations (including computer runs, punch cards and tapes) includes privileged or proprietary information or information proscribed by the Interstate Commerce Act, such writings or data compilations need not be produced under this rule but may be provided pursuant to Rule 156(c); or (2) to permit, subject to appropriate liability releases, and safety and operating considerations, entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 151(c).

(b) *Procedure.* The request may, without leave of the presiding officer be served upon any party at any time after the proceeding has been designated for oral hearing subject to the qualification in Rule 151(f), but not after the hearing has begun. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing related acts. Except as may be ordered by the presiding officer, any place other than the place wherein the records are kept and any time other than usual business hours shall be considered unreasonable.

The party upon whom the request is served shall serve a written response within a period designated in the request, not less than 30 days after the service thereof or within such shorter or longer time as the presiding officer may allow. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless it is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under Rule 159(a) with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

Rule 158—*Requests for admission.*

(a) *Request for admission.* A party may serve upon any other party a written request for the admission, for purposes of the pending proceeding only, of the truth of any matters within the scope of Rule 151(c) set forth in the request, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of the presiding officer, be served upon the party filing the initial pleading in an adversary proceeding and upon any party at any time after the proceeding has been designated for oral hearing subject to the qualification in Rule 151(f).

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within a period designated in the request, not less than 30 days after service thereof or within such shorter or longer time as the presiding officer may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for hearing may not, on that ground alone, object to the request; he may deny the matter or set forth reasons why he cannot admit or deny it.

The party who has requested the admissions may move for an order with respect to the answers or objections. Unless the presiding officer determines that an objection is justified, it shall order that an answer be served. If the presiding officer determines than an answer does not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served. The presiding officer may, in lieu of these orders, determine that final deposition of the request be made at a pre-hearing conference or at a designated time prior to hearing.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the merits of the proceeding will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice him in maintaining his position on the merits. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

Rule 159—*Failure to make discovery.*

(a) *Motion for order compelling discovery.* Upon reasonable notice to other parties and all persons affected thereby, a party may apply to the Commission for an order compelling discovery as follows:

(1) *Appropriate officer.* An application for an order to a party may be made to the presiding officer before whom the proceeding is pending. An application for an order to a deponent who is not a party shall be made to the presiding officer.

(2) *Motion.* If a deponent fails to answer a question propounded or submitted under Rules 153 and 154, or a party fails to answer an interrogatory submitted under Rule 156, or if a party, in response to a request for inspection submitted under Rule 157, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovery party may apply for an order compelling an answer or an order compelling inspection in accordance with the request. On matters relating to a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

(3) *Evasive or incomplete answer.* For purposes of this subdivision an evasive or incomplete answer is a failure to answer.

Rule 160—*Subpena for taking depositions.*

Proof of service of a notice to take a deposition as provided in Rule 153(a), 153(b), and 154(a) constitutes a sufficient authorization for the issuance by the presiding officer of subpenas for the persons named or described therein. The subpena may command the person to whom it is directed to produce designated books, papers, documents, or tangible things which constitute or contain matters within the scope of the examination permitted by Rule 151(c), but in that event the subpena will be subject to the provisions of Rule 151(d) and Rule 56(a) of the Commission's General Rules of Practice.

[FR Doc.71-437 Filed 1-12-71;8:50 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-10]

CERTAIN METAL DOLLIES DESIGNED TO TRANSPORT AIRCRAFT ENGINES

Instruments of International Traffic

JANUARY 4, 1971.

It has been established to the satisfaction of the Bureau of Customs that metal dollies, specially designed for the transportation of aircraft engines, are substantial, designed for and capable of repeated use in transportation, and used in substantial numbers in international traffic.

Under the authority of § 10.41a(a), Customs Regulations, I hereby designate the above-described dollies as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These dollies may be released under the procedures provided for in § 10.41a.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-444 Filed 1-12-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 6920]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70-16762 appearing at page 18987 in the issue of Tuesday, December 15, 1970, in the sixth line under "T. 23 S., R. 2 W.," the reference to "Sec. 2" should be changed to "Sec. 22".

[C-12187]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 4, 1971.

The Bureau of Land Management, U.S. Department of the Interior, has filed the above application for the withdrawal of the lands described below from all forms of appropriation under the Public Land Laws, including the General Mining Laws but not the Mineral Leasing Laws, subject to valid existing rights.

The lands are to be set aside for public recreation areas and protection of endangered species of wildlife.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, CO 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

CATAMOUNT CREEK RECREATION SITE

T. 2 S., R. 84 W.,
Sec. 8, SW¼SW¼.

LYONS GULCH RECREATION SITE

T. 4 S., R. 86 W.,
Sec. 18, lot 14.

GREATER PRAIRIE CHICKEN RANGE

T. 3 N., R. 43 W.,
Sec. 24, NE¼NE¼;
Sec. 25, NE¼SE¼.

The areas described aggregate approximately 137 acres.

J. ELLIOTT HALL,
Chief, Division of Program Management and Land Office Manager.

[FR Doc.71-386 Filed 1-12-71;8:45 am]

Office of the Secretary

WILLIAM K. PENCE

Report of Appointment and Statement of Financial Interests

JANUARY 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: William K. Pence.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 6.

The name of the appointee's private employer or employers: Detroit Edison Co.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 20, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(d) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on November 20, 1970, as Deputy Director, DEPA Area 6, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Computer Sciences Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WILLIAM K. PENCE.

DECEMBER 4, 1970.

[FR Doc.71-412 Filed 1-12-71;8:47 am]

NICHOLAS A. RICCI

Report of Appointment and Statement of Financial Interests

JANUARY 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Nicholas A. Ricci.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Director, DEPA Area 9.

The name of the appointee's private employer or employers: Wisconsin Electric Power Co.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 20, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on November 27, 1970, as Director, DEPA Area 9, Defense Electric Power Administration, an officer or director:

Director—Employes' Mutual Benefit Association, Milwaukee, Wis.
Director and Vice President—Employes' Mutual Saving Building and Loan Association, Milwaukee, Wis.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Wisconsin Electric Power Co.
Massachusetts Investors Trust.
Weyenberg Shoe Co.
CNA Financial Co.
Master Lock Co.
Sextant Corp.
National Investors Trust.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

NICHOLAS A. RICCI.

DECEMBER 4, 1970.

[FR Doc.71-413 Filed 1-12-71;8:47 am]

JOHN A. ROLFING, JR.

Report of Appointment and Statement of Financial Interests

JANUARY 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: John A. Rolfing, Jr.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Director, DEPA Area 18.

The name of the appointee's private employer or employers: Hawaiian Electric Co., Inc.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 20, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on November 20, 1970, as Director, DEPA Power Area 18, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Hawaiian Electric Co., Inc.
American Motors Corp.
General Investment Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

J. A. ROLFING, Jr.

DECEMBER 11, 1970.

[FR Doc.71-411 Filed 1-12-71;8:47 am]

OUTER CONTINENTAL SHELF OFF CALIFORNIA

Notice of Hearings

Notice is hereby given that public hearings will be held beginning at 10 a.m. on January 13 and 14, 1971, in the Hearing Room of the Board of Supervisors of the County of Santa Barbara, Fourth Floor, County Administration Building, 105 East Anapamu Street, Santa Barbara, CA, for the purpose of receiving comments and suggestions relating to the emplacement of an additional drilling platform on each of two producing Federal oil and gas leases in Santa Barbara Channel.

The hearings on January 13, 1971, will be directed to the additional platform proposed for construction on Federal Lease P-0241 by Union Oil Co., operator for itself and colessees, Gulf Oil Corp., Texas, Inc., and Mobil Oil Corp. The hearings on January 14, 1971, will be directed to the additional platforms proposed for construction on Federal Lease P-0240, by Sun Oil Co., operator for itself and colessees Marathon Oil Co. and Superior Oil Co.

The hearings referred to herein are not required by law or regulation. However, the lessees have applied for permission to install these new platforms and the Department has scheduled the hearings to obtain additional factual information in order to determine whether special conditions or stipulations should be imposed. Under the terms of the leases and 30 CFR Part 250, the Department is authorized to approve lease development plans, including the location, design and major features of drilling and production platforms.

A transcript of the hearings will be available for public examination. Statements by persons unable to make personal appearance will be received for inclusion in the record for a period of 10 days following the hearings. Such statements should be sent to the District Engineer, U.S. Geological Survey, Room 214, Post Office Building, 836 Anacapa Street, Santa Barbara, CA 93101. Requests to make oral presentations at the hearings must be made to the Office of the District Engineer, U.S. Geological Survey at the above indicated address by the close of business on January 12, 1971, in order to be scheduled.

Oral presentation at the hearings should be brief.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 8, 1971.

[FR Doc.71-452 Filed 1-12-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

MOBILE COUNTY STOCKYARDS, INC. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard and date of posting
ALABAMA
Mobile County Stockyards, Inc., Mobile, Nov. 19, 1970.
MAINE
Benjamin R. Tilton, East Corinth, Nov. 17, 1970.
MINNESOTA
Top Livestock Auction, Edgerton, Dec. 26, 1970.
MONTANA
Baker Livestock Auction, Inc., Baker, Nov. 16, 1970.
TENNESSEE
Tri-County Livestock Auction Co., Dickson, Dec. 21, 1970.
TEXAS
Hubbard Auction Sale, Hubbard, Nov. 23, 1970.

Done at Washington, D.C., this 7th day of January 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-417 Filed 1-12-71;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

HARVARD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Bureau of Domestic Commerce, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00247-33-46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research and educational training in cellular anatomy, cellular biology (including vertebrate and invertebrate pathology, cellular anatomy, cellular physiology, morphogenesis, and immunology) as well as virology. Investigations concern structures of microtubules and more especially that of the sites from which they develop; and, effect of various biological substances on cell membranes of Trypanosoma cruzi and its transformation. Application received by Commissioner of Customs: November 5, 1970.

Docket No. 71-00248-91-28600. Applicant: University of Illinois, Office of Business Affairs, Chicago Circle, Post Office Box 4348, Chicago, IL 60680. Article: SIRIGOR Gas-exchange chamber. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research on many species of plants having wide geographic ranges spreading over an array of habitats. Field measurements of CO_2 exchange rates for natural arctic, alpine, and temperate populations will be made during the summers (growing season). Controlled environmental studies will be made during the academic months. Application received by Commissioner of Customs: November 5, 1970.

Docket No. 71-00250-33-46500. Applicant: The Lankenau Hospital, Lancaster and City Line Avenues, Philadelphia, PA 19151. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used by the Department of Pathology for examination of biopsy material for diagnostic purposes. The Division of Research is investigating lung transplantation, fine structure of human amnion and chorion, and virus infected cells and tissues. Application received by Commissioner of Customs: November 6, 1970.

Docket No. 71-00251-33-46500. Applicant: Veterans Administration Hospital, 113 Holland Avenue, Albany, NY 12208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. Investigations concern the response of arterial disease to mechanical and hemodynamic injury. Application received by Commissioner of Customs: November 6, 1970.

Docket No. 71-00254-33-46040. Applicant: City of Hope National Medical Center, 1500 East Duarte Road, Duarte, CA 91010. Article: Electron microscope, Model HS-8-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used primarily to investigate the structure of chromosomes of higher organisms utilizing the whole mount electron microscopy technique. Application received by Commissioner of Customs: November 9, 1970.

Docket No. 71-00255-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used by a research group whose prime interest is the integrated study of the structure and function of biological membranes in general and, since it is structurally a system of membranes, of the mitochondrion in particular. Such diverse membranes as human and animal red blood cell ghost membranes, chloroplast membranes from plants and retinal rod membranes from animal eyes will be studied. Application received by Commissioner of Customs: November 9, 1970.

Docket No. 71-00256-33-46040. Applicant: New Jersey College of Medicine and Dentistry, Department of Biochemistry, 100 Bergen Street, Newark, NJ 07103. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used in studies involving structure and function at the subcellular level in both mammalian and bacterial systems. On-going projects concern elucidating ultrastructural changes in liver mitochondria during the process of energy transduction and discernment of novel structures in bacteria which are capable of being cultured on n-methylglycine as their sole source of carbon nitrogen and energy. Application received by Commissioner of Customs: November 10, 1970.

Docket No. 71-00257-33-46070. Applicant: Brigham Young University, Purchasing Department, Provo, UT 84601. Article: Scanning Electron Microscope, Model SSM-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as a teaching and training instrument for undergraduate and graduate students in the biological sciences in courses entitled Electron Microscopy, Electron Microscopy Laboratory, Cell Biology, and Ultrastructural Interpretation. Application received by Commissioner of Customs: November 10, 1970.

Docket No. 71-00260-33-46500. Applicant: University of Missouri—Columbia, School of Veterinary Medicine, Department of Veterinary Anatomy, Columbia, MO 65201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for studies of biological tissues from mammalian sources and used for experimental purposes. These tissues include the central nervous system, infundibulum, hypophysis and testis of the newborn, immature and adult animal for research studying the fine structure of the nervous and endocrine systems. Application received by Commissioner of Customs: November 13, 1970.

Docket No. 71-00261-33-46500. Applicant: University of Southern California, School of Medicine, Dept. of Pathology, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce both serial ultrathin sections and one micron thick sections of human and animal brain. Research includes preparation of human tissues obtained at surgery and autopsy in order to study material in which slow or latent viral infection are suspected; and the examination of primary tumors of the human nervous system to search for viral particles and to determine variant submicroscopic cellular differences. Educational purposes include instruction of graduate students in experimental pathology and residents in neuro-pathology. Application received

by Commissioner of Customs: November 13, 1970.

Docket No. 71-00262-00-61600. Applicant: South Dakota State University, Brookings, SD 57006. Article: Slip ring Type SK5-40 with brushes SK5-ZB. Manufacturer: BLH Electronics, Inc., West Germany. Intended use of article: The article will be used in a Mechanical Engineering Laboratory course for dynamic measurements and for measurement of stresses of a rotating machine element. Application received by Commissioner of Customs: November 13, 1970.

Docket No. 71-00263-33-46500. Applicant: University of Pennsylvania, Center for Oral Health Research, 4001 Spruce Street, Philadelphia, PA 19104. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische AG, Austria. Intended use of article: The article will be used for studies of the junction of dental tissues with their surrounding supporting structures and of gingival tissue. Experimental studies will involve straight morphological determinations on the dento-gingival junction of various animal species. Experimental alterations in the relationship of periodontal tissues to the tooth will also be studied. Application received by Commissioner of Customs: November 13, 1970.

Docket No. 71-00271-01-77030. Applicant: State University of New York at Buffalo, Office of Facilities Planning, Equipment Division, 3258 Main Street, Buffalo, NY 14214. Article: NMR spectrometer, Model JNM-MH-100. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for high-sensitivity studies of C-13 sidebands; structure elucidation studies of products from photochemical and thermal reactions of aroylazetidines; and for high resolution spectra of small amounts of sparingly soluble natural products such as hirsutic acid. The article will also be used by graduate students for thesis research and in four undergraduate courses in chemistry. Application received by Commissioner of Customs: November 19, 1970.

Docket No. 71-00272-33-46500. Applicant: Georgetown University Medical School, Department of Obstetrics-Gynecology, 3800 Reservoir Road NW., Washington, DC 20007. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study a variety of tissues from the uterine wall with emphasis on the structure and both physiologic and pathologic changes during normal and complicated pregnancy. Application received by Commissioner of Customs: November 20, 1970.

Docket No. 71-00273-33-46500. Applicant: New Jersey College of Medicine and Dentistry, 100 Bergen Street, Newark, NJ 07103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research on irradiated cardiac and aortic wall tissue from rabbits, and, corresponding tissue from untreated rabbits, as control, for comparison. The reactions of rabbit cardiac and aortic wall tissues to X-irradiation at ultrastructural and histochemical levels will be studied. Application received by Commissioner of Customs: November 20, 1970.

Docket No. 71-00274-33-46040. Applicant: Northwestern University Medical School, Department of Pathology, 303 East Chicago Avenue, Chicago, IL 60611. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies of the properties of renal tubular basement membrane; the nature of structural and biochemical changes in irreversible ischemic cellular injury; and for protein transport studies. Application received by Commissioner of Customs: November 20, 1970.

Docket No. 71-00275-33-46500. Applicant: University of Illinois, Purchasing Division, Urbana-Champaign Campus, 223 Administration Building, Urbana, IL 61801. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to thin-section a variety of materials from plants, animals and metals. The investigations involve the study of the ultrastructural properties of these materials and also, the localization and the role of enzymes in plant, animal and microbial cells. Application received by Commissioner of Customs: November 20, 1970.

Docket No. 71-00277-33-90000. Applicant: Carnegie-Mellon University, Mellon Institute, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article: Rotating anode X-ray unit, Model GX6. Manufacturer: Elliot Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article will be used for research on the molecular structure of biological membranes. X-ray diffraction patterns of biological membranes will be recorded during which time the membranes will be maintained in a living condition. Application received by Commissioner of Customs: November 23, 1970.

Docket No. 71-00279-33-46595. Applicant: Retina Foundation, 20 Staniford Street, Boston, MA 02114. Article: Polytron tissue grinder Type PT 20 OD. Manufacturer: Apotheke Oberstrauss Switzerland. Intended use of article: The article will be used for research to evaluate the activity of the fragmented sarcoplasmic reticulum and motochondria in normal and diseased muscles in the hope of discovering causes and eventual cures for various diseases such as muscular dystrophy. Application received by Commissioner of Customs: October 24, 1970.

Docket No. 71-00278-33-4607. Applicant: Iowa State University of Science and Technology, Department of Zoology and Entomology, Ames, IA 50010. Article: Scanning electron microscope, Model JSM-S1. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for studies relating to biological surface structures. In particular, the application of scanning electron microscopy to insect surface structure will be used in the identification and classification of characters for the study of insect morphology and physiology. Courses in zoology, botany and biochemistry will use the article as a teaching and training tool. Application received by Commissioner of Customs: October 23, 1970.

Docket No. 71-00269-33-90000. Applicant: Duke University Medical Center, Department of Anatomy, Durham, NC 27706. Article: GX-6 X-ray diffraction equipment. Manufacturer: Elliott Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article will be used for low angle X-ray diffraction of wet and living muscles, and experiments designed to explore the molecular behavior of contracting muscle. Application received by Commissioner of Customs: November 19, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-381 Filed 1-12-71;8:45 am]

MALLINCKRODT INSTITUTE OF RADIOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Bureau of Domestic Commerce, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00184-33-43780. Applicant: Mallinckrodt Institute of Radiology, 510 Kingshighway, St. Louis, MO 63110. Article: Fluoroscopic apparatus for replicating the geometrical factors relevant to positioning a therapeutic unit according to the size, location and extension of the tumor to be treated. Manufacturer: Toshiba (Tokyo Shibaura Electric Co., Ltd., Japan). Intended use of article: The article will be used to test and evaluate the efficacy of the fluoroscopic techniques in localizing and defining the extent of tumors, as well as to develop techniques for blocking of beams. Application received by Commissioner of Customs: October 1, 1970.

Docket No. 71-00219-33-46070. Applicant: University of Missouri—Columbia, Hospital Purchasing Department, Room W128, Columbia, MO 65201. Article: Scanning electron microscope, Model SSM-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a comparative pathology program of the departments of Medical Pathology, Veterinary Pathology, and Plant Pathology, for training electron microscopy techniques at the graduate level. Application received by Commissioner of Customs: October 21, 1970.

Docket No. 71-00226-00-46070. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, MO 65401. Article: Goniometer Stage. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article is an accessory which will be used with an existing Model JSM-2 scanning electron microscope. Application received by Commissioner of Customs: October 28, 1970.

Docket No. 71-00231-88-43000. Applicant: University of California, Los Alamos, NM 87544. Article: Image Analysing Computer, Model 720. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article will be used to determine particle size and particle distribution in fine fractions recovered from ceramic samples containing thorium oxide and plutonium oxide. The basis for the research is health safety considerations by determining the amount of breathable fines produced in these materials. Application received by Commissioner of Customs: October 27, 1970.

Docket No. 71-00231-88-4300. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Magnetometer, Model MF-2-100. Manufacturer: Scintrex Ltd., Canada. Intended use of article: The article will be used for a study of geology and hydrology to measure the micromagnetism of the earth's surface in various geographical areas. Application received by Commissioner of Customs: October 27, 1970.

Docket No. 71-00232-01-35000. Applicant: University of California, Los Alamos Scientific Laboratory, Accounting Department, Post Office Box 1663, Los Alamos, NM 87544. Article: Small optical two-circle goniometer. Manufacturer: Stoe & Co., West Germany. Intended use of article: The article will be used to study the interfacial angles of crystalline compounds of radioactive elements to determine crystal symmetry for identification by classification as to type and class. Application received by Commissioner of Customs: October 27, 1970.

Docket No. 71-00233-33-43780. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, MD 21218. Article: Endoscope. Manufacturer: Manabu Medical Instruments Co., Ltd., Japan. Intended use of article: The article will be used in an otolarynology residency course in Broncho-Esophagology. The content of the course includes a study of the endoscopic manifestations of diseases of the tracheobronchial tree and esophagus. Application received by Commissioner of Customs: October 27, 1970.

Docket No. 71-00238-99-03400. Applicant: United States Peace Corps, 32 Cristina Street, Ponce, PR 00731. Article: 24 Crusader projectors (battery operated, hand-held type for wall projection of educational materials). Manufacturer: Ray-O-Vac International Corp., Hong Kong. Intended use of article: The article will be used for the training of and the use by Peace Corps Volunteers for audiovisual presentation in connection with their jobs in Central America. Application received by Commissioner of Customs: October 28, 1970.

Docket No. 71-00239-33-46040. Applicant: The Rockefeller University, 66th and York Avenue, New York, NY 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electron NVD, The Netherlands. Intended use of article: The article will be used in the Department of Parasitology and Invertebrate Physiology for high resolution studies in host-parasite relationship of intracellular parasites such as malaria, *Babesia* and *Leishmania* as well as for the study of structures involved in the complex feeding mechanism of the protozoan *Tokophrya infusionum*. Application received by Commissioner of Customs: October 28, 1970.

Docket No. 71-00240-65-86300. Applicant: The University of Tennessee, Department of Chemical and Metallurgical Engr., Knoxville, TN 37916. Article: Viscoelastometer, Model DDV-II. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article will be used for the measurement of dynamic modulus and loss modulus for fibers, plastics, elastomers and composites over a range of frequencies and temperatures. Application received by Commissioner of Customs: October 28, 1970.

Docket No. 71-00241-99-03400. Applicant: Schoellkopf Geological Museum, Prospect Park, Niagara Reservation, Niagara Falls, NY 14303. Article: Audiovisual equipment. Manufacturer: Creative Sight and Sound Ltd., Canada. Intended use of article: The article will be used in a program coordinated with the Geology Department of the State University of New York at Buffalo for the purposes of training graduate students of the geological sciences in the preparation of materials for the study of geology of the local area. Application received by Commissioner of Customs: October 30, 1970.

Docket No. 71-00242-33-46040. Applicant: Dartmouth College, Hanover, NH 03755. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research concerning ribosomes, consisting of protein and ribonucleic acid; for studies on antibodies (convalently coupled to ferritin) against specific ribosomal proteins; and a number of macromolecules other than ribosomes will be studied to determine their structure, including RNA polymerase and aspartyl transcarbamylase.

Application received by Commissioner of Customs: October 30, 1970. Docket No. 71-00243-33-46040. Applicant: Duke University Medical Center, Department of Anatomy, Post Office Box 3011, Durham, NC 27706. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for studies of isolated protein molecules, crystalline bovine serum albumin, subunit structure of several crystalline protein molecules, and of metallic replicas of membrane fragments. Application received by Commissioner of Customs: November 3, 1970.

Docket No. 71-00244-33-46040. Applicant: Mayo Foundation, Rochester, MN 55901. Article Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for medical research concerning studies of the enlarged heart in experimental animals and in man; electron microscopic studies of the central nervous system; and for an investigation of degeneration of unmyelinated fibers in the central nervous system as well as the study of synaptic contacts and degeneration of these in brain stem nuclei. Application received by Commissioner of Customs: November 3, 1970.

Docket No. 71-00245-33-46040. Applicant: Brigham Young University, Purchasing Department, Provo, UT 84601. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as a teaching and training instrument for undergraduate and graduate students in the biological sciences. Courses include Electron Microscopy. Electron Microscopy Laboratory, Cell Biology and Ultrastructural Interpretation. Application received by Commissioner of Customs: November 4, 1970.

Docket No. 71-00246-01-10100. Applicant: Albert Einstein College of Medicine of Yeshiva University, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Temperature jump apparatus, Manufacturer: Messanlagen Studien. GmbH, West Germany. Intended use of article: The article will be used for research to elucidate the relations between the molecular structure and the function of hemoglobin. Other experiments include observations of ultraviolet difference spectra in hemoglobin and studies of the binding of protons with the use of indicators. Application received by Commissioner of Customs: November 4, 1970.

Docket No. 71-00249-65-46070. Applicant: Northwestern University, Department of Materials Science, The Technological Institute, Evanston, IL 60201. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used in research involving precipitation, nucleation and growth phenomena. The

formation of silicon carbide and silica from a solid solution of silicon containing carbon and/or oxygen will be studied. Another area of study involves catalysts which are used in polymerization reactions and for environmental control uses. Application received by Commissioner of Customs: November 5, 1970.

Docket No. 71-00253-33-46040. Applicant: California State Polytechnic College, 3801 West Temple Avenue, Pomona, CA 91768. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used by a faculty member and his students in research concerning the fine structure of intracellular symbiotic bacteroids in insects. General Cytology and Experimental Biology and, Ultrastructural Studies are two courses in which the article will be used to teach electron microscope techniques in the simplest way possible. Application received by Commissioner of Customs: November 9, 1970.

Docket No. 71-00258-65-46040. Applicant: Newark College of Engineering, 323 High Street, Newark, NJ 07102. Article: Electron microscope, Model JEM-120. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for graduate research in materials science, for undergraduate research and as a training instrument. Particular projects will deal with the relation of materials structure to stress corrosion, crystal growth, whisker formation, deformation charactertistics of polymers, composite materials and metals, creep studies, alloy behavior and fatigue. Application received by Commissioner of Customs: November 13, 1970.

Docket No. 71-00264-33-01110. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, CO 80220. Article: Amino acid analyzer, Model JLC-5AH. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used to analyze the amino acid composition of insulin and insulin peptides purified from single normal and diabetic pancreata. Studies concern the nature of the molecular difference between biologically abnormal diabetic insulins and the normal. Application received by Commissioner of Customs: November 19, 1970.

Docket No. 71-00265-00-61800. Applicant: University of Wisconsin, Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Projection orrery. Manufacturer: Goto Manufacturing Co., Japan. Intended use of article: The article is an accessory for an existing planetarium instrument. Application received by Commissioner of Customs: November 19, 1970.

Docket No. 71-00266-33-46040. Applicant: Rockefeller University, The Population Council Bio-Medical Division, 66th and York Avenue, New York, NY 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for high resolution studies of the mechanism of action of sterold hormones, namely estrogens at the subcellular level in target cells, by means of autoradiography, study of macromolecules such as proteins and nucleic acids, cellular organelles such as lysosomes, endoplasmic reticulum, golgi body, nuclear and cell membranes. Application received by Commissioner of Customs: November 19, 1970.

Docket No. 71-00267-00-61800. Applicant: University of Wisconsin, Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Geocentric Earth. Manufacturer: Goto Manufacturing Co., Japan. Intended use of article: The article is an accessory for an existing planetarium in the applicant institution. Application received by Commissioner of Customs: November 19, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-382 Filed 1-12-71;8:45 am]

UNIVERSITY OF WISCONSIN ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Bureau of Domestic Commerce, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00280-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Electron microscope, Model EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for the examination of the mammalian central nervous system; the study of normal animals and those with specific operations or diseases; the determination of the manner in which nerve cells of the brain are interconnected; and a study of ultrathin specimens of mammalian brain. Application received by Commissioner of Customs: October 24, 1970.

Docket No. 71-00281-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: 12 total hip joint replacements. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The article will be used in the study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Medical students will be trained in this technique. Application received by Commissioner of Customs: October 24, 1970.

Docket No. 71-00270-01-86500. Applicant: University of Pennsylvania, Office of Research Administration, Franklin Building, 3451 Walnut Street, Philadelphia, PA 19104. Article: Rheogoniometer, Model R.18. Manufacturer: Sangamo Controls, Ltd., United Kingdom. Intended use of article: The article will be used for studies of polymer solutions and melts, and for viscoelastic properties, including non-Newtonian viscosity and normal stresses, as functions of molecular structure of the polymers. Viscosity and normal stresses as functions of shear rate will be measured, as well as dynamic measurements (small amplitude sinusoidal shearing) with and without superimposed steady-state shearing. Application received by Commissioner of Customs: November 19, 1970.

Docket No. 71-00282-33-46500. Applicant: University of Wisconsin, Department of Pathology, Service Memorial Institute, 470 North Charter Street, Madison, WI 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for projects involving procedures for both investigative and diagnostic examination of a variety of tissues (kidney, brain and lung) with diseases of interest to the immunopathologist. Application received by Commissioner of Customs: November 30, 1970.

Docket No. 71-00283-33-46500. Applicant: Michigan State University, Center for Laboratory Animal Resources, 127D Giltner Hall, East Lansing, MI 48823. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for a comparative study of placental membranes involving descriptions of the vascular patterns and relationship between the maternal and fetal circulation; monitoring of enzyme activity during the course of pregnancy; and for studies of hormone receptor sites in the placenta. Application received by Commissioner of Customs: November 30, 1970.

Docket No. 71-00284-00-41200. Applicant: Health Research Inc., 666 Elm Street, Buffalo, NY 14203. Article: Klystron tube, Model VC 104. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article will be used in a study of radiation damage in organs and biological materials as well as radiation protection measures. Application received by Commissioner of Customs: November 30, 1970.

Docket No. 71-00285-91-46500. Applicant: Texas A. & M. University, Department of Biochemistry & Biophysics, College Station, TX 77483. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for studies of tissues from plant embryos (shepherd's purse, peanut, coconut, cotton) and plant endosperm (coconut) to determine how seed specific proteins are synthesized and sequestered in aleurone vacuoles. Application received by Commissioner of Customs: November 30, 1970.

Docket No. 71-00286-58-46070. Applicant: Woods Hole Occanographic Institution, Water Street, Woods Hole, MA 02543. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for research concerning the morphology of small planktonic crustaceans called copepods, collected from widely different areas. Other investigations involve formainifera, radiolarians, bottom sediments and suspended materials in sea-water. Application received by Commissioner of Customs: November 30, 1970.

Docket No. 71-00287-00-46040. Applicant: Cornell University, Ithaca, NY 14850. Article: Large angle goniometer hot stage, Model AHLG. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article is an accessory for an existing JEM-200 electron microscope used for materials science research. Application received by Commissioner of Customs: October 28, 1970.

Docket No. 71-00288-01-28200. Applicant: University of North Carolina, Department of Chemistry, Chapel Hill, NC 27514. Article: Electron spin resonance spectrometer, Model JES-ME-3X. Manufacturer: Japan Electron Optics Lab Co., Ltd., Japan. Intended use of article: The article will be used for material studies on the properties of aromatic hydrocarbon radical anions and radical cations; quinone radical anions; oxygen, sulfur, nitrogen and carbon free radical intermediates; and multimetallic complexes of copper, nickel, cobalt, iron, and manganese. Application received by Commissioner of Customs: December 2, 1970.

Docket No. 71-00289-38-25100. Applicant: Princeton University, Purchasing Department, Post Office Box 33, Princeton, NJ 08540. Article: Computec C-114 Display System with Tektronix Oscilloscope 602. Manufacturer: Computec, Canada. Intended use of article: The article will be used in conjunction with a PDP-8/L computer in studying information processing in human subjects. Such spheres as attention, perception, memory, and reasoning will be examined. Experiments will involve the rapid presentation of stimulus materials (letters, words, numerals, patterns) to subjects, and the recording of their responses and reaction times. Application received by Commissioner of Customs: December 2, 1970.

Docket No. 71-00290-01-77030. Applicant: The Institute for Cancer Research, 7701 Burholme Avenue, Philadelphia, PA 19111. Article: NMR Spectrometer, Model JNM-MH-60-II. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used to study organic chemicals of various types, principally nitrogen heterocycles (purine derivatives), sugar compounds and organophosphorus compounds which are being synthesized. The properties to be studied are the effects (inhibitory, or substrate) of analogs on a variety of enzymes. The objectives of the research are to control and analyze the synthesis of organic compounds to be used for the study of mechanism of enzyme action. Application received by Commissioner of Customs: December 2, 1970.

Docket No. 71-00291-33-01110. Applicant: Wayne State University School of Medicine, Medical Research Building (432), 550 East Canfield Avenue, Detroit, MI 48201. Article: Amino acid analyzer, Model JLC-5AH. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for the determination of amino acid composition of proteins, analysis of peptides, sugars and nucleic acids, and determination of free amino acids in physiological fluids. Materials to be studied are tissues (including brain, kidney, liver, muscle, heart, etc.), serum, red cells, and urine. The experiments will be conducted with retarded children and for the study of genetics and evolution. Application received by Commissioner of Customs: December 4, 1970.

Docket No. 71-00292-01-07520. Applicant: University of Arizona, Department of Chemistry, Tucson, AZ 85721. Article: Microcalorimeter, Model LKB-10700-2B. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to examine the heat of association of insulin; the heat of small changes in protein conformation, associated with enzymic processes (activation of zymogens and that induced by binding of substrate to lysozyme); and the heat of reaction of small, weakly bound ligands of lysozyme. Application received by Commissioner of Customs: December 4, 1970.

Docket No. 71-00293-00-61800: Applicant: Columbia Museum of Art Commission, 1519 Senate Street, Columbia, SC 29201. Article: Planetarium projector, Model MS-10. Manufacturer: Minolta Camera Co., Ltd., Japan. Intended use of article: The article will be used for astronomy courses for elementary and secondary grades as well as college freshman. Application received by Commissioner of Customs: December 4, 1970.

Docket No. 71-00294-33-46070. Applicant: The Ohio State University, Department of Otolaryngology, 190 North Oval Drive, Columbus, OH 43210. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for investigations of the surface topography of the inner ear; the study of the freeze drying process by means of a cold stage; the examination of the bone tissues of the middle and inner ears; the study of hearing damage following prolonged exposure to noisy environment; and for experiments on the ototoxicity of certain antibiotics. The microscope will be used in connection with courses dealing with various aspects of otolaryngology for medical students and resident physicians. Application received by Commissioner of Customs: December 7, 1970.

Docket No. 71-00295-00-46040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Image intensifier. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory for a previously imported Elmiskop 101 electron miscroscope used for a study of macromolecules of biological origin. Application received by Commissioner of Customs: December 7, 1970.

Docket No. 71-00296-00-61800. Applicant: Central Florida Museum and Planetarium, 810 East Rollins Avenue, Orlando, FL 32803. Article: Planetarium projector, Model MS-10. Manufacturer: Minolta Camera Co., Ltd., Japan. Intended use of article: The article will be used with an existing control console in courses to demonstrate astronomical phenomena (related to astronomical and navigational sciences as the course subject may require) and also allow student participation and involvement. Application received by Commissioner of Customs: December 7, 1970.

Docket No. 71-00297-33-46040. Applicant: The University of Texas (Southwestern), Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas, TX 75235. Article: Electron microscope Model EM 9S-2. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used by the Department of Anatomy for research on the development and differentiation in *Drosophila*. The Department of Internal Medicine's research centers around changes in the thickness of the capillary basement membrane in the tissues of persons suffering from diabetes mellitus. Courses in which the electron microscope will be used are Cell Biology, Techniquesiin Cell Biology, Advanced Topics in Anatomy—Electron Microscopy, and Research in Anatomy. Application received by Commissioner of Customs: December 8, 1970.

Docket No. 71-00298-33-79200. Applicant: Veterans Administration Hospital, Chief Supply Division, Veterans Administration Building 222, Fort Snelling, St. Paul, MN 55111. Article: Automatic electric all glass water still. Manufacturer: L.V.D. Scorah, United Kingdom. Intended use of article: The article will be used for research where water must be free from contamination, and of the highest purity. Pyrogen free water will be prepared for utilization in other elements for cancer research. Application received by Commissioner of Customs: December 9, 1970.

Docket No. 71-00300-33-46040. Applicant: Baptist Memorial Hospital, 899 Madison Avenue, Memphis, TN 38103. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss Inc., West Germany. Intended use of article: The

article will be used for studies of human and animal tissues as they are altered by hypertension, experimental and spontaneous. In particular, blood vessels from several locations will be examined and renal changes will be studied with special attention to the medullary interstitial cells. The educational programs of the Pathology Department will use the article to teach electron microscopy. Application received by Commissioner of Customs: December 9, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-383 Filed 1-12-71;8:45 am]

National Bureau of Standards

LIQUID MOUTHWASH PREPARATIONS

Notice of Proposed Voluntary Package Guidelines

Notice is hereby given of a proposal received by the National Bureau of Standards from certain manufacturers of liquid mouthwash that is designed to restrict voluntarily the quantities in which liquid mouthwash is packaged for retail sale. This proposal is the result of an informal suggestion by the National Bureau of Standards to a representative number of manufacturers of liquid mouthwash that they review the quantities in which liquid mouthwash is offered for sale. This suggestion was made by the National Bureau of Standards in furtherance of the intent of Congress under the Fair Packaging and Labeling Act (Pub. L. 89-755; 80 Stat. 1296) to facilitate value comparisons by consumers. The proposal contained in this notice is not a Voluntary Product Standard developed under the formal procedures of the Department of Commerce (15 CFR, Part 10). This proposal represents a voluntary effort by the private manufacturers concerned and is not binding upon the industry. There is no sanction provided for noncompliance with the proposed guidelines.

This notice is published to solicit comments from distributors, consumers, and manufacturers who did not participate in the development of this proposal. These comments will be offered to the proponents of the proposed guidelines by the National Bureau of Standards for their information and possible use although they are in no way bound to accept the comments. The substance of the proposal offered by the manufacturers of liquid mouthwash is set forth below. Adherence to these proposed guidelines would reduce the currently used 29 sizes to 11 sizes, a 62 percent reduction. Any comments pertaining to the proposed guidelines should be directed to the Office of Weights and Measures, National Bureau of Standards, Washington, D.C. 20234, within forty-five (45) days of the publication of this notice in the FEDERAL REGISTER.

VOLUNTARY PACKAGE GUIDELINES FOR LIQUID MOUTHWASH PREPARATIONS

When packaged in quantities greater than 32 fluid ounces, liquid mouthwash will be packaged in 8-ounce increments, such as 40 ounces, 48 ounces, 56 ounces, etc. When packaged in the quantity range of 4 ounces to 32 ounces, liquid mouthwash will be packaged in the following quantities: 4, 6, 7, 8, 12, 14, 16, 18, 20, 24, and 32 ounces.

Issued: January 7, 1971.

LEWIS M. BRANSCOMB,
Director.

Approved:

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-406 Filed 1-12-71;8:47 am]

LIQUID NON-NUTRITIVE SWEETENERS

Notice of Proposed Voluntary Package Guidelines

Notice is hereby given by the National Bureau of Standards of a proposal received from some manufacturers of liquid artificial sweeteners that is designed to restrict voluntarily the quantities in which liquid non-nutritive sweeteners are packaged for retail sale. This proposal is the result of an informal suggestion by the National Bureau of Standards to a representative number of manufacturers of liquid non-nutritive sweeteners that they review the quantities in which liquid non-nutritive sweeteners are offered for sale. This suggestion was made by the National Bureau of Standards in furtherance of the intent of Congress under the Fair Packaging and Labeling Act (Pub. L. 89-755; 80 Stat. 1296) to facilitate value comparisons by consumers. The proposal contained in this notice is not a Voluntary Product Standard developed under the formal procedures of the Department of Commerce (15 CFR, Part 10). This proposal represents a voluntary effort by the private manufacturers concerned and is not binding upon the industry. There is no sanction provided for noncompliance with the proposed guidelines.

This notice is published to solicit comments from distributors, consumers, and manufacturers who did not participate in the development of this proposal. These comments will be offered to the proponents of the proposed guidelines by the National Bureau of Standards for their information and possible use although they are in no way bound to accept the comments.

The substance of the proposal offered by the manufacturers of liquid nonnutritive sweeteners is set forth below. Adherence to these proposed guidelines would reduce the currently used 12 sizes to 10 sizes, a 16⅔ percent reduction. Any comments pertaining to the proposed guidelines should be directed to the Office of Weights and Measures, National Bureau of Standards, Washington, D.C. 20234, within forty-five (45) days of the publication of this notice in the FEDERAL REGISTER.

VOLUNTARY PACKAGE GUIDELINES FOR LIQUID NON-NUTRITIVE SWEETENERS

All manufacturers of liquid, non-nutritive sweeteners, in order to fulfill the spirit of the Fair Packaging and Labeling Act and to assist consumers in making value comparisons, will concentrate their production in the following fluid ounce quantities:

1	6	12
2	8	16
3	10	20
4		

Further, when sweetness equivalent information is provided, it will be stated in terms of a teaspoon of sugar in addition to any other comparisons.

Issued: January 7, 1971.

LEWIS M. BRANSCOMB,
Director.

Approved:

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-407 Filed 1-12-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-269; Various NDA's]

NEW DRUG APPLICATIONS

Notice of Opportunity for Hearing

The holders of the new-drug applications listed herein have advised the Food and Drug Administration that the new drugs involved were never marketed or marketing has been discontinued.

Notice is hereby given to each holder of the new-drug applications listed herein that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of such applications and all approved amendments and supplements thereto on the grounds that marketing of the articles having been discontinued or the articles having never been marketed, annual reports of experience with the drug required under section 505(j) of the Act (21 U.S.C. 355 (j)) and new-drug regulations 21 CFR 130.13 and 130.35 (e) and (f) have not been submitted for each new drug listed.

The objective of this action is to close a large number of new-drug files on drugs that have been discontinued or were never marketed. Some of the drugs involved may classify as not now requiring new-drug applications, depending upon composition and labeling claims. Withdrawal of approval of these applications is not for the purpose of classifying the products as new drugs or of applying the efficacy provisions of the act to drugs of the same composition marketed by other firms.

Upon request, the Commissioner will supply to any interested person directly concerned, a statement of the composition of any of the drugs listed herein to the extent that such information was disclosed or required by law to be disclosed in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the new-drug regulations (21 CFR Part 130), the Commissioner will give the applicants named, and any interested person who would be adversely affected by an order withdrawing such approvals, an opportunity for a hearing to show cause why approval of the following new-drug applications should not be withdrawn:

Abbott Labs, 14th and Sheridan Road, North Chicago, Illinois 60064.
NDA's:
0-0005, Deisterol in Oil.
0-0103, Klotogen Solution & Capsules.
0-0476, Sulfapyridine Capsules.
0-1706, Anthralin Cream.
0-1848, Sodium Sulfapyridine & Sodium Sulfapyridine Monohydrate Injection.
0-2291, Kayquinone Capsules, Tablets & Drops.
0-2296, Nictinamide Elixir, Injection & Tablets.
0-2383, Progestin Injection.
0-2878, Sulfathiazole Tablets.
0-3269, Rotene Solution.
0-3351, Natopherol Capsules, Injection & Liquid.
0-3467, Sulfapyridine Enteric Coated Tablets.
0-4047, Stilrone Tablets.
0-4048, Stilrone Enteric Coated Tablets.
0-4050, Stilrone Suppository.
0-4120, Bejectal Injection.
0-4123, Sodium Sulfathiazole Anhydrous Injection.
0-4126, Camphacidol Solution.
0-4146, Syntopherol Actate Injection & Tablets.
0-4185, Hydrosorb Ointment.
0-4225, Sodium Sulfathiazole Sesquinhydrate Injection.
0-4226, Hammonds Mixture Tablets.
0-4249, Epinephrine in Oil Injection.
0-4442, Ca Phantothenate Injection & Tablets.
0-4451, Mannitol Nitrate Tablets.
0-4597, Iso-Metaphen Injection.
0-4752, Sulfanilamide Cream, Tablets & Ointment.
0-4754, Sulfathiazole Tablets.
0-4785, Sulfanilamide Powder.
0-4859, Cenolate-G Injection.
0-5008, Vitamin D Capsules.
0-5044, Sulfapac Paste.
0-5238, Glucophylline Injection.
0-5278, Sulf-opto Solution.
0-5430, Sulfamerazine Tablets.
0-5442, Stilpalmitrate Injection.
0-5524, Thrombin Local Solution.
0-5542, Vijectin Injection.
0-5647, Thiouracil 100 Mg. Tablets.
0-5764, Amethone & Nembutal Capsules & Amethone Capsules.
0-6179, Folic Acid Injection & Tablets & Folic Acid & Iron Tablets.
0-6193, Methadone Hcl Injection, Solution, Syrup, & Tablets.
0-6229, Chloguanide Hcl, 0.1 Gm., 0.3 Gm. Tablets.
0-6246, Pentaquine Phosphate Tablets.
0-6279, Thenylene Hydrochloride Tablets & Cream, 2%, Tablets, 25 mg., 50 mg.; Thenylene & Desoxyn Tablets; Thenylfred & Glucophylline Tablets; Thenylfred Tablets.
0-6298, Sulfedexan Liquid.
0-6408, Urethane Solution.
0-6432, Norothydrogualarectic Acid.
0-6434, Mosical Tablets.
0-6557, Hepasolan Injection.
0-6594, Natopherol AC Capsules & Injection.
0-6597, Sorlate Capsules.
0-6916, Lissephen Capsules.
0-7035, Bevidox Crystalline Injection.
0-7095, Theophylline for Oral Injection.
0-7121, Bevidox Conc/Injection.
0-7258, Sucaryl Sodium Tablets.
0-7910, Alrizane Cl Tablets.
0-8090, Cumopyran Tablets.
0-8162, Tetracycine Hyperiodide Tablets.
0-8204, Vinisil Injection.
0-8471, Isolyn Tablets.
0-9550, Selsun 0.5% Cream.
0-000, Tenserina Tablets.
10-600, Amethone Hcl Conc/Injection.
11-523, Dextran 12% Injection.
11-681, Tral Injection.
11-701, Polybrene Sterile Solution Injection.
12-013, Tralcyon Filmtab.

A. C. Barnes, New Brunswick, New Jersey.
NDA 0-5997, Argypulvis Powder & Capsules.

Acme Scientific Company, Post Office Box 8826, Richmond, Virginia 23225.
NDA's:
0-6465, Lotex Solution.
0-6941, A-Eleven Ointment.

A. H. Robins Company, Inc., 1407 Cummings Drive, Richmond, Virginia 23220.
NDA's:
0-9907, Pabalate W/Cortisone Tablets.
12-256, Dimedrine Extentabs.
13-023, Tranpolse.

Air Reduction Company Inc., Murray Hill, New Jersey 07974.
NDA 0-9674, Vinamar Etaylvinyl Ether INH.

Aktiebolacet Kabi/Sweden/Stockholm, Sweden U.S. agent: Tuteuk Bio-Chemicals, New York 5, New York.
NDA 12-781, Meprobamate Tablets.

Alba Phamaceutical Company, Inc., Division Sterling Drug Inc., 80 Varick Street, New York, N.Y. 94100.
NDA's:
0-0474, Desynon OPS.
0-2719, Sulfathiazole Powder.
0-3674, Sulfathiazole SOD Injection.

Allergan Corporation, 18600 Von Karman Avenue, Irvine, California 92705.
NDA's:
0-9227, Cortefrin.
10-364, HY-Cortefrin 0.5% Ophthalmic Solution.
10-365, HY-Cortefrin 0.12% Ophthalmic Solution.

Allied Biochemical Labs, Inc., 33 Berry Street, San Francisco, California 94100.
NDA's:
0-4322, Childrens Tablets Sulfathiazole Tablets.
0-5052, Mandelasol Tablets.
0-5053, Mandelasol W/Chlorethamine Tablets.

Allied Labs, Inc., 12550 Euclid Avenue, Cleveland, Ohio 44106.
NDA 0-3645, Sulfathiazole Tablets.

Almay Division Schieffelin & Company, Apex, N.Y. 27502.
NDA 0-1886, Aloe Vera CPD Ointment, Veral Ont.

American Cyanamid Company, N.Y., N.Y.
NDA 11X897, Trophenium.

American Home Products Corporation, 3600 American Drive, Chamblie, Georgia 30005.
NDA 0-5844, Bepadin Drops.

American Pharmaceutical Company, 120 Bruckner Blvd., Bronx, New York, 10454.
NDA's:
0-0335, Belexa Emulsion.
0-0337, Belexa Elixir.
0-0338, Belexa Tablets.
0-0339, Ferabex Tablets.
0-0340, Belexon, Capsules.
0-0991, All American Formula for Hair & Scalp Liquid.
0-0996, Isolo Liquid.
0-2409, Sulfapyridine Tablets.
0-7787, Pyrahist Tablets.
0-8464, Gentamin Tablets.

American Roland Corporation, 16 Hudson Street, New York, N.Y.
NDA 0-8588, Isoniazid Tablets.

Ames Company, Inc., 819 McNaughton Avenue, Elkhart, Indiana 46518.
NDA's:
0-7199, Para Aminosalicylic Acid Powder.
0-8187, Apromal Tablets.
0-9325, Nostyn Tablets.
11-216, Nostyn.

AMM-I-DENT Inc., 257 Corneillson Avenue, Jersey City, N.J. 07302.
NDA 0-9893, Ammoniated Dentrifrice W/Fluoride TPT.

Anahist Company Inc., Yonkers, N.Y.
NDA's:
0-7478, Anahist Solution and Anahist Atomizer Solution.
0-7593, Anahist Tablets.
0-7789, Anahist Syrup.
10-061, Vita Boost Capsule & Tablets.

Andromachus Corporation, 11 West 42nd Street, New York, N.Y. 10013.
NDA 0-1561, BES-MIN Liquid.

Arlington Funk Labs, Division US Vitamin & Pharmaceutical Corporation, 26 Vark Street, Yonkers, New York.
NDA's:
11-474, Prednyl Tablets.
11-475, Prednis-CVP Capsules.

Armand Company, 124 Des Moines Street, Des Moines, Iowa.
NDA's:
0-5383, Alertin Solution.
0-5388, Alertin Compound.

Armour & Company, Division Armour Pharmaceutical Company, 401 N. Wabash Avenue, Chicago, Illinois, 60690.
NDA's:
0-2073, Folestrin Capsule, Injection & Suppository.
0-2250, Suprarenal In-Gelatin Mixture Injection.
0-6288, Enierogastrone Hol Injection.
0-6365, Dial Soap.
0-6366, Formula 99 Antiseptic Liquid Hand Soap.

Armour Labs, Division Armour Pharmaceutical Company, Post Office Box 511, Kankakee, Ill. 60901.
NDA's:
0-1729, Progesterone Injection.
0-3499, Hydcholin Tablet.
0-4068, Stilbestrol Injection and Tablet.
0-4127, Liver Liquid Parenteral Injection.
0-5952, Flurossteol Tablet & Bat.
0-6827, Vitamin B12 Conc Injection.
0-8004, Acthar in Oil Injection.
0-8164, Acthar Solution.
0-8465, Xiphisternal Cartilage Mis.
0-8497, Armazide Tablets.
0-8985, Infiltrase Injection.
0-9887, Armyl-F Tablets.
10-454, Nitensar Tablets.

Atlas Pharmaceutical Labs, Inc., 13211 Conant Ave., Detroit, Michigan 48212.
NDA's:
10-257, Reserpine Injection.
10-958, Cobalamin Conc Injection.
11-573, Drocode Bitar Trate.

Aveeno Corporation, 2900 North 17th Street, Philadelphia, Pennsylvania.
NDA 11-688, Bitupal-HC Cream.

Ayerst Labs, Division American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017.
NDA's:
0-4051, Estrobene Injection & Suppository.
0-6261, Tomectin Liquid.
0-8092, Diucardyn SOD Mercapomerin SOD Injection.
11-198, Theruhistin.
11-516, Vanay.
11-563, Hibitane Lozenge.
11-859, Theruhistin-SA Forte Tablets.

11-966, Timovan Tablets.
Ayerst, McKenna & Harrison Ltd., New York 16, N.Y.
NDA's:
0-0902, Alphamin Capsule and Tablets.
0-3255, Kavitan Capsule.
0-4179, Estrobene Injection.
0-5547, Dicumarol Tablets.
0-8005, Exorbin Tablets.
0-8580, Deravine Tablets.
Bard-Saratoga Labs, 98-101 Sawmill River Road, Yonkers, N.Y. 10701.
NDA 10-489, Harvamine Tablets.
Barlow-Maney Labs, Inc., Cedar Rapids, Iowa.
NDA's:
0-6998, Decyl Capsules & Ecc.
0-7096, Vitamin B-12.
0-8369, VIR-I-PHYL ECT.
0-8393, Neothylline Rectal Suppository.
0-9123, Loten Tablets.
Barne-Hind Labs, Division Barnes-Hind Pharmaceutical, Inc., 895 Kifer Road, Sunnyvale, California 94086.
NDA's:
0-7853, Pasna Lyophilized Injection.
0-8742, Takon Skin Protectant Ointment.
10-735, Vitamin B-12 Injection.
Bauer & Black, Division Kendall Company, 309 West Jackson Blvd., Chicago, Illinois 60606.
NDA's:
0-0903, Sutures made from Nylon.
0-2246, Zytor Multifilament Suture.
0-4607, Blue Jay Corn Plasters DRE.
Baxter Labs. Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053: Travenol Labs, Inc.
NDA's:
0-4035, Dextrose-SOD Citrate-SOD CL Solution.
0-6041, 10% Alcohol & 5% Dextrose Injection.
0-7710, Travenol Solution 6% Gelatin W/V in water and in o-9% Saline Injection.
12-798, Caregin IA and IV Injection.
Bergen Pharmacal Company, Inc., 354 Mercer Street, Jersey City, N.J. 07302.
NDA 0-9688, Reserpine Alkaloid Tablets.
B. F. Ascher & Company, Inc., 5100 E. 59th Street, Kansas City, Missouri 64130.
NDA's:
0-8796, Tridynex Tablets.
0-9624, Seroifia Tablets.
Bilhuber-Knoll Corporation, Crane Street, Orange, N.J.
NDA's:
0-6045, Denethyl AMP.
0-8024, Paracodin Bitartrate Injection and Tablets.
Bishop Labs, Inc., 374 50th Street, Brooklyn, N.Y. 11220.
NDA 0-4671, Nitrallium Tablets.
Bisodol Company, New Haven, Connecticut.
NDA 0-4733, Aspertane Tablets.
Blair Labs, Inc., 99-101 Shaw Mill River Road, Yonkers, N.Y. 10701.
NDA's:
10-321, Serphylline Tablets.
10-322, Serphedrine Tablets.
10-323, Serphedrine Tablets.
10-324, Serphylline Tablets.
Block Drug Company, Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.
NDA 10-539, Wernets w/Hydroctisone AC Powder.
Blue Line Chemical Company, 302 South Broadway, St. Louis, Missouri 63102.
NDA's:
0-2724, Brozanthine Tablets.
0-2824, Ephedromal Capsules.
0-3196, Thiamine HCL Tablets.
0-3529, Isofedrol Solution.
0-3752, Follestrol Injection.
0-3995, Synkay Tablet.
0-4784, Hemalirone Elixir.
0-5957, Thiouracil Tablets.
0-8347, Oracortac Tablets.
Bowman Brothers Drug Company, 119 Schroyer Avenue, S.W., Canton, Ohio.
NDA's:
0-2398, Sulfapyridine Tablets.
0-3521, Sulfathiazole Tablets.
0-8313, Cortisone AC Tablets.
0-8533, Hexamethonium CL Tablets.
0-8544, Isoniazide Tablets.
10-398, Obefat Tablets.
Boyle & Company, 6330 Chalet Drive, Commerce, California 90022.
NDA's:
0-6308, Stilbest-Oral.
12-171, Antinergic Tablets.
Brayten Pharmaceutical Company, Division Chattanooga Medicine Company, 1715 West 38th Street, Chattanooga, Tennessee 37409.
NDA's:
0-7375, Pyrabrom Tablets.
0-8660, Predema Tablets.
Breon Labs, Inc., Sub Sterling Drug Inc., 90 Park Avenue, N.Y., N.Y. 10016
NDA 10-699, Maxukal Solution.
Brewer & Company, 2900 North 17th Street, Philadelphia, Pennsylvania 19132.
NDA's:
0-3618, Vikon Capsules and Injection.
0-3839, Sulfathiazole Tablets.
0-6519, Cytochrome C Injection.
0-8133, Novapan DPS.
0-8450, No-Na-Carb Sol.
0-8586, Arogesic Tab.
0-9806, R S Thesodate Tablets.
11-115, Reserpine Tablets.
Bristol Meyers Company, Divisions Bristol Labs, Inc., & Bristol Myers Products, 630 Fifth Avenue, N.Y., N.Y. 10020.
NDA's:
0-6266, Folic Acid Tablets.
0-9574, Sentry Sodium Fluoride TPT.
10-016, Biogels Capsules.
10-363, Bi-Fluor Dentifrice TPT.
10-494, Corto-Bufferin Tablets.
Bryan JH, Spencer, West Virgina.
NDA 0-2050, Vigor-Lax Liquid.
Bryant Pharmaceutical Corporation, 70 Macquesten Parkway South, Mt. Vernon, N.Y. 10550.
NDA 10-057, Reserpine Elixir.
Buffington Inc., 8 Sudbury Street, Worcester, Massachusetts.
NDA's:
0-2191, Special Formula #152654 AJ Gaudet M.D. Tablets.
0-3378, Chola-K-Tablets.
0-4070, Sulfathiazole Tablets.
0-4423, Entells Estrosyn.
0-4636, Allahzole PAS.
Burroughs Wellcome & Company, Inc., USA/INC Scarsdale Road, Tuckahoe, N.Y. 10707.
NDA's:
0-0212, Vaporole Ephedrine Isotonic Solution Drops and Spray.
0-0213, Magnesium Trisilicate Granule.
0-0214, Phenobarbitol & Three Bromides Granule.
0-0898, Tabloid CA Manelate 8.5 GR.
0-2565, Special Formula NO NY 161 Riboflavin Tablets.
0-2968, Avimal Elixir.
0-3262, Tabloid Koaxin Tablets.
0-3263, Hypoloid Mewadione Injections.
0-3387, Hypoloid N Cotine Acid Amide Injection.
0-3983, Stil Bestrol Tablets.
0-4151, Tabloid Stil Bestrol Tablets.
0-4291, Stil Bestrol Injection.
0-6453, Paludrine.
0-7217, Necepinine Spray.
0-7218, Nedepinine Tablets.
0-8441, Hexameton Tablets.
0-8442, Hexameton Injection.
0-8930, Hexameton Injection.
10-644, Pipadone Injection.
Calco Chemical Company, Division American Cyanamid Company, Bound Brook, N.J.
NDA's:
0-0094, Nicotinic Acid-Calco Tablets.
0-0160, Sulfapyridine Tablets.
0-1679, Guanine HCL Calco Injection.
0-1854, Sodium Sulfapyridine Monohydrate Injection.
0-2664, Nicotinicacidamide Bat.
0-2729, Sulfathiazole Tablets.
0-2906, Quino-Thrombin Tablets.
0-3203, Riboflavin Tablets.
0-3264, Calcium Boro-Hibate Powder.
0-3331, Vi-Ferrin Capsules.
0-3411, Sodium Sulfapyridine Tablets.
0-3435, Sodium Sulfathiazole Injection.
0-4055, Sulfadiazine.
0-4206, Sulfacetamide Tablets.
0-4753, Pyridoxine Bat.
Campbell Pharmaceuticals Inc., 685 Third Avenue, N.Y., N.Y. 10017.
NDA's:
0-1419, Pernovin Tablets.
0-2395, Novatropine Injection.
0-5529, Mercupurin ECT.
10-654, Keramin Injection.
Campbell Products, Inc., 79 Madison Avenue, N.Y., N.Y.
NDA:
0-3306, Alutropin Liquid.
Carnrick Labs, Division G. W. Carnrick, 65 Horse Hill Road, Cedar Knolls, N.J. 07927.
NDA's:
0-0131, Estrapropin Injection.
0-1000, Typsogen Tablets.
0-1001, Typsogen ECT.
0-1031, Incresol Liquid.
0-1057, VGN Tablets.
Carroll Dunham Smith Pharmacal Company, Division Smith, Miller & PATC, 902 Broadway, N.Y., N.Y. 10010.
NDA's:
0-0667, Ferrous Sul Exsiccated Tablets.
0-0836, Estrusol Injection.
0-1118, Thiamin CL Elixir.
0-1424, Quabain Injection.
0-1582, Nicotinic Acid Tablets.
0-1869, Progesterol Injection.
0-2053, Liver & Thiamin Injection.
0-2168, Sulfapyridine Tablets.
0-2315, Epinephrine-Gel Injection.
0-2568, Estrusol Tablets.
0-2981, Aspir-Phenobarb w/CA Tablets.
0-2992, Somnol Tablets.
0-3066, Sulfathiazole Tablets.
0-3537, Aspirpops Lozenge.
0-3712, Kanone Injection and Tablet.
0-4137, Pyridoxine HCL Injection & Tablet.
0-4352, Stilbestrol Injection.
0-4395, Liver Solution Injection.
0-4480, Sacasu Injection.
0-4675, Estrusol Injection.
0-6425, Propylithiouracil.
0-6546, Isorenin Solution.
0-7012, VI-TWEL.
0-7601, VI-TWEL-BEX Injection.
0-9423, Hemo-Vitol Liquid.
10-738, Theracor Tablets.
12-075, Triamar Tablets.
Casimir Funk Labs, Division, US Vitamin Corporation, New York, N.Y.
NDA's:
0-7272, Enelone Tablets.
0-7851, Enescorb Tablets.
0-8503, Tisin Tablets.
0-9002, Stanone.
C. B. Kendall CC., 309 W. Jackson Blvd., Chicago, Illinois, 60606.
NDA's:
0-4685, Estrogenic Substance Injection.
0-4790, Stilbestrol Tablets.
0-7897, Khellammin Tablets.
CD Smith Pharmacal Company, New Brunswick, N.J.
NDA 0-3595, B-Complex Injection.
Central Pharmacal Company, 120-128 E. Third Street, Seymour, Indiana 47274.
NDA's:
0-3543, Sulfathiazole Tablets.
0-6353, Propyl-Thiouracil.
0-7656, Parbrom Tablets.

0-7687, Theomersyl Injection.
0-8979, Cenaten Tablets.
0-9183, Neocylate w/Cortisone.
0-9890, Act Ylate, w/Cortisone Tablets.
10-362, Parmal Timules SRC.
10-450, Resercen Timules SRC.
10-802, Neocylate-HC Tablets.
10-949, Rubecen-1000 Injection.
11-050, Biosercen Capsules.
Charles C. Haskell & Co. Inc., 223 E. Main Street, Richmond, Va.
NDA's:
0-1139, Belphedribarb Tablets.
0-2353, Hasac Tablets.
0-2410, Belnesium Tablets.
0-3557, Pantabee w/Iron Capsules.
0-3558, Pantabee Capsules.
0-4082, Sulfanilamide Vaginal Suppository.
0-4376, Duosulfon Ointment.
0-4446, Duoviron Tablets.
0-5061, Duosulfon Suspension.
0-9636, Querserdin Tablets.
Chas Pfizer & Company Inc., 235 E. 42nd Street, N.Y., N.Y. 10017.
NDA's:
0-8686, Cotinazin Injection.
0-8956, Neodrol Injection.
0-9226, Cortril Acetate.
0-9350, Bonine Chewing Tablets.
10-291, Cortril Soluble Injection.
10-950, F-28 Ointment.
11-187, Moderil Elixir.
11-466, Ataraxoid Elixir.
11-649, Dilombrin Iodide Tablets.
Chase Chemical Company, 280 Chestnut Street, Newark, N.J. 07105.
NDA's:
0-9237, Mephenesin.
0-9446, Rauwolfia Serpentina Tablets.
0-9531, Rauwolfia Serpentina w/Veratrum Viride Tablets.
0-9666, Reserpine Tablets.
0-9767, Tocyl Capsules and Tablets.
Chattanooga Medicine Company, 1715 W., 38th Street, Chattanooga, Tennessee 37409.
NDA 0-3740, Zyrone Liquid.
Chemedic, Division Chicago Pharmaceutical Company, 5547 N. Ravenswood Avenue, Chicago, Illinois 60640.
NDA 12-566, Vial 90A Sterile Solution Injection.
Chicago Pharmacal, Division Conal Pham. Inc., 5547 N. Ravenswood Avenue, Chicago, Illinois 60640.
NDA's:
0-0485, Special Formula for Dr. Herbert T. Cov Tablets.
0-0508, Special Formula for Dr. F. L. Barnes Tablets.
0-0707, Dr. Ben H. Hoggins Special Rx #16.
0-0708, Dr. Ben H. Hoggins Special Rx #17.
0-0709, Dr. John T. McDonald Special Rx #1.
0-0801, Special Formula for Dr. A. C. Archam-ault Ect.
0-0802, Special Formula for Dr. B. B. Black.
0-2158, Special Formula for Dr. F. P. Krotsch Tablets.
0-2318, Special Formula Rx #1 for Dr. G. N. Welch Tablets.
0-2582, Propalcain Injection.
0-2583, #20 Solution.
0-2584, Solution #19.
0-2588, Sulfapyridine Tablet.
0-2820, #1 of R. W. Kirchberg MD Tablet.
0-2829, FH Deane MD Rx #1 Ect.
0-2872, Pentobarbital Sodium Tablet.
0-3038, Phenylmercuric Nitrate w/Benzocaine Lozenge.
0-3052, Phenobarbital & Atropine Sulfate Tablets.
0-3071, #132A Tablet.
0-3438, Betavite Injection.
0-3437, Rx #7/JB Ross Tablets.
0-3438, Calcium Levulinate Injection.
0-3476, Phenatrium Tablets.
0-3567, Trichlorplex Elixir.
0-3904, Rx #8 of FH Coeur-Barron MD Tablet.
0-3916 2 Me-Naphihoquinone Tablets.
0-3980, Sulfathiazole Tablets.
0-5534, Sulfed Solution.
0-5784, Podolin Ointment.
0-9107, Acetylduo Tablets.
10-115, Citrisan Tablets.
10-252, Resydess Tablets.
11-132, Reserpine.
11-133, Reserpine.
11-246, Rouwolfia Serpentina.
Ciba Pharmaceutical Company, Division Ciba Corporation, 556 Morris Avenue, Summit, NJ 07901.
NDA's:
0-0499, Perandren Ointment.
0-0719, Perandrenal Ointment & Perandrenal Testosterone Ointment.
0-0741, Ovocylin Ointment, Solution, Suppository & Tablet.
0-0742, Ben-Ovocylin Injection.
0-0743, Lutocylin Injection.
0-2857, Sulfathiazole Tablets.
0-4584, Stilbestrol Tablets.
0-7873, Dibistine Tablets.
0-8056, Tricainal Suppository & Ointment.
0-8115, Stenandren Injection & Tablets.
0-8469, Cortisone Ac Oint. & Susp.
0-8478, Esomid CL Syrup & Tablets.
0-9534, Pyribenzamine Anesthetic Solution & Tablet.
10-213, Serpatilin Tablets.
10-631, Ecolid Chloride Injection.
10-933, Serpasil-Ecolid Chloride Rotocotes Tablets.
11-069, Doriden-Ritalin Tablets.
11-177, Transtine-PA Tablets.
11-237, Bradosol Bromide Powder, Solution & Tincture.
11-480, Serpasil Ritalin Tablets.
11-540, Tessalon.
11-711, Bradoform Tablets.
11-861, Orisul Sus. Children & Orisul Tablets.
11-915, Cosulid Capsules & Tablets.
12-053, Apresoline Lontabs.
12-326, Novidrix Tablets.
12-929, Dianarit-B Capsules & Dianarit Capsules.
Cole Pharmacal Company, 3721 Laclede Avenue, St. Louis, MO 63108.
NDA's:
0-0536, Be-Min Liquid.
0-0537, Be-Min Tablets.
0-0815, Cevitanic Acid Tablets.
0-0908, Coles Sulfiron Liquid.
0-0929, Beeco Tablets.
0-0933, Sulfiron Tablets.
0-1114, Sulfanilamide & Sodium Bicarbonate Tablets.
0-1115, Alkamag Powder & Tablets.
0-1177, Carbromal 5 GR Tablets.
0-1930, Coles Yeronux Tablets.
0-2071, Colebenz Lotion.
0-2345, Calcretin Tablets & KA-EN Tablets.
0-2415, Glycomin Liquid.
0-2551, Chloridextrose Tablets.
0-2680, Thiamin CL Injection.
0-3270, Mercuric Oxide & Ephedrine Sulfate Ophthalmic Ointment.
0-3271, Phenacaine Hydrochloride Sulfate Ophthalmic Ointment.
0-3300, Colbron Capsules.
0-3421, Sulfapyridine Tablets.
0-3451, Glin Tablets.
0-3466, Sulfathiazole Tablets.
0-3548, AL Subacetate Ointment.
0-3549, AL Subacetate w/Zinc Oxide Ointment.
0-3705, Decaps/Vitamin D/Capsules.
0-3710, Caloe Ointment.
0-3715, Sulfanilamide Tablets.
0-3835, Phenacy Tablet.
0-3836, Posta-Cole Tablet.
0-3885, Colagog Tablet.
0-4067, Gentian Violet Ect.
0-4079, VAD Capsules.
0-4095, FEV Tablets.
0-4102, Pyreb Ointment.
0-4133, Fetone Solution.
0-4145, CA Pantothenate Capsules.
0-4198, Klot Capsules.
0-4393, Dietstilbestrol Tablets.
0-4489, Ansul Ointment.
0-4522, Chorionic Gonadotropin Injection.
0-4548, Biotal Tablets.
0-4896, Redelfur Cream.
0-4572, Dyscole Tablets.
0-4976, Arthol Tablets.
0-5077, Siazole Tablets.
0-5086, Vagiquin Tablets.
0-5978, Thiouracil Tablets.
0-7033, Crystalline Vitamin B12 Injection.
0-8900, Veracole Tablets.
0-9382, Colgesic Tablets.
Colgate Palmolive Company, 300 Park Avenue, N.Y., N.Y. 10022.
NDA's:
0-9553, Colgate Tooth Powder TPT.
0-9764, Brisk.
12-100, Coleo Antibacterial Deodorant w/TCSA Soap.
13-297, Coleo Antibacterial Deodorant Soap.
Columbus Pharmacal Company, Division Philips Roxane Inc, 330 Oak Street, Columbus, Ohio 43216.
NDA's:
0-0141, Mycocide Powder.
0-0142, Vitamin B Complex Syrup.
0-0277, Guala-Cream Cream.
0-0472, Protocaine Injection.
0-0831, Vitamin B Complex Tablets.
0-1009, K CL Tablet.
0-1182, Vitamin B Complex w/Iron Tablets.
0-1351, AAP Tablets.
0-1366, Vitamin B1 Injection.
0-1651, Hycosil Powder.
0-1652, Nucinal T 830 Tablets.
0-1931, Heptamar Liquid.
0-1974, Thiamin HCL Elixir.
0-2150, Pharynoids Lozenga.
0-3636, Alpha Tocopherol Injection.
0-3812, Sulfanilamide Ointment.
0-3843, Merloid Lotion.
0-4265, Sulfathiazole Tablets.
0-4357, Stilbestrol Tablets.
0-4454, Stilbestrol Injection.
0-4483, Colloidal Calcium Gelatinate Solution.
0-4549, Sulfanilamide & Sulfathiazole Ointment.
0-4919, Sulfathar Ointment.
0-5071, Sulfathiazole & Thiourea Ointment.
0-5136, Sulfathiazole & Benzocaine TRH.
0-5921, Thiouracil Tablets.
0-6510, Prthiouracil Tablets.
0-8012, Khellin ECT.
10-863, Resonium Tablets.
11-513, Bronkodyl.
11-824, Nescuta Creme.
Cook-Waite Labs, Inc., Division Professional Services & Res., 170 Varick Street, New York, N.Y.
NDA 0-5212, Novocain-Tutocain-Cobefrin Injection.
Cooper Tinsley Labs, Inc., Harrison, N.J.
NDA 12-253, Cupertin Cream.
Cosmos Chemical Corporation, 625 Broadway, New York, N.Y. 10012.
NDA 0-8585, Isoniazid Tablets.
Cowley Pharmaceutical Inc., 85 Southbridge Street, Auburn, Massachusetts, 01501.
NDA 0-9653, Reserpine Tablets.
Creviston & Company, Inc., Chicago, Illinois.
NDA 10-569, Cobextin Injection.

Crookes Labs Inc., 305 E. 45th Street, New York, N.Y.
NDA's:
0-0520, Enzo-Cal Liquid & Lotion.
0-1046, Feralumina Suspension.
0-4313, Neo Oestranol 1 Injection & Tablet.
0-7565, Gentexin Tablets.
0-7774, Gentisan Tablets.
0-9503, Raupertenal Tablets.
Crookes-Barnes Labs Inc., Division Chemway Corporation, Fairfield Road, Wayne, N.J. 07470.
NDA's:
11-656, Corphos.
12-023, Pellar Antifungal Ointment.
12-105, Pellar Powder.
Cutter Labs., 4th and Parker Streets, Berkeley, California 94710.
NDA's:
0-0152, Gonadin Injection.
0-677, Iodobismitol w/Saligenin.
0-1024, Sobisminol Solution.
0-1025, Sobisminol Capsules.
0-6558, D Tubocurarine CL.
0-6682, Liprinel Capsules.
0-6980, Anionium Capsules.
0-9400, Polyvinylpyrrolidone 3½% in Saline Injection.
10-541, Bynamid Lotion, Ointment, TCT, and Powder.
Dabney Pharmacal Inc., Indianapolis, Indiana.
NDA's:
0-4878, Male Sex Hormone Injection.
0-4880, Progesterone Injection.
Dandrug Company, 4109 Amos Avenue, Baltimore, Maryland 21215.
NDA 0-6473, Sulfodandrug Solution.
Darby, E. H., Box 169, Florence, Alabama.
NDA 0-1867, Famous Old South Laxative Liquid.
Davis & Geck, Division American Cyanamid Company, Brooklyn, N.Y.
NDA 0-4152, Anacap Cotton Suture.
Davis Emergency Equipment Company, Inc., 45 Hallock Street, Newark, N.J.
NDA 10-659, Isodine Applicators and Swabs Dressing.
Direct Labs Inc., 377 Genesee Street, Buffalo, N.Y. 14204 (Direct Sales Company Inc.).
NDA's:
0-3273, Sulfanilamide & Sodium Bicarbonate Tablets.
0-3334, Sulfapyridine Tablets.
0-3442, Sulfathiazole Tablets.
0-3723, Digitalis Leaves Tablets.
0-4795, Stibestrol Tablet.
0-4842, Sulfathiazone 5PC Ointment.
0-7102, Undecylenic Acid Capsules.
10-265, Direserthon Tablets.
10-433, Reserpine SRC.
10-595, Diserdex Tablets.
10-763, Dipentrate & Reserpine Tablets.
10-767, Hyoresat Tablet.
Doak Company, Inc., 2000 Shames Drive, Westbury, L.I., N.Y. 11590.
NDA's:
0-2295, Sepolin PAS.
0-5879, Cuprosal Ointment.
Doho Chemical Corporation, New York, N.Y.
NDA 0-7104, Rhinalgan Solution.
Dome Chemical Inc., 125 West End Avenue, New York, N.Y.
NDA's:
10-459, Methoka-Dome Capsules & Solution.
10-704, Stan-A-Dome Cream.
11-342, Albadome Lotion.
11-962, Sarcophen.
13-144, Ocu-Cort-Solution.
Don Baxter, Inc., Division of McGraw Labs, Inc., 1015 Grandview Avenue, Glendale, California 91201.
NDA's:
0-2957, Sulfanilamide 0.4% W/V in Physiological Solution of S.
0-3757, Sulfanilamide Injection.
0-3758, Sulfanilamide Injection.
0-4523, Histamine Diphosphate Solution.
0-4669, Sulfanilamide Powder.
0-4726, Isotonic Lubricating Jelly.
11-040, Octylan Compound Tablets.
Dow Corning Corporation, Midland, Michigan 48640.
NDA 0-9568, Dymasyl Liquid.
Drugmaster Inc., 2700 Wagner Place Maryland Heights, Missouri 63042.
NDA 11-286, Reserpine.
Drumlin, Inc., New York, New York.
NDA 0-4599, Drumlin Liquid.
Dumas-Wilson & Company, St. Louis, Missouri.
NDA 7-092, Alenic Enteric Coated Capsules.
Durr Products, 26 Vark Street, Yonkers, New York 10701.
NDA 10-588, Al-Serpine Injection.
E. Fougera & Company, Inc., Cantiague Rock Road, Post Office Box 73, Hicksville, New York 11800.
NDA's:
0-1551, Carbismoquin W/Gum Sterculia Tablet.
0-6867, Histaphene Tablet.
0-8138, Euforil Injection.
0-8170, Epocaine Injection.
0-9381, Laudolissin Methylsulfate Injection.
11-584, Orabilex.
Eaton Labs, Division of Norwich Pharmacal Company, 17 Eaton Avenue, Norwich.
NDA's:
0-7050, Histron Tablets.
0-7183, Euraspor Cream & Ointment.
10-545, Reserpine Alkaloid Tablets.
11-965, Altafurtab.
E. I. Dupont De Nemours & Company, Wilmington, Delaware.
NDA 0-0005, Delsterol Opthamic Solution.
E. L. Patch Company, 38 Montvale Avenue, Stoneham, Massachusetts.
NDA's:
0-0113, Kondremul W/Senna Drops Liquid.
0-1323, Suplatone Capsules.
0-1866, Patchs NAS Jelly.
0-2877, Trimagnol Tablet.
0-3303, Secremol Liquid.
0-4517, Diestrene Enteric Coated Tablets.
0-5919, Syntaclo Ointment.
0-6291, Glytheonate Powder, Solution, Suppository, Syrup and Tablets.
0-7525, Glybrom Tablets.
0-9808, Glytheonate P.S.
10-086, Myopurin Tablets.
Eli Lilly and Company, Box 618, Indianapolis, Indiana 46206.
NDA's:
0-0158, Nipectin Liquid.
0-0181, Monoethanolamine Morrhuate Injection.
0-0182, Picrotoxin Injection.
0-1020, Sobisminol Injection.
0-1021, Sobisminol Capsules.
0-2292, Sodium Sulfapyridine Monohydrate Injection.
0-5343, Sulfathiazole Lozenge.
0-5709, Thiouracil Tablets, 0, 1%, 0.2% Gm.
0-6294, Hesperidin ME Chalcone Capsules.
0-6307, Guanatol HCL Suspension and Tablets.
0-6713, Sodium, 5-PH-5-Thienyl Hydantoinate 2 Gr. Capsules.
0-6961, Betalin Crystalline Injection.
0-7064, Konogen Tablets.
0-7655, Thiocarbarsone Solubilized Powder.
0-8009, Sol Dicurin Sod W/Theophylline Injection.
0-8029, Choline and Inositol Solution.
0-8151, Primaquine Tablets.
0-8221, Cortisone AC Tablets.
0-8273, Cortisone AC Injection.
0-8376, ACTH.
0-8624, ACTH Lilly Injection.
0-8815, Amytal Sod Injection.
0-9179, Acetyl Strophanthidin Injection.
0-9338, Sod Thiocyanate.
0-9514, I Lotycin Injection.
0-9959, Paskate Pulvules Capsules.
10-366, Pyronil & Sodium Undecylenate Powder.
10-468, Sandril Oral Drops.
10-995, Darvon W/ASA Pulvules Capsules.
11-239, Nicotinic Acid Tablets.
12-017, Chlopropamide 100 Mg. & 250 Mg. Capsules.
12-217, Vortel Syrup.
12-629, Valdron Pulvules.
Endo Labs, Inc., 1000 Stewart Avenue, Garden City, New York 11530.
NDA 10-861, Perin Wafers.
Endo Products Company, 84-101 Street, Richmond Hill, 18, New York.
NDA's:
0-0539, Aldin Tablets.
0-1598, Manibee W/Ferrous Sulfate Endo Tablets.
0-1599, Manibee Tablets.
0-1703, Thyroid Enteric Coated Tablets and Tablets.
0-1710, Estromone W/Vitamin B1 Injection.
0-2224, Nikethamide Injection and Solution.
0-2494, Pentobarbital Sod Capsules and Injection.
0-2891, Alpha Tocopherol Injection and Tablets.
0-2904, Aminophylline Enteric Coated Tablets.
0-2905, Nicobee Elixir.
0-3458, Sulfathiazole Tablets.
0-3530, Estromone W/Thyroid Tablets.
0-3746, Trikedan Sodium Tablets.
0-3880, Sulfapyridine Tablets.
0-4189, Stilbestrol Enteric Coated Tablets, Injection, and Tablets.
0-4653, Pancal Solution and TABlets.
0-4854, Sulfathiazole Cream 5% Ointment.
0-5271, Nigenol Tablets.
0-6415, Hyflavin.
0-6433, Morusul Injection.
Ennis Coffee Company, Kansas City, Missouri.
NDA 0-2836, Salas Granules.
E. R. Squibb & Son, Division Olin Mathieson Chemical Corporation, 909 Third Avenue, New York, New York 10022.
NDA's:
0-0173, Hydanyl Capsule and Powder.
0-0291, EPinephrine in Oil Injection.
0-0350, Stabisol Suspension.
0-0422, Sulfapyridine Tablets.
0-0819, Sacasan Granules.
0-0829, Vita K Concentrate Solution.
0-1022, Sobisminol Injection.
0-1023, Sobisminol Mass Squibb Capsules.
0-1920, 2-Methyl 14 Naphthoquinone Injection.
0-1998, Procholon Sod Solution Injection.
0-2096, Sulfapyridine Sod Squibb Injection.
0-2701, Sulfathiazole Ointment and Powder.
0-2767, Pyridoxine HCL Capsule and Liquid.
0-3053, Sulfathiazole Sod Injection.
0-3129, Nicotinamide Capsules, Elixir, and Injection.
0-3416, CA Pantothenate Injection and Calcium Pantothenate Tablets.
0-3426, Syntheplex-B Capsules.
0-3728, Mannitol Hexanitrate Tablets.
0-4011, Parentosol-B Injection.
0-4217, Sulfadiazine Injection and Powder.
0-5027, Zinc Sulfathiazole Ointment.
0-5177, Sulmefrin Opthalmic Solution.
0-5331, Sulmefrin Opthalmic Solution.
0-5375, Celteric Enteric Coated Tablets.
0-5396, Sulfamerazine Tablets.
0-5511, Dicumarol Capsules.

0-5571, Diazprin Wafer.
0-5617, Desoxyephedrine Inhaler.
0-5627, Thiouracil Tablets.
0-5673, TCT PH Cellosolve Squibb.
0-6121, Dienestrol Tablets.
0-6126, Luteotrophin Squibb Injection.
0-6183, Chlorguanide HCL Tablets.
0-6197, Vigran W/Folic Acid Multiple Vitamin Capsules.
0-6201, Sodium Folate Solution Injection.
0-6249, Dispadal Drops.
0-6297, Delacurarine Liquid.
0-6551, Pituitary Gonadotrophine Injection.
0-7688, Thylokay Injection.
0-7722, Prenderol Capsules and Tablets.
0-7815, Bistrium CL Injection.
0-7882, Anatensol.
0-7920, Rubramin Crystalline Hypofile.
0-7923, Parentosol B-Hypofils Injection.
0-7925, Hypofils Posterior Pituitary Injection.
0-7926, Hypofilnikethamide Solution.
0-7931, Rubramin Hypofils.
0-7948, Hypofilneoamiotin.
0-7949, Hypofilprogesterone Oil.
0-8039, Physiological Salt Solution Injection.
0-8043, Thylokay Solution Injection.
0-8149, Talsigel Suspension & Talsutin Tablet.
0-8222, Diagnex Powder.
0-8238, Solcthyl Injection.
0-8340, Insulin U-500.
0-8374, Stilbetin In Oil Injection.
0-8437, Vergitryl IM Injection.
0-8561, Adcortyl Tablets.
0-8619, Enzodase Injection.
0-8701, Ethyl Vanillate Capsules and Powder.
0-8812, L-Isomethadone HCL Hypodermic Tablets.
0-8920, Bistrium CL Tablets.
0-8923, Vergitryl Tablets.
0-9080, Cotranul Tablets.
0-9235, Protoveratrine Tablets.
0-9518, Piperex Syrup.
0-9747, Rau-Sed Injection.
10-065, Rau-Sed Syrup.
10-311, Rubramin Parenteral Vitamin B-12 From Bacterial Cell P.
11-800, Ademol Tablets.
11-801, Ademak Tablets.
11-851, Rencal Powder.
12-174, Di-Ademil Tablets.
12-289, Vesprin Suppository.
Ernst Bischoff Company, Inc., Ivoryton, Connecticut.
NDA 0-5339, Aquakay Enteric Coated Tablets and Injection.
ES Miller Labs. 404 E. 27th Street, Los Angeles, California.
NDA's:
0-1752, Sulfanilamide Compressed Tablets.
0-1772, Sorbitol 50PC Injection.
0-1784, Estrogenic Substance In Oil Injection.
0-3677, Sulfapyridine Tablets.
0-4064, Menadione Tablets.
0-4117, Surfathiazole Tablets.
0-4438, Stilbestrol Tablets and Injection.
0-6194, Stilbestrol Tablets.
0-7034, Dudekab Injection.
0-7177, Toluaxin Tablets.
0-8201, Neostene Injection.
0-8817, Progesterone Injection.
0-9174, Oramestin.
10-474, Proscomide Sustained Release Capsules.
10-829, Cobalamin Concinjection.
Evron Company, Inc., 3402 Carmen Avenue, Chicago, Illinois.
NDA's:
0-9608, Rauwolfia-Veratrum Virides Tablets.
10-226, Pyrilamine Maleate Sustained Release Capsule.
11-330, Pentriltol-60 Tempules Capsules.
EW Heun Company, St. Louis, Missouri.
NDA 0-9091, Isoniazide Tab.
Fairchild Bros. & Foster, Washington & Light Sts., New York, N.Y.
NDA 0-2519, Pepsencia Solution.
Fellows-Testagar Company, Division Fellowa Medical MFG Company, Inc., 1354 West Lafayette Blvd., Detroit, Michigan 48226.
NDA 0-9681, Ascorbocaine Capsules.
Fesler Company, Inc., Stamford, Connecticut.
NDA 0-9971, Vacid Tablet.
First Texas Chemical MFG, Company, 1810 N. Lamar, Dallas, Texas 75202.
NDA's:
0-0024, Dr. A. Taylor Private Formula Capsule.
0-0027, Private Formula Capsule.
0-0134, Private Formula For Delaumes Pharm. Capsule.
0-0147, Formacodin Compound Tablets.
0-0325, Private Formula Capsules.
0-0250, Private Formula Ointment.
0-0488, Private Formula Capsules for Service Drug Company.
0-0563, Sulfanilamide and Soda Tablets.
0-0570, Private Formula for Dr. J. D. Hodgeson Tablets.
0-0596, Private Formula for Dr. D. O. Haage Tablets.
0-0720, Thiamin CL Tablets and Elixir.
0-0791, Private Formula Capsules.
0-0841, Private Formula Capsules.
0-0895, Private Formula Capsules.
0-0896, Private Formula Capsules.
0-0964, Private Formula Capsules.
0-1180, Private Formula Capsules.
0-1207, Ima Eye Lot.
0-1218, Private Formula Sodium BR Tablets.
0-1613, Private Formula Roark WN MD Tablets.
0-1614, Private Formula Stephens MS MD Tablets.
0-1655, Private Formula Liquid.
0-1684, Private Formula for Dr. M. M. Tompkins.
0-1712, Private Formula for Dr. C. J. Roper Tablets.
0-1830, Private Formula for Dr. L. T. Waller Clinic Tablets.
0-1859, Private Formula for City Drug Store Capsules 8.
0-1860, Private Formula for Green Drug Store Tablets.
0-1861, Private Formula Cap.
0-1894, Private Formula for Scott Pharmacy Capsules.
0-1895, Private Formula for Dr. J. M. Laning Liquid.
0-1916, Private Formula Capsules.
0-1917, Private Formula Powder.
0-2016, Thiamin Clelixir.
0-2065, Private Formula for Dr. Paul H. Herron MD Tablets.
0-2105, Private Formula Capsules.
0-2141, Private Formula for the Corner Drug Store Capsules.
0-2127, Sulfapyridine Capsules.
0-2298, Highlands Pharmacy Private Formula Powder.
0-3040, Private Formula for Herron Paul H. MD Tablets.
0-3041, Private Formula for Herron Paul H. MD Tablets.
0-3042, Private Formula for Herron Paul H. MD Tablets.
0-2344, Sulfapyridine Tablets.
0-3218, Private Formula Capsules.
0-3257, Private Formula Capsules.
0-3338, Private Formula Capsules #7127.
0-3652, Private Formula City Drug Store Capsules.
0-3668, Private Formula Dr. J. L. Porter Capsules.
0-3813, Private Formula Sterling Drug Store.
0-4109, Private Formula for Basham John J. MD Ointment.
0-4178, Private Formula Capsules.
0-4335, Private Formula Capsules #7321.
FJ Laurel Company, 7475 North Rogers Avenue, Chicago, Illinois 60626.
NDA 12-012, Loridrene.
Flint Eaton and Company, Division Baxter Labs, Inc., 6301 Lincoln Ave., Morton Grove, Illinois 60053.
NDA's:
0-0718, Glycolex Solution.
0-0935, Vitamin Bithiamin CL Tablets.
0-1313, Chlorphedrine w/Menthol Solution.
0-1625, Nocotinic Acid 25MG Tablets.
0-1731, Estrone 10 MG Injection.
0-1732, ET-Trone-Carbonate Tablets.
0-1822, Sulfanilamine w/Sodium Bicarbonate.
0-3376, Proquinol Tablets.
0-3312, Sulfathiazole Tablets.
0-3459, Sulfathiazole Tablets.
0-3901, Alpha-Tocopherol Injection.
0-3917, CA Pantothenate Injection.
0-3954, Pyridoxine HCL Injection.
0-4025, Pentobarbitol SOD Capsules.
0-4078, Hepralin Capsules.
0-3377, Proquinol Injection.
0-4066, Sulfanilamide Liquid.
0-4080, Sulfathiazole Powder.
0-4243, Pentobarbital/Ephedrine.
0-4514, Stilbestrol Tablets.
0-4515, Stilbestrol Injection.
0-4516, Stilbestrol Suppository.
0-4602, Stilbestrol Injection.
0-4686, Progestin Injection.
0-4849, Sulfatoin Ointment.
0-4874, Sulfathiazole Ointment.
0-4916, Sulfanilamide Ointment.
0-6712, Mardrin Solution.
0-7011, Pyrathyn Capsules.
0-9938, Raucylate Capsules.
10-655, Rautrate Tablets.
11-907, G-I-Tran Tablets.
Frederick Stearns & Company, Division Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.
NDA's:
0-0932, Mucilose w/Kasagra Granules.
0-0939, Cyverine HCL Capsules.
0-1013, Thiamin Chloride Tablets.
0-1014, Ascorbic Acid Tablets.
0-1038, Acebenide Tablets.
0-1290, Coco COD w/Vitamin B1 & B2 Liquid.
0-1540, Sulfanilamide Tablets.
0-1705, K Gluconate Tablets.
0-1717, Stearns Elixir Thiamin CL.
0-1753, Dica Phos Wafers.
0-1754, Protamine ZN Insulin Injection.
0-2469, Nebulin A Sol. Inhaler.
0-2499, Thiamin CL Solution Injection.
0-2555, Gonobia Tablets.
0-2627, Riboflavin Capsules.
0-2690, Nicotinic Acid Tablets.
0-2699, Virox Liquid.
0-2700, Virox Elixir.
0-2761, Vitamin A Capsules.
0-4281, Sulfapyridine Tablets.
0-4282, Sulfathiazole Tablets.
0-4379, Stilbestrol Tablets.
Galen Co. Inc., Berkeley, California.
NDA's:
0-3124, Vitamin B6 HCL Injection.
0-3125, Vitamin B6 HCL.
0-3150, Elixir Galen B Fortified Elixir.
0-3887, Pyridoxine HCL Tablets.
0-4618, Vijex Injection.
GD Searle & Company, Post Office, Box 540, Chicago, Illinois 60680.
NDA's:
0-2681, Furmerane TCT.
0-3045, Furmerane Solution.
0-3803, Furmerine Ointment.
0-3804, Furmerine Drops.
0-3942, Amodrine Enteric Coated Tablets.
0-4259, Gonadophysin Injection.
0-8518, Fadenal Tablets.
0-8789, Diodoquin Powder.

0–9569, Mincard Tablets.
12–132, Prozanchol Tab.
12–534, Mitronal.
0–4227, Tetrathione Injection.

Geigy Pharmaceuticals, Division Geigy Chemical Corporation, Post Office Box 430, Yonkers, N.Y., 10702.
NDA 12–837, Per Santin AMP.

Gelatin Products Company, 9425 Grinnell Avenue, Detroit, Michigan.
NDA's:
0–4087, A-Vatine Capsules.
0–4088, AD-Vatine Capsules.
0–4089, B-Vatine Capsules.
0–4090, D-Vatine Capsules.
0–4091, Pan-Vatine Capsules.
0–4092, Tri-Vatine Capsules.

George Breon & Company, Inc., Division of Sterling Drug, 90 Park Avenue, New York, N.Y. 10016.
NDA's:
0–0143, Nicotinic Acid Tablets.
0–0486, Bismuth Salicylate In Oil Injection.
0–0487, Special Formula for Bridge Clinic Powder.
0–0937, Beviplex Tablets.
0–1234, Estrogenic Substance in Oil Injection.
0–1659, Vitamin B1 Injection.
0–1690, Bismuth Subsalicylate in Oil Injection.
0–1741, Sodium Benzoate Solution.
0–2163, Riboflavin Tablets.
0–2221, Progesterone Injection.
0–2222, Progesterone Injection.
0–2477, Adrenal Cortex Extract Injection.
0–2740, Pentobarbital Sod Tablets.
0–2814, Nikethiamide Injection.
0–2910, Pyridoxine HCL Injection.
0–2911, Nicotinamide Injection.
0–2912, Vitamin B1 Injection.
0–2956, Vitamin B Complex Syrup.
0–3070, Vafiol Capsules.
0–3258, Pyridoxine HCL Injection.
0–3316, Aluminum Hydroxide Tablets.
0–3354, Pyridoxine HCL Injection.
0–3617, Vircomal Liquid.
0–3791, Menadione Tablets.
0–3867, Fluagel Liquid.
0–3868, Sulfathiazole Tablets.
0–3964, Sulfapyridine Tablets.
0–3965, Ascorbic Acids Injection.
0–4009, Becaplets Capsules.
0–4042, Stilbestrol Tablets.
0–4043, Stilbestrol Injection.
0–8509, Hexamethonium CL Tablets.
0–9785, Hydrocortisone Acetate Opthalmic 1.5% Ointment.
0–9787, Hydrocortisone Tablets.
10–445, Reserpine Elixir.
10–892, Neobalin Injection.

Graham Chemical Corporation, 129–21 Merrick Boulevard, Springfield Gardens, N.Y. 11434.
NDA 10–617, Cordent Powder.

Gray Pharmaceutical Company, Inc., 50 Axminster Street, Yonkers, N.Y. 10701.
NDA 12–509, Tegunor Medicated Powder.

Grove Labs Sub Bristol-Myers Company, 8877 Ladue Road, St. Louis, Missouri 63124.
NDA's:
10–063, Citroid Capsules.
11–052, Citroid Compound Capsules.
11–186, Citroid Jr. w/Tusilan Childrens Cold Syrup.
12–417, Product 82 Capsules.
11–232, Tusilan Syrup.

G. S. Stoddard & Company, 121–123 East 24th Street, New York, N.Y.
NDA's:
0–0505, Private Formula #1381 Powder.
0–2441, Ephedrine Sul Phenobarbital & Potassium Chloride Tablets.
0–3991, Nespamal Syrup.
0–3992, Char-AL-AC-Tablets.

Guardian Chemical Corp., 4202–12 11th Street, Long Island, N.Y. NDA 10–002, Fexerol.

G. W. Carnick Company, 65 Horse Hill Road, Cedar Knolls, N.J. 07927.
NDA's:
0–4678, Stilbestrol Tablets.
0–4679, Stilbestrol Injection.
0–8600, Androdiol in Aqueous Suspension Injection & Diolandrone in Aqueous SUS INJ.
10–200, Salserp Tablets.

Halsey Drug Company, 1827 Pacific Street, Brooklyn, N.Y. 11233.
NDA 0–9163, Anti-CAL LOT.

Hance Brothers & White Company, 12th & Hamilton Streets, Philadelphia, Pennsylvania.
NDA's:
0–0915, Hance Sun Tan Cream.
0–1590, GAS–ODA Liquid.
0–8438, Polycaine Solution.
0–8569, Mycozide Tablets.
11–911, Hanamine Inhaler.

Harrower Lab., Inc., St. Louis, Missouri.
NDA 0–9475, Prometic Tablets.

Hart Labs, Division A. J. Parker Company, Station Square One, Paoli, Pennsylvania 19301.
NDA 11–454, Tritis Tablets.

H. D. Justi & Sons, Inc., 32nd & Spring Garden Street, Philadelphia, Pa.
NDA 0–7613, DMF Mouthwash.

H. E. Maurry Biological Company, 6109 South Western Avenue, Los Angeles, California 90047.
NDA's:
0–7122, Dodecamin Solution.
10–792, Vitamin B12 Activity Concentrate Solution Injection.
11–547, Reserpine Alkaloid.

Hellwig Inc., 223 East Delaware Place, Chicago, Illinois 60611.
NDA 0–7182, Hellwigpas Tablets.

Henry Wampole & Company Inc., 35 Commerce Road, Stamford, Connecticut 06902.
NDA's:
10–054, Secotress Tablets.
10–572, Bioresp-C Capsules.
10–574, Orgaphen-R Liquid.

International Vitamin Corporation.
NDA's:
0–1255, IVC Vitamin B1 Crystalline Thiamin CL Tablets.
0–1256, IVC Thiamin CL Elixir.
0–1276, IVC Liquavite Drops.
0–1277, IVC Pearls Capsules.
0–1282, IVC Vitamins ABDG w/C Capsules.
0–1283, IVC Vitamin ABDG Capsules.
0–1329, IVC Vitamin Pearls Compound Containing Vitamin A–B.
0–1438, Macys Vitamin A–B–DG Capsules.
0–1439, Macys Globules Vitamins A–B–D–G w/Vitamin C Capsules.
0–1440, Bambergers Bitamin A–B–D–G Capsules.
0–1441, Bambergers Bitamins A–B–D–G w/Vitamin C Capsules.
0–1660, Yeast Tablets.
0–1662, Yeast & Iron Peptonate Tablets.
0–1733, IVC A–B–D–G Capsules.
0–1969, IVC Blexin Liquid.
0–1970, IVC Blexin Tablets.
0–2086, IVC Vitamin B Complex Capsules.
0–2598, Nicotinic Acid Tablets.
0–2599, Nicotinic Acid Tablets.
0–3076, IVC Davegol Regular Potency Liquid.
0–3207, IVC Rivoflavin Tablets.
0–3613, IVC Larenim Wafer.
0–3883, IVC Nicotinamide Tablets.
0–3884, IVC Nicotinamide Tablets.
0–4128, IVC Vibramins Capsules.
0–4917, PABA Tablets.

Invenex Labs.
NDA 0–9834, Hydrocortilsone Acetate Opthalmic Suspension/Drops.

Irwin Neisler & Company, 434 N. Morgan Street, Decatur, Illinois 62525.
NDA's:
0–0489, Camax Ointment.
0–1531, Alantol-V Ointment.
0–1532, Tetramene TCT.
0–2505, Jecufer Capsules.
0–2902, Tetramene Solution.
0–2937, Brillosal Solution.
0–2938, K Gluconate Tablets.
0–3586, Destrol Injection.
0–3587, Desterol Capsules.
0–4212, Methoquin Capsules.
0–4213, Tocolpha Capsules.
0–4235, Andacap Capsules.
0–4254, Digicap.
0–4278, Terformine Capsules.
0–4279, Terpiform Capsules.
0–4714, Sulfathiazole Ointment.
0–4772, Phenodrol Liquid.
0–5022, Benzamol Emulsion.
0–6233, Benzamold Emulsion.
0–8299, Verenteral Injection.
10–052, Uniserpen Injection.

ISO–SOL Company, Inc., Brooklyn 17, N.Y.
NDA's:
10–019, Hydrocortisone Acetate oph Solution Drops.
10–464, Prochelate 0.37 PC, 1.85 OC Solution.

Ives Cameron Company, Division American Home Products Corporation, New York, N.Y. 10017.
NDA's:
0–6863, Monitan Solution.
10–089, Pericior Capsules.
11–309, Syntussin Tablets.

Jackson-Mitchell Pharmaceutical Company, 11500 Tennessee Avenue, Los Angeles, 64, California.
NDA 0–8246, Methanabol Tablets.

J. B. Roerig & Company, Division Charles Pfizer & Company, Inc., 235 East 42nd Street, New York, N.Y. 10017.
NDA 12–458, Bonaboxin Parenteral Injection.

John A. Miller Company, Division Chatham Pharmaceutical, 901 Broad Street, Newark, N.J. 07152.
NDA 0–2097, Aluminoid Millar Capsules.

John T. Lloyd Labs, Inc., division of Westerfield Labs, Inc., 3941 Brotherton Road, Cincinnati, Ohio 45209.
NDA's:
0–1421, Cindol Ointment.
0–1908, Stillingia JTL Liquid.
0–1909, Leptandra JTL.
0–1910, Krameria JTL Liquid.
0–1911, Colchicum JTL Liquid.
0–1912, Geranium JTL Liquid.
0–1913, Iris Versicolor JTL Liquid.
0–2195, Edrosen Capsules.

John Wyeth & Brothers, Inc., Philadelphia, Pennsylvania.
NDA's:
0–3049, Sulfathiazole Tab.
0–3511, Gluferate Tab.
0–3658, Sulfanilamide 5 Gr. & Sodium Bicarbonate 5 Gr. Tablet.
0–4065, Stilbestrol Injection, Suppository Tablets.
0–4159, Menadone Injection.
0–4177, Pyridoxine HCL Tablets.
0–4246, Aspirin Phenacetin Caffeine & Codeine Tablets.
0–4287, Cascara-Magnesia Tablets.
0–4327, Phenobarbitol Tablets.
0–4332, Theobromine & Phenobarbitol Tablets.
0–4345, Estrogens Solution/Injection.
0–4668, Cetro-Cirose Modified Solution.
0–4491, Sulfathiazole Ointment.

Johnson & Johnson, 500 George Street, New Brunswick, N.J. 08901.
NDA's:
0–5350, Nugauze Strip.
0–5488, Adhesive Mass Dressing.
0–6064, Hemo Pak Dressing.
11–041, Surgicel Absorbable Hemostatic Cones Dressing.
11–318, Debricin Powder.
12–503, Ioprep Presurgical Solution.

13–221, Micrin Antibacterial Throat Lozenge.
13–992, Band Air Antiseptic Spray.
14–116, First Aid Spray.

Jr. Watkins Company, Winona, Minnesota.
NDA 0–7227, Watkins Anthist Tablets.

Julius Schmid, Inc., Lackawanna Avenue, West Paterson, N.J. 07424.
NDA 0–8161, Ramses Vaginal Cream.

Kahlenberg Labs, 41 North School Avenue, Post Office Box 3318, Saratoga, Florida 33578.
NDA 0–1235, K–L Mucotox Ointment.

Kalusoff, Ltd., Post Office Box 844, Springfield, Illinois.
NDA's:
0–0500, Kalusoffs General Disinfectant Liquid.
0–0501, Laundry Fungicide.
0–7965, Wilsons FGDS Solution.

Keith Victor Pharmacal Company, St. Louis, Missouri.
NDA's:
0–7563, Pyranisamine Maleate/ASA Compound Tablets.
0–7604, Visammin Tablets.
0–7669, Methiouracil Tablets.
0–7897, Sodium Gentisate Tablets.
0–8283, Cortisone AC Tablets.
0–8511, Hexamethonium CL Tablets.
0–8541, Zinadon Tablets.
0–9555, Rauhexide Tablets.
0–9612, Rauwolfia-Veratrumvirides Tablets.
10–233, Hydrocortisone Tablets.
10–386, Cortigesic Tablets.

Kirkman Labs Inc., 934 Northeast 25th Avenue, Portland, Oregon 97232.
NDA 10–388, Reserpine Alkaloid Timed Disintegration SRC.

Knoll Pharmaceutical Company, 377 Crane Street, Orange, N.J. 07050.
NDA 11–597, Rapadyne Tablets.

Koch, Leo EH., 519 Elm Street, Ontario, California.
NDA 0–2448, EL–KO Powder Kochs AL–KO Compound.

Kremers–Urban Company, 5600 West County Line Road, Milwaukee, Wisconsin 53201.
NDA's:
0–0178, Aminophyllin Injection.
0–0179, Aminophyllin Injection.
0–0211, Estrone Injection.
0–0238, SOD Morrhuate w/Benzyl ALC Injection.
0–0737, Phenacin #2 w/Codeine Tablets & Capsules.
0–1300, Potassium CL Capsules & Tablets.
0–1502, Kuorin Injection.
0–2054, Ointment Distarol.
0–2178, Sulfapyridine Tablets.
0–3546, Sulfathiazole Tablets.
0–3721, Vitamin B Complex Elixir.
0–3784, Asafoetidanux Vomica Tablets.
0–3765, Camphor Valerian & Stramonium Tablets.
0–3766, Phenolid Tablets.
0–3767, Bromide & Stramonium Elixir.
0–3768, Bromide & Stramonium Compound Elixir.
0–3805, Menadione Tablets.
0–3806, Menadione Injection.
0–3879, SOD Benzoate Injection.
0–4069, Effervescent Alkaline Salt w/Vitamin C.
0–4421, Stilbestrol Tablets.
0–4422, Stilbestrol Injection.
0–4612, Distarzole Ointment.
0–5129, Sulfathiazole Ointment.
0–6991, Vitamin B12 K–U Injection.
0–7286, Solution Vitamin B12–KU Injection.
10–069, RB #11–12B Reserpine Tablets.
10–088, RB #11–113 Reserpine Preparation Tablets.
11–312, Salimeph Prednisolone Tablets.
12–963, Kumotrip.

Lakeside, Sub Colgate-Palmolive Company, 1707 E. North Avenue, Milwaukee, Wisconsin 53201
NDA's:
0–0639, Anterior Pitvitary-Like Gonadotropic Hormone Injection.
0–1425, Calsamate Tablets.
0–2865, Pyridoxine HCL Injection.
0–3343, Caphemate Tablets.
0–3344 Koidin Capsules.
0–3345, Koidin Injection.
0–3518, Nikethiamide Solution.
0–3519, Nikethiamide Injection.
0–3520, Sulfatalazole Tablet.
0–3566, Capantothenate Injection.
0–3905, Pyridoxine HCL Tablets.
0–3906, Pyridoxine HCL Tablets.
0–3907, Pyridoxine HCL Injection.
0–3908, Capantothenate Tablets.
0–3948, Capantothenate Injection.
0–3958, Tokophin Injection.
0–3959, Tokophin Injection.
0–3960, Tokophinl Capsules.
0–3961, Medrocaine Injection.
0–3963, Phenobarbital SOD Injection.
0–3999, Histamine Phos Injection.
0–4138, SOD Dehydrocholate Injection.
0–4139, Dehydrocholoric Acid Tablets.
0–4160, Diethylstilbestrol Injection & Tablets.
0–4461, Tokophin AC Tablets.
0–4513, Sulfathiazole Powder.
0–4529, SOD Sulfathiazole Injection.
0–4903, Adrenal Cortex Extract Injection.
0–6362, Estradiol Trimeac Injection.
0–6363, Menacyl Tablets.
0–6532, Histamul Injection.
0–7838, Mercuhydrin Suppository.
0–7945, Oral-Estrotate Tablets.
10–680, Pipatal w/Phenobarbital Liquid & Liquid.
11–956, Catron Hydrochloride Tablets.
13–481, Delta Five.

Lambert Labs, Division Warner-Lambert Pharmaceutical Company, 201 Tabor Road, Morris Plains, N.J. 07950.
NDA's:
0–5218, Sulfadiazine Ointment.
0–5229, Sulfadiazine Ointment.
0–6162, Polite Cream.
0–8184, Lamberts Spray-on-dressing Liquid & Spray.
0–8778, Antizyme Mouthwash.

Lawrence Irwin, Wisconsin Rapids, Wisconsin.
NDA's:
0–1467, Irwin Cough Syrup.
0–1470, Ephinephrine Elatin.

Lanton Labs Inc., Sub Gold Leaf Pharmaceutical, Inc., 520 South Dean Street, Englewood, N.J. 07631.
NDA 0–8290, Mefesin Injection.

Lederle Labs, Division American Cyanamid Company, Pearl River, N.Y. 10965.
NDA's:
0–0568, Sulfapyridine Tab.
0–1855, Sodium Sulfapyridine Monohydrate Injection.
0–1873, Bellabulgara Tablets.
0–2646, Nicotinic Acid Amide Tablets.
0–2897, Vitamin K Tablets.
0–2899, Nikethiamide Injection.
0–3204, Riboflavin Tablets.
0–3321, Vi-Ferr Capsules.
0–3410, Sodium Sulfapyridine Tablets.
0–3430, Sodium Sulfathiazole Monohydrate Powder Injection.
0–3814, Sulfanilamide Surgical Powder.
0–3815, Sulfapyridine Surgical Powder.
0–3816, Sulfathiazole Surgical Powder.
0–4012, Procaine HCL Injection.
0–4124, Chloracid Para-Aminosialyic Acide.
0–4186, Videlta Multi-Vitamins Capsules.
0–4407, Sulfanilamide-Sulfathiazole Surgical Powder.
0–4460, Vitamin B Complex Capsules.
0–4466, Vitamin B Complex Tablets.
0–4467, Dietstilbestrol Capsules & Injections.
0–4493, Capantothenate Tablets.
0–4575, Vi-Delta Multi-Vit Capsules.
0–4628, Pyridoxine HCL.
0–4650, Ephedrine Sul Capsules.
0–4727, Strong Epinephrine HCL Solution.
0–4767, Al Hydeoxide Gelatin.
0–4775, Sod Morrhuate Solution.
0–4858, Elixiron Sul Capsules.
0–4898, Lexatone Solution.
0–4925, Sulfadiazine Tannic Acid Jelly.
0–4926, Sulfadiazine Sur Pwd.
0–4927, Sulfadiazine Solution.
0–4934, Sulfathizole Cream & Powder.
0–4952, Pentobarbital Sodium Capsules.
0–4980, Mannitol Hexanitrate Tablets.
0–5076, Sodium Sulfapyridine Injection.
0–5239, Rhulitabs.
0–5284, Diazifilm Dressing.
0–5358, Sulfamerazine Tablets.
0–5371, Mannitol Hexanitrate w/Phenonarbitol Tablets.
0–5550, Cyclazine Benzestrol elixir Injection Tablets.
0–5609, Pentobarbital Sodium Capsules.
0–5656, Deracil Tablets.
0–5699, Intrahepol Injection.
0–6418, Teropterin Injection.
0–6421, Sulfapyrazine Injection Powder, Tablets.
0–6669, MPD Tablets.
0–6919, Inositol Tablets.
0–7189, Para Amindsalicylic Acid Powder.
0–8320, Hibicon Capsules.
0–8419, Calcium Para Aminosalicylate.
10–149, Diamox SRC.
10–511, Militown Capsules & Tablets.
10–912, Kynex Syrup.
11–046, Diamox Syrup.
11–452, Pathilion Pediatric Drops.
11–798, Tentone Maleate Tablets.
11–887, Versacaine HCL w/Epinephrine.
11–888, Solution HCL w/Epinephrine.
12–279, Kynex Acetyl Pediatric Drops.
12–472, Trepidone.

Lehn & Fink Products, Corporation, 2255 Summit Avenue, Montvale, N.J. 07645.
NDA's:
0–0013, Lysalv Ointment.
0–1266, Hinds Deodorant Cream.
0–1463, Tussy Deodorant Cream.
0–2172, Sun & Beach Cream.
0–5661, Dynal & Desyl Liquid.

Lemmon Pharmaceutical Company, Box 30, Sellersville, Pa. 18960.
NDA's:
0–9455, Ruserp-C Tablets.
10–173, Lemiserp Tablets.
10–174, Redona Elixir.
11–579, Cotrate.
12–385, No-Derm Lotion.
12–641, Hydro Cortisone Phosphate Injection.

Lever Brothers, Company, New York 22, N.Y.
NDA 10–338, Lifebuoy Soap.

Lincoln Labs, Inc., Hickory Point Road, Box 1139, Decatur, Illinois 62525.
NDA 0–9413, Piperate Solution.

Lloyd Dabney & Westerfield, Division Westerfield Pharmaceutical Company, 3941 Brotherton Road, Cincinnati, Ohio 45209.
NDA's:
0–8746, Somnorin Capsules.
10–956, Phobey Tablets.
11–122, Teserene Tablets.

Lustgarten Labs Inc., Lancaster and 51st., Philadelphia, Pa. 19131.
NDA 10–495, Reserpine Time Caps.

Macallister Lab, 9213 Wade Park Avenue, Cleveland, Ohio 44106.
NDA 0–2173, Phenedrine Solution.

Mallard AE-Orig., 3021 Wabash Avenue, Detroit, Michigan 48216.
NDA's:
0-0845, Sulfanilamide & Sodium Bicarbonate.
0-2602, Sulfapyridine Tablets.
0-3528, Sulfathiazole Tablets.
Mallinokoot Chemical Works, 3600 North Second Street, St. Louis, Missouri 63160.
NDA's:
0-0516, Soda Lime Moist & Dry.
0-7915, Isomethodone HCL Solution.
Maltbie Chemical Company, Belleville, N.J.
NDA's:
0-0986, Private Formula for W.D. White & Company Tablets.
0-1112, Private Formula for Dr. H. B. Harric Capsules.
0-1309, Sulfanilamide & Sodium Bicarbonate Tablets.
0-1953, ABCD Perles.
0-1954, Liro-B Perles.
0-2713, Sulfathiazole Powder Tablets.
0-4606, Stilbestrol Tablets.
0-6199, Cetyltrime Ammonium BR Solution TCT.
0-6251, Mercenex Ointment.
0-6280, Mercenex Powder.
0-4605, Sulfathiazole 5Pc Ointment.
Maltine Company, 745 Fifth Avenue, New York, N.Y.
NDA's:
0-0638, B-Scorbic Tablets.
0-1632, Hetoxin Powder.
0-1633, Hetoxin-O Ointment.
0-2490, Maltine-B Liquid.
0-3881, Jeciron-B Capsules.
0-4015, Phed-Aqua Drops.
0-5154, Estrogens Maltine Injection.
0-6070, Rutin Tablets.
0-6644, Pentryl Tablets.
Mann Chemical Company, 520 West Main Street, Louisville, Kentucky 40202.
NDA 0-5272, Mann Germicidal Hand Lotion.
Marion Labs Inc., 10236 Bunder Ridge Road, Kansas City, Missouri 64137.
NDA 12-905, Duotrate 80 SRC.
Marvin R. Thompson, Inc., Stamford, Connecticut.
NDA 0-7605, Sudosal-MRT GRN.
Maurry Biological Company, 6109 South Western Avenue, Los Angeles, California 90047.
NDA 11-461, Rauwolfia Serpentina Tablets.
McKesson & Robbins, Inc., Bridgeport, Conn.
NDA 7633, Axon Caps.
McNeil Labs, Inc., Camp Hill Road, Fort Washington, Pennsylvania 19034.
NDA's:
0-0771, Ricin Olivate Emulsion.
0-0633, Glutamic Acid Hydrochloride Capsules.
0-0792, Sol Ephedrine-Sodium Chloride Compound Spray.
0-0889, Blad Tablets.
0-1390, Liquid Minerol Syrup.
0-1391, Liquid Minerol w/Phenolphrhalein Syrup.
0-1392, Wild Cherry-White Pine Compound w/Codeine Syrup.
0-1393, Lectusol Syrup.
0-1556, Persals Tablets.
0-1776, Thiamin CL Injection.
0-1777, Acid Nicotinic Tablets.
0-1778, Sulfanilamide Sodium Bicarbonate Tablets.
0-1780, Estrogenic Hormone in Oil Injection.
0-1809, Ferromin w/Liver Concentrate Capsules.
0-1825, Soft Elastic Capsules Ascorbic Acid.
0-1826, Soft Elastic Capsules Viquad Com Improved.
0-1827, Soft Elastic Capsules Vitamin AB1CDG.
0-1849, Cap Vitamin B-Complex Fortified.
0-2026, Vitamin B6 Injection.
0-2100, Liquid Minerol w/Magnesiumt Risilicate.
0-2109, McNeil Tussal Liquid.
0-2209, Sulfapyridine Tablets
0-2616, Butisol Ephedrine Compound Capsules.
0-2789, Pyridoxine HCL Solution.
0-3036, Acid Nicotinic Amide Tablets.
0-3226, Dymixal Jelly.
0-3378, Menadione Capsules.
0-3409, Sulfathiazole Tablets.
0-3729, Ampuls Alpha Tocopherol Injection.
0-4402, Stilbesterol Tablets.
0-4761, Amophon Compound Syrup.
0-5372, Analgesic Ointment.
0-6394, Diethylystilbestrol Enteric Coated Tablets.
0-6445, Pyriouracil Tablets.
0-6454, Tetraethylammonium CL Injection.
0-8625, Hesalin Chloride Tablets.
11-102, Pentraline R-A Prestabs SRT.
Mead Johnson & Company, 2404 Pennsylvania Street, Evansville, Indiana 47721.
NDA's:
0-0354, Meads Pectin-Agar in Dextrimaltose Powder.
0-0464, Meads Emulsion of Oleum Percomorphum.
0-1833, Thiamine CL Tablets.
0-3225, Menadione in Oil Capsules.
0-3241, Meads Rivoflavin Tablets.
0-5300, Sulfapyrazine Sod Tablets.
0-9310, Plasran.
10-097, Aspirin Rectal Applicator.
10-098, Aminophylline Rectal Applicator.
10-099, Phenobarbital Rectal Applicator.
Medical Arts Supply Company, 706-10 Fourth Avenue, Huntington, W. Va, 25715.
NDA 0-9178, Surginol Surgical Soap.
Medical Chemical Corporation, 4122 West Grand Avenue, Chicago, Illinois 60651.
NDA 10-960, Cobamine 100 Injection.
Merck & Company, Inc., Rahway, N.J. 07065.
NDA's:
0-6486, Amino Acids Solution Merck Injection.
0-8223, Aramine Bitartrate Drops & Spray.
0-8448, Mephyton Injection.
0-9280, Hydrocortone.
0-9687, Hydrocortone Injection.
0-9714, Hydrocortisone Acetate 0.5% Dental Powder.
10-128, Reserpine Tablets.
10-553, Fluorocortisone AC Ta3.
10-803, Cobalamin Concentrate Sol/Inj.
11-528, Drocode Bitartrate.
11-979, Decadron Phosphate 0.1% Lotion.
11-987, Decabomate Tablets.
12-334, Hydropres-KA Tablets.
12-345, Hydrodiuril-KA Tablets.
Merck Sharp & Dohme, Division Merck & Company, West Point, Pennsylvania 19486.
NDA's:
0-124, Sulfanilamide Tablets.
0-125, Nicovite Tablets.
0-126, Cevitamic Acid Tablets.
0-0127, Vit B1 Crystalline Tablets.
0-0416, Methenamine & Sodium Phosphae Acid Tablets.
0-0417, Sulfanilamide Tablets.
0-0469, Sulfadyridine Tablets.
0-0946, MG Trisilicate Tablets.
0-1289, Wheat Germ Oil Capsules.
0-1404, Padrophyll Tablets.
0-1496, Riona Capsules.
0-1499, Sulfapyridine w/Sodium BiCarbonate Tablets.
0-1728, Sodium Iodide Injection.
0-1862, Prohexinol Solution.
0-2640, Alpha-Tocopherol Injection.
0-2774, Sulfathiazole Tablets.
0-2894, Estrogenic Substance Injection, Suppository Capsules.
0-3094, Pyridoxine HCL Tablets Injection.
0-3200, Menadione-1-2-5 Tablets.
0-3215, Riboflavin Tablets.
0-3229, Lucorteum Injection.
0-3668, Vinothiam Liquid.
0-3786, Alpha-Tocopherol Capsules.
0-4062, Stilbestrol Enteric Coated Tablets, Injection and Suppository.
0-4105, Tresamide Sulfonamide Triad Tablets.
0-4228, Cough Syrup.
0-4387, Thiamine Monoitrate Injection.
0-4318, Riboflavin Elixir.
0-4937, Delvinal Sodium Elixir.
0-5791, Geratine Sol 6Pc B10 Grade P 20 Type Injection.
0-6117, Propadrine Injection.
0-6209, Metopon HCL Capsules.
0-6216, Folic Acid 5MG Tablets.
0-6221, Methadon HCL Capsules.
0-6225, Staticin Cardnamide Tablets.
0-6273, Chlorguanide HCL Tablets.
0-6549, Thializine Capsules.
0-6567, Thiamine Mononitrate Injection.
0-6560, Olothorb Capsules.
0-6790, Benodaine HCL Injection.
0-6796, Methapyrilene & Tablets & Enterc Coated Tablets, 50 MG, 100Mg.
0-6974, Methadone HCL Syrup.
0-7469, Proferrin Injection.
0-7618, Topaminic Cream.
0-8339, Liqolev Lipotropic Mixture.
0-8793, I-Isomethadone HCL Inj & Tab.
0-8830, Lukestra Injection.
0-8846, Darstine BR Tablets.
0-8656, Hydrocortone AC 2.5 Pc Dental Ointment & Injection.
0-9556, Alflorone Acetate Topicalont.
0-9618, Cyclaine Hydrochloride 5% Jelly.
0-9721, Cyclaine Hydrochloride 5% Ointment.
0-9901, Restolic Tablets.
0-9923, Glaumeba Tablets.
0-9969, Roxinoid Tablets.
10-027, Hydrobalm Cream.
10-105, Hydrodyne Tablets.
10-112, Roxel Forteelixir.
10-204, Hexylresorcinol Liquid.
10-438, Hydrobalm Lotion.
10-743, Meprolone-1-2-5 Tablets.
10-882, Tempoplex Tablets.
10-908, Reversine Tablets.
11-033, Hydeltrasol Lot.
11-083, Homarylamine HCL Capsules.
11-142, Hydeltrasol Top Ointment.
12-048, Delcadron T.B.A. Sus/Inj.
13-414, Isoproterenol Sulfate.
13-538, Decadrontopoint.
Metacine Company, Division Chattanooga Medicine Company, 1715 West 38th Street, Chattanooga, Tennessee 37409.
NDA 0-4377, Metacine Vaginal Insufflating Powder.
Metropolitan Labs Inc., Division Michigan Chemical Corporation, 500 North Bankson Street, St. Louis, Michigan.
NDA 0-9991, Reserpine Injection.
Miles Labs, Inc., 1127 Myrtle Street, Elkhart, Indiana 46514.
NDA 0-7072, Tabcin & XM485-15 Tablets.
Minnesota Mining & MFG. Company 3 M Center (220-2E), St. Paul, Minn. 55101.
NDA 0-7658, Scotch Appliance Discs & Surical Drapes.
Modern Drugs, Inc., 4202-04 East New York Street, Indianapolis, Indiana.
NDA's:
0-0022, Efedrops Solution.
0-0044, Z-Med Ointment.
0-0187, Relevo Liniment Ointment.
0-0195, Astringent Compound Liquid.
0-0196, Cascara Aloin & Podophyllum Tablets.
0-0197, Modern Tonic Tablets.
0-0199, Alkaline Laxative Liquid/Drops.
0-0200, Waferlax Wafer.
0-0202, Pepsin & Acid Compound Liquid.
0-0203, H & P Powder.

0-0204, Astringent Powder.
0-0205, Modern Stream Inhalant.
0-0206, Modern Cold Tablets.
0-0207, Isopropyl Alcohol Compound Liquid.
0-0208, Vermifuge for Large Round Worms Syrup.
0-0222, Camfo-Phenol Liquid.
0-0224, Anti-R-Co Liquid.
0-0225, Modern Stream Inhalant.
0-0226, Composition Powder.
0-0228, Expectorant for Cough Syrup.
0-0229, Cascaralax Liquid.
0-0286, Altraco Liquid.
0-0287, Irene Drops.
0-0288, Modern Iodal Tablets.
0-0298, Modern Nasal Doche Tab/Solution.
0-0300, R-O Salve.
0-0301, Uno Solution.
0-0302, Pet-Lax Tablets.
0-0303, Relevo Ointment.
0-0330, Foctex Ointment.
0-0331, Antacid Tablets.
0-0332, Vaginal Wafer.
0-0333, Modern Tonic Compound Liquid.
0-0975, Modern Aspirin w/Caffeine Tablets.
0-2219, Camphorated Oil w/Eucalyptol & Guaiacol Solution.
0-2971, M-D Tablets.
0-2972, M-D Tablets.
0-4194, Canfo PH DRE.
Montcello Drug Company, 45 Broad Street, Jacksonville, Florida 32202.
NDA's:
0-7093, 666 Anti-Histamine Tablets.
0-7571, Act-O-Cin Cold Tablets.
Morton Pharms., 1625 North Highland, Memphis, Tennessee 38108.
NDA 0-8833, Cortisone AC Tablets.
Mr. Thompson Inc., Division JB Williams Company, 290 Jelliff Avenue, Newark, N.J. 07100.
NDA 12-378, Dropsprin.
Musher Foundation, Inc., Sales Agent E. Fougera, Cantiague Rock Road, Post Office Box 73, Hicksville, N.Y. 11800.
NDA 11-571, Bitupal.
National Drug Company, Division Richardson-Merrell, Inc., 4463 Stenton Avenue, Philadelphia, Pennsylvania 19144.
NDA's:
0-2309, Sulfapyridine Tablets.
0-2367, Matrisil Tablets.
0-3073, Carbomal Tablets.
0-3074, Pyro-TAn Solution.
0-3787, Sulfathiazole Tablets.
0-3788, Sulfathiazole Tablets.
0-4024, Gestasol-Dry Injection.
0-4349, Diethylstilbestrol Tablets.
0-5946, Thiouracil Tablets.
0-6073, DL Desoxvephedrine HCL Tablets.
0-6339, Synthogen Injection.
0-6527, Hesper C Liquid & Tablets.
0-6528, Methadon HCL Injection & Tablets.
0-6883, Aleudrin Tablets.
0-7107, Menophen Capsules.
0-7156, Panaldamin Tablets.
0-7250, Natolone Tablets & Injection.
0-7505, Catakon Tablets.
0-7599, Natrinil Powder.
0-8493, Dimethylane Enteric Coated Cap.
0-8860, Androlone Injection.
0-9095, Resion PMS Suspension.
0-9098, Rau-Vert in Tablets.
0-9120, Parenzyme.
0-9429, Rau-Tabs.
10-580, Parenzyme Aqueous Injection.
10-957, Vitamin B_{12}
10-969, Avecalm Capsules.
11-091, Cervilaxin Injection.
11-138, Corticotropin-Gelitan Purified Injection.
11-828, Rau-Vertin Tablets.
12-576, Tridecamine SRT.
NePara Chemical Company, Inc., Averell Avenue, Harriman, N.Y. 10926.
NDA 0-9802, Salizid Tablets.
NePara Labs, Division Warner-Lambert Pharmaceutical Company, 201 Tabor Rd., Morris Plains, N.J. 07950.
NDA's:
0-1973, Macasol Injection.
0-8379, Pyrizidin Tablets.
Nopco Chemical Company, 60 Park Place, Newark, N.J. 07100.
NDA 0-4019, Me Testosterone Tablets.
Norwich Pharmacal Company, 17 Eaton Avenue, Norwich, N.Y. 13815.
NDA's:
0-0185, Borbro Hygienic Powder and Solution.
0-1914, Noramin-12, and Norin-12 Capsules and Norin-12 Wafers.
0-7673, Nal Tablets.
12-014, Teek W/TC-44 Syrup.
Novocal Chemical Mfg. Co., Inc., 2911 Atlantic Avenue, Brooklyn, N.Y. 11207.
NDA's:
0-2736, Pembucol Capsules.
0-3363, Monocaine Formate Injection.
0-4180, Novestoil Injection.
0-4382, Sulfathiazole Tablets.
0-4439, Metrazol Injection.
0-5006, Sulfanilamide-Sulfathiazole Powder.
0-5840, Radiol & Novol Germicidal Solution.
0-6670, Monerone Injection.
0-9433, Primacaine HCL.
Nutritional Res. Labs., Inc., 332 S. Michigan Avenue, Chicago, Illinois.
NDA 0-5638, Infron Capsules.
Nyal Company, Detroit, Michigan.
NDA 0-2137, Manacea Tablets.
Nysco Labs., Inc., 34-24 Vernon Boulevard, Long Island, N.Y. 11106.
NDA's:
10-652, Cortiscorb Tablets.
10-945, Costonate w/Danthon Double Strength Capsules.
Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052.
NDA's:
0-6802, Oranesin Tablets.
0-6918, Oranixon Elixir.
0-7225, Dodex Tablets.
0-7685, Acetoxanon Injection.
0-8237, Cortrophin Organon Injection.
0-8407, Nidaton Tablets.
0-8952, Purified Cortrophin Gelitan Injection.
0-9814, Vistabolic Tablets.
0-9815, Vistabolic Injection.
11-337, Stenisone Tablets.
12-189, Trevidal A-C Tablets.
12-803, Reflora.
Ortho Pharmaceutical Corporation, Raritan, N.J. 08869.
NDA's:
0-5288, Hexital Tablets.
0-5338, Hexestrol Tablets.
0-5954, Nidoxital Tablets.
0-6809, Diffusion Injection.
10-032, Tritheon Tablets.
Panray Corporation, New York, N.Y.
NDA's:
0-7784, Gensalate Sod. Tablets.
0-9610, Rauwolfia-Veratrum Viridea Tablets.
Parke Davis & Company, Joseph Campan Avenue, Detroit, Michigan 48232.
NDA's:
0-0367, Crysto-Vibex and Nicotinic Acid Tablets.
0-0627, Vitamin K-In Oil Capsules.
0-0696, Thioethamyl Sod. Injection.
0-0697, Lipo-Bismol Injection.
0-1194, Ethadon Injection.
0-2718, Sulfapyridine Sod. Injection.
0-2775, Vitamin K, Capsules.
0-3089, Dihexylin Dermament Solution.
0-3472, Synkamin Capsules.
0-3857, Synapoidin Injection.
0-3990, Sod. D-Pantothenate Capsules & Injection.
0-4233, Gluco-Fedrin w/Phemerol Solution.
0-4611, Sulfathiazole Ointment.
0-4363, Tanexin Jelly.
0-5180, Sulfamone Drops.
0-5356, Sulfamerazine Tablets.
0-5376, Etalate Injection.
0-5475, Plaster Adhesive Dressing.
0-5608, Promin Jelly.
0-5635, Sod. Sulfamerazine Solution.
0-5639, Naphthocaine Hydrochloride Jelly, Injection & Solution.
0-5646, Sulfathiazole Suspension.
0-5659, Gluco-Fedrin w/Sulfadiazine Drops.
0-5663, Sulfanome Drops.
0-5796, Thiouracil Capsules.
0-6080, Salicylanilide Phemerol Cream.
0-6108, Orabismol Capsules.
0-6153, Metopon HCL Capsules.
0-6172, Folic Acid & Iron Tablets.
0-6244, Diamidin Tablets.
0-6548, Steri Val D Tubocurrarine CL Injection.
0-6627, Promizole Tablets.
0-6875, Vapseals Kutrol Capsules.
0-8878, Indon Capsules & Tablets.
0-9026, Pamsyl Sod. Powder/Injection.
0-9090, CT Chlormerodrin Tablets.
0-9172, Meralluride & Mercardan Ampoules.
0-9463, Serfin Tablets.
10-087, Serfin Elixir.
10-122, Serfin Injection.
10-895, Norlutin CT Tablets.
Paul Maney Labs, Cedar Rapids, Iowa.
NDA 10-076, Reserpine Injection.
Pehrsons Enterprises, Espanola, Washington.
NDA 11-807, Morehair Cream & Tonic.
Person & Covey, Inc., 236 South Verdugo Road, Glenville, California 91205.
NDA's:
0-7164, Coradon Tablets.
0-8236, Corapac Tablets.
Pfizer Labs., Division Charles Pfizer Company, Inc., 235 East 42nd Street, New York, N.Y. 10017.
NDA 11-881, Aller-G Sul Ointment.
Pharmaceutical Industries, Inc., Cranford, N.J.
NDA 11-087, Serutan Plus Capsules.
Pharms, Inc., 290 Jelliff Avenue, Newark, N.J. 07100.
NDA's:
0-7693, Histaline Syrup.
0-9552, Zarumin Tablets.
11-553, Deodrin Liquid.
Philadelphia Ampoule Labs., Inc., 400 Green Street, Philadelphia, Pa.
NDA's:
10-269, Reserpal Injection.
10-651, Vibrumin Injection.
Philips Roxane Inc., Sub Philips Electronic, 203 East 11th Avenue North, Kansas City, Mo. 64106.
NDA 10-527, Spasmolyo Tablets.
Physicians Drug & Supply Company, 1458 Chestnut Avenue, Hillside, N.J.
NDA's:
0-8038, Okellol Enteric Coated Tablets.
0-8513, Idrozide.
0-9657, Hydrocortisone Topical Ointment.
Physicians Products Company, Inc., 99 Sawmill River Road, Yonkers, N.Y. 10701.
NDA's:
10-278, Transerpin Elixir.
10-581, Hyserpin Tablets.
Pitman-Moore Company, Division Allied Labs., Inc., 1200 Madison Avenue, Indianapolis, Ind. 46206.
NDA's:
0-1450, Sulfaphyridine Tablets.
0-2454, Estrotron 20001U Injection.

0-4103, Chorionic Gonadtropin Injection.
0-4262, Pulvo-Caps Estrotron Capsules.
0-4544, Stilbestrol Injection & Tabs.
0-4545, Stilbestrol Injection.
0-4615, Collocel Tablets.
0-4616, Collocel S Tablets.
0-4617, Collocel A Tablets.
0-5294, Spersoid Sulfathiazole Suspension.
0-5572, Sulfathiazole & Sod. Bicarbonate Tablets.
0-6127, Sulfacarbzol Tablets.
0-9511, Serpine Tablets.
12-581, Ropad Tablets.

P. J. Noyes Company, 101 Main Street, Lancaster, N.H. 03584.
NDA 0-1490, Special Formula for Norman E. Cobb.

Plough, Inc., Memphis, Tennessee.
NDA's:
0-7162, St. Joseph Antihistamine Tablets.
0-7634, St. Joseph Antihistamine Compound Tablets.
0-7636, St. Joseph Anakohl Compound.
0-7786, St. Joseph Anthist Cough Syrup.
10-519, St. Joseph Buffered Aspirin Tablets.
11-068, ABC Buffered Tablets.

Portland Plastics Ltd/England/Kent, England.
NDA 0-8974, Portex Plastic Skin Dressing.

Premo Pharmaceutical Labs., Inc., 111 Leuning Street, South Hacksensack, N.J. 07606.
NDA's:
0-0681, Ferosan Tablets.
0-0682, Trisilika Tablets.
0-0911, Sulfapyridine Tablets.
0-9012, Premo Ves Grn.
0-0913, Aminoacetic Acid Tablets.
0-0914, Sulfanilamide & Sod. Bicarbonate Tab.
0-1042, Aminoacetic Acid Elixir.
0-1191, Aminophylline & Potassium Iodide Tablets.
0-1108, Hydrocol Tablets.
0-4448, Stilbestrol Injection, Suppository, Tablets & Enteric Coated Tablets.
0-5890, Premodrin Tablets.
0-6368, Diethylstilbestrol Tablets.
0-7084, Neo-Cafotan Tablets.
0-7185, Rubitrate Capsules.
0-7523, Pregnenolone Tablets & Injection.
0-9428, Rauwolfia Serpentina Powdered Whole Root Tablets.
0-9548, Hycortole ½%, 2½%, 1% Cream, ½%, 2½% Ointment, and 1% Lotion.
10-538, Vita Respital Liquid.
10-705 Rubitrate Injection.
11-669, Premogen Tablets.
11-670, Cordole Tablets.
11-671, Cordole Fortified Tablets.

Proco Solution Chemical Company, 1209 Arch Street, Philadelphia, Pa., 19107.
NDA 0-8570, Polycaine Injection.

Procter & Gamble Company, Post Office Box 599, Cincinnati, Ohio 45201.
NDA's:
10-313, Gleem Fluoride TPT.
10-461, Secret Super Deodorant Cream.
11-086, Secret Roll-On Deodorant Liquid.
11-910, Secret Touch-Top Liquid.
12-328, Radar Hairdressing.

Purdue Frederick Company, 99-101 Sawmill River Road, Yonkers, N.Y. 10701.
NDA's:
10-326, Eumens Tablets.
10-333, Somatovite Tablets.

Rare Chemical, Inc., Harrison, N.J.
NDA's:
0-1892, Testosterone Propionate Injection.
0-6292, Dienestrol Rare Tablets & Injection.
0-6515, Estradiol Rare Tablets.
0-6534, Progesterone Rare Injection.

Reed & Carnrick, 30 Bright Avenue, Kenilworth, N.J. 07033.
NDA's:
0-3389, B_1 Liver & Iron Injection.
0-3390, Thiamin Hydrochloride Injection.
0-3391, Thiamin Hydrochloride Injection.
0-3392, Calcium Gluconate Injection.
0-5837, Ferrovite Tablets & Irocine Tablets.
0-7745, Covene Tablets.
0-7746, Myanil Tablets.
0-8155, Mabutone Tablets & Liquid.
0-9340, Lullamin Drops.
0-9567, Atonine Tablets.
11-256, Sycotrol Tablets.
12-011, Sycotrol Tablets.

Rexall Drug Company, 8480 Beverly Boulevard, Los Angeles, California 90048.
NDA's:
0-6446, Methadon Amidone HCL Tablets.
0-6894, Undecylenic Acid Capsules.
0-7856, Pyrilamine Maleate Syrup.
0-8355, RD Thenylpyramine Hydrochloride & Benzocaine Ointment.
0-8710, Isoniazid Tablets.
0-9430, R. D. Reserpine Tablets.
10-436, Rexall Fluoride TPT.
11-514, Insorb.
12-710, Timed-Action Antihistamine Capsules.

Rexar Pharmacal Corporation, 382 Schenck Avenue, Brooklyn, N.Y. 11207.
NDA 0-9285, Rautina.

R. G. Dunwody & Sons, Inc., Atlanta, Ga.
NDA 0-0963, Modern Diuretic & Analgesic Tablet.

Richardson-Merrell, Inc., 122 East 42nd Street, New York, N.Y. 10017.
NDA 0-8858, Dextran Injection.

Riesen Walter P., Elm Grove, Wisconsin.
NDA 0-0386, Risens Antiseptic Foot Powder.

Riker Labs., 19901 Nordhoff Street, Northridge, California 91326.
NDA's:
0-7703, Sol IV Veriloid Injection.
0-7914, Veriloid VMP Tablets.
0-8011, Veriloid VP Tablets.
0-8502, Veriloid IM Injection Solution.
0-8699, Parephyllin Solution IM.
0-8820, Proveratrine A Injection.
0-9158, Serpiloid Tablets.
0-9305, Rauwidrine Tablets.
0-9752, Reserpine Injection.
0-9753, Serpalkon Elixir & Tablets.
0-9823, Protoberatine Reserpine Tab.
10-381, Rescinnamine Injection.
10-578, Triserpine Tablets.
10-601, Medihaler-Nitro Inhaler.
10-790, Medihaler-Phen Spray.

R. J. Strasenburgh Company, Division Wallace & Tiernan, Inc., 765 Jefferson Road, Rochester, N.Y. 14623.
NDA's:
0-0007, Vitapectose w/Karava Grn.
0-0279, Thiamol Syrup.
0-0389, Strasco Special Vitamin Tablets.
0-0506, A-30000 Tablets.
0-1003, Ephedrine Camphorate Compound Drops & Spray.
0-1229, Sedabrome Liquid.
0-1641, Sedalix Elixir.
0-1756, Dispectin Tablets.
0-2116, Sulfapyridine Tablets.
0-2177, Ferromal w/B, Tablets.
0-2882, Phenyl Mercuric Nitrate Solution.
0-2980, Estradiol Strasenburgh Tablets.
0-3032, Thiamol 2000 Solution.
0-3131, Maxitrate w/Nitroglycerine Tablets.
0-3284, Alopectose w/Metropine Tablets.
0-3457, Sulfathiazole Tablets.
0-3699, Bepenta Tablets.
0-3864, Soferyl Solution.
0-3893, Tricid w/Methrophine Tablets.
0-4108, Bepenta Syrup.
0-4359, Apocynum & Squill Compound Tablets.
0-4414, Stilbestrol Tablets.
0-4433, Polyvit. Tablets.
0-4502, Povage Insufflator Powder.
0-4567, Surbyl Solution.
0-4629, Strasco Special Vitamin Tablets #2 Enteric Coated Tablets.
0-4771, Polyvit. Tablets #2.
0-5164, Sulfanilamide Lozenga.
0-6317, Sulfathiazole-Urea Cream.
0-6577, Glycophen Tablets.
0-6265, Folic Acid Tablets.
0-9228, Skopolate Enteric Coated Tablets.
0-9333, Skopolate Parenteral.
0-9377, Skopolate Pam Capsules.
0-9540, Kaprylex Capsules.
12-869, Amphenidone Capsules.

Roberts Biological Labs., Buffalo, N.Y.
NDA 0-5277, Aller-Tabs, AllergI Tabs.

Robin Pharmacal Company, 480 Broome Street, New York, N.Y.
NDA's:
0-8006, Warda Formula Antihistamine Tablets.
0-9628, Reserpine Tablets.
NDA's:
0-9685, Rauwolfia Serpentina-Mannitol Hexanitrate-Rutin Tablets.
0-9883, Rauwolfia Serpentina-Veratrum Virides Tablets.

Roche-Organon, Division Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.
NDA's:
0-0116, Kolpon Suppository.
0-0307, Med. Hombreol Dosules Ointment.
0-327, Dimenformon Solution.
0-919, Menformon Dosules Ointment.
0-1939, Menformon Dosules Ointment.
0-2734, Neo-Hombreol M. Dosules Ointment.
0-6326, Lynoral Elixir.
0-6600, Antibason Tablets.
0-6604, Liquaemin Injection.

Roussel Corporation, 155 East 44th Street, New York, N.Y. 10017.
NDA's:
0-9973, Topicort Ointment.
10-113, Topicort Spray.

Rowell Labs, Inc., Baudette, Minnesota 56623.
NDA's:
11-360, Vio-Cort Topical Ointment.
11-764, Residerm Lotion.
12-758, Vio-Methasone Tablets.

S & G Company, 2181 West Grand Boulevard, Detroit, Michigan.
NDA 0-2738, Bruce's Formula SG. 12 Lotion.

Sahyun Labs, Post Office Box 996, Santa Barbara, California 93101.
NDA 0-7759, Diaphine Mandelate, Sup., Sol. & Ont.

Sandoz Chemical Works, Inc., Route 10, Hanover, N.J. 07936.
NDA's:
0-2944, Scillaren Suppository.
0-9116, Puroverine.
0-9484, Sandostene Injection, Syrup, & Tablets.
15-067, Actospar Injection.

S. B. Penick & Company, 258 Brunswick Street, Jersey City, N.J. 07302.
NDA 0-3155, Gynestrol Tablets.

Schenlabs Pharms., Inc., New York, N.Y.
NDA 10-031, Rutaminal w/Reserpine Tablets.

Schenley Labs., Inc., 350 Fifth Avenue, New York, N.Y.
NDA's:
0-7144, Para Aminosalicylic Acid Powder.
0-7166, Klnavosyl Tablets.
0-7916, PVP-Macrose Injection.
0-8501, Isonlazide Tablets.
0-8688, Cortisone AC Tablets.
10-621, Dorbantyl Forte Capsules and Suspension.
10-794, Dorbantyl Suspension.

Schering Corporation, 1011 Morris Avenue, Union, N.J. 07083.
NDA's:
0-0150, Progynon-DH Solution.
0-0166, Oreton Ointment.
0-0522, Oreton-F Ointment.
0-0961, Progynon-DH Solution.
0-1261, Anteron Injection.
0-1297, Progynon-DH Ointment.
0-1298, Progynon-DH Suppository.
0-1680, Oreton M. Ointment.
0-1802, Progynon-DP Injection.
0-2452, Progynon-DH Spray.
0-4257, Sod. Sulfadiazine Injection.
0-5191, Cortate Tablets & Solution.
0-5226, Eliminol Tablets.
0-5379, Ditopax Injection.
0-6392, Hyronase Injection.
0-6783, Alpha - Cyclohexyl-Beta/3.5-D110DD-4-Hydroxyphenol/Pro.
0-6893, Sevinon Capsules.
0-7027, Prenolon AC & Prenolon Injection.
0-7445, Acetoxypregnenolone Injection.
0-7588, Trimeton Maleate w/Neocalamine Lotion.
0-7637, Trimeton Maleate Solution Drops.
0-7639, Chlor-Trimeton Maleate Oph Solution.
0-7674, Methostan Injection.
0-7718, Chlor-Trimeton Maleate Injection.
0-7740, Cortogen AC Injection.
0-7876, Cortisone AC Tablets.
0-7892, Trimodan Drops.
0-7951, Methostan Injection.
0-8010, Scheritone Tablets.
0-8373, Dormison Liquid.
0-8417, Ditubin Tablets.
0-8556, Cortomyd Ophthalmic Ointment.
0-8758, Teridax Tablets.
0-8906, Cortomyd Drops.
0-8939, Chlor-Trimeton Maleate Cream.
0-9192, Hydrocortisone.
0-9219, Hydrocortisone.
0-9289, Parabromoylamine Maleate.
0-9290, Prolegic Maleate.
10-075, Neraval Sodium Sterile Powder Injection.
11-416, Sterotril Tablets.
11-666, Thihexinol Mebr. Tablets.
11-930, Pro-Fem Tablets.
12-222, Pregnidox Drops.

Schieffelin & Company, Apex, N.C. 27502.
NDA's:
0-0041, Follacro Injection.
0-0107, Memban Liquid.
0-0362, Old House Cough Syrup.
0-0391, V-Vitamin Capsules.
0-0409, Athletin Powder.
0-0473, 3XB Liquid.
0-0560, Progersterone Injection.
0-0586, Private Formula Maltine Co., Tablets.
0-0587, Private Formula John G. Mick Green Tablets.
0-0590, Private Formula Natural Health Prod. Company Yellow Tablets.
0-0591, Tymex Syrup.
0-0592, Private Formula Parvin Drug Company Syrup.
0-0593, Private Formula NY Post Hospital Zinc Oxide Ointment.
0-0594, Private Formula NY Post Hospital Ointment.
0-0595, Private Formula NY Post Hospital Liquid.
0-0767, Kurto Liquid.
0-0788, De-Ko Ointment.
0-0769, AV Ointment.
0-0890, Thiamin Chloride Tablets.
0-0894, Private Formula Tablets.
0-0947, Glycana w/Vitamin B, Liquid.
0-1200, Citrates & Carbonates Compound & Grn.
0-1488, Togal Tablets.
0-1708, Glycine Hydrochloride Capsules.
0-2535, Sulfapyridine Tablets.
0-3536, Sulfathiazole Tablets.
0-4263, Kipsols Blancard Tablets.
0-5018, Octofollin Tablets.
0-5041, Octofollin Solution/Injection.
0-5362, Sulfathiazole & Cod Liver Oil Ointment.
0-5531, Mebak ICT.
0-5984, Dicumarol Cap.

S. E. Massengill Company, 527 Fifth Street, Bristol, Tennessee 37620.
NDA's:
0-0105, Calcium Gluconate Tablets.
0-0483, Nicotinic Acid Tablets.
0-1346, Glysufed Inhaler.
0-1603, Kamadrox Powder.
0-2333, FC Sulfapyridine Capsules.
0-2618, Semestrin Tablets & Enteric Coated Tablets.
0-2725, Progesterone In Oil Injection.
0-3381, Noviplex Elixir.
0-3508, Sulfathiazole Tablets.
0-3533, Pentobarbital Sodium & Aspirin Capsules.
0-4592, Amercid Solution.
0-4776, Stilbestrol Enteric Coated Tablets.
0-6314, Para-Aminobenzoic Acid Solution.
0-6344, Methadon HCL Tablets.
0-6970, Vitamin B12 Injection.
0-6971, Novisyn w/B12 Injection.
0-7061, Pasem-Sod Tablets.
0-7681, Khelisem Tablets & w/Phenobarbital Tablets.
0-8168, Verasem Tablets.
0-8397, Methpoline Br. Tablets.
0-8504, Perles Semnific.
10-925, Saline Solution Vitamin B12 Activity Conc. Injection.
11-785, Glarubin Tab.

S. F. Durst & Company, 5317 North Third Street, Philadelphia, Pa. 19120.
NDA's:
0-0021, Special Formula #2759, #2760 Syrup.
0-0048, Special Formula #3000 Tablets.
0-0049, Special Formula #3001 Tablets.
0-0050, Special Formula #3002 Tablets.
0-0051, Special Formula #3003 Liquid.
0-0084, Special Formula #3004 Tablets.
0-0085, Special Formula #3005 Tablets.
0-0086, Special RX #3006 Tablets.
0-0087, Special Formula #3007 Tablets.
0-0088, Special Formula #3008 Tablets.
0-4136, Estrogenic Substances.
0-4791, Menadione Tablets.
10-426, Protopine Tablets.

Sharp & Dohme, West Point, Pennsylvania 19486.
NDA's:
0-1209, Depropanex Injection.
0-2544, Cremo-Silconate Suspension.
0-3148, Nicotinic Acid Amide Tablets.
0-3256, Lyovac Liquid.
0-3628, Combavia Vitamin Capsules.
0-4568, Sulfathiazole Cream.
0-5028, Bimerphen Antiseptic Tincture.
0-5906, Perabeta Drops.
0-6464, Cremostaticin Caronamide Suspension.
0-6878, Undecylenic Acid Capsules.
0-6935, Proketuss Liquid.
0-7174, Propaspeffervescent Tablets.
0-7279, Proketal Compound Capsules.
0-7364, Sharmone Tablets.
0-7049, Cremotres Suspension.
0-8067, Padrina Tablets.
0-9126, Cyclaine HCL.
0-9649, Aflorone Acetate Topical Lotion.
0-9828, Hydrocortone-K Tablets.

Sidney Ross Company, Newark, N.J.
NDA 0-7306, Ladogal Tablets.

Singleton & Sons, 108 Dallas Street, Wichita Falls, Texas.
NDA 0-0383, Royal Corn Remover Solution.

SMA Corporation, Chagrin Falls, Ohio
NDA's:
0-1984, Nicotinic Acid Amide Injection.
0-1985, Nicotinic Acid Amide Tablets.
0-1986, Riboflavin Tablets.
0-1987, Riboflavin Injection.
0-1988, Thiamin HCL Injection.
0-1989, Thiamin HCL Tablets.
0-1990, Vit. D Tablets.
0-1991, Caroten w/Vit. D Tablets.
0-1993, Carotene Tablets.
0-1994, B-CPX Solution.
0-1995, Ascorbic Acid Tablets.
0-1996, Ascorbic Acid Injection.
0-1997, Thiamin HCL Riboflavin Nicotinic Acid Amino Injection.
0-2283, Smaco Thiamine HCL Tablets.
0-2284, Smaco Thiamine HCL Ampuls Injection.
0-2412, Thiamine HCL Solution Injection.
0-2610, Carotene In Oil Liquid.
0-2611, Carotene In Oil Capsules.
0-2612, Carotene and Vit. D. Conc. In Oil Solution.
0-2613, Cod Liver Oil w/Carotene & Vit. D. Conc. Solution.
0-2614, Vitamin A & D Capsules Blended Fish Liver Oil w/Activated.
0-2629, Menadione Tablets.
0-3102, Pyridoxine Smaco Tablets.
0-3103, Pyridoxine Ampuls Smaco Injections.
0-3183, Oleum Percomorphum w/Carotene.
0-3274, Halibut Liver Oil w/Carotene Liquid.
0-3690, CA Pantothenate D-Rotatory Tablets.
0-3691, CA Pantothenate D-Rotatory Injection.
0-3770, Smaco Pyridoxine Injection.
0-3852, Halibut Liver Oil w/Carotene Capsules.
0-3853, Oleum Percomorphum w/Carotene Capsules.
0-3928, Smaco Nicotinic Acid Amide Solution.
0-4364, Vit-B Injection.
0-4478, Smaco Elixiron Elixir.

Smith Brothers, Inc., Poughkeepsie, N.Y.
NDA 11-769, Smith Brothers Medical Cough Concentrate Syrup.

Smith, Kline & French Labs., 1500 Spring Garden Street, Philadelphia, Pa. 19101.
NDA's:
0-1342, Benzedrine Solution.
0-1379, Paredrinol Sulfate Injection & Tablets.
0-2569, Paredrine Hydbr. 3PC w Boric Acid OPH Solution.
0-2804, Pragmol Cream.
0-3840, Eskayspentaplex Solution.
0-4153, Pragmasul Ointment.
0-5359, Furmethide Iodide Injection.
0-5551, Benzedrex Inhaler.
0-5958, Eskays Oralator Mis.
0-6335, Eskalose Wafer & Grn.
0-6825, Tetronyl Jelly & Powder.

Smith-Dorsey Company.
NDA's:
0-0446, Hyoscine HBR Hypodermic Tablet.
0-0450, Potassium CL Capsule for Dr. W. O. Horton.
0-0490, Procaine HCL w/Epinephrine Injection.
0-0635, Private Formula #1904 for Winslow Drug Company Capsules.
0-0636, Bile Salts Compound & Purified Tablets.
0-0640, Vitamin B Complex Syrup.
0-0732, Elixir Thiamin Chloride w/Manganese Elixir.
0-0788, Isotonic Sol Ephedrine Sul IPC.
0-0789, Pumice and Sodium Chloride Para Aminosalyic Acid.
0-0790, Private Formula Tab. for Dr. W. Claude Davis.
0-0812, Thiamin CL Injection.
0-0813, Thiamin Tablets.

0-0879, Petrolatum w/Phenolphthalein ±4 Emulsion.
0-0880, EML Liquid Petrolatun w/Phenolphthalein ±5 Emulsion.
0-0881, EML/Liquid Petrolatum ±8 Emulsion.
0-0882, Tab. KCL 5 Grs.
0-0921, Thiamin CL Elixir.
0-1181, Private Formula Ointment.
0-1314, Private Formula RX 1919 for Dr. N. L. Beebe Liquid.
0-1400, K CL w/Citric Acid Solution.
0-1432, Chlormercuri Carvacrol Ointment.
0-1500, Private Formula for Dr. C. E. Whiting Liquid.
0-1501, Nicotinic Acid Tablets.
0-1592, Carbromal Tablets.
0-1616, Sod. Thiocyanate Tablets.
0-1635, Sulfanilamide w/Soda Tablets.
0-1681, Private Formula for Donley Stahl Company Capsules.
0-1691, Private Formula Capsules.
0-1734, Sulfanilamide Powder.
0-1760, Ferrous Sulfate w/Thiamin Hydrochloride Tablets.
0-1764, Sodium Citrate Ammonium Chloride w/Codeine Phosphate.
0-1773, Aminoacetic Acid Elixir.
0-1782, Private RX Law Drug Co. Capsules.
0-1783, Private RX Morehead DE MD Wafer.
0-1800, Aminoacetic Acid Tablets.
0-1837, Private Formula Capsules.
0-1863, Private Formula for Dr. Gardner Tablets.
0-1864, Private Formula for Dr. Gardner Tablets.
0-1865, Private Formula for Dr. Gardner Tablets.
0-1901, Sodium Citrate w/Codeine Phosphate Syrup.
0-1902, Ephedrine Aminophyllin & Phenolphthalein ±5 Emulsion.
0-1921, Private Formula for A & B Drug Company Marysville Kans Tablets.
0-1922, Private Formula for Bellamy Drug Store Capsules.
0-1971, Sulfanilamide with Soda Tab.
0-2014, Magnesium Trisilicate w/Lac Pulvis Tablets.
0-2030, Private Formula Tablets.
0-2136, Theobromine Phenobarbital & Thiamine CL Tablets.
0-2143, Sulfapyridine Tablets.
0-2197, Private Formula for Dr. H. E. Abrums Capsule.
0-2310, Potassium CL Elixir.
0-2311, Ferrous Sulfate w/Vit. B1 & C Tablets.
0-2341, Aminophyllin Injection.
0-2342, Nicotinic Acid w/Vit. B1, B2, C Tablets.
0-2370, Private Formula ±1946 for Phillips Drug Store Capsules.
0-2391, Bismuth & Paregoric Compound/Liquid.
0-2418, Private Formula/Dr. John Eiler Wafer.
0-2470, Private Formula Powder.
0-2537, Thiamin CL Injection.
0-2538, Thiamin CL Tablets.
0-2539, Thiamin CL Tablets.
0-2540, Pan Creatin Triple Strength Capsules.
0-2693, Pancreatin Triple Strength Tabsules.
0-2704, Morphine Sulfate Injection.
0-2848, Nicotinic Acid Amide Tablets.
0-2849, Thiamine CL Syrup.
0-2880, Mineral Oil w/Vitamin A Liquid.
0-2913, Thiamine CL Injection.
0-2914, Amino Acetic Acid & Thiamin Chloride Elixir.
0-3004, RX #1960—Peerless Pharm Capsules.
0-3025, RX #1961 Heinz Drug Company Tablets.
0-3037, Estrogenic Hormone Substances in Oil Injection.
0-3119, RX #1963 Broadway Pharm. Tablets.
0-3173, Morphine Sulfate w/Atropine Sulfate Solution.
0-3174, Kaynone Tablets.
0-3175, Ferrous Sulfate w/Vitamin D. Tablets.
0-3195, CA Phos. w/Vitamin D Tablets.
0-3251, Throat Lorenze.
0-3324, Sugar-Free Cough Mixture Liquid.
0-3406, Astringent Gargle Solution.
0-3445, Sulfathiazole Tablets.
0-3462, Ephinephine in Oil Injection.
0-3463, Methyl Salicylate Menotholcamphor Ointment.
0-3464, Anterior Pituitary & Ovarian Substance Injection.
0-3465, Sol Epinephrine HCL Inhaler.
0-3538, RX 1966 Stewart Pharmacy Tablets.
0-3554, Liver & Iron w/Vit. B Tablets.
0-3555, Estrogenic Hormone Substances Tablets.
0-3556, RX-1969 Danielson Med Arts Pharm. Ointment.
0-3622, Private Formula RX 1971 Cap.
0-3738, Riboflavin Tab.
0-3753, RX-1973 Dr. W. G. Benjamine Liquid.
0-3798, RX-1976 Haussamen Drug Co. Capsules.
0-3799, RX-1977 Haussamen Drug Co. Capsules.
0-3871, Private Formula ±1980 Capsules.
0-3897, Codeine Sulfate Hypodermic Tablets.
0-3914, Estrogenic Hormone in Oil Injection.
0-3922, Magma Slli-Jel Liquid.
0-3966, Vitamin B6 HCL Tablets.
0-4007, B-Vatine Elixir.
0-4058, RX 1988 Danielson Medical Arts Pharm. Ointment.
0-4063, Private Formula Deadwood Drug Suppository.
0-4156, Morphine Sulfate Injection.
0-4157, B-Vatine Injection.
0-4182, Private Formula ±1994 for Gas Ease Labs Tablets.
0-4188, Private Formula ±1995 Potter Drug Company Tablets.
0-4221, RX #1996—Patterson Drug Company Capsules.
0-4222, RX ±1997—Drs. Patton & Carroll Cap.
0-4223, RX ±1998 HL Haussamen Co. Cap.
0-4271, RX ±1999 Bailey Hospital Injection.
0-4272, RX ±1948—Dr. John Eiler Wafer.
0-4326, RX ±1991 Day R. J. MD Tablets.
0-4330, Glutamic Acid HCL Capsules.
0-4346, Potassium Gluconate Tablets.
0-4362, RX #2001 Rankin Drug Tablets.
0-4385, Aminophyllin Tablets.
0-4389, Stilbestrol Tablets & Injection.
0-4409, RX ±1703 Fregger Medicine Company Tablets.
0-4418, Syn-Vatine Tablets.
0-4425 Private Formula RX ±2003 Capsules.
0-4429, RX ±2004 Corner Drug Store Capsules.
0-4443, Aminophyllin Elixir.
0-4470, Nikethamide Injection.
0-4485, Aspi-Thesin Tablets.
0-4486, Karanal Tablets.
0-4490, Sodium Chloride & Dextrose Tablets.
0-4505, Nicotinic Acid Injection.
0-4519, Sulfathiazole Ointment.
0-4520, Phenobarbital & Belladonna Tablets.
0-4521, Sulfanilamide Ointment.
0-4551, Sulfathiazole Ophthalmic Ointment.
0-4571, Iban Elixir.
0-4590, S Cream.
0-4591, Sulfathiazole Grn.
0-4646, RX ±2005 HL Haussamen Company Capsules.
0-4647, Aurazine Solution.
0-4648, Capantothenate Tablets.
0-4713, E-Vatine Capsules.
0-4723, B-Vatine w/Liver Injection.
0-4838, Pascafen Tablets.
0-5552, Sulfamerazine Tablets.
0-7515, San Bromal Tablets.
0-7516, Antopic Cream.
0-7711, Neutrazyme Suppository.
0-8192, Nellin Tablets.
0-8542, Isoniazide Tablets.
0-8566, Sanbrom Tablets.
0-8575, Veratra-bar Tab.
0-9343, Crystoserpine Tablets.
11-843, Meprodil Tablets.

S. R. Seaver & Company, North Kansas City, Missouri.
NDA 0-1012, Sedazane Tablets.
Standard Chemical Company, Inc., 1013-1017 High Street, Des Moines, Iowa.
NDA 0-2306, Aminophyllin Tablets.
Standard Pharmacal Company, 1300 Abbott Drive, Elgin, Illinois 60121.
NDA 0-9896, Reserpine Alkaloid Tablets.
Strasenburgh Labs, Division Wallace & Tiernan, Inc., 755 Jefferson Road, Rochester, N.Y. 14603.
NDA 12-869, Amphenidone.
Strong Cobb & Company, 11700 Shaker Boulevard, Cleveland, Ohio 44120.

NDA's:

0-0285, Thermed Hair Tonic Liquid.
0-1478, Mosbys Tonic Liquid.
0-7778, AAC Tablets.
0-7852, Laevo Isomethadone Injection.
0-8098, Eskel Enteric Coated Tablets and Tablets.
0-8751, Tetropentobarb 60 Capsules.
0-8752, Tetropentobarb 38 & 250 Capsules.
0-8753, Tetrosecobarb 60 Capsules.
0-9499, Pentosec-S 60.

Success Chemical Company, Inc., 800 Hinsdale Street, Brooklyn, N.Y.
NDA 0-9629, Reserpine Tablets.
Sutliff & Case Company, Inc., 201 Spring Street, Peoria, Illinois.
NDA 0-7499, Casate Sodium Tablets.
Tablerock Labs., Inc., Post Office Box 1968, Greenville, S.C. 29602.
NDA's:
0-3013, Befaclin Elixir.
0-3014, Asoflamin Tablets.
0-9684, Neo-Rauja Tablets.
10-145, Pro-Ser Tablets.
10-517, Tacasol Tablets.
Tallby-Nason Company, Inc., Boston, Massachusetts.
NDA's:
0-9539, Improved Portensors Forte Tablets.
10-048, Rau-V-Potensors Tablets.
Taylor Pharmacal Company, 1222 West Grand Avenue, Decatur, Illinois.
NDA's:
0-9967, Reserpine Injection.
10-852, Mydsol Testosterone Injection.
Thos. Leeming & Company, Sub Charles Pfizer & Company, Inc., 235 East 42nd Street, New York, New York 10017.
NDA's:
0-1428, Children's Mild Baume Bengay Ointment.
0-8491, Calthenamine Cream.
0-9889, Amril Tablets.
10-156, Piperazate Wafers & Chewettes Lozenge.
11-481, Metamine Sustained w/Reserpine Tablets.
11-586, Clarin.
Tilden Company, New Lebanon, N.Y.
NDA 0-3156, Sulfapyridine Tablets.

Travenol Labs., Inc., Division Baxter Labs., Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053.
NDA 12-798, Caregin IA, IV, ICAV Injection.
Tyson & Company, Inc., 133 North Poplar Street, Paris, Tennessee 38242.
NDA 0-3083, On-The-Spot Household Slv.
Union Pharm. Co., Inc., Post Office Box 8105, Kansas City, Mo. 64112.
NDA 08034, Inhiston Drops.
United Pharms Inc., 1064 44th Avenue, Oakland, California.
NDA 11604, Trimadon Improved Caps.
University of Rochester Isotope Center, Rochester, N.Y.
NDA 9724, Iodine I-131 Diagnostic Solution and Therapeutic Solution.
Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.
NDA's:
0-387, Gonadogen Inj.
1-979, Vit. K Caps.
2-238, Calcium Mandelate w/Methenamine & Ammonium Acid Phos. Tabs.
2-320, Ephedrine & Cyclopal Caps.
2-475, Methenamine & Ammonium Acid Phosphate Tabs.
2-679, Sod. Sulfaphridine Monohydrate Inj.
3-450, Theophylline Sodium Acetate Inj.
4-583, Menadione Caps & Tabs.
4-997, Mercresin Ont.
4-998, Diethylstilbestrol Elixir.
5-496, Sulfamerazine Tabs.
5-500, Plasmoid Inj.
5-602, Ergot Alkaloid Inj.
5-640, Quatresin Solution.
5-748, Thiouracil Tabs.
6-178, Entero-Gastrone HCl Inj.
6-377, Methadon HCl Syr.
6-404, Chlorguanide HCl Tabs.
6-523, Pyrollazote Elx. & Tabs.
8-366, Acth Inj.
8-520, Isoniazid Tabs.
9-460, Cortef Acetate 1% Crm.
9-589, F Cortef 0.1%, 0.2% Lotion.
9-816, Cortef Acetate Eye & Ear Sterile Susp. Drops.
9-817, Cortef Acetate Ophthalmic 1.5% Ont.
9-865, Corticotropin Powder & Inj.
10-223, Reserpoid Sterile Sol/Inj.
10-239, Delta-Cortef Acetate Ont.
10-754, Cortef Acetate 1% Lotion.
10-755, Delta-Cortef Acetate Lotion.
10-776, Delta-Cortef Drops.
11-152, Special Formula #17875 Syr.
11-211, Lipomul IV Sterile Emulsion Inj.
11-376, Medrol Ont.
11-422, Hormozyne Tab.
11-570, Medrol Acetate.
11-747, Oxylone Topical Ont.
U.S. Standard Prods., Company, Mount Prospect, Ill.
NDAs:
5-214, Vikay Inj.
5-215, Dietstilbestrol Tabs & Inj.
6-885, Zyclophen Ont.
U.S. Vitamin & Pharm Corp., Div. Revlon Inc., 26 Vark St., Yonkers, N.Y. 10701.
NDAs:
1-948, Thiamin CL Inj. & Tabs.
2-934, Poly-B Ampules Inj.
2-935, Poly-B Brand of Vitamin B Factors Syrup.
5-148, Stilbevin Caps.
5-149, Para Amino Benzoic Acid Caps.
6-822, E-Tapiex Inj.
11-004, Dodicatrate Inj.
Vale Chemical Co., Inc., 1201 Liberty St., Allentown, Pa. 18102.
NDAs:
0-418, Thiavin Elx.
1-385, KCL Tabs.
1-386, Sulfanilamide & Sodium Bicarbonate Tabs.
2-286, Strychnine & Suprarenal.
2-465, Sulfapyridine Tabs.
8-255, Kardikel ECT.
Valentine Labs., Chicago, Ill.
NDA 7-689, Anefrin APC Tab.
Van Pelt & Brown, Inc., 1322 East Main Street, Richmond, Va. 23219.
NDAs:
2-707, Maltimin Liquid.
4-169, Sulfapyridine Tabs.
4-171, Sufathiazole Tabs.
4-547, Stilbestrol Tabs & Inj.
4-601, Silaloid Tabs.
4-688, Sulfanilamide Ointment.
4-689, Sulfathiazole Ointment.
5-005, Viazole Ointment.
5-281, Sulfadrine Dps.
5-829, Stilplex Tabs.
Varick Pharm., Co., Inc., Post Office Box 73, Hicksville, N.Y. 11800.
NDA 8-380, Digitaline Natievelle Tabs.
Veltex Co., 1711 First Avenue, North, Birmingham, Alabama 35203.
NDA 9-934, Rawpentia Tabs.
Vick Chem. Co., Div. Richardson Merrell Inc., 122 E. 42nd St., N.Y., N.Y. 10017.
NDAs:
0-136, Vicks A-Q Nose Dps.
2-776, Vicklax Liq. & Powder.
5-142, Serene Antiseptic Baby Lot.
5-175, Myosan Sol.
7-159, Histaid.
Victor Hermlin & Co., 2503 So. Hanley Rd., St. Louis, Mo., 63144.
NDA 9-630, Reserpine Tabs.
Vitamix Corp., Lancaster & 51st Sts., Philadelphia, Pa., 19131.
NDA 10-940, Cobalamin Conc. Saline Sol. Inj.
Vitarine Co., Inc., 227-15 N. Conduit Ave., Springfield Gardens, N.Y., 11413.
NDA's:
7-091, Histivite Tabs.
7-862, Histipac Tabs.
Volk Radiochem. Co., 803 N. Lake St., Burbank, Calif., 91502.
NDAs:
10-186, Sodium Radiodide 131 Sol. & Iodocaps.
11-614, Radiogold Colloid/AV-198.
Walker Labs., Div. Richardson-Merrell, 122 E. 42nd St., N.Y., N.Y., 10017.
NDAs:
8-538, Isoniazid Tabs.
9-743, Serpedon Tabs.
9-932, Serpedon Elx.
10-351, Pincets Tabs.
10-487, Cortispray.
10-497, Articon Tabs.
10-804, Pinsirup Syr.
12-134, Stressoxin Caps.
12-281, Natorexic Tabs.
12-275, Vitasloup Syr.
Walker Myron, 508 Franklin Ave., Mt. Vernon, N.Y.
NDA 0-314, Dicalcium Phosphate w/Vitamin BCD Caps.
Walker Vitamin Prods., Co.
NDAs:
4-355, Walkers B Complex Tabs.
6-050, Methionine Caps.
7-848, Mensalin Tabs.
Wallace & Tiernan Products, Inc., Belleville, N.J.
NDAs:
0-730, Private Formula/Dr. L. H. Marshall Tab.
5-015, Monomestrol Tabs.
5-016, Monomestrol in Oil Inj.
5-104, Azochloramide Oint., Powder, Sol. Tabs.
5-202, Diethylstilbestrol Tabs.
5-234, Buffered Sulfanilamide Crystalline Powder.
5-235, Buffered Sulfanilamide Micro-Crystalline Powder.
5-585, Azochlorasul Powder.
5-586, Azochlorasul Ointment.
5-726, Luciderm Dressing.
6-013, Aqua-Tabs.
6-302, Flurium Gum.
6-581, Salunder Ointment.
6-807, Lucaine HCl Inj.
6-866, Endecyn Caps.
6-994, Lorzinex Sol.
7-813, Glymylol Sol.
8-346, Salundek Ointment & Solution.
8-363, Salundek Lotion.
11-973, Dornwal Tabs.
Wallace Labs., Half Acre Rd., Cranbury, N.J. 08512.
NDA 5-710, Intraderm Sulfur Sol.
Wampole Labs., Div. Denver Chem. Mfg., Co., 35 Commerce Rd., Stamford, Conn. 06904.
NDAs:
11-518, Nicotid.
11-990, Neo-Mercazole Tabs.
12-442, Nicobuf Tabs.
Warner Chilcott Labs., Div. Warner-Lambert Pharm., Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
NDAs:
6-586, Stigmonene Br. Inj.
8-334, Methium Tabs.
9-093, Methium CL.
9-352, Methium w/Reserpine Tabs.
9-975, Releasin Inj.
11-543, Dolorub Tabs.
12-672, Perithiazide Tabs.
12-887, Dubarry Neomycin Deodorant & Antiperspirant Cream.
12-888, Dubarry Antiperspirant Deodorant w/Neomycin Sol.
12-889, Sportsman Antiperspirant Deodorant w/Neomycin Sol.
12-889, Sportsman Antiperspirant Deodorant w/Neomycin Crm.
Warner Inst. for Therapeutic Res., New York, N.Y.
NDA 6-636, Vitamin A Conc.
Warren-Teed Prod. Co., 582 W. Goodale St., Columbus, Ohio 43215.
NDAs:
2-976, Methoquim Caps. & Inj.
7-131, Epsilan Phos. Sterilized Sol. Inj.
Westerfield Pharm. Co., 11 St. Mary's St., Dayton, Ohio.
NDAs:
0-074, Special Formula ±1291 for Dowling Thomas J., M.D.
3-754, Quinidine Sul. Caps.
4-351, Sulfapyridine Caps.
White Labs., Inc., Galloping Hill Rd., Kenilworth, N.J. 07033.
NDAs:
5-204, Sulf-Urea Powder.
8-552, Gulatussin Syrup.
8-702, Eucupin u/Zolamine Syrup.
8-707, Eucupin w/Zolamine Ont.
8-969, Quintamide Tabs.
8-970, Quintamide Dps.
9-778, Dienestrol Lotion.
10-241, Gitaligin Inj.
11-760, Normacol Tabs.
12-924, Oxyphencyclimine.
Whitehall Pharmacal Co., Div. American Home Prods. Corp., 685 Third Ave., New York, N.Y. 10017.
NDAs:
3-789, Guards Tabs.
7-476, Minihist Tabs.
7-609, Guards Antihist. Cold Tabs.
7-845, Primaten Analgesic Tabs.
9-231, Kolynos.
9-232, Kolynos w/Chlorophyll.
10-681, Dondryl Anti-Cough Compound Syr.
10-687, Triptone Tabs.
Whittier Labs., Div. of A. H. Robins, 2101 Dempster St., Evanston, Ill. 60201.
NDAs:
6-820, Caubren Compound Tabs.
7-734, M-4 Tabs.
8-628, Pambromal Tabs.
9-877, Pambromal Tabs.
William H. Rorer, 500 Virginia Dr., Ft. Washington, Pa. 19034.
NDAs:
1-007, Special Formula Tabs.

2-005, Thiamintol Solution.
2-630, Special Tab—Dr. R. L. Moore.
2-970, Special Cap #13791.
3-005, Special Formula # 13801 Tabs.
3-005, Special Formula #1138-70 Caps.
3-307, Rotelotion Ointment.
4-017, Estrogenic Substance Sup.
4-303, Factimen-Rorer Tabs.
4-331, Solviplex Inj.
4-432, Sulfanilamide Powder.
4-347, Stilbestrol Tabs.
4-449, Carbathiazole Ont.
4-550, Sulfanilamide Cones.
4-886, Sulfathiazole Powder.
5-670, Sulfamidazole-Ephedrine Sus.
5-904, Thiouracil 100 mg. Tabs.
5-983, Mekasel Pwdr.
6-082, Ansadol Rorer Ont.
7-090, Crystalline Vit. B_{12} Inj.

William P. Poythress & Co., Inc., 16 N. 22nd St., Richmond, Va. 23217.
NDA 5-097, Para Amino Benzoic Acid Tabs.

William R. Warner, Div. Warner Hudnut Inc., 113 W. 18th St., New York, N.Y.
NDAs:
0-146, Sulfanilamide Tabs.
1-120, Thiazyme Elx.
1-170, Cal-Bis-Ma Pwdr. & Tabs.
1-577, Aromatic Spirit of Ammonia Liq.
1-578, Expectorant Mixture Liq.
1-579, Spirit of Camphor U.S.P. Liq.
1-779, Ascorbic Acid Tabs.
1-781, Vitamin B_1 Tabs.
2-018, Sulfanilamide w/Sod. Bicarbonate Tabs.
2-036, Lixa-Beta Elx.
2-094, Analgesic Liquid.
2-558, Sulfapyridine Tabs.
2-695, Ascorbic Acid Inj.
2-696, Thiamin HCl Ampul Inj.
2-783, Nicotinic Acid Tabs.
2-784, Riboflavin Tabs.
2-919, Vilexon Syr.
3-339, Vilexon Caps.
3-834, Thiamine HCl Inj.
3-892, Sulfathiazole Tabs.
3-943, Epi-Vita ECT.
4-004, Ampuls Vit. A & D in Oil Inj.
4-190, Nicotinamide Inj.
4-191, CA Pantothenate Inj.
4-289, Pyridoxine HCl Inj.
4-290, Omni-Beta Elx.
4-366, Vitamin A Tabs.
4-410, Sod. Thiosul Inj.
4-546, Emulsified Vak Liquid.
4-663, Syntha-Beta Tabs.
4-747, Dietstilbestrol Tabs.
4-748, Dietstilbestrol Inj.
6-047, Heparin Pitkin Menstrum Inj.
6-379, Diatrin Syr. & Tabs.
8-001, W-290 Tabs.

William S. Merrell Co., Div. Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215.
NDAs:
0-035, Concemind Caps.
0-930, Sulfapyridine Tabs.
1-459, Thydron Syrup.
1-847, Byleric Caps.
1-942, Thydson Tabs.
1-943, Thiamine HCl Tabs.
2-185, Thiamine HCl Inj.
2-186, Thiamine HCl Elx.
2-187, Sulfanilamide & Sod. Bicarbonate Tabs.
2-188, Diothane Oph. Ont. w/Oxyquinoline Benzoate Ont.
2-468, Beta Concemin Elixir.
2-632, Digitalis Tabs.
2-907, Cetedrin Drops.
2-960, Pentobarbital—Sod. Tabs.
3-194, Sulfathiazole Tabs.
3-299, Pentobarbital—Sod. Elx.
3-896, Diothold Sup.
4-142, Stilbestrol Tabs.
4-476, Diethylstilbestrol Inj.
4-824, Beta-Concemin Inj.
4-947, Ceepryn Jelly.
4-948, Ceepryn Vaginal Suppository.
4-949, Ceepryn Ont.
4-950, Ceepryn Oph. Ont.
5-062, Nethamine Tabs.
5-063, Nethacetin Tabs.
5-064, Nethacetin Syrup.
5-100, Sulfathiazole Ont.
5-121, Sulfathiazole Cream.
5-184, Vonedrine Inhalant.
5-194, Vonedrine Hydrochloride Drps.
5-260, Hexestrol in Oil.
5-261, Hexestrol Tabs.
5-707, Hexestrofen 1-3 Tabs.
5-708, Hexestrofen 1-3 Elixir.
5-858, Butaphyllamine ECT.
5-859, Butaphyllamine Inj.
5-977, Dicumarol Tabs.
6-005, Nethaphyl ECT.
6-007, Nethaphyl Caps.
6-242, Hexestrol Aqueous Sus.
6-316, Mercodol w/Decapryn Syr.
7-276, Dicapryn Succinate Minergic Inj.
7-650, Ferox Intravenous Inj.
8-452, Oxityl-P Tabs.
8-684, Stilbamidine Isethionate Inj.
9-950, Meraton Hydrochloride w/Reserpine Tabs.
10-470, Reserpine Tabs.
10-806, Cobalamin Conc. Inj.
10-889, Consolets Tabs.
10-890, Consol Sus.
11-580, Tridecamine Tabs.
12-610, Bevitam.

Wilson Labs. Div. Wilson & Co., 4221 South Western Avenue, Chicago, Ill.
NDAs:
3-168, Estrogenic Substance Caps. & Inj.
4-337, Thiamine HCl Tabs.
4-732, Pyridoxine HCl Inj.
5-158, Epithene Jel.
5-942, Hepazin Inj.

Winthrop Chem., 170 Varick Street, New York, N.Y.
NDAs:
0-002, Neoprontosil Tabs.
1-350, Torantil Tabs.
2-834, Anaesthesin Jelly.
4-072, Stilbestrol Inj., Sup. & Tabs.
4-135, Suprarenin Inj.
4-718, Diodrast Inj.
4-760, Kappaxin Inj.
4-846, Salyrgan Theophylline ECT.
4-904, Dietstilbestrol Diproplonate Inj. & ECT.
4-908, Sulfathiazole Sod. Tabs.
5-024, Flavaxin Sol. Inj.
5-283, Neostibosan.
5-847, Thiouracil Tabs.
5-888, Gelatine Sol.
6-039, Butanefrine HCl Inj.
6-102, Desyphed HCl Tabs.
6-165, Companol Tabs.
6-181, Adanon HCl Inj., Syr., Elx., Tabs.
6-217, Folic Acid Elx., Inj., Tabs.

Winthrop Labs. Div. Sterling Drug Inc., 90 Park Ave., N.Y., N.Y. 10016.
NDAs:
3-366, Tofaxin Caps.
3-641, Sulfathiazole Sodium Inj., Pwd.
6-337, Zettyn Eye Lotion & Mouthwash.
8-395, Dinacrin Tabs.
8-396, Dinacrin Tabs.
9-121, Aralis Tabs.
10-034, Dovial Tabs.
10-043, Lutawin Caplets.
10-757, Mytelase Chloride Tabs.
11-054, Mytelase CL. Sol.
11-247, Isuprel Sol Inj. and Sublinguat Tabs.
11-728, Superinone.
12-637, Isuprel Ethanesulfonate.

Winthrop Stearns Inc., 170 Varick St., New York, N.Y.
NRAs:
4-029, Amino Acids Inj.
6-136, Hemokin Tabs.
6-608, Testocaptate.
6-964, Winoline Syrup.
7-436, Regnosone AC Inj.
7-861, Mytolon CL. Inj.
7-890, Levo Isomethadone HCl Sol. & Tabs.
7-971, Thenfadil Tabs.
8-231, Katonium Powder.
8-463, Thenfadil HCl Cream.
8-635, Milibis Tampons Sup.
8-818, Thenfadil SA. SRT.
10-118, Mantomide Tabs.

Wyeth Labs Inc., Div. American Home Products Corp., P.O. Box 8299, Philadelphia, Pa.
NDAs:
1-623, Alv Lotion.
6-138, Propion Gel.
6-189, Folic Acid Tabs.
6-260, Secretin Inj.
6-271, Cytochrome C Inj.
6-409, Syrup Althose Syrup Methadone.
6-438, Metopon HCl Caps.
6-439, Neohetramine Syrup & Tabs.
6-606, Neohetramine HCl Cream.
6-705, Methadone HCL Susp.
7-186, Prēgnenolone Acetate Tabs.
7-473, Artisone Acetate Inj.
7-904, Propion Opthalmic Sol.
8-259, Wyovin w/Phenobarbital Tabs.
8-260, Wyovin Tabs.
8-337, Phenergan w/Neocalamine Lotion.
9-016, Plavolex.
9-396, Thiomerin Sod. Susp.
11-262, Ambutonium Bromide Tabs.
11-647, Artisone Tabs.

Wynit Pharm., Madison, N.J.
NDA 12-381, Dodercil Sus.

Xttrium Co., 415 West Pershing Road, Chicago, Ill. 60609.
NDAs:
6-396, Tucidor Sol.
6-552, Tucidor Obtundent Crm.
10-557, Reserpine Tabs.
10-900, Hydrocortisone AC Denture Adhesive Pwd.

Yates Drug & Chem. Co., 295-303 Lafayette Street, New York, N.Y.
NDAs:
3-955, Sulfathiazole Tabs.
3-956, Sulfaphridine Tabs.

Within 30 days after publication hereof in the FEDERAL REGISTER, the applicants, as well as any interested person who would be adversely affected and who wants an opportunity for a hearing, are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after publication of this notice in the FEDERAL REGISTER a written appearance requesting a hearing, giving the reasons why the new-drug application should not be withdrawn, together with a full-factual analysis, and setting forth specific facts showing that a genuine and substantial issue of fact requires a notice, the issues

will be defined, a hearing examiner will be named by the Commissioner, and he shall issue a written notice of the time and place at which the hearing will commence.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-333 Filed 1-12-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-151]

SCHLUMBERGER TECHNOLOGY CORP.

Notice of Qualification as a Citizen

This is to give notice that pursuant to 46 CFR 67.23-7 issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), Schlumberger Technology Corp., 277 Park Avenue, New York, NY, incorporated under the laws of the State of Texas, did on December 8, 1970, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on December 31, 1970, issued to Schlumberger Technology Corp., a certificate of compliance on Form 1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7(c).

This continues in effect the notice of qualification of Schlumberger Technology Corp. as a citizen of the United States dated September 12, 1969.

Dated: December 31, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-387 Filed 1-12-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO.

Notice of Application for Construction Permit and Operating License

Virginia Electric & Power Co., 700 East Franklin Street, Richmond, Va., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated March 21, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the North Anna Power Station, Units Nos. 1 and 2, at a 1,075-acre site adjacent to the North Anna River in Louisa County, Va., about 24 miles southwest of Fredericksburg, Va.

Each of the proposed reactors is designed for initial operation at approximately 2,652 thermal megawatts with a gross electrical output of approximately 892 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 31, 1970.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the offices of the County Board of Supervisors, Louisa County Courthouse, Louisa, Va.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 24th day of December 1970.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.70-17504 Filed 12-29-70;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 21866, 22784; Order 71-1-30]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1971.

By tariff revisions marked to become effective January 11, 1971,[1] Continental proposes to increase first-class, coach, and economy-class fares by 3 percent in all of its markets over 800 miles in distance. First-class fares would bear a ratio of 130 percent to coach, and various discount fares would be adjusted to maintain existing or reduced percentage relationships recently permitted by the Board.

In justification of its proposal, Continental alleges that the markets involved (principally its east-west and Pacific Northwest-Southwest markets) present unique circumstances warranting the minimal increase sought. Its east-west services are characterized as highly competitive without the advantage of backup traffic which enables its competitors to mount and support heavy frequencies.

The Pacific Northwest-Southwest services are characterized as involving relatively new markets which the Board recognized, at the time of the award, would require a substantial developmental endeavor before becoming profitable. It is also noted that these markets have subsequently been subjected to competitive services. Finally, Continental alleges that the existence of economy service in the markets in question is an important consideration since, even with the fare increases proposed, travelers will continue to have available a basic fare well below that produced by the present fare structure.

Continental's proposal to increase normal fares comes within the scope of the ongoing Domestic Passenger-Fare Investigation and its lawfulness will be determined in that proceeding. The Board has announced its intention to reach a decision in the fare level and related phases of that proceeding by the first of April 1971. The immediate question then is whether to permit the proposed increases to become effective or to suspend them pending conclusion of that investigation.

The proposal here to increase fares for the basic classes of service in markets over 800 miles involves the fare level over a substantial portion of Continental's system, and as such involves an evaluation of basic costs of service now under review in the general investigation. It also poses the structural question of whether or not existence of a third-level service justifies a level of coach fares differing from that in markets not afforded such service, a matter likewise to be decided in the investigation now in progress. For these reasons, and consistent with several recent actions relating to proposals of similarly broad scope,[2] we will suspend the proposed coach and economy fares and the discount fares which are derived therefrom. However, we will not suspend the proposed increases in first-class fares since the first-class fares appear to be underpriced in relation to both costs and value of service and we have permitted other recent increases.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.
[2] Orders 70-9-123, 70-11-133.

Upon consideration of the proposed military fares, the Board finds that they may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that they should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the YM and M class fares and provisions described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto [3] are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariffs and served upon Continental Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-429 Filed 1-12-71;8:49 am]

[Docket No. 21866, etc.; Order 71-1-29]

EASTERN AIR LINES, INC. AND NATIONAL AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of January 1971.

By tariff revisions [1] marked to become effective January 11, 1971, Eastern Air Lines, Inc. (Eastern) and National Airlines, Inc. (National) propose to increase certain markets under 500 miles in distance which involve the Boston, New York, and Washington/Baltimore terminals. The increases range from $0.93 to $3.70 under both proposals. In addition, Eastern proposes to increase children's fares and fares for minors accompanied by a family member from 50 percent to 66⅔ percent of the normal coach fare.

In justification of its proposal Eastern alleges that its proposed fares are consistent with recent orders permitting similar increases for American, Mohawk, and Northeast; that it conducts a large portion of its operations in highly congested short-haul markets; and that the added costs incurred in these operations fully warrant fare increases similar to those previously permitted in Orders 70-11-134 and 70-11-136. National makes only the general assertion that its proposal is in conformance with Order 70-11-136.

Complaints have been filed by Mr. Reuben B. Robertson, III, and Representative John Moss and 39 other Members of Congress requesting investigation and suspension. Mr. Robertson's complaint alleges that the carriers have utterly failed to demonstrate any showing of a special need or any other economic or social justification for raising fares now in these markets; that it is not necessary from the standpoint of remaining competitive "to meet" higher fares; and that Board action based on American's submissions cannot serve as justification, per se, for raising everyone's prices. The complaint contends that quite apart from the question of who is responsible for congestion and who must pay for it, no carrier should be permitted to profit from the existence of congestion unless it can demonstrate that it has not been able to turn a profit in high density markets despite efficient operations. It is further alleged that under the law carriers filing for fare increases have the burden of proof that the filings are economically justified and they have not done so in this case; that unless the Board enforces its own rules on economic justification of fare and rate filings it, effectively freezes the public out of these regulatory proceedings; and that the Board has a duty to estimate and take into account demand elasticity factors before granting any fare increase.

The Moss complaint touches on most of the points raised by Mr. Robertson, emphasizing that the carriers have failed to show that they are incurring losses in the markets in which they are seeking fare increases, nor have they furnished cost estimates necessary to support the allegation that the increases are required to bring revenues more into line with the costs of service.

In answer to the complaints, Eastern alleges that each of the fare increases it proposes involves markets in which the Board has already found atypically higher costs due to congestion; that complainants are incorrect in contending that the costs previously relied upon by the Board were unique to the proponent carriers; and that they are unique to specific markets and common to all carriers in that market. Eastern estimates system costs attributable to congestion delays at $17.8 million in 1969, and states that obviously a substantial portion of those added costs are incurred in the markets in question. It is contended that, while the question of demand elasticity is pertinent, this factor can only be an estimate, and past estimates indicate a lack of elasticity in short-haul business markets. With respect to the need for market load factor data, it is alleged that this is immaterial here, in light of American's earlier demonstration that carrier efficiency cannot overcome the short-haul cost/revenue gap. Finally, Eastern contends that unless all carriers in a market are permitted similar increases, those that have been will be unable for competitive reasons to maintain their higher fares which have been found warranted.

National contends in answer that references in the complaints to the Board's "rate-determining process" and the carriers' "burden of proof" misconstrue the requirements of the Act; that there are no such requirements in connection with finding a tariff filing as prima facie lawful; and that such requirements only come into play in connection with the hearing process. National alleges that neither complaint points out in what ways its proposal is unlawful; that the markets in question have twice been characterized as having atypical high congestion/density cost-related features (Orders 70-11-134 and 70-11-136); and denies the allegation that its proposal is not just and reasonable on its face. Finally, National states that it expects to realize additional revenues of some $1,220,000 for calendar 1971.

The proposals here to increase certain coach fares come within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

Eastern's filing involves only 16 markets and National's only 23 markets out of their entire domestic systems and both purport to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, these filings do not involve an evaluation of basic costs of service, including load factors, now underway in the passenger fare investigation to the same degree as the earlier tariff proposals to increase all or most coach fares which were suspended pending investigation.[5]

Eastern's proposal is limited entirely to markets in which the Board has recently permitted fare increases to compensate for demonstrated additional costs associated with airport and airway congestion, and 11 of the markets encompassed in National's filing fall in this same category. We believe there is merit to Eastern's contention that costs attributable to congestion are unique as among markets but common as among carriers. It is reasonable to conclude that its costs, as well as National's, in these particular markets are comparable to those previously demonstrated by other carriers, and that their abilities to achieve profitable operations in these markets would be similarly affected. Accordingly, the Board will permit the increases proposed by Eastern and National in these markets, despite the fact that the carriers have not provided specific data related to each. We will also permit National to increase its fares in the Washington/New York-Providence markets, again despite the lack of market-by-market information. These two markets lie directly along the northeast corridor, which is acknowledged as one of the most congested areas in the country, and we have previously permitted similar increases between these terminals and the adjacent point of Hartford.[5] Finally, the Board will permit Eastern's proposal to increase its fares for children and minors accompanied by an adult family member, consistent with our action in Order 70-11-133.

The Board has concluded to suspend the fare increases proposed by National in the remaining 10 markets in the absence of a showing of losses sustained as a result of airport and airway congestion. We distinguish between a "terminal" versus a "market" approach and believe that trunkline carriers should be permitted increases only when it is reasonably demonstrated that particular markets have characteristics which could normally be expected to result in profitable operations. To do otherwise could lead to a general erosion of the concept of a fare over-ride to compensate for atypical operating conditions, and lead to fare increases of a general nature inconsistent with our action in Order 70-9-123.

Upon consideration of all relevant matters, the Board finds that the proposed military fare increases, which stem from higher basic fares we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that these fares should be suspended together with all other fare increases in the same markets pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the YM (Military Reservation) class and M (Military standby) class fares and provisions described in Appendix A attached hereto,[6] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [4] are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784;

4. A copy of this order will be filed with the aforesaid tariff and be served on Eastern Air Lines, Inc., National Airlines, Inc., and the complainants in Dockets 22905 and 22915; and

5. Except to the extent granted herein, the complaints in Dockets 22905 and 22915 insofar as they apply to the filings considered herein are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-428 Filed 1-12-71;8:49 am]

[Docket No. 20993; Order 71-1-19]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 6, 1971.

By Order 70-12-125, dated December 21, 1970, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and adopted by the 27th Meeting of the Traffic Conference 1 Specific Commodity Rates Board. The agreement proposes revisions to the specific commodity rate structure currently applicable within the Western Hemisphere, including reduced rates under new commodity descriptions, the addition of several rates to added points and the cancellation of other rates under existing commodity descriptions, and increases in the majority of remaining rates currently effective.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70-12-125 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22097 be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-425 Filed 1-12-71;8:49 am]

[Docket No. 20993; Order 71-1-25]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 6, 1971.

By Order 70-12-124, dated December 21, 1970, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted by the Tenth Meeting of the Joint Specific Commodity Rates Board. As it applies in air transportation, the agreement is essentially limited to matters relating to transpacific commodity rates. Certain specific commodity rates previously approved by the Board would be extended for a further period of effectiveness; the agreement also names several rates to added points, cancels other rates under existing commodity descriptions, reduces a limited number of currently applicable rates, and proposes reduced rates under new commodity descriptions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70-12-124 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096 be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-426 Filed 1-12-71;8:49 am]

[Docket No. 20993; Order 71-1-31]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, January 7, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the

[1] Filed as part of the original document.

[2] Concurring and dissenting statements of Vice Chairman Gillilland and Member Minetti filed as part of the original document.

[3] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB No. 136.

[4] Order 70-9-123.

[5] The markets in which we are permitting the proposed fare increases are listed in the attachment hereto.

[6] Filed as part of the original document.

[7] Concurring and dissenting statements of Vice Chairman Gillilland and Member Minetti filed as part of the original document.

Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 28, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-7:

Commodity Item No. 4201—Surface Vehicles N.E.S. Excluding Steamship and/or Motorship Parts, 140 cents per kg., minimum weight 100 kgs., Auckland to Los Angeles.

R-8:

Commodity Item No. 4123—Aircraft Parts and Accessories, 150 cents per kg., minimum weight 100 kgs.; 104 cents per kg., minimum weight 200 kgs.; 89 cents per kg., minimum weight 1,000 kgs. Auckland to Los Angeles.[1]

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22096, R-7 and R-8, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that, insofar as air transportation as defined by the Act is concerned, tariff filings shall not be made to implement the agreement prior to eventual approval, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-427 Filed 1-12-71;8:49 am]

[1] Upon effectiveness of these rates the present rate of 173 cents per kg., minimum weight 100 kgs. is canceled.

[Docket No. 21866; Order 71-1-35]

MOHAWK AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1971.

By tariff revisions[1] marked to become effective January 11, 1971, Mohawk Airlines, Inc. (Mohawk), proposes to increase its regular fares in 69 short-haul markets in amounts ranging from $1.85 to $3.70. Mohawk proposed fare increases in these same markets effective December 1, 1970, and those fares were suspended by Order 70-11-136 because rounding techniques inconsistent with previous Board Orders were employed in their construction. The fares proposed herein are at the same level in all instances as those suspended by our previous order. These proposed fares appear to circumvent the intent of Order 70-11-136, and will therefore be suspended. These fares are under investigation in the above Docket.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto,[2] are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. A copy of this order will be filed with the aforesaid tariff and be served upon Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-430 Filed 1-12-71;8:49 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Filed as part of the original document.

[3] Dissenting statement of Vice Chairman Gilliland filed as part of the original document.

[Dockets Nos. 21866, 22784; Order 71-1-33]

UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1971.

By tariff revisions[1][4] marked to become effective January 11, 1971, United Air Lines, Inc. (United) proposes to increase coach fares to pre-October 1969 levels in longer haul markets where fares were reduced at that time, and to reduce the military discount from 50 to 40 percent of coach.[5]

In support of its proposed increases, United alleges that the serious financial condition of it and the domestic trunkline industry generally has not improved since last August; that earnings continue to deteriorate; that United's current outlook for the year 1970 is for a traffic level reflecting no increase over the previous year and a $35 million net loss; and that while United and the industry continue to exert all possible efforts to improve their dismal outlook by capacity reductions and other forms of cost control, several factors indicate that this will be a very difficult undertaking with limited potential. United further alleges that its cost per available ton mile continues to increase, the increases for the months of July, August, and September over the preceding year being 9 percent, 10 percent, and 6 percent, respectively. Finally, it is alleged that the proposed military standby fares will still be its lowest promotional fare for individual passengers.

Representative John E. Moss and 39 other Members of Congress have filed a complaint against the carrier's proposal to increase certain long- and medium-haul fares. The complaint asserts that no estimate of cost of service is provided nor are there facts to support an allegation that increases are required to bring revenues more into line with cost of service in these markets, even with excess capacity. The complaint further alleges that the proposal may be self-defeating because of the possible loss of traffic due to the fare increases.

The proposal to increase normal coach fares comes within the scope of the ongoing Domestic Passenger-Fare Investigation and their lawfulness will be determined in that proceeding. We expect to issue a decision on the fare level and directly related issues by approximately the first of April 1971. The immediate question then is whether to permit the increases to become effective or to suspend them pending investigation. The proposal with respect to military-standby fares is not within the general investigation.

The proposal to restore coach fares to the pre-October 1969 level involves the basic normal fares applicable over a fairly substantial portion of the carrier's system, and will materially alter the fare structure, thus raising questions to be resolved in the general investigation. By Order 70-9-123, the Board suspended various tariff filings proposing general fare increases pending resolution of the underlying issues in Docket 21866. United does not attempt to justify the instant proposal in terms of special circumstances in the affected markets, but instead its rationale is based essentially on its general revenue need, a matter which will be considered by the Board in Docket 21866. In view of the interim nature of all fare changes made at this time, we do not believe it in the public interest to permit fare increases except where special circumstances are shown. Accordingly since United makes no such showing and consistent with our action in Order 70-9-123, we have decided to suspend the proposed increases in coach fares, and other increased fares based thereon.

The Board has recently suspended proposals of other carriers to increase military-reservation fares from 66⅔ to 75 percent of coach, and military-standby fares from 50 to 66⅔ percent of coach. Consistent with those actions, we will suspend United's proposal to increase military standby fares by approximately 20 percent. As we have previously indicated, we believe the broad public interest and national defense considerations invested in such fares should be carefully explored before significant increases are permitted.

Upon consideration of all relevant matters, the Board finds that the proposed military-standby fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. For the reasons stated above, we find that all fares considered herein should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the YM and M class fares and provisions described in Appendix A attached hereto,[6] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[6] are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784;

4. A copy of this order will be filed with the aforesaid tariffs and served upon certain members of Congress, and United Air Lines, Inc.; and

5. Except to the extend granted herein, the complaint in Docket 22915 is hereby dismissed insofar as it applies to filings considered herein. The complaint was also filed against other proposals which will be disposed of by subsequent orders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-424 Filed 1-12-71;8:48 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[4] Filed as part of the original document.

[5] United also proposes to increase coach fares in 24 short-haul markets. A complaint has been filed against this proposal, and the matter will be disposed of by subsequent order.

[6] Filed as part of the original document.

[7] Concurring and dissenting statement of Vice Chairman Gilliland and separate statement of concurrence and dissent by Member Minetti filed as part of the original document.

[Docket Nos. 21866, 22784; Order 71-1-34]

UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1971.

By tariff revisions[1] marked to become effective January 11, 1971, United Air Lines, Inc. (United) proposes to increase coach fares in 24 markets of less than 750 miles by $3. In addition, it proposes to match recently permitted fares of American Airlines, Inc., in 6 additional markets.

In support of its proposed increases, United alleges that the serious financial condition of it and the domestic trunkline industry generally has not improved since last August; that earnings continue to deteriorate; that United's current outlook for the year 1971 is for a traffic level reflecting no increase over the previous year and a $35 million net loss; that while United and the industry continue to exert all possible efforts to improve their dismal outlook by capacity reductions and other forms of cost control, several factors indicate that this will be a very difficult undertaking with limited potential; and that its cost per available ton mile continues to increase, the increases for the months of July, August, and September over the preceding year being 9 percent, 10 percent, and 6 percent, respectively. United further alleges that the 24 short-haul markets are high density in nature and that the concept is similar to a filing made by American and estimates that the proposed increases would result in additional annual revenues of about $11 million.

Complaints have been filed by Mr. Reuben B. Robertson, III, and Representative John Moss and 39 other Members of Congress requesting investigation and suspension. Mr. Robertson's complaint alleges that the carrier has utterly failed to demonstrate any showing of special need or any other economic or social justification for raising fares now in these markets; that it did not submit justification in conformance with section 221.165 of the Board's economic regulations; that it is not necessary from the standpoint of remaining competitive "to meet" higher fares; and that Board action based on American's submissions cannot serve as justification, per se, for raising everyone's prices. The complaint contends that, quite apart from the question of who is responsible for congestion and who must pay for it, no carrier should be permitted to profit from the existence of congestion unless it can demonstrate that it has not been able to turn a profit in high density markets despite efficient operations.

It is further alleged that the Board should not place itself in the position of allowing carriers to play fast and loose with the requirements for justification once one carrier has been allowed to increase rates; that under the law carriers filing for fare increases have the burden of proof that the filings are economically justified and they have not done so in this case; and that unless the Board enforces its own rules on economic justification of fare and rate filings it joins in complicity with the carriers in effectively freezing the public out of these regulatory proceedings. Finally, it is contended that the Board has a duty to estimate and take into account demand elasticity factors before granting any fare increase.

In answer to the complaints, United alleges that its filing corresponds to tariff revisions of American recently approved by Board Order 70-11-134; that it can be concluded from that order that a demonstrated revenue need resulting from substandard carrier earnings when coupled with a sound basis for applying a fare increase to a particular market is sufficient justification for permitting an interim fare increase, and that, unlike American, it did not submit supporting data with this revision since revenue need has been frequently demonstrated, and the Board had already found that the high cost of operating into congested airport areas was generally acknowledged. United also alleges that the specific market and traffic data sought by the complainants is not pertinent to its filing; and that it is not necessary to demonstrate a loss operation in each and every market to which a fare increase is to be applied where it has been demonstrated that a substantial system revenue need exists and particularly where system revenues are not meeting system expenses.

The proposals to increase normal coach fares come within the scope of the ongoing Domestic Passenger Fare Investigation and their lawfulness will be determined in that proceeding. We expect to issue a decision on the fare level and directly related issues by approximately the first of April 1971. The immediate question then is whether to permit the increases to become effective or to suspend them pending investigation.

United's filing involves only 30 markets out of its entire domestic system and purports to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, this filing does not involve an evaluation of basic costs of service now underway in the passenger fare investigation to the same degree as the earlier tariff proposals to increase all or most coach fares which were suspended pending investigation.[8]

[8] Order 70-9-123.

In eight of the 30 markets,[1] the Board has previously permitted fare increases to compensate for demonstrated additional costs associated with airport and airway congestion. We believe it reasonable to conclude that costs attributable to congestion are common to all carriers operating in a market and would similarly affect all carriers' ability to achieve profitable operations in markets affected by congestion. Accordingly, we will permit United's proposed increases in these eight markets to become effective.

The Board has concluded to suspend the fare increases proposed by United in the remaining 22 markets in the absence of a showing of losses sustained as a result of airport and airway congestion. As we have previously indicated, we distinguish between a "terminal" versus a "market" approach and believe that trunkline carriers should be permitted increases only when it is reasonably demonstrated that particular markets have characteristics which, but for severe congestion, could be expected to result in profitable operations. To do otherwise could lead to a general erosion of the concept of a fare over-ride solely to compensate for atypical operating conditions, and lead to fare increases of a general nature inconsistent with our action in Order 70-9-123.

Upon consideration of the tariff filing, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposed military fare increases, which stem from higher basic fares we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that these fares should be suspended, together with the other fare increases indicated above, pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the YM class fares and provisions described in Appendix A attached hereto,[4] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[4] are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-431 Filed 1-12-71;8:49 am]

[1] Boston-Washington; Chicago-Detroit; Chicago-Pittsburgh; New York-Boston; New York-Buffalo; New York-Pittsburgh; New York-Rochester, N.Y.; New York-Washington.

[4] Filed as part of the original document.

[5] Concurring and dissenting statements of Vice Chairman Gillilland and Member Minetti filed as part of the original document.

ENVIRONMENTAL PROTECTION AGENCY

Air Pollution Control Office

INTERSTATE AIR POLLUTION IN MOUNT STORM, WEST VIRGINIA-GORMAN, MARYLAND, AND LUKE, MARYLAND-KEYSER, WEST VIRGINIA AREAS

Conference of Air Pollution Control Agencies

Whereas the Governor of Maryland has made a written request pursuant to section 108(d)(1)(A), 42 U.S.C. 1857d (d)(1)(A) of the Clean Air Act, as amended (now Section 115(b)(1) under amendments at sections 4(a) and 4(b) of Public Law 91-604) that a conference be called in the Mount Storm, W. Va.-Gorman, Md., area regarding air pollution originating in the State of West Virginia which is alleged to endanger the health or welfare of persons in the State of Maryland, and

Whereas the Governor of West Virginia has made a written request that any conference called under the Clean Air Act, as amended, to consider air pollution in the Mount Storm, W. Va.-Gorman, Md., area, also consider air pollution in the Luke, Md.-Keyser, W. Va., area, originating in the State of Maryland, and

Whereas in addition to the alleged existing air pollution in the Mount Storm, W. Va.-Gorman, Md., area, an air pollution problem of substantial significance may result from potential discharge or discharges into the atmosphere in such area.

Now, therefore, pursuant to section 115(b)(1) of the Clean Air Act, as amended and section 103(e) of such Act (42 U.S.C. 1857b(e) as amended by section 4(b)(2) of Public Law 91-604), I hereby give formal notification of the air pollution described above to, and call a conference of, the air pollution control agencies of the following:

State of Maryland (Maryland State Department of Health).

State of West Virginia (West Virginia Air Pollution Control Commission).

All the following named counties and all municipalities (as defined in section 302(f) of the Clean Air Act, as amended (42 U.S.C. 1857h(f))), located therein:

In the State of Maryland: Allegheny County; Garrett County.

In the State of West Virginia: Grant County; Mineral County.

The specific portions of the above named counties with which the conference will be concerned will be defined in a technical report to be published prior to the conference. Such report will be available to all interested persons at least 30 days prior to the conference.

Mr. William H. Megonnell is hereby designated as presiding officer of the conference, and Mr. Donald F. Walters is hereby designated as the official conference participant for the Environmental Protection Agency. The presiding officer will fix the date, time, and place for convening the conference after consultation with representatives of the air pollution control agencies of the States of Maryland and West Virginia.

Dated: January 8, 1971.

JOHN T. MIDDLETON,
Acting Commissioner.

[FR Doc.71-315 Filed 1-12-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18920; FCC 71-8]

SPECIALIZED COMMON CARRIER SERVICES IN THE DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Order Instituting Oral Argument

Upon consideration of the notices of intent to participate in oral argument submitted in response to the Memorandum Opinion and Order released on December 18, 1970, in this proceeding (FCC 70-1339),

It is hereby ordered, That the Commission will hear oral argument by the following parties, in the order and for the amount of time specified below, in the Commission meeting room at Washington, D.C., commencing at 9:30 a.m. on January 21 and 22, 1971:

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Adopted January 6, 1971.

Released: January 7, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-447 Filed 1-12-71;8:50 am]

[1] Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND EVERETT ORIENT LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9840-1 amends the basic transshipment agreement between the two carriers listed above engaged in transporting general cargo from Everett Orient Line's (Everett) ports of call in Indonesia to American Mail Line's (AML) ports of call in the Pacific Northwest by reapportioning the through rate and transshipment expenses on the basis of one-third to Everett and two-thirds to AML.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-397 Filed 1-12-71;8:47 am]

CARIBBEAN CRUISE ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William J. Armstrong, Secretary, Caribbean Cruise Association, 17 Battery Place, Suite 631, New York, NY 10004.

Agreement No. 9823-1 modifies the Conference's self-policing provisions to comply with General Order 7 (Revised) published in the FEDERAL REGISTER on October 28, 1970.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-398 Filed 1-12-71;8:47 am]

FOSS LAUNCH & TUG CO. AND FOSS ALASKA LINE, INC.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, D.C., Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20473 within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

Edward G. Lowry, III, Bogle, Gates Dobrin, Wakefield & Long, 14th Floor Norton Building, Seattle, WA 98104.

Application designated Exemption No. 6 is hereby made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations aplicable thereunder for the carriage of general cargo between Seattle, Wash. and the Arctic Coast of Alaska between Beechey Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the application of Puget Sound Tug and Barge Co. and Alaska Barge and Transport, Inc. in Exemption No. 4, which was approved by the Commission (46 CFR § 531.26(c) 35 F.R. 9925 June 17, 1970), and Foss Launch & Tug Co. and Foss Alaska Line, Inc., in Exemption No. 5, which was approved by the Commission (46 CFR § 531.26(c) 35 F.R. 10622 June 30, 1970).

The proposed service is designed for the movement of general cargo including bulk liquids to and from the oil field discovered in 1968 near Prudhoe Bay,

Alaska. The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is determined by the ice conditions in Prudhoe Bay. Vessels must arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return South of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character, the movement does not lend itself to rate regulation.

This exemption from the requirements of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35 of the Shipping Act, 1916.

Dated: January 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-432 Filed 1-12-71;8:49 am]

OUTWARD CONTINENTAL NORTH PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John P. Meade, Esq., 919 18th Street NW., Washington, DC 20006.

Agreement No. 93-5 would:

1. Reduce the scope of the basic agreement by eliminating its application to the Hawaiian Islands;

2. Reduce the required majority vote for affirmative action on rate matters to three-fourths of those entitled to vote.

Dated: January 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-434 Filed 1-12-71;8:49 am]

PORT OF OAKLAND AND SEATRAIN TERMINALS OF CALIFORNIA, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward D. Ransom, Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2480 between the Port of Oakland (Port) and Seatrain Terminals of California, Inc. (Seatrain) provides for the lease of certain marine terminal area facilities and the nonexclusive preferential assignment of berthing area by the Port to Seatrain for a term of not less than 25 years and not more than 30 years depending upon the maturity dates of certificates of indebtedness issued by the Port to acquire the premises and improvements thereon from Seatrain and to provide for additional improvements. The leased and assigned areas are to be used by Seatrain primarily for the berthing of Seatrain Lines' vessels, the receipt, handling, loading, unloading, storage and delivery of cargo, cargo containers, container chassis and tractors, the operation and maintenance of container facilities, warehouses, maintenance and repair facilities and offices and uses incidental thereto. Annual base rental for the premises is a sum sufficient to pay principal and interest on outstanding certificates of indebtedness. Said base rental is estimated to be at least $1,500,000. Seatrain will also reimburse the Port for certain expenses. The Port retains secondary berthing rights provided such use shall not interfere with the operations of Seatrain. Revenues from secondary use of premises accrue pursuant to Port's tariff and are divided equally between the parties.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-400 Filed 1-12-71;8:47 am]

PUGET SOUND TUG & BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Washington, DC, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

John Cunningham, Kominers, Fort, Schlefer & Boyer, 1401 K Street NW., Washington, DC 20005.

Application designated Exemption No. 7 is hereby made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder for the carriage of general cargo between Seattle, Wash., and the Arctic Coast of Alaska between Beechey Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea and the Arctic Ocean.

The proposed service is designed for the movement of general cargo, including

bulk liquids, to and from the oil field discovered in 1968 near Prudhoe Bay, Alaska. The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is controlled by ice. Cargoes must be held at the carrier's dock in Seattle until shortly after midsummer, at which time all vessels engaged in the movement depart for the Arctic as a flotilla so as to arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return south of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character, the movement does not lend itself to rate regulation and applicant doubts that the movement is common carriage subject to regulations.

This exception from the tariff filing requirements and regulations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35, Shipping Act, 1916.

Dated: January 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-433 Filed 1-12-71;8:49 am]

SEATRAIN TERMINALS OF CALIFORNIA, INC. AND PORT OF OAKLAND

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward D. Ransom, Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2479 between Seatrain Terminals of California, Inc. (Seatrain) and the Port of Oakland (Port) is a sales agreement whereby Seatrain agrees to sell to Port certain land, buildings, improvements and equipment. The purchase price paid by Port will be financed by a bond issue which in turn will be secured by a Lease and Preferential Assignment entered into by the parties and identified as Federal Maritime Commission Agreement No. T-2480. The sale and leaseback of the property are parts of one single transaction and each part is contingent upon the occurrence of the other.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-399 Filed 1-12-71;8:47 am]

SHOWA SHIPPING CO., LTD. AND SANKYO KAIUN KABUSHIKI KAISHA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. M. Kishi, Manager, Container Operations Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo, Japan.

Agreement No. 9920, between the two carriers listed above pertains to the transportation of containerized cargo from Hong Kong to U.S. Pacific Coast ports under through bills of lading issued by Showa Shipping with transshipment from Sankyo K.K.K. vessels to Showa vessels in Japanese ports.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-401 Filed 1-12-71;8:47 am]

SHOWA SHIPPING CO. LTD., AND SANKYO KAIUN KABUSHIKI KAISHA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. M. Kishi, Manager, Container Operations Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo, Japan.

Agreement No. 9921 between the two carriers listed above, pertains to the transportation of containerized cargo from U.S. Pacific Coast ports to Hong

Kong under through bills of lading issued by Showa Shipping with transshipment from Showa vessels to Sankyo K.K.K. vessels in Japanese ports.

Dated: January 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-435 Filed 1-12-71;8:49 am]

THAILAND/U.S. ATLANTIC & GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. S. S. Marr, Secretary, Thailand/U.S. Atlantic & Gulf Conference, c/o The Borneo Co. (Thailand) Ltd., 1/1041, Silom Road, Bangkok, Thailand.

Thailand/U.S. Atlantic & Gulf Conference and Straits Steamship Co., Ltd., K.P.M. (Far East) Private Ltd., and Heap Eng Moh Steamship Co. Private Ltd.

Agreement No. 9919 between the Thailand/U.S. Atlantic and Gulf Conference lines and the three carriers listed above (First Carriers), pertains to the through movement of rubber loaded in ports along the East Coast of Thailand by First Carriers under through bills of lading issued by the Conference lines and transported to Conference destination ports by Conference lines after transshipment in Singapore.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-402 Filed 1-12-71;8:47 am]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is herby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y. New Orleans, La, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William J. Armstrong, Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 120-91 modifies the Conference's self-policing provisions to comply with General Order 7 (Revised) published in the FEDERAL REGISTER on October 28, 1970.

Dated: January 7, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-403 Filed 1-12-71;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-552 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 5, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 1, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-552	Continental Oil Co	138	[2] 28	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Grand Isle Block 43 Field) (Offshore Louisiana) (Disputed Zone).	$1,468	12-14-70	12-14-70	12-15-70	19.5	[3] 20.0	
RI71-553	Mobil Oil Corp	466	1	Southern Union Gathering Co. (Fulcher Kutz and Basin Dakota Fields, San Juan County, N. Mex.) (San Juan Basin).	400 410	12-9-70	12-9-70	12-10-70	13.0 15.0	[4] 13.2175 [4] 13.0	

[1] The pressure base is 15.025 p.s.i.a.
[2] Pursuant to Opinion No. 567.
[3] Includes documents required by Opinion No. 567. Applicable to gas well gas sold from the LA-Sand Reservoir.
[4] Applicable to Pictured Cliffs formation gas.
[5] Applicable to Dakota formation gas.
[6] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

The proposed increase of Continental Oil Co. involves gas well gas produced from a newly discovered reservoir in the Offshore Louisiana "Disputed Zone." The gas qualifies as third vintage gas pursuant to Opinion No. 567. The proposed 20-cent rate is equal to the area base rate established in Opinion No. 546 for third vintage gas well gas produced from within the State's taxing jurisdiction but exceeds the 18.5-cent rate for gas well gas produced from the Federal domain. The proposed increased rate is suspended for 1 day.

Mobil Oil Corp. requests waiver of the 30-day notice requirement and a 1-day suspension period from the date of filing. This request is pursuant to the order issued December 11, 1970. Accordingly, such request is granted. The proposed increase by Mobil also includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, Southern Union Gathering Co., has previously protested tax reimbursement. In view of the contractual problem presented, the hearing herein shall be concerned with the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates.

[FR Doc.71-353 Filed 1-12-71;8:45 am]

[Docket No. RI71-554 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 5, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commissions finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 1, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-554	Getty Oil Co.	125	4	Trunkline Gas Co. (Quicksand Creek, Newton County, Tex., RR. District No. 3).	$240	12-14-70	1-14-71	6-14-71	[1] 17.8658	[1] 19.07	RI70-129.
RI71-555	Mobil Oil Corp.	286	23	United Gas Pipe Line Corp. (White Point, Saxet et al. Fields, San Patricio and Nueces Counties, Tex., RR. District No. 4).	- - - -	12-16-70	1-16-71	[2] Accepted	15.0375	----------	
RI71-556	John W. Pace (Operator) et al.	1	24 [3] 2	do. South Texas Natural Gas Gathering Co. (Penitas Field, Hidalgo County, Tex., RR. District No. 4).	63,308 15,038	12-16-70 12-7-70	1-16-71 1-7-71	6-16-71 6-7-71	15.0375 [4] 14.0	25.0 [5] 16.06	RI67-408.
RI70-82	Amerada Hess Corp.	55 56	12 17	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin).	(235) (235)	12-10-70 12-10-70	12-3-70 12-3-70	[6] Accepted [6] Accepted	17.9023 17.9023	[4] 17.4453 [4] 17.4453	RI70-82.
RI71-557	Pan American Petroleum Corp. (Operator) et al.	123	[7] 20	Northern Natural Gas Co. (Eumont et al. Fields, Lea County, N. Mex.) (Permian Basin).	57,333 10,358	12-14-70	1-14-71	6-14-71	13.96	[8] 15.7543 [9] 15.2574	

[1] The pressure base is 14.65 p.s.i.a.
[2] Amendatory agreement dated Nov. 18, 1970, provides, among other things, for a renegotiated rate of 25 cents for the 5-year period, commencing Dec. 1, 1970 with 1-cent increase each 5 years thereafter.
[3] Subject to a 0.25-cent dehydration adjustment charged to seller.
[4] As corrected.
[5] Reflects deduction by buyer of 0.4467 cents per Mcf for compression.
[6] High pressure gas.
[7] Low pressure gas.
[8] Not applicable to new gas-well gas dedicated to the contract by Supplement No. 12.
[9] Converted from 15.025 p.s.i.a. pressure base.
[10] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column. The proposed increased rate contained therein, however, is suspended as provided herein.
[11] Accepted, subject to refund in Docket No. RI70-82, as of Dec. 3, 1970.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56).

[FR Doc.71-354 Filed 1-12-71;8:45 am]

[Docket No. RI71-530 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 31, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, DC 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 26, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-530	Sun Oil Co.	6	[4] 19	Transcontinental Gas Pipe Line Corp. (Various Fields, Starr County, Tex. RR. District No. 4).	----------	12-4-70	1-4-71	[5] Accepted	13.04875	----------	
			20	do.	$535,613	12-4-70	1-4-71	6-4-71	13.04875	19.0	
RI71-531	H. L. Hawkins & H. L. Hawkins, Jr.	18	1	Texas Eastern Transmission Corp. (East Provident City Field Lavaca County, Tex. RR. District 2).	9,079	12-7-70	1-7-71	6-7-71	15.0	[6] 15.5	
RI71-532	J. R. Perkins (d.b.a. Perkins Production Co.	5	2	Lone Star Gas Co. (Woolsey Field, Stephens County, Okla. Other Area).	489	12-4-70	1-4-71	6-4-71	15.0	16.0	
RI71-533	John L. Cox	(8)	-------	El Paso Natural Gas Co. (Spraberry Trend Area; Reagan County, Tex.) (RR. District No. 7-C) (Permian Basin).	1,743	12-7-70	1-7-71	6-7-71	14.5	[6] 19.3278	
	do	(8)	----------		2,911	12-7-70	1-7-71	6-7-71	14.5	[6] 19.3278	
	do	(8)	----------		197	12-7-70	1-7-71	6-7-71	14.5	[4] 19.0713	
	do	(8)	----------		750	12-7-70	1-7-71	6-7-71	14.5	15.5	
	do	(8)	----------		21,990	12-7-70	1-7-71	6-7-71	14.5	[6] 19.3278	
	do	(8)	(9)	El Paso Natural Gas Co. (South Andrews Field Area; Andrews County, Tex.) (RR. District No. 8) (Permian Basin).	4,196 43	12-7-70 12-7-70	1-7-71 1-7-70	6-7-71 6-7-71	14.5 14.5	[4] 19.0713 16.2760	
	do	(8)	----------		30	12-7-70	1-7-71	6-7-71	14.5	16.2760	
	do	(8)	-------	El Paso Natural Gas Co. (Bonedum Spraberry Field, Upton County, Tex.) (RR. District No. 7-C). (Permian Basin).	101	12-7-70	1-7-71	6-7-71	14.5	19.3278	

[1] Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[2] Agreement dated Nov. 30, 1970, among other things provides for renegotiated increases to 19 cents, 21 cents, and 25 cents for period from Jan. 1, 1971, to Jan. 1, 1975, with 1-cent increases each 4 years thereafter; also extends term of contract until Apr. 1, 1991, and from year to year thereafter.
[3] Contractually entitled to base rate of 15.5 cents plus 0.0678125-cent tax reimbursement.
[4] Includes 0.3278-cent per Mcf tax reimbursement.
[5] No rate schedules on file by Applicant. Sales made under Small Producer certificate issued in Docket No. CS66-65.
[6] Includes 0.0713-cent per Mcf tax reimbursement.
[7] Includes 0.2760-cent per Mcf tax reimbursement.
[8] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column. The proposed increased rate contained therein, however, is suspended as provided herein.

The agreement filed by Sun Oil Co. in addition to providing for the proposed increased rate also provides for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreement is accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage. H. L. Hawkins & H. L. Hawkins, Jr., and J. R. Perkins doing business as Perkins Production Co. request effective dates for which adequate notice has not been given. Good cause has not been shown for granting any of these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56).

[FR Doc.71-355 Filed 1-12-71;8:45 am]

[Dockets Nos. CP70-199 etc.]

CUMBERLAND NATURAL GAS CO., INC., ET AL.

Notice of Applications and Consolidation

JANUARY 11, 1971.

Take notice that on January 7, 1971, National Chemical Corp. (applicant), 406 Kenyon Building, Louisville, KY 40202, filed in Dockets Nos. CI71-506 and CI71-507 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sales of natural gas in interstate commerce to Cumberland Natural Gas Co. (Cumberland) and pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon said sales, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

By order issued November 25, 1970, in Docket No. CP70-199 applicant was ordered to show cause why it should not be found to be a "natural-gas company" within the meaning of the Natural Gas Act and to be required to obtain a certificate to continue and permission and approval to abandon the operation of facilities and transportation of natural gas as assignee of Cumberland and the sales of natural gas hereinafter described. The proceeding in Docket No. CP70-199 was initiated by the filing by Cumberland of an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation and sale of natural gas produced from applicant's properties and the facilities used therefor.

In Docket No. CI71-506 applicant requests a certificate authorizing it to continue the sale of natural gas to Cumberland from the White Plains Field, Hopkins County, Ky., heretofore authorized in Docket No. CI64-457 to be made by Creek Oil Co. (Creek). Applicant states that on April 9, 1966, Creek assigned the subject producing properties to Tartan Oil Company (Tartan); that in January 1967 Tartan discontinued service to Cumberland; and that by assignment of January 31, 1970, Tartan assigned the subject properties to applicant. Applicant states further that at the time the sale was discontinued by Tartan the cumulative production from the lease including the subject properties exceeded the original gas in place, that since January 1967 neither Tartan nor applicant has produced any gas from the subject properties, and that presently there is no native gas in place available for delivery in interstate commerce. Applicant requests permission and approval to abandon the subject sale.

In Docket No. CI71-501 Applicant requests a certificate authorizing it to continue the sale of natural gas to Cumberland from the Collier Unit, Harp's Hill area Muhlenberg County, Ky., heretofore authorized in Docket No. G-18743 to be made by J. C. Miller Co., Inc. (Miller). Applicant states that in 1963 Miller assigned to Tartan part of the acreage from which sales were authorized; that part of the assigned acreage was unitized by Tartan into the Collier Unit; that by assignment of January 31, 1970, Tartan assigned the subject properties to Applicant; and that from January 31, 1970, until April 27, 1970, Tartan continued to own, operate, manage, and control the properties under contract of sale to applicant. Applicant states further that the necessary connecting line was never installed by Cumberland to the Collier Unit well; that on and after April 27, 1970, no gas has been produced from the subject properties; and that estimated reserves on April 27, 1970, were 15,414 Mcf of gas. Applicant requests permission and approval to abandon that part of the sale authorized in Docket No. G-18743 from acreage in the Collier Unit.

As noted in the aforementioned order to show cause the matters now formally presented in the applications in Dockets Nos. CI71-506 and CI71-507 involve questions of law and fact common to and first raised in the proceedings now pending in Docket No. CP70-199. The instant applications filed pursuant to the order to show cause issued in Docket No. CP 70-199 are, therefore, to be heard on a consolidated basis with the latter application.

In order not to delay unduly the hearings which have commenced, it is reasonable and consistent with the public interest that the time fixed for the filing of petitions to intervene and protests should be less than the 15 days prescribed by the Commission's rules of practice and procedure (18 CFR 1.19). Accordingly, any person wishing to become a party to the consolidated proceeding should on or before January 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Those already parties to the proceeding in Docket No. CP70-199 need not refile to intervene. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-533 Filed 1-12-71;10:00 am]

SMALL BUSINESS ADMINISTRATION

AMOCO VENTURE CAPITAL CO.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On December 10, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 18766) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company by AMOCO Venture Capital Co., 910 South Michigan Avenue, Chicago, IL 60605.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-5083 to AMOCO Venture Capital Co., to operate as a minority enterprise small business investment company.

JAMES THOMAS PHELAN, *Acting Associate Administrator for Investment.*

DECEMBER 22, 1970.

[FR Doc.71-392 Filed 1-12-71;8:46 am]

[Delegations of Authority Nos. 30-C through 30-F and 30-H, Amdt. 3; Delegations of Authority Nos. 30-B and 30-G, Amdt. 4; Delegation of Authority No. 30-A, Amdt. 6]

REGIONAL DIRECTORS, REGIONS I THROUGH X

Delegation of Authority To Conduct Program Activities in Field Offices

Delegations of Authority Nos. 30-A. to Region IX (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, 35 F.R. 15033, and 35 F.R. 17156); 30-B, to Region V (34 F.R. 19842), as amended (35 F.R. 1073, 35 F.R. 15033, and 35 F.R. 17156); 30-C, to Regions VI, VII, and X (35 F.R. 2840), as amended (35 F.R. 15033 and 35 F.R. 17156); 30-D, to Region VIII (35 F.R. 5144), as amended (35 F.R. 15033 and

35 F.R. 17156); 30–E, to Region III (35 F.R. 6033), as amended (35 F.R. 15033 and 35 F.R. 17156); 30–F, to Region I (35 F.R. 6886), as amended (35 F.R. 15033 and 35 F.R. 17156); 30–G, to Region IV (35 F.R. 9955), as amended (35 F.R. 12630, 35 F.R. 15033, and 35 F.R. 17156); and 30–H, to Region II (35 F.R. 11603), as amended (35 F.R. 15033 and 35 F.R. 17156) are hereby further amended by revising Item I.A., to read as follows:

I. *Regional Director, Regions I Through X—A. Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $1 million (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

4. To execute loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Regional Director

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

• • • • •

Effective date: January 11, 1971.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-390 Filed 1-12-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 8, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42102—*Chlorine from Brand, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–201), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Brand, Tex., to La Place and Plaquemine, La.

Grounds for relief—Market competition.

Tariff—Supplement 50 to Southwestern Freight Bureau, agent, tariff ICC 4877.

FSA No. 42103—*Peanuts between points in Oklahoma and Texas.* Filed by Southwestern Freight Bureau, agent (No. B–205), for interested rail carriers. Rates on peanuts, unshelled, raw, in bulk or in sacks, in boxes or in barrels, in carloads, as described in the application, between points in Oklahoma, on the one hand, and points in Texas, on the other.

Grounds for relief—Private truck competition.

Tariff—Supplement 91 to Southwestern Freight Bureau, agent, tariff ICC 4702.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-440 Filed 1-12-71;8:50 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 8, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–70353 (Deviation No. 1), THE PITTSBURGH AND WEIRTON BUS COMPANY, 401 Pennsylvania Avenue, Weirton, WV, filed December 30, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Pittsburgh, Pa., over relocated U.S. Highway 22 to junction Pennsylvania Highway 18 exit at Florence, Pa., thence over old U.S. Highway 22 by way of Fort Steuben Bridge, to Steubenville, Ohio; and (2) from Pittsburgh, Pa., over relocated U.S. Highway 22 to junction Pennsylvania Highway 18 exit at Florence, Pa., thence over old U.S. Highway 22 to junction West Virginia Highway 2, thence over West Virginia Highway 2 and the Market Street Bridge to Steubenville, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Fayetteville and Tyre, Pa., to junction U.S. Highway 22 at junction Pennsylvania Highway 18 exit at Florence, Pa., thence over U.S. Highway 22 and the Fort Steuben Bridge to Steubenville, Ohio; and (2) from Pittsburgh, Pa., over the route described in (1) above to junction U.S. Highway 22 and West Virginia Highway 2, thence over West Virginia Highway 2 and the Market Street Bridge to Steubenville, Ohio, and return over the same routes.

By the Commission:

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-448 Filed 1-12-71;8:50 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 8, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification, and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–33641 (Deviation No. 24), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, UT 84110, filed December 30, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From junction Interstate Highway 71 and U.S. Highway 30 near Mifflin, Ohio, over Interstate Highway 71 to junction Interstate Highway 80S, near Leroy, Ohio, thence over Interstate Highway 80S to junction Interstate Highway 80, near North Jackson, Ohio, thence over Interstate Highway 80 to Columbia, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 71 and U.S. Highway 30 near Mifflin, Ohio, over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion of U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Lewistown, Pa., thence over U.S. Highway 522 to Selingsgrove, Pa., thence over U.S. Highway 11 to Northumberland, Pa., thence over U.S. Highway 11 to Scranton Pa., thence over U.S. Highway 611 to Portaland, Pa., thence over U.S. Highway 46 to Columbia, N.J., and return over the same route.

No. MC–50544 (Deviation No. 9), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, MO 63103, filed December 30, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Shreveport, La., and Texarkana, Tex., over U.S. Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Marshall Tex., over U.S. Highway 59 to Texarkana, Tex.; and (2) from Gladewater, Tex., over U.S. Highway 80 to Shreveport, La., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-449 Filed 1-12-71;8:50 am]

[Notice 1]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 8, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 128988 (Sub-No. 3) (Republication), filed October 20, 1969, published in the FEDERAL REGISTER issues of November 20, 1969, and December 4, 1969, and republished this issue. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, NE 68501. An order of the Commission, Division 1, Acting as an Appellate Division, dated December 18, 1970, and served January 4, 1971, finds; that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of upholstery or carpet tacking rims or strips, nails, adhesive cement, mechanic hand tools, and advertising materials, racks, and stands therefor, from Industry, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, on return, restricted against the transportation of commodities in bulk, in both (1) and (2) above, under a continuing contract or contracts with Taylor Industries, Inc., of City of Industry, Calif., will be consistent with the public interest and the national transportation policy. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11016. (Correction) (LAIDLAW TRANSPORT LIMITED—Purchase—PETTAPIECE CARTAGE LIMITED), published in November 18, 1970, issue of the FEDERAL REGISTER on page 17767. This correction to modify prior publication to exclude *Edible salt, dry, in bulk, in pressure tank vehicles, from St. Clair, Mich., to the United States-Canada boundary line at Port Huron, Mich.*

No. MC–F–11039. (Correction) (H. S. ANDERSON TRUCKING COMPANY—Purchase (Portion)—M. A. DAVIS TRANSPORT, INC.), published in December 9, 1970, issue of the FEDERAL REGISTER on pages 18707 and 18708. This correction to show line 10 on page 18708 should read the completion of *holes* or wells drilled in lieu of the completion of *holds* or wells drilled.

No. MC–F–11046. (Correction) (LaNETA M. ABLER—Control—CANADA TRANSPORT, INC.), published in December 16, 1970, issue of FEDERAL REGISTER on page 19048. This correction to show LaNETA M. ABLER holds no authority from this Commission in lieu of CANADA TRANSPORT, INC., holds no authority from this Commission, as shown in prior register.

No. MC 46300 (Sub-No. 2 TA) filed purchase by PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527, of the operating rights of FRANK'S-VAN NAMEE'S EXPRESS CORP., (STANLEY R. RUDIN, TRUSTEE IN BANKRUPTCY), 825 University Building, Syracuse, NY 13202, and for acquisition by ROBERT L. HINSON, 9 Rosewood Drive, Penn Yan, NY 14527, of control of such rights through the purchase. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter both of 345 South Warren Street, Syracuse, NY 13202. Operating rights sought to be transferred: *General commodities*, excepting among others classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Binghamton, N.Y., and Utica, N.Y., serving all intermediate points, from Utica, N.Y., to Norwich, N.Y., serving to the intermediate point of Sherburne, N.Y., restricted to delivery only, between South New Berlin, N.Y., and Utica, N.Y., serving no intermediate points, but serving the off-route point of Hubbardsville, N.Y., between South New Berlin, N.Y., and Binghamton, N.Y., serving all intermediate points on New York Highway 12 between Norwich and Binghamton, including Norwich, between South New Berlin, N.Y., and Oneonta, N.Y., serving the intermediate points of Morris and Sidney, N.Y.; between points in New York, serving all intermediate points; and certain off-route points; *packing house products*, over irregular routes, from Syracuse, N.Y., to Richfield Springs, N.Y., and certain specified points; and under a certificate of registration, in Docket No. MC–109308 Sub-3, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Maryland, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a

(b). NOTE: No. MC-105902 Sub-No. 16 is a matter directly related.

No. MC-F-11061. Authority sought for purchase by BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108, of the operating rights and certain property of ROY L. JONES, INC., 915 McCarty Avenue, Houston, TX 77029, and for acquisition by JOHN BELGER, LARRY BELGER, EDNA M. BELGER, and BETTY G. BELGER, all also of Kansas City, Mo., of control of such rights and certain property through the purchase. Applicants' attorneys and representative: F. W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105, W. E. Griffin, 1221 Baltimore Avenue, Kansas City, MO 64105, Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin TX 78701 and Ralph Wood, 2100 Walnut Street, Kansas City, MO 64108. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier* over irregular routes between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, and Tennessee, between points in Mississippi, Alabama, Georgia, and Florida, between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana;

Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of nautral gas and petroleum, and their products and byproducts; and *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14; between points in Louisiana, Arkansas, Oklahoma, Mississippi, and Texas; *machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma and Kansas, between points in Louisiana, New Mexico, and Texas;

Machinery, equipment, materials, and supplies used in, or in connection with, the drilling of water wells, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, and Tennessee, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30 extending through St. John, York, Medina, and Ashley, N. Dak., and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14, extending through Hayes, Midland, Rapid City, and Sturgis, S. Dak.; *fertilizer*, from Shreveport, La., to points in Louisiana and Arkansas, from points in Arkansas, to Minden, Monroe, and Shreveport, La., from Minden, and Monroe, La., to points in Arkansas, from Texarkana, Ark., to points in Louisiana within 250 miles of Texarkana, except Minden, Monroe, and Shreveport; *heavy machinery, contractors' equipment, and parts and accessories thereof*, between points in Alabama, Louisiana, and Mississippi, between points in Alabama, and Louisiana, and points in that part of Mississippi on and south of U.S. Highway 82, on the one hand, and, on the other, points in Arkansas and Tennessee; *road, levee, and dam building equipment and machinery*, between points in Georgia, on the one hand, and, on the other, points in Alabama and Mississippi;

Machinery, equipment, materials, and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, and Tennessee, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States-Canada boundary line and extending along North Dakota Highway 30 to junction unnumbered highway, at Lehr, N. Dak., thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of U.S. Highway 14 extending through Hayes, Midland, Rapid City, and Sturgis, S. Dak., between points in Louisiana, Arkansas, Oklahoma, Mississippi, and Texas, between points in Mississippi, Alabama, Georgia, and Florida, between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana; *machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, between points in Arkansas, Louisiana, New Mexico, and Texas, between points in Mississippi, Alabama, Georgia, and Florida, between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana, between points in Texas, on the one hand, and, on the other, points in South Dakota west of the Missouri River and on and north of U.S. Highway 14 extending through Hayes, Midland, Rapid City, and Sturgis, S. Dak.;

Self-propelled articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Texas, on the one hand, and, on the other points in Oklahoma, New Mexico, and Kansas, with restriction; *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, and Tennessee, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States-Canada boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, N. Dak., thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of U.S. Highway 14 extending through Hayes, Midland, Rapid City, and Sturgis, S. Dak., between points in Louisiana, Arkansas, Oklahoma, Mississippi, and Texas, between points in Mississippi, Alabama, Georgia, and Florida, between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana;

Commodities (other than machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which because of size or weight require the use of special equipment and *related parts* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between points in Texas, on the one hand, and, on the other, points in Kansas, New Mexico, and Oklahoma; *iron and steel articles*, from Corpus Christi, Galveston, and Houston, Tex., to points in New Mexico, Oklahoma, and Texas; in pending Docket No. MC-4964 Sub-36, *commodities* which require the use of special equipment by reason of size or weight (except household goods and commodities in bulk), between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, restricted to traffic moving to, from, or between military installation or Defense Department establishments and moving on Government bills of lading or on commercial bills of lading containing an endorsement approved in *Interpretation of Government Rate Tariff for Eastern Central Motor Carrier, 322 ICC 161*; in pending Docket No. MC-4964 Sub-36, *iron and steel and/or iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, and Oklahoma; and in pending Docket No. MC-4964 Sub-39;

(a) *Antipollution systems, equipment and parts; liquid cooling and vapor condensing systems, equipment and parts; environmental control and protective systems, equipment and parts;* (b) *equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems (1) between points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, Missouri, Oklahoma, Tennessee, and Texas, and (2) between points in the States named in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii). Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commissioner.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-439 Filed 1-12-71;8:50 am]

[Notice 225]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 7, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 703 (Sub-No. 20 TA), filed December 31, 1970. Applicant: HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, IL 60623. Applicant's representative: R. D. Hinchcliff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Urethane and urethane products*, from Bourbon, Ind., to Bremen, Ind., over Indiana Highway 331, for 180 days. Applicant intends to tack. Applicant holds irregular route authority from Bremen, Ind. to points in Michigan as contained in their Sub 18 authority. Supporting shipper: Phillip Cupertino, Product Transportation Manager, Stauffer Chemical Co., Post Office Box 98, Bremen, IN 46506. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 46300 (Sub-No. 2 TA) filed December 30, 1970. Applicant: KENNETH NARROD MOVING CO., 1120 Glen Rock Avenue, Waukegan, IL 60085. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and hold baggage*, between North Chicago, Ill., on the one hand, and, on the other, points in Boone, Bureau, Cook, De Kalb, Du Page, Kane, Kendall, Lake, La Salle, Lee, McHenry, Ogle, Putnam, Will, and Winnebago Counties, Ill. Restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 150 days. Supporting shipper: Department of the Army, Headquarters Fort Sheridan, Fort Sheridan, IL 60037. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 96098 (Sub-No. 50 TA), filed December 31, 1970. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Rural Delivery A1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Stamford, Conn., to Dayton, Ohio; under continuing contract with St. Regis Paper Co., for 150 days. Supporting shipper: St. Regis Paper Co., 150 East 42d Street, New York, NY 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 103191 (Sub-No. 32 TA), filed December 30, 1970. Applicant: THE GEO. A. RHEMAN CO. INC., 2019 Elgin Street, Post Office Box 2095 Station A, Charleston, SC 29403. Applicant's representative: Harold P. Boss, 1100 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points within the Charleston, S.C., commercial zone, to points in Virginia, for 120 days. Supporting shipper: Gulf Oil Co., Gulf Oil Building, 1375 Peachtree Street NE., Atlanta, GA 30309. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 106398 (Sub-No. 519 TA) filed December 31, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panelized house products*, from the plant site of Panelfab International Corp., Miami, Fla., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, Tennessee, and Mississippi, for 180 days. Supporting shipper: Panelfab International Corp., T. S. Ferguson, Vice President, Housing, 1600 Northwest LeJeune Road, Miami, FL 33126. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 108119 (Sub-No. 26 TA) filed December 31, 1970. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Sibley Memorial Highway, Post Office Box 3010, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel*

articles, from Duluth, Minn., to points in Colorado, Connecticut, Delaware, Idaho, Illinois, Kansas, Maryland, Massachusetts, Missouri, Montana, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Vermont, West Virginia, and Wyoming, for 180 days. Supporting shipper: United States Steel Corp., Chicago, Ill. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 109677 (Sub-No. 38 TA), filed December 30, 1970. Applicant: FORT EDWARD EXPRESS CO. INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Plattsburgh, N.Y., to Seanton, Milton, Newport, Essex Junction, Randolph, Rochester, Pittsfield, and West Cornwall, Vt., for 150 days. Supporting shipper: Shell Oil Co., Shell Building, Post Office Box 2099, Houston, TX 77001. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, NY 12207.

No. MC 110525 (Sub-No. 992 TA), filed December 30, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Fort Worth, Tex., to Heraldton, Okla., for 150 days. Supporting shipper: Stauffer Chemical Co., Suite 300 South, 6910 Fanin Street, Houston, TX 77025. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Philadlephia, PA 19102.

No. MC 110525 (Sub-No. 993 TA) filed December 31, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Fulton County, Ga., to Indianapolis, Ind., Bridgeton, Mount Vernon, and St. Louis, Mo., and Cincinnati, Ohio; for 180 days. Supporting shipper: Dewey and Almy Chemical Division, W. R. Grace & Co., 5225 Philip Lee Drive, Atlanta, GA 30336. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19106.

No. MC 116073 (Sub-No. 147 TA) filed December 30, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections with *parts and materials* needed for the erection and completion of such buildings, from the plantsite and warehouse facilities of the Cuckler Steel Span Co., Monticello, Iowa; to points in Minnesota, Nebraska, Illinois, Indiana, Ohio, Michigan, Wisconsin, Kansas, Missouri, Colorado, and South Dakota, for 180 days. Supporting shipper: Cuckler Steel Span Co., Monticello, IA 52310. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58201.

No. MC 117765 (Sub-No. 116 TA), filed December 30, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Galveston and Houston, Tex., to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma, for 150 days. Supporting shippers: Oklahoma Distributing Co., L. L. Robinson, President, 729 Southwest Third Street, Oklahoma City, OK 73125; Midwest Distributing Co., D. A. Altiere, Owner, 7300 Kaw Drive, Kansas City, KS; Sullivan Beverages, Inc., Thos. Sullivan, Treasurer, 3030 Roanoke Road, Kansas City, MO 64108. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 119789 (Sub-No. 51 TA), filed December 30, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from Emporia, Kans., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Carrier does not intend to tack authority for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 123383 (Sub-No. 51 TA), filed December 30, 1970. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poly styrene beads*, in bags, from Farmingdale, N.J. to Chesapeake, Va., for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, CA 91720. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, NJ 08608.

No. MC 124211 (Sub-No. 168 TA), filed December 30, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Downtown Station, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed and dated publications, and supplies and materials*, used in the production thereof, between the plantsite of Mid-American Webpress, Inc., in Lancaster County, Nebr., on the one hand, and, on the other, in Brownsville, Laredo, Pasadena, Houston, Dallas, and Fort Worth, Tex., Los Angeles and Redondo Beach, Calif., New Orleans, La., New York, N.Y., and Pittsburg, Pa., including points in their commercial zones, for 180 days. Supporting shipper: Mid-American Webpress, Inc., Post Office Box 81608, Lincoln, NE 68501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 126118 (Sub-No. 12 TA), filed December 31, 1970. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route No. 8, Johnson City, TN 37601. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peppers and pimientos*, in cans or barrels, from the plantsite of Moody Dunbar, Inc., Limestone, Tenn., to points in Virginia, Maryland, Delaware, New York, Pennsylvania, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and St. Louis, Mo.; Chicago, Ill.; and Evansville, Ind., for 180 days. Supporting shipper: Moody Dunbar, Inc., Post Office Box 68, Limestone, TN 37681. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, TN 37203.

No. MC 127346 (Sub-No. 5 TA), filed December 31, 1970. Applicant: HALL'S FAST MOTOR FREIGHT, INC., 330 Oak Tree Avenue, Post Office Box 183, South Plainfield, NJ 07080. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, in water carrier containers, from New Castle, Del., to Sea Land Terminal at Elizabeth, N.J., for 150 days. Supporting shipper: Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, IL 60601. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133966 (Sub-No. 7 TA), filed December 30, 1970. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from West Hazleton, Pa., to points in Ohio, Michigan, Illinois, Indiana, and Massachusetts, for 150 days. Supporting Shipper: Tenneco Chemicals, Inc., General Foam Division, Valmont Industrial Park, Hazleton, Pa. 18201. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 135200 (Sub-No. 1 TA), filed December 31, 1970. Applicant: W. H. & HILTON SAPP, doing business as SAPP BROS. TRUCKING CO., Tifton Highway, R.F.D. 1, Box 135–A, Barney, GA 31625. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanut meal and peanut hulls*, from Moultrie, Ga., to points in Florida and (2) *Soybean meal, soybean hulls and mill run*, from Valdosta, Ga., to Dothan and Enterprise, Ala., and points in Florida, for 180 days. Supporting shipper: Gold Kist, Division of Cotton Producers Association, 3348 Peachtree Road NE., Atlanta, GA 30301. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-438 Filed 1-12-71;8:50 am]

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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-503]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Florida; paragraph (g) is amended by deleting the name of the State of Florida; and a new paragraph (e)(16) relating to the State of Florida is added to read:

(16) *Florida.* That portion of Escambia County bounded by a line beginning at the junction of U.S. Highway 29, State Highway 95 and State Highway 10, U.S. Highway 90A; thence, following U.S. Highway 29, State Highway 95 in a northwesterly direction to State Highway 196; thence, following State Highway 196 in a westerly direction to State Highway 99; thence, following State Highway 99 in a northwesterly direction to the Perdido River; thence, following the east bank of the Perdido River in a generally southerly direction to State Highway 10, U.S. Highway 90A; thence, following State Highway 10, U.S. Highway 90A in a northeasterly direction to its junction with U.S. Highway 29, State Highway 95.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Escambia County, Florida, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendment also deletes Florida from the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from and to such free States under Part 76 are no longer applicable to Florida.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-515 Filed 1-13-71;8:50 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Suwanee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Acadia, Allen, Ascension, Assumption, Beauregard, Blenville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Raton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State.
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin,

Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Greene, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area;
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1–14–71).

The amendment adds the following additional areas to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas come within the definition of § 78.1(i): Hardee County in Florida; Chambers, Delta, Hardin, and Lamar Counties in Texas.

St. Martin Parish in Louisiana was deleted from the list of Modified Certified Brucellosis Areas on October 14, 1970. Since said date, it has been determined that such parish again comes within the definition of § 78.1(i); and, therefore, it has been redesignated as a Modified Certified Brucellosis Area.

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Avoyelles Parish in Louisiana.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of January 1971.

R. S. SHARMAN,
Acting Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-516 Filed 1-13-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-EA-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14089 of the FEDERAL REGISTER for September 4, 1970, the Federal Aviation Administration published proposed regulations which would designate a Romulus, N.Y., transition area.

Interested parties were given 30 days in which to state objections to the proposed rule. Representatives of Penn Yan Airport which lies within the control area and Seneca Falls Airport which lies 2.5 miles from the area objected to the proposal. The former because of the imposition of the area over Penn Yan and the latter because of the reduction in the area which is being used for training and VFR flights. Because of the foregoing, the rule has been restructured so that the transition area is reduced from 10.5 to 6 miles. This reduction basically answers and should remove the aforementioned objections.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 4, 1971, as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Romulus, N.Y., transition area described as follows:

ROMULUS, N.Y.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of a point 42°44'30" N., 76°52'20" W., and within 3.5 miles each side of the 330° bearing from the Seneca RBN 42°44'40" N., 76°54'18" W., extending from the 6-mile-radius area to 11 miles northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on December 22, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-472 Filed 1-13-71;8:46 am]

[Airspace Docket No. 70-SO-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Jet Route Segments

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to alter VOR Federal airway and jet route segments in the vicinity of Nashville, Tenn.

The Nashville VORTAC is scheduled to be decommissioned at its present location and will be relocated during April 1971 to a site on the Nashville Metropolitan Airport at lat. 36°07'10" N., long. 86°40'57" W. Accordingly, action is being taken herein to realign the VOR airway and jet route segments which utilize the Nashville VORTAC in their designation.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

1. Section 71.123 (34 F.R. 20419; 35 F.R. 2009, 4256, 5465, 6274, 7051) is amended as follows:

a. In V–5 all between "Nashville, Tenn.," and Louisville, Ky.;" is deleted and "including an east alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials;" is substituted therefor.

b. In V–16 all between "Nashville, Tenn.," and "Knoxville, Tenn.," is deleted and "including a north alternate from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 285° radials; INT Nashville 102° and Hinch Mountain, Tenn., 285° radials; Hinch Mountain; including a south alternate via INT Nashville 117° and Hinch Mountain 268° radials, and a north alternate via INT Nashville 085° and Hinch Mountain 301° radials;" is substituted therefor.

c. In V–140 all between "Livingston, Tenn.," and "Whitesburg, Ky.," is deleted and "including a south alternate via INT Nashville 085° and Livingston 232° radials; London, Ky., including a north alternate from Nashville to London via INT Nashville 049° and London 258° radials;" is substituted therefor.

2. Section 75.100 (35 F.R. 2359) is amended as follows:

a. In the text of Jet Route No. 39 all between "Birmingham, Ala.;" and "Louisville, Ky." is deleted and "Nashville, Tenn.;" is substituted therefor.

b. In the text of Jet Route No. 45 all between "Atlanta, Ga.;" and "Des Moines, Iowa;" is deleted and "Nashville, Tenn.,; St. Louis, Mo.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 6, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-743 Filed 1-13-71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Blue Cheese and Gorgonzola Cheese Identity Standards; Sorbic Acid and Its Salts as Optional Ingredients; Confirmation of Effective Date

In the matter of amending the identity standards for blue cheese (§ 19.565) and gorgonzola cheese (§ 19.567) to provide for the optional, surface application of sorbic acid, potassium sorbate, and sodium sorbate, singly or in combination, in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of September 17, 1970 (35 F.R. 14545). Accordingly, the amendments promulgated by that order became effective November 16, 1970.

Dated: December 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-475 Filed 1-13-71;8:46 am]

BUQUINOLATE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34–716V) filed by The Norwich Pharmacal Co., proposing (1) a revision in the limitation for use of buquinolate in replacement chickens to increase the feeding period for the drug from 16 weeks to 20 weeks of age and (2) an increase in the tolerance for residues of buquinolate in eggs. The supplemental application is approved.

The order also provides for recodification of the regulation concerning buquinolate in Part 121 to Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135e, and 135g are amended, as follows:

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

§ 121.291 [Deleted]

1. Section 121.291 *Buquinolate* is deleted.

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. Part 135e is amended by adding thereto the following new section:

§ 135e.34 Buquinolate.

(a) *Chemical name*. Ethyl 4-hydroxy-6,7-diisobutoxy-3-quinolinecarboxylate.

(b) *Approvals*. Premix level 16.5 percent granted to The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815.

(c) *Assay limits*. Finished feed not less than 80 percent nor more than 120 percent of the labeled amount.

(d) *Special considerations*. Maximum level permitted in medicated feed: 0.011 percent (100 grams per ton). Do not feed to chickens over 140 days of age. Do not use in feeds containing bentonite.

(e) *Related tolerances*. See § 135g.2 of this chapter.

(f) *Conditions of use*. It is used as follows:

BUQUINOLATE IN ANIMAL FEED

	Grams per ton	Combined with	Grams per ton	Limitations	Indications for use
1	75 (0.00825%)			For broiler chickens from day old to market age.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina.*
2	75 (0.00825%)	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina*; growth promotion and feed efficiency; improving pigmentation.
3	75 (0.00825%)	3-Nitro-4-hydroxy-phenyl-arsonic acid.	22.7–45.4 (0.0025%–0.005%)	do	Do.
4	75 (0.00825%)	Penicillin	2.4–50	For broiler chickens from day old to market age; as procaine penicillin.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina*; growth promotion and feed efficiency.
5	75 (0.00825%)	Bacitracin	4–50	For broiler chickens from day old to market age; as zinc bacitracin or bacitracin methylene disalicylate.	Do.
6	75 (0.00825%)	Penicillin + bacitracin.	3.6–50	For broiler chickens from day old to market age; not less than 0.6 gram of penicillin nor less than 3.0 grams of bacitracin; as procaine penicillin plus zinc bacitracin or bacitracin methylene disalicylate.	Do.
7	75 (0.00825%)	Chlortetracycline.	200	For broiler chickens in low calcium feed containing 0.8 percent dietary calcium and 1 percent to 1.5 percent sodium sulfate; to be fed continuously for not more than the first 21 days of life.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina*; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
8	75–100 (0.00825%–0.011%)			For broiler chickens from day old to market age.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina.*
9	75 (0.00825%)			For replacement chickens intended for use as caged layers; administer from day old through 140 days of age or until caging whichever occurs sooner.	Do.
10	75–100 (0.00825%–0.011%)			do	Do.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. Section 135g.2 is revised to read as follows:

§ 135g.2 Buquinolate.

Tolerances are established for residues of buquinolate as follows:

(a) In edible tissues of chickens:

(1) 0.4 part per million in uncooked liver, kidney, and skin with fat.

(2) 0.1 part per million in uncooked muscle.

(b) In eggs:

(1) 0.5 part per million in uncooked yolk.

(2) 0.2 part per million in uncooked whole eggs.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 30, 1970.

JAMES O. GESLING,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.71-423 Filed 1-13-71;8:45 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundaries of Certain Military Reservations

Effective upon publication in the FEDERAL REGISTER (1-14-71), Subpart B of Part 5 of Title 35, Code of Federal Regulations, is amended as follows:

§ 5.24 [Amended]

1. Section 5.24 *Fort Clayton Army Reservation* is amended as follows:

(a) Delete the last five (5) paragraphs of the description of Parcel No. 1, thereby ending said description with the paragraph reading: "N. 26°30' W., 766 feet, to monument No. 55, the point of beginning."

(b) Delete the description of Parcel No. 2 in its entirety and substitute therefor the following amended description of said parcel:

PARCEL No. 2

Beginning at monument "U", which is a 3-inch iron pipe set in concrete, located southwesterly from the southerly corner of the hangar situated southwesterly from the Civil Affairs Building, Ancon, C.Z. The geodetic position of monument "U" is in latitude 8°57' N. plus 5,895.3 feet and longitude 79°33' W. plus 2,413 feet and is on the southerly boundary of Parcel No. 2, Albrook Air Force Base.

Thence from said initial point by metes and bounds:

N. 58°14'06" W., 227.6 feet, along the southwesterly edge of the concrete apron, southwesterly from the above-mentioned hangar, to monument No. 75-9, which is an iron rod set in concrete, located at the southwesterly edge of the above-mentioned apron;

N. 24°57'39" E., 146.2 feet, to monument No. 75-8, which is an iron rod set in concrete, located 15 feet westerly from the westerly corner of the above-mentioned hangar;

N. 32°22'09" E., 199.9 feet, along a line parallel to and 15 feet northwesterly from the northwesterly face of the above-mentioned hangar, to monument No. 75-7, which is a monel metal plug, located in a concrete sidewalk, and is 15 feet northwesterly from the northerly corner of the above-mentioned hangar;

N. 38°19'54" E., 157.2 feet, to monument No. 75-6, which is an iron rod set in concrete, located 5 feet northerly from the northerly edge of the northerly concrete apron of the above-mentioned hangar;

S. 58°18'51" E., 53.6 feet, to monument No. 75-5, which is an iron rod set in concrete, located 5 feet northerly from the northerly edge of the above-mentioned apron;

S. 84°11'06" E., 49.2 feet, to monument No. 75-4, which is an iron rod set in concrete, located 5 feet northerly from the northerly edge of the above-mentioned apron, and is 250 feet southeasterly from the northwesterly edge of a concrete taxiway;

N. 39°47'24" E., 210.7 feet, along a line parallel to and 250 feet southeasterly from the above-mentioned taxiway to monument No. 75-3, which is a 1½-inch iron pipe set in concrete, located 250 feet southeasterly from the above-mentioned taxiway;

S. 20°18'10" E., 187.1 feet, to monument "Y", which is a 3-inch iron pipe set in concrete, located southwesterly from the Civil Affairs Building, Ancon;

S. 20°18'10" E., 254.1 feet, to monument "X", which is a 2½-inch iron pipe set in concrete, located 15 feet northerly from the north edge of the Gaillard Highway pavement;

S. 67°02'00" W., 308.7 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence near the southeast corner of the above-mentioned hangar;

S. 54°38'10" W., 65.7 feet, along the above-mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 49°14'20" W., 154.6 feet, along the above-mentioned cyclone fence, to monument "U", the point of beginning.

(c) Incorporate, immediately under the foregoing amended description of Parcel No. 2, the following description of new Parcel No. 3 of Fort Clayton Army Reservation:

PARCEL No. 3

Beginning at monument "A", which is an iron rod in concrete, located 15 feet and 8 inches easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 4,056.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

Northerly, along a line parallel to and 15 feet and 8 inches easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, to monument "B", which is a brass plug located at the back of the easterly curb, above the southerly side of a concrete box culvert which crosses Bruja Road. Monument "B" is in latitude 8°58' N. plus 5,623.1 feet and longitude 79°35' W. plus 4,705 feet;

S. 49°33'25" E., 2,030 feet, more or less, through monument B-1, which is a 2-inch iron pipe set in concrete, to an unmarked point 1, the distances being 1,241 feet, more or less, and 789 feet, more or less, successively, from beginning of the course;

S. 40°26'35" W., 350 feet, more or less, to an unmarked point 2, located at the back of the curb on the northerly side of Tamarind Avenue and the northwesterly projection of the back of the curb on the northeasterly side of Second Street;

Southeasterly, 150 feet, more or less, along the northwesterly projection of the back of the northeasterly curb of Second Street, crossing Tamarind Avenue, and following along the back of said curb, to an unmarked point 3, located at the back of the northeasterly curb of Second Street;

S. 73°45' E., 150 feet, more or less, to an unmarked point 3-A;

S. 16°15' W., 60 feet, more or less, to an unmarked point 3-B;

S. 73°45' W., 40 feet, more or less, to an unmarked point 3-C;

N. 16°15' E., 60 feet, more or less, to an unmarked point 3-D;

S. 73°45' E., 100 feet, more or less, to an unmarked point No. 4;

S. 3°00' W., 190 feet, more or less, crossing Sago Avenue, to an unmarked point No. 5;

N. 73°45' W., 100 feet, more or less, to an unmarked point No. 6;

N. 16°15' E., 40 feet, more or less, to an unmarked point No. 7, located northeasterly from the northeasterly corner of transformer house No. 2913;

N. 73°45' W., 40 feet, more or less, passing along the northerly side of the above-mentioned transformer house, to an unmarked point No. 8;

S. 16°15' W., 40 feet, more or less, passing along the westerly side of the above-mentioned transformer house, to an unmarked point No. 9;

N. 73°45' W., 110 feet, more or less, to an unmarked point No. 10, located at the back of the northeasterly curb of Second Street;

Southeasterly and southwesterly, 495 feet, more or less, following along the back of the above-mentioned curb, to an unmarked point No. 11, located at the back of the easterly curb of Second Street;

Due east, 265 feet, more or less, to an unmarked point No. 12, located on the meridian 79°35' W., plus 3,000 feet;

Due south, 290 feet, more or less, to an unmarked point No. 13, the geodetic position of which is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 3,000 feet;

S. 68°00' W., 1,015 feet, more or less, to an unmarked point No. 14, located 75 feet easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road;

Northwesterly, 383 feet, more or less, along a line parallel to and 75 feet easterly from the centerline of the above-mentioned Bruja Road to an unmarked point No. 15, the geodetic position of which is in latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 3,996.9 feet;

Due west, 59.3 feet, to monument "A", the point of beginning.

The above-described boundary line from unmarked point No. 1 through point No. 14 inclusive, is common with the northerly boundary of U.S. Naval Reservation, Rodman, C.Z. (Parcel No. 1).

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The area of Fort Clayton Army Reservation is 5,047.1 acres, more or less (Parcel No. 1 is 4,980.3 acres, more or less, and Parcel No. 2 is 4.9 acres, more or less, as is shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 6, dated Sept. 28, 1966) entitled "Map Showing U.S. Army and U.S. Air Force reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1: 10,000 dated May 29, 1952; and Parcel No. 3 is 61.9 acres, more or less, as is shown on Canal Zone Government Drawing M-6117-46-R1, scale 1: 3,000, dated June 9, 1966). Both drawings are on file in the Office of the Governor, Balboa Heights, C.Z.

§ 5.28 [Amended]

2. Section 5.28 *Fort Gulick Army Reservation* is amended as follows:

(a) Delete the last paragraph of the description of Parcel No. 2 (which begins with the words: "The reservation contains a total area of 1,901.9 acres, more or less * * *").

(b) Incorporate, immediately under said description of Parcel No. 2, the following description of new Parcel No. 3 of Fort Gulick Army Reservation:

PARCEL No. 3

The area comprising this parcel is situated east of Randolph Road, south of Galeta Road, west of Canal Zone-Republic of Panama boundary and north of Boyd-Roosevelt Highway and the boundary is more particularly described as follows:

Beginning at monument No. 1, which is a brass plug located in the concrete pavement, on the easterly side of Randolph Road, and northerly from the junction of Galeta Road, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 9°22' N. plus 4,566.3 feet and longitude 79°52' W. plus 5,664.3 feet from Greenwich. Monument No. 1 is S. 32°39'00" E., 133.1 feet from Precise Bench Mark "C".

Thence from said initial point by metes and bounds:

N. 62°40'40" E., 148.2 feet to monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

S. 14°02'10" E., 50 feet, more or less, to an unmarked point called No. 10-A, located on a line parallel to and 30 feet southerly from the centerline of Galeta Road;

In a generally easterly and northerly direction, following a line parallel to and 30 feet southerly from the centerline of Galeta Road and Road R12-E (old 100' Hill Road) to an unmarked point called 81-H, located on longitude 79°51' W. plus 3,607.6 feet and latitude 9°23' N. plus 882.99 feet;

Due east, 75 feet, more or less, to monument No. 34, which is a brass plug in concrete;

N. 89°58'00" E., 3,926.6 feet, through monument No. 43, which is a brass plug in concrete monument, to an unmarked point called 43-A, located on the Canal Zone-Republic of Panama boundary line, the distances being 3,531.4 feet and 395.2 feet, successively, from beginning of the course;

S. 00°32'00" W., 747.8 feet, along the Canal Zone-Republic of Panama boundary line, to monument No. 1, which is a 4-inch iron pipe with a cap;

S. 00°32'00" W., 2,260.7 feet, through monument No. 1-1, which is a 1½-inch iron pipe, to monument No. 2, which is a 4-inch iron pipe with a cap, the distances being 816 feet and 1,444.7 feet, successively, from beginning of the course;

S. 00°33'00" W., 2,920.3 feet, through monuments Nos. 2-1 and 2-2, which are 1½-inch iron pipes, and monument No. 3, which is a 4-inch iron pipe with a cap, to monument No. 3-1, which is a 2-inch iron pipe, the distances being 496.2 feet, 1,142.3 feet, 835.1 feet, and 446.7 feet, successively, from beginning of the course;

S. 00°35'50" W., 363.5 feet, along the Canal Zone-Republic of Panama boundary, through monument No. 3-2, which is a 1½-inch iron pipe, to monument No. 3-3, which is a 1½-inch iron pipe, the distances being 141 feet and 222.5 feet, successively, from beginning of the course;

S. 00°33'00" W., 382.6 feet, through monument No. 3-4, which is a 1½-inch iron pipe, to monument No. 3-5, which is a 1½-inch iron pipe, the distance being 106.6 feet and 274 feet, successively, from beginning of the course;

S. 00°32'50" W., 467.1 feet, through monument No. 3-6, which is a 2-inch iron pipe, to monument No. 3-7, which is a 2½-inch iron pipe, the distances being 260 feet and 207.1 feet, successively, from beginning of the course;

S. 00°33'20" W., 824.7 feet, through monument No. 4, which is a 4-inch iron pipe with a cap, to monument No. 4-1, which is a 1½-inch iron pipe, the distances being 446 feet and 378.7 feet, successively, from beginning of the course;

S. 00°32'00" W., 627.8 feet, to monument No. 4-2, which is a 1½-inch iron pipe;

S. 00°32'50" W., 843 feet, through monuments Nos. 4-3 and 4-4, which are 2-inch iron pipes, monument No. 4-5, which is a 1½-inch iron pipe, to monument No. 4-6, which is a 1½-inch iron pipe, the distances being 381.2 feet, 190.8 feet, 167.6 feet, and 103.4 feet, successively, from beginning of the course;

S. 00°33'20" W., 350.5 feet, to monument No. 4-7, which is a 2-inch iron pipe;

S. 00°32'30" W., 372.7 feet, through monument No. 5, which is a 4-inch iron pipe with a cap, to monument No. 5-1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the distances being 363.8 feet and 8.9 feet, successively, from beginning of the course;

S. 63°00'39" W., along the northern boundary of the Colon Corridor, a distance of 4,614.02 feet to monument N.H. 1;

Thence following the boundary of the Coco Solo Hospital Area, to monument N.H. 9-1, as follows:

N. 16°58'20" W., 477.5 feet, to monument N.H. 16, which is a 2-inch iron pipe;

N. 56°03'30" W., 1,047 feet, through monuments N.H. 15 and N.H. 14, which are 2-inch iron pipes, to monument N.H. 13, which is a 2-inch pipe, the distances being 209.5 feet, 448.1 feet, and 389.4 feet successively, from beginning of the course;

S. 55°45'15" W., 983.1 feet, through monuments N.H. 12 and N.H. 11, which are 2-inch iron pipes, to monument N.H 10, which is a 2-inch iron pipe, located on the right bank of the Rio Coco Solo, the distances being 500 feet, 200 feet, and 283.1 feet, successively, from beginning of the course. The geodetic position of monument N.H. 10 is in latitude 9°21' N. plus 1,208.3 feet and longitude 79°51' W. plus 5,634.5 feet;

In a general southerly direction, along the right bank of the Rio Coco Solo, to monument N.H. 9-1, which is a 2-inch iron pipe, located on the northern boundary of the Colon Corridor, the geodetic position of which is in latitude 9°20' N. plus 5,973 feet and longitude 79°51' W. plus 5,128.4 feet;

Southwesterly, along the northern boundary of the Colon Corridor, to monument S-2, which is a scribed brass plug, located in the easterly edge of the concrete pavement of the R-16 Road;

S. 78°16'45" W., 60.5 feet, following the northern boundary of the Colon Corridor, through monument S-1, which is a scribed brass plug, located in the westerly edge of the concrete pavement of the above mentioned R-16 Road, to monument "S", which is a 2-inch iron pipe, located 50 feet westerly from the centerline of the pavement of the above-mentioned R-16 Road, the distances being 21 feet and 39.5 feet, successively, from beginning of the course. The geodetic position of monument "S" is in latitude 9°20' N. plus 3,537.3 feet and longitude 79°52' W. plus 2,537.2 feet;

Northerly, along a line parallel to and 50 feet westerly from the centerline of the concrete pavement of the above mentioned R-16 Road, through monument "R", which is a 10-inch square concrete post, to monument F-32, which is a 2-inch iron pipe. The geodetic position of monument "R" is in latitude 9°20' N. plus 6,043.5 feet and longitude 79°52' W. plus 3,162.9 feet and the geodetic position of monument F-32 is in latitude 9°21' N. plus 757.7 feet and longitude 79°52' W. plus 3,782.2 feet;

N. 66°00'30" E., 575.6 feet, through monument F-31, which is a brass plug, located near the westerly edge of the concrete pavement of the above mentioned R-16 Road and monument F-30, which is a 2-inch iron pipe, to monument F-29, which is a 2-inch iron pipe, the distances being 40.6 feet, 448.5 feet, and 86.5 feet, successively from beginning of the course;

N. 25°27'40" W., 478.2 feet, through monument F-28, which is a 2-inch iron pipe, to monument F-27, which is a 3-inch iron pipe, the distances being 218 feet and 260.2 feet, successively, from beginning of the course;

N. 64°53'25" E., 1,449.1 feet, through monument F-26, which is a 2-inch iron pipe, monument F-25, which is a 2½-inch iron pipe, monument F-24, which is a 2-inch iron pipe, monument F-23, which is a brass plug in concrete slab of a barbecue pit, to monument F-22, which is a 2-inch iron pipe, the distances being 337.1 feet, 370.7 feet, 240.5 feet, 347.8 feet, and 153 feet, successively, from beginning of the course;

N. 19°08'50" W., 717.5 feet, along a line parallel to and 160 feet southwesterly from the centerline of a concrete taxi strip, through monument F-21, which is a 2-inch iron pipe, to monument F-20, which is a 3-inch iron pipe, the distances being 142.7 feet and 574.8 feet, successively, from beginning of the course;

N. 55°05'35" W., 202.8 feet, through monument F-19, which is a 2½-inch iron pipe, to monument F-18, which is a 2-inch iron pipe, the distances being 105.7 feet and 97.1 feet, successively, from beginning of the course.

S. 56°48'40" W., 243.8 feet, to monument F-17, which is a 2-inch iron pipe;

S. 08°30'10" W., 279.2 feet, through monument F-16, which is a 2-inch iron pipe, to monument F-15, which is a 2-inch iron pipe, the distances being 164.5 feet and 114.7 feet, successively, from beginning of the course;

S. 09°58'05" E., 234.5 feet, to monument F-14, which is a 2-inch iron pipe;

S. 64°48'55" W., 319.3 feet, to monument F-13, which is a 2-inch iron pipe;

S. 44°09'40" W., 281.5 feet, through monument F-12, which is a 2½-inch iron pipe, to monument F-11, which is a 2-inch iron pipe, the distances being 100.8 feet and 180.7 feet, successively, from beginning of the course;

From monument F-11 to monument F-4, the boundary follows parallel to and approximately 1.5 feet from the outside of a cyclone fence;

S. 53°48'55" W., 151.4 feet, to monument F-10, which is a 2-inch iron pipe;

N. 76°14'05" W., 491.5 feet, to monument F-9, which is a 2-inch iron pipe;

S. 86°18'25" W., 98.9 feet, to monument F-8, which is a 2-inch iron pipe;

S. 33°54'25" W., 150.0 feet, to monument F-7, which is a 2-inch iron pipe;

S. 86°13'40" W., 331.5 feet, to monument F-6, which is a 2-inch iron pipe;

S. 03°12'35" E., 106.9 feet, to monument F-5, which is a 2-inch iron pipe;

S. 85°37'25" W., 498.6 feet to monument F-4, which is a 2-inch iron pipe, located on the northerly side of France Road and the easterly side of Randolph Road;

N. 03°46'35" W., 400 feet, along the westerly side of a cyclone fence on the easterly side of Randolph Road, to monument F-3, which is a brass plug located in the easterly lip of a concrete ditch;

N. 03°33'45" W., 1,569.6 feet, along a line which is parallel to and 43.5 feet easterly from the centerline of the 30-foot-wide pavement of Randolph Road to monument F-2, which is a 2-inch iron pipe;

N. 81°59'55" E., 16.5 feet, to monument F-1, which is a 2-inch iron pipe, located 60 feet easterly from the centerline of the pavement of the above-mentioned Randolph Road;

Northerly, 3,493.8 feet, along a line parallel to and 60 feet, more or less, easterly from the centerline of the above-mentioned concrete pavement of Randolph Road, to monument 81-1, which is a 2-inch iron pipe;

S. 89°59'45" E., 17.1 feet, to monument No. 81-A, which is a 1¼-inch iron pipe, located near the southwesterly corner of a cyclone fence;

N. 03°34'00" W., 1,947.5 feet, along a line parallel to and 77.3 feet easterly from the centerline of the 30-foot-wide pavement of Randolph Road, along the westerly side of a cyclone fence, to monument B-14, which is a 2¼-inch iron pipe;

Thence following along a line parallel to and approximately 1.5 feet westerly from the above-mentioned cyclone fence, on the easterly side of Randolph Road, to monument B-16, as follows:

N. 07°45'00" W., 254.4 feet, to monument B-15, which is a 2-inch iron pipe;

N. 12°13'30" W., 849.6 feet, to monument B-16, which is a 2-inch iron pipe;

S. 86°46'30" W., 200.4 feet, crossing Randolph Road, to monument B-17, which is a 2-inch iron pipe;

N. 87°51'45" W., 562 feet, to monument B-18, which is a 2-inch iron pipe, located northeasterly from Quarters No. 334;

N. 14°14'00" W., 763.2 feet, more or less, through monument B-19, which is a brass plug in a top of a concrete seawall, to an unmarked point called B-20, on the northerly face of the above-mentioned seawall at the intersection of the mean low waterline of Margarita Bay, the distances being 780.7 feet and 2.5 feet, more or less, successively, from beginning of the course;

Easterly, following the mean low waterline of Margarita Bay, along the northerly side of the above-mentioned concrete seawall to an unmarked point called No. 4, located N. 12°14'20" W., 2 feet, more or less, from monument No. 3, which is a brass plug in the center of the above-mentioned seawall:

S. 12°14'20" E., 2 feet, more or less, to the above-mentioned monument No. 3, the geodetic position of which is in latitude 9°22' N. plus 4,810.6 feet and longitude 79°52' W., plus 5,797.7 feet;

S. 12°14'20" E., 249.9 feet, along the easterly side of a cyclone fence and along the westerly side of a concrete drainage ditch to monument No. 2, which is a brass plug located in the lip of the above-mentioned drainage ditch;

Due east, 80.4 feet, crossing Randolph Road, to monument No. 1, the point of beginning.

The directions of the lines refer to the true meridian.

All geographic positions are referred to the Panama-Colon datum of the Canal Zone Triangulation System.

The reservation contains a total area of 4,953 acres, more or less (Parcel No. 1 at Gulick—mainland 1,755.8 acres and islands 85.3 acres, more or less; Parcel No. 2 at Coco Solo—area above mean low water 60.75 acres, more or less; Parcel No. 3 is 3,051 acres, more or less) and is as shown on Canal Zone Government Drawing No. M 6118-44, entitled "Map Showing Boundary of Fort Gulick Army Reservation" scale 1:10,000, dated January 20, 1958 (Revision No. 1 dated Feb. 20, 1959) and No. 6121-72 entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph and Coco Solo, Canal Zone" dated September 15, 1969, scale 1:10,000. These maps are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

3. Section 5.29 *Fort Kobbe Army Reservation* is amended as follows: Delete paragraph (a) in its entirety and substitute therefor the following amended description of Fort Kobbe Army Reservation, amend paragraph (c), and delete paragraph (d).

§ 5.29 Fort Kobbe Army Reservation.

(a) The following described area of land, situated in the Canal Zone and designated as Fort Kobbe Army Reservation, is reserved and set apart as, and assigned to the uses and purposes of, an Army reservation, under the jurisdiction and control of the Secretary of the Army, but subject to § 5.82:

Beginning at monument No. E-9, which is a 12-inch square concrete monument, located on the westerly boundary of the Palo Seco Leper Colony, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°54' N. plus 4,728.9 feet and longitude 79°34' W. plus 2,002.3 feet, from Greenwich.

Thence from said initial point by metes and bounds:

East, 373.3 feet, along the above-mentioned boundary to monument E-8, which is a 12-inch square concrete monument.

S. 40°58'30" E., 249.9 feet, along the above-mentioned boundary to monument E-7, which is a 12-inch-square concrete monument.

S. 28°23'40" E., 628.7 feet, along the above-mentioned boundary to monument E-6, which is a 2-inch iron pipe.

S. 28°20'40" E., 156.7 feet, along the above-mentioned boundary to monument E-5, which is a 12-inch-square concrete monument.

S. 29°33'50" E., 337.4 feet, along the above-mentioned boundary through monument E-4, which is a 2-inch iron pipe, to monument E-3, which is a 2-inch iron pipe, the distances being 92.9 feet and 244.5 feet, successively, from beginning of the course.

S. 29°33'10" E., 724 feet, along the above-mentioned boundary to monument E-2, which is a 2-inch iron pipe.

S. 29°34'00" E., 525.6 feet, along the above-mentioned boundary to monument E-1, which is a 2-inch iron pipe, located above high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°54' N. plus 2,468.2 feet and longitude 79°34' W. plus 308.9 feet.

S. 29°34'00" E., 540 feet, more or less, to an unmarked point called "E", located on the mean low waterline on the shore of Panama Bay.

In the generally southwesterly direction along the mean low waterline on the shore of Panama Bay to an unmarked point called "F".

North, 3,600 feet, more or less, to monument F-1, which is a 10-inch square concrete monument, located above the high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°53' N. plus 4,038.1 feet and longitude 79°36' W.

North, 2,009.3 feet, through monuments F-2, F-3, and F-4, which are 3-inch iron pipes, to monument "G", which is a 2½-inch iron pipe, beneath the surface of the ground in a rock crushing plant, the distances being 162.5 feet, 851.8 feet, 905 feet, and 90 feet, successively, from the beginning of the course;

North, 89°59'30" W., 209.1 feet, more or less, through monument No. 1-A, which is a 2-inch iron pipe, to an unmarked point called "R", located on the centerline of Rio Venado, the distances being 159.1 feet and 50 feet, more or less, successively, from the beginning of the course;

Northerly, 1,600 feet, more or less, along the centerline of the Rio Venado to an unmarked point called "Q", located on the centerline of the Rio Venado, on the parallel of 8°54' N. plus 1,300 feet;

East, 3,100 feet, more or less, to an unmarked point called "P", located 20 feet southeasterly from the centerline of Foggin Road on the parallel of 8°54' N. plus 1,300 feet;

Northeasterly and northerly, 1,000 feet, more or less, along an offset line 20 feet easterly from the centerline of Foggin Road, to an unmarked point called "O", located on the northerly projection of the above-mentioned 20-foot offset line and its intersection with a line parallel to and 30 feet northeasterly and easterly from the centerline of Andrew's Boulevard.

Northwesterly and northerly, 2,850 feet, more or less, along a line parallel to and 30 feet northeasterly and easterly from the centerline of Andrew's Boulevard to an unmarked point called "N", located 20 feet southerly from the centerline of Evans Jones Street;

Easterly, 1,743 feet, more or less, along a line parallel to and 20 feet southerly from the centerline of Evans Jones Street and Big Row Road to an unmarked point called M-4;

S. 11°40' W., 55 feet, to an unmarked point called M-3;

S. 78°20' E., 52 feet, to an unmarked point called M-2;

N. 11°40' E., 55 feet, to an unmarked point called M-1;

Easterly, 705 feet, more or less, along a line parallel to and 20 feet southerly from the centerline of Big Row Road to an unmarked point called "M", located on the intersection of the above-mentioned offset line with the meridian 79°35' W. plus 1,600 feet;

Easterly, 1,600 feet, to an unmarked point called "L", located on parallel of latitude 8°54' N. plus 4,328.9 feet and meridian 79°35' W.;

North, 400 feet, to an unmarked point called "K";

East, 4,011.8 feet, to E-9, which is a 12-inch square concrete monument, the point of beginning.

The above described boundary from unmarked point "R" through points "Q," "P," "O," "N," "M," "L," and "K," to monument E-9 is common with the easterly and southerly boundary of Howard Air Force Base (Parcel No. 1).

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation syatem.

The area of the above described tract is 1,607 acres, more or less (the area above high water line is 1,400 acres, more or less) and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 1 of 2, entitled "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation," scale 1:10,000, dated May 13, 1969, on file in the office of the Engineering Division, Panama Canal Company, Balboa Heights, C.Z.

* * * * *

(c) If the Venado Beach area is activated by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through Fort Kobbe Army Reservation, and suitable provision shall be made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within said reservation.

(d) [Deleted]

4. Section 5.42 Coco *Solo Navy Reservation* is amended by deleting the description of Parcel No. 2 in its entirety and substituting therefor the following revised description of said parcel:

§ 5.42 Coco Solo Navy Reservation.

(a) * * *

PARCEL NO. 2

Beginning at monument No. 10, which is a 2-inch iron pipe, located on the northerly side of Galeta Road and N. 62°40'40" E., a distance of 148.2 feet from monument No. 1. The geodetic position of monument No. 10 is in latitude 9°22' N. plus 4,634.4 feet and longitude 79°52' W. plus 5,532.6 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 75°40'10" E., 260.2 feet, to monument No. 9, which is a 2-inch iron pipe, located on the northerly side of Galeta Road;

N. 65°25'30" E., 284.3 feet, to an unmarked point called No. 8, located 50 feet northerly from the centerline of Galeta Road, on the mean low waterline of the Caribbean Sea on the left bank of the Rio Coco Solo;

In a general westerly and northerly direction, following the mean low waterline of the Caribbean Sea, along the left bank of the Rio Coco Solo and the shore of Margarita Island (except where drainage ditches extend inland from the shoreline) to an unmarked point called No. 7-A, located on longitude 79°52' W. plus 5,780 feet;

The above-described boundary from monument No. 10 to unmarked point called No. 7-A, is common with a part of the southern and all of the eastern boundary of Fort Randolph Army Reservation.

Due north, 130 feet more or less, to an unmarked point called No. 7-B, located on the mean low waterline of the Caribbean Sea, on the southerly side of an unnamed island southeast from Palma Media Island;

In a general northerly and easterly direction, following the mean low waterline of the Caribbean Sea, along the seaward side of all mainland and islands (two unnamed islands south of Palma Media Island, Palma Media Island, Galeta Islands, Pena Guapa Islands, an unnamed Island east of Pena Guapa Island, and the western part of Largo Remo Island) to an unmarked point called No. 7-I, located on the northerly side of Largo Remo Island and N. 00°32'00" E., 850 feet, more or less, from monument No. 0, of the original Canal Zone-Republic of Panama Five Mile Boundary Line;

N. 00°14'50" E., 100 feet, more or less, to an unmarked point called No. 7-J, located on the Canal Zone-Republic of Panama boundary and the extreme low waterline of the Caribbean Sea;

In a general easterly, southerly and westerly direction following the Canal Zone-Republic of Panama boundary line along the extreme low waterline of the Caribbean Sea, along the shoreline of the Largo Remo Island, Droque Island, and two small islands to the north and adjacent to Droque Island, to an unmarked point called No. 7-K, located on the C.Z.-R.P. boundary and the extreme low waterline of the Caribbean Sea at the southerly side of Largo Remo Island;

S. 00°32'00" W., 2,802.2 feet, more or less, along the Canal Zone-Republic of Panama boundary line to an unmarked point called 43-A;

S. 89°58'00" W., 3,926.6 feet, through monument No. 43, which is a brass plug in concrete, to monument No. 34, which is a brass plug in concrete;

Due west, 75 feet, more or less, to an unmarked point called 81-H, located on latitude 9°23' N. plus 882.99 feet and longitude 79°51' W. plus 3,607.6 feet;

In a general westerly and southerly direction, following a line parallel to and 30 feet southerly from the centerline of Road R12-E (old 100' Hill Road) and Galeta Road to an unmarked point called No. 10-A, located on a line parallel to and 30 feet southerly from the centerline of Galeta Road;

N. 14°02'10" W., 50 feet, more or less, crossing Galeta Road to monument No. 10, the point of beginning.

There shall also be included within the above-described reservation all land and water within a zone extending a distance of 100 yards out from the mean low water line on all shores of the Reservation lying west of a line extended through unmarked points called 7-J and 7-K;

In any area where such 100-yard zone would overlap any similar zone included within Fort Randolph Army Reservation, the dividing line between the respective zones shall be midway between the mean low water lines of the respective reservations.

The above described boundary from monument No. 43-A to monument No. 10, the point of beginning, is common with that part of the northern boundary of Parcel No. 3, Fort Gulick Army Reservation.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of Coco Solo Navy Reservation above the mean low waterline or above the extreme low waterline, is 2,702.7 acres, more or less (Parcel No. 1 is 136.7 acres, more or less, and Parcel No. 2 is 2,566 acres, more or less), and is as shown on Canal Zone Government Drawing No. 6121-72, entitled "Map Showing United States Army and Navy Reservations, Fort Gulick, Fort Randolph, and Coco Solo, Canal Zone" scale 1:10,000, dated September 15, 1969, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

* * * * *

5. Section 5.44 *Farfan Naval Radio Station* is deleted in its entirety and the following section is substituted therefor:

§ 5.44 U.S. Naval Radio Station, Farfan, C.Z.

(a) The following-described area of land, situated in the Canal Zone and designated as the U.S. Naval Radio Station, Farfan, C.Z., is reserved and set apart as, and assigned to the uses and purposes of, a Navy reservation, under the jurisdiction and control of the Secretary of the Navy, but subject to § 5.82:

Beginning at monument "J", which is a concrete post 8 inches square, located on the easterly side of Bruja Road and on the easterly boundary of Howard Air Force Base (Parcel No. 1), the geodetic position of which referred to the Canal Zone triangulation system is in latitude 8°56' N. plus 200.6 feet and longitude 79°35' W. plus 3,637.1 feet from Greenwich.

From monument "J" to Army triangulation station "North Base" the bearing and distance is S. 56°27'10" W., 584.9 feet.

Thence from said initial point by metes and bounds:

North, 2,079.4 feet, through monuments N-1 and N-2, which are 2½-inch galvanized iron pipes, to an unmarked point called N-3, the distances being 687.7 feet, 767.7 feet, and 624 feet, successively, from beginning of the course;

East, 1,837 feet, to an unmarked point called N-4;

North, 930.7 feet, to an unmarked point called N-5;

East, 1,799.1 feet, through monuments N-8, N-9, N-10, and N-10-A, which are 2½-inch galvanized iron pipes, to monument N-B, which is an 8-inch square concrete post, the distances being 395.2 feet, 231.7 feet, 324.9 feet, 213 feet, and 634.3 feet, successively, from beginning of the course;

S. 58°07'15" E., 2,077.4 feet, through monument NBX, which is a 2½-inch galvanized iron pipe, to monument N-C, which is an 8-inch square concrete post, the distances being 1,050 feet and 1,027.4 feet, successively, from beginning of the course;

South, 5,999.3 feet, through monuments N-11, N-12, N-13, N-14, and N-15, which are 2½-inch galvanized iron pipes, to an unmarked point, located in a swamp, referred to as N-D on the map, the distances being 275.8 feet, 800.1 feet, 899.9 feet, 244.6 feet, 435.5 feet, and 3,543.4 feet, successively, from beginning of the course;

West, 3,464 feet, to monument N-24-N, which is an 8-inch square concrete post;

N. 52°07'00" W., 2,452.1 feet, through monuments N-25-N and N-25-A, which are 2½-inch galvanized iron pipes, to monument N-26-N, which is an 8-inch square concrete post, the distances being 1,489.1 feet, 463 feet, and 500 feet, successively, from beginning of the course;

North, 2,591.5 feet, through monuments 55, 54, 53, 52, and 51, which are 2½-inch galvanized iron pipes, to monument "J", the point of beginning, the distances being 78.5 feet, 800 feet, 303 feet, 530 feet, 580 feet, and 500 feet, successively, from beginning of the course;

The directions of the lines refer to the true meridian. All geodetic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The area of the tract is 785.7 acres, more or less, and is as shown on Panama Canal Drawing M-6120-32, entitled "Boundary of U.S. Naval Radio Station, Far Fan, C.Z., scale 1:5,000, dated March 10, 1967, on file in the Office of the Engineering Division, Panama Canal Company, Balboa Heights, C.Z.

(b) The Panama Canal Company may continue to use that portion of the area set apart by paragraph (a) of this section which comprises the lowlands adjacent to the Rio Farfan and which lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump. Adequate diking will be provided and maintained by the Panama Canal Company to protect the Navy's facilities in the area from flooding and silting from the discharge of a hydraulic dredge.

6. Section 5.48 *U.S. Naval Reservation, Rodman, C.Z.* is amended as follows: Delete the descriptions of Parcel No. 1 and Parcel No. 2 in their entirety and substitute therefor the following amended descriptions of said parcels, and add a new paragraph (c).

§ 5.48 U.S. Naval Reservation, Rodman, C.Z.

(a) * * *

PARCEL NO. 1

Beginning at an unmarked point called "R" on the drawing, located east 301 feet, more or less, from the centerline of Bruja Road and on the boundary line of Parcel No. 3, Fort Clayton Army Reservation, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N.

plus 2,606.03 feet and longitude 79°35' W. plus 3,714.69 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 68°00' E., 772 feet, more or less, to an unmarked point No. 13, located at the southeasterly corner of Parcel No. 3, Fort Clayton Army Reservation, the geodetic position of which is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 3,000 feet;

Thence along a line coincident with the easterly boundary of Parcel No. 3, Fort Clayton Army Reservation, through points Nos. 12 to 1, inclusive;

North, 290 feet, more or less, to an unmarked point No. 12;

West, 265 feet, more or less, to an unmarked point No. 11, located at the back of the easterly curb of Second Street;

Northeasterly and northwesterly, 495 feet, more or less, following along the back of the above-mentioned easterly curb of Second Street, to an unmarked point No. 10;

S. 73°45' E., 110 feet, more or less, to an unmarked point No. 9;

N. 16°15' E., 40 feet, more or less, to an unmarked point No. 8;

S. 73°45' E., 40 feet, more or less, to an unmarked point No. 7;

S. 16°15' W., 40 feet, more or less, to an unmarked point No. 6;

S. 73°45' E., 100 feet, more or less, to an unmarked point No. 5;

N. 3°00' E., 190 feet, more or less, crossing Sago Avenue, to an unmarked point No. 4;

N. 73°45' W., 100 feet, more or less, to an unmarked point 3–D;

S. 16°15' W., 60 feet, more or less, to an unmarked point 3–C;

N. 73°45' W., 40 feet, more or less, to an unmarked point 3–B;

N. 16°15' E., 60 feet, more or less, to an unmarked point 3–A;

N. 73°45' W., 160 feet, more or less, to an unmarked point No. 3, located at the back of the curb of the northeasterly side of Second Street;

Northwesterly, 150 feet, more or less, following along the back of the northeasterly curb of Second Street and its northwesterly prolongation, crossing Tamarind Avenue, to an unmarked point No. 2, located at the back of the curb on the northerly side of Tamarind Avenue;

N. 40°26'35'' E., 350 feet, more or less, to an unmarked point No. 1;

S. 49°33'25'' E., 2,170 feet, more or less, through monuments B–2 and B–3, which are 2-inch iron pipes set in concrete, to monument "C", which is a 4-inch iron pipe, the distances being 990 feet, more or less, 325 feet, more or less, and 855 feet, more or less, successively, from the beginning of the course. Monument "C" is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 1,504.4 feet;

East, 1,188 feet, more or less, to an unmarked point No. 4, the geodetic position of which is in latitude 8°58' N. plus 2,894.2 feet and in longitude 79°35' W. plus 316.4 feet;

S. 19°24'40'' E., 5,280 feet, along a line parallel to and 1,000 feet westerly from the west prism line of the Panama Canal, to an unmarked point No. 5, the geodetic position of which is in latitude 8°57' N. plus 3,961.6 feet and in longitude 79°34' W. plus 4,575 feet;

Due east, 1,060.3 feet, to an unmarked point No. 6, located on the west prism line of the Panama Canal, the geodetic position of which is in latitude 8°57' N. plus 3,961.6 feet and longitude 79°34' W. plus 3,514.7 feet;

S. 19°24'40'' E., 4,155.8 feet, along a line coincident with the above-mentioned west prism line of the Panama Canal, to an unmarked point No. 7, the geodetic position of which is in latitude 8°57' N. plus 42.1 feet and longitude 79°34' W. plus 2,133.6 feet;

S. 38°15'30'' E., 1,752.1 feet, along a line coincident with the above mentioned west prism line of the Panama Canal, to an unmarked point No. 8, the geodetic position of which is in latitude 8°56' N. plus 4,713.7 feet and longitude 79°34' W. plus 1,048.7 feet;

N. 89°30'00'' W., 4,665.5 feet, through monument No. 9, which is a concrete monument, to monument No. 1, which is an 8-inch square concrete monument, located 300 feet, more or less, westerly from the entrance to the U.S. Naval Reservation, Rodman, and is 75 feet northerly from the centerline of Thatcher Highway, the distances being 3,760.7 feet and 904.8 feet, successively, from beginning of the course. The geodetic position of monument No. 1 is in latitude 8°56' N. plus 4,754.4 feet and longitude 79°34' W. plus 5,713.9 feet;

Westerly and northwesterly, 4,650 feet, more or less, along a line parallel to and 75 feet northerly from the centerline of the concrete pavement of Thatcher Highway to an unmarked point No. 15 which is located 75 feet from the centerline of Bruja Road;

Northerly, 3,310 feet, more or less, along a line parallel to and 75 feet easterly from the 30-foot-wide concrete pavement of Bruja Road, to an unmarked point No. 14–1;

N. 68°00' E., 257 feet, more or less, to an unmarked point "L";

N. 18°00' E., 628 feet, more or less, to an unmarked point "M";

N. 64°00' E., 1,012 feet, more or less, to an unmarked point "N";

N. 14°35' E., 840 feet, more or less, to an unmarked point "O";

N. 79°05' W., 756 feet, more or less, to an unmarked point "P";

N. 28°20' W., 462 feet, more or less, to an unmarked point "Q";

N. 38°10' W., 1,452 feet, more or less, to an unmarked point "R"; the point of beginning.

PARCEL NO. 2

Beginning at monument "I", which is a 2-inch iron pipe set in concrete, located northwesterly from the intersection of Thatcher Highway and Bruja Road and 75 feet northeasterly and at right angles from the centerline of the 18-foot-wide concrete pavement of Thatcher Highway, the geodetic position of which, referred to the Canal Zone triangulation system is in latitude 8°57' N. plus 1,879 feet and longitude 79°35' W. plus 3,399.5 feet;

Thence from said initial point by metes and bounds:

Westerly, 4,100 feet, more or less, along a line parallel to and 75 feet northerly from the centerline of the generally 18-foot-wide concrete pavement of Thatcher Highway, to an unmarked point "A", located 75 feet northerly from the centerline of the 18-foot-wide pavement of Thatcher Highway and 30 feet, more or less, easterly from the centerline of the Rio Velasquez, the geodetic position of point "A" being in latitude 8°57' N. plus 2,754 feet, more or less, and longitude 79°36' W. plus 1,162 feet, more or less;

Easterly and northeasterly, 4,200 feet, more or less, along a line parallel to and 30 feet southeasterly from the centerline of the above mentioned Rio Velasquez to an unmarked point "G"–1.

S. 73°30' W., 864 feet, more or less, to point "G", located 140 feet, more or less, southerly from the centerline of the Old Bruja Road, the geodetic position of which is in latitude 8°57' N. plus 4,500 feet, more or less, and in longitude 79°35' W. plus 3,464 feet, more or less;

Southerly, 2,600 feet, more or less, along a line parallel to and 75 feet westerly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, to monument "H", which is a 2-inch iron pipe set in concrete, located northwesterly from the intersection of Thatcher Highway and Bruja Road, the geodetic position of which is in latitude 8°57' N. plus 1,910.1 feet and longitude 79° 35' W. plus 3,329.9 feet;

S. 66°11'00'' W., 77 feet, to monument "I", the point of beginning.

The directions of the lines refer to the true meridian.

The total area of U.S. Naval Reservation, Rodman, C.Z., is 1,256.6 acres, more or less (Parcel No. 1 is 1,122.9 acres, more or less; Parcel No. 2 is 133.7 acres, more or less) and is as shown on Panama Canal Drawing No. M–6120–33, entitled "Boundary of U.S. Naval Reservation, Rodman, C.Z.", scale 1:10,000, dated May 13, 1969, on file in the Office of the Governor, Balboa Heights, C.Z.

* * * * *

(c) The Panama Canal Company may continue to use that portion of this reservation which comprises the lands adjacent to the Rio Velasquez and which lies generally below the 30-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump. The Panama Canal Company shall be responsible for taking all pest control, sanitation, health, and safety measures within the fill area which are necessary to protect public health and safety, both inside and outside the fill area, from any hazards or conditions that might arise as a consequence of the Company's use of said area.

§ 5.49 [Deleted]

7. Section 5.49 *West Bank Naval Reservation* is deleted in its entirety.

8. Section 5.62 *Howard Air Force Base* is deleted in its entirety and the following section is substituted therefor:

§ 5.62 Howard Air Force Base.

(a) The following-described areas of land, situated in the Canal Zone and designated as Howard Air Force Base, are reserved and set apart as, and assigned to the uses and purposes of, an Air Force Reservation, under the jurisdiction and control of the Secretary of the Air Force, but subject to § 5.82:

PARCEL NO. 1

Beginning at monument A.T.F. 2, which is a 2½-inch iron pipe set in concrete, located on the eastern boundary of the Arraijan Tank Farm Naval Reservation and on the right bank of the Rio Velasquez, the geodetic position of which referred to the Canal Zone triangulation system is in latitude 8°57' N. plus 2,611.6 feet and longitude 79°36' W. plus 2,100.1 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 65°27'30'' E., 125.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 15°10'10'' E., 150.2 feet, to monument No. 34, which is a 2-inch iron pipe, located 50 feet southerly from the centerline of the pavement of Thatcher Highway;

Easterly, along a line parallel to and 50 feet southerly from the centerlins of Thatcher Highway pavement to monument No. 35, which is a 3-inch iron pipe, the geodetic position of which is in latitude 8°57' N. plus 2,651.5 feet and longitude 79°36' W. plus 1,504 feet;

S. 00°04'50'' E., 152.3 feet, to monument No. 36, which is a 10-inch square concrete monument;

S. 82°23'20'' E., 493.2 feet, to monument No. 36–1, which is a 2-inch iron pipe;

S. 82°20'10'' E., 238.9 feet, to monument No. 36–2, which is a 2-inch iron pipe set in concrete;

S. 82°20'00'' E., 119.4 feet, to monument No. 36–2, which is a 2-inch iron pipe set in concrete;

S. 82°22'30'' E., 662.1 feet, to monument No. 37, which is a 10-inch-square concrete monument;

N. 00°02'19'' W., 39.4 feet, to monument No. N–17–A, which is a 1¼-inch iron pipe set in concrete, located 200 feet southerly from the centerline of the present Thatcher Highway pavement, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2,337.7 feet, more or less, and longitude 79°36' W., plus 3.4 feet, more or less;

Southeasterly, along a line parallel to and 200 feet southerly from the centerline of the present Thatcher Highway pavement, to monument No. 40–A, which is a 1½-inch iron pipe set in concrete, located 200 feet southwesterly from the centerline of the present Thatcher Highway pavement and 50 feet westerly from the centerline of the Bruja Road pavement;

Northeasterly, along a line parallel to and 50 feet westerly from the centerline of Bruja Road pavement to an unmarked point called No. 40, located 50 feet southwesterly from the centerline of Thatcher Highway pavement, the geodetic position of which is in latitude 8°57' N. plus 1,269.6 feet and longitude 79°35' W. plus 2,871.9 feet;

S. 49°42'40'' E., 103.3 feet, crossing Bruja Road, to monument No. 41, which is a 2-inch iron pipe, located 50 feet southeasterly from the centerline of Bruja Road pavement and 50 feet southwesterly from the centerline of Thatcher Highway pavement;

Southwesterly, along a line parallel to and 50 feet from the centerline of Bruja Road pavement, to monument No. 42, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, the geodetic position of which is in latitude 8°56' N. plus 5,594.6 feet and longitude 79°35' W. plus 6,646.9 feet;

Southeasterly and northeasterly, along a line parallel to and 50 feet from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, to monument No. 43, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°56' N. plus 4,729 feet and longitude 79°35' W. plus 2,179.5 feet;

S. 87°22'40'' E., 641.4 feet, to monument No. 44, which is a 10-inch-square concrete monument;

N. 89°59'00'' E., 1,316.6 feet, to monument No. 45, which is a 10-inch-square concrete monument;

N. 78°23'00'' E., 224 feet, to monument No. 46, which is a 10-inch-square concrete monument, located 56.8 feet, southwesterly from the centerline of Thatcher Highway pavement, and 20.7 feet northwesterly from the centerline of K–2D road pavement;

South, 822.9 feet, to monument No. 47, which is a 10-inch-square concrete monument;

S. 00°03'00'' W., 721.3 feet, to monument N.B. which is an 8-inch-square concrete post, located on the northerly boundary of the Farfan Naval Radio Station.

West, 1,799.1 feet, along the above-mentioned Naval boundary, through monuments N–10A, N–10, N–9, and N–8, which are 2½-inch iron pipes, to an unmarked point called N–5, the distances being 634.3 feet, 213 feet, 324.9 feet, 231.7 feet, and 395.2 feet, successively, from beginning of the course;

South, 920.7 feet, along the above-mentioned Naval boundary to an unmarked point called N–4;

West, 1,837 feet, along the above-mentioned Naval boundary, to an unmarked point called N–3, which is 100 feet north of the centerline of Poinciana Drive;

South, 4,670.9 feet, along the westerly boundary of the above-mentioned Naval Station, through monuments N–2 and N–1, which are 2½-inch iron pipes, monument "J", which is an 8-inch-square concrete post, monuments Nos. 51, 52, 53, 54, and 55, which are 2½-inch iron pipes, to monument N–26N, which is an 8-inch-square concrete post, the distances being 624 feet, 767.7 feet, 687.7 feet, 500 feet, 580 feet, 530 feet, 303 feet, 600 feet, and 78.5 feet, successfully, from beginning of the course;

S. 52°07'00'' E., 2,452.1 feet, thence the southwesterly boundary of the above-mentioned Naval Station, through monuments N–25A and N–25N, which are 2½-inch iron pipes, to monument N–24N, which is an 8-inch-square concrete post, the distances being 500 feet, 463 feet, and 1,489.1 feet, successively, from beginning of the course;

East, 3,464 feet, along the southerly boundary of the above-mentioned Naval Station, to an unmarked point called N.D., located in the swamp on the southerly side of the Rio Farfan;

S. 71°29'20'' E., 1,413.2 feet, to monument "A", which is a 12-inch by 10-inch concrete post, located at the northwest corner of Palo Seco Leper Colony;

S. 13°27'50'' W., 408.3 feet, along the westerly boundary of the Palo Seco Leper Colony, to monument B–2, which is a 2-inch iron pipe;

S. 13°28'50'' W., 1,342.3 feet, along the above-mentioned boundary, through monument B–1, which is a 2-inch iron pipe, to monument "B", which is a 12-inch-square concrete post, the distances being 510.2 feet and 832.1 feet, successively, from beginning of the course;

S. 44°59'50'' E., 1,398.2 feet, along the above-mentioned boundary, through monument E–12, which is a 2-inch iron pipe, to monument E–11, which is a 2-inch iron pipe, the distances being 759.7 feet and 638.5 feet, successively, from beginning of the course;

S. 44°59'40'' E., 164 feet, along the above-mentioned boundary, to monument E–10, which is a 2-inch iron pipe.

S. 44°59'30'' E., 300 feet, along the above-mentioned boundary, to monument E–9, which is a 12-inch-square concrete monument, located on the westerly boundary of the Palo Seco Leper Colony, the geodetic position of which is in latitude 8°54' N. plus 4,728.9 feet and longitude 79°34' W. plus 2,002.3 feet;

West, 4,011.8 feet, to an unmarked point called "K", located on the meridian 79°35' W. plus 0 feet;

South, 400 feet, to an unmarked point called "L";

Westerly, 1,600 feet, more or less, to an unmarked point called "M", located on the meridian 79°35'' W. plus 1,600 feet and 20 feet southerly from the centerline of Big Row Road;

Westerly, 705 feet, more or less, along a line parallel to and 20 feet southerly from the centerline of Big Row Road, to an unmarked point called M–1;

S. 11°40' W., 55 feet, to an unmarked point called M–2;

N. 78°20' W., 52 feet, to an unmarked point called M–3;

N. 11°40' E., 55 feet, to an unmarked point called M–4;

Westerly, 1,743 feet, more or less, along a line parallel to and 20 feet southerly from the centerlines of Big Row Road and Evans Jones Street, to an unmarked point called "N", located 30 feet easterly from the centerline of Andrews Boulevard;

Southerly and southeasterly, 2,850 feet, more or less, along a line parallel to and 30 feet easterly and northeasterly from the centerline of Andrews Boulevard, to an unmarked point called "O", located opposite Foggin Road, at an intersection with the northerly projection of the 20-foot offset line, along the easterly side of Foggin Road;

Southerly and southwesterly, 1,000 feet, more or less, along the above-mentioned 20-foot offset line, from the centerline of Foggin Road, to an unmarked point called "P", located on the parallel of latitude 8°54' N plus 1,300 feet;

West, 3,100 feet, more or less, to an unmarked point called "Q", located on the centerline of the Rio Venado;

Southerly, 1,600 feet, more or less, along the centerline of the Rio Venado, to an unmarked point called "R";

The above-described boundary line from monument E–9 through points K, L, M, M–1, M–2, M–3, M–4, N, O, P, Q, and R is common with the northern and western boundary of the Fort Kobbe Army Reservation;

N. 89°59'30'' W., 1,304.9 feet, to monument No. 1, which is a 2-inch iron pipe;

S. 89°59'20'' W., 700 feet, through monument No. 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 1½-inch iron pipe, the distances being 570 feet and 130 feet, successively from beginning of the course;

S. 89°59'50'' W., 95 feet, to monument No 4, which is a 1½-inch iron pipe;

N. 89°59'10'' W., 435 feet, to monument No. 5, which is a 2-inch iron pipe;

N. 89°59'40'' W., 3,270.2 feet, through monument No. 6, which is a 2-inch iron pipe, No. 7, which is a 1½-inch iron pipe, and No. 8, which is a 2½-inch iron pipe, to monument "H", which is an 8-inch-square concrete monument, the geodetic position of which is in latitude 8°54' N. plus 0 feet and 79°36' W. plus 6,014.3 feet, the distances being 1,020 feet, 1,000 feet, 750 feet, and 500.2 feet, successively, from beginning of the course;

N. 00°00'10'' W., 650 feet, to monument No. 9, which is a 2½-inch iron pipe;

N. 00°00'20'' E., 647 feet, to monument No 10, which is a 2½-inch iron pipe;

N. 00°00'10'' W., 1,205 feet, through monument No. 11, which is a 2½-inch iron pipe, to monument No. 12, which is a 2½-inch iron pipe, the distances being 750 feet and 455 feet, successively from beginning of the course;

N. 00°00'40'' W., 189.1 feet, to monument No. 13, which is a 2½-inch iron pipe;

N. 00°00'10'' W., 540 feet, through monument No. 14, which is a 2½-inch iron pipe, to monument No. 15, which is a 2½-inch iron pipe, the distances being 360 feet and 180 feet, successively, from beginning of the course;

N. 00°02'40'' W., 406 feet, to monument No 16, which is a 2½-inch iron pipe;

N. 00°00'40'' E., 683 feet, through monument No. 17, which is a 2½-inch iron pipe, to monument No. 18, which is a 2½-inch iron pipe, the distances being 400 feet and 283 feet, successively, from beginning of the course;

N. 00°00'50'' E., 185 feet, to monument No. 19, which is a 2½-inch iron pipe;

N. 00°01'20'' W., 705 feet, to monument No. 20, which is a 2½-inch iron pipe;

N. 00°00'40'' W., 1,052 feet, through monument No. 21, which is a 2½-inch iron pipe, to monument No. 22, which is a 2½-inch iron pipe, the distances being 520 feet and 532 feet, successively, from beginning of the course;

N. 00°01'00'' W., 100 feet, to monument No. 23, which is a 2½-inch iron pipe;

N. 00°01'10" W., 157 feet, to monument No. 24, which is a 2½-inch iron pipe;

N. 00°00'20" W., 966.1 feet, through monument No. 25, which is a 2½-inch iron pipe, to monument No. 26, which is a 2½-inch iron pipe, the distances being 480.1 feet and 486 feet, successively, from beginning of the course;

N. 00°00'40" W., 600 feet, to monument No. 27, which is a 2½-inch iron pipe;

N. 00°00'30" W., 978 feet, to monument No. 28, which is a 2½-inch iron pipe;

N. 00°00'20" W., 2,126.1 feet, through monuments Nos. 29, 30, and 31, which are 2½-inch iron pipes, to monument No. 32, which is a 2½-inch iron pipe, the distances being 484 feet, 640 feet, 580 feet, and 422.1 feet, successively, from beginning of the course;

N. 00°00'50" W., 775.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 00°00'40" E., 270 feet, to monument No. 34, which is a 2½-inch iron pipe;

N. 00°04'10" E., 1,073.9 feet, through monument "I", which is an 8-inch-square concrete post, monument No. 60, which is a 2-inch iron pipe, and monument No. 61, which is a 1½-inch iron pipe, to monument No. 62, which is a 1½-inch iron pipe, the distances being 60.4 feet, 590.9 feet, 160.7 feet, and 261.9 feet, successively, from beginning of the course;

N. 00°04'20" E., 947.5 feet, through monuments Nos. 63, 64, and 65, which are 1½-inch iron pipes, to monument No. 66, which is a 1½-inch iron pipe, the distances being 119.8 feet, 207.5 feet, 273.7 feet, and 346.5 feet, successively, from beginning of the course;

N. 00°04'30" E., 1,111.1 feet, through monument No. 67, which is a 1½-inch iron pipe, monuments Nos. 68 and 69, which are 2-inch iron pipes, to monument No. 70, which is a 2-inch iron pipe, the distance being 456.1 feet, 305.4 feet, 272.3 feet, and 77.3 feet, successively, from beginning of the course;

N. 00°04'40" E., 1,125.9 feet, through monuments Nos. 71 and 72, which are 2-inch iron pipes, to monument No. A.T.F. 27–1, which is a 2-inch iron pipe, located on the southern boundary of the Arraijan Tank Farm Naval Reservation, the distances being 189.7 feet, 527.8 feet, and 408.4 feet, successively, from beginning of the course;

S. 89°59'30" E., 3,908.5 feet, along the southern boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A.T.F. 27 to A.T.F. 15 inclusive, which are 2½-inch iron pipes set in concrete, to monument A.T.F. 14, which is an 8-inch-square concrete post, the distances being 322.5 feet, 297.5 feet, 194.9 feet, 160.2 feet, 123.4 feet, 310.2 feet, 498.7 feet, 248.1 feet, 160 feet, 534.9 feet, 261 feet, 233.2 feet, 346 feet, and 217.9 feet, successively, from beginning of the course;

North, 4,259 feet, along the easterly boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A.T.F. 13 to A.T.F. 3 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A.T.F. 2, the point of beginning, the distances being 390.1 feet, 574 feet, 530.5 feet, 537.7 feet, 120.7 feet, 268.3 feet, 280.4 feet, 433.1 feet, 312.4 feet, 274 feet, 202.4 feet, and 335.4 feet, successively, from beginning of the course.

PARCEL No. 2

Beginning at an unmarked point "A", located northeasterly 75 feet from the centerline of the 18-foot-wide concrete pavement of Thatcher Highway and 30 feet, more or less, southeasterly from the centerline of Rio Velasquez, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57' N. plus 2,754 feet, more or less, and in longitude 79°-36' W. plus 1,162 feet, more or less.

Thence from said initial point by metes and bounds:

Westerly, along a line parallel to and 75 feet northerly from the centerline of the generally 18-foot-wide concrete pavement of Thatcher Highway, to monument N.A.D.–1, which is a 1½-inch iron pipe, the geodetic position of which is in latitude 8°57' N. plus 2,645.5 feet and longitude 79°37' W. plus 2,894.2 feet;

S. 80°56'00" W., 691.1 feet, through monument No. 1–A, which is an iron rod in concrete, to monument N.A.D.–2, which is an iron rod in concrete, the distances being 301.9 feet and 389.2 feet, successively, from beginning of the course;

N. 82°02'10" W., 855.8 feet, through monument No. 2–A which is an iron rod in concrete, to monument N.A.D.–3, which is an iron rod in concrete, the distances being 365.7 feet and 490.1 feet, successively, from beginning of the course;

N. 49°36'20" W., 351.3 feet, through monument No. 3–A, which is an iron rod in concrete, to monument No. 3–B, which is an iron rod in concrete, the distances being 126.3 feet and 225 feet, successively, from beginning of the course;

S. 45°00'00" W., 1,307.5 feet, to monument "B", which is a 2-inch iron pipe set in concrete, located 200 feet northerly and at right angles from the centerline of the 21-foot-wide concrete pavement of Thatcher Highway, the geodetic position of which is in latitude 8°57' N. plus 1,958.1 feet and longitude 79°37' W., plus 5,616.2 feet;

Southwesterly, along a line parallel to and 200 feet northwesterly from the generally 18-foot-wide concrete pavement of Thatcher Highway, to monument "C", which is a 2-inch iron pipe set in concrete, located northeasterly from the intersection of Thatcher Highway and military K–6 Road and is 200 feet northerly and at right angles from the 21-foot-wide pavement of Thatcher Highway and 50 feet easterly and at right angles from the centerline of the 21-foot-wide macadam pavement of the above-mentioned K–6 Road, the geodetic position of which is in latitude 8°57' N. plus 921.3 feet and longitude 79°33' W. plus 920.3 feet;

Northerly and northeasterly, along a line parallel to and 50 feet easterly from the centerline of the macadam and gravel pavements of the military K–6 Road, and 50 feet southeasterly from the centerline of the gravel pavement of the military K–9 Road, to monument "D", which is a 2-inch iron pipe set in concrete, which is in latitude 8°59' N. plus 0.0 feet and longitude 79°37' W. plus 2,679 feet;

East, 285.8 feet, to monument "E", which is a 2-inch iron pipe set in concrete, located 50 feet southwesterly and at right angles from the centerline of the gravel pavement of the military K–9 Road;

Southwesterly, along a line parallel to and 50 feet southwesterly from the centerline of the gravel pavement of the military K–9 Road, to an unmarked point called "F", located in the centerline of the South Branch of the Rio Cocoli, which is in latitude 8°58' N. plus 4,975 feet, more or less, and longitude 79°36' W. plus 5,775 feet, more or less.

Southwesterly, along the centerline of the South Branch of the Rio Cocoli, to an unmarked point called "G", which is in latitude 8°58' N. plus 3,199.7 feet, and longitude 79°37' W. plus 258 feet, more or less;

East, 374 feet, more or less, to monument NB–13, which is an iron rod in concrete, which is in latitude 8°58' N. plus 3,199.7 feet, and longitude 79°36' W. plus 5,897.4 feet;

East, 2,097.2 feet, through monuments NB–12, NB–11, NB–10, and NB–9, which are iron rods in concrete, to monument NB–8, which is an 8-inch-square concrete post, the distances being 445 feet, 395.1 feet, 231.4 feet, 481.5 feet, and 544.2 feet, successively, from beginning of the course;

North, 730.1 feet, to monument NB–7, which is an 8-inch-square concrete post;

East, 1,410.1 feet, through monuments NB–6, NB–5, NB–4, and NB–3, which are iron rods in concrete, to monument NB–2, which is an 8-inch-square concrete post, the distances being 291.1 feet, 290.4 feet, 600.5 feet, 138.6 feet, and 89.5 feet, successively, from beginning of the course;

South, 1,035.6 feet, through monument NB–1, which is an iron rod in concrete, to monument A–9, which is an 8-inch-square concrete post, the distances being 585.5 feet and 450.1 feet, successively, from beginning of the course;

East, 4,295.4 feet, through monuments A–10, A–11, A–12, A–13, A–14, A–15, A–16, A–17, A–18, and A–19, which are iron rods in concrete, to A–19–1, which is a 2-inch iron pipe set in concrete located 35 feet westerly and at right angles from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the distances being 208.5 feet, 245.2 feet, 716.7 feet, 587.1 feet, 1,055.3 feet, 590 feet, 421.1 feet, 204 feet, 166.3 feet, 61.2 feet, and 40 feet successively, from beginning of the course. The geodetic position of monument A–19–1 is in the latitude 8°58' N. plus 2,894.3 feet and longitude 79°35' W. plus 4,107.5 feet;

Southerly, 200 feet, more or less, along a line parallel to and 35 feet westerly from the centerline of the 30-foot-wide concrete pavement of Bruja Road to an unmarked point A–19–2;

West, 40 feet, to an unmarked point A–19–3;

Southerly, 4,294 feet, more or less, along a line parallel to and 75 feet westerly from the centerline of the 30-foot-wide concrete pavement of Bruja Road to an unmarked point "G", located 140 feet, more or less, southerly from the centerline of the Old Bruja Road, the geodetic position of which is in latitude 8°57' N. plus 4,500 feet, more or less, and in longitude 79°35' W., plus 3,464 feet, more or less;

North, 73°30' E., 864 feet, more or less, to point G–1, located 30 feet southeasterly and at right angles from the centerline of Rio Velasquez;

Southwesterly, along a line parallel to and 30 feet left of the centerline on an upstream direction of Rio Velasquez, to point "A", the point of beginning.

PARCEL No. 3

Beginning at an unmarked point called No. 14 on the drawing, located at the southwesterly corner of Parcel No. 3 of Fort Clayton Army Reservation and 75 feet easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road, the geodetic position of which, referred to the Canal Zone Triangulation System, is in latitude 8°58' N. plus 2,515 feet, more or less, and in longitude 79°35' W. plus 3,940 feet, more or less, from Greenwich;

Thence from said initial point by metes and bounds:

N. 68°00' E., 243 feet, to unmarked point "R";

In a generally southerly direction along the boundary of Parcel No. 1, U.S. Naval Reservation, Rodman, C.Z. to unmarked point No. 14–1 as follows:

S. 38°10' E., 1,452 feet to unmarked point "Q";

S. 28°20' E., 462 feet, to unmarked point "P";

S. 79°05' E., 756 feet, to unmarked point "O";

S. 14°35' W., 840 feet, to unmarked point "N";

S. 64°00' W., 1,012 feet, to unmarked point "M";

S. 18°00' W., 628 feet, to unmarked point "L";

S. 68°00' W., 257 feet, to unmarked point No. 14–1, which is located easterly 75 feet from the centerline of the 30-foot-wide concrete pavement of Bruja Road.

Northerly, 3,590 feet, more or less, along a line parallel to and 75 feet easterly from the centerline of the 30-foot-wide concrete pavement of Bruja Road to unmarked point No. 14, the point of beginning.

The directions of the lines refer to the true meridian and the geodetic positions of all points refer to the Panama-Colon datum of the Canal Zone Triangulation system.

The total area of Howard Air Force Base is 6,824.4 acres, more or less. Parcel No. 1 contains an area of 4,258 acres, more or less, and is as shown on Canal Zone Government Drawing No. X–6121–47, Sheet 1 of 2, entitled "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation." Parcel No. 2 contains an area of 2,488.8 acres, more or less, and is as shown on Canal Zone Government Drawing No. X–6121–47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base." Parcel No. 3 contains an area of 77.6 acres, more or less, and is as shown on Canal Zone Government Drawing No. X–6121–47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base." Drawing No. X–6121–47, Sheets 1 and 2, Scale 1:10,000, dated May 13, 1969, are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

(b) The Panama Canal Company may continue to use that portion of Parcel No. 1 which comprises the lowlands adjacent to the Rio Farfan and lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump.

(c) If the Venado Beach area is activitated by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through Parcel No. 1, and suitable provision shall be made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within said parcel.

(d) Access to Camp Harriet Morrow over that portion of Bruja Road which lies between monument 42 and monuments 40 and 41 shall be permitted to all persons authorized to enter such camp.

(e) A right-of-way 200 feet wide through the southwest portion of Parcel No. 2 is reserved for the U.S. Navy Trans-Isthmian Pipeline.

(2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c), 31 F.R. 12204)

Dated: May 12, 1970.

W. P. LEBER,
Governor of the Canal Zone.

Approved: December 24, 1970.

STANLEY R. RESOR,
Secretary of the Army.

[FR Doc.71–345 Filed 1–13–71;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Safety Bureau, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Control Location, Identification, and Illumination

This notice amends § 571.21 of Title 49, Code of Federal Regulations, Motor Vehicle Safety Standard No. 101, Control Location, Identification, and Illumination, to establish new requirements and extend its application to multipurpose passenger vehicles, trucks, and buses. A proposal to amend Standard No. 101 (Docket No. 1–18; Notice No. 2) was published in the FEDERAL REGISTER on April 15, 1970 (35 F.R. 6151). Interested persons have been afforded an opportunity to participate in the rule making process, and their comments have been carefully considered.

As proposed, the applicability of the standard is being extended to multipurpose passenger vehicles, trucks, and buses, and these vehicles must now meet the requirements previously applicable only to passenger cars. Location, identification, and illumination requirements for spring brake valve, emergency spring brake release valve, and tractor protection valve have not been adopted because of new proposals covering these controls contained in the proposed standard on air brake systems (Docket No. 70–17; 35 F.R. 10368).

The location requirement is that controls be accessible to an operator seated at the controls and restrained by nonextending upper torso and pelvic restraints. The restraint specification should be viewed as a hypothetical rather than a literal guideline. In the absence of data which allow the use of specific tolerances, the Bureau believes that the most acceptable substitute insuring accessibility of controls is that they be available to an operator seated in the position he would be in were the vehicle equipped with nonextending restraints and were those restraints properly fastened. This limitation on driver movement is intended to implement the safety purpose of the standard which is "to reduce the hazards caused by the diversion of the driver's attention from the motoring environment". The location requirement applies to controls for steering, horn, transmission shift, ignition, headlamps, turn signals, illumination intensity control, windshield wiping, windshield washing, manual choke, and driver's sun visor. Eleven controls are now required to be identified: Engine start, engine stop, choke, throttle, headlamps and taillamps, clearance lamps, identification lamps, vehicular hazard warning signal, windshield wiping system, windshield washing system, and windshield defrosting and defogging system. The proposal that foot-operated controls be identified has not been adopted. The Bureau concurs with the comments pointing out that identification of such controls would be difficult to read, and that relative position on the floorboard is a more important guide to identification.

Comments were received expressing the view that use of both words and symbols to identify controls was unnecessary and space consuming. In the absence of internationally accepted symbols, it has been decided that symbols should not be made mandatory, and the proposed requirement that symbols identify certain controls has not been adopted. However, the Bureau has surveyed symbols proposed by various national and international organizations, and has selected several for optional use by manufacturers as encouragement for their universal adoption. As originally proposed the use of symbols other than those shown and for other than the controls specified (head and taillamps, vehicular hazard warning signal, clearance lamps, windshield wiping system, and windshield washing system) is prohibited, to insure that there is no proliferation of confusing and unacceptable symbols. Identification and illumination of a key locking system used to control engine starting or stopping will not be required.

The proposal that certain vehicle controls be illuminated has been adopted with modifications. The nine controls for which illumination is required are: Engine stop, automatic vehicle speed control, vehicular hazard warning signal, clearance lamps, identification lamps, windshield wiping system, windshield washing system, windshield defrosting and defogging system, and the heating and air conditioning system. However, foot-operated controls and controls mounted on the steering column will not be required to be illuminated because lighting would cause glare, distraction to the driver and excess light in the driver's compartment. In addition only the identification of the control, and not the control itself, will have to be illuminated since enough light is normally present to mark the control.

In consideration of the foregoing, 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 101, Control Location and Identification, is amended as set forth below.

Effective date. Passenger cars: Control location and identification requirements, January 1, 1972; control illumination requirements, September 1, 1972. Multipurpose passenger vehicles, trucks, and buses: All requirements, September 1, 1972. Because of the need, demonstrated in the comments, for adequate leadtime for manufacturers to make the design changes required by this standard, it is found that effective dates later than 1 year from the date of issuance are in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51 (35 F.R. 4955) from the Secretary of Transportation to the Director, National Highway Safety Bureau)

Issued on December 31, 1970.

DOUGLAS W. TOMS,
Director,
National Highway Safety Bureau.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

FEDERAL MOTOR VEHICLE SAFETY STANDARD No. 101

CONTROL LOCATION, IDENTIFICATION AND ILLUMINATION—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

S1. *Scope.* This standard specifies requirements for the location, identification, and illumination of motor vehicle controls.

S2. *Purpose.* The purpose of this standard is to insure the accessibliity of motor vehicle controls and to facilitate their selection under daylight and nighttime conditions, in order to reduce the hazards caused by the diversion of the driver's attention from the motoring environment.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Requirements.* Each passenger car, multipurpose passenger vehicle, truck, and bus manufactured with any control listed in S4.1 or Column 1 of Table 1, shall meet the requirements of this standard for the location, identification, and illumination of such control.

S4.1 *Control location.* This section applies to each passenger car manufactured on or after January 1, 1972, and to each multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1972. Each of the following controls shall be operable, under the conditions of S5, by a person seated at the controls:

(a) Steering wheel.
(b) Horn control.
(c) Transmission shift lever, except transfer case.
(d) Ignition switch.
(e) Headlamp switch.
(f) Turn signal control.
(g) Illumination intensity control.
(h) Windshield wiper control.
(i) Windshield washer control.
(j) Manual choke.
(k) Driver's sun visor.

S4.2 *Control identification.* This section applies to each passenger car manufactured on or after January 1, 1972, and to each multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1972. If any control listed in Column 1 of Table 1 is manually operated, the control shall be identified by the word or abbreviation specified in Column 2. Each position of an automatic vehicle speed control and a heating and air conditioning system control shall be identified. A control may, in addition, be identified by a symbol, but only a symbol shown in Column 3 shall be used. However, if the word "None" appears in Column 3, no symbol shall be provided. Identification shall be placed on or adjacent to the control, visible to the vehicle operator, and shall appear to the operator in an upright position.

S4.3 *Control illumination.* This section applies to each passenger car, multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1972. Except for foot-operated controls or manually operated controls mounted upon the steering column, the identification of any control listed in Column 1 of Table 1 and accompanied by the word "yes" in the corresponding space in Column 4 shall be illuminated whenever the headlamps are activated. However, control identifications need not be illuminated when the headlamps are being flashed. A control shall be provided to adjust the intensity of control illumination variable from an "off" position to a position providing illumination sufficient for the vehicle operator to readily identify the control under conditions of reduced visibility.

S5 *Conditions.*

S5.1 Except as specified in S5.2, the person seated at the controls is restrained by nonextending upper torso and pelvic restraints fastened so that the upper torso restraint can be moved 4 inches away from the sternum and there is no slack between the lap belt and the pelvis.

S5.2 The person seated at the controls of a convertible, open-body type vehicle, van-type truck, a truck with a gross vehicle weight rating of more than 10,000 pounds, or a bus, is restrained by a nonextending pelvic restraint fastened so that there is no slack between the lap belt and the pelvis.

TABLE 1 - Control Identification and Illumination

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Motor Vehicle Equipment Control	Word or Abbreviation	Permissible Symbol	Illumination
Engine Start	ENGINE START [1]	None	
Engine Stop	ENGINE STOP [1]	None	Yes [1]
Manual Choke	CHOKE	None	
Hand Throttle	THROTTLE	None	
Automatic Vehicle Speed Control		None	Yes
Headlamps and Taillamps	LIGHTS [2]		
Vehicular Hazard Warning Signal	HAZARD		Yes
Clearance Lamps	CLEARANCE LAMPS [3] or CL LPS		Yes
Identification Lamps	IDENTIFICATION LAMPS or ID LPS	None	Yes
Windshield Wiping System	WIPER or WIPE		Yes
Windshield Washing System	WASHER or WASH		Yes
Windshield Defrosting and Defogging System	DEFROST or DEF	None	Yes
Heating and Air Conditioning System		None	Yes

[1] Use when engine control is separate from the key locking system.
[2] Use also when clearance, identification lamps and/or side marker lamps are controlled with the headlamp switch.
[3] Use also when clearance lamps, identification lamps and/or side market lamps are controlled with one switch other than the headlamp switch.

[FR Doc.71-384 Filed 1-13-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

PREPARATION OF DOCUMENTS FOR ACCEPTANCE

Section 5A-2.407-82 is amended as follows:

§ 5A-2.407-82 Preparation of documents for acceptance.

The acceptance of an offer received on SF 33, Solicitation, Offer, and Award, shall be accomplished and documented as follows:

(a) *Definite-quantity contracts*—(1) *Single consignee.* Normally, where only one consignee is involved, the Award portion on both the original and duplicate of the accepted offer shall be completed, and the duplicate copy returned to the contractor as the Award document. Also, when shipping instructions are available, GSA Form 300, Purchase Order, or other approved purchase order form, shall be issued.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: December 29, 1970.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71-511 Filed 1-13-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-3]

PART 0—COMMISSION ORGANIZATION

Information Bulletins

Order. 1. The Commission has determined to substitute a reference to ED Bulletin No. 1, "FCC Publications and Where They May Be Obtained," for the list of information bulletins now set out in § 0.423 of the Rules. ED Bulletin No. 1 is kept current, and a reference to that Bulletin will obviate the need for frequent amendment of § 0.423.

2. Section 0.423, as amended, is set forth below. Authority for the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the rule is informational in character and the change is minor, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary and would not be useful.

3. *Accordingly, it is ordered,* Effective January 15, 1971, that § 0.423 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 6, 1971.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 0.423 is revised to read as follows:

§ 0.423 Information bulletins.

A number of bulletins containing information about communications and the Federal Communications Commission have been prepared by the Commission for distribution to the public. A listing of these bulletins is included in ED Bulletin No. 1, "FCC Publications and Where They May Be Obtained". Requests for bulletins should be directed to the Office of Information.

[FR Doc.71-517 Filed 1-13-71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 259—SALARIES AND PERSONNEL PRACTICES APPLICABLE TO TEACHERS AND OTHER EMPLOYEES OF OVERSEAS DEPENDENTS' SCHOOL SYSTEM OF DEPARTMENT OF DEFENSE

Codification of Part 259 is discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-470 Filed 1-13-71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7087]

OCCUPATIONAL TAX STAMPS

On September 5, 1970, notice of proposed rule making with respect to the amendment of the Miscellaneous Excise Tax Regulations (26 CFR Parts 44, 45) and the Regulations on Procedure and Administration (26 CFR Part 301) to conform the regulations to changes made by sections 203-205 of the Gun Control Act of 1968 (82 Stat. 1213), relating to occupational tax stamps, was published in the FEDERAL REGISTER (35 F.R. 14138). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 4905, 7805, Internal Revenue Code of 1954 (68A Stat. 594, 917; 26 U.S.C. 4905, 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: January 8, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Miscellaneous Excise Tax Regulations under 26 CFR Parts 44 and 45 and the Regulations on Procedure and Administration under 26 CFR Part 301 to sections 203-205 of the Gun Control Act of 1968 (82 Stat. 1213), such regulations are amended as follows:

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 44—TAXES ON WAGERING; EFFECTIVE JANUARY 1, 1955

PARAGRAPH 1. Section 44.4905-2 is amended by revising paragraphs (b) and (c) to read as follows:

§ 44.4905-2 Change of address.

* * * * *

(b) *Procedure by district director; removal within district.* When registration of a change of address within the same district is made by a taxpayer in the manner specified in paragraph (a) of this section, the district director, if necessary, will enter on his records the new address and the date of change. If the information disclosed on the supplemental return is such as to require a change on the face of the special tax stamp, the district director will make the proper change and return the stamp to the taxpayer.

(c) *Procedure by district director; removal to another district.* In case of removal of the taxpayer's office or principal place of business (or residence address, if he has no office or principal place of business) to another district, the district director, after noting the transfer on his records, shall transmit the special tax stamp to the district director for the district to which such office or business was removed. The latter will make an entry on his records, as in the case of an original registration in his district, correct the address on the stamp, if necessary, and note also thereon his name, title, date, and district, and then forward the stamp to the taxpayer.

§ 44.6806(c) - [Deleted]

PAR. 2. Section 44.6806(c) is deleted.

§ 44.6806(c)-1 [Deleted]

PAR. 3. Section 44.6806(c)-1 is deleted.

§ 44.7273(b) [Deleted]

PAR. 4. Section 44.7273(b) is deleted.

[1] Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

PART 45—MISCELLANEOUS STAMP TAXES

PAR. 5. Section 45.6806 and the historical note thereto are amended to read as follows:

§ 45.6806 Statutory provisions; occupational tax stamps.

SEC. 6806. *Occupational tax stamps.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax.

[Sec. 6806 as amended by sec. 204, Gun Control Act 1968 (82 Stat. 1235)]

PAR. 6. Section 45.6806–1 is amended to read as follows:

§ 45.6806–1 Posting of special tax stamps.

(a) *In general.* The special tax stamp issued to a taxpayer as evidence of the payment of tax imposed under section 4821 (adulterated, process or renovated butter), and section 4841 (filled cheese), must be kept posted conspicuously on the premises where the business is operated. Failure to comply will subject the taxpayer to the penalties prescribed in § 45.7273.

(b) *Posting of certificate in lieu of stamp.* When a special tax stamp has been lost or destroyed, such fact should be reported at once to the internal revenue officer from whom the stamp was obtained for the purpose of obtaining from him a certificate of payment. Such certificate must be posted in place of the stamp, if the stamp is required by paragraph (a) of this section to be kept posted; otherwise the penalty referred to in paragraph (a) of this section for failure to post the stamp will be applicable.

§ 45.7273(a) [Deleted]

PAR. 7. Section 45.7273(a) is deleted and the following new section is inserted in lieu thereof:

§ 45.7273 Statutory provisions; penalties for offenses relating to special taxes.

SEC. 7273. *Penalties for offenses relating to special taxes.* Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than $10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed.

[Sec. 7273 as amended by sec. 205, Gun Control Act 1968 (82 Stat. 1235)]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

§ 301.6107 [Deleted]

PAR. 8. Section 301.6107 is deleted.

§ 301.6107–1 [Deleted]

PAR. 9. Section 301.6107–1 is deleted.

PAR. 10. Section 301.6806 is amended, and a historical note is added thereto, to read as follows:

§ 301.6806 Statutory provisions; occupational tax stamps.

SEC. 6806. *Occupational tax stamps.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax.

[Sec. 6806 as amended by sec. 204, Gun Control Act 1968 (82 Stat. 1235)]

PAR. 11. Section 301.7273 is amended, and a historical note is added thereto, to read as follows:

§ 301.7273 Statutory provisions; penalties for offenses relating to special taxes.

SEC. 7273. *Penalties for offenses relating to special taxes.* Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than $10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed.

[Sec. 7273 as amended by sec. 205, Gun Control Act 1968 (82 Stat. 1235)]

[FR Doc.71–443 Filed 1–13–71;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Mammoth Cave National Park, Ky.; Fishing, Cave Entry, Vehicles

A proposal was published at page 10346 of the FEDERAL REGISTER of July 19, 1968, to revise § 7.36 of Title 36 of the Code of Federal Regulations.

The effect of the revision is to delete material concerning commercial fishing, size and creel limits, and speed and vehicular load and weight limitations; further regulate the use of live bait; and revise regulations applicable to cave entry.

Interested persons were given 30 days to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions, or objections have been received. Therefore the proposed revision is hereby adopted without change and is set forth below. The revision will take effect 30 days following the date of publication in the FEDERAL REGISTER.

(16 U.S.C. 3; 39 Stat. 535, as amended; 16 U.S.C. 404, 44 Stat. 635)

Section 7.36 is revised as follows:

§ 7.36 Mammoth Cave National Park.

(a) *Fishing*—(1) *General.* (i) Fishing is permitted only with pole and line, rod and reel, and trot and throw lines, unless provided otherwise in this section.

(ii) Trot and throw lines shall contain hooks which are spaced at least 30 inches apart.

(2) *Seines.* (i) The use of seines is permitted only in the following runs and creeks to catch minnows and crawfish for bait: Bylew, First, Second, Pine, Big Hollow, Buffalo, Ugly, Cub, Blowing Spring, Floating Mill Branch, Dry Branch, and Mill Branch.

(ii) Seines shall not exceed 4 x 6 feet and the mesh shall not be larger than one-quarter inch.

(3) *Live bait.* (i) Worms are the only form of live bait which may be used in the Sloans Crossing Pond (also known as Beaver Pond), Green Pond, Doyle Pond, and First Creek Lake. Live minnows and worms may be used in all other waters.

(b) *Cave entry.* Except for those portions of the caves open to the general public, no person shall enter any cave within the boundaries of the park without first obtaining a permit from the Superintendent. Permits will be issued to persons who are qualified and experienced in cave exploration, who possess the needed equipment for safe entry and travel, and who are engaged in scientific research projects which in the opinion of the Superintendent are compatible with the purpose for which the park was established.

ROBERT H. BENDT,
Superintendent,
Mammoth Cave National Park.

[FR Doc.71–490 Filed 1–13–71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is permitted only at beach areas as designated by signs.

(2) All types of flotation devices, other than U.S. Coast Guard approved lifesaving devices, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Hogan, Lookout Point, Crab Orchard Beach, Crab Orchard Spillway, Bulliner Point, and Spillway Parking Lot and Picnic areas are closed from 9 p.m., local time, until 5 a.m., local time, daily.

(5) Horseback riding is prohibited except on designated horseback riding trails.

(6) Boats containing toilets that flush directly into the water must have the toilet sealed when the craft is on the refuge waters.

(7) Sailboats when underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of 2 miles.

(8) Alcoholic liquor may not be transported, carried, or possessed on any boat propelled by mechanical power, except in the original packages and with the seal unbroken, while the craft is in operation on refuge waters.

(9) The drinking or possession of alcoholic liquor by persons under 21 years of age is prohibited on the refuge area.

(10) No person shall transport, carry, possess, or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken, while on the refuge area.

(11) Sailboating is prohibited on the Little Grassy and Devil's Kitchen Lakes.

L. A. MEHRHOFF, JR.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

JANUARY 5, 1971.

[FR Doc.71–463 Filed 1–13–71;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–379; Order 420]

ACCOUNTING TREATMENT FOR LAND HELD FOR FUTURE UTILITY USE AND FOR PROFITS OR LOSSES REALIZED THROUGH SALES OF THOSE LANDS

JANUARY 7, 1971.

On January 22, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 1169, Jan. 29, 1970) proposing to amend the requirements for recording land and land rights recorded in Account 105, Electric (Gas) Plant Held for Future Use, and proposing accounting treatment to be afforded profits or losses realized through the sale of such land held for future utility use.

Comments were invited from interested parties to be submitted on or before March 16, 1970. Based on requests from respondents this date was extended to April 30, 1970 (35 F.R. 4416, Mar. 12, 1970). The Commission received comments from 56 respondents.[1]

At present, the text of account 105, Electric (Gas) Plant Held for Future Use, in the Commission's Uniform Systems of Accounts contains the criterion that land and land rights must be held under a "definite plan" for use in utility operation, for the costs to be recorded in that account. In general, the rate treatment of the costs has been consistent with this prescribed accounting. The provision of account 105, and ratemaking policy relate to a period of time when land and land rights were more available to meet utilities' needs.

However, in recent years utilities have experienced numerous problems in acquiring adequate plant sites and related facilities due in a large degree to scarcity of land available for utility needs. The Commission recognizes that scarcity of land for such utility functions is due in part to such factors as the increase in population, the growing use of water front property for recreational, residential, and industrial use, and the growing objections raised to proposed location of utility facilities, on the basis of conservation, safety, aesthetics, and other grounds.

The rule making proposed accounting changes and comparable rate treatment for the land and land right costs designed to encourage and assist utilities in meeting future long range needs at reasonable costs while at the same time serving the overall public interest in regard to the location and operation of utility functions commensurate with the growing scarcity of land available for utility operations.

The Commission proposed in Docket No. R–379, three alternative methods for the accounting treatment and ratemaking policy in regard to land and land rights held for future use.[2] After evaluating the responses to the proposed rulemaking, it is the Commission's opinion that Proposal A will best accomplish the desired objectives and therefore accepts the proposal.

The responses to our rule making notice generally support Proposal A to be an equitable, just and reasonable method because it will assist in stimulating long range land acquisitions commensurate with the overall public interest in the planning and location of utility facilities, and that by having gains or losses on final disposition of the land and land rights accrue to the ratepayer, will assist in balancing the interest between the investor and the ratepayer.

The Commission rejects Proposal B primarily because of its overwhelming lack of acceptance by respondents, and believes the proposal would be self-defeating in regard to the Commission's overall objectives.

Proposal C, although not without merit, is rejected in that no return to the utility is possible until the property is placed in service. In addition, capitalization of carrying charges for long periods of time could yield distortions in the cost of land. And finally, certain tax matters create inequities in regard to the provision for interest capitalized and loss and gain upon disposal of the property. These factors act to some extent to undermine the desired objective of the Commission in regard to future use land acquisition by utilities.

The Commission, in selecting proposal A, is not unmindful of the fact that a few respondents questioned the propriety of accounting for gains or losses above the line, for the following reasons:

(1) The customer does not pay for the recoupment of the investment in land through depreciation or amortization and

(2) The customer does not acquire a proprietary interest in land or other property devoted to his use. Therefore, the customer has no entitlement to any profit nor should incur any detriment from loss resulting from the disposal of such land, after it is withdrawn from

[1] State of California, Public Utilities Commission, Commonwealth of Pennsylvania, Public Utility Commission, Allegheny Power Service Co., American Electric Power Service Corp., Arkansas Power and Light Co., Arizona Public Service Co., Boston Edison Co., Central Hudson Gas and Electric Corp., Cincinnati Gas and Electric Co., Cleveland Electric Illuminating Co., Commonwealth Edison Co., Consumers Power Co., Duke Power Co., Florida Power Corp., General Public Utilities Corp., Iowa-Illinois Gas and Electric Co., Illinois Power Co., Louisiana Power and Light, Montana Power Co., New England Electric System, New York State Electric and Gas Corp., Northern States Power Co., Northeast Utilities, Oklahoma Gas and Electric Co., Pacific Gas and Electric Co., Pacific Power and Light Co., Pennsylvania Power and Light Co., Philadelphia Electric Co., Public Service Co. of Colorado, Public Service Electric and Gas Co., Public Service of Indiana, Puget Sound Power and Light Co., Rochester Gas and Electric Corp., San Diego Gas and Electric Co., Salt River Project, Southern California Edison Co., Southern Services, Inc., Union Electric Co., Utah Power and Light Co., Wisconsin Electric Power Co., Wisconsin Michigan Power Co., Wisconsin Power and Light Co., Virginia Electric and Power Co., Baltimore Gas and Electric Co., Consolidated Gas Supply Corp., Laclede Gas Co., Northern Natural Gas Co., Lake Shore Pipe Line Co., Mid Carolina Electric Cooperative, Inc., Arthur Andersen and Co., Haskins and Sells, Troupe Kehoe Whitaker and Kent, American Gas Association, American Public Power Association, Independent Natural Gas Association of America, and Van Scoyoc and Wiskup, Inc.

[2] *Proposal A.* Land allowed in the rate base. Gains or losses would pass to ratepayers, upon final disposition. Capitalization of carrying charges is not allowed.

Proposal B. Land allowed in the rate base. Gains would pass to ratepayers while losses would pass to stockholders, upon final disposition. Capitalization of carrying charges is not allowed.

Proposal C. Land excluded from the rate base. Gains or losses would pass to stockholders. Capitalization of carrying charges is allowed.

utility service or before it is devoted to utility service.

The Commission points out in connection with (1) that the prescribed accounting does not provide for the disposition of the stockholder's original investment above the line to the ratepayer but merely provides that the profit or loss shall be so disposed leaving the original investment undisturbed. As to (2) the proposed accounting would permit land held for future use to be placed in rate base from the time of its acquisition. During the time that the property is in rate base, the customers will be paying a return to the Company on that property. If this return is sufficient to permit the Company to maintain its financial integrity, to attract capital, and to compensate its investors for the risk assumed, the fact that the profit from the sale of the property would be disposed of above the line would not invalidate rates which were otherwise valid. In economic terms, this would mean that where the return on equity is equal to, or greater than, the cost of equity, that return alone would fully compensate the investor. Thus, to deprive him of an additional return on the sale of the subject properties would work no injustice, for, the investor has no right to a return over and above the cost of equity regardless of the source of that return.

When the property is sold, only that amount in excess of original cost will be accounted for above the line. Thus, it is clear that the proposed accounting will not deprive the stockholder of his investment in the land held for future use. Secondly, inasmuch as this is solely an accounting order it is not subject to the attack that it would deprive the stockholders of their property without due process of law. Any company will have the opportunity in a rate proceeding to propose whatever rate treatment it deems appropriate.

In general, it will be our policy to allow the ratemaking treatment of land held for future use to track the accounting treatment prescribed therefor, insofar as such treatment is reasonable and is consistent with the evidence developed in individual rate cases.

Certain other constructive suggestions received from respondents and the staff resulting from the proposed rulemaking have been included in the accounting instructions which, although not substantive in nature, were of considerable value in adding clarity to the accounting text. These suggestions have been included where appropriate, including the changes of proposed account numbers 411.5 and 411.6 to 411.6 and 411.7, respectively, commensurate amendments to the present account 421.1 and 421.2, and extending the same objectives to land rights as to land.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553,

(2) The amendments to Parts 101, 104 and 105 of the Commission's Uniform Systems of Account for Public Utilities and Licensees, and Annual Report Forms No. 1 and No. 1-F prescribed by §§ 141.1 and 141.2, respectively, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201, 204, and 205 of the Commission's Uniform System of Accounts for Natural Gas Companies, and Annual Report Forms No. 2 and 2-A prescribed by §§ 260.1 and 260.2, respectively, in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the amendments prescribed herein, which were not included in the notice in this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(5) Since the amendments prescribed herein are to encourage utility management to stimulate and further long range land and land rights acquisition, as related to planning for future plant function needs, good cause exists for making this order effective January 1, 1971.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Electric Plant Instructions are revised as follows:

(a) In instruction 7, paragraph C and the first sentence of paragraph E, are revised.

(b) In instruction 10, the second sentence of paragraph E is revised.

These revised portions of the Electric Plant Instructions read as follows:

Electric Plant Instructions

• • • • • •

7. *Land and Land Rights.*

• • • • • •

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Electric Plant Held for Future Use or classified as plant in service, otherwise to account 421, Miscellaneous Nonoperating Income.

• • • • • •

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. • • •

• • • • • •

10. *Additions and Retirements of Electric Plant.*

• • • • • •

E. • • • If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefore which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to accounts 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate. • • •

• • • • • •

2. The Chart of the Balance Sheet Accounts is amended by adding a new account title "187, Deferred Losses from Disposition of Utility Plant," immediately following account title "186, Miscellaneous Deferred Debits," and a new account title "256, Deferred Gains from Disposition of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

• • • • • •

4. DEFERRED DEBITS

• • • • • •

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

• • • • • •

8. DEFERRED CREDITS

• • • • • •

256 Deferred gains from disposition of utility plant.

• • • • • •

3. The text of the Balance Sheet Accounts is amended by revising account "105, Electric Plant Held for Future Use," and adding two new accounts "187, Deferred Losses from Disposition of Utility Plant," and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

• • • • • •

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service in the future under a plan, and (2) previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service. (See Electric Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

• • • • • •

4. DEFERRED DEBITS

• • • • • •

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

• • • • • •

8. DEFERRED CREDITS

• • • • • •

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

• • • • • •

4. The Chart of Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant," and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

• • • • • •

411.6 Gains from disposition of utility plant.

411.7 Losses from disposition of utility plant.

• • • • • •

5. The text of the Income Accounts is amended as follows:

(a) Two new accounts, "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property" are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • • •

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

• • • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

B. The Commission's Uniform System of Accounts for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Electric Plant Instructions are revised as follows:

(a) In instruction 6, paragraph C and the first sentence of paragraph E are revised.

(b) In instruction 9, the second sentence of paragraph E is revised. These revised portions of the Electric Plant Instructions read as follows:

Electric Plant Instructions

* * * * *

6. *Land and Land Rights.*

* * * * *

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421, Miscellaneous Nonoperating Income.

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property, or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. * * *

* * * * *

9. *Additions and Retirements of Electric Plant.*

* * * * *

E. * * * If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, when the property has been recorded in account 105, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. * * *

* * * * *

2. The Chart of the Balance Sheet Accounts is amended by adding a new account title "187, Deferred Losses from Disposition of Utility Plant," immediately following account title "183, Other Deferred Debits," and a new account title "256, Deferred Gains from Disposition of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

* * * * *

3. The text of the Balance Sheet Accounts, is amended by revising account "105, Electric Plant Held for Future Use" and adding two new accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service viously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service. (See Electric Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105. Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

4. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

411.7 Losses from disposition of utility plant.

* * * * *

5. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant," and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Non-Utility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property" are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in accounts 105, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See electric plant instructions 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

* * * * *

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

C. The Commission's Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. In the Electric Plant Instructions section amend the second sentence of instruction 6B. As so amended, Electric Plant Instruction 6B reads:

Electric Plant Instructions

* * * * *

6. *Electric Plant Retired.*

* * * * *

B. * * * If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, or amortization therefore which has been authorized and provided) and the sale price of the land (less the commission and other expenses of making the sale) shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 394, Electric Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. * * *

* * * * *

2. The chart of the Balance Sheet Accounts is amended by adding a new account title, "187, Deferred Losses from Disposition of Utility Plant" immediately following account title "183, Other Deferred Debits" and a new account title, "256, Deferred Gains from Disposition of Utility Plant" immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows :

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

* * * * *

3. The text of the Balance Sheet Accounts is amended by adding two new accounts, "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

* * * * *

4. The text of the Electric Plant Accounts is amended by revising account "394, Electric Plant Held for Future Use," as follows:

394 Electric plant held for future use.

A. This account shall include the original cost of electric plant (except land and land rights) owned and held for future use in electric service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in electric service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. This account shall also include the original cost of land and land rights owned and held for future use in electric service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in electric service, but held for such service in the future under a plan, and (2)

previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in electric service.

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

• • • • • •

5. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title, "411.5, Investment Tax Credit Adjustments, Nonutility Operations," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

• • • • • •

411.6 Gains from disposition of utility plant.

411.7 Losses from disposition of utility plant.

• • • • • •

6. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • • •

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

• • • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 394, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 394, Electric Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

• • • • • •

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

D. Effective for the reporting year 1971, schedule pages 110, 111, 114, 214A and 224A of FPC Form No. 1, Annual Report for Public Utilities and Licensees (Class A and Class B) prescribed by § 141.1, in Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows, all as set out in Attachment A hereto: [1]

(1) On schedule page 110, "Statement A—Comparative Balance Sheet," is amended by adding item "40. Deferred Losses from Disposition of Utility Plant (187)," immediately following item "39. Miscellaneous Deferred Debits (186)."

(2) On schedule page 111, "Statement A—Comparative Balance Sheet," is amended by adding new item "36. Deferred Gains from Disposition of Utility Plant (256)," immediately following item "35. Accumulated Deferred Investment Tax Credits (255)."

(3) On schedule page 114, "Statement C—Statement of Income for the Year," is amended by adding new items "17. Gains from Disposition of Utility Plant (411.6)" and "18. Losses from Disposition of Utility Plant (411.7)," immediately following item "16. Investment Tax Credit Adj.—Net (411.4)."

(4) New schedule page 214A, "Deferred Losses from Disposition of Utility Plant (account 187)" is added.

(5) New schedule page 224A, "Deferred Gains from Disposition of Utility Plant (account 256)" is added.

E. Effective for the reporting year 1971, schedule pages 3 and 6 of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, in Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment B hereto: [1]

(1) On schedule page 3—add a new item "Deferred losses from disposition of utility plant" immediately following item number 21, "Other deferred debits" in column (a) and a new item "Deferred gains from disposition of utility plant" in column (e).

(2) On schedule page 6–add two new items, in order, "Gains from disposition of utility plant (411.6)" and "Losses from disposition of utility plant (411.7)" immediately following line item 17, "Investment tax credit adj.—Net (411.4)."

F. Effective January 1, 1971, paragraph (d) of § 141.1 of the Commission's regulations under the Federal Power Act is revised by adding two new schedules as follows:

Add schedules:

Insert—Deferred Losses from Disposition of Utility Plant, to follow the line "Deferred Regulatory Commission Expenses."

Insert—Deferred Gains from Disposition of Utility Plant, to follow the line "Customer Advances for Construction."

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

G. The Commission's Uniform System of Accounts for Natural Gas Companies (Class A and Class B) prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions are revised as follows:

(a) In instruction 7, paragraph C and the first sentence of paragraph E are revised.

[1] Attachments A and B filed as part of original document.

(b) In instruction 10, the second sentence of paragraph E is revised.

These revised portions of the Gas Plant Instructions read as follows:

Gas Plant Instructions

• • • • • •

7. *Land and Land Rights.*

• • • • • •

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources, or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Gas Plant Held for Future Use, 105.1, Production Properties Held for Future Use, or classified as plant in service otherwise to account 421, Miscellaneous Nonoperating Income.

• • • • • •

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, Otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. • • •

• • • • • •

10. *Additions and Retirements of Gas Plant.*

• • • • • •

E. • • • If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, otherwise to accounts 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate. • • •

• • • • • •

2. The Chart of the Balance Sheet Accounts is amended by adding new account title "187, Deferred Losses from Sale of Utility Plant," immediately following account title "186, Miscellaneous Deferred Debits," and new account title "256, Deferred Gains from sale of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

• • • • • •

4. DEFERRED DEBITS

• • • • • •

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

• • • • • •

8. DEFERRED CREDITS

• • • • • •

256 Deferred gains from disposition of utility plant.

• • • • • •

3. The text of the Balance Sheet Accounts is amended as follows:

(a) Account "105, Gas Plant Held for Future Use" is revised.

(b) Account "110, Accumulated Provision for Depreciation of Gas Plant Held for Future Use," and account "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use" are amended by revising the first sentence in paragraph "A" of each account and by adding a final sentence at the end of paragraph "B" of each account.

(c) Three new accounts are added, "105.1, Production Properties Held for Future Use," "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

These revised and amended portions of the Balance Sheet Accounts read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

• • • • • •

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant (except land and land rights) owned and held for future use in gas service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service. This includes production properties relating to leases acquired on or before October 6, 1969.

B. This account shall also include the original cost of land and land rights owned and held for future use in gas service relating to leases acquired on or before October 6, 1969, under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for such service in the future under a plan, and (2) previously held by the utility in gas service, but retired from such service and held pending its reuse in the future, under a plan, in gas service. (See Gas Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant, or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and house regulators held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason except seasonal excess capacity or governmental proration requirements or for repairs, provided that the related production leases were acquired on or before October 6, 1969.

105.1 Production properties held for future use.

A. This account shall include the cost of production properties (except land and land rights) relating to leases acquired on or after October 7, 1969, held under a definite plan for future use to ensure a future supply of natural gas for use in pipeline operations, to include: (1) Production property (except land and land rights) acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) production property (except land and land rights) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service.

B. This account shall also include the original cost of land and land rights held under a plan for future use to insure a future supply of natural gas for use in pipeline operations, relating to leases acquired on or after October 7, 1969, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for service in the future un-

der a plan, and (2) previously used by the utility in gas service, but retired from such service and held pending its reuse in the future under a plan, in gas service. (See Gas Plant Instruction 7.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. Upon such determination, the amounts shall be transferred to account 256, Deferred Gains from Sale of Utility Plant, or account 187, Deferred Losses from Sale of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts prescribed for natural gas production and gathering plant in service and such classification shall be maintained in the same detail as though the property were in service.

• • • • •

110 Accumulated provision for depreciation of gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use. • • •

B. • • • This account shall be subdivided so that amounts relating to account 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, can be readily identifiable.

• • • • •

113.2 Accumulated provision for amortization of other gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in accounts 105, Gas Plant Held for Future Use, and 105.1, Production Properties Held for Future Use, not including, however, provisions for abandoned natural gas leases. • • •

B. • • • This account shall be subdivided so the amounts relating to accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, can be readily identifiable.

• • • • •

4. DEFERRED DEBITS

• • • • •

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Subdivision of this account shall be maintained so that amounts relating to account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, can be readily identifiable. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use.)

LIABILITIES AND OTHER CREDITS

• • • • •

8. DEFERRED CREDITS

• • • • •

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Subdivision of this account shall be maintained so that amounts relating to account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, can be readily identifiable. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use.)

• • • • •

4. The Chart of Income Accounts is amended by adding immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," two new account titles "411.6, Gains from Sale of Utility Plant" and "411.7, Losses from Sale of Utility Plant."

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

• • • • •

411.6 Gains from disposition of utility plant.
411.7 Losses from disposition of utility plant.

• • • • •

5. The text of Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Sale of Utility Plant" and "411.7, Losses from Sale of Utility Plant," are added immediately following account "411.5, Investment tax credit adjustments, nonutility operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • •

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use and account 105.1, Production Properties Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

• • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in accounts 105, Gas Plant Held for Future Use and 105.1, Production Properties Held for Future Use, will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 5F, 7E, and 10E.)

The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

• • • • •

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

H. The Commission's Uniform System of Accounts for Natural Gas Companies (Class C) prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions are revised as follows:

(a) In instruction 6, paragraph C and the first sentence of paragraph E are revised.

(b) In instruction 9, the second sentence of paragraph E is revised.

These revised portions of the Gas Plant Instructions read as follows:

Gas Plant Instructions

• • • • •

6. *Land and Land Rights.*

• • • • •

C. The net profit from the sale of timber, cord wood, sand, gravel, other resources or other property acquired with the rights-of-way or other lands shall be credited to the appropriate plant account to which related. Where land is held for a considerable period of time and timber and other natural resources on the land at the time of purchase increases in value, the net profit (after giving effect to the cost of the natural resources) from the sales of timber or its products or other natural resources shall be credited to the appropriate utility operating income account when such land has been recorded in account 105, Gas Plant Held for Future Use, otherwise to account 421, Miscellaneous Nonoperating Income.

• • • • •

E. Any difference between the amount received from the sale of land or land rights, less agent's commissions and other costs incident to the sale, and the book cost of such land or rights shall be included in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 105, Gas Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. • • •

• • • • •

9. *Additions and Retirements of Gas Plant.*

• • • • •

E. • • • If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be recorded in account 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant when the property has been recorded in account 105, Gas Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. • • •

• • • • •

2. The Chart of the Balance Sheet Accounts is amended by adding a new account title "187, Deferred Losses from Disposition of Utility Plant" immediately following account title "183, Other Deferred Debits," and a new account title "256, Deferred Gains from Disposition of Utility Plant," immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

• • • • •

4. DEFERRED DEBITS

• • • • •

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

• • • • •

8. DEFERRED CREDITS

• • • • •

256 Deferred gains from disposition of utility plant.

• • • • •

3. The text of the Balance Sheet Accounts, is amended by revising account "105, Electric Plant Held for Future Use" and adding two new accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

• • • • •

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant (except land and land rights) owned and held for future use in gas service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service.

B. This account shall also include the original cost of land and land rights owned and held for future use in gas service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for such service in the future under a plan, and (2) previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in gas service. (See Gas Plant Instruction 6.)

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detail accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B: Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason except seasonal excess capacity or governmental proration requirements or for repairs.

• • • • •

4. DEFERRED DEBITS

• • • • •

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

• • • • •

8. DEFERRED CREDITS

• • • • •

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 105, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant

and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

• • • • •

4. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

• • • • •

411.6 Gains from disposition of utility plant.
411.7 Losses from disposition of utility plant.

• • • • •

5. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," are added immediately following account "411.5, Investment Tax Credit Adjustment, Nonutility Operations."

(b) Account "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property" are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • •

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 105, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

• • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 105, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 105, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. (See gas plant instructions 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

• • • • •

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

I. The Commission's Uniform System of Accounts for Natural Gas Companies (Class D) prescribed by Part 205, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. The Gas Plant Instructions section of Part 205, are amended as follows:

(a) In instruction 3, the last sentence of paragraph D is amended.

(b) In instruction 6, paragraph B is amended.

These amended portions of the Gas Plant Instructions read as follows:

Gas Plant Instructions

• • • • •

3. *Land and Land Rights.*

• • • • •

D. • • • The cost of all other land and land rights held for the production of natural gas shall be included in account 394, Gas Plant Held for Future Use.

• • • • •

6. *Gas Plant Retired.*

• • • • •

B. • • • If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion or amortization therefor which has been authorized and provided) and the sale price of the land (less the commission and other expenses of making the sale) shall be included in account 411.6, Gains from Disposition of Utility Plant, or 411.7, Losses from Disposition of Utility Plant when such property has been recorded in account 394, Gas Plant Held for Future Use, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. • • •

• • • • •

2. The chart of the Balance Sheet Accounts is amended by adding new account title "187, Deferred Losses from Disposition of Utility Plant" immediately following account title "183, Other Deferred Debits" and new account title "256, Deferred Gains from Disposition of Utility Plant" immediately following account title "255, Accumulated Deferred Investment Tax Credits," as follows:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

• • • • •

4. DEFERRED DEBITS

• • • • •

187 Deferred losses from disposition of utility plant.

LIABILITIES AND OTHER CREDITS

• • • • •

8. DEFERRED CREDITS

• • • • •

256 Deferred gains from disposition of utility plant.

• • • • •

3. The text of the Balance Sheet Accounts is amended by adding two new accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," reading as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

• • • • •

4. DEFERRED DEBITS

• • • • •

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See Account 394, Gas Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

• • • • •

8. DEFERRED CREDITS

• • • • •

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See Account 394, Gas Plant Held for Future Use.)

• • • • •

4. The text of the Gas Plant Accounts is amended by revising account "394, Gas Plant Held for Future Use," as follows:

394 Gas plant held for future use.

A. This account shall include the original cost of gas plant (except land and land rights) owned and held for future use in gas service under a definite plan for such use, to include: (1) Property acquired (except land and land rights) but never used by the utility in gas service, but held for such service in the future under a definite plan, and (2) property (except land and land rights) previously used by the utility in service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service.

B. This account shall also include the original cost of land and land rights owned and held for future use in gas service under a plan for such use, to include land and land rights: (1) Acquired but never used by the utility in gas service, but held for such service in the future under a plan, and (2) previously held by the utility in service, but retired from such service and held pending its reuse in the future under a plan, in gas service.

C. In the event that property recorded in this account shall no longer be needed or appropriate for future utility operations, the company shall notify the Commission of such condition and request approval of journal entries to remove such property from this account.

D. Gains or losses from the sale of land and land rights or other disposition of such property previously recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. Upon such a determination, the amounts shall be transferred to account 256, Deferred Gains from Disposition of Utility Plant or account 187, Deferred Losses from Disposition of Utility Plant, and amortized to accounts 411.6, Gains from Disposition of Utility Plant or 411.7, Losses from Disposition of Utility Plant, as appropriate.

E. The property included in this account shall be classified according to the detailed accounts (301–390) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A: • • •
NOTE B: • • •

• • • • •

5. The Chart of the Income Accounts is amended by adding two new account titles "411.6, Gains from Disposition of Utility Plant" and "411.7, Losses from Disposition of Utility Plant," immediately following account title "411.4, Investment Tax Credit Adjustments, Utility Operations," as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

• • • • •

411.6 Gains from disposition of utility plant.
411.7 Losses from disposition of utility plant.

• • • • •

6. The text of the Income Accounts is amended as follows:

(a) Two new accounts "411.6, Gains from Disposition of Utility Plant," and "411.7, Losses from Disposition of Utility Plant," are added immediately following account, "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

(b) Accounts "421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," are revised.

These amended and revised portions of the Income Accounts read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • •

411.6 Gains from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to gains from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D, thereof.

411.7 Losses from disposition of utility plant.

This account shall include, as approved by the Commission, amounts relating to losses from the disposition of future use utility plant including amounts which were previously recorded in and transferred from account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof.

• • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to gains on land and land rights held for future use recorded in account 394, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. Amounts relating to losses on land and land rights held for future use recorded in account 394, Gas Plant Held for Future Use will be accounted for as prescribed in paragraphs B, C, and D thereof. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes.

• • • • •

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

J. Effective for the reporting year 1971, Schedule pages 110, 111, 114, 214A, 224A, 506A, 547, and 548 of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, in Part 260, Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows, all as set out in Attachment A hereto:[1]

(1) On schedule page 110, "Statement A—Comparative Balance Sheet," is amended by adding item "35. Deferred Losses from Disposition of Utility Plant (187)," immediately following item "34. Miscellaneous Deferred Debits (186)."

(2) On schedule page 111, "Statement A—Comparative Balance Sheet," is amended by adding item "36. Deferred Gains from Disposition of Utility Plant (256)," immediately following item "35. Accumulated Deferred Investment Tax Credits (255)."

(3) On schedule page 114, "Statement C—Statement of Income for the Year," is amended by adding items "17. Gains from Disposition of Utility Plant (411.6)," and "18. Losses from Disposition of Utility Plant (411.7)," immediately following item "16. Investment Tax Credit Adj.—Net (411.4)."

(4) New schedule page 214A, "Deferred Losses from Disposition of Utility Plant (Account 187)" is added.

(5) New schedule page 224A, "Deferred Gains from Disposition of Utility Plant (Account 256)" is added.

(6) New schedule page 506A, "Production Properties Held for Future Use (Account 105.1)" is added.

(7) On schedule pages 547 and 548, "Natural Gas Reserves and Land Acreage," instruction 4 is amended to include a reference to new account "105.1, Production Properties Held for Future Use."

K. Effective for the reporting year 1971, Schedule pages 3 and 6 of FPC Form No. 2–A, Annual Report for Natural Gas Companies (Classes C and D), prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment B hereto:[1]

(1) On schedule page 3—add a new item "Deferred losses from disposition of utility plant" immediately following item number 23, "Other deferred debts" in column (a) and a new item "Deferred gains from disposition of utility plant" immediately following item number 26, "Other deferred credits" in column (e).

(2) Schedule page 6—add two new items, in order, "Gains from disposition

[1] Attachments A and B filed as part of original document.

of utility plant (411.6)" and "Losses from disposition of utility plant (411.7)" immediately following line item 17, "Investment tax credit adj.—Net (411.4)."

L. Effective January 1, 1971, paragraph (c) of § 260.1 of the Commission's Regulations under the Natural Gas Act is revised by adding two new schedules as follows:

Add schedules:

Insert—Deferred Losses from Disposition of Utility Plant to follow the line "Deferred Regulatory Commission Expenses."

Insert—Deferred Gains from Disposition of Utility Plant to follow the line "Customer Advances for Construction."

M. The amendments and revisions adopted herein shall be effective January 1, 1971.

N. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-491 Filed 1-13-71;8:48 am]

[Docket No. R-390; Order 419]

UNIFORM SYSTEMS OF ACCOUNTS AND FORMS 1-F AND 2-A

JANUARY 6, 1971.

On July 8, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 11246, July 14, 1970) proposing to amend and revise certain accounts in its Uniform Systems of Accounts for Class C and Class D Public Utilities and Licensees, and for Class C and Class D Natural Gas Companies and FPC Form 1-F, Annual Report for Public Utilities and Licensees (Class C and D) and FPC Form 2-A, Annual Report for Natural Gas Companies (Class C and D) consistent with the amendments and revisions to such Uniform Systems of Accounts.

Comments were invited from interested persons to be submitted by August 14, 1970.[1] In response to this notice the Commission has received comments from 32 respondents,[2] which include one accounting firm, 25 electric utilities, five gas utilities and one law firm.

There were no objections to the rule making as proposed. A few comments were submitted which related back to changes that had already been ordered by the Commission in Orders 389 and 389-A (34 F.R. 17434, Oct. 29, 1969, 35 F.R. 879, Jan. 22, 1970) for Class A and Class B utilities. These comments relate to Class A and B companies and were evaluated and acted upon by the Commission in the aforementioned orders. They were not reconsidered as a part of this rule making.

The primary thrust of the responses received dealt with the subject of Account 432, Interest Charged to Construction—Credit[3] its relocation in the Statement of Income (as ordered in Order No. 389 for Class A and B companies), change in the account number, change in the account title, and its corresponding relocation in the Uniform Systems of Accounts to coincide with its proposed relocation on the Statement of Income under the classification subheading of "Other Income." The Commission in its notice of proposed rulemaking invited comments from not only Class C and D companies on this matter, but from Class A and B companies as well, pointing out that any changes on this subject stemming from comments applied to Class C and D companies would be proposed in rulemaking for Class A and B companies.

The Commission received overwhelming support of its concept of relocating the Account 432, Interest Charged to Construction—Credit, in the Statement of Income, under the classification of "Other Income" of the "Other Income and Deductions" section rather than being classified as a part of "Interest Charges" where it is deducted therefrom.

Also, the Commission received a substantial number of requests to relocate the Account 432, Interest Charged to Construction—Credit in the Uniform Systems of Accounts to coincide with its classification in the Statement of Income, thus facilitating the mechanical aspects of recordkeeping. This relocation logically dictates a new account number 419.1 be assigned the account.

And finally, there was consensus of opinion that the account should be assigned a more appropriate title. Of the titles suggested, the Commission believes the title "Allowance for Funds Used During Construction" to be the most appropriate and is adequately descriptive of the nature of the account.

The Commission's basic purpose in the modifications of its Uniform Systems of Accounts as ordered herein is to require that all items of revenue and expense, with few exceptions, be included in the current statement of income. It is anticipated that the adoption of these changes, sometimes referred to as the "all inclusive income statement" concept, will strengthen the meaningfulness of the statement of income. They are generally consistent with the recommendations of the Accounting Principles Board of the American Institute of Certified Public Accountants in Opinion 9, Reporting the Results of Operations, issued in December 1966, after modification to satisfy regulatory needs, such as Commission approval being required to treat an item of less than 5 percent as extraordinary or for the use of Account 439, Adjustments to Retained Earnings and the changes to Account 432, Interest Charged to Construction—Credit.

The main changes prescribed by the Commission to the Uniform Systems of Accounts are:

A. The elimination of the "Miscellaneous Debits to Surplus" and "Miscellaneous Credits to Surplus" accounts, and the addition of five new accounts entitled: "Gain on Disposition of Property," "Loss on Disposition of Property," "Extraordinary Income," "Extraordinary Deductions," and "Adjustments to Retained Earnings."

B. The modification of certain accounts so that all income taxes will be recorded in Account 409, Income Taxes, rather than being dispersed among several accounts as is presently the case. Also, the modification will require maintaining income tax accounts in such a manner to allow identification of the taxes as related to utility operating income, other income and deductions and extraordinary items. And finally, the application of "investment tax credit" accounting to Class C and Class D, Natural Gas Companies.

C. The retitling, renumbering and relocation of Account 432, Interest Charged to Construction—Credit, as aforementioned.

The Commission's basic purpose in revising FPC Form 1-F and FPC Form 2-A as ordered herein is to extend the same concepts to reporting as are being ordered for the Commission's Uniform Systems of Accounts.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) The amendments of the Commission's Uniform Systems of Accounts and Annual Report Forms Nos. 1-F and 2-A schedules herein prescribed are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revised schedules of FPC Forms Nos. 1-F and 2-A are being prescribed for the reporting year 1971, good cause exists for making the amendments to the Uniform Systems of Accounts adopted herein effective January 1, 1971.

(4) The changes prescribed herein which were not included in the notice in this proceeding are of a minor nature, and further notice thereof is therefore unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended particularly by sections 4, 5, 7, 15, and 16 (52 Stat. 822, 823, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84, (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717n, and 710), orders:

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

A. The Commission's Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended and revised as follows:

1. In the Definitions section of Part 104, immediately following definition "27. Replacing or replacement," a new definition "28. Retained earnings," is added. Beginning with definition "28. Retirement units," remaining definitions 28 through 33 are renumbered as 29 through 34. New definition 28 reads as follows:

Definitions

* * * * *

28. "Retained Earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to others capital accounts.

* * * * *

2. The General Instructions section of Part 104 is amended as follows:

(a) In instruction "2. Records," the title of account 426 in paragraph E is revised to read account "426, Miscellaneous Income Deductions."

(b) In instruction "3. Numbering System," paragraph A is amended by deleting the numbers "400-439" assigned to Income accounts and substituting the numbers "400-432, 434-435" therefor. Immediately following Income accounts, the following new item "433, 436-439 Retained earnings accounts" is inserted.

(c) Immediately following instruction "7. Accounting to be on Accrual Basis," new general instructions "8. Extraordinary Items" and "9. Prior Period Items" are added. Beginning with instruction "8. Distribution of Pay and Expenses of Employees," remaining instructions 8 through 12 are renumbered as 10 through 14.

(d) Subparagraph (d) of renumbered instruction "14. Separate Accounts or Records for Each Licensed Project" is amended by deleting the word "surplus" and substituting the words "retained earnings" therefor.

As amended, these portions of the General Instructions section of Part 104 reads as follows:

General Instructions

* * * * *

2. *Records.*

* * * * *

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Miscellaneous Income Deductions.

* * * * *

3. *Numbering System.*

A. * * *

400-432, 434-435 Income accounts
433, 436-439 Retained earnings accounts.

* * * * *

8. *Extraordinary Items.*

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 9 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

9. *Prior Period Items.*

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs or realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously-existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439, Adjustments to retained earnings.)

* * * * *

14. *Separate Accounts or Records for Each Licensed Project.*

* * * * *

(d) The credits and debits to operating revenue, income, and retained earnings accounts that can be identified with and directly assigned to the project.

* * * * *

3. The Electric Plant Instructions of Part 104 are amended as follows:

(a) The paragraph in instruction "2. Components of Construction Cost." is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for construction funds."

(b) In instruction "4. Electric Plant Purchased or Sold." the second sentence in paragraph F is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property."

(c) In instruction "6. Land and Land Rights." the first sentence in paragraph E is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

(d) In instruction "9. Additions and Retirements of Electric Plant." the second sentence of paragraph E is amended by deleting the words "435, Miscellaneous Debits to Surplus, or account 434, Mis-

[1] Extension of time granted to Oct. 13, 1970 (35 F.R. 13669, Aug. 27, 1970).

[2] Niles & Niles, American Electric Power System Corp., Appalachian Power Co., Cincinnati Gas & Electric Co., The, Columbus and Southern Ohio Electric Co., Commonwealth Edison Co., Consumers Power Co., Duke Power Co., Florida Power Corp., General Public Utilities Corp., Indiana & Michigan Electric Co., Long Island Lighting Co., Middle South Utilities, Inc., New York State Electric & Gas Corp., Northeast Utilities, Ohio Edison Co., Ohio Power Co., Philadelphia Electric Co., Public Service Electric and Gas Co., Public Service Indiana, Southern Services, Inc., Utah Power & Light Co., Virginia Electric and Power Co., Washington Water Power Co., The, Wisconsin Electric Power Co., Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co. of America, Pacific Gas and Electric Co., Transcontinental Gas Pipe Line Corp., Texas Eastern Transmission Corp., Rochester Gas and Electric Corp., and David Dunlap.

[3] Docket R-390, page 5—"The Commission has in this notice of proposed rulemaking proposed action for Class C and D Public Utilities and Licensees similar to that effected in Order No. 389, with the view that, by so doing, the Commission can afford interested persons an opportunity to comment on the desirability or lack of desirability of action of the type proposed. If, as a result of comments received, the Commission deems it desirable to take in this rulemaking procedure action different than that taken in Order No. 389 with respect to this item, the Commission would then, after appropriate notice, propose the making of a similar change in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees."

cellaneous Credits to Surplus," and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

The amended portions of Electric Plant Instructions 2., 4., 6., and 9. in Part 104 read as follows:

Electric Plant Instructions

* * * * * * *

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includible in construction costs.

* * * * * * *

4. *Electric Plant Purchased or Sold.*

* * * * * * *

F. * * * Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale), shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property. * * *

* * * * * * *

6. *Land and Land Rights.*

* * * * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. * * *

* * * * * * *

9. *Additions and Retirements of Electric Plant.*

* * * * * * *

E. * * * If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate. * * *

* * * * * * *

4. In the chart of Balance Sheet Accounts, account titles 215 and 216 are revised to read as follows:

Balance Sheet Accounts

(Chart of Accounts)

* * * * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * * * *

215 Appropriated retained earnings.
216 Unappropriated retained earnings.

* * * * * * *

5. Account "110, Accumulated provision for depreciation and amortization of electric plant," is amended as follows: In paragraph A, subparagraph (2) is deleted and subparagraphs (3) through (5) are redesignated as (2) through (4). In the second sentence in paragraph E, the word "surplus" is deleted and the words "retained earnings" are substituted therefor. The amended portion of paragraph E reads:

110 Accumulated provision for depreciation and amortization of electric plant.

* * * * * * *

E. * * * It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

6. In account "124, Other investments," the final sentence in Note C is amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As amended, the final sentence in Note C reads as follows:

124 Other investments.

* * * * * * *

NOTE C: * * * When securities are written off or written down, the amount of the adjustment shall be charged to account 426.5, Other Deductions, or to an appropriate account for provisions for loss in value established as a separate subdivision of this account.

7. In account "183, Other deferred debits," the final sentence in subparagraph A(1) is amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As amended, the final sentence in subparagraph A(1) reads as follows:

183 Other deferred debits.

A. * * *

(1) * * * If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense accounts.

* * * * * * *

8. In account "213, Discount on capital stock," paragraphs B and C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, paragraphs B and C of account 213 read as follows:

213 Discount on capital stock.

* * * * * * *

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous amortization, or it may write off capital stock discount in whole or in part by charges to account 439, Adjustments to Retained Earnings.

9. In account "214, Capital stock expense" paragraphs B and C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor, "439, Adjustments to Retained Earnings." As amended, paragraphs B and C of account 214 read as follows:

214 Capital stock expense.

* * * * * * *

B. When capital stock which has been actually issued by the utility is retired, the amount of this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance carried in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 439, Adjustments to Retained Earnings.

* * * * * * *

10. Account "215, Appropriated earned surplus" is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As amended, these portions of account 215 read as follows:

215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. * * *

11. Account "216, Unappropriated earned surplus" is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor, and by deleting the word "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 reads as follows:

216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. * * *

12. In account "217, Reacquired capital stock," paragraph B is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended paragraph B reads as follows:

217 Reacquired capital stock.

* * * * * * *

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital, provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

* * * * * * *

13. In account "221, Bonds" paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," and substituting therefor "428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt–Cr." As amended, paragraph B reads as follows:

221 Bonds.

* * * * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr., as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses," and substituting therefor "see general instruction 9, for treatment." As amended, this portion of paragraph B reads as follows:

236 Taxes accrued.

* * * * * * *

B. * * * However, if such corrections are so large as to seriously distort current expenses, see general instruction 9, for treatment.

* * * * * * *

15. In account "255, Accumulated deferred investment tax credits," paragraphs A and B are amended by deleting the number "411.1" wherever it appears and substituting therefor the number "411.3."

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As amended, the note reads:

265 Miscellaneous operating reserves.

* * * * * * *

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads as follows:

271 Contributions in aid of construction.

* * * * * * *

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

18. In the text of Balance Sheet accounts, prefatory Note B under the heading "11. Accumulated Deferred Income Taxes" is amended by inserting the words "and nonutility property," between the words "etc.," and "and" and by deleting the remainder of the sentence after the word "below" and substituting therefor "so as to allow ready identification of items relating to each utility department and to other Income and Deductions." As so amended, Note B reads:

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * * * *

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and nonutility property, and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

19. In account "281, Accumulated deferred income taxes-Accelerated amortization," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings" therefor. As amended, this portion of paragraph E reads:

281 Accumulated deferred income taxes—Accelerated amortization.

* * * * * * *

E. * * * It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. * * *

20. In account "282, Accumulated deferred income taxes—Liberalized depreciation," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings," therefor. As amended, this portion of paragraph E reads as follows:

282 Accumulated deferred income taxes—Liberalized depreciation.

* * * * * * *

E. * * * It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. * * *

21. In account "283, Accumulated deferred income taxes—Other," the second sentence in paragraph D is amended by deleting the word "surplus" and substituting "retained earnings," therefor. As amended, this portion of paragraph D reads:

283 Accumulated deferred income taxes—Other.

* * * * * * *

D. * * * It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. * * *

22. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, those portions of paragraphs B and C read as follows:

302 Franchises and consents.

* * * * * * *

B. * * * Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

23. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

303 Miscellaneous intangible plant.

* * * * * * *

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

24. The chart of Income Accounts is revised to read as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operation expense.
402 Maintenance expense.
403 Depreciation expense.
404 Amortization of limited-term electric plant.
405 Amortization of other electric plant.
406 Amortization of electric plant acquisition adjustments.
407 Amortization of property losses.
408 Taxes other than income taxes.
408.1 Taxes other than income taxes, utility operating income.
409 Income taxes.
409.1 Income taxes, utility operating income.
410 Provision for deferred income taxes.

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410.1 Provision for deferred income taxes, utility operating income.
411 Income taxes deferred in prior years-Cr.
411.1 Income taxes deferred in prior years-Cr., utility operating income.
411.3 Investment tax credit adjustments.
411.4 Investment tax credit adjustments, utility operations.
Total electric utility operating income.
Net electric utility operating income.
Other Operating Income:
412 Revenues from electric plant leased to others.
413 Expeness of electric plant leased to others.
414 Other utility operating income.
Net utility operating income.

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

415 Revenues from merchandising, jobbing, and contract work.
416 Costs and expenses of merchandising, jobbing and contract work.
417 Revenues from nonutility operations.
417.1 Expenses of nonutility operations.
418 Nonoperating rental income.
419 Interest and dividend income.
419.1 Allowance for funds used during construction.
421 Miscellaneous nonoperating income.
421.1 Gain on disposition of property.
Total other income.

B. OTHER INCOME DEDUCTIONS

421.2 Loss on disposition of property.
425 Miscellaneous amortization.
426 Miscellaneous income deductions.
426.1 Donations.
426.2 Life insurance.
426.3 Penalties.
426.4 Expenditures for certain civic, political and related activities.
426.5 Other deductions.
Total other income deductions.
Total other income and deductions.

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

408.2 Taxes other than income taxes, other income and deductions.
409.2 Income taxes, other income and deductions.
410.2 Provision for deferred income taxes, other income and deductions.
411.2 Income taxes deferred in prior years-Cr., other income and deductions.
411.5 Investment tax credit adjustments, nonutility operations.
420 Invesmtent tax credits.
Total taxes on other income and deductions.
Net other income and deductions.

3. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt-Cr.
433 Interest on debt to associated companies.
431 Other interest expense.
Total interest charges.
Income before extraordinary items.

4. EXTRAORDINARY ITEMS

434 Extraordinary income.
435 Extraordinary deductions.
409.3 Income taxes, extraordinary items.
Net income.

25. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to electric operations." New paragraph D is added. Notes A and D are deleted and Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New note E is added. As amended, these portions of account 408 read as follows:

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

• • • • •

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

26. Immediately following account "408, Taxes other than income taxes," add new subaccounts 408.1 and 408.2, reading as follows:

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

27. Account "409, Income Taxes" is amended as follows: In the first sentence in paragraph A the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in paragraph A, the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9 for prior period adjustments)." Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted. Note E is redesignated as Note B. As amended, paragraphs A, B, and C of Account 409 read as follows:

409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

28. Immediately following account "409, Income taxes," add new subaccounts 409.1, 409.2, and 409.3 reading as follows:

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

29. The present paragraph in account "410, Provision for deferred income taxes," is designated as "A," and a new paragraph B is added reading:

410 Provision for deferred income taxes.

A. • • •

B. This account shall be maintained according to the subaccounts 410.1 and 410.2 inclusive, as shown below.

30. Immediately following account "410, Provision for deferred income taxes," new subaccounts 410.1 and 410.2 are added reading as follows:

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Other Income and Deductions.

31. The present paragraph in account "411, Income taxes deferred in prior years—Credit," is designated as "A" and a new paragraph "B" is added reading as follows:

411 Income taxes deferred in prior years—Credit.

A. • • •

B. This account shall be maintained according to the subaccounts 411.1 and 411.2 inclusive, as shown below.

32. Immediately following account "411, Income taxes deferred in prior years—Credit," new subaccounts 411.1 and 411.2 are added reading as follows:

411.1 Income taxes deferred in prior years—Credit, utility operating income.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Utility Operating Income (by department).

411.2 Income taxes deferred in prior years—Credit, other income and deductions.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Other Income and Deductions.

33. Account "411.1, Investment tax credit adjustments" is redesignated as account "411.3." New paragraph "C." is added to the text of the account. The amended portion of redesignated account 411.3 reads:

411.3 Investment tax credit adjustments.

• • • • •

C. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

34. Immediately following redesignated account "411.3, Investment tax credit adjustments," new subaccounts 411.4 and 411.5 are added reading as follows:

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

35. Paragraph B of the explanatory text following accounts "412, Revenues from electric plant leased to others," and "413, Expenses of electric plant leased to others," is amended by deleting the items "Rents," "Taxes Other Than Income Taxes" and "Income Taxes," and by adding a Note. As amended, paragraph B and the Note read:

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

• • • • •

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Depreciation.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

36. In account "414, Other utility operating income" paragraph B is amended by deleting the word "taxes," and by adding a note. As amended, these portions of account 414 read:

414 Other utility operating income.

• • • • •

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

37. In the text of Income Accounts, revise the heading "2. Other Income" to read as follows:

2. OTHER INCOME AND DEDUCTIONS

38. The note following the text of accounts "415, Revenues from merchandising, jobbing and contract work." and "416, Costs and expenses of merchandising, jobbing and contract work," is redesignated as "Note A." Immediately following redesignated "Note A," add new Note B. From the list of items, delete item "24. Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom," and redesignate item "25. Losses from uncollectible merchandise and jobbing accounts" as item 24. New note B reads as follows:

415 Revenues from merchandising, jobbing, and contract work.

416 Costs and expenses of merchandising, jobbing, and contract work.

• • • • •

NOTE A: • • •

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

• • • • •

39. Account "417, Income from nonutility operations," is amended as follows: The word "Income" is deleted from the account title and the word "Revenues" is substituted therefor. Immediately following the amended title of account 417, add the following new account title "417.1, Expenses of nonutility operations." In the first sentence in paragraph A, the words "This account" are deleted and the words "These accounts" are substituted therefor. The items "Taxes Other Than Income Taxes" and "Income Taxes" are deleted from the list of items in paragraph B. Immediately following the list of items in paragraph B, add a new Note. The amended portions of accounts 417 and 417.1 read as follows:

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

A. These accounts • • •

B. The expenses shall include all elements of costs incurred in such operations and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

40. In account "418, Nonoperating rental income," paragraph A is amended by deleting "account 417" and substituting "accounts 417 or 417.1." Paragraph B is amended by deleting from the list of items "Taxes Other Than Income Taxes" and "Income Taxes" and by adding a note. As amended account 418 reads:

418 Nonoperating rental income.

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which

is not used in operations covered by accounts 417 or 417.1.

B. The expenses shall include all elements of costs incurred in the ownership and rental of the property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Incomes Taxes.

41. In account "419, Interest and dividend income," paragraph "B" is deleted and paragraphs "C" and "D" are redesignated as "B" and "C." Redesignated paragraph "C" by deleting the word "including" and substituting the word "excluding" therefor. Immediately following redesignated paragraph "C" new Note A is added and the present note is redesignated as Note B. The amended portions of account 419 read:

419 Interest and dividend income.

* * * * *

B. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and the face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

C. Where significant in amount, expenses, excluding operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon shall be charged hereto.

NOTE A: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

NOTE B: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility, shall not be credited to this account.

42. Immediately following account "419, Interest and dividend income" new account "419.1, Allowance for Funds Used During Construction," is added reading as follows:

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

43. The first paragraph in account "421, Miscellaneous nonoperating income," is amended by inserting the words ", except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." A new item item 3 is added to the list of items. The amended portions of account 421 read:

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items, except taxes, properly includible in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

ITEMS

* * * * *

3. Gain on disposition of investments and reacquisition and resale or retirement of utility's debt securities and investments.

44. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instructions 4F, 6E, or 9E.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instruction 4F, 6E, or 9E.) Record the reductions in income taxes attributable to losses recorded in this account in Account 409, Income Taxes.

45. In the text of Income Accounts, delete the heading "3. Miscellaneous Income Deductions."

46. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. As amended, this portion of account 425 will read:

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

* * * * *

47. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, insert the text of the note now located unde raccount "426.5, Other deductions." As amended, these portions of account 426 read as follows:

426 Miscellaneous income deductions.

* * * * *

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

48. In account "426.5, Other deductions," the note is deleted and a list of items is added. As revised, account 426.5 reads:

426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

ITEMS

1. Loss relating to investments in securities written-off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale or retirement of utility's debt securities.
4. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

49. In the text of Income Accounts, the heading "4. Interest Charges," is redesignated as "3. Interest Charges."

50. Account "432, Interest Charged to Construction—Cr." is deleted from the text of the Income Accounts.

51. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.

52. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new hearing "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions," are added reading as follows:

4. EXTRAORDINARY ITEMS

434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

53. Following the text of Income Accounts and immediately preceding the chart of "Operating Revenue Accounts," a new section, entitled "Retained Earnings Accounts," is inserted reading as follows:

Retained Earnings Accounts

(Chart of Accounts)

216 Unappropriated retained earnings (at beginning of period).
433 Balance transferred from income.
436 Appropriations of retained earnings.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
439 Adjustments to retained earnings.
216 Unappropriated retained earnings (at end of period).

Retained Earnings Accounts

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
2. Appropriations required by action of regulatory authorities.
3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges or credits due to losses on reacquisition, resale, or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatement of gains.)

ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write off of unamortized capital stock expenses.

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

B. The Commission's Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations, is amended and revised as follows:

1. In the Definitions section of Part 105, immediately following definition 18, a new definition "19. Retained Earnings," is added and beginning with definition "19. Retirement units" remaining definitions 19 through 24 are renumbered as 20 through 25. New definition 19 reads as follows:

Definitions

* * * * *

19. "Retained Earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

2. The General Instructions section of Part 105 is amended as follows: Immediately following instruction "3. Item Lists" new general instructions "4. Extraordinary Items" and "5. Prior Period Items" are added and beginning with instruction "4. Distribution of Pay and Expenses of Employees," remaining instructions 4 through 6 are renumbered as 6 through 8. New instructions 4 and 5 read as follows:

General Instructions

* * * * *

4. *Extraordinary Items.*

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 5 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

5. *Prior Period Items.*

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs of realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the

elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439.)

3. The Electric Plant Instructions of Part 105 are amended as follows: The paragraph in instruction "2. Components of Construction Cost" is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for funds used during construction." The second sentence in paragraph B of Electric Plant Instruction "6. Electric Plant Retired" is amended by deleting the words "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." The amended portions of the Electric Plant Instructions 2 and 6 read as follows:

Electric Plant Instructions

* * * * * * *

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous item as may be properly includible in construction costs.

* * * * * * *

6. *Electric Plant Retired.*

* * * * * * *

B. * * * If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, as appropriate. * * *

4. In the chart of Balance Sheet Accounts, account titles 215 and 216 are revised to read as follows:

Balance Sheet Accounts

(Chart of Accounts)

* * * * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * * * *

215 Appropriated retained earnings.
216 Unappropriated retained earnings.

* * * * * * *

5. Account "110, Accumulated provision for depreciation and amortization of electric plant" is amended as follows: Subparagraph A(2) is deleted and subparagraphs A(3) through A(5) are redesignated as A(2) through A(4). In the second sentence in paragraph D, the word "surplus" is deleted and replaced by the words "retained earnings." The amended portion of paragraph D reads as follows:

110 Accumulated provision for depreciation and amortization of electric plant.

* * * * * * *

D. * * * It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

6. In account "183, Other deferred debits," the third sentence in subparagraph A(1) is amended by changing the words "435, . Miscellaneous Debits to Surplus" to read "426.5, Other Deductions." As amended, this portion of subparagraph A(1) reads:

183 Other deferred debits.

A. * * *

(1) * * * If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense account.

7. Account "218, Discount on capital stock," is amended as follows: In paragraph B, the punctuation and words ": *Provided, however,* That" are changed to read "; provided, however, that." In paragraphs B and C, delete the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

213 Discount on capital stock.

* * * * * * *

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 439, Adjustments to Retained Earnings.

8. Account "214, Capital stock expense," is amended as follows: In paragraph B, the punctuation and words ": *Provided, however,* That" are changed to read "; provided, however, that." In paragraphs B and C the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

214 Capital stock expense.

* * * * * * *

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance carried in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 439, Adjustments to Retained Earnings.

* * * * * * *

9. Account '215, Appropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As so amended, these portions of account 215 read:

215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. * * *

10. Account "216, Unappropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor, and by deleting the word "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 read:

216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. * * *

11. In account "217, Reacquired capital stock," paragraph B is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, paragraph B reads:

217 Reacquired capital stock.

* * * * * * *

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital; provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

12. In account "218, Noncorporate proprietorship," the second sentence in Note C is amended by deleting the words "earned surplus" and substituting therefor "retained earnings." The amended portion of Note C reads:

218 Noncorporate proprietorship.

* * * * * * *

Note C: * * * When this option is taken, the retained earnings accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

13. In account "221, Bonds," paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," and substituting therefor "428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt—Cr." As amended paragraph B reads:

221 Bonds.

* * * * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium, and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt—Cr. as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses" and substituting therefor "see general instruction 5, for treatment." As amended, this portion of paragraph B reads:

236 Taxes accrued.

* * * * * * *

B. * * * However, if such corrections are so large as to seriously distort current expenses, see general instruction 5, for treatment.

15. In account "255, Accumulated deferred investment tax credits," paragraphs A and B are amended by deleting the number "411.1" wherever it appears and substituting therefor the number "411.3."

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As amended, the note reads:

265 Miscellaneous operating reserves.

* * * * * * *

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads:

271 Contributions in aid of construction.

* * * * * * *

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

* * * * * * *

18. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, these portions of paragraphs B and C read as follows:

302 Franchises and consents.

* * * * * * *

B. * * * Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

* * * * * * *

19. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

303 Miscellaneous intangible plant.

* * * * * * *

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant, as appropriate.

20. The chart of Income Accounts is revised to read as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operation and maintenance expense.
403 Depreciation expense.
404 Amortization expense.
408 Taxes other than income taxes.
408.1 Taxes other than income taxes, utility operating income.
409 Income taxes.
409.1 Income taxes, utility operating income.
411.3 Investment tax credit adjustments.
411.4 Investment tax credit adjustments, utility operations.
Total electric utility operating expenses.
Net electric utility operating income.
Other Operating Income:
412 Revenues from electric plant leased to others.
413 Expenses of electric plant leased to others.
414 Other utility operating income.
Net utility operating income

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

415 Revenues from merchandising, jobbing, and contract work.
416 Costs and expenses of merchandising, jobbing and contract work.
418 Nonoperating rental income.
419 Interest and dividend income.
419.1 Allowance for Funds Used During Construction.
421 Miscellaneous nonoperating income.
421.1 Gain on disposition of property.
Total other income.

B. OTHER INCOME DEDUCTIONS

421.2 Loss on disposition of property.
425 Miscellaneous amortization.
426 Miscellaneous income deductions.
426.1 Donations.
426.2 Life insurance.
426.3 Penalties.
426.4 Expenditures for certain civic, political and related activities.
426.5 Other deductions.
Total other income deductions.
Total other income and deductions.

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

408.2 Taxes other than income taxes, other income and deductions.
409.2 Income taxes, other income and deductions.
411.5 Investment tax credit adjustments, nonutility operations.
Total taxes on other income and deductions.
Net other income and deductions.

3. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt-Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
Total interest charges.
Income before extraordinary items.

4. EXTRAORDINARY ITEMS

434 Extraordinary income.
435 Extraordinary deductions.
409.3 Income taxes, extraordinary items
Net income.

21. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to electric operations." New paragraph D is added. Notes A and D are deleted. Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New note E is added. As amended, these portions of account 408 read as follows:

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

* * * * * * *

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

22. Immediately following account "408, Taxes other than income taxes," add new subaccounts 408.1 and 408.2 are added reading as follows:

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

23. Account "409, Income Taxes" is amended as follows: In the first sentence in paragraph A the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in paragraph A, the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (see general instruction 5 for prior period adjustments)." Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted and Note E is redesignated as Note B. As so amended, account 409 reads as follows:

409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 5 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

24. Immediately following account "409, Income taxes," new subaccounts 409.1, 409.2 and 409.3 are added, reading as follows:

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

25. Account "411.1, Investment tax credit adjustments" is redesignated as account "411.3," and a new paragraph "C." is added to the text of the account. The amended portion of redesignated account "411.3" reads:

411.3 Investment tax credit adjustments.

• • • • • •

C. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

26. Immediately following redesignated account "411.3, Investment tax credit adjustments," new subaccounts 411.4 and 411.5 are added reading as follows:

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

27. Paragraph B of the explanatory text following accounts "412, Revenues from electric plant leased to others," and "413, Expenses of electric plant leased to others," is amended by listing "Operation" Than Income Taxes" and "Income Taxes," and by adding a Note. As amended, paragraph B and the note read as follows:

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

• • • • • •

B. The detail of expense shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Depreciation.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes identified separately.

28. In account "414, Other utility operating income," paragraph B is amended by deleting the word "taxes." Immediately following paragraph B, a note is added. As amended, these portions of account 414 will read:

414 Other utility operating income.

• • • • • •

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

29. In the text of Income Accounts, the heading "2. Other Income" is revised to read:

2. OTHER INCOME AND DEDUCTIONS

30. In the explanatory text following accounts "415, Revenues from merchandising, jobbing, and contract work" and "416, Costs and expenses of merchandising, jobbing and contract work," the "Note" is redesignated as "Note A." Immediately following redesignated "Note A," new Note B is added. The amended portions of the explanatory text read:

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

NOTE A: • • •

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

• • • • • •

31. Account "418, Nonoperating rental income," is amended by adding immediately following the first paragraph a note reading as follows:

418 Nonoperating rental income.

• • • • • •

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

32. In account "419, Interest and dividend income," the letter "A." is deleted at the beginning of the first paragraph. Immediately following the first paragraph a note is added. Paragraph B is deleted. As amended, account 419 reads:

419 Interest and dividend income.

This account shall include interest revenues on securities, loans, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received, are carried as investments or included in sinking- or other special-fund accounts.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

33. Immediately following account "419, Interest and Dividend Income," a new account "419.1, Allowance for funds used during construction," is added reading as follows:

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

34. In account "421, Miscellaneous nonoperating income," the first paragraph is amended by inserting the words ", except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." As amended, account 421 reads as follows:

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items, except taxes, properly includible in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

35. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. (See electric plant instruction 6B.) Record income taxes on gains recorded in this account in Account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See electric plant instruction 6B.) Record the reductions in income taxes attributable to losses recorded in this account in Account 409, Income Taxes.

36. In the text of income accounts, the heading "3. Miscellaneous Income Deductions" is deleted.

37. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. The amended portion of account 425 reads:

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

• • • • • •

38. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, the text of the note now located under account "426.5, Other deductions," is inserted. As amended, account 426 reads as follows:

426 Miscellaneous income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges. The account shall be maintained according to subaccounts shown below.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude the Commission consideration of proof to the contrary for ratemaking and other purposes.

39. In account "426.5, Other deductions," the note is deleted and a list of items is added. As revised, account 426.5 reads as follows:

426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

ITEMS

1. Loss relating to investments in securities written off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale, or retirement of utility's debt securities.
4. Preliminary survey and investigation, expenses related to abandoned projects when not written off to the appropriate operating expense account.

40. In the text of Income Accounts, the heading "4. Interest Charges" is redesignated as "3. Interest Charges."

41. Account "432, Interest Charged to Construction—Cr.," is deleted from the text of the Income Accounts.

42. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
437 Dividends declared—preferred stock.
438 Dividends declared—common stock.

43. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions," are added reading as follows:

4. EXTRAORDINARY ITEMS

434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

44. Following the text of Income Accounts and immediately preceding the chart of "Operating Revenue Accounts," a new section, entitled "Retained Earnings Accounts," is inserted, reading as follows:

Retained Earnings Accounts

(Chart of Accounts)

216 Unappropriated retained earnings (at beginning of period).
433 Balance transferred from income.
436 Appropriations of retained earnings.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
439 Adjustments to retained earnings.
216 Unappropriated retained earnings (at end of period).

Retained Earnings Accounts

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
2. Appropriations required by action of regulatory authorities.
3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges, or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write off of unamortized capital stock expenses.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

C. Effective for the reporting year 1971, Schedule pages 1, 5, and 9 of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees, (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment A hereto: [1]

(1) Schedule page 1—the General Information section is amended to require reporting the "telephone number (including area code)" of the person to be contacted concerning the report.

(2) Schedule page 5, Condensed Income Statement for the Year—will become a two page statement of income schedule numbered 6 and 6A, and is completely revised. The Earned Surplus section at the bottom of page 5 will become a separate schedule sheet numbered 6B and retitled "Statement of Retained Earnings." Old page 5 will contain the data now reported on page 6.

(3) Schedule page 9, Investment Tax Credits Generated and Utilized—the last sentence of instruction 1 to the schedule is revised to read "By footnote state the method of accounting adopted, and whether the company has consented or is required by another Commission to pass the entire amount of tax credits on to customers."

D. Effective January 1, 1971, paragraph C, of § 141.2 of the Commission's Regulations under the Federal Power Act is revised by deleting two schedules and adding two schedules as follows:

Delete:

Condensed Income Statement.
Earned Surplus.

Add schedules:

Insert Statement of Income for the Year to follow the line Electric Operation and Maintenance Expenses.

Insert Statement of Retained Earnings to follow the new line Statement of Income for the Year.

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

E. The Commission's Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations, is amended and revised as follows:

1. In the Definitions section of Part 204, immediately following definition "24. 'Replacing' or 'replacement'," a new definition "25. 'Retained earnings'," is added. Beginning with definition "25. 'Retirement units'," remaining definitions 25 through 29 are renumbered as 26 through 30. New definition 25 reads as follows:

Definitions

* * * * * * *

25. "Retained earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

* * * * * * *

2. The General Instuctions section of Part 204 is amended as follows:

(a) In instruction "2. Records" the title of account 426 in paragraph E is revised to read "Account 426, Miscellaneous Income Deductions."

(b) In instruction "3. Numbering System," paragraph A is amended by deleting the numbers "400–439" assigned to Income accounts and substituting the numbers "400–432, 434–435" therefor. Immediately following Income accounts the following new item "433, 436–439 Retained earnings accounts" is inserted.

(c) Immediately following instruction "7. Accounting To Be on Accrual Basis," new general instructions "8. Extraordinary Items" and "9. Prior Period Items" are added, and remaining instructions 8, through 12. are renumbered as 10. through 14.

As amended, these portions of the General Instructions section of Part 204 read as follows:

General Instructions

* * * * * * *

2. *Records.*

* * * * * * *

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Miscellaneous Income Deductions.

* * * * * * *

3. *Numbering System.*

A. * * *

400–432, 434–435 Income accounts.
433, 436–439 Retained earnings accounts.

* * * * * * *

8. *Extraordinary Items.*

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 9 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

9. *Prior Period Items.*

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs or realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439.)

* * * * * * *

3. The Gas Plant Instructions of Part 204 are amended as follows:

(a) The paragraph in instruction "2. Components of Construction Cost." is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for funds used during construction."

(b) In instruction "4. Gas Plant Purchased or Sold." the second sentence in paragraph F is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property."

(c) In instruction "6. Land and Land Rights." the first sentence in paragraph E is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

(d) In instruction "9. Additions and Retirements of Gas Plant." the second sentence in paragraph E is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus," and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property."

The amended portions of Gas Plant Instructions 2., 4., 6., and 9. in Part 204 read as follows:

Gas Plant Instructions

* * * * * * *

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs.

* * * * * * *

4. *Gas Plant Purchased or Sold.*

* * * * * * *

F. * * * Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property. * * *

* * * * * * *

6. *Land and Land Rights.*

* * * * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate, unless a reserve therefor has been authorized and provided. * * *

* * * * * * *

9. *Additions and Retirements of Gas Plant.*

* * * * * * *

E. * * * If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion, or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate. * * *

* * * * * * *

4. The chart of Balance Sheet Accounts is amended as follows: Account titles 215 and 216 are amended by deleting the words "earned surplus" and substituting the words "retained earnings" therefor. Immediately following account title "253, Other deferred credits," new account title "255, Accumulated deferred investment tax credits." is added. The amended portions of the chart of Balance Sheet Accounts read as follows:

Balance Sheet Accounts

(Chart of Accounts)

* * * * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * * * *

215 Appropriated retained earnings.
216 Unappropriated retained earnings.

* * * * * * *

8. DEFERRED CREDITS

* * * * * * *

255 Accumulated deferred investment tax credits.

* * * * * * *

5. Account "110, Accumulated provision for depreciation, depletion and amortization of gas plant," is amended as follows: In paragraph A, subparagraph (2) is deleted and subparagraphs (3) through (5) are redesignated as (2) through (4). In the second sentence in paragraph E, the word "surplus" is deleted and the words "retained earnings" are substituted therefor. The amended portion of paragraph E reads:

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

* * * * * * *

E. * * * It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

[1] Attachment A filed as part of original document.

6. In account "124, Other investments," the final sentence in Note C is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As so amended, the final sentence in Note C reads:

124 Other investments.

* * * * * *

NOTE C: * * * When securities are written off or written down, the amount of the adjustment shall be charged to account 426.5, Other Deductions, or to an appropriate account for provisions for loss in value established as a separate subdivision of this account.

7. In account "183, Other deferred debits," the final sentence in subparagraph A(1) is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As so amended, the final sentence in subparagraph A(1) reads:

183 Other deferred debits.

A. * * *

(1) * * * If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense accounts.

* * * * * *

8. Account "213, Discount on capital stock," is amended as follows: In paragraph B the punctuation and words ": *Provided, however, That*" are changed to read "; provided, however, that." In paragraphs B and C the words "435, Miscellaneous Debits to Surplus," are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

213 Discount on capital stock.

* * * * * *

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 439, Adjustments to Retained Earnings.

9. Account "214, Capital stock expense" is amended as follows: In paragraph B the punctuation and words ": *Provided, however, That*" are changed to read "; provided, however, that." In paragraphs B and C the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read as follows:

214 Capital stock expense.

* * * * * *

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-in Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 439, Adjustments to Retained Earnings.

* * * * * *

10. Account "215, Appropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As so amended, these portions of account 215 read:

215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. * * *

11. Account "216, Unappropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor and by deleting the word "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 read:

216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. * * *

12. In account "217, Required capital stock," paragraph B is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, paragraph B reads:

217 Reacquired capital stock.

* * * * * *

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-in Capital, provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

* * * * * *

13. In account "221, Bonds," paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "428, Amortization of Debt Discount and Expense or account 429, Amortization of Premium on Debt—Cr." As amended, paragraph B reads:

221 Bonds.

* * * * * *.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr., as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses," and substituting therefor "see general instruction 9, for treatment." As amended, this portion of paragraph B will read:

236 Taxes accrued.

* * * * * *

B. * * * However, if such corrections are so large as to seriously distort current expenses, see general instruction 9, for treatment.

* * * * * *

15. Immediately following account "253, Other deferred credits," add new account 255 reading as follows:

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.3, credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to Account 420.

C. If any of the investment tax cedits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained and entries shall be appropriately recorded in this account and in account 413, Expenses of Gas Plant Leased to Others; account 414, Other Utility Operating Income; account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work; account 417.1, Expenses of Nonutility Operations; or account 418, Nonoperating Rental Income.

D. Records shall be maintained identifying the properties related to the investment tax credits for each year, the weighted average service life of such properties, and any unused balance of such credits. Such records are not necessary unless the credits are deferred.

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As so amended, the note reads:

265 Miscellaneous operating reserves.

* * * * * *

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads:

271 Contributions in aid of construction.

* * * * * *

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

* * * * * *

18. In the text of Balance Sheet Accounts, prefatory Note B under the heading "11. Accumulated Deferred Income Taxes" is revised to read as follows:

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * * *

NOTE B: Natural Gas Companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and nonutility property, and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

19. In account "281, Accumulated deferred income taxes—Accelerated amortization," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings," therefor. As amended, this portion of paragraph E reads:

281 Accumulated deferred income taxes—Accelerated amortization.

* * * * * *

E. * * * It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. * * *

20. In account "282, Accumulated deferred income taxes—Liberalized depreciation," the second sentence in paragraph E is amended by deleting the word "surplus" and substituting "retained earnings" therefor. As amended, this portion of paragraph E reads:

282 Accumulated deferred income taxes—Liberalized depreciation.

* * * * * *

E. * * * It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission.

21. In account "283, Accumulated deferred income taxes—Other," the second sentence in paragraph D is amended by deleting the word "surplus" and substituting "retained earnings" therefor. As amended, this portion of paragraph D reads:

283 Accumulated deferred income taxes—Other.

* * * * * *

D. * * * It shall not transfer the balance in the account of any portion thereof to retained earnings or make any use thereof except as provided in the text of this account, without prior approval of the Commission. * * *

22. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, these portions of paragraphs B and C read:

302 Franchises and consents.

* * * * * *

B. * * * Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

* * * * * *

23. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

303 Miscellaneous intangible plant.

* * * * * *

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

* * * * * *

24. The chart of Income Accounts is revised to read as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operating expense.
402 Maintenance expense.
403 Depreciation and depletion expense.
404 Amortization of limited-term gas plant.
405 Amortization of other gas plant.
406 Amortization of gas plant acquisition adjustments.
407.1 Amortization of property losses.
407.2 Amortization of conversion expenses.
408 Taxes other than income taxes.
408.1 Taxes other than income taxes, utility operating income.
409 Income taxes.
409.1 Income taxes, utility operating income.
410 Provision for deferred income taxes.
410.1 Provision for deferred income taxes, utility operating income.
411 Income taxes deferred in prior years—Cr.
411.1 Income taxes deferred in prior years—Cr., utility operating income.
411.3 Investment tax credit adjustments.
411.4 Investment tax credit adjustments, utility operations.
Total gas utility operating expenses.
Net gas utility operating income.
Other Operating Income:
412 Revenues from gas plant leased to others.
413 Expenses of gas plant leased to others
414 Other utility operating income.

Net utility operating income

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

415 Revenues from merchandising, jobbing and contract work.
416 Costs and expenses of merchandising, jobbing and contract work.
417 Revenues from nonutility operations.
417.1 Expenses of nonutility operations.
418 Nonoperating rental income.
419 Interest and dividend income.
419.1 Allowance for funds used during construction.
421 Miscellaneous nonoperating income
421.1 Gain on disposition of property

Total other income.

B. OTHER INCOME DEDUCTIONS

421.2 Loss on disposition of property.
425 Miscellaneous amortization.
426 Miscellaneous income deductions
426.1 Donations.
426.2 Life insurance.
426.3 Penalties.
426.4 Expenditures for certain civic, political and related activities.
426.5 Other deductions.

Total other income deductions.
Total other income and deductions.

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

408.2 Taxes other than income taxes, other income and deductions.
409.2 Income taxes, other income and deductions.
410.2 Provision for deferred income taxes, other income and deductions.
411.2 Income taxes deferred in prior years-Cr., other income and deductions.
411.5 Investment tax credit adjustments, nonutility operations.
420 Investment tax credits

Total taxes on other income and deductions.
Net other income and deductions.

3. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt-Cr.
430 Interest on debt to associated companies.
431 Other interest expense.

Total interest charges.

Income before extraordinary items.

4. EXTRAORDINARY ITEMS.

434 Extraordinary income.
435 Extraordinary deductions.
409.3 Income taxes, extraordinary items.

Net income.

25. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to gas operations." New paragraph D is added. Notes A and D are deleted. Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New note E is added. As amended, these portions of account 408 read as follows:

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

• • • • •

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

26. Immediately following account "408, Taxes other than income taxes," new subaccounts 408.1 and 408.2 are added reading as follows:

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

27. Account "409, Income Taxes," is amended as follows: In the first sentence in paragraph A the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in paragraph A the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9, for prior period adjustments)." Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted and Note E is redesignated as Note B. As so amended, account 409 reads as follows:

409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions, so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net invesment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

28. Immediately following account "409, Income taxes," new subaccounts 409.1, 409.2, and 409.3 are added reading as follows:

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

29. The present paragraph in account "410, Provision for deferred income taxes," is designated as "A" and a new paragraph B is added reading as follows:

410 Provision for deferred income taxes.

A. • • •

B. This account shall be maintained according to the subaccounts 410.1 and 410.2 inclusive, as shown below.

30. Immediately following account "410, Provision for deferred income taxes," new subaccounts 410.1 and 410.2 are added reading as follows:

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amount of those deferred income taxes reflected in account 410, Provision for Deferred Income Taxes which relate to Other Income and Deductions.

31. The present paragraph in account "411, Income taxes deferred in prior years—Credit," is designated as "A" and a new paragraph "B" is added reading as follows:

411 Income taxes deferred in prior years—Credit.

A. • • •

B. This account shall be maintained according to the subaccounts 411.1 and 411.2 inclusive, as shown below.

32. Immediately following account "411, Income taxes deferred in prior years—Credit" new subaccounts 411.1 and 411.2 are added reading as follows:

411.1 Income taxes deferred in prior years—Credit, utility operating income.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Utility Operating Income (by department).

411.2 Income taxes deferred in prior years—Credit, other income and deductions.

This account shall include the amount of those taxes deferred in prior years—credit, reflected in account 411, Income Taxes Deferred in Prior Years—Credit which relate to Other Income and Deductions.

33. Immediately following new subaccount "411.2, Income taxes deferred in prior years—Credit, other income and deductions," new account 411.3 and new subaccounts 411.4 and 411.5 are added reading as follows:

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

34. Paragraph B of the explanatory text following accounts "412, Revenues from gas plant leased to others" and "413, Expenses of gas plant leased to others," is amended by deleting the items "Rents," "Taxes Other Than Income Taxes" and "Income Taxes," and by adding a Note. As amended, paragraph B and the note read as follows:

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

• • • • •

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Depreciation and Depletion.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

35. In account "414, Other utility operating income," paragraph B is amended by deleting the word "taxes" and adding a note. As amended, these portions of account 414 read as follows:

414 Other utility operating income.

• • • • •

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes, identified separately.

36. In the text of Income Accounts, the heading "2. Other Income" is revised to read as follows:

2. OTHER INCOME AND DEDUCTIONS

37. In the explanatory text following accounts "415, Revenues from merchandising, jobbing and contract work" and "416, Costs and expenses of merchandising, jobbing and contract work," the "Note" is redesignated as "Note A," and new Note B is added. In the list of Items, item "24, Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom," is deleted and item "25. Losses from uncollectible merchandise and jobbing accounts," is redesignated as item 24. The amended portions of the explanatory text read:

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

• • • • •

NOTE A: • • •

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

ITEMS

• • • • •

24. Losses from uncollectable merchandise and jobbing accounts.

38. Account "417, Income from nonutility operations" is amended as follows: The word "Income" is deleted from the account title and replaced by the word "revenues." Immediately following the amended title of account 417, new account title "417.1, Expenses of nonutility operations" is added. In the first sentence in paragraph A, the words "This account" are deleted and replaced by the words "These accounts." The items "Taxes other than income taxes" and "Income taxes" are deleted from the list of items in paragraph B. Immediately following the list of items in paragraph B, a new Note is added. The amended portions of accounts 417 and 417.1 read:

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

A. These accounts • • •

B. The expenses shall include all elements of costs incurred in such operations, and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

39. In account "418, Nonoperating rental income," paragraph A is amended by deleting "account 417" and substituting "accounts 417 or 417.1." Paragraph B is amended by deleting from the list of items "Taxes other than income taxes" and "Income taxes" and by adding a note. As amended, account 418 reads:

418 Nonoperating rental income.

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which is not used in operations covered by accounts 417 or 417.1.

B. The expenses shall include all elements of costs incurred in the ownership and rental of the property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

40. In account "419, Interest and dividend income," paragraph "B" is deleted and paragraphs "C" and "D" are dedesignated as "B" and "C." Redesignated paragraph "C" is amended by deleting the word "including" and substituting the word "excluding" therefor. Immediately following redesignated paragraph "C," new Note A is added and the present note is redesignated as Note B. The amended portions of account 419 read:

419 Interest and dividend income.

* * * * *

B. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

C. Where significant in amount, expenses, excluding operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon, shall be charged hereto.

NOTE A: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

NOTE B: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility shall not be credited to this account.

41. Immediately following account "419, Interest and Dividend Income," new account "419.1, Allowance for funds used during construction," is added reading as follows:

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

42. Immediately following account "419.1, Allowance for Funds Used During Construction" new account 420 is added reading as follows:

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers: (a) By amount equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and, (b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

43. In account "421, Miscellaneous nonoperating income," the first paragraph is amended by inserting the words ", except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes." New item 3 is added to the list of items. The amended portions of account 421 read:

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items, except taxes, properly includible in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

ITEMS

* * * * *

3. Gain on disposition of investments and reacquisition and resale or retirement of utility's debt securities and investments.

44. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of utility or other property to another. (See gas plant instructions 4F, 6E, or 9E.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of utility or other property to another. (See gas plant instructions 4F, 6E, or 9E.) Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

45. In the text of Income Accounts, the heading "3. Miscellaneous Income Deductions," is deleted.

46. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. The amended portion of account 425 reads:

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

* * * * *

47. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, the text of the note now located under account "426.5, Other deductions." is inserted. The amended portions of account 426 read:

426 Miscellaneous income deductions.

* * * * *

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

48. In account "426.5, Other deductions," the note is deleted and a list of items is added. As amended, account 426.5 will read:

426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

ITEMS

1. Loss relating to investments in securities written-off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale, or retirement of utility's debt securities.
4. Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account.

49. In the text of Income Accounts, the heading "4. Interest Charges" is redesignated as "3. Interest Charges."

50. Account "432, Interest Charged to Construction—Cr." is deleted from the text of the Income Accounts.

51. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.

52. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions" are added reading as follows:

4. EXTRAORDINARY ITEMS

434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 8.)

53. Following the text of Income Accounts and immediately preceding the chart of "Operating Revenue Accounts," a new section entitled "Retained Earnings Accounts," is inserted reading as follows:

Retained Earnings Accounts

(Chart of Accounts)

216 Unappropriated retained earnings (at beginning of period).
433 Balance transferred from income.
436 Appropriations of retained earnings.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
439 Adjustments to retained earnings.
216 Unappropriated retained earnings (at end of period).

Retained Earnings Accounts

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
2. Appropriations required by action of regulatory authorities.
3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared — Preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared — Common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write off of unamortized capital stock expenses.

54. The Note in account "721, Nonproductive well drilling," is amended by changing the General Instruction number from "12" to "14." As amended, the note reads:

721 Nonproductive well drilling.

* * * * *

NOTE: Records in support of the charges to this account shall conform, as appropriate, to General Instruction 14, Gas Well Records.

55. In account "733, Gas withdrawn from underground storage-Debit," the Note is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting "439, Adjustments to Retained Earnings." As amended, the note reads:

733 Gas withdrawn from underground storage—Debit.

* * * * *

NOTE: Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 741, Gas Losses. If, however, any adjustment is substantial and related predominantly to prior years, it shall be charged to account 439, Adjustments to Retained Earnings.

56. In account "741, Gas losses," the final sentence in the first paragraph is amended by deleting "435, Miscellaneous Debits to Surplus" and substituting therefor "439, Adjustments to Retained Earnings." As amended, this portion of account 741 reads:

741 Gas losses.

* * * If, however, any adjustment is substantial and relates predominantly to prior years, it shall be charged to account 439, Adjustments to Retained Earnings.

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

F. The Commission's Uniform System of Accounts for Class D Natural Gas Companies, Part 205, Chapter I, Title 18 of the Code of Federal Regulations, is amended and revised as follows:

1. In the Definitions section of Part 205, immediately following definition "15. 'Replacing' or 'replacement'," a new definition "16. 'Retained earnings'," is added. Beginning with definition "16. 'Retirement units'," remaining definitions 16 through 20 are renumbered as 17 through 21. New definition 16 reads:

Definitions

* * * * *

16. "Retained earnings" (formerly earned surplus) means the accumulated net income of the utility less distribution to stockholders and transfers to other capital accounts.

* * * * *

2. The General Instructions section of Part 205, is amended as follows: Immediately after instruction "3. Item Lists," new instructions "4. Extraordinary Items" and "5. Prior Period Items." are added. Beginning with instruction "4. Distribution of Pay and Expenses of Employees," remaining instructions 4, through 6, are renumbered as 6 through 8. New instructions 4 and 5, read:

General Instructions

* * * * *

4. *Extraordinary Items.*

It is the intent that net income shall reflect all items of profit and loss during the period with the sole exception of prior period adjustments as described in paragraph 5 below. Those items related to the effects of events and transactions which have occurred during the current period and which are not typical or customary business activities of the company shall be considered extraordinary items. Accordingly, they will be events and transactions of significant effect which would not be expected to recur frequently and which would not be considered as recurring factors in any evaluation of the ordinary operating processes of business. (In determining significance, items of a similar nature should be considered in the aggregate. Dissimilar items should be considered individually; however, if they are few in number, they may be considered in aggregate.) To be considered as extraordinary under the above guidelines, an item should be more than approximately 5 percent of income, computed before extraordinary items. Commission approval must be obtained to treat an item of less than 5 percent, as extraordinary. (See accounts 434, Extraordinary income and 435, Extraordinary deductions.)

5. *Prior Period Items.*

A. As a general rule, items relating to transactions which occurred prior to the current calendar year but were not recorded in the books of account shall be

included in the same accounts in which they would have been recorded had the item been recorded in the proper period. Such items relate to events or transactions which occurred in a prior period or periods, the accounting effects of which could not be determined with reasonable assurance at the time, usually because of major uncertainty then existing. When the amount of a prior period item is relatively so large its inclusion for a single month would distort the accounts for that month, the amount may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year. However, if the amount of any prior period item is so large that the company believes its inclusion in the income statement would seriously distort the net income for the year, the company may request Commission approval to record the amount in account 439, Adjustments to Retained Earnings. Such a request must be accompanied by adequate justification.

B. Treatment as prior period adjustments should not be applied to the normal, recurring corrections and adjustments which are the natural result of the use of estimates inherent in the accounting process. For example, changes in the estimated remaining lives of fixed assets affect the computed amounts of depreciation, but these changes should be considered prospective in nature and not prior period adjustments. Similarly, relatively insignificant adjustments of provisions for liabilities (including income taxes) made in prior periods should be considered recurring items to be reflected in operations of the current period. Some uncertainties, for example those relating to the realization of assets (collectibility of accounts receivable, ultimate recovery of deferred costs or realizability of inventories or other assets), would not qualify for prior period adjustment treatment, since economic events subsequent to the date of the financial statements must of necessity enter into the elimination of any previously existing uncertainty. Therefore, the effects of such matters are considered to be elements in the determination of net income for the period in which the uncertainty is eliminated. (See account 439, Adjustments to retained earnings.)

3. The Gas Plant Instructions in Part 205 are amended as follows: The paragraph in instruction "2. Components of Construction Cost." is amended by deleting the words "interest during construction" and substituting therefor the words "allowance for funds used during construction." The second sentence in paragraph B of instruction "6. Gas Plant Retired." is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property." The amended portions of the Gas Plant Instructions 2 and 6 read as follows:

Gas Plant Instructions

• • • • •

2. *Components of Construction Cost.*

The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs.

• • • • •

6. *Gas Plant Retired.*

• • • • •

B. • • • If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion, or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, as appropriate. • • •

4. The chart of Balance Sheet Accounts is amended as follows: Account titles 215 and 216 are amended by deleting the words "earned surplus" and substituting the words "retained earnings" therefor. Immediately following account title "253, Other deferred credits," new account title "255, Accumulated deferred investment tax credits" is added. The amended portions of the chart of Balance Sheet Accounts read:

Balance Sheet Accounts (Chart of Accounts)

• • • • •

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

• • • • •

215 Appropriated retained earnings.
216 Unappropriated retained earnings

• • • • •

8. DEFERRED CREDITS

• • • • •

255 Accumulated deferred investment tax credits.

• • • • •

5. Account "110, Accumulated provision for depreciation, depletion and amortization of gas plant," is amended as follows: In paragraph A, subparagraph (2) is deleted and subparagraphs (3) through (5) are redesignated as (2) through (4). In the second sentence in paragraph D, the word "surplus" is deleted and the words "retained earnings" are substituted therefor. The amended portion of paragraph D reads:

110 Accumulated provision for depreciation, depletion and amortization of gas plant.

• • • • •

D. • • • It shall not transfer any portion of this account to retained earnings or make any other use thereof without authorization by the Commission.

• • • • •

6. In account "183, Other deferred debits," the final sentence in subparagraph A(1) is amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As so amended, the final sentence in subparagraph A(1) reads:

183 Other deferred debits.

A. • • •

(1) • • • If the work is abandoned, the charge shall be to account 426.5, Other Deductions, or to the appropriate operating expense account.

• • • • •

7. In account "213, Discount on capital stock," paragraphs B and C are amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read:

213 Discount on capital stock.

• • • • •

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207.

C. The utility may amortize the balance in this account by charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part to account 439, Adjustments to Retained Earnings.

8. Account "214, Capital stock expense" is amended as follows: In paragraph B the punctuation and words "*: Provided, however,* That" are changed to read "provided, however, that." In paragraphs B and C, the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraphs B and C read:

214 Capital stock expense.

• • • • •

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 207, Other Paid-In Capital, to the extent of gains on resale or cancellation of reacquired stock includible therein; provided, however, that the amount shall be charged to account 439, Adjustments to Retained Earnings, to the extent that it exceeds the balance in account 207, from such source.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by

charges to account 439, Adjustments to Retained Earnings.

• • • • •

9. Account "215, Appropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and the first sentence of the text and substituting the words "retained earnings" therefor. As so amended, these portions of account 215 read:

215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. • • •

10. Account "216, Unappropriated earned surplus," is amended by deleting the words "earned surplus" from the account title and substituting the words "retained earnings" therefor, and by deleting the words "surplus" from the first sentence of the text and substituting the words "retained earnings" therefor. The amended portions of account 216 read:

216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, of unappropriated retained earnings arising from earnings. • • •

11. Account "217, Reacquired capital stock," is amended as follows: In paragraph B, the punctuation and words "*: Provided, however, That*" are changed to read "; provided, however, that." In paragraph B, the words "435, Miscellaneous Debits to Surplus" are deleted and replaced by "439, Adjustments to Retained Earnings." As amended, paragraph B reads:

217 Reacquired capital stock.

• • • • •

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 207, Other Paid-In Capital; provided, however, that debits shall be charged to account 439, Adjustments to Retained Earnings, to the extent that they exceed the balance of gains on resale or cancellation of reacquired stock included in account 207.

• • • • •

12. In account "218, Noncorporate proprietorship," the final sentence in Note C is amended by deleting the word "surplus" and substituting "retained earnings." As amended, this portion of Note C reads:

218 Noncorporate proprietorship.

• • • • •

NOTE C: • • • When this option is taken, the retained earnings accounts shall be maintained and entries thereto shall be made in accordance with the texts thereof.

13. In account "221, Bonds," paragraph B is amended by deleting "434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus" and substituting therefor "428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr." As amended, paragraph B reads:

221 Bonds.

• • • • •

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 428, Amortization of Debt Discount and Expense, or account 429, Amortization of Premium on Debt—Cr., as appropriate.

14. In account "236, Taxes accrued," the last sentence in paragraph B is amended by deleting the remainder of the sentence after the word "expenses," and substituting therefor "see general instruction 5." As amended, this portion of paragraph B reads:

236 Taxes accrued.

• • • • •

B. • • • However, if such corrections are so large as to seriously distort current expenses, see general instruction 5.

• • • • •

15. Immediately following account "253, Other deferred credits," new account 255 is added reading as follows:

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3, credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

C. If any of the investment tax credits to be deferred are related to utility operations other than gas or to nonutility operations, appropriate subdivisions of this account shall be maintained and entries shall be appropriately recorded in this account and in account 413, Expenses of Gas Plant Leased to Others; account 414, Other Utility Operating Income; account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work; account 417, Income from Nonutility Operations; or account 418, Nonoperating Rental Income.

D. Records shall be maintained identifying the properties related to the investment tax credits for each year, the weighted average service life of such properties, and any unused balance of such credits. Such records are not necessary unless the credits are deferred.

16. In account "265, Miscellaneous operating reserves," the note is amended by deleting the words "Earned Surplus" and substituting therefor "Retained Earnings." As so amended, the note reads:

265 Miscellaneous operating reserves.

• • • • •

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Retained Earnings.

17. In account "271, Contributions in aid of construction," paragraph B is amended by deleting the words "to earned surplus or." As amended, paragraph B reads:

271 Contributions in aid of construction.

• • • • •

B. The credits to this account shall not be transferred to any other account without the approval of the Commission.

• • • • •

18. In account "302, Franchises and consents," the last sentence in paragraph B and the first sentence in paragraph C are amended by deleting the words "435, Miscellaneous Debits to Surplus," and substituting therefor "426.5, Other Deductions." As amended, these portions of paragraphs B and C read:

302 Franchises and consents.

• • • • •

B. • • • Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 426.5, Other Deductions.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

• • • • •

19. In account "303, Miscellaneous intangible plant," paragraph B is amended by deleting the words "435, Miscellaneous Debits to Surplus" and substituting therefor "426.5, Other Deductions." As amended, paragraph B reads:

303 Miscellaneous intangible plant.

• • • • •

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant, as appropriate.

• • • • •

20. The chart of Income Accounts is revised to read as follows:

Income Accounts

(Chart of Accounts)

1. UTILITY OPERATING INCOME

400 Operating revenues.
Operating expenses:
401 Operation and maintenance expense.
403 Depreciation and depletion expense.
404 Amortization expense.
408 Taxes other than income taxes.
408.1 Taxes other than income taxes, utility operating income.
409 Income taxes.
409.1 Income taxes, utility operating income.
411.3 Investment tax credit adjustments.
411.4 Investment tax credit adjustments, utility operations.

Total gas utility operating expenses.
Net gas utility operating income.

Other Operating Income:

412 Revenues from gas plant leased to others.
413 Expenses of gas plant leased to others.
414 Other utility operating income.

Net utility operating income.

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

415 Revenues from merchandising, jobbing, and contract work.
416 Costs and expenses of merchandising, jobbing and contract work.
418 Nonoperating rental income.
419 Interest and dividend income.
419.1 Allowance for funds used during construction.
421 Miscellaneous nonoperating income.
421.1 Gain on disposition of property.

Total other income.

B. OTHER INCOME DEDUCTIONS

421.2 Loss on disposition of property.
425 Miscellaneous amortization.
426 Miscellaneous income deductions.
426.1 Donations.
426.2 Life insurance.
426.3 Penalties.
426.4 Expenditures for certain civic, political and related activities.
426.5 Other deductions.

Total other income deductions.
Total other income and deductions.

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

408.2 Taxes other than income taxes, other income and deductions.
409.2 Income taxes, other income and deductions.
411.5 Investment tax credit adjustments, nonutility operations.
420 Investment tax credits.

Total taxes on other income and deductions.
Net other income and deductions.

3. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.

Total interest charges.

Income before extraordinary items.

4. EXTRAORDINARY ITEMS

434 Extraordinary income.
435 Extraordinary deductions.
409.3 Income taxes, extraordinary items.

Net income.

21. Account "408, Taxes other than income taxes," is amended as follows: Paragraph A is amended by deleting the words "which are properly chargeable to gas operations." New paragraph D is added. Notes A and D are deleted and Notes B, C, E, and F are redesignated as Notes A, B, C, and D. New Note E is added. As amended, these portions of account 408 read:

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

. . . . . .

D. This account shall be maintained according to the subaccounts 408.1 and 408.2 inclusive, shown below.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social Security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or 431, Other Interest Expense, as appropriate.

22. Immediately following account "408, Taxes other than income taxes," new subaccounts 408.1 and 408.2 are added reading as follows:

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes recorded in 408, Taxes Other Than Income Taxes, which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes recorded in account 408, Taxes Other Than Income Taxes, which relate to Other Income and Deductions.

22. Account "409, Income Taxes," is amended as follows: In the first sentence in paragraph A, the word "income" is inserted between the words "Federal" and "taxes." In the second sentence in paragraph A, the remainder of the sentence after the word "adjusted" is deleted and replaced by the following: "by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility. (See general instruction 5 for prior period adjustments.)" Paragraph B is revised. New paragraph C is added. Notes B, C, and D are deleted and Note E is redesignated as Note B. As so amended, account 409 reads:

409 Income taxes.

A. This account shall include the amount of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted by a charge or credit to this account, unless such adjustment is properly includible in account 439, Adjustments to Retained Earnings, so that this account as nearly as can be ascertained shall include the actual taxes payable by the utility (see general instruction 5 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effect relating to interest charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

C. This account shall be maintained according to the subaccounts 409.1, 409.2, and 409.3 inclusive, shown below.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

24. Immediately following account "409, Income taxes," new subaccounts 409.1, 409.2, and 409.3 are added reading as follows:

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by departments), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes reflected in account 409, Income Taxes (both positive and negative) which relate to Extraordinary Items.

25. Immediately following new subaccount "409.3, Income taxes extraordinary items," new account 411.3 and new subaccounts 411.4 and 411.5 are added reading as follows:

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments reflected in account 411.3, Investment Tax Credit Adjustments related to property used in Nonutility Operations.

26. Paragraph B of the explanatory text following accounts "412, Revenues from gas plant leased to others" and "413, Expenses of gas plant leased to others," is amended by listing "Operating" and "Maintenance" separately and by deleting the items "Rents," "Taxes other than income taxes" and "Income taxes" and by adding a Note. As amended, paragraph B and the note read:

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

. . . . . .

B. The detail of expense shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Depreciation and depletion.
Amortization.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes, identified separately.

27. In account "414, Other utility operating income," paragraph B is amended by deleting the word "taxes" and by adding a Note. As amended, these portions of account 414 will read:

414 Other utility operating income.

. . . . . .

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, and insurance.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes, identified separately.

28. In the text of Income Accounts, the heading "2. Other Income" is revised to read:

2. OTHER INCOME AND DEDUCTIONS

29. In the explanatory text following accounts "415, Revenues from merchandising, jobbing and contract work" and "416, Costs and expenses of merchandising, jobbing and contract work," the "Note" is redesignated as "Note A:" and new Note B is added. The amended portions of the explanatory text read:

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

NOTE A: . . .

NOTE B: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

. . . . . .

30. Account "418, Nonoperating rental income," is amended by adding a note reading as follows:

418 Nonoperating rental income.

. . . . . .

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

31. Account "419, Interest and dividend income," the letter "A" is deleted at the beginning of the first paragraph. Immediately following the first paragraph, a note is added. Paragraph B is deleted. As amended, account 419 reads:

419 Interest and dividend income.

This account shall include interest revenues on securities, loans, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received, are carried as investments or included in sinking—or other special—fund accounts.

NOTE: Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes and income taxes shall be recorded in account 409, Income Taxes.

32. Immediately following account "419, Interest and Dividend Income," new account "419.1, Allowance for funds used during construction," is added reading as follows:

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service.

33. Immediately following account "419.1, Allowance for Funds Used During Construction" new account 420 is added reading as follows:

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amount equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

34. In account "421, Miscellaneous nonoperating income," the first paragraph is amended by inserting the words ", except taxes," immediately after the word "items" in the first sentence and by adding the following sentence "Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes." As amended, account 421 reads:

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items, except taxes, properly includible in the income account and not provided for elsewhere. Related operating taxes shall be recorded in account 408, Taxes Other Than Income Taxes, and income taxes shall be recorded in account 409, Income Taxes.

35. Immediately following account "421, Miscellaneous nonoperating income," new accounts 421.1 and 421.2 are added reading as follows:

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of utility or other property to another. (See gas plant instruction 6B.) Record income taxes on gains recorded in this account in account 409, Income Taxes.

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of utility or other property to another. (See gas plant instruction 6B.) Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

36. In the text of Income Accounts, the heading "3. Miscellaneous Income Deductions." is deleted.

37. In account "425, Miscellaneous amortization," the last sentence in the first paragraph is deleted. The amended portion of account 425 reads:

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program.

* * * * *

38. In account "426, Other income deductions," the account title is amended by deleting the word "Other" and substituting the word "Miscellaneous." Immediately following the first paragraph of the account, the text of the note now located under account "426.5, Other deductions," is inserted. The amended portions of account 426 read:

426 Miscellaneous income deductions.

* * * * *

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

39. In account "426.5, Other deductions," the note is deleted and a list of items is added. As amended, account 426.5 reads:

426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature, but which are properly deductible before determining total income before interest charges.

ITEMS

1. Loss relating to investments in securities written off or written down.
2. Loss on sale of investments.
3. Loss on reacquisition, resale or retirement of utility's debt securities.
4. Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account.

40. In the text of Income Accounts, the heading "4. Interest Charges" is redesignated as "3. Interest Charges."

41. Account "432, Interest Charged to Construction-Cir.," is deleted from the text of the Income Accounts.

42. In the text of Income Accounts, the heading "5. Earned Surplus" and the following accounts classified under that heading are deleted:

433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.

43. In the text of Income Accounts, immediately following account "431, Other Interest Expense," a new heading "4. Extraordinary Items" and new accounts "434, Extraordinary income" and "435, Extraordinary deductions," are added reading as follows:

4. EXTRAORDINARY ITEMS

434 Extraordinary income.

This account shall be credited with nontypical, noncustomary, infrequently recurring gains, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

435 Extraordinary deductions.

This account shall be debited with nontypical, noncustomary, infrequently recurring losses, which would significantly distort the current year's income computed before Extraordinary Items, if reported other than as extraordinary items. The applicable income tax effects of this account shall be recorded in account 409, Income Taxes, identified separately. (See general instruction 4.)

44. Following the text of Income Accounts, and immediately preceding the chart of "Operating Revenue Accounts," a new section, entitled "Retained Earnings Accounts," is added reading as follows:

Retained Earnings Accounts

(Chart of Accounts)

216 Unappropriated retained earnings (at beginning of period).
433 Balance transferred from income.
436 Appropriations of retained earnings.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
439 Adjustments to retained earnings
216 Unappropriated retained earnings (at end of period).

Retained Earnings Accounts

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

436 Appropriations of retained earnings.

This account shall include appropriations of retained earnings.

ITEMS

1. Appropriations required under terms of mortgages, orders of courts, contracts, or other agreements.
2. Appropriations required by action of regulatory authorities.
3. Other appropriations made at option of utility for specific purposes.

437 Dividends declared — Preferred stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock, and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of retained earnings as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock, and other forms. If not payable in cash, the medium of payment shall be described with sufficient detail to identify it.

439 Adjustments to retained earnings.

A. This account shall include significant nonrecurring transactions relating to prior periods. Other than transactions of capital stock as specified in paragraph B below, all entries to this account must receive prior Commission approval. These transactions are limited to those adjustments which (a) can be specifically identified with and related to the business activities of particular prior periods, and (b) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (c) depend primarily on determinations by persons other than the management, and (d) were not susceptible of reasonable estimation prior to such determination. This account shall also include the related income tax effects (State and Federal) on items included herein. All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

B. Adjustments, charges or credits due to losses on reacquisition, resale or retirement of the company's own capital stock shall be included in this account. (See account 207, Other Paid-in Capital for the treatment of gains.)

ITEMS

1. Significant nonrecurring adjustments or settlements of income taxes.
2. Significant amounts resulting from litigation or similar claims.
3. Significant amounts relating to adjustments or settlements of utility revenue under rate processes.
4. Significant adjustments to plant in service depreciation and amortization as a result of Commission direction.
5. Write off of unamortized capital stock expenses.

45. The Note in account "721, Nonproductive well drilling," is amended by changing the General Instruction number from "5." to "7." As amended, the note reads:

721 Nonproductive well drilling.

* * * * *

NOTE: Records in support of the charges to this account shall conform, as appropriate, to note of general instruction 7, Gas Well Records.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

G. Effective for the reporting year 1971, Schedule pages 1 and 5 of FPC Form No. 2–A, Annual Report for Natural Gas Companies, Class C and Class D, prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations are amended as follows, all as set out in Attachment A hereto: [1]

(1) Schedule page 1—the General Information section is amended to require reporting the "telephone number (including area code)" of the persons to be contacted concerning the report.

(2) Schedule page 5, Condensed Income Statement for the Year—will become a two page statement of income schedule numbered 6 and 6A, and is completely revised. The Earned Surplus section at the bottom of page 5 will become a separate schedule sheet numbered 6B and retitled "Statement of Retained Earnings." Old page 5 will contain the data now reported on page 6.

H. Effective January 1, 1971, paragraph C of § 260.2 of the Commission's regulations under the Natural Gas Act is revised by deleting two schedules and adding two schedules as follows:

Delete:

Condensed Income Statement for the Year. Earned Surplus.

Add schedules:

Insert Statement of Income for the Year to follow line Gas Operations and Maintenance Expenses.

Insert Statement of Retained Earnings to follow the new line Statement of Income for the year.

I. This order is effective January 1, 1971.

J. The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-493 Filed 1-13-71;8:48 am]

[1] Attachment A filed as part of the original document.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Maximum Interest Rate

1. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 7½ per centum per annum, effective January 13, 1971, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 7½ per centum per annum on the unpaid principal balance.

* * * * *

2. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Effective January 13, 1971, loans made by the Veterans Administration shall bear interest at the rate of 7½ percent per annum.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective January 13, 1971.

Approved: January 12, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES, *Deputy Administrator.*

[FR Doc. 71-566 Filed 1-13-71;8:50 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 221]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.521 Navel Orange Regulation 221.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market

conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 12, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 15, 1971, through January 21, 1971, are hereby fixed as follows:

(i) District 1: 576,000 cartons.

(ii) District 2: 200,000 cartons.

(iii) District 3: 24,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 13, 1971.

ARTHUR E. BROWNE,

Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-637 Filed 1-13-71;12:13 pm]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Plant Sanitation

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing an amendment to the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946 (60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622 and 1624).

Statement of consideration. Under the Agricultural Marketing Act of 1946 and the Part 68 regulations thereunder, the Grain Division is responsible for the inspection for class, quality, quantity, and condition of agricultural commodities administratively assigned to the Division for program purposes. These commodities include, but are not limited to, rice, beans, peas, split peas, processed grain products such as flour, cornmeal, salad oil, and other products intended for human food.

In conducting inspection activities, the Division has required that food products inspected pursuant to Government contracts must be processed and handled in accordance with good commercial practices. The purpose of the requirement is to:

1. Give assurance that food products inspected pursuant to Government purchase contracts have been processed and handled in clean and sanitary plants and in a sanitary manner;

2. Help insure that all food products inspected pursuant to Government purchase contracts are wholesome and uncontaminated; and

3. Aid processors in delivering more consistently uniform, high quality, inspected food products.

The Division has not had written regulations for use by the inspectors or by the trade in establishing what is good commercial practice. Regulations are needed so that applicants for inspection may know what is required and so inspectors can operate in a uniform and consistent manner.

The proposed sanitation regulations are based on recognized good housekeeping practices normally found in approved food handling and processing plants. The proposed regulations are consistent with, and are patterned in large part after, the Food and Drug regulations for good manufacturing practices in human food processing plants (21 CFR 128.1 et seq.).

The regulations would be used:

(a) In the inspection of food products when such products are (1) inspected for compliance with contracts with Federal, State, local, and foreign governments, or (2) compliance with other contracts which specify that the products shall be subject to the plant sanitation regulations.

(b) In performing plant survey inspections upon request of an applicant.

The proposed amendments are as follows:

1. In § 68.2 paragraphs (w) and (x) would be added to include these additional definitions:

§ 68.2 Terms defined.

* * * * *

(w) Plant: The building or buildings, or parts thereof, used for or in connection with the manufacturing, processing, packaging, labeling, or holding of human food.

(x) Adequate: That which is needed to accomplish the intended purpose in keeping with good public health practice.

2. New §§ 68.34a through 68.34i would be added to read:

§ 68.34a Exclusions.

Establishment engaged solely in the harvesting, storage, or distribution of raw products which are ordinarily cleaned, prepared, treated, or otherwise processed before being marketed for human consumption are excluded from the coverage of §§ 68.34b through 68.34i.

§ 68.34b Current good manufacturing practices (sanitation).

The criteria in §§ 68.34c through 68.34i shall apply to contract compliance inspection services performed for applicants for inspection pursuant to contracts with Federal, State, local, and foreign governments and upon request by other applicants for services in determining whether the facilities, methods, practices, and controls used in the manufacturing, processing, packing, or holding of food are in conformance with or are operated or administered in conformity with good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed, and held under sanitary conditions.

§ 68.34c Plant survey.

Prior to the initiation of inspection service under § 68.34b, a designated representative of the Administrator will make a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with the regulations in this part.

§ 68.34d Plants and grounds.

(a) *Grounds.* The grounds about a food plant under the control of the operator shall be free from conditions which may result in the contamination of food including, but not limited to, the following:

(1) Improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects, and other pests.

(2) Excessively dusty roads, yards, or parking lots that may constitute a source of insanitation in areas where food is exposed.

(3) Inadequately drained areas that may contribute contamination to food products through seepage or foot-borne filth and by providing a breeding place for insects or micro-organisms.

If the plant grounds are bordered by grounds not under the operator's control of the kind described in subparagraphs (1) through (3) of this paragraph, care must be exercised in the plant by inspection, extermination, or other means to effect exclusion of pests, dirt, and other filth that may be a source of food contamination.

(b) *Plant construction and design.* Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food-processing purposes. The plant and facilities shall:

(1) Provide sufficient space for orderly placement and operation of equipment and storing and processing of materials used in any of the operations. Floors, walls, and ceilings in the plant shall be of such construction as to be readily cleanable and shall be kept clean and in good repair. Fixtures, ducts, and pipes shall not be suspended over working areas so that drip or condensate may contaminate foods, raw materials, or food-contact surfaces. Aisles or working spaces between equipment and between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces with clothing or personal contact.

(2) Provide separation by partition, location, or other effective means for those operations which may cause cross-contamination of food products with micro-organisms, chemicals, filth, or other extraneous material.

(3) Provide adequate lighting to hand-washing areas, dressing and locker rooms, and toilet rooms and to all areas where food or food ingredients are examined, processed, or stored and where equipment and utensils are cleaned. Light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation shall be of the safety

type or otherwise protected to prevent food contamination in case of breakage.

(4) Provide adequate ventilation or control equipment to minimize odors and noxious fumes or vapors (including steam) in areas where they may contaminate food. Such ventilation or control equipment shall not create conditions that may contribute to food contamination by airborne contaminants.

(5) Provide, where necessary, effective screening or other protection against birds, animals, and vermin (including, but not limited to insects and rodents).

§ 68.34e Equipment and utensils.

All plant equipment and utensils should be (a) suitable for their intended use, (b) so designed and of such material and workmanship as to be adequately cleanable, and (c) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

§ 68.34f Sanitary facilities and controls.

Each plant shall be equipped with adequate sanitary facilities and accommodations including, but not limited to, the following:

(a) *Water supply.* The water supply shall be sufficient for the operations intended and shall be derived from an adequate source. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils, or containers, or employee sanitary facilities require.

(b) *Sewage disposal.* Sewage disposal shall be made into an adequate sewerage system or disposed of through other adequate means.

(c) *Plumbing.* Plumbing shall:

(1) Properly convey sewage and liquid disposable waste from the plant.

(2) Not constitute a source of contamination to foods, food products or ingredients, water supplies, equipment, or utensils, or create an insanitary condition.

(3) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(d) *Toilet facilities.* Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. Toilet rooms shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.). Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using toilet.

(e) *Hand-washing facilities.* Adequate and convenient facilities for hand washing shall be provided at each location in the plant where good sanitary practices require employees to wash and dry their hands. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand-cleaning preparations, sanitary towel service or suitable drying devices and, where appropriate, easily cleanable waste receptacles.

(f) *Rubbish disposal.* Rubbish shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies.

§ 68.34g Sanitary operations.

(a) *General maintenance.* Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and under conditions as will be safe for their intended uses.

(b) *Animal and vermin control.* No animals or birds shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects). The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.

(c) *Sanitation of equipment and utensils.* All utensils and product-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonproduct-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris.

§ 68.34h Processes and controls.

(a) Raw material and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, fit for processing into human food, and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing, or conveying of food products shall be of adequate quality, and water shall not be reused for washing, rinsing, or conveying products in a manner that may result in contamination of food products.

(b) Containers and carriers of raw ingredients should be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(c) All food processing, including packaging and storing, should be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients.

(d) Chemical, microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be properly accomplished.

(e) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products, shall conform to any applicable food additive regulation (21 CFR Part 121), and should provide adequate protection from contamination.

(f) Storage and transportation of finished products should be under such conditions as will prevent contamination, including development of pathogenic or toxigenic micro-organisms, and will protect against undesirable deterioration of the product and the container

§ 68.34i Personnel.

The plant management shall take all reasonable measures and precautions to assure the following:

(a) *Disease control.* No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plan in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) *Cleanliness.* All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash their hands thoroughly in an adequate hand-washing facility before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all insecure jewelry.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves should be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, headbands, caps, or other effective hair restraints.

(6) Not store clothing or other personal belongings, eat food or drink beverages, or use tobacco in any form in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with micro-organisms or foreign substances including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicants.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than the 45th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 11th day of January 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-514 Filed 1-13-71;8:50 am]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Parts 1020, 1025, 1030, 1035, 1040, 1050]

RULES OF PRACTICE AND GENERAL PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") proposes to amend and reissue the Foreign Direct Investment Rules of Practice and General Procedures (the "Rules of Practice") (15 CFR, Ch. X, Parts 1020–1050).

This proposed rule making is pursuant to the authority of section 5, Act of October 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; and Department Organization Order 25-3A [formerly Department Order 184-A1, Jan. 1, 1968, 33 F.R. 54.

1. *Principal changes proposed.* The principal changes in these proposed amendments relate to the substantive and appellate aspects of formal administrative proceedings provided for in Parts 1030 and 1035.

Upon representations of the Director of the Compliance Division concerning alleged violation of the restrictions on foreign direct investment embodied in Executive Order 11387, any rule or order thereunder, term or condition of any authorization or exemption or other action of the Office relating to the Foreign Direct Investments Program, a formal administrative proceeding may be instituted by the Office.

Under the present Rules of Practice, the presiding officer at the hearing stage of such proceedings may be an individual designated by the Director of the Office who is "not employed by the Office in any investigative or prosecuting function, and shall not be subject to the supervision of the Director of the Compliance Division in any way" (§ 1030.431 (a)). The proposed Rules of Practice explicitly provide (proposed § 1030.431(a)) that the presiding officer in formal administrative hearings shall be a hearing examiner appointed or designated pursuant to section 3105 or section 3344 of title 5, United States Code.

Also under the present Rules of Practice, the presiding officer's determination and order constitutes "final agency action" absent appeal to the Foreign Direct Investments Appeals Board, in which case the latter's determination becomes "final agency action" (§ 1030.515(a)), with provision for further appeal to the Appeals Board for the Department of Commerce "from the order of the presiding officer" (§ 1035.104). In the interest of orderly procedure and clarification of certain inconsistencies inherent in the foregoing provisions, the proposed Rules of Practice provide that the hearing examiner shall issue a recommended decision and proposed order (proposed § 1030.471(a)) and the Director of the Office shall be the decision officer (proposed § 1030.510), without provision for interlocutory appeal of his decision to the Foreign Direct Investments Appeals Board; rather, the Director's decision would be appealable, on limited grounds, directly to the Department of Commerce Appeals Board (proposed § 1035.102(a)).

2. *Other significant proposals.* In addition to the foregoing, certain other significant changes in the Rules of Practice are proposed, as follows:

(a) *Consent agreements.* The proposed Rules of Practice would require a statement of the charges with respect to which the consent agreement relates (proposed § 1025.311).

(b) *Basis for formal administrative proceedings.* The present Rules of Practice provide that formal administrative proceedings may be instituted "to make any determination in respect to the administration or enforcement [of the Program]" (§ 1030.111). The proposed Rules of Practice would limit such proceedings to instances when the Office "has reason to believe that any person • • • has violated [the Program]" (proposed § 1030.111).

(c) *Proposed order in formal administrative proceedings.* The proposed Rules of Practice provide for a proposed form of order to accompany the notice of institution of a formal administrative proceeding (proposed § 1030.211(g)), to put a respondent on notice of the consequences of default.

(d) *Discovery in formal administrative proceedings.* The proposed Rules of Practice would broaden discovery procedures available to parties (proposed § 1030.331).

(e) *Form of proposed order in formal administrative proceedings.* The present Rules of Practice specify the remedy to be invoked in specified types of violation (§ 1030.514). The proposed Rules of Practice (proposed § 1030.472) merely suggest possible alternatives, depending on the factual circumstances found to exist in a given case.

3. *Miscellaneous amendments.* In addition to the foregoing, proposals embodying, conforming, clarifying, and generally liberalizing provisions have been made, in connection with which a number of present sections in Parts 1020–1050 of Title 15, Code of Federal Regulations would either be deleted or renumbered.

4. *Effective date.* The proposed Rules of Practice shall be effective as of the date of publication in final form in the FEDERAL REGISTER, and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules shall apply.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments to the Chief Counsel, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. Communications concerning the proposed amendments will be considered only if received within 30 days after publication of this notice in the FEDERAL REGISTER. Subsequent to such time, the amendments will be published in the FEDERAL REGISTER in final form as proposed or as modified upon consideration of comments received.

The text of the Foreign Direct Investment Rules of Practice and General Procedures (15 CFR, Ch. X, Parts 1020, 1025, 1030, 1035, 1040, and 1050), as proposed to be amended, is as follows:

PART 1020—INVESTIGATIVE PROCEDURES

Sec.

1020.111 Investigations.
1020.112 Investigative policy.
1020.113 By whom conducted.
1020.114 Notification of purpose.
1020.121 Orders to furnish information.
1020.122 Authority to initiate investigations and to issue or modify agency process.
1020.123 Motions relating to agency process.
1020.124 Review; finality.
1020.131 Investigative hearings.
1020.132 Rights of witnesses in investigations.
1020.141 Noncompliance with orders or directions.
1020.151 Termination of investigations.

AUTHORITY: The provisions of this Part 1020 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

§ 1020.111 Investigations.

The Office[1] may, in its discretion, initiate investigations relating to compliance by any person[2] with the Foreign Direct Investments Program[3] as embodied in E.O. 11387 and Part 1000 of this chapter, any rule, regulation, or order thereunder, term or condition of any authorization or exemption issued thereunder, any decree of court relating thereto, or other agency action.

§ 1020.112 Investigative policy.

The Office encourages voluntary cooperation with its investigations. Where the circumstances appear so to require, however, the Office may invoke compulsory process as authorized by law.

§ 1020.113 By whom conducted.

Investigations will be conducted by representatives of the Office duly designated and authorized for the purpose. Such representatives are authorized, among other things, to administer oaths and receive affirmations in any matter under investigation by the Office.

§ 1020.114 Notification of purpose.

Any person under investigation who is compelled or requested to furnish information or documentary evidence shall be advised with respect to the general purpose for which such information or evidence is sought.

§ 1020.121 Orders to furnish information.

(a) The Office may issue orders requiring any person or persons named therein:

(1) To appear before a designated representative at a designated time and place to testify, produce documentary evidence, and/or produce other information relating to any transaction involving foreign direct investment; and/or

(2) To file (whether on a continuing basis, at stated intervals, upon the occurrence of specified acts or omissions, or otherwise) reports or answers in writing to specified questions, relating to any matter that is or has been under investigation or inquiry, or is likely to lead to the production of information relating to any such matter.

(b) Any person required to submit any report, whether under this section or under § 1000.602(b) of this chapter, shall preserve, or cause to be preserved, for at least 3 years after the date of filing of such report all working papers, irrespective of by whom prepared, used in the preparation of such report; all exhibits, all schedules, and all attachments to such papers; and all books and all records related to such report or to such other papers, that were prepared in the ordinary course of business.

§ 1020.122 Authority to initiate investigations and to issue or modify agency process.

The Director of the Compliance Division is hereby delegated, without power of redelegation, the authority to initiate investigations under § 1020.111 and to issue orders under § 1020.121 and, for good cause shown, to limit, quash, modify, or withdraw such orders or to extend the time prescribed therein for compliance.

§ 1020.123 Motions relating to agency process.

Any motion to limit, quash, modify, or withdraw any order issued under § 1020.121 or to extend the time prescribed for compliance must be filed with the Office (to the attention of the person issuing said order) within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as may be designated in such order. Any allegation of undue burden must be accompanied by an affidavit setting forth with particularity the supporting facts.

§ 1020.124 Review; finality.

(a) Upon denial of a motion made under § 1020.123, the moving party may appeal to the decision officer pursuant to the procedure set out in § 1030.514 of this chapter. The determination of the decision officer shall constitute final agency action.

(b) The Director of the Compliance Division may extend the return date specified in an order issued pursuant to § 1020.121 by up to twenty (20) days later than the date of denial of relief under paragraph (a) of this section where:

(1) Such relief is requested by motion under § 1020.123 for the purpose of seeking judicial review of the order without first committing a willful violation thereof, and

(2) The public interest in effective enforcement and administration of the Program will not be compromised thereby.

§ 1020.131 Investigative hearings.

(a) The Office may conduct investigative hearings in the course of any investigation or inquiry relating to the administration or enforcement of the Program, as described in § 1020.111, including inquiries initiated for the purpose of determining whether to institute a proceeding under Part 1030 of this chapter.

(b) Investigative hearings shall be nonadjudicative proceedings, presided over by a representative of the Office (hereinafter referred to as the "presiding official") designated in the order issued pursuant to § 1020.121.

(c) Investigative hearings shall be stenographically recorded unless the presiding official, in his discretion upon the request of a witness, otherwise orders.

(d) Unless otherwise ordered by the Director of the Office, investigative hearings shall not be public.

§ 1020.132 Rights of witnesses in investigations.

Any person compelled or requested to submit information to the Office, or to testify in an investigative hearing, shall be entitled to be accompanied, represented, and advised by counsel or another person who has entered an appearance under § 1050.101 of this chapter (referred to hereafter in this section as "counsel") as follows:

(a) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness, with respect to any question asked of his client. If it appears that counsel is prompting the witness under color of this paragraph, the presiding official will so note and take appropriate action in respect thereto under paragraph (f) of this section. If, upon advice of counsel, the witness refuses to answer a question, counsel may briefly state that he has advised his client not to answer the question and the legal grounds for such refusal.

(b) Where it is claimed that the testimony or other evidence sought is outside the scope of the investigation, or that the witness is privileged to refuse to to answer a question or to produce other evidence, counsel for the witness may object and briefly and precisely state the grounds therefor.

(c) Cumulative objections are unnecessary. Repetition of the grounds for any objection will not be allowed. At the request of counsel and/or when directed by the presiding official, any objections will be treated as continuing objections and preserved throughout the further course of the hearings as to any related line of inquiry.

(d) Any motion challenging the Office's authority to conduct the investigation or the sufficiency or legality of the order to testify or produce documents or other information must have been addressed to the Office prior to the hearing (see § 1020.123). Additional copies of such motions may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel's statements or objections, but no arguments in support thereof will be allowed at the hearing.

(e) After the presiding official and/or counsel for the Compliance Division have completed the examination of a witness, counsel for the witness may request the presiding official to permit the witness to clarify any of his answers in order that they may not remain equivocal or incomplete. The granting or denial of such request shall be within the sole discretion of the presiding official, and any grant may be withdrawn if counsel attempts to lead the witness or suggest answers.

[1] As used in Parts 1020–1050 of this chapter, the "Office" means the Office of Foreign Direct Investments, U.S. Department of Commerce.

[2] As used in Parts 1020–1050 of the chapter, "person" means any individual, corporation, partnership, business venture, trust, or estate.

[3] Hereinafter referred to in Parts 1020–1050 of this chapter as the "Program."

(f) The presiding official shall take all necessary and appropriate actions to avoid delay, to prevent or restrain disorderly, dilatory, obstructive, or contumacious conduct and/or otherwise to regulate the course of the hearing.

§ 1020.141 Noncompliance with orders or directions.

(a) In cases of failure to comply fully with any compulsory process, including an order issued under § 1020.121, or refusal to obey a direction by a presiding official to answer a specific question, the Office may initiate or recommend appropriate action. The fact that an order is partially defective, or that a person may so believe, will not excuse compliance with the remainder of the order.

(b) Honest mistakes or isolated oversights, made in a good faith attempt to comply with an order of the Office or the direction of a presiding official, will normally not lead to an enforcement action.

§ 1020.151 Termination of investigations.

When the facts disclosed by an investigation indicate that further action is not necessary or warranted in the public interest, the investigative file will be closed, without prejudice to further investigation by the Office at any time if circumstances so warrant.

PART 1025—SETTLEMENT PROCEDURES

Subpart A—General Statement of Policy on Administrative Enforcement

Sec.
1025.111 General policy.
1025.112 Factors bearing on intent, etc.
1025.113 Conference policy.

Subpart B—Informal, Voluntary Settlement

1025.211 Policy.
1025.212 Conditions.
1025.213 Form.
1025.221 Formal procedures.

Subpart C—Consent Agreement Policy and Procedures

1025.311 Preliminary notice of proposed formal proceeding.
1025.312 Conditions of administrative settlement.
1025.313 Form of agreement.

AUTHORITY: The provisions of this Part 1025 issued pursuant to Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

Subpart A—General Statement of Policy on Administrative Enforcement

§ 1025.111 General policy.

The Act of October 6, 1917, section 5(b)(3) and section 17, as amended (12 U.S.C. 95a(3), 50 U.S.C. App. 5(b)(3), 17), among other provisions of law, provides both criminal and civil remedies for violation. However, the Office may utilize the settlement procedure described in this part, rather than formal administrative enforcement procedures (described in Part 1030 of this chapter) or criminal procedures where the Office deems it to be in the public interest or where the person (referred to hereinafter in this part as the "party") who has failed to comply with the Program, any rule, regulation or order thereunder, or other agency action, establishes that:

(a) The party's noncompliance was unintentional;

(b) The party acted at all times in good faith; and

(c) The party has cooperated with the Office in ascertaining the facts, and has not attempted to conceal or falsify information.

§ 1025.112 Factors bearing on intent, etc.

(a) The Office will ordinarily consider the following, among other things, as relevant in determining that the conditions of § 1025.111 have been met:

(1) That the party has voluntarily advised the Office, prior to notification of an investigation in respect thereto, that an unintentional compliance problem may exist, and has furnished the Office with full particulars thereof;

(2) That the party has submitted affidavits or other documentation that noncompliance was unintended, that it was the result of circumstances which could not reasonably have been foreseen, and that all available steps to avoid noncompliance and to correct its effects were promptly taken.

(b) The Office may conduct an independent inquiry to determine whether noncompliance was unintentional and unforeseeable, and that available steps to avoid it and to correct its effects were promptly taken.

§ 1025.113 Conference policy.

It is the policy of the Office to give any party the opportunity to discuss with the staff, on an informal basis, the possible settlement of any compliance investigation of such party. Ordinarily, any request for such discussion should be directed, in the first instance, to the staff member responsible for conducting the investigation.

Subpart B—Informal, Voluntary Settlement

§ 1025.211 Policy.

When the Office has information indicating that a party may inadvertently have failed or may be failing to comply with the Program, the Office may, if it believes that such procedure will not prejudice the public interest, afford the party the opportunity to have the matter disposed of on an informal, voluntary administrative basis.

§ 1025.212 Conditions.

In determining whether such informal administrative action will not prejudice the public interest, the Office will consider: (a) The nature of the alleged noncompliance; (b) the prior conduct of the party; and (c) other factors, including adequate assurance of the party's voluntary future compliance. Generally, the Office will agree to dispose of compliance matters on the basis of an informal settlement where the alleged noncompliance is an isolated, inadvertent occurrence involving a relatively insubstantial amount of money and the party assures the Office that it has taken or will take prompt, adequate steps to undo the violation, correct its effects, and prevent its recurrence.

§ 1025.213 Form.

(a) Disposition of a matter by an informal settlement will be in the form of an exchange of agreed-upon letters passing between the party and the Director of the Office.

(b) The letter from the party to the Office will set forth the pertinent circumstances relating to and constituting the alleged noncompliance, the steps taken to undo, correct, and prevent its recurrence and other matters agreed upon by the party and Office. The letter from the Office to the party will state the intention of the Office, based on the representataions in the party's letter, to close the matter; the power will be expressly reserved to reopen the matter should the public interest so require.

§ 1025.221 Formal procedures.

When the Office, in its discretion, determines that informal disposition of a compliance matter is inappropriate, consent settlement procedures are available, on a formal basis, as provided in Subpart C of this part.

Subpart C—Consent Agreement Policy and Procedures

§ 1025.311 Preliminary notice of proposed formal proceeding.

Where time, the nature of the matter involved, and the public interest permit, the Office will notify the party (a) of its intention to institute a formal proceeding against him and (b) that he will be afforded an opportunity to confer with the Office staff and to submit an appropriate consent agreement proposal for consideration by the Office. Such notice may be in the form specified in § 1030.211 of this chapter or, in the discretion of the Office, in such other form sufficient to apprise the party of the nature of the alleged noncompliance. The party may appear personally or he may be represented by a person who has entered an appearance under § 1050.101 of this chapter.

§ 1025.312 Conditions of administrative settlement.

The Office will consider each such case individually, on the basis of all relevant facts and circumstances, including any mitigating or extenuating factors. Depending upon the circumstances of the case, administrative settlement of compliance matters by a consent agreement may entail one or more of the remedies set forth in § 1030.472 of this chapter.

§ 1025.313 Form of agreement.

(a) Every consent agreement shall contain an appropriate form of order or judgment to be entered, an admission of all jurisdictional facts, and express waiv-

ers of further procedural steps, of any requirement of findings, and of all rights to seek any form of judicial or appellate review or otherwise to challenge or contest the content, validity, or finality of the order. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by the party that the law has been violated.

(b) The Office will determine whether the public interest would be better served by an agreement providing for an administrative consent order or a judicial consent judgment. Among the factors which the Office will ordinarily consider in making such determination are: (1) The nature and gravity of the alleged noncompliance, (2) the prior conduct of the respondent, and (3) the likelihood that subsequent enforcement proceedings will be necessary.

PART 1030—PROCEDURES AND RULES OF PRACTICE FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Subpart A—General Policies and Procedures; Scope of Rules

Sec.
1030.111 Formal administrative proceedings.
1030.112 Scope of the rules in this part.

Subpart B—Notice; Answer; Other Pleadings

1030.211 Commencement of proceedings.
1030.212 Answer.
1030.213 Default.
1030.221 Amendments, by leave.
1030.222 Amendments conforming pleadings to evidence.
1030.223 Supplemental pleadings.

Subpart C—Prehearing Procedures; Motions; Discovery

1030.311 Prehearing conferences.
1030.321 Motions.
1030.326 Interlocutory appeals.
1030.331 Discovery.

Subpart D—Hearings

1030.411 Public hearings.
1030.412 Expedition of hearings.
1030.413 Rights of parties.
1030.414 Examination of witnesses.
1030.415 Admissibility of evidence.
1030.416 Objections.
1030.417 Burden of proof.
1030.418 Use of information obtained in investigations.
1030.421 Transcript.
1030.422 Record.
1030.423 Excluded evidence.
1030.431 Hearing examiners.
1030.433 Powers and duties.
1030.434 Suspension of attorneys.
1030.451 In camera policy.
1030.461 Submission by the parties of proposed findings, conclusions, and order.
1030.471 Hearing examiner's findings, conclusions, recommended decision and proposed order.
1030.472 Form of proposed order.

Subpart E—Decision and Review

1030.510 Decision officer: designation and disqualification.
1030.511 Objections.
1030.513 Decision.
1030.514 Appeals from orders under Part 1020 of this chapter.
1030.515 Petition for reconsideration.

AUTHORITY: The provisions of this Part 1030 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

Subpart A—General Policies and Procedures; Scope of Rules

§ 1030.111 Formal administrative proceedings.

The Office may institute a formal administrative proceeding when, on the basis of facts known to the Office, there is reason to believe that any person (hereinafter referred to as "respondent") has violated E.O. 11387, any rule or order thereunder, term or condition of any authorization or exemption, or other agency action relating to the Program. Such proceedings may include, but are not limited to, allegations that the respondent has failed to comply with or is in violation, willfully or otherwise, of any such agency action; or that the respondent has made a transaction with intent to evade any provision of the Program. Such proceedings shall be conducted in accordance with procedures that will assure due process of law to any party who may be adversely affected because of the determination therein.

§ 1030.112 Scope of the rules in this part.

(a) The rules in this part govern procedure in formal administrative proceedings described in § 1030.111.

(b) Except as specifically provided, the rules in this part do not govern any other proceedings, such as negotiations for the entry of consent orders, investigative hearings pursuant to § 1020.131 of this chapter, applications for specific authorizations or exemptions, or promulgation of substantive rules and regulations, general bulletins, interpretative opinions, or other rule making procedures.

Subpart B—Notice; Answer; Other Pleadings

§ 1030.211 Commencement of proceedings.

A formal administrative proceeding is commenced by the issuance and service of a notice, signed by the Director of the Office, containing the following:

(a) A clear and concise statement of facts sufficient to inform the respondent with reasonable definiteness of the type of acts or practices alleged to constitute a violation or noncompliance;

(b) Specific designation of the agency actions alleged to have been violated;

(c) A statement that the notice has been issued upon representations of the Director of the Compliance Division as summarized in the notice, and that respondent will have the opportunity to controvert the same;

(d) The substance of §§ 1030.212 and 1030.213;

(e) Specification of the time and place for hearing, such time to be at least twenty (20) days after service of the notice unless it is found and so stated in the notice that the public interest requires a shorter period;

(f) Identification of the person who will preside over the hearing and/or prehearing matters (hereinafter referred to as the "hearing examiner", and of the representative or representatives of the Compliance Division designated to prosecute the matter;

(g) A form of order which the Office has reason to believe should issue if the facts are found to be as alleged in the notice; and

(h) Recital of the legal authority and jurisdiction for institution of the proceeding.

§ 1030.212 Answer.

(a) A respondent shall, except as provided otherwise pursuant to § 1030.211 (e), have twenty (20) days after service of such notice within which to file an answer.

(b) Each answer shall contain a specific admission, denial, or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect. Allegations of a notice not specifically answered pursuant to this paragraph shall be deemed to have been admitted.

(c) Each answer shall contain a concise statement of each defense or affirmative matter that respondent will present, including a concise statement of the facts upon which it is founded. No defense or affirmative matter of which the respondent was aware at the time of filing his answer but did not include therein may be added by way of amendment or supplemental pleading under §§ 1030.221–1030.223, unless the hearing examiner, in his discretion, is convinced that respondent's failure was justifiable and that the interests of justice require its later admission.

§ 1030.213 Default.

Failure of the respondent to file an answer within the time provided or to appear as ordered shall constitute a waiver of his right to appear and contest the allegations of the notice and shall authorize the Office, without further notice, to find the facts to be as alleged in the notice and to enter findings and an order thereon.

§ 1030.221 Amendments, by leave.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow amendments to the notice or answer at any time prior to the filing of his decision.

§ 1030.222 Amendments conforming pleadings to evidence.

When issues not raised by the notice or answer but reasonably within the scope thereof are tried by express or implied consent of the parties, they shall be treated in all respects as though they had been timely raised. Amendments necessary to make the notice or answer conform to the evidence and the raising of such issues shall be allowed at any time.

§ 1030.223 Supplemental pleadings.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow service of a supplemental notice or answer setting forth transactions, occurrences, or events which occurred or were discovered since the date of the notice or answer sought to be supplemented and which are relevant to any of the issues involved in the proceeding.

Subpart C—Prehearing Procedures; Motions; Discovery

§ 1030.311 Prehearing conferences.

(a) The hearing examiner may direct any or all parties to meet with him for a conference to consider any or all of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings;

(3) Stipulations or admissions of fact and of the contents, authenticity, and admissibility of documents; and

(4) Such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of documents or other physical exhibits which will be offered in evidence in the course of the proceeding and of the names of witnesses.

(b) Prehearing conferences shall not be public unless all parties so agree.

(c) The hearing examiner, at his discretion, may direct that the prehearing conference be stenographically reported.

(d) When, as a result of a prehearing conference, it appears to the hearing examiner that the orderly, fair, and expeditious disposition of the proceeding will be aided thereby, he shall enter upon the record an order reciting any and all actions taken as a result of the conference. Insofar as such order states the issues to be resolved in the proceeding or the facts or documents which have been admitted to or stipulated by the parties, such order shall take precedence over any prior pleading or portion of the proceeding.

§ 1030.321 Motions.

(a) While a proceeding is before a hearing examiner all motions must be addressed to him. Copies of all written motions must be served upon each party.

(b) Motions should, if practicable, be in writing and shall state the particular order, ruling, or action desired and the grounds therefor. However, the hearing examiner may allow oral motions to be made before him, in appropriate cases, when each party affected or to be affected by such motion is present. Oral motions must be made upon the record.

(c) Within ten (10) days after service of any written motion, or within such longer or shorter time as may be fixed by the hearing examiner, the opposing party shall answer. Failure to answer shall constitute consent to the granting of the relief or sanction requested in the motion. The moving party will ordinarily have no right to reply.

(d) As a matter of discretion, the hearing examiner may waive the requirements of paragraphs (a) through (c) of this section as to motions for extensions of time and he may rule upon such motions ex parte.

(e) The hearing examiner shall rule, either in writing or upon the record, upon all motions presented to him. No formal opinion or findings are required on any motion.

§ 1030.326 Interlocutory appeals.

No interlocutory appeal to the decision officer (see § 1030.510) will be allowed from any decision of the hearing examiner unless the hearing examiner certifies that the ruling involves an important question of law that should be resolved at that time.

§ 1030.331 Discovery.

(a) The Federal Rules of Civil Procedure shall apply to discovery proceedings. There will be no fixed rule on priority of discovery.

(b) Discovery and compulsory process for discovery (including requests for admission) shall be available to the parties to a formal administrative proceeding under this part. Upon written motion pursuant to § 1030.321, the hearing examiner shall promptly rule upon any objection to discovery action initiated pursuant to this section. The hearing examiner shall also have the power to grant a protective order or relief to any party or third party subjected to such compulsory process.

Subpart D—Hearings

§ 1030.411 Public hearings.

All hearings in formal administrative proceedings shall be public unless otherwise ordered by the hearing examiner.

§ 1030.412 Expedition of hearings.

Hearings shall proceed with all reasonable expedition, be held at one place, and continue without suspension until concluded, unless the hearing examiner specifically provides otherwise. The hearing examiner may, in the interests of justice, in order to assure full and fair presentation of the issues, and consistent with the public interest in the expeditious administration and enforcement of the Program, order brief intervals in any proceeding. In unusual and exceptional circumstances, for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§ 1030.413 Rights of parties.

Every party shall have the right of representation by counsel, due notice, presentation of evidence, objection, cross-examination, motion argument, determination upon a record, and all other rights essential to a fair hearing.

§ 1030.414 Examination of witnesses.

An adverse party, or an officer, agent, or employee thereof, and any witness determined by the hearing examiner to be hostile, unwilling, or evasive, may be interrogated by leading questions. Any witness may be contradicted and impeached by any party, including the party calling him.

§ 1030.415 Admissibility of evidence.

Technical rules of evidence shall not apply in proceedings under this part. Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of admissible documents shall be segregated and excluded so far as practicable.

§ 1030.416 Objections.

Objections to evidence shall be timely and shall briefly state the grounds relied upon but the transcript shall not include argument or debate thereon except as ordered by the hearing examiner. The hearing examiner shall, when requested by a party, rule upon the record on any properly presented objection, or specifically defer such ruling. Any objection not ruled upon shall be deemed overruled. The substance of any overruled objection shall be deemed preserved without formal exception.

§ 1030.417 Burden of proof.

Counsel representing the Compliance Division shall have the burden of persuasion and the burden of going forward with evidence to show, prima facie, that respondent failed to comply with a requirement of the Program, but the proponent of any proposition shall be required to sustain the burden of persuasion and the burden of going forward with evidence with respect thereto.

§ 1030.418 Use of information obtained in investigations.

Any documents, papers, books, physical exhibits, or other materials or information obtained by the Office under any of its powers may be disclosed by counsel representing the Compliance Division when necessary in connection with formal administrative proceedings and may be offered in evidence by such counsel in any such proceeding.

§ 1030.421 Transcript.

Hearings shall be stenographically recorded and transcribed by a reporter under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript.

§ 1030.422 Record.

The record shall include the pleadings, all motions, all orders of the hearing examiner, the original transcript, all exhibits offered in evidence by any party, all proposed findings of fact, conclusions, and orders, and the recommended decision and proposed order of the hearing examiner. Except as provided under § 1030.451, the record shall be open to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Clerk.

§ 1030.423 Excluded evidence.

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer on the record of what he expected to prove by the answer of the witness, or the hearing examiner may, in his discretion, hear and record the evidence in full. Rejected exhibits, adequately marked for identification, and other rejected evidence shall be retained in the record and be available for consideration by any reviewing authority.

§ 1030.431 Hearing examiners.

(a) Hearings and prehearing matters in formal administrative proceedings shall be presided over by a hearing examiner appointed or designated pursuant to section 3105 or section 3344 of title 5, United States Code.

(b) The hearing examiner for prehearing matters may differ from the hearing examiner presiding over the hearing. A hearing examiner who opens the hearings under a particular notice shall, in the ordinary course, be the sole hearing examiner for such hearings, but, in the event of the death, illness, or other unavailability of a hearing examiner, or other extenuating and unusual circumstances, another hearing examiner may be appointed as provided in paragraph (a) of this section.

(c) In the event of the substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five (5) days following notice of such substitution.

§ 1030.433 Powers and duties.

Hearing examiners shall conduct fair and impartial hearings, take all necessary action to avoid delay in the disposition of proceedings, and maintain order. They shall have all powers necessary and appropriate to that end, including, but not limited to, the following:

(a) To administer oaths and receive affirmations;

(b) To issue compulsory process;

(c) To take depositions or to order depositions or other discovery procedures as provided in § 1030.331;

(d) To rule upon offers of proof and receive evidence;

(e) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(f) To hold conferences for stipulations, simplification of issues, settlement, or any other proper purpose;

(g) To consider and rule upon, as justice may require, all procedural and other motions;

(h) To make findings of fact and conclusions of law and to issue recommended decisions and proposed orders as set forth in § 1030.472; and

(i) To take any action authorized by the rules in this part or in conformance with law.

§ 1030.434 Suspension of attorneys.

(a) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any attorney who shall refuse to comply with his direction, or who shall be guilty of disorderly, dilatory, obstructive, or contumacious conduct in the course of such proceeding.

(b) Any attorney so suspended or barred may appeal to the decision officer. Appeals shall be in the form of a brief, not to exceed ten (10) pages in length and shall be filed within five (5) days after notice of the hearing examiner's action. Answer thereto may be filed within five (5) days after service of the appeal brief and may not exceed ten (10) pages. The decision of the decision officer shall constitute final agency action. The appeal shall not operate to suspend the hearing unless otherwise ordered by the decision officer. In the event the hearing is not suspended, the attorney may continue to participate therein pending disposition of the appeal.

§ 1030.451 In camera policy.

(a) Hearing examiners shall have authority when good cause therefor is placed on the record, to order any documents, or oral testimony, or other matter offered in evidence, whether admitted or rejected, to be placed in camera.

(b) Except as provided in § 1030.453, matter placed in camera is kept confidential and is not part of the public record. Only the respondent, his counsel, authorized personnel of the Office and court personnel concerned with judicial review shall have access to such matter. Where it is appropriate, in order to protect a trade secret or other confidential business information, the hearing examiner may enter other orders necessary and appropriate to protect such information from misuse.

(c) The power of the hearing examiner, the Office and reviewing courts to disclose in camera matter to the extent necessary for the proper disposition of a proceeding is specifically reserved.

§ 1030.461 Submission by the parties of proposed findings, conclusions, and order.

(a) Within such time after the close of the reception of the evidence as the hearing examiner may fix, each party to a proceeding under this part shall file with the hearing examiner for his consideration all proposed findings of fact, conclusions of law, and forms of order, together with briefs in support thereof. Answering briefs may be filed within a reasonable time thereafter, as fixed by the hearing examiner. The hearing examiner, in his discretion, may vary the sequence of filing documents following the close of reception of evidence.

(b) Such proposed findings, conclusions, and orders and any briefs or other papers shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. "Passim" references to the record may not be used.

(c) If a party fails to file a proposed finding as to any fact involved in the proceeding, or a proposed conclusion of law as to any legal question raised by the hearing, he shall be deemed to have waived any objections or contentions with regard to that fact or that question of law.

§ 1030.471 Hearing examiner's findings, conclusions, recommended decision and proposed order.

(a) Within a reasonable time after receipt of all briefs and/or other papers pursuant to § 1030.461, the hearing examiner who presided, unless he shall become unavailable to the Office, shall make findings of fact and conclusions of law and issue a recommended decision and proposed order. The findings, conclusions, recommended decision and proposed order shall be served upon the parties and shall be included in the record.

(b) The findings of fact and conclusions of law shall be numbered and shall contain appropriate references to the record.

§ 1030.472 Form of proposed order.

(a) If the hearing examiner determines that the respondent has not failed to comply with the Program, he shall, in his proposed order, dismiss the proceeding.

(b) If the hearing examiner determines that the respondent has failed to comply with the Program, he shall issue a proposed order which will, to the extent that he deems practicable, be appropriate taking into account the acts or omissions of the respondent constituting such noncompliance, taking into account in exercising his discretion the circumstances of the noncompliance as well as the importance of encouraging future good faith efforts to comply with the Program. Where appropriate (including, but not limited to, cases where the respondent's noncompliance involves positive direct investment or the holding of liquid foreign balances under circumstances where such is prohibited or in excess of the amount generally and/or specifically authorized or failure to comply with conditions of specific authorizations, and/or willful failure to or delay in filing required reports) the proposed order may include in addition to any other appropriate remedies:

(1) Reduction during any year or years in the amount of positive direct investment and/or liquid foreign balances that would have been authorized to the respondent under Part 1000 of this chapter;

(2) A requirement that the respondent repatriate all or part of its share in the earnings of incorporated affiliated foreign nationals, which repatriation shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(3) A requirement that the respondent cause its affiliated foreign nationals to make transfers of capital to the respondent, which transfers shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(4) A requirement that the respondent repatriate available proceeds of long-term foreign borrowing, which proceeds may not be held thereafter in the form of foreign balances or other foreign property;

(5) A requirement that quarterly or other special reports be filed with the Office containing such information as may seem appropriate.

Subpart E—Decision and Review

§ 1030.510 Decision officer: designation and disqualification.

(a) The Director of the Office shall be the decision officer unless he is unavailable by reason of disqualification or otherwise, in which case the Deputy Director of the Office shall be the decision officer.

(b) The decision officer shall withdraw from any case when he is disqualified by reason of personal relationship or interest or other just cause. If the decision officer has not withdrawn from the case and respondent believes that grounds for disqualification exist, respondent shall submit, with its first brief submitted pursuant to § 1030.511, a motion supported by an affidavit or affidavits specifying such grounds with particularity. In such case, the decision officer shall himself rule upon the motion in writing and his decision shall become part of the record of the case.

(c) If both the Director and the Deputy Director of the Office are disqualified or otherwise unavailable, the Appeals Board for the Department of Commerce shall perform the functions of the decision officer under the rules contained in this subpart, and the decision and order of the Appeals Board shall constitute the final agency action.

§ 1030.511 Objections.

(a) Any party in a proceeding under this part may file specific objections to the hearing examiner's findings of fact, conclusions of law, recommended decision and/or proposed order, provided that notice of intent to file such objections is filed with the Office within ten (10) days after service upon the parties of the hearing examiner's recommended decision and proposed order.

(b) Objections shall be in the form of a brief, not to exceed thirty (30) pages, filed no later than thirty (30) days after service of the hearing examiner's recommended decision and proposed order. The form of such briefs shall be controlled by § 1030.461. Answering briefs not to exceed thirty (30) pages, shall be filed not later than thirty (30) days after the closing date for submission of such objections. Reply briefs, not to exceed fifteen (15) pages, shall be filed not later than seven (7) days after the closing date for submission of answering briefs. All briefs shall be printed on one side only of each page and, if typewritten, double spaced.

(c) The briefs shall be made a part of the record and the entire record shall then be certified promptly to the decision officer.

(d) If no notice of intent to file objections to the hearing examiner's findings of fact, conclusions of law, recommended decision or proposed order are filed within the time provided in paragraph (a) of this section, the record shall be certified at the conclusion of such time to the decision officer who shall decide the case in the manner provided in § 1030.513 (b). The decision officer may, at his discretion, request the parties to submit briefs on any or all of the issues raised by the record.

§ 1030.513 Decision.

(a) If objections are filed pursuant to § 1030.511, unless all parties have stipulated otherwise in writing, there shall be oral argument before the decision officer at a date and time set by him in writing and served on all parties, which argument shall be reported stenographically. The original transcript shall be made a part of the record. Each party shall be limited to thirty (30) minutes for presentation of oral argument, unless the decision officer shall determine that the circumstances of the case require more lengthy presentation.

(b) Within a reasonable time after receipt and consideration of the record and oral argument, if any, the decision officer shall do one of the following:

(1) Remand the case to the hearing examiner for the reception of additional evidence;

(2) Issue an interlocutory decision, either orally or in writing, with respect to the issues of fact and questions of law involved in the proceeding. Thereafter, in his discretion, he may direct the hearing examiner to conduct a separate hearing on relief and form of order. The decision officer may permit the filing of additional briefs and may request that the prevailing party or parties propose a form of order and the other party or parties comment thereon, or that all parties present their views concurrently. Any failure to object to any part of a form of order proposed by a prevailing party will constitute a waiver of objection to it. The decision officer shall then render a decision as specified in subparagraph (3) of this paragraph;

(3) Issue findings of fact and conclusions of law and render a decision that adopts, modifies or sets aside the hearing examiner's findings, conclusions and recommended decision and states the reasons for his action, and enter an order which shall be served on each party to the proceeding.

(c) The order entered by the decision officer shall become effective ten (10) days after service thereof, unless the respondent appeals to the Appeals Board for the Department of Commerce, pursuant to the procedure set out in Part 1035 of this chapter or files a petition for reconsideration under § 1030.515.

§ 1030.514 Appeals from orders under Part 1020 of this chapter.

Any party appealing from the denial of a motion under § 1020.123 of this chapter, shall file an appeal brief within seven (7) days after service of the order denying said motion. The answering brief shall be filed within seven (7) days thereafter. The form of such briefs shall be controlled by § 1030.461. Oral argument will not be allowed.

§ 1030.515 Petition for reconsideration.

Any party to a proceeding under this part may petition for reconsideration of a final decision or order of the decision officer by filing a written brief with the Office stating succinctly and with particularity the grounds upon which reconsideration is being sought within five (5) days after the date of service of the decision officer's order. The Office shall thereafter enter as promptly as possible an order either granting or denying the petition.

PART 1035—RULES OF PRACTICE FOR APPEALS IN PROCEEDINGS ORIGINATING UNDER PART 1030

Sec.

1035.101 Scope of rules.
1035.102 Board.
1035.103 Appeals.
1035.104 Certification of the record.
1035.105 Briefs.
1035.107 Oral Argument.
1035.108 Disposition of appeals by Board.
1035.109 Content of orders.

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§ 1035.101 Scope of rules.

The rules of practice in this part shall govern appeals from final decisions of the decision officer in a proceeding originating under Part 1030 of this chapter. Appeals in proceedings originating under Part 1000 of this chapter shall be governed by § 1000.802 of this chapter.

§ 1035.102 Board.

(a) The Appeals Board for the Department of Commerce (referred to in this part as the "Board") shall have sole and exclusive jurisdiction to hear administrative appeals from final decisions of decision officers in proceedings under Part 1030 of this chapter.

(b) The Chairman of the Board shall designate a panel of three Board members, from time to time, to pass upon such appeals.

(c) All communications to the Board shall be addressed to: Chairman, Department of Commerce Appeals Board, Department of Commerce, Washington, D.C. 20230, and shall be in writing.

§ 1035.103 Appeals.

(a) The respondent in a proceeding under Part 1030 of this chapter may appeal to the Board from the decision and order of the decision officer, provided that notice of intent to appeal is filed with the Board within ten (10) days after service of the decision officer's decision and order or, if the respondent files a petition for reconsideration of the decision officer's order (pursuant to § 1030.514 of this chapter), notice of

intent to appeal shall be filed with the Board within ten (10) days after the date of service of the decision officer's order either denying the petition for reconsideration or disposing of a petition that had been granted.

(b) The respondent, in a proceeding under Part 1030 of this chapter, may appeal on the following grounds: that prejudicial error of law was committed; that the findings were clearly erroneous or were not supported by substantial evidence; or that the provisions of the order are arbitrary, capricious or an abuse of discretion.

§ 1035.104 Certification of the record.

Promptly after the filing of notice of intent to appeal, the record including the decision and order of the decision officer, and any petition for reconsideration and order relating thereto, shall be certified to the Board.

§ 1035.105 Briefs.

(a) The appeal brief shall be served and filed no later than thirty (30) days after service of the appropriate order of the decision officer (determined pursuant to § 1035.103(a)); the answering brief shall be served and filed no later than thirty (30) days after service of the appeal brief; and the reply brief shall be served and filed no later than seven (7) days after service of the answering brief. The appeal and answering briefs shall not exceed thirty (30) pages (printed on one side only of each page and, if typewritten, double spaced) exclusive of appendices, and the reply brief shall not exceed fifteen (15) pages.

(b) An original and five (5) copies of each brief shall be filed with the Board and three (3) copies shall be served upon each party to the proceeding, including the Office.

(c) The appeal and answering briefs shall contain in the following order:

(1) Index, table of cases, statutes, and other authorities—and page references thereto;

(2) Concise, nonargumentative statement of facts, with specific page references to the record to support each assertion;

(3) Argument, with specific page references to the record to support each assertion;

(4) Conclusion;

(5) Appendix (optional), any record material or exhibits on which the party places particular reliance.

(d) The appeal brief shall, in addition, include in the argument section a specific explanation of how the grounds for appeal fall within the standards of § 1035.103(b), and, following the conclusion, any form of order that the respondent proposes be issued in lieu of the order issued by the decision officer.

§ 1035.107 Oral argument.

The Board will ordinarily determine an appeal on the basis of the briefs. The Board will allow oral argument only in exceptional cases when it deems it necessary, upon its own motion.

§ 1035.108 Disposition of appeals by Board.

(a) The appeal shall be determined upon the basis of the record and the briefs and argument, and shall not constitute a hearing de novo. The Board shall not substitute its discretion for that of the decision officer in any matter involving expertise in interpreting, defining, administering, or effectuating the policies and purposes of the regulations or other agency actions under the Program. The Board shall not consider facts or arguments affecting the merits of the policies embodied in the regulations or other agency actions alleged to have been violated.

(b) Unless two members of the Board are of the opinion, and so advise the Chairman of the Board in writing within 20 days after the date of the filing of the appeal brief, that they desire to grant the appeal or consider further briefs or arguments, the Chairman of the Board shall, on the 20th day after the date of the filing of the appeal brief, enter an order pursuant to § 1035.109(b).

§ 1035.109 Content of orders.

(a) The grant of an appeal may be by an order remanding the matter to the decision officer, accompanied with a brief statement of reasons therefor.

(b) The denial of an appeal ordinarily will be in the form of an order signed by the Chairman of the Board, stating that the appeal was denied by the Board on a particular date, and ordinarily will not be accompanied by an explanatory statement. Such denial without an explanatory statement shall be deemed equivalent to adoption by the Board of the decision officer's decision.

(c) Where the Board grants an appeal in part and denies it in part, it ordinarily will remand the matter to the decision officer, as specified in paragraph (a) of this section. Where the Board can appropriately dispose of such a matter by entering its own order, rather than by remanding the matter, it may do so.

(d) Entry of an order by the Board shall be effective ten (10) days after service thereof.

PART 1040—COMPLIANCE PROCEDURES; REPORTS, ADVISORY OPINIONS, AND ENFORCEMENT

Subpart A—Compliance Reports

Sec.
1040.111 Compliance reports following Parts 1030 or 1035 orders.
1040.114 Noncompliance with reporting requirements.
1040.121 Comment on report.

Subpart B—Advisory Opinions on Compliance

1040.211 Request for opinion.
1040.212 Response by Office.
1040.213 Form of advisory opinion.
1040.214 Advisory opinion during compliance investigation.
1040.221 Revocation.
1040.222 Reliance.

Subpart C—Enforcement

1040.311 Enforcement.

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Subpart A—Compliance Reports

§ 1040.111 Compliance reports following Parts 1030 or 1035 orders.

(a) Whenever, in a proceeding under Parts 1030 or 1035, an order is entered requiring the respondent to refrain from or to undertake any furture act or practice, the Office will further require the respondent to file a compliance report with the Office. Such requirement will be by action of the Director of the Compliance Division pursuant to § 1020.121(a)(2) of this chapter.

(b) Such report shall be in writing, signed by the respondent or an officer thereof, be made under oath or affirmation, and be filed with the Office, Attention: Director of Compliance Division.

(c) Such report shall set forth in detail the manner and form of the respondent's compliance with each of the provisions of the order.

(d) Such report shall be filed within twenty (20) days after the order becomes effective unless the Director of the Compliance Division, upon timely request, extends such time. Further and subsequent reports may also be required by the Director of the Compliance Division.

§ 1040.114 Noncompliance with reporting requirements.

In cases of failure to comply with compliance report requirements, the Office may initiate appropriate action pursuant to § 1025.111.

§ 1040.121 Comment on report.

The Office will review compliance reports. The Director of the Compliance Division may comment in writing to the respondent in respect to whether the actions set forth in such a report evidence compliance with the order.

Subpart B—Advisory Opinions on Compliance

§ 1040.211 Request for opinion.

Any respondent subject to an order issued under Parts 1030 or 1035 of this chapter may request advice from the Office as to whether a proposed course of action, if pursued by it, will constitute compliance with such order. The request for advice should be submitted in writing and should include full information regarding the proposed course of action.

§ 1040.212 Response by Office.

On the basis of the facts submitted as well as other information properly available to it, the Office will, where it is practicable and otherwise appropriate, inform the respondent whether the proposed course of action, if pursued, would constitute compliance with the order. The Office expressly reserves the power to take such other and/or additional action as the public interest may require.

§ 1040.213 Form of advisory opinion.

The response of the Office, under § 1040.212, will be in writing, signed by the Director of the Compliance Division.

§ 1040.214 Advisory opinion during compliance investigation.

Once the Office has instituted an investigation to determine whether a respondent is in violation of an outstanding order issued against it, the Office will ordinarily consider it inappropriate to give the respondent an advisory opinion on the subject. No request for an advisory opinion, in such circumstances, will ordinarily cause the Office to discontinue such investigation.

§ 1040.221 Revocation.

The Office may, at any time, reconsider any advice or comment made under § 1040.121 or § 1040.213, and rescind, alter, or revoke the same. If it does so, the Office will, whenever possible, give prompt notice to the respondent.

§ 1040.222 Reliance.

(a) When the Office believes that a respondent has violated an order issued against it under Parts 1030 or 1035 of this chapter but the respondent establishes to the Office that it acted in actual, properly warranted, and good faith reliance upon written advice to it under § 1040.121 or § 1040.213, then the Office will not proceed or recommend any proceeding against such respondent in respect to such possible violation without first giving respondent notice under § 1040.221 and an opportunity to discontinue the questioned practice or transaction and to correct the effects thereof.

(b) If the respondent effects such discontinuance and correction promptly and fully, and satisfies the Office that it is complying with the requirements of the Program in regard to the matter, then the Office will take no further action.

Subpart C—Enforcement

§ 1040.311 Enforcement.

When the Office has information indicating that a respondent has failed or is failing to comply with the provisions of an order entered against the respondent under Part 1030, the Office may institute or recommend a civil or criminal enforcement proceeding (see, e.g., 50 U.S.C. App. 5(b)(3), 17) or a further administrative proceeding under Part 1030 of this chapter.

PART 1050—MISCELLANEOUS RULES

Sec.
1050.101 Appearances.
1050.102 Standards of conduct.
1050.103 Requirements as to form and filing of documents.
1050.104 Clerk.
1050.105 Time computation.
1050.106 Service.
1050.107 Fees.
1050.108 Ex parte communications.
1050.111 Freedom of information.

AUTHORITY: The provisions of this Part 1050 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

§ 1050.101 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal Court or of the highest court of any State or territory of the United States are eligible to practice before the Office and the Appeals Board for the Department of Commerce in any proceeding under Parts 1020–1050 of this chapter.

(2) Any individual or member of a partnership involved in any such proceeding may appear on behalf of himself or of such partnership, upon adequate identification. A corporation or association may be represented by an officer thereof.

(b) *Notice of appearance.* Any person desiring to appear before the Office on behalf of a person or party shall file a written notice of his appearance, stating the basis of his eligibility under this section. No other application shall be required for admission to practice, and no register of attorneys will be maintained.

§ 1050.102 Standards of conduct.

(a) All persons practicing before the Office shall conform to the standards of ethical conduct required of practitioners in the courts of the United States. Accountants who prepare reports or other documents for submittal to the Office shall conform to the standards of ethical conduct prescribed by the State Board of Accountancy or other licensing authority for the State in which such accountant maintains his principal place of business.

(b) If the Office has reason to believe that any person is not conforming to such standards, or that he has been otherwise guilty of conduct warranting disciplinary action, the Office may issue an order requiring such person to show cause why he should not be suspended or disbarred from practice before, or from the preparation of reports or other documents for submittal to, the Office. The alleged offender shall be granted due opportunity to be heard and may be represented by counsel. Thereafter, if warranted by the facts, the Office may issue against the person an order of reprimand, suspension, disbarment, or other appropriate sanction.

§ 1050.103 Requirements as to form and filing of documents.

(a) *Filing.* In formal administrative proceedings under Part 1030 of this chapter, except as otherwise provided, all documents submitted to the Office shall be addressed to the hearing examiner. Where practicable, such documents shall be filed with him; otherwise, they shall be filed with the Clerk (see § 1050.104). Informational applications or requests, however, may be submitted directly to the official in charge thereof or to the Director of the appropriate Division.

(b) *Title.* Documents shall clearly show the file or docket number and title of the matter in connection with which they are filed.

(c) *Copies.* Five copies of all formal documents shall be filed, unless otherwise specified. Informal applications and correspondence should be submitted in the form of an original and two copies thereof.

(d) *Form.* (1) Documents shall be printed, typewritten (double spaced) or otherwise processed in permanent form and, except for printed exhibits, on one side only of each page.

(2) Wherever practicable, documents shall be on paper approximately 8½ inches by 11 inches, bound or stapled on the left side.

(e) *Signature.* One copy of each document filed shall be signed by a person who has entered an appearance (or in informal matters by a person qualified to do so).

§ 1050.104 Clerk.

The Director of the Office shall designate an employee of the Office to serve as Clerk of the Office. The Clerk shall, in general, perform the functions of the Clerk of a district court, in respect to the proceedings under Part 1030 of this chapter and where otherwise appropriate. Papers may be filed with him; he shall accept and record receipt of formal papers; he shall enter the orders of hearing examiners and cause them to be served upon parties. Where it is appropriate, the Clerk shall sign documents and other papers in the name of the Office. Nothing contained in this section shall be deemed to preclude the Clerk from performing any other functions within the Office.

§ 1050.105 Time computation.

Computation of any period of time prescribed or allowed under Parts 1020–1040 of this chapter shall begin with the first business day following that on which the act, event, or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Office is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is 5 days or less, each Saturday, Sunday, and any such holiday shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds 5 days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

§ 1050.106 Service.

(a) *By the Office.* (1) Service of notices, orders, and other processes of the Office or a hearing examiner may be effected as follows:

(i) *By registered or certified mail.* A copy of the document shall be addressed to the person to be served, at its residence, office, or place of business, and

sent thereto by registered or certified mail; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the natural person to be served, or to a member of the partnership to be served, or to any officer or director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the office or place of business of the person, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Office shall be by delivering copies thereof as follows: Upon the Office, by personal delivery or delivery by first-class mail to the Clerk; upon any other party, by delivery to the party, as specified in paragraph (a) of this section.

(c) *Service on attorney of party.* When a party is represented by a person qualified pursuant to § 1050.101(a), and such representative has filed a notice of appearance as required by § 1050.101(b), or has filed any pleading or other document on behalf of the party, any notice, order, or other process or communication required or permitted to be served upon a person or party may be served upon such representative in lieu of any other service.

(d) *Proof of service.* (1) When service is by registered, certified, or ordinary first class, it is complete upon delivery of the document by the post office to the person served.

(2) The return post office receipt for a document registered or certified and mailed, or the verified return or certificate by the person serving the document by personal delivery, shall be proof of the service of the document. All documents served by ordinary mail shall have appended thereto a certificate of service, setting forth the manner of said service, including the address of any person so served.

§ 1050.107 Fees.

(a) *Witnesses.* Any person compelled to appear in person in response to compulsory process shall, upon his application therefor, be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) *Responsibility.* The fees and mileage referred to in this section shall be paid by the party at whose instance the witness appears.

§ 1050.108 Ex parte communications.

(a) In a formal administrative proceeding, no person not employed by the Office and no employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceeding, shall communicate ex parte, directly or indirectly, with any person involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In a formal administrative proceeding, no person involved in the decisional process of such proceeding shall communicate ex parte, directly or indirectly, with any person not employed by the Office, or with any employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceedings, with respect to the merits of that or a factually related proceeding.

(c) In a formal administrative proceeding, if an ex parte communication is made to or by any employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such employee shall promptly inform the Office of the substance of such communication and the circumstances thereof. The Office will take such action thereon as it may consider appropriate.

§ 1050.111 Freedom of information.

(a) All documents (including transcripts) filed in formal administrative proceedings conducted under Part 1030 of this chapter (except those documents placed in camera pursuant to § 1030.451 (b) of this chapter), and such other documents as the Office may from time to time designate, shall be made part of the public records of the Office. Copies thereof are maintained for public inspection and copying in the office of the Clerk (see § 1050.104).

(b) For good cause shown and upon application by any party submitting a document that is to be placed on the public record, pursuant to paragraph (a) of this section, the Office may excise trade secrets and customarily privileged commercial or financial information obtained from any person. Requests for such excision may be made by timely submittal to the Office of a written request specifying with particularity each item sought to be excised and setting forth in each instance a full statement of the party's business reasons for requesting excision. Mere conclusory allegations and requests that an entire document be omitted from the public record will not be deemed to satisfy the requirements of this paragraph.

(c) All documents of any description received by the Office from any person in connection with an investigation of possible noncompliance with the Program, and not described in paragraph (a) of this section, are considered part of the investigatory files of the Office, compiled for law enforcement purposes, and will not be disclosed to any person except pursuant to law.

(d) Terms used in this section shall have the meanings ascribed thereto in 5 U.S.C. §§ 551–553.

Effective date. The amendments hereby proposed to Parts 1020–1050 shall be effective as of the date of publication in final from in the FEDERAL REGISTER, and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or work injustice, in which case the appropriate former rule or rules shall apply.

DONALD P. KATZ,
Director, Office of Foreign Direct Investments.

JANUARY 7, 1971.

[FR Doc.71-500 Filed 1-13-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-106]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Louisville, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Louisville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 352° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at the Louisville-Winston County Airport. A prescribed instrument approach procedure, utilizing the Louisville (private) RBN, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 4, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-471 Filed 1-13-71;8:48 am]

National Highway Safety Bureau

[49 CFR Part 575]

[Docket No. 71-2; Notice 1]

CONSUMER INFORMATION

Availability Requirements

The Consumer Information Regulations were issued as final rules on January 25, 1969 (34 F.R. 1246), and were amended thereafter on May 23, 1969 (34 F.R. 8112), and October 22, 1969 (34 F.R. 17109). Currently, § 575.6 requires that the manufacturer furnish the required information with the vehicle at the time of the original purchase, in addition to making it "available for examination by prospective purchasers" at the location where the vehicle is originally offered for sale. This notice proposes that § 575.6 be revised, to require that the information be supplied in sufficient quantity to be retained by prospective purchasers or mailed to them upon their request.

In addition to providing consumers with performance data on vehicles which they have already decided to purchase, a key objective of the consumer information regulations is to aid consumers in comparing the safety and performance features of various vehicles which they may be considering purchasing. Rational and effective comparison may be impeded by a system which permits examination of data only in the dealer's showrooms under sales-oriented conditions. Moreover, many individuals, particularly in rural areas, must necessarily make initial decisions based solely on information which is available to them through the mails. Limitation of consumer information requirements to in-shop examination effectively denies to such individuals the benefits of the consumer information provisions of the National Traffic and Motor Vehicle Safety Act. Recognizing some of these drawbacks to the operation of the present requirements, the Congress, in Public Law 91-625 (84 Stat. 262), amended the Act to specifically grant to the Secretary the authority to require that the specified information be provided in printed form which could be retained by a prospective purchaser visiting the showroom or be available for mailing to such a prospective purchaser upon his request.

The proposed amendment carries out the legislative mandate, requiring the provision of consumer information in sufficient quantity to be available for retention by or mailing to a prospective purchaser. The question of what quantities are sufficient to satisfy consumer demand cannot be settled in advance by regulation or otherwise. It is intended, however, that the manufacturers should take steps to ensure that a continuous supply of the information documents is available for retention by prospective purchasers at each dealership.

In consideration of the above, it is proposed that 49 CFR 575.6(b) be revised to read as follows:

§ 575.6 Requirements.

* * * * *

(b) Every manufacturer of motor vehicles shall provide for examination by prospective purchasers, at each location where its vehicles are offered for sale by a person with whom the manufacturer has a contractual, proprietary, or other legal relationship, the information specified in Subpart B of this part that is applicable to each of the vehicles offered for sale at that location. The information shall be provided in sufficient quantity to be available for retention by prospective purchasers, or sent by mail to a prospective purchaser upon his request. With respect to newly introduced vehicles, the information shall be provided for examination and be available for distribution to prospective purchasers not later than the day on which the manufacturer first authorizes those vehicles to be put on general public display and sold to consumers. Any requirements in Subpart B that an information document unconditionally indicate data applicable to the vehicle with which it is provided shall not apply to information provided pursuant to this paragraph.

* * * * *

The proposed effective date is September 1, 1971.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested but not required that 10 copies be submitted. All comments received on or before the close of business on March 15, 1971, will be considered, and will be available in Room 4223 for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Bureau. However, the rulemaking action may proceed at any time after that date and comments received after that time and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rulemaking is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on December 31, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

[FR Doc.71-508 Filed 1-13-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19116; FCC 71-23]

FM BROADCAST STATIONS

Table of Assignments; Skowhegan, Maine, etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.), RM-1442, RM-1464.

1. In this notice of proposed rule making, the Commission chiefly invites comments on a proposal (RM-1442) to assign Class C FM Channel 286 to Skowhegan, Maine, as a substitute for Channel 296A now assigned there, to permit wide-area coverage of underserved portion of northern New England. This involves changes in assignments at Augusta, Westbrook, and South Paris, Maine. Comments will also be entertained on another proposal (RM-1464) partially in conflict with the Skowhegan proposal, to assign Channel 248 as a Class C assignment at Plymouth, N.H., with a substitution of channels at Dover, N.H.[1] However, for reasons stated below we are presently of the view that the latter proposal is much less meritorious than the Skowhegan request, and also presents substantial problems otherwise, so that unless various objections are met in the comments herein (including establishment of the fact that a Class A channel cannot be assigned to Plymouth), this proposal must be denied.

2. The present assignments at the communities involved, the Skowhegan proposal both as originally presented and as modified to meet objections of potential second-harmonic interference to Portland TV Channel 13, and the Plymouth proposal, are as follows (where

[1] The petitioners are, for Skowhegan, Kennebec Valley Broadcasting System, Inc., licensee of the AM station at Skowhegan (daytime-only) and permittee of the Class A FM station there on Channel 296A; and for Plymouth, Lakes Region Broadcasting Corporation, Inc., which is not shown to have any broadcast interests (it is not the licensee of the Plymouth AM daytime-only station.)

The Plymouth petition also proposed an assignment at Concord, N.H., with a concomitant change at Biddeford, Maine, but this is not related to its principal proposal and is not discussed further herein.

nothing is shown opposite a city, it means the proposal does not involve it):

City	Present	Skowhegan proposal (original)	Skowhegan proposal (modified)	Plymouth proposal
Maine:				
Skowhegan	296A	286	286	----------
Augusta	261, 283	261, 291	261 and 281 or 282	----------
Westbrook	285A	288A	265A	----------
South Paris	288A	224A	224A	----------
New Hampshire:				
Plymouth	----------	----------	----------	248
Dover	248	----------	----------	287
Vermont:				
Waterbury	287	[1]287	287	----------

[1] As noted below, the Skowhegan proposal would treat the Waterbury assignment as Class B rather than Class C, for mileage-separation purposes.

3. The conflict between the Skowhegan and Plymouth proposals lies in the fact that the latter involves use of Channel 287 at Dover, which is less than the minimum first-adjacent B to C separation (135 miles) with respect to both the Skowhegan reference point and the site north of the city proposed by the Skowhegan petitioner. Of the present assignments listed and involved here (i.e., other than Channel 261 at Augusta, which is occupied), the Skowhegan petitioner is the permittee on Channel 296A at that city. Station WDNH operates on the Dover assignment (its CP and license were granted conditionally on acceptance of whatever modification is involved in this proceeding), a CP is outstanding using the South Paris assignment at Norway, Maine (similarly conditioned), and the Augusta Channel 283 assignment is sought by an applicant for Gardiner, Maine. The Westbrook and Waterbury assignments are vacant.

4. In addition to the petitions (and a Supplement to the Plymouth petition) and other pleadings filed by these two parties, oppositions were filed to the Plymouth proposal by the licensee of the new Dover, N.H. station, Eastminster Broadcasting Corp., and the Portland Channel 13 television licensee (Guy Gannett Broadcasting Services). The latter party also opposed the original Skowhegan proposal for the same reason: The potential for second-harmonic interference to its station; it later indicated no objection to the Skowhegan proposal as revised. All of the rather extensive material has been considered in the formulation of our proposals herein.

5. *Population data and other services and assignments.* The 1970 Census populations of Skowhegan and its county (Somerset, of which it is the county seat and largest community) are respectively 6,571 and 40,597. The daytime-only AM station and Class A FM station and channel at Skowhegan are the only stations or assignments in the county. The preliminary 1970 Census populations of Plymouth and its county (Grafton) are 4,123 and 53,391; it is not the county seat or largest community. In addition to the daytime AM station at Plymouth, there are Class IV (local) AM facilities in the county at Hanover (two) and Littleton, 30 and 40 miles away; there is an unoccupied Class A FM channel at Hanover. Lakes Region states that none of these facilities served Plymouth. The closest outside stations to Plymouth are in the larger city of Laconia, some 20 miles away, Class A FM and Class IV and daytime AM. Of the other communities directly involved, Dover, N.H., has a preliminary 1970 Census population of 20,640 (and its county 69,274), and full time regional AM and Class B FM outlets; and Waterbury, Vt., has a population of 2,840, a full time regional AM station and the unoccupied FM channel mentioned above. It is about 10 miles from the larger center of Montpelier, the State capital (in the same county).

6. *The Skowhegan proposal.* The Skowhegan Class C proposal is tied to a proposed location on Sugarloaf Mountain, a mountain of more than 4,000 feet height above sea level some 34 miles northwest of that city. So operating, it is claimed that it would provide a 1 mv/m or stronger signal to 10,644 square miles, and a population of 199,364, with 41.6 percent of this area (4,228 square miles) now not in a position to receive any such signal, and another 25 percent (2,668 square miles) able to receive only one.[2]

7. Obviously, a proposal which would provide a first primary FM service to this extent has substantial merit, and none of the other parties argues with the Skowhegan Class C assignment proposal as such. The three matters which are raised in connection with it are as follows:

(a) *Second harmonic interference to Portland Channel 13 reception.* TV Channel 13 occupies the frequencies from 210 to 216 MHz, and thus the second harmonic of stations on FM Channels 286 through 300 (105.1 to 107.9 MHz) falls within it. As mentioned, the Portland Channel 13 licensee objected to the original proposal, not because of the proposed Channel 286 assignment itself (which would represent an improvement over 296A now at Skowhegan) but with respect to the proposed Augusta and Westbrook changes. The petitioner modified its plan accordingly, as indicated above, and the Portland TV licensee stated that it has no objection to the proposal as modified.

(b) *Spacing to the Waterbury, Vt. Channel 287 assignment.* Skowhegan is in Zone II, and therefore both Channels 286 and 287 are normally regarded as Class C assignments, with a minimum first adjacent-channel spacing of 150 miles under § 73.207(a) of the Rules. However, petitioner urges that this is not applicable in this case, because the Waterbury assignment is specifically limited, with respect to Canada, to maximum Class B facilities (50 kw E.R.P. and 500 feet a.a.t.) under the U.S.-Canada FM Working Agreement of 1963. It is contended that, while conceivably a station using this now-unoccupied assignment could directionalize so as to meet this limitation and still radiate more power in other directions, it would be impossible under the FM directional antenna rules for it to achieve maximum Class C facilities in any direction under these conditions, and that therefore Class C spacings, which are based on maximum facilities, are inappropriate for use. Accordingly, it is argued, the Waterbury assignment should be regarded, for this purpose, as Class B, and the applicable spacing is 135 miles. This is met city-to-city between Skowhegan and Waterbury; it is not met from the proposed Sugarloaf site, but petitioner contends that any use of the Waterbury assignment could, and should be required to, be located somewhat to the west of that city.

(c) *Alternative site at Skowhegan.* If Channel 286 is used at the Sugarloaf location, it would absolutely preclude the assignment of Channel 287 at Dover, N.H., as proposed in the Plymouth petition, since any location near that city far enough south to be 135 miles from Sugarloaf would be well under the 105-mile specified minimum distance to a station on Channel 286 at Providence, R.I. (there is about a 10-mile overlap of the pertinent arcs from the two locations). Accordingly, the Plymouth petitioner urged that the Channel 286 assignment at Skowhegan be considered on the basis of location on Avery Peak, a mountain of roughly the same height some 8 miles farther north (farther from Skowhegan). There was considerable argument between the two petitioners concerning relative ease of access and "shadowing" problems involved in use of these locations.

8. *The Plymouth proposal.* As with the Skowhegan proposal, petitioner Lakes Region urges that a Class C channel should be assigned to Plymouth to give wide coverage of an underserved area. However, the facts are considerably different. On the basis of the same assumptions used by the Skowhegan petitioner (see footnote 3, above), a Class C channel at Plymouth, N.H., using maximum facilities as petitioner proposes,[3] would provide a 1 mv/m signal to an area of 12,600 square miles (and over 1,000,000 persons), but a first such signal to none and a second to only 600 square miles. Even if only now-authorized stations and present facilities are assumed (which petitioner claims is more realistic), the area now receiving no 1 mv/m signal is only 28 square miles and the area receiving only one is only 1,030 square miles. Petitioner also emphasizes the need for more service in its county (Grafton) and adjacent Carroll and Belknap Counties, which have rather few and usually low-power aural stations at present. It is claimed that

[2] The standards used in this determination appear to be those set forth in the Commission's decision in Docket 17095 (1967), Roanoke Rapids, N.C. et. al. 10 R.R. 2d 1777–1778, under which it is assumed that all assignments are occupied, that Class A stations use maximum facilities and Class C stations use 75 kw E.R.P. at 500 ft. a.a.t. (or greater facilities if the Class C stations actually have them).

[3] The channel would have to be used somewhat south of Plymouth. Lakes Region contemplates an operation from Hersey Mountain, where it can get 2,000 ft. a.a.t.

these areas are important, because of tourism and for other reasons, and that therefore opportunity for wide coverage through a large-facility station should be provided.

9. The proposal involves four problems, aside from the matter of possible interference to TV Channel 13 from the Channel 287 substitution proposed for Dover, which led the Portland television licensee to oppose this petition. The other problems are:

(a) *Site restriction on Channel 246 at Rutland, Vt.* Plymouth and the proposed Channel 248 transmitter location are in Zone II; therefore, even though the Rutland, Vermont assignments have been recently reclassified as Class B instead of Class C, the required spacing between B–C stations two channels apart is 65 miles. It is less than that distance between the proposed Plymouth site and Rutland, and therefore Channel 246, assigned at Rutland but unoccupied, would have to be used at a point a few miles south or southwest of that city. After this matter was raised in opposition, Lakes Region showed that from an assumed location (Green Hill) within the permissible area of use, a station could provide suitable coverage of Rutland (no further details were given).

(b) *Use of Channel 287 at Dover, N.H.* An integral part of the Plymouth proposal is finding a replacement Class B channel for Dover, N.H., to replace Channel 248, which is now occupied by Station WDNH but which petitioner would move to Plymouth for its use. Petitioner proposes Channel 287 for Dover. As noted above, the licensee of this recently authorized station vigorously opposed the petition, since it would have to have a location outside of Dover (likely near another city) and operate by remote control. In this respect, the situation is as follows: a station using Channel 287 would have to be some 5 miles north of Dover in order to meet separation requirements with a co-channel station at Providence, R.I. If the present Channel 285A assignment at Westbrook, Maine were continued, the location would also have to be to the west, in an area some 8 miles or farther from Dover (near Rochester, N.H.). This assignment is proposed for change in connection with the Skowhegan proposal, but the proposed assignment of Channel 286 at Skowhegan involves an even greater limitation. As noted above, if the latter were used at Sugarloaf Mountain, the Skowhegan proposed site, Dover use of Channel 287 would be completely precluded. If the alternative Skowhegan site suggested by Lakes Region, Avery Peak, were used instead, Channel 287 used at Dover would have to be in one of two areas, either a very small area (only about 1 square mile) nearly 20 miles northwest of Dover, or a somewhat larger area 10 to 13 miles east of Dover, near the Atlantic coast.

(c) *Effect on the Waterbury, Vt. assignment.* As noted above, use of Channel 286 at Skowhegan presents some problem with respect to the Waterbury, Vermont Channel 287 assignment. The problem if Channel 287 is used at Dover is even greater, and Lakes Region proposes that the unused assignment at Waterbury simply be deleted.

(d) *Preclusion effect on use of Channel 249A.* In response to a Commission staff inquiry, the Supplement to the Lakes Region petition shows the area where otherwise possible use of Channel 248 and the six adjacent channels would be precluded if the proposed assignment at Plymouth were made. There is no preclusion effect on five of the seven channels, and on Channel 248 itself only in a small area of northwestern Maine, sparsely populated and appearing to contain no communities. However, there are more substantial preclusion areas on first adjacent Channel 249A, including one in western Maine north of Farmington (which appears to include no communities of substantial size), and a larger area in southwestern New Hampshire and central and western Massachusetts, including, among other, the communities of Athol and Orange (1970 preliminary Census populations about 11,000 and 6,000 respectively). These places have no assignments, although they receive service from stations in places fairly close by such as Keene, New Hampshire and Fitchburg and Worcester, Mass. It is not shown what other channels, if any, could be used for assignments at these places.

Conclusions and proposal. 10. Upon consideration of the foregoing matters, we reach the following conclusions, and set forth the proposals discussed below. Our conclusions are as follows:

(a) The request to assign Channel 286 at Skowhegan, Maine, is clearly meritorious, and should be adopted as a Commission proposal. In this connection, it should be noted that we cannot subscribe to this petitioner's view as to the status of the Waterbury, Vt., Channel 287 assignment. This is a Class C assignment under our Rules, and while it would have to be limited to maximum Class B facilities with respect to, and in the direction of, Canada, this does not mean that it would necessarily be so limited domestically, even though it might not be able to obtain maximum Class C facilities. However, there is one circumstance which makes this consideration, which might otherwise be a substantial problem, relatively easy to resolve. This is that Waterbury is only about 15 miles from Mount Mansfield, Vt., where a Burlington station (WVNY) operates with maximum Class C facilities, 36 kw E.R.P. and 2,700 ft. a.a.t. So operating, WVNY has a very wide coverage area, greater than that which a station using the Waterbury assignment would be likely to have even if operating with large facilities. This removes the need for a wide-coverage channel at Waterbury to provide service to unserved areas, and makes appropriate the deletion of that assignment in favor of the Skowhegan assignment with its obvious service benefits, if a limited-coverage Class A channel can be found for Waterbury. Channel 296A can be assigned to Waterbury in conformance with the Rules and without making any other changes in the Table; accordingly, we herein propose to assign Channel 286 to Skowhegan, delete Channel 287 at Waterbury and substitute Channel 296A at Waterbury.

(b) *Second harmonic interference to television Channel 13 reception.* With respect to potential second-harmonic interference to reception of Portland Channel 13, this is a consideration which has come up on a number of occasions in connection with FM assignments and authorizations. We have recognized that it exists; on the other hand, as the two petitioners herein point out, we have also stated that it can be corrected by installation of traps in TV receivers within the affected area, as well as proper operation of the FM station so as to keep second-harmonic radiation well suppressed. Our position has been and is that this is not a factor which can ordinarily be taken into account in making FM assignments, since to do so would unduly limit the use of the FM band and the development of this service. See the Public Notices "Policy to Cover the Change of FM Channels to Avoid Interference to Television Reception" and "FM Interference to TV Reception", FCC 66–106 and FCC 67–1012, respectively, issued in February 1966 and September 1967. However, we have taken action to relieve this potential problem in a number of individual cases where it appeared that FM channel assignment efficiency would not be substantially affected. In this case, as far as we can determine at this time, the alternatives proposed by the Skowhegan petitioner with respect to the changes in channels at Augusta, and Westbrook, to avoid this problem, are as suitable in other respects as those originally proposed which could have involved it. Therefore, we are proposing these as the first alternatives, below, with the original proposal as a second choice. If commenting parties suggest that the second choices, those originally proposed, are superior, they may be adopted instead. Insofar as the Dover Channel 287 assignment is concerned, if it appears that this is otherwise in the public interest—which now appears unlikely—in our view it should be made irrespective of this consideration.

(c) *The Plymouth proposal.* In our view, the proposal to assign a Class C channel at Plymouth does not warrant consideration as such, in view of the relative lack of service to under-served areas which would be provided, the problems involved at Rutland and Dover, and the substantial preclusive effect it would have on assignments in Massachusetts noted above.[4] In view of all of

[4] Lakes Region urges that, if nothing else is possible, a waiver of the separation rules should be permitted to make the Dover assignment. Our present view is that this would not be considered. We have emphasized in the past the importance of maintaining the integrity of the separation rules, and accordingly have denied requests for FM assignment in cases more meritorious than this. We adhere to these views. Moreover, we point out also that while we have in the past made changes in the channels of existing stations where necessary to provide additional needed assignments, none of these has involved a change in site such as would be involved in the case of the Dover station here.

the pertinent circumstances, this does not fall within the scope of previous decisions in which we have made such assignments to communities as small as Plymouth or even smaller. However, we are also of the view that Plymouth does warrant an FM assignment. This would be expected to be a Class A channel, but it may be that here, as in a few other cases, a wide-coverage channel can be assigned but a Class A channel cannot.[5] Therefore, we are proposing below the assignment of a Class A channel to Plymouth, or, if none is available, Class C Channel 248 with the corresponding changes at Dover. The latter will be considered only if all of the following facts are shown: (1) There is no Class A channel which could be assigned without either rather complicated readjustments elsewhere or changes involving authorized stations; (2) a site, suitable in all pertinent respects, is actually available at which Channel 287 could be used at Dover, N.H.; (3) suitable sites appear to be available for use of Channel 246 at Rutland, Vt. As to the relationship of this matter to the Skowhegan proposal, we reach no decision at this time; if it appears that the Plymouth-Dover proposal would be in the public interest otherwise, the Skowhegan assignment may be made on a basis that would permit the Dover assignment also.

11. In view of the foregoing, comments are invited on the following additions and deletions to the Table of FM Assignments contained in § 73.202(b) of the rules as well as on the question of whether Channel 296A, now in Skowhegan, should be deleted there or retained so that the new channel could be open to any other qualified applicant as well as the present permittee on Channel 296A:

City	Add	Delete
Augusta, Maine	281 or 282 or 294	283
Skowhegan, Maine	286	296A
South Paris, Maine	224A	288A
Westbrook, Maine	265A or 288A	285A
Plymouth, N.H.	Class A or 248	
Dover, N.H.	287	[1] 248
Waterbury, Vt.	296A	287

[1] Assigoment of Channel 248 to Plymouth, N.H., and substitution of Channel 287 for 248 at Dover, N.H., will be considered only on the conditions mentioned in paragraph 10(c) herelnabove.

12. The following "cut-off" procedure will govern here in consideration of the matters herein and related requests:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

[5] Petitioner Lakes Region's engineering statements claim that a "suitable" channel other than Channel 248 cannot be found for Plymouth. However, it appears that this means a Class C channel. It does not appear whether or not a Class A assignment could be made.

(b) With respect to petitions for rule making which conflict with any of the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

See notice of proposed rule making, Docket No. 19074, adopted October 28, 1970 (FCC 70-1162), paragraph 17, page 7.

13. Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 16, 1971, and reply comments on or before February 26, 1971. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

15. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: January 6, 1971.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-518 Filed 1-13-71;8:50 am]

[6] Commissioners Bartley and H. Rex Lee absent: Commissioner Houser not participating.

[47 CFR Part 73]

[Docket No. 18476; FCC 71-22]

FM BROADCAST STATIONS

Table of Assignments; Certain Stations in Alabama

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallisaw, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nanctucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky.; Flora, Ill., Jasper, Arab, and Demopolis, Ala.), RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414, RM-4117, RM-1496.

1. The purpose of this further notice is to invite comments on changes in assignments in various communities in Alabama. It is necessary because: (1) The additional Class A assignments proposed in the notice—at Talladega, Hartselle, and Fayette—would be made at the the expense of deleting the present wide-coverage Class C assignment at Fayette, for which there is now a demand and which raises a basic allocation question needing further exploration; and (2) two additional petitions, filed since the proceeding was begun, which seek the same Class A channel for Arab and Jasper, Ala., and thus conflict with some of the new assignments proposed. The new petitions are RM-1417 (Sid McDonald) for Arab; and RM-1496 (Radio South, Inc.) for Jasper.

2. The proposals in the notice and the various petitions, including alternatives in RM-1496, are as follows (where no entry is shown, the proposal does not deal with or conflict with that city):

City	Assignment present	Notice in D. 18476 (RM-1368)	RM-1496 (Jasper) Plan I	RM-1496 (Jasper) Plan II	RM-1417 (Arab)
Talladega		[1] 224A	224A	224A	
Hartselle		224A			
Fayette	225	224A			
Arab			251	249A	[2] 269A
Jasper			[3] 224A	[3] 224A	224A
Demopolis	273		224A, 273	224A, 273	273
	252A		292A		

[1] In order to meet mileage separation requirements with respect to existing assignments, the Talladega assignment would have to be roughly 4 miles south-southwest of that city. So located, there is no conflict with any of the other proposals herein.

[2] The Arab petitioner proposes Ch. 269A as a replacement at Fayette, but this appears to overlook the fact that it is assigned, though unused, at Fulton, Miss. Accordingly, we are not proposing this substitution, since there are other possibilities.

[3] The Jasper petitioner proposes Ch. 224A for both Jasper and Arab. These cities are only 58 miles apart (reference point distance) and it is admitted that such assignment would require "cooperation between prospective permittees". The channel cannot be assigned to both Jasper and Hartselle.

3. The 1960 and preliminary 1970 U.S. Census populations of the five cities mentioned above (other than Demopolis, where only a possible substitution of Class C channels is involved), and their respective counties, are as follows:

City	1960	1970	County	1960	1970
Talladega	17,742	17,400	Talladega	65,495	61,278
Hartselle	5,000	7,307	Morgan	60,454	76,491
Fayette	4,227	4,407	Fayette	16,148	15,699
Arab	2,989	4,414	Marshall	48,018	53,962
Jasper	10,799	10,567	Walker	54,211	54,412

All of the cities have daytime AM stations; Jasper and Talladega also have fulltime Class IV AM stations. Only Jasper and Fayette now have FM channels assigned, both Class C, with the Jasper channel in use and the Fayette assignment unoccupied but now applied for. Fayette and Jasper are the county seats and largest communities of their counties and there are no other stations or FM assignments in the county. Talladega is also the county seat and largest community but there is other daytime and Class IV AM service, and Class A FM service, at Sylacauga, some 20 miles away. Arab is only the fourth largest city in its county, two larger places having Class A FM assignments; Hartselle is some 12 miles from Decatur (population over 30,000), the county seat, which has two Class C FM channels and operating stations.

4. The Talladega petitioner in RM-1368, Tallabama Broadcasting Co., Inc., is a daytime AM licensee; the Jasper petitioner, Radio South, Inc., is a Class IV AM licensee (and thus not eligible under the present "one to a market" rules adopted in Docket 18110, although this question is pending on reconsideration); and the Arab petitioner, Sid McDonald, appears to have no broadcast connection in his area. The licensee of the Hartselle daytime AM station supported the proposed Hartselle assignment in letters, stating his intention to apply for it if it is adopted. Other parties filing comments, either in Docket 18476 concerning RM-1368, or in relation to the other two petitions, are the licensee of the daytime station at Fayette (Bankhead Broadcasting Co., Inc.) and the applicant for the present Class C FM assignment there, J. W. Shirley, vigorously opposing the proposal to delete the Class C assignment.

5. At the time the notice herein was issued, there was no demand for the Fayette Class C assignment, but on March 22, 1969, J. W. Shirley filed his application (BPH-6672) for use of that channel, proposing E.R.P. of 27 kw. and antenna height of 453 feet a.a.t., facilities which, while far from maximum are certainly not insignificant. Channel 251 has been proposed by one petitioner as a replacement at Fayette; but this could be used consistent with mileage separations only in a very small area some 11 miles southwest of that city, and thus we cannot regard its feasibility as established, since it is not shown that sites would be available. Therefore, while it is proposed herein, we must proceed on the assumption that it may not be available. If it is not, this raises a fundamental question of allocation policy: under what circumstances should a Class B or C channel, the only one in its community, be deleted to make possible two or more meritorious Class A assignments elsewhere? The mere fact that more assignments (some of them "first channels") is possible is obviously not itself an answer, since the same argument could be used with respect to a very large number of B/C assignments in the United States, and yet if they were all deleted in favor of multiple Class A assignments the potential for wide-coverage service would largely be removed except from large centers having multiple wide-coverage channels assigned.

6. The circumstances here make this question a close one. It appears that a Class C station at Fayette, using the facilities proposed by Shirley or greater, would provide a first 1 mv/m service to a substantial, even though not tremendous, area now receiving only one such signal and to a larger area receiving only one, beyond what a Class A station there would provide. This is true whether the matter is viewed from the standpoint of existing stations and present facilities, or assuming all assignments in use, Class A with maximum facilities and Class C with 75 kw E.R.P. and 500-foot height a.a.t. (or greater facilities if actually used). Fayette itself is fairly far removed from outside FM stations, the closest being Hamilton (Class A), 32 miles and Carrollton (Class C), 33 miles. On the other hand, the assignments which would be possible with the deletion are meritorious, even though not extremely so: Talladega is a city of over 17,000 without an FM outlet; but it has fulltime AM service, there is an FM station in the same county, and the city receives 1 mv/m signals from Birmingham and Anniston. Both Hartselle and Arab, smaller places, have daytime AM outlets and receive FM service from stations in the same county. Two of these can be made (it is also urged that the channel could be used at Talladega, Arab, and Jasper). It is to be noted, also, that in very few cases has the Commission deleted a Class C channel in the Table (where the Fayette assignment has been since 1963) without making another Class C assignment elsewhere in the area; the only case where it was done in the face of demand for the Class C assignment was with respect to Winter Park, Fla., D. 16762, 8 R.R. 1613 (1966), which is quite close to Orlando and where the channel was not needed to perform the same wide-coverage function.

7. If Channel 251 is not suitable for use at Fayette, this close question (i.e. substituting several Class A's for one Class C) must be answered in the affirmative before consideration can be given to making any of the Class A assignments mentioned. If Channel 251 is useable at Fayette, or if the question is answered affirmatively, consideration will then be given to which Class A assignments—in addition to Talladega, which does not conflict with any of the others—would be most in the public interest: Arab, Hartselle or, conceivably, Arab and Jasper.

8. One point should be emphasized in connection with the basic question mentioned: The case in support of the two or three Class A assignments referred to is fairly obvious, whereas that in support of providing a Class C assignment at Fayette is not necessarily so without supporting data. If retention of Channel 225 there is to be considered, it must be shown what unserved area will be covered by a station using the assignment (square miles receiving no or only one 1 mv/m service, on the assumption mentioned above as well as using only existing signals if the parties choose to do so). We also invite comments on whether, if it is to be retained there, a station using it should be required to use greater facilities than those specified in the Shirley application, so as to increase the extent of such service. In the face of the additional FM assignments which deletion would make possible, we do not believe it sufficient to rely on general arguments such as those made by Shirley in his filings so far herein, concerning the comparative numbers of Class C assignments in the eastern and western portions of Alabama.

9. In view of the foregoing, comments are invited on the following changes in the FM Table of Assignments, § 73.202 (b) of the rules, in some cases in the alternative as indicated, and also on the specific questions below:

City (Alabama)	Channel No.	
	Present	Proposed
Talladega		221A
Hartselle or Arab		224A
Arab and Jasper		221A
Jasper	273	221A, 273
Fayette	225	251 or 221A or 269A
Demopolis	252A	296A

(a) Whether Channel 251 can be suitably used as a Class C assignment at Fayette.

(b) Whether, if Channel 251 cannot be so used, Channel 225 should nonetheless be deleted from Fayette and replaced with a Class A channel; or, if left there, whether its assignment should be conditioned on use with facilities of at least a certain level, such as 75 kw. E.R.P. and 453-foot antenna height above average terrain.

(c) Assuming Channel 225 is deleted from Fayette, what assignments on Channel 224A, in addition to that at Talladega, should be made.

(d) Whether Channel 224A could be used consistent with mileage separation requirements at both Arab and Jasper, considering the short distance (58 miles) between the reference points of these communities;

(e) Whether Jasper merits a second FM channel.

10. The following "cut-off" procedure will govern here in consideration of the matters herein and related requests:

(a) Counterproposals advanced in this proceeding itself will be considered,

if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they wil be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

See notice of proposed rule making, Docket No. 19074, adopted October 28, 1970 (FCC 70-1162), paragraph 17, 35 F.R. 16983.

11. Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 16, 1971, and reply comments on or before February 26, 1971. All submissions by parties to this proceeding, or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: January 6, 1971.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-519 Filed 1-13-71;8:50 am]

[1] Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

[47 CFR Part 73]

[Docket No. 19047]

TELEVISION TABLE OF ASSIGNMENTS, NEW HAVEN, CONN.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules, Television Table of Assignments, substituting Channel 26 for Channel 59 at New Haven, Conn., RM-1361.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1104) adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER October 15, 1970, 35 F.R. 16183. The dates for filing comments and reply comments are presently January 15, 1971, and February 1, 1971, respectively.

2. On January 6, 1971, Impart Systems, Inc. (Impart) filed a request to extend the time for filing comments and reply comments to and including February 1, 1971, and February 15, 1971, respectively. Impart states that additional responsibilities of the economic consultant which it has retained have prevented his total dedication to the issues involved in this proceeding.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in Docket No. 19047 is extended to and including February 1, 1971, and February 15, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: January 7, 1971.

Released: January 8, 1971.

[SEAL] FRANCIS R. WALSH, *Chief, Broadcast Bureau.*

[FR Doc.71-520 Filed 1-13-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 6860]

OREGON

Opening of Land; Correction

JANUARY 8, 1971.

Opening of land formerly in Project No. 853; correction.

In F.R. Doc. 70-17580, appearing on page 20016 of the issue for Thursday, December 31, 1970, paragraph 3 should read as follows:

3. Beginning at 10 a.m. on January 27, 1971, the land shall be open to such forms of disposition as may by law be made of such lands.

VIRGIL O. SEISER, *Chief, Branch of Lands.*

[FR Doc.71-492 Filed 1-13-71;8:48 am]

[U-13113]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service, Department of Agriculture, has filed application for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid rights.

The applicant desires the withdrawal for the protection of a campground and recreation facilities within the Sawtooth National Forest, Box Elder County, Utah.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, UT 84111.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SAWTOOTH NATIONAL FOREST

SALT LAKE MERIDIAN

Clear Creek Recreation Area

T. 14 N., R. 13 W.,
Sec. 8, E½SE¼SE¼;
Sec. 9, S½S½, S½NE¼SE¼;
Sec. 10, SE¼NE¼, S½SW¼NE¼, S½SE¼NW¼, N½SW¼, N½S½SW¼, NW¼SE¼.

The area described aggregates 440 acres.

R. D. NIELSON, *State Director.*

[FR Doc.71-464 Filed 1-13-71;8:48 am]

Office of the Secretary

[Order 2508, Amdt. 91]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(50) The Act of October 22, 1970 (84 Stat. 1097), which authorizes the Secretary of the Interior, upon request of the tribal council of the Eastern Band of Cherokee Indians of North Carolina, to declare by publication of a notice in the FEDERAL REGISTER that the United States holds in trust for said band of Indians, subject to valid existing rights, the title to certain federally owned lands within the Cherokee Indian Reservation, together with improvements thereon, that are now or hereafter become excess to the needs of the Federal Government for the administration of Indian affairs, as determined by the Secretary of the Interior.

FRED J. RUSSELL, *Under Secretary of the Interior.*

JANUARY 4, 1971.

[FR Doc.71-491 Filed 1-13-71;8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-534]

LeROY G. COSSETTE

Notice of Loan Application

JANUARY 6, 1971.

LeRoy G. Cossette, 2211 12th West, Seattle, WA 98119, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for salmon, lingcod, sablefish, perch, crab, crawfish, herring, and smelt in the Pacific Northwest excluding Alaska.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK, *Chief, Division of Financial Assistance.*

JANUARY 7, 1971.

[FR Doc.71-453 Filed 1-13-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAMOND SHAMROCK CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2618) has been filed by Diamond Shamrock Corp., Diamond Shamrock Chemical Co., Nopco Chemical Division, 350 Mount Kimble Avenue, Morristown, N.J. 07960, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for the safe use of an epoxidized aminoplast-polyacrylamide-urea condensation product as a dry strength and pigment retention-aid agent in paper and paperboard intended for use in contact with dry food.

Dated: December 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-477 Filed 1-13-71;8:46 am]

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (OA 2523), notice of which was published in the FEDERAL REGISTER of May 16, 1970 (35 F.R. 7668), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of glutaric acid as an acidulant, buffer, and neutralizing agent in foods for which standards of identity established under section 401 of the act do not preclude such use.

Dated: December 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-478 Filed 1-13-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 40-6622]

UTAH CONSTRUCTION AND MINING CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Materials Licensing, U.S. Atomic Energy Commission, Related to the Proposed Operation of the Shirley Basin Uranium Mill by Utah Construction and Mining Co." is being placed in th Commission's Public Document Room, 1717 H Street NW., Washington, DC, where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal agencies.

Single copies of the statement may be obtaind by writing to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 5th day of January 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director, Division of Materials Licensing.

[FR Doc.71-489 Filed 1-13-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22635]

McGREGOR SWIRE AIR SERVICES (AMERICA), LTD.

Notice of Hearing

McGregor Swire Air Services, Ltd., doing business as McGregor Swire Air Services (America), Ltd.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 4, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 8, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-512 Filed 1-13-71;8:49 am]

[Dockets Nos. 21866, 22784; Order 71-1-46]

TRANS WORLD AIRLINES, INC.

Order of Suspension and Investigation Regarding Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1971.

By tariff revisions[1] marked for effect January 11, 1971, Trans World Airlines, Inc. (TWA), proposes to increase normal coach fares in selected short-haul and long-haul markets as follows:

1. Fares would be increased in 15 allegedly congested markets under 500 miles by $2.78 in most cases and $1.85 in some. The markets selected involve the Philadelphia terminal, as well as the four previously recognized by the Board as congested (Boston, New York, Washington, and Chicago).[2] TWA estimates additional revenue of $7 million, which represents an increase of 0.9 percent over its estimated 1971 base level of domestic passenger revenues. TWA also proposes to increase fares in three additional markets under 500 miles to the level permitted American.

2. Fares in 55 selected markets ranging from 500 miles to the transcontinental distance of 2,700 miles would be increased on two bases. In 48 instances, involving the same allegedly congested terminals, the increases would be the same as those described above for short-haul markets. In addition, TWA proposes to match United's recent filing to restore to pre-October 1969 levels the fares which were actually reduced at that time. Both these increases are proposed in 11 of the markets involved, all long-haul markets, and in these markets the increases range from $3.71 to $6.68. TWA estimates a revenue gain of $18.2 million, or 2.3 percent of estimated 1971 revenues. The aggregate revenue gain from the entire proposal would be $25.2 million, or 3.2 percent.

In justification for the proposed fare increases, TWA cites a continuing deterioration in the industry's financial condition, a decline of 95 percent in third quarter 1970 income of the domestic trunks over the same 1969 period, a decline in their return on investment to 2.9 percent for the year ended September 1970; and states that its system after tax loss for 1970 is expected to be between $60 and $65 million, with pre-tax losses in domestic operations of over $100 million.

With respect to the proposed short-haul fare increases, TWA alleges that this part of its filing closely follows the nature of the city markets in which increases have been permitted; that it is limited to 18 of its most important markets out of a total of 111 markets it serves under 500 miles; and that Philadelphia has been added as a terminal since it is at least as congested as some of the other four, and more congested in some respects. TWA has submitted selected data indicating comparative peaking of arrivals and departures, slower block speeds than in other markets of comparable distance, and costs per passenger boarded due to taxi out/in delays at Philadelphia which are exceeded only by those at Kennedy airport.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Baltimore is also included where fares are common rated with Washington.

In support of its proposed long-haul increases, TWA alleges that the higher costs associated with the congested airports are in the nature of added terminal costs which are equally applicable to all schedules irrespective of length of haul; that there is no basis at this time to conclude that the substantial increases in taper which have occurred in the last 2 years should be further increased; that for example the New York-Boston fare per mile now exceeds that between New York and Los Angeles by 84.5 percent, whereas the differential had been 42.4 percent at the beginning of 1969; and that this intensification of taper is even greater than this would indicate in view of the elimination of Discover America discounts in short-haul markets.

TWA contends that there can be no question regarding justification for increases in short-haul fares, and that there is no patent basis for continuing to hold that only short-haul fares presently warrant increases. The resulting intensification of taper is characterized as being tantamount to putting into effect theories which are to be considered in the structural phase of the investigation. It is alleged that empirical evidence available to the Board indicates that the assumption of inherent profitability for long-haul services is not supported by actual results, that there has been no correlation whatever between length of haul and ability to earn a reasonable return, as comparative rates of return demonstrate and that the Board has no basis for disregarding this empirical evidence, pending TWA's opportunity to develop its evidence in the hearing. Among other factors which it intends to develop is that the plane mile cost advantages of long-haul operations are offset by many adverse variables, including greater seasonality, lower load factors coupled with use of larger aircraft which offsets the seat-mile cost advantage, higher exposure to special costs such as agents' commissions, and greater cyclical variation in traffic. With respect to this latter point, TWA alleges that traffic for all carriers in the five major long-haul markets which it serves has declined almost 6 percent in 1970 to date, as compared with a decline of only 0.3 percent in trunkline traffic in all other markets. Finally, TWA contends that the difficulty of raising load factors on long-haul routes is not a result of managerial choice to operate extensive frequency, but rather is a function of the traffic density and competitive nature of these markets vis-a-vis shorter haul markets.

Complaints have been filed by Mr. Reuben B. Robertson III, and Representative John Moss and 39 other Members of Congress requesting investigation and suspension. Mr. Robertson's complaint alleges that the carrier has utterly failed to demonstrate any showing of special need or any other economic or social justification for raising fares now in these markets; that it did not submit justification in conformance with section 221.165 of the Board's economic regulations; that it is not necessary from the standpoint of remaining competitive "to meet" higher fares; and that Board action based on American's submissions cannot serve as justification, per se, for raising everyone's prices. The complaint contends that quite apart from the question of who is responsible for congestion and who must pay for it, no carrier should be permitted to profit from the existence of congestion unless it can demonstrate that it has not been able to turn a profit in high density markets despite efficient operations.

It is further alleged that the Board should not place itself in the position of allowing carriers to play fast and loose with the requirements for justification once one carrier has been allowed to increase rates; that under the law carriers filing for fare increases have the burden of proof that the filings are economically justified and they have not done so in this case; and that unless the Board enforces its own rules on economic justification of fare and rate filings it joins in complicity with the carriers in effectively freezing the public out of these regulatory proceedings. Finally, it is contended that the Board has a duty to estimate and take into account demand elasticity factors before granting any fare increase.

In answer to the complaints, TWA alleges that the subject fare increases are clearly justified as an interim relief measure on the bases of the unique congestion costs at certain specified points, and the overall need of TWA for increased revenues in light of the heavy losses it is experiencing; and that the judgment of the complainants that these increases may have a depressing effect on traffic growth should not be substituted for that of carrier management to the contrary. With respect to congestion, TWA relies primarily on Board Order 70-11-134 which found that increases were warranted to reflect the higher costs associated with airport and airway congestion and asserts that the complainants have not attempted to show that this finding is inaccurate or is inapplicable to TWA and other carriers serving the particular points in question. TWA argues that there is no legal requirement that a carrier in an overall loss situation demonstrate a loss in each market involved in a fare increase proposal, and as an economic matter such a demonstration makes little sense unless any particular routes are suspect of yielding excess profits. The carrier alleges that such is not the case in TWA's proposal, and submits that for the 12 months ended November 30, 1970, it lost $36 million on the routes involved in its filing.

TWA rejects as inappropriate the complainants' alleged suggestion that the increases permitted American in eight short-haul markets were proper because that carrier had demonstrated managerial prudence by showing high load factors and that other carriers have failed to provide a similar showing. TWA alleges that American's load factors in the eight markets in question can be attributed to negligible competition by other carriers (which is not the case with TWA), rather than managerial efficiency, and that if anything a carrier has a greater need for adequate fare levels on routes where load factors are low. Finally, TWA alleges that it is unrealistic to suggest, as have the complainants, that in light of present financial difficulties of the carriers, competing carriers not be permitted to implement similar fare increases. The carrier submits that if one carrier is permitted to increase its fares and its competitors are not, then the high-fare carrier must for competitive reasons reduce its fare and, thus, lose the increased revenues which were presumably found to be necessary to the carrier when the increase was granted.

The proposals here to increase certain coach fares come within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

TWA's filing regarding congestion-related increases involves only 55 markets out of its entire domestic system and purports to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, these fares do not involve an evaluation of basic costs of service, including load factors, now underway in the passenger fare investigation to the same degree as the earlier tariff proposals to increase all or most coach fares which were suspended pending investigation.[3]

In six of the markets,[4] the Board has previously permitted fare increases to compensate for demonstrated additional costs associated with airport and airway congestion. We believe it reasonable to conclude that costs attributable to congestion are common to all carriers operating in a market and would similarly affect all carriers' ability to achieve profitable operations in markets affected by congestion. Accordingly, we will permit TWA's proposed increases in these six markets to become effective.

The Board has decided to suspend the remaining fare increases proposed by TWA, including the fares which would be

[3] Order 70-9-123.

[4] Boston-New York; Boston-Washington; Chicago-Pittsburgh; New York-Pittsburgh; New York-Washington; Boston-Pittsburgh.

restored to the pre-October 1969 level (certain of these fares contain a congestion related increase as well), in the absence of a showing of losses sustained as a result of airport and airway congestion. As we have previously indicated, we distinguish between a "terminal" versus a "market" approach and believe that trunkline carriers should be permitted increases only when it is reasonably demonstrated that particular markets have characteristics which, but for severe congestion, could be expected to result in profitable operations. To do otherwise could lead to a general erosion of the concept of a fare over-ride solely to compensate for atypical operating conditions, and lead to fare increases of a general nature inconsistent with our action in Order 70-9-123.

Upon consideration of the tariff filing, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposed military fare increases which stem from higher basic fares as we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that these fares should be suspended, together with the other fare increases indicated above, pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the YM class fares and provisions described in Appendix A attached hereto,[5] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[5] are suspended and their use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-513 Filed 1-13-71;8:50 am]

[5] Appendix A filed as part of the original document.

[6] Concurring and dissenting statement of Vice Chairman Gilliland and Member Adams filed as part of the original document.

DELAWARE RIVER BASIN COMMISSION

CHARGES FOR WATER SUPPLY

Notice of Public Hearing Regarding Proposed Resolution of Policy

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, January 28, 1971, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, commencing at 2 p.m. The hearing will be on the following proposed resolution of policy to develop a rate basis for setting charges to users of water supplied by the Commission.

PROPOSED RESOLUTION OF POLICY REGARDING CHARGES FOR WATER SUPPLY

Whereas, the Commission, in the exercise of its powers under the Compact, has acquired the right to use and control water supply facilities associated with federal projects authorized in the Comprehensive Plan; and

Whereas, the Commission has provided in Resolution No. 64-16A for the sale of water and the use of revenues obtained therefrom for repayment of the non-Federal share of the Federal investment cost of water supply storage facilities; and

Whereas, in anticipation of the direct sale of water and the receipt of revenues therefrom, the Commission requires further policy to develop a fair and defensible rate basis for setting charges to users of water supplied by the Commission; now therefore

Be it resolved by the Delaware River Basin Commission:

1. The Commission will impose charges for the use or withdrawal of any surface water from new or supplemental water supplies taken after a project for which the Commission has a financial responsibility becomes operational. Such charges shall be incorporated in a water supply contract and will include all costs associated with making the water available and maintaining its continued availability in adequate quantity and quality over time. A water supply contract will include an annual minimum charge or charges for the water supply under contract regardless of use or withdrawal.

2. The Commission will determine water supply storage costs based on the weighted-average cost of water stores by or on behalf of the Commission.

3. Rates and charges for water supply under a water supply contract will be determined as follows:

a. A basic rate calculated annually to provide sufficient revenue to meet the Commission's annual project costs of debt service, operation, maintenance, replacement costs, reserves, and all other charges over and above costs allocated to signatory parties, assuming no reuse or resale of the same water;

b. An annual adjusted rate in the form of a rebate to each user and withdrawer (excluding consumptive uses and exportation out of the basin) of a pro rata distribution of the annual revenues of the Commission in excess of amounts required under paragraph a;

c. For combinations of exportations and in-basin use and consumptive and nonconsumptive uses, such as through municipal systems, reasonable estimates of the components of such combined withdrawals may be used where separate water accounting is not feasible;

d. The Commission shall make no charge for nonconsumptive uses of natural flows. Consumptive use or out-of-basin exportation of natural flows shall be charged at the same rate as established in a through c above. Rates for consumptive or out-of-basin exportation of natural flows may include a charge based upon the cost of water quality impairment resulting from the consumptive use or exportation; and

e. For increased in-stream evaporative losses resulting from heated discharges, the charge shall be the same as for a consumptive use.

4. New projects will be considered economically justified for construction scheduling by the Commission when the unit cost of additional water supply at new locations is equal to or less than the unit cost of additional development of water supply at established facilities in the same service area. For any new project to proceed, the annual benefits from all project purposes must equal or exceed their total annual cost.

5. Charges for water from projects constructed pursuant to contractual arrangements between the Commission and local public agencies in advance of the time when the project is scheduled by the Commission in accordance with paragraph 4, will be at rates sufficient to provide the annual debt service and other obligations incurred by the Commission for such project, until such time as that project qualifies for Commission scheduling under the provisions of paragraph 4.

All persons wishing to testify are requested to register in advance with the Secretary to the Commission. (Telephone (609) 883-9500.)

W. BRINTON WHITALL,
Secretary.

JANUARY 4, 1971.

[FR Doc.71-454 Filed 1-13-71;8:45 am]

[Docket No. D-65-76 CP]

POINT PLEASANT WATER SUPPLY DIVERSION

Public Notice Regarding Availability of Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (section 2-3.5.2), notice is hereby given of the availability of a draft report dated January 4, 1971, which discusses the environmental impact of the proposed pumping station on the Delaware River at Point Pleasant, Pa., to pump water to the North Branch Neshaminy Creek and to the East Branch Perkiomen Creek. A copy of the draft of environmental statement is available for review in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ; in the office of the Bucks County Planning Commission, Doylestown, Pa.; in the office of the Montgomery County Planning Commission, Norristown, Pa.; and in the office of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia. A limited number of copies of the draft statement are available for distribution to persons or agencies who may be unable to utilize review copies on file at the foregoing offices.

Comments on the subject draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies, or individuals, concerned with environmental quality. Comments must be submitted prior to March 1, 1971. (Telephone (609) 883-9500.)

W. BRINTON WHITALL,
Secretary.

JANUARY 6, 1971.

[FR Doc.71-455 Filed 1-13-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Pesticides Office

UNIROYAL, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1056) has been filed by Uniroyal Chemical Division, Uniroyal, Inc., Bethany, CT 06525, proposing the establishment of a tolerance (21 CFR Part 120) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodity nectarines at 30 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric procedure in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled, and reacted with trisodium pentacyanoamine ferrate to form a specific red color at pH 5.0. The color is measured spectrophotometrically.

Dated: January 8, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-465 Filed 1-13-71;8:46 am]

WILLIAM COOPER & NEPHEWS, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0991) has been filed by William Cooper & Nephews, Inc., 1909-25 Clifton Avenue, Chicago, IL 60614, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide 2-chloro-1-(2,4-dichlorophenyl)-vinyl diethyl phosphate in the raw agricultural commodities meat, fat, and meat byproducts of cattle and in milk at 0.002 part per million and in eggs, meat, fat, and meat byproducts of poultry at 0.001 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is based on the procedure of H. V. Claborn and M. C. Ivey, J. Agr. Food Chem. *13* 354 (1965).

Dated: January 8, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-466 Filed 1-13-71;8:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-3]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Order To Show Cause Regarding Publication of Discriminatory Rates

American Export Isbrandtsen Lines, Inc. (AEIL) is a common carrier by water in the foreign commerce of the United States operating, inter alia, in the trade between United States North Atlantic ports and Continental European ports in the Antwerp-Hamburg range. A review of certain rates in the trade including the major moving commodities reveals that significant disparities exist between export and import rates of AEIL (Attachment).[1] Despite the fact that AEIL offers a transportation service in both directions of the United States North Atlantic/Continental European trade area, the lower rates are applicable to the commodities concerned only if they are carried in a westbound direction. Therefore this carrier charges significantly different rates for what appear in all respects to be like services differing only in directional movement. Thus shippers of like traffic will not enjoy the same or even approximately equivalent rates and, specifically, American exporters will be charged rates significantly higher than their European counterparts.

The Commission is aware of no transportation circumstances or conditions which would justify the maintenance by AEIL of discriminatory rates in the manner described especially since they may very likely require that the American exporter compensate for any losses that may occur because of the decline in revenues accruing to the carrier.

Section 17 of the Shipping Act, 1916, provides in pertinent part that "* * * no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers * * *. Whenever the Commission finds that any such rate, fare, or charge is demanded, charged or collected it may alter the same to the extent necessary to correct such unjust discrimination * * * and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory * * * rate, fare, or charge." Therefore, in the Commission's opinion, unless AEIL can offer valid reasons which would justify these rates, AEIL is charging rates which must be considered to be unjustly discriminatory between shippers in violation of section 17 of the Shipping Act, 1916, 46 U.S.C. 816.

Now therefore, it is ordered, Pursuant to sections 22 and 17 of the Shipping Act, 1916, that AEIL be named respondent in this proceeding and that it be ordered to show cause why the Commission should not order the unjust discrimination existing in its export/import rate structures as set forth in the Attachment to be eliminated by increasing rates in its westbound services to the level of its eastbound rates, or by reducing the comparable rates charged by AEIL in its eastbound services, or by changing rates in both directions so as to eliminate rate disparities on the commodities in question.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before February 5, 1971. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business February 5, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business February 19, 1971. Oral argument will be scheduled at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business January 26, 1971.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-502 Filed 1-13-71;8:49 am]

PORT OF OAKLAND AND HENRY H. BLANCO CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washing-

[1] Filed as part of the original document.

ton, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2477, between the Port of Oakland (Oakland) and Harry H. Blanco Company (Blanco), doing business as Mid-Pacific Freight Forwarders, provides for the license by Oakland of certain office space, covered truck dock area, maintenance shop area, and open dock area to Blanco for use as a container freight station and for other uses incidental thereto. For this license, Blanco will pay Oakland $4,124 monthly plus all commercial and other port charges. The agreement stipulates that 90 percent of Blanco's operations shall be concerned with the movement of goods over and through the Port's marine terminals.

Dated: January 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-503 Filed 1-13-71;8:49 am]

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.

Agreement No. 9504-3, between Sea-Land Service, Inc. and Azta Shipping Co., modifies the basic agreement which covers a through billing arrangement for the movement of controlled temperature and general cargo from East Coast and West Coast ports of Central America to East Coast ports of the United States and ports in Puerto Rico, with transshipment at the port of Balboa, C.Z. by (1) deletion of the East Coast of Central America, (2) providing that on traffic within the scope of the Atlantic & Gulf/West Coast of Central America and Mexico Conference (Agreement No. 8300) the parties shall charge and collect the applicable conference rates, and (3) increasing Sea-Land's portion of the through rates on Frozen Meat, N.O.S. and Frozen Shrimp.

Dated: January 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-504 Filed 1-13-71;8:49 am]

WEST COAST UNITED STATES & CANADA/INDIA, PAKISTAN, BURMA & CEYLON RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary, West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, 417 Montgomery Street, San Francisco, CA 94104

Agreement No. 8760-5, among the parties to the West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, amends their basic agreement to (1) provide for transshipment by the parties within its scope; (2) clarify the understanding of the parties that the ratemaking authority under the agreement with respect to their individually published tariffs shall include "rules and regulations" in addition to rates, charges, classifications, practices and related tariff matters; (3) provide that no party shall establish any new or initial rate unless agreed upon, subject to the right of independent action upon 48 hours notice to the other parties; (4) provide that the ratemaking and other actions authorized by the agreement shall include the use by the parties of an overland rate system and functions in connection therewith for (a) application of separate ocean rates, rules and regulations on cargo originating in overland territory (overland rates), and for cargo originating in local territory (local rates) at different levels, (b) determination of the territory applicable to overland and to local rates, (c) agreements with domestic connecting carriers on matters incidental to the transportation of cargo from overland origins to Pacific Coast ports, (d) equalization of the shipper's cost of transportation between loading port and other ports, (e) absorption practices in connection with rail, truck, or coastal steamer freights and charges, including costs of transshipment; (5) matters incidental to the payment of freight brokerage by the parties; and (6) update the terms of the self-policing procedures under the agreement to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: January 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-505 Filed 1-13-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-164]

CITY OF DeQUEEN, ARK., AND LOUISIANA-NEVADA TRANSIT CO.

Notice of Application

JANUARY 8, 1971.

Take notice that on December 22, 1970, City of DeQueen, Ark. (applicant), DeQueen, Ark. 71832, filed in Docket No. CP71-164 an application pursuant to section 7 of the Natural Gas Act requesting that its sole supplier, Louisiana-Nevada Transit Co. (respondent) be required to increase to 11,500 Mcf per day the maximum peak day deliveries to applicant and to furnish applicant an additional delivery point therefor. Applicant further proposes to construct and operate facilities to transport the natural gas from the proposed delivery point to applicant's system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests that the Commission require that respondent sell to applicant up to 11,500 Mcf per day of natural gas. Applicant states that it is in urgent need of additional gas and that in the past it has been forced to curtail its services drastically.

In addition, applicant proposes that respondent be required to establish a new delivery point to applicant at Fulton, Ark., on respondent's Fulton-Hope lateral. From this new delivery point applicant proposes to construct and operate 14.5 miles of 8⅝-inch O.D. pipeline to connect with applicant's pipeline system in Okay, Ark. Applicant further proposes to construct and operate two 360 horsepower compressor units at the new delivery point. Applicant states that these proposed facilities, which are estimated to cost $549,800, will permit respondent to deliver to applicant the additional gas, and will circumvent an alleged bottleneck in respondent's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-485 Filed 1-13-71;8:48 am]

[Docket No. RP71-84]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Tariff

DECEMBER 31, 1970.

Take notice that El Paso Natural Gas Co. (El Paso) on December 21, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3,[1] to become effective on a date coincident with issuance of permanent authorizations requested by El Paso's amendment to application filed December 22, 1970, in Docket No. CP71-6. The proposed changes, which do not affect rate levels, are submitted in accordance with a Stipulation and Agreement dated December 9, 1970, entered into by El Paso and some of its Northwest Division System customers in connection with the proceedings pending in Docket No. CP71-6 et al.

The proposed changes are designed to establish a new rate schedule in El Paso's Northwest Division System Tariff, Rate Schedule ODL-1, under which combined billing will be available on an optional basis, and to make service agreement form modifications necessary to provide a form of service agreement applicable to service to be rendered under Rate Schedule ODL-1. The new rate schedule would permit a distribution company purchasing gas for more than one distribution system to combine such systems for billing and operating purposes in accordance with the procedure set forth in the rate schedule.

Copies of the filing were served on El Paso's Northwest Division System jurisdictional customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-484 Filed 1-13-71;8:47 am]

[Docket No. CP71-165]

LONE STAR GAS CO.

Notice of Application

JANUARY 7, 1971.

Take notice that on December 22, 1970, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-165 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a budget-type certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of various gas-purchase facilities for the purpose of connecting new supplies of gas into applicant's existing certificated pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total aggregate cost of such construction, to be financed out of funds currently on hand, would not exceed $500,000 and the cost of any single project would be limited to $125,000.

Applicant states that the proposed budget-type certificate authorization will permit applicant to expeditiously connect to its system new supplies of natural gas without the time-consuming and expensive process of filing numerous individual applications.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to became a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and pro-

[1] Original Sheets Nos. 10-A, 10-B, 10-C, and 39-AA; Seventh Revised Sheets Nos. 38, 39, and 39-B; and Eighth Revised Sheet No. 37.

cedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-458 Filed 1-13-71;8:45 am]

[Docket No. CP71-163]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 8, 1971.

Take notice that on December 22, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to exchange gas with Union Texas Petroleum (Union Texas) and to construct and operate facilities to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a 20-year contract with Union Texas providing for deliveries by Union Texas of approximately 2,000 Mcf per day of gas to be made to Applicant's existing gathering facilities in the ROC Field, Ward County, Tex., at or near the wellhead, and providing for redeliveries to Union Texas of equivalent volumes of gas to be made at a proposed point of interconnection between the existing pipeline facilities of the said companies in the Wm. H. Smith Survey, A-198, Jefferson County, Tex. Applicant proposes to construct and operate exchange facilities in Jefferson County, Tex., to effectuate the subject exchange.

The application states that the proposed exchange will allow Union Texas to meet its needs in Jefferson County. The application further states that a companion gas purchase contract between applicant and Union Texas will provide applicant with additional gas to augment applicant's overall gas reserves to the benefit of its customers.

The application states that the estimated cost of the proposed facilities in Jefferson County, Tex., is $16,500, for which applicant will be reimbursed by Union Texas. The proposed exchange will be on a gas-for-gas basis. However, because of impurities in the gas delivered by Union Texas, Union Texas will pay a treating charge of 0.12 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-496 Filed 1-13-71;8:48 am]

[Docket No. CP70-248]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

JANUARY 8, 1971.

Take notice that on December 28, 1970, Panhandle Eastern Pipe Line Co. (petitioner), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP70-248 a petition to amend the order of the Commission issued on May 27, 1970, pursuant to section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity, so as to correctly indicate the location of one of the interconnections between the systems of Petitioner and Western Gas Interstate Co. (Western) through which natural gas is to be exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued May 27, 1970, the Commission authorized petitioner to construct and operate facilities and to exchange natural gas with Western pursuant to an agreement between the parties dated November 21, 1969, which provided in Exhibit "B" thereto for two separate interconnections. Petitioner states that an examination of Exhibit "B" revealed a misdescription of the location of one of the interconnections. Instead of the southwest corner of NW¼ of section 14-3N-9ECM, Cimarron County, Okla., as recited in Exhibit "B", the description should have been the NW¼ of section 11-4N-10ECM, Texas County, Okla. Petitioner now moves to amend the above-mentioned order to correct the misdescription.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[FR Doc.71-497 Filed 1-13-71;8:48 am]

[Docket No. E-7581]

PENNSYLVANIA POWER & LIGHT CO.

Further Notice of Application

JANUARY 7, 1971.

Take notice that on December 4, 1970, Pennsylvania Power & Light Co. (applicant), 901 Hamilton Street, Allentown, PA 18101, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking authority to issue short-term promissory notes including commercial paper notes.

Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.4 million persons.

The unsecured promissory notes are to be issued from time to time, prior to December 31, 1973, to lenders, brokers, dealers or direct purchasers of unsecured promissory notes, including banks and institutional investors. Notes in the form of commercial paper will mature in no more than 270 days from the date of issue, and all other notes will have maturities of less than 1 year from the date of issue. The aggregate face amount of such notes to be outstanding at any one time is not to exceed (i) 25 percent of applicant's gross revenues during the preceding 12 months of operations, or (ii) $90 million, whichever is less.

The proceeds from the issuance of the notes will be used principally as interim financing of applicant's construction program, which will require approximately $582 million over the 1971-73 period.

On December 16, 1970, the Commission issued a notice of the subject application. However, said notice was not published in the FEDERAL REGISTER until December 28, 1970.

In order to give adequate notice, any person desiring to be heard or to make any protest with reference to said application should, on or before January 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-459 Filed 1-13-71;8:45 am]

[Docket No. CP71-167]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

JANUARY 8, 1971.

Take notice that on December 28, 1970, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, GA, filed in Docket No. CP71-167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the delivery of gas on an off-peak, interruptible basis to Georgia Power Co.'s Plant Mitchell in Dougherty County, Ga., for use principally in that company's proposed turbine electric generators, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct a new natural gas lateral pipeline, approximately 4.2 miles in length, which will connect with Applicant's present system near the city of Albany, Ga., on the Applicant's existing 12-inch line and extend in a southerly direction to Georgia Power Co.'s Plant Mitchell. Applicant also proposes to construct and operate metering, regulating, and related facilities necessary for delivery of gas to the proposed customer. Applicant estimates that annual sales to Georgia Power will be 1,500,000 Mcf. Applicant states that the estimated cost of the facilities involved will be $150,000, which will be financed from cash on hand and from short-term borrowings.

Applicant states that the proposed sale will not have a significant effect on its annual volumes of interruptible sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-460 Filed 1-13-71;8:45 am]

[Docket No. RI71-562, etc.]

TEXAS GAS EXPLORATION CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 8, 1971.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-562..	Texas Gas Exploration Corp.	22	4	Natural Gas Pipeline Co. of America (Blocks 225 and 229 West Cameron Area) (Offshore Louisiana).	$9,900	12-16-70	.....	1-29-71	19.5	[1] 20.0	
R171-563..	Patrick Petroleum Co....	3	[2] 6	Texas Eastern Transmission Corp. (Manila Village Field, Jefferson Parish) (South Louisiana).	5,400	12-11-70	.....	1-24-71	18.5	[1] 20.0	

*The pressure base is 15.025 p.s.i.a.
[1] Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.
[2] Applies only to low pressure casinghead gas.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[FR Doc.71-499 Filed 1-13-71;8:48 am]

[Docket No. CP71-162]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 8, 1971.

Take notice that on December 21, 1970, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-162 an application pursuant to section 7(c) of the Natural Gas Act for authorization to transport and sell in interstate commerce natural gas in liquid state (LNG) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that of the 200,000 Mcf per day deliverability of its existing LNG storage facility, 198,900 Mcf per day have been previously allocated by the Commission. In addition, two customers wish to give up their allocations because of the construction of propane-air peaking facilities on their system, thus freeing an additional 600 Mcf per day of deliverability. Applicant proposes to offer the total available deliverability equally among 12 existing customers, 140 Mcf per day to each customer. This additional service will be used by these customers for peaking purposes.

Applicant states that no additional facilities are required in order to render the service proposed in the application.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-498 Filed 1-13-71;8:48 am]

[Docket No. CP71-172]

TRUNKLINE GAS CO.

Notice of Application

JANUARY 8, 1971.

Take notice that on December 31, 1970, Trunkline Gas Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP71-172, a budget-type application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous field facilities to be used in the transportation of natural gas in interstate commerce, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system additional supplies of natural gas in numerous areas generally coextensive with its system.

Applicant proposes to construct and operate miscellaneous field facilities, onshore and offshore, including field compressors, dehydration units, meter and regulator equipment and gathering lines to take natural gas into its certificated main pipeline system from time to time during the calendar year 1971. The total cost is not to exceed $7 million, with no single onshore project to cost in excess of $1 million and no single offshore project to cost in excess of $1,750,000. Such costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-461 Filed 1-13-71;8:46 am]

[Docket No. CP71-166]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

JANUARY 8, 1971.

Take notice that on December 23, 1970, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, TX 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicants to exchange natural gas at various points of interconnection and to construct and operate facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicants seek authorization to exchange natural gas pursuant to a gas exchange agreement between the parties dated September 10, 1970. Under the terms of this agreement, upon the request of either of the companies, the other company would deliver such natural gas as, in its own judgment, it could make available without impairing its obligations to others. Deliveries or receipts of exchange gas would be made at various existing exchange points between the pipeline systems of the applicants. In addition, applicants propose a new point of interconnection between their pipeline systems near mile post 82.1 on Southern's 14-inch line in Bienville Parish, La. United proposes to construct $191,400 of exchange facilities and Southern proposes to construct $57,110 of exchange facilities.

The applicants state that the proposed exchange, including the construction and operation of the additional exchange point, would permit applicants to make deliveries of natural gas to the other when such deliveries could assist the other in its system operations, and that it would provide added flexibility of operations and continuity of service during emergencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the apropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-462 Filed 1-13-71;8:46 am]

[Dockets Nos. E-7588, E-7589]

APPALACHIAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Notice of Amendment to Interconnection Agreement and Increased Rate Filing

JANUARY 12, 1971.

Take notice that on December 18, 1970 Appalachian Power Co. (Appalachian), and Indiana & Michigan Electric Co. (Indiana) have filed modifications of their Interconnection Agreements with Duke Power Co. (Duke) and Commonwealth Edison Co. (Commonwealth Edison), respectively. Duke and Commonwealth have contemporaneously filed Certificates of Concurrence. The Amendment to the Appalachian and Duke agreement is titled Modification No. 4, dated as of January 1, 1970, to their Interconnection Agreement dated February 28, 1949. The Amendment to the Indiana and Commonwealth Edison agreement is titled Modification No. 6 dated as of December 10, 1970, to their Interconnection Agreement dated July 20, 1956.

Section 1 of both Modifications provides for an increase in the Demand Charge for Short Term Power from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a change in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from $0.60 per kilowatt per day to one-sixth of the total weekly demand charge for each day (except Sundays) any such reduction is in effect.

The parties contend that the existing rate for Short Term Power makes it difficult to justify its sale. They argue that without an increased rate the parties would be forced to retain the capacity to advance their own maintenance programs or other internal purposes.

Additional factors are advanced to justify the rate increase. Included are increased capital costs, and increased costs of generation and transmission facilities. The parties refer to the substantial increase in interest costs, and declare that total demand costs associated with Short Term Power have increased substantially since 1948 when the $0.30 Demand charge for Short Term Power was instituted. In addition, the parties contend that the cost on a book basis of capacity of transmission (measured in dollars per kilowatt of load served) has increased from $32 in 1948, to $46 in 1969, in the case of Appalachian, and from $35 to $67 in the case of Indiana.

While no waiver of the 30-day notice provision is requested in the Appalachian and Duke amendment, Indiana requests that the 30-day notice provision be waived in view of the alleged necessity to improve the reserve position in Commonwealth Edison.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-543 Filed 1-13-71;8:50 am]

[Docket No. E-7587]

OHIO POWER CO.

Notice of Amendment of Interconnection Agreement, New Service, and Rate Increase

JANUARY 12, 1971.

Take notice that on December 23, 1970 Ohio Power Co. (Ohio) filed Modification No. 3 dated as of January 1, 1971 to the Interconnection Agreement dated December 1, 1963 between Ohio and Columbus and Southern Ohio Electric Co. (Columbus), as subsequently modified.

Contemporaneously Columbus filed a certificate of concurrence. Modification No. 3 amends the short term power schedule to increase the demand charge, establishes a new service under the short term power schedule, and establishes a new service: Limited Term Power Service. It is included in Schedule T.

Modification No. 3 provides for an increase in the demand charge for Short Term Power from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a change in the weekly demand charges in the event the supplying party is unable to fulfill any of its commitment from $0.60 per kilowatt per day to one-sixth of the total weekly demand charge for each day (except Sundays) any such reduction is in effect. Modification No. 3 also provides for a new service, i.e., under the stated terms and conditions the parties will supply and take Short Term Power which has been initially supplied especially for this service by a third party.

These changes are justified by the following allegations. Initially Ohio contends that the existing rate for Short Term Power makes it difficult to justify its sale. They argue that without an increased rate the parties would be forced to retain the capacity to advance their own maintenance programs or other internal purposes.

Additional factors cited to justify the rate increase are increased capital costs, and increased costs of generation and transmission facilities. Ohio also contends that total demand costs associated with Short Term Power have increased substantially since 1948, when the $0.30 Demand charge for Short Term Power was instituted. In addition, Ohio contends that the cost on a book basis of capacity of transmission (measured in dollars per kilowatt of load served) has increased from $38 in 1948 to $53 in 1969.

Modification No. 3 also provides a new service schedule for power to be called Limited Term Power. There is a maximum duration for service under this schedule, but during a commitment period both parties are assured of a firm supply. Charges include a demand charge of $2.15 per kilowatt per month and energy charges at cost plus 10 percent.

In the event that Limited Term Power is reserved by the supplying party from a third party, the terms and conditions will parallel those for Short Term Power except that the demand charge component paid to the supplying party is stated as $0.55 per kilowatt per month as approximately $0.125 per kilowatt per week, for billing for this service will be monthly.

Ohio contends this service was devised to offer an intermediate service between Short Term Power, and Firm Power. Ohio further contends that the charges for the service are reasonable as the service is reciprocal between the parties, and will be provided on a firm basis for the period of time requested only if the party, requested to supply such service can adequately plan for and justify providing it.

Columbus has reserved Limited Term Power for the calendar year 1971 with a demand of 65,000 kilowatts per month. This will result in Demand charges of $1,677,000 for the calendar year. The parties contend it is impossible to predict the energy requirements of Columbus. Thus they contend it is impossible to predict the cost of supplying such energy by Ohio.

The parties have asked for a waiver of the 30-day notice provisions on the grounds that they desire to initiate Limited Term Service on January 1, 1971.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-544 Filed 1-13-71;8:50 am]

[Docket No. G-17500]

ST. LAWRENCE GAS CO., INC.

Notice of Petition To Amend

JANUARY 12, 1971.

Take notice that on January 6, 1971, St. Lawrence Gas Co., Inc. (petitioner), 42 Main Street, Massena, NY 13662, filed in Docket No. G-17500, a petition to amend the order issued in said docket on December 8, 1966, requesting that ordering paragraph (A) of said order be amended so as to authorize the importation from Canada into the United States by petitioner for the limited period, to and including December 31, 1971, maximum annual and daily volumes of natural gas in amounts of 6,700,000 Mcf and 30,000 Mcf, respectively, in lieu of the presently authorized maximum annual volume of 5,519,987 Mcf and maximum daily volume of 23,000 Mcf, as hereinafter set forth, all as more fully set forth in the petition to amend which is on file with the Commission and open to the public inspection.

Petitioner states that its supplier, Niagara Gas Transmission, Ltd., a Canadian corporation, has secured authorization from the National Energy Board of Canada, on December 23, 1970, to export increased quantities of natural gas to petitioner as requested in the petition to amend. Petitioner further states that no additional facilities will be required to be constructed by Niagara or by petitioner to enable transportation and delivery by Niagara and receipt by petitioner of the proposed maximum annual and daily volumes of natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[FR Doc.71-615 Filed 1-13-71;10:42 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of BancOhio Corp., Columbus, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Adams Bank, Millersburg, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of BancOhio Corporation, Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Adams Bank, Millersburg, Ohio (Adams Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of Ohio and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17685), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the second largest banking organization and the largest bank holding company in Ohio, controlling 26 banks with deposits totaling $1.3 billion, representing 6.8 percent of deposits held by all banking organizations in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through November 30, 1970). Applicant's acquisition of Bank, with deposits of $9.6 million, would increase its share of deposits in the State by less than 1 percent. Adams Bank, the second largest of four banks in Holmes County, controls 29 percent of deposits in the county. The largest bank therein controls over 36 percent of county deposits; the third largest is comparable in size to Adams Bank and the smallest holds 7 percent. First National Bank of Coshocton, Coshocton, the closest office of any of Applicant's subsidiary banks to Adams Bank is located 24 miles to the south of Adams Bank in adjacent Coshocton County. Neither that bank nor Adams Bank derives a significant amount of business from the separate county areas presently served by the other. Applicant's subsidiary banks do not compete with Adams Bank, and it does not appear that significant future competition would be foreclosed by consummation of this proposal due to the distances separating the banks and limitations placed on branching by Ohio law, and the unlikelihood that Applicant would seek de novo entry into Holmes County.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiary banks are consistent with approval of the application, and, as they pertain to Adams Bank, lend strong support for approval. Affiliation with Applicant would provide added expertise which could materially improve the bank's operations. Although major banking needs in Holmes County are being met, consummation of the proposal would enable Adams Bank to offer to its customers another source for trust and international services. These considerations lend weight in favor of approval. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] January 7, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-485 Filed 1-13-71;8:47 am]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Tampa Bay Bank, Tampa, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, January 8, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-486 Filed 1-13-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sherrill.

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of The Bank of Virginia of Roanoke Valley, Vinton, Va., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

By order of the Board of Governors, January 8, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-487 Filed 1-13-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS INVESTMENT COMPANY OF CONNECTICUT

Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration

(SBA) Rules and Regulations (13 CFR Part 107, 33 F.R. 326), a notice of filing of an application for transfer of control of the Small Business Investment Company of Connecticut, License No. 01/02-0052, 1115 Main Street, Bridgeport, CT 06603, was published in the FEDERAL REGISTER on December 15, 1970 (35 F.R. 18998).

Interested persons were given until December 25, 1970, to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of the Small Business Investment Company of Connecticut.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

JANUARY 4, 1971.

[FR Doc.71-488 Filed 1-13-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3593—7-3601]

ALBERTO-CULVER CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 7, 1971.

In the matter of applications of the Philadelphia Baltimore Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Alberto-Culver Co	7-3593
Berkey Photo, Inc	7-3594
Development Corporation of America	7-3595
Electronic Memories & Magnetics Corp	7-3596
General Battery Corp	7-3597
Kane-Miller Corp	7-3598
McDonalds Corp	7-3599
New Process Co	7-3600
Zurn Industries, Inc	7-3601

Upon receipt of a request, on or before January 22, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-483 Filed 1-13-71;8:47 am]

[70-4779]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper by Holding Company and Capital Contributions to Subsidiary Companies

JANUARY 7, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a third post-effective amendment to its application-declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 15, 1969, August 10, 1970, and September 21, 1970 (Holding Company Act Release Nos. 16476, 16803, and 16835), the Commission authorized AEP to issue and sell, from time to time prior to June 30, 1971, short-term notes to banks and commercial paper to a dealer in an aggregate face amount of not more than $130 million to be outstanding at any one time and to make capital contributions to three of its subsidiary companies.

AEP has now filed a third post-effective amendment to its application-declaration stating that it also intends to make one or more cash capital contributions to a fourth subsidiary company, Kentucky Power Co. (Kentucky), on or before June 30, 1971, in an aggregate amount not to exceed $5 million to assist Kentucky to finance the cost of its construction program, to reimburse its treasury for expenditures in connection with its 1970 construction program, and for other corporate purposes. It is presently estimated that Kentucky's construction program for 1970 will have involved expenditures of approximately $16 million and that its construction program for the year 1971 will involve expenditures of approximately $11,500,000.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 27, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said third posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-480 Filed 1-13-71;8:47 am]

[24D-2975]

HYDROPONICS, INC.

Order Permanently Suspending Exemption

JANUARY 7, 1971.

Hydroponics, Inc. (formerly known as Royal Garden Farms, Inc.), Post Office Box 717, Hurricane, UT, a Utah corporation, filed with the Commission on May 11, 1970 a notification and offering circular, and subsequently filed amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a public offering of shares of its 4 cents par value common stock at 10 cents per share.

On November 5, 1970, the Commission issued an order, pursuant to Rule 261 of Regulation A, temporarily suspending the exemption. The order alleged that the notification and offering circular, as amended, contained untrue and misleading statements of material facts in that, among other things, disclosure was not made that certain persons to whom the issuer had issued stock as consideration for interest-free loans had the option to convert such loans into shares of stock covered by the proposed offering; lenders were incorrectly described with respect to their relationship to the issuer or its key personnel, the extent of their information concerning the issuer, their access to such information, and their investment intent; and disclosure was not made that the issuer's financial results and condition had been misrepresented to investors and that the Utah Securities Commission had denied the issuer's registration application. The order further alleged that the terms and conditions of Regulation A had not been complied with in that, among other things, full disclosure was not made concerning unregistered securities issued by the issuer within 1 year prior to the filing of the notification and concerning outstanding options, and the financial statements included in the offering circular failed to conform to applicable requirements. It was further alleged that the issuer and underwriters, in the distribution of the issuer's securities, had violated the registration and antifraud provisions of sections 5 and 17(a) of the Securities Act; that, if the offering were continued, the use of the offering circular would be in violation of section 17(a) of that Act; and that the issuer and underwriter had failed to cooperate and had obstructed the making of an investigation in connection with the proposed offering.

The issuer filed an answer denying various allegations, asserting its belief that it had acted in good faith and had disclosed all material information relating to the proposed offering of which those responsible for preparing the documents for filing had any knowledge, and urging that the temporary suspension order should therefore not become permanent. It further stated, however, that it did not wish to request a hearing and was willing to permit such order to become permanent for the reason that it intended to file a registration statement under the Securities Act.

In view of the foregoing, it is appropriate to enter an order permanently suspending the exemption.

Accordingly, it is ordered, pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the proposed offering of securities by Hydroponics, Inc., be, and it hereby is, permanently suspended.

For the Commission, by the Office of Opinions and Review, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-479 Filed 1-13-71;8:46 am]

[File Nos. 7-3588—7-3591]

PITNEY-BOWES INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 7, 1971.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Pitney-Bowes Incorporated	7-3588
Pittston Company	7-3589
Riegel Textile Corp	7-3590
White Motor Corp	7-3591

Upon receipt of a request, on or before January 22, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-481 Filed 1-13-71;8:47 am]

[File No. 7-3592]

VIACOM INTERNATIONAL, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 7, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Viacom International, Inc.--- File No. 7-3592

Upon receipt of a request, on or before January 22, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-482 Filed 1-13-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 2]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 8, 1971.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth spe-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

cifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2900 (Sub-No. 208), filed December 4, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) (a) between Memphis, Tenn., and Fort Worth, Tex.; from Memphis over U.S. Highway 70 to Little Rock, Ark., and thence over U.S. Highway 67 to Dallas, Tex., and thence over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (b) between Memphis, Tenn., and Fort Worth, Tex.; from Memphis, over Interstate Highway 40 to its junction with Interstate Highway 30, thence over Interstate Highway 30 to its junction with Interstate Highway 20, thence over Interstate Highway 20 (and the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (2) (a) between Shreveport, La., and Fort Worth, Tex., from Shreveport, over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (b) between Shreveport, La., and Fort Worth, Tex.; from Shreveport, over Interstate Highway 20 to Fort Worth, Tex. (Also the Dallas-Fort Worth Turnpike) serving Dallas, Tex., as an intermediate point; (3) (a) between Houston, Tex., and Fort Worth, Tex.; from Houston, over U.S. Highway 75 to Dallas, Tex., thence over U.S. Highway 80 to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point; (b) between Houston and Fort Worth, Tex., from Houston over Interstate Highway 45 to Dallas, Tex., thence over Interstate Highway 20 (also the Dallas-Fort Worth Turnpike) to Fort Worth, Tex., serving Dallas, Tex., as an intermediate point, serving all points within 20 miles of Dallas, and Fort Worth, Tex., as off-route points in connection with Routes 1, 2, and 3 above. NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Atlanta, Ga.

No. MC 11207 (Sub-No. 304), filed December 16, 1970. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and moulding; and materials, supplies, and accessories* used in the installation thereof, from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 11207 (Sub-No. 305), filed December 17, 1970. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, cement asbestos pipe, fittings, compounds, joint sealer, bonding cement, plastic siding, and materials and supplies* used in the installation of plastic and plastic products, from the plantsite of Certain-Teed Products Corp. at Social Circle, Ga., to points in Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 11207 (Sub-No. 306), filed December 23, 1970. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, service boxes, floor stands and fittings, parts and accessories therefor*, from Anniston, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 13651 (Sub-No. 15), filed December 3, 1970. Applicant: PEOPLES TRANSFER, INC., 1400 North Black Canyon Highway, Post Office Box 6367, Phoenix, AZ 85005. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central Avenue, Phoenix, AZ 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and composition board*, from points in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Nevada, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; and (2) *plywood, composition board, molding, doors, wood cabinets, wood cabinet parts; and accessories* used in the installation thereof, from points in Los Angeles and Riverside Counties, Calif., to points in Arizona, Colorado, Idaho, Kansas, Nevada, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 15897 (Sub-No. 7), filed December 14, 1970. Applicant: O. K. TRANSFER AND STORAGE CO., a corporation, 207 South Union Street, Post Office Box 1602, Shawnee, OK 74801. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures and furnishings*, in mixed loads with one or more of the commodities named in (2) below; and (2) *such commodities as are dealt in by the electronic equipment and supply stores* in mixed loads with the commodities set forth in (1) above, from the warehouse facilities of the Radio Shack, Division of the Tandy Corp. at Columbus, Ohio, to points in Kentucky, Tennessee, Indiana, Illinois, Wisconsin, Michigan, West Virginia, Virginia, Pennsylvania, New York, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Forth Worth, Tex.

No. MC 29120 (Sub-No. 124), filed December 17, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 57101, Sioux Falls, SD 57104. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsites and storage facilities of Wilson Certified Foods Inc., at or near Cherokee, Iowa, and Omaha, Nebr., to points in Indiana, Kentucky, Michigan, and Ohio, restricted to the transportation of shipments originating at the plantsites or storage facilities of Wilson Certified Foods Inc., at or near Cherokee, Iowa, and Omaha, Nebr., and destined to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Omaha, Nebr.

No. MC 29392 (Sub-No. 16), filed December 7, 1970. Applicant: LES JOHNSON CARTAGE CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which by reason of size or weight, require the use of special equipment or special handling, between points in Wisconsin (except that portion on and south of Wisconsin Highway 33 from Port Washington to junction U.S. Highway 51 at Portage, Wis., thence along U.S. Highway 51 to the Wisconsin-Illinois State line) and points in the Upper Peninsula of Michigan. NOTE: Applicant states it presently holds radial authority to transport the same commodities within the same area under authority granted in MC 29392. The purpose of the instant application is to remove the radial restriction and make the authority nonradial in nature. Common control may be involved. It further states tacking possibilities exist but does not name the territories that may be served. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 29910 (Sub-No. 100), filed December 17, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper and Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing and conduit; and plastic pipe, tubing and conduit fittings and couplings*, from the plantsite and warehouse facilities of Genova Products Co. at or near Malvern, Ark., to points in Illinois, Indiana, Iowa, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, *rejected shipments* of the above commodities, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 31364 (Sub-No. 4), filed December 14, 1970. Applicant: FRANCIS HILL, doing business as HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, PA 19136. Applicant's representative: Alan Kahn, 1920—Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office furniture and fixtures*, between Riverside, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 41240 (Sub-No. 13), filed December 7, 1970. Applicant: NELSON TRUCKING SERVICE, INC., Mediapolis, IA 52637. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from South Bend, Ind., to Burlington, Coralville, Davenport, and Muscatine, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 41432 (Sub-No. 114), filed December 11, 1970. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative Rollo E. Kidwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and shipping facilities of Mobay Chemical Co. at or near Baytown, Chambers County, Tex., as an off-route point in connection with applicant's authorized regular route operations at Houston, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 47583 (Sub-No. 9) (Correction), filed November 16, 1970, published in the FEDERAL REGISTER issue of December 10, 1970 and republished in part as corrected this issue. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Street, Kansas City, KS 66118. Applicant's representative: D. S. Hults, Post Office Box 225, Lawrence, KS 66044. NOTE: The sole purpose of this partial republication is to include Certain-Teed Products Corp. in the Kansas City, Kansas/Missouri commercial zone as an origin point. The rest of the application remains as previously published.

No. MC 52110 (Sub-No. 119), filed December 21, 1970. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, plate or sheet, and *scrap*, between Oswego, N.Y., and Fairmont, W. Va., restricted to traffic originating at and destined to the plantsite and/or warehouse facilities utilized by Alcan Aluminum Corp. at origin and destination. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Cleveland, Ohio.

No. MC 56679 (Sub-No. 48), filed December 14, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight); (1) between Athens and Elberton, Ga., over Georgia Highway 72, serving all intermediate points; and (2) between Elberton, Ga., and Greenville, S.C., from Elberton over Georgia Highway 77 to junction Georgia Highway 82, thence over Georgia Highway 82 to Georgia-South Carolina State line, thence over South Carolina Highway 184 to Iva., S.C., thence over South Carolina Highway 81 to junction U.S. Highway 29, thence over U.S. Highway 29 to Greenville, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59488 (Sub-No. 36), filed September 24, 1970. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 7600 South Central Expressway, Dallas, TX 75222. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, TX 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regu-

lar routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mount Pleasant, Tex., and the site of Monticello Stream Electric Station in Titus County, Tex., from Mount Pleasant, Tex., over Farm-to-Market Road 127 approximately 5½ miles southwest to junction unnumbered highway, thence over unnumbered highways and access roads to the site of Monticello Stream Electric Station in Titus County, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 59680 (Sub-No. 187), filed December 4, 1970. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Memphis, Tenn., and New Orleans, La.: (a) From Memphis over U.S. Highway 51 to La Place, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving no intermediate points; (b) from Memphis over Interstate Highway 55 to junction Interstate Highway 10 near La Place, La., thence over Interstate Highway 10 to New Orleans, and return over the same route, serving no intermediate points; (2) between Memphis, Tenn., and Baton Rouge, La.: (a) From Memphis over U.S. Highway 51 to Hammond, La., thence over U.S. Highway 190 to Baton Rouge, and return over the same route, serving no intermediate points; and (b) from Memphis over Interstate Highway 55 to junction Interstate Highway 12 near Hammond, La., thence over Interstate Highway 12 to Baton Rouge, and return over the same route, serving no intermediate points. Restriction: The service authorized herein is restricted to the transportation of traffic moving to, from, or through, points on or east of U.S. Highway 31 and on or north of U.S. Highway 60. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or New Orleans, La.

No. MC 61440 (Sub-No. 127), filed December 14, 1970. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite and shipping facilities of EasTex Inc. at or near Evadale, Tex., as an off-route point in connection with carrier's authorized regular route at Beaumont, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 69116 (Sub-No. 131), filed December 14, 1970. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from Oshkosh and Omro, Wis., to points in Arkansas, Illinois, Indiana, Kentucky, Iowa, Michigan, Minnesota, Missouri, Ohio, Nebraska, New York, Pennsylvania, North Dakota, South Dakota, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 132), filed December 14, 1970. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs, cement*, building and roofing, from North Arlington, N.J., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 83217 (Sub-No. 51), filed December 14, 1970. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mitchell, S. Dak.; Fort Dodge and Algona, Iowa; Fremont and Scottsbluff, Nebr.; to points in Connecticut, Delaware, Iowa, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, Rhode Island, Michigan, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 83539 (Sub-No. 304), filed December 18, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spiral screw conveyors and parts thereof; bucket elevators and parts thereof; belt conveyors and parts thereof; power transmission machinery; chain; sprockets; and steel shafting*, with or without fittings, other than crankshafts, from Montebello, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 84759 (Sub-No. 6), filed December 14, 1970. Applicant: WILLIAM E. GOODMAN, doing business as MILLER BROTHERS TRUCK LINE, Post Office Box 1169, Salmon, ID 83467. Applicant's representative: R. A. Stonewall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight and those injurious or contaminating to other lading), between Butte, Mont., and Salmon, Idaho; from Butte over U.S. Highway 91 to Divide, Mont., thence over Montana Highway 43 to U.S. Highway 93 at Lost Trail Pass, thence over U.S. Highway 93 to Salmon, Idaho, and return over the same route, serving Divide, Wise River, Wisdom, and Jackson, Mont., as intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 87661 (Sub-No. 2), filed December 17, 1970. Applicant: RICH'S EXPRESS, INC., Post Office Box D, Malaga, NJ 08328. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bags, from the plantsite of J. S. Morie & Sons at Mauricetown, N.J., to New York, N.Y., and Elizabeth, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 792), filed December 18, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles

equipped with mechanical refrigeration, from Tampa, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Miami, Fla.

No. MC 95540 (Sub-No. 793), filed December 18, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Carrollton, Ga., to points in Florida, Alabama, Tennessee, North Carolina, South Carolina, Virginia, Washington, D.C., New York, Pennsylvania, Connecticut, Delaware, New Jersey, Illinois, Ohio, Indiana, Kentucky, West Virginia, Louisiana, and Mississippi. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 96892 (Sub-No. 3), filed December 9, 1970. Applicant: H. GEORGE RIPLEY and DOROTHY R. RIPLEY, a partnership, doing business as BUTTE–BOZEMAN DELIVERY SERVICE, 712 East Main, Bozeman, MT 59715. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and commodities which because of weight and size require special equipment), between Bozeman and West Yellowstone, Mont., over U.S. Highway 191, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bozeman or West Yellowstone, Mont.

No. MC 100666 (Sub-No. 178), filed December 14, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Paul Caplinger (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, from Miami, Okla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (2) *wood chips and wood waste*, from points in Texas, Louisiana, Arkansas, Missouri, Kansas, Mississippi, and Tennessee to Miami, Okla. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106398 (Sub-No. 516) (Correction), filed November 18, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished as corrected, this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as above), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, accessories used in the erection, construction and completion thereof, from Terre Haute, Ind., to points in Arizona, California, Colorado, Delaware, Florida, Idaho, Kansas, Maryland, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with authority held by its wholly owned subsidiary, Whitehouse Trucking Inc., under MC 106760 (Sub-No. 45). The purpose of this republication is to include the tacking information as set forth. No duplicating authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 518), filed December 14, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Gaston County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Charlotte, N.C.

No. MC 107010 (Sub-No. 42), filed December 16, 1970. Applicant: BULK CARRIERS, INC., Post Office Box 423, Auburn, NE 68305. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, 14th and J Streets, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer, and fertilizer solutions*, from the plantsite and storage facilities of Phillips Petroleum Co. at or near Hoag, Nebr., to points in Oklahoma. NOTE: Applicant states tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, ——— or Omaha, Nebr.

No. MC 107295 (Sub-No. 478), filed December 17, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from Monroe County, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Columbus, Ohio.

No. MC 107515 (Sub-No. 722), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Pennsylvania on and west of U.S. Highway 15. NOTE: Applicant states the requested authority can be tacked with its existing authority under Sub 296 from Chambersburg, Pa., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 723), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* other than frozen, from Houston, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Michigan, Virginia, West Virginia, Washington, D.C., Maryland, Pennsylvania, New York, New Jersey, and Delaware. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 107515 (Sub-No. 724), filed December 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above) and Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md., New York City, N.Y., Elizabeth, N.J., to points in North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that it could tack with its existing authority at points in North Carolina and Georgia to provide through service to points in Alabama, Mississippi, Louisiana, Tennessee, and Texas, however, such tacking is not intended at the present time. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York City, N.Y.

No. MC 111002 (Sub-No. 24) filed December 10, 1970. Applicant: FAME, INC., F.D. No. 2, Milton, Northumberland County, PA 17847. Applicant's representative: Preston L. Davis, 37 Arch Street, Milton, PA 17847. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Strip steel* in rolls or coils not requiring the use of special equipment because of size or weight, from plants of Jones & Laughlin Steel Corp. in Youngstown, Ohio, and the Rodney Metals Co. in New Bedford, Mass., to the plant of Sylvania Chemical and Metallurgical Division, Sylvania Electric Products, Inc. in Towanda, Pa., under contract with Sylvania Chemical and Metallurgical Division, Sylvania Electric Products, Inc., Towanda, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Williamsport, Pa.

No. MC 111231 (Sub-No. 169) filed December 7, 1970. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Post Office Box 869, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between (a) Fort Smith, Ark., and points in Arkansas, Oklahoma, Missouri, Kansas, and Texas; (b) between Catoosa and Muskogee, Okla., on the one hand, and on the other, points in Arkansas, Kansas, and Oklahoma; (2) *machinery, including scales*, from Webb City, Mo., to points in Arizona, Georgia, Illinois, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, and Texas; (3) *aluminum and steel cable and commodities* used in the erection, construction, and maintenance of power transmission lines or substations thereof (except commodities which because of size or weight require the use of special equipment), from Springdale, Ark., to points in Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (4) *iron and steel articles* from Carlinville, Ill., to points in Arkansas, Missouri, Oklahoma, and Texas. NOTE: Applicant states that it proposes to tack with existing authorities in its base certificate MC 111231. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 111545 (Sub-No. 147), filed December 4, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in appendix VIII to the report of the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (2) *self-propelled vehicles* (except motor vehicles as defined in Section 203 (a) (B) of the Interstate Commerce Act); (3) *paving, curbing, spreading, grading, and finishing machinery and equipment;* and (4) *parts, attachments, and accessories* for commodities listed in (1), (2), and (3) above, from Minneapolis, Minn., points in Hennepin County, Minn., and points in Blackhawk County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not affirmatively intend to tack the authority and therefore, does not identify the territory that could be served; however, applicant would object to restriction of the authority unless shown to be required. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111545 (Sub-No. 149) filed December 11, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used for pulling highway trailers); *scrapers; motor graders*, regardless of how they are equipped; *wagons; engines; generators; engines and generators combined; welders; road rollers; and trucks* designed for off-highway use, in initial movements, in truckaway service; and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the plantsites of Caterpillar Tractor Co. at or near Peoria, Aurora, Joliet, Mossville, Decatur, and Morton, Ill., to points in Mississippi, restricted to traffic originating at the named plantsites. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 306) filed December 14, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delaney (same address as above), and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, between International Airport, Philadelphia, Pa., on the one hand, and, on the other, Wilkes-Barre, Pa., on traffic having an immediately prior or subsequent movement by air; (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (except motion picture film used primarily for commercial theatre and television exhibition), between Ft. Lauderdale, Jacksonville, Miami, Orlando, and Tampa, Fla., on the one hand, and, on the other, points in Florida, on traffic having an immediately prior or subsequent movement by air; (3) *Blood and blood derivatives, cancer smears and pathology tissues, and related documents and records*, (a) between Anderson, S.C., on the one hand, and, on the other, points in Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Clarke, Columbia, Dade, Dawson, Elbert, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Glascock, Gordon, Greene, Habersham, Hancock, Hart, Jackson, Lincoln, Lumpkin, Madison, McDuffie, Morgan, Murray, Oconee, Oglethorpe, Pickens, Putnam, Rabun, Richmond, Stephens, Taliaferro, Towns, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes Counties, Ga.; Anderson, Blount, Bradley, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Monroe, Morgan, Polk, Rhea, Roane, Sevier, Sullivan, Union, and Washington Counties, Tenn.; and (b) between Anderson and Columbia, S.C., on the one hand, and, on the other, points in North Carolina; and (4) *Cut flowers and decorative greens*, having an immediately prior or subsequent movement by air or motor vehicle, (a) between points in North Carolina, and (b) between points in South Carolina. NOTE: Common control and dual operations may be involved. Applicant states tacking possibilities. However, it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111785 (Sub-No. 49), filed December 10, 1970. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bags or in boxes, *wood chips, lighter fluid, and barbecue base material* (vermiculite), other than crude, in mixed loads in the same vehicle with charcoal, from Parsons, W. Va., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 112822 (Sub-No. 177), filed December 17, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal litter and pet supplies* (a) from Houston, Tex., to point in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma; (b) from points in the Kansas Cty, Mo.-Kans., commercial zone to points in the United States; and (2) *Animal litter and pet supplies, bleaching, cleaning, laundry and scouring compounds, and materials and supplies* (except commodities in bulk in tank vehicles), from Atlanta, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Kansas City, Mo.

No. MC 113009 (Sub-No. 5) filed December 14, 1970. Applicant: L. J. BEAL & SON, INC., 212 South Main Street, Brooklyn, MI 49230. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives, including binding and treating ingredients*, in bulk, in pneumatic equipment, between points in Michigan on the one hand, and, on the other, points in Ohio and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 113267 (Sub-No. 250) filed December 17, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and *foodstuffs*, from Memphis, Tenn., to points in Mississippi, on and south of U.S. Highway 98, New Orleans, Baton Rouge, and Shreveport, La., and Mobile, Ala. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 113267 (Sub-No. 251), filed December 28, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouses products and articles distributed by meat packinghouses* as described in sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs, when transported in mixed loads with meats and meat products, etc., from Fort Dodge, Iowa, to points in California, Oregon, Washington, and Las Vegas, Nev. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or St. Louis, Mo.

No. MC 113362 (Sub-No. 199), filed December 16, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Box 562, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Maine, Vermont, New Hampshire, Ohio, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, West Virginia, Virginia, Maryland, Pennsylvania, Iowa, Minnesota, Nebraska, and the District of Columbia, and (2) *such commodities* as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Maine, Vermont, New Hampshire, Ohio, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, West Virginia, Virginia, Maryland, Pennsylvania, Iowa, Minnesota, Nebraska, and the District of Columbia, to the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 97), filed December 17, 1970. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, non-alcoholic beverages, and related advertising materials*, from Omaha, Nebr., to points in Illinois, Indiana, and Iowa, and *bottles, containers, and commodities intended for use in the advertising of beverages*, from points in Illinois, Indiana, and Iowa to Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 115092 (Sub-No. 14), filed December 16, 1970. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, UT 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products*, between points in Uintah County, Utah, on the one hand, and, on the other, points in Texas, Wyoming, and Oklahoma; and (2) *feed and feed ingredients*, between points in Illinois, Texas, Iowa, Nebraska, New Mexico, Oklahoma, Arizona, Colorado, Utah, and Idaho, on the one hand, and, on the other, points in Idaho and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 116073 (Sub-No. 148), filed December 24, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, in truckaway service and *buildings* in sections, transported on wheeled undercarriages, from points in Nelson County, N. Dak., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116073 (Sub-No. 149), filed December 28, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and *buildings* complete or in sections; from Maricopa County, Ariz., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116073 (Sub-No. 150), filed December 28, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings*, complete or in sections, from Crawford, Wood, and Williams Counties, Ohio, to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 116073 (Sub-No. 151), filed December 28, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, from points in Texas (except Stephens County), to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116073 (Sub-No. 152), filed December 29, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings*, complete or in sections, from Schuylkill County, Pa., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 117492 (Sub-No. 3), filed December 22, 1970. Applicant: D & H TOWING, INC., 20814 Aurora Road, Cleveland, OH 44146. Applicant's representative: Rufus E. Wilson, 2012 Lorraine Avenue, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, or repossessed motor vehicles* by use of wrecker equipment only, *repair parts* for the motor vehicles specified above, and *replacement motor vehicles* for wrecked or disabled motor vehicles, between points in Summit County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it will tack at Summit County, Ohio, to perform a through service with its present authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Columbus, or Cincinnati, Ohio.

No. MC 118159 (Sub-No. 107), filed December 2, 1970. Applicant: EVERETTE LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in sections A and C of *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, from the plantsite and storage facilities of Texas Meat Packers, Inc., at Dallas and Lubbock, Tex., to points in Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, Okla., Washington, D.C., or New Orleans, La.

No. MC 118263 (Sub-No. 14) filed December 14, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (A) from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in the States of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Washington, D.C.; and (B) *such commodities* as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers as described in sections D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Washington, D.C., to the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill. Restriction: Restricted to traffic originating at and destined to the named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119583 (Sub-No. 5), filed December 14, 1970. Applicant: L. E. BOLING, INC., 718 Commercial Street, Kewanee, IL 61443. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from St. Louis, Mo., to Rock Island, Ill., and Davenport, Iowa, and (2) *Empty malt beverage containers, bottles and pallets*, from Rock Island, Ill., and Davenport, Iowa, to St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119777 (Sub-No. 196), filed November 27, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated metal siding and components*, except such commodities which because of size or weight require special equipment, from Lubbock County, Tex., to points in the United States. NOTE: Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Frankfort, Ky.

No. MC 119787 (Sub-No. 5), filed December 14, 1970. Applicant: F. W. GROVES TRUCKING COMPANY, a corporation, Route 1, Box 44, Leland, NC 28451. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, pilings, and other wooden products* from points in New Hanover and Brunswick Counties, N.C., to points in Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, and *untreated wood products* from points in Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, to points in New Hanover and Brunswick Counties, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 119873 (Sub-No. 7), filed December 14, 1970. Applicant: FRANCIS AND FRANCIS, INC., 11th and Meldon Avenue, Donora, PA 15033. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from points in New Jersey to points in Allegheny County, Pa., under a continuing contract with Monongahela Iron and Metal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 123157 (Sub-No. 18) (Correction), filed December 4, 1970, published in the FEDERAL REGISTER issue of December 30, 1970 and republished in part as corrected this issue. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. NOTE: The purpose of this partial republication is to show the correct docket number as MC 123157 (Sub-No. 18) in lieu of MC 123154 (Sub-No. 18) which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 124245 (Sub-No. 14) filed December 10, 1970 Applicant: ALBERT V. MEILSTRUP, doing business as ACE REFRIGERATED TRUCKING SERVICE, 219 East Tutt Street, South Bend, IN 46614. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, IN 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I, sections A, B, and C to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides, skins and pieces thereof) between South Bend, Ind., on the one hand, and, on the other, points in Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Jefferson, Jennings, Knox, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Warrick, and Washington Counties, Ind., and points in Allen, Auglaize, Butler, Champaign, Clark, Clinton, Darke, Defiance, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Logan, Mercer, Miami, Montgomery, Paulding, Preble, Putnam, Shelby, Van Wert, Warren, and Williams Counties, Ohio. NOTE: Applicant states it will tack at South Bend, Ind., serving points in Ohio and Southern Indiana counties contained in instant application. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124247 (Sub-No. 14), filed December 14, 1970. Applicant: DAN LODESKY TRUCKING, INC., Post Office Box 236, Gurnee, IL 60031. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded perlite and diatomaceous earth*, from the site of the facilities of the Johns-Manville Perlite Corp. located at Rockdale, Ill., to points in Indiana, Iowa, Ohio, Wisconsin, Missouri, Michigan, Kentucky, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124333 (Sub-No. 15), filed December 11, 1970. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Claymont, Del., to Bishop, Md., under contract with Dover Equipment & Machine Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124735 (Sub-No. 12), filed December 11, 1970. Applicant: R. C. KERCHEVAL, JR., 4424 Fourth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive and trailer springs, suspensions and parts thereof, trailer hitches, tire changing machines, wheels, wheel parts and wheel attaching parts, and wheel weights and hub caps*, from points in California to Spokane, Wash.; and (2) *automotive and trailer wheels and wheel parts*, from Spokane, Wash., to points in California, under contract with Northwest Wheel, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126243 (Sub-No. 7), filed December 14, 1970. Applicant: ROBERTS TRUCKING CO., INC., 111 North McKenna, Poteau, OK 74953. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading) (1) between Fort Towson and Heavener, Okla., from Fort Towson over U.S. Highway 70 to Broken Bow, Okla., thence over Oklahoma Highway 259 to Heavener, and return over the same route, serving all intermediate points; and (2) between Valliant and Broken Bow, Okla., from Valliant over Oklahoma Highway 98 to junction Oklahoma Highway 198, thence over Oklahoma Highway 198 to Wright City, Okla., thence over Oklahoma Highway 98 to junction Oklahoma Highway 98, thence over Oklahoma Highway 98 to junction Oklahoma Highway 7, thence over Oklahoma Highway 7 to Broken Bow, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Oklahoma City, Okla.

No. MC 126514 (Sub-No. 29), filed December 17, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calendar desk pads, calendars, calendar backs, calendar mounts, paper and paper products*, from Milwaukee, Wis., to points in Arizona, New Mexico, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Los Angeles, Calif.

No. MC 127505 (Sub-No. 38), filed December 14, 1970. Applicant: RALPH H. BEOLK, doing business as R. H. BOELK TRUCK LINES, Mendota, IL 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Container parts and commodities* used in the manufacture, sale, and distribution of containers: between Okolona, Ky., and Mendota and Chicago, Ill., (2) *crates*, from Mendota, Ill., to points in the United States (except Alaska and Hawaii); and (3) *commodities* used in the manufacture, sale, and distribution of crates, from the destination States listed in (2) above to Mendota, Ill., restricted against commodities in bulk in (1), (2), and (3) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127526 (Sub-No. 2), filed December 7, 1970. Applicant: CECIL N. BUCHOLZ, 201 Second Avenue SW., Watertown, SD 57201. Applicant's representative: D. K. Loucks, 17 Second Avenue SW., Watertown, SD 57201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt, beverages, advertising matter and supplies*, from Milwaukee, Wis., and Omaha, Nebr., to Watertown, S. Dak.; and (2) *empty containers*, from Watertown, S. Dak., to Milwaukee, Wis., and Omaha, Nebr., on return, under contract with George L. Kahnke and Lynell Popham, doing business as Kahnke's Watertown Beverage Co. and Alfred L. Brewster, doing business as Brewster Distributing Co., both of Watertown, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Watertown, S. Dak.

No. MC 128285 (Sub-No. 5), filed December 17, 1970. Applicant: MELLOW

TRUCK EXPRESS, INC., Post Office Box 17063, Portland, OR 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and fertilizer* (except liquid in bulk), from points in California to points in Oregon and Washington, under a continuing contract with H. J. Stoll & Sons, Inc. NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128685 (Sub-No. 12) filed December 10, 1970. Applicant: DIXON BROS., INC., Post Office Box 636, Newcastle, WY 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of U.S. Plywood-Champion Papers Inc., located at or near Newcastle, Wyo., to points in Colorado, Iowa, Kansas, Minnesota, North Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Denver, Colo., or Cheyenne, Wyo.

No. MC 128772 (Sub-No. 5) (Amendment) filed November 2, 1970, published in the FEDERAL REGISTER issue of December 3, 1970, amended and republished as amended, this issue. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, MN 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, (a) from Clarkfield, New Ulm, Owatonna, and Rochester, Minn., and Alma, Wis., to points in Illinois, Michigan, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maryland, Missouri, and Florida; (b) from Clarkfield, New Ulm, Owatonna, and Rochester, Minn., to points in Wisconsin, and (c) from Alma, Wis., to Rochester, Minn.; and (2) *dairy equipment, dairy supplies and dairy materials*, (a) from points in Michigan, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maryland, Missouri, and Florida, to Clarkfield, New Ulm, Owatonna, and Rochester, Minn., and Alma, Wis., and (b) from points in Wisconsin to Clarkfield, New Ulm, Owatonna, and Rochester, Minn., all under contract with Associated Milk Producers, Inc. NOTE: The purpose of this republication is to broaden the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 128909 (Sub-No. 14) (Correction), filed November 18, 1970, published in the FEDERAL REGISTER issue December 17, 1970, and republished in part, as corrected this issue. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, NE 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. The purpose of this partial republication is to show the origin in (1)(a) and the destination in (2) as the plantsite of Commodore Mobile Homes, Inc., of California located at Galt, Calif. The rest of the application remains as previously published.

No. MC 129645 (Sub-No. 30), filed December 8, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems; hardwood flooring; lumber and lumber products, and accessories and supplies* used in the installation thereof, (1) from the plant and warehouse sites of Robbins Flooring Co., at or near Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia, and east of U.S. Highway 183 in Nebraska, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities above from the above-named destination States to Ishpeming, Mich., and White Lake, Wis. (plant and warehouse sites of Robbins Flooring Co.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds temporary contract carrier authority under its No. MC 127093 (Sub-No. 11 TA). If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 129645 (Sub-No. 31), filed December 8, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic plastic composition*, (2) *facing*, (3) *floor covering*, (4) *felt base*, asphalted, plain, painted, or decorated, (5) *materials, accessories, and supplies* used in the installation of the commodities described in (1), (2), (3), and (4) above, from the plant and warehouse facilities of Robbins Flooring Co., at or near Lisbon, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and *materials, equipment and supplies* used in the manufacture and distribution of the commodities stated above from the named destination States to the plant and warehouse facilities of Robbins Flooring Co., at or near Lisbon, Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds temporary contract carrier authority under its No. MC 127093 (Sub-No. 11 TA). If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 133014 (Sub-No. 2), filed December 16, 1970. Applicant: WOODCREST L & S CO., a corporation, 1301 West 22d Street, Oak Brook, IL 60521. Applicant's representative: Arnold L. Burke, Suite 2220, Brunswick Building, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail mail order houses, between Chicago, Ill., on the one hand, and, on the other, points in Alabama, Delaware, Illinois, Indiana, Ohio, Michigan, West Virginia, Maryland, New Jersey, New York, Wisconsin, Iowa, Nebraska, Kansas, Kentucky, Missouri, Tennessee, Pennsylvania, Arkansas, Georgia, North Carolina, South Carolina, Florida, Virginia, District of Columbia, Connecticut, Massachusetts, Minnesota, Texas, Colorado, Louisiana, Mississippi, Rhode Island, and Oklahoma. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts with Spiegel, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133859 (Sub-No. 2), filed December 15, 1970. Applicant: JAMES S. GRIMES, Route 3, Frederick, MD 21701. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, and replacement motor vehicles* (except house trailers and mobile homes designed to be drawn by passenger automobiles), and *parts therefor*, in truckaway service, between points in Maryland on and south of U.S. Highway 40, and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, West Virginia, Pennsylvania, Ohio, North Carolina, South Carolina, Georgia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 133859 Sub-No. 1, which authorizes service between points in Carroll, Howard, Frederick, and Washington Counties, Md., and Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Persons interested in the tacking possibilties are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134533 (Sub-No. 1) (Correction), filed August 13, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished as corrected this issue. Applicant: MID-NORTH FURNITURE TRANSPORT, INC., 1175 South Cleveland, St. Paul, MN 55116. Applicant's representative: Mark Hertz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and those points on and north of U.S. Highway 30 in Iowa, under contract with The Dearborn Co., Fox Manufacturing Co., S. Bent Manufacturing Co., Tell City Chair Co., Mid-North Furniture Distributing Center, Madison Furniture Industry, and St. John's Inc. NOTE: The purpose of this republication is to reflect the additional supporting shippers under contract with, incorrectly shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134798 (Sub-No. 2), filed December 14, 1970. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, Newbury, OH 44065. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related materials, premiums, and malt beverage dispensing equipment* in mixed loads with malt beverages, from Buffalo, N.Y., to Madison, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 134922 (Sub-No. 3), filed December 16, 1970. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment, materials and supplies* used in the conduct of meat packing business, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Oklahoma, Missouri, Texas, Kansas, Louisiana, Arkansas, Mississippi, Arizona, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135045 (Sub-No. 2), filed December 16, 1970. Applicant: BERTSCH TRUCKING, INC., Hillsboro, N. Dak. 58045. Applicant's representative: Philip W. Getts, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, including crushed scrap automobile bodies*, from points in Minnesota and North Dakota to ports of entry on the United States-Canadian border at Pembina, N. Dak., and Noyes, Minn. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. Applicant presently holds contract carrier authority under MC 123544 Subs 1, 2, and 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 135149, filed December 2, 1970. Applicant: TITUS TRUCKING CO., INC., Post Office Box 745, Sweethome, OR 97386. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (a) from Haines, Alaska, to Fairbanks, Alaska; (b) between Haines, Alaska, and the port of entry at or near Porcupine, Alaska, on the Alaska-Yukon International boundary line; and (c) between Fairbanks, Alaska, and the port of entry west of the boundary line between the United States and Canada at or near Boundary, Alaska, on the Alaska-Yukon International boundary line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Juneau, Alaska.

No. MC 135165, filed December 10, 1970. Applicant: JOHN E. HICKS, doing business as A–1 PIANO & ORGAN MOVERS, 34 Pioneer Street, Dayton, OH 45405. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, household appliances, radios, television sets, stereo sets, and new furniture*, between Dayton, Ohio, and points in Indiana and Kentucky, under contract with B. H. A., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dayton, Columbus, or Cincinnati, Ohio.

No. MC 135193, filed December 14, 1970. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, TX 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including plywood and particle board*, from the plantsites of Georgia-Pacific Corp., at or near Corrigan and New Waverly, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, and Oklahoma. NOTE: Applicant holds a pending application for contract carrier authority under MC 134547, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Ft. Worth, Tex.

No. MC 135197 (Sub-No. 2), filed November 23, 1970. Applicant: LEESER TRANSPORTATION, INC., Post Office Box 545, Palmyra, MO 63461. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from storage facilities of C. F. Industries, Inc., located at Palmyra, Marion County, Mo., to points in Illinois, Iowa, and Missouri, and (2) *fertilizer and fertilizer ingredients*, dry in bags and in bulk, from the plantsite of Missouri Farmers Association, Inc., at South River, located near Palmyra, in Marion County, Mo., to points in Illinois, Iowa, Minnesota, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 135202, filed December 10, 1970. Applicant: LEON PARENT TRUCKING CO., INC., 11635 West Grand Avenue, Northlake, IL 60164. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, plaster, and materials and accessories* used in the installation and distribution thereof, from Fort Dodge, Iowa, and Grand Rapids, Mich., to points in DuPage and Cook Counties, Ill., under contract with Georgia-Pacific Corp., Grand Rapids Gypsum Co., Parent Building Materials, Inc., and Johns Manville Sales Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135203, filed December 17, 1970. Applicant: TEPICO, INC., 150 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint* (except in bulk), from Middlesex, N.J., to points in California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, and Virginia; and (2) *clay* (except in bulk), from points in Georgia, New York, and Pennsylvania to Middlesex, N.J. Restriction: The op-

erations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Chemray Ratings Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135205, filed December 14, 1970. Applicant: P. RODNEY HOFFMAN, 247 Hopewell Street, Birdsboro, PA 19508. Applicant's representatives: John C. Bradley, 519 Walnut Street, Reading, PA 19603, and Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, and *silicon metal*, in bulk, from the warehouse and storage sites of P. Rodney Hoffman in Exeter Township, Berks County, Pa., to points in Pennsylvania on and east of U.S. Highway 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

MOTOR CARRIER OF PASSENGERS

No. MC 50655 (Sub-No. 27), filed December 11, 1970. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, AL 36603. Applicant's representative: J. H. Bachar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over regular routes: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Memphis, Tenn., and Chattanooga, Tenn., over U.S. Highway 64, serving all intermediate points; and (2) over irregular routes: *Passengers and their baggage*, in special and charter operations, beginning and ending at points on the route described in (1) above and extending to points in the United States, including Alaska. NOTE: Applicant states that no authority is requested to originate charters or special parties on the route described above at points west of the eastern boundary of Shelby County, Tenn., and points east of the western city limit boundary of the city of South Pittsburg, Tenn. Applicant holds authority as a motor common carrier of property under MC 86761 and Subs. Applicant states it is a wholly-owned subsidiary of the Gulf, Mobile, and Ohio Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Lawrenceburg, Nashville, or Fayetteville, Tenn.

No. MC 58915 (Sub-No. 55), filed December 14, 1970. Applicant: LINCOLN TRANSIT CO., INC., Route 46, East Paterson, NJ. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, NY 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (a) between junction Monmouth County Highway 524 and U.S. Highway 9 and junction Monmouth County Highway 537 in Freehold Township, N.J., from junction Monmouth County Highway 524 and U.S. Highway 9, over Monmouth County Highway 524 to junction Stillwells Corner Road, and thence over Stillwells Corner Road to junction Monmouth County Highway 537, and return over the same route, serving all intermediate points; and (b) between junction Stonehurst Boulevard and Stillwells Corner Road and junction U.S. Highway 9 in Freehold Township, N.J., from junction Stonehurst Boulevard and Stillwells Corner Road, over Stonehurst Boulevard to junction Schanck Road, and thence over Schanck Road to junction U.S. Highway 9, and return over the same route, serving all intermediate points. NOTE: Applicant proposes to tack routes (a) and (b) above to applicant's present authority in MC 58915 to provide service to and from New York, N.Y. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 127120 (Sub-No. 1), filed December 14, 1970. Applicant: STANLEY BOLLMAN, doing business as BOLLMAN CHARTER SERVICE, Rural Delivery No. 1, Route 1, Everett, PA 15537. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip, sightseeing, and pleasure tours, beginning and ending at points in Bedford County, Pa., and extending to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Lower Peninsula of Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Harrisburg, Pa.

No. MC 135134, filed November 16, 1970. Applicant: HENAULT TRANSPORT INC., 38 de Courval Street, Victoriaville, County of Arthabaska, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located in New York, Vermont, New Hampshire, and Maine, and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

APPLICATION FOR FREIGHT FORWARDER

No. FF-209 (Sub-No. 2) (LYONS TRANSPORT, INC., Extension—Export), filed December 31, 1970. Applicant: LYONS TRANSPORT, INC., 2800 West 38th Street, Chicago, IL 60632. Applicant's representative: H. Neil Garson, 417 West Broad Street, Suite 203, Falls Church, VA 22046. Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by rail, motor carrier, and water carrier in the transportation of: *General commodities*, from points in Indiana and Illinois (except those points in Indiana and Illinois in the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Michigan, Minnesota, Ohio, and Wisconsin to points in Alabama, California, Florida, Louisiana, Oregon, Virginia, and Washington when consigned for export. NOTE: No duplicating authority is sought by this application.

APPLICATION FOR WATER CARRIER

No. W-1254 (RIVER LOGGING COMPANY—Contract Carrier Application), filed November 27, 1970, and amended December 29, 1970. Applicant: RIVER LOGGING COMPANY, a corporation, Frohna, Mo. Applicant's representative: Francis Toohey, Jr., 11 North Main Street, Perryville, MO 63775. By application filed November 27, 1970, and amended December 29, 1970, applicant seeks to operate as a *contract carrier* by water in the transportation of logs from various islands and points not designated as ports along the Mississippi River between Keokuk, Iowa, and Memphis, Tenn.; the Missouri River below Jefferson City, Mo.; and the Illinois River below Peoria, Ill., to Wittenberg, Mo., and Memphis, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-436 Filed 1-13-71;8:45 am]

[Notice 226]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 8, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 100449 (Sub-No. 16 TA), filed January 5, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: Larry D. Knox, 4044 Southeast 14th Street, Des Moines, IA 50320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Waterloo, Iowa, to St. Paul and Minneapolis, Minn., and their commercial zones, for 180 days. Supporting shipper: Rath Packing Co., Waterloo, Iowa 50704. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 106919 (Sub-No. 2 TA), filed December 31, 1970. Applicant: A. L. Chipman, doing business as GOODWIN MOVING AND STORAGE COMPANY, 623 Broadway, Vallejo, CA 94590. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Yolo, San Francisco, Solano, Sacramento, San Joaquin, Mendocino, San Mateo, Santa Clara, Stanislaus, Calaveras, and Tuolumne Counties, Calif. NOTE: Applicant states it intends to tack with presently held authority in MC 106919, for 180 days. Supporting shippers: Cartwright Van Lines, Inc., International Division, 4250—24th Avenue West, Seattle, WA 98199; Astron Forwarding Co., Post Office Box 161, Oakland, CA 94604. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 111812 (Sub-No. 414 TA), filed January 5, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Minneapolis-St. Paul, Minn., and the commercial zones thereof, to points in Montana, Utah, Oregon, Washington, Idaho, and Nevada, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn.; Richard A. Chrz, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, SD 57501.

No. MC 113427 (Sub-No. 4 TA), filed December 30, 1970. Applicant: HARRY GIBSON, Rural Route 2, Wellsville, KS 66092. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, KS 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix and ice milk mix*, in cans, and return *empty cans*, from Sedalia, Mo., to Soft Freeze stores in Johnson, Wyandotte, and Leavenworth Counties, in Kansas, and Jackson County, Mo., for 150 days. Supporting shipper: Beatrice Foods Co., 111 West Fifth Street, Sedalia, MO 65301. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603.

No. MC 114632 (Sub-No. 33 TA), filed January 5, 1971. Applicant: APPLE LINES, INC., Post Office Box 507, 225 South Van Epps, Madison, SD 57042. Applicant's representative: Robert Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Estherville, Iowa, to points in Kansas and Missouri, and from Sioux Falls, S. Dak., to Chicago, Ill., for 180 days. Supporting shipper: John Morrell & Co., Sioux Falls, S. Dak.; Claude Stewart, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 115331 (Sub-No. 293 TA), filed January 5, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in containers, from Mendota and Wyoming, Ill., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and Missouri, for 180 days. Supporting shipper: Elanco Products Co., Indianapolis, IN 46206. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 120184 (Sub-No. 4 TA), filed January 5, 1971. Applicant: PEP LINES TRUCKING CO., 15120 Third Street, Highland Park, MI 48203. Applicant's representative: Eugene C. Ewald, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, *materials and supplies in the conduct of such business*, between points in Cook, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill., and those in Lake and Porter Counties, Ind., under continuing contract with Montgomery Ward & Co., Inc., for 180 days. Supporting shipper: Montgomery Ward, Post Office Box 7337, Chicago, IL 60680. Send protests to: District Supervisor Melvin F. Kirsch, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 124573 (Sub-No. 9 TA), filed January 5, 1971. Applicant: STILL FERTILIZER AND GRAIN COMPANY, Steele, Mo. 63877. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Jefferson Island, La., to points in Reynolds County, Mo., for 150 days. Supporting shipper: Leo A. Vossen, Senior Traffic Analyst-Motor, Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: District Supervisor J. P. Werthman, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 125506 (Sub-No. 14 TA), filed January 5, 1971. Applicant: JOSEPH ELLETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, NY 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops (excluding new furniture and appliances for resale) *store fixtures and displays*, between shipper's stores, distribution points, warehouses and vendors located at New York, N.Y., and Paramus and Eatontown, N.J., for 180 days. Supporting shipper: Lane Bryant, Edward Sadok, 1501 Broadway, New York, NY 10036. Send protests to: Interstate Commerce Commission, Athony Chiusano, District Supervisor, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 129645 (Sub-No. 33 TA) (Correction), filed December 17, 1970, and published FEDERAL REGISTER issue December 30, 1970, and republished in part as corrected this issue. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Basil J. Smeester (same address as above). NOTE: The purpose of this partial republication is to add the State of West

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Virginia as a destination State, which was inadvertently omitted from previous publication, the rest of publication remains as previously published.

No. MC 134651 (Sub-No. 2 TA), filed January 5, 1971. Applicant: GIBSCO TRANSPORT LIMITED, 2111 Lakeshore Road East, Clarkson, ON Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the port of entry between the United States and Canada located on the Niagara River at Buffalo, N.Y., to the plantsite of Wyandotte Cement, Inc., located in the city of Buffalo, N.Y., and *returned shipments* in the reverse direction, for 90 days. Supporting shipper: St. Lawrence Cement Co., Clarkson, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 134910 (Sub-No. 3 TA), filed December 31, 1970. Applicant: CALLIS TRUCKING, INC., Clay and Market Streets, Box 25, Centerton, IN 46116. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Stark and Tuscarawas Counties, Ohio, to points in that area of Indiana, bounded on the north by Indiana Highway 218 at the Indiana-Ohio State line; thence extending in a westerly direction along said State Highway 218 to junction Indiana Highway 15; thence northwesterly along Indiana Highway 15 to junction Indiana Highway 16; thence westerly along Indiana Highway 16 to junction U.S. Highway 41; thence north along U.S. Highway 41 to junction Indiana Highway 114; thence westerly along Indiana Highway 114 to the Indiana-Illinois State line; and on the south by U.S. Highway 50, for 180 days. Supporting shipper: Architectural Brick Sales, 7172 North Keystone Avenue, Indianapolis, IN 46240. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135206 TA, filed January 5, 1971. Applicant: NORMAN KRUCKENBERG, doing business as N. K. TRUCKING, 204 Fifth Avenue East, Kalispell, MT 59901. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, MT 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Flathead, Lake, and Lincoln Counties, Mont., to points in North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, and Nebraska, for 180 days. Supporting shippers: Superior Buildings Co., Post Office Box D, Columbia Falls, MT 59912; Kalispell Pole and Timber Co., Post Office Box 1039, Kalispell, MT 59901; Rocky Mountain Lumber Co. Inc., Post Office Box 158, Columbia Falls, MT 59912; Broeder Brothers Lumber Co., Route No. 4, Kalispell, MT 59901; F. H. Stoltze Land & Lumber Co., Columbia Falls, MT 59912; Joseph Adair Lumber Co., Post Office Box 17254, Portland, OR 97217. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, MT 59101.

No. MC 135207 TA, filed January 5, 1971. Applicant: L. M. X. EXPRESS INC., 42–33 66th Street, Woodside, NY 11377. Applicant's representative: Robert V. Delaney, Owings Mills, Md. 21117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cups, lids, straws, plates, dishes, bowls, dispensers and packaging containers, paper and plastic*, from New York, N.Y., to points in Union, Essex, Bergen, Passaic, and Hudson Counties in New Jersey; Nassau, Suffolk, Westchester, Rockland, Orange, Dutchess, Sullivan, Ulster Counties in New York. NOTE: Returns of merchandise from consignees in aforementioned counties to carriers terminal in New York City, N.Y., for consolidation and tender to common carrier, for 180 days. Supporting shipper: Sweetheart Cup, Division of Maryland Cup Corp., Owings Mills, MD 21117. Send protests to: Interstate Commerce Commission, Bureau of Operations, Anthony Chiusano, District Supervisor, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-507 Filed 1-13-71;8:49 am]

[Notice 227]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 11, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 47583 (Sub-No. 10 TA), filed January 6, 1971. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Avenue, Kansas City, KS 66118. Applicant's representative: Lester L. Tollie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel articles*, from points in Kansas City, Mo.-Kans., commercial zone to points in Kansas and Oklahoma, for 90 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 52657 (Sub-No. 673 TA), filed January 6, 1971, Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis*, in secondary truckaway movement, to, from, and between the Brown Trailer Division plants in Reading, Pa., and Michigan City, Ind.; Brown Trailer Division sales and service branches; Brown Trailer Division dealer points; and points at which are located other contractors not affiliated with Brown Trailer Division but who service Brown Trailer Division Products, located in the following points, Everett, Mass.; Linden, N.J.; Reading, Pa.; Baltimore, Md.; Buffalo, N.Y.; Charlotte, N.C.; Michigan City, Ind.; Chicago, Ill.; Cleveland, Ohio; Cincinnati, Ohio; Dearborn, Mich.; Grand Rapids, Mich.; Nashville, Tenn.; Philadephia, Pa.; Pennsauken, N.J.; Morgantown, Pa.; Montoursville, Pa.; Girard, Ohio; Levittown, Pa.; Belleville, Pa.; New York, N.Y.; commercial zone, East Hartford, Conn., for 180 days. Supporting shipper: Clark Equipment Co., Brown Trailer Division, Michigan City, Ind. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 87720 (Sub-No. 103 TA), filed January 6, 1970. Applicant: BASS TRANSPORTATION CO., INC., Old Cotton Road, Star Route A, Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products*, except in bulk, from Bristol, Pa., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and (2) *materials and supplies*, used in the manufacture, sale, or distribution of the aforementioned commodities, except in bulk, from the destination territory, to Bristol, Pa., and (3) *returned shipments*. Restriction: Under a contract with Purex Corp., Ltd., for 180 days. Supporting shipper: Purex Corp., Ltd., Radcliffe Street at Fillmore, Bristol, PA 19007. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Second Floor, Trenton, NJ 08608.

No. MC 111302 (Sub-No. 63 TA), filed January 6, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 588, Brickyard Road, Powell, TN 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible tallow and lard*, in bulk, in tank vehicles, from Knoxville, Tenn., to Atlanta, Ga., Charlotte, N.C., Cincinnati, Ohio; and Roanoke, Va., for 180 days. Supporting shipper: East Tennessee Packing Co., Post Office Box 200, Knoxville, TN 37901. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, 803–1808 West End Building, Nashville, TN 37203.

No. MC 112801 (Sub-No. 114 TA), filed January 6, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, from Muscatine, Iowa, to points in Illinois, Indiana, Wisconsin, and Missouri, for 150 days. Supporting shipper: Kent Feed, Inc., Muscatine, Iowa 52761. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 117068 (Sub-No. 12 TA), filed January 6, 1971. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, Suite 701, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs and parts* therefor when moving therewith, from Rochester, Minn., to Deerfield, Ill., for 180 days. Supporting shipper: Allis-Chalmers Manufacturing Co., Deerfield, Ill. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117686 (Sub-No. 119 TA), filed January 6, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., Post Office Box 417, 3324 Highway 75 North, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission, from Plainview, Tex., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Oklahoma, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

No. MC 123233 (Sub-No. 33 TA), filed January 6, 1971. Applicant: PROVOST CARTAGE INC., 7887—Second Avenue, Ville d'Anjou 437, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon tetrachloride*, in bulk, in tank vehicles, from the port of entry on the United States-Canada Boundary line at or near Rooseveltown, N.Y., to Bayonne, N.J. Restricted to traffic originating in Canada for 150 days. Supporting shipper: Canadian Industrial Limited, Edifice CIL, C.P. 10, Montreal 101, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 125440 (Sub-No. 9 TA) (Correction), filed December 18, 1970, and published FEDERAL REGISTER issue December 29, 1970, and republished in part as corrected this issue. Applicant: JULES TISCHLER AND PAUL JOHNSON, doing business as, RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. NOTE: The purpose of this partial republication is to show the duration of days (150) which was inadvertently omitted in previous publication, the rest of publication remains as previously published.

No. MC 127042 (Sub-No. 71 TA), filed January 6, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leed Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsite and storage facilities utilized by Aristo Kansas Meat Packers, Inc., Holton, Kans., to points in Illinois and Wisconsin, for 150 days. Supporting shipper: Kansas Meat Packers, Post Office Box 327, Holton, KS 66436. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 304, Federal Building, Sioux City, IA 51101.

No. MC 128285 (Sub-No. 6 TA), filed January 6, 1971. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, 9801 North Vancouver Way, Portland, OR 97201. Applicant's representative: Earle V. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial maintenance and sanitation supplies and equipment*, from Santa Clara, Calif., to points in Oregon, and Washington, under contract with Zep Manufacturing Co., for 180 days. Supporting shipper: Zep Manufacturing Co., 1310 Seaboard Industrial Boulevard NW., Atlanta, GA 30301. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 128652 (Sub-No. 6 TA), filed January 5, 1971. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9450 Bloomington Freeway, Minneapolis, MN 55431. Applicant's representative: W. D. Larson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, from New Holstein and Grafton, Wis., to Windom, Minn., via Minneapolis, Minn., stopping in transit to partially unload, in connection with carrier's regular authorized service from the above-described points to Windom, Minn. NOTE: Applicant proposes to render service for the shipper at Minneapolis, Minn. in conjunction with its presently held authority in MC 128652 from the same origins, to Windom, Minn., for 120 days. Supporting shipper: Toro Manufacturing Corp., 8111 Lyndale Avenue South, Minneapolis, MN 55420. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135113 (Sub-No. 1 TA), filed January 5, 1971. Applicant: WELLINGTON REALTY CORP., Transportation Division, Post Office Box 244, Madison, GA 30650. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton or synthetic rope, twine, cord, mops and mop heads, mop handles, cotton yarn clothes lines, venetian blind cords, winch ropes, tow bridle ropes, ski ropes, ski rope handles, and component parts, materials and supplies used in the manufacture and distribution of such products*, (a) between the plantsites and warehouse facilities used by Wellington Puritan Mills, Inc., at or near Athens, Ga., Madison, Ga., Elizabethton, Tenn., Hendersonville, N.C., Louisville, Ky., Stockton, Calif., and Seattle, Wash.; the Wellington Georgia Mills, Inc., at or near

Whitesburg, Ga.; and the Wellington Puritan Mills of Texas, Inc., at or near West, Tex., and (b) from the plantsites and warehouse facilities specified in (1) (a) above, to points in the United States (except Alaska and Hawaii); (2) *cotton and synthetic yarns, twine, cord and rope, sisal, fiberglass yarn, barytes (crude sulphate), mop handles, bronze or steel wire, and component parts, materials and supplies* used in the manufacture and distribution of products specified in (1) above, from points in Illinois, Missouri, Tennessee, and Mississippi, and points in that portion of the United States located east thereof, and Texas, to the plantsites and warehouse facilities used by (1), Wellington Puritan Mills, Inc., at or near Athens, Ga., Madison, Ga., Elizabethton, Tenn., Hendersonville, N.C., and Louisville, Ky.;

(2) Wellington Georgia Mills Inc., at or near Whitesburg, Ga., and (3) Wellington Puritan Mills of Texas, Inc., at or near West, Tex.; (3) *plastic laminated particleboard*, from the plantsite and warehouse facilities used by Wellington Forest Products, Inc., at or near Summerville, S.C., to points in Alabama, Florida, Connecticut, Georgia, Massachusetts, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia, Missouri, and New Hampshire; (4) *plastic film or sheeting*, from Columbus, Ohio; Medina, Ohio; and Brooklyn, N.Y., to the plantsite and warehouse facilities used by Wellington Forest Products, Inc., at or near Summerville, S.C.; (5) *plastic webbing and plastic or synthetic yarn*, from the plantsite or warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Leesville, S.C., to points in Florida, Georgia, North Carolina, New Jersey, New York, Pennsylvania, Tennessee, and Texas; (6) *plastic resins*, from points in Texas and West Virginia to the plantsites and warehouse facilities used by (a) Wellington Synthetic Fibres, Inc., at or near Leesville, S.C., and Pilot Mountain, N.C., and (b) Poly-Fibers, Inc., at or near Birmingham, Ala.; (7) *plastic or synthetic yarn*, from Odenton, Md., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Leesville, S.C.; (8) *plastic or vinyl products, vinyl-coated fiberglass screening, outdoor furniture, plastic webbing, plastic re-web kits and renew kits therefor, with or without clips or screws*, from the plantsite and warehouse facilities used by Wellington Syntheitc Fibres, Inc., at or near Paterson, N.J., to points in the United States (except Alaska and Hawaii); (9) *synthetic yarns*, from Odenton, Md., and Pawtucket, R.I., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J.;

(10) *Vinyl sheet or sheeting*, from Ayenel, N.J., and Hickory, N.C., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J.; (11) *synthetic yarn, synthetic rope, extruded vinyl products, and vinyl-coated wire cable*, from the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Pilot Mountain, N.C., to points in the United States (except Alaska and Hawaii); (12) *synthetic yarn and rope*, from the plantsite and warehouse facilities used by Poly-Fibers, Inc., at or near Birmingham, Ala., to points in Alabama, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, and South Carolina; (13) *office supplies and corrugated fibreboard boxes*, between the plantsites and warehouse facilities used by Wellington Synthetic Fibres, Inc., and Poly-Fibers, Inc., located at or near Leesville, S.C., Paterson, N.J., Pilot Mountain, N.C., and Birmingham, Ala.; (14) *books*, between the plantsites and warehouse facilities used by Wellington Book Co., Inc., at or near Montebello, Calif., and between such plantsites and warehouse facilities, on the one hand, and, on the other, points in California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, New York, New Jersey, Pennsylvania, Ohio, Tennessee, Texas, and Virginia; (15) *aluminum foil*, from the plantsite and warehouse facilities used by Wellington Films & Foil, Inc., at or near Englewood, N.J., to points in California, Kentucky, and Virginia, for 180 days. Supporting shippers: Wellington Puritan Mills, Inc., Madison, Ga.; Wellington Georgia Mills, Inc., Whitesburg, Ga.; Wellington Puritan Mills of Texas, Inc., West, Tex.; Wellington Forest Products, Inc., Summerville, S.C.; Wellington Synthetic Fibres, Inc., Paterson, N.J.; Poly-Fibers, Inc., Birmingham, Ala.; Wellington Book Co., Inc., East Rutherford, N.J.; Wellington Book-West, Inc., Montebello, Calif.; Wellington Films & Foils, Inc., Englewood, N.J. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135135 (Sub-No. 1 TA), filed January 6, 1971. Applicant: DELANO DURTZ, doing business as MINOT FERTILIZER & STORAGE CO., Post Office Box 225, Minot, ND 58701. Applicant's representative: Gerald G. Glaser, Dakota National Bank, 212 North Fourth Street, Bismarck, ND 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Sioux Falls, S. Dak., to points in North Dakota, on and west of U.S. Highway 281, for 180 days. Supporting shipper: Farmers Union Grain Terminal Association, Feed Operations, Box 1149, Minot, ND 58701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-508 Filed 1-13-71;8:49 am]

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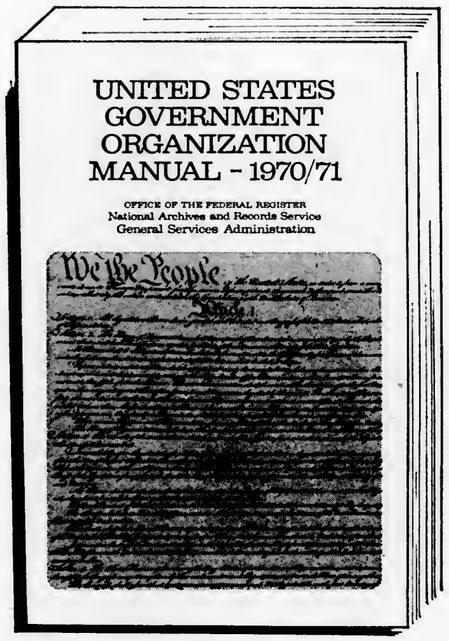

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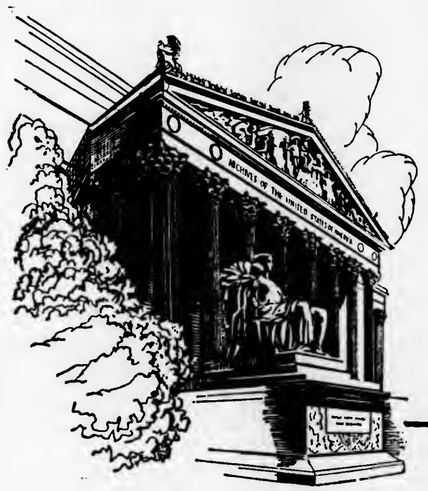

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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-502]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in subparagraph (e) (5) relating to the State of Missouri, a new subdivision (iii) relating to Johnson and Lafayette Counties is added to read:

(5) *Missouri.* • • •

(iii) The adjacent portions of Lafayette and Johnson Counties bounded by a line beginning at the junction of State Highway U and State Highway 13 in Lafayette County; thence, following State Highway 13 in a southerly direction to State Highway H; thence, following State Highway H in a generally northwesterly direction to State Highway U; thence, following State Highway U in an easterly direction to its junction with State Highway 13 in Lafayette County.

2. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Tennessee; paragraph (f) is amended by deleting the name of the State of Tennessee; and a new subparagraph (e) (10) relating to Tennessee is added to read:

(10) *Tennessee.* That portion of Stewart County bounded by a line beginning at the junction of U.S. Highway 79 and State Highway 49; thence, following State Highway 49 in a southeasterly direction to Secondary Road 6113; thence, following Secondary Road 6113 in a southerly and then southwesterly direction to the Taylor Chapel Road; thence, following the Taylor Chapel Road in a generally northerly direction to U.S. Highway 79; thence, following U.S. Highway 79 in a northeasterly direction to its junction with State Highway 49.

3. In § 76.2, in subparagraph (e) (11) relating to the State of Texas, subdivisions (xvi) and (xvii) relating to Tarrant County are deleted; and subdivisions (iv) relating to Eastland County and (xx) relating to Wise and Parker Counties are amended; and new subdivisions (xxi) relating to Callahan County and (xxii) relating to Tarrant County are added, to read:

(11) *Texas.* • • •

(iv) That portion of Eastland County bounded by a line beginning at the junction of the Eastland-Stephens County line and State Highway 6; thence, following State Highway 6 in a southeasterly direction to Farm to Market Road 1027; thence, following Farm to Market Road 1027 in a southwesterly direction to Farm to Market Road 587; thence, following Farm to Market Road 587 in a northwesterly direction to State Highway 36; thence, following State Highway 36 in a westerly direction to Farm to Market Road 569; thence, following Farm to Market Road 569 in a northwesterly direction to State Highway 206; thence, following State Highway 206 in a northeasterly direction to Farm to Market Road 2526; thence, following Farm to Market Road 2526 in a westerly direction to Farm to Market Road 569; thence, following Farm to Market Road 569 in a northerly direction to Farm to Market Road 1864; thence, following Farm to Market Road 1864 in a southwesterly direction to the Eastland-Callahan County line; thence, following the Eastland-Callahan County line in a northerly direction to the Eastland-Shackelford County line; thence, following the Eastland-Shackelford County line in an easterly direction to the Eastland-Stephens County line; thence, following the Eastland-Stephens County line in an easterly direction to its junction with State Highway 6.

• • • • •

(xx) The adjacent portions of Wise and Parker Counties bounded by a line beginning at the junction of Farm-to-Market Road 51 and U.S. Highways 81, 287; thence, following U.S. Highways 81, 287 in a southeasterly direction to Farm-to-Market Road 730; thence, following Farm-to-Market Road 730 in a southeasterly direction to the junction of the Wise-Parker-Tarrant County lines; thence, following the Parker-Tarrant County line in a southerly direction to State Highway 199; thence, following State Highway 199 in a northwesterly direction to Farm-to-Market Road 1707; thence, following Farm-to-Market Road 1707 in a southwesterly direction to U.S. Highways 80, 180; thence, following U.S. Highways 80, 180 in a westerly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northerly direction to Farm-to-Market Road 920; thence, following Farm-to-Market Road 920 in a northwesterly direction to Farm-to-Market Road 1885; thence, following Farm-to-Market Road 1885 in a generally northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Jack County line; thence, following the Parker-Jack County line in an easterly direction to the Parker-Wise County line; thence, following the Parker-Wise County line in an easterly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northeasterly direction to its junction with U.S. Highways 81, 287.

(xxi) That portion of Callahan County bounded by a line beginning at the junction of the Callahan-Taylor County line and Interstate Highway 20 (also U.S. Highway 80); thence, following Interstate Highway 20 (also U.S. Highway 80) in a southeasterly direction to U.S. Highway 283; thence, following U.S. Highway 283 in a southwesterly direction to the Callahan-Coleman County line; thence, following the Callahan-Coleman County line in a westerly direction to the Callahan-Taylor County line; thence, following the Callahan-Taylor County line in a northerly direction to its junction with Interstate Highway 20 (also U.S. Highway 80).

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Johnson and Lafayette Counties in Missouri; a portion of Stewart County, Tenn.; and portions of Callahan, Eastland, Parker, and Tarrant Counties in Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such Counties.

The amendments also delete Tennessee from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from and to such eradication States under Part 76 are no longer applicable to Tennessee.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that

notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-587 Filed 1-14-71;8:50 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to add the Schedule C position of Assistant Administrator for Policy Coordination. Effective on publication in the FEDERAL REGISTER (1-15-71), subparagraph (9) is added to paragraph (o) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(9) One Assistant Administrator for Policy Coordination.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-562 Filed 1-14-71;8:48 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the position of Deputy Assistant Director for Program Development is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (1-15-71), subparagraph (23) under paragraph (a) of § 213.3373 is revoked as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(23) [Revoked]

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-548 Filed 1-14-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10763; Amdt. No. 738]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective February 11, 1971.

Cambridge, Md.—Cambridge Municipal Airport, VOR-A, Amdt. 1; Revised.
Johnstown, Pa.—Johnstown-Cambria County Airport; VOR Runway 5, Amdt. 2; Revised.
Johnstown, Pa.—Johnstown-Cambria County Airport; VOR Runway 15, Amdt. 2; Revised.
Johnstown, Pa.—Johnstown-Cambria County Airport; VOR Runway 23, Amdt. 2; Revised.

2. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective February 11, 1971.

Cambridge, Md.—Cambridge Municipal Airport; NDB Runway 34, Amdt. 2; Revised.
Oxford, Conn.—Waterbury-Oxford Airport; NDB Runway 18, Amdt. 1; Revised.

3. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 11, 1971.

Baltimore, Md.—Friendship International Airport; ILS Runway 15, Amdt. 3; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 7, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-474 Filed 1-14-71;8:45 am]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 10—Inspection of Persons and Personal Effects on NASA Property

New Subpart 10 added:

Sec.
1204.1000 Scope of subpart.
1204.1001 Policy.
1204.1002 Responsibility.
1204.1003 Procedures.

AUTHORITY: The provisions of this Subpart 10 issued under the authority of 42 U.S.C. 2455(a).

§ 1204.1000 Scope of subpart.

This subpart establishes NASA policy and prescribes certain minimum procedures concerning the inspection of persons and property in their possession on NASA installations.

§ 1204.1001 Policy.

In the interest of national security, NASA shall provide appropriate and adequate protection or security for facilities, property, and information in its possession or custody. In furtherance of this policy, NASA reserves the right to conduct an inspection of any person, including any property in his possession or control, as a condition of admission to or continued presence on any NASA installation.

§ 1204.1002 Responsibility.

The Director for each field installation, and the Director, Headquarters Administration Office for Headquarters, is responsible for implementing the provisions of this subpart when he determines that such action is necessary because of bomb threats, unexplained loss of Government property, or other unusual situations, for the protection or security of the installation and the personnel and property therein. In the local implementation of this subpart, the Directors of NASA installations (and component installations) located on Federal property under the control of other agencies will coordinate their action with appropriate officials of the other agencies concerned.

§ 1204.1003 Procedures.

(a) All entrances to NASA installations shall be conspicuously posted with the following notice:

PURSUANT TO NASA REGULATIONS THE ENTRANCE OF INDIVIDUALS TO, OR THEIR CONTINUED PRESENCE ON, THIS INSTALLATION IS CONDITIONED UPON THEIR CONSENT TO INSPECTION OF THEIR PERSONS, AND OF PROPERTY IN THEIR POSSESSION OR CONTROL.

(b) Inspection pursuant to this subpart will be conducted only by NASA security personnel or members of the installation security patrol or guard force. Such inspections shall be conducted in accordance with guidelines established by the Director of Security.

(c) If an individual indicates that he does not consent to an inspection, it will not be carried out, and he will be denied admission to, or be escorted from, the installation.

(d) If, during an inspection, an individual is found to be in unauthorized possession of items believed to represent a threat to the safety or security of the installation, the individual shall be denied admission to or escorted from the installation and appropriate law enforcement authorities will be notified immediately.

(e) If, during an inspection conducted pursuant to this subpart, an individual is in possession of U.S. Government property without proper authorization, he shall be required to relinquish the property to the security representative conducting the inspection pending proper authorization for the possession of the property or its removal from the installation. The individual relinquishing the property shall be given a receipt therefor.

Effective date: The provisions of this Subpart 1204.10 are effective upon publication in the FEDERAL REGISTER (1-15-71).

GEORGE M. LOW,
Acting Administrator.

[FR Doc.71-521 Filed 1-14-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-12]

PART 1—GENERAL PROVISIONS

Port of Entry, Lawrence, Mass.

In order to provide improved Customs service in the State of Massachusetts, it is considered desirable to extend the present port limits of the port of entry, Lawrence, Mass. Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), the port limits of Lawrence, Mass. (Region I), are hereby extended to include all of the area within the boundaries of the town of Methuen.

This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER (1-15-71).

To reflect this change, § 1.2(c) of the Customs regulations is amended by inserting the words "(including the territory described in T.D. 71-12)" immediately following the name of the port of entry of Lawrence in the column headed "Ports of Entry."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-589 Filed 1-14-71;8:51 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 625—DISASTER UNEMPLOYMENT ASSISTANCE

Disaster Unemployment Assistance Under Section 240 of the Disaster Relief Act of 1970

The enactment of the Disaster Relief Act of 1970, which provides a permanent program of disaster relief including the payment of disaster unemployment assistance to individuals unemployed as the result of a major disaster makes necessary the amendment of the regulations which implement section 12 of the Disaster Relief Act of 1969 to make such regulations implement section 240 of the Disaster Relief Act of 1970 and provide a basis for payment of disaster unemployment assistance under that Act. Accordingly, effective upon publication in the FEDERAL REGISTER (1-15-71) there are hereby adopted the following amendments to Part 625 of Chapter V of Title 20 of the Code of Federal Regulations:

1. Section 625.1 is amended by designating its present text as paragraph (a) and adding a new paragraph (b). As amended § 625.1 reads as follows:

§ 625.1 Purpose.

(a) The regulations in this part are promulgated to effectuate the purpose of section 12 of the Disaster Relief Act of 1969, to pay disaster unemployment assistance, as promptly as possible, in order to mitigate the hardships of individuals unemployed as the result of a major disaster in the State, where the Governor of the State has entered into an agreement with the Secretary of Labor for the purpose. The regulations in this part are to be liberally construed to accomplish their objective.

(b) To effectuate the purpose of section 240 of the Disaster Relief Act of 1970 to pay disaster unemployment assistance to individuals unemployed as the result of a major disaster, these regulations shall continue to apply to applications for, and payment of, disaster unemployment assistance on and after the effective date thereof, except (1) that all references therein to the Act shall be read as referring to section 240 of the Disaster Relief Act of 1970, the definition of major disaster shall be read as meaning a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970, and all references to disasters which occurred after June 30, 1967, and on or before December 31, 1970, shall be disregarded, and (2) that the disaster unemployment assistance payable to an individual for unemployment resulting from a major disaster that occurred prior to the effective date of the Disaster Relief Act of 1970 shall not exceed the total amount provided in § 625.8(b) of these regulations, including payments made under the Disaster Relief Act of 1969.

(Sec. 240 of Public Law 91-606, E.O. 11575 dated December 31, 1970)

Signed at Washington, D.C., this 12th day of January 1971.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.71-553 Filed 1-14-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Miscellaneous Amendments

In the FEDERAL REGISTER of August 22, 1969 (34 F.R. 13553), a notice was published proposing a revision of §§ 133.1-133.14 to clarify, strengthen, and make more specific the good manufacturing practice regulations for drugs.

In response, comments were received from consumers, Government agencies, foreign and domestic human and veterinary drug manufacturers, and associations of human and veterinary drug manufacturers. The comments contained suggestions for clarifying various portions of the proposal, objections to various requirements, and helpful information regarding current problems. Many of the suggested changes have been incorporated in the regulations as issued below.

Many firms, the National Association of Pharmaceutical Manufacturers, the Pharmaceutical Manufacturers Association, and others objected to the bioavailability requirement in § 133.13(d) on the

basis that such testing is not current good manufacturing practice and that adequate methods do not exist to make such testing practical and meaningful. Although the development of such information for all drugs is necessary and desirable, this requirement has been deleted and will not be restored until appropriate methods for making and interpreting such determinations can be widely developed and verified.

Comments from a large number of parties, including the Pharmaceutical Manufacturers Association, the Toilet Goods Association, the Animal Health Institute, the Proprietary Association, and the National Association of Pharmaceutical Manufacturers, objected to the provisions of § 133.13(e) dealing with the expiration dating of all drugs. Primarily the objections were (1) expiration dating for all drugs is not current good manufacturing practice and (2) the information necessary to establish such dates is not currently available to much of the trade.

The Commissioner of Food and Drugs concludes that the interests of consumers must be served by the establishment of valid expiration dates for all drug products. To allow time for the orderly accumulation of data to support such dating, §§ 133.13 and 133.14 have been changed to set forth basic guidelines for stability studies for all drugs, which studies will be used to establish expiration dates. No drug container-closure system is indefinitely stable and the manufacturer or packer of a drug product is responsible for determining the stability characteristic for each of his products.

A significant number commented on the special conditions concerning "repackers" in § 133.10(e) and discussed the difficulties of compliance by "repackers" with the requirements. The Commissioner concludes that the special conditions for repackers should be eliminated. Compliance would have required knowledge and control of external conditions not possible to obtain. A drug repacker essentially performs filling, labeling, and finishing operations similar to that of a drug manufacturer and is generally subject to the same restrictions and obligations.

The Commissioner is currently accumulating and evaluating data which he anticipates will result in the deletion from § 133.11 of any allowable quantity of penicillin as a contaminant in other drugs. Announcement of such action will be forthcoming within 3 months after FEDERAL REGISTER publication of this document if the data support such action.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 701(a), 52 Stat. 1049–50, as amended, 1055; 21 U.S.C. 351, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 133 is amended by revising §§ 133.1–133.14 and by redesignating § 133.14 as § 133.15 and adding a new § 133.14, as follows:

§ 133.1 Definitions.

(a) As used in this part, "act" means the Federal Food, Drug, and Cosmetic Act, sections 201–902, 52 Stat. 1052 (21 U.S.C. 321–392) with all the amendments thereto.

(b) The definitions and interpretations contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

(c) As used in this part:

(1) The term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. Medicated feeds are subject to §§ 133.100–133.110, inclusive.

(2) The term "medicated premix" means a substance that meets the definition in § 121.200 of this chapter for a "feed additive premix," except that it contains one or more drugs as defined in section 201(g) of the act and is intended for manufacturing use in the production of a medicated feed. Medicated premixes are subject to §§ 133.200–133.210, inclusive.

(d) As used in §§ 133.2–133.15, inclusive:

(1) The term "component" means any ingredient intended for use in the manufacture of drugs in dosage form, including those that may not appear in the finished product.

(2) The term "batch" means a specific quantity of a drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(3) The term "lot" means a batch or any portion of a batch of a drug or, in the case of a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity, and in either case which is identified by a distinctive lot number and has uniform character and quality within specified limits.

(4) The terms "lot number" or "control number" mean any distinctive combination of letters or numbers, or both, from which the complete history of the manufacture, control, packaging, and distribution of a batch or lot of drug can be determined.

(5) The term "active ingredient" means any component which is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term shall include those components which may undergo chemical change in the manufacture of the drug and be present in the finished drug product in a modified form intended to furnish the specified activity or effect.

(6) The term "inactive ingredient" means any component other than an "active ingredient" present in a drug.

(7) The term "materials approval unit" means any organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components, and final products.

(8) The term "strength" means:

(i) The concentration of the drug substance (for example, w/w, w/v, or unit dose/volume basis) and/or

(ii) The potency, that is, the therapeutic activity of the drug substance as indicated by appropriate laboratory tests or by adequately developed and controlled clinical data (expressed, for example, in terms of units by reference to a standard).

§ 133.2 Finished pharmaceuticals; manufacturing practice.

(a) The criteria in §§ 133.3–133.15, inclusive, shall apply in determining whether the methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of a drug conform to or are operated or administered in conformity with current good manufacturing practice to assure that a drug meets the requirements of the act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess as required by section 501(a)(2)(B) of the act.

(b) The regulations in this part permit the use of precision automatic, mechanical, or electronic equipment in the production and control of drugs when adequate inspection and checking procedures are used to assure proper performance.

§ 133.3 Buildings.

Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction, and location to facilitate adequate cleaning, maintenance, and proper operations in the manufacturing, processing, packing, labeling, or holding of a drug. The buildings shall:

(a) Provide adequate space for:

(1) Orderly placement of equipment and materials to minimize any risk of mixups between different drugs, drug components, in-process materials, packaging materials, or labeling, and to minimize the possibility of contamination.

(2) The receipt, storage, and withholding from use of components pending sampling, identification, and testing prior to release by the materials approval unit for manufacturing or packaging.

(3) The holding of rejected components prior to disposition to preclude the possibility of their use in manufacturing or packaging procedures for which they are unsuitable.

(4) The storage of components, containers, packaging materials, and labeling.

(5) Any manufacturing and processing operations performed.

(6) Any packaging or labeling operations.

(7) Storage of finished products.

(8) Control and production-laboratory operations.

(b) Provide adequate lighting, ventilation, and screening and, when necessary for the intended production or control purposes, provide facilities for adequate air-pressure, microbiological, dust, humidity, and temperature controls to:

(1) Minimize contamination of products by extraneous adulterants, including cross-contamination of one product by dust or particles of ingredients arising from the manufacture, storage, or handling of another product.

(2) Minimize dissemination of microorganisms from one area to another.

(3) Provide suitable storage conditions for drug components, in-process materials, and finished drugs in conformance with stability information as derived under § 133.13.

(c) Provide adequate locker facilities and hot and cold water washing facilities, including soap or detergent, air drier or single service towels, and clean toilet facilities near working areas.

(d) Provide an adequate supply of potable water (PHS standards in 42 CFR Part 73) under continuous positive pressure in a plumbing system free of defects that could cause or contribute to contamination of any drug. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

(e) Provide suitable housing and space for the care of all laboratory animals.

(f) Provide for safe and sanitary disposal of sewage, trash, and other refuse within and from the buildings and immediate premises.

§ 133.4 Equipment.

Equipment used for the manufacture, processing, packing, labeling, holding, testing, or control of drugs shall be maintained in a clean and orderly manner and shall be of suitable design, size, construction, and location to facilitate cleaning, maintenance, and operation for its intended purpose. The equipment shall:

(a) Be so constructed that all surfaces that come into contact with a drug product shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(b) Be so constructed that any substances required for operation of the equipment, such as lubricants or coolants, do not contact drug products so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(c) Be constructed and installed to facilitate adjustment, disassembly cleaning and maintenance to assure the reliability of control procedures uniformity of production and exclusion from the drugs of contaminants from previous and current operations that might affect the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(d) Be of suitable type, size, and accuracy for any testing, measuring, mixing, weighing, or other processing or storage operations.

§ 133.5 Personnel.

(a) The personnel responsible for directing the manufacture and control of the drug shall be adequate in number and background of education, training, and experience, or combination thereof, to assure that the drug has the safety, identity, strength, quality, and purity that it purports to possess. All personnel shall have capabilities commensurate with their assigned functions, a thorough understanding of the manufacturing or control operations they perform, the necessary training or experience, and adequate information concerning the reason for application of pertinent provisions of this part to their respective functions.

(b) Any person shown at any time (either by medical examination or supervisory observation) to have an apparent illness or open lesions that may adversely affect the safety or quality of drugs shall be excluded from direct contact with drug products until the condition is corrected. All employees shall be instructed to report to supervisory personnel any conditions that may have such an adverse effect on drug products.

§ 133.6 Components.

All components and other materials used in the manufacture, processing, and packaging of drug products, and materials necessary for building and equipment maintenance, upon receipt shall be stored and handled in a safe, sanitary, and orderly manner. Adequate measures shall be taken to prevent mixups and cross-contamination affecting drugs and drug products. Components shall be withheld from use until they have been identified, sampled, and tested for conformance with established specifications and are released by a materials approval unit. Control of components shall include the following:

(a) Each container of component shall be examined visually for damage or contamination prior to use, including examination for breakage of seals when indicated.

(b) An adequate number of samples shall be taken from a representative number of component containers from each lot and shall be subjected to one or more tests to establish the specific identity.

(c) Representative samples of components liable to contamination with filth, insect infestation, or other extraneous contaminants shall be appropriately examined.

(d) Representative samples of all components intended for use as active ingredients shall be tested to determine their strength in order to assure conformance with appropriate specifications.

(e) Representative samples of components liable to microbiological contamination shall be subjected to microbiological tests prior to use. Such components shall not contain microorganisms that are objectionable in view of their intended use.

(f) Approved components shall be appropriately identified and retested as necessary to assure that they conform to appropriate specifications of identity, strength, quality, and purity at time of use. This requires the following:

(1) Approved components shall be handled and stored to guard against contaminating or being contaminated by other drugs or components.

(2) Approved components shall be rotated in such a manner that the oldest stock is used first.

(3) Rejected components shall be identified and held to preclude their use in manufacturing or processing procedures for which they are unsuitable.

(g) Appropriate records shall be maintained, including the following:

(1) The identity and quantity of the component, the name of the supplier, the supplier's lot number, and the date of receipt.

(2) Examinations and tests performed and rejected components and their disposition.

(3) An individual inventory and record for each component used in each batch of drug manufactured or processed.

(h) An appropriately identified reserve sample of all active ingredients consisting of at least twice the quantity necessary for all required tests, except those for sterility and determination of the presence of pyrogens, shall be retained for at least 2 years after distribution of the last drug lot incorporating the component has been completed or 1 year after the expiration date of this last drug lot, whichever is longer.

§ 133.7 Master production and control records; batch production and control records.

(a) To assure uniformity from batch to batch, a master production and control record for each drug product and each batch size of drug product shall be prepared, dated, and signed or initialed by a competent and responsible individual and shall be independently checked, reconciled, dated, and signed or initialed by a second competent and responsible individual. The master production and control record shall include:

(1) The name of the product, description of the dosage form, and a specimen or copy of each label and all other labeling associated with the retail or bulk unit, including copies of such labeling signed or initialed and dated by the person or persons responsible for approval of such labeling.

(2) The name and weight or measure of each active ingredient per dosage unit or per unit of weight or measure of the finished drug, and a statement of the total weight or measure of any dosage unit.

(3) A complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; an accurate statement of the weight or measure of each ingredient

regardless of whether it appears in the finished product, except that reasonable variations may be permitted in the amount of components necessary in the preparation in dosage form provided that provisions for such variations are included in the master production and control record; an appropriate statement concerning any calculated excess of an ingredient; an appropriate statement of theoretical weight or measure at various stages of processing; and a statement of the theoretical yield.

(4) A description of the containers, closures, and packaging and finishing materials.

(5) Manufacturing and control instructions, procedures, specifications, special notations, and precautions to be followed.

(b) The batch production and control record shall be prepared for each batch of drug produced and shall include complete information relating to the production and control of each batch. These records shall be retained for at least 2 years after the batch distribution is complete or at least 1 year after the batch expiration date, whichever is longer. These records shall identify the specific labeling and lot or control numbers used on the batch and shall be readily available during such retention period. The batch record shall include:

(1) An accurate reproduction of the appropriate master formula record checked, dated, and signed or initialed by a competent and responsible individual.

(2) A record of each significant step in the manufacturing, processing, packaging, labeling, testing, and controlling of the batch, including: Dates; individual major equipment and lines employed; specific identification of each batch of components used; weights and measures of components and products used in the course of processing; in-process and laboratory control results; and identifications of the individual(s) actively performing and the individual(s) directly supervising or checking each significant step in the operation.

(3) A batch number that identifies all the production and control documents relating to the history of the batch and all lot or control numbers associated with the batch.

(4) A record of any investigation made according to § 133.8(h).

§ 133.8 Production and control procedures.

Production and control procedures shall include all reasonable precautions, including the following, to assure that the drugs produced have the safety, identity, strength, quality, and purity they purport to possess:

(a) Each significant step in the process, such as the selection, weighing, and measuring of components, the addition of ingredients during the process, weighing and measuring during various stages of the processing, and the determination of the finished yield, shall be performed by a competent and responsible individual and checked by a second competent and responsible individual; or if such steps in the processing are controlled by precision automatic, mechanical, or electronic equipment, their proper performance is adequately checked by one or more competent and responsible individuals. The written record of the significant steps in the process shall be identified by the individual performing these tests and by the individual charged with checking these steps. Such identifications shall be recorded immediately following the completion of such steps.

(b) All containers, lines, and equipment used during the production of a batch of a drug shall be properly identified at all times to accurately and completely indicate their contents and, when necessary, the stage of processing of the batch.

(c) To minimize contamination and prevent mixups, equipment, utensils, and containers shall be thoroughly and appropriately cleaned and properly stored and have previous batch identification removed or obliterated between batches or at suitable intervals in continuous production operations.

(d) Appropriate precautions shall be taken to minimize microbiological and other contamination in the production of drugs purporting to be sterile or which by virtue of their intended use should be free from objectionable microorganisms.

(e) Appropriate procedures shall be established to minimize the hazard of cross-examination of any drugs while being manufactured or stored.

(f) To assure the uniformity and integrity of products, there shall be adequate in-process controls, such as checking the weights and disintegration times of tablets, the adequacy of mixing, the homogeneity of suspensions, and the clarity of solutions. In-process sampling shall be done at appropriate intervals using suitable equipment.

(g) Representative samples of all dosage form drugs shall be tested to determine their conformance with the specifications for the product before distribution.

(h) Procedures shall be instituted whereby review and approval of all production and control records, including packaging and labeling, shall be made prior to the release or distribution of a batch. A thorough investigation of any unexplained discrepancy or the failure of a batch to meet any of its specifications shall be undertaken whether or not the batch has already been distributed. This investigation shall be undertaken by a competent and responsible individual and shall extend to other batches of the same drug and other drugs that may have been associated with the specific failure. A written record of the investigation shall be made and shall include the conclusions and followup.

(i) Returned goods shall be identified as such and held. If the conditions under which returned goods have been held, stored, or shipped prior to or during their return, or the condition of the product, its container, carton, or labeling as a result of storage or shipping, cast doubt on the safety, identity, strength, quality, or purity of the drug, the returned goods shall be destroyed or subjected to adequate examination or testing to assure that the material meets all appropriate standards or specifications before being returned to stock for warehouse distribution or repacking. If the product is neither destroyed nor returned to stock, it may be reprocessed provided the final product meets all its standards and specifications. Records of returned goods shall be maintained and shall indicate the quantity returned, date, and actual disposition of the product. If the reason for returned goods implicates associated batches, an appropriate investigation shall be made in accordance with the requirements of paragraph (h) of this section.

§ 133.9 Product containers and their components.

Suitable specifications, test methods, cleaning procedures, and, when indicated, sterilization procedures shall be used to assure that containers, closures, and other component parts of drug packages are suitable for their intended use. Product containers and their components shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or established requirements and shall provide adequate protection against external factors that can cause deterioration or contamination of the drug.

§ 133.10 Packaging and labeling.

Packaging and labeling operations shall be adequately controlled: To assure that only those drug products that have met the standards and specifications established in their master production and control records shall be distributed; to prevent mixups between drugs during filling, packaging, and labeling operations; to assure that correct labels and labeling are employed for the drug; and to identify the finished product with a lot or control number that permits determination of the history of the manufacture and control of the batch. An hour, day, or shift code is appropriate as a lot or control number for drug products manufactured or processed in continuous production equipment. Packaging and labeling operations shall:

(a) Be separated (physically or spatially) from operations on other drugs in a manner adequate to avoid mixups and minimize cross-contamination. Two or more packaging or labeling operations having drugs, containers, or labeling similar in appearance shall not be in process simultaneously on adjacent or nearby lines unless these operations are separated either physically or spatially.

(b) Provide for an inspection of the facilities prior to use to assure that all drugs and previously used packaging and labeling materials have been removed.

(c) Include the following labeling controls:

(1) The holding of labels and package labeling upon receipt pending review and proofing against an approved final copy by a competent and responsible individual to assure that they are accurate regarding identity, content, and conformity with the approved copy before release to inventory.

(2) The maintenance and storage of each type of label and package labeling representing different products, strength, dosage forms, or quantity of contents in such a manner as to prevent mixups and provide proper identification.

(3) A suitable system for assuring that only current labels and package labeling are retained and that stocks of obsolete labels and package labeling are destroyed.

(4) Restriction of access to labels and package labeling to authorized personnel.

(5) Avoidance of gang printing of cut labels, cartons, or inserts when the labels, cartons, or inserts are for different products or different strengths of the same products or are of the same size and have identical or similar format and/or color schemes. If gang printing is employed, packaging and labeling operations shall provide for added control procedures. These added controls should consider sheet layout, stacking, cutting, and handling during and after printing.

(d) Provide strict control of the package labeling issued for use with the drug. Such issue shall be carefully checked by a competent and responsible person for identity and conformity to the labeling specified in the batch production record. Said record shall identify the labeling and the quantities issued and used and shall reasonably reconcile any discrepancy between the quantity of drug finished and the quantities of labeling issued. All excess package labeling bearing lot or control numbers shall be destroyed. In event of any significant unexplained discrepancy, an investigation should be carried out according to § 133.8(h).

(e) Provide for adequate examination or laboratory testing of representative samples of finished products after packaging and labeling to safeguard against any errors in the finishing operations and to prevent distribution of any batch until all specified tests have been met.

§ 133.11 Laboratory controls.

Laboratory controls shall include the esablishment of scientifically sound and appropriate specifications, standards, and test procedures to assure that components, in-processed drugs, and finished products conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications for the acceptance of each lot of drug components, product containers, and their components used in drug production and packaging and a description of the sampling and testing procedures used for them. Said samples shall be representative and adequately identified. Such records shall also provide for appropriate retesting of drug components, product containers, and their components subject to deterioration.

(b) A reserve sample of all active ingredients as required by § 133.6(h).

(c) The establishment of master records, when needed, containing specifications and a description of sampling and testing procedures for in-process drug preparations. Such samples shall be adequately representative and properly identified.

(d) The establishment of master records containing a description of sampling procedures and appropriate specifications for finished drug products. Such samples shall be adequately representative and properly identified.

(e) Adequate provisions for checking the identity and strength of drug products for all active ingredients and for assuring:

(1) Sterility of drugs purported to be sterile and freedom from objectionable micro-organisms for those drugs which should be so by virtue of their intended use.

(2) The absence of pyrogens for those drugs purporting to be pyrogen-free.

(3) Minimal contamination of ophthalmic ointments by foreign particles and harsh or abrasive substances.

(4) That the drug release pattern of sustained release products is tested by laboratory methods to assure conformance to the release specifications.

(f) Adequate provision for auditing the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments used.

(g) A properly identified reserve sample of the finished product (stored in the same immediate container-closure system in which the drug is marketed) consisting of at least twice the quantity necessary to perform all the required tests, except those for sterility and determination of the absence of pyrogens, and stored under conditions consistent with product labeling shall be retained for at least 2 years after the drug distribution has been completed or at least 1 year after the drug's expiration date, whichever is longer.

(h) Provision for retaining complete records of all laboratory data relating to each batch or lot of drug to which they apply. Such records shall be retained for at least 2 years after distribution has been completed or 1 year after the drug's expiration date, whichever is longer.

(i) Provision that animals shall be maintained and controlled in a manner that assures suitability for their intended use. They shall be identified and appropriate records maintained to determine the history of use.

(j) Provision that firms which manufacture nonpenicillin products (including certifiable antibiotic products) on the same premises or use the same equipment as that used for manufacturing penicillin products, or that operate under any circumstances that may reasonably be regarded as conducive to contamination of other drugs by penicillin, shall test such nonpenicillin products to determine whether any have become cross-contaminated by penicillin. Such products shall not be marketed if intended for use in man orally or parenterally and the product is contaminated with an amount of penicillin equivalent to 0.05 unit or more of penicillin G per maximum single dose recommended in the labeling.

§ 133.12 Distribution records.

(a) Finished goods warehouse control and distribution procedures shall include a system by which the distribution of each lot of drug can be readily determined to facilitate its recall if necessary. Records within the system shall contain the name and address of the consignee, date and quantity shipped, and lot or control number of the drug. Records shall be retained for at least 2 years after the distribution of the drug has been completed or 1 year after the expiration date of the drug, whichever is longer.

(b) To assure the quality of the product, finished goods warehouse control shall also include a system whereby the oldest approved stock is distributed first whenever possible. (See 21 CFR 320.-16 for regulations relating to manufacturing and distribution records of drugs subject to the Drug Abuse Control Amendments of 1965; Public Law 89-74.)

§ 133.13 Stability.

There shall be assurance of the stability of finished drug products. This stability shall be:

(a) Determined by reliable, meaningful, and specific test methods.

(b) Determined on products in the same container-closure systems in which they are marketed.

(c) Determinod on any dry drug product that is to be reconstituted at the time of dispensing (as directed in its labeling), as well as on the reconstituted product.

(d) Recorded and maintained in such manner that the stability data may be utilized in establishing product expiration dates.

§ 133.14 Expiration dating.

To assure that drug products liable to deterioration meet appropriate standards of identity, strength, quality, and purity at the time of use, the label of all such drugs shall have suitable expiration dates which relate to stability tests performed on the product.

(a) Expiration dates appearing on the drug labeling shall be justified by readily available data from stability studies such as described in § 133.13.

(b) Expiration dates shall be related to appropriate storage conditions stated on the labeling wherever the expiration date appears.

(c) When the drug is marketed in the dry state for use in preparing a liquid product, the labeling shall bear expiration information for the reconstituted product as well as an expiration date for the dry product.

§ 133.15 Complaint files.

Records shall be maintained of all written and oral complaints regarding each product. An investigation of each complaint shall be made in accordance with § 133.8(h). The record of each investigation shall be maintained for at least 2 years after distribution of the drug has been completed or 1 year after the expiration date of the drug, whichever is longer.

Effective date. This order shall become effective 30 days after its date of FEDERAL REGISTER publication.

(Secs. 501, 701(a), 52 Stat. 1049–50, as amended, 1055; 21 U.S.C. 351, 371(a))

Dated: January 13, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-638 Filed 1-14-71;8:51 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 **List of designated areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Baldwin	Gulf Shores	E 01 003 1493 01 E 01 003 1493 02	Alabama Development Office, State Office Bldg, Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Town Hall, Gulf Shores, AL 36542	Jan. 15, 1971.
California	Los Angeles	Inglewood	E 06 037 1760 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department Office, City of Inglewood, Civic Center, 105 East Queen St., Inglewood, CA 90301.	Do.
Do.	Riverside	Unincorporated areas.	E 06 065 0000 01 through E 06 065 0000 06	do	Riverside County Planning Commission, Room 101, 4080 Lemon St., Riverside, CA 92501.	Do.
Do.	Tehama	Red Bluff	E 06 103 2940 01 E 06 103 2940 02	do	Office of the City Clerk, 555 Washington St., Red Bluff, CA 96080.	Do.
Florida	Brevard	Melbourne Beach	E 12 009 2000 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Town Hall, Ocean Ave. Melbourne Beach, FL 32951.	Do.
New Jersey	Mercer	Trenton	E 34 021 3380 01 E 34 021 3380 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	City Engineer's Office, City Hall, East State St., Trenton, NJ 08608.	Do.
New York	Suffolk	Brookhaven	E 36 103 0705 01 through E 36 103 0705 11	New York State Department of Conservation, State Campus, Albany, NY 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Town Clerk's Office, Town Hall, South Ocean Ave., Patchogue, NY 11772.	Do.
North Dakota	Stark	Unincorporated areas.	E 38 089 0000 01 E 38 089 0000 02	State Water Commission, Bismarck, ND 58501. State Insurance Commission, State Capitol, Bismarck, ND 58501.	City Auditor's Office, Stark County Courthouse, Dickinson, ND 58601.	Do.
Rhode Island	Providence	Pawtucket	E 44 007 0180 01 through E 44 007 0180 05	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, RI 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, RI 02903.	Office of the City Engineer, City Hall, Roosevelt Ave., Pawtucket, RI 02860.	Do.
Tennessee	Blount	Alcoa	E 47 009 0030 01	Office of Federal and Urban Affairs, 321 Seventh Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Office of the City Recorder, Municipal Bldg., Alcoa, TN 37701.	Do.
Texas	Cameron	Brownsville	E 48 061 0940 01 through E 48 061 0940 05	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Engineer, City Hall, Post Office Box 911, Brownsville, TX 78520.	Do.
Virginia	Hampton	Hampton	I 51 650 1180 02 through I 51 650 1180 10	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	City Planning Office, City Hall, Hampton, VA 23369. City Engineer's Office, City Hall, Hampton, VA 23369. City Clerk's Office, City Courthouse, Hampton, VA 23369.	Do.
Wisconsin	La Crosse	La Crosse	I 55 063 2490 01 through I 55 063 2490 06	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	City Planning Department, Fifth Floor, City Hall, La Crosse, WI 54601.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970.)

Issued: January 15, 1971.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.71-509 Filed 1-14-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of flood hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Baldwin	Gulf Shores	T 01 003 1493 01 T 01 003 1493 02	Alabama Development Office, State Office Bldg., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Town Hall, Gulf Shores, AL 36542	Jan. 15, 1971.
California	Los Angeles	Inglewood	T 06 037 1760 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department Office, City of Inglewood, Civic Center, 105 East Queen St., Inglewood, CA 90301.	Do.
Do.	Riverside	Unincorporated areas.	T 06 065 0000 01 through T 06 065 0000 06	do	Riverside County Planning Commission, Room 101, 4080 Lemon St., Riverside, CA 92501.	Do.
Do.	Tehama	Red Bluff	T 06 103 2940 01 T 06 103 2940 02	do	Office of the City Clerk, 555 Washington St., Red Bluff, CA 96080.	Do.
Florida	Brevard	Melbourne Beach	T 12 009 2000 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Town Hall, Ocean Ave., Melbourne Beach, FL 32951.	Do.
New Jersey	Mercer	Trenton	T 34 021 3380 01 T 34 021 3380 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance State House Annex, Trenton, NJ 08625.	City Engineer's Office, City Hall, East State St., Trenton, NJ 08608.	Do.
New York	Suffolk	Brookhaven	T 36 103 0705 01 through T 36 103 0705 11	New York State Department of Conservation, State Campus, Albany, NY 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Town Clerk's Office, Town Hall, South Ocean Ave., Patchogue, NY 11772.	Do.
North Dakota	Stark	Unincorporated areas.	T 38 089 0000 01 T 38 089 0000 02	State Water Commission, Bismarck, ND 58501. State Insurance Commission, State Capitol, Bismarck, ND 58501.	City Auditor's Office, Stark County Courthouse, Dickinson, ND 58601.	Do.
Rhode Island	Providence	Pawtucket	T 44 007 0180 01 through T 44 007 0180 05	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, RI 02903. Rhode Island Insurance Department, Room 418, 49 Westminister St., Providence, RI 02903.	Office of the City Engineer, City Hall, Roosevelt Ave., Pawtucket, RI 02860.	Do.
Tennessee	Blount	Alcoa	T 47 009 0030 01	Office of Federal and Urban Affairs, 321 Seventh Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Office of the City Recorder, Municipal Bldg., Alcoa, TN 37701.	Do.
Texas	Cameron	Brownsville	T 48 061 0940 01 through T 48 061 0940 05	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Engineer, City Hall, Post Office Box 911, Brownsville, TX 78520.	Do.
Virginia	Hampton	Hampton	H 51 650 1180 02 through H 51 650 1180 10	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	City Planning Office, City Hall, Hampton, VA 23369. City Engineer's Office, City Hall, Hampton, VA 23369. City Clerk's Office, City Courthouse, Hampton, VA 23369.	Mar. 24, 1970.
Wisconsin	La Crosse	La Crosse	H 55 063 2490 04 through H 55 063 2490 06	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	City Planning Department, Fifth Floor, City Hall, La Crosse, WI 54601.	Dec. 4, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: January 15, 1971.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.71-510 Filed 1-14-71;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING, AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Clarification of "Primary Duty" Test for Employees in an Executive Capacity

On November 13, 1970, a proposal was published in the FEDERAL REGISTER at page 17424 to amend Part 541 of Title 29 of the Code of Federal Regulations in order to clarify the "Primary Duty" Test for Employees in an Executive Capacity. Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposal. After consideration of all relevant matter presented, the amendment as so proposed is hereby adopted, subject to the following change:

In the penultimate sentence of § 541.103 the word "and" in the last clause is changed to "or", so that the last clause of the sentence reads: "or performs other management duties as the day-to-day operations require."

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (1-15-71).

Signed this 11th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

§ 541.103 Primary duty.

A determination of whether an employee has management as his primary duty must be based on all the facts in a particular case. The amount of time spent in the performance of the managerial duties is a useful guide in determining whether management is the primary duty of an employee. In the ordinary case it may be taken as a good rule of thumb that primary duty means the major part, or over 50 percent, of the employee's time. Thus, an employee who spends over 50 percent of his time in management would have management as his primary duty. Time alone, however, is not the sole test, and in situations where the employee does not spend over 50 percent of his time in managerial duties, he might nevertheless have management as his primary duty if the other pertinent factors support such a conclusion. Some of these pertinent factors are the relative importance of the managerial duties as compared with other types of duties, the frequency with which the employee exercises discretionary powers, his relative freedom from supervision, and the relationship between his salary and the wages paid other employees for the kind of nonexempt work performed by the supervisor. For example, in some establishments, departments, or subdivisions thereof, an employee has broad responsibilities similar to those of the owner or manager but generally spends more than 50 percent of his time in production or sales work. While engaged in such work he supervises other employees, directs the work of warehouse and delivery men, approves advertising, orders merchandise, handles customer complaints, authorizes payment of bills, or performs other management duties as the day-to-day operations require. He will be considered to have management as his primary duty.

(Sec. 13(a)(1), 52 Stat. 1067, as amended; 29 U.S.C. 213)

[FR Doc.71-545 Filed 1-14-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

[General Order 103]

CARGO PREFERENCE—U.S.-FLAG VESSELS

Notice of Proposed Rule Making

Notice is hereby given pursuant to sec. 4, Administrative Procedure Act (5 U.S.C. 553) that the Maritime Administrator has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to that Act.

Section 901(b)(2) of the Merchant Marine Act, 1936, as amended by section 27 of Public Law 91-469, approved October 21, 1970, provides that—

> Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Commerce. The Secretary of Commerce shall review such administration and shall annually report to the Congress with respect thereto.

Section 27 of Senate Report 91-1080, states that there has been a lack of uniform and rational administration by the various agencies responsible for programs under the cargo preference laws. To correct some of the inequities which have resulted from lack of uniformity in administration, and to facilitate the achievement of one of the major objectives of the Merchant Marine Act of 1970 (Public Law 91-469) with respect to substituting direct subsidies for the current system of premium rates, it was considered desirable to provide that each agency having responsibility under section 901(b) of the Merchant Marine Act, 1936, will administer its program in accordance with regulations promulgated by the Secretary of Commerce.

Therefore, the Maritime Administrator, pursuant to sections 204(b), 212(d), and 901(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(d), and 1241(b)), and the authority delegated to him by the Secretary of Commerce under section 3 of Department of Commerce Organization Order 25-2A (31 F.R. 8087, 15331, 32 F.R. 17549, 34 F.R. 12632, and 35 F.R. 115), proposes to issue the following regulations:

Part 381 is hereby added to Title 46, Chapter II, Code of Federal Regulations, reading as follows:

PART 381—CARGO PREFERENCE—U.S.-FLAG VESSELS

Sec.
381.1 Purpose.
381.2 Definitions.
381.3 Reporting information.

AUTHORITY: The provisions of this Part 381 issued under secs. 204(b), 212(d), and 901(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(d), and 1241(b)).

§ 381.1 Purpose.

The purpose of this Part 381 is to prescribe regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, and to provide a uniform system for the collection of data on the administration of such programs for use in preparing the annual reports to Congress required by that Act.

§ 381.2 Definitions.

(a) "Cargo Preference Act of 1954" means section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)).

(b) "Cargoes subject to the Cargo Preference Act of 1954," include equipment, material, or commodities:

(1) Procured, contracted for, or otherwise obtained within or outside the United States for the account of the United States;

(2) Furnished within or outside the United States to or for the account of any foreign nation without provision for reimbursement;

(3) Furnished within or outside the United States for the account of any foreign nation in connection with which the United States advances funds or credits or guarantees the convertibility of foreign currencies.

(c) "Department or agency having responsibility under the Cargo Preference Act of 1954" means any department or agency of the Federal Government, administering a program that involves the transportation on ocean vessels of cargoes subject to the Cargo Preference Act of 1954. At present, these agencies include:

(1) Department of State.
(2) Department of Agriculture.
(3) Department of Defense.
(4) Post Office Department.
(5) General Services Administration.
(6) Export-Import Bank of the United States.
(7) National Aeronautics and Space Administration.
(8) Inter-American Development Bank.
(9) U.S. Information Agency.
(10) Department of Interior.
(11) Department of Commerce.
(12) Department of Treasury.
(13) Department of Health, Education, and Welfare.
(14) Department of Housing and Urban Development.
(15) Department of Transportation.
(16) Atomic Energy Commission.
(17) Tennessee Valley Authority.
(18) Veterans Administration.
(19) Smithsonian Institute.
(20) Library of Congress.

(d) "Maritime Administrator" means the Maritime Administrator as defined in secton 201 of Reorganzation Plan No. 7 of 1961, 75 Stat. 840, to whom the Secretary of Commerce has delegated his authority under the Cargo Preference Act of 1954 by section 3 of Department of Commerce Organization Order 25-2A (31 F.R. 8087, 15331, 32 F.R. 17549, 34 F.R. 12532, and 35 F.R. 115).

§ 381.3 Reporting information.

(a) *Bills of lading.* Each department or agency subject to the Cargo Preference Act of 1954, except the Department of Defense for which separate regulations will be proposed, shall furnish, or cause to be furnished, to the Maritime Administrator a copy of the bill of lading for each shipment of cargo subject to that Act. Each such bill of lading shall be furnished to the Maritime Administrator within ten (10) working days of the "on board" date of the bill of lading, and shall bear in a legible manner notations indicating the following:

(1) Cargo preference identification: Series of numbers or symbols indicating the Government agency involved, and further, where applicable, specific identification of the loan, grant, contract or purchase authority under which the shipment is going forward.
(2) Name of vessel carrying shipment.
(3) Flag of registry of vessel carrying shipment.
(4) Type service of vessel carrying shipment (liner, nonliner, or tanker).
(5) Ship operator.
(6) Date of loading.
(7) Port of loading.
(8) Port of transshipment (if any).
(9) Port of final discharge.
(10) Country of ultimate destination.
(11) Commodity number (7-digit Schedule B classification, Schedule A classification imports).
(12) Gross weight (pounds).
(13) Basis for freight computation (number of cubic feet or number of pounds, as appropriate).
(14) Total freight revenue, including surcharges, etc. (dollars and cents).
(15) Any special ocean shipping agreement, other than conventional berth or

charter terms, under which the cargo is being carried.

(b) *Shipments made subject to the Act.* In those instances where a shipment has been made that was not known to be subject to the Cargo Preference Act of 1954 when it was made, but subsequent events cause it to be subject to that Act, such as the reimbursement or financing of the purchase price by an agency of the Government after the shipment is made, the agency taking the action that caused the shipment to be subject to the Act shall furnish the Maritime Administrator with a copy of the bill of lading, or a suitable substitute document, containing the information required in paragraph (a) of this section.

All interested persons are invited to submit their views and comments on the foregoing proposed regulations in writing, to the Maritime Administration, Washington, D.C. 20235, on or before February 15, 1971. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

Dated: January 11, 1971.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-577 Filed 1-14-71;8:50 am]

Patent Office

[37 CFR Part 1]

DRAWING REQUIREMENTS

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.59, 1.84, 1.85, 1.123, and 1.165 and revoking §§ 1.82 and 1.87.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231, on or before March 23, 1971, on which date a hearing will be held at 10:30 a.m., e.s.t., in Room 8C06, Building 2, 2011 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person, upon written request, a reasonable time after the closing date for submitting comments.

These proposed changes would reduce the overall drawing size from 10 by 15 inches to 8½ by 14 inches while maintaining the same "sight" size available for drawings. This reduction permits the use of standard storage and reproduction equipment by both the applicants and the Patent Office and greatly simplifies processing.

Names will not be permitted on the drawings, thereby making additional space available for illustrations and tending to reduce the total number of sheets of drawing required. Further, certain formal requirements will be liberalized to permit the use of drawing materials other than bristol board and the filing of color prints in plant patent applications.

The proposed new rule language is as follows:

§ 1.59 Papers of complete application not to be returned.

Papers in a complete application, including the drawings, will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost.

§ 1.82 Signature to drawing. [Revoked]

§ 1.84 Standards for drawings.

(a) *Paper and ink.* Drawings must be made upon pure white paper of a thickness corresponding to two-ply or three-ply bristol board or upon flexible, strong, smooth, nonshiny, white, opaque, translucent, or transparent material of a permanent nature which will permit erasure and correction with India ink on its face. The surface of the paper must be calendered and smooth and of a quality which will permit erasure and correction with India ink. India ink alone must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

(b) *Size of sheet and margins.* The size of a sheet on which a drawing is made must be exactly 8½ by 14 inches. One of the shorter sides of the sheet is regarded as its top. The drawing must include a top margin of 2 inches and bottom and side margins of one-quarter inch from the edges, thereby leaving a "sight" precisely 8 by 11¾ inches. Margin border lines are not permitted unless they are in nonreproducible blue color. All work must be included within the "sight". The sheets may be provided with two ¼-inch diameter holes having their centerlines spaced eleven-sixteenth inch below the top edge and 2¾ inches apart, said holes being equally spaced from the respective side edges.

(c) *Character of lines.* All drawings must be made with drafting instruments or by photolithographic process which will give them satisfactory reproduction characteristics. Every line and letter must be absolutely black and permanent. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and fine or crowded lines should be avoided. Solid black should not be used for sectional or surface shading. Freehand work should be avoided wherever it is possible to do so.

• • • • •

(h) *Locations of signature and names.* [Revoked]

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(j) *Arrangement of views.* All views on the same sheet must stand in the same direction and should, if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the 2-inch margin is on the right hand side. One figure must not be placed upon another or within the outline of another.

• • • • •

(l) *Extraneous matter.* An inventor's, agent's, or attorney's signature, name, stamp, or address, or other extraneous matter, will not be permitted upon the face of a drawing, within or without the margin, except that the title of the invention and identifying indicia, to distinguish from other drawings filed at the same time, may be placed in erasable pencil within three-fourths of an inch of the top edge.

• • • • •

§ 1.85 Informal drawings.

The requirements of § 1.84 relating to drawings will be strictly enforced. A drawing not executed in conformity thereto, if suitable for reproduction, may be admitted, but in such case the drawing must be corrected or a new one furnished, as required. The necessary corrections or mounting will be made by the Office upon applicant's request or permission and at his expense. (See §§ 1.21 and 1.165.)

§ 1.87 Return of drawings. [Revoked]

§ 1.123 Amendments to the drawing.

(a) No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by the Office. A sketch in permanent ink showing proposed changes, to become part of the record, must be filed. The paper requesting amendments to the drawing should be separate from other papers.

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§ 1.165 Drawings.

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(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight, and quality to the paper required for other drawings. See § 1.84. Nonpermanently mounted copies will be correctly mounted at applicant's expense, § 1.21(1).

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

JANUARY 4, 1971.

Approved: January 12, 1971.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-568 Filed 1-14-71;8:49 am]

[37 CFR Parts 1, 2]

RECOGNITION OF ATTORNEYS AND AGENTS AND STANDARDS OF CONDUCT

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6) and section 31 of that Act (66 Stat. 795; 35 U.S.C. 31), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revoking §§ 1.35 and 1.61 and by amending §§ 1.14, 1.21, 1.33, 1.34, 1.36, 1.51, 1.52, 1.57, 1.76, 1.341, 1.343, 1.344, 1.346, 1.347, 2.13, and 2.15 as set forth below.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231, on or before March 23, 1971, on which date a hearing will be held at 9 a.m., e.s.t. in Room 8C06, Building 2, 2011 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person, upon written request, a reasonable time after the closing date for submitting comments.

The proposed revocations and amendments eliminate present provision for the recognition and registration of firms of attorneys and agents for practice in patent and trademark cases, and would permit registered attorneys and agents to file papers in patent applications without the need for filing powers of attorney or authorizations. The proposed amendments to §§ 1.344 and 2.13 refer to the Code of Professional responsibility of the American Bar Association as the standard of conduct for those practicing before the Patent Office insofar as not inconsistent with Patent Office rules. The revocation of § 1.61 and amendment of other sections referring to the petition eliminate the present requirement for a petition or other express request for a patent.

The amendments are intended to eliminate complications incident to the registration and recognition of firms and to emphasize individual professional responsibility in practice before the Patent Office. Acceptance of papers filed in patent applications by registered attorneys and agents upon a representation that the attorney or agent is authorized to act in a representative capacity is intended to facilitate responses on behalf of applicants in patent applications and, further, to obviate the need for filing powers of attorney or authorizations of agent in individual applications when there has been a change in composition of law firms or corporate patent staffs. Interviews with a registered attorney or agent not of record will, in view of 35 U.S.C. section 122, be conducted only on the basis of information and files supplied by the attorney or agent.

Provision is made for an applicant to supply an address to receive correspondence from the Patent Office concerning his application, in addition to his residence address, so that the Patent Office may direct mail to any address of applicant's selection, such as a corporate patent department or an attorney, agent, or other person. In connection with patent applications pending upon the effective date of the proposed changes in which a firm is the only representative of record (and in connection with divisions and continuations thereof not requiring execution by the applicant), the address of the firm will be considered to be the correspondence address for the application.

The amendments to §§ 1.344 and 2.13 are intended to provide a more definite and uniform standard of conduct for registered attorneys and agents than do the present rules. The elimination of the requirement for a petition is in the interest of simplification, inasmuch as a request for a patent is deemed implicit in the submission of the other application papers in compliance with the statute and rules.

Changes in the forms in 37 CFR Part 3, consonant with the proposed revocations and amendments will be made as part of a general revision of that part now in preparation.

The text of the proposed amended sections is as follows:

§ 1.14 Patent applications preserved in secrecy.

(a) Except as provided in § 1.11(b) pending patent applications are preserved in secrecy. No information will be given by the Office respecting the filing by any particular person of an application for a patent, the pendency of any particular case before it, or the subject matter of any particular application, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority in that particular application from the applicant or his assignee or attorney or agent of record, unless it shall be necessary to the proper conduct of business before the Office or as provided by this part.

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§ 1.21 Patent and miscellaneous fees and charges.

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(h) For registration of an attorney or agent:

For admission to examination for registration to practice, fee payable upon application	35.00
On registration to practice	25.00

§ 1.33 Correspondence respecting patent applications and proceedings.

(a) The residence and post office address of the applicant must appear in the oath or declaration if not stated elsewhere in the application. The applicant may also specify a correspondence address to which communications about his application are to be directed. All notices, official letters, and other communications in the case will be sent to the correspondence address or, if no such correspondence address is specified, to the attorney or agent of record (see § 1.34(b)), or, if no attorney or agent is of record, to the applicant, or to the assignee of the entire interest if the applicant or such assignee so requests, or to the assignee of an undivided part if the applicant so requests, at the post office address of which the Office has been notified in the case. Amendments and other papers filed in the application must be signed by the applicant, or if there is an assignee of an undivided part interest, by the applicant and such assignee, or if there is an assignee of the entire interest, by such assignee, by an attorney or agent of record, or by a registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a). Double correspondence with an applicant and his attorney or agent, or with two representatives, will not be undertaken. If more than one attorney or agent be made of record and a correspondence address has not been specified, correspondence will be held with the one last made of record.

(b) An applicant who has not made of record a registered attorney or agent may be required to state whether he received assistance in the preparation or prosecution of his application, for which any compensation or consideration was given or charged, and if so, to disclose the name or names of the person or persons providing such assistance. This includes the preparation for the applicant of the specification and amendments or other papers to be filed in the Patent Office, as well as other assistance in such matters, but does not include merely making drawings by draftsmen or stenographic services in typing papers.

§ 1.34 Recognition for representation.

(a) When a registered attorney or agent acting in a representative capacity appears in person or signs a paper in practice before the Patent Office in a patent case, his personal appearance or signature shall constitute a representation to the Patent Office that, under the provisions of this part and the law, he is authorized to represent the particular party in whose behalf he acts. In filing such a paper, the attorney or agent should specify his registration number with his signature. Further proof of authority to act in a representative capacity may be required.

(b) Before any attorney or agent, original or associate, will be allowed to inspect papers in any application or proceeding, a written power of attorney or authorization from the person or persons entitled to grant access to the application under § 1.14(a) or from the principal attorney or agent of record in the case of an associate attorney or agent, must be filed in that particular application or proceeding. When an attorney or agent shall have filed his power of attorney, or authorization, duly executed by the person or persons entitled to grant access to the application under § 1.14(a), he is of record in the case.

§ 1.35 Correspondence held with attorney. [Revoked]

§ 1.36 Revocation of power of attorney or authorization; withdrawal of attorney or agent.

A power of attorney or authorization of agent may be revoked at any stage in the proceedings of a case, and an attorney or agent may withdraw, upon application to and approval by the Commissioner. An attorney or agent, except an associate attorney or agent whose address is the same as that of the principal attorney or agent, will be notified of the revocation of his power of attorney or authorization and the applicant will be notified of the withdrawal of the attorney or agent. An assignment will not of itself operate as a revocation of a power or authorization previously given, but the assignee of the entire interest may revoke previous powers and be represented by an attorney or agent of his own selection.

§ 1.51 General requisites of an application.

Applications for patents must be made to the Commissioner of Patents. A complete application comprises:

(a) A specification, including a claim or claims, see §§ 1.71 to 1.77.

(b) An oath or declaration, see § 1.65.

(c) Drawings, when necessary, see §§ 1.81 to 1.88.

(d) The prescribed filing fee. (See § 1.21 for filing fees.)

§ 1.52 Language, paper, writing, margins.

(a) The specification and oath or declaration must be in the English language. All papers which are to become a part of the permanent records of the Patent Office must be legibly written or printed in permanent ink.

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§ 1.57 Signature.

The application must be signed by the applicant in person. The signature to the oath or declaration will be accepted as the signature to the application provided the oath or declaration is attached to and refers to the specification and claim to which it applies. Full names must be given, including the full first name without abbreviation, and the middle initial or name if any.

§ 1.61 Petition. [Revoked]

§ 1.76 Signature to the specification.

When the oath or declaration is attached to and refers to the specification and claim to which it applies, the specification need not be signed. Otherwise it must be signed by the applicant in person.

§ 1.341 Registration of attorneys and agents.

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(d) *Registration of firms.* [Revoked]

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§ 1.343 Persons not registered or recognized.

No person not registered or given limited recognition as provided in § 1.342 will be permitted to prosecute applications of others before the Patent Office.

§ 1.344 Professional conduct.

Attorneys and agents appearing before the Patent Office must conform to the standards of ethical and professional conduct set forth in the Code of Professional Responsibility of the American Bar Association insofar as such Code is not inconsistent with this part.

§ 1.346 Signature and certificate of attorney.

Every paper filed by an attorney or agent representing an applicant or party to a proceeding in the Patent Office must bear the signature of such attorney or agent, except papers which are required to be signed by the applicant or party in person (such as the application itself and affidavits or declaration required of applicants). The signature of an attorney or agent to a paper filed by him, or the filing or presentation of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief, there is good ground to support it; and that it is not interposed for delay.

§ 1.347 Removing names from registers.

Attorneys and agents, registered to practice before the Patent Office, should notify the Office of any change of address for entry on the register, by letter separate from any notice of change of address filed in individual applications. The Office may address a letter to any person on the registers, at the address of which separate notice for the register was last received, for the purpose of ascertaining whether such person desires to remain on the register. The name of any person failing to reply and give the information requested within a time limit specified will be removed from the register, and the names so removed published in the Official Gazette. Any name so removed may be reinstated, either on the register of attorneys or the register of agents, as may be appropriate.

§ 2.13 Professional conduct.

Attorneys and other persons appearing before the Patent Office in trademark cases must conform to the standards of ethical and professional conduct set forth in the Code of Professional Responsibility of the American Bar Association insofar as such Code is not inconsistent with this part.

§ 2.15 Signature and certificate of attorney or agent.

Every paper filed by an attorney at law or other person representing an applicant or party to a proceeding in the Patent Office must bear the signature of such attorney at law or other person except those papers which are required to be signed by the applicant or party. The signature of an attorney at law or such other person to a paper filed by him, or the filing of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

(b) [Revoked]

(c) [Revoked]

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

JANUARY 4, 1971.

Approved: January 12, 1971.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-567 Filed 1-14-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Felonious Homicide

Notice is hereby given pursuant to the Administrative Procedure Act, as amended (5 U.S.C. 553) that amendments to the regulations (20 CFR Part 404) as set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations would provide that: (1) A conviction of homicide of the wage earner will bar entitlement to benefits only if the homicide is felonious and intentional; and (2) Where a claimant had been determined entitled to benefits, but subsequently is finally convicted of the felonious and intentional homicide of the wage earner, the initial determination may be reopened at any time.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, views, or objections relating thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, and 1302.

Dated: December 28, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 9, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subparts D and J of Regulations No. 4 (20 CFR 404.1 et seq.) are amended as set forth in paragraphs 1 and 2 below:

1. Section 404.364 is revised to read as follows:

§ 404.364 Effect of conviction of felonious and intentional homicide on entitlement to benefits or lump sum based on the deceased's earnings.

A person who has been finally convicted by a court of competent jurisdiction of the felonious and intentional homicide of an insured individual shall not be entitled to monthly benefits or to the lump-sum death payment based on the earnings of such deceased individual and such felon shall be considered nonexistent in determining the entitlement of other persons to monthly benefits or the lump-sum death payment based on the deceased individual's earnings.

2. In § 404.957, subparagraph (c) (9) is added to read as follows:

§ 404.957 Reopening initial, revised, or reconsidered determinations of the Administration and decisions or revised decisions of a hearing examiner or the Appeals Council; finality of determination and decisions.

An initial, revised, or reconsidered determination of the Administration or a decision or revised decision of a hearing examiner or of the Appeals Council which is otherwise final under § 404.908, § 404.916, § 404.940, or § 404.951 may be reopened:

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(c) At any time when:

• • • • •

(9) Such initial, revised, or reconsidered determination or decision or revised decision is that a claimant is entitled to monthly benefits or to a lump-sum death payment based on the earnings of a deceased individual and thereafter it is established that such claimant was finally convicted by a court of competent jurisdiction of the felonious and intentional homicide of such deceased individual.

[FR Doc.71-534 Filed 1-14-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-74]

TRANSPORTATION OF HAZARDOUS MATERIALS

DOT Specifications 3A, 3AA, and 39 Cylinders Manufactured Outside United States

Section 173.301(i) of the Department's Hazardous Materials Regulations prohibits the transportation of charged compressed gas cylinders unless they have been made in accordance with applicable DOT specifications and unless the tests required by the specifications under which they are manufactured have been conducted within the United States. Sections 178.36 and 178.37 of Title 49, CFR, prescribe DOT specifications 3A and 3AA, respectively, and require chemical analyses and tests as specified in those sections to be made within the limits of the United States. A similar requirement appears in the proposed new specification 39 high-pressure disposable cylinder provisions, published December 11, 1970 (35 F.R. 18879).

These cylinders are used to transport various compressed gases, such as carbon dioxide, oxygen, helium, argon, and nitrogen for industrial and medical purposes. In addition, new National Highway Safety Bureau motor vehicle Standard No. 208 (35 F.R. 16927) specifies occupant crash protection requirements for certain motor vehicles manufactured on or after July 1, 1973, including those of foreign manufacture sold in the United States. One major type of passive restraint system contemplated employs a high pressure gas cylinder, which would also be subject to the requirement that analyses and tests be performed within the United States. In view of the desire to import foreign-made cylinders for industrial and medical gas service and the future difficulties which will evolve from passive restraint systems being incorporated into foreign manufactured automobiles, the Board is considering the necessity for continuing to require the prescribed chemical analyses and tests to be performed within the United States. The Board believes that public participation and comments would be particularly helpful and therefore it will conduct a public hearing on this matter at 10 a.m. on February 23, 1971, in Room 10430 Nassif Building, 400 Seventh Street SW., Washington, DC.

The Board will appreciate comments addressed to the following principle area of consideration: Are the regulatory controls imposed on manufacturers of specifications 3A, 3AA, and other cylinders made in the United States suitable for controlling manufacturers outside the United States? For example, if the Bureau of Explosives is capable of qualifying competent and disinterested inspectors for cylinder manufacturing operations in the United States, would it also have the capability to approve, in a satisfactory manner, competent and disinterested inspectors performing their duties outside the United States? Also, in what manner is safety enhanced by the requirement that tests and analyses be performed in the United States? Could the same inspector witness tests performed outside the United States?

The hearing will be an informal one conducted by the Board. It will not be a judicial or evidentiary type hearing. There will be no cross-examination of persons presenting statements. A representative of the Board will make an opening statement outlining the scope of the hearing. Statements should focus on the issue raised by this notice. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matter set for hearing. These statements will be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Secretary of the Hazardous Materials Regulations Board by February 17, 1971, stating the approximate amount of time required for his initial statement. The Board will also receive written comments until March 9, 1971.

All communications concerning the hearing should be addressed to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590.

This notice is issued under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on January 5, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-555 Filed 1-14-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate nine Intrastate Air Quality Control Regions in the State of California as set forth in the following new §§ 481.159–481.167, inclusive, which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of California, Arizona, Nevada, and Oregon and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the

proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 1:30 p.m., January 22, 1971, in the Auditorium, Room 115, State Department of Agriculture, 1220 N Street, Sacramento, CA 95815.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.159 Great Basin Valley Intrastate Air Quality Control Region.

The Great Basin Valley Intrastate Air Quality Control Region (§ 481.159) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Alpine County.	Mono County.
Inyo County.	

§ 481.160 North Central Coast Intrastate Air Quality Control Region.

The North Central Coast Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Monterey County.	Santa Cruz County.
San Benito County.	

§ 481.161 North Coast Intrastate Air Quality Control Region.

The North Coast Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Del Norte County.	Mendocino County.
Humboldt County.	Trinity County.
Lake County.	

Siskiyou County—that portion of Siskiyou County which lies west of a line described as follows:

Beginning at the Oregon border and running south along the eastern boundary of T. 48 N., R. 8 W. to the northeast corner of T. 47 N., R. 8 W., Humboldt Base and Meridian; then east along the north boundary of T. 47 N., R. 7 W. to the northeast corner of sec. 4, T. 47 N., R. 7 W.; then south along the east boundaries of secs. 4, 9, 16, 21, 28, and 33, T. 47 N., R. 7 W.; then west along the south boundary of T. 47 N., R. 7 W. to the northeast corner of T. 46 N., R. 8 W.; then south along the east boundary of T. 46 N., R. 8 W. to its intersection with the north boundary of T. 45 N., R. 8 W.; then east one-quarter mile to the northeast corner of T. 45 N., R. 8 W.; then south along the east boundary of secs. 20, 29, and 32, T. 44 N., R. 8 W. to the northeast corner of sec. 24, T. 44 N., R. 8 W.; then east along the section line to the northeast corner of sec. 20, T. 44 N., R. 7 W.; then south along the eastern boundaries of secs. 20, 29, and 32, T. 44 N., R. 7 W. to the north boundary of T. 43 N., R. 7 W.; then east along the north boundary of T. 43 N., R. 7 W. to the northeast corner of sec. 3, T. 43 N., R. 7 W.; then south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 43 N., R. 7 W. and continuing south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 42 N., R. 7 W., then east to the intersection of the Klamath and Shasta National Forest boundaries; then south along the common boundary of the two National Forests to the Trinity County boundary.

§ 481.162 Northeast Plateau Intrastate Air Quality Control Region.

The Northeast Plateua Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Lassen County.	Modoc County.

Shasta County—that portion of Shasta County which lies east and north of a line described as follows:

Beginning at the Shasta-Siskiyou County boundary and running south along the range line common to R. 2 E. and R. 1 E., Mount Diablo Base and Meridian to the southwest corner of T. 53 N., R. 2 E.; then east along the township line common to T. 35 N., and T. 34 N. to the northwest corner of T. 34 N., R. 3 E.; then south along the range line common to R. 3 E. and R. 2 E. to the southwest corner of T. 33 N., R. 3 E.; then east along the township line common to T. 33 N. and T. 32 N. to the northwest corner of T. 32 N., R. 4 E.; then south along the range line common to R. 4 E. and R. 3 E. to the point of intersection with the northwest corner of the Lassen Volcanic National Park boundary; then east along the north boundary of Lassen Volcanic National Park to the point of intersection with the Lassen-Shasta County boundary.

Siskiyou County—that portion of Siskiyou County which lies east of a line described as follows:

Beginning at the Oregon border and running south along the eastern boundary of T. 43 N., R. 8 W., Humboldt Base and Meridian; to the northeast corner of T. 47 N., R. 8 W.; then east along the north boundary of T. 47 N., R. 7 W. to the northeast corner of sec. 4, T. 47 N., R. 7 W.; then south along the east boundaries of secs. 4, 9, 16, 21, 28, and 33, T. 47 N., R. 7 W., then west along the south boundary of T. 47 N., R. 7 W. to the northeast corner of T. 46 N., R. 8 W.; then south along the east boundary of T. 46 N., R. 8 W. to its intersection with the north boundary of T. 45 N., R. 8 W., and T. 44 N., R. 8 W.-to the northeast corner of sec. 24, T. 44 N., R. 8 W.; then east along the section line to the northeast corner of sec. 20, T. 44 N., R. 7 W.; then south along the east boundaries of secs. 20, 29, and 32, T. 44 N., R. 7 W. to the northeast corner of sec. 3, T. 43 N., R. 7 W.; then south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 42 N., R. 7 W. and continuing south along the east boundaries of secs. 3, 10, 15, 22, 27, and 34, T. 42 N., R. 7 W.; then east to the intersection of the Klamath and Shasta National Forest boundaries; then south along the common boundary of the two National Forests to the Trinity County boundary.

§ 481.163 Sacramento Valley Intrastate Air Quality Control Region.

The Sacramento Valley Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Butte County.	Sacramento County.
Colusa County.	Sierra County.
El Dorado County.	Sutter County.
Glenn County.	Tehama County.
Nevada County.	Yolo County.
Placer County.	Yuba County.
Plumas County.	

Shasta County—that portion of Shasta County which lies west and south of a line described as follows:

Beginning at the Shasta-Siskiyou County boundary and running south along the range line common to R. 2 E. and R. 1 E., Mount Diablo Base and Meridian to the southwest corner of T. 35 N., R. 2 E.; then east along the township line common to T. 35 N. and T. 34 N. to the northwest corner of T. 34 N., R. 3 E.; then south along the range line common to R. 3 E and R. 2 E. to the southwest corner of T. 33 N., R. 3 E.; then east along the township line common to T. 33 N. and T. 32 N. to the northwest corner of T. 32 N., R. 4 E. and R. 3 E. to the point of intersection with the northwest corner of the Lassen Volcanic National Park boundary; then east along the north boundary of Lassen Volcanic National Park to the point of intersection with the Lassen-Shasta County boundary.

§ 481.164 San Diego Intrastate Air Quality Control Region.

The San Diego Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

San Diego County—that portion of San Diego County which lies west of a line described as follows:

Beginning at the United States-Mexico border and running north along the range line common to R. 7 E. and R. 6 E., San Bernardino Base and Meridian; to the southeast corner of T. 16 S., R. 6 E.; then west along the township line common to T. 16 S. and T. 17 S. to the southwest corner of T. 16 S., R. 6 E.; then north along the range line common to R. 6 E. and R. 5 E. to the southeast corner of T. 14 S., R. 5 E.; then west along the township line common to T. 14 S. and T. 15 S. to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the township line common to T 10 S. and T. 9 S.; then west along this township line to the point of intersection with the range line common to R. 4 E. and R. 3 E.; then north along this range line to the San Diego-Riverside County boundary.

§ 481.165 San Joaquin Valley Intrastate Air Quality Control Region.

The San Joaquin Valley Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

Amador County.	Merced County.
Calaveras County.	San Joaquin County.
Fresno County.	Stanislaus County.
Kings County.	Tulare County.
Madera County.	Tuolumne County.
Mariposa County.	

Kern County—that portion of Kern County which lies west and north of a line described as follows:

Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W., San Bernardino Base and Meridian; north along the range line; then east along the township line common to T. 32 S., Mount Diablo Base and Meridian; and T. 12 N., San Bernardino Base and Meridian; then north along the range line common to R. 34 E. and R. 33 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern-Tulare County boundary.

§ 481.166 South Central Coast Intrastate Air Quality Control Region.

The South Central Coast Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

SAN LUIS OBISPO COUNTY

Santa Barbara County—that portion of Santa Barbara County which lies north of a line described as follows:

Beginning at the Pacific Ocean outfall of Jalama Creek and running east and north along Jalama Creek to a point of intersection with the west boundary of the San Julian Land Grant; then south along the San Julian Land Grant boundary to its southwest corner; then east along the south boundary of the San Julian Land Grant to the northeast corner of partial sec. 20, T. 5 N., R. 32 W., San Bernardino Base and Meridian; then south and east along the boundary of the Las Cruces Land Grant to the southwest corner of partial sec. 22, T. 5 N., R. 32 W.; then northeast along the Las Cruces Land Grant boundary; then east along the north boundaries of sec. 13, T. 5 N., R. 32 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 31 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 30 W., and secs. 18, 17, 16, 15, T. 5 N., R. 29 W.; then south along the east boundary of sec. 15 T. 5 N., R. 29 W.; then east along the north boundaries of secs. 23 and 24, T. 5 N., R. 29 W., and secs. 19, 20, 21, 22, 23, 24, T. 5 N., R. 28 W., and secs. 19 and 20, T. 5 N., R. 27 W.; then south along the east boundary of sec. 20, T. 5 N., R. 27 W.; then east along the north boundaries of secs. 28, 27, 26, 25, T. 5 N., R. 27 W. and sec. 30, T. 5 N., R. 26 W.; then south along the east boundary of sec. 30, T. 5 N., R. 26 W.; then east along the north boundaries of secs. 32, 33, 34, 35, T. 5 N., R. 26 W.; then south along the east boundary of sec. 35, T. 5 N., R. 26 W. to the township line common to T. 4 N. and T. 5 N.; then east along this township line to the Santa Barbara-Ventura County boundary.

§ 481.167 Southeast Desert Intrastate Air Quality Control Region.

The Southeast Desert Intrastate Air Quality Control Region (California) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:

IMPERIAL COUNTY

San Diego County—that portion of San Diego County which lies east of a line described as follows:

Beginning at the United States-Mexico border and running north along the range line common to R. 7 E. and R. 6 E. to the southeast corner of T. 16 S., R. 6 E.; then west along the township line, San Bernardino Base and Meridian; common to T. 16 S. and T. 17 S. to the southwest corner of T. 16 S., R. 6 E.; then north along the range line common to R. 6 E. and R. 5 E. to the southeast corner of T. 14 S., R. 5 E.; then west along the township line common to T. 14 S. and T. 15 S. to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E. and R. 4 E.; then north along this range line to the point of intersection with the township line common to T. 10 S. and T. 9 S.; then west along this township line to the point of intersection with the range line common to R. 4 E. and R. 3 E.; then north along this range line to the San Diego-Riverside County boundary.

Riverside County—that portion of Riverside County which lies east of a line described as follows:

Beginning at the Riverside-San Diego County boundary and running north along the range line common to R. 4 E. and R. 3 E., San Bernardino Base and Meridian; then east along the township line common to T. 8 S. and T. 7 S.; then north along the range line common to R. 5 E. and R. 4 E.; then west along the township line common to T. 6 S. and T. 7 S. to the southwest corner of sec. 34, T. 6 S., R. 4 E.; then north along the west boundaries of secs. 34, 27, 22, 15, 10, 3, T. 6 S., R. 4 E.; then west along the township line common to T. 5 S. and T. 6 S.; then north along the range line common to R. 4 E. and R. 3 E.; then west along the south boundaries of secs. 13, 14, 15, 16, 17, and 18, T. 5 S., R. 3 E.; then north along the range line common to R. 2 E. and R. 3 E.; then west along the township line common to T. 4 S. and T. 3 S. to the intersection with the southwest boundary of partial sec. 31, T. 3 S., R. 1 W.; then northwest along the line to the intersection with the range line common to R. 2 W. and R. 1 W.; then north to the Riverside-San Bernardino County line.

San Bernardino County—that portion of San Bernardino County which lies east and north of a line described as follows:

Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to R. 3 E. and R. 2 E., San Bernardino Base and Meridian; then west along the township line common to T. 3 N. and T. 2 N. to the San Bernardino-Los Angeles County boundary.

Los Angeles County—that portion of Los Angeles County which lies north and east of a line described as follows:

Beginning at the Los Angeles-San Bernardino County boundary and running west along the township line common to T. 3 N. and T. 2 N., San Bernardino Base and Meridian; then north along the range line common to R. 8 W. and R. 9 W.; then west along the township line common to T. 4 N. and T. 3 N.; then north along the range line common to R. 12 W. and R. 13 W. to the southeast corner of sec. 12, T. 5 N., R. 13 W.; then west along the south boundaries of secs. 12, 11, 10, 9, 8, 7, T. 5 N., R. 13 W. to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W. and R. 14 W.; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N. and T. 6 N. (point is at the northwest corner of sec. 4 in T. 6 N., R. 14 W.); then west along the township line common to T. 7 N. and T. 6 N.; then north along the range line common to R. 15 W. and R. 16 W. to the southeast corner of sec. 13, T. 7 N., R. 16 W.; then along the south boundaries of secs. 13, 14, 15, 16, 17, 18, T. 7 N., R. 16 W.; then north along the range line common to R. 16 W. and R. 17 W. to the north boundary of the Angeles National Forest (collinear with township line common to T. 8 N. and T. 7 N.) then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.

Kern County—that portion of Kern County which lies east and south of a line described as follows:

Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W. San Bernardino Base and Meridian, north along the range line; then east along the township line common to T. 32 S., Mount Diablo Base and Meridian; and T. 12 N., San Bernardino Base and Meridian; then north along the range line common to R. 34 E. and R. 33 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern-Tulare County boundary.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604.

Dated: January 12, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–619 Filed 1–14–71;8:51 am]

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate six Intrastate Air Quality Control Regions in the State of Colorado as set forth in the following new §§ 481.172–481.177 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Metropolitan Denver (Colorado) Intrastate Air Quality Control Region (§ 481.16).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Colorado, Wyoming, Nebraska, Kansas, New Mexico, and Utah and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revision are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revision. Such consultation will take place at 1 p.m., January 28, 1971, in Room 571, U.S. Courthouse, 1929 Stout Street, Denver, CO 80202.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.172 Comanche Intrastate Air Quality Control Region.

The Comanche Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Baca County.	Kiowa County.
Bent County.	Kit Carson County.
Cheyenne County.	Lincoln County.
Crowley County.	Otero County.
Elbert County.	Prowers County.

§ 481.173 Grand Mesa Intrastate Air Quality Control Region.

The Grand Mesa Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Delta County.	Montrose County.
Eagle County.	Ouray County.
Garfield County.	Pitkin County.
Gunnison County.	San Miguel County.
Hinsdale County.	Summit County.
Mesa County.	

Delta, Mesa, Montrose, and San Miguel Counties were originally proposed as part of the Four Corners Interstate Air Quality Control Region (Arizona-Colorado-New Mexico-Utah) (§ 481.121) on November 11, 1970. The results of the consultation held for this Region on November 19, 1970, indicated that these four counties were more appropriately related to a Region surrounding the Grand Junction, Colo., area, and have been recommended for deletion from the final Four Corners designation.

§ 481.174 Pawnee Intrastate Air Quality Control Region.

The Pawnee Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Larimer County.	Sedgwick County.
Logan County.	Washington County.
Morgan County.	Weld County.
Phillips County.	Yuma County.

§ 481.175 San Isabel Intrastate Air Quality Control Region.

The San Isabel Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1957h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Chaffee County	Lake County.
Custer County.	Las Animas County.
El Paso County.	Park County.
Fremont County.	Pueblo County.
Huerfano County.	Teller County.

§ 481.176 San Luis Intrastate Air Quality Control Region.

The San Luis Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

Alamosa County.	Mineral County.
Conejos County.	Rio Grande County.
Costilla County.	Saguache County.

§ 481.177 Yampa Intrastate Air Quality Control Region.

The Yampa Intrastate Air Quality Control Region (Colorado) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the areas so delimited):

In the State of Colorado:

Grand County.	Rio Blanco County.
Jackson County.	Routt County.
Moffat County.	

§ 481.16 [Amended]

The Metropolitan Denver Intrastate Air Quality Control Region (Colorado) (§ 481.16) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado:

All lands lying within the counties of Boulder, Jefferson, and Denver and in addition thereto, the following described area

lying adjacent thereto, commencing at the northwest corner of sec. 6, T. 1 S., R. 68 W.; thence east along the section lines approximately 18 miles to the northeast corner of sec. 1, T. 1 S., R. 66 W.; thence south along the section lines approximately 36 miles to the southeast corner of sec. 36, T. 6 S., R. 66 W.; thence west along the section lines approximately 22 miles to the Jefferson County line.

It is now proposed to (1) add the remaining portions of Adams, Arapahoe, and Douglas Counties, Colo., that are outside of the presently designated Region; and (2) add Clear Creek and Gilpin Counties, Colo., to the Region. Therefore, the proposed redesignation will consist of the following counties:

In the State of Colorado:

Adams County.	Denver County.
Arapahoe County.	Douglas County.
Boulder County.	Gilpin County.
Clear Creek County.	Jefferson County.

This action is proposed under the authority of Section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by Section 15(c)(2) of Public Law 91–604.

Dated: January 12, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–620 Filed 1–14–71;8:51 am]

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Montana as set forth in the following new §§ 481.168–481.171 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Metropolitan Billings Intrastate Air Quality Control Region (§ 481.88).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Montana, North Dakota, Wyoming, South Dakota, and Idaho and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revision are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revision. Such consultation will take place at 1 p.m., January 26, 1971, in the Bell Room, Mountain Bell Telephone Co., 441 North Park Avenue, Helena, MT 59601.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.168 Great Falls Intrastate Air Quality Control Region.

The Great Falls Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Blaine County.	Liberty County.
Cascade County.	Pondera County.
Chouteau County.	Teton County.
Glacier County.	Toole County.
Hill County.	

§ 481.169 Helena Intrastate Air Quality Control Region.

The Helena Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 8157h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Beaverhead County.	Lewis and Clark County.
Broadwater County.	Madison County.
Deer Lodge County.	Meagher County.
Gallatin County.	Park County.
Granite County.	Powell County.
Jefferson County.	Silver Bow County.

§ 481.170 Miles City Intrastate Air Quality Control Region.

The Miles City Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Carter County.	Powder River County.
Custer County.	Prairie County.
Daniels County.	Richland County
Dawson County.	Roosevelt County.
Fallon County.	Rosebud County.
Garfield County.	Sheridan County.
McCone County.	Valley County.
Phillips County.	Wibaux County.

§ 481.171 Missoula Intrastate Air Quality Control Region.

The Missoula Intrastate Air Quality Control Region (Montana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Flathead County.	Missoula County.
Lake County.	Ravalli County.
Lincoln County.	Sanders County.
Mineral County.	

§ 481.88 [Amended]

● The Metropolitan Billings Intrastate Air Quality Control Region (Montana) (§ 481.88) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Montana:

Carbon County.	Yellowstone County.
Stillwater County.	

It is now proposed to add Big Horn, Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum, Sweet Grass, Treasure, and Wheatland Counties, all within the State of Montana, to the Region.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604).

Dated: January 12, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71–621 Filed 1–14–71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19045]

TELEVISION BROADCAST STATIONS

Table of Assignments, Clarksville, Tenn.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Clarksville, Tenn.), RM–1637.

1. This proceeding was begun by notice of proposed rule making (FCC 70–1099) adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER October 15, 1970, 35 F.R. 16181. The dates presently designated for filing comments and reply comments

are January 11, 1971, and January 22, 1971, respectively.

2. On January 7, 1971, Professional Telecasting Systems, Inc., (Professional Telecasting) licensee of television Station WBKO (formerly WLTV), Bowling Green, Ky., filed a request to extend the time for filing comments to and including January 25, 1971. Professional Telecasting states it will not be able to complete its comments by the present deadline and therefore requires the additional time. Counsel for Tennessee Televentures, the rule making proponent, has consented to this request.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Professional Telecasting Systems, Inc. is granted to and including January 25, 1971, for comments and February 2, 1971, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 8, 1971.

Released: January 12, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-569 Filed 1-14-71;8:49 am]

[47 CFR Part 73]

[Docket No. 18110; FCC 71-24]

STANDARD, FM, AND TV BROADCAST STATIONS

Multiple Ownership

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM, and television broadcast stations.

1. We here consider a further motion of the National Association of Broadcasters (NAB), filed December 23, 1970, requesting that its time to file comments and other material in this proceeding be extended to and including April 16, 1971; that it be required to file only four copies of bulky and voluminous supporting reports and studies; and that all other time periods for filing comments, responses, and replies be extended correspondingly. Also before us is the supporting Statement filed by the American Newspaper Publishers Association (ANPA), which also requests that any new date for initial comments by the NAB be equally applicable to it.

2. The further notice of proposed rule making in this proceeding which invited comments on proposed rules looking toward possible divestiture of broadcast or newspaper holdings required that comments and reply comments be filed by July 15, 1970, and August 17, 1970, respectively. 22 FCC 2d 339, 349 (1970). Subsequently, upon petition by the National Association of Broadcasters (NAB) and the American Newspaper Publishers Association (ANPA), the times for filing comments and reply comments were extended to January 15, 1971, and February 12, 1971, respectively. See order, adopted July 1, 1970 (FCC 70-720). More recently, by order, adopted December 9, 1970 (FCC 70-1291), the time for all parties except the NAB and ANPA to file comments was extended to and including February 15, 1971, and the time for all parties to file reply comments was extended to and including March 15, 1971. At the time, we indicated our concern about prolongation of the proceeding, but, nevertheless, we granted ANPA's "Petition to Modify Comment Procedure". That Petition, filed November 18, 1970, indicated that both ANPA and the NAB plan to file extensive comments based on research studies and that individual members of ANPA would be aided if they were given an opportunity to review in advance the broad submissions of ANPA, the NAB, and perhaps others. In comments filed November 30, 1970, supporting this petition, the NAB stated, among other things, that it had commissioned a number of extensive research studies to gather data relevant to this proceeding, that some of these may be available and will be filed before January 15, 1971, but that most will probably not be ready until that date.

3. The bases for the NAB's present requests are as follows: It has undertaken, at a cost substantially in excess of $100,000, to commission a number of separate studies by expert and independent research agencies for submission to the Commission. One such study "has gathered data from about 15 major sources, including the purchase of six computerized data bases and the painstaking compilation by hand from nine additional major sources of relevant data. The gathering of this data has taken many months and has only recently been completed. It has involved a survey of more than 14,000 different media or properties, each one of which has been individually examined and tabulated." This data[1] has been encoded to indicate "the nature • • • [and] ownership of each medium, the geographical area covered, and the circulation within certain parameters." The NAB believes that this survey will be completed and ready for filing on or about January 15th and will file this study when it has been completed, corrected and becomes ready for filing in order that the Commission and other parties may have it available for reference.

4. The NAB further states that this "survey of over 200 markets which is set forth in over 2,500 pages and which requires over 60 pages to summarize will be very difficult to work with or for individual Commissioners, or others, to read or analyze easily." The NAB proposes to make analyses and summaries of the basic survey that will be much briefer and more easily examined and analyzed. However, to make a computer run which will provide a summary average for a group of markets, or some other similar summarizing procedure will take about a week of time. The NAB says that, even with the completion and filing of the major survey and census of media in each of the television markets of the country, substantial additional time will be required to analyze and process the data in order to present it clearly and to permit rational inferences to be drawn from it. The report of an additional study which surveys the number of separate media voices in the major metropolitan areas over a period of approximately the last half century to ascertain whether or not there has been a long-term trend toward an increase or decrease in the number of media voices in each market will occupy over 600 pages of normal typewritten material and it will not be completed before the end of January 1971.

5. Another study[2] based on data largely from FCC records and files has been delayed (the original estimate for completion was December 1970) because of delays as long as 8 weeks have been experienced in obtaining pertinent FCC files, particularly older ones stored in warehouses out of the city which cannot be retrieved quickly. In addition, the NAB indicates that it has commissioned several other empirical studies and independent investigations by highly qualified experts, and that, because of the inherent complexity of the subject and the difficulty of gathering data, these studies cannot be completed until various dates in February and March 1971.

6. In our previous actions extending the time in this proceeding, we indicated our concern in prolonging a decision in this matter and stated that extended delay would not be tolerated. We are now faced with a request for further postponement which would extend the time to more than 12 months after issuance of the further notice in a proceeding we intended to conclude quite expeditiously. It would appear that NAB should have known about the delays in acquiring information at an earlier date and certainly no later than the time of their previous comments filed on November 30, 1970, to support the ANPA "Petition to Modify Comment Procedure". Nonetheless, we are impressed by the considerable volume of data being accumulated by the NAB and recognize the advantage to all of NAB's intention to summarize in a more readily utilizable form. While

[1] The printout comprises over 2,500 pages, each of approximately 10 x 14 inches. The total weight of this group of documents is approximately 28 pounds. The summary alone consists of over 60 pages of computer printout weighing nearly 2 pounds. It shows the number of media, the kinds of media, and the owners of media, for all media both originating in and entering each of the more than 200 television markets in the United States.

[2] The pioneering entry into the various fields of broadcasting by the various media to determine whether the different broadcasting media have been developed by media or nonmedia owners and the circumstances and conditions which have in the past been conducive to entry into and development of the mass media fields.

we feel constrained to express our displeasure at the delay involved, we find that the public interest will be served by grant of the extention requested.

7. We now address ourselves to the NAB's request that it file only four copies of the reports of the several surveys and studies. We have no desire either to burden the NAB with the expense or our files with unnecessary copies of bulky reports. Accordingly, we shall accede to NAB's request to reduce the number of copies to be filed to only five copies of any individual portion exceeding 100 pages in length.

8. *Accordingly, it is ordered,* That the "Motion" filed by the National Association of Broadcasters is granted to the extent indicated and is denied in all other respects. *It is further ordered,* That the date for filing comments by the National Association of Broadcasters and American Newspaper Publishers Association in this proceeding is extended from January 15, 1971, to and including April 16, 1971, and for all other parties from February 15, 1971, to and including May 17, 1971; *And it is further ordered,* That the time for filing reply comments by all parties is extended from March 15, 1971, to and including June 18, 1971. *It is further ordered,* That the National Association of Broadcasters need only file five copies of any individual portion, exceeding 100 pages in length, of any report, survey, or other document which it submits.

Adopted: January 6, 1971.

Released: January 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-570 Filed 1-14-71;8:49 am]

[47 CFR Part 74]

[Docket No. 18891; FCC 71-11]

COMMUNITY ANTENNA TV SYSTEMS

Diversification of Control

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of Community Antenna Television Systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals.

1. In a memorandum opinion and order in this proceeding released on December 8, 1970 (FCC 70-1239), the times for filing comments and reply comments, in Docket No. 18891, regarding cross-ownership and/or operation of CATV systems and newspapers were extended to January 15 and February 12, 1971, respectively, to make the dates consistent with those in the "one-to-a-market" proceeding, Docket No. 18110, which deals with the subject of cross-ownership of newspapers and broadcast stations.

2. On January 6, 1971, in Docket No. 18110, the Commission adopted an Order (FCC 71-24), extending the time for filing comments by the National Association of Broadcasters (NAB) and by the American Newspaper Publishers Association (ANPA) from January 15, 1971, to and including April 16, 1971; extending the time for filing reply comments by all parties except NAB and ANPA from February 15, 1971, to and including May 17, 1971; and extending the time for filing reply comments by all parties from March 15, 1971, to and including June 18, 1971.

3. In the same document, the Commission also ordered that the NAB need only file five copies of any individual portion, exceeding 100 pages in length, of any report, survey, or other document which it submits.

4. Consistent with that action: *It is ordered,* That the closing date for filing of comments in Docket No. 18891 concerning cross-ownership and/or operation of newspapers and CATV systems is extended for NAB and ANPA, to and including April 16, 1971; and for all parties except NAB and ANPA to and including May 17, 1971; and that the closing date for filing of reply comments by all parties in Docket No. 18891 is extended to and including June 18, 1971.

5. *It is further ordered,* That the NAB need only file five copies of any individual portion, exceeding 100 pages in length, of any report, survey, or other document which it submits.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-571 Filed 1-14-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1061]

[Ex Parte No. MC-85]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE AND RECYCLING

Notice of Proposed Rule Making

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of December 1970.

We share the rising public concern with our environment and with the deterioration of our natural surroundings caused by pollution and by the misuse and depletion of our land and natural resources. We do so first as proud citizens of an involved community and secondly, as Commissioners charged by the people of the United States, acting through their President and Congress, with the regulation of this Nation's surface transportation system in the public interest. It is the purpose of this general investigation and rulemaking proceeding, initiated here on our own motion, to give practical effect to this concern in the area of our statutory responsibilities, and to take positive and concrete action to support and encourage antipollution programs sponsored by industry as well as government throughout the United States.

BACKGROUND

When President Nixon, as his first official act of the new decade, signed the National Environmental Policy Act, he declared that improving the quality of the environment is a major goal for our Nation and that "unless we move on it now, we will not have an opportunity to do it later." The year 1970 thus marks the beginning of a new environmental emphasis or, in the words of the Council on Environmental Quality,[1] this year represents,

> • • • a turning point, a year when the quality of life has become more than a phrase; environment and pollution have become everyday words; and ecology has become almost a religion to some of the young. Environmental problems, standing for many years on the threshold of national prominence, are now at the center of nationwide concern. Action to improve the environment has been launched by government at all levels. And private groups, industry, and individuals have joined the attack.

In the President's Message on the Environment of February 10, 1970, President Nixon announced the Federal Government's goal to reduce solid waste volume and encourage reuse and recycling of "waste" materials. He there stated:

> One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of whatever happens to be privately produced and discarded. This is the old way; it amounts to a public subsidy of waste pollution. If we are ever truly to gain control of the problem, our goal must be broader: To reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive reuse instead.
>
> To accomplish this, we need incentives, regulations and research directed especially at two major goals: (a) Making products more easily disposable—especially containers, which are designed for disposal; and (b) reusing and recycling a far greater proportion of waste materials.
>
> As we look toward the long-range future—to 1980, 2000 and beyond—recycling of materials will become increasingly necessary not only for waste disposal but also to conserve resources.

Transportation is a necessary and vital ingredient to the success of any recycling program. Just as goods are transported from their place of manufacture or production to the ultimate consumer, so too must their containers and other related wastes find their way back to a recycling facility to complete the circle and to channel them once again into useful and

[3] Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

[1] The First Annual Report of the Council on Environmental Quality, transmitted to the Congress August 1970, at page 5.

productive purposes. It is in this setting that the instant proceeding is instituted.

By letter dated November 13, 1970,[2] the Traffic Director of the Glass Container Manufacturers Institute, Inc. (GCMI), a national trade association whose members collectively manufacture over 90 percent of the glass containers produced in the United States, has requested the consideration and assistance of this Commission in establishing a procedure to foster the transportation of used (waste) container glass from points of collection to salvage centers so as to enable the members of the GCMI, which operate 114 plants in over 100 communities in 25 States and employ more than 70,000 persons, to carry out successful programs of recovering massive quantities of waste glass from litter and solid waste accumulations for conversion into new glass containers and other useful products.

A recent study conducted in behalf of Keep America Beautiful, Inc. (KAB), by the Highway Research Board of the National Academy of Sciences, reveals that highway litter is 59 percent paper, 16 percent cans, 6 percent bottles and jars, 6 percent plastic items, and 13 percent miscellaneous items ranging from radios to tombstones. According to a recent study of the Midwest Research Institute, about 20 percent of residential waste consists of packages and packaging materials; 8.5 percent of a typical city refuse accumulation by weight consists of glass, other ceramics, and ash, while 59 percent of such refuse consists of paper, 10 percent is wood and lawn and garden waste, 9 percent consists of food waste, 7.5 percent is metal, and 6 percent consists of other items such as plastics and clothes. Two hundred million Americans today generate some 360 billion pounds of municipal waste a year, which is enough trash to fill 5 million large truck trailers.

One approach to the littering problem has been to outlaw the use of objects that become litter. As an example, Vermont banned the sale and use of no-return, no-deposit beer bottles for 4 years and then repealed the law because there continued to be just as much littering. It appears that if people are not able to purchase one-way bottles, they will purchase beverages in cans or in deposit bottles, both of which often become litter. The average returnable beer bottle at one time made 31 round trips. Now it averages 19 round trips and only four round trips in certain cities.

It is estimated that business and industry contribute some $25 million annually in cash and services to combat littering. KAB, the national antilitter organization, has been fighting litter ever since the organization was founded in 1953 by a group of business and civic organizations. KAB today is supported by 130 corporations, trade associations, and labor unions. There are 38 States with statewide antilitter organizations. Local groups, such as the Boy Scouts, the Jaycees, and many others, are organized to fight littering in countless communities in all 50 States. A West Virginia cleanup program attracted 46 new industries to the State and created 5,000 new jobs. Tourists spent $7 million more in Kentucky the year after that State's first antilitter campaign, and the Keep Maryland Beautiful program cut littering 20 to 30 percent in State parks and forests.

The glass container industry has recognized that its products unwittingly contribute to litter. In 1969, the entire glass container industry produced over 36 billion units within the United States. Through its trade association, GCMI, it helped found KAB and today is one of KAB's major supporters. GCMI works with its member bottle manufacturers to organize antilitter campaigns in scores of plant cities and towns across America. GCMI has helped brewers and soft drink bottlers establish their own antilitter campaigns. It has published handbooks on litter prevention and cosponsors with the National Soft Drink Association, "The Litter Letter," published six times a year.

To conserve raw materials, to protect the environment, to conserve land space, and to save the taxpayer's money, the ultimate solution to the solid waste disposal problem will include refinements of several current methods such as incineration, landfilling, and composting. As noted, however, the basic long-range solution will be salvage and reuse. The reuse of salvaged raw materials is not a new idea. For example, about 20 percent of current aluminum supplies come from salvaged scrap, about 20 percent of the paper industry's annual output is recycled, the glass container industry annually uses tens of thousands of tons of scrap glass (cullet), and the ferrous scrap industry in 1968 salvaged 4.5 million tons of metal for reprocessing in steel mills and foundries. These operations appear to be just the beginning. In the future, the salvage operations will be more fully automated in order to lower costs, and profitable markets will be developed for salvaged materials. Much of the technology has been developed for these advances, and practical steps are now needed to put these plans to work.

The Senate Public Works Committee reported that "it is now evident that the industrial economy of the United States must undergo a shift from a use and discard approach to a closed cycle of use and salvaged or else we face the alternative of a congested planet that has turned into a polluted trash heap." GCMI states that the glass container industry was the first to take antipollution steps on an industrywide basis. In 1967, the GCMI established an environmental pollution control department. The major thrust of GCMI's program concerns refuse collection and disposal. Its goals are (1) to develop economic techniques for recycling the glass in solid waste back into the bottle manufacturing process, (2) to develop new uses for salvaged glass, as in aggregate for roadbuilding, building blocks and bricks, glass wool insulation, chicken grit, and specialty paints and decorations, and (3) to solve specific problems of handling glass in present and future solid waste management systems. Appendix A hereto lists some 41 known industrial organizations engaged in research to develop solid waste management systems.

To achieve its goal of recycling the glass in solid waste, GCMI has opened 92 collection centers in 25 States across the country. The GCMI's members have been paying a half cent for each used bottle or jar (1 cent a pound and $20 a ton) turned in to these collection centers. Coors Beer and Reynolds Aluminum pay 10 cents a pound for aluminum cans for recycling. The glass collection centers accept even broken glass containers as long as they are free of metal. The American Trucking Associations, Inc., has sponsored programs to inform the public of the progress of these collection centers. Since GCMI's experimental reclamation program was started in Los Angeles, Calif., redemptions have climbed from 30,000 bottles a week to a current weekly rate of over 1,350,000 bottles. The used glass containers are usually crushed into cullet and used to manufacture new bottles or jars or used in the manufacture of other glass products. The GCMI goal is to reclaim an estimated 11 billion jars and bottles a year for reuse in the bottlemaking process. The permanent collection centers established by GCMI are glass container manufacturers. A listing of the reclamation and recycling centers is reproduced in appendix B to this notice.

Paper products also are being recycled. For example, the West Side Paper Stock Corp., in Chicago, Ill., has put drop boxes around the city and in its suburbs. It is estimated that each full box of paper saves 187 trees and 1,060 cubic feet of landfill. San Francisco's "Examiner" and "Chronicle" have requested their readers to stack newspapers at named locations and have dispatched trucks to collect them for recycling.

Local community collection centers are being established throughout the country. Similar programs are being instituted in other industries facing these same problems. Transportation of the used glass containers and other materials of potential litter, such as aluminum cans, from local centers to the permanent reclamation and recycling centers is needed. Such traffic, which is largely new traffic and not presently being moved by for-hire motor carriers, initially would be erratic, but should increase as the reclamation programs progress. Manufacturers, bottlers, breweries, and other similarly situated businesses would not require authority to transport the involved commodities in furtherance of their own business interests, as such transportation would be considered private carriage not subject to economic regulation under the Interstate Commerce Act. In other respects, however, this new traffic could provide a solution to the backhaul problems of certain for-hire carriers as well as contributing to antipollution programs. It should be noted in this connection that we do not here intend in any way to alter the earlier determination made in Joray Trucking Corp. Common Carrier Application, 99 M.C.C. 109. The transportation of trash and garbage, which has no property value, solely for the purpose of disposal will continue to be not subject to economic regulation by this Commission. To encourage motor carriers to participate in recycling programs, in which the "waste" products assume a property value, however, special procedures are being proposed in this proceeding to simplify the filing for authority and the issuance of certificates based upon a general finding of public convenience and necessity considered on a national scale.

[2] A copy of this letter with attachments has been placed in the correspondence section of the public docket in this proceeding.

IMPLEMENTATION

To implement the filing for authority and the issuance of a special certificate of public convenience and necessity, we propose to follow procedures and adopt regulations somewhat similar to those recently promulgated in Special Relief for Motor Carriers, 112 M.C.C. 323 (1970). It thus is hereby proposed that the following regulations be adopted and that Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be amended by adding a new part 1061, reading as follows:

PART 1061—SPECIAL REGULATIONS FOR FOR-HIRE MOTOR CARRIERS ENGAGED IN THE TRANSPORTATION FOR RECYCLING OR REUSE OF "WASTE" PRODUCTS IN FURTHERANCE OF RECOGNIZED POLLUTION CONTROL PROGRAMS

§ 1061.1 Special procedures for for-hire motor carriers engaged in the transportation for recycling or reuse of "waste" products in furtherance of recognized pollution control programs.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate pursuant to a special certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, by motor vehicle, over irregular routes, of "waste" products for recycling or reuse in furtherance of recognized pollution control programs, between all points in the United States (including Alaska and Hawaii), subject to certain terms, conditions, and restrictions set forth in the certificate in paragraph (d) of this section.

(b) *Applications for a special certificate.* Motor carriers desiring to perform operations pursuant to the special certificate of public convenience and necessity set forth in paragraph (d) of this section must file with this Commission a sworn and notarized request (which may be in letter form) containing the following: (1) the name and address of the carrier's representative to whom inquiries may be made, (2) the designation of the carrier's statutory agent for service of process within each of the United States (Form BOC-3), (3) evidence of the carrier's insurance coverage (Forms BMC-90 and BMC-91) or a statement that such evidence is currently on file at this Commission, (4) a copy of the carrier's tariff pursuant to which the service authorized by these rules will be performed, (5) a statement that all State regulatory agencies have been notified of the carrier's application to become a party to the special certificate embodied in paragraph (d) below, (6) a statement describing the pollution control program or programs in which the carrier intends to participate, and (7) a statement demonstrating the applicant's fitness to perform the involved service.

(c) *Waiver of certain filing requirement.* Section 220(a) respecting the filing of annual reports is suspended as to the operations authorized in the special certificates set forth in paragraph (d) of this section.

(d) *Certification.* Appropriate acknowledgement letters will be issued to notify motor carriers that they have been found eligible to operate pursuant to the special certificate of public convenience and necessity which reads as follows:

[Ex Parte No. MC-85]

SPECIAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DESIGNATED MOTOR CARRIERS PARTICIPATING IN THE TRANSPORTATION OF "WASTE" PRODUCTS FOR RECYCLING OR REUSE IN FURTHERANCE OF RECOGNIZED POLLUTION CONTROL PROGRAMS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the ------ day of ---------- 1970.

After due investigation, it appearing that the described carriers have complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, having complied with all the requirements established by the Commission in its report in Ex Parte No. MC-85, are, therefore, entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as motor carriers; and the Commission so finding;

It is ordered, That the said carriers be, and they are hereby, granted this Special Certificate of Public Convenience and Necessity as evidence of the authority of the holders to engage in transportation in interstate or foreign commerce as common carriers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carriers.

It is further ordered, And is made a condition of this certificate that the holders thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of this certificate as to any such holder.

And it is further ordered, That the transportation service to be performed by the said carriers in interstate or foreign commerce shall be as follows:

Between all points in the United States, in the transportation of "waste" products for recycling or reuse in the furtherance of recognized pollution control programs.

TERMS, CONDITIONS, AND LIMITATIONS

The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by the said participating carrier shall not be construed as conferring more than one operating right.

Any motor carrier with contract carrier authority to transport commodities similar to those authorized in the above-described certificate for any of the shippers participating in pertinent pollution control programs shall not be permitted to transport the involved commodities for the same shipper as a common carrier under the authority granted herein. The right of the Commission to impose in the future such terms, conditions, or limitations as may be necessary to insure that any participating carrier's operations conform to the requirements of the Interstate Commerce Act, including section 210 thereof, is hereby expressly reserved.

The authority granted herein does not authorize the transportation of newly manufactured commodities or commodities not in the recycling process in furtherance of a recognized pollution control program.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The foregoing special procedures and certificate represent proposals only as to which the comments of interested persons are invited in this proceeding.

PROCEDURAL MATTERS

Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present their views and evidence, either in support of, or in opposition to, the action proposed in this order may do so by the submission of written data, views, or arguments.

It is ordered, That, based on the foregoing explanation, a proceeding be, and it is hereby, instituted under part II of the Interstate Commerce Act, and particularly section 204, 206, 207, 208, and 210 thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of determining whether the present or future public convenience and necessity requires the adoption of the above-described procedures implementing pollution control programs, and for the purpose of taking such other and future action as the facts and circumstances may justify or require.

It is further ordered, That no hearings be scheduled for the receiving of oral testimony unless a need therefor should later appear, but anyone interested in making representations in favor of, or against the proposed regulations is hereby invited to do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments, shall be filed with the Commission within 30 days of the publication of this order in the FEDERAL REGISTER. All such statements will be considered as evidence and as a part of the record in the proceeding.

And it is further ordered, That notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.[3]

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-565 Filed 1-14-71;8:49 am]

[3] Commissioner Walrath did not participate.

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for Costa Rica

On November 6, 1970 the Agency for International Development published in the FEDERAL REGISTER, 35 F.R. 17123, a Special Addendum for Costa Rica establishing February 1 to 15, 1971 as the dates for receiving applications.

The sole purpose of this special announcement is to change the dates for receiving of applications in Costa Rica. The dates between which applications will be taken under this announcement have been changed to April 1 through 15, 1971. All other terms and conditions of the announcement of October 28, 1970 will remain in full force and effect.

STANLEY BARUCH,
Director, Office of Housing.

JANUARY 5, 1971.

[FR Doc.71-523 Filed 1-14-71;8:45 am]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for Guatemala

On November 6, 1970 the Agency for International Development published in the FEDERAL REGISTER, 35 F.R. 17123, a Special Addendum for Guatemala establishing February 1 to 15, 1971 as the dates for receiving applications.

The sole purpose of this special announcement is to change the dates for receiving of applications in Guatemala. The dates between which applications will be taken under this announcement have been changed to April 1 through 15, 1971. All other terms and conditions of the announcement of October 28, 1970 will remain in full force and effect.

STANLEY BARUCH,
Director, Office of Housing.

JANUARY 5, 1971.

[FR Doc.71-522 Filed 1-14-71;8:45 am]

HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

Special Announcement for the Central American Common Market

On November 20, 1970, the Agency for International Development published in the FEDERAL REGISTER, 35 F.R. 17861, a Special Addendum for the Central American Common Market establishing February 15 to March 1, 1971 as the dates for receiving applications.

The sole purpose of this special announcement is to change the dates for receiving of applications. Competitive applications must be now submitted between May 3, 1971 and May 14, 1971. All other terms and conditions of the announcement of November 13, 1970, will remain in full force and effect.

STANLEY BARUCH,
Director, Office of Housing.

JANUARY 5, 1971.

[FR Doc.71-524 Filed 1-14-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DRAFT ENVIRONMENTAL IMPACT STATEMENT PROPOSED TRANS-ALASKA PIPELINE

Notice of Availability

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the Trans-Alaska Pipeline: Section 102(2)(C) of the National Environmental Policy Act of 1969" has been prepared and compiled by the staff of the Department of the Interior and is being placed for public examination after January 15, 1971, in offices of the Bureau of Land Management in Washington, D.C.; Anchorage, Alaska; and Fairbanks, Alaska. Persons wishing to examine a copy of such document may do so through any of the following offices:

Office of Information, Bureau of Land Management, Room 5643, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC 20240. (202) 343-5717.

Office of the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501. (907) 277-1561.

Office of the District Manager, Bureau of Land Management, 516 Second Avenue, Fairbanks, AK 99701. (907) 456-6687.

Copies of said document may be purchased by sending a request therefor together with a check or money order for $3 to the Bureau of Land Management, Washington, D.C. 20240.

Dated: January 12, 1971.

BOYD L. RASMUSSEN,
Director,
Bureau of Land Management.

[FR Doc.71-536 Filed 1-14-71;8:45 am]

Office of the Secretary

PROPOSED TRANS-ALASKA PIPELINE

Notice of Public Hearing

Notice is hereby given that the Department of the Interior has received and is considering applications for a right-of-way for a crude oil pipeline across Federal lands in Alaska. The route proposed for said pipeline is generally from Prudhoe Bay, Alaska, to Valdez, Alaska, and is set forth with more particularity in the document entitled "Draft Environmental Impact Statement for the Trans-Alaska Pipeline," notice of the availability of which is given concurrently herewith. Additional information as to the route may be obtained either from the State Director, Bureau of Land Management, Anchorage, Alaska, or from the Director, Bureau of Land Management, Washington, D.C.

Notice is hereby given that public hearings on the environmental impact of granting such a right-of-way will be held on the following dates and at the following places:

Friday and Saturday, February 12 and 13, 1971. Sydney-Laurence Auditorium, Sixth and F Streets, Anchorage, AK.

Tuesday and Wednesday, February 16 and 17, 1971. Auditorium of the Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC.

All hearings will commence at 8:30 a.m.

The hearings are intended to allow those State and local agencies of Alaska which are authorized to develop and enforce environmental standards to provide the Secretary of the Interior with their comments and views as to the environmental impact of granting such a right-of-way, as required by section 102(2)(C) of the National Environmental Policy Act of 1969. Officials of such agencies are specifically invited to testify at the hearings and to submit their written views and comments at the hearings. Members of the public, organizations, Alaskan Native villages which might be affected by the proposed action and other public agencies also are invited to appear and to submit their written views and comments.

The hearings will seek to develop information on the following:

1. The environmental impact of the proposed action;

2. Any adverse environmental effects which cannot be avoided should the proposal be implemented;

3. Alternatives to the proposed action;

4. The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity; and

5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Written and oral testimony at the hearings should address as specifically as possible the five points listed above as well as such other environmental aspects of the proposed action as the witness deems appropriate.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing in Anchorage are requested to contact the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99509, telephone (907) 277-1561, by 9 a.m. Thursday, February 11, 1971, or the Director, Bureau of Land Management, Room 5660, Department of the Interior, Washington, DC 20240, telephone (202) 343-3801, by 9 a.m. Wednesday, February 10, 1971. Those wishing to testify at the hearings in Washington, D.C., are requested to contact the Director, Bureau of Land Management, at the above address, by 9 a.m. Monday, February 15, 1971. Written comments from those unable to attend the hearings and from those wishing to supplement their oral presentation at the hearings should be addressed to the Director (Attention: 320), Bureau of Land Management, U.S. Department of the Interior, Washington, DC 20240. The Department will accept such written testimony until February 27, 1971. All written statements received pursuant to this notice will be included in the hearing record. Oral testimony at the hearings will be limited to 10 minutes. An oral statement may be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of the presentation of the oral statement or which may be mailed to the Director, Bureau of Land Management, as provided above.

To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 12, 1971.

[FR Doc.71-537 Filed 1-14-71;8:46 am]

GEOTHERMAL STEAM ACT OF 1970

Procedure To Be Followed in Claiming Rights

1. Pursuant to sec. 4 of the Geothermal Steam Act of 1970 (Public Law 91-581, December 24, 1970), hereinafter referred to as the Act, with respect to lands which were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.), or the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-358), or to existing mining claims located on or prior to September 7, 1965, the lessees, permittees or claimants, or their successors in interest, if qualified to hold geothermal leases, shall have the right, subject to certain limitations enumerated in the Act, to convert such leases, permits, or claims to geothermal leases covering the same lands. With respect to lands which were subject to applications for leases or permits under the above-mentioned leasing acts on September 7, 1965, the applicants may, subject to limitations enumerated in the Act, convert their applications to applications for geothermal leases having priorities dating from time of filing such applications under the said leasing acts.

2. Persons who believe they are qualified under the Act to convert mineral leases or permits or mining claims to geothermal leases and persons who believe they are entitled to convert applications for mineral leases and permits to applications for geothermal leases shall comply with the following procedures.

(a) Written application shall be filed with the Land Office of the Bureau of Land Management having jurisdiction over the area where the land applied for is situated. A copy of the application shall then be filed by the Land Office with the appropriate Regional Oil and Gas Supervisor of the Geological Survey. No specific form of application is required.

(b) Applications must be received by the appropriate Land Office of the Bureau of Land Management on or before June 22, 1971, which is the 180th day following December 24, 1970, the effective date of Act.

(c) (1) Applications based on valid leases or permits referred to in paragraph 1 hereof shall include the date of issuance, the State in which the lands are located, and the serial number of the lease or permit. Applications based on mining claims referred to in paragraph 1 shall include the name, location, legal description or references sufficient to identify the lands on the ground, date of location, and date and place of recordation of the mining claim (including volume and page) which the applicant seeks to convert to a geothermal lease. Applications based on applications for mineral leases or permits referred to in paragraph 1 shall include the date the application for such lease or permit was filed with the Bureau of Land Management and the location of the Land Office where the application was filed, and should indicate the serial number assigned to such application by the Land Office.

(2) Applications shall include a description of the lands sought to be included in a geothermal lease. If the lands have been surveyed under the public land rectangular system, each application shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each application for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys.

(d) Applications shall be accompanied by a detailed statement showing (1) the expenditures made for exploration, development or production of geothermal steam by the applicant on lands for which a geothermal lease is sought or on adjoining, adjacent or nearby Federal or non-Federal lands and the date or dates such expenditures were made, (2) the names and current addresses of the persons who actually performed the aforesaid exploration, development or production work, and (3) the geological, geophysical, and engineering data acquired in such exploration, development and production which demonstrate, or tend to demonstrate, the expenditures claimed.

(3) The applicant shall file such additional information relevant to the application made pursuant to this notice as requested by the Land Office, Bureau of Land Management, or the Regional Oil and Gas Supervisor, Geological Survey.

3. Claims or applications for conversion to geothermal leases or to applications for geothermal leases filed pursuant to the Act shall be processed and adjudicated in accordance with regulations to be prescribed by the Secretary of the Interior. Claims or applications for conversion to geothermal leases or to applications for geothermal leases filed pursuant to Sec. 4 of the Act either before or after the date of publication of this notice shall be accepted for processing and adjudication, subject to receipt of any of the information required to be filed pursuant to this notice and which did not accompany the aforesaid applications.

4. Applications to establish rights under section 4 of the Act will not be recognized unless filed on or before June 22, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 14, 1971.

[FR Doc.71-697 Filed 1-14-71;10:55 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Findings and Determinations With Respect to Continuation in Effect of Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 147 and Order No. 931 (7 CFR Part 931), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER (35 F.R. 18136) that a referendum would be conducted among the growers who, during the period July 1, 1970, through November 30, 1970 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Oregon and Washington in the production of Bartlett pears for market to determine whether a majority of such growers favor the termination of the marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 4 through December 14, 1970, it is hereby found and determined that the termination of the marketing agreement and order, regulating the handling of fresh Bartlett pears grown in Oregon and Washington, is not favored by the requisite majority of such growers.

Dated: January 11, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-588 Filed 1-14-71;8:51 am]

Commodity Credit Corporation

[Amdt. 7]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1971)

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. Section 15 entitled "Wheat, Bulk—Export Sales" is revised to read as follows:

Export. A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at West Coast ports at domestic market price levels for export under Announcement GR-212 (revision III Nov. 30, 1970, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under the Wheat Export Program (GR-345). The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the West Coast to a destination west of the 170th meridian west longitude, and east of the 60th meridian, east longitude, and to ports on the West Coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit, but not sales financed under Title 1, Public Law 480, 83d Congress, as amended.

2. Section 33 entitled "Linseed Oil (Raw) Unrestricted Use Sales" is amended by the insertion of the following sentence after the first sentence:

For January the price will be $0.1155 per pound.

3. Section 1(f) is revised to read as follows:

(f) CCC will entertain offers to buy warehouse stocks of grains other than rice and oilseeds other than peanuts for deferred delivery up to 120 days from the date of sale. Prices of such sales will be in accordance with the CCC Monthly Sales List in effect at the time of sale plus storage and interest beginning 10 days after the date of sale. Storage charges will be in accordance with UGSA rates, and interest to date of payment will be at 7½ percent. No cash advance will be required from responsible buyers, but buyers will be required to furnish CCC an irrevocable letter of credit covering the purchase price plus estimated storage and interest to the end of the delivery period. The interest rate of 7½ percent applies to sales made after 2:30 p.m., e.s.t., December 31, 1970.

Signed at Washington, D.C. on January 8, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-535 Filed 1-14-71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00088-33-46500. Applicant: Massachusetts General Hospital, Gastrointestinal Unit, Boston, MA 02114. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research involving the study of gastrointestinal and hepatic tissues and the localization in these tissues of (1) endogenous enzymatic activity, (2) activity of exogenously administered enzymatic material, and (3) macromolecules through use of immunocytochemical techniques. A major part of the projects will be localizing these specific macromolecular materials in thin sections prepared for electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 10, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the ultrathin serial sectioning of hepatic and other soft tissue for electron microscopic study and the localizations of various substances, being studied by the applicant, in these tissues. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-540 Filed 1-14-71;8:47 am]

NORTHWESTERN UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00041-33-46500. Applicant: Northwestern University Medical School, Chicago Wesley Memorial Hospital, 303 East Chicago Avenue, Chicago, IL 60611. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used to provide the thinnest possible ultrathin sections for research projects on correlative chemical and electron microscopic investigation of the various storage forms of ion, especially those located within membrane bound particles (hemosiderin); for an investigation of the factors leading to the types of membrane damage that results in pinocytosis-like activity of human erythrocytes; and for correlative light and electron microscopic studies of human tumors obtained by surgical procedures.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970 that cutting speeds in excess of 4 mm./sec. are pertinent to the uniform ultrathin sectioning of the softer materials and materials representing a range of tissue consistency encountered in the applicant's studies involving benign and malignant human tumors, erythrocytes, nerve fibers, liver, and fibroblasts. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00680-33-46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-541 Filed 1-14-71;8:47 am]

WASHINGTON UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00079-33-46500. Applicant: Washington University School of Medicine, Division of Communicative Disorders, Department of Otolaryngology, 724 South Euclid, St. Louis, MO 63110. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for obtaining ultrathin sections in a study of the receptor of hearing, the organ of corti, taken from various phylla including amphibia and mammalia. The cellular and subcellular organization of normal and of pathologic organs of corti will be examined. The role played in the development of the hearing organ by the endocrine glands and the effects of aging will be studied by ultrastructural and electrical means.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies relating to causes of hearing impairment which involves ultrathin sectioning of the organ of Corti for ultrastructural study in the normal and pathological condition. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-542 Filed 1-14-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), formerly part 5, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 3-B, formerly 5-B, Organization, as follows:

After the section *Immediate Office of the Administrator* (*2001*), insert the following:

Office of Resource Development (*3A03*). Under the direction of the Assistant Administrator for Resource Development who is a member of the Administrator's immediate staff and in his behalf, plans, directs, and coordinates HSMHA-wide programs for the development of the human and technological resources needed to carry out the objectives and programs of HSMHA: (1) Plans and conducts programs to generate optimum use of resources; (2) identifies and evaluates technological and social changes as they impact on the health care system; (3) examines potential for increased automation and mechanization in public health programs and health care delivery; (4) arranges and evaluates the results of studies of new and different health career patterns; and (5) develops plans for and coordinates the implementation of improved techniques in resource utilization.

Office of Organization Development (*3A04*). Under the direction of the Assistant Administrator for Organization Development who is a member of the Administrator's immediate staff, plans, directs, and carries out studies to improve the efficiency and effectiveness of the present health services organizational structure: (1) Evaluates effectiveness of current organization as a framework for joint health planning activities by the Health Services and Mental Health Administration with other components of the Department, with other governmental agencies, and with nongovernmental organizations and agencies; (2) studies the potential effect of organizational structure upon patient care from the medical point of view; (3) guides and assists Regional Health Directors in the design and implementation of new health care organizational techniques required to effectuate the Department's decentralization effort; (4) organizes and leads intra-agency and inter-agency groups established to study and recommend changes in health care organizational design; and (5) plans and directs the implementation of changes in health care organizational structure as approved by the Administrator.

Office of Agency Goals (*3A05*). Under the direction of the Assistant Administrator for Agency Goals who serves as a member of the Administrator's immediate staff and in his behalf, placing special emphasis upon direct participation by youth, directs a continuing evaluation and reevaluation of long-range objectives in terms of the health services needs and resources of the Nation: (1) Conducts long-range studies to identify national health services needs; (2) advises the Administrator on appropriate role of the Health Services and Mental Health Administration in meeting these needs, taking into account the proper functions and responsibilities of other Federal agencies, State and local governments, the views of medical and other student community organizations, and total available resources both public and private; (3) formulates and recommends the adoption of Administration goals necessary to fulfillment of its role; and (4) continually evaluates the appropriateness of existing objectives and progress toward achieving broad goals.

Also, delete the heading *Office of Personnel* (*20199*) and all the text thereunder, and substitute the following:

Office of Personnel (*3A15*). (1) Plans, directs, and coordinates personnel programs covering headquarters and field employees; (2) provides advice to the Administrator, Deputy Administrator, Assistant Administrator for Management, and other key officials throughout the Health Services and Mental Health Administration on matters relating to the development and execution of personnel policies and programs; (3) develops procedures and standards for personnel operations; (4) conducts Administration-wide personnel programs and provides staff support in such broad areas as manpower planning, employee development, employee-management relations, position and pay management, and personnel management effectiveness; (5) evaluates Administration personnel programs, systems, and activities; and (6) maintains liaison with the Office of the Secretary, the Civil Service Commission, and other agencies concerned with personnel management.

Dated: January 4, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-554 Filed 1-14-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, CA.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 15, 1971.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 13th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-648 Filed 1-14-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-1]

NEW LONDON HARBOR

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to Chief, Office of Operations, U.S. Coast Guard, as contained in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8279), I hereby affirm for publication in the FEDERAL REGISTER the order of B. F. Engel, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

NEW LONDON HARBOR

SECURITY ZONE

"Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, Executive Order 10173, as amended, and 14 U.S.C. 91, I declare that from 11:30 a.m., e.s.t., on Saturday, January 16, 1971, until the "USS Archerfish" is secured to the wet dock at Electric Boat Division, General Dynamics, the following area is a security zone and I order it be closed to any person or vessel due to launching of the "USS Archerfish" (SSN 678) from the North Yard Building Ways of Electric Boat Co.

The waters of New London Harbor, New London, Conn., within the coordinates latitude 41°20'32" north and 41°21'03" north.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port, New London, Conn., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any state or political subdivision thereof.

For violation of this order, section 2 of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years, and may, in the discretion of the court, be fined not more than $10,000.

"(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: January 13, 1971.

D. H. LUZIUS,
Captain U.S. Coast Guard,
Acting Chief, Office of Operations.

[FR Doc.71-677 Filed 1-14-71;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21980]

AEROMAR AIR CARGO, C. POR A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 22, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-578 Filed 1-14-71;8:50 am]

EMPRESA GUATEMALTECA DE AVIACION

Notice of Prehearing Conference

Application for renewal of foreign air carrier permit between a point or points in Guatemala and the terminal point Miami, Fla., with respect to persons, property and mail; and between a point or points in Guatemala and the terminal point New Orleans, La., with respect to persons, property and mail.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 25, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Dated at Washington, D.C., January 11, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-579 Filed 1-14-71;8:50 am]

[Docket No. 22901]

TRANS-MEDITERRANEAN AIRWAYS, S.A.L.

Notice of Prehearing Conference and Hearing

Application for a foreign air carrier permit so as to authorize it to engage in foreign air transportation of property and mail from Lebanon via intermediate points in Asia to New York and beyond via Shannon or Dublin, Amsterdam and Basel to Lebanon in an east-bound direction only.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 25, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

Notice is also given that the hearing in this case may be held immediately following conclusion of the prehearing conference unless on or before January 22, 1971, a person objects or shows reason for further postponement.

Dated at Washington, D.C., January 11, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-580 Filed 1-14-71;8:50 am]

[Docket No. 22902; Order 71-1-40]

COMBS AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority January 8, 1971.

The Postmaster General filed a notice of intent December 17, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54.96 cents per great circle aircraft mile for the transportation of mail by aircraft between Rochester and New York, N.Y., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft D-18-S aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Combs Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.96 cents per great circle aircraft mile between Rochester and New York, N.Y., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulation promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Combs Airways, Inc., the Postmaster General, American Airlines, Inc., Mohawk Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair

[1] This Order to Show Cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

and reasonable rate of compensation to be paid to Combs Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Combs Airways, Inc., the Postmaster General, American Airlines, Inc., Mohawk Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-581 Filed 1-14-71;8:50 am]

[Docket No. 22899; Order 71-1-42]

COMMUTER AIRLINES, INC.

Order To Show Cause

Issued under delegated authority January 8, 1971.

The Postmaster General filed a notice of intent December 17, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 59.68 cents per great circle aircraft mile for the transportation of mail by aircraft between Buffalo and New York (LGA), N.Y., based on five round trips per week.

In support of his petition, the Postmaster General states that this route was previously served by Cutlass Aviation, Inc. (Cutlass) and later by Manchester Aviation Co., Inc. (Manchester); that because of circumstances beyond the control of the parties involved, the service on this route will no longer be available by either Cutlass or Manchester; and that Commuter Airlines, Inc. (Commuter) has agreed to the foregoing rate based on five round trips per week using Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Commuter Airlines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 59.68 cents per great circle aircraft mile between Buffalo and New York (LGA), N.Y., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Commuter Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Commuter Airlines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Commuter Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-582 Filed 1-14-71;8:50 am]

[Docket No. 21866; Order 71-1-45]

FRONTIER AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1971.

By tariff revisions[1] marked to become effective January 11, 1971, Frontier Airlines, Inc. (Frontier), proposes to increase numerous regular fares in amounts ranging from $0.92 to $17.59. The bases for the fare increases are to (1) reinstate certain fares at pre-October 1969 levels in markets involving Minot, Bismarck, and Rapid City; (2) meet increases filed by other carriers in selected congested markets; and (3) increase fares in selected markets where "value of service is disproportionately related to current fares."

In support of its proposal, Frontier asserts that the increases are required as a means of enabling it to reduce operating losses in the markets involved. The basic thrust of Frontier's justification is that many of its present jet coach fares are underpriced in relation to its propeller first-class service in light of the fact that jet coach service is faster and more luxurious. Further, many of the markets involved are characterized by low traffic volume, low load factors, and high operating costs.

Frontier's proposal to increase normal fares comes within the scope of the ongoing Domestic Passenger-Fare Investigation and its lawfulness will be determined in that proceeding. We expect to issue a decision on the fare level and directly related issues by approximately the first of April 1971. The immediate question then is whether to permit the increases to become effective or to suspend them pending investigation.

Frontier's proposal to increase numerous first-class and jet coach fares is quite broad, and in many instances involves very substantial increases both in terms of percentage and dollars. As such it necessarily involves an evaluation of basic costs of service, including passenger load factors, now under review in the general investigation. In the past several months the Board has suspended, pending investigation, a number of proposals to increase fares which involved a significant portion of the carrier's system and which raised issues under consideration in the ongoing Domestic Passenger-Fare Investigation.[2] Interim increases in normal fares have been permitted only where a showing has been made of atypical costs of operations, stemming from airway and airport congestion which preclude profitable operations notwithstanding high load factors. Consistent with these actions, we have decided to suspend Frontier's regular fare increase proposals[3] except in the Dallas-Kansas City/Oklahoma City/Tulsa and Kansas City-Omaha/Wichita markets where it is matching an increase recently permitted Braniff Airways, Inc. In addition, we will permit the propeller first-class increases proposed in the Dallas-Fort Smith/Hot Springs which will place the fares at the carrier's normal propeller first-class level. The carrier had previously held this fare back to the Dallas-Hot Springs fare of another carrier.

Upon consideration of all relevant matters, the Board finds that the proposed military fare increases, which stem from higher basic fares we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that these fares should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the YM and M class fares and provisions described in Appendix A attached hereto,[4] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[4] are suspended and there use deferred to and including April 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-583 Filed 1-14-71;8:50 am]

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Orders 70-9-123, 70-11-136, 70-12-45.

[3] Most first-class fares are being increased to 130 percent of coach fares. These proposed increases will be permitted, consistent with Order 70-11-93, in markets where coach fares are not being increased.

[4] Filed as part of the original document.

[5] Concurring and dissenting statement of Vice Chairman Gillilland filed as part of the original document.

[Docket No. 22930; Order 71-1-41]

GILLEY AIRWAYS CORP.

Order To Show Cause

Issued under delegated authority January 8, 1971.

The Postmaster General filed a notice of intent December 23, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 59.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Utica and New York (LGA), N.Y., via Poughkeepsie, N.Y., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft C-45H aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Gilley Airways Corp., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 59.5 cents per great circle aircraft mile between Utica and New York (LGA), N.Y., via Poughkeepsie, N.Y., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That:

1. Gilley Airways Corp., the Postmaster General, Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Gilley Airways Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Gilley Airways Corp., the Postmaster General, and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-584 Filed 1-14-71;8:50 am]

[Docket No. 22879; Order 71-1-43]

GRAND FORKS AIRMOTIVE, INC.

Order To Show Cause

Issued under delegated authority, January 8, 1971.

The Postmaster General filed a notice of intent December 14, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile for the transportation of mail by aircraft between Grand Forks, N. Dak., and AMF Twin Cities, Minneapolis, Minn., via Thief River Falls and Detroit Lakes, Minn., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft C-45-H aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Grand Forks Airmotive, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Grand Forks, N. Dak., and AMF Twin Cities, Minneapolis, Minn., via Thief River Falls and Detroit Lakes, Minn., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Grand Forks Airmotive, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transpotration of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Grand Forks Airmotive, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Grand Forks Airmotive, Inc., the Postmaster General, North Central Airlines, Inc., and Northwest Airlines, Inc.

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be aplicable to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc.71-585 Filed 1-14-71;8:50 am]

[Docket No. 22628; Order 71-1-10]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority January 5, 1971.

By Order 70-11-11, dated November 3, 1970, action was deferred, with a view toward eventual approval, on a resolution which was adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). This agreement, which was adopted for early effectiveness at the Worldwide Passenger Fare Conference held in Honolulu during September-October of 1970, is procedural in character.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-11-11 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22025 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-586 Filed 1-14-71;8:50 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of International Commerce, Assistant Secretary for Domestic and International Business.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-547 Filed 1-14-71;8:47 am]

EXPORT-IMPORT BANK

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank to fill by noncareer executive assignment in the excepted service the position of Vice President-Export Expansion.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-548 Filed 1-14-71;8:47 am]

EXPORT-IMPORT BANK

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank to fill by noncareer executive assignment in the excepted service the position of Senior Vice President for Planning and Export Expansion.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-549 Filed 1-14-71;8:47 am]

EXPORT-IMPORT BANK

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Export-Import Bank to fill by noncareer executive assignment in the excepted service the position of Vice President for Planning and Export Expansion.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-550 Filed 1-14-71;8:47 am]

EXPORT-IMPORT BANK

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Export-Import Bank to fill by noncareer executive assignment in the excepted service the position of Vice President-Project Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-551 Filed 1-14-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Special Assistant, Office of the Deputy Under Secretary for Policy Analysis and Program Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-552 Filed 1-14-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 526]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JANUARY 11, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed applications; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3475-C2-P-(3)71—Michigan Radio Telephone Co. (New), C.P. for a new 2-way station to be located at the Penobscott Building, at Criswald and Fort Streets, Detroit, MI, to operate on frequencies 454.025, 454.075, and 454.325 MHz.

3493-C2-P-71—Professional Answering Service (New), C.P. for a new 1-way station to be located at Butchers Mill Road, Warren, PA, to operate on frequency 152.240 MHz.

3494-C2-P-71—Massachusetts-Connecticut Mobile Telephone Co. (New), C.P. for a new 1-way station to be located at Bull Hill Lane, Orange, CT, to operate on frequency 158.70 MHz.

3517-C2-P-71—Southeast Nebraska Telephone Co. (New), C.P. for a new 2-way station to be located at Route No. 8, 0.5 mile west of Falls City, Nebr., to operate on frequency 152.63 MHz.

Major Amendment

4611-C2-P-(4)-70—Industrial Communications Systems, Inc. (KMD990), amended for additional facilities to operate on 152.18 MHz, at location No. 4: Saddle Peak, Somer Building, Malibu, CA. All other particulars same as reported on Public Notice dated Feb. 24, 1970.

RURAL RADIO SERVICE

3496-C1-P/ML-71—General Telephone Co. of the Northwest, Inc. (WAN74), C.P. and modification of license to change the transmitting system operating on 157.83 MHz communicating with station KFQ933 Alicel, Oreg. Location: Mount Fanny, 13.7 miles southeast of Alicel, near La Grande, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3364-C1-P-71—Hawaiian Telephone Co. (TUV80), C.P. to add frequencies 11,285, 11,485, and 11,486 MHz toward Honolulu, Hawaii. Station location: 2.9 miles northeast of Honolulu, Hawaii (Tantalus).

3365-C1-P-71—Hawaiian Telephone Co. (KUV81), C.P. to add frequencies 5937.8, 5967.4, and 6026.7 MHz toward Tantalus, Hawaii. Station location: 2.2 miles northwest of Kailua, Hawaii (Puu Papaa).

3366-C1-P-71—Hawaiian Telephone Co. (KUV82), C.P. to add frequencies 6189.8, 6249.1, and 6397.4 MHz toward Puu Papaa, Hawaii, via passive reflector. Station location: 55-048 Lanihuli Street, Lale, HI.

3367-C1-P-71—Hawaiian Telephone Co. (KUV93), C.P. to add frequencies 10,755, 10,955, and 11,035 MHz toward Lale, Hawaii. Station location: 2.3 miles northwest of Kahuku, Oahu, Hawaii.

3368-C1-P-71—Hawaiian Telephone Co. (KUV94), C.P. to add frequencies 11,285, 11,485, and 11,565 MHz toward Kahuku, Hawaii, via passive reflector. Station location: 5.3 miles west of Kahuku, Oahu, Hawaii (Paumalu).

3369-C1-P-71—General Telephone Co. of California (KMU48), C.P. to change frequency 5937.8 MHz to 2122 MHz toward La Cumbre Peak, Calif. Station location: 101 West Canon Perdido, Santa Barbara, CA.

3370-C1-P-71—General Telephone Co. of California (KNE70), C.P. to change frequency 6189.8 MHz to 2172 MHz toward Santa Barbara, Calif., and correct geographic coordinates. Station location: La Cumbre Peak, 5.9 miles north of Santa Barbara, Calif.

3395-C1-P-71—General Telephone Co. of California (New), C.P. for a new station to be located at Triunfo Pass Earth Station, 6.5 miles south of Thousand Oaks, Calif. Frequencies: 11,245, 11,325, 11,485, and 11,565 MHz toward Backbone Peak, Calif., via passive reflector.

3396-C1-P-71—General Telephone Co. of California (New), C.P. for a new station to be located at Backbone Peak, 3.6 miles south of Newbury Park, Calif. Frequencies: 10,715, 10,795, 10,955, and 11,035 MHz toward Buena Hill, Calif., via passive reflector and 10,755, 10,915, 10,995, and 11,155 MHz toward Topanga Ridge, Calif.

3397-C1-P-71—Bethel and Mt. Aetna Telephone & Telegraph Co. (New), C.P. for a new station to be located at 2.3 miles northwest of Lebanon, Pa. Frequencies: 11,285, 11,525, and 11,605 MHz toward Indiantown Gap, Pa., via passive No. 1 reflector and 11,405, 11,485, and 11,565 MHz toward Cornwall, Pa., via passive reflector.

3398-C1-P-71—Bethel and Mt. Aetna Telephone & Telegraph Co. (New), C.P. for a new station to be located near Indiantown Gap, 12 miles northwest of Lebanon, Pa. Frequencies: 10,755, 10,835, and 10,915 MHz toward Swatara Ridge, Pa., via passive reflector.

3400-C1-P-71—General Telephone Co. of Florida (New), C.P. for a new station to be located at 7.2 miles from Homosassa, Fla. Frequencies: 10,715, 10,875, 10,955, and 11,115 MHz toward Lecanto, Fla.

3401-C1-P-71—General Telephone Co. of Florida (New), C.P. for a new station to be located 5.3 miles from Lecanto, Fla. Frequencies: 11,245, 11,405, 11,485, and 11,645 toward Homosassa, Fla., and 11,245, 11,405, 11,485, and 11,645 MHz toward Floral City, Fla.

3402-C1-P-71—General Telephone Co. of Florida (KYJ44), C.P. to add frequencies 3750, 3830, and 3910 MHz toward Dade City, Fla. Station location: 201 South Gall Boulevard, Zephyrhills, FL.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3519–C1–P–71—The Mountain States Telephone & Telegraph Co. (KFN80), C.P. to delete frequency 6255 MHz and add 5960.0 and 10,955 MHz toward San Manuel, Ariz. Station location: Mount Lemmon, 18.4 miles north-northeast of Tucson, Ariz.

3520–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station to be located 6.2 miles east of Cave Creek, Ariz. Frequencies: 6197.2 and 6315.9 MHz toward Morristown, Ariz.

3521–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station to be located 11 miles northeast of Morristown, Ariz. Frequencies: 5945.2 and 6063.8 MHz toward Cave Creek and Aguila, Ariz.

3522–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station to be located 18 miles south-southeast of Aguila, Ariz. Frequencies: 6117.2 and 6315.9 MHz toward Morristown and Salome, Ariz.

3523–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located 17 miles south-southeast of Salome, Ariz. Frequencies: 5945.2 and 6063.8 MHz toward Aguila, Ariz.

(Informative: The above facilities were formerly authorized for American Telephone and Telegraph Co.)

Major Amendment

882/883–C1–P–71—New York Telephone Co. (KEA67), Staten Island and (New), Brooklyn, N.Y. Applications amended to change transmitting equipment from Western Electric Type TL–2 to Nippon Electric Type TRP–11GD480–1A; power output decreased from 0.5 to 0.35 watt.

(Informative: This modification proposes to change the systems design from an analog to a digital mode utilizing Nippon Electric's 480 channel PCM multiplex with its phase modulated transmitter. Other particulars are the same as reported on Public Notice dated Aug. 17, 1970.)

LOCAL TELEVISION TRANSMISSION SERVICE—STUDIO TRANSMITTER LINK

3509–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station at East Butte, 32 miles west of Idaho Falls, Idaho, at latitude 43°29'51'' N., longitude 112°39'50'' W. Frequency 7087.5 MHz on azimuth 19°33'.

3510–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station 4 miles east of Highway No. 91 at Monida Pass, Idaho, at latitude 44°30'26'' N., longitude 112°09'45'' W. Frequency 6887.5 on azimuth 307°00'.

3511–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station 5 miles southwest of Armstead, Mont., at latitude 44°54'26'' N., longitude 112°54'50'' W. Frequency 6962.5 MHz on azimuth 31°30'.

(Informative: Applicant proposes to provide the television signal of Station KID–TV to television Stations KOOK–TV in Billings, Mont.; KRTV–TV in Great Falls, Mont., and KXLF–TV in Butte, Mont.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3476–C1–MP–71—American Microwave & Communications, Inc. (KQM45), Mod. of C.P. to change frequencies to 6241.7, 6360.3, and 6390.0 MHz on azimuth 345°31' and to 6360.3, and 6390.0 MHz on azimuths 315°51' and 307°06'. Location: 1.5 miles southeast of Elmira, Mich., at latitude 45°02'23'' N., longitude 84°50'23'' W.

3477–C1–P–71—American Television Relay, Inc. (KKT84), C.P. to add frequencies 5980.0, 6019.3, 6078.6, and 6167.6 MHz on azimuth 65°41'. Location: Sandia Crest, 8.1 miles southeast of Bernalillo, N. Mex., at latitude 35°12'44'' N., longitude 106°26'59'' W.

3478–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station at Barillas Peak, 14 miles west of Las Vegas at latitude 35°34'08'' N., longitude 105°28'22'' W. Frequencies: 6212.0, 6271.4, 6330.7, and 6390.0 MHz on azimuth 56°25'.

3479–C1–P–71—Mountain Microwave Corp. (KKA81), C.P. to add frequencies 5980.0, 6019.3, 6078.6, and 6137.9 MHz on azimuth 9°13'. Location: Cornudo Hille, 5 miles east of Wagon Mound, N. Mex., at latitude 36°00'17'' N., longitude 104°39'36'' W.

3444–C1–P–71—General Telephone Co. of Indiana, Inc. (New), C.P. for a new station to be located at Salt Creek, 2.7 miles west of Peppertown, Ind. Frequencies: 10,795, 10,955, 11,035, and 11,115 MHz toward Brookville, Ind.

3445–C1–P–71—General Telephone Co. of Indiana, Inc. (KSO88), C.P. to add frequencies 10,715, 10,875, and 11,035 MHz toward New Hope, Ohio, and 10,835, 10,995, and 11,155 MHz toward Brookville, Ind. Station location: 4 East Wescott Liberty, IN.

3446–C1–P–71—General Telephone Co. of Indiana, Inc. (KSO46), C.P. to add frequencies 11,365, 11,525, 11,605, and 11,685 MHz toward Liberty, Ind., and 11,325, 11,485, 11,565, and 11,645 MHz toward Salt Creek, Ind. Station location: 1.4 miles north of Brookville, Ind.

2106–C1–P–71—The Mountain States Telephone & Telegraph Co. (KZA51), C.P. to add frequencies 6390.0 and 11,365 MHz toward Peyton, Colo., a new station and change frequencies 10,835 and 10,995 MHz to 10,795 and 11,245 MHz toward Colorado Springs, Colo., and change path for frequencies 6360.3 and 10,795 MHz toward Hilltop, Colo. to 24°26'. Station location: Northfield, 12 miles north-northwest of Colorado Springs, Colo.

2224–C1–MP–71—The Mountain States Telephone & Telegraph Co. (KZA53), Modification of C.P. to change frequencies 10,795 and 11,565 MHz toward Northfield, Colo., to 10,835 and 10,995 MHz. Station location: 17 North Weber Street, Colorado Springs, CO.

3440–C1–P–71—Northwestern Bell Telephone Co. (KAS70), C.P. to add frequencies 6256.5 and 6375.2 MHz toward Farmington, Minn. Station location: 224 South Fifth Street, Minneapolis, MN.

3497–C1–P–71—Pacific Northwest Bell Telephone Co. (KPB50), C.P. to add frequency 2165.2 MHz toward Pine Ridge, Oreg. Station location: Haymaker, 4.2 miles southwest of Keno, Oreg.

3498–C1–P–71—The Southwestern Bell Telephone Co. (KKB56), C.P. to add frequencies 6004.5 and 6123.1 MHz toward Bixby, Okla. Station location: 424 South Detroit Street, Tulsa, OK.

3499–C1–P–71—The Southwestern Bell Telephone Co. (New), C.P. for a new station to be located 5.3 miles west-northwest of Bixby, Okla. Frequencies: 6256.5 and 6375.2 MHz toward Tulsa and toward Stone Bluff, Okla.

3500–C1–P–71—The Southwestern Bell Telephone Co. (New), C.P. for a new station to be located 3.8 miles northeast of Stone Bluff, Okla. Frequencies: 6123.1 and 6004.5 MHz toward Bixby and Muskogee, Okla.

3501–C1–P–71—The Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 221 North Fifth Street, Muskogee, OK. Frequencies: 6256.5 and 6375.2 MHz toward Stone Bluff, Okla.

3502–C1–P–71—North Florida Telephone Co. (KJH77), C.P. to add frequencies 6271 and 6390 MHz toward Branford, Fla., and delete 6278.8 and 6397.4 MHz toward Branford, Fla. Station location: State Road 235 and Downing Street, Alachua, FL.

3503–C1–P–71—North Florida Telephone Co. (KIP53), C.P. to add frequencies 5960 and 6078 MHz and delete 5952.6 and 6071.2 MHz toward Live Oak, Fla., and add 6019 and 6137 MHz and delete 6026.7 and 6145.3 MHz toward Alachua, Fla. Location: State Road 247, 0.02 mile due east of Branford, Fla.

3504–C1–P–71—North Florida Telephone Co. (KIP54), C.P. to delete frequency 926.3 MHz and add 6019 and 6137 MHz toward Live Oak, Fla. Station location: Court House Avenue, Jasper, FL.

3505–C1–P–71—North Florida Telephone Co. (KIP52), C.P. to delete frequency 901.5 MHz and add 6271 and 6390 MHz toward Jasper, Fla. and delete 6204.7 and 6323.7 MHz and add 6212 and 6330 MHz toward Branford, Fla. Station location: White Avenue and Court Street, Live Oak, FL.

3506–C1–P–71—North Florida Telephone Co. (KIP56), C.P. to delete frequency 5927.6 and 6115.7 MHz and add 5960 and 6078 MHz toward Perry, Fla. Station location: Clark and Crawford Streets, Mayo, FL.

3507–C1–P–71—North Florida Telephone Co. (KIX67), C.P. to delete frequencies 6189.8 and 6367.7 MHz and add 6212 and 6330 MHz toward Mayo, Fla. Station location: 1 mile east of Court Square on East Green Street, Perry, FL.

3518–C1–P–71—The Mountain States Telephone & Telegraph Co. (KOQ75), C.P. to add frequencies 6212.1 and 11,405 MHz toward Mount Lemmon, Ariz. Station location: 105 North Avenue G, San Manuel, AZ. Delete frequency 6375.0 MHz toward Mount Lemmon, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3480–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station at Bartlett Mesa, 6 miles north of Raton, N. Mex., at latitude 36°59'33'' N., longitude 104°27'37'' W. Frequencies: 10,735, 10,815, 10,895, and 10,975 MHz on azimuth 345°09'.

3481–C1–P–71—Mountain Microwave Corp. (New), C.P. for a new station at Mustang Hill, 19 miles north of Walsenburg, Colo., at latitude 37°54'15'' N., longitude 104°45'56'' W. Frequencies: 11,265, 11,345, 11,505, and 11,585 MHz on azimuth 348°30'.

3482–C1–P–71—Mountain Microwave Corp. (KBI22), C.P. to add frequencies 10,815, 10,855, 11,015, and 11,095 MHz on azimuth 248°50'. Location: Almagre Mountain, 8 miles west of Broadmore, Colo., at latitude 38°46'25'' N., longitude 104°59'30'' W.

3516–C1–P–71—Mountain Microwave Corp. (KBI24), C.P. to add frequencies 11,325, 11,365, 11,405, and 11,565 MHz on azimuths 11°43', 172°56', 186°12', and 341°50'. Location: Methodist Mountain, 5.5 miles south of Salida, Colo., at latitude 38°27'25'' N., longitude 106°01'02'' W.

(Informative: Applicants propose to provide the television signals of Stations KCOP–TV, KTTV, KHJ–TV, and KTLA–TV of Los Angeles, Calif., to Community Communications Co. in Salida, Leadville, Alamosa, and Monte Vista, Colo.)

3483–C1–P–71—Mountain Microwave Corp. (KBI22), C.P. to add frequencies 11,015, 11,095, 11,815, and 11,855 MHz on azimuth 348°16'. Location: Almagre Mountain, 8 miles west of Broadmoor, Colo., at latitude 38°46'25'' N., longitude 104°59'30'' W.

3484–C1–P–71—Mountain Microwave Corp. (KOB37), C.P. to add frequencies 11,545, 11,585, 11,625, and 11,665 MHz on azimuth 73°07'. Location: Colorow Hill, 2 miles southwest of Golden, Colo., at latitude 39°43'54'' N., longitude 105°14'58'' W.

3485–C1–P–71—Mountain Microwave Corp. (KCM78), C.P. to add frequencies 10,815, 10,895, 11,055, and 11,135 MHz on azimuths 27°01' and 44°22'. Location: 17 miles south-southwest of Fort Morgan, Colo., at latitude 40°01'46'' N., longitude 103°56'31'' W.

3486–C1–P–71—Mountain Microwave Corp. (KCM79), C.P. to add frequencies 11,345, 11,425, 11,585, and 11,665 MHz on azimuth 18°46'. Location: 3 miles east of Sterling, Colo., at latitude 40°37'44'' N., longitude 103°09'58'' W.

3487–C1–P–71—Mountain Microwave Corp. (KCM80), C.P. to add frequencies 10,735, 10,895, 10,975, and 11,135 MHz on azimuths 289°12'; 359°48'; 103°24'; and 360°00'. Location: 6 miles south of Sidney, Nebr., at latitude 41°03'06'' N., longitude 102°58'32'' W.

3488–C1–P–71—Mountain Microwave Corp. (KCM81), C.P. to add frequencies 11,345, 11,425, 11,585, and 11,665 MHz on azimuths 13°37' and 279°52'. Location: Angora, 7.5 miles northeast of Bridgeport, Nebr., at latitude 41°46'11'' N., longitude 102°58'44'' W.

3489–C1–P–71—Mountain Microwave Corp. (KVD68), C.P. to add frequencies 11,345, 11,425, 11,585, and 11,665 MHz on azimuth 60°16'. Location: 5 miles south of Julesburg, Colo., at latitude 40°55'01'' N., longitude 102°13'47'' W.

(Informative: Applicant proposes to provide the television signals of stations KCOP–TV, KTTV, KHJ–TV, and KTLA–TV of Los Angeles, Calif., to Fort Morgan Community TV in Fort Morgan, Colo.; to Sterling Community TV Co., in Sterling, Colo.; to Sidney Cable TV Co. in Sidney, Nebr.; to Kimball Community TV Co. in Kimball, Nebr.; to Scottsbluff Community TV Co. in Scottsbluff, Nebr.; to Alliance Community TV Co. in Alliance, Nebr., and to Ogallala Community TV Co. in Ogallala, Nebr.)

3490–C1–P–71—Mountain Microwave Corp. (KOB37), C.P. to add frequencies 11,545, 11,585, 11,625, and 11,665 MHz on azimuth 02°46'. Location: Colorow Hill, 2 miles southwest of Golden, Colo., at latitude 39°43'54'' N., longitude 105°14'58'' W.

3491–C1–P–71—Mountain Microwave Corp. (WAY72), C.P. to add frequencies 10,815, 10,895, 11,055, and 11,135 MHz on azimuths 344°50'; 67°38'; and 109°56'. Location: Soderburg, 6.3 miles south-southwest of Fort Collins, Colo., at latitude 40°32'46.2'' N., longitude 105°11'52'' W.

3492–C1–P–71—Wyoming Microwave Corp. (WAY73), C.P. to add frequencies 11,265, 11,345, 11,505, and 11,585 MHz on azimuth 314°44'. Location: Summit, 9 miles east of Laramie, Wyo., at latitude 41°13'58'' N., longitude 105°26'40'' W.

(Informative: Applicants propose to provide the television signals of stations KCOP–TV, KTTV, KHJ–TV, and KTLA–TV of Los Angeles, Calif., to Fort Collins Video in Fort Collins, Colo.; to Greeley Video in Greeley, Colo., and to Community Tele-Communications, Inc., in Laramie, Wyo.)

3512–C1–P–71—Western Tele-Communications, Inc. (KSQ28), C.P. to add frequency 10,895 MHz on azimuth 48°57'. Location: 1 mile northwest of Miles City, Mont., at latitude 46°25'45'' N., longitude 105°52'30'' W.

3513–C1–P–71—Western Tele-Communications, Inc. (KSQ31), C.P. to add frequency 11,585 MHz on azimuth 55°44'. Location: 4.5 miles south-southwest of Terry, Mont., at latitude 46°43'47'' N., longitude 105°22'10'' W.

3514–C1–P–71—Western Tele-Communications, Inc. (KSQ30), C.P. to add frequencies 10,735, 10,815, 10,895, 10,975, 11,055, and 11,135 MHz on azimuth 107°41'. Location: Glendive Knob, 5 miles south of Glendive, Mont., at latitude 47°03'27'' N., longitude 104°40'03'' W.

3515–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station at Sentinal Butte, 8 miles south-southeast of Beach, N. Dak., at latitude 46°52'19'' N., longitude 103°50'01'' W. Frequencies: 11,265, 11,345, 11,425, 11,505, 11,585 and 11665 MHz on azimuth 102°48'.

(Informative: Applicant proposes to provide the television signals of stations KUED–TV, KUTV, KCPX–TV, and KSL–TV of Salt Lake City; KWGN–TV of Denver, Colo., and CKCK–TV of Regina, Canada, to Dickinson Cablevision in Dickinson, N. Dak.)

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[Dockets Nos. 19118, 19119; FCC 71–29]

ARLINGTON TELEPHONE CO. AND NEBRASKA MOBILE TELEPHONE CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Arlington Telephone Co., Arlington, Nebr., Docket No. 19118, File No. 7923–C2–P(2)–69; Nebraska Mobile Telephone Co., North Bend, Nebr., Docket No. 19119, File No. 5616–C2–P–70; for construction permits to establish air-ground facilities in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications for construction permits to establish air-ground facilities in the Domestic Public Land Mobile Radio Service.[1] Since this is the first proceeding involving competing applications for a facility in this newly regularized service, we believe it appropriate and helpful to all interested parties if we place these applications in the context of our report and order released January 7, 1970, which established rules for a public air-ground radiotelephone service. This service was established by the Commission on a regular basis effective February 16, 1970 in a Report and Order (FCC 69–1391) amending Parts 2, 21, and 87 of the rules (FCC Dockets 13348 and 16073, 22 FCC 2d 716). We found therein that there is a pressing need for public air-ground service which should be satisfied as expeditiously as possible. We noted that during the period from 1957, when A.T. & T. installed the first air-ground radiotelephone station on a developmental basis, Bell System companies at considerable cost, had tested techniques and perfected a reliable system of ground stations in the northeastern part of the United States which would be suitable for expansion into a regular national air-ground radiotelephone system. We concluded, therefore, that it was in the public interest to establish such a system on a regular basis.[2]

2. In view of both the long period of time that air-ground service was in the developmental stage and the need to satisfy a rapidly increasing demand as quickly as possible, the Commission concluded that regular service could be commenced most expeditiously if general communications common carriers[3] were

[1] RAM Broadcasting of Nebraska, Inc., was also an applicant but requested dismissal of its application without prejudice on Dec. 17, 1970. Accordingly, its application was dismissed without prejudice on Dec. 24, 1970.

[2] See Report and Order, supra, paragraph 14. For a fuller treatment of the history of the development of this service, prior to its authorization on a regular basis, see, particularly, our Memorandum Opinion and Order adopted Aug. 28, 1968 in this proceeding (14 FCC 2d 624).

[3] General communication carriers include both wireline and miscellaneous common carriers (MCCs).

permitted to offer jointly the proposed service on the single nationwide network based upon the system design for the developmental program. In order that the existing service not be disrupted, the Commission ordered the developmental stations to be "grandfathered" into the regularized service in such fashion as would be in conformity with the report and order. This single, nationwide system, which is to be interconnected to the terrestrial wireline network, would make available up to four voice channels at, or near, most major air hubs in the United States. The plan adopted allocates frequencies to 95 specific locations in all 50 States, Puerto Rico, and the Virgin Islands, and it requires base stations to be situated within 25 statute miles of the location to which the base station frequency is assigned.

3. The rules governing this service contemplate an operator-disciplined system whereby a local operator for each ground station will perform all the functions essential to completing calls between parties at land line telephones and properly authorized, and technically approved, airborne equipments. The rules do not contemplate automated, unattended base station operation nor do they allow for the use of signalling techniques other than those specified in the rules. We will, accordingly, require that each base station in this service be provided with a suitable operator position, manned full time, and under the effective control of the licensee who will be expected to provide local management and supervision.

4. In order to preserve the nationwide integrated character of the service we stated in our report that we expect the wireline carriers to interconnect with the MCC licensees of this service upon reasonable terms and conditions and that all air-ground licensees will maintain a uniform tariff which will conform with the existing tariff either as presently set forth (A.T. & T. tariff No. 263, effective Sept. 11, 1970) or as it may be subsequently modified. In that regard, we will require that reasonable arrangements for interconnection must be concluded prior to commencement of service tests and a copy of an effective agreement must be submitted with the covering license application. Further, each licensee will be required to establish and maintain at the local level an appropriate coordination procedure for the assignment of airborne mobile unit identification numbers peculiar to this service.

5. In summary, therefore, the Commission contemplates the establishment of a single, integrated, nationwide, operator-controlled air-ground radiotelephone system which will be interconnected with the terrestrial network in a manner similar to that developed during the 12-year developmental period operation. There will be a uniform tariff, applicable nationwide; at each of the sites specified as the location of an air-ground base station a single licensee will be expected to provide all of the services specified therefor; the licensee of air-ground service will also be the licensee, after appropriate local or State approval, for any additional base station facilities established to provide a secondary land mobile service on the same frequencies if this is found to be in the public interest.[4]

6. Since each of the applicants herein proposes to operate within 25 miles of North Bend, Nebr., a location which has been allocated Channel No. 6 (454.700 and 459.700 Mhz), the applications are mutually exclusive.

7. Arlington Telephone Co. (Arlington Telephone) is a wireline common carrier which has its principal office in Blair, Nebr., and provides interstate communication service only as a connecting carrier. Arlington Telephone is incorporated in the State of Nebraska, and its principal stockholders, all resident in Blair, Nebr., are: Robert C. Hunt, 35.46 percent; Emory C. Hunt, Jr., 27.48 percent; Hugh W. Hunt, 14.69 percent; and Richard A. Hunt, 14.69 percent. E. C. Hunt, Jr. and Robert C. Hunt also individually hold 21.6 percent of the stock of Blair Telephone Co., Blair, Nebr., which is licensee of Station KAQ623, operating in the Domestic Public Land Mobile Radio Service. Arlington Telephone proposes to locate the control point of the air-ground service at 1638 Lincoln St., Blair, Nebr., in a building housing the general offices of the Arlington Telephone Co., the wireline operations serving Arlington and the control point of Station KAQ623. This control point is operator-attended and will provide the interface between the standard operator position and the base station which will be located atop an Arlington Telephone Co. building at 615 West Dodge St., Arlington, Nebr. Arlington Telephone is also requesting one mobile unit for use as an auxiliary test station. This request is not in proper form in that an appropriate application has not been filed for said station. Therefore, for the purpose of this proceeding the Arlington Telephone proposal will be limited to base station facilities communicating with airborne units only.

8. Nebraska Mobile Telephone Co. (NMTC) was incorporated in Nebraska in August 1969 with a corporate purpose "To establish, maintain and operate a mobile radiotelephone system and to furnish mobile radiotelephone service." To date, NMTC does not provide such service in the State of Nebraska. All of its stock is owned by Mobile Telephone Co. which, in turn, is wholly owned by the TeleTech Corp. Both Mobile Telephone and TeleTech Corp. are Pennsylvania corporations with principal offices at 1700 Market St., Philadelphia, PA. Mr. Robert L. Starer of Philadelphia who is the principal stockholder of TeleTech, owning 44 percent of its outstanding stock, also has a controlling interest in the Philadelphia Mobile Telephone Co., licensee of KG1775, Philadelphia; the Connecticut Mobile Telephone Co., licensee of KCA748, Stanford; the Minnesota Mobile Telephone Co., licensee of KRS637, Minneapolis; the Mobile Telephone Company of New Jersey, permittee of KRS 620, Camden; and Communication Investments of California, recently authorized to acquire 100 percent of the stock of Industrial Communications, Inc., Station KMD990, Los Angeles, Calif. All of the foregoing are licensees in the Domestic Public Land Mobile Radio Service. These and other affiliated companies also have pending before the Commission other applications to provide air-ground, two-way and one-way signaling service in the Domestic Public Land Mobile Radio Service.

9. The NMTC application, as amended, proposes a secretarial type, manual air-ground service with a control point at the office of the Fremont Answering Service, 501 National Bank Building, Fremont, Nebr. NMTC states that it has an "exclusive option" with the General Manager of the Fremont Answering Service looking toward a contract under which telephone answering service, remote alarm and dispatching services would be provided on a full-time basis. Although the terms of the proposed contract do not appear to have been established, and have not been supplied, NMTC maintains that Fremont Answering Service will not function in a management or supervisory capacity. An understanding also appears to have been reached with Mr. Benjamin Ciaccio of Omaha, Nebr., to become General Manager of the air-ground station. The understanding states that the salary and benefits of the position will be determined at such time as NMTC receives its license to operate the station. Mr. Ciaccio's supervisor would be Mr. Gary Haukaas, whose office is in Philadelphia, Pa., and whose title now is Operations Manager for NMTC. Mr. Haukaas, who reports to the officers of NMTC, would be available by telephone, and be prepared to travel to Nebraska, if necessary. The NMTC transmitter will be located 2 miles southwest of Fremont, and the transmitting antenna will be supported on the structure of KAO524, which is licensed to Roy Radio and TV Service of Fremont. A manual service is contemplated by NMTC in accordance with present Commission policy. NMTC does not propose land mobile service over the proposed facilities. The proposal is limited to base station facilities communicating with airborne units only.

10. It would appear that both applicants are legally and technically qualified. As far as financial qualifications are concerned, Arlington Telephone's original application specified $10,400 as the cost of establishing the proposed facilities, with operating and maintenance services performed by present telephone company personnel, five of whom have a Second Class FCC radiotelephone license and one has a First Class radiotelephone license. Three of hte technicians live in Blair, the proposed station control point. Arlington Telephone also employs 14 operators, of whom at least one, and as many as five, are on duty at all times at the control point. Arlington Telephone does not contemplate the need for credit arrangements for construction of the facilities, and since its balance sheet discloses cash, other investments, and funds in excess of the construction cost it would appear that Arlington Telephone is financially qualified to construct its proposed facilities and cover operating expenses during the first year of operation.

11. NMTC's proposed construction cost is $11,700; and its application states that it will have available $50,000 of equity capital and $116,800 of debt capital. While it would appear that these amounts ought to be more than adequate to cover construction and operating expenses during the first year, we would prefer that NMTC submit copies of letters of credit, certificates of deposit, or other evidence in support of its claim. In addition, NMTC should also include expected costs for land, buildings, and towers. In its amendment dated November 23, 1970, it merely states that these facilities were to be leased. Regarding the first year of operation we have noted above that NMTC has a tentative arrangement with Mr. Benjamin Ciaccio of Omaha, Nebr., to act as General Manager of the station, but the salary and benefits are not to be determined until such time as NMTC should receive a license to operate the station. As far as operator services are concerned, the option agreement with Mrs. Ruth Murphy of the Fremont Answering Service merely contemplates a future contract providing for full time operator service. No specific information is provided regarding the number of operators who would be available for air-ground service, and the cost to NMTC for the service. The NMTC application states that for maintenance and repair NMTC will hire and maintain initially one technical person "who will have the appropriate radiotelephone licenses, with additional qualified personnel to be hired as necessary." While NMTC states that it can also draw upon technical personnel employed by its parent companies and its affiliate Physi Tech Field Corp., as well as Motorola, it would appear that a more specific commitment should be made, especially since no showing has been made either as to Mr. Ciaccio's technical qualifications or as to his participation in the day-to-day operation of the proposed facilities. We find, therefore, that the NMTC application is deficient regarding the manner that control of the station facility will be retained by the applicant (cf. FCC Form 401, Items 50 and 51). We believe that the showing made by NMTC should be more complete in these respects.

12. As we indicated at the outset, this is the first comparative hearing involving air-ground applications. We consider it appropriate, therefore, to set out guidelines on the evidentiary burden to be met in the hearing, cf., 47 U.S.C. § 309(e). As we noted above, we expect a more detailed showing from NMTC regarding its sources of financing, together with an estimate of its expected costs for land, buildings, towers, and operating services. NMTC should also file more specific service and maintenance plans which would demonstrate that good air-ground service would be established and maintained through its proposed station; and, since NMTC does not now have an interconnection arrangement at its proposed station site with the terrestial wireline network, it should submit an estimate of costs for interconnecting arrangements.

13. Since the Commission Report and Order contemplated the establishment of a uniform tariff, there will be no issue regarding proposed charges to the public; however, it appears to be appropriate in finding the best qualified applicant to determine the plans and proposals of all the applicants regarding promotion of an efficient, high quality service in the Omaha area. It would also be appropriate to include a comparative issue on the applicants' past records regarding public service in order to be able to judge the likelihood that each of the applicants will promote the air-ground service in the public interest. In that regard, however, as we have stated in our Policy Statement on Comparative Broadcast Issues (1 FCC 2d 393, 398 (1965)) a past record within the bounds of average performance will be disregarded since average future performance is expected. Thus, we will not give a preference because one applicant has been in the communications common carrier business in the past and the other has not. We are interested in records which, because either unusually good or unusually poor, give some indication of unusual performance in the future. Therefore, on a threshold showing by either applicant demonstrating a significant past record, the examiner is authorized to add an appropriate hearing issue. It should also be made quite clear that the Commission expects the successful applicant to move forward expeditiously with construction upon issuance of a permit. Requests for extensions of time in which to complete construction will be closely scrutinized and granted only for the most compelling reasons.

14. This station will be one element of a national system and efficient management is therefore of crucial importance. In the event that the applicant does not intend actively to participate in the day-to-day management and operation, he should state his reasons therefor and fully disclose the details of the proposed operation, including a showing of how control will be retained by the applicant and how efficient, high quality operation will be assured. In this connection we feel that the presence of full-time local management, directly responsible to the licensee is an important factor in efficient management of the station.

15. *Accordingly, it is ordered*, That pursuant to subsections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing at the Commission's offices in Washington, D.C., at a date to be hereafter specified on the following issues:

a. To determine the manner in which each applicant proposes to provide for management arrangement at the local level and the effect of such management on the efficiency of the proposed service.

b. To determine whether Nebraska Mobile Telephone Co. is financially qualified, to construct and operate its proposed station.

c. To determine the plans of each applicant for the establishment of procedures necessary to permit local aircraft operators to obtain access to the system and its plans to promote an efficient, high quality service to the area.

d. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above captioned applicants would best serve the public interest, convenience and necessity.

16. *It is further ordered*, That the Common Carrier Bureau is named a party herein.

17. *It is further ordered*, That interested parties may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in the memorandum opinion and order.

Adopted: January 6, 1971.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-573 Filed 1-14-71;8:49 am]

[4] In paragraph 15 of the report and order, we prohibited the use of these frequencies for simultaneous land mobile use, and required that such use must be on a secondary basis to the air-ground service and subject to the operational control of the base station providing the latter service. It should be noted that prior to commencing land mobile service on these frequencies on a secondary basis a State or local franchise, if required, must be obtained and, in addition, an appropriate application should be filed with this Commission demonstrating a need for the use of these frequencies and a showing that such use will not adversely affect the air-ground service.

[Dockets Nos. 18826, 18827; FCC 71R-3]

DAY-NITE RADIO MESSAGE SERVICE CORP. AND RADIO BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Day-Nite Radio Message Service Corp., for renewal of license of domestic public land mobile radio station KGA-593, Philadelphia, Pa., Docket No. 18826, File No. 731-C2-R-69; Radio Broadcasting Co., for new facilities in the domestic public land mobile service in Philadelphia, Pa., Docket No. 18827, File No. 439-C2-P-(2)-70.

[5] Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

1. This proceeding involves the application of Day-Nite Radio Message Service Corp. (Day-Nite) for renewal of license of domestic public land mobile radio station KGA–593, Philadelphia, Pa., and the mutually-exclusive application of Radio Broadcasting Co. (RBC) for new facilities in Philadelphia, Pa. RBC is presently a licensee of Station KGB–874 and is seeking additional facilities operating on the frequencies now assigned to KGA–593. The applications were designated for hearing by Commission memorandum opinion and order, FCC 70–340, 22 FCC 2d 270, released April 7, 1970. Now before the Review Board is an Appeal from Adverse Ruling by Hearing Examiner, filed June 29, 1970, by Day-Nite.[1]

2. Day-Nite's appeal concerns the Hearing Examiner's refusal to dismiss RBC's application as deficient on its face or to continue the proceeding until the alleged deficiency is ruled upon by the appropriate State authority. On June 1, 1970, Day-Nite filed a motion with the Hearing Examiner requesting dismissal of RBC's application pursuant to § 21.20 of the Commission's rules [2] on the ground that RBC lacked the requisite State authority to institute service on a VHF channel. In support of its motion, Day-Nite alleged that RBC is certificated by the Pennsylvania Public Utility Commission (PUC) only to provide UHF two-way common carrier radio service, not VHF service, and therefore fails to comply with § 21.15(c)(4) of the Commission's rules.[3] By memorandum opinion and order, FCC 70M–878, released June 23, 1970, the Examiner denied Day-Nite's motion, relying primarily on a letter dated June 8, 1970, from J. W. Reinhard, Secretary to the Pennsylvania PUC. The letter, which was attached to RBC's opposition to Day-Nite's motion, stated that it was the PUC's policy that RBC could render service on a VHF frequency without additional certification, provided that the geographic area served by VHF was no greater than that presently served by RBC's UHF station. The Examiner held the Reinhard letter "presumptively controlling for present purposes." In addition, the Examiner noted that had the actual provisions of the certificates been examined by the Commission's staff in the first instance, it might have been returned to the applicant as defective; nevertheless, the Examiner concluded that "whether by oversight of the Commission's staff or by lack of due care by [RBC] does not matter, [RBC] has acquired equities as a party-applicant—that it might not have acquired had greater circumspection been exercised at an earlier date when its application was being processed * * *." [4] On July 15, 1970, Day-Nite filed a petition for reconsideration of the Examiner's June 23d ruling. In support, Day-Nite submitted a letter dated July 9, 1970, from Reinhard which stated that on July 8, 1970, the PUC, in executive session, ruled that the policy set forth in the Reinhard letter on which the Hearing Examiner relied is not presently applicable to RBC and would not be applicable until RBC obtains an amended certificate from the PUC. With this information before him, the Examiner denied reconsideration (FCC 70M–1077, released Aug. 4, 1970), stating, inter alia, that no one has shown "that the public interest * * * will be significantly hurt by allowing the hearing to go forward with two applicants instead of one," that there "will be time enough later on in the hearing process to grapple with the problem of Radio Broadcasting's compliance or noncompliance with the provisions of § 21.15(c)(4)"; and added that "perhaps by then [RBC] will have amended the Pennsylvania certificate which it seems now to need." [5] It is from these two rulings that Day-Nite appeals.

3. In support of its appeal, Day-Nite argues that the Examiner ignored applicable State law and judicial comity by refusing to dismiss RBC's application and by denying reconsideration of his initial memorandum opinion and order; that the Examiner had no support for the contention that the Commission's staff's initial failure to discover an inherent defect in RBC's application conferred equitable or other rights upon RBC which it would not otherwise have had; and that the Examiner erred in holding the Reinhard letter "presumptively controlling" on the jurisdictional issue. Day-Nite notes that under § 21.15(c)(4), conformance with State law requirements must be achieved by radio common carrier applicants and that the public interest requires applicants for frequencies assigned to public use to establish their qualifications under State or local law as an essential prerequisite to Federal consideration of their applications for common carrier radio frequencies, citing Canaveral Communications, 24 FCC 2d 279, 19 RR 2d 629, reconsideration denied, 26 FCC 2d 73 (1970); and Two-Way Radio of Carolina, Inc., 18 FCC 2d 356, 16 RR 2d 674 (1969). Day-Nite further alleges that RBC's noncompliance with this rule has worked and will work a significant injustice upon Day-Nite, and will result in a detriment to the public interest by compelling Day-Nite, which is in complete compliance with § 21.15(c)(4), to defend its Federal authorization against an "unqualified newcomer." Therefore, Day-Nite requests the Board to grant its appeal and to dismiss RBC's application, or, in the alternative, to continue the proceeding pending action by the Pennsylvania PUC on Day-Nite's request to it for a ruling on the scope of RBC's certificate of public convenience.

4. In opposition to the appeal, RBC posits that the Examiner's rulings are "manifestly sound and should be sustained." [6] RBC alleges that it acted in good faith on the basis of its understanding of Pennsylvania law and policy when it filed its application in September 1969, and stated that no fresh certification was required. In RBC's view, the Commission's acceptance of its application was proper; and, to dismiss its application at this juncture of the proceeding would, under the circumstances, be unfair. Respondent contends that the Pennsylvania PUC has varied in its practice of including references to frequencies in Commonwealth certificates, and that since 1968, Pennsylvania certificates have contained no references to frequencies. In support of this allegation, RBC, in a supplementary pleading, attaches copies of all 21 certificates issued by the Pennsylvania PUC to radio common carriers within the Commonwealth of Pennsylvania. RBC avers that in 1964, and early 1965, the PUC did not specify frequencies in its certificates of public convenience; however, on October 21, 1965, the PUC began designating the frequencies in its certificates.[7] According to RBC, this practice continued until March 11, 1968, when the Pennsylvania PUC began issuing certificates which specified only the area of service and omitted all reference to frequency. All certificates issued since that date are devoid of references to frequency, and, RBC point out, the Day-Nite certificate issued on September 29, 1969, does not contain a reference to frequency. Therefore, RBC reasons that the Commonwealth of Pennsylvania had abandoned the practice of specifying frequency when it filed its application on September 3, 1969, and that it was the policy of the Commonwealth to treat all certificates issued prior thereto as authorizing the rendition of service on any frequency provided the carrier limited itself to the area specified in the certificate. RBC further contends that "[a]s a matter of law * * * [its] application, when filed, was complete and acceptable for filing," and, therefore, that it became entitled to comparative consideration with Day-Nite's pending renewal application under the Ashbacker doctrine.[8] In this regard, respondent maintains that a party may not be disqualified and divested of Ashbacker rights without an opportunity to perfect its application where the disqualifying facts occur after the application has been properly accepted for filing, citing Radio Athens, Inc. (WATH) v. FCC, 130 U.S. App. D.C. 333, 401 F.2d 398, 13 RR 2d 2094 (1968). Finally, RBC contends that to allow it to remain a party to this proceeding can cause no prejudice to Day-Nite, since the basic qualifications issues pertaining to the Day-Nite application would nevertheless require resolution through the hearing process.

5. In reply, Day-Nite claims that Ashbacker rights cannot be conferred upon an applicant which has failed to meet fundamental, threshold jurisdictional requirements of the Commission. Moreover, appellant asserts, RBC's reliance upon the Radio Athens case is misplaced because the alleged defect in the instant application was not "novel," did not arise out of an ambiguity in the rules, and was not unknown prior to filing the application. In addition, appellant avers, no attempt was made to correct the defect, and the application was never "properly accepted" for filing because it was never tendered as substantially complete. In conclusion, Day-Nite expresses the belief that the public interest would not be served by the holding of a protracted comparative evidentiary hearing, since it would allegedly impose a greater financial burden on it and on the public.

6. Day-Nite's appeal will be denied. In the judgment of the Review Board, the Hearing Examiner did not abuse his discretion in refusing to dismiss RBC's application and his ruling will therefore be affirmed. In our opinion, Day-Nite has not set forth sufficient allegations of fact to warrant the "drastic" [9] sanction of dismissing RBC's application without any consideration whatever of the merits; however, appellant has raised a substantial question concerning RBC's threshold qualifications, and we will, therefore, on our own motion, add an appropriate issue inquiring into the matter. The instant case is, in our view, clearly distinguishable from the Canaveral and Two-Way Radio cases relied upon by appellant. See paragraph 3, supra. The most important distinction between those cases and this one is that the applicants in the cited cases were given an opportunity to rectify patent defects in their applications whereas it has not been established that RBC's application is patently defective. See Radio Athens, Inc. (WATH) v. FCC, supra. See also James River Broadcasting Corp. v. FCC, 130 U.S. App. D.C. 210, 399 F. 2d 581, 13 RR 2d 2088 (1968). More particularly, in the Canaveral case, the application was dismissed as fatally defective when filed because it lacked the requisite State certificate; the applicant never even applied to the State authorities for a Certificate of Public Convenience for the establishment of the service it sought from the Federal Communications Commission. In Two-Way Radio of Carolina, the applicant failed to obtain any form of proper State certification prior to the filing of its application, and was therefore dismissed as defective on its face. In fact, the applicant in that case applied for and was denied a State certificate. Based on RBC's understanding of State law, and the circumstances which existed at the time the application was filed, we cannot find that RBC acted unreasonably and in bad faith when it represented to the Commission in its application that no new certification was required. Under the circumstances, then, it would be inappropriate and unfair to dismiss RBC's application at this time. However, the scope of RBC's certification has brought RBC's threshold qualifications into question. As previously stated, however, we do not believe that, in the circumstances of this case, RBC's application should therefore be dismissed; rather the already designated hearing should be expanded to include an inquiry into RBC's Pennsylvania certificate.[10] Additionally, we will deny Day-Nite's alternative request that the hearing be continued pending resolution of the dispute at the local level. In our view, the Hearing Examiner did not abuse his authority to control the course of the hearing by ruling that the hearing go forward, and that the question of State authority be considered at a later stage of the hearing. The issue being added herein will give the Examiner the authority to make findings and conclusions regarding this dispute.

7. *Accordingly, it is ordered,* That the petition for leave to file supplement, filed September 18, 1970, by Radio Broadcasting Co., and the petition for leave to file supplement, filed September 29, 1970, by Day-Nite Radio Message Service Corp. are granted, and that the pleadings attached thereto are accepted; and

8. *It is further ordered,* That the appeal from adverse ruling by Hearing Examiner, filed June 29, 1970, by Day-Nite Radio Message Service Corp. is denied; and

9. *It is further ordered,* That the issues in this proceeding are enlarged to include the following: To determine whether Radio Broadcasting Co. has an appropriate authorization from the Commonwealth of Pennsylvania, as required by § 21.15(c)(4) of the Commission's rules, for the operation which it proposes herein on a VHF frequency, and, in light thereof, whether Radio Broadcasting Co. is qualified to apply for the frequency sought in this proceeding.

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Radio Broadcasting Co.

Adopted: January 7, 1971.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71–574 Filed 1–14–71;8:49 am]

[Docket No. 18369, etc.; FCC 71–17]

HOWARD L. BURRIS ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Howard L. Burris, Warren, Ohio, Requests: 1000 kc., 1 kw., DA–Day, Docket No. 18369, File No. BP–17574; Eugene J. Davis, doing business as Davis Enterprises, Parma, Ohio, Requests: 1000 kc., 250 w., DA–Day, Docket No. 19114, File No. BP–18611; North East Communications Corp., Parma, Ohio, Requests: 1000 kc., 500 w., DA–Day, Docket No. 19115, File No. BP–18612; for construction permits.

1. The Commission has before it for consideration (i) the above-captioned mutually exclusive applications; (ii) a petition by North East Communications to return the Davis application as unacceptable for filing; (iii) an opposition to the acceptance for filing of an amendment to the Davis application, also by North East; and (iv) a reply to the opposition to acceptance of the amendment by Davis. The Davis and North East proposals were filed in response to a public notice given pursuant to § 1.525(b)(2) of the rules after the original Parma applicant, Sundial Broadcasting Co., Inc., had withdrawn from the proceeding following a "drop-out" agreement with the surviving applicant, Howard L. Burris. Sundial Broadcasting Co., Inc., et al., 18 FCC 2d 86, recon. den., 19 FCC 2d 1038 (1969).

2. In its petition, North East contends that although the Davis application was timely tendered on August 7, 1969, several days prior to the published August 11 deadline, it was not substantially complete at that time and, as such, should

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[1] Related pleadings before the Board are: (a) Opposition to Day-Nite's appeal, filed July 10, 1970, by RBC; (b) supplement to appeal, filed Aug. 27, 1970, by Day-Nite; (c) opposition to supplement to appeal, filed Sept. 15, 1970, by RBC; (d) petition for leave to file supplement to "Opposition to Supplement to Appeal," and supplement to opposition to supplement to appeal, filed Sept. 18, 1970, by RBC; (e) reply, filed Sept. 22, 1970, by Day-Nite; (f) petition for leave to file supplement, filed Sept. 29, 1970, by Day-Nite; and (g) comments on supplement, filed Oct. 14, 1970, by RBC. The additional pleadings are timely and relevant to the matters in issue and will therefore be accepted and considered by the Board.

[2] This rule generally gives the Commission authority to return any application which is defective with respect to completeness of answers to questions, execution or other matters of a formal character, or if an application is not in accordance with the Commission's rules, regulations or other requirements unless it is accompanied by a request by the applicant for a waiver of, or exception to, such rule.

[3] Rule 21.15(c)(4) prescribes that, except where such information has already been filed with the Commission, any application should include, "where required by applicable local law, a certified copy of the franchise or other authorization issued by appropriate regulatory authorities." If no such local requirement exists, a statement to that effect should be included in the application.

[4] The Examiner ordered RBC to amend its application to conform it with the authorization encompassed in its Pennsylvania franchise. In response to the order, RBC filed a petition for leave to amend on July 9, 1970, which was granted, and the amendment accepted, by the Hearing Eaminer, by memorandum opinion and order, FCC 70M–1011, released July 22, 1970.

[5] In addition, the Examiner stated that "the equities of the situation presented, as well as the public interest, call for a broader interpretation [of § 21.15(c)(4)]" and, moreover, added that "there is reason to believe that the local authorities in Pennsylvania may eventually rule in [RBC's] favor." FCC 70–1077, supra, par. 3 n.1.

[6] The Common Carrier Bureau filed no pleadings in connection with Day-Nite's appeal; however, it is noted that the Bureau filed an opposition to Day-Nite's motion to dismiss, and took no position on the merits of Day-Nite's petition for reconsideration in its comments thereon.

[7] On this date, RBC received its certificate, which designated the particular UHF frequency to which it is currently licensed.

[8] Ashbacker Radio Corporation v. FCC, 326 U.S. 327 (1945).

[9] Radio Athens, Inc. (WATH) v. FCC, supra, 130 U.S. App. D.C. at 339, 401 F. 2d at 404, 13 RR 2d at 2101.

[10] Day-Nite notes in its supplementary pleading, filed on September 29, 1970, that the Pennsylvania PUC is currently conducting a rule-making proceeding to determine whether to delete all references to frequencies in RCC certificates. This provides an additional reason not to dismiss RBC's application at this time. Cf. Radio Athens, Inc. (WATH) v. FCC, supra.

[11] Board Members Nelson and Slone absent.

be returned as unacceptable for filing. In support of its contention, North East claims that the Davis proposal causes substantial daytime skywave interference to station WCFL, Chicago, Ill., prohibited overlap with station WTIG, Massillon, Ohio, and a protected application for a new station in Heath, Ohio. North East also alleges that the application contains a number of engineering defects relevant to Davis' proposed transmitter site.

3. Subsequent to the aforementioned North East petition, Davis tendered an engineering amendment in an effort to eliminate the deficiencies noted above. Much of Davis' difficulty was attributable to the defective M–3 exhibit filed in section V–A of the application. On that exhibit the various signal intensity contours were all depicted as circles despite the fact that the ground conductivity factor ranged from a low of two to a high of 15 mmhos/m. The amendment, among other things,[1] changed the proposed operation from nondirectional to directional and changed the transmitter site approximately 1½ miles. As a result, the interference problems noted above were eliminated.

4. North East opposes acceptance of the amendment asserting that its acceptance would render meaningless the publication requirements of § 1.525(b)(6) of the rules since it was tendered 5 weeks after the published August 11 deadline, and that the amendment totally altered the original engineering proposal as well as the original ascertainment of community needs and financial showings.

5. The Davis proposal, as amended, will be accepted for filing. Although the original proposal contained a number of engineering defects which rendered it unacceptable for filing under § 73.37 of the rules, that fact does not deprive the applicant in this instance of his right to a consolidated hearing so long as the proposal is amended so as to remove all prior impediments. In North American Broadcasting Co., Inc., 14 FCC 2d 617, 14 RR 2d 107 (1968), an applicant, after the "cut-off" date, redesigned his directional antenna system and reduced radiation so as to eliminate prohibited overlap after having been rejected as unacceptable for filing. In that case, we found that the rulings by the court of appeals in James River and Home Service[2] required the Commission to accept the application for filing nunc pro tunc the date of original tender. The basic engineering situation in North American, supra, is indistinguishable from the case at hand. Both failed, initially, to meet the acceptability criteria of § 73.37. Although in this instance, Davis also augmented the financial and programming portions of his application, the deficiencies he sought to correct, while relevant to his basic qualifications, have no bearing on the acceptability of his application so long as those portions of the application form were not left blank. Finally, since the ameliorative amendment was not of the type to require the assignment of a new file number under § 1.571(j)(1), Davis is entitled to consolidation under § 1.227(b)(1).[3]

6. Parma is located within the Cleveland, Ohio, urbanized area. Preliminary 1970 census figures place Cleveland's population at 738,931 and Parma's at 99,691. Since the proposed 5 mv/m contours of both North East and Davis penetrate the geographical limits of Cleveland, a presumption that those applicants are realistically proposing to serve the larger city is raised under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. North East Communications, however, has submitted considerable data in an effort to establish that Parma has its own distinct community needs and is autonomous from Cleveland. After examination of this data, together with material filed by Davis, the Commission finds that the policy statement presumption has been effectively rebutted and that for 307(b) purposes, each of the applications should be considered as proposing a local transmission for Parma. Set out below are some of the facts the Commission found persuasive:

The Community of Parma

In a referendum held in 1931, the residents of Parma voted against annexation by the city of Cleveland. As a result, Parma was then organized as a city governed by a mayor and city council with its own police, fire department, and school system. Thus, in every respect, it is politically independent of Cleveland. Parma's first surge in population occurred during the 1920's when the community, then an incorporated township, experienced a growth of from 2,000 to 14,000 persons. Likewise, rapid growth followed World War II and during the 1950's Parma was the fastest growing city in Ohio as its population rose 186 percent to 82,000 making it the State's ninth largest city. Preliminary 1970 census data places Parma's present population at approximately 100,000 persons. Parma's school district encompasses three senior and five junior high schools and 21 elementary schools with an enrollment of 25,000. In addition, Parma has 14 parochial schools with a total enrollment of 13,000 students. A community college with a student body of 4,000 is located in Parma and approximately 11,000 persons are engaged in adult education programs. In 1968, total public school expenditures amounted to $15 million. In addition to numerous retail businesses, a number of industrial concerns have plants located in Parma, the largest of which is the General Motors plant employing a work force of 8,000. Other large employers include Union Carbide and the National Aeronautics and Space Administration.

Communications in Parma

Parma is certainly one of the largest cities in the United States without a licensed broadcast facility. The only local medium of mass communications is described by the applicants as a small weekly newspaper. In ascertaining commodity needs, North East Communications found that less than 1 percent of the people interviewed believed that the community needs of Parma were given adequate coverage by existing media. Thirty-seven percent affirmatively stated that coverage was inadequate or nonexistent. Over 150 persons interviewed by both applicants expressed this concern. Some of them even went so far as to accuse Cleveland media of helping to create an unfavorable image of Parma by being overly concerned with sensationalism and adverse publicity. The mayor of Parma listed a number of specific instances in which the absence of a Parma-oriented broadcast facility resulted in a communications breakdown in a vital area of concern. Among those instances was the matter of the school bond issue which was defeated on three successive occasions before being passed by the electorate. The only major coverage of this problem, according to the mayor, was a half-hour taped panel program shown by a Cleveland station at 1 o'clock in the morning. Another example concerned the opening of a new park. After the recreational facility was opened it was necessary for city employees to go from door to door and inform citizens not living in the immediate vicinity of the park that it was open and available. Also listed by a number of persons was the need for improved communication between citizens and police.

Engineering Factors

In denying a petition for reconsideration of our 307(b) Policy Statement, 2 FCC 2d 866, 6 RR 2d 1908, we noted that the type of showing required to rebut the presumption would differ "depending upon, among other variable factors, the applicant's proposed power, antenna directionalization and coverage." Accordingly, in determining whether the presumption has been rebutted, we would consider whether the applicant's coverage "is extended by factors beyond his control (e.g., soil conductivity, the need to protect existing stations, etc.) * * *". Indeed, engineering factors have been afforded decisional significance in the majority of those cases where we found, prior to hearing, that the presumption had been effectively rebutted, e.g., Clay Broadcasters, Inc., 4 FCC 2d 932, 8 RR 2d 687; Du Page County Broadcasting, Inc., 5 FCC 2d 557, 8 RR 2d 930; Donnelly C. Reeves, 6 FCC 2d 531, 9 RR 2d 448; Major Market Stations, Inc. (KREL), 8 FCC 2d 13, 9 RR 2d 1368; WTOW, Inc. (WTOW), 11 FCC 2d 277, 11 RR 2d 1211; Woods and Watkins, FCC 68–56, released January 23, 1968, 12 RR 2d 97; KACY, Inc. (KACY), 15 FCC 2d 33, 14 RR 2d 618; David Ortiz Radio Corp., 16 FCC 2d 798, 15 RR 2d 895. Parma and the geographic limits of Cleveland are contiguous, with the latter city lying to the north and east of the former. Both of the proposed transmitter sites are located southwest of Parma, with North East Communications' being approximately 1 mile further from Cleveland than the Davis site. Both directional antenna patterns are similarly shaped and oriented. Both proposals are required to restrict radiation to the west to protect station WCFL, Chicago, Ill., to the north to avoid station CFRB, Toronto, Ontario, Canada, and to the south and southeast to protect stations WTIG, Massillon, Ohio, KDKA, Pittsburgh, Pa., and a protected application, File No. BP–17563, for a new station in Heath, Ohio. As a result, the maximum degree of radiation must be directed generally in a northeasterly direction. Consequently, in order to meet these stringent protection requirements while at the same time providing city grade coverage[4] to Parma, both proposals place a 5 mv/m signal over a substantial portion of Cleveland. Having examined the engineering data, we find that the protection and coverage requirements make 5 mv/m penetration of Cleveland unavoidable and a direct result of factors beyond the control of the applicants. Furthermore, the Commission finds the low power aspects of the proposals consistent with the applicants' expressed intent to provide Parma with its first local transmission service. Jupiter Associates, Inc., 12 FCC 2d 217, 12 RR 2d 889.

7. Since the Parma applicants have not obtained FAA approval for their proposed antenna towers, an appropriate issue has been included and the FAA named a party to the proceeding.

8. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), in City of Camden (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969), and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 34 F.R. 20282, 20 FCC 2d 880, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Since, among other things, Davis has failed to adequately describe the programs proposed to meet community problems, we are unable to determine whether the programs are designed to meet community needs. Accordingly, a Suburban issue will be included.

9. Examination of the financial portion of North East's application indicates that $151,570 will be needed to construct and operate the proposed station for 1 year without revenues. This total consists of: Down payment on equipment, $20,970; first-year payments on equipment, $24,000; land and building, $14,500; miscellaneous expense, $32,000; first-year working capital, $60,000. To meet this requirement, the application shows cash on hand or in banks of $26,000 and new capital of $189,000. Since the balance sheet is now over a year old, however, it will be necessary for the applicant to supply more current data and thus a financial issue has been included.

10. The Davis application indicates that $87,385 will be needed to construct and operate the proposal for 1 year without revenues. This total consists of: first-year payments on leased equipment, $23,325; land and building, $18,000; miscellaneous expense, $3,500; loan repayment including interest, $2,560; first-year working capital, $40,000. To meet this requirement, Davis has available $40,000 cash on deposit, and a bank loan of $20,000. Thus, an additional $27,385 will be needed. In addition, we also note that there appears to be a discrepancy between the cost of equipment shown on page 1 of section III of the application form ($33,572) and the equipment lease letter attached thereto which shows a total amount of $72,481. Accordingly, a financial issue will be specified.

11. *Accordingly, it is ordered*, That, the applications of North East Communications Corp. and Davis Enterprises are accepted for filing and that pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are consolidated for hearing in the proceeding in Docket 18369, at a time and place to be specified in a subsequent Order upon the following issues:[5]

(1) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of the applicants and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine whether Howard L. Burris has accurately determined the extent of the WCFL normally protected 0.1 mv/m contour.

(3) To determine whether Howard L. Burris would, in the event of a grant of his application, be able to adjust and maintain the proposed directional antenna system within the maximum expected operating values of radiation, as proposed.

(4) To determine, in the light of evidence adduced pursuant to Issues Nos. 2 and 3, above, whether the proposed operation of Howard L. Burris would adequately protect Station WCFL.

(5) To determine whether the proposed directional antenna parameters accurately depict the proposed radiation pattern of Howard L. Burris.

(6) To determine, with respect to the application of Howard L. Burris,

(a) How much, if any, of the $80,000 listed by the applicant as available in cash and liquid assets is, in fact, available.

(b) The sources of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year.

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified.

(7) To determine the efforts made by Howard L. Burris and Davis Enterprises to ascertain the community needs and interests of the areas to be served and the means by which the applicants propose to meet those needs and interests.

(8) To determine with respect to the application of Davis Enterprises:

(a) The sources of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year of operation.

(b) In light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified.

(9) To determine if the financial statements filed by North East Communications reflect the applicant's current financial condition and in light thereof whether North East is financially qualified.

(10) To determine whether there is a reasonable possibility that the tower heights and locations proposed by North East Communications and Davis Enterprises would constitute a menace to air navigation.

(11) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

(12) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, best serve the public interest.

(13) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

12. *It is further ordered*, That, the aforementioned petitions by North East Communications Corp. are denied.

13. *It is further ordered*, That, the Federal Aviation Administraton is made a party to the proceeding.

14. *It is further ordered*, That, in the event of a grant of the application of North East Communications Corp., the construction permit shall contain the following conditions:

Upon the completion of the proof of performance measurements, the permittee shall, without making any adjustment of the operating parameters, observe the daily variations occurring in the phases and currents of the individual towers as well as the nondirectional and directional fields at the monitoring points, over a period of at least 30 days. The data shall be recorded and plotted in a manner that will permit a determination of the permissible limits of parameter variations for incorporation in the station license. This information shall be submitted 45 days after commencement of authorized program test operation.

In order to insure maintenance of the radiated fields within the required tolerance, a properly designed phase monitor shall be installed in the transmitter room, and shall be continuously available as a means of correctly indicating the relative phase and magnitude of the currents in the several

[1] The financial and programing portions of the application were also supplemented.

[2] James River Broadcasting Corp. v. F.C.C., 130 U.S. App. D.C. 210, 13 RR 2d 2088 (1968), Home Service Broadcasting Corp. v. F.C.C., 128 U.S. App. D.C., 203, 11 RR 2d 2065 (1967).

[3] James River, supra, at 213.

[4] See § 73.182.

[5] The issues involving Howard L. Burris are renumbered and included for the reasons stated in the original designation order, Sundial Broadcasting Co., Inc., 15 FCC 2d 58. In this respect only the specification of issues herein supersedes the issues included in that order.

elements of the directional antenna system. The accuracy, resolution and repeatability of the monitor shall be adequate to demonstrate that the array is maintained during day-to-day operation within the maximum expected operating values of radiation.

15. *It is further ordered*, That, in the event of a grant of the application of Davis Enterprises, the construction permit shall contain the following conditions:

Upon completion of the proof of performance measurements, the permittee shall, without making any adjustment of the operating parameters, observe the daily variations occurring in the phases and currents of the individual towers as well as the nondirectional and directional fields at the monitoring points, over a period of at least 30 days. The data shall be recorded and plotted in a manner that will permit a determination of the permissible limits of parameter variations for incorporation in the station license. This information shall be submitted 45 days after commencement of authorized program test operation.

In order to insure maintenance of the radiated fields within the required tolerance, a properly designed phase monitor shall be installed in the transmitter room, and shall be continuously available as a means of correctly indicating the relative phase and magnitude of the currents in the several elements of the directional antenna system. The accuracy, resolution and repeatability of the monitor shall be adequate to demonstrate that the array is maintained during day-to-day operation within the maximum expected operating values of radiation.

16. *It is further ordered*, That, North East Comunications Corp. and Davis Enterprises shall publish local notice of the filing of their applications as required by section 311(a)(1) of the Act.

17. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the Parma applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

18. *It is further ordered*, That the Parma applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 6, 1971.

Released: January 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-575 Filed 1-14-71;8:49 am]

* Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

[Docket Nos. 18845-18849]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues; Correction

In regard applications of Lamar Life Broadcasting Co., Jackson, Miss., Docket No. 18845, Files Nos. BPCT-4320, BRCT-326; Civic Communications Corp., Jackson, Miss., Docket No. 18846, File No. BPCT-4305; Dixie National Broadcasting Corp., Jackson, Miss., Docket No. 18847, File No. BPCT-4317; Jackson Television, Inc., Jackson, Miss., Docket No. 18848, File No. BPCT-4318; Channel 3, Inc., Jackson, Miss., Docket No. 18849, File No. BPCT-4319; for a construction permit.

The first sentence in paragraph 18 of the Review Board's memorandum opinion and order in this proceeding, FCC 70R-456, released December 31, 1970, is hereby corrected by changing the first reference to "Dixie" to "Civic" so as to read as follows:

"• • • upon the facts here alleged," Civic has used • • •"

The next-to-the-last sentence in paragraph 18 of the memorandum opinion and order is corrected to read as follows:

An issue will therefore be added to permit inquiry into Dixie's apparent failure to provide information required by Table II of Section II of FCC Form 301 and the effect of such nondisclosure on the applicant's qualifications to be a licensee.

Released: January 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-576 Filed 1-14-71;8:49 am]

FEDERAL MARITIME COMMISSION

ATLANTIC & GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Chairman, Atlantic & Gulf/West Coast of South America Conference, 11 Broadway, New York, NY 10004.

Agreement No. 2744-32, among the members of the Atlantic & Gulf/West Coast of South America Conference, will modify the "Self-Policing" Rules pursuant to General Order No. 7 (Revised) by cancelling the existing articles 16 through 20 and substituting therefore new articles 16 through 19.

Dated: January 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-590 Filed 1-14-71;8:51 am]

GULF CONTAINER LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. J. Smith, Executive Vice President, Furness, Withy & Co., Ltd., Sanlin Building, 442 Canal Street, New Orleans, La. 70130.

Agreement No. 9867-1 amends the basic agreement to provide that the joint service will serve the entire United Kingdom, Scandinavian and Baltic Sea trades to the exclusion of the independent services of the member lines. The basic agreement currently excludes service to West Coast United Kingdom ports, except Greenock, and permits Furness, Withy & Company, Ltd., to serve them independently.

Dated: January 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-591 Filed 1-14-71;8:51 am]

INACTIVE TARIFFS

Notice of Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain several tariffs which have for a period of time been classified as inactive because the Commission's staff has been unable to correspond with the tariff filers. The following carriers, including their last known addresses, fall into the "inactive tariff" category.

Astron Forwarding Co., Post Office Box 156, San Rafael, CA 90733.
Cargo-In Containers, Inc., 4923 South Cicero, Chicago, IL 60632.
Door to Door International, Inc., 5150 Lawrence Place, Hyattsville, MD 20781.
Embassy Forwarding, Inc., 5150 Lawrence Place, Hyattsville, MD 20781.
Routed Thru-Pac, Inc., 350 Broadway, New York, NY 10013.
Sunpak Movers, Inc., Seven Virginia Street, Seattle, WA 98101.
United Freightways Corp., G.P.O. Box 4572, San Juan, PR 00936.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. Further, Rule 18(g) of Tariff Circular No. 3, as amended (46 CFR 531.18(g)), requires the cancellation of inactive tariffs; and, accordingly, the Commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Compliance at 1405 I Street NW., Washington, DC 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not cancel inactive tariffs.

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this order be, and they are in such event hereby canceled;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with any tariff canceled pursuant to this notice.

By the Commission pursuant to authority delegated by § 7.15 of Commission Order No. 1 (Revised) dated September 29, 1970.

Dated: January 12, 1971.

AARON W. REESE,
Managing Director.

[FR Doc.71-592 Filed 1-14-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-561]

CALIFORNIA CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 7, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-561..	The California Co., a division of Chevron Oil Co.	36	7	Natural Gas Pipeline Co. of America (West Cameron Blocks 17-49 Field Area) (Cameron Parish) (Offshore Louisiana).	$361,600 204,400	12-8-70	1-25-71	1-26-71	[2] 20.625 [3] 19.0	21.625 [3] 20.0	

* The pressure base is 15.025 p.s.i.a.
[1] Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.
[2] Offshore gas well gas.
[3] Onshore gas well gas.

The California Co. requests an effective date of January 25, 1971, the contractually due date, for its proposed increase. Good cause has not been shown for granting this request and it is denied. The increase of California Co. is suspended for 1 day from the proposed effective date. Thereafter, the proposed rate may be placed in effect subject to refund pending the outcome of Docket No. AR69-1.

[FR Doc.71-457 Filed 1-14-71;8:45 am]

[Docket Nos. G–13324, etc.]

MOBIL OIL CORP. ET AL.

Findings and Order After Statutory Hearing

JANUARY 8, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, dismissing application, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, requiring filing of surety bond, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's Statement of General Policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Jack M. Allen, applicant in Dockets Nos. CI62–388, CI62–390, CI63–224, CI63–1540, and CI65–954, proposes to continue as certificate holder in lieu of William H. Allen, deceased, the sales of natural gas heretofore authorized in said dockets to be made pursuant to William H. Allen et al., FPC Gas Rate Schedules Nos. 1 through 5, respectively. Said rate schedules will be redesignated as those of Jack M. Allen et al. The present rates under William H. Allen et al., FPC Gas Rate Schedules Nos. 1, 2, and 5 are in effect subject to refund in Dockets Nos. RI70–1109, RI70–576, and RI70–577, respectively. A prior increased rate was collected under William H. Allen et al., FPC Gas Rate Schedule No. 1 for a locked-in period subject to refund in Docket No. RI63–62. Increased rates under William H. Allen et al., FPC Gas Rate Schedules Nos. 2, 3, and 4 are suspended in Docket No. RI70–14. Therefore, Jack M. Allen et al. will be substituted in lieu of William H. Allen et al., as respondents in all of the aforementioned rate proceedings and said proceedings will be redesignated accordingly. Jack M. Alen et al. will be required to file agreements and undertakings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in Dockets Nos. RI63–62, RI70–576, RI70–577, and RI70–1109.

Terra Resources, Inc., applicant in Docket No. CI63–1458, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to CRA, Inc., FPC Gas Rate Schedule No. 31. Said rate schedule will be redesignated as that of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI69–72. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Pan American Petroleum Corp. (Operator) et al., applicant in Docket No. CI64–377, proposes to continue in part pursuant to its FPC Gas Rate Schedule No. 391 the sale of natural gas heretofore authorized in Docket No. CI64–470 to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 164. The present rate under Sun's rate schedule is in effect subject to refund in Docket No. RI70–441. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

John H. Hill (Operator) et al., applicant in Docket No. CI71–188, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–10202 to be made pursuant to Texaco, Inc. FPC Gas Rate Schedule No. 148. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI67–44. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file a surety bond to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

A. W. Moursund, applicant in Docket No. CI71–189, proposes to continue the sale of natural gas from his own interest heretofore authorized in Docket No. CI69–1000 to be made pursuant to John H. Hill (Operator) et al., FPC Gas Rate Schedule No. 10. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI67–402. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on December 30, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dockets Nos. CI71–75, CI71–76, CI71–78, and CI71–401 should be canceled and that the applications filed therein should be treated as petitions to amend the certificates heretofore issued in Dockets Nos. CI60–124, G–19019, CI64–470, and CI71–59, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonment of service should be permitted and approved in Docket No. CI64–702; that the temporary certificate heretofore issued in said docket should be terminated; and that the certificate application filed in Docket No. CI64–702 should be dismissed.

(9) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jack M. Allen et al., should be substituted in lieu of William H. Allen et al., as respondents in the proceedings pending in Dockets Nos. RI63–62, RI70–14, RI70–576, RI70–577, and RI70–1109; that said proceedings should be redesignated accordingly; and that they should be required to file agreements and undertakings in Dockets Nos. RI63–62, RI70–576, RI70–577, and RI70–1109.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Terra Resources, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI69–72; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Terra Resources, Inc., should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pan American Petroleum Corp. (operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI70–441 and that said proceeding should be redesignated accordingly.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John H. Hill (operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI67–44; that said proceeding should be redesignated accordingly; and that he should be required to file a surety bond.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that A. W. Moursund should be made a co-respondent in the proceeding pending in Docket No. RI67–402, that said proceeding should be redesignated accordingly, and that he should be required to file an agreement and undertaking.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI71–46 and CI71–394 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. Within 45-days from the date of this order applicant in Docket No. CI71–394 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(b) The initial rates for sales authorized in Dockets Nos. CI71–375 and CI71–406 shall be the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 468–A, and adjusted for quality of gas, or the contract rates, whichever are lower. Within 90 days from the date of this order applicant in Docket No. CI71–406 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 546.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI71–46, CI71–375, CI71–394, and CI71–406 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, and Opinion No. 546, as modified by Opinion No. 546–A, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) The certificates issued in Dockets Nos. CI71–188, CI71–189, and CI71–309 are subject to Opinion No. 586. Within 90 days from the date of this order applicants shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(e) The authorizations granted in Dockets Nos. CI62–388, CI62–390, CI63–224, CI63–1458, CI63–1540, and CI65–954 are subject to Opinion No. 586.

(f) Issuance of the certificate in Docket No. CI71–46 shall not be construed as constituting approval of the advance payment provisions of the contract and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(g) In the event that applicant in Docket No. CI71–46 exercises its options to process the gas, applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the terms and conditions of the contemplated actions.

(h) The certificate issued in Docket No. CI71–46 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(i) The upward B.t.u. price adjustment in Docket No. CI71–393 shall not exceed 2.2 cents per Mcf, measured on a saturated basis.

(j) The acceptance for filing of the rate schedules for the sales authorized in Dockets Nos. CI71–46 and CI71–393 are subject to any determination which may be made in the proceeding pending in Docket No. R–400 with regard to provisions in rate schedules relating to minimum take provisions.

(k) The initial rate for the sale authorized in Docket No. CI71–248 shall be 17 cents per Mcf at 14.65 p.s.i.a.

(l) The initial rate for the sale authorized in Docket No. CI71–357 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(E) Applicant in Docket No. CI71–309 shall file three copies of a billing statement reflecting the rate of 16.0 cents per Mcf at 14.65 p.s.i.a. as required by the Regulations under the Natural Gas Act.

(F) A certificate is issued in Docket No. CI71–189 authorizing A. W. Moursund to continue the sales of natural gas previously covered by the certificate issued to John H. Hill (operator) et al., in Docket No. CI69–1000.

(G) The order issuing a certificate in Docket No. CI69–1000 is amended by deleting therefrom the interest of A. W. Moursund.

(H) Dockets Nos. CI71–75, CI71–76, CI71–78, and CI71–401 are canceled.

(I) The orders issuing certificates in Dockets Nos. G–13324, G–14210, G–17401, CI64–377, CI64–470, CI65–21, CI67–1623, CI71–59, and CI71–120 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) The authorization granted in Docket No. G–13324 in paragraph (I) above shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Dockets Nos. RI69–498 and RI70–464.

(K) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–5362	CI71–342
G–7160	CI71–394
G–10202	CI71–188
G–11226	CI71–342
G–13416	CI71–309
G–13633	CI71–381
CI64–470	CI64–377
CI65–1256	CI71–406

(L) The orders issuing certificates in Dockets Nos. G–19019, CI60–124, CI62–388, CI62–390, CI63–224, CI63–1458, CI63–1540, and CI65–954 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(M) The order issuing a certificate in Docket No. CI69–463 is amended to reflect deletion of Tarpon Management Co. as agent as described in the tabulation herein.

(N) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(O) Permission for and approval of the abandonment in Docket No. CI71–352 shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Dockets Nos. RI63–379 and RI68–337.

(P) Permission for and approval of the abandonments in Dockets Nos. CI71–353, CI71–363, and CI71–367 shall not be construed to relieve applicants of any refund obligations in the rate proceedings pending in Dockets Nos. RI61–279, G–20063, and RI67–452, respectively.

(Q) Permission for and approval of the abandonment in Docket No. CI71–382 shall not be construed to relieve applicant of any refunds that have been ordered in the proceeding in Docket No. CI60–434.

(R) Permission for and approval of the abandonment are granted in Docket No. CI64–702; the temporary certificate heretofore issued in said docket is terminated; and the certificate application filed in Docket No. CI64–702 is dismissed. Applicant is not relieved of any refund obligations that may be ordered in the proceeding in Docket No. CI64–702.

(S) The certificate heretofore issued in Docket No. G–4820 is terminated only with respect to sales made pursuant to Texaco, Inc., FPC Gas Rate Schedule No. 96.

(T) The certificates heretofore issued in Dockets Nos. G–3890, G–4563, G–10662, CI60–256, CI60–434, CI62–563, CI63–1560, and CI71–107 are terminated.

(U) Jack M. Allen et al., are substituted in lieu of William H. Allen et al., as respondents in the proceedings pending in Dockets Nos. RI63–62, RI70–14, RI70–576, RI70–577, and RI70–1109 and said proceedings are redesignated accordingly. Jack M. Allen et al., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(V) Within 30 days from the date of this order, Jack M. Allen et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI63–62, RI70–576, RI70–577, and RI70–1109 to assure the refunds of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(W) Terra Resources, Inc., is made a co-respondent in the proceeding pending in Docket No. RI69–72; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by Terra Resources, Inc., in said proceeding is accepted for filing. Terra Resources, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharge by the Commission.

(X) Pan American Petroleum Corp. (operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI70–441 and said proceeding is redesignated accordingly. Pan American shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Y) John H. Hill (operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI67–44 and said proceeding is redesignated accordingly. He shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Z) Within 30 days from the date of this order, John H. Hill (operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI67–44 for $7,200 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The surety bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing. The surety bond shall remain in full force and effect until discharged by the Commission.

(AA) A. W. Moursund is made a co-respondent in the proceeding pending in Docket No. RI67–402 and said proceeding is redesignated accordingly. He shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(BB) Within 30 days from the date of this order, A. W. Moursund shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67–402 to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(CC) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–21 ..... D 9–8–70	Texaco, Inc.	Northern Natural Gas Co., Ozona (Canyon Reef), Crockett County, Tex.	Supplemental agreement 2–2–70,[11]	835	5
CI65–954 ..... E 8–24–70	Jack M. Allen et al. (successor to William H. Allen).	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	William H. Allen FPC GRS No. 5.	5	1
			Supplement No. 1	5	1
			Notice of succession 8–18–70		
CI67–1623 ..... C 10–14–70	Continental Oil Co. (Operator) et al.	Cascade Natural Gas Corp., Dragon Trail Area, Rio Blanco County, Colo.	Supplemental agreement 8–25–70,[11]	823	2
CI69–463 ..... 1–21–70[14]	Mary Agnes Porter Shay.	United Gas Pipe Line Co., Circle A Field, Goliad County, Tex.	Tarpon Management Co., Agent for Mary Agnes Porter Shay, FPC GRS No. 4,[15]	1	
CI71–45 ..... A 7–20–70	King Resources Co.[13]	Northern Natural Gas Co., Camrick (Morrow) Field, Pecos County, Tex.	Contract 6–22–70	83	
CI71–59 ..... (CI66–65) C 11–6–70[12]	Clinton Oil Co.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Assignment 7–22–70[12]	41	4
			Effective date: 9–1–70		
CI71–120 ..... C 10–1–70	Commonwealth Gas Corp.	United Fuel Gas Co., acreage in Jackson County, W. Va.	Agreement 8–31–70	10	1
CI71–188 ..... (G–10202) F 8–21–70	John H. Hill (Operator) et al. (successor to Texaco, Inc.)	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 3–16–56[12]	14	1
			Amended 12–4–63	14	2
			Supplement 8–3–67	14	3
			Assignment 7–9–70[12]	14	4
			Assignment 8–1–70[12]	14	5
			Effective date: 8–1–70		
CI71–189 ..... A 8–26–70 (CI69–1000)[17]	A. W. Moursund	do	Contract 1–1–56	1	1
			Amended 9–10–56	1	2
			Agreement 3–14–58	1	3
			Agreement 10–20–58	1	4
			Amended 2–2–59	1	5
			Amended 2–4–60	1	6
			Amended 7–31–63	1	7
			Amended 10–11–66	1	8
			Assignment 3–3–66	1	9
CI71–248 ..... A 9–14–70	Gulf Minerals, Inc.[13]	Transcontinental Gas Pipe Line Corp., Metzke Field Area, Wharton County, Tex.	Assignment 12–24–68[1]	3	9
			Contract 8–27–70[12]	3	
CI71–295 ..... A 10–5–70	Cities Service Oil Co.	United Fuel Gas Co., Ripley District, Jackson County, W. Va.	Contract 9–1–70	333	
CI71–309 ..... (G–13416) F 10–14–70	S & G Oil Co., Inc. (successor to Skelly Oil Co.).	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	Contract 8–28–57[12]	2	1
			Contract 7–15–67	2	2
			Assignment 8–14–70[12]	2	
			Effective date: 9–1–70		
CI71–342 ..... (G–5362) (G–11226) F 10–14–70	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Bucks County, Colo.	Contract 6–3–54[12]	3	1
			Supplemental agreement 3–27–56	3	2
			Supplemental agreement 1–24–58	3	2
			Amendment 11–5–63	3	3
			Assignment 9–8–70[12]	3	4
			Assignment 9–9–70[12]	3	5
			Effective date: 9–1–70		
CI71–343 ..... A 10–19–70	Appalachian Exploration & Development, Inc.	Pennzoil United, Inc., acreage in Boone County, W. Va.	Supplemental agreement 3–18–70,[14]	221	4
CI71–345 ..... (G–5565) F 10–19–70	Pan American Petroleum Corp.	Northern Natural Gas Co., Hugoton Field, Iron County, Tex.	Supplemental agreement 3–18–70,[14]	5	
CI71–351 ..... (G–4563) B 10–20–70	Texneco Oil Co.	United Gas Pipe Line Co., Lafourche Crossing Field, Lafourche Parish, La.	Notice of cancellation (Undated),[11]	13	11

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–13324 ..... D 10–22–70	Mobil Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Notice of partial cancellation 10–20–70,[11]	170	15
G–14210 ..... D 11–4–70	Texaco, Inc.	West Texas Gathering Co., South Kermit Field, Winkler County, Tex.	Supplemental agreement 10–9–70,[14]	179	6
G–17401 ..... D 9–16–70	Mobil Oil Corp.	Texas Gas Transmission Corp., acreage in East Cameron Block 4, South Louisiana.	Notice of partial cancellation 9–14–70,[14]	268	8
G–19019 ..... (CI71–76) E 7–27–70[14]	Ompco Oil Corp., a Texas corporation (successor to Seas Oil Corp. (Operator) et al.).	South Texas Natural Gas Gathering Co., Hermleigh Field, Scurry County, Tex.	Seas Oil Corp. (Operator) et al., FPC GRS No. 1.	2	1
			Supplemental No. 1	2	1
			Notice of succession 7–23–70		
			Assignment 8–10–67[1]	2	2
			Assignment 8–25–67[1]	2	3
			Assignment 4–5–68[1]	2	4
			Assignment 12–31–68[1]	2	5
			Assignment 1–15–70[1]	2	6
			Effective date: 1–1–70		
CI60–124 ..... (CI71–75) E 7–27–70[14]	Ompco Oil Corp., a Texas corporation (successor to W. W. Carter et al., d.b.a. Carter & Carter).	South Texas Natural Gas Gathering Co., Carolina-Tex Field, Webb County, Tex.	W. W. Carter et al., FPC GRS No. 2.	1	
			Notice of succession 7–23–70		
			Assignment 2–6–68[1]	1	1
			Assignment 2–26–68[1]	1	2
			Assignment 1–15–70[1]	1	3
			Effective date: 1–1–70		
CI62–388 ..... E 8–24–70	Jack M. Allen et al. (successor to William H. Allen et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	William H. Allen et al., FPC GRS No. 1.	1	1
			Supplements Nos. 1–2	1	1–2
			Notice of succession 8–18–70		
			Effective date: 12–5–69		
CI62–390 ..... E 8–24–70	do	Northern Natural Gas Co., Ft. Elliott-Morrow Field, Ochiltree County, Tex.	William H. Allen et al., FPC GRS No. 3.	2	1–2
			Supplements Nos. 1–2	2	1–2
			Notice of succession 8–18–70		
			Effective date: 12–5–69		
CI63–224 ..... E 8–24–70	do	Northern Natural Gas Co., Ella Hutsell Cleveland Field, Ochiltree County, Tex.	William H. Allen et al., FPC GRS No. 3.	3	1–2
			Supplements Nos. 1–2	3	1–2
			Notice of succession 8–18–70		
			Effective date: 12–5–69		
CI63–1458 ..... E 8–20–70	Terra Resources, Inc. (Successor to CRA, Inc.).	Panhandle Eastern Pipe Line Co., Forgan Field, Beaver County, Okla.	CRA, Inc., FPC GRS No. 31.	3	1
			Supplements Nos. 1–3	31	1–3
			Notice of succession 8–18–70		
			Assignment 3–20–70	31	4
CI63–1540 ..... E 8–24–70	Jack M. Allen et al. (successor to William H. Allen et al.).	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	Effective date: 3–1–70		
			William H. Allen et al., FPC GRS No. 4.	4	1
			Supplements Nos. 1–2	4	1–2
			Effective date: 12–5–69		
CI64–377 ..... (CI64–1470) C 8–19–70	Pan American Petroleum Corp. et al. (Operator)	Natural Gas Pipeline Co. Field, Willacy County, Tex.	Conveyance 1–27–70[12]	391	3
			Letter agreement 4–14–70[12]	391	4
			Effective date: 1–1–70		
CI64–470 ..... (CI71–59) D 11–6–70[14]	Sun Oil Co.	do	Notice of partial cancellation 7–31–70[14]	164	2
			Effective date: 1–1–70		
CI64–702 ..... B 9–24–70[14]	American Natural Gas Production Co.	Consolidated Gas Supply Corp., Perry Field, Vermilion Parish, La.	Notice of cancellation 9–22–70[14]	3	3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No.	Supp.
C171-352 (G-4630) [16] B 10-20-70	Texaco, Inc.	Texas Eastern Transmission Corp., Hastings Field, Brazoria County, Tex.	Notice of cancellation 10-16-70 [18]	96	21
C171-353 (G-10662) B 10-21-70	Midhurst Oil Corp.	United Gas Pipe Line Co., Maxie-Flatt Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Notice of cancellation 10-19-70 [18]	13	6
C171-357 A 10-21-70	Tenneco Oil Co.[25]	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	Contract 10-5-70 [18]	264	
C171-363 (C160-256) B 10-22-70	Ray Barth	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Mary Field, Jim Wells County, Tex.	Notice of cancellation 10-21-70 [18]	1	9
C171-367 (C168-1560) B 10-20-70	Duquesne Natural Gas Co.	Valley Gas Transmission, Inc., San Diego-Koopman Field, Duval and Jim Wells Counties, Tex.	Notice of cancellation 10-21-70 [18]	9	4
C171-375 A 10-28-70	Pan American Petroleum Corp (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Welsh Field, Jefferson Davis Parish, La.	Contract 10-5-70 (Casinghead Gas)	550	
C171-381 (G-19033) F 11-2-70	Par Oil Corp. (successor to Pennzoil Producing Co.).	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	Contract 9-1-70 [24] (Gas Well Gas).	1	
C171-382 (G-7434) B 11-2-70	North Central Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Hilltop Gathering Field, Matagorda County, Tex.	Notice of cancellation 10-28-70, [18]	3	1
C171-393 A 11-6-70	Diamond Shamrock [26] Corp. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Shoshoni Unit, Fremont County, Wyo.	Contract 7-10-70 [24]	59	
C171-394 (G-7160) F 11-5-70	Pan American Petroleum Corp. (successor to Gulf Oil Corp.).	Northern Natural Gas Co., Blinebry Field, Lea County, N. Mex.	Contract 2-18-52 [24]. Letter agreement 9-30-52. Supplemental agreement 12-3-52. Supplemental agreement 4-23-68. Assignment 12-10-62 [18] [24]. Notice of cancellation (Undated). [18]	557 557 557 557 557 6	1 2 3 4 2
C171-397 (C171-107) B 11-9-70	Monterey Pipeline Co.	Florida Gas Transmission Co., Terrebonne Field, St. Landry Parish, La.	Notice of cancellation 10-30-70 [18]	6	9
C171-402 (G-3890) B 11-12-70	Dan Russak	United Gas Pipe Line Co., Willaman Field, San Patricio County, Tex.	Notice of cancellation 11-5-70 [18]	1	9
C171-404 A 11-12-70	Ashland Oil, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Contract 11-20-70 (No. 7488). [18]	202	
C171-406 (C166-1256) F 11-12-70	Clark Oil Producing Co. (successor to Duquesne Natural Gas Co.).	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	Contract 5-17-65 [18]. Amended 10-17-66. Letter agreement 9-22-69. Assignment 1-1-70 [24]. Letter agreement 4-23-70. Assignment 7-23-70 [18] [24].	3 3 3 3 3	1 2 3 4 5

[1] Unable to deliver gas production from the A. F. Jackson No. 1-36 Well.
[2] Effective date: Date of this order.
[3] Includes amendment to basic contract.
[4] Contains assignment dated Oct. 19, 1966, whereby Mobil assigned acreage to Natural Gas and Oil Corp. (now River Corp.), Consolidated Gas Supply Corp. and Ocean Drilling & Exploration Co.
[5] Application erroneously assigned Docket No. C171-76 being treated as a petition to amend the certificate in Docket No. G-19019 and Docket No. C171-76 will be canceled.
[6] Includes acreage from Texas Gulf Corp. and Hutchison Corp. to Traders Oil & Royalty.
[7] Assigns acreage from W. W. Carter et al., through Main Bank and Trust to Traders Oil & Royalty.
[8] Assigns acreage from Petroleum Capital Co., Inc., to Traders Oil & Royalty.
[9] Assigns acreage from Traders Oil & Royalty to Chiesa Oil Corp.
[10] Application erroneously assigned Docket No. C171-75 being treated as a petition to amend the certificate in Docket No. C169-124 and Docket No. C171-75 will be canceled.
[11] Assigns acreage from W. W. Carter by Trustee to Petroleum Capital Co., Inc.
[12] Conveys Sun Oil Co.'s 5.1953 percent working interest in the Williamar, West Field Unit to Pan American Petroleum Corp. This acreage is dedicated to a contract between Sun Oil Co. and Natural Gas Pipeline Company of America (Docket No. G-18000) and Docket No. C171-76 will be canceled.
[13] Amends contract to include the 5.1953 percent interest acquired from Sun Oil Co.
[14] Application erroneously assigned Docket No. C171-76 being treated as a petition to amend the certificate in Docket No. C164-470 and Docket No. C171-76 will be canceled.
[15] Original application in Docket No. C164-762 sought certificate of public convenience and necessity. Applicant now requests abandonment authorization under previously commingled pursuant to temporary authorization.
[16] Source of gas depleted.
[17] Applicant could not obtain right-of-way to effect delivery. By letter dated Nov. 14, 1970, Texaco advises that gas will be sold to Shell Oil Co. for resale to El Paso Natural Gas Co. in interstate commerce.
[18] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[19] Application erroneously assigned Docket No. C171-76 being treated as a petition to amend the certificate in Docket No. G-19019 and Docket No. C171-76 will be canceled.
[20] Effective date: Date of change in operator. Applicant shall advise the Commission the date Tarpon ceased to be Agent.
[21] By letter filed Oct. 12, 1970, Applicant agreed to accept a permanent certificate under the same conditions imposed by the temporary certificate which includes Opinion Nos. 468 and 468-A conditions.
[22] Application erroneously assigned Docket No. C171-401 being treated as a petition to amend the certificate in Docket No. C171-50 and Docket No. C171-401 will be canceled.
[23] Transfers from Joseph S. Gruss to Clinton Oil Co. 60 percent interest in lease formerly covered by John L. Cox's small producer certificate in Docket No. CS66-65 (other related 40 percent interest dedicated under Supp. No. 3).
[24] On file as Texaco, Inc., FPC GRS No. 145.
[25] Assigns interest from Joe T. Hill to Hill-Tex Co., Inc., et al. Hill.
[26] Assigns interest from John H. Hill to Hill-Tex Co. (a nonoperator co-owner).
[27] Applicant is filing to cover its own interest previously covered under the operator's certificate and rate schedule.
[28] On file as John H. Hill (Operator) et al., FPC GRS No. 10.
[29] Contract provides for rate of 17.5 cents, however, Applicant requests a certificate at an initial rate of 17 cents.
[30] Contract rate is 17 cents, but by letter dated Nov. 10, 1970, applicant states willingness to accept a permanent certificate at 15 cents.
[31] From Skelly Oil Co. to Applicant.
[32] Pertains to Sept. 11, 1950 amendment adding acreage (Supp. No. 4 to FPC GRS No. 69).
[33] On file as Skelly Oil Co. FPC GRS No. 65.
[34] Between buyer and seller canceling contract as only producing well was plugged and abandoned Mar. 15, 1962.
[35] The basic contract under Docket No. G-7160 terminated Feb. 28, 1965, therefore, the certificate in said docket will be terminated with respect to the interest covered by said contract.
[36] Contract rate is 16 cents, but by letter dated Nov. 10, 1970, applicant states willingness to accept a permanent certificate at 15 cents.
[37] Land reverted back to landowner.
[38] Supersedes a prior contract dated May 25, 1951, on file as Pennzoil Producing Co. FPC GRS No. 208 as to acreage assigned from Pennzoil to assignment dated AUG. 1, 1970.
[39] Leases are nonproductive and have been reverted to landowners.
[40] By letter filed Nov. 16, 1970, applicant agreed to accept a permanent certificate conditioned to the outcome of the rulemaking proceeding in Docket No. R-406.
[41] Between Gulf Oil Corp. and Permian Basin Pipeline Co. (now Northern Natural Gas Co.) on file as Gulf Oil Corp. FPC GRS No. 11.
[42] From Gulf Oil Corp. to applicant.
[43] Between Associated Oil & Gas Exploration, Inc., Union Producing Co. (now Pennzoil Producing Co.), An-Son Corp. and Southern Natural Gas Co.; on file as Duquesne Natural Gas Co. FPC GRS No. 11.
[44] Assigns acreage from Associated Programs, Inc., to Duquesne Natural Gas Co.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 19--.

(Name of Respondent)

By ----------

Attest: ----------

Suggested surety bond form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of Respondent), on (Date of Original Filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension Order Issuance Date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended Until Date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and, (Name of Respondent), pursuant to the provisions of Section 4(e) of the Natural Gas Act, having on (Date Motion Filed), filed a motion to make the change in rate effective as of (Requested Effective Date); and

Whereas, the Commission, in response to said motion, on (Date of Notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective Date), subject to Respondent's furnishing a bond in the sum of $----------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of Notice) by the Federal Power Commission, Docket No. ------, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective Date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By ----------
Principal

By ----------
Surety

[FR Doc.71-456 Filed 1-14-71;8:45 am]

[1] To be included if a non-corporate respondent.

FEDERAL RESERVE SYSTEM

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Pan American Bancshares, Inc., Miami, Fla., for approval of acquisition of at least 80 percent of the voting shares of First Bank of Plantation, Plantation, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Pan American Bancshares, Inc., Miami, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of First Bank of Plantation, Plantation, Fla. (Plantation Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 5, 1970 (35 F.R. 17076), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls five banks with aggregate deposits of $147 million, representing 1.2 percent of total bank deposits in Florida. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Applicant is the 13th largest holding company and banking organization in the State. Its acquisition of Plantation Bank, with deposits of $22 million, would not change this ranking and would increase Applicant's control of deposits in the State to 1.4 percent.

Plantation Bank, located in and primarily serving the City of Plantation, is the ninth largest of 20 banks located in the Fort Lauderdale banking market, holding 3.6 percent of total deposits. Plantation Bank was the smaller of two banks within its primary service area on June 30, 1970. Since that time, three charters have been granted for new banks in the area. Two of these are affiliates of large banking groups and the third is affiliated with Plantation Bank through common directorships. (Since that bank and Plantation Bank are nonmember banks, this affiliation is not prohibited by section 8 of the Clayton Act.)

Applicant's closest present subsidiary to Plantation Bank is located 26 miles south in Miami Beach. There is no present competition between this or any other of Applicant's existing subsidiaries and Plantation Bank. However, Applicant has received approval to acquire Commercial National Bank of Broward County (Broward Bank), which is located 8 road miles northeast of Plantation Bank. Existing competition between these two banks is minimal since the area primarily served by each bank is separated from the area served by the other by major highways. While there is a likelihood of some competition developing in the future between the banks, the amount of competition does not appear to be significant and any adverse effect from its elimination is outweighed by other circumstances.

Upon consummation of the proposal, Applicant would have some degree of control over three of the 20 banks in the Fort Lauderdale market and 5.7 percent of deposits in the market (those three banks are Plantation Bank, Broward Bank, and the bank affiliated by common directorship with Plantation Bank). Applicant would become the fifth largest of eight banking groups in a market where the largest two groups control 35 percent and 28 percent of total deposits respectively. Consummation of the proposed acquisition would eliminate no significant existing or potential competition, would have no adverse effects on the viability or competitive effectiveness of any competing bank, and may even have a procompetitive effect in the Fort Lauderdale market.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have a significantly adverse effect on competition in any relevant area. The banking factors are consistent with approval. The factors of convenience and needs lend support to approval of the application in that Plantation Bank, drawing on the resources of Applicant, would be able to offer its customers another convenient alternate for such services as international banking and trust services. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] January 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-538 Filed 1-14-71;8:46 am]

SOCIETY CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Society Corporation, Cleveland, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Second National Bank of Ravenna, Ravenna, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Society Corporation, Cleveland, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Second National Bank of Ravenna, Ravenna, Ohio (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17879), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the second largest bank holding company and the fourth largest banking organization in Ohio, controls nine banks with aggregate deposits of close to $1,007 million, representing 5.0 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1970, and reflect holding company actions approved by the Board to date.) Upon acquisition of Bank (approximately $31 million deposits), Applicant would control 5.2 percent of the commercial bank deposits in the State; its position relative to other banking organizations and holding companies would remain the same.

Bank is headquartered in Ravenna, 18 miles northeast of Akron and 35 miles southeast of Cleveland, and operates four offices in Portage County. The banks in Portage County are regarded as being in the Akron banking market. Of the 11 banks in that market, Bank is eighth in size on the basis of deposits and holds less than 3 percent of the deposits in the area. Bank, with 17.2 percent of the commercial bank deposits in the county, is the third largest of the six Portage County banks competing in Bank's service area. The two larger banks in the county are almost twice the size of Bank. Applicant's subsidiary bank located closest to Bank is Society National Bank of Cleveland, which has a branch office in Solon (Cuyahoga County), 20 miles northwest of Bank's main office. Neither Society National Bank of Cleveland nor any other of Applicant's present subsidiaries compete with Bank to a significant extent. In the light of the distances between Applicant's present subsidiaries and Bank, the presence of numerous banking facilities in the intervening areas, and Ohio's restrictive branching law, it appears unlikely that consummation of the proposal herein would foreclose any significant potential competition.

Based upon the foregoing, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area. The banking factors are regarded as consistent with approval. Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval; Applicant proposes to broaden Bank's lending services and to make trust services available through Applicant's lead bank in Cleveland. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] January 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-539 Filed 1-14-71;8:46 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 8, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 11, 1971 through January 20, 1971, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-557 Filed 1-14-71;8:48 am]

[812-2578]

FEDERATED DUAL-EXCHANGE FUND INC.

Notice of Filing of Application for Modification of Order of Exemption and for Additional Exemption

JANUARY 6, 1971.

Notice is hereby given that Federated Dual-Exchange Fund Inc. (Fund), 421 Seventh Avenue, Pittsburgh, PA 15219, a Delaware corporation registered under the Investment Company Act of 1940 (Act) as a closed-end diversified investment company, has filed an application for modification of a condition in the Commission's order of June 30, 1967 (Investment Company Act Release No. 5017) which prohibits the Fund from purchasing any of its capital stock, and for an order pursuant to section 6(c) of the Act exempting the Fund from section 18(f)(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Fund has outstanding two classes of stock, designated Income Shares and Capital Shares, which were issued in exchange for securities of investors on June 30, 1967 (the Exchange Date). On December 31, 1969, the Fund had 674,980 Income Shares and 671,780 Capital Shares issued and outstanding.

Income Shares are entitled to receive as dividends all of the net investment income of the Fund per annum and, in any event, to an annual cumulative dividend when and as declared by the board of directors at the rate of $1.3175 per share. The Capital Shares are not entitled to receive any dividends during the time Income Shares are issued and outstanding. It is the policy of the Fund not to distribute capital gains during the time Income Shares are outstanding.

Under the Fund's charter, all Income Shares will be converted into Capital Shares on July 1, 1979, at the net asset value of the Capital Shares on that date. At that time, shareholders would vote as to whether the company should become an open-end investment company. In case of a negative vote the Fund would be dissolved. The conversion value and the dissolution value of the Income Shares is $25 per share (the net amount after deduction of sales load paid for each present Income Share), plus any unpaid annual cumulative dividends, less certain adjustments to reflect, among other things, taxes paid by the Fund on certain realized capital gains. In a dissolution, after satisfaction of the dissolution rights of the Income Shares, the Capital Shares would be entitled to receive all the remaining assets available for distribution to shareholders.

The Fund, as a closed-end investment company, does not redeem its outstanding shares. The Fund's outstanding Capital Shares and Income Shares were listed on the Boston Stock Exchange on June 24, 1968, and have traded thereon since that date. The Fund's outstanding shares may also trade in the over-the-counter market. Since the Exchange Date there has not developed any active trading market in shares of the Fund, and such trades as have occurred have been at a substantial discount from the net asset value of the Capital Shares and the conversion value of the Income Shares.

Management of the Fund has determined that it would be in the best interest of shareholders to present to shareholders a proposal to change the Fund's present classification from that of a closed-end investment company to an open-end investment company, which would redeem units of its shares as described below. The proposal includes a proposed charter amendment requiring the approval of two-thirds of each class of shares outstanding. The amendment would permit a shareholder to present an equal number of shares of each class of the Fund (units) for redemption at the net asset value of each unit, i.e., the net asset value of a Capital Share plus the conversion value of an Income Share. A shareholder wishing to redeem, and owning only shares of one class, could then purchase on the market a sufficient number of shares of the other class to constitute the number of units which he wishes to redeem.

On June 30, 1967, the Commission issued an Order (Investment Company Act Release No. 5017) pursuant to sections 6(c) and 18(i) of the Act which (i) exempted the offering of the Capital and Income Shares from the provisions of section 14(a) of the Act; (ii) exempted the issuance by the Fund of Income Shares from the provisions of section 18(a)(2)(E) of the Act; and (iii) permitted the two classes of security holders of the Fund to vote as separate classes on certain matters. The above order was issued subject to several conditions to which the Fund consented in its application. Among these conditions was the following:

4. So long as the Income Shares are outstanding.

(a) the company will not purchase or otherwise acquire any shares of its capital stock of either class; * * *

The Fund requests that this condition be amended to permit it to redeem units consisting of one Income Share and one Capital Share as provided in the proposed charter amendment described above.

Section 18(f)(1) of the Act provides that it shall be unlawful for any registered "open-end investment company to issue any class of senior security or to sell any senior security of which it is the issuer * * *", with an exception concerning certain bank borrowings not here relevant.

Since the Income Shares have a priority over the Capital Shares as to distribution of assets and the payment of dividends, the Income Shares are a "senior security" as defined in section 18(g) of the Act. The proposed amendment of the Charter granting shareholders the right to redeem Fund shares in units, as described above, would cause the Fund to become an open-end investment company as defined in section 5(a)(1) of the Act, that is, a management investment company with outstanding securities which are redeemable. Thus the change in the status of the Fund to that of an open-end company and the attendant change in the rights of its shareholders may be considered as the issuance of securities by the new open-end company and, with respect to the Income Shares, would constitute the issuance of senior securities by the Fund in violation of the above prohibition of section 18(f)(1). The Fund therefore has requested, pursuant to section 6(c) of the Act, an exemption from this prohibition.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally or unconditionally exempt any person, securities or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application, the Fund states that the right of its shareholders to redeem their shares in units will be a valuable right and in the interests of all shareholders, since without such right both classes of shares of the Fund sell in the open market at substantial discounts.

The application states that the Income Shares would have the essential protections required by section 18(a)(2) of the Act for senior stock securities for closed-end companies except section 18(a)(2)(B) which prohibits the repurchase of common stock unless the senior security at the time of such repurchase has a 200 percent asset coverage after deducting the amount of the purchase price. Under the Fund's proposal Capital Shares may be redeemed together with an equal number of Income Shares at a time when asset coverage of the Income Shares may be less than 200 percent. However, the Fund submits that since redemptions will be made only in units of one Capital Share and one Income Share, redemptions will not alter the asset coverage of the Income Shares.

Notice is further given that any interested person may, not later than January 27, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-558 Filed 1-14-71;8:48 am]

[37-65]

NORTHEAST UTILITIES SERVICE CO., ET AL.

Notice of Filing of Posteffective Amendment Regarding Increase in Amount of Notes To Be Issued by Service Company and Aquired by Holding Company

JANUARY 8, 1971.

In the matter of Northeast Utilities Service Co., Northeast Utilities, Post Office Box 270, Hartford, CT 06101; The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., Holyoke Water Power Co., (37-65).

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, and Maisel. Absent and not voting: Governors Brimmer and Sherrill.

Notice is hereby given that Northeast Utilities Service Co. (NUSCO), a subsidiary service company of Northeast Utilities (Northeast), a registered holding company, and its above-named associate electric utility companies, have filed with this Commission a second posteffective amendment to the joint application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 6(a), 7, 9(a), 10, 12, and 13(b) of the Act and Rules 40(b), 42(b)(2), 50(a)(1), and 50(a)(4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 30, 1966 (Holding Company Act Release No. 15519) the Commission, among other things, authorized NUSCO to issue and sell to Northeast for cash, and Northeast to acquire, during a 5-year period commencing June 30, 1966, up to $3 millions aggregate principal amount to be outstanding at any one time of long-term unsecured notes of NUSCO to bear interest at a rate of not more than one-quarter of 1 percent above the commercial bank prime rate on short-term loans in effect in Hartford, Conn.

By order dated July 30, 1969 (Holding Company Act Release No. 16437), the Commission, among other things, authorized NUSCO to issue and sell to Northeast for cash, and Northeast to acquire, during the remainder of the said 5-year period, additional long-term notes having the same terms and provisions as those originally authorized; subject to the following limitations: (1) That not more than $5 million aggregate principal amount of NUSCO's old and new notes may be at any one time outstanding; and (2) that the aggregate capital of NUSCO, including its outstanding notes and capital stock, will be maintained at all times at an amount approximately equal to the sum of 2-months' operating expenses, plus an amount necessary to finance the inventory of materials and supplies proposed to be purchased by NUSCO and stored in its central warehouse, plus the cost of NUSCO's property less applicable reserves, prepayments, and petty cash working funds.

The applicants-declarants now request that the authorization under the order of July 30, 1969 be increased from $5 million to a maximum principal amount of $10 million to be at any one time outstanding. The additional notes would carry the same terms and provisions and be subject to the same limitation on the aggregate capital of NUSCO as the notes authorized under the July 30, 1969 order. It is stated that the cash requirements of NUSCO for working capital have increased substantially and may continue to do so in the future, due primarily to the expansion of service functions performed by NUSCO for associate companies which has resulted in an increase in NUSCO's personnel from 321 employees in 1966 to 1,010 in 1970 and to increased costs of materials and supplies inventoried by NUSCO in its central warehouse.

The application-declaration further states that no fees or expenses will be incurred in connection with the proposed transactions, and that no consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Notice is further given that any interested person may, not later than January 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-559 Filed 1-14-71;8:48 am]

[70-4960]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock

JANUARY 8, 1971.

Notice is hereby given that Georgia Power Co. (Georgia) 270 Peachtree Street NW., Atlanta, GA 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $49,500,000 principal amount of first mortgage bonds, ------ percent series to mature not less than 5 years and not more than 30 years from the second day of the calendar month within which the bonds are issued and sold. Georgia will decide on the maturity of the bonds after the date of public invitation for proposals and subsequently notify prospective bidders, but not less than 72 hours prior to the time of the bidding. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated February 1, 1971, and includes a prohibition until February 1, 1976, against refunding the bonds with the proceeds of funds borrowed at a lower annual cost of money.

Georgia also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 300,000 shares of its ------ percent preferred stock, no par value. The dividend rate (which will be a multiple of $0.04) and the price to be paid to Georgia (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Georgia's charter will be amended to allow for and to establish the terms of the preferred stock. The terms will include a prohibition until February 1, 1976, against refunding the issue, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or of other preferred stocks at lower dividend costs.

The net proceeds received from the issue and sale of the bonds and preferred stock will be used by Georgia, together with the treasury funds, to refund $79,886,000 principal amount of its first mortgage bonds, 3½ percent series due 1971, which matures on March 1, 1971.

It is stated that the Georgia Public Service Commission has expressly authorized the proposed issuance and sale of the bonds and preferred stock by Georgia and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than January 28, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-560 Filed 1-14-71;8:48 am]

[70-4961]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes by Holding Company to Banks and Intrasystem Issue and Sale of Common Stock

JANUARY 8, 1971.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and Arkansas Power & Light Co. (Arkansas), a public-utility subsidiary company of Middle South, have filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South proposes, under an $80 million revolving credit agreement, to issue and sell its unsecured promissory notes, in an aggregate amount not to exceed $20 million outstanding at any one time, to a group of commercial banks headed by Manufacturers Hanover Trust Company of New York (MHTC). Additional borrowings under the credit agreement will be the subject of future filings with this Commission. The notes will be payable 90 days from the date of issuance thereof, but in no event later than June 30, 1973, and will bear interest from the date thereof at a rate per annum equal to MHTC's prime rate until and including December 31, 1971, and thereafter at a rate per annum equal to one-fourth of 1 percent above MHTC's prime rate. Each borrowing and each payment by Middle South will be made pro rata among the lending banks, according to their original commitment. In connection with the line of credit, Middle South agrees to pay the banks a commitment fee for the period from and including January 1, 1971, to and including June 30, 1973 (or earlier date of termination of the commitments), computed at the rate of one-half of 1 percent per annum on the average daily unused portion of the commitments in effect during the period for which payment is made. The notes will be prepayable at any time on 2 business days' notice in whole or in part without premium unless such prepayments are made from the proceeds of or in anticipation of a borrowing by Middle South from banks other than those listed in the credit agreement. In the latter event, Middle South will pay a premium in an amount equivalent to interest at a rate of one-half of 1 percent per annum on such prepayment from the date of such prepayment to the normal maturity of the amount prepaid. Middle South states that it will sell common stock and apply the proceeds to the reduction of bank borrowings authorized by this Commission, and that such authorization shall be reduced by the amount of such payment. Middle South plans to use the proceeds of any borrowings under the credit agreement to finance its business, pending the consummation of permanent financing. In the instant filing, the $20 million will be used to purchase common stock of Arkansas as described below.

Arkansas proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock, $12.50 par value), and Middle South proposes to acquire at the par value thereof, 1,600,000 additional shares of Arkansas' authorized but unissued common stock aggregating $20 million in par value. Upon completion of the proposed transaction, Arkansas will have outstanding 12,590,000 shares of common stock, $12.50 par value, having an aggregate par value on its books of $157,375,000. Arkansas proposes to use the net proceeds from the sale of the additional common stock for the payment of bank loans and commercial paper indebtedness, for the construction of new facilities, for the extension and improvement of present facilities, and for other corporate purposes. Arkansas estimates that its construction program for 1971 will result in expenditures of approximately $124,050,000.

The Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business, has expressly authorized the issuance and sale by Arkansas of its common stock. The Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, has also expressly authorized the proposed issuance and sale by Arkansas of its common stock. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that no special or separate expenses are anticipated in connection with the proposed transactions.

Notice is further given that any interested person may, not later than January 28, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-561 Filed 1-14-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-G (Region IV) Amdt. 1]

REGIONAL DIVISION CHIEFS, REGIONAL COUNSEL, DISTRICT DIRECTORS, ET AL.

Delegation of Authority To Conduct Program Activities in Region IV

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-G, 35 F.R. 9955, as amended (35 F.R. 12630 and 35 F.R. 15033), Delegation of Authority No. 30-G (Region IV) (35 F.R. 12434) is hereby

amended by revising Item I.J. and Item IV. to read, as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs.* • • •

J. Chief, Procurement and Management Assistance Division. 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

• • • • • •

IV. *Branch Manager*—A. *Gulfport, Mississippi*—1. *Financing program.* a. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

b. (1) To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

(2) To approve or decline displaced business loans up to $350,000 (SBA share).

c. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

d. To execute loan authorizations for Central Office, regional and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Branch Manager.
(City)

e. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

f. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

g. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**h. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

i. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

2. *Community Economic Development Program (Reserved)*—3. *Loan administration program.* a. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

(1) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(2) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

(3) The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

(4) To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

(5) Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

b. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

c. To service claims arising under all lease insurance policies issued in the Branch Office area approving the payment, or recommending denial of such claims.

d. To take all actions necessary to mitigate losses from lease guarantees.

4. *Procurement and Management Assistance Program (Reserved).*

5. *Administrative.* a. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

b. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

c. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

d. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

6. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Community Economic Development programs, in accordance with Small Business Administration standards and policies.

7. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

8. *Legal services.* a. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

b. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

c. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

(1) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

(2) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

(3) Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

d. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

B. *Reserved.*

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Effective date: October 19, 1970.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.71-525 Filed 1-14-71;8:46 am]

[Delegation of Authority No. 4 (Rev. 2) Amdt. 2]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation on Financial Assistance

Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759), is hereby further amended by revising Item I.D. and adding Item I.N., to read, as follows:

I. • • •

D. To authorize acceptance of disaster loan applications after expiration of the original disaster period or extension thereof.

• • • • • •

N. To establish disaster field offices upon receipt of advice of the designation of a disaster area or upon declaration of a disaster area within delegated authority; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

• • • • • •

Effective date: January 11, 1971.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-526 Filed 1-14-71;8:46 am]

[Delegation of Authority No. 30-E (Region III), Amdt. 1]

REGIONAL DIVISION CHIEFS, REGIONAL COUNSEL, DISTRICT DIRECTORS, ET AL.

Delegation of Authority To Conduct Program Activities in Region III

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-E (35 F.R. 6033), as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority No. 30-E (Region III), (35 F.R. 7151) is hereby amended by revising Item I.A.2.b., Item I.B., Item I.J., Item II.A.2.b., and Item III.A.2.b., to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* • • •

2. • • •

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

J. *Chief, Procurement and Management Assistance Division.* 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

• • • • • •

II. *District Directors*—A. *Financing Program.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

Effective date: December 7, 1970.

RUSSELL HAMILTON, Jr.,
Regional Director, Region III.

[FR Doc.71-527 Filed 1-14-71;8:46 am]

[Delegation of Authority No. 30-A (Region IX), Amdt. 4]

REGIONAL DIVISION CHIEFS ET AL., REGION IX

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-A (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, 35 F.R. 15033, and 35 F.R. 17156), Delegation of Authority No. 30-A (Region IX) (35 F.R. 3133), as amended (35 F.R. 4794, 35 F.R. 15033, and 35 F.R. 18351) is hereby further amended by revising Item I.A.2.b., Item I.B., Item II.A.2.b., and Item III.A.2.b. to read as follows:

I. *Regional Division Chief, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* • • •

2. • • •

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to define them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

II. *District Directors*—A. *Financing program.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

Effective date: December 3, 1970.

DONALD MCLARNAN,
Regional Director, Region IX.

[FR Doc.71-528 Filed 1-14-71;8:46 am]

[Delegation of Authority No. 30-C (Region VII), Amdt. 1]

REGIONAL DIVISION CHIEFS, REGIONAL COUNSEL, DISTRICT DIRECTORS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VII

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-C, 35 F.R. 2840, as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority No. 30-C (Region VII), 35 F.R. 4789, is hereby amended by revising Item I.A.2.b., Item I.B., Item I.J., Item II.A.2.b., and Item III.A.2.b. to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* • • •

2. • • •

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

J. *Chief, Procurement and Management Assistance Division.* 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

• • • • • •

II. *District Directors*—A. *Financing Program.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

Effective date: December 7, 1970.

C. I. MOYER,
Regional Director, Region VII.

[FR Doc.71-529 Filed 1-14-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 2; Amdt. 18]

WESTERN RAILROAD TRAFFIC ASSOCIATION AGREEMENT

Petition Filed

JANUARY 4, 1971.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed December 9, 1970, as Supplemented December 30, 1970. Mr. J. M. Souby, Jr., Attorney-in-Fact, 224 Union Station Building, Chicago, IL 60606.

The amendments involve: Changed provisions in the Articles of Organization and Procedure governing new members so as to limit their membership representation on the Executive Committee as well as on the regional organizations to railroads having all or the principal part of their main line railroad mileage within the jurisdction of the Western Railroad Traffic Association.

The petition is docketed and may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-563 Filed 1-14-71;8:48 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 12, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42104—*Clay to Pascagoula, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-202), for interested rail carriers. Rates on clay, processed, in carloads, as described in the application, from Kosse and Marquez, Tex., to Pascagoula, Miss.

Grounds for relief—Short-line distance formula.

Tariff—Supplement 34 to Southwestern Freight Bureau, agent, tariff ICC 4779.

FSA No. 42105—*Iron or steel articles from points in California.* Filed by Pacific Southcoast Freight Bureau, agent (No. 264), for and on behalf of The Atchison, Topeka and Santa Fe Railway Co., party to its tariff ICC 1854. Rates on iron or steel articles, in carloads, as described in the application, from points in California, to Vinton and Canutillo, Tex.

Grounds for relief—Market competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-564 Filed 1-14-71;8:48 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 10

Friday, January 15, 1971 • Washington, D.C.

PART II

DEPARTMENT OF THE TREASURY

Internal Revenue Service

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PART 181—COMMERCE IN EXPLOSIVES (Pub. 739) and EXPLOSIVES LIST

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 181—COMMERCE IN EXPLOSIVES

Issuance of Regulations

On December 8, 1970, a notice of proposed rule making to issue 26 CFR Part 181 to implement the provisions of Title XI, Regulation of Explosives, of the Organized Crime Control Act of 1970, was published in the FEDERAL REGISTER (35 FR 18603). In accordance with the notice, interested persons were afforded an opportunity to submit written comments, and an opportunity to be heard at a hearing held on December 29, 1970. After consideration of the written and oral comments received, the regulations as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 181.11 is changed by (a) adding a sentence at the end of the definition of "Blasting agent," (b) deleting the words "but is not limited to" from the definition of "Detonator," (c) adding a sentence to the definition of "Distribute," (d) by adding language to the definitions of "Licensed manufacturer-limited," and "Manufacturer-limited," and (e) by adding in alphabetical sequence definitions of "Army-type structure," "Explosives," "Inhabited building," "User-limited permit," and "User permit."

PARAGRAPH 2. Section 181.27 is changed by deleting the word "material" and inserting instead the word "materials".

PARAGRAPH 3. Paragraph (c) of § 181.41 is changed by deleting the last two full sentences and the following cross reference, and by inserting in lieu thereof two sentences reading, "A permit shall, subject to the provisions of the Act and other applicable provisions of law, entitle the permittee to acquire, transport, ship, and receive in interstate or foreign commerce explosive materials of the class authorized by his permit. Only one permit is required under the provisions of this part."

PARAGRAPH 4. Section 181.46 is changed by adding, in the proviso and immediately following the words "is only valid for a single" and before the word "transaction" the word "purchase".

PARAGRAPH 5. Section 181.51 is changed by adding, in the provision and immediately following the words "only for a single" and before the word "transaction" the word "purchase".

PARAGRAPH 6. Section 181.52 is changed (including a change in title), for clarification.

PARAGRAPH 7. Paragraph (b) of § 181.54 is changed by adding a new sentence, immediately preceding the last sentence, to read, "Such application may include a request for approval of specific successive changes in location of an approved storage facility."

PARAGRAPH 8. Section 181.71 is changed by deleting from the first sentence thereof the word "proceedings" and by inserting instead the words "cases of willfulness or those", so that the sentence will read, "Except in cases of willfulness or those in which the public interest requires otherwise, * * *."

PARAGRAPH 9. Paragraph (a) of § 181.103 is changed by restating the second proviso to read, "*Provided further*, That a multilicensed business organization may furnish to a distributor in lieu of a certified copy of each license, a list certified to be true, correct and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the distributor may sell or otherwise dispose of explosive materials as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom."

PARAGRAPH 10. Paragraph (e) of § 181.103 is changed by (1) inserting the word "purchase" immediately following the words "only for a single", appearing in the first sentence, and (2) inserting the words "the date," immediately following the words "of such permit 'Transaction completed'," appearing in the last sentence.

PARAGRAPH 11. Section 181.104 is changed by adding the words "license or" in the first sentence, making it read, "Except as provided in § 181.49(a), each person issued a license or permit under the provisions of this part shall be furnished together with his license or permit a copy thereof for his certification."

PARAGRAPH 12. Paragraph (d) of § 181.105 is changed by striking the word "distribute" immediately following the words "or a permittee may", and inserting instead the words "dispose of".

PARAGRAPH 13. Paragraph (a) of § 181.106 is changed by adding the words "or has reason to believe" immediately following the words "who the licensee knows"; and paragraph (c) thereof is changed by adding the words "or having reason to believe" immediately following the words "to any person knowing".

PARAGRAPH 14. Section 181.109 is changed by changing the period at the end thereof to a colon and by adding "*Provided*, That with respect to explosive materials of small size not suitable for marking on the individual item (for example, blasting caps), it shall only be necessary to place such identification marks on the containers used for their packaging."

PARAGRAPH 15. Paragraph (a) of § 181.121 is changed by deleting the period at the end thereof and by adding thereto the words, "for a period of not less than 5 years from the date the transaction occurs or until discontinuance of business or operations by the licensee or permittee. (See also § 181.128.)"

PARAGRAPH 16. Paragraph (c) of § 181.122 is changed by (1) deleting "class, manufacturer," from the first sentence thereof, and inserting instead the words, "class (as prescribed in the Explosives List), manufacturer,"; and (2) adding "(b)," in the second sentence, between "§ 181.103" and "(c)".

PARAGRAPH 17. Paragraph (c)(1) of § 181.123 is changed by (1) deleting "class, manufacturer, or importer," from the first sentence thereof, and inserting instead the words, "class (as prescribed in the Explosives List), and manufacturer or importer,"; and (2) adding "(b)," in the second sentence, between "§ 181.103" and "(c)".

PARAGRAPH 18. Paragraph (d) of § 181.124 is changed by adding "(b)," to the next to the last sentence so that it will read, "The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed dealer."

PARAGRAPH 19. Section 181.125 is changed to reflect clarifying and editorial changes in paragraphs (a) through (c), and to add paragraph (d).

PARAGRAPH 20. Section 181.127 is changed by deleting "§ 181.29." at the end thereof and by inserting instead "§ 181.30."

PARAGRAPH 21. Section 181.182 is changed as follows:

(1) By adding at the end of paragraph (a) the words "(For example, dynamite.)".

(2) By adding at the end of paragraph (b) the words "(For example, black powder.)".

(3) By adding at the end of paragraph (c) the words "(For example, ammonium nitrate-fuel oil.)".

PARAGRAPH 22. Paragraphs (d) and (e) of § 181.183 are changed.

PARAGRAPH 23. Section 181.186 is changed by redesignating paragraph (a) as paragraph (a)(1); by redesignating (b) as paragraph (a)(2); by adding a proviso in paragraph (a)(1) as redesignated; and by adding new paragraphs (b) and (c).

PARAGRAPH 24. Section 181.187 is changed as follows:

(1) By changing the text preceding paragraph (a) to read, "A type 1 storage facility shall be a permanent structure; a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated."

(2) By changing the last sentence of paragraph (a)(10) to read, "Vents in the foundation, roof, or gables shall be screened and offset."

PARAGRAPH 25. Section 181.188 is changed for clarification and, as to paragraphs (a) and (b) to provide more explicit details concerning indoor and outdoor storage facilities.

PARAGRAPH 26. Section 181.189 is changed by striking from the second sentence the word "weatherproof," and inserting instead "weather-resistant,".

PARAGRAPH 27. Sections 181.190 and 181.191 are changed for clarification and to provide separate detailed requirements as to outdoor and indoor storage facilities.

PARAGRAPH 28. Section 181.192 is changed to refer to 50, rather than 100, feet, and for clarification.

PARAGRAPH 29. Paragraph (a) of § 181.194 is changed by striking therefrom the first sentence and inserting instead the sentence, "Explosive material within a storage facility shall not be placed directly against interior walls."

PARAGRAPH 30. Section 181.195 is changed by making the last two sentences read, "The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

PARAGRAPH 31. Section 181.197 is changed by inserting the word "safety" immediately preceding the word "lights" and the word "lanterns", and to make an editorial change, so that the text will read, "No lighting shall be placed or used in a storage facility of type 1, 2, 3, or 4 except battery-activated safety lights or battery-activated safety lanterns."

PARAGRAPH 32. Sections 181.199 and 181.200 are added to provide a table of distances for storage of low explosives and a table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Because these regulations implement Title XI of Public Law 91-452, which title becomes effective on February 12, 1971 (except as to those provisions which were effective on enactment), it is found that it is unnecessary to issue these regulations subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, these regulations shall become effective on February 12, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: January 11, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary for Enforcement and Operations.

In order to implement the provisions of Title XI, Regulation of Explosives (title 18, United States Code, chapter 40 (84 Stat. 952)) of the Organized Crime Control Act of 1970 (84 Stat. 922), the following regulations are hereby prescribed as Part 181 of Title 26 of the Code of Federal Regulations:

Preamble. 1. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

2. These regulations shall be effective on and after February 12, 1971.

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AUTHORITY: The provisions of this Part 181 issued under 84 Stat. 952-960, 18 U.S.C. 841-848, unless otherwise noted.

Subpart A—Introduction

§ 181.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in explosives and are promulgated to implement title XI, Regulation of Explosives (18 U.S.C. chapter 40; 84 Stat. 952), of the Organized Crime Control Act of 1970 (84 Stat. 922).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

(1) The interstate or foreign commerce in explosive materials;

(2) The licensing of manufacturers and importers of, and dealers in, explosive materials;

(3) The issuance of user permits;

(4) The conduct of business by licensees and operations by permittees;

(5) The storage of explosive materials;

(6) The records and reports required of licensees and permittees;

(7) Relief from disabilities under this part; and

(8) Exemptions, unlawful acts, penalties, seizures, and forfeitures.

(c) *Persons engaged in business or operations on October 15, 1970.* This part

fully applies to persons engaged on October 15, 1970, in business or operations requiring a license or permit under this part who have filed an application for such license or permit prior to February 12, 1971, and who are continuing such business or operations pending final action on such application pursuant to section 1105(c) of the Organized Crime Control Act of 1970 (84 Stat. 960).

§ 181.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in explosive materials. For regulations applicable to commerce in firearms and ammunition, see Part 178 of this chapter. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and regulations in Part 180 of this chapter and in Parts 121–128 of Title 22, Code of Federal Regulations. For statutes applicable to nonmailable materials, see 18 U.S.C. 1716 and regulations thereunder. For statutes applicable to water quality standards, see 33 U.S.C. 1171(b).

Subpart B—Definitions

§ 181.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The term "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

Act. Chapter 40 of title 18 of the United States Code.

Ammunition. Small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms, and shall include percussion caps and $\frac{3}{32}$-inch pyrotechnic safety fuses. The term shall not include black powder.

Approved storage facility. A facility for the storage of explosive materials conforming to the requirements of this part and covered by a license or permit issued under this part.

Army-type structure. A structure approved by the Department of Defense for the storage of explosive materials.

Assistant Regional Commissioner. An Assistant Regional Commissioner, Alcohol, Tobacco, and Firearms, who is responsible to, and functions under the direction and supervision of, a Regional Commissioner of Internal Revenue.

Blasting agent. Any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: *Provided*, That the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined. A numbered 8 test blasting cap is one containing 2 grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a blasting cap of equivalent strength.

Business premises. When used with respect to a manufacturer, importer or dealer the property on which explosive materials are or will be manufactured, imported, stored or distributed. Such premises shall include the property where the records of a manufacturer, importer or dealer are or will be maintained if different than the premises where explosive materials are or will be manufactured, imported, stored or distributed. When used with respect to a user of explosive materials, the property on which the explosive materials are or will be received or stored. Such premises shall include the property where the records of such user are or will be maintained if different than the premises where explosive materials are or will be received or stored.

Commissioner. The Commissioner of Internal Revenue.

Crime punishable by imprisonment for a term exceeding 1 year. Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of 1 year. The term shall not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices or restraints of trade, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

Customs officer. Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a Regional Commissioner of Customs, or by another principal customs officer under delegated authority, to perform the duties of an officer of the Bureau of Customs.

Dealer. Any person engaged in the business of distributing explosive materials at wholesale or retail.

Detonator. Any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

Director. The Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

Distribute. To sell, issue, give, transfer, or otherwise dispose of. The term does not include a mere change of possession from a person to his agent or employee in connection with the agency or employment.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Explosive materials. Explosives, blasting agents, and detonators. Such materials shall include all items in the Explosives List provided for in § 181.23.

Explosives. Any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

Fugitive from justice. Any person who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. The term shall also include any person who has been convicted of any crime and has fled to avoid imprisonment.

Importer. Any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

Indictment. Includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

Inhabited building. Any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.

Internal revenue district. An internal revenue district under the jurisdiction of a District Director of Internal Revenue.

Internal revenue region. An internal revenue region under the jurisdiction of a Regional Commissioner of Internal Revenue.

Interstate or foreign commerce. Commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State.

Licensed dealer. A dealer licensed under the provisions of this part.

Licensed importer. An importer licensed under the provisions of this part.

Licensed manufacturer. A manufacturer licensed under the provisions of this part to engage in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

Licensed manufacturer-limited. A manufacturer licensed under the provisions of this part to engage in the business of manufacturing explosive materials for his own use and not for sale or distribution.

Licensee. Any importer, manufacturer, or dealer licensed under the provisions of this part.

Manufacturer. Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

Manufacturer-limited. Any person engaged in the business of manufacturing explosive materials for his own use and not for sale or distribution.

Permittee. Any user of explosives for lawful purpose, who has obtained a user permit under the provisions of this part.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Regional Commissioner. A Regional Commissioner of Internal Revenue.

Service Center Director. A director of an internal revenue service center.

State. A State of the United States. The term shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

State of residence. The State in which an individual regularly resides or maintains his home. Temporary sojourn in a State does not make the State of temporary sojourn the State of residence.

U.S.C. The United States Code.

User-limited permit. A user permit valid only for a single purchase transaction, a new permit being required for a subsequent purchase transaction.

User permit. A permit issued to a person authorizing him (1) to acquire for his own use explosive materials from a licensee in a State other than the State in which he resides or from a foreign country, and (2) to transport explosive materials so acquired in interstate or foreign commerce.

Subpart C—Administrative and Miscellaneous Provisions

§ 181.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

§ 181.22 Emergency variations from requirements.

(a) The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations from the specific requirements (1) are necessary, (2) will not hinder the effective administration of this part, and (3) will not be contrary to any provisions of law.

(b) Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations, and the licensee or permittee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the emergency no longer exists or the effective administration of this part is hindered by the continuation of such variation. A licensee or permittee who desires to employ such variation shall submit a written application so to do, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee or permittee shall retain, as part of his records, available for examination by internal revenue officers, any application approved by the Director under the provisions of this section.

§ 181.23 Explosives list.

The Director shall compile and publish in the FEDERAL REGISTER an Explosives List. This list shall be published and revised at least annually.

§ 181.24 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee for the purpose of inspecting or examining any records or documents required to be kept by such importer, manufacturer, dealer, or permittee under this part, and any explosive materials kept or stored by such importer, manufacturer, dealer, or permittee at such premises.

§ 181.25 Disclosure of information.

Upon receipt of written request of any State or any political subdivision thereof, the Assistant Regional Commissioner may make available to such State or any political subdivision thereof, any information which the Assistant Regional Commissioner may obtain by reason of the provisions of the Act with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received explosive materials, together with a description of such explosive materials.

§ 181.26 Prohibited shipment, transportation, or receipt of explosive materials.

(a) No person, other than a licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee, shall transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials: *Provided*, That the provisions of this paragraph shall not apply to the transportation, shipment, or receipt of explosive materials by a nonlicensed person or nonpermittee who lawfully purchases explosive materials from a licensee in a State contiguous to the purchaser's State of residence if, (1) the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State, (2) the provisions of § 181.105(c) are fully complied with, and (3) the purchaser is not otherwise prohibited under paragraph (b) from shipping or transporting explosive materials in interstate or foreign commerce or receiving explosive materials which have been shipped or transported in interstate or foreign commerce.

(b) No person may ship or transport any explosive material in interstate or foreign commerce or receive any explosive materials which have been shipped or transported in interstate or foreign commerce who (1) is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marihuana (as defined in section 4761 of the Internal Revenue Code of 1954; 26 U.S.C. 4761) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954; 26 U.S.C. 4731(a)), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

§ 181.27 Out-of-State disposition of explosive materials.

No nonlicensee or nonpermittee shall distribute any explosive materials to any other nonlicensee or nonpermittee who the distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

§ 181.28 Stolen explosive materials.

No person shall receive, conceal, transport, ship, store, barter, sell, or dispose of any stolen explosive materials knowing or having reasonable cause to believe that the explosive materials were stolen.

§ 181.29 Unlawful storage.

No person shall store any explosive materials in a manner not in conformity with the provisions of Subpart J.

§ 181.30 Reporting theft or loss of explosive materials.

Any licensee or permittee who has knowledge of the theft or loss of any explosive materials from his stock shall within 24 hours of discovery thereof report such theft or loss on Form 4712 to the Assistant Regional Commissioner in accordance with the instructions on such form, and to appropriate local authorities. Any other person who has knowledge of the theft or loss of any explosive materials from his stock shall within 24 hours of discovery thereof report such theft or loss in writing to the Assistant Regional Commissioner, and to appropriate local authorities.

§ 181.31 Inspection of site of accidents or fires; right of entry.

Any internal revenue officer may inspect the site of any accident or fire in which there is reason to believe that explosive materials were involved. Any internal revenue officer may enter into or

upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location.

Subpart D—Licenses and Permits

§ 181.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, explosive materials shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who intends to acquire for use explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall obtain a permit under the provisions of this subpart: *Provided*, That it is not necessary to obtain such permit if the user intends to lawfully purchase explosive materials from a licensee in a State contiguous to the user's State of residence and the user's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State.

(b) Each person intending to engage in business as an explosive materials importer, manufacturer, or dealer shall file an application, with the required fee (see § 181.42), with the Service Center Director for the internal revenue district in which his business premises are to be located. A separate license must be obtained for each business premises at which the applicant is to manufacture, import, or distribute explosive materials: *Provided*, That a separate license shall not be required for storage facilities operated by the licensee as an integral part of one business premises or to cover a location used by the licensee solely for maintaining the records required by this part: *Provided further*, That a separate license shall not be required of a licensed manufacturer with respect to his on site manufacturing. A license shall, subject to the provisions of law, entitle the licensee to transport, ship, and receive explosive materials in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license (and in the case of a licensed manufacturer, on site within the same internal revenue region), for the period stated on the license: *Provided*, That it shall not be necessary for a licensed importer or a licensed manufacturer (for purposes of sale or distribution) to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in explosive materials.

(c) Except as provided in paragraph (a) of this section, each person intending to acquire explosive materials from a licensee in a State other than a State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall file an application, with the required fee (see § 181.43), with the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business. A permit shall, subject to the provisions of the Act and other applicable provisions of law, entitle the permittee to acquire, transport, ship, and receive in interstate or foreign commerce explosive materials of the class authorized by his permit. Only one permit is required under the provisions of this part.

§ 181.42 License fees.

(a) Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business premises, as follows:

(1) Manufacturer—$50.
(2) Manufacturer-limited (nonrenewable)—$5.
(3) Importer—$50.
(4) Dealer—$20.

(b) Each applicant for a renewal of a license shall pay a fee equal to one-half of the fee prescribed under paragraph (a).

§ 181.43 Permit fees.

(a) Each applicant shall pay a fee for obtaining a permit as follows:

(1) User—$20.
(2) User-limited (nonrenewable)—$2.

(b) Each applicant for a renewal of a user permit shall pay a fee of $10.

§ 181.44 License or permit fee not refundable.

No refund of any part of the amount paid as a license or permit fee shall be made where the operations of the licensee or permittee are, for any reason, discontinued during the period of an issued license or permit. However, the license or permit fee submitted with an application for a license or permit shall be refunded if that application is denied.

§ 181.45 Original license or permit.

(a) Any person who intends to engage in business as an explosive materials importer, manufacturer, or dealer on or after February 12, 1971, or who has not timely submitted application for renewal of a previous license issued under this part, shall file with the Service Center Director for the internal revenue district in which the applicant is to do business an application, Form 4705, in duplicate. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 4705 may be obtained from any Assistant Regional Commissioner or from any District Director.

(b) Any person, except as provided in § 181.41(a), who intends to acquire on or after February 12, 1971, explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country or who intends to transport explosive materials in interstate or foreign commerce, or who has not timely submitted application for renewal of a previous permit issued under this part, shall file with the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business an application, Form 4707, in duplicate. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 4707 may be obtained from any Assistant Regional Commissioner or from any District Director.

(c) Any person engaging in a business or operation requiring a license or permit under the provisions of this part who was engaged in such business or operation on October 15, 1970, and who has filed an application for a license or permit prior to February 12, 1971, may continue such business or operation pending final action on the application (see § 181.1(c)).

§ 181.46 Renewal of license or permit.

If a licensee or permittee intends to continue the business or operation described on a license or permit issued under this part after the expiration date of the license or permit, he shall, unless otherwise notified in writing by the Assistant Regional Commissioner, execute and file prior to the expiration of his license or permit an application for license renewal, Form 4706 (Part III), or an application for permit renewal, Form 4708 (Part III), accompanied by the required fee, with the Service Center Director for the internal revenue district in which the business premises are located, or in the case of a permittee, in which is located his legal residence or principal place of business: *Provided*, That a license issued to a manufacturer-limited is not renewable and is only valid for 30 days from date of issuance, and a user-limited permit is not renewable and is only valid for a single purchase transaction. All applications for manufacturer-limited licenses or user-limited permits must be filed on Form 4705 or Form 4707 in the manner required by § 181.45. In the event the licensee or permittee does not timely file a renewal application, he must file an original application as required by § 181.45, and obtain the required license or permit in order to continue business or operations. If a licensee or permittee does not timely receive renewal application forms through the mails, he should so notify his Assistant Regional Commissioner.

§ 181.47 Procedure by Service Center Director.

Upon receipt of an application for an original license or an original permit or an application for renewal of a license or renewal of a permit, the Service Center Director shall deposit the fee accompanying the license or permit application and forward the application to the Assistant Regional Commissioner. Where an application is filed with an insufficient fee, the application and any fee submitted shall be returned.

§ 181.48 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application shall be considered as having been abandoned and the license or permit fee returned.

§ 181.49 Issuance of license or permit.

(a) Upon receipt of a properly executed application for a license or permit, the Assistant Regional Commissioner shall, upon finding through further inquiry or investigation, or otherwise, that the applicant is entitled thereto, issue the appropriate license or permit and a copy thereof: *Provided*, That in the case of a user-limited permit, the original only shall be issued. Each license or permit shall bear a serial number and such number may be assigned to the licensee or permittee to whom issued for as long as he maintains continuity of renewal in the same internal revenue region.

(b) The Assistant Regional Commissioner shall approve a properly executed application for license or permit, if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not a person to whom distribution of explosive materials is prohibited under the provisions of the Act;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive, in connection with his application;

(5) The applicant has in a State business premises from which he conducts business or operations subject to license or permit under the Act or from which he intends to conduct such business or operations;

(6) The applicant has storage facilities for the class of explosive materials described on the application which facilities meet the standards prescribed by Subpart J of this part, unless he establishes to the satisfaction of the Assistant Regional Commissioner that the business or operations to be conducted will not require the storage of explosive materials;

(7) The applicant has certified in writing that he is familiar with and understands all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business; and

(8) The applicant for a license has submitted the certificate required by section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1171 (b)).

(c) The Assistant Regional Commissioner shall approve or deny an application for license or permit within the 45-day period beginning on the date a properly executed application was received by the Service Center Director: *Provided*, That when an applicant for license or permit renewal is a person who is, pursuant to the provisions of § 181.83 or § 181.142, conducting business or operations under a previously issued license or permit, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or permit, or renewal application, or final action by the Commissioner on an application for relief submitted pursuant to § 181.142, as the case may be.

§ 181.50 Correction of error on license or permit.

(a) Upon receipt of a license or permit issued under the provisions of this part, each licensee or permittee shall examine same to insure that the information contained thereon is accurate. If the license or permit is incorrect, the licensee or permittee shall return the license or permit to the Assistant Regional Commissioner with a statement showing the nature of the error. The Assistant Regional Commissioner shall correct the error, if the error was made in his office, and return the license or permit. However, if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the Assistant Regional Commissioner shall require the licensee or permittee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the Assistant Regional Commissioner shall make the correction on the license or permit and return the same to the licensee or permittee.

(b) When the Assistant Regional Commissioner finds through any means other than notice from the licensee or permittee that an incorrect license or permit has been issued, (1) the Assistant Regional Commissioner may require the holder of the incorrect license or permit to return the license or permit for correction, and (2) if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the Assistant Regional Commissioner shall require the licensee or permittee to file an amended application setting forth the correct information, and a statement satisfactorily explaining the error contained in the application. The Assistant Regional Commissioner then shall make the correction on the license or permit and return same to the licensee or permittee.

§ 181.51 Duration of license or permit.

Licenses and permits shall be issued for a period of 1 year: *Provided*, That a manufacturer-limited license shall be issued for a period of 30 days and a user-limited permit shall be valid only for a single purchase transaction.

§ 181.52 Limitations on license or permit.

(a) The license covers the business and class of explosive materials specified in the license at the licensee's business premises (see § 181.41(b)).

(b) The permit is valid with respect to the type of operations and class of explosive materials specified in the permit.

§ 181.53 License and permit not transferable.

Licenses and permits issued under this part are not transferable to another person. In the event of the lease, sale, or other transfer of the business or operations covered by the license or permit, the successor must obtain the license or permit required by this part prior to commencing such business or operations. However, for rules on right of succession, see § 181.59.

§ 181.54 Change of location; change in construction.

(a) *Other than storage facilities.* Except as provided in paragraph (b), a licensee or permittee may during the term of his license or permit remove his business or operations to a new location at which he intends regularly to carry on such business or operations, without procuring a new license or permit. However, in every case, whether or not the removal is from one internal revenue region to another, notification of the new location of the business or operations must be given not less than 10 days prior to such removal to the Assistant Regional Commissioner for the internal revenue region from which or within which the removal is to be made, and the Assistant Regional Commissioner for the internal revenue region to which the removal is to be made. In each instance, the license or permit and any copies thereof furnished with the license or permit must be submitted for endorsement to the Assistant Regional Commissioner having jurisdiction over the internal revenue region to which or within which removal is to be made. After endorsement of the license or permit and the copies thereof to show the new location, and the new license or permit number, if any, the Assistant Regional Commissioner will return same to the licensee or permittee.

(b) *Storage facilities.* A licensee or permittee who intends to change the location of his approved storage facility described in his application (other than a change of location of a portable approved storage facility) during the term of his license or permit shall make written application, in duplicate, to the Assistant Regional Commissioner who issued the license or permit, describing the location, the type of construction, and the class of explosive materials as prescribed in Subpart J. Such application may include a request for approval of specific successive changes in location of an approved storage facility. Storage of explosive materials may not be commenced at the new location prior to receipt of the copy of such application stamped "Approved".

(c) *Additions to or changes in storage facilities.* A licensee or permittee who intends to make additions to or changes in construction of approved storage facilities described in his application, shall

file an application on Form 4705 or on Form 4707 with the Assistant Regional Commissioner for an amended license or permit, describing the proposed additions or changes. Additions to or changes in construction of approved storage facilities may not be made prior to issuance of the amended license or permit. Upon receipt of the amended license or amended permit, the licensee or permittee shall submit his superseded license or superseded permit and any copies thereof to the Assistant Regional Commissioner.

§ 181.55 Change in class of explosive materials.

A licensee or permittee who intends to change the class of explosive materials described in his license or permit from a lower to a higher classification (see Subpart J) shall file an application on Form 4705 or on Form 4707 with the Assistant Regional Commissioner for an amended license or permit. If the change in class of explosive materials would require a change in storage facilities, the amended application shall include a description of the type of construction as prescribed in Subpart J. Business or operations with respect to the new class of explosive materials may not be commenced prior to issuance of the amended license or amended permit. Upon receipt of the amended license or amended permit, the licensee or permittee shall submit his superseded license or superseded permit and any copies thereof to the Assistant Regional Commissioner.

§ 181.56 Change in trade name.

A licensee or permittee continuing to conduct business or operations at the location shown on his license or permit is not required to obtain a new license or permit by reason of a mere change in trade name under which he conducts his business or operations: *Provided*, That such licensee or permittee furnishes his license or permit and any copies thereof for endorsement of such change to the Assistant Regional Commissioner for the internal revenue region in which the licensee or permittee conducts his business or operations, within 30 days from the date the licensee or permittee begins his business or operations under the new trade name.

§ 181.57 Change of control.

In the case of a corporation or association holding a license or permit under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the corporation holding a license or permit or in any other corporation), by operation of law, or in any other manner, the licensee or permittee shall, within 30 days of such change, give written notification thereof executed under the penalties of perjury, to the Assistant Regional Commissioner. Upon expiration of the license or permit, the corporation or association must file a Form 4705 or a Form 4707 as required by § 181.45 and pay the fee prescribed in § 181.42(b) or § 181.43 (b).

§ 181.58 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to conduct the business or operations under the license or permit of the partnership. If such surviving partner acquires the business or operations on completion of settlement of the partnership, he shall obtain a license or permit in his own name from the date of acquisition, as provided in § 181.45. The rule set forth in this section shall also apply where there is more than one surviving partner.

§ 181.59 Right of succession by certain persons.

(a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same business premises for the remainder of the term of license or permit. Such persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit and copies thereof for that business or operations for endorsement of such succession to the Assistant Regional Commissioner for the internal revenue region in which the business or operations is conducted within 30 days from the date on which the successor begins to carry on the business or operations.

§ 181.60 Certain continuances of business or operations.

A licensee or permittee who furnishes his license or permit to the Assistant Regional Commissioner for correction, amendment or endorsement in compliance with the provisions contained in this subpart may continue his business or operations while awaiting its return.

§ 181.61 Discontinuance of business or operations.

Where an explosive materials business or operations is either discontinued or succeeded by a new owner, the owner of the business or operations discontinued or succeeded shall within 30 days thereof furnish to the Assistant Regional Commissioner for the internal revenue region in which his business or operations was located notification of the discontinuance or succession and his license or permit and any copies thereof. (See also § 181.128.)

§ 181.62 State or other law.

A license or permit issued under this part confers no right or privilege to conduct business or operations, including storage, contrary to State or other law. The holder of such a license or permit is not by reason of the rights and privileges granted by that license or permit immune from punishment for conducting an explosive materials business or operations in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

Subpart E—License and Permit Proceedings

§ 181.71 Opportunity for compliance.

Except in cases of wilfulness or those in which the public interest requires otherwise, and the Assistant Regional Commissioner so alleges in the notice of denial of an application or revocation of a license or permit, no license or permit shall be revoked or renewal application denied without first calling to the attention of the licensee or permittee the reasons for the contemplated action and affording him an opportunity to demonstrate or achieve compliance with all lawful requirements and to submit facts, arguments, or proposals of adjustment. The notice of contemplated action, Form 4715, shall afford the licensee or permittee 15 days from the date of receipt of the notice to respond. If no response is received within the 15 days, or after consideration of relevant matters presented by the licensee or permittee, the Assistant Regional Commissioner finds that the licensee or permittee is not likely to abide by the law and regulations, he will proceed as provided in § 181.74.

§ 181.72 Denial of initial application.

Whenever the Assistant Regional Commissioner has reason to believe that an applicant for an original license or permit is not eligible to receive a license or permit under the provisions of § 181.49, he shall issue a notice of denial on Form 4716. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within that time, a copy of the application, marked "Disapproved", will be returned to the applicant.

§ 181.73 Hearing after initial application is denied.

If the applicant for an original license or permit desires a hearing, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner, within 15 days after receipt of the notice of denial. The request should include a statement of the reasons therefor. On receipt of the request, the Assistant Regional Commissioner shall refer the matter to a hearing examiner and the examiner shall set a time and place (see § 181.77) for a hearing and shall serve notice thereof upon the applicant and the Assistant Regional Commissioner at least 10 days in advance of the hearing date. The hearing shall be conducted in accordance with the hearing procedures prescribed in Part 200 of this chapter (see § 181.82). Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the examiner shall render his recommended decision. He shall certify to the complete record of the proceedings before him and shall immediately forward the complete certified record, together with four copies of his recommended decision, to the Assistant Regional Commissioner for decision.

§ 181.74 Denial of renewal application or revocation of license or permit.

If, following or without opportunity for compliance under § 181.71, as circumstances warrant, the Assistant Regional Commissioner finds that the licensee or permittee is not likely to comply with the law or regulations or is otherwise not eligible to continue operations authorized under his license or permit, the Assistant Regional Commissioner will issue a notice of denial of the renewal application or revocation of the license or permit, Form 4716 or 4717, as appropriate. In either case, the notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The notice shall, in the case of revocation of a license or permit, specify the date on which such action is effective, which date shall be on or after the date the notice is served on the licensee or permittee. The notice shall also advise the licensee or permittee that he may, within 15 days after receipt of the notice, request a hearing and, if applicable, a stay of the effective date of the revocation of his license or permit.

§ 181.75 Hearing after denial of renewal application or revocation of license or permit.

If a licensee or permittee whose renewal application has been denied or whose license or permit has been revoked desires a hearing, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner. In the case of the revocation of a license or permit, he may include a request for a stay of the effective date of the revocation. On receipt of the request the Assistant Regional Commissioner shall advise the licensee or permittee whether the stay of the effective date of the revocation is granted. If the stay of the effective date of the revocation is granted, the Assistant Regional Commissioner shall refer the matter to a hearing examiner. The hearing examiner shall set a time and place (see § 181.77) for a hearing and shall serve notice thereof upon the licensee or permittee and the Assistant Regional Commissioner at least 10 days in advance of the hearing date. If the stay of the effective date of the revocation is denied, the licensee or permittee may request an immediate hearing. In such event, the Assistant Regional Commissioner shall immediately refer the matter to a hearing examiner who shall set a date and place for a hearing, which date shall be no later than 10 days from the date the licensee or permittee requested an immediate hearing. The hearing shall be held in accordance with the applicable provisions of Part 200 of this chapter. Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the hearing examiner shall render his decision. He shall certify to the complete record of the proceeding before him and shall immediately forward the complete certified record, together with two copies of his decision, to the Assistant Regional Commissioner, serve one copy of his decision on the licensee or permittee or his counsel, and transmit a copy to the attorney for the Government.

§ 181.76 Action by Assistant Regional Commissioner.

(a) *Initial application proceedings.* If, upon receipt of the record and the recommended decision of the examiner, the Assistant Regional Commissioner decides that the license or permit should be issued, he shall approve the application, briefly stating, for the record, his reasons therefor. If he contemplates that the denial should stand, he shall serve a copy of the examiner's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with reasons in support thereof. If the Assistant Regional Commissioner, after consideration of the record of the hearing and of any proposed findings, conclusions, or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the examiner, he shall issue the license or permit or disapprove the application in accordance therewith. If he disapproves of the findings, conclusions, and recommendation of the examiner, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and the facts in the record. Any decision of the Assistant Regional Commissioner ordering the disapproval of an initial application for a license or permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion, and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision shall be served upon the applicant and the original copy containing certificate of service shall be placed in the official record of the proceedings. If the decision of the Assistant Regional Commissioner is in favor of the applicant, he will issue the license or permit, to be effective on issuance.

(b) *Renewal application and revocation proceedings.* Upon receipt of the complete certified records of the hearing, the Assistant Regional Commissioner shall enter an order confirming the revocation of the license or permit, or disapproving the application, in accordance with the examiner's findings and decision, unless he disagrees with the findings and decision. A signed duplicate original of the order, Form 4718, shall be served upon the licensee or permittee and the original copy containing certificate of service shall be placed in the official record of the proceedings. If the Assistant Regional Commissioner disagrees with the findings and decision of the examiner, he shall file a petition with the Director for review thereof as provided in § 181.79. In either case, if the renewal application denial is sustained a copy of the application marked "Disapproved" will be returned to the applicant. If the renewal application denial is reversed a license or permit will be issued to become effective on expiration of the license or permit being renewed, or on the date of issuance, whichever is later. If the proceedings involve the revocation of a license or permit which expired before a decision is in favor of the licensee or permittee, the Assistant Regional Commissioner shall:

(1) If renewal application was timely filed and a stay of the effective date of the revocation was granted, issue a license or permit effective on the date of issuance;

(2) If renewal application was not timely filed but a stay of the effective date of the revocation had been granted, request that a renewal application be filed and, pursuant thereto, issue a license or permit to be effective on issuance; or

(3) If a stay of the effective date of the revocation had not been granted, request that an application be filed as provided in § 181.45, and process it in the same manner as for an application for an original license or permit.

(c) *Curtailment of stay of revocation effective date.* If, after approval of a request for a stay of the effective date of an order revoking a license or permit but before actions are completed under this subpart, the Assistant Regional Commissioner finds that it is contrary to the public interest for the licensee or permittee to continue the operations or activities covered by his license or permit, the Assistant Regional Commissioner may issue a notice of withdrawal of such approval, effective on the date of issuance. Such notice shall be served upon the licensee or permittee in the manner provided in § 181.81.

§ 181.77 Designated place of hearing.

The designated place of hearing set as provided in § 181.73 or § 181.75 shall be at the location convenient to the aggrieved party.

§ 181.78 Representation at a hearing.

An applicant, licensee, or permittee may be represented by an attorney or other person recognized to practice before the Internal Revenue Service as provided in 31 CFR Part 10 (Treasury Department Circular No. 230) if he has otherwise complied with the applicable requirements of §§ 601.521–601.527 of this

chapter. The Assistant Regional Commissioner may be represented in proceedings under §§ 181.73 and 181.75 by an attorney in the office of the regional counsel who is authorized to execute and file motions, briefs, and other papers in the proceedings, on behalf of the Assistant Regional Commissioner, in his own name as "Attorney for the Government."

§ 181.79 Appeal on petition to the Director.

An appeal to the Director is not required prior to filing an appeal with the U.S. Court of Appeals for judicial review. An appeal may be taken by the applicant, licensee, or permittee to the Director from a decision resulting from a hearing under § 181.73 or § 181.75. An appeal may also be taken by an Assistant Regional Commissioner from a decision resulting from a hearing under § 181.75 as provided in § 181.76(b). Such appeal shall be taken by filing a petition for review on appeal with the Director within 15 days of the service of an examiner's decision or an order. The petition shall set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition shall be filed with the Assistant Regional Commissioner or served on the applicant, licensee, or permittee, as the case may be. In the event of such appeal, the Assistant Regional Commissioner shall immediately forward the complete original record, by certified mail, to the Director for his consideration, review, and disposition in the manner provided in Subpart I of Part 200 of this chapter. When, on appeal, the Director affirms the initial decision of the Assistant Regional Commissioner or the examiner, as the case may be, such initial decision shall be final.

§ 181.80 Court review.

An applicant, licensee, or permittee may, within 60 days after receipt of the decision of the examiner or the final order of the Assistant Regional Commissioner or the Director, file a petition for a judicial review thereof, with the U.S. Court of Appeals for the district in which he resides or has his principal place of business. The Director, upon notification that such petition has been filed, shall have prepared, in triplicate, a complete transcript of the record of the proceedings. The Assistant Regional Commissioner or the Director, as the case may be, will certify to the correctness of such transcript of the record, forward one copy to the attorney for the Government in the review of the case, and file the original record of the proceedings with the original certificate in the U.S. Court of Appeals.

§ 181.81 Service on applicant, licensee, or permittee.

All notices and other formal documents required to be served on an applicant, licensee, or permittee under this subpart shall be served by certified mail or by personal delivery. Where service is by personal delivery, the signed duplicate original copy of the formal document shall be delivered to the applicant, licensee, or permittee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent thereof, or to its attorney of record.

§ 181.82 Provisions of Part 200 made applicable.

The provisions of Subpart G of Part 200 of this chapter, as well as those provisions of Part 200 relative to failure to appear, withdrawal of an application or surrender of a permit, the conduct of hearings before a hearing examiner, and record of testimony are hereby made applicable to application, license, and permit proceedings under this subpart to the extent that they are not contrary to or incompatible with the provisions of this subpart.

§ 181.83 Operations by licensees or permittees after notice of denial or revocation.

In any case where a notice of revocation has been issued and a request for a stay of the effective date of the revocation has not been granted, the licensee or permittee may not engage in the activities covered by the license or permit pending the outcome of proceedings under this subpart. In any case where notice of revocation has been issued but a stay of the effective date of the revocation has been granted, the licensee or permittee may continue to engage in the activities covered by his license or permit unless or until formally notified to the contrary: *Provided*, That in the event the license or permit would have expired before proceedings under this subpart are completed, timely renewal application must have been filed to continue the license or permit beyond its expiration date. In any case where a notice of denial of a renewal application has been issued, the licensee or permittee may continue to engage in the activities covered by the existing license or permit after the date of expiration thereof until proceedings under this subpart are completed.

Subpart F—Conduct of Business or Operations

§ 181.101 Posting of license or permit.

Licenses or permits issued under this part or copies thereof shall be kept posted and kept available for inspection on the business premises at each place where explosive materials are manufactured, imported, or distributed and in each magazine of an approved storage facility.

§ 181.102 Authorized operations by permittees and certain licensees.

(a) *In general.* The license issued to a manufacturer-limited does not authorize such licensee to engage in another class of business required to be licensed under the Act or this part. Therefore if such licensee intends to manufacture explosive materials for purposes of sale or distribution or to deal in explosive materials, he shall so qualify. Similarly, a permit issued under this part does not authorize the permittee to engage in the business of manufacturing, importing, or dealing in explosive materials. Accordingly if a permittee's operations bring him within the definition of a manufacturer, importer, or dealer under this part he shall qualify as such.

(b) *Distributions of surplus stocks.* Licensed manufacturers-limited and permittees are not authorized to engage in the business of sale or distribution of explosive materials. However, such licensees or permittees may dispose of surplus stocks of explosive materials to other licensees or permittees in accordance with the provisions of § 181.103, and to nonlicensees or to nonpermittees in accordance with the provisions of § 181.105 (d).

§ 181.103 Sales or distributions between licensees or between licensees and permittees.

(a) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to another licensee or permittee, or a permittee or a licensed manufacturer-limited disposing of surplus stock to another permittee or licensee, shall verify the identity and the status as a licensee or permittee of the distributee prior to making the transaction. Such verification shall be established by the distributee furnishing to the distributor a certified copy (in the case of a user-limited, the original) of the distributee's license or permit and by such other means as the distributor deems necessary: *Provided*, That it shall not be required (1) for a distributee who has furnished a certified copy of his license or permit to a distributor to again furnish such certified copy to that distributor during the term of the distributee's current license or permit, and (2) for the licensees of multilicensed business organizations to furnish certified copies of their licenses to other licensed locations operated by such organization: *Provided further*, That a multilicensed business organization may furnish to a distributor in lieu of a certified copy of each license, a list certified to be true, correct and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the distributor may sell or otherwise dispose of explosive materials as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom. A distributor licensee who has the certified information required by this section may sell or distribute explosive materials to a licensee or permittee for not more than 45 days following the expiration date of the distributee's license or permit, unless the distributor knows or has reason to believe that the distributee's authority to continue business or operations under this part has been terminated.

(b) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to another licensee or permittee, or a permittee or a licensed manufacturer-limited disposing of surplus stocks to another permittee or licensee, which is a business entity shall verify the identity of the representative or agent of the business entity who is authorized to acquire explosive materials on behalf of such business entity. Each business entity acquiring explosive materials shall furnish the licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee with a current certified list of representatives or agents authorized to acquire explosive materials on behalf of such business entity showing the name, address, and date and place of birth of each such representative or agent. A licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee shall not distribute explosive materials to a business entity on the order of a person who does not appear on such list.

(c) A licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee acquiring explosive materials from another licensee or permittee shall furnish such licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee with a certified current statement of the intended use of the explosive materials by such licensee or permittee (such as resale, mining, quarrying, agriculture, construction, road building, oil well drilling, seismographic research, or other specified lawful activity) and specifying the name, address, date and place of birth, social security number of the distributee where the distributee is a natural person. In the case of a business entity such statement shall specify the intended use, taxpayer identification number, the identity and principal and local places of business of such business entity and the information required by paragraph (b) of this section. A licensee or permittee who has furnished such statement to a licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee shall not be required to again furnish such statement to that distributor if the information on the statement remains unchanged.

(d) Where possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing such possession. Prior to the delivery at the distributor's premises of explosive materials to an employee of a licensee or permittee, or to an employee of a carrier transporting explosive materials to a licensee or permittee, the distributor so delivering explosive materials shall obtain an executed Form 4721 from such employee before releasing the explosive materials. The Form 4721 shall contain all of the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(e) The user-limited permit issued under the provisions of this part is valid only for a single purchase transaction and is not renewable (see § 181.51). Accordingly, each permittee holding a user-limited permit shall at the time he acquires explosive materials from a licensed importer, licensed manufacturer, or licensed dealer present his permit to such licensee. The licensed importer, licensed manufacturer, or licensed dealer shall write across the face of such permit "Transaction completed", the date, sign his name and indicate his license number, and return the permit to the permittee.

§ 181.104 Certified copy of license or permit.

Except as provided in § 181.49(a), each person issued a license or permit under the provisions of this part shall be furnished together with his license or permit a copy thereof for his certification. If such a person desires an additional copy of his license or permit for certification and for use pursuant to § 181.103, he shall:

(a) Make a reproduction of the copy of his license or permit and execute the certification thereon, or

(b) Make a reproduction of his license or permit, enter upon such reproduction the statement: "I certify that this is a true copy of a (*insert the word license or permit*) issued to me to engage in the business or operations specified in Item 5" and sign his name adjacent thereto, or

(c) Submit a request, in writing, for certified copies of his license or permit to the Assistant Regional Commissioner for the Internal Revenue region in which the license or permit was issued. The request shall set forth the name, trade name (if any), and address of the licensee or permittee and the number of copies of the license or permit desired. There shall be imposed a fee of $1 for each copy of a license or permit issued by the Assistant Regional Commissioner under the provisions of this paragraph. Fee payment shall accompany each such request for additional copies of a license or permit. Such fee shall be paid by (1) cash, or (2) money order or check made payable to the Internal Revenue Service.

§ 181.105 Distributions to nonlicensees and nonpermittees.

(a) The provisions of this section shall apply in any case where distribution of explosive materials to the distributee is not otherwise prohibited by the Act or this part.

(b) Except as provided in paragraph (c) of this section, a licensed importer, licensed manufacturer, or licensed dealer may distribute explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee or nonpermittee furnishes to the licensee the explosives transaction record, Form 4710, required by § 181.126. Disposition of Form 4710 shall be made in accordance with the provisions of § 181.126(c).

(c) A licensed importer, licensed manufacturer, or licensed dealer may sell or distribute explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State and the purchaser and the licensee have, prior to the distribution of the explosive materials, complied with all the requirements of paragraphs (b), (e), and (f) of this section applicable to intrastate transactions occurring on the licensee's business premises.

(d) A licensed manufacturer-limited or a permittee may dispose of surplus stocks of explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which such licensee's or permittee's business premises or operations are located, or is a resident of a State contiguous to the State in which the licensee's or permittee's place of business or operations are located, and if the requirements of paragraphs (b), (c), (e), and (f) of this section are fully met.

(e) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to a business entity shall verify the identity of the representative or agent of the business entity who is authorized to acquire explosive materials on behalf of such business entity. Each business entity acquiring explosive materials shall furnish the licensed importer, licensed manufacturer, or licensed dealer with a current certified list of the names of representatives or agents authorized to acquire explosive materials on behalf of such business entity. A licensed importer, licensed manufacturer, or licensed dealer shall not distribute explosive materials to a business entity on the order of a person whose name does not appear on such list.

(f) Where the possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing such possession. Prior to the delivery at the distributor's premises of explosive materials to an employee of a nonlicensee or nonpermittee, or to an employee of a carrier transporting explosive materials to a nonlicensee or nonpermittee, the distributor so delivering explosive materials shall obtain an executed Form 4721 from such employee before releasing the explosive materials. The Form 4721 shall contain all of the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

§ 181.106 Certain prohibited distributions.

(a) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute explosive materials to any person not licensed or holding a permit under this part, who the licensee knows or has reason to believe does not reside in the State in which the licensee's place of business is located: *Provided*, That the foregoing provisions of this paragraph shall not apply to the

distribution of explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located if the requirements of § 181.105(c) are fully met.

(b) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute any explosive materials to any person (1) who the importer, manufacturer, or dealer knows is less than 21 years of age, or (2) in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution, or (3) who the importer, manufacturer, or dealer has reason to believe intends to transport such explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into such State or to receive explosive materials in such State, or (4) who the importer, manufacturer, or dealer has reasonable cause to believe intends to use such explosive materials for other than a lawful purpose.

(c) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute any explosive materials to any person knowing or having reason to believe that such person (1) is, except as provided under § 181.142 (d) and (e), under indictment for, or has been convicted in any any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of marihuana (as defined in section 4761 of the Internal Revenue Code of 1954; 26 U.S.C. 4761) or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmestic Act; 21 U.S.C. 321(v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954; 26 U.S.C. 4731(a)), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

§ 181.107 Record of transactions.

Every licensee and permittee shall maintain records of explosive materials in such form and manner as is prescribed by Subpart G of this part.

§ 181.108 Importation.

Explosive materials imported or brought into the United States by a licensed importer or permittee may be released from Customs custody to the licensed importer or permittee upon proof of his status as a licensed importer or permittee. Such status shall be established by the licensed importer or permittee furnishing to the Customs officer a certified copy of his license or permit (see § 181.104). The provisions of this section are in addition to, and are not in lieu of, any applicable requirement under Part 180 of this chapter.

§ 181.109 Identification of explosive materials.

Each licensed manufacturer of explosive materials on or after February 12, 1971, shall legibly identify by marking all explosive materials he manufactures for sale or distribution. The marks required by this section shall identify the manufacturer and the location, date, and shift of manufacture. The licensed manufacturer shall place on each cartridge, bag, or other immediate container of explosive materials manufactured for sale or distribution the required mark which shall also be placed on the outside container, if any, used for their packaging: *Provided*, That with respect to explosive materials of small size not suitable for marking on the individual item (for example, blasting caps), it shall only be necessary to place such identification marks on the containers used for their packaging.

Subpart G—Records and Reports

§ 181.121 General.

(a) The records pertaining to explosive materials prescribed by this part shall be in permanent form, and shall be retained on the licensed or permit premises in the manner prescribed by this subpart for a period of not less than 5 years from the date the transaction occurs or until discontinuance of business or operations by the licensee or permittee. (See also § 181.128.)

(b) Internal revenue officers may enter the premises of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 181.24). Section 843(f) of the Act requires licensed importers, licensed manufacturers, licensed manufacturers-limited, licensed dealers, and permittees to make such records available for such examination or inspection at all reasonable times. Section 843(f) of the Act also requires licensed importers, licensed manufacturers, licensed manufacturers-limited, licensed dealers, and permittees to submit such reports and information with respect to such records and the contents thereof as the regulations contained in this part prescribe.

(c) Each licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, and permittee shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of explosive materials as the regulations contained in this part prescribe. Section 842(g) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee knowingly to make any false entry in any record required to be maintained pursuant to the Act and the regulations contained in this part.

§ 181.122 Records maintained by importers.

(a) Each licensed importer of explosive materials shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed importer shall take such an inventory as of February 12, 1971, or at the time of commencing business subsequent thereto, which shall be the effective date of the license issued upon original qualification under this part; at the time of changing the location of his premises to another region; at the time of discontinuing business, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensed importer. (See also § 181.127.)

(b) Each licensed importer shall not later than the close of the next business day following the date of importation or other acquisition, record the quantity and class of explosive materials, as prescribed in the Explosives List, manufacturer, manufacturers' marks of identification (if any), and country of manufacture of explosive materials he imports or otherwise acquires, and the date such importation or other acquisition was made.

(c) A record of explosive materials distributed by a licensed importer to another licensee or permittee shall be maintained by the licensed importer on his licensed premises and shall show the quantity, class (as prescribed in the Explosives List), manufacturer, manufacturers' marks of identification (if any), country of manufacture, and license or permit number of the licensee or permittee to whom the explosive materials were distributed, and the date of the transaction. The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed importer. The information required by this paragraph shall be entered in the proper record book not later than the close of the next business day following the date of the transaction.

(d) Notwithstanding the provisions of paragraph (c) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed importer to record his distribution of explosive materials when it is shown by the licensed importer that such alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed importer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed importer until approval in such regard is received from the Assistant Regional Commissioner.

(e) Each licensed importer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

§ 181.123 Records maintained by licensed manufacturers.

(a) Each licensed manufacturer shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed manufacturer shall take such an inventory as of February 12, 1971, or at the time of commencing business subsequent thereto, which shall be the effective date of the license issued upon original qualification under this part; at the time of changing location of his premises to another region; at the time of discontinuing business, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensed manufacturer. (See also § 181.127.)

(b) Each licensed manufacturer shall record the marks of identification (if any) the quantity and class of explosive materials, as prescribed in the Explosives List, he manufacturers or otherwise acquires, and the date of such manufacture or acquisition. The information required by this paragraph shall be recorded not later than the close of the next business day following the date of such manufacture or acquisition.

(c) (1) A record of explosive materials distributed by a licensed manufacturer to another licensee or permittee shall be maintained by the licensed manufacturer on his licensed premises and shall show the marks of identification (if any), the quantity, class (as prescribed in the Explosives List), and manufacturer or importer, as applicable, if acquired other than by his manufacture, and license or permit number of the licensee or permittee to whom the explosive materials were distributed, and the date of the transaction. The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed manufacturer. The information required by this paragraph shall be entered in the proper record book not later than the close of the next business day following the date of the transaction.

(2) Each licensed manufacturer who manufactures explosive materials for his own use shall record in a separate permanent record the quantity and class of explosive materials, as prescribed in the Explosives List, he daily uses and the date of such use. The information required by this subparagraph shall be recorded not later than the close of the next business day following the date of such use.

(d) Notwithstanding the provisions of paragraph (c) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed manufacturer to record his distribution or use of explosive materials when it is shown by the licensed manufacturer that such alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed manufacturer until approval in such regard is received from the Assistant Regional Commissioner.

(e) Each licensed manufacturer shall maintain separate records of the sales or other distributions made of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

§ 181.124 Records maintained by dealers.

(a) Each licensed dealer shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed dealer shall take such an inventory as of February 12, 1971, or at the time of commencing business subsequent thereto, which shall be the effective date of the license issued upon original qualification under this part; at the time of changing location of his premises to another region; at the time of discontinuing business, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensed dealer. (See also § 181.127.)

(b) Each licensed dealer shall enter into a permanent record each purchase or other acquisition of explosive materials. The purchase or other acquisition of explosive materials by a licensed dealer shall, except as provided in paragraph (c) of this section, be recorded not later than the close of the next business day following the date of such purchase or acquisition. The record shall show the date of receipt, the name, address and license or permit number of the person from whom received, the name of the manufacturer and importer (if any), the manufacturers' marks of identification (if any), and the quantity and class of explosive materials as prescribed in the Explosives List.

(c) When a commercial record is maintained by a licensed dealer showing his purchase or acquisition of explosive materials, and such record contains all acquisition information required by the permanent record prescribed by paragraph (b) of this section, the licensed dealer acquiring such explosive materials may, for a period not exceeding 7 days following the date of such acquisition, delay making the required entry into such permanent record: *Provided*, That the commercial record is, until such time as the required entry into the permanent record is made, (1) maintained by the licensed dealer separate from other commercial documents maintained by such licensee, and (2) readily available for inspection on the licensed premises.

(d) A permanent record of explosive materials sold or otherwise distributed by a licensed dealer to another licensee or permittee shall be maintained by the licensed dealer on his licensed premises and shall show the quantity, class of explosive materials, as prescribed in the Explosives List, the name of the manufacturer and importer (if any), the manufacturers' marks of identification (if any), the license or permit number of the licensee or permittee to whom the explosive materials were distributed, and the date of the transaction. The information required by § 181.103 (b), (c) and (d) shall also be maintained as part of the records of the licensed dealer. The information required by this paragraph shall be entered in the permanent record in the manner required in paragraphs (b) and (c) of this section with respect to acquisition of explosive materials.

(e) Notwithstanding the provisions of paragraphs (b) and (d) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed dealer to record his acquisition or disposition of explosive materials, when it is shown by the licensed dealer that such alternate records will accurately and readily disclose the required information. A licensed dealer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed dealer until approval in such regard is received from the Assistant Regional Commissioner.

(f) Each licensed dealer shall maintain separate records of the sales or other distributions made of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

§ 181.125 Records maintained by licensed manufacturers-limited and permittees.

(a) Each licensed manufacturer-limited and each permittee shall take true and accurate inventories which shall include all explosive materials on hand required to be accounted for in the records kept under this part. Such inventory shall be made as of February 12, 1971, or at the time of commencing business or operations subsequent thereto, which shall be the effective date of the license or permit issued upon original qualification under this part; at the time of changing the location of his premises to another region; at the time of discontinuing business or operations, and at such other times as the Assistant Regional Commissioner may in writing require. Each inventory shall be prepared in duplicate, the original of which shall be submitted to the Assistant Regional Commissioner, and the duplicate shall be retained by the licensee or permittee. (See also § 181.127.)

(b) A licensed manufacturer-limited disposing of surplus stocks of explosive materials to other licensees or to permittees shall record in the permanent record not later than the close of the next business day following the date of the disposition, the information prescribed in § 181.123(c)(1). Each licensed manufacturer-limited shall maintain separate records of dispositions of surplus stocks of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

(c) Each permittee shall record in a permanent record the manufacturers' marks of identification (if any), the quantity and class of explosive materials, as prescribed in the Explosives List, he daily acquires, the date of such acquisition, and the name, address and license number of the person from whom explosive materials were obtained. The information required by this paragraph shall be recorded not later than the close of the next business day following the date of such acquisition or use. A permittee disposing of surplus stocks of explosive materials to other permittees or to licensees shall record in the permanent record not later than the close of the next business day following the date of the disposition, the information prescribed in § 181.124(d). Each permittee shall maintain separate records of dispositions of surplus stocks of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126.

(d) Notwithstanding the provisions of paragraph (c) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a permittee to record his acquisition of explosive materials, when it is shown by the permittee that such alternate records will accurately and readily disclose the required information. A permittee who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the permittee until approval in such regard is received from the Assistant Regional Commissioner.

§ 181.126 Explosives transaction record.

(a) A licensee or permittee shall not sell or otherwise distribute, temporarily or permanently, explosive materials to any person, other than another licensee or permittee, unless he records the transaction on an explosives transaction record, Form 4710.

(b) Prior to the sale or other distribution of explosive materials to a nonlicensee or nonpermittee who is a resident of the State in which the licensee or permittee maintains his business premises or who is not a resident of the State in which the licensee or permittee maintains his business premises and such nonlicensee or nonpermittee is acquiring explosive materials under the provisions contained in § 181.105(c), the licensee or permittee so distributing the explosive materials shall obtain an executed Form 4710 from the distributee. The Form 4710 shall contain all of the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(c) Form 4710 shall be completed in duplicate, the original of which shall be retained by the licensee or permittee as part of his permanent records in accordance with the requirements in paragraph (d) of this section, and the copy shall be forwarded to the Assistant Regional Commissioner on or before the close of business on the business day next succeeding that on which the transaction occurs.

(d) Each original Form 4710 shall be retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000", the licensee or permittee may recommence the series. The recommenced series shall be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of such change may be continued.

(e) The requirements of this section shall be in addition to any other record-keeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of Form 4710 from any Assistant Regional Commissioner or any District Director.

§ 181.127 Daily summary of magazine transactions.

In taking the inventory required by §§ 181.122, 181.123, 181.124, and 181.125, the inventory shall be entered in a record of daily transactions to be maintained at each magazine of an approved storage facility. At the close of business of each day each licensee and permittee shall record by class of explosive materials, as prescribed in the Explosives List, the total quantity received in and removed from each magazine during the day and the total remaining on hand at the end of the day. Any discrepancy which might indicate a theft or loss of explosive materials shall be reported in accordance with the provisions of § 181.30.

§ 181.128 Discontinuance of business.

Where an explosive materials business or operations is discountinued and succeeded by a new licensee or permittee the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business or operations is absolute, the records prescribed by this subpart shall be delivered within 30 day following the business or operations discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated: *Provided, however,* Where State law or local ordinance requires the delivery of records to other responsible authority, the Assistant Regional Commissioner may arrange for the delivery of the records required by this subpart to such authority. (See also § 181.61.)

§ 181.129 Exportation.

Explosive materials shall be exported in accordance with the applicable provisions of section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) and regulations thereunder. However, licensed manufacturers, licensed importers, and licensed dealers exporting explosive materials shall maintain records showing the manufacture or acquisition of explosive materials as required by this part and records showing the quantity and class of explosive materials, as prescribed in the Explosives List, the name and address of the foreign consignee of the explosive materials and the date the explosive materials were exported.

Subpart H—Exemptions

§ 181.141 General.

The provisions of this part shall not apply with respect to:

(a) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the U.S. Department of Transportation, and agencies thereof.

(b) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopoeia, or the National Formulary.

(c) The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof.

(d) Small arms ammunition and components thereof.

(e) Black powder in quantities not to exceed five pounds.

(f) The manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States.

(g) Arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

(h) The importation and distribution of fireworks in a finished state, commonly sold at retail for personal use in compliance with State laws or local ordinances.

(i) Gasoline, fertilizers, propellant actuated devices, or propellant actuated industrial tools manufactured, imported, or distributed for their intended purposes.

§ 181.142 Relief from disabilities incurred by indictment or conviction.

(a) Any person may make application for relief from the disabilities under the Act incurred by reason of an indictment for or conviction of a crime punishable by imprisonment for a term exceeding 1 year.

(b) An application for such relief shall be addressed to the Commissioner and shall include such supporting data as the applicant deems appropriate. In the case of a corporation, the supporting data should include information as to the absence of culpability in the offense of which the corporation was indicted or convicted, or of any person having the power to direct or control the management of the corporation, if such be the fact. The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the business premises are located or the applicant resides.

(c) The Commissioner may grant relief to an applicant if it is established to the satisfaction of the Commissioner that the circumstances regarding the indictment or conviction, and the applicant's record and reputation are such

that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) A person who has been granted relief under this section shall be relieved of any disabilities imposed by the Act with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials incurred by reason of such indictment or conviction.

(e) (1) A licensee or permittee who is indicted for or convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or permit or while he has pending a license or permit renewal application shall not be barred from licensed or permit operations for 30 days after the date of indictment or 30 days after the date upon which his conviction becomes final, and if he files his application for relief as provided by this section within such 30-day period, he may further continue licensed or permit operations during the pendency of his application. A licensee or permittee who does not file an application within 30 days from the date of his indictment or within 30 days from the date his conviction becomes final, shall not continue licensed or permit operations beyond 30 days from the date of his indictment or beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license or permit of a person expires during the 30-day period following the date of indictment or during the 30-day period after the date upon which his conviction becomes final or during the pendency of his application for relief, he must file a timely application for renewal of his license or permit in order to continue licensed or permit operations. Such license or permit application shall show that the applicant has been indicted for or convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(3) A licensee or permittee shall not continue licensed or permit operations beyond 30 days following the date the Commissioner issues notification that the licensee's or permittee's application for removal of the disabilities resulting from an indictment or conviction has been denied.

(4) When as provided in this section a licensee or permittee may no longer continue licensed or permit operations, any application for renewal of license or permit filed by the licensee or permittee during the pendency of his application for removal of disabilities resulting from an indictment or conviction, shall be denied by the Assistant Regional Commissioner.

Subpart I—Unlawful Acts, Penalties, Seizures, and Forfeitures

§ 181.161 Engaging in business without a license.

Any person engaging in the business of importing, manufacturing, or dealing in explosive materials without a license issued under the Act, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

§ 181.162 False statement or representation.

Any person who knowingly withholds information or makes any false or fictitious oral or written statement or furnishes or exhibits any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the Act, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

§ 181.163 False entry in record.

Any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee who knowingly makes any false entry in any record required to be kept pursuant to Subpart G of this part, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

§ 181.164 Unlawful storage.

Any person who stores any explosive material in a manner not in conformity with the provisions of Subpart J of this part, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

§ 181.165 Failure to report theft or loss.

Any person who has knowledge of the theft or loss of any explosive materials from his stock and fails to report such theft or loss within 24 hours of discovery thereof in accordance with § 181.30, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

§ 181.166 Seizure or forfeiture.

Any explosive material involved or used or intended to be used in any violation of the provisions of the Act or of this part, or in any violation of any criminal law of the United States shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 (title 26, U.S.C.) relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code (26 U.S.C. 5845(a)), shall, so far as applicable, extend to seizures and forfeitures under the provisions of the Act.

Subpart J—Storage

§ 181.181 General.

(a) No person shall store any explosive materials in a manner not in conformity with the provisions of this subpart (see § 181.29). Section 842(j) of the Act requires that the storage of explosive materials by any person must be in a manner conforming with the regulations contained in this subpart. The storage standards prescribed by this subpart confer no rights or privileges to store explosive materials in a manner contrary to State or other law.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Assistant Regional Commissioner may authorize alternate storage facilities for the storage of explosive materials when it is shown that such alternate facilities are or will be constructed in a manner substantially equivalent to the standards of construction contained in this subpart. Such alternate storage facilities shall not be used for the storage of explosive materials until approval is received from the Assistant Regional Commissioner.

(c) A licensee or permittee who intends to make additions to, modification of, or changes in his approved storage facilities shall follow the procedures and be subject to the requirements of § 181.54(c).

§ 181.182 Classes of explosive materials.

For purposes of this part, there shall be three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows.

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite.)

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined. (For example, black powder.)

(c) *Blasting agents.* (For example, ammonium nitrate-fuel oil.)

§ 181.183 Types of storage facilities.

For purposes of this part, there shall be five types of storage facilities. These types, together with the classes of explosive materials which shall be stored therein, are as follows:

(a) *Type 1 storage facilities.* Permanent storage facilities for the storage of high explosives, subject to the limitations prescribed by §§ 181.186 and 181.193. Other classes may also be stored therein.

(b) *Type 2 storage facilities.* Portable indoor and outdoor storage facilities for the storage of high explosives, subject to the limitations prescribed by §§ 181.186, 181.188(b), and 181.193. Other classes may also be stored therein.

(c) *Type 3 storage facilities.* Portable outdoor facilities for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§ 181.186 and 181.193. Other classes may also be stored therein.

(d) *Type 4 storage facilities.* Facilities for the storage of low explosives, subject to the limitations prescribed by §§ 181.186(b), 181.190(b), and 181.193. Blasting agents may also be stored therein.

(e) *Type 5 storage facilities.* Facilities for the storage of blasting agents, subject to the limitations prescribed by §§ 181.186 (a) and (c), 181.191(b), and 181.193.

§ 181.184 Inspection of storage facilities.

Any person storing explosive materials shall open and inspect his storage facilities at intervals not greater than 3 days to determine whether the explosives

therein are intact and to determine whether there has been unauthorized entry or attempted entry into the storage facilities or the unauthorized removal of facilities or their contents.

§ 181.185 Movement of explosive materials.

All explosive materials must be kept in storage facilities meeting the standards prescribed by this subpart unless they are:

(a) In the process of manufacture, or

(b) Being physically handled in the operating process of a licensee or user, or

(c) Being used, or

(d) Being transported to a place of storage or use by a permittee or by a person who has lawfully acquired explosive materials pursuant to the requirements of § 181.126.

§ 181.186 Location of storage facilities.

(a) (1) Except as otherwise provided in this subpart, storage facilities in which any explosive materials are stored shall be located at minimum distances from inhabited buildings, passenger railways, public highways, and from other storage facilities in which explosive materials are stored as specified in the American Table of Distances (see § 181.198): *Provided*, That this table shall not apply to any indoor storage facility. When a storage facility is not barricaded, the distances shown in the American Table of Distances shall be doubled. For purposes of this paragraph, a storage facility shall be deemed barricaded when it is effectually screened from inhabited buildings, passenger railways, public highways, and other storage facilities in which explosive materials are stored either by a natural or artificial barricade of such height that a straight line from the top of any sidewall of the storage facility to the eave line of such other inhabited building or storage facility, or to a point 12 feet above the center of a passenger railway or public highway, will pass through such intervening barricade.

(2) If any two or more storage facilities are separated from each other by less than the distances specified in § 181.198, then such two or more storage facilities, as a group, shall be considered as one storage facility, and the total quantity of explosive materials stored in such group shall be treated as if stored in a single facility and shall comply with the minimum of distances specified in § 181.198 from other storage facilities, inhabited buildings, passenger railways, and public highways.

(b) Storage facilities in which low explosives are stored shall be located at minimum distances from inhabited buildings, passenger railways, public highways, and from other storage facilities in which explosive materials are stored as specified in the table of distances for storage of low explosives (see § 181.199): *Provided*, That this table shall not apply to any indoor storage facility. The distances shown therein shall not be reduced by the presence of barricades.

(c) Ammonium nitrate and storage facilities in which blasting agents are stored shall be located at minimum distances from storage facilities containing high explosives or blasting agents as specified in the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents (see § 181.200).

§ 181.187 Construction of type 1 storage facilities.

A type 1 storage facility shall be a permanent structure: a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(a) *Buildings.* All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(1) *Masonry wall construction.* Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well-tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls shall be covered with a nonsparking material.

(2) *Fabricated metal wall construction.* Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness, or shall have at least a 6-inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a nonsparking material.

(3) *Wood frame wall construction.* The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking material shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(4) *Floors.* Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(5) *Foundations.* Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(6) *Roof.* Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to ⅞-inch sheathing.

(7) *Bullet-resistant ceilings or roofs.* Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall be protected by one of the following methods:

(i) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of coarse dry sand.

(ii) A fabricated metal roof shall be construction of 3/16-inch plate steel lined with 4 inches of hardwood. (For each additional 1/16-inch of plate steel, the hardwood lining may be decreased 1 inch.)

(8) *Doors.* All doors shall be constructed of ¼-inch plate steel and lined with 2 inches of hardwood. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) *Locks.* Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock; or with a mortise lock that requires two keys to open; or a three-point lock. Locks shall be five-tumbler proof. All padlocks shall be protected with ¼-inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(10) *Ventilation.* Except at doorways, a 2-inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(11) *Exposed metal.* No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

(b) *Igloos, Army-type structures, tunnels, and dugouts.* Igloo, Army-type, tunnel, and dugout storage facilities shall be constructed of reinforced concrete, masonry, metal or a combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors shall be covered with a nonsparking material. Storage facilities of this type shall also be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a) (8) through (11) of this section.

§ 181.188 Construction of type 2 storage facilities.

A type 2 storage facility shall be a box, a trailer, a semitrailer or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Except as provided in paragraph (c) of this section, hinges and hasps shall be attached to the covers or doors in the manner prescribed in § 181.187(a)(8) and the locking system shall be that prescribed in § 181.187(a)(9).

(a) *Outdoor storage facilities.* Outdoor storage facilities shall be at least 1 cubic yard in size and supported in such a manner so as to prevent direct contact with the ground. The sides, bottoms, tops, and covers or doors shall be constructed of ¼-inch steel and shall be lined with 2 inches of hardwood. Edges of metal covers shall overlap sides at least 1 inch. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor storage facilities.* No indoor facility for the storage of high explosives shall be located in a residence or dwelling. When located in a warehouse, wholesale, or retail establishment, such storage facilities shall be provided with substantial wheels or casters to facilitate removal therefrom. No more than two indoor storage facilities shall be kept in any one building. Two storage facilities may be kept in the same building only when one is used for the storage of blasting caps, squibs, or similar items and the other facility is used for the storage of other high explosives. Each storage facility shall be located on the floor nearest the ground level and within 10 feet of an outside exit. Indoor storage facilities within one building shall be separated by a distance of not less than 10 feet. No indoor storage facility shall contain a quantity of high explosives in excess of 50 pounds or more than 5,000 blasting caps. Indoor facilities shall be of wood or metal construction as prescribed in subparagraphs (1) or (2) of this paragraph.

(1) *Wood construction.* Wood indoor storage facilities shall have sides, bottoms, and covers or doors constructed of 2-inch hardwood and shall be well braced at corners. They shall be covered with sheet metal of not less than number 20 gauge. Nails exposed to the interior of such facilities shall be countersunk.

(2) *Metal construction.* Metal indoor storage facilities shall have sides, bottoms, and covers or doors constructed of number 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

(c) *Cap boxes.* Storage facilities for blasting caps in quantities of 100 or less shall have sides, bottoms, and covers constructed of number 12-gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumbler proof lock shall be sufficient for locking purposes.

§ 181.189 Construction of type 3 storage facilities.

A type 3 storage facility shall be a "day-box" or other portable facility. It shall be constructed in the same manner prescribed for type 2 outdoor storage facilities in § 181.188(a), except that it may be less than 1 cubic yard in size, and shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Hinges, hasps, locks, and lock protection shall be in conformity with the requirements of § 181.187(a) (8) and (9). The ground around such storage facilities shall slope away for drainage. No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to types 1 or 2 storage facilities for unattended storage.

§ 181.190 Construction of type 4 storage facilities.

A type 4 storage facility may be a building, an igloo or Army-type structure, a tunnel, a dugout, a box, a trailer, or a semitrailer or other mobile facility and shall be fire-resistant, weather-resistant, and theft-resistant. They shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of such storage facilities shall be lined with a nonsparking material. The doors or covers shall be metal or solid wood covered with metal. The foundations, locks, lock protection, hinges, hasps, and interior shall be in conformity with the requirements of § 181.187(a) (5), (8), (9), and (11).

(a) *Outdoor storage facilities.* The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor storage facilities.* No indoor facility for the storage of low explosives shall be located in a residence or dwelling. When located in a warehouse, wholesale, or retail establishment, such storage facilities shall be provided with substantial wheels or casters to facilitate removal therefrom. No more than one indoor storage facility shall be kept in any one building. It shall be located on the floor nearest the ground level and within 10 feet of an outside exit. No indoor storage facility shall contain a quantity of low explosives in excess of 50 pounds.

§ 181.191 Construction of type 5 storage facilities.

A Type 5 storage facility may be a building, an igloo or Army-type structure, a tunnel, a dugout, a bin, a box, a trailer, or a semitrailer or other mobile facility and shall be theft-resistant. The doors or covers thereof shall be solid wood or metal. The hinges, hasps, locks, and lock protection shall be in conformity with the requirements of § 181.187 (a) (8) and (9).

(a) *Outdoor storage facilities.* The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor storage facilities.* No indoor storage facility for the storage of blasting agents shall be located in a residence or dwelling.

§ 181.192 Smoking and open flames.

Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within 50 feet of, any outdoor storage facility.

§ 181.193 Quantity and storage restrictions.

Explosive materials in excess of 300,000 pounds and blasting caps in excess of 20 million shall not be stored in one storage facility. Blasting caps shall not be stored with other explosive materials in the same storage facility.

§ 181.194 Storage within types 1, 2, 3, and 4 facilities.

(a) Explosive materials within a storage facility shall not be placed directly against interior walls. Any devices constructed or placed within a storage facility shall not interfere with ventilation.

(b) Containers of explosive materials shall be stored by being laid flat with top sides up. Corresponding classes, grades, and brands shall be stored together within a storage facility in such a manner that class, grade, and brand marks are easily visible upon inspection. Stocks of explosive materials shall be stored so as to be easily counted and checked.

(c) Except with respect to fiberboard containers, containers of explosive materials shall not be unpacked or repacked inside a storage facility or within 50 feet thereof, and shall not be unpacked or repacked in close proximity to other explosive materials. Containers of explosive materials shall be securely closed while being stored.

(d) Tools used for opening or closing containers of explosive materials shall be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors shall not be stored in any storage facility containing high explosives.

§ 181.195 Housekeeping.

Storage facilities shall be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors shall be regularly swept. Brooms and other utensils used in the cleaning and maintenance of storage facilities shall have no spark-producing metal parts. Floors stained by leakage from explosive materials shall be cleaned according to instructions of the manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if a liquid leaks therefrom, it shall be destroyed in accordance with the instructions of its manufacturer. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

§ 181.196 Repair of storage facilities.

Prior to the interior repair of storage facilities, all explosive materials shall be removed and the interior shall be cleaned. Prior to the exterior repair of storage facilities, all explosive materials shall be removed if there exists a possibility that such repairs may produce sparks or flame. The explosive materials

removed from storage facilities under repair shall either be placed in other storage facilities appropriate for the storage of such materials under this subpart or placed a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed.

§ 181.197 Lighting.

No lighting shall be placed or used in a storage facility of type 1, 2, 3, or 4 except battery-activated safety lights or battery-activated safety lanterns.

§ 181.198 American table of distances for storage of explosive materials.

Explosives		Distances in feet when storage is barricaded			
Pounds over	Pounds not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	380	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	295	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

(American Table of Distances for Storage of Explosives, as Revised and Approved by The Institute of Makers of Explosives, June 5, 1964)

§ 181.199 Table of distances for storage of low explosives.

Pounds (over)	Pounds (not over)	Inhabited building distance [1] (feet)	Public railroad and highway distance [1] (feet)	Above-ground magazine (feet)
(1)	(2)	(3)	(4)	(5)
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

[1] Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

These distances apply to the separation of stores only. The American Table of Distances shall be used in determining separation distances from inhabited buildings, passenger railways and public highways.

(A portion of Table 5-4.1, as published in Department of Defense 4145.27 M, "DOD Ammunition and Explosives Safety Standards", March 1969.)

§ 181.200 Table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Donor weight		Minimum separation distance of receptor when barricaded [1] (ft.)		Minimum thickness of artificial barricades [4] (in.)
Pounds over	Pounds not over	Ammonium nitrate [2]	Blasting agent [3]	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

[1] When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances are not required.

[2] The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

[3] These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

[4] Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves are also acceptable.

(Reprinted from Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents, NFPA No. 492–1969 Edition, as approved by the Institute of Makers of Explosives.)

[FR Doc.71-531 Filed 1-14-71;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMERCE IN EXPLOSIVES

Explosives List

Pursuant to the provisions of section 841(d), title 18, United States Code, and § 181.23, Title 26, Code of Federal Regulations (26 CFR Part 181), the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials.

The following is the initial Explosives List required to be so published.

[SEAL] REX D. DAVIS,
Acting Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, U.S. Treasury Department.

JANUARY 11, 1971.

EXPLOSIVES LIST

A

Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatol.
Amitol.
Ammonal.
Ammonium nitrate—amino compound explosives
Ammonium nitrate explosive mixtures (cap sensitive).
Ammonium nitrate-nitroglycerine mixture.
Ammonium nitrate-nitrolactose mixture.
Aromatic nitro-explosive mixture.
Ammonium perchlorate composite propellant.
Ammonium perchlorate explosive mixtures.
Ammonium picrate.
Ammonium salt lattice with isomorphously substituted inorganic salts.

B

BEAF (1,2-bis (2,2-difluoro-2-netroacetoxyethane)).
Black powder.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC (bis (trinitroethyl) carbonate).
BTNEN (bis (trinitroethyl) nitramine).

C

Chlorate of potash explosive mixtures.
Carboxy-terminated propellant.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Chlorate of potash explosive mixtures.
Chlorates with red phosphorus explosive mixture.
Chlorates with sulphur explosive mixture.
Copper acetylide explosive mixture.
Crystalline explosive (cap sensitive).
Crystalline picrate with lead azide explosive mixture.
Cyclonite.
Cyclotetramethylenetetranitramine.
Cyclotetramethylenetrinitramine.
Cyclotrimethanylene.

D

DATB (diaminotrinitrotetram ethylene tetranitramine).
Delay powders.
Detonating cord.
Detonators.
Diazodinitrophenol.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenyl.
Dinitrophenyl hydrazine.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
DNDP (dinitropentano nitrile).
DNPA (2,2-dinitropropyl acrylate).

E

EDNP (ethyl 4,4-dinitropentanoate).
Erthritol tetranitrate explosives.
Ethylenedinitramine.
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive powders.

F

FEFO (bis (2,2-dinitro-2-fluoroethyl)).
Fulminate of mercury.
Fulminating gold.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Glyceryl trinitrate.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexogen.
Hexogene or octogene and A nitrated N-Methlyaniline.
Hexolites.
Hmx (cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine).
Hydrazine and unsymmetrical dimethychudrazine propellant.
Hydrazine perchlorate explosive mixtures.
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Inorganic perchlorate explosive mixtures.

L

Lead azide.
Lead mannite.
Lead mononitroresorsinate.
Lead picrate.
Lead styphnate.
Lead trinitro resorcinate.
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen with carbon black.
Liquid oxygen explosives.
Liquid oxygen with wood pulp.
Lithium perchlorate explosive mixtures.

M

Magnesium ophorite explosives.
MDNP (methyl 4,4-dinitropentanoate).
Mercury oxalate.
Mercury tartrate.
Mononitrotoluene nitroglycerin mixture.
Monopropellants.

N

Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated mixture explosives (ammonium and sodium).
Nitrated polyhydric alcohol emulsion explosive.
Nitrated proplene glycol explosive.
Nitrates of soda explosive mixtures.
Nitrates of polyatomic alcohol and carbohydrate explosive mixtures.
Nitric acid and A nitro aromatic compound explosive.
Nitric acid and carboxcylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatine explosive.
Nitrogen resorcinate.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerin.
Nitroglycide.
Nitroglycol.
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitropentaerythrite.
Nitropentaerythrite-nitroglycerine composition.
Nitrostarch.
Nitrourea.
N-Nitrophenyl diazonium perchlorate.

O

Octogen.
Octol (75% HMX, 25% TNT).

P

Particulate explosives.
Pellet powder.
Pentaerythrilol tetranitrate.
Pentaerythrite tetranitrate.
Pentaerythrilol tetranitrate.
Penthrinite composition.
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[FR Doc.71-530 Filed 1-14-71;8:45 am]

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Title 3—The President

EXECUTIVE ORDER 11578

Establishment of the Ohio River Basin Commission

WHEREAS the Water Resources Planning Act (79 Stat. 244, 42 U.S.C. 1962 *et seq.*) provides for the establishment of river basin water and related land resources commissions; and

WHEREAS the Governors of the States of the Ohio River drainage basin, excluding the Tennessee River drainage basin, and the Water Resources Council have requested, or concurred in, the establishment of such a commission:

NOW, THEREFORE, by virtue of the authority vested in me by section 201 of the Water Resources Planning Act (42 U.S.C. 1962b), and as President of the United States, it is ordered as follows:

SECTION 1. *Ohio River Basin Commission.* It is hereby declared that the Ohio River Basin Commission is established under the provisions of Title II of the Water Resources Planning Act (42 U.S.C. 1962b *et seq.*).

SEC. 2. *Jurisdiction of the Commission.* It is hereby determined that the jurisdiction of the Ohio River Basin Commission referred to in section 1 of this order shall extend to those portions of the States of Kentucky, Illinois, Indiana, Maryland, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia that are located within the Ohio River drainage basin, excluding the Tennessee River drainage basin.

SEC. 3. *Membership of the Commission.* It is hereby determined that, in accordance with section 202 of the Act (42 U.S.C. 1962b–1), the Commission shall consist of the following members:

(1) a Chairman to be appointed by the President,

(2) one member from each of the following Federal departments and agencies: Department of Agriculture, Department of the Army, Department of Commerce, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Transportation, Federal Power Commission, Atomic Energy Commission, and the Environmental Protection Agency,

such member to be appointed by the head of the department or independent agency he represents,

(3) one member from each of the following States: Kentucky, Illinois, Indiana, Maryland, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and West Virginia, and a member from Virginia when authorized by the legislature of that State, and

(4) one member from each interstate agency created by an interstate compact to which the consent of Congress has been given and whose jurisdiction extends to the waters of the area specified in section 2.

SEC. 4. *Functions, Powers, and Duties.* The Commission and its officers, members, and employees shall perform and exercise, with respect to the area specified in section 2 of this order, their respective functions, powers, and duties as set out in Title II of the Water Resources Planning Act.

SEC. 5. *Reporting to the President.* The Chairman of the Commission shall report to the President through the Water Resources Council.

Richard Nixon

THE WHITE HOUSE,
January 13, 1971.

[FR Doc.71-773 Filed 1-15-71;12:35 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 463]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.763 Lemon Regulation 463.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 12, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 17, 1971, through January 23, 1971, are hereby fixed as follows:

(i) District 1: 30,000 cartons;
(ii) District 2: 55,000 cartons;
(iii) District 3: 110,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 14, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-698 Filed 1-15-71;8:52 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—PUBLIC USE AND RECREATION

Snowmobiles; Racing and Other Competitive Uses

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), § 2.34 is hereby amended as set forth below.

A final notice of rule making regulating snowmobile use in areas of the National Park System, appeared at page 11553 of the FEDERAL REGISTER of July 18, 1970. Subparagraph (2) of paragraph (e) of § 2.34 provided that racing and other competitive uses were prohibited.

A final notice of rule making containing an amendment to § 2.34(e)(2) appeared at page 18915 of the FEDERAL REGISTER of December 12, 1970, which amendment retained the general prohibition against racing and competitive uses but authorized such uses when they were a part of a public spectator event held in a national recreation area in accordance with conditions of a permit issued by the Superintendent.

The purpose of this amendment is to amend subparagraph (2) of paragraph (e) to readopt the regulation which previously appeared as § 2.34(e)(2) and which was in force prior to the FEDERAL REGISTER notice of December 12. The effect of the amendment is to return to the complete prohibition of snowmobile racing and other competitive uses. The amendment will take effect upon publication in the FEDERAL REGISTER (1–16–71).

Section 2.34 is amended as follows:

§ 2.34 Snowmobiles.

* * * * *

(e) *Prohibited operations.* * * *

(2) Racing and other competitive uses are prohibited.

* * * * *

Dated: January 12, 1971.

EDWARD A. HUMMEL,
Acting Director, National Park Service.

[FR Doc.71-744 Filed 1-15-71;9:32 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter to reduce from 8 percent to 7½ percent the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not

exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to applications for commitments received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7½ percent, except that the loan may bear interest at a rate not to exceed 8 percent with respect to loans insured pursuant to applications for commitments received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

3. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

4. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 7½ percent, except that the mortgage or supplementary loan may bear interest at a rate not to exceed 8 percent with respect to mortgages or supplementary loans insured pursuant to:

(1) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

5. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to applications for commitments received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

6. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7½ percent, except that the loan may bear interest at a rate not to exceed 8 percent with respect to loans insured pursuant to:

(1) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

7. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before January 13, 1971.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

8. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

9. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8 percent with respect to mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to applications for commitments received by the Secretary before January 13, 1971.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

10. Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before January 13, 1971.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

11. Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before January 13, 1971.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1)

SUBCHAPTER Q—SUPPLEMENTARY PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

12. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7½ percent, except that the loan may bear interest at a rate not to exceed 8 percent with respect to loans insured pursuant to:

(a) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before January 13, 1971.

Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715 z-b)

SUBCHAPTER Q-1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Subpart A—Eligibility Requirements

13. Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before January 13, 1971.

Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z-7)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

14. Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(a) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(b) Applications for commitment received by the Secretary before January 13, 1971.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

15. In § 1100.45 paragraph (a) is amended to read as follows:

§ 1100.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7½ percent, except that the mortgage may bear interest at a rate not to exceed 8 percent with respect to mortgages insured pursuant to:

(1) Letters issued by the Secretary before January 13, 1971, inviting submission of an application for commitment.

(2) Applications for commitment received by the Secretary before January 13, 1971.

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa-3)

Issued at Washington, D.C., January 12, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-649 Filed 1-15-71;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1472—CONDUCT OF RENEGOTIATION

Commencement of Renegotiation

Section 1472.2 *Commencement of renegotiation* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1472.2 Renegotiation procedure.

(a) *In general.* Subject to the provisions of paragraph (c) of this section, renegotiation will be conducted in the manner outlined in this part.

(b) *Commencement of renegotiation.* Renegotiation proceedings will be commenced by mailing a notice to that effect by registered mail to the contractor. Ordinarily, renegotiation proceedings will not be commenced until after the contractor has filed a Standard Form of Contractor's Report (see § 1470.3(a) of this subchapter) and the case has been assigned to a Regional Board for renegotiation (see § 1471.1 of this subchapter).

(c) *Procedure in special circumstances.* If a contractor fails or refuses to file a Standard Form of Contractor's Report, or other necessary information, records or data requested by the Board or a Regional Board, or if the interests of the Government otherwise so require, any of the steps outlined in this part may be omitted (except the mailing of statutory notices), or may be combined, accelerated or otherwise modified in such manner as may be considered necessary or appropriate to protect the interests of the Government in the particular circumstances.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: January 13, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-646 Filed 1-15-71;8:45 am]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefit Plans Utilizing Certain Insurance Companies

On November 10, 1970, there was published in the FEDERAL REGISTER (35 F.R. 17270) notice of a proposed variation under which employee benefit plans which utilize the services of the Hartford Life Insurance Co., the Hartford Life and Accident Insurance Co., and/or the Hartford Accident and Indemnity Co., Hartford Plaza, Hartford, CT 06115, hereinafter referred to as the carrier(s), and which do not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(a), that they attach a copy of the appropriate carrier's financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication. No objections have been received. Accordingly, in accordance with section 5(a), WPPDA, 29 U.S.C. 304(a), 29 CFR Part 462, Subpart A, and Secretary's Order No. 16-68 (33 F.R. 15574) the variation to appear as §§ 462.35 and 462.36 of 29 CFR Part 462, Subpart B, with an undesignated centerhead, is granted as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING HARTFORD LIFE INSURANCE CO., HARTFORD LIFE AND ACCIDENT INSURANCE CO., AND/OR HARTFORD ACCIDENT AND INDEMNITY CO.

§ 462.35 Rule of variation.

Every employee benefit plan which utilizes the Hartford Life Insurance Co., the Hartford Life and Accident Insurance Co., and/or the Hartford Accident and Indemnity Co. (hereinafter referred to as the carrier(s)) to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the carrier will no longer be required to do so, subject to the following conditions.

§ 462.36 Condition of variation.

(a) Each carrier shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the carrier has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the carrier(s), each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the carrier and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) Each carrier is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the carrier maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the carrier to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and part 461 of this chapter.

This variation shall be effective immediately upon publication in the FEDERAL REGISTER (1-16-71).

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 8th day of January 1971.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.71-654 Filed 1-15-71;8:49 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

BYLAWS OF THE BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

On January 13, 1971, the Board of Governors of the U.S. Postal Service adopted the Bylaws set out below in Parts 1 through 6. These Bylaws became effective upon adoption.

Since they concern the matter of agency management, notice of proposed rule making and delayed effective date with respect to these Bylaws is unnecessary.

DAVID A. NELSON,
General Counsel, Post Office Department, Secretary to Board of Governors, U.S. Postal Service.

SUBCHAPTER A—THE BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

BYLAWS OF THE BOARD OF GOVERNORS

Part

1 General Provisions [Article I].
2 Offices and Seal [Article II].
3 Board of Governors [Article III].
4 Committees of the Board [Article IV].
5 Officers [Article V].
6 Reports and Records [Article VI].

PART 1—GENERAL PROVISIONS [ARTICLE I]

Sec.

1.1 Establishment of the U.S. Postal Service.
1.2 Authority for these bylaws.
1.3 Severability, amendment, repeal, and waiver of these bylaws.
1.4 Designation of process agent.

AUTHORITY: The provisions of this Part 1 issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), as enacted by Public Law 91-375.

§ 1.1 Establishment of the U.S. Postal Service.

The U.S. Postal Service was established pursuant to the provisions of the Postal Reorganization Act (hereinafter called the Reorganization Act) of August 12, 1970, Public Law 91-375, 84 Stat. 719, as an independent establishment within the executive branch of the Government of the United States under the direction of a Board of Governors (hereinafter called the Board) with a Postmaster General as the chief executive officer.

§ 1.2 Authority for these bylaws.

These bylaws are adopted by the Board pursuant to the authority conferred upon the Postal Service by 39 U.S.C. section 401(2).

§ 1.3 Severability, amendment, repeal, and waiver of these bylaws.

The invalidity of any section of these bylaws, or of any provision of these bylaws, shall not affect the validity of the remaining provisions and sections, and, for this purpose, these bylaws are declared severable. These bylaws may be amended or repealed at any special or regular meeting of the Board provided that written notice is given to each member containing a statement of the proposed amendment or repeal at least five (5) days prior to such meeting. The 5 days notice may be waived by unanimous consent of the members of the Board; and the operation of any other provision of these bylaws may be waived by unanimous consent of the members of the Board if such action is not prohibited by law.

§ 1.4 Designation of process agent.

The General Counsel of the Postal Service shall act as agent for the receipt of legal process against the Postal Service. The General Counsel shall also act as agent for the receipt of legal process against members of the Board of Governors and all other officers and employees of the Postal Service to the extent that such process arises out of the official functions of such officers and employees.

PART 2—OFFICES AND SEAL [ARTICLE II]

Sec.

2.1 Offices.
2.2 Seal.

AUTHORITY: The provisions of this Part 2 issued under authority of 39 U.S.C. 202, 203, 205(c), 207, 401(2), as enacted by Public Law 91-375.

§ 2.1 Offices.

The principal office of the Postal Service shall be located in Washington, D.C., with such regional and other offices and places of business as the Postmaster General shall from time to time establish or the business of the Postal Service shall require.

§ 2.2 Seal.

The following is a description of the Seal which is hereby adopted for the Postal Service:

(a) A stylized bald eagle poised for flight, fading to the viewer's right and above two horizontal bars between which are the words "U.S. Mail", surrounded by a square border with rounded corners consisting of the words "United States Postal Service" on left, top, and right, and the base consisting of nine five-pointed stars.

(b) The color representation of the Seal shows a white field on which the eagle appears in dark blue, the words "U.S. Mail" in black, the bar above it in red, the bar below in blue, and the border consisting of the words "United States Postal Service" and stars all in ochre.

(c) The Seal, which is required by 39 U.S.C. section 207 to be judicially noticed, shall be filed in the Office of the Secretary of State. The Seal shall be kept in the custody of the General Counsel and shall be affixed by him to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service and for other official purposes.

PART 3—BOARD OF GOVERNORS [ARTICLE III]

Sec.

3.1 Composition and responsibilities of Board of Governors.
3.2 Regular meetings.
3.3 Special meetings.
3.4 Delivery of notice of special meetings.
3.5 Continued meetings.
3.6 Attendance at meeting by conference telephone call.
3.7 Action of Board or Committee without a meeting.
3.8 Quorum and voting.
3.9 Delegation of authority by Board.

AUTHORITY: The provisions of this Part 3 issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), 402, as enacted by Public Law 91-375.

§ 3.1 Composition and responsibilities of Board of Governors.

The Board of Governors consists of 11 members: Nine (hereinafter called "Governors") appointed by the President of the United States with the advice and consent of the Senate; a Postmaster General, appointed by the nine Governors; and a Deputy Postmaster General, appointed by the nine Governors and the Postmaster General. The Board shall direct the exercise of the powers of the Postal Service, review the practices and policies of the Postal Service, and direct and control the expenditures of the Postal Service. Consistent with the broad delegation of authority to the Postmaster General in § 3.9 of these bylaws, and except for those duties which the Reorganization Act vests in the Governors (as distinguished from the Board of Governors), the Board shall exercise the powers vested in it by establishing basic objectives, broad policies, and long range goals.

§ 3.2 Regular meetings.

Commencing Tuesday, March 2, 1971, regular meetings of the Board shall be held in Washington, D.C., without call or formal notice, every fourth Tuesday if not a legal holiday, but if a legal holiday, then on the next business day following the legal holiday. The regular meeting held in January of each year shall be designated as the Annual Meeting, at which time the Postmaster General shall present to the Board the annual report required by 39 U.S.C. section 2402 for the preceding fiscal year. If two regular meetings are scheduled for January in any year, the second such meeting shall be designated as the Annual Meeting. Any regular meeting may be omitted or rescheduled for a different date by action of the Board at a previous regular meeting.

§ 3.3 Special meetings.

Special meetings of the Board may be held at any place within the United States on call by the Chairman or by any five members of the Board currently in office, with not less than two (2) or more than thirty (30) days notice prior to the meeting. Notice of any special meeting of the Board shall specify a place, date and hour and indicate by whose request the notice is given. Special meetings may be held without call or notice at any time by unanimous consent of the members of the Board, or if the Postmaster General finds that an emergency exists requiring immediate action by the Board.

§ 3.4 Delivery of notice of special meetings.

Notice of special meetings may be either oral or written. Oral notice may be delivered by telephone and shall be deemed sufficient if made to the Board member personally or to a responsible person in the member's home or office. Any oral notice shall subsequently be confirmed by written notice. Written notice may be delivered by telegram or by mail sent by the fastest regular delivery method addressed to the member at his address of record filed with the Secretary of the Board in sufficient time to reach such address at least two (2) days prior to the meeting date under normal conditions of delivery. A member may waive notice of any meeting before or after it is held; and by attending any meeting, a member shall waive notice thereof.

§ 3.5 Continued meetings.

At any meeting of the Board a majority of the members present may adjourn the meeting and continue it at another time and place without notice other than by announcement at the meeting.

§ 3.6 Attendance at meeting by conference telephone call.

Unless otherwise required by law or by these bylaws, members of the Board of Governors or of any committee designated by the Board of Governors, may participate in a meeting of the Board or of such committee by means of conference telephone or similar communication equipment which enables all persons participating in the meeting to hear each other. Participation in a meeting pursuant to this section shall be deemed to constitute presence in person at such meeting except that a Governor shall not be entitled to compensation for any meeting attended pursuant to this section.

§ 3.7 Action of Board or Committee without a meeting.

Any action required or permitted to be taken at a meeting of the Board or at a meeting of a committee established by the Board, may be taken without a meeting if all members of the Board or committee consent to such action. Oral consent to action under this section shall be confirmed in writing.

§ 3.8 Quorum and voting.

As provided by 39 U.S.C. section 205(c) the Board shall act by resolution upon majority vote of those members who are present, and any six members present shall constitute a quorum for the transaction of business by the Board, except:

(a) In the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office is required by 39 U.S.C. section 205(c)(1);

(b) In the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General is required by 39 U.S.C. section 205(c)(2);

(c) In the adjustment of the total budget of the Postal Rates Commission, the unanimous vote of the Governors in office is required by 39 U.S.C. section 3604(c);

(d) In the modification of recommended decisions of the Postal Rate Commission, the unanimous vote of the Governors in office is required by 39 U.S.C. section 3625;

(e) In the approval, allowance under protest, or rejection of a recommended

decision of the Postal Rate Commission, the Governors may act upon majority vote of the Governors present and the required quorum of six members shall include at least five Governors.

§ 3.9 Delegation of authority by Board.

Pursuant to 39 U.S.C. section 402, the Postmaster General is hereby delegated the authority to exercise the powers of the Postal Service to the extent that such delegation of authority does not conflict with powers reserved to the Governors or the Board by law, these bylaws, or resolutions adopted by the Board. The Postmaster General may redelegate to any officer, employee, or agency of the Postal Service, such of the powers delegated to him by these bylaws as he deems appropriate.

PART 4—COMMITTEES OF THE BOARD [ARTICLE IV]

Sec.
4.1 Establishment and appointment of committees.
4.2 Committee procedure; compensation of members.

AUTHORITY: The provisions of this Part 4 issued under authority of 39 U.S.C. 202, 203, 204, 205(c), 401(2), as enacted by Public Law 91-375.

§ 4.1 Establishment and appointment of committees.

The Board by resolution may from time to time establish and abolish special and standing committees of one or more members of the Board, and each such committee may exercise such duties, functions, and powers as the Board may from time to time prescribe. The chairman and members of each committee shall be appointed by the Chairman of the Board to serve for terms of not more than 1 year which shall expire at the end of each annual meeting.

§ 4.2 Committee procedure; compensation of members.

Each committee chairman or his designee shall preside at all meetings, and the committee chairman shall assign responsibilities within such committee as he deems appropriate. Each committee shall fix its own rules of procedures, consistent with these bylaws, and shall meet where and as provided by such rules. A majority of members of the committee shall constitute a quorum, and action shall be by a majority of the committee members present. Any member of the Board shall have access to all of the information and records of any committee at any time. The Board may affirm, alter, or revoke any action of any committee. Each Governor shall receive compensation as provided by 39 U.S.C. section 202(a) for attendance at committee meetings and shall be reimbursed for travel and reasonable expenses incurred in attending such meetings. Hearings, whether formal or informal, and investigations conducted by a committee of one Governor are deemed to be meetings within the meaning of 39 U.S.C. section 202(a).

PART 5—OFFICERS [ARTICLE V]

Sec.
5.1 Chairman.
5.2 Vice Chairman.
5.3 Postmaster General.
5.4 Deputy Postmaster General.
5.5 Assistant Postmasters General; General Counsel; Judicial Officer.
5.6 Secretary.

AUTHORITY: The provisions of this Part 5 issued under authority of 39 U.S.C. 202, 203, 204, 205(c), 401(2), as enacted by Public Law 91-375.

§ 5.1 Chairman.

The Chairman of the Board of Governors shall be elected by the Governors from among the members of the Board, and shall:

(a) Act as presiding officer at all regular and special meetings of the Board;

(b) Determine and appoint the chairman and members of committees properly established by the Board;

(c) Serve for a term of 1 year except that the term of the first Chairman shall expire at the end of the first annual meeting after the commencement of the operations of the Postal Service.

If the Postmaster General serves as Chairman of the Board, the Governors shall elect one of their number to serve as presiding officer during proceedings dealing with matters upon which only the Governors may vote.

§ 5.2 Vice Chairman.

The Vice Chairman shall be elected by the Board from among the members of the Board and shall hold office at the pleasure of the Board. He shall perform the duties and exercise the powers of Chairman during the Chairman's absence or disability.

§ 5.3 Postmaster General.

The Governors have the power to appoint and remove a Postmaster General, who is a voting member of the Board. In addition to his responsibilities as a member of the Board, the Postmaster General is the chief executive officer of the Postal Service and, as provided herein, he is authorized to exercise the powers vested in the Postal Service under the general supervision and direction of the Board. The salary of the Postmaster General shall be fixed by the Governors by resolution subject to the limitations of 39 U.S.C. section 1003(a).

§ 5.4 Deputy Postmaster General.

The Governors and the Postmaster General have the power to appoint and remove a Deputy Postmaster General, who is a voting member of the Board. In addition to his responsibilities as a member of the Board, the Deputy Postmaster General is the alternate chief executive officer of the Postal Service. He shall perform all tasks assigned to him by the Postmaster General, and shall act as Postmaster General in the Postmaster General's absence or disability, and when a vacancy exists in the office of Postmaster General. The salary of the Deputy Postmaster General shall be fixed by the Governors by resolution subject to the limitations of 39 U.S.C. section 1003(a).

§ 5.5 Assistant Postmasters General, General Counsel, Judicial Officer.

There shall be within the Postal Service a General Counsel, a Judicial Officer, and such number of Assistant Postmasters General as the Board shall authorize by resolution. The General Counsel, the Assistant Postmasters General, and the Judicial Officer shall be appointed by, and serve at the pleasure of, the Postmaster General. They shall have such powers and duties, consistent with these bylaws, as may be delegated to them by the Postmaster General.

§ 5.6 Secretary.

The Secretary of the Postal Service shall be designated by the Chairman of the Board. The Secretary shall issue notices of meetings of the Board and keep the minutes of all such meetings. He shall perform such other duties as may be assigned to him by the Board or by the Chairman of the Board and, in general, perform all the duties incident to his office. The Chairman may designate such assistant secretaries as he deems appropriate, and they shall have authority to perform all the duties of the Secretary.

PART 6—REPORTS AND RECORDS [ARTICLE VI]

Sec.
6.1 Annual reports.
6.2 Annual budget; financial reports.
6.3 Minutes of Board meetings.

AUTHORITY: The provisions of this Part 6 issued under authority of 39 U.S.C. 202, 203, 205(c), 401(2), as enacted by Public Law 91-375.

§ 6.1 Annual report.

At the annual meeting of the Board held in January of each year, the Postmaster General shall render an annual report to the Board concerning the operations of the Postal Service as required by 39 U.S.C. section 2402. Upon approval thereof, or after making such changes as it considers appropriate, the Board shall transmit the report to the President and the Congress. The Postmaster General shall make the necessary arrangements for the printing and sale of the report to the public.

§ 6.2 Annual budget; financial reports.

The Postmaster General shall annually submit to the Board a budget for the ensuing fiscal year in such form and content and according to such schedule as the Board may require. After review by the Board, the annual budget of the Postal Service shall be submitted to the Office of Management and Budget of the Executive Office of the President in the manner provided by 39 U.S.C. section 2009.

§ 6.3 Minutes of Board meetings.

Minutes of Board meetings prepared by the Secretary shall be preserved in a place of safekeeping and made available by him for public inspection except to the extent that such minutes contain information in the categories specified by 5 U.S.C. section 522(b) or 39 U.S.C. section 410(c) which is not appropriate for public disclosure.

[FR Doc.71-696 Filed 1-15-71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 18—National Aeronautics and Space Administration

REVISION OF REGULATIONS

Parts 18-2, 18-3, and 18-4 are revised to read as follows:

PART 18-2—PROCUREMENT BY FORMAL ADVERTISING

Sec.
18-2.000 Scope of part.

Subpart 18-2.1—Use of Formal Advertising

18-2.101 Meaning of formal advertising.
18-2.102 Policy.
18-2.102-1 General.
18-2.102-2 Classified procurements.
18-2.103 General requirements for formally advertised contracts.
18-2.104 Types of contracts.
18-2.104-1 General.
18-2.104-2 Firm fixed-price contracts.
18-2.104-3 Fixed-price contracts with escalation.
18-2.104-4 Indefinite delivery-type contracts.
18-2.105 Solicitation for informational or planning purposes.
18-2.150 Procurement request.

Subpart 18-2.2—Solicitation or Bids

18-2.201 Preparation of invitation for bids.
18-2.201-1 Supply and service contracts.
18-2.201-2 Construction contracts.
18-2.202 Miscellaneous rules for solicitation of bids.
18-2.202-1 Bidding time.
18-2.202-2 Telegraphic bids.
18-2.202-3 Place and method of delivery of supplies.
18-2.202-4 Bid samples.
18-2.202-5 Descriptive literature.
18-2.203 Methods of soliciting bids.
18-2.203-1 Mailing or delivering to prospective bidders.
18-2.203-2 Displaying in public place.
18-2.203-3 Publicity in newspapers and trade journals.
18-2.203-4 Synopses of invitations for bids.
18-2.204 Records of invitations for bids and records of bids.
18-2.205 Bidders mailing lists.
18-2.205-1 Establishment of lists.
18-2.205-2 Removal of names from bidders mailing lists.
18-2.205-3 Reinstatement on bidders mailing lists.
18-2.205-4 Excessively long bidders mailing lists.
18-2.205-5 Release of bidders mailing lists.
18-2.206 Small business and labor surplus area set-asides.
18-2.207 Amendment of invitations for bids.
18-2.208 Cancellation of invitations before opening.
18-2.210 Release of procurement information.

Subpart 18-2.3—Submission of Bids

18-2.301 Responsiveness of bids.
18-2.302 Time of bid submission.
18-2.303 Late bids.
18-2.303-1 General.
18-2.303-2 Consideration for award.
18-2.303-3 Mailed bids.
18-2.303-4 Telegraphic bids.
18-2.303-5 Hand-carried bids.
18-2.303-6 Notification to late bidders.
18-2.303-7 Disposition of late bids.
18-2.303-8 Records.
18-2.304 Modification or withdrawal of bids.
18-2.305 Late modifications and withdrawals.

Subpart 18-2.4—Opening of Bids and Award of Contract

18-2.401 Receipt and safeguarding of bids.
18-2.402 Opening of bids.
18-2.402-1 Unclassified bids.
18-2.402-2 Classified bids.
18-2.403 Recording of bids.
18-2.404 Rejection of bids.
18-2.404-1 Cancellation of invitation after opening.
18-2.404-2 Rejection of individual bids.
18-2.404-3 Notice to bidders of rejection of all bids.
18-2.404-4 Restrictions on disclosure of descriptive literature.
18-2.404-5 All or none qualifications.
18-2.405 Minor informalities or irregularities in bids.
18-2.406 Mistakes in bids.
18-2.406-1 General.
18-2.406-2 Apparent clerical mistakes.
18-2.406-3 Other mistakes disclosed before award.
18-2.406-4 Disclosure of mistakes after award.
18-2.407 Award.
18-2.407-1 General.
18-2.407-2 Responsible bidder.
18-2.407-3 Discounts.
18-2.407-4 Price escalation.
18-2.407-5 Other factors to be considered.
18-2.407-6 Equal low bids.
18-2.407-7 Requirements in lieu of Standard Form 1036.
18-2.407-8 Protests against award.
18-2.408 Information to bidders.
18-2.408-1 Unclassified awards.
18-2.408-2 Classified awards.
18-2.409 Synopses of contract awards.

Subpart 18-2.5—Two-Step Formal Advertising

18-2.501 General.
18-2.502 Conditions for use.
18-2.503 Procedures.
18-2.503-1 Step one.
18-2.503-2 Step two.

AUTHORITY: The provisions of this Part 18-2 issued under 42 U.S.C. 2473(b)(1).

§ 18-2.000 Scope of part.

This part sets forth the (a) basic requirements for procurement of supplies and services (including construction) by formal advertising, (b) information to be contained in solicitations of bids, (c) methods of soliciting bids, (d) policies with respect to the submission of bids, and (e) requirements with respect to the opening and evaluation of bids and the awarding of contracts.

Subpart 18-2.1—Use of Formal Advertising

§ 18-2.101 Meaning of formal advertising.

Formal advertising means procurement by competitive bids and awards, as prescribed in this part, and involves the following basic steps:

(a) Preparation of the invitation for bids, by describing the requirements of the Government clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related documents, whether attached or incorporated by reference, provided prospective bidders for the purpose of bidding;

(b) Publicizing the invitation for bids, through distribution to prospective bidders, posting in public places, and such other means as may be appropriate, in sufficient time to enable prospective bidders to prepare and submit bids before the time set for public opening;

(c) Submission of bids by prospective contractors; and

(d) Awarding the contract, after bids are publicly opened, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered (or rejecting all bids).

§ 18-2.102 Policy.

§ 18-2.102-1 General.

(a) Chapter 137 of title 10 of the United States Code (see 10 U.S.C. 2304(a)), which is applicable to procurements by NASA, provides that purchases of and contracts for supplies or services shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and strict circumstances. It further provides that, if the use of formal advertising is not feasible and practicable, negotiation of contracts is authorized under certain circumstances enumerated therein. The circumstances are set forth in Subpart 18-3.2, of this chapter. In accordance with this requirement, procurements shall generally be made by soliciting bids from all qualified sources of supplies or services deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the required supplies or services. Current lists of bidders shall be maintained in accordance with § 18-2.205.

(b) Chapter 137 of title 10 of the United States Code (10 U.S.C. 2306(f)) provides that a contractor or subcontractor shall be required to submit cost or pricing data for certain contract modifications, and shall be required to certify that, to the best of his knowledge and belief, the cost or pricing data he submitted was accurate, complete, and current. To insure compliance with this requirement, contracting officers shall follow the instructions set forth in § 18-3.807-3 before agreeing to a price adjustment of a formally advertised contract.

§ 18-2.102-2 Classified procurements.

Formal advertising shall be used for classified procurements if, after due consideration of security requirements, it is concluded that such requirements will not be violated.

§ 18-2.103 General requirements for formally advertised contracts.

No contract shall be made as a result of formal advertising unless:

(a) Bids have been solicited as required by Subpart 18-2.2;

(b) Bids have been submitted as required by Subpart 18–2.3;

(c) Determination has been made as to the responsible bidder whose bid is responsive to the invitation for bids and is most advantageous to the Government, price and other factors considered, and award is made as prescribed in Subpart 18–2.4;

(d) Such clearances and approvals as are required by this chapter have been obtained.

§ 18–2.104 Types of contracts.

§ 18–2.104–1 General.

Contracts awarded after formal advertising shall be of the firm fixed-price type, except that fixed-price contracts with escalation may be used, subject to the provisions of §§ 18–2.104–3 and 18–2.407–4, where such flexibility is necessary and feasible.

§ 18–2.104–2 Firm fixed-price contracts.

See § 18–3.404–2.

§ 18–2.104–3 Fixed-price contracts with escalation.

Escalation clauses are not normally desirable, but in appropriate cases clauses providing for upward and downward revision of prices may be used, in accordance with § 18–3.404–3, in order to protect the interest of both the Government and contractor. In addition, where the contracting officer, on the basis of his knowledge of the market or previous advertisements for like items, expects that a requirement for firm fixed-price bids will unnecessarily restrict competition or unreasonably increase bid prices, invitation for bids may include an approved escalation clause. Any escalation clause shall provide an escalation ceiling identical for all bidders so that each bidder is afforded an equal opportunity to bid on the escalation basis. In evaluating bids, see § 18–2.407–4.

§ 18–2.104–4 Indefinite delivery-type contracts.

See § 18–3.409.

§ 18–2.105 Solicitation for informational or planning purposes.

See § 18–1.309.

§ 18–2.150 Procurement request.

A procurement request (NASA Form 404 or similar form) will be prepared and processed in accordance with the provisions of § 18–1.356.

Subpart 18–2.2—Solicitation of Bids

§ 18–2.201 Preparation of invitation for bids.

Forms used in inviting bids are prescribed in Subparts 18–16.1 and 18–16.4. Invitation for bids shall contain the applicable information described in §§ 18–2.201–1 and 18–2.201–2 of this section, and any other information required for a particular procurement. Pen and ink entries, deletions, or alterations shall not be made in an invitation for bids after it has been prepared for distribution. If a change is necessary after reproduction of the invitation for bids, the Standard Form 30 (Amendment of Solicitation/Modification of Contract) shall be used (see §§ 18–16.101 and 18–16.103).

§ 18–2.201–1 Supply and service contracts.

(a) *Supply and service contracts, including construction.* For supply and service contracts, including construction, invitation for bids shall contain the following information if applicable to the procurement involved.

(1) Invitation number.

(2) Name and address of issuing installation.

(3) Date of issuance.

(4) Date, hour, and place of opening. Prevailing local time shall be used, and appropriate identification of the local time system under which the installation is operating shall be included, e.g., 11:30 a.m., e.s.t. (See § 18–2 202–1 concerning bidding time.) The exact location of the bid depository, including the room and building numbers, and a statement that hand-carried bids must be deposited therein.

(5) Number of pages.

(6) Requisition or other purchase authority and appropriation and accounting data.

(7) A description of supplies or services to be furnished under each item, in sufficient detail to permit full and free competition. Reference to specifications shall include identification of all amendments or revisions thereof, applicable to the procurement and dates of both the specifications and the revisions (see § 18–1.1201(a)). Such description shall comply with Subpart 18–1.12, relating to specifications.

(8) The time of delivery or performance (see § 18–1.305).

(9) Permission, if any, to submit telegraphic bids (see § 18–2.202–2).

(10) Permission, if any, to submit alternate bids, including alternate materials or design and the basis upon which award will be made in such case.

(11) The "Patent Royalties" clause set forth in § 18–9.102(d)(1).

(12) Bid guarantee, performance bond, and payment bond requirements, if any (see Subpart 18–10.1, and § 18–16.805). If a bid bond or other form of bid guarantee is required, the solicitation shall include the provisions required by § 18–10.102–4.

(13) Any offer by the Government to provide Government production and research property for the performance of the contract, and any special provisions relating thereto (see Subpart 18–13.3).

(14) Description of the procedures to be followed in obtaining permission to use Government production and research property and in eliminating competitive advantage from the rent-free use thereof (see Subparts 18–13.4 and 18–13.5).

(15) When considered necessary by the contracting officer, a requirement that all bids must allow a period for acceptance by the Government of not less than a minimum period stipulated in the invitation for bids, and that bids offering less than the minimum stipulated accepted period will be rejected. The minimum period so stipulated should be no more than reasonably required for evaluation of bids and other preaward processing. To accomplish the foregoing, a paragraph substantially as follows may be included in the schedule or other appropriate place in the Invitation for Bids:

BIDS ACCEPTANCE PERIOD (JULY 1965)

Bids offering less than _____ days for acceptance by the Government from the date set for opening of bids will be considered nonresponsive and will be rejected.

In construction contracts, a 30-day bid acceptance period is normal, but may be less, and in unusual circumstances a period of 60 days may be specified.

(16) In unusual cases, where bidders are required to have special technical qualifications due to the complexity of the equipment being purchased or for some other special reason, a statement of such qualifications.

(17) Any authorized special provisions, necessary for the particular procurement, relating to such matters as progress payments, patent licenses, liquidated damages, "Buy American Act," etc.

(18) Any additional contract clauses, provisions or conditions required by law or this regulation.

(19) Any applicable wage determinations of the Secretary of Labor (in the case of procurements of supplies which also involve the performance of construction, alteration or repair work, see § 18–12.402; in the case of service contracts, see Subpart 18–12.11).

(20) A statement of the exact basis upon which bids will be evaluated and award made, to include any Government costs or expenditures (other than bid prices) to be added or deducted, or any provision for escalation as factors for evaluation.

(21) If the schedule contains a price escalation clause, the following provision:

Evaluation of bids subject to escalation. Notwithstanding the provisions of the clause entitled "Price Escalation," bids shall be evaluated on the basis of quoted prices without the allowable escalation being added. Bids which provide for a ceiling lower than that stipulated in the clause will also be evaluated on this basis. Bids which provide for escalation that may exceed the maximum escalation stipulated in the clause, or which limit or delete the downward escalation stipulated in the clause shall be rejected as nonresponsive. (July 1968)

(22) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used and where not contained elsewhere in the invitation, a provision as follows:

ORDER OF PRECEDENCE (JULY 1968)

In the event of an inconsistency between provisions of this Invitation for Bids, the inconsistency shall be resolved by giving precedence in the following order: (a) The Schedule; (b) Bidding Instructions, Terms and Conditions of the Invitation for Bids; (c) General Provisions; (d) other provisions of the contract, whether incorporated by reference or otherwise; and (e) the the Specifications.

(23) When considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition, such as improper kinds of multiple bidding, a requirement that each bidder submit with his bid an affidavit concerning his affiliation with other concerns. To accomplish the foregoing, a paragraph substantially as follows may be included in the Schedule or other appropriate place in the invitation for bids:

AFFILIATED BIDDERS (JULY 1968)

(a) Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both.

(b) Each bidder shall submit with his bid an affidavit containing information as follows:

(i) Whether the bidder has any affiliates;

(ii) The names and addresses of all affiliates of the bidder; and

(iii) The names and addresses of all persons and concerns exercising control or ownership of the bidder and any or all of his affiliates, and whether as common officers, directors, stockholders holding controlling interest, or otherwise.

Failure to furnish such an affidavit may result in rejection of the bid.

Failure to furnish such an affidavit shall be treated as a minor informality or irregularity (see § 18–2.405).

(24) Directions for obtaining copies of any documents, such as plans, drawings, and specifications, which have been incorporated by reference (see § 18–1.1203).

(25) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a requirement for inclusion of "county" as part of bidder's address will be inserted.

(26) A provision covering the required source for jeweled bearings (see § 18–1.315).

(27) [Reserved]

(28) Information regarding bidding material which shall include Instructions to Bidders, the Bid Form, the Contract Form, the General Provisions, any conditions, the specifications and drawings (see § 18–1.1203).

(29) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a provision covering parent company and employer identification number (see § 18–1.114).

(30) If the contract is to be conditioned on the availability of funds, a clear statement of such condition (see § 18–1.318).

(31) If the contract is to involve construction work (subject to the Davis-Bacon Act) at Cape Kennedy, Patrick Air Force Base, or Merritt Island Launch Area, the "Employee Compensation" clause and "Table of Employee Compensation".

(32) In accordance with § 18–1.1208, a provision concerning the use of new material (except in the case of construction) and a provision concerning the use of former Government surplus property.

(33) The Certificate of Independent Price Determination as required by § 18–1.115.

(34) Quality assurance requirements applicable to the procurement in accordance with Subpart 18–1.50.

(35) [Reserved]

(36) A statement that prospective bidders may submit inquiries by writing or calling (collect calls not accepted) (insert name and address; telephone area code, number, and extension).

(37) When using Standard Form 33, on the face thereof or on a cover sheet, a brief description of the items being procured, unless the contracting officer considers such to be unnecessary or impractical.

(38) A statement that prospective bidders should indicate in the bid the address to which payment should be mailed, if such address is different from that shown for the bidder. (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.)

(39) A provision covering the required source for aluminum (see § 18–1.327).

(40) [Reserved]

(41) Time of delivery or performance requirements (see § 18–1.305).

(42) A statement that the "Contract Work Hours Standards Act—Overtime Compensation" clause is not applicable to contracts if the aggregate amount of the bid is $2,500 or less (see § 18–12.302–2).

(43) [Reserved]

(44) In procurements involving total set-asides for small business, the Notice set forth in § 18–1.706–5(c).

(45) In procurements involving partial set-asides for small business, the notice requirements as set forth in § 18–1.706–6(c).

(46) In procurements involving partial set-asides for labor surplus area concerns, the notice requirements as set forth in § 18–1.804–2(b).

(47) When the procurement involves a set-aside for small business concerns, the following provision:

This is a _____% set-aside for small business concerns.

(48) When the procurement involves a set-aside for labor surplus area concerns, the following provision:

This is a _____% set-aside for labor surplus area concerns.

(49) If the resulting contract is expected to exceed $100,000, the "Contractor and Subcontractor Certified Cost or Pricing Data" clause (see § 18–3.807–4).

(50) Statement that the selected contractor will or will not require access to classified information (see NASA Management Issuance 1650.1, paragraph 12).

(51) Statement that special instructions for waived inventions will not be applied. (See § 18–9.101–3(a).

(52) If leases are involved, the "Facilities Nondiscrimination" clause set forth in §§ 18–1.350–2 and 18–1.350–4.

(53) If the "Equal Employment" clause is not applicable to the proposed procurement (see § 18–12.803), or if the proposed procurement is exempted from the clause (see § 18–12.804), include a statement substantially as follows:

Representation No. 6, "Equal Opportunity" of Standard Form 33 is not applicable to this Procurement. (July 1965)

(54) A reference prominently placed in the invitation to Paragraph 8 entitled, "Late Offers and Modifications or Withdrawals", of Standard Form 33A.

(55) The "Certification of Nonsegregated Facilities" set forth in § 18–12.802–4(c).

(56) The notice regarding the requirement for "Certification of Nonsegregated Facilities" as prescribed in § 18–12.802–4(b).

(57) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 Edition) or Standard Form 19–B (Representations and Certifications) (Construction Contract) (December 1965 Edition) is not used, insert the "Equal Opportunity" representation set forth in § 18–12.802–2(a).

(58) Invitation for Bid which will result in the placement of rated orders or Authorized Controlled Material Orders shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

(b) *Supply and Service Contracts, Excluding Construction.* For supply and service contracts, excluding construction, invitation for bids shall contain the following in addition to the information required by paragraph (a) of this section, if applicable to the procurement involved.

(1) Discount provisions (see § 18–2.407–3).

(2) The quantity of supplies or services to be supplied under each item, and any provision for extent of quantity variation.

(3) Any requirement for prior testing and qualification of a product.

(4) Where needed for the purpose of bid evaluation, preaward surveys, or inspection, a requirement that all bidders state the place (including the street address) from which the supplies will be furnished or where the services will be performed. Where it is reasonably anticipated that producing facilities will be used in the performance of the contracts, or where the Government requires the information, bidders will be required to state (i) the full address of principal producing facilities (if designation of such address is not feasible, a full explanation will be required), and (ii) names and addresses of owner and operator if other than bidder.

(5) Place and method of delivery (see Subpart 18–1.13 and § 18–2.202–3).

(6) Preservation, packaging, packing, and marking requirements, if any (see § 18–1.1204).

(7) Place, method, and conditions of inspection.

(8) If no award will be made for less than the full quantities advertised, a statement to that effect.

(9) If award is to be made by specified groups of items or in the aggregate, a statement to that effect.

(10) If the contract is to include option provisions, a clear statement of such provisions (see Subpart 18–1.15 and § 18–12.1106–2).

(11) Any applicable requirements for samples or descriptive literature (see §§ 18–2.202–4 and 18–2.202–5).

(12) When minimum size of shipment requirements are appropriate, a provision substantially as set forth in § 18–2.202–3(b)(2).

(13) When the shipping weights (and dimensions if applicable) of an item are a factor in determining transportation costs for bid evaluation, a provision substantially as set forth in § 18–2.202–3(b)(3).

(14) If the procurement includes the furnishing of electrosensitive initiating devices (squibs) or any other item or component designated in the procurement request as a potentially hazardous item, the requirements set forth in § 18–1.351.

(15) The number of copies of sellers' invoices desired, including original, if more or less than four.

(16) Any requirement for preproduction samples or tests, including a statement that the Government reserves the right to waive the requirement as to those bidders offering a product which has been previously procured or tested by the Government, and a statement that bidders offering such products, who wish to rely on such prior procurement or tests, must furnish with the bid information from which it may be clearly established that prior Government approval is presently appropriate for the pending procurement.

(17) In accordance with § 18–1.1208, a provision concerning the use of new material.

(18) [Reserved]

(19) When the contracting officer determines that it is necessary to consider the advantages or disadvantages to the Government that might result from making more than one award (multiple awards) (see § 18–2.407–5(3)), a provision substantially as follows:

EVALUATION OF BIDS (JULY 1965)

In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making more than one award (multiple awards). For the purpose of making this evaluation, it will be assumed that the sum of $50 would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combination of items which result in the lowest aggregate price to the Government, including such administrative costs.

(20) If the contract involves performance of services on a Government installation, the following provision.

SITE VISIT (JULY 1968)

Bidders are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for withdrawal of a bid after opening or for a claim after award of the contract.

(21) To insure timely distribution of Material Inspection and Receiving Reports (DD Form 250), include distribution instructions in the Schedule or as an attachment to the contract (see Appendix I).

(22) Where liquidated damages are to be assessed, insert the clause as prescribed by § 18–7.105–5 (see § 18–1.310).

(23) In the procurement of supplies where the award may amount to $1 million or more, include the provision relating to preaward Equal Opportunity Compliance reviews set forth in § 18–12.802–4(d).

§ 18–2.201–2 Construction Contracts.

In addition to the information required by § 18–2.201–1(a), invitation for bids for construction contracts shall contain the following, if applicable to the procurement involved.

(a) Statement of arrangements to be made for inspecting the site, including designation of the person or persons, if any, with whom such arrangements may be made and who will answer questions or furnish information.

(b) Information which may affect performance of the work such as boring samples, original boring logs, etc.

(c) Information as to what utilities the Government will furnish during construction, when the contracting officer determines that any utilities are adequate for the needs of both the Government and the contractor. Such information shall specify any special conditions of use to be imposed on the contractor and shall also specify any utilities to be furnished without charge; utilities shall be furnished without charge when the contracting officer determines that this is advantageous to the Government, as when the administrative costs incident to maintaining records and collecting payments will approximate the cost of the utility services to be furnished. Such information may also include any applicable rates to be imposed.

(d) Information concerning prebid conference.

(e) If it is necessary to advertise before receipt of a wage rate determination, a notice that the schedule of minimum wage rates to be paid under the contract will be published as an amendment to the invitation for bids.

(f) A provision substantially as follows:

MODIFICATIONS PRIOR TO DATE SET FOR OPENING BIDS (JULY 1965)

The right is reserved, as the interest of the Government may require, to revise or amend the specifications or drawings or both prior to the date set for opening bids. Such revisions and amendments, if any, will be announced by an amendment or amendments to this Invitation for Bids. If the revisions and amendments are of a nature which requires material changes in quantities or prices bid or both, the date set for opening bids may be postponed by such number of days as in the opinion of the issuing officer will enable bidders to revise their bids. The amendment will include an announcement of the new date for opening bids.

(g) A provision substantially as follows:

GOVERNMENT'S PRIVILEGE IN MAKING AWARDS (JULY 1965)

The Government reserves the right to make award of any or all Schedules of any bid, unless the bidder qualifies such bid by specific limitation; also to make award to the bidder whose aggregate bid on any combination of bid Schedules is low. For the purpose of this Invitation for Bids, the word "item" as used in paragraph 10(c) of Standard Form 22 shall be considered to mean "Schedule."

(h) A reference prominently placed in the invitation to Instruction 7, "Late Bids and Modifications or Withdrawals," of Standard Form 22.

§ 18–2.202 Miscellaneous rules for solicitation of bids.

§ 18–2.202–1 Bidding time.

(a) *Policy.* Consistent with the needs of the Government for obtaining the supplies or services, all invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to permit prospective bidders to prepare and submit bids. This will facilitate competition on reasonable and equal terms. Undue limitation of bidding time tends to restrict competition. Also, when prospective bidders do not have adequate time for computing prices and obtaining needed information on which to base their bids, higher prices to the Government may result from inclusion of unnecessary contingency allowances or the unwillingness of some to submit bids.

(b) *Factors to be considered.* The urgency of the Government's need for the items or services, the complexity of the invitation, the extent of subcontracting anticipated, the use of preinvitation notices, the geographic distribution of bidders, the normal time for mail transmission of both invitations and bids, and other related factors must be considered in establishing bidding time. For example, a bidding time of 30 days may be inadequate when bidders are required to prepare special drawings, designs, and samples, or to obtain quotations from several suppliers and subcontractors, as frequently is the case in construction and production contracts. Conversely, a bidding time of 15 days may be adequate when bids would reasonably be expected to be based on stocks on hand, or current regular production, or service personnel and facilities regularly available (as in the case of maintenance and repair of structures, and similar work).

(c) *Minimum bidding time.* As a general rule, bidding time shall be not less than 15 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. This rule need not be observed in special circumstances, or where the urgency for the supplies or services does not permit such delay.

§ 18–2.202–2 Telegraphic bids.

As a general rule, telegraphic bids will not be authorized. However, when in the judgment of the contracting officer the date for the receipt of bids will not allow bidders sufficient time to prepare and submit bids on the prescribed forms, or when prices are subject to frequent changes, telegraphic bids may be authorized. When such bids are authorized, the schedule of the invitation for bids will contain the following provision:

TELEGRAPHIC BIDS (JULY, 1965)

Telegraphic bids may be submitted in response to this Invitation for Bids. Telegraphic bids must be received in this office prior to the time specified for opening of bids. Such bids must specifically refer to this Invitation for Bids; must include the item or subitems, quantities and unit prices for which the bid is submitted and the time and place of delivery; and must contain all the representations and other information required by the Invitation for Bids together with a statement that the bidder agrees to all the terms, conditions and provisions of the invitation. Failure to furnish, in the telegraphic bid, the representations and information required by the Invitation for Bids may necessitate rejection of the bid. Signed copies of the Invitation for Bids must be furnished in confirmation of the telegraphic bids.

§ 18–2.202–3 Place and method of delivery of supplies.

(a) Invitations for bids solicited f.o.b. origin shall state that bids will be evaluated on the basis of bid price plus transportation cost to the Government from point of origin to one or more designated destinations. Invitations for bids solicited f.o.b. destination should inform prospective suppliers of any known lack of transportation facilities at destination or other factors which may affect the supplier's transportation costs.

(b) Invitations for bids solicited f.o.b. origin or destination shall include as much of the following information as is pertinent to the particular procurement and shall require bidders to furnish the Government such of the following information as may be appropriate:

(1) Method of shipment, such as rail, water, air, or truck.

(2) When minimum size of shipment requirements are appropriate, a provision substantially as follows:

MINIMUM SIZE OF SHIPMENT (JULY 1965)

The Government desires that the minimum size of shipments be carload or truckload lots. If the bidder is unable to tender delivery in carload or truckload lots, he may set forth below the minimum size of shipments he will tender for delivery:

[Minimum size of shipments to be completed by bidder]

If the bidder does not indicate otherwise, he must tender delivery in carload or truckload lots. Bids will be evaluated to take into account the transportation costs to the Government. If delivery is tendered in smaller quantities than set forth above, the contract price shall be reduced by the difference between the actual cost of transportation and the cost the Government would have incurred had the minimum size of shipment been complied with.

(3) If shipping weights (and dimensions, if applicable) of items to be procured are not shown in the solicitation and may vary among prospective suppliers with a resultant variation in transportation costs and such costs are made a factor in bid evaluation, a provision substantially as follows:

GUARANTEED MAXIMUM SHIPPING WEIGHTS (AND DIMENSIONS IF APPLICABLE) (JULY 1965)

Each bid will be evaluated to the destination specified by adding to the f.o.b. origin price all transportation costs to said destination. The guaranteed maximum shipping weights (and dimensions if applicable) are required for determination of transportation costs. Bidder must state the weights (and dimensions if applicable) in his bid or it will be rejected. If delivered items exceed the guaranteed maximum shipping weights (and dimensions if applicable), the bidder agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for evaluation purposes based on bidder's guaranteed maximum shipping weights (and dimensions if applicable) and the transportation costs that should have been used for bid evaluation purposes based on correct shipping data.

(4) Packing, crating, and other preparations;

(5) Transit privileges (traffic management personnel can furnish necessary information and analyses of situations where transit privileges may be beneficial).

(6) Any other shipping information required for evaluation.

(c) When the exact destination of the supplies being purchased is not known at the time bids are solicited, but the general geographical section in which delivery will be made is known, such as East Coast, Middle West, or West Coast, for purposes of evaluation of bids only, a definite place(s) or zone(s) shall be designated in the known geographical sector of delivery as the point to which transportation costs will be computed in determining the low bidder. However, the invitation should specify that bids will be submitted f.o.b. origin and that shipment will be made on Government bill of lading. So that prospective bidders may understand the method of evaluation to be used, the invitation shall contain a provision substantially as follows:

For the purpose of evaluating bids (and for no other purpose), the final destinations for the supplies will be considered to be as follows: [insert destination(s)].

Invitations for bids shall contain a statement that bids submitted on a basis other than f.o.b. origin will be rejected as nonresponsive.

§ 18–2.202–4 Bid samples.

(a) *Definition.* The term "bid sample" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. Such samples will be used only for the purpose of determining the responsiveness of the bid and will not be considered on the issue of a bidder's ability to produce the required items.

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure procurement of an acceptable product. It may be appropriate to require bid samples, for example, where the procurement is of products that must be suitable from the standpoint of balance, facility of use, general "feel", color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable specifications. Where, however, based on this criteria, the use of bid samples is justified, the samples may be examined for any required characteristics, whether or not such characteristics may be adequately described in the specifications. Invitations shall list all of the characteristics for which the sample will be examined and bids will be rejected as nonresponsive if the sample fails to conform to each of the listed characteristics. Where more than a minor portion of the characteristics of the product cannot be adequately described in the specification, the product should be procured by two-step formal advertising or by negotiation, as appropriate.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of bid samples shall be set forth and filed in the contract file, except where such submission is required by the formal specifications (Federal, Military, or other) applicable to the procurement.

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required, (2) state clearly the purpose for which the samples are needed and the criteria against which they will be tested or evaluated, and (3) include a provision in accordance with paragraph (e) of this section. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (f) of this section), shall be included in the invitation for bids:

BID SAMPLES (JULY 1965)

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be evaluated to determine compliance with all characteristics listed for examination in the Invitation.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except where a

late sample was transmitted by mail and it is established under the provision for considering late bids, as set forth elsewhere in this Invitation, that the sample was timely mailed.

(c) Products delivered under any resulting contract shall strictly comply with the approved sample as to the characteristics listed for examination and shall conform to the specifications as to all other characteristics.

(f) *Waiver of requirement for bid samples.* (1) The provision prescribed in paragraph (e) of this section may be modified to provide that the requirement for furnishing samples may be waived as to a bidder who offers a product previously or currently being procured or tested by NASA and found to comply with specification requirements conforming in every material respect with those in the current invitation for bids so that further evaluation or testing would not add to the Government's knowledge of the acceptability of the product. When provision is to be made for such waiver, the invitation for bids provision in paragraph (e) of this section shall be modified by adding substantially the following at the end of paragraph (b) thereof:

However, the requirement for furnishing samples may be waived as to a bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product he has offered to [insert name of the NASA installation] on a previous procurement and (ii) the Contracting Officer determines that such product was previously procured or tested by the [insert name of the NASA installation] and found to comply with specification requirements conforming in every material respect to those in this Invitation for Bids. (January 1964)

(2) Where considered necessary because of the nature of the products, the provision in paragraph (f)(1) of this section may be limited to provide for waiving the requirement only if the product offered is produced at the same plant at which the product previously procured or tested was produced.

(g) *Unsolicited samples.* If bid samples are not required by the invitation for bids, but samples are furnished with a bid, they will not be considered as qualifying the bid and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(h) *Disposition of samples.* Samples, if not destroyed in testing, shall be returned to bidders at their request and expense, unless otherwise specified in the invitation for bids. See paragraph 5(c) of Standard Form 33–A, entitled, "Solicitation, Instructions, and Conditions," (July 1966 Ed.).

§ 18–2.202–5 Descriptive literature.

(a) *Definition.* As used in this § 18–2.202–5, the term "descriptive literature" means information, such as cuts, illustrations, drawings, and brochures, which show the characteristics or construction of a product or explain its operation, furnished by a bidder as a part of his bid to describe the products offered in his bid. The term includes only information required to determine acceptability of the product, and excludes other information such as that furnished in connection with the qualifications of a bidder or for use in operating or maintaining equipment.

(b) *Policy.* Bidders shall not be required to furnish descriptive literature as a part of their bids unless the procurement office deems that such literature is needed to enable it to determine before award whether the products offered meet the specification requirements of the invitation for bids and to establish exactly what the bidder proposes to furnish. It may be appropriate to require descriptive literature in the procurement of highly technical or specialized equipment, or where considerations such as design or style are important in determining acceptability of the product.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of descriptive literature shall be set forth and filed in the contract file, except where such submission is required by the formal specifications (Federal, Military, or other) applicable to the procurement.

(d) *Requirements of invitation for bids.* (1) When descriptive literature is required, the invitation for bids shall clearly state what descriptive literature is to be furnished, the purpose for which it is required, the extent to which it will be considered in the evaluation of bids, and the rules which will apply if a bidder fails to furnish it before bid opening or if the literature furnished does not comply with the requirements of the invitation for bids. Where descriptive literature is not considered necessary and a waiver of the literature requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, descriptive literature will not be required.

(2) Except as provided in subparagraph (3) of this paragraph, if bidders are to furnish descriptive literature as a part of their bids, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (e)(1) of this section) shall be included in the invitation for bids:

REQUIREMENT FOR DESCRIPTIVE LITERATURE (JANUARY 1964)

(a) Decriptive literature as specified in this Invitation for Bids must be furnished as a part of the bid and must be received before the time set for opening bids. The literature furnished must be identified to show the item in the bid to which it pertains. The descriptive literature is required to establish, for the purposes of bid evaluation and award, details of the products the bidder proposes to furnish as to [---------[1]].

(b) Failure of descriptive literature to show that the product offered conforms to the specifications and other requirements of this Invitation for Bids will require rejection of the bid. Failure to furnish the descriptive literature by the time specified in the Invitation for Bids will require rejection of the bid, except that if the material is transmitted by mail and is received late, it may be considered under the provisions for considering late bids, as set forth elsewhere in this Invitation for Bids.

(3) When a brand name or equal purchase description is used, the requirements of this § 18–2.202–5 are met by inserting in the invitation for bids the Brand Name or Equal provision authorized by Subpart 18–1.12 of this Regulation.

(e) *Waiver of requirements for descriptive literature.* (1) The provision prescribed in paragraph (d)(1) of this section may be modified to provide that the requirements for furnishing descriptive literature may be waived as to a particular bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product previously or currently being furnished NASA, and (ii) it is determined by the contracting officer that such product complies with the specification requirements of the current invitation for bids. When provision is to be made for such waiver, the invitation for bids provision in paragraph (d)(2) of this section shall be modified by adding substantially the following at the end of paragraph (b) thereof:

However, the requirements for furnishing descriptive literature may be waived as to a bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product he has previously furnished to [insert name of the NASA installation] under a prior contract and the bidder identifies the contract, and (ii) the Contracting Officer determines that such product meets the requirements of this Invitation for Bids. (January 1964)

(2) If the invitation for bids contains a provision for waiver in accordance with paragraph (e)(1) of this section, a bidder may submit his bid either on the basis of the descriptive literature to be furnished or on the basis of a previously procured product. If he elects to submit his bid on one basis, he is precluded from having his bid considered on the alternative basis after bids are opened.

(f) *Unsolicited descriptive literature.* If the furnishing of descriptive literature is not required by the invitation for bids, but such literature is furnished with a bid, it will not be considered as qualifying the bid, and will be disregarded, unless it is clear from the bid or accompanying papers that it was the bidder's intention so to qualify the bid.

(g) See § 18–2.404–4 for requirements with respect to restrictions on the public disclosure of descriptive literature submitted by a bidder.

§ 18–2.203 Methods of soliciting bids.

§ 18–2.203–1 Mailing or delivering to prospective bidders.

(a) Invitations for bids or pre-invitation notices (see § 18–2.205–4(c)) shall be mailed (or delivered) to a sufficient number of prospective bidders so as to elicit adequate competition. Invitations for bids may be mailed for informational purposes to other Government agencies, including procurement information offices.

[1] The contracting officer shall insert significant elements such as design, materials, components, or performance characteristics; or methods of manufacture, construction, assembly, or operation, as appropriate.

(b) In the case of construction contracts, copies of the invitation for bids, including plans and specifications, if available, may be furnished upon request to nonbidders having a direct interest in the bidding, such as subcontractors, materialmen, and suppliers of equipment for installation or use by the prime contractor on the project. Such copies may also be furnished to any established trade publication or association requesting them, provided that the activities of the publications or associations are not restricted to publishing bid information for which a charge is made.

§ 18–2.203–2 Displaying in public place.

Copies of unclassified invitation for bids shall be displayed at the procurement office of the installation and at such other public places as are determined to be appropriate and desirable. (See § 18–1.1002 with respect to provision of invitations for bids at the procurement office.)

§ 18–2.203–3 Publicity in newspapers and trade journals.

(a) *Free publicity.* A brief announcement of the proposed procurement, or copies of unclassified invitations for bids, may be made available for free publication to newspapers and to trade journals and magazines.

(b) *Paid advertisements.* Use of paid advertisements for procurement purposes is not currently authorized within NASA.

§ 18–2.203–4 Synopses of invitations for bids.

Synopses of invitations for bids shall be prepared and publicized in the Department of Commerce publication, Commerce Business Daily, in accordance with Subpart 18–1.10 of this chapter.

§ 18–2.204 Records of invitations for bids and records of bids.

Each procurement office shall retain a record of every invitation for bids issued and distributed by it and of each abstract or record of bids. The file of the invitation for bids should show the distribution which was made and the date thereof.

§ 18–2.205 Bidders mailing lists.

§ 18–2.205–1 Establishment of lists.

(a) Bidders mailing lists shall be established by each NASA procurement office to assure access to adequate sources of supplies and services except where the requirements of the procurement office can be obtained within the local trade area through utilization of the simplified small purchase procedures (Subpart 18–3.6, of this chapter), or are nonrecurring.

(b) All eligible and qualified suppliers or concerns which have submitted bidders mailing list applications, or which the procurement office considers capable of filling the requirements of a particular procurement, shall be placed on the appropriate bidders mailing list. When new prospective suppliers are placed on the bidders mailing list, they shall be notified. The issuance of a solicitation within a reasonable time may be considered appropriate notification. Also, those suppliers not meeting the criteria for placement on the bidders mailing list shall be notified accordingly.

(c) Bidders Mailing List Application (Standard Form 129) shall be used for obtaining information needed in the establishment and maintenance of bidders mailing lists as prescribed in § 18–16.810.

§ 18–2.205–2 Removal of names from bidders mailing lists.

(a) The name of each concern failing to respond to an invitation for bids or preinvitation notice (see § 18–2.205–4(c)), may be removed from the bidders mailing list without notice to the concern, but only for the item or items involved in such invitation or notice. When a concern falls to respond to two consecutive invitations for bids or preinvitation notices, its name shall be removed from the bidders mailing list to the extent indicated above, except that, in individual cases, concerns thus failing to respond may be retained on a bidders mailing list if such retention is considered to be in the best interests of the Government. Both actual bids and written requests for retention on the bidders mailing lists are "responses" to invitations for bids or preinvitation notices.

(b) The names of concerns which have been (1) debarred from entering into Government contracts or (2) otherwise determined to be ineligible to receive an award of a Government contract, shall be removed from the bidders mailing lists to the extent required by such debarment or determination of ineligibility.

§ 18–2.205–3 Reinstatement on bidders mailing lists.

Concerns which have been removed from bidders mailing lists may be reinstated upon request or by filing a new application on Standard Form 129. No concern which is debarred or ineligible shall be reinstated during the period of debarment or while ineligible.

§ 18–2.205–4 Excessively long bidders mailing lists.

(a) *General.* To prevent excessive administrative costs of a procurement, mailing lists should be used in a way which will promote competition commensurate with the dollar value of the purchase to be made. As much of the mailing list will be used as is compatible with efficiency and economy in securing adequate competition as required by law. Where the number of bidders on a mailing list is considered excessive in relation to a specific procurement, the number of firms to be solicited may be reduced by any method consistent with the foregoing, including those described in paragraphs (b) and (c) of this section. The fact that less than an entire mailing list is used shall not, in itself, preclude furnishing of bid sets to others upon request therefor, or consideration of bids received from bidders who were not invited to bid.

(b) *Rotation of lists.* Mailing lists may be rotated, but to do so will require considerable judgment as to whether the size of the transaction justifies rotation. Consideration also should be given as to whether time permits utilization of the preinvitation notice under paragraph (c) of this section. In rotating a list, the interests of small business and the existence of labor surplus areas shall be considered. Whenever the rotation method is employed, the successful bidder on the previous procurement for the same or similar items and those prospective suppliers who have been added to the bidders mailing list since the last procurement shall be solicited, in addition to those bidders comprising that segment of the list selected for use in a particular procurement, except where such action would be precluded by use of the small business total set-aside procedures.

(c) *Preinvitation notices.* In lieu of initially forwarding complete bid sets, the procurement office may send preinvitation notices to concerns on the mailing list. The notice shall:

(1) Specify the date by which bidders should return the notice in order to receive a complete bid set;

(2) Describe the requirement, or include the schedule of the invitation for bids, so as to furnish a complete item description and a condensation of other essential information which will provide concerns with an intelligible basis for judging whether they have an interest in the procurement; and

(3) Expressly notify concerns that if no bid is to be submitted, they should notify the issuing office in writing if future invitations are desired for the type of supplies or services involved.

Drawings, plans, and specifications normally will not be furnished with the preinvitation notice. The return date of the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets will be sent to concerns which request them. This procedure is particularly suitable in procurements where lengthy invitations for bids and long bidders lists are common.

§ 18–2.205–5 Release of bidders mailing lists.

(a) When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, and others having a bona fide interest in such information, may be supplied, upon request, with a list of all prospective bidders furnished copies of the plans and specifications.

(b) A list of firms which have submitted acceptable technical proposals in the first step of two-step formal advertising will be listed in the Commerce Business Daily for the benefit of prospective subcontractors in accordance with § 18–1.1003–6(b).

§ 18–2.206 Small business and labor surplus area set-asides.

See Subparts 18–1.7 and 18–1.8.

§ 18–2.207 Amendment of invitations for bids.

(a) If, after issuance of invitations for bids but before the time set for opening of bids, it becomes necessary to make changes in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes shall be accomplished by issuance of an amendment to the invitation for bids. The amendment shall be sent to each concern to whom the invitation for bids has been furnished and shall be displayed in the bid room.

(b) Each amendment issued to an invitation for bids shall:

(1) Be serially numbered, using a separate series of numbers for each invitation for bids concerned;

(2) Include the number of the invitation for bids concerned;

(3) Clearly state the changes made in the invitation for bids and the extension of the opening date, if any. If no extension of the time set for opening is involved, the amendment shall so state;

(4) Include instructions to bidders for acknowledging receipt of the amendment and information concerning the effect of failure to acknowledge or return the amendment.

(c) Before issuing an amendment to an invitation for bids, the period of time remaining until the time set for opening and the need for extending this period by postponing the time set for opening must be considered. Where only a short time remains before the time set for opening, consideration should be given to notifying bidders of an extension of time by telegraph or telephone. Such notification should be confirmed in the amendment.

(d) Any information given to a prospective bidder concerning an invitation for bids shall be furnished promptly to all other prospective bidders, as an amendment to the invitation; if such information is necessary to bidders in submitting bids on the invitation; or if the lack of such information would be prejudicial to uninformed bidders. No award shall be be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

§ 18–2.208 Cancellation of invitations before opening.

(a) Cancellation of an invitation for bids usually involves the loss of time, effort, and money spent by the Government and bidders in carrying the procurement process up to the point of cancellation. Invitations for bids should not be canceled unless cancellation is clearly in the public interest, such as where there is no longer a requirement for the material or service, or where amendments to the invitation would be of such magnitude that a new invitation is desirable. Where an invitation is canceled, bids which have been received shall be returned unopened to the bidders and a notice of cancellation shall be sent to all prospective bidders to whom invitations for bids were issued.

(b) The notice of cancellation shall identify the invitation for bids; briefly explain the reason the invitation is being canceled; and, when appropriate, assure prospective bidders that they will be given an opportunity to bid on any resolicitation of bids for any future requirements for the type of material or services involved. The cancellation of any invitation for bids shall be recorded in accordance with § 18–2.403.

§ 18–2.210 Release of procurement information.

After issuance of the solicitation for bids or publicizing in the Commerce Business Daily, discussions with prospective contractors regarding a potential procurement and the transmission of technical or other information shall be conducted only by the contracting officer or by others specifically authorized. Such personnel shall not furnish any information to a potential supplier which alone or together with other information may afford him an advantage over others. However, general information which would not be prejudicial to other bidders may be furnished upon request, e.g., explanation of a particular contract clause or a particular condition of the schedule in the invitation for bids. When necessary to clarify ambiguities, or correct mistakes or omissions, an appropriate amendment to the solicitation shall be furnished in a timely manner to all to whom the solicitation has been furnished (see § 18–2.207).

Subpart 18–2.3—Submission of Bids

§ 18–2.301 Responsiveness of bids.

(a) To be considered for award, a bid must comply in all material respects with the invitation for bids, so that, both as to the method and timeliness of submission and as to the substance of any resulting contract, all bidders may stand on an equal footing and the integrity of the formal advertising system may be maintained.

(b) Telegraphic bids shall not be considered unless permitted by the invitation for bids.

(c) Bids should be filled out, executed, and submitted in accordance with the instructions which are contained in the invitation for bids. If a bidder uses his own bid form or a letter to submit a bid, the bid may be considered only if (1) the bidder accepts all the terms and conditions of the invitation, and (2) award on the bid would result in a binding contract, the terms and conditions of which do not vary from the terms and conditions of the invitation.

§ 18–2.302 Time of bid submission.

Bids shall be submitted so as to be received in the office designated in the invitation for bids not later than the exact time set for opening of bids. Where telegraphic bids are authorized, a telegraphic bid received in such office by telephone from the receiving telegraph office not later than the time set for opening of bids shall be considered if such bid is confirmed by the telegraph company by sending a copy of the telegram which formed the basis for the telephone call.

§ 18–2.303 Late bids.

§ 18–2.303–1 General.

Bids received at the office designated in the invitation for bids after the exact time set for opening of bids are "late bids." Late bids shall not be considered for award except as authorized in this § 18–2.303.

§ 18–2.303–2 Consideration for award.

A late bid shall be considered for award only if:

(a) It is received before award; and either

(b) It was sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized, and it is determined that the lateness was due solely to a delay in the mails (based on evidence pursuant to § 18–2.303–3), or to a delay by the telegraph company for which the bidder was not responsible; or

(c) If submitted by mail (or by telegram where authorized), it was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time set for opening and, except for delay due to mishandling on the part of the Government at the installation, would have been received on time at the office designated. The only evidence acceptable to establish timely receipt at the Government installation is that which can be established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

§ 18–2.303–3 Mailed bids.

(a) *Registered mail.* The time of mailing of a late bid mailed by registered mail may be determined by the date in the postmark on the registered mail receipt or registered mail wrapper. The time of mailing shall be deemed to be the last minute of the date shown in such postmark unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. Such evidence, if appropriately verified in writing by the post office station of mailing, may consist of an entry in ink on the registered mail receipt showing the time of mailing and the initials of the postal employee receiving the item and making the entry. If the postmark does not show a date, the bid shall be deemed to have been mailed too late unless the bidder furnishes evidence from the post office station of mailing which establishes timely mailing.

(b) *Certified mail.* The time of mailing of a late bid mailed by certified mail for which a postmarked Receipt for Certified Mail was obtained shall be deemed to be the last minute of the date shown in the postmark on such receipt except where:

(1) The Receipt for Certified Mail identifies the post office station of mailing and the bidder furnishes evidence from such station that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or

(2) An entry in ink on the Receipt for Certified Mail, showing the time of mailing and the initials of the postal employee receiving the item and making the entry, is appropriately verified in writing by the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark does not show a date, the bid shall be deemed to have been mailed too late.

(c) *Delivery time.* Information concerning the normal time for mail delivery shall be obtained by the contracting officer from the postmaster, superintendent of mails, or a duly authorized representative for that purpose, of the post office serving that installation. When time permits, such information shall be obtained in writing.

§ 18–2.303–4 Telegraphic bids.

A late telegraphic bid shall be presumed to have been filed with the telegraph company too late to be received in time, except where the bidder demonstrates by clear and convincing evidence, which includes substantiation by an authorized official of the telegraph company, that the bid, as received at the office designated in the invitation for bids, was filed with the telegraph company in sufficient time to have been delivered by normal transmission procedure so as not to have been late (see § 18–2.302).

§ 18–2.303–5 Hand-carried bids.

A late hand-carried bid, or any other late bid not submitted by mail or telegraph, shall not be considered for award.

§ 18–2.303–6 Notification to late bidders.

Where a late bid is received and it is clear from available information that under § 18–2.303–2 such late bid cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his bid was received late and will not be considered. (See also § 18–2.303–7.) However, where a late bid is transmitted by registered mail and received before award but it is not clear from available information whether the bid can be considered, or in any case of a late bid transmitted by certified mail received before award, the bidder shall be promptly notified substantially as follows:

Your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your bid will not be considered for award unless (1) there is received from you by ---------- clear and convincing evidence from the post office station of mailing which establishes the date (and time, if possible) that the bid was deposited with that station, and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence from such station of its closing time or written verification by such station of an approved time entry on the receipt are also acceptable. (July 1965)

(Date)

The foregoing notification shall be appropriately modified in the case of late telegraphic bids.

§ 18–2.303–7 Disposition of late bids.

A late bid which is not for consideration for award shall be held unopened until after award and then returned to the bidder, unless other disposition is requested or agreed to by the bidder. However, an unidentified late bid may be opened solely for purposes of identification as provided in § 18–2.401.

§ 18–2.303–8 Records.

The following, if available, shall be included in the files of the procurement office with respect to each late bid:

(a) A statement of the date and hour of mailing or filing;

(b) A statement of the date and hour of receipt;

(c) The determination of whether or not the late bid was considered for award, with supporting facts;

(d) A statement of the disposition of the late bid; and

(e) The envelope, or other covering, if the late bid was considered for award.

§ 18–2.304 Modification or withdrawal of bids.

(a) Bids may be modified or withdrawn by written or telegraphic notice received in the office designated in the invitation for bids not later than the exact time set for opening of bids. A telegraphic modification or withdrawal of a bid received in such office by telephone from the receiving telegraph office not later than the time set for opening of bids shall be considered if such message is confirmed by the telegraph company by sending a copy of the telegram which formed the basis for the telephone call. Modifications received by telegram (including a record of those telephoned by the telegraph company) shall be sealed in an envelope by a proper official who shall write thereon the date and time of receipt and by whom, the invitation for bid number, and his signature. No information contained therein shall be disclosed before the time set for bid opening. See § 18–2.401 with respect to the receipt and safeguarding of modifications.

(b) A bid may be withdrawn in person by a bidder or his authorized representative, provided his identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for opening of bids.

§ 18–2.305 Late modifications and withdrawals.

(a) Modifications of bids and requests for withdrawal of bids which are received in the office designated in the invitation for bids after the exact time set for opening are "late modifications" and "late withdrawals," respectively. A late modification or late withdrawal shall be subject to the rules and procedures applicable to late bids set forth in § 18–2.303. However, a late modification of the otherwise successful bid shall be opened at any time it is received; and if in the judgment of the contracting officer it makes the terms of the bid more favorable to the Government, it shall be considered.

(b) Where a late modification or late withdrawal is received and it is clear from available information that under paragraph (a) of this section such late modification or late withdrawal cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his modification or withdrawal was received late and will not be considered. However, where a late modification or late withdrawal is transmitted by registered mail and received before award but it is not clear from available information whether the modification or withdrawal can be considered, or in any case of a late modification or withdrawal transmitted by certified mail and received before award which cannot be considered under the provision in paragraph (a) of this section, the bidder shall be promptly notified substantially as follows:

Your (modification) (request for withdrawal) of your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your (modification) (request for withdrawal) will not be considered effective unless (1) there is received from you by ---------- clear and convincing evidence from the post office station of mailing which establishes the date (and time, if possible) that the (modification) (request for withdrawal) was deposited with that station, and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence from such station of its closing time or written verification by such station of an approved time entry on the receipt are also acceptable. (July 1965)

(Date)

The foregoing notification shall be appropriately modified in the case of late telegraphic modifications or withdrawals.

(c) Records of late modifications and late withdrawals shall be maintained in accordance with the record requirements for late bids set forth in § 18–2.303–8.

Subpart 18–2.4—Opening of Bids and Award of Contract

§ 18–2.401 Receipt and safeguarding of bids.

(a) All bids (including modifications) received prior to the time set for opening shall be kept unopened, except as stated in paragraph (b) of this section, and secure in a locked bid box or other locked receptacle. Prior to bid opening,

information concerning the identity and number of bids received shall be made available only to Government employees who have a proper need for such information. Descriptive literature or bid samples, when submitted, shall be handled with sufficient care to prevent disclosure of characteristics before bid opening.

(b) Unidentified bids may be opened solely for the purpose of identification and then only by a contracting officer or a representative specifically authorized by a contracting officer to open bids. If a sealed bid is opened by mistake, the person who opens the bid shall immediately write his signature and position title on the envelope and deliver it to the contracting officer, who shall immediately write on the envelope an explanation of the opening, the date and time opened, the invitation for bid number, and his signature. Bids opened by mistake or for identification purposes shall be resealed in the envelope and no information contained therein shall be disclosed prior to the public bid opening.

§ 18–2.402 Opening of bids.

§ 18–2.402–1 Unclassified bids.

(a) Only NASA contracting officers or representatives specifically authorized by them to open bids shall act as bid opening officers. The bid opening officer shall decide when the time set for bid opening has arrived and shall so declare to those present. All bids received prior to the time set for opening shall then be publicly opened, and, when practicable, read aloud to the persons present, and be recorded. If it is impracticable to read the entire bid, as where many items are involved, the total amount of the bid shall be read, if feasible. The original of each bid shall be carefully safeguarded, particularly until the abstract of bids required by § 18–2.403 has been made and its accuracy verified.

(b) While the performance of the procedure set forth in paragraph (a) of this section may be delegated to assistants, NASA contracting officers remain fully responsible for the actions of such assistants.

(c) Examination of bids by interested persons shall be permitted if it does not interfere unduly with the conduct of Government business. However, original bids shall not be allowed to pass out of the hands of a Government official unless duplicate copies of such bids are not available for public inspection. In such cases, the original bids may be examined by the public only under the immediate supervision of a Government official and under conditions which preclude possibility of a substitution, addition, deletion, or alteration in the bids. However, see § 18–2.404–4 with respect to public disclosure of descriptive literature submitted by a bidder on a restrictive basis.

§ 18–2.402–2 Classified bids.

The opening of classified bids shall not be accessible to the general public. Such opening may be witnessed and the results recorded by those bidder representatives (a) who have been previously cleared from a security standpoint and (b) who represent bidders which were invited to bid on the procurement. Bids shall be made available only to those persons authorized to attend the opening of bids. The procedures set forth in § 18–2.402–1 for safeguarding unclassified bids are also applicable to classified bids. No public record shall be made of bids or bid prices received on classified invitations for bids.

§ 18–2.403 Recording of bids.

The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation, shall be entered in an abstract or record which, except in the case of a classified procurement, shall be available for public inspection. When the items are too numerous to warrant the recording of all bids completely, an entry shall be made of the invitation number, opening date, general description of the procurement items, and the total price bid where definite quantities are involved. The record or abstract shall be completed as soon as practicable after the bids have been opened and read. The bid opening officer shall certify the accuracy of the record or abstract. If the invitation for bids is canceled before the time set for bid opening, this fact shall be recorded, together with a statement of the number of concerns invited to bid and the number of bids received. Copies of the abstract on unclassified bids exhibited to the public shall not contain information such as debarment, failure to meet minimum standards of responsibility, apparent collusion of bidders, or other notations not proper for the knowledge of the general public.

§ 18–2.404 Rejection of bids.

§ 18–2.404–1 Cancellation of invitation after opening.

(a) The preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation. Every effort shall be made to anticipate changes in a requirement prior to the date of opening and to notify all prospective bidders of any resulting modification or cancellation, thereby permitting bidders to change their bids and preventing unnecessary exposure of bid prices. As a general rule, after opening, an invitation for bids should not be canceled and readvertised due solely to increased requirements for the items being procured. Awards should be made on the initial invitation for bids and the additional quantity should be treated as a new procurement.

(b) Invitations for bids may be canceled after opening but prior to award, and all bids rejected, where such action is consistent with paragraph (a) of this section and the contracting officer determines in writing that cancellation is in the best interest of the Government for reasons such as the following:

(1) Inadequate, ambiguous, or otherwise deficient specifications were cited in the invitation for bids;

(2) The supplies or services are no longer required;

(3) The invitation for bids did not provide for consideration of all factors of cost to the Government, such as cost of transporting Government-furnished property to bidders' plants;

(4) Bids received indicate that the needs of the Government can be satisfied by a less expensive article differing from that on which the bids were invited;

(5) All otherwise acceptable bids received are at unreasonable prices. (See § 18–3.215 concerning authority to negotiate in such situations.);

(6) The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith. (See § 18–3.215 concerning authority to negotiate in such situations; and §§ 18–1.111 and 18–1.114 for reports to be made to the Department of Justice.);

(7) The bids received did not provide competition which was adequate to insure reasonable prices; or

(8) Specifications have been revised.

Determinations to cancel invitations for bids shall state the reasons therefor.

(c) Should administrative difficulties be encountered after bid opening which may delay award beyond bidders' acceptance periods, the several lowest bidders should be requested, before expiration of their bids, to extend the bid acceptance period (with consent of sureties if any) in order to avoid the need for readvertisement.

§ 18–2.404–2 Rejection of individual bids.

(a) Any bid which fails to conform to the essential requirements of the invitation for bids, such as specifications, delivery schedule, or permissible alternates thereto, shall be rejected as nonresponsive.

(b) Ordinarily, a bid shall be rejected where the bidder imposes conditions which would modify requirements of the invitation for bids or limit his liability to the Government so as to give him an advantage over other bidders. For example, bids shall be rejected in which the bidder:

(1) Attempts to protect himself against future changes in conditions such as increased costs if total price to the Government cannot be determined for bid evaluation;

(2) Fails to state a price and, in lieu thereof, states that price shall be "price in effect at time of delivery";

(3) States a price but qualifies such price as being subject to "price in effect at time of delivery";

(4) Where not authorized by the invitation, conditions or qualifies his bid by stipulating that the bid is to be considered only if, prior to date of award, bidder receives (or does not receive) award under a separate procurement;

(5) Limits rights of Government under any contract clause; or

(6) Requires that Government is to determine that bidder's product meets Government specification.

A low bidder may be requested to delete objectionable conditions from his bid provided these conditions do not go to the substance, as distinguished from the form, of the bid, or work an injustice on other bidders. A condition goes to the substance of a bid where it affects price, quantity, quality, or delivery of the items offered.

(c) Any bid may be rejected if the contracting officer determines in writing that it is unreasonable as to price.

(d) Bids received from any person or concern debarred or ineligible shall be rejected if the period of debarment or ineligibility has not expired (see Subpart 18–1.6).

(e) Low bids received from concerns determined to be not responsible, pursuant to Subpart 18–1.9, shall be rejected (but, if the bidder is a small business concern, see § 18–1.705–4 with respect to certificates of competency).

(f) Where a bid guarantee is required and a bidder fails to furnish it in accordance with the requirements of the invitation for bids, the bid shall be rejected, except as otherwise provided in § 18–10.102–5.

(g) The originals of all rejected bids and any written findings with respect to such rejections shall be preserved with the papers relating to the procurement.

§ 18–2.404–3 Notice to bidders of rejection of all bids.

When it is determined to reject all bids, the contracting officer shall notify each bidder that all bids have been rejected, stating the reason for such action.

§ 18–2.404–4 Restrictions on disclosure of descriptive literature.

(a) When a bid is accompanied by descriptive literature (as defined in § 18–2.202–5(a)), and the bidder imposes a restriction that such literature may not be publicly disclosed, such restriction renders the bid nonresponsive if it prohibits the disclosure of sufficient information to permit competing bidders to know the essential nature and type of the products offered or those elements of the bid which relate to quantity, price and delivery terms. The provisions of this paragraph (a) do not apply to unsolicited descriptive literature submitted by a bidder if such literature does not qualify the bid (see § 18–2.202–5(f)).

(b) Descriptive literature restricted by a bidder against public disclosure shall not be disclosed in a manner which would contravene the restriction without the written permission of the bidder.

§ 18–2.404–5 All or none qualifications.

Unless the invitation for bids so provides, a bid is not rendered nonresponsive by the fact that the bidder specifies that award will be accepted only on all, or a specified group, of the items included in the invitation for bids. However, bidders shall not be permitted to withdraw or modify "all or none" qualifications after bid opening since such qualifications are substantive and affect the rights of other bidders.

§ 18–2.405 Minor informalities or irregularities in bids.

A minor informality or irregularity is one which is merely a matter of form, and not of substance, or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the invitation for bids, the correction or waiver of which would not be prejudicial to other bidders. The defect or variation in the bid is immaterial and inconsequential when its significance as to price, quantity, quality, or delivery is trivial or negligible when contrasted with the total cost or scope of the supplies or services being procured. The contracting officer shall either give the bidder an opportunity to correct any deficiency resulting from a minor informality or irregularity in a bid or shall waive such deficiency, whichever is to the advantage of the Government. Examples of minor informalities or iregularities include:

(a) Failure of bidder to return the number of copies of signed bids required by the invitation for bids;

(b) Failure of bidder to furnish required information concerning the number of his employees;

(c) Failure of bidder to sign his bid, but only if—

(1) The unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid document, such as the submission of a bid guarantee with bid, or a letter signed by the bidder with the bid referring to and clearly identifying the bid itself; or

(2) The firm submitting the bid has formally adopted or authorized, before the date set for opening of bids, the execution of documents by typewritten, printed, or stamped signature, and submits evidence of such authorization and the bid carries such a signature;

(d) Failure of a bidder to acknowledge receipt of an amendment to an invitation for bids, but only if—

(1) The bid received clearly indicates that the bidder received the amendment, such as where the amendment added another item to the invitation for bid and the bidder submitted a bid thereon, or

(2) The amendment involves only a matter of form or is one which has either no effect or merely a trivial or negligible effect on price, quantity, quality, or delivery of the item bid upon, or the relative standing of bidders, such as an amendment correcting a typographical mistake in the name of the NASA installation.

§ 18–2.406 Mistakes in bids.

§ 18–2.406–1 General.

After the opening of bids, contracting officers shall examine all bids for mistakes. In cases of apparent mistakes, and in cases where the contracting officer has reason to believe that a mistake may have been made, he shall request from the bidder a verification of the bid, calling attention to the suspected mistake. If the bidder alleges a mistake, the matter shall be processed in accordance with this § 18–2.406. Such actions shall be taken prior to award.

§ 18–2.406–2 Apparent clerical mistakes.

Any clerical mistake, apparent on the face of a bid, may be corrected by the contracting officer prior to award, if he has first obtained from the bidder verification of the bid actually intended. Examples of such apparent mistakes are obvious misplacement of a decimal point; obvious incorrect discounts (for example, 1 percent 10 days, 2 percent 20 days, 5 percent 30 days); obvious reversal of the price f.o.b. destination and the price f.o.b. origin; and obvious mistake in designation of unit. Correction shall be reflected in the award document.

§ 18–2.406–3 Other mistakes disclosed before award.

(a) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, has granted to NASA the authority to make the administrative determinations described below in connection with mistakes in bids, other than apparent clerical mistakes, alleged after opening of bids and prior to award. The authority contained herein to permit correction of bids is limited to bids which, as submitted, are responsive to the invitation for bids, and may not be used to permit correction of bids to make them responsive. This authority is in addition to that in § 18–2.406–2, or that which may be otherwise available.

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower acceptable bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under subparagraph (1) or (2) of this paragraph, a determination may be made that a bidder may neither withdraw nor correct his bid, and the bid shall be considered for award in the form submitted.

(b) Mistakes in bid cases covered by paragraphs (a) (1), (2), or (3) of this section shall be referred by the contracting officer to the Procurement Office, NASA Headquarters (Code KDA–2) for determination.

(c) Each proposed determination shall have the concurrence of the Office of General Counsel prior to issuance.

(d) Suspected or alleged mistakes in bids shall be processed as follows:

(1) Whenever the contracting officer suspects that a mistake may have been made in a bid, he shall immediately request the bidder to verify the bid. Such request shall inform the bidder why the request for verification is made—that a mistake is suspected and the basis for such suspicion; e.g., that the bid is significantly out of line with the next low or other bids or with the Government's estimate. If the time for acceptance of bids is likely to expire before a decision can be made, the contracting officer shall request all bidders whose bids may become eligible for award to extend the time for acceptance of their bids. If the bidder whose bid is believed erroneous does not grant such extension of time and a decision cannot be reached before expiration of the time for acceptance, even if handled by telegraph or telephone as provided in subparagraph (4) of this paragraph, the bid shall be considered as originally submitted.

(2) If the bidder verifies his bid, the contracting officer shall consider it as originally submitted. If the bidder alleges a mistake, the contracting officer shall advise him to support his allegation by statements concerning the alleged mistake and by all pertinent evidence, such as the bidder's file copy of the bid, his original worksheets and other data used in preparing the bid, subcontractors' and suppliers' quotations, if any, published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(3) Where the bidder furnishes evidence in support of an alleged mistake, the case shall be referred to the Procurement Office, NASA Headquarters (Code KDA–2) together with the following data:

(i) All evidence furnished by the bidder including his written request to withdraw or modify the bid;

(ii) A copy of the signed bid, of the invitation for bids, and any specifications or drawings relevant to the alleged mistake;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(*a*) The expiration date of the bid in question and of the other bids submitted;

(*b*) Specific information as to how and when the mistake was alleged;

(c) A summary of the evidence submitted by the bidder;

(*d*) In the event only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services and the basis for such estimate;

(e) Any additional evidence considered pertinent including copies of all correspondence between the contracting officer and the bidder concerning the alleged mistake; and

(*f*) The course of action with respect to the bid that the contracting officer considers proper on the basis of the evidence.

(4) When time is of the essence, because of the expiration of bids or otherwise, the contracting officer may refer the case by telegraph or telephone to the Procurement Office, NASA Headquarters. Ordinarily, contracting officers will not refer mistake in bid cases by telegraph or telephone, particularly when the determinations set forth in paragraph (a) (2) or (3) of this section are applicable, since actual examination of the evidence is generally necessary to determine the proper action to be taken.

(5) Where the bidder fails or refuses to furnish evidence in support of a suspected or alleged mistake, the contracting officer shall consider the bid as submitted unless the amount of the bid is so far out of line with the amounts of other bids received or with the amount estimated by the Government or determined by the contracting officer to be reasonable, or there are other indications of error so clear, as reasonably to justify the conclusion that acceptance of the bid would be unfair to the bidder or to other bona fide bidders, in which case it may be rejected. The attempts made to obtain the information required and the action taken with respect to the bid shall be fully documented.

(e) Nothing contained in this § 18–2.406–3 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder nor deprive any bidder of his right to have the matter determined by the Comptroller General should he so request. All doubtful cases will be submitted to the Comptroller General for advance decision.

(f) A record shall be kept of all administrative determinations made in accordance with this § 18–2.406–3, including a complete statment of the facts involved, and the action taken in each case. Copies of all such administrative determinations shall be included in the case file. Where a contract is awarded, a copy of any related determination shall be retained in the contract file.

§ 18–2.406–4 Disclosure of mistakes after award.

(a) When a mistake in a contractor's bid is not discovered until after the award, the mistake may be corrected by supplemental agreement if correcting the mistake would make the contract more favorable to the Government without changing the essential requirements of the contract. All other cases shall be referred to the Procurement Office, NASA Headquarters. They will either be decided by the Director of Procurement under paragraphs (b) and (c) of this section, be referred by the Director of Procurement to the Comptroller General, or be processed in accordance with Part 18–17 of this chapter.

(b) In lieu of submission to the General Accounting Office for decision, the Comptroller General, by Decision B–140233, dated February 3, 1961, has granted to NASA the authority to make the administrative determinations described below in connection with mistakes in bids alleged or disclosed after award. This authority is in addition to that provided by Public Law 85–804 (50 U.S.C. 1431–1435). (See Part 18–17 of this chapter), or that which otherwise may be available.

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount:

(i) To delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000; or

(ii) To increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(c) Determinations under paragraph (b) of this section may be made only on the basis of clear and convincing evidence that a mistake in bid was made, and either that the mistake was mutual or that the unilateral mistake made by the contractor was so apparent as to have charged the contracting officer with notice of the probability of the mistake. Relief requested by a contractor due to an alleged mistake may be denied regardless of the monetary amount involved where it is determined the evidence is not clear and convincing:

(1) That a mistake in bid or proposal was made by the contractor, or

(2) That the mistake was mutual or the contracting officer was or should have been on notice of the error prior to the award of the contract.

(d) The Director of Procurement is the NASA official authorized to make determinations under this § 18–2.406–4. This authority may not be redelegated.

(e) Each proposed determination shall have the concurrence of the Office of General Counsel.

(f) Mistakes disclosed after award shall be processed as follows:

(1) Whenever a mistake in bid is alleged or disclosed after award, the contracting officer shall advise the contractor to support the alleged error by written statements and by all pertinent evidence, such as the contractor's file copy of the bid, his original work sheets and other data used in preparing the bid, subcontractors' and suppliers' quotations (if any), published price lists, and any other evidence which will serve to establish the mistake, the manner in which it occurred, and the bid actually intended.

(2) Where the contractor furnishes evidence in support of an alleged mistake, the contracting officer may either correct the mistake if authorized under paragraph (a) of this section, or refer the case to the Procurement Office, NASA Headquarters (Code KDA–2) together with the following data:

(i) All evidence furnished by the contractor;

(ii) A copy of the contract, including a copy of the bid and any specifications or drawings relevant to the alleged mistake, and any change orders or supplemental agreements thereto;

(iii) An abstract or record of the bids received;

(iv) A written statement by the contracting officer setting forth—

(*a*) Specific information as to how and when the mistake was alleged or disclosed;

(*b*) A summary of the evidence submitted by the contractor;

(c) His opinion whether a bona fide mistake was made in the bid and whether he was, or should have been, on constructive notice of the mistake before the award, together with the reasons or data upon which his opinion is based;

(*d*) In the event that only one bid was received, a quotation of a recent contract price for the supplies or services involved, or, in the absence of a recent comparable contract, the contracting officer's estimate of a fair price for the supplies or services, and the basis for such estimate;

(*e*) Any additional evidence considered pertinent, including copies of all relevant correspondence between the contracting officer and the contractor concerning the alleged mistake;

(*f*) The course of action with respect to the alleged mistake that the contracting officer considers proper on the basis of the evidence, and, if other than a change in contract price is recommended, the manner by which the item will otherwise be procured; and

(*g*) The status of performance and payments under the contract, including contemplated performance and payments.

(g) Nothing contained in this § 18–2.406–4 shall deprive the Comptroller General of his statutory right to question the correctness of any administrative determination made hereunder or deprive any contractor of his right to have the matter determined by the Comptroller General should he so request.

(h) The Procurement Office, NASA Headquarters (Code KDA–2) shall maintain a record of all administrative determinations made in accordance with this § 18–2.406–4, the facts involved, and the action taken in each case. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

(i) When administrative determination is precluded by the limitations set forth in this § 18–2.406–4, the matter may be considered in accordance with Part 18–17 of this chapter, or submitted to the Comptroller General for decision.

(j) Nothing contained in this § 18–2.406–4 shall prevent the submission by the Director of Procurement of any doubtful case to the Comptroller General. If a contractor's request for correction of an alleged mistake is denied by the Director of Procurement, the contracting officer shall so notify the contractor.

§ 18–2.407 Award.

§ 18–2.407–1 General.

Unless all bids are rejected, award shall be made by the contracting officer by written notice, within the time for acceptance specified in the bid or extension thereof, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. (For discussion of other factors to be considered, see § 18–2.407–5.) Awards shall not be made until all required approvals have been obtained. Awards shall be made by mailing or otherwise furnishing to the successful bidder a properly executed award document or notice of award. When an advanced notice of award is issued, it shall be followed as soon as possible by the formal award. When more than one award results from any single invitation for bids, separate award documents shall be executed, each bearing its own separate number. When an award is made to a bidder for less than all the items which may be awarded to that bidder and additional items are being withheld for subsequent award, the first award to that bidder shall state that the Government may make subsequent awards on such additional items within the bidder's bid acceptance period. All provisions of the invitation for bids, including any acceptable additions or changes made by a bidder in the bid, shall be clearly and accurately set forth (either expressly or by reference) in the award document, since the award is an acceptance of the bid, and the bid and the award constitute the contract.

§ 18–2.407–2 Responsible Bidder.

Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible. (See Subpart 18–1.9.)

§ 18–2.407–3 Discounts.

(a) Prior to issuing an invitation for bids (other than for construction), a determination shall be made as to what minimum period for prompt payment discounts will be considered in the evaluation of bids and such minimum period shall be stated in the invitation for bids. In determining the minimum period for a particular procurement, consideration shall be given to:

(1) The place of delivery, inspection, and acceptance in relation to the place of payment of invoices or vouchers;

(2) The number of days required to process invoices or vouchers from receipt through payment in the normal course of business; and

(3) The need for prolonged acceptance testing or other unusual circumstances tending to retard the normal processing of invoices or vouchers.

Generally, the minimum period will be expressed in multiples of 10 days; e.g., "10 calendar days," "20 calendar days," or "30 calendar days," since these time intervals coincide with the discount terms generally offered by industry.

(b) In determining which of several bids received is the lowest, any discount offered shall be deducted from the bid price on the assumption that the discount will be taken, unless the discount offered is for a lesser period than the minimum number of days specified in the invitation for bids. (See § 18–2.407–3 (a).) In evaluating equal bids offering discounts meeting the minimum discount period required by the invitation, a bid offering a longer discount period shall not be considered as being more advantageous to the Government. If a bid offers a prompt payment discount, but fails to specify the period in which the discount may be taken. the discount may be considered since award to the bidder gives the Government the right to deduct the discount from any payment made with reasonable promptness.

(c) If a bid offers a prompt payment discount for a period less than that specified in the invitation for bids, the discount shall not be considered in the evaluation of bids. If a bid would have been the lowest bid received if the discount offered were considered, but award is not made thereon because the offered discount cannot be considered, a notation to that effect shall be made upon the abstract or record of bids.

(d) In any case, the offered discount of the successful bidder shall form a part of the award, whether or not such discount was considered in the evaluation of his bid, and such discount shall be taken if payment is made within the discount period.

§ 18–2.407–4 Price escalation.

(a) Where an invitation for bids does not contain a price escalation clause, bids received which quote a price and contain a price escalation provision, with a ceiling (usually expressed in terms of a maximum percentage increase) above which the price will not escalate, shall be evaluated on the maximum possible escalation of the quoted base price. Bids which contain escalation with no ceiling shall be rejected unless a clear basis for evaluation exists.

(b) Where an invitation for bids contains a price escalation clause and no bidder takes exception to the escalation provisions, bids shall be evaluated on the basis of the quoted prices without the allowable escalation being added. Where a bidder increases the maximum percentage of escalation stipulated in the invitation for bids or limits the downward escalation provisions of the invitation, the bid will be rejected as nonresponsive. Where a bidder deletes the escalation clause from his bid, the bid shall be rejected as nonresponsive since the downward escalation provisions are thereby limited. Where a bidder decreases the maximum percentage of escalation stipulated in the invitation for bids, the bid shall be evaluated at the base price on an equal basis with bids that do not reduce

the stipulated ceiling. However, if after evaluation the bidder offering the lower ceiling is in a position to receive the award, the award shall reflect the lower ceiling.

§ 18–2.407–5 Other factors to be considered.

The factors set forth below, among others, may be for consideration in evaluating bids for award:

(a) Foreseeable cost or delays to the Government resulting from differences in inspection, location of supplies, transportation, etc. If bids are on an f.o.b. origin basis, transportation costs to the designated destination points shall be considered in determining the lowest cost to the Government.

(b) Changes made or requested by the bidder in any of the provisions of the invitation for bids to the extent that any such change does not constitute ground for rejection of the bid under the provisions of § 18–2.404.

(c) Advantages or disadvantages to the Government that might result from making multiple awards. (See § 18–2.201–1(b)(19).)

(d) Federal, State and local taxes (see Part 18–11).

(e) Origin of supplies, whether domestic or foreign, and, if foreign, the application of the Buy American Act or any other prohibition on foreign purchases (See Part 18–6).

§ 18–2.407–6 Equal low bids.

(a) (1) Where two or more low bids are equal in all respects, considering all factors except the priorities set forth in subparagraph (2) of this paragraph, award shall be made in accordance with the order of priorities therein. Where two or more low bids are equal in all respects, considering all factors including the priorities set forth in subparagraph (2) of this paragraph, award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives, subject to subparagraph (3) of this paragraph.

(2) For the proposals of subparagraph (1) of this paragraph, preference shall be given in the following order of priority:

(i) Certified-eligible concerns (§ 18–1.801) that are also small business concerns (§ 18–1.701),

(ii) Other certified-eligible concerns,

(iii) Persistent labor surplus area concerns (§ 18–1.801) that are also small business concerns (§ 18–1.701),

(iv) Other persistent labor surplus area concerns,

(v) Substantial labor surplus area concerns (§ 18–1.801) that are also small business concerns,

(vi) Other substantial labor surplus area concerns,

(vii) Other small business concerns.

(3) If the application of the priorities in subparagraph (2) of this paragraph, results in two or more bidder being eligible for award, the award shall be made to the concern that will make the most extensive use of small business subcontractors, rather than by drawing lots. If two or more bidders still remain eligible for award, the award shall be made by a drawing by lot limited to such bidders.

(b) When award is to be made by drawing by lot and the information available shows that the product of a particular manufacturer has been offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

(c) When an award is determined by drawing by lot, the names and addresses of the three witnesses and the person supervising the drawing shall be placed on all copies of the abstract of bids or otherwise recorded.

(d) In each award where preference is to be given under this part, the contracting officer shall, prior to award, obtain from such concern a written statement that it will perform, or cause to be performed, the contract in accordance with the circumstances justifying the priority.

§ 18–2.407–7 Requirements in lieu of Standard Form 1036.

(a) Under General Regulation No. 51, Supplement No. 14, dated February 11, 1952, the General Accounting Office discontinued the requirement for preparation of Standard Form 1036, Statement and Certificate of Award, by agencies whose records are subject to site or comprehensive audit by that office. Accordingly, this form is not required in connection with NASA contracts, since NASA is subject to site audit by the General Accounting Office; and the supporting documents which would be used as a basis for preparation of Standard Form 1036 are retained in the procurement office and made available to the General Accounting Office for audit purposes.

(b) While the use of Standard Form 1036 is not required, it is still necessary to record the method of purchase and the basis for award. The contracting officer shall maintain records that will show evidence of compliance with § 18–2.103, and which will state that the accepted bid was the lowest bid received, or list all lower bids and set forth reasons for their rejection. These reasons shall be set forth in such detail as is necessary to justify the award. For the purpose of these records, the lowest bid received is considered to be that bid which is lowest after a consideration of price factors only. The cost of transportation to the destination indicated in the invitation for bids, any acceptable discount offered by a bidder, and if the invitation so specifies any other Government cost factors, shall be considered price factors in determining the lowest bidder for purposes of these records. In each case where an award is made after receipt of equal low bids, the record shall set forth the manner in which the tie was broken. Where an award involves a mistake in bid and the matter has been resolved by administrative action, a copy of the bidder's verification in the case of an apparent mistake, or the written administrative determination concerned, shall be retained in the contract file. Where an award involves a mistake in bid on which the Comptroller General has rendered a decision, the file shall contain a citation by number and date of the decision and a copy thereof shall be retained in the contract file.

§ 18–2.407–8 Protests against award.

(a) *General.* (1) Contracting officers shall consider all protests or objections to the award of a contract, whether received before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest.

(2) Every effort shall be made to resolve protests at the installation. It is the responsibility of the contracting officer to decide whether a protest has a valid basis and to take appropriate action when possible without referral to NASA Headquarters. Such action may be taken only with the concurrence of local counsel and shall be followed by a written explanation to NASA Headquarters accompanied by a copy of any pertinent correspondence. However, in the following cases written protests received by the contracting officer should be referred to NASA Headquarters:

(i) The protesting party requests referral to higher authority;

(ii) The protest is known to have been lodged directly with the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters;

(iii) The contracting officer entertains some doubt as to proper action regarding the protest or believes it to be in the best interest of the Government that the protest be considered by NASA Headquarters or the Comptroller General.

(3) In referring a protest to NASA Headquarters, a completely documented case shall be submitted to the Procurement Office, NASA Headquarters (Code KDA–2) including the following:

(i) The letter or other document which initiated the protest, together with all supporting evidence submitted by the person making the protest;

(ii) Relevant letters or other written statements, received from other persons or bidders affected by or involved in the protest, that set forth the facts with respect to their position in the matter, together with any additional supporting evidence;

(iii) A copy of the bid of the protesting bidder and a copy of the bid of the bidder to whom award has been made or who is being considered for award, if relevant to the protest;

(iv) A copy of the invitation for bids, including, where practicable, pertinent specifications, if relevant to the protest;

(v) A copy of the abstract of bids;

(vi) Any other documents which are relevant to the protest; and

(vii) A statement signed by the contracting officer setting forth his findings,

actions, and recommendations in the matter, together with any additional information and evidence considered to be necessary in determining the validity of the protest. If the award of a contract was made pending resolution of the protest, the contracting officer's statement shall include the determination prescribed in paragraph (b)(3) of this section.

(4) Where protests are made directly to NASA Headquarters or where NASA Headquarters receives notice of protests made directly to the Comptroller General, a Member of Congress, or the Small Business Administration, the contracting officer shall be requested to furnish information. This will usually require submittal of a completely documented case as prescribed in subparagraph (3) of this paragraph (a).

(5) Protests received by NASA Headquarters, in accordance with paragraph (a) (2) and (4) of this section, will be acted upon by the Procurement Office, NASA Headquarters. Where substantial doubt exists as to the validity of a protest, the views of the Comptroller General will be obtained.

(6) Where a protest affects another bidder, a contractor, or any other party having a legitimate interest, the contracting officer normally should give prompt notice of the protest to such parties in order that they may take appropriate action on their own behalf. The extent of information to be furnished the affected parties in any particular case will be governed by such matters as legal considerations, the interest of the Government, equitable considerations for the interests of affected parties, and mitigation of losses or other injuries to any and all parties concerned. Affected parties shall be advised that such a notice of protest in no way relieves them of any obligations, under a contract or otherwise, but is intended primarily to afford them a fair opportunity to be heard by, and to present evidence for the consideration of, the agency which will render a decision in the case.

(b) *Protests before award.* If award has not been made, the contracting officer may require that written confirmation of an oral protest be submitted by a specified time and inform the protester that award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded and award may be made in the normal manner unless the contracting officer, upon investigation, finds that remedial action is required, in which event such action shall be taken.

(1) In appropriate cases, notice of a protest will be given to bidders affected thereby. For example, when a protest against the making of an award is received and the contracting officer determines to withhold the award pending disposition of the protest, each bidder to whom award is proposed and each bidder whose bid might become eligible for award should be informed of the protest and requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance (with consent of sureties, if any) in order to avoid the need for readvertisement. In the event of failure to obtain such extension of bids, then consideration should be given to proceeding with award under paragraph (b)(3) of this section.

(2) Where a protest has been lodged with NASA, the views of the Comptroller General regarding the protest may be obtained before award whenever such action is considered to be desirable. Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make award need not be withheld pending final disposition by the Comptroller General of a protest, but a notice of intent to make award in such circumstances shall be furnished the Comptroller General, and formal or informal advice should be obtained concerning the current status of the case prior to making the award.

(3) Where a written protest against the making of an award is received, or if it is known that a protest has been made to the Comptroller General, a member of Congress, the Small Business Administration, or NASA Headquarters, award shall not be made until the matter is resolved, unless the contracting officer determines that:

(i) The items to be procured are urgently required;

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be advantageous to the Government.

If award is made under subdivision (i), (ii), or (iii) of this subparagraph (3), the contracting officer shall document the file to explain the need for an immediate award, and shall give written notice of the decision to proceed with the award to the protester and, as appropriate, to others concerned.

(4) The determination required by subparagraph (3) of this paragraph shall be referred to the Procurement Office, NASA Headquarters for approval prior to award if an unresolved protest against such award has been, or is expected to be, referred to NASA Headquarters in accordance with paragraph (a)(2) of this section, or if information on a protest is being prepared by the contracting office at the request of NASA Headquarters in accordance with paragraph (a)(4) of this section.

(c) *Protests after award.* The general instructions in paragraph (a) of this section are applicable to protests received after award.

§ 18–2.408 Information to bidders.

§ 18–2.408–1 Unclassified awards.

In the case of all unclassified formally advertised contracts, the procurement office shall as a minimum (subject to any restrictions in Subpart 18–1.6), (a) notify unsuccessful bidders promptly of the fact that their bids were not accepted, and (b) extend the appreciation of the procurement office for the interest the unsuccessful bidder has shown in submitting a bid. Notification to unsuccessful bidders may be either orally or in writing through the use of a form postal card or other appropriate means. Should additional information be requested, the procurement office shall provide the unsuccessful bidders with the name and address of the successful bidder, together with the contract price, and should also inform the inquirers as to the location where a copy of the abstract of bids is available for inspection. However, when multiple awards have been made and furnishing the names, addresses, and contract prices of the successful bidders would require so large an amount of work as to interfere with normal operations of the procurement office, only information concerning location of the abstract of bids need be given. In addition, when an inquiry is made by an unsuccessful bidder who is lower in price than the successful bidder, sufficient information shall be furnished in the reply to the unsuccessful bidder to fully explain the basis for award. Where request is received concerning an unclassified invitation for bids from an inquirer who is neither a bidder nor a representative of a bidder, the procurement office should make every effort to furnish the names of successful bidders and, if requested, the prices at which awards were made. However, where such requests require so large amount of work as to interfere with the normal operations of the procurement office, the inquirer will be advised where a copy of the abstract of bids may be seen.

§ 18–2.408–2 Classified awards.

In the case of all classified formally advertised contracts, the procurement office shall (a) notify unsuccessful bidders promptly of the fact that their bids were not accepted, and (b) extend the appreciation of the procurement office for the interest the unsuccessful bidder has shown in submitting a bid. Information with respect to the name of the successful bidder and the contract price will be furnished only to unsuccessful bidders or their properly cleared representatives and then only upon request. No information regarding a classified award may be furnished by telephone.

§ 18–2.409 Synopses of contract awards.

See § 18–1.1005–1.

Subpart 18–2.5—Two-Step Formal Advertising

§ 18–2.501 General.

Two-step formal advertising is a method of procurement designed to expand the use and obtain the benefits of formal advertising where inadequate specifications preclude the use of conventional formal advertising. It is especially useful in procurements requiring technical proposals, especially those for complex items. It is conducted in two steps:

(a) Step one consists of the request for, and submission, evaluation, and if necessary, discussion of a technical proposal, without pricing, to determine the acceptability of the supplies or services offered. As used in this context, the word "technical" has a broad connotation and

includes engineering approach, special manufacturing processes, and special testing techniques. When it is necessary in order to clarify basic technical requirements, related requirements such as management approach, manufacturing plan, or facilities to be utilized may be clarified in this step. Conformity to the technical requirements is resolved in this step, but capacity and credit, as defined in § 18–1.705–4, are not.

(b) Step two is a formally advertised procurement confined to those who submitted acceptable technical proposals in step one. Bids submitted in step two are evaluated and the awards made in accordance with Subparts 18–2.3 and 4.

Two-step formal advertising requires that the contracting officer work closely with technical personnel and that he utilize their specialized knowledge in determining the technical requirements of the procurement, in determining the criteria to be used in evaluating technical proposals, and in making such evaluation. An objective of this method is to permit the development of a sufficiently descriptive and not unduly restrictive statement of the Government's requirement, including an adequate technical data package, so the subsequent procurements may be made by conventional formal advertising.

§ 18–2.502 Conditions for use.

Two-step formal advertising shall be used in preference to negotiation when all of the following conditions are present, unless other factors require the use of negotiation;

(a) Available specifications or purchase descriptions are not sufficiently definite or complete or may be too restrictive, and the listing of the salient characteristics in a "brand name or equal" description would likewise be too restrictive, to permit full and free competition without technical evaluation, and any necessary discussion, of the technical aspects of the requirement to insure mutual understanding between each source and the Government;

(b) Definite criteria exist for evaluating technical proposals, such as design, manufacturing, testing, and performance requirements, and special requirements for operational suitability and ease of maintenance;

(c) More than one technically qualified source is expected to be available;

(d) Sufficient time will be available for use of the two-step method; and

(e) A firm fixed-price contract or a fixed-price contract with escalation will be used.

§ 18–2.503 Procedures.

§ 18–2.503–1 Step one.

(a) A request for technical proposals shall be distributed to qualified sources in accordance with § 18–1.302–2. In addition, the request shall be synopsized in accordance with Subpart 18–1.10 of this chapter and publicly posted in accordance with § 18–2.203–2. The request may be in the form of a letter and shall contain, as a minimum, the following information:

(1) The best practicable description of the supplies or services required;

(2) Notification of the intent to conduct the procurement in two steps and the actions involved;

(3) The requirements of the technical proposal, i.e., the necessary details such as drawings, data, presentations, etc., to be submitted;

(4) The criteria for evaluating the technical proposal (§ 18–2.502(b));

(5) A statement that the technical proposals shall not include prices or pricing information;

(6) The date by which the proposal must be deceived and a statement substantially as follows:

LATE TECHNICAL PROPOSALS (JANUARY 1964)

The Government reserves the right to consider technical proposals or modifications thereof received after the date specified for receipt.

(7) A statement that the Government may discuss the technical aspects of the proposal with the concern submitting the proposal;

(8) A statement that in the second step of the procurement only bids based upon technical proposals determined to be acceptable, either initially or as a result of discussions, will be considered for award, and that each bid in the second step must be based on the bidder's own technical proposal;

(9) A statement that each source submitting an unacceptable technical proposal will be so notified upon completion of the technical evaluation of his proposal, and final determination of such unacceptability; and

(10) A statement either that only one technical proposal may be submitted by each offeror or that multiple technical proposals may be submitted. When compliance with specifications permits utilization of essentially different technical approaches, it is generally in the interest of the Government to authorize the sub mission of multiple proposals. If multiple proposals are authorized the request shall include a statement substantially as follows:

MULTIPLE TECHNICAL PROPOSALS (JANUARY 1964)

In the first step of thia two-step procurement, offerors are authorized and encouraged to submit multiple technical proposals presenting different basic approaches. Each technical proposal submitted will be separately evaluated and the offeror will be notified as to its acceptability.

(b) Upon the receipt of technical proposals:

(1) Every precaution shall be taken to safeguard technical proposals against disclosure to unauthorized persons;

(2) Technical proposals submitting data marked in accordance with § 18–3.109 of this chapter will be accepted and handled in accordance with that section; and

(3) Any references to price or cost will be removed;

(c) Technical evaluation of the proposals shall be based upon the criteria contained in the request for technical proposals and such evaluation shall not include consideration of capacity or credit (see § 18–1.705–4). Upon completion of the technical evaluation, each proposal shall be categorized as acceptable or unacceptable. Proposals shall not be categorized as unacceptable when a reasonable effort on the part of the Government to obtain clarification or additional information could bring the proposals to an acceptable status and thus increase competition. The contracting officer shall arrange for any necessary discussions with sources submitting technical proposals. When, after discussion, clarification, and submission of necessary documentation for incorporation in the proposal, technical proposals are determined to be acceptable, they shall be so categorized. If, however, it is determined at any time that, a technical proposal is not reasonably susceptible to being made acceptable, it should be classified as unacceptable and further discussion of it is unnecessary.

(d) Upon final determination that a technical proposal is unacceptable, the contracting officer shall promptly notify the source submitting the proposal of that fact. The notice shall state that revision of his proposal will not be considered, and shall indicate, in general terms, the basis for the determination for example, that rejection was based on failure to furnish sufficient information or on an unacceptable engineering approach.

(e) If, as a result of the evaluation of technical proposals, it appears necessary to discontinue two-step formal advertising, a statement setting forth the full facts and circumstances shall be made a part of the contract file. Each source will be notified in writing of the discontinuance and the reason therefor. When step one results in no acceptable technical proposal or only one acceptable technical proposal, the procurement may be continued by negotiation under the authority of § 18–3.210–2(3). (But see § 18–3.210–3.)

§ 18–2.503–2 Step two.

Upon completion of Step One, a formally advertised procurement in accordance with Subparts 18–2.2, 18–2.3, and 18–2.4 will be conducted, except that invitations for bids—

(a) Will be issued only to and considered only from those sources whose technical proposals have been evaluated and determined to be acceptable under Step One;

(b) Will include the following statement:

This invitation for bids is issued pursuant to Two-Step formal advertising set forth in Part 2, Subpart 5, of the NASA Procurement Regulation.

Bids will be considered only from those firms who have submitted acceptable technical proposals pursuant to the first step of such procedures, as initiated by (identify the request for technical proposals). Any bidder who has submitted multiple technical proposals in the first step of this Two-Step procurement may submit a separate bid covering each technical proposal which has been determined acceptable by the Government. (January 1964)

(c) Will prominently state that the supplies or services to be procured will be in accordance with the specifications and the bidder's technical proposal, as finally accepted, under the request for technical proposals. This may be accomplished in the Schedule item description by a provision substantially in the form of the following example:

Radar Antenna, in accordance with Exhibit No. ------ dated ---------- (use other description of specifications as appropriate) and your Technical Proposal ---------- (insert specific identification of the bidder's proposal including any revision thereof as finally accepted) incorporated herein by reference. Nothing contained in said Technical Proposal shall constitute a waiver of any of the provisions of said Exhibit (or specifications).

(d) Will not be synopsized or publicly posted except that the names of firms which have submitted acceptable technical proposals in the first step of Two-Step formal advertising will be listed in the Commerce Business Daily for benefit of prospective subcontractors in accordance with § 18–1.1003–6(2).

PART 18–3—PROCUREMENT BY NEGOTIATION

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18-3.901 Make-or-buy programs.
18-3.901-1 General.
18-3.901-2 Definition and criteria.
18-3.901-3 Procedure.
18-3.901-4 Incorporation of the make-or-buy program in contracts.
18-3.901-5 Price adjustments.

Subpart 18-3.11—Acquisition of Automatic Data Processing Equipment

18-3.1100 Contractor acquisition of automatic data processing equipment (ADPE).
18-3.1101 General.
18-3.1102 Review of decision to lease.

AUTHORITY: The provisions of this Part 18-3 issued under 42 U.S.C. 2473(b)(1).

§ 18-3.000 Scope of part.

This part sets forth policies and procedures to be followed in procurements by negotiation, pursuant to the provisions of subsections 203(b)5 and 301(b) of the National Aeronautics and Space Act of 1958 and chapter 137 of title 10 of the United States Code. The following policies and procedures are included:

(a) The basic requirements for the procurement of supplies and services by means of negotiation;

(b) The different circumstances under which negotiation is permitted;

(c) Determinations and findings that may be required before a contract is entered into by negotiation;

(d) Approved types of negotiated contracts and their use;

(e) Procedures for effecting purchases of not more than $2,500;

(f) Price negotiation policies and techniques; and

(g) Subcontracting policies and procedures.

Subpart 18-3.1—Use of Negotiation

§ 18-3.100 Scope of subpart.

This subpart deals with the nature and use of negotiation as distinguished from formal advertising, and with limitations upon that use.

§ 18-3.101 General requirements for negotiation.

(a) Procurement shall be made by formal advertising whenever such method is feasible and practicable under the existing conditions and circumstances, even though negotiation may be authorized under Subpart 18-3.2. Among the factors to be considered in determining whether formal advertising is feasible and practicable are:

(1) The number and location of potential suppliers;

(2) The adequacy of the specifications for advertising;

(3) The nature of the items being purchased;

(4) The time available; and

(5) The type of contract contemplated.

(b) No contract shall be entered into by negotiation unless or until the following requirements have been satisfied:

(1) Formal advertising is not feasible and practicable;

(2) The contemplated procurement comes within one of the circumstances permitting negotiation set forth in 10 U.S.C. 2304(a);

(3) Any necessary determinations and findings have been made;

(4) Prescribed clearances or approvals have been obtained;

(5) The prospective contractor has been determined to be responsible; and

(6) Other requirements of this chapter have been met.

§ 18-3.102 Factors to be considered in negotiated procurements.

(a) In all negotiated procurements in excess of $2,500 in which rates or prices are not fixed by law or regulation and in which time of delivery will permit, proposals shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the supplies or services to be procured. In any procurement publicized under § 18-1.1003, sources which have not been solicited, but which are not otherwise barred by law or regulation, shall be promptly furnished a copy of the solicitation on request; and shall be permitted to submit a proposal in response thereto. All proposals shall be supported by statements and analyses of estimated costs or other evidence of reasonable prices and other matters deemed necessary by the contracting officer. In all such negotiated procurements, including those subject to Source Evaluation Board procedures (see § 18-3.804-3), written or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price and other factors considered: *Provided, however,* That written or oral discussions need not be conducted for:

(1) Procurements in implementation of authorized set-aside programs; or

(2) Procurements where it can be clearly demonstrated, from the existence of adequate competition or accurate prior cost experience with the product, that acceptance of an initial proposal without discussion would result in fair and reasonable prices and where the request for proposals notifies all offerors of the possibility that award may be made without discussion.

For procurements of $2,500 or less, see Subpart 18-3.6.

(b) During the course of negotiations, contracting officers and their negotiators shall give due attention to the following and any other appropriate factors:

(1) Comparison of prices quoted, and consideration of other prices for the same or similar supplies or services, with due regard to production costs, including extra-pay shift, multishift, and overtime costs, and any other factor relating to price, such as profits, costs of transportation, and cash discounts;

(2) Comparison of the business reputations, capabilities, and responsibilities of the respective persons or firms who submit proposals;

(3) Consideration of the quality of the supplies or services offered, or of the quantity of the same or similar supplies or services previously furnished, with particular regard to the satisfaction of technical requirements;

(4) Consideration of delivery requirements;

(5) Discriminating use of price and cost analyses;

(6) Investigation of price aspects of any important subcontract;

(7) Individual bargaining, by mail or by conference;

(8) Consideration of cost sharing;

(9) Effective utilization in general of the most desirable type of contract;

(10) Consideration of the size of the business concern;

(11) Consideration as to whether the prospective supplier requires expansion or conversion of plant facilities;

(12) Consideration as to whether the prospective supplier is located in a surplus labor area;

(13) Consideration as to whether the prospective supplier will have an adequate supply of qualified labor;

(14) Consideration of the extent of subcontracting;

(15) Consideration of the existing and potential workload of the prospective supplier;

(16) Consideration of broadening the industrial base by the development of additional suppliers;

(17) Consideration of whether the contractor requires Government-furnished property, machine tools, or facilities; or Government-operated test facilities; and

(18) Advantages or disadvantages to the Government that might result from making multiple awards.

(19) Consideration of the rules for the avoidance of organizational conflicts of interest (see § 18-1.113-2 and Appendix G).

(20) Consideration of the nature and effectiveness of the prospective contractor's cost reduction program. For those contractors who are participants in the NASA-Contractor Cost Reduction Program, information concerning an evaluation of their cost reduction program may be obtained from the installation cost reduction officer. This information shall be obtained for each proposed procurement in excess of $1 million. In order to obtain this information and evaluate the effectiveness of a prospective contractor's cost reduction program, a statement substantially as follows will be included in the request for proposals:

COST REDUCTION PROGRAM (AUGUST 1969)

Offerors should submit information on their cost reduction programs in sufficient detail to indicate the nature and effectiveness of their programs. Information should be provided on each of the eight criteria contained in paragraph 7 of NASA Management Instruction 1460.3, "Guidelines for the NASA-Contractor Cost Reduction Program." Such information should indicate not only that policies have been established to conform to the eight criteria, but also that those policies have been effectively implemented, with illustrative examples, where appropriate. In lieu of furnishing such information, offerors who are participants in the NASA-Contractor Cost Reduction Program or who have already furnished this information in connection with a previous procurement, may so indicate. Offerors who do not have a cost reduction program should so state.

Copies of the criteria may be obtained from the cost reduction officer and should be included in the request for proposals. On receipt of the proposals, the contracting officer will:

(i) Obtain a documented evaluation from the installation cost reduction officer in those cases where the offeror has indicated that he is a participant in the NASA-Contractor Cost Reduction Program or that such information has previously been furnished, or

(ii) Furnish to the installation cost reduction officer for evaluation the cost reduction information submitted by the offeror(s).

§ 18-3.103 Records and reports of negotiated contracts.

See § 18-1.110.

§ 18-3.104 Aids to small business in negotiated procurement.

See Subpart 18-1.7.

§ 18-3.105 Aids to labor surplus area concerns in negotiated procurement.

See Subpart 18-1.8.

§ 18-3.106 Dissemination of procurement information.

§ 18-3.106-1 Synopses of proposed procurements.

Procedures with regard to synopses of proposed procurements are set forth in § 18-1.1003.

§ 18-3.106-2 Synopses of contract awards.

Procedures with regard to preparation of synopses of contract awards are set forth in § 18-1.1004.

§ 18-3.106-3 Award information to unsuccessful offerors.

(a) *Preaward notice of unacceptable offers.* The following policies and procedures shall be observed in making information available to unsuccessful offerors:

(1) Except as provided in (2) below, in any procurement in excess of $10,000 in which it appears that the period of evaluation of proposals is likely to exceed 30 days or in which a limited number of offerors has been selected for additional negotiation, the contracting officer, upon determination that a proposal is unacceptable, shall provide prompt notice of the fact to the offeror submitting the proposal. Such notice need not be given where disclosure will prejudice the Government's interest or where the proposed contract is:

(i) Negotiated pursuant to 10 U.S.C. 2304(a) (4), (5), or (6) (see § 18-3.204, § 18-3.205, or § 18-3.206);

(ii) Negotiated with a foreign supplier when only foreign sources of supplies or services have been selected.

In addition to stating that the proposal has been determined unacceptable, notice to the offeror shall indicate, in general terms, the basis for such determination and shall advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered.

(2) In the case of procurements for which a Source Evaluation Board has been appointed and one or more than one offeror has been selected for negotiations, those offerors not selected for either preliminary negotiations or final negotiations will be notified, upon elimination by the Source Selection Official, of that fact in writing.

(b) *Postaward notice of unaccepted offers.* (1) Promptly after making all awards in any procurement in excess of $10,000, the contracting officer shall give written notice to the unsuccessful offerors that their proposals were not accepted, except that such notice need not be given where notice has been provided pursuant to paragraph (a) above or the contract is negotiated pursuant to 10 U.S.C. 2304(a) (4), (5), or (6) (see § 18-3.204, § 18-3.205, or § 18-3.206), or is negotiated with a foreign supplier when only foreign sources of supplies or services have been solicited. Such notice shall also include:

(i) The number of prospective contractors solicited;

(ii) The number of proposals received;

(iii) The name and address of each offeror receiving an award; and

(iv) The items, quantities, and unit prices of each award; provided that, where the number of items or other factors makes the listing of unit prices impracticable, only the total contract price need be furnished.

Additional information as to why an offeror's proposal was not accepted should be provided to the offeror upon his written request to the contracting officer, except where the price information in subparagraph (iv) of this paragraph (b)(1) readily reveals such reason, but in no event will any offeror's confidential business information be revealed, nor will a discussion be had of relative merits of the proposals. For guidelines relating to the provision of additional information see paragraph (d) of this section.

(2) In procurements of $10,000 or less and subject to the exceptions in subparagraph (1) of this paragraph (b), the information described in subparagraph (1) shall be furnished to unsuccessful offerors upon request

(c) *Classified information.* Classified information shall be furnished only in accordance with regulations governing classified information.

(d) *Debriefing.* It is NASA policy to provide a debriefing to unsuccessful offerors in competitive procurements where Source Evaluation Board procedures are employed and when requested in writing. Such debriefing should be confined to a discussion of the unsuccessful offeror's proposal in relation to the Government's requirement. Care should be taken to avoid comparison of one company's proposal with another and disclosure of information contained in other offers or the Government's estimate. The policies and procedures governing debriefing are more fully set forth in NASA Management Instruction 5103.1, "Debriefing of Unsuccessful Companies in Competitive Procurements."

§ 18–3.106–4 Disclosure of information prior to selection of contractor.

The policies and procedures governing the disclosure of information prior to selection of a contractor are set forth in § 18–3.804–4.

§ 18–3.106–5 Release of contractor award information.

The policies and procedures governing the release of contract award information are set forth in § 18–3.854.

§ 18–3.109 Restrictions on data and other information included in solicited proposals.

(a) *Technical data in solicited proposals.* The policies and procedures concerning restrictions on the disclosure and use of technical data in solicited proposals are set forth in § 18–1.304–2(d).

(b) *Privileged business information included in solicited proposals.* The policy governing the treatment of financial and management information in solicited proposals is set forth in § 18–1.304–4.

(c) *Technical and other data involved in formal advertising.* See § 18–2.404–4.

(d) *Technical data in unsolicited proposals.* The policy and procedures concerning restrictions on the disclosure and use of technical data in unsolicited proposals are set forth in § 18–1.304–2(c).

§ 18–3.110 Solicitations for informational or planning purposes.

See § 18–1.309.

§ 18–3.111 Protests against award.

Protests against award of negotiated procurements shall be treated substantially in accordance with § 18–2.407–8 and will be acted upon by the Director of Procurement with the concurrence of the Office of General Counsel. However, when the selection of a contractor has been made by the Administrator, either after proceedings of a Source Evaluation Board or otherwise, the final action will be directed by the Administrator.

§ 18–3.112 Disclosure of mistakes after award.

When a mistake in a contractor's proposal is not discovered until after award, the authority to correct mistakes contained in § 18–2.406–4 may be utilized in accordance with the limitations and procedure set forth therein.

Subpart 18–3.2—Circumstances Permitting Negotiation

§ 18–3.200 Scope of subpart.

Subject to the limitations prescribed in Subpart 18–3.1, 3, and pursuant to the authority of 10 U.S.C. 2304(a), procurement may be effected by negotiation under any one of the exceptions contained in 10 U.S.C. 2304(a) (1) through (17) set forth and discussed in this Subpart 18–3.2.

§ 18–3.201 National emergency.

§ 18–3.201–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(1), purchases and contracts may be negotiated if:

it is determined that such action is necessary in the public interest during a national emergency declared by Congress or the President.

§ 18–3.201–2 Application.

(a) The authority of this § 18–3.201 shall be used only to the extent determined by the Administrator to be necessary in the public interest, and then only in accordance with this § 18–3.201.

(b) For the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Administrator, by NASA Management Instruction 5101.6A, "Determination Authorizing Negotiation During National Emergency", has determined that only the following procurements may be made pursuant to the authority of 10 U.S.C. 2304(a)(1):

(1) Procurements made in keeping with (i) labor surplus set-aside programs, including, when no other negotiating authority is appropriate and the use of formal advertising is not feasible and practicable, the placement of contracts for the total or any part of the requirements set-aside which are not filled by awards made in accordance with the provisions of the Notice of Labor Surplus Area Set-Aside (see § 18–1.804), or (ii) disaster area programs; and

(2) Procurements made in keeping with the small business programs (i) after unilateral determinations for set-aside, or (ii) to place the total or any part of the requirements set-aside (unilateral or joint) which are not filled by awards to small business concerns, when no other negotiating authority is appropriate and the use of formal advertising is not feasible and practicable (see § 18–1.706–7).

§ 18–3.201–3 Limitation.

(a) This authority shall not be used when negotiation is authorized by the provisions of § 18–3.206.

(b) Each procurement negotiated pursuant to the determination referred to in § 18–3.201–2 shall be supported by a memorandum for the contract file, signed by the contracting officer, specifying the pertinent provision of the determination used as authority for negotiating the contract.

§ 18–3.202 Public exigency.

§ 18–3.202–1 Authority.

Pursuant to the authority of 10 U.S.C. 2304(a)(2), purchases and contracts may be negotiated if:

the public exigency will not permit the delay incident to advertising.

§ 18–3.202–2 Application.

This authority may be used only where the need is compelling and of unusual urgency, as when the Government would be seriously injured, financially or otherwise, if the supplies or services were not furnished by a certain date, and when they could not be procured by that time by means of formal advertising. This authority may be used in appropriate cases even though the urgency could or should have been foreseen. Examples of situations where this authority could be invoked are:

(a) Supplies or services needed at once because of a fire, explosion, or other disaster; and

(b) The breakdown of a piece of operating machinery or equipment requiring immediate repair or replacement in order that a critical research program will not be delayed.

§ 18–3.202–3 Limitation.

Every contract negotiated under this authority shall be accompanied with a determination and findings signed by the contracting officer justifying its use, which shall become part of the contract file. The findings shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable. The authority of 10 U.S.C. 2304(a)(2) shall not be used if negotiation is authorized under 10 U.S.C. 2304(a)(3) or 2304(a)(6).

§ 18–3.203 Purchases not in excess of $2,500.

§ 18–3.203–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(3), purchases and contracts may be negotiated if:

the aggregate amount involved is not more than $2,500.

§ 18–3.203–2 Application.

Contracts or purchases aggregating $2,500 or less shall be made under this authority rather than under any other authority for negotiation which might otherwise be applicable, except that this authority shall not be used where 10 U.S.C. 2304(a)(6) is applicable. In arriving at the "aggregate amount involved" there must be included all supplies and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. Purchases or contracts aggregating more than $2,500 shall not be broken down into several purchases or contracts of less than $2,500. (However, see § 18–3.605 for guidance in connection with the use of blanket purchase agreements.)

§ 18–3.204 Personal or professional services.

§ 18–3.204–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(4), purchases and contracts may be negotiated if:

for personal or professional services.

§ 18–3.204–2 Application.

(a) This authority shall be used only when all of the following conditions have been satisfied:

(1) If personal services, they are required to be performed by an individual contractor in person (not by a concern); if professional services, they may be performed either by an individual contractor in person or a concern;

(2) The services are of a professional nature or are to be performed under Government supervision and paid for on a time basis; and

(3) Procurement of the services is authorized by law and is effected in accordance with the requirements of any such law.

(b) Under section 203(b)(9) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(9)), NASA is authorized:

to obtain services as authorized by 5 U.S.C. 55a, at rates not to exceed $100 per diem for individuals.

5 U.S.C. 55a, in turn, provides authority to procure:

the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract * * *.

§ 18–3.204–3 Limitation.

It is NASA policy to obtain the personal services of experts and consultants by appointment rather than by contract. The policies, responsibilities and procedures pertaining to the appointment of experts and consultants are set forth in NASA Federal Personnel Manual (FPM), Supp. 32.

§ 18–3.205 Services of educational institutions.

§ 18–3.205–1 Authority.

Pursuant to the authority of 10 U.S.C. 2304(a)(5), purchases and contracts may be negotiated if:

for any service to be rendered by any university, college, or other educational institution.

§ 18–3.205–2 Application.

The following are illustrative of circumstances with respect to which this authority may be used:

(a) Educational or vocational training services to be rendered by any university, college, or other educational institution in connection with the training and education of personnel, and for necessary material, services, and supplies furnished by any such institution in connection therewith;

(b) Experimental, developmental, or research work (including services, tests, and reports necessary or incidental thereto) to be conducted by any university, college, or other educational institution, and reports furnished in connection therewith; and

(c) Analyses, studies, or reports (statistical or otherwise) to be conducted by any university, college, or other educational institution.

§ 18–3.205–3 Limitation.

This authority shall not be used when negotiation is authorized by the provisions of §§ 18–3.203 and 18–3.206.

§ 18–3.206 Purchases outside the United States.

§ 18–3.206–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(6), purchases and contracts may be negotiated if:

for property or services to be procured and used outside the United States, its possessions, and Puerto Rico.

§ 18–3.206–2 Application.

This authority shall be used only for the procurement of property or services which are actually purchased from sources outside, and used outside, the United States, its possessions, and Puerto Rico (irrespective of the place of negotiation or execution of the contract), such as property or services (including construction) for overseas installations or for the use of overseas personnel. When this authority is available for the negotiation of a contract, no other negotiating authority shall be used.

§ 18–3.207 Medicines or medical supplies.

§ 18–3.207–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(7), purchases and contracts may be negotiated if:

for medicine or medical supplies.

§ 18–3.207–2 Application.

This authority shall be used only when the following two requirements have been satisfied:

(a) Such supplies are peculiar to the field of medicine, including technical equipment such as surgical instruments, surgical and orthopedic appliances, X-ray supplies and equipment, and the like, but not including prosthetic equipment; and

(b) Whenever it is determined to be practicable, such advance publicity as is considered suitable with regard to the supplies involved and other relevant considerations shall be given for a period of at least 15 days before making a purchase of or contract for supplies or services under this authority for more than $10,000.

§ 18–3.207–3 Limitation.

Every contract negotiated under this authority shall be accompanied with a determination and findings, signed by the contracting officer, justifying its use, which shall become part of the contract file. The findings shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable This authority shall not be used when negotiation is authorized by the provisions of §§ 18–3.203 or 18–3.206.

§ 18–3.209 Perishable or nonperishable subsistence supplies.

§ 18–3.209–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(9), purchases and contracts may be negotiated if:

for perishable or nonperishable subsistence supplies.

§ 18–3.210 Supplies or services for which it is impracticable to secure competition by formal advertising.

§ 18–3.210–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(10), purchases and contracts may be negotiated if:

for property or services for which it is impracticable to obtain competition.

§ 18–3.210–2 Application.

The following are illustrative of circumstances with respect to which this authority may be used:

(a) When supplies or services can be obtained from only one person or firm ("sole source of supply");

(b) When competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw material, or similar circumstances (however, the mere existence of such rights or circumstances does not in and of itself justify the use of the authority of this section);

(c) When bids have been solicited pursuant to the requirements of formal advertising, and no responsive bid has been received from a responsible bidder, or when step one of two-step formal advertising results in no acceptable technical proposal or only one acceptable technical proposal;

(d) When bids have been solicited pursuant to the requirements of formal advertising, and the responsive bid or bids do not cover the quantitative requirements of the solicitation of bids, in which case negotiation is permitted for the remaining requirements of the solicitation of bids;

(e) When the contemplated procurement is for electric power or energy, gas (natural or manufactured), water, or other utility services, or when the contemplated procurement is for construction of a part of a utility system and it would not be practicable to allow a contractor other than the utility company itself to work upon the system;

(f) When the contemplated procurement is for training film, motion picture productions, or manuscripts;

(g) When the contemplated procurement is for technical, nonpersonal services in connection with the assembly, installation, or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature;

(h) When the contemplated procurement is for studies or surveys other than those which may be negotiated under §§ 18-3.205 or 18-3.211;

(i) When the contemplated procurement involves maintenance, repair, alterations, or inspection, in connection with any one of which types of services the exact nature or amount of the work is not known;

(j) When the contemplated procurement is for stevedoring, terminal, warehousing, or switching services, and when either the rates are established by law or regulation or the rates are so numerous or complex that it is impracticable to set them forth in the specifications of a formal solicitation of bids;

(k) When the contemplated procurement is for commercial ocean or air transportation, including time charters, space charters, and voyage charters over trade routes not covered by common carriers (as to which, negotiation is authorized under the provisions of § 18-3.217 of this chapter and section 321 of the Transportation Act of Sept. 18, 1940, 49 U.S.C. 65), and including services for the operation of Government-owned vessels or aircraft;

(l) When the contract is for services related to the procurement of perishable subsistence such as protective storage, icing, processing, packaging, handling, and transportation, whenever it is impracticable to advertise for such services a sufficient time in advance of the delivery of the perishable subsistence;

(m) When it is impossible to draft, for a solicitation of bids, adequate specifications or any other adequately detailed description of the required supplies or services;

(n) When the contract is for storage (and related services) of household goods;

(o) When the contemplated procurement is for parts or components being procured as replacement parts in support of equipment specially designed by the manufacturer, where data available is not adequate to assure that the part or component will perform the same function in the equipment as the part or component it is to replace;

(p) When the contract is a facilities contract as defined in § 18-13.101-8 and the performance required can be obtained from only one person or firm; or

(q) When the contemplated procurement involves construction where a contractor or group of contractors is already at work on the site, and it would not be practicable to allow another contractor or an additional contractor to work on the same site or when the amount is too small to interest other contractors to mobilize and demobilize.

§ 18-3.210-3 Limitation.

Every contract that is negotiated under this authority shall be accompanied with a determination and findings signed by the contracting officer justifying its use, which shall become part of the contract file. The findings shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable. This authority shall not be used when negotiation is authorized by any other authority set forth in §§ 18-3.201 through 18-3.217, except that this authority shall be used in preference to § 18-3.212.

§ 18-3.211 Experimental, developmental, or research work.

§ 18-3.211-1 Authority.

Pursuant to 10 U.S.C. 2304(a)(11), purchases and contracts may be negotiated if:

for property or services that he [the Administrator] determines to be for experimental, developmental, or research work, or for making or furnishing property for experiment, test, development, or research.

§ 18-3.211-2 Application.

The following are illustrative of procurements with respect to which this authority may be used:

(a) Contracts relating to theoretical analysis, exploratory studies, and experiment in any field of science or technology;

(b) Developmental contracts calling for the practical application of investigative findings and theories of a scientific or technical nature;

(c) Contracts for such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto, and drawings or designs thereof, as are necessary for experiment, development, research, or test; or

(d) Contracts for services, tests, and reports necessary or incidental to experimental, developmental, or research work.

§ 18-3.211-3 Limitation.

(a) This authority shall not be used for negotiated contracts with educational institutions where the authority provided by 10 U.S.C. 2304(a)(5) is applicable.

(b) This authority shall not be used for quantity production, except that such quantities may be purchased hereunder as are necessary to permit complete and adequate experiment, development, research, or test. Accordingly, research or development contracts which call for the production of a reasonable number of experimental or test models, or prototypes, shall not be regarded as contracts for quantity production.

(c) This authority shall not be used when negotiation is authorized by the provisions of § 18-3.203 or § 18-3.206.

(d) In order for this authority to be used, the required determination must be made in accordance with the requirements of Subpart 18-3.3. Where property or supplies are procured under this authority, the findings required by Subpart 18-3.3 shall set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable.

§ 18-3.211-4 Reports.

For implementation of the statutory reporting requirement to Congress, see § 18-1.110.

§ 18-3.212 Classified purchases.

§ 18-3.212-1 Authority.

Pursuant to 10 U.S.C. 2304(a)(12), purchases and contracts may be negotiated if:

for property or services whose procurement he [the Administrator] determines should not be publicly disclosed because of their character, ingredients, or components.

§ 18-3.212-2 Application.

This authority may be used for purchases or contracts classified "Confidential" or higher.

§ 18-3.212-3 Limitation.

In order for this authority to be used, the required determination and findings must be made in accordance with the requirements of Subpart 18-3.3. The determination and findings shall set forth those facts and circumstances that are clearly illustrative of the conditions described for use of this authority. The determination and findings shall also set forth those facts and circumstances that clearly and convincingly establish that formal advertising would not be feasible and practicable. This authority shall not be used when negotiation is authorized by any other authority set forth in §§ 18-3.201 through 18-3.217.

§ 18-3.213 Technical equipment requiring standardization and interchangeability of parts.

§ 18-3.213-1 Authority.

Pursuant to 10 U.S.C. 2304(a)(13), purchases and contracts may be negotiated if:

for equipment that he [the Administrator] determines to be technical equipment whose standardization and the interchangeability of whose parts are necessary in the public interest and whose procurement by negotiation is necessary to assure that standardization and interchangeability.

§ 18-3.213-2 Application.

(a) This authority may be used for procuring additional units and replacement items of technical equipment and spare parts by negotiation in order to assure standardization of equipment and interchangeability of parts where, in special situations or in particular localities, such standardization and interchangeability are determined necessary. For example, this authority could be utilized whenever it is necessary:

(1) To limit the variety and quantity of spare parts that must be carried in stock;

(2) To make possible, by standardization, the availability of spare parts that may be interchanged among items of damaged or worn equipment; or

(3) To procure from selected suppliers technical equipment which is available from a number of suppliers, but which would have such varying performance characteristics (notwithstanding detailed specifications and rigid inspection) as would prevent standardization and interchangeability of parts.

(b) Before making a determination to procure specified makes and models under this authority, consideration shall be given to:

(1) The practicability of interchanging parts and cannibalizing equipment;

(2) The probability that future procurement of the selected item of equipment can be effected at reasonable prices;

(3) Whether the standardization will appreciably reduce the variety and quantity of parts that must be carried in stock;

(4) The value of similar equipment and its supporting parts on hand;

(5) Possible savings in training personnel and publishing technical literature;

(6) Whether the standardization will adversely affect existing specifications and standards; and

(7) The degree to which the current design of the specified make and model has been changed from the design of equipment of the same make and model now in the supply system.

(c) Actions taken under this authority shall be reviewed at least once every 2 years to determine whether the standardization should be continued, revised, or canceled.

(d) This authority may be used in situations where only one or a limited quantity of a particular item is to be purchased and where compatibility with existing equipment and interchangeability of parts is essential. The fact that this authority is used in such a case does not mean that a subsequent purchase of similar equipment will necessarily require the use of negotiation for purposes of standardization. The facts involved in each such case must be examined to determine whether compatibility with other equipment and interchangeability of parts are essential objectives.

§ 18-3.213-3 Limitation.

This authority shall not be used for initial procurements of equipment and spare parts, or for the purpose of selecting arbitrarily the equipment of certain suppliers; nor shall it be used unless the Administrator has determined, in accordance with the requirements of Subpart 18-3.3, that:

(a) The equipment constitutes technical equipment;

(b) Standardization of such equipment and interchangeability of its parts are necessary in the public interest; and

(c) Procurement of such equipment or of its parts by negotiation is necessary to assure that standardization and interchangeability.

§ 18-3.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.

§ 18-3.214-1 Authority.

Pursuant to 10 U.S.C. 2304(a)(14), purchases and contracts may be negotiated if:

for technical or special property that he [the Administrator] determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property.

§ 18-3.214-2 Application.

This authority may be used for the procurement of technical or specialized supplies or equipment or major components thereof, and any supplies of a technical or specialized nature which may be necessary for the use or operation of such supplies or equipment. Such procurement generally involves:

(a) High starting costs which already have been paid for by the Government or by the supplier;

(b) Preliminary engineering and development work that would not be useful to or usable by any other supplier;

(c) Elaborate special tooling already acquired;

(d) Substantial time and effort already expended in developing a prototype or an initial production model; and

(e) Important design changes which will continue to be developed by the supplier.

In general, this authority shall be used in situations where it is preferable to place a production contract with the supplier who had developed the equipment, and thereby either assure to the Government the benefit of the techniques, tooling, and equipment already acquired by that supplier, or avoid undue delay arising from a new supplier having to acquire such techniques, tooling, and equipment. However, this exception should not be used to avoid duplication of private investment unless this duplication would be likely to result in additional cost to the Government or would result in duplication of necessary preparation which would unduly delay the procurement.

§ 18-3.214-3 Limitation.

This authority shall not be used unless and until the Administrator has determined, in accordance with the requirements of Subpart 18-3.3, that:

(a) The supplies are of a technical or specialized nature requiring a substantial investment or an extended period of preparation for manufacture; and

(b) Procurement by formal advertising either—

(1) Would be likely to result in additional cost to the Government by reason of duplication of investment; or

(2) Would result in duplication of necessary preparation which would unduly delay procurement.

§ 18-3.215 Negotiation after advertising.

§ 18-3.215-1 Authority.

Pursuant to 10 U.S.C. 2304(a)(15), purchases and contracts may be negotiated if:

for property or services for which he [the Administrator] determines that the bid prices received after formal advertising are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which (i) he has notified each responsible bidder of intention to negotiate and given him reasonable opportunity to negotiate; (ii) the negotiated price is lower than the lowest rejected bid of any reasonable bidder, as determined by the head of the agency; and (iii) the negotiated price is the lowest negotiated price offered by any responsible supplier.

§ 18-3.215-2 Limitation.

This authority shall not be used unless the Administrator has determined, in accordance with the requirements of Subpart 18-3.3, that the bid prices, after formal advertising for such supplies or services, are unreasonable or were not independently reached in open competition. Also, after such determination by the Administrator and after rejection of all bids, no contract shall be negotiated under this authority unless:

(a) Prior notice of intention to negotiate and a reasonable opportunity to negotiate have been given by contracting officer to each responsible bidder who submitted a bid in response to the invitation for bids;

(b) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the Administrator; and

(c) The negotiated price is the lowest negotiated price offered by any responsible supplier.

Moreover, any evidence of bids not independently reached shall be forwarded to the Department of Justice (see § 18-1.111).

§ 18-3.216 Purchases in the interest of national defense or industrial mobilization.

§ 18-3.216-1 Authority.

Pursuant to 10 U.S.C. 2304(a)(16), purchases and contracts may be negotiated if—

he [the Administrator] determines that (A) it is in the interest of national defense to

have a plant, mine, or other facility, or a producer, manufacturer, or other supplier, available for furnishing property or services in case of a national emergency; or (B) the interest of industrial mobilization in case of such an emergency, or the interest of national defense in maintaining active engineering, research, and development, would otherwise be observed.

§ 18–3.216–2 Application.

The authority of this § 18–3.216 may be used to effectuate such plans and programs as may be evolved under the direction of the Administrator to provide incentives to manufacturers to maintain, and keep active, engineering and design staffs and manufacturing facilities available for mass production. The following are illustrative of circumstances with respect to which this authority may be used:

(a) When procurement by negotiation is necessary to keep vital facilities or suppliers in business; or to make them available in the event of a national emergency;

(b) When procurement by negotiation with selected suppliers is necessary in order to train them in the furnishing of critical supplies to prevent the loss of their ability and employee skills, or to maintain active engineering, research, and development work; or

(c) When procurement by negotiation is necessary to maintain properly balanced sources of supply for meeting the requirements of procurement programs in the interest of industrial mobilization. (When the quantity required is substantially larger than the quantity which must be awarded in order to meet the objectives of this authority, that portion not required to meet such objectives will ordinarily be procured by formal advertising or by negotiation under another appropriate negotiation exception.)

§ 18–3.216–3 Limitation.

The authority of this § 18–3.216 shall not be used unless and until the Administrator has determined, in accordance with the requirements of Subpart 18–3.3, that:

(a) It is in the interest of national defense to have a particular plant, mine, or other facility or a particular producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency, and negotiation is necessary to that end;

(b) The interest of industrial mobilization, in case of a national emergency would be subserved by negotiation with a particular supplier; or

(c) The interest of national defense in maintaining active engineering, research, and development, would be subserved by negotiation with a particular supplier.

§ 18–3.216–4 Records and reports.

Each procurement office is required to maintain a record of the name of each contractor with whom a contract has been entered into pursuant to the authority of this § 18–3.216, together with the amount of the contract and (with due consideration given to the national security) a description of the work required to be performed thereunder. These records, and reports based thereon, are maintained through the NASA procurement reporting system described in §§18–1.110 and 18–16.901.

§ 18–3.217 Otherwise authorized by law.

§ 18–3.217–1 Authority.

Pursuant to 10 U.S.C. 2304(a)(17), purchases and contracts may be negotiated if:

otherwise authorized by law.

§ 18–3.217–2 Application.

The following are examples of other statutes which authorize negotiation:

(a) *Small Business Act (Public Law 85–536).* Contracts for partial or total set-asides for small business made pursuant to a joint determination by the NASA and Small Business Administration (including contracts entered into pursuant to "Small Business Restricted Advertising") shall cite as authority 10 U.S.C. 2304(a)(17) and section 15 of the Small Business Act.

(b) *Section 321 of the Transportation Act of 1940 (49 U.S.C. 65).* This law permits negotiation for transportation services when the services required can be procured from any common carrier.

§ 18–3.218 Construction work.

§ 18–3.218–1 Application.

Contracts to construct or repair any building, road, sidewalk, sewer, main, or similar item are subject to 10 U.S.C. 2304(c).

§ 18–3.218–2 Limitation.

(a) *Work in the United States.* Contracts for construction work to be performed within the United States shall be formally advertised and may not be negotiated unless authorized pursuant to 10 U.S.C. 2304(a) (1), (2), (3), (10), (11), (12), or (15).

(b) *Work outside of the United States.* Contracts for construction work to be performed outside of the United States shall be formally advertised and may not be negotiated unless authorized pursuant to subsections (1) through (17) of 10 U.S.C. 2304(a), as appropriate (note that such contracts to be performed in possessions of the United States or Puerto Rico may not be negotiated pursuant to 10 U.S.C. 2304(a)(6).

§ 18–3.218–3 Citation of authority to negotiate.

Negotiated contracts for construction work shall cite as authority for their negotiation the applicable subsection of 10 U.S.C. 2304(a).

Subpart 18–3.3—Determinations and Findings

§ 18–3.300 Scope of subpart.

This subpart enumerates the procedures to be followed in making the determinations and findings referred to in 10 U.S.C. 2304(a) and subpart 18–3.2 of this chapter.

§ 18–3.301 Nature of determinations and findings.

(a) Determinations and findings required in connection with negotiated contracts fall into three categories, based on the official authorized to make such determinations and findings:

(1) Those which the Administrator or Deputy Administrator must make;

(2) Those to be made by the Director of Procurement; and

(3) Those which may be made by a contracting officer.

The determinations and findings which fall into each of the above categories are listed in §§ 18–3.302, 18–3.303, and 18–3.304.

(b) Determinations and findings ordinarily will be made only with respect to individual purchases or contracts. However, in special cases, based on the recommendation of the head of a field installation and with the concurrence of the Director of Procurement, the Administrator may make determinations and findings for classes of purchases or contracts. Class determinations and findings shall be restricted to circumstances where greater operational flexibility in the processing of determinations and findings is necessary to minimize delays to a research and development project or program where several negotiated contracts may be issued in furtherance of the project or program. Before negotiating a contract under the authority of a class determination and findings, for procurements under 10 U.S.C. 2304(a)(11) for property and supplies, and for any procurements under 10 U.S.C. 2304(a)(12), the contracting officer shall establish that procurement by formal advertising is not feasible and practicable (see § 18–3.101(b)). Each class determination and findings shall specify an effective period, which shall not exceed 1 year except that it will continue in effect for those contracts for which negotiations have been substantially completed and the resulting contract is expected to be awarded in a timely manner.

§ 18–3.302 Determinations and findings to be made by the Administrator.

The following determinations (or similar approvals) and written findings in support thereof are required to be made by the Administrator or Deputy Administrator.

(a) The determinations required by 10 U.S.C. 2304(a) (1) and (11) through (16) except that determinations under section 2304(a)(11) with respect to contracts requiring the expenditure of not more than $100,000 may be made by the contracting officer (see § 18–3.304);

(b) The determinations required under 10 U.S.C. 2306(f) with respect to waiving the requirement for submission by contractors and subcontractors of cost and pricing data and the certification thereof (except that in the case of a contract with a foreign government or agency thereof, the Assistant Administrator for Industry Affairs and the Director of Procurement are each delegated the authority to make these determinations); and

(c) Determinations and findings for classes of purchases or contracts.

§ 18–3.303 Determinations and findings to be made by the Director of Procurement.

The following individual determinations (or similar approvals) and written findings in support thereof are authorized to be made by the Director of Procurement:

(a) Determinations with respect to advance payments as required by 10 U.S.C. 2307(c) and 2310(b);

(b) Determinations required under 10 U.S.C. 2306(f) with respect to waiving the requirement for submission of cost and pricing data and the certification thereof in the case of a contract with a foreign government or agency thereof; and

(c) Any other determinations and findings not required to be made by higher authority.

§ 18–3.304 Determinations and findings to be made by a contracting officer.

The following individual determinations and findings may be made by a contracting officer, subject to any limitations imposed by the designating official:

(a) Determinations and findings under 10 U.S.C. 2304(a)(11) with respect to contracts requiring the expenditure of not more than $100,000;

(b) Determinations and findings justifying negotiation on the basis of public exigency under 10 U.S.C. 2304(a)(2) as required by § 18–3.202–3;

(c) Determinations and findings justifying negotiation under 10 U.S.C. 2304(a)(7) as required by § 18–3.207–3;

(d) Determinations and findings required by 10 U.S.C. 2306(c) prior to the making of any cost, cost-plus-fixed-fee, or incentive contract shall set forth those facts and circumstances that clearly indicate why the type of contract selected is likely to be less costly than any other type or that it is impracticable to obtain property or services of the kind or quality required except under such a contract;

(e) Determinations and findings required by 10 U.S.C. 2306(d) of the estimated costs of contracts or projects on the basis of which maximum allowable fee percentages are measured;

(f) Determinations and findings required by 10 U.S.C. 2306(f) with respect to significant sums by which contracts may be adjusted; and

(g) Any other determinations and findings called for by this chapter and not required to be made by higher authority.

§ 18–3.305 Forms of determinations and findings.

Each determination and findings authorizing negotiation under the authority of 10 U.S.C. 2304(a) (11)–(15) shall set forth the facts and circumstances that are clearly illustrative of the conditions described for use of the particular authority. Determinations and findings authorizing negotiation shall set forth those facts and circumstances that clearly and convincingly establish that formal advertising would not be feasible and practicable. All determinations and findings required to be made by the Administrator or Deputy Administrator, NASA Headquarters pursuant to § 18–3.302(a) and (c) shall include the following language to be added as a preamble and shall be inserted immediately preceding the word "Findings".

This determination and findings is not an approval of a program or of specific procurements. It authorizes procurement by negotiation, in lieu of formal advertising, of the property or services described, only if, in accordance with established agency regulations and procedures, the procurement has been authorized and funds have been made available for the purpose.

§ 18–3.305–1 Individual contracts under 10 U.S.C. 2304(a)(11).

(See §§ 18–3.211 and 18–3.301(b).)

(a) *Findings.* In the first paragraph under "Findings" describe briefly and clearly the scope and nature of the work to be performed. In the second paragraph, set forth the facts and circumstances that are clearly illustrative of the conditions set forth in 10 U.S.C. 2304(a)(11) for use of this authority. (See §§ 18–3.211 and 18–3.211–2.) In the third paragraph, set forth those facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable.

(b) *Determination.* Following the format set forth in the sample below, use the appropriate terms to state precisely whether the proposed procurement is for experimental, developmental, or research work or the making or furnishing of property for experiment, test, development, or research; or for a combination of these.

(c) *Sample format.*

DETERMINATIONS AND FINDINGS

Decision to Negotiate an Individual Contract Under 10 U.S.C. 2304(a)(11)

This determination and findings is not an approval of a program or of specific procurements. It authorizes procurement by negotiation, in lieu of formal advertising, of the property or services described, only if, in accordance with established agency regulations and procedures, the procurement has been authorized and funds have been made available for the purpose.

FINDINGS

1. The proposed procurement is to develop and obtain a compressor unit to provide high pressure helium to the hypervelocity jets of the Hypersonic Aerothermal Dynamics Facility for the investigation of the aeroelastic problems of Dynasoar-type vehicles during exit and reentry and the reentry problems of other vehicles, such as Apollo or lunar space vehicles, where the largest flight dynamic pressures may be encountered.

2. The proposed contract will require the contractor to do development work in the design and engineering of the compressor unit. Research work will be necessary to support the development stage of the work, primarily to determine the type of components to be included in the unit to insure performance requirements.

3. Formal advertising is not feasible and practicable for this procurement because it is impossible to describe in precise detail or by definite drawings and specifications the nature of the work to be done; only the ultimate objectives and the general scope of the work can be outlined.

DETERMINATION

On the basis of the above findings, I hereby determine that the proposed procurement is for developmental and research work, and for the making of property for research.

Upon the basis of the determination and findings above, I hereby decide that this contract will be negotiated pursuant to 10 U.S.C. 2304(a)(11).

Date _____

§ 18–3.305–2 Class of contracts under 10 U.S.C. 2304(a)(11).

(See §§ 18–3.211 and 18–3.301(b).)

(a) *Findings.* In the first paragraph identify the program, the project, and the project number (using the NASA Financial Management Manual, Agency-Wide Coding Structure) to which the contemplated procurements are oriented. A statement also will be included in the first paragraph that the determination and findings cover only the procurement requirements that are provided for and further defined under the program/project cited, except for such items of property or supplies for which formal advertising is feasible and practicable. In the second paragraph under Findings describe briefly and clearly the scope and nature of the work to be performed. When property and services are to be procured under a Class Determination and Findings, a statement will be made that the Determination and Findings does not apply to those items of property or supplies for which formal advertising is feasible and practicable. In the third paragraph, set forth the facts and circumstances that are clearly illustrative of the conditions set forth in 10 U.S.C. 2304(a)(11) for use of this authority (see §§ 18–3.211 and 18–3.211–2). In the fourth paragraph, set forth facts and circumstances that clearly and convincingly establish, with respect to the use of this authority, that formal advertising would not be feasible and practicable.

(b) *Determination.* Following the format set forth in the sample below, use the appropriate terms to state whether the proposed class of contracts will be for experimental, developmental, or research work; or the making or furnishing of property or supplies for experiment, test, development, or research; or for a combination of these. A statement of the period (not to exceed 1 year) for which the determination and findings will be effective will be included.

(c) *Sample format.*

DETERMINATION AND FINDINGS

Decision To Negotiate a Class of Contracts Under 10 U.S.C. 2304(a)(11)

This determination and findings is not an approval of a program or of specific procurements. It authorizes procurement by negotiation, in lieu of formal advertising, of the property or services described, only if, in accordance with established agency

regulations and procedures, the procurement has been authorized and funds have been made available for the purpose.

FINDINGS

1. This procurement will consist of one or more contracts for the accomplishment of the Advanced Technology Program for Liquid Propellant Rocket Engines, except for such items of property or supplies for which formal advertising is feasible and practicable and will cover only procurement requirements that are provided for and further defined under the following project citation:
RA Engine Project:

Project Nr XX-XX-XXX-XXX.

2. The proposed class of contracts is for the Advanced Technology Program for Liquid Propellant Rocket Engines, which has as its goal the development of the necessary technology for reliable rocket engines that are needed for launch vehicles and for spacecraft, except for such items of property or supplies for which formal advertising is feasible and practicable. These procurements will involve study and analysis of problems and possible solutions relating to new and unproven concepts in the field of liquid propellant rocket engine systems, subsystems, components, instruments, propellants, fabrication techniques, materials, storage and environmental factors, and aerothermochemistry and heat transfer properties. The procurements will also involve the experimental demonstration of the feasibility of new and unproven concepts and development of the technology required to bring new or unproven concepts into practical use.

3. The proposed procurements will require contractors to study, analyze, and investigate problems in the field of liquid propellant rocket engine systems, and, on the basis of experiments, demonstrate the feasibility of the new concepts which result from these studies.

4. Formal advertising is not feasible and practicable for these procurements because it is impossible to describe in precise detail, or by any definite drawings or specifications, the nature of the work to be performed under the proposed contracts; only the ultimate objective and the general scope of the work can be outlined.

DETERMINATION

On the basis of the above findings, I hereby determine that the proposed class of contracts is for experimental and research work and for the making or furnishing of property for experiment, test, and research.

Upon the basis of the determination and findings above, I hereby decide that this class of contracts will be negotiated pursuant to 10 U.S.C. 2304(a)(11).

This class determination shall remain in effect until June 30, 1968.

Date ----------

§ 18–3.305–3 Individual contract under 10 U.S.C. 2304(a)(14).

(See § 18–3.214).

(a) *Findings.* In the first paragraph, under "Findings", describe briefly and clearly the supplies or property being procured. Such description must include a statement that the supplies or property are technical or specialized in nature and must explain why they are so categorized. The second paragraph must establish either one or, preferably, both of the following:

(1) That furnishing the supplies or property requires a substantial initial investment and that such investment (for a substantial part of it) has already been made by one source (or by the Government in such source), so that procurement by formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment;

(2) That furnishing the supplies or property requires an extended period of preparation for manufacture, that one source has already made such preparation (or a large part of it), and that procurement by formal advertising would result in duplication of necessary preparation which would unduly delay the procurement of the supplies or property.

In the case of paragraph (a)(1) of this section, provide estimates of the original investment and the amount that would have to be duplicated at the expense of the Government. In the case of paragraph (a)(2) of this section, show that such delay would be prejudicial to the mission of NASA. In both cases, use specific facts relating to the particular procurement, not unsupported statements of general applicability.

(b) *Determination.* Use the following Determination in its entirety, where applicable; otherwise delete the inapplicable portions. For example, the supplies might be either technical or specialized, in which case only one term would be used; or the procurement might involve substantial investment but not an extended period of preparation, in which case irrelevant language would be deleted and the remainder combined in one sentence.

DETERMINATION

On the basis of the above findings, I hereby determine that the proposed contract is for supplies or property of a technical and specialized nature requiring a substantial initial investment and an extended period of preparation for manufacture and that procurement by formal advertising:

(i) Would be likely to result in additional cost to the Government by reason of duplication of investment; and

(ii) Would result in duplication of necessary preparation which would unduly delay the procurement.

§ 18–3.305–4 Advance payments under the letter of credit procedure.

When requesting authorization to provide advance payment provisions in a contract with a nonprofit institution (including an educational institution), insert the appropriate words and phrases in the form set forth below and submit to the Director of Procurement for approval.

FINDINGS, DETERMINATION, AND AUTHORIZATION FOR ADVANCE PAYMENTS

1. I hereby find that:
a. The National Aeronautics and Space Administration, ---------- and
(Field installation)
---------- have entered (proposed to enter) into negotiated Contract No. ------ for ----------
(Contractor)

(Purpose of the contract)
(Summary of the specific facts and significant circumstances concerning the contract and Contractor, which, together with the other findings, will clearly support the determinations below.)

b. Advance payments in an amount not to exceed $------, are required by the Contractor in order to perform under the contract. Such amount does not exceed the unpaid contract price.

c. The advance payments are necessary for prompt and efficient performance of the contract, which will benefit the Government.

d. The "Contractor Financing by Letter of Credit" clause contains appropriate provisions for the protection of the Government's interest. This includes provisions that the Government will have a lien, paramount to all other liens, upon (i) the supplies contracted for, and (ii) any material or property acquired for the performance of the contract. Such security is deemed to be adequate.

e. The Contractor is a nonprofit (educational) (and) (research) institution, and the contract is for (experimental) (,) (research and development) work, without profit to the Contractor.

DETERMINATION

2. Upon the basis of the above findings, I hereby determine that the making of advance payments, without interest, is in the public interest.

AUTHORIZATION

Advance payments in the amount of $----- are hereby authorized pursuant to 10 U.S.C. 2307. Outstanding payments may at no time exceed the unpaid contract price.

(Director of Procurement)
Date ----------

Instructions:

(a) A request for advance payment provisions will be prepared in final form (original and two copies) and forwarded to the Procurement Office, NASA Headquarters (Code KDP–3) for submission to the Director of Procurement for approval.

(b) A separate "Findings, Determination, and Authorization for Advance Payments" will be prepared for each request for authorization of advance payments.

(c) Modifications to adapt to special facts and circumstances are permitted provided that they do not conflict with the statutory requirements set forth in 10 U.S.C. 2307.

(d) 10 U.S.C. 2307 will be the statutory authority cited for authorizing advance payments.

§ 18–3.305–5 Cost, cost-plus-a-fixed-fee, or incentive contracts under 10 U.S.C. 2306(c).

(a) *Findings.* In the first paragraph under "Findings", describe briefly and clearly the scope of the work to be performed. In the second paragraph, set forth the magnitude of the contract in terms of estimated cost, including profit or fee, and period of performance. In the third paragraph, set forth the type of contract to be used and the facts and circumstances that clearly indicate why the type of contract selected is likely to be less costly than any other type or that it is impracticable to obtain property or services of the kind or quality required without the use of the contract selected.

(b) *Determination.* Following the format set forth in the sample below, use the appropriate terms to state precisely whether the proposed type of contract is likely to be less costly than any other type of contract, or that it is impracticable to obtain the property or services of the kind or quality required without the use of the proposed type of contract.

(c) *Sample format.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
(Insert the name of the installation)

DETERMINATION AND FINDINGS
METHOD OF CONTRACTING
FINDINGS

1. The National Aeronautics and Space Administration proposes to procure (describe briefly and clearly the scope of work in a manner sufficient to identify the property or services called for).

2. The estimated cost of the proposed procurement is $------, including estimated costs and profit or fee. The period of performance contemplated is from ---------- to ----------.

3. The use of a (insert here the type of contract to be used) contract is appropriate because (set forth such pertinent facts as are available and relevant to support the determination to be made).

DETERMINATION

Upon the basis of the findings set forth above, I hereby determine that pursuant to 10 U.S.C. 2306(c) and paragraph 3.304(iv) of the NASA Procurement Regulation, the use of a (insert type of contract, using complete description name, without abbreviations), (a) is likely to be less costly to the United States than any other kind of contract or (b) that it is impracticable to obtain property or services of the kind and quality required except under such a contract.

(Signature) ----------
(Title) ----------

(Date)

NOTE: Before preparing the Findings, the contracting officer must decide which of the two alternative grounds in the Determination he is going to use for this Determination and Findings. However, where the facts adequately support alternative determinations, they should be set forth conjunctively when conjunctive determinations are to be used.

§ 18–3.306 Procedure with respect to determinations and findings.

Determinations and Findings for authority to negotiate required by §§ 18–3.202, 18–3.207 and 18–3.210 through 18–3.215 shall be signed by the appropriate official prior to issuance of a request for proposals or quotations. Any modifications of such Determinations and Findings subsequently found to be necessary will not require cancellation of the request for proposals or quotations, provided the Determinations and Findings as modified, support negotiation under any one of the authorities cited in §§ 18–3.201 through 18–3.217. Where the facts continue to support the negotiation but under an exception for which Determination and Findings is not required, cancellation of the Determination and Findings will not require cancellation of the request for proposals or quotations. Where a Determination and Findings is executed by the Administrator or Deputy Administrator, NASA, and is not used, the initiating activity should return the Determination and Findings to the Director of Procurement (Code KDR), explaining the circumstances why the Determination is no longer required.

§ 18–3.306–1 Justification required.

When a determination for authority to negotiate is required to be made in NASA Headquarters pursuant to the provisions of Subparts 18–3.2 and 18–3.3, including authority to negotiate a class of contracts, an original and one copy of NASA Form 543, "Justification for Negotiation," shall be submitted with the proposed determination and findings. The original shall be returned to the installation with the determination and findings and the copy shall be retained for Headquarters files. However, when the determination required to be made in NASA Headquarters is for authority to negotiate procurements resulting from unsolicited proposals, in lieu of attaching to NASA Form 543 a "Justification for Noncompetitive Procurement" as required under Item 10 of the Form when only one source is to be solicited, a "Justification for Acceptance of Unsolicited Proposal," as required under Subpart 18–4.4 shall be attached to NASA Form 543. In addition, the unsolicited proposal control number assigned by the Office of University Affairs shall be set forth in Item 11 of the NASA Form 543.

§ 18–3.306–2 Preparation and submission.

(a) Procurement offices shall submit four copies of the proposed determination and findings with two copies of the NASA Form 543, "Justification for Negotiation" and two copies of any required procurement plan (see § 18–3.852–1) to the Director of Procurement for review and signature of appropriate authorities.

(b) When approval of the procurement plan by NASA Headquarters is required (see § 18–3.852–2), the submission of the determination and findings under § 18–3.306–1 shall be made concurrently with the submission of the procurement plan for approval by NASA Headquarters, with two copies of the procurement plan designated for use with the determination and findings.

§ 18–3.307 Filing of determinations and findings.

A copy of each determination and findings shall be filed with the contract to which it applies. Each determination and findings made pursuant to the authority of sections 2304(a)(11) through (16), 2306(c), and 2307(c) of title 10 United States Code shall be retained in the files of the NASA installation concerned for a period of 6 years following the date of each respective determination.

§ 18–3.308 Retention of data with respect to negotiation.

In each case where a purchase or contract is negotiated except under §§ 18–3.202 to 18–3.206 inclusive, data with respect to the negotiation shall be preserved in the files of the NASA installation concerned for a period of 6 years following final payment on such contract. With respect to the retention of data to support small purchases, see § 18–3.603(f).

Subpart 18–3.4—Types of Contracts

§ 18–3.400 Scope of subpart.

This subpart (a) describes and defines the types of contracts approved for procurement by negotiation, (b) defines the areas of applicability in which each type of contract is appropriate for use, (c) sets forth considerations and policies governing the choice of type of contract, and (d) imposes conditions on the use of certain of the available types of contracts.

§ 18–3.401 Types of contracts.

(a) To provide the flexibility needed in the purchase of a large variety and volume of complex equipment, supplies and services, including research and development, a wide selection of types of contracts is available to the contracting parties. The respective contract types vary as to (1) the degree and timing of responsibility assumed by the contractor for the costs of performance, and (2) the amount and type of profit incentive offered the contractor to achieve or exceed specified standards or goals. With regard to degree of cost responsibility, the various types of contracts may be arranged in order of decreasing contractor responsibility for the costs of performance. At one end is the firm fixed-price contract under which the parties agree that the contractor assumes full responsibility in the form of profits or losses, for all costs under or over the firm fixed-price. At the other end of this range is the cost-plus-a-fixed-fee contract where profit, rather than price, is fixed and the contractor's cost responsibility is therefore minimal. In between are the various incentive contracts which provide for varying degrees of contractor cost responsibility, depending upon the degree of uncertainty involved in contract performance.

(b) Pursuant to the authority of 10 U.S.C. 2306, a contract negotiated under this Part 18–3 may be of any type or combination of types described herein which will promote the best interests of the Government, subject to the restrictions described in this subpart. Types of contracts not described herein shall not be used, unless pursuant to a deviation under § 18–1.109. The cost-plus-a-percentage-of-cost system of contracting shall not be used. Accordingly, all prime contracts (including letter contracts) on other than a firm fixed-price basis shall prohibit cost-plus-a-percentage-of-cost subcontracts by an appropriate clause.

§ 18–3.402 Basic principles for use of contract types.

(a) *General.* (1) Profit, generally, is the basic motive of business enterprise. Both the Government and its contractors should be concerned with harnessing this motive to work for the truly effective and economical contract performance required in the national interest. To this end, the parties should seek to

negotiate and use the contract type best calculated to stimulate outstanding performance. The objective should be to insure that outstandingly effective and economical performance is met by high profits, mediocre performance by mediocre profits, and poor performance by low profits or losses. The proper application of these objectives on a contract by contract basis should normally result in a range of profit rates.

(2) Success in harnessing the profit motive begins with the negotiation of sound performance goals and standards. This objective is met if the contractor either benefits or loses in relation to achieving or failing to achieve realistic targets. Where award is based on effective price competition, there is reasonable assurance that the contract price represents a realistic pricing standard, including a profit factor which reflects an appropriate return to the contractor for the financial risk assumed in undertaking performance at the competitive price. In the absence of competitive forces, however, the contract type selected should provide for a profit factor that will tie profits to the contractor's efficiency in controlling costs and meeting desired standards of performance, reliability, quality, and delivery. Therefore, in noncompetitive situations, the degree to which available cost estimates are realistic should be carefully considered in determining which type of contract should be selected and how it should be used—especially where the contractor is to assume substantial cost responsibility. If estimated costs are negotiated on the basis of a full consideration of all significant cost or pricing data that are reasonably available at the time of negotiation, a contract type providing a high profit potential and concomitant contract risks may be entirely appropriate even though there is a possibility that actual costs will vary widely from the estimate.

(3) The policies in subparagraphs (1) and (2) of this paragraph require that the contractor assume a reasonable degree of cost responsibility as early in contract performance as is possible. This can be achieved only through vigorous contract administration and effort on the part of both parties to assure timely pricing. Particularly in fixed-price type contracts providing for price revisions, delays in pricing actions by either party may distort the type of contract which has been agreed upon, and such delays must be avoided.

(4) Where a contract type providing for a reasonable degree of contractor cost responsibility cannot be negotiated on a timely basis, due to the contractor's unwillingness to assume reasonable risk, profits should be negotiated so as to reflect this fact (see § 18–3.808).

(b) *Preferred contract types.* (1) The firm fixed-price contract is the most preferred type because the contractor accepts full cost responsibility, and the relationship between cost control and profit dollars is established at the outset of the contract. Accordingly, whenever a reasonable basis for firm pricing exists (see § 18–3.404–2), the firm fixed-price contract shall be used, because its use under these circumstances will provide the contractor with a maximum profit incentive to control the costs of performance. Similarly, a profit incentive to control costs can be achieved through use of the fixed-price incentive contract, and to a lesser degree, the cost-plus-incentive-fee contract, where appropriate target costs and incentive arrangements can be negotiated (see §§ 18–3.404–4 and 18–3.405–4).

(2) In many procurement situations objectives other than cost control, for example, performance and time goals in the case of development projects, may also be significant. Such objectives may be (i) performance with a view toward a better or more reliable product; (ii) delivery when it is necessary to obtain supplies or services with the utmost speed to meet operational needs; or (iii) a combination of any of the objectives of cost, performance, and delivery (see § 18–3.407). A contractual arrangement can be used to provide incentive to obtain these objectives in addition to effective cost control. Thus, by providing for increased profit for exceeding predetermined target levels and decreased profit for failing to meet target levels, an additional incentive is created for maximum effort on the part of the contractor to accomplish the desired objectives. When additional objectives are made a part of the various types of incentive contracts described in this Subpart 18–3.4 (§§ 18–3.404–4 and 18–3.405–4), particular care must be taker by the contracting officer to maintain an appropriate balance between the various incentives, by weighing incentive objectives to apportion the total incentive profits or fee in accordance with the emphasis desired, by and maximum benefit to, the Government. Without proper balancing of the incentive objectives, the Government may receive at unwarranted expense, a product of greater quality than desired or delivery before needed. Additional guidance on the selection, approval and administration of incentive contract provisions is set forth in § 18–3.450.

§ 18–3.403 Negotiation of contract type.

(a) *General.* The selection of contract type is generally a matter for negotiation and requires the exercise of judgment. Type of contract and pricing are interrelated and should be considered together in negotiation in accordance with § 18–3.803. Because the type of contract affects the resulting price to the Government, use of an appropriate type is of primary importance in obtaining fair and reasonable prices. Each contract file shall include documentation to show why the particular contract type was used, except for the following:

(1) Small purchases (Subpart 18–3.6);

(2) Repetitive types of procurement usually accomplished on a firm fixed-price basis, such as subsistence procurement; or

(3) Awards made on the set-aside portion of formally advertised procurements partially set aside for either small business, labor surplus or disaster areas.

Although no absolute rules can be laid down, there are many factors which should be considered in the use of an appropriate type of contract, including those which follow.

(i) *Price analysis.* See § 18–3.807–2(b). Price analysis may provide a basis for selection of contract type. The degree to which price analysis can provide a realistic pricing standard should be carefully considered, even where there may not be full and free competition.

(ii) *The cost estimate.* In the absence of effective price competition and where price analysis is not sufficient, the cost estimates of the offeror and of the Government are the bases for negotiation of many pricing arrangements. As a minimum, the uncertainties involved in performing at the cost estimated, and their possible impact on costs, must be identified and evaluated so that a pricing arrangement can be negotiated which imposes a reasonable degree of cost responsibility upon the contractor. The following are some of the considerations which may influence the estimate and hence, the selection of contract type:

(*a*) Type and complexity of the item;

(*b*) Stability of design, which in turn may influence such subordinate considerations as the adequacy and firmness of specifications, and the availability of relevant historical pricing data and prior production experience;

(*c*) Prospective period of contract performance and length of production run at the time of negotiation;

(*d*) Extent and nature of subcontracting contemplated; and

(*e*) Adequacy of the contractor's estimating system.

(iii) *Urgency of the requirement.* In certain procurements the best interests of the Government may dictate that the urgency of the requirement be a primary consideration in selection of contract type.

(iv) *Technical capability and financial responsibility of the contractor.*

(v) *Adequacy of the contractor's accounting system.* Before reaching agreement on price and contract type, determination should be made that the contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated. This may be particularly critical where the contract type requires revision of price while performance is in progress, or where a cost-reimbursement type of contract is being considered and all current or past experience with the contractor has been on a fixed-price basis (see § 18–3.809).

(vi) *Other concurrent contracts.* If performance under a proposed procurement involves operations which concurrently are required in performance of other work, the nature of the pricing arrangements on the other work may be important in selecting the contract type for the proposed procurement. This factor may not be so important where close controls exist that will assure proper allocation of costs.

(b) *Research.* In the majority of research programs, including preliminary explorations and studies, the work to be performed cannot be described precisely. Hence, the negotiation of cost-plus-a-fixed-fee or cost-sharing contracts frequently is necessary. However, where the level of contractor effort desired can be identified and agreed upon in advance of performance, negotiation of a firm fixed-price contract should be considered.

(c) *Development and test.* Where possible, a final commitment to undertake specific product development and test should be avoided until preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined both its minimum requirements for product performance and schedule completion and its desired performance and schedule completion objectives. The precision with which the performance objectives can be defined will largely determine the type of contract employed, with firm-fixed-price contracts receiving first consideration. In all major system developments, and in other development programs where use of cost and performance incentives are considered desirable and administratively practicable, fixed-price-incentive and cost-plus-incentive-fee contracts are to be considered in that order of preference. The solicitation should describe the Government's minimum requirements for product performance and schedule completion, its desired performance and schedule completion objectives, and the type of contract contemplated. The Government's minimum requirements for product performance and schedule completion generally should not be considered subject to negotiation. The solicitation should emphasize the factors for which evaluation information is essential to the Government's rating of the proposal and those factors which are considered most important. When incentive contracts are to be used, contractors shall be required to submit targets and incentive sharing arrangements for meeting or surpassing the Government's requirements for performance and for schedule completion, together with an estimate of the cost thereof. The targets proposed by each offeror, the estimated cost thereof, and the sharing arrangements proposed should, to the extent practical, be considered by the Government in the contractor selection process. When this approach to contractor selection has been used, the resulting development program should be performed under an incentive contract which includes performance, schedule completion, and cost targets, the requisite test procedures by which attainment of performance targets will be measured, and provisions for varying profits to the extent targets are or are not met. In order to provide maximum incentive, the swing of profit variation should in each case be as wide as practical (see § 18–3.405–4(b)). The introduction of incentives into development is of such compelling importance that, to the extent practical, firms not willing to negotiate appropriate incentive provisions may be excluded from consideration for the award of development contracts.

§ 18–3.404 Fixed-price contracts.

§ 18–3.404–1 General.

Fixed-price contracts are of several types so designed as to facilitate proper pricing under varying circumstances. The fixed-price type contracts provide for a firm price, or under appropriate circumstances may provide for an adjustable price, for the supplies or services which are being procured. In providing for an adjustable price, the contract may fix a ceiling price, target price (including target cost), or minimum price. Unless otherwise provided in the contract, any such ceiling, target, or minimum price is subject to adjustment only if required by the operation of any contract clause which provides for equitable adjustment, escalation, or other revision of the contract price upon the occurrence of an event or a contingency.

§ 18–3.404–2 Firm fixed-price contract.

(a) *Description.* The firm fixed-price contract provides for a price which is not subject to any adjustment by reason of the cost experience of the contractor in the performance of the contract. This type of contract, when appropriately applied as set forth in paragraph (b) of this section, places maximum risk upon the contractor. Because the contractor assumes full responsibility, in the form of profits or losses, for all costs under or over the firm fixed price, he has a maximum profit incentive for effective cost control and contract performance. Use of the firm fixed-price contract imposes a minimum administrative burden on the contracting parties.

(b) *Application.* The firm fixed-price contract is suitable for use in procurements when reasonably definite design or performance specifications are available and whenever fair and reasonable prices can be established at the outset, such as where:

(1) Adequate competition has made initial proposals effective;

(2) Prior purchases of the same or similar supplies or services under competitive conditions or supported by valid cost or pricing data provide reasonable price comparisons;

(3) Cost or pricing information is available permitting the development of realistic estimates of the probable costs of performance;

(4) The uncertainties involved in contract performance can be identified and reasonable estimates of their possible impact on costs made, and the contractor is willing to accept a firm fixed price at a level which represents assumption of a reasonable proportion of the risk involved; or

(5) Any other reasonable basis for pricing can be used consistent with the purpose of this type of contract.

The firm fixed-price contract is particularly suitable in the purchase of standard or modified commercial items, or aerospace items for which sound prices can be developed.

§ 18–3.404–3 Fixed-price contract with escalation.

(a) *Description.* The fixed-price contract with escalation provides for the upward and downward revision of the stated contract price upon the occurrence of certain contingencies which are specifically defined in the contract. The risks in a fixed-price contract are reduced by the inclusion of escalation provisions in which the parties agree to revise the stated price upon the happening of a prescribed contingency. Where escalation is agreed upon, upward adjustments shall be limited by the establishment of a reasonable ceiling, and provisions will be included for downward adjustments in those instances where the prices or rates fall below the base levels provided in the contract. In the establishment of the base levels from which escalation will operate, contingency allowances shall be eliminated from the base to be set forth in the contract to the extent that escalation is provided for any particular contingency. Generally, escalation provisions are of two broad types:

(1) Price escalation provides for adjustment of the contract price on the basis of increases or decreases from an agreed upon level in published or established prices of specific items or in price levels of the contract end items.

(2) Labor and material escalation provides for adjustment of the contract price on the basis of increases or decreases from agreed standards or indices in wage rates, specific material costs, or both.

(b) *Application.* Use of this type of contract is appropriate where serious doubt exists as to the stability of market and labor conditions which will exist during an extended period of production and where contingencies which would otherwise be included in a firm fixed-price contract are identifiable and can be covered separately by escalation. Its usefulness is limited by the difficulties inherent in its administration. To the extent possible, escalation should be restricted to industry-wide contingencies, and labor and material escalation should be limited to contingencies beyond the normal control of the contractor.

§ 18–3.404–4 Fixed-price incentive contracts.

(a) *Description*—(1) *General.* The fixed-price incentive contract is a fixed-price type contract with provision for adjustment of profit and establishment of the final contract price by a formula based on the relationship which final negotiated total cost bears to total target costs.

(2) *Firm target.* Under this type of incentive contract there is negotiated at the outset a target cost, a target profit, a price ceiling (but not a profit ceiling or floor), and a formula for establishing final profit and price. After performance of the contract, the final cost is negotiated and the final contract price is then established in accordance with the formula. Where the final cost is less than target cost, application of the formula

results in a final profit greater than the target profit; conversely, where final cost is more than target cost, application of the formula results in a final profit less than the target profit, or even a net loss. Thus, within the price ceiling, the formula provides for the Government and the contractor to share the responsibility for costs greater or less than those originally estimated, as determined by a comparison of negotiated final cost with target cost. Because the profit resulting from application of the formula is in inverse relationship to costs, the formula provides the contractor in advance with a calculable profit incentive to control costs. To provide an incentive consistent with the circumstances, the formula should reflect the relative risks involved in contract performance. Thus, it is appropriate in certain procurements to establish a formula which provides for contractor assumption of a considerable or major share of total cost responsibility. In such circumstances, when a major share of total cost responsibility is assumed by the contractor, every consideration will be given to establishing target profits which reflect assumption of such responsibility.

(3) *Successive targets.* Under this type of incentive contract, there is negotiated at the outset an initial target cost, an initial target profit, a price ceiling, a formula for fixing the firm target profit, and a production point at which the formula will be applied. Generally, the production point will be prior to delivery or shop completion of the first item. This formula does not apply for the life of the contract but simply is used to fix the firm target profit for the contract. The initial formula shall also provide for a ceiling and floor on the firm target profit. To provide an incentive consistent with the circumstances, the formula for fixing the firm target profit should reflect the relative risk involved in establishing an incentive arrangement where cost and pricing information were not sufficient to permit the negotiation of firm targets at the outset (see paragraph (b)(3) of this section). Thus it normally will not provide for as great a degree of contractor cost responsibility as would a formula for establishing final profit and price. When the production point for applying the formula is reached, the firm target cost is then negotiated, consideration being given to experienced cost and all other pertinent factors, and the firm target profit is automatically determined in accordance with the formula. At this point, two alternatives are possible. First, a firm fixed price may be negotiated using as a guide the firm target cost plus the firm target profit. Second, if use of the firm fixed price is determined to be inappropriate, a formula for establishing final profit and price may be negotiated, using the firm target profit and the firm target cost. As in the firm target type of contract described in paragraph (a)(2) of this section, the final cost is negotiated at the completion of the contract and the final contract price is then established in accordance with the formula for establishing final profit and price.

(4) *Billing price.* In either of the above types of contract, a billing price will be established as an interim basis for payment. This billing price may be adjusted within the ceiling limits, upon request of either party to the contract, when it becomes apparent that final negotiated costs will be substantially different from the target cost.

(b) *Application.* (1) Fixed-price incentive contracts are appropriate for use when design, specifications and performance requirements are reasonably firm, end item performance levels and scheduled deliveries are known to be attainable without extensive research and development effort or advancement of the state of the art, but cost and production experience are insufficient for the establishment of reasonable firm fixed prices, and the supplies or services being procured are of such a nature that assumption of a degree of cost responsibility by the contractor is likely to provide him with a positive profit incentive for effective cost control and contract performance. It may also be appropriate to negotiate additional incentive provisions covering performance levels and more timely delivery (see § 18-3.407-2). Contract performance requirements must be such that there is reasonable opportunity for the incentive provisions to have a meaningful impact on the manner in which the contractor manages the work.

(2) The firm target type of incentive contract, described in paragraph (a)(2) of this section, is appropriate for use whenever a firm target and a formula for establishing final profit and price can be negotiated at the outset which will provide a fair and reasonable incentive.

(3) The successive targets type of incentive contract, described in paragraph (a)(3) of this section, is appropriate for use whenever available cost and pricing information is not sufficient to permit the negotiation of realistic firm targets at the outset. However, enough information should be available to permit negotiation of initial targets, and there should be reasonable assurance that additional reliable information will be available at an early point in the performance of the contract so as to permit negotiation of either a firm fixed price, or firm targets and a formula for establishing final profit and price, which will provide a fair and reasonable incentive. The additional information need not in all cases come from experience under the contract itself, but may be drawn from experience on any other contracts for the same or similar items.

(c) *Limitations.* Fixed-price incentive contracts shall not be used unless the contractor's accounting system is adequate for price revision purposes and permits satisfactory application of the profit and price adjustment formulas. In no case should such contracts be used where (1) cost or pricing information adequate for firm targets is not available at the time of initial contract negotiation or at a very early point in performance, or (2) the sole or principal purpose is to shift substantially all cost responsibility to the Government. In no case shall the firm target profit or the formula for final profit and price be established prior to the negotiation of the firm target cost. Neither type of fixed-price incentive contract shall be used unless a determination has been made, in accordance with the requirements of Subpart 18-3.3, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

Additional guidance on the selection, approval, and administration of incentive contract provisions is set forth in § 18-3.450.

§ 18-3.404-5 Prospective price redetermination at a stated time or times during performance.

(a) *Description.* This type of contract provides for a firm fixed price for an initial period of contract deliveries or performance and for prospective price redetermination either upward or downward at a stated time or times during the performance of the contract. It also may provide for a price ceiling, where appropriate. Once established, ceiling prices are subject to adjustment only by reason of the operation of other contract clauses (see § 18-3.404-1).

(b) *Application.* This type of contract is appropriate in procurements calling for quantity production or services where it is possible to negotiate fair and reasonable firm fixed prices for an initial period, but not for subsequent periods of contract performance. This initial period should be the longest period for which it is possible to establish fair and reasonable firm fixed prices at the time of original negotiation. The length of the prospective pricing periods should depend on the circumstances of each case and should generally be at least 12 months each. Ceiling prices, where appropriate, should be based on the evaluation of the uncertainties involved in contract performance, and their possible impact on cost, and should be negotiated at a level which represents contractor assumption of a reasonable degree of risk.

(c) *Limitations.* This type of contract shall not be used unless:

(1) It has been established through negotiations that a firm fixed-price contract does not fulfill the requirements established by the conditions surrounding the procurement;

(2) The contractor's accounting system is adequate for price redetermination purposes;

(3) The prospective pricing period can be made to conform with the operation of the contractor's accounting system; and

(4) Reasonable assurance exists that price redetermination action will be taken promptly at the time or times specified.

§ 18-3.404-7 Retroactive price redetermination after completion.

(a) *Description.* This type of contract provides for a ceiling price and retroactive price redetermination after completion of the contract. The redetermined price should be negotiated so as to give weight to the management effectiveness and ingenuity exhibited by the contractor during performance, and the basis for such negotiation should be fully discussed with the contractor when this type of contract is negotiated. Because the price is redetermined on a completely retroactive basis, this contract type (except for the price ceiling) does not provide the contractor with a calculable incentive for effective cost control. Once established, the ceiling price is subject to adjustment only if required by the operation of other contract clauses (see § 18-3.404-1).

(b) *Application.* This type of contract is appropriate in procurements where it is established at the time of negotiation that a fair and reasonable firm fixed price cannot be negotiated and the amount involved is so small or the time for performance so short that use of any other type of contract is impracticable. Even in these situations, however, it should be used only after negotiation of a billing price as fair and reasonable as the circumstances of the particular procurement permit. Based on an evaluation of the circumstances involved in contract performance, and their possible impact on cost, the ceiling price should be negotiated at a level which represents contractor assumption of a reasonable degree of risk.

(c) *Limitations.* This type of contract shall not be used unless the procurement is for research and development at an estimated cost of $100,000 or less, and

(1) The contractor's accounting system is adequate for price redetermination purposes;

(2) Reasonable assurance exists that price redetermination action will be taken promptly at the time specified;

(3) A ceiling price is established; and

(4) Written approval has been received from the Procurement Officer.

§ 18-3.405 Cost-reimbursement type contracts.

§ 18-3.405-1 General.

(a) *Description.* The cost-reimbursement type of contract provides for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of (1) obligation of funds, and (2) establishing a ceiling which the contractor may not exceed (except at his own risk) without prior approval or subsequent ratification of the contracting officer.

(b) *Application.* The cost-reimbursement type contract is suitable for use only when the uncertainties involved in contract performance are of such magnitude that cost of performance cannot be estimated with sufficient reasonableness to permit use of any type of fixed-price contract. In addition, it is essential that (1) the contractor's cost accounting system is adequate for the determination of costs applicable to the contract and (2) appropriate surveillance by Government personnel during performance will give reasonable assurance that inefficient or wasteful methods are not being used. While cost-reimbursement contracts are particularly useful for procurements involving substantial amounts, e.g., estimated cost of $100,000 or more, the parties may agree in a given case to use this type of contract to cover transactions in which the estimated costs are less than $100,000.

(c) *Limitations.* The cost-reimbursement type contract may be used only after a determination, in accordance with the requirements of Subpart 18-3.3, that—

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 18-3.405-2 Cost contract.

(a) *Description.* The cost contract is a cost-reimbursement type contract under which the contractor receives no fee.

(b) *Application.* The following are illustrative situations in which the use of this type of contract may be appropriate:

(1) Research and development work, particularly with nonprofit educational institutions or other nonprofit organizations; and

(2) Facilities contracts.

§ 18-3.405-3 Cost sharing contract.

(a) *Definition.* A cost sharing contract is a type of contract, used for research and development projects jointly sponsored by the Government and the contractor, under which the contractor receives no fee and is reimbursed only for an agreed portion of allowable costs.

(b) *Policy.* (1) It is the policy of NASA to utilize this form of contract only in research and development projects sponsored jointly by the Government and the contractor when it is probable that the contractor will receive contribution in the form of present or future commercial benefits, except in the case of contracts with nonprofit institutions and foreign governments. It is the responsibility of the Procurement Officer to develop evidence to assure that commercial benefits may reasonably be expected to result, such as: increased technical knowledge useful in commercial operations; adding to technical know-how and training to employees; opportunity to benefit through patent rights; and use of background knowledge in future production contracts.

(2) The application of cost sharing principles and the negotiation of cost sharing provisions are in no way precluded by the above stated restriction when, for example: incentive provisions in a contract include an arrangement whereby the contractor's profit or fee is decreased if costs exceed a stipulated target amount; costs are to be incurred by a contractor in the performance of a contract which are in excess of a mutually agreed upon ceiling cost; in a CPFF contract cost overrun situation, or in any situation where such cost sharing principles can be applied and negotiated without violating the integrity of the competitive procurement processes.

(3) Competition in procurement and support of the Small Business Program are two prime objectives of NASA. In consonance with these objectives, awards of cost sharing contracts should not be made solely on the basis of ability or willingness to cost share but should be made primarily on the basis of the contractor's competence only after adequate competition among large and small business.

(4) To insure against any implication of inviting or inducing contractors to cost share, installations will avoid formal or informal statements wherein a specified amount is announced as available for a development when the request for proposals clearly indicates a scope of work which may require a larger amount of funds than the announced available funding. Additionally, prospects of preferred consideration for award of a possible future contract should not be offered as an inducement to contractors to enter into cost sharing arrangements.

(c) *Approval.* Cost sharing contracts will not be used unless the decision to use a cost sharing contract has been individually approved by the Procurement Officer.

§ 18-3.405-4 Cost-plus-incentive-fee contract.

(a) *Description.* The cost-plus-incentive-fee contract is a cost-reimbursement type contract with provision for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target cost. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula. After performance of the contract, the fee payable to the contractor is determined in accordance with the formula. The formula provides, within limits, for increases in fee above target fee when total allowable costs are less than target costs, and decreases in fee below target fee when total allowable costs exceed target costs. The provision for increase or decrease in the fee is designed to provide an incentive for maximum effort on the part of the contractor to manage the contract effectively.

(b) *Application.* The cost-plus-incentive-fee contract is suitable for use primarily for development and test when a cost-reimbursement type of contract is found necessary in accordance with § 18-3.405-1(b), and when a target and a fee adjustment formula can be negotiated which are likely to provide the contractor with a positive profit incentive for effective management. In particular, where it is highly probable that the development is feasible and the Government generally has determined its desired performance objectives, the cost-plus-incentive-fee contract should be used in conjunction with performance incentives in the development of major systems, and in other development programs where use of the cost and performance incentive approach

is considered both desirable and administratively practical (see §§ 18–3.403(c) and 18–3.407–2(b)). Range of fee and the fee adjustment formula should be negotiated so as to give appropriate weight to basic procurement objectives. For example, in an initial product development contract, it may be appropriate to negotiate a cost-plus-incentive-fee contract providing for relatively small increases or decreases in fee tied to the cost incentive feature, balanced by the inclusion of performance incentive provisions providing for significant upward or downward fee adjustment as an incentive for the contractor to meet or surpass negotiated performance targets. Conversely, in subsequent development and test contracts, it may be more appropriate to negotiate an incentive formula where the opportunity to earn additional fee is based primarily on the contractor's success in controlling costs. With regard to the cost incentive provisions of a contract, the minimum and maximum fees, and the fee adjustment formula, should be negotiated so as to provide an incentive which will be effective over variations in costs throughout the full range of reasonably foreseeable variations from target cost. Whenever this type of contract, with or without the inclusion of performance incentives, is negotiated so as to provide incentive up to a high maximum fee, the contract also shall provide for a low minimum fee, which may even be a "zero" fee or, in rare cases, a "negative" fee.

§ 18–3.405–5 Cost-plus-a-fixed-fee contract.

(a) *Description.* The cost-plus-a-fixed-fee contract is a cost reimbursement type of contract which provides for the payment of a fixed fee to the contractor. The fixed fee once negotiated does not vary with actual cost, but may be adjusted as a result of any subsequent changes in the work or services to be performed under the contract. Because the fixed fee does not vary in relation to the contractor's ability to control costs, the cost-plus-a-fixed-fee contract provides the contractor with only a minimum incentive for effective management control of costs.

(b) *Application.* The cost-plus-a-fixed-fee contract is suitable for use when:

(1) A cost-reimbursement type of contract is found necessary in accordance with § 18–3.405–1(b);

(2) The parties agree that the contract should be fee bearing;

(3) The contract is for the performance of research, or preliminary exploration or study, where the level of effort required is unknown; or

(4) The contract is for development and test where the use of a CPIF is not practical.

(c) *Limitations.* (1) This type of contract normally should not be used in the development of space systems and equipment, once preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined its desired performance objectives and schedule of completion (see § 18–3.405–4).

(2) 10 U.S.C. 2306(d) provides that in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed ten percent (10%) of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator at the time of entering into such contract (except that a fee not in excess of fifteen percent (15%) of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractor's cost and not in excess of six percent (6%) of the estimated cost, exclusive of fees, as determined by the Administrator at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility projects).

(3) In addition to the statutory limitations, fees under cost-plus-a-fixed-fee type contracts, except for Architect-Engineer contracts, are subject to the administrative limitations set forth below:

(i) Ten percent of the estimated cost, exclusive of fee, of any cost-plus-a-fixed-fee contract for experimental, developmental, or research work; or

(ii) Seven percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.

(4) Fixed-fees within the limitations imposed by 10 U.S.C. 2306(d) and in excess of those cited in subparagraph (3) of this paragraph will be submitted to the Director of Procurement for approval. The request for approval shall include a detailed justification setting forth the rationale supporting the proposed fee in terms of the factors prescribed in § 18–3.808–2.

(5) Pursuant to 10 U.S.C. 2311, authority to make the determinations of the estimated costs of a contract or project on which the allowable fee percentage is measured, has been delegated to the contracting officer (see § 18–3.304(y)).

(6) The administrative limitations on subcontract fees are set forth in § 18–3.807–10(d).

(d) *Completion or term form.* The cost-plus-a-fixed-fee contract can be drawn in one of two basic forms, Completion or Term.

(1) The Completion form is one which describes the scope of work to be done as a clearly defined task or job with a definite goal or target expressed and with a specific end-product required. This form of contract normally requires the contractor to complete and deliver the specified end-product (in certain instances, a final report of research accomplishing the goal or target) as a condition for payment of the entire fixed-fee established for the work and within the estimated cost if possible; however, in the event the work cannot be completed within the estimated cost, the Government can elect to require more work and effort from the contractor without increase in fee provided it increases the estimated cost.

(2) The Term form is one which describes the scope of work to be done in general terms and which obligates the contractor to devote a specified level of effort for a stated period of time for the conduct of research and development. Under this form, the fixed-fee is payable at the termination of the agreed period of time on certification of the contractor that he has exerted the level of effort specified in the contract in performing the work called for, and such performance is considered satisfactory by the Government. Renewals for further periods of performance are new procurement and involve new fee and cost arrangements.

(3) The Completion form of contract, because of differences in obligation assumed by the contractor, is to be preferred over the Term form whenever the work itself or specific milestones can be defined with sufficient precision to permit the development of estimates within which prospective contractors can reasonably be expected to complete the work. A milestone is a definable point in a program when certain objectives can be said to have been accomplished.

(4) In the case of research and exploratory development work, it is rarely possible to define the scope of work with the degree of precision necessary for contracting on a Completion basis because of the nature of the work to be performed. Hence in such cases, the Term form of contract may be considered preferable in that it provides more flexibility for effective conduct of the research effort.

(5) In no event should the Term form of contract be used unless the contractor is obligated by the contract to provide a specific level-of-effort within a definite period of time.

§ 18–3.405–6 Cost-plus-award-fee contract.

(a) *Description.* The cost-plus-award-fee contract is a cost reimbursement type contract with incentive fee provision which includes:

(1) A target cost;

(2) A base fee commensurate with minimum acceptable performance;

(3) Criteria against which the contractor's performance will be evaluated;

(4) An additional adjustment to the base fee, not to exceed a stipulated maximum, which is awarded on the basis of the subjective evaluation by NASA of contractor performance; and

(5) Specific provision that the determination of fee adjustment shall not be subject to the contract article entitled "Disputes."

(b) *Application.* The cost-plus-award-fee contract is suitable for use when:

(1) A cost reimbursement type of contract is found necessary in accordance with § 18–3.405–1;

(2) The work to be performed is such that specific quantitative or objective measurement is not feasible and effective incentive arrangements cannot be devised on the basis of cost (§ 18–3.405–4), performance (§ 18–3.407–2) or schedule (§ 18–3.407–2);

(3) NASA procurement objectives will be advanced if the contractor is effectively motivated to exceptional performance; and

(4) Any added administrative effort and costs required to monitor and evaluate performance are justified by the benefits expected.

(c) *Considerations of concept.* The opportunity for increase in earned fees is intended to motivate the contractor to effectively manage the required work, to control costs, and to improve the timeliness, quality, and quantity of performance. Where cost is of primary concern to NASA, the contract may provide for a combination incentive fee—award fee arrangement by setting forth a cost-based incentive separately stated from the award fee arrangement, which would then be concentrated on performance aspects. The award fee should be earned by the contractor by exceptional performance, surpassing minimum acceptable levels, and should be commensurate with the benefits accruing to NASA from the contractor's performance. The contract terms generally obligate the contractor to devote a specified level of effort for a stated period of time to satisfy the various areas of the scope of the work; it follows that the award of additional fee for exceptional performance in designated areas should be contingent upon an acceptable level of performance for all other contract requirements. Although the determination of the amount of award fee earned is a unilateral one based on subjective evaluations, the decision may be aided by such quantifying devices as adjectival ratings, point systems, or percentages of achievement. Ordinarily, the award fee adjustments will be increases only, and contract arrangements for decrease adjustment of base fee (e.g., if certain criteria or levels of performance are not met) must be carefully scrutinized prior to approval for use. Such arrangement must provide that the contractor will be informed of the reasons for decrease in fee, and will be given specific opportunity to submit information in his behalf prior to decision by the official responsible for adjustment of fee.

(d) *Limitations.* (1) The cost-plus-award-fee contract shall not be used (i) in procurements in which all factors affected by the incentive (e.g., cost, delivery performance) can be measured or objectively evaluated, or (ii) where the contract amount, term of performance or the benefits expected of the incentive are insufficient to warrant the additional administrative effort or cost.

(2) The maximum fee, which is the total of base fee, award fee, and any other incentive fee payable under the contract, is subject to the administrative limitations in § 18–3.450(f).

(e) *Cost plus award fee contracting guide (NHB 5104.4).* Additional guidance on the negotiation and administration of cost-plus-award-fee contracts is contained in the "Cost Plus Award Fee Contracting Guide" (NHB 5104.4).

§ 18–3.406 Other types of contracts.

§ 18–3.406–1 Time and materials contracts.

(a) *Description.* The time and materials type of contract provides for the procurement of supplies or services on the basis of (1) direct labor hours at specified fixed hourly rates (which rates include direct and indirect labor, overhead, and profit) and (2) material at cost. Material handling costs may be included in the charge for "material at cost," to the extent they are clearly excluded from any factor of the charge computed against direct labor hours. This type of contract does not afford the contractor with any positive profit incentive to control the cost of materials or to manage his labor force effectively.

(b) *Application.* The time and materials contract is used only where it is not possible at the time of placing the contract to estimate the extent or duration of the work or to anticipate costs with any reasonable degree of confidence. Particular care should be exercised in the use of this type of contract since its nature does not encourage effective management control. Thus it is essential that this type of contract be used only where provision is made for adequate controls, including appropriate surveillance by Government personnel during performance, to give reasonable assurance that inefficient or wasteful methods are not being used. This type of contract may be used in the procurement of (1) engineering and design services in connection with the production of supplies; (2) the engineering, design and manufacture of dies, jigs, fixtures, gauges, and special machine tools; (3) repair, maintenance, or overhaul work; and (4) work to be performed in emergency situations.

(c) *Limitation.* Because this type of contract does not encourage effective cost control and requires almost constant Government surveillance, it may be used only after determination that no other type of contract will suitably serve. This type of contract shall establish a ceiling price which the contractor exceeds at his own risk. The contracting officer shall document the contract file to show valid reasons for any change in the ceiling and to support the amount of such change.

(d) *Optional method of pricing material.* When the nature of the work to be performed requires the contractor to furnish material which is regularly sold to the general public in the normal course of business by the contractor, the contract may provide for charging material on a basis other than at cost if:

(1) The total estimated contract price does not exceed $25,000 or the estimated price of material so charged does not exceed twenty percent (20%) of the estimated contract price;

(2) The material to be so charged is identified in the contract;

(3) No element of profit on material so charged is included in the profit in the fixed hourly labor rates; and

(4) The contract provides that the price to be paid for such material shall be on the basis of an established catalog or list price, in effect when material is furnished, less all applicable discounts to the Government: *Provided*, That in no event shall such price be in excess of the contractor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

§ 18–3.406–2 Labor-hour contract.

(a) *Description.* The labor-hour type of contract is a variant of the time and materials type contract differing only in that materials are not supplied by the contractor.

(b) *Application.* See § 18–3.406–1(b).

(c) *Limitations.* See § 18–3.406–1(c).

§ 18–3.407 Additional incentives.

§ 18–3.407–1 General.

In addition to the profit incentives to control costs, inherent in many of the contract types, and combinations thereof, described in §§ 18–3.404 through 18–3.406, there are other means of providing profit incentives to contractors, which are described below, to obtain extra management attention and effort. Increases in profits or fees resulting from the use of incentive provisions are made only because cost, performance, or other contractual goals or standards have been surpassed.

§ 18–3.407–2 Contracts with performance incentives.

(a) *Description.* A contract with a performance incentive is one which incorporates an incentive to the contractor to surpass stated performance targets by providing for increases in the fee or profit to the extent that such targets are surpassed and for decreases to the extent that such targets are not met. Salient features and considerations in the use of this type of contract are as follows:

(1) "Performance", as used in this § 18–3.407–2, refers not only to the performance of the article being procured, but to the performance of the contractor as well. Performance which is the minimum which the Government will accept shall be mandatory under the terms of the Completion form contract and shall warrant only the minimum profit or fee related thereto. Performance which meets the stated targets will warrant the "target" profit or fee. Performance which surpasses these targets will be rewarded by additional profit or fee. The incentive feature (providing for increases or decreases, as appropriate) is applied to performance targets rather than performance requirements.

(2) The incentive, when applied to the product, should relate to specific performance characteristics, such as thrust of an engine, maneuverability of a vehicle, and fuel economy. However, high overall performance of the end item is the primary objective of such contracts. Accordingly, the incentive feature should reflect a balancing of the various characteristics which together account for overall performance so that no one characteristic will be exaggerated to the

detriment of the end item as a whole. When applied to the performance of the contractor, the incentive should relate to specific performance areas or milestones, such as delivery or test schedules, quality controls, maintenance requirements, and reliability standards.

(3) Since performance tests generally are essential in order to determine the degree of attainment of performance targets, the contract must be as specific as possible in establishing test criteria, such as conditions of testing, precision of instrumentation, and interpretation of test data.

(4) It is essential that there be explicit agreement between the Government and the contractor as to the effect on performance of contract changes (e.g., pursuant to the Changes clause).

(5) Care must be exercised, in establishing performance criteria, to give recognition to the fact that the contractor should not be rewarded or penalized for attainments of Government-furnished components.

(6) In establishing incentives in connection with delivery schedules, it is important to determine the Government's primary objectives in a given contract. In some instances, earliest possible delivery is of paramount importance. In others, early quantity production is essential. On the other hand, it may be that maintaining an established delivery schedule is all that is desired, and that a bettering of such schedule may disrupt continuity of production or run counter to funding limitations.

(b) *Application.* Contracts with performance incentives are suitable for use in procurements where it is desired to provide the contractor with an incentive in the form of financial reward for surpassing stated performance targets, counterbalanced by a penalty in the form of decreased profit or fee for failure to achieve such targets. Performance incentives are particularly appropriate for inclusion in contracts for major equipment, both in development when desired performance objectives are known and the fabrication of prototypes for test and evaluation is required, and in production where there is potential for improved performance that would be highly desirable to the Government. Effort always should be made in these procurement situations to include a performance incentive in the contract. Performance incentives present complex problems in contract administration and should be negotiated and administered by contracting officers with the full cooperation of Government engineering and pricing specialists.

(c) *Limitations.* Performance incentives, when related to the performance of the product, may result in increased costs and shall always be coupled with a balancing of range of fee or profit on the cost and performance aspects, negotiated so as to give appropriate weight to basic procurement objectives. Where incentives relating to the performance of the product are included in a contract, and earliest possible delivery is of considerable importance to the Government, the contract normally should include a performance incentive relating to time of performance or for expedited delivery schedules.

§ 18–3.408 Letter contract.

(a) *Definition.* A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of work or services.

(b) *Policy.* The policy of the National Aeronautics and Space Administration is not to issue letter contracts. Exceptions to this policy will be permitted only in those cases where all matters of a substantive nature, such as statements of work, delivery schedules, general and special clauses, and estimated costs and fee, have been resolved and agreed upon.

(c) *Application.* A letter contract may be entered into only when: (1) The urgency of the requirement necessitates that the contractor be given a binding commitment so that work can commence immediately, (2) preparation of a definitive contract in sufficient time to meet mission requirements is not possible, and (3) prior approval of the Administrator or Deputy Administrator has been obtained (see § 18–50.105(c)).

(d) *Limitations.* (1) A letter contract shall not be entered into without competition when competition is practicable;

(2) A letter-contract shall be superseded by a definitive contract at the earliest practicable date; and

(3) The maximum fund liability of the Government stated in the letter contract will be limited to only that amount determined essential to cover the contractor's requirements for funds prior to definitization. In no event shall total funds placed on a letter contract exceed fifty percent (50%) of the estimated total amount of the definitive contract.

(e) *Information to be furnished when requesting authority to issue a letter contract.* Request for authority to issue a letter contract shall be forwarded by the head of the field installation, with his concurrence in the request, to the cognizant Program Director for submission to the Administrator or Deputy Administrator via the Director of Procurement and shall include the following:

(1) Name and address of proposed contractor;

(2) Location where contract is to be performed;

(3) Contract number, including modification number if applicable;

(4) Brief description of the work or services to be performed;

(5) Performance or delivery schedule;

(6) Amount of letter contract;

(7) Estimated total amount of definitive contract;

(8) Type of definitive contract to be executed (fixed-price, cost-plus-incentive-fee, etc.);

(9) Statement that the definitive contract will contain all required clauses or that deviations therefrom have been approved;

(10) Statement by the contracting officer that all matters of a substantive nature have been resolved. This statement will be made a part of the Headquarters procurement file and must be received prior to the issuance of any approval to the requesting installation; and

(11) Statement as to the necessity and advantage to the Government of the use of the proposed letter contract.

Promptly upon receipt of a request to issue a letter contract, the Program Director will obtain the concurrence or comments of the cognizant Institutional Director and forward the request with his recommendations to the Director of Procurement. The Director of Procurement will review the request, confer with the Program Director as necessary, and, if both he and the Program Director concur with the request, forward it to the Administrator or Deputy Administrator for approval.

(f) *Approval for modifications to letter contracts.* Letter contracts shall not be modified to extend the period of performance or to increase the dollar amount without the prior approval of the Administrator or Deputy Administrator. Requests for authority to issue such modifications to letter contracts shall be processed in the same manner as requests for authority to issue letter contracts (see paragraph (e) of this section) and shall include the following:

(1) Name and address of the contractor;

(2) Description of the work or services to be performed;

(3) Date originally approved;

(4) Date letter contract was executed; and

(5) Complete justification for the requested modification to include the reasons why the definitive contract cannot be executed without such amendment.

§ 18–3.409 Indefinite delivery type contracts.

One of the following indefinite delivery type contracts may be used for procurement where the exact time of delivery is not known at time of contracting.

(a) *Definite quantity contracts*—(1) *Description.* This type of contract provides for a definite quantity of specified supplies or for the performance of specified services for a fixed period, with deliveries or performance at designated locations upon order. Depending on the situation, the contract may provide for (i) firm fixed-prices, (ii) price escalation, or (iii) price redetermination.

(2) *Applicability.* This type of contract is particularly suitable for use where it is known in advance that a definite quantity of supplies or services will be required during a specified period and are regularly available or will be available after a short lead time. Advantages of this type of contract are that it permits stocks to be maintained at minimum levels and permits direct shipment to the user.

(b) *Requirements contract*—(1) *Description.* This type of contract provides for filling all actual purchase requirements of specific supplies or services of designated activities during a specified contract period with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for (i) firm fixed prices, (ii) price escalation, or (iii) price redetermination. An estimated total quantity is stated for the information of prospective contractors, which estimate should be as realistic as possible. The estimate may be obtained from the records of previous requirements and consumption, or by other means. Care should be used in writing and administering this type of contract to avoid imposition of an impossible burden on the contractor. Therefore, the contract shall state, where feasible, the maximum limit of the contractor's obligation to deliver and, in such event, shall also contain appropriate provision limiting the Government's obligation to order. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* A requirements contract may be used for procurements where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) Where production lead time is involved, deliveries may be made more promptly because the contractor is usually willing to maintain limited stocks in view of the Government's commitment;

(iv) Price advantages or savings may be realized through combining several anticipated requirements into one quantity procurement; and

(v) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

Generally, the requirements contract is appropriate for use when the item of service is commercial or modified commercial in type and when a recurring need is anticipated.

(c) *Indefinite quantity contract*—(1) *Description.* This type of contract provides for the furnishing of an indefinite quantity, within stated limits, of specific supplies or services, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for (i) firm fixed prices; (ii) price escalation; or (iii) price redetermination. The contract shall provide that during the contract period the Government shall order a stated minimum quantity of the supplies or services and that the contractor shall furnish such stated minimum and, if and as ordered, any additional quantities not exceeding a stated maximum which should be as realistic as possible. The maximum may be obtained from the records of previous requirements and consumption, or by other means. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* An indefinite quantity contract may be used where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time and it is not advisable for the Government to commit itself for more than a minimum quantity. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) The obligation of the Government is limited; and

(iv) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

The indefinite quantity contract should be used only when the item or service is commercial or modified commercial in type and when a recurring need is anticipated.

§ 18–3.410 Other types of agreements.

§ 18–3.410–1 Basic agreement.

(a) *Description.* A basic agreement is not a contract. It is a written instrument of understanding executed between NASA and a contractor which sets forth the negotiated contract clauses which shall be applicable to future procurements entered into between the parties during the term of the basic agreement. A basic agreement will apply to a particular procurement by the execution of a formal contractual document which will provide for the scope of the work, price, delivery, and additional matters peculiar to the requirements of the specific procurement involved, and shall incorporate by reference or append the contract clauses agreed upon the basic agreement as required or applicable. Basic agreements may be used with fixed-price or cost-reimbursement type contracts.

(b) *Applicability.* (1) Basic agreements are appropriate for use when (i) past experience and future plans indicate that a substantial number of separate contracts may be entered into with a contractor during the term of the basic agreement, and (ii) substantial recurring negotiating problems exist with a particular contractor.

(2) A basic agreement shall be modified only by a modification of the basic agreement itself and shall not be modified or superseded by individual contracts or purchase orders entered into under and subject to the terms of such basic agreement. To minimize modification, revisions to this chapter involving changes in authorized contract clauses utilized in basic agreements will provide appropriate direction with respect to any required modifications of basic agreements and to the extent possible, modifications will be required only in matters resulting from changes in statutes or Executive orders. As a minimum, basic agreements shall be reviewed annually before the anniversary of their effective date and revised to conform with the current requirements of this chapter. Modifications shall not have retroactive effect.

(3) Basic agreements shall provide for discontinuance of their future application upon 30 days written notice by either party. Discontinuance of a basic agreement will not affect any individual contract referencing the basic agreement (or the clauses appended thereto) entered into prior to the effective date of discontinuance.

(4) A basic agreement shall be used to cover all subsequent procurements which fall within its scope. Provisions of the basic agreement, including supplements thereto, shall be incorporated into the formal contractual document covering the particular procurement by referring therein to the number of the basic agreement and each of its supplements.

(5) Except as provided below when an existing contract is amended to effect new procurement, the supplemental agreement shall:

(i) Incorporate the most recent basic agreement, including supplements thereto, to apply only to the work added by the supplemental agreement; or

(ii) If it is in the interest of the Government, incorporate the most recent basic agreement, including supplements thereto, to apply to the entire contract as of the date of the supplemental agreement.

An existing contract may be amended by a supplemental agreement effecting new procurement without incorporating the most recent basic agreement only if all clauses then required by statute, Executive order, and this chapter are included in the contract or the proposed supplemental agreement.

(6) Supplemental agreements negotiated pursuant to the terms of an existing contract and not involving new procurement may, if determined to be in the interest of the Government, amend the existing contract to conform to a subsequently executed or supplemented basic agreement.

(7) Clauses pertaining to subjects not covered in a basic agreement but applicable to the contract being negotiated and clauses required by statute Executive order or this chapter which have become effective after the making of the basic agreement shall be included in the contract as if no basic agreement existed.

(8) Where a clause which was included in the basic agreement pursuant to a deviation must be replaced by a revised clause, the revised clause may deviate to the same extent as the original clause if the revision is not related to the

deviation, and if the deviation has not expired or been rescinded.

(9) If a letter contract has been entered into under a basic agreement which thereafter was superseded by a new basic agreement, or amended by supplemental agreement, the contractual instrument which definitizes such letter contract shall incorporate the superseding basic agreement or supplemental agreement, as applicable. If the basic agreement has been terminated without being superseded, or has expired, the definitive contract which supersedes the letter contract shall incorporate the clauses required by statute, Executive order, or this chapter.

(c) *Content and form.* Basic agreements shall contain a set of "General Provisions." These general provisions shall include three groups of clauses. The first group, identified as "Section A," shall include all of the clauses made mandatory by statute, Executive order, and this chapter for use in negotiated research and development contracts. The second group, identified as "Section B," shall add clauses and/or modifications to the "Section A" clauses made mandatory by statute, Executive order, and this chapter for use in negotiated supply contracts. The third group, identified as "Section C", shall consist of clauses which may be made a part of each formal contractual document, depending upon their applicability to the particular procurement. The format set forth below may be adapted to fit specific circumstances.

BASIC AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND ----------

This Agreement is entered into as of the ------ day of ---------- 19-- between the United States of America, hereinafter called the "Government," represented by the Contracting Officer, ---------- and ----------, a corporation organized and existing under the laws of the State of ----------, hereinafter called "Contractor."

The clauses and provisions of Sections A, B, and C hereinafter set forth have been agreed upon by the parties hereto for use in negotiated ---------- type contracts between the parties, entered into on or after the date of this Agreement, and prior to its termination. It is further agreed that (i) the clauses and provisions set forth in Sections A and B are mandatory clauses and shall, by reference or attachment, be incorporated in every contract which makes reference to this Agreement, and (ii) the clauses and provisions set forth in Section C are to be incorporated in individual contracts only when applicable and agreed to by the parties.

This Agreement, including Sections A, B, and C hereof, may be amended only by mutual agreement of the parties, and the Agreement may be terminated in its entirety by either party upon thirty (30) days written notice to the other party, except that this Agreement may be terminated by the Government at any time if the parties fail to agree upon any deletion, amendment, or addition to this Agreement which is required by statute, Executive order, or the NASA procurement regulation. No deletion, modification, addition to, or termination of this Agreement shall affect any contracts heretofore entered into between the parties in which this Agreement or a portion thereof has been incorporated by reference.

This Agreement shall be reviewed, as a minimum, annually before the anniversary of its effective date, and revised to conform with all requirements of statutes, Executive orders, and the NASA procurement regulation. This revision shall be evidenced by an agreement modifying this Basic Agreement or by the issuance of a superseding Basic Agreement.

This Agreement shall not be referred to by the Contractor in bids submitted in response to invitations for bids nor become a part of any contract placed through the process of formal advertising.

In witness whereof, the parties hereto have executed this Agreement as of the day and year first above written:

UNITED STATES OF AMERICA
By ----------
(Signature of Contracting Officer)

(Typed or printed name)

(Name of company)
By ----------
(Signature of authorized individual)

(Typed or printed name)
Title ----------

(d) *Limitations.* (1) Basic agreements shall neither cite appropriations to be charged nor be used alone for the purpose of obligating funds.

(2) Basic agreements shall not in any manner provide for or imply any agreement on the part of the Government to place future orders or contracts with the contractor involved, nor shall they be used in any manner to restrict competition.

(e) The Director of Procurement, NASA Headquarters, is responsible for negotiation of all basic agreements. Procurement offices may not enter into basic agreements without the prior written authorization of the Director of Procurement.

(f) Where a procurement office is authorized to enter into a basic agreement with a particular contractor, an introductory paragraph to the basic agreement shall include the "Approval of Contract" clause set forth in § 18-7.104-51 with the word "contract" deleted from the title and text of the clause and the word "basic agreement" inserted in lieu thereof.

(g) Proposed basic agreements together with the contractor's comments shall be coordinated with all other field installation procurement offices and with Headquarters Contracts Division (Code DHC) for comments.

(h) Basic agreements submitted to the Director of Procurement for approval, shall include the following information:

(1) A memorandum of negotiation describing each deviation from the NASA Procurement Regulation as it appears in the basic agreement together with supporting data required by § 18-1.109-3 (a), (b), (d), and (e);

(2) A listing of all nonstandard clauses used, the genesis of such clauses, and the reasons for use in the basic agreement;

(3) A résumé of all salient features of the agreement which will facilitate the review and approval consideration, and

(4) Documentation of the coordination effected between the negotiator and the procurement offices of other NASA field installations.

§ 18-3.410-2 Basic ordering agreement.

(a) *Description.* A basic ordering agreement is not a contract. It is an agreement which is similar to a basic agreement (see § 18-3.410-1) except that it also includes a description, as specific as practicable, of the supplies to be furnished or services to be performed when ordered and a description of the method for determination of the prices, consistent with the contract types authorized by this part, to be paid to the contractor for such supplies of services. Either the specific terms and conditions of delivery or a description of the method for their determination shall be set forth in the basic ordering agreement. The basic ordering agreement shall list one or more installations which are authorized to issue orders under the agreement. Any installation so named may issue orders specifying the supplies or services required, which orders may be accepted by the contractor by whatever manner of acceptance is indicated in the basic ordering agreement. Each order will incorporate by reference the provisions of the basic ordering agreement.

(b) *Applicability.* The basic ordering agreement may be used as a means of expediting procurement where specific items, quantities, and prices are not known at the time of execution of the agreement but where past experience or future plans indicate that a substantial number of requirements for items or services of the type covered by the basic ordering agreement will result in procurements from the contractor during the term of the agreement. Under proper circumstances, use of the procedures under the agreement is advantageous and economical in ordering parts for equipment support since such procedures substantially shorten the administrative time required for placing such articles in a production status, thereby not only decreasing the amount of support inventory required to be carried but also decreasing the possibility that parts procured will become obsolete as a result of design changes in the equipment.

(c) *Limitations.* (1) Supplies or services may be ordered under a basic ordering agreement only if it is determined at the time the order is placed that it is impracticable to obtain competition by either formal advertising or negotiation for such supplies or services.

(2) The Government shall neither make any final commitment nor authorize any work by the contractor pursuant to an order under a basic ordering agreement until prices have been established, unless the order establishes a monetary limitation on the obligation of the Government and either—

(i) The order is subject to provisions contained in the basic ordering agreement which set forth adequate procedures for arriving at prices as early in contract performance as practical, but in no event shall such procedures permit the price of the entire order to be established on a retroactive basis (however, incentive provisions consistent with this part are permitted); or

(ii) The need for the supplies or services is compelling and of unusual urgency, as when the Government would be seriously injured, financially or otherwise, if the supplies or services were not furnished by a certain date and when they could not be furnished by that date if the contractor is not allowed to proceed with work until prices have been established. The circumstances listed in § 18-3.202-2 are indicative of instances in which the contractor may be permitted to proceed with work prior to establishment of prices.

As a general rule, prices should be established prior to authorizing the contractor to begin work. However, where the contractor is allowed to begin work prior to pricing in accordance with this section, the contractor and the contracting officer shall proceed with pricing as soon as practicable. The basic ordering agreement shall provide that failure to reach agreement on price in such circumstances will constitute a dispute subject to the procedures of the "Disputes" clause.

(3) Each order issued under a basic ordering agreement shall be subject to such reviews, approvals, and determinations and findings (including those pertaining to types of contracts) specified in this chapter as would be applicable if the order were a contract entered into apart from the basic ordering agreement.

(4) Basic ordering agreements shall not be modified or superseded by an individual order issued thereunder except that:

(i) Individual orders issued under a basic ordering agreement must contain all clauses required by statutes or executive orders which have become effective after the making of the basic ordering agreement.

(ii) All cross references to the clauses which are made obsolete by the clauses referred to in subparagraph (i) shall be appropriately modified to correct the cross references.

(iii) Individual orders must contain all clauses promulgated by regulations after the effective date of the basic ordering agreement which the Director of Procurement has directed to be included in all existing contracts by amendment at the time of promulgation of such clauses, or has specifically directed to be included in all existing basic ordering agreements by amendment.

(iv) New Technology clause may be included in an order issued under a basic ordering agreement when the contractor requests its inclusion.

Basic ordering agreements shall be reviewed at least annually, before the anniversary of their effective dates, and revised to conform with the current requirements of this chapter. Modifications shall not have retroactive effect.

(5) The contracting officer issuing an order under a basic ordering agreement shall be responsible for assuring compliance with the provisions of paragraph (c) (1), (2), (3), and (4) of this section.

§ 18-3.450 Incentive contracts.

(a) *Policy.* It is NASA policy to make judicious and effective use of incentive contracts of both the cost and the performance type. Particular care and judgment are required in choosing procurements appropriate for incentive contracts, and in framing and negotiating the specific incentive terms. The procedures set forth in this § 18-3.450 are established to:

(1) Effectively seek out procurements that lend themselves to the use of contract incentive provisions;

(2) Avoid the use of incentive provisions in situations where they are unsuited and where their use could have adverse results; and

(3) Insure, in connection with contracts in which incentive provisions are to be included, that the skills necessary to draft and negotiate the appropriate incentive provisions are available to NASA procurement offices.

(b) *Responsibilities of the director of procurement.* In order to implement the policy objectives of paragraph (a) of this section for use of incentive contracts, the Director of Procurement will perform the following functions:

(1) Review, with Headquarters Program Offices and with NASA field installations, as necessary, forthcoming procurements in order to select, well in advance, those procurements which appear to lend themselves to the inclusion of incentive features;

(2) Provide or arrange for guidance and technical assistance to procurement offices in connection with the drafting and negotiation of incentive provisions in those contracts approved in advance by the Director of Procurement, for application of incentive provisions;

(3) Review and make recommendations to field installations with regard to proposals made by them as to the use of incentive provisions in forthcoming contracts;

(4) Appraise the capability within NASA to select, negotiate, and administer incentive contracting and assist in making required training arrangements;

(5) Study, in conjunction with the Director of Financial Management, Office of Administration, and the Director, Management Information Systems Division, NASA Headquarters, the linking of incentive provisions to PERT-Cost;

(6) Maintain close contact with the Department of Defense in the incentives field and keep informed of other studies, literature, or developments within the Government and industry bearing on incentive contracting;

(7) Develop more precise policy guidelines governing use of incentive provisions; and

(8) Report quarterly to the Deputy Administrator regarding the progress being made within NASA to utilize incentive provisions.

In carrying out the functions specified in this paragraph (b), the Director of Procurement will utilize the assistance of the Headquarters Program Offices, the Office of the General Counsel, and the Audit Division.

(c) *Advance approval of incentives.* (1) The advance approval of the cognizant Headquarters program director will be obtained on the NASA prenegotiation position for procurement actions which exceed the monetary limitations in § 18-50.105(b)(4) and which contemplate the use of an incentive or award fee type of contract, prior to the discussion of incentive arrangements in negotiations, and in addition to any required approval of a procurement plan. The request for advance approval will be submitted immediately upon the establishment of a tentative NASA prenegotiation position, which may occur prior to the issuance of requests for proposals or which may result from the review and evaluation of offerors' responses to requests for proposals. The following information will be included in a prenegotiation memorandum to be submitted in support of each request for approval of a prenegotiation position:

(i) Brief description of the procurement action.

(ii) Proposed contractor(s).

(iii) Procurement objectives which will be aided by the planned incentives.

(iv) Type of contract contemplated and rationale supporting selection of the contract type;

(v) Parameters considered suitable for application of incentives (performance, schedule, cost, multiple or combinations of these). Discuss in detail the objectives of the proposed incentive arrangement, and the extent of any reliance on extra-contractual influences. Be specific, avoid vague generalization such as "improvement in performance, management, quality, delivery, at lowest possible cost" or "motivate the contractor to improve his quality, timeliness and cost consciousness."

(vi) Estimated target cost (minimum and maximum position). Discuss the extent and evaluation of any significant variance between the NASA estimated cost objective and the contractor's proposed estimated cost. Describe the audit and technical input utilized in development of the estimated cost. Discuss the range of confidence in the estimated target cost, i.e., the most pessimistic and the most optimistic estimates of cost expectancy, discuss in detail the bases for the establishment of the range of confidence in target cost and pricing techniques used to validate the cost estimates or range of incentive effectiveness.

(vii) Target, maximum, and minimum fee objective (if CPIF); target profit and ceiling price (if FPI); base and maximum fee (if CPAF). Discuss the bases for the establishment of fees or profit (target, maximum, minimum, base, and award fee as appropriate) using the factors contained in § 18-3.808.

(viii) Performance incentive: Goals, minimum acceptable performance; target performance; method of measure-

ment or test; furnish a value analysis of increments of increase or decrease in performance accomplishment, explain the base for establishment of goals and targets.

(ix) Schedule incentive: Discuss the planned delivery schedules or milestones in terms of the earliest desirable target and the latest acceptable dates; furnish a value analysis of increments of increase and decrease in the schedule accomplishment in relation to the cost incentive. Where milestones are used, give the reasons for their selection.

(x) Cost incentive: Sharing formula, fee swing (minimum and maximum position).

(xi) Award fee: Suggested criteria, rating, relative weighting evaluation award periods, method planned for fee payments and the designation of the Fee Determining Official.

(xii) Multiple incentives: Relative weighting; trade-offs; dependencies, i.e., the extent to which the incidence of the several individual incentives depends upon the attainment to some degree of other targets; overlap, i.e., arrangements by which the effect of one or more of the incentives may be extended beyond the effectiveness range implied by the relative weight assigned.

(xiii) If the action is a conversion, discuss the treatment of existing cost overrun or underrun and the effective point or date of conversion. Also, discuss the method used in determining the contractor fee earned, if any, as of conversion date in relation to the extent of performance completed under the prior phase. Discuss why a conversion is required and furnish a projection at completion of cost and fee if the present contractual arrangement is allowed to remain. Discuss the details of performance, cost, and schedule relationships as determined appropriate on a case-by-case basis describing the historical trends and rationale for projections of each factor.

(xiv) Graphic illustrations of incentive arrangement, including graphics of the total contract and details of cost, performance, schedule or award fee relationships.

(xv) If the action is an extension or renewal (e.g., by exercise of an option) of a contract which contains an incentive arrangement or if the contractor has previously performed under an incentive contract, furnish details of the results of previous operations under incentive. If the previous operations were under an award fee incentive arrangement, furnish a summary of the periodic evaluation comments of the installation's Incentive Review Board or comparable body.

(xvi) If the nature of the procurement indicates that significant "changes clause" activity may be anticipated, an explanation of the following is required: the special provisions that will be considered to provide a formulized adjustment for major changes that can be predicted; the efforts which have been made to construct the schedule and performance incentive features so that they will remain effective even with the changes or certain classes of changes, and the methods, procedures, and capabilities that will be used to make timely equitable adjustments in consonance with keeping the contractor motivated at least in accordance with the original incentive features.

Where the planned fee in the prenegotiation position exceeds the limitations set forth in § 18-3.450(f), justification for such fee will be set forth in separate correspondence for review and approval by the Director of Procurement. The advance approval of an incentive arrangement shall not be construed as requiring the preparation of an incentive contract, if in the course of negotiations the exercise of good business judgment requires a different contractual arrangement. However, the decision, that an incentive arrangement previously approved will not be used, will be coordinated with the approving authority prior to the commitment of NASA to a position in negotiations. If during the course of negotiations the contracting officer finds that the incentive plan as approved by the cognizant Headquarters program director cannot be negotiated or for other reasons requires changes, approval for such changes will be obtained prior to the commitment of NASA to a position in negotiations.

(2) Every procurement plan shall contain a discussion of the rationale for the proposed selection of the contract type. Approval of a procurement plan does not constitute approval of the prenegotiation position required by § 18-3.450(c)(1).

(3) The Director of Procurement will make available such assistance as may be necessary in support of field procurement office capability to draft, negotiate and administer the incentive provisions of new procurement actions or major amendments to existing incentive structures.

(4) In a support service contract with a firm option and containing a basic incentive structure approved by Headquarters, in the exercise of the option, the incentive plan need not be resubmitted to Headquarters for approval. If the contractual arrangement involves an "agreement-to-agree," rather than a firm option, advanced Headquarters approval of the proposed incentive structure will be required in those cases where (i) the nature or scope of the effort is changed; or (ii) the concept or criteria of the incentive structure, or both, differ from that previously approved. Where the nature or scope of the services, or the concept or criteria of the incentive structure do not differ from that previously approved, advanced Headquarters approval is not required.

(5) The prenegotiation memorandum will be retained as part of the official contract file. Also, significant work papers supporting the development of the pricing objective will be retained as part of the official contract file documentations.

(d) *Technical assistance.* The selection, drafting, negotiation, and administration of contract incentives require a team effort in which substantial technical assistance must be provided to procurement and legal personnel. The contracting officer shall obtain such assistance from technical personnel in his organization and shall be satisfied that the project director or comparable official is in agreement with the incentive approach being followed in any given case. Any differences of opinion shall be brought to the attention of the Director of Procurement.

(e) *Contract clauses.* (1) § 18-7.108 sets forth a standard incentive price revision clause for fixed-price incentive contracts with cost incentives.

(2) The following clause normally will be included in cost-type-incentive-fee contracts and will be preceded by the "Alterations in Contract" clause (§ 18-7.105-1). However, the clause may be modified by the contracting officer to meet the requirements of a particular procurement:

MEANING OF TERMS (DECEMBER 1964)

For the purpose of this cost-plus-incentive-fee contract, certain terms in this contract have the following meanings:

(a) "Estimated Cost" means "target cost" except in the following instances:

(1) Where the term first appears in the second sentence of the clause of this contract entitled "Changes."

(2) Wherever it appears in the clause of this contract entitled "Limitation of Cost."

(3) Wherever it appears in the clause of this contract entitled "Estimated Cost and Fixed-Fee."

(4) If this contract is incrementally funded, wherever the term appears in the clause "Limitation of Government's Obligation."

(5) If the "Government Property" clause is used, wherever the term appears.

(b) "Fixed-Fee" means "Fee."

(c) "Allowable Cost, Fixed-Fee, and Payment" means "Allowable Cost, Incentive-Fee, and Payment."

Where a contract which is not solely of the cost-plus-incentive-fee type (e.g., one which also provides for a fixed-fee), the first sentence of the clause shall be changed to read as follows:

For the purpose of the cost-plus-incentive-fee portions of this contract, certain terms in this contract have the following meanings:

(f) *Administrative requirements as to incentive fees.* The negotiation of a cost-type-incentive contract (CPIF—Cost-Plus-Incentive-Fee, CPAF—Cost-Plus-Award-Fee) will establish the target cost, target fee (basic fee for CPAF contracts), minimum and maximum fee, and the method for computing increases or decreases from target or basic fee, and may provide for a negative fee, if appropriate to the reward and penalty concepts of the incentive arrangements in the contract. The statutory limitations in 10 U.S.C. 2306(d) apply only to fixed-fees. Incentive fee arrangements (CPIF and CPAF) which contain provisions for maximum fees which exceed (1) 15% of the target cost in contracts for experimental, developmental, or research work, or (2) 10% of the target cost in other contracts will require the approval of the Director of Procurement prior to award of the contract. Requests for approval of such fees will be submitted to the Director of Procurement through the cognizant Program Director and shall be supported by complete justification, including a discussion of any exceptional circumstances where lower rates of fee will not provide sufficient range for effective operation of the incentive arrangements toward the attainment of procurement objectives. The request for approval of such fees may be included as a part of the request for contract approval under the provisions of § 18-50.105(b)(4). (See § 18-3.450(c)(1) relating to approval of fee in prenegotiation planning.) This paragraph is not applicable to contracts for architect-engineer services.

(g) *Reports on status of incentive contracts.* Quarterly reports on the status of existing and potential incentive contracts will be submitted in accordance with the instructions in § 18-16.903.

Subpart 18-3.5—Solicitation of Proposals and Quotations

§ 18-3.500 Scope of subpart.

This subpart applies only to negotiated procurements in excess of $2,500 (see Subpart 18-3.6 for small purchases).

§ 18-3.501 Preparation of request for proposals or request for quotations.

(a) Forms used for requesting proposals or quotations on negotiated procurements shall be in accordance with Part 18-16 (see also § 18-1.309).

(b) Generally, requests for proposals or quotations shall be in writing. Solicitations shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. Written requests shall be as complete as possible and normally should contain the following information if applicable to the procurements involved:

(1) Request for proposals or request for quotations number and date of issuance;

(2) Title and/or number of the program or project (e.g., "Apollo S-IC Instrumentation");

(3) Name and address of procurement office issuing the request; identification of the individual responsible for supplying additional information or answering inquiries; complete address of person to receive proposals; number of copies of proposal required to be submitted;

(4) Closing date and time;

(5) With respect to late proposals or modifications, include the provision set forth in § 18-3.802-4(c) (this provision will be appropriately modified in the case of request for quotations); where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is used, the following notice shall be prominently set forth in the request for proposals:

NOTICE TO OFFERORS—LATE OFFERS AND MODIFICATIONS (JULY 1968)

Paragraph 8, "Late Offers and Modifications or Withdrawals," of Standard Form 33A does not apply to this solicitation. See the special provision in this solicitation entitled, "Late Proposals."

(6) Requirement for stipulation of a time within which the Government may accept the proposal;

(7) Number of pages and list of enclosures;

(8) Item description or statement of work;

(9) Type of contract contemplated (see § 18-3.803);

(10) Requirement for statement on contingent fees (see § 18-1.506(c));

(11) Statement on Buy American Act (§ 18-6.104-2) and requirement for Buy American Certificate (§ 18-6.104-3);

(12) Requirement that the offeror state whether he operates as an individual, partnership, or corporation (showing State where incorporated);

(13) Statement that the selected contractor will or will not require access to classified information (see NASA Management Instruction 1650.1, "Industrial Security Policies and Procedures");

(14) Time of delivery or performance requirements (see § 18-1.305);

(15) Requirement that the proposal or quotation state the intended place of performance, including the street address, and the names and addresses of owner and operator of producing facilities, if other than offeror, when it is reasonably expected that such facilities will be used in the performance of the contract;

(16) Place and method of delivery;

(17) Provisions to be made for reliability assurance (see § 18-1.5105);

(18) A description of the quality assurance system to be used (see § 18-1.5003);

(19) Place, method, and conditions of inspection, test, and acceptance (see § 18-14.101 et seq.);

(20) Identification of the special factors, such as Government cost or other expenditures, including reliability and maintainability requirements, which will be considered in evaluating the proposals, together with an indication of the relative importance to be given these factors, where applicable (see § 18-3.804-2);

(21) Method and format of price quotation desired (fixed-price or cost type, if known at the time), including a reference to the necessity for cost or price breakdown (see § 18-3.501(c)(2)(ix));

(22) Description of information required to support proposed prices; e.g., subcontract structure, purchasing system, royalty, and cost and price information (see Subparts 18-3.8, 18-3.9, 18-9.1, and Part 18-23);

(23) Information as to requirements for Certificate of Current Cost or Pricing Data (see § 18-3.807-3);

(24) Statement that special instructions for waived inventions will not be applied, or requirement for statement as to waived inventions (see §§ 18-9.101-3(a) or 18-9.101-3(e));

(25) Notice to offerors of the Government's desires as to the use of incentive considered applicable, objectives of the incentive performance goals, schedule milestones, critical delivery parameters, and similar information intended to elicit contractor response to the procurement objectives but without premature disclosures prejudicial to the Government's pre-negotiation position (see § 18-3.450);

(26) Notice to offerors of the possibility that award may be made without discussion of proposals (see § 18-3.102);

(27) The Certification of Independent Price Determination required by § 18-1.115;

(28) Contract clauses required by law or this chapter, copies of applicable standard or NASA forms which will form a part of the contract, and any report forms or handbooks required to be used or followed in complying with the terms of the contract;

(29) Directions for obtaining copies of any documents, such as plans, drawings, and specifications, which have been incorporated by reference (see § 18-1.1201);

(30) Instructions for disposition of drawings and specifications supplied with the request for proposals or request for quotations;

(31) Statement of information required to facilitate evaluation of technical and financial capabilities and a statement covering special technical capabilities which offerors must possess (see § 18-3.804);

(32) Instruction reflecting desirability of a separation between the contractor's "Business Management Quotation" and "Technical Quotation." For evaluation purposes separate quotations, where time permits, should be received; therefore, the format should be flexible enough to permit separate requirements (see § 18-3.802-4(a));

(33) List of any Government-furnished property (showing location and condition) including Government-owned tooling, which will be furnished for the performance of the contract, and any special provisions relating thereto;

(34) Requirement that information be furnished with respect to any Government-owned facilities, industrial equipment, or special tooling intended to be used in the performance of the contract, the value thereof, identification of the Government contract under which acquired, rental provisions, and other relevant information;

(35) Requirement that additional facilities to be provided by the Government be described and identified by category, such as "Land," "Buildings," "Machinery," "Equipment," etc., (see § 18-13.5105 for format);

(36) Requirement that additional special test equipment to be provided by the Government be described and its intended use, estimated cost, and proposed location be shown;

(37) Clear statement of option provisions (see Subpart 18-1.15 and § 18-12.1050);

(38) Requirement for the contractor to furnish data, when the requirement for data is known in advance of making the contract and delivery of data is definitely to be required in the performance of the contract (see Subpart 18-9.2

for detailed instructions and required clauses; see also § 18–3.852–3);

(39) Special provisions necessary for the particular procurement, relating to such matters as patents, data, copyrights (see Part 18–9); liquidated damages (see § 18–1.310); progress payments (see § 18–7.104–35);

(40) Requirement for information to be furnished on management engineering and consultant services specified in § 18–4.5205–2;

(41) When the NASA PERT System is to be applicable to the procurement (see § 18–7.204–55), inclusion of the following provision:

NASA PERT SYSTEM (APRIL 1962)

A proposed time schedule for performance of the work should be set out by phases or parts of the project, and show interrelationships among phases. This proposed schedule should be supported by an accompanying PERT network, prepared in general conformity with the instructions of the NASA PERT Handbook.

PROCUREMENT BY NEGOTIATION

Prospective contractors are advised that the successful contractor will be required to implement the NASA PERT System and report program progress biweekly.

(42) A statement as follows:

UNNECESSARILY ELABORATE CONTRACTOR'S PROPOSALS (NOVEMBER 1965)

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive paper, and bindings and expensive visual or other presentation aids are neither necessary nor desired.

The above statement shall be appropriately modified where included in a request for quotations;

(43) If the contract is to be conditioned on the availability of funds, a clear statement of such condition (see § 18–1.318);

(44) Requirement for submission of a proposed "Make or Buy" program (see Subpart 18–3.9);

(45) In accordance with the policy of § 18–1.304–2(d), the following statement and legend shall be included in all requests for proposals:

The proposal submitted in response to this request may contain technical data which the offeror, or his subcontractor offeror, does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of any such technical data may be so restricted, *provided* the offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:

Technical data contained in pages ---------- of this proposal shall not be used or disclosed, except for evaluation purposes, provided that if a contract is awarded to this submitter as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose any technical data obtained from another source without restriction. The Government assumes no liability for disclosure or use of unmarked data and may use or disclose the data for any purpose. (October 1969)

(46) Requests for Proposal which will result in the placement of rated orders or Authorized Controlled Material Orders (see § 18–1.307) shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

(47) Requirement for furnishing the equal opportunity representation (see § 18–12.802–4);

(48) If leases are involved, the facilities nondiscrimination paragraph set forth in § 18–1.350–4;

(49) When the use of Automatic Data Processing Equipment is applicable to the procurement (see § 18–3.804–2(c)(2) and Subpart 18–3.11), inclusion of the following provision:

The Government reserves the right to require the preparation and submission of feasibility and lease versus purchase studies by the successful contractor if the use of Automatic Data Processing Equipment is proposed.

(50) [Reserved]

(51) Statement as to requirement for jewel bearings (see § 18–1.315);

(52) Requirements set forth in § 18–1.351, if the procurement includes the furnishing of electro-sensitive initiating devices (squibs) or any other item or component designated in the procurement request as a potentially hazardous item;

(53) Requirement for representation as to small business and statement whether or not the offeror has previously been denied a Small Business Certificate (see § 18–1.903);

(54) Instructions that offeror promptly acknowledge receipt of the request for proposal or request for quotation and advise whether he intends to submit a proposal or offer;

(55) Statement that this request for proposal or request for quotation does not commit the Government to award a contract, the Government reserving the right to reject any or all proposals, or to negotiate separately with any source considered qualified; and that the contracting officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed procurement (see § 18–3.801);

(56) Statement that this request for proposal or request for quotation does not commit the Government to pay any costs incurred in the submission of the quotation or in making necessary studies or designs for the preparation thereof, nor to procure or contract for services or supplies. Further, no costs may be incurred in anticipation of a contract with the exception that any such costs incurred at the proposer's risk may later be charged to any resulting contract to the extent that they would have been allowable if incurred after the date of the contract and to the extent authorized by the contracting officer (see § 18–15.205–30);

(57) The following provision shall be included in all requests for proposals to be evaluated pursuant to NASA Source Evaluation Board procedures, when award of a cost-reimbursement type contract (with or without incentive arrangements) is contemplated:

Once the prospective contractor has been selected, the estimated costs submitted with its proposal shall not be subject to increase, except for changes in certified cost or pricing data submitted with the proposal, unless changes are made in the requirements of the request for proposals. Furthermore, increases shall be considered only in regard to those requirements that are actually affected by the changes (whether the changes result in an increase or decrease in the requirements and whether they are initiated by the Government or the offeror), and then only to the extent that such changes are specifically identified and justified. Negotiation of such increases will be conducted separately, and not as part of a combined overall negotiation of the estimated cost and fee of the proposed contract. (February 1967)

(58) A statement requesting prospective offerors to list the names and telephone numbers of persons authorized to conduct negotiations;

(59) Requirements for performance and payment bonds (see Subpart 18–10.1).

(60) Requests for proposals and requests for quotations for contracts in excess of $1 million, where the conduct of research, experimental, design, engineering, or developmental work is contemplated, and in such contracts of lesser dollar value if deemed appropriate by the contracting officer and the technology utilization officer of the installation concerned, shall contain the following requirement:

PLAN FOR NEW TECHNOLOGY REPORTING (JUNE 1966)

Each offeror shall submit with his proposal a plan which he proposes to use in carrying out the provisions of the "New Technology" clause of the contracts. The plan shall describe:

(a) The size and nature of the scientific and technological efforts in which inventions, discoveries, improvements and innovations may be expected. Include the scientific disciplines involved in these efforts, and summarize the technical problems to be solved which you feel are most likely to generate new technology.

(b) The emphasis given to new technology reporting by the top levels of management of the organization, and the specific means (e.g., company directives, newsletters, briefings) to be used to communicate such emphasis to the organization.

(c) The organizational placement and qualifications of (i) the individual(s) assigned as Company Technology Utilization/New Technology Representative(s), and their staffs, and of (ii) any others having substantial and specific responsibilities for new technology reporting. Describe all significant organizational relationships.

(d) Plans for both the initial and the continuing indoctrination of senior project personnel, supervision, and of other appropriate technical personnel in the benefits, responsibilities and details of new technology reporting.

(e) The plans for conducting the "frequent periodic reviews" required by the "New Technology" Clause. Include plans for supplementing existing Company invention reporting system(s) to insure reporting of that "new technology," which does not constitute invention (any new or improved products, devices, materials, processes, methods, scientific or technical computer programs, techniques, compositions, systems, machines, apparatuses, articles, fixtures, and tools, are reportable, whether or not they constitute invention).

(f) The details of actual documentation of reportable items, and the methods by which they will be reported. Include plans for (i) submission of sufficient detail to permit evaluation of the novelty and potential usefulness of the reportable items, (ii) avoiding unnecessary redocumentation by inclusion of existing documents or abstracts therefrom.

(g) Level of effort anticipated. (Quarterly/monthly rates and estimated disclosure output rates are desirable.)

(61) [Reserved]

(62) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a statement as follows:

ORDER OF PRECEDENCE (JULY 1968)

In the event of an inconsistency between provisions of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: (a) The Schedule; (b) Terms and Conditions of the solicitation; (c) General Provisions; (d) other provisions of the contract, where attached or incorporated by reference; and (e) the Specifications.

The foregoing statement may be modified to change the order or to add or delete items to meet the needs of a particular procurement;

(63) Where neither Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) nor Standard Form 18 (Request for Quotations) (July 1966 edition) is used, a statement that prospective offerors may submit inquiries by writing or calling (collect calls not accepted) (insert name and address; telephone area code, number, and extension);

(64) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a statement on the first sheet or on a cover sheet of the Request for Proposals that:

Proposals Must Set Forth Full, Accurate, and Complete Information as Required by This Request for Proposal (Including Attachments). The Penalty for Making False Statements in Proposals is Prescribed in 18 U.S.C. 1001. (July 1968).

This statement shall be suitably modified when Quotations are requested;

(65) Where neither Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) nor Standard Form 18 (Request for Quotations) (July 1966 edition) is used, a requirement for inclusion of "county" as part of quoter's/offeror's address will be inserted;

(66) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a statement that prospective offerors should indicate in the offer the address to which payment should be mailed, if such address is different from that shown for the offeror (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.);

(67) Any applicable wage determination of the Secretary of Labor (for construction contracts, see Subpart 18–12.4; for service contracts, see Subpart 18–12.11);

(68) If the contract is to involve construction work (subject to the Davis-Bacon Act) at the Cape Kennedy, Patrick Air Force Base, or Merritt Island Launch Area complex, the "Employee Compensation" clause and "Table of Employee Compensation";

(69) [Reserved]

(70) The "Patent Royalties" clause set forth in § 18–9.102.d)(2);

(71) To insure timely distribution of Material Inspection and Receiving Reports (DD Form 250), include distribution instructions in the Schedule or as an attachment to the contract (see Appendix I);

(72) The "Certification of Nonsegregated Facilities" set forth in § 18–12.802–4(c);

(73) The notice regarding the requirement for "Certification of Nonsegregated Facilities" as prescribed in § 18–12.802–4(b);

(74) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 Edition) or Standard Form 19–B (Representations and Certifications) (Construction Contract) (December 1965 Edition) is not used, insert the "Equal Opportunity" representation set forth in § 18–12.802–4(a);

(75) If the contract involves performance of services on a Government installation, the following provision:

SITE VISIT (JULY 1968)

Offerors are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for a claim after award of the contract.

(76) When the procurement involves a set-aside for small business concerns, the following provision:

This is a ------% set-aside for small business concerns.

(77) When the procurement involves a set-aside for labor surplus area concerns, the following provision:

This is a ------% set-aside for labor surplus area concerns.

(78) If it is expected that the procurement will result in a fixed-price contract not in excess of $100,000 for which cost or pricing data will not be obtained, the price representation set forth in § 18–3.604–3(d) except when adequate price competition as defined in §18–3.807–3(b)(1) is anticipated.

(c) In addition to the information specified in § 18–3.501(b), for contracts in excess of $1 million the request for proposal should contain requirements for the following information to be furnished by the offeror in his proposal, if applicable. This information may be required in the request for proposal for inclusion in contracts of lesser dollar value if deemed appropriate.

(1) *Technical proposal.* (i) Method by which offeror proposes to solve the technical problems of the project; descriptions, sketches, and plans of attack in sufficient detail to permit engineering evaluation of the proposal;

(ii) Specification of exceptions to proposed technical requirements;

(iii) Statement of background experience in fields relating to the procurement;

(iv) Names and résumés of experience of key technical personnel who will be employed on the project and extent to which each will participate in the performance of the project; an organization chart of the segment of offeror's organization which will be directly assigned to the project, listing names and job categories;

(v) Description and location of the company-owned research, test and production equipment and facilities which will be available for use on the project; separate list of any additional facilities or equipment required in the performance of the work; separate list of existing Government facilities available to the contractor and required for use on the project;

(vi) Hourly time estimates (without pricing information) by labor class for each phase or segment of the project; extent to which these estimates are based on the use of employees presently on the offeror's payrolls who will be available for the work as required; indication of number and types of personnel necessary to be hired and arrangements made to obtain them.

(2) *Business management proposal.* (i) Organization proposed for carrying out the project, including organization charts showing interrelationship of business management, technical management and subcontract management; indication of all levels of operation and management, from lower levels through intermediate management to top level management;

(ii) Résumé of experience of all key personnel who will conduct the managerial affairs of the project;

(iii) Contractual procedures proposed for the project to effect administrative and engineering changes, describing differences from existing procedures;

(iv) Extent to which offeror has invested corporate funds in research and development work in the project area or directly related areas and plans for future expenditures for such work; extent, if any, to which offeror is willing to participate in the cost of the project (see § 18–3.405–3);

(v) Statement as to capacity at which company-owned research, test, and production equipment and facilities required in the performance of the work are currently working; extent to which such facilities and equipment could handle the additional workload imposed by this

project; cost of any additional facilities or equipment required in the performance of the work with information as to whether such additional facilities or equipment will be contractor-furnished or Government-furnished; statement of value of existing Government facilities available to offeror and required for use on the project showing the Government agencies and facilities contracts involved;

(vi) Statement of past performance and experience including:

(a) List of Government contracts in excess of $1 million received in past 3 years or currently in negotiation involving mainly research and development work, showing each contract number, Government agency placing the contract, type of contract, and brief description of the work;

(b) For each cost-type contract, specify amounts of cost overruns or underruns, reasons therefor, and percentage of fixed fee;

(c) For each contract, give record of contract completion as against completion date anticipated at time of entering into contract, giving explanations for completion delays;

(d) Identify and explain any terminations for default or Government convenience;

(vii) Balance sheet for offeror's last fiscal year, accompanied by profit and loss statement;

(viii) Detailed cost or price proposal, furnished as a separate, detachable element of the business management proposal;

(ix) In soliciting proposals for support services requiring price quotations for a cost reimbursement type contract the request for proposals should set forth available data respecting the quantity and quality of supplies and services required. These data should be set forth in terms of man-hours of identifiable categories of labor, including experience and related qualifications, and in terms of quantities of supplies, all exclusive of costs. To be responsive, a proposer must submit a detailed cost or price proposal based on the effort described or estimated in the request for proposals. If the proposer feels that the work can be accomplished more efficiently with organizational plans, staffing, management, or equipment other than those indicated in the request for proposal, he may also submit an alternate proposal, supported by a detailed cost or price proposal;

(x) Statement as to the nature and effectiveness of the prospective contractor's cost reduction program (see § 18–3.102(b)(20)).

(d) Requests for proposals which are subject to the review and approval of a Source Evaluation Board should be developed in accordance with the above paragraphs and the requirements of paragraph 512 of the NASA Source Evaluation Board Manual (NPC 402).

(e) Request for proposals for procurements which are subject to title VI of the Civil Rights Act of 1964 (Public Law 88–352; 42 U.S.C. 2000d–1), shall include a requirement for obtaining an "Assurance of Compliance" (NASA Form 1206) in accordance with the provisions of § 18–1.355.

Subpart 18–3.6—Small Purchases

§ 18–3.600 Scope of subpart.

This subpart sets forth, simplified procedures for the procurement of (a) supplies and nonpersonal services the aggregate amount of which does not exceed $2,500 and (b) construction, the aggregate amount of which does not exceed $2,000, both of which are referred to in this subpart as "small purchases." It also applies to certain other supplies and services. Where the procurement is classified or requires specific contract provision relating to technical inspection or test, specification changes, Government-furnished property, insurance, patents, technical data, price adjustments, or the like, such procurements, even though they might otherwise be classified as small purchases on the basis of their dollar amounts, shall be effected by the use of a negotiated two-party formal contract. When the total cost of services to repair Government equipment does not exceed $2,500, such services may be obtained by purchase orders or other appropriate small purchase method, regardless of the value of the Government equipment being repaired (see § 18–3.608–2). Procurements of supplies and services or construction initially estimated to exceed $2,500 or $2,000, respectively, shall not be made by the small purchase method, even though resulting awards do not exceed such amounts.

§ 18–3.601 Purpose.

The objective of the simplified purchase methods prescribed herein is to reduce administrative costs.

§ 18–3.602 Definitions.

As used in this subpart the following terms have the meanings set forth below.

(a) Bulk funding concept means a system whereby a contracting officer receives authorization from a financial management or fiscal officer to obligate funds on purchase documents against a specified lump sum of funds reserved at the appropriation level for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document. Bulk funding or other special procedures for commiting and obligating funds and approved resources authorizations may be established in accordance with Financial Management Manual 9030–5e and 9040–4b.

(b) Mail indicia means the official printed markings substituted for stamps, i.e., "Postage and Fees Paid" and NASA identification. This includes such markings on envelopes, cards, labels, wrappers, or tags.

(c) Local delivery means the movement of supplies or commodities wholly within a recognized metropolitan area in which both the point of pickup and the point of delivery are located.

§ 18–3.603 Policy.

(a) All purchases covered by this subpart shall be accomplished by negotiation and shall cite the appropriate subparagraph of 10 U.S.C. 2304(a) in accordance with Subpart 18–3.2. Such purchases shall be made only when requirements cannot be satisfied by procurement in accordance with Part 18–5. The contracting officer shall use the purchase method covered by this Subpart 18–3.6 which he determines to be most suitable to the immediate requirement and most efficient and economical. Simplified procedures may be used in procurements from Government established sources, if authorized by the basic contract or concurred in by the source. These procedures shall not be used for inserting paid advertisements in newspapers or magazines (see § 18–2.203–3(b)).

(b) Requirements aggregating more than $2,500 shall not be broken down into several purchases which are less than $2,500 merely for the purpose of permitting negotiation under the small purchase procedures authorized by this Subpart 18–3.6. Related items (such as small hardware items or spare parts for vehicles) may be included in one solicitation, and the award made on "all or none" basis. In such cases, suppliers shall be advised of this award procedure when quotations are requested.

(c) The "bulk funding" concept shall be used to the maximum extent practicable to reduce processing delays, double handling, and documentation. Bulk funding is particularly appropriate when numerous purchases using the same type of funds are to be made during a given period.

(d) Installation transportation facilities may be used for delivery from local suppliers to the installation only after consideration of the following methods:

(1) Supplier delivery;
(2) Common carrier;
(3) Parcel post; and
(4) Mail indicia.

(e) Inspection procedures for small purchases shall be in accordance with § 18–14.106.

(f) Data collected or compiled during the course of small purchase transactions are for administrative and guidance value in making the purchase and issuing the appropriate purchase document. The retention of such data in the purchase files for use in subsequent reference, or as administratively required for management review, should be limited in time and quantity to the minimum necessary for such use.

§ 18–3.604 Competition and price representation in small purchases.

§ 18–3.604–1 Competition in purchases not in excess of $250.

Small purchases not exceeding $250 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from other than the previous supplier prior to placing a repeat order.

§ 18–3.604–2 Competition in purchases in excess of $250.

(a) The procedures in paragraphs (b), (c), and (d) of this section apply to purchases in excess of $250 made pursuant to this Subpart 18–3.6.

(b) Solicitation of quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be made of at least three suppliers and, to the maximum extent possible, shall be restricted to the local trade area of either the purchasing or the receiving activity. If practicable, two sources not included in the previous solicitation should be requested to furnish quotations. Quotations should generally be solicited orally. Written solicitation should be used when (1) the suppliers are located outside the local area, (2) special specifications are involved, (3) a large number of line items are included in a single proposed procurement, or (4) obtaining oral quotations is not considered economical or possible.

(c) In the absence of adequate price competition, reasonableness of a proposed price may be based on a comparison of the proposed price with prices found reasonable on previous purchases, current price lists, catalogs, advertisements, or by other appropriate method. If this information is not available, reasonableness of price may be based on a comparison with similar items in a related industry or the contracting officer's personal knowledge of the item being procured. Written records of solicitation may be limited to notes or abstracts to show the vendor or vendors contacted, prices, delivery, and other informal historical data. However, if only one response is received, or the price variance between multiple responses reflects lack of true competition, an additional statement in writing shall be included in the contract file setting forth the basis of the determination of fair and reasonable price. In any case, the contracting officer should gain as much knowledge as practicable of the physical and material characteristics and intended use of the item to be purchased. When only one source is solicited, a justification, in the form prescribed by § 18–3.802–3(d)(1), must be made a part of the file to explain the absence of competition, except for procurement of utility services available only from one source or of educational services from nonprofit institutions. Notification to unsuccessful suppliers shall be given only if requested.

(d) Occasionally an item can be obtained only from a supplier who quotes a minimum order price or quantity, which either unreasonably exceeds stated quantity requirements, or results in an unreasonable price for the quantities required. If practicable before placing the order, the requiring activity should be informed in such cases of all facts regarding the quotation and requested to confirm or alter its requirement for the item or items under consideration. The file shall be documented to support the final action taken.

§ 18–3.604–3 Price representation.

(a) Except when adequate price competition as defined in § 18–3.807–1(b)(1) is anticipated, the policy and procedures in (b), (c), (d), and (e) of this section apply to small purchases other than those using imprest funds or Standard Form 44. The price representation in paragraph (d) of this section shall be set forth in the Schedule of blanket purchase agreements (§ 18–3.605) so as to become a part of their Terms and Conditions.

(b) Written solicitations for small purchases shall include the price representation in paragraph (d) of this section. The representation shall be inserted in a prominent place in the Schedule of the solicitation.

(c) When quotations for small purchases are solicited orally, the contracting officer shall obtain from the contractor the information included in the representation in paragraph (d) of this section and check the appropriate block of the representation and attach it to the purchase order.

(d) Representation form:

PRICE REPRESENTATION (FEBRUARY 1969)

The Contractor represents as part of his quotation that: (Check applicable box. If more than one box is applicable, identify line items to which each box applies.)

(1) ☐ The items set forth herein are catalog priced items and the prices quoted herein are not in excess of the catalog price reduced by any standard discount applicable to similar sales.

(2) ☐ The items set forth herein are not catalog priced items, but do have an established price in an open market having purchasers besides the Government; and the prices quoted herein are not in excess of this established market price.

(3) ☐ The items set forth herein are catalog priced items or have an established market price, but the prices quoted herein are in excess of such price because_____

(4) ☐ Other price representation (if none of the above is applicable, indicate the basis for establishing the price and its relationship to prices charged other customers):

CAUTION: False statements may subject the contractor to penalties provided by statute and regulation.

(e) If the third or fourth block is checked or if a price representation cannot be obtained, the purchase file shall contain a brief notation supporting reasonableness of price, e.g., expedited delivery, special packaging, adequate price competition, price history, or prices of comparable items.

§ 18–3.605 Blanket purchase agreement (BPA).

§ 18–3.605–1 General.

A blanket purchase agreement is a simplified method of filling anticipated repetitive needs for small quantities of supplies or services by establishing "charge accounts" with qualified sources of supply. Blanket purchase agreements are designed to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual purchase documents.

§ 18–3.605–2 Limitation on use.

Blanket purchase agreements may be used only within the following limitations:

(a) No single call issued against a blanket purchase agreement may exceed $2,500, and

(b) The maximum period of time covered by the agreement shall not exceed 1 year.

§ 18–3.605–3 Establishment of blanket purchase agreements.

(a) *Alternate sources.* To the extent practicable, blanket purchase agreements for items of the same type should be placed concurrently with more than one supplier. All competitive sources should be given an equal opportunity to furnish supplies or services under such agreements. However, if the total number of existing BPA's is large enough to preclude the economic solicitation of each potential source, at least three sources (§ 18–3.604–2) will be solicited on a controlled rotational plan.

(b) *Form.* Blanket purchase agreements shall be prepared and issued on Standard Form 147, or NASA Form 1379 (Order for Supplies or Services). The "Terms and Conditions of Purchase Order" shall be at least those on the reverse of the Standard Form 147. Other applicable provisions of the BPA will be set forth on Standard Form 36 or NASA Form 1379A (Continuation Sheet) or on a blank sheet of paper, including the following:

(1) The Contract Work Hours Standards Act—Overtime Compensation clause in § 18–12.303 shall be added unless it is reasonably anticipated that the aggregate of the total dollar amounts of orders to be placed thereunder will be $2,500 or less;

(2) Where the agreement is for the intended purchase of services covered by the Service Contract Act of 1965, the clause in § 18–12.1104–1 shall be made a part of the General Provisions and the procedures in § 18–12.1105–2 complied with, unless it is reasonably anticipated that the aggregate of the total dollar amounts of orders to be placed thereunder will be $2,500 or less in which event the clause in § 18–12.1104–2 shall be made a part of the General Provisions; and

(3) Where the agreement is for the intended purchase of supplies, the Walsh-Healey Public Contracts Act clause in § 18–12.604 shall be added, unless the agreement limits the aggregate

total of orders to be placed thereunder to $10,000.

(c) *Numbering.* Enter the procurement instrument identification number as prescribed in Subpart 18–50.3.

(d) *Accounting data.* Blanket purchase agreements need not cite any accounting data so that purchases utilizing different appropriation data may be made under the same agreement.

(e) *Negotiation authority.* The Schedule of each agreement shall be annotated as follows:

The issuance of individual requests against this blanket purchase agreement will be made under the authority of 10 U.S.C. 2304(a)(3).

This annotation shall not be duplicated on forms used to document individual calls, although the specific authority for the call may be cited therein.

(f) *Terms and conditions.* Blanket purchase agreements shall contain the following provisions:

(1) *Description of agreement.* A statement that the supplier shall furnish supplies or services, described therein in general terms, if and when requested by the contracting officer or his authorized representative during a specified period and within a stipulated aggregate amount, if any. Blanket purchase agreements may be limited to specific items or commodity groups or the scope of the agreement may encompass all items that the supplier is in a position to furnish.

(2) *Extent of obligation.* A statement that the Government is obligated only to the extent of authorized calls actually placed against the blanket purchase agreement.

(3) *Price representation.* The price representation format set forth in § 18–3.604–3(b) and a requirement that a completed price representation be submitted with each invoice relating to delivery against the call placed.

(4) *Call limitation.* A statement that no individual call under the agreement shall exceed $2,500.

(5) *Notice of individuals authorized to place calls and dollar limitations.* A provision that a list of names of individuals authorized to place calls under the agreement, identified by organizational component, and the dollar limitation per call for each individual shall be furnished the supplier by the contracting officer.

(6) *Delivery tickets.* A requirement that all shipments under the agreement shall be accompanied by delivery tickets or sales slips which shall contain the following minimum information—

(i) Name of supplier;

(ii) Blanket purchase agreement number;

(iii) Date of call;

(iv) Call number;

(v) Itemized list of supplies or services furnished;

(vi) Quantity, unit price, and extension of each item less applicable discounts; and

(vii) Date of delivery or shipment.

(7) *Invoices.* One of the following statements:

(i) A summary invoice shall be submitted at least monthly or upon expiration of the blanket purchase agreement, whichever occurs first, for all deliveries made during a billing period, identifying the delivery tickets covered therein, stating their total dollar value, and supported by receipted copies of the delivery tickets; or

(ii) An itemized invoice shall be submitted at least monthly or upon expiration of the blanket purchase agreement, whichever first occurs, for all deliveries made during a billing period and for which payment has not been received. Such invoices need not be supported by copies of delivery tickets; or

(iii) When billing procedures provide for an individual invoice for each delivery, these invoices shall be accumulated: *Provided,* That:

(*a*) A consolidated payment will be made for each specified period, and

(*b*) The period of any discounts will commence on final date of billing period or on the date of receipt of invoices for all deliveries accepted during the billing period, whichever is later.

The provision in subdivision (iii) of this subparagraph should not be used if the accumulation of the individual invoices by the Government materially increases the administrative costs of this purchase method.

(8) The special data required by § 18–3.606–3(b) when it is desired to use the fast payment procedure.

(g) Blanket purchase agreements may be established with Federal Supply Schedule Contractors if not inconsistent or at variance with the terms of the applicable Federal Supply Schedule Contract.

§ 18–3.605–4 Competition under blanket purchase agreement.

Calls against blanket purchase agreements shall be placed only after compliance with § 18–3.604. When concurrent agreements for similar items are in effect, calls not in excess of $250 shall be equitably distributed. In those instances where there are an insufficient number of BPAs for any given class of supplies or services to assure adequate competition, the individual placing the order shall solicit quotations from other sources.

§ 18–3.605–5 Calls against blanket purchase agreements.

Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when ordering against agreements outside the local trade area. Written calls may be executed on Standard Form 147 or NASA Form 1379. Documentation of calls shall be limited to essential information. Forms may be developed for this purpose locally.

§ 18–3.605–6 Receipt of material.

Acceptance of supplies or services shall be indicated by signature and date on the sales slip or delivery ticket after quantities have been verified and any exceptions noted. For blanket purchase agreements incorporating the fast payment procedure, acceptance shall be predicated on the supplier's certification in accordance with specific instructions on this method to be made a part of the blanket purchase agreement. (See Fast Payment Clause, § 18–3.606–3(b)(4).)

§ 18–3.605–7 Review procedures.

The contracting officer or his designated representative shall review the blanket purchase agreement files at least semiannually to assure that authorized procedures are being followed.

§ 18–3.606 Fast payment procedure.

§ 18–3.606–1 General.

The fast payment procedure is designed to reduce lead time to consignees and to improve supplier relations by expediting payment for small purchases. The procedure provides for payment for supplies based on the contractor's submission of an invoice which constitutes a representation that the supplies have been delivered to a post office, common carrier or point of first receipt by the Government, and that the contractor agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase agreements.

§ 18–3.606–2 Conditions for use.

When the conditions set forth below are present, the fast payment procedure should be used to the maximum extent possible, provided such use is consistent with the other conditions of the procurement.

(a) Individual orders do not exceed $2,500.

(b) Title to the supplies will vest in the Government (1) upon delivery to a post office or common carrier for mailing or shipment to destination, or (2) upon receipt by the Government when the shipment is by means other than the post office or common carrier.

(c) Supplier agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements.

(d) Supplier will execute a certificate of mailing or shipment, or a certificate of delivery to the point of first receipt by the Government.

§ 18–3.606–3 Preparation and Execution of Orders.

(a) Orders shall be issued on Order for Supplies or Services (Standard Form 147 or NASA Form 1379), except that calls against blanket purchase agreements shall be issued in accordance with § 18–3.605–5. Orders may be either priced or unpriced.

(b) Special data to be included on purchase orders or in blanket purchase agreements using fast payment procedures are:

(1) A requirement for the supplies to be shipped transportation or postage prepaid;

(2) A requirement that invoices be submitted direct to the paying or other office designated in the order, or in the case of unpriced purchased orders, to the contracting officer (see § 18–3.608–3(c));

(3) The following statement on consignee's copy: "Consignee's notification to procurement office of nonreceipt, damage, or nonconformance." The consignee shall notify the procurement office promptly after specified date of delivery in the purchase order, of supplies not received, damaged in transit, or not conforming to specifications of the purchase order. Under extenuating circumstances such notification should be made not later than 60 days after specified date of delivery.

(4) The following clause:

FAST PAYMENT PROCEDURE (AUGUST 1969)

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's delivery to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

(b) *Responsibility for Supplies.* Title to the supplies shall vest in the Government upon delivery to a post office or common carrier for shipment to the specific destination. If shipment is by means other than post office or common carrier, title to the supplies shall vest in the Government upon delivery to the point of first receipt by the Government. Notwithstanding any other provision of the purchase order, the Contractor shall assume all responsibility and risk of loss for supplies (i) not received at destination, (ii) damaged in transit, or (iii) not conforming to purchase requirements. The Contractor shall either replace, repair, or correct such supplies promptly at his expense, provided instructions to do so are furnished by the Contracting Officer within ninety (90) days from the date title to the supplies vests in the Government.

(c) *Preparation of Invoice.* (1) Upon delivery of supplies to a post office, common carrier, or in shipments by other means, the point of first receipt by the Government, the Contractor shall prepare an invoice in accordance with Clause 3 of the Terms and Conditions of Purchase Order, except that invoices under a blanket purchase agreement shall be prepared in accordance with the provisions of the agreement. In shipments by either post office or common carrier, the Contractor shall either (A) cite on his invoice the date of shipment, name and address of carrier, bill of lading number or other shipment document number, or (B) attach copies of such documents to his invoice as evidence of shipment. In addition the invoice shall be prominently marked "Fast Pay." In case of delivery by other than post office or common carrier, a receipted copy of the Contractor's delivery document shall be attached to the invoice as evidence of delivery.

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The cost of parcel post insurance will not be paid by the Government. If transportation charges are separately stated on the invoice, the Contractor agrees to retain related paid freight bills or other transportation billings, paid separately for a period of 3 years and to furnish such bills to the Government when requested for audit purposes.

(d) *Certification of Invoice.* The Contractor agrees that the submission of an invoice to the Government is a certification that the supplies for which the Government is being billed have been shipped or delivered in accordance with shipping instructions issued by the ordering officer, in the quantities shown on the invoice, and that such supplies are in the quantity and of the quality designated by the cited purchase order.

(5) A requirement that outer shipping containers shall be marked "Fast Pay."

§ 18–3.606–4 Responsibility for collection of debts.

The contracting officer shall be primarily responsible for collecting debts resulting from failures of contractors to properly replace, repair, or correct supplies lost, damaged, or not conforming to purchase requirements.

§ 18–3.607 Imprest fund method.

§ 18–3.607–1 General.

An imprest fund is a cash fund of a fixed amount established through an advance of funds, without appropriation charge, to an authorized imprest fund cashier to effect immediate cash payments of relatively small amounts for authorized purchases of supplies and nonpersonal services.

§ 18–3.607–2 Establishment of imprest funds.

(a) *Authority.* The Director of Financial Management, NASA Headquarters, may authorize, upon approval of the Chief, Disbursing Office of the Treasury Department, the establishment of imprest funds and any required subsequent increases thereto. The number of imprest funds at an installation are generally restricted to the minimum number necessary to assure efficiency in small purchase transactions. Financial Management Manual 9650–2 through 9650–15 should be used in conjunction with this Subpart.

(b) *Amount of imprest funds.* The amount of each fund shall be established on the basis of the estimated monthly payments therefrom, and the need for replenishment without undue administrative burden. A fund level review shall be made at least semiannually to insure that the level is not in excess of actual needs, and any necessary adjustments shall be made.

(c) *Imprest fund cashiers.* (1) Imprest fund cashiers are appointed in accordance with Financial Management Manual 9650–5 and are authorized to make cash payments for materials and nonpersonal services, maintain custody of funds, and file periodic vouchers to account for and replenish the imprest fund. Financial management or fiscal officers and others having access to accounting records or responsibility for originating, approving, processing, or receiving requirements are not eligible for appointment as imprest fund cashiers. In no event shall an imprest fund cashier have access to or control of more than one imprest fund. Imprest fund cashiers shall be covered by a position schedule bond of not less than the amount of the imprest fund.

(2) An alternate imprest fund cashier may be appointed where—(i) the volume of work requires an alternate to the principal cashier, or (ii) to provide service during the absence of the principal cashier. Appointment and surety bond requirements for principal cashiers shall apply to alternate cashiers. In planned short-term absences of the principal cashier, cash may be advanced by the principal to the alternate in an amount not to exceed the alternate's bond coverage or to the limit of the fund, whichever is less. Upon resumption of his duties, the cashier shall return the cash receipt to the alternate after obtaining paid receipts, subvouchers and residual cash. In the absence of the principal cashier for more than 15 working days or for a period of time which will require the submission of a reimbursable voucher before the return of the principal, the transfer of funds from the principal to the alternate cashier shall be accomplished as prescribed by Financial Management Manual 9650–10(c).

§ 18–3.607–3 Conditions for use.

(a) Imprest funds may be used in accomplishing small purchases when all of the following conditions are present:

(1) The transaction is not in excess of $100 ($250 under emergency conditions);

(2) The supplies or services are available for delivery within 30 days, whether at the supplier's place of business or at destination; and

(3) The purchase does not require detailed technical specifications or technical inspection.

(b) Imprest funds may also be used for payment of:

(1) Charges for local delivery and parcel post (including c.o.d. postal charges) for supplies ordered for payment from imprest funds, when the vendor is requested to arrange for delivery; and

(2) C.O.D. charges for supplies ordered for payment from imprest funds except as limited by paragraph (d)(2) of this section.

(c) The conditions for use specified in paragraphs (a) and (b) of this section do not preclude the use of imprest funds for other expenditures not related to small purchases (e.g., travel advances, travel expenses, and purchases of postage stamps and transportation tokens or passes), when such expenditures are authorized by other regulations governing the use of imprest funds.

(d) Imprest funds shall not be used for:

(1) Payments of salaries and wages;

(2) Payment of transportation charges (i.e., line-haul or intercity charges for transportation services paid directly to a common carrier providing such services, as distinguished from transportation charges included as an integral part of the vendors price);

(3) Advances, other than those authorized in § 18–3.607–4(d); or

(4) Cashing of checks or other negotiable instruments.

§ 18–3.607–4 Procedures.

(a) *Procurement.* Purchases from the imprest fund shall be based upon an authorized purchase request and shall be made only by the individuals authorized by the contracting officer. Orders may be placed orally without soliciting competition when prices are considered to

be reasonable, but shall be distributed equitably among qualified suppliers. Prompt payment discounts shall be solicited, and a sales document shall be obtained to support the cash payment. An authorized purchase order form endorsed "Payment to be made from Imprest Fund" may be used when required by supplier for granting Government discounts, or tax exemptions. (Since purchases through the use of imprest funds are of relatively small value, Government tax exemption certificates generally will not be required.) When the proposed purchase price will exceed any stated monetary restrictions on the purchase request, additional authorization shall be obtained prior to making the purchase. Copies of the purchase request document shall be marked to show:

(1) That an imprest fund purchase has been made;

(2) The unit prices and extensions;

(3) The supplier's name and address, and

(4) Anticipated date of delivery or pickup.

(b) *Sales document.* A sales document is a term applied to a supplier's invoice, sales ticket, packing slip, or any other sales instrument containing the following minimum information:

(1) Supplier's name and address;

(2) List of items;

(3) Quantity;

(4) Unit price and extension, and

(5) Cash discount, if any.

(c) *Receipt of material.* (1) All material purchased through the imprest fund shall be delivered to a designated receiving activity. The receiver shall examine the material to ascertain that the quantities and items described on the purchase request document and the supplier's sales document are present and in satisfactory condition. If the material is acceptable, the receiver shall stamp the supplier's sales document "Received and Accepted," date and sign the document, and pass it to the imprest fund cashier for payment. In the absence of a supplier's sales document, a receipted Standard Form 1165 (Receipt for Cash-Subvoucher) will be used to record the receipt of purchases made from the imprest fund and shall be processed in the same manner.

(2) When it is not practicable to obtain delivery of material at destination on a c.o.d. basis, advance arrangement may be made for the material to be picked up. The imprest fund cashier may then advance cash to an authorized individual to pick up and pay for the material. Necessary certifications of receipt and acceptance of material shall be obtained on one of the documents as indicated in paragraph (c)(1) above. Receipt for cash payment (see paragraph (e) of this section) shall be made on the same document, which will serve as the imprest fund receipt.

(3) When prior arrangements for pick up of material are not practicable, the imprest fund cashier may advance cash to an authorized individual to make a proposed purchase.

(d) *Advance of funds.* Individuals receiving a cash advance from the imprest fund cashier shall be required to sign the "Interim Receipt for Cash" portion of Standard Form 1165, or an equivalent receipt form. After the purchase has been made, the individual will return any unused cash to the imprest fund cashier with the necessary certifications of receipt, acceptance, and cash payment, at which time the imprest fund cashier shall "void" the interim receipt for cash. Cash so advanced should generally be accounted for daily, but cash may be advanced for a period not to exceed 5 consecutive work days. The requirement that the position of imprest fund cashier be covered under a position schedule bond does not extend to individuals to whom funds are advanced for making cash purchases.

(e) *Certification of cash payment.* The original receipt document for (or a copy tendered as the original) presented to the imprest fund cashier for payment shall be stamped with a certification containing the following information:

(1) Statement that cash payment was received in full;

(2) Amount paid;

(3) Date of payment, and

(4) Signature and title of supplier or his agent receiving the cash payment.

Alterations or corrections to documents tendered for payment shall be initialed by the person making the change. Changes in the amount paid shall be initialed by the individual receiving payment.

(f) *Responsibilities of imprest fund cashier.* (1) Pending receipt of material, the imprest fund cashier shall keep a file of purchase request documents covering imprest fund purchases. Prior to payment, or acceptance of the document tendered for settlement of an advance, the cashier shall verify the necessary certification of receipt and the supplier's billed price or the price paid. If the supplier's receipt for cash payment is not obtained for purchases of $15 or less, the person making the purchase will prepare a subvoucher showing the name of the vendor and the articles or services purchased.

(g) *Payments*—(1) *C.O.D.* Upon presentation of an authorized document with the necessary certification of receipt for supplies or services, the imprest fund cashier or other authorized individual shall pay the supplier or his agent and obtain the certification of cash payment as set forth in § 18–3.607–4(e).

(2) *Receipt from common carrier or post office.* When c.o.d. shipments are received or picked up from a common carrier or post office, the certification of cash payment may be accomplished on a list of the packages provided by the post office or common carrier. Such receipt will be supported by copies of the applicable sales document if available.

(3) *Periodic payments.* When a blanket purchase agreement is not suitable and it is administratively convenient and agreeable to the supplier, periodic payments from the imprest fund may be made for supplies delivered on a repetitive basis: *Provided*, That the accumulated amount of the deliveries for the specified period does not exceed the dollar limitation imposed on the imprest fund method by § 18–3.607–3.

(4) *Failure to ship C.O.D.* When material is ordered c.o.d. but is shipped by the supplier subject to payment by check, Standard Form 1034 (Public Voucher for Purchases and Services Other than Personal), may be used to make payment. Under these circumstances, the receiver shall prepare the necessary certification of receipt and forward the receipted document through the imprest fund cashier, for attachment of the supporting documents which authorized the shipment and submission to the disbursing officer for payment.

(h) *Reimbursement of imprest funds.* (1) The imprest fund shall be reimbursed in accordance with Financial Management Manual 9650–9.

(2) When a supplier refunds cash prior to the submission of Standard Form 1129 covering such payment, the imprest fund cashier shall accept the refund, return the money to the imprest fund, and enter the amount of the refund on the original of the supplier's receipt. When the refund is made subsequent to the submission of the applicable Standard Form 1129, the imprest fund cashier shall enter the amount of the refund on the retained copy of the reimbursement voucher, promptly submit the refund to the disbursing officer, or by otherwise depositing directly such funds on Standard Form 209, Certificate of Deposit.

(i) *Accounting.* Recordkeeping shall be based on simplified memorandum records to permit frequent reconciliation of funds; and should show (1) the amount of cash received, (2) the amount paid out, and (3) the balance on hand at the close of each day. It is permissible to group numerous small payments by numbering payment documents and affixing to them an adding machine tape showing the total applying to each grouping of payment documents.

(j) *Review.* The imprest fund cashier shall be required to account for the established fund at any time, by cash on hand, paid suppliers' receipts, unpaid reimbursement vouchers, and interim receipts for cash. Unannounced reviews, including cash counts are required to be made of each imprest fund at least quarterly by qualified individuals who are under the jurisdiction of the financial management or fiscal officer of the installation maintaining the imprest fund.

§ 18–3.608 Purchase orders.

§ 18–3.608–1 General.

(a) Negotiated purchases of material and nonpersonal services not in excess of $2,500 may be effected by using NASA Form 1379, Standard Form 147 (Order for Supplies or Services) and their ancillary forms, or Standard Form 44 (Purchase Order-Invoice-Voucher) (see § 18–3.608–9). The NASA Form 1379 and Standard Form 147 may also be used for construction not in excess of $2,000.

(b) The NASA Form 1379 provides for the arrangement of information in fixed locations. The uniform arrangement of data will facilitate manual and automated processing of contractual documents and interchange of information between procurement offices and contract administration activities.

§ 18–3.608–2 Order for supplies or services (NASA Form 1379 or Standard Form 147; Standard Form 36; NASA Form 1379B and Standard Form 30).

(a) *Forms.* The following forms may be used to issue purchase orders:

(1) NASA Form 1379 (Order for Supplies or Services) which when used with applicable ancillary forms, provides in one document—

(i) A purchase order, a blanket purchase agreement, a delivery order under a contract, or delivery order on Government agencies outside the Department of Defense (see Part 18–5);

(ii) A receiving and inspection report;

(iii) A property voucher, and

(iv) A document for acceptance by the supplier.

(2) Standard Form 36 or NASA Form 1379A (Continuation Sheet) provides additional space or a blank sheet of paper may be used;

(3) Standard Form 30 (Amendment of Solicitation/Modification of Contract) or NASA Form 1379B shall be used in all modifications (see § 18–3.608–4).

(b) *Conditions for use*—(1) *Use as a purchase order of not more than $2,500 in the United States, its Possessions, and Puerto Rico.* NASA Form 1379 is authorized for negotiated purchases of not more than $2,500 within the United States, its possessions, and Puerto Rico, Provided:

(i) The procurement is unclassified, except that NASA Form 1379 may be used for classified procurements if:

(*a*) The contracting officer retains responsibility for complete administration of the contract, including compliance with the requirements;

(*b*) The "Security Requirements" clause in § 18–7.104–12 is inserted in the Schedule;

(*c*) DD Form 254 (Security Requirements Check List) (see § 18–16.811) is incorporated in the purchase order; and

(*d*) The contractor's acceptance of the purchase order is obtained by use of NASA Form 1379B at the time of issuance of the order.

(ii) No clause covering the subject matter of any clause set forth in this Regulation, other than clauses set forth on NASA Form 1379, 1379B or Standard Form 147 and clauses referred to in subparagraphs (iii) through (x) below, in §§ 18–3.608–3, 18–3.608–4 and 18–14.104 (selection and use of appropriate standard inspection clauses) are to be used.

(iii) Where the contract specifies the delivery of data, one of the clauses set forth in §§ 18–9.203 through 18–9.206 shall be added as appropriate in accordance with the instructions contained in Subpart 18–9.2.

(iv) When required by Subpart 18–4, the clause set forth in § 18–6.403 shall be added.

(v) Where inspection and acceptance are at origin, where contract administration is performed at origin, where delivery at multiple destinations is required, or where otherwise appropriate the "Material Inspection and Receiving Report" clause may be required for use and inserted in the Schedule.

(vi) Where Government property having an acquisition cost in excess of $25,000 is to be furnished (for use in performance of contract or for repair), the "Government Property (Fixed-Price)" clause in § 18–13.702 shall be inserted in the Schedule. Where Government property having an acquisition cost not in excess of $25,000 is to be furnished for use in performance of the contract or for repair, the "Government-Furnished Property (Short Form)" clause in § 18–13.710 shall be inserted in the Schedule: *Provided*, That use of the clause shall be optional where the acquisition cost of property furnished for repair is not in excess of $2,500. Where a "Government Property" clause is inserted in the Schedule the contractor's signature shall be obtained on NASA Form 1379B.

(vii) The "Responsibility for Inspection" clause, set forth in § 18–7.103–5(e), shall be inserted in the Schedule.

(viii) The clauses set forth in § 18–1.1208 may be used in accordance with the provisions of that paragraph.

(ix) When required by Subpart 18–1.3, the clause set forth in § 18–1.327–2 shall be added.

(x) When required by Subpart 18–12.1, the clause set forth in § 18–12.1104–2 shall be added.

(c) *Solicitation and evaluation of quotations*—(1) *General.* In using the purchase order method, competition shall be solicited in accordance with § 18–3.604 and every effort shall be made to obtain prompt payment discounts. Written quotations may be solicited by Standard Form 18 (Request for Quotation).

(2) *Evaluation of quotations.* Quotations shall be evaluated inclusive of transportation charges from the shipping point of the supplier to the delivery destination. For orders exceeding $250, oral quotations shall be recorded directly on the purchase request, on an abstract sheet, or other appropriate work sheet. Except as provided under the unpriced purchase order method, quotations that are indefinite as to price or based on price escalation or redetermination shall not be considered for award by the purchase order method.

(d) *Preparation and issuance of priced purchase orders.* All applicable blocks and spaces shall be completed with the required data including the following policy guidance:

(1) Supplies to be purchased will be identified in accordance with Subpart 18–1.12.

(2) The quantity of supplies or services shall be specified. For bulk quantity items and those subject to shrinkage, evaporation, miscount, weight or footage variance, etc., a maximum allowable variation (normally not in excess of 10 percent) shall be specified in the order so that shipments in excess of the order quantity may be accepted if the reason for such excess comes within the Variation in Quantity clause of the order and the aggregate amount of the order does not exceed authorized limitations.

(3) Purchase orders shall be issued on a fixed-price basis, except as otherwise provided under § 18–3.608–3 and shall include any trade discounts and offered prompt payment discounts.

(4) Inspection of small purchase shall be in accordance with § 18–14.106. Orders generally will provide that inspection and acceptance will be at destination and source inspection should be specified only when required by § 18–14.105–2. When inspection and acceptance are to be performed at destination, advance copies of the purchase order shall be furnished to consignee(s) for material receipt purposes. Receiving reports shall be accomplished immediately upon receipt and acceptance of material to assure expeditious payment of orders and to obtain prompt payment discounts, except where the fast payment procedure is authorized.

(5) F.o.b. destination shall be specified for supplies to be delivered within the United States, except Alaska and Hawaii, unless there are valid reasons to the contrary.

(6) The block "Deliver to F.O.B. Point On or Before" shall contain a definite calendar date by which delivery of supplies or performance of services is required.

(7) The contracting officer's signature on purchase orders shall be in accordance with the authority of Subpart 18–1.4. Facsimile signatures may be used in the production of purchase orders by automated methods.

(8) Distribution of copies of purchase orders and related forms shall be limited to those copies required for essential administration and transmission of contractual information.

(9) Purchase orders for subscriptions shall contain a statement substantially as follows to assure that subscriptions have become effective prior to payment of invoices:

> Contractor's Invoice must be submitted on or before _____ Contractor will be paid on the basis of his invoice which must state (1) the starting and ending dates of subscriptions, and (2) that subscriptions have been placed in effect for the addresses required.

§ 18–3.608–3 Unpriced purchase orders.

(a) An unpriced purchase order is an order for supplies or services the price of which is not established at the time of issuance of the order. Contracting officers shall assure that suppliers receiving unpriced purchase orders are carefully selected.

(b) An unpriced purchase order may be used only when all of the following conditions are present:

(1) The transaction will not exceed $2,500;

(2) It is impractical to obtain pricing in advance of issuance of the purchase order; and

(3) The procurement is for—

(i) Repairs to equipment requiring disassembly to determine the nature and extent of such repairs;

(ii) Sole source material for which cost cannot be readily established; or

(iii) Supplies or services where prices are known to be competitive but exact prices are not known.

(c) NASA Form 1379 or Standard Form 147 shall be used to issue unpriced purchase orders. A realistic monetary limitation shall be placed on the unpriced purchase order which shall be an obligation subject to adjustment when the firm price is established. Orders shall not contain an estimated target unit price. Each unpriced purchase order shall contain the following clause:

NOTICE TO SUPPLIER (AUGUST 1969)

This is a firm order if the total price is $_____ or less. Make delivery or perform in accordance with the delivery provisions of this order and submit invoice to the Contracting Officer of the procurement office named herein.

If total price of this order will exceed the above amount or if you cannot furnish material or services in exact accordance with the description and delivery schedules set forth herein, notify the undersigned Contracting Officer immediately, giving your quotation or proposed substitution or changes, and "Withhold Performance Pending Reply."

The contracting officer or his designated representative shall certify that the invoiced price is fair and reasonable and process the invoice for payment. Suitable local records and controls of outstanding unpriced purchase orders shall be maintained to assure regular follow-up with suppliers until the order is priced. These records should include any information available to support the fairness and reasonableness of the proposed monetary limitation.

§ 18–3.608–4 Obtaining contractor acceptance and modifying the purchase order.

(a) When it is desired to consummate a binding contract between the parties before the contractor undertakes performance, the contracting officer shall mark in the Acceptance Block on the NASA Form 1379B the box requiring acceptance by the contractor.

(b) Standard Form 30 or NASA Form 1379B shall be used to modify the purchase order for administrative or other changes.

(1) Modifications making administrative changes such as the correction of typographical errors, changes in paying office and changes in accounting and appropriation data do not require contractor acceptance.

(2) To otherwise modify the purchase order, and if not previously included in the purchase order, the Additional General Provisions (Clauses 13 through 15 of NASA Form 1379B) shall be incorporated by reference in the Standard Form 30, where used in lieu of NASA Form 1379B, and the contractor acceptance obtained by his signature on either the Standard Form 30 or NASA Form 1379B. Subsequent changes pursuant to the "Changes" clause shall not require contractor acceptance. However, other modifications outside the general scope of the purchase order, as amended, such as the addition of the "Government Property" clause, shall require contractor acceptance by signature on the Standard Form 30 or NASA Form 1379B.

(c) No additional clauses are authorized except as provided in § 18–3.608–2(b). A superseding NASA Form 1379 or Standard Form 147 shall not be used to issue a change to an outstanding purchase order.

§ 18–3.608–5 Termination of purchase order.

A purchase order which has not been accepted in writing by the contractor may be withdrawn or canceled by the contracting officer any time prior to the supplier's initiation of performance. Notice of withdrawal or cancellation should be in writing and should request the contractor's acknowledgment thereof. If the contractor has begun performance on such purchase order, however, or if the contractor has accepted the purchase order in writing other than by signature on the NASA Form 1379B or on a subsequently issued Standard Form 30, and it later becomes necessary to terminate the purchase order, the contractor should be asked to agree to cancellation of the order without cost or liability to either party. If he agrees, the cancellation shall be effected by use of NASA Form 1379B or Standard Form 30, incorporating the Additional General Provisions (NASA Form 1379B), signed by the contracting officer and the contractor. If the contractor does not agree to a no-cost settlement, the case will be referred to the legal office serving the installation and action will be withheld pending receipt of advice from that office. Termination of a purchase order which the contractor has accepted in writing by means of the Contractor Acceptance on NASA Form 1379B or a subsequently issued Standard Form 30 will be processed in accordance with the guidance set forth in Part 18–8 of this chapter.

§ 18–3.608–6 Use of Standard Form 147 or NASA Form 1379 as a delivery order.

(a) Except as to specialized procurements for which other instructions are given by this chapter (as for example, where utility purchases are procured under General Services Administration area contracts, as provided in Subpart 18–5.8) NASA Form 1379 or Standard Form 147 shall be used without monetary limitation as a delivery order for ordering supplies and services:

(1) Under indefinite delivery type contracts (see § 18–3.409) including such contracts made by Government agencies outside NASA; provided, (i) the order is issued in accordance with, and subject to the terms and conditions of such contract, and (ii) the order refers to the particular contract involved;

(2) From other Government agencies when the agency has made specific provision for NASA's authorized participation, and

(3) From designated Agencies for the Blind in accordance with Subpart 18–5.5.

(b) All delivery orders shall contain the typewritten name of the contracting officer or ordering officer and the original thereof shall be manually signed; when reproducible masters are used, only the masters need be manually signed; when interleaved carbon forms are used, manual signature on the original shall suffice. Facsimile signatures may be used in the production of delivery orders by automated methods.

§ 18–3.608–9 Order - invoice - voucher method.

(a) Standard Form 44 (Purchase Order-Invoice-Voucher) is designed primarily for over-the-counter purchases by authorized individuals while away from the procurement office or at isolated activities. It is a multipurpose form which can be used as a purchase order, receiving report, supplier's invoice and public voucher.

(b) Since there are no written terms and conditions included thereon, Standard Form 44 is authorized for use only when no other small purchase method is considered more suitable and all of the following conditions are satisfied:

(1) The transaction is not in excess of $2,500;

(2) Supplies or services are immediately available; and

(3) One delivery and one payment will be made.

(c) Instructions for completion of Standard Form 44 contained on the form may be supplemented in accordance with installation needs to satisfy internal procedural requirements. Negotiation authority need not be cited. In view of the negotiable character of the Standard Form 44, installations will maintain adequate safeguards to assure proper usage and availability of funds.

(d) NASA Form 1379 or Standard Form 147 may also be used for over-the-counter purchases as an order-invoice.

§ 18–3.650 Procurement request overlay method.

§ 18–3.650–1 General.

This method is an acceptable adjunct to other methods authorized in this subpart and may be used in placing oral orders when BPA's do not exist or, if existing, their use is considered too cumbersome in the instant circumstance. Each transaction is recorded on a small form which attaches to, becomes a part of, and overlays a portion of the procurement request. Suppliers' delivery tickets are used as additional supporting documentation. This method eliminates the administrative requirements for preparing and mailing individual purchase orders. This method may be used where suppliers are willing to accept oral orders and can be reasonably relied upon to fill such orders in accordance with the terms of the oral transaction.

§ 18–3.650–2 Limitations on use.

This method is not to be used where:

(a) The requirements of more than one procurement request are to be combined in a transaction;

(b) More than one delivery will be required (except that where the requirements of a single procurement request are to be equitably divided among several qualified suppliers, a single delivery per supplier shall be required);

(c) A written purchase order is required by the supplier;

(d) It is necessary or desirable to incorporate specifications or other terms and conditions in a written purchase order;

(e) GSA Federal Supply Schedules are to be used, or

(f) Where purchases are to be made from or through other Government agencies.

§ 18–3.650–3 Procedure.

(a) After competitive selection of the source (see § 18–3.604) the order may be placed by telephone. Particular care is to be taken to insure that the supplier agrees to accept the order without written confirmation and that the order number, item descriptions, quantities, prices, and other terms and conditions are clearly understood. If the amount of the purchase does not exceed $100 (or $250 under emergency conditions) the supplier should be encouraged to deliver c.o.d. (see § 18–3.607–3).

(b) The supplier will be given all pertinent and specific instructions at the time of placing the order, including the installation methods of handling charge purchases to be billed within a period of 1 month or less.

(c) Upon placing the order, the contracting officer will assure that a preprinted overlay form in affixed to the procurement request, and will, if necessary, after the overlay is filled in, adjust the estimated unit and total cost figures of the procurement request to reflect the actual purchase price. This will be done by lining through the original procurement request figures so that they remain legible. Any other changes in the original information of the procurement request to make it conform to the facts of the purchase will be made in like manner. The preprinted overlay form will contain at least the following information:

Order No. ----------
Supplier ----------
(Name)

(City and State) (Zip Code)
Discount terms----------
Delivery date----------
Buyer ----------
F.O.B. destination procurement placement Code ----------
Action: Purchase request line items ( ) ( ) (etc.) complete*
Total procurement request action: partial,* complete*
Payment: cash,* charge*

(Contracting Officer Signature)
Date signed----------

*Circle as appropriate.

(d) The contracting officer will sign and date the completed overlay form on the procurement request.

(e) The procurement request with overlay will be reproduced and distributed internally in accordance with the installation's local instructions to provide copies to the offices or activities which will be responsible for receiving and accepting the merchandise, for making cash payment, or processing charge purchases.

(f) In accordance with local instructions, copies of the supplier's delivery ticket received with the merchandise will be distributed to establish receipt and acceptance of merchandise and serve as a basis for cash payment of obligation of funds and subsequent payment of charge purchases.

Subpart 18–3.7—Negotiated Overhead Rates

§ 18–3.700 Scope of subpart.

This subpart prescribes policy and procedures with respect to the establishment and use of negotiated overhead rates in NASA cost-reimbursement type contracts and subcontracts.

§ 18–3.701 Definitions.

§ 18–3.701–1 Negotiated final overhead rate.

The term negotiated final overhead rate as used in this Part 18–3, means a percentage or dollar factor which expresses the ratio mutually agreed upon by NASA and the contractor, at the close of a regularly stated period (preferably the contractor's fiscal year), of allowable indirect expense incurred in the period to direct labor, manufacturing cost, cost of sales, or other appropriate base of this same period. Such rates are used as a means of determining the amount of reimbursement under a contract for the applicable indirect cost and are designated "postdetermined" overhead rates. In certain circumstances involving educational institutions, negotiated final overhead rates may be used as a means of determining the amount of reimbursement for the applicable indirect costs to be incurred during a future period of contract performance; in such cases, they are termed "predetermined" overhead rates (see § 18–3.704–2(b)).

§ 18–3.701–2 Provisional overhead rate.

The term provisional overhead rate as used in this Part 18–3, means a tentative overhead rate established for interim billing purposes pending negotiation of the final overhead rate. Provisional overhead rates are incorporated in the contract and require an amendment to change.

§ 18–3.701–3 Overhead (indirect costs).

The term overhead (indirect costs) as used in this Part 18–3, includes, but is not limited to, the general groups of indirect expenses such as those generated in manufacturing departments, engineering departments, tooling departments, general and administrative departments, and, if applicable, indirect costs accumulated by cost centers within these general groups. In the case of contractors using fund accounting systems (e.g., educational institutions), the term includes, but is not limited to, the general groups of expenses, such as general administration and general expense, maintenance and operation of physical plant, library expenses, and use charges for buildings and equipment.

§ 18–3.701–50 Negotiating authority.

The term negotiating authority as used in this Part 18–3, means the office designated by the Procurement Office, NASA Headquarters to conduct the negotiation of final overhead rates with a contractor.

§ 18–3.702 Purpose.

The major purposes of negotiated final overhead rates are: (a) To effect uniformity of approach in cases where more than one contract or one or more NASA installations and the Department of Defense are involved with the same contractor; (b) to effect economy in administrative effort; and (c) to promote timely settlement of reimbursement claims.

§ 18–3.703 Primary use.

Negotiated final overhead rates are authorized for use primarily in cost-reimbursement type contracts for research and development with commercial organizations and nonprofit or educational institutions. They may also be used in other cost-reimbursement type contracts after a determination is made by the Procurement Officer that their use is advantageous to the Government. Where it is not apparent that any one of the major purposes enumerated in § 18–3.702 above results, or will result, by the use of negotiated final overhead rates, indirect costs will be negotiated on the basis of an advisory audit report.

§ 18–3.704 Contract clauses.

§ 18–3.704–1 Contracts with concerns other than educational institutions.

When it has been determined that negotiated overhead rates are to be used pursuant to this Part 18–3, insert the following clause:

NEGOTIATED OVERHEAD RATES (NOVEMBER 1964)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of each period specified in the Schedule, shall submit to the Contracting Officer, with a copy to the cognizant audit activity and the Office of Procurement, NASA Headquarters, a proposed final overhead rate or rates for that period based on the contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the negotiating authority shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart 2, of the NASA Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, and (iii) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Nothing in this clause shall preclude the Contracting Officer from negotiating final overhead rates for this contract for any period not exceeding six (6) months when necessary to close out this contract.

§ 18–3.704–2 Contracts with educational institutions.

(a) Insert the following clause in contracts with educational institutions where postdetermined overhead rates are to be used pursuant to this Part 18–3.

NEGOTIATED OVERHEAD RATES (POSTDETERMINED) (JANUARY 1964)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than six (6) months after the expiration of each period specified in the Schedule shall submit to the Contracting Officer, with a copy to the cognizant audit activity and the Office of Procurement, NASA Headquarters, a proposed final overhead rate or rates for that period based on the contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the negotiating authority shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract which shall specify (i) the agreed final rates, (ii) the bases to which the rates apply, and (iii) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over- or under-payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(b) Provision may be made in cost reimbursement type research and development contracts with educational institutions for payment of reimbursable indirect costs on the basis of predetermined overhead rates, provided that this basis is used with respect to all contracts with an institution. Insert the following clause in contracts with educational institutions where such negotiated overhead rates are to be used pursuant to this Part 18–3.

NEGOTIATED OVERHEAD RATES (PREDETERMINED) (MAY 1964)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties as specified below.

(b) The contractor, as soon as possible but not later than three (3) months after the expiration of his fiscal year, shall submit to the Contracting Officer, with a copy to the cognizant audit activity and the Procurement Office, NASA Headquarters, a proposed predetermined overhead rate or rates based on the contractor's actual cost experience during that fiscal year, together with supporting cost data. Negotiation of predetermined overhead rates by the contractor and the negotiating authority shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Part 15, Subpart 3, of the NASA Procurement Regulation as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (i) the agreed predetermined overhead rates, (ii) the bases to which the rates apply, (iii) the fiscal year unless the parties agree to a different period for which the rates apply, and (iv) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs.

(e) Pending establishment of predetermined overhead rates for any fiscal year or different period agreed to by the parties, the contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the Schedule of this contract the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates (Postdetermined)" clause set forth in 3.704–2 of the NASA Procurement Regulation as in effect on the date of this contract.

(g) Allowable indirect costs for the period until the end of the contractor's fiscal year during which performance begins shall be obtained by applying the predetermined overhead rate set forth in the Schedule to the bases set forth therein.

(c) When predetermined overhead rates are to be used and no such rate or rates have been established for the contractor's current fiscal year, the contracting officer shall obtain from the contractor during the contract negotiations a proposal for a predetermined overhead rate or rates to be applied until the end of such fiscal year. As far as practicable, such proposal should be based on the contractor's cost experience under similar contracts together with supporting cost data. The overhead rate or rates for such initial period shall be predetermined by negotiation and set forth in the contract schedule. The schedule shall also include the bases to which the rates apply and the period for which the rates apply. Pending establishment of predetermined overhead rates for the initial period, the contractor shall be reimbursed at billing rates acceptable to the contracting officer subject to appropriate adjustment when the final rates for that period are established.

§ 18–3.705 Policy.

Since many NASA contractors are under the negotiated overhead rate procedure with the Department of Defense, it is the policy of NASA to participate in joint negotiations with the Department of Defense. The NASA participant will be a representative of the Procurement Office, NASA Headquarters (Code KDP–2), or of a NASA Procurement Office designated by the Procurement Office, NASA Headquarters.

(a) NASA contractors not under the Department of Defense negotiated overhead rate procedure will be under NASA cognizance and the negotiations will be conducted by a representative of the Procurement Office, NASA Headquarters (Code KDP–2), or by the Procurement Office designated as the negotiating authority by the Procurement Office, NASA Headquarters, with selected field installations participating.

(b) A contractor currently under Department of Defense cognizance may eventually be transferred to NASA cognizance because of the shift in procurement predominance. Such transfer will be arranged by the Procurement Office, NASA Headquarters which designate the negotiating authority.

§ 18–3.706 Procedure.

When a contractor is under NASA cognizance, the procedure for the establishment and use of negotiated final overhead rates will generally consist of submission by the contractor of an overhead rate proposal, obtaining an advisory audit report from the cognizant auditor, holding a prenegotiation conference for review of the contractor's proposal and the advisory audit report, conduct of negotiation, preparation of a negotiation report or summary, and execution of contract amendments.

(a) The contractor shall submit a copy of his proposal to the contracting officers of each NASA installation with which he has contracts, with a copy to the cognizant audit activity and the Procurement Office, NASA Headquarters (Code KDP–2).

(b) The cognizant audit activity will review the contractor's overhead rate proposal using Part 18–15, of the NASA Procurement Regulation as a basis for determining allowable costs. An advisory audit report will be submitted to the Procurement Officer of each NASA installation having a contract with the contractor and a copy of the cognizant NASA Regional Audit Office and to the Procurement Office, NASA Headquarters (Code KDP–2). Such report shall set forth the findings of the audit activity including the results of discussion of such findings with the contractor.

(c) A prenegotiation conference will be held by the negotiating authority with attendance by the auditor, representatives of NASA installations, as designated by the Procurement Office, NASA Headquarters, and other Government procurement and audit activities interested in/or planning to attend the negotiations. This conference will relate to the areas of difference between the advisory audit report and the contractor's proposal, any other factors pertaining to the negotiations, decide upon the approach to the negotiations and establish a consolidated negotiation position. As a further aid to the negotiating authority, a representative of the audit activity and/or a representative of the NASA Audit Division will, upon request, attend the negotiation conference.

(d) The negotiation conference will be conducted by the negotiating authority designated by the Procurement Office, NASA Headquarters. The allowability of costs and methods of cost allocation will be governed by Part 18–15, of this chapter. An agreement will be negotiated on final overhead rates, the specific items treated as direct charges and the provisional overhead rates if such rates are to be specified in the contract.

(e) At the completion of the negotiation, the NASA negotiating authority will prepare a negotiation report listing the names, titles, and organizations of those in attendance, the rates negotiated, the reasons for variation from the audit report, if any, the period of rate applicability, the basis for the determination of such rates and, where applicable, the provisional rates agreed upon for application in the succeeding period. Such report shall become the basis for amending the affected contracts and shall become a part of the contract file. Sufficient copies of the report shall be forwarded by the negotiating authority to the Procurement Office, NASA Headquarters (Code KDP–2), for distribution to all interested activities.

(f) Contract amendments will incorporate the negotiated final overhead rates, the bases to which they apply, and the period of rate applicability.

§ 18–3.707 Coordination.

(a) Because of the preponderance of contractors now subject to the negotiated overhead rate procedure with the Department of Defense, arrangements have been made with the Department of Defense to advise the Procurement Office, NASA Headquarters (Code KDP–2) of a pending overhead rate negotiation. All NASA field installations and headquarters activities having an interest will be notified by the Procurement Office, NASA Headquarters (Code KDP–2) of the scheduled negotiation. The notification will designate the NASA participant in such negotiations. Should it be impossible for the designated participant to attend, the Procurement Office, NASA Headquarters (Code KDP–2) shall be notified and arrangements will be made to ensure that a NASA participant is in attendance.

(b) In cases where NASA becomes the sponsoring agency and has the responsibility for conducting the negotiation, a representative of the Procurement Office, NASA Headquarters (Code KDP–2), or or a designee of that office, will be responsible for notifying all interested NASA field installations, the Office of Naval Material, Navy Department; The Chief, Pricing and Financial Division, Air Force Systems Command, Department of the Air Force, and the Chief, Procurement Support Division, Army Materiel Command, Department of the Army, who will, in turn, notify the respective procurement activities within their agencies.

(c) Currently, the Department of Defense prepares and distributes a "Master List of Commercial Contractors, Nonprofit Institutions and Educational Organizations Operating Under Negotiated Overhead Rates for Cost Type Contracts" which indicates the Government agency sponsoring the negotiation. This list will be supplemented by the Procurement Office, NASA Headquarters (Code KDP–2) to include those contractors for which NASA becomes the sponsoring agency. As changes are made in the list, the field installations will be advised.

§ 18–3.708 Ceilings on indirect costs.

(a) Cost-sharing arrangements are occasionally made wherein cost participation by the contractor is evidenced by an agreement to accept overhead rates which are lower than the anticipated actual overhead rates. In such cases, a negotiated ceiling overhead rate may be used for application prospectively.

(b) In other cases, it may be desirable to provide for a ceiling on overhead rates beyond which the contractor will absorb the costs. For example: (1) The proposed contractor is a new company or has been recently reorganized and there may be no past record of indirect costs incurred, or (2) the proposed contractor may have a recent record of rapidly increasing overhead rates due, perhaps, to a declining volume of sales without a commensurate decline in indirect expense, or (3) the proposed contractor may be seeking to enhance its competitive position in a particular procurement by basing its proposal on overhead rates lower than those which reasonably may be expected to occur during contract performance and which would likely cause a cost overrun. When any of the foregoing circumstances are apparent with either a proposed prime or subcontractor, reasonable, realistic and equitable ceilings should be negotiated on overhead rates.

(c) In the cases cited in paragraphs (a) and (b) of this section, the Government will not be obligated to pay any additional amount on account of overhead above the negotiated ceiling rates. In the event overhead rates resulting from an audit of allowable costs are less than the negotiated ceiling rates, the ceiling rates will be reduced in conformity with the lower rates.

Subpart 18–3.8—Price Negotiation Policies and Techniques

§ 18–3.800 Scope of subpart.

This subpart sets forth the price negotiation policies and techniques applicable to negotiated prime contracts and those subcontracts which are subject to consent or review and policies and procedures applicable to the initiation of procurement requests and solicitation and evaluation of proposals. The principles in this subpart apply to negotiation of prices on all types of contracts and to revised prices as well as intitial prices.

§ 18–3.801 Basic policy.

§ 18–3.801–1 General.

It is the policy of NASA to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government. Sound pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

§ 18–3.801–2 Responsibility of contracting officers.

(a) Contracting officers acting within the scope of their appointments (and in some cases acting through their authorized representatives) are the exclusive agents of NASA to enter into and administer contracts on behalf of the Government in accordance with NASA procurement instructions. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall exercise reasonable care, skill, and judgment and shall avail himself of all organizational tools (such as the advice of specialists in the fields of contracting, finance, law, contract audit, program management, system reliability, engineering, traffic management, and cost analysis) necessary to accomplish the purpose as, in his discretion, will best serve the interests of the Government.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their coun-

sel, and availing himself of their skills as much as possible. The contracting officer shall obtain simultaneous coordination of the specialist efforts to the greatest practical extent. He shall not, however, transfer his own responsibilities to them. Thus, the final negotiation of price, including price redetermination and evaluation of cost estimates, remains the responsibility of the contracting officer.

(c) When a contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall, in coordination with the initiator of the purchase request, determine the feasibility of developing an alternate source of supply and take such action within his authority as may be appropriate in the circumstances. If, after exhausting the above course of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher echelons of the procurement organization. Such referral shall include a complete statement of the attempt made to resolve the matter. With regard to a contractor's refusal to provide cost or pricing data, see § 18–3.807–6.

§ 18–3.801–3 Responsibility of other personnel.

(a) *Requirements personnel.* Personnel, other than the contracting officer, who establish the requirements for the product or services to be procured, can influence the degree of competition obtainable as well as have a material effect upon prices. Failure to finalize requirements in sufficient time to allow:

(1) A reasonable period for preparation of requests for proposals;

(2) Preparation of quotations by offerors;

(3) Contract negotiation and preparation; and

(4) Adequate performance lead time,

causes delinquency in performance and uneconomical prices. Requirements issued on an urgent basis or with unrealistic performance schedules should be avoided since they generally increase price or restrict desired competition. Personnel determining requirements, specification, reliability, and quality assurance, adequacy of sources of supply, and like matters, have responsibility in such areas, equal to that of the contracting officer, for timely, sound, and economical procurement.

(b) *Pricing personnel.* (1) The contract pricing team available to support the contracting officer in the review and analysis of pricing proposals includes the price analyst, negotiator, buyer, project engineer, and other professional and technical specialists including cognizant contract administration and audit offices. Among the specialists available at the contract administration or audit offices are the contract auditor, price analyst, engineer, production, quality assurance, packaging, and transportation specialists. When the contracting officer requires a review and evaluation of the contractor's cost or pricing data (§ 18–3.807–2), he shall request such pricing support from the contract administration office, or from the contract auditor if only an audit report is desired (see § 18–3.809).

(2) The price analyst or negotiator supporting the contracting officer should be designated to develop a Government pricing objective prior to the negotiation. This includes the responsibility for determining the extent of advice required from other specialists, requesting, obtaining, and considering such advice, and for consolidating pricing data, including cost and price analyses, historical cost or pricing data, independent government cost estimates, economic analyses and the like. The advice and assistance of the price analyst/negotiator should always be obtained when complex pricing techniques are indicated, including the use of contract types involving the skillful balancing of price, cost and performance incentive arrangements. In many instances, he will be in the best position to conduct the price negotiation.

(3) When providing pricing support to the contracting officer, the contract administration office has primary responsibility for consolidating and evaluating the findings of the pricing team members at the contract administration and audit offices, and for the analysis of proposed prices in consideration of, but not limited to, such factors as the need for quantities and kinds of materials included in the proposal; the need for the number and kinds of man-hours; the need for special tooling and facilities; and the reasonableness of scrap and spoilage factors. These analyses by the contract administration office shall be based on its knowledge of production, quality assurance, engineering, and manufacturing practices and techniques, and information as to plant capacity, scheduling, engineering and production "know-how", Government property and make-or-buy considerations, particularly as these relate to the practices of the specific prospective contractor.

(4) The contract auditor is responsible for submission of information and advice, based on his analysis of the contractor's books, accounting records, and other related data, as to the acceptability of the contractor's incurred and estimated costs. The auditor shall report any denial by the contractor of access to records or cost or pricing data which the auditor considers essential to the preparation of a satisfactory report. If the auditor believes that the contractor's estimating methods or accounting system are inadequate to produce valid support for the proposal or to permit satisfactory administration of the type of contract contemplated, this shall be stated in the audit report and concurrently made known to the contractor so that he may have the opportunity of presenting his views to the contracting officer and contract administration office. Where the contracting officer determines that deficiencies in the contractor's accounting system or estimating methods are such that the proposed contract cannot be adequately priced or administered, he shall, with the advice of the contract auditor and the contract administration office, assure that necessary corrective action is initiated prior to the award of such contract. The auditor has responsibility for performing that part of reviews which requires access to the contractor's books and financial records supporting proposed cost or pricing data regardless of the dollar amount involved. The auditor shall have general access to the books and financial records for this purpose. The contracting officer, the contract administration office, or their technical representatives may request any data from, or review records of, the contractor (such as lists of labor operations, process sheets, etc.) necessary to the discharge of their responsibilities.

(5) In order to provide the contracting officer with maximum support, it is essential that there be close cooperation and communication between the contract auditors and the production and other technical specialists. Such coordination will be accomplished in a manner which will minimize duplication of analysis. (See § 18–3.809(b)(3).) The analyses by technical and audit personnel are of mutual interest, and information relating thereto shall be exchanged throughout the review process. It is recognized that the duties of auditors and those of other technical specialists in many cases require both to evaluate the same elements of estimated costs. While they shall review the data jointly or concurrently wherever possible, each shall render his services within his own area of responsibility. For example, on quantitative factors (such as labor hours), the auditor will frequently find it necessary to compare proposed hours with hours actually expended on the same or similar products in the past as reflected on the cost records of the contractor. From this information he can often project trend data. The technical specialist may also analyze the proposed hours on the basis of his knowledge of such things as shop practices, industrial engineering, time and motion factors, and the contractor's plant organization and capabilities. The interchange of this information will not only prevent duplication but will assure adequate and complementary analysis.

(6) Pricing based on cost analysis involves, among other things, an appraisal of estimates of costs expected to be incurred in the future. The accounting projection of trends based on cost or pricing data, together with any known changes therein, is only one method of conducting this appraisal, others[1] being:

(i) An engineering appraisal of the need for the estimated labor and material costs and of tooling and facilities, and the reasonableness of scrap and spoilage factors, and

(ii) The preparation of independent estimates by competent technical personnel.

Occasionally, differences of opinion will exist not only on the reasonableness of cost projections but also on the accounting techniques on which they are based. In addition, it is normally not possible to negotiate a pricing result which is in strict accord with all of the opinions of all of the specialists, or even with the Government's pricing objective. Reasonable compromises are normally necessary and this fact must be understood by all members of the team. For all of these reasons, audit reports or pricing recommendations by others must be considered to be advisory only. The contracting officer is responsible for the exercise of the requisite judgments and is solely responsible for the final pricing decision. In those instances where the contracting officer does not adopt recommendations that have particular significance on the contract price, appropriate comments should be included in the record of the negotiation (§ 18–3.811).

(7) Whenever it becomes apparent to the contracting officer that the negotiations will require the resolution of complex problems which involve items significant in amount, he shall request attendance of appropriate representatives at the negotiation meeting.

(8) Formal written price analysis, technical analysis, audit report, and other information which may affect negotiations shall be furnished to the contracting officer prior to the negotiation of procurement actions expected to exceed $100,000. These reports will be retained as a part of the official contract file along with significant work papers supporting the development of the pricing objective.

[1] (NOTE: The "Armed Services Procurement Regulation Manual for Contract Pricing", ASMP No. 1 may be used as a guide in the review, analysis and negotiation of contract prices. However, users are cautioned that parts of the manual contain special Department of Defense procurement techniques not adaptable or authorized for use by NASA, e.g., Weighted Guidelines and Contract Definition.)

§ 18–3.802 Preparation for negotiation.

§ 18–3.802–1 Product or service.

Knowledge of the product or service, and its use is essential to sound pricing. Before soliciting quotations, every contracting officer should develop, where feasible, an estimate of the proper price level or value of the product or service to be purchased. Such estimates may be based on a physical inspection of the product and review of such items as drawings, specifications, job process sheets, and prior procurement data. When necessary, requirements and technical specialists should be consulted. The primary responsibility for the adequacy of specifications and for the delivery requirements must necessarily rest with requirements and technical groups. However, the contracting officer should be aware of the effect which these factors may have on prices and competition and should, prior to award, inform requirements and technical groups of any unsatisfactory effect which their decisions have on prices or competition.

§ 18–3.802–2 Selection of sources.

(a) *Competition.* It is NASA policy that competition will be obtained whenever possible. Companies that have indicated their interest by filing Standard Form 129, "Bidder's Mailing List Application," and any other companies that are known to be competent in the field involved, should be considered for a pending procurement. No company shall be precluded from submitting a proposal merely because it was not initially furnished a request for proposals.

(b) *Locating prospective contractors.* There shall be a continuing effort by NASA procurement and technical personnel to search for and develop information on potential sources. The negotiator shall submit proposed procurements in excess of $2,500, which are to be awarded on a competitive basis, to the small business specialist for screening before requests for proposals are issued, in order that small business concerns may be given an equitable opportunity to compete for procurements for which they might qualify. However, see § 18–1.705–3. Prior to making a determination as to which firms will be solicited, the negotiator shall review the source list of companies which have filed Standard Form 129 and any other information, including brochures, surveys, discussions, or correspondence, indicating the companies' interest and ability in the field of procurement. The names of additional companies which are known to be interested and competent in the field shall be added.

(c) *Appraising prospective contractors.* When the preparation of proposals requires extensive work and expense to companies, especially in the case of research and development, the source list should be screened by technical personnel, the negotiator, and small business personnel, and requests for proposals sent only to those companies which not only are technically qualified but are known to have the experience, management capabilities, and facilities to perform the contract. In those circumstances where the number of eligible companies is excessively large, proposal requests need only be sent to a representative number of companies which will assure effective competition: *Provided, however,* That in subsequent procurements the list will be rotated to provide all qualified firms an equal opportunity to submit proposals.

§ 18–3.802–3 Noncompetitive procurement.

(a) While competition must be obtained whenever possible, there are circumstances where one institution or company has exclusive or predominate capability by reason of experience, specialized facilities, or technical competence to perform the work within the time required and at reasonable prices. In such a circumstance, the initiating technical office may recommend, for approval by the appropriate authority listed in paragraph (d) of this section, that only one institution or company is qualified to perform the work or services and that a proposal be solicited only from this source. This recommendation shall be in writing and will be contained in a separate document entitled "Justification for Noncompetitive Procurement" and shall set forth full and complete justification for the selection in accordance with paragraph (c) of this section, except as otherwise authorized by paragraph (d)(1) of this section. In those cases where the initiating technical office does not make such a recommendation, the recommendation may be made by the procurement office, if deemed appropriate. In such a case, the recommendation will be prepared for the signature of an appropriate individual, consistent with the approval requirements of paragraph (d) of this section, and shall have the concurrence of the cognizant technical office before submission to the approving authority specified in paragraph (d) of this section, except that such concurrence may be waived in the case of small purchases (see paragraph (d)(1) of this section).

(b) The provisions of this § 18–3.802–3 do not apply to: (1) procurements of $250 or less; (2) procurements from or through other Government agencies; (3) procurements of utility services where the services are available from only one source; (4) procurements of architect-engineer services; (5) procurements of industrial facilities required in support of related procurement contracts; (6) procurements of scientific experiments, based on unsolicited proposals, where selection is made pursuant to NASA Management Instruction 7100.1, "Conduct of Space Science Program—Selection and Support of Scientific Investigations and Investigators" (§ 18–4.403(d)); or (7) procurements based on unsolicited proposals where a "Justification for Acceptance of Unsolicited Proposal" is provided in accordance with Subpart 18–4.4.

(c) Justification for noncompetitive procurement. (1) The document entitled "Justification for Noncompetitive Procurement" shall:

(i) Fully express the circumstances which operate to make competitive negotiation impractical or not feasible;

(ii) Explain with particularity the exclusive or predominant capability the proposed contractor possess which meet the requirements of the procurement; and

(iii) Contain, in the first sentence of the document, an appropriate recommendation (e.g., "I recommend that we negotiate with the _____ (Name of company) only for the detailed documentation and fabrication of _____ (Item being procured).").

(2) Each "Justification" shall reflect the degree of consideration which has been given to other sources in the particular field and the reasons they lack the capability which the proposed contractor evidences. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification":

(i) What capability does the proposed contractor have which is important to the specific effort and makes him clearly more desirable than another firm in the same general field?

(ii) What prior experience of a highly specialized nature does he possess which is vital to the proposed effort?

(iii) What facilities and test equipment does he have which are specialized and vital to the effort?

(iv) Does he have a substantial investment of some kind which would have to be duplicated at Government expense by another source entering the field?

(v) If schedules are involved, why are they critical and why can the proposed contractor best meet them?

(vi) If lack of drawings or specifications is a guiding factor, why is the proposed contractor best able to perform under these conditions? Why are drawings and specifications lacking? What is the leadtime required to get drawings and specifications suitable for competition?

(vii) Are Government-owned facilities involved?

(viii) Is the effort a continuation of previous effort performed by the proposed contractor?

(ix) Does the proposed contractor have personnel considered predominant experts in the particular field?

(x) Is competition precluded because of the existence of patent rights, copyrights or secret processes?

(xi) Are parts or components being procured as replacement parts in support of equipment specially designed by a manufacturer, where data available is not adequate to assure that the parts or components will perform the same function in the equipment as those parts or components being replaced?

(d) Review and approval: The "Justification" shall, as a minimum requirement, be reviewed and approved as follows:

(1) For small purchases in excess of $250, but not in excess of $2,500, the "Justification" may be in the form of a statement and shall be submitted for the approval of the contracting officer.

(2) For procurements in excess of $2,500, but not in excess of $100,000, the "Justification" shall be submitted for the approval of the Procurement Officer or his designees after prior review and written concurrence by the initiating technical individual's immediate superior. (For the purpose of this requirement, the term "or his designees" shall mean the individuals authorized by the Procurement Officer to sign the "Justification." Such authorization shall be in writing and shall not be delegated beyond the first level of supervision below the Procurement Officer.)

(3) For procurements in excess of $100,000, but less than the dollar amount set forth below for the installation concerned, the "Justification" shall be submitted for the approval of the Procurement Officer or his designee after prior review and written concurrence by the head of the cognizant technical division or laboratory, as applicable. (For the purpose of this requirement, the term "or his designee" shall mean the individual authorized by the Procurement Officer to sign the "Justification." Such authorization shall be in writing and shall not be delegated to more than one individual.)

(i) $250,000:

Flight Research Center.
Wallops Station.

(ii) $500,000:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

(iii) $1 million:

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

(4) For procurements within the range of the dollar amounts set forth below for the installation concerned, the "Justification" shall be submitted for the approval of the Head of the Installation, his Deputy or Associate Director (the title "Associate Director" means a full Associate Director and not an Associate Director for ----------) after prior review and written concurrences by the Director or Assistant Director of the cognizant technical directorate, cognizant Program Manager, or cognizant staff official, as applicable, who reports directly to the Head of the Installation, and by the Procurement Officer.

(i) $250,000 but less than $500,000:

Flight Research Center.
Wallops Station.

(ii) $500,000 but less than $1 million:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

(iii) $1 million but less than $2,500,000:

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

(5) For procurements that equal or exceed the dollar amounts set forth below for the installation concerned, the "Justification" shall be submitted for the signature of the head of the Installation after prior review and written concurrences by the Director or Assistant Director of the cognizant technical directorate, cognizant Program Manager, or cognizant staff official, as applicable, who reports directly to the head of the Installation, and by the Procurement Officer. The "Justification" shall contain additional signature blocks for approval by the Administrator and for concurrences by the Director of Procurement, the cognizant Program Associate Administrator, the Assistant Administrator for Industry Affairs, the Assistant Administrator for Administration, the Associate Administrator for Organization and Management, and the Deputy Administrator.

(i) $500,000 and over:

Flight Research Center.
Wallops Station.

(ii) $1 million and over:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

(iii) $2,500,000 and over:

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

The original and 20 copies of the "Justification" shall be submitted in the case of those procurements under the cognizance of the Office of Manned Space Flight. In all other instances the original and 10 copies shall be submitted. The position title will be shown for each individual signing the "Justification" as required by subparagraphs (1) through (5) of this paragraph.

(e) The "Justification for Noncompetitive Procurement" will be attached to the Procurement Plan in accordance with § 18–3.852–3 and will be made a part of the contract file. (See §§ 18–1.308 and 18–16.853.)

§ 18–3.802–4 Requests for proposals.

(a) *Preparation and submission.* Requests for proposals, including amendments thereto, shall be prepared by the procurement office, with assistance from technical or other offices as required and be issued by the contracting officer or his authorized representative. The request for proposals has a twofold purpose: (1) To convey to prospective contractors the information they need to prepare a proposal properly, and (2) to solicit the information that procurement and technical personnel need to appraise the proposals of prospective contractors. The request for proposals shall contain all the information necessary to enable a prospective offeror to prepare a proposal properly (see Subpart 18–3.5, which contains a list of items to be considered in preparing a request for proposals or a request for quotations). Requests for proposals, including requests for revised proposals, shall be in writing and shall specify a date for their submission. When advisable, particularly in the case of research and development, proposals shall be requested in two parts: (1) An unpriced technical proposal, and (2) a cost proposal cross-referenced to the technical proposal. Any extension of time granted to one prospective contractor shall be granted uniformly to all. Each request for proposals shall be issued to prospective contractors at the same time, and no contractor shall be given an advantage.

(b) *Advance information copies.* Two copies of each request for proposals and changes to such request for proposals prepared pursuant to a procurement plan approved under § 18–3.852–2(a)(3) shall be forwarded to the Director of Procurement (Code KDR). These copies shall be forwarded at the earliest practicable date following completion of the final draft of the request for proposals. However, submission to the Director of Procurement shall in no event be later than the date the request for proposals is mailed to prospective proposers. The transmittal to the Director of Procurement shall identify the procurement plan to which the request for proposals applies. This requirement is in addition to the requirements of § 18–50.104.

(c) *Late proposals and late unsolicited revisions to proposals.* (1) Except with respect to procurements estimated not to exceed $2,500, written requests for proposals shall contain the following provision:

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The Government reserves the right to consider proposals or modifications thereof received after the date indicated for such purpose, but before award is made, should such action be in the interest of the Government.

(2) Proposals, or modifications thereof, received from qualified firms after the latest date specified for receipt may be considered if there is a probability of a significant reduction in cost to the Government, or technical improvements, as compared with proposals previously received. In such case, the negotiator shall investigate the circumstances surrounding the submission of the late proposal or modification and evaluate its content. He shall then submit his recommendations and findings to the contracting officer, in writing, as to whether, in his opinion:

(i) The company submitting the proposal has an excusable reason for late submission;

(ii) There is an advantage to the Government to consider the proposal;

(iii) All companies submitting proposals should be resolicited; and

(iv) Time of performance permits such resolicitation.

The contracting officer shall thereupon determine whether the proposal should be considered or rejected, or a resolicitation of proposals should be made.

(3) When the failure of a proposal to arrive on time is due solely to delay in the mails for which the offeror was not responsible or when only one proposal is received, the contracting officer may consider the proposal.

(4) Offerors submitting late proposals that will not be considered will be notified by the contracting officer that his proposal was received late and will not be considered.

(5) The provisions of subparagraphs (1) through (4) of this paragraph are also applicable to late quotations. In the case of a request for quotations, the provisions set forth in subparagraph (1) above will be appropriately modified.

§ 18–3.803 Type of contract.

(a) The selection of an appropriate type of contract and the negotiation of prices, or estimated costs and fee, are related and should be considered together. The objective is to negotiate a type of contract and a price that includes reasonable contractor risk and provides the contractor with the greatest incentive for efficient and economical performance. When negotiations indicate the need for using other than a firm fixed-priced contract, there should be compatibility between the type of contract selected and the contractor's accounting system. In view of the exploratory nature of research and development, and the uncertainties inherent in its successful accomplishment, cost-reimbursement type contracts normally will be utilized in accomplishing such procurements. Exception may be made when negotiating contracts of low monetary value where audit is impracticable or in contracts where the work to be performed can be described with a reasonable degree of definiteness and sufficient cost or pricing information is available to insure that the contract price will be fair and reasonable.

(b) In the course of a procurement program, a series of contracts, or a single contract running for a lengthy term, the circumstances which make for selection of a given type of contract at the outset will frequently change so as to make a different type more appropriate during later periods. In particular, the repetitive or unduly protracted use of a cost-plus-a-fixed-fee or time and materials contract is to be avoided where experience has provided a basis for firmer pricing which will promote more efficient performance and will place a more reasonable degree of risk on the contractor. Thus, in the case of a time and materials contract, continuing consideration should be given to converting to another type of contract as early in the performance period as practicable.

§ 18–3.804 Evaluation of proposals.

§ 18–3.804–1 General.

Evaluation of proposals by all personnel concerned with the procurement will be completed expeditiously. The evaluation of proposals received may be accomplished in a number of different ways. Evaluation of proposals for scientific experiments to be flown aboard NASA satellites will be accomplished in accordance with NASA Management Instruction 7100.1, "Conduct of Space Science Program—Selection and Support of Scientific Investigations and Investigators." Other methods of evaluation used by NASA, together with policies and procedures regarding their use, are set forth in §§ 18–3.804–2 and 18–3.804–3.

§ 18–3.804–2 Evaluation procedures not involving Source Evaluation Board.

The evaluation procedures set forth in paragraphs (a) through (d) shall be utilized except where the procedures set forth in § 18–3.804–3 apply.

(a) *Responsibility of contracting officer.* (See § 18–3.801–2.)

(b) *Technical evaluation.* Generally, procurement personnel are not qualified to evaluate proposals from a technical viewpoint and must rely on scientific and engineering personnel for this function. In research and development contracting, awards should usually be made to those companies that have the highest competence in the specific field of science or technology involved, although awards should not be made on the basis of research and development capabilities that exceed those needed for the successful performance of the work. It is imperative therefore that technical evaluations and recommendations be fully documented and reviewed by responsible personnel. Technical evaluation should include the following:

(1) The contractor's understanding of the scope of the work as shown by the scientific and technical approach proposed;

(2) Availability and competence of experienced engineering, scientific, or other technical personnel;

(3) Availability of necessary research, test, and production facilities;

(4) Experience or pertinent novel ideas in the specific branch of science or technology involved;

(5) The contractor's willingness to devote his resources to the proposed work with appropriate diligence; and

(6) The contractor's proposed method of achieving the reliability required.

In making this evaluation, technical personnel may be given access to portions of the business proposals upon request. After evaluation and preparation of written recommendations as to selection of source by the technical personnel, proposals shall be returned to the negotiator. The contracting officer is responsible for reviewing the justification in support of the recommendations of technical personnel to determine that the justification is adequate and that the documentation is complete.

(c) *Business evaluation*—(1) *Price and cost analysis.* Each proposal requires some form of price or cost analysis. The contracting officer must exercise judgment in determining the extent of analysis in each case. On high-dollar value procurements, particularly where effective competition has not been obtained, the analysis should be thorough, and the record carefully documented to disclose the extent to which the various elements of costs, fixed fee, or profit contained in the contractor's proposals were analyzed. The negotiation memorandum should also reflect the consideration given to the recommendations of the price analyst and the basis for nonacceptance or departure from the recommendations during the course of negotiations.

(2) *Automatic data processing equipment.* In evaluating proposals containing a significant amount of cost for Automatic Data Processing Equipment (ADPE) the contracting officer should obtain from the prospective contractor a feasibility study and a lease-versus-purchase study covering the acquisition of such equipment or service. The contracting officer will obtain the recommenda-

tions of the price analyst and appropriate ADPE technical personnel as to the adequacy of the studies and the prospective contractor's determinations resulting from the studies. Particular attention should be given to those proposals containing a high dollar amount for rental of ADPE or complete systems to be used solely for performance of the contract. Current Bureau of the Budget criteria (NASA Handbook 2410.1, "Management Procedures for Automatic Data Processing Equipment") should be used, where applicable, as a guide in evaluating the contractor's studies (Also see Subpart 18-3.11). Prospective contractors should be encouraged to:

(i) Use ADPE machine time available within a reasonable geographic distance;

(ii) Use telecommunications links to remote Government-owned or leased ADPE systems, and

(iii) Purchase ADPE in preference to leasing the equipment where the financial advantage is the sole or overriding factor.

(3) *Other factors.* The contracting officer must appraise the management capability of the offeror to perform the required work in a timely manner. In making this appraisal, he must consider such factors as the company's management organization, past performance, reputation for reliability, availability of the required facilities, and cost controls, including the nature and effectiveness of its cost reduction program (see § 18-3.102(b)(20)).

§ 18-3.804-3 Evaluation procedures—use of Source Evaluation Board.

(a) Source Evaluation Board Procedures are appropriate for competitive negotiated procurements, except Architect-Engineer services and contracts for which the procedures have been specifically waived, then:

(1) The estimated cost of the contract will exceed $1 million;

(2) The estimated cost of the contract will not exceed $1 million, but it is likely that the source selected will receive other contracts for later phases of the same project which, cumulatively, would total more than $1 million. (Examples of this category include feasibility studies and project definition contracts under approved programs or programs for which approval will be requested.); or that

(3) A Source Selection Official determines that the use of the Source Evaluation Board procedures is desirable.

(b) The detailed procedures regarding the designation and operation of Source Evaluation Boards are set forth in NPC 402. (See NASA Management Instruction 1152.2, "Source Evaluation Board Manual".)

§ 18-3.804-4 Disclosure of information prior to selection of contractor.

During the course of evaluation proceedings, whether or not a Source Evaluation Board is utilized, NASA personnel participating in any way in evaluating proposals shall not reveal any information concerning the evaluation under way to anyone who is not also participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. When other Government or Jet Propulsion Laboratory personnel participate in evaluation proceedings, they will be instructed to observe these restrictions. Information will be provided to unsuccessful offerors in accordance with § 18-3.106-3.

§ 18-3.805 Conduct of negotiations.

§ 18-3.805-1 General.

(a) After evaluation of proposals, written or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price and other factors considered, in accordance with § 18-3.102(a), and due attention will be given to the factors cited in § 18-3.102(b).

(b) Procurement personnel, as well as other personnel concerned with the procurement, shall insure that contract negotiations are completed expeditiously. However, all details of the negotiation must be completed before the contract is actually placed. This includes, to the extent applicable:

(1) Arrangements regarding Government-furnished property;

(2) Determination that the prospective contractor is responsible, including completion of preaward surveys where required;

(3) Arrangements with other Government agencies for the use of facilities under their control;

(4) Where the contract will be administered by another Government agency, any necessary arrangements with the responsible activity of that agency;

(5) Where the contract will involve access to classified information, verification that required security clearance has been obtained.

(6) The requirement for the furnishing of data by the contractor in the performance of the contract, both for technical evaluation and for competitive reprocurement where follow-on procurement is probable, in those situations where the appropriate technical office has requested that the contracting officer obtain such data; and

(7) If the offeror's proposal contains technical data marked with a restrictive legend, whether the Government desires rights to use such data (§ 18-3.109, § 18-9.202-6).

(c) Whenever negotiations are conducted with more than one offeror, auction techniques are strictly prohibited. An example would be indicating to an offeror a price which must be met to obtain further consideration, or informing him that his price is not low in relation to that of another offeror. On the other hand, it is permissible to inform an offeror that his price is considered by the Government to be too high. After receipt of proposals, no information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to any one whose official duties do not require such knowledge (see § 18-1.1050). Whenever negotiations are conducted with several offerors, while such negotiations may be conducted successively, all offerors selected to participate in such negotiations (see paragraph (a) of this section) shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations. All such offerors shall be informed of the specified date (and time if desired) of the closing of negotiations and that any revisions to their proposals must be submitted by that date. All such offerors shall be informed that any revision received after such date shall be treated as a late proposal in accordance with the "Late Proposals" provisions of the request for proposals. All such offerors shall also be informed that after the specified date for the closing of negotiation no information other than notice of unacceptability of proposal, if applicable (see § 18-3.106-3), will be furnished to any offeror until award has been made.

(d) Except where cost-reimbursement type contracts are to be used (see § 18-3.805-2), solicitations may provide for two-step negotiation. After receipt of initial unpriced technical proposals, such proposals will be evaluated to determine those which are acceptable to the Government or which, after discussion, can be made acceptable. After necessary discussions are completed, prices will thereafter be solicited for all acceptable proposals and no award may be made until such prices have been received. Solicitations may also include a notification of the possibility that award may be made upon submission of prices without further discussion of proposals received and therefore the best possible price should be submitted initially. Unless such notification is included in the solicitation, discussions shall be conducted as provided in paragraph (a) of this section.

(e) When, during negotiations, a substantial change occurs in the Government's requirements or a decision is reached to relax, increase or otherwise modify the scope of the work or statement of requirements, such change or modification shall be made in writing as an amendment to the request for proposal or request for quotations, and a copy shall be furnished to each prospective contractor. See § 18-3.802-4. Oral advice of change or modification may be given if (1) the changes involved are not complex in nature, (2) all prospective contractors are notified simultaneously (preferably by a meeting with the contracting officer), and (3) a record is made of the oral advice given. In such instances, however, the oral advice should be promptly followed by a written amendment verifying such oral advice previously given. The dissemination of oral advice of changes or modifications separately to each prospective offeror during individual negotiation sessions should be avoided unless preceded, accompanied, or immediately followed by a written amendment to the request for proposal or request for quotations embodying such changes or modifications. Each offeror whether notified orally or in writing shall be required to acknowledge receipt of the amendment and to state that he understands the time limit for submission of revised proposals (see § 18-3.501(b)(54)).

§ 18-3.805-2 Cost-reimbursement type contracts.

In selecting the contractor for a cost-reimbursement type contract, estimated costs of contract performance and proposed fees should not be considered as controlling, since in this type of contract advance estimates of cost may not provide valid indicators of final actual costs. There is no requirement that cost-reimbursement type contracts be awarded on the basis of either (a) the lowest proposed cost, (b) the lowest proposed fee, or (c) the lowest total estimated cost plus proposed fee. The award of cost-reimbursement type contracts primarily on the basis of estimated costs may encourage the submission of unrealistically low estimates and increase the likelihood of cost overruns. The cost estimate is important to determine the prospective contractor's understanding of the project and ability to organize and perform the contract. The agreed fee must be within the limits prescribed by law and appropriate to the work to be performed. Beyond this, however, the primary consideration in determining to whom the award shall be made is: Which contractor can perform the contract in a manner most advantageous to the Government.

§ 18-3.806 Cost, profit, and price relationships.

(a) Where products are sold in the open market, costs are not necessarily the controlling factor in establishing a particular seller's price. Similarly, where competition may be ineffective or lacking, estimated costs plus estimated profit are not the only pricing criteria. In some cases, the price appropriately may represent only a part of the seller's cost and include no estimate for profit or fee, as in research and development projects where the contractor is willing to share part of the costs. In other cases, price may be controlled by competition as set forth in § 18-3.805-1. The objective of the contracting officer shall be to negotiate fair and reasonable prices in which due weight is given to all relevant factors, including those in § 18-3.102.

(b) Profit or fee is only one element of price and represents a much smaller proportion of the total price than do such other estimated elements as labor and material. While the public interest requires that excessive profits be avoided, the contracting officer should not become so preoccupied with particular elements of a contractor's estimate of cost and profit that the most important consideration, the total price itself, is distorted or diminished in its significance. Government procurement is concerned primarily with the reasonableness of the price which the Government ultimately pays, and only secondarily with the eventual cost and profit to the contractor.

§ 18-3.807 Pricing techniques.

§ 18-3.807-1 General.

(a) *Policies.* Policies set forth in this Subpart 18-3.8 may be applied in a variety of ways in the evaluation of offerors' or contractors' proposals and in the negotiation of contract prices. The following paragraphs describe the principal price and cost evaluation techniques and the circumstances under which each may be used. They are equally applicable to initial and subsequent price negotiations.

(b) *Adequate price competition and catalog or market prices.* For the purpose of this § 18-3.807, the terms "adequate price competition" and "established catalog or market prices of commercial items sold in substantial quantities to the general public" shall be construed in accordance with the following general guidelines.

(1) *Adequate price competition.* (i) Price competition exists if offers are solicited and (*a*) at least two responsible offerors (*b*) who can satisfy the purchaser's (e.g., the Government's) requirements (*c*) independently contend for a contract to be awarded to the responsive and responsible offeror submitting the lowest evaluated price (*d*) by submitting priced offers responsive to the expressed requirements of the solicitation. Whether there is price competition for a given procurement is a matter of judgment to be based on evaluation of whether each of the foregoing conditions (*a*) through (*d*) of this subparagraph (1)(i) is satisfied. Generally, in making this judgment, the smaller the number of offerors, the greater the need for close evaluation.

(ii) If conditions (*a*) through (*d*) in subparagraph (1)(i) are met, price competition may be presumed to be "adequate" unless the purchaser (e.g., the contracting officer) finds that:

(*a*) The solicitation was made under conditions that unreasonably deny to one or more known and qualified offerors an opportunity to compete;

(*b*) The low competitor has such a determinative advantage over the other competitors that he is practically immune to the stimulus of competition in proposing a price (e.g., a determinative advantage because substantial costs, such as startup or other nonrecurring expenses, have already been absorbed in connection with previous sales, thus placing the competitor in a preferential position); or

(*c*) The lowest final price is not reasonable and supports such finding by an enumeration of the facts upon which it is based; provided, that such finding is approved by the Procurement Officer or his deputy.

(iii) A price is "based on" adequate price competition if it results directly from such competition or, if price analysis (not cost analysis) shows clearly that the price is reasonable in comparison with current or recent prices for the same or substantially the same items procured in comparable quantities under contracts awarded as a result of adequate price competition (e.g., (*a*) exercise of an option in a contract for which there was adequate price competition if the option price has been determined to be reasonable in accordance with § 18-1.1504(d) and the option price is not greater than the contract price; and (*b*) and item is normally procured competitively but in a particular situation only one offer is solicited or received, and the price clearly is reasonable in comparison with recent purchases of comparable quantities for which there was adequate price competition.)

(2) *Established catalog or market prices of commercial items sold in substantial quantities to the general public.* Application of this exception also requires judgment and analysis on a case-by-case basis. In making this judgment, the various elements of the term must be considered and a price must meet all these conditions in order to be considered for exception. In other words, the price must be, or be based on: (i) An established catalog or market price, (ii) of commercial items, (iii) sold in substantial quantities, (iv) to the general public. The following criteria should be applied in determining whether an item falls within the scope of this exception:

(*a*) An "established catalog price" is a price included in a catalog, price list, schedule, or other form that (*1*) is regularly maintained by the manufacturer or vendor, (*2*) is either published or otherwise available for inspection by customers, and (*3*) states prices at which sales are currently, or were last, made to a significant number of buyers constituting the general public. An "established market price" is a current price, established in the usual and ordinary course of trade between buyers and sellers free to bargain, which can be substantiated from sources independent of the manufacturer or vendor.

(*b*) A "commercial item" is an item, which term included both supplies and services, of a class or kind which (*1*) is regularly used for other than Government purposes, and (*2*) is sold or traded in the course of conducting normal business operations.

(*c*) Supplies are "sold in substantial quantities" when the facts or circumstances are sufficient to support a reasonable conclusion that the quantities regularly sold are sufficient to constitute a real commercial market for the item. Nominal quantities, such as models, specimens, samples, and prototype or experimental units, cannot be considered as meeting this requirement. Services are sold in substantial quantities if they are customarily provided by the contractor, with personnel regularly employed, and with equipment, if any is necessary, regularly maintained, solely or principally, for the purpose of providing such services.

(*d*) An item is sold "to the general public" if it is sold to other than affiliates of the seller for end use by other than the Government. Items sold to affiliates of the seller and sales for end use by the Government are not sales to the general public.

A price may be considered to be "based on" established catalog or market prices of commercial items sold in substantial quantities to the general public if the item being purchased is sufficiently similar to such a commercial item to permit the difference between the prices of the items to be identified and justified with-

out resort to cost analysis. The foregoing criteria require positive demonstration by convincing evidence to support the application of this exception. It is not enough that an item be listed in a catalog or price list, or be offered for sale to the general public, or be intended to become a commercial item, but tangible and substantial sales activity must be shown to result from such listing, offering, or intention. The listing of an item in the Federal Supply Schedules is an offer to furnish the item to Government agencies at stipulated price and delivery terms, and does not, of itself, meet the criteria for exception.

§ 18–3.807–2 Requirement for price or cost analysis.

(a) *General.* Some form of price or cost analysis is required in connection with every negotiated procurement action. The method and degree of analysis, however, is dependent on the facts surrounding the particular procurement and pricing situation. Cost analysis shall be performed in accordance with paragraph (c) of this section when cost or pricing data is required to be submitted under the conditions described in § 18–3.807–3; however, the extent of the cost analysis should be that necessary to assure reasonableness of the pricing result, taking into consideration the amount of the proposed contract and the cost and time needed to accumulate the necessary data for analysis. Price analysis shall be used in all other instances to determine the reasonableness of the proposed contract price. Price analysis may also be useful in corroborating the overall reasonableness of a proposed price where the determination of reasonableness was developed through cost analysis.

(b) *Price analysis.* (1) Price analysis is the process of examining and evaluating a prospective price without evaluation of the separate cost elements and proposed profit of the individual prospective supplier whose price is being evaluated. Price analysis may be accomplished in various ways including the following:

(i) The comparison of the price quotations submitted;

(ii) The comparison of prior quotations and contract prices with current quotations for the same or similar end items (to provide a suitable basis for comparison, appropriate allowances must be made for differences in such factors as specifications, quantities ordered, time for delivery, Government-furnished materials, and experienced trends of improvements in production efficiency; it must also be recognized that such comparison may not detect an unreasonable current quotation unless the reasonableness of the prior price was established and unless changes in the general level of business and prices have been considered);

(iii) The use of rough yardsticks (such as dollars per pound, per horsepower, or other units) to point up apparent gross inconsistencies which should be subjected to greater pricing inquiry;

(iv) The comparison of prices set forth in published price lists issued on a competitive basis, published market prices of commodities and similar indices, together with discount or rebate arrangements; and

(v) The comparison of proposed prices with estimates of cost independently developed by personnel within the procurement office.

(2) Price analysis techniques should be used to support or supplement cost analysis wherever appropriate.

(c) *Cost analysis.* (1) Cost analysis is the review and evaluation of a contractor's cost of pricing data (§ 18–3.807–3) and of the judgmental factors applied in projecting from the data to the estimated costs, in order to form an opinion on the degree to which the contractor's proposed costs represent what performance of the contract should cost, assuming reasonable economy and efficiency. It includes the appropriate verification of cost data, the evaluation of specific elements of costs (see § 18–16.202), and the projection of these data to determine the effect on prices of such factors as:

(i) The necessity for certain costs;

(ii) The reasonableness of amounts estimated for the necessary costs;

(iii) Allowances for contingencies;

(iv) The basis used for allocation of overhead costs; and

(v) The appropriateness of allocations of particular overhead costs to the proposed contract.

(2) Appropriate consideration should be given to Part 18–15, which contains general cost principles and procedures for the determination and allowance of costs in connection with the negotation of cost-reimbursement type contracts, as well as guidelines for use, where appropriate, in the evaluation of costs in connection with negotiated fixed-price type contracts.

(3) Among the evaluations that should be made where the necessary data are available, are comparisons of a contractor's or offeror's current estimated costs with:

(i) Actual costs previously incurred by the contractor or offeror;

(ii) His last prior cost estimate for the same or similar item or a series of prior estimates;

(iii) Current cost estimates from other possible source; and

(iv) Prior estimates or historical costs of other contractors manufacturing the same or similar items.

(4) Forecasting future trends in costs from historical cost experience is of primary importance. In periods of either rising or declining costs, an adequate cost analysis must include some evaluation of the trends. In cases involving production of recently developed, complex equipment, even in periods of relative price stability, trend analysis of basic labor and materials costs should be undertaken, and in contracts extending over a period of several years, trend analysis should be made of overhead forecasts for the life of the contract.

§ 18–3.807–3 Cost or pricing data.

(a) The contracting officer shall require the contractor to submit, either actually or by specific identification in writing, cost or pricing data in accordance with § 18–16.202 and to certify, by use of the certificate in paragraph (b) of the clause set forth in § 18–3.807–4, that, to the best of his knowledge and belief, the cost or pricing data he submitted was accurate, complete, and current prior to:

(1) The award of any negotiated contract expected to exceed $100,000 in amount;

(2) The pricing of any contract modification expected to exceed $100,000 in amount to any formally advertised or negotiated contract whether or not cost or pricing data was required in connection with the initial pricing of the contract;

(3) The award of any negotiated contract not expected to exceed $100,000 in amount or any contract modification not expected to exceed $100,000 in amount to any formally advertised or negotiated contract whether or not cost or pricing data was required in connection with the initial pricing of the contract, provided the contracting officer considers that the circumstances warrant such action in accordance with paragraph (d) of this section;

unless the contracting officer determines, in writing, that the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The requirements under subparagraphs (1) and (2) of this paragraph may be waived in exceptional cases where the Associate Administrator for Organization and Management, or, in the case of a contract with a foreign government or agency thereof, the Assistant Administrator for Industry Affairs or the Director of Procurement authorizes such waiver and states in writing his reasons for such determination. The determination will set forth the procedures followed in attempting to obtain cost and pricing data, including any direct requests therefor, the contractor's reasons for refusing to submit cost or pricing data or reasons why data submitted by the contractor could not be used, and other efforts made by NASA to obtain confirmation of the accuracy of pricing from sources other than the contractor. Whenever the Contractor and Subcontractor Certified Cost or Pricing Data clause set forth in § 18–3.807–4 is to be included in the contract, it should also be included in the request for proposals, the invitation for bids, or the request for quotations.

(b) Any contractor who has been required to submit and certify cost or pricing data in accordance with paragraph (a) of this section shall also be required to obtain cost or pricing data from his subcontractors under the circumstances set forth in the clause in § 18–3.807–4.

(c) When there is adequate price competition, cost or pricing data shall not be

requested regardless of the dollar amount involved. As a general rule, cost or pricing data should not be requested when it has been determined that proposed prices are, or are based on, established catalog or market prices of commercial items sold in substantial quantities to the general public. Where, however, despite the willingness of a number of commercial purchasers to buy an item at such a catalog or market price, the purchaser (e.g., the contracting officer) finds that that price is not reasonable and supports such finding by an enumeration of the facts upon which it is based, cost or pricing data may be requested, if necessary, to establish a reasonable price; provided, that such finding is approved by the Procurement Officer. In addition, cost or pricing data may be requested, if necessary, where there is such a disparity between the quantity being procured and the quantity for which there is such a catalog or market price that pricing cannot reasonably be accomplished by comparing the two. Where an item is substantially similar to a commercial item for which there is an established catalog or market price at which substantial quantities are sold to the general public, but the offered price of the former is not considered to be "based on" the price of the latter in accordance with § 18–3.807–1(b)(2), any requirement for cost or pricing data should be limited to that pertaining to the differences between the items if this limitation is consistent with assuring reasonableness of pricing result.

(d) (1) Certified cost or pricing data shall not be requested prior to the award of any contract anticipated to be for $10,000 or less and generally should not be requested for modifications in those amounts. There should be relatively few instances where the requirement for certified cost or pricing data or use of the clause set forth in § 18–3.807–4 would be justified in awards between $10,000 and $100,000. In most such awards, the administrative costs will outweigh the benefits which might otherwise accrue from receipt of certified cost or pricing data; hence, all other means of determining reasonableness of price should be utilized. When less than complete cost analysis (e.g., analysis of only specific factors) will provide a reasonable pricing result (see § 18–3.807–2(a)) on awards under $100,000 without the submission of complete cost or pricing data, the contracting officer shall request, without certification, only that data which he considers adequate to support the limited extent of the cost analysis required.

(2) Although cost and pricing data was requested in the solicitation, a certification of cost and pricing data shall not be requested in connection with the award of any contract of any dollar value where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantites to the general public, or prices set by law or regulation. (See § 18–3.604–3.)

(e) "Cost or pricing data" as used in this Subpart 18–3.8, consists of all facts existing up to the time of agreement on price which prudent buyers and sellers would reasonably expect to have a significant effect on the price negotiations. The definition of cost or pricing data embraces more than historical accounting data; it also includes, where applicable, such factors as vendor quotations, nonrecurring costs, changes in production methods and production or procurement volume, unit cost trends such as those associated with labor efficiency, and make-or-buy decisions or any other management decisions which could reasonably be expected to have a significant bearing on costs under the proposed contract. In short, cost or pricing data consists of all facts which can reasonably be expected to contribute to sound estimates of future costs as well as to the validity of costs already incurred. Cost or pricing data, being factual, is that type of information which can be verified. Because the contractor's certificate pertains to "cost or pricing data", it does not make representations as to the accuracy of the contractor's judgment on the estimated portion of future costs or projections. It does, however, apply to the data upon which the contractor's judgment is based. This distinction between fact and judgment should be clearly understood.

(f) The requirement for submission of costs or pricing data is met when all accurate cost or pricing data reasonably available (see §18–3.807–5(a)(1)) to the contractor at the time of agreement on price is submitted, either actually or by specific identification, in writing to the contracting officer or his representative. The distinction between the "submission" of cost or pricing data and the "making available" of records should be clearly understood. The mere availability of books, records and other documents for verification purposes does not constitute submission of cost or pricing data.

§ 18–3.807–4 Contractor and subcontractor certified cost or pricing data clause.

(a) The clause set forth below shall be inserted in all contracts over $100,000 and in all contract modifications over $100,000 even though the original amount of the contract is $100,000 or less. (NOTE: The clause thus included is by its terms made inoperative in certain contracts and subcontracts as provided by this clause.) In addition, the contracting officer shall include this clause, with appropriate reduction in the dollar amounts provided therein, in contracts not exceeding $100,000 for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with §18–3.807–3(a)(3) in connection with the initial pricing of the contract.

CONTRACTOR AND SUBCONTRACTOR CERTIFIED COST OR PRICING DATA (OCTOBER 1969)

(a) (1) The Contractor shall require, under the situations described in (2) below unless exempted under the exceptions set forth in (3) below, each subcontractor under this contract to submit cost or pricing data and to certify that, to the best of his knowledge and belief, such cost or pricing data are accurate, complete, and current.

(2) Except as provided in (3) below, certified cost or pricing data shall be submitted prior to (i) the award of each subcontract, the price of which is expected to exceed $100,000 and (ii) the negotiation of the price of each change or modification to a subcontract under this contract for which the price adjustment is expected to exceed $100,000.

(3) Certified cost or pricing data need not be furnished pursuant to this paragraph (a) where (i) the Contractor has not been required to furnish cost or pricing data; or (ii) the subcontract price or price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or the prices are set by law or regulation; and the Contractor states in writing the basis for applying this exception.

(4) In submitting the cost or pricing data, the subcontractor shall certify that the data are accurate, complete, and current, using the form of certificate set forth in paragraph (b) below. Such certificate and data (actual or identified, as provided in the certificate prescribed below) shall be submitted by the subcontractor to the next higher tier subcontractor, or the prime contractor, as applicable, for retention.

(b) The certificate required by this clause shall be in the form set forth below. When the certificate is to be submitted by a subcontractor, the words "Contracting Officer or his representative" shall be deleted and the name of the concern requiring the certificate shall be inserted.

CERTIFICATE OF CURRENT COST OR PRICING DATA (OCTOBER 1969)

This is to certify that, to the best of my knowledge and belief, cost or pricing data as defined in NASA PR 3.807–3(e) submitted, either actually or by specific identification in writing (see NASA PR 3.807–3(f)), to the Contracting Officer or his representative in support of ----------* are accurate, complete, and current as of ----------**.

(Day Month Year)

Firm ----------

Name ----------

Title ----------

----------***

(Date of Execution)

*Describe the proposal, quotation, request for price adjustment or other submission involved, giving appropriate identifying number (e.g., RFP No. -------).

**This date shall be the date when the price negotiations were concluded and the contract price was agreed to. The responsibility of the contractor is not limited by the personal knowledge of the contractor's negotiator if the contractor had information reasonably available (see 3.807–5(a)) at the time of agreement, showing that the negotiated price is not based on accurate, complete and current data.

***This date should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed to.

(c) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 were accurate, complete, and current, the Contracting Officer, of the Government prime contract or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or of the time periods specified in Appendix M of the NASA Procurement Regulation, whichever expires earlier—have the right to examine those

books, records, documents, papers and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein. The rights herein are in addition to those contained in any other clause of this contract dealing with records, audit and records, and examination of records.

(d) Whenever the price of any contract change or other modification to this contract is expected to exceed $100,000, the Contractor agrees to furnish the Contracting Officer certified cost or pricing data, using the certificate set forth in paragraph (b) above, unless the Contracting Officer determines that the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(e) The requirement for submission of certified cost or pricing data with respect to any contract change or other modification does not apply to any subcontract change or other modification, at any tier, where the Government prime contract is a firm fixed-price or fixed-price with escalation contract unless such change or other modification results from a contract change or other modification to the Government prime contract, nor does it apply to a subcontract change or other modification, at any tier, where the Government prime contract is not firm fixed-price or fixed-price with escalation, unless the price for such change or modification becomes reimbursable under the Government prime contract.

(f) The Contractor agrees to insert paragraph (c) without change and the substance of paragraphs (a), (b), (d), (e), and (f) of this clause in each subcontract hereunder in excess of $100,000, and in each subcontract of $100,000 or less at the time of making a change or other modification thereto in excess of $100,000.

(g) Whenever the Contractor was required to furnish a certificate of current cost or pricing data, either during negotiation of this contract or pursuant to the provisions of this clause, or whenever a subcontractor hereunder should have been required to furnish such a certificate pursuant to the provisions of this clause or of a clause in the subcontract, and the Contracting Officer determines that the price of this contract, including any profit or fee, or that any price adjustment negotiated for any change or other modification to this contract, has been increased by any significant sums because such cost or pricing data was inaccurate or incomplete or was not current as of the date set forth in the certificate applicable to such data, such price or price adjustment shall be reduced accordingly and the contract shall be modified in writing as may be necessary to reflect such reduction.

(h) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the contractor and the subcontractor: *Provided*, That they are consistent with NASA PR 23.203 relating to Disputes provisions in subcontracts. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

(b) Certificate of current cost or pricing data: When certification of cost or pricing data is required in accordance with § 18–3.807–3, a certificate in the form set forth in paragraph (b) of the above clause shall be included in the contract file along with the memorandum of the negotiation. Usually, the contractor shall be required to submit only one certificate which shall be submitted as soon as practicable after agreement is reached on the contract price.

§ 18–3.807–5 Defective cost or pricing data.

(a) Where any price to the Government must be negotiated largely on the basis of cost or pricing data submitted by the contractor, it is essential that the data be accurate, complete and current and in appropriate cases so certified by the contractor (see §§ 18–3.807–3 and 18–3.807–4). If such certified cost or pricing data is subsequently found to have been inaccurate, incomplete or noncurrent as of the effective date of the certificate, the Government is entitled to an adjustment of the negotiated price, including profit or fee, to exclude any significant sum by which the price was increased because of the defective data. Paragraph (g) of the Contractor and Subcontractor Certified Cost of Pricing Data clause set forth in § 18–3.807–4 gives the Government in such case an enforceable contract right to a price adjustment, that is, to a reduction in the price to what it would have been if the contractor had submitted accurate, complete and current data. In arriving at a price adjustment under this clause, the contracting officer should, after review of the record of the contract negotiation (see § 18–3.811), consider the following:

(1) The time when cost or pricing data was reasonably available to the contractor: Certain data such as overhead expenses and production records may not be reasonably available except on normal periodic closing dates. Also, the data on numerous minor material items each of which by itself would be insignificant may be reasonably available only as of a cutoff date prior to agreement on price because the volume of transactions would make the use of any later date impracticable. Furthermore, except where a single item is used in substantial quantity, the net effect of any changes to the prices of such minor items would likely be insignificant. Closing or cutoff dates should be included as a part of the data submitted with the contractor's proposal and should be updated by the contractor to the latest closing or cutoff dates, preceding agreement on price, for which such data is available. The contracting officer and contractor are encouraged to reach a prior understanding on criteria for establishing closing or cutoff dates, and to the extent possible the understanding should relate to an approved estimating system. Notwithstanding the foregoing, matters which are significant to contractor management and to Government and any related data, would be expected to be current on the date of agreement on price and therefore will be treated as reasonably available as of that date. Although changes in the labor base or in prices of major material items are generally significant matters, no hard and fast rule can be laid down since what is significant can depend upon such circumstances as the size and nature of the procurement.

(2) In establishing that the defective data caused an increase in the contract price, the contracting officer is not expected to reconstruct the negotiation by speculating as to what would have been the mental attitudes of the negotiating parties if the correct data had been submitted at the time of agreement on price. In the absence of evidence to the contrary, the natural and probable consequence of defective data is an increase in the contract price in the amount of the defect plus related burden and profit or fee; therefore, unless there is a clear indication that the defective data was not used, or was not relied upon, the contract price should be reduced in that amount.

(3) As a general rule, understated cost or pricing data shall not be "set off" against overstated cost or pricing data in arriving at a price adjustment. However, where there is a question as to the accuracy of a single item of data which is an average or composite rate, overstatements in making up the rate may be set off by understatements for the purpose of correcting the rate submitted by the contractor. In addition, as a further exception to the general rule against set off, overstated data (such as unit price) relating to a single item may be offset by understated data (such as quantity) relating to the same item. In any case, the contract price shall be adjusted only if the net adjustment is downward.

(b) If, at any time prior to agreement on price, the contracting officer learns through audit or otherwise that any cost or pricing data submitted is inaccurate, incomplete or noncurrent, he shall immediately call it to the attention of the contractor whether that defective data tends to increase or decrease the contract price. Thereafter, the contracting officer shall negotiate on the basis of any new data submitted, or on a basis which in his opinion makes satisfactory allowance for the incorrect data as he considers appropriate and shall reflect these facts in his record of negotiation.

(c) After award, if the contracting officer obtains information which leads him to believe that the data furnished may not have been accurate, complete or current, or if he considers that the data may not have been adequately verified as of the time of negotiation, he should request an audit to evaluate the accuracy, completeness and currency of such data. In the case of negotiated firm fixed-price contracts, postaward cost performance audit, pursuant to paragraph (c) of the clause set forth in § 18–3.807–4, shall be limited to the single purpose of determining whether or not defective cost or pricing data were submitted. Such audits shall not be for the purpose of evaluating profit-cost relationships, nor shall any repricing of such contracts be made because the realized profit was greater than was forecast, or because some contingency cited by the contractor in his submission failed to materialize—unless the audit reveals that the cost or pricing data certified by the contractor were, in fact, defective.

(d) Under 10 U.S.C. 2306(f), as implemented by the Contractor and Subcontractor Certified Cost or Pricing Data clause set forth in § 18–3.807–4, the Government's right to reduce the prime contract price extends to cases where the prime contract price was increased by any significant sums because of subcontractor furnished defective cost or pricing data in connection with a subcontract where a certificate of cost or pricing data was or should have been furnished. In some cases, as where the defective nature of a subcontractor's data is only disclosed by Government audit, the information necessary to support a reduction in prime contract and subcontract prices may be available only from the Government. In effecting a prime contract price reduction, the contracting officer should make such necessary information available upon request, to the prime contractor or higher tier subcontractors; however, if the release of such information would compromise security or disclose trade secrets or other confidential business information, it shall be made available only under conditions that will fully protect it from improper disclosure, as may be prescribed or authorized by the Director of Procurement. Information made available pursuant to this paragraph (d) shall be limited to that used as the basis for the prime contract price reduction.

(e) Inasmuch as price reductions under the "Contractor and Subcontractor Certified Cost or Pricing Data" clause may involve first- and lower-tier subcontractors as well as the prime contractor, the contracting officer should give the prime contractor reasonable advance notice before making a determination to reduce the contract price under such clause, in order to afford the prime contractor an opportunity to take any action deemed advisable by him, particularly in connection with any subcontracts that may be involved.

§ 18–3.807–6 Refusal to provide cost or pricing data.

If cost or pricing data from the contractor is required to permit adequate analysis of the contractor's proposal in accordance with § 18–3.807–3 and the contractor has refused to provide such data, the contracting officer shall use those means available to him to attempt to secure such data. If the contractor persists in his refusal to provide necessary data, the contracting officer shall withhold making the award or price adjustment. In such event, he shall refer the procurement action to higher echelons of the procurement organization. Such referral shall include a complete statement of the attempts made to resolve the matter, including (a) steps taken to secure essential cost data, (b) efforts to secure the contractor's cooperation in the establishment of a satisfactory business relationship, (c) any assurances offered, such as agreements to adequately safeguard information furnished, and (d) a statement concerning the practicability of obtaining the supplies or services from another source of supply.

§ 18–3.807–7 Unacceptable substitutes for pricing negotiations.

A "Certificate of Current Cost or Pricing Data" shall not be considered a substitute for examination and analysis of the contractor's proposal. Contracting officers shall not rely on profit-limiting statutes as remedies for ineffective pricing.

§ 18–3.807–8 Evaluation and pricing of individual contracts.

Each contract shall be priced separately and independently, and no consideration shall be given to losses or profits realized or anticipated in the performance of other contracts. This prohibition neither prevents the negotiation of fixed overhead and other rates applicable to several contracts during annual or other specific periods nor prohibits forward pricing agreements applicable to several contracts. A proposed price reduction under another contract or other contracts shall not, however, be used as an evaluation factor.

§ 18–3.807–9 Specified contingencies.

When a contract is to include a provision for adjustment of price upon the happening of a specified contingency (e.g., escalation clauses, Government-furnished property clauses, tax clauses), the contract price should not include any amount on account of such contingency.

§ 18–3.807–10 Subcontracting considerations in cost analysis.

(a) The amount and quality of subcontracting may be a major factor influencing price. Since a large proportion of the procurement dollar is spent by prime contractors in subcontracting for work, raw materials, parts, and components, efficient purchasing practices by a contractor will contribute heavily toward efficient and economic production. While basic responsibility rests with the prime contractor for decisions to make or buy, for selection of subcontractors, and for subcontract prices and subcontract performance, the contracting officer must have adequate knowledge of these elements and their effect on prime contract prices. Therefore, contractors' "make-or-buy" programs and proposed subcontracts should be reviewed in accordance with Subpart 18–3.9 and Part 18–24. The information from such review should be used in negotiating prime contract prices. Even though not specifically required by Subpart 18–3.9, the contracting officer should, where appropriate, elicit from the offeror or contractor information concerning:

(1) The purchasing practices of the prime contractor;

(2) The principal subsystems or components to be subcontracted and the contemplated subcontractors, including (i) the degree of competition obtained, (ii) cost or price analyses or price comparisons accomplished, including accurate, complete, and current cost or pricing data, and (iii) the extent of subcontract supervision;

(3) The types of subcontracts; i.e., firm fixed-price or other; and

(4) The estimated total extent of subcontracting, including procurement of purchased parts and materials.

(b) In the review of subcontracting, there should be assurance that the contractors obtain competition, if available, from qualified sources in their award of subcontracts to the extent consistent with the procurement of the required services or supplies. Contractors shall be required to undertake appropriate price analysis (see § 18–3.807–2(b)) in all significant subcontract transactions, and to undertake cost analysis (see § 18–3.807–2(c)) if competition is not available or does not yield reasonable subcontract prices. Where the contracting officer's consent to subcontract is required, price or cost analysis shall be required as a condition to such consent.

(c) Where subcontracts are placed on a price redetermination or fixed-price incentive basis, it is particularly important in negotiating revisions of prime contract prices that there be substantial assurance that there was initial close pricing of subcontracts. Also, contracting officers should be alert to the risk of establishing firm redetermined price contract prices while a major subcontract is still subject to price redetermination and may eventually be redetermined at a price far lower than that ascribed to it in redetermining the prime contract price, with consequent profits to the contractor far in excess of those contemplated in the prime contract price negotiation. However, in some cases, it may be appropriate to negotiate firm contract prices even though the contractor has not yet established final subcontract prices, if the contracting officer can justify as reasonable the amount included for subcontracting, e.g., where fairly definite cost data on subcontract prices are available. In other cases, where certain subcontracts are subject to redetermination and available cost data on these subcontracts are highly indefinite but other circumstances require prompt negotiation of revised prime contract prices the contract modification which evidences the revised contract prices should provide for adjustment of the total amount paid or to be paid under the contract on account of subsequent redetermination of the specified subcontracts. This may be done by including in the contract modification a provision substantially as follows:

Promptly upon the establishment of firm prices for each of the subcontracts listed below, the Contractor shall submit, in such form and detail as the Contracting Officer may reasonably require, a statement of costs incurred in the performance of such subcontract and the firm price established therefor. Thereupon, notwithstanding any other pro-

visions of this contract as amended by this modification, the Contractor and the Contracting Officer shall negotiate an equitable adjustment in the total amount paid or to be paid under this contract to reflect such subcontract price revision. The equitable adjustment shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer.

(List subcontracts)

(October 1963)

(d) (1) In considering cost-plus-fixed-fee subcontracts, while negotiating prime contracts where cost analysis is performed, the contracting officer will make every effort to insure, but in consenting to cost-plus-fixed-fee subcontracts the contracting officer shall insure, that fees under such subcontracts, never exceed—

(i) Ten percent (10%) of the estimated cost, exclusive of fee, in the case of any subcontract for experimental, developmental, or research work; or

(ii) Seven percent (7%) of the estimated cost, exclusive of fee, in the case of any other subcontract; except that subcontracts for architectural or engineering services are subject to the statutory limitations set forth in § 18–4.204–1(b);

unless the payment of higher fees is approved by the Procurement Officer. However, such fixed-fees shall not exceed the statutory limitations set forth in 10 U.S.C. 2306(d).

(2) For cost-plus-incentive-fee subcontracts, incentive fee arrangements are subject to the provisions of § 18–3.450(f), except that in consenting to such subcontracts, maximum fees which exceed (i) 15 percent of the target cost in subcontracts for experimental, developmental, or research work, or (ii) 10 percent of the target cost in other contracts require the approval of the Procurement Officer.

§ 18–3.807–11 Overhead rate considerations.

(a) Indirect costs commonly known as overhead are defined and described in § 18–15.203. Criteria for treatment and application of indirect costs to contracts are also set forth in § 18–15.203.

(b) In order to assure a reasonable approximation and allocation of indirect costs on an equitable basis to individual contracts, negotiators shall utilize audited overhead data or negotiated overhead rates, where available, in connection with negotiation of contracts and shall not, unless authorized by the Procurement Officer, seek preferential overhead rates.

(c) If there is any question with respect to audited overhead data or negotiated overhead rates, or if such are not available, the negotiator should normally avail himself of the advisory services of the cognizant contract auditor in consonance with § 18–3.809.

§ 18–3.808 Profit or fee.

§ 18–3.808–1 General.

A fair and reasonable provision for profit or fee cannot be made by simply applying a certain predetermined percentage to the cost estimate or selling price of a product. Rather, the profit or fee should be first established as a dollar amount, after considering the factors set forth in this § 18–3.808. Therefore, where a fee is involved and it is necessary to determine the percentage relationship between the fee and the estimated cost of the contract in order to comply with administrative and statutory limitations on fees for cost-reimbursement type contracts, the percentage shall be determined only after the dollar amount of the fee has been established for negotiation purposes and the negotiation memorandum shall adequately reflect this process.

§ 18–3.808–2 Factors for determining fee or profit.

The factors set forth in paragraphs (a) through (i) of this section should be considered in determining profit or fee in all contracts, whether for supplies or services; for construction work; or for experimental, developmental, or research work; and whether of the fixed-price type or of the cost-reimbursement type unless otherwise specified in the particular factor. All of the following factors, as set forth in paragraphs (a) through (i) of this section, should be evaluated in the light of the basic policy set forth in § 18–3.801–1 which provides that supplies and services shall be procured from responsible sources of fair and reasonable prices calculated to result in the lowest overall cost to the Government.

(a) *Effect of competition.* When competition is effective and proposals are on a firm fixed-price basis, the contracting officer normally need not consider in detail the amount of estimated profit included in a price. When effective competition is lacking and in all cases where cost analysis is performed in accordance with § 18–3.807–2(c), the estimate for profit, target profit or fee, or the proposed fixed fee should be analyzed in the same manner as all other elements of price, evaluating the factors set forth in this § 18–3.808.

(b) *Degree of risk.* (1) The degree of risk assumed by the contractor should influence the amount of profit or fee a contractor is entitled to anticipate. For example, where a portion of the risk has been shifted to the Government through cost-reimbursement or price redetermination provisions, unusual contingency provisions, or other risk-reducing measures, the amount of profit or fee should be less than where the contractor assumes all risk.

(2) Some cost-plus-a-fixed-fee contracts and task orders for research and development call for the delivery of prototypes or other "hardware." Other such contracts or task orders require only that the contractor exert his "best efforts" to deliver the required end item. Frequently this is because the contractor is not willing to assume the additional burden of incurring substantial cost overruns without additional fee in order to complete performance. When the contract calls for delivery of developed models in accordance with well-defined performance or design characteristics or a predetermined delivery schedule, or both, in contrast to an obligation only to exert his "best efforts" to develop and deliver such models, payment of the fee should be conditioned on performance in accordance with the contractor's obligation to deliver, and in such cases the contractor may be entitled to a larger fee both because of the risk inherent in his commitment and because of the successful completion of the work.

(c) *Nature of work to be performed.* A major consideration in the determination of the amount of profit or fee, particularly in connection with experimental, developmental, or research work, is the difficulty or complexity of the work to be performed and any unusual demands of the contract, such as whether the project involves a new approach unrelated to existing equipment or only refinements on existing equipment, whether the caliber or class of engineer involved is that of an "idea-man," or whether the contractor is to be required by the contract to assign to the work unusually skilled talent.

(d) *Extent of Government assistance.* NASA encourages its contractors to perform their contracts with the minimum of financial, facilities, or other assistance from the Government. Where extraordinary financial, facilities, or other assistance must be furnished to a contractor by the Government, such extraordinary assistance should have an influence in determining what constitutes a fair and reasonable profit or fee.

(e) *Extent of the contractor's investment.* The extent of a contractor's total investment (i.e., both equity and borrowed capital) in the performance of the contract will be taken into consideration in determining the amount of the fee or profit.

(f) *Character of contractor's business.* Recognition must be given to the type of business normally carried on by the contractor, the complexity of manufacturing techniques, the rate of capital turnover, and the effect of each individual procurement upon such business. For example, where a contractor is engaged in an industry where the turnover of working capital is slow, generally the profit objective on individual contracts is higher than in those industries where the turnover is more rapid.

(g) *Contractor's performance.* In addition to the factors set forth in § 18–3.102, the contractor's past and present performance should be evaluated in such areas as quality of product, quality control, scrap and spoilage, efficiency in cost control (including need for and reasonableness of cost incurred), meeting performance schedules, timely compliance with contractual provisions, creative ability in product development (giving consideration to commercial potential of product), engineering (including inventive, design simplification, and development contributions), management of subcontract programs, management of Government property, and any unusual services furnished by the contractor. Where a contractor has consistently achieved excellent results in the foregoing areas in comparison with other

contractors in similar circumstances, such performance merits a proportionately greater opportunity for profit or fee. Conversely, a poor record in this regard should be reflected in determining what constitutes a fair and reasonable profit or fee.

(h) *Subcontracting.* (1) In negotiating the profit or fee, subcontracting as a factor shall be segregated for separate evaluation, particularly as it bears on the contractor's technical supervision and management responsibility, financial investment, and degree of risk, as outlined above. The degree and nature of subcontract programs vary on a broad spectrum. While it is not possible to define the exact profit or fee treatment to be accorded each situation, the general guidelines which follow shall be taken into consideration.

(2) The evaluation of a contractor's subcontracting program should not consist merely of applying arbitrary percentages of profit to subcontract prices in negotiating the prime contract price. A relatively large amount of subcontracting by itself need not result in negotiation of correspondingly lesser profit or fee since the character and circumstances of the subcontracting must be taken into account. Although purchased material and subcontracted work are usually properly included in the base upon which profit or fee is computed, instances may arise in which a significant portion or portions of a contract are subtracted in such a way that only a minimum amount of responsibility or risk remains with the prime contractor. In such case, in order to prevent unreasonable pyramiding of profit or fee, the amount of profit or fee attributable to the subcontracted work should be substantially less than where the contractor uses his own resources and retains substantial responsibility or risk. Of primary importance is the degree to which the subcontracting provides a better component or subsystem and lower costs, with timely performance (recognizing the distinction between the prime contractor who elects to buy rather than make in the interest of providing a better and less expensive component or subsystem than the prime contractor who buys because he has no in-house capability) and in which the contractor assumes heavy managerial and technical effort, responsibility, and risk. Particular attention should be given to the contractor's managerial and technical effort, responsibility and risk with respect to subcontracts under major systems contracts where a substantial portion of total contract cost is attributable to subcontracting of major components or subsystems. Consideration must be given to the relationship which the prime contractor's estimated profit or fee on subcontracted work bears to his cost of placing and managing such subcontracted work.

(3) In establishing a contractor's fee or profit, favorable consideration shall be given to:

(i) The company's policies and procedures which energetically support Government Small Business and Labor Surplus Area Programs;

(ii) Any unusual efforts which the contractor displays in subcontracting with small business and labor surplus area concerns, particularly for developmental type work likely to result in later production opportunities; and

(iii) Effectiveness of the company in subcontracting with and furnishing assistance to such concerns, as compared to other comparable contractors. In this connection, it is the responsibility of the contracting officer to examine the contractor's past and present effectiveness and plans for seeking out qualified small business and labor surplus area concerns, and to require the contractor during negotiations to document his past, present, and planned performance in these areas.

(i) *Unrealistic estimates.* If records reveal that a contractor's actual costs are consistently lower than his estimated costs (indicating a practice of excessive estimates), and if the contractor refuses to provide what seems to be a reasonable estimate of costs, a lower profit or fee should be considered.

(j) *Cost reduction program accomplishments.* Accomplishments of contractors who successfully reduce the cost of space research, development, and procurement under a cost reduction program should be taken into account in determining the amount of fee or profit.

§ 18–3.808–4 Minimal fees or cost sharing arrangements.

In certain circumstances, as where experimental, developmental, or research work is attractive because of direct or potential commercial applications, consideration should be given to using a contract providing for only a nominal or token fee, or no fee, or on a cost-sharing basis.

§ 18–3.808–5 Fee limitation for experimental, developmental, or research work.

In connection with the administrative and statutory limitations on fixed fees set forth in § 18–3.405–5(c) (2) the existence of the administrative limitation of 10 percent for research and development work should not prevent the negotiation of fixed fees up to the level of the statutory limitation of 15 percent in the appropriate circumstances. Such cases, however, shall be fully documented through factual support including specific details of prior experience with the contractor, the complexity of the work to be performed, and the details in connection with all of the above factors. Contractors proposing such fees should be required to support their proposals in a similar manner.

§ 18–3.809 Contract audit as a pricing aid.

(a) *General.* Contract audit services are available in two forms:

(1) The submission of audit reports which set forth the results of auditors, reviews and analyses of cost data submitted by contractors as part of pricing proposals, reviews of contractors' accounting systems, estimating methods, and other related matters; and

(2) Personal consultation and advice to procurement and contract administration personnel in connection with analyses of contractors' cost representations and related matters.

Contract auditors are professional accountants who, although organizationally independent, are the principal advisors to contracting officers on contractor accounting and contract audit matters.

(b) *Auditor's reports on contract price proposals.* (1) Prior to negotiation of a contract or modification resulting from a proposal in excess of $100,000 (including initial prices, estimated cost of cost-reimbursement type contracts, interim and final price redeterminations, escalation, target, and settlement of incentive type contracts) where the price will be based on cost or pricing data (§ 18–3.807–3) submitted by the contractor, the contracting officer or his authorized representative shall request an audit review by the contract audit activity. Audits should be requested for proposed contracts or modifications of lesser amount only where a valid need exists. The requirement for audit of proposals which exceed $100,000 may be waived by the contracting officer whenever it is clear that information already available is adequate for the proposed procurement. In such cases, the contract file shall be documented to reflect the reason for any such waiver. The terms "audit review" and "audit" refer to examinations by contract auditors of contractors' statements of actual or estimated costs to the extent deemed appropriate by the auditors in the light of their experience with contractors and relying upon their appraisals of the effectiveness of the contractors' policies, procedures, controls, and practices. Such audit reviews or audits may consist of desk reviews, test checks of a limited number of transactions, or examinations in depth, at the discretion of the auditor.

(2) The contracting officer shall establish the due date for receipt of the auditor's report and in so doing will allow as much time as possible for the audit work. Within the time available, the overall scope and depth of the audit review will be determined by and be the full responsibility of the contract auditor. Any particular areas identified by the contracting officer for special emphasis will be specifically included in the report. Since time is highly important in most negotiation situations, the auditors should give sufficient priority to reports for forward pricing to meet established due dates. If the time available is not adequate to permit satisfactory coverage of the proposal, the auditor will so advise the contracting officer and indicate the additional time needed. The contracting officer will promptly advise the auditor whether the extension of the report due date can be granted.

(3) The contracting officer shall send the request for review and evaluation of the contractor's proposal directly to the cognizant contract administration office

(§ 18–51.302), with copy to the contract auditor, and shall identify any areas where he desires particular pricing effort. The contract administration office shall advise the auditor of any additional areas recommended for special emphasis and review. If there are audit work program conflicts involving more than one contracting officer, priorities should be worked out jointly between the auditor and the agencies responsible for contract administration. When only an audit report is desired, the request shall be forwarded to the appropriate contract auditor either directly or through the liaison auditor, with copy to the contract administration office.

(4) During the course of the examination, the auditor should discuss any pertinent matters with the contractor to the extent necessary to enable the auditor to fully understand the basis for each item in the contractor's proposal and to remove any doubts which may exist in the auditor's mind as to the validity and accuracy of his conclusions and audit findings. Before such discussions are concluded, the auditor should have explored and discussed with the contractor any discrepancies noted in his examination involving cost or pricing data. The auditor will exercise care to prevent disclosure of the technical analysis and similar information that would prejudice the Government's negotiating position.

(5) The auditor, as part of his report, shall set forth the basis and method used by the contractor in preparing his proposal. Also, the report shall clearly identify the contractor's original proposal and all subsequent written formal submissions to the contracting officer or to the auditor, of cost or pricing data identified as such by the contractor. In addition, cost or pricing data not submitted by the contractor but otherwise coming to the auditor which have a significant effect on the proposed cost or price shall also be described in the advisory audit report. If the auditor determines that the cost or pricing data submitted by the contractor are not accurate, complete and current, this information will be made known in his audit report. Where the resulting overall effect on the proposed cost or price is of such magnitude that the contractor's proposal is of little use as a basis for negotiation, the contracting officer should be advised. None of the above is intended to relieve the contractor of his obligation to submit accurate, complete and current cost or pricing data.

(6) Reports of technical analysis and review (§ 18–3.804–2(b)) should be furnished by the contracting officer to the auditor at the earliest possible date and at least 5 days prior to the due date of the audit report to enable the auditor to include the financial effect of technical findings in the audit report (for example, the necessary computations of dollar amounts arising from changes in proposed kinds and quantities of materials, labor hours, etc.). In the event the technical analyses are not available in time to be reflected in the audit report, the audit report shall so state. If technical analyses are received later by the auditor, he shall issue a supplemental report if the status of the negotiation is such that a report would serve a useful purpose. A copy of all technical reports received by the auditor shall be made a part of the audit report submitted to the contract administration office.

(7) The audit report, giving the financial effect of related technical and other evaluations, shall be forwarded by the auditor to the contract administration office with an advance copy direct to the contracting officer. The contract administration office shall transmit to the contracting officer its analysis of prices, the original audit report, related technical comments, and any other information or analyses specifically requested by the contracting officer. The contract administration office shall not modify the audit report. If any information disclosed subsequent to the receipt of the audit report is such as to significantly affect the audit findings, the contract administration office should promptly advise the auditor, who shall determine whether to issue a supplemental report. A copy of the contract administration office's submission shall be furnished to the contract auditor. If only an audit report is requested, it shall be transmitted directly, or through the liaison auditor, to the contracting officer, with copy to the contract administration office.

(8) Information generated through sources other than the contractor's records may be available to the contracting officer which may significantly affect the Government's negotiating position. The auditor, therefore, will not disclose to the contractor his conclusions and recommendations to the contracting officer on the contractor's proposed costs or estimates to complete. No portion of the advisory audit report will be furnished to the contractor without the concurrences of the contracting officer. The auditor will not disclose to the contractor results of technical analysis and similar information that would prejudice the Government's negotiating position. The above limitations are not intended to preclude disclosure of discrepancies or mistakes of fact such as duplications, omissions and errors in computations, contained in the contractor's cost or pricing data supporting the proposal.

(9) If, in the opinion of the contracting officer, the contract administration office, or the auditor, the review of a prime contractor's proposal requires audit reviews of subcontractors' cost estimates at the subcontractors' plants (after due consideration of reviews performed by the prime contractor) such reviews should be arranged through audit channels. Criteria as to the necessity for audit of subcontracts shall be in accordance with guidelines applicable to prime contracts. Where technical reviews are needed, they shall be arranged through the contracting officer.

(10) The audit report shall be made a part of the official contract file.

(c) *Additional functions of the contract auditor.* (1) Under cost-reimbursement type contracts, the cost-reimbursement portion of fixed-price contracts, letter contracts which provide for reimbursement of costs, time and material contracts, and labor-hour contracts:

(i) The contract auditor is the authorized representative of the contracting officer for the purpose of examining reimbursement vouchers received directly from contractors, transmitting those vouchers approved for provisional payment (see subparagraph (ii) of this paragraph (c)(1)) to the cognizant fiscal or financial management officer and issuing NASA Form 456, "Notice of Contract Costs Suspended and/or Disapproved," through the cognizant contracting officer to the contractor, with respect to costs claimed but not considered allowable. In the case of costs suspended, if the contractor disagrees with the suspension action, the contractor may appeal in writing through the auditor (who shall add appropriate comments) to the contracting officer, who will make his determination promptly in writing. If the contractor appeals in writing to the contracting officer from a disallowance action within the sixty-day period mentioned above, the contracting officer will make his determination in writing, as promptly as practicable, as a final decision of the contracting officer (see § 18–1.314 regarding decisions under the Disputes clause) and mail or otherwise furnish a copy to the contractor. Normally, the NASA Form 456, "Notice of Contract Costs Suspended and/or Disapproved," is issued by the auditor; however, the contracting officer also may issue or direct the issuance of NASA Form 456 with respect to any cost he has reason to believe should be suspended or disapproved. The contract auditor will examine and approve (except see subparagraph (ii) of this paragraph (c)(1)) separate fee vouchers and fee portions of vouchers for provisional payment in accordance with the contract schedule and any instructions received from the contracting officer. After examination by the auditor, completion vouchers shall be forwarded to the contracting officer for approval and transmittal to the cognizant fiscal or financial management officer.

(ii) When delegating audit functions (see Subpart 18–51.3), special instructions may be issued to the contract auditor:

(*a*) Requiring submission of separate vouchers for reimbursable costs and for payment of earned fee.

(*b*) Reserving to the contracting officer approval of separate fee vouchers and all vouchers submitted by contractors performing on a NASA installation.

(iii) Unless otherwise notified, the contractor shall submit public vouchers to the auditor in accordance with the following normal requirements:

1—Original SF 1034, SF 1035 or equivalent
Contractor's attachment.
7—Copies SF 1034a, SF 1035a or equivalent
Contractor's attachment.

The contractor shall mark on copies 1, 2, 3, 4, and such other copies as may be directed by the contracting officer, of the foregoing SF 1034a, by insertion in memorandum block, the name and address of the following parties to facilitate distribution of paid copies of vouchers by the fiscal or financial management office:

NASA Contracting Officer (Copy 1).
Defense Contract Audit Agency Auditor (Copy 2).
Contractor (Copy 3).
Contract Administration Office (Copy 4).
Project Management Office (Copy 5, when required by the NASA contracting officer).

The auditor will retain an unpaid copy of the voucher. When a voucher contains one or more individual direct freight charges of $100 or more, an additional copy of SF 1034a and SF 1035a shall be submitted and marked for return to the contractor after payment. This copy shall be transmitted quarterly by the contractor with the freight bills to the General Accounting Office. When a voucher is identified as the "Completion Voucher," an additional copy shall be submitted for transmittal to the NASA contracting officer.

(iv) Where the contracting officer is in agreement with the NASA Form 456 issued by the auditor, he shall assign a notice number and shall countersign the form. An original and 3 copies (which includes two acknowledgment copies, one each for return to the contracting officer and the auditor) of the form shall be sent to the contractor by certified mail, return receipt requested; one copy shall be attached to the SF 1034 and each copy of the SF 1034a (see subparagraph (iii) of this paragraph (c)(1)) on which the deduction is made, and one copy shall be sent to the auditor. The total amount suspended and/or disapproved as shown on the NASA Form 456 shall be inserted in the "differences" block of the public voucher, SF 1034 and SF 1034a, as follows:

NASA Form 456 No.---------- $------
Net amount approved---------- $------

When the contracting officer does not agree with a NASA Form 456 as issued by the auditor, he shall state his reasons for disagreement and shall furnish the auditor a copy of his statement, with an unsigned and unnumbered copy of the applicable NASA Form 456. Subsequent thereto, he should consult with the auditor and other Government personnel, as may be necessary, and the contractor, if appropriate, to dispose of any remaining items in question. If the amount of the deduction is more than the amount of the public voucher, the installment method of deduction shall be applied to this and subsequent public vouchers, until the amount is fully liquidated against the contractor's claim. The deductions on any voucher shall not exceed the amount thereof to avoid processing of a voucher in a credit amount. Public voucher(s) with zero amounts must be forwarded to the fiscal or financial management office for appropriate action. If deductions are in excess of contractor claims, recovery may be made through a direct refund from the contractor, in the form of a check payable to the Treasurer of the United States, or by a set-off deduction from the voucher(s) submitted by the contractor under any other contract, except where precluded by a "no set-off" provision. If a set-off is effected, the voucher(s) from which the deduction is made should be annotated to identify the contract and appropriation affected and the applicable NASA Form 456.

(v) When necessary, the contracting officer should consult with the auditor or the financial management officer (see FMM 9630) concerning preparation, examination and payment of vouchers. Functions to be performed by auditors and financial management and fiscal office personnel during the examination of vouchers is set forth in FMM 9630–20b(1).

(vi) The contract auditor shall be responsible for making appropriate recommendations to the contracting officer concerning the establishment of interim overhead billing rates, when such rates are provided for in the contract.

(2) Under cost-reimbursement type contracts with Canadian contractors:

(i) On contracts with the Canadian Commercial Corporation, audits are automatically arranged by the Department of Defence Production (Canada) (DDP) in accordance with agreement between the National Aeronautics and Space Administration and Department of Defence Production (Canada). Audit reports are furnished to the DDP. Upon advice from DDP, the Canadian Commercial Corporation (CCC) will certify the invoice and forward it with Standard Form 1034 (Public Voucher) to the contracting officer for further processing and transmittal to the fiscal or financial management officer.

(ii) On contracts placed directly with Canadian firms, audits are requested by the contracting officer from the Audit Services Branch, Comptroller of the Treasury, Department of Finance, Ottawa, Ontario, Canada. Invoices are approved by the auditor on a provisional basis pending completion of the contract and final audit. These invoices, accompanied by Standard Form 1034 (Public Voucher), are forwarded to the contracting officer for further processing and transmittal to the fiscal or financial management officer. Periodic advisory audit reports are furnished directly to the contracting officer. In the event that costs claimed are suspended or disapproved, the contracting officer shall issue the NASA Form 456, "Notice of Contract Costs Suspended and/or Disapproved" to the contractor. NASA Form 456 will be processed in the same manner as indicated in paragraph (c)(1)(i) of this section with regard to contractor appeals, and shall contain the statement prescribed therein with respect to costs disapproved.

(iii) Audits performed by the Audit Services Branch are normally conducted in accordance with Department of Defence Production regulations.

§ 18–3.810 Exchange of information.

In appropriate cases it is desirable to exchange and coordinate specialized information regarding a contractor between NASA procurement offices and between NASA and other Government agencies, since it will provide uniformity of treatment of major issues and it may aid in the resolution of particularly difficult or controversial issues.

§ 18–3.811 Record of negotiation.

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared, a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of such initial or revised price, and other terms of the contract. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see § 18–3.807) and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data were submitted and a certificate of cost or pricing data was required (§ 18–3.807–4), the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the contracting officer in determining his total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which the contracting officer recognized in the negotiation that any cost or pricing data submitted by the contractor was inaccurate, incomplete, or noncurrent; the action taken by the contracting officer and the contractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the total price objective, the memorandum shall explain this difference. Whenever cost or pricing data are used in connection with a price negotiation in excess of $100,000, the contracting officer shall forward one copy of the memorandum to the cognizant auditor for use by the auditor to improve the usefulness of his audit work and related reports to negotiation officials. Where appropriate, the memorandum should include or be supplemented by information on how the auditor's advisory services can be made more effective in future negotiations with the contractor. In those cases where a copy is forwarded to the auditor, a copy will also be furnished to the cognizant contract administration office.

(b) As part of the requirement in paragraph (a) of this section, determination of the profit or fee objective, in accordance with § 18–3.808, shall be fully documented.

§ 18–3.812 Disposition of post award audits.

An auditor's advisory report or post award reviews of cost and pricing data may result either from a specific request of a contracting officer (see § 18–3.807–5 (c)) or from audit action initiated independent of a contracting officer's request. The contracting officer shall prepare a memorandum on each audit report indicating (a) whether defective data were submitted and relied upon and (b) the results of any contract action taken. A copy of the memorandum shall be forwarded to the auditor issuing the audit report and to the office administering the contract.

§ 18–3.813 Pre-contract planning and startup and other nonrecurring costs.

(a) Estimates of pre-contract, planning and startup costs include such costs as reproduction engineering, special tooling, special plant rearrangement, training programs, and such nonrecurring costs as initial rework, initial spoilage, and pilot runs.

(b) Since an offeror may propose a price which does not include all nonrecurring costs for the purpose of obtaining the initial contract and of gaining an advantage over competitors in negotiations for future procurements, it is important to know whether the offeror intends to absorb any portion of these costs or whether he plans to recover them in connection with subsequent pricing actions under the proposed or future contracts. This information is needed in evaluating competing proposals to determine which proposal is most likely to result in the lowest overall cost to the Government, particularly where the successful offeror is likely to become in effect, a sole source for follow-on procurements (including spare parts or other support items).

(c) When it is anticipated that such costs will be a significant factor in the evaluation of proposals for the procurement of an item, the request for proposals shall require the offeror to provide the following information:

(1) An estimate of the total of such costs;

(2) The extent to which these costs are included in the proposed price; and

(3) The intent to absorb, or plan for recovery of, any remaining costs. When entering into a contract with an offeror who has indicated that he intends to absorb any portion of these costs, the contract shall expressly provide that such portion will not be charged to the Government in any future noncompetitive procurement or other pricing action.

§ 18–3.850 Initiation of the procurement request.

A procurement request (NASA Form 404, or similar form) will be prepared and processed in accordance with the provisions of § 18–1.356.

§ 18–3.852 Procurement plans.

A procurement plan is a detailed outline of the method by which the contracting officer expects to accomplish the procurement task. The plan is an administrative tool designed to enable the contracting officer to plan effectively for the placement and accomplishment of assigned procurements by analyzing the requirement for, and determining the method to be used in, placing the procurement. It also furnishes justification for the contemplated method of procurement for use in connection with the review and approval of higher authority when applicable. Although adequate planning prior to procurement action is always a prerequisite, the preparation of a more formal procurement plan is required in certain cases. A description of what such a procurement plan should contain and the situation in which preparation and approval of such a plan are required are set forth in §§ 18–3.852–1 through 18–3.852–5.

§ 18–3.852–1 Requirement for preparation of procurement plans.

(a) Except as otherwise authorized by paragraph (b) of this section, contracting officer shall prepare a procurement plan, with the advice and assistance of the cognizant technical division, on each negotiated procurement which is estimated to exceed $100,000. Such plans shall be prepared prior to solicitation of proposals. Field installations may require the preparation of a procurement plan for negotiated procurements that are not anticiapted to exceed $100,000.

(b) Procurement plans are not required to be prepared for:

(1) Procurements of architect-engineer services;

(2) Procurements based on unsolicited proposals;

(3) Procurements contemplated with nonprofit institutions or organizations for basic research;

(4) Procurements of utility services where the services are available from only one source;

(5) Procurements made from or through other Government agencies; and

(6) Procurements of industrial facilities required in support of related procurement contracts.

§ 18–3.852–2 Approval of procurement plans.

(a) Procurement plans, whether for competitive or noncompetitive procurement action, shall, as a minimum requirement, be reviewed and approved in accordance with the procedures set forth below, whenever the estimated cost of the procurement, including the aggregate amount of follow-on contracts under the same program (see paragraph (b) of this section), is within the applicable dollar amounts set forth in (1), (2), or (3) below.

(1) For procurements in excess of $100,000, but less than the dollar amount set forth below for the installation concerned, the procurement plan shall be submitted for the approval of the Procurement Officer or his designee after prior review and written concurrence by the head of the cognizant technical division or laboratory, as applicable. (For the purpose of this requirement, the term "or his designee" shall mean the individual authorized by the Procurement Officer to sign the procurement plan. Such authorization shall be in writing and shall not be delegated to more than one individual.)

(i) $250,000:

Flight Research Center.
Wallops Station.

(ii) $500,000:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

(iii) $1 million:

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

(2) For procurements within the range of the dollar amounts set forth below for the installation concerned, the procurement plan shall be submitted for the approval of the Head of the Installation, his Deputy or Associate Director (the title "Associate Director" means a full Associate Director and not an Associate Director for _____) after prior review and written concurrences by the Director or Assistant Director of the cognizant technical directorate, cognizant Program Manager, or cognizant staff official, as applicable, who reports directly to the Head of the Installation, and by the Procurement Officer.

(i) $250,000 but less than $500,000:

Flight Research Center.
Wallops Station.

(ii) $500,000 but less than $1 million:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

(iii) $1 million but less than $2,500,000

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

(3) For procurements that equal or exceed the dollar amounts set forth below for the installation concerned, the procurement plan shall be submitted for the signature of the Head of the Installation after prior review and written concurrences by the Director or Assistant Director of the cognizant technical directorate, cognizant Program Manager, or cognizant staff official, as applicable, who reports directly to the Head of the Installation, and by the Procurement Officer. The procurement plan shall contain additional signature blocks for approval by the Associate Administrator for Organization and Management and for concurrences by the Director of Procurement, the cognizant Program Associate Administrator, the Assistant Administrator for Industry Affairs, and the Assistant Administrator for Administration.

(i) $500,000 and over:

Flight Research Center.
Wallops Station.

(ii) $1 million and over:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

(iii) $2,500,000 and over:

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

The original and 20 copies of the procurement plan shall be submitted in the case of those procurements under the cognizance of the Office of Manned Space Flight. In all other instances, the original and ten copies shall be submitted. The position title will be shown for each individual signing the procurement plan as required by subparagraphs (1) through (3) of this paragraph (a).

(b) Examples of what is meant by the phrase "including the aggregate amount of follow-on contracts under the same program" appearing in paragraph (a) of this section are: (1) options as defined in Subpart 18–1.15; (2) agreements-to-agree, wherein the parties agree to negotiate for the extension of the supplies or services being procured; and (3) later phases of the same project subject to the Phased Project Planning concept prescribed by NHB 7121.2.

§ 18–3.852–3 Contents of the procurement plan.

(a) *Procurement plans requiring approval by NASA Headquarters or the head of a field installation.* Each procurement plan prepared for approval by NASA Headquarters or the head of a field installation shall contain the information outlined below, developed in depth, using the same subject (or paragraph) headings and numbers as those indicated. Where a subject is not treated in the plan, the words "not applicable," or a suitable explanation, will follow the subject heading in the plan. Each heading or subheading may include as many paragraphs or further breakdowns as necessary for a particular plan. Centered at the top of the first page of the plan will be the words "Procurement Plan for" followed by sufficient wording to identify the procurement. The Procurement Plan Contents Checklist (NASA Form 1168) will accompany each procurement plan forwarded to an approving authority, with a copy of the original form attached to each copy of the plan. The form, listing the subject headings prescribed herein, will be placed at the beginning of the plan to serve as a table of contents. It should be filled in to indicate the number of the page on which each subject begins or to show the notation "N/A" for inapplicable. In developing the procurement plan, the format set forth below shall be followed:

PROCUREMENT PLAN FOR_____

1. Description of the Proposed Procurement.

a. Purpose and Description of Work, Supplies, or Services (including Quantities). In addition to a general description of the scope of the work, describe how it is intended to state the contractor's obligation—whether to comply with detailed specifications, meet performance requirements (with or without detailed specifications), perform a "mission," or furnish a level of effort, etc. Indicate whether the contract will contain any provision for further requirements such as options, provisioning of spare parts, installation services, etc., and briefly describe the substance of such provisions. In the case of nonpersonal services, demonstrate that the criteria of NPC 401 (NASA Policy & Procedures for Use of Contracts for Nonpersonal Services) have been met and reference the Justification for Contracting for Nonpersonal Services which will be attached to the plan.

b. Program and Project (including Identification of Project Approval Document). Identify the program and project, including project number. Also show the date of project approval and name and title of approving authority.

c. Responsible Technical Office. Identify the office that will be responsible for the technical monitoring of the contract.

d. Installation's Plan for Technical Monitoring.

e. Relation to Other Procurements—Past, Present, and Future. Briefly describe prior, present, and future phases of the project and any closely related procurements under the same or other projects. If more appropriate, include in paragraph a. above and reference it here.

f. Performance Milestones (if Known) and Delivery Schedule. Describe the schedule for performance or delivery under the contract and discuss critical, pacing items. Indicate the consideration given to the factors in 1.305—Time of Delivery or Performance.

g. Total Estimated Cost.

2. Funding.

a. Approved Project Funding by Fiscal Year.

b. Funding of Proposed Procurement by Fiscal Year. Identify as AO, R&D, or C of F; the dollar amounts in each; and the portion of work to which each relates.

c. Funding of Follow-on Procurements by Fiscal Year.

d. Contingencies or Reserves Required by Fiscal Year.

3. Sources.

a. Known Sources and Competitive Situation. Include a comprehensive list of known sources, prepared in accordance with § 18–3.802–2 and a discussion of the competitive situation believed to exist.

b. Sources to be Solicited and Reasons for Omission of Known Sources. Where all known sources are not to be solicited, give the basis for selection of firms to be solicited, unless paragraph (d) below applies.

c. Synopsizing or Explanation of Exception. State whether or not a synopsis will be prepared in accordance with the provisions of § 18–1.1003 and, if not, the reasons therefor.

d. Justification for Noncompetitive Procurement. If a single source is to be solicited, a Justification for Noncompetitive Procurement will be prepared in accordance with § 18–3.802–3 and attached to the procurement plan. It should be referenced in this paragraph.

4. Justification and Authorization for Negotiation.

a. Determination and Findings. A copy of the applicable Determination and Findings under 10 U.S.C. 2304(a) (or a proposed Determination and Findings prepared for the signature of the Deputy Administrator, when appropriate) should be added to the plan and referenced here.

b. Justifications Relating to Class D&F's. In case a Class Determination and Findings is used, include a statement setting forth the facts and circumstances that clearly and convincingly establish that formal advertising is not feasible and practicable for the particular procurement; also include a complete statement of facts and circumstances which establish the applicability of the Class D&F.

5. Type of Contract.

a. Recommended Type. State the type of contract recommended and why.

b. D&F for Method of Contracting. When applicable, attach a copy of the Determination and Findings under 10 U.S.C. 2306(c), prepared in accordance with § 18–3.305–5.

c. Special Requirements. If the type of contract proposed requires any special approvals or determinations, attach a copy or include a request for NASA Headquarters appoval, as appropriate, and reference it here.

d. Incentive Consideration. Discuss the feasibility of applying incentive provisions and describe any incentive provisions proposed. Discuss the types of incentives (cost, performance, schedule) considered most suitable for the accomplishment of the procurement objectives and, in general terms, their relative weights. If the procurement plan contemplates using a cost-plus-fixed-fee type of contract, discuss any provision for conversion to an incentive type, including approximate time of conversion and the basis for determining the time.

e. Letter Contract and Complete Justification. If a letter contract is contemplated, so state and explain the special circumstances which are believed to justify its use. The policy of NASA is not to issue letter contracts. Exceptions to this policy require the advance approval of the Administrator or Deputy Administrator and will be permitted only after agreement has been reached with the contractor on all matters of a substantive nature. Approval of a procurement plan which contemplates the use of a letter contract will not be construed as authorization to issue a letter contract.

6. Oral Briefing of Prospective Contractors. Include a recommendation, with a supporting explanation, as to whether an oral briefing of prospective contractors should be held and, if so, whether this briefing should take place before or after the issuance of requests for proposals.

7. Method of Evaluating Proposals.

a. Recommended Method. Recommend which method set forth in § 18–3.804 should be utilized and the reasons.

b. Special Problems. A description of any special problems relating to the evaluation.

c. Source Evaluation Board Appointment Letter. The letter which establishes the composition of the Source Evaluation Board and appoints the members will be prepared for signature and forwarded as an attachment to the procurement plan. It will be referenced in this paragraph of the plan.

8. Government Property — Description, Monetary Evaluation, and Basis for Requirement.

a. Facilities. Indicate the magnitude and describe existing facilities which will be Government-furnished and/or any new facilities which may be constructed or otherwise acquired on behalf of the Government for contractor performance and the proposed location thereof. State whether any difficulty

is anticipated in identifying specific items to be listed in the contract schedule. If a separate facilities contract will be awarded or amended, so indicate and state the projected schedule for action. Include the estimated cost of new facilities or modifications to existing facilities and the estimated date of readiness for use. If nonseverable facilities are involved, include plan for complying with requirements of § 18–13.307.

b. Other Property Government-furnished. Describe any other significant items such as propellants and pressurants, materials, communication services, etc., which may be furnished by the Government in performance of the work.

9. Reliability and Quality Assurance.

a. Reliability Assurance. Include a summary of the reliability assurance requirements (see Subpart 18–1.51 of this chapter). The latter should include the following information: (i) Major areas of reliability program emphasis (or deemphasis) commensurate with the nature and status of the project; (ii) provision for responsibility for reliability program implementation; and (iii) planned funding (best estimates by fiscal year).

b. Quality Assurance. Include a summary of the general quality assurance requirements (see Subpart 18–1.50 of this chapter).

10. Management Information Systems. State what management information systems are to be required, such as financial management, PERT, Line of Balance, manpower reporting, etc.; and explain any unusual or unique factors.

11. Precontract Costs. State whether any work has been done by the proposed contractor, or is contemplated prior to the date the contract becomes binding, and, if so, the estimated cost of such work and the means proposed for making it compensable under the contract.

12. Technical Data for Reprocurement. State whether follow-on procurement will be likely, and if so, the kinds and amounts of technical data which will be required to be furnished by the contractor in order to reprocure from sources other than the firm performing the contract, or include a statement, prepared by the appropriate technical office, setting forth the reasons why data for such purposes will not be required. (See Subpart 18–9.2)

13. Other Pertinent Data. Include here any other pertinent data that would be helpful to the approving authority in appraising the plan for carrying out the procurement. Examples are: (i) Background information not otherwise covered; (ii) basis for urgency, with related detail; (iii) special provisions contemplated; (iv) estimated cost of each major segment of the procurement; (v) anticipated labor problems where the nature of the work and local conditions might precipitate jurisdictional strikes; (vi) a recommendation as to what labor provisions, if any, should be included in a contract where the work relates both to supplies subject to the Walsh Healey Act and to construction subject to the Davis-Bacon and other acts (state estimated proportion of each type of work); and (vii) information relating to the special requirements of a particular Program Office, such as the Apollo Configuration Management System, Logistics Support Plan, Documentation Management Provisions, Program Definition Phase procedures, and Work Structure Breakdown (identification of the relationship of the work to the program as a whole and to the portions of the program with which it directly interfaces).

14. Procurement Action Schedule. Establish a realistic time schedule for completing the major phases of procurement action, stated in terms of the length of time allotted to each phase. However, in the event that work must be commenced by a certain date, include also the date by which each phase must be completed in order to avoid use of a letter contract (except as provided for in the plan) or a contractor's incurrence of precontract costs. The schedule should cover the entire time from receipt of purchase request (or whatever initiated procurement action) to execution of contract or, when required, Headquarters approval of contract.

15. Legal Review of Procurement Plan. Include a statement to the effect that the procurement plan has been reviewed by Counsel for the procurement office (or will be reviewed prior to forwarding to the approving authority) and make reference to Counsel's comments attached.

Particular attention should be given to each plan prepared to insure, not only that its technical and business aspects are sound, but that each of the above subjects included in the plan is fully presented and explained, so as to be understandable to personnel outside the preparing installation.

(b) *Procurement plans requiring approval by the procurement officer.* Procurement plans prepared for the approval of the Procurement Officer in accordance with § 18–3.852–2(a)(1) are not subject to the requirement set forth in paragraph (a) of this section. Such plans may be prepared in accordance with the procedures prescribed by each installation, provided, that each plan shall contain, as a minimum, the following information:

(1) Purpose and description of the proposed procurement;

(2) Program and project titles;

(3) Responsible technical office;

(4) Delivery schedule or period of performance;

(5) Estimated dollar amount of the procurement and funding data;

(6) Sources to be solicited and reasons for omission of other known sources, if any;

(7) Synopsizing or explanation of exception;

(8) Justification for noncompetitive procurement (may be referenced in and attached to the Plan);

(9) Determination and findings for negotiation authority (referenced in and attached to the Plan);

(10) Type of contract contemplated and rationale, if not firm fixed price;

(11) Determination and findings for method of contracting (referenced in and attached to the Plan);

(12) Incentive consideration (unless firm fixed-price contract is contemplated);

(13) Considerations as to Small Business participation;

(14) Government Property — description, monetary evaluation, and basis for requirement;

(15) Precontract costs (if any);

(16) Management information systems (if appropriate);

(17) Reliability and quality assurance (if appropriate);

(18) Technical data for reprocurement; and

(19) Procurement action schedule.

§ 18–3.852–5 Assistance in providing for reliability assurance in procurement plans.

When system hardware costing over $1 million is involved, as defined in Subpart 18–1.51, reliability personnel at the field installation involved shall assist in the preparation of the procurement plan with respect to arrangements to be made for reliability monitoring. In the absence of such reliability personnel, the field installation shall seek the advice and assistance of the Director, Reliability and Quality Assurance, NASA Headquarters, or his designee, in the preparation of procurement plans.

§ 18–3.852–6 Requests for proposals.

For requests for proposals prepared pursuant to a procurement plan approved under § 18–3.852–2(a)(3), see § 18–3.802–4(b).

§ 18–3.853 Award and preparation of the contract.

(a) In determining to whom the contract shall be awarded, the contracting officer shall consider not only technical competence, but all other pertinent factors including management capabilities, cost controls and accomplishments of contractors who successfully reduce the cost of space research, development, and procurement (see § 18–3.102(b)(20)), and past performance in adhering to contract requirements, weighing each factor in accordance with the requirements of the particular procurement (see § 18–1.903).

(b) Except as authorized in § 18–16.102–3(b)(3), a contract embodying the agreement will be prepared by the procurement office for execution by the contractor and the contracting officer when negotiations have been completed.

§ 18–3.854 Release of contract award information.

§ 18–3.854–1 General.

Because of public and congressional interest in NASA contracts, a particular effort must be made to furnish information to the public and Congress concerning firms which receive contract awards.

§ 18–3.854–2 Letter contracts.

(a) The procedures for issuing and approving letter contracts are contained in §§ 18–3.408 and 18–50.105(c). Prior to transmittal of a letter contract to a contractor for signature, the Procurement Officer will furnish to the installation Public Information Office the following information:

(1) Whether the letter contract initiates a new contract or additional work or services under an existing contract;

(2) Dollar amount authorized for letter contract and estimated total cost of the contract or supplemental agreement;

(3) Name and address of the contractor;

(4) Location where the work is to be performed;

(5) Brief description of the work, including identification of the program and project; and

(6) For the purpose only of responding to queries, a list of the unsuccessful offerors and addresses.

(b) Public information office. Upon receipt of the information described in paragraph (a) above, the installation Public Information Office will transmit the information immediately, in the form of a news release, by priority TWX or more expeditious means (if appropriate), to the Assistant Administrator for Public Affairs and the Assistant Administrator for Legislative Affairs, NASA Headquarters. The information will not be otherwise released by the installation Public Information Office, nor will the letter contract be released before 2:30 p.m. Washington, D.C., time of the next working day, unless clearance has been received earlier from the office of the Assistant Administrator for Public Affairs. If individual circumstances clearly indicate a need for earlier action, exception must be obtained from the Director of Procurement.

§ 18–3.854–3 Definitive contracts and supplemental agreements.

(a) This section pertains to contracts and supplemental agreements which do not require the approval of the Director of Procurement pursuant to § 18–50.105 and are in an amount of $1 million or over, exclusive of supplemental agreements covering overruns or incremental funding actions. Such contracts and supplemental agreements will not be distributed, or information given to any source outside NASA that the contractual instrument has been signed by both parties, until the procedures described in subparagraphs (1) and (2) of this paragraph are carried out:

(1) The Procurement Officer will furnish to the installation Public Information Office the following information:

(i) Whether the contract initiates a new contract or additional work or services under an existing contract;

(ii) Type of contract (FP, CPFF, CPIF etc.)

(iii) Dollar amount authorized for the instant action and estimated total cost of the contract if this is different;

(iv) Name and address of the contractor;

(v) Location where the work is to be performed;

(vi) Brief description of the work, including identification of the program and project; and

(vii) For the purpose only of responding to queries, a list of the unsuccessful offerors and addresses.

(2) Upon receipt of the above information, the installation Public Information Office will immediately prepare a news release in the form of a priority TWX which will contain as a minimum the information set forth in subparagraph (1) of this paragraph, and transmit it to the Assistant Administrator for Public Affairs and the Assistant Administrator for Legislative Affairs, NASA Headquarters. The information will not be otherwise released by the installation Public Information Office, nor will the contract instrument be released before 2:30 p.m. Washington, D.C., time of the next working day, unless clearance has been received earlier from the office of the Assistant Administrator for Public Affairs. If individual circumstances clearly indicate a need for earlier action, exception must be obtained from the Director of Procurement.

(b) Contracts and supplemental agreements which require the approval of the Director of Procurement pursuant to § 18–50.105 will be accompanied, when forwarded for such approval, by a draft news release prepared by the installation Public Information Office and furnished to the procurement office for inclusion in the submission file. The news release will contain as a minimum the information required by paragraph (a)(1) of this section. At the time the contract or supplemental agreement is approved by the Director of Procurement, the news release, together with a notice as to whether the contract or supplemental agreement is subject to conditional approval, will be forwarded immediately to the Assistant Administrator for Public Affairs and the Assistant Administrator for Legislative Affairs, preceded by telephonic notice to both offices.

§ 18–3.854–4 Unsuccessful offerors.

For releasing information to unsuccessful offerors, see § 18–3.106–3.

Subpart 18–3.9—Make-or-Buy Programs Policies and Procedures

§ 18–3.900 Scope of subpart.

(a) This subpart sets forth policies and procedures for obtaining, evaluating, and agreeing to contractors' proposed "make-or-buy" programs. These techniques are required only where the work is complex, the dollar value is substantial, and there is not adequate price competition. The evaluation of and agreement upon a contractor's proposed make-or-buy program shall be accomplished during negotiations to the extent practicable.

(b) Although there is a relationship among the evaluation and agreement upon a contractor's make-or-buy program, the review and approval of procurement systems and consent to subcontracts (see Part 18–23), each is a separate and distinct action and the factors to be considered in each vary.

(c) In order to form a basis for contract negotiations, the make-or-buy program submitted with the contractor's proposal should (1) sufficiently identify the important segments of the total effort, and (2) establish the framework for determining the contractor's in-house effort, the subcontract effort, and the plant workload with attendant overhead costs.

§ 18–3.901 Make-or-buy programs.

§ 18–3.901–1 General.

The Government buys management from the prime contractor along with goods and services, and places responsibility on him to manage programs to the best of his ability, including placing and administering subcontracts as necessary to assure performance at the lowest overall cost to the Government. Although the Government does not expect to participate in every management decision, it may reserve the right to review the contractor's management efforts, including the proposed make-or-buy program. In reviewing the content of the proposed make-or-buy program effort should be made to have the prime contractor establish any new facility in or near sections of concentrated unemployment or underemployment and in areas of persistent or substantial labor surplus.

§ 18–3.901–2 Definition and criteria.

(a) A make-or-buy program is that part of a contractor's written plan which identifies the major subsystems, assemblies, subassemblies, and components to be manufactured, developed, or assembled in his own facilities, and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliates, subsidiaries, or divisions.

(b) Regardless of the type of contract contemplated, information, with respect to prospective contractors' make-or-buy programs shall be required in all negotiated procurements except:

(1) When a proposed contract has a total estimated value of less than $1 million, unless the contracting officer specifically determines that such information is appropriate;

(2) In research and development contracts, unless the contract is for prototypes or hardware and it can reasonably be anticipated that significant follow-on quantities of the product will be procured;

(3) When the contracting officer determines that the price is based on adequate price competition, or established catalog or market prices of commercial items sold in substantial quantities to the general public, or on prices set by law or regulation; or

(4) When the contracting officer determines that the work is not complex.

(c) Information with respect to make-or-buy programs and the program required to be included in any contract (see § 18–3.901–4) shall be confined to items which, because of their complexity, quantity, or cost or because their production requires additional facilities, normally would require company management review of the make-or-buy decision. As a general guideline, the make-or-buy program should not include items or work efforts costing less than 1 percent of the total estimated contract price or $500,000, whichever is less. Raw materials and off-the-shelf items shall not be included.

§ 18–3.901–3 Procedure.

(a) When submission of information with respect to a prospective contractor's proposed make-or-buy program is required, the solicitation shall so state and shall clearly set forth any special factors to be used in evaluating the program. After considering such factors as capability, capacity, availability of small business and labor surplus area concerns as subcontract sources, the establishment of new facilities at or near sections of

concentrated unemployment or underemployment, contract schedules, integration control, proprietary processes, and technical superiority or exclusiveness, the prospective contractor shall identify in his proposed make-or-buy program that work which he considers he or his affiliates, subsidiaries, or divisions must perform as "must make," must subcontract as "must buy," and can either perform or acquire by subcontract as "can make or buy." The prospective contractor shall state the reasons for his recommendations of "must make" or "must buy" in sufficient detail for the contracting officer to determine that sound business and technical judgment has been applied to each major element of the program. When the make-or-buy program is to be incorporated into the contract and the design status of the article being procured does not permit accurate precontract identification of major items that should be included in the make-or-buy program, the prospective contractor shall be notified that such items must be added to the program, when identifiable, under the "Changes to Make-or-Buy Program" clause (§ 18–3.901–4(b)). The prospective contractor shall be required to include in the information furnished with respect to his proposed make-or-buy program:

(1) A description by which each major item can be identified;

(2) A recommendation to make or to buy each such item or defer the decision;

(3) A recommendation as to make-or-buy for any "can make or buy" item;

(4) The proposed subcontractors, if known, including location and size classification;

(5) Designation of the plants or divisions in which the contractor proposes to make the item; and

(6) Sufficient information to permit the contracting officer to evaluate the proposed program in accordance with paragraph (b) of this section.

Proposed make-or-buy programs shall be evaluated and negotiated as soon as practical after receipt of the contractors' proposals and in any event prior to award.

(b) In reviewing and evaluating a proposed make-or-buy program, the contracting officer shall assure that all appropriate items are included and shall delete items which should not be included. In conducting his review, the contracting officer shall obtain the advice of appropriate personnel including technical, small business and labor surplus area specialists, whose knowledge would contribute to the adequacy of the review. During such review primary consideration shall be given to the effect of the contractor's proposed make-or-buy program on price, quality, delivery, and performance. The contractor has the basic responsibility for make-or-buy decisions. The contractor's recommendations shall therefore be accepted unless they adversely affect the Government's interest or are inconsistent with Government policy. The evaluation of "must make" and "must buy" items should normally be confined to that necessary to assure that the items are properly categorized. The effect of the following factors on the interests of the Government shall also be considered:

(1) Whether the contractor has justified the performance of work in plant which differs significantly from his operations;

(2) The consequence of the contractor's projected plant work loading with respect to overhead costs;

(3) The contractor's consideration of the competence, ability, experience, and capacity available in other firms, especially small business and labor surplus area concerns (this is particularly significant if the contractor proposes to request additional Government facilities in order to perform in-plant work);

(4) The contractor's make-or-buy history as to the type of item concerned;

(5) Whether small business and labor surplus area concerns will be able to compete for subcontracts; and

(6) Other elements, such as the nature of the items, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and materials.

(c) Proposed "make" items normally shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from any other firm at prices no higher than if the contractor should make or provide the products or services; or

(2) Are regularly manufactured or provided by the contractor, but are available—quality, quantity, delivery, and other essential factors considered—from any other firm at lower prices.

Such items may be agreed to, however, if the contracting officer determines that the overall cost of the contract or of the program to the Government would be increased if the item were bought.

(d) Before agreeing to a "make-or-buy" program to be incorporated into the contract (or, when the program is included in a contract, consenting to any change therein which, in his opinion, would reduce the anticipated participation of small business and labor surplus area concerns), the contracting officer shall invite the advice and counsel of the activity's small business and labor surplus area specialist, if any, by permitting him to review all pertinent facts and make recommendations thereon. Such review by the small business specialist should be concurrent with the review by the contracting officer. When urgent circumstances do not permit such a concurrent review, or where the small business specialist fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the small business specialist.

§ 18–3.901–4 Incorporation of the make-or-buy program in contracts.

(a) Where information with respect to a make-or-buy program has been required to be submitted in accordance with the foregoing, the make-or-buy program, as approved by the contracting officer, shall be included only in cost-reimbursement contracts except:

(1) Cost-sharing contracts where the contractor's share is 25 percent or more;

(2) Cost-plus-incentive-fee contracts having a cost incentive which provides for a swing from target fee of at least ±3 percent and a contractor's overall share of cost of at least 10 percent (authority may be requested (see § 18–1.109) to exclude the make-or-buy program from other cost-plus-incentive-fee contracts having different incentive and cost-sharing patterns, whenever the contracting officer finds that such other contracts provide sufficient incentive for control of costs); and

(3) Cost-plus-incentive-fee contracts to which § 18–3.901–5 is applicable.

(b) The following clause shall be incorporated in all contracts in which a make-or-buy program has been included.

CHANGES TO MAKE-OR-BUY PROGRAM (AUGUST 1969)

The Contractor shall perform this contract in accordance with the "make-or-buy" program incorporated in this contract except as hereinafter provided. If the Contractor proposes to change the "make-or-buy" program, he shall notify the Contracting Officer thereof in writing at a time reasonably in advance of the proposed change and shall therewith submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work on any "make" items in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later addition to the "make-or-buy" program, the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. This contract shall be deemed modified in accordance with such proposed change or addition upon receipt by the Contractor of the Contracting Officer's written approval thereof.

§ 18–3.901–5 Price adjustments.

(a) The following subparagraphs apply only to fixed-price incentive and cost-plus-incentive-fee contracts.

(b) There may be cases where it is proper to agree that an item of significant value will be "bought" even though it would usually be more economical to have it "made", or vice versa. For instance, the contractor may have a unique capability for low-cost manufacture of a substantial component but his capacity may be full during the period necessary for contract performance, so the component must be subcontracted. In such cases it will be necessary that the "make-or-buy" program as approved by the contracting officer specifically call for what would usually be the more costly treatment of the item. In that event the consequent higher costs may be explicitly recognized in establishing the best obtainable contract or target price. Unforeseen changes in the circumstances may arise during the contract performance, however, which induce the contractor to propose changing the item from "buy" to "make" (or vice versa). If such a change is made, the element of the contract price which was intended to compensate the contractor for the higher costs flowing from the initial make-or-buy decision would instead constitute windfall profits to the contractor and unwarranted costs to the Government.

(c) When, during the review of the prospective contractor's "make-or-buy" program (see § 18–3.901–3), a situation of the kind described in paragraph (b) of this section is found to exist, the clause set forth below shall be included in the contract, and any "make-or-buy" items of the kind described in paragraph (b) of this section shall be specifically designated in the Schedule (or elsewhere in the contract) as being either a "make" item or a "buy" item, and as being subject to this clause. The make-or-buy program itself and the clause in § 18–3.901–4(b) shall not be included in the contract.

PRICE ADJUSTMENT FOR MAKE-OR-BUY CHANGES (AUGUST 1969)

This clause applies only to items that are designated elsewhere in this contract as being "make" items or "buy" items subject to this clause. If the Contractor desires to "make" any designated "buy" item or to "buy" any designated "make" item, he shall give written notice to the Contracting Officer reasonably in advance of the proposed change and shall include significant and reasonably available cost and pricing data in sufficient detail to permit evaluation of the proposed change. Promptly thereafter, if the Contractor proceeds with the change, the Contractor and the Contracting Officer shall negotiate an equitable reduction in the contract price* to reflect any decrease in costs which should reasonably result from the change, and the contract shall be modified in writing accordingly. Failure to agree on an equitable reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

*Substitute "target cost and target fee" for "contract price" in cost-plus-incentive-fee contracts.

Subpart 18–3.11—Acquisition of Automatic Data Processing Equipment

§ 18–3.1100 Contractor acquisition of automatic data processing equipment (ADPE).

§ 18–3.1101 General.

(a) This § 18–3.1100 is applicable to all ADPE, as defined in § 18–1.235, except as components of end items to be delivered to the Government.

(b) If ADPE is purchased for the account of the Government or if title to the ADPE will pass to the Government, the acquisition must be approved as required by Part 18–13.

§ 18–3.1102 Review of decision to lease.

(a) If the total cost of leasing the ADPE is to be reimbursed under one or more cost reimbursement type contracts, the contracting officer shall, prior to approval of the proposed lease agreement:

(1) Prepare a lease versus purchase study in accordance with § 18–3.804–2(c)(2);

(2) Survey the GSA ADPE excess lists for availability of excess ADPE which could be issued as GFP (see § 18–13.301) and which would fulfill the contractor's requirements (including timely availability and technical compatibility);

(3) Determine whether, under § 18–15.205–48, leasing is the appropriate method of acquisition from the Government's standpoint;

(4) Consider whether the ADPE should be leased under a Federal Supply Schedule Contract (see Subpart 18–5.9);

(5) If the rental of ADPE through a commercial contract is authorized, require the contractor to include a provision in the rental contract stating that the Government will have the initial option to utilize any purchase or other benefits earned through rental payments; and

(6) Obtain approval of the leasing arrangement of the ADPE from the head of the installation concerned in accordance with the procedures of NHB 2410.1, "Management Procedures for Automatic Data Processing Equipment."

(b) If the total cost of leasing ADPE in a single plant, division, or cost center exceeds $500,000 per year and 50 percent or more of the total cost is to be allocated to cost reimbursement type contracts, the contracting officer should arrange for:

(1) An initial review and an annual review thereafter of the contractor's ADPE system for the purpose of evaluating, under § 15.205–48, his existing ADPE capability and the need to continue leasing; and

(2) Submission by the contractor to the contracting officer of any proposed lease of a new system and any proposed major changes to an existing system, for advance determiantion of the validity of the stated requirement and the reasonableness of leasing and resulting cost.

(A major change is any addition or substitution of ADPE which will have an annual cost in excess of $25,000.) After the initial review and after each annual review, and also after review of any proposed lease of a new system or major change, the ACO should either enter into an advance understanding with the contractor (if appropriate) pursuant to § 18–15.107, to provide a basis for concurrence in the proposed lease, or in the alternative notify the contractor of the Government's noncurrence and of consequent cost disallowance contemplated under § 18–15.205–48.

(c) In implementing the above, technical ADPE assistance will be provided as necessary to the contracting officer by the NASA installation ADP staff.

PART 18–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 18–4.1—[Reserved]

Subpart 18–4.2—Architect-Engineer Services

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Subpart 18–4.52—Management Consultant or Advisory Services

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AUTHORITY: The provisions of this Part 18–4 issued under 42 U.S.C. 2473(b)(1).

Subpart 18–4.1—[Reserved]

Subpart 18–4.2—Architect-Engineer Services

§ 18–4.200 Scope of subpart.

This subpart prescribes procedures for the procurement by contract of professional services of architects and engineers (referred to hereafter as architect-engineer services). Procedures for procuring architect-engineer services through the construction organization of the Corps of Engineers, Department of the Army, are set forth in NASA Management Instruction 1052.86, "NASA-Corps of Engineers Agreement for Performance of Construction Services."

§ 18–4.201 Definitions.

As used in this Subpart 18–4.2, the following terms shall apply:

(a) "Architect-engineer services" consist of services required in connection with:

(1) Preparation of designs, plans, drawings, and specifications for a proposed construction project (referred to as Title I Services); and

(2) Supervision and inspection of the construction work (referred to as Title II Services).

(b) Title I Services include:

(1) Preparation of necessary topographical and other field surveys, test borings, and other subsurface investigations;

(2) Preparation of preliminary studies, sketches, layout plans, and reports, including estimates of cost of the proposed project and of all structures, utilities, and appurtenances thereto;

(3) Adaptation of Government designs, drawings, specifications, and standards for buildings and other structures as necessary;

(4) Preparation of final designs, working drawings, specifications, and cost estimates of the proposed project;

(5) Assistance to the contracting officer in preparing invitations for bids or requests for proposals for the required construction work and in evaluating bids or proposals received;

(6) Review and approval of all shop and working drawings submitted by the construction contractor; and

(7) Advice during the construction period relative to interpreting the plans and specifications in the event inspection of the construction is performed by the Government.

(c) Title II Services include complete supervision and inspection of the construction work and preparation of record drawings to show the construction as actually accomplished.

§ 18–4.202 Policy.

The selection of architects-engineers for professional services shall be based on the professional qualifications necessary for satisfactory performance of the required services and not on the basis of the evaluation of competitive bids or proposals.

§ 18–4.203 Architect-engineer selection board.

§ 18–4.203–1 Establishment.

The head of each installation shall establish an architect-engineer selection board to be composed of not less than three members who, collectively, have experience in engineering, construction, and procurement matters. Members shall be appointed from employees from within the installation, one of whom shall be designated as chairman.

§ 18–4.203–2 Functions.

(a) Except as otherwise provided in § 18–4.203–4, the architect-engineer selection board shall perform the following functions:

(1) Collect and maintain data on architect-engineer firms, including information on the qualifications of their members and key employees, past experience on various types of construction projects, and standing in the profession. (U.S. Government Architect-Engineer Questionnaire—Standard Form 251—will be used for this purpose.)

(2) When procurement by contract of architect-engineer services for a particular project is contemplated, review the qualifications of an adequate number of architect-engineer firms and evaluate the architect-engineer firms in accordance with paragraph (b) of this section. (In making this review and technical evaluation, correspondence and conferences with architect-engineer firms under consideration shall be conducted to the extent deemed necessary.)

(3) Prepare a report for submission to the head of the field installation, recommending, in the order of preference, a minimum of three firms which, after careful evaluation, are considered the best qualified to perform the required services. (This report shall include sufficient details as to the extent of the evaluation and review made and the considerations upon which the recommendations were based.)

(b) In evaluating architect-engineer firms, the architect-engineer selection board shall consider the following factors:

(1) Specialized experience of the firm in the field or fields required;

(2) Capacity of the firm to perform the work within the required time;

(3) Past record of performance on contracts with NASA, other Government agencies, and private industry, including such factors as control of costs, quality of work, and ability to meet schedules; and

(4) Geographic location of the firm and its familiarity with the area in which the project is located.

Since it is NASA policy to encourage additional firms to participate in the performance of architect-engineer services for NASA, the architect-engineer selection board shall, to the fullest extent practicable, give favorable consideration to qualified firms not having prior performance experience with NASA.

§ 18–4.203–3 Action by head of installations.

Except as otherwise provided in § 18–4.203–4, the head of the installation shall review the recommendations of the architect-engineer selection board and shall:

(a) Approve the recommended list of qualified architect-engineer firms as submitted;

(b) Rearrange the order of preference; or

(c) Return the recommendations to the board for such action as he may consider necessary.

The head of the installation shall advise the board of the final action and shall furnish the contracting officer with a copy of the report and final action thereon which will serve as authorization to commence negotiation. The list of qualified firms in order of preference is for internal use of NASA, and such information shall not be made known to the firms under consideration.

§ 18–4.203–4 Simplified procedures for procurement estimated to cost $10,000 or less.

When authorized by the head of the installation, one of the simplified procedures set forth in this section may be used in selecting architect-engineer firms to perform services that are estimated to cost $10,000 or less, in lieu of the architect-engineer selection board performing the functions prescribed by § 18–4.203–2(a) (2) and (3), and actions prescribed by § 18–4.203–3.

(a) *Selection by the Board.* After reviewing and evaluating architect-engineer firms in accordance with §§ 18–4.203–2(a)(2) and 18–4.203–2(b), the board will prepare a report for submission to the contracting officer listing, in the order of preference, a minimum of three firms which, after careful evaluation, are considered the best qualified to perform the required services. (This report will include sufficient details as to the extent of the evaluation and review made and the considerations upon which the selections were based.) This report will be forwarded to the contracting officer and will serve as authorization to commence negotiation.

(b) *Selection by the Chairman of the Board.* When, in the judgment of the chairman of the board, it is considered that board action is not required in connection with a particular selection of architect-engineer firms, the following procedures will be followed:

(1) The chairman of the board will perform the functions required by § 18–4.203–2(a)(2).

(2) The chairman of the board will prepare a report in the same manner as that prescribed by § 18–4.203–2(a)(3), except that the report will be submitted to the head of the field installation or his designee for concurrence.

(3) The head of the installation or his designee will review the report from the chairman of the board, and concur with the selection made by the chairman, or return the report to the chairman for such action as may be considered necessary.

(4) Upon receipt of a concurred report, the chairman of the board will furnish the contracting officer with a copy of the report. Such report will serve as authorization to commence negotiation.

§ 18–4.203–5 Selection of architect-engineers for master planning.

(a) *Definition of master plan.* A master plan is an integrated series of documents which present in graphic, narrative, and tabular form the present composition of the installation and the plan for its orderly and comprehensive development to perform its various missions in the most efficient and economical manner.

(b) *Selection.* Where it is proposed to select an architect-engineer to develop a master plan in connection with the establishment of a new NASA activity or installation, the report prepared by the architect-engineer selection board, in accordance with § 18–4.203–2(a)(3) will be forwarded by the head of the installation, with his concurrence in the selection, to the cognizant Institutional Director, NASA Headquarters, for the approval of the Administrator and the concurrences of the Deputy Administrator and the Associate Administrator. The cognizant Institutional Director will refer the report for review to the Procurement Office (Code: KD), the Office of Facilities (Code: BX), and to other offices as appropriate under the circumstances. After receipt of comments and recommendations from the reviewing offices, the cognizant Institutional Director will revise, modify, or concur in the report, as appropriate, and forward it to the Administrator, via the Associate Administrator.

§ 18–4.204 Negotiation procedures.

§ 18–4.204–1 General.

(a) The contracting officer is responsible for conducting the negotations and for the results thereof. In discharging his responsibilities, the contracting officer shall use the services of technical, legal, financial, pricing, and other specialists in NASA, as required. Negotiations shall be directed toward:

(1) Making certain that the proposed contractor has a clear understanding of the essential details of the required work;

(2) Determining that the proposed contractor will make available the necessary personnel and organization to accomplish the work within the required time; and

(3) Effecting mutual agreement on the provisions of the contract and on a fair and reasonable fee (contract price) for the required work.

(b) *Limitation on fee.* Pursuant to 10 U.S.C. 2306(d), the amount of the fee that may be paid to an architect-engineer under a cost-plus-a-fixed-fee contract for the production and delivery of the designs, plans, drawings, and specifications required for the accomplishment of any public works or utilities project may not exceed 6 percent of the estimated cost of such project, exclusive of the amount of such fee. In addition, it is NASA policy to apply this statutory limitation to the fee paid to an architect-engineer for the performance of such services under a fixed-price contract. The architect-engineer services subject to this limitation are those described in § 18–4.201(b) (2), (3), and (4). This limitation shall be applied on an individual contract basis.

§ 18–4.204–2 Conduct.

Negotiations shall be conducted initially with the architect-engineer firm given first preference under the procedures set forth in § 18–4.203. If a mutually satisfactory contract cannot be negotiated with such firm, the negotiations shall be terminated and the firm notified. Negotiations then shall be initiated with the firm given second preference and this procedure shall be continued until a mutually satisfactory contract has been negotiated.

§ 18–4.204–3 Independent government estimate.

Prior to the initiation of negotiations, the contracting officer shall develop an independent Government estimate of the cost of the required architect-engineer services, based on a detailed analysis of the costs expected to be generated by the work. Information, such as hourly pay rates and overhead and general and administrative expense loading factors, may be requested from the architect-engineer firm under consideration to the extent required in preparing the Government estimate. The independent Government estimate shall be revised as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer. A cost estimate, based on the application of percentage factors to cost estimates of the various segments of the construction project, may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 18–4.204–4 Architect-engineer's estimate.

The contracting officer shall request the architect-engineer firm to submit its proposed fee and supporting detailed cost breakdown. Such request shall be made prior to the initiation of negotiations, where practicable, or promptly after agreement on the scope of the work to be performed has been reached during negotiations. Revisions of the proposed fee and supporting detailed cost breakdown shall be requested as required during negotiations to reflect changes in, or clarification of, the scope of the work to be performed by the architect-engineer.

§ 18–4.204–5 Fair and reasonable fee.

The contracting officer shall negotiate a fee considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's estimate. Significant differences between elements of the two estimates and between the overall estimates shall be investigated, and the contracting officer shall satisfy himself as to the reasons therefor.

§ 18–4.204–6 Procurements requiring Headquarters approval.

Contracts for architect-engineer services that require the prior approval of the Director of Procurement are specified in § 18–50.105(b)(2). The request for approval shall include all information required to be developed by this § 18–4.204, and in particular, shall set forth the detailed cost breakdown on which the determination was based that the proposed fee is fair, reasonable and consistent with the provisions of § 18–4.204–1(b).

§ 18–4.204–7 Record of negotiation.

Promptly at the conclusion of each negotiation, the contracting officer shall prepare a memorandum, setting forth the principal elements of the contract negotiations, for use of reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the fee and other terms of the contract. § 18–50.106 of this chapter prescribes the type of information to be included.

§ 18–4.205 Contracting with architect-engineer firms for construction work.

§ 18–4.205–1 Policy.

Except as provided in § 18–4.205–3, the award of a contract for architect-engineer services for a particular facility and the award of a contract for the related construction work to the same firm, its subsidiaries, or affiliates is prohibited. This policy prevents the development of situations where architect-engineer firms might be discouraged from furnishing their best professional services and from rendering unbiased decisions during the design and construction periods. Accordingly, bids or proposals for the construction of a facility shall not be solicited from the firm furnishing architect-engineer services for that facility, its subsidiaries, or affiliates; and unsolicited bids or proposals from that firm, its subsidiaries, or affiliates shall not be considered.

§ 18–4.205–2 Procedure.

An architect-engineer firm, selected for negotiation of an architect-engineer services contract under the procedures set forth in § 18–4.203, shall be advised of the policy set forth in § 18–4.205–1 prior to the initiation of negotiations, if that firm possesses construction capabilities either within its own organization or through subsidiaries or affiliates. The firm shall have the option of either:

(a) Declining to enter into contract negotiations in order to be eligible to compete for the related construction contract; or

(b) Entering into contract negotiations with the clear understanding that, if such negotiations are successful, the firm, its subsidiaries, or affiliates will be ineligible to compete for the related construction contract.

§ 18–4.205–3 Exceptions.

The policy set forth in § 18–4.205–1 is not applicable to:

(a) Those cases where the Director of Procurement specifically authorizes, prior to the initation of negotiations, the use of a cost-plus-a-fixed-fee contract for both the design and construction of a specialized facility; or

(b) Those cases in which a contract is awarded on the basis of performance specifications for the construction of a facility, and the contract requires the contractor to furnish construction drawings, specifications, or site adaptation drawings of the facility.

Requests for authorization, pursuant to paragraph (a) of this section, shall be in sufficient detail to establish the need for procuring both design and construction under one contract. In neither of the excepted cases in paragraphs (a) and (b) of this section shall the firm that prepared the drawings and specifications be engaged to supervise and inspect, on behalf of the Government, the construction of the facility involved.

Subpart 18–4.4—Unsolicited Proposals

§ 18–4.401 General.

(a) It is NASA's policy to inform organizations and individuals of scientific and technological areas encompassed by NASA's mission, and to encourage the submission of unsolicited proposals containing relevant new ideas. An unsolicited proposal is a written offer to perform work which does not result for a formal written request for proposals issued by NASA. However, inquiries regarding NASA interest in supporting research and development in a particular technical area shall not be construed as proposals. Unsolicited proposals are offered in the hope that NASA will support the proposer in research or development activities, or the testing of new products. Many of the proposals eventually become a part of a NASA program; others may have little or no value.

(b) Proposals for flight experiments to be carried on earth satellites or spacecraft present special problems of coordination, evaluation and selection. NASA Handbook, "Opportunities for Participation in Space Flight Investigations," (NHB 8030.1) provides detailed instructions for the preparation and submission of flight experiment proposals. Prospective submitters should be furnished a copy of this Handbook upon request.

(c) All proposals should be specific and, as a minimum, include the information set forth in subparagraphs (1) through (18) of this paragraph. Although it is desired that unsolicited proposals be prepared in conformance with the standards set forth below, NASA may accept unsolicited proposals for evaluation purposes which do not conform thereto:

(1) Name and address of the organization submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and abstract of the proposed effort or activity for which support is being sought;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved (name of principal investigator, if applicable), brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs, and overhead;

(10) Names of any other Federal agencies receiving the proposal and/or funding the proposed effort or activity;

(11) Brief description of the proposer's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the proposer's previous work and experience in the field;

(13) If available, a descriptive brochure and a current financial statement;

(14) If proposed effort or activity requires or may generate classified security information, the security status of the organization and the major investigators, and identification of the cognizant security office;

(15) Period for which proposal is valid;

(16) Names and telephone numbers of proposer's primary business and technical personnel whom NASA may contact during evaluation and/or negotiation;

(17) Each proposal containing technical data, which the submitter intends to be used by NASA for evaluation purposes only, may be marked on the cover sheet with the legend prescribed in § 18–1.304–2(c)(1); and

(18) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

(d) Proposals should be submitted well in advance of the desired beginning of support, and in ample copies to allow simultaneous study by all reviewers.

(e) All unsolicited proposals from educational and non-profit scientific institutions, proposals to NASA Headquarters from other sources, and requests for additional information regarding the preparation of unsolicited proposals should be submitted to:

National Aeronautics and Space Administration, Office of University Affairs (Code: Y), Washington, D.C. 20546.

When unsolicited proposals are received initially by NASA field installations, copies of such proposals will be furnished to the Office of University Affairs in accordance with instructions issued by that office.

§ 18–4.402 Policy.

§ 18–4.402–1 General.

All unsolicited proposals shall be processed in an expeditious manner. Proposals shall be acknowledged as soon after receipt as possible. Submitters shall be notified as to the ultimate disposition of their proposals.

§ 18–4.402–2 Preliminary review.

Prior to making a comprehensive evaluation of a document apparently submitted as an unsolicited proposal, the initial receiving office shall determine that the document:

(a) Contains sufficient technical and cost information to enable meaningful evaluation;

(b) Has been approved by a responsible official of the proposing organization or a person authorized to contractually obligate such organization; and

(c) Does not merely offer to perform standard services or to provide "off-the-shelf" articles.

If the document does not meet these requirements, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the submitter, indicating how the document is being interpreted and the reason(s) for not considering it a proposal.

§ 18–4.402–3 Comprehensive evaluation.

Every unsolicited proposal that is circulated for comprehensive evaluation shall have attached or imprinted a legend identifying it as an unsolicited proposal, and stating that it may be used only for purposes of evaluation (§ 18–1.304–2(c)). In evaluating a proposal, the evaluating office(s) shall consider, in addition to any other criteria, the following factors:

(a) The overall scientific, technical merit of the proposed effort;

(b) The potential contribution which the proposed effort is expected to make to NASA's specific program objective(s), if supported at this time;

(c) The unique capabilities, related experience, facilities, instrumentation, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal;

(d) The unique qualifications, capabilities and experience of the proposed principal investigator and/or key personnel.

Comprehensive evaluations shall be coordinated according to procedures to be established by the Office of University Affairs. If a proposal is not to be accepted, the submitter shall be informed by a suitable letter. A copy of such letter and associated proposal shall be retained in the files of the Office of University Affairs.

§ 18–4.402–4 Method of procurement.

(a) *Competitive procurement.* It is NASA's policy to obtain competition whenever possible (§ 18–3.802–2). However, data and other information submitted with an unsolicited proposal shall be treated in accordance with the policy set forth in § 18–1.304. Therefore, when a received document qualifies as an unsolicited proposal, but its substance is available to NASA without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, NASA's policy of obtaining competition applies. When procurement is intended and competition is feasible, the proposal shall be rejected, as in § 18–4.402–3, and all readily available copies (excluding the Office of University Affairs official proposal file copy) shall be returned to the submitter.

(b) *Noncompetitive procurement.* (1) A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the submitter. When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to NASA without restriction from another source, or competition is otherwise precluded, the subject matter of such proposal may be procured from the proposer on a noncompetitive basis. The technical office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposal." The "Justification" shall include the findings set forth in subparagraphs (i), (ii), or (iii) below:

(i) The procurement is to provide support to an educational institution for the development or improvement of that institution's capability to contribute to the national aeronautical and space program; and the proposal was selected on the basis of its overall merit, cost and potential contribution to NASA program objectives, after a thorough evaluation and comparison with other proposals for similar support;

(ii) The procurement is for basic scientific or engineering research; and the proposal was selected on the basis of its overall merit, cost and contribution to NASA program objectives, after a thorough evaluation and comparison with other proposals in the same or related fields; or

(iii) The procurement is for services other than basic research (e.g. development, feasibility studies, etc.); the proposal contains technical data or offers unique capabilities that are not available from another source; and it is not feasible or practical to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the proposal.

(2) In addition, the "Justification" shall include the facts and circumstances that support the recommended action. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification":

(i) The scientific/technical merits of the unsolicited proposal and its potential contribution to NASA's program objectives;

(ii) The qualifications, capabilities, and related experience of the submitter, principal investigator and/or key personnel;

(iii) Unique facilities, instrumentation, or techniques; and

(iv) Circumstances that operate to preclude competitive negotiation.

§ 18–4.403 Procedure.

(a) The Office of University Affairs will develop guidelines for, and participate in, the receipt, proper handling and disposition of unsolicited proposals from all non-NASA sources.

(b) If a Program Office or a field installation determines that (1) an unsolicited proposal, or a revised version thereof, is technically and programmatically acceptable; (2) funds are available; and (3) project approval, as may be required, has been obtained, a procurement request (NASA Form 404, or similar form) may be initiated. The procurement request shall be prepared and processed in accordance with the applicable provisions of § 18–1.356 and NASA Management Issuance 5101.12, "Policy and Procedures Concerning Procurement Requests."

(c) When it has been determined under the provisions of § 18–4.402–4(b) that it is necessary to negotiate exclusively with the submitter, the initiating technical office shall submit with the procurement request its recommendation for single source procurement for approval by the appropriate authority. This recommendation shall be in writing and will be contained in a separate document entitled "Justification for Acceptance of Unsolicited Proposal" (§ 18–4.402–4(b)). The Justification shall be subject to the same approval requirements as set forth in § 18–3.802–3(c) for "Justifications for Noncompetitive Procurements."

(d) A "Justification for Acceptance of Unsolicited Proposal" is not required for (1) procurements of $250 or less, or (2) procurements of scientific experiments selected pursuant to NASA Management Instruction 7100.1, "Conduct of Space Science Program—Selection and Support of Scientific Investigations and Investigators."

(e) Formal RFP's or RFQ's shall not be issued to obtain additional information required for the negotiation of contracts based on unsolicited proposals accepted pursuant to NMI 7100.1. The proposal itself constitutes the basis for negotiations and any further technical or budgetary information requested or received shall be considered to supplement, amend, or revise the original accepted proposal.

Subpart 18–4.50—Utility Services

§ 18–4.5000 Scope of subpart.

This subpart prescribes policy and procedures for the procurement and sale of utility services.

§ 18–4.5001 Definitions.

As used in this subpart, the following terms have the meaning stated below:

(a) "Utility services" includes electric, gas, water, steam, sewage, and communication services.

(b) "Communications services" include without limitation the transmission, emission, or reception of signals, signs, writings, images, soundings, or intelligence of any nature by wire, radio, optical, or any electrical or electromagnetic means.

(c) "Telecommunications facilities" includes equipment (modems, cable, terminal and switching facilities) used for such modes of transmission as telephone, telegraph, teletypewriter, data, facsimile, radio, video, audio, and such corollary items as card transceivers, magnetic tape terminals, TV cameras, monitors, distribution systems and communication security facilities.

(d) "Communications security facility" is any facility which is used for the operation, maintenance, and/or storage of any cryptographic document, device or equipment associated with transmission security, cryptosecurity or physical security measures.

(e) "Operational communications" are those lines and facilities carrying mission related information for the conduct of NASA technical missions, programs, and projects. They interconnect such facilities as NASA's foreign and domestic tracking, telemetry, and command control sites; launch areas; test sites; and mission control centers.

(f) "Administrative communications" are those lines and facilities carrying nonoperational information for the conduct of day-to-day business. They interconnect NASA Heaquarters, field installations, and other activities. Also included in this definition are local facilities and field installation communications systems, but not self-contained services such as local fire alarms, warning systems, paging devices, etc.

(g) "General purpose communications" are administrative or operational communications used to meet ordinary requirements for which rates have not been established.

(h) "Special purpose communications" are administrative or operational communications used to meet unique, one of a kind, or project oriented requirements for which rates have not been established.

(i) "Long lines" refers to communication lines extending beyond the boundaries of the installation as opposed to "Local Support" which refers to communications within the boundaries of the installation.

(j) "Standard services" are those services where communications charges are governed by tariff or are otherwise controlled or regulated by a Government agency (either domestic or foreign) or where a previously executed contract is in effect with NASA or another Government agency which defines the services to be provided and the rates to be charged.

(k) "Nonstandard services" are those services where communications charges are not governed by tariffs or are not otherwise controlled or regulated by a Government agency (either domestic or foreign) or where there is not a previously executed contract in effect with NASA or another Government agency which defines the services to be provided and rates to be charged. Nonstandard services also include those services provided by a company for a single customer and are usually one-of-a-kind.

§ 18–4.5002 Policy.

(a) It is NASA policy to obtain utility services from existing sources when such sources are adequate and economical arrangements can be made for their use. In each case and after fully investigating all sources, the required services shall be obtained at the lowest possible cost to the Government. To the extent consistent with this policy, use should be made of:

(1) General Services Administration areawide utility contracts (see Subpart 18–5.8).

(2) Department of Defense areawide communication contracts (see Subpart 18–5.8).

(3) Utility services available from other Government agencies, on a cross-servicing basis.

(b) Administrative long-line telephone communications will be obtained by NASA through General Services Administration's Federal Telecommunications System (FTS) (see paragraph (d)(2) of this section).

(c) Generally, leased communication services will be procured from a franchised communication common carrier whenever possible. However, in those areas where nonregulated industry offers the same communications services or equipment as offered by the regulated common carriers, full consideration must be given to competitive procurement.

(d) NASA's policy for providing certain communications services to contractors is as follows:

(1) NASA may provide administrative and operational telephone communications services to industrial and scientific organizations conducting research and development, fabrication of equipment, or operation and maintenance of facilities for NASA.

(2) Where the requirement is for administrative long-line telephone service, the service will be provided through the General Services Administration's Federal Telecommunications System, and may be furnished at no cost to the above mentioned contractors when it is determined to be in the best interest of the Government. The following criteria must be met prior to requesting the extension of FTS service to a NASA contractor:

(i) The total amount of the contract will be in excess of $5 million;

(ii) The contract will be long term; 2 or more years (including options);

(iii) The contract must be of a type that permits the contracting officer to adjust its terms and charges to allow for the fact that the Government is providing this service at no cost; and

(iv) FTS is required and will be used in direct support of the contract and is not to be used for non-NASA business. The contractor shall submit a letter certification to this effect to the contracting officer.

If it is determined that all four criteria are met, the request should be referred to the Office of Tracking and Data Acquisition, NASA Headquarters (Code TN). The Office of Tracking and Data Acquisition will make the necessary implementation for FTS with the General Services Administration.

(3) When long-line communications services, other than administrative long-line telephone communications services, are furnished at no cost, the contractor will use the services for the conduct of NASA business between:

(i) Locations of the same contractor;

(ii) The contractor and other NASA contractors; and

(iii) The contractor and NASA or other Government agencies.

(4) Local support services to be used solely for the conduct of business may be provided at no cost when it is determined to be in the best interest of the Government. The office of Tracking and Data Acquisition will also coordinate the implementation for local service as applicable under NASA Management Instruction 2520.1, "Communications System Management Responsibilities."

(5) Communications services may be provided to contractors in the conduct of NASA business at a minimum total cost consistent with requirements for capacity, effectiveness, efficiency, reliability, and security. The decision to provide communications services to contractors will be made in accordance with the policies established by the NASA installations.

(e) The provisions of paragraphs (a) through (d) of this section do not cover the procurement of communications security facilities. Such facilities, other than crypto equipment will be procured under the supervision of the Director, Security Division, NASA Headquarters (Code BZ). Crypto equipment will be obtained from and through the NASA Crypto Custodian (Code DHA). Reference manual NPC 106 (classified), "Manual for Safeguarding of Cryptomaterial" and NASA Management Instructions 1136.10, "Administrative Services Division" and 1136.4, "Security Division."

§ 18–4.5003 Determination of requirements.

Installation requirements for utility services shall be determined by technically qualified personnel. They will furnish the contracting officer with a full description of the load data pertaining thereto as is necessary for the contracting officer to procure the required services. Prior to soliciting the technical assistance of other Government agencies or any private consultant(s), the cognizant field installation technical personnel will contact NASA Headquarters directly, Code TN for communications problems and Code BX for other utilities.

§ 18–4.5004 Headquarters participation in negotiations.

§ 18–4.5004–1 Communications services.

(a) Except as provided in paragraphs (b), (e), and (f) of this section, the contracting officer shall submit the following information on a proposed procurement to the Office of Tracking and Data Acquisition (Code TN), prior to initiating negotiation procedures:

(1) Lease versus purchase considerations. The guidelines as prescribed by the Office of Tracking and Data Acquisition will apply to all lease versus purchase considerations;

(2) In the case of leased communications services from regulated common carriers, information relative to a common carriers submission of a special construction proposal; the application of the special assembly feature of a tariff; the application of estimated rates (pending tariff filing); and, action taken to cancel or terminate services subject to a termination liability; and

(3) In the case of communications services, information relative to the installation consideration that a separately negotiated contract is more advantageous to the Government than the General Services Administration (GSA) or Department of Defense (DOD) areawide communication contracts along with a request for a waiver of the requirement to use either the GSA or DOD areawide communications contract. In determining whether a GSA or DOD areawide communications contract is adequate to meet the requirements of the using installation, consideration should be given to (i) the areawide contract rates viewed in light of the magnitude of the services required, (ii) any unusual characteristics of the service required, (iii) any special equipment of facility requirements, and (iv) any special technical contracts.

(b) NASA installations are authorized to execute call orders under DOD or GSA areawide contracts for general purpose or special purpose communications provided:

(1) Charges for communications services do not exceed $150,000 for either nonrecurring charges or termination liability costs;

(2) The annual recurring charge does not exceed $500,000; and

(3) The requirement for such services has previously been approved by the Associate Administrator for Tracking and Data Acquisition.

(c) Based upon a review of the information submitted in accordance with paragraph (a) of this section, the Office of Tracking and Data Acquisition will promptly notify the contracting officer of the desirability of NASA Headquarters participation in the negotiation proceedings in an advisory capacity.

(d) Each NASA installation is responsible for providing the Office of Tracking and Data Acquisition its administrative telecommunications requirements in accordance with NASA Management Instruction 2520.1.

(e) All NASA installations requiring general purpose communications services contracts will submit a written request for the services to the Office of Tracking and Data Acquisition (Code TN) where:

(1) An areawide contract is not available;

(2) An areawide contract exists but service requirements involve recurring charges in excess of $500,000 annually, or $150,000 for nonrecurring or termination liability costs; or

(3) Rates have not been filed and approved by a Federal, State, or foreign regulatory body.

Where requirements are not within the above limitations, NASA installations are authorized to enter into general purpose contracts. For administrative communications services, the Office of Tracking and Data Acquisition will coordinate with the General Services Administration and two copies of such contracts will be furnished. For operational communications services, a single copy of the contract will be furnished.

(f) All NASA installations requiring special purpose communications services contracts will submit a written request for the services to the Office of Tracking and Data Acquisition (Code TN) where:

(1) An areawide contract is not available;

(2) An areawide contract exists but requirements are for nonstandard or special services involving recurring charges in excess of $500,000 annually, or nonrecurring or termination liability charges in excess of $150,000;

(3) It involves new rate centers; or

(4) It involves the filing and approval of new tariffs.

Where requirements are not within the above limitations, NASA installations are authorized to enter into special purpose contracts. For administrative communications services, the Office of Tracking and Data Acquisition will coordinate with the General Services Administration and two copies of such contracts will be furnished. For operational communications only one copy will be furnished.

§ 18–4.5004–2 Utilities except communications.

(a) Except as provided in paragraph (c) of this section, the contracting officer shall submit the following information on a proposed procurement to the Procurement Office, NASA Headquarters (Code KDR), prior to initiating negotiation procedures:

(1) A full technical description or specification of the type of the services required, including data on estimated maximum demand, average monthly consumption, and duty cycle;

(2) Identification of all available sources of supply and a statement as to the ability of each source to provide the required services;

(3) Location and description of each proposed supplier's facilities at the nearest point of service;

(4) A description of the facilities needed by each proposed supplier and by the Government to obtain the required services from each source of supply;

(5) Copies of all applicable rate schedules, published or unpublished, and any special rate schedules accorded by contract to users with similar requirements;

(6) Date initial service is required;

(7) Known or estimated time schedule for growth to ultimate requirements;

(8) An estimate of the annual cost of the services to be procured;

(9) Lease versus purchase considerations;

(10) Data concerning proposed facilities and related charges or costs: (i) Refundable or nonrefundable connection charge, termination liability, or other facilities charge, if any, together with a description of the proposed supplier facilities and estimated construction costs entering into a determination of the proposed facilities charge; (ii) a statement by the supplier that such proposed facilities charge is not in excess of the charge that other customers would be required to pay for like facilities under similar circumstances and (iii) the description of the proposed Government-owned facilities and estimated construction costs, if any, needed to procure the required services; and

(11) Identification of any unusual factors affecting the procurement.

(b) Based upon a review of the information submitted in accordance with paragraph (a) of this section, the Procurement Office, NASA Headquarters (Code KDR) will determine whether NASA Headquarters participation in the negotiation proceedings in an advisory capacity to the contracting officer is considered desirable. The contracting officer will be informed promptly of the decision of the Procurement Office, NASA Headquarters (Code KDR).

(c) The requirements of paragraph (a) of this section are not applicable when:

(1) The estimated annual cost of the services to be procured is $50,000 or less; or

(2) The proposed connection charge, termination liability, or any other facilities charge to be paid (whether or not refundable) is estimated to be $5,000 or less.

§ 18–4.5005 Contract requirements.

§ 18–4.5005–1 Procurement without contract.

(a) Electric, gas, water, steam, sewage, and telecommunications services may be procured without a written contract when all the following conditions apply:

(1) The services are to be furnished at rates, terms, and conditions based on an established rate schedule approved by a Federal, State, or other public regulatory body;

(2) The estimated annual cost of the services to be procured is $2,500 or less;

(3) Neither a connection, termination, installation, or similar charge, nor a deposit, other than a meter deposit, required of all customers, is involved;

(4) The utility supplier does not require the execution of a contract or application form; and

(5) It is not deemed advantageous to the Government to negotiate and execute a contract.

§ 18–4.5005–2 Memorandum of understanding.

A memorandum of understanding, specifying the services to be provided and the conditions under which they will be supplied, shall be used when procuring utility services from another Government agency by cross-servicing.

§ 18–4.5005–3 GSA areawide public utility contracts.

Policies and procedures governing the procurement of utility services by use of General Services Administration areawide public utility contracts are set forth in Subpart 18–5.8.

§ 18–4.5005–4 DOD areawide communications contracts.

Policies and procedures governing the procurement of communications services by use of the DOD areawide communications contracts are set forth in Subpart 18–5.8.

§ 18–4.5005–5 Negotiated utility services contracts.

When the conditions set forth in §§ 18–4.5005–1 through 18–4.5005–4 are not applicable to a proposed procurement of utility services, a separate contract may be negotiated using the contract clauses set forth in Subpart 18–7.50 and the contract forms prescribed in Subpart 18–16.5, except in that the contract forms are not applicable to contracts for communication services.

§ 18–4.5006 Contracts requiring Headquarters approval.

Contracts and supplemental agreements for utility services shall be submitted to the Procurement Office, NASA Headquarters (Code KDR) for approval in accordance with § 18–50.105(b)(1).

§ 18–4.5007 Headquarters requirement for copies of contracts.

Except for communication services, the contracting officer shall forward, promptly after execution, one copy of each contract, service authorization form, memorandum of understanding, or any modification thereto, to the Procurement Office, NASA Headquarters (Code KDR) and to the Office of Facilities, NASA Headquarters (Code BX). Documents relating to utility services exempt under the provisions of § 18–4.5004–2(c) need not be furnished.

§ 18–4.5008 Changes in rates.

(a) Except for communication services when the contractor furnishes written notice to the contracting officer of a filing of an application for rate changes, as provided for in the clause entitled "Public Regulation and Change of Rates" (§ 18–7.5001–11), or whenever the contractor requests that rate changes be negotiated, as provided for in the clause entitled "Change of Rates,"

(§ 18–7.5003–2), the contracting officer will notify the Procurement Office, NASA Headquarters (Code KDR) and the Office of Facilities, NASA Headquarters (Code BX). If the rate change affects communications services, he will notify the Office of Tracking and Data Acquisition, NASA Headquarters (Code TN). The notification shall include sufficient information to permit a determination of the monetary effect of the proposed changes and a recommendation of action to be taken under subparagraph (1) or (2) of this paragraph, and the basis therefor.

(1) When a notice is received of a filing of an application for rate changes before the local regulatory body, the contracting officer will make a recommendation as to whether or not the Government should intervene in the hearing on the application. If it is recommended that the Government intervene in the hearing, the recommendation shall be accompanied by a statement setting forth the basis for such intervention and the extent to which the installation can support the intervention through the presentation of testimony, preparation of exhibits, and the furnishing of legal counsel.

(2) When a notice is received that the contractor requests that rate changes be negotiated, the contracting officer will make a recommendation as to the position to be taken by the Government with respect to the rate changes and the extent to which installation personnel are available to support this position.

(b) The Procurement Office, NASA Headquarters, with the technical assistance of the Office of Facilities, NASA Headquarters for utilities other than communications, will furnish the contracting officer a recommendation concerning the proposed rate changes and the extent to which NASA Headquarters will participate in the intervention before the local regulatory body or in negotiations with the contractor. For proposed communication rate changes, the Office of Tracking and Data Acquisition, NASA Headquarters will furnish the necessary guidance to the contracting officer. Prior to recommending any action concerning the proposed rate changes, the Procurement Office, NASA Headquarters will, as necessary, coordinate with other staff offices or divisions, or other Government agencies. The contracting officer shall await the recommendations of the Procurement Office, NASA Headquarters or the Office of Tracking and Data Acquisition, NASA Headquarters for at least 15 days prior to taking any action concerning the proposed rate changes.

§ 18–1.5009 Sales of utility services.

Electricity, gas, water, sewage disposal, and steam may be sold under the conditions specified in the following paragraphs.

§ 18–1.5009–1 Eligible purchasers.

The eligibility to buy utility services from a NASA installation is determined as follows:

(a) Any Federal agency, mixed ownership (Government) corporation (as defined in the Government Corporation Control Act, 31 U.S.C. 856), or any bureau or office thereof, located at or in the immediate vicinity of a NASA installation is an eligible purchaser.

(b) The Procurement Office, NASA Headquarters (Code KDR) will determine the eligibility of all other prospective purchasers. Requests for furnishing utility services to other purchasers, together with complete justification, shall be forwarded to the Procurement Office, NASA Headquarters (Code KDR) for decision.

§ 18–1.5009–2 Prerequisites.

All of the following conditions must be met before an installation is authorized to enter into a specific agreement for the sale of utility services to an eligible purchaser:

(a) The sale will not disrupt present or contemplated service to the installations;

(b) All modifications to existing facilities and installations of additional facilities required to provide service to the purchaser will be made at the purchaser's expense;

(c) The rate charged to the purchaser will cover at least the increased cost to the installation of supplying the service;

(d) The sale of utility services is not prohibited by the contract under which the installation purchases the services; and

(e) The sale of utility services is confined to sales for consumption, not for resale.

§ 18–1.5009–3 Headquarters participation in negotiations.

(a) The contracting officer will notify the Procurement Office, NASA Headquarters (Code KDR) whenever it is desired to sell utility services.

(b) The Procurement Office, NASA Headquarters (Code KDR) will provide the necessary guidance to consummate the sale.

(c) Each proposed agreement shall be submitted to the Procurement Office, NASA Headquarters (Code KDR) for approval.

Subpart 18–4.52—Management Engineering or Consultant Services

§ 18–4.5200 Scope of subpart.

This subpart sets forth the policy and procedures for negotiating contracts with firms and organizations for management engineering or consultant services. The policies and procedures for obtaining the services of individual experts and consultants are set forth in NASA Management Instruction 1052.87, "NASA–CSC Agreement—Experts and Consultants" and NASA Federal Personnel Manual (FPM), Supp. 32.

§ 18–4.5201 Applicability.

The provisions of this subpart are applicable to NASA Headquarters offices and field installations. In addition, the office charged with administration of the NASA contract for the operation of the Jet Propulsion Laboratory shall ensure that proposed JPL subcontracts for management engineering or consultant services are processed in accordance with the procedures set forth herein.

§ 18–4.5202 Definitions.

The following definitions apply to this subpart.

(a) The term "firms and organizations" includes:

(1) Any business enterprise, association, foundation, or educational institution; and

(2) Any unit of government outside the Federal Government of the United States.

(b) The term "negotiating contracts for management engineering or consulting services" includes the negotiation of contract modifications or amendments directed in full or in part toward the procurement of management engineering or consulting services.

(c) The term "management engineering or consultant services" includes:

(1) Any examination, survey, study, review, analysis, assistance, consultation, or advice having as its purpose improvement in the effectiveness, efficiency, and economy of NASA management operations; and

(2) Any effort to improve the NASA organizational structure, business systems, industrial processes, performance standards, methods, procedures, plant or office layout, managerial skills, or general administration, as well as analysis leading directly to any of these services.

The term "management engineering or consultant services" does not include services for research and development; nor does it include reliability studies, plant operation and maintenance services, architect-engineering services, stenographic services, or services of consulting physicians.

§ 18–4.5203 Policy.

It is NASA policy to utilize firms and organizations outside the Government for management engineering or consultant services to improve NASA management only when such services are necessary and:

(a) Comparable services are not obtainable within NASA or from other Government organizations; and such services are not readily available through Civil Service; or

(b) An assessment of NASA management practices by firms or organizations outside the Government organizational structure demonstrably would prove more beneficial than an intragovernmental study.

§ 18–4.5204 Scope.

The functions for which management consulting firms and other organizations may be of assistance to NASA include, but are not limited to, the following:

(a) Conducting training programs to increase the competence and effectiveness of NASA employees;

(b) Reviewing NASA support and operating programs (for example, procurement and supply) to increase the responsiveness of such programs to NASA needs;

(c) Modernizing NASA systems and procedures;

(d) Strengthening NASA organization and management structure, planning, and controls; and

(e) Organizing new programs or services.

§ 18–4.5205 Procedure.

§ 18–4.5205–1 Request for approval.

(a) When a NASA field installation considers that management engineering or consultant services are necessary and desirable, in accordance with the policy stated in § 18–4.5203, the installation shall, prior to solicitation, secure the approval of the Institutional Director. Requirements originating within NASA Headquarters may be approved by that senior official of the originating element who reports directly to General Management. Requests for approval to procure such services will be prepared in quintuplicate in the format set forth in § 18–4.5206. Prior to approval, the Institutional Director, or other Headquarters official as designated above, will forward two copies of the request to the Office of Management Development, NASA Headquarters (Code L) for concurrence. The approval cycle in Headquarters normally will require less than 2 calendar weeks.

(b) The Office of Management Development, NASA Headquarters (Code L) will analyze and evaluate the request as to:

(1) The necessity for the task (taking into account, for example, whether the task is required to be initiated immediately or should be deferred; and whether the problem involved is likely to be affected by other current NASA plans);

(2) The proposed method of accomplishment as compared to alternative feasible methods (whether, for example, instead of contracting for management consultant or advisory services, it would be more expeditious and less costly for NASA to hire experts temporarily on a per diem basis);

(3) The significance of the problem and the extent to which it relates to NASA functions generally and to different NASA organizational elements; and

(4) Other pertinent considerations.

§ 18–4.5205–2 Negotiation of contracts.

(a) Unless noncompetitive negotiation is authorized (see § 18–3.802–3), negotiation of contracts shall be conducted with a sufficient number of firms or organizations to permit NASA to evaluate, prior to making award, the comparative merits of qualified sources and of different approaches to the task.

(b) Contracting officers shall include in the request for proposals a requirement that each offeror furnish the following information with his price quotation, notwithstanding the type of contract anticipated:

(1) The name(s) and qualifications of principal members of the contractor organization who will be responsible for the project;

(2) The title of each official and the number of employees who will participate;

(3) The estimated number of manhours that each official and employee will contribute to the proposed project; and

(4) The standard billing rate per hour for each official and employee.

The contract shall establish requirements to insure that the proposal of the successful offeror will be adhered to (as negotiated and agreed to) in each of the above respects.

(c) In addition, the request for proposals and the resulting contract shall contain the following provisions:

(1) That the contractor warrants the rates quoted are not in excess of those charged nongovernmental clients for the same services performed by the same individuals;

(2) That the Government has the right to the working papers used by the participating officials and employees of the firm or organization in connection with the project;

(3) That publication or distribution of the study, data, or other related material is prohibited, except to the extent authorized by the contracting officer; and

(4) That the contractor agrees that any reports regarding organizational matters (as required by the contract) shall include, when feasible, in addition to the recommendations, alternative methods to be considered and the pros and cons of each alternative.

§ 18–4.5205–3 Contract award and approval.

Unless otherwise required by Subpart 18–50.1, of this chapter or by direction of the Institutional Director, awards may be made without further reference to Headquarters after the approval required by § 18–4.5205–1 has been obtained.

§ 18–4.5205–4 Copies of reports and recommendations.

Upon completion of the services required, the initiating office shall forward one copy of all reports or recommendations made by the consulting firm or organization to the Office of Management Development, NASA Headquarters (Code L), and four copies to the Institution Director or other Headquarters official approving the request as set forth in § 18–4.5205–1.

§ 18–4.5206 Format for requesting approval for use of management engineering or consultant services.

REQUEST FOR APPROVAL TO PROCURE MANAGEMENT ENGINEERING OR CONSULTANT SERVICES

Date:----------

1. It is requested that approval be granted to solicit proposals and contract for: (Give detailed description of statement of work to be performed.)

2. The desired goals or results of this work are:

3. It is believed that this work will be beneficial to NASA and the Government for the following reasons (list reasons in concise language):

4. Statement of those organizational groups within NASA or other Government agencies known to have any degree of capability in the field this work encompasses.

5. Give reasons or opinions why this work could not or should not be conducted by NASA or other Government personnel.

6. State type and extent of agency participation necessary; that is, if agency personnel will be required to work with those providing service; describe how many, types, tasks, etc. Also give description of type of support required, if any, such as office or other space, supplies, materials, etc.

7. Describe any travel anticipated or required in connection with the service.

8. Give estimate of time and number of personnel (all types) and any additional items or facilities required to produce desired results.

9. Give estimated costs and source of funds.

10. If the request is for one designated firm or organization to undertake the work, identify the firm or organization in detail, give special qualifications, and reasons justifying the selection.

11. If the request is not limited to one firm or organization, list the sources proposed for solicitation.

12. Give an opinion as to the effect on NASA if the request is not approved.

GEORGE J. VECCHIETTI,

Director of Procurement, National Aeronautics and Space Administration.

[FR Doc.71-682 Filed 1-15-71;8:52 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

PART 250—GUARANTEE OF CERTIFICATES OF TRUSTEES OF RAILROADS IN REORGANIZATION

The purpose of this amendment is to establish a new Part 250 setting forth the procedures and requirements of the Federal Railroad Administration, in filing applications with the Administrator for guarantees by the Secretary of Transportation of Trustee Certificates pursuant to Emergency Rail Services Act of 1970 (Public Law 91–663).

Since this new Part 250 establishes agency procedures, and in view of the emergency nature of the underlying statute authorizing guarantees, notice and public procedure thereon are impracticable and the procedures can be made effective immediately.

In consideration of the foregoing, effective January 13, 1971, Chapter II of Subtitle B of Title 49, Code of Federal Regulations, is amended by adding a new Part 250, as set forth below.

Issued in Washington, D.C. on January 13, 1971.

CARL V. LYON,

Acting Administrator, Federal Railroad Administration.

Sec.
250.1 Form and content of application.
250.2 Required exhibits.
250.3 Fees.
250.4 Execution and filing of application.
250.5 General instructions.

AUTHORITY: The provisions of this Part 250 issued under sec. 3(f) of the Emergency Rail Services Act of 1970, Public Law 91-663; § 1.49(m), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m).

§ 250.1 Form and content of application.

The application shall include, in the order indicated and by section numbers and letters corresponding to those used in this part, the following:

(a) As to the Trustee and the transaction:

(1) Full and correct name and principal business address.

(2) The name and address of the reorganization court under the direction of which the Trustee is acting, and the nature of the proceeding, if any, in which Trustee was appointed.

(3) Name, title, and address of the person to whom correspondence regarding the application should be addressed.

(4) Brief description of the loan and its purpose or purposes, including statements of (i) the total amount of the loan, (ii) the purpose or purposes for which the loan proceeds will be used, (iii) the maturity date or dates, (iv) description of the security, if any, for the loan, including applicants' opinion of the value of any collateral and the basis for such opinion, (v) the date or dates on which Trustee desires the funds to be made available, (vi) the rate of interest, (vii) estimated total expenses in connection with the loan, including detail as to expenses estimated for legal and accounting services, printing and engraving, trustees' fees, State and Federal taxes, and commissions and discounts, and (viii) the portion of the loan concerning which guarantee by the Secretary is sought, description of the security for the certificates and the guarantee, together with an opinion of the value of such collateral and the basis for such opinion.

(5) Concerning the necessity for the guarantee sought:

(i) Statement on behalf of the Trustee that it has endeavored to obtain a loan or loans for the purpose or purposes proposed without a guarantee by the Secretary in connection therewith, but has not been able to obtain a loan therefor upon reasonable terms, or if only upon terms considered unreasonable, a statement setting forth such terms and describing any facts relevant thereto.

(ii) Information as to the Trustee's efforts to obtain the needed financing without a guarantee thereof by the Secretary, and as to the results of such efforts. (See § 250.2(b)(3) as to exhibits on this subject.)

(6) Statement, in summary form, showing the carrier's financial obligations to, or claims against, the United States, if any, as of date of application, or latest available date, listed as to (i) balance on any direct loans, (ii) balance on any loans under which the United States is guarantor, (iii) status of any claims under litigation, and (iv) any other debits or credits existing between the carrier applicant and the United States, showing the department or agency involved in such loans, claims and other debts.

(7) Full and complete statement, together with independent supporting evidence, where feasible, concerning the effect that cessation of essential transportation services of carrier would have on the public welfare.

(8) Full and complete statement, together with supporting evidence, where possible, demonstrating that cessation of essential transportation services by carrier applicant is imminent.

(9) Full and complete statement, together with supporting evidence, if possible, that there is no other practicable means of obtaining funds to meet payroll and other expenses necessary to provide essential transportation services other than the issuance of trustee certificates. Such statement shall include in detail a complete listing of all nontransportation assets of the carrier and corporate affiliates, or subsidiaries having a fair market value of not less than $50,000, together with the amount of encumbrances thereon, if any, and a statement or plan for the disposition or sale of such assets as a means of obtaining funds necessary for essential transportation services.

(10) Full and complete statement, together with supporting evidence, if possible, demonstrating, with particularity, that the carrier can reasonably be expected to become self sustaining within a reasonable period of time.

(11) Full and complete statement, together with supporting evidence, that the probable value of the assets of the carrier in the event of liquidation provides reasonable protection to the United States.

(b) As to the lender or lenders:

(1) Full and correct name and principal business address.

(2) Names and addresses of principal executive officers and directors, or partners.

(3) Reference to applicable provisions of law and the charter or other governing instruments conferring authority to the lender to make the loan and to accept the mortgage or other obligation evidencing the loan.

(4) Brief statement of the circumstances and negotiations leading to the agreement by the lender to make the proposed loan, including the name and address of any person or persons, other than directors, officers, partners, or employees of the carrier, representing or purporting to represent the Trustee in connection with such negotiations.

(5) Brief statement of the nature and extent of any affiliation or business relationship between the lender and any of its directors, partners, or principal executive officers, on the one hand, and, on the other, the carrier and any of its directors, partners, or principal executive officers, or any person or persons whose name is required to be furnished under subparagraph (4) of this paragraph.

(6) Full and complete statement of all sums paid or to be paid and of any other consideration given or to be given by lender in connection with the proposed loan, including with respect thereto: (i) name and address of each person to whom the payment is made or to be made, (ii) the amount of the cash payment, or the nature and value of other consideration, (iii) the exact nature of the services rendered or to be rendered, (iv) any condition upon the obligation of the lender to make such payment, and (v) the nature of any affiliation, association, or prior business relationship between any person named in answer to subdivision (i) of this subparagraph and the lender or any of its directors, partners, or officers.

§ 250.2 Required exhibits.

There shall be filed with and made a part of each application, and with each copy thereof, the exhibits required in this section.

(a) The following exhibits are required concerning the Trustee and the carrier:

(1) As Exhibit 1, with the original application but not with copies thereof, copy of duly certified order of the court, or instrument of appointment, appointing trustees of the carrier.

(2) As Exhibit 2, a certified copy of the order(s) of the reorganization court having jurisdiction of applicant authorizing (i) the filing of the application with the Administrator for a guarantee of the Trustee's certificate; (ii) filing of the application with the Interstate Commerce Commission, under section 20a of the Interstate Commerce Act, for authority to issue trustee's certificates; (iii) the pledge of security for the loan and the guarantee in the manner contemplated by section 3(c) of the Emergency Rail Services Act of 1970; and (iv) compliance by the Trustees with conditions to the guarantee imposed by law and the Administrator.

(3) As Exhibit 3, preliminary opinion of counsel for the Trustee that he is familiar with the corporate or other organizational powers of the carrier, including the orders of the reorganization court, that the Trustees of the carrier are authorized to make the application, and that when proper orders of the reorganization court have been issued and the obligations executed, and security delivered as contemplated by the application, such obligations will constitute the valid and subsisting obligations of the Trustee's of the carrier and will be treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act. Such opinion should also cover the option to be granted to the Administrator to procure by purchase or lease trackage rights over the line of carrier applicant, and such equipment as may be necessary to provide such services by the Administrator (or his assignee) in the event of actual or threatened cessation of essential transportation services by the carrier.

(4) As Exhibit 4, a map of the carrier's existing railroad.

(5) As Exhibit 5, statement showing miles of line owned; miles operated; number of units of locomotives, freight cars, and passenger cars owned and leased; principal commodities carried; and identification of the ten most important industries served.

(6) As Exhibit 6, statement as to whether any railroad affiliated with the carrier has applied for or received a loan guarantee under title V of the Interstate Commerce Act, or under the Emergency Rail Services Act of 1970. If such an affiliate has applied for or received such a guarantee, full particulars shall be given.

(7) As Exhibit 7, statement showing total dividends, if any, declared and total dividends paid for each of the last 5 calendar years and for each month of the current year to latest available date.

(8) As Exhibit 8, a copy of general balance sheet as of latest available date, but as of a date not earlier than the end of the third month preceding date of filing of the application, in form and detail as required in schedules 200A and 200L of the Interstate Commerce Commission's annual report Form A, together with the following supporting schedules:

(i) Particulars of loans and notes receivable in form and detail as required in Schedule 201 of annual report Form A for the Class I railroads.

(ii) Particulars of investments in other companies in form and detail similar to that required in schedules 205 and 206 of annual report Form A.

(iii) Particulars of balance in accounts 741 and 743, Other Assets and Deferred Charges, respectively, in form and detail as required in annual report Form A, schedule 216.

(iv) Particulars of loans and notes payable in form and detail required in schedule 223 of annual report Form A, as well as information as to bank loans, including the name of the bank, date and amount of the original loan, current balance, maturities, rate of interest, and security if any, therefor.

(v) Particulars of long-term debt in form and detail similar to that required in schedules 218 and 219 of annual report Form A, including a brief statement concerning each mortgage, and indicating the property or securities encumbered.

(vi) Particulars of balance in account 784, Other Deferred Credits, in form and detail as required in schedule 225 of annual report Form A.

(vii) Particulars as to contingent assets and liabilities in form and detail as required in schedule 233 of annual report Form A for the Class I railroads.

(viii) Particulars as to guarantees and suretyships in form and detail as required in schedule 110 of annual report Form A for the Class I railroads.

(ix) Particulars as to capital stock in form and detail as required in schedules 228, 229, and 230 of annual report Form A.

NOTE: The information required as Exhibit 8 shall give effect to any modification of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the loan application.

(9) As Exhibit 9, statement showing comparative balance sheets as of December 31, for each of the last 2 years preceding the year in which the application is filed in form and detail as required in annual report Form A, schedules 200A and 200L, and if carrier or Trustee's reports to its stockholders include a consolidated balance sheet for two or more railroads which differs from the returns in the balance sheet schedules of its annual reports to the Commission, reference should be made here to the sections of the stockholders' reports which include said consolidated balance sheets.

(10) As Exhibit 10, to be filed only with the original copy of the application, a copy of carrier applicant's report to its stockholders or report of the trustee for each of the 3 years preceding the year in which the application is filed.

(11) As Exhibit 11, comparative income statement for last full quarter of the year preceding the month of the year in which the loan application is filed, including cumulative data to latest month shown, which shall not be earlier than the third month preceding date of filing the application, compared with the same quarter of each of the 2 preceding years, in account form similar to that required in column (a) of schedule 300 of annual report Form A, and modified to include any revision of the Commission's Uniform System of Accounts for Railroad Companies in effect on the date of filing the loan application.

(12) As Exhibit 12, comparative income statement showing data for each of the last 2 years in account form and detail similar to that required in the preceding paragraph.

(13) As Exhibit 13, pro forma income statement showing estimated income account for each of the remaining months in the current year and for each month of the year subsequent thereto, in account form and detail similar to that required in the preceding two paragraphs, together with a statement setting forth the basis for such estimates.

(14) As Exhibit 14, comparative statement of total expenditures for maintenance of (i) way and structures and (ii) equipment for each of the past 2 years and for each month of the current year, together with estimated expenditures for the remaining months of the current year and the year subsequent thereto, and including a statement showing the basis for such estimates.

(15) As Exhibit 15, a statement showing for the current calendar year and each year for 5 years thereafter estimated total operating revenues, total operating expenses, operating ratio, income available for fixed charges, and net income after fixed charges and contingent interest.

(16) As Exhibit 16, a statement showing actual cash balance at the beginning of each month and the actual cash receipts and disbursements during each month of the current year to the date of the latest balance sheet furnished as Exhibit 8, together with a monthly forecast (both before and after giving effect to use of proceeds from the proposed loan) for the balance of the current year and the year subsequent thereto.

(17) As Exhibit 17, a statement showing for each month to latest available month of the current year, compared with the same month of each of the 2 preceding years (i) number of tons of revenue freight carried, (ii) number of revenue ton-miles, (iii) freight revenue (account 101), (iv) number of passengers carried, (v) number of passenger miles, and (vi) passenger revenue (account 102), as well as similar information, on an estimated basis, for each of the remaining months in the current year and the year subsequent thereto.

(18) As Exhibit 18, statement showing comparatively for each year in the 2-year period preceding the year in which the application is filed, and on an estimated basis for the current and succeeding 4 years, the following: (i) Total charges to operating expenses for depreciation of way and structures, and equipment, (ii) deductions for accelerated tax amortization under section 168 of the Internal Revenue Code in excess of such depreciation charged to operating expenses, (iii) net income reported in annual reports to the Commission, and (iv) pro forma net income which would have resulted without the benefit of such deductions for accelerated tax amortization.

(19) As Exhibit 19, a general statement setting forth the facts as to estimated prospective earnings and other funds upon which applicant relies to repay the loan.

(b) The following exhibits are required as to the transaction.

(1) As Exhibit 20, specimens, or forms where specimens are not available, of all securities to be pledged or otherwise issued in connection with the proposed loan; and in case of mortgage, a copy of the mortgage or indenture.

(2) As Exhibit 21, copies of the loan agreement entered into, or to be entered into, between the Trustee and lender, and of any agreements or instruments executed or to be executed in connection with the proposed loan.

(3) As Exhibit 22, copies of correspondence from all, and not less than three, lending institutions or security underwriters to which application for the financing has been made, evidencing that they have declined the financing unless guaranteed by the Secretary or specifying the terms upon which they will undertake the financing without such guarantee.

(c) The following exhibits are required as to the lender:

(1) As Exhibit 23, to be filed only with the original copy of the application, copies of the charter or other organizational papers and of bylaws or other governing instruments, including all amendments.

(2) As Exhibit 24, balance sheet statement as of the latest available date, but within 3 months of the date of filing the application.

(3) As Exhibit 25, income statement for the 3 calendar or fiscal years immediately preceding the year in which the application is filed and similar statement for the latest available period in the current year but within 3 months of the date of filing the application.

(4) If the transaction involves a fiscal agent or trustee acting on behalf of lenders, or an underwriter, Exhibits 23 through 25 shall only be required of such fiscal agent or underwriter.

§ 250.3 Fees.

On date of final payment of the loan guaranteed by the Secretary pursuant to application filed under this part, the applicant carrier or the trustee, if still in existence, shall pay, or cause to be paid, to the Administrator as a guarantee fee such amount as the Administrator hereafter may determine and prescribe as necessary to cover the administrative costs of carrying out the provisions of the Emergency Rail Services Act of 1970.

§ 250.4 Execution and filing of application.

The following procedure shall govern the execution and filing of the application:

(a) The original application shall bear the date of execution and be signed with ink by or on behalf of the trustee and the lender. Execution on behalf of the trustee shall be by the trustee or trustees having knowledge of the matters therein set forth. Persons signing the application on behalf of the trustee and lender, respectively, shall also sign a certificate in form as follows:

---------- certifies that he
(Name of official)
is the ---------- of
(Title of official)
the ----------; that he is
(Name of carrier or lender)
authorized on the part of said applicant to sign and file with the Administrator this application and exhibits attached thereto; that he has carefully examined all of the statements contained in such application and the exhibits attached thereto and made a part thereof relating to the aforesaid ----------; that he has
(Name of carrier or lender)
knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

(Date)

(b) There shall be made a part of the original application the following certificate by the Chief Accounting Officer of the carrier:

---------- certifies that he is ----------
(Name of officer) (Title of officer)
of ----------; that
(Name of carrier applicant)
he has supervision over the books of account and other financial records of the carrier and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that he has examined the financial statements and supporting schedules included in this application and to the best of his knowledge and belief said statements accurately reflect the accounts as stated in the books of account; and that, other than the matters set forth in the exceptions attached to such statements, said financial statements and supporting schedules represent a true and complete statement of the financial position of the carrier applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the carrier applicant.

(Date)

(c) The original application and supporting papers, and six copies thereof for the use of the Administrator shall be filed with the Administrator, Federal Railroad Administration, Department of Transportation, Washington, D.C. Simultaneously, one copy of the application and supporting papers shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed. If unusual difficulties arise in the furnishing of any of the exhibits required in § 250.2, the carrier applicant or the lender, upon appropriate showing and with the consent of the Administrator, may file a lesser number.

(d) In the event the furnishing of exhibits in the detail required by § 250.2 is shown by the applicant or applicants to be unduly burdensome in relation to the nature and amount of the loan, the Administrator may modify the requirements of said section. In addition, the Administrator may waive or modify any requirement of this part upon good cause shown, or make any additional requirements he deems necessary.

§ 250.5 General instructions.

(a) If the application is approved by the Administrator and the Secretary of Transportation and the latter agrees to make the guarantee, the following documents will be required for deposit with the Administrator before the transaction is closed:

(1) Final opinion by counsel for the Trustee to the effect that he is familiar with the corporate powers of the carrier applicant and the orders of the reorganization court; that the Trustees of the carrier applicant are authorized to execute and deliver the certificate or other obligations evidencing the same, and to pledge and hypothecate any securities pledged as collateral; that the certificate or other obligations so executed and so delivered constitute the valid and binding obligations of the Trustees of the carrier that the certificate or other obligations of the Trustee will be treated as an expense of administration and receive the highest lien on the railroads property and priority in payment under the Bankruptcy Act, and that the lender and the Secretary will obtain a lien on any security involved of the rank and priority represented by the Trustee. Such opinion shall also cover the priority and lien of each item of the collateral offered.

(2) Certified copies of the reorganization court orders and decrees authorizing the Trustee to execute and deliver the certificates or other obligations and to give the security under and according to the terms of the loan and guarantee as prescribed by the Administrator. Such order or orders of the reorganization court shall specify that trustee certificates, guaranteed by the Secretary as to payment of principal and interest, shall be treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act.

(3) Unexecuted copies of the foregoing documents will be delivered to the Administrator 3 business days prior to closing.

(b) The guarantee by the Secretary of a loan pursuant to an application filed as provided in this part should not be construed as relieving a carrier from complying with applicable provisions of section 20a of the Interstate Commerce Act (49 U.S.C. 20a) in relation to the issuance of Trustee certificates.

[FR Doc.71-622 Filed 1-15-71;8:47 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1043, Amdt. 2]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of December 1970.

Upon further consideration of Revised Service Order No. 1043 (35 F.R. 11402, 15295) and good cause appearing therefor:

It is ordered, That § 1033.1043 *Service Order No. 1043* (Regulations for return of hopper cars) be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1970.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-657 Filed 1-15-71;8:50 am]

Short Line Railroad Association, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-656 Filed 1-15-71;8:50 am]

[S.O. 1046, Amdt. 1]

PART 1033—CAR SERVICE

Burlington Northern, Inc., and Certain Other Railroads Authorized To Operate Over Tracks of Peoria and Pekin Union Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of December 1970.

Upon further consideration of Revised Service Order No. 1046 (35 F.R. 11301) and good cause appearing therefor:

It is ordered, That § 1033.1046 *Service Order No. 1046* (Burlington Northern, Inc., Chicago, Rock Island and Pacific Railroad Co., and Toledo, Peoria & Western Railroad Co. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1970.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-655 Filed 1-15-71;8:50 am]

[S.O. 1056-A]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of December 1970.

Upon further consideration of Service Order No. 1056 (35 F.R. 18468) and good cause appearing therefor:

It is ordered, That § 1033.1056 *Service Order No. 1056* (Distribution of boxcars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., December 17, 1970; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-655 Filed 1-15-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-23-AD; Amdt. 39-1144]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Amendment 39-1024 (35 F.R. 11176), AD 70-14-3, as amended by Amendment 39-1093 (35 F.R. 16468) and further amended by Amendment 39-1123 (35 F.R. 18734) requires inspection of all flap tracks and repair as necessary and provides for the replacement of the existing flap tracks with redesigned flap tracks on the Boeing Model 747-100 Series airplanes.

The Boeing Co. has advised the agency that 200 Series airplanes, now in production or for which an airworthiness certificate has been previously issued, incorporate the same flap track design. The redesigned flap tracks referenced in paragraph (2)(f) of AD 70-14-3, as amended, and in Boeing Service Bulletin 57-2011, Revision 4, dated November 25, 1970, are being installed on the fleet as available and in accordance with operator's scheduling. Until the modification is accomplished as a terminating action, the inspections and placard installation required by the AD permit continued operation of the 100 Series airplanes with the required degree of safety. The operation of the 200 Series airplanes is, by virtue of this amendment, conditioned upon performance of the identical actions described in AD 70-14-3 for 100 Series airplanes, by expanding the applicability statement. The requirements of the AD are not altered in any manner as to the 100 Series airplanes, or to any future Series of 747 aircraft. As herein amended, the AD will apply to Model 747 airplanes certificated in all categories.

As the identical situation exists as to the 200 Series airplanes which required immediate adoption of the AD as Amendment 39-1024, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by further amending Amendment 39-1024 (35 F.R. 11176), AD 70-14-3 as follows:

Delete from the applicability statement the limitation "-100 Series," so as to make said statement read, in pertinent part, as follows: "• • • all Model 747 airplanes • • •"

This amendment becomes effective January 19, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 7, 1971.

JAMES V. NIELSON, *Acting Director, FAA Western Region.*

[FR Doc.71-629 Filed 1-15-71;8:48 am]

[Airspace Docket No. 70-WE-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On December 18, 1970, F.R. Doc. 70-17029 (35 F.R. 19171) was published in the FEDERAL REGISTER which adopted an amendment to Part 71 of the Federal Aviation Regulations designating a new transition area at Tracy, Calif. It has been noted than an error was made in the geographical coordinates of the airport. Action is taken herein to correct the discrepancy.

Since this action is minor in nature and imposes no additional burden on any

person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, F.R. Doc. 70-17029 (35 F.R. 19171) is amended by deleting "• • • (latitude 37°51'15" N., • • •" and substituting "• • • (latitude 37°41'15" N., • • •" therefor.

Effective date. The effective date as originally established may be retained.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 6, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-630 Filed 1-15-71;8:48 am]

[Airspace Docket No. 70-EA-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On page 16179 of the FEDERAL REGISTER for October 15, 1970, the Federal Aviation Administration published proposed regulations which would designate a control zone for Lost Nation Airport, Willoughby, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. A Mr. Luhta, representing Concord Airpark, requested a decrease in the extension so as to eliminate the Airpark from the extension and in any event the extension would interfere with instrument approaches to Concord. It is not feasible, however, to reduce the extension as this would lessen the required protection needed for aircraft using the procedures for Lost Nation Airport. Further, since Cleveland tower controls approaches to both airports, no interference will evolve from the institution of the control zone.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 4, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 24, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Willoughby, Ohio control zone described as follows:

WILLOUGHBY, OHIO

Within a 5-mile radius of the center 41°41'00" N., 81°23'20" W., of Lost Nation Airport, Willoughby, Ohio; within 4 miles each side of the 088° bearing from the Lost Nation RBN, 41°40'58" N., 81°22'53" W., extending from the 5-mile-radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the Lost Nation RBN, extending from the 5-mile-radius zone to 8.5 miles west of the RBN; excluding the portion within the Cleveland, Ohio (Cuyahoga County Airport), control zone. This control zone shall be effective from 0800 to 2130 hours, local time, daily.

[FR Doc.71-631 Filed 1-15-71;8:48 am]

[Airspace Docket No. 70-WA-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Terminal Control Area at Washington, D.C.

On October 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15303) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a revised Washington, D.C., terminal control area (TCA).

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Most of the comments received in response to this proposal were favorable.

Two commentators, while generally agreeing with the proposal, suggested changes in the proposed ceiling. One commentator recommended changing the ceiling from 6,500 feet MSL to 6,250 feet MSL. The rationale here was that such a change would effectively reserve the 6,000-foot MSL level to TCA use, free a second westerly VFR level at 6,500 feet MSL, and preserve the customary 500 feet separation. This commentator stated that it seemed a waste of airspace to tie up the 6,500-foot MSL VFR level when vertically contiguous level IFR traffic is restricted beyond the proposed 15 nautical miles to 6,000 and 7,000 feet MSL. The other commentator stated the belief that the FAA had ample justification for establishing an 8,000-foot MSL ceiling at the time of the proposal, and recommended that the ceiling be set at 10,000 feet MSL to encompass the increasing number of arriving and departing turbojet aircraft operating at or above this altitude and transitioning within TCA airspace.

It must pointed out that the ceiling 6,500 feet MSL in the proposal was established after consultations with and recommendation of concerned airspace users. However, in light of the above comments and after further study, the FAA has determined that the ceiling should be set at 7,000 feet MSL. This ceiling will provide an additional portion of airspace to accommodate aircraft operating to, from, or through the TCA, provide an additional IFR altitude and have little if any effect upon VFR traffic from that envisaged in the proposal.

One commentator requested that any change in airspace configuration for Washington National Airport include an assessment of the environmental factors involved in such change. The commentator cited the National Environmental Policy Act of 1969 (42 U.S.C. 4321 (Supp. IV 1965-69)). The comment reflected thorough and scholarly research concerning a variety of recognized problems in the operation of Washington National Airport and suggested that the TCA rule include an environmental statement to include inter alia, considerations concerning the existence of the airport and alternatives, noise, air pollution, access, alternative uses for the airport site. The commentator recognized that these and other environmental considerations would require studies and actions beyond the scope of this rule making action. The FAA was urged to take the airspace configuration action in the form of "temporary rule-making" and commit itself to publish an Advance Notice of Proposed Rule Making on the issues raised by the commentator within 45 days.

Air safety has been and continues to be the prime consideration in the establishment of terminal control areas. The terminal control area at Washington is necessary for operational safety at the two primary airports within the terminal control area. The FAA is aware of and is concerned about the other issues raised by the commentator. Some rule making has already been done in the environmental area, other rule making is in progress as are the type of studies suggested by the commentator. Further appropriate rule making will be undertaken when adequate information indicating such action is available. In view of this the FAA does not feel that an environmental statement is a prerequisite to the issuance of this rule, nor can it at this time commit itself to a specific timetable for rule making in the other areas suggested by the commentator. It is important, however, to state that the Washington TCA rule may have the effect of reducing noise to a level less than that which presently exists.

One commentator stated that insufficient airspace is provided for traffic pattern operation at Hyde Field Airport when three or more aircraft are in the traffic pattern. The distance from Hyde Field to the TCA boundary east of the airport is 1.2 miles and the distance to the TCA boundary north of Hyde Field is slightly less than 1 mile. The FAA understands the commentator's concern and is studying this situation with a view toward alleviating the problem.

In addition to raising the TCA ceiling to 7,000 feet MSL, two other minor airspace adjustments are appropriate at this time. The Washington-Virginia Airport closed after the NPRM was published; therefore, the Area "A" exclusion which provided access to this airport is eliminated in this amendment. The second problem involves the western most part of Area "C" which is under the air traffic control jurisdiction of Dulles Airport. The elimination of this small area from the TCA will not adversely affect the TCA traffic and will eliminate a serious coordination problem between the Air Traffic Control facilities at Washington National and Dulles International Airports.

Two commentators suggested that the TCA call-up points be additionally identified as radial/DME points from the Washington VOR. This will be included in the next issue of the Washington terminal area chart.

Several commentators who basically approved of the proposed airspace configuration suggested that implementation be delayed until the new configuration could be depicted on sectional charts. Recent incidents and accidents in congested metropolitan airspace, in particular the recent mid-air collision in New Jersey, have highlighted the urgency of establishing the Washington, D.C., TCA as early as possible. Graphic depictions of the new configuration will be available and given the widest dissemination by the time the rule is implemented.

All comments received on the proposal have been given due consideration. In the interest of providing immediately increased air safety in a vital metropolitan complex, and since establishment of the Washington, D.C., TCA has been long publicized and pilots have been operating aircraft within the terminal control area configuration on a voluntary basis since October 1, 1970, good cause exists to make the rule effective in less than 30 days.

In consideration of the foregoing, § 71.401(a) of the Federal Aviation Regulations is amended, effective 0900 G.m.t., February 4, 1971, by changing the Washington, D.C., terminal control area to read as follows:

WASHINGTON, D.C., TERMINAL CONTROL AREA

PRIMARY AIRPORTS

1. Washington National Airport (lat. 38°51'05" N., long. 77°02'20" W.).
2. Andrews AFB (lat. 38°48'40" N., long. 76°52'05" W.).

BOUNDARIES

AREA A

That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the Washington, D.C., VOR and within a 7-mile radius of the Andrews, Md., VORTAC excluding the airspace bounded on the north by lat. 38°45'50" N., on the east by long. 76°54'25" W., on the south by a 7-mile radius circle of the Andrews VORTAC, and on the west by long. 76°59'30" W.; and excluding Prohibited Area P-56.

AREA B

That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of the Washington VOR and a 10-mile radius of the Andrews VORTAC, excluding Area A.

AREA C

That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL between the 10-mile and 15-mile radius circles of the Washington VOR and the Andrews VORTAC, excluding that airspace west of a line from a point on the Nottingham 308° T radial 31.75 nautical miles northwest of the VORTAC to a point on the Nottingham 268° T radial 25.25 nautical miles west of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 14, 1971.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc.71-711 Filed 1-15-71;8:52 am]

[Docket No. 10751; Amdt. 736]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 71-6 appearing at page 147 in the issue for Wednesday, January 6, 1971, the effective date in paragraph number 3 on page 148, now reading "January 23, 1971", should read "January 28, 1971".

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Rev. 5, Amdt. 28]

OI REG. 1—OIL IMPORT REGULATION

Canadian Imports, Districts I–IV; Partial Allocations

Regulations providing for allocations of Canadian imports into Districts I–IV for the allocation period January 1, 1971, through December 31, 1971, will be issued after the proposal published in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18208) has been considered in the light of comments received during the thirty (30) day period ending December 28, 1970. Under the final regulations, persons who continue to meet the requirements for eligibility stated in paragraph (c) of section 29 of Oil Import Regulation 1 (Revision 5) (35 F.R. 10296) and who imported Canadian overland imports under allocations made pursuant to paragraph (d) of section 29 will be eligible for allocations of Canadian imports for the period January 1, 1971, through December 31, 1971. Pending the issuance of the final regulations, a new section 29A is added to Oil Import Regulation 1 (Revision 5) providing for partial allocations to such persons in order to avoid disruptions of their operations. Because such action must be taken promptly if such disruptions are to be avoided, it would not serve the public interest either to give notice of proposed rule making on, or to delay the effective date of, this amendment. Accordingly, this Amendment 28 shall become effective immediately.

A new section 29A, reading as follows, is added to Oil Import Regulation 1 (Revision 5):

Sec. 29A Canadian imports—partial allocations.

(a) As used in this section the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) For the allocation period January 1, 1971, through December 31, 1971, the Administrator shall make a partial allocation of Canadian imports into Districts I–IV to each person who has in Districts I–IV a facility or facilities for processing Canadian imports or pipeline facilities using crude oil as fuel and who received an allocation of Canadian overland imports under paragraph (d) of section 29 of this regulation and who imported under such allocation. The partial allocation shall not exceed the amount of the allocation received by that person under paragraph (d) of section 29 reduced by the amount of any licenses issued to that person under an interim allocation for the allocation period January 1, 1971, through December 31, 1971. Partial allocations made pursuant to this paragraph (b) will be superseded by regular allocations which will be made later. Licenses issued under a partial allocation will be charged against the superseding regular allocation.

(c) The Administrator shall issue a license under a partial allocation only upon request and only in an amount sufficient to cover the importation specified in the request.

(d) A person who imports Canadian imports under a partial allocation must run the oil in his own facility.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

(f) If a person holds a partial allocation of Canadian imports under this section and if he also holds an allocation of imports under section 10 for the period January 1, 1971, through December 31, 1971, he may obtain from the Administrator a license which will permit him to import Canadian imports in a quantity not exceeding two-thirds of the amount of the allocation made under section 10. Such licenses shall be charged against the allocation made under section 10.

Dated: January 13, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

I concur:

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-713 Filed 1-14-71;3:16 pm]

[Rev. 5, Amdt. 27]

OI REG. 1—OIL IMPORT REGULATION

Asphalt Import Program, 1971

In the FEDERAL REGISTER of November 18, 1970 (35 F.R. 17225), notice was given by the Oil Import Administration of a proposal to permit increased imports of asphalt in 1971. Comments were received, were reviewed, and are part of the public record.

The Director of the Office of Emergency Preparedness has found, with the advice of the Oil Policy Committee, that the adoption for 1 year of a program which will permit increased importation of asphalt into Districts I–IV during the calendar year 1971 will not impair the national security and will help to avoid a possible shortage of asphalt during the year.

Accordingly, a new section 31 is added to Oil Import Regulation 1 (Revision 5), as amended, to provide for allocations of imports of asphalt during the calendar year 1971 to persons who certify a need for such imports in order to meet contractual obligations or manufacturing requirements. In order that the advantages offered by the amendment will be promptly available, this Amendment 27 shall become effective immediately.

No imports of asphalt pursuant to this section shall be construed as establishing a basis for future import allocations under any program that may be hereafter instituted for the control of asphalt imports.

A new section 31, reading as follows, is added to Oil Import Regulation 1 (Revision 5).

Sec. 31 Asphalt.

(a) As used in this section, the term "asphalt" means (1) if asphalt cement, a solid or semi-solid cementitious material which is refined from crude oil and in which the predominant constituents are bitumens, and (2) if liquid asphalt, a product (i) the principal constituent of which is a cementitious material that, when refined from crude oil, was a solid or semisolid consisting predominantly of bitumens, (ii) the kinematic viscosity of which is not less than 250 centistokes at 140° F., and (iii) in which hydrocarbon solvents do not exceed 40 percent of the product by volume.

(b) For the allocation period January 1, 1971 through December 31, 1971, the Administrator shall make an allocation of imports of asphalt into Districts I–IV to any person who certifies that such imports are required to meet obligations under contracts with, or purchase orders from, customers in Districts I–IV or to meet his own construction or manufacturing requirements. The allocation shall be in the quantity which such person certifies in writing is required to meet such obligations or requirements.

(c) Asphalt imports under an allocation made pursuant to paragraph (b) shall not be further processed except by blending by mechanical means or by air blowing and shall not be burned for lighting or for the generation of heat or power.

(d) Applications for allocations under this section may be filed with the Administrator at any time during the period. An application must be filed in such form as the Administrator may prescribe. All licenses issued under allocations made pursuant to this section shall be valid only during the period January 1, 1971 through December 31, 1971.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Dated: January 13, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

I concur:

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-712 Filed 1-14-71;3:16 pm]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-504]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 34b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(7) relating to the State of North Carolina is amended to read:

(7) *North Carolina.* That portion of Gates, Chowan, and Perquimans Counties bounded by a line beginning at the junction of State Highways 37 and 32; thence, following State Highways 37, 32, in a southeasterly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a generally southerly direction to Secondary Road 1305; thence, following Secondary Road 1305 in a southeasterly direction to Secondary Road 1200; thence, following Secondary Road 1200 in a northerly direction to Secondary Road 1213; thence, following Secondary Road 1213 in an easterly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northerly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a northwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a northerly and then southwesterly direction to State Highway 32; thence, following State Highway 32 in a southwesterly direction to its junction with State Highway 37 in Gates County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Gates, Chowan, and Perquimans Counties in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such Counties.

The amendments also exclude a portion of Pitt County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-623 Filed 1-15-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5117]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Optional Form for Registration of Additional Issues of Securities Registered on National Securities Exchanges, or for Offerings to Holders of Certain Classes of Convertible Securities, or to Holders of Certain Types of Warrants

I. *Adoption of Form S–16 (17 CFR 239.27).* The Securities and Exchange Commission has adopted Form S–16, a short form for registration statements under the Securities Act of 1933, for use in connection with certain types of offerings specified in the instructions to the form. Notice of the proposed adoption of the form was published October 7, 1969, in Securities Act Release 5011 (34 F.R. 17033).

The use of proposed Form S–16 as published for comment would have been limited to securities of issuers qualified under proposed Rule 163 (17 CFR 230.163) of the "160 series." Since that rule has not been adopted it has been necessary to adopt some other standard for the use of the form. Accordingly, the form as adopted provides that it may be used by any company which would be entitled to use Form S–7 (17 CFR 239.26) for registration of securities.

The form is an optional form which may be used to register securities of issuers which at the time of filing the registration statement would be entitled to use Form S–7 for the registration of securities under the Act. The form may be used for registering securities to be sold in the following types of offerings:

1. Securities which are to be offered by persons other than the registrant in the regular way on a national securities exchange if securities of the same class are registered on the same or another such exchange.

2. Securities to be offered by an issuer to holders of convertible securities of an affiliate of the issuer which are convertible into securities of the issuer, where no commission or other remuneration is paid or payable by anyone for soliciting such conversion.

3. Securities to be issued upon the exercise of outstanding publicly held warrants where no commission or other remuneration is paid for soliciting the exercise of the warrants.

The prospectus must identify the issuer and the securities to be registered and state the amount to be registered. If the offering is to be made on behalf of a selling security holder, the name of the security holder and information concerning his ownership of the securities to be registered and his relationship to the issuer must be disclosed. If the offering involves convertible securities of an affiliate, certain information with respect to such securities must be disclosed and if the offering involves the exercise of warrants certain information with respect to the warrants must be given.

The statements and reports filed by the registrant under the Securities Exchange Act, specified in Item 6 of the form, must be incorporated by reference and a statement made that similar material subsequently filed is also deemed to be incorporated by reference. The material so incorporated includes the registrant's latest annual report, proxy, or information statement and reports on Forms 8–K (17 CFR 249.308) and 10–Q (17 CFR 249.308a) or 7–Q (17 CFR 249.307a), as the case may be.

In addition, any material adverse changes in the registrant's affairs subsequent to the date of the latest certified financial statements must be disclosed in the prospectus. The prospectus must also disclose where the documents incorporated by reference in the registration statement may be inspected or copies thereof obtained.

In addition to the prospectus, the registration statement must contain the required exhibits and signatures and an undertaking by the registrant to file section 10(a)(3) prospectuses as post-effective amendments to the registration statement and to notify the Commission when the offering is completed or terminated.

Like Forms S–7 (17 CFR 239.26), S–8 (17 CFR 239.16b) and S–9 (17 CFR 239.22), which take into consideration information otherwise filed with the Commission and available to the public, Form S–16 is in the nature of an experiment. The Commission intends to observe its operation in conjunction with the recently revised registration and reporting requirements under the Securities Exchange Act of 1934 to determine whether the omission of information from the prospectus is consistent with the objectives of the Securities Act of 1933. The form will be amended or rescinded if experience with its use indicates that such action is necessary or desirable in the public interest or for the protection of investors.

Commission action. The Commission hereby amends Part 239 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereunder a new § 239.27 which reads as follows:

§ 239.27 Form S–16, optional form for registration of additional issues of securities of same class as those registered on a national securities exchange, or for offerings to holders of certain convertible securities, or for offerings to holders of certain types of outstanding warrants.

This form may be used for registration under the Securities Act of 1933 of the following securities of any issuer which at the time of filing the registration statement meets the requirements for the use of Form S–7 (§ 239.26):

(a) Securities to be offered on behalf of a person or persons, other than the registrant, in the regular way on a national securities exchange if securities of the same class are listed and registered on the same or another such exchange at the time of filing the registration statement on this form.

(b) Securities to be offered to the holders of convertible securities of an affiliate of the registrant and the registered securities are the securities such holders are entitled to receive upon conversion, provided no commission or other remuneration is paid or payable for solicitation of the conversion of such securities; or

(c) Securities of an issuer to be offered to the holders of outstanding warrants upon the exercise thereof provided no commission or other remuneration is paid or payable for soliciting the exercise of such warrants.

Incorporation by reference approved by the Director of the Office of the Federal Register on January 15, 1971.

The text of Form S–16 is set forth in Release 33–5117, dated December 23, 1971, copies of which have been filed with the Office of the Federal Register; additional copies of the Release and Form S–16 are available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

II. *Amendment of Rule 427 (17 CFR 230.427).* Rule 427 permits the omission from any prospectus used more than 9 months after the effective date of the registration statement of any information previously required to be contained in the prospectus insofar as later information covering the same subjects, as of a date not more than 16 months prior to the use of the prospectus, is contained therein. Paragraph (b) of the rule has been amended to provide that where securities have been registered on any form, but at the time of filing a prospectus as a part of a post-effective amendment the registrant would be entitled to register the securities on another form, such as Form S–8 or S–9, the prospectus may be prepared in accordance with the requirements of such other form. Prior to the amendment this procedure could be followed only where the initial registration statement was filed on Form S–1.

Commission action. Paragraph (b) of § 230.427 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 230.427 Contents of prospectus used after 9 months.

* * * * *

(b) Notwithstanding the foregoing, a prospectus filed as a part of an amendment to an effective registration statement on any form may be prepared in accordance with the requirement of any other form which would then be appropriate for the registration of the securities to which the prospectus relates, provided all of the requirements of such other form (including the filing of any required undertakings) are met. The amendment shall be deemed to relate to the proper form if the Commission declares it effective.

III. *Amendment of Rule 429 (17 CFR 230.429).* Rule 429 provides that where two or more registration statements have

been filed by the same issuer, a prospectus which meets the requirements for use in connection with the securities covered by the latest statement may be used in connection with the securities covered by the earlier statements if it contains all of the information which would be required in a prospectus relating to the securities covered by the earlier statements. However, such a combined prospectus may not be used if the latest registration statement was filed on Form S–14 (17 CFR 239.23), since a prospectus for securities registered on that form is not deemed suitable for securities registered on other forms. For similar reasons, paragraph (a) of Rule 429 has been amended to provide that a combined prospectus may not be used if the latest registration statement is filed on Form S–16.

Commission action. Paragraph (a) of § 230.429 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended to read as follows:

§ 230.429 Prospectus relating to several registration statements.

(a) Where two or more registration statements have been filed by the same registrant, a prospectus which meets the requirements of the Act and the rules and regulations thereunder for use in connection with the securities covered by the latest registration statement shall be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements if such prospectus includes all of the information which would currently be required in a prospectus relating to the securities covered by the earlier statements: *Provided*, That this rule shall not apply if the latest registration statement was filed on Form S–14 (§ 239.23 of this chapter) or Form S–16 (§ 239.27 of this chapter).

* * * * *

The Commission finds that the adoption of Form S–16 provides a new optional form for issuers which would be entitled to use existing Form S–7, that the amendment of Rule 427 enlarges a previously existing privilege, and the amendment of Rule 429 merely makes it clear that new Form S–16 would be excluded from its permissive provisions; and that, therefore, notice and procedures under 5 U.S.C. 552 are unnecessary. Accordingly, the foregoing action, which was taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, shall become effective on January 29, 1971.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, sec. 1, 79 Stat. 1051, 15 U.S.C. 77f, 77g, 77j, 77s(a))

By the Commission, December 23, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-612 Filed 1-15-71;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-15]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 174—PROTESTS

Administrative Review

On August 22, 1970, there were published in the FEDERAL REGISTER (35 F.R. 13428), regulations implementing the Customs Administrative Act of 1970, and conforming amendments to Chapter I of Title 19, Code of Federal Regulations. In order to conform the procedure set forth in § 10.21 of the Customs regulations for passengers dissatisfied with the assessment of duty on their baggage, clarify the place for filing a protest set forth in § 174.12, and clarify in § 174.28 the manner of submission of additional arguments while a protest is under review, the following amendments to Chapter I, Title 19 of the Code of Federal Regulations are hereby adopted:

In § 10.21 paragraph (h) is amended to read:

§ 10.21 Examination procedure; collection of duties and taxes.

* * * * *

(h) If the passenger remains dissatisfied with the assessment of duty after reexamination, he shall pay the duty assessed and may protest the decision of the district director in accordance with Part 174 of this chapter.

* * * * *

(R.S. 251, as amended, secs. 514, 624, 46 Stat. 734, as amended, 759; 19 U.S.C. 66, 1514, 1624)

In § 174.12 paragraph (d) is amended to read:

§ 174.12 Filing of protests.

* * * * *

(d) *Place of filing.* Protests shall be filed with the district director whose decision is protested except that, when the entry underlying the decision protested is filed at a port other than the district headquarters, the protest may be filed with the port director or at that port.

* * * * *

Section 174.28 is amended by adding a sentence at the end thereof so that the section reads:

§ 174.28 Consideration of additional arguments.

In determining whether to allow or deny a protest filed within the time allowed, a reviewing officer may consider alternative claims and additional grounds or arguments submitted in writing by the protesting party with respect to any decision which is the subject of a valid protest at any time prior to disposition of the protest. In any case in which alternative claims or additional grounds or arguments are submitted orally, they shall be considered in the allowance or denial of the protest only if submitted in writing in conjunction with, or no later than 60 days after, such oral submission.

(R.S. 251, as amended, secs. 514, 624, 46 Stat. 734, as amended, 759; 19 U.S.C. 66, 1514, 1624)

Since the amendment to § 10.21 conforms the procedure to be followed with those required by the Customs Administrative Act of 1970, and the amendments to §§ 174.12 and 174.28 clarify the statement of an existing rule, notice and public proceeding thereon is found unnecessary, and the amendments shall be effective upon publication in the FEDERAL REGISTER (1–16–71).

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: January 5, 1971.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[FR Doc.71-680 Filed 1-15-71;8:51 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

New Names

In the FEDERAL REGISTER of February 13, 1970 (35 F.R. 2995), a notice was published proposing that § 138.2 be amended by adding certain items to the list therein as official names for drugs.

Having considered the comments received in response to the proposal, and other relevant information, the Commissioner of Food and Drugs concludes that the proposal, except for the proposed names "brinase" and "salcolex", should be adopted with minor technical or editorial changes.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54) and under authority delegated to the Commissioner (21 CFR 2.120), § 138.2 is amended by alphabetically inserting in the table the following new items as official names for drugs:

§ 138.2 Drugs; official names.

* * * * *

Official name	Chemical name or description	Molecular formula
* * *	* * *	* * *
Aklomide	2-Chloro-4-nitrobenzamide	$C_7H_5ClN_2O_3$
* * *	* * *	* * *
Arginine	*L*(+)-Arginine	$C_6H_{14}N_4O_2$
* * *	* * *	* * *
Bamethan	α-[(Butylamino)methyl]-*p*-hydroxybenzyl alcohol	$C_{12}H_{19}NO_2$
* * *	* * *	* * *
Buerylate	Isobutyl 2-cyanoacrylate	$C_8H_{11}NO_2$
Bunolol	(±)-5-[3-(*tert*-Butylamino)-2-hydroxypropoxy]-3,4-dihydro-1(2*H*)-naphthalenone.	$C_{17}H_{23}NO_3$
* * *	* * *	* * *
Cellaburate	Cellulose acetate butyrate	
* * *	* * *	* * *
Cinoxate	2-Ethoxyethyl *p*-methoxycinnamate	$C_{14}H_{18}O_4$
* * *	* * *	* * *
Clonazepam	5-(o-Chlorophenyl)-1,3-dihydro-7-nitro-2*H*-1,4-benzodiazepin-2-one	$C_{15}H_{10}ClN_3O_3$
* * *	* * *	* * *
Cloniveril	2,3-Dihydroxypropyl 2-(3-chloro-o-toluidino)nicotinate	$C_{16}H_{17}ClN_2O_4$
Clonixin	2-(3-Chloro-o-toluidino)nicotinic acid	$C_{13}H_{11}ClN_2O_2$
* * *	* * *	* * *
Closiramine	8-Chloro-11-[2-(dimethylamino)ethyl]-6,11-dihydro-5*H*-benzo[5,6]-cycloheptа[1,2-*b*]pyridine.	$C_{19}H_{19}ClN_2$
* * *	* * *	* * *
Cyclacillin	6-(1-Aminocyclohexanecarboxamido)-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo[3.2.0]heptane-2-carboxylic acid.	$C_{15}H_{23}N_3O_4S$
* * *	* * *	* * *
Dimaocaine	1-(2-Anilinoethyl)-4-[2-(diethylamino)ethoxy]-4-phenylpiperidine	$C_{31}H_{42}N_2O$
* * *	* * *	* * *
Dopamine	4-(2-Aminoethyl)pyrocatechol	$C_8H_{11}NO_2$
* * *	* * *	* * *
Etidronic Acid	(1-Hydroxyethylidene)diphosphonic acid	$C_2H_8O_7P_2$
Etoxadrol	(+)-2-(2-Ethyl-2-phenyl-1,3-dioxolan-4-yl)piperidine	$C_{16}H_{23}NO_2$
Euprocin	*O*-6′-Isopentylhydrocupreine	$C_{24}H_{30}N_2O_2$
Famotine	1-[(*p*-Chlorophenoxy)methyl]-3,4-dihydroisoquinoline	$C_{16}H_{14}ClNO$
* * *	* * *	* * *
Fenticlor	2,2′-Thiobis[4-chlorophenol]	$C_{12}H_8Cl_2O_2S$
* * *	* * *	* * *
Fluerylate	2,2,2-Trifluoro-1-methylethyl 2-cyanoacrylate	$C_7H_8F_3NO_2$
* * *	* * *	* * *
Flufenisal	4′-Fluoro-4-hydroxy-3-biphenylcarboxylic acid acetate	$C_{15}H_{11}FO_4$
* * *	* * *	* * *
Iomethin I 125	4-[[3-(Dimethylamino)propyl]amino]-7-iodo-^{125}I-quinoline	$C_{14}H_{18}IN_3$ (in which the iodine atom is ^{125}I).
Iomethin I 131	4-[[3-(Dimethylamino)propyl]amino]-7-iodo-^{131}I-quinoline	$C_{14}H_{18}IN_3$ (in which the iodine atom is ^{131}I).
* * *	* * *	* * *
Isonylamine	2-(Diethylamino)ethyl 1-isopentylcyclohexanecarboxylate	$C_{18}H_{35}NO_2$
* * *	* * *	* * *
Lorazepam	7-Chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2*H*-1,4-benzodiazepin-2-one.	$C_{15}H_{10}Cl_2N_2O_2$
* * *	* * *	* * *
Meerylate	Methyl 2-cyanoacrylate	$C_5H_5NO_2$
* * *	* * *	* * *
Nahonyl	2-(Diethylamino)ethyl tetrahydro-α-(1-naphthylmethyl)-2-furanpropionate.	$C_{24}H_{33}NO_3$
* * *	* * *	* * *
Octylate	Octyl 2-cyanoacrylate	$C_{12}H_{19}NO_2$
Octicizer	2-Ethylhexyl diphenyl phosphate	$C_{20}H_{27}O_4P$
* * *	* * *	* * *
Oxisuran	(Methylsulfinyl)methyl 2-pyridyl ketone	$C_8H_9NO_2S$
* * *	* * *	* * *
Oxypertine	5,6-Dimethoxy-2-methyl-3-[2-(4-phenyl-1-piperazinyl)ethyl]-indole	$C_{25}H_{29}N_3O_2$
* * *	* * *	* * *
Perlapine	6-(4-Methyl-1-piperazinyl)morphanthridine	$C_{19}H_{23}N_3$
* * *	* * *	* * *
Polytef	Poly(tetrafluoroethylene)	$(C_2F_4)_n$
* * *	* * *	* * *
Procarbazine	*N*-Isopropyl-α-(2-methylhydrazine)-*p*-toluamide	$C_{12}H_{19}N_3O$
* * *	* * *	* * *
Roxarsone	4-Hydroxy-3-nitrobenzenearsonic acid	$C_6H_6AsNO_6$
* * *	* * *	* * *
Sulfanitran	4′[(*p*-Nitrophenyl)sulfamoyl]acetanilide	$C_{14}H_{13}N_3O_5S$
* * *	* * *	* * *
Temazepam	7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2*H*-1, 4-benzodiazepin-2-one.	$C_{16}H_{13}ClN_2O_2$
* * *	* * *	* * *
Tibolone	17-Hydroxy-7α-methyl-19-nor-17α-pregn-5(10)-en-20-yn-3-one	$C_{21}H_{28}O_2$
* * *	* * *	* * *
Tiletamine	2-(Ethylamino)-2-(2-thienyl)cyclohexanone	$C_{12}H_{17}NOS$
* * *	* * *	* * *
Trichlofos	2,2,2-Trichloroethyl dihydrogen phosphate	$C_2H_4Cl_3O_4P$
Trifiocin	4-(α,α,α-Trifluoro-*m*-toluidino)nicotinic acid	$C_{13}H_9F_3N_2O_2$
* * *	* * *	* * *
Trimipramine	5-[3-(Dimethylamino)-2-methylpropyl]-10,11-dihydro-5*H*-dibenz-[*b*,*f*]azepine.	$C_{20}H_{26}N_2$
* * *	* * *	* * *

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 789; U.S.C. 358)

Dated: January 4, 1971.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.71-476 Filed 1-15-71;8:45 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 100—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

In accordance with the provisions of section 109 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, is amended by adding a new Part 100, as set forth below, which provides procedures to be followed by the Bureau of Mines in assessing civil penalties for violations of the mandatory health and safety standards and other provisions of the Federal Coal Mine Health and Safety Act of 1969.

Section 109 of the Act will be enforced, until further notice, in accordance with the procedures set forth in Part 100 which shall be reviewed from time to time in the light of enforcement experience gained under the Act.

Since these regulations are procedural in nature and are promulgated to obtain an immediate maximum enforcement effort by the Bureau of Mines under the Coal Mine Health and Safety Act of 1969, and are intended to insure a maximum compliance effort under the Act on the part of the coal mining industry, Part 100 shall become effective on the date of its publication in the FEDERAL REGISTER (1–16–71).

FRED J. RUSSELL, *Under Secretary of the Interior.*

JANUARY 14, 1971.

Sec.
100.1 Purpose.
100.2 Assessment of civil penalties; general.
100.3 Liability for civil penalties; policy.
100.4 Procedures for assessment of civil penalties; protest procedures.
Appendix A—Guidelines for Assessment of Penalties.

AUTHORITY: The provisions of this Part 100 issued under secs. 109 and 508, Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; Public Law 91–173).

§ 100.1 Purpose.

The assessment of civil penalties under section 109 of the Federal Coal Mine Health and Safety Act of 1969 shall be made for the purpose of maintaining the health and safety of the miner and of insuring the maximum compliance effort on the part of the coal mining industry.

§ 100.2 Assessment of civil penalties; general.

(a) Each proposed assessment shall be made after taking into consideration (1) the operator's history of previous violations, (2) the appropriateness of the penalty to the size of the operator's business, (3) whether the operator was negligent, (4) the effort on the operator's ability to continue in business, (5) the gravity of the violation, and (6) the demonstrated good faith of the operator in attempting to achieve rapid compliance after notification of violation.

(b) The amount of the civil penalty proposed shall be within guidelines established by the Secretary (see Appendix A to this part) and revised periodically in the light of experience gained under the Act, except that a particular violation may warrant proposing a civil penalty in an amount more than or less than the range set forth in the guidelines.

§ 100.3 Liability for civil penalties; policy.

(a) *Withdrawal orders.* A civil penalty will be proposed in accordance with the procedures established herein for each violation that leads to the issuance of an Order of Withdrawal, for example:

(1) A violation that creates an imminent danger;

(2) A repeated unwarrantable failure violation; and,

(3) A violation that is not abated in the reasonable time specified by the Bureau of Mines for total abatement.

The amount of the penalty for each such violation will not be more than $10,000.

(b) *Other violations*—(1) *Serious violations.* (i) A civil penalty will be proposed in accordance with the procedures established herein for each serious violation. The amount of the penalty for each such violation will not be more than $10,000.

(ii) For these purposes, a "serious violation" will be deemed to exist if there is a substantial probability that death or serious physical harm to the miners could result from a condition which exists, or from one or more practices which have been adopted or are in use.

(2) *Nonserious violations.* A civil penalty will be proposed in accordance with the procedures established herein for each violation that is specifically determined not to be of a serious nature. The amount of the penalty, if any, for each such violation, will not be more than $10,000.

(3) *Absence of fault.* No civil penalty will be proposed for either a serious or nonserious violation if it is determined that the operator (i) did not, and could not with the exercise of reasonable diligence know of the presence of the violation, or (ii) did not and could not have available to him at the time of the inspection the equipment, material, personnel or technology required to avoid the violation. Each such determination will be documented in writing and will set forth the specific conditions and reasons that justify such a determination.

§ 100.4 Procedures for assessment of civil penalties; protest procedures.

(a) Each Notice of Violation and Order of Withdrawal issued on or after March 30, 1970, will be reviewed by an Assessment Officer who is appointed by and responsible to the Director, Bureau of Mines, to determine the liability of the operator or miner for a civil penalty and the amount of penalty to be proposed.

(b) (1) Before any administrative proceeding to impose a civil penalty under section 109 of the Act is instituted, the Assessment Officer shall serve, by certified mail, a Proposed Order of Assessment upon the operator or miner charged.

(2) The Proposed Order of Assessment shall specify the Notice of Violation or Order of Withdrawal for which the liability of the operator or miner for a penalty has been determined and shall state the amount of the proposed civil penalty.

(c) In determining the amount of the proposed penalty, the Assessment Officer will consider all relevant circumstances, including the operator's history of previous violations, the appropriateness of such penalty to the size of the operator's business, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation and the demonstrated good faith of the operator in attempting to achieve rapid compliance after notification of violation.

(d) The Proposed Order of Assessment shall also advise the operator or miner charged that he has 15 working days from the date of receipt of the Proposed Order of Assessments to protest the proposed assessment, either partly or in its entirety.

(e) Where an operator or miner fails to timely protest a proposed assessment, he shall be deemed to have waived his right of protest including his right of formal adjudication and opportunity for hearing, and the Proposed Assessment Order shall become the final assessment order of the Secretary of the Interior.

(f) The protest to the Proposed Order of Assessment shall be in writing and shall state any facts, explanations, and arguments denying the charges of violation, or demonstrating any extenuating circumstances, error in the Proposed Order of Assessment or other reason why the penalty should not be imposed and may request the revision or modification of the proposed penalty. The operator or miner charged may request a hearing in accordance with section 109 of the Act. If a hearing is requested, the protest must so state.

(g) (1) The Assessment Officer may extend in writing the time within which the operator or miner has to protest the Proposed Order Assessment.

(2) Upon receipt of a protest, the Assessment Officer may reconsider the proposed assessment and may redetermine any proposed civil penalty.

(3) The Assessment Officer, upon reconsideration, may amend or reissue the Proposed Order of Assessment.

(h) The operator or miner charged shall have 15 working days from date of receipt of such amended or reissued order to accept the amended or reissued order, whereupon it shall become the final assessment order of the Secretary, or to request formal adjudication with opportunity for hearing.

(i) (1) Where the operator or miner requests formal adjudication of the assessment penalty under section 109 of the Act, the Assessment Officer shall forward the matter to the Associate Solicitor for Mine Health and Safety who shall file a petition to assess penalty with the Office of Hearings and Appeals of the Department of the Interior.

(2) The petition shall be served on the operator or miner who shall then answer the petition and be afforded an opportunity for a public hearing.

(3) The Office of Hearings and Appeals shall thereafter issue an order, based on Findings of Fact and Conclusions of Law.

(4) In assessing a penalty, the Office of Hearings and Appeals may redetermine the amount of the civil penalty for each violation in any amount not to exceed $10,000.

APPENDIX A

GUIDELINES FOR ASSESSMENT OF PENALTIES

Type of violations	*Penalty Range*
1. Mine Operators:	
A. Imminent Danger Withdrawal Orders	$5,000-$10,000
B. Other Withdrawal Orders	$1,000- $5,000
C. Serious Violations	$100- $1,000
D. Nonserious Violations	$25- $500
2. Miners:	
Smoking or the carrying of smoking materials, matches, or lighters	$25- $250

NOTE: Consideration of all relevant circumstances in the case of a particular violation may warrant the Assessment Officer's proposing a civil penalty in an amount more than or less than the range set forth above.

[FR Doc.71-748 Filed 1-15-71;9:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

ENTRY OF IMPORTED MERCHANDISE

Evidence of Right To Make Entry Where Merchandise is Released From Customs Custody to the Carrier

Notice is hereby given that pursuant to the authority contained in sections 448, 484, 624, 46 Stat. 714, 722, as amended, 759 (19 U.S.C. 1448, 1484, 1624) it is proposed to amend § 8.6, Customs regulations, by making optional the production of documentary evidence of the right to make entry by the consignee in those cases where Customs releases merchandise to the carrier, not to the order of the carrier.

The present procedure requires that the person making entry either produce a bill of lading or a certificate executed by the carrier certifying that the person named therein is the owner or consignee. In cases where merchandise is released to the carrier the person making entry then goes back to the carrier to obtain possession of the goods.

The proposed amendment would consider the carrier's act of delivering the goods to the person making entry as the certification that such person is the owner or consignee. This procedure will benefit the carrier and the importer, the former by eliminating a need for furnishing unnecessary documentation and the latter by eliminating one visit to the carrier to secure evidence of right to make entry. Customs will also benefit by reducing its workload through a reduction in paperwork.

Therefore, it is proposed to amend the Customs regulations as tentatively set forth below:

Addition of § 8.6(n) to read:

§ 8.6 Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.

* * * * *

(n) Where, in accordance with subsection (j) of section 484, Tariff Act of 1930, merchandise is released from Customs custody (either under immediate delivery procedures in accordance with the provisions of § 8.59, or after an entry has been made and estimated duties deposited, where appropriate) to the carrier by whom the merchandise was brought to the port, the delivery of the merchandise by the carrier to the person making entry and depositing the estimated duties shall be deemed to be the certification required by subsection (h), section 484, Tariff Act of 1930. Customs responsibility under this optional entry procedure is limited to the collection of duties, and constitutes no representation whatsoever regarding the right of any person to otbain possession of the merchandise from the carrier. Consequently, no Customs official shall be liable to any person in respect to the delivery of merchandise released from Customs custody in accordance with the provisions of this paragraph.

Before action is taken on the proposed amendment consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 7, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-679 Filed 1-15-71;8:51 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Revision of Rates; Correction

Revision of rates pursuant to the Revenue Act of 1964 and the Tax Reform Act of 1969.

On January 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 70). The section number 1.1-3 appearing in paragraph 4 should have been section number 1.1-4. Accordingly, replace the number 1.1-3 with the number 1.1-4. Also, insert in § 1.3-1(c)(5) the words "or the regulations thereunder" after the words "section 3".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-647 Filed 1-15-71;8:49 am]

[26 CFR Part 1]

INCOME TAX

Revision of Rates

Correction

In F.R. Doc. 71-5 appearing at page 70 in the issue of Tuesday, January 5, 1971, the following changes should be made in the tables under § 1.3:

1. In Table I—Returns Claiming 1 Exemption, the rates for incomes of "at least $8,100 but less than 8,150" should appear only once.

2. In Table II—Returns Claiming 2 Exemptions:

a. In the rates for incomes of "at least $4,250 but less than 4,300", the entry in the third column now reading "425" should read "424".

b. In the rates for incomes of "at least $6,100 but less than 6,150", the entry in the last column should read "773".

3. In Table III—Returns Claiming 3 Exemptions:

a. In the rates for incomes of "at least $2,350 but less than 2,375", the entry in the last column should read "35".

b. The second set of entries for incomes of "at least $2,950" should be deleted.

c. In the rates for incomes of "at least $7,400 but less than 7,450", the entry in the last column now reading "821" should read "921".

4. In Table IV—Returns Claiming 4 Exemptions:

a. In the rates for incomes of "at least $5,400", the entry in the second column now reading "4,450" should read "5,450".

b. In the rates for incomes of "at least $6,100", the entry in the second column now reading "5,150" should read "6,150".

c. In the rates for incomes of "at least $6,750 but less than 6,800", the entry in the sixth column now reading "547" should read "647".

5. In Table V—Returns Claiming 5 Exemptions, in the rates for incomes of "at least $9,350 but less than 9,400", the entry in the last column should read "1,075".

6. In Table VI—Returns Claiming 6 Exemptions, in the rates for incomes of "at least $7,050 but less than 7,100", the entry in the last column now reading "567" should read "467".

7. In Table VIII—Returns Claiming 8 Exemptions, in the rates for incomes of "at least $9,200 but less than 9,250", the entry in the fifth column now reading "588" should read "488".

8. In Table XI—Returns Claiming 11 Exemptions, in the rates for incomes of "at least $9,800 but less than 9,850", the entry in the last column now reading "296" should read "396".

9. In Table XVIII—Returns Claiming 3 Exemptions, in the rates for incomes of "at least $6,800 but less than 6,850", the entry in the sixth column now reading "759" should read "795".

10. In Table XXIII—Returns Claiming 8 Exemptions, following the set of entries for incomes of "at least $8,400 but less than 8,450", the next set of entries should be designated "at least $8,450 but less than 8,500".

11. In Table XXVIII—Returns Claiming 13 Exemptions:

a. In the rates for incomes of "at least $9,350 but less than 9,400", the entry

in the last column now reading "22" should read "25".

b. In the rates for incomes of "at least $9,400 but less than 9,450", the entry in the last column now reading "35" should read "32".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2850]

POWER TRANSMISSION LINES

Description of Environmental Impact; Extension of Time

On page 18399 of the FEDERAL REGISTER of December 3, 1970, there was a notice and text of a proposed amendment to Part 2850 of Title 43 of the Code of Federal Regulations. The proposed amendment requires that a detailed description of the environmental impact of a project be filed with an application for a power transmission line right-of-way across public lands. The amendment also requires that approval of an application for such a right-of-way be withheld if the beneficial purposes and effects of the project will be outweighed by an adverse environmental impact.

Interested persons were given 30 days from the date of publication in the FEDERAL REGISTER to submit written comments, suggestions, or objections respecting the amendment to the Bureau of Land Management (210), Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

The period for submitting written comments, suggestions or objections is hereby extended for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 11, 1971.

[FR Doc.71-610 Filed 1-15-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-107]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lancaster, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Lancaster transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lancaster Airport (lat. 34°43'22" N., long. 80°51'18" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Lancaster Airport. A prescribed instrument approach procedure to this airport, utilizing the Fort Mill, S.C., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 5, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-632 Filed 1-15-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-110]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Marianna, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, FL 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Marianna transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile-radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 127° radial, extending from the 8.5-mile-radius area to 8.5 miles southeast of the VOR.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Marianna terminal requires the following actions:

1. Increase the basic radius circle from 8 to 8.5 miles.

2. Increase the extension predicated on Marianna VOR 127° radial 2 miles in width and 0.5 mile in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Marianna.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 6, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-633 Filed 1-15-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-97]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Cortez, Colo., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The instrument approach, departure and holding airspace requirements for Cortez-Montezuma County Airport have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review it is necessary to alter the descriptions of the Cortez, Colo., control zone and transition area.

The additional control zone will provide controlled airspace protection for aircraft executing arrival and departure procedures below 1,000 feet above the surface. The 700-foot portion of the transition area provides controlled airspace protection for approach and departure procedures between 1,000 feet and 1,500 feet above the surface; the 1,200-foot portion for aircraft executing the holding procedure at or above 1,500 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Cortez, Colo. control zone is amended to read as follows:

CORTEZ, COLO.

Within a 5-mile radius of Cortez-Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.) and within 3 miles each side of the Cortez VOR 210° and 004° radials, extending from the 5-mile-radius zone to 8 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (35 F.R. 2134) the description of the Cortez, Colo., transition area is amended to read as follows:

CORTEZ, COLO.

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of Cortez-Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.), within 3.5 miles each side of the Cortez VOR 184° and 004° radials extending from the 7-mile-radius area to 11.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles east and 9.5 miles west of the Cortez VOR 184° and 004° radials, extending from 8 miles south to 19 miles north of the VOR, and within 5 miles northeast of and parallel to the Dove Creek VORTAC 129° radial, extending from the VORTAC to 21 miles southeast of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 6, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-634 Filed 1-15-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-53]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Durango, Colo., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The instrument procedures for Durango-La Plata Airport, Durango, Colo., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review, it has been determined that descriptions of the control zone and transition area must be amended to provide sufficient controlled airspace for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (35 F.R. 2054) the description of the Durango, Colo. control zone is amended to read as follows:

DURANGO, COLO.

Within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.) and within 3 miles each side of the Durango VOR 224° radial, extending from the 5-mile-radius zone to 8 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (35 F.R. 2134) the description of the Durango, Colo. transition area is amended to read as follows:

DURANGO, COLO.

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of the La Plata Airport (latitude 37°09'12" N., longitude 107°45'04" W.), and within 3.5 miles each side of the Durango VOR 224° radial, extending from the 7-mile-radius area to 11.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 8 miles northwest of the Durango VOR 224° and 044° radials, extending from 8 miles northeast to 25 miles southwest of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 6, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-635 Filed 1-15-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-109]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Apalachicola, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, FL 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Apalachicola transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Apalachicola Municipal Airport (lat. 29°43'45" N., long. 85°01'45" W.); within 3 miles each side of the 012°, 049°, and 322° bearings from Apalachicola RBN, extending from the 6.5-mile-radius area to 8.5 miles north, northeast, and northwest of the RBN.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Apalachicola terminal requires the following actions:

1. Increase the basic radius circle from 6 to 6.5 miles.

2. Increase the extensions predicated on the 012°, 049°, and 322° bearings from Apalachicola RBN 2 miles in width and 0.5 mile in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Apalachicola.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 5, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-636 Filed 1-15-71;8:48 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 428]

ADVERTISING OF CIGARETTES

Notice of Suspension of Trade Regulation Proceeding

The Federal Trade Commission has suspended indefinitely the Trade Regulation Rule proceeding with regard to disclosure of tar and nicotine content in cigarette advertising.

Public notice of this Trade Regulation Rule proceeding and a statement of the proposed Rule in full were published in the FEDERAL REGISTER on August 8, 1970, at page 12671. Notice of postponement of the public hearing relating to the proposed Trade Regulation Rule was published in the FEDERAL REGISTER on October 7, 1970, at page 15765.

The Commission has retained the unconditional right to reschedule the Trade Regulation Rule proceeding and to take any other action relating to this subject at any time it deems such action to be necessary or desirable in the public interest.

Notice of any further proceedings with regard to the proposed Trade Regulation Rule will be published in the FEDERAL REGISTER at least fifteen (15) days in advance of any such further proceedings.

Issued: January 13, 1971.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc.71-684 Filed 1-15-71;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 218]

LAW ENFORCEMENT PERSONNEL

Delegation of Authority To Protect Government Employees, Property, Operations and Functions

1. As an Officer of the United States and as Secretary of the Treasury, and pursuant to the authority vested in me as such by the Constitution and laws of the United States and subject to the conditions specified in paragraph 2 of this order, I hereby authorize and direct law enforcement personnel of the Treasury Department to assist in protecting officers and employees of the United States, its property, its operations and its functions wheresoever located, from unauthorized and willful interference, injury, harm, damage, carrying away, or destruction without regard to whether such officers and employees, property, operations or functions are those of, or are under the jurisdiction or within the possession or control of, the Department of the Treasury.

2. Assistance shall be rendered under the authority contained in this order only when the following conditions are met:

a. There exists an emergency in which (i) officers or employees, property, operations or functions of the United States are threatened, and (ii) adequate protection cannot be provided by duly authorized local, State, or Federal law enforcement officers; and

b. There is a proper request for such assistance which includes a statement from the requesting official that offices, employees, property, operations or functions of the United States are threatened and that adequate protection cannot be provided by duly authorized local, State or Federal law enforcement officers, or, in the judgment of the senior law enforcement official of the assisting Treasury agency present, the situation can be considered an emergency and the circumstances require that such assistance, to be effective, be rendered without awaiting such request.

Dated: April 2, 1970.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[FR Doc.71-678 Filed 1-15-71;8:51 am]

POST OFFICE DEPARTMENT

BOARD OF GOVERNORS OF U.S. POSTAL SERVICE

Resolutions

The Board of Governors of the U.S. Postal Service have adopted the following resolutions:

[Resolution No. 71-5]

EFFECTIVE DATE OF STATUTES; ADOPTION OF BYLAWS

Resolved: Pursuant to section 15(a) of the Postal Reorganization Act (Public Law 91-375), the Board of Governors establishes effective dates of certain provisions of that Act as follows:

Provisions of Postal Reorganization Act	*Effective dates*
The following provisions contained in section 2:	Date of publication of this resolution in FEDERAL REGISTER.
39 U.S.C. section 207	Do.
39 U.S.C. section 402	

Pursuant to section 401(2) of title 39, United States Code, as contained in section 2 of the Postal Reorganization Act (Public Law 91-375), the Board of Governors adopts the bylaws which are attached hereto (39 CFR, Chapter I, Subchapter A) and incorporated herein by reference.

The Secretary of the Board of Governors is directed to file the seal, prescribed by § 2.2 of the bylaws, in the Office of the Secretary of State. The Secretary of the Board of Governors is further directed to arrange for the publication of this resolution and the bylaws in the FEDERAL REGISTER.

The bylaws are effective on the date of their adoption except that §§ 2.2 and 3.9 shall become effective on the date of the publication of this resolution and the bylaws in the FEDERAL REGISTER (1-16-71).

The foregoing resolution was adopted by the Board of Governors on January 13, 1971.

[Resolution No. 71-7]

PROVISION RELATING TO ASSISTANT POSTMASTERS GENERAL, GENERAL COUNSEL, JUDICIAL OFFICER; EFFECTIVE DATE

Resolved: Pursuant to section 15(a) of the Postal Reorganization Act (Public Law 91-375), the Board of Governors establishes January 20, 1971, as the effective date of section 204 of title 39, United States Code, as contained in section 2 of the Act.

Pursuant to section 204 of title 39, United States Code, as contained in section 2 of the Postal Reorganization Act (Public Law 91-375), the Board of Governors determines that there shall be seven Assistant Postmasters General within the Postal Service. This determination shall become effective on January 20, 1971.

The Secretary of the Board of Governors is directed to arrange for the publication of this resolution in the FEDERAL REGISTER.

The foregoing resolution was adopted by the Board of Governors on January 13, 1971.

[Resolution No. 71-8]

EMPLOYMENT POLICY PROVISION (CLASSIFYING AND FIXING THE COMPENSATION AND BENEFITS OF POSTAL PERSONNEL); EFFECTIVE DATE

Resolved: Pursuant to section 15(3) of the Postal Reorganization Act (Public Law 91-375), the Board of Governors establishes January 20, 1971, as the effective date of section 1003 of title 39, United States Code, as contained in section 2 of the Act.

The Secretary of the Board of Governors is directed to arrange for the publication of this resolution in the FEDERAL REGISTER.

The foregoing resolution was adopted by the Board of Governors on January 13, 1971.

[Resolution No. 71-9]

COMMENCEMENT OF OPERATIONS OF U.S. POSTAL SERVICE; EFFECTIVE DATE

Resolved: Pursuant to section 15(a) of the Postal Reorganization Act (Public Law 91-375), the Board of Governors establishes July 1, 1971, as the date upon which the Postal Service shall commence operations. All provisions of the Act not made effective on an earlier date shall become effective upon the commencement of operations.

The Secretary of the Board of Governors is directed to arrange for the publication of this resolution in the FEDERAL REGISTER.

The foregoing resolution was adopted by the Board of Governors on January 13, 1971.

[Resolution No. 71-10]

POSTAL RATEMAKING PROVISIONS; EFFECTIVE DATES

Resolved: Pursuant to section 15(a) of the Postal Reorganization Act (Public Law 91-375), the Board of Governors establishes effective dates of certain provisions of that Act as follows:

The following provisions contained in section 2:

Provisions of Postal Reorganization Act	*Effective dates*
39 U.S.C. section 101	Jan. 20, 1971.
39 U.S.C. section 403	Do.
39 U.S.C. section 404(2)	Do.
So much of 39 U.S.C. section 410(b)(1) as pertains to section 552 of title 5, U.S.C. (public information); 410(c)(4).	Do.
39 U.S.C. section 2004	Do.
39 U.S.C. section 2401(b) and (c)	Do.
39 U.S.C. sections 3621 through 3641, inclusive, and sections 3681 through 3685, inclusive.	Do.

The Secretary of the Board of Governors is directed to arrange for the publication of this resolution in the FEDERAL REGISTER.

The foregoing resolution was adopted by the Board of Governors on January 13, 1971.

(39 U.S.C. secs. 202, 203, 204, 205(o), 207, 401(2), 402, as enacted by Public Law 91-375 and sec. 15(a) of Public Law 91-375)

DAVID A. NELSON,
General Counsel, Post Office Department, Secretary to Board of Governors, U.S. Postal Service.

[FR Doc.71-695 Filed 1-15-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 11741]

UTAH

Notice of Proposed Classification of Public Lands for Disposal by Exchange

JANUARY 8, 1971.

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f) and to the regulations in 43 CFR 2400.0–3, it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g; 43 CFR Part 2200), for lands within the Salt Lake District.

This proposal has been discussed with the District Advisory Board, local government officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4(d), which authorized classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program."

Publication of this notice will segregate the lands from all appropriation, including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

No application for an exchange will be accepted until it has first been determined that it is in the public interest of the United States to acquire the proposed offered lands and that the value of the offered lands equals or exceeds that of the selected lands.

All applications for exchange must be accompanied by a statement from the Bureau of Land Management, Salt Lake District Manager, that the proposal is feasible, in accordance with 43 CFR 2201.2.

Information concerning these lands is available at the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, UT 84104.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments, suggestions, or objections to the District Manager of the Salt Lake District, Bureau of Land Management, 1750 South Redwood Road, Room 214, Salt Lake City, UT 84104; or the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, UT 84111.

The lands affected by this proposal are located in Tooele County, Utah, and are described as follows:

SALT LAKE MERIDIAN

T. 5 S., R. 8 W.,
Sec. 34, NE¼NE¼, SW¼, SW¼SE¼;
Sec. 35, N½.
T. 6 S., R. 7 W.,
Sec. 6, lots 5, 6, 7, SE¼NW¼, E½SW¼;
Sec. 7, lots 1, 2, 3, E½W½, E½;
Sec. 18, E½, E½W½;
Sec. 19, lots 3, 4, NE¼, E½NW¼, NW¼SE¼, E½SW¼;
Sec. 20, NW¼NW¼;
Sec. 30, lots 1, 2.
T. 6 S., R. 8 W.,
Sec. 3, all;
Sec. 10, N½NE¼, W½;
Sec. 11, NW¼, N½SW¼, SE¼SW¼;
Sec. 12, N½, N½S½, S½SW¼;
Sec. 13, all;
Sec. 14, E½E½;
Sec. 15, N½NW¼;
Sec. 22, W½NE¼, W½, SE¼;
Sec. 24, SW¼NE¼, NW¼, N½SW¼, SE¼;
Sec. 25, NE¼, S½NW¼, SW¼, W½SE¼, NE¼SE¼;
Sec. 27, all;
Sec. 34, NE¼, E½NW¼, NW¼NW¼.

The above described area contains 7,644.31 acres.

R. D. NIELSON,
State Director.

[FR Doc.71-651 Filed 1-15-71;8:49 am]

National Park Service

GLEN CANYON NATIONAL RECREATION AREA, ARIZ.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that 30 days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Glen Canyon National Recreation Area, proposes to issue a concession permit to D. C. Christensen authorizing him to provide concession facilities and services for the public at Glen Canyon National Recreation Area for a period of 1 year from January 1, 1971 through December 31, 1971.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within 30 days after the publication date of this notice.

Interested parties should contact the Superintendent, Glen Canyon National Recreation Area, Post Office Box 1507, Page, AZ 86040, for information as to the requirements of the proposed permit.

C. E. JOHNSON,
Superintendent, Glen Canyon National Recreation Area.

[FR Doc.71-611 Filed 1-15-71;8:46 am]

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 15, 1970.

Dated: December 15, 1970.

E. S. HALL.

[FR Doc.71-652 Filed 1-15-71;8:49 am]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 23, 1970.

Dated: December 21, 1970.

HUGH C. VAN HORN.

[FR Doc.71-653 Filed 1-15-71;8:49 am]

PROPOSED TRANS-ALASKA PIPELINE

Notice of Public Hearing; Correction

On January 15, 1971, there appeared in the FEDERAL REGISTER (36 F.R. 622) a notice of public hearings on the environmental impact of granting a right-of-way for a crude oil pipeline across Federal lands in Alaska. The designated place for the public hearing to be held in Washington, D.C., on February 16 and 17, 1971, will not be available for use. The Washington hearing will therefore be held:

Tuesday and Wednesday, February 16 and 17, 1971, in the Auditorium of the Civil Service Commission, 1900 E Street NW., Washington, DC

Hearings will commence at 8:30 a.m.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JANUARY 15, 1971.

[FR Doc.71-757 Filed 1-15-71;11:14 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00001–63–46500. Applicant: Cornell University, Department of Vegetable Crops, Plant Science Building, Ithaca, NY 14850. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to prepare ultrathin sections of interspecific hybrid (*L. esculentum x L. peruvanium*) tomato embryos. This hybrid exhibits a high degree of incompatibility, a scientific phenomena of great interest and significance in both the animal and plant kingdom. Through electron microscopy, fine structure of embryo development and the sequence of F_1 hybrid organelle development and degeneration will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the successful production of ultrathin sections, which are highly uniform in thickness, of the soft tissues in soft embeddings encountered in the applicant's high resolution electron microscopy studies of organelle development in the tomato embryo. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00519–33–46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-593 Filed 1-15-71;8:45 am]

DEPARTMENT OF AGRICULTURE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Bureau of Domestic Commerce, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00306–33–46070. Applicant: U.S. Department of Agriculture National Animal Disease Laboratory, Post Office Box 70, Ames, IA 50010. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used in a research program in animal disease to characterize animal tissues and microbial agents. The tissues and agents will be varied as to physical qualities and physiognomy. Inculded are such diverse specimens as bone; blood cells; a variety of bacterial agents; fungal thalli and spores; certain algae and higher plant materials; and complexes of particulate antigens and antibodies. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00307–33–46500. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, CA 94304. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in a study of the substructure and function of cell types, including lymphocytes, histiocytes, eosinophils, and Reed-Sternberg cells in lesions of Hodgkin's disease. The primary objective of the research is to improve methods for the diagnosis of Hodgkin's disease. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00309–33–46500. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, IL 61801. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for research involving cholinergic oxidative and dehydrogenase enzyme systems at ultrastructural levels. The investigation will localize intracellularly acetylcholinesterase (AchE) choline acetylase, microsomal oxidase, and lactate dehydrogenases (LDH) in differentiated neural tissue of selected teleost, mammals and insects. Application received by Commissioner of Customs: December 14, 1970.

Docket No. 71–00310–33–46040. Applicant: Columbia University, 630 West 168th Street, New York, NY 10032. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used in the Orthopaedic Research Laboratories for studies of the fine structure of bone, cartilage, other connective tissue cells and mineralizing collagen. Osteogenesis and collagen synthesis in fracture repair will be investigated. The main research program concerns the effects of bioelectric phenomena on the functions of connective tissue cells. Application received by Commissioner of Customs: December 15, 1970.

Docket No. 71-00311-33-46500. Applicant: Southern Illinois University, Laboratory of Molecular Virology, Carbondale, IL 62901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study biological materials, primarily virus-host-cell systems. The properties of the materials to be investigated are those which lend themselves to an understanding of the structural bases for the controlled transcription of the DNA molecule in poxviruses, which involves the arrangement of information along DNA molecules, the continuity of the polynucleotide strands and location and structure of the replicating point. Application received by Commissioner of Customs: December 15, 1970.

Docket No. 71-00312-33-46040. Applicant: Red Acre Farm, Inc., Red Acre Road, Stow, MA 01775. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for an investigation of pathological changes produced by deficiency of certain vitamins; an inquiry into the cause of heart failure that has been observed in rats of a certain strain produced in the applicant's laboratory; and for a project relating to the problem of human peptic ulcer disease. Application received by Commissioner of Customs: December 16, 1970.

Docket No. 71-00314-33-46040. Applicant: The Pennsylvania State University, College of Medicine, Department of Microbiology, 500 University Drive, Hershey, PA 17033. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research, teaching and training purposes. The development of viruses within cells will be monitored as an integral part of a cancer research program. A graduate course, "Electron Microscopic Techniques", will teach the basic techniques in specimen preparation for the ultrastructural approach to research. Application received by Commissioner of Customs: December 17, 1970.

Docket No. 71-00313-16-61800. Applicant: Museum of Arts and Sciences, 137 North Halifax Avenue, Daytona Beach, FL 32018. Article: Planetarium, Model Venus. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs, including astronomy and navigation instruction. Application received by Commissioner of Customs: December 17, 1970.

Docket No. 71-00316-65-07700. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, GA 30332. Article: Oscilloscope camera and accessories. Manufacturer: Steinheil Optronic, West Germany. Intended use of article: The article will be used to produce high quality film records of the images displayed on the screen of a scanning electron microscope. The samples used range from composites to biological materials. The School of Ceramic Engineering will use the camera in connection with graduate teaching and research. Application received by Commissioner of Customs: December 21, 1970.

Docket No. 71-00317-33-46040. Applicant: Wm. H. Singer Memorial Research Institute of the Allegheny General Hospital, 320 East North Avenue, Pittsburgh, PA 15212. Article: Two electron microscopes, Model EM 300 and accessories. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for a study of the ultrastructure of several oncogenic simian adenoviruses with respect to the mechanism by which these viruses produce cancer in host animals; and for an investigation of the fine structure of simian viruses and Herpes virus with particular reference to the processes of multiplication and replication in tissue culture cell lines. Application received by Commissioner of Customs: December 21, 1970.

Docket No. 71-00318-15-14000. Applicant: Wheaton College, Norton, MA 02766. Article: Abbe comparator Model B. Manufacturer: Carl Zeiss Jena, East Germany. Intended use of article: The article will be used to study stellar phenomena such as molecular and elemental compositions of evolved stars; and radial velocities of evolved stars which may be members of clusters and binary systems. Application received by Commissioner of Customs: December 22, 1970.

Docket No. 71-00319-33-46040. Applicant: University of North Carolina, School of Medicine, Department of Pathology, Chapel Hill, NC 27514. Article: Electron microscope, Model JEM 100B. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for ultrastructural studies of biological materials related to a research program concerning the "Subcellular or Ultastructural Pathology of Heavy Metals." Detailed changes in organelles (subcellular structures) in cells of animal organs as affected by ingestion of heavy metals is being studied in order to understand the manner in which metal contaminants in our environment affect the metabolism of cells and human health. Application received by Commissioner of Customs: December 22, 1970.

Docket No. 71-00320-33-46040. Applicant: The Ohio State University Department of Microbial and Cell Biology, 190 North Oval Drive, Columbus, OH 43210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic NVD, The Netherlands. Intended use of article: The article will be used to study the ultrastructural relationships of micro-organisms and the microenvironment. Research concerns the effects of certain chlorinated hydrocarbon pesticides on biochemically active cell fractions and on virus ultrastructure; and an investigation of the characteristics and distribution of colloidal microparticulates in Lake Erie. Application received by Commissioner of Customs: December 22, 1970.

Docket No. 71-00321-01-77030. Applicant: Reed College, 3203 Southeast Woodstock Boulevard, Portland, OR 97202. Article: NMR spectrometer, Model R-20B. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for educational and research purposes. Laboratory instruction in nuclear magnetic resonance techniques will be taught. Senior students will use the article for their thesis research concerning a study of certain fluorine derivatives and for an investigation of the fluoride complexes of divalent transition metal ions. Application received by Commissioner of Customs: December 22, 1970.

Docket No. 71-00322-33-46500. Applicant: Polytechnic Institute of Brooklyn, 333 Jay Street, Brooklyn, NY 11201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study the effect of certain chemicals such as thallium sulfate, thallium radioactive, potassium sulfate, etc., upon chicken and rat embryos in the production of hadacidin birth defects. The changes in development of bones, connective tissue and malformation caused by these chemicals are being investigated. Application received by Commissioner of Customs: December 23, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-606 Filed 1-15-71;8:46 am]

HERBERT H. LEHMAN COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00085-63-46500. Applicant: Herbert H. Lehman College, Bedford Park Boulevard West, Bronx, NY 10468. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary use will be for studying the blue-green algae. One of the projects concerns the three dimensional reconstruction of certain inclusions. Research is also being conducted on studies of polyphosphate bodies in blue-green algae.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron miscroscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 10, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin sectioning of the blue-green algae with nonhomogenous mechanical properties in the applicant's study of polyhedral body membranes and polyphosphide bodies. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-594 Filed 1-15-71;8:45 am]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00003-33-46500. Applicant: Michigan State University, Department of Anatomy, Gultner Hall, Room 274, East Lansing, MI 48823. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce thin sections of nerve and muscle tissue for study with the electron microscope. Research projects concern the reactions of the central nervous system to tumor homograft implantation and the accurate identification of the cells participating in the rejection reaction utilizing radioautographic techniques; and growth and atrophy studies of muscle tissue, in which the increase or decrease in the total number of myofibrils and/or changes in fibrillar/interfibrillar dimensions need to be ascertained.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the sectioning of nerve and muscle of various degrees of tissue softness, soft embedding materials and the need for smooth uniform ultrathin sections for localization of DNA-precursors. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-595 Filed 1-15-71;8:45 am]

NEW YORK UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00093-33-46500. Applicant: New York University Medical Center, 550 First Avenue, New York, NY 10016. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research concerning the secretory dynamics of exocrine glands; the morphology of penicillin allergy reactions; and for cytodifferentiation of steriod secreting cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 10, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving serial sectioning for electron microscopy of rodent submandibular gland, steroid secreting cells and other soft tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-596 Filed 1-15-71;8:45 am]

PUERTO RICO NUCLEAR CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00004-33-46500. Applicant: Puerto Rico Nuclear Center, Bio-Medical Building, Caparra Heights Station, San Juan, PR 00935. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research projects concerning sectional study of radiation damage to the membranes of the central nervous system and cells; ultramicrotome study of the penetration of cells by trypanosoma cruzi; a study of the effect of radiation on the latency of coxsackie virus in wild rats; and a study of solid state phenomenon in crystals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the sucessful sectioning of tissues having the range of consistencies of the various cells and tissues encountered in the applicant's research studies involving radiation damage to cell membranes, the penetration of cells and the fine structure of virus. HEW cites as a precedent is prior recommendation relating to Docket No. 70-00203-33-46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-597 Filed 1-15-71;8:45 am]

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00046-33-46500. Applicant: Southern Illinois University, School of Dental Medicine, Edwardsville, IL 62025. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for studies of soft tissues (examples: lymph nodes, salivary gland, mucosa) and dental hard tissues (examples: dentin, enamel, bone). Research in the areas of both soft tissues and dental hard tissues will deal with healthy, normal and diseased conditions, for investigation of the structural geometric orientation and organization.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the production of useful sections from such soft tissues as lymph node, salivary gland, and mucosa embedded in vestopel or methacrylate. We, therefore find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-598 Filed 1-15-71;8:45 am]

TEMPLE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00059-33-46500. Applicant: Temple University Medical School, 3400 North Broad Street, Philadelphia, PA 19140. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary tissue involved will be the cells of the human malignant melanoma examined directly and at various intervals after tissue culture. Extremely thin sections are required in order to study the melanosome, a cytogenetic structural marker of benign and malignant melanocytes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the production of ultrathin sections for three dimensional reconstruction of the melanosome and its filaments in the applicant's study of melanogenesis of tissue culture cells during their life cycle. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-599 Filed 1-15-71;8:45 am]

TEMPLE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00051-33-46500. Applicant: Temple University School of Medicine, 3400 North Broad Street, Philadelphia, PA 19140. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary tissue involved will be the cells of human malignant melanoma examined directly and at various intervals after tissue culture. Extremely thin sections are required in order to study the melanosome, a cytogenetic structural marker of benign and malignant melanocytes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin sectioning of the softer materials encountered in the applicant's study of the melanosome which involves tissue culture cells of human malignant melanoma. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-600 Filed 1-15-71;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00080-33-46500. Applicant: University of California, San Diego, Post Office Box 109, La Jolla, CA 92037. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research concerning the relationship of connective tissue stroma cells to human cancer cells in tumor biopsies and the formation and localization of virus particles in cultures of human tissue plants. The relationship of the stroma cells and of the extracellular collagen to cancer cells as well as the formation of the collagen will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the sectioning of the variety of tissues encountered in the applicant's research studies involving the relationship of stroma cells and of extracellular collagen to cancer cells and the formation of collagen and the relation of viruses to membranes and chromosome fibers. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-601 Filed 1-15-71;8:45 am]

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00043-33-46500. Applicant: University of Illinois at Chicago Circle, Department of Biological Sciences, Box 4348, Chicago, IL 60680. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to section ovary endocrine glands, fat body and ovarian duct system of *Drosophila melanogaster*, and *Drosophila persimilis;* ovary and endocrine tissue of *ephestia kühnellia;* and mitospores, meiospores, sporangia and mycelia of the aquatic phycomycete, *Allomyces arbuscula*. These biological materials are to be investigated for cytological studies of growth, development and mutant gene activity.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's ultrastructural study of insect tissues including soft endocrine glands, fat body, ovary, etc. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-603 Filed 1-15-71;8:46 am]

UNIVERSITY OF KENTUCKY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00033-33-46500. Applicant: University of Kentucky, Medical Center, Department of Anatomy, Lexington, KY 40506. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to study the process of keratinization at various stages. During the early developmental stages, keratin material is soft and at the late stages of development this material is extremely hard. Keratinizing feather germs will be cultured for various lengths of time. The "normal" or "base line" morphology of this organ grown in culture will be determined at the ultrastructural level.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 20, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the sectioning of the sites of keratin precursor and early stages of keratin development in soft tissue material for electron microscopy. HEW cites as a precedent its prior recommendaton relating to Docket No. 70-00519-33-46500 which conforms in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-602 Filed 1-15-71;8:45 am]

UNIVERSITY OF NOTRE DAME DU LAC

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00017-33-46500. Applicant: The University of Notre Dame du Lac, Biology Department, College of Science, Notre Dame, IN 46556. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to cut sections of developing crustacean, hymenopteran and human tumor tissues which vary widely in density. Since the research involves reconstruction of the three-dimensional

morphology of submicroscopic structures, it must be possible to easily obtain ribbons of serial ultrathin sections of equal thickness. Also, the ultramicrotome will be used in courses in Developmental Cytology, Analysis of Ultrastructure and Biological Electron Microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media, and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of and identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 13, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to successfully obtaining long series of ultrathin sections of uniform thickness of the variety of materials, particularly the softer materials, involved in the applicant's research studies.

We therefore find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-604 Filed 1-15-71;8:46 am]

UNIVERSITY OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00005-33-46500. Applicant: University of Oregon, Biology Department, Eugene, OR 97403. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The liquid endosperm of the African Blood Lilly, *Haemanthus katherinae* Baker, and primary spermatocytes of *Drosophila melanogaster*, the fruit fly, will be the primary tissues for which the article will be used in the investigation of the chromosome movements and spindle fine structure of cell division.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving chromosome movement and spindle fine structure in cell division, particularly in the studies involving softer specimens and the embedding materials used for embedding on a coverslip.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-605 Filed 1-15-71;8:46 am]

WILLIAM BEAUMONT HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00045-33-46500. Applicant: William Beaumont Hospital, 3601 West 13 Mile Road, Royal Oak, MI 48072. Article: Ultramicrotome Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for ultrathin sectioning of several types of tissues in health and disease, and in normalcy and under experimental conditions. The ultrastructure of developing and transplanted thyroid tumors will be examined in an effort to relate the physiologic and biochemical changes to the structure of the cell organelles. The structure of isolated kidney tubules from drug-treated and untreated animals will be compared in order to gain some information on the metabolism and physiological and pharmacological properties of certain drugs.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 25, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's study of carcinogenesis of the thyroid gland that involves sectioning of tumors and certain fatty tissues. We, therefore find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-607 Filed 1-15-71;8:46 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00002-91-46500. Applicant: Yale University, Department of Biology, New Haven, CT 06520. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used in a study of the structure of the submicroscopic channels (plasmodesmata) which interconnect adjacent plant cells in a tissue. It purpose is to cut ultrathin sections of tissue containing plasmodesmata which will then be viewed in the electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 6, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's study of plasmodesmata by electron microscopy and autoradiography which will require serial sections of uniform thickness, i.e., free of chatter marks and other defects. HEW cites as a precedent its prior recommendations relating to Dockets Nos. 70-00680-33-46500 and 70-00729-33-46500 which conform in many particulars to the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-608 Filed 1-15-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION IX (SAN FRANCISCO)

Designation

The officials named below in Region IX (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Equal Opportunity, Region IX (San Francisco), during the absence of the Assistant Regional Administrator for Equal Opportunity, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Equal Opportunity: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator for Equal Opportunity unless the other officials whose names precede his in this designation are unable to act by reason of absence:

1. Andrew Corcoran.
2. Robert Jeffrey, Sr.
3. Curtis G. Oler.

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: September 21, 1970.

ANDREW J. BELL III,
Acting Regional Administrator,
Region IX (San Francisco).

[FR Doc.71-675 Filed 1-15-71;8:51 am]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR MODEL CITIES, REGION IX (SAN FRANCISCO)

Designation

The officials named below in Region IX (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Model Cities, Region IX (San Francisco), during the absence of the Assistant Regional Administrator for Model Cities, with all the powers, functions and duties redelegated or assigned to the Assistant Regional Administrator for Model Cities: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator for Model Cities unless the other official whose name precedes his in this designation is unable to act by reason of absence:

1. Tad T. Masaoka.
2. Earl G. Singer.

This designation supersedes the designation effective June 29, 1969 (34 F.R. 15818, Oct. 14, 1969).

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: September 21, 1970.

ANDREW J. BELL III,
Acting Regional Administrator,
Region IX.

[FR Doc.71-672 Filed 1-15-71;8:51 am]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION IX (SAN FRANCISCO)

Designation

The officials named below in the Renewal Assistance Office, Region IX (San Francisco), are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region IX (San Francisco), during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless the other official whose name precedes his in this designation is unable to act by reason of absence:

1. Raymond J. Crisp.
2. William S. Kennedy.

This designation supersedes and cancels the designation published at 34 F.R. 17923 on November 5, 1969, effective as of September 21, 1969.

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: September 21, 1970.

ROBERT H. BAIDA,
Regional Administrator,
Region IX (San Francisco).

[FR Doc.71-673 Filed 1-15-71;8:51 am]

ACTING REGIONAL COUNSEL, REGION IX (SAN FRANCISCO)

Designation

The officials named below in Region IX (San Francisco) are hereby designated to serve as Acting Regional Counsel, Region IX (San Francisco), during the absence of the Regional Counsel, with all the powers, functions, and duties redelegated or assigned to the Regional Counsel: *Provided*, That no official is authorized to serve as Acting Regional Counsel unless all other officials whose names precede his in this designation are unable to act by reason of absence:

1. Alfred J. DeMartini, Jr.
2. Maurice D. Laymon.
3. Paul A. DeMare.

This designation supersedes the designation effective January 1, 1969 (34 F.R. 6708-6709, Apr. 19, 1969).

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: September 21, 1970.

ANDREW J. BELL III,
Acting Regional Administrator,
Region IX (San Francisco).

[FR Doc.71-674 Filed 1-15-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-7]

BUSH RIVER, MD.

Notice of Public Hearing Concerning Operation of Penn Central Railroad Bridge

Notice is hereby given that a public hearing will be held to determine the need for changes in the special operation regulations for this bridge. The hearing will be held by the Commander, Fifth Coast Guard District at the VFW Hall, Route 40, Aberdeen, MD, and will start at 7 p.m. on February 18, 1971.

The purpose of the hearing is to consider a request from the Legal Liaison Officer, Bush River Yacht Club to revoke or revise the special operation regulations presently in force. These regulations are as follows:

§117.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.* * * *

(f) * * *

(3) Bush River, Md.; The Pennsylvania Railroad Co. bridge at Bush River. From June 1 to September 30, inclusive, the draw will be required to be opened not more than two times each day on Saturdays and Sundays only between 10 a.m. and 5 p.m., on receipt of at least 24 hours' advance notice from the duly authorized representative of the Bush River Boat Club. At all other times the draw need not be opened for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the representative of the Bush River Boat Club may be reached.

* * * * *

All interested persons may present data, views, and comments orally, or in writing at the public hearing concerning these proposals. The hearing will be an informal one conducted by a representative of the Commandant. Additional procedures for conduct of the hearing will be announced at the hearing. A transcript of the hearing will be made and anyone may buy a copy of the transcript from the reporting service.

Interested persons who are unable to attend this hearing may also participate in this consideration by submitting written data, views, arguments, or comments as they may desire on or before March 5, 1971. All submissions should be made in writing to the Commander, Fifth Coast Guard District, 610 Federal Building, Portsmouth, VA 23705. It is requested that each submission state the subject to which it is directed, the reason for any recommendations and the name, address, and firm or organization if any, of the person making the submission. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

After the time set for the submission of comments by the interested parties the Commander, Fifth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations will thereafter make a final determination with respect to these proposals.

Authority for this section is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499); section 6(g)(2) of the Department of Transportation Act, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922).

Dated: January 13, 1971.

D. H. LUZIUS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Operations.

[FR Doc.71-676 Filed 1-15-71;8:51 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JANUARY 12, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during December 1970:

Special permit No.	Issued to	Subject	Mode or modes of transportation
6294		Shippers registered with this Board for shipments of an oxidizing material (calcium hypochlorite compounds with at least 45% by weight calcium hypochlorite dihydrate) in 49 CFR 173.217 packages.	Rail, Highway.
6303		Shippers registered with this Board for shipments of compressed gases in DOT-3AA cylinders quenched by a medium other than oil.	Water, Rail, Highway, Cargo-only aircraft.
6305		Shippers registered with this Board for shipments of detonating fuzes, class C explosives in DOT-23F fiberboard boxes.	Rail, Highway.
6357		Shippers registered with this Board for shipments of fissile radioactive materials n.o.s. in "birdcage" package conforming generally to DOT specification 6M.	Highway, Water, Rail, Cargo-only aircraft.
6363		Sundstrand Corp. to ship mixture of monomethylhydrazine and anhydrous hydrazine in non-DOT specification stainless steel pressure vessel.	Rail, Highway, Cargo-only aircraft.
6364		Shippers registered with this Board for shipments of fissile radioactive materials, n.o.s. in package identified as General Electric Model No. RR-1.	Highway.
6366		Carolina Welding Supplies, Inc. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Rail, Highway.
6367		Thompson Bros. Supplies, Inc. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Rail, Highway.
6368		Shippers registered with this Board to ship waste dichlorobeetene mixture in DOT-105A300W tank cars.	Rail.
6369		Shippers registered with this Board for shipments of aniline oil in DOT-112A400W tank cars, and proposed DOT-115A400W tank cars.	Rail.
6371		Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials, n.o.s. in UKAEA Model 1076/1266 package.	Highway, Cargo-only aircraft.
6373		Valley Welders Supply Co., Inc. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Rail, Highway.
6374		Westinghouse Electric Corp. to ship fissile and normal form radioactive materials in proposed DOT-20WC-5 package.	Highway.
6375		Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials, n.o.s. in Whitehead and Kales Cask Model No. 1'B-1.	Highway.
6380		Greene & Kellogg, Inc., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Rail, Highway.
6382		Celnese Chemical Co. to transport ethylene oxide by tank motor vehicle upon emergency transfer from tank car.	Highway.
6383		FMC Corp. to ship chlorine in two tank cars having tanks overdue for retest.	Rail.
6391		Hummel Chemical Co., Inc. to ship titanium metal powder in 15B wooden box/37C metal drum composite package.	Highway.

C. B. SMITH,
Acting Chairman.

[FR Doc.71-556 Filed 1-15-71;8:45 am]

Office of the Secretary

PENN CENTRAL TRANSPORTATION CO.

Waiver of Notice Requirements

By application dated January 7, 1971, filed pursuant to section 3(a) of the Emergency Rail Services Act of 1970 (Public Law 91-663), the trustees of Penn Central Transportation Co. seek the guarantee by the Secretary of Transportation of the payment of principal and interest on trustee certificates proposed to be sold.

Section 3(a) of the Act authorizes the Secretary to make such guarantees, after consultation with the Interstate Commerce Commission, and upon making in writing certain required findings. The Act further requires the Secretary to publish notice of his intention to make the required findings in the FEDERAL REGISTER not less than 15 days prior to making his findings. However, it also permits the Secretary to waive those notice requirements upon good cause shown and upon a finding that extraordinary circumstances warrant waiver of the notice requirements.

The Penn Central Transportation Co. needs a minimum daily cash balance to assure continued operation of its facilities. Without this minimum balance it is impossible for the railroad to assure sufficient funds to meet current cash demands. These demands may fluctuate as much as $10 to $15 million per day. As of January 1, 1971, Penn Central's cash balance was $18.7 million. As of January 9, 1971, this balance had dropped to $15.7 million. By January 31, there will be an estimated cash deficit of at least $5.3 million.

It is clear that Penn Central's cash position is exceptionally precarious. At any time a severe cash drain on a single day could create a cash deficit before January 31 which could result in a cessation of services. The winter season with its dangers of heavy snows and freezing conditions results in increased operating expenses and enhances this possibility of a complete draining of the railroad's cash.

The sale of trustee certificates necessary to generate the cash required to sustain the company beyond January 31, 1971, has been approved by the Interstate Commerce Commission. The sale must also be approved by an order of the reorganization court. I am advised that such an order will not be made in the absence of a declaration of my intention to guarantee the certificates being approved for issuance. I am also advised that the sale of such certificates to the underwriters cannot be consummated until 10 days following the date of the court order. Therefore, a delay of 15 days to permit publication of notice of my intention to make the findings necessary to a guarantee would delay the sale of certificates well beyond January 31, the date by which the Company estimates a cash deficit of $5.3 million.

Accordingly, I find that extraordinary circumstances warrant waiving the requirement of 15 days' notice of my intention to make the findings required by section 3(a) of the Emergency Rail Services Act of 1970, and I do hereby waive such notice.

Issued in Washington, D.C., on January 13, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-701 Filed 1-15-71;8:52 am]

PENN CENTRAL TRANSPORTATION CO.

Findings Regarding Application of Trustees for Guarantee of Trustee Certificates

By application dated January 7, 1971, filed pursuant to section 3(a) of the Emergency Rail Services Act of 1970 (Public Law 91-663) the trustees of Penn Central Transportation Co. seek the guarantee by the Secretary of Transportation of the payment of principal and interest on trustee certificates proposed to be sold.

Section 3(a) of the Act authorizes the Secretary to make such guarantees, after consultation with the Interstate Commerce Commission, and upon making in writing certain required findings. The Act further requires the Secretary to publish notice of his intention to make such required findings in the FEDERAL REGISTER not less than 15 days prior to making such findings. However, it also permits the Secretary to waive such notice requirements upon good cause shown and upon a finding that extraordinary circumstances warrant waiver of such notice requirements. I have, on this date, waived the notice requirement.

FINDINGS REQUIRED BY SECTION 3(a)

I hereby find, for the reasons stated in the discussion which follows, that:

(1) Cessation of essential transportation services by the railroad would endanger the public welfare;

(2) Cessation of such services is imminent;

(3) There is no other practicable means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;

(4) Such certificates cannot be sold without a guarantee;

(5) The railroad can reasonably be expected to become self-sustaining; and

(6) The probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

DISCUSSION

As to finding number 1:

Penn Central is the Nation's largest transportation company with some 20,000 miles of line covering the northeastern region of the United States. This region is coterminous with the eastern rail district. Within the latter boundaries are such metropolitan areas as St. Louis, Chicago, Cincinnati, Cleveland, Buffalo, Pittsburgh, Boston, New York, Philadelphia, and Washington, D.C. The industries, farms, and mines within this district account for 50 percent of the Nation's gross national product and the availability of transportation capacity is essential to continued production. Penn Central provides one-third of the total transportation services for this region.

Penn Central is not only the predominant carrier in the eastern district, it is also a key link in the Nation's rail transportation system. It interchanges with 144 other rail carriers at 1,088 interchange points. Therefore, any disruption of Penn Central's service will distort connecting rail service and disrupt essential transportation services far beyond the geographic area immediately served by the railroad.

The Penn Central's role in the national economy is further evidenced by its traffic. In addition to transporting large volumes of finished products, in 1969 the Penn Central transported 25 percent of the Nation's steel, 17 percent of its coal, and 21 percent of its iron ore. The eastern district is particularly dependent on the Penn Central for the transportation of coal to power plants. (See page 3 of Senate Report 91-1510 of Dec. 19, 1970, accompanying the Emergency Rail Services Act of 1970.)

The Penn Central is also the Nation's largest rail passenger carrier. Substantial commuter services are provided by the railroad in such cities as New York, Philadelphia, and Boston. Cessation of operations would increase significantly the transportation problems of these cities.

For these reasons, I find that Penn Central provides services that are essential transportation services within the meaning of the Emergency Rail Services Act of 1970, and that cessation of such services would endanger the public welfare.

As to finding number 2:

The Penn Central Transportation Co. needs a minimum daily cash balance to assure continued operation of its facilities. Without this minimum balance it is impossible for the railroad to assure sufficient funds to meet current cash demands. These demands may fluctuate as much as $10 to $15 million per day. As of January 1, 1971, Penn Central's cash balance was $18.7 million. As of January 9, 1971, this balance had dropped to $15.7 million. By January 31, there will be an estimated cash deficit of at least $5.3 million.

It is clear that Penn Central's cash position is exceptionally precarious. At any time a severe cash drain on a single day could create a cash deficit before January 31 which could result in a cessation of services. The winter season with its dangers of heavy snows and freezing conditions results in increased operating expenses and enhances this possibility of a complete draining of the railroad's cash.

In addition, even if the railroad's cash position were to enable it to survive its current precarious position over the next few weeks, the sizeable cost of making payment of back wages required pursuant to Public Law 91-541 would place the railroad in such a deficit position that services could not be continued.

As to finding number 3:

The most practicable sources of funds other than credit include disposition of assets, increased revenues from better services, and reduction of costs. None of these sources provides immediate cash resources to Penn Central at this time.

Disposition of assets includes such items as salvage from the abandonment of excess rail capacity and the sale of nontransportation properties. Abandonment is subject to the abandonment provisions of section 1(18) of the Interstate Commerce Act (49 U.S.C. 1(18)). Potential funds from this source would neither be adequate nor timely to meet Penn Central's immediate needs.

Disposition of nontransportation assets requires an orderly, well structured plan to prevent undue loss of values during liquidation. No long term plan has been developed. It should be noted that as a condition of this guarantee the trustees will have to agree to submit such a plan within 30 days.

Increased revenues from better service cannot be achieved immediately. The cash balances enumerated under the discussion of finding number 2 demonstrate that sufficient funds are not now being generated by the railroad. The fact that the long term prospects may be otherwise is of no immediate benefit.

Reduced costs require a long term program dependent on improved operating efficiencies and reduction in excess capital plant. Increased operating efficiencies require cash which is not available.

As to finding number 4:

The trustees have explored the financing of trustee certificates with the following sources: commercial banks, insurance companies, pension funds, investment bankers, suppliers, railroads, and shippers. Their efforts have been without success. Exhibit 22 of the application contains copies of replies by various firms and institutions to such inquiries. Some of the firms and institutions contacted were—

Morgan Stanley and Co., New York.
The First Boston Corp., New York.
Salomon Brothers, New York.
The Equitable Life Assurance Society, New York.
New York State Teachers Retirement System, Albany, N.Y.
Union Pacific Railroad.
First National City Bank, New York.
Santa Fe Railroad.
Pullman, Inc.
Bethlehem Steel Corp.

The Federal Reserve Bank of New York has confirmed the nonavailability of financing without a guarantee in a memorandum of January 8, 1971. The Under Secretary of the Treasury for Monetary Affairs has corroborated this view in a letter to me of January 11, 1971.

As to finding number 5:

The Penn Central is in great difficulty at this time. It is contemplated that the railroad will continue to have losses in net income for the next 3 to 4 years and that it will suffer continued cash attrition for at least another 2 years. However, at the same time there are real prospects for improving this situation. Under the new and vigorous management of the trustees and their appointees, improvements in operations and overall management techniques are being instituted to turn the railroad around.

We must now look to the future and the steps that may be taken under present management to improve the entire organization. During the latter part of 1970 a reduction of 5,500 employees was effected. A continuing evaluation is underway with the view of further reductions in force contemplated in 1971. Actions have been taken to consolidate duplicate facilities, plans have been developed to apply for abandonment of some 3,800 miles of deficit producing branch lines, upgrading of equipment is in process to the extent permitted by the present severe cash problem, and better cash utilization is being stressed and is a distinct possibility.

Projections of rail freight traffic in 1980 have been made by the Department of Transportation. These indicate that rail freight traffic will grow at the rate of 2.8 percent annually between 1970 and 1980. This percentage growth is based on our best estimate of current 1970 traffic and the BLS estimate of 1980 GNP which gives a long term 4.3 percent annual growth trend (based on 1965). The growth in tonnage will be slightly less.

The Penn Central presently accounts for about 11 percent of national freight ton miles. Well over two-thirds of its traffic originates from or terminates on another line. While the growth rate of the eastern region lags slightly behind the Nation in terms of population and employment, the Penn Central may be expected to attain a growth approaching the 2.8 percent figure.

Aside from the expected growth in freight traffic and steps being taken by present management, the following additional steps, generally involving present or likely future actions of Federal and State agencies, will have a positive impact on improving the Penn Central's ability to become self-sustaining. First, with the assistance of a substantial grant from the Urban Mass Transit Administration, the States of New York and Connecticut are putting the finishing touches on a program involving the Penn Central's commuter service on the lines of the New Haven Railroad. Under an agreement signed last October, the State of New York will purchase a portion of the Penn Central's lines in New York State for 6.9 million dollars, while the State of Connecticut will lease portions of the Penn Central's commuter lines for 60 years at a payment of $815,000 annually. The two States have also paid Penn Central approximately 4.0 million dollars for 97 passenger cars. The commuter service in question will be operated by the Penn Central for the account of the two States for a management fee of $100,000 annually. The effect of the assumption of these operations by the two States will relieve the Penn Central of an annual cash drain of between $6 and $8 million a year. In addition to this bistate effort, the State of New York will, on or about April 1 of this year, take over the Penn Central's commuter services operating over the Hudson and Harlem divisions of the former New York Central wholly within New York State.

Second, a number of recent actions by the ICC involving such matters as changing the basis of per diem rental on rail freight cars, changes in the apportionment of divisions on joint rates between northern and southern railroad and final approval of the pending 15 percent increase in railroad freight rates could serve to increase substantially the Penn Central's annual revenues.

Third, the Penn Central is making a very vigorous effort to liquidate investments in unneeded nonrailroad facilities which will, over a period of years, generate a certain amount of additional cash for the railroads.

Fourth, the recently enacted Railroad Passenger Service Corporation Act will, over several years, remove a cash drain of approximately 40 million dollars annually from the Penn Central Railroad.

All of these steps are either in process of implementation or will be implemented in the near future. While difficult problems face the trustees in implementing drastic management and operational changes to realize savings and/or increased profits on a short-term basis, present management must be given an opportunity to implement their programs. Achieving an improvement of some 10 to 15 percent in increased revenues and cost reductions will go a long way toward meeting the needs of Penn Central and will be a springboard toward achieving the long-term objectives needed to put the railroad on a self-sustaining basis.

As to finding number 6:

The Penn Central's balance sheet as of October 31, 1970, lists total assets of $4,664,819,602. Under the provisions of section 3(c) of the Act, the trustee certificates, as approved by the court, are to be treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act. The agreements entered into with the trustees in connection with a guarantee will provide sufficient opportunity for close and continuing review to assure the preservation of assets sufficient to protect the Government's interest.

Issued in Washington, D.C., on January 13, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-702 Filed 1-15-71;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22851]

AEROVIAS NACIONALES DE COLOMBIA, S.A. (AVIANCA)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 26, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., January 13, 1971.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.71-662 Filed 1-15-71;8:50 am]

[Docket No. 22900; Order 71-1-51]

BUFFALO AERONAUTICAL CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, January 11, 1971.

The Postmaster General filed a notice of intent December 17, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for Buffalo Aeronautical Corp. (Buffalo), an air taxi operator, a final service mail rate of 61.47 cents per great circle aircraft mile for the transportation of mail by aircraft between Rochester and Albany, N.Y., based on five round trips per week.

In support of his petition, the Postmaster General states that this route was previously served by Cutlass Aviation, Inc. (Cutlass), and later by Manchester Aviation Co., Inc. (Manchester); that because of circumstances beyond the control of the parties involved, the service on this route will no longer be available by either Cutlass or Manchester; and that Buffalo has agreed to the foregoing rate based on five round trips per week using Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buffalo Aeronautical Corp., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 61.47 cents per great circle aircraft mile between Rochester and Albany, N.Y., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its organization regulations 14 CFR 385.16(f):

It is ordered, That:

1. Buffalo Aeronautical Corp., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Buffalo Aeronautical Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Buffalo Aeronautical Corp., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

(4) Such certificates cannot be sold without a guarantee;

(5) The railroad can reasonably be expected to become self-sustaining; and

(6) The probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

DISCUSSION

As to finding number 1:

Penn Central is the Nation's largest transportation company with some 20,000 miles of line covering the northeastern region of the United States. This region is coterminous with the eastern rail district. Within the latter boundaries are such metropolitan areas as St. Louis, Chicago, Cincinnati, Cleveland, Buffalo, Pittsburgh, Boston, New York, Philadelphia, and Washington, D.C. The industries, farms, and mines within this district account for 50 percent of the Nation's gross national product and the availability of transportation capacity is essential to continued production. Penn Central provides one-third of the total transportation services for this region.

Penn Central is not only the predominant carrier in the eastern district, it is also a key link in the Nation's rail transportation system. It interchanges with 144 other rail carriers at 1,088 interchange points. Therefore, any disruption of Penn Central's service will distort connecting rail service and disrupt essential transportation services far beyond the geographic area immediately served by the railroad.

The Penn Central's role in the national economy is further evidenced by its traffic. In addition to transporting large volumes of finished products, in 1969 the Penn Central transported 25 percent of the Nation's steel, 17 percent of its coal, and 21 percent of its iron ore. The eastern district is particularly dependent on the Penn Central for the transportation of coal to power plants. (See page 3 of Senate Report 91-1510 of Dec. 19, 1970, accompanying the Emergency Rail Services Act of 1970.)

The Penn Central is also the Nation's largest rail passenger carrier. Substantial commuter services are provided by the railroad in such cities as New York, Philadelphia, and Boston. Cessation of operations would increase significantly the transportation problems of these cities.

For these reasons, I find that Penn Central provides services that are essential transportation services within the meaning of the Emergency Rail Services Act of 1970, and that cessation of such services would endanger the public welfare.

As to finding number 2:

The Penn Central Transportation Co. needs a minimum daily cash balance to assure continued operation of its facilities. Without this minimum balance it is impossible for the railroad to assure sufficient funds to meet current cash demands. These demands may fluctuate as much as $10 to $15 million per day. As of January 1, 1971, Penn Central's cash balance was $18.7 million. As of January 9, 1971, this balance had dropped to $15.7 million. By January 31, there will be an estimated cash deficit of at least $5.3 million.

It is clear that Penn Central's cash position is exceptionally precarious. At any time a severe cash drain on a single day could create a cash deficit before January 31 which could result in a cessation of services. The winter season with its dangers of heavy snows and freezing conditions results in increased operating expenses and enhances this possibility of a complete draining of the railroad's cash.

In addition, even if the railroad's cash position were to enable it to survive its current precarious position over the next few weeks, the sizeable cost of making payment of back wages required pursuant to Public Law 91-541 would place the railroad in such a deficit position that services could not be continued.

As to finding number 3:

The most practicable sources of funds other than credit include disposition of assets, increased revenues from better services, and reduction of costs. None of these sources provides immediate cash resources to Penn Central at this time.

Disposition of assets includes such items as salvage from the abandonment of excess rail capacity and the sale of nontransportation properties. Abandonment is subject to the abandonment provisions of section 1(18) of the Interstate Commerce Act (49 U.S.C. 1(18)). Potential funds from this source would neither be adequate nor timely to meet Penn Central's immediate needs.

Disposition of nontransportation assets requires an orderly, well structured plan to prevent undue loss of values during liquidation. No long term plan has been developed. It should be noted that as a condition of this guarantee the trustees will have to agree to submit such a plan within 30 days.

Increased revenues from better service cannot be achieved immediately. The cash balances enumerated under the discussion of finding number 2 demonstrate that sufficient funds are not now being generated by the railroad. The fact that the long term prospects may be otherwise is of no immediate benefit.

Reduced costs require a long term program dependent on improved operating efficiencies and reduction in excess capital plant. Increased operating efficiencies require cash which is not available.

As to finding number 4:

The trustees have explored the financing of trustee certificates with the following sources: commercial banks, insurance companies, pension funds, investment bankers, suppliers, railroads, and shippers. Their efforts have been without success. Exhibit 22 of the application contains copies of replies by various firms and institutions to such inquiries. Some of the firms and institutions contacted were—

Morgan Stanley and Co., New York.
The First Boston Corp., New York.
Salomon Brothers, New York.
The Equitable Life Assurance Society, New York.
New York State Teachers Retirement System, Albany, N.Y.
Union Pacific Railroad.
First National City Bank, New York.
Santa Fe Railroad.
Pullman, Inc.
Bethlehem Steel Corp.

The Federal Reserve Bank of New York has confirmed the nonavailability of financing without a guarantee in a memorandum of January 8, 1971. The Under Secretary of the Treasury for Monetary Affairs has corroborated this view in a letter to me of January 11, 1971.

As to finding number 5:

The Penn Central is in great difficulty at this time. It is contemplated that the railroad will continue to have losses in net income for the next 3 to 4 years and that it will suffer continued cash attrition for at least another 2 years. However, at the same time there are real prospects for improving this situation. Under the new and vigorous management of the trustees and their appointees, improvements in operations and overall management techniques are being instituted to turn the railroad around.

We must now look to the future and the steps that may be taken under present management to improve the entire organization. During the latter part of 1970 a reduction of 5,500 employees was effected. A continuing evaluation is underway with the view of further reductions in force contemplated in 1971. Actions have been taken to consolidate duplicate facilities, plans have been developed to apply for abandonment of some 3,800 miles of deficit producing branch lines, upgrading of equipment is in process to the extent permitted by the present severe cash problem, and better cash utilization is being stressed and is a distinct possibility.

Projections of rail freight traffic in 1980 have been made by the Department of Transportation. These indicate that rail freight traffic will grow at the rate of 2.8 percent annually between 1970 and 1980. This percentage growth is based on our best estimate of current 1970 traffic and the BLS estimate of 1980 GNP which gives a long term 4.3 percent annual growth trend (based on 1965). The growth in tonnage will be slightly less.

The Penn Central presently accounts for about 11 percent of national freight ton miles. Well over two-thirds of its traffic originates from or terminates on another line. While the growth rate of the eastern region lags slightly behind the Nation in terms of population and employment, the Penn Central may be expected to attain a growth approaching the 2.8 percent figure.

Aside from the expected growth in freight traffic and steps being taken by present management, the following additional steps, generally involving present or likely future actions of Federal and State agencies, will have a positive impact on improving the Penn Central's ability to become self-sustaining. First, with the assistance of a substantial grant from the Urban Mass Transit Administration, the States of New York and Connecticut are putting the finishing touches on a program involving the Penn Central's commuter service on the lines of the New Haven Railroad. Under an agreement signed last October, the State of New York will purchase a portion of the Penn Central's lines in New York State for 6.9 million dollars, while the State of Connecticut will lease portions of the Penn Central's commuter lines for 60 years at a payment of $815,000 annually. The two States have also paid Penn Central approximately 4.0 million dollars for 97 passenger cars. The commuter service in question will be operated by the Penn Central for the account of the two States for a management fee of $100,000 annually. The effect of the assumption of these operations by the two States will relieve the Penn Central of an annual cash drain of between $6 and $8 million a year. In addition to this bistate effort, the State of New York will, on or about April 1 of this year, take over the Penn Central's commuter services operating over the Hudson and Harlem divisions of the former New York Central wholly within New York State.

Second, a number of recent actions by the ICC involving such matters as changing the basis of per diem rental on rail freight cars, changes in the apportionment of divisions on joint rates between northern and southern railroad and final approval of the pending 15 percent increase in railroad freight rates could serve to increase substantially the Penn Central's annual revenues.

Third, the Penn Central is making a very vigorous effort to liquidate investments in unneeded nonrailroad facilities which will, over a period of years, generate a certain amount of additional cash for the railroads.

Fourth, the recently enacted Railroad Passenger Service Corporation Act will, over several years, remove a cash drain of approximately 40 million dollars annually from the Penn Central Railroad.

All of these steps are either in process of implementation or will be implemented in the near future. While difficult problems face the trustees in implementing drastic management and operational changes to realize savings and/or increased profits on a short-term basis, present management must be given an opportunity to implement their programs. Achieving an improvement of some 10 to 15 percent in increased revenues and cost reductions will go a long way toward meeting the needs of Penn Central and will be a springboard toward achieving the long-term objectives needed to put the railroad on a self-sustaining basis.

As to finding number 6:

The Penn Central's balance sheet as of October 31, 1970, lists total assets of $4,664,819,602. Under the provisions of section 3(c) of the Act, the trustee certificates, as approved by the court, are to be treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act. The agreements entered into with the trustees in connection with a guarantee will provide sufficient opportunity for close and continuing review to assure the preservation of assets sufficient to protect the Government's interest.

Issued in Washington, D.C., on January 13, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-702 Filed 1-15-71;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22851]

AEROVIAS NACIONALES DE COLOMBIA, S.A. (AVIANCA)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 26, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., January 13, 1971.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.71-662 Filed 1-15-71;8:50 am]

[Docket No. 22900; Order 71-1-51]

BUFFALO AERONAUTICAL CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, January 11, 1971.

The Postmaster General filed a notice of intent December 17, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for Buffalo Aeronautical Corp. (Buffalo), an air taxi operator, a final service mail rate of 61.47 cents per great circle aircraft mile for the transportation of mail by aircraft between Rochester and Albany, N.Y., based on five round trips per week.

In support of his petition, the Postmaster General states that this route was previously served by Cutlass Aviation, Inc. (Cutlass), and later by Manchester Aviation Co., Inc. (Manchester); that because of circumstances beyond the control of the parties involved, the service on this route will no longer be available by either Cutlass or Manchester; and that Buffalo has agreed to the foregoing rate based on five round trips per week using Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buffalo Aeronautical Corp., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 61.47 cents per great circle aircraft mile between Rochester and Albany, N.Y., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its organization regulations 14 CFR 385.16(f):

It is ordered, That:

1. Buffalo Aeronautical Corp., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Buffalo Aeronautical Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Buffalo Aeronautical Corp., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-666 Filed 1-15-71;8:50 am]

[Docket No. 22628; Order 71-1-54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, among air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted for early effectiveness at the Honolulu Worldwide Passenger Fare Conference held September–October 1970, has been assigned the above-designated CAB Agreement number.

The more substantive elements of the agreement, insofar as it applies in air transportation, provide for adjustments in certain normal and promotional fares scheduled to become effective January 1, 1971, within the Western Hemisphere.

Normal first-class and economy fares applicable between the United States and Panama/Colombia would generally be increased. These increases would range between 2 and 16 percent, or between $6 and $68 for round-trip first-class fares, and round-trip economy fares would be increased from $2 to $36, or by 0.5 to 9 percent. First-class and economy excursion fares between the United States and Colombia/Panama/Venezuela would also be increased, generally by $10 round trip in the case of economy-class services.

Minimum-stay requirements for the use of excursion fares would be amended for January 1, 1971, effectiveness so as to have the effect of establishing a new 10-day requirement for southbound travel from New York/Miami to Barranquilla/Medellin and from New York to Bogota/Panama City; increasing from 10 to 14 days the minimum-stay requirement on excursion fare travel between Los Angeles/Miami/New York/San Francisco/Washington, D.C. and Buenos Aires/Santiago; reducing from 10 to 7 days the requirements for northbound travel from Guayaquil/Quito to Miami; and eliminating the present 10-day minimum-stay period for travel from Bogota to Miami.

A new resolution, to be effective January 1, 1971, through March 31, 1972, would govern group inclusive tour (GIT) fares for travel from the United States to points in Colombia and incorporates fares and provisions related to their use which were previously approved by the Board under a current resolution.[1] However, fares would be established for additional markets, and these would provide reductions of about 40 percent from normal round-trip economy-class fares. An existing resolution providing for GIT fares from the United States to Venezuela would be amended by the inclusion of additional fares for travel by groups of 50 or more, and these would provide discounts from applicable round-trip economy fares up to approximately 50 percent.

Other elements of the agreement for expedited effectiveness include amended resolutions governing the sale of air transportation/inclusive tours under installment plans in the currencies of certain South American countries and provisions for the construction of through economy-class fares by carriers using, on certain United States domestic sectors, BAC–111 aircraft having a minimum of 69 seats (the 34-inch seat pitch configuration of which has nine rows of five-abreast seating and six rows of four-abreast), as well as the use of all types of equipment on Hawaiian domestic services.

In support of the agreement, Pan American World Airways, Inc. (Pan American), and Braniff Airways, Inc. (Braniff) indicate that the changes contemplated in the limited number of markets involved will not seriously disrupt travel plans, particularly in light of a minimal number of advance bookings. Pan American adverts to its Latin American operating loss of more than $36 million (before interest expense) for the year ended September 30, 1970, and estimates that the proposed fare changes will provide a 4.3-percent increase in revenues for the markets involved.[2] Braniff estimates that the net revenue increase will not exceed 5 percent in the areas involved.

By Order 70–12–62, dated December 11, 1970, the Board established a procedural date of December 24 for the receipt of comments from interested persons and parties with respect to the subject fare changes. No comments have been received.

We will approve the agreement in light of the depressed earnings situation of the carriers which indicates on its face that there is a need for additional revenues. The proposed normal fares on a per mile basis are comparable to those in effect in other areas and are not unreasonable, while the excursion fare increases flow from the normal fare increases and tend to maintain, in the case of economy excursion service, the same relationships to normal fares as presently exist. The alteration of the minimum-stay requirements does not appear to be unreasonable and the availability of new GIT fares, on the same basis as now applies, to additional U.S. cities should help stimulate air travel from those cities to Colombia and Venezuela. While we are herein approving the agreement, we believe it should be implemented on statutory notice. The traveling public and travel agents need a reasonable period of time to accommodate themselves to the fare changes. The 30-day statutory notice requirement, among other things, is intended to provide such a period. Accordingly, we are approving the agreement effective this date, provided that tariffs implementing the changes shall not be filed on less than 30 days' statutory notice.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act:

CAB agreement 22050	IATA No.	Title	Application
R-2	001L	Inclusion of Thisted in Attachments	2; 1/2; 2/3; 1/2/3.
R-3	001y	TC1 Special Effectiveness Resolutions (NEW)	1.
R-4	001yy	TC1 Escape Resolution	1.
R-14	003	Standard Rescission Resolution	1/2 (N. Atl.).
R-5	014a	Expedited Construction Rule for Passenger Fares (Amending)	1; 3/1; 1/2 (N. Atl.) 1/2/3 (N. Atl.).
R-6	051	TC1 First Class Fares (Amending)	1.
R-7	061	TC1 Economy Class Fares (Amending)	1.
R-8	070	TC1 Excursion Fares (Amending)	1.
R-9	084j	TC1 14 Day Group Inclusive Tour Fares—Venezuela (Amending.).	1.
R-11	281	Sale of Air Transportation/Inclusive Tours Under Instalment Plans in Currencies of South American Countries Marked with an Asterisk in Resolution 021b—Except Argentina, Brazil, Chile, Paraguay, Peru, and Uruguay (Revalidating and Amending).	1.
R-12	281e	Sale of Air Transportation/Inclusive Tours Under Instalment Plans in Local Currency in Peru (Revalidating and Amending.).	1.

2. The Board does not find that the following resolution, incorporated in the agreement indicated, is adverse to the public interest or in violation of the Act: *Provided*, That approval shall be subject to the conditions hereinafter stated:

CAB agreement 22050	IATA No.	Title	Application
R-10	084m	TC1 Group Inclusive Tour Fares USA—Colombia (NEW)	1

[1] IATA Resolution 084l, approved by Orders 70–4–73, dated Apr. 15, 1970, and 70–4–142, dated Apr. 28, 1970.

[2] PAA estimates that at the experienced traffic levels for the year ended September 1970, their additional revenues would have been $765,000.

Provided that:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

3. The Board does not find the following resolution, incorporated in the agreement indicated, and which is not directly applicable in air transportation, to be adverse to the public interest or in violation of the Act:

CAB agreement 22050	IATA No.	Title	Application
R-1	001l	Closing and Opening of Ndola Airport (NEW)	2

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 22050 set forth in finding paragraphs 1 and 3 above be and hereby are approved;

2. That portion of Agreement CAB 22050 set forth in finding paragraph 2 be and hereby is approved, subject to the conditions stated therein; and

3. Insofar as air transportation as defined by the Act is concerned, tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-667 Filed 1-15-71;8:50 am]

[Docket No. 22508]

MAINLAND-PONCE SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 8, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Hyman Goldberg.

Requests for information and evidence, statements of proposed issues, and proposed procedural dates shall be filed with the Examiner, Bureau Counsel, and the parties named in Orders 70–8–102 and 70–12–49, on or before February 1, 1971. Petitions for leave to intervene shall be filed on or before the same date.

Dated at Washington, D.C., January 13, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-663 Filed 1-15-71;8:50 am]

[Dockets Nos. 21866, 22784; Order 71-1-62]

OZARK AIR LINES, INC.

Order of Investigation and Suspension Regarding Fare Increases in Short-Haul Markets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1971.

By tariff revisions[1] marked to become effective January 14, 1971, Ozark Air Lines, Inc. (Ozark), proposes to increase its regular and discount fares in 36 Chicago markets under 500 miles.[2]

In support of its proposal, Ozark asserts that because of its deteriorating financial condition it is in particular need of increased revenues at this time. The carrier asserts that the Chicago markets in which it is seeking a fare increase have higher cost levels and are not typical of the industry or Ozark's system as a whole. Ozark believes its proposal is consistent with the Board's findings in Orders 70–11–134 and 70–11–136 in which the Board indicated approval of fare increases in specific markets having cost and other characteristics similar to those for which it is seeking increases here.

No complaints have been filed.

Ozark's instant proposal to increase certain regular fares comes within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

Ozark's fare filings involves only 36 markets out of its entire system and purports to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, this filing does not involve an evaluation of basic costs of service, including load factors, now underway in the passenger-fare investigation to the same degree as its earlier tariff proposal to increase all fares which were suspended pending investigation.[3]

We believe that the information furnished by Ozark, as well as other information available to the Board, adequately establishes that Chicago experiences congestion of a magnitude which results in costs atypical of those prevailing in the air transport system in general and Ozark's system in particular. Ozark has shown that its Chicago terminal costs are substantially higher than it experiences elsewhere on its system, and its scheduled block times on flights over Chicago segments are one-quarter to one-third longer than over segments of comparable distance not involving Chicago. Accordingly, with the exceptions noted below, we will permit the proposed increases in the Chicago markets.

There are some instances where Ozark, in constructing its fares, employed rounding techniques inconsistent with previous Board orders. Consequently, we will suspend those fares which are enumerated in Appendix A.[4]

Upon consideration of all relevant matters, the Board finds that the proposed military fare increases, which are herein suspended, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the YM class fares and provisions described in Appendix A hereto, and rules, regulations, or prac-

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Present coach fares in markets of 200 miles or less would be increased, in most cases, by approximately $2, and in markets between 201 and 500 miles by approximately $3.

[3] Order 70–12–45.

[4] Appendix A filed as part of the original document.

tices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A[4] hereto are suspended and their use deferred to and including April 13, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-668 Filed 1-15-71;8:51 am]

[Docket No. 20051; Order 71-1-55]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Authorizing Discussions and Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1971.

By letter dated November 24, 1970, Pan American World Airways, Inc. (Pan American), requests authority from the Board to engage in joint discussions with other United States and foreign airlines using the International Arrivals Building (IAB) at John F. Kennedy Airport. The purpose of such discussion is to resolve the problem posed by a letter of November 4, 1970, of the Port of New York Authority (PNYA) which was sent to all airlines using IAB requesting that the airlines arrange to limit their passenger arrivals beginning June 15, 1971, in order to alleviate critical passenger congestion in the Custom facilities at IAB.[1]

PNYA's letter expresses a very serious concern for the extreme passenger congestion situation at IAB beginning in the summer of 1971. The letter states that PNYA has completed an analysis and review of this past summer's experience, has made a comparison with its experience of the preceding 1969 summer, and has arrived at projections for the summer of 1971. The letter further states in effect that, based upon its study of the problem and, knowing no way whereby the capacity of Kennedy Airport for the summer of 1971 can be increased to accommodate the anticipated passengers arriving in peak hours who require Federal inspection clearances, PNYA arrived at its decision to request the airlines concerned to plan passenger arrivals. PNYA indicates its awareness that planning passenger arrival times at IAB to given maximums will not guarantee the elimination of intolerable congestion, since delays and other variances in actual flight arrivals vis-a-vis scheduled flight arrival will occur. However, PNYA believes that planning arrivals so that they do not exceed the maximum requested will substantially lessen the probability of unacceptable congestion at IAB. PNYA states that, while it has under review measures to be taken in the event peak passenger arrivals at IAB in the summer of 1971 congest the IAB to an unacceptable level, at this time the only measure it knows of is to hold arriving passengers on aircraft until the facility can accept them. PNYA believes it is urgent that the airlines seek and gain approval from the Board to discuss and arrange their passenger arrivals at IAB. In addition, PNYA notes the existence of an Airline Scheduling Committee which was formed with Board approval to allocate hourly slots among the airlines serving Kennedy Airport and other airports subject to the Federal Aviation Administration's High Density Traffic Airports regulation,[2] and suggests that the airlines concerned may wish to use the Airline Scheduling Committee as a vehicle to arrange their passenger arrivals at the IAB.

The Bureau of Customs of the Department of the Treasury (Customs) has indicated its complete agreement with the recommendations of PNYA to achieve the elimination of excessive peak arrival periods.[3] Customs notes its responsibility for carrying out the President's priority programs of suppressing the flow of narcotics and dangerous drugs coming into the United States, and attributes the major drawback to passenger facilitation at IAB to the continuation of airline scheduling patterns which concentrate the bulk of arriving passengers within certain peak hours. Customs advises that it plans to install several additional inspection belts in each wing of the IAB and provide sufficient manpower to staff the additional belts during the peak summer hours. Based upon the advice of the Director of Customs at Kennedy Airport, Customs indicates that it can effectively handle the 2,500 passengers per hour limitation requested by PNYA for IAB.

Upon consideration of the matter, we have decided to grant Pan American's request for multicarrier discussions, subject to the restrictions set forth below. The congestion caused by large numbers of simultaneously arriving passengers at IAB presents extraordinary circumstances which warrant the affected carrier's collective consideration. Accordingly, we find that the public interest in reducing the IAB congestion problem warrants a grant of approval for discussions and joint arrangements among affected airlines. However, we also find that the public interest requires the imposition of the restrictions hereinafter stated.

To begin with, the area of concern presently before the Board involves international arrivals of passengers at IAB, rather than, as in previous cases, the number of movements of total aircraft at various high density airports. For this reason, the parties eligible to enter into discussions and joint arrangements for the adjustment of international passenger arrivals at IAB will be limited to those United States and foreign air carriers that transport international passengers for arrival in the United States at IAB and are subject to clearance by U.S. inspection agencies, and the discussions will be limited to the facilities congestion problem at IAB. On the other hand, the discussions need not be limited to the movement of aircraft arriving at IAB, but may extend to consideration of such factors, for example, as types and characteristics of aircraft carrying international passengers to IAB, load factors on IAB destined aircraft, the number of passengers actually being transported, time of arrivals, the facilitation of inspection clearances, and proposed remedies for or accommodation to the facilities congestion problem.

Also, PNYA has suggested that the Airline Scheduling Committee, presently established and in operation under prior Board authority to discuss scheduling adjustment at high density airports, may, upon the airlines' election, serve as a vehicle to arrange passenger arrivals at the IAB. While the New York Scheduling Committee does function in the area of transportation operations at John F. Kennedy International Airport, its discussions also include LaGuardia Airport and, when made subject to the regulations of the Federal Aviation Administration and Board approval, Newark Airport.[4] Thus, the number of carriers represented on this Committee may be greater than those directly concerned with the facilities congestion problem at the IAB. However, the established framework of the existing Scheduling Committees may be useful for the instant discussions. We shall not bar the use of the current Scheduling Committee framework, subject to our earlier discussed condition pertaining to the parties who may participate in such discussions.

The procedures to be followed in conducting the discussions will be left to the discretion of the parties involved. However, we will require that adequate notice of any meeting be given and that a Board observer be permitted to attend each meeting as well as any representatives designated by PNYA, Bureau of Customs and other interested Federal departments and inspection agencies. In addition, we will require the carriers to file within 5 days of each meeting a full and complete report of each IAB carrier meeting summarizing the intercarrier discussions and detailing the arrangements made in and resulting from those discussions. Since the Board is granting prior approval to the holding of the IAB carriers' discussions and arrangements,[5] these reports will enable the Board to determine whether any subsequent Board action is necessary. Further, our approval shall extend to October 24, 1971, the present expiration date of the New York Scheduling Committee.

Our approval of the carriers' discussions and arrangements also extends to resultant agreements among the discussants for the adjustment of schedules operated to IAB, to further the PNYA and Customs' needs. Such prior approval is being granted out of recognition of the need for expedition relating to the discussions and plans for the 1971 peak season. The reporting conditions and our retention of jurisdiction will provide us with the means of taking any further action on such agreements as may be in the public interest.

Accordingly, it is ordered, That:

1. Pan American World Airways, Inc., is hereby authorized to hold discussions and enter into joint arrangements with other United States and foreign air carriers providing foreign air transportation to New York City at IAB, John F. Kennedy Airport, to alleviate the facility congestion for international passenger arrivals at such terminal, subject to the following conditions:

(a) The purpose of the discussions shall be to facilitate the voluntary adjustments in international passenger arrivals so that the total of such arrivals will not exceed limitations of 2500 passengers per hour and, to the extent feasible, such further limitations as herein requested by Port of New York Authority and supported by the Bureau of Customs of the Department of the Treasury;

(b) Discussions and arrangements shall be limited to the matters affecting international passenger arrival facilities congestion problems only at IAB, John F. Kennedy Airport in New York City;

(c) The authorization also constitutes approval pursuant to section 412 of the Federal Aviation Act of any agreement for the adjustment of schedules which may be made among the discussants stemming solely from activities in conformity with this order;

(d) Eligibility to participate in the activities authorized herein shall extend to all certificated air carriers and foreign air carriers authorized to provide scheduled services at John F. Kennedy Airport, New York City, all supplemental air carriers, and all foreign air carriers holding permits authorizing charter foreign air transportation as defined in § 214.2 (a) of the Board's economic regulations: *Provided,* That service by such carriers at the John F. Kennedy Airport is in fact provided at the International Arrivals Building and is there subject to Customs' clearance;

(e) A notice of any meeting called pursuant to this order shall be filed with the Board in this docket and mailed to all carriers referred to in subparagraph (d), supra, and agencies and authorities referred to in paragraph 4, infra, at least 7 calendar days prior to such meeting; a report (or complete and accurate minutes) of all discussions, and details of all arrangements entered into, will be made, and copies thereof shall be served on each of the above persons upon whom a meeting notice must be mailed within 14 days after the conclusion of each meeting, and two copies thereof shall be filed with the Board within 5 working days after the conclusion of each meeting or at the same time that copies are served upon the carriers, whichever is earlier;

(f) Representatives of the Board and all interested Federal departments and agencies, of all carriers described in subparagraph (d), above, and of the Port of New York Authority shall be permitted to attend the meetings;

(g) The discussants shall not discuss schedules in particular city pairs or submit information concerning their proposed services or schedules in such a fashion as to indicate the city pairs involved;

(h) The authorizations and approvals herein shall not be construed as authorizing discussions of rates, fares, charges, or inflight and other services in connection with air transportation; and

(i) There shall be filed with the Board, by whatever body the discussants form or utilize for their activities, a report, in triplicate, containing the information submitted to it by the carriers in advance of a meeting of that body showing the respective carriers' proposed schedules. Such report shall be filed with the Board at the same time that it is transmitted to the carriers;

2. The authorization granted herein shall expire on October 24, 1971, and this order may be earlier revoked or amended at any time at the discretion of the Board;

3. The Board reserves the right to disapprove or modify any arrangements resulting from the discussions herein authorized; and

4. A copy of this order shall be served upon all U.S. certificated air carriers and all foreign air carriers holding permits from the Board which provide foreign air service to IAB, John F. Kennedy Airport; the Departments of the Treasury, Transportation, and Justice; the Federal Aviation Administration; and the Port of New York Authority.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-669 Filed 1-15-71;8:51 am]

[Dockets Nos. 22392, 22393; Order 71-1-56]

PIEDMONT AVIATION, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1971.

Application of Piedmont Aviation, Inc., for amendment of its certificate of public convenience and necessity for Route 87.

Application of Piedmont Aviation, Inc., for authority to suspend service temporarily at Blacksburg-Radford-Pulaski, Va.

Piedmont Aviation, Inc. (Piedmont) has filed an application[1] to amend its certificate of public convenience and necessity for Route 87 by deleting Blacksburg-Radford-Pulaski, Va. (hereinafter New River Valley). Piedmont also filed an application[2] requesting authority to suspend service temporarily at New River Valley until the Board acts upon its application in Docket 22392.

In support of its application in Docket 22393, Piedmont alleges, inter alia, that in spite of normal promotional efforts and upgrading of flight equipment, New River Valley has not generated sufficient passenger traffic to warrant the continuation of air service;[3] that continuation of service at New River Valley would generate a subsidy requirement of approximately $83,544, or $13.12 per passenger; that nearby Roanoke now diverts much of the relatively small traffic potential of New River Valley due to superior service there and a newly completed four-lane divided highway which makes facilities more readily available to potential New River Valley passengers; and that even were it economically feasible to operate jet aircraft at New River Valley, Piedmont could not do so because the runway cannot accommodate Boeing 737 aircraft.

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[5] Concurring and dissenting statements of Vice Chairman Gilliland and Member Minetti filed as part of the original document.

[1] Specifically, PNYA requested all airlines whose arriving passengers pass through IAB to plan their respective passenger arrivals so that, beginning June 15, 1971, there will be a maximum of (1) 2,500 passengers arriving at the IAB during any hour; (2) 1,250 passengers arriving at each of the two wings of the IAB during any 60-minute period; (3) 750 passengers arriving at each of the two wings of the IAB in any 30-minute period; and (4) 500 passengers arriving at each of the two wings of the IAB in any 15-minute period.

[2] The New York Scheduling Committee was established to discuss airline scheduling adjustments in the New York area which includes JFK Airport, as well as LaGuardia and Newark Airports, and Board approval of its activities has been extended through Oct. 24, 1971. See Order 70-11-112, Nov. 23, 1970.

[3] Letter of Nov. 30, 1970, from the Acting Commissioner, Bureau of Customs, to Mr. S. G. Tipton, President, Air Transport Association.

[4] Order 70-11-112, Nov. 23, 1970.

[5] As in the case of our approval of the Scheduling Committee Agreements, our approval will preclude discussions or arrangements regarding schedules in particular city pairs and the submission of information concerning proposed service or schedules in a fashion which will indicate the city pairs involved. See Order 68-12-11, Dec. 3, 1968.

[1] Docket 22392.

[2] Docket 22393.

[3] Piedmont alleges that it enplanes only 1.8 passengers per departure at New River Valley in 1969.

Answers in opposition were filed by several parties.[4] Included among them was the New River Valley Airport Commission[5] representing several civic parties, alleging, inter alia, that Piedmont has not fully exploited the area's passenger and cargo potential because of poor scheduling and customer service and unnecessary referral of persons to service at Roanoke, and that continued air service will be essential if the area is to continue growing as it has in the past 10 years.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Piedmont's request for a temporary suspension of service, and to set for hearing Piedmont's application to delete Blacksburg-Radford-Pulaski from its certificate.

We believe that under all the circumstances it would be appropriate to consider, in a full evidentiary hearing, the conflicting assertions referred to above regarding Piedmont's low traffic generation. We also note that there will be no replacement service at New River Valley should Piedmont's application be granted, and the Blacksburg area will be without air service for the first time since 1962.

Accordingly, it is ordered, That:

1. The application of Piedmont Aviation, Inc., in Docket 22393, be and it hereby is denied;

2. The application of Piedmont Aviation, Inc., in Docket 22392, be and it hereby is set for hearing at a time and place to be hereafter designated; and

3. This order shall be served on the parties served with the foregoing applications and on Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-670 Filed 1-15-71;8:51 am]

[Docket No. 22374]

PIEDMONT AVIATION, INC.

Notice of Prehearing Conference Regarding Deletion of Elizabeth City, N.C.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 5, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Requests for information and evidence, statements of proposed issues, and proposed procedural dates shall be submitted to the Examiner, Bureau Counsel, the carrier and the city on or before January 29, 1971.

Dated at Washington, D.C., January 13, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-664 Filed 1-15-71;8:50 am]

[Docket No. 22301]

PIEDMONT AVIATION, INC.

Notice of Prehearing Conference Regarding Deletion of Southern Pines/Pinehurst/Aberdeen, N.C.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 4, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Requests for information and evidence, statements of proposed issues, and proposed procedural dates should be submitted to the Examiner, Bureau Counsel, the carrier, and the city points on or before January 28, 1971.

Dated at Washington, D.C., January 13, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-665 Filed 1-15-71;8:50 am]

[Docket No. 23001; Order 71-1-53]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1971.

By tariffs variously bearing posting and issue dates of November 30 and December 11, and marked to become effective January 14, 1971, Trans World Airlines, Inc. (TWA), proposes to establish multicontainer rates in the westbound direction only from New York, Newark, Boston, and Philadelphia to Los Angeles and San Francisco.

The proposal provides a minimum charge per container, for nine or more Type A containers, and a rate per hundredweight for weight in excess of 5,000 pounds in such container. In addition, shipments of nine or more Type A containers may be accompanied by additional traffic, at comparable rates, in LD-3 and LD-7 containers.

The proposed minimum charges result in reductions ranging from 9 to 14 percent for a 3,200-pound container load (equal to the minimum weight of the present Type A single container rates), and from 35 to 39 percent for a 5,000-pound container. The proposed multicontainer excess-weight rates represent further reductions from the present single-container excess rates of from 13 to 18 percent.[1]

Complaints requesting investigation and suspension have been filed by American Airlines, Inc. (American), and The Flying Tiger Line Inc. (Flying Tiger). The complaints assert, inter alia, that the proposed rates and charges are not cost-justified and that the particular rate levels are below the level of five or more Type A multicontainer rates now under suspension by the Board, supra, and would be uneconomic as a basic rate for the carriage of general commodities in prime markets in the predominant westbound direction. In addition, the complainants allege the proposal is discriminatory against the single container shipper and that these reduced multicontainer rates are not the answer to the competitive problem presented by the cargo charters.

In support of its proposal[2] and in answer to the complaints, TWA states that (1) the proposed rates are intended to meet the diversionary competition of certain regularized charter operations; (2) the minimum shipment size is sufficiently above that of existing traffic to protect present revenues from dilution; (3) proposed rates provide sufficient revenue to cover all out-of-pocket costs and provide a contribution to overhead; and (4) the nature of the filing will lead to consistent daily utilization of the capacity required to move such multicontainer shipments.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The proposed rates, effecting reductions up to 39 percent, would be substantially below the multicontainer rates suspended by the Board on November 27, 1970, in Order 70-11-137. While conceding that the rates will not cover fully allocated costs, TWA contends that the rates will provide revenue sufficient to cover all incremental costs and provide a contribution to overhead of $1,064 per flight. As the complaints point out, there is no requirement in the tariff that all nine containers will necessarily move on the same aircraft, or even be tendered at the same time, and there is therefore no sound basis to assume that the particular aircraft transporting this traffic will operate at the high load factor assumed.

There is no basis to assume that the proposed rates will generate traffic which is not now moving by air and the lower rates may significantly dilute the revenues from the carriers' prime westbound service. There are undoubtedly economies in handling containerized traffic, and the existing rate structure should and does provide an incentive for unitization and density. However, the proposed rates appear to be out of proportion to the savings potential.

We do not discount the contention that charter operations may be competitive with scheduled service.[3] We do not believe, however, that the answer to this competitive problem lies in the establishment of rates which appear to be uneconomic for scheduled freight services and which would not be profitable in the long run.

The Board has previously suspended a proposal to extend multicontainer rates to additional markets (Order 70-7-1), and has suspended a proposal to extend the life of the then existing multicontainer rates (Order 70-11-137) upon grounds of discrimination where no adequate cost justification was provided to support the lower unit rates for shipments of multicontainers. TWA has not purported to show lower unit costs in handling multicontainers compared with single containers. The proposed discounts widen the spread between single-container and multicontainer shipments and thereby aggravate the discrimination.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and charges described in Appendix A hereto,[5] and rules, regulations, or practices affecting such rates and charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and charges, and rules, regulations, and practices affecting such rates and charges;

2. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto[5] are suspended and their use deferred to and including April 13, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein is assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated;

4. The complaints of American Airlines, Inc. in Docket 22909, and The Flying Tiger Line Inc., in Docket 22922, are dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., The Flying Tiger Line Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-671 Filed 1-15-71;8:51 am]

[4] They include the Division of Aeronautics of the State Corporation Commission of Virginia; the board of supervisors of Giles County; the New River Valley Planning District Commission; the town counsel of Pulaski; the New River Valley Industrial Commission; the Pulaski County board of supervisors; the counsel of the town of Dublin; the counsel of the city of Radford; and the counsel of the town of Pearisburg.

[5] The Commission also included in its answer a request that the Board make Allegheny Airlines, Inc., and Southern Airways, Inc., parties to the case. However, these carriers have filed no motions for intervention in this proceeding, and the Commission has made no showing that Allegheny or Southern could serve New River Valley on an economic basis. In these circumstances, the Board has decided to deny the request that Allegheny and Southern be made parties.

[1] The proposed rates also range from 6 to 9 percent below the five-or-more Type A multicontainer rates suspended by the Board by Order 70-11-137 dated Nov. 27, 1970.

[2] The Board's economic regulations provide that there shall be submitted with tariff filings an explanation of the new or changed matter, the reasons for the filing, including if applicable the basis of rate making employed, as well as the economic data or information on which the carrier intends the Board rely (14 CFR 221.165). TWA's initial justification did not accompany the tariff filing transmittal as required by the regulations, and in fact was submitted one week after the tariff filing. A subsequent communication to supplement the original justification was submitted, dated Dec. 18, 1970, but was not directed to the Civil Aeronautics Board Tariffs Section as contemplated by the regulations (14 CFR 221.162). While the Board is considering the instant filings on the merits, carriers are advised that failure to comply with the foregoing regulations may result in rejection of the tariff filing.

[3] The complainants recognize the competitive problem of charter operations, however, they urge that the instant proposal is not the solution to the problem. Rather, American and Flying Tiger urge that the Board take action in Docket 22057, wherein scheduled carriers have requested that the Board disapprove charter agreements between Airlift and Shulman as well as the Shulman/WTC joint loading agreement.

[4] In addition, there is an inversion in the rates which would warrant suspension of the proposal. Specifically, the minimum charges per container produce a lower rate per 100 pounds than the rate per 100 pounds which would apply to excess weight, as shown by the following example:

Container type	Minimum charge	From New York to Los Angeles: Minimum weight	Average rate per cwt	Rate per cwt for excess weight in excess of minimum weight
A	$640	5,000	$12.80	$14
LD-3	215	1,667	12.89	14
LD-7	490	3,750	13.07	14

[5] Appendix A filed as part of the original document.

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 83]

H. F. AHMANSON & CO. AND AHMANCO, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Mountain View Savings and Loan Association

JANUARY 13, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the H. F. Ahmanson & Co., Los Angeles, Calif., a unitary savings and loan holding company which is controlled by Ahmanco, Inc., Los Angeles, Calif., for approval of acquisition of control of the Mountain View Savings and Loan Association, Mountain View, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the merger of Mountain View Savings and Loan Association into Home Savings and Loan Association, an insured subsidiary of H. F. Ahmanson & Co., by means of an exchange of shares of Mountain View for cash and shares in H. F. Ahmanson & Co. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-609 Filed 1-15-71;8:46 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-173]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 12, 1971.

Take notice that on January 4, 1971, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP71-173 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of certain transmission and compressor facilities, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to install and operate one 2,000-horsepower unit at its existing North Ulysses Compressor Station in Kearny County, Kans., 3,500-horsepower at its existing United Compressor Station in Grant County, Kans., and one 2,000-horsepower compressor unit at its existing Straight Compressor Station in Texas County, Okla. Applicant also proposes to construct and operate approximately 16.4 miles of 26-inch pipeline and related appurtenant facilities paralleling and looping its existing 26-inch Blackwell-Grabham pipeline in Chautauqua and Montgomery Counties, Kans., and approximately 5 miles of 12-inch pipeline and related appurtenant facilities paralleling and looping its existing 8-inch Fort Scott pipeline in Allen County, Kans.

Applicant states that the proposed facilities are necessary to insure applicant's ability to continue to meet its customers' demands for natural gas under peak day conditions, and will create needed reserve capacity.

Applicant states that the total estimated cost of the proposed facilities is $4,300,000, which will be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-616 Filed 1-15-71;8:47 am]

[Docket No. CP71-171]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

JANUARY 11, 1971.

Take notice that on December 29, 1970, Eastern Shore Natural Gas Co. (applicant), 114 East Main Street, Salisbury, MD 21801, filed in Docket No. CP71-171 an application pursuant to section 7(c) of the Natural Gas Act for authority to transport and sell 140 Mcf of LGA-1 gas service (liquefied natural gas) to certain of its resale customers, as hereinafter described, all as more fully set forth in this application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authority to furnish storage service in accordance with the following schedule:

Customer	Daily demand	Capacity volume
Cambridge Gas Co.	15	315
Chesapeake Utilities Corp., Citizens Gas Division	40	765
Dover Gas Light Division	75	1,470
Sussex Gas Division	10	220
Total	140	2,770

Applicant states that its service proposal is dependent upon the currently pending application in Docket No. CP71-162, filed by its supplier, Transcontinental Gas Pipe Line Corp., wherein the latter pipeline seeks authority to sell 140 Mcf per day of liquefied natural gas service to Eastern Shore. Applicant further states that its service will provide substantial economic and operational benefits to the several distribution companies to which service is now proposed.

Applicant states that the proposed service can be made effective without the construction of any new transmission facilities and will not require any new delivery points to the proposed customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-640 Filed 1-15-71;8:48 am]

[Docket No. CS71-169, etc.]

FRANCIS OIL & GAS, INC., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JANUARY 12, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS71-169	12-18-70	Francis Oil & Gas, Inc. (Operator), et al., 4120 East 51st St., Tulsa, OK 74135.
CS71-170	12-18-70	P. C. Frazee, 301 North Main, Syracuse, KS 67878.
CS71-171	12-21-70	A. R. Dillard (Operator) et al., 1600 10th St., Wichita Falls, TX 76301.
CS71-172	12-21-70	John A. Hairford, Post Office Box 594, Hooker, OK 73945.
CS71-173	12-21-70	Westmore Drilling Co., Inc. (Operator), et al., Post Office Box 206, Chapin Bldg., Medicine Lodge, KS 67104.
CS71-174	12-22-70	R. J. Patrick, Post Office Box 1273, Liberal, KS 67901.
CS71-175	12-28-70	Rudman Resources, Inc., 1730 Mercantile Dallas Bldg., Dallas, TX 75201.
CS71-176	12-28-70	Williams Properties, Inc., 1730 Mercantile Dallas Bldg., Dallas, TX 75201.
CS71-177	12-28-70	Donald W. Jackson, 1411 North Carlton, Liberal, KS 67901.
CS71-178	12-30-70	Graham-Michaelis Drilling Co. and Sierra Petroleum Co., Inc., 302 G-M Bldg., 211 North Broadway, Wichita, KS 67202.
CS71-179	12-18-70	Herman Geo. Kaiser (Operator) et al., 4120 East 51st St., Tulsa, OK 74135.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.71-639 Filed 1-15-71;8:48 am]

[Docket No. CP71-174]

LONE STAR GAS CO.

Notice of Application

JANUARY 11, 1971.

Take notice that on January 4, 1971, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-174 a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(c) of the Commission's regulations for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of gas sales or transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct facilities for sales of natural gas to industrial customers located outside the franchise area of local distributors and miscellaneous rearrangements including changes in existing field operations or relocation of existing facilities. Applicant states that the maximum delivery to any one customer will not exceed 100,000 Mcf annually, and that none of the gas will be used for boiler fuel purposes.

Applicant states that the requested budget-type certificate authorization will avoid the preparation and processing of individual application for each minor installation or rearrangement, procedures which are expensive and time consuming to applicant and to the Commission.

Applicant states that the total estimated cost of the proposed facilities will not exceed $200,000, with no single project to exceed $25,000. The entire cost of the proposed facilities will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-641 Filed 1-15-71;8:48 am]

[Docket No. CP71-169]

MID LOUISIANA GAS CO.

Notice of Application

JANUARY 12, 1971.

Take notice that on December 28, 1970, Mid Louisiana Gas Co. (applicant), Post Office Box 1707, Shreveport, LA 71102, filed in Docket No. CP71-169 an application pursuant to section 7(c) of the Natural Gas Act seeking authorization for: (i) The development and operation of an underground reservoir for the storage of natural gas, to be designated the Hester Storage Field; (ii) the construction and operation of certain facilities to deliver gas to and from the storage field; and (iii) the sale of changed volumes of natural gas to various existing resale customers of applicant, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states it proposes to acquire rights and interests and to install facilities, including a small compressor station of 2,200-horsepower, to develop and operate the Discorbis D-2 Sand, Hester Field in St. James Parish, LA, as an underground reservoir for the storage of natural gas, and that it proposes to install and operate facilities, including approximately 8.8 miles of pipeline, required to deliver gas to and from the field. Applicant also states that, in order to meet the urgent needs of its resale customers, it has agreed to certain increases in maximum daily delivery obligations and, in order that gas may be available for injection into storage, applicant's general service resale customers have agreed to certain lesser maximum daily delivery obligations during the period April through October of each year.

Applicant states that Transcontinental Gas Pipe Line Corp. (Transco) has agreed to transport gas for Applicant and deliver it at a point in St. James Parish for receipt and injection into storage by Applicant, and that both Transco and United Gas Pipe Line Co. (United) have agreed to receive gas withdrawn by Applicant from storage and to deliver equivalent quantities to Applicant at delivery points in East Feliciana and East Baton Rouge Parishes, La.

The application further states that during the winter season (November through March) gas will be withdrawn from storage at initial rates of up to 60,000 Mcf per day and that during the first 3 years of operation, between 2,000,000 and 3,000,000 Mcf will be withdrawn from storage each heating season. The total estimated cost of constructing and developing the Hester Storage Field, including initial cushion gas and installation of pipeline and measuring facilities by applicant to Transco and United out of the field, is $5,570,600, approximately 25 percent of which will be provided through internally generated funds and the balance of which will be provided by borrowings arranged by Applicant's parent company, Houston Natural Gas Corp.

Mid Louisiana states that the sales requirements of its system consist largely of deliveries to local distribution systems for resale for domestic commercial heating purposes, and that the extreme fluctuations in these sales caused by changes in temperature make the use of underground storage of unique value in meeting these requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-617 Filed 1-15-71;8:47 am]

[Project 1473]

MONTANA POWER CO.

Notice of Application for Amendment of License for Constructed Project

JANUARY 12, 1971.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Montana Power Co. (correspondence to: George W. O'Connor, President, The Montana Power Co., General Offices, Electric Building, Butte, MT 59701) for its constructed Georgetown Lake Project No. 1473, located on Flint Creek in Deer Lodge and Granite Counties, Mont., and affecting lands of the United States.

Licensee seeks amendment of license Article 20 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times one and one-half, or 6 percent, whichever is greater. This provision would be substituted for the straight 6-percent rate of return provision presently specified by Article 20.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc. 71-618 Filed 1-15-71;8:47 am]

[Project 1869]

MONTANA POWER CO.

Notice of Application for Amendment of License for Constructed Project

JANUARY 12, 1971.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Montana Power Co. (correspondence to: George W. O'Connor, President, The Montana Power Co., General Offices, Electric Building, Butte, MT 59701) for its constructed Thompson Falls Project No. 1869, located at Thompson Falls on Clark Fork River, in Sanders County, Mont., and affecting lands of the United States.

The application seeks amendment of license Article 22 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves would be established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the Company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This provision would be substituted for the straight 6-percent rate of return provision presently specified by license Article 22.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-642 Filed 1-15-71;8:48 am]

[Project 2188]

MONTANA POWER CO.

Notice of Application for Amendment of License for Constructed Project

JANUARY 12, 1971.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Montana Power Co. (correspondence to: George W. O'Connor, President, The Montana Power Co., General Offices, Electric Building, Butte, MT 59701) for its constructed Missouri-Madison Project No. 2188, located on the Missouri and Madison Rivers in the vicinity of Great Falls in Cascade County; in the vicinity of Helena in Lewis and Clark County; in the vicinity of Boseman in Gallitin County; and in the vicinity of Virginia City in Madison County—all within the State of Montana, and affecting lands of the United States.

Licensee seeks amendment of license Article 24 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This provision would be substituted for the straight 6 percent rate of return provision presently specified by Article 24.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-643 Filed 1-15-71;8:48 am]

[Docket No. CP71-170]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 11, 1971.

Take notice that on December 29, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71–170 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sales measuring facility and the transportation of natural gas in interstate commerce by which applicant has been making interruptible direct industrial sales to General Finance Inc., in Cloud County, Kans., as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities proposed to be abandoned, costing $17,326.76, were installed to enable applicant to deliver and sell gas to General Finance Inc. Applicant has been informed by General Finance Inc., that it has contracted for a firm supply of gas with Kansas Power and Light Co., and has requested termination of its contract with applicant upon the initiation of service by Kansas Power and Light Co.

Applicant proposes to remove such of the facilities to be abandoned as can be reclaimed and salvaged.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-644 Filed 1-15-71;8:49 am]

[Docket No. CP71-175]

SOUTHERN NATURAL GAS CO.

Notice of Application

JANUARY 12, 1971.

Take notice that on January 4, 1970, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71–175, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 8.115 miles of 18-inch loop pipeline extending from M.P. 13.608 (Bay Huertes Gate) to M.P. 21.723 (Lake Washington) on applicant's West Delta Block 30 supply line, in Plaquemines Parish, La., as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the proposed loop, which will connect at Lake Washington with applicant's 20-inch Lake Washington supply line, will provide applicant with additional pipeline capacity to move gas from applicant's West Delta Block 105–133 supply line and West Delta Block 30 supply line to applicant's Lake Washington supply line. Such additional capacity is stated to be necessary to allow applicant to transport additional volumes of gas that are presently available from West Delta supply sources but which, because of the limited capacity of the presently existing Bay Huertes-Lake Washington pipeline, cannot be transported. In addition, the application states that the installation of the proposed loop line will provide applicant with pipeline capacity which will permit the attachment of additional reserves in the West Delta area.

The estimated cost of constructing applicant's proposed facilities is $1,500,910, which cost will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-645 Filed 1-15-71;8:49 am]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by The Marine Corp., which is a bank holding company located in Milwaukee, Wis., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of Farmers State Bank, Beaver Dam, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

By order of the Board of Governors, January 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-624 Filed 1-15-71;8:47 am]

FEDERAL TRADE COMMISSION

REPORT OF "TAR" AND NICOTINE CONTENT OF SMOKE OF CERTAIN VARIETIES OF CIGARETTES

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 120 varieties of cigarettes. The laboratory utilized the Cambridge filter method specified in the FEDERAL REGISTER notice of November 4, 1966 (31 F.R. 14278), as described in an article entitled "Determination of Particulate Matter and Alkaloids (as Nicotine) in Cigarette Smoke," by C. L. Ogg, Journal of the Association of Official Agricultural Chemists, Vol. 47, No. 2, 1964, with the following modifications set forth in the FEDERAL REGISTER notice of August 1, 1967 (32 F.R. 11178):

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.,

2. Base results on a test of 100 cigarettes per brand, or type,

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection",

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in Tobacco Vol. 162, No. 24, page 32, dated June 17, 1966, to determine the moisture content,

5. Determine and report the "tar" content after subtracting moisture and alkaloids (as nicotine) from particulate matter.

Concerning the 120 varieties tested, 29 were capable of being smoked to 23 mm. or to an average range of between 23 and 24 mm. The butt lengths of the other 91 varieties tested ranged from 23 mm. to an average of between 37.2 and 40.3 mm. The butt lengths of 40 of the 120 varieties tested exceeded 30 mm.

The samples used were obtained by attempting to purchase two packages of each variety of cigarettes during May of 1970 and June of 1970 in each of 50 geographic locations throughout the country. All varieties of cigarettes were not available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where the respective varieties were available. The samples utilized in the tests were representative of the 120 varieties of cigarettes as available throughout the country at the time of purchase. Testing was completed on October 21, 1970.

The varieties tested are listed in alphabetical order. "Tar" figures have been rounded off to whole numbers and nicotine figures to tenths of milligrams.

"TAR" AND NICOTINE OF ONE-HUNDRED TWENTY (120) VARIETIES OF DOMESTIC CIGARETTES

Brand	Type	"Tar" [1]	Nicotine [2]
Alpine	King size, filter, menthol.	19	1.2
Belair	do	16	1.2
Do	100 mm., filter, menthol.	18	1.3
Benson & Hedges	Regular size, filter (hard pack).	19	1.4
Do	King size, filter (hard pack).	20	1.4
Do	100 mm., filter	20	1.4
Do	100 mm., filter, menthol.	21	1.4
Bull Durham	King size, filter	28	1.8
Camel	Regular size, nonfilter.	24	1.5
Do	King size, filter	20	1.3
Carlton [3]	Regular size, filter	2	0.2
Do	King size, filter	4	0.3
Century	100 mm., filter	21	1.3
Chesterfield	Regular size, nonfilter.	24	1.4
Do	King size, nonfilter	28	1.7
Do	King size, filter	20	1.4
Do	King size, filter, menthol.	18	1.1
Do	101 mm., filter	21	1.4
Domino	King size, filter	22	1.1
Do	King size, nonfilter	25	1.2
Do	King size, filter, menthol.	17	0.9
Doral	King size, filter	14	0.9
Do	King size, filter, menthol.	13	1.0
Duke of Durham	King size, filter	10	0.3
DuMaurier	King size, filter (hard pack).	18	1.3
Edgeworth Export.	do	18	1.2
Do	100 mm., filter	20	1.4
English Ovals	Regular size, nonfilter (hard pack).	24	1.8
Do	King size, nonfilter (hard pack).	29	2.2
Fatima	King size, nonfilter	31	1.8
Frappe	King size, filter, menthol.	9	0.3
Galaxy	King size, filter	20	1.4
Ganloises Caporal.	Regular size, nonfilter.	20	0.9
Ganloises Disque Bleu.	Regular size, filter	17	0.9
Half & Half	King size, filter	23	1.6
Herbert Tareyton.	King size, nonfilter	28	1.7
Home Run	Regular size, nonfilter.	18	1.3
Kent	Regular size, filter	9	0.5
Do	King size, filter (hard pack).	16	1.0
Do	King size, filter	16	1.0
Do	100 mm., filter	19	1.2
King Sano	King size, filter, menthol.	6	0.2
Do	King size, filter	6	0.2
Kool	Regular size, nonfilter, menthol.	21	1.3
Do	King size, filter, menthol.	18	1.4
Do	100 mm., filter, menthol.	19	1.3
L & M	Regular size, filter	17	0.9
Do	King size, filter (hard pack).	18	1.0
Do	King size, filter	18	1.1
Do	100 mm., filter	19	1.2
Do	100 mm., filter, menthol.	19	1.2
Lark	King size, filter	17	1.1
Do	100 mm., filter	18	1.1
Life	King size, filter	11	0.7
Lucky Strike	Regular size, nonfilter.	27	1.6
Lucky Filters	King size, filter	20	1.5
Do	100 mm., filter	20	1.4
Mapleton	Regular size, nonfilter.	25	1.0
Do	King size, filter	22	1.0
Marlboro	King size, filter (hard pack).	19	1.2
Do	King size, filter	20	1.3
Do	King size, filter, menthol.	19	1.3
Do	100 mm., filter	22	1.5
Do	100 mm., filter (hard pack).	21	1.4
Marvels	Regular size, nonfilter	17	0.6
Do	Regular size, filter	3	0.1
Do	King size, nonfilter	23	0.8
Do	King size, filter	5	0.2
Do	King size, filter, menthol.	4	0.2
Montclair	do	13	0.9
Multifilter	King size, filter (plastic box).	15	1.0
Do	King size, filter, menthol (plastic box).	12	0.9
Newport	King size, filter, menthol (hard pack).	19	1.1
Do	King size, filter, menthol.	19	1.1
Do	100 mm., filter, menthol.	21	1.3
Oasis	King size, filter, menthol.	18	1.0
Old Gold Straights.	Regular size, nonfilter	22	1.3
Do	King size, nonfilter	27	1.6
Old Gold Filters	King size, filter	19	1.2
Do	100 mm., filter	24	1.5
Pall Mall	King size, nonfilter	28	1.7
Do	95 mm., filter (hard pack).	19	1.3
Do	95 mm., filter, menthol (hard pack).	17	1.2
Do	100 mm., filter	20	1.4
Do	100 mm., filter, menthol.	18	1.3
Parliament	King size, filter (hard pack).	16	1.0
Do	King size, filter	16	1.0
Do	100 mm., filter	19	1.3
Peter Stuyvesant	King size, filter	24	1.5
Do	100 mm., filter	22	1.5
Philip Morris	Regular size, nonfilter.	23	1.5
Philip Morris Commander.	King size, nonfilter	29	1.8
Pleayune	Regular size, nonfilter.	19	1.4
Piedmont	do	24	1.4
Players	Regular size, nonfilter (hard pack).	30	2.0
Raleigh	King size, nonfilter	24	1.5
Do	King size, filter	17	1.2
Do	100 mm., filter	18	1.2
Salem	King size, filter, menthol.	19	1.3
Do	100 mm., filter, menthol.	21	1.5
Sano	Regular size, nonfilter.	15	0.5
Silva Thins	100 mm., filter	16	1.0
Do	100 mm., filter, menthol.	16	1.0
Spring	do	21	1.2
Stratford	King size, nonfilter	22	0.8
Tareyton	King size, filter	17	1.1
Do	100 mm., filter	18	1.2
Tempo	King size, filter	12	0.9
True	do	12	0.7
Do	King size, filter, menthol.	13	0.7
Viceroy	King size, filter	17	1.2
Do	100 mm., filter	19	1.4
Virginia Slims	do	18	1.2
Do	100 mm., filter, menthol.	18	1.2
Vogue (black)	King size, filter (hard pack).	25	0.9
Vogue (colors)	do	17	0.6
Winston	do	20	1.3
Do	King size, filter	20	1.3
Do	100 mm., filter	20	1.4
Do	100 mm., filter, menthol.	22	1.5

[1] Total particulate matter (dry)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C. only.

See footnotes at end of document.

Issued: January 13, 1971.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-683 Filed 1-15-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4965]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JANUARY 11, 1971.

Notice is hereby given that Indiana & Michigan Electric Co. (I&M), 2101 Spy Run Avenue, Fort Wayne, IN 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $30 million aggregate principal amount of its first mortgage bonds in a new series maturing in not less than three and not more than 30 years. The maturity of the bonds will be determined not less than 72 hours prior to the bidding date. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to I&M (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the mortgage and deed of trust dated as of June 1, 1939, between I&M and Irving Trust Co. and E. J. McCabe, as trustees, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of the first day of the month in which the bonds are to be issued, and which includes a prohibition until February 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

I&M also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 300,000 shares of its authorized but unissued cumulative preferred stock, par value $100 per share. The dividend rate (which shall be a multiple of $0.04) and the price (exclusive of accrued dividends) to be paid to I&M (which shall be not less than $100 nor more than $102.75 per share), will be determined by the competitive bidding. The terms of the preferred stock will include a prohibition until February 1, 1976, against refunding the stock, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or from the issuance of other stock, which ranks prior to or on a parity with the preferred stock as to dividends or assets, at a lower effective dividend cost.

I&M will apply the proceeds from the sale of the bonds and preferred stock towards the payment, at maturity, of its commercial paper, which is estimated to be outstanding in an amount not exceeding $54,340,000 at the time of issuance of the bonds and preferred stock, for working capital and reimbursement for money already expended.

The application states that the issue and sale of the bonds and preferred stock are subject to authorization by the Public Service Commission of Indiana, the State commission of the State in which I&M is organized and doing business, and by the Michigan Public Service Commission, the State commission of the State in which I&M is qualified to and is also doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by I&M in connection with the proposed issue and sale of the bonds and preferred stock will be supplied by amendment.

Notice is further given that any interested person may, not later than January 28, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-614 Filed 1-15-71;8:46 am]

[70-4964]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

JANUARY 11, 1971.

Notice is hereby given that Jersey Central Power & Light Co. (Jersey Central), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $35 million principal amount of first mortgage bonds due February 1, 2001. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof plus accrued interest from February 1, 1971, to the date of delivery) will be determined by the competitive bidding. The bonds will be issued under and secured by an Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a 19th supplemental indenture to be dated as of February 1, 1971, and which includes, subject to certain exceptions, a prohibition until February 1, 1976, against refunding the issue with proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the bonds will be used to pay, in full, Jersey Central's short-term bank notes outstanding at the date of sale of the bonds. Such notes amounted to $19,600,000 at October 31, 1970, and are expected to aggregate approximately $26 million at the date of sale of the bonds. The proceeds from the sale of such notes have been or will be used directly or indirectly for construction purposes. The balance of the proceeds will be used to partially finance Jersey Central's 1971 construction program which is estimated at $160,800,000. The proceeds from any premium resulting from the sale of the bonds will be used to finance the business of Jersey Central, including the payment of expenses of its financing program.

It is stated that the fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $90,000 including counsel fees of $28,000 and accountants' fees of $4,400 and that the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 9, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to

whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-613 Filed 1-15-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 796]

MISSISSIPPI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1970, because of the effects of certain disasters, damage resulted to residences and business property located in the town of Ecru, Miss.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid town, suffered damage or destruction resulting from a fire which occurred on December 8, 1970.

OFFICE

Small Business Administration District Office, 245 East Capitol Street, Jackson, MS 39205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1971.

Dated: January 8, 1971.

EINAR JOHNSON, *Acting Administrator.*

[FR Doc. 71-626 Filed 1-15-71; 8:47 am]

[Delegation of Authority No. 30-C (Region X), Amdt. 4]

REGIONAL DIVISION CHIEFS ET AL., REGION X

Delegation of Authority

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C (35 F.R. 2840), as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority No. 30-C (Region X) (35 F.R. 4574), as amended (35 F.R. 13809, 35 F.R. 18766, and 35 F.R. 19725), is hereby further amended by revising Item I.A.2.b, Item I.B.1, Item II.A.2.b, Item III.A.2.b, and Item IV.A.2.b, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* • • •

2. • • •

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

II. *District Directors—A. Financing Program.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

IV. *Branch Manager and Staff—Fairbanks, Alaska—A. Branch Manager.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

Effective date: December 16, 1970.

FORBES M. BRUCE, *Regional Director, Region X.*

[FR Doc.71-625 Filed 1-15-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

CARESSA, INC.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of Caressa, Inc., located in Miami, Fla. (No. TEA-W-32). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before January 19, 1971.

Signed at Washington, D.C., this 11th day of January 1971.

EDGAR I. EATON, *Director, Office of Foreign Economic Policy.*

[FR Doc.71-681 Filed 1-15-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 13, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42107—*Phosphate rock to Horn, Mo.* Filed by O. W. South, Jr., agent (No. A6217), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock), in carloads, as described in the application, from Bartow, Fla., and points grouped therewith, to Horn, Mo.

Grounds for relief—Rail-barge-truck competition.

Tariff—Supplement 129 to Southern Freight Association, agent, tariff ICC S-658.

FSA No. 42108—*Iron and steel articles to points in West Virginia.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2992), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from points in official (including Illinois) territory, to specified points in West Virginia.

Grounds for relief—Market competition.

Tariffs—Supplements 70 and 94 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C-677 and C-631, respectively.

FSA No. 42110—*Chlorine from Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A6216), for and on behalf of Southern Railway Co. Rates on chlorine, in tank carloads, as described in the application, from Brunswick, Ga., to Canton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 15 to Southern Freight Association, agent, tariff ICC S-938.

FSA No. 42111—*Rates from and to points in South Dakota.* Filed by Chicago and North Western Railway Co. (No. 103), for interested rail carriers. Rates on property moving on class and commodity rates, between points in South Dakota, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Abandonment of track.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42106—*Vegetables, melons, and related articles from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-208), for interested rail carriers. Rates on vegetables, fresh or green, melons, etc., in carloads, as described in the application, from points in southwestern territory, to points in central-eastern territory.

Grounds for relief—Maintenance of depressed rates without use of such rates as factors in constructing combination rates.

Tariff—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4785.

FSA No. 42109—*Iron and steel articles to points in West Virginia.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2993), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from points in official (including Illinois) territory, to specified points in West Virginia.

Grounds for relief—Maintenance of depressed rates established to meet market competition without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 70 and 94 to Traffic Executive Association—Eastern Railroads, agent, tariffs ICC C-677 and C-631, respectively.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-660 Filed 1-15-71;8:50 am]

[Notice 228]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 12, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111231 (Sub-No. 170 TA), filed January 7, 1971. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, from Carlinville, Ill., to points in Texas, Oklahoma, Missouri, and Arkansas, for 180 days. Supporting shipper: Central Illinois Steel Co., Post Office Box 68, Carlinville, IL. Send protests to: District Supervisor William W. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 110098 (Sub-No. 110 TA), filed January 7, 1971. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, 1400 Ackerman Road, San Antonio, TX 78220. Applicant's representative: T. W. Cothren, Post Office Box 20380, San Antonio, TX 78220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and/or cold storage facilities of Missouri Beef Packers, Inc., at or near Plainview, Tex., to all points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Norman L. Cummins, Director of Physical Distribution, Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 97101. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 114091 (Sub-No. 84 TA), filed January 7, 1971. Applicant: HUFF TRANSPORT CO., INC., Mail: Post Office Box 13116, 40213, Office: 2114 South 41st Street, Louisville, KY 40211. Applicant's representative: Clarence L. Huff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from plantsite of Kentucky Asphalt Terminal Co. near Louisville, Jefferson County, Ky., to points in Indiana, Ohio, Illinois, and Kentucky, for 180 days. Supporting shipper: F. Neal Edman, Assistant Traffic Manager, Motor Transportation, W. R. Grace & Co., 100 North Main Street, Memphis, TN 38101. Send protests to: Mr. Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 115162 (Sub-No. 213 TA), filed January 7, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap batteries*, from Frankfort, Ind., to Troy, Ala., for 180 days. Supporting shipper: Sanders Lead Co., Inc., Troy, AL 36081. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 116544 (Sub-No. 121 TA), filed January 6, 1971. Applicant: WILSON BROTHERS TRUCK LINE, INC., Post Office Box 636, 700 East Fairview Avenue, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from Plainview, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Kentucky, and Wisconsin, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 124078 (Sub-No. 467 TA), filed January 6, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Plastic pellets*, from Atlanta, Ga., to Decatur, Tenn., for 180 days. Supporting shipper: Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, IL 60601 (L. G. Kuntz, Transportation Manager). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 133965 (Sub-No. 1 TA), filed January 7, 1971. Applicant: CALZONA TRANSPORTATION, INC., Post Office Box 6558, Phoenix, AZ 85005. Applicant's representative: William J. Lippman, Suite 820, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined cottonseed oil*, in bulk, in tank vehicles, from Fullerton, Calif., to Gallup, N. Mex., for 180 days. Supporting shipper: S & S Food Products, Inc., Division of Moore's Sea Food Products, Inc., Box 639, Gallup, NM 87301. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Building, Phoenix, AZ 85025.

No. MC 135153 (Sub-No. 1 TA), filed January 7, 1971. Applicant: GREAT OVERLAND, INC., Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined by the Commission (except those commodities in bulk and hides), from Dodge City, Kans., to points in New York, for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, KS 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, KS 67202.

No. MC 135180 (Sub-No. 1 TA), filed January 5, 1971. Applicant: CHARLES DEAN FORRET, doing business as FORRET TRUCKING, 1800 East 18th Street, Des Moines, IA 50316. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (restricted against the transportation of commodities in bulk, in tank vehicles, and hides), under a continuing contract with Needham Packing Co., Inc.; (1) from the plant and warehouse facilities of Needham Packing Co., Inc., located at West Fargo, N. Dak.; Fargo, N. Dak.; Sioux City, Iowa; and Omaha, Nebr.; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) from the plant and warehouse facilities of Needham Packing Co., Inc., located at Sioux City, Iowa, and Omaha, Nebr., to Chicago, Ill., and points in Illinois and Indiana in the Chicago commercial zone as defined by the Commission, for 180 days. Supporting shipper: Needham Packing Co., Inc., Sioux City, IA 51101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-658 Filed 1-15-71;8:50 am]

[Notice 634]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72504. By order of January 8, 1971, the Motor Carrier Board approved the transfer to Vincent Ganduglia Trucking, a corporation, Fresno, Calif., of a portion of certificate No. MC-117642 and the entire certificate No. MC-117642 (Sub-No. 5) issued to F. P. Nielson & Sons Trucking, a corporation, Salt Lake City, Utah, authorizing the transportation of: Chemical fertilizers, from specified points in California to designated points in Arizona. William H. Kessler, 638 Divisadero Street, Fresno, CA 93721, attorney for applicants.

No. MC-FC-72556. By order of January 8, 1971, the Motor Carrier Board approved the transfer to Ace Transfer & Storage Co., a corporation, 711 West California, Oklahoma City, OK 73102, of certificate No. MC-128463 (Sub-No. 1) issued to Lester H. Blair and Elizabeth B. Blair, a partnership, doing business as Ace Transfer & Storage, 711 West California, Oklahoma City, OK, authorizing the transportation of: Used household goods, subject to certain restrictions, between specified counties in Oklahoma.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-659 Filed 1-15-71;8:50 am]

[No. 35342]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of January 1971.

By joint petition filed November 2, 1970, Burlington Northern Inc., Chicago and North Western Railway Co., Union Pacific Railroad Co., and Missouri Pacific Railroad Co., all of the carriers by rail and operating within the State of Nebraska, aver that the Nebraska State Railway Commission has refused to permit increases in intrastate rates and charges on sugar, beet or cane, and sugar beets, moving within that State corresponding to increases maintained by the carriers on like commodities moving in interstate commerce as authorized by this Commission in Ex Parte No. 262, Increased Freight Rates, 1969, 337 I.C.C. 436;

It appearing, that petitioners allege that the failure of the Nebraska State Railway Commission to permit comparable increases in rates and charges on intrastate traffic of sugar, beet or cane, and sugar beets, within the State of Nebraska as authorized on line interstate traffic by this Commission in Ex Parte No. 262, supra, causes and results in the petitioners being required to maintain rates and charges on said intrastate traffic which are unjustly discriminatory against and an undue burden upon interstate commerce; thus, petitioners request an investigation, under section 13 of the Interstate Commerce Act, of the said intrastate freight rates and charges and an order removing the alleged unlawfulness;

And it further appearing, that there have been brought in issue by the said petition matters sufficient to require an investigation of the intrastate freight rates and charges on sugar, beet or cane, and sugar beets made or imposed by the State of Nebraska;

Wherefore, and good cause appearing:

It is ordered, That the petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the said rates and charges of carriers by railroad, or any of them, operating in the State of Nebraska for the intrastate transportation of sugar, beet or cane, and sugar beets made or imposed by authority of the State of Nebraska cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate transportation in Ex Parte No. 262, Increased Freight Rates, 1970, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Status Branch of the Office of Proceedings of the Commission, in writing, on or before February 3, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the said petitioners; and that the State of Nebraska be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of Nebraska, Lincoln, Nebr., and to the Nebraska State Railway Commission at Lincoln; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-661 Filed 1-15-71;8:50 am]

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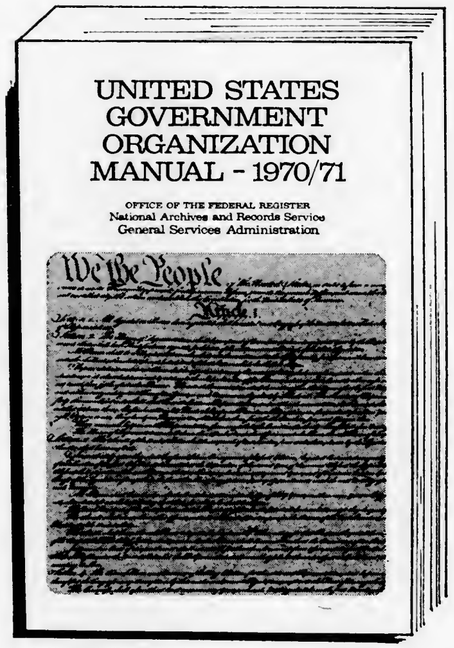

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Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports (7 CFR 354.1), effective July 1, 1970 (35 F.R. 10565), administrative instructions (7 CFR 354.2), effective May 19, 1970, and October 28, 1970 (35 F.R. 7689, 16678), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by deleting from and adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: San Ysidro, Calif.

* * * * *

OUTSIDE METROPOLITAN AREA

ONE HOUR

Delete: Brown Field, Calif. (served from San Ysidro, Calif.).

Add: Gillespie Field, Calif. (served from San Diego, Calif.).

Add: Imperial Beach NAS, Calif. (served from San Diego, Calif.).

Add: North Island, Calif. (served from San Diego, Calif.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 13th day of January 1971.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division

[FR Doc.71-699 Filed 1-18-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg Docket No. 10770; Amdt. No. 95-202]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective February 4, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete

From, to, and MEA

Buckhead INT, Ga.; Kennesaw INT, Ga.; *3,300. *3,000—MOCA.
Homestead AFB, Fla., VOR; Biscayne Bay, Fla., VOR; *1,500. *1,300—MOCA.
Homestead AFB, Fla., VOR; Harvey INT, Fla.; *1,500. *1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Greater Southwest, Tex., VOR; Shreveport, La., VOR; *6,000. *2,500—MOCA.
Tech INT, Ga.; Kennesaw INT, Ga.; *3,000. *3,000—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

From, to, and MEA

Bruce, Ga., RBN; Floyd, Ga., RBN; 3,100.
Waycross, Ga., VOR; Pogo INT, Ga.; *3,000 *2,300—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Prescott INT, Wis.; Peg INT, Minn.; *2,900 *2,800—MOCA.
Peg INT, Minn.; Nodine, Minn., VOR; *3,000. *2,800—MOCA.
*Watson INT, Mont., via N alter.; Baxter INT. Mont., via N alter.; **13,000. *10,500—MCA Watson INT, eastbound. **10,900—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Waterville, Ohio, VOR via S alter.; INT, 110° M rad, Waterville VOR and 261° M rad, Cleveland VOR via S alter.; 3,000.
INT, 110° M rad, Waterville VOR and 261° M rad, Cleveland VOR via S alter.; Cleveland, Ohio, VOR via S alter.; 3,000.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Booneville INT, Mo., via S alter.; Jamestown INT, Mo., via S alter.; *4,000. *2,900—MOCA.
Jamestown INT, Mo., via S alter.; Jefferson City, Mo., VOR via S alter.; *2,400. *2,300—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Humble, Tex., VOR via E alter.; Magnolia INT, Tex., via E alter.; 1,700.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Sulphur INT, Ark.; Pine Bluff, Ark., VOR; 2,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Lafayette, La., VOR; Turtle INT, La.; *1,500 *1,400—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Gainesville, Fla., VOR via E alter.; *Harry INT, Fla., via E alter.; **1,700. *2,500—MRA. **1,500—MOCA.
Harry INT, Fla., via E alter.; Cross City, Fla., VOR via E alter.; *1,700. *1,300—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

City INT, Ill; Chicago O'Hare, Ill. VOR; *6,000. *2,100—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to delete:

City INT, Ill.; Chicago O'Hare, Ill., VOR; *4,000. *2,100—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Geneva INT, Ga.; *Talbotton INT, Ga.; **2,400. *4,000—MRA. **1,900—MOCA.
Talbotton INT, Ga.; *Junction City INT, Ga.; **2,400. *4,000—MRA. 1,900—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From, to, and MEA

Nodine, Minn., VOR; Peg INT, Minn.; *3,000. *2,800—MOCA.
Peg INT, Minn.; Prescott INT, Wis.; *2,900. *2,800—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

*Gruver INT, Iowa; Bancroft INT, Iowa; **5,000. *5,000—MRA. **2,900—MOCA.
Bancroft INT, Iowa; Mason City, Iowa; VOR; *3,000. *2,600—MOCA.
Mullan Pass, Idaho, VOR; *Charlo INT, Mont.; **10,000. *13,000—MCA Charlo INT, Eastbound, **9,200—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Chicago O'Hare, Ill., VOR; City INT, Ill.; *6,000. *2,100—MOCA.

Section 95.6143 *VOR Federal airway 143* is amended to read in part:

Martinsburg, W. Va., VOR via N alter.; Hampton INT, Pa., via N alter.; 5,000.
Martinsburg, W. Va., VOR; Harney INT, Md.; 5,000.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

Chicago O'Hare, Ill., VOR; City INT, Ill.; *6,000. *2,100—MOCA.

Section 95.6159 *VOR Federal airway 157* is amended to read in part:

Gainesville, Fla., VOR; Dukes INT, Ga.; 2,000.
Taylor, Fla., VOR; Waycross, Ga., VOR; 2,300.
Waycross, Ga., VOR; Alma, Ga., VOR; 2,300.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Center Hill INT, Fla., via W alter.; Ocala, Fla., VOR via W alter.; *2,000. *1,700—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

Marion, Ill., VOR; *Texas INT, Ill.; 2,000. *2,500—MRA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Taylor INT, Wis.; Pike INT, Wis.; *3,000. *2,000—MOCA.

Section 95.6212 *VOR Federal airway 212* is amended to read in part:

John INT, La.; McComb, Miss., VOR; *3,000. *1,900—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Fairmont, Minn., VOR; Blue Earth INT, Minn.; *2,800. *2,400—MOCA.
Blue Earth INT, Minn.; Rochester, Minn., VOR; *3,100. *2,600—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Humble, Tex., VOR via N alter.; Dayton INT, Tex., via N alter.; *1,800. *1,600—MOCA.
Dayton INT, Tex., via N alter.; Dalsetta, Tex., VOR via N alter.; *1,800. *1,400—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

Arlee DME Fix, Mont.; *Charlo INT, Mont.; 13,000. *13,000—MCA Charlo INT, southbound.

From, to, and MEA

Charlo INT, Mont.; Kalispell, Mont., VOR; #10,000. #Part-time MEA 13,000 southbound.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Waycross, Ga., VOR; via E alter.; Alma, Ga., VOR via E alter.; 2,300.
Cabins INT, Ga., via W alter.; Waycross, Ga., VOR via W alter.; 2,300.
Pafford INT, Ga.; Waycross, Ga., VOR; 2,300.
Waycross, Ga., VOR; Vienna, Ga., VOR; 2,300.

Section 95.6268 *VOR Federal airway 268* is amended to read in part:

Hagerstown, Md., VOR; Keymar INT, Md.; 5,000.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Millport INT, Ala.; Flat Creek INT, Ala.; *2,400. *1,800—MOCA.
Millport INT, Ala., via S alter.; Tuscaloosa, Ala., VOR via S alter.; *2,300. *1,800—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

*Redwood INT, Hawaii; Hilo, Hawaii, VOR; 2,000. *9,000—MRA.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

*Swordfish INT, Hawaii; Orchid INT, Hawaii; westbound 7,000; eastbound 4,000; *7,000—MRA.
Orchid INT, Hawaii; Honolulu, Hawaii VOR; 4,000.

Section 95.6416 *Hawaii VOR Federal airway 16.*

*Redwood INT, Hawaii; Hilo, Hawaii, VOR; 2,000. *9,000—MRA.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended to delete:

Hibiscus INT, Hawaii; Maui, Hawaii, VOR; *6,000. *1,000—MOCA.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended by adding:

Hibiscus INT, Hawaii; Lobster INT, Hawaii; *6,000. *1,000—MOCA.

Section 95.6440 *Hawaii VOR Federal airway 440* is amended to read in part:

Seward INT, Alaska, via S alter.; Broadview INT, Alaska, via S Alter.; *9,500. *7,700—MOCA.
Broadview INT, Alaska, via S alter.; *Chickaloon INT, Alaska, via S alter.; **9,000. *5,300—MCA Chickaloon INT, southeastbound. **6,800—MOCA.

Section 95.7522 *Jet Route No. 522* is amended by adding:

From, to, MEA and MAA

Green Bay, Wis., VORTAC; Traverse City, Mich., VOR; 18,000; 45,000.
Traverse City, Mich., VOR; United States-Canadian border; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C. on January 8, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-628 Filed 1-18-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart B—Drugs Exempted From Prescription-Dispensing Requirements

TOLNAFTATE

No comments were received in response to the notice published in the FEDERAL REGISTER of October 27, 1970 (35 F.R. 16638), proposing that tolnaftate preparations meeting certain specified conditions be exempted from prescription-dispensing requirements. Accordingly, the Commissioner of Food and Drugs concludes that the proposal should be adopted without change.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 503(b)(3), 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 353(b)(3), 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) § 130.102(a) is amended by adding thereto a new subparagraph, as follows:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) • • •

(29) Tolnaftate (*O*-2-naphthyl *m,N*-dimethylthiocarbanilate; $C_{19}H_{17}NOS$) preparations meeting all the following conditions:

(i) The tolnaftate is prepared, with or without other drugs, in a cream, solution, or powder dosage form suitable for use in self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The tolnaftate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is approved for it.

(iv) The preparation contains not more than 1 percent of tolnaftate.

(v) (*a*) The preparation, if in cream or solution form, is labeled with adequate directions for use by external application to the skin for the relief of the burning and itching of athlete's foot and ringworm of the body.

(*b*) The preparation, if in powder dosage form, is labeled with adequate directions for use by external application to the skin to help prevent athlete's foot reinfection.

(vi) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears in juxtaposition with the directions for use:

(*a*) If in a cream or solution dosage form, clear warnings that:

(*1*) If burning or itching do not improve within 10 days or if they become worse, use of the preparation should be discontinued and a physician consulted.

(*2*) The preparation is for external use only.

(*3*) The preparation should be kept out of the eyes.

(*4*) The preparation is not recommended for nail or scalp infections.

(*b*) If in a powder dosage form, clear warnings that:

(*1*) If irritation occurs, use of the preparation should be discontinued and a physician consulted.

(*2*) The preparation is for external use only.

(*3*) The preparation should not be used on scalp or hairy areas.

(*4*) The preparation should be kept out of the eyes.

Effective date. To provide a reasonable period of time for the orderly change in labeling to reflect the exemption from prescription-dispensing requirements, this order shall become effective April 1, 1971.

(Secs. 503(b)(3), 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 353(b)(3), 355, 371(a))

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-710 Filed 1-18-71;8:47 am]

PART 148i—NEOMYCIN

Hydrocortisone Acetate and Neomycin Sulfate Injectable

In the FEDERAL REGISTER of August 28, 1970 (35 F.R. 13754), the Commissioner of Food and Drugs announced (DESI 9847) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding: Neo-Cortef Sterile Injection Suspension containing hydrocortisone acetate and neomycin sulfate; by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 9-847).

The Food and Drug Administration concluded there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination is effective for all labeled indications in that such evidence is lacking to show that each ingredient of the combination drug contributes to the total effects it purports or is represented to have.

The Commissioner announced his intention to initiate proceedings to revoke the antibiotic drug regulation providing for certification of the subject combination drug intended for use in humans.

Interested persons who might be adversely affected by removal of this drug from the market were invited to submit, within 30 days after FEDERAL REGISTER publication of the announcement, any pertinent data bearing on the proposal to revoke the antibiotic drug regulation. No data were received in response.

Accordingly, the Commissioner concludes (1) that the pertinent antibiotic drug regulation should be revoked and (2) that all outstanding certificates heretofore issued for such drugs should also be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended by revoking § 148i.13 *Neomycin sulfate-hydrocortisone acetate suspension for intraarticular use.* All certificates issued under this section are also revoked.

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds therefor. The statement of reasonable grounds and request for hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulation should not be so revoked, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act. (35 F.R. 7250, May 8, 1970)

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for time to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-687 Filed 1-18-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Anahuac National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

ANAHUAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Anahuac National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 30 acres of inland water and 7 miles of shoreline, are delineated on maps available at refuge headquarters, Anahuac, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for inland water sport fishing on the refuge extends from April 1, 1971, through October 1971, inclusive.

(2) Boats and floating devices may not be used for fishing on inland waters.

(3) Trotlines, throw lines or set lines may not be used in inland waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RUSSEL W. CLAPPER,
Refuge Manager, Anahuac National Wildlife Refuge, Anahuac, Tex.

DECEMBER 30, 1970.

[FR Doc.71-693 Filed 1-18-71;8:46 am]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 6 miles of shoreline, are delineated on maps

available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks and Salt Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RUSSEL W. CLAPPER,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

DECEMBER 30, 1970.

[FR Doc.71-694 Filed 1-18-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–16—PROCUREMENT FORMS

General Provisions, Certification and Instructions, U.S. Government Lease for Real Property

This amendment of the Federal Procurement Regulations prescribes and illustrates the May 1970 edition of Standard Form 2–A, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property. The changes which have been made in the form involve the incorporation of the current Equal Opportunity clause (prescribed by Executive Order 11246, September 24, 1965, as amended by Executive Order 11375, October 13, 1967), the addition of the Certification of Nonsegregated Facilities, and the revision of the Facilities Nondiscrimination clause in which the term "race, color, religion, sex, or national origin" has been substituted for the term "race, creed, color, or national origin."

The table of contents for Part 1–16 is amended to read as follows:

Sec.	
1–16.602–2	Standard Form 2–A, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property.
1–16.901–2–A	Standard Form 2–A, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property.

Subpart 1–16.6—Forms of Leases for Real Property

Section 1–16.601(b) is revised to read as follows:

§ 1–16.601 Forms prescribed.

• • • • • • • •

(b) Standard Form 2–A, May 1970 edition, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property.

• • • • •

Subpart 1–16.9—Illustrations of Forms

Section 1–16.901–2–A is revised to illustrate the May 1970 edition of Standard Form 2–A as follows:

§ 1–16.901–2–A Standard Form 2–A, General Provisions, Certification and instructions, U.S. Government Lease for Real Property.

(a) Page 1 of Standard Form 2–A.

GENERAL PROVISIONS, CERTIFICATION AND INSTRUCTIONS

U.S. Government Lease for Real Property

GENERAL PROVISIONS

1. SUBLETTING THE PREMISES.

The Government may sublet any part of the premises but shall not be relieved from any obligations under this lease by reason of any such subletting.

2. MAINTENANCE OF PREMISES.

The Lessor shall maintain the demised premises, including the building and any and all equipment, fixtures, and appurtenances, furnished by the Lessor under this lease in good repair and tenantable condition, except in case of damage arising from the act or the negligence of the Government's agents or employees. For the purpose of so maintaining said premises and property, the Lessor may at reasonable times, and with the approval of the authorized Government representative in charge, enter and inspect the same and make any necessary repairs thereto.

3. DAMAGE BY FIRE OR OTHER CASUALTY.

If the said premises be destroyed by fire or other casualty this lease shall immediately terminate. In case of partial destruction or damage, so as to render the premises untenantable, as determined by the Government, the Government may terminate the lease by giving written notice to the Lessor within fifteen (15) days thereafter; if so terminated no rent shall accrue to the Lessor after such partial destruction or damage; and if not so terminated the rent shall be reduced proportionately by supplemental agreement hereto effective from the date of such partial destruction or damage.

4. ALTERATIONS.

The Government shall have the right during the existence of this lease to make alterations, attach fixtures and erect additions, structures or signs in or upon the premises hereby leased, which fixtures, additions or structures so placed in, upon or attached to the said premises shall be and remain the property of the Government and may be removed or otherwise disposed of by the Government.

5. CONDITION REPORT.

A joint physical survey and inspection report of the demised premises shall be made as of the effective date of this lease, reflecting the then present condition, and will be signed on behalf of the parties hereto.

6. COVENANT AGAINST CONTINGENT FEES.

The Lessor warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to deduct from the rental price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee. (Lessees are not considered real estate agents or brokers having listings on property for rent, in accordance with general business practice, and who have not obtained such licenses for the sole purpose of effecting this lease, may be considered as bona fide employees or agencies within the exception contained in this clause.)

7. OFFICIALS NOT TO BENEFIT.

No Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this lease contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this lease contract if made with a corporation for its general benefit.

8. ASSIGNMENT OF CLAIMS.

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this lease provides for payments aggregating $1,000 or more, claims for monies due or to become due the Lessor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned or reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any provisions of this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

9. EQUAL OPPORTUNITY CLAUSE.

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting

Standard Form 2–A
General Services Administration—FPR (41 CFR) 1–16.901
MAY 1970 Edition
2–348

(b) Page 2 of Standard Form 2–A.

agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

10. FACILITIES NONDISCRIMINATION.

(a) As used in this section, the term "facility" means stores, shops, restaurants, cafeterias, restrooms, and any other accommodations, and all services, privileges, conveniences, and amusements furnished or provided by the Lessor in the building in which the space covered by this lease is located.

(b) The Lessor agrees that he will not discriminate by segregation or otherwise against any person or persons because of race, color, religion, sex, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby to the public or the use of any facility customarily furnished by the Lessor solely to tenants, their employees, customers, patients, clients, or guests.

(c) It is agreed that the Lessor's noncompliance with the provisions of this section shall constitute a material breach of this lease. In the event of such noncompliance, the Government may take appropriate action to enforce compliance, may terminate this lease, or may pursue such other remedies as may be provided by law. In the event of termination, the Lessor shall be liable for all excess costs of the Government in securing substitute space, including, but not limited to, the cost of moving to such space. Substitute space shall be obtained in as close proximity to the Lessor's building as is feasible and moving costs will be limited to the actual expenses of moving to and from the space.

(d) It is further agreed that from and after the date hereof the Lessor will, at such time as any agreement is to be entered into or a concession is to be permitted to operate, include or require the inclusion in such agreement or concession of this section in every such agreement or concession pursuant to which any person other than the Lessor operates or has the right to operate any facility. Nothing herein contained, however, shall be construed to require the Lessor to include or require the inclusion of the foregoing provisions of this section in any existing agreement or concession arrangement on or prior to the date of execution of this lease by the Government, but the Lessor agrees that he will not renew or extend any such existing agreement or concession arrangement or enter into any new agreement or concession arrangement with any person other than the Government or a department or agency thereof unless such agreement contains the provisions of this section.

(e) The Lessor agrees that he will require the inclusion of the provisions of this section in every subcontract or purchase order entered into by any of his contractors, and will require that his contractors will include in all such subcontracts and purchase orders a provision requiring the inclusion of such provisions in any further subcontracts or purchase orders that may be entered into by any subcontractor or vendor.

11. EXAMINATION OF RECORDS.

(NOTE.—This provision is applicable if this lease was negotiated without advertising.)

(a) The Lessor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this lease, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Lessor involving transactions related to this lease.

(b) The Lessor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or his representatives shall, until the expiration of 3 years after final payment under this lease with the Government, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract.

12. APPLICABLE CODES AND ORDINANCES

The Lessor agrees that, in consideration of the rental to be paid hereunder, he will comply with all codes and ordinances applicable to ownership and operation of the building in which the leased space is located, at his own expense, to obtain all necessary permits therefor.

13. OFFER

All offers made pursuant to this solicitation are irrevocable for a period of 45 days after receipt of Bids, prior to or after acceptance of any Bid or during any construction, remodeling or repair work, the premises and the building of any parts thereof may be inspected by the Contracting Officer, or by architects, engineers, or other technicians representing him, to determine whether the requirements of the solicitation or the lease requirements are met.

14. ECONOMY ACT LIMITATION.

If the rental specified in this lease exceeds $2,000 per annum, the limitation in section 322 of the Economy Act of 1932, as amended (40 U.S.C. 278b), shall apply.

15. FAILURE IN PERFORMANCE.

In the event of failure by the Lessor to provide any service, utility, maintenance or repairs required under this lease, the Government shall have the right to secure said services, utilities, maintenance or repairs and to deduct the cost thereof from rental payments.

16. LESSOR'S SUCCESSORS.

The terms and provisions of this lease and the conditions hereof shall bind and inure to the benefit of the Lessor's heirs, executors, administrators, successors, and assigns.

CERTIFICATION

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments within the meaning of the Equal Opportunity clause (except where he has obtained identical certifications from proposed subcontractors for specific time periods), and that he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIVE OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

NOTE.—The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

INSTRUCTIONS

1. Whenever the lease is executed by an attorney, agent, or trustee on behalf of the Lessor, two authenticated copies of the power of attorney, or other evidence to act on behalf of the Lessor, shall be furnished.

2. When the Lessor is a partnership, the names of the partners composing the firm shall be stated in the body of the lease, followed by the name of the partnership and the signature of one of the partners signing on behalf of the same.

3. Where the Lessor is a corporation, the lease shall be signed with the corporate name, followed by the signature and title of the officer or other person signing the lease on its behalf, duly attested, and, if requested by the Government, a certified copy of the authority to act shall be furnished.

4. When deletions or other alterations are made in the specific requirements of this lease before signature, initials of the person signing shall be entered adjacent to each such deletion or alteration.

5. If the property leased is located in a State requiring the recordation of leases, the Lessor shall comply with all such requirements at Lessor's expense.

SPECIMEN

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective February 1, 1971, but the May 1970 edition of Standard Form 2–A, which is prescribed by the amendment, may be used as soon as stocks of the form are available.

Dated: January 12, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–650 Filed 1–18–71;8:45 am]

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–16—PROCUREMENT FORMS

Illustrations of Forms

The table of contents for Part 5B–16 is amended by revising the following entries to reflect the current editions of Standard Form 20 (GSA Overprint), GSA Form 1903, and GSA Form 2056:

Subpart 5B–16.9—Illustrations of Forms

• • • • • •

5B–16.901–20 Standard Form 20 (GSA Overprint, October 1970), Invitation for Bids (Construction Contract).

• • • • • •

5B–16.950–1903 GSA Form 1903, October 1970, Notice to Bidder (Construction Contract).

5B–16.950–2056 GSA Form 2056, October 1970, Preinvitation Notice (Construction Contract).

• • • • • •

NOTE: Copies of the forms are filed with the original document and are available from the Business Service Center in any regional office of the General Services Administration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: January 13, 1971.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

[FR Doc.71–714 Filed 1–18–71;8:47 am]

Title 10—ATOMIC ENERGY

Chapter 1—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Effective Date of Initial Decisions Authorizing Issuance of Operating Licenses

The Atomic Energy Commission, on October 28, 1970, published proposed amendments to 10 CFR Part 2, Rules of Practice, and 10 CFR Part 50, Licensing of Production and Utilization Facilities, which would provide for immediate effectiveness of initial decisions authorizing issuance of operating licenses, define the extent of preoperational activities which may be conducted prior to the issuance of an operating license for a nuclear power reactor, and provide for authorization, by atomic safety and licensing boards, of low power testing and operation under specified conditions (35 F.R. 16688).

Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 60 days after publication in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has decided to adopt the amendment pertaining to immediate effectiveness of initial decisions authorizing the issuance of operating licenses in § 2.764 of Part 2 and to make a conforming amendment to § 50.57 of Part 50. Action on the other proposed amendments to Part 50 published on October 28, 1970, will be taken at a later date.

The amendment of § 2.764 which follows provides that initial decisions directing issuance of operating licenses will be effective immediately unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

The Commission considers that the amendment will expedite the licensed operation of facilities needed for the generation of electric power without adversely affecting the public health and safety and the common defense and security. The initial decision in any event will be subject to review by the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, on exceptions or on its own motion.

To make the existing provisions of § 50.57 consistent with amended § 2.764, § 50.57(c) has been deleted.

Since the amendments which follow are procedural, rather than substantive, rules, they may, under section 553(d) of title 5 of the United States Code, be made effective without the customary 30 days notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 2 and 50, are published as a document subject to codification to be effective on publication in the FEDERAL REGISTER.

1. Section 2.764 of 10 CFR Part 2 is amended to read as follows:

§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit or operating license.

(a) An initial decision directing the issuance or amendment of a construction permit, a construction authorization, or an operating license shall be effective immediately upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

(b) The Director of Regulations, notwithstanding the filing of exceptions, shall issue a construction permit, a construction authorization, or an operating license, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

§ 50.57 [Amended]

2. Paragraph (c) of § 50.57 is deleted.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 15th day of January 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary
of the Commission.

[FR Doc.71–813 Filed 1–18–71;9:53 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 25]

FRENCH DRESSING IDENTITY STANDARD

Xanthan Gum as Optional Ingredient

Notice is given that a petition has been filed jointly by Anderson Clayton Foods, 3333 North Central Expressway, Richardson, Texas 75080; The Kroger Co., 1240 State Avenue, Cincinnati, Ohio 45204; Leslie Foods, Inc., 575 Independent Road, Oakland, Calif. 94566; Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, N.J. 07632; and Kelco Co., 1010 Second Avenue, San Diego, Calif. 92101, proposing that the definition and the identity standard for french dressing (§ 25.2) be amended by listing xanthan gum complying with the requirements of 21 CFR 121.1224 as an optional emulsifying ingredient.

Grounds given in support of the proposal are that:

1. Section 121.1224 of the food additive regulations provides for safe use of xanthan gum in all foods, except where standards of identity do not provide for such use.

2. The degree of hydration of xanthan gum does not appear to change with slight variations in mixing times and procedures, and this permits production of french dressing of a uniform quality.

3. Xanthan gum is markedly effective in preventing separation and loss in textural quality during a practical shelf life and during normal storage by the consumer. A dressing with lowered textural quality has a water-like consistency and is unable to cling adequately to salad greens.

4. The use of xanthan gum, by reducing separation and increasing pourability, would aid in diminishing two types of present loss to the housewife: The throwing away of partly used bottles of french dressing which has separated out and become unappetizing in appearance and the throwing out of ostensibly empty containers that still have a measurable amount of edible dressing clinging to the interior surfaces.

Accordingly, it is proposed that § 25.2 (c)(1) be revised by adding xanthan gum complying with the requirements of 21 CFR 121.1224 to the ingredients already provided for therein.

If the amendment proposed herein is adopted, it will have the effect of requiring that this optional emulsifying ingredient, if used, be declared on the label of the food by the common name "xanthan gum" in accordance with the provisions of paragraph (e)(1) of the standard.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: January 5, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71–685 Filed 1–18–71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 10769; Notice 71–2]

COCKPIT VISION AND COCKPIT CONTROLS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 25 of the Federal Aviation Regulations to introduce comprehensive cockpit vision standards and to change the range of pilot heights used for the location and arrangement of cockpit controls.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 16, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 25 of the Federal Aviation Regulations presently requires that pilot compartments of transport category airplanes provide a sufficiently extensive, clear, and undistorted view to enable the pilots to safely perform any maneuvers within the operating limitations of the airplane, including taxiing, takeoff, approach, and landing. The present regulations do not contain any standards concerning the size and arrangement of cockpit windows and other factors affecting pilot vision. In the past, Civil Aeronautics Manual (CAM) 4b.351–1 through 4b.351–3 set forth the FAA's policies applicable to pilot compartment vision. This CAM material contained detailed provisions regarding the placement of cockpit windows, the angles of pilot vision measured from a fixed "reference eye" position, and the position and maximum recommended width of obstructions to vision in the windshield and window areas, along with other related information. Although the policy material has been followed by many manufacturers of transport category airplanes, it was not mandatory and not all transport category airplanes have been certificated in accordance with that policy.

The FAA has recently made a study of cockpit vision with respect to transport category airplanes. This study included, a review of the midair collision accident reports, the FAA Near Midair Collision Report of 1968, the vision angles available in current transports, the Society of Automotive Engineers Aerospace Standards, the military specifications for transports, and of research on the forward-downward view needed during landing approaches under low visibility conditions. The FAA study confirmed the need for more definitive cockpit vision standards.

In view of the foregoing, and to assure the necessary level of cockpit vision for future transport category airplanes, the FAA proposes to amend Part 25 of the Federal Aviation Regulations to incorporate detailed standards for the cockpit vision of transport category airplanes. The proposed standards are based on CAM 4b.351–1 through 4b.351–3 with the following changes which are based on the recent FAA study of cockpit vision: the downward vision angles would be increased and the upward vision angles to the side of the airplane would be increased; the windshield posts would be prohibited in certain areas and limited in width where they are used; precise standards for ground view ahead in the approach configuration would be established; a provision would be added requiring that the instrument panel glare shield provide accurate horizontal reference; optical property standards for both nontinted and tinted windshields and windows would be added; and provisions specifying the portion of the windshield

which must be kept clear during precipitation conditions would be established.

In addition to the above proposed requirements, the FAA proposes to establish new pilot height parameters. In order to establish a "reference eye" position for the measurement of cockpit vision angles, it is necessary to establish a seat height range and this in turn requires that the range of seated heights of pilots be established. Section 25.777(c) of the FAR's presently incorporates a standard range of pilot heights of 5'2" to 6'0" for the location of the cockpit controls. However, a recent study by the National Aeronautics and Space Administration (NASA Report No. SP-3006) indicates that a more accurate average height range for pilots of air transport category airplanes at this time is 5'4" to 6'3". This height range has therefore been used as a basis for the cockpit dimensions and the "reference eye" position of Appendix G of this proposal. It is also proposed to amend § 25.777(c) to incorporate the new pilot height range of 5'4" to 6'3" for the purpose of locating pilot controls.

The FAA presently has under study Parts 23, 27, and 29 of the Federal Aviation Regulations with a view toward proposing appropriate standards for aircraft certificated under those Parts consistent with the proposals contained in this Notice.

In consideration of the foregoing, it is proposed to amend Part 25 of the Federal Aviation Regulations as follows:

1. By amending § 25.773 (a)(1) and (b)(1) to read as follows:

§ 25.773 Pilot Compartment View.

(a) • • •

(1) The windows and windshields in each pilot compartment must meet the requirements of Appendix G of this part, and must be arranged so as to enable the pilots to safely perform any maneuvers within the operating limitations of the airplane, including taxiing, takeoff, approach, and landing.

• • • • •

(b) • • •

(1) The airplane must have a means to maintain a clear portion of the windshield sufficient for both pilots to have adequate vision along the flight path in normal flight attitudes of the airplane. In addition, the means must meet the requirements of Appendix G of this part. This means must be designed to function, without continuous attention on the part of the crew, in—

• • • • •

§ 25.777 [Amended]

2. By amending § 25.777(c) by striking out the words, "from 5'2" to 6'0" in height," and inserting the words, "from 5'4" to 6'3" in height," in place thereof.

3. By amending Part 25 by adding a new Appendix G to read as follows:

Appendix G

CRITERIA FOR DETERMINING COCKPIT VISION

I. *Reference eye position.* (a) A single point selected by the applicant, within the limitations of subparagraphs (1) through (4) of this paragraph, constitutes the reference eye position. The central axis is a vertical line located 3 5/16" aft of the reference eye position (Ref. Figure 1).

(1) The reference eye position must be located not less than five (5) inches aft of the rearmost extremity of the primary longitudinal control column when the control is in its most rearward position (i.e., against the up longitudinal control stops).

(2) The reference eye position must be located between two vertical longitudinal planes which are one (1) inch to either side of the seat centerline. If the seat has lateral adjustment, the two vertical longitudinal planes must be within one (1) inch of either side of the primary longitudinal control centerline.

(3) Any person from 5'4" to 6'3" in height, sitting in the seat associated with the selected reference eye position, must be able to:

(i) Adjust the seat, with the seat back in its most upright position, to locate the midpoint of his eyes at the reference eye position; and

(ii) With the seat belt fastened and the seat adjusted in accordance with subdivision (i) of this subparagraph, utilize all the aircraft controls associated with this seating position in compliance with the requirements of § 25.777.

(4) All measurements must be with the airplane longitudinal axis in a level position except those specified in section II(b).

(b) With the seat located 31½ inches below the reference eye position there must be no less than three (3) inches of available seat adjustment in both the up and the down directions. The 31½ inches is measured to the top of the seat cushion as depressed by a subject weighting 170 to 220 pounds, with the airplane longitudinal axis in a level position (Ref. Figure 1).

(c) Means must be provided at both the pilot and copilot stations to enable the person occupying the seat to locate the midpoint of his eyes at the reference eye position.

II. *Clear areas of vision.* (a) With the reference eye position located as indicated in paragraphs I (a), (b), and (c) and utilizing binocular vision and azimuthal movement of the head and eyes about a radius, the center of which is the central axis, the pilot must have clear areas of vision, measured from the appropriate eye position with the aircraft's longitudinal axis level, as specified in subparagraphs (1) through (6) of this paragraph. The areas defined are based on the cardinal points of reference indicated in Figure 2. A dual lens camera as a photo recorder, or other methods including a goniometer producing equivalent areas to those obtained with the dual lens camera, must be used in measuring the angles specified in this paragraph. When not using a dual lens camera, compensation must be made for one-half the distance which exists between the eyes, i.e., 1¼ inches as indicated in Figure 3.

(1) 20° forward and up from the horizon between 30° left and 10° right diminishing linearly to 15° up at 30° right (this area unbroken);

(2) 17° forward and down from the horizon between 30° left and 10° right diminishing linearly to 10° down at 30° right (this area unbroken);

(3) Increasing linearly from 20° forward and up from the horizon at 30° left to 40° forward and up from the horizon at 70° left;

(4) Increasing linearly from 17° forward and down from the horizon at 30° left to 35° forward and down from the horizon at 70° left;

(5) 40° forward and up from the horizon between 70° left and 110° left diminishing linearly to 20° up at 135° left; and

(6) 35° forward and down from the horizon between 70° left and 110° left diminishing linearly to 15° down at 135° left.

(b) In addition to the clear areas of vision specified in paragraph (a) of this section, the view angle forward and down must be sufficient to allow the pilot to see a length of approach and/or touchdown zone lights which would be covered in 3 seconds at landing approach speed when the aircraft is—

(1) On a 2½° glide slope;

(2) At a decision height which places the lowest part of the aircraft at 100 feet above the touchdown zone extended horizontally (see Figure 4);

(3) Yawing ± 10°;

(4) Making an approach with 1,200 feet RVR; and

(5) Loaded to the most critical weight and center of gravity location.

(c) If in a symmetrical type pilot compartment there is an area about the center of the windshield where the requirements governing pilot and copilot vision areas do not overlap, the angles in this area above and below eye level may diminish due to the increased distance between the appropriate eye position and the windshield, but the windshield dimensions established at the 30° right position, above and below the horizontal plane of the pilot's eye, must be retained. This area must also be governed by the limitations of paragraph III of this appendix.

III. *Impairments to vision.* (a) There must be no horizontal obstructions to vision within the area described in section II(a).

(b) There must be no vertical obstructions to vision in the transparent area between 30° right and 30° left and between 85° left and 95° left.

(c) The area beyond 135° must be as large as practicable.

(d) Any windshield post must not exceed 2.5 inches total obstruction in projected width on the pilot's eye when measured with the head rotated so that the eyes are perpendicular to the vertical plane passing through the centerline of the projected width as indicated in Figure 5.

(e) The location of the instruments, equipment, and structure must not impair any of the areas of vision established in this paragraph. In addition, cockpit equipment must not obstruct a line of vision from a point 2 inches above the reference eye position to any points along the upper limit of the forward windshield panels, and similarly, a line of vision from a point 2 inches below the reference eye position to the lower limit of the forward windshield panels.

(f) The glare shield structure within direct or peripheral vision of either pilot must be so designed as to offer an accurate determination of the horizontal plane without restricting vision through the windshield.

IV. *Optical properties of windshield.* Both clear and tinted windshields must exhibit equivalent optical properties to those covered in MIL-G-25871A dated July 30, 1958, for flat panels, and MIL-G-25667A dated July 30, 1958, for curved panels or any subsequent specification found acceptable by the Administrator (copies obtainable from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120). In addition, the optical properties of the windshield must not deteriorate under pressurization loads, icing protection system provisions, or in operation.

V. *Sunvisors.* Cockpit sunvisors must not interfere with the pilots' vision. Means must be provided to prevent the sunvisors from projecting into the clear areas of vision prescribed by section II when they are not in use.

VI. *Windshield clearing provisions.* A minimum view must be provided through that portion of windshield which is cleared of rain and mist to allow each pilot to see a minimum of from 15° left to 15° right of the reference eye position, upwards to the horizon during the steepest approach path expected in operation and downwards to the angles specified in section II(b) of this Appendix. The cleared area enclosed by these requirements need not be rectangular.

Section II of this appendix specifies the minimum areas of vision from the left pilot seat for showing compliance with § 25.773. The minimum areas of vision from the right pilot seat must be the same as those specified for the left pilot seat except that the left and right angle designations are interchanged.

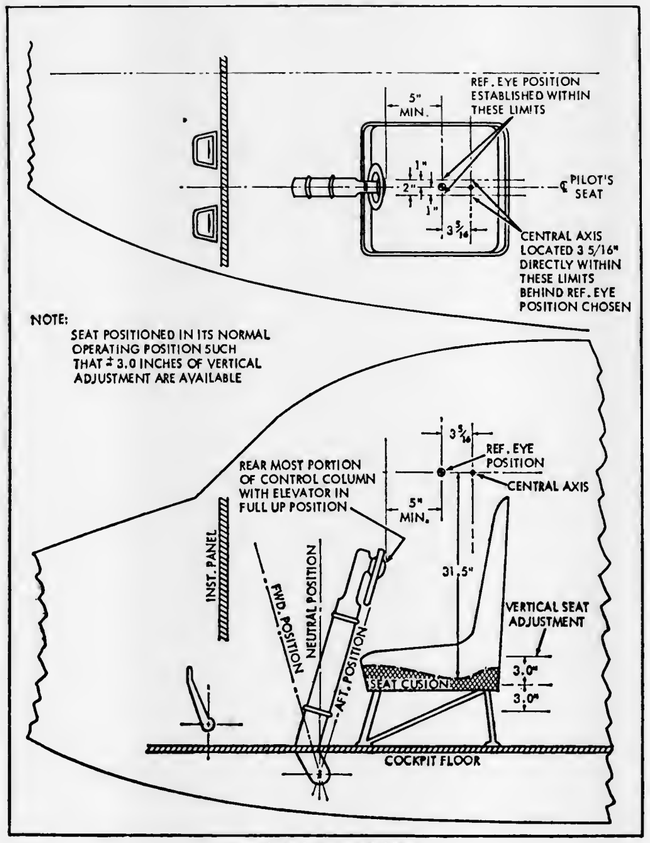

Figure 1.—Reference eye position

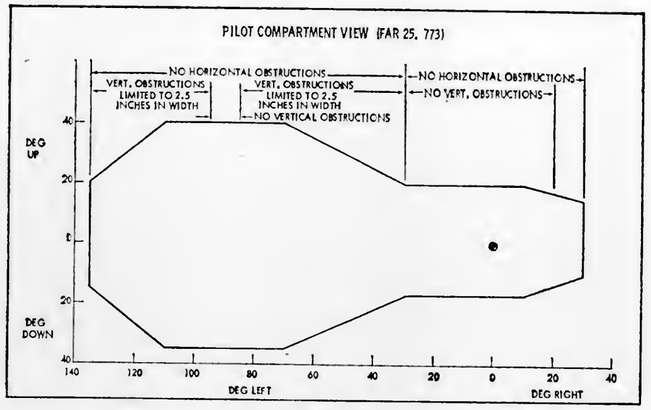

Figure 2.

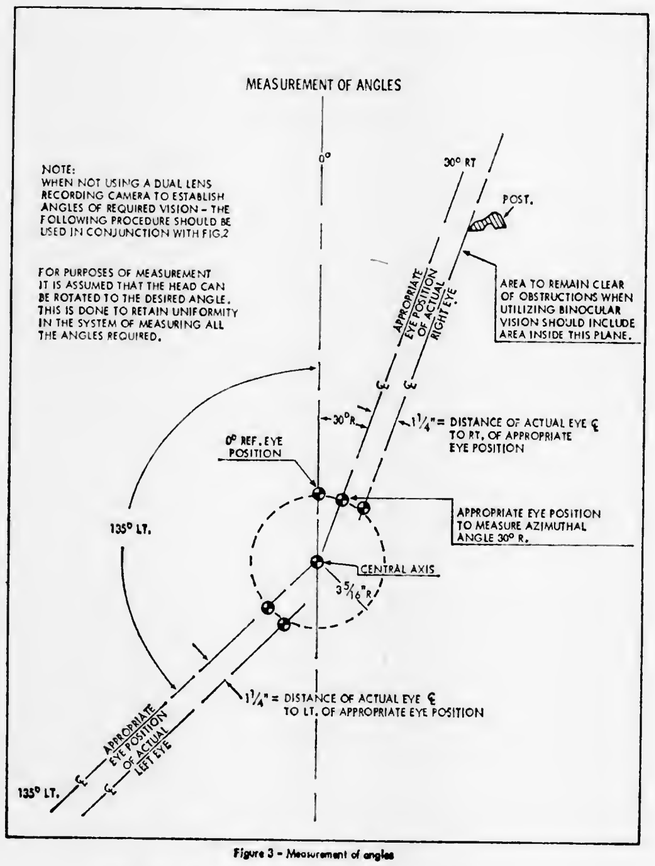

Figure 3 – Measurement of angles

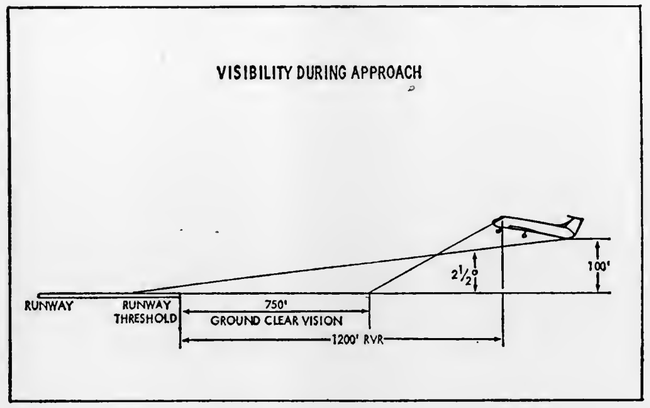

Figure 4.

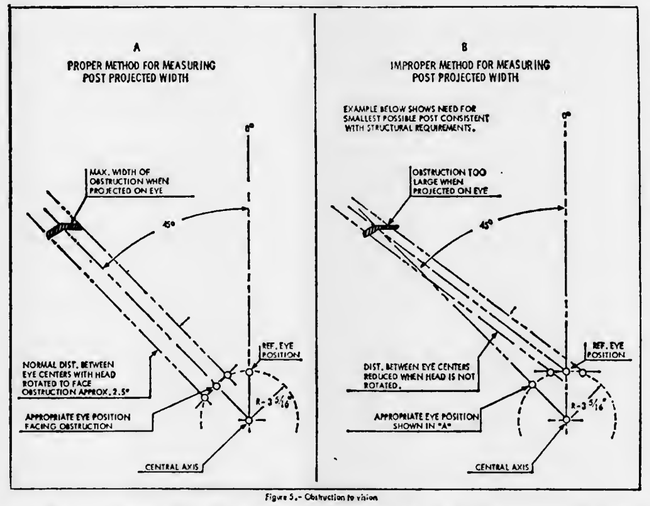

Figure 5.– Obstruction to vision

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423 and of section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on January 11, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-627 Filed 1-18-71;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 70-SO-99]

RESTRICTED AREAS

Proposed Designation and Alteration

Correction

In F.R. Doc. 71-442 appearing on page 435 in the issue of Wednesday, January 13, 1971, the fourth line of the boundary description under restricted area designation "3. Name: R-5309 Exotic Dancer IV Joint Military Exercise." beginning "15'30'' W.," should begin "15'20'' W.,".

Federal Railroad Administration

[49 CFR Part 230]

[Docket No. 21; Notice 1]

LOCOMOTIVE INSPECTION

Notice of Proposed Rule Making

Notice is hereby given that the Federal Railroad Administration has under consideration proposed amendment to § 230.206 regarding (locomotive) main reservoir tests.

The proposed amendment would:

(1) Exempt FRA approved aluminum main reservoirs from the requirements of present § 230.206, paragraphs (a), (b), and (c), and

(2) Establish requirements for aluminum reservoirs which will assure safety in their use while adapting to the unusual conditions introduced by nonferrous metals.

Present requirements set forth in the rule § 230.206 were devised when main reservoirs were fabricated of steel by riveting. These requirements continued as satisfactory procedures as welding supplanted riveting. However, with the introduction of aluminum fabrication, it must now be recognized that unnecessary structural damage can result from hammer testing of aluminum, and that safety hazards can thereby be created.

The aluminum used in fabricating locomotive main reservoirs is a material not subject to the potential thinning or weakening by rusting as are the steels used commonly in the manufacture of main reservoirs for locomotive service. Reservoirs constructed of this material are commonly used in highway transport and other services wherein they are exposed to conditions similar to those of railroad locomotive service. In a recent study made by a committee of the Society of Automotive Engineers, an aluminum main reservoir removed from a heavy duty highway tractor after approximately nine (9) years and over 500,000 miles of service was sectioned and evaluated. There was no evidence of any corrosion of the interior, unpainted surface, although there was some evidence of corrosion on the outside due to the effects of dissimilar metal of the steel clamp securement.

In the 1950's, the American Society of Mechanical Engineers eliminated from their standard codes all requirements for hammer testing of aluminum reservoirs for compressed air, and eliminated in 1958 all requirements for hammer testing regardless of material. The currently effective ASME Code requires that all vessels for compressed air shall be provided with a manhole or two (2) inspection openings not less than 1½ inch iron pipe size (O.D.) for reservoir diameters of 12 to 18 inches, and not less than 2 inches iron pipe size (O.D.) for reservoirs 18 to 36 inches in diameter. While this code permits these inspection openings to be omitted when telltale holes are provided, such concession is specifically stated as not applicable to vessels for compressed air. The code further requires that all completed vessels shall pass a hydrostatic test.

The predecessor Bureau of the FRA Bureau of Railroad Safety (ICC Bureau of Railroad Safety and Service) considered in 1966 a request for exemption from the requirement for a periodic hammer test (Rule 206(b)) for aluminum reservoirs proposed for use with locomotives for the then-building Northeast Corridor Project. At that time lack of precedent experience dictated deferred action. The aluminum reservoirs were fabricated and have been in service on

subject locomotives. Two inspection holes were provided and, at each inspection period, careful interior surface examination has been made. To date there has been no evidence of corrosive activity which might justify more drastic measures. The reservoirs referred to were not drilled with telltale holes.

With considerable weight given the action of the ASME in eliminating requirements for hammer testing of reservoirs fabricated with nonferrous materials, because of relatively soft qualities and easily damaged by hammering, and with due consideration given the somewhat limited experience with use of aluminum reservoirs, the Federal Railroad Administration has determined that positive action should be taken in the matter.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted to the Federal Railroad Administration, Office of Hearings and Proceedings, attention: Docket No. FRA–21; Washington, D.C. 20591. All written submissions received on or before February 15, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available both before and after the closing date for comments in the Public Docket for examination by interested parties. The Docket may be examined at any time during normal working hours, at the Office of Public Affairs, Room 5418, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20591.

In consideration of the foregoing, it is proposed to establish FRA standards for the fabrication of aluminum reservoirs to be used as compressed air main reservoirs in railroad locomotive use, as follows:

SPECIFICATION FOR FABRICATION OF ALUMINUM MAIN RESERVOIRS FOR RAILROAD LOCOMOTIVE SERVICE

1. Heads and shells are to be made from Aluminum Specification ASA–5038–0 having a minimum tensile strength of 40,000 p.s.i.;

2. Fabrication shall be in accordance with all ASME and FRA requirements;

3. Completed reservoirs must have a factor of safety of not less than 5, based on a working pressure of 160 p.s.i.;

4. Each aluminum reservoir must be provided with two (2) inspection openings, of not less than 1½-inch iron pipe size (O.D.) for reservoirs of 12 to 18 inches in diameter, or 2 inches iron pipe size (O.D.) for reservoirs 18 to 36 inches in diameter, so located as to permit complete visual circumferential observation of the interior surfaces of the reservoir.

The present rule will be modified by the addition of a new paragraph:

§ 230.206 Main reservoir tests.

* * * * *

(d) *Aluminum reservoirs.* (1) The requirements of paragraphs (a), (b), and (c) of this paragraph shall not apply to main reservoirs fabricated of aluminum to FRA requirements.

(2) Aluminum main reservoirs shall be given thorough visual inspection of all interior and exterior surfaces, for evidence of defects or deterioration, not less frequently than once every 24 months.

(3) Aluminum reservoirs subject to main reservoir pressure, before being put in service and at least once every 24 months thereafter, shall be subjected to hydrostatic pressure not less than 100 percent above the maximum working pressure fixed by the chief mechanical officer, and in no case to less than 250 p.s.i.

(4) Report of visual and hydrostatic inspection and test shall be made on Form No. 1–A with suitable references to indicate aluminum reservoirs.

The amendment to this rule is proposed under the authority of sections 2 and 5, 36 Stat. 913, 914, 45 U.S.C. 23, 28; section 6 (e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655.

Issued in Washington, D.C., on January 13, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc.71–727 Filed 1–18–71;8:48 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 71–5]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

On April 3, 1970, the President signed into law the Water Quality Improvement Act of 1970, which amends the Federal Water Pollution Control Act (Act) to provide measures for the control of water pollution. As enacted, section 11(p)(1) of the Act requires every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States to establish and maintain evidence of financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. Exercising the authority delegated to it by the President[1] the Commission, on September 30, 1970, promulgated General Order 27, implementing the financial responsibility provisions of section 11(p)(1).

Section 11(p)(1) of the Federal Water Pollution Control Act has recently been amended, however, by section 120 of title I of the River and Harbor Act of 1970,[2] which excludes from the financial responsibility requirements thereof "any barge that is not self-propelled and that does not carry oil as cargo or fuel." The purpose for this exclusion, as expressed in the Report of the Committee on Public Works of the Senate on the bill which eventually became Public Law 91–611, was to relieve "non-oil carrying inland and coastal owners and operators of non-self-propelled barge units" from what would be, as to such owners and operators, "a time consuming and costly process." Since "non-self-propelled dry cargo barges would not be directly liable under the act," the Committee was of the opinion that it was not necessary, at least at this time, for owners of such barges to meet the same financial responsibility requirements and comply with the same rules and regulations imposed upon owners of vessels which carry oil either as cargo or fuel. In order to conform the Commission regulations to newly enacted section 120 of the River and Harbor Act, it will be necessary to amend General Order 27 to exempt from its coverage non-self-propelled barges that carry no oil either as cargo or as fuel.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552) and in accordance with section 11(p)(1) and section 11(p)(2) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), and section 120 of title I of the River and Harbor Act of 1970 (84 Stat. 1818), notice is hereby given that the Federal Maritime Commission is considering amending § 542.1 and paragraph (a) of section 542.3, and the addition of new paragraphs (q) and (r) to § 542.2.

As proposed to be amended, the first sentence of § 542.1 would read as follows:

§ 542.1 Scope.

The regulations contained in this part set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purposes after April 2, 1971, shall establish and maintain evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which any such vessel could be subjected pursuant to section 11, Water Quality Improvement Act of 1970, for the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

As proposed to be amended, paragraph (a) of § 542.3 would provide:

§ 542.3 Proof of financial responsibility, when required.

(a) No vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel, shall use any port or place in the United States or the navigable waters of the United States on or after April 3, 1971, for any purpose unless a certificate has been issued covering such vessel.

New paragraphs (q) and (r) are proposed to be added to § 542.2 to define "Cargo" and "Fuel". As proposed, new paragraphs (q) and (r) would provide:

§ 542.2 Definitions.

* * * * *

(q) "Cargo" includes both proprietary and nonproprietary cargo.

(r) "Fuel" means any oil used or capable of being used to produce heat or power by burning.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 5, 1971, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–805 Filed 1–18–71;8:50 am]

[1] The responsibilities to establish and maintain regulations necessary to carry out the financial responsibility requirements of section 11(p)(1) of the Act were delegated to the Federal Maritime Commission pursuant to section 11(p)(2) of the Act which authorized the President to delegate such functions to an appropriate agency.

[2] The River and Harbor Act of 1970 was signed into law by the President on Dec. 31, 1970.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2837]

IDAHO

Notice of Partial Termination of Proposed Multiple-Use Classification

JANUARY 12, 1971.

Notice of proposed classification was published as F.R. Doc. 70-8968 on pages 11414-11418 of the issue for July 16, 1970. The subdivision described below is believed to have other values, therefore, pursuant to the regulations contained in 43 CFR, Subpart 2461, the segregative effect of the Notice of Proposed Classification is hereby terminated.

The land involved in this notice of termination is:

T. 8 S., R. 21 E., Boise Meridian, Idaho, Sec. 24, SE¼NE¼.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-690 Filed 1-18-71;8:45 am]

[Bureau Order 701, Amd. 11]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701 dated July 23, 1964, is further amended as follows:

A new section 4.2 is added to Part IV as follows:

PART IV—REDELEGATION OF SPECIFIC AUTHORITY TO MANAGER, EASTERN STATES LAND OFFICE AND MANAGERS, OUTER CONTINENTAL SHELF OFFICES

• • • • • •

SEC. 4.2 *Cadastral Survey.* The Manager, Eastern States Land Office is authorized to perform all functions pertaining to the survey and resurvey of public lands within the jurisdiction of that office pursuant to section 453 of the Revised Statutes (43 U.S.C. 2) except the acceptance of plats of survey, resurvey and the approval of protracted survey diagrams.

JOHN O. CROW,
Associate Director.

JANUARY 12, 1971.

[FR Doc.71-719 Filed 1-18-71; 8:47 am]

Bureau of Mines

METAL AND NONMETALLIC MINE HEALTH AND SAFETY

Redelegation of Authority To Grant Variances

Sections 55.24-1, 56.24-1, and 57.24-1 of Parts 55, 56, and 57, respectively, of Title 30, Code of Federal Regulations, authorize the Director, Bureau of Mines to redelegate to certain officials of the Bureau of Mines his authority to grant variances from mandatory health and safety standards contained in Parts 55, 56, and 57. Pursuant to that authority the following officials of the Bureau are hereby authorized to grant such variances in accordance with the procedures, and subject to the limitations and restrictions set forth in §§ 55.24, 56.24, and 57.24 of Parts 55, 56, and 57, respectively, of Title 30 CFR:

1. Deputy Director — Health and Safety.

2. Assistant Director—Metal and Nonmetal Mine Health and Safety.

3. Metal and Nonmetal Mine Health and Safety District Managers.

E. F. OSBORN,
Director.

JANUARY 13, 1971.

[FR Doc.71-718 Filed 1-18-71;8:47 am]

Office of the Secretary

ERNEST HILL

Report of Appointment and Statement of Financial Interests

JANUARY 13, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Ernest Hill.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, Area 16.

The name of the appointee's private employer or employers: Arizona Public Service Co.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 20, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on November 20, 1970, as Deputy Director, DEPA Area 16, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Arizona Public Service Co.
Building Dynamics Inc.
General Motors.
Gov-Way Department Stores.
Inspiration Copper Co.
Producers Finance Co.
Radio Corp. of America.
W. J. Meehan Securities Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ERNEST H. HILL.

JANUARY 8, 1971.

[FR Doc.71-708 Filed 1-18-71;8:46 am]

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Establishment of Interagency Committee

In accordance with the provisions of Office of Management and Budget Circular A-63, notice is hereby given that the Secretary of the Interior has established an Advisory Committee on Coal Mine Safety Research effective December 23, 1970. The Committee has been established under the authority of section 102 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 747; 30 U.S.C. 812).

Primary responsibility for the functions of the Committee are assigned to the Assistant Secretary—Mineral Resources. The Committee charter is spelled out in Chapter 1, Part 552 of the Departmental Manual.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JANUARY 11, 1971.

[FR Doc.71-692 Filed 1-18-71;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-332]

WALTER J. HOLMES

Notice of Loan Application

JANUARY 11, 1971.

Walter J. Holmes, 2606 Hoover Avenue, National City, CA 92050, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 56-foot length overall steel vessel to engage in the fishery for salmon, tuna, and crabs.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-691 Filed 1-18-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11-315V]

CERTAIN DRUG PRODUCTS CONTAINING NEOMYCIN SULFATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following oral and/or topical drug preparations:

1. Neomycin Veterinary; packets contain 10 grams or 25.6 grams of neomycin base (as neomycin sulfate); by The Gland-O-Lac Co., a subsidiary of E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.J. 08887.

2. Neo-My-Sol Solution; each cubic centimeter contains neomycin sulfate equivalent in activity to 80 milligrams of neomycin base; by The Gland-O-Lac Co., a subsidiary of E. R. Squibb & Sons, Inc.

3. Gland-O-Lac Neomycin Veterinary; each 10 oz. packet contains 140 grams of neomycin base; by The Gland-O-Lac Co., a subsidiary of E. R. Squibb & Sons, Inc.

4. Neomycin Sulfate Penick; each pound contains 325 grams of neomycin sulfate (equivalent to 227.5 grams neomycin base per pound); by S. B. Penick & Co., Antibiotics Feed Division, 100 Church Street, New York, N.Y. 10007.

5. Neomycin Solution; each cubic centimeter contains 140 milligrams of neomycin base U.S.P. (equivalent to approximately 200 milligrams neomycin sulfate); by Diamond Laboratories, Inc., 2538 Southeast 43d Street, Des Moines, Iowa 50304.

6. Neomycin Solution; each cubic centimeter contains 200 milligrams of neomycin sulfate, commercial grade, equivalent to 140 milligrams neomycin base; by The S. E. Massengill Co., Veterinary Division, Bristol, Tenn. 37620.

7. Neomycin Sulfate, Sterile; each cubic centimeter contains 140 milligrams of neomycin sulfate; by Maurry Biological Co., Inc., 6109 Southwestern Avenue, Los Angeles, Calif. 90047.

8. Biosol; each pound contains 10 grams neomycin sulfate (equivalent to U.S.P. activity) equivalent to 7 grams neomycin base; by The Upjohn Company, Kalamazoo, Mich. 49001.

The Academy evaluated these drugs as probably effective for use in the control and treatment of bacterial enteritis in cattle, horses, sheep, goats, swine, dogs, cats, turkeys, chickens, ducks, and mink, and as a wet antibacterial dressing in swine, cattle, sheep, and dogs. The Academy stated: (1) Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (2) the labeling should warn that treated animals must actually consume enough medicated feed or medicated water to provide a therapeutic dose under the conditions that prevail—as a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water or feed; (3) the labeling should warn that oral neomycin sulfate is not indicated if animals have developed a septicemia as systemic levels of neomycin are not obtained because of the low degree of absorption from the gastrointestinal tract; (4) the recommended dosages are inconsistent; (5) the labeling should caution that cutaneous sensitivity lesions have been reported (applicable when labeled for use as wet antibacterial dressing); (6) the disease claims for preparations administered orally must be restricted to disease involving the gastrointestinal tract because of the chemical and pharmacological properties of neomycin sulfate; and (7) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition and also including information regarding manufacturing methods, facilities and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturers of the listed drugs have been mailed a copy of the NAS/NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-686 Filed 1-18-71;8:45 am]

[Docket No. FDC-D-135; NDA Nos. 0-604; 0-751]

CARTER-WALLACE, INC.

Nair Depilatory; Notice of Withdrawal of Approval of New-Drug Applications

A notice of opportunity for hearing on the proposed withdrawal of approval of new-drug applications No. 0-604 and No. 0-751, both for the drug Nair Depilatory, and all amendments and supplements thereto held by Wallace Laboratories, a division of Carter-Wallace, Inc., 767 Fifth Avenue, New York, N.Y. 10022, was published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2674-2696).

Carter-Wallace, Inc., filed a letter requesting a 60-day extension of the time permitted to request a hearing and requested further information on both new-drug applications. Subsequently, the firm filed a letter agreeing to withdrawal

of approval of said applications and thereby waived opportunity for a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), under authority delegated to the Commissioner (21 CFR 2.120), and on the grounds that the applicant has repeatedly failed to make required reports under section 505 (j) of the act (21 U.S.C. 355(j)) and § 130.35 (a), (b), (e), and (f) of the new-drug regulations (21 CFR 130.35), approval of new-drug applications No. 0-604 and No. 0-751, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: January 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-688; Filed 1-18-71;8:45 am]

[Docket No. FDC-D-135; NDA Nos. 11-507; 11-508]

NYSCO LABORATORIES, INC.

Hydrocortisone Acetate Spray Caps and Hydrocortisone Acetate With Antihistamine Spray Caps; Notice of Withdrawal of Approval of New-Drug Applications

A notice of opportunity of approval of the proposed withdrawal of approval of new-drug applications No. 11-507 and No. 11-508, for the drugs Hydrocortisone Acetate Spray Caps and Hydrocortisone Acetate with Antihistamine Spray Caps, and all amendments and supplements thereto held by Nysco Laboratories, Inc., 24-34 Vernon Boulevard, Long Island City, N.Y. 11106, was published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2674-2696).

Nysco Laboratories filed a letter requesting a hearing but did not file any data to support such a request. The Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact to justify a hearing (35 F.R. 7250, May 8, 1970).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), under authority delegated to the Commissioner (21 CFR 2.120), and on the grounds that the applicant has repeatedly failed to make required reports under section 505 (j) of the act (21 U.S.C. 355(j)) and § 130.35 (a), (b), (e), and (f) of the new-drug regulations (21 CFR 130.35), approval of new-drug applications No. 11-507 and No. 11-508, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-689 Filed 1-18-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-74]

NOTICE OF PUBLIC HEARING

DOT Specifications 3A, 3AA, and 39 Cylinders Manufactured Outside United States

Section 173.301(i) of the Department's Hazardous Materials Regulations prohibits the transportation of charged compressed gas cylinders unless they have been made in accordance with applicable DOT specifications and unless the tests required by the specifications under which they are manufactured have been conducted within the United States. Sections 178.36 and 178.37 of Title 49, CFR, prescribe DOT specifications 3A and 3AA, respectively, and require chemical analyses and tests as specified in those sections to be made within the limits of the United States. A similar requirement appears in the proposed new specification 39 high-pressure disposable cylinder provisions, published December 11, 1970 (35 F.R. 18879).

These cylinders are used to transport various compressed gases, such as carbon dioxide, oxygen, helium, argon, and nitrogen for industrial and medical purposes. In addition, new National Highway Safety Bureau motor vehicle Standard No. 208 (35 F.R. 16927) specifies occupant crash protection requirements for certain motor vehicles manufactured on or after July 1, 1973, including those of foreign manufacture sold in the United States. One major type of passive restraint system contemplated employs a high pressure gas cylinder, which would also be subject to the requirement that analyses and tests be performed within the United States. In view of the desire to import foreign-made cylinders for industrial and medical gas service and the future difficulties which will evolve from passive restraint systems being incorporated into foreign manufactured automobiles, the Board is considering the necessity for continuing to require the prescribed chemical analyses and tests to be performed within the United States. The Board believes that public participation and comments would be particularly helpful and therefore it will conduct a public hearing on this matter at 10 a.m. on February 23, 1971, in Room 10430 Nassif Building, 400 Seventh Street SW., Washington, DC.

The Board will appreciate comments addressed to the following principle area of consideration: Are the regulatory controls imposed on manufacturers of specifications 3A, 3AA, and other cylinders made in the United States suitable for controlling manufacturers outside the United States? For example, if the Bureau of Explosives is capable of qualifying competent and disinterested inspectors for cylinder manufacturing operations in the United States, would it also have the capability to approve, in a satisfactory manner, competent and disinterested inspectors performing their duties outside the United States? Also, in what manner is safety enhanced by the requirement that tests and analyses be performed in the United States? Could the same inspector witness tests performed outside the United States?

The hearing will be an informal one conducted by the Board. It will not be a judicial or evidentiary type hearing. There will be no cross-examination of persons presenting statements. A representative of the Board will make an opening statement outlining the scope of the hearing. Statements should focus on the issue raised by this notice. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matter set for hearing. These statements will be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Secretary of the Hazardous Materials Regulations Board by February 17, 1971, stating the approximate amount of time required for his initial statement. The Board will also receive written comments until March 9, 1971.

All communications concerning the hearing should be addressed to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590.

This notice is issued under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on January 5, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-555 Filed 1-14-71;8:48 am]

NOTE: F.R. Doc. 71-555, *supra*, was inadvertently published in the Proposed Rules section of the issue for Friday, Jan. 15, 1971.

ATOMIC ENERGY COMMISSION

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permit and Operating License

Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated January 13, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the Midland Plant, Units Nos. 1 and 2, at its site on the Tittabawasee River in Midland County, Mich., and adjacent to the Dow Chemical Co.'s main industrial complex in the city of Midland.

Each of the proposed reactors is designed for initial operation at approximately 2,452 thermal megawatts, with a total electrical output of approximately 1,325 megawatts plus 4,050,000 lbs./hr. of process steam.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 12, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[FR Doc.71-180 Filed 1-11-71;8:45 am]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Issuance of Facility Operating License

Notice is hereby given that, pursuant to Orders of the Atomic Energy Commission (the Commission), dated January 8, 1971 and January 11, 1971, the Commission has issued Facility Operating License No. DPR-25 to Commonwealth Edison Co. (the licensee) to permit fuel loading and low-power startup testing of the Dresden Nuclear Power Station Unit 3, a single cycle, forced circulation, boiling, light water nuclear reactor. The facility is located on the licensee's site in Grundy County, Ill. The reactor is designed for operation at approximately 2,527 megawatts (thermal), but operation, in accordance with the provisions of Facility Operating License No. DPR-25 and its Technical Specifications, is restricted to one megawatt (thermal), and without the reactor vessel head in place.

A notice of proposed issuance of the facility operating license was published in the FEDERAL REGISTER on November 20, 1970, 35 F.R. 17876. On December 18, 1970, a timely joint petition to intervene and a request for public hearing on the proposed Commission action was filed. On December 24, 1970, the applicant and petitioners filed a stipulation to a motion of the applicant (clarified by telegrams of December 30, 1970) which would allow fuel loading and low-power testing. In its answer of January 5, 1971, to the motion, the staff interposed no objection. The Commission has granted the motion and authorized the Director of Regulation to take appropriate action.

The Commission's regulatory staff has inspected the facility and has determined that, for fuel loading and low-power startup testing at power levels up to 1 megawatt (thermal), and without the reactor vessel head in place, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-22, the Atomic Energy Act, and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The license was issued as proposed except for (1) the revision of paragraph a of the findings to reflect the applicant's letter and telegram dated December 17, 1970, and December 18, 1970, respectively, (2) the revision of paragraph d of the findings and subparagraphs 3.A and 3.B to permit operation at 1 megawatt (thermal), and without the reactor vessel head in place, and (3) revision of paragraph 4 and addition of new paragraph 5 to reflect language consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further information concerning this license, see copies of (1) the Commission's orders dated January 8, 1971 and January 11, 1971; (2) Facility Operating License No. DPR-25, complete with Technical Specifications; (3) the Division of Reactor Licensing's safety evaluation dated November 18, 1970; and (4) Commonwealth Edison Co.'s letter and telegram, dated December 17, 1970, and December 18, 1970, respectively, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license and safety evaluation may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-709 Filed 1-18-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23006, 22859; Order 71-1-63]

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1971.

By tariff revisions[1] filed December 14, 1970, for effectiveness January 15, 1971, Braniff Airways, Inc. (Braniff), proposes to increase all general commodity rates for shipments of 100 pounds and over by approximately 6 percent, with the exception of eastbound directional rates,[2] which are being increased by 10 percent. Rates under 100 pounds would be raised by 1 or 2 cents per pound in all markets, resulting in increases between 5 and 8 percent.

In support of its proposal, Braniff points to its low and deteriorating earnings position, and increased costs of labor, materials, and other items.

Complaints requesting investigation and suspension were filed by Society of American Florists and Allied American Bird Co., Division of Hartz Mountain Products Corp. These complaints variously assert, inter alia, that the proposed rates (1) would seriously injure shippers of floral products and live animals; (2) would divert traffic of such products from the airline; and (3) are not adequately supported.

In Order 70-12-143, dated December 28, 1970, the Board determined to permit American Airlines, Inc. (American), to place into effect, pending investigation, percentage increases in its general commodity rates identical to those in Braniff's current proposal. The Board, however, suspended American's proposals to the extent that they would be used in the determination of rates and minimum charges in conjunction with premium ratings, chiefly applicable to live animals.

Consistent with the foregoing order and in view of other relevant matters, the Board has determined to permit the Braniff filing to become effective except as the filing applies to the determination of premium rates. The Board finds, as it did in the noted order, that the proposed increases applicable to general commodity traffic do not appear unreasonably large and should not adversely affect most shippers to a significant degree. The tariff revisions are already under investigation in Docket 22859, Domestic Air Freight Rate Investigation, and the premium rates are under investigation in Docket 21474, In the Matter of Air Freight Rates on Live Animals and Birds.

Braniff, however, has made no showing that existing rates as they apply to premium-rated traffic do not cover the costs of transporting such traffic nor has it otherwise provided support for increasing premium rates. In these circumstances the Board will suspend application of the increased rates on premium traffic.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariffs CAB No. 6.

[2] "Eastbound" directional rates are those for eastbound and northbound shipments from points in Colorado, Oklahoma, and Texas to points other than those in Arkansas, Florida, Louisiana, Oklahoma, Texas, and Tennessee.

It is ordered, That:

1. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including April 14, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Docket 23006 initiated herein, be consolidated into Docket 22859, Domestic Air Freight Rate Investigation.

3. The complaint filed by Society of American Florists in Docket 22945 and Allied American Bird Co., Division of Hartz Mountain Products Corp., in Docket 22918 will be dismissed except to the extent granted herein; and

4. A copy of this order shall be filed with the tariffs and served upon Braniff Airways, Inc., Society of American Florists, and Allied American Bird Co., Division of Hartz Mountain Products Corp., which are hereby made parties to Docket 23006.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-720 Filed 1-18-71;8:47 am]

[Docket No. 22898; Order 71-1-61]

EXECUTIVE AIRLINES, INC.

Order To Show Cause

Issued under delegated authority January 13, 1971.

On December 17, 1970, the Postmaster General filed a notice of intent, pursuant to 14 CFR Part 298, petitioning the Board to establish for Executive Airlines, Inc. (Executive), an air taxi operator, service rates for the transportation of mail over several routes previously served by Cutlass Aviation, Inc. (Cutlass), and later by Manchester Aviation Co., Inc. (Manchester).

The Postmaster General states that because of circumstances beyond the control of the parties involved service will no longer be available to the Postal Service by either Cutlass or Manchester. He states further that the routes for which rates are requested will be served by Executive at the same points, on the same frequencies, using DeHavilland Twin Otter aircraft, and at the same rates that have been in effect for Cutlass and Manchester. These final rates which are petitioned for Executive and are currently in effect for Manchester were established as follows, based on the number of round trips per week indicated:

[3] Filed as part of original document.

Docket	Order	Between	Round trips per week	Cents per mile
18848	E-26055	Providence, Rhode Island, and Newark, N.J., via Windsor Locks, Conn., and Albany, N.Y.	5	0.55
21796	70-5-18	Portland, Maine, and Newark, N.J., via Manchester, N.H., and Albany, N.Y.	6	.60
21797	70-11-57	Lebanon, N.H., and New York (LGA), New York, via Burlington, Vermont, and Albany, N.Y.	6	.58

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rates are fair and reasonable rates of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the markets.

It is in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rates per great circle aircraft mile to be paid to Executive Airlines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, based on the number of round trips per week indicated, shall be as follows:

Between	Round trips per week	Cents per mile
Providence, R.I. and Newark, N.J., via Windsor Locks, Conn., and Albany, N.Y.	5	0.55
Portland, Maine, and Newark, N.J., via Manchester, N.H., and Albany, N.Y.	6	.60
Lebanon, N.H., and New York (LGA) N.Y., via Burlington, Vt., and Albany, N.Y.	6	.58

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302, 14 CFR part 298 and the authority duly delegated by the Board in its organization regulations 14 CFR 385.16(f),

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

It is ordered That:

1. Executive Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rates of compensation to be paid to Executive Airlines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Executive Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-721 Filed 1-18-71;8:47 am]

[Dockets Nos. 22877, 22941; Order 71-1-68]

EMERY AIR FREIGHT CORP., ET. AL.

U.S. Flag Carrier-Air Freight Forwarder Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of January 1971.

By letter dated December 11, 1970, Emery Air Freight Corp. (Emery) has petitioned the Board for authorization to hold discussions with the U.S. carrier members of the International Air Transport Association (IATA) prior to the biennial Worldwide Cargo Traffic Conference which is scheduled to convene in Singapore in May of 1971.[1] On December 24, 1970, the Air Freight Forwarders Association (AFFA) filed a separate petition which requests that discussions be permitted between the forwarders and carrier members of IATA prior to the opening of the Traffic Conference. In addition, AFFA requests that the Board authorize and direct the U.S.-flag carrier members of IATA to meet with the U.S. international forwarders and their representatives at such various times as may be appropriate and convenient during the course of the Singapore Traffic Conference.

In support of their respective petitions as regards to discussions between the air freight forwarders and the U.S. carrier members of IATA, both Emery and AFFA cite prior Board actions in 1967 and 1969 when the Board authorized similar discussions. Emery indicates that it is within such discussions that U.S. rate policies are discussed and developed and believes that such discussions will provide needed guidance in settling international rate matters. AFFA indicates that a full and frank dialogue on relationships between international airlines and forwarders on rate matters, traffic procedures, and on other relevant problems may well enhance the rate of growth of international air freight traffic and facilitate the utilization by shippers of international air freight services.

In support of its request that the Board direct the U.S. carrier members of IATA to meet with the forwarders during the course of the Singapore Traffic Conference; AFFA indicates that many issues will arise during the course of the Conference with respect to which the U.S. carriers may find it beneficial to receive the professional advice and assistance of the U.S. forwarders. Such direction from the Board, AFFA states, will free the U.S. carriers from any strictures as to secrecy which may be imposed by IATA.

The Board believes that an exchange of information as proposed by both Emery and AFFA prior to the start of the Traffic Conference may contribute to improved rules and practices and to the establishment of an improved cargo rate structure, which in turn might enhance the development of air cargo services. Under these circumstances, and subject to appropriate safeguards for the public interest, the Board will herein authorize discussions between the U.S.-flag carrier members of IATA and all Board-authorized international air freight forwarders. The discussions will be authorized from the date of this order until the convening of the Worldwide Cargo Traffic Conference in Singapore in May of 1971.

We shall defer action on that part of AFFA's request that the Board direct the U.S. air carrier members of IATA to meet with U.S. international forwarders during the course of the Singapore Traffic Conference, pending analysis of any comments relating to this order and the analysis of any discussion relating to this issue which might take place in the above-authorized meetings between the carriers and the forwarders.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 414 thereof:

It is ordered, That:

1. All U.S.-flag carrier members of the International Air Transport Association, and all Board-authorized international air freight forwarders, are authorized to engage in discussions pertaining to international cargo rates, traffic handling procedures, and other related matters between the date of this order and until commencement of the biennial Worldwide Cargo Traffic Conference scheduled to convene in Singapore in May, 1971;

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this Docket 5 days prior to such meeting;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at these meetings;

4. Complete and accurate minutes shall be kept of all discussions by the carriers and a true copy thereof filed with the Board not later than 15 days after the conclusion of each meeting;

5. Action on that portion of AFFA's petition regarding directed meetings between U.S. carrier members of IATA and U.S. international air freight forwarders during the course of the Cargo Traffic Conference is deferred and all interested persons may submit comments by February 1, 1971, and

6. This order will be served upon all U.S.-flag carrier members of the International Air Transport Association and all Board-authorized international air freight forwarders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-722 Filed 1-18-71;8:47 am]

[Docket 22162, etc.; Order 71-1-64]

COUNTY OF SULLIVAN, STATE OF NEW YORK AND SULLIVAN COUNTY AIRPORT COMMISSION

Order of Remand

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1970.

Examiner Joseph L. Fitzmaurice has issued his initial decision in the above-entitled case. Petitions for discretionary review were filed by the county of Sullivan, N.Y., and the Sullivan County Airport Commission and the New York State Department of Transportation. Answers were filed by Mohawk Airlines and the Bureau of Operating Rights.

We find that the present record is inadequate to permit decision on the merits. Under these circumstances, we have decided to remand the case to the examiner for a reopening of the record and the issuance of a supplemental initial decision. We wish the parties to submit additional evidentiary material and to direct themselves specifically (although not exclusively) to the cost implications and public service benefits of (1) seasonal service, (2) making Liberty/Monticello an intermediate stop on Mohawk's existing flights, particularly flights currently serving monopoly markets, and (3) turnaround service between New York and Liberty/Monticello. Moreover, since this case involves the Liberty/Monticello (Sullivan County) geographic area which, at the moment, has no certificated air service, this proceeding might culminate in a major Federal action significantly affecting the quality of the human environment. Therefore, since we are remanding the proceeding, we shall invoke the procedures outlined in the policy statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582).[1]

Accordingly, it is ordered, That:

1. This proceeding be and it hereby is reopened and remanded to the examiner for further evidentiary hearings, in accordance with such expedited procedures as the examiner may deem appropriate.

2. The examiner shall issue a supplemental initial decision on all the issues in the proceeding, including those indicated above.

3. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

4. A copy of this order shall be served upon all persons served with the initial decision in this proceeding and, in addition, upon the Environmental Protection Agency, the Council on Environmental Quality, and the Governor of New York.

5. The petitions for discretionary review be and they hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-723 Filed 1-18-71;8:47 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the

[1] One answer in support of Emery's petition has been filed by an air freight forwarder.

[1] The supplemental decision shall address itself to all issues in the case. We leave to the examiner, however, the procedure to be followed so as to avoid duplication in the submission of evidence.

Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Domestic Business Policy, Bureau of Domestic Commerce.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-703 Filed 1-18-71;8:46 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, United States Travel Service, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-704 Filed 1-18-71;8:46 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Business Development Programs, Assistant Secretary for Domestic and International Business.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-705 Filed 1-18-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for School Systems, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-706 Filed 1-18-71;8:46 am]

DEPARTMENT OF INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director, Office of the Assistant Secretary for Public Land Mangement, Bureau of Outdoor Recreation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-707 Filed 1-18-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3602]

AMERICAN MOTORS CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 12, 1971.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

American Motors Corp., File No. 7-3602.

In order to avoid an interruption in trading, the Exchange has requested that the Commission grant such privileges effective on the date its pending application pursuant to Rule 12d2-2(c) with respect to such security (File No. 1-622) is granted.

Upon receipt of a request, on or before January 27, 1971 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-715 Filed 1-18-71;8:47 am]

[70-4963]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

JANUARY 12, 1971.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its ------ percent cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of one-twenty-fifth of 1 percent and the price, exclusive of accrued dividends, to be paid to JCP&L (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

Of the 1 million shares of preferred stock presently authorized, JCP&L has 375,000 shares outstanding, 125,000 shares of a 4 percent Series issued in 1946 and 250,000 shares of a 9.36 percent Series issued in 1970. The terms of the new preferred stock includes a prohibition until February 1, 1976, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock at a lower dividend cost.

The proceeds from the sale of the preferred stock will be used to repay a portion of JCP&L's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate $51 million at the time of the proposed sales. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of JCP&L, including the payment of expenses of its financing program.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $75,000, including legal fees of $20,500 and accounting fees of $4,100. The fees and expenses of counsel for the underwriters to be paid by the successful bidders, will be supplied by amendment. The filing further states that the issuance

and sale of the preferred stock is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which JCP&L is organized and doing business and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than February 8, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-716 Filed 1-18-71;8:47 am]

[812-2669]

MARK TWAIN SECURITIES, INC.

Notice of Filing Application for Order Declaring That Company is Not an Investment Company

JANUARY 11, 1971.

Notice is hereby given that Mark Twain Securities, Inc. (Applicant), 604 Clark Avenue, Jefferson City, MO 65101, a Missouri corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that it is primarily engaged in a business other than that of investing, owning, holding, reinvesting, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, summarized below.

As of December 31, 1969, Applicant had total assets on its balance sheet of $319,815 consisting of cash ($6,864), and Applicant's holdings of 102,130 shares of the common stock (29.2 percent of the voting stock) of Mark Twain Life Insurance Co., a Missouri corporation, (Insurance), carried at cost of $312,951. Since there is little trading activity and no established market value for the Insurance shares held by Applicant, these securities are carried at cost. Applicant's investment in Insurance constitutes principally all of Applicant's total assets. The 1969 annual statement to the Missouri State Division of Insurance discloses the book value of Insurance to be $1.70 per share of common stock, which places the book value of Applicant's holdings of Insurance's common stock at $173,621. Practically all of Applicant's income comes from providing services to Insurance and a commission on premium income of Insurance.

In addition to Applicant's holding of 102,130 shares of Insurance stock, Applicant's directors hold 11,662 shares of Insurance stock. Insurance now has approximately 1,567 different shareholders. The largest number of shares of Insurance held by a person who does not own stock or hold office in Applicant consists of 2,190 shares. The next largest shareholder in such category owns 1,200 shares of Insurance.

Since 1964, Applicant, under contract with Insurance, has managed and controlled the operations of Insurance. This contract states that Applicant is employed to "manage, direct, supervise, control, and operate all of the property and affairs" of Insurance. These services include but are not limited to the supervision and management of the operation of each department of Insurance, including auditing, bookkeeping and purchasing. The contract gives Applicant the right to hire and discharge the employees of Insurance and to fix their compensation. For these services, Applicant receives a management fee of $18,000 per year in addition to 6 percent and three percent respectively of Insurance's premium income from new and renewal business. The management contract has been in effect continuously since its adoption, and Applicant is now managing and controlling the operations of Insurance in accordance therewith. Applicant's Articles of Incorporation gives the Applicant power to advance money, own and deal in real estate and securities, and to do all other acts of a general business nature without limitation. Applicant was formed primarily to own a substantial interest in, control and manage Insurance, which Applicant organized.

Since July 13, 1963, to the present time, the directors of Applicant have comprised, at no time, less than a majority of the directors of Insurance. Mr. Ira G. Woodward was an incorporator of both Applicant and Insurance and president, chairman, director, and general manager of both companies. Mr. Woodward, until recently owned 12,489.4 Class A voting common shares of Applicant and 585,023 shares of Applicant's Class B voting stock, representing 48 percent of Applicant's outstanding voting securities.

Pursuant to an agreement between Insurance and Mr. Ira Woodward, Mr. Woodward performed most of the management functions of Insurance as defined in Applicant's contract with Insurance. As compensation, Mr. Woodward will receive a salary of 4 percent of Insurance's new premium income and 1 percent of Insurance's renewal premium income which would have been paid to Applicant as part of Applicant's compensation. In order to avoid duplication of bookkeeping, Applicant agreed that Insurance would compensate Mr. Woodward directly for such services to Insurance.

On June 19, 1970, Applicant amended its application to reflect a change in control of both Applicant and Insurance. On April 1, 1970, Mr. Woodward sold to TrendsWestern, Inc. (TrendsWestern), an Oklahoma corporation, all of his stock in Applicant. At a special meeting of Applicant's board of directors, Mr. Woodward resigned as Applicant's president, chairman, director, and general manager. At this meeting, four other existing directors resigned and TrendsWestern named five new directors who were elected. Mr. James Hasenbeck, president and director of TrendsWestern, was elected as president, director, and general manager of Applicant.

On April 9, 1970, shareholders and director's meetings of Insurance were held at which Mr. Woodward resigned as president, director, chairman, and general manager of Insurance. The same five directors elected by TrendsWestern as new members of Applicant's board became new members of Insurance's board, and the six other directors of Insurance's board remained. Thus, Applicant's presently constituted board of directors is identical to Insurance's board of directors. Mr. Hasenbeck was elected as president, director, and general manager of Insurance.

The management contract between Applicant and Insurance remains in effect. Although the Manager's Contract between Mr. Woodward and Insurance was canceled, Mr. Hasenbeck is performing the duties under this contract which were formerly performed by Mr. Woodward. As compensation, Insurance pays Mr. Hasenbeck's salary.

TrendsWestern is primarily engaged in the management of insurance companies. It has nine stockholders, three of whom are among those elected to the board of Applicant and Insurance. TrendsWestern controls and directs the operation of Life Corporation of America, a life insurance company, and Casualty Corporation of America, an automobile insurance company.

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

either directly or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than January 28, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Mark Twain Securities, Inc., at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-717 Filed 1-18-71;8:47 am]

TARIFF COMMISSION

[AA1921-68]

CERAMIC WALL TILE FROM THE UNITED KINGDOM

Notice of Investigation and Hearing

Having received advice from the Treasury Department on January 7, 1971, that ceramic wall tile from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 2, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: January 14, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-700 Filed 1-18-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[F.D. No. 25558 etc.]

PENN CENTRAL TRANSPORTATION CO.

Discontinuance of Certain Trains Between Pittsburgh and Philadelphia, Pa.

Present: Kenneth H. Tuggle, Commissioner, to whom the matters which is the subject of this order has been assigned for action thereon.

Upon consideration of the records in the above-entitled proceeding and those listed in the appendix hereto, and of the Rail Passenger Service Act of 1970, Public Law 91–518, hereinafter referred to as the Act of 1970, effective October 30, 1970; and

It appearing, that the Act of 1970, section 802, provides

Upon enactment of this Act, no railroad may discontinue any intercity rail passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

It further appearing, that the Act of 1970, in section 102(5), defines intercity rail passenger service as—

(5) "Intercity rail passenger service" means all rail passenger service other than (A) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and

It further appearing, that, in view of the Act of 1970, there may be some question as to whether, for the purpose of ordering its maintenance or restoration, the train service in each of the subject proceedings is within this Commission's jurisdiction under section 13a of the Interstate Commerce Act, under the commuter exclusion of the Act of 1970, or under any other provision of law; but that the distinction made in the Act of 1970 between intercity service and other service was not of jurisdictional importance under section 13a of the Interstate Commerce Act, and the parties, not having previously done so, may wish to address themselves to that particular matter, or make other representations which they may deem appropriate in the circumstances:

It is ordered, That, in view of the provisions of the Rail Passenger Service Act of 1970 regarding the national policy on passenger train service and plans for operation of intercity passenger trains, the parties to these proceedings and all other interested persons be, and they are hereby, notified to inform this Commission in writing, within 60 days after the date of service of this order, why an order should not be entered discontinuing the subject proceedings, or any of them and in such writing, to set forth all reasons—jurisdictional, factual, and legal—and appropriate argument as to why such order should not be entered.

It is further ordered, That these proceedings shall be continued until further order of the Commission; and

It is further ordered, That this order shall become effective upon the date of its service and that its contents shall be published in the FEDERAL REGISTER.

By the Commission, Commissioner Tuggle.

Dated this 28th day of December 1970.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX

The following are the proceedings embraced by the attached order, of which this is a part:

F.D. No. 25755

Penn Central Transportation Co. Discontinuance of Train No. 50 From Chicago, Ill., to New York, N.Y., and Train No. 53 from Pittsburgh, Pa., to Chicago, Ill.

F.D. No. 25972

Seaboard Coast Line Railroad Co. Discontinuance of Trains Nos. 93 and 94 Between Jacksonville and St. Petersburg, Fla.

F.D. No. 26065

Penn Central Transportation Co. Discontinuance of Trains Nos. 15 and 18 Between Cleveland and Columbus, Ohio.

F.D. No. 26088

Burlington Northern, Inc., Discontinuance of Trains Nos. 17 and 18 Between Chicago, Ill., and Denver, Colo., and Change in Service of Trains Nos. 11 and 12 between Omaha, Nebr., and Chicago, Ill.

F.D. No. 26090

Southern Pacific Transportation Co. Change in Service of Trains Nos. 11 and 12 Between Portland, Oreg. and Oakland, Calif.

F.D. No. 26106 (SUB-No. 8)

Penn Central Transportation Co. Discontinuance of Trains Nos. 35 and 52 Between Chicago, Ill., and Buffalo, N.Y.

F.D. No. 26117

Grand Trunk Western Railroad Discontinuance of Trains Nos. 155 and 156 Between Port Huron, Mich., and Chicago, Ill.

F.D. No. 26145

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Discontinuance of Trains Nos. 1 and 4 Between Chicago, Ill., and Minneapolis, Minn.

F.D. No. 26155

Union Pacific Railroad Co. Discontinuance of Trains Nos. 35 and 36 Between Salt Lake City, Utah, and Butte, Mont.

F.D. No. 26255

Burlington Northern Inc., Discontinuance of Trains Nos. 3 and 4 Between Chicago, Ill., and Lincoln, Nebr.

F.D. No. 26256

Chicago and North Western Railway Co. Discontinuance of Trains Nos. 1, 2, 11, and 12 Between Chicago, Ill., and Clinton, Ohio.

F.D. No. 26271

Illinois Central Railroad Co. Discontinuance of Trains Nos. 11 and 12 Between Chicago, Ill., and Sioux City, Iowa.

F.D. No. 26280

Burlington Northern Inc., Discontinuance of Trains Nos. 39 and 54 Between St. Paul, Minn., and Duluth, Minn., Via Superior Wis.

F.D. No. 26299

Illinois Central Railroad Co. Discontinuance of Trains Nos. 3 and 4 Between Carbondale, Ill., and Memphis, Tenn.

F.D. No. 26324

Southern Pacific Transportation Co. Change in Service of Trains Nos. 1 and 2 Between Los Angeles, Calif., and New Orleans, La.

F.D. No. 26334

Seaboard Coast Line Railroad Co. Discontinuance of Trains Nos. 11 and 12 Between Montgomery, Ala., and Waycross, Ga., Trains Nos. 5 and 6 Between Waycross, Ga., and Miami, Fla., and Trains Nos. 93 and 94 Between Jacksonville and St. Petersburg, Fla.

F.D. No. 26347

Alabama Great Southern Railroad Co. Change in Service of Trains Nos. 1 and 2 Between Birmingham, Ala., and New Orleans, La.

F.D. No. 26363

Seaboard Coast Line Railroad Co. Discontinuance of Trains Nos. 9 and 10 Between Richmond, Va., and Columbia, S.C.

F.D. No. 25415

New York, New Haven and Hartford Railroad Co. Trustees Discontinuance and Change in Service Between New York, N.Y., New Haven, Conn., Boston and Springfield, Mass.

[FR Doc.71-724 Filed 1-18-71;8:48 am]

[Notice 229]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 13, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 191 TA), filed January 8, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, 54306, Green Bay, WI 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, such as printing, other than newsprint, wrapping, pulpboard, in rolls, from the plant and warehouse sites of St. Regis Paper Co. at or near Franklin, Dayton, and Urbana, Ohio, and the plant and warehouse sites of Kimberly-Clark Corp. at or near Dayton, Ohio, to points in Arkansas, Delaware, Illinois (except Chicago, Ill., and points in its commercial zone and points in Illinois on and south of a line beginning at the intersection of U.S. Highway 150 and the Illinois-Indiana State line and extending over U.S. Highway 150 to Peoria, Ill., and thence over U.S. Highway 24 to the Illinois-Iowa State line), Indiana (except points in Indiana in the Chicago, Ill., commercial zone), Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland (except Baltimore, Md., and points in its commercial zone), Massachusetts, Minnesota, Mississippi, Missouri (except St. Louis, Mo., and points in its commercial zone), Nebraska, New Hampshire, New York (except New York, N.Y., and points in its commercial zone and Nassau and Suffolk Counties, N.Y.), North Dakota, Ohio, Oklahoma, Pennsylvania (except points in Pennsylvania on and east of Interstate Highway 81 and points in Westmoreland County, Pa.), Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin (except Eau Claire, and La Crosse, Wis., and points in Wisconsin on and east of U.S. Highway 51), and the District of Columbia, for 180 days. Supporting shipper: St. Regis Paper Co. (Howard Division), 1570 Muzzys Road, Urbana, OH 43078 (Joseph M. Gittens, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 95540 (Sub-No. 794 TA), filed January 8, 1971. Applicant WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Plainview, Tex., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 103993 (Sub-No. 601 TA), filed January 8, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Holmes County, Ohio, to points in the United States east of the Mississippi River, Minnesota and Louisiana, for 180 days. Supporting shipper: Skyline Corp., Elkhart, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 103993 (Sub-No. 602 TA), filed January 8, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in initial movements, in truckaway service, from points in Payette County, Idaho, to points in the United States including Alaska but excluding Hawaii, for 180 days. Supporting shipper: Concord Travelers Northwest, Division of Champion Home Builders Co., Post Office Box 157, Payette, ID. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 103993 (Sub-No. 603 TA), filed January 8, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in initial movements, in truckaway service, from Spencer, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Trailblazer Division of Wick Building

Systems, Inc., Spencer, Wis. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 111170 (Sub-No. 153 TA), filed January 8, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2311 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene glycol*, in bulk, from Pine Bluff, Ark., to Milan, Tenn., for 180 days. Supporting shipper: The Dow Chemical Co., 800 Pierre Laclede Center, 7733 Florsythe Boulevard, St. Louis, MO 63105. Send protests to: District Supervisor, William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111467 (Sub-No. 29 TA), filed January 8, 1971. Applicant: ARUTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flux stone*, from points in Rock Island County, Ill., to Dubuque, Iowa, for 150 days. Supporting shipper: John Deere, Dubuque Tractor Works, Dubuque, Iowa 52001. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 110988 (Sub-No. 261 TA), filed January 8, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: Dave Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from Milwaukee, Wis., to Omaha, Nebr., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166 (R. W. Bradshaw, Supervisor, Bulk Truck Transportation). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112822 (Sub-No. 178 TA), filed January 8, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and warehouse facilities of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Norman L. Cummins, Director of Physical Distribution, Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113267 (Sub-No. 252 TA), filed January 1, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides); from Plainview, Tex., to points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 114457 (Sub-No. 100 TA), filed January 8, 1971. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Donald G. Oren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, prepared, frozen, moving in mechanically refrigerated vehicles, from Detroit, Mich., and points in the Detroit, Mich., commercial zone, as defined by the Commission, to Minneapolis/St. Paul, Minn., and points in the Minneapolis/St. Paul, Minn., commercial zone as defined by the Commission, for 180 days. Supporting shipper: Turri's Italian Foods, Inc., Detroit, Mich. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117940 (Sub-No. 35 TA), filed January 8, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: B. R. Veach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, hide-a-beds, studio couches, bedframes, headboards, and roll-a-way cots*, from Kansas City, Mo., to Des Moines, Iowa; Minneapolis, St. Paul, Minn., St. Louis, Mo., and Omaha, Nebr., for 180 days. Supporting shipper: Simmons Co., 9200 Calumet Avenue, Munster, IN 46321. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 South Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118034 (Sub-No. 15 TA), filed January 8, 1971. Applicant: MILLER TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, TX 76106. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Louisiana, Mississippi, Arkansas, Oklahoma, and to Memphis, Tenn., for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: H. C. Morrison, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 119767 (Sub-No. 254 TA), filed January 8, 1971. Applicant: BEAVER TRANSPORT CO., Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, and except frozen, from Terre Haute, Ind., to points in Illinois, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, MN 55402 (Roger A. Hackbart, Traffic Manager, Grocery Products Co.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124078 (Sub-No. 468 TA), filed January 8, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Sandersville, and McIntyre, Ga., to Jeannette, Pa. for 180 days. Supporting shipper: The General Tire & Rubber Co., Post Office Box 951, Akron, OH 44309 (Russell W. Klar, Corporate General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 126372 (Sub-No. 8 TA), filed January 8, 1971. Applicant: SUREFINE TRANSPORTATION COMPANY, 1925 East Vernon Avenue, Los Angeles, CA 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated, from points in Salt Lake County, Utah, to points in Nevada, Idaho, Oregon, Washington, California, and Oregon; (2) *store fixtures and store equipment*, uncrated, from points in Salt Lake County, Utah, to California, Colorado, Idaho, and Nevada; (3) *kitchen equipment*, uncrated, from points in Salt Lake County, Utah, to points in California, Colorado, Idaho, Nevada, Wyoming, and Montana; (4) *new furniture*, uncrated, from Provo, Utah, to points in California and Nevada; and (5) also *new furniture*, uncrated, between points in Clark County, Nev., and points in Salt Lake County, Utah, for 180 days. Supporting shippers: Manor House Furniture Co., Inc., 1616 East Lake Mead Boulevard, North Las Vegas, NV; Unidine International Corp., 4501 North University Avenue, Provo, UT; Midco Metal Products Co., Inc., 1907 Indiana Avenue, Salt Lake City, UT; Imperial Upholstering Co., Inc., 1739 South Industrial Road, Salt Lake City, UT; Koch Distributing Co., 863 South Fourth West, Salt Lake City, UT 84110; Fetzer's Salt Lake Cabinet & Fixture Co., 1436 South West Temple, Salt Lake City, UT 84110; Wahlen Brothers Furniture Manufacturing Co., 6380 South 200 West, Murray, UT. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 127505 (Sub-No. 39 TA), filed January 8, 1971. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store display racks, steel pallet racks; carriers or conveyors; cranes; and parts thereof*, from Addison, Ill., to points in Wisconsin, Minnesota (on and south of Minnesota Highway 19), Iowa, Missouri, Tennessee, Mississippi, Louisiana (on and east of Mississippi River), and all States east thereof. Applicant states no tacking possible but intends to interline at all possible interchange points available, for 180 days. Supporting shipper: Fab Master Corp., 125 Fay Avenue, Addison, IL 60101. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn, 1086 Everett McKinley Dirksen Building, Chicago, IL 60604.

No. MC 128273 (Sub-No. 81 TA), filed January 8, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Mobile, Ala., Bastrop, La., and Moss Point, Miss., to points in California, for 180 days. Supporting shipper: International Paper Co., 220 East 42d Street, New York, NY 10017. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 135201 (Sub-No. 1 TA), filed January 8, 1971. Applicant: B & F TURGEON, INC., 15 North Edgelawn, Aurora, IL 60506. Applicant's representative: E. Jay Lease (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts and accessories and merchandise*, normally distributed by retail and wholesale automobile outlets, *damaged, defective and returned shipments* of the same commodities on return, from Chicago, Ill., to Crown Point, Chesterton, Elkhart, Highland, Hobart, Knox, La Porte, Lowell, Michigan City, North Judson, Portage, and South Bend, Ind., and Cassapolis, Mich., for 150 days. Supporting shipper: National Automobile Parts Association (NAPA), 3315 South Parnell, Chicago, IL 60616. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 Everett McKinley Dirksen Building, 219 South Dearborn, Chicago, IL 60604.

No. MC 135210 TA, filed January 8, 1971. Applicant: NEATHERY AND COMPANY, INC., 19 South Crockett, Sherman, TX 75090. Applicant's representative: M. Ward Bailey, Continental Life Building, Forth Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, dealt in by Montgomery Ward & Co., retail stores*, from Sherman, Tex., to points in Oklahoma within a 50-mile radius of Sherman, Tex., for 180 days. Supporting shipper: Montgomery Ward, Regional Office, 6200 East St. John Avenue, Kansas City, MO 64123. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 135211 TA, filed January 8, 1971. Applicant: ESCONDIDO STORAGE CO., doing business as EL CENTRO VAN & STORAGE CO., 238 North Quince, Escondido, CA 92025. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods*, between points in San Diego and Imperial Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and containerization of such shipments, for 180 days. Supporting shippers: U.S. Naval Air Facility, El Centro, CA 92243; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA 94103; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-725 Filed 1-18-71;8:48 am]

[Notice 635]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 14, 1971.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72616. By application filed January 12, 1971, L. E. YOHO, doing business as L. E. YOHO EXCAVATING SERVICE, Route No. 2, Proctor, Moundsville, Marshall County, WV, seeks temporary authority to lease the operating rights of CHESTER BONNETTE, WILLIAM C. BONNETTE, AND EDWARD G. BONNETTE, doing business as CHESTER BONNETTE AND SONS, 612 12th Street, Moundsville, Marshall County, WV, under section 210a(b). The transfer to L. E. YOHO, doing business as L. E. YOHO EXCAVATING SERVICE, of the operating rights of CHESTER BONNETTE, WILLIAM C. BONNETTE, AND EDWARD G. BONNETTE, doing business as CHESTER BONNETTE AND SONS, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-726 Filed 1-18-71;8:48 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RONALD LEEMAN DAVENPORT

Notice of Granting of Relief

Notice is hereby given that Ronald Leeman Davenport, 203 Woolcock Street, Jefferson, WI 53549, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 26, 1969, in Columbia County Court, Portage, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ronald Leeman Davenport because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or

ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ronald Leeman Davenport to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ronald Leeman Davenport's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ronald Leeman Davenport be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-728 Filed 1-18-71;8:48 am]

JOHN T. FACKELMAN

Notice of Granting of Relief

Notice is hereby given that John T. Fackelman, 3607 Berkeley Drive, Toledo, OH 43612, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 8, 1954, in the Criminal District Court, Dallas County, Tex., of a crime punishable by imprisonment for a term exeeding 1 year. Unless relief is granted, it will be unlawful for John T. Fackelman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John T. Fackelman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John T. Fackelman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John T. Fackelman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-729 Filed 1-18-71;8:48 am]

RICHARD HAZE GARRETT

Notice of Granting of Relief

Notice is hereby given that Richard Haze Garrett, Route 9 West, Berkeley Springs, WV 25411, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 9, 1942 in the Intermediate Court of Kanawha County, W. Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard H. Garrett because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard H. Garrett to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard H. Garrett's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a fireman or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard H. Garrett be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-730 Filed 1-18-71;8:48 am]

RICHARD HILL McKANNAY

Notice of Granting of Relief

Notice is hereby given that Richard Hill McKannay, 275 Pacheco Street, San Francisco, CA 94116, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 10, 1964, in the U.S. District Court for the Northern District of California, Southern Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard H. McKannay because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard H. McKannay to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard H. McKannay's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard H. McKannay be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-731 Filed 1-18-71;8:48 am]

JOHN WILLIAM RIXHAM, JR.

Notice of Granting of Relief

Notice is hereby given that John William Rixham, Jr., 1207-G St. Agnes Lane, Baltimore, MD, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 19, 1965, in the Baltimore County Circuit Court, Md. of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John W. Rixham, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John W. Rixham, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John W. Rixham, Jr.'s, application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That, John W. Rixham be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-733 Filed 1-18-71;8:48 am]

ROBERT WILLIAM SELSTAD

Notice of Granting of Relief

Notice is hereby given that Robert William Selstad, W1200 Wayzata Boulevard, Long Lake, MN 55356, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 20, 1953, in the Hennepin County, Minn., District Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert W. Selstad because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Robert W. Selstad to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert W. Selstad's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Robert W. Selstad be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 7th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-732 Filed 1-18-71;8:48 am]

DENNIS LEE SWEDEEN

Notice of Granting of Relief

Notice is hereby given that Dennis Lee Swedeen, No. 7 Inner Drive, Circle Pines, MN 55014, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 24, 1968, in the Tenth Judicial District Court at Anoka, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis Lee Swedeen because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dennis Lee Swedeen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis Lee Swedeen's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis Lee Swedeen be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-734 Filed 1-18-71;8:48 am]

ORGANIZATION AND FUNCTIONS

This material supersedes the statements on organization and functions published at 35 F.R. 2417-2456 and 35 F.R. 13532.

Dated: January 11, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

1100—ORGANIZATION AND STAFFING

1110—Organization and Functions of the Internal Revenue Service

1111 Establishment of the Internal Revenue Service

1111.1 MISSION

The mission of the Service is to encourage and achieve the highest possible degree of voluntary compliance with the tax laws and regulations and to maintain the highest degree of public confidence in the integrity and efficiency of the Service. This includes communicating the requirements of the law to the public, determining the extent of compliance and causes of non-compliance, and doing all things needful to a proper enforcement of the law.

1111.2 ORGANIC ACT

(1) The office of the Commissioner of Internal Revenue was established by an act of Congress (12 Stat. 432) on July 1, 1862, and the first Commissioner of Internal Revenue took office on July 17, 1862.

(2) The act of July 1 provided:

> • • • That, for the purpose of superintending the collection of internal duties, stamp duties, licenses, or taxes imposed by this Act, or which may be hereafter imposed, and of assessing the same, an office is hereby created in the Treasury Department to be called the office of the Commissioner of the Internal Revenue; • • • Commissioner of Internal Revenue, • • • shall be charged, and hereby is charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes, which may be necessary to carry this Act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide proper and sufficient stamps or dies for expressing and denoting the several stamp duties, or the amount thereof in the case of percentage duties, imposed by this Act, and to alter and renew or replace such stamps from time to time, as occasion shall require; • • •

(3) By common parlance and understanding of the time, an office of the importance of the office of Commissioner of Internal Revenue was a bureau. The Secretary of the Treasury in his report at the close of the calendar year 1862 stated that "The Bureau of Internal Revenue has been organized under the Act of the last session • • •" Also it can be seen that Congress had intended to establish a Bureau of Internal Revenue, or thought they had, from the act of March 3, 1863, in which provision was made for the President to appoint with Senate confirmation a Deputy Commissioner of Internal Revenue "who shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and who shall act as Commissioner of internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue." In other words, "the office of internal revenue" was "the bureau of internal revenue," and the act of July 1, 1862 is the organic act of today's Internal Revenue Service.

1111.3 HISTORY

1111.31 *Internal taxation.* Madison's Notes on the Constitutional Convention reveal clearly that the framers of the Constitution believed for some time that the principal, if not sole, support of the new Federal Government would be derived from customs duties and taxes connected with shipping and importations. Internal taxation would not be resorted to except infrequently, and for special reasons. The first resort to internal taxation, the enactment of internal revenue laws in 1791 and in the following 10 years, was occasioned by the exigencies of the public credit. These first laws were repealed in 1802. Internal revenue laws were reenacted for the period 1813–1817 when the effects of the war of 1812 caused Congress to resort to internal taxation. From 1818 to 1861, however, the United States had no internal revenue laws and the Federal Government was supported by the revenue from import duties and the proceeds from the sale of public lands. In 1862 Congress once more levied internal revenue taxes. This time the establishment of an internal revenue system, not exclusively dependent upon the supplies of foreign commerce was permanent.

1111.32 *Background and evolution of present organization.* (1) Before the establishment of the office of Commissioner of Internal Revenue, taxes were collected by "Supervisors" of collection districts who were appointed by the President, subject to Senate confirmation. These Supervisors worked under the direct control of the Treasury Department. The Revenue Act of 1813 provided, for the first time, for a "Collector" and a "Principal Assessor" for each collection district, and for deputy collectors and assistant assessors. Collectors and Assessors appear to be the original forerunners of the twentieth century Collectors of Internal Revenue and Internal Revenue Agents in Charge.

(2) Since 1862, the Internal Revenue Service has undergone a period of steady growth as the means for financing Government operations shifted from the levying of import duties to internal taxation. Its expansion received considerable impetus in 1913 with the ratification of the Sixteenth Amendment to the Constitution under which Congress received constitutional authority to levy taxes on the income of individuals and corporations. With the enactment of income tax laws the work of the Revenue Service began to take on a highly technical character.

(3) From the World War I period through 1951, the basic organizational structure of the Internal Revenue Service remained essentially unchanged even though there were marked increases in the number of taxpayers serviced, revenue receipts, employees and the overall work load. The Service was organized, in Washington and the field, on a program or "type-of-tax" basis, with jurisdictionally separate organizations, or "Units," charged with the administration of different types of taxes.

1111.4 REORGANIZATION PLAN NO. 1 OF 1952 AND OTHER CHANGES

(1) On January 14, 1952, the President of the United States submitted to Congress Reorganization Plan No. 1 of 1952, calling for a comprehensive reorganization of the Internal Revenue Service. On March 13, 1952, the last motion to defeat the Plan was voted down in the Senate, and the Plan became effective on March 15, 1952.

(2) Reorganization Plan No. 1 of 1952 brought about four basic changes in the Internal Revenue Service:

(a) The organization of the Service along functional lines—i.e., operations, administration, technical, planning, and inspection;

(b) The abandonment of the system of political appointments to positions below the Commissioner;

(c) The integration of most field revenue programs under District Directors of Internal Revenue; and

(d) The establishment of a system of regional administration under Regional Commissioners of Internal Revenue.

(3) The Reorganization Plan provided authority for the establishment of 25 offices of Regional Commissioners (referred to as "District Commissioners" in the Plan). By December 1, 1952, the offices of 17 Regional Commissioners had been established. The major field programs, including alcohol and tobacco tax enforcement, were integrated under District Directors; the appellate program and the permissive alcohol and tobacco tax functions were placed in the offices of Regional Commissioners; and, in the National Office, all activities were placed under Assistant Commissioners for Inspection; Operations; and Technical; an Assistant to the Commissioner, and an Administrative Assistant to the Commissioner.

(4) In 1953, a number of organizational refinements were effected. The number of regions was reduced to 9; the field operations of Alcohol and Tobacco Tax were centralized at the regional level; and the delinquent accounts and returns program was transferred from the Audit Divisions in the Offices of District Directors to their Collection Divisions. In the National Office, the position of Deputy Commissioner was established and the Bureau of Internal Revenue was redesignated as the Internal Revenue Service.

(5) Other significant changes since 1953 include establishment of the Offices of Assistant Commissioners for Administration, Data Processing, and Planning and Research; redesignation of the Assistant Commissioner (Operations) as the Assistant Commissioner (Compliance); discontinuance of the Columbus and Toledo (Ohio) districts and consolidation of the Upper and Lower Manhattan districts, effective January 1, 1960; establishment of the Anchorage (Alaska) district on January 1, 1961; transfer on September 13, 1963 of the Director of Practice from the Internal Revenue Service to the Office of the Secretary of the Treasury to be under the immediate supervision of the General Counsel; effective January 1, 1964, reduction in the number of regions to 8 and discontinuance of the districts of Camden (New Jersey), Kansas City (Missouri), Scranton (Pennsylvania), and Syracuse (New York); and, effective January 4, 1965, reduction in the number of regions to 7. On December 19, 1968, Alcohol and Tobacco Tax Division was changed to Alcohol, Tobacco and Firearms Division.

1112 Service Organization

(1) The Internal Revenue Service is a component part of the Treasury Department. The Service is headed by the Commissioner of Internal Revenue who serves under the direction of the Secretary of the Treasury.

(2) The Internal Revenue Service consists of a National Office in Washington, D.C., and a field organization. The latter consists of seven Internal Revenue regions, each headed by a Regional Commissioner who reports to the Deputy Commissioner; 58 Internal Revenue districts, each headed by a District Director, and seven service centers, each headed by a Director, who report to a Regional Commissioner; and a computer center and a data center under the direction of the Assistant Commissioner (Data Processing) in the National Office. In addition, there are in the field seven Regional Inspectors and seven Regional Counsels, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D.C.

(3) In administering the alcohol, tobacco, firearms and appellate functions direct from the regional office, the Regional Commissioner maintains and supervises several branch offices. The Alcohol, Tobacco and Firearms branch offices are headed by Chief Special Investigators or Chief Inspectors who report to the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms). The Appellate branch offices are headed by Chiefs, Appellate Branch Office, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. The Regional Counsels also maintain and supervise branch offices.

(4) In each Internal Revenue district there are offices in communities where concentration of work load in audit, collection, or intelligence activities requires the assignment of personnel.

(5) Field office addresses are shown in the appendixes.

1113 National Office

1113.1 MISSION

The mission of the National Office is to develop broad nationwide policies and programs for the administration of the internal revenue laws and related statutes, and to direct, guide, coordinate, and control the endeavors of the Internal Revenue Service.

1113.2 BASIC ORGANIZATION

The principal offices which form the National Office are: The Office of the Commissioner; the Office of the Assistant Commissioner (Administration); the Office of the Assistant Commissioner (Compliance); the Office of the Assistant Commissioner (Data Processing); the Office of the Assistant Commissioner (Inspection); the Office of the Assistant Commissioner (Planning and Research); the Office of the Assistant Commissioner (Technical); and the Office of the Chief Counsel.

1113.3 OFFICE OF THE COMMISSIONER

The Commissioner of Internal Revenue, in conformity with policies and delegations of authority made by the Secretary of the Treasury, establishes the policies and administers the activities of the Internal Revenue Service. The Office of the Commissioner includes the Deputy Commissioner, the Assistant to the Commissioner, and the Foreign Tax Assistance Staff.

1113.31 *Deputy Commissioner.* The Deputy Commissioner assists and acts for the Commissioner in planning, directing, coordinating, and controlling the policies and programs and in giving executive leadership to the activities of the Internal Revenue Service. The Deputy Commissioner also supervises the Regional Commissioners of Internal Revenue, and makes allocations of funds and personnel to them.

1113.32 *Assistant to the Commissioner.* The Assistant to the Commissioner reviews and takes final action for the Commissioner on documents involving technical matters prepared for the Commissioner's signature, including regulations, closing agreements, reports on proposed legislation, rulings, correspondence, authorizations to the Attorney General for initiating suits, compromises and reports to the Joint Committee on Internal Revenue Taxation involving refunds or credits of any income, war profits, excess profits, estate, or gift taxes in excess of $100,000. The Assistant to the Commissioner makes independent studies for the Commissioner.

1113.33 *Foreign Tax Assistance Staff.* The Foreign Tax Assistance Staff provides leadership within the Service for the development and implementation of comprehensive programs of assistance in tax administration to developing nations, and on occasion, to the more developed nations, in line with the foreign policy of the United States and its commitments to the Organization of American States, the United Nations, and other international institutions. It is the central point of contact within the Service with foreign governments, the State Department and international organizations on all matters involving the exchange of technical assistance in tax administration. The Staff designs broad programs aimed at modernizing and strengthening tax administration in developing countries; it determines program requirements in terms of number and qualifications of advisors and selects, trains, and assigns such advisors. It provides technical leadership and direction, continually monitors, and periodically evaluates country programs to ensure maximum effectiveness of assistance efforts. The Staff develops and arranges study and observation programs in tax administration for foreign tax officials, which are conducted largely in the United States and occasionally at overseas sites. The Staff maintains close liaison with the Department of State and the Agency for International Development (AID), foreign governments, international organizations, and the Office of the Secretary on matters concerning the foreign tax assistance program, most of which is conducted cooperatively with AID.

1113.4 OFFICE OF ASSISTANT COMMISSIONER (ADMINISTRATION)

The Assistant Commissioner (Administration) is the principal assistant to the Commissioner in planning and executing the Administration program of the Internal Revenue Service, which includes fiscal management, personnel, facilities management, training, public information, employment policy, and management improvement. Jointly, with other Assistant Commissioners, he participates in the general management of the Service by coordinating Administration with other functions to accomplish the objectives of a comprehensive and well-integrated Revenue program. On general administrative matters represents the Commissioner in relationships with the Congress; the Treasury Department Office of the Secretary and other components of the Treasury Department; and such agencies as the Office of Management and Budget, the Civil Service Commission and General Services Administration. Supervises the activities of the Fiscal Management, Personnel, Facilities Management, Training, and Public Information Divisions in the National Office, and is responsible for functional supervision of Administration activities in the field.

1113.41 *Facilities Management Division—Office of the Director.* Develops, directs, coordinates, and evaluates policies and programs for providing essential support activities for the operating divisions' primary programs and carries them out in the National Office. Its programs are designed to increase the effectiveness of the Internal Revenue Service, reduce its operating costs, and improve taxpayer relations by tailoring Internal Revenue Service physical facilities and by providing support services to best meet the Service's total needs. These programs include information and records systems, space, property, supply, transportation, and telecommunications management, procurement and contracting, printing and distribution, national emergency planning, safety, document and physical security, and the settlement of tort claims. Develops the standards and procedures necessary for effective performance of its functions. This Division consists of four branches: National

Office Facilities, Standards and Programs, Protective Programs, and Publications.

1113.411 *National Office Facilities Branch.* Develops, coordinates, directs, and evaluates all Facilities Management activities (except printing and distribution) within the National Office, including the National Training Center and the National Computer Center (but excluding the IRS Data Center) within the broad guidelines established by the Division Director. These activities include: Information and Records Systems—correspondence management, mail management, files management, records equipment and supplies management, records retention and disposal scheduling information and records system studies, and the application of microphotography; Space and Transportation Management—planning requirements for space, providing for the acquisition, maintenance, utilization and disposal of space to ensure an effective, efficient, and appropriate physical working environment for employees; providing transportation management planning for interoffice movement of Service records and documents, supplies and equipment, displays and other materials; Property and Supply Management—contracting, procurement, property accountability, utilization and disposal; Telecommunications Management—communications services and facilities used for transmitting and receiving voice, image, data, and other message information by wire, radio, visual, or other electrical or electromagnetic transmission modes; systems, equipment, and circuitry for telephone, telegraph, facsimile, video, and other telecommunications operations; Protective Programs—document and physical security, safety, and fire and civil defense security, ning. The Branch provides standards, techniques, guidelines, and consultative services needed in these areas by National Office components. In addition, performs the following duties pertaining to Service-wide programs: Renders supports services to the Foreign Tax Assistance Staff; provides contractual advice and contracting services, provides centralized procurement of automobiles, computers and data processing peripheral equipment, office machinery, and many supply items. Administers other support services for the National Office including building maintenance, transporation, travel, equipment, and vehicle repairs. Maintains liaison with National Office officials, other Government agencies, public utilities, contractors, private carriers, and other private and public organizations to coordinate and improve service in these activities.

1113.412 *Standards and Programs Branch.* Plans, develops, promotes, coordinates, and evaluates policies, standards and programs designed to increase the effectiveness of Service-wide Internal Revenue operations. These programs include: Information and Records Systems—documentation standards, correspondence management, forms management, mail management, files management, records equipment and supplies management, records retention and disposal standards, paper work management studies, and the application of microphotography; Space and Transportation Management — planning requirements for IRS space, providing standards for the acquisition, maintenance, utilization and disposal of space to ensure an effective, efficient, and appropriate physical working environment for all Service employees; providing transportation management planning for interoffice movement of Service records and documents, supplies and equipment, displays and other materials; Property and Supply Management—contracting, procurement, property accountability, utilization and disposal and motor vehicle fleet management; Telecommunications Management—communications services and facilities used for transmitting and receiving voice, image, data, and other message information by wire, radio, visual, or other electrical or electromagnetic transmission modes; systems, equipment, and circuitry for telephone, telegraph, facsimile, video, and other telecommunications operations. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Collaborates with the Systems Development Division in matters involving data storage, retrieval and new systems using electrical and electronic equipment. Acts as liaison for Internal Revenue Service with other Federal agencies and industry in matters concerning Branch program activities.

1113.413 *Protective Programs Branch.* Develops, coordinates, administers, and evaluates Service-wide programs of accident prevention, physical and document security, identification, emergency planning, and civil defense and ensures continuity of operations by preventing or minimizing loss through accident, employee injury, fire, theft, enemy attack, natural disaster, and civil disturbance, and breaches of security of facilities, equipment, and documents. Exercises the authority to settle claims arising out of the activities of the Internal Revenue Service under the Federal Tort Claims Act and the Military Personnel and Civilian Employees' Claims Act and administers the program to ensure equitable settlement and payment of claims.

1113.414 *Publications Branch.* Develops and coordinates the policies, procedures, and standards for all printing and distribution programs and visual presentations services in the Internal Revenue Service in accordance with the programs determined by the appropriate IRS offices. Provides for and administers the planning, analysis, design, requirements estimating, procurement, production scheduling, and distribution of all publications, forms, and envelopes needed by the Service in accordance with the programs determined by the appropriate IRS offices. Directs and coordinates studies of newly developed or improved processes in the graphic arts field including duplicating equipment and office reproduction machines. Represents IRS in liaison with printing regulatory agencies in interpreting, coordinating, and administering Government-wide printing and publications policies; and provides consultative services needed in these areas.

1113.42 *Fiscal Management Division.* Develops, plans, coordinates and evaluates the financial management and budget policies and programs of the Internal Revenue Service. Develops and assists in the justification of the Service's budget; advises on its execution; establishes procedures covering the accounting system for appropriated funds; and directs the budget and fiscal activities carried out in the National Office. Counsels and advises the Commissioner, the Deputy Commissioner and all levels of management on matters concerning budget and the fiscal management of funds appropriated for the administration of the Service. The Division, under the direction of the Fiscal Management Officer, consists of two branches: Accounting Branch and Budget Branch.

1113.421 *Accounting Branch.* The Accounting Branch develops, prescribes, and installs the Service's financial accounting system to produce timely and accurate data for budgetary and fiscal management purposes. It also collaborates with the Management Information Division in developing and administering the financial reporting system.

1113.422 *Budget Branch.* The Branch develops the Service's budget in conformance with the established overall program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Service; participates in the development of standards for the measurement of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment and reapportionment of appropriations; allots funds in accordance with the approved financial plan and properly authorized revisions thereof; establishes the procedures and records necessary to properly reflect the execution of the budget; and collaborates with the Management Information Division in developing and administering a reporting system reflecting the status of the budget and financial plan.

1113.43 *Personnel Division—Office of the Director.* Plans, directs and leads in the development, coordination and evaluation of the personnel policies and programs of the Service. Provides functional supervision over personnel operations throughout the Service and personnel programs in the regions, districts and service centers, including long-range planning, organization and staffing studies, staff development and program evaluation. Administers centralized personnel activities including those for employees of the National Office. Acts as appellate office for the Commissioner on adverse action and grievance appeals and designates hearing officers when requested. Through the Technical Advisor directs appropriate personnel activities to promote effective manpower utilization. Prepares certain Service-wide personnel reports for the Civil Service Commission and other agencies.

1113.431 *Union Relations Branch.* Develops and coordinates policies, procedures and instructions in the areas of union-management relationships, employee conduct, disciplinary actions and appeal procedures. Serves as IRS functional specialist; reviews, evaluates, assists, interprets, disseminates information and exercises functional supervision over Service activities in these program areas. Acts as liaison between the Service and the Office of the Secretary, Treasury Department Bureaus, and Civil Service Commission and other Federal agencies and provides comments on legislation, for these program areas. Responsible for liaison, consultation and negotiation with unions.

1113.432 *Employment Branch.* Develops and coordinates policies, procedures and program instructions including technical training programs for the employee programs of the Service such as: Recruitment; selection; placement; appointment; career status; promotion plans; details; veteran's preference; orientation and placement followup; reduction-in-force; equal employment; separations; awards and incentive programs; high quality increases; pay administration; employee benefits and services; fitness for duty; and recreation and fund raising. Develops and coordinates redeployment programs and procedures; coordinates, as required, personnel programs affecting service center installations. Develops and coordinates policies and procedures pertaining to participation of the Interagency Board. Reviews and advises on budgetary and staffing proposals relative to recruitment, selection and utilization of personnel. Exercises functional supervision over counterpart operations throughout the Service, and participates as functional specialists in evaluation of field programs. Provides staff expertise in personnel management techniques for the development and application of automated processes to personnel management. Administers the Personnel Reports Management System.

1113.433 *National Office Branch.* Develops and executes policies, programs and procedures relating to recruitment, selection, placement, employee relations, position classification, discipline, performance evaluation, promotion, manpower utilization, and other aspects of a complete personnel program for National Office and certain field positions with the exception of those requiring Treasury or Civil Service approval; reviews the budget for proposed position reallocations pertinent to the above positions. In addition, performs the following duties pertaining to Service-wide programs: renders support to the Foreign Tax Assistance Staff; administers National Placement Program; reviews and processes regional employment cases for which authority has not been delegated to regions; processes section 6(c) retirement cases and proposals for Gallatin Awards; and answers general inquiries and other correspondence concerning applications for employment, reassignment, promotion, etc. Reviews and makes recommendations of security cases Service-wide.

1113.434 *Position Management Branch.* Develops and coordinates policies, procedures, and program instructions for the position classification, noncompetitive staffing programs of the Service. Develops and coordinates occupational standards and guides including classification, qualification and performance standards, qualifications evaluation, qualification rating keys and criteria and techniques for making classification, qualifications, and training selection determinations. Reviews and counsels on position classification implications of budgetary and financial planning with respect to proposed grade structure changes as justified by data on available workload and conformance with existing classification guides and standards. Reviews and makes recommendations on CSC central office and Treasury classification and qualification standards. Exercises functional supervision over counterpart operations throughout the Service and participates as functional specialists in evaluating field programs. Performs such centralized services as classification of positions for which authority has not been delegated, preparation of supergrade recommendations, and justification, and development of standard position descriptions. Adjudicates classification appeals and administers Wage Board Programs. Develops and coordinates the personnel management portion of the Service's emergency readiness plan. With assistance from Training Division, develops, negotiates and administers Service-wide training agreements, and develops standards for selection of personnel for training.

1113.435 *Careers Branch.* Develops and coordinates policies, procedures, and program instructions for the Service's technical, supervisory, managerial, and executive career programs. Develops techniques and criteria for evaluating supervisory, managerial, and executive potential; exercises functional personnel direction, over implementation and follow-through on career programs; performs essential personnel services for career programs for supervisory and managerial positions; provides staff assistance to the National Selection Board which selects and assigns executive personnel; and administers the employee performance evaluation program. Provides staff expertise in personnel management techniques including the conduct and direction of studies requiring the use of psychological and other social science methodology; coordinates and administers the IRS testing program (noncompetitive written tests).

1113.44 *Public Information Division.* Plans, develops and coordinates the Service-wide policies and programs for providing information to the public through the press, radio, television and other informational, educational and professional media, to improve general knowledge and understanding of the Federal tax laws and their administration, for the primary purpose of encouraging and facilitating maximum compliance with the voluntary system of taxation. It counsels and advises the Commissioner and other levels of management where public interest or response is involved in the determination of Service policy and execution of tax programs; evaluates for the Commissioner the attitude of the public toward Revenue Service policy and programs and recommends corrective measures where indicated; conducts continuous studies of the Service's information program to identify and act on problems and opportunities for improvement; maintains liaison with and gives functional guidance to regional and district offices in the public information area; and carries out the public information program at the National Office.

1113.45 *Training Division—Office of the Director.* The Director formulates and recommends overall training policies of the Internal Revenue Service and provides professional training leadership and guidance to Service Officials and personnel. Performs the following functions: Conducts research and special studies to determine the best methods of employee development for the Service, and provides expert advice and counsel on training techniques and methodology; in cooperation with IRS management, the Director identifies the need for, and administers Service training programs, approves and is responsible for development and preparation of training courses and program materials, and supports the Foreign Tax Assistance Staff; determines program emphasis and goals, establishes standards and procedures for the effective and efficient administration of Service training programs, and evaluates training for effectiveness and economy; administers the Taxpayer Education Program and coordinates the efforts of the field and National Office divisions concerned, advises on and approves training cost estimates for all Service-wide training, and administers the special fiscal allotment (250) used to finance centralized training activities; carries out the training policies and programs of the Service in the National Office.

1113.451 *Administrative Services Office.* Provides administrative support for the Training function. Performs the following: Assists the Director in carrying out Service-wide administrative management responsibilities related to the Training function; coordinates and maintains overall Service-wide training budget formulation and execution, and work and financial plans; develops, coordinates, and maintains the Training Manual System; coordinates and develops intradivisional projects such as budget formulation, work and financial plans, and PPBS updatings; conducts studies of intradivisional activities; conducts special intradivisional projects of

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an administrative nature; provides all necessary administrative support for internal operations of the Training Division.

1113.452 *Compliance Training Branch.* Provides professional training support for the Compliance technical training program (Audit; Collection; Alcohol, Tobacco and Firearms; Intelligence; and Appellate) Jointly and in cooperation with appropriate Compliance officials, performs the following functions: Determines training priorities and goals of the Compliance technical training programs; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts Compliance technical training programs; evaluates the implementation and effectiveness of the total Compliance technical training program; supports, coordinates, and evaluates field Compliance technical course development. In addition: Monitors all pilot Compliance technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials, and supervisory practices as they relate to training; keeps Compliance technical training materials current; with assistance of National Training Center and Compliance, develops Compliance technical training guidelines and standards, and conducts experimental projects.

1113.453 *Data Processing Training Branch.* Provides professional training support for the Data Processing activity. Jointly and in cooperation with appropriate Data Processing officials, performs the following functions: Determines training priorities and goals of the Data Processing activity; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts Servicewide Data Processing training programs; evaluates the implementation and effectiveness of Service Center Data Processing training programs; coordinates and evaluates field developmental efforts to ensure against duplication, and keeps Service Center Data Processing training materials current. In addition: Monitors all pilot Service Center Data Processing training projects; reviews and updates training methods, instructional techniques and materials; in cooperation with Data Processing officials, establishes and maintains criteria for employee performance evaluation as it relates to effective Service Center training programs; with assistance of National Training Center and Data Processing, develops Service Center training guidelines and standards, and conducts experimental projects.

1113.454 *Management Training Branch.* Provides professional training support for the Service in areas of organizational and career development; executive management, and supervision; cross-functional; and Career Education Awards. Performs the following functions: In cooperation with Key Service officials, determines general and functional supervisory, management, and executive training goals of the Service; identifies training needs and, in cooperation with the appropriate Service activities and functions, defines supervisory, management and executive training objectives; plans, designs, develops, coordinates and conducts supervisory, management and executive training programs; evaluates the implementation and effectiveness of total supervisory, management and executive training programs; supports, coordinates and evaluates field supervisory and management course development; monitors all pilot supervisory and management training projects and administers those conducted centrally; reviews and updates supervisory, management, and executive training methods, instructional techniques and materials; reviews, coordinates and evaluates Service's Organizational Development and Career Development Programs; establishes guidelines, coordinates and evaluates Service-wide Administration and Equal Employment Opportunity Training Programs; develops guidelines for and administers Career Education Awards; plans, designs, coordinates and evaluates the Service-wide Taxpayer Education Program; supports Foreign Tax Assistance Staff in determining training needs of foreign tax officials and developing training programs to meet these needs; in cooperation with appropriate organizations, develops and conducts communications and cross-functional training programs.

1113.455 *National Office Training Branch.* Provides professional training support for the National Office, Inspection, Chief Counsel, National Computer Center and the Data Center. Performs the following functions: In cooperation with key National Office officials, determines clerical, technical, supervisory, and managerial training goals for National Office personnel; identifies training needs and, in cooperation with National Office officials, defines training objectives and establishes training priorities; plans, designs, develops, coordinates, conducts and evaluates all National Office intrafunctional training programs, plus appropriate cross-functional training programs (e.g. supervisory, communications, instructor training, clerical skills); in cooperation with appropriate officials, determines training priorities, goals, and objectives for Inspection, Chief Counsel, National Computer Center and Data Center; plans, designs, develops, coordinates, conducts and evaluates Inspection, Chief Counsel, National Computer Center and Data Center training programs; administers, reviews and monitors pilot training projects; keeps National Office, Inspection, Chief Counsel, National Computer Center and Data Center training materials current; reviews and updates training methods, instructional techniques and materials; administers training facilities in the National Office.

1113.456 *National Training Center.* Provides the educational research and development and specialized techniques input to the Training Division. Performs the following functions: Conducts research in training methodology and techniques; monitors and conducts experimental projects utilizing advance training technology; evaluates and determines feasibility of experimental projects becoming operational training programs; establishes Service-wide standards in training methodology, techniques and equipment, and develops materials requiring specialized training staff support; develops Service-wide guidelines for instructor and course-developer training; establishes standards for Service-wide staff development in specialized skills of training profession, and coordinates training staff development; establishes the standards for and coordinates the administration of the Regional Training Center network; maintains library at NTC; coordinates development and production of Service-wide materials requiring specialized staff support (e.g. videotape, film strip); maintains control and oversees distribution of Service-wide printed materials; administers the National Training Center facility.

1113.5 OFFICE OF ASSISTANT COMMISSIONER (COMPLIANCE)

The Assistant Commissioner (Compliance) is the principal assistant to the Commissioner on all matters pertaining to the compliance and appellate programs of the Service, in encouraging and achieving the highest possible degree of voluntary compliance by taxpayers, and in providing effective functional supervision of those activities in the field. These include collection of delinquent accounts; obtaining of delinquent returns; audit and investigation of returns; criminal fraud investigations; the administrative system of tax appeals; administration of laws relating to alcohol, alcoholic beverages, tobacco and firearms; and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications. The Assistant Commissioner (Compliance) directs, coordinates and evaluates the work of the Alcohol, Tobacco and Firearms Division, the Appellate Division, the Audit Division, the Collection Division, the Intelligence Division and the Office of International Operations.

1113.51 *Alcohol, Tobacco and Firearms Division—Office of the Director.* Accomplishes the Alcohol, Tobacco and Firearms mission with reference to alcohol, tobacco and firearms by developing and supervising (functional supervision—which includes evaluation) nationwide programs for: regulation and supervision of the legal industries for revenue and social control purposes, and to protect the consumer and eliminate improper trade practices in the alcohol beverage industries; suppression of illicit traffic and frauds on the revenue in these commodities by developing information concerning violations, investigating suspected violations and recommending prosecution when warranted; and measurement of the effectiveness of the regulatory, supervisory, investigative and prosecution processes. The Division also performs certain centralized Alcohol, Tobacco and Firearms functions such as those pertaining to legislation, issuing regulations and rulings, making centralized determinations, performing final review on appeals, and supplying a variety of technical, laboratory and specialized services within the Service and to others.

1113.511 *Executive Assistant.* Provides staff assistance to the Director in the general management of the Alcohol, Tobacco and Firearms operations and in the formulation of policy and program plans in the areas of organization, personnel, financial planning, funds management, and appraisal of field operations; both on a continuing basis and through specific management studies. Develops and coordinates the Division-wide program for planned systematic visitation to appraise top management, through on-site evaluation, of the effectiveness of field office performance in both the program and management areas. Works with Assistant Regional Commissioners in evaluating program results in the regions. Provides required office management and administrative services for the National Office Division.

1113.512 *National Office Laboratory.* Responsible for formulating, developing, and carrying out programs for the application of scientific methods to the solution of problems of the Alcohol, Tobacco and Firearms and tax rulings activities of the Internal Revenue Service having impact on the collection of the revenue. Furnishes technical advice and assistance to officials of the Internal Revenue Service in the fields of chemistry and physics. Conducts research to improve and develop analytical techniques and to resolve technical problems by physical or chemical methods. Examines and analyzes samples, formulas, and processes of permittees under the jurisdiction of the Alcohol, Tobacco and Firearms Division to determine taxable status and examines samples for the Bureau of Narcotics. Coordinates the National Office and Regional Laboratory Programs.

1113.513 *Basic Permit and Trade Practice Branch.* Responsible for formulating, developing and carrying out programs for the administration and enforcement of the Federal Alcohol Administration Act. Plans and conducts studies of industry trends in marketing which might have an impact on the programs of the Branch. Recommends revision or amendment of regulations and prepares notices of hearings thereon; analyzes and evaluates testimony developed at hearings; and drafts final regulations and such related forms or internal management documents as required. Makes rulings and interpretations of law and regulations for benefit of industry, regional offices, other Federal agencies, State agencies, and embassies of foreign governments. Collaborates with foreign governments in their developments of control procedures abroad to supplement domestic controls, established with respect to the importation of their products into the U.S. Acts on applications for interlocking directorates and for certificates of (or exemption from) label approval. Determines acceptability of alcoholic beverage advertising in all media and initiates punitive actions for violations of advertising provisions of law and regulations. Maintains liaison with regional offices to appraise the effectiveness of Branch programs.

1113.514 *Enforcement Branch.* Responsible for: Formulating and developing policies, programs, procedures, and regulations relating to the investigation, prevention and detection of willful and/or fraudulent violations of the Internal Revenue Liquor and Tobacco Laws, the Liquor Enforcement Act of 1936, the Federal Alcohol Administration Act, and the National and Federal Firearms Acts; control and coordination of the law enforcement activities of the Division with related functions of other Federal Agencies and with those of State authorities; adaptation of investigative techniques and procedures to the varying needs of different regions, to a diversity of State control laws and their fluctuating requirements and to the constantly changing social and economic conditions affecting the enforcement operations of the Division; providing guidance and training to field elements, for effective application of policies and programs; and appraising management of field offices, as it relates to their enforcement function, through a planned on-site evaluation program.

1113.515 *Permissive Branch.* Responsible for developing the objectives of the Division in the administration of Internal Revenue laws relating to the production, processing, distribution, and use of alcoholic beverages, industrial alcohol, and related products. Devises policies and programs and designs the organizational structure to achieve these objectives. Plans, develops, and prepares regulations, procedures, and rulings, and provides guidance and training to field elements, for effective application of policies and programs; and appraises management of field offices, as it relates to functional areas other than enforcement, through a planned on-site evaluation program.

1113.516 *Tobacco Tax Branch.* Responsible for planning, developing, and expressing the program for the administration of the internal revenue laws relating to tobacco materials, tobacco products, and cigarette papers, and tubes. Formulates policies, practices, procedures, and regulations relating to the manufacture and taxpayment or tax-exempt disposition of tobacco products and cigarette papers and tubes, and to the handling of tobacco materials. Conducts analytical studies of the laws, regulations, policies, practices, and procedures, and appraises field operations, to determine the efficiency and effectiveness of the tobacco tax program. Formulates recommendations for revision of internal revenue laws in the tobacco tax area. Interprets laws and regulations, makes tax determinations, and issues rulings and instructions; prepares internal management document and forms; analyzes recurring problems and develops solutions; and prepares final decisions in cases where the action of regional offices is protested or appealed.

1113.52 *Appellate Division—Office of the Director.* Accomplishes the Appellate mission of resolving tax controversies without litigation, on a basis which is fair and impartial to both the Government and the taxpayer by developing and supervising (functional supervision) nationwide programs for final appeal consideration, within the Service, of cases involving income, profits, estate, gift, employment and excise taxes (other than alcohol, tobacco, narcotics, firearms, and wagering), offers-in-compromise, refund claims and over-assessments, in which the taxpayer protests the decision of the District Director, and of cases docketed in the U.S. Tax Court (with concurrence of Regional Counsel and prior to the opening date of the Tax Court session concerned). Develops nationwide Appellate budget estimates and long-range plans; evaluates financial plans and budget execution of regional Appellate Divisions. Conducts Appellate Reports and Information Retrieval Activity (ARIRA) programs and nationwide Appellate reporting system. Collaborates with Planning and Research, Data Processing, and other segments of the Service in a research effort to create a comprehensive information storage and retrieval system. Furnishes administrative services for the operation of the Appellate Division of the National Office. Also directs or performs certain centralized Appellate functions.

1113.521 *Coordination and Management Staff.* Assists in developing and recommending policies, plans, programs, and basic procedures and provides top-level managerial assistance through the following principal functions: Develops and recommends operations policies, plans, programs, and basic procedures relating to the Appellate function. Assists and advises regional Appellate offices on technical and administrative problems to enable them more effectively to accomplish their objectives. Establishes and conducts a field visitation program, and maintains continuous field liaison to assure that established policies, programs, plans, and instructions are carried out in a uniform, effective manner. Evaluates adequacy of staffing and managerial performance in regional Appellate offices. Performs coordination functions across regional lines and with other Service elements. Supervises task forces working on special projects such as training, position descriptions, offices systems, and management improvement. Represents the Director in meetings of National Office and regional officials, and staff members serve on various committees as designated. Analyzes and interprets program status and progress in accomplishing the overall Appellate mission. Originates statistical analyses and graphic presentations with explanations and interpretations to disclose program status and progress with trends and deviations highlighted. These analyses serve as the basis for program direction and long-range program planning for the Appellate activity.

1113.522 *Procedures Branch.* Provides current procedural instructions and public issuances for the Appellate Division through the following principal functions: Plans, directs, and administers the development, preparation, issuance, and interpretation of instructions necessary to implement policies, plans,

programs, and procedures relating to the Appellate function. Coordinates all procedural changes with other segments of the Service. Recommends changes in the Code of Federal Regulations for Appellate activities and, when necessary, publication in the FEDERAL REGISTER. Considers employee suggestions submitted under the Incentive Awards Program which relate to Appellate activities and implements those that are adopted.

1113.523 *Settlement Analysis Branch.* Performs qualitative analysis of the work product of the regional Appellate Divisions and provides them with technical assistance through the following principal functions: Reviews and analyzes action memoranda and supporting statements on cases closed by regional Appellate Divisions to provide assurance of and to promote uniformity and consistency in the treatment of issues, to assist in maintaining optimum quality of performance and decisions, and to ascertain compliance with procedures and the need for clarifying instructions. Post-reviews final closing agreements approved by regional Appellate officials. Also reviews final closing agreements prior to submission to the Assistant Commissioner (Compliance) for approval. Identifies troublesome technical or qualitative areas and trends; and recommends solutions to help regional offices meet their objectives. Conducts special studies (such as Session, Reconsideration, Affirmative Issue, and Fraud cases) to assist the Director and the Assistant Regional Commissioners (Appellate) in their programing and long-range planning. Analyzes and processes requests for technical information and digests technical information and other technical communications for dissemination to regional offices when information is of general Appellate interest. Analyzes the ARIRA and RIRA legal issue tables and reports significant findings to the Director, the Assistant Regional Commissioners (Appellate), and regional offices. Maintains liaison on matters relating to cases requiring submission to the Congressional Joint Committee on Internal Revenue Taxation. Provides centralized files, mails, distribution, and messenger service; and prepares sensitive case reports.

1113.524 *Special Services Branch.* Advises and assists in cases involving controversies as to valuation through the following principal functions: Participates in the development of Service position and procedures in complex valuation matters. Helps to maintain uniformity of treatment of valuation issues throughout the Regional Appellate Divisions by reviewing settlements, furnishing advice, and conducting training sessions. Furnishes expert advice and assistance to the National Office, Regional Appellate Division, and Regional Counsel on difficult valuation problems. Provides expert witnesses to testify at trials involving complex valuation issues. Develops programs and techniques aimed at eliminating, to the greatest extent possible, the need for time consuming trials of valuation issues in the Tax Court or other courts.

1113.53 *Audit Division—Office of the Director.* Accomplishes the audit mission with reference to correct reporting of income, estate, gift, employment and certain excise taxes, and compliance by tax exempt organizations with the exempting provisions of the Internal Revenue Code, by developing and supervising (functional supervision) nationwide programs for the examination of tax returns and returns of exempt organizations, and by measuring the types and degrees of compliance and noncompliance and reported tax liabilities, determining and analyzing the reasons for noncompliance, and reducing noncompliance. Also supervises the performance of certain centralized audit functions.

1113.531 *Administrative Services Office.* Furnishes administrative services for the operation of the Audit Division through performance of the following functions: Provides for administrative needs of the Division. Provides centralized mail, files, distribution, messenger, and library services.

1113.532 *Budget, Reports and Data Processing Branch.* Coordinates development of current and long-range examination workload plans and budget and fiscal activities through the Planning-Programming-Budgeting System. Integrates annual work plan with current budget allocations. Designs statistical reports systems and develops input and output specifications. Compiles, analyzes, and presents comprehensive statistical and other management data needed to monitor accomplishment of work plans and assists National Office and field program managers in the interpretation and use of such data. Provides program management and functional supervision of activities performed in district office service branches and audit activities performed at Service Centers, including Data Center and Service Center—oriented operational systems and programs.

1113.533 *Coordinated Examination Branch.* Provides program management for the Audit Division's functional supervision over the conduct of examinations for tax liabilities of the largest and most complex enterprises and other cases involving highly complex audit problems. Performs the following functions: Provides guidelines for identification and registration and maintains a National Office identity and historical file of such cases. Monitors and assists, on a case-by-case basis, development of audit plans; scheduling of examinations; application of resources, including use of audit teams, needs for specialists examiners, and assistance by support districts. Develops prototype audit plans and audit aids and techniques useful in the examination of large complex cases. Identifies needs for special training in large case audit planning, and management and execution of team audits. Coordinates special industrywide matters such as compliance checks for specific avoidance or evasion schemes, arranges special meetings of field agents and officials for exchange of information concerning identification and treatment of issues and audit problems peculiar to specific industries. Provides liaison with other National Office organizations and other U.S. Government agencies on both a case-by-case and program basis. Monitors and evaluates program execution through interpretation of statistical data and other information disclosed during field visits on status, progress, and trends of programs and operations. Develops guidelines and procedures and provides program leadership for the engineer specialist activity and the International Enforcement program. Conducts economic studies of pricing and other trade practices and maintains files of economic data pertinent to section 482 Allocations; post reviews examination reports for uniformity in the application of section 482; prepares guidelines and provides economic data for determining section 482 Allocations; provides consultant services on section 482 matters and gives expert testimony of economists on section 482 cases in litigation.

1113.534 *Exempt Organizations Examination Branch.* Provides program management for Audit Division's functional supervision over the issuance of exemption determination letters and the conduct of examinations of tax exempt organizations for detection of violation of conditions of exemption and liability for tax on unrelated business taxable income. Manages the Service's master file of exempt organizations. Performs the following functions: Develops and recommends current and long-range examination programs. Plans and supervises selection of workloads according to examination program allocations and identifies, develops audit plans, and directs examination of certain organizations according to special circumstances. Implements programs through development of systems, procedures, methods and other instructions including audit techniques guides and prototype audit plans. Determines uses to be made of Exempt Organization Master File (EOMF) data, and works with other National Office divisions on ways and means of satisfying their needs for EOMF data. Identifies needs for special training courses, seminars and workshops and needs for revisions, deletions and additions to established training procedures and materials. Collaborates with the Office of the Assistant Commissioner (Technical) in providing technical and procedural assistance to field offices on a case-by-case basis and provides on-site supervision of program execution. Monitors and evaluates program execution through interpretation of statistical and other data disclosed during field visits on status, progress, and trends of programs and operations. Reviews or post reviews revenue agents' reports to determine quality and uniformity of examinations. Maintains file and prepares regular reports to Assistant Commissioner (Compliance) on sensitive exempt organization cases. Identifies need for and proposes changes in legislation, regulations, and issuance or revision of rulings pertaining to exempt organizations through review of technical coordinator reports, request for, and replies to requests for technical advice, and other sources of information indicating administrative problems stemming from legal or interpretative positions. Performs liaison with the Offices of Assistant Commissioner (Technical) and Chief Counsel in such matters. Participates with the Public Information Division and the Office of the Assistant Commissioner (Technical) in developing and distributing educational and other publications materials pertaining to exempt organizations. Prepares replies to correspondence relating to exempt organization matters.

1113.535 *Field Examination Branch.* Provides program management for Audit Division's functional supervision over the conduct of examinations for income tax liabilities through field examinations (other than coordinated examinations). Performs the following functions: Participates in the development of current and long-range examination programs. Plans selection of workloads according to examination program allocations. Implements programs through development of systems, procedures, methods, and other instructions including audit technique guides. Identifies needs for special training courses, seminars and workshops and needs for revisions, deletions, and additions to established training procedures and materials. Assists field offices in program execution through participation in Audit Division visitation program and special purpose visits as required. Monitors and evaluates program execution through interpretation of statistical and other information disclosed during field visits on status, progress, and trends of programs and operations. Controls, processes, and evaluates field requests for information from other Government agencies.

1113.536 *Management Services Branch.* Monitors, studies, and coordinates matters pertaining to organization, staffing, recruitment, job classification, equipment, and facilities; performs liaison with Personnel Division and Facilities Management Division. Evaluates identified training needs, prepares specifications, and coordinates with Training Division in development, revision, or modification of training course materials, including seminar and workshop materials. Coordinates with the Office of the Assistant Commissioner (Technical) in the review and approval or disapproval of public-use forms and form letters proposed by field offices. Develops and revises National Office internal and public-use forms and form letters and maintains liaison with the Tax Forms Coordinating Committee and Facilities Management Division with reference to National Office Forms. Evaluates corrective actions taken on Internal Audit findings and prepares reply to Internal Audit Division. Evaluates and recommends adoption or nonadoption of Incentive awards suggestions, and processes all other matters pertaining to the Incentive Awards Program. Controls revisions, deletions, and additions to Part IV, IR Manual, for consistency and uniformity of format and performs Manual updating.

1113.537 *Office Examination and Miscellaneous Taxes Branch.* Provides program management for Audit Division's functional supervision over the conduct of examinations for income tax liabilities through office audits and all examinations for estate, gift, excise, and employment tax liabilities. Performs the following functions: Participates in the development of current and long-range examination programs. Plans selection of workloads according to examination program allocations. Implements programs through development of systems, procedures, methods, and other instructions including audit technique guides. Identifies needs for special training courses, seminars and workshops and needs for revisions, deletions and additions to established training procedures and materials. Assists field offices in program execution through participation in Audit Division visitation program and special purpose visits as required. Monitors and evaluates program execution through interpretation of statistical and other information disclosed during field visits on status, progress, and trends of program and operations. Coordinates with the Collection Division in matters pertaining to taxpayer service, education, and assistance. Identifies need for and proposes changes in legislation, regulations, and issuance or revision of rulings pertaining to estate, gift, excise, and employment taxes, through review of technical coordinator reports, requests for, and replies to requests for technical advice, and other sources of information indicating administrative problems stemming from legal or interpretative positions. Performs liaison with the offices of Assistant Commissioner (Technical) and Chief Counsel in such matters.

1113.538 *Operational Research Branch.* Coordinates and collaborates with the Office of the Asssistant Commissioner (Planning and Research) and the Office of the Assistant Commissioner (Data Processing) with respect to research projects and studies pertaining to taxpayer compliance and noncompliance; relative effectiveness of various overall Audit program concepts; and applications of automatic data systems to Audit operations. Provides complementary research analyses and measurements, and evaluates forecasts in terms of their application to Audit programs. Develops analytical models to reveal significant relationships among Audit operations. Serves as consultant on analytical methods to other Branches and assists National Office and field audit personnel in understanding and utilizing the tools of systematic analysis and data resulting from analyses.

1113.539 *Post Examination Branch.* Provides program management for Audit Division's functional supervision over post-examination and associated programs including review and post-review; district conferences; preliminary and statutory notices; pension trust determination letters and enforcement; Joint Committee cases; jeopardy assessments; claims for reward; and offers in compromise based upon doubt as to liability (except offers relating to alcohol, tobacco, and firearms taxes). Performs the following functions and centralized audit activities: Plans and implements programs through development of systems, procedures, methods, and other instructions reviewer, conferee, and other technique guides. Identifies needs for special training courses, seminars, and workshops and needs for revisions, deletions, and additions to established training procedures and materials. Assists field offices in program execution through participation in Audit Division visitation program and special purpose visits as required. Monitors and evaluates program execution through interpretation of statistical and other information disclosed during field visits on status, progress, and trends of programs and operations. Coordinates with the Appellate Division in district conference matters and with the Office of Assistant Commissioner (Technical) in pension trust matters. Post reviews Office of International Operations cases in a role comparable to an Assistant Regional Commissioner (Audit). Reviews offers in compromise within functional jurisdiction requiring the Commissioner's approval. Reviews and approves certain proposed jeopardy assessments and performs sample post review of all jeopardy assessments.

1113.53(10) *Technical Coordination Branch.* Represents the Audit Division and performs liaison with the Appellate Division and the offices of Assistant Commissioner (Technical) and Chief Counsel in all income tax technical matters and performs the following centralized audit activities: Identifies need for and proposes changes in legislation, regulations, and issuance or revision of rulings pertaining to income tax through review of technical coordinator reports, review of tax briefs, requests for and replies to requests for technical advice, and other sources of information indicating administrative problems in the income tax area stemming from legal or interpretative positions. Monitors and reports on cases and issues in suspense awaiting court decision or National Office action. Recomputes tax based on court decisions and proposed Justice Department settlements. Assists Chief Counsel and Department of Justice in trial and settlement of cases. Maintains files and prepares regular reports to Assistant Commissioner (Compliance) on sensitive cases (except exempt organization cases). Performs centralized activities relating to qualification for enrollment and practice. Prepares replies to correspondence from external sources relating to audit field action (except correspondence relating to exempt organization matters).

1113.54 *Collection Division—Office of the Director.* Accomplishes the Collection mission with reference to the filing and payment requirements of the Internal

Revenue laws by developing and supervising (functional supervision) nationwide programs for taxpayer service (including issuance of Certificates of Compliance to departing aliens), disposition of certain offers in compromise, collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent; obtaining of delinquent returns, measurement of the types and degrees of nonfiling, determination and analysis of the reasons for nonfiling and reduction of nonfiling; and the receipt and processing of narcotics, alcohol, and tobacco tax, and firearms returns and applications. The Division also administers the disclosure provisions of the law and regulations concerning inspection of returns and related matters of official record.

1113.541 *Administrative Services Office.* Furnishes administrative services for the operation of the Collection Division of the National Office through performance of the following functions: Provides for administrative needs of the Division, such as centralized mails, files, distribution, messenger, photo-reproduction, and library services. Maintains liaison with the Office of Assistant Commissioner (Administration) on all National Office Collection Division administrative matters (including budget, organization, staffing and other related personnel matters as well as training and facilities management matters). Provides administrative control of Incentive Awards suggestions assigned to other elements of the Division for study and recommendation and makes certain all suggestions have been effectively coordinated within the Division. Monitors maintenance and development of Part V of the Manual and of internal and public use forms by all organizational elements of the Division, and serves as control point for all published issuances of the Division.

1113.542 *Analytical services staff.* As a staff and service support element, provides statistical analytical services to the Director/Assistant Director and all elements of the Collection Division, and identifies, evaluates, interprets, reports and assists in reporting progress toward accomplishment of the Collection mission through performance of the following functions: Collects and presents relevant statistical data in an organized and readily usable form in accordance with management needs. Analyzes and evaluates source data and other information, prepares preliminary interpretations and presents preliminary reports of progress toward accomplishment of Collection mission and stated objectives. Provides these to the Director and concurrently to the other organizational elements of the Division. Performs across-the-board (horizontal) evaluation of Collection programs and activities, including relating of external data such as economic and social data and provides technical assistance to Branch Chiefs in their detailed (vertical) analysis and evaluation of specific programs. Researches, develops and disseminates to Collection personnel (National Office and Field) the most effective and latest analytical methods and techniques and the most effective means for presenting and communicating statistical data and interpretations. Serves as Collection Division consultant on these matters. Provides assistance in program evaluation, general analysis and in preparation for visits to Field Offices; as requested, provides assistance in statistical research to all elements of the Collection Division with reference to evaluation of Collection Field workload, work schedule review and validation, and special compliance research related to PPBS. Serves as specialist and consultant in analytical methods and assists District, Regional, and National personnel in understanding and utilizing techniques and data resulting from integrated analysis of relevant internal and external data. Serves as Collection Division representative on Servicewide TCMP Coordinating Committee and handles all administrative and survey planning tasks applicable to the 3200 Activity. Performs basic analysis of all data generated by TCMP for the 3200 Activity, TCMP efforts, validates such data, and works with Office of Assistant Commissioner (Planning and Research) on official IRS publications incorporating results.

1113.543 *Special Projects Staff.* Assists the Director/Assistant Director and all elements of the Collection Division as a staff element assigned special project and activities not directly identified with any single program for which a program management branch has responsibility and especially involving coordination of management processes which apply to all programs and activities of the Division by performing the following functions: Monitors, coordinates and integrates the planning activities of the Division, including the preparation of program planning document, PPBS Program Memoranda and Program and Financial Plan, Work Plans and budget and financial documents. Maintains Work Planning and Control System (including maintenance of the Operations List) current and compatible with procedural issuances and coordinates the establishment of work priorities within the System. Monitors, studies, coordinates and integrates Field Collection (DAR activities), organization, functions, position responsibilities, staffing and related personnel matters. Serves as Division consultant on these matters. Collaborates and maintains liaison with the Office of the Assistant Commissioner (Data Processing) on information system requirements for data and data processing, reports and information systems design, other reports management activities, and on information storage and retrieval matters (also collaborating and maintaining liaison with the Office of Assistant Commissioner (Planning and Research) on information storage and retrieval), and coordinates and maintains management surveillance over all these matters within the Collection Division. Collaborates and maintains liaison with the Office of Assistant Commissioner (Administration) in determining field Collection training needs, evaluating and administering Collection training programs, and providing Collection functional guidance and review for development of training matrials at the National Training Center. Conducts general management and other special studies and performs other assignments which are not within the specific jurisdiction of the program management branches, when authorized by the Director or Assistant Director. Assists Director in determining permanent functional assignments within the Division where such assignments are not clearly covered within the established functional responsibilities. Coordinates internal audit matters related to the Collection Division, and is responsible for completed action on internal audit reports, keeping branches informed on these matters. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.544 *Delinquent Accounts Branch.* Exercises program management responsibility for Collection Division's functional supervision of the payment requirements of the Internal Revenue laws through the Delinquent Accounts Program (collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent) and of the functional supervision of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment, withholding and excise taxes and specific penalties), and all offers in compromise of 100 percent penalties, by performing the following functions with reference to the Delinquent Accounts and Offer in Compromise Programs: Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary: systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trends of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (Data Processing) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Staff) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Awards suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Staff. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "trouble-shooting" for assigned programs. Makes a performance evaluation of offers in compromise in certain district acceptance cases. Reviews offers in compromise within functional jurisdiction requiring the Commissioner's approval. Participates in Division visits to Field Offices and conducts special purpose visits as required. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.545 *Delinquent Returns Branch.* Exercises program management responsibility for Collection Division's functional supervision of the filing requirements of the Internal Revenue laws through the Delinquent Returns Program (obtaining of delinquent returns, measurement of the types and degrees of nonfiling, determination and analysis of the reasons for nonfiling and reduction of nonfiling) by performance of the following functions with reference to the Delinquent Returns Program: Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary: Systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trend of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (Data Processing) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Awards suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Staff. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "trouble-shooting" for assigned programs. Participates in Division visits to Field Offices and conducts special purpose visits as required. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.546 *Disclosure and Liaison Branch.* Serves as taxpayer liaison office for the Division and administers the disclosure provisions of the law and regulations concerning inspection of returns, and other matters of official record, by Congressional Committees, Federal Agencies, States, and in the case of documents in the custody of the National Office, by any person, through the following principal functions: Responds to inquiries (personal visits, correspondence and telephone) from sources external to the Internal Revenue Service (e.g., Taxpayers, Members of Congress, Treasury Department, and other Departments and Agencies) on matters pertaining to Collection programs, activities and functions. Certifies documents under the Treasury Department Seal, furnishing copies where appropriate. Prepares Manual instructions, revenue procedures, delegation orders, policy statements, and other instructions governing disclosure from official records. Acts on requests under Freedom of Information. Acts on requests for testimony. Conducts correspondence and engages in conferences with taxpayers, officials of the Service, States, other Federal Agencies, Members of Congress, and Congressional Committees on disclosure matters and on Collection Division activities and functions. Serves in an advisory capacity to officials of the National Office in developing disclosure policies and procedures.

1113.547 *Taxpayer Service Branch.* Exercises program management responsibility for Collection Division's functional supervision of the year-round Taxpayer Service Program to ensure prompt, accurate and responsive replies to taxpayer inquiries (walk-in, telephone and correspondence), through participation and support by various organizational elements of the Service with reference to manpower and facilities, and to ensure uniformity and consistency of Service policy on furnishing service to taxpayers through review of educational and informational materials issued for general public use. The scope of the year-round Taxpayers Service Program includes the issuance of Certificates of Compliance to departing aliens. Performs the following functions with reference to the Taxpayer Service Program: Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary: systems, procedures, methods and other instructions for field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trend of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (Data Processing) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Staff) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Awards suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Staff. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "trouble-shooting" for assigned programs. Participates in Division visits to Field Offices and conducts special purpose visits as required. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

1113.55 *Intelligence Division—Office of the Director.* Accomplishes the Intelligence mission with reference to enforcement of the criminal statutes applicable to income, estate, gift, employment, and certain excise tax laws by developing and supervising (functional supervision—which includes evaluation) nationwide programs for the investigation of suspected criminal violations of such laws and the recommendation of prosecution and/or assertion of the 50 percent ad valorem addition to the tax, when warranted, development of information concerning the extent of criminal violations of all Federal tax laws (except those relating to alcohol, tobacco, narcotics, and firearms), and measurement of the effectiveness of the investigation process. The Division also conducts, coordinates, and directs the investigation of cases which have been centralized, and performs certain other centralized Intelligence functions.

1113.551 *Administrative Office.* Is responsible for: furnishing administrative services for the operation of the Intelligence Division of the National Office by: Developing and preparing budget requests and financial plans as well as supervising budget execution, providing for the administrative needs of the Division (such as providing and maintaining investigative and administrative central filing systems and processing mail, and maintaining liaison with the Office of Assistant Commissioner (Administration) on all National Office Intelligence Division matters (including fiscal management, personnel, training, and facilities management matters); developing and preparing projections of personnel costs and staffing charts; collaborating with Administration in the procurement of investigative equipment for Field and National Office use, and maintaining inventory and current records as to location of Intelligence Division investigative equipment; and conducting special studies relating to personnel, space, budget and equipment.

1113.552 *Staff Assistance (Visitation).* Is responsible for: Planning and conducting a visitation program for on-site evaluation, guidance, and assistance; coordinating with, and maintaining close liaison with each of the several branches of the division for the purpose of inquiring into specific field activities of special interest to each of the branches and keeping each fully apprised of conditions and developments in the field.

1113.553 *Operations Branch.* Is responsible for: Providing the field with operational assistance, and conducting, directing, and coordinating the investigation of centralized cases by: interviewing informants, maintaining liaison with Committees by Congress, representatives of the Service and other Government agencies in order to obtain, develop, and disseminate to the field pertinent information relating to tax evasion; coordinating, conducting, or directing investigations which are interregional in scope, of a sensitive nature, or of national interest; responding to communications on matters pertaining to operations; keeping Service and Treasury officials informed of significant developments in sensitive cases and those of national interest; identifying operational and management deficiencies in investigations coordinated, conducted, or directed by the National Office and initiating corrective action or referring identified deficiencies to the appropriate branch; and maintaining a program for case research and development including establishment of criteria for use in the automatic processing of returns to aid in identification of returns having criminal potential; and participating, as directed, in field visits.

1113.554 *Program Branch.* Is responsible for: providing effective management and technical programs, plans, and procedures for accomplishment of the Intelligence mission and identifying as well as correcting deficiencies in programming, planning, and procedural guidelines, including the manual and the investigative handbook, through statistical analyses and studies, review of policies, management reports, reports of field visits and other issuances, and through consultation and coordination with other Service elements. Consulting and coordinating with other Service elements on such matters as the findings in internal audit reports, legislative proposals, development of organizational and staffing standards and personnel classification standards; collaborating with the Planning and Analysis Division in developing the Intelligence Division's long-term program objectives and resource requirements within the Service's Planning-Programing-Budgeting System; collaborating with the Fiscal Management Division in the evaluation of field financial proposals; submitting recommendations for the allocation of Intelligence personnel and funds; collaborating with the Management Information Division for the report of management and investigative accomplishments; consolidating, evaluating, and disseminating information reflecting accomplishments of programs and plans; preparing the Intelligence portion of the Cost Reduction—Management Improvement Report and the Commissioners Annual Report; and participating, as directed, in field visits.

1113.555 *Technical Development Branch.* Is responsible for: developing and maintaining professional skills of special agents, developing investigative techniques and performing certain support functions in the accomplishment of the Intelligence mission by: conducting studies and developing Intelligence training programs in collaboration with the Training Division; directing and conducting centralized Intelligence training programs; instructing at, and collaborating in the program development and conduct of the Treasury Law Enforcement School; maintaining liaison and providing technical guidance on and participation in course development and instruction which is carried out at the National Training Center for the Intelligence Division; coordinating and evaluating field training; identifying deficiencies in training programs and materials and initiating corrective action or referring identified deficiencies to the appropriate branch; developing Intelligence investigative equipment standards and allocating investigative equipment and automobiles to the field; keeping abreast of developments in the use of Automatic Data Processing equipment by taxpayers and third parties, such as banks, brokerage houses, and insurance companies to determine the type and extent of training needed by special agents to obtain necessary financial information where Automatic Data Processing equipment is used; cooperating with the Personnel Division in the development of guidelines and standards for recruitment, selection, and career development of Intelligence personnel; preparing final Intelligence recommendations in cases unresolved at regional level; evaluating and recommending disposition of Incentive Awards suggestions; maintaining a current record of special skills of individual special agents; disseminating information on current developments, such as legal decisions, unique defenses, and unusual investigative approaches, through the issuance, monthly, of the Intelligence Digest; collaborating with the Public Information Division in the preparation of news releases regarding closed cases: collaborating with the Foreign Tax Assistance Staff and the National Training Center in orientation of enforcement officials of other Federal agencies and of State and foreign governments concerning Intelligence techniques, procedures and practices, and participating, as directed, in field visits.

1113.56 *Office of International Operations—Director of International Operations.* The Office of International Operations administers the Internal Revenue laws and related statutes (except those relating to alcohol, tobacco, narcotics and firearms) as they relate to citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States, and taxpayers who are required to withhold tax on income flowing abroad to nonresident aliens and foreign corporations; acts as staff advisor to the Assistant Commissioner (Compliance) in the international area on all compliance functions, and as the international specialist provides assistance and guidance to the Compliance Divisions and makes recommendations on all aspects of the international enforcement program to the Assistant Commissioner (Compliance) and the Division Directors concerned; acts as competent authority in administering the operating provisions of tax conventions; performs and coordinates for the Service all foreign investigations and requests for information (other than those relating to rulings, regulations or assistance in the field of foreign tax administration) from foreign countries and U.S. possessions. Also computes and collects taxes due from the Alien Property Custodian, administers the provisions of the Internal Revenue Code authorizing the acceptance of foreign currency in payment of U.S. tax liabilities, coordinates foreign travel of Service personnel, and maintains foreign posts.

1113.561 *Administrative Office.* Responsible for the personnel, training, budget and fiscal and general administrative services, including procurement and supply, printing and communication services and other administrative services necessary to the effective operation and management of the Office of International Operations, including Foreign Posts and the Puerto Rico Office. Coordinates and develops the management improvement and incentive awards programs and special projects. Initiates and administers the security, safety and records management program. Develops the financial plan and budget estimates, fiscal programs, cost estimates, and is responsible for control of funds, report on budget excution and International Transaction estimates. Coordinates in conjunction with the Facilities Management Division the printing requirements and distribution of special publications, documents and tax forms required by the Office of International Operations, and the distribution of all tax forms to the U.S. Embassies and Consulates.

1113.562 *Collection Division.* Receives, processes and where appropriate, mathematically verifies all tax returns and information items emanating from the foreign area and U.S. possessions; safeguards and deposits all remittances received in the office; makes all required adjustments to tax liabilities; provides taxpayer service to citizens and aliens through correspondence, telephone and personal interview; performs required delinquency checks in the overseas area; performs all accounting operations, including the issuance of bills, processing of claims, scheduling of refunds and maintenance of general ledger; administers the provisions of tax treaties authorizing the automatic and other exchange of tax information between the United States and foreign countries; administers section 6316 of the 1954 Code authorizing, under certain conditions, the acceptance of foreign currencies in payment of U.S. tax liabilities; develops procedures required to process alien returns; determines whether National Office programs and procedures which are geared to district and Service Center processing should be applicable to the international area and issues implementing instructions where necessary; collects delinquent accounts of taxpayers residing abroad; examines certain offers in compromise; provides collection assistance to foreign governments as provided by tax treaties; develops procedures relating to the collection of delinquent taxes in the foreign area; maintains liaison with the State and Defense Departments and the Bureau of Accounts concerning collection matters; provides advice and guidance on collection where performed by the Foreign Posts and personnel detailed overseas; provides guidance and assistance to the Governments of Guam and American Samoa concerning the processing of U.S. social security and self-employment tax returns; exercises direct supervision over the Puerto Rico Collection Branch.

1113.5621 *Office Branch.* Receives, processes and, where appropriate, mathematically verifies all types of tax returns filed by nonresident aliens, citizens residing abroad, foreign corporations, plus wage and excise, and estate and gift tax returns emanating from the foreign area, withholding agents returns (Form 1042), information returns with respect to foreign corporations (Form 959), and all information returns filed under tax treaties; receives, safeguards and deposits all funds tendered to International Operations in Washington, D.C., in payment of Internal Revenue taxes; receives, opens, stamps, sorts and distributes all ordinary mail; makes all required adjustments to tax liabilities; computes and asserts penalty and interest on delinquent returns; authorizes extensions of time for filing; provides taxpayer service through correspondence and personal interview; performs required delinquency checks in the overseas area; performs all accounting operations relating to returns and remittances received including the issuance of bills and taxpayer delinquent account notices, processing of claims, scheduling abatements, credits and refunds, certifications of accounts, and maintenance of a general ledger; computes and withholds tax due from interest allowed on refunds paid to nonresident aliens; administers the provisions of tax treaties authorizing the automatic and other exchange of tax information between the United States and foreign countries; administers section 6316 of the 1954 Code authorizing, under certain conditions, the acceptance of foreign currency in payment of U.S. taxes; develops procedures required to process alien returns; develops implementing procedures from National Office issuances which are geared to regular district and Service Center operations; prepares all required accounting, processing, and work planning and control reports; provides guidance and assistance to the Governments of Guam and American Samoa concerning the processing of U.S. social security and self-employment tax returns.

1113.5622 *Delinquent Accounts and Returns Branch.* Is responsible for all activities pertaining to the collection of delinquent accounts of nonresident aliens and citizens residing abroad through levy, lien, summons, seizure, sale or other authorized means; secures delinquent returns on the basis of assigned investigations or by returns compliance activity (primarily by correspondence); makes recommendations to Chief Counsel for suits to foreclose Federal tax liens, enforce levies, appoint receivers and to establish transferee assessments; recommends jeopardy assessments and expedites and coordinates collection actions required; recommends transferee assessments to the Audit Division; works closely with Chief Counsel and Justice Department in developing legal approaches to collecting accounts; prepares proofs of claim and traces the transfer of assets in decedent cases; maintains file of validated liens; reviews and acts on requests for release, discharge or nonattachment of Federal tax liens; determines appropriateness and legal sufficiency of collateral offered to stay collection of tax or withhold the filing of liens; examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, and firearms), and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties; authorizes the write off of accounts as uncollectible; performs necessary followup on written off accounts; furnishes advice and guidance to the Revenue Service Representatives and their staffs concerning the collection of delinquent accounts; maintains liaison with the State and Defense Departments and other Government agencies as a means of increasing compliance with IRS Regulations by overseas personnel of these departments; develops operating procedures for collecting delinquent accounts and securing delinquent returns in the foreign area; constantly explores means of increasing enforcement powers overseas; requests and lends assistance under the applicable reciprocal collection provisions of tax treaties with foreign governments; maintains statistical and accomplishment records and prepares necessary work planning and control reports and other necessary activity reports as required.

1113.5623 *Puerto Rico Collection Branch.* Receives, processes and, where appropriate, mathematically verifies all tax returns emanating in Puerto Rico and the Virgin Islands, including alcohol and tobacco tax returns; receives, safeguards and deposits all remittances received in the office; receives, opens, stamps, sorts and distributes all ordinary mail; makes all required adjustments in tax liabilities; computes and asserts penalty and interest on delinquent returns; authorizes extensions of time for filing; provides taxpayer service through correspondence, telephone and personal interview; performs all accounting operations, including the issuance of bills, processing of claims, scheduling of refunds and maintenance of general ledger; responsible for all activities pertaining to the collection of delinquent accounts of citizens residing in Puerto Rico and the Virgin Islands through levy, lien, summons, seizure, sale or other authorized means; makes all required delinquency checks through correspondence and personal contact; recommends jeopardy assessments and expedites and coordinates collection actions required; prepares proofs of claim; determines appropriateness and legal sufficiency of collateral offered to stay collection of tax or to withhold the filing of liens; examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment, and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties; authorizes the write off of accounts as uncollectible and performs necessary followup on these accounts; maintains liaison with Puerto Rican government concerning items of mutual interest; prepares all processing, accounting and delinquent accounts and returns reports, including all work planning and control reports; maintains records of alcohol and tobacco tax collections for subsequent transmission to the Puerto Rican government.

1113.563 *Audit Division.* The Audit Division administers an international audit program involving the selection and examination of all types of Federal tax returns filed with the Office of International Operations (except alcohol, tobacco, and firearms). Is responsible for the examination of certain offers in compromise, informants' claims for reward and related activities including the examination and approval of pension trusts and the issuance of determination letters. The audit program involves the classification of returns for field and office audits, the conduct of district conferences in unagreed cases, participation with special agents in the conduct of tax fraud investigations, and is responsible for providing manpower for the annual overseas taxpayer compliance program. Provides advice and guidance on audit work performed by the foreign posts and reviews for technical and procedural accuracy all reports of audit examinations prepared by these offices. Directs programs for the exchange of estate and gift tax data with foreign governments under the tax conventions. Performs audit functions relating to the Alien Property Custodian activity. Makes certain that Internal Revenue Agents' manpower will be applied to the most significant civil enforcement cases in the international area. Is responsible for the maintenance of good relationship with region and districts and is responsive to

their requirements for assistance in the foreign area. The Audit Division consists of the Examination Branch, Service Branch, Review Staff, Conference Staff and Classification.

1113.5631 *Conference Staff.* The Conference Staff attains, to the maximum extent possible, the primary objective of the Conference Function—to give taxpayers ample opportunity to reach early agreement on disputed issues arising from audit examinations. Has responsibility for all OIO conference cases. Assigns, controls, coordinates, and reviews Office of International Operations jurisdictional conference cases including those in Puerto Rico, and foreign posts of duty. Holds conferences; provides direction and furnishes technical advice to other conferees; performs final district review of field audit conference reports; reviews and evaluates statistics and other records to strengthen conference function operations; and screens taxpayer protests which request Appellate hearings. Authorizes settlements in "pattern settlement cases"; reviews primary statistical forms in conference cases; coordinates and discusses with Chief, Review Staff, conference cases in which Review Staff has taken legal interpretative positions at variance with conference positions; reviews and answers dissents to conference determinations; reviews Appellate Division closings for guidance to conferees; and is responsible for protecting the statute of limitations for cases under his control. Undertakes special assignments received from Division and Office Superiors to the extent time permits.

1113.5632 *Review Staff.* Is responsible for reviewing for technical accuracy and policy and procedural adherence, reports of examination on income, estate, gift, and miscellaneous taxes, and offers in compromise. Prepares and issues preliminary letters and statutory notices. Grants extension of time for filing protests, and closes out statutory notices by sending the case file to the Appellate Division if a petition is filed or closing out for assessment if the time period expires on default. Receives taxpayer protests, refers protests to the Chief, Conference Staff, and closes protested cases to the Appellate Division upon recommendation of the Chief, Conference Staff. Furnishes technical advice to foreign and Puerto Rico posts and all examining personnel. Considers special problems relating to specific cases and prepares recommendations thereon. Prepares replies to technical inquiries from taxpayers from all over the world and issues determination letters as required. Considers applications for exemption from tax from foreign organizations, and issues determination letters or refers the case to the Assistant Commissioner (Technical) as appropriate. Prepares statistical reports and analyzes information on specific cases as required. Controls and reviews all forms used by the Audit Division. Controls and processes all informant's claims. Prepares requests for technical advice to the National Office on specific cases under examination.

1113.5633 *Chief Classifying Officer.* Is responsible for planning and executing the audit classification program including the selection of returns to be examined and the determination of the organizational units where the returns can best be examined. Is responsible for the planning and execution of procedures involving the classification of other documents used in connection with examinations such as transferred cases from other districts, information reports, etc.

1113.5634 *Service Branch.* Controls all income, estate and gift, and miscellaneous tax returns received for audit or investigation by the OIO Washington Office, Puerto Rico Office, and the Foreign Operations Division. Routes work to appropriate units; reproduces completed reports; provides typing service for the Audit Division; effects closing action on examined cases transmitting returns to the Collection Division; assembles audit production and statistical data and maintains controls on statutory expirations for the entire Audit Division as well as the Foreign Operations Division.

1113.5635 *Examination Branch.* Conducts field and office examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States and taxpayers who are required to withhold tax on certain payments to nonresident aliens and foreign corporations. Conducts examinations of estate tax returns of U.S. citizens who died while residing abroad or nonresident aliens with substantial property or income in the U.S. and gift tax returns filed by nonresident aliens or U.S. citizens residing abroad. It also conducts examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), claims for refund, credit or abatement, and special examinations as requested including joint examinations with special agents where tax evasions may exist. Obtains information on suspected delinquent taxpayers and other tax information while in overseas areas. It furnishes technical advice and assistance on pension trust plans, processes informants' claims for reward, and recommends jeopardy assessments. Prepares memoranda to accompany closing agreements and closing letters and releases in estate and gift tax cases, and administers the program for exchange of estate and gift tax data with foreign governments under tax conventions. Audits employment tax returns of Puerto Rico residents and income tax returns of U.S. Government employees and Puerto Rico residents deriving income from sources outside Puerto Rico. Audits books and records of Puerto Rican affiliates of domestic taxpayers to secure information requested by districts. Examines Virgin Island corporations to determine correct subsidy allowances. Coordinates examination program on resident foreign corporations and other cases where appropriate with National and Regional enforcement programs. On assignment holds conferences with taxpayers and their representatives. Prepares tax returns for, and audits books of, foreign corporations and alien individuals whose property is controlled by the Alien Property Custodian and conducts conferences on these matters.

1113.564 *Foreign Operations Division.* Plans, develops and coordinates the work programs and other activities of the foreign posts in accordance with Service objectives in the international area. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates, directs and/or conducts all compliance functions performed overseas by Appellate, Audit, Collection, Intelligence and International Operations personnel. Makes necessary recommendations, holds conferences and coordinates all audit, collection, delinquency and intelligence functions between the foreign posts and the Divisions of the Office of International Operations, other Service components and other Government agencies; determines whether actions requested are appropriate and whether they should be handled by foreign representatives, International Operations personnel on detail, other Service personnel or other Government agencies. Supervises and evaluates the work and performance of foreign representatives. Keeps Director informed of trends in the foreign area which will be employed in program development and establishment of Service objectives. Exercises broad vision in determining proper utilization of information obtained from foreign representatives. Assists the Director in the performance of functions under tax treaties principally involving nonautomatic exchange of information. Serves as focal point for all contacts with foreign governments either directly or through the foreign posts pursuant to the operating provisions of the various tax treaties. Coordinates the foreign travel of personnel of the Internal Revenue Service. Maintains liaison with the Treasury, State, Defense, Commerce and Interior Departments concerning overseas operating matters. Plans, coordinates and directs the Annual Taxpayer Compliance, Audit and Delinquency Programs abroad and plans and coordinates, in conjunction with the military services, the Annual Military Assistance and School Programs for overseas military personnel.

1113.5641 *Foreign Posts.* Pursuant to broad annual programs developed by the Foreign Operations Division, initiates such actions in the assigned areas as are necessary to establish and maintain satisfactory levels of voluntary compliance. Develops information indicating possible tax evasion, delinquency or noncompliance and completes action thereon or forwards the information to Washington for further development. Conducts audits of income, estate and gift tax returns of a type justifying field investigation or contact abroad and conducts investigations on tax evasion cases. Effects collection of delinquent taxes when personal contact or investigation abroad is

required. Obtains information on audit, intelligence and collection matters for other service components on collateral requests. Holds taxpayer conferences and effects settlements in cases involving timely and delinquent income, estate and gift tax returns, claims, offers in compromise, etc., including those referred abroad by International Operations headquarters for such purposes. Under specific direction, assists the Director in the exercise of the Competent Authority provisions of tax treaties by holding preliminary discussions with the foreign government representatives on the settlement of issues in specific cases involving double or discriminatory taxation and forwards information to Washington, D.C. Maintains close liaison with foreign governments in tax treaty, enforcement, exchange of information, technical and other highly complex matters. Maintains close liaison with U.S. military authorities and taxpayer groups in the area and develops and implements enforcement, taxpayer assistance and school programs, taxpayer-education releases, and similar measures designed to assure a high level of compliance. Is responsible for the development and maintenance of desirable public relations, initiating appropriate taxpayer-education programs in the area. Furnishes technical assistance to taxpayers with regard to both current and delinquent income, estate and gift tax matters.

1113.565 *Research, Tax Treaty and Technical Services Division.* Provides the Office of International Operations with research and technical assistance to aid in achieving its mission; accumulates and analyzes varied pertinent tax data of foreign and U.S. derivation; prepares, coordinates and reviews guidance memoranda for other OIO Divisions. Assists the Director in performance of the functions of Competent Authority under tax treaties principally involving processing of double taxation claims; maintains a continuing appraisal of the operation of the income and estate tax treaties of the United States for the purpose of identifying areas for renegotiation; considers administrative and operational feasibility of proposed tax conventions and regulations thereunder; conducts analytical studies with a purpose of achieving effective tax compliance; prepares for the Office of International Operations and coordinates with various National Office Divisions recommendations for remedial legislation or regulatory amendments; reviews or prepares for the Office of International Operations suggested public use or internal forms and documents; accumulates and disseminates information regarding U.S. business activity abroad and foreign business activity in the United States. Acts on assignments received by Director from Assistant Commissioner (Compliance) or other National Office officials or components, of a program or planning nature. Determines the amount of administrative relief (offset) to be allowed under Revenue Procedure 64–54; conducts detailed studies and analyses of various examination reports and other documents in assisting the Director to provide assistance and guidance to the various compliance functions in the international area; submits recommendations with respect to proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the International enforcement program.

1113.5651 *Research and Tax Treaty Branch.* Accumulates and analyzes data concerning foreign tax laws, U.S. Tax Treaties, U.S. tax law changes, revenue rulings and statements of Service policy in the international area. Prepares, coordinates and reviews guidance memoranda within the Office of International Operations. Assists the Director in the performance of the functions of the Competent Authority with respect to claims of double taxation under the respective tax treaties; under direction of the Competent Authority, represents the U.S. Government at conferences with foreign Competent Authorities on double taxation matters; reviews drafts of proposed tax conventions and regulations thereunder and prepares comments thereon regarding the administrative and operational feasibility of the conventions and regulations; seeks out operational and administrative problems in the tax treaty area, and where applicable, prepares analytical studies of technical problems and tax avoidance schemes in the international area for the purpose of disclosing tax law provisions that are weak, ineffective, inconsistent or unjust; prepares plans and programs to combat tax avoidance and evasion in the international area; reviews or prepares suggested tax forms and other material for the use of taxpayers under the jurisdiction of the Office of International Operations and coordinates technical matters having reference to proposed legislation and similar matters with the various Divisions of the National Office and other Government agencies. Accumulates or programs for the accumulation of data designed to show such information as to extent, nature, location of U.S. taxpayer business and trust interest outside of United States, as well as similar data relative to foreign business entities ostensibly doing business in the United States; develops and prepares procedures designed to accumulate data on receipt and disposition of information relative to foreign business operations of concern to United States; all such information shall be in such form that periodic or special requests for reports on the subject can be readily provided. Acts on assignments received by Director from Assistant Commissioner (Compliance) or other National Office officials or components, of a program or planning nature. Receives requests for relief from economic double taxation filed by taxpayers under Revenue Procedure 64–54 and processes such requests to determine the amount of administrative relief (offset) to be allowed and where appropriate prepares closing agreements for execution by taxpayers and Service. Conducts detailed studies and analysis of various examination reports and other documents in assisting the Director to provide assistance and guidance to the various compliance functions in the international area. Submits recommendations with respect to proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program. Provides data concerning foreign tax laws through channels to technical field personnel responsible for determining correct Subparts F and G income and earnings and profits of controlled foreign corporations under the 1962 Revenue Act. Prepares periodic reports of the progress and activity in the international area.

1113.6 OFFICE OF ASSISTANT COMMISSIONER (DATA PROCESSING)

The Assistant Commissioner (Data Processing) is the principal assistant to the Commissioner and Deputy Commissioner on all matters relating to the development of programs, systems, methods and procedures for implementation and operation of the Internal Revenue Service Automatic Data Processing Plan, the accounting for the internal revenue, the receipt and integrated processing of tax returns (except wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications) and payments; and the review and coordination of all reports. He exercises line supervision over the activities performed in the various Divisions in the National Office which are within his jurisdiction and the National Computer Center and the Internal Revenue Service Data Center, and is functionally responsible for ADP activities in Regional Offices and Service Centers, and for deposit operations in District Offices. Confers and collaborates with officials of other government agencies and private industry to assure compatibility of data which will be integrated into the ADP system of each.

1113.61 *Administrative Office.* Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Data Processing) at the National level, assisting and collaborating with Division Directors and the National Computer Center Director in providing budget, personnel, records and reports management, space management, duplication, supply, and other administrative services necessary for the internal administration, management, operation and functioning of the Office.

1113.554 *Program Branch.* Is responsible for the Director. Plans, directs and coordinates the implementation of the ADP System. Provides functional supervision over data processing activities in the regional offices and service centers, and over deposit operations in district offices. This includes program planning for and evaluating these activities and directing the installation of the ADP system or modifications to that system. Provides line supervision over the National Computer Center and provides liaison between the Center and other organizational units of the Service served by it. In addition, the Division develops and administers a program for analysis and statistical evaluation of the continuing

programs of the Data Processing Activity, and performs certain centralized functions.

1113.621 *Accounting and analysis branch.* Responsible for evaluation of the Revenue Accounting function through continuous review and analysis of pertinent data and controls. Assures that general ledgers and supporting records are maintained in an in-balance condition and that professional standards of quality and timelines are met. Coordinates with field offices, makes visitations when necessary to resolve problems, and assists in maintaining the in-balance condition. Ensures the fulfillment of all Revenue Accounting System requirements, and where necessary recommends new or changed requirements. Reviews data and prepares special reports on various data processing functions to satisfy management's needs for information about revenue receipts/refunds, returns, processing, TCMP, and yields from specific programs. Serves as the IRS coordinator with the Treasury Department, Railroad Retirement Board, and other Government agencies on matters pertaining to revenue receipts. Performs a control function for Joint Committee cases, and handles other centralized functions, e.g., offsets of claims and debts, redemption of mutilated currency, requests for relief from losses and shortages, counterfeit bills, and accounting for certain transfers of Government funds.

1113.622 *Field Coordination Branch.* Responsible for monitoring and evaluating the progress of returns and documents through the ADP system in relation to established standards and cycles; for providing higher management with reports on progress of production; and for recommending corrective action where necessary to assure timely and efficient processing. Conducts on-site studies of operations incident to the evaluation of progress of production, and performs a continuing review and evaluation of the functioning of the entire ADP system to determine how effectively the objectives of the system are being met. Identifies through on-site studies, observation or otherwise, the existence of nonuniformity in organization, procedures, flow of work, physical layout, equipment, etc., wherever uniformity is deemed or established to be necessary to the effective management or operation of the ADP system and recommends corrective action. Provides liaison between field data processing activities and the Systems Division on the improvement of the ADP system and procedures. Participates with the Systems Division in systems acceptability tests. Coordinates development and analysis of evaluative data under the National Office Review Program, including review of Internal Audit Reports and related liaison activities.

1113.623 *Program Development Branch.* Responsible for developing and recommending the current and long-range Data Processing programs and plans to achieve the ADP Plan objectives, and for providing related coordination and guidance. Provides support, direction, and guidance of all general administrative management functions of field installations of Data Processing including procurement of buildings, supplies and personnel; organization; redeployment; training; and internal and external information. Develops, recommends, or evaluates management control systems; coordinates with appropriate officials to assure compatibility with other systems and furnishes specifications to the Systems Division. Responsible for preparing and coordinating technical information materials relating to, and in support of, data processing programs. Reviews and answers inquiries from taxpayers, Congressmen, and others relating to operations, procedures, tax code provisions, or legal questions. Coordinates with field offices, tax practitioners and taxpayers in resolving questions and problems in individual cases. Assists with recommendations and reports on legislation affecting data processing activities.

1113.624 *Resource Utilization Branch.* Responsible for continuing review and analysis of manpower, money, material, and machine utilization within Data Processing to insure effective and economical use. Develops, supervises, and analyzes a comprehensive field Work Planning and Control System (including plans, schedules, performance reporting, production control and individual performance reporting). Develops and monitors a costing system that assesses the resource impact of proposed changes to the Master File System. Prepares Financial Plans for National Office activities of Data Processing, and recommends allocation of field activity budget estimates. Prepares and updates the PPBS submission for Data Processing. Coordinates the participation of Data Processing in the government-wide ADP Sharing Program. Coordinates Data Processing action on requests from Federal, State, and municipal entities for nonreport and nonstatistical formated data from the Master File System. Conducts special studies aimed at attaining better utilization of resources within Data Processing.

1113.625 *National Computer Center.* Responsible for the creation, maintenance and updating of business and individual tax accounts. Receives input data from service centers and processes against master file. Produces output data for use in issuing refund checks, bills, or notices; answering inquiries; making delinquency checks; detecting fraudulent refund claims; classifying returns for audit purposes; preparing reports; and other matters concerned with the processing and enforcement activities of the Service. Performs other machine data processing activities as required.

1113.63 *Management Information Division—Office of the Director.* Develops and administers a Service-Wide Reports Management Program for an overall management information and reporting complex which is integrated with the Automatic Data Processing System and which serves the needs of management at the various levels of the Service. It collects, coordinates, tabulates and presents data needed for planning, controlling, analyzing, and evaluating programs. The Division performs these functions in consultation and cooperation with the various operating and planning officials using or providing data and who share with the Division the responsibility for effective and economical conduct of reporting programs. The Division independently develops and issues periodically statistical and narrative summaries of operating performance which are designed to point out significant developments in program execution and to assist operating officials to appraise progress toward approved program objectives and goals. It maintains a continuing program aimed at prescribing and revising forms, procedures, and systems which will produce necessary data more effectively and economically. The Division provides line supervision over the IRS Data Center and liaison between the Center and other organizational units of the Service.

1113.631 *Reports Management Branch.* The Reports Management Branch develops and administers: the policies, procedures and standards for a Service-wide Reports Management Program, and a program to bring reporting systems of the various program areas into a coordinated, overall management information and reporting complex integrated with the Automatic Data Processing system. In collaboration with responsible operating officials, the Branch studies and determines specific management information requirements for planning, controlling and evaluating programs of an entire Activity at the various levels of the Service; prepares feasibility studies to determine best data gathering and processing techniques (ADP system, mechanical, manual or combinations of these); develops reporting and related recordkeeping systems and integrates these with the overall management information and reporting complex; and implements the new or revised systems. It provides technical guidance and assistance for the development and integration of work planning and control systems. The Branch operates a National Office clearance procedure to examine proposed reporting requirements for duplication, overlapping, conformity to standards, and compatibility with the overall management information and reporting complex; and periodically reviews established requirements to insure continuing compatibility with the needs of the Service.

1113.632 *Processing Branch.* The Processing Branch develops and administers a program to provide published managerial and operating reports and related narrative summaries responsive to the needs of management and which are an integral part of the overall management information and reporting complex. The Branch conducts studies of requirements for Service-wide published reports and designs their format and content; reviews published reports to determine modifications needed to provide for changing program emphasis and requirements of management; maintains liaison with field offices and service centers on all reporting documents and material received for review and processing; and provides centralized manual processing services for published reports and for special requirements of the various

organizational elements of the National Office. It independently develops and issues periodically statistical and narrative summaries of operating performance which are designed to point out significant developments in program execution and to assist operating officials to appraise progress toward approved program objectives and goals. The Branch performs necessary research to compose replies to a variety of requests for management and operational-type information received from Congress, local, State and Federal agencies, research and other organizations and individuals interested in tax administration matters.

1113.633 *IRS Data Center.* Responsible for the performance of non-master file data processing operations for the Service. This includes: Design of manually and electronically oriented processing systems; detail design of computer programming requirements and instructions; writing of computer programs; testing and debugging of computer routines; systems acceptability testing; installation of new systems; and maintenance of systems after they become operational. Such systems provide for the preparation of Treasury Department payrolls; fiscal reports; statistics of income; Taxpayer Compliance Measurement Programs, including both work progress reports and special studies; special tax research; personnel analysis reports; work planning and control reports; data for the Planning-Programming-Budgeting System and other purposes; special tabulations and comparisons for States and other Federal agencies; and statistical information for management control by National and Regional Headquarters officials; and other special applications not included in the Business and Individual Master File systems.

1113.64 *Systems Division—Office of the Director.* Plans, directs, controls and coordinates the development, issuance and interpretation of all procedures, instructions and computer programs for the integrated ADP master files systems and related data processing operations in Service Centers and the National Computer Center, and for deposit operations in District Offices. Division functions include: making or evaluating studies of proposed data processing systems, methods and equipment in cooperation with Systems Development Division, the design of integrated manual, machine and computer systems for the receipt and processing of tax returns and related documents or data (except wagering, narcotics, alcohol and tobacco tax and firearms returns and applications), accounting for revenue collections and tax deposits, fulfilling the requirements of the Compliance activity and of the Treasury Department, maintenance of taxpayer master file accounts, required financial and operating reports; design of related management and data control systems; special data extracts and reports from the master files for research and other activities within or outside the Service; comatibility of systems with other Federal agencies to achieve interagency systems effectiveness and economies; the development and issuance of detailed systems requirements, forms, procedures, and computer programs; systems acceptability testing of manual procedures, machine instructions, computer inputs, processes and outputs before implementation; and the maintenance of all operational ADP master files and related systems.

1113.641 *Procedures Branch.* Develops, prepares, issues and interprets systems requirements and procedures for data processing activities in Service Centers and the National Computer Center, and for deposit operations in District Offices. Such activities include all operations performed in the receipt and processing of tax returns, related documents, payments, maintenance of taxpayer accounts and adjustments thereto, correspondence with and service to taxpayers; required accounting documents, and internal controls over such operations; also, fulfilling the requirements of the Compliance activity, research and other activities within the Service, and the Treasury Department. Designs and develops integrated manual, machine or computer requirements, data processing inputs, outputs, forms, instructions and procedures manuals for the ADP master files and all related systems including those to serve interagency purposes. Assists the Testing Branch in conducting tests of such systems prior to operational use. Confers and collaborates with officials of other divisions within the Service, the Treasury Department, General Accounting Office, Social Security Administration and other Government agencies in the performance of these functions.

1113.642. *Service Center Branch.* Develops, documents, and maintains computer processing programs, executive and applied software programs, and related off-line equipment instructions for tax return and all related data processing operations in the Internal Revenue Service Centers. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for SC computer input/output programs, data controls and related processes. Coordinates with the Master File Branch to assure compatibility with ADP computer processes at the National Computer Center. Assists the Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programming problems, recommends recovery action if practicable, and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS system.

1113.643 *Master File Branch.* Develops, documents, and maintains computer processing programs, executive and applied software programs, to establish, update, analyze and produce required outputs from master files of taxpayer accounts and related data files at the National Computer Center. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for NCC computer input, master files processing, and output programs including data controls and files extracts. Coordinates with Service Center Branch to assure compatibility with computer input/output programs in the Internal Revenue Service Centers. Assists the Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programing problems, recommends recovery action if practicable, and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS systems.

1113.644 *Equipment Branch.* Conducts studies to determine immediate equipment or special management application requirements, and participates in studies to determine long-range equipment or special management application requirements, for data processing systems, and develops plans and schedules for meeting these requirements; makes or evaluates equipment feasibility studies and recommends acceptance or rejection of suppliers' proposals; evaluates new equipments or techniques available, researches those which may be feasible for data processing applications. Manages and operates the National Office test computer and peripheral equipment installation. Issues machine requirement guidelines for the development of forms used on high-speed printers and envelopes used on high-speed inserting and mail handling machines. Represents Data Processing on the Tax Forms Coordinating Committee. Develops and issues systems standards and techniques for uniform guidance and use by all systems analysts and programmers. Analyzes requirements for management control information systems applicable to data processing activities in the Internal Revenue Service Centers and National Computer Center; develops integrated manual procedures, machine processes and computer programs to fulfill these requirements; tests such systems on-site for operational acceptability and implementation.

1113.645 *Testing Branch.* Plans, develops, schedules and conducts acceptability tests simulating live operation of new or revised systems, procedures, forms, instructions, and computer programs designed to process tax returns, related documents and data in the District Offices, Internal Revenue Service Centers, or National Computer Center, including accounting, document and other internal controls over such operations. Coordinates with other data processing, operating and user organizations participating in the testing and certifying of the system as acceptable for implementation, analyzes total systems requirements, develops appropriate test documents and data, establishes predetermined control and output results.

Tests all manual procedures, machine processes and computer programs, under predetermined controls as planned, to determine readiness of the system to produce records and outputs meeting all requirements. Identifies any deficiencies or problem areas, recommends evident modification or clarification, tests changes made and, when requirements are fulfilled, certifies the system as acceptable and ready for operational use.

1113.7 OFFICE OF ASSISTANT COMMISSIONER (INSPECTION)

The Assistant Commissioner (Inspection) acts as the principal assistant to the Commissioner in planning and carrying out the inspection program of the Internal Revenue Service. This includes the independent review and appraisal of all Internal Revenue Service activities as a basis for protective and constructive service to management, and the carrying out of a program for assisting management to maintain the highest standards of honesty and integrity among its employees. The Assistant Commissioner (Inspection) plans and directs the inspection program at both the national and regional levels. At the National Office level he supervises two divisions: the Internal Audit Division and the Internal Security Division; and at the regional level he supervises the Regional Inspectors.

1113.71 *Internal Audit Division—Office of the Director.* The Internal Audit Division has responsibility for conducting a program providing for an independent review and appraisal of the operations of the Internal Revenue Service. This review provides information on the condition of all the functional activities of the Service at the National, regional and district levels and is sufficient in scope to provide a basis for constructive management action by the Service officials responsible for the activities involved. The Division is also responsible for a systematic verification and analysis of financial transactions and a review and appraisal of the protective measures and controls established at all operating levels. The organizational structure for program operations consists of the National Office Internal Audit Division, and the Regional Internal Audit Staffs which are headquartered in the same location as the Regional Inspectors. The Director of the Internal Audit Division under the general supervision of the Assistant Commissioner (Inspection) is responsible for the development and execution of the Division's program.

1113.711 *Field Coordination Branch.* The Field Coordination Branch has responsibility for keeping the Director advised of matters necessary to assure that a uniformly high standard of internal audit performance at the regional level is maintained in audits of Administration, Alcohol, Tobacco and Firearms, Appellate, Audit, Collection, Counsel, and Intelligence activities. Develops guidelines for the annual internal audit plans. Responsible for the review, preliminary approval and follow-up of regional internal audit plans based on these guidelines, including a continuing review to see that Internal Audit's manpower resources are effectively utilized. Furnishes staff guidance to Internal Audit Division personnel assigned to the Regional Inspectors. Participates in a program of on-site review and evaluation of the activities of the Regional Internal Audit staffs. Evaluates matters reported by the Regional Internal Audit staffs concerning the Service's operations. Initiates action to call important matters to the attention of the Commissioner, Assistant Commissioners or other principal officials. Evaluates the adequacy of the action instituted by operating officials at all levels to correct deficiencies reported, except where only ADP matters are involved. Consults with top officials of the Offices of the Assistant Commissioners and Chief Counsel on operating problems disclosed by Internal Audit which suggest need for revisions in current operating instructions. Develops a monthly summary to the Commissioner of significant operational deficiencies reported as a result of internal audits. Follows up with National Office officials on internal audit recommendations for changes in the Service policies and procedures, except where ADP matters are involved. Develops an analysis of the Internal Audit Division's annual accomplishments and prepares the required report for the Commissioner to the Treasury Department. Assists in developing various special reporting material, including budget justifications for the Internal Audit Division, and briefing papers for the Assistant Commissioner (Inspection).

1113.712 *Operations Branch.* The Operations Branch is responsible for conducting periodic internal audits of National Office activities, including the audit of the Office of International Operations, and the Tax Division of the U.S. Virgin Islands Government. Conducts special surveys and procedural studies as requested by the Treasury Department, the Commissioner or the Deputy Commissioner. Carries out special assignments on particular phases of operations requested by the Assistant Commissioner (Inspection) or the Director. Assists the Treasury Department in the annual audit of the Exchange Stabilization Fund. Responsible for conducting audits of regional and district offices as assigned by the Director. Carries out special assignments in cooperation with the Internal Security Division on cases requiring the specialized knowledge and training of personnel of the Internal Audit Division. Exercises continuing direction and control over all Internal Audit aspects of Inspection integrity assignments conducted nationwide, including on-job visitations. Maintains liaison with National Office Internal Security Division on security cases pending in the regional offices.

1113.713 *Program Development Branch.* The Program Development Branch has responsibility for developing the Division's policy and procedural instructions and internal audit program guidelines for the continuing effective internal audit of field Administration, Alcohol, Tobacco and Firearms, Audit, Appellate, Collection, Intelligence and Counsel activities. Keeps abreast of new developments in Service programs other than ADP to determine their effect on Internal Audit's responsibilities in the auditing of district and regional operations. Coordinates with the Data Processing Activities Branch and other functional areas of the office of Assistant Commissioner (Inspection) as necessary. Maintain liaison with Offices of Assistant Commissioners (Compliance) and (Administration) and Chief Counsel, to determine operating problems or developments that should be given attention in the carrying out of the Division's overall Internal Audit program. Develops and carries out career development programs to increase nationwide staff management and auditing proficiency including conducting basic and advanced Internal Audit training programs other than ADP. Keeps abreast of latest professional management auditing techniques and methods to ensure timely adaptation to the Service's internal audit program. Maintains the division's program of continuing review of special long-range Service projects, e.g., Taxpayer Compliance Measurement Program.

1113.714 *Data Processing Activities Branch.* The Data Processing Activities Branch has responsibility for ensuring a continuing effective internal audit program of the Service's data processing system by developing policies, procedures and internal audit program guidelines; conducting staff development training programs; conducting audits; coordinating, evaluating, and reviewing and following through on audit findings; and bringing all significant audit disclosures to the attention of top National Office management officials including the Commissioner. Participates with Data Processing in the development of improved controls in the ADP system to ensure the maintenance of an effective management control system in the Service. Develops systems and procedures to utilize automatic data processing in carrying out principal segments of the Internal Audit Division's program. Participates in the program of review and evaluation of the data processing auditing activities of Regional Internal Audit staffs. Conducts continuing audits of the National Computer Center and the IRS Data Center. Consults with top officials in the offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving data processing procedures and controls; maintains liaison with such officials to keep abreast of current data processing developments including technological changes so that proper consideration can be given to the carrying out of the Internal Audit Division's program. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) in order

to obtain data processing services requested by them or provide other information pertinent to the mission of these functions.

1113.72 *Internal Security Division.* The Internal Security Division plans, develops, and controls the internal security program for the Internal Revenue Service so as to assist management in assuring the highest standards of honesty, integrity and security among Service employees and maintain public confidence in the integrity of the Service. The program includes personnel background investigations and investigations of complaints or allegations of misconduct or irregularities, including criminal, concerning Service employees; also investigations of non-Service persons when their actions may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, investigations of complaints alleging discrimination because of race, creed, color or national origin; and the maintenance of records and case files relating to investigations conducted. The Division also conducts such special investigations, studies, and inquiries as required for the Commissioner, Office of the Secretary, or other components of the Treasury Department. The Division is composed of four branches: Complaint Case Coordination Branch, Investigations Branch, Planning and Programming Branch, and Security Case Coordination Branch.

1113.721 *Complaint Case Coordination Branch.* The Branch controls and coordinates on a nationwide basis the Internal Security Division function of investigating alleged violations of Federal criminal statutes and of the regulations and rules governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled to practice before the Internal Revenue Service, and special investigations as required for the Commissioner and other components of the Treasury Department. The Branch maintains a continuing review and control of individual cases to: (a) Assure that the scope of the investigations and the evidence are sufficient to provide a basis for conclusions by management, the Department of Justice or other authority; (b) assure that established policies, procedures and techniques are being followed uniformly; (c) to promote uniformity in investigative coverage, form and quality of reports, and administrative and criminal dispositions; (d) develop data for improvement, simplification, and standardization of investigative operations; (e) develop information that will aid management in planning and programming Internal Security activities. The Branch maintains liaison on criminal matters with the Office of the Chief Counsel, other law enforcement segments of the Service, Federal Bureau of Investigation and other Federal law enforcement agencies.

1113.722 *Investigations Branch.* The Branch, operating on a nationwide basis, is responsible for conducting extremely confidential investigations of complaints and allegations of misconduct or irregularities concerning high level officials of the Service and other special investigations which by reason of their complexity or sensitivity, or because of their potential effect on the maintenance of public confidence in the integrity of the Service, demand special handling. The Branch, as the investigative branch of the Internal Security Division for National Office personnel, is responsible for conducting background investigations of applicants for, or incumbents of, positions in the Service, certain applicants for enrollment to practice before the Internal Revenue Service, and for applicants for positions with certain other components of the Treasury Department. In addition the Branch conducts investigations of alleged violations of Federal criminal statutes and rules and regulations governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled to practice before the Internal Revenue Service; formal investigations under the Federal Tort Claims Act; investigations of alleged discrimination because of race, creed, color, or national origin; and other special investigations as may be required for the Commissioner and other components of the Treasury Department. The Branch maintains liaison with the Regional Inspectors and Assistant Regional Inspectors (Internal Security) to coordinate joint activities and in special situations to render assistance in the handling of difficult investigations.

1113.723 *Planning and Programing Branch.* The Branch is responsible for providing staff assistance to the Division Director in planning and programing the Internal Security Division program. This includes formulating policies; developing technical and administrative procedural instructions, including manual issuances and investigative handbook; conducting inspections of the management and operation of the Regional Internal Security Divisions; conducting special surveys of National Office Internal Security activities; developing and coordinating training programs for the Division; providing technical and staff assistance to the Treasury Law Enforcement Officer Training School; directing the maintenance of record and case files relating to investigations by the Division; compiling and analyzing reports of operational costs, workload data, and statistics concerning criminal and administrative actions resulting from Internal Security investigations; evaluating manual issuances or proposals originating outside Inspection which are pertinent to Internal Security functions; conducting special staff studies; and maintaining liaison with other branches of the Internal Security Division, the Internal Audit Division, and other offices of the Service.

1113.724. *Security Case Coordination Branch.* The Branch controls and coordinates on a nationwide basis the Internal Security Division function of investigating the character and background of applicants for, or incumbents of, positions in the Service. The Branch reviews reports submitted by the National and field offices of the Internal Security Division concerning investigations conducted for the Internal Revenue Service, for certain other components of the Treasury Department and for the Director of Practice. These reports cover all character and security cases, all National Agency Check and Inquiry (NACI), and enrollee applicant cases in which unfavorable or questionable information is disclosed, formal investigations under the Federal Tort Claims Act, and investigations of alleged discrimination because of race, creed, color or national origin. The purpose of these reviews is to: (a) Assure that the high suitability and security requirements for Government employment and the investigative requirements of the Service have been met; (b) assure that policies and procedures are being followed uniformly; (c) develop factual data for improvement, simplification, and standardization of investigative operations; (d) promote nationwide uniformity in the approach, operating techniques, and administrative results of character and background investigations; (e) develop information to aid management in planning and programming Internal Security activities. The Branch directs all investigative activities and coordinates administrative activities incidental to the issuance of Top Secret Defense Information Clearance letters to Service personnel and Confidential clearance letters to Service employees when required.

1113.8 OFFICE OF ASSISTANT COMMISSIONER (PLANNING AND RESEARCH)

The Assistant Commissioner (Planning and Research) acts as the principal assistant to the Commissioner and the Deputy Commissioner in the development and administration of the Program and Financial Plan, related objectives and policies, and in the analysis of all Service programs for the purpose of promoting maximum effectiveness in the administration of the Internal Revenue Code with the most efficient and economical expenditure of resources; and is responsible for research, statistics, and systems development. The Assistant Commissioner (Planning and Research) represents the Commissioner on these matters in relations with the Treasury Department, the Congress, other Government agencies and outside organizations. He discharges these primary responsibilities in cooperation with the appropriate Assistant Commissioners (or other principal officials), each of whom exercises related responsibilities within his own functional area. The Assistant Commissioner (Planning and Research) is responsible for and supervises the activities

of four divisions: Planning and Analysis Division, Research Division, Statistics Division, and Systems Development Division.

1113.81 *Planning and Analysis Division.* The Planning and Analysis Division develops and administers the systems for producing a comprehensive multi-year Program and Financial Plan, for coordinating and integrating policies of the Service, and for analyzing all Service programs—with the aim of optimizing the collection of internal revenue taxes. To these ends, in cooperation with responsible offices, it develops the Service's Program and Financial Plan; through Special Studies, approved by the Deputy Commissioner, evaluates the desirability and costs of existing and proposed plans, policies, organizations, and program objectives; and develops criteria and presentations to measure accomplishments. It coordinates the preparation of the annual Program Memoranda analyzing the objectives, costs and benefits of the Program and Financial Plan. The Division, in cooperation with other responsible offices, determines the scope of operating data needed for performance reporting and for marginal productivity and other kinds of operations research analyses in connection with the Program and Financial Plan, Program Memoranda, and Special Studies. The Division also administers the Internal Management Document System and reviews issuances for conformance to basic policies of the Service.

1113.82 *Research Division.* The Research Division conducts advanced research (independently or in conjunction with other offices) into the Federal tax system to develop new approaches to improve the Service's operations and to reduce the compliance burden on the taxpayer; directs such research, within the framework of tax policy determined by the Treasury Department; and furnishes leadership and coordination for the program of Federal-State cooperation in the field of tax administration. The Division actively participates with the appropriate staffs of the Treasury Department and the Assistant Commissioner (Technical) in the preparation of legislative proposals and regulation revisions resulting from the research conducted; designs and carries out surveys, studies, polls, and other forms of research to provide the Service with the basic data needed for the formulation of operating programs and plans; and prescribes the nature and content of statistical analyses made by other offices but required for the research functions of the Division.

1113.83 *Statistics Division.* The Statistics Division conducts research and prepares statistics with respect to the operation of the income tax laws as required annually by the Internal Revenue Code to provide basic information for tax studies and legislation by the Congress and its committees, for administrative use by the Secretary of the Treasury and the Commissioner of Internal Revenue, and for the Federal benchmark statistical programs on income, wealth, and finance; and performs other related research and statistical functions. The Division consists of the Income, Finance, and Wealth Branch, the Statistical Techniques Branch, the Mathematical Statistics Branch, and the Program Management Branch.

1113.831 *Administrative Office.* Performs all administrative management activities, including personnel, budget, and fiscal programs, cost estimates, allocations and control of funds, records management, travel, space and equipment utilization. Coordinates and controls, in conjunction with the Facilities Management Division the printing requirements of the Division and statistical processing contracts, other office services required. Serves as a focal point for Division contacts with Personnel, Fiscal Management, and Facilities Management Divisions.

1113.832 *Income, Finance, and Wealth Branch.* The Income, Finance, and Wealth Branch performs statistical and economic research with respect to the operations of the income tax laws as required by the Internal Revenue Code. It identifies and analyzes actual and prospective needs of users of income, wealth, and financial data reported on tax returns. The Branch plans, evaluates, and modifies these needs to develop an integrated statistical program and prepares specifications for data preparation. It interprets, analyzes, and presents the resulting statistics through publications of the Internal Revenue Service, such as the "Statistics of Income" series, and in consultation with appropriate policy and management officials.

1113.833 *Statistical Techniques Branch.* The Statistical Techniques Branch performs technical statistical services in support of the program of the Division. It prepares projections and estimates of tax return populations by type of return and geographic area, and produces other workload measures for the Service. It uses statistical techniques to analyze problems and improve efficiency in work programs. It plans, prepares the analysis, and presents the results of statistical studies for the Service, other Federal Agencies, and for approved reimbursable projects. It conducts research in the development and adaptation of statistical techniques designed to promote efficient operations. It prepares Service statistical guidelines and taxpayer aids. It supplies special statistical services in response to requests and advises on applications of statistical techniques to technical and administrative tax problems.

1113.834 *Mathematical Statistics Branch.* The Mathematical Statistics Branch has the Statistics Division's responsibility for the probability sampling portions of the Service's research and operational programs and aiding, on request, other agencies with their sampling problems. This responsibility includes such things as the application of computer methods to sampling techniques used in such programs as Statistics of Income and Taxpayer Compliance Measurement; the use of area survey techniques to measure tax delinquency; assisting in the application of sample audit techniques to processing functions; using time samples to develop cost data for the Planning-Programming-Budgeting System; and review of sampling plans developed in other areas of the Service.

1113.835 *Program Management Branch.* Designs and develops operational plans for use in producing the statistics required by the Division's program, and prepares related procedures, forms, and instructions. Coordinates budget development for, and the planning, scheduling, and processing of the statistical work performed at decentralized locations. Conducts research into methods for controlling quality. Develops and applies operating techniques for quality control, providing standards of measurement and instituting methods developed through operations research. Evaluates statistics produced in terms of original specifications, costs, and procedures. Serves as the focal point for collaboration between National Office and field statisticians in the execution of continuing programs such as Statistics of Income, Taxpayer Compliance Measurement, and Statistical Quality Control. Guides and coordinates the activities of statisticians in the field processing centers to insure uniformity of method and adherence to common goals. Plans uniform statistical applications to be implemented by statisticians in the field processing centers.

1113.84 *Systems Development Division.* The Systems Development Division is concerned both with electronic systems and other systems. It conducts a continuing program relative to the availability and capability of electronic data processing systems and other electronic or automation equipment and systems, the feasibility and adaptability of electronic equipment to specific Service tasks, and the development of special modifications for Service purposes. The Division reviews and coordinates projects of other offices involving the adaptation of electronic equipment and participates in the selection and installation of electronic equipment and systems. With respect to other systems, the Division examines and makes recommendations for improvement or extension of internal systems (such as those relating to reporting, processing, accounting, enforcement, records management, and communications), reviews and coordinates system-improvement efforts of other offices, and initiates and develops projects of its own; furnishes other offices of the Service, on request, advisory and consultative services on systems problems; studies possibilities of integrating paperwork and data-handling systems and equipment; and surveys, develops and tests equipment used or usable by the Service.

1113.9 OFFICE OF ASSISTANT COMMISSIONER (TECHNICAL)

The Assistant Commissioner (Technical) acts as the principal assistant to the Commissioner in providing basic principles and rules for the uniform interpretation and application of the Federal tax laws (other than alcohol, tobacco, and firearms taxes under Subtitle E of the Internal Revenue Code). In carrying out this mission, he: Publishes rulings to announce interpretative positions of the Service; publishes explanatory booklets, pamphlets and other materials for the guidance of taxpayers and Service officials; issues rulings and advisory statements to taxpayers and Service officials; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profitsharing plans; directs programs for clarification and simplification of tax rules; develops (and is responsible for the technical content of) all tax return forms and instructions (other than those relating to alcohol, tobacco, and firearms taxes); reviews other public-use tax forms and form letters; acts as competent authority in matters involving interpretation or application of tax treaties; provides advice and assistance on technical matters throughout the Service, and to the Treasury Department, other Government agencies, and Congressional Committees; conducts a technical liaison program with Service field offices; conducts a Technical Field Conference program; coordinates with the Office of the Chief Counsel, the Treasury Department, and the Committees of Congress on legislative and regulatory matters; reviews all new or amendatory regulations for administrative feasibility and adequacy; administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate and gift tax cases involving fine arts valuation; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; and coordinates with the other Assistant Commissioners, the Treasury Department, other Government agencies, and outside professional groups and industry and trade associations on matters of mutual concern. The Assistant Commissioner (Technical) is authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from him, shall be applied without retroactive effect. He is also authorized to enter into and approve a written agreement (Closing Agreement) with any person relating to the internal revenue tax liability, other than certain excise taxes, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed. The Assistant Commissioner (Technical) is responsible for and supervises the activities of three divisions: Income Tax Division; Miscellaneous and Special Provisions Tax Division; and Technical Publications and Services Division.

1113.91 *Income Tax Division—Office of the Director.* Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving: Income and employment taxes and the interest equalization tax to corporate and noncorporate taxpayers (including individuals, partnerships, estates, and trusts); depreciation depletion, and valuation issues; the taxable status of exchanges and distributions in connection with corporate organizations, reorganizations, and liquidations; and taxes imposed on self-employment income. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets, and other materials prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; determines the status of certain organizations as agencies or instrumentalities of the United States, a State or political subdivision thereof, or the District of Columbia, or agencies or instrumentalities of governments of foreign countries or political subdivisions thereof; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the U.S. Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Office of the Chief Counsel in providing advice and assistance to that office, and to the Treasury Department and the Committees of Congress, on legislative and regulatory matters; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Treasury Department, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programing, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associations to participate in conferences and to submit comments, briefs and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss other matters of mutual concern; makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders; acts on applications for changes in or adoption of accounting methods and periods; and acts as competent authority in matters involving interpretation or application of tax treaties. In areas involving the application of Federal tax laws in connection with provisions relating to depreciation, depletion and valuation issues, this Division also: Passes upon requests for approval of plans for the aggregation of nonoperating mineral interests as a single property; postaudits the depreciation, depletion, and valuation issues of cases on which engineering reports have been prepared and a sample of other large cases involving such issues; upon request, provides direct assistance to regional and district offices on cases involving depreciation, depletion, and valuation issues; provides, or secures, expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; and administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate and gift tax cases involving fine arts valuation. The Director is responsible for and supervises the activities of four branches: Corporation Tax Branch; Individual Income Tax Branch; Engineering and Valuation Branch; and Reorganization Branch.

1113.911 *Corporation Tax Branch.* In matters involving the application of Federal income tax laws to corporate taxpayers, including the taxation of insurance companies and those relating to consolidated returns of affiliated groups,

this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern: advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions involving either corporate or noncorporate taxpayers with respect to: Interest equalization tax; income of States, Municipalities, etc.; appearances, etc., with respect to legislation; amortization of pollution control facilities; research and experimental expenditures; inventories, including LIFO; allocation of income and deductions among related taxpayers; sales of low income housing projects; cooperatives and their patrons; regulated investment companies and their shareholders; controlled foreign corporations and their U.S. shareholders; foreign tax matters which involve determination of sources of income; nonresident alien individuals and partnerships or of alien residents of Puerto Rico; compensation of employees of foreign governments or international organizations; income affected by treaty; the foreign tax credit; earned income from sources without the United States; income from possessions; involuntary conversions; small business investment company stock losses; withholding of tax on nonresident aliens and foreign corporations; mitigation of effect of renegotiation of government contracts; requests for permission for change in or adoption of accounting periods and methods (except methods of accounting for depreciation and depletion); acts as competent authority in matters involving interpretation or application of tax treaties; and makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders.

1113.912 *Engineering and Valuation Branch.* In matters involving the application of Federal tax laws in engineering and valuation areas, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; passes upon requests for permission to change methods of accounting for depreciation and depletion and for approval of plans for the aggregation of nonoperating mineral interests as a single property; conducts a postaudit review of field engineer reports and a sample of nonengineer reports which contain depreciation, depletion, and valuation issues for purposes of assessing the field treatment of engineering issues in order to provide uniform guidance, both on an individual basis by report, and on a Service-wide basis by publication in the Engineers' Coordination Digest; provides direct assistance to regional and district offices, upon request; assists the Office of Chief Counsel and the Department of Justice in preparing and presenting cases in litigation, provides or secures expert witnesses in support of the Government's litigating position, and furnishes technical expertise in the negotiation of trial and pretrial settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; prepares and maintains an up-to-date Engineering Citator; and administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate, and gift tax cases involving fine arts valuation.

1113.913 *Individual Income Tax Branch.* In matters involving the application of Federal income tax laws to noncorporate tax payers (including partnerships, estates, and trusts), and with respect to the application of employment tax laws to both corporate and noncorporate taxpayers, and with respect to the taxes imposed on self-employment income, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions involving either noncorporate or corporate taxpayers with respect to: Charitable contributions; tenant-stockholders of cooperative housing corporations; employee stock option and stock purchase plans; real estate investment trusts; and election of certain small business corporations as to tax status and related matters, except the rules relating to certain qualified pension plans.

1113.914 *Reorganization Branch.* In matters involving the application of Federal income tax laws to exchanges and distributions in connection with corporate organizations, reorganizations, liquidations, and spin-offs, to stock dividends, redemptions, exchanges in obedience to SEC orders, to distributions pursuant to the Bank Holding Company Act, and to losses on small business stock, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government, agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions with respect to determinations as to whether distribution, exchanges, or transfers referred to in

IRC 306(b)(4), 355(a)(1)(D)(ii), 367, and 1492 are in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

1113.92 *Miscellaneous and Special Provisions Tax Division—Office of the Director.* Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving: Estate, gift, and certain excise taxes; organizations exempt from income tax under IRC 501 and 521; procedure and administration provisions of the Internal Revenue Code; matters requiring actuarial determinations; and the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets, and other materials prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the U.S. Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Office of the Chief Counsel in providing advice and assistance to that office, and to the Treasury Department and the Committees of Congress, on legislative and regulatory matters; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Treasury Department, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associations to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss other matters of mutual concern; coordinates the development of the Service's Master Files of Pension Trusts and Employee Plans; and acts as competent authority in matters involving interpretation or application of tax treaties. In tax matters dealing with actuarial questions: Provides or secures expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; and furnishes expert consulting assistance to other Service components, including the Office of the Chief Counsel, to the Treasury Department, and to other Federal and State Government agencies. This Division also: Postreviews field determination letters relating to the status of organizations under IRC 501 and 521, and relating to qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans under IRC 401 through 407; prepares and submits to the Audit Divison special audit coordination digests calling attention to district determinations that do not conform to published Service positions on issues under IRC 401 through 407; on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of determinations by District Directors under IRC 401 through 407; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations under IRC 501. The Director is responsible for and supervises the activities of six branches: Actuarial Branch; Administrative Provisions Branch; Estate and Gift Tax Branch; Excise Tax Branch; Exempt Organizations Branch; and Pension Trust Branch.

1113.921 *Actuarial Branch.* In matters involving the application of Federal tax laws in the actuarial area, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other branches on matters of mutual concern; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the Technical Field Conference Program; and provides, or secures, expert witnesses in support of the Government position in cases in litigation involving pension plans, insurance, and other tax matters dealing with actuarial questions, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements. This Branch also furnishes expert consulting assistance to other Service components, including the Office of the Chief Counsel to the Treasury Department, and to other Federal and State government agencies on actuarial questions involved in: Valuation of life estates, remainder interests, contingent assurances, series of payments, and reversionary interests; tax treatment of pension, profit-sharing, stock bonus, annuity, life insurance, accident and health, and other benefit and compensation plans and contracts; deductions for amounts paid or accrued on indebtedness under insurance contracts; and taxation of life insurance companies.

1113.922 *Administrative Provisions Branch.* In matters involving the application of the procedure and administration provisions of the Internal Revenue Code, and similar provisions of related statutes, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analysis and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches and other offices of the Service on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and

reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program.

1113.923 *Estate and Gift Tax Branch.* In matters involving the application of Federal estate and gift tax laws, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees, reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; as requested, furnishes assistance in negotiations or renegotiations of estate and gift tax conventions with representatives of foreign countries; acts as competent authority in matters involving interpretation or application of tax treaties; and participates in the Technical Field Conference Program.

1113.924 *Excise Tax Branch.* In matters involving the application of Federal excise tax laws other than those involving the interest equalization tax, excise taxes imposed by Chapter 42 on private foundations and certain related parties, and the alcohol, tobacco, and firearms taxes (but including the manufacturer's excise tax on firearms under IRC 4181 and 4182), this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the Technical Field Conference Program; and participates in the Technical Field Conference Program.

1113.925 *Exempt Organizations Branch.* In matters involving the exemption of organizations under IRC 501 and 521, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; maintains in current status a comprehensive Exempt Organizations Handbook; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; post-reviews field determination letters; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Divison in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the Technical Field Conference Program; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations. This Branch also performs the same functions with respect to exempt organization matters involving: Feeder organizations; prohibited transactions; unreasonable accumulations, or misuse, of income; liability for tax on unrelated business taxable income; requirements for filing annual information returns and other reports; determination of status as a private foundation; determinations under IRC 170(b)(1)(A) in all situations involving a provision of Subchapter F of Chapter 1, Chapter 42, or section 6033 of the Code, and in any other situation bearing on the status of an organization as a private foundation; termination of private foundation status; special rules prescribed in IRC 508 with respect to IRC 501(c)(3) organizations; excise taxes imposed by Chapter 42 on private foundations and certain related parties, including questions arising under the savings provisions of section 101(1) of the Tax Reform Act of 1969; assessable penalties relating to private foundations; restrictions on examination of churches; determinations of status required under IRC 1504(e) for qualification of certain exempt organizations to file consolidated corporate returns.

1113.926 *Pension Trust Branch.* In matters involving the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans, pursuant to IRC 401 through 407, this Branch: Issues rulings, technical advice, and general technical information; issues opinion letters to sponsoring organizations on master and prototype pension, annuity and profit-sharing plans; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Treasury Department, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; post-reviews field determination letters and, on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of District Directors' determinations; prepares special audit coordination digests regarding conformance of field actions with established positions on stated issues; determines the applicability of the annuity treatment under IRC 72, the death benefit exclusion under IRC 101(b), and the sick pay exclusion under IRC 105(d), to distributions under qualified plans and exempt employees' trusts; passes upon the tax treatment accorded deferred compensation under nonqualified plans; and participates in the Technical Field Conference Program. This Branch also performs the same functions with respect to pension trust matters involving: Exemption of employees' trusts under IRC 501; collateral matters involving the treatment of medical benefits for retired employees under qualified pension plans, the limitations and restrictions on self-employed persons participating in qualified plans, and the tax treatment of distributions to nonresident aliens; deductions by acquiring corporations for carryovers under IRC 381(c)(11) and (20); feeder organizations; prohibited transactions; liability for tax on unrelated business taxable income; and additional requirements and limitations under IRC 1379 with respect to plans that provide contributions or benefits for shareholder-employees of an electing small business corporation.

1113.93 *Technical Publications and Services Division—Office of the Director.* Has primary responsibility in Technical for functions related to: Tax return forms; other public-use forms and form letters; taxpayer publications; internal-use technical publications; field liaison programs; Part XI of the Manual; the Freedom of Information Act; technical and general correspondence; Congressional liaison; research facilities and reference services; and control and maintenance of correspondence files and exempt organization application files. In carrying out these responsibilities, the Division: Conducts a program for the development, annually or as needed, of all Federal tax return forms and instructions (other than those relating to alcohol, tobacco, and firearms taxes); coordinates and assists in the work of the National Office Tax Forms Coordinating Committee in planning, reviewing, and approving tax return forms materials; assists the National Office Tax Forms Coordinating Committee by reviewing other public-use forms and form letters used by the Service; furnishes technical assistance to the Treasury Department and others on tax return matters; conducts a program for publication of the Internal Revenue Bulletin and related publications; conducts a program for preparation and publication of technical booklets, pamphlets, and other materials for the guidance of taxpayers, tax practitioners and Service personnel; reviews tax guide material prepared by other Government agencies; reviews or drafts tax guide material for dissemination through newspapers, other periodicals, radio, and television; reviews tax law training material for classroom and correspondence instruction of Service personnel; drafts expository papers on major technical developments for the instruction of Service personnel; drafts digests of significant developments to keep Service personnel abreast of changes; promotes and coordinates the Technical liaison program with regional and district offices involving the submission of field reports on administrative problems, tax abuses, tax inequities, the quality and effectiveness of tax return forms and instructions, and the need for new or amendatory regulations; conducts special surveys to obtain factual information from Service field offices on particular tax areas at the request of the Treasury Department of National Office components; coordinates the Technical Field Conference Program; coordinates the development and publication of material for Part XI of the Internal Revenue Manual; coordinates the activities of the Technical organization under the Freedom of Information Act; coordinates Technical's correspondence program; provides research facilities and reference services; and maintains, and processes requests for inspection of, exempt organization application files. The Director is responsible for and supervises the activities of three branches: Tax Forms Development Branch; Technical Publications Branch; and Technical Services Branch.

1113.931 *Tax Forms Development Branch.* Assists in conducting the Service's public-use forms and instructions, and form letters programs. In carrying out these responsibilities, this Branch: On annual basis, or when otherwise necessary, initiates, develops, and revises the technical content of all Federal tax return forms, instructions, schedules, etc., relating to income, employment, estate, gift, and excise taxes (other than those relating to alcohol, tobacco, and firearms taxes); provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in planning, reviewing and approving all tax return forms materials; provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in its review and approval functions relating to other public-use forms and form letters; prepares replies to inquiries from Members of Congress, other Government agencies, professional groups, and the public on matters relating to the forms program; evaluates, and prepares replies to, suggestions on matters relating to tax return forms and other public-use forms; prepares Announcements and Releases, and IR-Manual issuances, relating to tax return forms and other public-use forms; provides advice and assistance to other offices in the Service, the Treasury Department, and Congressional Committees in matters relating to tax return forms and instructions; and coordinates with other Technical branches on matters of mutual concern.

1113.932 *Technical Publications Branch.* Conducts the publications program of the Technical organization. In carrying out this responsibility, this Branch: Compiles material for publication in the weekly Internal Revenue Bulletin, which is the Commissioner's authoritative instrument for announcing official rulings and procedures of the Service and for publishing Treasury Decisions, Executive Orders, tax conventions, legislation, court decisions, and other items of general interest; compiles all precedent material in the weekly Internal Revenue Bulletins for publication in semiannual Cumulative Bulletins; prepares digests of all substantive materials in the Bulletin for publication in the Index-Digest System, complete with topical indexes and finding lists, for research use by the public and Service personnel; compiles record retention requirements from regulations for publication in the FEDERAL REGISTER; drafts summaries of selected authoritative material for publication in Tax Briefs to keep Service personnel abreast of significant developments in Federal taxation; compiles the Service's Loose-leaf Regulations System and drafts appropriate transmittals and filing instructions; compiles items to be published in the biannual Cumulative List of Exempt Organizations, its bimonthly supplements, and the announcements of current deletions in the Bulletin; initiates actions to preserve the standards and improve the effectiveness of the Bulletin system; drafts plain-language explanations of all Federal tax laws (other than those relating to alcohol, tobacco, and firearms taxes) for publication in booklets such as Your Federal Income Tax, Tax Guide for Small Business, Farmer's Tax Guide, and numerous pamphlets, to inform the public about the rights and duties of taxpayers; drafts plain-language instructional material for publication in the Understanding Taxes program; reviews material relating to Federal taxation in booklets and other issuances initiated by other Government agencies, and by others, when such cooperation is in the best interests of the Service; reviews for technical accuracy releases, articles, notices, and radio and television program materials, prepared for issuance by Public Information Division; drafts in-depth analyses and explanations of major developments in Federal taxation for publication in quarterly, annual, and special issues of the Review of Technical Developments, which are used to update the technical skills of Service personnel; participates in the drafting and reviewing of technical tax handbooks and guides for Service personnel and technical law text materials for use in Service training programs; drafts material for publication in Reports on Current Tax Literature to keep Service officials appraised about articles, comments, etc., published outside the Service regarding tax loopholes or inequities, and criticism of Service position; prepares Announcements and Releases, and IR-Manual issuances relating to the publications program; coordinates with other Technical branches, Chief Counsel, Audit Division, and others on matters of mutual concern; and coordinates with Publications Branch of Facilities Management Division and the Government Printing Office in the development of Production Control Schedules, format design, proof processing, and other matters of mutual interest.

1113.933 *Technical Services Branch.* Issues general technical information letters, coordinates the overall correspondence program of the Technical organization, and provides support services for Technical. In carrying out these responsibilities, this Branch: Issues direct replies to all communications involving requests for information of a general technical or procedural nature, including a substantial portion of Congressional inquiries directed to Technical; serves as liaison office and point of contact on all Congressional office inquiries, oral or written, relating to matters under the jurisdiction of Technical; coordinates with other offices in Compliance, Chief Counsel, Data Processing, and Administration on correspondence crossing jurisdictional lines; keeps the Assistant Commissioner (Technical) informed regarding incoming communications involving sensitive or controversial matters; coordinates the Technical Field Conference program whereby teams of specialists in the various tax areas and representatives of the Chief Counsel's office and the Audit Division meet with field officials in district offices to discuss technical matters of mutual interest or concern; coordinates the preparation

and clearance of material for Part XI of the Internal Revenue Manual; coordinates actions for the Technical organization on matters involving the Freedom of Information Act; maintains a technical reference library and provides research assistance and reference services for personnel of the Technical organization and other offices in the National Office; corresponds with field offices to supply or request needed information on current or prior matters; analyzes, acknowledges receipt, and directs the flow of all incoming correspondence, including requests for rulings and technical advice, general technical inquiries, reports submitted by Service field offices under the Technical Coordination Program etc., to the appropriate Technical divisions or branches; and processes, maintains, and services all closed correspondence files and related records for the Technical organization. This Branch also maintains and services exempt organization application files that are open to public inspection, processes requests for inspection thereof, and screens such files to delete certain materials that are exempt from public inspection.

1113.(10) OFFICE OF THE CHIEF COUNSEL

The Chief Counsel, an Assistant General Counsel of the Treasury Department, serves as a member of the Commissioner's executive staff and as counsel and legal officer to the Commissioner on all matters pertaining to the administration and enforcement of the internal revenue laws and related statutes. The key officials under his supervision are: Associate Chief Counsel (Litigation), Associate Chief Counsel (Technical), Staff Assistants, Technical Advisors, Special Assistants, and Director of the Operations and Planning Division.

1113.(10)1 *Associate Chief Counsel (Litigation).* Plans, directs, coordinates and controls the policies and programs pertaining to Tax Court Litigation: Enforcement; Alcohol, Tobacco and Firearms Legal; General Litigation; and Refund Litigation work.

1113.(10)11 *Tax Court Litigation Division.* The Tax Court Litigation Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the U.S. Tax Court; supervises and coordinates the defense and settlement and the processing and handling of such cases, including preparation of pleadings, recomputations and other documents filed with the Tax Court together with hearings thereon to assure uniform treatment; coordinates and reviews Tax Court matters prepared in the regional offices; including the rendering of technical advice to the field offices, the approval of Chief Counsel's Decisions, the review of briefs to be filed with the Tax Court and recommendations of field offices for acquiescence or non-acquiescence in adverse Tax Court decisions; prepares recommendations to the Department of Justice for the Commissioner's appeals to the Courts of Appeals and prepares petitions and records on review in such cases; makes recommendations to that Department regarding offers in compromise or settlement and prepares recommendations for or against filing petitions for writs of certiorari to the Supreme Court in such cases. It supervises the preparation and trial of cases assigned to, and handled by, attorneys in the Trial Branch.

1113.(10)12 *Enforcement Division.* The Enforcement Division handles and prepares for final decision those criminal tax cases referred to the Chief Counsel by Regional Counsel or by the National Office. It considers cases in which the Regional Commissioner and the Director of the Intelligence Division of the Office of the Assistant Commissioner (Compliance) do not concur in recommendations of Regional Counsel involving prosecution. The Division prepares acquiescence memorandums of protest letters on decisions by the Department of Justice or U.S. Attorneys against prosecution and recommendations to the Department of Justice respecting appeals of court decisions in criminal tax cases. It also prepares law opinions in cases involving penalties or other legal questions with respect to criminal cases or investigations or with respect to the disclosure of information. The Division coordinates with the Department of Justice or interested branches of the Service any questions involving investigations or actions respecting the civil aspects of pending criminal cases.

1113.(10)13 *Alcohol, Tobacco and Firearms Legal Division.* The Alcohol, Tobacco and Firearms Legal Division performs all of the legal services in the National Office incident to the administration and enforcement of the provisions of the Internal Revenue Code which relate to alcohol, tobacco products and firearms, the Federal Alcohol Administration Act, the Federal Firearms Act, Chapter 59 of the Criminal Code relating to the liquor traffic (18 U.S.C. sections 1261 through 1265), certain provisions of the Customs and Transportation laws relating to the forfeiture and to the remission and mitigation thereof of contraband and articles used or intended to be used in violation of these laws and of the wagering tax provisions of the Internal Revenue Code, and the legal work arising under the Federal Tort Claims Act in respect of the negligent acts of Service employees. Execution of these functions includes the rendering of legal opinions, assisting in conferences and hearings held by the administrative officers with taxpayers and other interested parties, advising as to legal problems involved in their handling of individual cases, handling appeals to the Director, Alcohol, Tobacco and Firearms Division, in administrative quasi-judical proceedings, drafting and reviewing proposed legislation, regulations, Treasury decisions, notices and accompanying documents, preparing and reviewing formal legal opinions, Revenue Rulings, and correspondence involving the interpretation or enforcement of the regulations, and the compromise of liabilities arising thereunder, preparing recommendations and furnishing advice and assistance to the Department of Justice in civil and criminal cases arising under the cited laws. It maintains general supervision over the legal work involving alcohol and tobacco matters performed in the offices of Regional Counsel. The Division advises the Regional Counsel, when requested, concerning legal matters considered by them.

1113.(10)14 *General Litigation Division.* The General Litigation Division supervises and coordinates legal work of Regional Counsel on collection litigation matters. It reviews certain offers in compromise (except those concerning alcohol, tobacco, and firearms taxes). It prepares advisory opinions on collection litigation matters. The Division prepares and reviews recommendations to the Department of Justice concerning certiorari, appeal and petition for review in relation to all collection litigation cases. It handles certain legal work for the Director of International Operations. The General Litigation Division prepares and reviews recommendations to the Department of Justice concerning (a) the defense of injunction actions to restrain the assessment or collection of Federal taxes; (b) offers in settlement; (c) the waiver or release of a right to redeem under 28 U.S.C 2410; and (d) suits for the civil enforcement of summonses. Similarly, the Division considers recommendations that the Commissioner authorize or sanction affirmative action in (a) insolvency cases (including decedents' estate proceedings), (b) suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, (c) cases involving appointment of a receiver in aid of foreclosure of Federal tax liens, and (d) suits for the collection of taxes.

1113.(10)15 *Refund Litigation Division.* The Refund Litigation Division performs all necessary legal service on behalf of the Internal Revenue Service in connection with taxpayers' suits for refund of taxes (except alcohol and tobacco taxes). It determines and coordinates the legal position of the Service in such suits and incorporates such determinations in recommendations to the Department of Justice with respect to the defense of such suits, the acceptance or rejection of settlement proposals and appeals and petitions for certiorari from adverse court decisions. The Division performs all necessary legal services on behalf of the Service in connection with all civil litigation affecting the Service and not within the responsibility of any other Division.

1113.(10)2 *Associate Chief Counsel (Technical).* Plans, directs, coordinates and controls the policies and programs pertaining to Legislation and Regulations, and Interpretative work.

1113.(10)21 *Legislation and Regulations Division.* The Legislation and Regulations Division has the basic responsibility for representing the Internal Revenue Service in connection with legislation affecting the various internal revenue taxes and for the preparation of regulations required to be issued in connection with those taxes, except for taxes

relating to alcohol, tobacco, and certain firearms. In discharging this responsibility, the Division: Participates in the development and drafting of new and amendatory internal revenue legislation and in connection therewith furnishes required technical assistance; prepares new and revised regulations; prepares reports on private and public bills; prepares news and information releases relating to regulations; prepares responses to correspondence concerning legislation and regulations from the Congress and the public; and, in developing regulations, arranges and conducts public hearings and meetings with taxpayers and their representatives and with professional and industry groups. The Division prepares Executive orders and related papers authorizing the inspection of tax returns, and reviews and prepares amendments to the Statement of Procedural Rules. The Division represents the Internal Revenue Service with respect to the negotiation and drafting of tax treaties with foreign countries and the preparation of the necessary implementing regulations.

1113.(10)22 *Interpretative Division.* The Interpretative Division reviews as to form and legality interpretations of internal revenue statutes and regulations and other law and legal materials bearing upon the administration of the Internal Revenue Service except those relating to (a) alcohol, tobacco, and firearms matters; (b) criminal tax investigations and prosecutions; (c) lien and collection matters, including those involving bankruptcies, receiverships and other insolvencies; (d) administrative matters; (e) disclosure matters; and (f) summons enforcement matters. The Division prepares formal opinions of the Chief Counsel in assisting him in carrying out his functions as legal advisor to the Commissioner in the technical area. The Division is also responsible for the legal review of closing agreements.

1113.(10)3 *Operations and Planning Division.* Operations and Planning Division is responsible for all law work in the Internal Revenue Service other than substantive tax law work; at the direction of the Chief Counsel performs special assignments of a technical nature in substantive tax law. The Division serves as the principal legal advisor to the Assistant Commissioner (Administration), the Assistant Commissioner (Data Processing) and the Assistant Commissioner (Inpection). The Division is responsible for the supervision and coordination of all legal management work of the Chief Counsel's Office (National Office and all field offices); establishes and maintains appropriate standards of professional competence by members of the legal staff of the office and evaluates their legal competence; analyzes the workload of the office, and determines the distribution of personnel available to handle the workload. The Division is responsible for the general supervision of all matters relating to administration and management in the Office of the Chief Counsel. Reviews and prepares for action enrollee and disbarment cases referred to the Chief Counsel by the Director of Practice, and represents the latter in the trial of cases before Hearing Examiners.

1114 OFFICE OF REGIONAL COMMISSIONER

1114.1 MISSION

The mission of the Office of Regional Commissioner is to execute the broad nationwide policies and programs for the administration of the internal revenue laws, to carry out appellate and alcohol, tobacco, and firearms programs at the regional level, and direct and coordinate the functions and activities of the district offices within the region.

1114.2 BASIC ORGANIZATION

The principal organization components of the typical Office of the Regional Commissioner are the immediate office of the Regional Commissioner, the Administration Division, the Alcohol, Tobacco, and Firearms Division, the Appellate Division, the Audit Division, the Collection Division, the Data Processing Division, and the Intelligence Division. An Assistant Regional Commissioner is at the head of each division.

1114.3 REGIONAL COMMISSIONER

The Regional Commissioner administers within an assigned regional area the collection, audit, intelligence, appellate, alcohol, tobacco, and firearms, and administration programs of the Internal Revenue Service. He carries out Service policies and programs in conformity with delegations of authority and, in this connection, establishes regional standards and programs to assure proper and effective implementation of Service-wide policies and programs within his region. The Regional Commissioner supervises and coordinates the work of the staff of the Regional Office and the District Directors within his region to assure that work is processed in an orderly and timely manner, and that proper and equable emphasis is placed and directed toward the accomplishment of current program objectives. As the principal field official, he evaluates the effectiveness of Service policies and programs, and advises the National Office as to the need for revising such policies and programs to bring about improved operations or service.

1114.4 ASSISTANT REGIONAL COMMISSIONER (ADMINISTRATION)

The Assistant Regional Commissioner (Administration) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the administration activities of the Service under the jurisdiction of the Regional Commissioner to assure that administration policies and programs are properly executed. In conformity with administration policies, and programs established by the National Office, he develops regional standards and other measures necessary to implement most effectively the administration program of the Service which includes budget and fiscal management, personnel administration, training, public information, property and records management, use of facilities, printing and reproduction, and reports management. He also coordinates organization planning and advises and makes recommendations to the Regional Commissioner thereon; and furnishes guidance for and coordinates management programs. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional administration programs and recommends improvements and adjustments therein needed to bring about and sustain a high level of performance in administration activities within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of administration policies, programs, procedures and standards in terms or regional and district requirements, provides reports and factual information upon which the National Office can base administration policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating administration operations. Within the limits of his delegated authority, he provides the Regional Counsel and Regional Inspector with such administrative services as they may require in the performance of their duties. He is responsible for and supervises the activities of four branches: Facilities Management Branch, Fiscal Management Branch, Personnel Branch, and Training and Taxpayer Education Branch.

1114.41 *Facilities Management Branch.* The Facilities Management Branch coordinates, evaluates and carries out regionwide programs for providing essential support activities designed to increase the effectiveness of the region, reduce its operating costs and improve taxpayer relations. Develops within the broad guidelines established by the National Office standards and procedures for such matters, as the management of paperwork; space; property and supply; procurement and contracts; production, storage, and distribution of forms and publications initiated within the region and distribution and requirements of National Office forms and publications; emergency planning for civil defense; fire and safety, document and property security; and processes all claims arising within the region under the Federal Tort Claims Act.

1114.42 *Fiscal Management Branch.* The Fiscal Management Branch performs, coordinates and evaluates budgeting, administrative accounting and financial reporting (other than for revenue collections) for the region, including the preparation of the financial plan within overall budget limitations, submission of budget data, allotment of funds, maintenance of accounts, and examination of vouchers. This Branch participates in long-range planning involving expenditures for personnel, equipment, administrative services, space and similar items.

1114.43 *Personnel Branch.* The Personnel Branch develops and evaluates the regional personnel program and

standards relating to recruitment and selection, employee relations, disciplinary actions, performance, evaluation, promotions, in-service placements, incentive awards, records, reports and other aspects of a complete personnel program, within the frame work of Service policies, programs and procedures established by the National Office, and conducts the personnel program for the regional office. It conducts the position classification program for the region. The Branch represents the region in contacts with employee groups and the Regional Directors of the Civil Service Commission.

1114.44 *Training and Taxpayer Education Branch.* (1) The Training and Taxpayer Education Branch, under National Office guidelines, provides leadership and direction to the regional training programs and evaluates and reports on all such programs. It develops and executes the overall annual regional training plan and coordinates the conduct of Service-wide training programs within the region including those held at district offices, at the Regional Training Center and its satellites, and at the Service Center. It assists regional officials in the determination of organizational and individual training needs and gives advice on all training programs conducted within the region, particularly from the standpoint of methodology, training techniques, and evaluation. It participates in and coordinates the development and conduct of regional courses and programs deemed necessary for the accomplishment of the region's assigned tax program and related work requirements. The Branch also develops, coordinates, and evaluates the Taxpayer Education program in the region.

(2) Under the direction and supervision of the Training and Taxpayer Education Branch, the Regional Training Center administers both Service-wide and certain locally developed courses and assists in their evaluation. Courses may be held within the Regional Training Center or at satellite sites under its administrative control. When requested by the National Office Training Division, the Regional Training Center at times hosts centralized and interregional courses and assists with the revision or development or Service-wide training materials, or with experimentation regarding new methodology and technology. The Center administrative head, known officially as the Regional Training Center Administrator, is responsible for training, counseling, and evaluating all students. He supervises and guides the activities of education and training specialists, permanently and temporarily assigned faculty members, and other assigned or detailed personnel. The Center provides classrooms, specialized training space, materials, equipment, and facilities for courses conducted.

1114.5 ASSISTANT REGIONAL COMMISSIONER (ALCOHOL, TOBACCO AND FIREARMS)

The Assistant Regional Commissioner (Alcohol, Tobacco and Firearms) acts as the principal assistant to the Regional Commissioner in planning, directing, and coordinating the Alcohol, Tobacco and Firearms activities of the Service under the jurisdiction of the Regional Commissioner for the execution of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for the administration and enforcement of Internal Revenue laws relating to alcohol, alcoholic beverages and products, and tobacco and tobacco products; and related laws including the Federal Alcoholic Administration Act, the National Firearms Act, and the Federal Firearms Act. This includes the supervision and control, under Federal laws, of units of the lawful liquor and tobacco industries located within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of Alcohol, Tobacco and Firearms policies, programs, procedures and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base Alcohol, Tobacco and Firearms policy and program considerations and recommends actions with respect to problems encountered in Alcohol, Tobacco and Firearms operations. He supervises the activities of three branches: Enforcement Branch, Laboratory Branch, and Permissive Branch.

1114.51 *Enforcement Branch.* (1) The Enforcement Branch plans, coordinates and evaluates the enforcement activity within the region. It develops regional programs, standards, and procedures necessary to implement most effectively Service criminal law enforcement policies and programs established by the National Office. The Branch provides the Assistant Regional Commissioner and the National Office with reports and evaluations regarding the effectiveness of the enforcement programs and recommends any needed changes. The Branch provides the regional coordination of cooperative actions with other Federal and State enforcement agencies and gives immediate supervision to investigations which are sensitive, very complex, and difficult, or for other reasons require regional control.

(2) The Branch supervises the activities of the Offices of the Chief Special Investigators.

1114.52 *Laboratory Branch.* (1) The Laboratory Branch coordinates and evaluates the Alcohol, Tobacco and Firearms Laboratory activities to assure that throughout the region the policies and programs are properly executed and that the work is prepared in an orderly and timely manner.

(2) In conformity with Service policies and Alcohol, Tobacco and Firearms programs established by the National Office develops regional practices, standards, and other measures necessary to implement most effectively the laws and regulations governing alcohol, alcoholic beverage, and tobacco industries.

(3) The Branch analyzes beverage and nonbeverage products containing alcohol, examines illegally produced alcoholic beverage, examines drugs submitted by the Bureau of Narcotics in connection with the enforcement of the Harrison Narcotic Act and the Marihuana Act, carries out analyses and work for other IRS divisions upon request, advises on technical matters pertaining to the production, storage, tax payment, and disposition of alcohol, alcoholic beverages, and tobacco products, and the denaturation of distilled spirits, use of tax-free alcohol, manufacture of nonbeverage products and articles in which denatured alcohol is used; members of the staff testify as expert witnesses on chemical matters in civil and criminal actions.

(4) The Branch provides functional advice and guidance to branch offices on laboratory matters.

1114.53 *Permissive Branch.* (1) The Permissive Branch plans, coordinates, and evaluates the Alcohol, Tobacco, and Firearms permissive activities within the region. It develops regional programs, standards, and procedures necessary to implement most effectively Service revenue and regulatory control policies and programs established by the National Office. The Branch provides the Assistant Regional Commissioner and the National Office with reports and factual information as to current industry operation and evaluations regarding the effectiveness of Government supervision with recommendations for any needed changes. In the regional office the Branch exercises jurisdiction over the qualification of plants and premises and issuance of permits. It examines and audits records and reports submitted by proprietors and Government officers, and, in matters beyond the scope of subordinate offices, gives advice and guidance to industry.

(2) The Branch supervises the activities of the Offices of the Chief Inspectors.

1114.54 *Branch Offices.* (1) The offices below the regional offices are designated branch offices. As such they represent either an Office of Chief Inspector or an Office of Chief Special Investigator. Two or more may share housing facilities at the one location.

(a) The Office of Chief Inspector has responsibility for Alcohol, Tobacco, and Firearms permissive activities in an assigned geographical area. This involves the investigations required prior to the issuance of a new permit or other authorization required under the internal revenue laws or Federal Alcohol Administration Act. It includes the periodic and special inspection of plant premises and the examination of records and permittees authorized to engage in operations involving alcohol, alcoholic beverages, alcoholic products or in the manufacture of cigars and cigarettes. The Office is responsible for providing the on-premises supervision at premises which have been qualified as distilled spirits plants. The Office provides advice and assistance to industry in matters relating to revenue and regulatory control. The substantive work of the Office is performed by Inspectors and Inspectors (On-Premises) organized in groups, each working within geographical limits established on the basis of industry activity, under the immediate supervision of an area supervisor. An area supervisor may or may not be at the same location as the Chief Inspector.

(b) The Office of Chief Special Investigator has responsibility for Alcohol, Tobacco, and Firearms enforcement activities in an assigned geographical area, usually representing one or more judicial districts. This involves the investigation, prevention, and detection of violators of the Federal laws and regulations relating to alcohol, tobacco, and firearms. The responsibility includes the apprehension of violators, submission of evidence to U.S. Attorneys for prosecution and forfeiture action, and the submitting of information to the Assistant Regional Commissioner for administrative action. The Office is responsible for the seizure and custody of real and personal property until forfeiture or other disposition is made. In addition, the Office is responsible for making inspections of retail liquor dealer establishments and examining the records of firearms dealers. Conducts such other investigations as may be specially assigned by the Service. The substantive work of the Office is performed by Special Investigators organized in groups, each working within geographical limits based on the distribution of the investigative workload under the immediate supervision of an Area Supervisor. An Area Supervisor may or may not be at the same location as the Chief Special Investigator.

1114.55 *Area Offices.* An Area Office provides the headquarters for an Area Supervisor who has responsibility for the substantive work in a geographical area some distance from the Office of Chief Inspector or Chief Special Investigator and is established to increase the effectiveness of the Area Supervisor's supervision and direction of his group.

1114.6 ASSISTANT REGIONAL COMMISSIONER (APPELLATE)

The Assistant Regional Commissioner (Appellate) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the Appellate activities of the Service under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for a program of hearing and undertaking final settlement of taxpayers' appeals from determinations of tax liability made by District Directors within the region, involving income, profits, estate, gift, and employment taxes, and excise taxes except those imposed on alcohol, wagering, narcotics, firearms, and tobacco; and for a program of hearing and, with concurrence of Regional Counsel, undertaking final settlement of certain cases docketed in the Tax Court. His program includes preparing reports to the Joint Committee on Internal Revenue Taxation in Appellate cases involving overpayments in excess of $100,000, reviewing final closing agreements under Code section 7121 recommended by District Directors within the region, and hearing administrative appeals in offer in compromise cases. In the foregoing programs, he represents the Regional Commissioner and exercises authority under delegation of authority from the Commissioner of Internal Revenue. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of appellate policies, programs, procedures, and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base appellate policy and program considerations, and recommends action with respect to problems encountered in Appellate operations. He supervises the activities of all Appellate branch offices in the region.

1114.61 *Appellate Branch Offices.* The basic settlement work of the Appellate Division is performed in branch offices of the Division which are headed by Chiefs who report to the Assistant Regional Commissioner (Appellate). The branch offices hold conferences and make final determinations, within the limits of their delegated authority, on cases involving income, profits, estate, gift, and employment taxes and excise taxes, except those imposed on alcohol, wagering, narcotics, firearms, and tobacco, in which taxpayers have requested Appellate consideration. The branch offices prepare reports to the Joint Committee on Internal Revenue Taxation in protested and petitioned cases which involve overpayments in excess of $100,000, and also consider protested offers in compromise. Branch offices, under delegated authority, enter into final closing agreements in cases under their jurisdiction and also review and execute closing agreements recommended by District Directors.

1114.7 ASSISTANT REGIONAL COMMISSIONER (AUDIT)

(1) The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with audit policies, and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties where applicable, a regional review of selected cases closed by the district offices and the administrative disposition of offers in compromise by district Audit Divisions. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations.

(2) In the Central Region, where centralized review of audit cases has been established, the functions of this office are as follows:

The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with audit policies, and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties where applicable, and the administrative disposition of offers in compromise by district Audit Divisions. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations. He reviews, as a service to those districts included in the centralized review, all field audit and unagreed office audit cases and a selected sample of agreed office audit cases examined by the district offices (except that cases in which the expiration of the statute of limitations is imminent are reviewed after the necessary assessment, overassessment or statutory notice action is completed). He also prepares reports for the Commissioner's signature to the Joint Committee on Internal Revenue Taxation in all nonpetitioned and nondocketed cases involving overpayments in excess of $100,000.

1114.8 ASSISTANT REGIONAL COMMISSIONER (COLLECTION)

The Assistant Regional Commissioner (Collection) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the collection activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, the collection work is processed in an orderly and timely manner, and that equal emphasis is placed and uniform effort directed toward the accomplishment of the current collection program objectives. In conformity with collection policies and programs established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the program of the Service for the administrative disposition of offers in compromise by district Collection Divisions; the collection of delinquent accounts; the securing of delinquent returns; the year-round taxpayer service program (including the issuance of Certificates of Compliance to departing aliens); and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional collection program and recommends improvements and adjustments in collection operations needed to bring about and sustain a high level of performance, within the region. Under the Regional Commissioner, he serves as the primary source of information to the National Office as to the effectiveness of collection policies, programs, procedures and standards in terms of factual information upon which the National Office can base collection policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating collection operations.

1114.9 ASSISTANT REGIONAL COMMISSIONER (DATA PROCESSING)

The Assistant Regional Commissioner (Data Processing) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the returns processing (except wagering, narcotics, alcohol, and tobacco tax, and firearms returns and applications), data processing, and revenue accounting activities under the jurisdiction of the Regional Commissioner to assure that policies and programs established by the National Office are timely and properly executed. He exercises line supervision over those activities at the Regional Office and functional supervision over those activities at the Service Center and over deposit operations in District Offices within the Region. He provides the Regional Commissioner and, through him, the National Office with evaluations, recommendations, and other information which are used as a means for determining the effectiveness of returns processing, data processing, and revenue accounting operations, policies, programs, procedures and standards.

1114.(10) ASSISTANT REGIONAL COMMISSIONER (INTELLIGENCE)

The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with intelligence policies, and programs, established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco and certain firearms tax cases), and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations. When special agents' reports of investigation are not forwarded by the district offices directly to the office of Regional Counsel, the Assistant Regional Commissioner (Intelligence) supervises their review, approves or disapproves recommendations for prosecution, and provides for conferences when required with taxpayers, and their representatives, representatives of the Regional Counsel and the Appellate Division.

1114.(10)1 *Review and Conference Staff.* (1) The Review and Conference Staff plans and directs the critical review of district office reports pertaining to alleged criminal violations of the internal revenue laws, which contain recommendations for criminal prosecution and/or ad valorem penalties, to determine that the conclusions and recommendations are sound and conform to existing policies; and recommends to the Assistant Regional Commissioner (Intelligence) the action to be taken on each such report.

(2) The Staff post reviews selected non-prosecution case reports prepared at the district level and unnumbered case disposals to determine that an appropriate, uniform basis for disposal existed. Where deficiencies are disclosed through such activities, the Staff suggests corrective measures.

(3) Through continuing analysis of district office reports the Staff provides the Assistant Regional Commissioner (Intelligence) with information which will assist him in evaluating investigative techniques employed and the extent of procedural and technical uniformity in the intelligence activity throughout the region.

(4) The Staff consults with and advises intelligence personnel at regional and district office locations on difficult and unusual issues, interpretations of regulations, rulings, tax laws and court decisions; also, as to the conduct of investigations, rules of evidence and Service policies. The Staff undertakes special assignments and investigations as directed by the Assistant Regional Commissioner (Intelligence).

1115 OFFICE OF REGIONAL INSPECTOR

There are seven Regional Inspectors, one in each internal revenue region. The Regional Inspector, who operates under the direct supervision of the Assistant Commissioner (Inspection), is responsible for the conduct throughout the region of both the internal audit and internal security programs.

1115.1 ASSISTANT REGIONAL INSPECTOR (INTERNAL AUDIT)

Under the supervision of the Regional Inspector, the Assistant Regional Inspector (Internal Audit) is responsible for the conduct of the internal audit program throughout the region. The internal audit, which includes verification of financial transactions and analyses of operating practices and procedures, serves as the basis for informing appropriate officials of the manner in which operations are being carried out and responsibilities are being discharged and as a basis for necessary changes in policies, practices and procedures.

1115.2 ASSISTANT REGIONAL INSPECTOR (INTERNAL SECURITY)

The Assistant Regional Inspector (Internal Security) is responsible for the conduct of the internal security program throughout the region. The program, which provides a factual basis for conclusions by management, the Department of Justice or other authority for making decisions, includes personnel background investigations, investigations of complaints and allegations of misconduct or irregularities concerning Service employees and actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, and investigations of alleged discrimination because of race, creed, color, or national origin. In addition, he is responsible throughout the region for the conduct of special investigation as directed by higher authority, for the Office of the Secretary and other components of the Treasury Department.

1116 OFFICE OF REGIONAL COUNSEL

(1) There are 7 Regional Counsels, one in each Internal Revenue region. The Regional Counsel, who operates under the Chief Counsel for the Internal Revenue Service, serves as the principal legal advisor to the Regional Commissioner, the Regional Inspector, and the District Directors of Internal Revenue and their staffs. The Regional Counsel, subject to the Chief Counsel's continuing general supervision and review where appropriate or necessary, directs and supervises a staff of attorneys engaged in processing and handling cases docketed in the U.S. Tax Court and in furnishing legal advice and performing legal services connected with the tax court, enforcement, general litigation and alcohol and tobacco tax functions.

(2) Tax Court Litigation Matters—The Regional Counsel's office furnishes legal advice to the Assistant Regional Commissioner (Appellate); in the name of the Chief Counsel, represents the Commission in the trial of cases before the Tax Court and is responsible for the preparation of pleadings, stipulations, and other documents to be filed with the Tax Court on behalf of the Commissioner prior to the entry of a decision by the Court; makes recommendations to the Chief Counsel respecting adverse Tax Court decisions; considers and approves or disapproves the settlement of cases docketed in the Tax Court, subject to the concurrence of Appellate while such cases are in presession status; considers and concurs in, or disapproves, recommendations by Appellate to eliminate the ad valorem fraud penalties in cases not docketed in the Tax Court; and considers and reviews, prior to issuance, statutory notices of deficiency or liability proposed by Appellate, and certain of such notices proposed by the District Directors.

(3) Enforcement Matters—The Regional Counsel's office is responsible for the performance of legal services in the field in connection with criminal cases arising under the internal revenue laws. The office reviews recommendations of prosecution in criminal cases received in the field, and prepares and refers such cases (other than alcohol and tobacco tax cases) to the Department of Justice or, where authorized by the Department of Justice, directly to U.S. Attorneys, or, where prosecution is not deemed warranted, prepares criminal action memoranda setting forth the reasons against the prosecution and closes such cases with the concurrence of the Assistant Regional Commissioner (Intelligence). On request, the office furnishes aid and assistance to U.S. Attorneys in criminal tax proceedings in the U.S. District Courts and Courts of Appeal.

(4) General Litigation Matters—The Regional Counsel's office is responsible for handling legal work with respect to cases under the Bankruptcy Act and other insolvency cases including decedents' estate proceedings; Federal tax liens in suits for foreclosure by mortgagees or other lienholders and in suits to quiet title; applications filed for the discharge of property from Federal tax liens or for the release of such liens; for review and handling of certain offers in compromise; recommendations as to the taking of affirmative action, whether by way of a separate suit or intervention in pending proceedings (with the exception of alcohol, tobacco, and firearms matters not relating to proceedings under the Bankruptcy Act, liens, receiverships and other insolvencies); the defense of injunction suits to restrain the assessment or collection of Federal taxes (except with respect to alcohol, tobacco, and firearms matters); the assessment and collection of taxes; and of the civil enforcement of summonses.

(5) Alcohol, Tobacco and Firearms Matters—The Regional Counsel's office gives legal advice on request to the Assistant Regional Commissioner (Alcohol, Tobacco, and Firearms) and to his staff on administration and enforcement of the laws and regulations pertaining to liquor, tobacco and firearms. The office reviews and makes recommendations, upon request, regarding claims for refund, abatement and drawback of liquor, tobacco, and firearms taxes, and for damages, and with respect to petitions for mitigation or remission of forfeiture, offers in compromise, and proposed tax assessments. Upon request, the office assists U.S. Attorneys by preparing libels of information, indictments, briefs, stipulations and other legal documents required in litigation, and by aiding in the prosecution and defense of suits. The office also handles the legal work in connection with administrative proceedings involving the issuance, suspension, revocation or annulment of liquor and tobacco permits, including the preparation of the necessary orders, notices and pleadings and the presentation of the Government's case at both formal and informal hearings.

1117 SERVICE CENTERS

1117.1 GENERAL

(1) There are 7 Internal Revenue Service Centers located at: Andover, Mass.; Austin, Tex.; Chamblee, Ga.; Covington, Ky.; Kansas City, Mo.; Ogden, Utah; and Philadelphia, Pa. Each Service Center is under the line supervision of the Regional Commissioner having jurisdiction over the area of their location.

(2) Each Service Center is headed by a Director who operates under the general direction of a Regional Commissioner. The Service Center Director is responsible to the National Office, through the Regional Commissioner, for implementing the programs assigned to the Center. He is responsible for budget, fiscal, and personnel operations of the Center under directives of the Regional Commissioner. He also participates with the National Office, through the Regional Commissioner, in planning, coordinating, and evaluating experimental projects to develop improved techniques and methods for processing tax returns. The Regional Commissioner, in turn, is responsible to the National Office for supervising the execution of the Service Center's program and for recommending adjustments to or modifications of the program. The Regional Commissioner also exercises general supervision over the activities of the Service Center Director in coordinating and maintaining liaison with Regional Commissioners, District Directors, and the National Office in carrying out the programs prescribed for the Centers by the National Office.

1117.2 SERVICE CENTER ORGANIZATION

1117.21 *General.* (1) The principal organizational components of the typical Service Center are the immediate office of the Service Center Director, the Audit Staff, Program Analysis Staff, Administration Division, Examination Division, Data Conversion Division, Taxpayer Service Division, and Accounting and Adjustment Division.

(2) The organizational structure depicted in 1117 prescribes a typical Service Center during peak season operations and will be regarded as the maximum structure for the Service Centers. Regional Commissioners are authorized to approve changes below the branch level to meet the individual needs of the Service Centers under their supervision. This authorization does not extend to shifting functions between branches or subordinate elements of different branches.

(3) Assistant Branch Chief positions are authorized for only two branches—the Receipt and Control Branch and the Transcription Branch (at the time the transcription function is consolidated into one branch).

(4) In Branches where 1117 is silent regarding organization below a given level, further organization development is discretionary with each Service Center.

1117.22 *Office of the Director.* Within the structure of the Internal Revenue Service, the Internal Revenue Service Center has organizational status comparable to that of the District Offices. It operates under the line supervision of the Service Center Director, who is responsible to the Regional Commissioner in the same manner as a District Director. The Director plans, directs, and administers functions of the Internal Revenue Service Center which provides services for the Region. Its functions are to process tax returns and related documents through the use of automatic and manual data processing systems and high-speed processing devices and to maintain accountability records for internal revenue taxes collected within the region. Typical programs include the processing, analysis, and accounting control of income tax returns, estimated tax returns, wage and excise tax returns, corporation tax returns, income information documents, and mailing of income tax forms to individual taxpayers. The Director also plans, directs, and administers assigned Audit functions. Responsible for budget, fiscal and personnel operations of the Service Center.

1117.23 *Audit Staff.* Administers the Audit program for assigned activities, including the classification of returns, the classification and review of claims,

amended returns, etc., and the perfection of unprocessable forms, such as "I" cards; answering correspondence received from taxpayers; and providing assistance to taxpayers seeking help in audit matters.

1117.24 *Program Analysis Staff.* Provides staff assistance to the Director and line officials in the general management of Service Center operations. Assists line officials by coordinating the preparation of work plans, work schedules, personnel staffing and accession schedules, and performance reports; reviews line officials input for conformity with established National Office guidelines and procedures; and ensures timely submission. Maintains the daily production control system; alerts line officials of changes in trends and potential production problems; and prepares various operating reports. Prepares various reports and studies, including the preparation of responses to Internal Audit Reports. Performs liaison function between Service Center and Regional Office, National Office, Districts, and other Government agencies. As requested by the Director or line officials, provides assistance in analyzing and recommending solutions to day-to-day operational problems. Provides assistance, as requested, to the office of ARC (Data Processing) in conducting organization and methods studies, and other special projects. Monitors and controls various projects, such as WAID, FTD, TCMP, and tax practitioner mailout programs and serves as the focal point for distribution of one-time incoming instructions or information which affect more than one division. Acts as the coordinating point for consolidation and referral of problems, generally through Form 3548, to the Regional or National Office. Monitors the Statistics of Income sampling and administers the Quality Control System.

1117.25 *Offices of the Chief, All Operating Division.* Receives, analyzes, and evaluates all new programs and procedures; prepares supplemental or clarifying instructions as necessary; and ensures full implementation. Determines resources needed in the Division through the preparation of work plans and schedules, personnel staffing and accession schedules, space requirements, formulation of training needs, and other logistical processes. Participates with other Division Chiefs and the Director in the final allocation of resources to accomplish the total Service Center work program. Coordinates with other Division Chiefs on interdivisional matters, as appropriate. Continuously reviews, analyzes, and evaluates the status of work programs with the aim of keeping the Director informed of operational problems on an exception basis. When appropriate, requests assistance from the Program Analysis Staff, or from the office of ARC (Data Processing) in problem-solving efforts.

1117.26 *Administration Division.* Directs and coordinates the personnel, facilities management, training, fiscal management, public information, and administrative management improvement programs. Serves as the principal administrative adviser to the Director, Assistant Director, and operating division chiefs. Provides functional leadership for the numerous and varied administrative programs designed to support and increase the effectiveness of Service Center operations. Executes the administrative management analysis program and coordinates the management improvement program for the Service Center. Conducts management studies and provides staff assistance to Administration branch chiefs and operating officials as required. Prepares budget and financial plan estimates, maintains fiscal control, and recommends appropriate financial management actions. Develops and coordinates public information plans, techniques, guidelines, and informational materials. Establishes and maintains good relations with mass media in the vicinity of the Service Center; determines information needed, gathers and analyzes statistical and other data generated, and prepares information material for distribution to media outlets; and coordinates visits of media representatives, and others, from the entire region.

1117.261 *Facilities Management Branch.* Advises, informs, and assists Service Center management on operations relating to facilities management programs such as: space, property, communications, paperwork (including microfilm), records retention and disposal, distribution, emergency planning, safety, and security. Plans, develops, determines requirements, and evaluates these programs; provides additional, improved, or modified programs as required. Furnishes procurement, transportation, storage, supply, and messenger services; provides general building maintenance and maintenance of office, electronic, processing, and materials-handling equipment.

1117.262 *Personnel Branch.* Develops, executes and evaluates the Service Center personnel program and standards relating to recruitment, examination, and selection of employees, employee relations, union-management relationships, performance evaluation, promotions, in-Service placements, incentive awards, records, reports, and other aspects of a complete personnel program within the framework of policies, programs, and procedures established by the National and Regional Offices. Conducts the position classification program within delegated authority. Provides staff assistance to operating officials in all personnel areas.

1117.263 *Training Branch.* Provides leadership and coordination to the various Service Center training programs; promotes employee development programs and evaluates and reports on all such programs. Conducts studies and analyzes operating data to determine training needs; studies trends and developments in the employee development field and appraises new principles, concepts, methods, training devices, and materials for use in Service Center training programs. Develops or assists in the development of local and Service-wide course materials, and audiovisual aids, and training devices. Assists Service Center management in developing a job environment which will enable trainees to maintain and improve their skills. At the request of the National or Regional Offices, provides data processing training for other than Service Center personnel. Prepares training program estimates for developing the Operating Financial Plan; prepares obligating documents for charges to the training portion of the Operating Financial Plan.

1117.27 *Examination Division.* Receives, blocks, sorts, and controls documents, both Master File and Non-Master File, received from taxpayers and District Offices; deposits and maintains accounting control of remittances. Examines, perfects, and codes returns and documents for subsequent processing; examines, edits, and codes returns for the Statistics of Income program; prepares form and pattern paragraph letters to taxpayers requesting additional or clarifying information incidental to the initial processing of returns. Resolves routine error conditions detected during the processing cycle and performs necessary research for correction and reentry into the processing cycle. Perfects rejected error conditions requiring contact with taxpayers and Service personnel; initiates Correspondence Action Sheets to obtain information needed for reinput of data.

1117.271 *Receipt and Control Branch.* Receives and categorically classifies all incoming returns, documents, remittances, and taxpayer correspondence. Sorts and establishes batch control prior to release of returns and documents into the initial work process, in accordance with work schedules. Under coordination of the Program Analysis Staff, makes necessary adjustments in work schedules as dictated by actual work receipt patterns to maintain a steady balanced work flow which will meet Service Center deadlines. Numbers and blocks returns, documents, and related remittances; examines remittances and related documents; prepares appropriate registers and Certificates of Deposit prior to disposition of monies to local depository. Controls and issues Special Tax stamps. Performs a variety of machine operations such as: Labeling, folding, and inserting. Ships processed documents to District Offices; and prepares a variety of forms, and other material for mailing to taxpayers, tax practitioners, district offices, and other Government agencies. Duplicates, edits, and distributes microfilm reference material.

(1) Receiving and Sorting Section—Receives, categorically classifies, and internally routes all tax returns, remittances, correspondence and other documents. Sorts returns and documents without remittances into prescribed categories. Ships tax returns, documents, cycle output, microfilm, etc., to National, District, and Area Offices, Social Security Administration, and Federal Reserve Banks. Reproduces (from master copy), controls, and distributes copies of microfilm tapes for indexes and registers used for research by the Service Center and District Offices. Performs other machine services.

(a) Receiving and Shipping Unit—Receives, verifies contents, and acknowledges shipments of returns, documents, and general correspondence. Performs all shipping operations for the Service Center, including processed documents, Schedule A, magnetic tape, microfilm tapes, and ZIP code error cards. Receives, prepares reports of receipts, and maintains Forms 1099 received in Service Center.

(b) Extracting and Sorting Unit—Receives taxpayer mail, separates by district, slices, extracts, and makes initial sort of returns, documents, and correspondence. Candles extracted envelopes to find undetected material. Routes all taxpayer correspondence directly to Correspondence Section; routes returns and documents received with remittance directly to Clearing and Deposit Section. Makes secondary sort of all nonremittance returns and documents. Prepares daily reports of receipts and number of returns extracted by category after sorting operations.

(c) Machine Services Unit—Performs a variety of machine operations including mail inserting and sealing, labeling, folding, cutting and trimming, bursting, and decollating. Performs mailout of all tax packages, IMF and BMF, to taxpayers as well as mailout of taxpayer notices and inquiry letters. Maintains hold file of mailing slips to be affixed to Non-Master File tax returns for mailing to taxpayer. Bags mail in accordance with prescribed postal regulations for direct mailing to taxpayers. Receives master microfilm copy of reference material, reproduces and edits copies and distributes to Service Center processing units and to District Office.

(2) Batching and Numbering Section—Establishes physical control over all returns and documents released by the Receiving and Sorting Section and maintains integrity of processing categories through various preliminary processing steps, such as, counting and blocking, batching, numbering of nonremittance returns, and preparation of production control documents. Establishes batch control and releases documents into the initial work processes in accordance with work schedules. In coordination with the Program Analysis Staff, makes necessary adjustments in release of work and maintains a steady balanced work flow to meet various Service Center deadlines.

(a) Batching Unit—Establishes physical control of returns and documents; maintains integrity of document categories through various preliminary processing steps and prepares all necessary internal production control documents for both Master File and Non-Master File items. Establishes batch controls and scheduled release date for processing cycle. Maintains inventory of documents pending release to processing.

(b) Numbering Unit—Receives nonremittance returns and documents, both Master File and Non-Master File items, for assignment of Document Locator Number; maintains integrity of numbering and blocking categories.

(3) Clearing and Deposit Section—Receives, sorts, controls, and balances remittances and related returns and documents. Deposits remittances. Receives and controls unidentified remittances; institutes search for proper account. Returns dishonored checks to taxpayers. Performs window teller operations. Receives, perfects, and processes applications for special tax stamps; issues tax stamps.

(a) Clearing Unit—Receives remittances, related returns, and documents; determines the acceptability of remittances for deposit; performs sorts of returns and documents; places documents under block control. Assigns Document Locator Number; detaches remittances from documents; prepares document registers.

(b) Deposit Unit—Receives document registers and checks; prepares remittance registers; balances remittance register to document register. Prepares Certificate of Deposit and related documents to accomplish deposit of remittances.

(c) Special Tax, Unidentified, and Cash Unit—Receives checks not accompanied by notice or return and initiates research for proper account; controls unidentified remittances and prepares proper documents if account cannot be located. Returns dishonored checks to taxpayers when account is paid. Performs window teller operations; receives applications for special tax stamps, perfects and processes applications, initiates correspondence when necessary, and controls issuance.

1117.272 *Examination Branch.* Examines, edits, perfects, and codes Master File tax documents for transcription and other purposes; prepares form and pattern paragraph letter correspondents to district offices and taxpayers to obtain missing or clarifying information necessary for the perfection of the return; and edits, codes, and extracts information from returns for audit and statistical programs. Performs similar operations for Non-Master File documents.

(1) Section A—Examines, edits, perfects and codes Forms 1120, 1120ES, 1120 SOI (Statistics of Income) 7004, 940, 941, 720, CT-1, BMF and IMF Audit and Collection Adjustments, BMF and IMF entity changes, BMF and IMF Revenue Receipts, BMF and IMF Delinquent Accounts and Returns notices, W-3 Reconciliation of Income Tax Withheld, IMF Delinquency Notices, 1040 NBM (Nonbusiness multipage), 1040 B&F (Business and Farm) and taxpayer returned invalid Social Security number notices.

(a) Unit A-1—Examines, edits, perfects and codes Forms 1120, 1120ES, 7004, 1040 B&F, and 1120 SOI.

(b) Unit A-2—Examines, edits, perfects and codes Forms 1120, 1120ES, 7004, 1120 SOI, and 1040 B&F.

(c) Unit A-3—Examines, edits, perfects and codes Forms 720, 940, 941, CT-1, BMF and IMF Audit and Collection Adjustments, BMF and IMF entity changes, BMF and IMF Revenue Receipts, BMF and IMF Delinquent Accounts and Returns Notices, and transfers and transcripts.

(d) Unit A-4—Examines, edits, perfects and codes a variety of miscellaneous documents including Audit Adjustments, Accounts receivable, Collection Adjustments, entity changes, Delinquency Notices, Delinquent Accounts and Returns, transfers and transcripts as well as 940, 941, 1040 NBM, 720, W-3 reconciliation and other miscellaneous BMF returns.

(e) Unit A-5—Examines, edits, perfects and codes 1040 NBM.

(2) Section B—Examines, edits, perfects, and codes current year and prior year Forms 1040 B&F; 1040 NBM; and IMF SOI.

(a) Unit B-1—Examines, edits, perfects and codes prior year 1040 B&F, 1040 SOI, and 1040 prior year returns.

(b) Unit B-2—Examines, edits, perfects and codes Forms 1040 B&F and 1040 SOI.

(c) Unit B-3—Examines, edits, perfects and codes 1040 B&F and 1040 NBM.

(d) Units B-4 and B-5—Examines, edits, perfects and codes 1040 NBM.

(3) Section C—Examines, edits, perfects and codes Non-Master File returns and documents, Wage and Information Documents; and performs typing service, involving form and pattern paragraph letters, for the Branch.

(a) Units C-1 and C-2—Examines, edits, perfects and codes Non-Master File returns and documents.

(b) Unit C-3—Examines, edits, perfects and codes Wage and Information Documents.

(c) Unit C-4—Performs typing services for the Examination Branch by typing form and pattern paragraph letters to taxpayers requesting additional or clarifying information incidental to the initial processing of returns; transmits incomplete refund returns to taxpayers for completion. Transmits other returns or documents to Correspondence Section for maintenance of suspense file until reply received from taxpayer.

(4) Section D—Examines, edits, perfects, and codes Form 1040 NBS (Nonbusiness single page); 1040ES; 1040 NBM 1040 B & F.

(a) Unit D-1—Examines, edits, perfects, and codes 1040 B & F and 1040 NBM.

(b) Unit D-2—Examines, edits, perfects, and codes 1040 NBM.

(c) Unit D-3—Examines, edits, perfects, and codes 1040 NBS and 1040ES.

(d) Units D-4 and D-5—Examines, edits, perfects, and codes Form 1040 NBS.

1117.273 *Error Correction Branch.* Performs research, perfects and resolves processing and taxpayer errors detected during work cycles within the Service Center. Prepares Correspondence Action Sheets to obtain additional information from taxpayers and District Offices in order to make returns acceptable for processing.

(1) Section A—Perfects and resolves processing and taxpayer generated errors detected in the working cycle for BMF and IMF returns and documents. These documents include Forms 1120, 1120ES, 720, 940, CT–1, 1040 B & F, 1040 NB (Non-business), and all related documents. Perfects and resolves errors in miscellaneous documents. As a secondary function, perfects and resolves errors in other IMF documents and returns.

(a) Unit A–1—Researches and resolves processing and taxpayer generated errors involved in Forms 1120 and 1040 prior year. May also resolve 1040 B & F errors.

(b) Unit A–2—Researches and resolves processing and taxpayer generated errors involved in Forms 940, 941, 720, CT–1, and IMF and BMF miscellaneous documents. May also resolve 1040 B & F and 1040 NB errors.

(c) Unit A–3—Researches and resolves processing and taxpayer generated errors involved in 1040 NB returns.

(2) Section b—Perfects and resolves processing and taxpayer generated errors detected in the working cycle for IMF returns and documents. These documents include Forms 1040 NB and all related documents. Searches all information available at the Service Center to correct rejected items in order to perfect the return. Prepares Correspondence Action Sheets to obtain necessary additional information from the taxpayer or District Office to reinput the return in acceptable format.

(a) Units B–1 and B–2—Researches and resolves processing and taxpayer generated errors involved in 1040 NB returns, raw errors, and loops.

(b) Reject Correction Unit—Responsible for control, examination, perfection, and final disposition of all IMF and BMF rejected tax returns and documents. Prepares Correspondence Action Sheets to obtain information needed to perfect returns and documents. Follows up requests for information to insure timely perfection and input. Maintains a control system of all returns and adjustments handled by unit.

1117.28 *Data Conversion Division.* Through use of key punch equipment, Direct Data Entry System (DDES) equipment, optical character recognition equipment, or similar devices and equipment, converts data from source documents to a form processable by computers. Operates computer and peripheral equipment used to verify tax liability of all taxpayers within the Region and to convert input data to magnetic tape. Balances data forwarded to and received from the National Computer Center and maintains tape files of rejected documents for reinput to Service Center processing. Prepares computer printouts relating to outputs received from the National Computer Center for mailing to taxpayers, for internal reports and statistics, and for tax information authorized for external use. Programs projects as assigned by the National Office and provides the necessary liaison and programming for maintenance of National Office programs.

1117.281 *Transcription Branch.* Transcribes, verifies, and corrects pertinent information of all IMF and BMF tax returns and information documents and forms associated with other miscellaneous programs. Processes documents related to IMF and BMF, subsequent activity programs, and documents which have been previously transcribed for which error conditions have been detected in subsequent processing.

(1) Section 1—Transcribes, verifies, and corrects all BMF returns, all miscellaneous returns and documents, and prior year IMF returns. At peak periods transcribes 1040 NB.

(a) Units—Transcribe, verify and correct a portion of the work of the section.

(b) Input Correction Unit—Responsible for resolving error conditions identified by Computer Operations. Enters corrections for each error condition onto machine-generated listings. Responsible for resolving and re-entering blocks out of balance or rejected blocks received from the transcription control clerks.

(2) Section 2—Transcribes, verifies, and corrects Forms 1040 NB.

(a) Units—Transcribe, verify, and correct a portion of the work of the section. To provide effective supervision the units will be subdivided into groups.

(3) Section 3—Transcribes, verifies, and corrects 1040 NB returns without schedules.

(a) Units—Transcribe, verify, and correct a portion of the work of the section. To provide effective supervision the units will be subdivided into groups.

(4) Section 4—Transcribes, verifies, and corrects 1040 B&F and 1040 NB short entity returns with and without schedules.

(a) Units—Transcribe, verify, and correct a portion of the work of the section. To provide effective supervision the units will be subdivided into groups.

1117.282 *Computer Branch.* Operates the digital computer systems used in processing verifying, and computing, the tax liabilities of all Master File taxpayers within the Region; maintains tape library; processes tax information and documents for mailing to taxpayers and for internal use by the Service; generates reports, statistical information and other information for use by the National, Regional, and District Offices, other program areas of the Service, and by various States within the Region. Processes and balances tax data forwarded to and received from the National Computer Center through the maintenance of the Service Center Control File. Balances accounting data going to and from the National Computer Center and maintains and controls listing of reject documents for reinput to Service Center processing. Processes other programs assigned by the National Office. Provides programing services as required for the maintenance of the system as directed by the National Office. Performs a quality review of computer generated output to ascertain conformance with prescribed standards and formats. In Service Centers using data card input systems, operates an EAM system for pre-conversion perfection of input data and processing of other Service Center card-oriented projects.

(1) Computer Operations Section—On a three-shift basis, responsible for operating the digtial computer systems used in processing, verifying, and computing tax liabilities of all Master File taxpayers within the Region and for maintaining the tape library used for this system. Also, processes tax information and documents for mailing to taxpayers in the Region and for internal use by the Service; generates reports, statistical information, and other information for use by the National, Regional, and District Offices, other program areas of the Service, and by various States within the Region. Performs maintenance programming for all programs and different computer configurations. Administers internal scheduling of tapes, programs, input, and output for around-the-clock operations.

(2) Data Control Section—Responsible for maintaining control of documents and monetary amounts introduced into the ADP system and ultimately entered on tapes mailed to the National Computer Center. Assists in balancing master block control sheet and unpostable file report with General Ledger and National Computer Center analysis of Revenue Receipts Report. Reviews aged inventory list for timely processing of returns and documents. Determines when blocks are to be deleted and initiates action to correct data on tape. Prepares tape releases for all tape shipments to the National Computer Center. Receives verified tape data control sheet (TDCS) from the National Computer Center. Receives verified TDCS from computer operations and reviews for National Computer Center deletes. Maintains files of D813, D813A, batch transmittals, Master Block Controls Listing, Trial Balances, Transcripts, and other listings related to balancing operations. Controls and reinputs all nullified unpostable conditions.

1117.29 *Taxpayer Service Division.* Receives, analyzes and corrects unpostable conditions detected during the National Computer Center processing cycle. Researchers for entity and account information through the use of microfilm, source information on returns and registers. Maintains permanent and temporary files of returns and retires returns in accordance with prescribed procedures. Performs output review and necessary correction. Provides services to the taxpaying public by answering inquiries received by telephone, mail or personal call. Controls, monitors, and takes necessary action on complaints and special cases requiring expedite action. Controls and assigns Employer Identification numbers.

1117.291 *Unpostables and Entity Control Branch.* Resolves IMF, BMF, and miscellaneous unpostable returns and documents listed on printouts generated as a result of detection of unpostable conditions at the National Computer Center. Controls and assigns Employer Identification numbers; resolves Social Security number discrepancies.

(1) Unpostables Section(s)—Perfects and resolves unpostable returns and documents, listed on printouts, through review and comparison of input documents, research, contact with District and Area Offices, and contact with the taxpayer. Resolves unpostable conditions arising from the attempt to input all documents and returns relating to the IMF or BMF Master File. Prepares necessary input documents to resolve unpostable conditions.

(2) Entity Control Section—Receives and processes applications for Employer Identification and Social Security Numbers. Maintains control over the assignment of Employer Identification numbers. Determines and initiates appropriate action to taxpayer inquiries, perfection requirements and Social Security letters in regard to account numbers. Processes Forms 2553 (Election to file return for Small Business Corporations). Maintains files of Form SS–4 and prepares substitute Forms SS–4 pending completed application from employer. Performs detailed researches for previously assigned numbers to prevent duplication of assignment of numbers. Mails blank tax packages to new employers and notifies taxpayers of number assigned. Receives taxpayer replies to CP54 notices and takes action necessary, including contact with SSA, to correct entity data on Master File. Receives and processes applications from 941 filers to file magnetic tape returns; maintains case history file and control of 941 paper returns prior to approval of magnetic tape filing request.

1117.292 *Research Branch.* Performs research through microfilm, source documents, and other sources for entity and account information requested by all functional activities. Establishes, maintains, and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs delinquency checks for non-master file returns. Reviews computer output, except that pertaining to taxpayer delinquent accounts and returns, for quality and accuracy and for validity of refunds; corrects any processing errors discovered.

(1) Research Section—Researches microfilm and other sources to obtain entity and account data needed for adjustment actions, taxpayer and district inquiries, resolution of IMF and BMF unpostables, math errors, delinquency checks, refund deletions, unidentified remittances, and perfection of documents for processing. Reviews computer output, except that pertaining to taxpayer delinquent accounts and returns for quality and accuracy and for validity of refunds; corrects any processing errors discovered. Performs necessary research for payment tracers on master file and nonmaster file returns.

(2) Returns Section—Establishes, maintains, and controls returns and document files in both processing cycle order and permanent Document Locator Number (DLN) order. Receives, and maintains control of, requests for returns and documents from all sources; pulls requested returns or documents and routes to requester; refiles returns and documents withdrawn from the files. Selects and batches returns for statistical editing; withdraws returns for Audit selection; withdraw returns temporarily rejected from the system; withdraws returns for association with inquiry notices. Prepares returns and documents for transmittal to Federal Records Center. Maintains liaison with the Federal Records Center, other service centers and district offices with regards to files matters. Furnishes advice and testimony concerning filing, processing, coding and related markings on all returns and documents. Maintains indices for NMF returns. Maintains a continuing quality control operation to ensure that pulling, refiling and maintenance of all documents conform to the highest standards.

(a) Files Management Unit—Receives all requests for returns and documents and all refiles from sources in the Service Center and other IRS offices. Maintains control of requests and refiles; performs various sorting functions and prepares batches of requests and refiles for processing in the groups of the Document Retention Unit. Segregates those requests and refiles pertaining to material not located in the Service Center and transmits to the Federal Records Center, district office, or other service center for action. Receives and maintains control of computer notices and paragraphs while in the Returns Section. Conducts special searches anywhere within the Service Center for materials not previously found. Maintains statistics for various management and workload reports required of the Returns Section.

(1) Sort and Sequence Group—Receives all requests and refiles from any source and determines proper routing, including Federal Records Center, District Office, or internal with the Service Center. Determines which unfilled requests warrant further search and routes to Special Search Group. Sets up material in proper order for pulling, photocopying, and refiling; after material has been properly sequenced, prepares batch sheets and releases for research. Receives completed requests from Document Retention Unit and forwards to requester. Maintains necessary workload statistics.

(2) Special Search Group—Receives requests for returns and documents that have not been filled through normal search routines; analyzes request and determines most probable locations of material anywhere within the Service Center; conducts special search. Returns unfilled requests to the originating office with the notation that a special search has been unsuccessful. Performs photocopying services for the Returns Section.

(3) Control and Reports Group—Receives and controls computer notices and paragraphs that require association with material from the document files; batches copies of notices and paragraphs and forwards to Document Retention Unit for pulling material; maintains suspense files including that for IMF duplicate notice cases. Receives interpreted punch cards and related returns from Document Retention Unit, associates with Forms 1247 and 3421 and prepares for forwarding to district Audit Divisions. Receives SOI returns and related printouts from Document Retention Unit; batches returns for statistical editing; maintains control and prepares proper forms; and releases for editing. Receives workload and management statistics from the Groups and Units of the Returns Section and prepares required reports.

(b) Cycle Control Unit—Receives returns and documents after input processing and correction of the First Loop Error Register; arranges files in document locator number order within each cycle; and maintains control during the period when these documents are in cycle order. Removes schedules from Form 940 and prepares for transmission to States for certification. Performs any needed boxing and reboxing, folder preparation, labeling and other document handling activities, and places returns on shelves in permanent files.

(1) BMF Group—Performs all receiving and maintenance functions for BMF returns and documents including ensuring receipt of documents, cycle set-up, and proper labeling. Removes schedules from Forms 940 and prepares for transmission to States for certification. Furnishes returns to Error Correction Branch. Performs any needed boxing or reboxing, folder preparation, labeling, and other document handling activities; and places returns on shelves in permanent files.

(2) IMF Group—Performs all receiving and maintenance functions for IMF returns and documents including ensuring receipt of documents, cycle set-up, and proper labeling. Furnishes returns to Error Correction Branch. Performs any needed boxing or reboxing, folder preparation, labeling, and other document handling activities; and places returns on shelves in permanent files.

(3) NMF Group—Receives NMF returns and documents, boxes, folders, and labels as needed; arranges in document locator number, alpha or employer identification number order; maintains controls to ensure proper handling. Places returns on shelves in permanent files.

(c) Document Retention Unit—Receives all requests, including SOI selections, for returns and documents and all refiles from the Files Management Unit; conducts search for all requested items; removes material requested from files and charges out to requester; returns completed and nonlocated requests to Files Management Unit for distribution. Receives and maintains indices for NMF returns; when needed performs research on NMF material to locate document locator numbers. Prepares returns for shipment to the Federal Records Center.

(1) BMF Group—Receives all requests for BMF returns and documents, including SOI selection, in Service Center custody; conducts search for the material; removes material requested from the files

and properly charges to requester; returns completed or non-located requests to the Files Management Unit for distribution; receives material for refiling. Pulls BMF returns for district Audit Divisions and forwards to Files Management Unit. Prepares BMF returns and documents for shipment to any of the receiving offices.

(2) IMF Group—Receives all requests for IMF returns and documents, including SOI selection, in Service Center custody; conducts search for the material; removes material requested from the files and properly charges to requester; returns completed or nonlocated requests to the Files Management Unit for distribution; receives material for refiling. Pulls IMF returns for district Audit Division and forwards to Files Management Unit. Prepares IMF returns and documents for shipment to any of the receiving offices.

(3) NMF Group—Receives all requests for NMF returns and documents in Service Center custody; maintains indices for NMF returns and performs research to locate document locator number when this information is not shown on request. Removes material requested from files and properly charges out to requester; returns completed or nonlocated requests to the Files Management Unit for distribuiton; receives material for refiling. Prepares NMF returns and documents for shipment to any of the receiving offices. Performs any necessary delinquency check of NMF returns and releases delinquency notices as required.

1117.293 *Taxpayer Service Branch.* Answers taxpayer inquiries initiated by telephone, mail, and/or personal visit. Controls, monitors, and takes all necessary action to process special or unusual cases. When necessary, prepares replies to taxpayer inquiries which accompany returns and which indicate that complex issues need be resolved before the return can be processed.

(1) ADP Technical Section—Controls complaint and special cases and monitors the adjusting action through the system to ensure that a correct and final settlement has been effected with the taxpayer; takes all necessary actions, including written or telephone contacts with taxpayers or their authorized representatives; prepares adjustment documents for input to the Master File; and in critical situations on individual cases determines need for manual processing of a refund, assessment, or billing. Functions as a centralized point for the effective and uniform handling of taxpayer complaints under the ADP System. Processes actions that fall outside the normal work flow where ADP Handbooks do not contain specific procedures for processing a particular kind of adjustment, and recommends procedures for incorporation in the ADP Handbooks.

(2) Correspondence Section—Receives and classifies all taxpayer inquiries, responses to inquiry letters and related documents. Maintains suspense files, including computer generated inquiry letters. Prepares replies to taxpayer correspondence and requests for correspondence from other activities which generally require individually tailored letters. Reviews taxpayer replies for adequacy of information submitted. Performs taxpayer service function in connection with telephone inquiries or personal calls. Maintains files for refund checks returned for redeposit. Furnishes photostatic copies and/or related documents to taxpayers, types and transmits various forms, tax returns and documents, and the Audit assembly for Taxpayer Compliance Measurement Program. Initiates research of microfilm and other sources to obtain entity and account data needed for taxpayer inquiries to determine action required and prepares the necessary correspondence. Prepares Non-Master File TY 14. Receives all notices of Social Security Administration discrepancies and makes initial review, research, and analysis; corresponds with taxpayer, as necessary; forwards to Adjustment Branch only cases requiring adjustment action.

1117.2(10) *Accounting and Adjustment Division.* Maintains an accounting system to provide subsidiary records and general ledger accounts that reflect the Director's accountability for the Master File and Non-Master File tax revenue collected within the region. Records assessments, collections, receivables, refunds, overassessments, and other elements of revenue accounting affecting accountability. Receives, verifies, balances, and processes accounting outputs from the National Computer Center; and prepares special and periodic accounting reports. Determines the validity of taxpayer delinquent accounts and returns notices. Prepares adjustment documents for posting to Master File and Non-Master File returns.

1117.2(10)1 *Accounting branch.* Maintains general ledger accounts and subsidiary records covering revenue transactions for the recording of assessments, collections, receivables, refunds, overassessments and other transactions affecting taxpayers' accounts. Controls accounting documents for entry to tax accounts. Establishes and maintains individual accounts for non-ADP and pre-ADP tax returns and documents. Receives master file accounting summaries for posted account transactions and accomplishes required journalization and general ledger postings. Initiates or processes account transfers, account adjustments, debit and credit transfers related to tax accounts. Reconciles National Computer Center accounting control records and refund appropriation accounts of Regional Disbursing Centers with general ledger balances. Prepares and submits all accounting and ledger reports as required.

(1) Accounting Control Section—Receives or verifies receipts of accounting documents covering transactions for entry to ADP and non-ADP tax accounts. Journalizes and posts revenue transactions to general ledger and subsidiary record accounts. Reconciles subsidiary accounting records with related general ledger accounts, prepares and submits all accounting and ledger reports as required. Classifies tax payments received without appropriate identification and searches records to identify same. Establishes and maintain Non-ADP and Pre-ADP tax accounts; issues bills and taxpayer delinquent accounts. Certifies tax assessments.

(a) Journal and Ledger Unit—Receives, controls, processes, and certifies all requests for quick, prompt and jeopardy assessments originating in the Service Center, District Audit and Collection Divisions and ARC (Alcohol, Tobacco, and Firearms). Notifies requester by telephone of finalization of these assessment actions. Processes and controls tax transfer vouchers. Receives remittance documents and/or summary vouchers for tax collections, debit and credit reversal items. Reconciles amounts with predetermined totals, adjusting journals to correct erroneous classifications. Receives computer summaries of master file posted transactions for assessments, credits, refunds, abatements and transfers and compiles summaries of similar transactions for Non-Master File returns and documents. Reconciles these summaries; journalizes transactions. Prepares assessment certificates and certifies abatements and credits. Reviews lists of uncleared Non-Master File returns and documents outstanding for a prolonged period of time and initiates clearance actions. Reconciles subsidiary records with general ledger. Receives all general and subsidiary ledger posting media utilized in revenue accounting operations; posts and maintains ledgers. Reconciles National Computer Center accounting output with ledger balances; tax refund disbursement and miscellaneous deposit fund totals with Disbursing Center. Prepares special and periodic reports covering revenue transactions, monthly trial balances, and statements of accountability for Service Center Director.

(b) Bookkeeping Unit—Receives and controls listing and posting work in process. Prepares lists of Non-ADP and Pre-ADP tax returns and related documents; proofreads prepared lists for accuracy and proper indexing. Establishes tax accounts; posts debit and credit transactions and makes proper disposition of posting documents. Issues TDA's and transaction advices. Reconciles sectional control totals with related general ledger accounts monthly. Prepares trial balance of all tax accounts on a cyclical basis and reconciles totals with sectional and general ledger totals. Balances lists of tax returns with block slips prepared by journalization function. Maintains account cards in open and closed files alphabetically and numerically. Issues bills on installment payment basis.

(c) Unidentified Remittance Unit—Receives, identifies, and classifies all payments deposited without appropriate identification, including those that cannot be immediately credited to tax accounts. Controls unidentified remittance vouchers and maintains numerical, alphabetical, and amount files. Conducts searches of accounting records and reviews tax returns to identify intended application. Initiates taxpayer contact for additional information. Prepares

clearance documents and performs monthly balancing of unidentified remittance accounts with general ledger account balance.

(2) Accounts Section—Reviews taxpayers' accounts and prepares vouchers to effect adjustments involving payments, debits, and credits. Receives for control and processing vouchers prepared to effect tax liability changes. Processes offers in compromise. Prepares transcripts of tax accounts. Processes dishonored checks, manual refunds and controls returned check transactions. Makes a quality review of computer account printouts.

(a) Accounts Maintenance Unit—Receives transcripts and work control cards for master file accounts with frozen debit or credit balances and which have not fully settled after a prolonged period of time. Reviews posted transactions and source documents to identify account problem and required action to purify account. Prepares adjustment vouchers and/or requests to effect proper settlement. Maintains controls over accounts needing correction and initiates follow-up actions as required. Makes selective review of delinquent account and return printouts for accuracy and initiates corrective action as required. Periodically reconciles tax account balances with field collection records. Reviews non-ADP and pre-ADP tax accounts for status accuracy and prepares adjustment vouchers to correct erroneous conditions. Researches and makes reply to inquiries relating to tax accounts. Maintains deposit fund control records and records covering property seized and sold for payment of taxes.

(b) Accounts Services Unit—Receives, certifies, and processes offers, including preparation of account posting documents and adjustment vouchers. Maintains offer deposit fund account and control records for offers from time of receipt until completion of adjudication. Receives accepted, rejected, and withdrawn offers and makes required closing actions. Processes statements of annual income on collateral agreements; controls installment offer accounts and makes followup on delinquencies. Prepares reports on offer activities and reconciles offer funds with general ledger account balance. Prepares informal and certified transcripts of taxpayer accounts including certifications and copies of related tax account records for use in tax litigation cases. Receives and processes tax liability and tax account adjustment vouchers. Sorts vouchers as required; imprints document locator number on vouchers and prepares document registers. Researches and prepares accounting posting vouchers relating to dishonored checks, cancelled tax refund checks and bonds. Controls remailing or undelivered tax refund checks and authorizes reissuance of refund checks. Receives and reviews requests for manual refunds; computes interest and prepares documents to effect refunds.

1117.2(10)2 *Adjustment Branch.* Receives adjustment requests and determines appropriate action to be taken, including adjustment to tax, penalty and interest, and to the entity section of a module. Categorizes, numbers, controls, and assigns incoming adjustments and claims, and makes adjustments to both Master File and Non-Master File taxpayer accounts. Controls and processes statutory case adjustments.

(1) Analysis, Research, and Control Section—Performs analytical review of incoming adjustments requests, and correspondence pertaining to previous adjustment requests, to classify adjustments as to degree of difficulty and to effectively utilize the adjustment control system. Receives, analyzes, classifies, assigns, and controls all accounting adjustment cases and claims. Responsible for maintenance of the master control file, multiple case association, inventory storage, inventory data, and reports.

(a) Adjustment Control Unit—Receives and controls the processing of adjustment cases or other subsequent control items through the Adjustment Control System; associates multiple cases, associates returns and documents with related case files, maintains the master control file, the orderly storage of inventory, and prepares inventory data and reports.

(b) Analysis and Research Unit—Receives and analyzes all incoming adjustment requests, determines the returns and/or documents needed to complete adjustment case files, and classifies adjustments to established categories. Determines status of adjustments, whether pending, completed, or forwarded to another action unit or activity; researchers subsequent requests, correspondence, or other followups on adjustments to determine status of original request. Requests returns and/or documents needed and associates them with related adjustment requests before assignment to tax examiners in the adjustment groups.

(2) IMF Adjustment Section—Processes all IMF account adjustments to tax, penalty, and interest resulting from erroneous processing of returns, taxpayer initiated requests, computer generated notices, inquiry letters and transcripts, and other internally or externally initiated adjustments and claims which require a determination of tax, additions to tax liability or abatement of tax, penalty, and interest assessed.

(a) IMF Adjustment Unit 1—Processes all internally generated adjustments such as: computer generated notices, inquiry letters, and transcripts which require adjustment action, adjustment requests, duplicate filing conditions, erroneous refunds and nullified unpostables. May also process other adjustment actions as workload dictates.

(*1*) IMF Adjustment Groups—Analyze pertinent returns and documents; determine adjustment action to be taken; compute tax increases or decreases; prepare documentation to input adjustments to the Master File or release freeze conditions on IMF returns.

(b) IMF Adjustment Unit 2—Processes all externally initiated Requests for Adjustment and claims. May also process other adjustment actions as workload dictates.

(*1*) IMF Adjustment Groups—Analyze pertinent returns and documents; determine adjustment action to be taken; compute tax increases or decreases; prepare documentation to input adjustments to the Master File or release freeze conditions on IMF returns.

(3) BMF and Special Processing Adjustment Section—Processes all adjustments to BMF accounts resulting from erroneous processing of returns, taxpayer initiated requests, computer generated notices, inquiry letters and transcripts, and other internally or externally initiated adjustments and claims which require a determination of tax, additions to tax liabilities, and abatements of assessed tax, penalty, and interest. Processes IMF and BMF Applications for Tentative Carryback Adjustments, IMF and BMF restricted interest cases, IMF and BMF combination ADP and Non-ADP overassessment and deficiency cases. Computes deficiency and allowable interest on all Non-ADP audit adjustments; and controls and processes IMF and BMF statutory protection cases. Processes adjustments to Non-Master File accounts.

(a) BMF Adjustment Unit—Processes all BMF Requests for Adjustment and claims, computer generated notices, inquiry letter and transcripts which require adjustment action, Adjustment Requests, Social Security Administration wage discrepancies, nullified unpostables, and erroneous refunds. May also process other adjustment actions as workload dictates.

(*1*) BMF Adjustment Groups—Analyze pertinent returns and documents; determine adjustment actions to be taken; compute tax increases or decreases; and prepare documentation to input adjustments to the Master File or release freeze conditions on BMF returns.

(b) Special Processing Adjustment Unit—Controls and processes IMF and BMF Applications for Tentative Carryback Adjustments and related records; IMF and BMF restricted interest cases; IMF and BMF combination ADP and Non-ADP overassessment and deficiency cases. Computes deficiency and allowable interest on all Non-ADP audit adjustments. Processes adjustments to Non-Master file accounts including computation of penalty and interest and preparation of documents for use by the Accounts Section.

(*1*) Special Processing Group—Receives, controls and processes all Applications for Tentative Carryback Adjustments; maintains Permanent Work Record-Tentative Carryback Allowance; receives and processes Statements for the Purpose of Extending Time for Payment of Taxes by Corporations Expecting Carrybacks; processes IMF and BMF restricted interest cases, IMF and BMF combinations ADP and Non-ADP overassessment and deficiency cases; and computes deficiency and allowable interest on all Non-ADP Audit adjustments. Receives, controls, and processes

all adjustments to Non-Master File accounts, including computation of penalty and interest, and preparation of documents for use by the Accounts Section.

(2) Statutory Protection Group—Receives Master File printouts on IMF and BMF cases where the statute of limitations for assessment of tax is about to expire. Compares computer transcripts with returns, documents, and research information, and takes all action necessary to ensure protection of the statutory period of limitations. Maintains the statutory control file system and follows up on all input documents prepared to protect statute cases so as to ensure that all necessary assessments are made.

1118 OFFICE OF DISTRICT DIRECTOR

1118.1 MISSION

The mission of the office of the District Director is to administer the internal revenue laws within an internal revenue district in conformance with Service policies and programs of the National Office and regional offices.

1118.2 BASIC ORGANIZATION

The principal organizational components of the typical district office are the immediate office of the District Director, the Audit Division, Collection Division, Intelligence Division and Administration Division.

1118.3 DISTRICT DIRECTOR

The District Director administers, within an internal revenue district, the collection, audit, intelligence and administrative programs of the Internal Revenue Service. He is responsible for the determination of tax liability, the assessment of such liability, and scheduling and certification of refunds, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco, and firearms). He is also responsible for the collection and deposit of all internal revenue taxes.

1118.4 AUDIT DIVISION

(1) Administers a district-wide audit program involving the selection and examination of all types of Federal tax returns (except those involving alcohol, tobacco, and firearms taxes), claims, offers in compromise based on as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), informants' claims for reward, and related activities, including the examination and approval of pension trust plans and the issuance of determination letters. The audit program involves the selective classification of returns for field and office audit, the conduct of district conferences in unagreed cases, participation with special agents of the Intelligence Division in the conduct of tax fraud investigations, and provision of technical support to the year-round taxpayer service program.

(2) Audit Divisions in the Atlanta, Chicago, Dallas, Manhattan, Philadelphia, and San Francisco districts, on a regionwide basis, review all income and excess profits tax cases involving overpayments in excess of $100,000 and prepare reports for the Commissioner's signature to the Joint Committee on Internal Revenue Taxation in all nonpetitioned and nondocketed cases, including estate and gift tax cases.

(3) All District Audit Divisions are responsible for issuing determination letters on the qualification of pension, annuity, profit-sharing, stock bonus and bond purchase plans and for subsequent determinations on the status for exemption of trusts forming a part of such plans. Audit Divisions in the districts of Atlanta, Austin, Baltimore, Boston, Chicago, Cincinnati, Cleveland, Dallas, Detroit, Los Angeles, Manhattan, Philadelphia, St. Louis, St. Paul, San Francisco, and Seattle are responsible for matters relating to the exemption of all other organizations. These 16 key district offices will be responsible for issuing determination letters, examining exempt organizations activities, issuing notices of revocation and reestablishment of exemption, performing technical review and holding district conferences.

(4) The Division structure conforms to one of three established patterns, depending upon size of the district office. These patterns all recognize six distinct groups of functions which are known as: Returns Classification, District Conference, Review, Field Audit, Office Audit, and Service. In small district offices the branch supervisory structure does not exist, while in large offices there may be more than one Field Audit Branch. In the Central Region the review functions are centralized in the regional office. Each district Audit Division in that region has a Technical Branch in lieu of the Conference Staff and the Review Staff.

1118.41 *Conference Staff.* Directs and performs the district conference function. This includes holding conferences with taxpayers and their representatives, and preparing conference reports. Also screens taxpayer protests and acts as technical advisor to Chief, Audit Division.

1118.42 *Review Staff.* Reviews reports of examination of all types of tax returns to verify the determination of liability made by the examining officer. Directs the issuance of preliminary 30-day letters to taxpayers, reviews protests filed in response to such notices, and prepares statutory notices of deficiency. Prepares closing letters and releases in estate and gift tax cases, furnishes technical advice and assistance on pension trust plans, and prepares determination letters. Is responsible for the control, management and review of offers in compromise, informants' claims for reward and the special procedures applicable in cases involving renegotiation. Prepares Management Information Reports for both agreed and unagreed cases. Has primary responsibility within the district for maintaining quality standards in examinations and reports, and the technical accuracy of all matters subject to review. Issues correction memorandums in all cases or matters involving substantial errors.

1118.43 *Returns Classifying Officer.* Develops and administers district program for selecting all types of returns for examination. Conducts special studies to identify noncompliance problem areas and recommends audit programs to cope with them.

1118.44 *Field Audit Branch.* Conducts field examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of taxpayers for tax and penalties, including the examination of claims for refund, credit or abatement, or for redemption of stamps. Also conducts field examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), and special field examinations, as requested, including joint examinations with special agents of Intelligence Division where tax evasion may exist. Processes informants' claims for reward making any necessary investigations and prepares reports on such claims, together with recommendations as to the amount of rewards. Performs engineering and valuation work, prepares memorandums to accompany closing agreements, and recommends jeopardy assessments. Provides technical support to the year-round taxpayer service program.

1118.45 *Office Audit Branch.* Conducts examinations through correspondence or interviews with taxpayers in offices of the Service relative to all types of taxes (except alcohol, tobacco and firearms) to determine correct liability of taxpayers for tax and penalties, and the validity of claims for refund, credit, or abatement, or for redemption of stamps. Also, when necessary, conducts field examinations of all types of taxes (except alcohol, tobacco, and firearms) if such examinations do not require professional accounting skills of examiners assigned to Field Audit Branch. Recommends jeopardy assessments. Provides technical support to the year-round taxpayer service program.

1118.46 *Service Branch.* Performs clerical services for the Division necessary to the processing of returns, reports of examination, case files and correspondence. Maintains control of all returns and case files assigned to the Audit Division and of number assignments for Management Information Reports on audit cases. Types examining officers' reports, form letters, correspondence and other material as assigned and furnishes clerical, stenographic and typing assistance to all Division offices.

1118.47 *Technical Branch.* (1) The Technical Branch directs the issuance of preliminary 30-day letters to taxpayers, prepares Form 7900 letters to taxpayers covering deficiencies in bankruptcy and receivership cases which serve as a basis for assessment and filing of proof of claim by the Collection Division; reviews protests filed in response to notices of deficiency and Form 7900 letters for proper form, compliance with existing requirements and for new issues or facts; and prepares statutory notices of deficiency.

(2) The Branch is responsible for the control, management and review of offers in compromise, informants' claims for reward, cases in which expiration of the statute of limitations is imminent and assessment, overassessment or statutory notice action is necessary prior to forwarding to the Assistant Regional Commissioner (Audit) for review, and the special procedures applicable in cases involving renegotiation. It maintains and controls the preliminary notice file, the statutory notice file, the file on cases suspended pending court or other decision (Form 1254), power of attorney file, fee statement file, and worthless stock and taxability of dividend file, taking appropriate action as required. The Branch is responsible for the district conference functions, which include assignment of conferees to handle the case, the holding of the conference, the manner in which conferences are conducted, the quality of the conference reports and the statistical reporting of the conferences. The Chief of the Technical Branch acts as Technical Advisor to the Chief of the Audit Division on cases under investigation or assigned for district conferences.

1118.5 COLLECTION DIVISION

(1) The Collection Division is responsible for the receipt, processing and retention of wagering, narcotics, firearms and alcohol and tobacco tax returns and applications; the receipt and transmittal of other tax returns and documents received in the district; the deposit to the credit of the Service Center Director of tax remittances received in the district; the collection of delinquent accounts through distraint, seizure, levy and other means; the securing of delinquent returns; the conduct of a year-round taxpayer service program (including issuance of certificates of compliance to departing aliens); examination of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Collection Division receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures and redemptions after civil foreclosure, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. The Division maintains files or control records of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to assure that proper legal action may be timely taken.

(2) The organization of the Collection Division below the branch level varies depending on the size of the division.

1118.51 *Special Procedures Staff.* (1) The Special Procedures Staff is responsible for furnishing advisory assistance on technical delinquent collection and returns matters to the Chief, Collection Division, Chief, Field Branch, Chief, Office Branch and Group Supervisors; providing liaison for the District Director with the office of the Department of Justice, including the U.S. Attorneys, the Chief Counsel and Regional Counsel on all collection matters; ascertaining tax liability and filing of proof of claims in insolvency and decedent's estate proceedings; recommending civil suits to enforce collection or to protect the Government's interests; processing civil suits against the United States or the District Director; examining, reviewing and processing seizure and sale reports; processing applications for discharge of property from the effect of Federal tax liens and for certificates of nonattachment of Federal tax liens and certificates of subordination of the Federal tax lien; processing filed notices of Federal tax liens and certificates of release; processing and maintaining executed collection waivers; analyzing and determining the sufficiency of various forms of collateral offered as security for release of lien or postponement of collection action; furnishing technical advice and assistance and recommendations for or against entry into suitable escrow agreements for the collection of delinquent accounts; reviewing recommendations for and holding conferences on 100 percent penalty and transferee assessments; post reviewing of accounts reported as uncollectible; reviewing recommendations and holding conferences on offers in compromise cases based on inability to pay; and maintaining files and control records on all the above type cases to assure that proper legal and other collection actions are taken timely.

(2) In the majority of district offices this function is organized as a separate Special Procedures Staff. In small offices where the Special Procedures function is a one-position job, it is placed organizationally within the office of the Division Chief.

1118.52 *Office Branch.* The Office Branch effects the collection of delinquent accounts and secures delinquent returns through demands made by correspondence, telephone or office interviews. It safeguards the Government's interest by causing the filing of notices of tax liens and serving or causing the service of notices of levies. It transfers to Revenue Officer groups those assignments which require field investigations or can be more efficiently completed by field Revenue Officers. The Branch carries out the Division's responsibility for districtwide execution of the year-round taxpayer service program. It provides taxpayer service within the Headquarters Office and surrounding metropolitan commuting area, including responses to correspondence requests of tax information, and provides functional supervision of taxpayer service at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of Collection activities. It receives and deposits to the credit of the Service Center Director remittances received in the District Office. It receives, processes and maintains files of narcotics, wagering, alcohol and tobacco tax, firearms returns and applications. It also receives and transmits other returns and documents received in the District Office.

1118.53 *Field Branch.* The Field Branch is responsible for the management and control of five or more Revenue Officer groups (Type I Field Branch), or three or more Revenue Officer groups and an Office Group (Type II Field Branch). Within the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Branch provides taxpayer service within the assigned area (except in the Headquarters Office location).

1118.6 INTELLIGENCE DIVISION

The Intelligence Division enforces the criminal statutes applicable to income, estate, gift, employment, and excise tax laws (except those relating to alcohol, tobacco, narcotics and certain firearms), by developing information concerning alleged criminal violations thereof, evaluating allegations and indications of such violations to determine investigations to be undertaken, investigating suspected criminal violations of such laws, recommending prosecution when warranted, and measuring effectiveness of the investigation and prosecution processes. The Division assists other Intelligence offices in special inquiries, drives and compliance programs and in the normal enforcement programs, including those combating organized wagering, racketeering and other illegal activity, by providing investigative resources upon regional or National Office request. It also assists U.S. Attorneys and Regional Counsel in the processing of Intelligence cases, including the preparation for and trial of cases.

1118.61 *Branches A and B.* In Districts where a branch structure has been

authorized for Intelligence Division, the branch functions are as follows: The Branch conducts investigations of criminal tax violations, except those relating to alcohol, tobacco, narcotics, and certain firearms tax cases. The Branch coordinates actions with the office of the U.S. Attorney and with other Divisions in the district office. The Branch assists the U.S. Attorney and the Chief Counsel in the trial of cases. The Branch evaluates allegations of tax law violations and initiates surveys, examinations and investigation to identify cases which may have prosecution potential. The Branch makes appropriate recommendation as to the disposition of matters coming to the attention of the Intelligence Division and as to the disposition of cases investigated. The Branch assists in the planning, organizing, coordinating and directing the local adoption of intelligence policies, programs and procedures of Regional and National Offices. The Branch keeps informed on investigations to ensure uniformity of actions, adherence to established policies and compliance with procedures; to ensure that evidence is adequate and sufficient and that the action taken is sound and proper; and to ensure that high standards of performance are maintained.

1118.7 ADMINISTRATION DIVISION

(1) The Administration Division provides the personnel, training, budget, and fiscal, procurement and supply, records and communications services and other administrative services, within the limitations of the District Director's delegated authority, necessary to the effective operation and management of the district office. It coordinates the district office cost reduction and management improvement, reports management and incentive awards programs and other special projects.

(2) The organization of the Administration Division varies according to the size of the district, its managerial staffing, and other local conditions, as follows:

(a) The Division is headed by a Chief in districts above 1,000 employees and in those with no Assistant District Director.

(b) In districts below 1,000 employees with an Assistant District Director, the District Director and the Regional Commissioner may decide whether to have a Chief, a Staff Assistant, or neither.

(c) The typical branch structure in districts above 1,000 employees is Facilities Management; Personnel; and Training. Districts below 1,000 employees are also structured into these branches if the District Director and Regional Commissioner decide they are necessary. However, in small districts (normally those below 400 employees) with a Chief, Administration, the branch structure is not authorized in the absence of compelling circumstances. (See also Administration Staffing Guides Handbook, IRM 1132.)

(3) For districts with a branch structure, the following functional descriptions refer to branches. For other districts, the functional descriptions indicate functions performed by staff personnel.

1118.71 *Facilities Management Branch.* The Facilities Management Branch provides essential facilities and services necessary to the efficient operation of the district office. The Branch carries out the space programs of the District Director and conducts periodic surveys to assure effective space utilization. It procures, requisitions, issues, and assures effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications, duplicating paperwork management, and internal management document distribution services. The Branch also furnishes data necessary for the preparation of that portion of the district office budget estimates and financial plans which is concerned with funds required for materials and facilities in the district. As required for district management control, it maintains blotter type records of fund commitments for materials and facilities (object classes 22, 23, 24, 25, 26, and 31 as defined in Bureau of the Budget Circular A–12). It administers document and property security, emergency planning for civil defense, and the safety programs in the district.

1118.72 *Personnel Branch.* The Personnel Branch performs the recruitment and placement functions at the district level, and conducts the district's employee relations program and incentive awards program. It processes personnel action documents in accordance with prescribed procedure and maintains all district personnel records.

1118.73 *Training Branch.* The Training Branch provides leadership and coordination to the district training program. It coordinates the district execution of training programs; gives advice on all training programs conducted in the district office, and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of district training programs, to meet local training needs that cut across organizational lines. In addition, it evaluates and reports on all district training programs.

1118.8 OFFICES BELOW THE DISTRICT HEADQUARTERS

(1) Offices below the district headquarters (Area, Zone, and Local offices as defined below) perform one or more of certain Collection, Audit, and Intelligence functions such as: The collection of delinquent accounts and the securing of delinquent returns, the receiving and deposit of monies tendered in payment of taxes; the examination of returns to determine correct liability of taxpayers for tax and penalties; the holding of conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes. They also contain, to a limited extent, other functions such as taxpayer service and administrative support.

(2) Offices below the district headquarters are classified according to these types:

(a) Area office—An Area office is a major subdivision of the district office and usually contains all of its principal functional elements including one or more groups of Revenue Agents, one or more groups of Revenue Officers, an Office Collection Force group, and a Teller. Generally, it also contains one or more Special Agents.

(b) Zone office—A Zone office is an intermediate size office which includes one or more groups of Revenue Agents or one or more groups of Revenue Officers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has OCF personnel, they are supervised from some other office.

(c) Local office—All other offices below the district headquarters are classified as Local offices. Primarily, these are small posts of duty where the workload does not warrant the stationing of Revenue Agents and Revenue Officers in group strength.

(3) Program planning and functional supervision for personnel of an Area, Zone, or Local office are the responsibilities of the appropriate divisions of the district office. However, administrative supervision of such an office may be assigned to an individual upon a determination by the District Director that such a position is needed in order to represent all IRS functions to the public, to coordinate functions, and to provide common administrative services. This position is to be assigned as an additional responsibility to one of the regular functional personnel of the office, usually the ranking or senior officer. Each person assigned this additional responsibility will be designated as the "---------- (inserting name of city) representative" of the District Director.

(4) Generally, offices below the district headquarters do not contain Branch Chiefs or full-time Collection Managers in any of the functional activities. However, if the workload of an office (including nearby offices supervised by such office) is sufficient to justify five or more Audit groups, the District Director may determine that the needs for local supervision warrant the stationing of an Audit Branch Chief in the office. Similarly, if the workload justifies five or more Revenue Officer groups (counting less than ten OCF as the equivalent of a group; or ten or more OCF as two groups), the District Director may establish a full-time Collection Manager (who supervises only Group Supervisors, as distinguished from other Collection Managers who also directly supervise Revenue Officers). Recommendations for establishing such positions shall be forwarded to the Regional Commissioner for approval in accordance with regular procedures for effecting changes in organization.

(5) When the personnel of an office below the district headquarters are supervised by Group Supervisors, Branch Chiefs, or Collection Managers in a different location, all of the functions in such offices will generally receive line

supervision from the same city in order to foster functional coordination and efficient utilization of clerical and other manpower. However, when the District Director finds that the best interests of the Service require a different arrangement, he is authorized to make an exception. Exceptions may be particularly needed for those activities, such as Intelligence, which are more thinly represented than the Audit and Collection functions; and for specialists, such as those trained in estate, gift, and excise tax work.

APPENDIX A

INTERNAL REVENUE REGIONAL OFFICES

San Francisco, CA, ZIP 94102, 870 Market Street.
Atlanta, GA, ZIP 30303, 275 Peachtree Street NE.
Chicago, IL, ZIP 60601, 35 East Wacker Drive.
New York, NY, ZIP 10007, 90 Church Street.
Cincinnati, OH, ZIP 45202, 550 Main Street.
Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza.
Dallas, TX, ZIP 75202, 1114 Commerce Street.

APPENDIX B

ALCOHOL, TOBACCO, AND FIREARMS BRANCH OFFICES

Birmingham, AL, ZIP 35203, 2121 Building, 2121 Eighth Avenue North.
Little Rock, AR, ZIP 72203, Federal Office Building, 700 West Capital Street.
Los Angeles, CA, ZIP 90012, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94102, New Federal Building, 450 Golden Gate Avenue.
Jacksonville, FL, ZIP 32201, U.S. Courthouse and Post Office Building.
Atlanta, GA, ZIP 30309, 67 Peachtree Drive, NE.
Honolulu, HI, ZIP 96813, Federal Building.
Chicago, IL, ZIP 60601, Pure Oil Building, 35 East Wacker Drive.
Louisville, KY, ZIP 40202, Federal Building.
Boston, MA, ZIP 02203, John F. Kennedy Federal Building, Government Center.
Detroit, MI, ZIP 48226, Federal Building.
St. Paul, MN, ZIP 55101, Federal Building and U.S. Courthouse, 316 North Robert Street.
Jackson, MS, ZIP 39201, 630 Milner Building, Lamar and Pearl Streets.
St. Louis, MO, ZIP 63102, Federal Building, 208 North Broadway.
New York, NY, ZIP 10007, 120 Church Street.
Charlotte, NC, ZIP 28202, 316 East Morehead Street.
Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street.
Oklahoma City, OK, ZIP 73101, 200 Fourth Street NW.
Philadelphia, PA, ZIP 19106, U.S. Customhouse, Second and Chestnut Streets.
San Juan, PR, ZIP 00902, Room 318, Federal Government Building.
Columbia, SC, ZIP 29201, Federal Office Building, 901 Sumter Street.
Nashville, TN, ZIP 37203, 679 U.S. Courthouse, 801 Broad Street.
Dallas, TX, ZIP 75202, Wholesale Merchants Building, 912 Commerce Street.
Richmond, VA, ZIP 23240, Federal Building, 400 North Eighth Street.
Seattle, WA, ZIP 98104, U.S. Courthouse, Sixth and Madison Streets.

APPENDIX C

APPELLATE BRANCH OFFICES

Birmingham, AL, ZIP 35203, 2121 Eighth Avenue North.
Phoenix, AZ, ZIP 65004, 222 North Central Avenue.
Los Angeles, CA, ZIP 90012, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94108, 447 Sutter Street, Room 301.
Denver, CO, ZIP 80202, 17504 Federal Building, 1961 Stout Street.
New Haven, CT, ZIP 06511, 1221 Chapel Street.
Washington, DC, ZIP 20009, 432 Universal Building North, 1875 Connecticut Avenue, NW.
Jacksonville, FL, ZIP 32202, Federal Office Building, 400 West Bay Street.
Miami, FL, ZIP 33130, Federal Office Building, 51 Southwest First Avenue.
Atlanta, GA, ZIP 30303, 275 Peachtree Street NE.
Chicago, IL, ZIP 60601, 35 East Wacker Drive.
Springfield, IL, ZIP 62705, Post Office Box 1977.
Indianapolis, IN, ZIP 46204, 510 Guaranty Building.
Wichita, KS, ZIP 67202, 212 North Market Street (suboffice, Oklahoma City Branch Office).
Louisville, KY, ZIP 40202, 410 Federal Building.
New Orleans, LA, ZIP 70130, 444 Federal Office Building, 600 South Street.
Baltimore, MD, ZIP 21201, Room 934 Federal Building, 31 Hopkins Plaza.
Boston, MA, ZIP 02203, John F. Kennedy Federal Building, Government Center.
Detroit, MI, ZIP 46226, 600 Griswold Building.
St. Paul, MN, ZIP 55101, 500 Federal Building and U.S. Courthouse, 316 North Robert Street.
Kansas City, MO, ZIP 64106, 1700 Federal Office Building, 911 Walnut Street.
St. Louis, MO, ZIP 63101, 901 U.S. Courthouse and Customhouse, 1114 Market Street.
Omaha, NE, ZIP 68102, 3132 New Federal Building, 215 North 17th Street.
Newark, NJ, ZIP 07102, Room 701 Federal Building, 970 Broad Street.
Buffalo, NY, ZIP 14202, 300 U.S. Courthouse, 66 Court Street.
New York, NY, ZIP 10007, 90 Church Street.
Greensboro, NC, ZIP 27401, 338 North Elm Street, Suite 403.
Cincinnati, OH, ZIP 45201, Post Office Box 2026.
Cleveland, OH, ZIP 44199, 1653 Federal Office Building, 1240 East Ninth Street.
Oklahoma City, OK, ZIP 73102, 200 Northwest Fourth Street.
Portland, OR, ZIP 97204, 319 Southwest Pine Street.
Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza.
Pittsburgh, PA, ZIP 15222, Room 1428 Federal Building, 1000 Liberty Avenue.
Nashville, TN, ZIP 37203, 801 Broadway.
Dallas, TX, ZIP 75202, 1025 Elm Street.
Houston, TX, ZIP 77002, 8031 Federal Building, 515 Rusk Avenue.
Salt Lake City, UT, ZIP 84111, 125 South State Street.
Richmond, VA, ZIP 23140, 400 North Eighth Street, Room 11026.
Seattle, WA, ZIP 98121, Sixth and Lenora Building.
Huntington, WV, ZIP 25701, Ninth Street and Fifth Avenue.
Milwaukee, WI, ZIP 53202, Third Floor, Towne Building, 730 East Michigan Avenue.

APPENDIX D

INTERNAL REVENUE SERVICE CENTERS

Chamblee, GA, ZIP 30006, 4800 Buford Highway.
Covington, KY, ZIP 41011, 201 West Second Street.
Andover, MA, ZIP 01812, 310 Lowell Street.
Kansas City, MO, ZIP 64170, 2306 East Bannister Road.
Philadelphia, PA, ZIP 19155, 11601 Roosevelt Boulevard.
Austin, TX, ZIP 78740, 3651 South Interregional Highway.
Ogden, UT, ZIP 84405, 1160 West 1200 South Street.

APPENDIX E

INTERNAL REVENUE DISTRICT OFFICES

Birmingham, AL, ZIP 35203, 2121 Eighth Avenue, North.
Anchorage, AK, ZIP 99501, 540 Fifth Avenue.
Phoenix, AZ, ZIP 85025, 230 North First Avenue.
Little Rock, AR, ZIP 72203, 700 West Capitol Avenue.
Los Angeles, CA, ZIP 90012, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94102, 450 Golden Gate Avenue.
Denver, CO, ZIP 80202, 1961 Stout Street.
Hartford, CT, ZIP 06103, 450 Main Street.
Wilmington, DE, ZIP 19801, 800 Delaware Avenue.
Jacksonville, FL, ZIP 32202, Federal Building, 400 West Bay Street.
Atlanta, GA, ZIP 30303, 275 Peachtree Street NE.
Honolulu, HI, ZIP 96813, U.S. Federal Building.
Boise, ID, ZIP 83707, 550 West Fort Street.
Chicago, IL, ZIP 60602, 17 North Dearborn Street.
Springfield, IL, ZIP 62704, 325 West Adams Street.
Indianapolis, IN, ZIP 46204, U.S. Post Office and Courthouse Building.
Des Moines, IA, ZIP 50309, Federal Building, 210 Walnut Street.
Wichita, KS, ZIP 67202, 412 South Main Street.
Louisville, KY, ZIP 40202, 313 Post Office Building.
New Orleans, LA, ZIP 70130, 600 South Street.
Augusta, ME, ZIP 04330, 68 Sewall Street.
Baltimore, MD, ZIP 21201, Federal Building, 31 Hopkins Plaza.
Boston, MA, ZIP 02203, John F. Kennedy Federal Building, Government Center.
Detroit, MI, ZIP 48226, U.S. Post Office and Courthouse Building.
St. Paul, MN, ZIP 55101, Federal Building and U.S. Courthouse, 316 North Robert Street.
Jackson, MS, ZIP 39202, 301 North Lamar Street.
St. Louis, MO, ZIP 63101, U.S. Courthouse and Customhouse, 1114 Market Street.
Helena, MT, ZIP 59601, 209 Federal Building.
Omaha, NE, ZIP 68102, Federal Office Building, 106 South 15th Street.
Reno, NV, ZIP 89502, 300 Booth Street.
Portsmouth, NH, ZIP 03610, Federal Building, 60 Daniel Street.
Newark, NJ, ZIP 07102, 970 Broad Street.
Albuquerque, NM, ZIP 87101, 517 Gold Avenue SW.
Albany, NY, ZIP 12210, 161 Washington Avenue.
Brooklyn, NY, ZIP 11201, 35 Tillary Street.
Buffalo, NY, ZIP 14202, 34 West Mohawk Street.
New York, NY, ZIP 10007, 120 Church Street.
Greensboro, NC, ZIP 27401, 320 South Ashe Street.
Fargo, ND, ZIP 58102, Federal Building and Post Office, 653 Second Avenue North.
Cincinnati, OH, ZIP 45202, 550 Main Street.
Cleveland, OH, ZIP 44199, 1240 East Ninth Street.
Oklahoma City, OK, ZIP 73102, 200 Northwest Fourth Street.
Portland, OR, ZIP 97204, 319 Southwest Pine Street.
Philadelphia, PA, ZIP 19108, 401 North Broad Street.
Pittsburgh, PA, ZIP 15222, 1000 Liberty Avenue.
Providence, RI, ZIP 02903, 130 Broadway.

Columbia, SC, ZIP 29201, 901 Sumter Street.
Aberdeen, SD, ZIP 57401, 640 Ninth Avenue SW.
Nashville, TN, ZIP 37203, 801 Broadway.
Austin, TX, ZIP 78701, 300 East Eighth Street.
Dallas, TX, ZIP 75201, 1600 Patterson Street.
Salt Lake City, UT, ZIP 84110, U.S. Post Office and Courthouse.
Burlington, VT, ZIP 05401, 11 Elmwood Avenue.
Richmond, VA, ZIP 23240, 400 North Eighth Street.
Seattle, WA, ZIP 98121, 2033 Sixth Avenue.
Parkersburg, WV, ZIP 26101, 425 Juliana Street.
Milwaukee, WI, ZIP 53202, 517 East Wisconsin Avenue.
Cheyenne, WY, ZIP 82001, 21st and Carey Avenue.

APPENDIX F

REGIONAL INSPECTORS' OFFICES

Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street.
Philadelphia, PA, ZIP 19107, Bankers Securities Building, Walnut and Juniper Streets.
Chicago, IL, ZIP 60601, 35 East Wacker Drive.
New York, NY, ZIP 10007, 26 Federal Plaza 14th Floor.
Atlanta, GA, ZIP 30303, Federal Office Building, 275 Peachtree NE.
Dallas, TX, ZIP 75201, Fidelity Union Life Building, 1511 Bryan Street.
San Francisco, CA, ZIP 94103, U.S. Post Office Building, 1076 Mission Street.

APPENDIX G

REGIONAL COUNSEL OFFICES

Birmingham, AL, ZIP 35203, Room 724, 2121 Eighth Avenue North.
Phoenix, AZ, ZIP 85004, Suite 1014, Security Center Building, 222 North Central Avenue.
Los Angeles, CA, ZIP 90013, 3018 Federal Building, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94108, Room 628, 447 Sutter Street.
Denver, CO, ZIP 80202, Room 17038, 1961 Stout Street.
Jacksonville, FL, ZIP 32202, Federal Building, Room 1220, 51 Southwest First Avenue.
Miami, FL, ZIP 33130, Room 1220, Federal Office Building, 51 Southwest First Avenue.
Atlanta, GA, ZIP 30301, Federal Office Building, 275 Peachtree Street NE.
Chicago, IL, ZIP 60601, Room 1622, 35 East Wacker Drive.
Indianapolis, IN, ZIP 46204, 1001 Illinois Building, 17 West Market.
Louisville, KY, ZIP 40202, 526 Federal Building.
New Orleans, LA, ZIP 70130, Room 436, Federal Office Building.
Boston, MA, ZIP 02203, John Fitzgerald Kennedy Building, Government Center.
Detroit, MI, ZIP 48226, 2300 Cadillac Tower.
St. Paul, MN, ZIP 55101, Room 572, Federal Building and U.S. Courthouse, 140 East Fourth Street.
Kansas City, MO, ZIP 64106, 2700 Federal Office Building, 911 Walnut Street.
St. Louis, MO, ZIP 63101, 935 U.S. Courthouse and Customhouse, 1114 Market Street.
Omaha, NE, ZIP 68101, Room 3101, U.S. Post Office and Courthouse, 215 North 17th Street.
Newark, NJ, ZIP 07102, Ninth Floor, 970 Broad Street.
Buffalo, NY, ZIP 14202, 410 U.S. Courthouse.
New York, NY, ZIP 10007, 26 Federal Plaza, 12th Floor.
Greensboro, NC, ZIP 27401, Room 303, 838 North Elm Street.
Cincinnati, OH, ZIP 45202, 7504 Federal Office Building, 550 Main Street.
Cleveland, OH, ZIP 44114, 1620 Williamson Building, 215 Euclid Avenue.
Oklahoma City, OK, ZIP 73101, Courthouse and Federal Office Building, 220 Northwest Fourth Street.
Portland, OR, ZIP 97204, 820 Multnomah Building, 319 Southwest Pine.
Philadelphia, PA, ZIP 19102, Fourth Floor, 2 Penn Center Plaza.
Pittsburgh, PA, ZIP 15230, Room 726, Federal Building.
Nashville, TN, ZIP 37202, 709 U.S. Courthouse Building, 801 Broadway.
Dallas, TX, ZIP 75202, Room 414, 1025 Elm Street.
Houston, TX, ZIP 77002, 515 Rusk Avenue, Room 8024.
Salt Lake City, UT, ZIP 84111, Federal Building Annex, 135 South State.
Richmond, VA, ZIP 23240, 2108 Federal Building Eighth and Marshall Streets.
Washington, DC, ZIP 20009, Room 422, Universal Building North, 1875 Connecticut Avenue NW.
Milwaukee, WI, ZIP 53202, Room 201, 730 East Michigan Street.
Seattle, WA, ZIP 98121, 1101 Sixth and Lenora Building.

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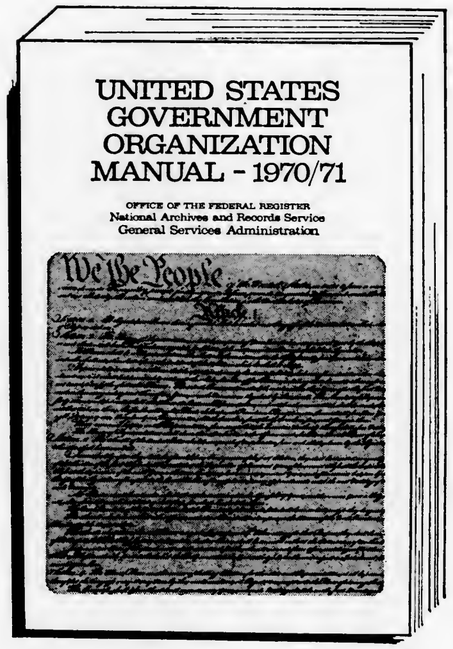

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SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-506]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Ohio, and a new paragraph (e)(8) relating to the State of Ohio is added to read:

(8) *Ohio.* That portion of Clinton County bounded by a line beginning at the junction of State Highways 22, 3, and State Highway 73; thence, following State Highway 73 in a southeasterly direction to the Clinton-Highland County line; thence, following the Clinton-Highland County line in a northeasterly direction to State 72; thence, following State Highway 72 in a northwesterly direction to State Highways 22, 3; thence, following State Highways 22, 3 in a southwesterly direction to its junction with State Highway 73.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Clinton County, Ohio, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-758 Filed 1-19-71;8:46 am]

[Docket No. 71-505]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of New Hampshire, and a new paragraph (e)(17) relating to the State of New Hampshire is added to read:

(17) *New Hampshire.* That portion of Hillsboro County comprised New Ipswich town.

2. In § 76.2, inparagraph (e)(5) relating to the State of Missouri, subdivision (i) relating to Lafayette County is deleted.

3. In § 76.2, the reference to the State of Minnesota in the introductory portion of paragraph (e) and paragraph (e)(13) relating to Freeborn and Mower Counties in the State of Minnesota are deleted, and paragraph (f) is amended by adding thereto the name of the State of Minnesota.

(Secs. 47, 23 Stat. 32, as amended, secs 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Hillsboro County, N.H., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendments also exclude a portion of Lafayette County, Mo., and portions of Freeborn and Mower Counties in Minnesota, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. The amendments release Minnesota from the list of States quarantined because of hog cholera.

The amendments add the State of Minnesota to the list of hog cholera eradication States in § 76.2(f).

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-759 Filed 1-19-71;8:46 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1971–72 Marketing Year

STATE RESERVE ACREAGES, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1971 CROP RICE

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1971 crop of rice. The purpose of these provisions is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States. The regulations for determination of acreage allotments for 1969 and subsequent crops of rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764, 34 F.R. 3733, 5629, 35 F.R. 5995, 11454) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14620), in accordance with the provisions of 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 18 to 22, 1971, it is essential that §§730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established accordance with section 353 of the act.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	7.6	0
Arkansas	0	----
California	0	50
Florida	32.0	38
Illinois	0	----
Louisiana:		
Farm administrative area	0	----
Producer administrative area	0	0
Mississippi	0	----
Missouri	0	----
North Carolina	0	----
Oklahoma	0	----
South Carolina	0	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "Producer administrative area" in Louisiana.

§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.

The farm acreage allotments for the 1971 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1971 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments and reserve acreages will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment attributable to history pooled as a result of productivity adjustments in the exchange of rice farm acreages allotments and upland cotton farm acreage allotments under § 730.79(d) of the allotment regulations. Such State productivity pool shall not be allocated to producers, counties, and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c) (1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 19 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c)(1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1971 crop of rice.

County	County acreage allotment	County reserve acreages [1]
ARKANSAS		
Arkansas	77,203	8.0
Ashley	6,550	0
Chicot	10,153	0
Clark	503	0
Clay	8,076	0
Conway	11	0
Craighead	17,548	0
Crittenden	7,008	0
Cross	35,676	0
Dallas	72	0
Desha	14,148	0
Drew	4,530	0
Faulkner	467	0
Grant	34	31.0
Greene	5,415	0
Hot Spring	481	4.0
Independence	878	0
Jackson	20,981	0
Jefferson	18,103	0
Lafayette	891	0
Lawrence	8,420	0
Lee	8,435	0
Lincoln	8,821	0
Little River	414	0
Lonoke	39,478	0
Miller	762	0
Mississippi	1,503	0
Monroe	14,771	0
Perry	1,010	0
Phillips	5,189	0
Poinsett	39,178	.6
Prairie	40,676	0
Pulaski	2,465	0
Randolph	2,358	0
St. Francis	18,850	0
White	1,166	0
Woodruff	20,758	0
Productivity Pool	230	----
State total	443,331	46.6
ILLINOIS		
Adams	22	0
State total	22	0
LOUISIANA, FARM ADMINISTRATIVE AREA		
Acadia	93,753	75.0
Allen	24,857	15.0
Avoyelles	2,788	139.4
Beauregard	4,689	0
Bossier	67	0
Caldwell	68,007	0
Cameron	12,593	0
Evangeline	45,654	30.0
Grant	----	----
Iberia	6,563	2.0
Jefferson Davis	98,072	25.0
Lafayette	10,305	15.0
Rapides	766	0
St. Landry	17,563	5.0
St. Martin	4,184	12.0
St. Mary	3,299	164.0
Vermillion	115,701	25.0
Productivity Pool	43	----
State reserve	19	----
State total, Farm Administrative Area	508,923	507.4
MISSISSIPPI		
Bolivar	22,177	0
Coahoma	1,906	0
De Soto	1,291	0
Hancock	186	0
Humphreys	2,135	0
Issaquena	198	0
Leflore	3,761	0
Panola	80	0
Quitman	864	0
Sharkey	1,064	0
Sunflower	4,569	0
Tallahatchie	515	0
Tate	121	0
Tunica	3,456	0
Washington	9,608	0
Productivity Pool	17	----
State total	51,858	0

See footnote at end of table.

County	County acreage allotment	County reserve acreages [1]
MISSOURI		
Butler	1,820	0
Holt	2	0
Lewis	9	0
Lincoln	38	0
Marion	342	0
Mississippi	98	0
New Madrid	123	0
Pemiscot	559	0
Ripley	432	0
St. Charles	40	0
Scott	123	0
Stoddard	1,600	0
State total	5,286	0
NORTH CAROLINA		
Brunswick	10	0
Hyde	33	0
State total	43	0
OKLAHOMA		
McCurtain	166	0
State total	166	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 344a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b(h), 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 14, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-778 Filed 1-15-71;2:30 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 462, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it it impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraphs (b)(1) (i), (ii), and (iii) of § 910.762 (Lemon Reg. 462, amdt. 1) are hereby amended to read as follows:

§ 910.762 Lemon Regulation 462.

* * * * * * *

(b) *Order.* (1) * * *

(i) District 1: 38,000 cartons;

(ii) District 2: 69,000 cartons;

(iii) District 3: 113,000 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 15, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-803 Filed 1-19-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-22]

PART 545—OPERATIONS

Real Estate Loans by Federal Savings and Loan Associations

JANUARY 12, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) for the following purposes:

1. Broadening the lending authority of Federal savings and loan associations with respect to loans in excess of 80 percent of value on the security of single-family dwellings as follows:

(a) Increasing the maximum loan amount from $31,500 to $36,000.

(b) Increasing the percentage of assets which may be invested in such loans from 20 percent to 30 percent.

(c) Removing an existing prohibition against the making of such loans on condominiums in high-rise structures.

2. Increasing from 15 percent to 20 percent of assets the limitation on certain loans by Federal savings and loan associations on the security of "other dwelling units" as authorized by an amendment of section 5(c) of the Home Owners' Loan Act of 1933, contained in section 907 of the Housing and Urban Development Act of 1970.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.6-1 by revising paragraphs (a)(4) and (b)(4) to read as follows, effective January 19, 1971:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

* * * * * * *

(a) *Homes or combination of homes and business property.* * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan which is made in an amount not in excess of $36,000 and with respect to which the following requirements are met:

(i) The loan is made upon the security of a first lien upon a single-family dwelling; the amount by which such a loan exceeds 80 percent of the value of the improved real estate shall not be disbursed until construction has been completed, and, if such single-family dwelling is being constructed for sale, until the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan;

(ii) The loan does not exceed (*a*) $36,000 or (*b*) 90 percent of the value of the real estate or, if the loan is made to finance the purchase of the real estate, 90 percent of the purchase price set forth in the certification specified in subdivision (vi) of this subparagraph, whichever is less;

(iii) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association;

(iv) The borrower, including a purchaser who assumes the loan, has executed a certification in writing stating (*a*) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed, and (*b*) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(v) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the vendor or vendors have executed a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(vi) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed a certification in writing stating the purchase price of the security

property and the items comprising such price:

(vii) The resulting aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any such loan with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vi) of this subparagraph, if such purchase price is less than such value), does not, at the time the association makes or invests its funds in such loan, exceed 30 percent of the association's assets; and

(viii) In the case of a loan purchased by a Federal association from other than a Federal association, each certification required by subdivisions (iv), (v), and (vi) of this subparagraph (4) shall contain a statement that the certification is made for the purpose of inducing a Federal savings and loan association to purchase the loan.

(b) *Other dwelling units, combination of dwelling units, including homes, and business property involving only minor or incidental business use.* • • •

(4) *Loans not subject to the limitations of § 545.6–7.* Loans made under subparagraphs (1), (2), and (3) of this paragraph, by a Federal association whose aggregate general reserves, surplus, and undivided profits equal or exceed 5 percent of its withdrawable accounts, shall not be subject to the limitations of § 545.6–7 if the following requirements are met:

(i) The security property is located within the association's regular lending area;

(ii) The amount of the loan (unless an insured or guaranteed loan) does not exceed the lesser of (*a*) the maximum percentage of the value of the security authorized by subparagraphs (1), (2), and (3) of this paragraph and (*b*) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, plus an amount that is not in excess of 75 percent of the value of such part of the security as is used for business purposes; and

(iii) The amount of such loan, plus the unpaid balances of outstanding loans meeting the requirements of this subparagraph, plus the amount of outstanding investments made pursuant to paragraph (a) of § 545.6–4 in participation interests in such loans, does not aggregate a total in excess of 20 percent of the association's assets.

• • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-810 Filed 1-19-71;8:50 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-23]

PART 563—OPERATIONS

Nationwide Lending by Insured Institutions

JANUARY 12, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 17361) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend paragraph (a) of § 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 563.9(a)) for the following purposes:

1. Defining the word "State" for the purpose of said paragraph (a);

2. Deleting the regulatory requirement that the servicer of a loan made pursuant to subparagraph (4) of said paragraph (a) must be the originator of such loan;

3. Increasing from 5 percent to 10 percent of assets the regulatory limit on the amount of funds which may be invested in such loans at any one time; and

4. Deleting the regulatory requirement that the real estate security for such a loan must be located in a Standard Metropolitan Statistical Area and substituting therefor the regulatory requirement that such real estate must be located within 100 miles of the principal or a branch office of the servicer of such loan.

Accordingly, the following portions of said paragraph (a) of said § 563.9 are hereby amended to read as follows, effective January 19, 1971:

§ 563.9 Loans and investments.

(a) *General provisions.* Except as provided herein, no insured institution may make, or invest its funds in, loans on the security of real estate located outside its normal lending territory without the prior approval of the Corporation. For the purpose of this paragraph, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

• • • • •

(4) Any insured institution which, at the close of its most recent semiannual period, had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of less than 2.5 percent may, to the extent that it has legal power to do so, make, or invest its funds in, loans serviced by or through (i) an institution the accounts or deposits of which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation or (ii) an approved Federal Housing Administration mortgagee, in an aggregate amount not exceeding 10 percent of such institution's assets, on the security of real estate located outside its normal lending territory but within any State of the United States, subject to the following requirements:

(*a*) The real estate security must be located within 100 miles of the principal or a branch office of the servicer of such loans;

(*b*) Any such approved Federal Housing Administration mortgagee must have been continuously and principally engaged in the business of originating and servicing loans for other lenders and investors for a period of at least 5 years, and such approved mortgagee must furnish to such insured institution documentation showing that it has been so engaged and is then approved by the Federal Housing Administration; and

(c) The insured institution must have obtained a signed report of appraisal of the real estate security for the loan by an appraiser, designated by such institution, who has no interest, direct or indirect, in the real estate or in any loan on the security thereof.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-811 Filed 1-19-71;8:50 am]

Chapter VII—National Credit Union Administration

PART 740—ADVERTISEMENT OF INSURED STATUS

On December 5, 1970, notice of proposed rule making regarding advertisement of insured status of insured credit unions was published in the FEDERAL REGISTER (35 F.R. 236). After consideration of all such relevant matter as was presented by interested persons, the rules as so proposed are hereby adopted, subject to the following changes:

1. In § 740.1 *Definitions* in line three after the word "share" add the word "deposit" making it read "share deposit account".

2. In § 740.3 *Mandatory requirements with regard to the official sign and its display,* in paragraph (c) add after the last word "liabilities", "except in credit union centers, service centers or branches servicing more then one credit union where some of the credit unions are insured by the Administrator and some are not, there must be placed immediately above or beside each official sign displayed another sign stating 'only the following credit unions serviced by this facility are insured ----------' (The full name of each credit union insured will follow the word insured). The lettering will be ⅜ inch high and easily visible to all members conducting share or share deposit transactions".

Effective date. These regulations shall be effective as of January 25, 1971.

H. NICKERSON, JR., *Administrator*

JANUARY 13, 1971.

Sec.
740.0 Scope.
740.1 Definition.
740.2 Advertising must be accurate.
740.3 Mandatory requirements with regard to the official sign and its display.
740.4 Mandatory requirements with regard to the official advertising statement and manner of use.

AUTHORITY: The provisions of this Part 740 issued under sec. 205, 84 Stat. 1002; Public Law 91-468.

§ 740.0 Scope.

The regulation contained in this part prescribes the requirements with regard to the official sign insured credit unions must display and the requirements with regard to the official advertising statement insured credit unions must include in their advertisements. It also prescribes an approved short title which insured credit unions may use at their option. It imposes no limitations on other proper advertising of insurance of shares or deposits by insured credit unions.

§ 740.1 Definition.

Deposits as used herein include the purchase of shares, share certificates or share deposit accounts of a member or individual of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business and for which it has given or is obligated to give credit to the account of the member or individual.

§ 740.2 Advertising must be accurate.

No insured credit union shall use advertising (whether printed, radio, display, or of any other nature) or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition. When an insured credit union is operating a branch office or offices outside of the municipality in which its principal office is located, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution.

§ 740.3 Mandatory requirements with regard to the official sign and its display.

(a) *Insured credit unions to display official sign.* Each insured credit union shall continuously display an official sign as hereinafter prescribed at each station or window where insured shares or deposits are usually and normally received in its principal place of business and in all its branches: *Provided,* That no credit union becoming an insured credit union shall be required to display such official sign until thirty (30) days after its first day of operation as an insured credit union. The official sign may be displayed by any insured credit union prior to the date display is required. Additional signs in other sizes, colors, or materials, incorporating the basic design of the official sign, may be displayed in other locations within an insured credit union.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be of the following design:

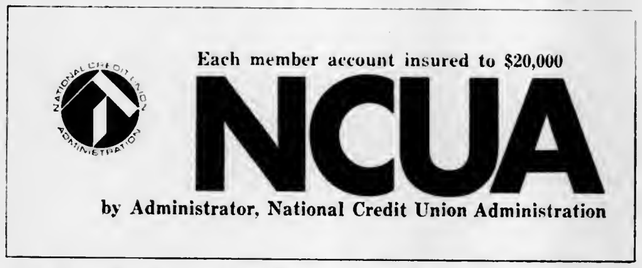

(1) All insured credit unions will automatically be furnished an initial supply of official signs, at no cost, from the National Credit Union Administration for compliance with paragraph (a) of this section. If the initial supply is not adequate for compliance with paragraph (a) of this section, an immediate request for additional signs must be made. Any credit union that does not have an adequate supply but requests additional signs from the Administrator, shall not be deemed to have violated this regulation on account of not displaying an official sign, or signs, unless the credit union shall omit to display such official sign or signs after receipt thereof.

(2) Official signs reflecting variations in color and materials and additional signs reflecting variations in size, color and materials for use other than as prescribed in paragraph (a) of this section may be procured by insured credit unions from commercial suppliers.

(c) *Receipt of deposits at same teller's station or window as noninsured credit union or institution.* An insured credit union is forbidden to receive deposits at any teller's station or window where any noninsured credit union or institution receives deposits or similar liabilities, except in credit union centers, service centers, or branches servicing more then one credit union where some of the credit unions are insured by the Administrator and some are not; there must be placed immediately above or beside each official sign displayed another sign stating "only the following credit unions serviced by this facility are insured ----------" (The full name of each credit union insured will follow the word insured). The lettering will be ⅜ inches high and easily visible to all members conducting share or share deposit transactions.

(d) *Required changes in official sign.* The Administrator may require any insured credit union, upon at least 30 days' written notice, to change the wording of its official signs in a manner deemed necessary for the protection of share holders or others.

§ 740.4 Mandatory requirements with regard to the official advertising statement and manner of use.

(a) *Insured credit unions to include official advertising statement in all advertisements except as provided in paragraph (c) of this section.* Each insured credit union shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

(1) An insured credit union is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured credit union.

(2) (i) In cases where the Administrator of the National Credit Union Administration shall find the application to be meritorious, that there has been no neglect or willful violation in the observance of this section and that undue hardship will result by reason of its requirements, the Administrator may grant a temporary exemption from its provision to a particular credit union upon its written application setting forth the facts.

(ii) Any application made by an insured credit union under this section should be filed with the Regional Director who will forward it with his recommendation to the Administrator. Such application should (*a*) be in writing, (*b*) be signed by the president or other managing officer of the board of directors of the credit union, and (c) state the reason for the request and why it should be granted.

(3) In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured credit union may cause the official advertising statement to be

included by use of an overstamp or by other means for a period of 6 months or until the supplies are expected whichever occurs first.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "This credit union is insured by the Administrator of the National Credit Union Administration." The word "the" and/or the words "of the" may be omitted. The words "This credit union is" or the name of the insured credit union followed by the words "is a" may be added before the word "insured." The short title "Insured by Administrator NCUA" and a reproduction of the official seal, may be used by insured credit unions at their option as the official advertising statement. The official advertising statement shall be of such size and print to be clearly legible.

(c) *Types of advertisements which do not require the official advertising statement.* The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured credit union which are required to be published by State or Federal law or regulation;

(2) Credit union supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit passbooks, and noninsurable certificates, etc.;

(3) Signs or plates in the credit union office or attached to the building or buildings in which the offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured credit union;

(6) Display advertisements in credit union directory, provided the name of the credit union is listed on any page in the directory with a symbol or other descriptive matter indicating it is insured;

(7) Joint or group advertisements of credit union services where the names or insured credit unions and noninsured credit unions are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed fifteen (15) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed fifteen (15) seconds in time;

(10) Advertisements which are of the type of character making it impractical to include thereon the official advertising statement including but not limited to, promotional items such as calendars, matchbooks, pens, pencils, and key chains;

(11) Advertisements which contain a statement to the effect that the credit union is insured by the Administrator, or that its deposits and shares or depositors are insured by the Administrator, NCUA to the maximum of $20,000 for each depositor or shareholder;

(12) Advertisements relating specifically and only to the making of loans by the credit union or loan services;

(13) Advertisements relating specifically and only to safekeeping box business or services;

(14) Advertisements relating specifically and only to traveler's checks on which the credit union issuing or causing to be issued the advertisement is not primarily liable;

(15) Advertisements relating specifically and only to loan life insurance.

(d) *Outstanding billboard advertisements.* Where an insured credit union has billboard advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

(e) *Official advertising statement in non-English language.* The non-English equivalent of the official advertising statement may be used in any advertisement: *Provided*, That the translation had had the prior written approval of the Administrator.

[FR Doc.71-747 Filed 1-19-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-2-AD; Amdt. 39-1145]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340, 440, and C-131E Airplanes

There have been three recent failures of either the main landing gear cylinder or the fulcrum arms in General Dynamics Model 340 airplanes modified per STC SA4-1100, resulting in considerable damage to the airplanes. Since this condition is likely to exist or develop in other airplanes of the same type, an airworthiness directive is being issued to require inspections for cracks in the main landing gears on all General Dynamics Model 340, 440, and C-131E airplanes including those converted to turbopropeller power.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Model 340, 440, and C-131E airplanes including those airplanes converted to turbopropeller power, certificated in all categories.

Compliance required within the next 50 hours time in service after the effective date of this AD unless already accomplished within the last 200 hours time in service.

To prevent failures of the left and right main landing gears, accomplish the following:

(a) Inspect the entire outer surface of the main landing gear cylinders (P/N528002 or P/N528402), including the fulcrum arms, for cracks using magnetic particle or dye penetrant methods, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) If cracks are found, before further flight either rework the cylinder in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region or replace the cylinder with a cylinder which has been inspected per (a) above and found free of cracks.

NOTE: Manufacturer's Service Bulletins are under development covering this problem. Additional AD rules, as appropriate, will be forthcoming.

This amendment becomes effective January 21, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on January 8, 1971.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.71-770 Filed 1-19-71;8:47 am]

[Airspace Docket No. 70-CE-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 16686 of the FEDERAL REGISTER dated October 28, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Benson, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 1, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

BENSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from Benson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Morris, Minn., transition area.

[FR Doc.71-771 Filed 1-19-71;8:47 am]

[Airspace Docket No. 70-SO-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 4, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18476), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Trenton, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was learned that excessive delay had occurred in the initial preparation of the instrument approach procedure which would preclude utilization of the airport during instrument weather in the winter months. Early provision of this service is in the interest of public service and safety and improved utilization of airspace. To accomplish this objective, it is necessary to make this airspace designation effective on January 28, 1971, concurrent with the effective date of the instrument approach procedure. This effective date is not a regular charting date.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 28, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

TRENTON, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gibson County Airport (latitude 35°56'02" N., longitude 88°50'54" W.); excluding the portion within the Humboldt, Tenn. transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 6, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-772 Filed 1-19-71;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Age Search and Citizenship Information

The following §§ 50.1 and 50.5 replace §§ 50.1 and 50.5 which were published in the FEDERAL REGISTER on December 15, 1964 (29 F.R. 17089), and in the Code of Federal Regulations, revised as of January 1, 1970 (15 CFR 50.1 and 50.5).

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

The fees for an age search are not changed. This amendment is to give notice that if additional information is needed to complete an age search, the information must be received within 120 days of the request or the case will be considered closed. A new fee will be required to reopen the case.

§ 50.1 General.

(a) Fee structure for age search and citizenship service, special population censuses, unpublished data from the 1960 Population and Housing Census, enumeration district maps, housing data from the 1960 Census of Housing, and for foreign trade and shipping statistics.

(b) In accordance with the provisions of the acts authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structure is hereby established. No transcript of any record will be furnished under authority of these acts which would violate existing or future acts requiring that information furnished be held confidential.

(c) Requests for age search and citizenship service should be addressed to the Personal Census Service Branch, Bureau of the Census, Pittsburg, KS 66762. Application forms may be obtained at Department of Commerce field offices or Social Security offices or by writing to the Pittsburg, Kans., office.

(d) If a search is unsuccessful and additional information for a further search is requested by the Bureau, such information must be received within 120 days of the request or the case will be considered closed. Additional information received after 120 days must be accompanied by a new fee and will be considered as a new request.

§ 50.5 Fee structure for age search and citizenship information.

Types of Service	*Fee*
Searches in regular turn of not more than two censuses for one person and one transcript of the most appropriate record	$4
Priority searches of not more than two censuses for one person and one transcript of the most appropriate record	5
Each additional copy of census transcript	1

Dated: January 13, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-780 Filed 1-19-71;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8622]

PART 13—PROHIBITED TRADE PRACTICES

American Brake Shoe Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, American Brake Shoe Company, New York, N.Y., Docket 8622, Nov. 27, 1970]

In the Matter of American Brake Shoe Co., a Corporation.

Order modifying a divestiture order dated April 10, 1968, 33 F.R. 7752, pursuant to a decision of the Court of Appeals. Sixth Circuit, 420 F. 2d 928, which required the omission of "or sale" of sintered metal friction material from the original order.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, American Brake Shoe Co. (now known as "Abex Corporation"), shall, within 6 months from the date of service upon it of this order, divest itself absolutely and in good faith to a purchaser or purchasers approved by the Federal Trade Commission, of all stock and of all right, title and interest in all assets, properties, rights and privileges, acquired by respondent as a result of its acquisition of the stock and assets of The S. K. Wellman Co., so as to restore that which formerly made up the Wellman Co. as a viable competitive entity in the friction materials and sintered metal friction materials industries in the United States.

It is further ordered, That respondent shall not sell or transfer the aforesaid stock or assets, directly or indirectly, to anyone who at the time of divestiture is a stockholder, officer, director, employee,

or agent of, or otherwise directly or indirectly connected with or under the control or influence of respondent.

It is further ordered, That pending divestiture, respondent shall not make any changes nor permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the former Wellman Co. which may impair present rated capacity or their market value, unless such capacity or value is restored prior to divestiture.

It is further ordered, That for a period of ten (10) years from the date of issuance of this order, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or assets of any corporation engaged in commerce and in the production of sintered metal friction material.

It is further ordered, That the hearing examiner's initial decision, as modified and supplemented by the findings and conclusions embodied in the accompanying opinion, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the provisions in the order set forth herein.

By the Commission.[1]

Issued: November 27, 1970.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-736 Filed 1-19-71;8:45 am]

[Docket No. C-1818]

PART 13—PROHIBITED TRADE PRACTICES

Benjamin Greenberg

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Benjamin Greenberg, New York, N.Y., Docket C-1818, November 17, 1970]

In the Matter of Benjamin Greenberg, an Individual Trading as Benjamin Greenberg

Consent order requiring a New York City manufacturer and wholesaler of furs to cease and desist from misbranding or deceptively invoicing his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Benjamin Greenberg, individually and trading as Benjamin Greenberg or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: November 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-737 Filed 1-19-71;8:45 am]

[Docket No. C-1820]

PART 13—PROHIBITED TRADE PRACTICES

Marcus Haliczer and Noveltex Paper Products Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Marcus Haliczer et al., New York, N.Y., Docket C-1820, Nov. 17, 1970]

In the Matter of Marcus Haliczer, Individually and Doing Business as Noveltex Paper Products Co.

Consent order requiring a New York City individual engaged in the manufacture and distribution of disposable paper face masks to cease violating the Flammable Fabrics Act by distributing such paper face masks.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Marcus Haliczer, individually and trading as Noveltex Paper Products Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped and received in commerce, as "commerce", "product", "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such products from said customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such product and effect recall of such products from said customers, and of the results of such action, (3) any disposition of such product since April 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof, in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product, or related material shall be of no less than 1 square yard of material.

It is further ordered, That the respondent shall maintain complete and adequate records concerning all products subject to the Flammable Fabrics Act, as amended, which are sold or distributed by him.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-739 Filed 1-19-71;8:45 am]

[Docket No. C-1822]

PART 13—PROHIBITED TRADE PRACTICES

Hiraoka New York, Inc.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hiraoka New York, Inc., New York, N.Y., Docket C-1822, Nov. 27, 1970]

In the Matter of Hiraoka New York, Inc., a Corporation

Consent order requiring a New York City importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors and "Solid State" devices in its radios.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Hiraoka New York, Inc., a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided however*, That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondent's products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-738 Filed 1-19-71;8:45 am]

[Docket No. C-1819]

PART 13—PROHIBITED TRADE PRACTICES

Norman Raye Furs, Inc., and Norman Rosenberg

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 *Fur* Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Norman Raye Furs, Inc., et al., New York, N.Y., Docket C-1819, Nov. 17, 1970])

In the Matter of Norman Raye Furs, Inc., a Corporation, and Norman Rosenberg, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of furs to cease and desist from misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Norman Raye Furs, Inc., a corporation, and its officers, and Norman Rosenberg, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Norman Raye Furs, Inc., a corporation, and its officers, and Norman Rosenberg, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in

[1] Chairman Kirkpatrick and Commissioner Dennison did not participate for the reason oral argument was heard and the opinion and original order were issued prior to their appointment to the Commission.

the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-740 Filed 1-19-71;8:45 am]

[Docket No. C-1821]

PART 13—PROHIBITED TRADE PRACTICES

Saunders, Silver & Weiss, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Saunders, Silver & Weiss, Inc., et al., Philadelphia, Pa., Docket C-1821, Nov. 17, 1970]

In the Matter of Saunders, Silver & Weiss, Inc., a Corporation, and Morton Saunders and Seymour Silver, Individually and as Officers of Said Corporation

Consent order requiring a Philadelphia, Pa., manufacturer and distributor of furs to cease and desist from misbranding, deceptively invoicing, and falsely guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Saunders, Silver & Weiss, Inc., a corporation, and its officers, and Morton Saunders and Seymour Silver, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored

It is further ordered, That Saunders, Silver & Weiss, Inc., a corporation, and its officers, and Morton Saunders and Seymour Silver, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guarantee that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-741 Filed 1-19-71;8:45 am]

[Docket No. C-1823]

PART 13—PROHIBITED TRADE PRACTICES

U.S. Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, U.S. Industries, Inc., New York, N.Y., Docket C-1823, Nov. 27, 1970]

In the Matter of U.S. Industries, Inc., a Corporation

Consent order requiring a New York City manufacturer and distributor of transistorized radios to cease misrepresenting the number of transistors and "Solid State" devices in its radios.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent U.S. Industries, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided however,* That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondent's products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions engaged in the manufacturing, advertising, offering for sale, sale, or distribution of radio receiving sets and transceivers.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent relating to operating divisions or subsidiaries engaged in the manufacture, advertising, offering for sale, sale, or distribution of radio receiving sets, including transceivers such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation, or dissolution of subsidiaries or any other change in the corporation when any such change may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-742 Filed 1-19-71;8:45 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

Subpart D—Eligibility Requirements—Projects

WAIVER OF PROJECT REQUIREMENTS

The following amendment to Title 24, Chapter II of the Code of Federal Regulations, authorizes the Assistant Secretary for Housing Production and Mortgage Credit to waive certain regulatory requirements with respect to mortgage insurance in the case of Operation Breakthrough projects. Examples of the requirements subject to waiver are: The payment of anticipated cost over and above the mortgage proceeds; the bonding requirement imposed upon the mortgagor; and the requirement for a working capital deposit.

Accordingly, Chapter II is amended as follows:

§ 233.505 Incorporation by reference.

(a) • • •

(4) In the case of Operation Breakthrough Prototype Site Developments involving expenditure of appropriated funds for research and technology above amounts available from insured mortgage proceeds, the mortgage may be insured without regard to one or more of the regulatory requirements which are not mandatory under controlling statutes.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 233, 75 Stat. 158, as amended; 12 U.S.C. 1715x)

Issued at Washington, D.C., January 14, 1971.

EUGENE A. GULLEDGE, *Federal Housing Commissioner.*

[FR Doc.71-804 Filed 1-19-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 181—COMMERCE IN EXPLOSIVES

Correction

In F.R. Doc. 71-531, appearing at page 658 of the issue for Friday, January 15, 1971, the following changes should be made:

1. In the second sentence of § 181.125 (c), the last two words "or use" should be deleted.

2. In § 181.199, the footnote references in columns (3) and (4) of the table, and footnote 1 should be deleted.

3. A note should be added to § 181.200 immediately preceding footnote 1, and reading as follows:

NOTE: Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

These distances apply to the separation of stores only. The American Table of Distances shall be used in determining separation distances from inhabited buildings, passenger railways and public highways.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-150]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

General Description

As required by 5 U.S.C. 552, 33 CFR Part 3 provides a description of the structure of the Coast Guard's organization for the performance of its assigned functions and duties. In general, the Coast Guard organization consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. This document provides amendments to Part 3 which will bring this part into conformance with present administrative practices.

The amendments contained in this document are as follows: Subpart 3.01 has been revised to provide a current description of the Coast Guard's organization and assignment of functions; Subpart 3.04 has been added to provide a description of the Eastern and Western Area Offices which act as intermediate echelons of Coast Guard command; and changes in descriptions of jurisdictions have been made for the First, Third, Fifth, Seventh, Eighth, Fourteenth, and Seventeenth Coast Guard Districts for conformance with present administrative practices.

Since this is a matter relating to agency management, it is exempted from notice of proposed rule making and public procedure thereon by 5 U.S.C. 553 and the amendments may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Part 3 is amended as follows:

1. The heading of Part 3 is revised to read as set forth above.

2. Subpart 3.01 is revised to read as follows:

Subpart 3.01—General Provisions

Sec.
3.01-1 General description.
3.01-5 Assignment of functions.

AUTHORITY: The provisions of this Subpart 3.01 issued under 80 Stat. 383, as amended, 83 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45 and 1.46.

Subpart 3.01—General Provisions

§ 3.01-1 General description.

(a) The structure of the Coast Guard's general organization for the performance of its assigned functions and duties consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. The District Offices operate within defined geographical areas of the United States, its territories, and possessions, including portions of the high seas adjacent thereto. The description of the districts is established by the Commandant under the authority delegated by 49 CFR 1.45 and 1.46.

(b) The two Coast Guard Areas are the Eastern Area (see § 3.04-1) and the Western Area (see § 3.04-3). The Coast Guard Area Commander is in command of a Coast Guard Area and his offices may be referred to as a Coast Guard Area Office. The office of the Commander, Eastern Area, is located in the Third Coast Guard District and the Commander of that District shall serve collaterally as Commander, Eastern Area. The office of the Commander, Western Area, is located in the Twelfth Coast Guard District and the Commander of that District shall serve collaterally as Commander, Western Area. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

(c) The Coast Guard District Commander is in command of a Coast Guard District and his office may be referred to as a Coast Guard District Office. (See § 1.01–1 of this subchapter.)

(d) An Officer in Charge, Marine Inspection, is in command of a Marine Inspection Zone and his office may be referred to as a Coast Guard Marine Inspection Office. (See § 1.01–20 of this subchapter.)

(e) The Captain of the Port is in command of a Captain of the Port Area and his office may be referred to as a Captain of the Port Office. (See § 1.01–30 of this subchapter.)

(f) Various Coast Guard floating units and shore units are under the cognizance of the Coast Guard District in which they are located except certain Headquarters' units performing specialized functions.

§ 3.01–5 Assignment of functions.

Sections 1.45 and 1.46 of Title 49, Code of Federal Regulations, authorize the Commandant of the Coast Guard to exercise certain functions, powers, and duties vested in the Secretary of Transportation by law. The general statements of policy in the rules describing Coast Guard organization are prescribed pursuant to 5 U.S.C. 552 (80 Stat. 383, as amended) and 14 U.S.C. 633 (63 Stat. 545).

3. Part 3 is amended by adding a new Subpart 3.04 to read as follows:

Subpart 3.04—Coast Guard Areas

Sec.
3.04–1 Eastern Area.
3.04–3 Western Area.

AUTHORITY: The provisions of this Subpart 3.04 issued under 80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); 49 CFR 1.45 and 1.46.

Subpart 3.04—Coast Guard Areas

§ 3.04–1 Eastern Area.

(a) The Area Office is in New York, N.Y.

(b) The Eastern Area shall comprise the land areas and U.S. navigable waters of the First, Third, Fifth, Seventh, and Eighth Coast Guard Districts and the ocean areas lying east of a line extending from the North Pole south along 105° W. longitude to the North American land mass; thence along the west coast of the North, Central and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend east to the Eastern Hemisphere dividing line between the Eastern and Western Areas which, in the Northern Hemisphere, lies along 105° E. longitude and, in the Southern Hemisphere, lies along a line from the South Pole north along 60° E. longitude to position 25° S. 60° E.; thence to position 00° 83° E.; thence to the boundary between East Pakistan and Burma.

§ 3.04–3 Western Area.

(a) The Area Office is in San Francisco, Calif.

(b) The Western Area shall comprise the land areas and the U.S. navigable waters of the Eleventh, Twelfth, Thirteenth, Fourteenth, and Seventeenth Coast Guard Districts and the ocean areas lying west of a line extending from the North Pole south along 105° W. longitude to the North American land mass; thence along the west coast of the North, Central, and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole. These waters extend west to the Eastern Hemisphere dividing line between the Eastern and Western Areas which, in the Northern Hemisphere, lies along 105° E. longitude and, in the Southern Hemisphere, lies along a line from the South Pole north along 60° E. longitude to position 25° S. 60° E.; thence to position 00° 83° E.; thence to the boundary between East Pakistan and Burma.

Subpart 3.05—First Coast Guard District

4. Sections 3.05–1(b), 3.05–15, and 3.05–70(a) are revised to read as follows:

§ 3.05–1 First District.

• • • • • •

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland; Massachusetts, except the waters of Congamond Lakes; Rhode Island, with exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New London County; all U.S. naval reservations on shore in Newfoundland; the ocean area encompassed by the Search and Rescue boundary between Canada and the United States to longitude 63° W.; thence due south to latitude 41° N.; thence along a line bearing 219° T. to the intersection with the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light; thence along this line to Montauk Point Light.

• • • • • •

§ 3.05–15 Portland, Maine, Marine Inspection Zone.

(a) The Portland, Maine, Marine Inspection Office is in Portland, Maine.

(b) The Portland Marine Inspection Zone comprises Maine, New Hampshire, and Vermont north of 5 miles south of 43° N. latitude except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland, in Vermont.

§ 3.05–70 Portland Captain of the Port.

(a) Portland Captain of the Port Office is in South Portland, Maine.

• • • • • •

Subpart 3.10—Second Coast Guard District

5. Section 3.10–15 is amended by changing the second word in paragraph (b) from "Cairo" to "Paducah" and revising the heading and paragraph (a) to read as follows:

§ 3.10–15 Paducah Marine Inspection Zone.

(a) The Paducah Marine Inspection Office is in Paducah, Ky.

• • • • • •

§§ 3.10–25, 3.10–65 [Amended]

6. Sections 3.10–25 and 3.10–65 are amended by changing the words "thence south along this river to 46°25′ N. latitude and 96°35′ W. longitude;" to "thence south along this river to 46°20′ N. latitude and 96°35′ W. longitude;".

7. Section 3.10–55 is amended by changing the second word in paragraph (b) from "Cairo" to "Paducah" and revising the heading and paragraph (a) to read as follows:

§ 3.10–55 Paducah Captain of the Port.

(a) The Paducah Captain of the Port Office is in Paducah, Ky.

• • • • • •

Subpart 3.15—Third Coast Guard District

8. Sections 3.15–1(b), 3.15–10(b), 3.15–15(b), 3.15–25(b), and 3.15–65(a) are revised to read as follows:

§ 3.15–1 Third District.

• • • • • •

(b) The Third Coast Guard District shall comprise the counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°-39′ W.; New Jersey; Pennsylvania east of longitude 79° W.; Delaware, including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 112° T. from Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N., 65°05′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts which is defined as a line extending 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary; thence along this line to the coast.

§ 3.15–10 New York Marine Inspection Zone.

• • • • • •

(b) The New York Marine Inspection Zone boundary starts at 40°03′ N. latitude on the New Jersey coast; thence westerly following the midchannel line of the Metedeconk River to Laurelton, N.J.; thence in a northwesterly direction to Washington Crossing, N.J.; thence along the east bank of the Delaware River to Tusten, N.Y.; thence due east to the New York-Connecticut State line; thence northeast, including the waters of the Congamond Lakes, and south, excluding the waters of Beach Pond, along the Connecticut State line to Westerly, R.I.; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence due south to the Montauk Point Light. All of the islands along the Connecticut, New York, and New Jersey shorelines between the New Jersey coastline at 42°-03′ N. latitude and the Connecticut-Rhode Island State line, including Long Island and other islands to and including Fishers Island, are under the jurisdiction of the New York Marine Inspection Office.

§ 3.15–15 Albany Marine Inspection Zone.

• • • • • •

(b) The Albany Marine Inspection Zone boundary starts at the junction of the Massachusetts, Connecticut, and New York State lines; thence in a southerly direction along the New York-Connecticut State line to 41°34′ N. latitude; thence due west to the east bank of the Delaware River (Tusten, N.Y.); thence in a northwesterly direction along the east bank of the Delaware River to 42° N. latitude; thence due east to 74°40′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundary of Orleans, Franklin, Chittenden, Addison, and Rutland County lines to the Vermont-New York State line; thence south along the Vermont-New York State line to the junction of the Massachusetts, Connecticut, and New York State lines.

§ 3.15–25 Philadelphia Marine Inspection Zone.

• • • • • •

(b) The Philadelphia Marine Inspection Zone boundary starts at 40°03′ N. latitude on the New Jersey coast; thence westerly following the midchannel line of the Metedeconk River to Laurelton, N.J.; thence in a northwesterly direction to Washington Crossing, N.J.; thence north following the course of and including all the waters of the Delaware River until it meets the New York State line; thence west along the New York-Pennsylvania State line to 79° W. longitude; thence due south to the Pennsylvania-Maryland State line; thence east to the junction of the Maryland-Delaware State line; thence south and east along the Maryland-Delaware State line to the sea including Fenwick Island Light but not including that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal.

§ 3.15–65 Philadelphia Captain of the Port.

(a) The Philadelphia Captain of the Port Office is located in Gloucester, N.J.

• • • • • •

Subpart 3.25—Fifth Coast Guard District

9. Section 3.25–1(b) is revised to read as follows:

§ 3.25–1 Fifth District.

• • • • • •

(b) The Fifth Coast Guard District shall comprise Maryland, Virginia, District of Columbia, North Carolina, and that portion of Delaware containing the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary to the southernmost point in the Third Coast Guard District (35°-18′ N., 68°52′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Fifth and Seventh Coast Guard Districts which is defined as a line extending 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary; thence along this line to the coast.

10. Section 3.25–60 is revised to read as follows:

§ 3.25–60 Hampton Roads Area Captain of the Port.

(a) The Hampton Roads Area Captain of the Port Office is in Norfolk, Va.

(b) The Hampton Roads Area Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from Cape Charles Light in a south-southwesterly direction to a point located at 36°45′00″ N., 76°00′00″ W., thence west to 76°49′00″ W., thence north to 37°15′-00″ N., thence in an easterly direction to Cape Charles Light.

Subpart 3.35—Seventh Coast Guard District

11. Sections 3.35–1(b), 3.35–35(b), and 3.35–85(b) are revised to read as follows:

§ 3.35–1 Seventh District.

• • • • • •

(b) The Seventh Coast Guard District shall comprise South Carolina, Florida, and Georgia, except that part of Florida and Georgia west of a line from the intersection of the Florida coast with longitude 83°50′ W. due north to a position 30°15′ N., 83°50′ W., thence due west to a position 30°15′ N., 84°45′ W., thence due north to the intersection with the south shore of Jim Woodruff Reservoir, thence along the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Ga., thence to West Point, Ga.; the Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and the Virgin Islands; all of the U.S. naval reservations in the islands of the West Indies and on the north coast of South America; and the ocean areas encompassed by a line bearing 122° T. from the coastal end of the Fifth and Seventh Coast Guard District land boundary to the intersection with the eastern boundary of the National Maritime Search and Rescue Region; thence along the eastern and southern boundary of the National Maritime Search and Rescue Region to the intersection with the off-shore boundary between the Seventh and Eighth Coast Guard Districts which is defined as a line extending 199° T. from the coastal end of the Seventh and Eighth Coast Guard District land boundary; thence along this line to the coast.

§ 3.35–35 Tampa Marine Inspection Zone.

• • • • • •

(b) The Tampa Marine Inspection Zone comprises the land masses and inland and territorial waters of the State of Florida, as well as artificial islands in the Gulf of Mexico which are south of the Florida-Georgia State line; the area east of a line from the intersection of the Florida coast with longitude 83°50′ W. due north to a position 30°15′ N., 83°-50′ W., thence due west to a position 30°-15′ N., 84°45′ W., thence due north to the southern boundary of Georgia; and the area west of a line drawn from the Florida-Georgia State line at 83° W. longitude and running 155° T. to a point at 28° N., 81°30′ W. and thence due south to the Gulf of Mexico.

§ 3.35–85 Tampa Captain of the Port.

• • • • • •

(b) The Tampa Captain of the Port area comprises all navigable waters of the United States and contiguous land area within the following boundaries: A line drawn 224° T. from point 25°53′ N., 81°16′ W. to point 25°48′ N., 81°21′ W.; thence 245° T. to point 25°41′ N., 81°39′ W.; thence 335° T. to point 26°20′ N., 82°-W.; thence 306° T. to point 26°30′ N., 82°-15′ W.; thence 335° T. to point 27° N., 82°30′ W.; thence 323° T. to point 27°30′ N., 82°55′ W.; thence west to meridian 83°05′ W.; thence north to parallel 27°-45′ N.; thence east to meridian 82°55′ W.; thence north to parallel 28° N.; thence 009° T. to point 28°30′ N., 82°50′ W.; thence 335° T. to point 29° N., 83°05′ W.; thence 324° T. to point 29°30′ N., 83°-30′ W.; thence 307° T. to point 29°46.6′ N., 83°55′ W.; thence 019° T. to meridian 83°50′ W.; thence north to parallel 30°-03′ N.; thence 128° T. to point 29° N. 82°-30′ W.; thence south to parallel 28°-03′ N.; thence east to meridian 82°20′ W.; thence south to parallel 27°05′ N.; thence east to meridian 82° W.; thence 148° T. to point 26°45′ N., 81°46′ W.; thence 168° T. to point 26° N., 81°36′ W.; thence 111° T. to origin.

Subpart 3.40—Eighth Coast Guard District

12. Sections 3.40–1(b), 3.40–30(b), 3.40–60(b), 3.40–65(b), and 3.40–70(b) are revised to read as follows:

§ 3.40–1 Eighth District.

• • • • • •

(b) The Eighth Coast Guard District shall comprise: New Mexico, Texas, and Louisiana; that part of Mississippi south of the southern boundaries of the counties of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, and Monroe; that part of Alabama south of latitude 34° N.; and that part of Florida and Georgia west of a line from the intersection of the Florida coast with longitude 83°50′ W. due north to a position 30°15′ N., 83°50′ W.; thence due west to

a position 30°15′ N., 84°45′ W.; thence due north to the intersection with the south shore of Jim Woodruff Reservoir; thence along the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Georgia; thence to West Point, Georgia; the Gulf of Mexico area west of a line bearing 199° T. from the coastal end of the Seventh and Eighth Coast Guard District land boundary.

§ 3.40–30 Mobile Marine Inspection Zone.

• • • • •

(b) The Mobile Marine Inspection Zone comprises those portions of the land masses, inland and territorial waters of the States of Mississippi, Alabama, Florida, and Georgia, as well as the artificial islands in the Gulf of Mexico, south of 34° N. latitude across the entire State of Alabama, south of the southern boundary of the counties of Monroe and Chickasaw in Mississippi; east of a line drawn from the southern boundary of Chickasaw County at 88°51′ W. longitude on a bearing of 184.5° T. to and across the Mississippi Sound touching the western tip of Cat Island and thence running 155° T. into the Gulf of Mexico; and west of a line starting at 34° N. latitude and drawn south along the Alabama-Georgia State line to West Point, Ga.; thence to Montezuma, Georgia, downstream along the east bank of the Flint River, the east bank of the Jim Woodruff Reservoir to the intersection of the south shore of the Jim Woodruff Reservoir with longitude 84°45′ W.; thence due south to latitude 30°15′ N.; thence due east to a point at latitude 30°15′ N., longitude 83°50′ W.; thence due south along longitude 83°50′ W. to the intersection of the Florida Coast; thence 199° T. into the Gulf of Mexico.

§ 3.40–60 Galveston Captain of the Port.

• • • • •

(b) The Galveston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 94°15′ W. longitude; on the south a line extended from a point located at 29°20′ N. latitude, 94°15′ W. longitude, to a point located at 28°30′ N. latitude, 95°50′ W. longitude; on the west a line extended from a point located at 28°30′ N. latitude, 95°50′ W. longitude northwesterly to the mouth of the Colorado River; thence north-northwesterly along the Colorado River to the 29°35′ N. latitude; on the north the 29°35′ N. latitude; on the north the 29°35′ N. latitude to the 94°55′ W. longitude; thence north to the 30° N. latitude; thence east to the 94°15′ W. longitude.

§ 3.40–65 Houston Captain of the Port.

• • • • •

(b) The Houston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: On the east the 94°55′ W. longitude; on the south the 29°35′ N. latitude; on the west the Colorado River; and on the north the 30° latitude

§ 3.40–70 Mobile Captain of the Port.

• • • • •

(b) The Mobile Captain of the Port area comprises all navigable waters and contiguous land areas within the following boundaries: Beginning at a point 31° N. 88°10′ W.; thence due east along latitude 31° N. to the east bank of the Flint River; thence downstream along the east bank of the Flint River and the east bank of the Jim Woodruff Reservoir to the intersection of the south shore of the Jim Woodruff Reservoir with longitude 84°45′ W.; thence due south along longitude 84°45′ W. to a point 30°15′ N., 84°45′ W.; thence due east along latitude 30°15′ N. to a point 30°15′ N., 83°50′ W.; thence due south along longitude 83°50′ W. to the Florida Coast; thence 199° T. to a point 29°20′ N., 84°05′ W.; thence due west along latitude 29°20′ N. to a point 29°20′ N., 88°10′ W.; thence due north along longitude 88°10′ W. to the point of origin.

Subpart 3.70—Fourteenth Coast Guard District

13. Section 3.70–1(b) is revised to read as follows:

§ 3.70–1 Fourteenth District.

• • • • •

(b) The Fourteenth Coast Guard District shall comprise the State of Hawaii; and the Pacific Islands belonging to the United States south of latitude 40° N., and west of a line running from 40° N., 150° W. through latitude 5° S., 110° W.; the ocean area west and south of a line running from position 51° N., 158° E. to position 43° N., 165° E.; thence due south to latitude 40° N.; thence due east to longitude 150° W.; thence southeasterly through latitude 5° S., longitude 110° W.

Subpart 3.85—Seventeenth Coast Guard District

14. Sections 3.85–1(b), 3.85–55(b), 3.85–60(b), and 3.85–65(b) are revised to read as follows:

§ 3.85–1 Seventeenth District.

• • • • •

(b) The Seventeenth Coast Guard District shall comprise the State of Alaska; the ocean area bounded by a line from the Canadian Coast at latitude 54°40′ N. due west to longitude 140° W.; thence southwesterly to position 40° N., 150° W.; thence due west to position 40° N., 165° E.; thence due north to latitude 43° N.; thence northwesterly to 51° N., 158° E.; thence north and east along the coastline of the continent of Asia to East Cape; thence north to the Arctic Ocean.

§ 3.85–55 Anchorage Captain of the Port.

• • • • •

(b) The Anchorage Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas bounded by a line between Cape Douglas and Cape Suckling northward to 62°46′ N. latitude and on the east and west by 143°55′ W. longitude and 154°30′ W. longitude, respectively, but not including Barren Islands, Cugach Islands, Kazak Island, or Wingham Island.

§ 3.85–60 Juneau Captain of the Port.

• • • • •

(b) The Juneau Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas in Southeast Alaska north of a line drawn from Cape Decision Light, 56°00.1′ N. latitude, 134°08.1′ W. longitude, to the mouth of the Stikine River, 56°40.0′ N. latitude, 132°20.0′ W. longitude, including Mitkof Island, but not including Prince of Wales Island, Zarembo Island, Farm Island, or the Stikine River. Thence along the United States-Canadian border on the east to 59°35′ N. latitude, thence along the shorelines of the inside waters to Cape Spencer, and then continuing coastal from Cape Spencer to Cape Decision Light.

§ 3.85–65 Ketchikan Captain of the Port.

• • • • •

(b) The Ketchikan Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas in Southeast Alaska from the southern Alaska United States-Canadian border north to a line drawn from Cape Decision Light, 56°00.1′ N. latitude, 134°08.1′ W. longitude, to the mouth of the Stikine River, 56°40.0′ N. latitude, 132°20.0′ W. longitude, and including all of Prince of Wales Island, Zarembo Island, Farm Island, and the Stikine River, but not including Mitkof Island.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1–20–71).

Dated: January 15, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71–791 Filed 1–19–71;8:49 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 251—INTERRELATIONS OF MEDICAL ASSISTANCE PROGRAMS WITH OTHER PROGRAMS OR AGENCIES

Notice of proposed regulations was published in the FEDERAL REGISTER of June 4, 1970 (35 F.R. 8664) pertaining to the interrelations between the State agency administering the program under title XIX of the Social Security Act and the State health agency, State vocational rehabilitation agencies, and title V grantees. After consideration of views presented by interested persons, the regulations as published are hereby adopted with the following change: § 251.10(a)(2)(ii) has been changed to clarify the joint responsibility of title V grantees and title XIX agencies for working out agreements related to reimbursement of title V grantees for care provided to title XIX recipients.

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 251 as set forth below:

§ 251.10 Interrelations with State health and State vocational rehabilitation agencies, and with title V grantees.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide for and describe cooperative arrangements with the State health and State vocational rehabilitation agencies (including agencies which administer or supervise health or vocational rehabilitation services) which are directed toward maximum utilization of such services by the title XIX agency in the provision of medical assistance.

(2) Provide for cooperative arrangements with title V grantees for provision of services to recipients of medical assistance which shall:

(i) Provide that the title XIX agency will utilize title V grantees in furnishing the care and services which are available under title V plans or projects and are included in the State plan for medical assistance; and

(ii) Include, where requested by the title V grantee in accordance with the arrangements specified in subparagraph (3) of this paragraph, provision for reimbursement of the cost of care and services furnished by or through the title V grantee to an individual eligible therefor under the State plan for medical assistance. The cooperative arrangement, where such reimbursement is provided for, shall be in writing and the title XIX agency may pay the providers directly or may reimburse the title V grantee.

(3) Provide that the arrangements referred to in subparagraphs (1) and (2) (ii) of this paragraph will include a description, as appropriate, of:

(i) The mutual objectives and respective responsibilities of the parties to the agreement,

(ii) Arrangements for early identification of individuals under 21 years of age in need of medical or remedial care and services,

(iii) The services each offers and in what circumstances,

(iv) The cooperative and collaborative relationships at the State level,

(v) The kinds of services to be provided by local agencies,

(vi) Arrangements for reciprocal referrals,

(vii) Arrangements for payment or reimbursement,

(viii) Arrangements for exchange of reports of services provided to recipients of medical assistance under title XIX,

(ix) Methods to coordinate plans relating to the recipients of medical assistance,

(x) Plans for joint evaluation of policies that affect the cooperative work of the parties,

(xi) Arrangements for periodic review of the agreements and joint planning for changes in the agreements, and

(xii) Arrangements for continuous liaison and designation of staff responsible for liaison activities at State and local levels.

(b) *Definition.* As used in this section, the "title V grantee" is the agency, institution, or organization receiving Federal grants for any service program or project under title V of the Social Security Act, including those relating to Maternal and Child Health services, Crippled Children's services, Maternity and Infant Care projects, Children and Youth projects, and projects for Dental Health of children.

(c) *Federal financial participation.* Federal financial participation will be available in expenditures, for medical or remedial care and services to individuals eligible therefor under the State plan for medical assistance, made in accordance with the agreements between the title XIX agency and the title V grantees, pursuant to this section.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall become effective 75 days following the date of publication in the FEDERAL REGISTER.

Dated: December 17, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: January 13, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–756 Filed 1–19–71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19071; FCC 71–36]

PART 42—PRESERVATION OF RECORDS OF COMMUNICATION COMMON CARRIERS

Reproduction of Records for Retention Purposes

Report and order. In the matter of amendment of Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules to permit the reproduction of records for retention purposes by any media and to make other minor changes, RM–1652.

1. The Commission adopted a notice of proposed rule making in the above entitled matter on October 28, 1970, which was published in the FEDERAL REGISTER on November 6, 1970 (35 F.R. 17119).

2. The notice presented for comment, on or before November 30, 1970 and for reply comment on or before December 14, 1970, a proposal of the American Telephone and Telegraph Co. (A.T. & T.), made on behalf of itself and the Bell System companies, that the Commission amend its rules with respect to preservation of records to permit the reproduction and retention of records in lieu of original records for the required retention periods on media other than microfilm. Certain other minor revisions to Part 42 were also proposed. Comments were specifically invited with respect to the advantages and disadvantages of allowing the carriers complete freedom in determining the media to be used where records are reproduced for retention purposes and to the relaxation of the requirements for certification as to the authenticity of the reproduced records.

3. Timely comments were received from A.T. & T., United States Independent Telephone Association (USITA), on behalf of its members, and Western Union Telegraph Co. (Western Union).[1] A.T. & T. comments consisted primarily of a resubmission of a copy of its petition for rule making dated July 10, 1970. USITA supported the proposed amendments and urged their prompt adoption by the Commission. Western Union also favored adoption of the proposal. No comments or briefs in reply to the original comments were received.

4. We received no comments of substance in response to our specific invitation to comment on the advantages and disadvantages of allowing the carriers complete freedom in determining the media to be used where records are reproduced for retention purposes. A.T.& T. pointed out that it does not believe that the proposed rules allow the carriers "complete freedom" in this area. It notes that the proposed rules provide that carriers must use a "generally acceptable media" of certified accuracy to produce readily retrievable and reproducible records. Accordingly, A.T. & T. contends, and correctly, that the carriers may use only those media which assure that the Commission's record retention requirements will be met. It further points out that carriers themselves have a proprietary interest in maintaining their records in useful form for substantial periods of time. With respect to the proposed provision pertaining to relaxation of the requirements for certification as to the authenticity of the reproduced records, A.T. & T. comments that it would be impossible to include an executed certificate in a continuous roll film produced by a computer from data stored in electronic devices. It suggests that a certificate could be microfilmed and spliced into a roll film or added as a frame to a microfiche or other microform. However, A.T. & T. points out that when records are stored in other media such as magnetic tape, video tape, etc.,

[1] An "unofficial" comment, original copy only, from Robert P. Bigelow of Hennessy, McCluskey, Earle & Kilburn, Attorneys at Law, which would not alter the provisions of this order, was received by the Chief, Common Carrier Bureau after the due date for filing comments.

the carrier would include the executed certificate in the container with the stored media or attach it to the outside of the case. This procedure appears satisfactory.

5. USITA states that it supports the proposed amendments and urges their prompt adoption. However, in responding to our specific request for comments on the relaxation of the requirements as they relate to certification of the authenticity of reproduced records, USITA recommends that the certification requirements be eliminated as they are unnecessary from a legal standpoint. We are not persuaded that it would be desirable to eliminate entirely the certification requirements. Therefore, the recommendation of USITA is not adopted.

6. Western Union states that the proposed rule changes will be beneficial to it in administering its records retention and retrieval program. In addition, Western Union points out that it feels the present rules would prevent the use of computer output microfilming of records for retention purposes.

7. *Accordingly, it is ordered,* That under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules is amended as set forth below effective February 22, 1971, and:

8. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 202, 48 Stat., as amended, 1066, 1070; 47 U.S.C. 154, 202)

Adopted: January 13, 1971.

Released: January 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 42, Preservation of Records of Communication Common Carriers, is amended as follows:

1. Section 42.1(b) is amended to read as follows:

§ 42.1 Scope of the regulations in this part.

• • • • •

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the Commission's Uniform Systems of Accounts, except as provided hereinafter.

• • • • •

2. Section 42.5, including the headnote, is amended to read as follows:

§ 42.5 Preparation and preservation of reproductions of original records.

(a) Records may be reproduced at any time in any generally acceptable media for storage and the reproductions retained in lieu of the original records, provided the procedures prescribed in paragraphs (b) through (f) of this section are followed.

(b) Records produced on media other than paperstock shall be arranged in an orderly sequence in a manner similar to accepted formats for records printed on paperstock. Each record series shall include a certificate or certificates stating that records therein are reproductions of the original records and that they have been made in accordance with prescribed procedures. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(c) When existing records are to be reproduced, the records shall be so prepared, arranged, classified and identified as readily to permit the subsequent location, examination and processing of the reproductions thereof. Any significant characteristic, feature or other attribute of the original records which the reproduction process would not clearly reflect (e.g., that the record is a copy or that certain figures thereon are red) shall be clearly indicated on the records before being reproduced. When a number of the records to be reproduced have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of each record series instead of on each individual record.

(d) The date prepared and any additional information necessary to afford a complete understanding of the contents of the reproduced material shall be provided at the beginning of each record series.

(e) The photographing or processing procedures used shall be such that reproductions on paperstock can be made, without significant loss of clarity or detail, during the period prescribed in this part for the retention of the records concerned. Sample tests shall be made to determine that satisfactory reproductions on paperstock can be made from such reproductions before the original records are destroyed. The carrier shall be prepared to furnish at its own expense appropriate standard facilities for both reading and copying the reproductions. If the Commission so requests, the carrier shall furnish printed reproductions of records stored on any storage media.

(f) All reproductions prepared for retention purposes shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The reproductions shall be cared for in such manner as to prevent cracking, breaking, splitting, etc.

3. Items 44–h, 73–g–(1), (2), and (3), and 75–a and b of § 42.9 are amended to read as follows:

§ 42.9 List of records.

• • • • •

Item No.	Description of records	Period to be retained
• • •	• • •	• • •
44	Service orders (including contract, line or other orders used to establish, change or discontinue service to customers) and plant assignment, repair service, trouble, inspection and testing records, including data which are stored in electronic data storage devices associated with computers:	
• • •	• • •	• • •
	h. Tickets, logsheets, subscriber line cards, toll circuit trouble records or other forms or electronic storage devices used to record individual trouble reports and conditions found:	
	(1) Historical records, such as subscriber line cards and toll circuit trouble history records.	Optional after record is superseded or is retired from active file.
	(2) Other records.	Optional.
• • •	• • •	• • •
73	Tickets and other detailed message records of telephone carriers:	
• • •	• • •	• • •
	g. Automatic message accounting tapes, tabulating cards and similar records:	
	(1) Central office tapes or other automatically produced basic detailed records of message handled.	Optional after data have been transferred to the accounting-office media used in processing data.
	(2) Accounting office tapes, tabulating cards or similar media used in sorting and assembling data from central office tapes or other basic message records and in computing, printing or otherwise producing printed tickets, statements or other written detailed message records (see items 73–a, 73–b, and 73–c) used for billing and accounting.	Optional after data have been transferred to the media used as a basis for billing and accounting.
	(3) Tapes, tabulating cards or similar media used only for operating or administrative purposes, not as a basis for billing or accounting.	Optional.
• • •	• • •	• • •
75	Customers' deposits with telephone carriers:	
	a. Copy of contracts or agreements covering customers' deposits.	As provided for Item 70–a(6).
	b. Memorandum stubs, receipts or other records used to report customers' deposits.	As provided for Item 77–a.
• • •	• • •	• • •

[FR Doc.71-793 Filed 1-19-71;8:49 am]

[Docket No. 16222; FCC 71-39]

PART 73—RADIO BROADCAST SERVICES

Standard Method for Calculating Radiation

Report and order. In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the standard broadcast service.

1. Having fully considered the comments filed in response to a notice of proposed rule making issued in this proceeding in October 1965, the Commission, on November 19, 1969, adopted a further notice, which embodied a proposed disposition of this matter substantially at variance with that set forth in the original notice. New comments were requested on or before February 9, 1970, and reply comments on or before March 13, 1970. Those dates were subsequently extended to April 9, 1970, and May 13. 1970.

2. In the further notice, the Commission proposed that for determinations of service provided and interference caused by a station utilizing a directional antenna, the basic radiation pattern employed be one in which the radiated fields, theoretically determined with a loss resistance of not less than 1 ohm assumed at the current loop of each array element, would be enlarged by two factors; one of which, a value equal to 3 percent of the root sum square of the fields of the individual elements, or 6 millivolts per meter, whichever was the greater value, multiplied by the vertical field distribution factor $f(\theta)$ for the shortest element in the array, would be added in quadrature to the theoretically determined radiation, and the other, equal to 5 percent of theoretically determined field in each direction, multiplied by $f(\theta)$, as defined above, would be added linearly to the field in that direction. It would require that the RMS of the pattern meet the requirements of § 73.189(b)(2) of the rules, and specific justification by the pattern designer, if a loss resistance greater than 1 ohm were utilized in the computation.

3. Measured fields could not exceed those indicated by the radiation pattern computed as described above. If this nevertheless occurred, these alternative procedures were to be followed, as appropriate:

(1) If a measured field in excess of that depicted on the pattern results in interference to any other station, the input power to the antenna must be reduced, to limit the measured field to the level depicted on the pattern, or

(2) If the excess radiation does not result in objectionable interference, a modified pattern must be submitted encompassing all measured fields, which will replace the original pattern for all service and interference determinations.

4. The Commission indicated its intention of adopting a procedure proposed by the Association of Federal Communications Consulting Engineers (AFCCE) and outlined in Appendix B to the further notice, to be employed by applicants where it is desirable or necessary to expand the basic pattern in particular directions.

5. In its comments, AFCCE had proposed when a proof of performance is made of a directional array, that the final result be submitted to the Commission only as a tabulation of measured values. A measured pattern would not be required. It suggested this procedure so that there would be, for each station employing a directional antenna, only a single radiation pattern available for each mode of directional operation, and confusion would be avoided as to the pattern to be employed in studies involving that station. The Commission did not adopt this proposal, noting that its implementation would leave the Commission without a readily available means for determining whether each station, in actual operation, is providing the minimum required service (there may be cases in which the measured fields fall seriously below the fields depicted on the proposed pattern). Further comments were requested on this aspect of the matter.

6. While the further notice proposed that a modified pattern for an existing station be prepared in general accordance with the procedures specified for new stations, it discussed the circumstances under which departures from this procedure might be desirable or necessary.

7. With respect to proposals that we, in effect, establish two patterns, one to which the operating fields would be adjusted, and a second, somewhat larger pattern for service and interference determinations—in this way providing for inevitable fluctuations of measured fields, especially in pattern minimums, about the adjustment values, we emphasized that we expected patterns would be designed providing a reasonable tolerance, in each protected direction, between the computed field and the maximum permitted field in that direction, to provide for day-to-day operating variations. Where these tolerances were unduly small, we would require a special showing of means by which the radiated fields would be maintained close to their computed values.

8. Finally, we indicated the conditions pursuant to which we might contemplate a waiver of the proposed rules to permit the employment of radiation patterns depicting radiated fields lower than 3 percent of the RSS of the array fields.

9. We have received timely comments in this proceeding from the following parties:

Columbia Broadcasting System, Inc. (CBS).
Robert A. Jones, Consulting Engineer (Jones).
Association of Federal Communications Consulting Engineers (AFCCE).
A. D. Ring and Associates (Ring).
Clear Channel Broadcasting Service (CCBS).
Association on Broadcasting Standards, Inc. (ABS).
A. Earl Cullum and Associates (Cullum).
WCAR, Inc. (WCAR).

The majority of those commenting agree generally with the proposals set forth in the further notice, but modifications or additions are suggested by several of the parties. A number of the matters raised can be disposed of rather simply, and we will address ourselves to these initially.

10. First, we note that AFCCE suggested the need for a better definition of terms. "For example, the distinction between the theoretical and computed pattern should be clearly defined." We have heretofore used the term "computed pattern" to describe the radiation envelope obtained by adding to the theoretical pattern linear and orthogonal components of specified size. However, the theoretical pattern is obviously a "computed" pattern, and we recognize that the continued use of the term to identify the enlarged pattern may lead to misunderstandings. Accordingly, we have decided to use the terms "standard pattern" or "standard radiation pattern" interchangeably to identify the enlarged pattern. These terms are defined in the appended rules, will be used henceforth in our discussion of this matter, and will be substituted for "computed pattern" when we summarize comments.

11. In setting the size of the orthogonal component as 3 percent of the RSS of the fields of the array, we, in effect, accepted the radiation "floor" of 3.5 percent of the theoretical pattern RMS proposed by AFCCE and somewhat arbitrarily set the RSS component at a lower figure in recognition of the fact that, in the majority of arrays, the RSS exceeds the RMS value. While ABS and CCBS [1] accept the 3 percent figure, AFCCE and Cullum both suggest that the differential may be more precisely determined—that the median ratio of RSS to RMS for a large number of existing arrays which they have studied is 1.4. Accordingly, an appropriate value for the orthogonal component is 3.5/1.4, or 2.5 percent of the array RSS. Jones opposes the setting of any minimum radiation level based on the array RSS.

12. Jones is alone in his position on this point. We will accept the modification offered by AFCCE and Cullum and establish the size of the orthogonal component as 2.5 percent of the array RSS.[2]

13. Several parties point out that we have proposed an absolute floor on pattern radiation of 6 mv/m, without regard to station power; while this is a satisfactory value for 1 kilowatt, it may be inadequate for stations of higher power. Ring notes that for array designs having RSS/RMS ratios appreciably less than 1 and powers in excess of 1 kilowatt, a minimum of only 2.5 percent of the RSS of the array may represent a value, which, in practice, is too low to be achieved and maintained. For such cases,

[1] But for the limited purpose of establishing the radiation pattern by conventional methods. See discussion of CCBS, pp. 10–11.

[2] While it may be obvious, we think it well to emphasize that the RSS value to be employed in the determination of the size of the orthogonal component is from the element field amplitudes which produce the theoretical pattern.

a higher floor should be provided. It suggests, as do others, that the 6 mv/m value be multiplied by the square root of the station power expressed in kilowatts, that is, the orthogonal component be 2.5 percent of the array RSS or 6 $\sqrt{Pkw}$, which is higher (either, of course, multiplied by f(θ) for the shortest tower in the array). Adoption of this standard would mean the setting of a radiation floor as low as 3 mv/m for stations with power of 250 watts, whereas, under the Commission's proposal, the lowest permissible radiation from a station of this power would be 6 mv/m. While we are persuaded of the general desirability of relating the radiation floor to power level, our examination of numerous proofs of performance has convinced us that inverse fields from a directional antenna appreciably below 6 mv/m are extremely difficult to establish accurately, and to maintain by monitoring observations. Accordingly, the rules which we adopt set a 6 mv/m minimum for powers of 1 kilowatt and less, with this figure multiplied by the square root of the power in kilowatts for higher power levels.

14. There is rather general agreement that, in the design of the theoretical pattern, a minimum loss resistance of 1 ohm should be assumed at the current loop of each array element with the option of employing a higher loss resistance, if such use is supported by an adequate technical justification. Jones renews his arguments, advanced in the original proceeding, that in some arrays effective losses would be overstated with the 1 ohm allowance, and measured patterns may exceed the standard patterns in size in such instances. While there is some justification for assuming a smaller loss resistance for short towers (less than 90° in electrical height), we see little need, even in such cases, for assuming a loss resistance of less than 1 ohm. We are providing, in the standard pattern, a 5-percent increase over the theoretical pattern size, and are specifying that the loss resistance be assumed at the base of towers less than 90° in electrical height (in such towers the effect of the loss resistance will be less than if added at the current loop). With these provisions, it appears unlikely that the effect Jones sees will occur.

15. We are adopting the AFCCE procedure, set forth in Appendix B to the further notice, for augmentation of the standard pattern. This procedure would normally be applied in the development of a modified standard pattern, which will encompass measured fields where these fields exceed the levels depicted on the original standard pattern in one or more specific directions. However, it may also be appropriate for application to the original pattern, where, for instance, it is desired to provide additional fill for one of two symmetrical nulls.

16. Ring argues that there is little justification from an engineering standpoint, and no useful purpose will be served by the addition of a "patch" to the radiation pattern where the measured field exceeds the pattern in a direction where there is no protection requirement, and such an uncorrectable excess should be ignored in the allocation process.

17. This argument appears to overlook the fact that the standard pattern established for each station defines, at the same time, not only the limits within which the station must operate, but also the rights of the station to radiate specific fields in specific directions. While interference considerations may place no limit on the inverse field produced by a station in a particular direction at the time the station is authorized, the value of this field may become critical if a new station is subsequently assigned to the channel in that direction from the existing station. The new station enjoys protection from the existing station based on the radiation shown on the existing station's pattern. If we followed the procedure advocated by Ring, the existing station may have been allowed to radiate more in that direction than the standard pattern depicts. While the excess radiation, from an engineering standpoint, may not have significant practical impact, it is quite clear that, should the existing station ever have occasion to make a new proof of performance, it would be required to lower its inverse field toward the new station to the standard pattern value. Since the excess field was originally permitted only because it could not feasibly be separately reduced, the only recourse to the existing station at that point might be to reduce the input power to its antenna, with a consequent overall reduction in pattern size. Had the existing station been permitted to modify its standard pattern to include the excess radiation at the time it was first discovered, the latter restriction might have been avoided.

18. Thus, while we concede the validity of Ring's technical criticism, we find that from practical and legal standpoints we must apply techniques to insure that the standard pattern includes all measured fields. (If measured fields systematically exceed pattern fields, a modified standard pattern somewhat larger than the original may be employed, if interference considerations permit; otherwise, input power to the antenna must be reduced to restrict critical measured fields to the pattern values. However, where excess fields are measured only in limited pattern sectors, the application of the AFCCE "patch" would appear to be the most feasible solution of the problem.)

19. AFCCE is the only party who responded to our request for comments on its proposal that the end result of a proof of performance of a directional antenna be submitted to the Commission in the form of a tabulation of measured fields vs. azimuths—no graphical representation of the pattern would be supplied. The principal advantage to be derived from this procedure would be that possible confusion as to the radiation pattern which should be employed would be avoided, since each station's file would contain only its standard pattern.

20. Our concern with the employment of this procedure was expressed in connection with the question of whether there should be a limit placed on the minimum size of the measured pattern, envisaging a situation where the measured patterns might be so small that the actual coverage of a station falls seriously short of that predicted.

21. In the rule amendments outlined in the further notice, we proposed to require that the measured pattern have an RMS value at least as great as that specified in § 73.189 of the rules for the class of station proposed. Cullum suggests that we stipulate that the measured RMS value equal or exceed the requirements of § 73.189, or be at least 90 percent of the RMS of the standard pattern.

22. AFCCE urges that "it is unlikely under the stricter requirements instituted in recent years on proofs of performance that one would encounter abnormally distorted patterns affecting RMS and coverage. As the FCC itself points out, most distortions of the nature that greatly affect the RMS are more due to 'faulty analysis and measurement procedure'. In any event, if the Commission desires to ascertain the coverage actually achieved by a station, it can be determined from the measured data."

23. As AFCCE states, the measured RMS value and the coverage produced by the measured fields can be determined from the measurement data.[4] The question is largely one of convenience. The availability of a measured pattern makes it easy to determine whether a serious departure from the standard pattern has occurred. We agree that under present procedures (and with the accumulated experience of engineers designing directional antennas) major discrepancies do not often occur. In recent years, such differences have usually resulted from the inadequate assessment and control of the losses occurring in antenna designs having high RSS/RMS ratios.

24. Because major discrepancies occasionally do occur, we cannot subscribe to AFCCE's position that we may safely assume that each measured pattern will be of adequate size. Therefore, while we will no longer require that a measured pattern be furnished in connection with a proof of performance, we will expect that a statement of the RMS value of such a pattern be included in the submission.

25. As to the minimum acceptable level for the measured RMS, we realize that for many arrays the predicted RMS field substantially exceeds that required by § 73.189, and an operating array which meets only this requirement may produce coverage which falls short of that predicted by a significant degree. Therefore, we are inclined to adopt Cullum's proposal. However, we believe that the alternative lower limit he proposes—90 percent of the RMS of the standard pattern—is somewhat too restrictive. In effect, Cullum would require that the RMS value of the measured pattern be at least 94.5 percent of the theoretical pattern RMS, which usually will be based on a 1 ohm element loss. In most cases, this theoretical value probably will not be exceeded by the measured value. On the other hand, we expect negative departures to be more frequent, and we believe that the floor Cullum proposes may be somewhat too high. Consequently, we will require that the RMS value of the measured pattern be at least 85 percent of the standard pattern RMS, or meet the minimum specified in § 73.189 for the class of station involved, whichever is the higher value.

[4] In fact, § 73.151(a)(5) requires that the 25 and 5 mv/m contours be plotted from the measured data, and AFCCE has not proposed that this requirement be eliminated.

26. ABS notes that we have said that we will permit measured radiation to be initially adjusted up to the limits depicted by the standard pattern, but will question the feasibility of a directional proposal where a reasonable tolerance is not provided between the standard pattern field in a particular direction and the maximum permissible field in that direction. ABS suggests that this tolerance should be sufficient to provide for increases in radiation resulting from day-to-day variations in the relative amplitudes and phases of currents in the array elements, and urges the Commission provide a standard in its rules for the establishment of an acceptable tolerance.

27. It states that Cullum had demonstrated in the earlier proceeding that such a time variant effect can be described in statistical terms, and offers the following criterion, presumably for inclusion in our rules.

> The computed directional pattern will be so designed as to provide that radiation of the array will not exceed the maximum permissible levels for protection purposes for more than 50 percent of the time.

28. We have examined this proposal, and conclude that it neither offers an adequate basis for the protection of other stations (as we read it it would seem to condone radiated fields in excess of the levels required for the protection of other stations, as long as they do not occur more than 50 percent of the time—this seems to negate the concept of a tolerance, which ABS believes is necessary), nor offers specific guidance in the formulation of standards.

29. We think a reasonable test, acceptable to the Commission, of whether a sufficient tolerance has been provided between the standard pattern inverse field in a particular direction and the maximum permissible inverse field in that direction is to add in quadrature to the pattern value a quantity which Cullum had suggested in the original proceeding for use in determining the effect of internal array variations, namely: [5]

$$E_{tl} = \frac{E_{rss} \times L}{1.64}$$

Where:

E_{tl} is the tolerance to be added in quadrature to the pattern value in a direction toward an existing station.

E_{rss} is the RSS value of the fields in the array.

L is the tolerance, expressed as a decimal, within which an applicant undertakes to maintain deviations in array parameters.

With the constant 1.64, E_{tl} is of a magnitude which will not be exceeded more than 10 percent of the time.

30. The test is applied separately for phase and amplitude variations, the value ascribed to L in each case representing an assessment of the accuracy with which the proposed monitoring facilities can detect variations in the particular parameter. Thus, if it is determined that the monitoring system is incapable of detecting current amplitude deviations smaller than 5 percent, 0.05 is used for L. Phase deviations are converted to decimal form for insertion in the above equation on the assumption that a 1 percent change in current ratio is equivalent to a 0.6 degree change in phase. If the monitoring system is considered capable of detecting phase changes of no smaller than ±3°, this is reflected as a value for L of 0.05.[6] Generally, if it appears that L must be smaller than 0.05 if the permissible tolerance toward a protected station is not to be exceeded, the Commission will require a showing of the means which will be employed to insure those phase and amplitude deviations smaller than 3° and 5 percent can be reliably observed. Also, since an array whose parameters must be held within tolerances much smaller than these may require fairly frequently adjustment, the showing must demonstrate that the facilities for making these adjustments are readily available to the operators on duty, and necessary corrections can readily be made.[7]

31. While we have specified in the rules no formal procedure under which uncorrected reradiation effects at a proposed antenna site would be evaluated and expressed by suitable allowances in the radiation pattern, we fully recognize the necessity for investigating and quantitizing conditions found at each site. However, it appears to us that the procedure suggested by Cullum for this purpose, or a similar one, can be applied more appropriately in determining whether a radiation pattern incorporating the degree of suppression required for the protection of other stations can feasibly be employed at a particular site. The inclusion of an orthogonal component computed as specified herein in the construction of the standard pattern assures only that the minimum fields depicted in the standard pattern will be no less than 2.5 percent of the array RSS. An analysis of reradiation conditions in the vicinity of a proposed site may indicate that difficulties will be experienced in adjusting an array to such minimums. Under these circumstances, an appropriate additional amount of null fill, obtained by adjustment of the theoretical parameters of the array, should be indicated on the standard pattern to provide for the effects of reradiation which are not susceptible to correction. However, if it appears that with the degree of null fill fround necessary for this purpose the required level of protection will not be afforded other stations, the site may well be considered unsuitable for the proposed directional operation.

32. It has been the contention of CCBS in its comments in response both to the original and to the further notice that stations utilizing directional antennas which offer protection for other distant stations by severely restricting the fields radiated toward these stations, in fact, by a substantial margin fail to afford the degree of protection predicted by conventional methods. CCBS urges the adoption of more sophisticated procedures for interference evaluation, which take into account specific propagation phenomena and other effects occurring at points too distant from the directional antenna to influence measurements made to establish the required radiation pattern.

33. Absent the means for such a specific mathematical evaluation, or distant measurements in the individual case, it suggests that stations employing directional anennas be considered incapable of delivering at distant points signals of less intensity than would be produced by a radiated field approximating 10 percent of the horizontal pattern RMS (or RSS) value.

34. Whatever is done generally, CCBS believes that more stringent protection standards should be applied on the clear channels, where the path distances between stations are generally greater than on other channels, and protection requirements are greater.

35. In justifying its proposal with respect to skywave protection, CCBS describes experimental studies tending to support its contention that ionospheric scattering and other effects defeat efforts to achieve protection of distant stations by utilizing directional radiation patterns in which the fields toward these stations are highly restricted.

36. With respect to groundwave radiation, CCBS advances the theory that reradiation sources too distant from a directional array to affect measurements made to prove its radiation pattern,

[5] Such a test would be applied only in detemining the acceptability of a standard pattern for a new station, or for an existing station proposing a major change. Alternatively, an applicant may submit a detailed stability study, in which the tolerable variations of current amplitude and phase, as determined for each element in the array, are related to the monitoring system proposed.

[6] The appropriate values for phase and current deviations should be no less than twice the repeatability of the monitoring system. This figure depends not only on the basic characteristics of the monitoring instruments, but on the stability of the sampling system when subjected to temperature changes, moisture, wind, and vibration.

[7] In such cases, the applicable tolerances will be specified in each station's license. The proceeding in Docket 18930 contemplates the possible relaxation of operator requirements to permit, under stated conditions, the routine operation of stations using directional antennas by holders of radio telephone third class licenses with broadcast endorsement. Stations whose licenses set forth specific tolerances for relative phase and amplitude variations would not be permitted to take advantage of such a relaxation, even if it were granted in other cases.

while individually perhaps not significant, are so numerous (i.e., the number of sources increases as the square of the distance from the antenna) that their cumulative effect is far from insignificant. CCBS cites, as an example, the multiple sources of reradiation one might expect to find in a city lying in the main lobe of a directional antenna some 10 miles from the antenna. Measurements made in a different direction to establish a pattern null would not be affected appreciably by such reradiation. However, it is contended that at some tens of miles from the antenna along the protected radial the distant reradiation sources deliver a signal which may substantially exceed that which the directional antenna radiates in that direction.

37. The effect, of course, occurs. The critical question is one of its magnitude. CCBS offers no experimental data in support of its contention that it is substantial—the argument seems to run that since the distant possible reradiation sources are numerous, their effect must be substantial. We believe something more is required if the CCBS presentation were to be given serious consideration.

38. Assuming, however, that all of CCBS' contentions are well founded, and we adopt its proposal, we will preclude virtually all new nighttime assignments in the United States (other than Class IV stations), and place a rather severe restriction on new daytime assignments. Moreover, the possibility that we might persuade neighboring countries with which we have broadcast treaties to adopt the more stringent protection standards is extremely remote, and the interference we now experience from stations in more distant countries (principally in Central and South America) and over which we have no effective control, will continue to increase. Under such circumstances, even though a full reconsideration of the allocation standards in light of our present knowledge of propagation phenomena and other effects might recommend a more stringent restriction be placed on the use of directional antennas, the unilateral adoption of such standards would be inequitable, and to a large degree, futile. Finally, it should be observed that even under the perhaps imperfect standards which we employ, the controls which are exercised assure domestic stations better protection from interference from other U.S. stations, both on the clear channels and other channels, than they can expect to receive from foreign stations, even those in countries with which we have broadcast treaties.

39. Responding to the urging of several parties, we indicated in the further notice the conditions under which we would be willing to accept an application proposing a directional pattern in which the orthogonal component is smaller than the minimum permitted by the amended rules. Cullum asks that provision be made for the acceptance of such patterns in the rules, with a specification of applicable conditions, arguing that otherwise acceptance must be predicated on a waiver of the engineering rules—an action which he believes the Commission only takes reluctantly, if past experience is any criterion. He further contends that the limits on radiation from new assignments are, in general, so restrictive that there will be many instances where it will be necessary to utilize pattern minimus lower than those contemplated by the general rule.

40. We have given these arguments full consideration, but have decided not to establish rules governing the acceptability of standard patterns incorporating radiation minimums lower than those which the general rule would require. If we adopted such rules, they would be considered by some as an open invitation to bypass the newly established radiation floor. This floor is low—much lower than we originally proposed, and lower than the minimums suggested by a number of the parties who commented on this matter. If it is to be achieved and maintained in actual operation, something more than normal attention must be given to all details of design, construction, and operation. While we reiterate our willingness to consider applications embodying directional proposals in which the minimum fields are lower than the rules require, we will consider such proposals only on an individual basis and will act favorably thereon only when the applicant can convince us, by a suitable showing, that the proposed operation is susceptible to practical achievement. We have previously outlined the nature of the showing required. With some modification, we here restate it:

(a) A showing that the proposed antenna site is suitable in all respects for the establishment of the proposed antenna system, and that scattering or residual reradiation from structures on or near this site will be of insufficient magnitude to preclude the adjustment of the measured fields within the standard pattern. (In an instance where the Commission finds that such a showing is insufficient to demonstrate that the site is fully satisfactory for the proposed operation, it may permit partial or temporary construction and operation, and require measurements as further evidence of site suitability.)

(b) A showing that the electrical and physical design of the array will be such as to insure stable operation.

(c) A description of the proposed current and phase monitoring system, including the electrical components and physical design details, with a specific evaluation of the ultimate accuracy of the system in detecting changes in current amplitude or phase relationships.

(d) A showing that departures in relative current amplitudes and phases smaller than those which the monitoring system is capable of accurately indicating will not result in positive radiation deviations of a magnitude which could result in objectionable interference to other stations.

(e) A showing that phase or current deviations will be easily subject to correction by operators normally manning the directional installation.

41. Perhaps we have not sufficiently emphasized previously that we will make every effort to persuade Canada and Mexico to adopt the standard pattern for new assignments. Lacking mutually acceptable standards in this area, we have, in some instances, found it necessary to accept station assignments in these countries using directional antennas which give treaty protection to U.S. stations with radiation patterns indicating levels of radiation which we consider impractically low. In any event, before radiation patterns for existing stations in this country can be converted to standard pattern format, an understanding obviously must be reached with neighboring countries, since each standard pattern will be larger than the presently accepted theoretical pattern, and in many instances paper increases in the level of interference to stations in these countries may occur.

42. The kind of understandings necessary can be reached under the provisions of existing agreements, and we see no major legal impediment to their accomplishment. Assuming the success of this endeavor, the employment of the same pattern for each station for determining interference to both domestic and foreign stations—an important objective of this proceeding—should become feasible.

43. In the further notice, we set forth general criteria affecting the preparation of standard patterns for existing stations. We have received useful comments from several of the parties with respect to this matter. ABS has been particularly concerned with the application of the new rules to local site changes.[8][9]

44. In the interest of expediting this matter, facilitating coordination with neighboring countries, and making possible earlier action in Docket 18651, amendment of Part 73 of the Commission's rules regarding AM station assignment standards and the relationship between the AM and FM broadcast services, we are adopting rules which apply only to new assignments and to major changes (as defined in § 1.571(a)(1)) in existing assignments. Minor changes will be accomplished pursuant to existing procedures. Specifically, where a modification of a directional radiation pattern is required in connection with a minor change the modified pattern need not be constructed to meet standard pattern specifications.[10] The new requirements will apply only to applications for construction permits for new stations and major changes in existing stations filed after the effective date of the rule amendments adopted herein. Applications presently on file and filed before this date will be examined and processed in accordance with the rules and procedures which have applied hitherto.

45. At such time as it appears feasible to undertake the conversion of existing patterns to standard format further action will be taken. If it appears that a procedure may be adopted for this purpose which will not affect the substantive rights of licensees, a public notice will be issued containing appropriate instructions. Otherwise a rule making proceeding may be necessary. In either case, we would expect to draw on the comments filed in the instant proceeding in formulating rules or procedures and would incorporate them by reference in any new formal proceeding. We do not share ABS's fears that the rules we are adopting today, which apply only to new assignments and major changes in existing stations, will substantially limit our freedom of decision in Docket 18651. In fact, as noted above, we are taking this step as a desirable prelude to further action in that proceeding.

46. *Accordingly, it is ordered,* Effective February 22, 1971, that Part 73 of the rules and regulations is amended as set forth below.

47. Authority for the adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

48. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 73.150 is revised to read as follows:

§ 73.150 Directional antenna systems.

(a) For each station employing a directional antenna, all determinations of service provided and interference caused shall be based on the inverse fields shown on the standard radiation pattern for that station. As applied to nighttime operation the term "standard radiation pattern" shall include the radiation pattern in the horizontal (ground) plane, and radiation patterns at angles above this plane, as required by paragraph (b)(1) of this section.

(b) The following data shall be submitted with an application for authority to install a directional antenna:

(1) The standard radiation pattern for the proposed antenna in the horizontal plane, and where pertinent, azimuthal radiation patterns for angles of elevation up to and including 60°, with a separate pattern for each increment of 5°.

(i) The standard radiation pattern shall be constructed in accordance with the following mathematical expression:

$$E(\phi,\theta)_{std} = 1.05\ [(E(\phi,\theta)_{rth} + Q^2]^{1/2}$$

where:

$E(\phi,\theta)_{std}$ represents the inverse fields at one mile which are deemed to be produced by the directional antenna in the horizontal and vertical planes.

$E(\phi,\theta)_{rth}$ represents the expression which determines the basic pattern shape and size. It shall be developed with a lumped loss resistance of not less than 1 ohm assumed to exist at the current loop of each element of the directional array, or at the base of any element of less than 90° in electrical height. An application proposing an antenna design incorporating a loss resistance greater than 1 ohm will be accepted only if it includes an adequate technical justification for the employment of the greater value.

Q is the greater of the following quantities:

$$0.025f(\theta)E_{rss} \text{ or } 6.0f(\theta)(P_{kw})^{1/2}$$

where:

$f(\theta)$ is the vertical field distribution factor for the shortest tower in the array (see § 73.190, Figure 5).

E_{rss} is the root sum square value of the amplitudes of the inverse fields of the elements of the array in the horizontal plane, as used in the expression for $(E(\phi,\theta)_{rth}$.

P_{kw} is the input power to the array, expressed in kilowatts, with $P_{kw}=1$, for input power of 1 kilowatt or less.

(ii) Where the orthogonal addition of the factor Q to $E(\phi,\theta)_{rth}$ results in a standard pattern whose minimum fields are lower than those found necessary or desirable, these fields may be increased by appropriate adjustment of the parameters of $E(\phi,\theta)_{rth}$.

(2) The horizontal pattern shall be plotted to the largest scale possible on letter-size polar coordinate paper (main engraving approximately 7" x 10") using only scale divisions and subdivisions having 1, 2, 2.5, or 5 times 10^{n}, and oriented with the zero degree point corresponding to true North. Patterns for elevation angles above the horizontal plane, may be plotted in polar or rectangular coordinates with the pattern for each angle of elevation drawn on a separate page. Minor lobe and null detail occurring between successive patterns for specific angles of elevation need not be submitted. Values of field intensity less than 10 percent of the effective field intensity of any pattern shall be shown on an enlarged scale. The direction and distance shall be indicated on the horizontal plane pattern toward each existing station with which interference may be involved.

NOTE: All directions shall be determined by accurate computation or from a Lambert Conformal Conic Projection Map, such as U.S. Coast and Geodetic Survey Map No. 3060, or a map of equal accuracy, and all distances shall be determined by accurate computation or from United States Albers Equal Area Projection Map, scale 1/2,500,000, or a map of equal accuracy. These maps may be obtained from the United States Geological Survey, Department of the Interior, Washington, D.C. 20240, and the United States Coast and Geodetic Survey, Department of Commerce, Washington, D.C. 20235.

(3) The effective (RMS) field intensity of $E(\phi,\theta)_{std}$, $E(\phi,\theta)_{rth}$ and the root sum square (RSS) value of the inverse fields at one mile of the array elements, derived from the equation for $E(\phi,\theta)_{rth}$.

(4) Physical description of the array, showing:

(i) Number of elements.

(ii) Type of each element (i.e., guyed or self-supporting, uniform cross section or tapered (specifying base dimensions), grounded or insulated, etc.)

(iii) Details of top loading, or sectionalizing, if any.

(iv) Height of radiating portion of each element in feet (height above base insulator, or base, if grounded).

(v) Overall height of each element above ground.

(vi) Sketch of antenna site, indicating its dimensions, the location of the antenna elements thereon, their spacing from each other, and their orientation with respect to each other and to true north, the number and length of the radials in the ground system about each element, the dimensions of ground screens, if any, and bonding between towers and between radial systems.

(5) Electrical description of the array, showing:

(i) Relative amplitudes of the fields of the array elements.

(ii) Relative time phasing of the fields of the array elements in degrees leading [+] or lagging [−].

(iii) Space phasing between elements in degrees.

(iv) All assumptions made and the basis therefor, particularly with respect to the electrical height of the elements, current distribution along elements, efficiency of each element, and ground conductivity.

(v) Formulas used for computing $E(\phi,\theta)_{rth}$ and $E(\phi,\theta)_{std}$ together with sample computations.

(vi) Complete tabulation of final computed data used in plotting patterns, including data for the determination of the RMS value of the pattern, and the RSS field of the array.

(6) Any additional information required by the application form.

Section 73.151 is revised to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

(a) In addition to the information required by the license application form, the following showing must be submitted to establish for each mode of directional operation, that the effective measured field strength (RMS) at 1 mile is not less than 85 percent of the effective field strength specified for the standard radiation pattern for that mode of directional operation, or less than that specified in § 73.189(b) for the class of station involved, whichever is the higher value, and that the measured field strength at

[8] ABS expresses concern that the proposal in Docket 18110 to prohibit major changes in broadcast facilities in markets where certain other full-time facilities are commonly owned would, if adopted, in some cases preclude modification of AM facilities made necessary be environmental changes. Local transmitter site changes, even those requiring rather substantial directional pattern modifications, are consistently treated as minor changes. The change in "station location", cited in § 1.57(a)(1) as a major change is a change in the community served by the station (see § 73.30).

[9] The specifications for construction of the standard pattern, set forth in § 73.150(b)(1)(1) of the rules set forth below require that the 5 percent linear component be applied after addition of the orthogonal component to the theoretical pattern. AFCCE has indicated that it intended the application of the components in this order in its original proposal. ABS favors such a procedure. This is acceptable to us, and, accordingly, we have adopted it.

[10] Unless, of course, the minor change is made in a station for which a standard pattern has been established.

1 mile in any direction does not exceed the field shown in that direction on the standard radiation pattern for that mode of directional operation:

(1) A tabulation of inverse field intensities in the horizontal plane at 1 mile, as determined from field strength measurements taken and analyzed in accordance with § 73.186, and a statement of the effective field intensity (RMS), based on these measurements. Measurements shall be made in at least the following directions:

(i) Those specified in the instrument of authorization.

(ii) In major lobes. Generally at least three radials are necessary to establish a major lobe; however, additional radials may be required.

(iii) Along sufficient number of other radials to establish the effective field. In the case of a relatively simple directional antenna pattern, approximately five radials in addition to those in subdivision (i) and (ii) of this subparagraph are sufficient. However, when more complicated patterns are involved, that is, patterns having several or sharp lobes or nulls, measurements shall be taken along as many radials as may be necessary, to definitely establish the pattern(s).

(2) A tabulation of:

(i) The phase difference of the current in each other element with respect to the reference element, and whether the current leads (+) or lags (−) the current in the reference element, as indicated by the station's phase monitor.

(ii) The ratio of the amplitude of the current in each other element to the current in the reference element, as indicated on the station's phase monitor.

(iii) The value of the current at the base of each element, as read from the thermoammeter installed at the base of the element, and the ratio of the base current in each other element to the base current in the reference element. If there are substantial differences between the ratios established in subdivision (ii) of this subparagraph and the ratios computed in this subdivision (iii) and/or if there are substantial differences between the parameters established in subdivisions (i) and (ii) of this subparagraph and this subdivision (iii), and those used in the design of the standard radiation pattern, a full explanation of the reasons for these differences shall be given.

(3) The 25 and 5 mv/m field intensity contours and the nighttime interference-free contour, when the pattern is for nighttime operation, as well as any other contours specified by the instrument of authorization, plotted on a map which has the largest practical scale. These contours need not be shown for distances greater than 20 miles from the antenna except that the field intensity contours on the far side of the business and residential areas of the city in which the main studio is located shall be shown. When the station is limited by interference within the 5 mv/m contour the latter contour need not be shown. In the event the 5 mv/m contour includes and extends beyond the city and beyond 20 miles, the highest signal intensity contour that entirely includes the city may be plotted in lieu of the 5 mv/m contour; in the event that the 5 mv/m contour does not include the city, the contour of highest signal intensity encompassing the city shall be plotted in addition to the 5 mv/m contour.

(4) The actual field intensity measured at each monitoring point established in the various directions for which a limiting field was specified in the instrument of authorization together with accurate and detailed description of each monitoring point together with ordinary snapshots, clear and sharp, taken with the field intensity meter in itd measuring position and with the camera so located that its field of view takes in as many pertinent landmarks as possible. In addition, the directions for proceeding to each monitoring point together with a rough sketch or map upon which has been indicated the most accessible approaches to the monitoring points should be submitted.

§ 73.153 [Redesignated]

Present § 73.152 is redesignated § 73.153 and a new § 73.152 is added to read as follows:

§ 73.152 Modification of directional antenna data.

(a) If, after construction and final adjustment of a directional antenna, a measured inverse field at 1 mile in any direction exceeds the field shown on the standard radiation pattern for the pertinent mode of directional operation, an application shall be filed for a modification of permit, specifying a modified standard radiation pattern and/or such changes as may be required in operating parameters so that all measured effective fields will be contained within the standard radiation pattern. The following general principles shall govern such a situation:

(1) Where an excessive measured field in any direction will result in objectionable interference to another station which would not be computed if the standard pattern field in that direction were employed, the application shall specify the level at which the input power to the antenna shall be limited to maintain the measured field at a value not in excess of that shown on the standard pattern, and shall specify the common point current corresponding to this power level. This value of common point current will be specified on the license for that station.

(2) Where any excessive measured field does not result in objectionable interference to another station a modified standard radiation pattern shall be submitted, encompassing all measured fields, and shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation.

NOTE: Where measured fields exceed the values shown on the standard radiation pattern, but objectionable interference does not result, and, accordingly, a modified standard radiation pattern is submitted, the modified pattern may be larger than the original pattern (have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern, or, where the measured field exceeds the pattern in discrete directions, may be expanded over sectors including these directions. A combination of both types of expansion may sometimes be desirable. Where sector expansion, or "augmentation" is desired, it shall be achieved by application of the following equation:

$$E_2 = \left[E_1^2 + Qf(\theta) \cos\left(180\frac{DA}{S}\right)^2 \right]^{1/2}$$

where:

E_1 is the standard pattern field at some particular azimuth and elevation angle, before augmentation.

E_2 is the field in the direction specified above, after augmentation.

$Q = (E_2^2 - E_1^2)^{1/2}$ in which the fields are those in the horizontal plane at an azimuth where the maximum degree of augmentation is applied.

$f(\theta)$ is the vertical plane distribution factor for the shortest element in the array (see § 73.190, Figure 5).

S is the angular range, or "span" over which augmentation is applied. At the limits of the "span" the augmented pattern sector merges into the unaugmented pattern.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed, and the azimuth at which the maximum augmentation occurs. (D_A cannot exceed $\frac{1}{2}$ S)

Where a standard radiation pattern is constructed using this method of augmentation, the specific limits of each augmented sector shall be depicted. Field values within an augmented sector computed prior to augmentation shall be depicted by a broken line.

[FR Doc.71-794 Filed 1-19-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO–10–A41, et al.]

MILK IN ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1062	St. Louis-Ozarks	AO–10–A41.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A47–RO1.
1002	New York-New Jersey	AO–71–A59.
1004	Middle Atlantic	AO–160–A43–RO2.
1006	Upper Florida	AO–356–A5.
1007	Georgia	AO–366–A3.
1011	Appalachian	AO–251–A12.
1012	Tampa Bay	AO–347–A9.
1013	Southeastern Florida	AO–286–A17.
1015	Connecticut	AO–305–A25.
1030	Chicago Regional	AO–361–A2–RO1.
1032	Southern Illinois	AO–313–A18.
1033	Ohio Valley	AO–166–A40–RO1.
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A32–RO1.
1040	Southern Michigan	AO–225–A22.
1043	Upstate Michigan	AO–247–A15.
1044	Michigan Upper Peninsula.	AO–299–A17.
1046	Louisville-Lexington-Evansville.	AO–123–A36.
1049	Indiana	AO–319–A15.
1050	Central Illinois	AO–355–A7.
1060	Minnesota-North Dakota	AO–360–A4.
1061	Southeastern Minnesota-Northern Iowa.	AO–367–A1.
1063	Quad Cities-Dubuque	AO–105–A31.
1064	Greater Kansas City	AO–23–A38.
1065	Nebraska-Western Iowa	AO–86–A23.
1068	Minneapolis-St. Paul	AO–178–A25.
1069	Duluth-Superior	AO–153–A17.
1070	Cedar Rapids-Iowa City	AO–229–A22.
1071	Neosho Valley	AO–227–A24.
1073	Wichita	AO–173–A24.
1075	Black Hills	AO–248–A12.
1076	Eastern South Dakota	AO–260–A15.
1078	North Central Iowa	AO–272–A17.
1079	Des Moines	AO–295–A20.
1090	Chattanooga	AO–266–A13.
1094	New Orleans	AO–103–A29.
1096	Northern Louisiana	AO–257–A18.
1097	Memphis	AO–219–A23.
1098	Nashville	AO–184–A28.
1099	Paducah	AO–183–A23.
1101	Knoxville	AO–195–A19.
1102	Fort Smith	AO–257–A18.
1103	Mississippi	AO–346–A11.
1104	Red River Valley	AO–208–A16
1106	Oklahoma Metropolitan	AO–210–A28.
1108	Central Arkansas	AO–243–A20.
1120	Lubbock-Plainview	AO–328–A10.
1121	South Texas	AO–364–A1.
1124	Oregon-Washington	AO–368–A1.
1125	Puget Sound	AO–228–A21.
1126	North Texas	AO–231–A33.
1127	San Antonio	AO–232–A30.
1128	Central West Texas	AO–238–A23.
1129	Austin-Waco	AO–256–A16.
1130	Corpus Christi	AO–259–A20.
1131	Central Arizona	AO–271–A13.
1132	Texas Panhandle	AO–262–A20.
1133	Inland Empire	AO–275–A21.
1134	Western Colorado	AO–301–A11.
1136	Great Basin	AO–309–A15–RO1.
1137	Eastern Colorado	AO–326–A15.
1138	Rio Grande Valley	AO–335–A15.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Clayton, Mo., January 20–23, 1970, pursuant to notice thereof which was issued November 26, 1969 (34 F.R. 19078), and at New York City, February 17 and 18, 1970, pursuant to supplementary notices issued January 8, 1970 (35 F.R. 435), and January 29, 1970 (35 F.R. 2527).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on September 29, 1970 (35 F.R. 15396), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Sixty-eight milk orders were listed in the notice of hearing. Eight of these orders have since been merged with other orders. Washington, D.C. (Part 1003), Delaware Valley (Part 1004), and Upper Chesapeake Bay (Part 1016) were merged into the Middle Atlantic order. Tri-State (Part 1005), Greater Cincinnati (Part 1033), Miami Valley (Part 1034), Columbus (Part 1035), and Northwestern Ohio (Part 1041) were merged into the Ohio Valley order.

As a result, this decision relates only to the existing 62 orders as merged. Such mergers have had no effect on the basic issue involved in this proceeding. This is because the decision herein deals with the matter of how Class I milk should be priced under all Federal milk orders. The uniform system proposed would have applied to each of the orders prior to merger or to the orders as merged. Therefore, the findings and conclusions of this decision are equally applicable to the orders as merged.

For the Massachusetts-Rhode Island-New Hampshire, Middle Atlantic, Chicago Regional, Ohio Valley, Eastern Ohio-Western Pennsylvania, and Great Basin markets the hearing constituted a reopening of prior hearings on matters relating to the particular markets, including issues other than the issue herein discussed.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. A paragraph is added at the end of the description of "Modifications Proposed and Supported."

2. The introductory statement under the heading "Findings and Conclusions" is revised.

3. The heading "Questions Presented by Proposal" is deleted, and the second paragraph as it appeared under that heading is revised.

4. Under the heading "(1) *Reliability of Performance,*" the second, sixth, eighth, ninth, 11th, 15th, 17th, 19th, 24th, 27th, 28th and 29th paragraphs are revised, a new paragraph is added following paragraphs fourteen and 28, respectively, and six new paragraphs are added at the end.

5. Under the heading "(2) *Interrelationship of Markets and Uses for Milk,*" the first, third and eighth paragraphs are revised, the fourth paragraph is deleted, and a new paragraph is added at the end.

6. Under the heading "(3) *Compatibility of Objectives,*" the first, second, fourth and ninth paragraphs are revised, the eighth paragraph is deleted, and three new paragraphs are added: two after the seventh paragraph, and the other after the tenth paragraph. A new heading, *"Other Operating Features,"* is inserted before the 11th paragraph, and the 11th, 13th, 16th, 17th and 19th paragraphs are revised.

7. The heading and text under "Summary" is deleted.

The material issue on the record relates to:

The material issue on the record of the hearing relates to:

Whether an "economic" formula should be adopted, changing the present basis for moving Class I prices under all Federal milk orders.

Description of the proposed formula. The National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, proposed the "economic" formula. The member cooperatives of the Federation are dispersed throughout 49 States and the organization does business in all 50 States of the Union. Milk of one or more member cooperative associations is marketed in each of the areas regulated by a Federal order, and, in most instances, the majority of milk supplied to each Federal milk marketing order area originates through cooperative associations which are members of the Federation.

Following the annual convention of the National Milk Producers Federation in St. Louis, Mo., in November 1968, a Class I Price Policy Committee was appointed by the president of this producer organization for the purpose of considering the need for an "economic"

formula for use in all milk orders. This committee selected a Task Force of agricultural economists and dairy specialists to develop the formula and the rationale supporting it. The Task Force consisted of seven members and two alternates. Of the nine members, five were from producer organizations, three were university professors, and the other was an attorney who was legal counsel for the producer organization at the hearing. This Task Force developed the formula which the National Milk Producers Federation and others supported at the hearing.

The proposed formula utilized 12 prices or indexes set up in four groups. All prices and indexes are national averages except the prices of dairy products which are representative wholesale prices at midwestern pricing points. The groups and factors proposed were:

GROUP A

Disposable Personal Income Per Capita, current dollars, seasonally adjusted.
Consumer Price Index, all items.
Wholesale Price Index, all commodities.

GROUP B

Index of Prices Paid by Farmers, including interest, taxes, and wage rates.
Average Prices Paid by Farmers for Dairy Feed, 16 percent protein content.
Index of Composite Wage Rates for Hired Labor, seasonally adjusted.

GROUP C

Index of Prices Received by Farmers for all Farm Products.
Prices Received by Farmers for Beef Cattle.
Percent Unemployed, all Civilian Workers, seasonally adjusted (expressed inversely).

GROUP D

Price of Butter.
Price of Cheese.
Price of Nonfat Dry Milk.

An index was established for each variable in the first three factor groups and for the composite sum of the dairy product prices in the last category. The 1968 annual average was used as the base to construct the "economic" formula indexes.

The first group of factors (Group A) was described in the Task Force Report as a measurement of the ability and willingness of consumers to buy milk. The composite index for this group was a simple average of the three indexes.

The second group of factors (Group B) was characterized as cost factors in producing milk. Proponent stated that the index of prices paid reflects general changes in cost of producing milk as well as all other farm commodities, and feed prices and farm wages are the two most important items of cost in producing milk. The composite index for this group was a simple average of the index of prices paid by farmers (parity index), the feed price index, and the index of farm wage rates.

A third group of factors (Group C) was chosen to reflect alternative opportunities, farm and nonfarm, for the use of milk production resources. According to the Task Force, prices received by farmers for all farm products reflects the attractiveness of alternative farm enterprises for the use of resources. The price received by farmers for beef cattle was described as affecting milk supplies in two ways: First, as a closely related alternative farm enterprise, and second, as a factor affecting the rate of culling of milk cows. The study group indicated that milk supplies are affected also by opportunities in nonfarm employment and proposed the unemployment percentage to reflect this consideration.

The Task Force proposed that the unemployment percentage be used inversely as an index. By using it inversely all the indexes could be related positively to the Class I price. The procedure proposed in the formula would change the factor index by two-thirds point for each 0.1 change in the rate of unemployment. Thus, if unemployment increases by 0.1, the index is decreased by 0.7. After making this adjustment in the employment index, it was combined with the index of prices received for all farm products, and the index of prices received for beef cattle in a simple average to establish a composite index for the "alternative opportunity" factor group.

The fourth group of factors (Group D) was composed of prices of three dairy products—butter, nonfat dry milk, and cheese. A sum of the dairy product prices was computed by adding the price of 1 pound of cheese, 1 pound of butter, and 2 pounds of nonfat dry milk. This sum was converted to an index, which was the Group D composite index.

The four composite group indexes were combined in a simple average to make the "economic index". The Class I price effective in each order the month prior to the effective date the formula was adopted would be the base price. Starting with this base price the movements of Class I prices in all Federal order markets would take place simultaneously (upward or downward) based on the movement of the "economic index".

The proposed formula provided for "quarterly" pricing. A computation of the "economic index" on the 25th day of each December, March, June, and September, based on the latest available data at such time, would be used for establishing Class I prices under all orders for the next following quarter beginning on the first day of January, April, July, and October, respectively.

The proposed formula also would incorporate a bracketed system of pricing in 20-cent increments. The Task Force relied on the experience of fluid milk price movements during the 1960's to determine how much change in the "economic index" should signal a 20-cent change in the Class I price level. Their analysis based on the 1960's showed that Class I prices in that period changed by 7.027 cents for each change of one point in the proposed formula "economic index". Hence, the Task Force recommended that a movement of 2.85 points in the index should result in a 20-cent change in the Class I price.

The recommended table of bracketed prices provided an upper and lower limit for each bracket. The bracket itself from the lower to the upper limit incorporated either 1.5 or 1.6 points, respectively. There was an interval of 1.3 points after reaching the upper limit of one bracket to the lower limit of the next bracket. When the "economic index" fell in the interval between brackets the price would remain unchanged, and the effective price would reflect the price bracket through which the "economic index" had most recently passed. This interval was designed to prevent frequent price changes occurring as a result of shifting from one bracket to another with little change in the "economic index".

The proposed formula also included a contraseasonal provision which would prevent price decreases on July 1 and October 1. Price reductions indicated by the "economic index" could be made only for the quarters beginning January 1 and April 1.

The proposed formula further specified five conditions which could be used as "trigger devices" to indicate that a hearing should be called to review the operation of the "economic" formula. The Secretary was to determine if a hearing were necessary in any of these situations:

(1) When the composite index of manufactured dairy product prices (Group D) departed by more than seven index units from the most recent simple average of the other nine indexes included in the "economic index".

(2) When an index of the ratio of total U.S. milk production to sales of fluid milk products departed by more than 3 percent from a base of 100. The index of the most recent 12-month moving total of U.S. milk production, expressed inversely, would be multiplied by a demand index based on the most recent 12-month moving total of sales of fluid milk items in marketing areas of comparable markets as reported in the "Fluid Milk and Cream Report" issued monthly by U.S. Department of Agriculture. The 3 percent variation would be measured from a base reflecting data current at the time of the hearing.

(3) When purchases under the price support program (butterfat basis) during the immediately preceding 12 months exceeded 6 percent of the butterfat in total U.S. milk production.

(4) When the most recent quarterly index of per capita disposable income in the United States, deflated by the implicit price index used to deflate Gross National Product, departed from the "economic index" by more than five points.

(5) When the formula had been in effect for 18 months, and none of the other bases for hearing calls to review the formula had operated in the most recent 6 months.

Modifications proposed and supported. In their brief, the National Milk Producers Federation and other cooperatives modified their support of the formula proposal in regard to four of its components. First, they supported the Milk Industry Foundation recommendation that price changes be made in 15-cent increments rather than the original 20-cent proposal. This modification would change the Class I price 15 cents with a change in the "economic index" of 2.2 points rather than by 20 cents for each 2.85 points change in the index. To accommodate the 15-cent price changes, the size of the brackets would be reduced to 1.1 points with the interval between the upper limit of one bracket and the lower limit of the next bracket changed to 1.1 points.

In addition, the producer associations, in their brief, supported the announcement of Class I prices on the 5th day of each December, March, June, and September for the respective quarters beginning on the 1st of January, April, July, and October following.

The producer group proposed at the hearing that the base price should be the Class I price effective the last month before the "economic formula" is adopted. In their brief, they requested that during the first year such base price should be increased for the first month the formula is in effect by any amount that $4.71 exceeds the Minnesota-Wisconsin manufacturing milk price for the previous month, and then for each later month by any amount that the Minnesota-Wisconsin price for the preceding month exceeds $4.71.

On a fourth issue, producers revised their position regarding the conditions under which the Secretary should consider calling a hearing. The cooperative organizations supported calling a hearing within 5 days to review the operation of the formula, unless the Secretary issues a finding that a hearing is not necessary, if one of the following conditions should occur:

(1) Purchases under the price support program during the immediately preceding 12 months exceed 6 percent of the total U.S. milk production.

(2) The composite index of manufactured dairy product prices (Group D) departs by more than seven index units from the most recent simple average of the other nine indexes included in the "economic index".

(3) The formula has been in effect for 18 months, and none of the other bases for hearing calls to review the formula has operated in the most recent 6 months.

As previously stated, the formula, as proposed in the hearing notice, included five conditions which would trigger a hearing unless the Secretary issued a finding that a hearing was unnecessary. At the hearing, the cooperative organization described each of these trigger devices but stated that the five trigger devices were not an integral part of its proposal and were presented for review and consideration only. Even though data for the computation of a trigger device based on a supply-sales ratio and a device comparing the economic index to deflated disposable income were presented for consideration at the hearing, these devices were omitted from consideration in the brief filed by the cooperative associations.

Pure Milk Products Cooperative, a bargaining cooperative representing dairy farmers in the Wisconsin area, testified that the Minnesota-Wisconsin price series is a more appropriate measure to reflect manufacturing milk values than is the proposed sum of the prices of three dairy products. This cooperative stated that if manufactured product prices are used to reflect the value of manufacturing milk in the "economic" formula, the weighting chosen by the Federation to reflect the manufactured milk value should be revised.

The Milk Industry Foundation, a national trade association of fluid milk processors and distributors, urged the adoption of the Federation's proposed "economic" formula provided the formula were modified to include price changes in 15-cent multiples and at least a 25-day advance notification of any change in the Class I price. The Foundation represents a large proportion of handlers who are regulated by milk orders. At least one member is subject to the regulation of each Federal milk order effective at the present time. Foundation witnesses presented most of the testimony for handlers at the hearing. However, several individual handlers also supported the Foundation's position concerning 15-cent brackets and advance notice of prices.

Eastern Milk Producers Cooperative Association, Inc., a cooperative representing 8,500 members residing primarily in the States of New York, Pennsylvania, and Vermont, with a large majority of its members' milk marketed under Federal orders No. 1, 2, 4, 15, and 36 supported the idea of an "economic" formula but proposed a formula quite different from the one proposed by the National Milk Producers Federation.

Eastern proposed the establishment of an "economic index" based on three indexes: The U.S. Wholesale Price Index, an index of per capita disposable income, and an index of prices paid by farmers. The indexes of income and prices paid would reflect local conditions in each market, or in groups of closely related markets. In addition, this cooperative association proposed the inclusion of a supply-demand factor for each Federal order market, or regional combination of markets, based on local or regional comparisons of the milk supply with Class I sales. Also, Eastern would make the base Class I price in each market the prevailing price in such market including any premiums over order minimum prices.

The modifications proposed by Eastern would establish different "economic" formula price changes for individual markets or regions, rather than a single formula to move prices uniformly in all markets which was the basic issue considered at this hearing.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

No action should be taken with respect to the proposed formula on the basis of this hearing record. The record does not establish that the proposed pricing system would tend to effectuate the declared policy of the Act.

Any pricing system adopted must meet the standards prescribed by the Agricultural Marketing Agreement Act of 1937 which requires that such milk prices be either "parity prices," or if parity prices are unreasonable "in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in the marketing area," the prices established must be those which "will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest."

The proposed formula is based on indexes of various prices and other statistical measures of economic conditions. However, in order to meet the statutory pricing standards, there must be reasonable assurance that the design and performance of the proposed formula will reflect accurately the economic forces which are most important in determining milk prices so as to maintain a reasonable equation between milk supply and fluid sales. Specifically, it cannot be concluded that the proposed formula will (1) accuratey reflect needed changes in fluid milk prices, (2) maintain appropriate price relationships among markets and uses of milk, and (3) be compatible with other program responsibilities of the Secretary.

(1) *Reliability of performance.* The essential feature of the proposed formula is the use of a group of index factors to determine changes in Class I milk prices to replace the single factor now used (the average price paid for manufacturing grade milk in Minnesota and Wisconsin).

Proponents of the formula claimed that whereas the manufacturing milk price reflects changes which have already taken place in supply and demand conditions for milk, the proposed economic index would signal the need for price changes before any change in milk supply or sales actually takes place. The record fails to demonstrate, however, that this proposed formula is so composed that it could reasonably be expected to reach that goal.

Proponents point out that the Secretary could call a hearing and modify the "economic" formula price if it did not reflect supply and demand conditions for milk, or if it did not appear to be in the public interest. They suggested specified conditions under which a public hearing could be called to consider whether the economic formula price should be modified.

Two conditions for hearing calls which proponents supported in their brief were (1) situations indicative of an oversupply of milk as reflected in excessive purchases of dairy products under the price support program, and (2) an excessive disparity between manufactured dairy product prices and other factors in the economic index. Several other situations were included in the hearing call and considered at the hearing for use as "trigger" devices. However, the above two conditions plus a regular review every 18 months were the only "trigger" provisions finally supported by the formula proponents.

The first condition (excessive price support purchases) would have suggested

nearly continuous review of the economic formula price at hearings from January 1962 through July 1965 and from December 1967 through April 1968. The second condition (disparity between manufactured product prices and other index factors) would have suggested hearings to supersede the economic formula in most of these same periods. In addition, the price disparity condition would have suggested hearings in three of four quarters in 1960 and for the price for the second quarter in 1961. Also, it would have required hearings in the last half of 1965 and the first half of 1966. Thus, the formula price would have been subject to review under the suggested hearing calls continuously during most of the sixties. Only in one year, 1969, would there have been no hearing call.

Since the "economic" formula would have been subject to almost continuous review in the 10-year period on which the formula was constructed, we cannot conclude that it would operate as an effective instrument for determining Class I price levels in Federal order markets.

Proponents did not attempt to show the amount and type of causal influence each factor of the proposed formula would have on future milk prices. They relied on past performance of the composite index as compared to actual prices during the 10-year period, 1960–69, to demonstrate its likely future price-setting performance.

Since the "economic" index was constructed so as to match milk price changes which occurred in the 1960's, it shows a close relationship of movement to actual prices when compared to that 10-year period. The Task Force found the "economic" index was correlated to milk price changes (dealer's average buying price for fluid distribution, United States) in the 1960–69 period at the high level 0.933. However, when a similar correlation is computed for the 10-year period, 1956–65, it is almost zero (.01), indicating no relationship between the proposed index and milk prices.

The individual components of the composite "economic" index do not appear to be the most appropriate measures of the economic forces they seek to reflect.

Proponents included three national indexes in the formula to reflect the ability and willingness of consumers to buy milk. These were disposable per capita personal income, consumer prices, and wholesale prices. Proponents selected these indexes as a measure of the ability and willingness of consumers to purchase goods and services and as indicative of the demand for milk for fluid use.

Total United States per capita sales of fluid milk products on a product weight basis[1] in 1960 were 309 pounds per person. By 1969 such per capita sales had dropped to 296 pounds, a decrease of 4 percent per person. In the same period per capita disposable income in current dollars rose about 60 percent. The Consumer Price Index rose 24 percent and the Wholesale Price Index rose 12 percent. The fact that all three selected indexes moved up in this period while per capita sales declined indicates some other factor was more important in determining the sales trend.

The three indexes selected by proponents to represent cost of milk production were: Prices paid by farmers, feed prices, and farm wage rates. The cost of these input factors obviously affects prices which will maintain an adequate milk supply. But productivity factors also must be taken into consideration.

Each of the indexes selected by proponents measures a cost of a production unit input. The cost factor relevant to the Class I milk price, however, is the cost per unit of output, that is the cost per hundredweight of milk sold by the producer.

Milk output per unit of labor input (labor productivity) rose 76 percent from 1960 to 1968.[2] Thus, even though the proposed composite wage rate rose 48 percent in the same period, labor cost adjusted by the productivity factor showed a drop of 12 percent per 100 pounds of milk produced. Increased labor productivity is an important element in determining the cost of producing milk. The cost of labor per hundredweight of milk produced is not reflected by the wage rate alone.

Exceptors point out that increased labor output was achieved only because capital expenditures increased. This may be true. However, the wage rate factor was not shown to be a reasonably accurate measure of the increased capital cost which became a substitute for labor.

Moreover, the proposed farm wage rate index represents composite wage rates paid to all hired farm workers in the United States. The seven States which represent about half the total hired labor force have only 15 percent of the nation's milk production. The three largest milk-producing States, Wisconsin, New York, and Minnesota, where one-third of the total milk supply is produced, represented less than 6 percent of the hired labor force in 1969. Official notice is taken of "Farm Labor" for January 1970, published by the U.S. Department of Agriculture.

The index of prices paid by farmers for all commodities and services, like wage rates, is useful as a cost measure only when it is adjusted to reflect changes in productivity. This index, commonly known as the "parity" index, measures cost of input items covering a wide range of goods and services.

The "parity" index is used as a factor in establishing dairy price support levels. But under that program, productivity is taken into account (within the range of 75 to 90 percent of parity) through the statutory requirement that the support level must be such that it will assure an adequate supply. Thus, factors which affect supply, including changing productivity rates, are considered.

Of the three indexes recommended as reflectors of dairying costs, the feed index represents the closest tie to the dairy industry. The value of dairy ration fed to milk cows in the United States in 1969 per 100 pounds of milk produced was $1.28 ("Milk Production," issued by U.S. Department of Agriculture, May 12, 1970). This represents 23 percent of the average price received in that year for all milk sold wholesale by farmers. In the proposed formula, however, the dairy feed price would be given a direct weight of 8 percent plus the small additional influence exerted through the index of prices paid by farmers for all commodities. The importance of feed as a cost item per unit of output might suggest that it deserves a greater weight in the "economic" index.

On the other hand, during the 1960–69 period, milk prices did not appear to be influenced greatly by feed prices. The dealers' buying price for milk rose 24 percent from 1960 to 1969, whereas dairy feed prices in 1969 averaged 1 percent less than in 1960. Despite the substantial increase in milk prices relative to dairy feed prices during the sixties, milk production in 1969 was 5 percent less than in 1960. Although feed prices are an important factor affecting the cost of milk production, this suggests that the extent of their impact on the milk supply may vary in different time periods.

A third group of factors recommended by proponents for inclusion in the proposed formula was selected to represent the attractiveness of other opportunities in relation to dairying. This included the index of prices received by U.S. farmers for all products, the average prices received for beef cattle, and the unemployment index.

The rationale for including the index of prices received by farmers for all products is that milk production and other farm production enterprises are closely related alternative uses of resources. If so, one reasonably could expect milk production to increase when milk prices increase more than other farm prices. During the period, 1964 to 1969, the index of prices received by farmers for all products increased by about 17 percent. During the same period prices received by dairy farmers for all milk sold wholesale increased by approximately 30 percent.[3] Despite the greater increase in milk prices, total milk production fell 8 percent in this period.

The index of prices of beef cattle was included as a closely related alternative enterprise to dairying, and for its effect on culling of dairy animals. It is generally accepted by agricultural economists that beef cattle prices do exert an influence on milk production through their effect on culling rates. Also, since feed crop resources are largely interchangeable for feeding either milk cows or beef

[1] Such sales are reported both on a product weight basis and in terms of the whole milk equivalent of the butterfat contained in such sales. The product weight figure corresponds to Class I sales which are accounted for in terms of the pounds of liquid skim milk and butterfat therein.

[2] Official notice is taken of "Dairy Situation," September 1969, issued by U.S. Department of Agriculture.

[3] Dairy Situation, U.S. Department of Agriculture, November 1969.

cattle, higher relative prices for beef than for milk sustained over a period of time will affect milk production. Thus, the impact of beef prices on milk prices comes indirectly through the effect of such price relationships on beef supply and milk production.

Beef prices relative to milk prices are affected, however, not only by their respective supplies but also by the respective demands for beef and milk. In the period 1960 to 1969, per capita consumption of beef increased 29 percent[4] while consumption of all dairy products in terms of milk equivalent of butterfat declined 14 percent.[5]

If milk prices were tied directly to beef prices as the formula is constructed, it would imply that milk prices should rise in direct proportion to beef prices regardless of the demand for each product. This would tend to nullify the milk-beef price relationship as a means of directing resources to the production of the commodity in greater demand.

An index of employment in nonfarm occupations was proposed as another alternative cost factor. The index was based on the percentage of nonfarm workers unemployed, used inversely.

The availability of employment in nonfarm occupations was cited as a reason why many dairymen, particularly those with relatively small farm output, went out of dairying in the sixties. It was argued that the opportunity for nonfarm employment affects the supply of hired labor willing to work on dairy farms, and thus affects the total milk supply.

The extent to which nonfarm employment opportunities affect milk prices under present conditions is influenced by declining need for workers on dairy farms. The labor force used in milk production in 1960 was down nearly 30 percent from the 1955 labor force. From 1960 to 1968 it dropped another 45 percent. In the light of this sharp downward trend in labor requirements on dairy farms, the proposed unemployment factor may be of declining importance. However, in the formula, this factor would be given a constant weight.

The index of cheese, butter, and nonfat dry milk prices was proposed to reflect in the "economic" formula the value of milk used to produce manufactured milk products. Proponents expressed a preference for deriving a value for manufacturing milk from wholesale product prices rather than employing the actual prices paid for manufacturing grade milk, but they did not explain the basis for their preference. Task Force members were divided on the issue of whether a product price index or the actual pay price for manufacturing milk should be used as a factor in the formula. Other witnesses supported the use of the Minnesota-Wisconsin manufacturing milk price in place of the dairy product price index. Inasmuch as the Minnesota-Wisconsin manufacturing milk price as reported by the Department has long been used as a factor in order pricing formulas and is a recognized measure of the level of actual prices paid in a competitive market for manufacturing milk, further explanation is needed as to why the proposed product price index should be substituted for it.

Proponents in their exceptions stressed their preference for the product price index. They said the product price index reflects the value of all manufactured milk, included Grade A milk which is purchased at regulated prices. This point is important only if the regulated prices for milk used in manufactured products differ significantly from the competitive prices paid for manufacturing milk in Minnesota and Wisconsin. This is not the case since the prices established in Federal orders for milk used in manufactured products generally are based directly on or closely related to the Minnesota-Wisconsin price.

The impact of the manufacturing milk price on the Class I price level is not adequately reflected in the proposed composite index. Proponents recognized the relatively greater weight to be given the manufacturing milk value compared to other items in the composite index. They recommended that the manufacturing milk price index be given 25 percent weight in the composite. This gives it more importance than any other single factor, but it is still a minor role as compared to the total of other factors which carry 75 percent weight.

In exceptions, proponents cite "a well-known structural interrelationship between the fluid milk and manufacturing milk segments of the dairy industry." The well-known interrelationship is the ability to channel the total supply of milk into its various uses, including fluid sales as well as manufactured products. It is for this reason that changes in fluid milk prices in response to supply changes in the fluid market must take into account this ready availability of alternative supplies.

Proponents state that their several-factored formula is obviously superior to a pricing system based on only one factor. However, this statement does not stand against the principal test to which proponents put their formula. The test used by proponents in appraising the economic formula was its high level of correlation to actual milk prices during the 1960–69 period. However, the single factor now used, the Minnesota-Wisconsin price series, is correlated in this same time period to actual milk prices at a level slightly higher than the composite index of 12 factors.

In support of their choice of the particular 12 index factors, proponents relied heavily on a repetition of the experience of the sixties to be the pattern of the dairy economy for the seventies. Obviously, the sixties did not repeat the performance of the fifties insofar as these components in the aggregate correlated with milk price changes (note correlation in the 1956–65 period was less than .1).

Although the Minnesota-Wisconsin manufacturing milk price is one figure as it is reported each month, it is a price influenced by many prices and economic conditions. Prices paid farmers by manufacturing plants in the two States quickly reflect changes in the wholesale markets for butter, nonfat dry milk and cheese. They also reflect changes and prospects for change in the supply of these products. Since the supply of milk available for use in these products is the residual use of milk after requirements for fluid products and for "soft" items, like cottage cheese and ice cream, are met, prices paid at these manufacturing plants are particularly sensitive to changes in the national milk supply.

As an argument for adopting their proposed economic formula, proponents in their exceptions pointed also to performance under the proposed formula during the most recent 20-month period (April 1969 through November 1970). During this period, the formula price would have averaged only 3.3 cents more than actual price changes as reflected by the present formula using the Minnesota-Wisconsin manufacturing milk price. It is to be expected that during a period when milk supplies remain relatively constant, the economic formula would be more likely to result in prices similar to those reflected in the manufacturing milk price. However, this does not demonstrate that it would be responsive to a situation in which milk supply or demand changes rapidly.

In their exceptions, proponents also pointed out that hearings were needed even under the present pricing system during the 1966–68 period when milk production declined. They cited such hearings as evidence that price adjustments needed to reflect changes in supply and demand conditions should come about through the hearing process rather than by a formula. We cannot conclude, however, that the need to supplement the present formula during those years with price adjustments through the hearing process is sufficient basis for abandoning the present pricing mechanism in favor of a formula which would have been less sensitive in that period to changes in supply and demand condition.

(2) *Interrelationship of markets and uses for milk.* A fundamental aspect of the "economic" formula proposal is that it would be used identically in all orders to provide uniform Class I price movements throughout the Federal order system. Coordination of Class I price movements is needed because Class I milk now moves readily between and among Federal order markets. Thus, the Class I price in one market frequently will be the alternative supply price for another market. Without price coordination, even small disparities in the normal price relationships may encourage the uneconomic movement of milk and disruption of markets. Proponents of the "economic" formula thus regard its application so as to provide identical Class I price changes in all orders as a necessary and key feature.

Technological advances in milk assembly and distribution have made it feasible to transport milk from large centralized bottling plants over wide sales areas

[4] U.S. Department of Agriculture Handbook No. 373, issued November 1969.

[5] Dairy Situation, U.S. Department of Agriculture, November 1969.

often extending into several states. Improved highway systems have aided and encouraged this broadening of distribution areas. The large processing plants require the assembly of milk from greater distances. Thus, both the assembly and distribution of milk in many cases now extend over wide areas.

This is greatly different from the market structure of the 1930's when Federal milk orders came into being. Milk in that period customarily was delivered in cans to a nearby plant where it was received and cooled and then processed for distribution or shipped to another nearby processing plant. Now milk is delivered in bulk tank trucks which may take such milk one day to a nearby plant and the next day to a plant 400 miles or more away.

While the individual order formulas do not employ precisely the same language, the present price system under Federal orders operates in such a way that it provides uniform price changes in all orders.[6] Some orders provide that the Class I price shall be the price established in a nearby order, plus or minus a stated amount. Certain northeastern markets provide that the Class I price shall be a stated amount adjusted by the amount by which the Minnesota-Wisconsin manufacturing milk price exceeds $4.33. Most orders establish Class I prices by adding a specified differential directly to the Minnesota-Wisconsin manufacturing milk price.

The present system of uniformity has evolved from the necessity, apparently recognized by proponents of the "economic" formula, to coordinate price changes within regions and also to provide coordination on an interregional basis. The first step in coordinating price changes was the use of formulas which changed Class I milk prices as the value of manufacturing milk changed. Several different formulas for computing the value of manufacturing milk were used at one time. After the Minnesota-Wisconsin manufacturing milk price was developed, however, all orders using a manufacturing milk price formula in determining Class I prices were amended to use the Minnesota-Wisconsin price. The last step in this evolution of the uniform pricing concept was taken September 1, 1969, by the amendment of northeastern orders.

During most of the period since 1966, substantially uniform price increases have been made in all market Class I prices in the effort to halt the general decline in milk production. Such uniform price increases throughout the country applicable to both fluid market and manufacturing grade milk appeared to be appropriate since the milk supply at one location could be made available readily to another market or for another use. Local intermarket or interregional price adjustments have been made only to insure that the available milk supply would be distributed efficiently among the various markets in accordance with their respective needs to cover Class I sales.

The increasing interrelationship among milk prices applies also between fluid market milk and manufacturing grade milk. The economic formula, however, would not bring about uniform price changes for these two segments of the dairy industry.

There is a developing trend toward one grade of milk. Many manufacturing grade milk producers are either going out of business or converting to production of milk eligible for sale in fluid markets. Many of the smaller producers who have gone out of milk production in recent years were producers of manufacturing grade milk. Those with larger output who remained in business have been compelled by circumstances to increase their investment in order to meet new sanitary requirements for milk used in manufactured products. Having made this investment many of these dairymen find that it costs very little more to meet sanitary requirements for fluid milk markets.

Conversion was a gradual process from 1960 through 1968. In 1960, 67 percent of all milk sold to plants and dealers in the United States was eligible for the fluid market.[7] Eight years later, in 1968, 70 percent was eligible for fluid markets. But then in 1969, 1 year later, milk eligible for fluid markets jumped to 72 percent. Fluid grade marketings increased by about 2 billion pounds from 1968 to 1969 even though total milk production declined slightly.

Although the quantity of manufacturing grade milk is declining, the 30 billion pounds sold in 1969 supplied half the milk used in manufactured dairy products during the year. This is still a substantial part of both the total milk supply and the supply used in manufactured products.

The economic impact of the manufacturing milk supply and price on the Class I milk supply and price is greatest in the area where there is the most manufacturing grade milk in relation to fluid grade milk. More than half the manufacturing grade milk in 1969, 16 billion pounds, was concentrated in two States, Wisconsin and Minnesota. Wisconsin alone marketed 9 billion pounds of manufacturing grade milk. Although milk production in Wisconsin declined slightly from 1968 to 1969, milk eligible for fluid market sales increased 3 percent. The additional volume of fluid grade milk amounted to 272 million pounds.

Most of this new supply of fluid grade milk went to plants regulated under the Chicago Regional order which obtains a large part of its supply from Wisconsin. Receipts from producers at such plants were 229 million pounds greater in the last half of 1969 than in the last half of 1968.[8] Comparative data are available only for a half year since the Chicago Regional order became effective on July 1, 1968. The same trend appears to be continuing in 1970. Receipts from producers at Chicago Regional order plants during the first half of 1970 were 216 million pounds greater than in the same period of 1969.

Similar changes are taking place in Minnesota. More milk is being sold as fluid market milk and it is being sold in Federal order markets.

The rapid influx of new supplies to Federal order markets in these two States from sources historically supplying manufacturing grade milk has created within this region a problem of price alignment highly similar to the pressures which prompted proponents to endorse the system of uniform Class I price changes throughout the Nation. In these States the competitive pressure comes not from Class I prices in other markets, since Class I prices in this region are the lowest in the country, but from the differential between the Class I prices in these markets and the manufacturing milk price.

In view of this situation, the uniform pricing provided by the proposed "economic" formula would not achieve adequate coordination of prices in all markets with the price of alternative milk supplies. Although Class I prices would move by uniform amounts in all fluid markets, these prices could rise or fall by 30 to 35 cents in relation to manufacturing milk prices before a hearing would be suggested to consider any corrective price action.

Formula proponents suggested that the movements of milk supplies from manufacturing markets to fluid markets be controlled by "pooling" provisions and "standby pools." The pricing standards of the Act are explicit, however, in declaring that price is the factor intended by Congress to attract an adequate milk supply.

(3) *Compatibility of objectives.* The major objectives sought by proponents of the proposed formula are to tie Class I prices primarily to certain economic indicators and to break the historical relationship of Class I prices to manufacturing milk prices.

To be in the public interest as required by the statute, the formula's objectives should complement, and not conflict with, the objectives of other Government programs.

The proposed "economic" formula is weighted heavily with measures of general price and income changes. Proponents state its purpose is to keep milk prices moving with the general economy. This is also the objective for which the "party" index has been used with farm

[6] An exception is the Knoxville, Tenn., order where the Class I price is adjusted by a supply-demand adjustor. At the time of the hearing, supply-demand adjustors also were used in five additional orders. Official notice is taken of the order amendments and termination actions removing such provisions from the five orders.

[7] Milk Production, Disposition and Income, issued by U.S. Department of Agriculture, April 1970.

[8] Federal Milk Order Market Statistics, annual 1969 and monthly issues 1970, issued by U.S. Department of Agriculture.

programs for many years. The "economic" index is very highly correlated to the "parity" index. In the 10-year period 1960–69 these two indexes were correlated at the 0.975 level and in the 1956–64 period, at 0.959.

The essential difference between the "economic" index formula and the "parity" index for price support is in the way each would be used. In using the "parity" index to determine the support price level, the Secretary must fix the support price level at 75 to 90 percent of the "parity" price to achieve an adequate, but not excessive, supply of milk. The proposed "economic" formula price would not be subject to an adjustment reflecting milk supply in relation to sales. This also is an important characteristic of this "economic" formula when compared to similar "economic" formulas used previously in some Federal orders to move Class I prices. The "economic" formulas used heretofore did provide for adjusting the "economic" index price to reflect changes in Class I sales in the respective area in relation to producers' deliveries of milk. The use of an "economic" formula not providing such an adjustment for Class I pricing, and a support price based on the prescribed limits of "parity" which must reflect prevailing supply conditions, presents a problem of conflicting objectives for the two programs.

One of proponents' principal objectives is to abandon the present direct tie to manufacturing milk prices. Proponents' testimony dealt more with why they believed the additional indexes they proposed should be used than with any shortcomings of the present system which links Class I price changes to manufacturing milk price changes. It appears, however, that in looking to other factors to establish Class I prices, proponents have been motivated by the awareness that the manufacturing milk price may not be available in the future. As pointed out earlier, manufacturing grade milk supplies are declining. It is frequently predicted that within a few years all milk will be eligible for fluid market sales.

It is not apparent that the disappearance of manufacturing milk as a separate grade should be a basis for abandoning the close alignment of the movements of prices for Class I milk with changes in prices for milk used in manufactured products. Rather it would appear that since requirements for all uses of milk then would come from a single, common supply, such price alignment might take on even greater importance.

In view of the pace at which manufacturing grade milk is disappearing, it is important that consideration be given to a possible alternative pricing system. An alternative system conceivably may be needed not only for establishing Class I prices, but also for pricing milk used in manufactured products. In such circumstance, it would seem logical that there would still be need to coordinate prices in all uses.

Proponents' objective to break the tie between Class I prices and manufacturing milk prices could have important impact on the dairy price support program. The present tying of Class I prices to manufacturing milk prices provides the Secretary a means for appraising the effect of price support purchases on dairy farmer returns for all milk uses.

Under the support program, the farm price is supported at a minimum level between 75 and 90 percent of parity to obtain an adequate supply for all uses, which embraces both fluid sales and manufactured products. The enabling legislation requires the Secretary, through raising or lowering the parity percentage, to adjust milk production so as to accommodate the national need for a milk supply. The prices established under Federal orders for milk used in manufactured products (about 40 percent of all milk manufactured) are maintained at levels comparable to prices paid by unregulated manufacturing plants. The present tie of fluid prices to such manufacturing prices provides direct coordination between the manufacturing and fluid segments of the dairy industry and for operation of the two basic industry programs (dairy price support and the Federal milk orders) in the public interest. In contrast, it is concluded that the proposed economic formula would not accomplish such objective to the degree provided by the present pricing method under the orders.

Furthermore, the present tying of Class I prices to manufacturing milk prices provides the Secretary a measure of control over the cost to the public of the price support program. The only curb on price support cost increases which might come about as a consequence of "economic" formula prices is the trigger device which would indicate when a hearing should be called. This would be no curb until some action was taken on the basis of the hearing. The trigger would not signal the need for a hearing until the annual rate of support purchases reached 6 percent of production. At that time the cost of the support program (based on 1969 fiscal year rates[9] adjusted to the 6 percent level) would be close to one-half billion dollars. Net Government expenditures in the 1969 fiscal year on dairy price support were $312 million.

Since the call of a hearing and the amendment procedure would require some time, the price could not be corrected in a timely manner and support program costs could rise even further before action could be taken to reverse the oversupply condition. Funds would have to be provided to carry out the support program at whatever level became necessary as a consequence of the formula price.

In view of the above, we conclude that the objectives of the economic formula proposal are not compatible with those of other programs for which the Secretary is responsible.

[9] Dairy Situation, U.S. Department of Agriculture, November 1969.

Other operating features. Certain other features of the formula were designed to give handlers and producers advance notice of price changes and make such changes in amounts large enough for producers, handlers and consumers to recognize and respond to in their production, handling and consumption patterns. These features are: quarterly pricing, advance announcement of the price before each quarter and adjustment of the Class I price in multiples of 15 cents.

The quarterly pricing periods proposed for adjusting and announcing Class I prices would begin January 1, April 1, July 1, and October 1. Class I prices would be computed and announced prior to the beginning of each quarter. Dates proposed for such advance announcement varied from 5 to 35 days prior to the effective date. In briefs, however, most parties supported an advance announcement date 25 days before the first day of each quarterly pricing period.

Proponents' original proposal provided that price adjustments be made in 20-cent amounts, or multiples of 20 cents. Handlers supported the use of such bracketed pricing but maintained that the brackets should be in 15-cent amounts. In their brief following the hearing, producer proponents also supputed data used in plotting patterns, industry Foundation, in its exceptions, supported the 15-cent price bracket, but also urged, at the very least, that price changes be in amounts of 10 cents or more.

Using the three features described above, Class I prices would be based on data lagged significantly, thus delaying adjustments that might be called for by any rapid change in marketing conditions. A 25-day advance notice of the Class I price coupled with holding the Class I price constant for a quarter of the year would result in Class I prices in the last month of each quarter based on data reflecting economic conditions as much as 9 months earlier for one factor, while all factors would reflect conditions at least 4 months earlier. This contrasts with present pricing formulas which fix prices on the latest data available at the time of the price announcement.

At the hearing cooperative proponents indicated they favor price changes in bracketed amounts, to be announced in advance for 3 months. However, in their brief following the hearing the producer groups requested that, during the first year in which the formula was effective, Class I prices also reflect any monthly increase (irrespective of amount) which might occur in manufacturing milk prices. By attaching this proviso to their proposal, it appears that producers, even though they supported the price lagging features at the hearing, may not be ready to forego immediate price increases when supply conditions in the dairy industry indicate a price increase is appropriate.

Handlers requested the bracketed prices in 15-cent amounts. With each such increase in the producer price,

handler witnesses stated gross handling margins could be increased 8 cents per hundredweight. The combined increase of producer price and handling margin would thus add to 23 cents per hundredweight, or the quivalent of 1 cent per half-gallon by which the selling price would be raised.

Changes in actual gross handling margins fail to demonstrate any tendency for margin changes to be associated with producer price changes as proposed. Prevailing prices paid by consumers and paid to producers are reported for 25 cities each month in the "Fluid Milk and Cream Report", issued by U.S. Department of Agriculture. A comparison of such reports for the period January 1968 through February 1970 showed 147 changes in the price per half-gallon for the most common grade of milk sold out of stores. This was the total number of changes in the 25 markets.

Of the 147 consumer price changes, 13 moved in the opposite direction from the producer price changes and 74 occurred with no change in the producer price. There were eight consumer price changes of 1 cent per half-gallon or more when producer prices changed more than 18 cents. There were 33 such consumer price changes when the producer price change was less than 12 cents. The remaining price changes, 19, were associated with producer price changes of 12 to 18 cents. Thus, only 19 of the 147 resale price adjustments were associated with a producer price change of 15 cents, plus or minus 3 cents.

Since actual changes in consumer prices have varied greatly in relation to producer prices, there is no basis of experience on which to determine what amount of change in the producer price should be associated with a given change in the consumer price for a particular unit. In fact, there is no basis for assuming that any single relationship is appropriate for all markets and for every producer price change.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence.

Interested parties were requested to file, along with their exceptions to the recommended decision, views on whether the hearing should be reopened for further consideration of the issue. All parties filing exceptions stated that the hearing to consider this proposed "economic" formula should not be reopened.

To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

TERMINATION ORDER

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreements and to the orders should be and is hereby terminated.

Signed at Washington, D.C., on January 14, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-760 Filed 1-19-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING OF NONSTANDARDIZED BAKERY PRODUCTS FORTIFIED WITH VITAMINS AND IRON

Proposed Statement of Policy

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1047-48, as amended, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that a new section be added to Part 3, as follows:

§ 3.____ Labeling of nonstandardized bakery products fortified with vitamins and iron.

Manufacturers are marketing nonstandardized bakery products manufactured with enriched flour. Inquiries have been received by the Food and Drug Administration concerning the labeling requirements of such products when the nutritional fortification is added separately. For clarification and in the interest of consumers, the Food and Drug Administration supports the use of vitamin and mineral fortification of nonstandardized bakery products under the following conditions:

(a) If the bakery product is manufactured with enriched flour or enriched corn meal as the sole flour or corn meal ingredient and:

(1) The only labeling reference to the enrichment is the ingredient declaration of "enriched flour" or "enriched corn meal," then the ingredient declaration may be followed by the parenthetical explanation "(containing thiamine, riboflavin, niacin, and iron)" and the label need not declare the percent of the minimum daily requirements of the nutrients added.

(2) The labeling features the use of enriched flour or enriched corn meal, then the food in its ready-to-eat form must contain at least 25 percent by weight of the enriched flour or enriched corn meal ingredient and the labeling must declare the percent of the minimum daily requirements as required by part 125 of this chapter.

(b) If the bakery product is manufactured with the enrichment added separately and:

(1) The enrichment is equivalent to the product having been made with enriched flour or enriched corn meal and the only labeling reference to the added nutrients is the ingredient declaration of "thiamine, riboflavin, niacin, and iron," then the label need not declare the percent of the minimum daily requirements of the added nutrients.

(2) The labeling features the added vitamins and iron, then the food in its ready-to-eat form must contain at least the amount of enrichment equivalent to 25 percent by weight of enriched flour or enriched corn meal and the label must comply with the declaration of the percent of the minimum daily requirements as required by Part 125 of this chapter.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-743 Filed 1-19-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 66]

[CGFR 70-159]

PRIVATE RADIO AIDS TO NAVIGATION

Notice of Proposed Rule Making

The Commandant, U.S. Coast Guard is considering a proposal to amend Part 66 of Title 33 of the Code of Federal Regulations. Existing regulations (33 CFR 66.01) prohibit the operation of electronic aids to marine navigation except for shore-based radars by anyone other than the U.S. Government. The purpose of these proposed regulations is to rescind that prohibition and to set forth general conditions under which the Commandant of the Coast Guard will authorize private radio aids to navigation.

Although 33 CFR 66.01 currently uses the term "electronic aid to navigation", these proposed regulations will use the term "radio aid to navigation".

The proposed regulations will provide for the authorization of private radio aids to navigation by the Coast Guard. They do not obviate the necessity of complying with other Federal, State, or local laws or regulations nor do they affect those systems licensed by the Federal Communications Commission as an Industrial Radio Location Service, either currently or in the future.

Under International Telecommunications Union (ITU) Radio Regulations, stations operating in the radionavigation service are considered to be a safety service, and as such are generally afforded more stringent protection from interference than stations in other services. Although as defined in these proposed rules, the term radio aid to navigation is not identical to the term radionavigation service as defined in the ITU Radio Regulations, the concept of a safety service is carried into these regulations. As a result, much of the content of these proposed rules is meant to assure the Commandant that any aid authorized will contribute to safe navigation.

The Commandant proposes to authorize private radio aids to navigation because there is need for further aids which, with limited resources, the Government cannot provide. In reaching a decision on the authorization the Commandant will consider the fact that the radio frequency spectrum is a limited resource. Therefore only those aids which will provide a necessary navigation service which cannot reasonably be provided by existing navigation systems will be authorized. The Commandant in coordination with other government agencies will also require that a proposed radio aid to navigation will be compatible with other existing or planned radiocommunications services.

The term radio aid to navigation includes not only systems which operate in the very low, low and medium frequency bands, which are useable at long range by a large number of diversified users, but will also include devices operating at microwave frequencies which simply enhance the utility of a radar already installed aboard a vessel. The proposed regulations relating to terminating or permanently reducing the service of an aid, once approved, are similarly varied. It is envisioned that a simple radar transponder would be authorized to terminate service on 30 days notice. On the other hand, an aid providing fix coverage over many thousands of square miles with considerable investment in equipment and dependence on that system by its users must obtain authorization from the Federal Government to terminate or permanently reduce the services provided by that aid.

A performance bond may be required as a condition to authorizing a radio aid to navigation when the Commandant makes a determination that the aid may not be terminated or permanently reduced for a specific period of time once it has been authorized.

The letter of application to the Coast Guard must be sufficiently complete so that the Commandant can evaluate the aid to insure that it meets the basic provisions. Information must also be submitted to substantiate the fact that the performance standards will meet the stated need, and that the equipment, the operating procedures and maintenance procedures will meet the required performance standards. Detailed information supplied to the FCC in applying for a license need not be duplicated as a copy of the FCC application is a required part of the request for Coast Guard authorization. The Commandant will conduct a public hearing on each application.

The proposed regulations provide the Federal operation of an aid after approval of termination of the authorization if continued operation of the aid is in the public interest.

Requirements would be established for reporting voluntary or involuntary temporary impairment in service and restoration of normal conditions to enable the Coast Guard to issue Notices to Mariners regarding these services, when appropriate.

It is also proposed to revise § 66.01-1(b) to provide for the authorization of private aids to navigation on the Continental Shelf. This would bring the regulations into conformance with 14 U.S.C. 81, as amended.

Interested persons are invited to submit written data, views, arguments, or comments regarding this proposal to the Commandant (OAN/73), U.S. Coast Guard, 400 Seventh Street SW., Washington, DC 20591. Communications received on or before March 15, 1971, will be considered before final action is taken on this proposal. Copies of this proposal are available upon request to the address above, and will be available for examination at that office as well as the offices of the Coast Guard District Commanders.

Each communication received within the specified time period will be considered and evaluated before final action is taken on this proposal. Copies of written communications received will be available for examination in Room 7325, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, DC. The proposal contained in this document may be amended as a result of comments received.

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—Aids to Navigation Other Than Federal or State

1. It is proposed that § 66.01-1 be amended by revising paragraphs (b) and (d) to read as follows:

§ 66.01-1 Basic provisions.

• • • • • •

(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States or the waters above the Continental Shelf other than those operated by the Federal Government (Part 62 of this subchapter) and those operated in State waters for private aids to navigation (Subpart 66.05).

• • • • • •

(d) Nothing in this subpart applies to private radio aids to navigation. Private radio aids to navigation may be authorized in accordance with Subpart 66.15.

2. It is proposed to amend Part 66 by adding a new Subpart 66.15 to read as follows:

Subpart 66.15—Private Radio Aids to Navigation

Sec.
66.15-1 Basic provisions.
66.15-2 Definition of terms.
66.15-5 Application procedures.
66.15-10 Action by District Commander.
66.15-15 Action by the Commandant.
66.15-20 Authorization.
66.15-25 Term of authorization.
66.15-30 Applications to renew authorization.
66.15-35 Change or transfer of ownership.
66.15-40 Termination or permanent reduction of a private radio aid to navigation.
66.15-45 Notice of voluntary temporary discontinuance, reduction or impairment.
66.15-50 Notice of involuntary temporary discontinuance, reduction or impairment.
66.15-55 Inspection.
66.15-60 Penalties.
66.15-65 Protection of private radio aids to navigation.

AUTHORITY: The provisions of this Subpart 66.15 issued under sec. 1, 63 Stat. 500, 501, 545, as amended, sec. 501, 65 Stat. 290, sec. 4, 67 Stat. 462, sec. 6(b) 80 Stat. 938; 14 U.S.C. 81, 83, 84, 85, 86, 633, 31 U.S.C. 483a, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b).

Subpart 66.15—Private Radio Aids to Navigation

§ 66.15-1 Basic provisions.

(a) This subpart establishes procedures and requirements under which entities other than the Federal Government may be authorized to establish, maintain and operate, discontinue, change, or transfer ownership of, maritime radio aids to navigation.

(b) A private radio aid to navigation is an aid to navigation which makes use of radio waves, and which is owned or operated by a person other than the U.S. Government and which is operated within the United States or the waters above the Continental Shelf for the benefit of vessels navigating upon the navigable waters of the United States or upon the waters above the Continental Shelf adjacent to the United States.

(c) Coast Guard authorization of a private radio aid to navigation does not authorize any invasion of private rights, nor does it obviate the necessity of complying with any other Federal, State, or local laws or regulations.

(d) The following radio aids to navigation shall be provided exclusively by the Federal Government:

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(1) Marine radiobeacon stations;
(2) Loran–A transmitting stations;
(3) Loran–C transmitting stations; and
(4) Omega transmitting stations.

(e) Authorization is not required from the Coast Guard for the following:

(1) Stations in the Industrial Radiolocation Service; and

(2) Stations broadcasting general maritime information.

(f) Authorization of developmental private radio aids to navigation will be considered on an informal basis. Sections 66.15–5, 66.15–10, 66.15–15, 66.16–40, 66.15–45, and 66.15–50 do not apply to requests for such authorizations.

§ 66.15–2 Definition of terms.

Certain terms as used in this subpart are defined as follows:

(a) *Radio waves.* Electromagnetic waves of frequencies lower than 3,000 GHz, propogated in space without artificial guide.

(b) *Telecommunication.* Any transmission, emission, or reception of signs, signals, writing, images and sounds of intelligence of any nature by wire, radio, visual, or other electromagnetic systems.

(c) *Radiocommunication.* Telecommunications by means of radio waves.

§ 66.15–5 Application procedures.

(a) Application to establish, maintain, and operate, or change, or transfer ownership of private radio aids to navigation must be made by letter to the Commander of the Coast Guard District in which the aid will be located.

(b) The application must include the following minimum information:

(1) Name and address of the applicant.

(2) Detailed information and charts showing navigation service coverage to be provided and location of all fixed facilities (i.e., transmitting stations, monitor stations) involved, frequencies, radiated power, and the emission associated with each transmitting facility shall be shown.

(3) The purpose for which the radio aid to navigation is to be installed and an explanation why existing navigation systems are insufficient;

(4) An analysis of projected market to be served, in the event the radio aid to navigation requires unique equipment aboard a vessel in order to use the aid (i.e., a special radio receiver, or modification to an existing radio receiver).

(5) A technical description of the radio aid to navigation proposed.

(6) The performance specifications the applicant will maintain to provide the service specified in subparagraph (2) of this paragraph.

(7) A proposed procedure for operating and maintaining the radio aid to navigation.

(8) If other radio aids to navigation are operating in the same geographical area, and in the same radio frequency band, a statement of procedures that will be followed to insure technical and operational compatibility with these other aids.

(9) A description of the patent rights on the component parts of the aid and on receiving equipment used with the aid held by the applicant and others.

(10) If a fixed structure is to be placed in the navigable waters of the United States, a copy of the permit issued by the Corps of Engineers.

(11) A copy of the completed FCC form 503 with any attachments or exhibits submitted to the Federal Communications Commission.

(12) A statement that the applicant agrees, as a condition to Coast Guard authorization, to abide by the regulations and the conditions specified in the authorization.

§ 66.15–10 Action by District Commander.

Each District Commander receiving a letter in accordance with § 66.15–5 shall forward it to the Commandant with his recommendations and comments.

§ 66.15–15 Action by the Commandant.

(a) Prior to authorizing any private radio aid to navigation, the Commandant in coordination with the Federal Communications Commission, the Office of Telecommunications Policy and other government agencies concerned, will review the application to determine:

(1) That there is a valid need for the proposed radio aid to navigation which cannot be reasonably met using existing navigation systems;

(2) That the Federal Government is unable to respond to that need within a reasonable time;

(3) The adequacy of the proposed aid to meet the purpose for which the aid is intended;

(4) The technical capability of the aid to provide the proposed performance specifications;

(5) The adequacy of the proposed methods of operation and maintenance to assure the integrity of the service;

(6) The magnitude of the electromagnetic frequency spectrum requirements relative to the magnitude of the need for the service to be rendered by the aid;

(7) Compliance with national and international radio regulations and;

(8) That the aid can be operated in such a manner that it will be technically and operationally compatible with existing or planned radiocommunication services.

(b) Prior to approval of an aid, the Coast Guard may require that the proposed aid be tested by representatives of the Federal Government to determine that the performance of the aid will meet the claims of the prospective operator and that the equipment is capable of providing the performance claimed. Any costs to the Government of such testing shall be borne by the prospective operator.

(c) Prior to approval of an application for authorization of a private radio aid to navigation, the Commandant of the Coast Guard shall make a determination based on the public interest:

(1) That the aid may be terminated or permanently reduced at any time after 30 days notice of such intent is given to the Commander of the Coast Guard District in which the aid is located;

(2) That the aid may be terminated or permanently reduced only after approval of the proposed action is obtained from the Commandant in accordance with § 66.15–40; or

(3) That the aid may not be terminated or permanently reduced for a specific period of time up to the term of the authorization after which period the provisions of subparagraph (2) of this paragraph shall apply. In the event of such a determination, a performance bond covering the anticipated operating and maintenance costs of the aid shall be posted with the Federal Government for the period of time encompassing the interval during which the service of the aid may not be terminated.

(d) If an application contains insufficient information it will be returned to the applicant for resubmission.

(e) The Commandant shall conduct a public hearing prior to reaching a decision on an application.

(f) If after review of the application the Commandant considers approval to be justified, he shall recommend to the Federal Communications Commission the frequency or frequencies to be assigned to the aid, the conditions in accordance with paragraph (c) (1), (2), or (3) of this section under which authorization is contemplated, and the recommended license duration. The Commandant shall also recommend to the FCC any restraints either technical or operational, he considers desirable for the public interest which might be included in the FCC license for the service.

§ 66.15–20 Authorization.

(a) Authorization of a private radio aid to navigation by the Commandant shall be by letter and contain the following provisions:

(1) Identification of the aid;

(2) Organization authorized to operate the aid;

(3) Expiration date of the authorization;

(4) Specific provisions under which the services of the aid may be terminated or permanently reduced;

(5) The Commander of the Coast Guard District to be notified in event of temporary discontinuance, reduction, or impairment of service;

(6) Performance standards for the aid to be maintained by the operating organization and, if applicable, specific procedures to be followed to provide a warning to users that the performance is below minimum standards;

(7) If the aid is to be seasonal, the inclusive dates between which the service will be provided;

(8) Guarantees, if any, required by the Government to assure continued operation for a specific period of time, including a performance bond if one is to be required in accordance with § 66.15–15(c);

(9) Routine reports on the aid required by the Coast Guard; and

(10) Any other requirements that the Commandant may deem necessary.

§ 66.15–25 Term of authorization.

The term of authorization for a private radio aid to navigation shall be granted for a specific period of time up to 10 years.

§ 66.15–30 Applications to renew authorization.

(a) An application to renew the authorization for an aid shall contain the following information:

(1) Name and address of the applicant;

(2) Location of the aid;

(3) Date of original application; and

(4) Any other information requested by the Commandant.

(b) The application shall be mailed to the Commander of the Coast Guard District in which the aid is located not more than 90 days and not less than 30 days prior to the expiration of the authorization.

§ 66.15–35 Change or transfer of ownership.

The consent of the Commandant of the Coast Guard shall be required prior to any transfer, assignment, or in any manner either voluntarily or involuntarily disposing of, or indirectly by transferring of control of any corporation holding the authorization to any person.

§ 66.15–40 Termination or permanent reduction of a private radio aid to navigation.

(a) An aid approved under § 66.15–15 (c)(1) may be terminated or permanently reduced provided that the Commander of the Coast Guard District in which the aid is located is notified of such intent at least 30 days prior to the termination or reduction of service.

(b) An aid approved under § 66.15–15 (c) (2) or (3) may be terminated or permanently reduced only with the approval of the termination or reduction by the Commandant of the Coast Guard and the FCC.

(c) Approval of termination or permanent reduction may be granted by the Commandant:

(1) If it is in the public interest, or;

(2) If the operation of the radio aid to navigation or system of raido aids to navigation is not economically feasible to the organization controlling the operation of the ground station equipment or its parent organizations, and if approval is not contrary to the public interest.

(d) If the Commandant determines continued operation of a radio aid to navigation would be in the public interest the following conditions shall be met prior to Coast Guard approval of the termination:

(1) The owner or operator shall transfer or assign to the Government, at no cost, the following:

(i) The title or other interest held with respect to the ground station site necessary to the operation of the station;

(ii) The ground station equipment, in good working condition;

(iii) A set of spare parts; and

(iv) The onsite test equipment and special tools necessary for maintaining the aid.

(2) Additional ground station and user equipment shall be readily available at reasonable cost.

(3) The owner of patents on equipment which is necessary for the operation and use of the radio aid to navigation shall enter into an agreement with the Coast Guard which will provide for the granting of nonexclusive licenses on reasonable terms for the manufacture, use, and sale of the equipment.

§ 66.15–45 Notice of voluntary temporary discontinuance, reduction, or impairment.

(a) Temporary discontinuance, reduction, or impairment of service within the control of the station operator is permissable under these regulations only for minimum periods of time necessary to accomplish equipment repairs or modifications and if possible shall be scheduled for minimum inconvenience to the system users. Prior notification shall be given by the station operator to the Commander of the Coast Guard District in which the aid is located. In such cases the operator shall furnish full particulars as to the reason for the discontinuance, reduction, or impairment of service including a statement as to when normal service is expected to be resumed. When normal service is restored, immediate notification thereof shall be given to the Coast Guard District Commander.

§ 66.15–50 Notice of involuntary temporary discontinuance, reduction, or impairment.

If, for any reason beyond the control of the station operator, a radio aid to navigation is temporarily discontinued, reduced, or impaired, immediate notification thereof shall be given by the station operator to the Commander of the Coast Guad District in which the aid is located. In such cases the operator shall furnish full particulars as to the reason for such discontinuance, reduction, or impairment of service including a statement as to when normal service is expected to be resumed. When normal service is restored, immediate notification thereof shall be given to the Coast Guard District Commander.

§ 66.15–55 Inspection.

Any private radio aid to navigation authorized under this subpart shall be maintained in proper operating condition. The facilities of the aid are subject to inspection by the Coast Guard at any time without notice.

§ 66.15–60 Penalties.

(a) Any person excluding the Armed Forces, who shall establish, erect, or maintain any radio aid to maritime navigation without first obtaining authority to do so from the Coast Guard or who shall violate the regulations in this subpart, is subject to the provisions of 14 U.S.C. 83.

(b) Any person who operates a private radio aid to navigation in a manner inconsistent with the terms of the authorization shall be in violation of the regulations of this subpart and shall be subject to the provisions of 14 U.S.C. 83.

§ 66.15–65 Protection of private radio aids to navigation.

Private radio aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 14 U.S.C. 84). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

This proposal for rule making is made under the authority of sec. 1, 63 Stat. 500, 501, 545, as amended, sec. 501, 65 Stat. 290, sec. 4, 67 Stat. 462, sec. 6(b), 80 Stat. 938; 14 U.S.C. 81, 83, 84, 85, 86, 633, 31 U.S.C. 483a, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 F.R. 4959).

Dated: January 15, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71–792 Filed 1–19–71;8:49 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 71–SW–1]

AEROSTAR MODELS 600 AND 601 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aerostar Models 600 and 601 airplanes. An unsafe condition for the main landing gear sidebraces under inboard side load conditions has been discovered. Since this condition exists on other airplanes of the same model, the proposed airworthiness directive would provide for modifications to assure adequate strength.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, TX 76101.

All communications received within 30 days after date of publication of this notice will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons both before and after the closing date for comments, at the office of the Regional Counsel, FAA, Southwest Region, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AEROSTAR. Applies to Models 600 and 601. Serial numbers 60-0001 through 60-0056 and 61-0001 through 61-0070.

Compliance required within the next 100 hours time in service after the effective date of this AD or at the next annual inspection, unless already accomplished.

To prevent collapse of the main landing gear, replace the main landing gear sidebrace assemblies in accordance with Instructions I, II, III, and IV of Aerostar Service Bulletin No. 600-21 dated December 29, 1970 or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Fort Worth, Tex.

Issued in Fort Worth, Tex. on January 8, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-766 Filed 1-19-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-108]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Columbus transition area described in § 71.181 (35 F.R. 2134, 5216) would be amended as follows: "• • • VORTAC to 18.5 miles W • • •," would be deleted and "• • • VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N, long. 88°35'30" W) • • •." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Golden Triangle Regional Airport which is scheduled to become operational on or about May 1, 1971.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 8, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-767 Filed 1-19-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-118]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at La Crosse, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at the La Crosse Municipal Airport, a revised instrument approach procedure has been developed for this airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the La Crosse, Wis., control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

LA CROSSE, WIS.

That airspace within a 5-mile raidus of La Crosse Municipal Airport (latitude 43°-52'38" N., longitude 91°15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; within 3 miles each side of the 305° and the 146° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 6½ miles northwest of the RBN; and within 1½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR.

(2) In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

LA CROSSE, WIS.

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the La Crosse VOR 322° radial extending from the VOR to 24½ miles northwest of the VOR; within 9½ miles east and 4½ miles west of the La Crosse VOR 185° radial extending from the 14-mile radius to 24 miles south of the VOR; and within 9½ miles southwest and 4½ miles northeast of the La Crosse RBN 305° bearing extending from the 14-mile radius to 18½ miles northwest of the RBN.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on December 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-768 Filed 1-19-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS IN CONNECTICUT

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Connecticut as set forth in the following new §§ 481.183–481.184 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Connecticut, Rhode Island, Massachusetts, and New York and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 1:30 p.m., February 4, 1971, Fifth Floor Auditorium, State Health Services Building, 79 Elm Street, Hartford, CT 06115.

Mr. Mario Storlazzi is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Mario Storlazzi, Air Pollution Control Office, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, MA 02203.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.183 Eastern Connecticut Intrastate Air Quality Control Region.

The Eastern Connecticut Intrastate Air Quality Control Region (Connecticut) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

TOWNS

Ashford.	Mansfield.
Bozrah.	Montville.
Brooklyn.	North Stonington.
Canterbury.	Old Lyme.
Chaplin.	Old Saybrook.
Chester.	Plainsfield.
Clinton.	Pomfret.
Colchester.	Preston.
Columbia.	Putnam.
Coventry.	Salem.
Deep River.	Scotland.
Eastford.	Sprague.
East Lyme	Stafford.
Essex	Sterling.
Franklin.	Stonington.
Griswold.	Thompson.
Groton.	Union.
Hampton.	Voluntown.
Killingly.	Waterford.
Killingworth.	Westbrook.
Lebanon.	Willington.
Ledyard.	Windham.
Lisbon.	Woodstock.
Lyme.	

CITIES

Groton.	Putnam.
New London.	Willimantic.
Norwich.	

§ 481.184 Northwestern Connecticut Intrastate Air Quality Control Region.

The Northwestern Connecticut Intrastate Air Quality Control Region (Connecticut) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

TOWNS

Barkhamsted.	New Hartford.
Bridgewater.	New Milford.
Canaan.	Norfolk.
Colebrook.	North Canaan.
Cornwall.	Roxbury.
Goshen.	Salisbury.
Hartland.	Sharon.
Harwinton.	Sherman.
Kent.	Warren.
Litchfield.	Washington.
Morris.	Winchester.

CITIES

Torrington.	Winsted.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-777 Filed 1-19-71;8:48 am]

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS IN MAINE

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Maine as set forth in the following new §§ 481.179–481.182 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Maine and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 1 p.m., February 3, 1971, Room 201, Federal Building, U.S. Post Office, 40 Western Avenue, Augusta, ME 04330.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.179 Aroostook Intrastate Air Quality Control Region.

The Aroostook Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Aroostook County—That portion of Aroostook County which lies east of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of said line with the Aroostook-Penobscot County boundary.

§ 481.180 Central Maine Intrastate Air Quality Control Region.

The Central Maine Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Kennebec County.	Lincoln County.
Knox County.	Waldo County.

Somerset County—that portion of Somerset County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is also common to the northeast corner of Athens Township.

§ 481.181 Down East Intrastate Air Quality Control Region.

The Down East Intrastate Air Quality Control Region (Maine) consists of the

territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Hancock County. Washington County.

Penobscot County—that portion of Penobscot County which lies south of a line described as follows: Beginning at the point where the Penobscot-Aroostock County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships and running due west to the intersection of said line with the Penobscot-Piscataquis County boundary.

Piscataquis County—that portion of Piscataquis County which lies south and east of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Barnard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with the Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

§ 481.182 Northwest Maine Intrastate Air Quality Control Region.

The Northwest Maine Intrastate Air Quality Control Region (Maine) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maine:

Aroostook County—that portion of Aroostook County which lies west of a line described as follows: Beginning at the point where the Maine-Canadian international border is intersected by a line common to the western boundary of Fort Kent Township and running due south to the intersection of the said line with the Aroostook-Penobscot County boundary.

Franklin County—that portion of Franklin County which lies north and west of a line described as follows: Beginning at the point where the Oxford-Franklin County boundary is intersected by a line common to the northern boundary of Franklin County, Township No. 6, Phillips Township, Salem Township, and Freeman Township to the intersection of the said line with the Franklin-Somerset County boundary, which is also common to the northeast corner of Freeman Township.

Oxford County—that portion of Oxford County which lies north and west of a line described as follows: Beginning at the point where the Maine-New Hampshire border is intersected by a line common to the northern boundary of Grafton Township, and running northeast along the northern boundaries of Grafton Township and Andover North Surplus to the intersection of said line with the Oxford-Franklin County boundary, which is also the northeast corner of Andover North Surplus.

Penobscot County—that portion of Penobscot County which lies north of a line described as follows: Beginning at the point where the Penobscot-Aroostook County boundary is intersected by a line common to the boundaries of Patten and Stacyville Townships, and running due west to the intersection of said line with the Penobscot-Piscataquis County boundary.

Piscataquis County—that portion of Piscataquis County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Piscataquis County boundary is intersected by a line common to the northern boundary of Blanchard Plantation and running northeast along the northern boundary of Blanchard Plantation to the northeast corner of Blanchard Plantation; then northwest along the western boundary of Monson Township to the northwest corner of Monson Township; then northeast along the northern boundaries of Monson, Willimantic, and Bowerbank Townships, the northern boundary of Bernard Plantation, the northern boundaries of Williamsburg and Brownville Townships, and the northern boundary of Lake View Plantation to the intersection of said line with the Piscataquis-Penobscot County boundary, which is also common to the northeast corner of Lake View Plantation.

Somerset County—that portion of Somerset County which lies north and west of a line described as follows: Beginning at the point where the Somerset-Franklin County boundary is intersected by a line common to the northern boundary of New Portland Township and running northeast along the northern boundaries of New Portland, Embden, Solon, and Athens Townships to the intersection of said line with the Somerset-Piscataquis County boundary, which is common to the northeast corner of Athens Township.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-775 Filed 1-19-71;8:48 am]

[42 CFR Part 481]

SOUTHERN DELAWARE INTRASTATE AIR QUALITY CONTROL REGION

Proposed Designation of Region; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate an Intrastate Air Quality Control Region in the State of Delaware as set forth in the following new § 481.178 which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such a designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Delaware and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such a designation. Such consultation will take place at 10:00 a.m., February 2, 1971, in the State Highway Building, Route 113, Dover, DE.

Mr. Stephen Wassersug is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Stephen Wassersug, Air Pollution Control Office, Environmental Protection Agency, 401 North Broad Street, Philadelphia, PA 19108.

In Part 481 the following new section is proposed to be added to read as follows:

§ 481.178 Southern Delaware Intrastate Air Quality Control Region.

The Southern Delaware Intrastate Air Quality Control Region (Delaware) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Delaware:

Kent County. Sussex County.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-776 Filed 1-19-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19074; FCC 71-41]

FM BROADCAST STATIONS

Table of Assignments, Greenville, Ky., etc.; Order Extending Time

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Greenville, Ky.; Burnside, Greensburg, and Jamestown, Ky.; Oak Ridge and Jamestown, Tenn.; Pineville, Barbourville and Middlesboro, Ky., and Big Stone Gap, Va.); Docket No. 19074, RM-1390, RM-1427, RM-1436, RM-1581.

1. The time for comments and reply comments in this proceeding are extended to February 12 and 26, 1971, respectively.

2. The reason for this action is that it is the Commission's policy to specifically notify particularly interested parties to rule making proceedings by mailing to them a copy of any Commission notice, order, decision, etc. Some such parties were not served with the notice of proposed rule making, released October 30, 1970 (FCC 70-1162). These parties will now be served with that notice, and they and the others so served will be sent copies of this order.

Adopted: January 13, 1971.

Released: January 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-797 Filed 1-19-71;8:49 am]

[47 CFR Part 73]

[Docket No. 18179; FCC 71-42]

TELEVISION PROGRAMS PRODUCED BY NONNETWORK SUPPLIERS

Availability to Commercial Television Stations and CATV Systems; Further Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules with respect to the availability of television programs produced by nonnetwork suppliers to commercial television stations and CATV systems; Docket No. 18179.

1. On May 10, 1968, the Commission initiated this proceeding by issuing a notice of proposed rule making (33 F.R. 7158). That notice dealt mainly with one aspect of exclusivity in nonnetwork television programing practices—namely, it proposed that television stations be permitted to obtain exclusivity only against presentation of the program of another station licensed to the same city (i.e., "same city exclusivity"). Comments have been submitted, and the Commission now has the matter under consideration. In the course of that consideration, we have concluded that there is another important and related aspect of exclusivity which should be much more fully explored—namely, the length of time of exclusivity. While our first notice did ask for data and comments on "time" exclusivity (see paragraphs 6, 8(h)), the resulting comments, while helpful to some extent, did not really deal with this important issue in an in-depth fashion. The main response was that a long period is necessary to protect the investment and permit multiple exposure with "rests" in between. The purpose of this further notice is to invite a more in-depth exploration of this important matter, to set out specific proposals in this area, and to elicit comments of interested persons on these proposals. We stress that the further notice is broader in scope than the original notice, since it raises fundamental questions as to exclusivity in the nonnetwork commercial television programing field. In view of our recent action in the First Report in Docket No. 18397, 20 FCC 2d 201 (1970) that field also encompasses CATV origination, and we have therefore revised the caption of this proceeding. Finally, we shall not delay resolution of the geographical or related aspects of exclusivity until consideration of the comments received on this in-depth "time" aspect; rather, we intend shortly to issue a decision on aspects of the proceeding as to which, in our judgment, the present comments do supply a proper basis for action (e.g., geographical and, indeed, where appropriate, some "time") facets.

2. The problem is pointed up by the comments already received. In general, it appears that: (1) Contracts for nonnetwork programing are usually (though not always) for an extended period and multiple showings or runs; and (2) the exclusivity generally lasts as long as the right to broadcast under the contract, including the multiple runs. To give but one example of the comments, Covington and Burling, on behalf of 16 commercial and two educational stations, states that programing is usually bought for more than one presentation, to cover its high cost, and that usually feature film "packages" are bought for a large number of showings over a number of years, such as five to seven showings of each film during a 5- to 6-year period, or sometimes a total number of runs for the package, such as 120 showings of a 50-film group. The exclusivity, it is said, ends with the last permitted showing of each film. It is stated that syndicated material (series, etc.) is usually bought for a shorter period and smaller number of presentations, seldom over two runs or 2 years; exclusivity runs to the end of the contract.

3. The foregoing would appear to raise a significant public interest question: Are desirable programs being rendered unduly or inordinately unavailable to other stations and their potential audiences over a long period and, indeed, unavailable to any viewers while the first station is "resting" them? The issue is somewhat analogous to that in the motion picture field where the courts have held that clearances are reasonable only "when not unduly extended in area or duration" and are not reasonable if "in excess of what is reasonably necessary to protect the licensee in the run granted". U.S. v. Paramount Pictures, Inc., 66 F. Supp. 323, 70 F. Supp. 53 (S.D.N.Y., 1947), noted with approval by the Supreme Court, 334 U.S. 131, 145, 147 (1948).

4. There are further important public interest considerations. There is a Congressional mandate to promote UHF broadcasting, because of its great importance to the achievement of a truly effective, nationwide system of television. See section 303(s); H. Rept. No. 1559, 87th Cong., 2d Sess., p. 4; Sen. Rept. No. 1526, 87th Cong., 2d Sess., p. 7; U.S. v. Southwestern Cable Co., 393 U.S. 157, 174-77 (1968). We have taken a number of actions to further this goal (e.g., the recent requirement of detente tuning for UHF), but UHF broadcasting still faces difficult times. A major remaining problem centers upon the cost of programing to the independent UHF station (or one in an intermixed market). While it can and should rely significantly on local programing, such a UHF station appears also to need the bulwark of popular film or syndicated programing to attract larger audiences. When it seeks such programing, it finds itself in a bidding contest for the exclusive rights to such programing with its much more affluent, entrenched VHF rivals. Thus, even though its circulation in the area may be curtailed (national average penetration as a result of the all-channel law stands at about 70 percent), and its net average audience share may be quite small, it must outbid the VHF station, with its virtually 100 percent set circulation and a high audience share. The present method of distributing nonnetwork programing obviously works markedly to the benefit of established VHF broadcasters, and against the new, struggling UHF stations.[1] The copyright owner must be given fair and adequate compensation for his creative work; that is the cornerstone of the whole system. If the present method of distribution is the only means of compensating fairly and adequately the copyright owner, then we must permit the method to continue. But if it is not—if there are other methods which would better serve the public interest by promoting UHF and CATV (see para. 5, within) and still fairly and adequately recompense the copyright owner, it is our duty to compel the adoption of such methods, and not to be deterred by arguments that this present system is merely administratively easier for the copyright owner who need sell only once or a few times in a market,[2] or that it is the only way the copyright owners' biggest and best customers, the VHF broadcasters, want to deal. Indeed, while some reasonable degree of time exclusivity ("clearance") has long been recognized, we raise here the basic issue whether any exclusivity as to the distribution of nonnetwork programing serves the "public interest in the larger and more effective use of radio" (section 303(g)). Would either the copyright owner or the broadcast and CATV industries generally be hurt by the elimination of such exclusivity or would all generally, and most important, the public interest be benefitted?

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[1] Commissioner H. Rex Lee absent; Commissioner Houser not participating.

[1] Examination of financial information filed with the Commission establishes that the independent UHF stations in the top 50 markets expend for programing a figure representing on the average 78 percent of their revenues; the comparable figure for the VHF network affiliated stations in the top 50 markets is 27 percent, and 43 percent for the VHF independent.

[2] Of course, we must take into account costs which do affect the public interest, either because they result in inadequate compensation to the copyright owner or inordinately raise the cost of programing and thus the cost to advertisers.

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5. We have included the CATV industry in this notice because of our outstanding proposals and actions in the CATV field. Thus, in our First Report and Order in Docket No. 18397, we have required systems with over 3,500 subscribers to originate, commencing April 1, 1971. Further, we have outstanding a proposal in Docket No. 18397—see paragraph 46, 33 F.R. 19028, 19035. But if this proposal is to be effective and if our origination action is to be fully implemented, programming must be reasonably available to the CATV. Today, CATV faces the same problem as the UHF broadcaster—only more so. The CATV system may be just starting, with only a few thousand subscribers—yet it would have to outbid the VHF broadcaster for much of its product. Whatever conclusion is finally reached on the CATV distant signal issue (see e.g., notice in 18397–A, paragraphs 5, 18, 24 FCC 2d 580, 582–83, 588 (1970)), here again the basic issue is posed whether the degree of exclusivity now permitted is unnecessary for the well-being of the copyright owner, broadcaster, or advertisers, and markedly inhibits the development of the origination capabilities of CATV.

6. The foregoing sets forth the subject matter and issues of the further notice. We do not believe that further discussion is needed nor do we propose to set forth specific proposed rules. While, if the record supports action, we intend to adopt rules on the basis of the comments received, we stress that we have reached no final or tentative conclusion—that rather we intend to thoroughly explore the matters at issue and adopt those rules which the data, comments, and our own study (which we intend to undertake concurrently with this proceeding) show will best serve the public interest. As a starting point for consideration by commenting parties, we raise the following possibilities:

(a) Simply cutting down the present "time" exclusivity (e.g., to 1 or 2 years for film packages, with or without specification of the number of showings; or to one showing of a film or series);[3]

(b) Eliminating all exclusivity;

(c) Restricting exclusivity to a short period (e.g., 6 months, 1 or 2 years, with or without a specification of the number of showings), with no exclusivity permitted thereafter or, alternatively, with no exclusivity against a UHF station (excluding a UHF network affiliate in a UHF "island") or against a CATV system;

(d) Restricting exclusivity to a short period (see examples in (c) above), but with the requirement that thereafter the film or series must be available for a specified time period (e.g., 2 years) to any UHF station[4] or CATV, with the charge to each station or system based on its share of the market.[5]

We also request comments on whether greater exclusivity should be permitted where a station supplies capital (so-called "front-money") for the production of the film material.

7. The foregoing are just some of the alternatives. There are, of course, others (e.g., a different restriction as to prime time exclusivity). We invite the interested parties both to address themselves to the above proposals and to offer new ones.[6] For, as stated, the matter is an open one. Our objective is simply to take such action as to exclusivity in the area of nonnetwork programing as will facilitate the continued health of the copyright owner, and at the same time promote the development of broadcasting and CATV.

8. Authority for the adoption of this proposal is contained in sections 4(i), 303, 307, and 309 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before March 3, 1971, and reply comments on or before April 5, 1971. Absent a compelling showing, extensions will not be granted, since we regard it as important to reach an expeditious decision, especially in view of the possible ramifications of this matter on UHF development and the present critical juncture of that industry. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: January 13, 1971.

Released: January 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION.[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-800 Filed 1-19-71;8:50 am]

[3] The numbers used in this and the other examples are set forth simply as examples; we seek information on what numbers, if any, would be appropriate.

[4] There would be the same exclusion of a UHF network affiliate in a wholly UHF market.

[5] The last proposal requires some further discussion. The premise of (b) and (c) above is that with no exclusivity permitted, the VHF stations will pay a reduced amount and the copyright owner will then seek to sell his product to as many others in the market as he can, for as much as he can, in order to make up for this reduction in revenues because of the absence of exclusivity. This may well be the case. The premise of (d) is to take no chances, and insure availability of such product to the UHF station and CATV, based on the reasonable concept of share of the market (e.g., if the UHF has only a 1-percent or 2-percent share of the market in prime time, it should pay accordingly; so also, the CATV system with only 1,000 subscribers). This method would clearly be feasible to CATV, and would call for rough reliance on ARB figures for UHF; as to the latter, we raise the issue as to what would be an effective and feasible way of proceeding. The specific charge based on these share figures could then be the subject of bargaining by the parties, and, if no agreement were reached, of required arbitration (with the film presented in any event). There are a number of problems here (e.g., availability of prints; whether, to avoid too close showings and thus the inability to advertise, there should be a 30- or 60-day "rest" period after each station or CATV plays the film, with a first-come, first-served method of presentation).

[6] We also request comments on how any rule adopted should be made applicable (e.g., whether or not to "grandfather" existing agreements; whether to require reform and renegotiation after a suitable period; etc.).

[7] Commissioners Bartley and Wells dissenting; Commissioner H. Rex Lee absent; Commissioner Houser not participating.

[47 CFR Part 74]

[Docket No. 19121; FCC 71-40]

TELEVISION BROADCAST TRANSLATOR STATIONS

Notice of Proposed Rule Making

1. Recently, the Commission adopted a report and order in Docket No. 17159 (FCC 70-1042, released September 29, 1970, 20 RR 2d 1538) creating a new FM broadcast translator service under Part 74 of the Commission's rules. The new rules adopted in that proceeding were based, in major part, on the television translator rules contained in Subpart G of Part 74. The FM translator rules embody modifications of the TV translator rules which we felt were indicated as the result of our experience with TV translators over the years. For example, we amended § 1.580(h) of the rules to provide that, with respect to proof of publication of local public notice of the filing of an application for a new translator station (TV or FM) or for a major change in an existing translator station, only one copy of the proof of publication need be filed with the Commission. This change was occasioned by our experience that only one copy was used. Changes were also made in the wording of other rules. At this time, therefore, the FM translator rules differ in some significant respects from the TV translator rules, attributable to factors other than the differences between TV and FM. It is our purpose, therefore, to revise the rules pertaining to TV translator stations to bring them into harmony with the newly promulgated FM translator rules and to make them reflect the realities of administration.[1]

2. In reviewing our TV translator rules, we have found some inconsistencies; in other instances, we have found rules which have proven to be impractical or undesirable and, in some cases, the wording has been vague or ambiguous. These problems could not have been foreseen when the rules were originally adopted, but with the passage of time, we believe that it is now appropriate to revise and harmonize the rules. We do not, in this proceeding, purpose to adopt any new rules which do not reflect existing policy. Accordingly, we invite comments on the proposed changes discussed in the succeeding paragraphs.

[1] We will also make needed editorial revisions where necessary, such as correction of the proper title of the radio equipment list in § 74.751(b)(i).

3. *Section 74.702.* We propose to amend paragraph (a) of this section to add the word "output" in the line which now reads: "Only one channel will be assigned to each station." The purpose of this addition is to clarify the intention of the section. We also propose to amend paragraph (f) of this section. That paragraph provides that adjacent channel assignments will not be made to translator stations intended to serve all or a part of the same area, but our rules do not specifically provide that we will not grant an application for a translator station which would operate on a channel adjacent to a channel on which a nearby regular television station is operating. Although the rules do provide that we will not grant such an application where it is apparent that interference will be caused by the operation of the proposed translator, we have found that much correspondence, processing time, and staff effort can be saved if it were made clear, in the rules, that such assignments will not be made. Accordingly, we propose to amend the rule to so provide.

4. *Section 74.703.* Our rules presently provide for the operation of high-power (100 watts) translators, both UHF and VHF, on channels assigned in the television table of assignments which are unused by regular television stations. The rules also provide for situations where interference develops between translators operating on channels which are not assigned, but no guidance can be found in the rules with respect to the obligations of the licensees of high-power translators operating on assigned and unused channels and the licensees of translators operating on channels which are not assigned, with respect to interference to one another. Present Commission policy contemplates that 100-watt translators operating on assigned and unused channels will be afforded protection against interference by other translators. The basis for this policy is the premise that the frequency represented by the assigned channel is reserved in the area and must be protected against intrusion by translators of lesser power. The 100-watt translator operating on an assigned channel is visualied as an interim device which may eventually evolve into a regular television station and the channel was assigned, after careful study, to meet all separation requirements. For these reasons, the frequency is considered "protected" in the area. We propose, therefore, to amend the rules to provide that a translator operating with peak transmitter output power of 100 watts or more[2] on an assigned and unused channel will be protected against interference by other translators, but need not protect such other translators against interference. Otherwise, there will be no change in the present provisions that new UHF translators will be required to protect existing UHF translators against interference and that interference which develops between VHF translators will be resolved by agreement of the licensees.

5. In addition to the foregoing considerations, we note that our rules do not specifically provide that a translator must not cause interference to reception by another translator station of its input signals. This omission was recognized in the promulgation of the new FM translator rules and we propose, therefore, to amend the rules to provide for protection by translators against interference to the input signals of other translators.

6. *Section 74.732.* For the same reasons discussed in paragraph 3, supra, we propose to insert the same word in paragraph (c) of this section to make it clear that we mean that only one output channel will be allowed each television translator station. Note 1, following paragraph (e)(2), will be amended to specify that, for the purposes of this subpart, the contours of a television broadcast station shall mean those predicted in accordance with § 73.684 (a) through (e) and (g) of the rules. In other words, the contours which we will consider in connection with determining the location of a translator station will be those which are computed without regard to terrain-limiting factors. We have found this approach necessary in order to establish a standard which will not be subject to dispute in cases involving translator stations. It accords with present Commission policy. Oregon Broadcasting Company, 18 FCC 2d 612, 16 RR 2d 878; reconsideration denied, 20 FCC 2d 246, 17 RR 2d 751 (1969); WGAL Television, Inc. (W80AJ), 22 FCC 2d 950, 18 RR 2d 1210 (1970).

7. One other policy which we believe it would be appropriate to embody in the rules is proposed new § 74.732(e)(3), with respect to the right of a television broadcast station to enjoy program exclusivity within the boundaries of its own principal city. The present provisions of § 74.732(e)(2) of the rules preclude authorization of a licensee-owned or supported VHF translator within the predicted grade A contour of another television station whose programs it would duplicate. Such a translator will be authorized subject to a nonduplication condition. Since the promulgation of that rule, however, the Commission has had occasion to consider situations where either a nonlicensee owned VHF translator or a UHF translator was proposed within the city of license of a television station whose programs the translator would duplicate. We ruled that where a translator would be located within a television station's principal city, that television station is entitled to program exclusivity, whether the translator is VHF or UHF, licensee-owned or not, unless it can be shown that the signal of the local television station cannot be received in the area which the translator would serve. J. R. Karban, 18 FCC 2d 3, 16 RR 2d 469; Storm King T.V. Association, Inc., 19 FCC 2d 876, 17 RR 2d 461; see also 20 FCC 2d 348, 17 RR 2d 839.

8. Paragraph (h) of this section of the rules provides that the Commission will not act on any application for a new translator station or modification of the facilities of an existing translator station where the changes will result in an increase in signal strength in any horizontal direction, until 30 days after the Commission gives public notice of the acceptance of the application for filing. We propose to delete this rule. The Commission cannot, under the Communications Act, grant an application for a new television translator station less than 30 days after the Commission gives public notice of the acceptance of the application for filing and, in any event, § 1.580(b) of the rules already imposes the 30-day restriction of action on applications for new stations and for major changes in existing stations. Insofar as applications for new translator stations and for major changes in existing stations are concerned, therefore, the present § 74.732(h) is repetitious and unnecessary. With respect to minor changes in the facilities of existing translator stations, we perceive no valid reason to delay action for 30 days and steps have, in fact, already been taken to expedite the processing of such applications. We believe, therefore, that the rule is no longer needed and should be eliminated. Its elimination will harmonize the television translator rules with the FM translator rules and will serve to expedite action on minor change applications. The present paragraph (i) will become paragraph (h) after deletion of the rule.

9. In the interest of administrative efficiency, we propose to incorporate into Subpart G, as paragraph (i) of § 74.732 (eligibility and licensing requirements) a new rule paralleling § 74.1131, which is the newly-adopted bar against cross-ownership of a CATV system and television translator stations serving the same community or area. Few translator applicants or licensees are familiar with the CATV rules, and we believe that a great deal of confusion can be avoided by placing such a rule into the translator rules. With the adoption of the report and order in Docket No. 17159 in September, 1970 (the new FM translator service), we revised our application forms to enable them to be used by applicants

[2] There are presently several UHF translators operating, pursuant to waivers of various rules, with peak transmitter output power of 1,000 watts, and a rule making proceeding is pending to authorize 1,000-watt UHF translators on a regular basis on assigned and unused channels (Docket No. 18861, FCC 70-520, released May 21, 1970).

for FM translators as well as by applicants for TV translators. One of the revisions was a change in the renewal application form (Form 348) to include a question with respect to interests of the licensee or its principals in any CATV system. This was done partly because, prior to the revision, the Commission had no way to know when a translator licensee had acquired an interest in a CATV system subsequent to licensing of the translator, and partly because the cross-ownership rule had already been adopted and a need for a parallel rule in the television translator service was apparent. The rule we now propose, therefore, represents implementation of that project.

10. *Section 74.735(a).* This section is concerned with power limitations and, specifically, the authorization and use of multiple output amplifiers with VHF translators. When the rules were amended in June 1968 (report and order in Docket No. 15971, 13 FCC 2d 305, 13 RR 2d 1577), to authorize VHF translators to operate with peak transmitter output power of up to 10 watts west of the Mississippi River, no change was made in this particular rule. As a result, the anomalous situation arose whereby a 10-watt translator west of the Mississippi River could operate with peak transmitter output of 10 watts to a community, but a 1-watt translator serving the same area could not use a multiple output amplifier in such manner as to reinforce its signals to place as much as 2 watts peak transmitter output power toward that community. This came about as the result of the restrictions of this rule which prohibits transmitting antennas or antenna arrays from being used to reinforce the signals by combining the outputs of more than one final radio frequency amplifier. The reasons for this rule remain valid with respect to 10-watt stations and with respect to 1-watt stations east of the Mississippi River, but the reason no longer obtains with respect to 1-watt VHF stations west of the Mississippi. Accordingly, we propose to amend the rule to make it inapplicable to 1-watt stations west of the Mississippi where the combination of the outputs of separate radio frequency amplifiers would not exceed 10 watts. Also, paragraph (b) will be amended to provide that the transmitting apparatus may not be operated with power output in excess of the transmitter type-accepted rating, rather than in excess of the manufacturer's rating, as it now appears.

11. *Section 74.763.* This section of the rules is concerned with time of operation of TV translator stations. The changes we propose to make would eliminate the provision that the Engineer in Charge of the radio district in which the station is located need be notified when a translator is inoperative for a period in excess of 10 days, only where the inoperation is due to causes beyond the licensee's control. We see no reason to limit this notification to those situations; rather we believe that notice should be given to the engineer in charge whenever a translator is inoperative for more than 10 days, whatever the reason. We have so provided in the new FM translator rules and have revised the translator license renewal application forms to require each licensee to account for "down time", whatever the reason.

12. *Section 74.769.* The translator rules require each licensee to have a current copy of Part 73 and Part 74 of the Commission's rules and Part 17 where obstruction markings are required. Important information is contained in Part 1 of the Commission's rules which should be familiar to all applicants. Since Parts 1 and 17 are contained in Volume I of the Commission's rules and Parts 73 and 74 are contained in Volume III, we think that the rule should be amended to require that licensees have current copies of Volumes I and III of the rules. (The parts in each volume are not available separately.)

13. *Section 74.784.* Recently, confusion has arisen among some of our translator licensees as to whether and under what conditions rebroadcast consent must be obtained from the licensee of an intermediate translator station which transmits the signals which another translator station wishes to rebroadcast. A translator station must have written authority from its primary station to carry its programs, but our rules are not clear as to whether a translator which wishes to pick up the intermediate translator's signals need obtain the consent only of the primary station, only of the intermediate translator, or both. Section 325 (a) of the Communications Act, which requires rebroadcast consent, speaks in terms of the "originating station." To eliminate the ambiguity of the present rules, to make them consistent with the Communications Act and to bring them into harmony with the FM translator rules, we propose to revise this rule to require that only the written consent of the primary station need be obtained. After all, the intermediate translator must have the written consent of that primary station and we can foresee no valid objection by the intermediate translator to the rebroadcast of its signals if the primary station is agreeable.

14. In recent years, a multitude of problems has arisen as the result of the efforts of networks to control rebroadcast consent by affiliates, and from the disposition of stations to defer to the networks or to so condition their rebroadcast consent as to make it impossible or extremely difficult for the average translator licensee to understand the nature and extent of his rebroadcast permission and obligations. We believe that this is an area where clear guidelines are needed and we invite comments, by stations, networks, industry associations and other interested parties, as to the desirability of restrictions on the right of networks to intervene in rebroadcast matters and limitations to be placed upon conditions which may be imposed by primary station licensees. It may be that rebroadcast consent should be the sole province of "originating station" as stated in the Communications Act, and that this consent must be withheld or given in clear and concise terms.

15. We believe that the foregoing changes represent the areas which are in greatest need of revision, but the rules which we propose to change in this proceeding do not necessarily represent the only areas where changes may be appropriate. Consequently, we invite comments with respect to other changes in the television translator rules which may result in greater effectiveness of our administration of the television translator rules. We will not entertain, in this proceeding, proposals which constitute a departure from existing Commission policies, such as proposals for increased power, or with respect to frequencies available for translator use.

16. Pursuant to this notice and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, the Commission proposes the adoption of the rules and revisions set out below, and such other revisions of the rules as may be proposed to effect greater administrative efficiency.

17. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before February 22, 1971, and reply comments on or before March 4, 1971. All relevant and timely comments and reply comments will be considered before final action is taken in this proceeding. The Commission, additionally, in reaching a decision in this proceeding, may also take into account other relevant information before it.

18. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission.

Adopted: January 13, 1971.

Released: January 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 74.702, paragraphs (a) and (f) are amended to read as follows:

§ 74.702 Frequency assignment.

(a) An applicant for a new television broadcast translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one output channel will be assigned to each station.

• • • • •

(f) Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or part of the same area nor will an assignment be made to such stations to operate on an output channel adjacent to a channel assigned to any television broadcast station within whose predicted Grade B contour the area to be served by a translator is located, unless the applicant demonstrates that interference will not be caused.

• • • • •

2. In § 74.703, paragraph (a) is amended to read as follows:

§ 74.703 Interference.

(a) An application for a new television broadcast translator station or for changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused. A television translator station shall not cause interference to reception by another television translator station of its input signals. The licensee of a new UHF translator shall protect existing UHF translators from interference resulting from its operation. If interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved. Translators operating on channels other than those allocated in the Television Table of Assignments (§ 73.606 of this chapter) shall not be entitled to protection from interference by translators operating on channels allocated in the Television Table of Assignments, but shall, in all cases, protect such translators operating on allocated channels from interference.

• • • • •

3. In § 74.732, paragraph (c) is amended; in paragraph (e), subparagraph (2) and Note 1 thereto are amended; subparagraph (3) is added; paragraph (h) is deleted; paragraph (i) is redesignated as paragraph (h), and a new paragraph (i) is added, as follows:

§ 74.732 Eligibility and licensing requirements.

• • • • •

(c) Only one output channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

• • • • •

(e) • • •

(2) Where the proposed VHF translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations: *Provided, however,* That, subject to the provisions of subparagraph (3) of this paragraph, this will not necessarily preclude the authorization of a VHF translator intended to improve reception of the primary station's signals to any community, any part of the corporate limits of which is within the predicted principal city contour of such station.

NOTE 1: For the purposes of this subpart, the contours of a television broadcast station shall be determined in accordance with the procedures set forth in § 73.684 (a) through (e) and (g) of this chapter, without regard to any terrain-limiting factors. Wherever reference is made in this subpart to television station service contours, it shall mean contours predicted in accordance with this note.

• • • • •

(3) No television broadcast translator station which serves or is intended to serve all or any part of an area within the principal city (city of license) of a television broadcast station shall duplicate any program or part thereof of such television station unless the applicant demonstrates that the area proposed to be served by the translator does not receive satisfactory signals from the television broadcast station licensed to serve such principal city.

• • • • •

(i) No application for a construction permit for a new television translator station will be granted where the applicant or any principal, directly or indirectly, owns, operates, controls, or has an interest in any CATV system serving the same community or area, and no application for renewal of the license of such a television translator station will be granted after August 10, 1973. Definition of the terms used in this rule shall be in accordance with the provisions of § 74.1131.

4. In § 74.735, paragraphs (a)(2) and (b) are amended to read as follows:

§ 74.735 Power limitation.

(a) • • •

(2) Each final radiofrequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radiofrequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a radiofrequency amplifier with power output no greater than that authorized pursuant to this paragraph (a): *Provided, however,* That subparagraph (1) of this paragraph and this subparagraph (2) will not apply to 1-watt translators serving areas west of the Mississippi River.

• • • • •

(b) The transmitter power output of a UHF translator shall be limited to a maximum of 100 watts peak visual power. In no event shall the transmitting apparatus of any television translator station be operated with power output in excess of the transmitter type-accepted rating.

• • • • •

§ 74.751 [Amended]

6. Section 74.751(b)(1) is amended to substitute for the words "Radio Equipment List, Part A, Equipment Acceptable for Use in Television Broadcast and Television Translator Stations" the words "Radio Equipment List, Equipment Acceptable for Licensing."

7. Section 74.763(b) is amended to read as follows:

§ 74.763 Time of operation.

• • • • •

(b) If a television translator station is inoperative for 10 days or more, the licensee shall notify the Engineer in Charge of the radio district in which the station is located promptly, in writing, describing the cause of the inoperation and the steps being taken to place the translator in operation again and shall notify the Engineer in Charge promptly when operation is resumed.

• • • • •

8. Section 74.769 is amended to read as follows:

§ 74.769 Copies of rules.

The licensee or permittee of a television broadcast translator station shall have a current copy of Volumes I and III of the Commission's rules and shall make the same available for use by the operator in charge, if any. Each such licensee or permittee shall be familiar with those rules relating to the operation of a television translator station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

9. Section 74.784(b) is amended to read as follows:

§ 74.784 Rebroadcasts.

• • • • •

(b) The licensee or permittee of a television broadcast translator station shall not rebroadcast the signals of any television broadcast station or other television translator station without obtaining the prior written consent of the primary station whose programs are proposed to be retransmitted. The Commission shall be notified of the call signs of each station rebroadcast and the licensee or permittee of the translator shall certify that written consent has been received from the licensee of the station whose programs are retransmitted.

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[FR Doc.71-801 Filed 1-19-71;8:50 am]

[47 CFR Part 74]

[Docket No. 19128; FCC 71-45]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Maintenance of Program Logs for Cablecasting

In the matter of amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to the maintenance of program logs for cablecasting by community antenna television systems; Docket No. 19128.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

[1] Commissioner H. Rex Lee absent; Commissioner Houser not participating.

2. In the notice of proposed rule making and notice of inquiry in Docket No. 18397, 15 FCC 2d 417, 33 F.R. 19028, we indicated our view that periodic filings by CATV operators are necessary to enable the Commission to keep abreast of CATV developments, fulfill its regulatory responsibilities in this field, and assist Congress in its consideration of related legislative proposals. The importance of up-to-date information on program originations was reaffirmed in the First Report and Order in Docket No. 18397, 20 FCC 2d 201, 34 F.R. 17651, in which the Commission concluded that program originations on CATV systems are in the public interest and adopted rules regulating CATV "cablecasting".

3. In March 1970, the Commission released for comment three draft CATV reporting forms, one of which concerned program originations. Since it is clear that programing information is basic to an understanding of the practicalities of CATV originations, the originations draft form inquired, inter alia, about program sources and types of programing, using the "typical" day or week as the basis for information. A number of comments pointed out the inadequacies of such a data base and suggested use of the "composite week" approach which is currently used in the preparation of program log analyses submitted with broadcast renewal applications. Of course, before "composite week" programing information can be sought, a standardized method of program logging must be developed.

4. We believe that maintenance of a program log for all cablecasts, and periodic reporting to the Commission and the public, will assist the Commission in fulfilling its regulatory obligation to monitor the progress of CATV program originations and note their impact on the broadcast field. A log will insure a uniform basis for cablecast programming data to be required by the revised annual CATV report (FCC Form 325), and will simplify the assembling of this information by CATV systems. Indeed, CATV systems are already required by § 74.1113 of the Commission's rules to keep complete records of all requests for cablecasting time made by or on behalf of candidates for public office. Accordingly, we invite comments on our proposal to amend the CATV rules, as set forth below, to require all CATV systems to maintain program logs for their program originations.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 22, 1971, and reply comments on or before March 4, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

7. Authority for the amendments proposed herein is contained in section 4 (i), (j), and (k), 303, and 403 of the Communications Act of 1934, as amended.

Adopted: January 13, 1971.

Released: January 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, §§ 74.1123 and 74.1124 are added, to read as follows:

§ 74.1123 General requirements relating to logs.

(a) All CATV systems shall maintain a program log as set forth in § 74.1124. The log shall be kept by the CATV system employee or employees competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty, and again when going off duty.

(b) The log shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the CATV system is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time.

(c) No log or preprinted log or schedule which upon completion becomes a log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided in § 74.1124. Any necessary correction shall be made only pursuant to § 74.1124, and only by striking out the erroneous portion, or by making a corrective explanation on the log or attachment to it as provided in that section.

(d) Entries shall be made in the log as required by § 74.1124. Additional information such as that needed for billing purposes or for the cuing of automatic equipment may be entered on the log. Such additional information, so entered, shall not be subject to the restrictions and limitations of the Commission's rules on the making of corrections and changes in logs.

§ 74.1124 Program log.

(a) The following entries concerning cablecasting operations by CATV systems (including cablecasting by channel lessees) shall be made in the program log:

(1) *For each program.* (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are cablecast during which separately identifiable program units of a different type or source are presented, and if the CATV system wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the CATV system wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit referred to was cablecast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For CATV network programs, also give name of network.)

(v) An entry for each program cablecast by a channel lessee, giving the name of such lessee.

(vi) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate.

(2) *For commercial matter.* (i) An entry identifying (*a*) the sponsor(s) of the program; (*b*) the person(s) who paid for the announcement, or (*c*) the person(s) who furnished materials or services referred to in § 74.1119(c). If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry or entries showing the total duration of commercial matter in each hourly time segment (beginning on the hour) or the duration of each commercial message (commercial continuity in sponsored programs, or commercial announcements) in each hour. See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry showing the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by § 74.1119. A check mark (√) will suffice but shall be made in such a way as to indicate the matter to which it relates.

(3) *For public service announcements.* (i) An entry showing that a public service announcement (PSA) has been cablecast together with the name of the organization or interest on whose behalf it is made. See Note 4 at the end of this section for definition of a public service announcement.

(4) *For other announcements.* An entry for each announcement presenting a political candidate, showing the name and political affiliation of such candidate.

(b) Program log entries may be made either at the time of or prior to cablecast. However, entry of the time each program begins and ends must be made at the time of cablecast.

(c) If a CATV system cablecasts a program furnished by a CATV network or series of interconnected CATV systems, the network or series of systems shall supply the cablecasting system with all of the information necessary for its program log.

(d) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the CATV system must comply with the following requirements:

(1) The CATV system, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the CATV system, to the effect that it accurately reflects what was actually cablecast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated;

(3) The CATV system shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape, or other means employed.

(e) Program logs shall be changed or corrected only in the manner prescribed in § 74.1123(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was cablecast. If corrections or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the CATV system's program director or manager, or an officer of the CATV system.

(f) The program log shall be retained by the CATV system for a period of 2 years: *Provided, however,* That logs which include communications incident to or involved in an investigation by the Commission and concerning which the CATV system has been notified, shall be retained by the CATV system until it is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the CATV system has notice shall be retained by the CATV system until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(g) The program log shall be made available upon request by an authorized representative of the Commission.

NOTE 1: *Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs cablecast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k) (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) Agricultural programs (A) include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) Entertainment programs (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) News programs (N) include reports dealing with current local, national; and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) Public affairs program (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) Religious programs (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) Instructional programs (I) include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) Sports programs (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.).

(h) Other programs (O) include all programs not falling within definitions (a) through (g).

(i) Editorials (EDIT) include programs presented for the purpose of stating opinions of the CATV system or channel lessee.

(j) Political programs (POL) include those which present candidates for public office or which give expression (other than in CATV system editorials) to views on such candidates or on issues subject to public ballot.

(k) Educational Institution programs (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2: *Program source definitions.* (a) A local porgram (L) is any program originated or produced by the CATV system, a channel lessee, or an agent of either, the content or setting of which is geographically local, primarily involves appearances by local persons, or primarily focuses on issues or subjects of local interest. A local program fed to a CATV network or series of interconnected CATV systems shall be classified by the originating system as local.

(b) A CATV network program (NET) is any program furnished to the system by a CATV network (national, regional, or special) or by a series of interconnected CATV systems. Delayed cablecasts of programs originated by CATV networks or series of interconnected CATV systems are classified as network.

(c) A film program (F) is any program consisting of the presentation of feature or syndicated films.

(d) An automated program (AUT) is any program, such as a time-weather service or news or stock market ticker, in which there it no audio portion, other than background music.

(e) A video-taped program (VID) is any program not defined in (a), (b), (c), or (d) above, presented via video tape.

NOTE 3: *Definition of commercial matter* (CM) includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matters when logging.)

(a) Commercial continuity (CC) is the advertising message of a program sponsor.

(b) A commercial announcement (CA) is any other advertising message for which a charge is made or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "Listen Tomorrow for the—[Name of Program]—Brought to You by—[Sponsor's Name]—.")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements, except as heretofore defined in paragraph (b) of this note.

(ii) Public service announcements.

(iii) Announcements made pursuant to § 74.1119(c) that materials or services have been furnished as an inducement to cablecast a political program or a program involving the discussion of controversial public issues.

NOTE 4: *Definition of a public service announcement.* A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State, or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5: *Computation of commercial time.* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be

[1] Commissioners H. Rex Lee and Houser absent.

a few seconds more or less than the scheduled time. However, it is incumbent upon the CATV system to insure that the entry represents as close an approximation of the time actually consumed as possible. If the commercial matter is continuously visible throughout the program (e.g. use of split-screen technique in conjunction with news ticker), the entire length of the program shall be logged as commercial time. If the commercial matter is visible at regular intervals but not continuously (e.g. advertising messages scanned at intervals in a time-weather service), only the amount of time that the commercial matter is visible shall be logged as commercial time.

[FR Doc.71-802 Filed 1-19-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 70-576]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans by Federal Savings and Loan Associations

DECEMBER 22, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of authorizing Federal savings and loan associations to make a loan to an individual on the security of a first lien on an improved lot which is ready for the construction of a structure designed for residential use for one family or ready for the location of a mobile home. Accordingly, it hereby proposes to amend said Part 545 by revising paragraph (c) of § 545.6-3 to read as follows:

§ 545.6-3 Lending powers under other charter provisions.

* * * * *

(c) *Loans on developed building lots and sites*—(1) *Loans to builders.* Subject to the limitations of § 545.6-7, a Federal association which has a charter in the form of Charter N or Charter K (rev.) without any variation or amendment inconsistent with the provision of either paragraph (a) or paragraph (b) of § 544.1 of this chapter may, upon authorization by such association's board of directors and without further action by its members, make loans to builders of homes on the security of first liens on other improved real estate as defined in paragraph (b) of § 541.12 of this chapter: *Provided*, That

(i) No such loan shall be made to any person, partnership, corporation, or syndicate, hereinafter referred to as applicant, unless and until such Federal association has obtained from the applicant a signed statement by him showing his financial condition and has obtained a written report on his credit standing and evidence of his ability to undertake and to discharge all of the obligations involved in the loan; nor shall any such loan be made unless and until the association has obtained from the applicant a statement signed by him stating the purchase price of the security on which the loan is sought and representing to such association that, if such loan is made, the applicant will, within a period of not more than 6 months from the date of the security instrument, commence construction of structures designed for residential use for one family on a specified number of the building lots or sites on the security of which the loan is sought, which number shall be stated in such representation, and that within a period of not more than 3 years from the date of the security instrument the applicant will build to completion structures designed for residential use for one family on all of the lots or sites which are security for such loan;

(ii) No such loan shall be made in an amount equal to more than 70 percent of the appraised value of the real estate security therefor as determined by such Federal association in accordance with the provisions of § 545.6-9 at the time the loan is made, which appraised valuation shall separately state the value of each building lot or site constituting the security for the loan;

(iii) Each such loan shall be repayable within a period not in excess of 3 years from the date of the security instrument, with or without amortization of principal prior to the expiration of such period but with interest payable at least semiannually commencing not more than 12 months after the date of the security instrument; however, the association's board of directors may approve the extension of the time for payment for an additional period not in excess of 3 years, but no such extension may be approved unless (*a*) interest on the loan is current, (*b*) said board has before it a current independent appraisal of the security property, and (*c*) the outstanding principal balance of the loan is or has been reduced to an amount not in excess of 70 percent of the value of the security property; in addition, if such extension is effected by refinancing the original loan with a new loan, the principal amount of the new loan may not exceed the outstanding principal balance of the original loan at the time of such extension;

(iv) No such loan shall be made if the aggregate amount of such loan and of the unpaid balances of all outstanding loans made pursuant to the provisions of this paragraph (c) exceeds 5 percent of such Federal association's assets; and no such loan shall be made to any applicant if the aggregate amount of such loan and of the unpaid balances of all outstanding loans made to such applicant pursuant to the provisions of this paragraph (c), including the balances of all outstanding loans made under this paragraph (c) to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer, is the applicant or is a partner, stockholder, owner, participant, or officer of the applicant, exceeds 1 percent of such Federal association's assets;

(v) No such loan shall be made on the security of real estate located beyond such Federal association's regular lending area; and

(vi) No lot or site may be released from the security for any such loan unless and until the ratio of the unpaid balance of the loan to the appraised value, as determined at the time the loan was made, of the security remaining after such release is no greater than the ratio of the original amount of the loan to the appraised value of the total security as determined at the time the loan was made.

(2) *Loan to individuals.* Subject to the limitations of § 545.6-7 of this chapter, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, upon authorization by such association's board of directors, make a loan to an individual on the security of a first lien on other improved real estate as defined in paragraph (b) of § 541.12 of this chapter or on other improved real estate which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, is a lot or site ready for the location of a mobile home as defined in § 545.7-(a): *Provided*, That

(i) No such loan may be made in an amount equal to more than 75 percent of the value of the real estate security therefor as determined by such Federal association in accordance with the provisions of § 545.6-9 at the time the loan is made;

(ii) Each such loan shall be repayable in full within not more than 5 years from the date of the loan, and the loan contract shall provide for equal, or substantially equal, monthly payments of principal and interest, or equal monthly payments of principal with interest payable monthly on the unpaid balance, beginning 1 month after the date of the loan, sufficient to amortize at least 40 percent of the original principal amount of the loan prior to the end of the loan term;

(iii) The Federal association shall require that the borrower, including a purchaser who assumes the loan, execute a certification in writing stating that no lien or charge on such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed;

(iv) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the Federal association shall require that the vendor or vendors execute a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed; and

(v) No such loan shall be made on the security of real estate located beyond such Federal association's regular lending area.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by February 18, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-774 Filed 1-19-71;8:47 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 260]

[Docket No. R-311]

ANNUAL REPORTING OF NATURAL GAS COMPANIES OF THEIR PURCHASES OF NATURAL GAS

Order Terminating Proposed Rule Making

JANUARY 13, 1971.

In our notice of proposed rule making, "Annual Reporting by Natural Gas Companies of Their Purchases of Natural Gas", issued in this docket on November 29, 1966 (31 F.R. 15325), we proposed to eliminate the obligation for independent producers to make quarterly or monthly reports of amounts collected subject to potential refund, as required by § 154.102(c) of the regulations of the Natural Gas Act. We also proposed to require the reporting of additional gas purchase information by interstate pipelines in their annual Form 2 reports, and proposed to eliminate altogether producer sales and revenue reports on Forms 301-A and 301-B.

The requirement for quarterly or monthly reporting of amounts collected subject to refund under § 154.102(c) of the Commission's regulations was terminated by Commission Order No. 405, issued May 27, 1970 in Docket No. R-369.

The proposed changes in reporting of gas purchases in Form 2 have been incorporated in the notice of proposed rule making issued August 28, 1970 in Docket No. R-397 (35 F.R. 14139),[1] and shall be considered therein.

On May 21, 1968, the Commission issued a Notice of Inquiry in Docket No. RI68-625, entitled "Data for Continuing Regulation of Independent Producer Rates". All matters related to the reporting of information to the Commission by gas producers, including the question of whether and to what extent reporting should be continued under Forms 301-A and 301-B, shall be considered in Docket No. RI68-625.

On the basis of the forgoing considerations there appears to be no reason to continue this rule making, and it will therefore be terminated.

The Commission finds:

(1) That since all substantive issues in Docket No. R-311 have either been resolved by Commission order or are subject to further consideration in Dockets Nos. R-397 and RI68-625, it is appropriate and necessary for carrying out the provisions of the Natural Gas Act that the proposed rule making in Docket No. R-311 be terminated.

(2) Compliance with the effective date provisions of section 553 of Title 5 of the U.S. Code is unnecessary.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h), and by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o) orders:

(A) Effective upon issuance of this order, the proposed rule making in Docket No. R-311 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-754 Filed 1-19-71;8:46 am]

[18 CFR Parts 157, 260]

[Docket No. R-410]

NATURAL GAS PIPELINE SAFETY

Notice of Proposed Rule Making

JANUARY 13, 1971.

Certification of compliance with Federal or other safety standards, operation of natural gas pipeline facilities at pressures in excess of design pressures specified in certificate applications, annual reports of system flow diagrams; Docket No. R-410.

Notice is hereby given pursuant to section 553 of Title 5 of the United States Code, sections 7 and 16 of the Natural Gas Act (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717 f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 56 Stat. 830, 15 U.S.C. 717(o), and sections 7 and 8 of the Natural Gas Pipeline Safety Act of 1968 (82 Stat. 725, 49 U.S.C. 1676; and 82 Stat. 725, 49 U.S.C. 1677) that the Commission proposes to amend §§ 157.14 and 157.25 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, and § 260.8 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations to require applicants for and holders of certificates of public convenience and necessity under sections 7 (c) and (e) of the Natural Gas Act to comply with and conform to the requirements of sections 7 and 8 of the Natural Gas Pipeline Safety Act of 1968 and the regulations thereunder (49 CFR Part 192) and to declare it to be the policy of the Commission that certificates will not normally be granted authorizing the operation of facilities at any pressures higher than the maxima permitted by Federal and other applicable safety standards.

The Natural Gas Pipeline Safety Act of 1968 provides in part,

SEC. 7. * * * In any proceedings under section 7 of the Natural Gas Act (15 U.S.C. 717f) for authority to establish, construct, operate, or extend a gas pipeline which is or will be subject to Federal or other applicable safety standards, any applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the pipeline facilities in accordance with Federal and other applicable safety standards and plans for maintenance and inspection. Such certification shall be binding and conclusive upon the Commission unless the relevant enforcement agency has timely advised the Commission in writing that the applicant has violated safety standards established pursuant to this Act.

SEC. 8. (a) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall—

(1) at all times after the date any applicable safety standard established under this Act takes effect comply with the requirements of such standard

* * * * *

By order issued in Docket OPS-3 on August 11, 1970, and published in the FEDERAL REGISTER on August 19, 1970 (35 F.R. 13248-13276), and by order issued in Docket OPS-3 on November 10, 1970, and published in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17659-17661), the Acting Director of the Office of Pipeline Safety, Department of Transportation, promulgated and amended a new Part 192—Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, Chapter I—Hazardous Materials Regulations Board, Department of Transportation, Title 49 of the Code of Federal Regulations, containing the minimum Federal safety standards for the transportation of gas and for pipeline facilities used therefor. These regulations supersede on March 13, 1971, the regulations in Part 190—Interim Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline, Chapter I, Title 49 of the Code of Federal Regulations, applicable to design, installation, construction, and initial testing of facilities.

The aforesaid Part 192 provides in part:

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas, including pipeline

[1] Amendments to the Uniform System of Accounts for Class A and B Natural Gas Companies and FPC Form No. 2 to Separate Gathering and Production Plant Facilities, and to Separate Costs Relating to Leases Acquired Oct. 6, 1969 and Before and Leases Acquired Oct. 7, 1969 and After.

facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This does not apply to the gathering of gas outside the following areas:

(1) An area within the limits of any incorporated or unincorporated city, town, or village.

(2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

* * * * *

Each gathering line must comply with the requirements of this part applicable to transmission lines.

* * * * *

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part.

* * * * *

Section 157.14(a)(9) of the regulations under the Natural Gas Act requires in subdivision (vi) thereof that there be filed as Exhibit G–II to pipeline certificate applications a statement setting forth for the proposed facilities the maximum allowable operating pressure permitted under the American Standard Code for Pressure Piping, Gas Transmission and Distribution Systems, ASA B31.8, or as otherwise proposed by the applicant. Subdivision (vi) provides further that it is the policy of the Commission that certificates will not normally be granted authorizing the operation of facilities at any pressures higher than the maximum permitted by the ASA B31.8 Code. Since safety standards for jurisdictional facilities have now been established pursuant to statute, it is proposed that § 157.14 be amended by substituting those standards in lieu of the B31.8 Code. Further, it is proposed to include in said subparagraph a provision implementing section 7 of the Natural Gas Pipeline Safety Act of 1968 regarding the filing of a certification to the effect that the proposed facilities will be constructed in conformity with Federal Safety standards. It is proposed to amend § 157.14 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

§ 157.14 Exhibits.

(a) *To be attached to each application.* * * *

(9) *Exhibit G–II—Flow diagram data.* Exhibits G and G–I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

* * * * *

(vi) The maximum allowable operating pressure of each proposed facility for which a certificate is requested, as permitted by the Department of Transportation's safety standards. The applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the facilities for which a certificate is requested in accordance with Federal safety standards and plans for maintenance and inspection. As a matter of general policy the Commission will not normally grant a certificate authorizing operation of facilities at any pressure higher than the maximum permitted by the Federal safety standards and the burden will be on the applicant to justify any such deviation.

* * * * *

Section 260.8 of the Commission's Statements and Reports (Schedules), requires certain natural gas pipeline companies to file annual system flow diagrams. Among the information required is a description of maximum permissible operating pressure for each pipeline at the discharge side of each compressor station or other critical point in terms of the B31.8 Code or the company's own standard, whichever governs the company's operations. Since safety standards for jurisdictional facilities have now been established pursuant to statute, it is proposed to require the reports to be expressed in terms of those standards. It is proposed to amend § 260.8 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

§ 260.8 System flow diagrams.

(a) Each Class A natural gas pipeline company, having a system delivery capacity in excess of 100,000 Mcf per day (measured at 14.73 p.s.i.a. and 60° F.), shall file with the Commission * * * a diagram or diagrams reflecting operating conditions on its main transmission system * * *.

* * * * *

(b) The diagram or diagrams shall include the following items of information:

* * * * *

(4) Maximum permissible operating pressure for each pipeline at discharge side of each compressor station or other critical point, determined by the provisions of the Department of Transportation's safety standards.

* * * * *

The Natural Gas Pipeline Safety Act of 1968 and the standards promulgated thereunder, pertain to certain gathering facilities as well as to main line transmission facilities. Accordingly, it will be necessary for independent producers, as defined in § 154.91(a) of the regulations under the Natural Gas Act, to certify to the Commission pursuant to section 7 of the Natural Gas Pipeline Safety Act of 1968 that they will design, install, inspect, test, construct, operate, replace, and maintain their jurisdictional facilities in accordance with Federal safety standards and plans for maintenance and inspection. The Commission is not herein proposing to assert pursuant to section 7 of the Natural Gas Act additional jurisdiction over independent producer facilities but is only acting as the agency designated by the Natural Gas Pipeline Safety Act of 1968 to receive the certification in those instances in which such jurisdiction may exist. In most independent producer cases, the extent of Commission jurisdiction over facilities is not usually in issue and the Commission authorizes the proposed sale or transportation "together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor." No change in this practice is contemplated by the action proposed herein. It is proposed to require the filing of the certification as Exhibit C to independent producer applications by amending § 157.25 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

§ 157.25 Necessary exhibits.

There shall be filed with the application as a part thereof the following exhibits:

* * * * *

Exhibit C. Certification required by the Natural Gas Pipeline Safety Act of 1968. The applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain any gathering facilities used in the proposed sale or transportation for which a certificate is requested in accordance with Federal safety standards and plans for maintenance and inspection. The Federal standards are not applicable to gathering facilities outside the following areas:

(a) an area within the limits of any incorporated or unincorporated city, town, or village;

(b) any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

It is proposed that the subject amendments be made effective March 13, 1971.

Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 12, 1971, data, views, comments, or suggestions in writing concerning the proposed amendments. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendment of § 260.8 of the Commission's Statements and Reports (Schedules), under the provisions of the Federal Reports Act of 1942, 44 U.S.C. 3501–3511, may at the same time submit a conformed copy of their comments with respect to the proposed amendment of said section to the Clearance Officer, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposals should be addressed and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments. The Commission will consider all such written submissions before acting on the matters proposed herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–755 Filed 1–19–71;8:46 am]

[18 CFR Parts 201, 260]

[Docket No. R–397]

UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORT FORM FOR NATURAL GAS COMPANIES

Notice of Further Extension of Time

JANUARY 13, 1971.

Amendments to the uniform system of accounts for Class A and B natural gas companies and FPC Form No. 2 to separate gathering and production plant facilities, and to separate costs relating to leases acquired October 6, 1969, and before and leases acquired October 7, 1969, and after; Docket No. R–397.

On January 6, 1971, the Independent Natural Gas Association of America filed a request for a further extension of time to and including February 15, 1971, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is further extended to and including February 15, 1971, within which any interested person may submit data, views, comments, or suggestions in writing to the notice of proposed rule making (35 F.R. 14139) issued August 28, 1970, in the above-designated matter.

GORDON M. GRANT,
Secretary

[FR Doc.71–753 Filed 1–19–71;8:46 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 429]

COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Postponement of Hearing Dates Concerning Proposed Trade Regulation Rule

In response to numerous requests the Federal Trade Commission today postponed for approximately 45 days its scheduled public hearings in Washington, D.C., and Chicago, Ill., on a proposed trade regulations rule giving buyers 3 days to cancel a door-to-door sale of consumer goods or services costing $10 or more.

Hearings had been scheduled to begin January 19 at the FTC Building in Washington and on February 23 in the U.S. Courthouse and Federal Office Building in Chicago.

Dates and locations for the rescheduled hearings will be announced. Meanwhile, those wishing to express views on the proposed rule may continue to submit them in writing to the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, DC 20580.

Issued: January 15, 1971.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc.71–761 Filed 1–19–71;8:46 am]

[16 CFR Part 501]

CANDLES

Proposed Exemption From Certain Labeling Requirements

It has been the Commission's view that candle dimensions required to be expressed in order to fulfill the requirements of § 500.7 of the Fair Packaging and Labeling Act regulations, include length and diameter. There is a recognizable difficulty in stating the precise diameter in the instance of a tapered candle because of variations in the diameter inherent in the manner of manufacture when hand dipped and a difficulty in stating a completely meaningful diameter of a molded candle when tapered. However, for molded candles having a designed uniform diameter, it is not impractical nor is it unnecessary to express the diameter for the protection of the consumer.

The Commission has received a proposed exemption from Hancock, Estabrook, Ryan, Shove & Hust, Syracuse, N.Y. 13202, submitted on behalf of 13 candle manufacturers who produce approximately 75 percent of all domestic candles. This proposed exemption would permit the packaging and labeling of candles to omit the diameter measurement when such candles are either hand-dipped tapers or molded tapers. The length of all candles would have to be stated on labeled and packaged units.

The Commission concurs that it is neither practicable nor necessary to require diameter of tapered candles to be expressed in order to insure the protection of the consumer. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed:

§ 501.7 Candles.

Tapered candles which are either hand dipped or molded are exempt from the requirements of § 500.7 of this chapter which specifies that the net quantity of contents shall be expressed in terms of count and measure (e.g., length and diameter), to the extent that diameter of such candles need not be expressed. The requirements of § 500.7 of this chapter will be met by an expression of count and length in inches, for tapered candles.

Any interested person may, within 30 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: January 13, 1971.

By direction of the Commission

[SEAL] JOSEPH W. SHEA,
Secretary.

[FR Doc 71–762 Filed 1–19–71;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-19; Treasury Dept. Order 165-17, Amdt. 5]

CUSTOMS FIELD SERVICE

Reorganization of Customs District of New York, N.Y.

JANUARY 14, 1971.

In a notice published in the FEDERAL REGISTER on December 8, 1970 (35 F.R. 18599), the Department of the Treasury gave notice of a proposal to create in the Customs district of New York City, N.Y., three administrative areas, each under the jurisdiction of an area director of customs.

Written representations on behalf of interested parties were received and have been carefully considered. The Department is satisfied that the proposed plan can be implemented without adversely affecting vessel operators, shippers, importers or other parties who conduct business with Customs in the district of New York City, N.Y.

Accordingly, pursuant to Reorganization Plan No. 1 of 1965 (30 F.R. 7035), Reorganization Plan No. 26 of 1950 (36 CFR, Ch. III), section 1 of the Act of August 1, 1914, as amended, 38 Stat. 623 (19 U.S.C. 2), and Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), Treasury Department Order No. 165-17 (T.D. 56464, 30 F.R. 10913) is hereby amended by creating in the Customs district of New York City, N.Y., which is coextensive with Customs Region II, New York City, N.Y., three administrative areas to be designated as Kennedy Airport Area, Newark Area, and New York Seaport Area, each under the jurisdiction of an area director of customs.

The limits of the Kennedy Airport Area are as follows:

Beginning at a point in the Atlantic Ocean at the foot of Beach 95th Street, Rockaway Beach, and proceeding in a northerly direction along the centerline of Cross Bay Boulevard and its continuation, Woodhaven Boulevard, to Atlantic Avenue; thence in an easterly direction along the centerline of Atlantic Avenue to Van Wyck Expressway; thence in a northerly direction along the centerline of Van Wyck Expressway to Hillside Avenue (Route 24); thence in an easterly direction along the centerline of Hillside Avenue to 212th Street; thence in a southeasterly direction along the centerline of Route 24 (212th Street, Jamaica Avenue, and Hempstead Avenue) to the New York City limits, the boundary line between Queens and Nassau Counties; thence along this boundary line to the Atlantic Ocean, and thence along the shoreline to the point of beginning. In addition, La Guardia Airport and U.S. Naval Air Station New York (Floyd Bennett Field) are designated as parts of the Kennedy Airport Area.

The Newark Area shall consist of the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey, and the county of Richmond in the State of New York.

The New York Seaport Area shall include all that part of the State of New York not expressly included in the Kennedy Airport Area and the Newark Area in the district of New York City and in the districts of Buffalo and Ogdensburg.

This amendment shall become effective on April 1, 1971.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-812 Filed 1-19-71;8:51 am]

Internal Revenue Service

COMMERCE IN EXPLOSIVES

Explosives List

Correction

In F.R. Doc. 71-530, appearing at page 675 in the issue for Friday, January 15, 1971, the following changes should be made in the explosives list:

1. The first entry under "B" should read "BEAF (1,2-bis (2,2-difluoro-2-nitroacetoxyethane))."

2. The first entry under "C" should read "Calcium nitrate explosive mixtures."

3. Following the last entry under "D", an additional entry should be added reading "Dynamite."

4. The 18th entry under "P" should read "Polyolpolynitrate-nitrocellulose explosive gels."

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2821]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 70-15741 appearing at page 17961 in the issue of Saturday, November 21, 1970, under the land description "T. 9 N., R. 22 E.," the following line should be inserted in sequence: "Secs. 14, 15, 18, 19, and 20;".

SCHEDULE OF GRAZING FEES, 1971

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act, notice is hereby given of the schedule of grazing fees for the 1971 grazing fee year beginning March 1, 1971, and ending February 29, 1972, for grazing use of the Federal range.

For the purpose of establishing charges for grazing use, one animal unit month shall be considered equivalent to grazing use by one cow, five sheep, or one horse for 1 month. The charge for one horse is at twice the rate for one cow.

Billings shall be issued in accordance with the rates prescribed in this notice.

INSIDE GRAZING DISTRICTS

Pursuant to Departmental regulations (43 CFR 4115.2-1(k)) as amended January 29, 1970 (35 F.R. 2591), fees for use of the Federal range, including LU (Land Utilization) land within grazing districts, except as otherwise herein provided, shall be $0.64 per animal unit month of forage of which $0.42 is the grazing fee and $0.22 is the range improvement fee which shall be credited to the range improvement fund.

Exceptions to the above rates are herein provided for certain LU lands in order to continue the basis of fees that have heretofore been established under the provisions of the Bankhead-Jones Farm Tenant Act of July 22, 1937. Such exceptions, together with the applicable schedules are as follows:

Arizona: For the Clenega Area transferred to the Department of the Interior by E.O. 10322, the fees for use of Federal range for the 1971 grazing fee year shall be $1.25 per animal unit month of forage of which $0.42 is the grazing fee and $0.83 is the range improvement fee which shall be credited to the range improvement fund.

Colorado: For the Great Divide Project transferred to the Department of the Interior by E.O. 10046, the fees for use of Federal range for the 1971 grazing fee year shall be $0.81 per animal unit month of forage of which $0.42 is the grazing fee and $0.39 is the range improvement fee which shall be credited to the range improvement fund.

Montana: For all LU land within the State of Montana transferred to the Department of the Interior by E.O. 10787, the fees for use of Federal range for the 1971 fee year shall be $0.83 per animal unit month of forage of which $0.42 is the grazing fee and $0.41 is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

New Mexico: For the Hope Land Project transferred to the Department of the Interior by E.O. 10787, the fees for use of Federal range for the 1971 grazing fee year shall be $0.74 per animal unit month of forage of which $0.42 is the grazing fee and $0.32 is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

OUTSIDE GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to Departmental regulations (43 CFR 4125.1-1(m)), lease rates for grazing leases issued under section 15 of the Taylor Grazing Act and section 4 of the O&C Act for the 1971 grazing fee year are contained herein. Except as detailed below, the rates shall be $0.84 per animal unit month of forage of which $0.48 is the grazing fee and $0.16 is the range improvement fee which shall be credited to the range improvement fund.

Wyoming: For the Northeast LU (Land Utilization) Project transferred to the Department of the Interior by E.O. 10046 and amended by E.O. 10175, the fees shall be $0.81 per animal unit month of forage of which $0.61 is the grazing fee and $0.20 is the range improvement fee which shall be credited to the range improvement fund.

Western Oregon: For the O&C and intermingled public domain lands located in Western Oregon, the fee shall be $0.88 per animal unit month of forage.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 13, 1971.

[FR Doc.71-765 Filed 1-19-71;8:47 am]

National Park Service

COULEE DAM NATIONAL RECREATION AREA

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Coulee Dam National Recreation Area proposes to issue a concession permit to Herbert Armstrong authorizing him to provide concession facilities and services for the public at Coulee Dam National Recreation Area for a period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Coulee Dam National Recreation Area, Coulee Dam, WA 99116, for information as to the requirements of the proposed permit.

Dated: December 22, 1970.

WAYNE R. HOWE,
Superintendent, Coulee Dam National Recreation Area.

[FR Doc.71-745 Filed 1-19-71;8:45 am]

Office of the Secretary

PROPOSED TRANS-ALASKA PIPELINE

Notice of Public Hearing; Amendment

On January 15, 1971, the Department of the Interior published in the FEDERAL REGISTER, 36 F.R. 622, a notice of hearings to be held in Washington, D.C., and Anchorage, Alaska, on the environmental impact of granting a right-of-way for a crude oil pipeline across public lands in Alaska.

The time and place of the hearings to be held in Washington, D.C., remain unchanged and as scheduled for Tuesday and Wednesday, February 16 and 17, 1971, in the auditorium of the Civil Service Commission, as stated in the FEDERAL REGISTER notice of January 16, 1971, 36 F.R. 786.

The hearings in Anchorage, Alaska, will now be held on Wednesday and Thursday, February 24 and 25, 1971, instead of Friday and Saturday, February 12 and 13, as stated in the January 15 notice. The hearings will be at the Sydney Laurence Auditorium, Sixth and F Streets, Anchorage, AK.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearings in Anchorage are requested to contact the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99509, telephone (907) 277-1561, by 9 a.m. Tuesday, February 23, 1971, or the Director, Bureau of Land Management, Room 5660, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-3801, by 9 a.m., Monday, February 22, 1971. Those wishing to testify at the hearings in Washington, D.C., are requested to contact the Director, Bureau of Land Management, at the above address by 9 a.m., Monday, February 15, 1971. Written comments from those unable to attend the hearings and from those wishing to supplement their oral presentation at the hearings should be addressed to the Director (Attention 320), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept such written testimony until March 8, 1971. All written statements received pursuant to this notice will be included in the hearing record.

The FEDERAL REGISTER notice of January 15, 1971, 36 F.R. 622, provided that oral testimony at the hearings will be limited to 10 minutes. Any person desiring additional time must secure prior written approval. As a general rule, each organization wishing to present oral testimony shall be limited to one witness, unless prior written approval is obtained. Written approval for additional time or additional witnesses shall be obtained from the Director, Bureau of Land Management, or with respect to the Anchorage, Alaska, hearing, from the Alaska State Director, Bureau of Land Management, Anchorage, Alaska. All procedures detailed in the January 15, 1971, FEDERAL REGISTER notice are continued in effect as hereby modified.

Dated: January 19, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

[FR Doc.71-885 Filed 1-19-71;10:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 70-SO-3]

ATLANTA INTERNATIONAL CENTER

Notice of Public Hearing

On November 27, 1970, the Acting Director, Air Traffic Service, pursuant to the authority delegated to him, granted a discretionary review in the matter of the preliminary "Determination of Hazard to Air Navigation" issued by the FAA, Southern Regional Office, under Aeronautical Study No. 70-SO-135-OE concerning the proposal of Atlanta International Center to construct a 246-foot above ground level building near the Atlanta International Airport.

Notice is hereby given that a hearing will be held at 9 a.m., February 24, 1971, at the Holiday Inn located at the Atlanta International Airport, Atlanta, Ga.

Each designated party shall submit a brief written statement of the evidence he intends to provide through witnesses and exhibits at the hearing. The statement, in triplicate, shall be mailed so as to reach the Presiding Officer at 800 Independence Avenue SW., Washington, DC 20590 not later than February 16, 1971.

In addition to the construction sponsor, the city of Atlanta, Ga., is hereby designated as a party to the hearing. Any person not here designated as a party who believes his activities would be affected in an aeronautical way by the proposed construction may request designation as a party by making his desire known to the Presiding Officer.

The Presiding Officer and the Legal Officer, Mr. Evans W. North, will be available the afternoon of February 23, 1971, in the Presiding Officer's room at the Holiday Inn, Atlanta International Airport, for the purpose of discussing hearing procedures with any interested party. Contact the Presiding Officer, Telephone 426-3731, Area Code 202, to make arrangements.

Issued in Washington, D.C., on January 14, 1971.

HAROLD B. HELSTROM,
Presiding Officer.

[FR Doc.71-769 Filed 1-19-71;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, NUMBER OF ESTABLISHMENTS, AND PURCHASES

Notice of Determination

In accordance with title 13, United States Code, sections 181, 224, and 225

and due notice of consideration having been published December 22, 1970 (35 F.R. 19372), I have determined that certain 1970 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951, and makes available on a comparable classification basis, data covering 1970 year-end inventories, annual sales, and number of retail stores operated at the end of the year. The 1970 survey will also include an inquiry on purchases. This survey, which provides important information on retail inventories and sales inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in Census list sample mail panel, and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 13, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-779 Filed 1-19-71;8:48 am]

Bureau of Domestic Commerce

HARVARD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-381 appearing at page 449 in the issue of Wednesday, January 13, 1971, the docket number appearing in the last paragraph of the center column on page 450 and now reading "Docket No. 71-00278-33-4607" should read "Docket No. 71-00278-33-46070".

MALLINCKRODT INSTITUTE OF RADIOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-382 appearing at page 450 in the issue of Wednesday, January 13, 1971, the following changes should be made in the first column on page 451:

1. In the third paragraph the reference to "Docket No. 71-00231-88-43000" should read "Docket No. 71-00230-65-14200".

2. In the fourth paragraph the reference to "Docket No. 71-00231-88-4300" should read "Docket No. 71-00231-88-43000".

ENVIRONMENTAL PROTECTION AGENCY

DDT AND 2,4,5-T PRODUCTS

Request for Submission of Views as to Whether Use Constitutes an Imminent Hazard to the Public

Section 4.c of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135b(c)) provides that the Administrator of the Environmental Protection Agency "may when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately."

The U.S. Court of Appeals for the District of Columbia Circuit in decisions of January 7, 1971, has ordered the Administrator, inter alia, to consider whether the registrations of DDT and 2,4,5-T should be suspended for any uses. The Administrator has determined that it is in the public interest to offer members of the public the opportunity to submit data and arguments regarding the desirability of suspending any registrations of DDT or 2,4,5-T.

Therefore, interested parties are hereby invited to submit written comments on the question whether DDT and 2,4,5-T products constitute an imminent hazard to the public, together with a statement of the factors and criteria relevant to the determination. All comments should be filed on or by February 5, 1971.

Comments should be mailed, preferably in triplicate, to the Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460. To expedite consideration, please include the identification "F.R. DDT- 2,4,5-T Notice" on the envelope.

All written comments made pursuant to this notice will be made available for public inspection at a time and place and in a manner convenient to the public.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 18, 1971.

[FR Doc.71-883 Filed 1-19-71;10:33 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO.

Notice of Application for Construction Permit and Operating License

Virginia Electric & Power Co., 700 East Franklin Street, Richmond, Va., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated March 21, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the North Anna Power Station, Units Nos. 1 and 2, at a 1,075-acre site adjacent to the North Anna River in Louisa County, Va., about 24 miles southwest of Fredericksburg, Va.

Each of the proposed reactors is designed for initial operation at approximately 2,652 thermal megawatts with a gross electrical output of approximately 892 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 31, 1970.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the offices of the County Board of Supervisors, Louisa County Courthouse, Louisa, Va.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 24th day of December 1970.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.70-17504 Filed 12-29-70;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17617, 17618; FCC 71R-12]

ATHENS BROADCASTING CO., INC., AND 3 J'S BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Athens Broadcasting Co., Inc., Athens, Tenn., Docket No. 17617, File No. BPH-5668; and John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., Athens, Tenn., Docket No. 17618, File No. BPH-5768; for construction permits.

1. The above-captioned mutually exclusive applications for a new FM broadcast station at Athens, Tenn., were designated for hearing by the Chief of the Broadcast Bureau, pursuant to delegated authority, by order (Mimeo No. 4466), released August 9, 1967, 32 F.R. 11712. That order found both applicants qualified to construct and operate the station as proposed, and specified a standard comparative issue and an air hazard issue as to the application of John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co. (3 J's). On August 23, 1968, the Hearing Examiner released an initial decision (17 FCC 2d 468, 13 RR 2d 1217), recommending that the application of Athens Broadcasting Co., Inc. (Athens Broadcasting) be granted. On May 2, 1969, the Review Board released a decision (17 FCC 2d 452, 16 RR 2d 638) granting the application of 3 J's. On appeal, the Commission, by memorandum opinion and order, released January 26, 1970 (21 FCC 2d 161, 18 RR 2d 331), reopened the record and remanded the proceeding to the Hearing Examiner for a further hearing into the past broadcast record of John Frew. The record on remand was closed on June 3, 1970; and on July 29, 1970, the Examiner released a cumulative initial decision (FCC 70D-32), recommending a grant to Athens Broadcasting. The proceeding is currently pending before the Review Board on exceptions to cumulative initial decision filed by 3 J's.[1] Presently before the Review Board is a petition to enlarge issues, filed September 30, 1970, by 3 J's, requesting the Board to reopen the record and add a business practice (rate card) issue and tower lighting issue against Athens Broadcasting.[2]

Business practice (rate card) issue. 2. 3 J's bases its request for a rate card issue on promotional material ditributed by Athens Broadcasting.[3] The card, a copy of which is attached to the petition, includes a map of what is alleged to be the "WLAR Coverage Area"; immediately below the map appears the legend, "WLAR Coverage Survey". With regard to this card, 3 J's submits that: (1) No details as to the "WLAR Coverage Survey" appear on the map; (2) the labels defining the extent of the contours depicted are "unintelligible to the naked eye" even after enlargement;[4] and (3) there is a "discrepancy of major proportions" between the contours depicted on the rate card and the 0.5 mv/m contour and interference-free coverage areas depicted on an engineering analysis of interference which was submitted in this proceeding by Athens Broadcasting. Thus, 3 J's contends that Athens Broadcasting has engaged in misleading business or promotional activities which are of significance to Athens Broadcasting's basic and comparative qualifications. Because the Commission is concerned with how a licensee deals with the public and its advertisers, 3 J's argues, the Board should remand this proceeding to the Examiner in order that a complete hearing record can be developed on this matter, citing Universal Communications of Pittsburgh, Inc., FCC 69-1397, 17 RR 2d 1262, reconsideration denied 21 FCC 2d 542, 18 RR 2d 491 (1970); and FM Broadcast Stations—Announcements of ERP, FCC 68-673, 13 RR 2d 1638.

3. The Broadcast Bureau, in its comments, notes that the rate card itself indicates that its effective date was February 1, 1968; therefore, the Bureau states, it is reasonable to assume that the rate card has been in use at least since its effective date. Since 3 J's could have obtained a copy of the rate card as soon as it was distributed to potential advertisers, the Bureau notes, 3 J's has not established that its request is timely and good cause for its late filing has not been demonstrated. However, pursuant to the Edgefield-Saluda Radio Co. case,[5] the Bureau maintains that if Athens Broadcasting does not supply a justification for the contour map depicted on its rate card, the Board would be warranted in reopening the record, because licensees making claims concerning size, composition, or other important characteristics of their audience must see to it that their claims are truthful and not deceptive. In conclusion, the Bureau urges that an important question has been presented and that an unsatisfactory explanation by Athens Broadcasting could warrant addition of the issue.

4. In opposition, Athens Broadcasting argues, as did the Bureau, that the rate card in question became effective over two and one-half years ago,[6] and that no "good cause" has been shown for this delay. Athens Broadcasting also maintains that 3 J's request is not warranted on the merits, and that a "serious public interest question" has not been raised. In this regard, Athens Broadcasting attempts to distinguish the Universal Communications case, supra, where the Commission granted a short-term license renewal based upon the complaint of a potential advertiser that he had been misled with regard to a station's city of license. Athens Broadcasting further alleges that even after enlarging the rate card map several times, 3 J's could not document the extent of the alleged misrepresentation. The map, according to Athens Broadcasting, merely serves to locate Athens in a small area of Tennessee. Athens Broadcasting attaches an affidavit of its vice president and an audience measurement survey, both of which allegedly indicate that station WLAR has listeners throughout the area. Finally, Athens Broadcasting asserts that in rural areas primary service may be rendered by a signal as low as 0.1 mv/m.

5. In reply, 3 J's characterizes Athens Broadcasting's arguments as "nothing less than specious" and notes that Athens Broadcasting now claims service out to its 0.1 mv/m contour, while at the hearing it claimed interference within its 0.5 mv/m contour. 3 J's further notes that Athens Broadcasting claimed a diversification preference because it allegedly served more people, while it now submits a survey showing service beyond its 0.5 mv/m contour. 3 J's contends that the map was magnified so that the "exaggerated contours could be better seen", not because an advertiser could not be misled by the map, as alleged by Athens Broadcasting. Moreover, 3 J's avers that it is the renewal applicant's obligation to show that the contours were accurately portrayed, not 3 J's, citing Universal Communications of Pittsburgh, Inc., supra. Finally, 3 J's posits that a prima facie case of misrepresentation is made when a document, known to be relied upon by advertisers, is shown to be false.

6. Although 3 J's petition is late-filed, the Board believes that it raises substantial public interest questions which require us to consider its merits.[7] Chapman Radio and Television Co., 26 FCC 2d 432, 434, 20 RR 2d 552, 555 (1970), and cases cited therein. Cf. DuPage Broadcasting Inc., 21 FCC 2d 395, 18 RR 2d 321 (1970). Compare Service Electric Cable TV, Inc., FCC 70R-385, released November 17, 1970, —— FCC 2d ——. An analysis of Athens Broadcasting's promotional material indicates: (1) That the labels defining the contours on the map are difficult to discern, even after magnification (although it appears that they attempt to depict the station's 1.0 and 0.5 mv/m contours); (2) that the legend, "coverage survey", appears below the promotional map without further explanation of the survey; and (3) most importantly, that a comparison between the interference analysis study made by Athens Broadcasting's engineer for a hearing exhibit and the promotional map discloses a substantial discrepancy between the two. Considered together, these facts raise a substantial question as to whether Athens Broadcasting has exaggerated and inaccurately depicted its coverage; for example, the promotional map appears to represent that the 0.5 mv/m contour encompasses the community of Cleveland, Tenn., whereas the interference analysis map clearly shows that WLAR's 0.5 mv/m contour comes nowhere near Cleveland. In addition, most of the cities listed on the map submitted by petitioner are unidentifiable to the naked eye even after magnification. For these reasons, we are of the view that Athens Broadcasting may have been employing a promotional map that inac-

[1] Limited exceptions were filed by Athens Broadcasting.

[2] Also before the Board are the following related pleadings: (a) Comments, filed Oct. 16, 1970, by the Broadcast Bureau; (b) opposition, filed Oct. 21, 1970, by Athens Broadcasting; and (c) reply, filed Oct. 30, 1970, by 3 J's.

[3] In an affidavit attached to the petition, John Frew, one of 3 J's principals, claims that he obtained a copy of Athens Broadcasting's rate card in September 1970 from a local merchant.

[4] An enlargement of the map is attached to 3 J's petition.

[5] 5 FCC 2d 148, 8 RR 2d 611 (1966).

[6] Athens Broadcasting further notes that its rate cards containing the same map have been used since 1966, when 3 J's began operating a standard broadcast station in Athens, Tenn.

[7] 3 J's failure to even plead good cause for the filing of its petition at this time—let alone to show why it could not have filed its request at an earlier date—is inexcusable, and were it not for the very serious public interest questions raised, its petition would be denied as grossly untimely. Cf. Valley Telecasting Co. v. FCC, 118 U.S. App. D.C. 410, 336 F. 2d 914, 2 RR 2d 2064 (1964).

curately depicts its contour configuration. Contrary to Athens Broadcasting's assertions, 3 J's did not have to document the precise extent of the alleged misrepresentation; "it is the (applicant's) obligation to show that the (map) contours were accurately portrayed." Universal Communications of Pittsburgh, Inc., supra, 21 FCC 2d at 542, 18 RR 2d at 492. See also SENCLand Broadcasting Systems, Inc., FCC 70R-443, released December 22, 1970, —— FCC 2d ——. The situation here is not unlike that in the Universal Communications case, supra. Here, as in that case, the licensee appears to have exaggerated its 0.5 mv/m contour, and neglected to depict its interference free contour on its promotional map and apparently has failed to fulfill its obligation to the public and potential advertisers to assure that the contours it used were accurately portrayed. That Athens Broadcasting did not also misrepresent its city of license, as did the licensee in Universal Communications, is beside the point. It is well established that a licensee of this Commission is required to deal candidly with the public; and the implementation of inaccurate and exaggerated coverage maps is not consistent with this requirement. Furthermore, any practice intended to deceive or mislead advertisers or the public cannot be condoned. Universal Communications of Pittsburgh, Inc., supra. Therefore, in view of all the circumstances present here, 3 J's request will be granted, the record will be reopened, and an appropriate issue will be added.

Tower lighting (air hazard) issue. 7. In support of its request for a tower lighting issue, 3 J's attaches the affidavits of Mr. Frew and one of his employees, stating that two of the side lights on Athens Broadcasting's tower were not operating from September 17, 1970, to September 27, 1970. According to petitioner, notification of this condition was not received by the Commission as allegedly required by the Commission's rules, and there is no indication that the local FAA office or FCC field office has been notified. This condition, petitioner posits, constitutes an air safety hazard and is relevant to the licensee's technical qualifications and past broadcast record, citing Greater Kampeska Radio Corp., 5 FCC 514 (1938), affirmed 108 F. 2d 2 (App. D.C. 1939); Hearst Radio, Inc., 15 FCC 1149, 6 RR 994 (1951); and East St. Louis Broadcasting Co., Inc., 9 FCC 2d 212, 10 RR 2d 859 (1967). The Broadcast Bureau, in its comments, notes that section 17.48(a) of the Commission's Rules requires licensees to notify the FAA when the top light or rotating beam light of a tower is extinguished, and that the extinguishment of side or intermediate lights must be rectified "as soon as possible"; however, notification to the FAA is not required when side lights are out. The Bureau reasons that it cannot determine whether Athens Broadcasting has met the "as soon as possible" provision of the rule, since it is not aware of the cause of the light failure and of the action taken by the respondent to correct the situation.

8. In opposition, Athens Broadcasting submits that no citation to any rule or decision of the Commission or the FAA is presented to support the assertion that "this condition constitutes an air safety hazard." Athens Broadcasting attaches the affidavit of its vice president and general manager, William P. Atkins, who states that lightning struck the tower in the middle of September and burned out several lights and that he "immediately tr[ied] to make arrangements to have someone climb the tower and replace the lights." Moreover, respondent contends that since its tower is less than 200 feet high (180 feet) and more than 20,000 feet from the nearest airport (3.8 miles), it would not be necessary under § 17.7 of the Commission's rules to notify the FAA if the proposal were to be constructed today and therefore painting and lighting would not be necessary. In addition, respondent notes that 3 J's tower is closer to the airport and is not required to be marked and lighted.

9. In reply, 3 J's charges that it is "incredible" that Athens Broadcasting has not yet replaced the lights or explained why it could not be corrected. Petitioner contends that because it does not have to light its tower is no reason to excuse Athens Broadcasting from the requirements of its license.

10. Section 17.48(b) of the Commission's rules expressly provides that the extinguishment of side or intermediate tower lights must be rectified "as soon as possible". In addition, Athens Broadcasting's license for WLAR explicitly states that all lights on the station's antenna structure shall be exhibited and burn continuously from sunset to sunrise unless otherwise specified. Respondent's apparent failure, as of October 19, 1970 (the date of William Atkin's affidavit), to repair the burned-out-lights has clearly resulted in a violation of the requirements set forth in its license, as well as of the Commission's rules. Moreover, the Commission has treated such violations as repeated if they continue beyond 1 day. See Radio Beaumont, 13 FCC 2d 965, 13 RR 2d 1069 (1968); Mid-Atlantic Broadcasting Co., 6 FCC 2d 739, 9 RR 2d 598 (1967).[5] It is noteworthy that Athens Broadcasting has nowhere indicated in its opposition pleading that the extinguishment of its light was corrected "as soon as possible"; therefore, it appears that the violation was repeated within the meaning of Rule 17.48. Furthermore, and quite significantly, there is no indication whatsoever that the lights were ever repaired; all that Atkins states in his affidavit is that he "tr[ied] to make arrangements to have someone climb the tower and replace the lights." Athens Broadcasting mistakenly reasons that its lights do not have to be replaced because its tower is less than 200 feet high (180 feet) and more than 20,000 feet from the nearest airport (3.8 miles), while 3 J's tower, which is closer to the airport, is not required to be marked and lighted. Furthermore, Athens Broadcasting avers that if its tower were to be constructed today it would not be subjected to the same requirements, i.e., painting and lighting, and, in any event, posits that its tower does not represent a hazard to air navigation. If these arguments were accepted by the Review Board, it would, in effect, permit each licensee to determine whether its antenna is an aviation hazard, and such a situation would be untenable. See Radio Beaumont, supra, 13 FCC 2d at 966, 13 RR 2d at 1071. The antenna lighting rules and licensee regulations set minimum standards which licensees are required to observe. The Commission has always considered as serious violations failures to conform with the Commission's rules pertaining to antenna structures because of the potential dangers to aviation created by such violations. Radio Beaumont, supra; Mid-Atlantic Broadcasting Co., supra.[6] In view of the foregoing circumstances, the Board is constrained to add a tower lighting issue.

11. *Accordingly, it is ordered,* That the petition to enlarge issues, filed September 30, 1970, by John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co., is granted; and

12. *It is further ordered,* That the record herein is reopened and the proceeding is remanded for the purpose of hearing evidence on the following issues:

(a) To determine whether Athens Broadcasting Co., Inc., has misrepresented the coverage area and contours of station WLAR on its promotional maps distributed to the public and its potential and actual advertisers.

(b) To determine whether Athens Broadcasting Co., Inc., has kept its tower lighted in accordance with the terms of its license and the Commission's rules and regulations.

(c) To determine, in the light of the evidence adduced pursuant to the foregoing, the effect on Athens Broadcasting Co., Inc.'s basic and/or comparative qualifications to be a Commission licensee.

13. *It is further ordered,* That the burden of proceeding with the introduction of evidence on the issues added herein shall be upon John P. Frew and Julia N. Frew, doing business as 3 J's Broadcasting Co.; and that the burden of proof under the issues added herein shall be upon Athens Broadcasting Co., Inc.

14. *It is further ordered,* That the presiding officer shall issue a "Supplemental Initial Decision" pertaining to all aspects raised under these additional issues.

Adopted: January 13, 1971.

Released: January 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-795 Filed 1-19-71;8:49 am]

[5] For a discussion of the meaning of the word "repeatedly," as used in section 503(b) of the Communications Act, see Friendly Broadcasting Co., FCC 62-670, 23 RR 893.

[6] In many instances, the Commission has imposed monetary forfeitures for the failure of licensees to adhere to the dictates of the Commission's rules and license requirements with regard to tower lighting. Friendly Broadcasting Co., supra.

[Docket No. 18983; FCC 71R-11]

INDIANA BROADCASTING CORP. (WISH-TV)

Memorandum Opinion and Order Enlarging Issues

In regard application of Indiana Broadcasting Corp. (WISH-TV) Indianapolis, Ind., Docket No. 18983, File No. BPCT-4067, for construction permit and waiver of § 73.636(a)(1) of the Commission's rules.

1. Among the issues included in the Commission's order designating Indiana Broadcasting Corp.'s (Indiana) application for hearing[1] is one to determine the effect of the proposed change of transmitter site on UHF television stations. Specifically, the issue reads:

> To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area immediately to the north of Indianapolis to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF service.

In the text of the designation order, the Commission made the following comment concerning the burden of proceeding with the introduction of evidence:

> There being substantial and material questions of fact concerning the effect of Indiana's proposal on UHF broadcasting, an UHF impact issue will be specified, and because a waiver of the duopoly rules is involved, both the burden of proceeding with the introduction of evidence and the burden of proof in respect to the UHF impact issue will be on the applicant.[4]

A waiver without hearing of the overlap rule (§ 73.636(a)(1)) was refused because Indiana's supporting public interest allegations were insufficient, and the final hearing issue calls for a decision whether waiver should be granted.

2. Indiana now urges that the burden of proceeding should be shifted to the respondents, RJN Broadcasting, Inc., and Sarkes-Tarzian, Inc.[2] It contends that the Board's consideration of this request is not precluded under Atlantic Broadcasting Co., Inc., 5 FCC 2d 717 (1966), because "the designation Order here devoted less than full sentence to the burden of proceeding * * *." Petitioner claims that this fact brings the matter within the purview of Daily Telegraph Printing Co., 20 FCC 2d 976 (1969), where the Board concluded that a "brief one-sentence assignment of the evidentiary burden in the designation Order is not * * * a reasoned analysis" which would preclude, under Atlantic, supra, Board action on the request to shift the burden.

3. Normally, in a case involving UHF impact, the burden of proceeding would be on the respondent-intervenors. Daily Telegraph Printing Co., 20 FCC 2d 976 (1969), and the cases cited therein. In this instance, however, the Commission gave as a reason for imposing "both the burden of proceeding with the introduction of evidence and the burden of proof" on the applicant the fact that "a waiver of the duopoly rules is involved." From this and from the way in which the issues are cast it seems clear that the Commission views the resolution of the UHF impact issue as being one element to be considered in deciding the ultimate issue of waiver of § 73.636(a)(1), not as an independent issue upon which the grant or denial of the application could turn. These facts seem to show that the Commission gave careful consideration to and a specific reason for the allocation of the burden of proceeding unless, as petitioner argues, examination of the two cases cited by the Commission in footnote 6 of the designation Order point toward a misunderstanding which might warrant Board action under Atlantic, supra.

4. WLVA, supra, cited by the Commission dealt only with the shifting of the burden of proof from the respondents to the applicant, and the question of transferring the burden of proceeding from the respondent, where it had been placed by the Commission in the designation order, was not raised. Thus, rulings made in that opinion are not in conflict with the specific actions taken by the Commission here. Daily Telegraph Printing, supra, the second of the two cases cited, also is not at odds with the instant designation order. There, the Board refused to shift the burden of proof from the applicant, and, although the burden of proceeding was reassigned from the applicant to the UHF-respondent, this was done in a situation which did not involve an ultimate issue of rule waiver. The significant distinction between the case before us and other recent cases decided by the Commission and the Board is the interrelationship of the waiver and the UHF impact issues, with the latter being subsidiary to the former.[3]

5. Considering the foregoing, and after carefully weighing all the arguments made in the pleadings, the Board concludes that the designation order contains a reasoned analysis of the basis for the Commission's decision to assign both burdens to the applicant and that under Atlantic, supra, the petition to shift the burden of proceeding must be denied.

6. Indiana also requests modification of the hearing issues so that it can be determined "whether grant of the application would foster and promote educational television in the central Indiana area." The basis for this request is the contention that the Commission overlooked this aspect of the proposal when, in reference to Indiana's offer of the use of its new tower to the Channel 20 educational station in Indianapolis, it concluded "that the future of educational television in that city [Indianapolis] is no way dependent upon a grant of Indiana's application" because the educational station "is now authorized to utilize an auxiliary antenna structure belonging to commercial station WFBM-TV * * *." Petitioner supports its request with an affidavit from an officer of the educational station detailing the advantages which would accrue from use of applicant's proposed tower for mounting the Channel 20 antenna and pointing out that the arrangement to which the Commission referred was never regarded as being anything but temporary. The Broadcast Bureau and the educational station support the requested enlargement while Sarkes-Tarzian and RJN Broadcasting oppose, primarily on the ground that all the facts were before the Commission and fully evaluated at the time of designation so that further consideration by the Review Board is precluded by Atlantic, supra.

7. The Board is unable to conclude that the matter of promoting educational television in the central Indiana area was dealt with by the Commission in the designation order, thus precluding the Board's consideration of it. While the Commission weighed the public interest aspects insofar as educational service to the city of Indianapolis is concerned, no disposition was made of the current claim that the public would benefit from service to a wider central Indiana area if the educational station were to use the tower proposed by the applicant. The data which are now offered to support the issue show that there would be substantial coverage advantages to the educational station operating from applicant's proposed tower rather than from the interim site to which it is now authorized, and the affidavit of WFYI's officer details alleged benefits which would be expected from wider coverage. This material was not presented to the Commission prior to designation. The allegations are sufficient to lay a factual basis for the issue and the issue is relevant to the waiver question which is basic to this case.

8. *Accordingly, it is ordered,* That the motion to enlarge issues, filed October 2, 1970, by Indiana Broadcasting Corporation, is denied insofar as it seeks a shift in the burden of proceeding on the UHF impact issue and is granted to the extent that existing issue (d) is relettered (e) and a new issue (d) is added as follows:

To determine whether grant of the application would foster and promote

[1] FCC 70-947, released Sept. 9, 1970; 35 F.R. 14584, Sept. 17, 1970.

[4] WLVA, Inc., 17 FCC 2d 896 (1969); Daily Telegraph Printing Company (WBTW-TV), 20 FCC 2d 976 (1969).

[2] Motion to Review Board to Enlarge Issues, filed Oct. 2, 1970, by Indiana. Oppositions were filed Oct. 23, 1970, by the respondents, and the Broadcast Bureau filed its comments the same day. Metropolitan Indianapolis Television Association, a prospective intervenor, also filed a response on Oct. 23, 1970. Indiana filed a reply on Nov. 4, 1970.

[3] South Carolina Educational Television Commission, et al., 20 FCC 2d 550 (1969), is not in point. It dealt with the burden of proof and the waiver and UHF issues were cast in separate unrelated issues with an ultimate public interest conclusionary issue.

educational television in the central Indiana area.

9. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and of proof under issue (d) are on Indiana Broadcasting Corporation.

Adopted: January 13, 1971.

Released: January 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-796 Filed 1-19-71;8:49 am]

FEDERAL MARITIME COMMISSION

[Docket No. 70-52]

ATLANTIC CONTAINER LINE, LTD.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

JANUARY 11, 1971.

Respondent Atlantic Container Line, Ltd., has requested an enlargement of time within which to respond to the Commission's Order To Show Cause dated December 28, 1970.

Respondent cites as grounds therefor the necessity for excessive research in preparing affidavits and briefs. A sufficient demonstration of good cause has been made and the request will be granted. The Commission wishes to emphasize that this action does not indicate, in any way, a diminution in its concern regarding the matters under adjudication herein.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before February 22, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before March 8, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-807 Filed 1-19-71;8:50 am]

[Independent Ocean Freight Forwarder License 1265]

S. YOSHIOKA & CO.

Order of Revocation

By letter dated December 28, 1970, S. Yoshioka & Co., 250-M World Trade Center, San Francisco, CA 94111, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1265 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 11, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

S. Yoshioka & Co. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1265 be returned to the Commission. Revocation of License No. 1265 is effective January 11, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Shigeru Yoshioka doing business as S. Yoshioka & Co.

AARON W. REESE,
Managing Director.

[FR Doc.71-806 Filed 1-19-71;8:50 am]

U.S. GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New (York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David F. Graham, Manager-Secretary, U.S. Great Lakes-Bordeaux/Hamburg Range Eastbound Conference, 108 North State St., Chicago, IL 60602.

Agreement No. 7820-12 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: January 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-808 Filed 1-19-71;8:50 am]

U.S. GREAT LAKES SCANDINAVIAN AND BALTIC EASTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David F. Graham, Manager-Secretary, U.S. Great Lakes Scandinavian and Baltic Eastbound Conference, 108 North State St., Chicago, IL 60602.

Agreement No. 8180-4 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: January 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-809 Filed 1-19-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-178]

LONE STAR GAS CO.

Notice of Application

JANUARY 13, 1971.

Take notice that on January 5, 1971, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-178 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities for the transportation of natural gas in interstate commerce, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities proposed for abandonment consist of approximately 16.7 miles of various lateral supply pipelines and related facilities extending from applicant's existing pipeline system to a single well or to a central point in the area of production. Applicant states that said lines and facilities, located on portions of applicant's system operated for the transportation of natural gas in interstate commerce, are no longer needed or required. Some of these facilities will be abandoned by removal and salvage.

Applicant states that the proposed abandonment would neither result in the abandonment or any diminution of natural gas service to any city, town, community or customer, nor lessen the service presently being rendered by applicant. The total cost of removal is estimated to be $64,750. Cash requirements are to be paid from working funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc. 71-750 Filed 1-19-71;8:46 am]

[Docket No. CP71-177]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 13, 1971.

Take notice that on January 5, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-177 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its measuring station identified as Washburn, Wisconsin TBS No. 5, which is used to deliver natural gas to Lake Superior District Power Co. (Lake Superior) for resale to the DuPont Barksdale Plant, and which will no longer be needed after March of 1971. Applicant states that Lake Superior has advised that the DuPont Barksdale Plant is scheduled to discontinue operations on that date. Applicant estimates the cost of removing this measuring station to be $6,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-751 Filed 1-19-71;8:46 am]

[Docket No. CP71-176]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JANUARY 13, 1971.

Take notice that on January 4, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Tennessee Building, Houston, TX 77001, filed an application pursuant to section 3 of the Natural Gas Act seeking authorization to import natural gas from Canada to the United States, as hereinafter described, as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, Tennessee proposes to utilize its existing facilities at the international boundary near Niagara Falls, N.Y., for the importation of 15,000,000 Mcf (at 14.73 p.s.i.a.) of natural gas during the period beginning April 1, 1971 and ending November 1, 1971. Tennessee states that the gas is to be delivered by TransCanada Pipeline, Ltd. (TransCanada) at the existing interconnection of the pipeline facilities of Tennessee and TransCanada on the international boundary near Niagara Falls, N.Y., for which a permit for construction, operation and maintenance has heretofore been granted in Docket No. G-1922. The price to be paid by Tennessee for all gas so delivered shall be 42.09 cents (U.S.) per Mcf at 14.73 p.s.i.a. The application states that the purchase and importation of such gas will provide an additional supply of gas for Tennessee's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[FR Doc.71-752 Filed 1-19-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2698]

BASS FINANCIAL CORP.

Notice of Filing of Application for Order Conditionally Exempting Applicant

JANUARY 12, 1971.

Notice is hereby given that Bass Financial Corp. (Applicant), 4242 North Harlem Avenue, Norridge, IL 60634, a Delaware corporation, which upon completion of the exchange offer described below will become a savings and loan holding company, has filed an application pursuant to the Investment Company Act of 1940 (Act) for an order conditionally exempting it from all provisions of the Act pursuant to section 6(c) thereof. All interested persons are referred to the application, which is summarized below, for a complete statement of the basis for the request.

Applicant was incorporated in November 1969, to acquire and hold the outstanding permanent reserve shares of the Unity Savings and Loan Association (Unity), an Illinois stock savings and loan association with assets of approximately $136 million and net worth of approximately $4.8 million. Applicant plans to make an exchange offer for the permanent reserve shares of Unity, contingent on Applicant's receipt of tenders for at least 80 percent of such shares. Applicant will also make an exchange offer to acquire the majority of the outstanding voting securities of Plaza Insurance Company (Plaza), a small insurance company (with assets of approximately $97,000 and net worth of approximately $6,300) related to the business of Unity.

Subsequently, Applicant intends to issue some of its shares for cash and make further acquisitions of savings and loan associations in Illinois. Negotiations have been completed for such an acquisition of the majority of the permanent reserve shares of Park Forest Savings and Loan Association (Park Forest).

The voting securities of Illinois stock savings and loan associations include the permanent reserve shares of such associations, with the depositors and borrowers also having voting rights. The permanent reserve shares are the basic equity securities, representing the nonwithdrawable share capital, of an Illinois stock savings and loan association, and entitle their holders to one vote for each permanent reserve share held. Depositors are entitled to one vote for every $100 or fraction thereof on deposit and borrowers are entitled to one vote each. In the case of Unity there are enough funds on deposit in the association to render the number of permanent reserve shares outstanding less than a majority of the voting securities outstanding.

Section 3(a)(3) of the Investment Company Act of 1940 defines an investment company as any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3 further provides that "investment securities" does not include "securities issued by majority-owned subsidiaries of the owner which are not investment companies."

Even though Applicant will acquire a majority of the permanent reserve shares of Unity, because of the large voting interest held by the depositors in the association, Applicant's holdings of permanent reserve shares of Unity may be considered investment securities, and Applicant may be considered an investment company as defined in section 3(a)(3) of the Act.

Section 3(b)(2) of the Act provides, in pertinent part, that "Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses" is not an investment company within the meaning of the Act.

Applicant asserts that it will be primarily engaged in the savings and loan business through controlled associations (Unity, Park Forest, and any other savings and loan associations it might acquire) within the meaning of section 3(b)(2). Applicant also asserts that a large majority of depositors furnish management with continuing proxies and that the participation by depositors in the control and operation of the associations has been and is virtually negligible. Applicant further asserts that the holder of the majority of the voting power, including the permanent reserve shares and the proxies of the depositors, if the permanent reserve shares held are not a majority of all outstanding voting securities, has effective control of the association.

Because section 3(b)(2) is applicable to an existing fact situation rather than to a prospective situation, Applicant requests a prospective order pursuant to section 6(c) conditionally exempting Applicant from all provisions of the Act.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it will be primarily engaged in the savings and loan business, through controlled savings and loan associations, and that a conditional exemption of Applicant from all provisions of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that any order the Commission may issue granting its application may be subject to the conditions that:

1. Applicant's proposed acquisition of Unity be completed within six months after the entry of an order granting the requested exemption (unless such period is extended by the Commission);

2. Applicant limit its activities to those permitted a multiple savings and loan holding company under the Savings and Loan Holding Company Act and the regulations thereunder, whether or not the Applicant is a multiple savings and loan holding company; and

3. Applicant not own or propose to acquire investment securities within the meaning of section 3 of the Act having a value exceeding 40 per centum of the value of Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis, but provided that no permanent reserve shares of any savings and loan association owned or proposed to be acquired by Applicant shall be deemed investment securities for the purpose of determining compliance with this condition where:

(A) The permanent reserve shares so owned or proposed to be acquired constitute at least 50 percent of the outstanding permanent reserve shares of the issuer, and

(B) In any case where the permanent reserve shares so owned or proposed to be acquired constitute less than 50 percent of the voting power of all outstanding voting securities of the issuer, members of the issuer's management controlled by Applicant (or, where the permanent reserve shares have not yet been acquired, members of the issuer's management satisfactory to Applicant) have proxies from depositors which, when combined with the voting power of the permanent reserve shares of the issuer so owned or proposed to be acquired, constitute at least 50 percent of the voting power of all outstanding voting securities of such issuer.

Notice is further given that any interested person may, not later than January 27, 1971 at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the above-stated address, proof of such service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-763 Filed 1-19-71;8:47 am]

[70-4956]

COLUMBIA GAS SYSTEM, INC. ET AL.

Notice of Proposed Intrasystem Transactions in Furtherance of System's Realignment Program

JANUARY 13, 1971.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, and several of its subsidiary companies, namely Columbia Gas Transmission Corp. (Columbia Transmission), United Fuel Gas Co. (United), Atlantic Seaboard Corp. (Atlantic), Kentucky Gas Transmission Corp. (Kentucky), the Manufacturers Light and Heat Co. (Manufacturers), Cumberland and Allegheny Gas Co. (C&A), Home Gas Co. (Home), and the Ohio Fuel Gas Co. (Ohio), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

The proposed transactions are part of a realignment program of Columbia and its subsidiary companies, which program has two primary objectives. The first objective is to realign the system's Appalachian properties so that to the extent practicable: (1) Production, storage, and transmission facilities used to transport gas in interstate commerce and to service wholesale business shall be owned and operated by a single corporation, subject only to the regulatory jurisdiction of the Federal Power Commission, and (2) facilities used to sell at retail within a particular State shall be owned by a corporation operating solely within such State and thus be subject only to the jurisdiction of such State's regulatory commission. It is represented that this application-declaration covers the final step necessary to perfect the objectives specified in (1) above.

Atlantic is engaged in the purchase, storage, transportation, and sale of natural gas at wholesale in Maryland, Virginia, and West Virginia. United is engaged in the production, purchase, storage, transportation, and sale of natural gas at wholesale in Kentucky, Ohio, and West Virginia. It is also engaged in the production and purchase of natural gas in Virginia and the purchase of natural gas in Louisiana, which gas is transported by an affiliate, Columbia Gulf Transmission Co. (Columbia Gulf). C&A is engaged in the production, purchase, transportation, and sale of natural gas at wholesale in West Virginia. Manufacturers is engaged in the production, purchase, storage, transportation, and sale of nautral gas at wholesale in Ohio, Pennsylvania, Maryland, and West Virginia. It is also engaged in the purchase of small volumes of natural gas in Texas, which volumes are transported for Manufacturers by Tennessee Gas Pipeline Co. (a nonassociate company). Home and Ohio are engaged in the production, purchase, storage, transportation, and sale of natural gas at wholesale in New York and Ohio, respectively, and Kentucky is engaged in the purchase, transportation, and sale of natural gas at wholesale in Kentucky.

Columbia Transmission is a Delaware corporation which presently has no securities outstanding, no paid-in capital, and has transacted no business. Upon the consummation of the proposed transactions, Atlantic, United, C&S, Manufacturers, Home, Kentucky, and Ohio will be merged with and into a single company, namely, Columbia Transmission, which will continue to be a wholly-owned subsidiary company of Columbia, thereafter to be engaged in the production, purchase, storage, transportation, and sale of natural gas at wholesale in the States of Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia; and the purchase of natural gas in Louisiana, which will be transported by Columbia Gulf.

The merger will place into a single company operating properties with a total net original cost of approximately $700 million. It is represented that the management and operation of these properties by Columbia Transmission will (1) serve to further coordinate rate, legal, operating, planning, and treasury functions, (2) simplify the administrative, accounting, and operating functions, and (3) reduce the number of reports filed with governmental agencies, eliminate duplicate audits by independent accountants, and other duplicative efforts.

Columbia, the sole owner of all outstanding shares of common stock of the constituent corporations, will have its shares converted into shares of Columbia Transmission. Columbia Transmission may make payment in cash in lieu of issuance of fractional shares. Upon consummation of the merger, the capital stock account of Columbia Transmission will be equal to the aggregate par value of the total number of shares of capital stock of the constituent companies. The earned and capital surpluses, if any, of Atlantic, United, C&A, Manufacturers, Home, Kentucky, and Ohio shall constitute the earned and capital surpluses of Columbia Transmission.

Columbia Transmission will acquire all of the assets and assume all the obligations of Atlantic, United, C&A, Manufacturers, Home, Kentucky, and Ohio. The assets and related reserves of the constituent companies acquired by Columbia Transmission upon consummation of the merger and the liabilities of the constituent companies to be assumed by Columbia Transmission at that time shall be taken on the books of Columbia Transmission at the respective amounts at which they were carried on the books of said companies.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is further stated that the Federal Power Commission has jurisdiction over the proposed merger and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 2, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-764 Filed 1-19-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

AMERICAN ST.-GOBAIN CORP.

Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Pursuant to the provisions of section 302 of the Trade Expansion Act of 1962, the President's Proclamation 3967 of February 27, 1970 (35 F.R. 3975), and a petition filed and investigation conducted pursuant to the provisions of such section as authorized under 29 CFR Part 90 and notices in 34 F.R. 18342 and 35 F.R. 5383, a certification under section 302(b)(2) of such Act was made on May 25, 1970, certifying that certain workers, described in the Notice of Certification (35 F.R. 8415), are eligible to apply for adjustment assistance under Chapter 3, Title III, of such Act. On the basis of a further showing pursuant to section 302(b)(2) of such Act and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the Certification set forth in the Notice of Certification published at 35 F.R. 8415 is hereby revised to include additional workers, significant in number or proportion, for whom the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements are hereby determined to have caused or threatened to cause unemployment or underemployment.

Such revised Certification is hereby made as follows:

Those production, maintenance, and salaried workers of the American St.-Gobain Corp., Arnold Plant, located at Arnold, Pa., who became or will become unemployed or underemployed on or after November 9, 1967, are eligible to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of January 1971.

GEORGE H. HILDEBRAND,
Deputy Under Secretary,
International Affairs.

[FR Doc.71-746 Filed 1-19-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 15, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42112—*Chlorine to Palatka, Fla.* Filed by O. W. South, Jr., Agent (No. A6218), for interested rail carriers. Rates on chlorine, in tank car loads, as described in the application, from Gramercy, La., to Palatka, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 162 to Southern Freight Association, Agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-790 Filed 1-19-71;8:49 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 15, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 574) (Cancels Deviation No. 537) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 11, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25-W and Interstate Highway 40 approximately 3 miles west of Dandridge, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 276, at Cove Creek, N.C., thence over U.S. Highway 276 to junction U.S. Highway 19 at Dellwood, N.C., thence over U.S. Highway 19 to junction access road, near Clyde, N.C., thence over access road to junction Interstate Highway 40, thence over Interstate Highway 40 to Asheville, N.C., (2) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 92, thence over Tennessee Highway 92 to junction Interstate Highway 40, (3) from Dandridge, Tenn., over U.S. Highway 25-W to junction Tennessee Highway 113, thence over Tennessee Highway 113 to junction Interstate Highway 40, and (4) from Newport, Tenn., over Tennessee Highway 32 to junction Interstate Highway 40, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 25-W to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., and return over the same route.

No. MC 89037 (Deviation No. 9), CONTINENTAL PACIFIC LINES, 1501 South Central Avenue, Los Angeles, CA 90021, filed January 5, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 40 (Interstate Highway 80) and Interstate Highway 505 (east of Vacaville, Calif.), over Interstate Highway 505 to junction U.S. Highway 99-W (Interstate Highway 5) (southeast of Dunnigan, Calif.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99-W to Red Bluff, Calif., and (2) from Woodland, Calif., over U.S. Highway 99-W to junction unnumbered highway, thence over unnumbered highway to Davis, Calif., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-788 Filed 1-19-71;8:48 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 15, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interestate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-59957 (Deviation No. 11), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, PA 17405, filed January 8, 1971. Carrier's representative: Walter M. D. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Ebensburg, Pa., and Hamburg, N.Y., over U.S. Highway 219, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Hollidaysburg, Pa., over U.S. Highway 22 to Pittsburgh, Pa., (2) from Cleveland, Ohio, over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, at Sharon, Pa., thence over Pennsylvania Highway 518 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to New Castle, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., and (3) from Warren, Ohio, over Ohio Highway 5 to Kinsman, Ohio, thence over Ohio Highway 7 to Conneaut, Ohio, thence over U.S. Highway 20 to Big Tree, N.Y., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-787 Filed 1-19-71;8:48 am]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 15, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 116077 (Sub-No. 280) (Republication), filed November 3, 1969, published in the FEDERAL REGISTER issue of December 4, 1969, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, TX 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. An Order of the Commission, Division 1, Acting as an Appellate Division, dated December 28, 1970, and served January 8, 1970, finds upon consideration of the record in this proceeding, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of chemicals (except petrochemicals), in bulk, from points in Ector County, Tex., to points in New Mexico. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice that the authority granted in this proceeding can be tacked with applicant's outstanding authority, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 134090 (Sub-No. 1) (Notice of Filing of Petition To Add Name of Shipper to Present Operating Authority), filed January 5, 1971. Petitioner: ALLBEST TRANSFER AND WAREHOUSE, INC., 405 Division Street, Elizabethport, NJ 07206. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner is authorized in No. MC 134090 Sub-No. 1 to transport such merchandise as is distributed by a premium stamp redemption center in the redemption of premium stamps, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from New York, N.Y., to Elizabethport, N.J., under contract with Top Value Enterprises, Inc., of Dayton, Ohio. By the instant petition, petitioner seeks to add the name of E. F. MacDonald Stamp Co., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1515 (Sub-No. 162), filed December 21, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Anthony P. Carr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between the junction of U.S. Highways 31 and 50 (approximately 3 miles east of Seymour, Ind.) and Seymour, Ind., over U.S. Highway 50, serving all intermediate points. NOTE: The instant application is a matter directly related to MC-F-11055, published in the FEDERAL REGISTER issue of January 6, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Cleveland, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10869. (Amendment) (GEORGIA HIGHWAY EXPRESS, INC.—Purchase—TIM'S MOTOR SERVICE, INC.), published in the July 1, 1970, issue of the FEDERAL REGISTER, on page 10717. Prior notice reads Vendee is authorized to operate as a common carrier in Tennessee, Georgia, and Alabama, and should read: Vendee is authorized to operate as a common carrier in Tennessee, Georgia, Alabama, and "Florida."

No. MC-F-11062. Authority sought for purchase by TOSE, INC., 64 West Fourth Street, Bridgeport, PA 19405, a portion of the operating rights of BOSTON AND SPRINGFIELD DESPATCH, INC., 81 Newtown Road, Danbury, CT 06810, and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa., and DESMOND J. McTIGHE, 11 East Airy Street, Norristown, PA 19401 (EXECUTORS FOR THE ESTATE OF MIKE TOSE), of control of such rights through the purchase. Applicants' attorney and representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004 and William Mason, III, 1515 Summer Street, Stamford, CT 06902. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Boston and Springfield, Mass., on the one hand, and, on the other, Danbury, Conn. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, Virginia, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11063. Authority sought for purchase by SHARPE MOTOR LINES, INC., Post Office Box 517, Hildebran, NC 28637, a portion of the operating rights and certain property of TALLANT TRANSFER, INC., Post Office Drawer

98, Hickory, NC 28601, and for acquisition by BICKETT SHARPE, BERNICE SHARPE, and JOHN SHARPE all of Hildebran, NC 28637, of control of such rights and property through the purchase. Applicants' attorney: Edward G. Villalon, 1735 K Street NW, Washington, DC 20006. Operating rights sought to be transferred: *General commodities*, except commodities of unusual value, dangerous explosives, commodities requiring special equipment, such as tank trucks or refrigerator trucks, livestock, and commodities contaminating to other lading, as a *common carrier* over irregular routes, from points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the District of Columbia, and those in the New York, N.Y., commercial zone, as defined in 1 M.C.C. 665 and 2 M.C.C. 191, to Hickory, N.C., and points and places within 25 miles of Hickory; *general commodities*, except those of unusual value, livestock, new furniture, classes A and B explosives, and household goods as defined by the Commission, between Niagara Falls and Buffalo, N.Y., and points on U.S. Highway 62 between Buffalo and junction U.S. Highway 20; points on U.S. Highway 20 between junction U.S. Highways 62 and 20 and Fredonia, N.Y., and points on New York Highway 60 between Fredonia, N.Y., and Frewsburg, N.Y., and points on U.S. Highway 62 between Frewsburg, N.Y., and the New York-Pennsylvania State line, on the one hand, and, on the other, Warren, Pa.;

From Hickory and Conover, N.C., to points and places in the New York, N.Y., commercial zone, as defined in 1 M.C.C. 665 and 2 M.C.C. 191, from Hickory, N.C., to points and places in Massachusetts, Rhode Island, Connecticut, and those in that part of New York on and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 9W to Albany, N.Y., and thence along New York Highway 5 to Schenectady, N.Y., and on and south of a line beginning at Schenectady, N.Y., and extending along New York Highway 7 to Troy, N.Y., and thence along New York Highway 2 to the New York-Massachusetts State line, except points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, from Charlotte, N.C., to points and places in Maryland, Delaware, New Jersey, Pennsylvania, and the New York, N.Y., commercial zone, as defined in 1 M.C.C. 665 and 2 M.C.C. 191, from Connelly Springs, N.C., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191, from Marion, N.C., to points and places in Delaware, Pennsylvania, New Jersey, the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191, and to points in Maryland, except Baltimore, Md., from points and places in Catawba County, N.C., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the New York, N.Y., commercial zone as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191, except from Hickory and Conover, N.C., to points and places in the above-specified States, from points and places in Lincoln County, N.C., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, and the New York, N.Y., commercial zone, as defined in New York, N.Y., commercial zone, 1 M.C.C. 665 and 2 M.C.C. 191;

From points and places in Caldwell, Catawba, and McDowell Counties, N.C., to points and places in that portion of New York, on, south and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line (except those in the New York, N.Y., commercial zone, as defined by the Commission) and those in Massachusetts, Connecticut, and Rhode Island, from points in Burke County, N.C., to points in Massachusetts, Rhode Island, and Connecticut, from points in Alexander and Iredell Counties, N.C., to points in Connecticut, Delaware, Maryland (except points on U.S. Highway 1 between Washington, D.C., and Baltimore, Md.), Massachusetts, New Jersey, New York, Pennsylvania (except Philadelphia, Pa.), Rhode Island and West Virginia, from points in Wilkes, Lincoln, and Mechlenberg Counties, N.C., to points in Massachusetts, Connecticut, and Rhode Island, from points in Burke and McDowell Counties, N.C., to points in Michigan and Indiana, from points in Burke County, N.C., to points in New York on, west and south of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line, from Beacon, N.Y., to Philadelphia, Pa., and points in Delaware, Maryland, Virginia, North Carolina, Tennessee, and the District of Columbia; *petroleum products*, in containers, from Baltimore, Md., to points and places in North Carolina on and west of U.S. Highway 29, from points and places in that portion of Pennsylvania located on and west of U.S. Highway 219 to points and places in that part of North Carolina located on and west of U.S. Highway 29, traversing New Jersey, Maryland, Virginia, Delaware, and the District of Columbia for operating convenience only;

Mineral wool and mineral wool products, from Dover, N.J., to points in North Carolina (except Hickory and points within 25 miles of Hickory), from Dover, N.J., to points in South Carolina, from points in Wood County, W. Va., to points in Georgia, South Carolina, and Tennessee; *damaged, defective and returned shipments* of the above described commodities, from the above specified destination points to the plantsite of the Broyhill Furniture Co., located at or near Rutherfordton, N.C., with restrictions; *new furniture and furniture parts*, from the plantsite of the Broyhill Furniture Co., located at or near Rutherfordton, N.C., to Maryland, from the plantsite of the Broyhill Furniture Co., located at or near Rutherfordton, N.C., to points in Connecticut, Delaware, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, and West Virginia, from points in Mitchell County, N.C., to points in Maryland and Michigan, with restriction, from points in Mitchell County, N.C., to points in Connecticut, Delaware, Massachusetts, that portion of New York on, west and south of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 7 to the New York-Vermont State line, and Rhode Island, and returned shipments on return;

Uncrated new furniture, from High Point, N.C., to points in Delaware, Pennsylvania, Maryland, West Virginia, New York, and Ohio, except Wilmington, Del., Baltimore, Md., Philadelphia, Pa., and points in the New York, N.Y., commercial zone, as defined by the Commission; *new furniture* (uncrated), as defined by the Commission, from certain specified points in North Carolina to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Ohio, and the Lower Peninsula of Michigan; *empty containers*, for petroleum products, from points and places in North Carolina on and west of U.S. Highway 29, to Baltimore, Md.; *rejected shipments* of new furniture, from the above destination points and places to Charlotte, N.C.; *cotton batting*, used in the manufacture of upholstered furniture, from Depwe, N.Y., to points in North Carolina on and west of U.S. Highway 29; *lumber* (except plywood and veneer), from Hickory, N.C., to points in Pennsylvania and West Virginia; *polyurethane foams*, from Baltimore, Md., to points in that part of North Carolina on and west of U.S. Highway 29 (except Hickory, N.C., and points within 25 miles thereof), *foam rubber*, used in the manufacture of furniture, from Tonawanda, N.Y., to High Point and Hickory, N.C.; *cotton, cotton waste, and linter*, from Boston and Worchester, Mass., to Conover, N.C.; *damaged shipments*, from the destination points described above to their respective origin points; *forest products*, used in the manufacture of furniture, from points in New York, to points in that part of North Carolina on and west of U.S. Highway 1;

Laboratory, technical, public seating, and institutional furniture, fixtures, and equipment, all uncrated *and materials and supplies incidental thereto*, in cartons, from points in Burke and Catawba Counties, N.C., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia; *returned shipments*, from the above described destination points, to points in Mitchell County, N.C. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Delaware, Illinois, Ohio, Indiana, West Virginia, Kentucky, Michigan, Georgia, Tennessee, Virginia, New York, Pennsylvania, New Jersey, District of Columbia, Maryland, Alabama, Arkansas, Connecticut, Florida, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, Oklahoma, Rhode Island, Texas, Vermont, Wisconsin, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-11064. Authority sought for purchase by SALEM TRANSPORTATION COMPANY OF NEW JERSEY, INC., 1222 Jerome Avenue, Bronx, NY 10452, of a portion of the operating rights in certificate No. MC-128823, in the name of ROBERT C. BELL, JR., doing business as N. J. & N. Y. AIRPORT LIMOUSINE, 132-20 Horace Harding Boulevard, Flushing, NY 11367, and authorized to be acquired by N. J. & N. Y. AIRPORT LIMOUSINE, INC., care of JAMES A. CURTIS, 657 High Street, Newark, NJ 07102, pursuant to order of September 18, 1970, in No. MC-FC 72376, and for acquisition by JACK MIROW and GEORGE H. ROSEN, both of Bronx, N.Y., of control of such rights through the purchase. Applicants' attorney and representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, NY 12701, and Robert C. Bell, Jr., 528 Main Street, New Canaan, CN 06840. Operating rights sought to be transferred: Passengers and their baggage and pets, in the same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, restricted to the transportation of passengers either originating at, or destined to, Newark Airport, at Newark, N.J., Teterboro Airport, at Teterboro, N.J., La Guardia Airport and John F. Kennedy International Airport, at New York, N.Y., as a common carrier over regular routes, between La Guardia Airport and Newark (N.J.) Airport via John F. Kennedy International Airport (N.Y.), between La Guardia Airport and New Brunswick, N.J., via John F. Kennedy International Airport, between La Guardia Airport (N.Y.) and Trenton, N.J., via John F. Kennedy International Airport (N.Y.), serving all intermediate points. Vendee holds no authority from this Commission. However it is affiliated with (1) CENTRAL STAGES, INC., (2) SALEM TRANSPORTATION CO., INC., (3) BELL TRANSPORTATION CO., INC. and (4) ACE DRIVEAWAY SYSTEM, INC., all of 1222 Jerome Avenue, Bronx, NY 10452, which are authorized to operate as common carriers in (1) New York and Connecticut, (2) New York, Pennsylvania, and New Jersey, (3) New Jersey, New York, and Pennsylvania, (4) New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-789 Filed 1-19-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 15, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (unknown), filed January 4, 1971. Applicant: BUTTE-DEER LODGE MOTOR FREIGHT, 1614 B Street, Post Office Box 369, Butte, MT 59701. Applicant's representative: John Leslie Hamner, 1229 Harrison Avenue, Butte, MT 59701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities goods, wares and merchandise*, except commodities in bulk or in tank trucks between the cities of Butte (Silver Bow County) Mont., and Deer Lodge (Powell County) Mont., along Interstate Highway No. 90 including intermediate points along said route and the communities of Warm Springs and Galen, Mont. Particularly applicant desires to take shipments from interstate authorized carriers to a destination beyond their commercial zone along the route of applicant's authority in intrastate transportation. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners, Helena, Mont., 59601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-783 Filed 1-19-71;8:48 am]

[Notice 230]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 14, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representaitve, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 79540 (Sub-No. 6 TA) filed January 11, 1971. Applicant: CRIMBLY TRUCKING SERVICE, INC., Rural Delivery Route 119, Post Office Box 397, Point Marion, PA 15474. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irbulk, in dump trucks, from the facil regular routes, transporting: *Salt, in bulk, in dump trucks*, from the facilities of Standard Terminals, Inc., Springhill Township, Fayette County, Pa., to points in Berkeley and Taylor Counties, W. Va., for 150 days. Supporting shipper: Standard Terminals, Inc., One Fifth Street, New Kensington, PA 15068. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 416, Federal Office Building, Wheeling, WV 26003.

No. MC 106398 (Sub-No. 520 TA), filed January 11, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, in sections mounted on wheeled undercarriages, from the plantsite of Atlantic Homes, Division Champion Homes Builders Co., Slayton, Minn., to points in the United States (except Alaska and Hawaii) for 180 days. Atlantic Homes Division, Jim Reconsin, Sales Manager, Alva Reed Road, Box 89, Slayton, MN 56172. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 110191 (Sub-No. 23 TA), filed January 11, 1971. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Post Office Box 1006, 23501, Norfolk, VA 23502. Applicant's representative: W. P. DAVIS (same address as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire tread material*, from Cumberland, Md., to Norfolk, Va., for 180 days. Supporting shipper: Kramer Tire Co. Inc., 1369 Azalea Garden Road, Norfolk, VA 23502. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, VA 23240.

No. MC 111170 (Sub-No. 155 TA), filed January 11, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2311 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, fertilizer, and fertilizer ingredients*, in bags, from points in Clark County, Ark., to points in Louisiana, Oklahoma, and Texas, for 180 days. Supporting shipper: Arkla Chemical Corp., 400 East Capitol, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 115092 (Sub-No. 15 TA), filed January 11, 1971. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernon, UT 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, from the plantsite at Battle Mountain, Nev., in Lander County, Nev., to points in New Mexico, Colorado, Utah, Wyoming, Montana, and North Dakota, for 180 days. Supporting shipper: Oilfield Products, Division Dresser Industries, Inc., Post Office Box 6504, Houston, TX 77005 (Austin Glover, Traffic manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 119567 (Sub-No. 11 TA), filed January 8, 1971. Applicant: F. H. McCLURE AND R. V. ESTELL, a partnership, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, ID 83705. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and compressed automobile bodies and parts*, from points in Idaho, south of the southern boundary of Idaho County, to Portland, Oreg., for 150 days. NOTE: Carrier does not intend to tack or interline authority applied for with any other carrier. Supporting shipper: Rackliff Bros. Inc., 969 Bracken Street North, Twin Falls ID 83301. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, ID 83702.

No.MC 119789 (Sub-No. 52 TA), filed January 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Plainview, Tex., to points in Alabama, Pensacola, Fla., Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, and Wisconsin, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 119917 (Sub-No. 29 TA), filed January 11, 1971. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, advertising and promotional materials, display racks, stands and related items*, from Winston-Salem, N.C., to Atlanta, Ga., and *empty beverage containers and pallets*, from Atlanta, Ga., to Winston-Salem, N.C., for 180 days. Supporting shipper: Thomas Beverage Co., 2235 De Foor Hills Road NW., Atlanta, GA 30318. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Buerau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 126473 (Sub-No. 13 TA), filed December 28, 1970. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wines and champagnes*, from Fairfield, Iowa, to points in Connecticut, Illinois, Missouri, New Jersey, and New York; (2) *champagnes*, from New Jersey, and New York to Fairfield, Iowa; (3) *bottles*, from New York, and Pennsylvania to Fairfield, Iowa, for 180 days. Supporting shipper: Gino Wine Corp., Post Office Box 926, Fairfield, IA 52556. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 127575 (Sub-No. 3 TA), filed January 8, 1971. Applicant: GILPIN COUNTY EXPRESS & TRUCK LINE, INC., Post Office Box 303, 400 Lawrence Street, Central City, CO 80427. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Denver, Colo., and the top of Loveland Pass, Colo., serving all intermediate points, between Silver Plume and the top of Loveland Pass, Colo., including Silver Plume, Colo., and Loveland Basin, Colo., over U.S. Highway 6. NOTE: Carrier intends to interline at Denver, Colo.; for 150 days. Supporting shipper: Loveland Ski Tow Co., Post Office Box 455, Georgetown, CO 80444. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 134073 (Sub-No. 8 TA), filed January, 11, 1971. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, for the account of Crown Zellerbach Corp. at Glassboro, N.J., from Glassboro, N.J., to Boston, Brockton, Cambridge, Everett, Fall River, Jamaica Plains, Malden, Salem, Somerville, Waltham, Woburn, and Worchester, Mass., Providence and Smithfield, R.I.; Avon, Bronx, Brooklyn, Buffalo, Ilion, Long Island City, New York City, North Chili, Richmond Hill, L.I., Rochester, Syracuse, White Plains, and Whitestone, N.Y.; Belleville, Chambersburg, Etna, Grove City, Hershey, Lancaster, Lebanon, Leetsdale, Philadelphia, Pittsburgh, Reading, and West Reading Pa.; Elizabeth and Newark, N.J.; Baltimore, Md.; Dover and Wilmington, Del.; Hopewell, Norfolk, Petersburg, and Suffolk, Va.; Cheraw, S.C.; Athens, Atlanta, Augusta, Bogart, Brunswick, Dawson, East Point, Jackson, Macon, and Savannah, Ga.; Ellaville, Live Oak, and Jacksonville, Fla.; for 180 days. Supporting shipper: Crown Zellerbach, Post Office Box 5810, 8966 Latty Road, Berkeley, MO 63134. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Carroll Building, Room 204, 428 East State Street, Trenton, NJ 08608.

No. MC 135190 (Sub-No. 1 TA), filed January 11, 1971. Applicant: C. H. JONES MOTOR COMPANY, INC., 3648 Hulmeville Road, Cornwells Heights, PA 19020. Applicant's representative: Norma Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, loose, in special van type trailers, from Kirkwood Township, Broome City, N.Y., to Philadelphia, Sunbury, Pa., for 150 days. Supporting shipper: Booher Lumber Co., Inc., Lafayette, N.Y. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135214 TA, filed January 11, 1971. Applicant: HOWELL TRANSFER & STORAGE COMPANY, INC., doing business as AKERS MOVING & STORAGE, 1407 Boruff Street, Knoxville, TN 37917. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage, and personal effects*, between points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn.; and Bell and Whitley Counties, Ky.; and Lee, Scott, Washington, and Wise Counties, Va.; and Ashe, Avery, Cherokee, Graham, Haywood, Madison, Mitchell, Swain, and Watanga Counties, N.C. Restriction: The operations authority herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense—Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, TN 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-786 Filed 1-19-71;8:48 am]

[Notice 231]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 15, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14429 (Sub-No. 5 TA) filed January 11, 1971. Applicant: EDWIN L. LADD (Blanche L. Ladd, Administratrix), doing business as TED LADD'S MOTOR TRANSFER, School Street, Barre, VT 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Derby, Vt., to Barre, Vt., for 150 days. NOTE: Applicant intends to tack this authority with presently held authority in MC 14429 and Subs. at Barre, Vt., which is the origination point of present authority and interline point. Supporting shipper: Derby Granite, Inc., Derby, Vt. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Montpelier, VT 05602.

No. MC 60169 (Sub-No. 26 TA) (Correction) filed December 28, 1970, and published FEDERAL REGISTER issue of January 6, 1971, and republished in part as corrected this issue. Applicant: FREEDMAN MOTOR SERVICE, INC., Vineyard Road, Post Office Box 280, Edison, NJ 08817. Applicant's representative: Alexander Markowitz, 1619 Woodcrest Avenue, Vineyard, NJ 08360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from the plantsite or warehouse facilities of E. I. du Pont de Nemours & Co., Grasselli, N.J., to points in the States of Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, within 200 miles of Grasselli, N.J. and Wilton, N.H. NOTE: The purpose of this partial republication is to redescribe the territorial description, which was shown in error in previous publication. The rest of publication remains as previously published.

No. MC 64112 (Sub-No. 47 TA), filed January 11, 1971. Applicant: NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, Charlotte, NC 28213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured tobacco products*, from Louisville, Ky., to Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Albany, North Tonawanda, Buffalo, Syracuse, and Rochester, N.Y.; Atlanta, Ga.; Birmingham and Montgomery, Ala.; Boston, Westwood, and Springfield, Mass.; Butte, Mont.; Chicago and East Peoria, Ill.; Dallas, Farmers Branch, El Paso, Houston, San Antonio, and Lubbock, Tex.; Denver, Colo.; Des Moines, Iowa; Detroit, Melvindale, and Grand Rapids, Mich.; East Hartford, Conn.; Fargo, N. Dak.; Green Bay and Milwaukee, Wis.; Harrisburg, Pittsburgh, and Scranton, Pa.; Jacksonville, Miami, and Tampa, Fla.; Jersey City, N.J.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Los Angeles, Wilmington, National City, Oakland, San Diego, Sacramento, and San Francisco, Calif.; Memphis and Nashville, Tenn.; Milwaukie, Oreg.; Minneapolis, Minn.; New Orleans and Shreveport, La.; Oklahoma City and Tulsa, Okla.; Omaha, Nebr.; Richmond, Va.; Phoenix, Ariz.; Portland, Maine; Providence, R.I.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Sioux Falls, S. Dak.; Wichita, Kans., and Greensboro, N.C., for 150 days. Supporting shipper: Lorillard Corp., an operating division of Loew's Theatres, Inc., Greensboro Branch, 2525 East Market Street, Greensboro, NC 27420. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

No. MC 102817 (Sub-No. 15 TA), filed January 11, 1971. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, IN 46202. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, crated, and furniture, crated*, from Charlevoix, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Freedman Artcraft Engineering Corp., Post Office Box 228, Charlevoix, MI. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 36 South Pennsylvania Street, 802 Century Building, Indianapolis, IN 46204.

No. MC 111397 (Sub-No. 97 TA), filed January 12, 1971. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1407, Avondale Station, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, from plantsite of General Tire & Rubber Co., at or near Mayfield, Ky., to plantsite of Armstrong Rubber Co., at or near Natchez, Miss., for 180 days. Supporting shipper: The General Tire & Rubber Co., One General Street, Post Office Box 951, Akron, OH 44309. Richard E. Ridle, Assistant General Traffic Manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 167 North Main Street, Memphis, TN 38103.

No. MC 118831 (Sub-No. 76 TA), filed January 11, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, Uwharrie Road 27263, High Point, NC 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in New Hanover

County, N.C., and Spartanburg County, S.C., to points in Tennessee. NOTE: Service for which instant application is sought does not include tacking, however, there are parts of applicant's certificate which might be tacked with this application; for 180 days. Supporting shipper: F. L. Leuze, District Traffic Manager, Hercules Inc., 500 Life of Georgia Tower, Atlanta, GA 30308. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 118989 (Sub-No. 58 TA), filed January 12, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from St. Louis, Mo., to Fort Wayne, Ind., for 150 days. Supporting shipper: American Can Co., 200 South Michigan Avenue, Chicago, IL 60604 (W. A. Frazier, Transportation Coordinator). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127094 (Sub-No. 1 TA), filed January 12, 1971. Applicant: CHARLES J. UNRATH, 1018 Milwaukee Street, Delafield, WI 53018. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated wooden poles and cross arms*, (1) from points in Florida, Illinois, Minnesota, Mississippi, Missouri, and Tennessee, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and (2) from points in Wisconsin to points in Illinois, Indiana, Iowa, Michigan, and Minnesota, for the account of Wisconsin Electric Cooperative, for 180 days. Supporting shipper: Wisconsin Electric Cooperative, Post Office 686, Madison, WI 53701 (W. S. Feit, Manager, Line Material Dept.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127094 (Sub-No. 2 TA), filed January 12, 1971. Applicant: CHARLES J. UNRATH, 1018 Milwaukee Street, Delafield, WI 53018. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding*, from Oconomowoc and Watertown, Wis., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Texas, for the account of Mirro Aluminum Co., for 180 days. Supporting shipper: Mirro Aluminum Co., Manitowoc, Wis. 54220 (C. E. Nelson, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 135216 TA, filed January 12, 1971. Applicant: LEROY DENEAU, Route 1, Chana, Ill. 61015. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission in bulk, and those requiring special equipment, between Oregon, Ill., on the one hand, and, on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill., Restricted to traffic having a prior or subsequent movement by air, and to interline with air freight carriers operating out of named airports for 180 days. Supporting shippers: E. D. Etnyre & Co., Oregon, Ill. 61061; The Quaker Oats Co., Oregon, Ill. 61061. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-785 Filed 1-19-71;8:48 am]

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Title 3—The President

EXECUTIVE ORDER 11579

Overseas Private Investment Corporation

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act"), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Transfer to Overseas Private Investment Corporation.* All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in sections 234(a), (b) and (d) of the Act are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

SEC. 2. *Delegation of functions.* (a) The functions conferred upon the President by sections 621(b), 625(d)(1), 627, 628, 629(b), 630, and 635(d) of the Act insofar as such functions relate to the operation of the Corporation, its activities, or personnel are hereby delegated to the Corporation: *Provided,* That the concurrence of the Secretary of State shall be required with respect to the exercise by the Corporation of so much of the functions herein delegated pursuant to section 625(d)(1) of the Act as consists of authorization of compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 for persons employed or assigned by the Corporation.

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Civil Service Commission.

SEC. 3. *Allocation and transfer of funds.* Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) which are obligated but unexpended are hereby transferred to the Corporation.

SEC. 4. *General provisions.* (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates,

orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(d) Executive Order No. 10973 of November 3, 1961, as amended, is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

Richard Nixon

THE WHITE HOUSE,
January 19, 1971.

[FR Doc.71-969 Filed 1-20-71;12:18 pm]

EXECUTIVE ORDER 11580

Establishing a Seal for the National Credit Union Administration

WHEREAS the Administrator of the National Credit Union Administration has caused to be made, and has recommended that I approve, a seal of office for the National Credit Union Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

A ROOF symbolic of the credit union concept of cooperative protection, shared by the common-bond members of all Federal credit unions since the chartering of the first one in 1934;

A DOOR symbolic both of opportunity and of the protection given members' shares through a newly instituted program of insurance by an agency of the Federal Government;

ALL in white, against a blue background of four sections symbolic of the major advantages of credit union membership: cultivation of thrift, encouragement to save regularly, granting of loans for provident purposes at a reasonable interest rate, and budget and consumer counseling; circled by the title of the National Credit Union Administration;

AND WHEREAS it appears that such a seal is of suitable design and appropriate for adoption as the official seal of the National Credit Union Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Credit Union Administration.

Richard Nixon

THE WHITE HOUSE,
January 20, 1971

[FR Doc.71-970 Filed 1-20-71;12:18 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 222]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.522 Navel Orange Regulation 222.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 19, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 22, 1971 through January 28, 1971, are hereby fixed as follows:

(i) District 1: 629,000 cartons;
(ii) District 2: 221,000 cartons;
(iii) District 3: unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 20, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-961 Filed 1-20-71;11:26 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	5½	Jan. 8, 1971
New York	5½	Do.
Philadelphia	5½	Do.
Cleveland	5½	Do.
Richmond	5½	Do.
Atlanta	5½	Jan. 11, 1971
Chicago	5½	Jan. 8, 1971
St. Louis	5½	Do.
Minneapolis	5½	Do.
Kansas City	5½	Do.
Dallas	5½	Jan. 15, 1971
San Francisco	5½	Jan. 8, 1971

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	5½	Jan. 8, 1971
New York	5½	Do.
Philadelphia	5½	Do.
Cleveland	5½	Do.
Richmond	5½	Do.
Atlanta	5½	Jan. 11, 1971
Chicago	5½	Jan. 8, 1971
St. Louis	5½	Do.
Minneapolis	5½	Do.
Kansas City	5½	Do.
Dallas	5½	Jan. 15, 1971
San Francisco	5½	Jan. 8, 1971

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of	Rate	Effective
Boston	7	Jan. 8, 1971
New York	7¼	Do.
Philadelphia	7	Do.
Cleveland	7	Do.
Richmond	7	Do.
Atlanta	7¼	Jan. 11, 1971
Chicago	7¼	Jan. 8, 1971
St. Louis	7	Do.
Minneapolis	7	Do.
Kansas City	7	Dec. 10, 1970
Dallas	7	Jan. 15, 1971
San Francisco	7	Jan. 8, 1971

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, January 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-815 Filed 1-20-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-1-AD; Amdt. 39-1146]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been cracks and a failure of the body gear load evener system indicator tube on the Boeing Model 747 series airplanes that could result in passenger injury. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the replacement of the existing body gear indicator tube cover with a new cover that will contain the tube in the event of failure on Boeing Model 747 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Boeing Model 747 series airplanes.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the load evener indicator tube resulting in passenger injury:

Replace the existing body gear indicator tube cover with a new tube cover in accordance with Boeing Service Bulletin 32-2031, dated July 24, 1970, or later FAA approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 23, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 13, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-833 Filed 1-20-71;8:47 am]

[Airworthiness Docket No. 70-WE-40-AD; Amdt. 39-1148]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas DC-8/DC-9 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the existing emergency evacuation slide cover latch assembly cadmium-plated pivot pin on Douglas DC-8/DC-9 series airplanes was published in 35 F.R. 17789.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment noted that the latches referred to in Douglas DC-9 Service Bulletin No. 25-150, Revision 1, are installed only at the tailcone slide on one operator's fleet and that latches installed by the manufacturer at the forward entrance and service doors for specific operators are of a different design which does not incorporate a pivot pin. In addition, the comment indicated that the forward latches are mounted on a sheet of fiber material covering the entire floor area between the entrance and service doors and that dissimilar metal corrosion could not occur between these latches and the floor.

The agency has determined that all DC-8/DC-9 series airplanes need not be included in the AD. The applicability statement in the adopted rule has been amended to include only those aircraft incorporating the cadmium-plated pivot pin as part of the slide girt bar latch assembly.

One comment requested an extension of the compliance time to 1,000 hours. The leadtime, provided both by the date of effectivity from the publication date in the FEDERAL REGISTER and the specified compliance time, is considered adequate. Therefore, in the absence of a substantial basis for further delay, the agency has determined to retain the compliance time as originally proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to DC-8/DC-9 series airplanes utilizing Douglas P/N 4750048-501 or -502 emergency evacuation slide girt bar latch assemblies incorporating a cadmium-plated pivot pin.

Compliance required within the next 500 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failures in the deployment of the emergency evacuation slide, accomplish the following:

(a) Modify DC-8 series airplanes in accordance with Douglas Aircraft Co. Service Bulletin No. 25-183, dated July 11, 1969, or later FAA approved revisions, and

(b) Modify DC-9 series airplanes in accordance with Douglas Aircraft Co. Service Bulletin No. 25-150, Revision 1, dated October 14, 1969, or later FAA approved revisions, or

(c) An equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective February 26, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 15, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71-836 Filed 1-20-71;8:47 am]

[Airspace Docket No. 70-SW-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On November 14, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17555) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would add a south alternate to V-68 between Junction, Tex., and San Antonio, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

In V-68 all after the phrase "Junction 310° radials;" is deleted and the phrase "San Antonio, Tex., including a south alternate via INT Junction 144° and San Antonio 290° radials." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 14, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 71-834 Filed 1-20-71;8:47 am]

[Airspace Docket No. 70-CE-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Federal Airway

On October 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16480) stating that the Federal Aviation Administration was proposing an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 138 from Fort Dodge, Iowa, to Mankato, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

In V-138 "Neola to Fort Dodge, Iowa." is deleted and "Neola; Fort Dodge, Iowa; Mankato, Minn." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 14, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-835 Filed 1-20-71;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has, for convenience, been eliminated from the section references contained in this notice. The term "part" when used in the regulations means Part 1000 of CFR. The abbreviations "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national."

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") has promulgated amendments to the Foreign Direct Investment Regulations (the "regulations"). Because these amendments ease the existing regulations, publication in proposed form is not deemed necessary in the public interest.

The amendments are summarized as follows:

1. *Section 503 minimum allowable.* The annual amount of positive direct investment that DIs may make in 1971 and succeeding years under the section 503 worldwide minimum allowable has been increased from $1,000,000 to $2,000,000.

2. *Section 507 alternative minimum and Schedule A supplemental allowable.* The annual amount of positive direct investment authorized in Schedules B and C for 1971 and succeeding years under the section 507(a)(1) alternative minimum allowable has been increased from $1,000,000 to $2,000,000. Moreover, if the increased Schedule B/C allowable is not used in Schedule B/C during 1971 but is "downstreamed" to Schedule A under section 507(b), the amount of positive direct investment that is authorized for Schedule A under § 507 for such year would be $6,000,000.

3. *Section 504(b) schedular earnings allowable.* The amount of positive direct investment that can be made in each scheduled area in 1971 and succeeding years under the section 504(b) earnings allowable has been increased from 30 percent to 40 percent of a DI's annual earnings for the immediately preceding year in the respective scheduled area. Correspondingly, the phrase "30 percent of annual earnings" in section 504(c), which provides for an "upstream" adjustment of historical allowables, has been amended to read "40 percent of annual earnings."

4. *Section 1302 foreign air transport allowable.* Section 1302(a) has been amended to increase the amount of positive direct investment authorized by Subpart M of the regulations from 30 percent to 40 percent of DI's aggregate annual foreign air transport earnings for the preceding year.

5. *Section 203(c)(2) liquid foreign balance exemption.* The minimum exemption provided by section 203(c)(2) for liquid foreign balances that may be held by a DI as of the end of each month has been increased from $25,000 to $100,000 for 1971 and succeeding years.

6. *Exemption from section 203(d)(1).* The amount of available proceeds that may be held by a DI in the form of foreign balances or other foreign property at year-end free of the prohibitions of section 203(d)(1) has been increased from $25,000 to $100,000 for 1971 and succeeding years.

7. *Miscellaneous technical amendments.* Section 505(a)(3) has been amended to delete the word "time" from the phrase "time charters" contained in the second proviso of such subparagraph. This amendment conforms the text of section 505(a)(3) to the policy of the Office as expressed in section B505-7(iii) of the 1970 General Bulletin.

8. *Effect on 1970 General Bulletin.* The 1970 General Bulletin published in the FEDERAL REGISTER on October 7, 1970 (35 F.R. 15671) interprets and explains the regulations as in effect for 1970, and will continue to apply to the regulations as in effect for 1971 to the extent not affected by these amendments. A 1971 supplement to the 1970 General Bulletin will be issued by the Office to reflect modifications necessitated by the foregoing amendments of the regulations.

The text of the amendments is as follows:

1. Section 1000.203 (c) and (d)(1) are amended to read as follows:

§ 1000.203 Liquid foreign balances.

* * * * *

(c) Each direct investor is hereby required to limit the amount of liquid foreign balances held at the end of any month (other than those that are Canadian foreign balances, as defined in § 1000.1105(a), or are available proceeds, as defined in § 1000.324(d) to the greater of (1) the average end-of-month amounts of such balances held by such direct investor during 1965 and 1966 (whether or not a direct investor at that time) or (2) $100,000.

(d) (1) A direct investor which holds available proceeds, as defined in § 1000.324(d), in excess of $100,000 in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property as of the end of any year commencing with the year 1971 shall be prohibited from making a positive net transfer of capital to any scheduled area for such year, but only to the extent such positive net transfer of capital results in positive direct investment in such scheduled area for such year that is not authorized by § 1000.1002: *Provided*, That this subparagraph shall not apply to a direct investor which elects to be governed for such year by § 1000.503 or § 1000.507: *And provided further*, That for purposes of this subparagraph, allocations to positive direct investment under § 1000.306(e) or subparagraph (2) of this paragraph and reallocations under subparagraph (3) of this paragraph shall be deemed to reduce any positive net transfer of capital to a scheduled area and thereafter to reduce any reinvested earnings in such scheduled area.

* * * * *

2. Section 1000.503(a) is amended to read as follows:

§ 1000.503 Positive direct investment not exceeding $2,000,000: minimum allowable.

(a) If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(1), positive direct investment is authorized for such year in all scheduled areas in an aggregate amount not exceeding $2,000,000.

* * * * *

3. Section 1000.504 (b) and (c) are amended to read as follows:

§ 1000.504 Authorized positive direct investment in scheduled areas: schedular allowables.

* * * * *

(b) *Earnings allowable.* If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(3), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 40 percent of the annual earnings of the direct investor in Schedule A during the immediately preceding year.

(2) In Schedule B, in an amount not exceeding 40 percent of the annual earnings of the direct investor in Schedule B during the immediately preceding year;

(3) In Schedule C, in an amount not exceeding 40 percent of the annual earnings of the direct investor in Schedule C during the immediately preceding year.

* * * * *

(c) *Adjustment to historical allowable.* If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(2),

(1) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 40 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under said paragraph (a)(3) during the current year or the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule A under said paragraph (a)(1) shall be reduced by the amount of such increase;

(2) The amount of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section shall be increased by the lesser of either the amount by which 40 percent of annual earnings in Schedule C during the immediately preceding year is in excess of positive direct investment authorized in Schedule C under paragraph (a)(3) of this section and subparagraph (1) of this paragraph during the current year or the amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section: *Provided*, That the amount of positive direct investment authorized in Schedule B under said paragraph (a)(2) shall be reduced by the amount of such increase; and

(3) The amount of positive direct investment authorized in Schedule B under paragraph (a)(2) of this section shall be increased by the lesser of either the amount by which 40 percent of annual earnings in Schedule B during the immediately preceding year is in excess of positive direct investment authorized in Schedule B under said paragraph (a)(2) during the current year or the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section (calculated after the reduction provided in subparagraph (1) of this paragraph): *Provided*, That the amount of positive direct investment authorized in Schedule A under paragraph (a)(1) of this section shall be reduced by the amount of such increase.

* * * * *

4. Section 1000.505(a)(3) is amended to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

(a) * * *

(3) For purposes of §§ 1000.312 (a) and (b) and 1000.313(a), if funds or other property are transferred (or deemed under paragraph (a)(1) to have been transferred) by an incorporated affiliated foreign national of a direct investor to another incorporated affiliated foreign national of such direct investor, the transfer shall be treated as a transfer of capital by the transferor affiliated foreign national to the direct investor (in an amount equal to the full amount or value of the funds or property so transferred) and as a further transfer of capital in an equivalent amount by the direct investor to the transferee affiliated foreign national: *Provided*, That the affiliated foreign national actually transferring the funds or other property or the affiliated foreign national actually receiving such funds or other property is an affiliate of the direct investor as defined in § 1000.903(a) and that the transfer, if actually made by the direct investor, would have constituted a transfer of capital under § 1000.312(a): *And provided further*, That a charter of a vessel by an incorporated affiliated foreign national of such direct investor shall not be subject to this subparagraph.

* * * * *

5. Section 1000.507(a) is amended to read as follows:

§ 1000.507 Alternative minimum and Schedule A supplemental allowable.

(a) If for any year commencing with the year 1971 a direct investor elects under § 1000.502(a)(4), positive direct investment for such year is authorized as follows:

(1) In Schedules B and C in an aggregate amount not exceeding $2,000,000; and

(2) In Schedule A in an amount not exceeding $4,000,000.

* * * * *

6. Section 1000.1302(a) is amended to read as follows:

§ 1000.1302 Foreign air transport allowable.

(a) Positive direct investment by a direct investor who is an "air carrier" or "supplemental air carrier" engaged in "foreign air transportation" as those terms are defined in the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1301 (3), (21), and (32), and who elects under § 1000.502(a) (2) or (3), is authorized during any year commencing with the year 1971 in an amount not to exceed 40 percent of aggregate annual foreign air transport earnings for the immediately preceding year: *Provided*, That such positive direct investment is primarily related to the direct investor's operations in foreign air transportation.

* * * * *

7. The amendments hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER (1-21-71) and shall apply to all direct investment transactions occurring during the year 1971 and succeeding years.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

DONALD P. KATZ,
Director, Office of Foreign Direct Investments.

JANUARY 15, 1971.

[FR Doc.71-781 Filed 1-20-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5126, 34-9060]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Acquisitions of Securities and Making of Tender Offers

The Securities and Exchange Commission has adopted a new rule under the Securities Act of 1933 and has amended its rules and regulations under sections 13(d) and 14(d) of the Securities Exchange Act of 1934. The new and amended rules and regulations implement the amendments to sections 13(d) and 14(d) of the Securities Exchange Act contained in Public Law 91-567, recently passed by Congress and signed by President Nixon on December 22, 1970.

The statutory amendments referred to provide for the filing of information with respect to acquisitions of securities by persons who own more than 5 percent of the class, or the making of tender offers or requests for tenders of equity securities if after consummation thereof the persons making the tender offer or solicitation would be the beneficial owner of more than 5 percent of the class. Heretofore, the percentages were 10 percent in both cases. The amendments make the provisions of sections 13(d) and 14(d) applicable to insurance companies and the provisions of section 14(d) applicable to tender offers made by means of a registration statement under the Securities Act of 1933.

Statements with respect to reportable acquisition made after December 22, 1970, but prior to publication of the amended rules are to be filed within 10 days after the date of such publication. Statements with respect to reportable tender offers which commenced prior to the date of publication of the amended rules and continued thereafter would be filed within 10 days after such publication. Tender offers which commenced or continued after December 22, 1970, but were terminated prior to publication of the amended rules are not to be reported pursuant to section 14(d) but a statement with respect to the acquisition of the securities pursuant to the tender offer is to be made, if required, pursuant to section 13(d) of the Act.

Commission action: Parts 230 and 240 of Chapter II of Title 17 of the Code of Federal Regulations have been amended as indicated below:

I. Part 230 is amended by adding thereunder a new section 230.434b which reads as follows:

§ 230.434b Additional information required to be included in prospectuses relating to tender offers.

Notwithstanding the provisions of any form for the registration of securities under the Act, any prospectus relating to securities to be offered in connection with a tender offer for, or a request or invitation for tenders of, securities which is subject to section 14(d) of the Securities Exchange Act of 1934 shall, if used after January 28, 1971, include all of the information, not otherwise required to be included therein, required by § 240.14d-1(c) of this chapter to be included in all such tender offers, requests or invitations, published, sent or given to the holders of such securities.

II. Section 240.13d-1 is amended to read as follows:

§ 240.13d-1 Filing of Schedule 13D (§ 240.13d-101).

Any person who, after acquiring directly or indirectly the beneficial ownership of any security of a class which is registered pursuant to section 12 of the Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of the Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 5 percentum of such class shall, within 10 days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing the information required by Schedule 13D (§ 240.13d-101). Eight copies of the statement shall be filed with the Commission. Where an acquisition, not heretofore subject to this rule, was made subsequent to December 22, 1970, but prior to January 18, 1971, the specified statement shall be sent to the issuer and any exchange and, filed with the Commission not later than January 28, 1971.

III. In § 240.13d-4, the preamble which precedes paragraph (a) is amended to read as follows:

§ 240.13d-4 Exemption of acquisitions pursuant to pre-emptive rights.

Acquisitions of securities of an issuer by a security holder who prior to such acquisition was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from section 13(d) of the Act if the following conditions are met:

* * * * *

IV. In § 240.14d-1, paragraph (a) has been amended, and a new paragraph (f) has been added, and as so amended § 240.14d-1 reads as follows:

§ 240.14d-1 Filing Schedule 13D (§ 240.13d-101) and furnishing of information to security holders.

(a) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of the Act, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of the Act, or any equity security issued by the closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percentum of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Commission a statement containing the information and exhibits required by Schedule 13D (§ 240.13d-101): *Provided, however*, That any person making a tender offer, or a request or invitation for tenders, not heretofore subject to this rule, which commenced prior to January 18, 1971, shall, if such offer, request or invitation continues after that date file the statement required by this section on or before January 28, 1971.

* * * * *

(f) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to paragraph (a) of this section have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein by § 230.434b of this chapter shall be filed as an exhibit to the statement required by paragraph (a) of this section. Any information contained in such prospectus may be incorporated by reference in such statement.

The foregoing action has been taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, and the Securities Exchange Act of 1934, particularly sections 13(d), 14(d), and 23(a) thereof.

The Commission finds that it is necessary in the public interest and for the protection of investors that the foregoing amendments be adopted immediately to implement the recent amendments to sections 13 and 14 of the Act, that notice and procedure pursuant to 5 U.S.C. 553 are unnecessary and that the amended rules should be made effective immediately upon publication. Accordingly, the amended rules shall become effective immediately.

(Secs. 6, 7, 10, 19(a); 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77j, 77s(a); sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; secs. 2, 3, 82 Stat. 454, 456, secs. 1, 2, 3, 4, 5, Public Law 91-567, 15 U.S.C. 78m, 78n)

By the Commission, January 18, 1971.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-886 Filed 1-20-71; 8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 45—OLEOMARGARINE, MARGARINE

Oleomargarine, Margarine Identity Standard; BHA and BHT as Optional Ingredients

In the matter of amending the definition and standard of identity for oleomargarine, margarine (21 CFR 45.1) to permit the optional use of the antioxidants BHA (butylated hydroxyanisole) and BHT (butylated hydroxytoluene) in the animal fat ingredients presently permitted in the food:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of August 14, 1970 (35 F.R. 12951), based on a petition submitted by the National Association of Margarine Manufacturers, 545 Munsey Building, Washington, D.C. 20004.

In response to the proposal, three comments were received. A government agency and an ingredient supplier favored the proposal. A city health department official (with an endorsement by another official of the same department) opposed it, but this comment consisted essentially of undocumented opinions.

On the basis of the information submitted in the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 45.1 be amended by adding a new subdivision to paragraph (a)(3) and by revising paragraph (b)(1), as follows:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

(a) * * *

(3) * * *

(xii) BHA (butylated hydroxyanisole) or BHT (butylated hydroxytoluene), or a combination of these, incorporated in any animal fat ingredient permitted by subparagraph (1)(i) of this paragraph in an amount not to exceed 0.02 percent by weight of such animal fat content.

* * * * *

(b) * * *

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in order of decreasing predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated; for example, "corn oil, hardened soybean oil." If any animal fat ingredient contains an ingredient provided for in paragraph (a)(3)(xiii) of this section, the statement "with _____ _____ added as (a) preservative(s)" or "with _____ added to retard rancidity" shall appear at such place or places in the list of fats as to indicate which animal fats contain these ingredients. The blank is to be filled in with "BHA" and/or "BHT" as appropriate; for example, "beef fat with BHA and BHT added as preservatives".

* * * * *

Due to a cross-reference, these amendments of the standard for margarine (§ 45.1), upon becoming effective, will have the effect of also providing for optional use of the antioxidants BHA and

BHT in the animal fat ingredients permitted in liquid margarine (§ 45.2).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-831 Filed 1-20-71;8:46 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Rules of practice and procedure for the issuance, amendment, or repeal of rules pursuant to section 201 of the Controlled Substances Act.

Under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations and, in the temporary absence of the Director, redelegated to the Deputy Director by Directive No. 11 (34 F.R. 4889) of the appendix to Subpart R of Part 0 of Title 28 of the Code of Federal Regulations, it is hereby ordered that Part 316 of Title 21 of the Code of Federal Regulations is rescinded and replaced with the following:

Subparts A–E—[Reserved]

Subpart F—Public Hearings

RULES OF PRACTICE AND PROCEDURE FOR ISSUANCE, AMENDMENT, OR REPEAL OF RULES PURSUANT TO SECTION 201 OF THE CONTROLLED SUBSTANCES ACT

GENERAL INFORMATION

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316.48 Scope of Subpart F.

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316.50 Information; special instructions.
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INITIATION OF PROCEEDINGS: NOTICE: COMMENTS AND OBJECTIONS

316.58 Petitions to initiate proceedings for rule making.
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PUBLIC HEARINGS

316.61 Hearings.
316.62 Burden of proof.
316.63 Time and place of hearing.
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316.67 Prehearing ruling.
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316.69 Summary of testimony; affidavits.
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316.74 Official transcript; index; corrections.

FINDINGS OF FACT AND CONCLUSIONS OF LAW; REPORT AND RECORD; FINAL ORDER

316.75 Proposed findings of fact and conclusions of law.
316.76 Report and record.
316.77 Final order.

JUDICIAL REVIEW

316.78 Copies of petitions for judicial review.

CONTROL UNDER INTERNATIONAL TREATY; CONTROL OF IMMEDIATE PRECUASORS

316.79 Control required under international treaty.
316.80 Control of immediate precursors.

PENDING PROCEEDINGS

316.81 Pending proceedings.

AUTHORITY: The provisions of this Part 316 issued under sec. 3(a)(2), 74 Stat. 374; 15 U.S.C. 1262 and Reorganization Plan No. 1 of 1968; 33 F.R. 5611.

Subparts A–E—[Reserved]

Subpart F—Public Hearings

RULES OF PRACTICE AND PROCEDURE FOR THE ISSUANCE, AMENDMENT, OR REPEAL OF RULES PURSUANT TO SECTION 201 OF THE CONTROLLED SUBSTANCES ACT

GENERAL INFORMATION

§ 316.48 Scope of Subpart F.

Procedure for the issuance, amendment, or repeal of rules pursuant to section 201 (classification of substances having a potential for abuse) of the Act is governed generally by the rulemaking procedures set out in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 201 of the Act and the sections of this Subpart F.

§ 316.49 Definitions.

As used in this Subpart F, the following terms shall have the meaning specified:

(a) The term "Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801).

(b) The term "Director" means the Director of the Bureau. The Director has been delegated authority under the Act by the Attorney General (28 CFR 0.100).

(c) The term "hearing" means any hearing held pursuant to this Subpart for the issuance, amendment, or repeal of any rule issued pursuant to subsection 201(a) of the Act.

(d) The term "Hearing Clerk" means the hearing clerk of the Bureau.

(e) The term "interested person" means any person adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act.

(f) The term "person" includes an individual, corporation, government or governmental subdivision or agency, business trust, partnership, association or other legal entity.

(g) The term "presiding officer" means a hearing examiner qualified and appointed as provided in the Administrative Procedure Act (5 U.S.C. 556).

(h) The term "proceeding" means all actions taken for the issuance, amendment, or repeal of any rule issued pursuant to subsection 201(a) of the Act, commencing with the publication by the Director of the proposed rule, amended rule or repeal in the FEDERAL REGISTER.

(i) Any term not defined in this section shall have the definition set forth in section 102 of the Act.

§ 316.50 Information; special instructions.

Information regarding procedure under these rules and instructions supplementing these rules in special instances will be furnished by the Hearing Clerk upon request.

§ 316.51 Waiver or modification of rules.

The Director or the presiding officer (with request to matters pending before him) may modify or waive any rule in this subpart by announcement at the hearing or by notice in advance of the hearing, if he determines that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 316.52 Filings; address; hours.

Documents required or permitted to be filed in, and correspondence relating to, proceedings governed by the regulations in this subpart shall be filed with the Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Washington, D.C. This office is open Monday through Friday from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays.

§ 316.53 Inspection of record.

The record bearing on any matter which is the subject of any proceeding, and not entitled to protection under subsection 402(a)(8) of the Act, or any other law restricting public disclosure of information, shall be available for public inspection and copying during office hours in the office of the Hearing Clerk.

APPEARANCE AND PRACTICE

§ 316.54 Personal appearance; representation; authorization.

Any interested person may appear in person or by or with a representative in any proceeding or hearing and may be heard with respect to matters relevant to the issues under consideration. A representative must either be an employee of the interested party or an attorney at law who is a member of the bar, in good standing, of any State, territory, or the District of Columbia, and admitted to practice before the highest court of that jurisdiction. Any representative may be required by the Director or the presiding officer to show his authority to act in such representative capacity.

§ 316.55 Notice of appearance.

Any interested person desiring to appear in any proceeding or hearing shall, within the time specified in the notice of proposed rule making, file a written notice of appearance in the following form:

_____
(Date)

DIRECTOR, BUREAU OF NARCOTICS AND DANGEROUS DRUGS,
Department of Justice,
Washington, D.C.

DEAR SIR: Please take notice that _____ (Name of _____ will appear in the matter interested person)
of: _____
(Identifying the proceeding set forth in the notice of proposed rule making)

(A) (State with particularity the interest of the person in the proceeding).

(B) (State with particularity the objection or issue, if any, concerning which the interested person desires to be heard).

(C) (State briefly the position of the interested person with regard to the particular objection or issue).

All notices to be sent pursuant to this appearance should be addressed to:

_____
(Name)
_____
(Street address)
_____
(City and State)

Respectfully yours,

_____
(Signature of interested party)

§ 316.56 Conduct of parties.

Interested persons and their representatives appearing in any proceeding, whether or not members of the bar, shall conduct themselves in accordance with judicial standards of practice and ethics. Refusal to comply with this section shall constitute grounds for immediate exclusion from any proceeding.

§ 316.57 Ex parte communications.

If any official of the Bureau is contacted by any individual in private or public life concerning any matter which is the subject of any proceeding, the official who is contacted shall prepare a memorandum setting forth the substance of the conversation and shall file this memorandum in the appropriate public docket file.

INITIATION OF PROCEEDINGS: NOTICE: COMMENTS AND OBJECTIONS

§ 316.58 Petitions to initiate proceedings for rule making.

(a) Any interested person may submit a petition to initiate proceedings for the issuance, amendment, or repeal of any issuable pursuant to the provisions of subsection 201(a) of the Act.

(b) Petitions shall be submitted in quintuplicate to the Director in the following form:

_____
(Date)

DIRECTOR, BUREAU OF NARCOTICS AND DANGEROUS DRUGS
Department of Justice,
Washington, D.C.

DEAR SIR: The undersigned _____ hereby petitions the Director to initiate proceedings for the issuance (amendment or repeal) of a rule pursuant to subsection 201(a) of the Controlled Substances Act.

Attached hereto and constituting a part of this petition are the following:

(A) The proposed rule in the form proposed by the petitioner. (If the petitioner seeks the amendment or repeal of an existing rule, the existing rule, together with a reference to the section in the Code of Federal Regulations where it appears, should be included.)

(B) A statement of the grounds which the petitioner relies for the issuance (amendment or repeal) of the rule. (Such grounds shall include a reasonably concise statement of the facts relied upon by the petitioner, including a summary of any relevant medical or scientific evidence known to the petitioner.)

All notices to be sent regarding this petition should be addressed to:

_____
(Name)
_____
(Street address)
_____
(City and State)

Respectfully yours,

_____
(Signature of petitioner)

(c) Within a reasonable period of time after the receipt of a petition, the Director shall notify the petitioner of his acceptance or nonacceptance of the petition, and if not accepted, the reason therefor. The Director need not accept a petition for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth so as to be readily understood. If petitioner desires, he may amend the petition to meet the requirements of paragraph (b) of this section. If accepted for filing, a petition may be denied by the Director within a reasonable period of time thereafter if he finds the grounds upon which the petitioner relies are not sufficient to justify the initiation of proceedings.

§ 316.59 Publication of notice of proposed rule making.

(a) The Director, on his own initiative or upon his acceptance of a petition from any interested person accepted by him, shall publish in the FEDERAL REGISTER general notice of any proposed rule making to issue, amend, or repeal any rule pursuant to section 201 of the Act.

(b) Such published notice shall include a statement of the time, place, and nature of hearings on the proposal. Such hearings may not be commenced until after the expiration of at least 30 days from the date the general notice is published in the FEDERAL REGISTER. Such published notice shall also include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule, and, in the discretion of the Director, a summary of the subjects and issues involved.

§ 316.60 Filing comments or objections.

The Director may permit any interested persons to file written comments on or objections to the proposal and, if he so permits, shall designate in the notice of proposed rule making the time during which such filings may be made.

PUBLIC HEARINGS

§ 316.61 Hearings.

The Director shall hold a public hearing for the purpose of receiving evidence regarding the issues involved in any proposal to issue, amend, or repeal any rule pursuant to subsection 201(a) of the Act.

§ 316.62 Burden of proof.

At any hearing, the proponent for the issuance, amendment, or repeal of any rule shall have the burden of proof.

§ 316.63 Time and place of hearing.

The hearing will commence at the place and time announced in the notice of proposed rule making, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 316.64 Presiding officer.

A presiding officer shall preside over all hearings. The presiding officer shall be designated by the Director to conduct the hearing. The functions of the presiding officer shall commence upon his designation and terminate upon the certification of the record to the Director. Hearings shall be conducted in an informal but orderly manner in accordance with law and with the directions of the presiding officer. The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings and prehearing conferences, and, upon proper notice to change the date, time, and place of hearings and prehearing conferences previously set.

(b) Hold conferences to settle, simplify, or determine the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties to state their position in writing with respect to the various issues in the proceeding and to exchange such statements with all other parties.

(d) Administer oaths and affirmations.

(e) Regulate the course of the hearing and the conduct of counsel therein.

(f) Examine witnesses and direct witnesses to testify.

(g) Receive, rule on, exclude, or limit evidence.

(h) Rule on procedural items pending before him.

(i) Take any action permitted to the presiding officer as authorized by this subpart or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 551–559).

§ 316.65 Evidentiary purpose of hearing.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received into evidence; rather, it should be presented in opening or closing statements of counsel, memoranda, or proposed findings of fact and conclusions of law, as determined by the presiding officer.

§ 316.66 Prehearing conference.

The presiding officer on his own motion, or on the motion of any party, may direct all parties to appear at a specified time and place for a conference for:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admission of facts, and documents.

(c) The possibility of limiting the number of expert witnesses.

(d) The identification, and if practicable, the scheduling of all witnesses to be called.

(e) The advance submission at the prehearing conference of all documentary evidence and affidavits to be marked for identification.

(f) Such other matters as may aid in the expeditious disposition of the proceeding.

§ 316.67 Prehearing ruling.

The presiding officer may have the prehearing conference reported verbatim and shall make a ruling reciting the action taken at the conference, the agreements made by the parties, the schedule of witnesses, and a statement of the issues for hearing. Such ruling shall control the subsequent course of the proceeding unless modified by a subsequent ruling.

§ 316.68 Submission of documentary evidence and affidavits and identification of witnesses subsequent to prehearing conference.

All documentary evidence and affidavits not submitted and all witnesses not identified at the prehearing conference shall be submitted or identified to the presiding officer as soon as possible, with a showing that the offering party had good cause for failing to so submit or identify at the prehearing conference. If the presiding officer determines that good cause does exist, the documents or affidavits shall be submitted or witnesses identified to all parties sufficiently in advance of the offer of such documents or affidavits or witnesses at the hearing to avoid prejudice or surprise to the other parties. If the presiding officer determines that good cause does not exist, he may refuse to admit as evidence such documents or affidavits or the testimony of such witnesses.

§ 316.69 Summary of testimony; affidavits.

(a) The presiding officer may direct that summaries of the direct testimony of witnesses be prepared in writing and served on all parties in advance of the hearing. Witnesses will not be permitted to read summaries of their testimony into the record and all witnesses shall be available for cross-examination. Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) Affidavits submitted at the prehearing conference or pursuant to § 316.68 with good cause may be examined by all parties and opposing affidavits may be submitted to the presiding officer within a period of time fixed by him. Affidavits admitted into evidence shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to statements made therein.

§ 316.70 Submission and receipt of evidence.

(a) *Admissibility.* The presiding officer shall admit only evidence that is competent, relevant, material and not unduly repetitious.

(b) *Opinion testimony.* Opinion testimony shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(c) *Authenticity of documents.* The authenticity of all published documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer, except that a party will be permitted to challenge such authenticity at a later time upon a showing of good cause for failure to have filed such written objection.

(d) *Samples.* Samples may be displayed at the hearing and may be described for purposes of the record, but shall not be admitted in evidence as exhibits.

(e) *Official notice.* Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to controvert such fact.

(f) *Documents to be made exhibits.* The presiding officer shall file as exhibits copies of the following documents:

(1) The notice of proposed rule making published pursuant to § 316.59.

(2) The prehearing ruling, if any, made pursuant to § 316.67.

(3) Any other document necessary to show the basis for the proceeding.

§ 316.71 Objections; offer of proof.

If any party objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection without extended argument or debate thereon except as permitted by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made. An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 316.72 Exceptions to rulings.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action that he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 316.73 Appeal from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the Director prior to his consideration of the entire proceeding, except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief in quintuplicate with the Director within such period that the presiding officer directs. No oral argument will be heard unless the Director directs otherwise.

§ 316.74 Official transcript; index; corrections.

(a) Testimony given at a public hearing shall be reported verbatim. The Bureau will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the transcript of the testimony and exhibits taken at the hearing or of any part thereof shall be entitled to the same upon application to the Hearing Clerk and upon payment of the costs thereof.

(b) Whenever it appears to the presiding officer that the transcript of the hearing will be of such length that an index to the transcript will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances. The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the transcript at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the transcript at which such testimony appears.

(c) At the close of the hearing, the presiding officer shall afford witnesses and their counsel time (not longer than 30 days, except in unusual cases) in which to submit written proposed corrections of the transcript, pointing out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony.

FINDINGS OF FACT AND CONCLUSIONS OF LAW; REPORT AND RECORD; FINAL ORDER

§ 316.75 Proposed findings of fact and conclusions of law.

Any party may file in quintuplicate proposed findings of fact and conclusions of law within the time fixed by the presiding officer. Any party so filing shall serve one copy of his proposed findings and conclusions upon each other party in the proceedings. The party shall include a statement of supporting reasons for the proposed findings and conclusions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of authorities relied upon.

§ 316.76 Report and record.

As soon as practicable after the time for the parties to file proposed findings of fact and conclusions of law has expired, the presiding officer shall prepare a report containing the following:

(a) His recommended rulings on the proposed findings of fact and conclusions of law.

(b) His recommended findings of fact and conclusions of law, with the reasons therefor.

(c) His recommended decision.

The presiding officer shall certify to the Director the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, and his report. Upon receipt of the certified record, the Director shall serve one copy of the report of the presiding officer upon each party in the proceedings.

§ 316.77 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall cause to be published in the FEDERAL REGISTER his order in the proceeding, which shall set forth the final rule and the findings of fact and conclusions of law upon which the rule is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

JUDICIAL REVIEW

§ 316.78 Copies of petitions for judicial review.

Copies of petitions for judicial review, filed pursuant to section 507 of the Act, shall be delivered to and served upon the Director in quintuplicate. The Director shall certify the record of the proceedings upon which the rule is based and shall file the certified record in the appropriate United States Court of Appeals.

CONTROL UNDER INTERNATIONAL TREATY; CONTROL OF IMMEDIATE PRECURSORS

§ 316.79 Control required under international treaty.

Where control of a substance is required by U.S. obligations under international treaties, conventions, or protocols in effect on May 1, 1971, the Director shall issue and publish in the FEDERAL REGISTER an order controlling such substance under the schedule he deems most appropriate to carry out obligations. Issuance of such an order shall be without regard to the findings required by subsections 201(a) or 202(b) of the Act and without regard to the procedures prescribed by this subpart or subsections 201 (a) and (b) of the Act. An order controlling a substance shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

§ 316.80 Control of immediate precursors.

Pursuant to section 201(e) of the Act, the Director may, without regard to the findings required by subsection 201(a) or 202(b) of the Act and without regard to the procedures prescribed by this subpart or subsection 201 (a) and (b) of the Act, issue and publish in the FEDERAL REGISTER an order controlling an immediate precursor. The order shall designate the schedule in which the immediate precursor is to be placed, which shall be the same schedule in which the controlled substance of which it is an immediate precursor is placed or any other schedule with a higher numerial designation. An order controlling an immediate precursor shall become effective 30 days from the date of publication in the FEDERAL REGISTER, unless the Director finds that emergency conditions exist necessitating and earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

PENDING PROCEEDINGS

§ 316.81 Pending proceedings.

All administrative proceedings pending before the Bureau on the effective date of this subpart, including the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965, shall be continued and brought to final determination in accord with the laws and regulations in effect prior to such effective date.

Because the provisions of subchapter II of chapter 5 of title 5 of the United States Code, which require notice of proposed rule making, opportunity for public participation in the rule making, and delay in the effective date, are not applicable to these procedural rules, they shall become effective immediately upon publication in the FEDERAL REGISTER. The Bureau anticipates that, as experience gained in the administration of section 201 of the Controlled Substances Act, these rules may be revised, and it therefore invites public comment on these rules which will be considered for amendatory purposes. Such comments should be directed to the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 I Street NW., Washington, DC 20537.

JOHN FINLATOR,
Deputy Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-824 Filed 1-20-71;8:46 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 450-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Bureau of Narcotics and Dangerous Drugs

DELEGATING FUNCTIONS UNDER COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970 AND REORGANIZATION PLAN NO. 1 OF 1968

By virtue of the authority vested in me by sections 1 and 2 of Reorganization Plan No. 1 of 1968; section 501 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236); 28 U.S.C. 509, 510; and 5 U.S.C. 301, it is hereby ordered as follows:

1. Order No. 442–70 of November 4, 1970 (35 F.R. 17332) is hereby rescinded. The issuance or termination of Order No 442–70 shall not affect any act performed by, or under the authority redelegated by, the Director of the Bureau of Narcotics and Dangerous Drugs pursuant to the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968, from the date of publication of Order No. 442–70 to the date of this order. Any such act performed is hereby approved and confirmed.

2. Section 0.100 of Subpart R of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended to read as follows:

§ 0.100 General functions.

Subject to the general supervision of the Attorney General, the exercise of the powers and performance of the functions vested in the Attorney General by

sections 1 and 2 of Reorganization Plan No. 1 of 1968 and the Comprehensive Drug Abuse Prevention and Control Act of 1970 are assigned to, and shall be conducted, handled, or supervised by the Director of the Bureau of Narcotics and Dangerous Drugs.

Dated: January 13, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-832 Filed 1-20-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-92a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Atlantic Intracoastal Waterway, Palm Beach, Fla.

1. The town of Palm Beach, Fla., requested that the special operation regulations for the Flagler Memorial and Royal Park bridges across the Atlantic Intracoastal Waterway at Lake Worth be revised. A public notice dated August 7, 1970, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, Seventh Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of August 6, 1970 (35 F.R. 12554).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. No comments were received. After consideration of all known factors in this case, the proposal, as submitted, is accepted.

3. Accordingly, § 117.440 is amended by revising paragraphs (a) and (b) to read as follows:

§ 117.440 Lake Worth (Intracoastal Waterway), Fla.; Flagler Memorial and Royal Park bridges, Palm Beach, Fla.

(a) From December 1 through April 30 between the hours of 7:30 a.m. and 6 p.m. the draws of these bridges need not be opened for the passage of vessels except that the Flagler Memorial draw shall be opened on the hour and half hour and the Royal Park draw shall be opened on the quarter hour and three-quarter hour during this period to permit any waiting vessel to pass. At all other times the draws shall be opened promptly on signal.

(b) The draws shall be opened to allow the passage of a vessel in distress, a public vessel of the United States or of a commercial tow at any time upon the sounding by the vessel of four blasts of a whistle or horn.

* * * * *

(Sec.5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 15, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-846 Filed 1-20-71;8:48 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 69-106a]

PART 2—VESSEL INSPECTIONS

Reports of Hazardous Materials Incidents; Correction

F.R. Doc. 70-14708 appearing at page 16832 in the issue of Saturday, October 31, 1970, is corrected by inserting a subparagraph (11) to § 2.20-65(a) to read as follows:

§ 2.20-65 Immediate notice of certain hazardous materials incidents.

(a) * * *

(11) Radioactive materials.

* * * * *

Dated: January 15, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-845 Filed 1-20-71;8:48 am]

Title 49—TRANSPORTATION

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Office of Program Demonstrations and Office of Civil Rights and Service Development

The purpose of this amendment is to revise Chapter VI, Part 601 of the regulations of the Urban Mass Transportation Administration to reflect the transfer of certain urban mass transportation functions from the Office of Program Demonstrations to the Office of Civil Rights, and to change the designation of the Office of Civil Rights to "Office of Civil Rights and Service Development."

The functions being transferred pertain to the management of approved urban mass transportation service development demonstration project contracts, undertaken by authority of section 6(a) of the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. section 1605(a)), and are designed to demonstrate new techniques and methods which will assist in the reduction of urban transportation needs or the improvement of urban mass transportation service, with a particular emphasis on the needs of the transit disadvantaged, e.g., the poor, the young, the handicapped, the aged, the unemployed, and those who are constrained by lack of mobility.

Since this amendment relates to agency management, procedures, and practices, notice and public procedure thereon is not necessary, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective February 1, 1971, § 601.1(c) (6) and (7) of Title 49, Code of Federal Regulations, is amended to read as follows:

§ 601.1 Organization and structure.

* * * * *

(c) The Administration is composed of the following offices:

* * * * *

(6) *Office of Program Demonstrations.* Directed by the Assistant Administrator for Program Demonstrations, this office is responsible for reviewing and processing all applications and proposals for urban mass transportation research, development, and demonstration projects (except service development demonstration projects), managerial training projects, and university research and training programs in urban transportation, and for managing the execution of the resulting projects. The Assistant Administrator for Program Demonstrations has been delegated authority to execute grant and procurement contracts or contract amendments for approved projects under sections 6(a) (except service development demonstration projects), 10 and 11 of the Act (49 U.S.C. sections 1605(a), 1607(b), and 1607(c)) and to approve requisitions for funds, third-party contracts and budget amendments within previously approved limits.

(7) *Office of Civil Rights and Service Development.* Directed by the Director of Civil Rights and Service Development, this office advises and assists the Administrator in implementing compliance with applicable laws and directives pertaining to civil rights and equal employment opportunity, both within the Administration and in the conduct of urban mass transportation projects and programs. This office also is responsible for reviewing and processing all applications and proposals for urban mass transportation service development demonstration projects under section 6(a) of the Act (49 U.S.C. section 1605(a)) and for managing the execution of the resulting projects. The Director of Civil Rights and Service Development has been delegated authority to execute grant and procurement contracts or contract amendments for approved service development demonstration projects, and to approve requisitions for funds, third-party contracts and budget amendments within previously approved limits.

* * * * *

Issued in Washington, D.C., on January 18, 1971.

CARLOS C. VILLARREAL,
Urban Mass Transportation Administrator.

[FR Doc.71-841 Filed 1-20-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[33 CFR Part 209]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS

Proposed Policy, Practice and Procedure

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

The proposed Memorandum of Understanding set forth below relates to the proposed regulations and to Executive Order 11574 which deals with the administration of the Refuse Act Permit Program (35 F.R. 19627). If executed, the proposed Memorandum of Understanding will be an additional paragraph to the proposed regulations 33 CFR 209.131(p).

Comments, suggestions, or objections to the proposed Memorandum of Understanding should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW-ON, within 30 days of publication of this notice in the FEDERAL REGISTER.

Dated: January 18, 1971.

F. P. KOISCH,
Major General, U.S. Army, Director of Civil Works.

§ 209.131 Permits for discharges or deposits into navigable waters.

* * * * *

(p) *Memorandum of understanding between the Administrator of the Environmental Protection Agency and the Secretary of the Army.*

PERMIT PROGRAM

MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

In recognition of the responsibilities of the Secretary of the Army under section 13 of the Act of March 3, 1899, "the Refuse Act," (33 U.S.C. 407) relating to the control of discharges and deposits in navigable waters of the United States and tributaries thereof, and the interrelationship of those responsibilities with the responsibilities of the Administrator of the Environmental Protection Agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) in recognition of our joint responsibilities under Executive Order No. 11574 (dated December 23, 1970) we hereby adopt the following policies and procedures:

POLICIES

1. It is our policy that there shall be full coordination and cooperation between our respective organizations on the above responsibilities at all organizational levels, and it is our view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers (hereinafter "the Corps") shall coordinate the review of applications for permits under the Refuse Act for discharges or deposits into navigable waters of the United States or tributaries thereof with Regional Representatives designated by the Environmental Protection Agency (hereinafter "EPA").

2. EPA shall advise the Corps with respect to the meaning, content and application of water quality standards applicable to a proposed discharge or deposit and as to the impact which the proposed discharge or deposit may or is likely to have on water quality standards and related water quality considerations. The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issued which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.

3. In acting upon applications for permits, the Corps shall be responsible for considering the impact which the proposed discharge or deposit may have on navigation and anchorage and, in cases where the Fish and Wildlife Coordination Act is applicable, on fish and wildlife resources.

PROCEDURES

1. Applicants for permits pursuant to section 13 of the Rivers and Harbors Act of 1899 shall be required by District Engineers to supply data identified by EPA and the Department of the Army. A uniform format for supplying such data will be developed by the Corps and EPA.

2. District Engineers shall provide Regional Representatives of EPA at the earliest practicable time with copies of an applicant's request for a permit, request for certification from a State pursuant to section 21(b) of the Federal Water Pollution Control Act, other requests for State approval, and State or interstate agency certifications or other actions relating to such permit applications.

3. In reaching determinations as to compliance with water quality standards, including determinations and interpretations arising from its review of State or interstate agency water quality certifications under section 21(b) of the Federal Water Pollution Control Act, Regional Representatives of EPA will determine and advise District Engineers with respect to the following:

(i) The meaning and content of water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health and welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses."

(ii) The application of water quality standards to the proposed discharge or deposit, including the impact of the proposed discharge or deposit on such water quality standards and related water quality considerations;

(iii) The permit conditions required to comply with water quality standards;

(iv) The permit conditions required to carry out the purposes of the Federal Water Pollution Control Act where no water quality standards are applicable;

(v) The interstate water quality effect of the proposed discharge or deposit.

4. Regional Representatives of EPA shall provide advice as to the effect, if any, of the proposed discharge or deposit on the quality of the waters of any other State not later than 30 days after receipt of copies of both the completed permit application and the State certification or other State action from the District Engineer. The other information and advice identified above shall be provided not later than 45 days after such receipt. If, however, additional time is required to respond, the Regional Representative shall so notify the District Engineer and shall advise him as to the additional period of time which will be required to provide a report. In cases where a Regional Representative does not provide such information and advice to a District Engineer within the time periods specified herein (including any extensions of time requested by the Regional Representative), the advice furnished by a State or other certifying authority shall be considered by the District Engineer to be the advice of the Regional Representative.

5. In any case, where a District Engineer of the Corps has received notice that a State or other certifying agency has denied a certification prescribed by section 21(b) of the Federal Water Pollution Control Act, or, except as provided in a subsection G below, where a Regional Representative has recommended that a permit be denied because its issuance would be inconsistent with his determination or interpretation with respect to applicable water quality standards and related water quality considerations the District Engineer, within 30 days of receipt of such notice, shall deny the permit and provide notice of such denial to the Regional Representative of EPA.

6. In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying a permit only if:

(i) anchorage and navigation will be impaired; or

(ii) the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and, after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have significant adverse impact on fish or wildlife resources.

7. In any case where the District Engineer believes that following the advice of the Re-

gional Representative with respect to the issuance or denial of a permit would not be consistent with the purposes of the Refuse Act permit program, he shall, within 10 days of receiving such advice, forward the matter through channels to the Secretary of the Army to provide the Secretary with the opportunity to consult with the Administrator. Such consultation shall take place within 30 days of the date on which the Secretary receives the file from the District Engineer. Following such consultation, the Secretary shall accept the findings, determinations, and conclusions of the Administrator as to water quality standards and related water quality considerations and shall promptly forward the case to the District Engineer with instructions as to its disposition.

8. No permit will be issued in cases where the applicant, pursuant to 21(b)(1) of the Water Quality Improvement Act of 1970, is required to obtain a State or other appropriate certification that the discharge or deposit would not violate applicable water quality standards and such certification was denied.

REGULATIONS

The Department of the Army shall consult with EPA before promulgating regulations pursuant to the Refuse Act which relate to the subject of this memorandum of understanding. In no case will such regulations be issued unless at least 30 days prior to issuance, they shall have been forwarded to EPA for comment or unless prior to that time the Department of the Army and EPA have reached agreement. EPA shall consult with the Department of the Army prior to the issuance of guidelines, policies or procedures relating to the subject of this memorandum of understanding. In no event shall such guidelines, policies or procedures be issued prior to 30 days from the date they were forwarded to the Department of the Army for comment unless prior to that time the Department of the Army and EPA have reached agreement. In no event shall regulations, guidelines, policies or procedures which are inconsistent with the provisions of this memorandum of understanding be published or issued.

PERMIT CONDITIONS

1. Every permit issued shall:

(i) Require compliance with applicable water quality standards, including implementing schedules adopted in connection with such standards;

(ii) Include provisions incorporating into the permit changes in water quality standards subsequent to the date of the permit, and requiring compliance with such changed standards;

(iii) Provide for possible suspension or revocation in the event that the permittee breaches any condition of the permit.

(iv) Provide for possible suspension, modification or revocation if, subsequent to the issuance of a permit, it is discovered that the discharge or deposit contains hazardous materials which may pose a danger to health or safety.

2. Permits shall also be subject to conditions, as determined by EPA, to be necessary for purposes of insuring compliance with water quality standards or the purposes of the Federal Water Pollution Control Act. Such conditions may include, but are not necessarily limited to:

(i) Requirements for periodic demonstrations of compliance with water quality criteria, established implementation schedules, or prescribed levels of treatment;

(ii) Site and sampling accessibility;

(iii) Requirements for periodic reports as to the nature and quantity of discharges or deposits.

3. Regional Representatives of EPA may also provide District Engineers with advice as to the duration for which permits should be issued. Relevant considerations shall include the nature of the discharge, basin plans, and changing treatment technology.

TECHNICAL DATA

EPA, in consultation with the Department of the Army, shall develop and make available analytical procedures, methods and criteria to be employed in identifying the meaning and application of water quality standards and pursuant to which EPA's determinations and interpretations respecting water quality standards will be made.

AMENDMENT

If, in the course of operations within this memorandum of understanding, either party finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event, the parties shall within 90 days negotiate such amendments as are considered mutually desirable.

(Secretary of the Army)	(Administrator of the Environmental Protection Agency)

[FR Doc.71-884 Filed 1-20-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to sections 14 and 17 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.), the Consumer and Marketing Service is considering amending § 81.301(b) of the regulations in 7 CFR Part 81 by adding Hong Kong to the list of countries specified therein.

Statement of considerations. The Federal Poultry Products Inspection Act prohibits the importation of slaughtered poultry and poultry products into the United States unless they comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in the Act. The laws and regulations of Hong Kong concerning these matters have been reviewed and appear to be acceptable. Further, on-site review of the export poultry inspection program of Hong Kong indicates that it is the equivalent of that maintained in the United States, and that reliance can be placed upon certificates issued by the Hong Kong officials for export of slaughtered poultry and poultry products to the United States.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250, within 30 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)). Further, any interested person who desires opportunity for oral presentation of views on this matter should communicate with the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, DC 20250 (Telephone Area Code 202-388-7623) so that arrangements can be made for such oral presentation within the aforesaid 30-day period. A transcript of all oral presentations will be made and filed in the office of the Hearing Clerk where it will be available for public inspection as provided above for written submissions. Comments on the proposal should refer to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on January 18, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-856 Filed 1-20-71;8:49 am]

[7 CFR Part 1101]

MILK IN KNOXVILLE, TENNESSEE, MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Knoxville, Tenn., marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

In § 1101.51, in the introductory text of paragraph (a), "and (2)" and all of subparagraphs (2), (3), and (4) of paragraph (a).

The termination of these provisions will eliminate the supply-demand adjustor now provided in the order. During 1970 the amount of the adjustment ranged from zero to minus 44 cents and averaged minus 22 cents for the year.

The termination has been requested by a group of handlers, some of whom are subject to full regulation under the Knoxville order, and the remainder of whom are subject to regulation under Part 1090 regulating the handling of milk in the Chattanooga marketing area. It is the contention of these handlers that elimination of the supply-demand adjustor is necessary to prevent erratic variations in the Class I price alignment between Knoxville and other markets, particularly the Chattanooga market. They state that the erratic price adjustments lead to disorderly marketing conditions by disrupting normal intermarket relationships.

Signed at Washington, D.C., on January 15, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-826 Filed 1-20-71;8:46 am]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 462]

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING CONNECTICUT GENERAL LIFE INSURANCE CO.

Proposed Variation From Reporting

Where benefits under an employee benefit plan are provided by an insurance carrier or service or other organization which does not maintain separate experience records covering the specific groups it serves, section 7(d)(2)(A), of the Welfare and Pension Plans Disclosure Act, 29 U.S.C. 306(d)(2)(A) (hereinafter the Act) requires a copy of the financial report of the carrier or other organization to be included with the annual report of the plan. Section 5(a) of the Act (29 U.S.C. 304(a)) provides, among other things, that if information required to be published under the Act would be "duplicative", the Secretary of Labor may prescribe another manner for the publication of such information. By petition dated October 14, 1970, the Connecticut General Life Insurance Co., Hartford, Conn. 06115 (hereinafter referred to as the "carrier") asserting that it funds between 325 and 350 welfare plans with respect to which it does not maintain separate experience records, requested a variation from the requirement of section 7(d)(2)(A) that each of the plans attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act (29 U.S.C. 307(b)), a copy of the financial report of the carrier. It appears that the requirement of section 7(d)(2)(A) of the Act, as described above, is "duplicative" within the meaning of section 5(a) of the Act when applied to the employee benefit plans which utilize said carrier.

Therefore, in accordance with section 5(a) of the Welfare and Pension Plans Disclosure Act, Subpart A of Part 462, Code of Federal Regulations, and Secretary's Order No. 16-68 (33 F.R. 15574), a variation, to appear as new §§ 462.37 and 462.38 of that part preceded by an appropriate undesignated centerhead, is proposed in the manner indicated below.

Pursuant to 29 CFR 462.7(c), interested persons may file objections thereto within 15 days from the date of publication of this proposal in the FEDERAL REGISTER. Such objections shall be in writing and addressed to the Director, Office of Labor-Management and Welfare-Pension Reports, Room 801, 8701 Georgia Avenue, Silver Spring, MD 20910, and shall show wherein the person filing will be adversely affected by the proposed variation deemed objectionable and the grounds for the objections. If such interested person desires a hearing, he shall file a request for a hearing with his objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

As proposed, the new §§ 462.37 and 462.38 and their preceding undesignated centerhead would read as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE CONNECTICUT GENERAL LIFE INSURANCE CO.

§ 462.37 Rule of variation.

Every employee benefit plan which utilizes the Connecticut General Life Insurance Co. (hereinafter referred to as "carrier") to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the carrier will no longer be required to do so, subject to the following conditions.

§ 462.38 Conditions of variation.

(a) The carrier shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the carrier has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the carrier, each plan administrator of an employee benefit plan to which this variation applies shall report in Part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the carrier and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The carrier is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the carrier maintains separate experience records, since such plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the carrier to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter.

(Sec. 5, 72 Stat. 999; 76 Stat. 36, 29 U.S.C. 304)

Signed at Washington, D.C., this 12th day of January 1971.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.71-822 Filed 1-20-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1720]

INFORMAL PROCEDURES AND RULES OF PRACTICE

Notice of Proposed Rule Making

The Department of Housing and Urban Development is considering amending Chapter V of Title 24 of the Code of Federal Regulations by adding a new Part 1720 entitled "Informal Procedures and Rules of Practice." The proposed addition, which concerns the conduct of investigative and adjudicative proceedings under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718, consists of six subparts, the principle provisions of which are summarized as follows.

Subpart A, entitled "Rules and Rule Making," explains who may initiate rulemaking proceedings, including investigations and conferences, how they may be initiated, and establishes requirements for notice, promulgation, and effective dates of rules and regulations.

Subpart B, "Filing Assistance," explains that prefiling assistance is available from the Department, where it can be obtainecd, and the method for processing filing.

Subpart C, "Nonadjudicative Proceedings: Inquiry; Investigations; and Compliance," governs the conduct of inquiries and investigations, including designation of presiding officers, use of subpoenas and rights of witnesses. It describes also the manner by which respondents to investigations may voluntarily establish compliance with requirements or by which investigations may otherwise be concluded.

Subpart D pertains to adjudicative proceedings. It prescribes requirements governing the filing of motions, briefs, and other pleadings, and establishes rules of evidence. It explains the rights of aggrieved parties, the powers and duties of hearing examiners, and it prohibits unauthorized ex parte communications. It

also provides for initial decisions of hearing examiners and for review of such decisions by the Interstate Land Sales Board on appeal or on its own initiative.

Subpart E, "Miscellaneous Rules," establishes qualifications for appearances, restrictions on the appearance of former employees, standards of practice, form and filing requirements, the method of computing time, and procedures for service of process.

Subpart F describes the Interstate Land Sales Board panel, establishes final authority by the Board with respect to matters before it and authorizes representation of the Government by a Department representative.

Although this amendment to Chapter V is procedural in nature, the Secretary desires to have the views of all interested persons who wish to submit written comments or suggestions with respect to the proposed rules.

Comments and suggestions should be in writing, should identify the subject matter or the rule by the above title, and should be submitted in triplicate to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All communications received on or before February 19, 1971, will be considered by the Secretary before taking action on the proposal. The amendment described in this notice may be changed in light of comments received. A copy of all comments will be available during business hours both before and after the closing date at the above address for examination by interested persons.

The proposed rule is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and section 1419 of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718.

Accordingly, it is proposed to amend Chapter V as follows:

PART 1720—INFORMAL PROCEDURES AND RULES OF PRACTICE

Subpart A—Rules and Rulemaking

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1720.5 Initiation of proceedings.
1720.10 Investigations and conferences.
1720.15 Notice.
1720.20 Promulgation of rules and regulations.
1720.25 Effective date of rules and regulations.

Subpart B—Filing Assistance

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1720.35 Prefiling assistance.
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Subpart C—Nonadjudicative Proceedings: Inquiry; Investigation; Compliance

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1720.500 Functions of the Interstate Land Sales Board Panel.
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Subpart A—Rules and Rulemaking

§ 1720.1 Scope of rules in this subpart.

The rules in this subpart apply to and govern procedure for the promulgation of rules and regulations under the Act. The rules in this subpart do not apply to interpretative rules, general statements of policy, rules of organization, procedure, or practice, or in any situation in which the Secretary for good cause finds (and incorporates the findings and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

§ 1720.5 Initiation of proceedings.

Proceedings for the issuance of rules and regulations may be commenced by the Secretary upon his own initiative or pursuant to petition filed with the Secretary by any interested person stating reasonable grounds therefor. If the Secretary determines that a petition is not sufficient to warrant the holding of a rulemaking proceeding, the petitioner shall be promptly notified and given an opportunity to submit additional data. Procedures for the amendment or repeal of a rule or regulation are the same as for the issuance thereof.

§ 1720.10 Investigations and conferences.

(a) In connection with a rulemaking proceeding, the Secretary may conduct such investigations, make such studies, and hold such conferences as he may deem necessary. All or any part of such investigation may be conducted under the provisions of Subpart C of Part 1720.

(b) At any such conferences, interested persons may appear to express views and suggest amendments relative to proposed rules and regulations.

§ 1720.15 Notice.

General notice of proposed rulemaking shall be published in the FEDERAL REGISTER and, to the extent practicable, otherwise made available to interested persons. Such notice shall include a statement of the time, place, and nature of the proceeding; reference to the authority under which the rule or regulation is proposed; either the terms or substance of the proposed rule or regulation or a description of the subjects and issues involved; and the manner in which interested persons shall be afforded the opportunity to participate in the proceeding. If the rulemaking proceeding was instituted pursuant to petition, a copy of the notice shall be served on the petitioner.

§ 1720.20 Promulgation of rules and regulations.

The Secretary, after consideration of all relevant matters of fact, law, policy, and discretion, including all relevant matters presented by interested persons in the rulemaking proceedings, shall adopt and publish in the FEDERAL REGISTER an appropriate rule or regulation, together with a concise general statement of its basis and purpose and any necessary findings; or the Secretary will give other appropriate public notice of disposition of the rulemaking proceeding.

§ 1720.25 Effective date of rules and regulations.

The effective date of any rule or regulation, or of an amendment, suspension, or repeal of any rule or regulation, shall be specified in a notice published in the FEDERAL REGISTER. Such date shall not be less than 30 days after the date of such publication unless the Secretary specifies an earlier effective date for good cause found and published with the rule or regulation.

Subpart B—Filing Assistance

§ 1720.30 Scope of this subpart.

The rules in this subpart apply to and govern procedures under which developers may obtain prefiling assistance and be notified of and permitted to correct deficiencies in the statement of record.

§ 1720.35 Prefiling assistance.

Persons intending to file with the Office of Interstate Land Sales Registration may receive advice of a general nature as to the preparation of the filing, including information as to proper format to be used and the scope of the items to be included in the format. Inquiries and requests for informal discussions with staff members should be directed to the Administrator, Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411.

§ 1720.40 Processing of filings.

(a) Statements of record and accompanying filing fees will be received on behalf of the Secretary by the Administrator, Office of Interstate Land Sales Registration, for determination of (1) completeness of the statement, (2) adequacy of the filing fee and (3) adequacy of disclosure. Where it appears that all three criteria are satisfied and it is otherwise practicable, acceleration of the effectiveness of the statement of record will normally be granted.

(b) Filings intended as statements of record but which do not comply in form with §§ 1710.105 and 1710.120 of this chapter, whichever is applicable, and statements of record accompanied by inadequate filing fees will not be accepted as statements of record within the meaning of the Act and will not be effective to accomplish any purpose under the Act. At the discretion of the Administrator, such filings and any monies accompanying them may be immediately returned to the sender, or after notification may be held pending the sender's appropriate response.

(c) Persons filing incomplete or inaccurate statements of record which are, nevertheless, correct in form and accompanied by adequate filing fees will be notified and given reasonable opportunity to correct deficiencies. Failure to correct will result in the application of the suspension procedures in § 1710.45 (a) of this chapter.

Subpart C—Nonadjudicative Proceedings: Inquiry; Investigation; Compliance

§ 1720.45 Scope of rules in this subpart.

(a) The rules in this subpart apply to and govern procedures for the conduct of inquiries and investigations undertaken by the Secretary and the manner in which persons alleged to have violated the Act or the rules and regulations may be permitted an opportunity to voluntarily comply with the Act or the rules and regulations.

(b) The Secretary may make inquiries and investigations to determine whether any person has violated or is about to violate any provision of the Act or the rules and regulations or to aid in the enforcement of the Act or in prescribing rules and regulations thereunder, or in securing information to serve as a basis for recommending further legislation.

§ 1720.50 Policy.

(a) The Secretary encourages voluntary cooperation in inquiries and investigations; and except as required by law or for the protection of the public, it is the policy of the Secretary not to divulge or publish the name of a party giving information to the Office of Interstate Land Sales Registration.

(b) Where the public interest requires, the Secretary may in any matter under investigation invoke any or all of the compulsory processes authorized by law.

§ 1720.55 Violation investigations or inquiries.

In connection with an investigation or inquiry involving a violation or threatened violation of the Act or rules and regulations, the Secretary may require or permit any person to file with him a signed statement setting forth all of the facts and circumstances concerning the violation or threatened violation. The Secretary may publish information concerning any violation of the Act or the rules and regulations.

§ 1720.60 By whom conducted.

Inquiries and investigations are conducted by the Secretary or his designee who shall have the authority to administer oaths and affirmations in any matter under investigation.

§ 1720.65 Notice of purpose.

Any person under investigation, who is compelled or requested to furnish information or documentary evidence, shall be advised with respect to the purpose and scope of the investigation.

§ 1720.70 Subpoenas in investigations.

(a) The Secretary or his designee may issue subpoenas relating to any matter under investigation for any or all of the following purposes:

(1) Requiring testimony to be taken by interrogatories.

(2) Requiring the attendance and testimony of witnesses at a specified time and place.

(3) Requiring access to, examination of, and the right to copy any documentary evidence.

(4) Requiring the production of documentary evidence at a specified time and place.

(b) Any motion to limit or quash such subpoenas shall be filed with the Secretary or his designee within 10 days after service of the subpoena, or, if the date for compliance is less than 10 days after service of the order, within such time as the Secretary or his designee may allow.

§ 1720.75 Investigational proceedings.

(a) Investigational proceedings as distinguished from adjudicative hearings, may be conducted in the course of any investigation, including rulemaking proceedings under Subpart A of this part.

(b) Investigational proceedings shall be presided over by the Secretray or his designee for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation.

(c) Investigational proceedings shall be stenographically or mechanically reported and a transcript thereof shall be made a part of the record of the investigation.

(d) Unless the Secretary or his designee determines otherwise investigational proceedings shall not be public.

§ 1720.80 Rights of witnesses in investigations.

(a) Any person compelled to testify or to submit data in connection with any investigational proceedings shall be entitled to retain a copy or, on payment of lawfully prescribed costs, procure a copy of any data submitted by him and of his own testimony as stenographically or mechanically reported, except that in a nonpublic proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(b) Any witness compelled to appear in person in an investigational proceeding may be accompanied, represented and advised by counsel as follows:

(1) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness, with respect to any question asked of his client; and, if the witness refuses to answer a question, then counsel may briefly state on the record if he has advised his client not to answer the question and the legal grounds for such refusal.

(2) Where it is claimed that the testimony or other evidence sought from a witness is outside the scope of the investigation, or it is claimed that the witness is privileged (for reasons other than self-incrimination, as to which immunity from prosecution or penalty is provided by section 1415(e) of the Act) to refuse to answer a question or to produce other evidence, counsel for the witness may object on the record to the question or requirement and may state briefly and precisely the grounds therefor.

(3) Objections made under the rules in this subpart will be considered as continuing objections and preserved throughout the course of the proceeding without the necessity for repeating them as to any similar line of inquiry. Cumulative objections are unnecessary. Repetition of the grounds for any objections will not be allowed.

(4) Counsel for a witness may not, for any purpose or to any extent not allowed by (1) and (2) of this subparagraph, interrupt the examination of the witness by making any objections or statements on the record. Motions challenging the authority of the Secretary to conduct the investigation or the sufficiency or legality of the subpoena must have been addressed to the Secretary in advance of the proceeding. Copies of such motions may be filed with the presiding official at the proceeding as part of the record of the investigation, but no arguments in support thereof will be allowed at the proceeding.

(5) Upon completion of the examination of a witness, counsel for the witness may on the record request the presiding official to permit the witness to clarify any of his answers which may need clarification in order that they may not be left equivocal or incomplete on the record. The granting or denial of such request shall be within the sole discretion of the presiding official.

(6) The presiding official shall take all necessary action to regulate the course of the proceeding to avoid delay and to prevent or restrain disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language. Such official shall, for reasons stated on the record, immediately report to the Secretary any instances where an attorney has refused to comply with his directions, or has engaged in disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language in the course of the proceeding. The Secretary acting pursuant to § 1720.425, may exclude the attorney from further participation in the particular investigation.

§ 1720.85 Noncompliance.

Failure to comply with the Secretary's investigational process may result in the initiation of appropriate action pursuant to section 1415 of the Act.

§ 1720.90 Disposition.

(a) When investigation by the Secretary indicates that corrective action is warranted, the Secretary pursuant to § 1710.45 of this chapter may issue a suspension notice or a notice of proceedings, whichever is applicable: *Provided, however*, That any person being investigated may be afforded an opportunity to submit to the Secretary a proposal for disposition of the matter in the form of an executed settlement agreement complying with the requirements of § 1720.100 for consideration by the Secretary.

(b) When an investigation discloses that corrective action is not necessary or warranted in the public interest for the protection of purchasers or lessees, the investigational file will be closed. The matter may at any time thereafter be reinvestigated if circumstances so warrant.

§ 1720.100 Settlements.

(a) *Offer of settlement.* At any time during a proceeding parties may be afforded an opportunity to submit to the Secretary or his designee a written proposal for disposition of the matter in the form of a settlement offer.

(b) *Settlement agreements.* When the Secretary or his designee determines the public interest will be fully safeguarded thereby, he may accept an executed offer of settlement. Where the Secretary or his designee rejects an offer of settlement, the party making the offer shall be notified and the offer of settlement shall be deemed withdrawn and such offer and any documents relating thereto shall not constitute a part of the record.

Subpart D—Adjudicative Proceedings in General

§ 1720.110 Scope of rules in this subpart.

The rules in this subpart are applicable to adjudicative proceedings which involve a hearing or opportunity for a hearing under the Interstate Land Sales Full Disclosure Act.

§ 1720.115 Policy.

It is the policy of the Secretary that, to the extent practicable and consistent with requirements of law, adjudicative proceedings shall be conducted expeditiously. In the conduct of such proceedings, the hearing examiner, the Interstate Land Sales Board and all parties shall make every effort at each stage of a proceeding to avoid delay.

§ 1720.120 Hearings—suspension notice pursuant to § 1710.45(a).

(a) A developer upon receipt of a suspension notice issued pursuant to § 1710.45(a) of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the suspension notice. Such request must be filed within 10 days of receipt of the suspension notice and must be accompanied by an answer conforming to the requirements of § 1720.140. However, a motion for a more definite statement shall operate to postpone the time for filing a request for a hearing and answer until 10 days from the date the developer receives the more definite statement or receives notice of the denial of his motion.

(b) Hearings held pursuant to § 1710.45(a) of this chapter shall be held within 20 days of receipt of the request. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to hold a hearing as requested within the above 20-day period, or failure of the Secretary or his designee to appear at a hearing and to defend issuance of the suspension notice upon which the request for the hearing is based, shall cause the statement of record to become effective on the date that it would have become effective if no suspension notice had been issued. However, failure in either instance shall not prejudice the Secretary's right to later challenge the statement of record by issuing a notice of proceeding pursuant to § 1710.45(b) of this chapter.

§ 1720.125 Hearings—notice of proceeding pursuant to § 1710.45(b).

A developer, upon being served a notice of proceeding, pursuant to § 1710.45(b) of this chapter, shall have 15 days within which to answer in accordance with the provisions of §§ 1720.135 and 1720.140 of this subpart. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

§ 1720.130 Motion for more definite statement.

Where a reasonable showing is made by a respondent of his inability to respond to the allegations in a suspension notice or a notice of proceeding, motion may be made requesting a more definite statement of the allegations before filing an answer. Such motion shall be filed with the person or office designated in the suspension notice or in the notice of proceeding whichever is applicable. In either case, the motion shall be made within 5 days after service of the notice and shall specifically indicate in what manner the notice is indefinite or defective.

§ 1720.135 Time for filing answer to notice of proceeding.

(a) Within 15 days after service of the notice of proceeding, the respondent shall file with the hearing examiner named in the notice an answer and six copies thereof signed by the respondent or his attorney. Unless a different time is fixed by the hearing examiner, the filing of a motion for a more definite statement of the allegations shall alter the period of time in which to file an answer as follows:

(1) If the motion is denied, the answer shall be filed within 10 days after service of the denial or 15 days after service of the notice of proceeding, whichever is later;

(2) If the motion is granted, in whole or in part, the more definite statement of allegations shall be filed within 10 days after service of the order granting the motion and the answer shall be filed within 10 days after service of the more definite statement of allegations.

(b) If a notice of proceeding is amended, the respondent shall have 15 days after service of the amended notice of proceeding within which to file an answer thereto.

§ 1720.140 Content of answer.

An answer to a suspension notice or a notice of proceeding shall contain:

(a) A brief statement of the facts constituting each defense; and

(b) Specific admission, denial or explanation of each fact alleged in the notice, or if the respondent is without knowledge thereof, a statement to that effect. Allegations not answered in this matter shall be deemed to have been admitted.

§ 1720.145 Failure to answer allegations in notice of proceeding.

Failure to answer within the time allowed by § 1720.135 shall result in an appropriate order under § 1710.45(b) of this chapter suspending the statement of record.

§ 1720.150 Applicability of succeeding sections of this subpart.

Succeeding sections of this subpart not specifically limited in applicability either to hearings conducted subsequent to a suspension notice under § 1710.45(a) of this chapter or to hearings conducted subsequent to a notice of proceeding under § 1710.45(b) of this chapter shall apply equally to both.

§ 1720.155 Amendments and supplemental pleadings.

(a) *Amendments.* The hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings whenever determination of a controversy on the merits will be facilitated thereby.

(b) *Conformance to evidence.* When issues not raised by the pleadings but reasonably within the scope of the notice of proceedings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(c) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions or events which have occurred since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 1720.160 Participation by interested persons.

(a) Upon timely application, the hearing examiner may upon petition in writing and for good cause shown, and if he deems it to be in the public interest, permit any person to participate by intervention in the proceeding. The petition shall contain (1) the petitioner's relationship to the matters contained in the proceeding; (2) the nature of the material he intends to present; (3) the nature of the argument he intends to make; and (4) any other reasons for the requested participation. The hearing examiner shall determine the rights of the interested person and the extent to which he may participate. Such determination shall be based upon applicable law, the directness and importance of the effect of the proceeding upon the participant and the effect upon the proceeding of allowing participation.

(b) The rights of any interested person allowed by the hearing examiner to become an aggrieved party, as contemplated by § 1720.250, shall be determined by that section.

§ 1720.165 Consolidation.

When more than one proceeding involves a common question of law or fact, the hearing examiner may order a joint hearing of any or all of the matters in issue in the proceedings; and he may make such orders concerning the proceedings as may tend to avoid unnecessary costs or delay.

Prehearing Procedures

§ 1720.170 Prehearing conferences.

(a) In any proceeding in which it appears that such procedure will expedite the proceeding, the hearing examiner may direct or allow the parties or their representatives to appear before him for a conference to consider: (1) Simplification and clarification of the issues; (2) necessity or desirability of amendments to the pleadings; (3) stipulations and admissions of fact and the contents and authenticity of documents; (4) expedition in the discovery and presentation of evidence; (5) matters of which official or judicial notice will be taken; and (6) such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of the names of witnesses and of documents or other exhibits which will be introduced in evidence in the course of the proceeding. Prior to the conference, the hearing examiner may direct or allow the parties or their representatives to file memorandums specifying the issues of law and fact to be considered.

(b) If the circumstances are such that a conference is impracticable, the hearing examiner may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section.

§ 1720.175 Reporting-prehearing conferences.

Prehearing conferences shall be stenographically or mechanically reported; and the hearing examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written agreements or stipulations made by the parties at the conference or as a result of the conference.

Motions

§ 1720.180 Motions—filing requirements.

During the time a proceeding is before a hearing examiner, all motions therein shall be in writing; and except as otherwise provided in this part, a copy of each motion shall be served on the other parties. Such motions shall be signed, addressed to and filed with the hearing examiner and shall be ruled upon by him.

§ 1720.185 Answers to motions.

Within 5 days after service of any motion, an opposing party shall answer or shall be deemed to consent to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Interstate Land Sales Board.

§ 1720.190 Motions for extension.

As a matter of discretion, the hearing examiner or the Interstate Land Sales Board may waive the requirements of § 1720.185 as to motions for extensions of time, and may rule upon such motions ex parte.

§ 1720.195 Rulings on motions for dismissal.

(a) When a motion is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall file an initial decision in accordance with the provisions of § 1720.345. If such a motion is not granted as to all allegations and as to all respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision. When a motion to dismiss, based upon an alleged failure to establish a prima facie case, is made at the close of the evidence offered in support of the notice of proceedings or suspension notice, the hearing examiner may defer ruling thereon until the close of the case for the reception of evidence.

(b) A motion to dismiss may be made by any party within 5 days after the close of the case for the reception of evidence. The hearing examiner shall enter his ruling on the record and take it into account in his initial decision.

§ 1720.200 Interlocutory appeals.

(a) Except as provided in §§ 1720.235 (b) and 1720.240 interlocutory appeals from rulings of a hearing examiner may be filed only after approval is first obtained from the Interstate Land Sales Board. Approval will be granted only in extraordinary circumstances upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. The request for approval of the appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Interstate Land Sales Board.

(b) Any request for such approval shall be in writing not exceeding five

pages and shall be filed within 2 days after notice of the ruling complained of.

(c) Interlocutory appeals shall be in the form of a brief, conforming to § 1720.385, not exceeding 20 pages, and shall be filed within 5 days after notice of permission to file is given by the Interstate Land Sales Board.

§ 1720.205 Presentation and admission of evidence.

All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation, which shall be administered by the hearing officer. Every party shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing officer shall receive relevant and material evidence, rule upon offers of proof and exclude all irrelevant, immaterial, or unduly repetitious evidence.

§ 1720.210 Production of witnesses' statements.

After a witness called by the attorney for the Office of Interstate Land Sales Registration has given direct testimony in a hearing, any other party may request and obtain the production of any statement, or part thereof, of such witness, pertaining to his direct testimony, in the possession of the Office of Interstate Land Sales Registration, subject, however, to the limitations applicable to the production of witnesses' statements under the Jencks Act, 18 U.S.C. 3500.

§ 1720.215 Depositions.

(a) At any time during the course of a proceeding, the hearing examiner, in his discretion, may order the taking of a deposition and the production of documents by the deponent. Such order may be entered upon a showing that the deposition is necessary for the purpose of discovery and that such discovery could not be accomplished by voluntary methods. Such order may also be entered in extraordinary circumstances to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence could not be presented through a witness at the hearing. Insofar as consistent with considerations of fairness and the requirements of due process and the rules of this subpart, a deposition shall not be ordered when it appears that it will result in undue burden to any other party or in undue delay of the proceeding. A deposition shall not be ordered to obtain evidence from a person relating to matters with regard to which he is expected to testify at the hearing, or to obtain evidence which there is reason to believe can be presented at a hearing without the need for deposition, or to circumvent the orderly presentation of evidence at the hearing. Depositions may be taken orally or upon written interrogatories and cross-interrogatories before any person having power to administer oaths who may be designated by the hearing examiner.

(b) Any party desiring to take a deposition shall make application in writing to the hearing examiner setting forth the justification therefor, the time, the place, and the name and address of the officer before whom the deposition is desired. The application shall include also the name and address of each proposed deponent and the subject matter concerning which each is expected to depose, and shall be accompanied by an application for any subpoenas desired.

(c) Such order as the hearing examiner may issue for taking a deposition shall state the circumstances warranting its being taken, and shall designate the time, the place and the officer before whom it will be taken and shall show the name and address of each person who is expected to appear and the subject matter with regard to which each is expected to depose. The time designated shall allow not less than 5 days from date of service of the order when the deposition is to be taken within the United States, and not less than 15 days when the deposition is to be taken elsewhere.

(d) After an order is served for taking a deposition, upon motion timely made by any party or by the person to be deposed and for good cause shown, the hearing examiner may issue any of the following orders which he considers to be appropriate:

(1) That the deposition shall not be taken.

(2) That it may be taken only at some designated place other than that stated in the order.

(3) That it may be taken only on written interrogatories.

(4) That certain matters shall not be inquired into.

(5) That the examination shall be held with no one present except the parties to the action and their counsel.

The hearing examiner may make any other order which justice requires to protect the party or deponent from annoyance, embarrassment, or oppression, or to prevent the unnecessary disclosure or publication of information contrary to the public interest and beyond the requirements of justice in the particular proceeding.

(e) Each deponent shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions and the answers, together with all objections made, but excluding argument or debate, shall be reduced to writing and certified by the officer before whom the deposition was taken. Thereafter, the officer shall forward the deposition and one copy thereof to the party at whose instance the deposition was taken, and shall forward one copy thereof to the representative of each other party who was present or represented at the taking of the deposition.

(f) A deposition taken to preserve relevant evidence which any party intends to offer in evidence may be corrected in the manner provided by § 1720.325. Any such deposition, shall, in addition to the other required procedures, be read to or by the deponent and subscribed by him if the party intending to offer it in evidence so notifies the officer before whom the deposition was taken. Subject to appropriate rulings on such objections to the questions and answers as were noted at the time the deposition was taken or as may be valid when it is offered, a deposition taken to preserve relevant evidence, or any part thereof, may be used or offered in evidence as against any party who was present or represented at the taking of the deposition or who had due notice thereof, if the hearing examiner finds any of the following:

(1) That the deponent is dead.

(2) That the deponent is out of the United States or is located at such a distance that his attendance would be impractical, unless it appears that the absence of the deponent was procured by the party offering the deposition.

(3) That the deponent is unable to attend or testify because of age, sickness, infirmity or imprisonment.

(4) That the party offering the deposition has been unable to procure the attendance of the deponent by subpoena.

(5) That such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

§ 1720.220 Subpoenas ad testificandum.

Application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at an adjudicative hearing shall be made to the hearing examiner who may issue such subpoena.

§ 1720.225 Subpoenas duces tecum.

(a) Application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specific documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at an adjudicative hearing shall be made in writing to the hearing examiner, who may issue such subpoena, and shall specify as exactly as possible the general relevancy of the material and the reasonableness of the scope of the subpoena.

(b) Subpoenas duces tecum may be used by any party for purposes of discovery or for obtaining documents, papers, books, or other physical exhibits for use in evidence, or for both purposes. When used for discovery purposes, a subpoena may require a person to produce and permit the inspection and copying of nonprivileged documents, papers, books, or other physical exhibits which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of such person.

§ 1720.230 Motion to limit or quash.

Any person to whom a subpoena is directed may, prior to the time specified

therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the hearing examiner to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. The hearing examiner shall have the discretion of granting, denying, or modifying said motion.

§ 1720.235 Rulings on applications for compulsory process; appeals.

(a) Applications for orders requiring the production of witnesses' statements pursuant to the provisions of § 1720.210, applications for orders requiring the taking of depositions pursuant to the provisions of § 1720.215, and applications for the issuance of subpenas pursuant to the provisions of §§ 1720.220 and 1720.225 (other than as provided in § 1720.240) may be made ex parte, and, if so made, such applications and the rulings thereon shall remain ex parte unless otherwise ordered by the hearing examiner. Such applications shall be ruled upon by the hearing examiner assigned to hear the case or, in the event he is not available, by another hearing examiner designated by the Secretary.

(b) Appeals to the Interstate Land Sales Board from rulings denying applications within the scope of paragraph (a) of this section, or from rulings on motions to limit or quash process issued pursuant to such applications (other than as provided in § 1720.240) will be entertained by the Interstate Land Sales Board only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. Such appeals shall be made on the record and shall be in the form of a brief not to exceed 30 pages in length and shall be filed within 5 days after notice of the ruling complained of. Appeals from denials of ex parte applications shall have annexed thereto copies of the applications and rulings involved. Any answer to such appeal shall be filed within 5 days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Interstate Land Sales Board.

§ 1720.240 Form of and rulings on applications for subpoenas for confidential records of the Office of Interstate Land Sales Registration; for appearance of employees; appeals; review.

(a) An application for issuance of a subpoena requiring the production of documents, papers, books, physical exhibits, or other material, or the disclosure of confidential information, in the confidential records of the Office of Interstate Land Sales Registration, other than material or information to which the applicant is entitled by law, or for the issuance of a subpoena requiring the appearance of an official or employee of the Office of Interstate Land Sales Registration, shall be made in the form of a written motion filed in accordance with the provisions of § 1720.180.

(b) The motion shall specify as exactly as possible the material to be produced, the nature of the material to be produced, the nature of the information to be disclosed or the expected testimony of the official or employee of the Office of Interstate Land Sales Registration, and shall contain a statement showing the general relevancy of the material, information, or testimony, and the reasonableness of the scope of the application, together with a showing that such material, information, or testimony is not available from other sources by voluntary methods or through other provisions of the rules in this subpart.

(c) Applications in the form of written motions shall be ruled upon by the hearing examiner or, in the event the hearing examiner is not available, by such other hearing examiner as the Secretary may designate. To the extent that such motion is granted, the hearing examiner shall provide such terms and conditions for the production of the material, the disclosure of the information, or the appearance of the official or employee of the Office of Interstate Land Sales Registration as may appear necessary and appropriate for the protection of the public interest.

(d) Appeals to the Interstate Land Sales Board from rulings on motions to limit or quash subpoenas within the scope of paragraph (a) of this section shall be made on the record and shall be in the form of a brief not to exceed 30 pages in length which shall be filed within 5 days after notice of the ruling is received by the party objecting. Any answer to such appeal shall be filed within 5 days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Interstate Land Sales Board.

HEARINGS

§ 1720.245 Policy.

(a) All hearings in adjudicative proceedings shall be public.

(b) Hearings shall proceed with all reasonable speed; and, insofar as practicable, shall be held at one place and shall continue without suspension until concluded. The hearing examiner shall have the authority to order brief intervals of the sort normally involved in judicial proceedings and, in unusual and exceptional circumstances for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§ 1720.250 Rights of aggrieved parties.

Every aggrieved party shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing.

§ 1720.260 Hearing examiner.

Hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner who shall be designated by the Secretary in a notice to the parties in the proceeding.

§ 1720.265 Powers and duties.

Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(a) To administer oaths and affirmations.

(b) To issue subpoenas and orders requiring access.

(c) To take or to cause depositions to be taken.

(d) To rule upon offers of proof and receive evidence.

(e) To regulate the course of the hearings and the conduct of the parties and their counsel.

(f) To hold conferences for settlement, simplification and clarification of the issues, or any other purpose.

(g) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adjudicative proceeding, including motions to open defaults.

(h) To make and file initial decisions.

(i) To certify questions to the Interstate Land Sales Board for its determination.

(j) To take any action authorized by the rules in this part or other appropriate action.

§ 1720.275 Substitution of hearing examiner.

In the event of the substitution of a hearing examiner prior to the commencement of the hearing, any motion predicated upon such substitution shall be made prior to the commencement of the hearing but in no event later than 5 days from the date of notification of such substitution.

§ 1720.280 Ex parte communications.

(a) No participant or interested party in a proceeding shall make any unauthorized ex parte communication directly or indirectly about such proceeding after its commencement to any hearing examiner or member of the Interstate Land Sales Board; nor shall any hearing examiner or member of the Board request or consider any such unauthorized ex parte communication.

(b) Subject to the exceptions in paragraph (c) of this section, an unauthorized ex parte communication is any communication related to the proceeding unless at the time of its presentation, the contents are disclosed to all participants and interested parties in the proceeding.

(c) The following communications shall not be considered unauthorized:

(1) Any request made pursuant to §§ 1720.190, 1720.210, 1720.220, and 1720.225.

(2) Any request for information solely with respect to the status of the proceeding.

(3) Any communication made with respect to a proceeding about which no public notice has been issued if the communicator has no actual notice of the pendency of the proceeding.

(d) Any hearing examiner or member of the Board, who receives a communication which he knows or has reason to believe is unauthorized, shall promptly place the communication, or its substance, in the public file, and shall inform all participants and interested parties in the proceeding of its existence and shall notify the communicator of the provisions of this section.

(e) All participants and interested parties in a proceeding may request an opportunity to answer any allegations or contentions contained in an unauthorized ex parte communication. The hearing examiner or the Interstate Land Sales Board will grant such request if it is determined that it would be unfair to deny the request.

§ 1720.285 Disqualification of hearing examiner.

(a) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Secretary of such withdrawal.

(b) Whenever any party believes that the hearing examiner should be disqualified to preside, or to continue to preside, in a particular proceeding, such party may file with the hearing examiner a motion that the hearing examiner disqualify and remove himself. Such motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the hearing examiner does not disqualify himself, he shall proceed with the hearing and the question of fair hearing and due process may be raised on appeal to the Interstate Land Sales Board which shall determine the matter as a part of the record and decision.

§ 1720.290 Failure to comply with hearing examiner's directions.

Any party who refuses or fails to comply with a lawfully issued order or direction of a hearing examiner may be considered to be in contempt of the Secretary. The circumstances of any such neglect, refusal, or failure, together with a recommendation for appropriate action, shall be promptly certified by the hearing examiner to the Secretary. The Secretary may make such orders in regard thereto as the circumstances may warrant.

EVIDENCE

§ 1720.300 Official notice.

Official notice may be taken of any material fact which might be judicially noticed by a District Court of the United States, any matter in the public official records of the Office of Interstate Land Sales Registration, or any matter which is peculiarly within the knowledge of the Interstate Land Sales Board as an expert body; provided, that when any decision of a hearing examiner or of the Interstate Land Sales Board rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely request therefor.

§ 1720.305 Objections.

Objections to evidence shall timely and briefly state the grounds relied upon; rulings on all objections shall appear in the record.

§ 1720.310 Exceptions.

Formal exception to an adverse ruling is not required.

§ 1720.315 Excluded evidence.

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the hearing examiner may, in his discretion, receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Rejected exhibits, adequately marked for identification, shall be retained in the record.

RECORD

§ 1720.320 Reporting and transcription.

Hearings shall be stenographically or mechanically reported and transcribed under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available from the reporter at rates not to exceed the maximum rates fixed by contract between the Secretary and the reporter.

§ 1720.325 Corrections.

Corrections of the official transcript ordered by the hearing examiner shall be included in the record. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Such corrections shall be made by the reporter by furnishing substitute pages, under the usual certificate of the reporter, for insertion in the official record.

§ 1720.330 Proposed findings, conclusions and order.

At the close of the reception of evidence, or within a reasonable time thereafter fixed by the hearing examiner but not to exceed 30 days, any party may file with the hearing examiner proposed findings of fact, conclusions of law, and rule or order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his rule or order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

DECISIONS

§ 1720.335 Initial decision—by whom made.

The initial decision shall be made and filed by the hearing examiner.

§ 1720.345 Initial decisions: time for filing; when effective.

(a) The hearing examiner shall file an initial decision within one of the following periods of time:

(1) 60 days after the close of the taking of evidence.

(2) 30 days after failure to answer in cases of default under § 1720.145.

(3) Such further time as the Secretary may allow by order entered in the record based upon the hearing examiner's written request.

(b) The initial decision shall become the decision of the Secretary 30 days after service thereof upon the parties unless one of the following occurs:

(1) An appeal is perfected under § 1720.365.

(2) The Interstate Land Sales Board by order stays the effective date of the decision.

(3) The Interstate Land Sales Board on its own initiative orders review pursuant to § 1720.395. However, the failure of an appellant to file an appeal brief within the time prescribed by § 1720.365 shall extend for 10 days the period within which the Interstate Land Sales Board may by order stay the effective date of the initial decision or order a review on its own initiative.

§ 1720.350 Initial decision—content.

The initial decision shall include a statement of (a) findings (with specific references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all of the material issues of fact, law, or discretion presented on the record, and (b) an appropriate order. The initial decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

§ 1720.360 Reopening of proceeding by hearing examiner; termination of jurisdiction.

(a) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(b) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Interstate Land Sales Board.

§ 1720.365 Appeal from initial decision.

(a) *Notice of intention.* Any party to a proceeding may appeal an initial decision to the Interstate Land Sales Board: *Provided*, That within 10 days after the completion of service of the initial decision such party files a notice of intention to appeal.

(b) *Appeal brief.* The appeal brief shall be filed within 30 days after completion of service of the initial decision. The appeal brief shall contain a proposed form of rule or order for the consideration of the Interstate Land Sales Board in lieu of the rule or order contained in the initial decision.

§ 1720.375 Answering brief.

Within 30 days after service of the appeal brief upon a party, such party may file an answering brief.

§ 1720.380 Reply brief.

A brief in reply to an answering brief shall be limited to rebuttal of matters in the answering brief and will be received if filed and served within 7 days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

§ 1720.385 Length and form of briefs.

No brief shall exceed 60 pages in length, except with the permission of the hearing examiner or the Interstate Land Sales Board and shall contain, in the order indicated, the following:

(1) The date of the brief on the front cover or title page.

(2) Subject index, with page references.

(3) Table of cases (alphabetically arranged), statutes, textbooks, and other authorities and materials used, with page references.

(4) A concise statement of the facts of the case.

(5) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the record and the legal or other material relied upon.

§ 1720.390 Oral argument.

Oral arguments will not be held in cases on appeal to the Interstate Land Sales Board, unless the Interstate Land Sales Board otherwise orders. Oral arguments before the Interstate Land Sales Board shall be reported stenographically or mechanically, unless otherwise ordered, and a member of the Interstate Land Sales Board absent from an oral argument may participate in the consideration and decision of the appeal in any case in which the oral argument is stenographically or mechanically reported. The purpose of oral argument is to emphasize and clarify the written argument appearing in the briefs and to answer questions.

§ 1720.395 Review by Interstate Land Sales Board on its own initiative.

(a) The Interstate Land Sales Board may initiate review of an initial decision of a hearing examiner if notice of such review is served on all parties within 30 days after the date of completion of service of the initial decision.

(b) The notice of review shall set forth the scope of such review, the issues which will be considered and the provisions for filing of briefs if briefs are deemed necessary and appropriate by the Interstate Land Sales Board.

§ 1720.400 Decision on appeal or review.

(a) Upon appeal from or review of an initial decision, the Interstate Land Sales Board will consider such parts of the record as are cited or as may be necessary to resolve the issues and, in addition, will, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the initial decision.

(b) In rendering its decision, the Interstate Land Sales Board may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial decision by the hearing officer, and will include in the decision a statement of the reasons or basis for its action and any concurring and dissenting opinions.

(c) In those cases where the Interstate Land Sales Board believes that it should have further information or additional views of the parties as to the form and content of the rule or order to be issued, the Interstate Land Sales Board may withhold final decision pending the receipt of such additional information or views.

(d) The decision of the Interstate Land Sales Board disposing of adjudicative hearings shall be final and shall become the decision of the Secretary 30 days after service thereof upon the parties unless the Interstate Land Sales Board determines that the protection of the public interest necessitates an earlier effective date, in which event the Interstate Land Sales Board will specify in the order its findings as to such conditions.

§ 1720.405 Reconsideration.

Within 10 days after completion of service of a decision by the Interstate Land Sales Board, any party may file with the Interstate Land Sales Board a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed hereunder must relate to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Interstate Land Sales Board. Any party desiring to oppose such a petition shall file an answer thereto within 10 days after service upon him of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order or to toll the running of any statutory period affecting such decision or order unless specifically so ordered by the Interstate Land Sales Board.

Subpart E—Miscellaneous Rules

§ 1720.410 Qualifications for appearances.

(a) Members of the bar of a Federal Court or of the highest court of any State or of the United States are eligible to practice before the Secretary. No register of attorneys will be maintained.

(b) Any individual or member of a partnership involved in any proceeding or investigation may appear on behalf of himself or of such partnership upon adequate identification. A corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(c) A person shall not be represented except as stated in paragraphs (a) and (b) of this section unless otherwise permitted.

§ 1720.415 Restrictions on appearances as to former officers and employees.

(a) Except as specifically authorized by the Secretary, no former officer or employee of the Department of Housing and Urban Development shall appear as attorney or counsel or otherwise participate through any form of professional consultation or assistance in any proceeding or investigation, formal or informal, which was pending in any manner in the Office of Interstate Land Sales Registration while such former officer or employee served with the Department of Housing and Urban Development.

(b) In cases to which paragraph (a) of this section is applicable, a former officer or employee of the Department of Housing and Urban Development may request authorization to appear or participate in a proceeding or investigation by filing with the Secretary a written application disclosing the following relevant information: (1) The nature and extent of the former officer's or employee's participation in, knowledge of, and connection with the proceeding or investigation during his service with the Department of Housing and Urban Development; (2) whether the files of the proceeding or investigation came to his attention; (3) whether he was employed in the same office, division, or administrative unit in which the proceeding or investigation is or has been pending; (4) whether he worked directly or in close association with Office of Interstate Land Sales Registration personnel assigned to the proceeding or investigation; (5) whether during his service with the Department of Housing and Urban Development he was engaged in any matter concerning the individual, company, or industry involved in the proceeding or investigation.

(c) The requested authorization will not be given in any case (1) where it appears that the former officer or employee during his service with the Department of Housing and Urban Development participated personally and substantially in the proceeding or investigation, or (2) where the application is filed within one (1) year after termination of the former officer's or employee's service with the Department of Housing and Urban Development and it appears that within a period of one (1) year prior to the termination of his service the proceeding or investigation was within the official responsibility of the former officer or employee. In other cases, authorization will be given where the Secretary is satisfied that the appearance or participation will not involve any actual conflict of interest or impropriety or an appearance thereof.

(d) In any case in which a former officer or employee of the Department of Housing and Urban Development is prohibited under this section from appearing or participating in a proceeding or investigation, any partner or legal or business associate of such former officer or employee shall likewise be so prohibited, unless: (1) Such partner or legal or business associate files with the Secretary an affidavit that in connection with

the matter the services of the disqualified former officer or employee will not be utilized in any respect and the matter will not be discussed with him in any manner, and that the disqualified former officer or employee shall not share, directly or indirectly, in any fees or retainers received for services rendered in connection with such proceeding or investigation; (2) the disqualified former officer or employee files an affidavit stating that he will not participate in the matter in any manner, and that he will not discuss it with any person involved in the matter; and (3) upon the basis of such affidavits, the Secretary determines that the appearance or participation by the partner or associate would not involve any actual conflict or interest or impropriety or an appearance thereof.

§ 1720.425 Standards of practice.

(a) Attorneys shall conform to the standards of ethical conduct required by practitioners in the courts of the United States and by the bars of which the attorneys are members.

(b) The privilege of appearing or practicing may be denied, temporarily or permanently, to any person who is found after notice and opportunity for hearing, which, at his request or in the discretion of the Secretary, may be private, and for presentation of oral argument in the matter (1) not to possess the requisite qualifications to represent others, or (2) to be lacking in character or integrity, or (3) to have engaged in unethical or improper professional conduct.

(c) Contemptuous conduct at any hearing shall be ground for summary exclusion from said hearing for the duration of the hearing. There shall be no right of interlocutory appeal from such exclusion.

§ 1720.430 Form and filing requirements.

(a) *Filing.* Except as otherwise provided, six copies of all documents shall be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411, on official work days between the hours of 8:45 a.m. and 5:15 p.m.

(b) *Title.* Documents shall clearly show the file, docket number, and title of the action in connection with which they are filed.

(c) *Form.* Except as otherwise provided, all documents shall be printed, typewritten, or otherwise processed in clear, legible form and on good unglazed paper.

§ 1720.435 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by the rules and regulations in this part, by order of the Secretary or a hearing examiner, shall begin with the first business day following that on which the act, event, development, or default initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Department of Housing and Urban Development is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is 7 days or less, each of the Saturdays, Sundays, and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds 7 days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the hearing examiner or the Interstate Land Sales Board may, in any proceeding, extend any time limit prescribed or allowed by the rules and regulations in this part or ordered by the Secretary: *Provided, however,* That in a proceeding pending before a hearing examiner, any motion for an extension upon which he may properly rule shall be made to him.

§ 1720.440 Service.

(a) *By the Secretary.* Service of notices, orders, other processes and determinations of the Secretary may be effected as follows:

(1) *By registered or certified mail (return receipt requested).* A copy of the document shall be addressed to a person at his or its residence or principal office or place of business; or

(2) *By delivery to a person.* A copy of the documents may be delivered to the person to be served; or

(3) *By delivery to an address.* A copy of the documents may be left at the residence, principal office, place of business, or address of the person to be served.

(b) *By other parties.* Service of documents by parties other than the Secretary shall be by delivering a copy thereof as follows:

(1) *Upon the Secretary.* By personal delivery or delivery by registered or certified mail to any of the following officials in the Office of Interstate Land Sales Registration: Administrator; Deputy Administrator; Director, Administrative Proceedings Division; Director, Examination Division.

(2) *Upon any other person.* By delivery of a copy of the documents to the person to be served, or by leaving the documents at his principal office or place of business with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving a copy at his residence with some person of suitable age and discretion then residing therein; or sending a copy by registered or certified mail.

(c) *Proof of service.* (1) When service is by registered or certified mail, it is complete upon delivery of the documents by the post office. (2) When a party is represented by a person qualified pursuant to § 1720.410, any notice, order, or other process or communication required or permitted to be served upon a party shall be served upon such representative in addition to any other service specifically required by statute. (3) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document, order, or other process of the Secretary subsequent to an original complaint, shall be deemed service upon the party. (4) The return post office receipt for a document sent by registered or certified mail, or the verified return or certificate by the person serving the document by personal delivery, setting forth the manner of said service, shall be proof of the service of the document.

Subpart F—Interstate Land Sales Board and Department Representative

§ 1720.500 Functions of the Interstate Land Sales Board Panel.

There is hereby established within the Department an Interstate Land Sales Board Panel, referred to hereinafter in this subpart as the "Panel", the members of which may be appointed from time to time by the Secretary. The functions, powers and responsibilities delegated to the Panel, or to a Board designated from the Panel, as the authorized representative of the Secretary shall be to hear, consider and determine fully and finally appeals from decisions made pursuant to the rules in this part by Hearing Examiners and to conduct hearings pursuant to 15 U.S.C. § 1715.

§ 1720.510 Composition of the Interstate Land Sales Board Panel.

The Panel shall be composed of officers or employees of the Department of Housing and Urban Development other than those employed in the Office of Interstate Land Sales Registration. Members of the Panel shall be appointed from time to time to serve for one or more cases. Three members of the Panel shall be designated as a Board for the hearing of each case, and one of such members shall be an attorney from the staff of the General Counsel who shall not have previously participated through decision, approval, disapproval, recommendation or the rendering of advice in connection with such case. Records of proceedings before a Board shall be kept by a secretary to the Panel who shall be an employee of the Office of General Counsel.

§ 1720.520 Decisions of an Interstate Land Sales Board.

Decisions of a Board shall be considered the final action by this Department, and such a Board is authorized to take final action on behalf of the Secretary on matters properly before such a Board pursuant to the rules in this part.

§ 1720.530 Department representative.

In each case being heard before a Hearing Examiner or an Interstate Land Sales Board, pursuant to this part, the Government shall be represented by a Government Hearing Attorney. The General Counsel shall designate one or more attorneys under his jurisdiction to act as Government Hearing Attorneys.

Dated: January 8, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-830 Filed 1-20-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-96]

TRANSITION AREA

Proposed Alteration

On December 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Elko, Nev., transition area.

Subsequent to the notice of proposed rule making, it was noted that an insufficient 1,200-foot transition area had been proposed and this supplemental notice is required to effect the necessary change.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (35 F.R. 2134) the description of the Elko, Nev., transition area is amended to read as follows:

ELKO, NEV.

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace upward from 1,200 feet above the surface bounded by an arc of a 17-mile-radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the northwest and north by V6, on the southeast by V465 and on the south by V32.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 12, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-838 Filed 1-20-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-52]

FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Designation, Alterations and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter numerous VOR Federal airway segments and reporting points within the greater Dallas/Fort Worth, Tex., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to commission VORTAC navigation aids at Acton, Tex. (lat. 32°26'04" N., long. 97°39'49" W.); Scurry, Tex. (lat. 32°27'52" N., long. 96°20'14" W.); and Blue Ridge, Tex. (lat. 33°16'59" N., long. 96°21'53" W.), in February 1971. Associated with the commissioning of these VORTACs the following airspace actions are proposed:

1. Realign V-15 segment from Waco, Tex., direct Scurry; direct Blue Ridge; direct Ardmore, Okla., including a west alternate from Scurry to Blue Ridge via the intersection of Scurry 023° T (015° M) and Blue Ridge 153° T (145° M) radials. Revoke V-15 east and west alternate segments between Waco and Dallas, and V-15 west alternate segment between Dallas and Ardmore.

2. Realign V-16 segment from Mineral Wells, Tex., direct Acton; direct Scurry; direct to Sulphur Springs, Tex., including a standard 15° south alternate between Acton and Scurry. Revoke V-16 south alternate segment between Mineral Wells and Dallas.

3. Realign V-17 segment from Waco direct Acton; direct Bridgeport, Tex.

4. Realign V-18 segment from Quitman, Tex., via the intersection of Quitman 260° T (252° M) and Greater Southwest, Tex., 090° T (081° M) radials; Greater Southwest; direct to Mineral Wells.

5. Realign V-54 segment from Waco direct to Scurry; direct Quitman.

6. Revoke V-61 airway between Bridgeport and Wichita Falls, Tex.

7. Redesignate V-62 segment from Abilene, Tex., via intersection of Abilene 096° T (086° M) and Acton 264° T (255° M) radials; to Acton.

8. Designate V-63 segment from Blue Ridge direct to McAlester, Okla.

9. Realign V-66 segment from Bridgeport direct Blue Ridge; direct Sulphur Springs; including a north alternate from Bridgeport to Blue Ridge via the intersection of Bridgeport 071° T (062° M) and Blue Ridge 285° T (277° M) radials.

10. Realign V-94 segment from Tuscola, Tex., direct Acton; direct Scurry; direct Gregg County, Tex.

11. Realign V-114 segment from Wichita Falls, Tex., via the intersection of Wichita Falls 117° T (108° M) and Blue Ridge 285° T (277° M) radials; Blue Ridge; direct Quitman; direct Gregg County. Revoke V-114 north and south alternate segments between Dallas and Gregg County.

12. Redesignate V-124 segment from Blue Ridge direct Paris, Tex.

13. Redesignate V-161 segment from Bridgeport direct Ardmore.

14. Designate V-163 east alternate segment from Lometa, Tex., direct Acton; direct to Mineral Wells.

15. Realign V-278 segment from Bridgeport direct Blue Ridge; direct Paris.

16. Designate V-355 airway from Bridgeport direct to Wichita Falls, Tex.

17. Redesignate V-477 from Leona, Tex., direct to Scurry, including a west alternate segment via the intersection of Leona 330° T (322° M) and Scurry 182° T (174° M) radials. Revoke V-477 east alternate segment between Leona and Dallas.

18. Designate a new airway from Waco direct Greater Southwest, direct to Ardmore.

19. Designate Acton; Scurry; and Blue Ridge VORTACs as low altitude reporting points.

20. Revoke Dallas, and Britton low altitude reporting points.

The proposed airway changes will provide the capability to establish independent departure and arrival procedures which will provide for a more efficient movement of air traffic to and from the greater Dallas/Fort Worth terminal area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the De-

partment of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 15, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-839 Filed 1-20-71;8:47 am]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 71-1, Notice No. 1]

GLAZING MATERIALS FOR USE IN PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-272 appearing at page 326 in the issue for Saturday, January 9, 1971, the word "plan" in paragraph S4.1.2.2(b) of Motor Vehicle Safety Standard No. 205 in § 571.21 should read "plane".

Office of Pipeline Safety

[49 CFR Part 193]

[Notice 70-14A; Docket No. OPS-7]

RULEMAKING PROCEDURES FOR GAS PIPELINE REGULATIONS

Extension of Comment Period

On December 17, 1970, the Department of Transportation issued a notice of proposed rule making (35 F.R. 19521, Dec. 23, 1970) proposing procedural rules for gas pipeline regulations. The date for return of comments was set as January 29, 1971. Due to the holiday season, the mailing of copies of this proposal to the Office of Pipeline Safety mailing list was delayed more than had been anticipated. As a consequence, many persons may not have adequate time to prepare and submit comments before the prescribed date. Therefore, the date for submission of comments on Notice 70-14 is extended to February 18, 1971.

Interested persons are also requested to note that the docket for this rule making proceeding has been changed to Docket No. OPS-7.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on January 15, 1971.

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

[FR Doc.71-828 Filed 1-20-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket Nos. 18476 etc.]

CERTAIN FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallisaw, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nantucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky.; Flora, Ill.; Jasper, Arab, and Demopolis, Ala.); Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414, RM-1417, RM-1496.

1. In the further notice of proposed rule making, released January 8, 1971 (FCC 71-22), it was inadvertently stated that the channel substitution at Demopolis is from "252A" to "296A". The latter figure should have been 292A. The table of cities, present, and proposed assignments in paragraph 9, at the top of page 5, is corrected to read as follows:

City (Alabama)	Channel No. Present	Channel No. Proposed
Talladega	.....	224A
Hartselle or Arab	.....	224A
Arab and Jasper	.....	224A
Jasper	273	224A, 273
Fayette	225	251 or 224A or 249A
Demopolis	252A	292A

Released: January 13, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-798 Filed 1-20-71;8:45 am]

[47 CFR Part 73]

[Docket No. 19116]

CERTAIN FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.; Docket No. 19116, RM-1442, RM-1464.

In the notice of proposed rule making, released January 8, 1971 (FCC 71-23), it was inadvertently stated that Channel 296A could be substituted for the present channel assignment at Waterbury, Vt. The correct designation is Channel 269A. The last sentence of paragraph 10, page 6, is corrected to read as follows:

Channel 269A can be assigned to Waterbury in conformance with the rules and without making any other changes in the table; accordingly, we herein propose to assign Channel 286 to Skowhegan, delete Channel 287 at Waterbury and substitute 269A at Waterbury.

And the table of cities, proposed assignments to be added and deleted in paragraph 11, page 8, is corrected to read as follows:

City	Add	Delete
Augusta, Maine	281 or 282 or 294	283
Skowhegan, Maine	286	296A
South Paris, Maine	224A	288A
Westbrook, Maine	265 or 288A	285A
Plymouth, N.H.	Class A or 248?	
Dover, N.H.	287?	248
Waterbury, Vt.	269A	287

Released: January 13, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-799 Filed 1-20-71;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 71-6]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for the denial, revocation, modification, or suspension of such Certificates.

Section 11(p)(3) of the Federal Water Pollution Control Act provides as follows:

Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

In implementing this provision, § 542.5(a)(1) of General Order 27 sets forth the language of a uniform endorsement which must be included if evidence of financial responsibility is accomplished by a policy of insurance or cover note.

Item (2) of the approved uniform endorsement states:

(2) the Insurer agrees that any claims incurred under the aforementioned section 11(f) may be brought directly against the Insurer, provided that where a claim is brought directly against the Insurer, the Insurer shall be entitled to invoke all rights and defenses, as set forth in section 11(f)(1) of the Act, which would have been available to the assured if the action had been brought against said assured by the U.S. Government, and which would have been available to the Insurer if the action had been brought against him by the assured;

Section 542.5(c) requires that any evidence of financial responsibility filed with the Commission shall provide for direct suit against the insurer or other person providing evidence of financial responsibility and states that:

Such insurer or other person shall be entitled to invoke all rights and defenses, as set forth in section 11(f)(1) of the Act, which would have been available to the owner or operator if the action had been brought against said owner or operator by the U.S. Government, and which would have been available to such insurer or other person if the action had been brought against him by said owner or operator.

The Certificate of Insurance Form FMC-225 authorized by § 542.5(a)(1) contains a similar provision as follows:

The Insurer consents to be sued directly by the United States Government in respect of any claim against any of said owners and operators, arising under the said Section 11(f); provided however, that in any such direct action (a) its liability shall not exceed $100 per gross ton of the tonnage of the Vessel in respect of which the claim is made, or $14,000,000, whichever is the lesser, and (b) it shall be entitled to invoke all rights and defenses, as set forth in Section 11(f)(1) of Public Law 91-224, which would have been available to any one of said owners or operators if the action had been brought against such owner or operator by the United States Government, and which would have been available to the Insurer if the action had been brought against said Insurer by any one of said owners or operators.

The Surety Bond Form FMC-226, authorized by § 542.5(a)(2) of General Order 27 contains a similar provision as follows:

Any claim by the United States to recover costs for the removal of oil discharges which the Principal may be liable for under the provisions of section 11(f), Water Quality Improvement Act of 1970, may be brought directly against the Surety; provided, however, that in the event of such direct claim the Surety shall be entitled to invoke all rights and defenses as set forth in section 11(f)(1) of the Act, which would have been available to the Principal if the action had been brought against said Principal by the United States, and which would have been available to the Surety if the action had been brought against said Surety by the Principal.

The Guarantee Form FMC-227, authorized by § 542.5(a)(4) contains a similar provision as follows:

Any claim by the United States to recover costs for the removal of oil discharges which the Applicant may be liable for under the provisions of section 11(f), Water Quality Improvement Act of 1970, may be brought directly against the Guarantor; provided, however, that in the event of such direct claim the Guarantor shall be entitled to invoke all rights and defenses, as set forth in section 11(f)(1) of the Act, which would have been available to the Applicant if the action had been brought against said Applicant by the United States, and which would have been available to the Guarantor if the action had been brought against him by the Applicant.

It has come to the attention of the Commission that certain underwriters consider that the above referred to provisions in General Order 27 and Forms FMC-225, 226, and 227 may be subject to some misinterpretation regarding rights and defenses available to the insurer which would have been available to said insurer if the action had been brought against the insurer by vessel owners or operators. They request that the above-quoted provisions each be clarified by adding after the words "by the United States Government, and", in Form FMC-225, and after the words "by the United States, and", in Forms FMC-226 and 227, the following words: "shall also be entitled to invoke all rights and defenses".

While the Commission is of the view that the present language in General Order 27 and in Forms FMC-225, 226, and 227 is sufficiently clear, particularly in view of the discussion contained in the preamble to General Order 27, it is willing to accept and include the clarifying modification to the present language contained in General Order 27 and in Forms FMC-225, 226, and 227. The Commission would accept evidence of financial responsibility filed in accordance with the language now contained in General Order 27 and in Forms FMC-225, 226, and 227, but in the alternative would also accept from those applicants and operators who prefer to include the clarifying language, evidence of financial responsibility which incorporates the clarification proposed herein.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1), 11(p)(2), and 11(p)(3) of the Federal Water Pollution Control Act as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), notice is hereby given that the Federal Maritime Commission is considering the adoption of clarifying language in § 542.5 *Method of establishing financial responsibility; forms and requirements*, to accomplish the above-stated objectives. Accordingly § 542.5 of Title 46 CFR is proposed to be amended in the following respects:

1. Paragraph (a)(1) is proposed to be amended by adding the following new proviso at the end thereof:

Provided, however, the foregoing uniform endorsement may, at the discretion of the party furnishing the policy of insurance or cover note, include in Item (2) of the endorsement after the words "by the U.S. Government, and", the following words: "shall also be entitled to invoke all rights and defenses". The uniform endorsement will be acceptable to the Commission either with or without this clarifying language. Any person who has previously filed a policy of insurance or cover note containing the uniform endorsement without this clarifying language, may if he so desires, substitute a new uniform endorsement including the clarifying language.

2. Paragraph (b) is proposed to be amended by adding the following sentence at the end thereof:

The Certificate of Insurance Form FMC-225, Surety Bond Form FMC-226 and Guarantee Form FMC-227, as incorporated in the rules of this part, may be utilized in the form as originally promulgated, or in the alternative, each of these three forms may be clarified by any parties so desiring by adding after the words "by the United States Government, and", in Form FMC-225, and after the words "by the United States, and" in Forms FMC-226 and 227, the following words: "shall also be entitled to invoke all rights and defenses".

The use of Forms FMC-225, 226, and 227 will be acceptable to the Commission as evidence of financial responsibility either with or without said clarifying language, and any party who has previously filed any of these forms without the clarifying language may, if he so desires, submit a substitute Form FMC-225, 226, or 227 with the added clarifying language.

3. Paragraph (c) is proposed to be amended by adding after the words "by the U.S. Government, and" the words: "shall also be entitled to invoke all rights and defenses".

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days of the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed change in General Order 27. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-847 Filed 1-20-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

SHEET GLASS FROM TAIWAN

Withholding of Appraisement Notice

Information was received on June 20, 1969, that sheet glass from Taiwan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 24, 1969, on page 14738. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such sheet glass from Taiwan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate the probable basis of comparison will be between purchase price and home market price.

Preliminary analysis suggests that purchase price will be calculated on the basis of C&F duty paid, landed U.S. destination cost less applicable charges. It appears that the Taiwanese duty reimbursement and commodity tax will be added to that price.

Home market price will probably be based on a delivered price in the home market. Appropriate adjustments appear to be warranted for inland freight, packing charges, and interest.

Using the above criteria, there are reasonable grounds to believe that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of sheet glass from Taiwan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views, or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Custom regulations, shall become effective upon publication in the FEDERAL REGISTER (1-21-71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-855 Filed 1-20-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-3760]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 13, 1971.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 22 N., R. 22 E.,
Sec. 4, lot 4;
Sec. 23, NW¼NE¼, N½NW¼, SE¼NW¼.
T. 23 N., R. 22 E.,
Sec. 33, W½SW¼.
T. 22 N., R. 23 E.,
Sec. 22, E½SW¼;
Sec. 33, NE¼SE¼.

The areas described aggregate 400.94 acres.

2. All of the lands are located in Lemhi County, within 6 to 12 miles from Salmon. Elevation ranges from 4,000 to 6,400 feet above sea level. Soils are shallow silt loam of moderate fertility and low water holding capacity. Topography is steep ridges with rocky broken terraces and deep dry draws. Vegetation is fescue, wheatgrass, and sagebrush.

3. The following described lands are not opened to the mining and mineral leasing laws as the United States does not have jurisdiction of the minerals in these lands:

T. 22 N., R. 22 E.,
Sec. 4, lot 4.
T. 23 N., R. 22 E.,
Sec. 33, W½SW¼.
T. 22 N., R. 23 E.,
Sec. 33, NE¼SE¼.

The mineral status of the E½SW¼, Sec. 22, T. 22 N., R. 23 E. is not affected by this order.

4. As of 10 a.m. on February 17, 1971, the following described lands will be open to location and offers under the United States mining and mineral leasing laws:

T. 22 N., R. 22 E.,
Sec. 23, NW¼NE¼, N½NW¼, SE¼NW¼.

5. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m., on February 17, 1971 be open to application, petition and selection under the public land laws, with the exception that the NW¼NE¼, N½NW¼, SE¼NW¼, Sec. 23 T. 22 N., R. 22 E., are subject to multiple-use classification I-1639, and are not open to application under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., on February 17, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-818 Filed 1-20-71;8:45 am]

[Serial No. I-3761]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 13, 1971.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

BOISE MERIDIAN, IDAHO

TRACT 1

T. 10 S., R. 21 E.,
Sec. 23, lot 4;
Sec. 26, lots 2, 4, SW¼NE¼, NE¼SE¼.

TRACT 2

T. 13 S., R. 26 E.,
Sec. 31, lots 2, 3, SE¼NW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼.

TRACT 3

T. 15 S., R. 27 E.,
Sec. 10, W½;
Sec. 15, W½;
Sec. 21, NE¼;
Sec. 22, NW¼;
Sec. 23, E½, E½W½;
Sec. 24, N½;
Sec. 26, E½W½.

TRACT 4

T. 16 S., R. 30 E.,
Sec. 5, SE¼SW¼, W½SE¼, SE¼SE¼.

The above tracts aggregate 2,492.50 acres in Cassia and Oneida Counties.

2. The land in Tract 1 is located 8 miles west of Burley on the Snake River. Access is over good state and county roads except for one-eighth mile over unimproved range road. Topography is rolling with some exposed rough and broken lava beds. Vegetation is big sagebrush, cheatgrass with an understory of native grasses. Soils are considered nonirrigable. The tract gives access to the Milner Wildlife Habitat Area.

3. The land in Tract 2 lies 6 miles southwest of Malta, Idaho. Access is by State Highway 77 west 4 miles, then 3½ miles southwest on a graveled road. Topography is rolling foothills sloping east into Raft River Valley at about 10 percent. Vegetation is black sagebrush and rabbit brush, with an understory of bluebunch wheatgrass and poa species, with a few junipers in the northwest corner. The soils are considered nonirrigable.

4. The land in Tract 3 comprises two parcels 2 to 5 miles southeast of Bridge, Idaho. Access to both is by U.S. Highway 30N. Topography is relatively flat, sloping west at about 4 percent. Elevations are from 4,400 to 5,200 feet above sea level. Vegetation consists of black sagebrush on flat areas, with minor understory of winterfat, squirrel tail, and halogeton. Drainages are covered with big sagebrush. Soils are irrigable, generally deep, but no known surface or ground water is available.

5. The land in Tract 4 lies about 1 mile southeast of the abandoned townsite of Black Pine, about 18-20 miles northwest of Snowville, Utah. Access is by range road, difficult to travel in winter and spring. Topography is flat. Vegetation is rabbit brush, big sagebrush and an understory of peppergrass, halogeton, foxtail, and cheatgrass. Soils are deep and well drained. Elevations range from 4,600 to 5,000 feet above sea level. Sandy soils are subject to wind erosion with some gullies 3-4 feet deep.

6. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the Multiple-Use Classifications of October 22, 1970 (I-3362) and October 28, 1970 (I-2836), and the requirements of applicable law, the lands are hereby restored to the public domain status and will at 10 a.m. on February 17, 1971, be open to application, petition, location, and selection, including location under the general mining laws. All valid applications received at or prior to February 17, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

7. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-819 Filed 1-20-71;8:45 am]

[Serial No. I-3563]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 13, 1971.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 10 S., R. 26 E.,
Tract 1, sec. 5, E½SW¼, S½SE¼.
T. 15 S., R. 25 E.,
Tract 2, sec. 22, W½NE¼;
Tract 3, sec. 26, SW¼NW¼.
T. 15 S., R. 34 E.,
Tract 4, sec. 24, NW¼NW¼;
Tract 5, sec. 25, SE¼.

The areas described aggregate 480 acres in Cassia and Oneida Counties.

2. Tract 1 lies 18 miles northeast of Burley, Idaho and is bisected by Interstate I-15W. Topography is gentle undulating with many drainage basins, with a general slope north from 4 to 12 percent. Vegetation is large sagebrush, rabbit brush, and an understory of grass. Soils are thin generally, some rock with a low waterholding capacity.

3. Tract 2 is located 6½ miles east of Almo, Idaho. Access is good except for last 3 miles of unimproved range road which is closed in winter. Topography is mountainous, bisected by a major drainage way. The slope varies, but averages 20 percent. Vegetation is mainly Utah junipers with some sagebrush and an understory of grasses. Soils are shallow and extremely stony and gravelly.

4. Tract 3 lies 7 miles east of Almo. Access is good to within 2 miles which is over unimproved range road closed during winter. Topography is steep, may exceed 20 percent slopes, generally to the south. Vegetation is big sagebrush with scattered junipers along drainageways. Soils are shallow, extremely rocky and gravelly.

5. Tract 4 is located 11 miles southwest of Malad, Idaho, and about one-third mile north of the Samaria-Pocatello Valley Road. Access to within one-third mile is good year round. Topography is low rolling to steep foothills. Vegetation is big sagebrush with grass understory. Soils are shallow, well drained, generally very rocky or gravelly.

6. Tract 5 is located 12 miles southwest of Malad, Idaho, and about 1 mile south of the Samaria-Valley Road in Pocatello Valley. Access is across private land. One-third of the tract is gently sloping and the remaining area is hilly and mountainous. Vegetation is big sagebrush with a grass understory, some rabbit brush and service berries. Soils are deep, well drained on the gentle slopes; very shallow, rocky and gravelly on the hilly slopes.

7. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the Multiple-Use Classifications of October 4, 1966, and October 28, 1970, and the requirements of applicable law, the lands are hereby restored to the public domain status and open to application, petition, location, and selection, including location under the U.S. mining laws. All valid applications received at or prior to February 17, 1971 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

8. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-820 Filed 1-20-71;8:45 am]

Fish and Wildlife Service

DEPREDATING AMERICAN COOTS

Order Permitting Killing in Designated Agricultural Areas in California

It has been determined from investigations and observations by the Bureau of Sport Fisheries and Wildlife and the California Department of Fish and Game that serious depredations to agricultural crops are occurring because of large numbers of coots (Fulica Americana) in the Sacramento and San Joaquin Valleys of California. This cannot be considered of a localized nature. It was further determined that damages to crops can best be minimized or alleviated by permitting the depredating coots to be killed and taken by shooting in the affected areas under specific conditions and restrictions. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Coots may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder; in the counties of Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Imperial, Kern, Kings, Madera, Merced, Placer, Riverside, Sacramento, San Bernardino, San Joaquin, Solano, Stanislaus, Sutter, Tulare, Yolo, and Yuba.

(b) Shooting of coots shall be limited to the hours between sunrise and sunset. The authorization to kill coots, as contained in this order shall terminate on May 16, 1971: provided, if prior to that date it is found that the emergency condition no longer exists, the killing of coots as permitted under this order will be terminated earlier on the date of publication of an order of revocation in the FEDERAL REGISTER.

(c) Coots killed under the provision of this order may be used for food, donated to hospitals or other charitable institutions within the State for use as food, and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes. Birds killed under provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed.

2. This order does not permit the killing of coots in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving crop depredations and it is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

Effective date: January 23, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 14, 1971.

[FR Doc.71-821 Filed 1-20-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Temporary Reg. D-25]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to lease space in Salt Lake City, Utah.

2. *Effective date.* This regulation is effective November 30, 1970.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Secretary of Health, Education, and Welfare to perform all functions in connection with the leasing of special purpose space in Salt Lake City, Utah, as he may deem necessary, for an Artificial Heart Test and Evaluation Center in connection with a heart research program of the National Heart and Lung Institute, National Institute of Health, Public Health Service, Department of Health, Education, and Welfare.

b. This delegation includes the authority to lease the required space and to assign, reassign, operate, maintain, control, and protect the demised space. This authorization shall extend to leasing space under authority contained in section 210(h)(1) of the above-cited Act for a firm period not to exceed 20 years.

c. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer or employee of the Department of Health, Education, and Welfare (40 U.S.C. 486(d)).

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

ROBERT L. KUNZIG,
Administrator of General Services.

JANUARY 15, 1971.

[FR Doc.71-843 Filed 1-20-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BAXTER SALE CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Baxter Sale Co., Baxter, June 8, 1959	Baxter Sale Company, Nov. 30, 1970.
MICHIGAN	
Lake Odessa Stockyards, Lake Odessa, Apr. 23, 1959	Lake Odessa Livestock Auction, Oct. 26, 1970.
NEW YORK	
Central Livestock, Lowville Division, Lowville, Aug. 8, 1960.	Empire Livestock Marketing Cooperative, Inc., Jan. 1, 1971.
TEXAS	
Brenham Livestock Auction, Inc., Brenham, Apr. 3, 1957.	Brenham Livestock Auction Company, Jan. 1, 1971.
Owen Bros. Livestock Commission Company, Inc., Texarkana, Nov. 7, 1958.	J & J Livestock Commission Company, Inc., Oct. 1, 1970.

Done at Washington, D.C., this 15th day of January 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-860 Filed 1-20-71;8:49 am]

SAM GIDDENS LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Sam Giddens Livestock Auction, Booneville, Ark.
Hamilton County Livestock Auction, Noblesville, Ind.
Stardust Horseman's Park Horse Auction, Las Vegas, Nev.
Empire Livestock Marketing Cooperative, Inc. (Market 2), Bath, N.Y.
Maysville Livestock Auction, Maysville, Okla.
Midwest Livestock Producers Cooperative, Shullsburg, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, DC 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 15th day of January 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-861 Filed 1-20-71;8:49 am]

Rural Electrification Administration

LOAN REQUIREMENTS

Environmental Statements

Notice is hereby given that adoption of the following Bulletin is contemplated to implement section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, as it relates to loans by the Rural Electrification Administration.

All interested persons who desire to submit written comments or suggestions should send them to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after publication of this notice in the FEDERAL REGISTER. Written submissions received pursuant to this notice will be made available for public inspection in the office of the Director, Office of Program Analysis, Room 4322, South Building, U.S. Department of Agriculture, Washington, DC, during regular business hours.

[REA Bulletin 20-21 (Electric) and 320-21 (Telephone)]

SUBJECT: ENVIRONMENTAL STATEMENTS IN CONNECTION WITH REA LOANS

I. *Purpose.* This Bulletin provides for the implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) as it relates to REA loans.

II. *National Environmental Policy Act.* A. The stated purposes of this Act include: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

B. Section 102(2)(C) requires the preparation of a detailed Environmental Statement in connection with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, and requires that such Environmental Statements shall be made available to the President, the Council on Environmental Quality, and to the public, and shall accompany the proposal through agency review processes.

III. *Loan contract provisions.* REA includes in all new Loan Contracts a provision to the effect that the borrower shall observe all applicable Federal and State requirements for the protection of the environment.

IV. *Loans requiring environmental statements.* A. An Environmental Statement, in accordance with section 102(2)(C) of Public Law 91-190, will be required in connection with the consideration of any REA loan for construction purposes which individually, or together with other loans made by the Rural Electrification Administration and funds from all other sources, will result in the borrower or a group of REA borrowers owning a 50 percent or greater interest in the following types of facilities.

1. Electric generating equipment which will create generating capacity of, or increase the capacity of a generating plant to, 300,000 kilowatts or more.

2. Electric transmission lines and associated equipment designed for, or capable of, operation at nominal voltage of 230 kilovolts or more.

B. Environmental Statements will not normally be required in connection with loans for other types of electric facilities, or for telephone loans. If it is determined that an Environmental Statement will be required in connection with an application to finance such other types of facilities, the applicant will be notified.

V. *Submission of environmental analysis.* A. It will be the applicant's responsibility to prepare and submit an Environmental Analysis when application is made for a loan for which an Environmental Statement is required. This analysis shall discuss the following environmental considerations:

1. The impact of the proposed loan on the environment, including impact on ecological systems such as wildlife, fish and marine life.

2. Favorable environmental effects.

3. Any adverse environmental effects which cannot be avoided if the proposed facilities are constructed (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to environmental goals).

4. Alternatives to the proposed action, including the study, development and description of appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

5. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

6. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

B. To expedite action on the applications, the applicant should request comments on the proposed construction from all State and local agencies which are authorized to develop and enforce environmental standards, and should attach any comments and views received from such agencies to the Environmental Analysis. Fifty (50) copies of the Environmental Analysis should be submitted to REA as part of the loan application.

C. Material in the applicant's Environmental Analysis may be incorporated in whole or in part into a draft Environmental Statement which will be sent by REA to the Council on Environmental Quality and various Federal agencies, and which will be made available to various State agencies and the public.

VI. *Provision for public hearings.* A. Public hearings may be held concerning environmental aspects of a proposed loan for which an Environmental Statement is required under the provisions of this Bulletin, at the discretion of the Administrator. Such hearings will be held only in cases where, in the Administrator's opinion, the need for hearings is clearly indicated in order to adequately bring out the environmental implications of the proposed loan. If hearings are held, notice of the hearings will be published in the FEDERAL REGISTER at least thirty (30) days in advance of the hearings.

B. All persons desiring to make statements at the hearings will be invited to submit a copy of their proposed statement in writing. The hearings will be informal, and will be confined to the environmental aspects of the proposed loan.

VII. *Requests for comments on draft environmental statement.* A. REA will send copies of the draft Environmental Statement to various Federal agencies and offices which have jurisdiction by law or special expertise requesting comments on the environmental aspects of the proposed action. Comments are to be submitted within thirty (30) days. The Council on Environmental Quality will also be furnished copies of the draft Environmental Statement.

B. REA will publish a notice of receipt of the loan application, together with a brief description of the proposed facilities, in the FEDERAL REGISTER. The notice will invite comments on the environmental aspects of the project from State and local agencies which are authorized to develop and enforce environmental standards, stating that if any such agency fails to provide comments within 60 days of publication of the notice, it will be presumed that the agency has no comments to make. If any such State or local agency requests additional information, it will be sent a copy of the draft Environmental Statement. The draft Environmental Statement will be available for public review in REA's offices.

C. The final Environmental Statement will be prepared after consideration of all comments received within the time limits, including any comments obtained in connection with a public hearing, if one is held (see section VI). Copies of comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, together with the final Environmental Statement, will be supplied to the Council on Environmental Quality in the Executive Office of the President, and will be available to the public as provided for by the Freedom of Information Law, Public Law 89-487, 5 U.S.C. 552.

VIII. *Agency action on loan applications requiring environmental statements.* In the case of loan applications requiring Environmental Statements, the loan will not normally be approved until after the final Environmental Statement has been completed. The loan may however be approved conditionally with an agreement that no funds for facilities requiring an Environmental Statement under such loan will be advanced to the borrower until after the final Environmental Statement has been completed.

Dated at Washington, D.C., this 18th day of January 1971.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.71-862 Filed 1-20-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), formerly Part 5, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to Section 3-B, formerly 5-B, Organization, as follows:

Delete the center head "Health Facilities Planning and Construction Service (2500)" and the first two paragraphs and the last paragraph, and insert in place thereof the following center head and new paragraphs:

HEALTH CARE FACILITIES SERVICE (3M00)

(1) Administers a grant, loan, and consultation program for the planning, construction, modernization, equipping, and utilization of public and nonprofit health facilities, including hospitals and health centers, long-term care facilities, outpatient facilities, and rehabilitation centers; (2) administers a similar program under the District of Columbia Medical Facilities Act; (3) advises on projects assisted under the Appalachian Redevelopment Act and the Vocational Rehabilitation Act; (4) provides consultation and conducts seminars on hospital functions; and (5) develops program guide materials.

Office of the Director (3M01). (1) Plans, directs, coordinates, and evaluates the operations of the Health Care Facilities Service; (2) coordinates program relationships with other components of the Department, with other Federal agencies, with State and local agencies, and with national professional organizations; (3) provides program leadership to regional office staffs and coordinates

provision of technical support and guidance to such staff; (4) advises the Administrator on policy matters affecting the programs of the Service; and (5) directs the development and reevaluation of regulatory, procedural, and other guide materials.

* * * * *

Office of State Plans (3M55). (1) Directs the Service's formula grant program for the planning, construction, and modernization of hospitals, diagnostic and treatment centers, long-term care facilities, and rehabilitation facilities; (2) conducts consultation, study, and evaluation programs which support and supplement the grant programs; and (3) develops regulations, policies, procedures, and other guide materials.

Dated: January 15, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-844 Filed 1-20-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-371]

GULF ENERGY & ENVIRONMENTAL SYSTEMS, INC.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17678), the Atomic Energy Commission has issued License No. XR-75 to Gulf Energy & Environmental Systems, Inc., San Diego, Calif., authorizing the export of a 1,000 kilowatt thermal TRIGA Mark III nuclear research reactor to Gesellschaft fur Strahlenforschung, Munich, West Germany. The export of the reactor to West Germany is within the purview of the present Agreement for Cooperation Betwen the Government of the United States and the European Atomic Energy Community.

Dated at Bethesda, Md., this 22d day of December 1970.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[FR Doc.71-814 Filed 1-20-71;8:45 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 553 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 540-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after January 21, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 18th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-840 Filed 1-20-71;8:47 am]

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Availability of Draft Detailed Statement and Applicant's Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. have submitted an environmental report, dated November 12, 1970, which discusses environmental considerations relating to the proposed operation of the Quad-Cities Nuclear Power Station Units 1 and 2. The Commission's regulatory staff has prepared a draft detailed statement dated January 14, 1971. Copies of both the report and draft statement have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman, Rock Island County Board of Supervisors, Rock Island, Ill.

The Commission hereby requests comments on the proposed action, the draft statement and the applicant's report from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

Copies of the applicant's report dated November 12, 1970, the draft statement dated January 14, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 19th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-917 Filed 1-20-71;8:50 am]

ENVIRONMENTAL STATEMENT FOR REACTOR TESTING AT NUCLEAR ROCKET DEVELOPMENT STATION, NEV.

Notice of Availability

Notice of Availability of the USAEC General Manager's and the NASA Associate Administrator's draft.

Notice is hereby given that a draft document entitled, "Environmental Statement for Reactor Testing During FY 1971 at the Nuclear Rocket Development Station, Nevada" issued jointly by the Atomic Energy Commission and the National Aeronautics and Space Administration toward those matters set forth in the National Environmental Policy Act, section 102(2)(C), is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Nevada Operations Office, 2753 South Highland, Las Vegas, Nev. 89102; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This draft statement describes the Nuclear Rocket Development Station and the reactor testing planned at the station during fiscal year 1971 as these operations relate to potential effects on the human environment.

The Commission requests comments on the draft environmental statement from State and local agencies, with respect to matters within their jurisdiction and on which they are authorized to develop and enforce environmental standards, within 60 days of publication of this notice in the FEDERAL REGISTER. Copies of the draft environmental statement may be obtained upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 19th day of January 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-918 Filed 1-20-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-1-67]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority January 14, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 2-3 and 1-2-3 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at December 1970 meetings in Geneva subsequent to the recessed Honolulu Worldwide Passenger Fare Conference.

The agreement adopts, for application in certain geographical areas which generally do not directly involve United States points, resolutions of a technical nature which have recently been approved by the Board for application in various other areas of the world. For example, the agreement includes provisions for the alteration of fare levels and baggage charges in order to reflect the introduction in February of decimal currency in the United Kingdom, Ireland, and Gibraltar. Other provisions of the agreement are procedural in character.

Pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolution, which is incorporated in the agreement indicated, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22050:			
R-20	61a	Construction Rule for Passenger Fares	1/3

2. It is not found that the following resolutions, which are incorporated in the agreement indicated and which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22050:			
R-15	60kk	Special Effectiveness Resolution	2.
R-16	60mm	TC2 Special Effectiveness Resolution	2.
R-17	60nn	TC2 Special Effectiveness Resolution	2.
R-18	60rr	JT23 and JT123 Special Effectiveness Resolution	2.
R-19	60xx	Special Escape Resolution for International Route Charges	2/3; 1/23.
R-21	62b	Rates of Exchange	2.
R-22	62d	Decimalization of U.K., Irish, and Gibraltar Currency	2; 23.
R-23	62e	Rounding-off Passenger Fares	2; 23.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 22050, R-20, be and hereby is deferred with a view toward eventual approval; and

2. Those portions of Agreement CAB 22050 as set forth in finding paragraph 2 be and hereby are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Economic Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-848 Filed 1-20-71;8:48 am]

[Docket No. 20993; Order 71-1-72]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 15, 1971.

By Order 70-12-138, dated December 24, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-12-138 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-1 through R-6, be and it hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further,* That tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 day's notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-849 Filed 1-20-71;8:48 am]

[Docket No. 20993; Order 71-1-73]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority January 15, 1971.

By Order 70-12-140, dated December 24, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would amend the resolution governing rounding-off of cargo rates by the inclusion of the currency of Malawi.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-12-140 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22121 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-850 Filed 1-20-71;8:48 am]

[Docket No. 22646; Order 71-1-79]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority January 15, 1971.

In response to a petition filed October 14, 1970, on behalf of Jim Hankins Air Service, Inc. (Hankins), by the Postmaster General, the Board established a final service mail rate of 50.40 cents per great circle aircraft mile for the transportation of mail by aircraft between Gulfport, Miss., and Memphis, Tenn., via Laurel and Jackson, Miss. This final service mail rate was fixed by Order 70-11-86, issued November 19, 1970.

On December 11, 1970, Hankins filed a petition to amend the service mail rate currently in effect. While maintaining the same overall revenue per flight, Hankins requests a correction of the mileage from 692 to 690 miles and a revision of the applicable rate from 50.40 cents to 50.55 cents per great circle aircraft mile between the above points. The Postmaster General filed a petition in support of Hankins' request.

The Board finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Hankins by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the carrier's petition, and other matters officially noticed, the Board proposed to

issue an order[1] to include the following findings and conclusions:

1. On and after December 11, 1970, the fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.55 cents per great circle aircraft mile between Gulfport, Miss., and Memphis, Tenn., via Laurel and Jackson, Miss., based on five round trips per week.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-851 Filed 1-20-71;8:48 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23000]

MITSUILINE TRAVEL SERVICE OF AMERICA, INC.

Notice of Prehearing Conference

Mitsui Air & Sea Service Co., Ltd., doing business as Mitsuiline Travel Service of America, Inc.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 3, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 18, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-854 Filed 1-20-71;8:48 am]

[Docket No. 19078; Order 71-1-74]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Order Regarding Environmental Quality

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1970.

By Order 70-9-44, September 8, 1970, the Board affirmed, subject to certain modifications, the examiner's disposition of the issues in Phase I of the above-entitled proceeding and, in addition, broadened the scope of Phase II in several respects. The Board modified the scope of the issues further in Order 70-11-111, November 23, 1970.

Since this proceeding might result in a major Federal action significantly affecting the quality of the human environment, the Board is invoking the procedures outlined in its policy statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582).[1]

Section 399.110(b) requires the Board to state "the manner in which the contemplated action might" significantly affect the quality of the human environment and to indicate "the geographic areas in which the environmental impact is likely to occur." At this stage in the proceeding it is not possible for the Board to indicate with certainty the exact geographic areas in which any environmental impact might be expected to occur since the occurrence of any impact hinges on the locations which might be selected as metroflight airports. Obviously, however, the geographic area is limited generally to the nine metropolitan areas in issue and possible flight paths between them.[2] Similarly, the extent of any noise or air pollution, or other environmental impact which might significantly affect the quality of the human environment is also unknown at this time, hinging as it does on the aircraft types, if any, actually chosen for operations—a choice to be made from among many possible aircraft types, including some as yet undeveloped—and the nature of the operations (including altitudes, flight paths, frequencies and timing) which might ultimately be authorized.

In accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its rules of practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

Accordingly, it is ordered, That:

1. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

2. A copy of this order shall be served upon all persons served with the initial decision in this proceeding and, in addition, a copy of this order and of Orders 70-9-44 and 70-11-111 shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, and the Governors of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.[3]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-852 Filed 1-20-71;8:48 am]

[Docket No. 17665; Order 71-1-75]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Order Regarding Environmental Quality

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1971.

By Order 70-11-85, November 19, 1970, the Board instituted the above-entitled proceeding. We have determined that this proceeding might result in a major Federal action significantly affecting the quality of the human environment and are therefore invoking the procedures outlined in our policy statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582).

[1] In the first phase of this case, the examiner found that Northeast Corridor metroflight service could be established without causing unreasonable noise or resulting in significant emission of chemical pollutants. These conclusions, however, were based on a relatively limited record developed before the Board promulgated its new environmental policy. We find it appropriate at this time to reexamine the environmental issues on the basis of the guidelines set out in the policy statement.

[2] Boston, Providence, Hartford, New York, Trenton, Philadelphia, Wilmington, Baltimore, and Washington.

[3] We expect the various State and local governmental bodies served with these orders to coordinate their activities with the appropriate agencies within their jurisdictions which deal with environmental issues relevant to this proceeding.

Section 399.110(b) requires the Board to state "the manner in which the contemplated action might" significantly affect the quality of the human environment and to indicate "the geographic areas in which the environmental impact is likely to occur." At this stage in the proceeding it is not possible for the Board to indicate with certainty the exact geographic areas in which any environmental impact might be expected to occur. Generally, however, the affected geographic area is limited to the Washington and Baltimore metropolitan areas in issue and possible flight paths between them. Similarly, the extent of any noise or air pollution, or other environmental impact which might significantly affect the quality of the human environment is also unknown at this time, hinging as it does on the aircraft types, if any, actually chosen for operations and the nature of the operations (including altitudes, flight paths, frequencies and timing) which might ultimately be authorized.

In accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its rules of practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

Accordingly, it is ordered, That:

1. This proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

2. A copy of this order shall be served upon all persons served with Order 70-11-85, and, in addition, a copy of this order and Order 70-11-85 shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, and the Governors of Maryland and Virginia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-853 Filed 1-20-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. G-4616, etc.]

TEXACO INC. ET AL.

Notice for Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JANUARY 12, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4616 ..... C 12-14-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	11.2693	15.025
G-11818 12-21-70	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.72015	14.65
G-12583 D 11-19-70	Union Oil Co. of California, Union Oil Center, Los Angeles, CA 90017 (Partial abandonment).	The Jupiter Corp., Rollover Block 39 Field, Offshore Vermilion Parish, La.	(2)	- -
G-13315 E 12-9-70	R. W. Lange (successor to Skelly Oil Co.), Post Office Box 1651, Garden City, KS 67846.	Northern Natural Gas Co., acreage in Finney County, Kans. 67846.	[3] 13.0	14.65
C161-731 E 12-3-70	Suette Oil Co. and Universal Well Service Co. (successors to Skelly Oil Co.), 3731 South Darlington, Tulsa, OK 74135.	Northern Natural Gas Co., Bearns A Unit, Clark County Kans.	16.0	14.65
C163-66 E 12-14-70	Alamo Petroleum Co. (successor to Sword Co., Operator), 1150 First National Bank Bldg., Dallas, TX 75202.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[4] 11.0536	15.025
C165-518 E 11-27-70 as amended 12-7-70	Boco Engineering Production Supplies, Inc. (successor to Carol Danbe Sutton et al.), Box 283, Duncan, OK 73533.	Lone Star Gas Co., Nellie Field, Stephens County, OK.	15.0	14.65
C165-565 E 12-14-70	Delcie R. Sanford (successor to John T. Sanford), c/o Guy P. Clark, attorney, 721 Edgewood, Ponca City, OK 74601.	Cities Service Gas Co., South Hominy Field, Osage County, OK.	13.0	14.65
C168-156 D 11-23-70	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, OK.	(3)	- -
C169-1037 [5] E 12-14-70	Tonkawa Gas Processing Co. (successor to Southwest Gas Producing Co., Inc.), Fidelity Union Tower Bldg., Dallas, TX 75201.	Transcontinental Gas Pipe Line Corp., Nancy Field, Clarke County, MS.	20.6	15.025
C169-1048 [5] E 12-14-70	Tonkawa Gas Processing Co. (successor to Placid Oil Co.).	do	20.6	15.025
C169-1128 [5] E 12-21-70	Mobley & Davis 1968 (Operator) et al. (successor to King Resources Co.), 1011 Commercial National Bank Bldg., Shreveport, LA 71101.	Florida Gas Transmission Co., Port Allen Field, West Baton Rouge Parish, La.	20.6	15.025
C171-153 (C167-18) E&C 12-2-70	Clark Oil Producing Co. (successor to Pennzoil Producing Co.).	Southern Natural Gas Co., Plum Point Field, Lafourche Parish, La.	[6] 20.625 [6] 20.0 [6] 18.5	15.025
C171-454 (C169-535) F 12-1-70	R. J. Patrick (successor to Shenandoah Oil Corp. (Operator) et al.), Post Office Box 1273, Liberal, KS 67901.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	17.0	14.65
C171-455 (G-17860) F 12-3-70	Sinclair Oil Co. and Universal Well Service Co. (successors to Skelly Oil Co.).	Panhandle Eastern Pipe Line Co., Frank Chassen Unit, Meade County, Kans.	[7] 18.0	14.65
C171-456 (G-5632) F 12-3-70	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., R. M. Boyd Lease, Morton County, Kans.	16.0	14.65
C171-457 (G-5303) F 12-3-70	do	Kansas-Nebraska Natural Gas Co., Inc., Ralph Beach Lease, Finney County, Kans.	12.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-458..... (C 164-157) F 12-3-70	Suerte Oil Co., Operator and Universal Well Service Co. (successors to Skelly Oil Co.).	Kansas-Nebraska Natural Gas Co., Inc., F. E. Good Lease, Hamilton County, Kans.	13.5	14.65
C171-460..... A 12-8-70	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Caprito Area, Ward County, Tex.	[12] 27.0	14.65
C171-461..... A 12-9-70	Jones-O'Brien, Inc., Post Office Box 5152, Shreveport, LA 71105.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Plaquemines Parish, La.	[12] 26.0	15.025
C171-462..... (D-13416) F 12-4-70	Suerte Oil Co. and Universal Well Service Co. (successors to Skelly Oil Co.).	Northern Natural Gas Co., Merkle Gas Unit, Meade County, Kans.	15.0	14.65
C171-463..... A 12-10-70	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bay Jarque Field, Lafourche Parish, La.	[12] 27.5	15.025
C171-464..... A 12-10-70	William G. Darsey III, Post Office Box 2458, Lafayette, LA 70501.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Cameron Parish, La.	26.0	15.025
C171-465..... B 12-10-70	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Nathan Tatman A-631 Survey, Tyler County, Tex.	Depleted	.....
C171-466..... A 12-11-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Evetts Area, Loving and Winkler Counties, Tex.	[12] 27.0	14.65
C171-468..... (G-5304) F 12-9-70	R. W. Lange (successor to Skelly Oil Co.).	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	11.0	14.65
C171-469..... (G-5304) F 12-9-70	do	Northern Natural Gas Co., acreage in Stevens County, Kans.	[14] 14.0 [15] 10.0	14.65
C171-470..... (G-16221) F 12-9-70	do	Northern Natural Gas Co., acreage in Finney County, Kans.	[12] 13.0	14.65
C171-471..... (G-5303) F 12-9-70	do	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	[17] 12.0	14.65
C171-472..... A 12-14-70	George W. Armor, et al., 722 Southwest 22d, Oklahoma City, OK 73109.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	20.0	14.65
C171-473..... A 12-11-70	Union Oil Co. of California	Transcontinental Gas Pipe Line Corp., Fresh Water Bayou Field, Vermilion Parish, La.	[12] 26.0	15.025
C171-474..... A 12-11-70	The California Co., a division of Chevron Oil Co.	Texas Eastern Transmission Corp., Main Pass Block 103 Field (Block 19), Offshore Louisiana.	27.5	15.025
C171-475..... A 12-16-70	Texaco, Inc.	United Fuel Gas Co., Erath Field, Vermilion Parish, La.	25.0	15.025
C171-476..... B 12-15-70	George A. Bernat (Operator) et al., 320 Morningside Dr., Sarasota, FL 33577.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Uneconomical	.....
C171-477..... A 12-16-70	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	The Inland Gas Co., Inc., Eastern Kentucky Field, Knott County, Ky.	20.0	15.325
C171-478..... (C567-41) F 12-11-70	C & K Petroleum, Inc. (successor to Chambers & Kennedy), 607 Midland National Bank Bldg., Midland, TX 79701.	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	[18] 17.565625	14.65
C171-480..... B 12-16-70	Imperial Production Corp., et al., A-198 Petroleum Center, 900 Northeast Loop Expressway, San Antonio, TX 78209.	Mississipi River Fuel Corp., Waskom Field, Harrison County, Tex.	Depleted	.....

[1] Amendment to certificate filed to increase daily contract quantity.
[2] Applicant proposes to abandon delivery of gas to the Jupiter Corp. for transportation to the gas purelinser. Applicant states that gas would be delivered to Vermilion Pipeline Co., Applicant in Docket No. C171-108, for transportation to the purchaser at a lower rate.
[3] Rate in effect subject to refund in Docket No. RI69-101.
[4] Rate in effect subject to refund in Docket No. RI64-626.
[5] Deletes nonproductive lease.
[6] Pending—temporary authorization only granted.
[7] Change in Operator.
[8] Applicable to gas produced from acreage acquired from Pennzoil Producing Co.
[9] Applicable to gas-well-gas produced from added acreage.
[10] Applicable to casinghead gas produced from added acreage.
[11] Subject to 0.5 cent per Mcf deduction if Buyer desulfurizes gas.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Applicant proposes 26 cents per Mcf or area ceiling rate, whichever is higher.
[14] For gas produced from those formations deeper than the base of the Wolfcamp Series of the Permian System and above the top of the Morrowan Series of the Pennsylvanian System.
[15] For gas produced from those formations below the top of the Pennsylvanian System.
[16] Rate in effect subject to refund in Docket No. RI69-104. An increase in rate to 14 cents per Mcf was suspended in Docket No. RI71-109, but not yet made effective.
[17] Rate in effect subject to refund in Docket No. RI69-130.
[18] Includes 0.065625 cent per Mcf tax reimbursement. Rate of 17.5 cents per Mcf currently being collected subject to refund in Docket No. RI70-1484.

[FR Doc 71-749 Filed 1-20-71; 8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on October 20, 1970.[1]

The information reviewed at this meeting suggests that real output of goods and services increased slightly further in the third quarter but that employment declined and unemployment continued to rise; activity in the current quarter is being adversely affected by a major strike in the automobile industry. Wage rates generally are continuing to rise at a rapid pace, but improvements in productivity appear to be slowing the increase in costs, and some major price measures are rising less rapidly than before. Most interest rates have declined since mid-September, although yields on corporate and municipal bonds have been sustained by the continuing heavy demands for funds in capital markets. The money supply rose slightly on average in September and increased moderately over the third quarter as a whole. Bank credit expanded further in September but at a rate considerably less than the fast pace of the two preceding months. Banks continued to issue large-denomination CD's at a relatively rapid rate and experienced heavy inflows of consumer-type time and savings funds, while making substantial further reductions in their use of nondeposit sources of funds. The balance of payments deficit on the liquidity basis diminished in the third quarter from the very large second-quarter rate, but the deficit on the official settlements basis remained high as banks repaid Euro-dollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote some easing of conditions in credit markets and moderate growth in money and attendant bank credit expansion over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining bank reserves and money market conditions consistent with those objectives, taking account of the forthcoming Treasury financings.

By order of the Federal Open Market Committee, January 14, 1971.

[SEAL] ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-816 Filed 1-20-71;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of October 20, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SECURITY NEW YORK STATE CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Security New York State Corp., Rochester, N.Y., for approval of acquisition of voting shares of the successor by merger to First National Bank and Trust Company of Ithaca, Ithaca, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Security New York State Corporation, Rochester, N.Y. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of a new national bank into which would be merged First National Bank and Trust Company of Ithaca, Ithaca, N.Y. (Ithaca National). The new national bank has significance only as a means of acquiring all of the shares of the bank to be merged into it; the proposal is treated herein as a proposal to acquire shares of Ithaca National.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

The New York State Banking Board, in accordance with a recommendation of the New York Superintendent of Banks, approved an application with respect to the pending proposal, filed with it pursuant to New York law.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 10, 1970 (35 F.R. 17280), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the State's 20th largest banking organization, controls five banks which hold deposits of $397 million, representing 0.5 percent of New York's commercial bank deposits. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition by Applicant of Ithaca National ($48 million deposits) would increase its share of State deposits by 0.1 percent and would have no significant effect on the concentration of banking resources.

Ithaca National, which operates two offices in Ithaca and an office in nearby Cayuga Heights, is the smaller of two banks in Ithaca and the second largest of four banks in Tompkins County. Applicant's closest subsidiary to Ithaca National is located 25 miles northeast of Ithaca, and no office of Applicant's present subsidiary banks, which are located in the Sixth, Eighth, and Ninth New York Banking Districts, competes to any significant extent with Ithaca National which is located in the Seventh District. Furthermore, it does not appear that substantial competition is likely to develop between them because of the distances involved, the location of the banks in separate banking districts and the State law restricting branching, and, in some instances, the lack of suitable branching sites due to the rural nature of the intervening areas.

Based upon the foregoing, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Ithaca National are consistent with approval of the application. Convenience and needs considerations are consistent with approval and lend some weight thereto because Applicant plans to expand and improve present services offered by Ithaca National in such areas as investment services, municipal bond financing, electronic data processing, and fiduciary services. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] January 14, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-817 Filed 1-20-71;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

SECRETARY OF LABOR

Delegation of Authority

Pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970, to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby delegate to the Secretary of Labor subject to the general policy guidance and coordination of the Director of the Office of Emergency Preparedness (1) the authority, functions and powers granted by section 240 of that Act to provide assistance to individuals unemployed as a result of a major disaster, (2) the authority, functions and powers granted by that part of section 226(b) to provide reemployment assistance services under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster, and (3) to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

Dated: January 8, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

I consent: January 15, 1971.

JAMES D. HODGSON,
Secretary of Labor.

[FR Doc.71-842 Filed 1-20-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel and Brimmer. Absent and not voting: Governor Sherrill.

TARIFF COMMISSION

NONRUBBER FOOTWEAR

Report to the President

JANUARY 15, 1971.

Vote of Commission divided in investigation under the Trade Expansion Act of 1962.

The U.S. Tariff Commission today reported to the President the results of its investigation of the effect of imports of nonrubber footwear on the domestic industry producing like or directly competitive products, which it had made under section 301(b)(1) of the Trade Expansion Act of 1962. The investigation had been requested by the President on July 15, 1970.

In the investigation (TEA-I-18), the Commission was to determine whether nonrubber footwear is, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

The vote of the Commission was divided.[1]

Commissioners Clubb and Moore found that nonrubber footwear for men, youths, and boys and for women and misses (except for work and athletic footwear, and slippers), is, as a result in major part of concessions granted under trade agreements, being imported in such increased quantities as to threaten to cause serious injury to the domestic industries producing men's and women's leather footwear. They further found that, in order to prevent serious injury, the rates of duty on the types of footwear described above and provided for in TSUS items 700.35, 700.43, 700.45, and 700.55 must be increased as follows: 700.35 to 10 percent and the other three items to the 1969 rates. They concluded that adjustment of the industry to the import competition depended on the grant of adjustment assistance to the firms and workers concerned. Commissioners Clubb and Moore also determined that work and athletic footwear and slippers for men, youths, and boys, and women and misses are not, as a result in major part of trade-agreement concessions, being imported in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

Commissioners Sutton and Leonard found in the negative.

Under the law, the President may consider the findings of either group of Commissioners as the findings of the Commission. If the President agrees with the affirmative finding of Commissioners Clubb and Moore, he may provide tariff adjustment or adjustment assistance or both.

[1] Commissioner Young did not participate in the investigation.

Copies of the Commission's report (TC Publication 359), which contains statements of the reasons for the Commissioners' findings, are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-827 Filed 1-20-71;8:46 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners, and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, Pa.; 12-1-70 to 11-30-71 (men's and boys' shirts and women's blouses).

Blanchard Shirt Corp., Inc., Mountain View, Ark.; 11-26-70 to 11-25-71 (men's shirts).

Collinwood Manufacturing Co., Collinwood, Tenn.; 12-14-70 to 12-13-71 (men's and women's washable service garments).

Connellsville Sportswear Co., Connellsville, Pa.; 12-5-70 to 12-4-71 (men's and boys' trousers).

East Salem Manufacturing Co., Mifflintown, Pa.; 12-28-70 to 12-27-71 (ladies' blouses and dresses).

Edric Manufacturing Corp., Columbia, Tenn.; 12-30-70 to 12-29-71 (men's shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-70 to 12-18-71 (men's and boys' shirts).

Frisco Sportswear Co., Inc., Frisco City, Ala.; 12-4-70 to 12-3-71 (women's slacks).

G-B Manufacturers, Inc., Oswego, Kans.; 12-17-70 to 12-16-71 (men's trousers and men's, ladies', and boys' jeans).

Garan, Inc., Philadelphia, Miss.; 12-7-70 to 12-6-71 (boys' pants).

Garan, Inc., Starkville, Miss.; 1-3-71 to 1-2-72 (juveniles' knit shirts).

Gattman Sportswear, Inc., Gattman, Miss.; 12-8-70 to 12-7-71 (men's slacks).

Hagale Industries, Inc., Reeds Springs, Mo.; 12-18-70 to 12-17-71 (men's pants).

The Hercules Trouser Co., Hillsboro, Ohio; 12-1-70 to 11-30-71 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio; 12-1-70 to 11-30-71 (men's and boys' pants).

Hicks-Ponder Co., Yuma, Ariz.; 12-5-70 to 12-4-71 (men's pants).

Industrial Garment Manufacturing Co., Erwin, Tenn.; 12-12-70 to 12-11-71 (men's work clothing).

Juniata Garment Co., Inc., Mifflin, Pa.; 12-9-70 to 12-8-71 (women's dresses).

The H. D. Lee Co., Inc., Boaz, Ala.; 12-4-70 to 12-3-71 (men's work clothing).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-70 to 11-30-71; 10 percent of the total number of factory production workers engaged in the production of women's and children's woven underwear and sleepwear (women's and children's underwear and sleepwear).

Livingston Shirt Corp., Livingston, Tenn.; 12-31-70 to 12-30-71 (men's shirts and pajamas).

McAdoo Manufacturing Co., Inc., McAdoo, Pa.; Frangio, Inc., Hazleton, Pa.; 12-6-70 to 12-5-71 (children's polo shirts).

McNair Clothing Manufacturing Co., Brownsville, Tex.; 12-5-70 to 12-4-71 (men's and boys' pants and men's shirts).

Charles Meyers & Co., Belleville, Ill.; 11-28-70 to 11-27-71 (men's trousers).

Monroe Industries, Inc., Tellico Plains, Tenn.; 12-15-70 to 12-14-71 (men's and boys' shirts).

Panola Incorporated of Batesville, Batesville, Miss.; 12-2-70 to 12-1-71 (women's foundation garments).

Pittston Apparel Co., Pittston, Pa.; 12-8-70 to 12-7-71 (brassieres and girdles).

Punxy Sportswear Co., Inc., Punxsutawney, Pa.; 12-22-70 to 12-21-71 (misses' and ladies' slacks and blouses).

Richfield Manufacturing Co., Richfield, Pa.; 12-28-70 to 12-27-71 (men's and boys' sport and dress shirts).

Rogin, Inc., Winder, Ga.; 12-18-70 to 12-17-71; 10 learners (men's pants).

Royal Manufacturing Co., Inc., Sandersville, Ga.; 12-26-70 to 12-25-71 (men's, boys', and juveniles' sport shirts and ladies' blouses).

Samsons Manufacturing Corp., Washington, N.C.; 12-17-70 to 12-16-71 (men's shirts).

Scott Co., Inc., Anderson, S.C.; 11-26-70 to 11-25-71 (men's shirts).

Shane Manufacturing Co., Inc., Evansville, Ind.; 12-9-70 to 12-8-71; 10 learners (men's washable service apparel).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; 12-26-70 to 12-25-71 (men's and boys' pants).

Southern Garment Co., Robbins, N.C.; 12-4-70 to 12-3-71; 10 learners (women's dresses).

Stein-Way Clothing Co., Inc., Johnson City, Tenn.; 12-7-70 to 12-6-71 (men's and boys' trousers and shirts).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; 1-2-71 to 1-1-72 (men's and boys' pants).

Tri-County Shirt Co., Inc., Salem, Ark.; 11-26-70 to 11-25-71 (men's shirts).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 12-31-70 to 12-30-71 (men's and boys' trousers and shorts).

Warner's, Marianna, Fla.; 12-28-70 to 12-27-71 (women's corsets and brassieres).

Warner's, Thomasville, Ga.; 12-28-70 to 12-27-71 (women's corsets and brassieres).

Warsaw Manufacturing Co., Kingstree, S.C.; 11-29-70 to 11-28-71 (ladies' capris, shorts, and jamaicas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Denise Lingerie Corp., Johnson City, Tenn.; 11-30-70 to 2-27-71; 20 additional learners (ladies' slips, gowns, and pajamas) (supplemental certificate).

Mayflower Manufacturing Co., Inc., Scranton, Pa.; 12-12-70 to 6-11-71; 15 learners (men's and boys' pants).

Tri-County Shirt Co., Inc., Salem, Ark.; 12-11-70 to 6-10-71; 35 learners (men's shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Union Manufacturing Co., Union Point, Ga.; 12-14-70 to 12-13-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (mens' hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; 11-25-70 to 11-24-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie, sleepwear, and loungewear).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-70 to 11-30-71; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's underwear and sleepwear).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period and the number of learners authorized to be employed, are as indicated.

Emily, Inc., Adjuntas, P.R.; 12-7-70 to 12-6-71; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.29 an hour (brassieres).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Oak Park Academy, Nevada, Iowa; 9-8-70 to 8-31-71; authorizing the employment of: (1) 16 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.40 an hour for the first 500 hours and $1.45 an hour for the remaining 500 hours; and (2) 20 student-workers in the broom manufacturing industry in the occupations of broommaker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rate of $1.40 an hour for the first 180 hours and $1.45 an hour for the remaining 180 hours.

Union Springs Academy, Union Springs, N.Y.; 12-22-70 to 8-31-71; authorizing the employment of 15 student-workers in the broom manufacturing industry in the occupations of broommaker, sorter, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rate of $1.40 an hour.

The student-worker certificates were issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 13th day of January 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-823 Filed 1-20-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 4]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 15, 1971.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceedings. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 868 (Sub-No. 8) (Amendment), filed July 28, 1970, published in the FEDERAL REGISTER issue of October 8, 1970, amended, and republished in part, as amended, this issue. Applicant: SIGNAL TRUCKING SERVICE LTD., 3770 East 26th Street, Vernon, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. NOTE: The purpose of this partial republication is to broaden the scope of authority sought by adding the following: *Irregular routes:* (4) *General commodities* (subject to note), except petroleum products in bulk in tank vehicles, uncrated household goods, livestock, and commodities of unusual value, between points in the San Francisco-East Bay (California) Cartage Zone listed below; (5) *general commodities* (subject to note) except as follows: (1) Used household goods and personal effects, uncrated; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks, and (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit, between points in the Greater San Francisco Bay Area as defined below. NOTE: The commodity exceptions listed in paragraphs 4 and 5 shall not be construed as being restrictions to the commodity descriptions set forth in paragraphs 1, 2, and 3. Applicant also states that Paxton will authorizbe concurrent revocation of its certificates of registration Nos. MC 13522 (Sub-No. 10) and MC 13522 (Sub-No. 14). The rest of the application remains the same.

LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to kits intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with B Street, Hayward; thence easterly and northerly along B Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland; thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

LIMITS OF THE GREATER SAN FRANCISCO BAY AREA

Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly, and northerly along said corporate boundary to its intersection with State Highway 17; northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to the San Leandro-Oakland boundary line; easterly and northerly along the boundary line of the City of Oakland to the Berkeley-Oakland boundary line; southerly along said boundary to the campus boundary of the University of California; westerly southerly and westerly along said boundary line to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. NOTE: Applicant holds Certificates of Public Convenience and Necessity in Nos. MC-868 and No. 868 (Sub 6) thereunder, dated December 20, 1945, and October 22, 1964, respectively, issued by the Interstate Commerce Commission, authorizing transportation of certain commodities, in interstate or foreign commerce, between points solely within the State of California. Applicant is hereby cautioned that the order, of which this Appendix is a part, authorizes issuance of a "grandfather" certificate of registration as evidence of a right to continue to engage in operations, in interstate or foreign commerce, as described in the appendix above, *only insofar as such operations do not duplicate those authorized in certificate No. MC-868, and Sub-No. 6)* as issued by the Interstate Commerce Commission.

No. MC 51603 (Sub-No. 5), filed December 18, 1970. Applicant: REESE TRUCK LINE, INCORPORATED, Highway 24 Bypass, Centreville, MS 39631. Applicant's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over the following routes: (1) Between McComb and Brookhaven, Miss.; from McComb over U.S. Highway 51 and/or Interstate Highway 55 to Brookhaven; (2) between Gloster and Fayette, Miss.; from Gloster over Mississippi Highway 33 to Fayette, serving Crosby, Miss., as an intermediate point and Roxie, Miss., as an off-route point; and (3) between Centreville and Woodville, Miss.; from Centreville over Mississippi Highway 24 to Woodville, and return over the same routes in connection with (1), (2), and (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at McComb or Jackson, Miss.

No. MC 52465 (Sub-No. 38), filed December 29, 1970. Applicant: RICE TRUCK LINES, 1627 Third Street Northwest, Great Falls, MT 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Montana and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Montana or Wyoming.

No. MC 56823 (Sub-No. 3), filed December 17, 1970. Applicant: O'KEEFE TRANSPORTATION COMPANY, INC., 1234 Warwick Neck Avenue, Warwick, RI 02889. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in the Commonwealth or Massachusetts. NOTE: Applicant states joinder or tacking would occur at any Massachusetts point which is within 15 miles of Providence, R.I. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 59680 (Sub-No. 188), filed December 17, 1970. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black* (except in bulk), from plants at Tate Cove, Cabot, Westlake, Carboco, Hancock, and North Bend, La.; El Dorado, Ark.; and Youens, Tex., to points in Rhode Island, Delaware, Maryland, Kentucky, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Westlake, La., Youens, Tex., and Rhode Island points, to provide through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 61592 (Sub-No. 199), filed December 21, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, between points in

New Hampshire, Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Virginia, North Carolina, Maryland, New Jersey, Massachusetts, and New York. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 200), filed December 29, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal and pet food, and canned and packaged foodstuffs*, from Siloam Springs and Gentry, Ark., and the plantsite of Allen Canning Co., located approximately 10 miles northeast of Siloam Springs, Ark., and from Kansas and Proctor, Okla., to points in Alabama, Arizona, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico, South Dakota, North Dakota, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 201), filed December 30, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating units, storage units, and heating and storage units combined*, between Albuquerque, N. Mex., on the one hand, and, on the other, points in the United States (including Alaska but excepting Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 65916 (Sub-No. 14) (Correction), filed December 9, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as corrected this issue. Applicant: WARD TRUCKING CORP., Altoona, Pa. 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between Brookville and Greenville, Pa., from Brookville over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Sandy Lake, Pa., thence over Pennsylvania Highway 358 to Greenville, and return over the same route, and (2) between Brookville and Sharon, Pa., from Brookville over U.S. Highway 322 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with Pennsylvania Highway 518, thence over Pennsylvania Highway 518 to Sharon, and return over the same route, serving all intermediate points on the above-described routes and points in Clarion, Mercer, and Venango Counties, Pa., as off-route points. NOTE: The purpose of this republication is to correctly set forth the proposed operation. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 69492 (Sub-No. 36), filed December 10, 1970. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, KY 42301. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions*, from Union City, Tenn., to Pinckneyville, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or St. Louis, Mo.

No. MC 103993 (Sub-No. 594), filed December 14, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Weber and Bo.: Elder Counties, Utah, to points in the United States (except Alaska, Hawaii, Arizona, California, Idaho, Nevada, Oregon, and Washington); and (2) *buildings and sections of buildings*, from points in Weber and Box Elder Counties, Utah, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 103993 (Sub-No. 595), filed December 23, 1970. Applicant MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, from points in Marion County, Oreg., to points in the United States (except Alaska, Hawaii, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, and Wyoming; and (2) *buildings and sections of buildings*, from points in Marion County, Oreg., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salem, Oreg.

No. MC 103933 (Sub-No. 596), filed December 23, 1970. Applicant MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and *buildings and sections of buildings*, from Tulsa County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 103993 (Sub-No. 597), filed December 29, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, parts, materials and supplies*, (1) from Long Beach, Calif., to points in the United States including Alaska (excluding Hawaii), and (2) from Phoenix, Ariz., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Long Beach, Calif., or Phoenix, Ariz.

No. MC 103993 (Sub-No. 598), filed December 29, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building systems and components*, from points in Dubuque County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa.

No. MC 103993 (Sub-No 599), filed December 29, 1970. Applicant: MORGAN DRIVE–AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, from points in Chicasaw County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 600), filed December 29, 1970. Applicant: MORGAN DRIVE–AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from points in Creek County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106674 (Sub-No. 78) (Correction), filed December 7, 1970, published in the FEDERAL REGISTER issue of December 24, 1970 and republished as corrected this issue. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46921. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this republication is to show that Terre Haute, Ind., is located in Vigo County, Ind., in lieu of Marion County, Ind. The rest of the application remains as previously published.

No. MC 107295 (Sub-No. 453) (Amendment), filed September 28, 1970, published in the FEDERAL REGISTER issue of October 15, 1970, and republished as amended, this issue. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves and ranges*, from Cleveland, Tenn., to Ironwood, Mich.; (2) *plywood, wallboard, siding* in coils and *accessories*, from Elkhart, Ind., to Ironwood, Mich.; and (3) *doors*, from Elkhart, Ind., to Ironwood, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect an additional commodity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 801), filed December 14, 1970. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from the plantsite of the American Cyanamid Co., at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107496 (Sub-No. 796), filed December 21, 1970. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, from Memphis, Tenn., to points in Arkansas, Alabama, Illinois, Indiana, Georgia, Kentucky, Louisiana, Mississippi, and Missouri; (2) *sand and gravel*, from Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, and Wisconsin; (3) *liquified petroleum gas*, from Oostburg, Wis., to Upper Michigan Peninsula; (4) *ammonium nitrate fertilizer* in bags, from Marseilles, Ill., to Lower Michigan Peninsula; and (5) *catalyst, clay and silica gel*, from points in Wyoming to Colorado, Kansas, Nebraska, Missouri, Illinois, Minnesota, North Dakota, South Dakota, Utah, Idaho, Washington, Oregon, Oklahoma, Texas, California, Arizona, New Mexico, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 109462 (Sub-No. 13), filed December 11, 1970. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AR 72901. Applicant's representatives: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112 and Robert G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, from Miami, Okla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (2) *wood chips and wood waste*, from points in Texas, Louisiana, Arkansas, Missouri, Kansas, Mississippi, and Tennessee, to Miami, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Fort Smith, Ark.

No. MC 110525 (Sub-No. 991), filed December 11, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terpinolene and turpentine*, in bulk, in tank vehicles, from Jacksonville, Fla., to Addyston, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not indentify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo., or Washington, D.C.

No. MC 111170 (Sub-No. 154), filed December 23, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novacite and novaculite (silica)*, in bulk, from Hot Springs, Ark., to Chesterfield, Mo., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111545 (Sub-No. 151), filed December 28, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, from Anniston, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 112016 (Sub-No. 6), filed December 14, 1970. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's, men's, and children's ready-to-wear apparel stores and supplies and equipment used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Kentucky, Tennessee, Alabama, Oklahoma, North Carolina, and South Carolina, under contract with Jubilee Shops, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113843 (Sub-No. 164), filed December 21, 1970. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials and supplies* used in the conduct of meat packing businesses, between the plant site and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, New Hampshire, Maine, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117344 (Sub-No. 210), filed December 14, 1970. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terpinolene and turpentine*, in bulk, in tank vehicles, from Jacksonville, Fla., to Addyston, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117574 (Sub-No. 189) (Amendment), filed September 14, 1970, published FEDERAL REGISTER issue of October 8, 1970, amended, and republished as amended, this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water and sewer pipe, conduit, attachments and fittings* for conduit, water, and sewer pipe (except clay pipe, conduit, attachments, and fittings), between Orangeburg, N.Y., Waukegan, Ill., and St. Louis, Mo., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and, (2) *water and sewer pipe, conduit, attachments and fittings* for conduit, water, and sewer pipe (except clay pipe, conduit, attachments, and fittings; pipe, conduit, attachments, and fittings which because of size or weight require the use of special equipment, and pipe and conduit used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products or byproducts), between points in the United States (except Orangeburg, N.Y., Waukegan, Ill., and St. Louis, Mo.), in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states tacking possibilities but it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. No duplicate authority is sought. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 147), filed December 21, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *equipment, materials, and supplies* used in the conduct of the meat packing business, between the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the above-named destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118263 (Sub-No. 41) (Correction), filed December 14, 1970, published in the FEDERAL REGISTER issue of January 14, 1971, under MC 118263 (Sub-No. 14), and republished in part, as corrected, this issue. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned as No. MC 118263 (Sub-No. 41) inadvertently shown as MC 118263 (Sub-No. 14) in the previous publication. The rest of the application remains as previously published on January 14, 1971.

No. MC 118318 (Sub-No. 21), filed December 7, 1970. Applicant: IDA-CAL FREIGHTLINES, INC., Post Office Box 422, Twin Falls, ID 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soap and soap products*, from Long Beach and Berkeley, Calif.; (2) *burlap bags*, from Los Angeles, Calif.; and (3) *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials and supplies* used in conduct of such business, when moving to, from or between such establishments, from Fresno, San Francisco, Los Angeles, San Jose, Hayward, Oakland, Berkeley, Long Beach, Wilmington, Anaheim, Burbank, El Segundo, Fullerton, Glendale, Los Angeles Harbor, South Gate, San Pedro, Terminal Island, Fowler, Ivanhoe, Tulare, South San Francisco, Alameda, Emeryville, Palo Alto, Crockett, Sacramento, and Stockton, Calif., to points in Idaho on and south of the southern boundaries of Adams, Valley, and Lemhi Counties, Idaho, in connection with (1), (2), and (3) above. NOTE: Applicant states it presently can provide the service proposed by tacking its Subs 1 and 13 at Twin Falls, Idaho. Applicant further states the purpose of this application is to eliminate the Twin Falls, Idaho, gateway. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 118959 (Sub-No. 94), filed December 21, 1970. Applicant: JERRY

LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets or rugs, and carpet or rug cushioning or underlay*, rubber and plastic, and *rubber and plastic coated materials, and equipment, materials, and supplies*, between Columbus, Miss., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Columbus, Miss.

No. MC 118959 (Sub-No. 95), filed December 21, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical instruments and parts, transformers, poles and pole accessories and materials and supplies* used in the manufacture of electrical instruments and parts, transformers, poles and pole accessories, between Pickens and Wallhalla, S.C., on the one hand, and, on the other hand, points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 118959 (Sub-No. 96), filed December 21, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical instruments and parts, transformers, poles and pole accessories, and materials and supplies* used in the manufacture of electrical instruments and parts, transformers, poles, and pole accessories, (1A) between Springfield, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (1B) between Vicksburg, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119012 (Sub-No. 10), filed December 28, 1970. Applicant: RIVER TERMINALS TRANSPORT, INC., Post Office Box 176, Aurora, IN 47001. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry bulk commodities* (not including cement), in bulk, in dump trucks or other similar type self-unloading equipment; and (2) *pig iron and ferro alloys*, in dump vehicles or other similar type unloading equipment, from river terminals, located at Aurora, Ind., to points in that part of Indiana on and south of U.S. Highway 30, that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, and extending along U.S. Highway 30 to junction U.S. Highway 30N, and thence along U.S. Highway 30N to junction U.S. Highway 23, and on and west of U.S. Highway 23, from junction U.S. Highways 30N and 23 to the Ohio-Kentucky State line, and that part of Kentucky on and north of a line beginning at the Ohio River, near Ashland, Ky., and extending along U.S. Highway 60 to junction U.S. Highway 62, near Versailles, Ky., and thence along U.S. Highway 62, near Versailles, Ky., and thence along U.S. Highway 62 to the Ohio River, at Paducah, Ky. Restriction: The authority applied for herein is to be limited to commodities having a prior movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 119789 (Sub-No. 45), filed November 6, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Dallas and Fort Worth, Tex., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), Kentucky, and Pensacola and Panama City, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 120582 (Sub-No. 4), filed December 18, 1970. Applicant: McMINNVILLE FREIGHT LINE, INC., Morrison Road, Post Office Box 790, McMinnville, TN 37110. Applicant's representative: E. J. Herald (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Warren County, Tenn., and Nashville, Tenn., as off-route points in connection with applicant's presently held authority between Nashville and McMinnville. NOTE: Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123407 (Sub-No. 76), filed December 22, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse of North Star Steel Co. at Newport, Minn., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Maryland, North Carolina, Pennsylvania, South Carolina, Ohio, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125506 (Sub-No. 13) (Amendment), filed November 27, 1970, published in the FEDERAL REGISTER December 30, 1970, amended and republished as amended, this issue. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, NY. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops, dealing primarily in wearing apparel (excluding new furniture and appliances) and, *advertising, display materials, store fixtures and furniture;* (1) between New York, N.Y., on the one hand, and, on the other, Boston, Mass., and Chevy Chase, Md., under contract with Saks & Co., and (2) between shipper's stores, distribution centers and warehouses located at New York, N.Y.; Paramus and Eatontown, N.J.; under contract with Lane Bryant, Inc. NOTE: The purpose of this republication is to broaden the scope of the authority sought and to add an additional shipper. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127042 (Sub-No. 70), filed December 21, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Green Bay, Wis., to points in Colorado, Florida, Georgia, Louisiana, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Alabama. NOTE: Applicant states tacking possibilities, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking.

Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 128375 (Sub-No. 52) (Amendment), filed September 28, 1970, published in the FEDERAL REGISTER Issue of October 22, 1970, and republished as amended this issue. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, NE 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. NOTE: The purpose of this partial republication is to redescribe the territorial scope of the application as follows: (1) From points in Los Angeles County, Calif., to points in Washington, Oregon, Idaho, Utah, Arizona, New Mexico, Texas, and Colorado; and (2) from Harvey, Ill., to all points in Los Angeles County, Calif., all under continuing contract with Maremont Corp. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Denver, Colo. The rest of the application remains as previously published.

No. MC 128504 (Sub-No. 3), filed August 26, 1970. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, a partnership, doing business as BARNETT'S MOVING AND STORAGE, Post Office Box 726, 507 West Adams Street, Kosciusko, MS 39090. Applicant's representatives: Mrs. James M. Barnett and Alton Massey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps with globes, lamps without globes, pole lamps and shades*, in truckload quantities, and raw materials for the maufacture thereof to factory, from Kosciusko, Miss., to points in Mississippi, Alabama, Arkansas, Connecticut, Delaware, Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Wisconsin, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Missouri, and West Virginia, and on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson or Greenwood, Miss., or Memphis, Tenn.

No. MC 129282 (Sub-No. 9), filed December 11, 1970. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster Street, Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, except in bulk in tank vehicles, from Monroe and West Monroe, La., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex., or Shreveport, La.

No. MC 129307 (Sub-No. 46), filed December 15, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, MI 49071. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials, supplies, and products* used in or produced by the food processing industry (except in bulk or commodities which because of size or weight require the use of special equipment); (1) between Springdale, Ark., on the one hand, and, on the other, points in Missouri, Iowa, Illinois, Kentucky, Kansas, and Nebraska; and (2) between Lawton, Mich., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, Kansas, Nebraska, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133775 (Sub-No. 8), filed December 17, 1970. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Boulevard, Chicago, IL 60602. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Indiana, Ohio, Pennsylvania, New York, West Virginia, New Jersey, Maryland, Delaware, and the District of Columbia; and (2) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Indiana, Ohio, Pennsylvania, New York, West Virginia, New Jersey, Maryland, Delaware, and the District of Columbia, to the plantsite of and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133777 (Sub-No. 4), filed December 15, 1970. Applicant: METAL CARRIERS, INC., 400 West Main Street, Dallas, TX 75208. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap nonferrous metals*, from Dallas and Fort Worth, Tex., to points in Illinois, Missouri, Tennessee, and Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territory which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Houston, Tex.

No. MC 133805 (Sub-No. 3), filed December 21, 1970. Applicant: LONE STAR CARRIERS, INC., Post Office Box 11304, 740 North Houston, Fort Worth, TX 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134182 (Sub-No. 4), filed December 18, 1970. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION CORP., Second and West Turnpike Road, Lawrence, KS 65340. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Indiana, Wisconsin, and that part of the Lower Peninsula of Michigan situated on and south of a line commencing at Muskegon, thence easterly over Interstate Highway 96 to Grand Rapids, thence over Michigan Highway No. 21 to Port Huron; and from Rossville, Ill.; Glencoe and Owatonna, Minn.; and Biglerville, Pa.; to the point in the Kansas City, Mo.-Kans. commercial zone and to Springfield, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 134449 (Sub-No. 2), filed December 14, 1970. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, BC Canada. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, counter tops and parts thereof*, from ports of entry on the international boundary between the United States and Canada at or near Blaine and Sumas, Wash., to points in King and Pierce Counties, Wash., and points in Alameda, San Francisco, Contra Costa, Marin, San Mateo, Santa Cruz, Santa Clara, Sonoma, and Solano Counties, Calif., under contract with Crestwood Kitchens, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134460 (Sub-No. 3), filed December 16, 1970. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled equipment, from Los Angeles Harbor Commercial Zone, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134793 (Sub-No. 2), filed August 26, 1970. Applicant: EDWIN LINDEN, doing business as EAST-WEST REFRIGERATED FREIGHT LINES, 520 East Ogden Avenue, Naperville, IL 60540. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, IL 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Storm windows and doors*, completely assembled and glazed; (2) *awnings*, fibreglass and aluminum, assembled and knocked down; and (3) *aluminum patio covers*, knocked down, from the plantsite of Kinkead Industries, Inc., at Warrenville, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, under contract with Kinkead Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Wahington, D.C.

No. MC 134978 (Sub-No. 2), filed December 10, 1970. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, SC 29323. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products* for building, highway, sewer, and utility construction, from Fairforest, S.C., to points in Georgia and North Carolina, and points in Tennessee on and east of U.S. Highway 231. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Spartanburg, S.C.

No. MC 135172, filed December 8, 1970. Applicant: SAM CASH, doing business as CASH CONTRACT CARRIER, 1113 North 48th Street, Muskogee, OK 74401. Applicant's representative: Frank R. Hickman, 825 Wright Building, Tulsa, OK 74102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ultimate control systems and their byproducts*, and *furniture* for commercial use, generally for Stephens Manufacturing Co., Muskogee, Okla., from Muskogee, Okla., to points in Oklahoma, under contract with Stephens Manufacturing Co., and P. & H. Supply Co., Muskogee, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 135173, filed December 10, 1970. Applicant: ANTHONY DI COLA, 42 Harlam Street, Providence, RI 02909. Applicant's representative: S. Thomas Cotroneo, 111 Industrial Bank Building, Providence, RI 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between Massachusetts, Connecticut, New York, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rhode Island, Massachusetts, or Connecticut.

MOTOR CARRIER OF PASSENGERS

No. MC 134317 (Sub-No. 2), filed January 6, 1971. Applicant: P & L PROCESSORS, INC., Stockton, MD 21864. Applicant's representative: E. Dale Adkins, Jr., 111 High Street, Salisbury, MD 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Accomack and Northampton Counties, Va., on the one hand, and, on the other, plantsite of P & L Processors, Inc., Stockton, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury or Snow Hill, Md.

MOTOR CARRIER OF PASSENGERS

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 163), filed December 21, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Route 1A: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Wooster and Mansfield, Ohio: From Wooster, Ohio, over relocated U.S. Highway 30 to Mansfield, Ohio, and return over the same route, serving all intermediate points; Route 2A: between New Albany, Ind., and the junction of relocated U.S. Highway 150 and old U.S. Highway 150 (unnumbered highway known as Paoli Pike) approximately 2 miles southeast of Galena, Ind.; from New Albany, Ind., over relocated U.S. Highway 150 to the junction of old U.S. Highway 150 (unnumbered highway known as Paoli Pike) approximately 2 miles southeast of Galena, Ind., and return over the same route, serving all intermediate points.

Part B—*Authority Sought To Be Abandoned by Applicant*—Route 1B. In connection with Route 1A, authority is sought to abandon that portion of applicant's present authority over old U.S. Highway 30 (renumbered Ohio Highway 430) between Wooster and Mansfield, Ohio, as contained in certificate No. MC 1501, Sub 92 (renumbered MC 1515 Sub 8), Sheet No. 1. Route 2B—In connection with Route 2A, authority is sought to abandon that portion of applicant's present authority over old U.S. Highway 150 (presently unnumbered highway known as State Street and Paoli Pike) between New Albany, Ind. and the junction of relocated U.S. Highway 150 approximately 2 miles southeast of Galena, Ind., as contained in certificate No. MC 1501, Sub 104 (renumbered MC 1515, Sub 8), Sheet No. 2. Route 3B—To abandon authority as contained in certificate No. MC 1501, Sub 92 (renumbered MC 1515, Sub 8), Sheet No. 10 as follows: "Between Indianapolis and Marion, Ind.: From Indianapolis over Indiana Highway 37 to junction Indiana Highway 13, thence over Indiana Highway 13 to Elwood, Ind., thence over Indiana Highway 28 to junction Indiana Highway 37, and thence over Indiana Highway 37 to Marion, and return over the same route, serving the intermediate points of Allisonville, Noblesville, Clare, Strawtown, Elwood, Rigdon, and Radley, Ind. (That portion of Indiana Highway 37 between Indianapolis and a point 2 miles east of Noblesville is presently designated as Indiana Highway 37A.)"

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-782 Filed 1-20-71;8:45 am]

[Notice 636]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 15, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant

to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72499. By order of January 13, 1971, the Motor Carrier Board approved the transfer to James O. Shives, Melvin, Ill., of permit No. MC-127252, issued April 29, 1966, to Wayne Tarvin and Richard Tarvin, doing business as Tarvin Trucking Co., Dewey, Ill., authorizing the transportation of Farm machinery, as specified, from Des Moines, Dubuque, Ottumwa, and Waterloo, Iowa, and Horicon, Wis., to Gibson City, Ill. Mack Stephenson, Attorney at Law, 301 North Second Street, Springfield, IL 62702, attorney for applicants.

No. MC-FC-72566. By order of January 13, 1971, the Motor Carrier Board approved the transfer to Bessette Transport, Inc., 505 Provost Street, Iberville, Quebec, Canada, of Certificate No. MC-118934 (Sub-No. 1) issued to Maurice Bedard Transport, Inc., 30 Cardinal St., St. Johns, PQ Canada, authorizing the transportation of: Agricultural machinery, implements, and parts therefor, from Belleville, Intercourse, Mountville, and New Holland, Pa., to ports of entry on the United States-Canada boundary line, at Champlain and Rouses Point, N.Y.

No. MC-FC-72579. By order of January 13, 1971, the Motor Carrier Board approved the transfer to Savage Trucking Co., Inc., Chester Depot, Vt., of permit No. MC-124545, issued April 21, 1964, to Ernest E. Gilman, doing business as Gilman Transportation Co., Lebanon, N.H., authorizing the transportation of mined and ground tale, in bags, in shipper-owned trailers, from Chester, Vt., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Vermont Tale Co., of Chester, Vt. Dual authority is authorized. Werner and Alfano, 2 West 45th Street, New York, NY 10036, attorneys for transferee. Marshall and Marshall, 135 State Street, Springfield, MA 01103, attorneys for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-784 Filed 1-19-71;8:48 am]

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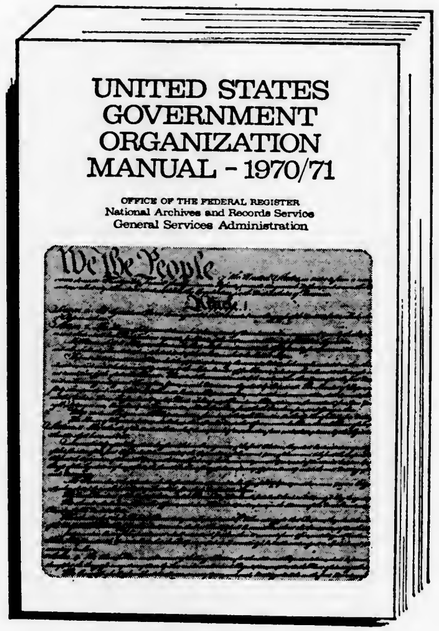

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VOLUME 36 • NUMBER 15

Friday, January 22, 1971 • Washington, D.C.

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EXECUTIVE ORDER 11581

Amending Executive Order No. 11248, Placing Certain Positions in Levels IV and V of the Federal Executive Salary Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, as amended, Executive Order No. 11248 [1] of October 10, 1965, as amended, is further amended as follows:

1. Section 1 of that Order, placing certain positions in level IV of the Federal Executive Salary Schedule, is amended—

(a) by deleting "(6) Deputy Administrator, Federal Highway Administration, Department of Transportation."; and

(b) by renumbering items (7), (8), (9), (10), and (11) as (6), (7), (8), (9), and (10), respectively.

2. Section 2 of that Order, placing certain positions in level V of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(24) Deputy Administrator, Federal Railroad Administration, Department of Transportation.

Richard Nixon

THE WHITE HOUSE,
January 20, 1971.

[FR Doc.71-1012 Filed 1-21-71;8:46 am]

[1] 30 F.R. 12999; 3 CFR, 1964–1965 Comp., p. 349.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that in the National Endowment for the Arts the position of Assistant Director of Music Programs is excepted under Schedule A until June 30, 1971. It is also amended to show that in the National Endowment for the Humanities the position of Director of State-Based Humanities Programs is excepted under Schedule A until June 30, 1971. Effective on publication in the FEDERAL REGISTER (1-22-71), subparagraph (14) of paragraph (a) and subparagraph (14) of paragraph (b) are added to § 213.3182 as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* * * *

(14) Until June 30, 1971, one Assistant Director of Music Programs.

(b) *National Endowment for the Humanities.* * * *

(14) Until June 30, 1971, one Director of State-Based Humanities Programs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-980 Filed 1-21-71;8:51 am]

PART 531—PAY UNDER THE CLASSIFICATION SYSTEM

Conversion Rules for Rates of Basic Pay

Part 531 is amended to provide pay conversion rules for the initial pay adjustment under the General Schedule pursuant to the Federal pay Comparability Act of 1970 and Executive Order 11576. Section 531.205 is amended as set out below.

§ 531.205 Pay conversion rules for rates of basic pay in the General Schedule adjusted under Public Law 91-656 and Executive Order 11576.

(a) Except as provided in paragraphs (b) and (c) of this section the rate of basic pay of an employee subject to the General Schedule shall be initially adjusted effective the first day of the employee's first pay period which begins on or after January 1, 1971, as follows:

(1) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at one of the rates of a grade in the General Schedule, he shall receive the rate of basic pay for the corresponding numerical rate of the grade in effect on and after such date.

(2) If the employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate between two rates of a grade in the General Schedule, he shall be paid the higher of the two corresponding rates of basic pay in effect on and after such date.

(3) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate in excess of the maximum rate of his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by Executive Order 11576 in the maximum rate for his grade.

(4) If an employee, immediately before the effective date of his pay adjustment is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of his pay adjustment, plus the amount of increase made by Executive Order 11576 in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the opeartion of any provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to subdivisions (i) and (ii) of this subparagraph, the amount of the increase authorized by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

(b) Rates of basic pay authorized under section 5303 of title 5, United States Code, paid to an employee subject to the General Schedule shall be adjusted in accordance with § 530.307 (b)(1) of this chapter.

(c) Adjustments made in the General Schedule under Public Law 91-656 and Executive Order 11576 do not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

(5 U.S.C. 5305; sec. 4, E.O. 11576)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-931 Filed 1-21-71;8:51 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$10.80 per hour," "$13 per hour," and "$21.60 per hour" to "$11.60 per hour," "$13.80 per hour," and "$23.20 per hour" respectively.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Federal Pay Comparability Act of 1970 (Public Law 91-656) and Executive Order 11576 increases salaries paid to Federal employees. Public Law 91-418 made changes in the Federal Health Benefit Law which increased the Government's contributions to health premiums. Therefore, it has been determined that in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees, increases in contributions to health premiums, and increases in operating cost, the hourly fee must be increased as provided for herein. The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions

of 5 U.S.C. 553, it is found that notice and other public procedure with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective February 7, 1971, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 19th day of January 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-928 Filed 1-21-71;8:50 am]

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds, Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Amendments of reapportionment for the States and total as listed below.

A third apportionment pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for fiscal year ending June 30, 1970, was published in the FEDERAL REGISTER on September 15, 1970 (35 F.R. 14435). The third apportionment is amended for the States and total listed as follows:

State	Total apportionment	State agency	Withheld for private schools
Illinois	$6,575,863	$6,575,863	
North Dakota	358,153	318,271	$39,882
Oregon	615,428	598,231	17,197
Pennsylvania	8,287,945	4,652,508	635,437
Total	101,607,185	95,170,286	6,436,899

(Secs. 2, 3, 6, 8-16, 80 Stat. 885-890, 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: January 15, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-857 Filed 1-21-71;8:45 am]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1971

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended, milk assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,985,755	$1,917,969	$67,786
Alaska	34,723	34,723	
Arizona	446,611	446,611	
Arkansas	1,079,308	1,030,940	48,368
California	8,411,669	8,411,669	
Colorado	970,734	886,200	84,534
Connecticut	1,775,152	1,775,152	
Delaware	317,928	281,388	36,540
Del. Dept. of Adm. Services	18,050	18,050	
District of Columbia	589,605	589,605	
Florida	1,982,000	1,982,000	
Georgia	1,627,872	1,597,945	29,927
Hawaii	130,861	92,501	38,360
Idaho	213,947	163,902	50,045
Illinois	6,648,477	6,648,477	
Indiana	2,999,601	2,999,601	
Iowa	1,407,902	1,228,849	179,053
Kansas	1,093,598	1,093,598	
Kentucky	2,076,729	2,076,729	
Louisiana	684,263	684,263	
Maine	517,658	445,492	72,166
Maryland	2,315,708	1,997,136	318,572
Md. Dept. of Gen. Services	58,659	58,659	
Massachusetts	3,464,912	3,464,912	
Michigan	5,525,300	4,614,274	911,026
Minnesota	2,887,044	2,592,088	294,956
Mississippi	1,335,300	1,335,300	
Missouri	2,398,994	2,358,257	40,737
Montana	207,442	179,004	28,438
Nebraska	660,871	551,881	108,990
Nevada	196,257	144,832	21,425
New Hampshire	505,435	433,087	72,348
New Jersey	3,723,775	3,190,337	533,438
New Mexico	678,033	402,504	275,529
New York	9,291,648	9,291,648	
N.Y. Off. Gen. Serv	424,498	424,498	
North Carolina	3,369,045	3,369,045	
North Dakota	359,518	321,786	37,732
Ohio	6,600,360	5,804,837	795,523
Ohio Dept. Pub. Wel	193,649	193,649	
Oklahoma	1,121,654	1,121,654	
Oregon	620,798	604,837	15,961
Pennsylvania	5,321,278	4,702,670	618,608
Rhode Island	523,719	523,719	
South Carolina	622,770	528,720	94,050
South Dakota	365,702	365,702	
Tennessee	1,983,257	1,907,277	75,980
Texas	4,209,874	3,948,756	261,118
Utah	339,331	334,491	4,840
Vermont	277,300	264,776	12,524
Virginia	1,909,662	1,766,131	143,531
Washington	1,374,028	1,168,917	205,711
West Virginia	736,860	701,723	35,148
Wisconsin	3,589,058	2,891,798	698,160
Wyoming	105,019	105,019	
Total	102,280,860	96,069,718	6,211,142

(Secs. 2, 3, 6, and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: January 15, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-858 Filed 1-21-71;8:45 am]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1971

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and Nonfood Assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment
Alabama	$448,130
Alaska	59,580
Arizona	125,280
Arkansas	294,389
California	470,660
Colorado	118,749
Connecticut	92,900
Delaware	64,973
District of Columbia	82,194
Florida	344,878
Georgia	482,061
Hawaii	69,817
Idaho	77,498
Illinois	348,436
Indiana	203,793
Iowa	188,679
Kansas	134,365
Kentucky	368,267
Louisiana	405,029
Maine	93,443
Maryland	163,259
Massachusetts	152,658
Michigan	298,296
Minnesota	201,774
Mississippi	435,385
Missouri	285,318
Montana	78,862
Nebraska	122,648
Nevada	56,508
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New Jersey	172,455
New Mexico	122,614
New York	483,306
North Carolina	601,304
North Dakota	95,689
Ohio	349,848
Oklahoma	209,094
Oregon	98,503
Pennsylvania	421,217
Rhode Island	75,643
South Carolina	386,705
South Dakota	104,530
Tennessee	429,870
Texas	796,082
Utah	75,112
Vermont	67,625
Virginia	359,734
Washington	122,380
West Virginia	221,146
Wisconsin	175,986
Wyoming	61,211
Guam	5,465
Puerto Rico	221,978
Virgin Islands	2,532
Samoa, American	2,133
Trust Territory	7,892
Total	$12,000,000

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: January 15, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-859 Filed 1-21-71;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Wheat Set-Aside Program for Crop Years 1971-73

A new subpart is being issued to govern the wheat set-aside program for the crop years 1971-73. Section 728.35 of the new subpart reads as follows (the remaining

text of the subpart will be issued as an amendment):

§ 728.35 County projected yields.

(a) A county projected yield has been determined for each wheat producing county in the United States for the 1971 crop, except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for 1971 was determined on the basis of the average of the 5-year (1965-69) annual yields per harvested acre of wheat for the county as determined by the Statistical Reporting Service, adjusted for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices.

(b) The county projected yields for 1971 are as follows:

ALABAMA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Autauga	29.5	Jackson	28.1
Baldwin	23.2	Jefferson	28.3
Barbour	26.1	Lamar	30.5
Bibb	27.0	Lauderdale	30.0
Blount	29.3	Lawrence	28.3
Bullock	24.2	Lee	26.7
Butler	----	Limestone	31.3
Calhoun	29.1	Lowndes	23.6
Chambers	25.5	Macon	25.7
Cherokee	28.0	Madison	30.6
Chilton	27.5	Marengo	25.7
Choctaw	----	Marion	28.1
Clarke	25.3	Marshall	27.6
Clay	26.1	Mobile	24.6
Cleburne	27.0	Monroe	30.2
Coffee	27.3	Montgomery	26.4
Colbert	29.6	Morgan	29.3
Conecuh	30.4	Perry	25.0
Coosa	23.7	Pickens	27.8
Covington	26.9	Pike	27.9
Crenshaw	28.7	Randolph	26.8
Cullman	29.5	Russell	26.0
Dale	27.1	St. Clair	30.1
Dallas	26.7	Shelby	28.8
De Kalb	28.5	Sumter	27.8
Elmore	25.3	Talladega	27.7
Escambia	27.2	Tallapoosa	26.1
Etowah	26.7	Tuscaloosa	26.9
Fayette	30.7	Walker	29.7
Franklin	29.6	Washington	26.1
Geneva	26.2	Wilcox	28.1
Greene	23.8	Winston	28.8
Hale	22.6	State check yield	28.0
Henry	26.3		
Houston	26.0		

ARIZONA

Apache	18.6	Navajo	16.9
Cochise	64.5	Pima	57.6
Coconino	16.6	Pinal	55.7
Gila	----	Santa Cruz	----
Graham	61.9	Yavapai	25.6
Greenlee	54.1	Yuma	64.6
Maricopa	63.7	State check yield	55.8
Mohave	24.7		

ARKANSAS

Arkansas	31.0	Cleburne	20.7
Ashley	24.0	Cleveland	----
Baxter	24.6	Columbia	----
Benton	28.5	Conway	28.1
Boone	24.7	Craighead	29.8
Bradley	----	Crawford	31.0
Calhoun	----	Crittenden	34.5
Carroll	28.8	Cross	35.4
Chicot	28.2	Dallas	----
Clark	----	Desha	29.5
Clay	29.6	Drew	25.8

ARKANSAS—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Faulkner	29.6	Nevada	----
Franklin	27.0	Newton	22.7
Fulton	20.6	Ouachita	----
Garland	21.1	Perry	24.6
Grant	23.3	Phillips	31.5
Greene	28.0	Pike	----
Hempstead	28.0	Poinsett	32.2
Hot Spring	31.1	Polk	24.3
Howard	----	Pope	25.0
Independence	30.2	Prairie	27.7
Izard	22.5	Pulaski	29.3
Jackson	28.8	Randolph	26.7
Jefferson	30.0	St. Francis	33.2
Johnson	29.5	Saline	19.5
Lafayette	28.5	Scott	----
Lawrence	28.8	Searcy	18.1
Lee	30.9	Sebastian	26.5
Lincoln	30.1	Sevier	----
Little River	27.0	Sharp	29.4
Logan	30.0	Stone	22.8
Lonoke	33.9	Union	----
Madison	31.2	Van Buren	31.1
Marion	28.2	Washington	31.7
Miller	22.7	White	21.7
Mississippi	34.0	Woodruff	30.1
Monroe	31.9	Yell	26.7
Montgomery	21.8	State check yield	31.0

CALIFORNIA

Alameda	31.6	Riverside	25.1
Alpine	29.3	Sacramento	48.6
Amador	31.0	San Benito	32.9
Butte	50.3	San Bernardino	25.1
Calaveras	----	San Diego	28.5
Colusa	51.7	San Francisco	----
Contra Costa	50.2	San Joaquin	55.9
Del Norte	----	San Luis Obispo	17.5
El Dorado	----	San Mateo	22.1
Fresno	51.9	Santa Barbara	18.3
Glenn	40.7	Santa Clara	27.1
Humboldt	----	Santa Cruz	----
Imperial	67.3	Shasta	24.5
Inyo	26.6	Sierra	24.1
Kern	37.6	Siskiyou	36.7
Kings	56.4	Solano	49.0
Lake	31.0	Sonoma	25.0
Lassen	37.5	Stanislaus	34.6
Los Angeles	27.0	Sutter	52.2
Madera	26.6	Tehama	39.8
Marin	29.9	Trinity	----
Mariposa	29.3	Tulare	27.7
Mendocino	35.1	Tuolumne	27.3
Merced	44.9	Ventura	24.9
Modoc	43.8	Yolo	54.5
Mono	26.9	Yuba	47.1
Monterey	32.4	State check yield	34.1
Napa	34.7		
Nevada	----		
Orange	21.1		
Placer	27.6		
Plumas	23.2		

COLORADO

Adams	21.7	Douglas	20.8
Alamosa	33.7	Eagle	38.0
Arapahoe	20.7	Elbert	18.0
Archuleta	30.4	El Paso	15.2
Baca	16.3	Fremont	22.1
Bent	20.9	Garfield	29.6
Boulder	26.2	Gilpin	----
Chaffee	32.6	Grand	23.7
Cheyenne	17.4	Gunnison	----
Clear Creek	----	Hinsdale	----
Conejos	31.5	Huerfano	16.1
Costilla	34.9	Jackson	26.3
Crowley	18.2	Jefferson	26.0
Custer	21.7	Kiowa	15.8
Delta	47.8	Kit Carson	19.5
Denver	----	Lake	----
Dolores	23.0	La Plata	24.8

COLORADO—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Larimer	24.2	Pueblo	18.6
Las Animas	16.9	Rio Blanco	29.7
Lincoln	17.0	Rio Grande	35.3
Logan	22.8	Routt	32.1
Mesa	29.2	Saquache	34.0
Mineral	----	San Juan	----
Moffat	30.2	San Miguel	23.9
Montezuma	21.6	Sedgwick	27.3
Montrose	42.8	Summit	----
Morgan	23.9	Teller	35.1
Otero	38.6	Washington	19.8
Ouray	25.4	Weld	22.0
Park	----	Yuma	21.6
Phillips	25.2	State check yield	20.4
Pitkin	38.0		
Prowers	21.0		

CONNECTICUT

Fairfield	34.4	New London	----
Hartford	34.4	Tolland	34.4
Litchfield	34.4	Windham	34.4
Middlesex	34.4	State check yield	34.4
New Haven	34.4		

DELAWARE

Kent	37.8	State check yield	40.0
New Castle	43.6		
Sussex	37.9		

FLORIDA

Alachua	20.7	Lee	----
Baker	19.5	Leon	24.2
Bay	----	Levy	22.1
Bradford	----	Liberty	22.7
Brevard	----	Madison	25.0
Broward	----	Manatee	----
Calhoun	30.0	Marion	26.7
Charlotte	----	Martin	----
Citrus	----	Monroe	----
Clay	----	Nassau	----
Collier	----	Okaloosa	29.1
Columbia	24.5	Okeechobee	----
Dade	----	Orange	----
De Soto	----	Osceola	----
Dixie	----	Palm Beach	----
Duval	----	Pasco	----
Escambia	28.7	Pinellas	----
Flagler	----	Polk	----
Franklin	----	Putnam	----
Gadsden	30.8	St. Johns	----
Gilchrist	23.4	St. Lucie	----
Glades	----	Santa Rosa	28.2
Gulf	----	Sarasota	----
Hamilton	27.1	Seminole	----
Hardee	----	Sumter	22.2
Hendry	----	Suwannee	23.7
Hernando	----	Taylor	----
Highlands	----	Union	----
Hillsborough	----	Volusia	----
Holmes	27.2	Wakulla	----
Indian River	----	Walton	27.5
Jackson	30.3	Washington	23.5
Jefferson	23.1	State check yield	27.4
Lafayette	18.3		
Lake	----		

GEORGIA

Appling	36.2	Butts	34.1
Atkinson	32.6	Calhoun	32.9
Bacon	29.5	Camden	----
Baker	30.8	Candler	35.9
Baldwin	28.7	Carroll	32.7
Banks	25.7	Catoosa	28.7
Barrow	30.0	Charlton	----
Bartow	31.8	Chatham	22.1
Ben Hill	32.1	Chattahoochee	----
Berrien	31.0	Chattooga	32.0
Bibb	34.4	Cherokee	32.6
Bleckley	35.4	Clarke	29.3
Brantley	----	Clay	28.0
Brooks	31.6	Clayton	30.6
Bryan	23.7	Clinch	----
Bulloch	31.2	Cobb	25.7
Burke	32.4		

GEORGIA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Coffee	34.3	Marion	37.7
Colquitt	35.7	Meriwether	32.1
Columbia	33.1	Miller	29.4
Cook	28.8	Mitchell	35.2
Coweta	23.5	Monroe	29.9
Crawford	33.6	Montgomery	34.7
Crisp	35.5	Morgan	31.7
Dade	19.2	Murray	33.6
Dawson	25.1	Muscogee	37.3
Decatur	32.1	Newton	27.6
De Kalb	27.8	Oconee	37.0
Dodge	28.6	Oglethorpe	33.0
Dooly	37.2	Paulding	30.0
Dougherty	30.3	Peach	35.4
Douglas	29.0	Pickens	28.1
Early	29.1	Pierce	22.7
Echols	22.7	Pike	30.3
Effingham	27.8	Polk	31.0
Elbert	28.5	Pulaski	37.4
Emanuel	34.0	Putnam	24.3
Evans	28.9	Quitman	31.8
Fannin	27.9	Rabun	24.0
Fayette	31.1	Randolph	33.0
Floyd	33.6	Richmond	33.2
Forsyth	29.5	Rockdale	24.2
Franklin	27.3	Schley	36.0
Fulton	26.2	Screven	32.8
Gilmer	21.7	Seminole	31.9
Glascock	30.6	Spalding	32.3
Glynn	----	Stephens	26.4
Gordon	30.2	Stewart	32.7
Grady	33.4	Sumter	39.6
Greene	24.5	Talbot	31.5
Gwinnett	28.7	Taliaferro	26.2
Habersham	24.3	Tattnall	33.4
Hall	30.0	Taylor	29.4
Hancock	27.3	Telfair	38.1
Haralson	29.2	Terrell	34.4
Harris	25.4	Thomas	31.9
Hart	29.1	Tift	35.8
Heard	32.7	Toombs	36.0
Henry	32.1	Towns	27.6
Houston	41.0	Treutlen	29.5
Irwin	30.2	Troup	25.0
Jackson	30.8	Turner	36.2
Jasper	32.6	Twiggs	34.9
Jeff Davis	30.7	Union	26.3
Jefferson	31.2	Upson	34.2
Jenkins	31.3	Walker	35.0
Johnson	33.7	Walton	29.4
Jones	28.1	Ware	----
Lamar	33.1	Warren	30.5
Lanier	28.6	Washington	36.1
Laurens	35.8	Wayne	----
Lee	32.4	Webster	36.3
Liberty	----	Wheeler	34.7
Lincoln	25.5	White	21.4
Long	----	Whitfield	32.0
Lowndes	28.5	Wilcox	34.8
Lumpkin	26.6	Wilkes	25.7
McDuffie	31.2	Wilkinson	29.3
McIntosh	----	Worth	32.5
Macon	38.1	State check yield	32.0
Madison	29.5		

IDAHO

Ada	55.1	Clark	33.2
Adams	32.0	Clearwater	52.9
Bannock	32.7	Custer	48.0
Bear Lake	31.5	Elmore	47.2
Benewah	61.7	Franklin	37.1
Bingham	60.1	Fremont	46.6
Blaine	49.7	Gem	68.1
Boise	38.1	Gooding	71.6
Bonner	38.9	Idaho	59.4
Bonneville	45.3	Jefferson	64.8
Boundary	56.4	Jerome	84.5
Butte	43.8	Kootenai	47.9
Camas	22.6	Latah	67.6
Canyon	90.0	Lemhi	53.8
Caribou	35.2	Lewis	65.4
Cassia	45.1	Lincoln	69.3

IDAHO—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Madison	49.8	Shoshone	----
Minidoka	75.4	Teton	37.1
Nez Perce	66.5	Twin Falls	79.3
Oneida	30.2	Valley	37.5
Owyhee	83.3	Washington	48.5
Payette	79.5	State check yield	50.3
Power	29.7		

ILLINOIS

Adams	35.5	Livingston	39.7
Alexander	37.3	Logan	42.9
Bond	42.7	McDonough	37.4
Boone	37.7	McHenry	40.3
Brown	34.9	McLean	43.7
Bureau	39.4	Macon	47.1
Calhoun	37.4	Macoupin	41.8
Carroll	37.7	Madison	42.7
Cass	36.3	Marion	41.5
Champaign	46.8	Marshall	39.8
Christian	43.4	Mason	35.0
Clark	41.7	Massac	34.7
Clay	40.8	Menard	42.5
Clinton	42.9	Mercer	35.1
Coles	44.4	Monroe	42.2
Cook	39.6	Montgomery	40.8
Crawford	42.7	Morgan	38.3
Cumberland	45.4	Moultrie	47.7
De Kalb	42.0	Ogle	38.8
De Witt	45.0	Peoria	38.7
Douglas	47.3	Perry	38.9
Du Page	41.5	Piatt	45.3
Edgar	41.7	Pike	35.0
Edwards	44.0	Pope	33.5
Effingham	45.5	Pulaski	33.2
Fayette	41.5	Putnam	38.5
Ford	45.3	Randolph	39.7
Franklin	38.4	Richland	43.1
Fulton	34.8	Rock Island	38.4
Gallatin	44.0	St. Clair	44.6
Greene	38.6	Saline	37.1
Grundy	40.5	Sangamon	45.0
Hamilton	39.1	Schuyler	35.3
Hancock	34.7	Scott	35.9
Hardin	31.3	Shelby	44.0
Henderson	35.4	Stark	39.1
Henry	38.1	Stephenson	37.5
Iroquois	43.4	Tazewell	38.2
Jackson	38.4	Union	35.4
Jasper	45.4	Vermilion	41.8
Jefferson	39.2	Wabash	42.9
Jersey	41.6	Warren	38.2
Jo Daviess	34.0	Washington	43.1
Johnson	31.4	Wayne	39.6
Kane	40.9	White	42.2
Kankakee	40.4	Whiteside	38.8
Kendall	42.7	Will	39.5
Knox	38.3	Williamson	32.8
Lake	40.0	Winnebago	36.9
La Salle	39.9	Woodford	38.8
Lawrence	41.8	State check yield	41.3
Lee	39.5		

INDIANA

Adams	40.3	Elkhart	35.4
Allen	39.1	Fayette	40.9
Bartholomew	39.4	Floyd	39.6
Benton	47.8	Fountain	45.6
Blackford	38.9	Franklin	36.0
Boone	45.6	Fulton	37.0
Brown	30.9	Gibson	46.2
Carroll	44.2	Grant	45.4
Cass	40.9	Greene	41.2
Clark	37.3	Hamilton	45.2
Clay	41.8	Hancock	46.9
Clinton	45.0	Harrison	35.7
Crawford	36.7	Hendricks	41.4
Daviess	44.6	Henry	41.6
Dearborn	32.8	Howard	45.0
Decatur	40.8	Huntington	42.4
De Kalb	35.7	Jackson	37.4
Delaware	42.4	Jasper	41.6
Dubois	36.2	Jay	34.1

INDIANA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Jefferson	35.1	Putnam	42.2
Jennings	37.1	Randolph	38.3
Johnson	46.3	Ripley	32.4
Knox	46.2	Rush	42.0
Kosciusko	36.5	St. Joseph	34.0
Lagrange	35.1	Scott	37.7
Lake	41.4	Shelby	44.0
La Porte	35.1	Spencer	33.9
Lawrence	37.1	Starke	32.4
Madison	45.2	Steuben	36.5
Marion	41.8	Sullivan	46.0
Marshall	36.5	Switzerland	34.4
Martin	36.7	Tippecanoe	43.2
Miami	43.1	Tipton	46.3
Monroe	38.4	Union	42.5
Montgomery	45.0	Vanderburgh	43.2
Morgan	42.1	Vermillion	41.3
Newton	43.8	Vigo	42.3
Noble	36.3	Wabash	40.3
Ohio	37.3	Warren	47.4
Orange	38.2	Warrick	39.2
Owen	37.8	Washington	36.6
Parke	41.2	Wayne	38.9
Perry	33.3	Wells	42.3
Pike	39.9	White	44.3
Porter	39.5	Whitley	38.6
Posey	47.2	State check yield	40.8
Pulaski	38.1		

IOWA

Adair	32.0	Jefferson	30.0
Adams	37.0	Johnson	38.0
Allamakee	34.0	Jones	35.0
Appanoose	34.0	Keokuk	30.0
Audubon	35.0	Kossuth	30.0
Benton	37.0	Lee	34.0
Black Hawk	30.0	Linn	35.0
Boone	30.0	Louisa	36.0
Bremer	37.0	Lucas	31.0
Buchanan	35.0	Lyon	38.0
Buena Vista	----	Madison	30.0
Butler	36.0	Mahaska	35.0
Calhoun	38.0	Marion	35.0
Carroll	36.0	Marshall	38.0
Cass	38.0	Mills	37.0
Cedar	33.0	Mitchell	33.0
Cerro Gordo	30.0	Monona	31.0
Cherokee	33.0	Monroe	38.0
Chickasaw	30.0	Montgomery	36.0
Clarke	30.0	Muscatine	30.0
Clay	33.0	O'Brien	37.0
Clayton	37.0	Osceola	30.0
Clinton	37.0	Page	35.0
Crawford	38.0	Palo Alto	30.0
Dallas	31.0	Plymouth	35.0
Davis	33.0	Pocahontas	30.0
Decatur	32.0	Polk	35.0
Delaware	35.0	Poweshiek	36.0
Des Moines	38.0	Ringgold	35.0
Dickinson	35.0	Sac	37.0
Dubuque	37.0	Scott	34.0
East Pottawattamie	33.0	Shelby	33.0
Emmet	30.0	Sioux	38.0
Fayette	37.0	Story	37.0
Floyd	34.0	Tama	39.0
Franklin	35.0	Taylor	30.0
Fremont	38.0	Union	37.0
Greene	33.0	Van Buren	32.0
Grundy	30.0	Wapello	34.0
Guthrie	32.0	Warren	38.0
Hamilton	32.0	Washington	37.0
Hancock	30.0	Wayne	30.0
Hardin	34.0	Webster	35.0
Harrison	36.0	West Pottawattamie	35.0
Henry	33.0	Winnebago	35.0
Howard	30.0	Winneshiek	35.0
Humboldt	32.0	Woodbury	30.0
Ida	30.0	Worth	38.0
Iowa	37.0	Wright	32.0
Jackson	37.0	State check yield	34.5
Jasper	38.0		

KANSAS

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Allen	32.0	Logan	23.6
Anderson	32.2	Lyon	28.5
Atchison	30.2	McPherson	27.5
Barber	29.0	Marion	27.6
Barton	21.0	Marshall	32.3
Bourbon	31.0	Meade	20.3
Brown	35.0	Miami	31.7
Butler	28.5	Mitchell	24.7
Chase	28.1	Montgomery	31.7
Chautauqua	33.0	Morris	29.0
Cherokee	33.2	Morton	19.0
Cheyenne	24.9	Nemaha	33.3
Clark	20.2	Neosho	32.8
Clay	28.1	Ness	20.0
Cloud	28.2	Norton	25.5
Coffey	30.5	Osage	29.8
Comanche	18.4	Osborne	22.2
Cowley	30.8	Ottawa	28.0
Crawford	33.1	Pawnee	21.0
Decatur	25.4	Phillips	24.3
Dickinson	30.8	Pottawatomie	31.9
Doniphan	34.3	Pratt	25.9
Douglas	28.8	Rawlins	25.9
Edwards	22.3	Reno	30.5
Elk	29.0	Republic	32.0
Ellis	19.4	Rice	26.7
Ellsworth	23.7	Riley	32.1
Finney	25.2	Rooks	21.2
Ford	22.1	Rush	20.0
Franklin	29.6	Russell	20.5
Geary	30.9	Saline	27.7
Gove	24.4	Scott	27.0
Graham	22.1	Sedgwick	31.0
Grant	24.5	Seward	19.7
Gray	22.0	Shawnee	30.0
Greeley	20.8	Sheridan	24.4
Greenwood	28.5	Sherman	25.0
Hamilton	20.3	Smith	27.2
Harper	29.8	Stafford	26.0
Harvey	30.3	Stanton	24.3
Haskell	23.9	Stevens	21.6
Hodgeman	20.0	Sumner	29.4
Jackson	29.3	Thomas	24.9
Jefferson	28.2	Trego	21.4
Jewell	28.8	Wabaunsee	29.6
Johnson	30.1	Wallace	20.8
Kearny	25.4	Washington	33.3
Kingman	30.1	Wichita	24.0
Kiowa	21.4	Wilson	32.6
Labette	31.6	Woodson	30.4
Lane	24.0	Wyandotte	31.9
Leavenworth	28.7	State check yield	25.5
Lincoln	24.2		
Linn	32.1		

KENTUCKY

Adair	28.6	Clinton	38.0
Allen	32.1	Crittenden	32.4
Anderson	30.6	Cumberland	29.6
Ballard	35.9	Daviess	35.7
Barren	39.5	Edmonson	29.1
Bath	28.7	Elliott	----
Bell	----	Estill	35.3
Boone	34.4	Fayette	30.9
Bourbon	31.8	Fleming	30.1
Boyd	24.4	Floyd	----
Boyle	29.6	Franklin	37.6
Bracken	36.9	Fulton	38.2
Breathitt	----	Gallatin	37.1
Breckinridge	33.6	Garrard	28.7
Bullitt	32.9	Grant	32.7
Butler	28.2	Graves	36.4
Caldwell	36.0	Grayson	35.8
Calloway	36.4	Green	31.7
Campbell	28.2	Greenup	24.7
Carlisle	30.4	Hancock	32.5
Carroll	36.0	Hardin	43.1
Carter	25.7	Harlan	----
Casey	30.6	Harrison	33.9
Christian	40.9	Hart	34.0
Clark	32.8	Henderson	40.4
Clay	----	Henry	36.6

KENTUCKY—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Hickman	33.8	Morgan	21.2
Hopkins	31.6	Muhlenberg	36.4
Jackson	24.0	Nelson	39.5
Jefferson	40.1	Nicholas	28.9
Jessamine	29.8	Ohio	27.5
Johnson	----	Oldham	41.4
Kenton	32.1	Owen	34.0
Knott	----	Owsley	----
Knox	23.5	Pendleton	27.2
Larue	35.0	Perry	----
Laurel	25.5	Pike	----
Lawrence	----	Powell	24.3
Lee	21.1	Pulaski	35.9
Leslie	----	Robertson	29.0
Letcher	----	Rockcastle	28.0
Lewis	26.3	Rowan	23.6
Lincoln	31.6	Russell	29.2
Livingston	29.7	Scott	31.9
Logan	38.8	Shelby	36.1
Lyon	32.5	Simpson	38.1
McCracken	32.7	Spencer	29.1
McCreary	----	Taylor	34.8
McLean	36.7	Todd	39.2
Madison	31.8	Trigg	40.2
Magoffin	----	Trimble	38.6
Marion	39.2	Union	42.0
Marshall	34.0	Warren	39.5
Martin	----	Washington	35.7
Mason	34.0	Wayne	40.0
Meade	35.9	Webster	36.3
Menifee	----	Whitley	----
Mercer	28.2	Wolfe	----
Metcalfe	34.0	Woodford	34.3
Monroe	35.0	State check yield	36.6
Montgomery	30.8		

LOUISIANA

Parish	Projected yield (bushels per acre)	Parish	Projected yield (bushels per acre)
Acadia	21.4	Natchitoches	23.4
Allen	21.4	Orleans	----
Ascension	----	Ouachita	27.4
Assumption	----	Plaquemines	----
Avoyelles	23.6	Pointe Coupee	21.1
Beauregard	----	Rapides	21.6
Bienville	----	Red River	28.0
Bossier	28.3	Richland	23.1
Caddo	23.7	Sabine	----
Calcasieu	----	St. Bernard	----
Caldwell	26.4	St. Charles	----
Cameron	----	St. Helena	----
Catahoula	25.0	St. James	19.3
Claiborne	16.4	St. John the Baptist	----
Concordia	26.8	St. Landry	20.9
De Soto	20.8	St. Martin	----
East Baton Rouge	23.9	St. Mary	----
East Carroll	27.9	St. Tammany	----
East Feliciana	20.6	Tangipahoa	----
Evangeline	21.7	Tensas	26.5
Franklin	25.1	Terrebonne	----
Grant	----	Union	----
Iberia	----	Vermilion	20.8
Iberville	----	Vernon	----
Jackson	17.2	Washington	----
Jefferson	----	Webster	20.9
Jefferson Davis	20.8	West Baton Rouge	----
Lafayette	19.3	West Carroll	23.6
Lafourche	----	West Feliciana	----
La Salle	20.7	Winn	----
Lincoln	----	State check yield	26.8
Livingston	----		
Madison	28.0		
Morehouse	25.1		

MAINE

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Androscoggin	----	Penobscot	34.7
Aroostook	34.7	Piscataquis	----
Cumberland	----	Sagadahoc	----
Franklin	----	Somerset	34.7
Hancock	----	Waldo	35.0
Kennebec	35.0	Washington	34.6
Knox	----	York	35.1
Lincoln	----	State check yield	35.0
Oxford	----		

MARYLAND

Allegany	33.5	Kent	51.3
Anne Arundel	29.3	Montgomery	43.6
Baltimore	44.3	Prince Georges	32.0
Calvert	33.0	Queen Annes	46.6
Caroline	46.5	St. Marys	32.6
Carroll	38.8	Somerset	38.2
Cecil	43.2	Talbot	45.5
Charles	32.0	Washington	39.8
Dorchester	43.1	Wicomico	35.9
Frederick	40.4	Worcester	35.9
Garrett	32.7	State check yield	42.1
Harford	44.7		
Howard	40.7		

MASSACHUSETTS

Barnstable	----	Middlesex	----
Berkshire	37.0	Nantucket	----
Bristol	33.4	Norfolk	----
Dukes	----	Plymouth	----
Essex	32.1	Suffolk	----
Franklin	33.5	Worcester	33.2
Hampden	33.2	State check yield	34.7
Hampshire	33.4		

MICHIGAN

Alcona	31.7	Lapeer	38.9
Alger	25.4	Leelanau	33.9
Allegan	36.9	Lenawee	45.2
Alpena	33.0	Livingston	36.9
Antrim	31.1	Luce	19.8
Arenac	41.7	Mackinac	23.6
Baraga	26.6	Macomb	39.2
Barry	39.5	Manistee	25.8
Bay	44.4	Marquette	----
Benzie	32.2	Mason	40.3
Berrien	35.6	Mecosta	33.7
Branch	33.8	Menominee	22.7
Calhoun	37.3	Midland	45.0
Cass	32.5	Missaukee	32.4
Charlevoix	33.2	Monroe	43.6
Cheboygan	28.4	Montcalm	34.0
Chippewa	21.0	Montmorency	31.1
Clare	36.7	Muskegon	42.3
Clinton	40.2	Newaygo	38.1
Crawford	24.1	Oakland	37.2
Delta	20.2	Oceana	38.8
Dickinson	22.7	Ogemaw	33.6
Eaton	41.2	Ontonagon	20.7
Emmet	37.1	Osceola	33.6
Genesee	41.8	Oscoda	26.2
Gladwin	38.1	Otsego	33.4
Gogebic	----	Ottawa	35.4
Grand Traverse	36.3	Presque Isle	31.3
Gratiot	43.2	Roscommon	32.1
Hillsdale	38.3	Saginaw	45.3
Houghton	24.5	St. Clair	39.3
Huron	40.3	St. Joseph	33.2
Ingham	41.7	Sanilac	40.5
Ionia	39.8	Schoolcraft	19.6
Iosco	32.0	Shiawassee	41.1
Iron	----	Tuscola	45.0
Isabella	36.9	Van Buren	34.3
Jackson	39.1	Washtenaw	41.8
Kalamazoo	38.6	Wayne	41.6
Kalkaska	25.2	Wexford	30.3
Kent	34.9	State check yield	39.6
Keweenaw	----		
Lake	33.7		

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MINNESOTA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Aitkin	22.5	Martin	36.6
Anoka	26.1	Meeker	36.5
Becker	31.9	Mille Lacs	22.8
Beltrami	25.9	Morrison	23.6
Benton	25.4	Mower	32.8
Big Stone	30.8	Murray	32.4
Blue Earth	35.5	Nicollet	34.4
Brown	27.5	Nobles	32.1
Carlton	22.1	Norman	39.9
Carver	30.8	North St. Louis	24.0
Cass	21.4	Olmsted	31.1
Chippewa	36.6	Pennington	32.4
Chisago	26.5	Pine	21.6
Clay	37.3	Pipestone	30.0
Clearwater	25.8	Pope	30.9
Cook	----	Ramsey	----
Cottonwood	37.2	Red Lake	33.4
Crow Wing	21.8	Redwood	35.5
Dakota	28.5	Renville	35.2
Dodge	34.1	Rice	29.2
Douglas	28.5	Rock	22.9
East Ottertail	30.1	Roseau	27.4
East Polk	34.1	Scott	27.9
Faribault	37.3	Sherburne	27.5
Fillmore	30.7	Sibley	31.7
Freeborn	33.0	South St. Louis	24.0
Goodhue	28.0	Stearns	29.9
Grant	34.9	Steele	32.1
Hennepin	29.9	Stevens	30.0
Houston	36.2	Swift	31.2
Hubbard	25.4	Todd	23.6
Isanti	26.3	Traverse	30.5
Itasca	26.3	Wabasha	32.1
Jackson	31.3	Wadena	27.8
Kanabec	23.8	Waseca	34.2
Kandiyohi	31.7	Washington	30.0
Kittson	31.3	Watonwan	29.9
Koochiching	22.2	West Otter Tail	31.2
Lac Qui Parle	30.6	West Polk	34.7
Lake	----	Wilkin	32.9
Lake of the Woods	24.4	Winona	29.7
Le Sueur	31.1	Wright	30.4
Lincoln	26.4	Yellow Medicine	31.8
Lyon	32.1	State check yield	33.0
McLeod	32.7		
Mahnomen	33.8		
Marshall	32.4		

MISSISSIPPI

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	31.0	Jefferson	30.0
Alcorn	30.3	Jefferson Davis	28.5
Amite	----	Jones	28.1
Attala	32.2	Kemper	34.3
Benton	31.9	Lafayette	32.3
Bolivar	32.2	Lamar	----
Calhoun	32.2	Lauderdale	----
Carroll	31.1	Lawrence	26.6
Chickasaw	30.1	Leake	----
Choctaw	----	Lee	33.1
Claiborne	32.5	Leflore	33.1
Clarke	----	Lincoln	----
Clay	30.3	Lowndes	30.3
Coahoma	33.9	Madison	33.5
Copiah	29.0	Marion	----
Covington	29.0	Marshall	31.7
De Soto	30.2	Monroe	32.7
Forrest	----	Montgomery	30.6
Franklin	----	Neshoba	31.8
George	27.2	Newton	----
Greene	----	Noxubee	31.0
Grenada	----	Oktibbeha	33.6
Hancock	----	Panola	30.9
Harrison	----	Pearl River	----
Hinds	29.2	Perry	22.0
Holmes	33.9	Pike	24.8
Humphreys	30.9	Pontotoc	30.8
Issaquena	30.1	Prentiss	28.9
Itawamba	34.3	Quitman	32.9
Jackson	24.7	Rankin	----
Jasper	----		

MISSISSIPPI—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Scott	31.0	Walthall	----
Sharkey	31.9	Warren	29.7
Simpson	----	Washington	30.5
Smith	----	Wayne	----
Stone	----	Webster	33.0
Sunflower	30.5	Wilkinson	28.9
Tallahatchie	33.7	Winston	----
Tate	31.4	Yalobusha	32.0
Tippah	30.4	Yazoo	31.4
Tishomingo	31.8	State check yield	32.0
Tunica	32.6		
Union	32.1		

MISSOURI

Adair	32.6	Livingston	32.2
Andrew	33.4	McDonald	29.0
Atchison	34.0	Macon	32.1
Audrain	37.3	Madison	30.2
Barry	30.8	Maries	33.1
Barton	32.8	Marion	32.8
Bates	32.8	Mercer	30.6
Benton	31.7	Miller	33.2
Bollinger	31.2	Mississippi	39.9
Boone	37.4	Moniteau	35.9
Buchanan	33.4	Monroe	32.9
Butler	34.8	Montgomery	38.6
Caldwell	30.9	Morgan	32.2
Callaway	37.5	New Madrid	39.9
Camden	28.2	Newton	28.8
Cape Girardeau	38.8	Nodaway	32.5
Carroll	34.2	Oregon	31.2
Carter	29.3	Osage	35.4
Cass	32.2	Ozark	27.1
Cedar	28.0	Pemiscot	40.1
Charlton	34.4	Perry	38.7
Christian	30.9	Pettis	33.9
Clark	32.4	Phelps	31.0
Clay	33.8	Pike	37.1
Clinton	32.9	Platte	32.9
Cole	35.6	Polk	31.9
Cooper	35.9	Pulaski	28.5
Crawford	28.4	Putnam	32.4
Dade	32.7	Ralls	33.1
Dallas	31.2	Randolph	32.2
Daviess	30.4	Ray	33.1
De Kalb	31.2	Reynolds	29.3
Dent	28.2	Ripley	27.8
Douglas	26.6	St. Charles	42.5
Dunklin	38.5	St. Clair	29.1
Franklin	37.5	St. Francois	37.8
Gasconade	35.2	St. Louis	40.3
Gentry	31.0	Ste. Genevieve	40.6
Greene	30.9	Saline	34.9
Grundy	32.4	Schuyler	31.4
Harrison	32.2	Scotland	30.9
Henry	32.3	Scott	39.5
Hickory	27.6	Shannon	27.9
Holt	32.8	Shelby	32.2
Howard	34.2	Stoddard	38.8
Howell	27.4	Stone	27.1
Iron	31.3	Sullivan	31.0
Jackson	32.7	Taney	26.5
Jasper	32.1	Texas	27.2
Jefferson	36.5	Vernon	32.3
Johnson	32.1	Warren	37.5
Knox	32.2	Washington	34.1
Laclede	33.0	Wayne	32.0
Lafayette	33.3	Webster	29.0
Lawrence	31.2	Worth	31.1
Lewis	32.1	Wright	30.7
Lincoln	39.3	State check yield	34.2
Linn	31.2		

MONTANA

Beaverhead	38.0	Chouteau	37.1
Big Horn	32.0	Custer	29.3
Blaine	23.5	Daniels	24.0
Broadwater	27.5	Dawson	30.0
Carbon	30.6	Deer Lodge	56.7
Carter	24.0	Fallon	27.1
Cascade	36.8	Fergus	32.3

MONTANA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Flathead	50.0	Phillips	24.1
Gallatin	42.0	Pondera	39.1
Garfield	25.0	Powder River	32.0
Glacier	32.5	Powell	38.5
Golden Valley	26.8	Prairie	28.5
Granite	30.0	Ravalli	35.7
Hill	28.0	Richland	26.0
Jefferson	26.8	Roosevelt	23.5
Judith Basin	31.8	Rosebud	31.2
Lake	40.0	Sanders	31.5
Lewis and Clark	27.2	Sheridan	24.4
Liberty	32.1	Silver Bow	37.0
Lincoln	30.0	Stillwater	32.2
McCone	25.6	Sweet Grass	31.3
Madison	37.2	Teton	36.8
Meagher	31.4	Toole	33.2
Mineral	30.0	Treasure	34.1
Missoula	32.4	Valley	24.1
Musselshell	27.3	Wheatland	27.8
Park	33.0	Wibaux	26.8
Petroleum	25.2	Yellowstone	32.8
		State check yield	30.0

NEBRASKA

Adams	33.8	Johnson	32.6
Antelope	25.9	Kearney	34.5
Arthur	17.1	Keith	28.2
Banner	26.0	Keya Paha	22.2
Blaine	----	Kimball	22.5
Boone	30.5	Knox	32.0
Box Butte	30.1	Lancaster	39.5
Boyd	28.2	Lincoln	32.7
Brown	24.8	Logan	30.2
Buffalo	30.7	Loup	25.2
Burt	33.5	McPherson	23.0
Butler	39.0	Madison	31.5
Cass	42.5	Merrick	28.3
Cedar	33.7	Morrill	27.0
Chase	29.5	Nance	31.1
Cherry	22.7	Nemaha	35.0
Cheyenne	31.5	Nuckolls	31.6
Clay	34.3	Otoe	37.1
Colfax	34.4	Pawnee	34.3
Cuming	30.3	Perkins	27.4
Custer	34.5	Phelps	34.2
Dakota	28.1	Pierce	31.9
Dawes	32.2	Platte	33.6
Dawson	34.8	Polk	37.7
Deuel	29.4	Redwillow	36.0
Dixon	24.0	Richardson	32.4
Dodge	38.6	Rock	19.3
Douglas	39.3	Saline	32.5
Dundy	28.9	Sarpy	38.1
Fillmore	33.2	Saunders	40.9
Franklin	34.0	Scotts Bluff	26.1
Frontier	32.4	Seward	38.5
Furnas	29.6	Sheridan	31.6
Gage	32.3	Sherman	31.2
Garden	33.2	Sioux	34.4
Garfield	27.8	Stanton	33.6
Gosper	33.3	Thayer	32.1
Grant	----	Thomas	13.7
Greeley	29.5	Thurston	32.7
Hall	29.2	Valley	33.8
Hamilton	35.6	Washington	39.2
Harlan	28.9	Wayne	35.3
Hayes	31.4	Webster	33.1
Hitchcock	32.3	Wheeler	26.1
Holt	18.8	York	36.4
Hooker	13.9	State check yield	32.3
Howard	29.6		
Jefferson	34.7		

NEVADA

Churchill	60.0	Lander	45.0
Clark	40.8	Lincoln	42.6
Douglas	50.0	Lyon	59.2
Elko	47.0	Mineral	40.0
Esmeralda	42.0	Nye	40.7
Eureka	42.5	Ormsby	46.3
Humboldt	62.0	Pershing	95.5

NEVADA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Storey	46.7	State check yield	64.4
Washoe	54.2		
White Pine	47.0		

NEW JERSEY

Atlantic	39.6	Monmouth	43.4
Bergen	----	Morris	39.6
Burlington	43.4	Ocean	42.3
Camden	43.0	Passaic	----
Cape May	39.6	Salem	43.4
Cumberland	43.4	Somerset	39.6
Essex	----	Sussex	39.6
Gloucester	42.8	Union	39.4
Hudson	----	Warren	43.3
Hunterdon	40.3	State check yield	42.5
Mercer	43.4		
Middlesex	43.4		

NEW MEXICO

Bernalillo	29.4	Otero	41.0
Catron	37.6	Quay	18.1
Chaves	38.6	Rio Arriba	20.2
Colfax	26.1	Roosevelt	22.0
Curry	40.6	Sandoval	27.3
De Baca	40.9	San Juan	36.3
Dona Ana	40.2	San Miguel	28.1
Eddy	45.5	Santa Fe	30.6
Grant	39.3	Sierra	33.2
Guadalupe	17.7	Socorro	21.0
Harding	15.3	Taos	27.1
Hidalgo	69.2	Torrance	23.3
Lea	23.0	Union	37.5
Lincoln	18.0	Valencia	37.7
Luna	----	State check yield	29.3
McKinley	21.3		
Mora	21.5		

NEW YORK

Albany	48.0	Onondaga	41.6
Allegany	35.4	Ontario	47.6
Broome	34.4	Orange	45.2
Cattaraugus	35.0	Orleans	47.3
Cayuga	44.8	Oswego	41.8
Chautauqua	35.8	Otsego	41.6
Chemung	33.9	Putnam	----
Chenango	40.3	Rensselaer	44.9
Clinton	28.4	Richmond	----
Columbia	43.7	Rockland	----
Cortland	42.3	St. Lawrence	33.3
Delaware	39.5	Saratoga	47.4
Dutchess	45.3	Schenectady	46.5
Erie	43.7	Schoharie	49.3
Essex	41.3	Schuyler	34.8
Franklin	28.4	Seneca	47.0
Fulton	44.8	Steuben	35.3
Genesee	47.5	Suffolk	49.6
Greene	45.9	Sullivan	32.0
Hamilton	----	Tioga	35.2
Herkimer	42.9	Tompkins	38.2
Jefferson	39.3	Ulster	45.1
Lewis	37.3	Warren	----
Livingston	46.3	Washington	45.9
Madison	40.1	Wayne	44.0
Monroe	47.2	Westchester	31.7
Montgomery	47.3	Wyoming	43.5
Nassau	50.8	Yates	46.5
New York City	----	State check yield	44.6
Niagara	45.6		
Oneida	45.9		

NORTH CAROLINA

Alamance	39.3	Bertie	39.0
Alexander	35.4	Bladen	38.8
Alleghany	37.7	Brunswick	38.9
Anson	34.2	Buncombe	34.1
Ashe	33.8	Burke	37.0
Avery	25.2	Cabarrus	35.9
Beaufort	41.8	Caldwell	36.7

NORTH CAROLINA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Camden	45.4	Martin	43.4
Carteret	38.2	Mecklenburg	35.9
Caswell	36.5	Mitchell	----
Catawba	37.3	Montgomery	33.2
Chatham	34.6	Moore	32.0
Cherokee	23.1	Nash	43.9
Chowan	41.4	New Hanover	37.3
Clay	26.4	Northampton	35.4
Cleveland	37.1	Onslow	40.0
Columbus	38.7	Orange	40.6
Craven	41.7	Pamlico	43.8
Cumberland	35.6	Pasquotank	45.5
Currituck	45.2	Pender	37.5
Dare	----	Perquimans	46.7
Davidson	35.9	Person	37.0
Davie	37.4	Pitt	44.8
Duplin	41.0	Polk	35.5
Durham	40.1	Randolph	35.1
Edgecombe	42.3	Richmond	35.2
Forsyth	36.7	Robeson	36.5
Franklin	38.3	Rockingham	37.2
Gaston	33.2	Rowan	37.0
Gates	40.5	Rutherford	35.8
Graham	----	Sampson	38.7
Granville	36.3	Scotland	39.1
Greene	44.5	Stanly	35.5
Guilford	40.2	Stokes	35.0
Halifax	41.5	Surry	40.4
Harnett	39.1	Swain	----
Haywood	34.6	Transylvania	32.2
Henderson	34.1	Tyrrell	40.8
Hertford	40.0	Union	38.5
Hoke	37.5	Vance	37.8
Hyde	41.7	Wake	38.0
Iredell	37.1	Warren	38.4
Jackson	24.4	Washington	44.9
Johnston	39.3	Watauga	32.2
Jones	41.7	Wayne	43.7
Lee	35.8	Wilkes	35.9
Lenoir	41.1	Wilson	48.8
Lincoln	37.9	Yadkin	37.7
McDowell	36.8	Yancey	26.9
Macon	25.4	State check yield	38.0
Madison	34.2		

NORTH DAKOTA

Adams	24.9	McLean	28.8
Barnes	32.4	Mercer	24.9
Benson	29.9	Morton	23.6
Billings	23.9	Mountrail	28.1
Bottineau	29.0	Nelson	35.3
Bowman	24.0	Oliver	22.8
Burke	29.3	Pembina	33.0
Burleigh	23.7	Pierce	26.0
Cass	34.3	Ramsey	34.4
Cavalier	35.8	Ransom	30.1
Dickey	28.4	Renville	31.3
Divide	28.3	Richland	30.5
Dunn	23.6	Rolette	29.7
Eddy	27.9	Sargent	29.4
Emmons	23.6	Sheridan	23.3
Foster	28.7	Sioux	21.6
Golden Valley	27.0	Slope	29.4
Grand Forks	33.3	Stark	26.4
Grant	24.8	Steele	34.3
Griggs	32.0	Stutsman	29.5
Hettinger	27.6	Towner	33.6
Kidder	22.2	Traill	36.2
La Moure	29.9	Walsh	34.3
Logan	23.6	Ward	30.4
McHenry	25.9	Wells	28.4
McIntosh	21.4	Williams	25.8
McKenzie	26.4	State check yield	28.8

OHIO

Adams	28.7	Auglaize	41.0
Allen	42.2	Belmont	35.1
Ashland	33.6	Brown	28.4
Ashtabula	34.6	Butler	39.7
Athens	28.5	Carroll	37.4

OHIO—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Champaign	43.9	Marion	38.7
Clark	43.6	Medina	34.9
Clermont	31.9	Meigs	32.8
Clinton	35.6	Mercer	40.0
Columbiana	36.3	Miami	41.4
Coshocton	32.3	Monroe	32.8
Crawford	37.6	Montgomery	37.4
Cuyahoga	36.1	Morgan	33.4
Darke	42.3	Morrow	34.5
Defiance	37.9	Muskingum	41.1
Delaware	36.7	Noble	28.8
Erie	44.4	Ottawa	40.6
Fairfield	32.9	Paulding	39.3
Fayette	38.3	Perry	32.0
Franklin	36.7	Pickaway	40.6
Fulton	45.8	Pike	31.6
Gallia	28.3	Portage	33.8
Geauga	31.7	Preble	39.6
Greene	37.4	Putnam	41.2
Guernsey	29.2	Richland	35.3
Hamilton	37.4	Ross	34.4
Hancock	44.3	Sandusky	43.4
Hardin	38.1	Scioto	33.0
Harrison	36.4	Seneca	41.6
Henry	45.7	Shelby	38.9
Highland	32.5	Stark	39.0
Hocking	31.1	Summit	34.1
Holmes	36.9	Trumbull	32.5
Huron	38.7	Tuscarawas	34.5
Jackson	29.9	Union	36.8
Jefferson	34.1	Van Wert	44.8
Knox	32.3	Vinton	30.0
Lake	35.2	Warren	34.1
Lawrence	31.9	Washington	32.9
Licking	32.3	Wayne	36.4
Logan	40.4	Williams	38.6
Lorain	36.3	Wood	47.3
Lucas	47.7	Wyandot	40.3
Madison	44.3	State check yield	38.8
Mahoning	35.9		

OKLAHOMA

Adair	28.3	Lincoln	25.7
Alfalfa	31.3	Logan	29.0
Atoka	24.6	Love	28.0
Beaver	17.6	McClain	30.3
Beckham	23.7	McCurtain	23.3
Blaine	28.6	McIntosh	26.6
Bryan	25.3	Major	27.9
Caddo	31.8	Marshall	29.3
Canadian	31.0	Mayes	30.5
Carter	27.0	Murray	28.0
Cherokee	27.9	Muskogee	28.3
Choctaw	25.8	Noble	31.3
Cimarron	16.5	Nowata	34.5
Cleveland	31.2	Okfuskee	28.3
Coal	28.5	Oklahoma	29.4
Comanche	24.9	Okmulgee	25.1
Cotton	27.7	Osage	30.5
Craig	28.4	Ottawa	33.7
Creek	25.1	Pawnee	29.3
Custer	29.5	Payne	28.0
Delaware	31.1	Pittsburg	27.5
Dewey	25.6	Pontotoc	25.9
Ellis	15.9	Pottawatomie	29.1
Garfield	30.5	Pushmataha	25.0
Garvin	27.1	Roger Mills	21.8
Grady	31.3	Rogers	31.2
Grant	30.3	Seminole	26.9
Greer	23.6	Sequoyah	30.3
Harmon	21.3	Stephens	26.6
Harper	17.7	Texas	17.7
Haskell	28.4	Tillman	26.9
Hughes	25.9	Tulsa	29.7
Jackson	24.2	Wagoner	28.0
Jefferson	26.6	Washington	33.3
Johnston	28.4	Washita	26.9
Kay	34.0	Woods	26.0
Kingfisher	27.8	Woodward	22.7
Kiowa	25.0	State check yield	25.9
Latimer	21.8		
La Flore	29.7		

OREGON

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Baker	41.0	Lane	45.9
Benton	51.8	Lincoln	----
Clackamas	48.1	Linn	45.7
Clatsop	----	Malheur	61.8
Columbia	50.6	Marion	51.7
Coos	----	Morrow	24.3
Crook	60.7	Multnomah	54.5
Curry	----	Polk	51.0
Deschutes	50.6	Sherman	30.2
Douglas	38.3	Tillamook	----
Gilliam	27.4	Umatilla	34.8
Grant	28.2	Union	49.3
Harney	27.7	Wallowa	39.4
Hood River	24.3	Wasco	33.0
Jackson	46.0	Washington	54.3
Jefferson	45.3	Wheeler	26.4
Josephine	44.2	Yamhill	53.4
Klamath	44.9	State check yield	35.7
Lake	27.8		

PENNSYLVANIA

Adams	37.5	Lebanon	42.2
Allegheny	34.0	Lehigh	41.0
Armstrong	35 3	Luzerne	35.8
Beaver	35.8	Lycoming	37.5
Bedford	37.1	McKean	34.8
Berks	40.5	Mercer	37.0
Blair	38.7	Mifflin	37.6
Bradford	36.3	Monroe	37.5
Bucks	39.3	Montgomery	39.7
Butler	38.2	Montour	37.3
Cambria	35.1	Northampton	43.3
Cameron	27.2	Northumberland	37.5
Carbon	35.5	Perry	37.5
Centre	38.7	Philadelphia	----
Chester	45.9	Pike	35.3
Clarion	32 9	Potter	38.7
Clearfield	31.0	Schuylkill	35.3
Clinton	36.7	Snyder	36.6
Columbia	39.8	Somerset	35.5
Crawford	35.8	Sullivan	35.4
Cumberland	39.8	Susquehanna	35.8
Dauphin	39.6	Tioga	35.3
Delaware	42.3	Union	39.3
Elk	33.3	Venango	34.0
Erie	36.3	Warren	33.4
Fayette	36.7	Washington	37.1
Forest	31.2	Wayne	35.3
Franklin	39.8	Westmoreland	37.1
Fulton	34.0	Wyoming	36.1
Greene	36.4	York	41.8
Huntingdon	34.7	State check yield	39.3
Indiana	35.3		
Jefferson	32.9		
Juniata	36.9		
Lackawanna	35.3		
Lancaster	46.6		
Lawrence	38.5		

RHODE ISLAND

Bristol	----	Washington	33.1
Kent	----	State check yield	33.1
Newport	33.1		
Providence	----		

SOUTH CAROLINA

Abbeville	30.7	Dillon	39.2
Aiken	35.3	Dorchester	33.0
Allendale	31.3	Edgefield	37.6
Anderson	34.6	Fairfield	36.0
Bamberg	32.1	Florence	40.9
Barnwell	31.1	Georgetown	31.9
Beaufort	33.9	Greenville	30.9
Berkeley	36.2	Greenwood	31.9
Calhoun	36.0	Hampton	33.5
Charleston	39.4	Horry	38.7
Cherokee	33.6	Jasper	32.2
Chester	30.2	Kershaw	33.7
Chesterfield	32.5	Lancaster	32.9
Clarendon	40.2	Laurens	31.0
Colleton	33.8	Lee	37.4
Darlington	38.5	Lexington	28.3

SOUTH CAROLINA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
McCormick	33.4	Saluda	33.8
Marion	34.4	Spartanburg	34.9
Marlboro	35.2	Sumter	36.4
Newberry	36.2	Union	29.8
Oconee	28.8	Williamsburg	33.4
Orangeburg	32.0	York	35.0
Pickens	26.9	State check yield	33.9
Richland	34.2		

SOUTH DAKOTA

Aurora	19.6	Jerauld	21.6
Beadle	19.9	Jones	31.8
Bennett	32.0	Kingsbury	21.9
Bon Homme	19.9	Lake	25.3
Brookings	25.2	Lawrence	29.4
Brown	22.7	Lincoln	21.5
Brule	24.0	Lyman	32.1
Buffalo	26.0	McCook	19.4
Butte	26.3	McPherson	18.2
Campbell	20.4	Marshall	26.0
Charles Mix	21.4	Meade	32.0
Clark	22.6	Mellette	27.4
Clay	23.9	Miner	20.3
Codington	23.5	Minnehaha	23.2
Corson	20.0	Moody	25.0
Custer	20.3	Pennington	32.3
Davison	19.9	Perkins	23.0
Day	23.2	Potter	24.2
Deuel	28.2	Roberts	23.3
Dewey	21.8	Sanborn	19.8
Douglas	19.8	Shannon	34.2
Edmunds	17.5	Spink	21.2
Fall River	28.9	Stanley	30.6
Faulk	19.9	Sully	25.7
Grant	23.5	Todd	25.3
Gregory	28.6	Tripp	31.4
Haakon	33.2	Turner	19.2
Hamlin	25.9	Union	22.8
Hand	21.7	Walworth	21.9
Hanson	19.7	Washabaugh	32.7
Harding	20.4	Yankton	21.4
Hughes	25.0	Ziebach	23.9
Hutchinson	18.7	State check yield	23.8
Hyde	22.1		
Jackson	30.6		

TENNESSEE

Anderson	24.6	Hardeman	28.3
Bedford	28.9	Hardin	31.8
Benton	23.8	Hawkins	29.4
Bledsoe	29.0	Haywood	35.7
Blount	28.6	Henderson	38.0
Bradley	30.7	Henry	37.7
Campbell	24.0	Hickman	35.5
Cannon	33.3	Houston	33.7
Carroll	35.1	Humphreys	23.3
Carter	29.1	Jackson	24.7
Cheatham	32.5	Jefferson	35.3
Chester	31.4	Johnson	29.4
Claiborne	29.8	Knox	25.1
Clay	28.0	Lake	39.8
Cocke	30.3	Lauderdale	34.2
Coffee	34.4	Lawrence	32.1
Crockett	36.6	Lewis	28.5
Cumberland	28.3	Lincoln	29.3
Davidson	23.2	Loudon	33.0
Decatur	22.9	McMinn	28.3
De Kalb	24.3	McNairy	27.3
Dickson	32.9	Macon	32.3
Dyer	38.9	Madison	32.5
Fayette	31.4	Marion	26.4
Fentress	34.5	Marshall	29.0
Franklin	32.8	Maury	31.0
Gibson	37.1	Meigs	23.2
Giles	31.4	Monroe	30.1
Grainger	30.2	Montgomery	39.8
Greene	32.5	Moore	25.2
Grundy	31.4	Morgan	25.0
Hamblen	34.1	Obion	35.9
Hamilton	23.2	Overton	28.8
Hancock	24.1	Perry	25.4

TENNESSEE—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Pickett	28.4	Tipton	39.6
Polk	27.8	Trousdale	30.4
Putnam	35.3	Unicoi	28.0
Rhea	22.6	Union	27.1
Roane	29.6	Van Buren	25.4
Robertson	36.9	Warren	33.4
Rutherford	35.3	Washington	32.8
Scott	----	Wayne	32.3
Sequatchie	29.6	Weakley	35.4
Sevier	36.4	White	33.0
Shelby	32.1	Williamson	29.4
Smith	23.5	Wilson	30.1
Stewart	33.8	State check yield	33.1
Sullivan	32.5		
Sumner	35.3		

TEXAS

Anderson	----	Donley	15.2
Andrews	----	Duval	----
Angelina	----	Eastland	15.2
Aransas	----	Ector	----
Archer	18.4	Edwards	14.4
Armstrong	15.6	Ellis	18.8
Atascosa	19.5	El Paso	----
Austin	----	Erath	----
Bailey	23.5	Falls	16.4
Bandera	14.3	Fannin	24.1
Bastrop	16.7	Fayette	----
Baylor	18.5	Fisher	18.5
Bee	17.0	Floyd	23.7
Bell	16.4	Foard	22.5
Bexar	22.3	Fort Bend	----
Blanco	15.0	Franklin	----
Borden	14.2	Freestone	----
Bosque	16.8	Frio	25.3
Bowie	25.5	Gaines	28.5
Brazoria	----	Galveston	----
Brazos	16.4	Garza	17.9
Brewster	----	Gillespie	17.0
Briscoe	21.6	Glasscock	22.8
Brooks	----	Goliad	----
Brown	14.3	Gonzales	17.0
Burleson	----	Gray	15.3
Burnet	13.6	Grayson	23.3
Caldwell	17.3	Gregg	----
Calhoun	----	Grimes	----
Callahan	18.2	Guadalupe	20.0
Cameron	----	Hale	31.5
Camp	----	Hall	14.0
Carson	19.2	Hamilton	15.3
Cass	----	Hansford	29.5
Castro	38.3	Hardeman	19.3
Chambers	----	Hardin	----
Cherokee	14.4	Harris	----
Childress	16.4	Harrison	----
Clay	25.2	Hartley	25.7
Cochran	19.8	Haskell	17.6
Coke	13.1	Hays	16.1
Coleman	14.4	Hemphill	20.4
Collin	21.2	Henderson	16.3
Collingsworth	16.5	Hidalgo	----
Colorado	18.1	Hill	16.8
Comal	15.4	Hockley	18.5
Comanche	15.3	Hood	15.8
Concho	13.6	Hopkins	18.5
Cooke	21.5	Houston	20.7
Coryell	15.4	Howard	16.2
Cottle	16.2	Hudspeth	----
Crane	----	Hunt	20.6
Crockett	----	Hutchinson	29.2
Crosby	25.7	Irion	15.3
Culberson	19.2	Jack	17.1
Dallam	29.6	Jackson	14.8
Dallas	19.4	Jasper	----
Dawson	18.0	Jeff Davis	----
Deaf Smith	36.0	Jefferson	----
Delta	21.4	Jim Hogg	----
Denton	20.1	Jim Wells	----
De Witt	15.4	Johnson	17.4
Dickens	17.8	Jones	18.8
Dimmit	14.4	Karnes	16.2
		Kaufman	18.8

TEXAS—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Kendall	17.3	Reeves	32.0
Kenedy	----	Refugio	----
Kent	13.3	Roberts	14.6
Kerr	14.0	Robertson	----
Kimble	13.4	Rockwall	18.2
King	13.3	Runnels	14.7
Kinney	----	Rusk	----
Kleberg	----	Sabine	----
Knox	19.9	San Augustine	----
Lamar	24.3	San Jacinto	----
Lamb	30.7	San Patricio	----
Lampasas	17.1	San Saba	16.6
La Salle	----	Schleicher	14.2
Lavaca	20.0	Scurry	13.6
Lee	----	Shackelford	17.6
Leon	15.4	Shelby	----
Liberty	----	Sherman	29.5
Limestone	16.6	Smith	----
Lipscomb	14.2	Somervell	15.2
Live Oak	17.9	Starr	----
Llano	14.0	Stephens	16.6
Loving	----	Sterling	12.4
Lubbock	22.3	Stonewall	18.1
Lynn	15.9	Sutton	----
McCulloch	13.3	Swisher	33.4
McLennan	16.6	Tarrant	18.1
McMullen	----	Taylor	16.2
Madison	----	Terrell	----
Marion	----	Terry	23.6
Martin	17.1	Throckmorton	18.9
Mason	14.1	Titus	----
Matagorda	----	Tom Green	16.6
Maverick	21.7	Travis	17.3
Medina	21.8	Trinity	----
Menard	13.7	Tyler	----
Midland	15.4	Upshur	----
Milam	16.4	Upton	----
Mills	16.6	Uvalde	21.1
Mitchell	16.5	Val Verde	----
Montague	25.5	Van Zandt	17.0
Montgomery	----	Victoria	16.4
Moore	32.4	Walker	14.8
Morris	----	Waller	15.8
Motley	13.8	Ward	----
Nacogdoches	----	Washington	15.9
Navarro	20.7	Webb	----
Newton	----	Wharton	17.3
Nolan	18.5	Wheeler	17.1
Nueces	----	Wichita	23.0
Ochiltree	19.0	Wilbarger	21.4
Oldham	18.3	Willacy	----
Orange	----	Williamson	16.1
Palo Pinto	15.4	Wilson	17.0
Panola	----	Winkler	----
Parker	16.7	Wise	17.9
Parmer	49.1	Wood	----
Pecos	34.5	Yoakum	21.4
Polk	----	Young	20.4
Potter	16.3	Zapata	----
Presidio	24.1	Zavala	21.9
Rains	19.0	State check yield	23.5
Randall	20.9		
Reagan	15.2		
Real	----		
Red River	27.9		

UTAH

Beaver	51.6	Rich	29.8
Box Elder	32.3	Salt Lake	36.2
Cache	35.4	San Juan	20.0
Carbon	48.3	Sanpete	39.0
Daggett	37.3	Sevier	58.9
Davis	53.8	Summit	38.0
Duchesne	45.1	Tooele	23.2
Emery	43.0	Uintah	41.6
Garfield	36.9	Utah	37.0
Grand	31.0	Wasatch	52.5
Iron	38.0	Washington	32.3
Juab	26.6	Wayne	47.5
Kane	34.8	Weber	49.7
Millard	27.2	State check yield	32.3
Morgan	37.1		
Piute	53.0		

VERMONT

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Addison	36.3	Orange	----
Bennington	----	Orleans	36.3
Caledonia	----	Rutland	----
Chittenden	36.3	Washington	----
Essex	----	Windham	36.3
Franklin	----	Windsor	----
Grand Isle	36.3	State check yield	36.3
Lamoille	----		

VIRGINIA

Accomack	38.1	Louisa	34.7
Albemarle	40.7	Lunenburg	38.1
Alleghany	33.2	Madison	36.5
Amelia	38.8	Mathews	39.4
Amherst	33.6	Mecklenburg	38.2
Appomattox	38.0	Middlesex	42.3
Augusta	37.6	Montgomery	32.3
Bath	31.5	Nansemond	37.4
Bedford	40.1	Nelson	37.0
Bland	33.4	New Kent	41.6
Botetourt	36.6	Newport News	----
Brunswick	34.1	Northampton	40.4
Buchanan	23.9	Northumberland	42.7
Buckingham	40.9	Nottoway	37.1
Campbell	37.6	Orange	36.1
Caroline	37.7	Page	34.4
Carroll	35.2	Patrick	34.4
Charles City	39.8	Pittsylvania	35.5
Charlotte	34.0	Powhatan	33.8
Chesapeake	41.3	Prince Edward	36.8
Chesterfield	35.1	Prince George	35.2
Clarke	36.9	Prince William	34.5
Craig	34.4	Pulaski	32.1
Culpeper	35.6	Rappahannock	36.0
Cumberland	37.6	Richmond	42.7
Dickenson	25.0	Roanoke	35.9
Dinwiddie	40.4	Rockbridge	38.2
Essex	40.9	Rockingham	36.7
Fairfax	31.7	Russell	32.3
Fauquier	33.9	Scott	35.3
Floyd	35.7	Shenandoah	35.7
Fluvanna	36.9	Smyth	36.0
Franklin	36.4	Southampton	39.7
Frederick	36.1	Spotsylvania	34.6
Giles	32.8	Stafford	34.8
Gloucester	37.1	Surry	37.3
Goochland	35.3	Sussex	37.7
Grayson	33.8	Tazewell	32.2
Greene	33.6	Virginia Beach	40.9
Greensville	39.1	Warren	36.4
Halifax	32.8	Washington	33.1
Hampton	27.6	Westmoreland	42.2
Hanover	40.1	Wise	25.0
Henrico	39.7	Wythe	36.1
Henry	32.7	York	40.0
Highland	31.3	State check yield	37.1
Isle of Wight	37.1		
James City	39.5		
King and Queen	40.9		
King George	37.1		
King William	38.7		
Lancaster	37.3		
Lee	35.3		
Loudoun	37.5		

WASHINGTON

Adams	35.1	Jefferson	55.2
Asotin	35.4	King	----
Benton	24.8	Kitsap	----
Chelan	23.0	Kittitas	61.6
Clallam	47.4	Klickitat	34.1
Clark	41.5	Lewis	51.4
Columbia	55.8	Lincoln	43.4
Cowlitz	44.9	Mason	----
Douglas	31.4	Okanogan	24.8
Ferry	40.1	Pacific	----
Franklin	38.6	Pend Oreille	27.8
Garfield	52.1	Pierce	40.6
Grant	45.2	San Juan	55.8
Grays Harbor	41.9	Skagit	60.5
Island	69.3	Skamania	----

WASHINGTON—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Snohomish	46.1	Whatcom	40.5
Spokane	53.4	Whitman	57.4
Stevens	43.6	Yakima	45.7
Thurston	52.1	State check yield	43.5
Wahkiakum	----		
Walla Walla	45.5		

WEST VIRGINIA

Barbour	31.8	Mingo	----
Berkeley	36.5	Monongalia	30.7
Boone	----	Monroe	34.0
Braxton	29.1	Morgan	27.8
Brooke	31.2	Nicholas	30.7
Cabell	26.2	Ohio	28.7
Calhoun	----	Pendleton	31.4
Clay	----	Pleasants	31.4
Doddridge	----	Pocahontas	32.8
Fayette	29.7	Preston	29.9
Gilmer	----	Putnam	26.7
Grant	34.5	Raleigh	27.0
Greenbrier	32.4	Randolph	32.7
Hampshire	32.8	Ritchie	28.2
Hancock	29.6	Roane	28.8
Hardy	37.1	Summers	33.5
Harrison	31.6	Taylor	30.7
Jackson	30.0	Tucker	29.2
Jefferson	35.6	Tyler	28.0
Kanawha	24.3	Upshur	28.9
Lewis	28.8	Wayne	26.0
Lincoln	----	Webster	26.4
Logan	----	Wetzel	27.0
McDowell	----	Wirt	25.4
Marion	31.2	Wood	31.4
Marshall	29.6	Wyoming	----
Mason	30.6	State check yield	33.4
Mercer	28.4		
Mineral	35.0		

WISCONSIN

Adams	24.2	Marquette	27.1
Ashland	25.3	Menominee	----
Barron	24.8	Milwaukee	40.7
Bayfield	26.7	Monroe	29.0
Brown	33.3	Oconto	26.4
Buffalo	29.4	Oneida	24.2
Burnett	21.6	Outagamie	33.3
Calumet	35.8	Ozaukee	38.3
Chippewa	26.4	Pepin	28.6
Clark	29.4	Pierce	29.8
Columbia	37.8	Polk	24.3
Crawford	35.8	Portage	27.9
Dane	36.9	Price	23.1
Dodge	37.1	Racine	43.9
Door	30.5	Richland	37.3
Douglas	24.8	Rock	37.3
Dunn	28.1	Rusk	23.7
Eau Claire	27.8	St. Croix	28.7
Florence	22.9	Sauk	33.8
Fond du Lac	35.3	Sawyer	22.3
Forest	23.1	Shawano	29.4
Grant	34.2	Sheboygan	39.8
Green	38.5	Taylor	28.7
Green Lake	29.8	Trempealeau	28.1
Iowa	34.8	Vernon	37.8
Iron	21.5	Vilas	22.7
Jackson	32.1	Walworth	39.4
Jefferson	38.4	Washburn	22.9
Juneau	29.5	Washington	40.1
Kenosha	44.4	Waukesha	36.8
Kewaunee	35.3	Waupaca	31.1
La Crosse	30.3	Waushara	29.9
Lafayette	36.8	Winnebago	34.9
Langlade	25.6	Wood	32.1
Lincoln	28.1	State check yield	37.1
Manitowoc	34.4		
Marathon	27.7		
Marinette	24.6		

WYOMING

Albany	----	Crook	27.8
Big Horn	38.6	Fremont	40.9
Campbell	27.8	Goshen	23.8
Carbon	21.8	Hot Springs	37.7
Converse	20.1	Johnson	22.3

WYOMING—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Laramie	25.1	Sweetwater	-----
Lincoln	24.4	Teton	37.7
Natrona	34.8	Uinta	32.2
Niobrara	23.4	Washakie	39.0
Park	42.8	Weston	23.5
Platte	26.7	State check yield	25.6
Sheridan	26.2		
Sublette	-----		

(Secs. 375(b), 379b(g); 52 Stat. 66, 84 Stat. 1364; 7 U.S.C. 1375(b), 1379(g))

Effective date: Date of publication in the FEDERAL REGISTER (1-22-71).

Signed at Washington, D.C., on January 14, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-825 Filed 1-21-71;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-507]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Minnesota; paragraph (f) is amended by deleting the name of the State of Minnesota; and a new paragraph (e)(13) relating to the State of Minnesota is added to read:

(13) *Minnesota.* The adjoining portions of Renville, Sibley, and Nicollet Counties bounded by a line beginning at the junction of State Highway 19 and State Highway 4; thence, following State Highway 4 in a southerly direction to the north bank of the Minnesota River; thence, following the north bank of the Minnesota River in a southeasterly direction to County Road 24; thence, following County Road 24 in a northerly direction to U.S. Highway 14; thence, following U.S. Highway 14 in a northwesterly direction to County Road 12; thence, following County Road 12 in a generally northwesterly direction to County Road 1; thence, following County Road 1 in a westerly direction to State Highway 15; thence, following State Highway 15 in a northerly direction to State Highway 19; thence, following State Highway 19 in a westerly direction to its junction with State Highway 4.

2. In § 76.2 paragraph (e)(7) relating to the State of North Carolina is amended to read:

(7) *North Carolina.* (i) That portion of Gates, Chowan, and Perquimans Counties bounded by a line beginning at the junction of State Highways 37 and 32; thence, following State Highways 37, 32 in a southeasterly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a generally southerly direction to Secondary Road 1305; thence following Secondary Road 1305 in a southeasterly direction to Secondary Road 1200; thence, following Secondary Road 1200 in a northerly direction to Secondary Road 1213; thence, following Secondary Road 1213 in an easterly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northerly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a northwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a northerly and then southwesterly direction to State Highway 32; thence, following State Highway 32 in a southwesterly direction to its junction with State Highway 37 in Gates County.

(ii) That portion of Pitt County beginning at the junction of the Tar River and the Pitt-Beaufort County line; thence, following the south bank of the Tar River in a westerly direction to the Chicod Creek; thence, following the south bank of the Chicod Creek in a generally westerly direction to U.S. Highway 264; thence, following U.S. Highway 264 in a westerly direction to County Road 1759; thence, following County Road 1759 in a southwesterly direction to County Road 1700; thence, following County Road 1700 in a southwesterly direction to County Road 1774; thence, following County Road 1774 in a southeasterly direction to County Road 1772; thence, following County Road 1772 in a northeasterly direction to County Road 1785; thence, following County Road 1785 in a southeasterly direction to County Road 1786; thence, following County Road 1786 in a southeasterly direction to County Road 1800; thence, following County Road 1800 in a northeasterly direction to the Pitt-Beaufort County line; thence, following the Pitt-Beaufort County line in a generally northeasterly direction to its junction with the Tar River.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Renville, Sibley, and Nicollet Counties in Minnesota, and a portion of Pitt County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such Counties.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of January 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-926 Filed 1-21-71;8:50 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1970 ed.), as amended April 16, 1970 (35 F.R. 6175), May 21, 1970 (35 F.R. 7781), July 28, 1970 (35 F.R. 12058), September 5, 1970 (35 F.R. 11127), and November 25, 1970 (35 F.R. 18036), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

FOUR HOURS

Add: Burns Harbor, Ind. (when served from Monticello, Ind.).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561, 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1-22-71).

Done at Hyattsville, Md., this 18th day of January 1971.

R. S. SHARMAN,
Acting Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-927 Filed 1-21-71;8:50 am]

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Ownership or Financing of Packers, Dealers, and Buying Agencies

Packers not to own or finance dealers or buying agencies; dealers and buying agencies not to own or finance packers.

On December 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19468) regarding a proposed amendment to § 201.68 under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), relating to packer interest in a market agency purchasing livestock on a commission basis and a dealer purchasing livestock for speculative purposes. All interested parties were afforded an opportunity to submit written data, views, or arguments concerning the proposed amendment.

It has been the policy of the Packers and Stockyards Administration in interpreting and administering the Packers and Stockyards Act to prohibit packers from engaging in the business of buying livestock for purposes of resale. Livestock resale operations by meat packers subject to the Act constitute a potential restriction of competition and control of markets and prices. It was the intent of Congress, when enacting the Packers and Stockyards Act, to prohibit packers from engaging in monopolistic practices and from controlling livestock prices. As set forth in a policy statement in 9 CFR 203.6, the Administration considers it to be in violation of the Act for a packer to engage in or be involved in market agency or dealer operations other than purchases of livestock for purposes of slaughter, except in connection with exportation of livestock under circumstances specified in the policy statement.

The 1958 amendments of the Act extended jurisdiction to numerous livestock markets and firms operating in the country or away from posted stockyards. At that time, it was found that several packers, packer owners, officers, and employees owned an interest in or controlled the management of firms operating as livestock dealers and as market agencies purchasing livestock on a commission basis. Most of these situations were voluntarily corrected soon after the 1958 amendments of the Act. Recently, however, several other packers have obtained an ownership interest in or management control of firms operating as livestock dealers or as market agencies purchasing livestock on a commission basis. These situations, when not corrected, have the tendency or effect of restraining commerce; and, in many instances, could involve collusive and monopolistic arrangements through which a packer obtains control of a marketing area. Similar conditions can exist when employed packer buyers obtain an ownership interest in, provide finances for, or participate in the management or operations of a dealer or market agency.

One basic purpose of the Packers and Stockyards Act is to assure competitive marketing conditions for livestock free of conflict-of-interest situations and other restraints which adversely affect livestock producers. Such practices could prevent producers from receiving a fair price for their livestock. It is essential to provide for a complete separation of packers, their officers, agents, and employees, and persons owning a substantial interest in a packer, from ownership and other methods of control of those engaged in the business of purchasing livestock as a dealer or on a market agency basis.

The Administration received 32 written communications concerning this proposal. These written comments expressed the views of producers, producer and farm organizations, State governments, dealers, packers, auction markets, and farmer-owned cooperatives. The producer and farm organizations and State governments favored the general intent of the proposed amendment to § 201.68. Opposition was received mainly from dealers and packers whose organizations and operations would be directly affected by the regulation. Farmer-owned cooperatives expressed opposition to paragraph (b) of the proposed amendment.

As a result of careful consideration of all the views and comments received, and on the facts available, the Packers and Stockyards Administration has determined that the proposed regulation should be issued. Therefore, pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), § 201.68 of the regulations (9 CFR 201.68) promulgated under the Act is amended to read as follows:

§ 201.68 Packers not to own or finance dealers or buying agencies; dealers and buying agencies not to own or finance packers.

(a) No packer, officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, shall independently, or in combination with others, or through any corporate or other device, operate as a market agency purchasing livestock on a commission basis, or as a dealer, or have an ownership interest in, finance, or participate in the management or operation of any such market agency or dealer; nor shall any market agency purchasing livestock on a commission basis or any dealer permit a packer, or officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, independently or in combination with others, or through any corporate or other device, to have any ownership interest in, finance, or participate in the management or operation of such market agency or dealer: *Provided, however,* That the provisions of this section shall not affect the statement of general policy set forth in § 203.6 of this chapter concerning purchases of livestock by packers for purposes of export, and shall not prohibit a packer or buyer employed by a packer from purchasing livestock for purposes of slaughter by such packer.

(b) No dealer or market agency purchasing livestock on a commission basis, or owner, officer, agent, or employee of such dealer or market agency, shall independently, or in combination with others, or through any corporate or other device, have a substantial ownership interest in, finance, or participate in the management or operation of any packer subject to the Act; nor shall any packer permit any such dealer or market agency, or owner, officer, agent, or employee of such dealer or market agency, independently or in combination with others, or through any corporate or other device, to have a substantial ownership interest in, finance, or participate in the management or operation of the packer.

The provisions of the amendment are the same as those proposed in the notice of rule making published in the FEDERAL REGISTER on December 9, 1969 (34 F.R. 19468), except for a minor clarifying change in the language of paragraph (a).

It does not appear that further notice of proposed rule making regarding the aforesaid modification would make additional information available to the Packers and Stockyards Administration. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. § 553, that further notice and public procedure respecting this matter are impracticable and unnecessary.

The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of January 1971.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[FR Doc.71-929 Filed 1-21-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Eurodollar Borrowings

1. Effective January 15, 1971, § 213.7 (a) of Regulation M is amended to read as follows:

§ 213.7 Reserves against foreign branch deposits.

(a) *Transactions with parent bank.* During each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week (maintenance) period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 20 percent of the amount by which the daily average total of

(1) Net balances due from its domestic offices to such branches, and

(2) Assets (including participations) held by such branches which were acquired from its domestic offices,[1]

during the 4-week (computation) period ending on the Wednesday 15 days before the beginning of the maintenance period, exceeds the greater of—

(i) The lowest corresponding daily average total[2] for any computation period ending after November 25, 1970, or

(ii) 3 percent of the member bank's daily average deposits subject to § 204.5 (a) of this chapter (Regulation D) during the current computation period, or the lowest corresponding daily average total[2] for any computation period beginning on or after January 21, 1971, and after the bank has had a foreign branch in operation for more than 90 days, whichever amount is the lesser:

Provided, That the applicable base computed under (i) or (ii) shall be reduced by the daily average amount of any deposits of the member bank subject to § 204.5(c) of this chapter (Regulation D) during the computation period.

• • • • •

[1] Excluding (1) assets so held on June 26, 1969, representing credit extended to persons not residents of the United States and (2) credit extended or renewed by a domestic office after June 26, 1969, to persons not residents of the United States to the extent such credit was not extended in order to replace credit outstanding on that date which was paid prior to its original maturity (see definition of United States resident in footnote 9).

[2] Including the principal amount paid by a foreign branch of the member bank for obligations held by such branch that were purchased by it from the Export-Import Bank of the United States pursuant to its program announced on Jan. 15, 1971, and excluding assets representing credit extended to persons not residents of the United States.

2a. The change provides a means by which a member bank may retain its reserve-free base with respect to its Eurodollar borrowings from its foreign branches by counting within its base the amount of purchases by its foreign branches of certain Export-Import Bank obligations.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that following such procedures with respect to this amendment would be contrary to the public interest and serve no useful purpose.

By order of the Board of Governors, January 15, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-910 Filed 1-21-71;8:49 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Credit Cards; Issuance and Liability

1. Effective January 25, 1971, §§ 226.1 and 226.12 are amended and § 226.13 and Supplement IV are added to Part 226 as follows:

§ 226.1 Authority, scope, purpose, etc.

(a) *Authority, scope, and purpose.* (1) This part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to title I (Truth in Lending Act), and title V (General Provisions) of the Consumer Credit Protection Act, as amended (15 U.S.C. section 1601 et seq.). Except as otherwise provided herein, this part applies to all persons who in the ordinary course of business regularly extend, or offer to extend, or arrange, or offer to arrange, for the extension of consumer credit as defined in paragraph (k) of § 226.2, and to all persons who issue credit cards.

(2) This part implements the Act, the purpose of which is to assure that every customer who has need for consumer credit is given meaningful information with respect to the cost of that credit which, in most cases, must be expressed in the dollar amount of finance charge, and as an annual percentage rate computed on the unpaid balance of the amount financed. Other relevant credit information must also be disclosed so that the customer may readily compare the various credit terms available to him from different sources and avoid the uninformed use of credit. This part also implements the provision of the Act under which a customer has a right in certain circumstances to cancel a credit transaction which involves a lien on his residence. Advertising of consumer credit terms must comply with specific requirements, and certain credit terms may not be advertised unless the creditor usually and customarily extends such terms. This part also contains prohibitions against the issuance of unsolicited credit cards and limits on the cardholder's liability for unauthorized use of a credit card. Neither the Act nor this part is intended to control charges for consumer credit, or interefere with trade practices except to the extent that such practices may be inconsistent with the purpose of the Act.

(b) *Administrative enforcement.* (1) As set forth more fully in section 108 of the Act, administrative enforcement of the Act and this part with respect to certain creditors and credit card issuers is assigned to the Comptroller of the Currency, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, and Board of Governors of the Federal Reserve System.

(2) Except to the extent that administrative enforcement is specifically committed to other authorities, compliance with the requirements imposed under the Act and this part will be enforced by the Federal Trade Commission.

(c) *Penalties and liabilities.* Section 112 of the Act provides for criminal liability for willful and knowing failure to comply with any requirement imposed under the Act and this part, and section 130 of the Act provides for civil liability on the part of any creditor who fails to disclose any information required under Chapter 2 of the Act and under the corresponding provisions of this part. Section 134 provides for criminal liability for the fraudulent use of a credit card to obtain goods or services having a retail value aggregating $5,000 or more. Pursuant to section 108 of the Act, violations of the Act or this part constitute violations of other Federal laws which may provide further penalties.

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplements II and IV to Regulation Z, any State may make application to the Board for exemption of any class of transactions within that State from the requirements of Chapter 2 of the Act and the corresponding provisions of this part: *Provided*, That,

(1) Under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act and the corresponding provisions of this part; and

(2) There is adequate provision for enforcement.

(b) *Proccdures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z with respect to disclosure and rescission requirements (sections 121–131 of Chapter 2) and Supplement IV with respect to the prohibition of the issuance of unsolicited credit cards and the liability of the cardholder for unauthorized use of a credit card (sections 132–133 of Chapter 2).

(c) *Civil liability.* In order to assure that the concurrent jurisdiction of Federal and State courts created in section 130(e) of the Act shall continue to have substantive provisions to which such jurisdiction shall apply, and generally to aid in implementing the Act with respect to any class of transactions exempted pursuant to paragraph (a) of this section and Supplement II, the Board pursuant to sections 105 and 123 hereby prescribes that:

(1) No such exemption shall be deemed to extend to the civil liability provisions of sections 130 and 131; and

(2) After an exemption has been granted, the disclosure requirements of the applicable State law shall constitute the disclosure requirements of this Act, except to the extent that such State law imposes disclosure requirements not imposed by this Act. Information required under such State law with the exception of those provisions which impose disclosure requirements not imposed by this Act shall, accordingly, constitute the "information required under this chapter" (Chapter 2 of the Act) for the purpose of section 130(a).

(d) *Exemptions granted.* Exemptions granted by the Board to particular classes of credit transactions within specified States are set forth in Supplement III to Regulation Z.

§ 226.13 Credit cards—issuance and liability.

(a) *Supplemental definitions applicable to this section.* In addition to the definitions set forth in § 226.2, as applicable, the following definitions apply to this section:

(1) "Accepted credit card" means any credit card which the cardholder has requested or applied for and received, or has signed, or has used, or has authorized another person to use for the purpose of obtaining money, property, labor, or services on credit. Any credit card issued in renewal of, or in substitution for, an accepted credit card becomes an accepted credit card when received by the cardholder whether such card is issued by the same or a successor card issuer.

(2) "Adequate notice" means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

(3) "Card issuer" means any person who issues a credit card, or the agent of such person with respect to such card.

(4) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(5) "Credit" means the right to defer payment of debt, incur debt and defer its payment, or to obtain money, property, labor or services and defer payment therefor.

(6) "Credit card" means any card, plate, coupon book, or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(7) "Unauthorized use" means the use of a credit card by a person other than the cardholder

(i) Who does not have actual, implied, or apparent authority for such use, and

(ii) From which the cardholder receives no benefit.

(b) *Issuance of credit cards.* No credit card shall be issued except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

(c) *Conditions of liability of cardholder.* A cardholder shall be liable for unauthorized use of a credit card only if,

(1) The credit card is an accepted credit card;

(2) Such liability does not exceed the lesser of $50 or the amount of money, property, labor, or services obtained by such use prior to notification of the card issuer pursuant to paragraph (f) of this section;

(3) The card issuer has given adequate notice to the cardholder of his potential liability on the credit card or within 2 years preceeding the unauthorized use; and

(4) The card issuer has provided the cardholder with an addressed notification requiring no postage to be paid by the cardholder which may be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card.

(d) *Other conditions of liability.* In addition to the conditions of liability in paragraph (c) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued after January 24, 1971, and, regardless of the date of its issuance, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card, unless the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it, such as by signature, photograph, or fingerprint on the credit card or by electronic or mechanical confirmation.

(e) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (c) (3) of this section may be given by printing the notice on the credit card, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice must state that liability shall not exceed $50 (or any lesser amount), that notice of loss, theft, or possible unauthorized use may be given orally or in writing, and the name and address of the party to receive the notice. It may include any additional information which is not inconsistent with the provisions of this section. An example of an acceptable notice is as follows:

You may be liable for the unauthorized use of your credit card (or other term which describes the credit device). You will not be liable for unauthorized use which occurs after you notify (name of card issuer or his designee) at (address) orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed (insert—$50 or any lesser amount under other applicable law or under any agreement with the cardholder).

(f) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to loss, theft, or possible unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (c)(4) of this section, at the option of the cardholder, notice may be given to the card issuer or his designee in person or by telephone or by letter, telegram, radiogram, cablegram, or other written communication which sets forth the pertinent information. Notice by mail, telegram, radiogram, cablegram, or other written communication shall be considered given at the time of receipt or, whether or not received, at the expiration of the time ordinarily required for transmission, whichever is earlier.

(g) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (c) and (d) of this section, have been met.

(h) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

SUPPLEMENT IV

PROCEDURES AND CRITERIA UNDER WHICH ANY STATE MAY APPLY FOR EXEMPTION PURSUANT TO PARAGRAPH (a) OF § 226.12 FROM THE PROVISIONS OF CHAPTER 2 OF THE TRUTH IN LENDING ACT PROHIBITING THE ISSUANCE OF UNSOLICITED CREDIT CARDS AND LIMITING CARDHOLDER LIABILITY FOR UNAUTHORIZED USE OF A CREDIT CARD

(a) *Application.* Any State may make application to the Board, pursuant to the terms of this supplement and the Board's Rules of Procedure (12 CFR Part 262), for a determination that, under the laws of that State,[1] a class of transactions within that State is subject to requirements substantially similar to those imposed under Chapter 2 of the Act[2] prohibiting the issuance of unsolicited credit cards and limiting cardholder liability for unauthorized use of a credit card and that there is adequate provision for enforcement of such require-

[1] Any reference to State law in Supplement IV includes a reference to any regulations which implement State law and formal interpretations thereof.

[2] Any reference to Chapter 2 of the Act or any section thereof in Supplement IV includes a reference to the implementing provisions of this part and the Board's formal interpretations thereof.

ments. Such application shall be made by letter addressed to the Board signed by the Governor, the Attorney General, or any official of the State having responsibilities under the State laws which are applicable to that class of transaction and supported by the documents specified in paragraph (b).

(b) *Supporting documents.* The application shall be accompanied by:

(1) A copy of the full text of the laws of the State which are claimed by the applicant to impose requirements substantially similar to those imposed under Chapter 2 of the Act with respect to the class of transactions within that State.

(2) A comparison of each requirement of State law with the corresponding requirement of Chapter 2 of the Act, together with reasons to support the claim that applicable requirements of State law are substantially similar to the applicable requirements imposed under Chapter 2 of the Act, and to demonstrate that any differences are not inconsistent with such requirements of Chapter 2 of the Act and that there are no other effective State laws which are inconsistent with such requirements of Chapter 2 of the Act with respect to that class of transactions.

(3) A copy of the full text of the laws of the State which provide for enforcement of the State laws referred to in subparagraph (1) of this paragraph.

(4) A comparison of the provisions of State law with the provisions of sections 108 and 112 of the Act, together with reasons to support the claim that such State laws provide for:

(i) Administrative enforcement of the State laws referred to in subparagraph (1) of this paragraph which is tantamount to the provisions for enforcement under section 108 of the Act and,

(ii) Criminal liability for willful and knowing violation with penalties substantially similar to those prescribed under section 112 of the Act.

(5) A statement identifying the office designated or to be designated to administer the State laws referred to in subparagraph (1) of this paragraph, and a description of the procedures under which such State laws are to be administratively enforced, including administrative enforcement with respect to federally chartered creditors.[3] The foregoing statement should include reasons to support the claim that there is adequate provision for enforcement of such State laws.

(c) *Public notice of filing and proposed rule making.* In connection with any application which has been filed in accordance with the requirements of paragraphs (a) and (b), notice of such filing and proposed rule making will be published by the Board in the FEDERAL REGISTER, and a copy of such application will be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which any part of the State of the applicant is situated. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to that application.

(d) *Exemption from requirements of Chapter 2.* If the Board determines on the basis of the information before it that under the law of a State any class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act prohibiting the issuance of unsolicited credit cards and limiting the cardholder's liability for unauthorized use of a card, and that there is adequate provision for enforcement, the Board will exempt such class of transactions in that State from the applicable requirements of Chapter 2 of the Act in the following manner and subject to the following conditions:

(1) Notice of the exemption will be published in the FEDERAL REGISTER, and the Board will furnish a copy of such notice to the official who made application for such exemption and to each Federal authority responsible for administrative enforcement of the requirements of Chapter 2 of the Act.

(2) The appropriate official of any State which receives an exemption shall inform the Board within 30 days of the occurrence of any change in its related law (or regulations). The report of any change shall contain copies of the full text of that change together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (2) and (4) of paragraph (b). The appropriate official of any State which has received an exemption shall file with the Board from time to time such reports as the Board may require.

(3) The Board will inform the appropriate official of any State which receives an exemption of any subsequent amendments to the applicable provisions of Chapter 2 of the Act (including the implementing provisions of this part and the Board's formal interpretations) which might call for amendment of State law, regulations, or formal interpretations.

(e) *Adverse determination.* (1) If after publication of notice in the FEDERAL REGISTER as provided under paragraph (d), the Board finds on the basis of the information before it that it cannot make any favorable determination in connection with the application, the Board will notify the appropriate State official of the facts upon which such findings are based and shall afford that State a reasonable opportunity to demonstrate or achieve compliance.

(2) If, after having afforded the State such opportunity to demonstrate or achieve compliance, the Board finds on the basis of the information before it that it still cannot make any favorable determination in connection with the application, the Board will publish in the FEDERAL REGISTER a notice of its decision with respect to such application and will furnish a copy of such notice to the official who made application for such exemption.

(f) *Revocation of exemption.* (1) The Board reserves the right to revoke any exemption if at any time it determines that the State law does not in fact impose requirements which are substantially similar to those imposed under Chapter 2 of the Act or that there is not in fact adequate provision for enforcement.

(2) Before revoking any State exemption, the Board will notify the appropriate State official of the facts or conduct which in the opinion of the Board warrant such revocation and shall afford that State such opportunity as the Board deems appropriate in the circumstances to demonstrate or achieve compliance.

(3) If, after having been afforded the opportunity to demonstrate or achieve compliance, the Board determines that the State has not done so, notice of the Board's intention to revoke such exemption shall be published as a notice of proposed rule making in the FEDERAL REGISTER. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to the proposed rule making.

(4) In the event of revocation of such exemption, notice of such revocation shall be published by the Board in the FEDERAL REGISTER, and a copy of such notice shall also be furnished to the appropriate State official and to the Federal authorities responsible for enforcement of requirements of Chapter 2 of the Act, and the class of transactions affected within that State shall then be subject to the requirements of Chapter 2 of the Act and subject to administrative enforcement as provided under section 108 of the Act.

2a. The amendments implement Title V of an Act (Public Law 91-508) dealing with Bank Records and Foreign Transactions; Credit Cards; and Consumer Credit Reporting. Title V is an amendment to the Truth in Lending Act (15 U.S.C. 1601). It prohibits the issuance of unsolicited credit cards and limits cardholder liability for unauthorized use to $50. Section 226.1 *Authority, scope, purpose, etc.* of the Regulation has been amended to indicate the addition of the new credit card provisions. Section 226.12 specifies that States may apply for an exemption from the Federal law for any class of transactions which is subject to substantially similar requirements under State law where there is adequate provision for enforcement. The procedures and criteria for exemption are set forth in new Supplement IV. Exemptions from the provisions of Chapter 2 of the Act relating to issuance of credit cards and cardholder liability will be separate and apart from exemptions from the disclosure and rescission provisions of Chapter 2.

The credit card provisions dealing with issuance and liability are in the new § 226.13. The statutory provisions have been incorporated into the amendment so that it may be used by affected parties as a single source of the requirements of both Title V and the regulation.

Section 226.13(a)(6) which defines a "credit card" specifies that it is a "single device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor or services on credit." The definition is designed to make it clear that applications, notes, checks, drafts, gift certificates, and similar devices which cannot be used from time to time are not within the definition. Section 226.13(b)(2) has been clarified to permit the renewal or substitution of a credit card "whether such card is issued by the same or a successor card issuer." The proposed regulations issued for comment on November 24, 1970, restricted the method which must be provided by the card issuer for identification of the card user to "signature, photograph or fingerprint on the credit card or by electronic or mechanical confirmation." Section 226.13(d) has been modified to indicate that these are examples of acceptable identification methods but that others may be sufficient.

Section 226.13(e) has been expanded to generally indicate the information which the card issuer must provide the cardholder when he notifies him of his potential liability as required in order to hold the cardholder liable for unauthorized use. The addition emphasizes that the notice form set forth in the provision need not be used, and that the creditor may draft his own notice as long as it contains the required information. Section 226.13(c)(3) provides that in order to recover for unauthorized use, the card issuer must have provided the notice to the cardholder on the credit card or within the preceding 2 years. Section 226.13(f) provides that cardholder notice of loss, theft or possible unauthorized use "by mail, telegram, radiogram, cablegram, or other written communication shall be considered given at the time of receipt or, whether or not received, at the expiration of the time ordinarily required for transmission, whichever is the earlier." The 2-year record retention requirement contained in the proposal issued for comment has been deleted.

b. The amendment to § 226.12, and Supplement IV were adopted by the Board without following the procedures of section 553 of title V, United States Code, relating to notice, public participation, and deferred effective date. The substance of both had been previously published for comment in connection with the issuance of Supplement II dealing with exemption from disclosure and rescission provisions of the Truth in Lending Act. In view of this, such procedures would result in delay that would serve no useful purpose.

The amendment to § 226.1 was also adopted without following those procedures. Since this amendment only indicates the presence of the credit card provisions in the regulation, it involves no change in a substantive rule and further delay would serve no useful purpose.

The provisions of § 226.13 were adopted after consideration of all relevant material, including communications from interested persons. The effective date of the amendment was deferred for less than the 30-day period referred to in section 553(d) of title V, United States Code to become effective on January 25, 1971. In view of the fact that all applicable statutory provisions will be in effect on January 25, 1971, deferral beyond that date would create uncertainties as to the requirements during the interim period.

By order of the Board of Governors, January 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-973 Filed 1-21-71;8:51 am]

[3] All transactions within the exempt class of transactions in which a federally chartered institution is a creditor shall be treated as a separate class of transactions not subject to the exemption, and such federally chartered creditors shall remain subject to the requirements of the Act and administrative enforcement by the appropriate Federal authority under section 108 of the Act, unless it is established to the satisfaction of the Board that appropriate arrangements have been made with such Federal authorities to assure effective enforcement of the requirements of State laws with respect to such creditors.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 12]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Manufacturer of Refined Petroleum Products for Purpose of Government Procurement; Correction

In F.R. Doc. 71-188 published on January 7, 1971 (36 F.R. 213), "Schedule F" referred to in amendment 2 should have read "Schedule G."

Dated: January 14, 1971.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-899 Filed 1-21-71;8:48 am]

[Rev. 9, Amdt. 13]

PART 121—SMALL BUSINESS SIZE STANDARDS

Formal Procedures To Govern Proceedings of the Size Appeals Board

On November 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16939) a notice that the Administrator of the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to provide formal rules to govern review proceedings of the Size Appeals Board.

The proposed rules were fully set forth and interested persons were given 15 days in which to file written statements, opinions, or arguments thereon.

On consideration of all relevant matter concerning the proposal, it has been determined to amend the regulation as proposed in the notice. Section 121.3-6 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

§ 121.3-6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3-4 and 121.3-5 and from product classifications made pursuant to §§ 121.3-8 and 121.3-10 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed, or modified. Size Appeals Board proceedings are essentially fact-finding and nonadversary in nature. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members, to wit: The Deputy Administrator (Chairman), the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance, and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may, in writing, designate one or more alternates to serve in his stead in the event of absence or disability.

(b) *Method of appeal.*—(1) *Who may appeal.* An appeal may be filed by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3-5 and whose protest has been denied by an Area Administrator or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of an Area Administrator or his delegatee pursuant to §§ 121.3-4 and 121.3-5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3-8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by an Area Administrator, or his delegatee, may be taken at any time, except that because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offerer in a pending procurement may be taken within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on the fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken: (*a*) Not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the

time of receipt of the appeal by the Size Appeals Board: *Provided, however*, That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice and, to avoid time-consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which the appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of an Area Administrator, or his delegatee, or Contracting Officer is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the appropriate Area Administrator or his delegatee and to the Contracting Officer (if a pending procurement is involved). If the appellant is not the concern whose size status is in question, the Board shall also send a copy of the notice to such concern. The Board shall notify all interested parties that the appeal has been filed. The Board in its discretion may also provide any of such interested parties with copies of applicant's Notice of Appeal, or parts thereof, when the Board determines that this would be in the interest of fairness or would assist it in the performance of its functions.

(d) *Statement of interested parties.* After an appeal has been filed, any other interested parties may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of appropriate notification of appeal or other action in the proceedings unless an extension is for cause granted by the Chairman of the Size Appeals Board. If the appellant is the concern whose size status is in question, the Board will provide copies of such statements and appropriate evidence submitted in connection with the appeal or a reconsideration thereof to such appellant.

(e) *Consideration by the Size Appeals Board.* (1) The Size Appeals Board shall consider the appeal on the written submissions of the parties. The Board may also, in its discretion, conduct an oral inquiry. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(2) Procedures in oral inquiries: In considering size appeals, and in reconsidering size appeals decisions, the Size Appeals Board may hold an oral inquiry to assist it in arriving at facts necessary in deciding the appeal. The following rules shall govern such oral inquiries:

(i) Oral inquiries may be held by the Size Appeals Board upon the request of any party to a size appeal or by the Board on its own motion. The Board will, in its discretion, determine whether an oral inquiry will be of assistance in its determination of a size appeal. The Board shall inform the party making a request for oral inquiry whether its request is granted. If the Board grants the request for an oral inquiry, it will so notify all other interested parties.

(ii) Oral inquiries held by the Board are investigative in nature and not adversary. Such inquiries shall be conducted informally in a manner which will facilitate the Board's fact-finding function and insure fairness to all participants.

(iii) Whenever the Board permits the appearance of two or more parties before it in an oral inquiry, cross-examination shall not be permitted between or among such parties; however, any party appearing in such oral inquiry may suggest questions for the Board to direct to other parties which may assist the Board in its determination of relevant facts.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however*, That should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

(h) *Reconsiderations.* (1) Following any decision in a size appeals case, an interested party, within no more than five (5) business days following the decision, may petition the Board for reconsideration upon presentation of appropriate justification therefor. The petition for reconsideration to the Board may be in any form with an original and four copies. The Board will notify interested parties that a petition for reconsideration has been received.

(2) The Board shall consider the petition for reconsideration upon the statement and other evidence presented by the petitioners and any other evidence the Board, in its discretion, deems necessary.

(3) Grounds for reconsideration: Grounds for reconsideration shall be:

(i) A material error of fact in the original decision; or

(ii) Relevant information not previously considered by the Board or relevant information not previously available to any of the parties involved;

(iii) When a request for reconsideration is made by any of the interested parties, such requesting party must demonstrate to the Board that the grounds for reconsideration involve facts or information which were not previously presented to the Board through no fault or omission of such party.

(4) If the Administrator, upon considering the Board's recommendation, denies the request for reconsideration, the Board shall notify all parties. If the Administrator grants the request for reconsideration, the Board shall so notify all interested parties, setting forth a reasonable time within which the interested parties may, if appropriate, submit additional information. The Board, in its discretion, shall provide interested parties with copies of appropriate information submitted by other parties where it determines that this is necessary in the interests of fairness or to better assist the Board in performing its factfinding functions.

(5) Following its reconsideration of the matter, the Board will promptly make its recommendations to the Administrator for decision pursuant to paragraph (f) of this section.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (1-22-71).

Dated: January 14, 1971.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-900 Filed 1-21-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10787; Amdt. 739]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Ave SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; VOR-A, Amdt. 8; Revised.
New York, N.Y.—LaGuardia Airport; VOR-B, Amdt. 12; Revised.
New York, N.Y.—LaGuardia Airport; VOR-C, Amdt. 1; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective February 18, 1971:

Fayetteville, N.C.—Fayetteville Municipal Airport (Grannis Field); VOR Runway 3, Amdt. 6; Revised.
Franklin, Va.—Franklin Municipal-John Beverly Rose Airport; VOR Runway 9, Amdt. 7; Revised.
Nashua, N.H.—Boire Field; VOR-A, Amdt. 7; Revised.
Panama City, Fla.—Panama City-Bay County Airport; VOR Runway 22, Amdt. 4; Revised.
Westerly, R.I.—Westerly State Airport; VOR-A, Amdt. 3; Revised.
Franklin, Va.—Franklin Municipal-John Beverly Rose Airport; VOR/DME Runway 27, Amdt. 3; Revised.
Smyrna, Tenn.—Smyrna Airport; VOR/DME Runway 32, Amdt. 1; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; LOC (BC) Runway 31, Amdt. 4; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective January 21, 1971:

Trenton, N.J.—Mercer County Airport; LOC Runway 6, Orig.; Canceled.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; NDB Runway 4, Amdt. 30; Revised.
New York, N.Y.—LaGuardia Airport; NDB Runway 22, Amdt. 4; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 18, 1971:

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); NDB Runway 3, Amdt. 4; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective January 21, 1971:

Trenton, N.J.—Mercer County Airport; ILS Runway 6, Orig.; Established.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; ILS Runway 4, Amdt. 27; Revised.
New York, N.Y.—LaGuardia Airport; ILS Runway 13, Amdt. 7; Revised.
New York, N.Y.—LaGuardia Airport; ILS Runway 22, Amdt. 6; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs effective February 18, 1971:

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); ILS Runway 3, Amdt. 4; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective February 18, 1971:

Pensacola, Fla.—Pensacola Municipal/Hagler Airport; Radar-1, Orig.; Established.

11. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective February 18, 1971:

Massena, N.Y.—Richards Field; RNAV Runway 5, Amdt. 1; Revised.
Massena, N.Y.—Richards Field; RNAV Runway 23, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 13, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-837 Filed 1-21-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1829]

PART 13—PROHIBITED TRADE PRACTICES

American Hospital Supply Corp. and Convertors Division

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, American Hospital Supply Corp. et al., Evanston, Ill., Docket C-1829, Dec. 1, 1970]

In the Matter of American Hospital Supply Corp., a Corporation, Trading as Convertors Division

Consent order requiring an Evanston, Ill., corporation which manufactures and distributes disposable hospital products to cease manufacturing and selling certain items of wearing apparel, including nurses' caps and infants' shirts, which do not conform to the flammability standards under the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent American Hospital Supply Corp., a corporation, trading as Convertors Division, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent, if it shall not have done so heretofore, notify all of its customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products, and effect recall of such products from said customers.

It is further ordered, That the respondent herein, if it shall not have done so heretofore, either process the products which gave rise to the complaint so as

to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the products which gave rise to the complaint, (1) the number of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and effect recall of such products from said customers, and of the results of such actions, (3) any disposition of such products since January 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, of having a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than one square yard of material.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-865 Filed 1-21-71;8:45 am]

[Docket No. C-1828]

PART 13—PROHIBITED TRADE PRACTICES

B. Margaritis Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, B. Margaritis Furs, Inc., et al., New York, N.Y., Docket C-1828, Dec. 1, 1970]

In the Matter of B. Margaritis Furs, Inc., a Corporation, and Gus Margaritis and Barbara Margaritis, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur garments to cease and desist from misbranding, falsely invoicing and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents B. Margaritis Furs, Inc., a corporation, and its officers, and Gus Margaritis and Barbara Margaritis, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondent B. Margaritis Furs, Inc., a corporation, and its officers, and Gus Margaritis and Barbara Margaritis, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-872 Filed 1-21-71;8:46 am]

[Docket No. C-1831]

PART 13—PROHIBITED TRADE PRACTICES

Robert Benedick and Robert Benedick Furs

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Robert Benedick et al., New York, N.Y., Docket C-1831, Dec. 1, 1970]

In the Matter of Robert Benedick, an Individual Trading as Robert Benedick Furs

Consent order requiring a New York City individual to cease misbranding, falsely invoicing, and deceptively guaranteeing his fur products.

The order to cease and desist, including futher order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Robert Benedick, individually and trading as Robert Benedick Furs or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Representing, directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondent Robert Benedick, individually and trading as Robert Benedick Furs or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-866 Filed 1-21-71;8:45 am]

[Docket No. C-1833]

PART 13—PROHIBITED TRADE PRACTICES

Carnation Co.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.170 *Qualities or properties of product or service:* 13.170–64 Nutritive. Subpart—Misbranding or mislabeling: § 13.1200 *Content.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carnation Co., Los Angeles, Calif., Docket C-1833, Dec. 8, 1970]

In the Matter of Carnation Co., a corporation

Consent order requiring a major seller of food products with headquarters in Los Angeles, Calif., to cease making unwarranted nutritional claims in advertising its "Carnation Instant Breakfast."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Carnation Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of Carnation Instant Breakfast, or any other product of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that:

(a) A packet of Carnation Instant Breakfast with milk has as much or more of any specified nutrient or nutrients as is present in, or has the nutrient value of, any breakfast or any group of foods generally recognized as constituting a breakfast when such product in combination with milk does not contain as much or more of each nutrient for which a recommended dietary allowance has been established by the National Research Council as is present in such breakfast or group of foods;

(b) The amount of any nutrient or nutrients in a packet of Carnation Instant Breakfast, taken alone or in combination with milk, is comparable to the amount of such nutrient or nutrients in any food, when such food contains any other nutrient or nutrients for which a recommended dietary allowance has been established by the National Research Council, which is not present in as great or greater amounts in Carnation Instant Breakfast unless the advertisement discloses clearly, conspicuously, and prominently in close proximity thereto, that such food contains other useful nutrients not present in Carnation Instant Breakfast, or, if present, in lesser amounts than contained in such foods;

(c) The presence of any single nutrient in a packet of Carnation Instant Breakfast, either alone or in combination with milk, is comparable to the presence of such nutrient in any food unless such food is a recognized good dietary source for that nutrient;

(d) A packet of Carnation Instant Breakfast, taken either alone or in combination with milk, should be used regularly as a breakfast, lunch, supper or other meal unless the advertisement also discloses clearly, conspicuously, and prominently that for good nutrition one should eat a variety of foods;

(e) A packet of Carnation Instant Breakfast in combination with milk provides nutritive value unless the advertisement also discloses clearly, conspicuously and prominently that the milk contributes much of the nutritive value and that detailed information is on the label.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited by paragraph 1 hereof.

3. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisements which contain statements which are inconsistent with, negate or contradict any of the affirmative disclosures required by paragraph 1 of this order, or which in any way obscure the meaning of such disclosures.

4. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any such product 9 months from the date of this order unless the label for the package as defined in Federal Fair Packaging and Labeling Act for such product discloses clearly, conspicuously, and prominently a nutrient tabulation by gram weight and percentage of Minimum Daily Requirement for those nutrients for which a Recommended Dietary Allowance has been established indicating the respective composition of such product alone, 8 ounces of whole milk, and such product mixed with 8 ounces of whole milk.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: December 8, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-867 Filed 1-21-71;8:46 am]

[Docket No. C-1826]

PART 13—PROHIBITED TRADE PRACTICES

Chemical Associates, Inc., et al.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2 (a): § 13.730 *Customer classification.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.870 *Charges and prices.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2150 *Seller status, advantages or connections.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, Chemical Associates, Inc., et al., Houston, Tex., Docket C-1826, Nov. 27, 1970.]

In the Matter of Chemical Associates, Inc., a Corporation, and John R. Frey, and Donald L. Shriver, Individually and as Officers of Said Corporation

Consent order requiring a Houston, Tex., distributor of cleaning compounds, polishes, shine kits, and related products to cease fixing resale prices for its products, imposing customer, advertising, and sales outlet restrictions on its distributors, discriminating in price between competing resellers, and participating in any successive recruitment of other participants in any multi-level marketing scheme; respondents are also required to affirmatively grant customers the right to determine their own resale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Chemical Associates, Inc., a corporation, its officers, agents, representatives, divisions, employees, successors and assigns, and respondents John R. Frey, and Donald L. Shriver, individually and as officers of Chemical Associates, Inc., their agents, representatives, and employees, directly or indirectly, or through any corporate or other device in connection with the offering for sale, sale, or distribution of any goods or commodities in commerce, or in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist, directly or indirectly, from:

1. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities to do or perform or attempting to do or perform any of the following acts, practices, or things:

(a) Fix, establish or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(c) Refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of businesses, or through the facilities of any business, class of businesses, or other means of distribution, provided, however, that nothing in this order shall be construed or applied to prohibit respondent from making bona fide unilateral selection of respondents' customers on the basis of their own criteria and judgment, or from recommending reasonable criteria and standards to their distributors for the selection of customers, said criteria and standards not violating the letter or spirit of any of the provisions of this order.

(d) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of business, or through the facilities of any business, class of business, or other means of distribution.

(e) Prevent any distributor or dealer of any of corporate respondent's products from advertising either his distributorship or said products, in any media of his choosing, or preventing any distributor or dealer from employing the trade name or any of the trademarks of corporate respondent in said advertising; provided, however, respondents may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

(f) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser, directly or indirectly, or causing to be sold to any purchaser, at net prices higher than the net prices charged any other purchaser, who competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net price charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price, or with customers of the purchaser paying the higher price; provided, however, that nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery; and provided further that all other defenses available in law to a charge of price discrimination shall be available to the respondent company.

3. Discriminating, directly or indirectly, in the terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser upon terms or conditions of sale less favorable than the terms or conditions of sale upon which such products are sold to any other purchaser who competes in the resale of respondent's products with the purchaser who is afforded less favorable terms or conditions of sale or with a customer of the purchaser afforded the less favorable terms or conditions of sale; provided that all defenses available in law to a charge of discrimination in terms and conditions of sale shall be available to the respondent company.

4. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities, or with any other person, to require any person to pay any sum of money to any other distributor or dealer or other person when not in exchange for any products or merchandise actually purchased.

5. Offering to pay or paying, or authorizing, suggesting or requiring the payment of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other consideration or thing of value to any participant dealer or distributor, directly or indirectly, except for and in consideration of bona fide services actually rendered to the respondent, participant, dealer or distributor paying for same, in connection with the sale or purchase of goods, wares, or merchandise, with the amount of compensation for such services rendered having a direct, actual and bona fide relationship to the services performed; provided, however, that respondents may not pay, grant, suggest or authorize the payment of anything of value to any participant, dealer or distributor for recruiting participants, dealers or distributors except as follows:

(i) The amount of said payment or other consideration may be either a sum certain or an amount based upon actual and verified retail sales to the consuming public by the recruited distributor, not exceeding six (6) months in duration; and

(ii) The recruiting or encouragement of recruiting does not contravene any of the provisions of Parts II and III of this order.

6. Requiring any of its distributors to obtain the prior approval of respondents for any advertising or promotion of the product or his distributorship when the distributors use their own funds for advertising; provided, however, that nothing contained herein shall prohibit respondents from furnishing its distributors with suggested forms of advertising which do not otherwise contravene the law or the letter or spirit of any of the provisions of this order; and provided further respondent may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

7. Engaging, either as part of any contract, agreement, understanding, or courses of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally, in the practice of:

(a) Publishing or distributing, directly or indirectly, any list, order form, report form, or promotional material which employs resale prices for such goods or commodities without stating clearly and visibly in connection therewith the following statement:

The prices quoted herein are suggested prices only. All distributors and dealers are free to determine their own resale prices.

(b) Publishing or distributing, directly or indirectly, any sales manual or instructional material which employs sample resale prices for such goods or commodities without stating clearly and visibly in connection therewith that said price upon which such goods or commodities may be resold are not binding upon the distributor or dealer.

(c) Publishing or distributing, directly or indirectly, except as may be expressly provided herein, any override whether required, recommended or suggested, to be paid by one distributor or dealer or class of distributors or dealers to any other distributor or dealer or class of distributors or dealers.

II. *It is further ordered,* That the aforesaid respondents and their officers, agents, representatives, employees, successors and assigns, in connection with the advertising, offering for sale or sale of products, franchises or distributorships, or with the seeking to induce or inducing the participation of persons, firms or corporations therefor, in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Operating or participating in the operation or suggested operation of any program or plan wherein the financial gains to the participants, other than remuneration from the retail sales of respondent's products, is or may be dependent in any manner and to any degree upon the continued, successive recruitment of other participants, except as expressly provided herein.

2. Requiring that prospective participants or participants in respondent's said programs pay any consideration, either to respondents or to any other person, other than payment for the actual cost of reasonably necessary sales materials, and for products actually purchased in reasonable quantities, in order to participate in any manner therein.

3. Requiring, suggesting, using or participating in any multi-level marketing program, or any other kind of merchandising, marketing or sales promotion program, either directly or indirectly:

(a) Wherein any finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits inuring to participants therein are or may be dependent, in whole or in part, upon the element of chance dominating over the skill or judgment of the participants; or

(b) Wherein no amount of judgment or skill exercised by the participant has any appreciable effect upon any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive; or

(c) Wherein the participant is without that degree of control over the operation of such plan as to enable him to substantially affect the amount of any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discount, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive.

4. Representing, directly or by implication, that participants in respondents' multi-level marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount, or representing in any manner the past earnings of participants, unless in fact the past earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, accurately reflect the average earnings of these participants under circumstances similar to those of the participant or prospective participant to whom the representations are made, and actually resulted from predominant elements of skill and judgment rather than chance.

5. Representing, directly or by implication, that it is easy for participants to recruit or retain persons who will invest or participate in respondents' multilevel marketing program or other kind of merchandising marketing or sales promotion program, either as distributors, dealers, franchisees, wholesalers or sales personnel.

It is further ordered, That respondent Chemical Associates, Inc., shall continue to offer to buy back saleable and usable merchandise purchased by any of its distributors at not less than cost less 15 percent.

III. *It is further ordered,* That respondent Chemical Associates, Inc., within sixty (60) days from the effective date of this order shall:

1. Mail or deliver a conformed copy of this order to cease and desist to all present and future distributors, sales personnel or other persons engaged in the sale or distribution of respondents' products or services, or in the participation of respondents' merchandising programs.

2. Offer distributorships or dealerships to any former distributor or dealer who was terminated or suspended by respondent corporation for the violation of any rule, regulation or policy which contravenes any of the provisions of this order.

It is further ordered, That respondents or their representatives shall orally inform all prospective participants in respondents' multi-level merchandising program or any other kind of merchandising, marketing or sales promotion program, and to provide clearly and conspicuously in all contracts of participation, that the contract may be cancelled for any reason by notification to respondents or its representatives in writing within five (5) working days from the date of execution of such contract.

It is further ordered, That the respondents herein shall within sixty (60) days of the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order, and subsequent thereto, for a period of three (3) years thereafter, provide the Commission with copies of all brochures, pamphlets, marketing plans, meeting scripts, film scripts, etc., that respondents may employ directly or indirectly in the promotion of their products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-868 Filed 1-21-71;8:46 am]

[Docket No. 8642]

PART 13—PROHIBITED TRADE PRACTICES

E. C. DeWitt & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended: 15 U.S.C. 45) [Modified order to cease and desist, E. C. DeWitt Co., Inc., New York, N.Y., Docket 8642, Dec. 15, 1970]

In the Matter of E. C. DeWitt & Co., Inc., a Corporation

Order modifying ceasc and desist order of December 16, 1966, 32 F.R. 380, in accordance with the final order entered "In the Matter of American Home Products Corporation," Docket No. 8641, 34 F.R. 13866, 35 F.R. 12753, by prohibiting claims that the product "DeWitt's Stainless ManZan Pile Ointment" and other pile remedies afforded any relief from pain or itching in excess of temporary

relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent E. C. DeWitt & Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of DeWitt's Stainless ManZan Pile Ointment, ManZan Pile Ointment, DeWitt's Stainless ManZan Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however,* That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the words "Allantoin," "benzocaine," "anesthetic," or "vasconstrictor," or to any other ingredient either singly or in combination, unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered,* That respondent and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of DeWitt's Stainless ManZan Pile Ointment, ManZan Pile Ointment, DeWitt's Stainless ManZan Suppositories, or any other non-prescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: December 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-869 Filed 1-21-71;8:46 am]

[Docket No. 8640]

PART 13—PROHIBITED TRADE PRACTICES

Humphreys Medicine Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Humphreys Medicine Co., Inc., New York, N.Y., Docket 8640, Dec. 15, 1970]

In the Matter of Humphreys Medicine Co., Inc., a Corporation

Order modifying cease and desist order of December 16, 1966, 32 F.R. 381, in accordance with the final order entered "In the Matter of American Home Products Corporation," Docket No. 8641, 34 F.R. 13866, 35 F.R. 12753, by prohibiting claims that the product "Humphreys Ointment" afforded any relief from pain or itching in excess of temporary relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Humphreys Medicine Co., Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of Humphreys Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however,* That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the words "astringent" or "anesthetic," or to any other ingredient either singly or in combination, unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered,* That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Humphreys Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the

Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: December 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-870 Filed 1-21-71;8:46 am]

[Docket No. C-1834]

PART 13—PROHIBITED TRADE PRACTICES

Malvin & Goldman et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.-1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Malvin & Goldman et al., New York, N.Y., Docket C-1834, Dec. 17, 1970]

In the Matter of Malvin & Goldman, a Partnership, and Herbert Malvin and Nathan Goldman, Individually and as Copartners Trading as Malvin & Goldman, and Formerly Trading as Eura Fur Co.

Consent order requiring a New York city firm of fur wholesalers to cease and desist from deceptively invoicing any fur product.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Malvin & Goldman, a partnership, and Herbert Malvin and Nathan Goldman, individually and as copartners trading as Malvin & Goldman or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of furs, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur or fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-871 Filed 1-21-71;8:46 am]

[Docket No. C-1830]

PART 13—PROHIBITED TRADE PRACTICES

Mars Manufacturing Co., Inc., of Asheville, N.C., and Robert T. Bayer

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mars Manufacturing Co., Inc. of Asheville, N.C., et al., Asheville, N.C., Docket C-1830, Dec. 1, 1970]

In the Matter of Mars Manufacturing Co., Inc. of Asheville, N.C., a Corporation, and Robert T. Bayer, Individually and as an Officer of Said Corporation

Consent order requiring an Asheville, N.C., corporation which manufactures and distributes disposable hospital products to cease manufacturing and selling certain items of wearing apparel, including nurses' caps and infants' shirts, which do not conform to the flammability standards under the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Mars Manufacturing Co., Inc., of Asheville, N.C., a corporation, and its officers, Robert T. Bayer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such products from said customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commisison fully and specifically concerning the identity of the products which gave rise to the complaint, (1) the amount of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and recall of such products from said customers, and of the results of such actions, (3) any disposition of such products since April 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product or related material shall be of no less than one square yard of material.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the

manner and form in which they have complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-873 Filed 1-21-71;8:46 am]

[Docket No. C-1827]

PART 13—PROHIBITED TRADE PRACTICES

William O. Menefee et al.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer Classification.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.870 *Charges and prices.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2150 *Seller status, advantages or connections.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, William O. Menefee et al., Houston, Tex., Docket C-1827, Nov. 27, 1970]

In the Matter of William O. Menefee, and William J. Southwell, Individually and as Officers of Chemical Associates, Inc.

Consent order requiring two Houston, Tex., distributors of cleaning compounds, polishes, shine kits, and related products to cease fixing resale prices for its products, imposing customer, advertising and sales outlet restrictions on its distributors, discriminating in price between competing resellers, and participating in any successive recruitment of other participants in any multilevel marketing scheme; respondents are also required to affirmatively grant customers the right to determine their own resale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents William O. Menefee and William J. Southwell, individually, their agents, representatives, and employees, directly or indirectly, or through any corporate or other device in connection with the offering for sale, sale, or distribution of any goods or commodities in commerce, or in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist, directly or indirectly, from:

1. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities to do or perform or attempting to do or perform any of the following acts, practices, or things:

(a) Fix, establish or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(c) Refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of businesses, or through the facilities of any business, class of businesses, or other means of distribution: *Provided, however,* That nothing in this order shall be construed or applied to prohibit respondent from making bona fide unilateral selection of respondents' customers on the basis of their own criteria and judgment, or from recommending reasonable criteria and standards to their distributors for the selection of customers, said criteria and standards not violating the letter or spirit of any of the provisions of this order.

(d) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of business, or through the facilities of any business, class of business, or other means of distribution.

(e) Prevent any distributor or dealer of any of corporate respondent's products from advertising either his distributorship or said products, in any media or his choosing, or preventing any distributor or dealer from employing the trade name or any of the trademarks of corporate respondent in said advertising; provided, however, respondents may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

(f) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser, directly or indirectly, or causing to be sold to any purchaser, at net prices higher than the net prices charged any other purchaser, who competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net price charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price, or with customers of the purchaser paying the higher price: *Provided, however,* That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery: *And provided further,* That all other defenses available in law to a charge of price discrimination shall be available to the respondent company.

3. Discriminating, directly or indirectly, in the terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser upon terms or conditions of sale less favorable than the terms or conditions of sale upon which such products are sold to any other purchaser who competes in the resale of respondent's products with the purchaser who is afforded less favorable terms or conditions of sale or with a customer of the purchaser afforded the less favorable terms or conditions of sale: *Provided,* That all defenses available in law to a charge of discrimination in terms and conditions of sale shall be available to the respondent company.

4. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities, or with any other person, to require any person to pay any sum of money to any other distributor or dealer or other person when not in exchange for any products or merchandise actually purchased.

5. Offering to pay or paying, or authorizing, suggesting or requiring the payment of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other consideration or thing of value to any participant dealer or distributor, directly or indirectly, except for and in consideration of bona fide services actually rendered to the respondent, participant, dealer or distributor paying for same, in connection with the sale or purchase of goods, wares, or merchandise, with the amount of compensation for such services rendered having a direct, actual and bona fide relationship to the services performed: *Provided, however,* That respondents may not pay, grant, suggest or authorize the payment of anything of value to any participant, dealer or distributor for recruiting participants, dealers or distributors except as follows:

(i) Said payment or other consideration is a one-time only reward for each distributor or dealer recruited;

(ii) The amount of said payment or other consideration may be either a sum certain or an amount based upon actual and verified retail sales to the consuming public by the recruited distributor, not exceeding six (6) months in duration; and

(iii) The recruiting or encouragement of recruiting does not contravene any of the provisions of Parts II and III of this order.

6. Requiring any of its distributors to obtain the prior approval of respondents for any advertising or promotion of the

product or his distributorship when the distributors use their own funds for advertising: *Provided, however,* That nothing contained herein shall prohibit respondents from furnishing its distributors with suggested forms of advertising which do not otherwise contravene the law or the letter or spirit of any of the provisions of this order; and provided further respondent may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

7. Engaging, either as part of any contract, agreement, understanding, or courses of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally, in the practice of:

(a) Publishing or distributing, directly or indirectly, any list, order form, report form, or promotional material which employs resale prices for such goods or commodities without stating clearly and visibly in connection therewith the following statement:

The prices quoted herein are suggested prices only. All distributors and dealers are free to determine their own resale prices.

(b) Publishing or distributing, directly or indirectly, any sales manual or instructional material which employs sample resale prices for such goods or commodities without stating clearly and visibly in connection therewith that said price upon which such goods or commodities may be resold are not binding upon the distributor or dealer.

(c) Publishing or distributing, directly or indirectly, except as may be expressly provided herein, any override whether required, recommended or suggested, to be paid by one distributor or dealer or class of distributors or dealers to any other distributor or dealer or class of distributors or dealers.

II. *It is further ordered,* That the aforesaid respondents and their officers, agents, representatives, employees, successors, and assigns, in connection with the advertising, offering for sale or sale of products, franchises or distributorships, or with the seeking to induce or inducing the participation of persons, firms or corporations therefor, in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Operating or participating in the operation or suggested operation of any program or plan wherein the financial gains to the participants, other than remuneration from the retail sales of respondent's products, is or may be dependent in any manner and to any degree upon the continued, successive recruitment of other participants, except as expressly provided herein.

2. Requiring that prospective participants or participants in respondent's said programs pay any consideration, either to respondents or to any other person, other than payment for the actual cost of reasonably necessary sales materials, and for products actually purchased in reasonable quantities, in order to participate in any manner therein.

3. Requiring, suggesting, using or participating in any multilevel marketing program, or any other kind of merchandising, marketing or sales promotion program, either directly or indirectly:

(a) Wherein any finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits inuring to participants therein are or may be dependent, in whole or in part, upon the element of chance dominating over the skill or judgment of the participants; or

(b) Wherein no amount of judgment or skill exercised by the participant has any appreciable effect upon any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive; or

(c) Wherein the participant is without that degree of control over the operation of such plan as to enable him to substantially affect the amount of any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive.

4. Representing, directly or by implication, that participants in respondents' multilevel marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount, or representing in any manner the past earnings of participants, unless in fact the past earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, accurately reflect the average earnings of these participants under circumstances similar to those of the participant or prospective participant to whom the representations are made, and actually resulted from predominant elements of skill and judgment rather than chance.

5. Representing, directly or by implication, that it is easy for participants to recruit or retain persons who will invest or participate in respondents' multilevel marketing program or other kind of merchandising, marketing or sales promotion program, either as distributors, dealers, franchisees, wholesalers or sales personnel.

It is further ordered, That respondent Chemical Associates, Inc., shall continue to offer to buy back saleable and usable merchandise purchased by any of its distributors at not less than cost less 15 percent.

III. *It is further ordered,* That respondent Chemical Associates, Inc., within sixty (60) days from the effective date of this order shall:

1. Mail or deliver a conformed copy of this order to cease and desist to all present and future distributors, sales personnel or other persons engaged in the sale or distribution of respondents' products or services, or in the participation of respondents' merchandising programs.

2. Offer distributorships or dealerships to any former distributor or dealer who was terminated or suspended by respondent corporation for the violation of any rule, regulation or policy which contravenes any of the provisions of this order.

It is further ordered, That respondents or their representatives shall orally inform all prospective participants in respondents' multilevel merchandising program or any other kind of merchandising, marketing or sales promotion program, and to provide clearly and conspicuously in all contracts of participation, that the contract may be cancelled for any reason by notification to respondents or its representatives in writing within five (5) working days from the date of execution of such contract.

It is further ordered, That the respondents herein shall within sixty (60) days of the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order, and subsequent thereto, for a period of three (3) years thereafter, provide the Commission with copies of all brochures, pamphlets, marketing plans, meeting scripts, film scripts, etc., that respondents may employ directly or indirectly in the promotion of their products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-874 Filed 1-21-71;8:46 am]

[Docket No. 8644]

PART 13—PROHIBITED TRADE PRACTICES

Mentholatum Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, The Mentholatum Co., Buffalo, N.Y., Docket 8644, Dec. 15, 1970]

In the Matter of The Mentholatum Co., a Corporation

Order modifying cease and desist order of December 16, 1966, 32 F.R. 382, in accordance with the final order entered "In the Matter of American Home Products Corporation," Docket No. 8641, 34 F.R.

13866, 35 F.R. 12753, by prohibiting claims that the product "Mentholatum M.P.O. Medicated Pile Ointment" afforded any relief from pain or itching in excess of temporary relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent The Mentholatum Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of Mentholatum M.P.O. Medicated Pile Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however,* That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the words "Ephedrine Sulphate," "vasoconstrictor," "benzocaine," or "anesthetic," or to any other ingredient either singly or in combination, unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered,* That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Mentholatum M.P.O. Medicated Pile Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrholds or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: December 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-875 Filed 1-21-71;8:46 am]

[Docket No. C-1825]

PART 13—PROHIBITED TRADE PRACTICES

Nuvox Electronics Corp. and Edmond S. Sassoon

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nuvox Electronics Corp. et al., New York, N.Y., Docket C-1825, Nov. 27, 1970]

In the Matter of Nuvox Electronics Corp., a Corporation, and Edmond S. Sassoon, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors or "Solid State" devices in the radios which it sells.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Nuvox Electronics Corp., a corporation, and its officers, and Edmond S. Sassoon, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided however,* That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondents' products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-876 Filed 1-21-71;8:46 am]

[Docket No. 8682]

PART 13—PROHIBITED TRADE PRACTICES

Seeburg Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, The Seeburg Corp., Chicago, Ill., Docket 8682, Dec. 4, 1970]

In the Matter of The Seeburg Corp., a Corporation

Order modifying a divestiture order dated April 10, 1969, 34 F.R. 7703, pursuant to a decision of the Court of Appeals, Sixth Circuit, 425 F. 2d 124, which required the ommission of the words "and/or sale" of vending machines from paragraph D of the original order.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

A. *It is ordered,* That respondent, The Seeburg Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within one (1) year from the date of service of this order, shall divest absolutely and in good faith, all stock, assets, properties, rights and privileges, tangible or intangible, including but not limited to all properties, plants, machinery, equipment, trade names, contract rights, patents, trademarks, and good will acquired by The Seeburg Corp. as a result of the acquisition by The Seeburg Corp. of the assets of Cavalier Corp., together with all plants, machinery, buildings, land, improvements, equipment and other property of whatever description that has been added to or placed on the premises of the former Cavalier Corporation, so as to restore Cavalier Corp. as a going concern and effective competitor in the manufacture and sale of bottle vending machines.

B. *It is further ordered,* That pending divestiture, respondent shall not make any changes in any of the plants, machinery, buildings, equipment or other property of whatever description of the former Cavalier Corporation which shall impair its present capacity for the production, sale and distribution of vending machines, or its market value.

C. *It is further ordered,* That by such divestiture, none of the assets, properties, rights or privileges, described in paragraph A of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, The Seeburg Corp. or any subsidiary or affiliated corporations of The Seeburg Corp., or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of The Seeburg Corp., or to any purchaser who is not approved in advance by the Federal Trade Commission.

D. *It is further ordered,* That respondent shall for a period of ten (10) years from the date of service of this order, cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, all or any part of the share capital of any corporation engaged in the manufacture of vending machines in the United States, or capital assets pertaining to such manufacture.

E. *It is further ordered,* That respondent shall submit to the Commission periodically, within thirty (30) days from the date of service of this order and every ninety (90) days thereafter, a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until all such assets have been divested with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

F. *It is further ordered,* That respondent notify the Commission of the names and addresses of all persons, firms, or corporations who shall express to respondent any interest in purchasing the assets to be divested under the terms of this order, within thirty (30) days after having been informed of such interest.

Issued: December 4, 1970.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-877 Filed 1-21-71;8:46 am]

[Docket No. C-1824]

PART 13—PROHIBITED TRADE PRACTICES

Trans-Aire Electronics, Inc.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Trans-Aire Electronics, Inc., New Hyde Park, N.Y., Docket C-1824, Nov. 27, 1970]

In the Matter of Trans-Aire Electronics, Inc., a Corporation

Consent order requiring a New Hyde Park, N.Y., importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors or "Solid State" devices in the radios which it sells.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Trans-Aire Electronics, Inc., a corporation, and its subsidiary corporation, officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided, however,* That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification, and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondent's products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That:

(a) Respondent deliver, by registered mail, a copy of this order to each of its present and future subsidiaries;

(b) Respondent provide each such subsidiary with a returnable form clearly stating its intention to conform its business practices to the requirements of this order;

(c) Respondent institute a program of continuing surveillance adequate to inform itself whether the business practices of each of its subsidiaries conform to the requirements of this order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-878 Filed 1-21-71;8:47 am]

[1] Chairman Kirkpatrick and Commissioner Dennison did not participate for the reason oral argument was heard and the opinion and original order were issued prior to their appointment to the Commission.

[Docket No. C-1832]

PART 13—PROHIBITED TRADE PRACTICES

Yardley of London, Inc.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.* Subpart—Cutting off supplies or service: § 13.610 *Cutting off supplies or service.* Subpart—Maintaining resale prices: § 13.1140 *Cutting off supplies;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Yardley of London, Inc., New York, N.Y., Docket C-1832, Dec. 7, 1970]

In the Matter of Yardley of London, Inc., a Corporation

Consent order requiring a New York City distributor of toiletries, perfumes, and cosmetics to cease fixing resale prices of its products, restricting persons to whom customers may resell, limiting territory in which customers may resell, reserving any firm as the exclusive sales customer of respondent, and cutting off supplies of any customer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Yardley of London, Inc., a corporation, its officers, representatives, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with the importation, manufacture, distribution, offering for sale and sale of toiletries, perfumes, and cosmetics, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, maintaining, continuing, or seeking to enforce any contract, agreement, understanding, or planned course of dealing to fix or maintain the resale prices of such products.

2. Limiting, restricting, or restraining the persons or firms to whom any customer may resell such products.

3. Limiting, restricting, or restraining the geographic area in which any customer may distribute, offer to sell, and resell such products.

4. Reserving any person or firm as the sole or exclusive customer of respondent, or seeking to prohibit any person or firm from competing with respondent in the offering for sale and sale of such products to any customer.

5. Discontinuing sales to, threatening to discontinue sales to, or seeking to cut off or foreclose sources of supply of such products to any person or firm who has lawfully acquired such products because of:

(a) The level of distribution at which he operates;

(b) The class of trade to whom he offers to sell and sells;

(c) The prices at which he distributes, offers to sell, and sells such products;

(d) The marketing or geographic area in which he distributes, offers to sell, and sells such products;

(e) The prices at which his customers offer to sell and sell such products.

Provided, however, That nothing contained herein shall be interpreted so as to prohibit respondent from entering into and enforcing in the manner authorized by law a "fair trade" resale price maintenance program, in accordance with the provisions of the Miller-Tydings Act and the McGuire Act.

It is further ordered, That respondent Yardley of London, Inc. furnish a copy of this order to all presently franchised retail outlets or other customers and to all employees, agents, or representatives engaged in sales activities, within ninety (90) days from the date hereof.

It is further ordered, That respondent Yardley of London, Inc. notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent Yardley of London, Inc. shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 7, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-879 Filed 1-21-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-22]

IMPLEMENTATION OF UNIFORM SYSTEM OF ACCOUNTING CONCERNING MANIFESTED AND ENTERED QUANTITIES OF MERCHANDISE

On June 6, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8829). Interested persons were given an opportunity to submit written comments, suggestions or objections regarding the proposed regulations. The time for submission of such comments was extended by a notice which appeared in the FEDERAL REGISTER of July 8, 1970 (35 F.R. 10962). Representations submitted pursuant to the above notices were carefully considered and on the basis of such comments, the notice of June 6, 1970, was republished, in amended form, in the FEDERAL REGISTER of December 1, 1970 (35 F.R. 18284). Interested persons were given an opportunity to submit written comments, suggestions or objections. Representations submitted pursuant to the December 1, 1970, notice have been carefully considered.

The amendments as proposed, with minor editorial changes and the addition of a paragraph (d) to § 15.8, in order to clarify that section, are adopted as set forth below.

(R.S. 251, as amended, secs. 439, 440, 459, 460, 484, 498(a), 505, 584, 623, 624, 46 Stat. 712, as amended, 717, as amended, 722, as amended, 728, as amended, 732, as amended, 748, as amended, 759, as amended, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1439, 1440, 1459, 1460, 1484, 1498 (a), 1505, 1584, 1623, 1624, 49 U.S.C. 1509)

Effective date. These amendments shall be effective on April 1, 1971.

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: January 19, 1971.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

In § 4.12, paragraph (a) is amended to read:

§ 4.12 Correction of manifest.

(a) (1) Vessel masters or agents shall notify the district director on Customs Form 5931 of shortages (merchandise manifested, but not found) or overages (merchandise found, but not manifested) of merchandise.

(2) Shortages shall be reported to the district director by the master or agent of the vessel by endorsement on the importer's claim for shortage on Customs Form 5931 as provided for in § 15.8(a)(2) of this chapter or within 30 days after the date of entry of the vessel, whichever is later. Satisfactory evidence to support the claim of nonimportation [23] or of proper disposition, or other corrective action (see § 4.34) shall be obtained by the master or agent and shall be retained in the carrier's file for 1 year.

(3) Overages shall be reported to the district director within 30 days after the date of entry of the vessel by completion of a post entry [24] or suitable explanation of corrective action (see § 4.34) on the Customs Form 5931.

(4) The district director shall advise the master or agent only of those discrepancies which are not timely reported by the master or agent. The master or agent shall satisfactorily resolve the matter within 30 days.

(5) Unless the required notification and explanation is made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss of revenue (and in the case of a discrepancy not initially reported by the master or agent that there was a valid reason for the failure to so report), applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed (see § 23.23 of this chapter). For the purpose of assessing such penalties, the value of the merchandise shall be determined as prescribed in § 23.12 of this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

• • • • •

PART 6—AIR COMMERCE REGULATIONS

In § 6.7, paragraph (h) is amended to read:

§ 6.7 Documents for entry.

• • • • •

(h) The provisions of sections 440[24a] and 584[24b], Tariff Act of 1930, as amended, relate, respectively, to post entry for correction of, and to penalties for falsity or lack of, a manifest. Those provisions are applicable to aircraft arriving from a place outside the United States with merchandise and unaccompanied baggage for which a manifest is required to be filed. The time limitations and the requirements for notification set forth in § 4.12 of this chapter with respect to the correction of vessel manifests are applicable to the correction of aircraft manifests. Post entry to add to a manifest any merchandise omitted from, or which does not agree with, the manifest may be made by the airline on a separate copy of the cargo manifest form marked or stamped "Post Entry." Correction of a manifest to delete merchandise not found on board the aircraft at the time of arrival may be made by submission of a separate copy of the cargo manifest form marked or stamped "Shortage Declaration." Such copies shall list the merchandise involved, state the reasons for the discrepancy, and bear a signed declaration of the aircraft commander or an authorized agent reading, "I declare to the best of my knowledge and belief that the overages or shortages described herein occurred for the reasons stated. I also certify that evidence to support a claim of nonimportation of the merchandise, proper disposition elsewhere or other corrective action will be retained in the carrier's files for a period of at least 1 year and will be made available to Customs on demand." If a copy of the cargo manifest is not so used, Customs Form 5931 shall be used for corrections of the manifest. Unless the required notification and explanation are made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss to the revenue (and in the case of a discrepancy not initially reported by the master or agent that there was a valid reason for the failure to so report), applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed. For the purpose of assessing such penalties, the value of the merchandise shall be determined as prescribed in § 23.12 of this chapter. The fact that the aircraft commander or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(Sec. 644, 48 Stat. 766, sec. 1109, 72 Stat. 799; 19 U.S.C. 1644, 49 U.S.C. 1509)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

In § 8.28, paragraph (b) is amended to read:

§ 8.28 Release under bond; deposit of estimated duties; permit.

• • • • •

(b) The estimated duties, if any, having been deposited as required by section 505, Tariff Act of 1930[24c] and the bond filed, an authorization for delivery on Customs Form 7501-A shall be issued and delivered to the importer or his agent, to be by him sent to the inspector in charge of the merchandise, who shall authorize the carrier to deliver that part of the merchandise not designated for examination, and which the carrier has retained under the provisions of section 499, Tariff Act of 1930, as amended, with discrepancies between the invoiced-entered quantities and the quantities delivered to the consignee by the carrier accounted for in accordance with the provisions of § 15.8 of this chapter: *Provided,* That the district director may authorize an examining officer to release both examined and unexamined packages in a shipment examined by such officer at a place not in charge of a Customs officer when this can be done without any real interference with the performance of the examining officer's regular duties.

• • • • •

(Secs. 484, 505, 623, 48 Stat. 722, as amended, 732, as amended, 759, as amended; 19 U.S.C. 1484, 1505, 1623)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

Section 15.8 is amended to read:

§ 15.8 Shortages in invoiced or entered quantities of merchandise; lost packages, deficiencies in contents of packages, definition of "permitted" merchandise.

(a) (1) An importer will be allowed to file a consumption or warehouse entry for less than the invoiced and manifested amount of merchandise where the number of packages of merchandise "permitted" and delivered to him by the carrier, under the immediate delivery provisions of § 8.59 of this chapter, is less than the amount invoiced and manifested, provided there is filed with the entry a Customs Form 5931, in triplicate, executed by both the importer and the importing carrier or bonded carrier, and the said carrier declares therein that the missing package(s) were not available for release by the carrier within the provisions of 19 U.S.C. 1448(a).

(2) Allowance shall be made in the assessment of duties for lost or missing packages of merchandise included in an entry whenever it is established to the satisfaction of the district director of Customs before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not permitted (see paragraph (c) of this section). A claim for such allowance must be made on Customs Form 5931, in triplicate, executed by the importer and the importing carrier or bonded carrier, as appropriate. Where the importing or bonded carrier refuses to execute the Form 5931, a claim may be allowed if the importer properly executes the Form 5931 and attaches copies of the dock receipt or other document evidencing nonreceipt of the missing or lost packages. When there is a difference between the quantities shown on an importing carrier's manifest and the quantity permitted to the importer, duties or liquidated damages shall be assessed under the provisions of 19 U.S.C. 1448 or the provisions of the carrier's bond, unless the carrier corrects his manifest (see § 4.12 of this chapter). Liquidated damages for lost or missing packages shall be assessed against a bonded common carrier in accordance with § 18.8 of this chapter.

(3) An allowance shall be made in the assessment of duties for deficiencies in a package or packages when:

(i) The importer files a Customs Form 5931, in triplicate, executed by the importer alone, where the claim is made that the shortage was concealed and the district director satisfies himself as to the validity of the claims; or

(ii) In the case of unconcealed shortages, the importer files a Customs Form 5931, in triplicate, executed by both the importer and the importing carrier.

(b) Allowance for deficiency in any examination package reported to the district director by a Customs officer shall be made in the liquidation of the entry, but no Customs officer except one making an examination contemplated by section 499, Tariff Act of 1930, as amended, shall report a supposed deficiency to the district director unless it is established to the satisfaction of the reporting officer that the merchandise was not imported.

(c) Merchandise is "permitted" when Customs has authorized the carrier to make delivery to the consignee or subsequent carrier and

(1) These parties in interest, or their agents, have made a joint determination of quantities; or

(2) The carrier, at its option, independently declares the quantity to be permitted by Customs by:

(i) Furnishing a signed statement to Customs that at least 4 days have elapsed since the consignee or his agent was notified that Customs had authorized delivery, that the merchandise was and is available for delivery, and that a determination of quantity of merchandise available for delivery has been made, indicating the date on which the said determination was made; and

(ii) By filing the said statement no later than the close of business on the next working day after such determination has been made.

(d) Such joint determination or independent determination, as set forth in paragraph (c) (1) or (2) of this section, shall not result in the carrier's being liable for duty with respect to an amount greater than the amount of any discrepancy between the manifested quantity and the jointly determined or independently determined quantity.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

In § 18.2, paragraph (b) is amended to read:

§ 18.2 Receipt by carrier; manifest.

* * * * *

(b) A manifest, Customs Form 7512, containing a description of the merchandise shall be prepared by the carrier or shipper and signed by the agent of the carrier whenever merchandise is being transported in bond. All copies of the in bond manifest shall be signed by the importing carrier or his agent and the in bond carrier or his agent to indicate the quantity delivered for transportation in bond. When there is no discrepancy between the quantity manifested by the importing carrier and the quantity delivered to the in bond carrier, the district director may authorize waiving the signatures of the parties in interest as to delivered quantities. Except as prescribed in Subpart D of Part 123 of this chapter, relating to merchandise in transit through the United States between ports in contiguous foreign territory, a separate set shall be prepared for each entry and, if the consignment is contained in more than one conveyance, a separate set shall be prepared for each conveyance.

* * * * *

In § 18.6 paragraphs (b) and (c) are amended to read:

§ 18.6 Short shipments; shortages; entry and allowance.

* * * * *

(b) When there is a shortage of one or more packages or nondelivery of an entire shipment, and inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry therefor may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, any shortage from the invoice quantity shall be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

(c) If the merchandise cannot be recovered intact, as above specified, entry shall not be accepted and there shall be sent to the initial bonded carrier a demand for liquidated damages on Customs Form 5955–A, in the case of nondelivery of an entire shipment, or on Customs Form 5931, in the case of a partial shortage.

* * * * *

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

In Part 123, § 123.9 is added as follows:

§ 123.9 Correction of manifest.

(a) *Provisions applicable.* The provisions of sections 440 and 584, Tariff Act of 1930, as amended (19 U.S.C. 1440 and 1584), relate, respectively, to post entry for correction of, and to penalties for falsity or lack of, a manifest. Those provisions are applicable to all vehicles and to vessels of less than 5 net tons arriving from a place outside the United States and required to file a manifest. The time limitations, requirement for notification, and the penalty provisions set forth in § 4.12 of this chapter with respect to the correction of vessel manifests are applicable to the correction of manifests of all vehicles and of vessels of less than 5 net tons arriving from a contiguous country otherwise than by sea.

(b) *Report of discrepancies.* Post entry to add to a manifest any merchandise omitted from, or which does not agree with, the manifest may be made on a separate copy of the cargo manifest form marked or stamped "Post Entry." Correction of a manifest to delete merchandise not found on the vehicle or vessel at the time of arrival may be made by submission of a separate copy of the cargo manifest form marked or stamped "Shortage Declaration." Such copies shall list the merchandise involved and state the reasons for the discrepancy. If a copy of the cargo manifest is not so used, Customs Form 5931 shall be used for corrections of the manifest.

(c) *Statement on manifest required.* The Post Entry or Shortage Declaration shall bear a signed statement of the person in charge of the vehicle or vessel, or an authorized agent, reading, "I declare to the best of my knowledge and belief that the overage or shortage described herein occurred for the reasons stated. I also certify that evidence to support a claim of nonimportation or proper disposition of merchandise will be retained in the carrier's files for a period of at least 1 year and will be made available to Customs on demand."

[FR Doc.71-930 Filed 1-21-71;8:50 am]

[T.D. 71-15]

PART 174—PROTESTS

Administrative Review

Correction

In F.R. Doc. 71-680 appearing on page 778 in the issue for Saturday, January 16, 1971, the word "or" in the last line of § 174.12(d) should be deleted.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 728—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 617 (35 F.R. 16479), the Secretary of Labor appointed and convened Industry Committee No. 97–A for the Hotel and Motel Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511, 18, the recommendations of Industry Committee No. 97–A are hereby published, to be effective February 3, 1971, in this order amending § 728.2 of Title 29, Code of Federal Regulations.

As amended, § 728.2 reads as follows:

§ 728.2 Wage rates.

* * * * *

(a) *Hotels, motels, apartment hotels, and tourist courts with 100 or more sleeping rooms classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(b) *Arts and crafts workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(c) *Other workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is $1.55 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 18th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-893 Filed 1-21-71;8:48 am]

PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 617 (35 F.R. 16479), the Secretary of Labor appointed and convened Industry Committee No. 97–B for the Restaurant and Food Service Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 97–B are hereby published, to be effective February 3, 1971, in this order amending § 729.2 of Title 29, Code of Federal Regulations.

As amended, § 729.2 reads as follows:

§ 729.2 Wage rates.

* * * * *

(a) *Tipped employee classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(b) *Other employees classification.* (1) The minimum wage for this classification is $1.50 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 18th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-894 Filed 1-21-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Certain Wildlife Refuges in Southeast United States

The following special regulations are issued and are effective on the date of publication in the FEDERAL REGISTER (1–22–71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering the fishing, subject to the following special conditions:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Ark., is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through October 31, 1971.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

(4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jonesville, La., is permitted only on the area designated by signs as open to fishing. The open area, comprising the main channel of Cowpen Bayou is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 28, 1971, through October 31, 1971.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) No outboard motors, either gasoline or electric, will be permitted.

(4) Boats may not be left in the refuge overnight.

(5) No camping or campfires permitted.

(6) No firearms permitted on the refuge.

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing on the Delta National Wildlife Refuge, Venice, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing permitted during daylight hours only.

(3) Air-thrust boats are prohibited.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1971, through October 15, 1971.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from 45 minutes before sunrise to 45 minutes after sunset.

(4) Entry to Lacassine Pool restricted to four roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 20 hp. permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1971, through October 15, 1971.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters by 45 minutes after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to pool acres. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees except in Pool 1b. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 10 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Miss., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,892 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season extends from March 1 through October 31, 1971, on Ross Branch Reservoir, Bluff and Loakfoma Lakes, Keaton Tower Pond, Parker and Pete Sloughs, Cypress, Jones, and Octoc Creeks, and Noxubee River. Road borrow pits and Betts Ponds are open year-round.

(2) A daily permit (50 cents) is required by the Mississippi State Game and Fish Commission to fish in Bluff and Loakfoma Lakes, and tailwaters of the spillways.

(3) Fishing permitted during daylight hours only.

(4) Snag lines prohibited.

NORTH CAROLINA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through October 17, 1971. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis, for bank fishing only.

(2) Fishing permitted during daylight hours only.

(3) Use of airboats prohibited.

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, New Holland, N.C., is permitted in all areas except those designated by signs as closed areas. Open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 17, 1971, through the day before the opening of the 1971 waterfowl hunting season.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year:

(a) 100 yards on each side of the road right-of-way on State Highway 94 which crosses the lake.

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring dipping will be permitted from February 15, 1971, to May 1, 1971, from the canal banks and water control structures in the immediate vicinity of the following locations only: Thursday and Sunday excluded.

(a) Waupoppin Canal Control Structure—daylight hours only.

(b) Outfall Canal Control Structure—daylight hours only.

(c) Lake Landing Canal Control Structure—24 hours a day.

(4) Boats and outboard motors are permitted. Airboats prohibited. Certain areas will be posted as closed to motorboats to prevent disturbance in prime spawning areas and damage to unstable canal banks.

(5) Certain areas will be posted as closed areas both prior to and after the waterfowl hunting season to permit banding of migratory waterfowl.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1971, through September 30, 1971.

(2) Bank fishing only is allowed.

(3) Fishing permitted during daylight hours only.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, McClellanville, S.C. is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1971, through September 30, 1971.

(2) Fishing permitted during daylight hours only.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 128 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1971, through December 31, 1971, on Lake Bee; from March 15, 1971 through October 15, 1971, on Martin's Lake, Lake 16, Lake 17, Pools A, B, C, D, G, and H, and the Black Creek Bridge areas on Wire Road, State Road 33, State Road 145, and U.S. Highway No. 1.

(2) Fishing permitted from one-half hour before official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with Closed Area signs.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in accordance with all applicable State regulations on all refuge controlled areas of Lake Marion and Moultrie, except that the following special conditions shall apply to Jack's Creek, Dingle Pond Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments (hatcheries) and areas behind dikes maintained on the Cuddo, and Pine Island Units of the refuge. For further information contact the Refuge Manager, Santee National Wildlife Refuge, Post Office Box 158, Summerton, SC 29148 or the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323.

(1) Sport fishing in the above mentioned impoundments (hatcheries) extends from March 15, 1971, through October 31, 1971, both dates inclusive.

(2) Fishing is permitted during daylight hours only.

(3) Only boats without motors and engines are permitted.

(4) Boats must be removed from these refuge impoundments at the close of each day.

(5) Areas behind dikes maintained on the Cuddo and Pine Island Units of the refuge are closed to fishing.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The sport fishing season is open 24 hours per day year-round on Barkley Lake. The open season for Elk and South Cross Creek Reservoirs and the 15 smaller ponds extends from April 1 through September 15. Fishermen are permitted on the refuge bodies of water only from 30 minutes before sunrise to 30 minutes after sunset.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. Motor size is not restricted on Barkley Lake. Motors are not permitted in other refuge waters open to fishing.

(3) Fishermen must follow designated routes of travel while on the refuge, and use the parking areas as provided.

(4) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

HATCHIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Brownsville, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 100 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1971, through October 15, 1971.

(2) Fishing permitted during daylight hours only.

(3) Outboard motors prohibited.

(4) Methods of fishing are limited to pole and line, or rod and reel, using natural of artificial baits.

(5) Vehicles may be used on refuge roads and trails to reach fishing area.

(6) Footpaths may be used to reach all lakes from Hatchie River.

(7) Firearms prohibited.

(8) Boats must be removed from refuge no later than October 22, 1971.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through September 30, 1971; sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 horsepower may be used.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through October 23, 1971, except that portion of the refuge located south of Upper Blue Basin remains open until the day preceeding opening of the 1971 goose season.

(2) Boats with outboard motors and inboard motors of not more than 10 horsepower may be used.

VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, Va., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through October 17, 1971. Fishing is permitted in Corey's Ditch in the canal adjacent to the Knotts Island Causeway on a year-round basis for bank fishing only.

(2) Fishing permitted during daylight hours only.

(3) Use of airboats prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 14, 1971.

[FR Doc.71-881 Filed 1-21-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

BLACKWATER NATIONAL WILDLIFE REFUGE, MD.

Sport Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 33 by the addition of Blackwater National Wildlife Refuge, Md., to the list of areas open to sport fishing and crabbing, as legislatively permitted.

It has been determined that regulated sport fishing and crabbing may be permitted as designated on the Blackwater National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

MARYLAND

Blackwater National Wildlife Refuge.

* * * * *

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 19, 1971.

[FR Doc.71-896 Filed 1-21-71;8:48 am]

National Park Service

[36 CFR Part 6]

ISLE ROYALE NATIONAL PARK, MICH.

Motor Vessel Transportation

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of August 8, 1953 (67 Stat. 495, 16 U.S.C. sec 1b), and the Act of March 3, 1931 (46 Stat. 1514, 16 U.S.C. 408), it is proposed to amend § 6.5 of Title 36, Part 6, of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to increase rates for transportation on Government-owned vessels operated by Isle Royale National Park between Houghton, Mich., and the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an oportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, MI 49931, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Subparagraphs (1) and (2) of paragraph (a) of § 6.5 are amended to read as follows:

§ 6.5 Motor vessel transportation.

(a) *Isle Royale National Park.* (1) Transportation services between Houghton, Mich., and Isle Royale National Park, Mich., rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way: $10; round trip: $20.

Transportation of boats up to 14 feet in length—one way: $7; round trip: $14.

Transportation of boats over 14 feet but not exceeding 17 feet in length—one way: $13; round trip: $26.

Transportation of boats over 17 feet but limited to 20 feet in length—one way: $20; round trip: $40.

Canoes—one way: $5; round trip: $10.

Outboard motors not attached to boat—one way: $3; round trip: $6.

(2) Personal transportation for children between the ages of 5 through 15, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of 5. Family groups consisting of parents (or a parent) and dependent children shall be entitled to a special group rate not to exceed $50 round trip or $25 one way.

* * * * *

Dated: January 14, 1971.

EDWARD A. HUMMEL,
Acting Director, National Park Service.

[FR Doc.71-882 Filed 1-21-71;8:47 am]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS OF CRUDE OIL BASED ON LOW SULPHUR RESIDUAL FUEL OIL; DISTRICT V

Notice of Proposed Rule Making

In 1967, section 11A was added to Oil Import Regulation 1 (Revision 5), to provide for the making of allocations of imports of crude oil for an interim period to encourage the manufacture of low sulphur residual fuel oil to be used as fuel to meet requirements imposed in areas of District V to control air pollution. Subsequently, section 11A was made effective for additional periods of time. At present, section 11A provides for the making of allocations based on the production of low sulphur residual fuel oil during the period ending March 31, 1971. In the light of experience under section 11A, it is proposed, by amending section 11A to read as set forth below, to make the section effective without any limitation as to time. Final action upon this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, JR.,
Acting Administrator, Oil Import Administration.

JANUARY 20, 1971.

Amend section 11A of Oil Import Regulation 1 (Revision 5) to read as follows:

SEC. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil. To the extent that the provisions of this section are inconsistent with the provisions of other sections of this regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of crude oil and unfinished oils made under section 11 of the regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel which contains not more than five-tenths of one percent (0.5%) sulphur by weight and which is delivered to consumers for use as fuel in order to comply with governmental requirements respecting air pollution shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil to which the person certifies both as to production and delivery.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and

processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) Applications for allocations may be filed at any time. To apply for an allocation of imports under this section, an application must be filed with the Administrator in such form as he may prescribe. Each license issued under an allocation made pursuant to this section shall expire 6 months after the date on which the license is issued.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

[FR Doc.71-960 Filed 1-20-71;12:40 pm]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 178]

[Docket No. HM-75; Notice 71-2]

TRANSPORTATION OF HAZARDOUS MATERIALS

Quenching of Steel Cylinders

The Hazardous Materials Regulations Board is considering amending §§ 178.37, 178.44, and 178.58 of the Department's Hazardous Materials Regulations to permit the quenching of specifications 3AA, 3AAX, 3HT, and 4DA cylinders by suitable fluids other than oil.

This proposal is based, in part, on a petition submitted by the Bureau of Explosives (AAR) recommending that the specified heat treatment requirements be supplemented by providing for the use of a quenchant, other than oil and molten salt bath, that possesses cooling rates comparable to oil quenching rates. Supporting data submitted and on file with the Board have established that high pressure cylinders made of certain steels can be effectively and satisfactorily heat treated with an aqueous-based fluid to produce physical properties equivalent to or greater than those obtained by oil quenching. Water is also being proposed as a quenching medium and has been accepted as the base for which quenchant cooling rates are to be compared. It is the Board's understanding that the petroleum oils currently employed as quenchants have cooling rates of 80 percent or less than that of water. To accommodate the additional type quenchants, certain inspection requirements are proposed to detect the presence of quenching cracks. Cylinder rejection requirements are also included and take into consideration the type of cylinders that lend themselves to repair based on the critical ratio of minimum sidewall thickness to stress.

The Board invites comments and solicits data on the cooling rates of oil, molten salt bath, and aqueous-based fluids compared to the cooling rate of water when these materials are used as quenchants. If the comparability established is favorable, consideration will be given to the benefit or need for retaining present salt bath provisions. Receipt of appropriate data will also enable the Board to verify the proposed approach on inspection requirements which, as proposed, are not applicable to cylinders quenched with fluids having cooling rates equal to or exceeding the quenching rate of oil, but are applicable to those exceeding 80 percent of the quenching rate of water.

In consideration of the foregong, it is proposed to amend 49 CFR Part 178 as follows:

(A) In § 178.37–11 paragraph (a) (1) and (7) would be amended; paragraph (a)(8) would be added to read as follows:

§ 178.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37–11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath or other suitable medium except as provided in subparagraph (5) of this paragraph.

* * * * *

(7) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(8) Except as otherwise provided in subparagraph (6) of this paragraph, all cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle, dye penetrant or ultrasonic method to detect the presence of quenching cracks. Any cylinder designed to the requirements for spec. 3AA and found to have a quenching crack must be rejected and may not be requalified. Cylinders designed to the requirements for spec. 3AAX and found to have cracks must have cracks removed to sound metal by mechanical means. Such spec. 3AAX cylinders will be acceptable if the repaired area is subsequently examined to assure no defect, and it is determined that design thickness requirements are met.

(B) In § 178.44–11 paragraphs (a) (1) and (4) would be amended; paragraph (a)(5) would be added to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44–11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath, or other suitable medium.

* * * * * *

(4) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(5) All cylinders must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quenching crack must be rejected and may not be requalified.

(C) In § 178.58–11 paragraph (a) (1) and (5) would be amended; paragraph (a)(6) would be added to read as follows:

§ 178.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 178.58–11 Heat treatment.

(a) * * *

(1) All containers must be quenched by oil, molten salt bath, or other suitable medium except as provided in subparagraph (4) of this paragraph.

* * * * *

(5) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(6) All cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quench crack must be rejected and may not be requalified.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958), 49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on January 18, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, By direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[FR Doc.71-895 Filed 1-21-71;8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-5; Notice 6]

BRAKE HOSES AND BRAKE HOSE ASSEMBLIES

Extension of Time for Comments

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 106 (Brake Hoses and Brake Hose Assemblies), was published on August 28, 1970 (35 F.R. 13738) and revised in certain respects on November 6, 1970 (35 F.R. 17116). The closing date for comments on the proposal was extended to January 25, 1971 (35 F.R. 18206).

Automobile Manufacturer's Association, Inc., has petitioned for a further extension of the closing date in order to allow a more reasoned consideration of the proposal following its submission of comments on other pending proposals affecting motor vehicle braking systems. In addition, the Safety Administration is preparing for publication and comment additional revisions to the proposal on the basis of research, test results, and other data which have come to its attention, and which will necessitate an extension of the closing date.

In consideration of the foregoing the closing date for comments is hereby extended to May 24, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued: January 20, 1971.

H. M. JACKLIN, Jr.,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-979 Filed 1-21-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 19117; FCC 71-28]

COMMUNICATIONS ON INTERSTATE OR FOREIGN COMMON CARRIER FACILITIES

Authorization of New or Revised Classifications

1. Notice is hereby given of proposed rule making in the above-entitled matter.

Background. 2. On September 4, 1970, the Commission issued an Order and Authorization (FCC 70-955) granting an application (File No. P-C-7825) by American Telephone and Telegraph Co. and various Bell System Companies (A.T. & T.) for authority under section 214(a) of the Communications Act to supplement existing facilities between various locations throughout the continental United States and to Canada and Mexico during 1971 and early 1972. This Order and Authorization contained a proviso, inter alia; [1]

> That the facilities authorized herein shall be used only for the provision of existing services and no new classification or subclassification of service shall be instituted on these facilities or on any other interstate facilities of American Telephone and Telegraph Co. and the Associated Companies of the Bell System without prior authorization of the Commission: *And, provided further,* That Series 11000 service shall be offered only in accordance with the provisions of the tariff presently on file with this Commission.

3. In this connection, the Order and Authorization further stated that:

> • • • when the Commission issues authorizations to common carriers providing international communications services and miscellaneous domestic services, it specifies therein the services which may be provided by such carriers over the authorized facilities, and requires that such carriers receive prior authorization from the Commission before they provide services other than those specified;
>
> • • • the Commission has instituted a proceeding in Docket No. 18920 to determine the policies, practices and procedures it should follow with respect to applications from new entities to provide various types of interstate specialized communications services in competition with existing common carriers; [and]
>
> • • • in view of the foregoing considerations, • • • [it appears that] before providing any new classification or subclassification of service, or any service in addition to those now provided, the applicants herein should seek and secure appropriate authorization from the Commission.

4. On October 5, 1970, A.T. & T. filed a "Petition for Reconsideration," requesting "withdrawal and cancellation of the restrictions imposed" by the proviso set forth in paragraph 2 above.[2] In brief, A.T. & T. claims that the proviso was adopted without compliance with the requirements of section 316 of the Communications Act, that the Commission cannot properly by indirection extend its authority under section 204 so as to delay the institution of new service classifications indefinitely, and that the proviso is contrary to the public interest because it constitutes a departure from past Commission practice with respect to A.T. & T. interstate authorizations and will impair A.T. & T.'s flexibility in the deployment and use of plant resources to meet customer demands. In addition, the petition states that the Commission has failed to give adequate reasons for adopting the proviso and has failed to accord the applicants any notice or opportunity to present facts and arguments with respect thereto. A.T. & T. further states that if "the Commission believes that a reexamination of its policies on the authorization of interstate facilities is necessary, then it should institute an appropriate proceeding in which all the relevant facts can be developed and placed on the record for the Commission's consideration." [3]

5. On November 5, 1970, Pioneer-United Telephone Co. (Pioneer) filed an "Application for Review" of an "Order and Certificate," issued by the Chief, Common Carrier Bureau on October 6, 1970 (File No. P-C-7954), granting authority under section 214 of the Act for furnishing channel service to a CATV operator, Jonathan Development Corp. The certificate was conditioned, inter alia, to provide that service authorized:

> shall include only carriage of television and FM radio broadcast signals, that no other interstate voice, video, and digital communications shall be furnished by applicant over the facilities authorized without prior authorization by the Commission, and that service is provided only to Jonathan Development Corp., or its successors or assignees • • •.

Pioneer challenges this condition, claiming that there should be no limitation on who may take a common carrier offering made in the applicant's published tariff, and that the only condition as to service should be one limiting services to those described in its wide Spectrum Services Tariff FCC No. 1.[4]

6. On November 6, 1970, Microwave Communications, Inc. (MCI), filed a motion for leave to file a "Statement in Support of Order and Authorization," i.e., the A.T. & T. Order and Authorization described in paragraphs 2-3 above. MCI states, that while not a party to this matter, it nevertheless has a direct substantial interest in the proceeding because the facilities to be constructed by A.T. & T. could be used to provide services competitive to those offered by MCI on its Chicago-St Louis route.[5]

[1] A similar condition has been incorporated in the grants of various applications of A.T. & T. for renewal of licenses for existing microwave facilities, and in other authorizations.

[2] The petition states that in order to avoid burdening the Commission with a multiplicity of pleadings raising the same questions, A.T. & T. will refrain from filing petitions for reconsideration of a similar proviso on other grants in the expectation that the Commission would, by general order, modify these authorizations in whatever way becomes appropriate in light of its final disposition of the instant petition.

[3] We will defer final action on A.T. & T.'s petition for reconsideration pending the outcome of this proceeding, which we believe to be a necessary preliminary procedural step. Copies of the petition will be placed in the docket of this proceeding for comment by interested persons. We believe that the rule making procedure, which affords all interested persons an opportunity to participate, is a more appropriate manner in which to proceed, at least initially, than an adjudicatory proceeding on the A.T. & T. applications.

[4] We will also defer action on Pioneer's application for review pending the outcome of this proceeding, and place copies of the application in the docket for public comment.

[5] The MCI statement is accepted and will be made a part of the record in this proceeding for public comment. On Dec. 3, 1970, A.T. & T. filed a reply to MCI, together with a motion for acceptance of filing which is hereby granted. A.T. & T.'s reply will also be placed in the record of this proceeding. On Dec. 22, 1970, MCI tendered a "Further Statement in Support of Order and Authorization," and on Jan. 4, 1971, A.T. & T. filed a "Motion to Strike" such further statement. The motion to strike is granted without prejudice to any filing MCI may desire to make in this proceeding.

Microwave Communications, Inc., 18 FCC 2d 953 (1969); reconsideration denied, 21 FCC 2d 190; pending on review in the U.S. Court of Appeals for the District of Columbia Circuit in American Telephone & Telegraph Co. et al. v. Federal Communications Commission (Case Nos. 23959 and 23962). MCI supports the conditions on A.T. & T.'s authorization, urging that they are well within the Commission's authority under sections 1, 4(i) and 214 of the Communications Act, and are appropriate in light of the provisions of §§ 63.01 through 63.06 of the Commission's rules and regulations. It further asserts that the conditions do not contravene the provisions of sections 204 and 316 of the Communications Act. MCI claims, in addition, that the conditions are needed in order to provide the same treatment to existing carriers and potential new entrants seeking to provide new specialized common carrier communications services.

Discussion and proposed rules. 7. As noted above, the imposition of conditions requiring prior Commission approval for the provision of services other than those specifically named in an authorization has been standard policy in the international common carrier field as well as in the domestic miscellaneous common carrier field. This is the first time, however, that we have so conditioned construction authorizations issued to generalized domestic land line common carriers (except in the case of channel service to CATV systems). Therefore, we shall afford A.T. & T. and all other interested persons an opportunity to be heard on any legal and policy questions which may be peculiar to the latter class of carriers. To this end, we are instituting this rule making proceeding which looks toward the adoption of substantive and procedural rules governing the establishment of new or revised classifications of communications and the discontinuation of classifications.

8. While we have reached no determination as to the validity of the arguments raised in A.T. & T.'s petition for reconsideration, we will briefly indicate the legal and policy basis for our proposals in order that the parties may fully address all aspects of these questions. The assertion of authority to require that common carriers request prior Commission approval before offering or discontinuing any new or revised classification of communications, irrespective of whether offered over proposed new facilities or over facilities previously authorized by the Commission, is premised upon the provisions of sections 4 (i) and (j), 201(b), 203(b), 214 (a) and (c), 303(b), and 307-309 of the Communications Act.[6] From a policy standpoint, it would appear less disruptive to the public to decide public interest questions concerning the provision of a new communications service to the public before the service is commenced, rather than to withdraw or modify the terms of a service or rate offering to which the public has become accustomed. Procedurally, it seems more orderly and better conducive to the ends of justice (section 4(j) of the Act) to require prior authorization under section 201(b) or sections 214 and 309 than to permit a carrier, simply by filing a tariff, to commence the public offering of a new or changed classification or subclassification of communications which after investigation and hearing may be determined to be unjust and unreasonable. The rules proposed by this notice are designed to place all carriers on a more even footing (e.g. international, general, and miscellaneous domestic) [7] and to alleviate the disparate position between existing carriers and potential new entrants in the specialized communications field in the event that the Commission should determine that such new entry would serve the public interest.[8] They are also designed to implement the provisions of section 214 of the Act with respect to prior Commission authorization for a discontinuation, reduction or impairment of service. Parties are requested to address the foregoing considerations as well as the questions posed by A.T. & T.'s petition for reconsideration (paragraph 4 above).

9. We are proposing to adopt rules which would prohibit all common carriers from instituting the offering of a new or revised classification of communications without prior approval by the Commission, before the filing of a tariff therefor, upon a written showing by such carrier that such new or revised classification will be just and reasonable and would otherwise serve the public interest, convenience and necessity. The proposed rules contemplate that it will be the responsibility of the carrier, in the first instance, to determine whether a proposed new or revised service offering would constitute a new or revised classification of communications, as distinguished from a new or revised schedule of rates and changes for an established classification of service, so as to require prior authorization for such new or revised offering pursuant to these rules. Also, in the application of these rules, the term "classification" shall embrace subclassifications of communications such as, for example, Wide Area Telephone Service (WATS) as a subclassification of Long Distance Message Telecommunications Service; TELPAK, Series 11,000, Program Transmission Service, etc. as subclassifications of Private Line Service. In this regard, we propose to require all carriers in filing new or revised tariffs pursuant to section 203 of the Act, without prior approval pursuant to these rules, to include a statement in their letter of transmittal (see section 61 of the rules and regulations) that such filing does not involve the establishment of a new or revised classification of communication and the reasons therefor. For further guidance, reference is made here to the description of the different classifications of communications specified in section 201(b) of the Act and the requirements therein for Commission approval of any other classifications.

10. The proposed rules would require a carrier seeking approval of a proposed new or revised classification of service to include in its showing as to the justification therefor the following information:

(1) A full description of the new or revised classification, the reasons for the filing, and the basis of ratemaking employed; and (2) economic data and information to support the service including:

(a) A cost of service study of all elements of costs for the most recent 12-month period; a study containing a projection of costs for the first 3-year period of the new or revised classification; and

(b) Estimates of the effects of the new or revised classification upon the carrier's traffic and revenues from the service, upon the traffic and revenues from the other service classifications of the carrier; and upon the overall traffic and revenues of the carrier. Estimates should include the estimated effects on the traffic and revenue data for the most recent 12-month period and projections for a 3-year period beginning at the date of the filing of the changed or new matter. Complete explanations of the bases for the estimates should be provided.

In the case of a proposed discontinuation of service a full description of the reasons therefor should be provided to the Commission, including the information required by §§ 63.60-63.90 of the rules, where appropriate. Comments are requested as to what revisions of such rules might be desirable to implement this requirement.

11. We recognize that in view of A.T. & T.'s many and varied interstate service offerings, it may not be practicable to delineate the specific services that may be provided. It may be preferable to use some term like "existing services" as in the proviso to the Order and Authorization. Moreover, we recognize that A.T. & T. uses its various communications facilities interchangeably for various interstate or foreign services and requires the construction of spare capacity in excess of existing requirements to allow for future growth in customer demand and for activation of standby facilities

[6] See also, Permian Basin Area Rate Case, 390 U.S. 747, 776-779 (1968); Ambassador, Inc. v. United States, 325 U.S. 317, 323 (1945), rehearing denied, 325 U.S. 896; National Broadcasting Company v. United States, 319 U.S. 190, 219-220 (1943); United States v. Southwestern Cable Co., 392 U.S. 157, 172-178 (1969); In the Matter of American Telephone and Telegraph Company et al., 37 FCC 1151, 1160, and the Memorandum Opinion Order and Authorization in File No. P-C-5494 (FCC 64-395).

[7] A.T. & T. is, of course, presently limited by the proviso on the Order and Authorization (FCC 70-955) and by the conditions on its renewal grants and other authorizations. Such proviso and conditions have not been stayed and are effective pending the outcome of this preliminary rule making proceeding and final action on A.T. & T.'s petition for reconsideration. It is our intention to continue placing similar conditions on grants to A.T. & T. and other domestic carriers during the pendency of this proceeding.

[8] See Notice of Inquiry to Formulate Policy, Notice of Proposed Rule Making and Order in Docket No. 18920 (24 FCC 2d 318).

during maintenance on working facilities. It is not the purpose of the proviso or of this proceeding to deprive carriers of flexibility in the deployment and use of their plant resources for services currently offered to the public, or to preclude the use of any authorized facilities to meet growing requirements for such existing services or to provide alternate routes for circuits during emergency or maintenance periods.

12. The above rules would apply in three principal situations. The first is where the proposed new or revised classification would be provided over existing facilities. In this instance, we are proposing to give public notice of the requests for Commission approval containing the showing described in paragraph 10 above, to permit comments by other interested persons, and reply comments by the carrier. The Commission, after consideration of such pleadings, may grant the carrier's request in whole or in part, or may specify other procedures, such as oral argument, evidentiary hearing, or further written submissions directed to particular aspects, as it deems appropriate. A temporary emergency authorization pending completion of the foregoing procedures may be granted for good cause shown. In the second situation, where the offering of a new or revised classification would involve application for authorization of new construction or channelizing, the showing described in paragraph 10 should be submitted with the application, and will be considered in accordance with section 214 and section 309 procedures. In the third instance, where the discontinuation of a classification of communications is involved, the showing should be submitted in accordance with the procedures specified in §§ 63.60–63.90 of the rules. Comments are requested on any desirable modification of the procedural provisions of such rules, in addition to the substantive aspects (see paragraph 10 above).

13. Parties should comment on any necessary or desirable distinctions in the rules to take account of the different requirements of various carriers, e.g., general domestic, specialized or miscellaneous domestic, international, etc. Of course, parties may also address the questions of law and policy raised by A.T. & T., MCI, Pioneer and by our discussion herein, make as full a showing as desired on any pertinent substantive aspects, and submit counterproposals and suggestions.

14. Finally, with respect to the questions asserted by Pioneer, we believe that the foregoing considerations apply equally to it insofar as the matter of prior authorization of new services is concerned. However, comments are requested on the question of whether a section 214 authorization for channel service to a CATV system should be conditioned to limit the service offering to the particular system involved in the application. We are also raising a question on our own motion as to whether the tariffs for channel service to CATV systems should permit the provision of two-way services where authorized by the Commission. For example, in the case of educational programing via CATV, the public interest might be served by the possibility of two-way communication (perhaps one-way video and the other audio) between the instructor and the students or other members of the viewing public.

15. Authority for the proposed rule making instituted herein is contained in sections 2, 3, 4 (i) and (j), 201(b), 203, 214, 301, 303, 307–309, and 403 of the Communications Act.

16. Interested persons may file comments on the proposed rules and issues discussed herein on or before February 17, 1971, and reply comments on or before March 3, 1971. In reaching its decision in this matter, the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

17. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, comments or other pleadings shall be furnished to the Commission.

Adopted: January 6, 1971.

Released: January 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-923 Filed 1-21-71;8:50 am]

* Chairman Burch concurring and issuing a statement which is filed as part of the original document in which Commissioners Robert E. Lee and Wells join; Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

[47 CFR Part 73]

[Docket No. 18979]

TELEVISION BROADCAST STATIONS

Table of Assignments; Kerrville-Fredericksburg, Tex.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations (Kerrville-Fredericksburg, Tex.), RM–1387.

1. This proceeding was begun by notice of proposed rule making (FCC 70–927) adopted August 26, 1970, released August 31, 1970, and published in the FEDERAL REGISTER September 4, 1970, 35 F.R. 14095. The date for filing comments has expired. The date presently designated for filing reply comments is January 20, 1971.

2. On January 14, 1971, United Tecon, proponent of the rule making, filed a request to extend the time for filing reply comments to and including February 9, 1971. It states that complicated engineering problems have arisen and therefore it is impossible for it to file reply comments by the deadline date. Both Southwest Republic Corp. and Channel Twenty-four Corp. have consented to the extension of time requested herein.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of United Tecon is granted and the date for filing reply comments is extended to and including February 9, 1971.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 18, 1971.

Released: January 19, 1971.

FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-924 Filed 1-21-71;8:50 am]

Notices

AD HOC ADVISORY GROUP ON THE PRESIDENTIAL VOTE FOR PUERTO RICO

PRESIDENTIAL VOTE FOR PUERTO RICO

Notice of Public Hearings

The Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico will hold 7 days of public hearings from 9 a.m. to 12 noon and from 2 to 5 p.m., as follows, unless the Chairman extends the time: Monday, Tuesday, and Wednesday, March 1, 2, and 3, the Capitol Building, San Juan, P.R.; Thursday, March 4, in the Medical Center, Ponce, P.R.; Friday, March 5, in the Cultural Center, Mayaguez, P.R.; Thursday and Friday, March 11 and 12, in Federal Building No. 7, 17th and H Streets NW., Washington, DC.

The purpose of the public hearings is to permit any interested persons to participate with the Advisory Group in its deliberations about the feasibility of extending to U.S. citizens in Puerto Rico the right to vote for the President and the Vice President.

In order to insure maximum participation, the Ad Hoc Advisory Group will use the following procedure: All who wish to testify should file, in our office, on or before February 15, 20 copies of the statement they wish to present to the Ad Hoc Advisory Group. The statement should also give the name, address, and any organization the witness may represent. The statement and the testimony may be presented either in Spanish or in English.

MILLARD W. HANSON,
Executive Director.

[FR Doc.71-1032 Filed 1-21-71;10:37 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 18]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Petition for Immediate Exemption From Requirements for Through Train Movements at Streator, Ill.

By petition dated September 29, 1970, the Atchison, Topeka and Santa Fe Railway Co. seeks relief from the requirements of 49 CFR 232.12(3) for run-through trains moving through Streator, Ill. It is proposed that the interchange test and inspection be made at Chillicothe, Ill. instead of Streator, Ill. The Atchison, Topeka and Santa Fe Railway Co., and the Penn Central Transportation Co., are operating run-through freight trains between Detroit, Mich. and Kansas City, Kans., and the trains are interchanged at Streator, Ill., which is the corporate boundary between the two carriers. The petition points out that the equipment runs through from Elkhart, Ind., to Argentine, Kans.

A Temporary Order was issued on October 19, 1970, granting the sought relief, subject to certain conditions pending further consideration. The temporary relief was granted because of emergency circumstances, including in particular aggravated circumstances and conditions caused by the blocking of city streets at highway grade crossings in situations when the interchange test and inspection were given at Streator.

It has now been determined that the petition should be set down for oral hearing and further consideration. Accordingly, the general public, and all interested parties, are hereby advised that the proceeding is hereby set down for oral hearing on February 23, 1971, at 9:30 a.m., c.s.t., in Room 1630, Federal Building, 219 South Dearborn Street, Chicago, IL, and for appropriate proceedings thereon.

Issued this 18th day of January 1971, in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71-864 Filed 1-21-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, CA.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 15, 1971.

The proposed nuclear powerplants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 13th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-648 Filed 1-14-71;8:51 am]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19586), the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPRR–111 to the University of Arizona at Tucson, Ariz. The construction permit authorizes the modification of the reactor console and the control rod mechanisms of the existing reactor facility on the University's campus located at Tucson, Ariz.

Dated at Bethesda, Md., this 13th day of January 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-897 Filed 1-21-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22871]

LATIN AMERICAN ROUTES STOPOVER AUTHORITY INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 9, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates, shall be submitted to the Examiner and to interested persons before February 2, 1971.

Dated at Washington, D.C., January 18, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-915 Filed 1-21-71;8:50 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Friday, January 29, 1971. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Falls Township Authority.* A project to transfer up to 1 million gallons daily of raw sewage from the Falls Township interceptor to the Lower Bucks Joint Municipal Authority interceptor in Bucks County, Pa. About 88 percent of BOD_5 would be removed at the latter's treatment facilities prior to discharge to the Delaware River.

2. *North Wales Water Authority.* A well water supply project to augment public water supplies in the Authority's service area in Upper Gwynedd Township, Montgomery County, Pa. Designated as No. 21, the new well is expected to yield 500,000 gallons per day.

3. *Borough of Quakertown.* A well water supply project to augment public water supplies in the Borough of Quakertown, Bucks County, Pa. Designated as No. 14, the new well is expected to yield 1.3 million gallons per day.

4. *Bucks County Commissioners.* A water filtration plant to be constructed at the junction of Pine Run and North Branch Neshaminy Creek in Chalfont, Bucks County, Pa. The plant will have initial capacity of 20 million gallons daily, expandable to a capacity of 120 million gallons daily, and will serve water supply needs in Central Bucks and Montgomery Counties. Water will be drawn from North Branch Neshaminy Creek and Pine Run.

5. *Fawn Lake Forest Water Company.* A well water supply project to provide water to a new vacation real estate development area in Lackawaxen Township, Pike County, Pa. Designated as Nos. 2 and 3, the combined withdrawal from the two wells will be limited to 15.5 million gallons during any calendar month.

6. *HMH Company, Inc.* A sewage treatment plant to serve the proposed HMH mobile home park in the Village of Kreidersville, Allen Township, Northampton County, Pa. Between 90 and 95 percent of BOD_5 will be removed from an average flow of 60,000 gallons per day. Treated effluent will discharge to Hookendauqua Creek.

7. *Borough of Quakertown.* Replacement of an obsolete interceptor sewer line along Licking Run Creek in the Borough of Quakertown, Bucks County, Pa. The new interceptor will extend approximately 1½ miles along the creek and connect to the Borough's existing sewage treatment plant.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission. (609) 883-9500.

W. BRINTON WHITALL,
Secretary.

JANUARY 18, 1971.

[FR Doc. 71-863 Filed 1-21-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19015, 19016; FCC 71R-17]

CHILDRESS BROADCASTING CORPORATION OF WEST JEFFERSON (WKSK) AND MOUNTAIN BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Childress Broadcasting Corporation of West Jefferson (WKSK), West Jefferson, N.C., Docket No. 19015, File No. BP-17396, and Mountain Broadcasting Corp., Blowing Rock, N.C., Docket No. 19016, File No. BP-17688; for construction permits.

1. This proceeding involves the mutually exclusive applications of Childress Broadcasting Corporation of West Jefferson (WKSK) and Mountain Broadcasting Corp. (Mountain) for authorization to construct new standard broadcast stations in, respectively, West Jefferson and Blowing Rock, N.C. The Commission designated the applications for hearing by Memorandum Opinion and Order, FCC 70-1032, 35 F.R. 15774, published October 7, 1970, on, inter alia, a Suburban issue as to both applicants and a condition that should the application of WKSK be granted, the applicant will be required to submit proof of performance to establish that the RMS field of its antenna complies with the minimum efficiency requirements of § 73.182(r) of the Commission's rules. Wilkes Broadcasting Co. (WATA) (Wilkes) was granted permission to intervene by Hearing Examiner Chester F. Naumowicz, Jr., by Order, FCC 70M-508, released November 3, 1970.

2. Presently before the Review Board is a motion to delete and enlarge issues filed October 22, 1970, by Mountain.[1] Petitioner requests that the Suburban issue against it be deleted and that an issue be added to determine whether WKSK's antenna system will be able to achieve the minimum radiation efficiency of 175 mv/m per kilowatt of power required by § 73.189(b)(2)(ii) of the rules.[2] In support of its request for deletion, petitioner contends that the Commission's basis for including the Suburban issue as to Mountain, i.e., that neither applicant had submitted sufficient information to enable the Commission to determine whether a representative cross-section of community leaders and the general public had been consulted, did not constitute a "reasoned analysis" and "was apparently based on the staff's failure to consider an amendment to Mountain's application filed on April 16, 1970." Mountain argues that it has engaged in "continuing and extensive efforts to ascertain the needs and interests" of its proposed service area and points to a supplementary community leader survey which it conducted in September 1968 (filed as an amendment on Oct. 9, 1968) and a survey conducted during the first 3 months of 1970 (after release of the Commission decision in City of Camden, 18 FCC 2d 412, 16 RR 2d 555 (1969) and the Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, 20 FCC 2d 880), the results of which are contained in an amendment of April 16, 1970. In regard to the latter survey, petitioner notes that its principals personally interviewed 44 community leaders; that 100 individuals were interviewed "on a random sample basis" by an employee under its supervision; and that it reported, in its amendment, the community needs which its consultations had shown and the programs which it had devised to meet those needs. Mountain contends that detailed demographic information concerning Blowing Rock and the nearby surrounding area was supplied in its "Opposition to Petition to Deny", filed October 14, 1967; that the reply to Question 9 of the Primer states that there are no "pat answers" as to how an applicant determines which leaders and members of the general public he should consult; that Question 10 of the Primer states that a showing of consultations with leaders in government, religion, agriculture, business, education, labor, the professions, racial and ethnic groups and charitable organizations constitutes a prima facie showing that a representative range of people have been consulted, if the community does not differ from the average, and that no allegation has been made that Blowing Rock differs from the average; and that all the above listed groups were consulted in the applicant's most recent survey, with the possible exception of racial and ethnic groups.[3]

3. In support of its request for a minimum antenna efficiency issue against WKSK, Mountain presents the affidavit of its consulting engineer, who, relying upon material in an article in the Proceedings of the Institute of Radio Engineers, calculates that the efficiency of the proposed WKSK antenna system is 151 mv/m per kilowatt rather than the minimum efficiency of 175 mv/m per kilowatt required by § 73.189(b)(2)(ii). Petitioner contends that its engineer's affidavit demonstrates a substantial deficiency in the WKSK antenna, and that the requested issue should, therefore, be added.

4. The Broadcast Bureau, in opposition, first states that it "is in a position to state that Mountain's entire application, including the April 16, 1970, amendment, was considered by the Bureau's staff and that the entire application was available to the Commission when it designated the application for hearing." Next, the Bureau contends that nothing in the April 1970 amendment or any other part of Mountain's application provided the information which the Commission stated was lacking, i.e., sufficient information to determine whether a representative cross-section of community leaders and the general public had been consulted. Moreover, the Bureau argues that Mountain is not really contending that a part of its application was overlooked, but that the Commission was wrong to ask for the missing information. The Bureau contends that the applicant misstates and distorts the Primer when it states that a prima facie showing of having contacted a cross-section of a community is made by interviewing members of the groups listed in the reply to Question 10. The Bureau points to Questions 4 and 16 which require the applicant to indicate by cross-sectional survey, statistically reliable sampling or other valid methods that the interviewees it has chosen are truly representative. With regard to the requested additional issue, the Bureau concedes that the Commission did not consider "the information as it is described by Mountain's consulting engineer", but points out that the engineer mistakenly states that the WKSK ground system consists of 120 ground radials, whereas the actual number is 360. The Bureau contends that it was on the basis of the latter figure that the Commission staff determined that the probable efficiency of the antenna system was such that the specification of a condition, not an issue, was sufficient.

5. WKSK, in its opposition, contends that Mountain has failed to ascertain the needs and interests of its entire service area, confining its efforts to its proposed city of license and the town of Boone. Moreover, the applicant argues that the factual allegations in petitioner's motion to delete and enlarge concerning who was surveyed and in what manner must be rejected for lack of a supporting affidavit of the applicant. In regard to Mountain's request for a minimum antenna efficiency issue, WKSK contends that the Commission specifically considered the matter and formulated a condition rather than an issue because the matter of antenna efficiency is easily corrected "by simply supplying an additional amount of copper to the ground radial systems" either by lengthening existing radials or by adding new ones. Therefore, the applicant contends, along with Wilkes in its opposition, that since the Commission has considered and passed on the efficiency matter, the Review Board cannot undo the Commission's action.

6. In its reply, Mountain presents a further affidavit of its consulting engineer, who states that, even taking account of the error in his original statement as to the number of ground radials in the WKSK ground system, the efficiency of the antenna system would still be slightly less than 156 mv/m/kw, rather than the 175 mv/m/kw required by § 73.189(b)(2)(ii) of the rules. As for the WKSK criticism of its programing survey, petitioner argues that the response to Question 7 of the Primer emphasizes that the survey taken outside of the city of license need not be extensive and asserts that it interviewed a cross-section of leaders and members of the general public in Boone, in other parts of Watauga County and at Appalachian State University, in addition to Federal, State, county, and local government leaders.

7. Mountain's motion to delete must be denied. Our conclusions in Sundial Broadcasting Co., Inc., 15 FCC 2d 1002, 1003, 15 RR 2d 353, 354 (1969), which also involved a petition to delete a Suburban issue for the alleged failure of the Commission to consider portions of the petitioner's application, apply with equal force here:

> The Board has repeatedly held that it will not delete specified issues in the absence of unusual or extenuating circumstances, such as where the Commission failed to consider information before it. Petitioner's contention that the Commission overlooked material in his application * * * appears to be based on no more than his own evaluation of his application; as such, the contention must be rejected * * *. Therefore, not only have no unusual circumstances been established to warrant deletion of the issue * * * but to do so would be contrary to well-established principle that where the Commission has specifically considered and passed upon a particular matter, the Review Board cannot and should not undo what the Commission has already done. Atlantic Broadcasting Co., 5 FCC 2d 717, 721, 8 RR 2d 991, 996 (1966); Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 140 (1965).

In this case substantial weight must be accorded the statement of the Broadcast Bureau, in its opposition, that Mountain's entire application, including the April 16, 1970 amendment, was considered by the Bureau's staff before designation. Moreover, paragraph 7 of its designation Order, in rejecting Wilkes' charge that Mountain had misrepresented the number of community leaders contacted in its programing survey and their responses, refers to the Commission's "careful study of the various amendments and pleadings submitted by the parties." There is, therefore, as Wilkes contends in its opposition, no viable basis for the petitioner's "strong inference" that the Commission's staff overlooked Mountain's amendment of April 16, 1970. On the contrary, it is clear that the Commission's decision to specify a Suburban issue as to both applicants was based upon a study of the applications, pleadings and amendments in this proceeding and arrived at through a reasoned analysis. Therefore, under the well-established precedent cited in Sundial, the Commission's action cannot be over-turned by the Review Board and the requested deletion must be denied.

8. As to Mountain's request to add an antenna efficiency issue, we are of the view that the following facts are pertinent. The WKSK aplication, filed August 1, 1966, contains the affidavit of its consulting radio engineer which, among other things, describes the applicant's proposal as including an increase in the length of ground radials to 360 feet. However, the exhibit depicting the proposed ground system contains the statement that the ground system would consist of 360 radials, 175 to 247 feet in length; and the engineering statement to the application reports that, due to the limited area available, Figure 8 of the Commission's rules cannot be used to establish the radiation of the antenna. Utilizing two stated assumptions (for the effective radiation field at 1 mile from the antenna, and for the actual radiated power), WKSK computed the effective radiation field of its proposed antenna to

[1] Also before the Review Board are the oppositions of the Broadcast Bureau and WKSK, both filed on Nov. 12, 1970; the opposition of Wilkes, filed Nov. 12, 1970; and Mountain's reply to oppositions, filed Nov. 24, 1970.

[2] Petitioner refers to § 73.189(b)(2)(ii) of the rules and the Commission to § 73.182(r) in dealing with the efficiency of the WKSK proposed antenna. However, the same Commission requirement is involved in both rules.

[3] In a footnote (footnote 1) petitioner states that although the April 1970 amendment did not indicate which members of the black community were surveyed, a black minister was interviewed. Further, Mountain asserts that it should be borne in mind that the 1967 County and City Data Book showed that the Negro population of Watauga County was only 1.3 percent and the total percentage of residents of "foreign stock" was only 0.8 percent.

be 175 mv/m/kw (millivolts per meter per kilowatt of power).[1] As previously indicated, the Commission, after its analysis of the WKSK application, stated in its designation Order that the indicated efficiency of the proposed antenna system is below the minimum required by the Commission's rules, and ordered that an appropriate condition, to establish that the minimum efficiency had been achieved, be included in any grant to WKSK.

9. Petitioner's contentions concerning the efficiency of the antenna proposed by WKSK, viewed in light of the responsive pleadings and an error in petitioner's initial engineering material (the basing of calculations on the use of 120 ground radials instead of the 360 proposed) noted by the Broadcast Bureau, raise sufficient questions as to the probable efficiency of the proposed antenna to warrant resolution on the record in this proceeding. It is not sufficient for Wilkes, in its opposition, to characterize the engineering basis of petitioner's showing as unsubstantial, or for WKSK, in its opposition, to allege that the antenna efficiency is easily correctable by supplying an additional amount of copper to the ground system, since, among other things, these responsive pleadings do not factually challenge the engineering basis for petitioner's contentions, and WKSK has stated in its application that the area available for its ground system is limited. Nor, in light of our review of the Commission's designation Order, and of the Broadcast Bureau's statement (Opposition, page 10) that the Commission did not consider the information as it is described by petitioner's engineer, does Atlantic Broadcasting Co., supra, require denial of the requested enlargement, as urged by Wilkes. Therefore, an antenna efficiency issue will be granted.

10. *Accordingly, it is ordered*, That the Motion to Delete and Enlarge Issues, filed on October 22, 1970, by Mountain Broadcasting Corp., is granted to the extent that the issues herein are enlarged by addition of the following issue, and is denied in all other respects: To determine whether the antenna system proposed by WKSK will be able to achieve the minimum efficiency requirement (175/mv/m/kw) of § 73.189 (b)(2)(ii) of the Commission's rules; and

11. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Childress Broadcasting Corp. of West Jefferson.

Adopted: January 14, 1971.

Released: January 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-925 Filed 1-21-71;8:50 am]

[1] Mountain does not mention these calculations in its petition to enlarge.

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 84]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Solano Savings and Loan Association and Mount Diablo Savings and Loan Association

JANUARY 19, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Solano Savings and Loan Association, Fairfield, Calif., and Mount Diablo Savings and Loan Association, Pittsburg, Calif., insured institutions under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisitions to be effected by the purchase for cash of the guarantee stock of Mount Diablo Savings and Loan Association and the exchange of stock of Imperial Corporation of America for the guarantee stock of Solano Savings and Loan Association. Following the proposed acquisitions, Imperial Corporation proposes to merge Solano Savings and Loan Association, Fairfield, Calif., and Mount Diablo Savings and Loan Association, Pittsburg, Calif., into Imperial Savings and Loan Association of the North, an insured subsidiary of Imperial Corporation. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-909 Filed 1-21-71;8:49 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED CONTAINER TRANSPORTATION (AUSTRALIA) LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Associated Container Transportation (Australia) Ltd.; Australian Coastal Shipping Commission (Australian National Lines); and Overseas Container Ltd.

Notice of agreement filed by:

John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, NY 10004.

Agreement No. 9925, between the three common carriers by water listed above, provides for the establishment of a joint service to be known as Pacific America Container Express Line which would operate between Australasia, various islands of the Pacific, and Atlantic and Gulf ports of the United States, Puerto Rico, the Virgin Islands and the Panama Canal.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-901 Filed 1-21-71;8:48 am]

ATLANTIC LINES, LTD., AND WALLENIUS CARIBBEAN LINE, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Jeremy Chester, Vice President, Chester, Blackburn & Roder, Inc., Post Office Box 1470, Miami, FL 33101.

Agreement No. 9923, between Atlantic Lines, Ltd. and Wallenius Caribbean Line, S.A., covers an arrangement for the establishment of a rate agreement in the trade between ports in Florida and ports in the Virgin Islands, in accordance with the terms and conditions set forth in the agreement.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-902 Filed 1-21-71;8:48 am]

DELTA STEAMSHIP LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esq., Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street NW., Washington, DC 20006.

Agreement No. 9848-1, between Delta Steamship Lines, Inc., as one party, and Companhia de Navegacao Lloyd Brasileiro and Navegacao Mercantil S.A. Navem, as the other party, will amend the basic agreement of the parties by making certain non-substantive changes to the language thereof in Articles 2(b), 4(a), 6 (c), (d), 7(b), 10 (d) and (e) in accordance with the terms and conditions set forth in the modification.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-903 Filed 1-21-71;8:49 am]

EVANS PRODUCTS CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9549-7, between Evans Products Co., its subsidiary, Evans International Trading Co. (hereafter Evans), and Retla Steamship Co. (Retla), modifies the basic agreement between Evans and Retla by:

(1) Expanding the area in which Evans plans to operate chartered vessels "for the carriage of goods in commerce" to include Western Europe and Great Britain, Asia, and Australasia. There is a similar provision with respect to Retla's operations.

(2) Delineating those areas in Latin America where Evans and Retla intend to engage in tramp operations.

(3) Delineating those areas in Asia where Evans intends to operate as a proprietary carrier.

(4) Agreement No. 9549-7 also revises the agency relationship between Evans (principal) and Retla.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-904 Filed 1-21-71;8:49 am]

HBS GROUP JOINT SERVICE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. 9871-1 amends the basic agreement to add at page 3 thereof a new paragraph 5(a) to read as follows:

The parties may form a corporation for the principal purpose of owning or

leasing land and, either by itself or as a joint venture with another company or companies, conduct on such land for and in behalf of and as agent for the parties hereto or any of them the activities of receiving, surveying, servicing, storing, and delivery of automobiles.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-905 Filed 1-21-71;8:49 am]

INTER-AMERICAN SHIPPING CORP. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Arthur E. Erb, President, Florida Motorships Corp., Post Office Box 13049, Port Everglades Station, Fort Lauderdale, FL 33316.

Agreement No. 9922, among Inter-American Shipping Corp., Pan American Mail Line, Inc., and Wallenius Caribbean Line, S.A., provides for the establishment of a rate agreement between the parties operating in the trade between ports in Florida and ports in Panama, in accordance with the terms and conditions set forth in the agreement.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-906 Filed 1-21-71;8:49 am]

PAN AMERICAN MAIL LINE, INC., AND WALLENIUS CARIBBEAN LINE, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Jeremy Chester, Vice President, Chester, Blackburn & Roder, Inc., Post Office Box 1470, Miami, FL 33101.

Agreement No. 9924, between Pan American Mail Line, Inc., and Wallenius Caribbean Line, S.A., covers an arrangement for the establishment of a rate agreement in the trade between ports in Florida and ports in Aruba, Curacao, and Bonaire, Netherlands Antilles, in accordance with the terms and conditions set forth in the agreement.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-907 Filed 1-21-71;8:49 am]

[Docket No. 71-7]

EXPORT SERVICES, INC.

Order of Investigation and Hearing Regarding Independent Ocean Freight Forwarder License Application

By certified letter dated October 27, 1970, Export Services, Inc., 9978 Monroe Drive, Suite 306, Dallas, TX 75235, was notified of the Federal Maritime Commission's intent to deny its application for an independent ocean freight forwarder license, because it engaged in forwarding and other related activities, including the acceptance of compensation prior to being licensed in violation of the Commission's General Order 4 and section 44(a), Shipping Act, 1916 (46 U.S.C. 841(b)).

Export Services, Inc., has requested a hearing to show that denial of the application is unwarranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841b) that a proceeding is hereby instituted to determine whether, in view of the past activities of its principals, Export Services, Inc., is fit to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, within the meaning of that statute; and whether its application should be granted or denied.

It is further ordered, That this proceeding determine whether Export Services, Inc., has violated section 44(a), Shipping Act, 1916.

It is further ordered, That Export Services, Inc., be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and place to be announced.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon the respondent.

It is further ordered, That any person, other than the respondent, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-908 Filed 1-21-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-611, etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 13, 1971.

The Respondents named herein have filed proposed increased rates and charges of concurrently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the 'Date Suspended til" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 8, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supp. No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-611..	Coastal States Gas Producing Co.	78	2	South Texas Natural Gas Gathering Co. (Clinco De Mayo Field, Zapata County, Tex., RR. District No. 4).	$78,840	12-21-70	1-21-71	6-21-71	16.0	17.8	
RI71-612..	W. M. Laughlin	3	3	Valley Gas Transmission, Inc. (Independence and South Independence Field, Duval, RR. District No. 4).	3,590	12-21-70	1-21-71	6-21-71	15.0	16.0	RI68-476.
RI71-480..	Atlantic Richfield Co.	48	1 to 14	United Gas Pipe Line Co. (Triple A Field, San Patricio County, Tex., RR. District No. 4).	10,134	12-18-70	[1] 5-20-71	[2] Accepted	15.0375	[3] 24.25	RI68-468.
RI71-613..	Ferguson Oil Co., Inc., et al.	6	2	Lone Star Gas Co. (Cruce Field, Stephens County Okla., Other Area).	16,200	12-21-70	1-21-71	6-21-71	[4] 15.0	[4] 18.0	
RI71-614..	Franks Petroleum, Inc.	15	1	United Gas P/L Co. (West Bryceland Field) (Bienville Parish) (North Louisiana).	9,000	12-21-70	1-21-71	6-21-71	[12] 18.75	[12] 20.0	
RI71-615..	E. Lyle Johnson et al.	7	3	Arkansas Louisiana Gas Co. (Kinta Field, Haskell County) (Oklahoma Other Area).	7,200	12-21-70	1-21-71	6-21-71	15.0	16.0	
RI71-616..	Alamo Petroleum Co.	[7] 4	6	El Paso Natural Gas Co. (Leases in San Juan County, N. Mex., San Juan Basin).	289	12-14-70	1-14-71	6-14-71	[8] [12] 14.0536	[8] [13] 14.2678	RI64-696.
RI71-617..	Tenneco Oil Co.	221	3	El Paso Natural Gas Co.	3,496	12-14-70	1-15-71	6-15-71	14.0224	[13] 16.9356	RI70-560.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Date of expiration of suspension period for prior increase to 18.3 cents which was filed Nov. 19, 1970.
[2] Accepted, subject to the existing suspension proceeding in Docket No. RI71-480.
[3] Corrects increase dated Nov. 17, 1970 to provide for the contractually authorized renegotiated rate.
[4] Not used.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Not used.
[7] Successor to Sword, Co. et al. FPC Gas Rate Schedule No. 2.
[8] Includes 1-cent minimum guarantee for liquids.
[9] Increase from 13 cents plus 1-cent minimum guarantee for liquids to 14 cents exclusive of the 1-cent minimum guarantee for liquids.
[10] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[11] Increase to contract rate less 0.63-cent B.t.u. adjustment.
[12] The pressure base is 15.025 p.s.i.a.

The proposed increase of Alamo Petroleum Co. reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. El Paso Natural Gas Co. (El Paso) (Purchaser) is expected to protest the tax reimbursement. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing herein shall be concerned with the contractual basis for such rate filing, as well as the statutory lawfulness of the proposed increased rate.

W. M. Laughlin, Ferguson Oil Co., Inc., et al. and E. Lyle Johnson, et al. request effective dates for which adequate notice was not given. Good cause has not been shown for granting any of these requests and they are denied.

All of the producer's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-892 Filed 1-21-71;8:45 am]

[Docket No. G-3566, etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

DECEMBER 17, 1970.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, making successors co-respondents, redesignating proceedings, and accepting related rate schedules and supplements for filing, issued April 17, 1970, and published in the FEDERAL REGISTER April 29, 1970 (35 F.R. 6772), in subparagraphs (a), (d), and (H); Change Docket No. "CI69-392" to read Docket No. "CI69-394".

GORDON M. GRANT,
Secretary.

[FR Doc.71-889 Filed 1-21-71;8:47 am]

[Dockets Nos. RP71-13, RP71-14]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedures, Permitting Tracking of Purchased Gas Increases, Requiring Filing of Undertaking and Consolidating Proceedings; Correction

DECEMBER 2, 1970.

In the order providing for hearing, suspending proposed revised tariff sheets, providing hearing procedures, permitting tracking of purchased gas increases, requiring filing of undertaking and consolidating proceedings, issued October 30, 1970, and published in the FEDERAL REGISTER November 6, 1970 (35 F.R. 17150), footnote 1, after the words "and Fifth Revised Sheet Nos. 11 and 18-A", strike the period and add "of Original Volume No. 3." Footnote 1, after the words "El Paso filed" add "in Docket No. RP71-14". Footnote 1, strike the words "all to replace those sheets filed on October 9, 1970,". Footnote 4, after the

word "difference" insert the following: "of $1,706,382. The $1,706,382 when divided by 7.5 cents difference". Paragraph (F), change "E(7)" to "E(9)".

GORDON M. GRANT,
Secretary.

[FR Doc.71-890 Filed 1-21-71;8:47 am]

[Project 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Application for Approval of Exhibits for Proposed Transmission Line

JANUARY 13, 1971.

Public notice is hereby given that application for approval of exhibits for a proposed transmission line has been filed by the Power Authority of the State of New York (correspondence to: William S. Chapin, General Manager, Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019), pursuant to Article 34 of its license for the unconstructed Blenheim-Gilboa Pumped Storage Project No. 2685, located on the middle reaches of Schoharie Creek in the towns of Blenheim and Gilboa in Schoharie County, N.Y.

The exhibits, J, K, and M, show the design and alternative routes for the Gilboa-Leeds 345 kv. transmission facilities which will originate at the project switchyard adjacent to the power plant in Schoharie County and extend into Albany and Greene Counties to the Leeds substation to be constructed, owned and operated by Niagara Mohawk Power Corp. at a point near Catskill, N.Y. By its order issued April 10, 1970, the Commission considered and approved the Gilboa-New Scotland and the Gilboa-Fraser lines only (now under construction), at the Authority's request in view of the protests and petitions to intervene filed with the Commission in opposition to the Durham Valley section of the Leeds line.

The first alternate route for the Leeds line would follow the same route as described in the Authority's application for the three lines, publication of notice of which was given on December 11, 1969. However, parts of the 6.1 mile section at the eastern end of the line and parts of the 8.2 mile section at the western end of the line have been realigned with the middle section through the Durham Valley area remaining unchanged. The entire route of the first alternative Leeds line is described as follows:

The line will leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and will pass between Brown Mountain and Reed Hill. The line will continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 to a point approximately 3,000 feet east of Hubbard Road and 1,500 feet north of County Highway 3. The line will continue in the same direction crossing Manor Kill and County Highway 3 before passing about 3,000 feet north of Steenburg Mountain. The line will then proceed in a more southeasterly direction, extending into the town of Durham in Greene County passing west and south of West Durham to a point about 3,000 feet north of Mount Pisgah. The line will extend in a southeasterly course, passing north of Cornwallville and across Cornwallville Creek, Thorp Creek, and County Highway 20. The line will pass south of East Durham and cross Millings Road, Sunside Road and Bowery Creek. The line will then turn more easterly, cross State Highway 145 and extend into the town of Cairo in Greene County where it will cross Catskill Creek, State Highway 32, Jan de Bakkers Kill, and County Highway 41. The line will continue through Greene County across County Highway 67 and extend easterly crossing Indian Ridge at a point approximately 500 feet south of Harold C. Meyer Road and 1,500 feet west of Rudolf Weir Road, continuing across Potic Creek, County Highway 49 and the New York State Thruway (Interstate Route 87) at a point about 1,000 feet north of Greens Lake. The line will cross Hans Vosen Kill, Vosenkill Road and will turn south to a point about 1½ miles west of the village of Athens, where the line will turn east across U.S. Highway 9W and will proceed to its terminus at the proposed Leeds Substation to be constructed by Niagara Mohawk Power Corp. in the town of Athens, 2½ miles north of the village of Catskill.

The 6.1 mile and the 8.2 mile sections at each end of the second alternative route would be identical with the two end sections of the route described above. However, the middle section (to which the aforementioned protests were made) of the alternative route would be to the north of the Durham Valley area. This second alternative route is described as follows with the description of the section of line to the north of the Durham Valley area in quotation marks:

The line will leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and will pass between Brown Mountain and Reed Hill. The line continue in this direction across Platter Kill, County Highway 59, Bear Kill, and County Highway 18 to a point approximately 3,000 feet east of Hubbard Road and 1,500 feet north of County Highway 3. "The line will then extend in a northeasterly direction and will pass about a mile north of Steenburg Mountain. The line will then extend into the town of Rensselaerville in Albany County across County Highway 3, State Highway 145, Catskill Creek and State Highway 81 before turning in an easterly direction and entering the northeast part of the town of Durham in Greene County. After crossing Ten Mile Creek the line will turn more southeasterly and will extend across McKay Road and State Highway 81. The line will then turn easterly again and will extend into the town of Greenville in Greene County, across Carter Bridge Road, County Highway 35 and Basic Creek where it will turn more southerly, cross State Highway 32, and recross County Highway 35. The line will continue in a more southeasterly direction across County Highway 41 and Jan de Bakkers Kill to a point about 1 mile north of Gayhead. The line will then turn southward and will pass about a mile east of Gayhead and will extend across Schoharie Turnpike and Deyo Road. Approximately 1,800 feet southeast of Deyo Road the line will turn easterly" crossing Indian Ridge at a point approximately 500 feet south of Harold C. Meyer Road and 1,500 feet west of Rudolf Weir Road, continuing across Potic Creek, County Highway 49 and the New York State Thurway (Interstate Route 87) at a point about 1,000 feet north of Greens Lake. The line will cross Hans Vosen Kill, Vosenkill Road and will turn south to a point about 1½ miles west of the village of Athens, where the line will turn east across U.S. Highway 9W and will proceed to its terminus at the proposed Leeds Substation to be constructed by Niagara Mohawk Power Corp. in the town of Athens, 2½ miles north of the village of Catskill.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-891 Filed 1-21-71;8:48 am]

[Docket No. G-6085, etc.]

J. S. RUSHING ESTATE ET AL.

Findings and Order; Correction

DECEMBER 17, 1970.

J. S. Rushing Estate (successor to J. S. Rushing) and other Applicants listed herein, Docket Nos. G-6085, et al.; Associated Programs, Inc. (Operator), et al., Docket No. CI71-25 (CI62-927).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successor correspondent, redesignating proceedings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued September 21, 1970, and published in the FEDERAL REGISTER October 1, 1970 (35 F.R. 15329), column 1, under Docket No. CI71-25:

Change Docket No. "CI69-927" to read Docket No. "CI62-927".

GORDON M. GRANT,
Secretary.

[FR Doc.71-888 Filed 1-21-71;8:47 am]

[Docket No. G-7079, etc.]

R. L. WHARTON ET AL.

Findings and Order; Correction

DECEMBER 17, 1970.

R. L. Wharton (successor to Cities Service Oil Co.) and other Applicants listed herein, Docket Nos. G-7079, et al.; Ashland Oil, Inc., Docket No. CI69-197.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondents, making successors correspondents, redesignating proceedings, making rate change effective, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued August 12, 1970, and published in the FEDERAL REGISTER August 22, 1970 (35 F.R. 13476), column 4: Change date of supplemental agreement from "5-21-68" to "5-21-70" related to Ashland Oil, Inc. Supplement No. 10 to FPC Gas Rate Schedule No. 193.

GORDON M. GRANT,
Secretary.

FR Doc.71-887 Filed 1-21-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

CHARLOTTESVILLE CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Charlottesville Capital Corp., U.S. Route 29 North, Charlottesville, VA 22901, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Charlottesville Capital Corp. was licensed as a small business investment company on December 3, 1963, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled and terminated.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 7, 1971.

[FR Doc.71-898 Filed 1-21-71;8:48 am]

MIDLAND CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Midland Capital Corp., License No. 02/02-0040, 110 William Street, New York, NY 10038, a licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration for approval of a change of control. Prior approval of change of control is required under § 107.701 of SBA Rules and Regulations (13 CFR Part 107, 33 F.R. 326).

Midland Capital Corp. was licensed October 13, 1960. Its paid-in capital is $17,453,846.

Marine Midland Banks, Inc., owner of 290,770 shares (approximaetly 20 percent) of the common stock of Midland Capital Corp., proposes to sell its shares to Rich-Healy Corp., 1709 Main Place, Buffalo, NY 14202.

All of the stock of Rich-Healy Corp. is owned by Rich Products Corp. and certain trusts, the beneficiaries of which are the children and grandchildren of Mr. Robert E. Rich. Mr. Rich is the majority stockholder of Rich Products Corp., with the remaining stock thereof owned by his affiliates. Rich-Healy Corp. will be the only stockholder which will own 10 percent or more of the outstanding common stock of the licensee. No other stockholder will own as much as 5 percent of licensee's stock.

The proposed owners do not intend to make any changes in management, directorate, or operations, except for Mr. Thomas B. Healy, Jr., becoming a nominee for election as a director at the next annual stockholders meeting. Mr. Robert E. Rich is currently a director of the licensee.

SBA's consideration of the application includes the general business character and reputation of the above-named persons and their commitment to actively operate the company within the intent and purpose of the Act and SBA Regulations.

Interested persons should address their comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, within 10 days after date of publication of this notice.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in New York, N.Y.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 18, 1971.

[FR Doc.71-939 Filed 1-21-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 18, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42113—*Salt from Cleveland, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2994), for interested rail carriers. Rates on salt, common (sodium chloride), in bulk, in carloads, as described in the application, from Cleveland, Ohio, to Charlotte and Henderson, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 80 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-262.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-912 Filed 1-21-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 19, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42114—*Fish Meal from Georgetown, Prince Edward Island, Canada.* Filed by O. W. South, Jr., Agent (No. A6220), for interested rail carriers. Rates on fish meal, in carloads, as described in the application, from Georgetown, Prince Edward Island, Canada, to all Southern Freight Association territory Docket 28300 basing points and points taking same rates in National Rate Basis tariff 1-B.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 11 to Canadian Freight Association tariff I.C.C. 309.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-913 Filed 1-21-71;8:49 am]

[Notice 232]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 18, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be

specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13426 (Sub-No. 4 TA), filed January 14, 1971. Applicant: UNITED PARCEL SERVICE, INC. (Ohio), 300 North Second Street, St. Charles, IL 60174. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are sold by retail department stores, between Milwaukee, Wis., on the one hand, and, on the other, points in Sheboygan, Washington, Jefferson, Milwaukee, Walworth, Ozaukee, Dodge, Waukesha, Racine, and Kenosha Counties, Wis., restricted to service for Sears, Roebuck & Co., for 120 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 5308, Chicago, IL 60680. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 13426 (Sub-No. 5 TA), filed January 14, 1971. Applicant: UNITED PARCEL SERVICE, INC. (Ohio), 300 North Second Street, St. Charles, IL 60174. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail department stores*, between Cleveland, Ohio; on the one hand, and, on the other, points in Cuyahoga, Lake Erie, Huron, Medina, Ottawa, Lorain, Geauga, Summit, and Portage Counties, Ohio; restricted to service for Sears Roebuck and Co., for 120 days. Supporting shipper: Sears, Roebuck and Co., Post Office Box 5308, Chicago, IL 60680. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 13426 (Sub-No. 6 TA), filed January 14, 1971. Applicant: UNITED PARCEL SERVICE, INC. (Ohio), 300 North Second Street, St. Charles, IL 60174. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail department stores*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Hamilton, Butler, Clermont, and Warren Counties, Ohio, restricted to service for Sears, Roebuck and Co., for 120 days. Supporting shipper: Sears, Roebuck and Co., Post Office Box 5308, Chicago, IL 60680. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 51146 (Sub-No. 195 TA), filed January 14, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, 54306, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Plattsburgh, N.Y., to points in Michigan, Ohio, Indiana, Illinois, Wisconsin, and Minnesota, for 180 days. Supporting shipper: Georgia-Pacific Corp., 800 Summer Street, Stamford, CT 06902 (Robert Ricker, Eastern Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 72806 (Sub-No. 6 TA), filed January 13, 1971. Applicant: RED-YELLOW CAB CO. doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, OH 43612. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories*, in express service, in taxicabs, from Wauseon and Toledo, Ohio, to Detroit, Ypsilanti, Rawsonville, Pontiac, Lansing, Wayne, Wixom, and Willow Run, Mich., and the Detroit Metropolitan, Willow Run, and Toledo Express Airports, for 180 days. Supporting shippers: Essex International Inc., 1601 Well Street, Fort Wayne, IN 46804; Prestole Everlock, Inc., Post Office Box 278, 1345 Miami Street, Toledo, OH 43605. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 106743 (Sub-No. 8 TA), filed January 14, 1971. Applicant: LOFTIN'S TRANSFER & STORAGE, CO., INC., 4081 Ross Clark Circle NW., Post Office Drawer 1568, Dothan, AL 36301. Applicant's representative: Robert S. Richard, 57 Adams Avenue, Montgomery, AL 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Palo Pinto County, Tex., on the one hand, and, on the other, the following Counties in Texas, Brown, Comanche, Eastland, Erath, Hood, Jack, Parker, Somervell, and Stephens. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attn: Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 106743 (Sub-No. 9 TA), filed January 14, 1971. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 4081 Ross Clark Circle NW., Dothan, AL 36301. Applicant's representative: Robert S. Richard, 57 Adams Avenue, Montgomery, AL 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montgomery County, Ala., on the one hand, and points in Autauga, Butler, Chilton, Coosa, Elmore, Lowndes, Perry, Tallapoosa, and Wilcox Counties, Ala., on the other hand. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attn: Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 109533 (Sub-No. 43 TA), filed January 14, 1971. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Post Office Box 1216, 23209, Richmond, VA 23224. Applicant's representative: C. H. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment (1) between Knoxville, Tenn., and Elizabethtown, Ky., serving all intermediate points, from Knoxville, over U.S. Highway 25W to Corbin, Ky., thence over U.S. Highway 25 to junction U.S. Highway 150, thence over U.S. Highway 150 to Bardstown, Ky., thence over U.S. Highway 62 to Elizabethtown, Ky., and return over the same route, serving points in Nelson County, Ky., as off-route points. (2) Between Morristown, Tenn., and Corbin, Ky., over U.S. Highway 25E, serving all intermediate points. (3) Between Mount Vernon, Ky., and Berea, Ky., over U.S. Highway 25, serving all intermediate points. (4) Between Stanford, Ky., and Lancaster, Ky., over U.S. Highway 27, serving all intermediate points. (5) Between Danville, Ky., and Perryville, Ky., serving all intermediate points; from Danville over U.S. Highway 127 to Harrodsburg, Ky., thence over U.S. Highway 68 to Perryville, Ky., and return over the same route. (6) Between Perryville, Ky., and Springfield, Ky., serving all intermediate points, from Perryville, over U.S. Highway 68 to Lebanon, Ky., thence over Kentucky Highway 55 to Springfield, Ky., and return over the same route. (7) Alternate route for operating convenience only, between Knoxville, Tenn., and Tazewell, Tenn., over Tennessee Highway 33, serving all intermediate points. (8) Applicant also seeks to serve the commercial zone of all points on routes sought. (9) Applicant intends to tack the authority here applied for to MC 109533 and Sub 22, and to interline with other carriers, for 180 days. Supporting shippers: There are approximately 125 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, VA 23240.

No. MC 110410 (Sub-No. 13 TA), filed January 14, 1971. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street, Atlanta, GA 30313. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Atlanta, Ga., to Waycross and Waresboro, Ga., for 150 days. Supporting shipper: Theatres Service Co., Post Office Box 1695, Atlanta, GA 30301. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 110420 (Sub-No. 627 TA), filed January 14, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI. 53158, Bristol, Kenosha County, WI. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, and confectionery coating*, in bulk, from Burlington, Wis., to Oklahoma City, Okla., for 180 days. Supporting shipper: Nestle Co., Inc., 100 Bloomingdale Road, White Plains, NY 10605 (J. Leonard, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 110525 (Sub-No. 994 TA), filed January 14, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Hopewell, Va., to Perth Amboy, N.J., for 180 days. Supporting shipper: Allied Chemical Corp., Post Office Box 365, Morristown, NJ 07960. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 116254 (Sub-No. 120 TA), filed January 13, 1971. Applicant: CHEMHAULERS, INC., Post Office Box 245, 1510 Martin Avenue, Sheffield, AL 35660. Applicant's representative: L. Winston, Post Office Drawer M., Sheffield, AL 35660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Texas City, Tex., and points in Indiana, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 120562 (Sub-No. 3 TA), filed January 14, 1971. Applicant: O.K. TRANSFER AND STORAGE COMPANY OF LAWTON, 202 East D Avenue, Lawton, OK 73501. Applicant's representative: Walter F. Young (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and unaccompanied baggage*, including packing, crating, and uncrating, of Department of Defense military and civilian personnel, between points in Jackson, Ellis, and Murray Counties, Okla., and Childress, Collinsworth, Donley, and Hall Counties, Tex., for 180 days. NOTE: Applicant states it will tack with authority held in MC 120562 Sub-No. 1. Supporting shippers: Department of the Air Force, Headquarters 443d Air Base Group (MAC) Altus Air Force Base, OK 73521; Department of the Army, Headquarters, U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 120800 (Sub-No. 32 TA), filed January 13, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: Art O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, from Memphis, Tenn., to New Albany, Miss., for 120 days. Supporting shipper: The Union Gas Co., Post Office Box 4647, Jackson, MS 39216. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 127115 (Sub-No. 2 TA), filed January 14, 1971. Applicant: MILLER TRANSPORT, INC., 510 West Fourth North Street, Hyrum, UT 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Turkey eggs, animal and poultry feed, and feed ingredients*, from points in San Bernardino, San Francisco, San Joaquin, Fresno, and Los Angeles Counties, Calif., to Wener, Box Elder, Cache, Davis, Sevier, and Sanpete Counties, Utah, for 180 days. Supporting shippers: Farrell Grain Co., Post Office Box 385, 200 West 21st Street, Ogden, UT 84402 (Wayne Farrell); R. J. Wight Inc., Post Office Box 1309, 360 West 24th South Street, Ogden, UT 84402 (Gary Plyer, General Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 128007 (Sub-No. 28 TA), filed January 13, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, turns, lumber, crating, and sawdust*, from points in Neosho, Labette, and Wilson Counties, Kans., to points in Arkansas, Missouri, Texas, Iowa, Nebraska, Illinois, and Colorado, for 180 days. Supporting shippers: Wilson Bros. Walnut Lumber Co., Inc., Post Office Box 312, Parsons, KS 67357; Hardwood Products, Box 186, St. Paul, KS 66771; Chering Hardwood Fabricators, RR. No. 1, Oswego, KS 67356; Shinn Bros. Lumber Co., 315 North Ninth Street, Fredonia, KS 66736. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 129744 (Sub-No. 3 TA), filed January 13, 1971. Applicant: ENSMINGER MOTOR LINES, INC., 300 Franklin Street, Frankfort, IL 60423. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam meat trays and plastic egg cartons*, from the plantsite of Mobil Chemical Co. at Frankfort, Ill., to points in Minnesota, Iowa, Missouri, and Kentucky, for 180 days. Supporting shipper: Mobil Chemcial Co., Foam Products Department, 437 Center Road, Frankfort, IL 60423. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133189 (Sub-No. 1 TA), filed January 14, 1971. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, MN 55421. Applicant's representative: James S. Holmes, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from plantsites of North Star Steel Co. at Newport, Minn., to points in Colorado, Idaho, Illinois, Montana, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: North Star Steel Co., St. Paul, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 133436 (Sub-No. 4 TA), filed January 13, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat by-products and inedible articles distributed by meat packinghouses*, moving in non-refrigerated vehicles, from Denver, Greeley, Loveland, Fort Morgan, and Brush, Colo., Scottsbluff, Nebr., and, Torrington, Wyo., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Oklahoma, for 180 days. Supporting shipper: Wellens & Co., Inc., 6950 France Avenue, South, Minneapolis, MN. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, NE 68508.

No. MC 133437 (Sub-No. 1 TA), filed January 14, 1971. Applicant: DAVIS CARTAGE CO., 1957 Findley, Saginaw, MI 48601. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Bay City, Caro, and Sebewaing, Mich., to storage facilities of Industrial Molasses Corp. at Presque Isle Site, Port District, Toledo, Ohio; for 120 days. Supporting shipper: Industrial Molasses Corp., 321 Fort Lee Road, Leonia, NJ 07605. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225 Federal Building, Lansing, MI 48933.

No. MC 134460 (Sub-No. 4 TA), filed January 14, 1971. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, Handler, Baker & Greene, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature-controlled equipment, as a common carrier by motor vehicle in interstate or foreign commerce from Wilmington, Calif., to Salt Lake City, Utah, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134518 (Sub-No. 3 TA), filed January 14, 1971. Applicant: CHEESE HAULING, INC., Post Office Box 138, Stitzer, WI 53825. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Twine*, from Dubuque, Iowa to points in North Dakota and South Dakota; (2) *Rejected shipments*, of the above commodities, from points in North Dakota and South Dakota to Dubuque, Iowa, for 180 days. Supporting shipper: Dubuque Twine Co., Jones and Terminal Streets, Dubuque, IA 52001. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134777 (Sub-No. 9 TA), filed January 14, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Office: Sooner Building, Highway 70 South, Madill, OK 73446. Applicant's representative: Dale Waymire (same address as above . Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from West Point and Dakota City, Nebr., and Emporia, Kans., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 135007 (Sub-No. 2 TA), filed January 14, 1971. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Charles J. Kimball, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and storage facilities of Spencer Foods, Inc., at or near Schuyler, Nebr., and Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Washington, D.C., North Carolina, and South Carolina. Restriction: Traffic destined to the above States, for 180 days. Supporting shipper: Spencer Foods, Inc., Spencer, Iowa (John F. Hummel). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135138 (Sub-No. 1 TA), filed January 14, 1971. Applicant: COSTIN AIRFREIGHT SERVICE, INC., Post Office Box 761, New Bern, NC 28560. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, (1) between the airport located at or near New Bern, N.C., on the one hand, and, on the other, points in Craven, Jones, Pamlico, Onslow, Beaufort, and Carteret Counties, N.C.; (2) between the airport located at or near Kinston, N.C., on the one hand, and, on the other, points in Lenoir, Greene, Pitts, Wayne, Jones, Onslow, Craven, and Beaufort Counties, N.C.; and (3) between the airport, located at or near Jacksonville, N.C., on the one hand, and, on the other, points in Craven, Pender, Duplin, Jones, Sampson, Onslow, Lenoir, and Carteret Counties, N.C., for 180 days. Supporting shipper: Piedmont Airlines, Smith Reynolds Airport, Winston-Salem, N.C. 27102. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135213 (Sub-No. 1 TA), filed January 13, 1971. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshoni Street, Lovell, WY 82431. Applicant's representative: Robert S. Stauffer, 3539 Boston, Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire brick, including refractory mortars, castables, ramming mixes, anchor block, and insulators*, from Denver, Colo., to Lovell, Wyo.; (2) *clay products, fittings and accessories, including vitrified clay pipe, fittings and jointing devices, flue lining, wall coping, face and common brick, structural clay tile, and fireplace accessories*, between Billings, Mont., and points in Wyoming, and between Lovell, Wyo., on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, North Daktota, South Dakota, Utah, and Wyoming, for 180 days. Supporting shipper: The Lovell Clay Products Co., Post Office Box 247, Lovell, WY 82431. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East "B" Street, Casper, WY 82601.

MOTOR CARRIER OF PASSENGERS

No. MC 135039 (Sub-No. 1 TA), filed January 14, 1971. Applicant: CONSOLIDATED CABS SERVICES, INC., 3610 East 27th Street, Kansas City, MO 64127. Applicant's representative: J. D. Williams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and luggage*, between points in Cass, Clay, Jackson, and Platte Counties, Mo., Johnson, Leavenworth, and Wyandotte Counties, Kans., for 150 days. Supporting shipper: Must Commuter Service, 1824 Paseo, Kansas City, MO 64108. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-911 Filed 1-21-71;8:49 am]

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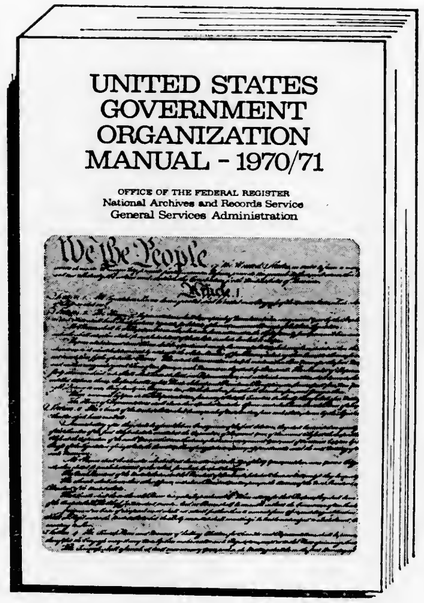

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PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one additional position of Confidential Assistant to the Special Assistant to the Secretary for Policy Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (1–23–71), subparagraph (22) is amended under paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(22) Two Confidential Assistants to the Special Assistant to the Secretary for Policy Development.

(5 U.S.C. 3301, 3302. E.O 10577; 3 CFR 1954–58 Comp , p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-981 Filed 1-22-71;8:48 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that the positions of one Special Assistant and one Secretary to the Assistant Administrator (for Standards and Enforcement) and General Counsel, one Secretary to the Assistant Administrator for Research and Monitoring, and one Secretary to the Assistant Administrator for Planning and Management are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (1–23–71), paragraphs (d), (e), (f), and (g) are added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(d) One Special Assistant to the Assistant Administrator (for Standards and Enforcement) and General Counsel.

(e) One Secretary to the Assistant Administrator (for Standards and Enforcement) and General Counsel.

(f) One Secretary to the Assistant Administrator for Research and Monitoring.

(g) One Secretary to the Assistant Administrator for Planning and Management.

(5 U.S.C. 3301, 3302, E.O 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc 71-982 Filed 1-22-71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Special Assistant to the Assistant Attorney General for Civil Rights is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (1–23–71), subparagraph (2) is added to paragraph (q) of § 213.3310 as set out below.

§ 213.3310 Department of Justice.

* * * * *

(q) *Civil Rights Division.* * * *

(2) One Special Assistant to the Assistant Attorney General.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-983 Filed 1-22-71;8:48 am]

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to show that one position of Chief Counsel to a Board Member is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (1–23–71), paragraph (g) of § 213.3341 is added as set out below.

§ 213.3341 National Labor Relations Board.

* * * * *

(g) One Chief Counsel to a Board Member.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-984 Filed 1-22-71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Secretary to the Deputy Administrator, Urban Mass Transportation Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (1–23–71), subparagraph (4) is added to paragraph (f) of §213.3394 as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(f) *Urban Mass Transportation Administration.* * * *

(4) One Secretary to the Deputy Administrator.

(5 U.S.C. 3301, 3302, E.O 10577; 3 CFR 1954 58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners

[FR Doc.71-985 Filed 1-22-71;8:48 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 37, Amdt. 1]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. This amendment relaxes the requirement so as to provide access to a

larger quantity of marketable grapefruit due to freeze damage encountered in the production area.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an assembled meeting on January 14, 1971, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such assembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received January 18, 1971; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.337 (Grapefruit Regulation 37; 35 F.R. 15980) the provisions of paragraph (a) are amended to read as follows:

§ 909.337 Grapefruit Regulation 37.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period January 24, 1971 through August 31, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that as a part of the fairly well formed requirement the requirement that the fruit be free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that an additional tolerance of 25 percent shall be allowed for scarring of which not more than 5 percent shall be allowed for deep and dark scars, and except that included in the tolerance for defects, not more than 5 percent shall be allowed for fruit having more than 1-inch peel at the stem end, measured from the flesh to the highest point of the peel; or

(ii) Any grapefruit which measure less than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3$^{9}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California-Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3$^{9}/_{16}$ inches in diameter directly to a destination in Zone 5 or Zone 6.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 21, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1065 Filed 1-22-71;8:50 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Order Regulating Handling

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AUTHORITY: The provisions of this Part 930 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 930.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Grand Rapids, Mich., June 2–4, 1970, and continued at Sturgeon Bay, Wis., on June 5, 1970, at Rochester, N.Y., on June 9, 1970, and at Gettysburg, Pa., on June 11, 1970, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cherries grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of cherries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cherries grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of cherries grown in the production area, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective on publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 553). As soon as practicable after such effective time it will be necessary to establish the Cherry Administrative Board, the agency charged with the administration of the program. Subsequently, and prior to the imposition of regulations, it will be necessary for the Board and the Secretary to initiate and complete various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. If regulations are to be recommended by the Board, such recommendation must be submitted not later than June 25. Hence, for the program to be of maximum benefit during the 1971–72 fiscal period, the order should be made effective upon publication in the FEDERAL REGISTER. The provisions of the order are well known to handlers of red tart cherries since the public hearing in connection with the order was held in June 1970, and the recommended decision and the final decision were published in the FEDERAL REGISTER on October 8, 1970 (35 F.R. 15817) and November 18, 1970 (35 F.R. 17726), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and until cherries are handled; and therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations pursuant thereto.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping cherries covered by this order) of more than 50 percent of the volume of such cherries covered by this order refused or failed to sign a proposed marketing agreement regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of such cherries;

(3) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (May 1, 1969, through Nov. 1, 1970) were engaged, within the production area specified in this order, in the production for market of the commodity specified therein; such producers having also produced, within such production area, for market at least two-thirds of the volume of such commodity represented in such referendum; and

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping cherries covered by this order) of more than 50 percent of the volume of such cherries covered by this order refused or failed to sign a proposed marketing agreement regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, West Virginia, Virginia, and Maryland; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of such cherries;

(3) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (May 1, 1969, through Nov. 1, 1970) were engaged, within the production area specified in this order, in the production for market of the commodity specified therein; such producers having also produced, within such production area, for market at least two-thirds of the volume of such commodity represented in such referendum; and

(4) The issuance of the order is favored or approved by processors who, during the aforesaid determined representative period, were engaged within the said production area in the canning or freezing of red tart cherries, and, who canned or froze within the production area more than 50 percent of the volume of such cherries that was so canned or frozen during such representative period.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of cherries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

Sections 930.1 to 930.80, inclusive, of the recommended marketing agreement and order, as published in the FEDERAL REGISTER (F.R. Doc. 70–13489; 35 F.R. 15817), as hereinafter changed, are hereby adopted and incorporated into this order as the terms and conditions thereof as if set forth in full herein:

35 F.R. 15833, paragraph (c) of § 930.5) is revised to read as follows:

(c) All assembled meetings of the Board shall be open to growers and handlers and other interested persons. The Board shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler and any other interested person who has filed his name and address with the Board for such purpose.

35 F.R. 15835, § 930.64 is revised to read as follows:

For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the Board, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cherries are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

DEFINITIONS

§ 930.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 930.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agriculture Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 930.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.4 Production area.

"Production area" means the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, West Virginia, Virginia, and Maryland.

§ 930.5 Cherries.

"Cherries" means all cherries grown in the production area of the Meteor variety, and all cherries of any or all varieties of cherries, grown in the production area, classified botanically as Prunus cerasus.

§ 930.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on May 1 of one year and ending of the last day of April of the following year: *Provided*, That the

initial fiscal period shall begin on the effective date of this part.

§ 930.7 Board.

"Board" means the Cherry Administrative Board established pursuant to § 930.20.

§ 930.8 Grower.

"Grower" is synonymous with "producer" and means any person who produces cherries to be marketed in canned, frozen, or other processed form and who has a proprietary interest therein.

§ 930.9 Handler.

"Handler" means any person who first handles cherries or causes cherries to be handled.

§ 930.10 Handle.

"Handle" means to pit, can, freeze, dehydrate, press, or brine cherries, or in any other way convert cherries commercially into a processed product: *Provided*, That the term "handle" shall not include the pitting, canning, freezing, dehydration, pressing, or brining or the converting, in any other way, (a) of cherries into a processed product for home use and not for resale; or (b) of cherries, which are diverted pursuant to § 930.56, into a processed product.

§ 930.11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 930.30(e):

District 1—The State of New York and Erie County, Pa.

District 2—The States of Maryland, Pennsylvania except Erie County, Virginia, and West Virginia.

District 3—That portion of the State of Michigan which is north of a line drawn along the boundary of Mason and Manistee Counties and extended east to Lake Huron and the State of Wisconsin.

District 4—That portion of the State of Michigan which is south of District 3 and north of a line drawn along the boundary of Allegan and Ottawa Counties and extended east to the St. Clair River.

District 5—The State of Michigan not included in Districts 3 and 4, and the State of Ohio.

ADMINISTRATIVE BODY

§ 930.20 Establishment and membership.

(a) There is hereby established a Cherry Administrative Board consisting of 12 members, each of whom shall have an alternate having the same qualifications as the member for whom he is an alternate. Six of the members and their alternates shall be growers or officers or employees of growers. Six of the members and their alternates shall be handlers or officers or employees of handlers. There shall be an individual who shall serve as nonvoting chairman of the Board, and an individual who shall serve as his alternate.

(b) District representation on the committee shall be as follows:

District	Grower members	Handler members
1	1	1
2	1	1
3	2	2
4	1	1
5	1	1

§ 930.21 Term of office.

The term of office of each member and alternate member of the Board shall be for 3 fiscal years: *Provided*, That one-third of the initial members and alternates shall serve only until April 30, 1971, and one-third of such members and alternates shall serve only until April 30, 1972 (Determination of which of the initial members and their alternates shall serve for 1 fiscal year, 2 fiscal years, and 3 fiscal years shall be by lot). Members and alternate members shall serve in such capacity for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to two 3-year terms. The nonvoting chairman of the Board and his alternate shall serve at the pleasure of the Secretary. The Secretary shall give consideration to any recommendation of the Board with respect to termination of the appointment of the chairman or his alternate.

§ 930.22 Nomination.

(a) Initial members: The Secretary shall hold, or cause to be held, meetings of growers and of handlers to nominate the initial members and alternate members of the Board. Such meetings shall be held as soon as practicable after the effective date of his part, and shall be conducted in the manner provided in paragraph (b) of this section.

(b) Successor members:

(1) Nominations for successor members of the Board, and their respective alternates, shall be made at separate meetings of growers and handlers. Such meetings shall be held at such times (on or before April 1 of each year) and places as the Board shall designate. One nominee shall be elected at nomination meetings for each member and one nominee for each alternate member position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than April 15 of each year. The Board shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(2) Only growers, including duly authorized officers or employees of growers, who are present and who are eligible to serve as grower members of the Board, shall participate in the nomination of grower members and alternate grower members of the Board. No grower shall participate in the selection of nominees in more than one district during any fiscal period. If a producer produces cherries in more than one district, he shall select the district in which he will so participate and notify the Board of his choice.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present and who are eligible to serve as handler members of the Board, shall participate in the nomination of handler members and alternate handler members of the Board. No handler shall participate in the selection of nominees in more than one district during any fiscal period. If a person is both a grower and a handler of cherries, such person may vote either as a grower or handler, but not as both. However, if a person is a grower and a grower-handler, because he had some cherries custom packed but who does not own or lease and operate a processing facility, such person may vote only as a grower.

(c) The members of the Board appointed by the Secretary pursuant to § 930.23 shall, at the first meeting, and whenever necessary thereafter, by a majority vote of those present, nominate an individual to serve as nonvoting chairman of the Board, and an individual to serve as his alternate.

§ 930.23 Appointment.

From the nominations made pursuant to § 930.22, or from other qualified individuals, the Secertary shall appoint the chairman of the Board and his alternate and the members of the Board and an alternate for each such member on the basis of the representation provided for in § 930.20.

§ 930.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 930.22, the Secretary may, without regard to nominations, select the chairman and his alternate and select the members and alternate members of the Board on the basis of representation provided for in § 930.20.

§ 930.25 Acceptance.

Any person selected by the Secretary as the chairman or his alternate or as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary within 10 days after notified of such appointment.

§ 930.26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and appointed in the manner specified in §§ 930.22 and 930.23. If the names of the nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which appointment shall be made on the basis of representation provided for in § 930.20.

§ 930.27 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is appointed and has qualified. In the event that a grower member and his alternate are unable to attend a Board meeting, the grower members present at such meeting may designate any other grower alternate to serve in such absent grower member's place and stead at that meeting. In the event that a handler member and his alternate are unable to attend a Board meeting, the handler members present at such meeting may designate any other handler alternate to serve in such absent handler member's place and stead at that meeting.

§ 930.28 Eligibility for membership on Cherry Administrative Board.

(a) Each grower member and each grower alternate member of the Board shall be a grower, or an officer or employee of a grower in the district for which nominated or appointed.

(b) Each handler member and each handler alternate member of the Board shall be a handler, or an officer or employee of a handler, who owns, or leases, and operates a cherry processing facility in the district for which nominated or appointed.

§ 930.29 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 930.30 Duties.

The Board shall have, among others, the following duties:

(a) To select such officers, other than the chairman, as may be necessary, and to define the duties of such officers, and the duties of the chairman and his alternate;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Board and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Board and to make copies of each statement available to growers and handlers for examination at the office of the Board;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cherries;

(i) To submit to the Secretary the same notice of meeting of the Board as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) To investigate compliance with the provisions of this part; and

(l) With the approval of the Secretary, to re-define the districts into which the production area is divided, and to reapportion the representation of any district on the Board: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in cherry production within the districts and the production area.

§ 930.31 Procedure.

(a) Eight members of the Board, including alternates acting for members, shall constitute a quorum and any action of the Board shall require a majority vote of those present.

(b) The Board may provide for simultaneous meetings of groups of its members at two or more designated places or may use a telephone conference call meeting: *Provided*, That such meetings shall be subject to the establishment of communications so that each member may participate in the discussions and other actions the same as if the Board were assembled in one place.

(c) The Board may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 930.32 Expenses and compensation.

The members of the Board, and alternates when acting as members, and the chairman of the Board, and his alternate when acting as chairman, or when either or any of them are performing other prescribed duties, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this part. The Board at its discretion may request the attendance of one or more alternates, including the alternate to the nonvoting chairman, at any or all meetings, notwithstanding the expected or actual presence of the chairman or the respective member, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 930.40 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be paid to the Board by handlers in the manner prescribed in § 930.41.

§ 930.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the Board during a fiscal period, each handler shall pay to the Board, upon demand, assessments on all cherries handled by him during such period as the handler thereof. The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during the fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cherries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments, the Board may accept the payment of assessments in advance, and may also borrow money for such purposes. If a handler does not pay his assessment within the time prescribed by the Board, the unpaid assessment may be subject to an interest charge at a rate prescribed by the Board, with the approval of the Secretary.

§ 930.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the Board, with the approval of the Secretary, may carry over all or any portion of such excess into subsequent fiscal periods as reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such a manner as the Sec-

retary may determine to be appropriate: *Provided*, That to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the Board pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the Board and its members to account for all receipts and disbursements.

REGULATIONS

§ 930.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 930.51, the Board shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cherries;

(b) The expected general quality of such cherry production;

(c) The expected carryover as of July 1 of canned and frozen cherries and other cherry products;

(d) The expected demand conditions for cherries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cherries; and

(h) The regulation expected to be recommended during the marketing season.

§ 930.51 Recommendations for volume regulation.

(a) Not later than June 25 of each year the Board, if it deems it advisable to regulate the handling of cherries in the manner provided in § 930.52, shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulations pursuant to paragraph (a) of this section, the Board shall give consideration to current information with respect to the factors affecting the supply of and demand for cherries during the then current fiscal period. With each such recommendation for regulation, the Board shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

(c) All assembled meetings of the Board shall be open to growers and handlers and other interested persons. The Board shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler and any other interested person who has filed his name and address with the Board for such purpose.

§ 930.52 Issuance of volume regulations.

(a) The Secretary shall limit, in the manner specified in this section, the quantity of cherries which handlers may acquire and freely handle during the then current fiscal period, whenever he finds from the recommendations and information submitted by the Board, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall fix the free and restricted percentages, totaling 100 percent, which shall be applied in accordance with § 930.54 to cherries acquired by handlers during such fiscal period.

(b) The Board shall be informed immediately of any such regulation issued by the Secretary, and the Board shall promptly give notice thereof to handlers.

§ 930.53 Revision of percentages; release of reserve pool cherries.

(a) *Revision of percentages.* As soon as practicable after completion of the processing of the current crop of cherries, the Board shall determine the total quantity of free percentage cherries handled from the current crop. If the determination reveals that the total quantity of free percentage cherries handled is less than the quantity determined earlier by the Board as the quantity of cherries which should be available for handling, it shall recommend to the Secretary revision of the free and restricted percentages for the current fiscal year to become effective during the period September 15–25 of the fiscal year, or during such other 10-day period as may be recommended by the Board and approved by the Secretary. The additional amount of cherries so recommended referable to the revised free percentage shall be the amount required to make the total available supplies for use in normal commercial outlets equal, but not exceed, the amount, as estimated by the Board, needed to meet the demand in such outlets.

(b) *Release of reserve pool cherries.* (1) If the Board determines that the total available supplies for use in normal commercial outlets do not at least equal the amount, as estimated by the Board, needed to meet the demand pursuant to paragraph (a) of this section, in such outlets, the Board shall recommend to the Secretary that during the period September 15–25 of the fiscal period or such other 10-day period as may be recommended by the Board and approved by the Secretary, that a portion or all of the reserve pool cherries of prior fiscal years be released to handlers for such use.

(2) On and after March 15 of each year and prior to June 1 of such year, the Board may recommend to the Secretary that a portion or all of the oldest reserve pool or pools be released for use in normal commercial channels to the extent that the total available supply in normal commercial outlets is less than needed to meet the demand in such outlets. Such reserve pool cherries shall be offered for sale to handlers for a period of 10 days: *Provided*, That only one period shall be authorized by the Secretary from March 15 to June 1 of each year.

(3) Whenever the Secretary finds, from the recommendation and information submitted by the Board pursuant to this paragraph, or from other available information, that a portion or all of the cherries in the reserve pools should be released, he shall authorize the Board to release such cherries as provided in § 930.59.

§ 930.54 Reserve pool.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 930.52(a), each handler shall set aside for the reserve pool for such period, at such time and in such manner and form, other than as canned cherries or canned cherry products, as the Board may prescribe, a portion of the cherries he acquires during such period. Except as otherwise permitted pursuant to §§ 930.56 and 930.61, such reserve pool portion shall be equal to the sum of the products obtained by multiplying the weight or volume of the cherries in each lot of cherries acquired during the fiscal period by the then effective restricted percentage fixed by the Secretary: *Provided*, That in converting cherries in each lot to the form prescribed by the Board the reserve pool obligations shall be adjusted, in accordance with uniform rules adopted by the Board, to recognize shrinkage and loss resulting from processing.

(b) Reserve pool cherries shall meet such standards of grade, quality, or condition as the Board, with the approval of the Secretary, may prescribe. All such cherries shall be inspected by the Processed Standardization and Inspection Branch, U.S.D.A. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the grade of the product, the location where the lot is stored, identification marks (can codes or lot stamp), and a certification that the cherries meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the Board, at the place designated by the Board, a copy of the certificate of inspection issued with respect to such cherries.

(c) Each handler shall hold his reserve pool for the account of the Board until relieved of such responsibility by the Board. Such reserve pool cherries shall be stored in accordance with good commercial practice and shall be separate and apart from any other cherries in possession of the handler. Each handler so holding reserve pool shall deliver to the Board, upon demand, such portion of the reserve pool held by him as the Board may specify.

(d) All matters dealing with reserve pools, including, but not being limited to, the costs to be borne and shared by equity holders and for which handlers are to be compensated and the distribution of proceeds from the disposition of reserve pools shall be in accordance with rules and procedures established by the Board, with the approval of the Secretary, and shall be equitable to equity holders and handlers.

§ 930.55 Off-premise reserve pool.

No handler may transfer a reserve pool obligation but any handler may, upon notification to the Board, arrange to hold reserve pool, of his own production or which he has purchased, on the premises of another handler or in an approved commercial storage in the same manner as though the reserve pool were on his own premises.

§ 930.56 Diversion privilege.

As used in this section and in §§ 930.58 and 930.60, "producer" includes any person who purchased cherries from the grower and is reselling them to a handler. Any producer may voluntarily elect to divert, in accordance with provisions of this section, all or a portion of his cherries which otherwise, upon delivery to a handler, would become restricted percentage cherries. Upon such diversion and compliance with the provisions of this section, the Board shall issue to the diverting producer a diversion certificate which shall entitle such producer to deliver to a handler, and such handler to receive, the specified weight of cherries free from all reserve pool requirements.

(a) *Eligible diversion.* Diversion certificates shall be issued to producers only if the cherries are diverted in accordance with the following terms and conditions to such of the following outlets as the Board with the approval of the Secretary may designate: uses exempt under § 930.61; nonhuman food uses; or other uses, including diversion by leaving such cherries unharvested.

(1) Application: The producer electing to so divert cherries shall first make application to the Board for permission to do so. Such application shall describe in detail the manner in which the applicant proposes to divert cherries including, if the diversion is to be by means of leaving the cherries unharvested, a detailed description of the location of the orchard and the ages of the trees therein. It shall also contain an agreement that the proposed diversion is to be carried out under the supervision of the Board and that the cost of such supervision is to be paid by the applicant.

(2) *Diversion certificate.* If the Board approves the application it shall so notify the applicant and conduct such supervision of the applicant's diversion of cherries as may be necessary to assure that the cherries are diverted. After the diversion has been accomplished, the Board shall issue to the diverting producer a diversion certificate stating the weight of cherries which may be delivered to a handler free from all reserve pool requirements; the latter of which shall be in an amount having the same relationship to the weight of cherries diverted as that existing between the free and restricted percentages fixed pursuant to § 930.52 or § 930.53, as applicable. Where diversion is carried out by leaving the cherries unharvested, the Board shall estimate the weight of cherries diverted on the basis of such uniform rule as the Board, with the approval of the Secretary, may prescribe.

(b) Any producer who diverts cherries pursuant to the provisions of this section shall be entitled to participate in proceeds from the disposition of reserve pool cherries only if he delivers cherries to handlers in excess of the quantity shown on his diversion certificate and then only to the extent of such excess delivery of cherries. The Board, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section.

§ 930.57 Equity holders.

A grower's equity in the reserve pool may be transferred to another person upon notification to the Board. So that the Board may determine each producer's, or his successor's in interest, equity in the total reserve pool, each handler who receives cherries shall determine and certify to the Board the weight of cherries received, the name and address of the producer or successor in interest. Each weight and determination shall be made in accordance with uniform rules adopted by the Board and approved by the Secretary.

§ 930.58 Handler compensation.

Each handler shall be compensated for receiving, processing, storing and such other costs relating to the reserve pool as the Board may deem to be appropriate. The Board shall, as near the beginning of the fiscal year as may be practicable, with the approval of the Secretary, establish a schedule of charges for receiving, processing, storing and other costs related to the reserve pool. The payment of such costs shall be by the producers having an interest in the reserve pool, or their successors in interest, and may be deducted from any monies owed by handlers to such persons. A handler may request the Board to remove pool cherries from his premises upon expiration of prepaid storage charges or refund of unearned charges, and the Board shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall also pay one-half of the cost of such removal and shall forfeit to the extent of the removed volume, his pro rata share in any offer to sell reserve pool and such share shall be allocated to the successor storing handler.

§ 930.59 Disposition of reserve pool.

(a) The Board shall offer reserve pool cherries for purchase by handlers for disposition in accordance with § 930.53 (b). Reserve pool cherries shall be sold to handlers at prices and in a manner intended to maximize returns to equity holders and achieve complete disposition of such cherries.

(b) The Board shall offer each handler his share of each reserve pool to be sold by the Board. Each such share shall be determined by applying to the total quantity of cherries in such reserve pool, the percentage that the cherries in such reserve pool that were handled by such handler is of the total quantity of cherries in the reserve pool handled by all handlers. If any handler declines, or fails to purchase all or any part of his share, the share or remainder shall be offered in accordance with the terms and conditions of the offer to all handlers who have purchased their respective shares.

(c) The Board shall have the power and authority to dispose of, at any time throughout the year as it may deem appropriate, any or all reserve pool cherries for any experimental purposes and for any nonhuman use, including animal feed, or any use other than normal commercial outlets.

§ 930.60 Disposition of proceeds from sale of reserve pool.

The proceeds from the disposition of any reserve pool shall be distributed, after deduction of any expenses incurred by the Board in receiving, handling, holding, and disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the reserve pool. The distribution of proceeds to producer members of cooperative associations, which are handlers and have reserve pool cherries pursuant to § 930.54, shall be made to the appropriate association.

§ 930.61 Exemptions.

The Board, with the approval of the Secretary, may exempt from the provisions of §§ 930.52 through 930.60 cherries used for experimental purposes or processed into products which used less than 5 percent of the preceding 5-year average production of cherries. The Board, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to insure that cherries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 930.62 Reports.

(a) *Inventory.* Each handler shall, upon request of the Board, file promptly with the Board a certified report showing such information as the Board shall specify with respect to any cherries or cherry products which were held on such date as the Board may designate.

(b) *Receipts.* Each handler shall, upon request of the Board, file promptly with the Board a certified report showing the name and address of each grower and the total weight of cherries delivered for the season.

(c) *Other reports.* Upon the request of the Board, with the approval of the Secretary, each handler shall furnish to the Board such other information with respect to the cherries acquired, handled and disposed of by such handler as may be necessary to enable the Board to exercise its powers and perform its duties under this part.

§ 930.63 Records.

Each handler shall maintain such records of all cherries acquired, handled, or sold, or otherwise disposed of as will substantiate the required reports and as may be prescribed by the Board. All such records shall be maintained for not less

than two years after the termination of the fiscal year in which the transactions occurred or for such lesser period as the Board may direct.

§ 930.64 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the Board, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cherries are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 930.65 Confidential information.

All reports and records furnished or submitted by handlers to the Board and its authorized agents which include data or information constituting a trade secret or disclosing trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the Board, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 930.70 Compliance.

Except as provided in this part, no person may handle cherries, the handling of which has been prohibited by the Secretary under this part, and no person shall handle cherries except in conformity with the provisions of this part and the regulations issued hereunder. No person may handle any cherries for which a diversion certificate has been issued other than as provided in § 930.56(a).

§ 930.71 Right of the Secretary.

The chairman of the Board and his alternate, and members of the Board (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the chairman and his alternate and of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the chairman and his alternate and of the Board shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 930.72 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 930.73.

§ 930.73 Termination.

(a) The Secretary at any time may terminate the provisions of this part by giving at least 1 day's notice by means of a press notice or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cherries which were produced within the production area. Such termination shall become effective on the last day of April subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum within the month of March of every fifth year after the effective date of this part to ascertain whether continuation of this part is favored by the growers and handlers. If it develops from said referenda that (1) more than 50 percent of the producers by number or volume of production represented in the referendum or (2) more than 50 percent of the handlers, who during the current fiscal period handled more than 50 percent of the total volume of cherries processed within the production area by those handlers voting in the referendum favor termination of this part, the Secretary shall give consideration to terminating the provisions of this part in accordance with paragraph (c) of this section.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 930.74 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members f the Board shall, for the purpose of liquidating the affairs of the Board, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or in the trustees pursuant to this part.

(c) Any person to whom funds, property, and claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed upon the Board and upon the trustees.

§ 930.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have risen or which may thereafter arise in connection with any provision of this part or any regulation issued thereunder, or (b) release or extinguish any violation of this part or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 930.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 930.77 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture to act as his agent or representative in connection with any provisions of this part.

§ 930.78 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 930.79 Personal liability.

No member or alternate member of the Board and no employee or agent of the Board nor the chairman of the Board and his alternate shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, chairman alternate, employee, or agent, except for act of dishonesty, willful misconduct, or gross negligence.

§ 930.80 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 19th day of January 1971, to become effective upon publication in the FEDERAL REGISTER (1-23-71).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-963 Filed 1-22-71;8:47 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 424.2]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart B—Associations—Planning and Performing Development

Subpart B, Part 1804, Title 7, Code of Federal Regulations (32 F.R. 8235) is revised to read as follows:

Subpart B—Associations—Planning and Performing Development

Sec.
1804.21 General.
1804.22 Design policies.
1804.23 Technical services.
1804.24 Plans, cost estimates, and reports.
1804.25 Review, and evaluation of plans.
1804.26 Methods of performing development.
1804.27 Limitations on bidders.
1804.28 Construction contracts.
1804.29 Performance and payment bonds.
1804.30 Competitive bidding and contract awarding.
1804.31 Contract approval.
1804.32 Preconstruction conference.
1804.33 Development inspections.
1804.34 Changes in development plans.
1804.35 Redelegation of approval authority.
1804.36 State procedures.

AUTHORITY: The provisions of this Subpart B issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

Subpart B—Associations—Planning and Performing Development

§ 1804.21 General.

This subpart is supplemented by Parts 1890b and 1890g of this chapter. This subpart prescribes the policies, methods, and responsibilities with respect to planning and performing development, including construction and land development, for loans and grants made as authorized by Subparts A, B, D, E, F, and H of Part 1823 of this chapter.

§ 1804.22 Design policies.

(a) *Community domestic water systems.* Community central water systems will be designed and installed so as to adequately serve the existing rural community and permit reasonable potential for growth. No plan for a water system shall be approved unless full debt repayment, operation and maintenance costs, and required reserves can be met by the initial existing water users with a reasonable water rate schedule.

(1) Water systems will be designed consistent with the requirements of the State Health Department and other State and local agencies having jurisdiction in such matters and a guide entitled "Guide for Engineers—Rural Community Water Systems," available at all FHA offices. The funds available for the project including the applicant's contribution and loan and grant funds available for the project from all sources will be carefully considered when the project is designed.

(2) If landowners or developers request the water system to be constructed to provide capacities in addition to those necessary to serve existing users plus reasonable allowances for growth and increased water use, they will be required to pay for such additional capacities in cash before approval of the loan. Subdivision developers must provide the distribution system for users in the subdivision and dedicate (donate) the distribution system to the FHA borrower. This is the method commonly followed by most municipalities.

(b) *Community waste disposal systems.* Community disposal systems will be designed and constructed to serve the present population of a rural community and permit reasonable potential for growth. No plan for a central waste disposal system will be approved unless full debt payment, operation, and maintenance costs, and required reserves can be met by the initial existing users with a reasonable rate schedule.

(1) Subject to this repayment ability, central sewer systems will be designed in accordance with a guide entitled "Guide for Engineers—Rural Community Sewerage Systems," available at all FHA offices.

(2) Sewerage collection lines will be designed and constructed with capacities based upon the estimated per capita population to be served by the system, including both existing and future. The average per capita flow of sewage is estimated at 40 gallons per day. The lateral and submain lines will be designed for not less than six times the average daily flow. Main trunk lines will be designed for not less than five times the average daily flow.

(3) Sewage treatment plants can also be designed on the basis of the average daily flow with allowances made for increased flow at certain times of day and during certain periods of the year. Sewage treatment units can be designed on the basis of organic loading with a biochemical oxygen demand (BOD) loading of from 0.17 pounds to 0.25 pounds per person served per 24 hours.

(4) Where waste stabilization lagoons (not oxidation ponds) are used for sewage disposal, the design ordinarily shall be used on 1 acre of liquid surface per 200 people, or for each 50 services.

(c) *Community domestic water and waste disposal systems.* (1) Minimum monthly payments by vacant lot owners will not be included in estimates of project income or determinations of feasibility. Taps for vacant lots will not be considered in computing average system investment per tap. There is no objection to an association's accepting agreements by the subscribers for such "dry taps" or connections to pay monthly minimum bills for certain periods, but they should be considered only as indications of future growth possibilities.

(2) The problem of extending service to undeveloped subdivisions from a system which is otherwise feasible and eligible might be met in some cases if the developer is willing to install and pay for the distribution system to serve the property he is developing. This policy is similar to that adopted by most larger municipalities.

(d) *Other soil and water facilities.* Other soil and water facilities, such as community irrigation systems and drainage facilities, will be designed in such manner so as to adequately serve their purposes. Such facilities will meet any requirements of appropriate State agencies and ordinarily will be designed in accordance with the recommendations of other agencies of the U.S. Department of Agriculture such as the Extension Service, the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.

(e) *Recreational facilities.* Community recreational facilities will be designed so as to adequately serve the needs of the applicant. They will be limited to those which are modest in size, design, and cost. Design of items such as clubhouses will also be limited to that necessary to the success of the outdoor-oriented recreational facility constructed or operated by the association. Elaborate restaurant and nightclub-type facilities are prohibited.

(f) *Shift-in-land-use projects.* Shift-in-land-use projects, such as association grazing and forestry facilities, will be designed to adequately meet the needs of the applicant and assure success of the facility in a manner necessary to incorporate the optimum range management plans or forestry management plans and shifts in land use. Particular attention will be given to incorporating all feasible soil and water conservation measures; recreational facilities; and game, fish, and wildlife preserves.

(g) *Compliance with State and local laws and regulations.* All facilities will be designed and constructed so as to conform to applicable State and local agency laws, ordinances, and regulations.

(h) *Water storage reservoirs.* Plans and specifications for water storage reservoirs which exceed 20 feet in height measured between upstream toe of the embankment to the crest of the dam will be forwarded to the National Office for review and comment. Plans and specifications for structures which will impound 15 acre-feet of water or more or involve extraordinary features or utilize design concepts which are complex or have not been previously proven may be sent to the National Office for review and comment if desired. Such plans and specifications are to be submitted prior to their review and approval or concurrence by the appropriate State agencies. No plans and specifications are to be submitted to the National Office in accordance with this paragraph without their first having been reviewed and found satisfactory by the State Director.

(i) *Buildings.* The guide entitled "A Guide for the Construction of Farm Buildings," available at all FHA offices, will be used to the extent practical in the design and construction of buildings financed with funds provided by loans covered by this subpart.

§ 1804.23 Technical services.

Each association will be responsible for selecting its architect or engineer and obtaining other technical service in accordance with the requirements of the

subpart under which the loan is being made.

§ 1804.24 Plans, cost estimates, and reports.

Planning development, including preliminary and final plans, specifications, and cost estimates, are the responsibility of the applicant, with such assistance from the County Supervisor as may be necessary to assure that the development is properly planned and completed.

(a) *Submission of complete plans with project report.* In cases such as small recreational projects, grazing facilities, simple water systems, and other projects where no complex plans, estimates, or specifications are required, the final plans may be submitted with the Project Report. The Project Report will be an analysis of the proposed facility or system prepared by the County Office.

(b) *Submission of preliminary plans with project report.* In cases requiring relatively complex plans, estimates, and specifications and in cases where it may not be advisable to incur the expense of finished plans until loan approval conditions are known, a preliminary report will be submitted with the Project Report. Such preliminary reports will contain sufficient information, descriptive narratives, drawings, sketches, photographs, cost estimates, and operating budgets to permit loan reviewing officials to be able to determine project feasibility.

(1) *Community domestic water systems.* The guide provided in § 1804.22 (a) (1) contains a lists of essential materials to be included in a preliminary engineering report. County Supervisors will provide applicants with a copy of this guide for use by their engineers.

(2) *Community waste disposal systems.* The guide provided in § 1804.22 (b) (1) contains a list of essential material to be included in the preliminary engineering report. County Supervisors will provide applicants with a copy of this guide for use by their engineers.

(3) *Other soil and water facilities.* The preliminary engineering report will contain special items such as contour or topographical maps, drainage maps, and other technical material and information necessary to fully describe the project as well as indicate its feasibility. The format will generally follow the format shown in the guide provided in § 1804.22 (a) (1).

(4) *Recreation projects.* The preliminary report will contain sufficient information to permit loan reviewing officials to determine that the objectives of the loan and requirements of applicable subparts of Part 1823 of this chapter will be met. The format will generally follow that shown in the guide provided in § 1804.22(a) (1).

(5) *Shift-in-land-use projects.* Preliminary reports will contain sufficient information to permit loan reviewing officials to determine that the objectives of the loan and requirements of applicable Instructions will be met.

(i) The format will generally follow that shown in the guide provided in § 1804.22(a) (1).

(ii) Preliminary reports will include sufficient "before" and "after" maps, photographs, sketches, or other similar plans to show the present and proposed use of all land involved in the project.

§ 1804.25 Review and evaluation of plans.

Plans for all facilities to be financed with FHA loans or grants will be reviewed by the loan approval official to be sure that such facilities are planned and designed in accordance with the criterion established in this subpart. If the loan approval official desires additional technical information and guidance on which to base his determinations, he may require the FHA State engineer to provide the approval official with a written evaluation of his findings concerning the plans. The engineer will complete Form FHA 424–14, "Design Evaluation—Domestic Water System," for each community domestic water system and Form FHA 424–15, "Design Evaluation—Waste Disposal System," for each waste disposal system. The engineer's design evaluation for other facilities may be in narrative form.

§ 1804.26 Methods of performing development.

All development planned and agreed upon will be performed in accordance with the following unless the National Office has given prior approval to another method:

(a) *Borrower method.* Cases involving relatively insignificant items such as landscaping, minor repairs to existing structures, fencing, and other similar small items may be completed by the borrower method. The borrower method includes cases where the borrower purchases all material and hires labor to complete the particular improvement involved. Development funds should not be used to pay members of the Association for labor; however, in justified cases, the State Director may authorize the use of development funds for special skilled labor performed by the members if the wages are not in excess of the average for similar skills in the area. He may also authorize the use of development funds for employment of members where unincorporated Economic Opportunity (EO) cooperatives are concerned. The fact that the persons employed are members of the association should not be the basis for that employment. A desirable alternative is for the association to contract with a labor supervisor and provide him with a fixed sum for labor to complete the work. This will permit him to hire the necessary labor from such sources as he may desire. It will tend to preclude opportunities for favoritism by members of the governing body, embarrassment for the association, and dissension within the community. Whenever it is necessary to purchase equipment or obtain certain special services to complete portions of the project by the borrower method, a written lump sum agreement or Form FHA 424–6, "Construction Contract," must be used to document the borrower's obligation. It is not intended that this method be used to construct substantial facilities such as clubhouses, swimming pools, bathhouses, or water or waste disposal systems.

(1) *Self-help method.* The self-help method of performing development is simply the borrower method applied to cases where it is imperative to utilize member labor contributions to develop a feasible project. In justifiable cases, with the approval of the State Director, this method of development may be used for water and waste disposal systems. The size of the project in which the self-help method may be used will be regulated by the ability and resources of the members and the availability of adequate supervision to make the method of development successful.

(b) *Negotiated contracts.* Individual items costing not in excess of $30,000 may be completed by negotiated contracts. This would also include cases where the borrower purchases materials and negotiates a contract for labor or installation of the material. Award of such contract will be subject to the determination of the State Director that the prices agreed upon are reasonable and all available contractors or suppliers have been considered.

(c) *Competitive bid contracts.* Except as provided in paragraphs (a) and (b) of this section all development work, including the purchase of material and equipment, will be completed by contracts which have been advertised and awarded to the most acceptable bidder. This does not preclude rejection of all bids and negotiation with the bidders when a satisfactory bid was not received as a result of advertisement. In such cases, negotiations will always be conducted with the lowest responsible bidder and may be conducted with other bidders at the discretion of the borrower, their engineer, and FHA.

§ 1804.27 Limitations on bidders.

No engineer or architect (individual or firm) who has prepared plans and specifications or who will be responsible for supervising the construction will be considered an acceptable bidder; or any firm or corporation in which such architect or engineer is an officer, employee, or holds or controls a substantial interest will be considered an acceptable bidder. Bids will not be awarded to firms or corporations which are owned or controlled wholly or in part by a member of the governing body of the association. Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job) should be avoided whenever it is practical to do so.

(a) Nothing in this subpart is intended to prevent the award of contracts to a supplier or manufacturer for the furnishing and installation of certain items such as swimming pools, prefabricated buildings, and lift station units which have been designed by the manufacturer so as to be brought to the job site in a finished or semifinished state or where the materials will be brought to the job and put together by the use of some

patented process or method. This type of construction does not include "package proposals" for combined engineering and construction of golf fairways or greens and other similar facilities constructed entirely at the job site.

(1) When bids are invited for prefabricated items or items to be constructed by patented process, the invitation and accompanying specifications will set out the various capacities, operational characteristics, and similar basic limiting criteria. They will further specifically state that a bidder may propose any types of facilities which will fulfill the basic conditions and that he will supply detailed information concerning the design and operation of the items he proposes to furnish under the invitation. The Association, in such cases, will agree to review each proposal carefully and will then determine which proposal it wishes to accept. The detailed plans and specifications submitted by the successful bidder for the item will then be incorporated into the contract documents.

§ 1804.28 Construction contracts.

The United States (including the FHA) will not become a party to a construction contract or incur any liability therefor.

(a) *Contract form—negotiated contracts.* Development performed in accordance with § 1804.26(b) may be completed by using:

(1) Form FHA 424–6 or when this form does not readily lend itself to this purpose.

(2) Contract forms customarily used in the area, provided there is adequate protection made for the borrower with respect to compliance with plans and specifications, payments for work, inspections, and acceptance and completion of work.

(b) *Contract forms—negotiated and competitive bids.* Development performed in accordance with § 1804.26 (b) and (c) may be completed in accordance with either lump-sum or unit-price contracts. Such contracts should contain the following:

Item I—Notice and Instructions to Bidders.
Item II—Bidder's Proposal.
Item III—Notice of Award.
Item IV—Bid Schedule.
Item V—Construction Contract.
Item VI—Performance Payment Bond.
Item VII—Plans and Specifications.
Item VIII—"Change Orders" (Form FHA 424–7).
Item IX—"Equal Opportunity Clause" (Form FHA 400–2) (where applicable).
Item X—"Compliance Statement" (Form FHA 400–6) (where applicable).

Model forms of contract documents listed from I to VI above, are available at all FHA offices. County Supervisors may obtain additional copies of these model forms from their State offices for use by private architects or engineers representing applicants. All such contract documents and related items will be approved by the State Director, with the assistance of the Office of the General Counsel (OGC), prior to the release of invitations to bid. Form FHA 440–27, "Labor Standards Provisions," will be used where required for contracts financed by Equal Opportunity loans to cooperatives.

(c) *State Director's approval of contracts.* All contracts will contain a provision that they are not in full force and effect until they have been approved by the State Director in writing.

§ 1804.29 Performance and payment bonds.

(a) Bonds assuring performance and payment of 100 percent of the contract cost including all contracts, whether negotiated or obtained through competitive bidding procedures, will be required in connection with each contract.

(b) The State Director may waive the requirement for bonds on contracts of $30,000 or less if he determines that:

(1) More effective competition can be obtained if performance and payment bonds are not required.

(2) The borrower's interest will be more adequately served and the borrower agrees in writing that the performance and payment bonds are unnecessary.

(3) The Government's interests will be adequately protected.

(c) If construction bids are invited or if negotiations are proposed with the performance and payment bond requirement and no satisfactory bids or proposals are received, the State Director may then waive the bond requirement on contracts of $30,000 or less, if he determines that the following conditions are met:

(1) Negotiations or competitive bidding and any subsequent negotiation procedures in accordance with this subpart have not resulted in an acceptable contractor who can obtain a bond.

(2) All qualified bidders have been given an opportunity to rebid on the basis of a contract without a bond.

(3) The past performance and credit record of the contractor selected indicate that he is reliable and that his work can be expected to be satisfactory.

(4) The borrower agrees in writing that the performance and payment bonds are unnecessary.

(d) The State Director may recommend an exception to the National Office only in exceptional cases when cogent reasons exist for waiving the performance and payment bond if the amount of the contract exceeds $30,000 and negotiations or competitive bidding procedures conducted in accordance with this subpart have not resulted in an acceptable contractor who can provide a bond.

(1) Recommendations for an exception will include the following information:

(i) Detailed explanation of the results of the contract negotiation or competitive bidding proceedings.

(ii) Brief summarization of the attempts to locate reputable contractors who can be bonded and the results of this effort.

(iii) Copy of the proposed contract, including approved plans and specifications, together with recommendations for waiving bond requirement from the governing body and its private consulting engineer or architect.

(iv) Showing how the interests of the association and the Government are to be protected in regard to:

(a) Completion of construction within allotted time.

(b) Prevention of mechanics' or materialmen's liens.

(c) Method of completion by the borrower if the contractor should declare insolvency or bankruptcy.

(2) If the National Office authorizes the waiving of the performance and payment bond requirement, the State Director will require that all qualified bidders be given an opportunity to resubmit bids on the basis of a contract without bonds, or require that bids be readvertised and taken on the basis of a contract without bonds.

(e) In every case where performance and payment bonds are waived, the contract will provide that partial payments will not exceed 60 percent of the value of the work in place or materials satisfactorily stored at the site. Steps also must be taken to guard against the possibility of mechanics' or materialmen's liens by using Form FHA 424–9, "Certificate of Contractor's Release," and Form FHA 424–10, "Release by Claimants." In special cases, the National Office may modify these requirements or provide additional safeguards.

§ 1804.30 Competitive bidding and contract awarding.

Bids will be invited and opened and contractors selected in a manner and on a time schedule so as to permit development to proceed with the least delay and cost to the borrower. In cases where it is desirable or necessary to open bids prior to loan closing, contracts will contain a clause that awards are dependent on successful loan closing and that the Association has a specified number of days (ordinarily 60) in which to accept the contract. A guide entitled "A Guide to Bidding in Policy," is available at all FHA offices and will be made a part of the handbook given each applicant for water and waste disposal loans and grants.

(a) *Invitations to bid.* Whenever it is practical, provisions should be made in the invitation and bid schedule for bids on portions of the work by specialized contractors. For example, an invitation might permit bids on any one or more of such division of a job as "well and pump," "elevated tank," and "distribution system."

(1) Bids will be taken on all suitable alternative materials and methods of construction, and such alternatives will be shown as separate items on the bid schedule. This requirement precludes base bids with provisions for additions or deductions for other materials.

(2) Invitations to bid will be sent to local and regional contractors who might be interested in bidding on projects of the size and scope concerned. Advertisements for bids should ordinarily be published at least 3 weeks prior to the bid opening date in a publication which has at least regionwide circulation or in a recognized construction trade journal

having circulation in the appropriate region. State Directors will include in procedures issued by the State Office specific requirements regarding the distribution and publication of invitations to bid.

(b) *Bid openings.* Bid openings will be attended by the County Supervisor and/or the District Supervisor and, in complex cases, by the FHA engineer.

(c) *Awarding contracts.* Ordinarily contracts will be awarded to the lowest qualified bidder. The FHA representative(s), the engineer for the association, and the governing body of the association will examine and thoroughly analyze the bids. They will mutually agree upon any contract awards to be made before the board takes any official action toward awarding contracts.

§ 1804.31 Contract approval.

The association's attorney will review the executed contract documents including performance and payment bonds and provide the County Supervisor with his certification that they have been properly executed and that the persons executing these documents are properly authorized to do so. The contract documents, including bid bonds and bid tabulation sheets (see the model form entitled "Bid Tabulation" available at any FHA office) along with the County and/or District Supervisor's recommendations and the certification of the association's attorney, will be forwarded to the State Office. The State Director will carefully review all the documents and supporting information and if they are found to be satisfactory, may approve the contract and performance and payment bonds. The State Director's approval of contracts for construction or contracts for purchase of materials will include approval not only of the form of these contract documents but also of their actual award, including all negotiations preceding the award and the executed contracts. To minimize the possibility that this requirement might conceivably be interpreted as making these documents "government contracts," language such as the following should be used in the contract:

"As lender or insurer of funds to defray the costs of this contract, and without liability for any payments thereunder, the Farmers Home Administration hereby concurs in the award of this contract to ----------."

§ 1804.32 Preconstruction conference.

Prior to beginning development, the County Supervisor, with such assistance as provided by the State Director, will review the planned development with appropriate members of the applicant's attorney, the contractor(s) and other interested parties. The conference will thoroughly cover the items included in Form FHA 424–16, "Record of Preconstruction Conference," and the discussions and agreements will be documented on that form.

§ 1804.33 Development inspections.

County Supervisors are responsible for monitoring the construction of all projects, wholly or in part, being constructed with FHA financial assistance.

(a) *Projects with architect engineer service.* This paragraph refers to those projects where the association has retained the services of a professional architect or engineer for the design and inspection of the construction work or has made arrangements for such services with Soil Conservation Service, Economic Development Administration, or other Federal or State agency. Full-time resident inspection is encouraged for all water and sewer projects and all other projects with a substantial amount of development or complex development. The desirable arrangement is the procedure whereby the borrower's governing body arranges with the consulting engineer to employ a qualified local inspector who will later be employed as the operator of the system. In all cases where the governing body has entered into an agreement for technical services with an architect or engineer or if such services are being made available by another agency, the County Supervisor is authorized to countersign checks for payments as work progresses in accordance with estimates prepared by the architect/engineer or his representative. Each payment estimate will contain a certification that all material purchased and all work performed is in accordance with the plans and specifications. Each payment estimate must also be approved by the governing body. Form FHA 424–18, "Partial Payment Estimate," may be used for this purpose. If there is any indication that construction is not being completed in accordance with the plans and specifications or that any other problems exist, the County Supervisor should notify the State Director immediately and withhold all payments on the contract. To assist the County Supervisor in evaluating project inspection, the architect/engineer should furnish him a daily inspection report. A form entitled "Daily Inspection Report," available at all FHA offices, may be used as a guide for preparing a suitable daily inspection report form. Copies of the exhibit may be supplied to the architect/engineer.

(b) *Projects without architect/engineer service.* On projects where the borrower has not retained a qualified architect/engineer, the County Supervisor, with such assistance and guidance as the State Director may provide, will inspect all construction work to see that the project is being developed as planned. Partial payments may be made when the County Supervisor determines by his inspection that the amount of payment requested is correct and the work has been accomplished in accordance with the plans and specifications and the governing body has approved the partial payment. Periodic inspections by the County Supervisor normally should be scheduled immediately prior to each partial payment to the contractor. The County Supervisor will record inspection findings on Form FHA 424–12, "Inspection Report," and complete Form FHA 424–18. In case any deficiencies in construction are noted or it appears that the facility is not being constructed according to the plans and specifications, corrective action will be taken and payments will not be made until such deficiencies are corrected.

(c) *Final inspection.* A final inspection will be made by representatives of the borrower's governing body, the architect/engineer, the contractor, representatives of local, State, or Federal regulatory agencies, representatives of other agencies providing financial assistance, and the County Supervisor before final payment is made on the contract. Ordinarily, the County Supervisor will be assisted with final inspection of water and waste disposal systems by the FHA engineer or other designated staff members.

(d) *Final payment.* Final payment will not be made until the final inspection has been made and all parties concur in writing that the construction has been completed as planned.

§ 1804.34 Changes in development plans.

Changes in the development plan may be made at the request of the borrower in accordance with the following:

(a) *Authority of the County Supervisor.* The County Supervisor is authorized to approve changes in development provided:

(1) The change will not represent a change in technical design of the facility.

(2) Total project cost is not increased.

(b) *Authority of State Director.* The State Director is authorized to approve all additional changes not authorized by the County Supervisor, provided:

(1) The change is for a purpose for which loan funds can be used and which is consistent with loan approval conditions.

(2) Sufficient funds are deposited in the borrower's supervised bank account to cover the contemplated changes when the change involves additional funds to be furnished by the borrower.

(3) The change will not adversly affect the soundness of the operation or the Government's security.

(c) *Recording changes.* All changes agreed on, including extra work orders, will be recorded on Form FHA 424–7, and will be prepared to show the total amount due the contractor which will be equal to the base bid plus the sum of approved contract change orders less previous partial payments.

§ 1804.35 Redelegation of approval authority.

State Directors may redelegate construction contract approval authority and change order approval authority in writing to State Office employees other than District Supervisors.

§ 1804.36 State procedures.

Each State Director will, with the assistance of the OGC, supplement this subpart with State regulations, forms, worksheets, guides, and other such guidance as necessary to successfully carry out the program.

Dated: January 15, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.71-997 Filed 1-22-71;8:49 am]

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instructions 441.1, 441.3]

PART 1831—OPERATING LOANS

Subparts A and B, Part 1831, Title 7, Code of Federal Regulations (32 F.R. 14373) are revised to read as follows:

Subpart A—Operating Loan Policies and Authorities

Sec.
1831.1 General.
1831.2 Objectives.
1831.3 Supervisory assistance.
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Subpart A—Operating Loan Policies and Authorizations

§ 1831.1 General.

This subpart is supplemented by Parts 1890, 1890a, 1890b, 1890c, 1890f, 1890k, and 1890l of this chapter, and supplemented and modified by Part 1890m of this chapter. This subpart prescribes the policies and authorizations of the Farmers Home Administration (FHA) for making Operating loans to farmers, including ranchers and former farmers obtaining subsequent loans after converting their entire farming operations to recreational enterprises.

§ 1831.2 Objectives.

The basic objectives of the FHA in making Operating loans, supplemented as feasible by credit from other sources, are to assist eligible farmers and ranchers to make efficient use of their land, labor, and other resources, carry on sound and successful operations on the farm, and afford the family an opportunity to have a reasonable level of living. The operations include establishment or enlargement of recreational and other nonfarm enterprises on the farm to supplement the farm income. These objectives will be accomplished through the extension of Operating loans, supplemented by credit from other sources, and by supervisory assistance.

§ 1831.3 Supervisory assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the FHA in accordance with Part 1802 of this chapter. Such assistance consists of farm, home, and nonfarm or recreation planning, record keeping, analyzing the farm and any recreational or other nonfarm enterprises, and giving management advice.

§ 1831.4 Definition of a family farm.

The term "farm" includes a tract or tracts of land and improvements considered to be farm property, operated by the applicant and used or to be used in the production of crops or livestock, including the production of fish under controlled conditions. The term "farm" also includes any such land and improvements and facilities used in a recreational or other nonfarm enterprise.

(a) *Family farm.* A family farm is defined as: one that will produce agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence; one that will provide substantial income by itself and which, together with any other dependable income, will enable the family to pay necessary family and other operating expenses, including maintenance of essential chattel and real property and pay debts; and one for which the operator and his immediate family provide the management and major portion of the labor including any recreation or nonfarm enterprise, except during seasonal peakload periods.

(b) *Recreational enterprises.* Loans may be made to operate, improve, establish, or enlarge recreational enterprises or to convert a part or all of the farming operation to such enterprises providing it is not feasible to make a Recreation loan (RL) for this purpose under the provisions of Subpart C of Part 1821 of this chapter. Subsequent loans for recreation purposes also may be made to borrowers who previously have converted their entire farming operation to a recreational enterprise(s).

(c) *Nonfarm enterprises other than recreational enterprises.* Loans may be made to farmers who will also continue farming operations to operate, improve, establish, or enlarge a nonfarm enterprise(s) needed to supplement farm income. Such enterprises must be located or headquartered on the farm. Nonfarm enterprises involving services such as delivery, custom, construction, or repair services must be headquartered on the farm. Loans will be made only for enterprises which produce goods or services for which there is a need that is not being adequately supplied by others in the community and for which there is a reasonably reliable market.

§ 1831.5 Eligibility requirements.

To be eligible for an Operating loan each applicant must:

(a) Be a citizen of the United States.

(b) Possess legal capacity to incur the obligations of the loan. State Offices will issue regulations with the advice of the Office of the General Counsel (OGC) with respect to this requirement.

(c) Be an individual who has a farm background and either training or farm experience and any other training or experience sufficient to assure reasonable prospects of success in the proposed operation. In addition, the applicant must be engaged in farming to qualify for a loan to convert his entire farming operation into a recreational enterprise.

(d) Possess the character, ability, and industry necessary to carry out the proposed operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(e) Be unable to obtain sufficient operating credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources.

(f) After the loan is made, be operating not larger than the equivalent of a family farm as an owner or tenant.

(g) Be able to meet his major needs for operating credit within the indebtedness limitation for operating loans during the period that such loans likely will be needed, except in cases in which additional financing on a contractual or equally definite basis is available.

§ 1831.6 Veterans' preference.

Veterans, as defined in Part 1801 of this chapter, will be given preference. When it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans will be processed first.

§ 1831.7 Certification by County Committee.

Before an Operating loan is approved, the County Committee will certify on Form FHA 440–2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with the provisions of § 1831.5. In addition, the County Committee will establish the maximum amount of credit which may be extended, under the certification, to meet the actual needs of the applicant during his crop or operating year. The crop or operating year for each applicant will cover the 12-month period which will most accurately reflect the annual cycle of the borrower's major enterprise(s). This cycle ordinarily will not be the same for all borrowers in a County Office area. When an initial farm and home plan is developed toward the end of a crop or operating year and the year's business has been largely completed, the plan will be for the following crop or operating year. When the plan is developed sufficiently early in a crop or operating year, or the loan is to be

repaid in full from the year's operations, the plan will be for the current crop or operating year. The maximum amount of credit established by the County Committee will not necessarily represent the amount which actually will be loaned. For this reason, and to avoid possible misunderstandings, the applicant will not be notified of the maximum credit as established by the County Committee.

§ 1831.8 Supplementing FHA Operating loans with other credit.

(a) *Policy.* (1) Credit from other reliable agricultural credit sources will be obtained to the maximum extent possible to supplement FHA Operating loans. This is necessary in order to serve as many eligible Operating loan applicants and borrowers as possible with the loan funds available.

(2) Funds ordinarily will not be included in either initial or subsequent Operating loans for purposes for which credit can be obtained from other agricultural credit sources on terms which are generally available to other farmers in the community.

(3) Each new applicant or present borrower who applies for an Operating loan will be required to meet as much of his needs as possible from other agricultural credit sources by open account, note only, liens, feeder agreements, or other contractual basis or by use of Form FHA 441-3, "Participation Agreement."

(4) When credit for annual operating and family living expenses is not available from other agricultural credit sources on any other satisfactory basis, FHA may:

(i) Take a lien on chattels and crops subject to the lien of another creditor, as authorized in § 1831.12.

(ii) Subordinate its liens on chattels and crops as authorized in § 1871.11.

(5) Form FHA 441-3 may be used to participate with banks, production credit associations, and other recognized agricultural lending agencies when such agreements are desired by these lenders. Because of such factors as lending limitations, lack of loanable funds, or conditions in the money market, such lenders may not wish to provide all of the credit some of their farmer applicants and borrowers need during certain periods. In such cases, if the applicant or borrower is otherwise eligible for an FHA Operating loan, the FHA may participate with the other lenders by providing an appropriate part of the credit the applicant needs under the provisions of this subpart, and Subpart B of this part, as modified and supplemented by the following:

(i) The FHA and other lender will execute Form FHA 441-3.

(ii) The other lender will close the loans to the applicant. An understanding will be reached between the FHA and the other lender concerning the supervisory and servicing actions to be carried out by each. This understanding will be shown on Form FHA 441-3.

(iii) The applicant will be carrying on a sound operation after the loan is made and agrees to cooperate fully with both the FHA and the other lender.

(iv) The loan to be made by the FHA must not result in the applicant's FHA indebtedness for operating loans exceeding 80 percent of his combined total FHA Operating loan and the operating-type indebtedness owed to the other lender.

(b) *Relationships with other lenders and suppliers.* (1) County Supervisors will keep appropriate agricultural lenders and suppliers currently informed concerning FHA policies with respect to: loan making; cooperation with other lenders; and, subordinations, supervision, and servicing, including the distribution of income available for debt payments, and graduation of borrowers. However, FHA employees may not guarantee, personally or on behalf of FHA, repayment of advances from other credit sources.

(2) Other agricultural lenders and suppliers will be requested and encouraged to furnish as much of each applicant's or borrower's essential needs as possible with the balance being supplied with Operating loan funds.

(3) The County Supervisor will require applicants and borrowers, as appropriate, to contact other lenders and suppliers and obtain as much of their needs as possible from those sources. Such applicants and borrowers should request other lenders and suppliers to indicate the amounts and terms of operating-type credit which will be made available to them. The amount and purpose of such credit will be documented and clearly identified in Form FHA 431-2, "Farm and Home Plan," or Form FHA 431-4, "Business Analysis—Nonagricultural Enterprise."

(4) When operating credit is to be obtained from other sources, the County Supervisor should have reasonable assurance that the credit from other sources will be available when needed and that significant additional amounts will not be extended by such creditors except with the concurrence of FHA.

(c) *Documentation when applicants and borrowers are unable to obtain credit for operating expenses from other agricultural lenders or suppliers.* When FHA Operating loans are to be made which include funds for annual operating and family living expenses, the County Supervisor will document in the running record the efforts which were made to obtain such credit from other sources including the names of the lenders or suppliers contacted and the reasons it could not be obtained. When appropriate, the County Supervisor will check on evidence presented by the applicant or borrower that he cannot obtain credit elsewhere.

§ 1831.9 Loan purposes.

Subject to the loan limitations and special requirements set forth in § 1831.10, Operating loans may be made for:

(a) Purchase of livestock, poultry, fur bearing and other farm animals, fish, bees, farm equipment, and paying costs incident to reorganizing the farming system for more profitable operation and for other farm needs, including equipment to be utilized in the development of forest lands, and the production and harvesting of forestry products.

(b) Purchase of animals, birds, fish, tools, equipment, facilities, furnishings, inventories, and supplies, and paying costs incident to reorganizing, establishing or enlarging a nonfarm or recreational enterprise.

(c) Purchase of an undivided interest in the items included in paragraphs (a) and (b) of this section which would be operated under a joint arrangement or as a group service.

(d) Purchase of feed, seed, fertilizer, insecticides, farm and other supplies, including inventory; the repair or rental of equipment; and payment of essential operating expenses for the farm, forestry, recreation or other nonfarm enterprise; or paying bills incurred for any items in this subparagraph for the crop or operating year being financed.

(e) Payment of customary and equitable cash rent or cash charges for the use of essential buildings, pasture, crop, hay or other land, and grazing permits or bills for such purposes for the operating or crop year being financed, subject to the following:

(1) The applicant is obligated under a written lease or other formal agreement to pay such rent or charges in advance of the time income will be available from the operations to make such payment. For grazing fees an invoice showing the number of livestock to be grazed, the grazing period, the cost per head and the total cost may be used in lieu of a written lease. However, when relatively small amounts are involved an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(2) Arrangements cannot be made for the rent or charges to fall due when income will be available from the operations to make such payment.

(3) Not more than 1 year's cash rent or cash charges will be paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(4) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(f) Payment of:

(1) Personal and real property taxes due or about to become due subject to the limitations in § 1831.10(b)(5), and water or drainage charges or assessments. In addition, any amount advanced in excess of the equivalent of 1 year's taxes or water or drainage charges or assessments, without regard to whether such items are a lien on the property, will be treated as refinancing debts in accordance with paragraph (m) of this section.

(2) Social Security taxes in connection with hired labor.

(3) Premiums for insurance on real estate and personal property, including premiums on homeowners policies. However, Operating loans may be made to pay premiums on insurance covering real estate of a borrower indebted for both FHA real estate and Operating loans, or of an FHA real estate loan borrower who is obtaining an Operating loan for other purposes only if the Operating loan is adequately secured.

(4) Premiums for public liability and property damage insurance on farm and other equipment, including farm trucks, and on recreational and other nonfarm enterprises.

(g) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due on, or about to become due on debts secured by liens of other creditors on property essential for the farm, recreational or other nonfarm enterprises.

(h) Payment of depreciation in any one year not to exceed 20 percent of the market value of the essential farm, recreational or nonfarm enterprise equipment under prior llen to another creditor, or 20 percent of the amount owed to such creditors, whichever is less.

(i) Acquisition of memberships in farm purchasing and marketing and farm service-type cooperative associations, or to purchase stock in such associations to help provide capital for improvement of services to farmer members. Purchase membership or stock in recreational or other nonfarm purchasing, marketing, service or promotional-type cooperative association organized to produce additional income for its members exclusive of membership in associations which will acquire, lease, or improve land not otherwise under the control of the members.

(j) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance, and expenses for medical care or paying bills incurred for any items in this paragraph for the crop or operating year being financed. Applicants must understand, however, that within the limits of their resources they should plan and carry on adequate food production and conservation programs.

(k) Purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself in a reasonably satisfactory manner.

(l) Expenses incident to loan closing.

(m) Refinancing secured and unsecured debts, other than the payment of bills referred to in paragraph (d), (e), and (j) of this section, subject to the following:

(1) The amount advanced for such purposes does not exceed the applicant's equity in: animals, birds, bees, fish, and so forth; farm and recreation equipment; and nonfarm enterprise equipment and inventory which are to be taken as security for the loan.

(i) When it is necessary to refinance a debt that was incurred for the production of feed on hand, or that is secured by a lien on such feed, the applicant's equity in the feed also may be used, if necessary, to justify the refinancing of this particular debt. The funds advanced for this purpose will be scheduled for repayment in the same manner as funds advanced for the purchase of feed.

(2) The provisions of § 1831.10 (a) and (b).

(3) The provisions of § 1831.32(e).

(n) Purchase of milk base either with or without cows where such action is necessary to assure the borrower a satisfactory market for his dairy products, as provided in regulations issued by the State Office or on prior approval of the State Director.

(o) Purchase of grazing license or permit rights of private parties which can be validly sold and transferred or waived separate from any land lease or other interest in land either with or without eligible livestock, provided loans for this purpose are approved by the State Director or are authorized by regulations issued by the State Office.

(p) The following real estate improvements are subject to the limitations in § 1831.10:

(1) Purchase, construction, alteration, repair, or relocation of service buildings or facilities essential to the operation, including minor repairs or alterations to dwellings.

(2) Purchase, repair, or relocate essential equipment which is or will become a part of the real estate and cannot: be made subject to a security interest as a fixture in Uniform Commercial Code (UCC) States; or be severed and made subject to a valid chattel mortgage in Louisiana, or to security interest in any UCC State.

(3) Provide land and water development, use, and conservation essential to the operation of the farm and any recreational or other nonfarm enterprise facilities such as fencing, land clearing, establishment and improvement of permanent hay or pasture drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, dams, nature trails, repair shops, sales buildings, golf driving ranges, lakes, hiking trails and campsites, and the development or acquisition of water supplies or rights. Also, loan funds may be used to pay that part of the cost of facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed $500, the applicant will assign the payment to the FHA.

(q) The purchase of a franchise, contract, or a privilege when such action is necessary to the operation of the planned enterprise.

§ 1831.10 Special requirements and loan limitations.

(a) *Refinancing of debts.* (1) When an applicant's request includes the use of loan funds for the refinancing of debts, it must be determined before a loan is made that his present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet. Before refinancing any debt, the County Supervisor will:

(i) Discuss with the applicant the possibility of obtaining the needed credit from the applicant's present creditors or other sources. He will request the applicant to contact his present creditors to explain his credit needs and to determine if the creditor will renew, extend, change, or reduce the present debts, as appropriate. He also will advise the applicant of other credit sources available in the area which might assist him with his credit needs and request that he contact such credit sources. If the applicant is unsuccessful in his efforts to obtain credit or to get a revision of the rates and terms of his indebtedness, the County Supervisor will obtain from the applicant the reasons given by the present creditors and other sources for not assisting the applicant, and document such information in the running record.

(ii) If the County Supervisor is notified by the applicant that his negotiations with the present creditor(s) or other sources were unsuccessful he will determine on the basis of the applicant's financial statement, planned income and expenses, estimated amount available for debt payment, and the additional facts presented by the applicant, whether it appears necessary to refinance the debt(s) or to obtain a change in the rates and terms. When it is determined that refinancing may be necessary, he will contact in person when practicable, each secured creditor and each unsecured creditor to whom substantial debts are owed for the purpose of verifying the necessity for refinancing. If the loan is to be processed, a statement of each secured account to be refinanced showing the final due date, interest rate, annual installment, amount delinquent, unpaid principal, and accrued interest will be obtained.

(b) *Purposes for which loans may not be made.* While it is impracticable to list all of the purposes for which loans may be made, the following are those commonly requested by applicants which are not authorized.

(1) Purchase of passenger automobiles or the refinancing of debts for such purchases. However, this will not prohibit the refinancing of such a debt secured by a lien on items described in § 1831.9 (a) and (b) only, or on such property and on the automobile to the extent of the equity in the property other than the automobile which serves as security for the debt.

(2) Payment of Federal or State income taxes, or Social Security taxes payable by borrowers in their own behalf.

(3) Purchase of real estate, or the making of payments on, or the refinancing of any indebtedness secured by a lien on real estate other than the payment of taxes and interest as authorized in this subpart. However, this will not prohibit the refinancing of a debt secured by a lien on items described in § 1831.9 (a) and (b), as well as on real estate to the extent of the equity in the nonreal property serving as security for the debt. In addition, loans may not be

made for carrying on any land purchasing or land leasing program.

(4) Replacing items described in § 1831.9 (a) and (b) or crops sold, or refinancing chattel debts incurred primarily for the purpose of obtaining funds for any of the real estate purposes referred to in subparagraph (3) of this paragraph, if such action was taken by the applicant with the intent of replacing the chattel property or refinancing the debts with operating loan funds.

(5) Payment of taxes in connection with real estate securing FHA loans other than Operating loans.

(6) Payment of debts owed by the applicant to the FHA or to make principal or interest payments on such debts.

(7) To: Purchase memberships or stock in production cooperatives; purchase memberships or stock for the purpose of establishing control by the FHA in any type of cooperative; or furnish a majority of the associations' capital requirements.

(c) *Limitations on loans for real estate improvements.* (1) Not more than $2,500 may be loaned to a borrower in any one fiscal year for real estate improvements or for refinancing unsecured debts clearly incurred for such purposes. Before an Operating loan is made for real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and all of the following determinations must be made:

(i) Operating loans will not be needed or made year after year to make substantial real estate improvements.

(ii) Such real estate improvements cannot be provided practicably through a real estate loan.

(iii) The sum of the Operating loan being made for real estate improvements and the unpaid indebtedness against the farm and other security which secures the FHA real estate loan will not exceed the total indebtedness or the normal value limitations prescribed for real estate loans. The borrower's equity in the livestock and farm and other equipment to be taken as security for the Operating loan may be added to the normal value of the farm where this is necessary to comply with the normal value limitations prescribed in Subpart A of Part 1821 of this chapter.

(iv) The applicant will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

(2) Operating loans may be made to tenants to finance modest real estate improvements or repairs, provided the County Supervisor determines that the applicant has reasonably secure tenure for a sufficient period to enable him to realize adequate benefits to justify the expenditure, or a written lease is obtained providing for compensating the tenant for any unexhausted value of the improvement upon termination of the lease.

(d) *Limitations on amount of loan.* The amount of each loan will be limited to the needs of the applicant and his ability to pay. In addition, consideration will be given to the value of the chattel property, including crops, which will be available as security. In no case may a loan be made which would result in the total principal balance outstanding to exceed $35,000 for Operating loans (including Production and Subsistence).

(e) *Debt settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to Part 1864 of this chapter, or who has been released from personal liability under Subpart A of Part 1872 of this chapter as reflected by the County Office records, or where settlement or release under such regulations is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations will afford him a reasonable prospect of repaying the loan and meeting his other obligations. Prior to approval of the loan, the loan docket and any available case folders, including the County Supervisor's justification for making the loan, will be submitted to the State Office for a determination as to whether the loan should be made.

(f) *Loans to individuals jointly engaged in farming, recreational, and other nonfarm enterprises.* (1) A joint loan may be made to two eligible applicants living together or living separately and operating jointly not larger than the equivalent of one adequate family farming operation. When joint loans are made, both individuals will execute the application, payment authorization, notes, security agreements, and other documents required in connection with the making and closing of the loan.

(2) Separate loans may be made to eligible applicants who are jointly engaged in a farming or other operation, provided not more than three individuals are interested in the operation, and the operation provides the equivalent of not larger than one adequate family farming operation for each individual.

(g) *Relationship with Emergency loans.* Operating loans will not be made to applicants whose credit needs can be met adequately with Emergency loans as prescribed in Subpart A of Part 1832 of this chapter.

§ 1831.11 **Rates and terms.**

Interest will be charged at the rate of 6⅝ percent per annum on all Operating loans. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded. Loans will be scheduled for payment as follows:

(a) Payments of principal on Operating loans will be scheduled on the note in accordance with the borrower's reasonable ability to pay, determined by an analysis of his operations as reflected in his Form FHA 431-2, or Form FHA 431-4. Principal payments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond the end of the second full operating or crop year following the date of the loan. At least one payment will be scheduled during each 12-month period thereafter. In no event will any payment be scheduled later than 7 years from the date of the loan check.

(1) Advances for annual recurring operating expenses or for paying bills incurred for such purposes for the operating or crop year being financed will be scheduled for payment when the principal income from the year's operations normally would be received. This includes advances for the payment of interest, taxes, and depreciation.

(2) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, except for feed of a type which the County Supervisor determines will be produced in future years, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(3) Advances for purposes other than those enumerated in subparagraphs (1) and (2) of this paragraph, will be scheduled for payment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the operations. This will include, among other things, the purchase of significant amounts of feed or seed which will be produced in future years and major repairs to equipment. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance.

(4) When conditions warrant such action, principal payments scheduled in accordance with subparagraph (3) of this paragraph may vary in amount. For example, when a livestock enterprise is being expanded as the feed and pasture program is developed, a graduated payment schedule could be used if necessary. In connection with subsequent loans for such purposes, it is necessary to consider payment schedules established previously for outstanding loans in order to assure a realistic overall payment schedule within the prescribed limits. However, the last installment will not be larger than the amount which can then be refinanced with another lender or be repaid within a renewal period of not to exceed 5 years.

(b) *Supplementary payment agreement.* Form FHA 440-9, "Supplementary Payment Agreement," should be used for each applicant who regularly (such as weekly, monthly, or quarterly) receives substantial income from a recreation or other nonfarm enterprise or from farming. It also should be used for other applicants when needed to facilitate servicing of the account.

§ 1831.12 **Security policies.**

The words "security instrument(s)" as used in this subpart includes financing statements and security agreements, chattel mortgages, and similar lien instruments.

(a) Except as provided in subparagraph (3) of this paragraph and paragraphs (b), (c), (d), and (f) of this section, each loan will be secured as follows:

(1) *Crops, title to which is held by the borrower.* By a first lien on the applicant's crops, or his share of the crops if he is a share tenant, which are growing or to be grown by him, subject only to:

(i) The landlord's lien on the crops for reasonable cash or privilege rent for the current year.

(ii) The real estate mortgagee's lien or real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, provided such installment is reasonable when related to the normal rental charges for similar farms in the area.

(iii) The lien or contract of another creditor on crop(s) for necessary advances for planned annual farm operating and family living expenses for the crop year, provided the other creditor agrees in writing to the FHA that his advance(s) will be limited to a specific amount which has been determined necessary by the borrower, FHA, and the other lender.

(2) *Crops grown under contract when title to the crop is held by the contractor.* When a crop is being produced, harvested, processed, or marketed by the applicant under an equitable written contract with a responsible contractor and title to the crop is retained by such contractor, loans may be made in connection with such crops, provided (i) the contractor limits his advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto, and (ii) an assignment of all or a part of an applicant's share of the income from the crop is given to the FHA and is accepted in writing by the contractor holding title to the crops. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's FHA indebtedness from such crop. However, when no payment is expected to be made on the loan from the crops, an assignment will not be required. The form for use in obtaining such assignments will be approved by the OGC. In UCC States the assignment will constitute a security agreement on such crop income, and the contract will be described specifically, or as "Contract Rights" or "Contract Rights in Crops," and so forth, in paragraph 1(b) of the financing statement.

(3) *Feed crops only.* Subject to the limitations of subparagraph (6) of this paragraph, a lien on crops need not be taken when the crops to be produced by the borrower are for feed purposes only and the loan approval official determines that the loan is otherwise reasonably well secured and that liquidation action, either voluntary or involuntary, is not likely to occur during the crop year for which the loan is made.

(4) *Items of personal property described in § 1831.9 (a) and (b), purchased or refinanced.* By a lien on all such items subject only to the lien of another creditor for amount(s) advanced or to be advanced by such creditor to meet planned annual operating and family living expenses for the operation or crop year, provided the other creditor agrees in writing to the FHA that his advance(s) will be limited to a specific amount which has been determined necessary by the borrower, FHA, and the other lender. However, liens will not be taken on such equipment, facilities, or buildings which cannot be made subject to a valid chattel lien or a valid security interest, or on livestock or poultry kept primarily for subsistence purposes, or on household goods and equipment or on small tools and equipment.

(i) Undivided interests. An applicant obtaining a loan for the purchase of an undivided interest in the property referred to above or the refinancing of debts on an undivided interest in such items will secure his loan by a lien on his undivided interest in the item purchased or refinanced along with any other security required by this section. Joint security instruments will not be taken except as provided in § 1831.10(f). Each party having an undivided interest in such property will execute Form FHA 441-12, "Agreement for Disposition of Jointly-Owned Property," providing for the disposition of his interest in the property. However, Form FHA 441-12 will not be required when a tenant and landlord own property jointly and the lease provides for satisfactory division of such property or the proceeds from its sale, or a joint security instrument is taken to secure loans to two individuals jointly engaged in the operation.

(5) *Other items of personal property owned by the applicant described in § 1831.9 (a) and (b), not purchased or refinanced.* By the best lien obtainable on as much of such property of significant security value as is necessary to protect the interest of FHA. This will include any undivided interest in such property owned by the applicant jointly with others who have an interest in the operation. A lien will not be taken under this subparagraph on the types of items excluded under subparagraph (4) of this paragraph.

(6) *Liens and assignments to protect FHA's interest in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock (excluding livestock and poultry kept primarily for subsistence purposes) will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below:

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken, *Provided:* It is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose; and prior lienholders sign Form FHA 441-13, "Division of Income and Nondisturbance Agreement," or similar form approved by the OGC, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed herein. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA 441-13 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the livestock fed, or from livestock products, an assignment of all or a part of such income will be taken, provided the owner or purchaser of the livestock or livestock products accepts in writing the assignment. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's FHA indebtedness from such income. The form for use in obtaining such assignments will be approved by the OGC. However, when no payment is expected to be made on the loan from the livestock or livestock products, an assignment will not be required. In UCC States, if an assignment on the livestock income is taken, such assignment will constitute a security agreement on such income and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights" or as "Contract Rights in Livestock," and so forth, in paragraph 1(b) of the financing statement.

(7) *Assignments of crop insurance.* Assignments of all or a part of crop insurance proceeds will be taken when the loan approval official determines such action is necessary to protect the interests of the FHA.

(i) In order to obtain a claim on Federal crop insurance proceeds, it will be necessary to obtain an assignment on such proceeds. The assignment will be prepared on Form FCI-20, "Collateral Assignment," furnished by the local representative of the Federal Crop Insurance program. The assignment must be approved by the Federal Crop Insurance Corporation.

(ii) An assignment of other crop insurance is not required in cases where a crop insurance policy contains a standard mortgage clause naming the FHA as mortgagee or secured party.

(8) *Assignment of or consent to payment of proceeds from sale of products or other income.* (i) Assignments of and "consents" to payment of proceeds from the sale of products or other income will be used when payments are planned from such sources and such instruments are necessary to protect the interest of FHA and it is possible to obtain the acceptance of the purchaser or other payor.

(a) Form FHA 441-18, "Consent To Payment of Proceeds From Sale of Farm Products," will be used for products or income except dairy products in which FHA has a security interest under the UCC.

(b) Form FHA 441-8, "Assignment of Proceeds From the Sale of Agricultural Products," will be used for products or income in which FHA does not have a security interest under the UCC. Other forms approved by the OGC may be used when Form FHA 441-8 is not adequate.

(c) Assignment of incentive and agricultural program payments will be taken on forms provided by Agricultural Stabilization and Conservation Service (ASCS) except that Form FHA 462-8, "Wheat and Feed Grain Programs—Assignments," will be used to obtain assignments of Wheat Certificate and Feed Grain Program payments.

(d) Form FHA 441-25, "Assignment of Proceeds From the Sale of Dairy Products and Release of Security Interest," will be used for dairy products in which FHA has a security interest under the UCC.

(9) *Real estate.* Real estate security will not be taken in connection with making initial Operating loans, except that in most UCC States a security interest may be taken on fixtures even though they are considered to be real estate in the particular State. Furthermore, such real estate security will not be taken in connection with making subsequent Operating loans except in individual cases in which it appears that it may be necessary to rely on such security for payment of the loan. When such security is taken the provisions of § 1872.19 will apply. Generally, an item is to be considered a fixture if it is attached to a building or other structure or to land in such a way that it cannot be removed without defacing or damaging the land, or defacing or dismantling the structure, or damaging substantially the item itself.

(10) *Consent and subordination agreements and severance agreements.* (i) In those UCC States in which the regulations issued by the State Office do not require the use of a Severance Agreement, Form FHA 440-26, "Consent and Subordination Agreement," will be used as necessary to meet the security requirements contained in subparagraph (4) of this paragraph. (ii) In Louisiana, and in those UCC States in which the regulations issued by the State Office so provide, Form FHA 440-6, "Severance Agreement," will be obtained when Operating loan funds are used to purchase or refinance debts on property which is or may become a fixture, and it is necessary to sever such property from real estate to meet the security requirements contained in Subparagraph (4) of this paragraph.

(b) Loans for the acquisition of memberships or the purchase of stock in cooperative associations may be made on the basis of the borrower's promissory note without taking security except as follows:

(1) An assignment, pledge, or other security interest in stock or other evidence of membership will be obtained, provided it would have security value. Such security interest also may be taken on significant amounts of dividends to be received from stock, memberships, or patronage, or on undivided profits and other retains. The security interest will be in the form of an assignment, pledge, or other instrument and will be taken on forms and in the manner approved by the OGC.

(2) In individual cases, loan approval officials may require a lien on crops or chattels as security for a loan made for the acquisition of a membership or stock if they determine that such action is necessary to protect the interest of FHA due to such reasons as the amount of the advance or the borrower's financial situation.

(c) Loans made under participation agreements between the FHA and other lenders under Form FHA 441-3, as prescribed in § 1831.8, will be secured by liens taken by the other lenders. Such liens will be taken on livestock or farm or other equipment or crops and may also include any other property which the other lender determines is desirable. In such cases the loan approval official must determine that the security to be obtained by the other lender in accordance with the provisions of the participation agreement will be adequate to protect the interests of FHA under that agreement.

(d) Loans of not more than $1,500 for real estate improvements may be made on the basis of the borrower's promissory note without taking security when the applicant has a good reputation for paying his debts promptly, he clearly has sufficient income to meet all of his obligations, and he has assets from which a recovery of the loan could be made in case of default.

(e) Property and public liability and property damage insurance will be obtained as follows:

(1) Applicants obtaining Operating loans should be encouraged to carry insurance on the property serving as security for the loan and on other chattel or real property necessary to afford them adequate protection against substantial losses from the common hazards existing in an area. It is especially desirable that insurance be obtained by applicants who obtain large loans and have considerable personal property including feed, supplies and inventory centrally stored or housed over an extended period. Such insurance may be required by the loan approval official in individual cases or by regulations issued by the State Office.

(2) Applicants receiving loans for a recreational or other nonfarm enterprise will be advised of the possibilities of incurring liability and encouraged to obtain public liability and property damage insurance, including insurance on customer's property in custody of the borrower. Such insurance may be required by the loan approval official in individual cases.

(3) When insurance is required on property serving as security for an Operating loan, a Form FHA 426-2, "Property Insurance Mortgage Clause (Without Contribution)," or a standard mortgage clause which is in general use in the area will be attached to or printed in the policy and will show the United States of America (Farmers Home Administration) as mortgagee or secured party.

(f) State Directors, with the advice of the OGC, will inform County Supervisors on a State basis if it is necessary, because of State statutes or types of leases, land purchase contracts, and real estate mortgages commonly in use, to obtain subordination agreements, Form FHA 441-17, "Certification of Obligation to Landlord," severance agreements, disclaimers, and consent and subordination agreements, and will otherwise supplement this paragraph as necessary.

(g) Lien searches will be obtained in accordance with the provisions of Subpart B of this part to determine that the FHA will have the required security, except that when the loan is made under a written participation agreement with another lender a lien search will not be required by the FHA if the loan approval official determines that the other lender will take the necessary steps in closing the loan to assure proper protection of FHA's interests.

§ 1831.13 Tenure.

Good tenure is essential for a successful operation. Applicants will, therefore, be required to make satisfactory arrangements for the use of the kind of property necessary for carrying on the planned operation. The tenure policies set forth below will be followed by FHA officials in the making and approving of loans.

(a) *Tenant operators.* (1) Before a loan is made, the tenant, landlord, and County Supervisor must understand the terms and conditions of the tenure arrangements. These understandings can best be reached through discussions, preferably on the unit, and such discussions will be held whenever possible, except when no significant adjustments and improvements are to be made in the operations. In any event the understanding will include, as applicable, (i) how the unit will be operated, (ii) the manner in which the planned adjustments, improvements and operation will be financed, (iii) the distribution of income and expenses and other contributions by the tenant or the landlord, (iv) provisions for the division of the jointly-owned property when the lease is terminated, (v) agreement on any pertinent longtime aspects of the case, and (vi) any other factors affecting the tenure relationship.

(2) Ordinarily, loans will not be made unless the applicant obtains a satisfactory written lease. However, when for good reason an applicant cannot obtain a written lease on part or all of the real estate he expects to operate, the loan may be approved, provided the County Supervisor determines that the understanding existing between the tenant and landlord are definite and the rental terms are satisfactory; the lack of a written lease will not likely jeopardize the applicant's operations; and the loan docket clearly reflects the rental arrangements made with respect to each tract of land or building.

(3) Pertinent information concerning the tenure arrangements will be recorded as set forth in Subpart B of this part.

(b) *Owner operators.* Before loans are made to owner operators, the terms existing with respect to any real estate indebtedness owing will be ascertained and a determination will be made as to whether the applicant's proposed operations will enable him to meet the required payments on the real estate indebtedness as well as being feasible in other respects, and the applicant will have reasonably secure tenure on the real estate under the terms of the real estate mortgage or purchase contract.

§ 1831.14 Loan approval.

(a) Indebtedness limitation with respect to loan approval authority. Current information regarding limitations on loan approval authorities of various officials of the FHA may be obtained from any County or State Office of the Farmers Home Administration or from its National Office at 14th and Independence Avenue SW., Washington, DC 20250.

(b) Administrative determinations and responsibilities. When the County Committee certification has been made, the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has available, under satisfactory tenure arrangements, a unit adequate in size and productivity to reasonably expect success, taking into consideration farm and other income including income from a recreational or other nonfarm enterprise.

(3) Plans have been made and documented for:

(i) A suitable system of farming or type of recreation or other nonfarm enterprise.

(ii) The crucial adjustments and improvements and key practices essential for the applicant's success.

(iii) Effective supervision and corrective action.

(4) The proposed farm and home operations, and recreational or other nonfarm enterprise(s) of the applicant are feasible.

(5) The loan is feasible and can be repaid from income as scheduled, except as provided in § 1831.11(a)(4) with respect to the last installment.

(6) The amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs and are for authorized purposes.

(7) The security requirements can be met.

(8) The certifications required of the applicant and County Committee have been made and are a part of the loan docket.

(9) The loan meets all other FHA requirements.

Subpart B—Operating Loan Processing

Sec.
1831.31 General.
1831.32 Loan forms and routines.
1831.33 Loan docket.
1831.34 Review and approval or rejection.
1831.35 Loan checks.
1831.36 Loan closing.
1831.37 Revision in the use of Operating loan funds.

AUTHORITY: The provisions of this Subpart B issued under Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

Subpart B—Operating Loan Processing

§ 1831.31 General.

This subpart sets forth the requirements and procedure for the preparation and execution of documents and for other routines in connection with making Operating loans as prescribed in Subpart A of this part.

§ 1831.32 Loan forms and routines.

(a) *Applications for Farmers Home Administration (FHA) assistance.* Applications for FHA assistance will be taken as outlined in Part 1801 of this chapter.

(b) *Form FHA 440-2, "County Committee Certification or Recommendation."* (1) When the applicant is determined to be eligible, the County Committee will execute Form FHA 440-2 before the loan is approved. This certification will cover any Operating loan(s) to be made to the applicant for the crop or operating year specified within the maximum amount of credit established by the County Committee. The date designated by the County Committee as the end of the crop or operating year and the maximum amount of credit will be inserted in the appropriate spaces.

(i) It is intended that County Committees will have some latitude in determining for which crop or operating year(s) credit may be extended. In some cases where an initial Operating loan is being made, the County Committee may indicate that the crop or operating year for which credit may be extended coincides with that for which an interim plan is developed. Such action may be taken because the Committee wishes to review the circumstances of the applicant again at the end of the interim crop or operating year before committing itself for the succeeding crop or operating year. In other cases, the County Committee may, when an application is being acted upon during the latter part of a crop or operating year, establish the maximum amount of credit for both the interim crop or operating year and the next crop or operating year, provided the operations for the current year have advanced to the point that the County Committee will be able to determine with reasonable certainty the maximum amount of credit which the applicant would need for the next crop or operating year under normal conditions. The same principles with respect to County Committee certifications for an initial loan may be followed in connection with subsequent loans.

(ii) If it is found, after an applicant has been certified as eligible, that there will be a major change in operations or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop or operating year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances if a loan is to be made.

(2) When the County Committee has agreed to increase the original amount of loan assistance certified for the crop or operating year because such amount was insufficient to meet the needs of the borrower, a new Form FHA 440-2 will be prepared and executed. The date of the end of the same crop or operating year (month, day, and year) as that indicated in the original certification will be inserted in the appropriate space. In the space indicating the maximum amount of credit for the crop or operating year, the amount to be inserted will be the sum of the latest certification for the crop year for any Operating and Emergency loans, plus the additional amount(s) of any such loan(s) the County Committee determines is necessary to meet the actual credit needs of the borrower for the remainder of the crop or operating year. A notation will be made in the blank space on Form FHA 440-2 that the County Committee has again reviewed the applicant's situation and his credit needs for the crop or operating year are as indicated rather than $------ shown on Form FHA 440-2 dated ---------- The new Form FHA 440-2 should be executed by the County Committee and dated as of that date. The Form FHA 440-2 previously executed will be retained in the case files.

(c) *Form FHA 431-1, "Long-Time Farm and Home Plan."* Form FHA 431-1 will be developed with the assistance of the County Supervisor.

(d) *Form FHA 431-2, "Farm and Home Plan."* Form FHA 431-2 will be developed by the borrowers, with the assistance of the County Supervisor, using Form FHA 431-1 as a framework, except when a loan is made only for the acquisition of membership or the purchase of stock in a cooperative association and the applicant is not indebted for another FHA loan. In the latter case, the best estimates available will be used to complete Table J of Form FHA 431-2 in order to determine whether the loan requested can be paid and the period over which payments should be scheduled. The source of payment should be shown in Table K. When the preparation of Table J is inadequate to enable the loan approval official to make the required determinations, other portions of Form FHA 431-2, as necessary, will be used.

(e) *Appraisal of chattel property.* (1) When a debt is to be refinanced under the provisions of § 1831.9(m), Form FHA 440-21, "Appraisal of Chattel Property," will be completed. In lieu thereof, a form

issued by the State Office showing as a minimum the information required on Form FHA 440–21 may be used. Ordinarily only one appraisal form will be required with a loan docket.

(2) When funds are to be advanced for the payment of depreciation pursuant to § 1831.9(h), an appraisal will be made with respect to the farm, recreation, or nonfarm equipment involved for the purpose of making the determination required in that paragraph.

(f) *Form FHA 440–32, "Request for Statement of Debts and Collaterals."* This form will be used as necessary to obtain information from the creditors of the applicant concerning the amount of debts owed and the collateral for the debts.

(g) *Tenure agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. Where it is not practical to obtain a copy of the lease agreement, a statement setting forth those terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket. A brief summary of the joint discussion between the tenant, landlord, and County Supervisor will be reflected in the running case record. If such a discussion is not held, a statement of the reasons therefor should be included in the running case record.

(h) *Form FHA 441–1, "Promissory Note."* The amount of each loan and the scheduled payments thereon will be in multiples of $10. Not more than four payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 1831.11 run from the date of the loan check instead of from the date of the note. Form FHA 441–1 will be dated as of the date of execution by the applicant. The applicant's spouse will be required to execute Form FHA 441–1 when (1) legally required by State law, (2) the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or (3) it is determined by the State Director on a State basis, that the spouse's signature will be required. The State Director, with the advice of the Office of the General Counsel (OGC) will issue an appropriate State regulation concerning the spouse's signature on Form FHA 441–1. In all cases in which the wife joins with her husband in executing a promissory note or other evidence of indebtedness, the purpose and effect of the wife's signature shall, in addition to any other purpose and effect for which her signature is obtained, be to engage her separate and individual personal liability regardless of any State law to the contrary.

(i) When an Operating loan is made for purposes which would be secured in accordance with the provisions of § 1831.12(a) and also for purposes in which the security provisions of § 1831.12 (b) or (d) apply, separate notes will be required.

(2) Form FHA 441–1 will not be used when a participation loan is made because a note provided by the participating lender will be used.

(i) *Form FHA 441–3, "Participation Agreement."* This form will be used when the FHA is participating in a loan under the provisions of § 1831.8(a)(5). Form FHA 441–3 will be executed by the applicant and the other lender before it is executed by the loan approval official on behalf of the Government.

(j) *Form FHA 441–16, "Repayment Schedule for Participation Loans."* This form will be used when the FHA is participating in a loan under the provisions of § 1831.8. It provides the Finance Office and County Office with the repayment schedule agreed upon for each advance to be made by the FHA under the Participation Agreement. Form FHA 441–16 will show the same repayment schedule as is shown on the note taken by the lender to evidence each FHA advance. The borrower's address will be inserted on the lower right corner of this form.

(k) *Form FHA 441–4, "Participation Notice."* This form will be used by the lender when the FHA is participating in a loan under the provisions of § 1831.8 to notify the County Supervisor of the actions taken in closing the loan.

(l) *Form FHA 440–9, "Supplementary Payment Agreement."* This form will be used, as needed, with applicants and borrowers who will be receiving regular off-farm income and income from a recreational or other nonfarm enterprise(s) from which payments are to be made on the loan.

(m) *Form FHA 440–1, "Payment Authorization."* (1) Form FHA 440–1 will be prepared for the total amount of the loan as indicated on Form FHA 441–1. Separate Forms FHA 440–1 will be prepared for each loan. However, when separate notes are prepared in accordance with paragraph (h) of this section, Form FHA 440–1 will be prepared for the total amount of the notes. The approval official will indicate his determination that the applicant is eligible and his approval of the loan by signing and dating the original in the space provided, and by inserting his title. The type of loan will be inserted in the space provided for that purpose as follows:

(i) "OL–I" to indicate a loan to an applicant who is not indebted for an Operating loan.

(ii) "OL–S" to indicate a loan to a borrower who is indebted for an Operating loan.

(2) When a loan is to be disbursed from State Rural Rehabilitation Corporation funds, the letter "C" will be inserted immediately after the letters "OL" indicating the type of loan.

(3) In order to assist the Finance Office in the examination of loan documents, the date, amount, and receipt number of receipts issued for collections received within 15 days prior to the submission of an Operating loan will be inserted on Form FHA 440–1 whenever a loan is submitted which would cause a borrower's indebtedness before the application of such collection to exceed the debt limitations established for Operating loans or the delegated loan approval authority.

(n) *Borrower's case number.* The use of the borrower's case number (including the State and County codes) for loan processing is prescribed in the guides available in all FHA offices for preparation of Form FHA 440–1.

(o) *Immediate and future disbursements.* All of the applicant's anticipated credit needs for the crop or operating year will be planned for when Form FHA 431–2 and Form FHA 431–4, "Business Analysis—Nonagricultural Enterprise," as applicable, are developed and all of the documents for loan advances required for the crop or operating year may be submitted to the Finance Office at one time. Such documents may provide for the loan funds to be dispersed in an immediate loan advance; an immediate loan advance and one or more future loan advances; or one or more future loan advances without an immediate advance, provided, however, all such loans must be disbursed at least 30 days apart. The payment date(s) for any future advance(s) must be not later than the date shown as the ending date of the crop or operating year, line 2 of Form FHA 440–2. If more than one loan advance is submitted to the Finance Office at the same time all such advances will be shown as the same type; that is, either initial or subsequent. Subsequent loans also may be submitted at any time during the crop or operating year to meet credit needs of the applicant which would not be anticipated at the beginning of the crop or operating year, provided the need for such credit is reflected on a revision of Form FHA 431–2 and Form FHA 431–4.

(1) Each loan advance will be limited to an amount which can be expended promptly usually within 60 days after loan closing. This will prevent loan funds from remaining in the possession of borrowers or in supervised bank accounts for long periods of time.

(2) When credit is to be extended in more than one loan advance, a separate payment authorization and note must be submitted for each advance and for each future advance the date for Wednesday of the week in which the loan check is to be issued will be shown in the upper righthand corner of Form FHA 440–1. The Finance Office will issue checks for future loan advances only on Wednesday of each week. Immediately upon receipt of a payment authorization for loan funds to be disbursed on a designated future date, the Finance Office will obligate sufficient funds to pay the amount of that authorization. This weekly schedule will include all payment authorizations with request dates occurring within the calendar week. Whenever there is an occasion to communicate with the Finance Office concerning a future loan advance, it will be necessary to inform that office of the date on which the loan check was requested to be issued as these payment authorizations are filed in the Finance Office according to these dates. In order that these dates will be available in

County Offices, an appropriate notation should be inserted on Form FHA 405–1, "Management System Card—Individual," if it has been prepared, or on the County Office copy of the Promissory Note.

(p) *Form FHA 441–5, "Subordination Agreement," or Form FHA 441–17, "Certification of Obligation to Landlord."* When a subordination agreement is required on crops, livestock, farm equipment, and other chattel property, including items which have become personal property through execution of a severance agreement, Form FHA 441–5 or other form approved by the State Director, with the advice of the OGC, where Form FHA 441–5 is not legally sufficient, will be used except as provided in subparagraph (1) of this paragraph. The years to be covered by the subordination generally will be for the period of the loan or the unexpired period of the lease if the borrower is a tenant, but as a minimum will be for the year for which the loan is made.

(1) Form FHA 441–17 may be used in lieu of obtaining a subordination agreement when it appears that the applicant is not obligated to the landlord except for rent for the lease year and that he will not incur other obligations to the landlord during such year, and when a regulation from the State Office authorizing the use of Form FHA 441–17 in such cases has been issued. See § 1831.12.

(q) *Assignment of or consent to payment of proceeds from the sale of products.* Form FHA 441–8, "Assignment of proceeds from the Sale of Agricultural Products," Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," or Form FHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used in accordance with § 1831.12(a)(8). Form FHA 441–21, "Transmittal of Assignment or Consent," may be used to transmit Form FHA 441–8 or Form FHA 441–18 to purchasers.

(r) *Form FHA 440–6, "Severance Agreement."* This form will be used as required by regulations issued by State Offices.

(1) State Directors, with the advice of the OGC, will specify the situations in which severance agreements are required under State law to comply with the requirements of Subpart A of this part; whether the severance agreement should be filed or recorded; and whether the spouse of the borrower and the spouse(s) of other party(ies) of interest also will be required to execute the severance agreement. In specifying the situations in which severance agreements will be required, consideration will be given to the actions necessary to prevent the property from becoming part of the real estate as well as to severance after it has become attached to the real estate.

(2) If severance agreements are required in accordance with the provisions of Subpart A of this part and regulations issued by State Offices, such agreements will be executed no later than the date on which the property purchased with loan funds is delivered to the farm, or prior to the release of loan funds to the creditor if refinancing of debts on such property is involved.

(s) *Form FHA 440–26, "Consent and Subordination Agreement."* Unless otherwise provided by regulations issued by a State Office, this form rather than a severance agreement, will be used in Uniform Commercial Code (UCC) States when a security interest is taken in property after it has become a fixture.

(1) Consent and subordination agreements will be obtained when necessary to meet the security requirements contained in Subpart A of this part, as follows:

(i) Prior to the release of loan funds to the creditor, if a debt is being refinanced on an item which already has become a fixture.

(ii) Not later than the time of loan closing, in all other cases in which a security interest is being taken on an item which already has become a fixture.

(2) Consent and subordination agreements will be taken only in those cases in which the fixture is placed on the real estate before all of the following steps have been taken: The financing statement and security agreement covering the fixture have been executed; the financing statement is filed; and the payment authorization is signed by the loan approving official.

(t) *Form FHA 441–13, "Division of Income and Nondisturbance Agreement."* Form FHA 441–13 will be used when it is necessary to obtain both a division of income and a nondisturbance agreement from prior lienholders.

(u) *Form FHA 441–10, "Nondisturbance Agreement."* Form FHA 441–10 will be used when it is necessary to obtain only nondisturbance agreements from creditors of an applicant who are in a position to interfere with the applicant's operations.

(v) *Running case record entries.* In addition to the information required by Part 1801 of this chapter, the running case record also will include pertinent information concerning the applicant's tenure arrangements and proposed operations not reflected elsewhere in the loan docket.

(w) *Form FHA 441–7, "OL–EM and Other Credit Analysis."* Form FHA 441–7 will be prepared after the loan docket otherwise is completed, and will be transmitted to the Finance Office along with Forms FHA 441–1 and FHA 440–1. If more than one loan is transmitted to the Finance Office at one time for a borrower, only one Form FHA 441–7 will be used.

(x) *Form FHA 492–19, "Characteristics of Approved Applicants."* Form FHA 492–19 will be prepared for each initial Operating loan.

(y) *Taking security instruments*—(1) *Forms to be used.* Form FHA 440A25, "Financing Statement," or Form FHA 440–25, "Financing Statement," and Form FHA 440–4, "Security Agreement," will be used to obtain security interests in personal property in UCC States unless regulations issued by the State Office provide for the use of other forms. Regulations issued by the State Office also will provide information as to whether Form FHA 440A25 or Form FHA 440–25 will be used. The Financing Statement and Security Agreement together will constitute a security instrument. Although only the Financing Statement is required to be filed or recorded, it is necessary also to take a Security Agreement in order to have a complete security instrument. (See also § 1831.12(a) (2) and (6).) Form FHA 440–4 La., "Chattel Mortgage (Louisiana)," or Form FHA 440–4A La., "Chattel Mortgage and Crop Pledge (Louisiana)," as appropriate, will be used in the State of Louisiana.

(2) *Describing notes on security instruments.* When security agreements, chattel mortgages, or other similar security instruments are taken, all outstanding Operating loan notes, and all notes representing other operating-type debts as prescribed by the respective loan making regulations, will be described on such security instruments.

(3) *Describing security property on security instruments.* The printed form of the FHA Financing Statement describes certain types of collateral. If items of collateral not covered under those types are to serve as security they should be described by types or individual items in the space provided in the Financing Statement for that purpose. Unless otherwise provided by regulations issued by State Offices, animals, birds, fish, and so forth, should be described by groups on the Security Agreement. The serial or motor number should be shown on only major items of equipment. If a security interest is to be taken in property such as inventory, supplies, recreation, or other nonfarm equipment or fixtures which cannot be readily described under the column headings of item 2 or 3, as appropriate, of the Security Agreement, an appropriate description of such property will be inserted in item 2 or 3 below, the other property described in the item without regard to the column headings. The advice of the OGC will be obtained in individual cases as to how to describe in the Financing Statement and Security Agreement items such as grazing permits, milk bases, membership or stock in cooperative associations, unless the subject is covered by a regulation issued by the State Office. The property to be described on security instruments should be reconciled with any existing security instruments and Form FHA 462–1, "Record of the Disposition of Security Property."

(4) *When to take security instruments*—(i) *Initial loans.* In initial loan cases the Financing Statement and Security Agreement will be taken at the time the note is executed. When the initial Security Agreement does not describe individually or by groups all of the collateral that is to serve as security, an all inclusive Security Agreement will be taken as soon as all of the security property has been purchased. Form FHA 440–4 La. and Form FHA 440–4A La. will be taken in Louisiana in initial loan cases in accordance with regulations issued by the State Office.

(ii) *Subsequent loans—(a) Financing statements.* A filed FHA Financing Statement is effective for a period of 5 years from the date of filing and as long thereafter as it is continued as provided in Subpart A of Part 1871 of this chapter. If the filed Financing Statement is still effective and covers all types of collateral that are to serve as security for the subsequent loan and describes the land on which crops or fixtures are or are to be located, a new Financing Statement will not be required. However, when a new Financing Statement is needed, it will be taken at the time the subsequent loan note is executed. Form FHA 440–4 La. and Form FHA 440–4A La. will be taken in Louisiana in subsequent loan cases in accordance with regulations issued by the State Office.

(*b*) *Security agreements.* An additional Security Agreement will not be taken in connection with a subsequent loan until it is required by Subpart A of Part 1871 of this chapter, if the existing Security Agreement covers all types of collateral that are to serve as security for the subsequent loan, describes the land on which the crops or fixtures are or are to be located, and was taken within 1 year before the crops become growing crops, unless otherwise provided by regulations issued by State Offices.

(*c*) If a subsequent loan is being made and the Operating loan indebtedness is being secured for the first time under the UCC, the procedure in subdivision (i) of this subparagraph with respect to securing initial loans will be followed.

(5) *Executing security instruments.* County Office employees in bonded positions are authorized to execute any legal instruments necessary to obtain or preserve security for loans. This includes Financing Statements, chattel mortgages and similar lien instruments, as well as severance agreements, consent and subordination agreements, affidavits, acknowledgments, and other instruments. The Financing Statements in UCC States, and Forms FHA 440–4 La. and FHA 440–4A La., in Louisiana, will be executed on behalf of the Government. The requirements with respect to the execution of security instruments on behalf of the borrower(s) will be the same as prescribed for Form FHA 441–1.

(6) *Filing or recording security instruments.* Ordinarily, in UCC States, Financing Statements will be delivered or mailed to the filing officer(s) for filing or recording, whichever is appropriate, when the loan is approved. However, when this is not practical the Financing Statement may be filed at a later date, but not later than the first withdrawal of loan funds from the supervised bank account or delivery of the check to the borrower. If crops or other property of the borrower are or are to be located in a State other than that of a borrower's residence, the County Supervisor servicing the loan will contact the County Supervisor in the other State for information as to the security instruments to be used and the place(s) of filing or recording in the other State. The Financing Statement will be filed or recorded as required by regulations issued by State Offices. Security Agreements will not be filed or recorded unless otherwise provided in regulations issued by State Offices because of special State law requirements. Form FHA 440–4 La. or Form FHA 440–4A La. will be filed or recorded in Louisiana as provided by the regulations issued by the State Office.

(7) *Additional actions required to perfect a purchase money security interest in inventory.* In order to properly perfect a purchase money security interest in inventory, it is necessary, on or before the time the debtor receives possession of the inventory, to obtain a Security Agreement and file a Financing Statement as required by this subpart, and to notify in writing any parties known to have a security interest in such inventory or who have filed a financing statement covering the inventory that the FHA has or expects to acquire a purchase money security interest in the inventory being purchased with FHA loan funds. The notice must describe the inventory by item or type. These actions are necessary, for example, when FHA funds are advanced to purchase inventory in connection with a nonfarm enterprise and another creditor has on file a Financing Statement covering such inventory.

(8) *Fees.* Statutory fees for filing or recording Financing Statements mortgages, or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds, or from the proceeds of the loan.

(i) Whenever cash is accepted by FHA personnel to be used to pay the filing or recording fees for security instruments (including Financing Statements), or the cost of making lien searches, Form FHA 440–12, "Acknowledgement of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FHA personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(9) *Retention and use of security agreements.* (i) Originals: Original executed Security Agreements will not be altered, and will not be disposed of when new Security Agreements are taken.

(ii) Work copy: Information with respect to changes in security property will be noted only on the work copy. When an additional Security Agreement covering all collateral for the indebtedness is taken, the work copy used in preparing the additional Security Agreement may be destroyed.

(10) *Security requirements in relation to "Future Advance" and "After-Acquired Property" clauses and special State statutes.* The after-acquired property and future advance provision of Security Agreements in UCC States will be considered valid in all respects unless otherwise provided in regulations issued by State Offices.

(i) Future advance provision: A properly prepared executed and filed or recorded FHA Financing Statement and a properly prepared and executed FHA Security Agreement give FHA a security interest in the property described thereon to secure any Operating or Emergency loan indebtedness owed by the debtor, including any such future loans, advances, or expenditures without regard to whether they are evidenced by promissory notes described on the Security Agreements; and to secure any other FHA debts evidenced by notes described on the Security Agreement and any advances or expenditures made in connection with the debts evidenced by such notes.

(ii) After-Acquired Property Provisions: Any after-acquired property, except fixtures, of the same type as described (individually or by groups or specifically or generally), on the Financing Statement and Security Agreement will serve as security for the debt covered thereby. The after-acquired property clause in the Security Agreement will encumber crops grown on the land described in the agreement and Financing Statement, provided they are planted or otherwise become growing crops within one year of the execution date of the Security Agreement, or such other period as provided by regulations issued by State Offices. Except as set forth in § 1871.33(a)(4), such FHA after-acquired security interests take priority over other security interests perfected after the FHA Financing Statement was filed.

(11) *Regulations issued by State Offices.* In addition to the regulations issued by State Offices referred to in other subparagraphs of this paragraph, regulations will be issued by State Offices, as necessary, to provide additional routines for taking liens on motor vehicles and motor boats, and any special type of security. The regulations also will supplement subparagraph (10) of this paragraph with respect to the "future advance" and "after-acquired property" clauses of security instruments. The regulations will set forth the requirements with respect to filing or recording of security instruments if the borrower is not a resident of the State, but is conducting some operation in the State. This is for use when County Supervisors in other States request such information in accordance with Subparagraph (6) of this paragraph

§ 1831.33 Loan docket.

(a) The loan docket will consist of the following prepared and executed forms or documents as appropriate:

410–1	Application for FHA Services (Attachments)
410–2	Supplement to Application for FHA Services (For Applicants Who Depend on Off-Farm Income). Running case record.
440–2	County Committee Certification or Recommendation. Tenure agreement.
441–5	Subordination Agreement.
431–1	Long-Time Farm and Home Plan.
431–2	Farm and Home Plan.
431–4	Business Analysis—Nonagricultural Enterprise. Timber management plan.
440–21	Appraisal of Chattel Property.
440–32	Request for Statement of Debts and Collaterals.
441–1	Promissory Note.
441–3	Participation Agreement.
441–12	Agreement for Disposition of Jointly Owned Property.
441–16	Repayment Schedule for Participation Loans.
441–4	Participation Notice.
440–9	Supplementary Payment Agreement.
440–1	Payment Authorization.
440–25	Financing Statement.
440–4	Security Agreement.
440–4 (State)	Crop and Chattel Mortgage. (If to be filed.) (If to be recorded) Assignment, pledge, or other security interest in stock, or other evidence of ownership.
440–6	Severence Agreement.
440–26	Consent and Subordination Agreement.
441–8	Assignment of Proceeds from the Sale of Agricultural Products.
441–18	Consent to Payment of Proceeds from Sale of Farm Products.
441–25	Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest.
402–1	Deposit Agreement.
402–5	Deposit Agreement NonFHA Funds.
400–4	Nondiscrimination Agreement.
441–13	Division of Income and Nondisturbance Agreement.
441–10	Nondisturbance Agreement.
403–1	Debt Adjustment Agreement.
441–7	OL—EM and Other Credit Analysis.
492–19	Financial Characteristics of Approved Applicants for Initial Farm Ownership and Operating Loans.

(b) The documents to be submitted will be examined thoroughly by the County Office Clerk to make sure that they are complete as to dates, signatures, and mechanical accuracy. For loans requiring approval other than in the County Office, the loan submission will consist of the required documents enumerated above and all of the applicant's County Office case folders.

§ 1831.34 Review and approval or rejection.

After the documents prescribed in § 1831.33 have been assembled, the loan approval official will make the determinations required in § 1831.14.

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA 440–1 and insert his title and grade in the spaces designated for these purposes. The loan approval official also will set forth any special conditions of approval or special security requirements in the running record in the loan docket or by memorandum. Ordinarily, after approval the original of Form FHA 441–1, Form FHA 441–7, Form FHA 492–19, when applicable, and the original and copy of Form FHA 440–1 will be removed from the assembled loan docket and forwarded to the Finance Office together with a copy of the memorandum from the National Office authorizing approval of the loan in those cases in which such authorization is required. However, if an Operating loan is being made in connection with the making of an FHA real estate loan and one loan is dependent on the other, the loan approval official may determine that the loan checks should be issued simultaneously in order to avoid unnecessary interest charges to the applicant. The Operating loan docket will be held in the County Office if it is within the approval authority of the County Supervisor, or returned to the County Office after approval in other cases, and the appropriate forms will be transmitted to the Finance Office at the time the loan check for the real estate loan is requested. When Operating loan allotments are nearly exhausted, State Offices should take the necessary steps to assure that sufficient funds are retained in their allotment to pay such loans at the time the loan check is needed. However, when it is not possible to order the real estate loan check before the end of the fiscal year, the Operating loan should not be approved until after the beginning of the new fiscal year.

(1) If a "participation loan" under the provisions of § 1831.8 is involved, the loan approval official also will execute Form FHA 441–3 on behalf of the Government.

(b) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record in the loan docket or in a memorandum. The County Supervisor will notify the applicant of the rejection and will return to him the original of Form FHA 441–1, any tenure agreements, and any executed security instruments (including the unfiled financing statement in UCC States).

§ 1831.35 Loan checks.

(a) When a check cannot be delivered or is lost or destroyed, the Finance Office will be notified immediately.

(b) If a check is to be canceled, the County Supervisor will return the check with Form FHA 440–10, "Notification of Loan or Grant Cancellation," to the Regional Disbursing Center, United States Treasury Department, Post Office Box 2509, Kansas City, MO 64142. Copies of Form FHA 440–10 will be furnished to the Finance Office and the State Office.

§ 1831.36 Loan closing.

(a) *Check delivery.* County Office employees in bonded positions will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FHA 440–8, "Notice of Check Delivery," or mail the check to him; or if a "participation loan" is involved, deliver the loan check to the other lender and notify the applicant of such delivery; or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit. When a loan check is mailed or delivered direct to the applicant (or other lender in case of a participation loan), or when the check is deposited in a supervised bank account, the amount and date thereof will be entered on Form FHA 405–1 or Form FHA 405–2, "Loan Record," as appropriate.

(1) If a "participation loan" is made, the other lender will close the loan, and take security instruments, in accordance with the provisions of the "Participation Agreement."

(b) *Form FHA 440–13, "Report of Lien Search."* Form FHA 440–13 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments give the Government the required security. Under this policy the lien search normally will be obtained at the time the Financing Statement (mortgage in Louisiana) is filed or recorded. However, lien searches may be obtained after that date, but in no case later than the first withdrawal of any loan funds from the supervised bank account or delivery of the check to the borrower. Lien searches may also be obtained in connection with processing applications when such searches are determined to be necessary on an individual case basis, but in these cases it will be necessary to obtain continuation searches to meet the policy prescribed above.

(i) Under the UCC it is necessary to obtain lien searches in connection with the making of subsequent loans only in those cases in which an additional Financing Statement is required. This is when crops or fixtures to be taken as security are or are to be located on land not described on the existing Financing Statement or property not otherwise covered by the Financing Statement is to be taken as security for the Operating loan debt.

(2) Except as otherwise provided in this subparagraph, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at nominal cost to applicants. However, applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) County Office employees may make continuation lien searches when such searches are made as referred to in the last sentence of subparagraph (1) of this paragraph.

(ii) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exhorbitant, when such service is not available, or when experience has shown that the service available will cause undue delay in the closing of loans or make it difficult to comply with the

provisions of subparagraph (1) of this paragraph.

(3) State Directors, with the advice of the OGC, will issue regulations setting forth the minimum requirements for lien searches, including the records to be searched and the period to be covered with respect to each.

§ 1831.37 Revision in the use of operating loan funds.

(a) Authority of the County Supervisor or Assistant County Supervisor (GS–7 or GS–9). The County Supervisor or Assistant County Supervisor (GS–7 or GS–9) is authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The loan was within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect the feasibility of the operation, or the Government's interest. If the County Supervisor is uncertain as to the probable effect the change would have on the feasibility of the operation or on the Government's interest, he should obtain the advice of the State Director prior to approving the change.

(b) *Authority of State Office officials.* (1) The State Director may delegate additional authority to County Supervisors to approve certain kinds of changes in the use of loan funds upon prior approval of the National Office.

(2) The State Director and employees in the State Office who have loan approval authority are authorized to approve changes in the use of loan funds provided the changes are consistent with authorities, policies, and limitations for making Operating loans.

(c) *Documentation and routines.* When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA 441–1 or in the loan record of the Management System Card—Individual, nor will a corrected Form FHA 441–7 be prepared. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 1831.11. Appropriate changes with respect to the repayments will be made in Table K of Form FHA 431–2 and initialed by the borrower. The County Supervisor also will make appropriate notations in the "Supervisory and Servicing Actions" section of the Management System Card—Individual for followup.

Dated: January 8, 1971.

JOSEPH HASPRAY,
Acting Administrator,
Farmers Home Administration.

[FR Doc.71-998 Filed 1-22-71;8:50 am]

SUBCHAPTER F—SECURITY SERVICING LIQUIDATION

[FHA Instructions 462.1, 455.1, AL's 908(462), 910(462)]

PART 1871—CHATTEL SECURITY

Subparts A and B, Part 1871, Title 7, Code of Federal Regulations (31 F.R. 14212) are revised to read as follows:

Subpart A—Servicing Chattel Security

Sec.
1871.1 Scope.
1871.2 Definitions
1871.3 General.
1871.4 Keeping security instruments current and taking additional security.
1871.5 Furnishing account and security information in UCC cases.
1871.6 Furnishing lists of borrowers.
1871.7 Using Form FHA 431–2, "Farm and Home Plan," or Form FHA 431–3, "Family Budget," and Form FHA 431–4, "Business Analysis Nonagricultural Enterprises," as a basis for exercising authority to release chattel security.
1871.8 Releasing chattel security.
1871.9 Accounting for security property.
1871.10 Amendments of consents or releases of suspensions of assignments.
1871.11 Use of other credit and subordination of chattel security.
1871.12 Correcting errors in security instruments and executing special releases.
1871.13 Satisfaction or termination of chattel security instruments.
1871.14 Assignment of notes and security instruments including financing statements.
1871.15 Fees.
1871.16 Stamping peanut and tobacco marketing cards.
1871.17 Subordinations and waivers of crop liens for borrowers receiving loans under Commodity Credit Corporation program.

AUTHORITY: The provisions of this Subpart A issued under sec. 301, 80 Stat. 379, sec. 510, 63 Stat. 437, sec. 339, 75 Stat. 318, sec. 602, 78 Stat. 528; 5 U.S.C. 301, 42 U.S.C. 1480, 7 U.S.C. 1989, 42 U.S.C. 2942; Order of Director, Office of Economic Opportunity, 29 F.R. 14764, Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, 33 F.R. 9677.

Subpart A—Servicing Chattel Security

§ 1871.1 Scope.

This subpart is supplemented by Parts 1890c and 1890e of this chapter. This subpart covers the servicing of chattel security for all Farmers Home Administration (FHA) loans to individuals and Emergency (EM) loans to corporations and partnerships. After accounts have been approved for liquidation as provided in Subpart B of this part, security property will be disposed of and the proceeds will be used and accounted for in accordance with the provisions of that subpart.

§ 1871.2 Definitions.

As used herein (a) "FHA" means the United States of America acting through the Farmers Home Administration, also FHA's predecessor agencies, and the United States as trustee for assets of State Rural Rehabilitation Corporations or successor State agencies or officials (SRRC), (b) "OGC" means the Regional Attorneys and Attorneys in Charge of the Office of the General Counsel of the United States Department of Agriculture, (c) "UCC" means the Uniform Commercial Code, and (d) "chattel security" and "security property" include crops, livestock, fish, farm, and other equipment, supplies, farm products, inventory, other personal property, fixtures and the proceeds of such property covered by FHA security agreements, chattel mortgages, assignments of income, and similar instruments.

§ 1871.3 General.

Borrowers must account to FHA for all property serving as security for FHA loans. Supervisory officials in County Offices will inform borrowers of their responsibilities with respect to security property by calling attention to the various covenants in the security instruments. In addition, such officials, in the protection of FHA's security interests, will discuss and advise with borrowers concerning the wise use of income and specifically the uses which are authorized by this subpart to be made of proceeds from the sale of security property. The lending policies of FHA, the many different enterprises financed, and the varied situations encountered in servicing individual cases require that this subpart include some broad authorities which should not be used in all individual cases and under all circumstances. Supervisory officials must determine that the proposed use of property or proceeds within the limits set out in this subpart is warranted at the time and under the circumstances, considering the loan objectives and the security interests of FHA, for the ultimate collection of the debt. The failure of FHA employees to comply with the requirements contained herein may result in their personal accountability and financial liability.

§ 1871.4 Keeping security instruments current and taking additional security.

In accordance with the provisions of this subpart and the related regulations issued by the State Office, County Supervisors are responsible for maintaining security instruments which will properly cover all security property, including replacements, increases, and other after-acquired property, and for obtaining additional security, as needed.

(a) *Conversion to servicing under UCC.* (1) Cases in which FHA holds chattel mortgages or other security instruments taken before the effective date of the UCC in the particular State, will be converted to servicing under the UCC subject to the limitations contained in subparagraphs (2) and (4) of this paragraph, when:

(i) A subsequent loan is being made.

(ii) A new lien is needed to cover (a) crops on the same land or crops to be produced on other land, or (b) fixtures or other property not covered by the after-acquired property clause in the existing lien instrument.

(iii) A crop and chattel mortgage is about to expire as notice to third parties and cannot be renewed or extended or it is considered inadvisable to do so.

(iv) Substantial changes in the collateral require new security instruments.

(v) The borrower is moving to another farm under circumstances that require refiling of the existing chattel mortgage or filing a new security instrument.

(vi) Such conversion is considered advantageous to the Government for other reasons.

(2) When a Severance Agreement has been taken in connection with obtaining a chattel mortgage, the severed property will continue to be considered personal property for future servicing purposes. This means that when the case is converted to servicing under the UCC, the severed property will be described as personal property, rather than as a fixture, in the Financing Statement and Security Agreement. Therefore, FHA will continue to rely on the Severance Agreement and it will not be necessary to obtain a Consent and Subordination Agreement with respect to such severed property, even though the Severance Agreement was not recorded because of legal or other reasons applicable when the Severance Agreement was taken.

(3) When converting to servicing under the UCC a lien search will be made in accordance with the provisions of Subpart B of Part 1831 of this chapter as supplemented by regulations issued by the State Office.

(4) If the lien search reveals intervening liens that may affect the security position of FHA, the case file will be forwarded to the State Office for advice as to the action to be taken with respect to maintaining existing security, converting to servicing under the UCC, or liquidating the account, unless the manner of handling such cases has been prescribed by regulations issued by the State Office.

(5) State Offices will issue regulations as necessary to comply with State law requirements.

(b) *After-acquired property and future advance clauses.* See § 1831.32(y)(10) and any supplementary regulations issued by the State Office with respect to the effect of the after-acquired property and future advance clauses in FHA security instruments.

(c) *Chattels, crops, fixtures, assignments, and insurance.* When additional chattels, crops, or fixtures, not presently covered by an FHA lien, are available and needed to protect FHA's interests, County Supervisors will obtain one or more of the following: (1) Liens on such property, (2) assignments of the proceeds from the sale of agricultural products when such proceeds are not covered by the lien instruments, or (3) assignments of other income, including Agricultural Conservation Program payments. When a current loan is not being made to a borrower, crop liens will be taken as additional security when the County Supervisor determines in individual cases that such liens are necessary to protect the interests of FHA. However, crop liens will not be taken as additional security for Farm Ownership (FO), Rural Housing (RH), Labor Housing (LH), and Soil and Water (SW) loans. When a new security agreement or chattel mortgage is taken, all existing security items will be described thereon. Ordinarily, when taking additional security, such security instrument will describe the notes for all FHA loans for which the security is serviced under this subpart. However, notes for FO, RH, LH, or SW loans having final due dates which extend substantially beyond that of other FHA loans being secured will not be described on such security instruments unless such notes are presently secured by substantially the same items of security property. To obtain chattel security in such instances for extended periods of time might impair seriously the borrower's ability to refinance his indebtedness or to obtain operating credit after the particular loan for which the additional security was required has been paid. When additional security is taken, a lien search will be made except with respect to: crops or other property covered by a filed FHA Financing Statement but not covered by an FHA Security Agreement; or, assignments of income. The search will be made in accordance with the provisions of subpart B of Part 1831 of this chapter and any regulations issued by State Offices.

(1) County Supervisors are authorized to approve bills or invoices for payment of premiums on insurance on chattel security for FHA loans when (i) a borrower is unable to pay the premiums out of his own resources at the time due, (ii) it is not practical to process a loan for that purpose, (iii) such action is necessary to protect FHA's interests, and (iv) the amount advanced can be charged to the borrower under the provisions of the security instrument.

(d) *Real estate.* (1) Real estate will be taken as additional security for FHA chattel indebtedness in accordance with the provisions of subpart A of Part 1872 of this chapter.

(2) Borrowers will be encouraged to insure improvements on real property taken as security for FHA chattel indebtedness. When insurance is necessary it should be obtained in accordance with the provisions of Part 1806 of this chapter except that it will be in reasonable amounts and against such hazards as are customary in the area.

(e) *Securing unpaid balances on unsecured loans.* Except as provided otherwise by loan making regulations, when Operating, EM, or Economic Opportunity (EO) loans are being made to borrowers owing unsecured balances on FHA loans, the County Supervisor must determine in individual cases whether to request borrowers to give security covering such unsecured balances owed to FHA. In addition, in the servicing of EO loans, regardless of whether additional loans are being made, chattel security may be taken when the County Supervisor determines that: it may be necessary to rely on such property for collection of the loan; or such action will assist in accomplishing the objectives of the loan. These policies permit the exercise of sound discretion by County Supervisors in requesting borrowers to convert such unsecured loans to a secured status.

(f) *Continuation, extension, or renewal of chattel security instruments.* County Supervisors are responsible for seeing that security instruments are continued, extended or renewed as necessary to protect FHA's security interests. County Office employees in bonded positions are authorized to execute continuation, extension, or renewal instruments, as appropriate.

(1) *Financing statements and security agreements*—(i) *Financing statements.* A properly filed FHA Financing Statement is effective as notice for a period of five (5) years from the date of filing. A new Financing Statement needs to be taken and filed only if the debt is to be secured by: property not described specifically or by type on the filed Financing Statement; or, crops growing or to be grown or fixtures located or to be located on land not described on the filed Financing Statement. However, the filed Financing Statement must be continued to afford constructive notice to third parties after the original five (5) year period. Such continuation may be accomplished by filing Form FHA 462–7, "Continuation Statement," or Form FHA 462–12, "Continuation or Termination Statement," if provided by regulations issued by the State Office within 6 months prior to the expiration of the original 5-year period. Upon timely filing of Form FHA 462–7, the effectiveness of the filed Financing Statement is continued for 5 years after the last date to which the original filing was effective. Successive Continuation Statements may be filed to continue the notice to third parties. A lien search is unnecessary in connection with the continuation of a Financing Statement, provided the Continuation Statement is filed within the period prescribed above. Form FHA 462–11, "Request for Continuation Statement Filing Fee," may be used to notify the borrower that it is necessary to continue the Financing Statement and to request that he submit the amount of the filing fee.

(ii) *Security agreements.* An additional Security Agreement will be taken when (a) property not covered by specific description or the printed language of the previous Security Agreement is to serve as security for the debt, (b) it is necessary to obtain or maintain a security interest in crops or, (c) it is necessary to keep the Security Agreement up to date to assist in accounting for security property. In keeping the Security Agreement up to date for accounting purposes, an additional Security Agreement normally will be taken only when there are significant changes in the chattel security, and even then only one additional Security Agreement normally will be taken during the year for this purpose. Such

additional Security Agreement usually will be taken at about the time of the annual inspection of security property required by § 1871.9.

(2) *Chattel mortgages.* Extension or renewal of chattel mortgages may be accomplished either by: Obtaining new chattel mortgages as provided in paragraph (c) of this section; or, the use of Form FHA 462–6, "Affidavit of Extension and Renewal," or similar form approved for this purpose by the OGC. However, it is preferable to renew or extend chattel mortgages by obtaining new ones unless such action is inadvisable because of intervening liens or other legal reasons.

(i) State Offices will issue regulations as necessary outlining the actions to be followed to assure that FHA liens and the priority thereof are maintained by renewing or extending security instruments or by obtaining new security instruments, and lien searches are made as necessary to determine that FHA will obtain the required priority of liens.

§ 1871.5 Furnishing account and security information in UCC cases.

Within 2 weeks after receipt of a written request from the borrower, FHA is required to provide information as to the security and the total unpaid balance of the FHA indebtedness covered by the Financing Statement. If FHA fails to provide the above information it is liable for any loss caused to the borrower and, in some States, to other parties, and also may lose some of its security rights. Therefore, it is essential that the information be furnished within the period of 2 weeks specified above. The UCC provides that the borrower is entitled to such information once every 6 months without charge and that FHA may require payment of not to exceed $10 for each additional statement furnished. However, it is the policy of FHA to provide such additional statements without charge. The requested information will be furnished on Form FHA 462–10, "Farmers Home Administration's Answer to Request for Information."

(a) Although the UCC only requires FHA to furnish such information pursuant to the borrower's written request, it is the policy of FHA to honor oral requests of borrowers for such information. Furthermore, the UCC does not prohibit giving this information to other individuals who have a proper need for it, such as a bank or another creditor who may be contemplating advancing additional credit to the borrower. Therefore, the relationship with banks and other creditors, in this respect, may be continued the same as it was before the UCC became effective.

§ 1871.6 Furnishing lists of borrowers.

(a) *To purchasers.* County Supervisors may furnish buyers within a trade area with lists of borrowers whose chattels or crops are subject to FHA liens. State Directors, however, may prescribe the use of such lists in specific areas of the State or throughout the entire State. The list will contain the statement: "The crop and chattel liens or related financing statements of the Farmers Home Administration are recorded or filed as required by law. This list is furnished only as a convenience and is not necessarily complete." Lists will be transmitted by Form FHA 462–3, "Lists of Farmers Home Administration Borrowers." When the County Supervisor considers it advisable, he should personally deliver the form and list to the buyers and explain their purpose. It will be the responsibility of the County Supervisor to keep current the lists that have been distributed by notifying buyers in writing of the names of borrowers that should be added and the names of paidup or transferred borrowers that should be deleted, or to indicate clearly in writing that such lists are "annual" lists.

§ 1871.7 Using Form FHA 431–2, "Farm and Home Plan," or Form FHA 431–3, "Family Budget," and Form FHA 431–4, "Business Analysis Nonagricultural Enterprises," as a basis for exercising authority to release chattel security.

The exercise of release authority in § 1871.8 with respect to both basic and normal income security will be based upon information concerning the borrower's operations as reflected on Form FHA 431–2, Form FHA 431–3, or Form FHA 431–4 as appropriate, and to the extent possible, as follows:

(a) If complete plans have been developed for the borrower's current crop or business year, the release will be based on such plans.

(b) If abbreviated plans have been developed for the borrower's current crop or business year, the release will be based on such plans, plus the applicable information contained in any recent complete plans available in the borrower's file and the County Supervisor's knowledge and judgment concerning the borrower's present operations. If the recent complete Farm and Home Plan is in a paidup loan file of the borrower, it will be brought forward and filed in the borrower's current file.

(c) If no recent plans have been made with the borrower to reflect his operations, the releases will be based on the County Supervisor's knowledge of the borrower's current operations, plus such additional inquiry and documentation of the facts concerning the borrower's present operation in the running case record or otherwise as the County Supervisor thinks necessary to justify the release.

§ 1871.8 Releasing chattel security.

Chattel security may be released as provided in this subpart only when it clearly appears from the facts that such release will not be to the financial detriment of FHA. Borrowers will be held strictly accountable to FHA for the proper use of proceeds from the sale of security property. Insurance proceeds derived from the loss of security property will be treated the same as proceeds derived from the sale of security property. The authority to release security for FHA loans is different for basic security and normal income security.

(a) Basic security consists of all equipment (including fixtures in UCC States) and foundation herds and flocks securing FHA loans, which serve as a basis for the farming or other operation outlined in Form FHA 431–2, Form FHA 431–3, or Form FHA 431–4. Basic security also includes replacements of such property, and animals that are sold as a result of the normal culling process unless the borrower has replacements that will keep numbers and production up to planned levels. In addition, if a borrower plans to make a significant reduction in his basic livestock herd or flocks, the animals or birds that are sold in making this reduction will be considered basic security. County Supervisors are authorized hereby to release basic security when the property has been sold or exchanged for its present market value, and the proceeds are used for one or more of the following purposes:

(1) To pay on the debts owed to FHA which are secured by liens on the property sold.

(2) To purchase from the proceeds of the sale, or to acquire through exchange, property more suitable to the borrower's needs provided the new property, together with any proceeds applied to the indebtedness, will have security value to FHA at least equal to that of the lien formerly held by FHA on the old property and subject to the following:

(i) In UCC cases. Under the after-acquired property provisions of the Security Agreement, the new property, except fixtures, will be subject to the security interest of FHA provided the Financing Statement on file and the Security Agreement cover the class of property involved. Therefore, in such cases, new security instruments will not be taken until required for other reasons. However, if either the Financing Statement or Security Agreement does not cover such property, a new instrument(s) will be taken. Since the after-acquired property clause in the Security Agreement does not cover fixtures, a new Security Agreement will have to be taken if fixtures are acquired. A new Financing Statement also will have to be taken and filed unless the existing filed Financing Statement covers fixtures by class and describes the land on which the new fixtures are or are to be located. The new security instrument(s), when required, will be taken at the time of acquisition of the new property except as authorized by subdivision (iii) of this subparagraph.

(ii) In chattel mortgage cases. The new property is made subject to a lien in favor of FHA by the execution of a new security instrument (or by operation of the "replacement" or "after-acquired property" clauses in lien instruments in accordance with State regulations). The new security instrument when required will be taken at the time of acquisition of the new property except as authorized by subdivision (iii) of this subparagraph.

(iii) Delaying the taking of new security instruments. In individual cases, County Supervisors may delay the taking of new security instruments, referred to in subdivisions (i) and (ii) of this subparagraph, not to exceed 1 year or until new instruments are necessary for other reasons, whichever is earlier, when adequate security (the value, as determined by a present market value appraisal of the borrower's property remaining under lien to FHA is substantially greater than the amount of the debt) will continue to exist.

(3) To make payments to other creditors having liens on the property sold which are superior to the liens of FHA, provided any amount remaining after payments are made to the other creditors is used in accordance with the provisions of subparagraphs (1) and (2) of this paragraph.

(4) To pay costs required to preserve or realize on security property because of an emergency or catastrophe, when the need for funds cannot be met through an FHA loan, or an FHA loan cannot be made in sufficient time to prevent the borrower or FHA from suffering a substantial loss.

(b) Normal income security consists of all security property not considered as basic security. This will include crops, livestock, poultry, products and other property covered by FHA liens which are sold in the usual course of operating the farm or other business. County Supervisors are authorized hereby to release normal income security when the property has been sold for its present market value and the proceeds are used in accordance with the requirements set forth below, or the property is disposed of without sale under one or more of the conditions set forth below:

(1) To pay debts owed to FHA.

(2) To pay farm and home or other operating expenses provided for in the appropriate tables of Form FHA 431–2, Form FHA 431–3, or Form FHA 431–4, including approved revisions thereof.

(3) To pay necessary farm and home or other operating expenses which are shown as debts in the financial statement on Form FHA 431–2 or Form FHA 431–3 and which are to be paid during the year as shown by the debt payment table, provided these debts were incurred in the production, harvesting, or marketing of crops, livestock, poultry or products, sold during the year, or were for family subsistence for that year.

(4) To pay an amount not to exceed the equivalent of 1 year's income taxes and social security taxes.

(5) To make payments to other creditors having liens on the property sold which are superior to FHA liens.

(6) To pay annual installments on debts owed on essential real estate which are owed to creditors other than FHA, provided amounts of such installments are reasonble when related to the normal rental charge for similar real estate in the area, and there is assurance that the borrower will retain possession of the real estate at least for the next year.

(7) To make reasonable payments on debts owed to other creditors for essential home equipment and essential passenger automobiles provided for in the debt payment tables of Form FHA 431–2 or Form FHA 431–3 or approved revisions thereof. Such debts ordinarily will be considered for payment only after the full amount agreed upon for the year has been paid to FHA. However, reasonable amounts may be paid on such debts to other creditors before the amount agreed upon for the year has been paid to FHA, provided failure to make such payments to other creditors when due would result in the borrower's losing possession of essential home equipment or an essential passenger automobile, and such loss of possession would make it necessary for the borrower to replace the property or to go to substantial additional expense in order to continue his operations.

(8) To make payments on debts on harvesting equipment such as cotton pickers, corn pickers, combines, forage harvesters, and so forth; in addition to the payment of essential harvesting expenses provided: an Operating or Emergency loan for the crop year did not include funds for the payment of depreciation on such equipment; and, the total amount released for such payments and harvesting costs, plus any loan funds advanced for harvesting costs, does not exceed the amount that would be required during the crop year on a custom basis to harvest the crop(s) in connection with which the harvesting equipment is used.

(9) To make payments on debts owed to other creditors and to make purchases or to meet expenses which are not otherwise provided for in this paragraph, including the payment of income taxes and social security taxes not included in subparagraph (4) of this paragraph, provided: such debt payments, purchases, or expenses are included in the Form FHA 431–2, Form FHA 431–3, or Form FHA 431–4; it appears clear that sufficient income will be available to pay on FHA debts secured by liens on chattel property an amount equivalent to that scheduled on the notes to fall due during the year, plus the amount agreed upon on any delinquencies on such debts; and, such debt payments, purchases, or expenses are essential to permit the borrower to obtain or retain necessary equipment, or to continue his operations on a sound basis.

(10) To pay costs required to preserve or realize on security property because of an emergency or catastrophe, when the need for funds cannot be met through an FHA loan or an FHA loan cannot be made in sufficient time to prevent the borrower or FHA from suffering a substantial loss.

(11) To permit crops serving as security for FHA loans to be fed to livestock when it is determined by the County Supervisor that disposal of such crops through livestock is preferable to direct marketing of the crops, provided a lien or assignment is obtained in accordance with § 1831.12(a)(6).

(12) When livestock is consumed by the borrower family for necessary subsistence purposes.

(13) When FHA holds a lien on crops in which neither the borrower nor FHA has an interest due to the fact that the borrower is no longer occupying or farming the premises described in the lien instrument.

(c) In exercising the authority contained in paragraph (b) of this section, if the County Supervisor finds that the amount of income originally planned for the year will not be received, he will determine, in consultation with the borrower, the uses to be made of income which is available at the time or will become available during the remainder of the planned year as shown on Forms FHA 431–2 or 431–4 revised as prescribed by regulations available at all FHA offices. If other creditors have liens on the property from which the normal income is received, the consultation also must include such creditors. In the cases referred to in this paragraph the following priorities should be followed in distributing the income that will be available:

(1) Pay necessary farm and home and other operating expenses which are planned for payment by cash as incurred.

(2) Prorate repayments on credit advanced for necessary farm and home and other operating expenses to the FHA and other creditors.

(3) Make planned payments on other debts as shown in Table K of Form FHA 431–2 or Table H of Form FHA 431–3. However, minimum payments may be made on such debts along with the payment of cash farm and home and other operating expenses or on credit advanced for such purposes when necessary to enable the borrower to retain essential property.

(d) The County Supervisor is authorized hereby to redelegate the authority to release security property, as provided in this section to Assistant County Supervisors, Emergency Loan Supervisors, and Assistant Emergency Loan Supervisors, provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise properly the authority. The County Supervisor also may redelegate such authority to any other employees in bonded positions in his office under the same conditions except that such employees may not be authorized to release: basic security unless the use to be made of the proceeds therefrom has been agreed to by the County Supervisor or Assistant County Supervisor, Emergency Loan Supervisor, or Assistant Emergency Loan Supervisor if he has been redelegated release authority; or, normal income security if current complete plans are not available unless the use to be made of the proceeds therefrom has been agreed to by such Supervisor. Agreements under the provisions above must be documented in the borrower's running case record before the release authority is exercised.

(e) Release of valueless junior lien: State Directors are authorized to release

chattels and crops serving as security for FHA loans when such property has no present or prospective security value or the enforcement of the FHA lien would be ineffectual or uneconomical.

(1) *Documentation.* The following information will be obtained and documented in the running case record:

(i) The present market value of the chattels or crops, as determined by the County Supervisor, on which FHA has a valueless junior lien.

(ii) The names of the prior lienholders on the property described in subdivision (i) of this subparagraph, amount secured by each such prior lien, and the present market value of any other property which serves as security for such amount. The value of all property serving as security for amounts owed to prior lienholders must be taken into account to determine whether the junior FHA lien has any present or prospective value.

(2) *Release forms.* Forms FHA 460–6, "Release (UCC States)," and FHA 460–1, "Partial Release," as approriate, will be executed by State Directors covering the specific items of property to be released.

§ 1871.9 Accounting for security property.

County Supervisors are responsible for maintaining currently a record of each borrower's security property as prescribed herein. When the borrower acquires additional items of chattel property which will be described on subsequent security instruments appropriate descriptions of such items will be recorded on the work copy of the Security Agreement or the file copy of the chattel mortgage as appropriate. At least once each year, during a regularly scheduled farm and home visit, an inspection should be made of the chattel property serving as security for FHA loans to see that such property is properly accounted for and maintained.

(a) *Accounting by the borrower.* Borrowers are required to account for all security property. They will be instructed regarding the care, maintenance, and disposition of security property when their loans are made and as ofen thereafter as it is determined that additional instruction is necessary. When borrowers sell security property, the sale will be made subject to the FHA lien and the property and proceeds will remain subject to such lien until the lien thereon is released or the sale is approved by the County Supervisor or his delegate and the proceeds are used for one or more of the purposes outlined in § 1871.8. Purchasers of security property who make inquiry should be informed that the property is subject to FHA's lien and will remain subject to the lien until they deliver any proceeds in cash to the County Supervisor or make checks payable jointly to the borrower and FHA and the check has cleared.

(b) *Recording dispositions of security property.* (1) Basic security. All dispositions of basic security will be recorded on Form FHA 462–1, "Record of the Disposition of Security Property," as soon as such information becomes available. This will include items sold, exchanged, lost through death, theft, destruction, or deterioration, and livestock consumed by the family. Entries on Form FHA 462–1 will be sufficiently detailed to identify the property, the quantity disposed of, the net price received, the date of disposition, and the actual use made of any sale proceeds. In addition, with respect to property lost through death, theft, deterioration, or destruction, the circumstances or causes resulting in the loss should be shown. This information will be inserted on Form FHA 462–1 regardless of whether the action taken by the borrower is approved.

(2) Normal income security. Dispositions of normal income security will be recorded on Form FHA 462–1 in the manner outlined in subparagraph (1) of this paragraph. In addition the actual uses made of the sale proceeds will be recorded in sufficient detail so that such uses may be related readily to the appropriate tables in Form FHA 431–2, Form FHA 431–3, or Form FHA 431–4. However, such entries are not required on Form FHA 462–1 when: the borrower is not delinquent on any FHA debts and has paid the amount agreed upon for the year; or, when farm products such as milk, eggs, or wool are sold and are accounted for by the use of Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," or the farm and home plan shows that no payments are to be made on FHA debts from this source.

(3) Employees having release authority will indicate in the columns provided for that purpose whether the action is approved or disapproved and will initial and date the entry. Recording of the disposition of security property under subparagraphs (1) and (2) of this paragraph, or dispensing with making a record of the disposition of security property under subparagraph (2) of this paragraph, does not release the FHA lien on the security property involved.

(c) *Release forms.* The County Supervisors or their delegates are authorized hereby to execute releases covering specific items of property when the requirements of § 1871.8 have been met. If security interest under the UCC are involved, Form FHA 460–6 will be used in accordance with the FMI to release such property from Financing Statements and Security Agreements. If chattel mortgages are involved, Form FHA 460–1 or other approved form will be used for this purpose. Releases need not be executed in any case unless requested by a borrower or by an interested third party. Form FHA 462–2, "Statement of Conditions on Which Lien Will Be Released," may be used when borrowers or purchasers request such statement prior to the date of sale.

(d) *Reporting improper dispositions of security property.* When the borrower fails to account properly for security property, the County Supervisor will report the facts promptly to the State Office in accordance with the provisions of Subpart B of this part.

§ 1871.10 Amendments of consents or releases or suspensions of assignments.

(a) *Consent to payment of proceeds from the sale of farm products.* (1) County Supervisors are authorized hereby to temporarily amend consents to the payments of proceeds from the sale of farm products to permit borrowers to use all or a greater amount of such proceeds in emergency situations and in other justifiable circumstances provided such action will not be to the financial detriment of FHA and the funds will be used for the purposes enumerated in § 1871.8. Form FHA 462–9, "Temporary Amendment of Consent to Payment of Proceeds From Sale of Farm Products," will be used for this purpose. In each case the borrower's file will show the purpose for which the amendment is made and the justification for such action. County Supervisors will take action to see that payments are made in accordance with the original consent when the temporary amendment period expires.

(2) When a Form FHA 441–18 has been executed and the amount of the payment to FHA needs to be decreased for other than a temporary period, or increased for any period, a new Form FHA 441–18 will be executed.

(3) If a Form FHA 441–18 has been executed with respect to a particular product and it develops that FHA is no longer looking to the proceeds from that product for payment on the FHA indebtedness, the purchaser should be advised by letter as follows: "The Farmers Home Administration is not presently looking to the proceeds from the sale of (name of product) covered by the 'Consent to Payment Proceeds From the Sale of Farm Products' executed by (name and address of borrower) and accepted by you on (date). Therefore, until further notice, you may discontinue making payments to FHA for such product."

(4) If a Form FHA 441–18 has not been executed with respect to a particular product because the FHA is not expecting payment from the proceeds of such product, but the purchaser of the product makes inquiry about the payment of proceeds, he should be advised by letter as follows: "The Farmers Home Administration has a security interest in the (name of product) being sold to you by (name and address of borrower), but at the present time is not looking to the proceeds from the sale of that product for payment on his debt owed to this agency. Therefore, until further notice, it will not be necessary for you to make payment to FHA for such product."

(b) *Assignments.* (1) County Supervisors are authorized hereby to release, reduce, or temporarily suspend assignments of proceeds from the sale of agricultural products including Agricultural Conservation Program payments and crop insurance assignments and to permit borrowers to use such proceeds including those received in the form of checks made payable jointly to the borrower and FHA. This authority may be exercised in the same situations, under the same conditions, and for the same purposes as provided in paragraph (a) of this section. County Supervisors will take action to see that suspended, reduced or released assignments are reinstated or new assignments are obtained when needed. All suspensions, reductions or releases of assignments will be made on forms approved by OGC. Such forms will be prepared in an original and one copy. The original will be forwarded directly to the person or firm making the payment against which the assignment is effective and the copy will be retained in the borrower's case file. In each case. the borrower's file will show the purposes for which the suspension, reduction or release is made and the justification for such action.

(2) State Directors are authorized hereby in justifiable cases to approve requests for suspensions, release or reduction of assignments other than those specified in paragraph (a)(1) of this section, in accordance with the routine outlined in that paragraph and provided such action will not be detrimental to FHA's interest.

(c) *Authority.* County Supervisors are authorized hereby to redelegate the authorities contained in paragraph (a)(1) and (b)(1) of this section to Assistant County Supervisors, Emergency Loan Supervisors and Assistant Emergency Loan Supervisors provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise properly the authority.

§ 1871.11 Use of other credit and subordination of chattel security.

(a) *Policy.* (1) Borrowers will be required to obtain credit needed for necessary operating purposes from other reliable sources as prescribed in § 1831.8.

(2) FHA liens on chattels and crops may be subordinated in order to permit applicants and borrowers to obtain all or part of the credit they need from other reliable sources as set forth in paragraph (b) of this section.

(b) *Purposes and limitations.* (1) When credit is obtained by subordination for necessary expenses directly related to a particular crop(s) or a particular livestock enterprise(s) it is preferable that the subordination cover only such crop(s), livestock increase or feeder livestock, or other normal farm income security. However, the minimum amount of basic chattel security necessary may be subordinated to enable borrowers to obtain the credit they need from other sources for necessary operating expenses.

(2) Chattel liens of the FHA may be subordinated as necessary to obtain credit from other reliable sources for expenses which are not ordinarily considered annual operating expenses such as major repairs and parts for essential equipment for which FHA operating loans would otherwise be required.

(3) When an obligation secured by a lien prior to that of FHA is about to mature or has matured and the prior lienholder desires to extend or renew the obligation, or the obligation can be refinanced, the FHA lien may be subordinated provided the relative lien position of FHA is maintained.

(4) The subordination will be limited to a specific amount determined to be necessary to meet that part of the expenses not otherwise provided for.

(5) A subordination in favor of only one creditor will be outstanding at any one time in connection with the same security, except that a subordination may also be executed to enable a borrower to obtain necessary crop insurance if the creditor to whom a subordination has been given on that crop(s) gives his consent in writing to payment of the insurance premiums from the proceeds of the crop or the insurance.

(6) When a subordination is executed to enable the borrower to obtain insurance on crops under lien to FHA the borrower will assign the proceeds of such insurance to FHA or FHA will be named in the loss-payable clause of the policy.

(7) Chattel liens of the FHA will not be subordinated to enable a borrower to obtain credit for making payments on FHA accounts, the purchase of capital goods, except feeder livestock, or to make principal payments on real estate debts.

(8) Waivers of FHA lien priority, in lieu of subordinations, may be executed in favor of a creditor who has or will make advances to produce, harvest, process or market crops under written contract to that creditor provided such waivers are limited to the purposes for which subordination may be made under this subpart. When the waiver includes other purposes such as principal repayments for the purchase of equipment the concurrence of the State Director will be obtained before the waiver is executed.

(c) *Approval authorization.* Loan approval officials are authorized hereby to execute subordination and waivers of FHA lien priority as provided in paragraph (b)(8) of this section on chattel property subject to the above-stated policies provided the amount of the subordination for the borrower, plus the outstanding total principal balance owed by him on Operating and Emergency loans does not exceed the loan officials loan approval authority. Current information regarding limitations on loan approval authorities of various officials of the FHA may be obtained from any County or State Office of the FHA or from its National Office at 14th and Independence Avenue SW. Washington, DC 20250. However, the State Director may approve subordinations regardless of the total principal OL and EM balances plus the subordination.

(d) *Methods.* Subordinations or lien waivers authorized herein will be made on Form FHA 460–2, "Subordination by the Government," or on other suitable forms approved by the State Director upon the advice of the OGC.

(e) *Reporting use of other credit.* (1) The use of other credit will be documented on Form FHA 441–7, "OL–EM and Other Credit Analysis."

(2) One copy of Form FHA 441–7 will accompany each Operating loan docket to the Finance Office.

(3) Form FHA 441–7 will be prepared and forwarded to the Finance Office for each active Operating loan borrower who does not receive an Operating loan during the fiscal year but will receive operating credit from other sources.

§ 1871.12 Correcting errors in security instruments and executing special releases.

When security instruments have been taken covering chattel security property which the borrower did not own or on which he could not give a lien, County Supervisors are authorized hereby to release such property from the instrument, except when it is determined that there was bad faith on the part of the borrower in including the property in the security instrument. Likewise, when items which are not intended to serve as security for the loan are covered by the broad language in the Financing Statement, or in the Financing Statement and Security Agreement. County Supervisors are authorized hereby to release such property. In addition, State Directors are authorized hereby to release chattel security property which has been taken as additional security for real estate-type loans under the provisions of § 1872.14. This authority will be exercised through the use of Form FHA 460–1 in the case of chattel mortgages or other similar instruments or Form FHA 460–6 in the case of Financing Statements or by the use of other forms approved by OGC if the above forms are not legally sufficient.

§ 1871.13 Satisfaction or termination of chattel security instruments.

(a) County Supervisors are authorized to terminate Financing Statements and to satisfy chattel mortgages, chattel deeds of trust, assignments, severance agreements, and other security instruments:

(1) Upon receipt of payment in full of all debts secured by collateral covered by the security instruments;

(2) When all security property has been liquidated or released in accordance with § 1871.8(e) and proceeds properly accounted for, including collection or settlement of all claims against third party converters of security property, even though the secured debts are not paid in full. This includes collection-only and debt settlement cases; or

(3) When the U.S. attorney has accepted a compromise offer in full settlement of the indebtedness and has asked that appropriate actions be taken to satisfy or terminate such instruments.

(b) *Form of payment.* (1) When a payment is received in the form of currency, coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a party known to be financially responsible the security instruments may be satisfied or the Financing Statements may be terminated upon receipt of final payment.

(2) When the final payment is tendered in a form other than those mentioned above, the security instruments will not be satisfied until 15 days

after the date of the final payment except that in UCC States the termination statement will be signed and sent to the borrower within 10 days after receipt of the borrower's written request but not until the 10th day unless it previously has been ascertained that the payment check or other instrument has been paid by the bank on which it was drawn. (The reason for the 10 day requirement in UCC States is set forth in paragraph (c)(1) of this section.)

(c) *Filing or recording*—(1) *Termination statements.* Financing Statements will be terminated by use of Form FHA 460–7, "Termination Statement," or Form FHA 462–12 if provided by regulations issued by the State Office. The original will be delivered to the borrower for filing or recording and a copy will be retained in the borrower's case file. Under the provisions of the UCC if FHA fails to furnish a termination statement to the borrower within 10 days after written demand therefor, it shall be liable to the borrower for $100 and, in addition, for any loss caused to the borrower by such failure unless otherwise provided by regulations issued by the State Office. In the absence of demand for a termination statement by the borrower, a termination statement will be delivered to him when the paid-in-full notes are received from the Finance Office, except as provided in the next sentence. If FHA has been meeting the borrower's annual operating credit needs in the past and expects to do so the next year the Financing Statement(s) need not be terminated, in the absence of such demand, until it is determined that a loan for the succeeding year will not be made and then only after all paid-in-full notes covering the entire period of FHA financing have been received from the Finance Office, unless earlier termination is required by regulations issued by the State Office.

(2) *Satisfactions.* Satisfactions of chattel mortgages and similar instruments will be made on Form FHA 460–4, "Satisfaction," or other form approved by the State Director. The original of the satisfaction form will be delivered to the borrower for recording or filing and the copy will be retained in the borrower's case file. However, if regulations issued by the State Office based on State law require recording or filing by the mortgagee, a second copy will be prepared for the borrower and the original will be recorded or filed by the County Supervisor.

(i) *Marginal entry or other form of satisfaction.* When State statutes provide that satisfactions may be accomplished by marginal entry on the records of the recording office, or when Form FHA 460–4 is not legally sufficient because special circumstances require some other form of satisfaction, County Supervisors are authorized to make such satisfactions according to regulations issued by the State Office. In such cases, Form FHA 460–4 will not be prepared but a notation of the satisfaction will be made on the copy of Form FHA 451–1, "Receipt for Payment," or Form FHA 456–3, "Journal Voucher for Write-Off or Judgment," which will be retained in the borrower's case folder.

(d) *Notice to purchasers of farm products under consents or assignments.* County Supervisors will notify purchasers of farm products as soon as FHA has received payment in full of indebtedness for collection of which it has accepted assignments or consents to payment of proceeds from the sale of the farm products. In cases in which Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," is in effect under the UCC, the notice to purchaser will be made on Form FHA 460–8, "Notice of Termination of Security Interest in Farm Products." In cases where assignments have been used, the notice to the purchaser will be by letter or by forms prescribed by regulations issued by the State Office.

(e) *Satisfaction or termination of liens when old loans cannot be identified.* When a request is received for the satisfaction of a crop or chattel lien or for the termination of a Financing Statement and the status of the account secured by the lien cannot be ascertained from County Office records, the County Supervisor will prepare a letter to the Finance Office reflecting all the pertinent information available in his office regarding the account. The letter will request the Finance Office to inform him as to whether the borrower is still indebted to FHA and, if so, the status of the account. If the Finance Office reports to the County Supervisor that the account has been paid in full or otherwise satisfied or that there is no record of an indebtedness in the name of the borrower, the County Supervisor is authorized to issue a satisfaction of the security instruments on Form FHA 460–4 or other approved form or to effect the satisfaction by marginal release, or a Termination Statement on Form FHA 460–7, as appropriate.

(f) *Release of FHA's interest in insurance policies.* When liens on property covered by insurance have been released, the County Supervisor is authorized hereby to notify the insurance company that FHA has released its lien on the property covered by the insurance.

(g) *Redelegation of authority to terminate financing statements and to satisfy other security instruments.* County Supervisors are authorized hereby to redelegate to County Office employees in bonded positions the authority to terminate Financing Statements and to satisfy other security instruments in accordance with this section, provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise properly the authority.

§ 1871.14 Assignment of notes and security instruments including financing statements.

State Directors are authorized hereby to accept from third parties payment in full of a borrower's notes held by FHA and to assign such notes to such third parties without recourse against FHA and to assign related security instruments including Financing Statements without warranty by FHA in the situations set forth below. See § 1872.20(a) for special provisions on assigning insured loans. The OGC will review each proposed assignment, as to the legal matters involved, and will approve the form of assignment.

(a) When borrowers request or give written consent to such an assignment.

(b) When borrowers have not requested or given written consent to such an assignment but have demonstrated an unwillingness to cooperate voluntarily with FHA in the servicing and orderly retirement of their accounts which otherwise would be liquidated.

§ 1871.15 Fees.

(a) *Security instruments.* Borrowers will be required to pay statutory fees for filing or recording financing statements or other security instruments (including Form FHA 462–7, "Continuation Statement," Form FHA 462–6, "Affidavit of Extension and Renewal" or other renewal statements) and any notary fees in connection with the execution of such instruments. They also will be required to pay costs of obtaining lien search reports that are necessary in properly servicing security as outlined in this subpart. Whenever possible, borrowers should pay these fees directly to the officials rendering the service. When cash is accepted by FHA personnel to be used to pay the above-mentioned fees, Form FHA 440–12, "Acknowledgment of Payment for Recording, Lien Search and Releasing Fees," will be executed and handled as prescribed in subpart B of Part 1831. If the borrower is unable to pay the necessary fees, the County Supervisor may pay such fees in the manner outlined in paragraph (d) of this section, but such fees will be charged to the borrower's account.

(b) *Satisfactions.* Fees for filing or recording satisfactions or termination statements must be paid by the borrower unless regulations issued by the State Office based on State law require that such fees be paid by FHA.

(c) *Notary fees.* Fees for notary service necessary in connection with releases, subordinations, and related documents executed for and on behalf of FHA, will be paid by FHA if the notary service cannot be obtained without cost.

(d) *Payment of fees.* Fees referred to in paragraphs (a), (b), and (c) of this section that must be paid by FHA, will be paid in accordance with regulations available at any FHA office.

§ 1871.16 Stamping peanut and tobacco marketing cards.

(a) *General.* This section provides a method of assisting borrowers in the orderly marketing of crops of peanuts and tobacco mortgaged to the FHA, and at the same time, provide buyers of these commodities with information as to the existence of such mortgage liens. In accordance with this purpose, arrangements have been made with the Agricultural Stabilization and Conservation Service (ASCS) to permit County Office personnel of the FHA to indicate on marketing cards that the FHA has a lien on the commodity involved.

(b) *Authorization.* State Directors are authorized to designate the areas in their States within which this procedure will be followed for any of the named commodities.

(c) *Contact with State Agricultural Stabilization and Conservation Committee.* State Directors of the FHA will inform the State Agricultural Stabilization and Conservation Committee each year, on a commodity basis, whether this procedure will be followed in the State, and if so, the counties in which it will be applicable.

(d) *Procedure for marking marketing cards.* (1) The Office of the County Agricultural Stabilization and Conservation Committee (County ASCS Office) will notify the FHA County Office when work begins in connection with the preparation of marketing cards for each commodity.

(2) When notice is received that work has been started on the preparation of marketing cards for a commodity, the FHA County Office will furnish the appropriate ASCS County Office(s) with applicable lists of FHA borrowers, including names and addresses, whose marketing cards are to be marked as provided in subparagraph (3) of this paragraph, to denote that FHA has a lien on the commodities involved. Upon the approval of the State Director, the FHA County Office may exclude from this list the names of borrowers whose past records indicate conclusively that assistance is not needed in marketing crops or in the application of proceeds therefrom.

(3) The County ASCS Office will prepare the marketing cards in the usual manner, but will segregate the cards of borrowers shown on the FHA list. Prior to the time the cards are delivered, the County ASCS Office will notify the FHA County Office that the marketing cards have been prepared. The person designated by the FHA County Supervisor will go to the County ASCS Office and check carefully the cards which have been segregated, and:

(i) For peanuts and tobacco, except flue-cured and burly tobacco, will stamp the cards with the following stamp:

Notice. Make check payable jointly to Producer and Farmers Home Administration.

The stamp will be placed on such card wherever it is mutually agreeable to the FHA County Supervisor and the ASCS County Office Manager. If the borrower satisfies the lien or repays the amount due for the current year, the FHA County Supervisor, Assistant Couty Supervisor or County Office Clerk will cancel the "Notice" by writing across such notice the word "canceled," followed by the name of the official making the cancellation and the date of such cancellation.

(ii) For flue-cured and burley tobacco, will stamp Form MQ 76 (Flue), "Tobacco Marketing Card," with the following stamp:

FHA Lien.

The stamp will be placed on the left at the bottom of the signature strip under "Tobacco Marketing Card." If the borrower satisfies the lien or repays the amount due for the current year, the FHA County Supervisor, Assistant County Supervisor, or County Office Clerk will cancel the notice by writing the word "Canceled" across "FHA Lien" followed on the same line by the name of the official making the cancellation and the date of such cancellation.

(e) *Notice to borrowers.* County Supervisors will inform borrowers of these arrangements, including the arrangements for canceling the lien notice.

(f) *Notice to buyers.* County Supervisors will explain this plan to buyers (warehousemen and dealers in case of tobacco) in the area and solicit their cooperation. In doing so, it should be explained that the actual notice of liens afforded by this procedure is not in lieu of the constructive notice afforded by recorded mortgages. Instead, it is offered as a courtesy and to provide buyers with readily available current information. This explanation should be made personally, if practical. If, because of a large number of buyers in the area served by a County Office, personal contact with them is impractical, the County Supervisor may explain the plant to them through correspondence.

§ 1871.17 Subordinations and waivers of crop liens for borrowers receiving loans under Commodity Credit Corporation program.

(a) *General.* This section sets forth the policy and procedures for subordinating and waiving FHA crop liens for borrowers to receive loans or sell commodities under Commodity Credit Corporation (CCC) program. An agreement, has been reached with the CCC under which price support may be made available to borrowers under loan and purchase programs conducted by CCC without causing undue inconvenience to borrowers, FHA, and CCC in securing lien waivers. The agreement reached with the CCC follows:

MEMORANDUM OF UNDERSTANDING AND BLANKET COMMODITY LIEN WAIVER

The Farmers Home Administration (FHA) sometimes makes loans to farmers on the security of agricultural commodities that are eligible for price support under loan and purchase programs conducted by the Commodity Credit Corporation (CCC). FHA and CCC desire that price support be made available to farmers without unnecessarily impairing or undermining the respective security interests of FHA and CCC in, and without causing undue inconvenience to producers and FHA and CCC in securing lien waivers on such commodities. Now, therefore, it is agreed as follows:

1. Upon request of an official of an ASCS State Office, the FHA State Director in such State shall furnish designated ASCS County Offices with the names of producers in the trade area from whom FHA holds currently effective liens on commodities with respect to which CCC conducts price support programs. FHA will try to furnish a complete and current list of the names of such producers; however, FHA's liens with respect to any commodity will not be affected by an error in or omission from such lists.

2. For a loan disbursed by an ASCS County Office, CCC will issue a draft in the amount (less fees and charges due under CCC program regulations) of the loan on, or purchase price of, the commodity, payable jointly to the FHA and the producer if (a) his name is on the list furnished by FHA, or (b) he names FHA as lienholder. The draft will indicate the commodity covered by the loan or purchase.

3. On issuance of the draft, the security interest of FHA shall be subordinated to the rights of CCC in the commodity with respect to which the loan or purchase is made. The word "subordinated" means that, in the case of a loan, CCC's security interest in the commodity shall be superior and prior in right to that of FHA and that, on purchase of a commodity by CCC or its acquisition by CCC in satisfaction of a loan, the security interest of FHA in such commodity shall terminate.

4. Nothing contained in this Memorandum of Understanding shall be construed to affect the rights and obligations of the parties except as specifically provided herein.

5. This agreement may be terminated by either party on 30 days written notice to the other party.

(b) *Policy and routines*—1 *Furnishing lists of borrowers.* Upon the request of Agricultural Stabilization and Conservation Service (ASCS) State Offices, State Directors will inform appropriate County Supervisors to furnish designated ASCS County Offices with the names of borrowers in the trade area from whom FHA holds currently effective liens on commodities with respect to which CCC conducts price support programs.

(2) *Advances by ASCS.* When CCC loans are advanced by the ASCS County Offices direct to the borrower:

(i) ASCS will issue a draft in the amount (less fees and charges due under CCC program regulations) of the loan on, or purchase price of, the commodity, payable jointly to FHA and the borrower if: the borrower's name is on the list furnished by FHA; or, the borrower names FHA as lienholder. The draft will indicate the commodity covered by the loan or purchase.

(ii) On issuance of the draft, payable jointly to FHA and the borrower, the security interest of FHA will be: subordinated to the rights of CCC in the commodity with respect to which the loan is made, or, terminated in the commodity purchased by CCC.

(iii) No form of subordination or lien waiver will be executed by FHA.

(iv) If the commodity covered by the loan, in connection with which the draft payable to FHA and the borrower was issued, is released by CCC or redeemed by the borrower, the lien of this Agency would be restored to the same priority it held before the issuance of such joint draft.

(3) *Advances by banks and established ginners and warehousemen.* When the full amount of the CCC loan value of the cotton involved is to be advanced to the borrower by a bank or an established ginner or warehousemen whom the County Supervisor considers financially responsible, and when a check or draft

issued by the bank, ginner or warehousemen is made payable to FHA, or jointly to FHA and the borrower and is delivered to the County Supervisor, he may then execute the lienholder's Waiver on Form CCC Cotton A even though item 2 of that Form shows that the CCC loan will be distributed to such a bank, ginner or warehousemen.

(i) *Redelegation of authority.* The County Supervisor is authorized hereby to redelegate the authority to execute waivers of FHA liens in favor of CCC as provided in subparagraph (3) of this paragraph to any employee in a bonded position in his office, provided it is determined that the individual to whom such authority is being delegated has had sufficient training and experience to properly exercise the authority.

Subpart B—Liquidation of Chattel Property and Related Actions

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1871.37 Reports of inventory transactions—acquired chattel property.
1871.38 Bankruptcy and insolvency.
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1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability.
1871.41 Setoffs.
1871.42 Releases and satisfactions.

AUTHORITY: The provisions of this Subpart B issued under sec. 301, 80 Stat. 379, sec. 510, 63 Stat. 437, sec. 339, 75 Stat. 318, sec. 602, 78 Stat. 528; 5 U.S.C. 301, 42 U.S.C. 1480, 7 U.S.C. 1989, 42 U.S.C. 2942; Order of Director, Office of Economic Opportunity, 29 F.R. 14764, Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, 33 F.R. 9677.

Subpart B—Liquidation of Chattel Property and Related Actions

§ 1871.21 General.

This subpart is supplemented by Part 1890e of this chapter. This subpart establishes the policies, procedures, and authorities for: liquidating chattel security and Economic Opportunity (EO) property; disposing of acquired chattel property; and, handling civil actions, bankruptcy and similar proceedings, probate or administration proceedings, and alleged criminal violations.

(a) *Insured loans.* When liquidation involving an insured loan is approved; the State Director will take immediate steps to obtain an assignment of the loan to Farmers Home Administration (FHA). If the liquidation is approved by the County Supervisor, he immediately will refer the case to the State Office with a request that the assignment of the loan be obtained. The State Director will notify the County Supervisor as soon as the assignment has been obtained. Pending the assignment, preliminary steps to effect liquidation should be taken, but civil or other court action will not be instituted and claims will not be filed in bankruptcy or similar proceedings or in probate or administration proceedings with respect to the insured loan claim, unless it is essential to do so to protect FHA's interests and Office of the General Counsel (OGC) advises that such action can be taken. However, other liquidation action need not be held up pending assignment of the insured note(s) to FHA.

(b) *Definitions.* As used in this part:

(1) "FHA" means the United States of America, acting through the Farmers Home Administration and its predecessor administrative agencies. "FHA" also includes the Regional Agricultural Credit Corporation of Washington, D.C. (RACC), and the United States of America acting under Trust or Liquidation Agreements covering assets of State Rural Rehabilitation Corporations or successor State Agencies or officials (SRRC).

(2) "Chattel Property" includes crops; livestock; fish; farm, business, and recreational equipment; supplies; farm products; other personal property; and fixtures.

(3) "Chattel Security" and "Security Property" is chattel property covered by FHA financing statements and security agreements, chattel mortgages, and other security instruments covering chattel property.

(4) "EO Property" is nonsecurity chattel property purchased, refinanced, or improved with EO loan funds.

(5) "EO Property Essential for Minimum Family Living Needs" as used in this subpart is nonsecurity chattel or real property required to provide food, shelter, or other necessities for the family or to produce income without which the family would be unable to have such necessities. This includes the livestock, poultry, or other animals which are to be used as food or which will produce food for the family or produce income needed for minimum essential family living needs. It includes items such as equipment, tools, and motor vehicles, which are of minimum value and are essential for family living needs or to produce income for that purpose. If any such item is of a value in excess of the minimum need, such item may be sold and a portion of the sale proceeds used to purchase a similar item of less value to meet such need. The remainder of the sale proceeds will be paid on the EO loan. The term also includes modest amounts of real property needed for shelter for the family or for the production of food or income required for minimum essential family living needs.

(6) "Default" is the failure on the part of the borrower to observe his agreements with FHA as contained in notes, security instruments and other similar or related instruments. A borrower is in default when he:

(i) Is delinquent, and his refusal or inability to pay on schedule, or as agreed upon, is due to lack of diligence, lack of sound farming or other operation, or other circumstances within his control.

(ii) Ceases to conduct farming or other operations for which the loan was made or to carry out approved changed operations.

(iii) Has disposed of security or EO property without the required FHA approval, has not properly cared for such property, has not accounted properly for such property or the proceeds from its sale, or taken some other action which resulted in bad faith or other violations in connection with his loan.

(iv) Has progressed to the point that he is able to obtain credit from other sources, has agreed in his note or other instrument to do so but refuses to comply with that agreement.

(7) "Liquidation" is the act of: selling security or EO property in line with the policies expressed in § 1871.22 for the purpose of closing out the loan in those cases in which it has been determined that no further assistance will be given; or instituting civil suit against a borrower to recover security or EO property or against third parties to recover security property or the value thereof, or to recover amounts owed to FHA; or filing claims in bankruptcy or similar proceedings or in probate or administration proceedings for the purpose of closing out the loan. Cases which become paid up from normal income or income resulting from the planned reduction in the size of the enterprise or by refinancing will not be considered as liquidations.

(8) "Civil Action" refers to court proceedings to protect FHA's financial interests such as by obtaining, as appropriate: possession of property from borrowers or third parties; judgments on indebtedness evidenced by notes or other contracts or judgments for the value of converted property; or, judicial foreclosure of security instruments. "Bankruptcy" and similar proceedings to impound and distribute the bankrupt's assets to his creditors, and "probate" and similar proceedings to settle and distribute estates of incompetents or of decedents under a will, or otherwise, and pay claims of creditors are treated separately in this subpart and are not included in the term "civil action."

(9) "Criminal Action" refers to court prosecution by the United States to exact punishment in the form of fines or imprisonment for alleged violations of criminal statutes including, but not limited to violations such as (i) unauthorized sale of security property with intent to defraud, (ii) purchase of security property with intent to defraud and without payment of the purchase price to FHA, (iii) falsification of assets or liabilities in loan applications, (iv) application for a loan for an authorized purpose with intent to use and use of loan funds for an unauthorized purpose, (v) decision, after obtaining a loan to use and using the funds for an unauthorized purpose and then making false statements regarding their use, or (vi) by scheme, trick, or other device, covering up or concealing misuse of funds or unauthorized dispositions of security or EO property or other illegal actions, or (vii) any other false statements or representations relating to FHA matters. In order to establish that a criminal act was committed by selling EO property, it is necessary to show that the borrower, at the time he signed the loan agreement or the check on the supervised bank account, intended to sell the property in violation of his loan agreement. The Federal criminal statute of limitations bars institution of criminal action 5 years after the date the act was committed. When actions by borrowers represent minor deviations from the policies expressed in FHA regulations, such actions are not considered as criminal violations for the purposes of this subpart. Examples of such minor deviations are failure of the borrower to account properly for nominal amounts derived from the sale of security property or for minor items of security. However, repeated unauthorized disposition of even minor items by the borrower will be considered criminal violations.

(10) "Abandonment" is the voluntary relinquishment of control by the borrower of security or EO property without providing for its care.

(11) "Repossessed Property" is security or EO property which is in FHA's custody, but which is still owned by the borrower.

(12) "Purchase Money Security Interests" means a special type of security interest which, if properly perfected, will take priority over an earlier-perfected security interest. A security interest is a purchase money security interest to the extent that it is taken either by the seller of the collateral to secure all or part of its purchase price or by a lender who makes loans or obligates himself to make loans or otherwise gives value to enable the debtor to acquire the particular collateral or obtain rights in it and if such value is given not later than the time the debtor acquires the collateral or obtains rights in it.

(13) "Foreclosure sale" is the act of selling security property either under the "Power of Sale" in the security instrument or through court proceedings.

(14) "Acquired chattel property" is former security or EO property of which FHA has become the owner through liquidation action authorized by this subpart, foreclosure sales by prior lienholders at execution sales by FHA or other parties, sales in bankruptcy, and other sales which will affect FHA's interests.

(15) "OGC" means the Regional Attorneys and Attorneys in charge of the Office of the General Counsel of the U.S. Department of Agriculture.

(16) "United States Attorney" includes the Department of Justice.

§ 1871.22 Policy.

(a) *Liquidation.* It is the policy of FHA to continue with borrowers provided they make payments in accordance with their ability, account properly for security or EO property and otherwise meet their obligations under all loans owed to FHA. When liquidation action is taken, it is the policy to liquidate all security property or all EO property which can be liquidated except that which is determined essential for minimum family living needs. However, only so much of such property will be liquidated as is necessary to pay in full the indebtedness owed to FHA. Ordinarily, before a decision is made to initiate liquidation action, the facts in the case will be presented to the County Committee for consideration and recommendations. Liquidation action will be undertaken when it is determined that no further assistance will be given to a borrower and when he is in default.

(b) *Civil action.* Court action or other judicial process will be recommended to OGC when all other reasonable and proper efforts and methods to obtain payment, to remove other defaults, and to protect FHA's interests have been exhausted. However, if an emergency situation exists or criminal action is to be recommended, the case will be submitted to OGC without taking the actions necessary to report the information required by Part II of Form FHA 455–22, "Information for Litigation." This is because delay in submitting cases in emergency situations may affect the financial interests of FHA and making collection efforts may affect the recommended criminal action. Otherwise, the cases will be submitted in the manner outlined in § 1871.35. Civil action will be recommended provided that:

(1) One or more of the following conditions exist: there is a need to repossess security or EO property, or to foreclose a lien, and such action cannot be accomplished by other means authorized in this subpart; there is a need for filing claims against third parties arising out of conversion or other action; the borrower fails to make payments due on his debts in accordance with his reasonable ability to pay and has assets or income from which collection can be made; the borrower has progressed to the point that he is able to obtain credit from other sources, has agreed in his note or other instrument to do so, but refuses to comply with that agreement; FHA or its security property becomes involved in court action through foreclosure by a third-party lienholder or through some other action; or other conditions exist which indicate that court action may be necessary to protect FHA's interests.

(2) Debts of less than $250 principal will not be referred to OGC for court action unless: a statement of facts is submitted as to the exact manner in which the interest of FHA, other than recovery of the amount involved, would be adversely affected if suit were not filed, and collection of a substantial part of the claim can be made from assets and income that are not exempt under State or Federal law. State Offices will issue regulations to set forth such exemptions or a summary of those exemptions with respect to property to which FHA normally would look for payment such as real estate, livestock, equipment, and income.

(3) Except as provided in the initial part of paragraph (b) of this section, before court action is recommended the following actions will be taken or determinations made:

(i) It must be determined on the basis of reasonably current credit data that there is a reasonable prospect of collection now or in the near future of all the debt or a substantial amount on the debt from assets and income that are not exempt under State or Federal law.

(ii) The debtor must be contacted personally and requested to pay the debt in full, unless one or more such contacts have been made recently without success or such contact is not feasible considering the distance of the debtor from the County Office or other relevant factors.

(iii) Form FHA 455–21, "Notice of Acceleration and Demand for Payment," will be used to accelerate the borrower's indebtedness, give him at least 15 days but not more than 30 days within which to make payment, and inform him of the consequences of his failure to make payment as demanded. However, this form will not be sent to the borrower unless the facts are first reviewed thoroughly with the District Supervisor and he is of the opinion that it would be appropriate to refer the case to the U.S. attorney if the borrower does not comply with the demand.

(iv) It must be determined that collection cannot be made either by Agricultural Stabilization and Conservation Service (ASCS) setoff in accordance with the provisions of § 1871.41, or by setoff or other agreement in accordance with the provisions of § 1871.41 if the debtor is employed by another Federal Agency or has a judgment against the United States.

(v) The current address of the debtor will be determined or efforts will be made to locate him in accordance with § 1864.5(b).

(vi) If the debtor advises that he is unable to pay the claim in full and if the County Supervisor believes that this may be the situation and that there has been no fraud or misrepresentation in the case, he will suggest that the debtor submit promptly an application for compromise or adjustment on Form FHA 456–1, "Application for Settlement of Indebtedness," in order that it may be considered and the debt disposed of by such debt settlement, if possible.

(4) When a borrower has not accounted properly for the proceeds of the

sale of security property, it is the general policy to look first to him for restitution rather than to third-party purchasers. In line with this policy the remaining chattel security property on which FHA holds a first lien usually will be liquidated before demand is made or civil action taken to recover from third-party purchasers.

(i) In those cases in which the District Supervisor determines that full collection cannot be made from the borrower and that it will be necessary to collect the full value of the security property purchased by a converter, a demand will be sent to the converter at the same time that Form FHA 455–21, "Notice of Acceleration and Demand for Payment," is sent to the borrower.

(ii) In all other cases in which the District Supervisor determines that action likely will have to be taken to collect from third-party purchasers, the County Supervisor will notify such purchasers by letter that FHA security property has been purchased by them and that they may be called upon to return the property or pay the value thereof in the event restitution is not made by the borrower. If it later becomes necessary to make demand on such third-party purchasers, the demand will be made unless the case already has been referred to OGC or the U.S. attorney, in which event the demand will be made by one of those offices.

(iii) When restitution is made by the borrower, or a determination is made, with the advice of OGC, that the facts in the case do not support the claim against the third-party purchaser, he will be informed by the County Supervisor that FHA will take no action against him. However, if OGC determines that the facts support the claim against the third-party purchaser but it is determined that no substantial part of the claim can be collected from him, he will not be notified of that decision unless he makes inquiry. If he makes such an inquiry, he will be advised that no further action is to be taken on the claim "at this time."

(iv) If court action is recommended against a converter, the applicable provisions of subparagraphs (2) and (3) of this paragraph will be followed with respect to such converter the same as with respect to the borrower. In addition, unless personal contacts with the converter or other efforts to collect demonstrate that further demand would be futile, and a satisfactory compromise offer has not been received, a followup letter will be sent to him by the State Director as soon as possible after the 15-day period set forth in the demand letter has expired. Unless response to the State Director's followup letter or personal contacts or other efforts indicate that further demand would be futile, an additional followup letter will be sent to the converter by OGC after the case has been referred to that office.

(c) *Criminal action.* When factual information has been obtained indicating that criminal violations may have been committed as defined in § 1871.21 (b) (9) and the violations are of such a nature that criminal action will be recommended, the facts will be immediately reported to OGC in the manner prescribed in § 1871.35 without taking collection actions necessary to report the information required by Part II of Form FHA 455–22. In all other cases in which it appears that criminal violations may have been committed, but in which criminal action will not be recommended, the factual situation will be reported to OGC as soon as collection action has been completed in accordance with paragraph (b) (3) and (b) (4) of this section. Cases in which there are minor deviations as referred to in § 1871.21(b) (9) need not be reported.

§ 1871.23 Responsibilities of FHA staff members.

(a) *County Supervisors.* County Supervisors are responsible for applying the liquidation policy in the manner prescribed by this subpart and related regulations issued by the State Office. In exercising this responsibility they will initiate liquidation actions, assemble information and make report, and complete the liquidation promptly. County Supervisors are not authorized to commit the Government to institute court action or to use the threat of criminal action to effect collections.

(b) *District Supervisors.* District Supervisors are responsible for: Advising with County Supervisors in properly carrying out their responsibilities under this subpart; following up to see that County Supervisors properly perform their functions; and consulting with County Supervisors to determine whether or not civil or criminal action should be recommended under the provisions of § 1871.22 (b) and (c).

(c) *Operating loan staff members in State Offices.* Operating loan staff members in State Offices are responsible for: Assisting the District Supervisor in carrying out his functions under this subpart; seeing that cases are properly documented for referral to the OGC; reviewing cases to be referred to OGC and the referral of such cases; and, proper followup to see that appropriate steps are taken with OGC in cases referred to that office.

§ 1871.24 Approval of liquidations.

County Supervisors in charge of County Offices, subject to the policies and procedures contained herein, are authorized to approve liquidation of security property which can be accomplished by the use of Form FHA 455–3, "Agreement for Public Sale by Borrower," Form FHA 462–2, "Statement of Conditions on Which Lien Will be Released," Form FHA 455–4, "Agreement for Voluntary Liquidation of Chattel Security," or, except in the State of Louisiana, the "Power of Sale" in the security instrument. Such County Supervisors also are authorized to approve liquidations in EO cases in accordance with the loan agreement and the applicable policies and procedures contained herein. However, cases involving legal problems not covered by this subpart or related regulations issued by the State Office and cases in which real estate serves as security for any FHA loan will be referred to the State Director for consideration and advice as to whether and on what conditions the liquidation is approved. When a liquidation is approved without referral to the State Director, a statement of facts setting forth the reasons for the action will be recorded in the running case record. Liquidation will be considered approved on the date (1) when forms such as Forms FHA 455–4, FHA 455–3, FHA 462–2, or FHA 455–6, "Agreement for Temporary Custody of Property," authorizing liquidation are executed by the County Supervisor, (2) when possession of property is taken under a security instrument or EO Loan Agreement to exercise the power of sale contained therein, (3) when the borrower or another party is requested to sell EO property under the loan agreement, or (4) when the State Director notifies the County Supervisor that liquidation is authorized in cases required to be submitted to the State Office.

(a) *Lien searches.* Before liquidation is approved, a current lien search report will be obtained to determine the effect that liens of other parties will have on the liquidation action, the record lienholders to whom notices of sale will be given, and the distribution that will be made of the sales proceeds. Normally, lien searches should be obtained from the same source as for loan making purposes. However, if obtaining the searches from third party sources would cause undue delay which would interfere with orderly liquidation action, such searches may be made by County Office employees. If the lien search is made by third parties, the cost will be paid by the borrower from his own funds or if he refuses, it will be paid by FHA and charged to his account in accordance with the security instrument or EO Loan Agreement. The records to be searched and the period covered by the search will be in accordance with regulations issued by the State Office supplementing § 1831.36 (b) (3).

§ 1871.25 Acceleration of unmatured installments.

When a case has been approved for liquidation, the following policies will govern the acceleration of unmatured installments.

(a) In cases referred to OGC for civil action, it will not be necessary to issue a notice of acceleration under this paragraph if the notice has previously been given in accordance with § 1871.22(b). However, when security property is to be liquidated under the "Power of Sale" in the lien instrument without referral to OGC, the County Supervisor will accelerate all unmatured installments by use of Form FHA 455–21.

(b) With respect to liquidation cases in which Form FHA 455–13, "Report of Sale of Chattel Security," is used, the statement contained therein declaring unmatured installments immediately due and payable will suffice for loan servicing purposes. However, in such liquidation cases County Supervisors may accelerate unmatured installments by use of Form FHA 455–21 when it is determined that such action will assist in the collection of any remaining indebtedness.

(c) In cases not covered by paragraphs (a) and (b) of this section, the County Supervisor will accelerate all unmatured installments by use of Form FHA 455–21.

(d) Notice of acceleration will be sent to each obligor at his last known address. A copy of the notice of acceleration will be forwarded to the Finance Office only in those cases which have been referred to OGC for civil action, and County Office and Finance Office loan records will be adjusted to mature the entire indebtedness only in such cases.

§ 1871.26 Advances to protect FHA's interest in security and EO property pending liquidation.

(a) When liquidation has been approved and security property is in imminent danger of loss or deterioration, State Directors are authorized to protect FHA's interest and approve advances in payment of: Delinquent taxes or assessments which constitute prior liens and which would be paid ahead of FHA under § 1871.33; premiums on insurance essential to the protection of FHA's interest; and, other costs necessary to protect or preserve security property, including necessary transportation costs. However, such advances may not be made unless the amount advanced becomes a part of the debt secured by FHA's lien, or for expenses of administration of estates or for litigation costs. If a case is in the hands of the U.S. attorney, such advances may not be made without his concurrence. Moreover, such advances may not be made in any case to pay expenses incurred by a U.S. marshal or other similar official, but if he seizes the property and delivers it to FHA for sale by FHA, costs incurred by FHA after delivery to FHA will be paid by it. Costs provided for in Form FHA 441–19, "Loan Agreement," also may be paid to protect FHA's interests in EO property.

(b) County Supervisors will submit a report on the need for such advances to the State Director, including: The borrower's County Office case folder; a current lien search report; a statement of the type and value of the property and of the circumstances which may result in the loss or deterioration of such property; and recommendations.

(c) Any such costs incurred by FHA in protecting its interest in security or EO property may be paid by means of Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," and will be charged to the borrower's loan account, or may be paid out of the proceeds of the sale of security or EO property.

§ 1871.27 Sale of security or EO property by borrowers.

(a) *Public sale.* Normally, it is to the best interest of the borrower and FHA for the borrower to sell security or EO property at public auction in his own name. Therefore, when liquidation has been approved, the borrower usually will be encouraged to sell such property in this manner. When such property is to be sold by this method, Form FHA 455–3 will be executed by the borrower, all lienholders, and the clerk of the sale or other person who will receive the sale proceeds prior to execution by FHA. When EO property is involved, delete from the Form: The reference to the FHA lien in the first "Whereas" clause; the second sentence in item 5; and all of item 8. The County Supervisor is authorized to and will execute Form FHA 455–3 on behalf of FHA. No FHA official is authorized to bid at such sales. The County Supervisor or Assistant County Supervisor will arrange to receive promptly the proceeds of the sale which are due to FHA for application on the borrower's indebtedness.

(b) *Private sale.* If the borrower has ready purchasers and can effect an immediate private sale of all of the security or EO property for its present market value, or if the property is perishable, or of a type customarily sold on a recognized market, or if the remaining property consists of items of small value or a limited number of items which do not justify public sale, the borrower may be permitted to sell such property at private sale. Form FHA 462–2 may be used to liquidate such security property. In case of private sales, the County Supervisor will document, in the running case record, the reasons that a public sale was not justified. If security property is not sold within 30 days after the execution of Form FHA 462–2, it will be disposed of in accordance with paragraph (a) of this section and § 1871.32.

§ 1871.28 Repossession of security or EO property.

(a) *Taking possession.* Subject to the limitations in paragraph (b) of this section, County Supervisors will take possession of security or EO property for FHA in the following situations:

(1) When Form FHA 455–4 has been executed. When EO property is involved this form will be revised by placing a period after "interest" in the first "Whereas" paragraph and deleting the remainder of that clause, and striking the words "collateral covered by the aforesaid security instruments" in the second "Whereas" paragraph and inserting in lieu thereof "property covered by the debtor's loan agreement which is hereinafter referred to as collateral."

(2) When such property has been abandoned by the borrower.

(3) When peaceable possession can be obtained but Form FHA 455–4 is not executed by the borrower.

(4) When such property is delivered to FHA as a result of court action.

(b) *Limitations on taking possession.* Possession of security or EO property will be taken only:

(1) When the value of the security or EO property, based on a conservative appraisal, is substantially greater than the estimated sale expenses and the amount of any prior liens. It is not the policy to repossess such property if FHA's estimated recovery will be small in relation to the amount of the FHA claim, or the amount FHA will be required to pay on prior liens and sale expenses if it bids in the property.

(2) When prior lienholders, if any, do not intend to enforce their liens.

(3) When arrangements cannot be made for the borrower or some member of his family to sell EO property in accordance with the loan agreement.

(4) When Form FHA 455–4 has been executed by the borrower, County Supervisor, and all other lienholders, or when Form FHA 455–5, "Agreement of Lienholders to Sale of Mortgaged Chattels," is executed by all prior lienholders if possession is taken under paragraph (a) (2) or (3) of this section: *Provided*, That if prior lienholders will not agree to the liquidation of the property, their liens may be paid if their notes and liens are assigned to FHA on forms prepared or approved by OGC. When prior liens are paid, the payment will be made by means of Standard Form 1034 and charged to the borrower's account in accordance with § 1871.32(e).

(c) *Record of Security or EO Property Repossessed.* Except for those items which already have been included on Form FHA 455–4, Form FHA 455–6, or Form FHA 455–7, "Agreement for Cultivating, Harvesting, and Delivering Crops," there will be maintained in the borrower's case file a list, dated and signed by the County Supervisor, of all security or EO property repossessed in accordance with this section. Whenever a County Supervisor in charge of a County Office is transferred to another position or leaves the service or when there is a change in his jurisdiction, the District Supervisor will ascertain which cases are in process of liquidation at the time and will see that the succeeding County Supervisor is furnished, in writing, the names of such borrowers and a list of the property repossessed and not disposed of at the time of the change as shown by the County Office records. Such list will indicate the repossessed property in the custody of the County Supervisor and in the custody of caretakers the location of the property, and the names and addresses of the caretakers.

§ 1871.29 Care of repossessed property pending sale.

When possession has been taken of security or EO property as provided in § 1871.28, County Supervisors will arrange for the custody and care of such property for the period specified in § 1871.32 and are authorized to execute the necessary agreements as follows:

(a) *Livestock.* Livestock will be delivered to a person who is capable of, and has adequate facilities for, caring for and feeding the livestock. Reasonable compensation will be agreed upon in advance. Whenever practicable, animal products will be computed as a part or all of the caretaker's compensation. Delivery, however, will be made pursuant only to a written agreement on Form FHA 455–6 and the number of days covered by the agreement will be entered in the blank space in Paragraph 2 of the form. When an approved extension of time is granted in accordance with § 1871.32, Form FHA 455–6 will be amended as appropriate and initialed by the parties thereto, or a new agreement executed covering such

extension. If a more favorable arrangement cannot be obtained, custody agreements may provide that FHA will supply feed necessary to maintain the livestock.

(b) *Machinery, equipment, tools, harvested crops, and other chattels.* This type of property will be properly stored and cared for pending its sale. Space may be leased for this purpose, if necessary, or such property may be stored and cared for by agreement on Form FHA 455–6 as prescribed above in the case of livestock. This type of property will not be put to use by the caretaker but will be held in storage only.

(c) *Crops.* Arrangements will be made for the custody, care, and disposition of growing crops and for unharvested matured crops. Form FHA 455–7 will be used for this purpose unless the crops are to be sold in place. When Form FHA 455–7 is used it will be executed by the caretaker and by the landlord unless he gives his consent otherwise in writing. If the written consent of the landlord cannot be obtained or whenever the procedures herein are not adequate to cover a given situation, the circumstances should be reported to the State Office for advice as to further handling.

§ 1871.30 Tests and inspections of livestock.

If required by State law as a condition of sale, livestock being sold will be tested or inspected prior to the sale. This section will be supplemented by regulations issued by the State Office for those States in which such a condition prevails.

§ 1871.31 Liquidation of security property by other parties.

(a) *Bidding by FHA at sales by other parties*—(1) *Sales by prior lienholders.* County Supervisors are authorized hereby to bid on property on which FHA holds a junior lien subject to the provisions of § 1871.32(d).

(2) *Sales by other parties.* With the advice of State Directors, County Supervisors are authorized hereby to bid on behalf of FHA: At execution sales conducted by marshals, sheriffs or other parties acting under court orders to satisfy FHA judgment liens; at FHA foreclosure sales conducted by U.S. marshals (or local sheriffs in those States in which regulations issued by the State Office provide for sales to be conducted by them); and, sales by Trustees in Bankruptcy and other officials under court orders. Such bidding will be subect to the provisions of § 1871.32(d). However, County Supervisors are not authorized to bid at sales by junior lienholders.

(b) *Retention by other lienholders without sale.* If another lienholder notifies FHA that he has taken possession of security property after default and proposes to retain it in satisfaction of his secured claim, the County Supervisor will promptly reply in writing that FHA objects to the retention by the secured party in satisfaction of his claim and insists that the property be sold in accordance with law. This will be done only when FHA's estimated recovery will meet the requirements outlined in § 1871.28(b)(1). After such notice the facts in the case will be referred to the State Office for advice.

(c) *Sales by junior lienholders.* If the County Supervisor learns through formal notice or otherwise that a junior lienholder has instituted foreclosure actions, the following action will be taken:

(1) A determination will be made as to whether liquidation action should be taken by FHA.

(2) If it is determined that liquidation action should be taken by FHA the County Supervisor will so inform the junior lienholder and will endeavor to arrange for voluntary liquidation as provided for in this subpart. If the junior lienholder has already instituted foreclosure action and if the voluntary liquidation cannot be effected, FHA will endeavor to foreclose its lien so that a single foreclosure sale may be held under both liens. If it is not possible because of insufficient time or other reasons to hold a joint foreclosure sale, the County Supervisor will inform the foreclosing junior lienholder in writing as to the property on which FHA holds a prior lien, and that if the junior lienholder's foreclosure sale is held FHA will announce at the sale that: FHA holds a prior lien on each item of such property as security for an indebtedness of $_____ (total principal and interest); any such property sold will continue to be subject to FHA's prior lien; and, FHA will immediately commence foreclosure or other legal action to obtain the full value of each item of such property for application on its prior lien until such lien is fully satisfied. If the sale is held by the junior lienholder, such announcement will be made by the County Supervisor.

§ 1871.32 Sale of repossessed property by FHA.

(a) *Manner of sale.* Repossessed property may be sold by FHA at public or private sale under: Form FHA 455–4; Form FHA 441–19, "Loan Agreement"; the power of sale in security agreements under the UCC; the power of sale in crop and chattel mortgages and similar instruments if authorized by regulations issued by the State Office. Also, repossessed property may be sold at private sale when the borrower executes Form FHA 455–11, "Bill of Sale 'B' (Sale by Private Party)." Private and public sales will be made for cash. When FHA is the successful bidder at a public sale the amount of its bid (less any amount thereof paid to prior lienholders and costs of sale) will be credited on the borrower's account. The sale will be as follows:

(1) *Public sales.* Such sales will be made to the highest bidder. They may be held on the borrower's farm or other premises, at public sale barns, pavilions, and so forth, or at other advantageous sales locations.

(2) *Private sales.* Perishable property such as fresh fruits and vegetables that are in immediate danger of deterioration or spoilage will be sold by FHA for the best price obtainable. Staple crops such as wheat, rye, oats, corn, cotton, and tobacco will be sold by FHA for a price in line with current market quotations for products of similar grade, type, or other recognized classification. Property sold under Form FHA 455–4, other than perishable property and staple crops, will not be sold for less than the minimum price established by the agreement. Other property sold by FHA, including that sold when the borrower executes Form FHA 455–11, will be sold for its present market value.

(b) *Period within which the sale will be made.* All repossessed property will be sold as soon as commercially reasonable, except that when notice is required by paragraph (c) of this section, the sale will not be made until the notice period has expired. In all cases, the sale will be made within 60 days after repossession except that: The sale will be made within a shorter maximum period if so required by regulations issued by the State Office because of State laws; crops will be sold when the maximum return can be realized but not later than 60 days after harvesting, or the normal marketing time for such crops; and, in an individual case or items or property the State Director may grant an extension within any State law limits, in which case the sale will be made within the extended period. The foregoing requirements do not apply to irrigation or other equipment and fixtures which, together with real estate, serve as security for FHA real estate loans and will be sold or transferred with the real estate. However, if there are any State law limits within which such items must be sold along with or as a part of the real estate, the State Office will issue regulations to prescribe such time limits.

(c) *Notice and advertising*—(1) *Notice to borrowers and lienholders—public and private sales.* Notice of public or private sale of repossessed property will be given to the borrower and to any party who has filed a financing statement or who is known by the County Supervisor to have a security interest in such property, except as provided in subdivision (i) and (ii) of this subparagraph. The notice, when required, will be delivered or mailed in sufficient time so that it will reach the borrower and any lienholder at least 5 days (or longer time if specified by regulations issued by the State Office) before the time of any public sale or the time after which any private sale will be held. Form FHA 455–8, "Notice of Sale," may be used for public or private sales.

(i) Notice to the borrower or lienholder is not required when the property is sold under Form FHA 455–4 because the parties are placed on notice when they execute the form. When the sale involves only collateral which is perishable or threatens to decline speedily in value or is a type customarily sold on a recognized market, notice of sale is not required but may be given if time permits in order to maintain good public relations.

(ii) Notice to lienholder only is required when repossessed property is sold at private sale and the borrower executes Form FHA 455–11, "Bill of Sale 'B' (Sale by Private Party)."

(iii) If the property is to be sold under a chattel mortgage, the manner of notice of sale will be set forth in regulations issued by the State Office or on an individual case basis.

(2) *Notice to internal revenue service (IRS).* If a Federal tax lien notice has been filed in the local records more than 30 days before the sale of the repossessed security property, notice to the District Director of IRS must be given at least 25 days before the sale. The notice should be given by sending a copy of Form FHA 455–8 and a copy of the filed Notice of Federal Tax Lien (Form 668). However, if the security property is perishable, the full 25 days' advance notice to the District Director is not required, but notice must be given to the District Director by registered or certified mail or by personal service before the sale, and the sale proceeds must be held for 30 days after the sale so that they may be claimed by IRS on the basis of its tax lien priority. In such perishable property cases, the sale proceeds or a sufficient amount thereof to pay the IRS tax lien will be forwarded to the Finance Office with a notation "Hold in suspense 30 days because of Federal Tax Lien." OGC will advise the Finance Office as to disposition to be made of such funds.

(3) *Advertising—public and private sales*—(i) *Private sales and sales at established public auctions.* Such sales will be advertised by FHA only if required by regulations issued by the State Office based on State law.

(ii) *Other public sales.* Such sales, whether under the power of sale in the lien instrument or under Form FHA 455–4 will be given wide publicity for the purpose of assuring good attendance and a fair sale. One or more of the following methods will be used to advertise such sales in line with the usual customs in the area:

(*a*) *Notices or handbills.* The sale may be advertised by posting or distributing handbills, posting Form FHA 455–8, "Notice of Sale," or revision thereof approved by OGC to meet State law requirements, or by a combination of these methods. The length of time and place of giving such notice will be prescribed by regulations issued by the State Office as necessary

(*b*) *Newspapers, radio, and TV advertising.* Reasonable advertising in newspapers or spot advertising on local radio or TV stations may be used depending on: The amount of property to be sold and the cost of the advertising in relation to the value of the property; the usual customs in the area; and, whether such advertising meets the requirements of State law. When newspaper advertising is required, regulations issued by the State Office will prescribe: The types of newspapers to be used; the number and times of insertions of the newspaper advertisment; and, the form of notice of sale to be used.

(d) *Bidding at public sales.* Under no circumstances will any employee of FHA bid on or acquire property at such sales except on behalf of FHA. The County Supervisor will attend all public sales of repossessed property held pursuant to paragraph (a) of this section and will observe the following rules:

(1) When no bids are received on an item of property (or on several items offered in a lot) equal to its present market value, a bid will be made on behalf of FHA in an amount equal to the present market value of such item or lot. However, bidding for FHA should cease at such sales when enough property has been sold, including that purchased on behalf of FHA, to repay the indebtedness owed to FHA, prior liens and costs described in § 1871.33(b) (1) and (2). In complicated cases such as those in which FHA holds a junior lien on several items of security property, the advice of the State Office should be obtained concerning the procedure to follow in bidding. Bids will not be made on behalf of FHA on any item or lot when the amount of probable recovery is small in relation to the amount of the prior liens. The present market value of the property will be determined by the County Supervisor for the purpose of establishing a bid price. When it is determined that a current independent appraisal of such property is desirable, it may be made by FHA County Committeemen or without cost by disinterested, competent third parties.

(e) *Payment of costs and prior lienholders by voucher.* When expenses must be paid before the sale or if cash proceeds are not available from the sale of the property with which to pay costs referred to in § 1871.33(b) or to pay prior lienholders, such costs or prior liens will be paid by invoice or Standard Form 1034 (Standard Form 1143, "Advertising Order," for newspaper) and the amount of such voucher will be charged to the respective borrower's account, except to the extent limited by State law as set forth in regulations issued by the State Office. No costs incident to the repossession and sale of security property should be incurred unless they can be charged to the borrower's account, and in no event will any such costs be borne by the Government. However, if any such costs are incurred which legally are not chargeable to the borrower, they may be paid as herein provided, and charged to an account set up against the officials or other person found to be responsible for the incurrence thereof. Each invoice or voucher will be approved by the County Supervisor, signed by the payee or supported by signed invoices, and submitted to the Finance Office for payment. Invoices or vouchers in payment of such costs as custody, care, storage, harvesting, and marketing will be supported by the original and one copy of Form FHA 455–6 or Form FHA 455–7.

(f) *Bill of sale or transfer of title.* If a purchaser requests a written conveyance of repossessed property sold by FHA at public or private sale, the County Supervisor will execute and deliver to the purchaser Form FHA 455–12, "Bill of Sale 'C' (Sale Through Government as Liquidating Agent)," or other necessary instruments to convey all of the rights, title, and interest of the borrower and FHA. State regulations will be issued as necessary with respect to conveying title to motor vehicles and boats.

§ 1871.33 Distribution of proceeds of liquidation sales.

This section applies to distributing and receipting for proceeds of nonjudicial liquidation sales; this is, liquidation sales conducted under the power of sale in lien instruments or under Form FHA 455–4, Form FHA 455–3, or Form FHA 462–2.

(a) *Lien priorities*—(1) *Federal tax and other Federal liens.* When Federal income, social security, or other Federal tax liens, or liens of other Federal agencies, are among the liens involved, the advice of OGC will be obtained as to lien priorities.

(2) *State and local tax liens.* The priorities of such liens will be set forth in regulations issued by the State Office to the extent considered necessary by the State Director and OGC or the State Office issued regulations may provide for referral of cases in which State and local taxes are involved to the State Office for handling.

(3) *Chattel mortgages and other liens of private parties.* The priorities of chattel mortgages, landlords liens, mechanics and materialmen liens, and other liens of private parties will be set forth in the regulations issued by the State Office to the extent considered necessary by the State Director and OGC.

(4) *Security intercsts under the UCC.* Unless otherwise provided by regulations issued by the State Office, liens on the same collateral that are perfected by filing a financing statement under the UCC and that are still effective as constructive notice will be paid in the order of their perfection, except that:

(i) *Purchase money security intercsts.* Subject to the limitations and additional requirements of (*a*), (*b*), and (c) of this subdivision, a purchase money security interest in personal property will take priority over an earlier perfected security interest if a security agreement is taken and a financing statement is filed prior to the time the purchaser receives possession of the collateral or within 10 days thereafter. However:

(*a*) *Motor vehicles.* In the case of motor vehicles required to be licensed, any action necessary to obtain perfection in the particular State, such as having the security interest noted on the certificate of title, must be taken within the above-required time. In some States, it is not necessary to file a financing statement to perfect a security interest in such motor vehicles. Regulations will be issued by the State Office as necessary, with respect to this subdivision.

(*b*) *Farm equipment.* A purchase money security interest in farm equipment, costing $2,500 or less (other than fixtures, or motor vehicles required to be licensed), will take priority over an earlier perfected security interest if a security agreement is obtained, even though a financing statement is not taken or filed. Regulations will be issued by the State Office as necessary, in connection with this subdivision.

(c) *Inventory.* A purchase money security interest in inventory will take priority over an earlier perfected security interest provided a security agreement is taken and a financing statement is filed not later than the time the purchaser receives possession of the property, and before the purchaser receives possession of the property the purchase money creditor notifies the earlier perfected secured party, in writing, that he has or expects to acquire a purchase money security interest in the inventory described by item or type.

(ii) A security interest taken in goods before they become fixtures has priority over real estate interest holders. A security interest taken in goods after they become fixtures is valid against all persons subsequently acquiring an interest in the real estate, but not against persons who had an interest in the real estate when the goods became fixtures, unless they execute a consent disclaimer or subordination agreement.

(iii) A security interest taken in and to finance crops not more than 3 months before they are planted or otherwise become growing crops, has priority over an earlier perfected security interest for obligations that were due more than 6 months before the crops became growing crops.

(b) *Order of payment of sales proceeds.* The proceeds of such sales will be distributed in the following order of priority.

(1) To pay expenses of sale, including advertising, and costs of lien searches, tests and inspection of livestock and costs of the transportation, custody, care, storage, harvesting, marketing, and other costs and expenses chargeable to the borrower, including reimbursement of amounts already paid by FHA and charged to the borrower's account. This includes paying bills incurred, after liquidation has been approved, for essential repairs of machinery and equipment and parts for machinery and equipment necessary to place it in reasonable condition for sale, provided agreements in writing are obtained from any holders of liens which are prior to those of FHA that such bills may be paid out of the sales proceeds ahead of their liens. However, any such expenses listed in this paragraph incurred by the United States Marshal or other similar official may not be paid from the proceeds of the sale turned over to FHA. On the other hand, if the United States Marshal or other similar official has taken possession of the property and delivered it to FHA for sale, such costs incurred by FHA after delivery of the property to it may be paid from the proceeds of the sale.

(2) To pay liens which under the provisions of paragraph (a) of this section and supplemental regulations issued by the State Office, are prior to FHA liens provided that:

(i) State and local tax liens on security or EO property which are prior to the liens of FHA, will be paid only when demand is made by tax collecting officials before distribution of the sales proceeds. The sale proceeds will not be used to pay real estate taxes nor to pay income or other taxes which are not a lien against the security property, nor to pay substantial amounts of personal property taxes against nonsecurity personal property. If action is threatened or taken by the sheriff or other official to collect taxes not authorized in this subdivision to be paid out of the security property or the sale proceeds the sale will be postponed unless an arrangement can be made to deposit in escrow with a responsible disinterested party an amount equal to the tax claim, pending determination of the priority rights thereto. When such action is taken, or such an escrow arrangement is made, the matter will be reported promptly to the State Director for referral to OGC.

(ii) If FHA subordinations have been approved in accordance with § 1871.12 recognition will be given to the intent of such subordinations in the use of sale proceeds even though the creditor in whose favor the FHA lien was subordinated did not obtain a lien, provided there are no other third party liens on the property involved or if there are such liens, the lienholders agree to the use of the sale proceeds to pay such creditor ahead of them.

(3) To pay rent for the current crop year out of the proceeds from the sale of other than basic security or EO property provided there are no liens junior to FHA's other than the landlord's lien, if any, and the borrower consents in writing to such payment. However, if an emergency loan was made for the current year, rent will be paid ahead of the full repayment of amounts falling due on the emergency loan only if that loan was made subject to claims or liens for rent under § 1832.10(a)(1).

(4) To pay debts owed FHA which are secured by liens on the property sold.

(5) To pay liens junior to those of FHA in accordance with their priorities on the property sold, including any landlord's liens for rent unless such liens already have been paid under paragraphs (a) (2) and (3) of this section. Junior liens will not be paid unless, upon request, the lienholder furnishes reasonable proof of the existence and amount of his lien.

(6) To pay on any EO unsecured debt.

(7) To pay rent for the current crop year, if the borrower consents in writing to such payment and if such rent has not already been paid as provided in paragraphs (a) (2), (3), or (5) of this section.

(8) To pay on any other debts owed to FHA which are unsecured or are secured by liens on property which is not being sold. However, in justifiable circumstances, the State Director may approve the use of a part or all of the remainder of such sale proceeds by the borrower for other necessary purposes, provided: The other FHA debts are adequately secured; or, the borrower makes satisfactory arrangements to pay the other debts from income or other sources, which payments likely can be depended upon.

(9) To pay the remainder to the borrower.

(c) *Receipts.* Receipts will be obtained for all amounts paid out of the sale proceeds and retained in the borrower's case file. Form FHA 451–1, "Receipt for Payment," will be issued only for the total amount remitted to FHA for credit to the borrower's indebtedness. Such amount will be scheduled to the Finance Office in accordance with Part 1862 of this chapter.

§ 1871.34 Reporting sales of security and EO property in liquidation cases.

Form FHA 455–13 will be prepared in all cases in which: property is repossessed by FHA; the borrower sells the property under Form FHA 455–3 or Form FHA 462–2 and the FHA debt is not paid in full; or, the property is sold by prior or junior lienholders or other parties. Form FHA 455–13 will not be prepared when the sale is held by the borrower through the use of Form FHA 455–3 or Form FHA 462–2 and the borrower's FHA indebtedness is paid in full. Form FHA 455–13 will be completed as soon as all of the property is sold. In completing Part I of Form FHA 455–13 the names of the purchasers need not be shown if there are numerous purchasers and the clerk's report of sale is filed in the borrower's case file, or liquidation is effected through the use of Form FHA 462–2.

§ 1871.35 Handling civil and criminal cases.

All cases in which court actions to effect collection or to enforce the rights of FHA are recommended, as well as actions relating to apparent violations of Federal criminals statutes, will be forwarded to OGC for submission to the appropriate U.S. attorney.

(a) *County Office actions.* In cases to be reported under § 1871.22 Form FHA 455–1, "Request for Legal Action," and Form FHA 455–22, "Information for Litigation," will be prepared. Form FHA 455–2, "Evidence of Conversion," will be prepared for each conversion. The original and two copies of Form FHA 455–1, Form FHA 455–22 and, where applicable, Form FHA 455–2, together with the borrower's case file, will be submitted to the State Office. Signed statements should be obtained, if possible, from the borrower, any third party purchasers or others to support the information contained on Form FHA 455–1. Appropriate recommendations will be made on Form FHA 455–1 and Form FHA 455–22 against the borrower or others. When a case is referred to the State Office, the County Supervisor will keep that office informed of any future developments in the case.

(b) *State Office actions.* (1) Upon receipt of Form FHA 455–1 and, when applicable, Form FHA 455–2, the State Director will analyze each case to determine whether all necessary facts have been established and, if not, whether appropriate efforts have been made to establish them. If the analysis discloses that such efforts have not been made, the State Director will return the case to the County Supervisor with appropriate instructions. When the County Supervisor, after diligent effort is unable to obtain the facts, the State Director will refer the case to the Office of the Inspector General when required.

(2) After all of the pertinent information available has been obtained, the State Director will refer the case to OGC if referral is required under the policy expressed in § 1871.22. If such referral is not required, the State Director will set forth in item 19 of Form FHA 455–1 the basis for his determination not to refer the case as well as his instructions for followup servicing action. Cases which have been investigated by the Office of the Inspector General will be referred to OGC. Demands on third-party purchasers will be made in accordance with § 1871.22(b)(4). In cases referred to OGC, the State Director will make his comments and recommendations regarding the civil and criminal aspects of the case on Form FHA 455–1. With respect to the criminal aspects of the case, the State Director, in making his recommendations, will take into consideration the nature and gravity of the offense, the restitution made or undertaken, and all other extenuating circumstances.

(i) In all cases which are referred to OGC the County Office case file, Form FHA 455–1 and when appropriate, Form FHA 455–2 will be transmitted. In addition, in those cases in which the institutions of court proceedings by FHA is recommended, the following will be submitted: Notes, Financing Statements, Security Agreements, other security instruments, loan agreements, and other legal instruments and copies thereof as required by OGC; and, Form FHA 451–11, "Statement of Account," and Form FHA 455–22. The State Director with the advice of OGC, will determine the number of copies of such instruments needed and the information required on the certified statement of account. Each request for a certified statement of account will specify the type of information needed. When any of the accounts of a borrower have not been maintained on a note basis and a statement of account by notes is required, Form FHA 451–4, "Statement of Application of Remittances," will be prepared in the State Office and will accompany the request for the certified statement of account.

(ii) Notes, statements of account, files, or other documents and copies thereof needed in referring cases to OGC for court or other action will be obtained from the Finance Office or County Office by the State Director. When the time required for obtaining the above material or documents may jeopardize FHA's interest permitting the diversion or dissipation of assets which otherwise could be expected as a source of payment, the Finance Office, upon the request of the State Director, will forward such material or documents directly to OGC or at his direction to the U.S. attorney.

(c) *Actions on cases referred to OGC.* When a case is referred to OGC, the State Director will notify the County Supervisor and the Finance Office of the referral and will return the County Office case file when it is no longer needed. After notice of the referral is received by the County Supervisor, no collection or servicing action will be taken except upon specific instructions from the State Director or OGC. However, when the borrower voluntarily proposes to make a payment on his account, the County Supervisor will receive the collection in accordance with established procedure unless he has received notice that the case has been referred to the U.S. attorney. The County Supervisor will immediately notify OGC direct by memorandum, with a copy sent to the State Director, of any such collections received. The County Supervisor also will notify the State Director and OGC of any developments which may affect any case which has been referred to OGC.

(d) *Actions on cases referred to the U.S. attorney and on judgment cases (including third-party judgments).* OGC will notify the State Director, the Finance Office, and the County Supervisor when: a case is referred to the U.S. attorney; a judgment (including third-party) is obtained; or, a case is otherwise disposed of. With respect to referral to the U.S. attorney, the Finance Office will discontinue mailing Form FHA 450–1, "Statement of Account," to such borrowers.

(1) When the State Director receives notice from OGC that a judgment (including third-party) has been obtained, he will notify the Finance Office to establish a judgment account by submitting Form FHA 455–20, "Notice of Judgment."

(2) After notice has been received that a case has been referred to the U.S. attorney or that a judgment has been obtained, no action will be taken by the County Supervisor except upon specific instructions from the State Director, OGC, or the U.S. attorney. However, the County Supervisor will keep the State Director informed of any developments which may affect the FHA's security interests or any pending court action to enforce collection. In addition, at the time of the annual review of collection-only or delinquent and problem cases, the County Supervisor will determine whether judgment debtors whose judgments have not been charged off, have assets or income from which collection of the judgment accounts can be obtained and record his findings in the case files. If information is obtained indicating that such collections can be made, the facts will be reported to the State Director. The State Director will notify immediately OGC of any developments which might have a bearing on cases referred to the U.S. attorney, including judgment cases. Furthermore, the following will be observed in connection with such debtors:

(i) If the debtor proposes to make a payment, FHA employees will not accept such payment, but will offer to assist in preparing a letter for the debtor's signature to be used in transmitting the payment to the U.S. attorney. In such a case the debtor will be advised to make payment by check or money order payable to the Treasurer of the United States.

(ii) Collection items received through the mail from the debtor or from other sources by the County Office to be applied to such accounts will be forwarded by the County Supervisor to the State Office for forwarding through OGC to the appropriate U.S. attorney. Likewise, collections received by the District Supervisor, the State Office, or the Finance Office will be forwarded through OGC to the appropriate U.S. attorney. Such items will be forwarded in the form received except that cash will be converted into money orders made payable to the Treasurer of the United States. The money order fees will be paid out of the amount received and the money order receipts will remain attached to the money orders. Form FHA 452–1 will not be issued in any case in which payment is made on a judgment account, or on an account which is in the hands of the U.S. attorneys. The debtor will be informed in writing by the County Supervisor of the disposition of the amount received and that payments in the future should be made to the U.S. attorney at a given address.

(iii) If the debtor proposes a compromise settlement to FHA, such proposal will be handled in accordance with § 1864.9.

(iv) If the debtor requests information as to the amount of his indebtedness, such information, including court costs, should be obtained from the Finance Office if the County Supervisor does not have that information. If questions arise as to the payments of court costs, information as to such costs will be obtained through the State Office from OGC.

§ 1871.36 Care and disposition of acquired chattel property.

The County Supervisor will make immediate arrangements for the care and storage of acquired chattel property in the same manner as for repossessed property. Acquired chattel property may not be left with a custodian under a custody agreement executed prior to its acquisition by FHA. A new custody agreement will be executed on Form FHA 455–6 for the care of such property. Acquired chattel property will be disposed of as expeditiously as possible, but may not be held more than 120 days, except upon the approval of the State Director in individual situations. Form FHA 455–6 will contain a statement as to the number of days during which the property will be cared for. Cash charges for the care, custody, transportation, and sale of such property, including any necessary tests and inspections of livestock, will be paid by FHA by means of Standard Form 1034 or certified invoice approved by the County Supervisor.

(a) *Disposition.* County Supervisors are authorized to sell, for cash, acquired chattel property for the best price obtainable at public auction or by privately negotiated sale. If feasible, such property will be sold at established public auctions in which case it will not be necessary to give public notice of the sale. However, if this is not feasible, the property will be sold at other public sale or at privately negotiated sale and notice of such sales will be given. Notice of such sales will be

posted at least 5 days before the sale and in a sufficient number of well known places (not less than five) to give wide publicity to the sale. Form FHA 455–8 will be used for public or private sales.

(1) *Transferring title to purchaser.* Title to acquired chattel property will be transferred to the purchaser, at the time the cash purchase price is paid, by execution and delivery of Form FHA 455–10, "Bill of Sale 'A' (Sale of Government Property)."

(2) *Reporting sales of acquired chattel property.* Form FHA 455–14, "Invoice" will be prepared at the time of sale, in an original and two copies, covering all of the property sold to each purchaser. The original and one copy will be transmitted to the Finance Office with Form FHA 451–2, "Summary of Remittances," covering the payment and the remaining copy will be retained in the County Office operational files.

(3) *Transmitting payments received from sale of acquired chattel property.* Any form of payment that is acceptable as a payment on indebtedness owed to FHA may be accepted in payment for acquired chattel property. Such payments will be scheduled in accordance with Part 1862 of this chapter. Form FHA 451–1 will not be issued for funds received from the sale of acquired chattel property.

§ 1871.37 Reports of inventory transactions—acquired chattel property.

(a) *County Office reports and records.* (1) County Supervisors will submit an annual inventory report, by County Office Units, of acquired chattel property and reports of acquisitions and dispositions pertaining thereto, on Form FHA 455–15, "Report of Inventory Transactions." Form FHA 455–15 will be prepared as of June 30 of each year and forwarded from the County Office not later than 10 days after the close of each reporting period. FHA and SRRC inventory property will be reported on the same Form FHA 455–15. However, in the event no property is on hand on the reporting dates and none has been acquired or disposed of during the reporting period, it will not be necessary to prepare and submit a report.

(2) Between reporting dates, copies of Forms FHA 455–13, FHA 455–14, and FHA 455–16, "Statement of Loss of Acquired Security Property," involving acquired chattel property will be maintained in the County Office acquired property liquidation file.

(3) In July of each year the Finance Office will furnish the State Office with a schedule of differences, if any, between the inventory records of the Finance Office and each County Office unit as reported on Form FHA 455–15. Upon receipt of the copies of Form FHA 455–15 from County Offices and the schedules of inventory differences from the Finance Office, the State Office will make an analysis of the inventories and will take administrative action to correct any irregularities.

(4) A special report on Form FHA 455–15 will be prepared and submitted when a County Supervisor in charge of a County Office is transferred or when there is any change in jurisdiction. The new County Supervisor in charge of a County Office or other receiving officer will verify the accuracy of the special report by signing Form FHA 455–15 in the space provided and promptly inform the Finance Office of any discrepancies.

(b) *Increases and losses.* (1) Any additions to inventory resulting from natural increase of livestock in inventory will be identified as "Natural Increase" on the Form FHA 455–14 prepared in accordance with § 1871.36(a)(2) at the time of its sale or on Form FHA 455–15 at the time of the next inventory report. Reference will be made on Form FHA 455–14 or Form FHA 455–15 to the advice and line number of the Form on which the parent stock was reported originally.

(2) County Supervisors will report losses of inventory through death, spoilage, damage, or otherwise on Form FHA 455–16. If the property was in the hands of a custodian at the time of loss, the custodian should sign Form FHA 455–16. Form FHA 455–16 will show the item number, the book value of each item, and the advice number of the Form FHA 455–13 on which the item was reported originally. County Offices will assign a serial number to each Form FHA 455–16 in the same manner as provided for numbering Part II of Form FHA 455–13. Property lost through death, spoilage, damage or otherwise, will be carried on Form FHA 455–14 until Form FHA 455–16 is approved by the District Supervisor.

(3) The District Supervisor will review the circumstances of each case of loss. When approval is given, the District Supervisor will sign the original of Form FHA 455–16 and will forward it and a copy to the Finance Office. If Form FHA 455–16 is not approved because of questionable circumstances, the District Supervisor will obtain the facts and take appropriate action. A copy of the approved Form FHA 455–16 stamped "Posted (date)" by the Finance Office will be furnished the County Office in order that adjustment may be made of county inventory records, at which time the retained copy of the form may be destroyed.

§ 1871.38 Bankruptcy and insolvency.

If a borrower becomes involved as a debtor in proceedings under any State or Federal bankruptcy or State insolvency law, the County Supervisor will promptly report the facts and forward the borrower's case file and other pertinent information and documents to the State Director for appropriate handling. The County Supervisor will keep the State Director informed of further developments in the case, but will take no other action unless directed to do so by the State Director or OGC. Under the Federal Bankruptcy law, after payment of fees and costs, unsecured FHA claims (including SRRC trust claims) and the amount of any claim in excess of any security therefor, with interest to the date of filing the petition in bankruptcy, are entitled to priority of payment over unsecured claims of other creditors. Upon receipt of the file and related material, the State Director will determine whether the case is a "no asset" case, that is, a case in which FHA has no security for the debt and the debtor has no other assets out of which FHA could make a substantial collection, considering its priority rights described above, or whether it is an "asset" case, that is, a case in which FHA has security or the debtor has other assets, or both, out of which FHA could make a substantial collection, considering its priority rights described above. If the State Director is uncertain as to whether the case is a "no asset" case, he will obtain the advice of OGC.

(a) *No asset cases.* If the State Director determines that the case is a "no asset" case, he will return the file and related material to the County Office under cover memorandum indicating such determination and advising that a proof of claim will not be filed unless the County Supervisor learns that the debtor has assets not previously known to exist. If the County Supervisor learns of such assets before the time for filing claims has expired (within 6 months from the first date set for the first meeting of creditors), he will resubmit the case to the State Director.

(b) *Asset cases.* If the State Director determines that the case is an "asset" case, he will proceed as follows:

(1) *Liquidation without filing proof of claim.* (i) If the value of FHA's security does not exceed the amount of its secured debt and the borrower has no other assets out of which FHA can make a substantial collection considering its priority rights described above, the security property may be liquidated by foreclosure sale in the usual manner without preparation of a proof of claim if the referee in bankruptcy advises that he has no objection to foreclosure by FHA.

(ii) If FHA has no security or if it has security out of which full collection cannot be expected, but the borrower has other assets out of which FHA can make a susbtantial collection considering its priority rights mentioned above, any security property may be liquidated by foreclosure sale under the same conditions as set forth in Subdivision (i) of this subparagraph, if the sale can be held in time to file a proof of claim for the deficiency.

(2) *Filing proof of claim.* A proof of claim on an insured loan will not be executed or filed and foreclosure proceedings will not be commenced until the note has been assigned to FHA. If liquidation is not to be accomplished under paragraph (a) of this section without filing a proof of claim, the State Director will prepare and execute a proof of claim covering all indebtedness to FHA, except any judgments obtained by a U.S. attorney. If the County Supervisor or the State Director knows that a judgment obtained by a U.S. attorney is involved, even though charged off, the State Director will notify OGC which in turn will inform the U.S. attorney so that he may prepare and file a proof of claim or take other action on the judgment. The State Director will use Form FHA 455–18, "Proof of Claim of the United States of America Entitled to Priority of Payment," or other form approved by OGC, and will send the executed proof of claim together with the required attachments to OGC. The OGC will refer the claim and any necessary petition for abandonment (release) of security property to the U.S. attorney or to the Department of Justice, as appropriate, for handling. The State Director, upon advice from OGC, will instruct the County Supervisor concerning any actions to be taken by him with respect to meetings of creditors.

(3) *Security released to FHA.* Ordinarily, when the value of security does not exceed the amount of FHA liens and any prior liens against it plus any homestead or other exemptions applicable to it as specified in regulations issued by the State Office or as determined by OGC, an effort will be made to get the security released to FHA. A petition for abandonment (release) may be referred by OGC to the U.S. attorney or to the Department of Justice, as appropriate, for filing in any such case, with or without filing a proof of claim, as determined by OGC. When the referee orders security released to FHA, it will be liquidated unless the State Director approves continuation with the borrower.

(i) *Liquidation.* Chattel security will be liquidated in accordance with this Instruction. Real estate security will be liquidated in accordance with Subpart A, Part 1872 of this chapter. When property is liquidated, the proceeds, after payment of costs, will be applied first to the interest accrued to the date of filing the petition in bankruptcy and then to the principal of the debt, and if there are additional proceeds, to the interest accrued from the date of filing the petition in bankruptcy to the date of payment. When the receipts are transmitted to the Finance Office, the County Supervisor will furnish the date of filing the petition in bankruptcy.

(ii) *Continuation with borrower.* If the State Director approves continuation of the loan and retention of the security by the borrower, the borrower will be required to execute a new promise to pay all his indebtedness to FHA which is secured by the property released to FHA in accordance with the terms of the existing instrument(s) evidencing such indebtedness. The new promise to pay will be made by execution of Form FHA 460–10, "New Promise To Pay." The borrower also will be required to execute any security or other instruments deemed necessary by OGC. The new promise and other required instruments will be executed as soon as possible after release of the security to FHA and the borrower's adjudication in bankruptcy, unless under State law and in accordance with State regulations, the new promise to be effective must be made after discharge in bankruptcy.

(c) *Other parties liable.* When a joint obligor has been discharged in bankruptcy and continuation with him has not been approved, but other parties remain liable, the County Supervisor will notify the Finance Office as to which parties remain liable and the address to which the statement of account will be mailed. Notification will be made on Form FHA 450–10, "Advice of Borrower's Change of Address or Name."

§ 1871.39 Deceased borrowers.

Immediately on learning of the death of any person liable to FHA, the County Supervisor will prepare Form FHA 455–17, "Report on Deceased Borrower," for use in determining whether any special servicing action is necessary unless he recommends settlement of the indebtedness under Part 1864 of this chapter. If a survivor will not continue with the loan, it may be necessary to make immediate arrangements with a survivor, executor, or administrator, if any, or other interested parties to complete the year's operations or to otherwise protect or preserve the security.

(a) *Reporting deceased cases to State Director.* The borrower's case files including Form FHA 455–17 will be forwarded promptly to the State Director for use in deciding the action to be taken if and when any of the following conditions exist: (When it is necessary to send an incomplete Form FHA 455–17 to the State Director, any additional information which may affect the State Director's decision will be sent to him as soon as it is available on a supplemental Form FHA 455–17 or in a memorandum.)

(1) Probate or other administration proceedings have been instituted or are contemplated.

(2) The debts owed to FHA are inadequately secured and the estate has other assets out of which collection could be made.

(3) FHA's security has a value in excess of the indebtedness it secures and the deceased obligor owes other debts to FHA which are unsecured or inadequately secured.

(4) The County Supervisor recommends continuation with a survivor who is not liable for the indebtedness or recommends transfer to, and assumption by, another party.

(5) The County Supervisor recommends, but does not have authority to approve, liquidation of security.

(6) The County Supervisor wants advice on servicing the case.

(b) *Probate or administration proceedings—(1) Institution of probate or administration proceedings.* Generally, probate or administration proceedings are instituted by relatives or heirs of the deceased or creditors other than FHA. Ordinarily, FHA will not institute probate or administration proceedings because of the problems of designation of an administrator or other similar official, posting his bond, and payment of costs. However, when it appears: that such proceedings will not be instituted by other parties; that FHA's interests could best be protected by filing a proof of claim in such proceedings; and, that public administrators or other similar officials or private parties, including banks and trust companies, are eligible to, and will serve as administrator or other similar official and will provide the required bond, the State Director may request OGC to recommend the institution of probate or administration proceedings by the U.S. attorney. If probate or administration proceedings are instituted by other parties or at the request of FHA, and any security is to be thereafter liquidated by FHA instead of by the administrator or executor or other similar official, the liquidation will be accomplished in accordance with the advice of OGC.

(2) *Filing proof of claim.* When a proof of claim is to be filed, it will be prepared and executed by the State Director and transmitted to OGC. The proof of claim will be on a form approved by OGC, and will be filed by OGC or by an FHA official as directed by OGC, or it will be referred by OGC to the U.S. attorney for filing if it is anticipated that representation of FHA by counsel will be required. If a judgment claim is involved, the notification to the U.S. attorney will be the same as for judgment claims in bankruptcy (see § 1871.38(a)(1)). If an insured loan is involved, the proof of claim will not be prepared until the note has been assigned to the Government. A proof of claim will be filed in any case in which probate or administration proceedings are instituted unless:

(i) After considering liens and priority rights of FHA and other parties, costs of administration, and charges against the estate, there are no assets in the estate which could be reached by FHA except its security and FHA will liquidate the security, by foreclosure or otherwise, if that is necessary to collect its claim, or

(ii) Continuation with an individual under paragraph (e) of this section or transfer to and assumption by another party under § 1871.40 approved, and either the debt owed to FHA is fully secured, or the amount of the debt in excess of the value of the security which could be collected by filing a claim is obtained in cash or additional security, or

(iii) The debt owed to FHA by the estate is settled under the provisions of Part 1864 of this chapter well ahead of the deadline for filing proof of claim.

(3) *Priority of claims—(i) Secured claims.* Each secured claim will take its relative lien priority to the extent of the value of the property serving as security for it. Secured claims include those secured by mortgages, deeds of trust, landlord's contractual liens, and other contractual liens or security instruments executed by the borrower on real or personal property. However, tax, judgment, attachment, garnishment, laborer's mechanic's, materialsmen's, landlord's statutory liens, and other noncontractual lien claims may or may not constitute secured claims. Therefore, if any claims referred to in the preceding sentence are allowed as secured claims and the FHA claim is not paid in full, the advice of OGC will be obtained as to whether they constitute secured claims and as to their relative priorities.

(ii) *Unsecured claims.* The remaining assets of the estate, including any value of security property in excess of the

amount of the secured claims against it are to be applied first to payment of costs of administration and charged against the estate, and second to unsecured debts of the deceased.

(a) If the total of such remaining assets in the estate being administered is insufficient to pay all costs of administration, charges against the estate, and unsecured debts of the deceased, the Government's unsecured claims against such remaining assets will have priority over all other unsecured claims, except the costs of administration and charges against the estate. In other words, under such circumstances unsecured claims are payable in the following order of priority:

(1) *First.* Costs of administration and charges against the estate, unless under State law they are payable after the Government's unsecured claims. (Such costs and charges include costs of administration of the estate, allowable funeral expenses, allowances of minor children and surviving spouse, and dower and curtesy rights.)

(2) *Second.* Government's unsecured claims.

(iii) *Regulations issued by the State Office.* State regulations will be issued to supplement this paragraph as needed, taking into consideration, among other things, the Federal priority statute, lien waivers and subordinations, and notice and other statutory provisions which affect lien priorities.

(c) *Withdrawal of claim.* In some cases it may not be necessary to withdraw a claim when it is paid in full by someone other than the estate or is compromised. However, when it is necessary to withdraw a claim to permit closing of an estate, compromise of a claim, or for other justifiable reasons, the State Director will recommend to OGC that the claim be withdrawn upon receipt of cash or security, or both, of a value determined by the State Director to be at least equal to the amount he estimates could be recovered under the claim against the estate. When existing security is being retained by FHA, arrangements must be made to assure that withdrawal of the claim will not affect FHA's rights under the existing notes or security instruments with respect to the retained security. In some cases, with the advice of OGC, it may be possible to properly handle the claim without filing a formal petition for withdrawal of the claim. However, if the claim has been referred to the U.S. attorney, or if a formal withdrawal of the claim is necessary, the matter will be referred by OGC to the U.S. attorney for appropriate handling.

(d) *Liquidation of security property when no probate or administration proceedings are instituted and no continuation with other individuals or transfer and assumption is approved.* When probate or administration proceedings have not been instituted and continuation with a survivor or transfer and assumption by another party will not be approved, any chattel security will be liquidated in accordance with this subpart and any real estate security will be liquidated in accordance with Subpart A of Part 1872 of this chapter as expeditiously as feasible. In such liquidation cases if the proceeds from the sale of security are insufficient to pay in full the indebtedness owned to FHA, and other assets are available in the estate or in the hands of heirs from which collection can be made, the State Director will request OGC to take appropriate action to effect collection.

(e) *Continuation of secured debt and transfer of security property for benefit of deceased borrower's family.* When a surviving member of a deceased borrower's family, a relative or other person is interested in continuing the loan and taking over the security property for the benefit of all or a part of the deceased borrower's family who were directly dependent upon the borrower for their support at the time of his death, continuation may be approved subject to the following:

(1) *Individuals who are joint debtors.* Any individual who is liable for the indebtedness of the deceased borrower may continue with the loan provided he can comply with the obligations of the notes or other evidence of debt and chattel or real estate security instruments, and so long as liquidation is not necessary to protect the interest of FHA. When an individual who is liable for the indebtedness is to continue with the account, Form FHA 450–10 will be sent to the Finance Office to change the account to that individual's name. The deceased borrower's case number will not be used for the continuing individual. A new case number will be assigned or if the continuing individual already has a case number that number will be used regardless of whether that individual assumed all or a portion of the amount of the debt owed by the estate of the deceased. Notwithstanding § 1871.40(d), Form FHA 460–9, "Assumption Agreement—(Same Terms—Eligible Transferee)," will be executed and sent to the Finance Office when under State law the wife of the borrower or other individual who has signed the note could not be held personally liable for the debt without assumption of liability after the borrower's death. In such a case, Form FHA 450–10 will not be processed and the account will not be reamortized and the terms of the note will remain the same unless the State Director determines otherwise.

(2) *Individuals who are not joint debtors.* When a surviving member of a deceased borrower's family, a joint operator with the deceased borrower, a relative or other individual who is not liable for the indebtedness desires to continue with the farming or other operations and the loan, the State Director may approve the transfer of chattel or real estate security or both to him and his assumption of the debt secured by such property without regard to whether the transferee is eligible for the type of loan being assumed, subject to the following conditions:

(i) The transferee will continue the farming or other operations for the benefit of all or a part of the deceased borrower's family who were directly dependent upon the borrower for their support at the time of his death.

(ii) The amount to be assumed and the repayment rates and terms will be in accordance with § 1871.40(b) (1) and (2) and docket submissions and processing of assumption agreements will be the same as provided in § 1871.40 (f) and (g) for eligible applicants.

(iii) The State Director determines that the continuation will not adversely affect the repayment of the loan.

(iv) In all cases in which the wife joins with her husband in executing an assumption agreement or other evidence of indebtedness, the purpose and effect will be as expressed in § 1871.40(d).

(3) *Considerations in continuing with joint debtors and transferees under subparagraph (1) and (2) of this paragraph.* In determining whether to continue with an individual, whether he is already liable or assumes the indebtedness, all pertinent factors will be taken into consideration including the following:

(i) Whether probate or administration proceedings have been or will be instituted and, with the advice of OGC, whether the filing of a claim on the debt owed to FHA in such proceedings is necessary to protect the interests of FHA.

(ii) Whether it is possible to make the necessary arrangements with the heirs, creditors, executors, administrators, and other interested parties to transfer title to the security property to the continuing individual and to avoid liquidation of the assets so that the individual can continue with the loan on a feasible basis.

(4) *Vesting title in joint debtors or transferees.* If continuation is approved, all reasonable and practical steps, short of foreclosure or other litigation, will be taken to vest title to the security property in the joint debtor or transferee.

(5) *Release of liability.* The deceased borrower's estate may be released from liability for the FHA indebtedness if title to the security property is vested in the joint debtor or transferee, and:

(i) The full amount of the debt is assumed, or

(ii) If only a portion of the debt is assumed, the amount assumed equals the amount as determined by OGC which could be collected out of the assets of the estate of the deceased borrower, including the value of any security or EO property and the County Committee recommends release of liability by executing the memorandum statement required by § 1872.16(g) (6).

(f) *Special servicing of deceased EO borrower cases.* Paragraphs (a), (b), and (c) of this section are applicable to all EO deceased borrower cases. In addition, if EO loans are secured, paragraphs (d) and (e) of this section are applicable. If the EO loan is unsecured, the following additional applicable requirements will be followed:

(1) If an individual who is liable for the indebtedness of the deceased borrower wishes to continue with the EO debt and the EO property, he may be permitted to do so in accordance with the applicable provisions of paragraph (e) (1) of this section.

(2) If a surviving member of the deceased borrower's family, a joint operator with the deceased borrower, a relative or other individual who is not liable for the EO debt desires to continue with the farming or other operation, he may be permitted to do so in accordance with the applicable provisions of paragraph (e) (2) of this section, but in addition he will be required to execute a loan agreement in addition to the assumption agreement, and secure the EO debt with a lien on the remaining EO property when title to the property is vested in him and the County Supervisor determines that security is necessary to protect the interests of the deceased borrower's family or FHA.

(3) If the actions referred to in subparagraphs (1) and (2) of this paragraph cannot be accomplished but a member of the borrower's family turns over to FHA the EO property in which the estate has an equity except that which is determined essential for minimum family living needs, the County Supervisor will take possession of EO property in accordance with § 1871.28 and sell it in accordance with § 1871.32, or, if this cannot be done, or if real property is involved, the case will be referred to OGC in accordance with §§ 1871.22(b) and 1871.35. If the property is to be sold in accordance with § 1871.32, the notice will be delivered to any of the borrower's heirs who are in possession of the property and to any administrator or executor of the borrower's estate.

§ 1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability.

Transfer of chattel security and EO property and assumption of chattel debts may be accomplished in accordance with the provisions of this paragraph including transfer and assumption of indebtedness when one of the joint borrowers or the former spouse and coobligor of a divorced borrower withdraws from the operation and transfers his interest in the security or EO property to the remaining borrower who desires to assume the total indebtedness as between himself and the other party. However, transfer of one or more accounts, all of which are secured by both chattels and real estate, will be accomplished in accordance with § 1872.16.

(a) *Authority*—(1) *Transfer and assumption.* County Supervisors, District Supervisors, and State Directors are authorized to approve transfers with assumption of FHA accounts to eligible or ineligible transferees in accordance with this section, and releases of liability when the debts are within their respective loan approval authorities and limitations. Current information regarding limitations on loan approval authorities of various officials of the FHA may be obtained from any county or State Office of the FHA or from its National Office at 14th and Independence Avenue SW., Washington, DC 20250. State Directors also are authorized to approve such transfers to and assumptions by ineligible transferees regardless of the amount of the outstanding FHA debts or the amount of prior liens. Proposed transfers to and assumptions by eligible transferees which will exceed the authorities and limitations of the State Directors for loans of the same type will be submitted to the National Office for review prior to approval.

(b) *Transfer to eligibles.* Transfer of chattel security and EO property to, and assumption of chattel debts by, a transferee who meets the eligibility requirements for the kind of loan being assumed or whose situation after the transfer will satisfy such eligibility requirements may be approved provided:

(1) The transferee assumes the total outstanding balance of the FHA debts; or that portion of the outstanding balance equal to the present market value of the chattel security or EO property as determined by the County Supervisor, less any prior liens, if the property is worth less than the entire debt.

(2) Ordinarily, the debts assumed will be scheduled for payment in accordance with the rates and terms of the existing notes or assumption agreements and any delinquency will be scheduled for payment on or before the date the transfer is closed. In such cases, Form FHA 460–9 will be used. However, if an extension of the existing loan repayment period is necessary to enable the transferee to be successful, the debt being assumed may be rescheduled, in which case Form FHA 460–5, "Assumption Agreement (New Terms)," will be used. The new repayment period may not exceed the repayment period for a new loan of the type involved. In such cases, if the current interest rate for such loans is higher than the rate specified in the note(s) being assumed, the current interest rate for a new loan of the type involved will be used.

(3) Livestock or other Emergency-type loans for which there are no present authorizations or eligibility requirements currently stated in FHA regulations may be transferred to an applicant who meets the Emergency loan requirements.

(c) *Transfer to ineligibles.* Transfer of chattel security or EO property to, and assumption of chattel debts by, a transferee who does not meet the eligibility requirements for the kind of loan being assumed may be approved, provided:

(1) It is to the best financial interests of FHA to approve transfer of the security or EO property and assumption of the debts rather than to liquidate the security or EO property immediately.

(2) The transferee assumes the total outstanding balance of the FHA debt, or an amount substantially in excess of the present market value of the security or EO property as determined by the County Supervisor, less any prior liens, if the value is less than the entire debt.

(3) A downpayment will be made by the transferee of at least 20 percent of the amount of the debts assumed, calculated before such payment. The balance of FHA debts assumed will be scheduled for repayment in not to exceed five equal annual installments with interest to the borrower at the rate of 6 percent per annum. The transferred property (including EO property) will be made subject to any existing lien in favor of FHA or by execution of new lien instruments. In such cases Form FHA 460–5 will be used.

(4) The transferee has ability to repay the FHA debt in accordance with the assumption agreement and the legal capacity to enter into the contract.

(d) In all cases in which the wife joins with her husband in executing an assumption agreement or other evidence of indebtedness, the purpose and effect of the wife's signature shall, in addition to any other purpose and effect for which her signature is obtained, be to engage her separate and individual personal liability regardless of any State law to the contrary.

(e) *Release of liability.* When the transfer with assumption if approved to eligible or ineligible applicants in accordance with paragraph (b) or (c) of this section the transferor will be released from personal liability in accordance with § 1872.16.

(f) *Docket submission.* The County Supervisor will submit to the State Office the County Office file and the following in cases requiring the State Director's approval:

(1) A statement of the current amount of the indebtedness involved.

(2) A description of the security or EO property to be transferred and a statement concernings its value.

(3) Form FHA 410–1, "Application for FHA Services."

(4) Form FHA 440–2, "County Committee Certification or Recommendation," for an eligible transferee, with the memorandum statement of the County Committee if the transferor is to be released from liability.

(5) County Committee statement for ineligible transferee with the additional memorandum statement if the transferor is to be released from liability.

(6) Statement of justification for the transfer, including a plan of repayment if not otherwise shown in the docket.

(7) Transferee's plan of operation reflected on Form FHA 431–2, "Farm and Home Plan," Form FHA 431–3, "Family Budget," or Form FHA 431–4, "Business Analysis—Nonagricultural Enterprise."

(8) Form FHA 460–5, "Assumption Agreement (New Terms)," or Form FHA 460–9, "Assumption Agreement (Same Terms—Eligible Transferee)," as appropriate, and

(9) Form FHA 465–8, "Release from Personal Liability," when appropriate.

(g) *Processing assumption agreements.* In processing the Assumption Agreement, any additional security instruments will be obtained if required by OGC.

(1) Upon receipt of Form FHA 460–5 the Finance Office will establish an account in the name of the assuming transferee. When Form FHA 460–5 is processed in the Finance Office, the County Supervisor will be notified.

(2) A Form FHA 405–1, "Management System Card—Individual," will be prepared for the assuming transferee and the loan records cards of the transferor

will be attached. If a collection is received from the assuming transferee after the assumption agreement is approved but prior to Finance Office notification to the County Office, Form FHA 451–1 will be prepared in accordance with § 1872.16(g)(3).

§ 1871.41 Setoffs.

(a) *Policy.* (1) It is the policy of FHA to request setoff only when ordinary collection efforts by voluntary means including assignments have not been effective, and if the borrower has cooperated reasonably with FHA in the servicing of the loan, only if the setoff will not cause undue hardship on the borrower and his family. The filing of a request for setoff will not constitute a justification for relaxation of other collection efforts.

(2) Debts of nominal amounts and debts discharged in bankruptcy, will not be collected by setoff under this subpart. Under the provisions of § 1871.22(b), cases will not be referred for court action until after any possible setoff actions are taken in accordance with this section. However, there may be situations in which funds may become available against which setoffs might be possible after the case has been referred for court action. Setoffs will not be requested in cases which have been referred to the U.S. attorney for collection or on which he has obtained a judgment without prior approval of the U.S. attorney.

(b) Agricultural Stabilization and Conservation Service (ASCS) Setoffs. The Secretary of Agriculture's order on setoffs authorizes the collection of debts owed to FHA by setoff against amounts approved for payment to the debtor by ASCS Committees.

(1) *County Office actions.* (i) Inquiry may be made by FHA County Office personnel at the ASCS County Office as to whether the debtor has evidenced an intention, with respect to a particular crop year, to participate in one or more of the programs administered by the ASCS under which funds might be available for setoff.

(ii) Recommendations for such setoffs will be forwarded by the County Supervisor to the State Director. Each recommendation will include information concerning the efforts which have been made to effect collection by other means and any other pertinent information.

(iii) If, after a setoff has been recommended, the borrower pays his indebtedness to FHA, moves to a new location or his circumstances change in such a manner as to affect the setoff, such information will be sent to the State Director.

(2) *State Office actions.* Recommendations for setoffs will be given careful consideration by the State Director to determine whether there is adequate justification for the setoff and whether the proposed setoff is in accordance with the policy outlined in this subpart.

(i) Requests for setoffs will be prepared in memorandum form by the State Director. The original and a signed copy of the request will be submitted to the ASCS State Office. A copy will be forwarded to the County Supervisor for filing in the borrower's case file. Such a request will contain the following:

(*a*) The full name, address, and FHA case number of the debtor.

(*b*) The County and State under which the amount of the indebtedness should be set up on the debt register.

(*c*) The principal amount of the indebtedness, the accrued interest, the date through which interest was computed, and the daily interest factor to be applied thereafter.

(*d*) The address of the FHA County Office to which the check is to be delivered.

(*e*) The identification of any court judgment involved.

(*f*) The following certification:

The undersigned hereby certifies that the above-described indebtedness of ---------- to the United States (Farmers Home Administration) is subject to setoff under the Secretary's Order.

---------- (Date)

---------- (Signature of Authorized Representative)

---------- (Title)

Farmers Home Administration.

(ii) The State Director may withdraw a request for setoff by giving notice to the ASCS State Office at any time prior to the processing of setoff voucher and will send a copy of the request for withdrawal to the County Supervisor. However, setoffs may be withdrawn only if: The borrower pays his indebtedness in full or makes substantial payment on his debt; the debt is settled; or, it is determined that future collections can be made through other methods.

(iii) If the account of the borrower for whom a request for setoff has been submitted is transferred to another FHA County Office jurisdiction, either within or outside of the State, the State Director will notify the ASCS State Office of the address of the FHA County Office to which the account has been transferred in order that any payments may be sent to such office.

(3) *Check delivery.* Setoffs will be made by means of checks or sight drafts drawn payable to FHA and delivered to the County Supervisor. Such remittances will be receipted for and scheduled in accordance with Part 1862 of this chapter, except that if the claim has been forwarded to OGC, the remittance will be sent to OGC and the instructions of that office as to application will be followed.

(4) *Deletion from debt registers.* (i) The names of FHA borrowers for whom requests for setoffs have been submitted and who have quit farming, or cannot be located in the counties for which the debts were reported, will be deleted by the ASCS County Office from their debt registers without a request from FHA. Notices of such deletions will be furnished to the FHA State Office in which the request for the setoff originated.

(ii) Upon receipt by the FHA State Office of notification of such deletions from debt registers, the State Director will inform the appropriate FHA County Office of the deletions.

(iii) In the event that borrowers whose names have been deleted resume farming operations or can be located, the County Supervisor, if it is deemed advisable, may submit to the State Director a recommendation for a new request for setoff.

(c) *Federal employee setoffs.* Salary and lump sum payments which may be due borrowers upon their separation or retirement from Federal Government employment may be setoff against debts owed to FHA. Any sum a borrower has to his credit in the Civil Service Commission retirement fund also may be setoff.

(1) *County Office actions.* If the efforts to collect the debt out of current income from Federal employment fail the County Supervisor will submit the case to the State Director. The submission will include information necessary for the State Director to report the case to the National Office in accordance with the requirements of subparagraph (2) of this paragraph.

(2) *State Office actions.* If the State Director determines that the facts in the case justify a setoff against the borrower's salary and lump sum payments or Civil Service retirement, he will submit the case to the National Office. The submission will include the following:

(i) The full name, address, and FHA case number of the borrower. If the borrower is a member of the military establishment or Coast Guard, his title and serial number, if available, should be submitted.

(ii) Date of birth of borrower.

(iii) The exact name of the employing agency, military establishment, or Coast Guard and location of such agency.

(iv) Approximate income of borrower and spouse.

(v) Financial circumstances of the borrower documented on Form FHA 456–1.

(vi) Number of dependents.

(vii) Detailed information concerning the efforts made by FHA to collect.

(viii) Detailed statement of account.

(ix) The identification of any court judgment involved.

(x) If the borrower is retired, a recommendation, based upon his financial circumstances, should be made as to whether all or only a part of the monthly annuity check should be setoff.

§ 1871.42 Releases and satisfactions.

Release and satisfaction necessary in connection with liquidation action will be executed in accordance with authorities contained in Subpart A of this part.

Dated: January 8, 1971.

JOSEPH HASPRAY,
Acting Administrator,
Farmers Home Administration.

[FR Doc.71-996 Filed 1-22-71;8:49 am]

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL's 928(440), 934(440), and 740(441)]

PART 1890K—OPERATING LOANS FOR TOBACCO AND PEANUT ACREAGE ALLOTMENTS

PART 1890I—OPERATING LOANS FOR FAMILY FARMING OPERATIONS IN HAWAII

New Parts 1890k and 1890l, administrative directives supplementing certain preceding parts of this chapter, are added to Chapter XVIII, Title 7, Code of Federal Regulations to read as follows:

Sec.
1890k.1 General.
1890k.2 Responsibility.
1890k.3 Loan policies.
1890k.4 Repayment terms.

AUTHORITY: The provisions of this Part 1890k issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, 33 F.R. 9677.

§ 1890k.1 General.

This part supplements Subpart A of Part 1831 of this chapter. The purpose of this part is to prescribe the policies for using Operating loans to provide increased income through lease or purchase of tobacco acreage allotments in the States of Indiana, Kentucky, Tennessee, and Virginia; and, of peanut acreage allotments in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The Agricultural Adjustment Act of 1938, as amended, and further amended by Public Law 90–51 authorizes the transfer, by sale or lease, of fire-cured, dark air-cured, and Virginia sun-cured tobacco allotments. The same Act, further amended by Public Law 90–211, authorizes the transfer, by sale or lease, of peanut acreage allotments. These amendments will enable many Farmers Home Administration (FHA) borrowers and applicants who need and can use additional tobacco or peanut acreage to increase their allotments to an economic level of operation.

§ 1890k.2 Responsibility.

(a) *State Director.* It will be the responsibility of the State Director to keep in touch with his State Agricultural Stabilization and Conservation Service (ASCS) Office on policy matters concerning the sale or lease of tobacco or peanut acreage allotments, and to consult with District and County Supervisors on sale prices and lease costs for peanut allotments to assure that per acre rates paid by FHA borrowers are consistent with those being paid by other buyers and lessees in the area.

(b) *County Supervisor.* It will be the responsibility of the County Supervisor to:

(1) Familiarize himself with the program and the manner in which it will be administered in the County ASCS Office(s) serving his area.

(2) Periodically contact the ASCS County Office Manager to keep informed of persons who have tobacco or peanut allotments for sale or lease.

(3) Prepare a list of FHA borrowers and applicants who need to lease or purchase tobacco or peanut acreage allotments.

(4) Assist borrowers and applicants in the analysis of their resources and operations to determine the feasibility of purchasing or leasing tobacco or peanut acreage allotments, the acreage they need to lease or purchase, and the price they can afford to pay.

(5) Assist borrowers and applicants to get in touch with owners who have tobacco or peanut acreage allotments to lease or sell.

(6) Urge County ASCS Committees to fully inform small operators concerning the program, including small operators who need additional tobacco or peanut acreage allotments to strengthen their operations.

(7) Encourage landlords whom they contact in connection with tenant-landlord discussions to refrain from selling tobacco or peanut acreage allotments that are necessary for their tenants and encourage them to purchase or lease additional tobacco or peanut acreage allotments if needed by their tenants.

§ 1890k.3 Loan policies.

It will be the policy of FHA to assist its borrowers and applicants under the following guidelines:

(a) Operating loan funds may be used to finance the lease or purchase of tobacco or peanut acreage allotments referred to in this part.

(b) The acreage to be leased or purchased and the amount loaned per acre will be determined by individual analysis of the applicant's situation, ability and need, the proposed price, indicated increase in net income with the additional tobacco or peanut acreage allotment, and other relevant factors.

(c) Loans to tenant operators for leasing tobacco or peanut allotments will be made for 1 year's lease only except when:

(1) The tenant's lease on the farmland where the leased tobacco or peanut acreage allotment will be planted is for a term equal to or greater than the period for which the tobacco or peanut acreage allotment is leased and cannot be terminated for the period of the allotment lease except for the breach of one of the covenants.

(2) The farm lease provides for compensating the tenant for any unexhausted value of a tobacco or peanut acreage allotment lease for which the tenant has paid or agreed to pay.

(d) Loans will not be made to tenant operators for the purchase of tobacco or peanut acreage allotments.

§ 1890k.4 Repayment terms.

(a) Loan funds advanced for the purchase of allotments should be scheduled for repayment over a period consistent with that provided for the purchase of capital items with Operating loans.

(b) Loan funds advanced for the leasing of allotments will be scheduled for repayment in approximately equal annual installments. The date of the final installment should not be later than the time the income from the tobacco or peanut produced on the leased allotment will be received.

Sec.
1890l.1 Purpose.
1890l.2 Eligibility.
1890l.3 Loan purposes.

AUTHORITY: The provisions of this Part 1890l issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, 33 F.R. 9677.

§ 1890l.1 Purpose.

This part supplements and modifies subpart A of Part 1831 of this chapter with respect to the making of Operating loans in Hawaii for family farming operations as defined in § 1831.4(a).

§ 1890l.2 Eligibility.

Operating loans for the purpose of establishing such crops as coffee, sugarcane, and pineapple or any similar crop which requires more than two full crop years from planting to initial harvest time may be made to otherwise qualified applicants, in accordance with applicable Farmers Home Administration (FHA) regulations as hereinafter modified and supplemented.

(a) *Applicant.* (1) Off-farm employment before farm comes into production. After the loan is made, the borrower must be engaged in agriculture as farmowner, tenant, or farm laborer. However, before his farm comes into full production an applicant who, for example, will work full-time on a sugarcane plantation in the production or harvesting of sugarcane would be considered as engaged in agricultural employment and would be eligible for a loan if he otherwise qualified. But, if he will work full-time in nonagricultural employment such as in a sugarcane processing mill or for a construction company, he would not qualify for a loan. The loan docket must indicate reasonable assurance that work will be available and that the applicant will have the time and means of adequately caring for his plantings.

§ 1890l.3 Loan purposes.

(a) *Drying equipment—trellis.* Necessary coffee-drying equipment and trellis for passion fruit may be purchased with Operating loan funds under provisions of this paragraph, provided such equipment does not become a part of the real estate and thereby prevent FHA from obtaining an enforceable chattel lien on such equipment. Consideration should be given to the acquisition of such equipment through the use of group services where possible.

(b) *Operating loans for farm buildings.* Subject to the limitations prescribed in § 1831.10(e), Operating loans may be made for erecting necessary farm buildings and making essential repairs

and improvements to existing farm buildings; provided the buildings, repairs, or improvements for which the loan is made are normally considered a part of the cost of operating the farm and will enable the applicant to establish or reorganize an approved farming enterprise.

(c) *Land improvement.* Subject to the limitations prescribed in § 1831.10(e), Operating loans may be made for the establishment and improvement of pastures, hay crops, coffee, pineapple, banana, and similar perennial-type crops and for the construction of terraces, water ways, and farm ponds, the clearing, levelling, and drainage of land, and the payment for other Soil and Water Conservation and improvement measures.

(d) *Operating loans to tenants.* When Operating loans are made to tenants for real estate improvements authorized in § 1831.9(p) (1) and (2), and as supplemented by paragraphs (a), (b), and (c) of this section, the following additional requirement must be met:

(1) The lease must provide for an assignment of the lease to the Government or to someone designated by the Government.

Dated: January 8, 1971.

JOSEPH HASPRAY,
Acting Administrator,
Farmers Home Administration.

[FR Doc.71-999 Filed 1-22-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

PART 2—REGULATIONS

Inspection for Missing Animals

Pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579), § 2.128 of Part 2 of Subchapter A, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 2.128 Inspection for missing animals.

(a) Each dealer, exhibitor, research facility, and each operator of an auction sale shall, upon request, during ordinary business hours, permit, under the following conditions, police or law officers of legally constituted law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter the place of business of such dealer, exhibitor, research facility, or operator of an auction sale to inspect their animals and records for the purpose of seeking any animal that is missing:

(1) The police or law officer shall furnish to the dealer, exhibitor, research facility, or operator of an auction sale a written description of the missing animal and the name and address of its owner; and

(2) The police or law officer shall abide by all security measures required by the dealer, exhibitor, research facility, or operator of an auction sale to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required.

(b) (1) Such inspection shall not extend to animals that are undergoing actual research or experimentation as determined by such research facility.

(2) For the purposes of this section, an "operator of an auction sale" means "any person engaged in operating an auction at which animals, as defined in the Animal Welfare Act of 1970, are purchased or sold, affecting commerce"; and the terms "affecting commerce", "research facility", "dealer", "animal", and "exhibitor" shall be construed to have the same meaning as is given to those terms in section 3 of the Animal Welfare Act of 1970.

(Secs. 17, 21, 80 Stat. 352, 353, 7 U.S.C 2147, 2151; Sec 18, 84 Stat. 1564)

The purpose of the foregoing amendment is to require exhibitors and operators of auction sales, as well as dealers and research facilities, to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals, in accordance with the provisions of the Animal Welfare Act of 1970.

Insofar as the amendment imposes certain requirements necessary to prevent the sale or use of animals which have been stolen, it should be made effective promptly in order to effectuate the purposes of the Act. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall be come effective January 23, 1971.

Done at Washington, D.C., this 20th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc 71-1000 Filed 1-22-71;8:50 am]

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Poultry Packers and Live Poultry Dealers and Handlers

On July 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11634) regarding proposed amendments to the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C 181 et seq.), relating to business dealings with poultry growers and sellers by packers and live poultry dealers and handlers. All interested parties were afforded an opportunity to submit written data, views, or arguments concerning the proposed amendments by no later than September 19, 1970. Upon request of interested parties the time for filing such comments and views was extended to and including November 18, 1970. Notice of such action was published in the FEDERAL REGISTER on September 16, 1970 (35 F.R. 14511).

Statement of Considerations. The marketing system for poultry has changed dramatically within the last 20 years. One important structural change has been vertical integration, resulting from a firm acquiring or controlling successive stages involved in the production of poultry. At present, nearly all broilers and half or more of all turkeys are produced by farmers under contracts with integrated firms. An estimated 40,000 farmers now produce poultry under various contractual arrangements with integrators.

The poultry farmer is entitled to full and complete disclosure, in writing, of all terms and conditions affecting his payment for the production or marketing of poultry.

Nearly all live poultry produced under contract or otherwise entering the marketing channel must be weighed for the purpose of arriving at the proceeds due the farmer or seller. A complete record of accurate weighing should be entered on the scale ticket. The packer or live poultry dealer or handler should furnish a copy to the farmer or seller of the live poultry.

Consideration has been given to all data, views, and arguments filed pursuant to the notices of rulemaking and to all other relevant information in the Department. As would be expected, sharply opposed views and arguments were presented.

The need for the regulations was emphasized in many of the comments. No showing has been made that would indicate an undue or unreasonable burden on the regulated segment of the industry by complying with the regulations. Even comments presented in opposition emphasized that many integrators are presently supplying growers with substantially the same information required by the regulations.

We do not agree with the jurisdictional arguments presented by opponents of the regulations. It is our view that "live poultry dealers and handlers" are subject to sections 202 and 401-407 of the Packers and Stockyards Act (7 U.S.C. 192, 221-228), and sections 6, 8, 9, and 10 of the Federal Trade Commission Act (15 U.S.C 46, 48, 49, and 50), which are incorporated in the Packers and Stockyards Act by virtue of section 402 of the latter Act (7 U.S.C. 222). See United States v Tyson's Poultry, Inc., 216 F. Supp. 53, 59-60 (W.D. Ark.), appeal dismissed, 319 F 2d 860 (C.A. 8); United States v. Marshall Durbin and Co. of Haleyville, Inc. 363 F. 2d 1 (C.A. 5); Arkansas Valley Industries, Inc. v. Freeman, 415 F 2d 713 (C.A. 8). These sections provide the statutory basis for promulgating the regulations. Cf. United States v. Donahue Bros., 59 F. 2d 1019, 1021-1022 (C.A. 8). Enforcement, as to live poultry dealers and handlers, is provided for in section 402 of the Act (see 7 U.S.C. 222; 15 U.S.C. 49) and in section 404 of the Act (7 U.S.C. 224). See Arkansas Valley Industries, Inc v. Freeman, 415 F. 2d 713, 716-717, 719 (C.A. 8). As to the "access proposal," see Federal Trade Commission v. Harrell, 313 F. 2d 854, 855 (C.A. 7); Federal Trade Commission v. Tuttle, 244 F. 2d 605, 615 (C.A. 2), cert. denied, 354 U.S. 925.

The 1935 amendments relating to poultry were enacted to protect producers against unfair practices occurring anywhere in commerce. The law states that (7 U.S.C. 218):

> The handling of the great volume of live poultry required as an article of food for the inhabitants of large centers of population is attendant with various unfair, deceptive, and fraudulent practices and devices, resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of their live poultry in comparison with prices of other commodities and in unduly and arbitrarily enhancing the cost to the consumers. Such practices and devices are an undue restraint and unjust burden upon interstate commerce and are a matter of such grave concern to the industry and to the public as to make it imperative that steps be taken to free such commerce from such burden and restraint and to protect producers and consumers against such practices and devices.

In the 1935 amendments (49 Stat. 649), Congress added the words "or any live poultry dealer or handler" after the word "packer" in section 202 of the Act (7 U.S.C. 192). Section 202, which already specified all of the practices that were unlawful if engaged in by packers anywhere in commerce, was thus extended to the poultry industry.

The legislative history of the Wholesome Poultry Products Act (Public Law 90-492, 82 Stat. 791-808), which extensively amended the original provisions for poultry inspection (Public Law 85-172, as amended by the Act of June 25, 1962, 71 Stat. 110), clearly reveals the intent of Congress that inspection documents may be furnished to the grower (See Cong. Rec. July 29, 1968, S. 9630-9631; Cong. Rec., June 13, 1968, H. 4941-4942).

It should be noted that the regulations do not dictate the form of the contract or the substantive provisions of the contract. The parties are free to negotiate contract terms as they see fit. The regulations merely require that they reach some agreement as to the duration of the contract, the conditions of its termination, and the terms relating to payment. Elements of the agreement specified in a written contract may be incorporated by reference on a settlement sheet. If the contract provides for payment to the grower to be based on the integrator's "actual cost of feed," that fact would not have to be restated on the settlement sheet, but the settlement sheet would, of course, have to specify the monetary amount of the feed cost.

The regulations (§ 201.101) require records to be retained by a packer or live poultry dealer or handler only if they "contain, explain, or modify transactions in his business under the Act relating to poultry." Such regulation is consistent with the provisions of section 401 of the Act (7 U.S.C. 221). See also 15 U.S.C. 50; 7 U.S.C. 222.

As a result of careful consideration of all the views, comments, and arguments received and all other relevant information in the Department, the Packers and Stockyards Administration has determined that the proposed regulations should be issued. Therefore, the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), are hereby amended by adding a new subtitle and new §§ 201.100 through 201.110 reading as follows:

POULTRY—PACKERS AND LIVE POULTRY DEALERS AND HANDLERS

§ 201.100 Records to be furnished poultry growers and sellers.

(a) *Contracts; contents.* Each packer or live poultry dealer or handler who enters into a grow-out (feeding) contract with a poultry grower shall furnish the grower a true written copy of the grow-out (feeding) contract. The contract shall clearly specify:

(1) The duration of the contract and conditions for the termination of the contract by each of the parties;

(2) All terms relating to the payment to be made to the poultry grower, including among others, where applicable, the following:

(i) The party liable for condemnations, including those resulting from plant errors;

(ii) The method for figuring feed conversion ratios;

(iii) The formula or method used to convert condemnations to live weight;

(iv) The per unit charges for feed and other inputs furnished by each party;

(v) The factors to be used when grouping or ranking poultry growers; and

(3) The time at which final payment to the grower is to be made.

(b) *Settlement sheets; contents; supporting documents.* Each packer or live poultry dealer or handler, who acquires poultry pursuant to a contract with a poultry grower, shall prepare a true and accurate settlement sheet (final accounting) and furnish a copy thereof to the poultry grower at the time of settlement. The settlement sheet shall contain all information necessary to compute the payment due the poultry grower. For all contracts in which the weight of birds affects payment, the settlement sheet shall show, among other things, the number of live birds marketed, the total weight and the average weight of the birds, and the payment per pound.

(c) *Condemnation and grading certificates.* Each packer or live poultry dealer or handler, who acquires poultry pursuant to a contract with a poultry grower which provides that official U.S. Department of Agriculture condemnation or grading certificate, or both, for the poultry and furnish a copy thereof to the poultry grower prior to or at the time of settlement.

(d) *Grouping or ranking sheets.* Where the contract between the packer or live poultry dealer or handler and the poultry grower provides for payment to the poultry grower based upon a grouping or ranking of poultry growers delivering poultry during a specified period, the packer or live poultry dealer or handler shall furnish the poultry grower, at the time of settlement, a copy of a grouping or ranking sheet which shows the grower's precise position in the grouping or ranking for that period. The grouping or ranking sheet need not show the names of other growers, but shall show the actual figures upon which the grouping or ranking is based for each grower grouped or ranked during the specified period.

(e) *Live poultry purchases.* Each packer or live poultry dealer or handler who purchases live poultry shall prepare and deliver a purchase invoice to the seller at time of settlement. The purchase invoice shall contain all information necessary to compute payment due the seller. When U.S. Department of Agriculture condemnations or U.S. Department of Agriculture grades, or both, of poultry purchased affect final payment, copies of official U.S. Department of Agriculture condemnation certificates or grading certificates, or both, shall be furnished to the seller at or prior to the time of settlement.

§ 201.101 Records; disposition.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, no packer or live poultry dealer or handler shall, without the consent in writing of the Administrator, destroy or dispose of any books, records, documents, or papers which contain, explain, or modify transactions in his business under the Act relating to poultry.

(b) The following categories of records relating to poultry, made or kept by a packer or live poultry dealer or handler, may be disposed of after they have been retained for a period of 2 full calendar years:

Contracts.
Settlement sheets.
Ranking or grouping sheets.
Scale tickets.
Invoices for feed.
Invoices for medications.
Invoices for litter.
Invoices for chicks or poults.
Invoices for miscellaneous services or supplies.
Condemnation certificates.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Sales invoices.
Credit memos.
Receiving reports.
Scale test reports.
Invoices for equipment sold to growers.
Purchase invoices.
Invoices for catching and hauling.
Grading certificates.
Freight invoices and bills of lading.
Routine correspondence.
Servicemen's reports.

(c) The retention period specified in paragraph (b) of this section shall be extended, if necessary, to comply with any Federal, State, or local law, or if the packer or live poultry dealer or handler is notified in writing by the Administrator that specified records should be retained pending the completion of any investigation or proceeding under the Act.

§ 201.102 Live and dressed poultry market conditions and prices.

No packer or live poultry dealer or handler shall knowingly make, issue, or circulate any false or misleading report, record, or representation concerning live or dressed poultry market conditions, or the price of sale of any live or dressed poultry.

§ 201.103 Inspection of records and property of packers and live poultry dealers and handlers.

Each packer and live poultry dealer and handler shall, upon proper request during ordinary business hours, permit authorized representatives of the Secretary to enter his place of business and examine records requested pertaining to the business of the packer or live poultry dealer or handler as such, and to make copies thereof, and inspect such property of persons subject to the Act as is necessary to carry out the provisions of the Act and these regulations. Any necessary facilities for such examination of records and inspection of property shall be extended to authorized representatives of the Secretary by the packer or live poultry dealer or handler, his agents and employees.

§ 201.104 Packers, live poultry dealers, or handlers; information concerning business not to be divulged.

No agent or employee of the United States shall, without the consent of the packer, live poultry dealer, or handler concerned, divulge or make known in any manner, except to such other agent or employee of the United States as may be required to have such knowledge in the regular course of his official duties or except insofar as he may be directed by the Secretary or by a court of competent jurisdiction, any facts or information regarding the business of any packer, live poultry dealer, or handler which may come to the knowledge of such agent or employee through any examination or inspection of the business or records of the packer, live poultry dealer, or handler or through any information given by the packer, live poultry dealer, or handler pursuant to the act and regulations.

§ 201.105 Accurate weights.

All scales owned or controlled by packers and live poultry dealers and handlers and used for the purpose of weighing live poultry purchased, sold, or acquired by them shall be installed, maintained and operated so as to insure accurate weights.

§ 201.106 Scales: Testing, repairs, adjustments, replacement and use.

(a) Packers and live poultry dealers and handlers shall cause scales used by them to weigh live poultry which they purchase, acquire, or sell to be tested by a competent scale testing agency in accordance with instructions of the Administrator,[1] at least twice during each calendar year at intervals of approximately 6 months, and shall submit to the area supervisor a fully executed copy of a report of each of the tests on forms which will be furnished by the Administrator on request. Test and inspection forms used by State and other Governmental agencies will be acceptable provided they contain substantially the same information as that required by the official form referred to above. No scale shall be used by any packer or any live poultry dealer or handler to weigh live poultry for purposes of purchase, sale, acquisition or settlement unless it has been tested and meets the accuracy requirements prescribed by the Administrator.[2] If a scale is inaccurate, or if repairs, adjustments or replacements are made, it shall not be used until it has been retested and found to be accurate.

(b) All scales used to weigh live poultry shall be equipped with a type-registering weighbeam, a dial with a mechanical ticket printer, or a similar device for printing or stamping the weight values on scale tickets. Vehicle scales used in such transactions shall be of sufficient length and capacity to weigh an entire vehicle as a unit: *Provided*, That, a trailer may be uncoupled from a tractor and weighed as a single unit. The gross weight and tare weight of such a vehicle or unit shall be determined on the same scale or scales meeting the requirements specified in paragraphs (a) and (b) of this section.

§ 201.107 Requirements regarding scale tickets evidencing weighing of live poultry.

(a) When live poultry is weighed for purposes of purchase, sale, acquisition, or settlement by a packer or live poultry dealer or handler, a scale ticket shall be issued which shall show: (1) the name of the agency performing the weighing service; (2) the name of the packer or live poultry dealer or handler; (3) the name and address of the grower, purchaser, or seller; (4) the name or initials of the person operating the scale when the weighing is done; (5) the location of the scale; (6) the gross weight, tare weight, and net weight; (7) the date and times that the gross weight and tare weight are determined; (8) the number of poultry weighed; (9) the weather conditions; (10) whether the driver was on or off truck at time of weighing; and (11) the license number of the truck or the truck number: *Provided*, That, when live poultry is weighed on a scale other than a vehicle scale, the scale ticket need not show the information specified in subparagraphs (9), (10), and (11) of this paragraph (a).

(b) Scale tickets issued under this section shall be at least in duplicate form and serially numbered. One copy shall be furnished to the grower, purchaser, or seller, and one copy shall be furnished to or retained by the packer or live poultry dealer or handler.

(c) The packer or live poultry dealer or handler shall be responsible for the accurate weighing of live poultry and the execution and issuance of scale tickets.

§ 201.108 Scale operators to be competent.

Packers and live poultry dealers and handlers shall employ only competent persons of good character and known integrity to operate scales for weighing live poultry for purposes of purchase, sale, acquisition or settlement and shall require such employees to operate the scales in accordance with the instructions of the Administrator, copies of which will be furnished by the Administration to each packer and live poultry dealer and handler. Any agent, officer, or other person acting for or employed by any packer or live poultry dealer or handler found to be operating scales incorrectly, carelessly, in violation of weighing instructions, or in such a manner as to favor or injure any party through incorrect weighing or incorrect weight recording, shall be removed from his weighing duties.

§ 201.109 Reweighing.

Packers and live poultry dealers and handlers, or their employees, shall reweigh live poultry on request of duly authorized representatives of the Secretary.

§ 201.110 Time of weighing.

Whenever live poultry is weighed on a vehicle by a packer or live poultry dealer or handler, the gross weight shall be determined on the scale normally used for such purpose as promptly as possible after the poultry is loaded on the vehicle.

(Sec. 402, 42 Stat. 166, as amended, 7 U.S.C. 222; sec. 407(a), 42 Stat. 169, as amended, 7 U.S.C. 228(a); sec. 6(g), 38 Stat. 721, 15 U.S.C. 46(g); 29 F.R. 16210, as amended, 32 F.R. 7186, 35 F.R. 18262)

Due to the nature of the poultry industry, a reasonable period of time is necessary for the adoption of required changes by firms not now in compliance with the regulations. Therefore, the foregoing regulations shall become effective on June 1, 1971.

NOTE: The reporting and recordkeeping requirements of the revised regulations have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 19th day of January 1971.

RICHARD LYNG,
Assistant Secretary.

[FR Doc.71-1005 Filed 1-22-71;8:50 am]

[1] Instructions governing the testing of scales used to weigh live poultry for the purpose of purchase, sale, acquisition, or settlement will be made available to packers and live poultry dealers and handlers upon request to the Administrator.

[2] Accuracy requirements for scales used to weigh live poultry for the purpose of purchase, sale, acquisition, or settlement will be made available to packers and live poultry dealers and handlers upon to request to the Administrator.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-SW-3, Amdt. 39-1147]

PART 39—AIRWORTHINESS DIRECTIVES

Aerostar Models 600 and 601 Airplanes

There have been failures of the main cabin door resulting in the top half separating from the aircraft on Aerostar Models 600 and 601 airplanes that could result in structural damage to the left engine propeller and airframe. Since this condition could exist on other airplanes of the same model, an airworthiness directive is being issued to require inspection of the door attachment and to make necessary adjustments.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AEROSTAR. Applies to Models 600 and 601 airplanes, Serial Numbers 60-0001 through 60-0056 and 61-0001 through 61-0070.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished. To prevent possible separation of the main cabin door from the airframe, inspect the cabin door lock pins, replace any missing washers, adjust pins and torque lock nut in accordance with the Instructions in Aerostar Service Letter No. 600-19 dated September 22, 1970, or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA, Fort Worth, Tex.

This amendment becomes effective January 23, 1971.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 13, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-986 Filed 1-22-71;8:49 am]

[Docket No. 10669; Amdt. 39-1150]

PART 39—AIRWORTHINESS DIRECTIVES

Ratier-Figeac FH.146 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the reduction of the life limits of specified components of the Ratier-Figeac FH.146 propeller installed on, but not necessarily limited to, Nord Aviation NORD 262A-12 airplanes, was published in the FEDERAL REGISTER, 35 F.R. 17427.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

RATIER-FIGEAC. Applies to Ratier-Figeac FH 146 propellers installed on, but not necessarily limited to, Nord Aviation NORD 262A-12 airplanes.

To prevent fatigue cracks and possible failures in service, the propeller components listed in Bulletin Ratier-Figeac Service No. 61-107, dated August 19, 1970, must be removed from service in accordance with the hours' time in service life limits specified in that Bulletin, or later SGAC-approved revision, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe Africa, and Middle East Region.

This amendment becomes effective February 22, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-987 Filed 1-22-71;8:49 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-658; Amdt. 8]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of January 1971.

In ER-653, 35 F.R. 17177, the Board amended § 208.11 of Part 208 by authorizing single limit liability insurance coverage as well as multiple limits liability insurance coverage for supplemental carriers. The amendatory language of the regulation reads in part: "1. Amend § 208.11 by redesignating present § 208.11 as § 208.11(a) and adding paragraphs (b), (c), and (d). * * *" However, the rule which followed added only paragraphs (b) and (c), and the Board did not intend that a paragraph (d) be included in § 208.11 as amended. Therefore, we shall editorially correct this inadvertence by modifying the amendatory language of ER-653.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on January 19, 1971. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby modifies the amendatory language of ER-653, Amendment No. 7 to Part 208, to read as follows:

1. Amend § 208.11 by redesignating present § 208.11 as 208.11(a) and adding paragraphs (b) and (c). As amended, § 208.11 will read as follows:

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Adopted: January 19, 1971.

Effective: January 19, 1971.

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

[FR Doc.71-916 Filed 1-22-71;8:45 am]

[Reg. ER-657; Amdt. 4]

PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR SECURITY GUARDS AND FOR CERTAIN FEDERAL AVIATION ADMINISTRATON, NATIONAL TRANSPORTATION SAFETY BOARD, AND NATIONAL WEATHER SERVICE EMPLOYEES

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of January 1971.

On October 3, 1970, the name of the "Weather Bureau" was changed to "National Weather Service." Accordingly, Part 224 is being amended to reflect the new title.

This amendment involves a mere change in terminology, and does not impose a burden upon any person; therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendment may become effective immediately.

Accordingly, the Board hereby amends Part 224 of the Economic Regulations (14 CFR Part 224), effective January 19, 1971, as follows:

1. Amend the title of Part 224 to read as set forth above.

2. Amend the Table of Contents to add the following section:

Sec.
224.4 Responsibility of the Federal Aviation Administration, the National Transportation Safety Board, and the National Weather Service.

3. Amend § 224.2 to read as follows:

§ 224.2 Traffic control and communications personnel and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Federal Aviation Administration or any aviation weather

forecaster of the National Weather Service (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting inflight use of air traffic control and communications and weather forecast services provided by the U.S. Government: *Provided, however,* That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the individual is an air traffic controller who is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration or unless the request for such additional transportation is accompanied by the statement in writing prescribed in § 224.3(c).

4. Amend § 224.3 to read as follows:

§ 224.3 Requests for access to aircraft and free transportation.

* * * * *

(a) The person to be transported shall present to the appropriate agents of the air carrier credentials or a certificate indicating that he is entitled to request access to aircraft or free transportation and signed by the Chairman, National Transportation Safety Board, the Administrator of the Federal Aviation Administration, or the Director, National Weather Service, or any official on their staff they may designate, and signed also by the person presenting such credentials or certificate.

* * * * *

(c) When free transportation is requested pursuant to § 224.2 involving more than one free trip within a calendar year by the same individual on the same carrier, the person to be transported, unless he is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration, shall, at the time of performance of each such additional trip, present to the appropriate agent of the air carrier a statement in writing by the Administrator of the Federal Aviation Administration, or the Director, National Weather Service, or any official on their staff they may designate, that the additional trip or trips by the person named, between the points designated and on the type of aircraft specified therein, is solely for the purpose specified in § 224.2 and is essential to the effective performance of Federal Aviation Administration or National Weather Service functions.

5. Amend § 224.4 to read as follows:

§ 224.4 Responsibility of the Federal Aviation Administration, the National Transportation Safety Board, and the National Weather Service.

The Federal Aviation Administration, the National Transportation Safety Board, and the National Weather Service shall be responsible for:

(a) The issuance of proper credentials or certificates to personnel eligible thereunder; and

(b) The promulgation of such internal rules as may be required to obtain compliance by such personnel with this part.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Adopted: January 19, 1971.

Effective: January 19, 1971.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-991 Filed 1-2-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 148o—PAROMOMYCIN

A. Effective on publication in the FEDERAL REGISTER (1-23-71), Part 148o is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148o.1 Paromomycin sulfate.
148o.2 Paromomycin sulfate capsules.
148o.3 Paromomycin sulfate syrup.

AUTHORITY: The provisions of this Part 148o issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148o.1 Paromomycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Paromomycin sulfate is the sulfate salt of a kind of paromomycin or a mixture of two or more such salts. It is a creamy-white to light-yellow powder. It is so purified and dried that:

(i) Its potency is not less than 675 micrograms per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 5.0 percent.

(iv) The pH of a 3.0 percent aqueous solution is not less than 5.0 and not more than 7.5.

(v) Its specific rotation at 25° C. in water is not less than +50° and not more than +55° on an anhydrous basis.

(vi) Its residue on ignition is not more than 2.0 percent.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, and residue on ignition.

(ii) Samples of the batch: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 1.0 microgram of paromomycin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a 3.0 percent aqueous solution.

(5) *Specific rotation.* Accurately weigh approximately 1.25 grams of the sample into a 25-milliliter volumetric flask. Dissolve in a few milliliters of water, add water to volume, and mix. Proceed as directed in § 141.520 of this chapter, using a 2.0-decimeter polarimeter tube. Calculate the specific rotation on an anhydrous basis.

(6) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

§ 148o.2 Paromomycin sulfate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Paromomycin sulfate capsules are paromomycin sulfate enclosed in a suitable and harmless gelatin capsule. Each capsule contains 250 milligrams of paromomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of paromomycin that it is represented to contain. The loss on drying is not more than 7.0 percent. The paromomycin sulfate used conforms to the standards prescribed therefor by § 1480.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The paromomycin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, and residue on ignition.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The paromomycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend a representative number of capsules for 3 to 5 minutes in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 1.0 microgram of paromomycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

§ 148o.3 Paromomycin sulfate syrup.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Paromomycin sulfate syrup contains the equivalent of 25 milligrams of paromomycin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of paromomycin that it is represented to contain. It may contain one or more suitable and harmless solvents, flavorings, colorings, preservatives, and buffers in water. Its pH is not less than 7.5 and not more than 8.5. The paromomycin sulfate used conforms to the requirements of § 148o.1(a)(1) (i), (ii), (iv), (v), and (vi).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays for:

(*a*) The paromomycin sulfate used in making the batch for potency, safety, pH, specific rotation, and residue on ignition.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The paromomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Remove an appropriate aliquot of the syrup and transfer to an appropriate-sized volumetric flask. Dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and mix well. Further dilute with solution 3 to the reference concentration of 1.0 microgram of paromomycin per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted sample.

B. Also regarding paromomycin and also effective upon publication, minor technical changes are made in § 141.110 by deleting the item "Paromomycin" from the table in paragraph (a) and by revising said item in the table in paragraph (b) to read as follows:

§ 141.110 Microbiological agar diffusion assay.

* * * * * *

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 141.501)	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Standard response line concentrations: Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Paromomycin	1		3	1 mg	3 weeks	3	0.64, 0.80, 1.00, 1.25, 1.56 μg.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 11, 1971.

H. E. SIMMONS, *Director, Bureau of Drugs.*

[FR Doc.71-935 Filed 1-22-71;8:45 am]

PART 148e—ERYTHROMYCIN

Erythromycin Stearate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148e.6 *Erythromycin stearate* is amended in paragraph (a)(1) as follows:

1. In subdivision (i), the minimum potency is changed from "500" to "550" micrograms of erythromycin per milligram.

2. In subdivision (iii), the moisture content is changed from "5.0" to "3.0" percent.

3. In subdivision (v), the residue on ignition is changed from "2.0" to "1.0" percent.

This order improves the standards for certifying the subject antibiotic drug, is in the public interest, and presents no points of controversy; therefore, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: December 21, 1970.

H. E. SIMMONS, *Director, Bureau of Drugs.*

[FR Doc.71-988 Filed 1-22-71;8:48 am]

Title 23—HIGHWAYS

Chapter II—National Highway Traffic Safety Administration, Department of Transportation

PART 204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Change in Name

The Highway Safety Act of 1970 (Public Law 91-605) effected a legislative reorganization of those organizations within the Department of Transportation charged with the duty of carrying out the responsibilities of the Secretary of Transportation which are related to motor vehicle and traffic safety. Section 202 (a) and (b) of the Act abolished the National Highway Safety Bureau and established as its successor the National Highway Traffic Safety Administration as a separate operating administration within the Department of Transportation. The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 through the new administration and the Administrator authorized to be appointed under the Act. He is further authorized to carry out through the new administration and its Administrator all of the provisions of the Highway Safety Act of 1966 except those highway safety programs, research and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

The purpose of this amendment is to reflect the legislative organizational changes in the status of the National Highway Safety Bureau, including the change in name and the division of responsibility relating to the administration of highway safety programs. In those highway program standards administered by the NHTSA, each reference to the National Highway Safety Bureau is therefore changed to "National Highway Traffic Safety Administration."

(Sec. 202, Highway Safety Act of 1970, Public Law 91-605, secs. 315, 401, and 402, Title 23, U.S.C.; and delegation of authority at 49 CFR 1.51, 35 F.R. 4955)

In consideration of the foregoing, 23 CFR 204.4 is amended as follows, effective January 27, 1971:

I. By amending the chapter heading of Chapter II to read as set forth above.

II. Paragraph II of Highway Safety Program Standard No. 1, paragraph III of Standard No. 2, paragraph II of Standard No. 3, paragraph V of Standard No. 4, paragraph VIII of Standard No. 5, paragraph V of Standard No. 8, paragraph VI of Standard No. 10, paragraph VIII of Standard No. 11, paragraph VII of Standard No. 14, paragraph II of Standard No. 15, and paragraph II of Standard No. 16 are amended

by changing the words "National Highway Safety Bureau" to "National Highway Traffic Safety Administration."

Issued on January 19, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-964 Filed 1-22-71;8:47 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter VI—Bureau of Engraving and Printing, Department of the Treasury

PART 605—REGULATIONS GOVERNING CONDUCT ON BUREAU OF ENGRAVING AND PRINTING BUILDING AND GROUNDS AND BUREAU OF ENGRAVING AND PRINTING ANNEX BUILDING AND GROUNDS

Miscellaneous Amendments

These amendments revise §§ 605.7 and 605.8 of Part 605 regarding (1) gambling and (2) intoxicating beverages, narcotics, hallucinogenic and dangerous drugs, and marijuana, respectively. Section 605.7 is revised to conform with recent amendments to the Standards of Conduct for Treasury employees (35 F.R. 16244) to make possession on Government property of certain gambling records prima facie evidence of participating in an illegal form of gambling on such property. Section 605.8 is revised to make it applicable to narcotics, hallucinogenic, and dangerous drugs, and marijuana, and similar to 31 CFR 91.8 which governs conduct on property of the Bureau of the Mint. In accordance with 5 U.S.C. 553(a), notice and public procedure thereon are found to be impractical, unnecessary and not required since the amendments pertain to the management of public property.

1. Section 605.7 is redesignated paragraph (a) of the section and a new paragraph (b) is added to read as follows:

§ 605.7 Gambling.

• • • • •

(b) Possession in or on the property of any numbers slip or ticket, record, notation, receipt or other writing of a type ordinarily used in any illegal form of gambling such as a tip sheet or dream book, unless explained to the satisfaction of the head of the bureau or his delegate, shall be prima facie evidence that there is participation in an illegal form of gambling in or on such property.

2. Section 605.8 is revised to read as follows:

§ 605.8 Intoxicating beverages, narcotics, and drugs.

Entering or being on the property, or operating a motor vehicle thereon, by a person under the influence of intoxicating beverages, narcotics, hallucinogenic, or dangerous drugs, or marijuana, or the consumption of such beverages or the use of such drugs or marijuana in or on the property is prohibited.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (1-23-71).

Dated: January 22, 1971.

[SEAL] JAMES A. CONLON,
Director,
Bureau of Engraving and Printing.

[FR Doc.71-1007 Filed 1-22-71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 564—NATIONAL GUARD REGULATIONS

Enlisted Men

In Part 564, § 564.14(b) (2)(vii) and (3) is amended; in § 564.15 paragraph (h) (1) and (2) is revised; in paragraph (j), subparagraph (11) is revised and a new subparagraph (23) is added, and paragraph (k) (2) and (3) is revised, as follows:

§ 564.14 General.

• • • • • •

(b) *Policy.* • • •

(2) • • •

(vii) *Priority 7.* Nonprior service applicants who have undergone random selection for induction.

(3) Enlistments will be accomplished only to fill authorized vacancies in the active Army National Guard except as indicated in § 564.16(e) and in AR 135-91. ARNG units will not establish criteria for the initial enlistment of individuals other than those now prescribed in this section. Individual applicants for assignment will be placed on waiting lists as the applications are received. Waiting lists will be established and maintained in accordance with AR 135-91.

• • • • •

§ 564.15 Qualification for enlistment, reenlistment, or extension of enlistment.

• • • • •

(h) *Applicants with records of conviction by civil court.* • • •

(1) Persons who have been convicted by a civil court for other than the commission of a felony and those who have been adjudicated juvenile delinquents by a civil court. (Those with less than six traffic offenses during a 1-year period may be enlisted without waiver.) See tables 2-5, 2-5a, 2-5b, and 2-5c in AR 601-210 for guide list of typical offenses other than felonies for which the State Adjutant General may grant waivers.

(2) Persons who, subsequent to date of last discharge, have been convicted by a civil court for other than the commission of a felony and those who have been adjudicated a juvenile delinquent by a civil court. (Those with less than six traffic offenses during a 1-year period may be enlisted without waiver.)

• • • • •

(j) *Classes ineligible for enlistment, reenlistment, or extension—no waivers granted.* • • •

(11) *Persons entitled to retired pay.* Persons entitled to retired pay from the United States by reason of physical disability, age, or length of service, except persons entitled to retired pay under chapter 67 of title 10, United States Code.

• • • • •

(23) *Individuals who are pursuing a course of graduate study in one of the health professions.* (Medicine, dentistry, veterinary medicine, osteopathy or optometry.)

(k) *Enlistment of members of reserve components of other Armed Forces.* • • •

(2) Upon enlistment or reenlistment of the applicant, the State Adjutant General will notify the losing command by letter, which will include date, unit, and place of enlistment.

(3) Nonunit members of the USAR assigned to the IRR, Standby or Retired Reserve may be enlisted in the ARNG pending receipt of final clearance from CG, USAAC, St. Louis, Mo. Subsequent to enlistment, DA Form 2376 will be prepared by the enlisting unit and forwarded through the Adjutant General of the State to CG, USAAC. The DA Form 2376 properly authenticated by CG, USAAC, together with separation papers or MPRJ, will be returned to the State Adjutant General concerned. In the event the clearance for enlistment is not granted, the individual will be discharged immediately from the ARNG of the State only, citing this subdivision as authority for this action.

• • • • •

[NGR 601-200, Change 1, Jan. 1, 1971] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-933 Filed 1-22-71;8:45 am]

Chapter VII—Department of the Air Force

SUBCHAPTER G—BOARDS

PART 865—PERSONNEL REVIEW BOARDS

Miscellaneous Amendments

Part 865 of Title 32 of the Code of Federal Regulations is amended as follows:

1. Subpart A is amended by revising §§ 865.2, 865.3, 865.7, 865.8(e), 865.10(a), and 865.16(c) to read as follows:

§ 865.2 Establishment, function, and jurisdiction of the Board.

(a) *Establishment and composition.* Pursuant to 10 U.S.C. 1552, the Air Force Board for the Correction of Military Records has been established in the Office of the Secretary of the Air Force. The Board consists of civilians of the executive part of the Department of the Air Force in such number, not less than three, as may be appointed by the Secretary of the Air Force. Three members present shall constitute a quorum of the Board. The Secretary designates one member as chairman. In the absence or incapacity of the chairman an acting chairman chosen by the Board shall act as chairman for all purposes.

(b) *Function.* The function of the Board is to consider all applications properly before it to determine the existence of an error or an injustice and, when appropriate, to make recommendations to the Secretary of the Air Force.

(c) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law.

§ 865.3 Application for correction.

(a) *General requirements—(1) Submission.* The application for correction should be submitted on DD Form 149, "Application for Correction of Military or Naval Record," or exact facsimile thereof and should be addressed to: USAFMPC/DPMDRA5, Randolph AFB, TX 78148. Forms and explanatory matter may be obtained from the same activity.

(2) *By whom signed.* Except as provided in subparagraph (3) of this paragraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim (18 U.S.C. 287, 1001).

(3) *When a person is unable to submit application himself.* When the record in question is that of a person incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the application before the Board, the application may be made by the spouse, parent, heir, or legal representative. Proof of proper interest shall be submitted as may be required by the Board.

§ 865.7 Review of application.

(a) *Review.* Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing, recommend that the records be corrected without a hearing, or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason the applicant has not exhausted all other effective administrative remedies available to him, or for the reason the applicant did not file his application within 3 years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse the failure to file the application within the prescribed 3 years.

(b) *Denial of application.* The Board may deny an application if it determines that insufficient relevant evidence has been presented to demonstrate the existence of probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him, that effective relief cannot be granted, or that the applicant did not file his application within 3 years after he discovered the alleged error or injustice and insufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file within the prescribed 3 years. The Board will not deny an application on the sole ground that the record was made by or at the direction of the President or Secretary in connection with proceedings other than proceedings of a board for correction of military or naval records. Denial of an application on the grounds of insufficient relevant evidence to demonstrate probable material error or injustice is without prejudice to further consideration if new relevant evidence is submitted. The applicant will be informed of his privilege to submit newly discovered relevant evidence for consideration.

(c) *Written findings.* When an application is denied without a hearing, written findings and decisions are not required.

§ 865.8 Entitlement to hearing, notice, counsel, witnesses, and access to records.

• • • • •

(e) *Access to records—(1) Official records.* The applicant shall have access to such official records as are deemed necessary to adequately present his case. It is the responsibility of the applicant to procure such evidence not contained in official records of the Department of the Air Force as he desires to present in support of his case.

(2) *Classified or privileged matter.* Classified or privileged matter shall not be disclosed or made available without express finding of the chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure shall not be contrary to existing law and departmental regulations concerning privileged or classified material. When appropriate, the applicant may be supplied only with a summary or extract of classified matter.

(3) *Copies of records.* This part does not authorize the Board to furnish copies of official records. Request for copies of official records should be submitted in accordance with regulations governing release of information.

§ 865.10 Conduct of hearing.

(a) *By chairman.* The hearings shall be conducted by the chairman, and shall be subject to his rulings that will be designed, insofar as practicable, to accord the applicant an opportunity to make a full and fair presentation of his case. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bonds of competency, relevancy, and materiality.

• • • • •

§ 865.16 Settlement of claims.

• • • • •

(c) *Settlement—(1) Basis for settlement.* Settlement of claims shall be based on the decision of the Secretary of the Air Force. Computations of amounts due shall be made by the Comptroller of the Air Force, Hq USAF, or his representative, according to applicable law and regulations. In no case will the amount found due exceed the amount which would otherwise have been paid or become due had no error or injustice occurred. Earnings received from civilian employment during any period for which active duty pay and allowances are payable may be deducted from the settlement. Amounts found due may be reduced by the amount of any existing indebtedness to the Government, arising from military service.

(2) *Nature and amount of various benefits.* Prior to or at the time of payment, the person to whom payments are to be made shall be advised by the Comptroller of the Air Force, Hq USAF, or his representative, as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release of the claimants involved of any claim against the United States on account of the correction of records.

• • • • •

2. Subpart B is revised to read as follows:

Subpart B—Air Force Discharge Review Board

Sec.
865.100 Organization and purpose.
865.101 Jurisdiction and authority.
865.102 Application for review.
865.103 Convening the Board.
865.104 Procedures for hearings.
865.105 Findings and conclusions.
865.106 Disposition of proceedings.
865.107 Approval of exceptions.

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488; sec. 1553, 72 Stat. 1267; 10 U.S.C. 8012, 1553.

Subpart B—Air Force Discharge Review Board

§ 865.100 Organization and purpose.

The Air Force Discharge Review Board (hereinafter called the "Board") is a part of the Secretary of the Air Force Personnel Council, is administered and supervised by the Council's director. An administrative agency, it reviews the discharge or dismissal (other than a discharge or dismissal by sentence of a general court martial) of former military personnel, on its own motion or at the request of a former military member or his appropriate representative.

§ 865.101 Jurisdiction and authority.

The Board has jurisdiction and authority in cases of former military personnel who, at the time of their separation from the service, were members of the U.S. Army aviation components (Aviation Section, Signal Corps; Air Service; Air Corps; or Air Forces) or the U.S. Air Force. The Board does not

have jurisdiction and authority concerning personnel of other arms and services who, at the time of their separation, were assigned to duty with the Army Air Forces or the U.S. Air Force.

(a) The Board's review is based on available military records pertaining to the former member and such other evidence as may be presented to the Board. The Board determines whether the type of discharge or dismissal the former serviceman or woman received is equitable and proper; if not, the Board instructs the Air Force Military Personnel Center (AFMPC) to change the discharge or dismissal or issue a new discharge according to the Board's findings. The Board's determination is subject to review by the Secretary of the Air Force.

(b) The Board is not authorized to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his separation, or to recall any person to active duty.

(c) The Board may make an applicant eligible for enlistment who was last separated from the Air Force by a discharge or condition that is a bar to enlistment. The action by the Board does not waive any physical or moral bars to enlistment unknown to it.

(d) The Board may on its own motion consider a case that appears likely to result in a decision favorable to the former military member, without his knowledge or presence. If the decision is favorable, the Board directs AFMPC to notify the former member at his last known address. If the decision is unfavorable, the Board returns the case to the files without record of formal action. It will reconsider the case without prejudice if the former member subsequently files an application for review.

(e) The Board does not reconsider a case after it has rendered a formal decision unless new, pertinent, and material evidence is found which might change the original decision. If new evidence is discovered, the former member (or his appropriate agent) may request a rehearing. The request for rehearing must be written (a letter is permissible) and be submitted within a reasonable time. It must include the new evidence and show that: (1) The applicant diligently tried to obtain and present all available evidence at the original hearing, and (2) the delay in discovering the new evidence was not the applicant's fault.

§ 865.102 Application for review.

An application for review must be submitted within 15 years after the effective date of the former member's discharge or dismissal.

(a) The applicant will submit a single copy of DD Form 293, "Applicability for Review of Discharge or separation from the Armed Forces of the United States," with supporting affidavits and other evidence. The application must show:

(1) Member's full name, grade, service number, and Social Security Account Number.

(2) Organization or assignment at date of separation.

(3) Date and place of separation.

(4) Type and nature of the discharge or dismissal.

(5) Basis of the claim for review.

(6) Conclusive action desired of the Board.

(7) Whether the applicant wants to appear personally before the Board; to be represented by counsel before the Board; if so, the name and address of the designated counsel.

(8) The mailing address for receipt of correspondence concerning the review.

(b) The spouse, next of kin, or legal representative of a former member may submit the application for the review as agent for the member, but proof of the member's death or mental incompetency must accompany the request.

(c) Applicants will forward their requests for review to the National Personnel Records Center—mailing address: NPRC (MPR–AF), 9700 Page Boulevard, St. Louis, MO 63132.

(d) The agency receiving an application for review assembles the originals or official copies of all available military records pertaining to the former serviceman or woman and transmits the records, application, and supporting documents to the Board.

§ 865.103 Convening the Board.

(a) The president convenes, recesses, and adjourns the Board. If the president is absent, the next senior member acts as president.

(b) The president indicates the time and place the Board will convene, usually in Washington, D.C.

(c) The Board, consisting of five members, assembles in either open or closed session to consider cases presented to it. It considers cases in closed session when the applicant has not asked to appear in person or to have properly designated counsel appear in his behalf, or when applicant or his counsel fails to appear when scheduled. Such cases are decided on the basis of documentary evidence, including briefs submitted by or for the applicant.

§ 865.104 Procedures for hearings.

(a) The law entitles the applicant for a review to appear, at his request, before the Board in open session. He may appear in person or be represented by counsel of his own selection, and he may present any witnesses he wishes. In this part, "counsel" includes members in good standing of the Federal or a State bar, accredited representatives of veterans organizations recognized by the Veterans Administration under chapter 59 of title 38 United States Code, and any other person the Board considers to be competent to present the applicant's claim equitably and comprehensively. The Government does not compensate or pay the expenses of the applicant's witnesses or counsel. The applicant may submit any documents he wishes as evidence for the Board's consideration. The documents may include, but are not limited to, police clearances, character references, and employers' statements.

(1) When an applicant has requested a personal appearance, the Board will send him (and his designated counsel, if any) written notice of the hearing time and place. The notice will be mailed at least 30 days before the hearing date. If the applicant wishes, he may waive the time limit and in such case the Board may set an earlier hearing date. Evidence will be placed in the record to show how and when the notice was given.

(2) If an applicant has requested a personal appearance and, after being notified of the hearing time and place, fails to appear at the appointed time either in person or by counsel, he waives his right to be present.

(b) The Director, Secretary of the Air Force Personnel Council, insures that hearings are conducted to afford full and fair inquiries by the Board. The president and the recorder of the Board are authorized to administer oaths. The recorder will swear in the voting membership of the Board, the reporter, the applicant, and witnesses. The president of the Board will swear the recorder. The Board and the applicants or their counsel will not be allowed access to any classified reports of investigation or any document received from the Federal Bureau of Investigation. When necessary to inform an applicant about the substance of such a document, the Board requests an appropriate official to prepare an unclassified summary of or extract from the document without including references to sources of information and other matter that would be detrimental to public interest if disclosed. The unclassified summary may be made available to the applicant or his counsel.

(c) The Board, in conducting its inquiries, is not limited by the rules of evidence applicable in judicial proceedings.

(d) Witnesses may present evidence to the Board either in person or by affidavit. If a witness testifies under oath or affirmation, he is subject to examination by Board members. At the request of applicant or his counsel, and at the discretion of the Board, witnesses may be allowed to make unsworn statements in respondent's behalf, in which case they will not be examined by Board members.

(e) The Board may continue an inquiry on its motion or, at its discretion grant an applicant's (or his counsel's) request for continuance if this appears necessary to insure a full and fair hearing.

(f) The Board, at its discretion and for good cause, may permit an applicant to withdraw his request without prejudice at any time before the Board begins its deliberations.

§ 865.105 Findings and conclusions.

(a) The Board, in closed session, prepares written findings and conclusions in each case. The conclusions state whether the Air Force should change the discharge or dismissal, or issue a new discharge.

(b) The findings and conclusions of a majority of the Board members constitute the Board findings and conclusions. Dissenting Board members may file minority reports.

§ 865.106 Disposition of proceedings.

(a) When the Board has concluded its proceedings in any case, the recorder prepares a complete record. The record includes the application for review; a transcript of the hearing, if any; documentary evidence considered including, by reference only, the Master Personnel Record of the applicant; the findings; conclusions, and instructions; minority reports of dissenting Board members; and all other documents necessary to a true and complete history of the proceedings. The Board president signs the record and the recorder authenticates it as true and complete. If the recorder is absent or incapacitated, a voting member of the Board may authenticate the record.

(b) The Board transmits a record of its proceedings, including a transcript of testimony, and directions in each case to USAFMPC (AFMPC), Randolph AFB TX 78148. This office administratively carries out the Board's directions and reports the results to the applicant and his counsel, if any. The applicant, his guardian, or other authorized representative, may request in writing that AFMPC furnish a copy of the Board proceedings, findings, and conclusions. Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to the guardian or other authorized representative.

(c) Unclassified records of Board proceedings are open to perusal by the Administrator of Veterans Affairs or his authorized representative.

§ 865.107 Approval of exceptions.

Exceptions to the provisions of this part may be authorized or approved only by the Secretary of the Air Force.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-932 Filed 1-22-71;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 169—POST OFFICE BOXES

Renting and Closing Post Office Boxes

In the daily issue of November 17, 1970 (35 F.R. 17662), the Department published a notice of proposed rule making relating to regulations then codified in 39 CFR 151.3(h). Those regulations related to restrictions applicable to the rental and use by postal patrons of post office boxes, as well as to the grounds for closing such boxes by the Postal Service. The cited notice proposed to expand and improve the regulations, and also to provide for an appellate procedure in those cases where an application to rent a box is refused, or where a box closing is under consideration. Interested members of the public were given 30 days within which to submit written data, views, and arguments concerning the proposed regulations. No comments were received. The Department has determined to adopt the regulations, without substantive change.

Accordingly, the following amendments to the Department's regulations are hereby made, to be effective on the 30th day following the date of this publication in the FEDERAL REGISTER. Rules of practice governing proceedings arising under these regulations are set out in this issue on page 1142.

In § 169.1 *Use*, make the following changes: In paragraph (b), add subparagraphs (4) and (5); in paragraph (c) add subparagraph (8); amend paragraph (d); and add paragraph (e), all to read as follows:

§ 169.1 Use.

* * * * * * *

(b) *How to rent a box.* * * *

(4) *Minors.* Boxes may not be rented to minors if parents or guardians object.

(5) *Insane persons.* Boxes may not be rented to persons declared by a court to be of unsound mind.

(c) *Conditions of use.* * * *

(8) *For forwarding.* Boxes may not be rented when the sole purpose is to have mail forwarded or transferred, unless an agent of the addressee plans to remove the matter regularly.

(d) *Restrictions on use*—(1) *Grounds for refusal to rent or renew.* A postmaster shall refuse to rent or renew the rental of a box to any person if he has reason to believe that such person has falsified the application or has, within the previous 2 years, physically abused a box or violated any regulation or contractual provision relating to the care and use of a box, or is likely to use the box in connection with a scheme or enterprise in violation of this paragraph. An order of the Judicial Officer closing a post office box or affirming the refusal to grant an original or renewal application for such box shall bar the granting of any similar application wherever made, by or on behalf of the person involved, until such order has been revoked, amended or modified by the Judicial Officer.

(2) *Appeal from refusal to rent or renew.* Whenever the rental or renewal of a post office box is refused, the postmaster shall, upon written request made within 10 days, furnish the applicant with the reasons for such refusal in writing. Where the refusal to rent or renew is based in whole or in part upon the grounds specified in subparagraph (1) of this paragraph, an appeal may be taken in the same manner and subject to the same time limitations as where a "Notice of Intent to Close A Post Office Box" has been issued under paragraph (e)(2) of this section.

(e) *Procedures in closing a box; notice and hearing*—(1) *Duties of postmasters or other postal officials.* Postmasters or other postal officials who have reason to believe that any regulation or contractual provision governing the rental or use of a post office box has been or is being violated shall send a report of the facts together with any supporting documents to the General Counsel.

(2) *Notice of intent to close a post office box.* Whenever the General Counsel is in receipt of substantial evidence which he believes warrants the closing of a post office box, he may issue a "Notice of Intent to Close Post Office Box." Such notice shall state clearly the reasons for the contemplated action and inform the boxholder of his right to appeal this determination to the Judicial Officer, U.S. Postal Service, Washington, DC 20260.

(3) *Misuse.* Only matter which has passed through the mail, or official postal notices, may be placed in a post office box. (See paragraph (a) of this section.) Boxholders shall remove mail promptly from their boxes. If mail is to be accumulated for more than 30 days specific arrangements must be made in advance with the postmaster.

(4) *Unlawful activity.* No post office box may be used for or in connection with a scheme or enterprise which—

(i) Violates any Federal, State, or local law;

(ii) Breaches an agreement with a Federal, State, or local agency whereby the boxholder has agreed to discontinue a specified activity; or

(iii) Violates or attempts to evade any order of a court or administrative body.

(5) *Grounds for closing a box.* A box may be closed whenever the boxholder has falsified the application for the box or has violated, or is violating, any of the regulations or contractual terms or conditions relating to its care and use.

(3) *Service of notice of intent upon boxholder.* The "Notice of Intent to Close a Post Office Box" may be served on the boxholder by certified mail, with delivery restricted to addressee only, addressed to his post office box or other address. A return receipt therefor shall be obtained and forwarded immediately to the General Counsel. If restricted delivery cannot be made, the notice shall be deposited in the box for delivery as ordinary mail and shall constitute valid service. A post office delivery receipt, Form 3849, shall be filled out and sent to the General Counsel. Both the Form 3849 and the return receipt for the certified mail shall be endorsed to show that restricted delivery could not be made and that the notice was delivered as ordinary mail.

(4) *Timely appeal.* No appeal may be taken from a "Notice of Intent to Close a Post Office Box" issued under subparagraph (2) of this paragraph unless it is postmarked no later than 20 days after service of such notice.

(5) *Failure to appeal; consequences.* If no appeal is taken within 20 days after service of the "Notice of Intent to Close a Post Office Box," the box may be closed by order of the General Counsel without further notice to the boxholder.

(6) *Disposition of mail.* When a box has been closed pursuant to subparagraph (5) of this paragraph or by order of the Judicial Officer, the postmaster shall notify the boxholder and transfer mail addressed to the box to General Delivery. The mail will be held at General Delivery for a period of 10 days following the notification to the boxholder, during which period he may claim his mail at General Delivery. If a Change of Address Order is received during this period, or any Change of Address Order is received prior to the effective date of this subparagraph, it shall be honored not to exceed the current time limitation for forwarding orders. At the end of this applicable period all mail addressed to the box shall be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 122.3(b) of this chapter.

(5 U.S.C. 301, 39 U.S.C. 501, 708)

DAVID A. NELSON,
General Counsel.

[FR Doc 71-936 Filed 1-22-71;8:45 am]

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES AND THE CLOSING OF POST OFFICE BOXES

The Acting Judicial Officer of the Post Office Department has adopted the rules of practice set out below to govern appeals in cases in which the General Counsel has issued a Notice of Intent to Close a Post Office Box, or in which a postmaster has refused to rent or renew the rental of a post office box, pursuant to 39 CFR 169.1, and a timely appeal has been filed.

These rules shall become effective at the same time as the amendments to Part 169 of Title 39, Code of Federal Regulations, published concurrently with these rules.

DAVID A. NELSON,
General Counsel.

Sec.
958.1 Authority for rules.
958.2 Scope of rules.
958.3 Notice of appeal; notice of hearing; answer.
958.4 Hearings.
958.5 Election as to hearing.
958.6 Default.
958.7 Presiding officers.
958.8 Proposed findings of fact and conclusions of law.
958.9 Initial decision.
958.10 Appeal.
958.11 Final agency decision.
958.12 Compromise and informal disposition.
958.13 Petition to revoke, amend or modify.

AUTHORITY: The provisions of this Part 958 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 958.1 Authority for rules.

The Acting Judicial Officer promulgates the rules in this part pursuant to authority delegated by the Postmaster General.

§ 958.2 Scope of rules.

The rules in this part shall be applicable only to cases in which the General Counsel has issued a Notice of Intent to Close a Post Office Box, or in which a postmaster has refused to rent or renew the rental of a post office box, pursuant to § 169.1 of this chapter, and a timely appeal has been filed.

§ 958.3 Notice of appeal; notice of hearing; answer.

(a) *Notice of appeal.* Any person to whom the rental or renewal of rental of a post office box has been refused by a postmaster and any person who has been served by the General Counsel with a Notice of Intent to Close a Post Office Box may make an appeal from such refusal or Intent to Close by filing a written complaint with the Docket Clerk within 20 days from the receipt of notice of such refusal or Notice of Intent to Close. The complaint shall be filed in triplicate and shall state the reasons why the person believes the action taken by the Postmaster or proposed to be taken by the General Counsel is erroneous. The complaint shall also allege facts showing compliance with each provision of law and regulation on which the person's claim to entitlement to box office rental is based. The appellant shall attach to his appeal a copy of the notice of refusal to rent or renew or Notice of Intent to Close the post office box. The appeal shall be sent to the Judicial Officer, United States Postal Service, Washington, D.C. 20260. The appeal shall be signed by the appellant or by his attorney.

(b) *Notice of hearing.* Upon receipt of the appeal the Docket Clerk shall send a copy thereof to the General Counsel and shall set the matter down for hearing not later than 30 days from the date of receipt by the Docket Clerk of the appeal. The notice of hearing shall be sent to the appellant by certified mail with return receipt requested.

(c) *Answer.* The General Counsel shall file answer to the appeal within 10 days after the receipt of the appeal by the Docket Clerk.

§ 958.4 Hearings.

Hearings are held at the Headquarters Office of the United States Postal Service, Washington, D.C., or such other location as may be designated by the presiding officer. Not later than 5 days prior to the date fixed for the hearing, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining: (a) The evidence to be offered in such place; (b) the names and addresses of the witnesses who will testify; (c) the reasons why such evidence cannot be produced at Washington, D.C. The Judicial Officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 958.5 Election as to hearing.

If both parties so elect, they may waive an oral hearing and submit the matter for decision on the basis of the appeal and answer, with the approval of the presiding officer and subject to the right of the presiding officer to require the parties to furnish such further evidence or such briefs as the presiding officer may deem necessary. The request to waive oral hearing shall be mailed to the presiding officer not later than 10 days prior to the date set for the hearing.

§ 958.6 Default.

If a person who has not waived oral hearing fails, without notice or without adequate cause, satisfactory to the presiding officer, to appear at the hearing, the presiding officer shall issue an order dismissing the appeal. If no protest to such order of dismissal is received within 10 days from the date of issuance of the order, such order shall become final. Any protest to the order of dismissal received within 10 days from the date of its issuance shall be given such consideration as the presiding officer deems to be warranted by the facts and circumstances alleged in the protest. An order of dismissal issued under this section by a Hearing Examiner may be appealed to the Judicial Officer within 10 days from the date of the order.

§ 958.7 Presiding officers.

The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010) or the Judicial Officer (74 Stat. 554, Public Law 86-676). The Chief Hearing Examiner shall assign cases to Hearing Examiners by rotation so far as practicable. The Judicial Officer may, for good cause shown, and with his concurrence, preside at the reception of evidence in proceedings where expedited hearings are requested by either party. When the Judicial Officer presides at the hearing, he shall, in his sole discretion, render a tentative or final decision after the conclusion of the hearing. Exceptions may be filed to a tentative decision in accordance with § 958.10.

§ 958.8 Proposed findings of fact and conclusions of law.

Unless otherwise ordered by the presiding officer, proposed findings of fact and conclusions of law and supporting arguments shall be submitted orally or in writing at the conclusion of the hearing.

§ 958.9 Initial decision.

Unless given orally at the conclusion of the hearing, the Hearing Examiner shall render an initial decision as expeditiously as practicable following the conclusion of the hearing, and the receipt of the proposed findings, if any. The initial decision shall become the final agency decision if a timely appeal is not taken.

§ 958.10 Appeal.

Either party may file exceptions in a brief on appeal to the Judicial Officer within 5 days after receipt of the initial or tentative decision unless additional time is granted. A reply brief may be filed within 5 days after the receipt of the appeal brief by the opposing party.

§ 958.11 Final agency decision.

The Judicial Officer shall render a final agency decision or he shall refer the matter to the Postmaster General or the Deputy Postmaster General for such final decision. The decision shall be served upon the parties and upon the postmaster at the office where the box is located.

§ 958.12 Compromise and informal disposition.

Nothing in these rules precludes the compromise, settlement, and informal disposition of proceedings initiated under these rules at any time prior to the issuance of the final agency decision.

§ 958.13 Petition to revoke, amend or modify.

A party against whom an order has been issued may file a petition for the revocation, amendment or modification thereof. The Docket Clerk shall transmit a copy of the petition to the General Counsel, who may file a written reply. A copy of the reply shall be sent to the petitioner by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

[FR Doc.71-937 Filed 1-22-71;8:45 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 458—GRANTS FOR RESOURCE RECOVERY SYSTEMS AND IMPROVED SOLID WASTE DISPOSAL PROJECTS

The Resource Recovery Act of 1970 (Public Law 91-512), enacted October 26, 1970, amended the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) by adding, among other things, a new section 208 which authorizes the Secretary of Health, Education, and Welfare to award grants for the demonstration of resource recovery systems and for the construction of new or improved solid waste disposal facilities. The functions vested by law in the Secretary under the Act, as amended, were transferred to the Administrator, Environmental Protection Agency by Reorganization Plan No. 3 of 1970.

Section 208 directs, that within 90 days after the date of enactment, the Administrator shall promulgate regulations establishing a procedure for awarding grants under the section.

Notice of proposed rulemaking, public rulemaking procedures and postponement of effective date have been omitted in the issuance of the following Part 458 which relates solely to grants for the demonstration of resource recovery systems and the construction of new or improved solid waste disposal facilities under section 208 of the Act. While these regulations become effective on the date of their publication in the FEDERAL REGISTER, comments concerning the regulations are invited from interested persons particularly those eligible for section 208 grants, i.e., State, municipal, interstate, and intermunicipal agencies. All comments, views, and arguments concerning the regulations should be submitted in triplicate within 30 days after the publication of this document in the FEDERAL REGISTER to the Solid Wastes Office, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852. Consideration will be given such submissions with a view to making any amendments to the regulations that are found to be necessary or desirable as fully as though such submissions had been received in response to a proposal.

To insure, as directed by section 208 (d), that projects will be carried out in communities of varying sizes, the regulations provide that 30 percent of the funds designated or appropriated for carrying out section 208 projects will be reserved for applicants located outside standard metropolitan statistical areas provided a sufficient number of acceptable applications are received by the last deadline date in any fiscal year. This 70–30 distribution is based upon the 1970 census which indicates that approximately 70 percent of the country's population resides in standard metropolitan statistical areas.

Section 203(10) of the Act, as amended defines "resource recovery system" as "a solid waste management system which provides for collection, separation, recycling and recovery of solid wastes, including disposal of nonrecoverable waste residues." Section 458.7 of the regulations lists the categories of resource recovery systems for which applications are solicited and § 458.8 sets forth the special requirements for grant support of a resource recovery system which must be demonstrated at full-scale. Section 458.9 establishes special requirements for funding the construction of new or improved solid waste disposal facilities. Such a project must, among other things, advance the "state of the art" (as defined in § 458.2(1)) by applying new and improved techniques in reducing the environmental impact of solid waste disposal, in achieving recovery of energy or resources, or in recycling useful materials. Section 458.10 sets forth the criteria which the Administrator will utilize in approving section 208 projects.

A new Part 458 is added as follows:

Sec.
458.1 Applicability.
458.2 Definitions.
458.3 Funds available for grants.
458.4 Application for grants.
458.5 Grant limitations; general.
458.6 Grant conditions; general.
458.7 Categories of resource recovery systems.
458.8 Resource recovery systems; special requirements.
458.9 New or improved solid waste disposal facilities; special requirements.
458.10 Approval of projects; Federal financial aid; criteria.
458.11 Grant awards.
458.12 Supplemental, continuation, and renewal grants.
458.13 Payments.
458.14 Termination of grant award.
458.15 Termination date, final accounting.
458.16 Accounting for grant payments.
458.17 Accounting for equipment, materials or supplies.
458.18 Final settlement.

AUTHORITY: The provisions of this Part 458 issued under sec. 208, 84 Stat. 1230; Public Law 91-512.

§ 458.1 Applicability.

The provisions of this part apply to grants for the demonstration of resource recovery systems and for the construction of certain new or improved solid waste disposal facilities as authorized by section 208 of the Act.

§ 458.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(a) "Act" means the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) as amended by the Resource Recovery Act of 1970 (Public Law 91-512).

(b) "Administrator" means the Administrator of the Environmental Protection Agency.

(c) "Adopted State Plan" means a comprehensive statewide plan for solid waste management which has been recognized by the Governor, in writing, as the official solid waste management plan for the State and has been published and made available to all political subdivisions of the State.

(d) "Adopted Interstate Plan" means a comprehensive solid waste management plan for an interstate area which has been published, approved by the participating States and made available to the constituent political sub-divisions and to the heads of the appropriate State agencies in the affected States along with a letter from the head of the interstate agency expressing responsibility for the plan. The head of the interstate agency will insure that the Governors of the participating States are aware of the plan.

(e) "Applicant" means any State, municipal, interstate or intermunicipal agency which files an application for a grant under section 208 of the Act.

(f) "Rural Applicant" means any agency located outside a "standard metropolitan statistical area" as listed by the Office of Management and Budget in Standard Metropolitan Statistical Areas (1967 edition) and any amendments thereto.

(g) "Areawide" means an economic and socially related geographical region, which in the opinion of the Administrator takes into consideration such factors as population trends, patterns of urban growth, location of transportation facilities and systems, distribution of municipal, industrial, commercial, residential, governmental, institutional, and other activities, and is appropriate for purposes of the grant.

(h) "Demonstration" means a full-scale field activity designed to show the technical and economic feasibility of a resource recovery system.

(i) "Project" means all work outlined in the applicant's proposal, including but not limited to design, construction, operation, maintenance, evaluation, reports,

plans, and specifications in connection therewith.

(j) "Project Period" means the period of time which the Administrator finds is reasonably required to carry out a project meriting support under section 208 of the Act.

(k) "Grant Period" means the period during which the grantee is authorized to obligate granted Federal funds for the purposes specified in the grant.

(l) "State of the Art" means solid waste management technology which the Administrator, after evaluation of pertinent technical and economic factors, determines has been successfully demonstrated at full-scale.

§ 458.3 Funds available for grants.

(a) The Administrator may, from time to time and for such periods as he may deem appropriate, reserve a portion or portions of the available grant funds for categories of projects.

(b) Not more than 70 percent of funds designated or appropriated to carry out section 208 of the Act will be awarded to applicants located in Standard Metropolitan Statistical Areas. The remaining 30 percent will be reserved for rural applicants. Notwithstanding this allocation, if an insufficient number of acceptable applications are received from rural applicants by the last deadline date in any fiscal year, as established pursuant to § 458.4(d), the 70 percent figure may be exceeded.

§ 458.4 Application for grants.

(a) An application for a grant shall be submitted on such forms and in such manner as the Administrator may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this part and any additional conditions of the grant.

(c) In addition to any other pertinent information which the Administrator may require, each applicant shall submit as part of the application a full and adequate description of the proposed project in sufficient detail to indicate the nature, costs and schedule, objectives, justification, and proposed method of conducting and evaluating the project. The description shall, as applicable, describe and indicate the possession of, or set forth a schedule for obtaining qualified personnel, contractors, consultants, equipment, facilities, and other necessary resources (including non-Federal funds) for the conduct of the project.

(d) Applications may be submitted at any time; the Administrator will establish at least two deadline dates per fiscal year and applications accepted prior to any deadline date will be considered and acted upon no later than 90 days following such date.

§ 458.5 Grant limitations; general.

(a) No grant shall be made:

(1) With respect to any costs which are not incurred within the approved project period.

(2) Unless the applicant gives assurance satisfactory to the Administrator that open-dumping and open-burning of solid waste are prohibited by a law enforced within the jurisdiction in which the applicant proposed to conduct the project.

(3) For any project unless the application sets forth plans for the expenditure of such grant, which assure, to the satisfaction of the Administrator, that the project as planned will carry out the purposes of section 208 of the Act.

(4) With respect to any costs for land acquisition.

(5) Until the applicant has given assurance satisfactory to the Administrator as to the availability of funds from non-Federal sources for the cost of the project.

(6) Unless the applicant has made provision satisfactory to the Administrator for assuring proper and efficient operation and maintenance of the project following the project period.

(b) Not more than 15 percent of the total of funds authorized to be appropriated under 216(a)(3) for any fiscal year to carry out section 208 of the Act shall be granted under this section for projects in any one State. For the purposes of this paragraph, grants to an interstate agency will be considered to be to the States involved in proportion to the amounts of non-Federal funds expended for the project by the participating States or by the participating municipalities located in the respective States.

§ 458.6 Grant conditions; general.

(a) In addition to any other requirements imposed by or pursuant to these regulations, each grant awarded pursuant to this part shall be subject to the following conditions:

(1) Any funds granted shall be expended solely for carrying out the approved project.

(2) The grantee shall submit to the Administrator for review and prior approval changes in the project that substantially alter its scope or purpose or will change costs.

(3) Any grant award shall be subject to any regulations of the Environmental Protection Agency relating to inventions and patents and shall comply with the requirements of section 204(c) of the Act. Such requirements shall apply to any activity for which grant funds are in fact used. Appropriate measures shall be taken by the grantee and by the Administrator to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data, and information pertaining to inventions or discoveries shall be maintained for such periods and filed with or otherwise made available to the Administrator or to those he may designate at such times and in such manner as he may determine are necessary to carry out such requirements.

(4) Any grant for a project which involves a federally assisted construction contract, as defined in Executive Order 11246, September 24, 1965 (30 CFR 12319), relating to equal employment opportunities, shall be subject to the condition that the grantee shall comply with the requirements of said Executive Order and with applicable rules, regulations, and procedures prescribed pursuant thereto.

(5) No grant for a project which involves construction shall be made unless the Administrator finds that the application contains or is supported by reasonable assurance that all laborers and mechanics employed by contractors or subcontractors on projects of the type covered by the Davis-Bacon Act as amended (40 U.S.C. 276a to 276a-5) will be paid at rates not less than those prevailing on similar work in the locality, as determined by the Secretary of Labor in accordance with that Act.

(6) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the project. The fiscal records shall be so designed as to show currently the amount and disposition of Federal funds received, the total cost of the project in connection with which such funds were provided, the amount of the cost supplied by non-Federal sources, the expenditures for the solid waste management program of the grantee not included in the project, and such other records as will facilitate an effective audit. Such records and any other books, documents or papers of the grantee pertinent to the grant received under section 208 of the Act shall be accessible for audit by representatives of the Administrator and of the Comptroller General of the United States and shall be maintained until the grantee is notified in writing that the final audit has been completed.

(7) Publications and reports:

(i) Grantees shall submit periodic reports of progress on a schedule designated by the Administrator as well as any special or interim reports as the Administrator may specifically request. In addition, in conjunction with the termination of a grant or completion of the project, the grantee shall prepare a final project report which sets forth the grantee's findings, conclusions, and results. They shall include but not be limited to the engineering effectiveness and economic feasibility of the method investigated or demonstrated and shall contain sufficient scientific and engineering detail to permit an evaluation of the method's applicability to similar problems elsewhere. In all reports, supplemental information and data suitable for project documentation purposes shall be included. The number of copies of these reports will be specified by the Administrator. Prior to submission of the final project report, a preliminary copy shall be furnished to the Administrator for review and approval to proceed with preparation of the project final report.

Unless otherwise agreed to by the Administrator, the United States may authorize others or may itself, without additional compensation to the grantee, duplicate, use, and disclose in any manner and for any purpose whatsoever, all information derived from the project and all technical data and reports required under the grant.

(ii) Any publication or film produced by the grantee regarding the project in general, and in particular, reporting the findings, conclusions, or results of work performed under a grant, including performance and cost data (other than contracts for procurement of supplies or equipment from the commercial open market) must be approved by the Administrator, in advance of dissemination. Any publication resulting from work performed under a grant shall acknowledge the participation of the Environmental Protection Agency in financing the work by stating: "This project has been supported and financed, in part, by the Environmental Protection Agency, pursuant to the Solid Waste Disposal Act."

(iii) Any copyrighted publication resulting from work performed under a grant shall be subject to a royalty-free, nonexclusive, and irrevocable license throughout the world, to the United States and to its officers, agents, and employees acting within the scope of their official duties, to reproduce, translate, publish, use, and dispose of such publication, and authorize others so to do.

(8) Any application for a grant shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Administrator, of the facilities, equipment, and other resources of the applicant and to interviews with project staff members. The acceptance of the grant award shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the approved project. The grantee shall also permit the Administrator or his authorized agents and appropriate interested parties to have access to any facility constructed as part of a project and to records pertaining to the operation of such facility at any reasonable time after such facility is constructed.

(9) Grantees shall establish a plan acceptable to the Administrator, to conduct, for appropriate interested parties, periodic on-site briefings on the project, including tours of facilities and systems constructed under the authority of section 208.

(10) Any grant award pursuant to this part shall be subject to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; Public Law 88-352) which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (section 601), and to any implementing regulations issued by the Administrator.

(11) No grant shall be made until the Administrator has received the following assurances from the applicant:

(i) That the applicant will follow procurement practices subject to approval by the Administrator in carrying out contracting activities for the project including competitive bidding procedures, when appropriate.

(ii) That the applicant shall provide and maintain competent and adequate engineering and technical supervision, technical operation, and inspection at the project to assure that the project and construction related thereto conforms to the approved plans and specifications and that the activities meet the objectives of the grant project.

(iii) That the applicant has or will have such an interest in the site of the project, which in the judgment of the Administrator will permit proper and efficient operation and maintenance of the project for a reasonable period of time following the termination date of the project.

(b) The Administrator may, with respect to any grant award, impose additional conditions or requirements prior to or at the time of the award when in his judgment they are necessary to carry out the purposes of section 208 of the Act.

§ 458.7 Categories of resource recovery systems.

Applications will be solicited for projects to demonstrate the following categories of resource recovery systems or combinations thereof:

(a) Recover and use energy from solid waste.

(b) Recover specific components of solid waste for recycling.

(c) Chemically, physically and/or biologically convert solid waste into materials suitable for recycling.

§ 458.8 Resource recovery systems; special requirements.

Grants for the demonstration of resource recovery systems shall, in addition to all other requirements of this part, be subject to the following limitations or conditions:

(a) The Federal share shall not be more than 75 percent of the estimated necessary cost of the project including design, construction, operation and maintenance; this limitation applies to each grant period.

(b) No grant will be approved unless:

(1) The system is consistent with any plan which meets the requirements of section 207(b)(2) of the Act.

(2) The system is consistent with any applicable guidelines recommended pursuant to section 209 of the Act.

(3) The system is designed to provide areawide resource recovery, consistent with the purposes of the Act.

(4) The project includes provisions for the equitable distribution of the costs associated with design, construction, operation and maintenance of the system among its users.

(5) The system provides for substantial recovery of materials or energy or both from solid wastes entering the system.

(c) No grant will be awarded for operating and maintenance costs beyond 1 year. The year will not begin until the constructed facility is deemed by the Administrator to be fully operational.

(d) Any income derived during the project period must be accounted for by the grantee. Disposition of grant-related income must be made in accordance with a method approved by the Administrator and may involve one or both of the following:

(1) Reduce the level of expenditures from grant funds by an amount equal to the Federal share of grant-related income.

(2) Payment to miscellaneous receipts account of the Treasury.

For purposes of this section, the Federal share of grant-related income is the proportion equal to the Federal participation in the total project cost.

§ 458.9 New or improved solid waste disposal facilities; special requirements.

Grants for the construction of new or improved solid waste disposal facilities shall, in addition to all other requirements of this part, be subject to the following limitations or conditions:

(a) The Federal share shall not be more than 50 percent of the estimated necessary cost of the project including design and construction (excluding operating and maintenance) where only one municipality is served, and not more than 75 percent in any other case; these limitations apply to each grant period.

(b) The project must advance the state of the art by applying new and improved techniques with one or more of the following effects:

(1) Reducing the environmental impact of solid waste disposal;

(2) Achieving recovery of energy or resources;

(3) Recycling material.

(c) A State or interstate plan for solid waste management must be adopted for the area in which the construction is proposed and the facility shall be:

(1) Consistent with the plan;

(2) Included in a comprehensive solid waste management plan for the area involved which is satisfactory to the Administrator for the purposes of the Act;

(3) Consistent with any applicable guidelines recommended under section 209.

(d) Any such grant shall be subject to the review system established pursuant to Office of Management and Budget Circular No. A-95.

§ 458.10 Approval of projects; Federal financial aid, and criteria.

(a) In determining the desirability, extent of funding and priority of a project the Administrator will take into consideration:

(1) The extent to which the project furthers the purposes of section 208 of the Act.

(2) The public benefits to be derived by the construction and the propriety of Federal aid in making such grant.

(3) To the extent applicable, the economic and commercial viability of the

project (including contractual arrangements with the private sector to market any resources recovered).

(4) The potential of such project for general application to community solid waste management problems.

(5) The extent to which a project would not duplicate a resource recovery system or solid waste disposal facility, which has already been developed, and is operating in an effective manner.

(6) The use by the applicant of all aspects of planning essential to area-wide planning for proper and effective solid waste management consistent with the protection of the public health and welfare.

(7) The extent to which the applicant takes into consideration such factors as population growth, urban and metropolitan development, land use planning, the feasibility of regional disposal and resource recovery programs, and the impact of the project upon the overall environment.

(8) In the case of resource recovery systems, the quantity and quality of materials or energy recovered from solid wastes entering the system.

(9) The competency of the proposed staff including contractors and consultants in relation to the type and scope of the project involved, the length of the proposed project period, the adequacy of the applicant's facilities and resources available for the project and the total amount of grant funds necessary for project completion.

(b) With respect to any project approved for Federal financial aid, the Administrator shall determine the project period during which the project may be supported.

§ 458.11 Grant awards.

(a) Within the limits of funds available for such purposes, the Administrator shall make grant awards, in such amounts as he may determine, to applicants whose projects have been approved for Federal financial aid under § 458.10.

(b) A grant award shall be made by the Administrator for either the project period or for such lesser period as he may prescribe in making the grant.

(c) Neither the approval of any project nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or renewal award with respect to any approved project or portion thereof.

§ 458.12 Supplemental, continuation, and renewal grants.

The Administrator may from time to time within the project period, on the basis of an application therefor, make additional grant awards with respect to any approved project when he finds on the basis of such progress, fiscal, or other reports he has required that:

(a) The amount of any prior award was less than the amount necessary to carry out the approved project within the period with respect to which the prior award was made. This constitutes a supplemental grant.

(b) The progress made within the period with respect to which any prior awards were made justifies support for an additional specified portion of the project period. This is a continuation grant.

(c) The progress made during the project period warrants continued support beyond the last continuation year. This is a renewal grant.

§ 458.13 Payments.

(a) Payments with respect to an approved project shall be made periodically, either in advance or by way of reimbursement, as the Administrator may determine, based on the estimated requirements or actual expenditures, respectively, for such period. Such payments shall be increased or decreased by the amount that prior payments are less than or exceed the Federal share of the costs of the approved project.

(b) Federal support for the project, not to exceed 10 percent, will be withheld until the grantee is notified in writing that all grant conditions and requirements have been met.

(c) Supplemental payments in any period may be made by the Administrator upon receipt of an application therefor accompanied by a satisfactory justification.

(d) No payment shall be made for any period during which, in the judgment of the Administrator, the applicant fails to comply substantially with any conditions or any other requirement imposed by or pursuant to these regulations, unless the Administrator finds that the payment of any amount otherwise payable, or any portion thereof, will be consistent with the purposes of section 208 of the Act and the applicant has undertaken to comply with such requirement or condition.

§ 458.14 Termination of grant award.

(a) Any grant award may be terminated by the Administrator in whole or in part at any time after affording the grantee reasonable notice and opportunity to present its views and evidence whenever the Administrator finds that in his judgment the grantee has failed in a substantial respect to comply with the conditions of the grant or the requirements and conditions of this part, or both.

(1) The views and evidence of the grantee shall be presented in writing unless the Administrator determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether the grantee has failed in a substantial respect to comply with the conditions of the grant or the requirements and conditions of this part, or both.

(b) Upon termination pursuant to paragraph (a) of this section the grantee shall render an accounting and final statement as provided in this part. The Administrator may allow credit for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination.

§ 458.15 Termination date: final accounting.

In addition to such other accounting as the Administrator may require, the grantee shall render with respect to each approved project a full account as provided herein, no later than 120 days following the project period, as of the termination date which shall be either the end of the project period, or the date of any termination of grant support, as provided in § 458.14, whichever occurs first.

§ 458.16 Accounting for grant payments.

(a) With respect to each approved project, the grantee shall account for the total of all amounts paid under § 458.13 by presenting, or otherwise making available, vouchers and fiscal records or other evidence satisfactory to the Administrator of actual expenditures for the project.

(b) Total grant expenditures shall not exceed 75 percent of the acceptable actual costs of the approved project with respect to which the grant is made as evidence in the final accounting except that for grants for the construction of facilities where the area includes only one municipality the total grant expenditures shall not exceed 50 percent of the acceptable actual costs.

§ 458.17 Accounting for equipment, materials, or supplies.

Expenditures of grant funds for movable or fixed equipment, materials or supplies, termed in this section "materials," may be charged to grant funds only to the extent such materials are required for the conduct of the approved project during the period for which Federal financial support is provided. Any materials on hand on the termination date of the project (excluding expendable supplies within such limitations as the Administrator may prescribe) shall be accounted for by one or both of the following methods:

(a) Materials may at the discretion of the Administrator be used by the grantee, without adjustment of accounts, for purposes within the grantee's solid waste management program and no other accounting for such materials shall be required provided:

(1) That during such period of use no charge for depreciation, amortization or for other use of the materials shall be made against any existing or future Federal grant or contract.

(2) If within the period of their useful life the materials are transferred by sale or otherwise for use outside the scope of the solid waste management program, the proportionate fair market value at the time of transfer shall be payable to the United States.

(b) The materials may be sold by the grantee and the proportion of net proceeds of sale equal to the proportion of Federal participation in the cost of the materials paid to the United States, or they may be used or disposed of in any manner by the grantee by paying to the United States such proportion of their fair market value as they had on the termination date. To the extent materials purchased from grant funds have been used for credit or "trade-in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

§ 458.18 Final settlement.

There shall be payable to the United States as final settlement with respect to each approved project the total sum of any amount not accounted for pursuant to § 458.16 and of any amounts payable to the United States as provided in § 458.17. Such total sum shall constitute a debt owed by the grantee to the United States and if not paid to the United States shall be recovered from the grantee or its successors by setoff or other action as provided by law.

Dated: January 19, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-951 Filed 1-22-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17159; RM-909]

PART 1—PRACTICE AND PROCEDURE

Records Maintained for Public Inspection; Correction

Report and Order, FCC 70-1042, Docket No. 17159, adopted September 23, 1970, and published at 35 F.R. 15383 is corrected with respect to the introductory text of paragraph (a) of § 1.526, to read as follows: [1]

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees and licensees.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraph (1) of this paragraph, and every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraphs (1), (2), (3), (4), and (5) of this paragraph: *Provided, however,* That the foregoing requirements shall not apply to applicants for or permittees or licensees of television broadcast translator stations, FM broadcast translator stations, or FM broadcast booster stations. The material to be contained in the file is as follows:

* * * * *

Released: January 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-992 Filed 1-22-71;8:49 am]

[1] The correction is to add to the introductory text a reference to subparagraph (5), which was formerly in the rule but was inadvertently omitted in the revision made in the cited report and order.

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter V was added to Title 49 CFR on March 26, 1970 (35 F.R. 5118), to organize the regulations of the Department of Transportation which were under the jurisdiction of the National Highway Safety Bureau. At that time, as a result of Departmental reorganization, the Bureau was separated from the Federal Highway Administration and established as a separate operating administration within the Department. Motor Vehicle Safety Regulations and related regulations were transferred from Chapter III to Chapter V, and the Parts redesignated by changing the first digit from a 3 to a 5.

The purpose of this amendment is to amend Chapter V to reflect legislative formalization of the reorganization which separated the Bureau from the Federal Highway Administration. Sections 202 (a) and (b) of the Highway Safety Act of 1970 (Public Law 91-605) abolished the National Highway Safety Bureau and established as its successor the National Highway Traffic Safety Administration. Under the Act, the NHTSA is a separate operating administration within the Department of Transportation, with the responsibility of carrying out highway and traffic safety authority delegated by the Secretary of Transportation.

Since this amendment relates to Departmental organization management and merely makes minor changes in existing regulatory material, notice and public procedure thereon are unnecessary and good cause exists for making it effective with less than 30 days' notice.

(Sec. 202, Highway Safety Act of 1970, Public Law 91-605; secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51, 35 F.R. 4955)

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended, effective January 27, 1971, as follows:

I. By amending the chapter heading of Chapter V to read as set forth above.

PART 551—PROCEDURAL RULES

II. By amending Part 551 as follows:

a. Section 551.33 is amended to read as follows:

§ 551.33 Address of Communication.

Unless otherwise specified, communications shall be addressed to the Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20591. Communications may not be addressed to a staff member's private address.

b. Paragraph (b) of § 551.45 is amended by striking out the first two sentences thereof and inserting the following in place thereof: "The designation shall be addressed to the Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20591."

PART 553—RULE MAKING PROCEDURES: MOTOR VEHICLE SAFETY STANDARDS

III. By amending Part 553 as follows:

a. Subpart A is amended to read as follows:

Subpart A—General

Sec.
553.1 Applicability.
553.3 Definitions.
553.5 Regulatory docket.
553.7 Records.

AUTHORITY: The provisions of this Subpart A issued under sec. 202, Highway Safety Act of 1970, Public Law 91-605; secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51, 35 F.R. 4955.

Subpart A—General

§ 553.1 Applicability.

The part prescribes rule making procedures that apply to the issue, amendment, and revocation of rules under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966.

§ 553.3 Definitions.

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 80-563, 15 U.S.C. 1391, et seq.

"Administrator" means the Administrator of the National Highway Traffic Safety Administration or a person to whom he has delegated final authority in the matter concerned.

"Rule" includes any order, regulation, or Federal motor vehicle safety standard issued under the Act.

§ 553.5 Regulatory docket.

(a) Information and data deemed relevant by the Administrator relating to rule making actions, including notices of proposed rule making; comments received in response to notices; petitions for rule making and reconsideration; denials of petitions for rule making and reconsideration; records of additional rule making proceedings under § 553.25; and final rules are maintained in the Docket Room, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20591.

(b) Any person may examine any docketed material at the Docket Room at any time during regular business hours after the docket is established, except material ordered withheld from the public under sections 112 and 113 of the Act (15 U.S.C. 1401, 1402) and section 552(b) of title 5 of the United States Code, and may obtain a copy of it upon payment of a fee.

§ 553.7 Records.

Records of the National Highway Traffic Safety Administration relating to rule making proceedings are available for inspection as provided in section 552

(b) of title 5 of the United States Code and Part 7 of the regulations of the Secretary of Transportation (Part 7 of this title).

b. Subpart B, §§ 553.11, 553.13, 553.17, 553.25, 553.27, 553.29, 553.31, 553.33, 553.35, and 553.37 are amended by changing the word "Director" to "Administrator."

c. Subpart B, §§ 553.27, 553.29, and 553.33 are amended by changing the words "General Counsel" to "Chief Counsel."

d. Subpart B, §§ 553.31, 553.35 are amended by deleting the words "Room 4223."

PART 555—APPLICATION FOR TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS FOR LIMITED PRODUCTION MOTOR VEHICLES

IV. By amending Part 555 as follows:

a. Sections 555.1, 555.5(a), 555.5(b), 555.11(b), and 555.19 are amended by changing the words "Director, National Highway Safety Bureau," to "Administrator, National Highway Traffic Safety Administration."

b. Section 555.11 is amended by changing the words "National Highway Safety Bureau" in paragraph (a) to "National Highway Traffic Safety Administration," and by changing the word "Director" in paragraph (c) to "Administrator."

c. Section 555.13 is amended by changing the designation "NHSB" to "NHTSA."

d. Section 555.15 is amended by changing the words "National Highway Safety Bureau" in paragraph (a) to "National Highway Traffic Safety Administration," and by changing the words "Director, National Highway Safety Bureau" to "Administrator, National Highway Traffic Safety Administration."

e. Section 555.17 is amended by deleting the words "National Highway Safety Bureau, Room 4223," and inserting the words "National Highway Traffic Safety Administration" in place thereof.

PART 567—CERTIFICATION

V. By amending Part 567 as follows:

Section 567.4 is amended by deleting the words "Director, National Highway Safety Bureau" from paragraph (c) and inserting the words "Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW.," in place thereof.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

VI. By amending Part 571 as follows:

a. Section 571.5 is amended by deleting the words "National Highway Safety Bureau, Room 4223" and inserting the words "National Highway Traffic Safety Administration" in place thereof.

b. Section 571.21 is amended by:

1. Changing the words "National Highway Safety Bureau" to "National Highway Traffic Safety Administration" in paragraph S6.2 of Motor Vehicle Safety Standard No. 109 (as amended, 35 F.R. 16734, Oct. 29, 1970).

2. Changing the words "National Highway Safety Bureau" to "National Highway Traffic Safety Administration" in Appendix A of Motor Vehicle Safety Standard No. 109.

3. Changing the words "National Highway Safety Bureau" to "National Highway Traffic Safety Administration" in Appendix A of Motor Vehicle Safety Standard No. 110.

PART 575—CONSUMER INFORMATION REGULATIONS

VII. By amending § 575.6 by changing the words "Director, National Highway Safety Bureau" to "Administrator, National Highway Traffic Safety Administration."

Issued on January 19, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-965 Filed 1-22-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service
[26 CFR Part 1]
INCOME TAX

Income Effectively Connected With Conduct of a Banking, Financing, or Similar Business in the United States

On January 23, 1969, notice of proposed rule making was published in the FEDERAL REGISTER in regard to regulations under section 864(c) of the Internal Revenue Code of 1954, relating to rules for determining income effectively connected with the U.S. business of nonresident alien individuals or foreign corporations, as added by section 102(d) of the Foreign Investors Tax Act of 1966 (34 F.R. 1030). Notice is hereby given that so much of the proposed regulations as is contained in paragraph (c)(5) of § 1.864-4, paragraph (b)(2)(i) of § 1.864-5, and paragraph (b)(2)(ii) of § 1.864-6, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is hereby withdrawn.

Further, notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

On January 23, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1030) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 864(c) of the Internal Revenue Code of 1954, relating to rules for determining income effectively connected with the U.S. business of nonresident alien individuals or foreign corporations, as added by section 102(d) of the Foreign Investors Tax Act of 1966 (80 Stat. 1544). So much of such proposed regulations as is contained in paragraph (c)(5) of § 1.864-4, paragraph (b)(2)(i) of § 1.864-5, and paragraph (b)(2)(ii) of § 1.864-6, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, is hereby withdrawn. The following rules are hereby prescribed in lieu of the rules which are so withdrawn:

§ 1.864-4 U.S. source income effectively connected with U.S. business.

* * * * * * *

(c) *Fixed or determinable income and capital gains.* * * *

(5) *Special rules relating to banking, financing, or similar business activity*—(i) *Definition of banking, financing, or similar* business. A nonresident alien individual or a foreign corporation shall be considered for purposes of this section to be engaged in the active conduct of a banking, financing, or similar business in the United States if at some time during the taxable year the taxpayer is engaged in business in the United States and the activities of that business consist of any one or more of the following activities carried on, in whole or in part, in the United States in transactions with persons situated within or without the United States:

(*a*) Receiving deposits of money from the public,

(*b*) Making personal, mortgage, industrial, or other loans to the public,

(*c*) Purchasing, selling, discounting, or negotiating, notes, drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness,

(*d*) Issuing letters of credit and negotiating drafts drawn thereunder,

(*e*) Accepting trust accounts from the public, or

(*f*) Handling foreign exchange transactions.

Although the fact that the taxpayer is subjected to the banking and credit laws of a foreign country shall be taken into account in determining whether he is engaged in the active conduct of a banking, financing, or similar business, the character of the business actually carried on during the taxable year in the United States shall determine whether the taxpayer is actively conducting a banking, financing, or similar business in the United States.

(ii) *Effective connection of income from stocks or securities with active conduct of a banking, financing, or similar business.* Notwithstanding the rules in subparagraphs (2) and (3) of this paragraph with respect to the asset-use test and the business activities test, any dividends or interest from, or gain or loss from the sale or exchange of, stocks or securities, which is from sources within the United States and derived by a nonresident alien individual or a foreign corporation in the active conduct during the taxable year of a banking, financing, or similar business in the United States shall be treated as not effectively connected for such year with conduct of that business unless the stocks or securities giving rise to such income, gain, or loss are attributable to the U.S. office through which such business is carried on and—

(*a*) Were acquired—

(*1*) As a result of, or in the course of, making loans to the public,

(*2*) In the course of distributing such stock or securities to the public, or

(*3*) For the purpose of meeting the reserve requirements, or other similar requirements, established by a duly constituted banking authority in the United States, or

(*b*) Consist of securities (as defined in subdivision (v) of this subparagraph) which are—

(*1*) Payable on demand or at a fixed maturity date not exceeding 1 year from the date of acquisition,

(*2*) Issued by the United States, or any agency or instrumentality thereof, or

(*3*) Not described in subdivision (*1*) or (*2*) of this subdivision (*b*).

However, the amount of interest from securities described in subdivision (*b*)(*3*) of this subdivision which shall be treated as effectively connected for the taxable year with the active conduct of a banking, financing, or similar business in the United States shall be an amount (but not in excess of the entire interest for the taxable year from sources within the United States from such securities) determined by multiplying the entire interest for the taxable year from sources within the United States from such securities by a fraction the numerator of which is 10 percent and the denominator of which is the same percentage, determined on the basis of a monthly average for the taxable year, as the book value of the total of such securities held by the U.S. office through which such business is carried on bears to the book value of the total assets of such office. The amount of gain or loss, if any, for the taxable year from the sale or exchange of such securities which shall be treated as effectively connected for the taxable year with the active conduct of a banking, financing, or similar business in the United States shall be an amount (but not in excess of the entire gain or loss

for the taxable year from sources within the United States from the sale or exchange of such securities) determined by multiplying the entire gain or loss for the taxable year from sources within the United States from the sale or exchange of such securities by the fraction described in the immediately preceding sentence. The monthly average for purposes of applying subdivision (*b*)(3) of this subdivision shall be determined by taking into account the total securities and the total assets held on the last day of each month in the taxable year.

Example. Foreign corporation M, created under the laws of foreign country Y, has in the United States a branch, B, which during the taxable year is engaged in the active conduct of the banking business in the United States within the meaning of subdivision (i) of this subparagraph. During the taxable year M derives from sources within the United States through the activities carried on through B, $7,500,000 interest from securities described in subdivision (*b*)(3) of this subdivision, and $7,500,000 gain from the sale of exchange of such securities. The monthly average, determined as of the last day of each month in the taxable year of such securities held by B divided by the monthly average, as so determined, of the total assets held by B equals 15 percent. Under this subdivision, the amount of interest income from such securities that shall be treated as effectively connected for the taxable year with the active conduct by M of a banking business in the United States is $5 million ($7,500,000 interest × 10%/15%), and the amount of gain from the sale or exchange of such securities that shall be treated as effectively connected for such year with the active conduct of suh business is $5 million ($7,500,000 gain × 10%/15%).

(iii) *Stocks or securities attributable to U.S. office—(a) In general.* For purposes of subdivision (ii) of this subparagraph, a stock or security shall be deemed to be attributable to a U.S. office only if—

(*1*) Such office actively participates in soliciting, negotiating, or performing other activities required to arrange the acquisition, sale, or exchange of, such stock or security, and

(*2*) Such stock or security is held at such office and recorded on its books or records as having been purchased or acquired by such office or for its account.

(*b*) *Exceptions.* A stock or security shall not be deemed to be attributable to a U.S. office merely because such office conducts one or more of the following activities:

(*1*) Collects or accounts for the dividends, interest, gain, or loss from such stock or security,

(*2*) Exercises general supervision over the activities of the persons directly responsible for carrying on the activities described in (*a*)(*1*) of this subdivision,

(*3*) Performs merely clerical functions incident to the acquisition, sale, or exchange of such stock or security, or

(*4*) Exercises final approval over the execution of the acquisition, sale, or exchange.

(iv) *Acquisitions in course of making loans to the public.* For purposes of subdivision (ii) of this subparagraph—

(*a*) A stock or security shall be considered to have been acquired in the course of making a loan to the public where, for example, such stock or security was acquired as additional consideration for the making of the loan,

(*b*) A stock or security shall be considered to have been acquired as a result of making a loan to the public if, for example, such stock or security was acquired by foreclosure upon a bona fide default of the loan and is held as an ordinary and necessary incident to the active conduct of the banking, financing, or similar business in the United States, and

(*c*) A stock or security acquired on a stock exchange or organized over-the-counter market shall be considered not to have been acquired as a result of, or in the course of, making loans to the public.

(v) *Security defined.* For purposes of this subparagraph, a security is any bill, note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing items.

(vi) *Limitations on application of subparagraph—(a) Other business activity.* This subparagraph provides rules for determining when income from stocks or securities is effectively connected with the active conduct of a banking, financing, or similar business in the United States. Any dividends, interest, gain, or loss from sources within the United States which by reason of the application of subdivision (ii) of this subparagraph is not effectively connected with the active conduct by a nonresident alien individual or a foreign corporation of a banking, financing, or similar business in the United States may be effectively connected for the taxable year with the conduct by such taxpayer of another trade or business in the United States, such as, for example, the business of selling or manufacturing goods or merchandise or of trading in stocks or securities for the taxpayer's own account.

(*b*) *Other income.* For rules relating to income, gain, or loss from sources within the United States (other than dividends or interest from, or gain or loss from the sale or exchange of, stocks or securities) derived in the active conduct of a banking, financing, or similar business in the United States, see subparagraphs (2) and (3) of this paragraph.

(vii) *Illustrations.* The application of this subparagraph may be illustrated by the following examples:

Example (1). Foreign corporation F, which is created under the laws of foreign country X and engaged in the banking business in country X and a number of other foreign countries, has in the United States an agency, B, which during the taxable year is engaged in the active conduct of the banking business in the United States within the meaning of subdivision (i) of this subparagraph. In the course of its banking business, F receives at its branches located in country X and other foreign countries substantial deposits in U.S. dollars which are transferred to the accounts of B in the United States. During the taxable year B actively participates in negotiating loans to residents of the United States, such as call loans to U.S. brokers, which are financed from the U.S. dollar deposits transferred to B by F. In addition, B uses these deposits to purchase on the New York stock exchange and over-the-counter markets long-term bonds and notes issued by the U.S. Government, U.S. Treasury bills, and long-term interest-bearing bonds issued by domestic corporations and having a maturity date of less than 1 year from the date of acquisition. Pursuant to subdivisions (ii) and (vi)(*b*) of this subparagraph, the interest received by F during the taxable year on these loans, bonds, notes, and bills is effectively connected for such year with the active conduct by F of a banking business in the United States.

Example (2). The facts are the same as in example (1) except that B also uses part of the U.S. dollar deposits, which are transferred to it by F, to purchase on the New York stock exchange shares of common stock issued by various domestic corporations, some of which are sold by B on the exchange during the taxable year. None of the shares so purchased are acquired for the purpose of meeting reserve or other similar requirements. Pursuant to subdivision (ii) of this subparagraph, the dividends and gains received by F during the taxable year on these shares of stock are not effectively connected with the conduct by F of a banking business in the United States.

Example (3). The facts are the same as in example (1) except that B also uses part of the U.S. dollar deposits, which are transferred to it by F, to make a loan to domestic corporation M. As part of the consideration for the loan, M gives to B a number of shares of common stock issued by M. During the taxable year one-half of the shares of stock received from M is sold by B on the New York stock exchange. Pursuant to subdivision (ii) of this subparagraph, the dividends and gains received by F during the taxable year on these shares of stock are effectively connected for such year with the active conduct by F of a banking business in the United States.

Example (4). The facts are the same as in example (1) except that during the taxable year the home office of F in country X actively participates in negotiating loans to residents of the United States, such as call loans to U.S. brokers, which are financed by the U.S. dollar deposits received at the home office and are recorded on the books of the home office. Pursuant to subdivision (vi)(*b*) of this subparagraph the interest received by F during the taxable year on these loans made by the home office in country X is not effectively connected with the conduct by F of a trade or business in the United States.

Example (5). Foreign corporation N, created under the laws of foreign country Y, has in the United States a branch, B, which is engaged in the active conduct of a banking business in the United States within the meaning of subdivision (i) of this subparagraph. A substantial portion of the funds which are acquired by B arise from its international trade financing activities, including the issuing of letters of credit and discounting or negotiating notes, drafts, checks, bills of exchange, and acceptances. During the taxable year B actively participates in negotiating loans to residents of the United States, such as call loans to U.S. brokers, which are financed from these funds arising from its trade financing activities. In addition, B is actively engaged in the business of trading in stocks and corporate securities on the stock exchange and over-the-counter markets, particularly for the purpose of facilitating the purchase and sale of stocks and securities for the account of customers in country Y. None of the stocks or securities so purchased are acquired for the purpose of meeting reserve or other similar requirements, and none of such securities are

securities described in subdivision (ii)(*b*)(*1*) of this subparagraph. Pursuant to subdivision (vi)(*b*) of this subparagraph, the interest received by B during the taxable year on these loans is effectively connected for such year with the active conduct by N of a banking business in the United States. Pursuant to subdivision (ii) of this subparagraph, the dividends and gains received by N during the taxable year on these stocks are not effectively connected with the conduct by N of a banking business in the United States but the interest and gains received by N on these securities are effectively connected, to the extent provided in that subdivision, with the active conduct by N of a banking business in the United States.

* * * * *

§ 1.864–5 Foreign source income effectively connected with U.S. business.

* * * * *

(b) *Income other than income attributable to U.S. life insurance business.* * * *

(2) *Dividends or interest, or gains or loss from sales of stocks or securities—(i) In general.* Dividends or interest from any transaction, or gain or loss on the sale or exchange of stocks or securities, realized by (*a*) a nonresident alien individual or a foreign corporation in the active conduct of a banking, financing, or similar business in the United States or (*b*) a foreign corporation engaged in business in the United States whose principal business is trading in stocks or securities for its own account. Whether the taxpayer is engaged in the active conduct of a banking, financing, or similar business in the United States for purposes of this subparagraph shall be determined in accordance with paragraph (c)(5)(i) of § 1.864–4.

* * * * *

§ 1.864–6 Income, gain, or loss attributable to an office or other fixed place of business in the United States.

* * * * *

(b) *Material factor test.* * * *

(2) * * *

(ii) *Dividends or interest, or gain or loss from sales of stocks or securities—(a) In general.* Dividends or interest from any transaction, or gains or losses from the sale or exchange of stocks or securities, specified in paragraph (b)(2) of § 1.864–5, if the office or other fixed place of business either actively participates in soliciting, negotiating, or performing other activities required to arrange, the issue, acquisition, sale, or exchange, of the asset from which such income, gain, or loss is derived or performs significant services incident to such issue, acquisition, sale, or exchange. An office or other fixed place of business in the United States shall not be considered to be a material factor in the realization of income, gain, or loss for purposes of this subdivision merely because the office or other fixed place of business (*1*) collects or accounts for the dividends, interest, gains, or losses, (*2*) exercises general supervision over the activities of the persons directly responsible for carrying on the activities or services described in the immediately preceding sentence, (*3*) performs merely clerical functions incident to the issue, acquisition, sale, or exchange, or (*4*) exercises final approval over the execution of the issue, acquisition, sale, or exchange.

(*b*) *Effective connection of income from stocks or securities with active conduct of a banking, financing, or similar business.* For purposes of this section, the determination as to whether any dividends or interest from, or gain or loss from the sale or exchange of, stocks or securities, which is from sources without the United States and derived by a nonresident alien individual or a foreign corporation in the active conduct during the taxable year of a banking, financing, or similar business in the United States, shall be treated as effectively connected for such year with the conduct of that business shall be made by applying the same rules as are provided in paragraph (c)(5)(ii) of § 1.864–4 for determining whether income, gain, or loss of such type from sources within the United States is effectively connected for such year with the conduct of that business.

(c) *Security defined.* For purposes of this subdivision, a security is any bill, note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing items.

(*d*) *Limitations on application of rules on banking, financing, or similar business—(1) Trading for taxpayer's own account.* Subdivision (*b*) of this subdivision applies for purposes of determining when income, gain, or loss from stocks or securities is effectively connected with the active conduct of a banking, financing, or similar business in the United States. Any dividends, interest, gain, or loss from sources without the United States which by reason of the application of (*b*) of this subdivision is not effectively connected with the active conduct by a foreign corporation of a banking, financing, or similar business in the United States may be effectively connected for the taxable year with the conduct by such taxpayer of a trade or business in the United States which consists of trading in stocks or securities for the taxpayer's own account.

(*2*) *Other income.* For rules relating to dividends or interest from sources without the United States (other than dividends or interest from stocks or securities) derived in the active conduct of a banking, financing, or similar business in the United States, see (*a*) of this subdivision.

* * * * *

[FR Doc.71-976 Filed 1-22-71;8:48 am]

[26 CFR Part 1]

TREATMENT OF LIVESTOCK

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to certain amendments made by sections 212 and 704 of the Tax Reform Act of 1969 (83 Stat. 487), relating to livestock, such regulations are amended as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.1031(d)–2:

§ 1.1031(e) Statutory provisions; exchange of property held for productive use or investment; exchanges of livestock of different sexes.

SEC. 1031. *Exchange of property held for productive use or investment.* * * *

(e) *Exchange of livestock of different sexes.* For purposes of this section, livestock of different sexes are not property of a like kind.

[Sec. 1031(e) as added by sec. 212(c), Tax Reform Act 1969 (83 Stat. 571)]

§ 1.1031(e)–1 Exchanges of livestock of different sexes.

Section 1031(e) provides that livestock of different sexes are not property of like kind. Section 1031(e) and this section are applicable to taxable years to which the Internal Revenue Code of 1954 applies.

PAR. 2. Paragraph (c)(1) of § 1.1231–1 is amended by revising subdivision (iii) to read as follows:

§ 1.1231–1 Gains and losses from the sale or exchange of certain property used in the trade or business.

* * * * *

(c) *Transactions to which section applies.* * * *

(1) * * *

(ii) Livestock held for draft, breeding, dairy, or sporting purposes, except to the extent included under paragraph (4) of this paragraph, or poultry.

* * * * *

PAR. 3. Paragraphs (a) and (b) of § 1.1231–2 are amended to read as follows:

§ 1.1231–2 Livestock held for draft, breeding, dairy, or sporting purposes.

(a) (1) In the case of cattle, horses, or other livestock acquired by the taxpayer after December 31, 1969, section 1231 applies to the sale, exchange, or involuntary conversion of such cattle, horses, or other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him—

(i) For 24 months or more from the date of acquisition in the case of cattle or horses, or

(ii) For 12 months or more from the date of acquisition in the case of such other livestock.

(2) In the case of livestock (including cattle or horses) acquired by the taxpayer on or before December 31, 1969, section 1231 applies to the sale, exchange, or involuntary conversion of such livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition.

(3) For the purposes of section 1231, the term "livestock" is given a broad, rather than a narrow, interpretation and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other mammals. However, it does not include poultry, chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, etc.

(b) Whether or not livestock is held by the taxpayer for draft, breeding, dairy, or sporting purposes depends upon all of the facts and circumstances in each case. The purpose for which the animal is held is ordinarily shown by the taxpayer's actual use of the animal. However, a draft, breeding, dairy, or sporting purpose may be present if an animal is disposed of within a reasonable time after its intended use for such purpose is prevented or made undesirable by reason of accident, disease, drought, unfitness of the animal for such purpose, or a similar factual circumstance. Under certain circumstances, an animal held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business may be considered as held for draft, breeding, dairy, or sporting purposes. However, an animal is not held by the taxpayer for draft, breeding, dairy, or sporting purposes merely because it is suitable for such purposes or merely because it is held by the taxpayer for sale to other persons for use by them for such purposes. Furthermore, an animal held by the taxpayer for other purposes is not considered as held for draft, breeding, dairy, or sporting purposes merely because of a negligible use of the animal for such purposes or merely because of the use of the animal for such purposes as an ordinary or necessary incident to the other purposes for which the animal is held.

• • • • •

PAR. 4. Section 1.1245 is amended by revising subsection (a)(2), by adding subparagraphs (C) and (D) to section 1245(a)(2), by revising subsection (a)(3), by adding a subparagraph (D) to section 1245(a)(3), and by amending the historical note. This amended provision reads as follows:

§ 1.1245 Statutory provisions; gain from dispositions of certain depreciable property; recomputed basis.

SEC. 1245. *Gain from dispositions of certain depreciable property*—(a) *General rule.* • • •

(2) *Recomputed basis.* For purposes of this section, the term "recomputed basis" means—

(A) With respect to any property referred to in paragraph (3) (A) or (B), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961,

(B) With respect to any property referred to in paragraph (3)(C), its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after June 30, 1963,

(C) With respect to livestock, its adjusted basis recomputed by adding thereto all adjustments attributable to periods after December 31, 1969, or

(D) With respect to any property referred to in paragraph (3)(D), its adjusted basis recomputed by adding thereto all adjustments attributable to periods beginning with the first month for which a deduction for amortization is allowed under section 169 or 185,

reflected in such adjusted basis on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for depreciation, or for amortization under section 168, 169, 184, 185, or 187. For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation, or for amortization under section 168, 169, 184, 185, or 187, for any period was less than the amount allowable, the amount added for such period shall be the amount allowed.

(3) *Section 1245 property.* For purposes of this section, the term "section 1245 property" means any property which is or has been property of a character subject to the allowance for depreciation provided in section 167 (or subject to the allowance of amortization provided in section 185) and is either—

(A) Personal property,

(B) Other property (not including a building or its structural components) but only if such other property is tangible and has an adjusted basis in which there are reflected adjustments described in paragraph (2) for a period in which such property (or other property)—

(i) Was used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

(ii) Constituted research or storage facilities used in connection with any of the activities referred to in clause (i),

(C) An elevator or an escalator, or

(D) So much of any real property (other than any property described in subparagraph (B)) which has an adjusted basis in which there are reflected adjustments for amortization under section 169 or 185.

• • • • •

[Sec. 1245 as added by sec. 13(a), Rev. Act 1962 (76 Stat. 1032); amended by sec. 203(d), Rev. Act 1964 (78 Stat. 35); amended by secs. 212(a) and 704(b)(4), Tax Reform Act 1969 (83 Stat. 571, 670)]

PAR. 5. Paragraph (a)(2) of § 1.1245–1 is amended to read as follows:

§ 1.1245–1 General rule for treatment of gain from dispositions of certain depreciable property.

(a) *General.* • • •

(2) Section 1245(a)(1) applies to dispositions of section 1245 property in taxable years beginning after December 31, 1962, except that—

(i) In respect of section 1245 property which is an elevator or escalator, section 1245(a)(1) applies to dispositions after December 31, 1963, and

(ii) In respect of section 1245 property which is livestock (described in subparagraph (4) of § 1.1245–3(a)), section 1245(a)(1) applies to dispositions made in taxable years beginning after December 31, 1969.

• • • • •

PAR. 6. Paragraph (a) of § 1.1245–2 is amended by revising subparagraphs (2), (6), and (7) to read as follows:

§ 1.1245–2 Definition of recomputed basis.

(a) *General rule.* • • •

(2) *Definition of adjustments reflected in adjusted basis.* The term "adjustments reflected in the adjusted basis" means—

(i) With respect to any property other than an elevator, escalator, or livestock, the amount of the adjustments attributable to periods after December 31, 1961,

(ii) With respect to an elevator or escalator, the amount of the adjustments attributable to periods after June 30, 1963, or

(iii) With respect to livestock (described in subparagraph (4) of §1.1245–3(a)), the amount of the adjustments attributable to periods after December 31, 1969.

which are reflected in the adjusted basis of such property on account of deductions allowed or allowable for depreciation or amortization (within the meaning of subparagraph (3) of this paragraph). For cases where the taxpayer can establish that the amount allowed for any period was less than the amount allowable, see subparagraph (7) of this paragraph. For determination of adjusted basis of property in a multiple asset account, see paragraph (c)(3) of § 1.167(a)–8.

• • • • •

(6) *Allocation of adjustments attributable to periods after December 31, 1961, after June 30, 1963, or after December 31, 1969.* (i) For purposes of determining recomputed basis, the amount of adjustments reflected in the adjusted basis of property other than an elevator, escalator, or livestock are limited to adjustments attributable to periods after December 31, 1961. Accordingly, if depreciation deducted with respect to such property of a calendar year taxpayer is $1,000 a year (the amount allowable) for each of 10 years beginning with 1956, only the depreciation deducted in 1962 and succeeding years shall be treated as reflected in the adjusted basis for purposes of determining recomputed basis.

With respect to a taxable year beginning in 1961 and ending in 1962, the deduction for depreciation or amortization shall be ascertained by applying the principles stated in paragraph (c)(3) of § 1.167(a)–8 (relating to determination of adjusted basis of retired asset). The amount of the deduction, determined in such manner, shall be allocated on a daily basis in order to determine the portion thereof which is attributable to a period after December 31, 1961. Thus, for example, if a taxpayer, whose fiscal year ends on May 31, 1962, acquires section 1245 property on November 12, 1961, and the deduction for depreciation attributable to the property for such fiscal year is ascertained (under the principles of paragraph (c)(3) of § 1.167(a)–8) to be $400, then the portion thereof attributable to a period after December 31, 1961, is $302 (151/200 of $400). If, however, the property were acquired by such taxpayer after December 31, 1961, the entire deduction for depreciation attributable to the property for such fiscal year would be allocable to a period after December 31, 1961. For treatment of certain normal retirements described in paragraph (c)(2) of § 1.167(a)–8, see paragraph (c) of § 1.1245–6. For principles of determining the amount of adjustments for depreciation or amortization reflected in the adjusted basis of property upon an abnormal retirement of property in a multiple asset account, see paragraph (c)(3) of § 1.167(a)–8.

• • • • •

(iii) For purposes of determining recomputed basis, the amount of adjustments reflected in the adjusted basis of livestock (described in subparagraph (4) of § 1.1245–3(a)) are limited to adjustments attributable to periods after December 31, 1969.

(7) *Depreciation or amortization allowed or allowable.* For purposes of determining recomputed basis, generally all adjustments (for periods after Dec. 31, 1961, June 30, 1963, or Dec. 31, 1969, as the case may be) attributable to allowed or allowable depreciation or amortization must be taken into account. See section 1016(a)(2) and the regulations thereunder for the meaning of "allowed" and "allowable". However, if a taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation or amortization for any period was less than the amount allowable for such period, the amount to be taken into account for such period shall be the amount allowed. See paragraph (b) of this section (relating to records to be kept and information to be filed). For example, assume that in the year 1967 it becomes necessary to determine the recomputed basis of property, the $500 adjusted basis of which reflects adjustments of $1,000 with respect to depreciation deductions allowable for periods after December 31, 1961. If the taxpayer can establish by adequate records or other sufficient evidence that he had been allowed deductions amounting to only $800 for the period, then in determining recomputed basis the amount added to adjusted basis with respect to the $1,000 adjustments to basis for the period will be only $800.

• • • • •

PAR. 7. Paragraph (a) of § 1.1245–3 is amended by revising so much of subparagraph (1) as precedes subdivision (i) and by revising subparagraph (4). The revised provisions read as follows:

§ 1.1245–3 Definition of section 1245 property.

(a) *In general.* (1) The term "section 1245 property" means any property (other than livestock excluded by the effective date limitation in subparagraph (4) of this paragraph) which is or has been property of a character subject to the allowance for depreciation provided in section 167 and which is either—

• • • • •

(4) Section 1245 property includes livestock, but only with respect to taxable years beginning after December 31, 1969. For purposes of section 1245, the term "livestock" includes horses, cattle, hogs, sheep, goats, and mink and other fur-bearing animals, irrespective of the use to which they are put or the purpose for which they are held.

• • • • •

[FR Doc.71–1008 Filed 1–22–71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PARMESAN CHEESE, REGGIANO CHEESE

Identity Standard; Order Rejecting Proposed Amendment To Reduce Required Curing Time

In the matter of amending the definition and standard of identity for parmesan cheese, reggiano cheese (21 CFR 19.595) by reducing the required curing time from 14 months to 10 months:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6595), based on a petition filed by Tolibia Cheese, Inc., 919 North Michigan Avenue, Chicago, Ill. 60611.

In response to the proposal, comments were received from six parmesan cheese manufacturers, a trade association, and three consumers. Of the manufacturers, two (including the petitioner) favor the proposal. The other manufacturers, the association, and the consumers oppose it.

Grounds given in support of the proposal were that current technology and production practices permit the proper curing of parmesan cheese in 10 months' time. The manufacturers opposing the proposal contend that no new art or technology is revealed in the petition that was not known and practiced at the time the parmesan cheese standard, with its 14 months' curing period requirement, was established.

On the basis of the information submitted in the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs does not conclude that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That the standard for parmesan cheese not be amended as proposed in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6595).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections. If a hearing is requested, the objfiling will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing s requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 14, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–967 Filed 1–22–71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM–76; Notice No. 71–3]

TRANSPORTATION OF HAZARDOUS MATERIALS

Compressed Gases in Cylinders

The Hazardous Materials Regulations Board is considering amending §§ 173.34 and 173.301 of the Department's Hazardous Materials Regulations to (1) extend

the 5-year hydrostatic retest requirements for certain specification 3A and 3AA cylinders to 10-year periods; (2) authorize visual inspection for specification 4E aluminum cylinders in place of periodic hydrostatic retesting; (3) authorize visual inspection for specifications 4B and 4BA cylinders used exclusively in methylamine service; (4) authorize visual inspection for certain cylinders used exclusively in cyclopropane service; (5) apply the periodic hydrostatic retesting and reinspection requirements to specifications 3AX and 3AAX cylinders; (6) remove the service pressure restriction limiting the type of cylinders that may be visually inspected instead of being hydrostatically retested; (7) provide requalification requirements for cylinders that contained a material classified as a "corrosive liquid" prior to recharging with a compressed gas; and (8) to clarify the term "owner" in § 173.301(b) consistent with accepted industry practice and in keeping with the intent of the rule.

These proposals are based, in part, on petitions received from the Compressed Gas Association, and the Bureau of Explosives on behalf of interested shippers. Adoption of the proposals would obviate the need for numerous Special Permits that have been in existence for several years. Upon request from shippers, and receipt of substantial and appropriate cylinder history data from owners of cylinders, Special Permits were issued to various shippers authorizing the shipment of certain dry gases in specifications 3A and 3AA cylinders of not over 125 pounds water capacity for which the 5-year hydrostatic retest period was extended to 10 years. The cylinders were required to be given a visual external inspection prior to each refill to determine that there was no evidence of physical abuse, fire or heat damage, or detrimental rusting or corrosion, and to be subjected to a hammer test and an odor test. Furthermore, a certain percentage of the involved cylinders were required to be subjected to the prescribed periodic hydrostatic retest to verify that there were no significant changes in cylinder life expectancy predicted by the supporting data. It is proposed to limit 10-year hydrostatic retesting to newer cylinders, i.e., cylinders which are not over 35 years old when retested. The reason for this proposal is to require increased monitoring of the effects of age upon a container by requiring more frequent inspection of its condition as it becomes older.

In the compressed gas industry there is a trend to qualify the continued use of pressure vessels, especially cylinders, by visual inspection in place of the traditional periodic hydrostatic retest. Precedence for this has already been established in the regulations where this principle applies to cylinders used exclusively in the use of certain gases, e.g., liquefied petroleum gas, and fluorinated hydrocarbons which are commercially free from corroding components. These provisions were adopted in recognition of the merits of the visual inspection method conducted in accordance with industry's standards described in the Compressed Gas Association's Pamphlet C–6. Also, a petitioner has advised that it is feasible to extend the visual inspection provisions, in place of the hydrostatic retest requirements, to (1) specifications 4B, 4BA, and 4BW cylinders used exclusively in the service of monomethylamine, dimethylamine, or trimethylamine commercially free from corroding components, (2) certain specification cylinders in the 3 and 4 series used exclusively in the service of cyclopropane commercially free from corroding components, and (3) specification 4E aluminum cylinders in the exclusive service of LPG and fluorinated hydrocarbons commercially free from corroding components.

Additionally, to be consistent with other requalification requirements for steel cylinders, it is proposed to extend the periodic hydrostatic retest for specification 4E cylinders used exclusively in the interchangeable service of certain noncorrosive gases, from 5 years to 10 years.

The proposals would also establish qualification, maintenance and use requirements for the larger specifications 3AX and 3AAX cylinders for which construction requirements were provided in the regulations 5 years ago.

It is also proposed to remove the service pressure rating limitation specified for certain cylinders that may be visually inspected thus extending the range of cylinders within the class eligible for visual inspection in place of hydrostatic retesting. It appears safe and reasonable to qualify higher service pressure cylinders for the visual inspection provisions afforded the same type cylinder marked with a lower service pressure in the services described in § 173.34(e)(10).

The Board believes that it is timely to prescribe specific requalification requirements for cylinders in the service of commodities classified as corrosive liquids prior to their use for compressed gases. The Board further believes that good operating practices should normally dictate that cylinders used for corrosive liquids per se be confined to that service. However, it is aware that under certain circumstances it is feasible to employ cylinders in dual service provided adequate safeguards are taken to ascertain the integrity of the pressure vessel in a charged condition. The regulations prescribe the use of certain specification cylinders for various corrosive liquids, e.g., § 173.247a for vanadium tetrachloride, § 173.251 for boron trichloride, and § 173.283 for bromine trifluoride. Therefore, certain retest and inspection requirements are proposed to preclude the use of cylinders that have performed satisfactorily in a nonpressure service but may be questionable as sound vessels for compressed gases.

On occasion in the past, the significance of the term "owner" as it relates to the safe shipment of compressed gas in cylinders has been questioned. The Board believes that the ownership requirement in § 173.301(b) is a positive safety factor and that a charged compressed gas cylinder must not be shipped unless it was charged by or with the consent of the owner of the cylinder. Accordingly, for the sake of clarity and to be consistent with accepted industry practice, it is proposed to specify that the term "owner" include a lessor or other similar person in legal possession of the container.

Certain editorial adjustments are also included to correlate the substantive changes proposed.

In consideration of the foregoing, it is proposed to amend 49 CFR §§ 173.34 and 173.301 as follows:

(A) In § 173.34 subparagraph (a)(1) would be amended, (a)(3) would be amended and redesignated paragraph (b); (b) would be redesignated (c)(3)(i); the introductory text of paragraph (c) would be amended; (c)(2) would be deleted; (c)(3) would be redesignated (c)(3)(ii); (c)(4) would be redesignated (c)(2); (c)(5) would be deleted; paragraph (e) table and subparagraph (e)(6) would be amended; (e)(9) would be amended by inserting "DOT–4E" following DOT–4BW in the first sentence, "§ 178.68" would be inserted following § 178.61 within the parentheses, the last sentence would be deleted; (e)(10) table would be amended and the last sentence of the paragraph would be deleted; (e)(11), (e)(15) would be amended; (e)(16) would be added as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

(a) • • •

(1) No person may charge or fill a cylinder unless it is as specified in this Part and Part 178 of this chapter. Cylinders that leak, are bulged, have defective valves or safety devices, bear evidence of physical abuse, fire or heat damage, or detrimental rusting or corrosion, must not be used unless they are properly repaired and requalified as prescribed in these regulations.

• • • • • •

(b) *Grandfather clause.* A cylinder in domestic use previous to the date upon which the specification therefor was first made effective in these regulations may be used if the cylinder has been properly tested and otherwise complies with the requirements applicable for the gas with which it is charged.

(c) *Cylinder marking.* All required markings on each cylinder must be maintained so that they are legible. Retest markings and illegible original markings may be reproduced by stamping on metal plates which must be permanently secured to the cylinder.

• • • • • •

(2) When the space originally provided for dates of subsequent retests becomes filled, the stamping of additional test dates into the external surface of footrings of cylinders is authorized.

(3) Cylinder markings must not be changed except as follows:

(i) Marked service pressure may be changed only upon application to the Bureau of Explosives and receipt of written instructions as to the procedure to be followed. Such a change is not authorized for cylinders which have failed to pass the prescribed periodic hydrostatic retest unless they are reheat treated and requalified in accordance with the requirements of this section.

(ii) Changes may be made in serial numbers and in the identification symbols by the owners. Identification symbols must be registered and approved by the Bureau of Explosives. Serial numbers and identification symbols may be changed only by owners upon their receipt of written approval from the Bureau of Explosives. The request for approval must identify the existing markings including serial numbers) that correspond with the proposed new markings.

• • • • • •

(e) • • •

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
(change)		
DOT–3A, 3AA	⅝ times service pressure, except noncorrosive service (see § 173.34(e)(10)).	5 or 10 (see § 173.34(e)(11) and (e)(15)).
DOT–4E	2 times service pressure, except noncorrosive service (see § 173.34(e)(10)).	5.
DOT–9	400 p.s.i. (maximum 600 p.s.i.)	5.
(add)		
DOT–3AX, 3AAX	⅝ times service pressure.	5.
• • •	• • •	• • •

(NOTE 1 remains unchanged.)

• • • • • •

(6) Each cylinder passing reinspection and retest must be marked with the date (month and year), plainly and permanently stamped into the metal of the cylinder or on a metal plate which must be permanently secured to the cylinder. For example, "4–70" for April 1970. The dash between the month and year figures may be replaced by the mark of the testing or inspecting agency. Stamping must be in accordance with marking requirements of the specification. Dates of the previous tests must not be obliterated.

• • • • • •

(10) • • •

Cylinders made in compliance with—	*Used exclusively for—*
DOT–4, DOT–3A, DOT–3AA, DOT–3A480X, DOT–4A, DOT–4AA480.	Anhydrous ammonia of at least 99.95% purity.
DOT–3A, DOT–3AA, DOT–3A480X, DOT–3B, DOT–4B, DOT–4BA, DOT–4BW, ICC–26–240,[1] ICC–26–300.[1]	Butadiene, inhibited, which is commercially free from corroding components.
DOT–3A, DOT–3A480X, DOT–3AA, DOT–3B, DOT–4A, DOT–4AA480, DOT–4B, DOT–4BA, DOT–4BW.	Cyclopropane gas which is commercially free from corroding components.
DOT–3A, DOT–3AA, DOT–3A480X, DOT–4B, DOT–4BA, DOT–4BW, DOT–4E.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.
DOT–3A, DOT–3AA, DOT–3A480X, DOT–3B, DOT–4B, DOT–4BA, DOT–4BW, DOT–4E, ICC–26–240,[1] ICC–26–300.[1]	Liquefied hydrocarbon gas which is commercially free from corroding components.
DOT–3A, DOT–3AA, DOT–3A480X, DOT–3B, DOT–4B, DOT–4BA, DOT–4BW, DOT–4E, ICC–26–240,[1] ICC–26–300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
DOT–3A, DOT–3AA, DOT–3B, DOT–4B, DOT–4BA, DOT–4BW.	Anhydrous mono, di, trimethylamines which are commercially free from corroding components.

[1] Use of existing cylinders authorized, but new construction not authorized.

• • • • • •

(11) Cylinders made in compliance with specification DOT–3A, DOT–3A 480X, or DOT–4AA480 used exclusively for anhydrous, ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested every 10 years instead of every 5 years.

• • • • • •

(15) Cylinders made in compliance with specification DOT–3A or 3AA, not exceeding 125 pounds water capacity and removed from any cluster, bank, group, rack, or vehicle each time they are filled, may be retested every 10 years instead of every 5 years, provided each cylinder complies with all of the following:

(i) The cylinder is not over 35 years old when it is retested;

(ii) Cylinders are used exclusively for: oxygen, nitrogen, argon, hydrogen, helium, neon, krypton, xenon, air, nitrous oxide, cyclopropane, ethylene, and permitted mixtures thereof (see § 173.301(a)) and permitted mixtures of these gases with up to 30 percent by volume of carbon dioxide.

(iii) Cylinders are used exclusively for commodities having dewpoints at or below minus 52° F. at 1 atmosphere. Prior to each refill, cylinders must be subjected to, and pass, the hammer test specified in CGA Pamphlet C–6.

(iv) Cylinders currently in compliance with subdivisions (i), (ii), and (iii) of this subparagraph but which have not been confined to the exclusive use service specified since the last required hydrostatic retest must be retested and examined in accordance with the requirements of § 173.302(c)(2), (3), and (4) before the periodic retest interval may be extended to 10 years.

(v) Each cylinder less than 35 years old is stamped with a five pointed star at least ¼-inch high following the test date. If at any time a cylinder marked with the star is used other than as specified in this paragraph, the star following the most recent test date must be obliterated and subsequent tests made every 5 years.

(16) Cylinders that previously contained a commodity classified as a "corrosive liquid" must not be used for the transportation of any compressed gas unless the following requirements are complied with before the subsequent initial filling with the compressed gas:

(i) Each cylinder must be visually inspected, internally and externally, in accordance with CGA Pamphlet C–6.

(ii) Regardless of the previous test or retest date, each cylinder must be tested by interior hydrostatic pressure and must meet the acceptance criteria as specified in subparagraphs (1), (2), (3), and (4) of this paragraph.

(iii) In addition to the record prescribed in subparagraph (5) of this paragraph, the record of the inspection and test shall include the date (month and year) of the inspection and test; the cylinder identification (including ICC or DOT specification number, registered symbol, serial number, date of manufacture, and ownership symbol); the conditions checked (leakage, corrosion, gouges, dents, or digs in shell or heads, broken or damaged footrings, or fire damage); and the disposition of the cylinder (returned to service, returned to the manufacturer for repairs, or scrapped).

(iv) Each cylinder requalified for compressed gas service in accordance with this subparagraph may have its next retest and inspection scheduled from the date of the inspection and retest prescribed herein.

(v) Cylinders that contained any corrosive liquid, for which decontamination methods cannot remove all significant residue or impregnation by the former corrosive content, must not be used for the transportation of any compressed gas.

• • • • • •

(B) In § 173.301, paragraphs (a) and (b) would be amended as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

(a) *Gases capable of combining chemically.* Cylinders charged with compressed gas must not contain gases or materials that are capable of combining chemically with each other or with the cylinder material so as to endanger their serviceability. See § 173.34(e)(16) regarding the requalification of cylinders that previously contained a corrosive liquid.

(b) *Ownership of container.* A container charged with a compressed gas may not be shipped unless it was charged by or with the consent of the owner of the container. For the purpose of this subpart, the word "owner" includes a lessor or other similar person in legal possession of the container.

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Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835, title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1968 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C. on January 19, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, by direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[FR Doc.71-978 Filed 1-22-71;8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-3a; Notice 1]

INDIRECT VISIBILITY; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a revision of Motor Vehicle Safety Standard No. 111, "Rearview Mirrors", that would require indirect visibility systems for motor vehicles, allowing drivers to monitor the motoring environment not in their direct field of view.

Federal Motor Vehicle Safety Standard No. 111, "Rearview Mirrors", 49 CFR 571.21, establishes requirements for rearview mirrors for passenger cars and multipurpose passenger vehicles. On October 14, 1967, advance notices of proposed rulemaking were published establishing Dockets Nos. 1–14 and 1–15 (32 F.R. 14279–80). These advance notices asked for comments concerning a revision of Standard No. III, which would increase the performance levels for rearview mirrors on passenger cars and multipurpose passenger vehicles, and which would extend the applicability of the standard to trucks, buses, and motorcycles. Specific comments were also requested concerning reflectance of day-night rear vision, shatterproof rear vision systems, reflectance durability to cover deterioration and corrosion, modification of present reflectance values, increasing present field of view requirements, and extension of applicability to replacement equipment. These dockets are being consolidated into Docket No. 71–3a.

Today's standard rearview mirrors offer the driver inadequate indirect fields of view to the sides of the vehicle and a limited one to the rear. In many cars the field of view through the inside mirror is blocked by passengers. The problem is most evident on passenger cars when design combines fastback rooflines with wide "C" pillars, presenting the inside rearview mirror with a restricted field of view. Also, many inside mirrors are placed so as to block significant portions of the driver's forward direct field of view.

Analysis of the statistics published in Accident Facts (1969 ed.) indicates that 22.5 percent of all motor vehicle crashes, or approximately 6 million crashes per year, occur in the indirect field of view area to the sides and rear. Systems providing broad and clear vision to the rear, in general use, have the potential of reducing this number of accidents by over a million per year.

In recognition of differences of vehicle configuration and leadtime problems the requirements proposed today differentiate among vehicle types, and have differing effective dates.

Under the proposal, for all vehicles except motorcycles and vehicles designed for a standing driver, indirect field of view requirements are established by specifying that minimum areas of targets to the side and rear of a vehicle must be visible to the driver from eye reference points within the vehicle. The seating reference point defined in 49 CFR 571.3(b) is used for locating the eye reference loci.

Proposed passenger car indirect visibility areas are defined by vertical targets, each one traffic lane (12 feet) wide. Target Area Q is directly behind the vehicle 30 feet from the seating reference point. The horizontal angle requirements are basically the same as those now specified in Standard No. 111, but the vertical angles are increased. The bottom of the target is 2 feet above the road surface, and the top is 2 feet above the horizon line. It is believed that this will provide an adequate vertical field of view. Adjacent to Target Q on each side (i.e., in simulated adjacent traffic lanes) are symmetrical Targets SR and SL with the same height above the road surface. The upward angle, however, is one-half that of Target Q because an increased angle here is not considered critical for motor vehicle safety. Passenger cars manufactured on or after January 1, 1974, would be required to have indirect visibility devices such that at least 85 percent of the area of Target Area Q and 75 percent of Target Areas SR and SL could be viewed. As of January 1, 1976, these requirements would be increased to at least 95 percent for Target Area Q and 85 percent for the Target Areas SR and SL. In addition, two outer Target Areas TR and TL, adjacent to the outer edge of the Targets SR and SL would be added. At least 65 percent of the area of each would have to be visible to the driver of a passenger car manufactured on or after January 1, 1976. No upward angle would be required for these targets, since the important factor here is to see a vehicle a second lane away involved in lane-changing maneuvers covering two lanes. As of January 1, 1976, only one image display location would be permitted, and that location would be inside the vehicle. A "periscope" system is not specified, but this type of device may prove to be the most effective way of meeting the proposed performance requirements.

While multipurpose passenger vehicles currently are required to meet the passenger car requirements, many vehicles in this category probably could not meet the proposed passenger car requirements because of the configuration dictated by their intended end use. Therefore, different target visibility requirements are proposed for multipurpose passenger vehicles as well as for trucks and buses. Both vertical targets (denoted XR and XL) and ground targets (YR and YL) would be used, the ground targets for convex-mirror visibility requirements and the vertical targets for plane-mirror requirements. While XR and XL, and YR and YL target areas are symmetrical on either side of the vehicle, the percentage of visibility required differs because the mirrors on the right are at a greater distance from the driver and therefore provide a smaller field of view. These requirements would be effective for vehicles manufactured on or after January 1, 1973. For school buses, additional requirements are proposed for areas in front of the vehicle that may not be directly visible to the driver. Motorcycles manufactured on or after January 1, 1973, would be required to have at least two rearview mirrors.

The proposal also specifies locational limits for image displays, so that the displays will not interfere with the portions of a driver's direct field of view encompassing the road ahead, overhead traffic signals, or vehicles or pedestrians on roadways intersecting the roadway on which the driver is traveling. Requirements covering distortion, reflectance, and adjustment of visibility devices are also proposed. However, certain current requirements covering mirror breakaway and protrusion of exterior mirrors are not specified; they relate to injury reduction rather than vehicle accident prevention, and it is anticipated that they will be incorporated into appropriate injury reduction standards. In addition, sun visor requirements will be modified to accommodate the larger rearview devices.

If the proposal is adopted, it is anticipated that the new standard would be designated Standard No. 111a until January 1, 1974, when it would become Standard No. 111.

Interested persons are invited to submit data, views, and arguments concerning the proposed standard. Comments are particularly invited on the leadtime and costs directly related to compliance with the proposed standard. Comments should refer to the docket number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on April 22, 1971, will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rulemaking action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: January 1, 1973, for multipurpose passenger vehicles, trucks, buses, and motorcycles. January 1, 1974, for passenger cars, with additional requirements effective January 1, 1976.

In consideration of the foregoing it is proposed that 49 CFR 571.21 be amended by adding a new motor vehicle safety standard, Indirect Visibility—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses, as set forth below. This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on January 15, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

MOTOR VEHICLE SAFETY STANDARD No. 111a

INDIRECT VISIBILITY—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND MOTORCYCLES

S1. *Scope.* This standard specifies requirements for systems that provide the driver with a view of the motoring environment not in his direct field of view.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and injuries that occur because the driver has an inadequate view of the motoring environment, particularly to the sides and rear.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

S4. *Definitions.*

"Convex mirror" means a mirror that is a section of the outside surface of a sphere, with a single radius of curvature of not less than 20 inches and not more than 50 inches.

"Eye reference points" means the seven monocular points represented in Figure 1 by the letters A, B, C, D, E, F, and M, and located as follows:

(a) Point M is in the vertical plane parallel to the vehicle centerline passing through the driver's seating reference point at the height and logitudinal position specified in Table I.

TABLE I—LOCATION OF EYE REFERENCE POINT M

Torso line back angle[1] of driver's seat (degrees)		Height above driver's seating reference point (inches)	Longitudinal distance forward or rearward of the driver's seating reference point (inches)
At least	But less than		
6	11	25 11/16	6 15/16 forward.
11	16	25 7/16	4 7/16 forward.
16	22	25 3/16	2 3/16 forward.
22	28	24 13/16	3/16 forward.
28	34	23 1/16	2 1/16 rearward.

[1] Measured between a vertical line through the H-point of the two-dimensional manikin and the torso line of the manikin (described in SAE Standard J826a, "Manikins for use in Defining Vehicle Seating Accommodation," February 1970) as shown in Figure 2 of SAE Recommended Practice J941b, "Motor Vehicle Driver's Eye Range", February 1969. If the driver's seat has an adjustable back, for this determination it is positioned in the setting closest to 25° for passenger cars, and midway between the forwardmost and rearmost angles for other vehicles.

(b) Point A is 2 3/8 inches directly above Point M. Point B is 2 3/8 inches directly below Point M. However, if the driver's seat can be adjusted in the vertical direction throughout the range of its longitudinal travel, this 2 3/8-inch distance is reduced by one-half of the smallest vertical range of adjustment at any longitudinal position, to a minimum distance of 1 1/2 inches from Point M.

(c) Point C is 3 inches directly to the left of Point M. Point D is 3 inches directly to the right of Point M. Point E is 4 3/4 inches directly forward of Point M. Point F is 4 3/4 inches directly rearward of Point M. (See Figure 1.)

"Image brightness" means the ratio, expressed as a percentage, of the photometric brightness of an image of a subject in a target area viewed from Point M to the photometric brightness of the subject viewed directly from the same position without obstruction such as glazing.

"Test occupant" means a person weighing 164 pounds and having an erect seating height of 35.7 inches measured vertically from the buttocks to the top of the head, on a seat without cushioning, and with head length of 7.7 inches, head breadth of 6.1 inches, and head circumference of 22.5 inches.

"Unit magnification" means the condition in which the angular height and width of an object image on an image display is equal to the angular height and width of the object when viewed directly at a distance that is the sum of the distances from the eye reference point to the image display and from the image to the object.

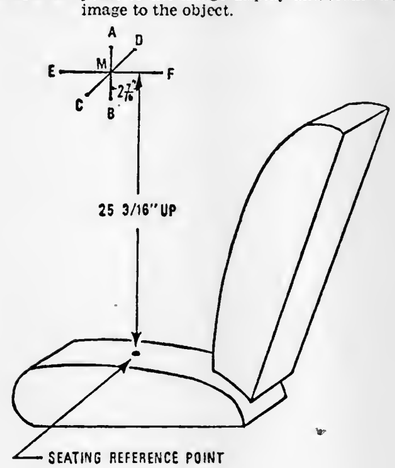

Table of Eye Reference Point Dimensions
AM=MB= 2 3/8"
CM=MD= 3"
EM=MF= 4 3/4 "

PICTORIAL EXAMPLE SHOWING LOCATION OF THE SEVEN EYE REFERENCE POINTS FROM THE SEATING REFERENCE POINT WHERE THE TORSO LINE BACK ANGLE IS 20 DEGREES.

FIGURE 1

"Visibility device height" means the highest point on the vehicle at which light from a subject in a target area to an eye reference point is changed in direction by an indirect visibility device such as a mirror or prism.

S5. *Requirements.* Each motor vehicle shall be capable of meeting the following requirements under the conditions of S6.

S5.1 *Passenger cars.*

S5.1.1 *Passenger cars manufactured from January 1, 1974, through December 31, 1975.*

S5.1.1.1 Each passenger car manufactured from January 1, 1974, through December 31, 1975, shall be provided with an indirect visibility system that presents to the vehicle operator from each eye reference point in the vehicle, when a test occupant is seated in the front outboard designated passenger seating position and in the driver's designated seating position, with head erect and back against the seat back, an image or images comprising not less than 85 percent of the area of Target Area Q, not less than 75 percent of the area of Target Area SR, and not less than 75 percent of the area of Target Area SL. (See Figure 2.)

S5.1.1.2 The image or images of the targets required to meet the area percentage requirements of S5.1.1.1 shall be displayed in not more than three separate locations. The location of at least one image display shall be inside the vehicle, in accordance with S5.1.3, and the location of another image display shall be outside the vehicle on the driver's side.

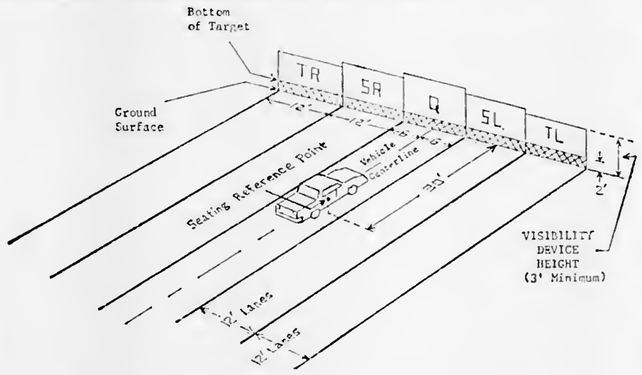

PICTORIAL EXAMPLE SHOWING PLACEMENT OF THE FIVE VERTICAL TARGETS WITH RESPECT TO THE PASSENGER CAR CENTERLINE AND THE SEATING REFERENCE POINT

FIGURE 2

S5.1.1.3 The image brightness of any portion of an image required to be visible under S5.1.1.1 shall be not less than 40 percent and not more than 95 percent, when viewed from each eye reference point.

S5.1.1.4 Each image display located inside the vehicle shall have a dimming selector that upon operation lowers the image brightness to not less than 4 percent and not more than 20 percent when viewed from each eye reference point.

S5.1.2 *Passenger cars manufactured on or after January 1, 1976.*

S5.1.2.1 Each passenger car manufactured on or after January 1, 1976, shall be provided with an indirect visibility system that presents to the vehicle operator, from each eye reference point in the vehicle, when a test occupant is seated in each designated seating position with head erect and back against the seat back, an image comprising not less than 95 percent of the area of Target Area Q, not less than 85 percent of the area of Target Area SR, not less than 85 percent of the area of Target Area SL, not less than 65 percent of the area of Target Area TR, and not less than 65 percent of the area of Target Area TL.

S5.1.2.2 The image of the targets required to meet the area percentage requirements of S5.1.2.1 shall be displayed in one location, inside the vehicle in accordance with S5.1.3.

S5.1.2.3 The image brightness of any portion of an image required to be visible under S5.1.2.1. shall be not less than 65 percent and not more than 95 percent, when viewed from each eye reference point.

S5.1.2.4 The image display shall have a dimming selector that upon operation lowers the image brightness to not less than 10 percent and not more than 20 percent when viewed from each eye reference point.

S5.1.3 *Inside image display location.*

S5.1.3.1 *Lateral.* The lateral center of an inside image display shall be located within a boundary formed by a vertical plane passing through Point D and making a 30° forward angle to the left with a vertical longitudinal plane, and by a vertical plane passing through Point C and making a 30° forward angle to the right with a vertical longitudinal plane.

S5.1.3.2 *Vertical.*

S5.1.3.2.1 *Display with virtual image.* If an image display presents a virtual image, such as that on a plane mirror, the display shall be entirely located—

(a) Above a plane that is perpendicular to a vertical longitudinal plane, is at an 11° forward angle above the horizontal, and passes through Point A; and

(b) Below a plane that is perpendicular to a vertical longitudinal plane, is at a 38° forward angle above the horizontal, and passes through Point E.

S5.1.3.2.2 *Display with real image.* If an image display presents a real image, such as a display on a screen, the display shall be entirely located—

(a) Above a plane that is perpendicular to a vertical longitudinal plane, is at a 25° forward angle below the horizontal, and passes through Point E; and

(b) Below a plane that is perpendicular to a vertical longitudinal plane, is at a 6° forward angle below the horizontal, and passes through Point B.

S5.1.4 *Unit magnification.* Each image shall be of unit magnification.

S5.2 *Multipurpose passenger vehicles, trucks, and buses manufactured on or after January 1, 1973.*

S5.2.1 *Multipurpose passenger vehicles, trucks, and buses designed for use by a seated driver.*

S5.2.1.1 Each multipurpose passenger vehicle, truck, and bus manufactured on or after January 1, 1973, and designed for use by a seated driver shall be provided with an indirect visibility system that presents to the vehicle operator, from each eye reference point in the vehicle, when a test occupant is seated in each front outboard designated seating position with head erect and back against the seat back, one or more images that either—

(a) Meet the requirements of S5.1.1; or

(b) Comprise not less than 95 percent of the area of Target Area XL, not less than 65 percent of the area of Target Area XR, not less than 90 percent of the area of Target Area YL, and not less than 70 percent of the area of Target Area YR. (See Figure 3.) If a vehicle is equipped with right-hand drive, the percentages for Target Areas XR and XL and for Target Areas YR and YL, respectively, shall be reversed.

S5.2.1.2 The image of Target Areas XR and XL shall be of unit magnification. The image of Target Areas YR and YL shall be not smaller than one-third of that provided under unit magnification.

S5.2.1.3 The images of the portions of any single target area required to be visible under S5.2.1.1(b) shall be presented on a single image display.

S5.2.1.4 The image brightness of any portion of an image required to be visible under S5.2.1.1 shall be not less than 40 percent and not more than 95 percent, when viewed from each eye reference point.

S5.2.1.5 If a vehicle is manufactured with a rear window within 12 feet of the seating reference point, and the unobstructed field of view through the rear window, as viewed directly from Point M, has an angular width, at at least one point, of at least 10°, the vehicle shall have an inside image display providing an indirect view of the full width of this unobstructed view through the rear window.

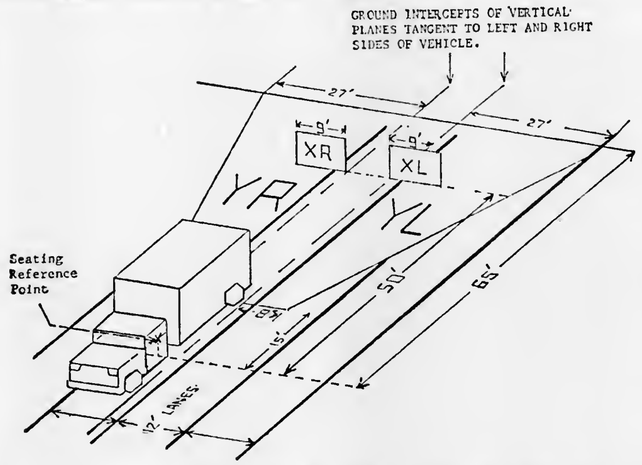

PICTORIAL EXAMPLE SHOWING PLACEMENT OF TARGETS WITH RESPECT TO THE SEATING REFERENCE POINT AND MULTIPURPOSE PASSENGER VEHICLE, TRUCK, OR BUS EXTERIOR

FIGURE 3

S5.2.2 *Additional requirements for school buses.* When a straight rod 30 inches long is placed upright on the ground at any point along a transverse line 1 foot forward of the forwardmost point of a school bus and extending the width of the bus, at least 7½ inches of the length of the rod shall be visible from each eye reference point, either by direct view or by means of an indirect visibility system.

S5.2.3 *Multipurpose passenger vehicles, trucks, and buses designed for use by a standing driver.* Each multipurpose passenger vehicle, truck, or bus manufactured on or after January 1, 1973, and designed for use by a standing driver shall have one convex and one plane mirror mounted on the exterior of each side of the vehicle in positions that provide the driver with an image display from each mirror. The image brightness of each mirror shall be not less than 40 percent and not more than 95 percent. Each plane mirror shall have a reflecting surface at least 6 inches wide and at least 8 inches high. Each convex mirror shall have a reflecting surface at least 6 inches wide and at least 4 inches high.

S5.3 *Motorcycles.* Each motorcycle shall be equipped with two rearview mirrors, of unit magnification, each of which has not less than 15 square inches of surface reflecting area and an image brightness of not less than 40 percent and not more than 95 percent. The mirrors shall be mounted 13 inches or more outboard, one on each side, of the longitudinal centerline of the motorcycle.

S5.4 *Image orientation.* The image on each image display shall be presented with an orientation as an image is presented by a single plane mirror.

S5.5 *Distortion.* If an image display is of the unit magnification type, the image of a grid composed of vertical and horizontal lines, spaced 12 inches apart, center to center, on any target area required to be visible, viewed from each eye reference point, shall not contain more than 5 percent vertical and 5 percent horizontal linear distortion.

S5.6 *Adjustment and reference frame.*

S5.6.1 If an image display must be adjusted in order to provide a passenger car operator with the target area visibility requirements of S5.1, it shall be capable of adjustment by the operator, while seated at the controls, without use of tools.

S5.6.2 Each convex and plane mirror shall be adjustable by tilting in both the horizontal and vertical directions.

S5.6.3 Each inside image display shall have a white reference frame, not less than one-eighth of an inch wide, around its periphery. If a plane mirror is mounted with a convex mirror on the same outside mounting, the plan mirror shall have a white reference frame, not less than one-eighth of an inch wide, around its periphery.

S5.6.4 Any image upon an image display shall not disappear, and shall continue to meet the distortion requirements of S5.5, when the viewer moves from one eye reference point to another and the image display is maintained in position.

S6. *Conditions.* The requirements of S5 shall be met under the following conditions:

S6.1 *Loading.* The vehicle is empty, except for the maximum capacity of fuel and other fluids necessary for operation, and the test occupants as specified in S5.

S6.2 *Tire inflation pressure.* Tire inflation pressure is as specified by the vehicle manufacturer for vehicle weight under the conditions of S6.1.

S6.3 *Vehicle openings.* All vehicle openings (such as doors, tailgates, windows, hood, and movable or convertible tops) are closed.

S6.4 *Head restraints.* Each adjustable head restraint is positioned so that the top of the head restraint is at the adjustment point closest to, but not less than, 27½ inches above the seating reference point measured along the torso line.

S6.5 *Seat adjustment.* Each adjustable seat is at the longitudinal and vertical midpoint of its adjustment range, with the seat back in the adjustment position closest to vertical.

S6.6 *Road surface.* The surface on which the vehicle stands has a zero percent grade.

S6.7 *Target areas.*

S6.7.1 For passenger cars, there are five rectangular vertical targets (Q, SR, SL, TR, TL) as shown in Figure 2. Each target is 12 feet wide. Target areas are located on a plane perpendicular to the vehicle longitudinal centerline, 30 feet behind the driver's seating reference point. The bottom edge of each target area is 2 feet above the ground surface. Target Area Q is bisected by the vehicle centerline. Target Areas SR and SL extend from 6 to 18 feet from the centerline, and Target Areas TR and TL extend from 18 to 30 feet from the centerline, on the right and left side of it respectively. The distance from the ground surface to the top of each target area is the greater of the two distances indicated:

Target Area Q—5 feet, or visibility device height plus 2 feet.

Target Areas SR, SL—4 feet, or visibility device height plus 1 foot.

Target Areas TR, TL—3 feet, or visibility device height.

S6.7.2 For multipurpose passenger vehicles, trucks and buses, there are two vertical targets (XR, XL) and two horizontal or surface targets (YR, YL), as shown in Figure 3.

S6.7.2.1 Target Areas XR and XL are rectangles located in a plane perpendicular to the vehicle longitudinal centerline, 50 feet behind the driver's seating reference point. Each of the two target areas is 9 feet wide, with its bottom edge on the ground surface, and extends outward from a vertical plant parallel to the vehicle longitudinal centerline and tangent to the outermost part of the right side (XR) or the left side (XL) of the vehicle. The distance from the ground

surface to the top of Target Areas XR and XL is the greater of 6 feet, or visibility device height plus 2½ feet.

S6.7.2.2 *Target Areas YR, YL.* Target Areas YR and YL are trapezoids located on the ground surface. The parallel sides of each trapezoid (i.e., the widths of its forward and rearward edges) are 8 feet and 27 feet respectively, extending outward from and perpendicular to vertical longitudinal planes tangent to the outermost parts of the right and left sides of the vehicle. The shorter parallel side of each trapezoid is 15 feet rearward, and the longer parallel side 65 feet rearward, of the driver's seating reference point, measured longitudinally.

[FR Doc.71-919 Filed 1-22-71;8:45 am]

[49 CFR Part 571]

[Docket No. 71-3b; Notice 1]

REARVIEW MIRRORS—PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose an amendment of the present Motor Vehicle Safety Standard No. 111 that would terminate its applicability to multipurpose passenger vehicles effective January 1, 1973, and to passenger cars effective January 1, 1974. In addition, it would allow optional compliance of these vehicles with proposed Motor Vehicle Safety Standard No. 111a (36 F.R. ------) prior to the date the new standard is applicable to each category. On January 1, 1974, Standard No. 111a will become Standard No. 111 upon the termination of the present Standard No. 111.

The Traffic Safety Administration has proposed that Standard No. 111a apply to multipurpose passenger vehicles manufactured on or after January 1, 1973, and to passenger cars manufactured on or after January 1, 1974. Should these effective dates be delayed in the final rule, the termination dates adopted pursuant to this notice would be adjusted accordingly.

In consideration of the foregoing, it is proposed that paragraph S3. of Motor Vehicle Safety Standard No. 111, Rearview Mirrors, in § 571.21 of Title 49, Code of Federal Regulations, be amended to read as follows:

S3. *Requirements.* Each passenger car manufactured before January 1, 1974, and each multipurpose passenger vehicle manufactured before January 1, 1973, shall meet the requirements either of this section, or of Motor Vehicle Safety Standard No. 111a, Indirect Visibility.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendment. Comments should identify the docket and notice number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested but not required that 10 copies be submitted. All comments received before the close of business on April 22, 1971, will be considered and will be available in the docket for examination, both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: Final issuance date of Standard No. 111a, Indirect Visibility.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on January 15, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-920 Filed 1-22-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19075; RM-1645]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, NOGALES AND TUCSON, ARIZ.

Order Extending Time for Filing Reply Comments

1. This proceeding was begun by notice of proposed rule making (FCC 70-1164) adopted October 28, 1970, released November 2, 1970, and published in the FEDERAL REGISTER on November 6, 1970, 35 F.R. 17121. The date for filing comments has expired and the date for filing reply comments is presently January 18, 1971.

2. On January 15, 1971, KVOA Television, Inc. (KVOA), licensee of television broadcast Station KVOA-TV, Tucson, Ariz., filed a request to extend the time for reply comments to and including February 18, 1971. KVOA states that it filed its opposition to the petition for rule making on August 3, 1970, and in the intervening period several parties have filed extensive comments, which in the judgment of its Counsel, may merit reply comments. It further states that the instant request will afford an opportunity to investigate the desirability of such action. I.B.C., a limited partnership, licensee of Station KZAZ, Nogales, proponent in the proceeding, has consented to this request.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in Docket 19075 is extended to and including February 18, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: January 18, 1971.

Released: January 20, 1971.

FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-993 Filed 1-22-71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

HAROLD KENNETH EDWARDS

Notice of Granting of Relief

Notice is hereby given that Harold Kenneth Edwards, 4911 Ash Avenue, Hammond, IN 46427, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 17, 1943, in the Dyer County Circuit Court, Dyersburg, Tenn., and on December 21, 1945, in the Criminal Court of Lake County, Ind., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harold Kenneth Edwards, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harold Kenneth Edwards to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harold Kenneth Edwards' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Harold Kenneth Edwards be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 15th day of January 1971.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[FR Doc.71-957 Filed 1-22-71;8:47 am]

EDWARD WILLIAM NEUMANN

Notice of Granting of Relief

Notice is hereby given that Edward William Neumann, Route 4, Box 116, Traverse City, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 27, 1936, and October 23, 1936, in the Circuit Court of Saginaw County, Mich., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted it will be unlawful for Edward W. Neumann because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearms or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such convictions, it would be unlawful for Edward W. Neumann to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Edward W. Neumann's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Edward W. Neumann be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 11th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-958 Filed 1-22-71;8:47 am]

THOMAS E. WATSON

Notice of Granting of Relief

Notice is hereby given that Thomas E. Watson, 908 Pine Street, Sweetwater, TX 79556, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on June 24, 1946, by a General Court-Martial convened at Enid Army Air Field, Enid, Okla., by the Commanding General, Hq. AAF Flying Training Command, and on December 8, 1948, in the District Court of Swisher County, Tex., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas E. Watson, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Thomas E. Watson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas E. Watson's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Thomas E. Watson be, and he hereby is, granted

relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 13th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-959 Filed 1-22-71;8:47 am]

Office of the Secretary

[Department Circular; Public Debt Series—No. 1-71]

5⅞ PERCENT TREASURY NOTES OF SERIES C-1975

Offering of Notes

JANUARY 21, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5⅞ percent Treasury Notes of Series C-1975, at par, in exchange for the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

(1) 5⅜ percent Treasury Notes of Series C-1971, due February 15, 1971;

(2) 7¾ percent Treasury Notes of Series D-1971, due February 15, 1971;

(3) 2½ percent Treasury Bonds of 1966-71, due March 15, 1971, with a cash payment of $1.50 per $1,000 to the United States;

(4) 5⅜ percent Treasury Notes of Series B-1971, due November 15, 1971, with a cash payment of $6 per $1,000 to subscribers;

(5) 7¾ percent Treasury Notes of Series G-1971, due November 15, 1971, with a cash payment of $23 per $1,000 to subscribers;

(6) 3⅞ percent Treasury Bonds of 1971, due November 15, 1971, with a cash payment of $5 per $1,000 to the United States;

(7) 4¾ percent Treasury Notes of Series A-1972, due February 15, 1972, with a cash payment of $0.50 per $1,000 to subscribers;

(8) 7½ percent Treasury Notes of Series C-1972, due February 15, 1972, with a cash payment of $26.50 per $1,000 to subscribers; or

(9) 4 percent Treasury Bonds of 1972, due February 15, 1972, with a cash payment of $5 per $1,000 to the United States.

Interest will be adjusted on the securities due March 15, 1971, November 15, 1971, and February 15, 1972, as of February 15, 1971. Payments on account of accrued interest and cash adjustments will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of elegible securities tendered in exchange. The books will be open until 8 p.m., local time, January 27, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6¼ percent Treasury Notes of Series A-1978, which offering is set forth in Department Cicular, Public Debt Series—No. 2-71, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1971, and will bear interest from that date at the rate of 5⅞ percent per annum, payable semiannually on August 15, 1971, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes alloted hereunder must be made on or before February 16, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers (paragraphs 3, 4, 5, 6, 7, and 8 below) will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon. Payments due from subscribers (paragraph 9 below) should accompany the subscription.

2. 5⅜ percent notes of Series C-1971 and 7¾ percent notes of Series D-1971: When payment is made with notes in bearer form, coupons dated February 15, 1971, should be detached and cashed when due.[1]

3. 2½ percent bonds of 1966-67: When payment is made with bonds in bearer form, coupons dated March 15, 1971, must be attached to the bonds when surrendered. Accrued interest from September 15, 1970, to February 15, 1971 ($10.-56630 per $1,000), will be credited, the payment ($1.50 per $1,000) due the United States will be charged and the difference ($9.06630 per $1,000) will be paid to subscribers.

4. 5⅜ percent notes of Series B-1971: When payment is made with notes in bearer form, coupons dated May 15, and November 15, 1971, must be attached to the notes when surrendered. Accrued interest from November 15, 1970, to February 15, 1971 ($13.66022 per $1,000), plus the cash payment ($6 per $1,000), a total of $19.66022 per $1,000, will be paid to subscribers.

5. 7¾ percent notes of Series G-1971: When payment is made with notes in bearer form, coupons dated May 15, and November 15, 1971, must be attached to the notes when surrendered. Accrued interest from November 15, 1970, to February 15, 1971 ($19.69613 per $1,000), plus the cash payment ($23 per $1,000), a total of $42.69613 per $1,000, will be paid to subscribers.

6. 3⅞ percent bonds for 1971: When payment is made with bonds in bearer form, coupons dated May 15, and November 15, 1971, must be attached to the bonds when surrendered. Accrued interest from November 15, 1970, to February 15, 1971 ($9.84807 per $1,000), will be credited, the payment ($5 per $1,000) due the United States will be charged and the difference ($4.84807 per $1,000) will be paid to subscribers.

7. 4¾ percent notes of Series A-1972: When payment is made with notes in bearer form, coupons dated August 15, 1971, and February 15, 1972, must be attached (Feb. 15, 1971, coupons should be detached[1]) to the notes when surrendered. The cash payment of $0.50 per $1,000 will be paid to subscribers.

8. 7½ percent notes of Series C-1972: When payment is made with notes in bearer form, coupons dated August 15, 1971, and February 15, 1972, must be attached (Feb. 15, 1971, coupons should be detached[1]) to the note when surrendered. The cash payment of $26.50 per $1,000 will be paid to subscribers.

9. 4 percent bonds of February 15, 1972: When payment is made with bonds in bearer form, coupons dated August 15, 1971, and February 15, 1972, must be attached (Feb. 15, 1971, coupons should be detached[1]) to the bonds when surrendered. The cash payment of $5 per $1,000 due the United States must be paid by subscribers.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5⅞ percent Treasury Notes of Series C-1975"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5⅞ percent Treasury Notes of Series C-1975 in the name of ----------"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5⅞ percent Treasury Notes of Series C-1975 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[FR Doc.71-1079 Filed 1-22-71;9:22 am]

[1] Interest due on Feb. 15, 1971, on registered securities will be paid by issue of interest checks in regular course to holders of record on Jan. 15, 1971, the date the transfer books closed.

[Department Circular; Public Debt Series—No. 2-71]

6¼ PERCENT TREASURY NOTES OF SERIES A-1978

Offering of Notes

JANUARY 21, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 6¼ percent Treasury Notes of Series A-1978, at par, in exchange for the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

(1) 5⅜ percent Treasury Notes of Series C-1971, due February 15, 1971;

(2) 7¾ percent Treasury Notes of Series D-1971, due February 15, 1971;

(3) 2½ percent Treasury Bonds of 1966-71, due March 15, 1971, with a cash payment of $1.50 per $1,000 to the United States;

(4) 5⅜ percent Treasury Notes of Series B-1971, due November 15, 1971, with a cash payment of $6 per $1,000 to subscribers;

(5) 7¾ percent Treasury Notes of Series G-1971, due November 15, 1971, with a cash payment of $23 per $1,000 to subscribers;

(6) 3⅞ percent Treasury Bonds of 1971, due November 15, 1971, with a cash payment of $5 per $1,000 to the United States;

(7) 4¾ percent Treasury Notes of Series A-1972, due February 15, 1972, with a cash payment of $0.50 per $1,000 to subscribers;

(8) 7½ percent Treasury Notes of Series C-1972, due February 15, 1972, with a cash payment of $26.50 per $1,000 to subscribers; or

(9) 4 percent Treasury Bonds of 1972, due February 15, 1972, with a cash payment of $5 per $1,000 to the United States.

Interest will be adjusted on the securities due March 15, 1971, November 15, 1971, and February 15, 1972, as of February 15, 1971. Payments on account of accrued interest and cash adjustments will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 8 p.m., local time, January 27, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 5⅞ percent Treasury Notes of Series C-1975, which offering is set forth in Department Circular, Public Debt Series—No. 1-71, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1971, and will bear interest from that date at the rate of 6¼ percent per annum, payable semiannually on August 15, 1971, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before February 16, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers (paragraphs 3, 4, 5, 6, 7, and 8 below) will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon. Payments due from subscribers (paragraph 9 below) should accompany the subscription.

2. 5⅜ percent notes of Series C-1971 and 7¾ percent notes of Series D-1971: When payment is made with notes in bearer form, coupons dated February 15, 1971, should be detached and cashed when due.[1]

[1] Interest due on Feb. 15, 1971, on registered securities will be paid by issue of interest checks in regular course to holders of record on Jan. 15, 1971, the date the transfer books closed.

3. 2½ percent bonds of 1966–71: When payment is made with bonds in bearer form, coupons dated March 15, 1971, must be attached to the bonds when surrendered. Accrued interest from September 15, 1970, to February 15, 1971 ($10.56630 per $1,000), will be credited, the payment ($1.50 per $1,000) due the United States will be charged and the difference ($9.06630 per $1,000) will be paid to subscribers.

4. 5⅜ percent notes of Series B–1971: When payment is made with notes in bearer form, coupons dated May 15 and November 15, 1971, must be attached to the notes when surrendered. Accrued interest from November 15, 1970, to February 15, 1971 ($13.66022 per $1,000), plus the cash payment ($6 per $1,000), a total of $19.66022 per $1,000, will be paid to subscribers.

5. 7¾ percent notes of Series G–1971: When payment is made with notes in bearer form, coupons dated May 15 and November 15, 1971, must be attached to the notes when surrendered. Accrued interest from November 15, 1970, to February 15, 1971 ($19.69613 per $1,000), plus the cash payment ($23 per $1,000), a total of $42.69613 per $1,000, will be paid to subscribers.

6. 3⅞ percent bonds of 1971: When payment is made with bonds in bearer form, coupons dated May 15 and November 15, 1971, must be attached to the bonds when surrendered. Accrued interest from November 15, 1970, to February 15, 1971 ($9.84807 per $1,000), will be credited, the payment ($5 per $1,000) due the United States will be charged and the difference ($4.84807 per $1,000) will be paid to subscribers.

7. 4¾ percent notes of Series A–1972: When payment is made with notes in bearer form, coupons dated August 15, 1971, and February 15, 1972, must be attached (Feb. 15, 1971, coupons should be detached[1]) to the notes when surrendered. The cash payment of $0.50 per $1,000 will be paid to subscribers.

8. 7½ percent notes of Series C–1972: When payment is made with notes in bearer form, coupons dated August 15, 1971, and February 15, 1972, must be attached (Feb. 15, 1971, coupons should be detached[1]) to the notes when surrendered. The cash payment of $26.50 per $1,000 will be paid to subscribers.

9. 4 percent bonds of February 15, 1972: When payment is made with bonds in bearer form, coupons dated August 15, 1971, and February 15, 1972, must be attached (Feb. 15, 1971, coupons should be detached[1]) to the bonds when surrendered. The cash payment of $5 per $1,000 due the United States must be paid by subscribers.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6¼ percent Treasury Notes of Series A–1978"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6¼ percent Treasury Notes of Series A–1978 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6¼ percent Treasury Notes of Series A–1978 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[FR Doc.71-1080 Filed 1-22-71;9:22 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held at 9 a.m. on March 25, 1971, in the McIntosh County Courthouse, Darien, GA, to consider the results of a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including a portion of the Blackbeard Island National Wildlife Refuge within the National Wilderness Preservation System. The refuge, located in McIntosh County, Ga., consists of 5,618 acres of marsh, beach, forest, and dunes.

A brochure containing a map of the boundaries and additional information about the study may be obtained from the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 9, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 20, 1971.

[FR Doc.71-971 Filed 1-22-71;8:48 am]

WOLF ISLAND NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 2 p.m. on March 25, 1971, at the McIntosh County Courthouse, Darien, McIntosh County, Ga., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Wolf Island Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of 538 acres within the Wolf Island National Wildlife Refuge in McIntosh County, Ga.

A brochure containing a map of the boundaries and additional information about the proposal may be obtained from the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, SC 29927, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 9, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 20, 1971.

[FR Doc.71-972 Filed 1-22-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Notice No. 1]

SUGAR REQUIREMENTS AND QUOTAS

Requirements Relating to Bringing or Importing Sugar Into the Continental United States

Pursuant to provisions of paragraph (d) of § 817.8 (32 F.R. 14363) and on the basis of information before me, I do hereby determine and give public notice that during the first quarter of 1971 the importation of raw sugar into the United States for refining and storage at locations north of Hatteras without charge to a quota at the time of importation will not interfere with the effective administration of the Sugar Act of 1948, as amended (60 Stat. 922, as amended).

Refineries in the Gulf and South Atlantic have ample supplies of raw sugar. Processing of sugar from the 1970 sugarcane crop was recently completed in Louisiana and is still in progress in Florida. Because of shipping considerations, a considerable quantity of the sugar authorized for importation during the first quarter is also destined for south of Hatteras ports. As a result, other refineries may have some difficulty in satisfying their needs from the quantities of the sugar previously authorized for importation. This action will assure refineries north of Hatteras of adequate supplies of raw sugar through March.

Accordingly, notice is hereby given that prior to April 1, 1971, raw sugar under set-aside agreements approved for importation during the second quarter of 1971 pursuant to Sugar Regulation 811 for 1971 (35 F.R. 18909) may be authorized for release for importation by or delivery to refiners for the sole purpose of refining and storage at north of Hatteras locations without effect on a quota at the time of importation. Any such sugar shall be charged to the second quarter quota limitation for the 1971 calendar year no later than April 1, 1971.

Authorization for the release of sugar pursuant to this notice may be issued only to cover raw sugar to be imported by or delivered to a refiner who is the principal on a bond accepted pursuant to § 817.9 of this Part 817 under which the principal is obligated to hold at the refinery at which such sugar is received the raw value equivalent of such sugar until release of such sugar from inventory is authorized by the Department within the second quarter quota limitation for the calendar year 1971.

For the purpose of this notice, sugar held in inventory under the control of a refiner in warehouse facilities within 2 miles of the refinery where such sugar was received shall be deemed to be held at that refinery.

Signed at Washington, D.C., on January 19, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1001 Filed 1-22-71;8:50 am]

Consumer and Marketing Service

COLORADO, MASSACHUSETTS, AND NEW HAMPSHIRE

Notice of Intended Designation Under the Federal Meat Inspection Act

Paragraph 301(c) of the Federal Meat Inspection Act as amended (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements. There was reason to believe that Colorado, Massachusetts, and New Hampshire would activate such requirements if they were allowed an additional year in which to do so and accordingly the Secretary allowed each of these States such additional time.

However, the Secretary has now determined that the States of Colorado, Massachusetts, and New Hampshire have not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary will designate said States under paragraph 301(c) of the Act as soon as necessary arrangements can be made for determining which establishments in these States are eligible for Federal inspection, for providing inspection at the eligible establishments, and for otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the final designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions and to persons, firms, and corporations engaged therein, in said States, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, except as otherwise provided in subparagraph 301(c)(2) of the Act, and any establishment in Colorado, Massachusetts, or New Hampshire which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the appropriate Regional Director listed below for information concerning the requirements and exemptions under the Act and application for inspection and a survey of the establishment.

For Colorado—

Dr. Willis H. Irvin, Director, Room 376, Merchandise Mart Building, 500 South Ervay Street, Dallas, TX 75201 (Telephone: Area Code 214–749–3747).

For Massachusetts and New Hampshire—

Dr. C. F. Diehl, Director, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102 (Telephone: Area Code 215–597–4216).

Done at Washington, D.C., on January 18, 1971.

CLAYTON YEUTTER,
Administrator, Consumer and Marketing Service.

[FR Doc.71-1004 Filed 1-22-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Notice W-2; Docket No. OPS-6]

WAIVER OF GAS PIPELINE SAFETY STANDARDS

Notice of Hearing

On June 18, 1970, the Department of Transportation issued a waiver to the Northern Natural Gas Co. permitting the operation of a 276-mile segment of its 24-inch B pipeline between Mullinville, Kans., and Palmyra, Nebr., at a maximum operating pressure of 797 p.s.i.g. (See the Notice of Hearing, 35 F.R. 8247, May 26, 1970, and Grant of Waiver, 35 F.R. 10329, June 24, 1970.) The waiver expires on July 1, 1971.

Northern Natural has petitioned for an amendment to that waiver to extend the expiration date to July 1, 1972. Referring to the justification provided in its earlier petition, Northern Natural states that—

> The subject pipeline has continued to operate at the elevated pressure without problems. We have experienced no ruptures or leaks during this period. It has been under close surveillance for possible encroachment and we have found no evidence of any form of construction near the pipeline.
>
> It was anticipated by Northern that governmental authority would have been received in time to permit the receipt of Canadian gas by July 1, 1971. While Northern does have on file with the Canadian National Energy Board and the FPC applications for the importation of natural gas, it would be impossible at this late date, even with immediate certificates, to construct the necessary facilities to bring the Canadian gas in by the middle of this year.

In accordance with section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), notice is hereby given that a hearing on the matter of granting a waiver for the purpose stated above will be held at 10 a.m., on February 1, 1971, at the Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590.

Interested persons are invited to present their views at the hearing or to

submit them in writing by February 1, 1971, to the Office of Pipeline Safety at the above address.

Issued in Washington, D.C., on January 21, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-1060 Filed 1-22-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Issuance of Amendment to Provisional Operating License

On September 8, 1970, the Atomic Energy Commission (the Commission) issued Provisional Operating License No. DPR-22 to Northern States Power Co. (Northern States), authorizing the licensee to possess, use, and operate the Monticello Nuclear Generating Unit No. 1, a single cycle, forced circulation, boiling water nuclear reactor (the reactor) on Northern States' site in Wright and Sherburne Counties, Minn. A notice of issuance of a provisional operating license was published in the FEDERAL REGISTER on September 15, 1970 (35 F.R. 14476).

The reactor is designed to operate at approximately 1,670 megawatts thermal, but initial operation was limited to 5 megawatts thermal and without the reactor head in place to permit initial fuel loading and testing.

Pursuant to the initial decision dated January 15, 1971, of the Atomic Safety and Licensing Board (Board), the Commission has issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DPR-22. The amendment supersedes the September 8, 1970, license in its entirety and authorizes Northern States to operate the reactor at power levels not to exceed 1,670 megawatts thermal with the reactor vessel head in place; however, operation at power levels in excess of 5 megawatts thermal with the reactor vessel head in place is subject to satisfactory demonstration of the operation of the plant feedwater pumps.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the amendment, the facility has been constructed in accordance with the application as amended, the provisions of Provisional Construction Permit No. CPPR-31, the said initial decision, the Atomic Energy Act of 1954, as amended, and the Commission's regulations. The licensee had previously submitted proof of financial protection and satisfaction of the requirements of 10 CFR Part 140. The Commission's regulatory staff will further inspect the facility to determine whether acceptable performance of the feedwater pumps has been demonstrated. Upon notification by the Commission in writing that such operation has been so demonstrated, Northern States will be authorized to operate the reactor at power levels not to exceed 1,670 megawatts thermal.

For further details with respect to this amendment, see (1) the initial decision dated January 15, 1971, (2) Amendment No. 1 to License No. DPR-22 and (3) the Technical Specifications attached to the license, copies of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-966 Filed 1-22-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23022; Order 71-1-87]

AMERICAN AIRLINES, INC. ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January 1971.

By tariff revisions marked to become effective February 1, 1971,[1] American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), and United Air Lines, Inc. (United) propose to establish round-trip family excursion fares of $101.85 ($110 including tax) between Baltimore, Boston, Hartford, Springfield, New York, Philadelphia, Providence, and Washington, D.C., on the one hand, and Los Angeles, Palm Springs, San Diego, or San Francisco, on the other, effective February 1 through February 25, 1971. The proposed fares apply to the spouse and/or each accompanying child 2 through 21 years of age when accompanying the head of the family who pays the full round-trip coach fare. Travel under these fares will be permitted on Mondays through Thursdays or 16 days in all. Return travel must commence prior to 12 midnight of the 14th day after the date of departure from the originating point. The family must travel together on the entire trip.

In justification of its proposal, American states that the proposed fares are to encourage husbands to take their wives and children on business trips and generate additional family vacation travel during the month of February when travel in the transcontinental markets is lower than in any other month. American contends that by offering a substantial discount from existing coach and family-plan fares, enough new traffic will be generated to offset the estimated dilution plus the increased costs of handling the additional passengers and promoting the fare.

Finally, American states that while it is not possible to forecast with certainty the generative effects of the proposed promotional fare, experimentation with this type of short-term coach fare reduction should be permitted as the risks are limited, since the fare is offered only on off-peak days of an off-peak travel month, can be used only by family members accompanying a full-fare-paying passenger, and is confined to selected transcontinental markets.

Delta and United would match American in competitive markets. In the statement accompanying its filing, United states that while it believes the proposal may help to stimulate additional travel and increase revenues, it is not as convinced of this as American. United feels that American may have been overly optimistic in its revenue generation estimates and may realize a net loss. United also believes American has failed to take into consideration downgrading from first-class traffic. Nevertheless, United states that it is willing to experiment with the proposed fares.

Northwest Airlines, Inc. (Northwest) and Trans World Airlines, Inc. (TWA)[2] have filed complaints against American's proposal requesting suspension and investigation. Northwest alleges that the proposed fares are uneconomic and unreasonable; that the proposed fares are discriminatory and will spread to other areas; and that the industry cannot afford the potential economic risk associated with the proposed experiment.

TWA alleges that the proposed fares are unjustly discriminatory; that the same fare applies to markets of varying distances and results in preference and prejudice; and that American does not show or even allege that the proposed fares will cover incremental costs for it and all of the carriers which would be required to meet the proposal if it is permitted to become effective.

American has answered the complaints, alleging that the fares are not unreasonable; that this is the kind of meaningful discount that is needed to stimulate traffic; that the fares will cover incremental costs and contribute toward covering capacity costs; and denies that the fares are unjustly discriminatory, or give rise to undue preference and prejudice.

Upon consideration of all relevant matters, the Board finds that the proposed family excursion fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that these fares should be suspended pending investigation.

[1] Revisions to American's Tariff CAB No. 241; Delta's Tariff CAB No. 135; and United's Tariff CAB No. 315.

[2] TWA has filed similar fares in competitive markets.

The reasonableness of the proposed fares, which reflect discounts from normal fares of 61 to 65 percent for the spouse and children, depends in large measure whether the generation of new traffic and revenues is sufficient to offset dilution of existing revenues. While discounts of this magnitude should generate additional traffic, the instant proposal will most certainly cause substantial revenue dilution, and we believe there is a great risk that a net loss of revenue will occur. American estimates it will have to increase coach traffic by 15 percent on each of the 16 days the fares apply if the plan is to be successful. This would represent a very substantial increase in family-fare travel. We believe it highly unlikely that generation will take place to that extent particularly since, as the carrier states, the fares would apply only on offpeak days of an offpeak month.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions in American Airlines, Inc.'s CAB No. 241 and First Revised Pages 2, 3, and 4 thereto, Delta Air Lines, Inc.'s, CAB No. 135, Trans World Airlines, Inc.'s, CAB No. 235, and United Air Lines, Inc.'s, CAB No. 315, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, American Airlines, Inc.'s, CAB No. 241 and First Revised Pages 2, 3, and 4 thereto, Delta Air Lines, Inc.'s, CAB No. 135, Trans World Airlines, Inc.'s, CAB No. 235, and United Air Lines, Inc.'s, CAB No. 315 are suspended and their use deferred to and including May 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. A copy of this order will be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding; and

4. Except to the extent granted herein, the complaints in Dockets 22955 and 22957 are hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-988 Filed 1-22-71;8:49 am]

[3] Dissenting statement of Members Minetti and Murphy filed as part of original document.

[Docket No. 23026; Order 71-1-92]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1971.

By tariff revisions[1] marked to become effective February 1, 1971, Eastern Air Lines, Inc. (Eastern), proposes that in the New York-Boston/Washington Air Shuttle markets (1) spouses accompanying husbands may travel at 50 percent of the regular first-class or coach fare and (2) youth and military reservation fares be decreased to 50 percent of the regular coach fares. The proposed fares are marked to expire July 31, 1971.

In support of its proposal, Eastern alleges that wives accompanying husbands on the Air Shuttle appear to be discretionary travelers who are more income elastic than others, and that during this period of restrained discretionary spending its proposal provides a traffic generation opportunity through incentive pricing greater than what might normally be expected in other markets and under different economic circumstances. With respect to its military and youth fare proposal, it is Eastern's view that by providing a discount of 50 percent it will be able to meet the competition from bus and rail and that such a fare level will increase its present military traffic by more than 60 percent.

American Airlines, Inc. (American), has filed a complaint against the proposed revision of youth and military reservation fares. Northeast Airlines, Inc. (Northeast), has filed a complaint against the proposed youth and military fares as well as the proposed spouse fare. Both carriers request suspension of Eastern's proposal. The complainants assert among other things that Eastern's proposal is inconsistent with the Examiner's findings in Phase 5 of the Domestic Passenger-Fare Investigation, Docket 21866-5; that fares must bear a reasonable relationship to cost and that Eastern's proposal fails on this ground; and that certain of Eastern's assumptions are suspect, particularly with respect to the generative aspect of the proposals.

Eastern has answered the complaints claiming the greater discounts on the air shuttle are being offered because the markets involved are faced with competitive circumstances not obtaining in any other air travel markets; that because the shuttle service is in effect virtually a guaranteed reservation service there is no basis for requiring its air shuttle youth and military reservation fares to be priced above American's and other carriers' standby fares in the same markets. It asserts all selective promotional fares are discriminatory by design, and that such discrimination is permitted under the Federal Aviation Act—in this case by the beneficial economic effect on all travelers.

Upon consideration of all relevant matters, the Board finds that all of the proposed fare reductions and cancellations may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that these proposals should be suspended pending investigation.

The generation estimates made by the carrier are a very critical aspect of the proposal, and although this is a judgment area the estimates for each type of fare appear extremely optimistic. Moreover, the substantial volume of new traffic needed to offset dilution, if realized, would result in additional expenses if extra flights have to be operated. Therefore, we believe there is a substantial risk that a net loss of revenue would be likely to occur, and that the proposed fares may not be economically justified. In addition, we find some inconsistency in this proposal to reduce fares for a significant segment of the traveling public in markets where Eastern has recently increased fares because of higher than average cost levels due to airport and airway congestion.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A hereto[2] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including May 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of American Airlines, Inc., in Docket 22965, and Northeast Airlines, Inc., in Docket 22964 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-989 Filed 1-22-71;8:49 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 142.

[2] Appendix A filed as part of original document.

[3] Dissenting statement of Members Minetti and Murphy filed as part of original document.

[Docket No. 22647; Order 71-1-86]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority January 18, 1971.

In response to a petition filed October 14, 1970, on behalf of Jim Hankins Air Service, Inc. (Hankins), by the Postmaster General, the Board established a final service mail rate of 50.40 cents per great circle aircraft mile for the transportation of mail by aircraft between Mobile, Ala., and Nashville, Tenn., via Birmingham, Ala. This final service mail rate was fixed by Order 70-11-97, issued November 19, 1970.

On January 4, 1971, the Postmaster General, at the request of Hankins, filed a petition to amend the service mail rate currently in effect. While maintaining the same overall revenue per flight for the air taxi, the Postmaster General requests a correction of the mileage from 788 to 786 miles and a revision of the applicable rate from 50.40 cents to 50.53 cents per great circle aircraft mile between the above points.

The Board finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Hankins by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the carrier's petition, and other matters officially noticed, the Board proposes to issue an order [1] to include the following findings and conclusions:

1. On and after January 4, 1971, the fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.53 cents per great circle aircraft mile between Mobile, Ala., and Nashville, Tenn., via Birmingham, Ala., based on five round trips per week.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations in 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f):

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-990 Filed 1-22-71;8:49 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

NORTH AMERICAN MESBIC, INC.

Notice of Issuance of a License To Operate as a Minority Enterprise Small Business Investment Company

On December 29, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 19725) stating that North American MESBIC, Inc., 114 State Street, Boston, MA 02109, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business January 8, 1971, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 01/01-5070 to North American MESBIC, Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 14, 1971.

[FR Doc.71-956 Filed 1-22-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

ABBOTT CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On December 24, 1970, a notice of application for a license as a small business investment company (SBIC) was published in the FEDERAL REGISTER (35 F.R. 19597) stating that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for a license as a small business investment company by Abbott Capital Corp., 120 South La Salle Street, Chicago, IL 60603.

Interested parties were given to the close of business January 4, 1971, to submit their comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-0082 to Abbott Capital Corp., to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 14, 1971.

[FR Doc.71-995 Filed 1-22-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JANUARY 20, 1971.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on February 24, 1971, the following standard broadcast application will be considered as ready and available for processing:

BP-18813 KKON, Kealakekua, Hawaii, Kona Koast Broadcasting Co. Has: 79 kc., 1 kw, U. Req: 790 kc., 5 kw, U.

Pursuant to § 1.227(b)(1), § 1.591(b) and note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete, and tendered for filing at the offices of the Commission by the close of business on February 23, 1971.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 20, 1971.

Released: January 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-995 Filed 1-22-71;8:49 am]

[1] See Report and Order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 FR 10343, 13 RR 2d 1667.

[Canadian List No. 275]

CANADIAN BROADCAST STATIONS

Notification List

JANUARY 11, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		540 kHz							
CBEF (now in operation)	Windsor, Ontario, N. 42°08'50", W. 83°05'33".	2.5D/5N	DA-1	U	II				
		1320 kHz							
CKOX (change in day time pattern).	Woodstock, Ontario, N. 43°06'13", W. 80°45'20".	1D/0.25N	DA-D ND-N	U	IV				12.15.71.
		1490 kHz							
CKCB (delete notification for 1 Kw. day-time as shown on List No. 213—Power to remain at 0.25 Kw.).	Collingwood, Ontario, N. 44°28'54", W. 80°14'45".	0.25	ND	U	IV				
		1120 kHz							
CKDY (now in operation)	Digby, Nova Scotia, N. 44°38'03", W. 65°46'43".	1	DA-1	U	III				
		1600 kHz							
CJRN (delete notification for 25 Kw. Power as shown on List No. 233—Power to remain at 10 Kw. at present site).	Niagara Falls, Ontario, N. 42°57'51", W. 79°06'39".	10	DA-2	U	III				

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY,
Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71-994 Filed 1-22-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-150]

ALGONQUIN GAS TRANSMISSION CO.

Further Notice of Application

JANUARY 19, 1971.

Take notice that on November 23, 1970, Algonquin Gas Transmission Co. (applicant), 1284 Soldier's Field Road, Boston, MA 02135, filed in Docket No. CP71-150 an application for a certificate of public convenience and necessity authorizing applicant to provide an existing customer, Providence Gas Co. (Providence Gas), with a new delivery point to serve an unserved portion of its authorized service territory, all as more fully described in the application which is on file with the Commission and open for public inspection.

Applicant states that Providence Gas can begin service to the town of Burrillville, R.I., a part of its existing service territory, at substantially less cost by having a new delivery point from applicant rather than by extending its existing distribution system some 10 miles to Burrillville. Under the general terms and conditions of applicant's tariff this delivery point will be paid for by Providence Gas. Applicant's only cost will be approximately $4,400 for construction of dual 2-inch taps.

On December 4, 1970, the Commission issued a notice of the subject application; however, said notice was not published in the FEDERAL REGISTER. In order to give adequate notice, any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-943 Filed 1-22-71;8:46 am]

[Project No. 2543]

MONTANA POWER CO.

Notice of Application for Amendment of License for Constructed Project

JANUARY 19, 1971.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Montana Power Co. (correspondence to: George W. O'Connor, President, The Montana Power Co., General Offices, Electric Building, Butte, MT 59701) for its constructed Milltown Project No. 2543, located on Clark Fork River, tributary to

navigable waters, in the vicinity of Missoula, in Missoula County, Mont.

Licensee seeks amendment of license article 8 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt-cost rate times 1½, or 6 percent, whichever is greater. This provision would be substituted for the straight 6-percent rate of return provision presently specified by article 8.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-938 Filed 1-22-71;8:45 am]

[Docket No. CP71-180]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 19, 1971.

Take notice that on January 11, 1971, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP71-180 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of small compressor units and minor appurtenant facilities on its gathering laterals located in various gas producing fields which are presently connected to its system, including where necessary, the relocation of such units and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in taking into its certificated main pipeline system natural gas purchased from producers thereof.

Applicant states that the total estimated cost of the proposed facilities will not exceed $800,000, with the cost of units for any single producing area not to exceed $400,000. Financing will be from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-944 Filed 1-22-71;8:46 am]

[Docket No. CI62-1209, etc.]

COLUMBIA GAS DEVELOPMENT CORP.

Notice of Petition To Amend

JANUARY 18, 1971.

Columbia Gas Development Corp. (successor to the Preston Oil Co., an Ohio corporation).

Take notice that on November 10, 1970, Columbia Gas Development Corp. (petitioner), Post Office Box 1350, Houston, TX 77001, filed in Docket No. CI62-1209, et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets to the Preston Oil Co., an Ohio corporation, by substituting petitioner as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it merged the Preston Oil Co., an Ohio corporation, effective as of June 1, 1970, and that it proposes to continue without change the sales of natural gas in interstate commerce authorized to be made by the latter. Petitioner states further that immediately prior to the merger, the Preston Oil Co., an Ohio corporation, assigned all of its properties and interests outside of Louisiana and Texas and the offshore areas adjacent thereto to the Preston Oil Co., a Delaware corporation.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[FR Doc.17-945 Filed 1-22-71;8:46 am]

[Docket No. E-7591]

MINNESOTA POWER & LIGHT CO.

Notice of Application

JANUARY 19, 1971.

Take notice that on December 31, 1970, Minnesota Power & Light Co. (MP&L) made application to the Commission for an order pursuant to section 203 of the Federal Power Act authorizing MP&L's sale of its facilities at Silver Bay and Babbitt to Reserve Mining Co., a Minnesota corporation (Reserve) for $254,641.95.

MP&L presently has a 115-kv. transmission line which runs from its Colbyville substation in Duluth, Minn., to the 115-kv. powerplant substation located at Reserve's plant in Silver Bay, Minn. Three MP&L substations, at French River, Two Harbors, and Silver Bay Hillside, tap this 115-kv. line.

The substation terminus of the line is on property owned by Reserve but the substation equipment is owned by MP&L. Reserve owns the secondary electrical facilities beyond the low-voltage terminals of the substation transformer.

The facilities to be disposed of by MP&L consist of certain equipment located at Silver Bay, Minn., and near Babbitt, Minn.

The specific equipment to be disposed of at Silver Bay includes the existing MP&L owned facilities at the Reserve 115-kv. powerplant substation, except for the FM radio station equipment and the presently installed MP&L owned d.c. earth current recorder complete with clamp-on transducer. In addition, the steel tower portion of MP&L's 115-kv. transmission line from Reserve's powerplant substation to the point at MP&L's No. 614 corner tower where said 115-kv. transmission line turns parallel to the highway is to be transferred. Steel Tower No. 614 shall remain the property of MP&L.

The specific equipment to be disposed of at Babbitt includes the MP&L owned 115-kv. tap line to Reserve's Northwest substation, and the totalizing and carrier equipment to enable Reserve to monitor from Silver Bay the energy being transmitted to Reserve's Babbitt substations.

After the sale to Reserve of all of these facilities, the operation shall continue as previously operated except that the totalized meter readings of the Babbitt substation will be telemetered to Silver Bay rather than to Duluth.

Both MP&L and Reserve contend that it is in the best public interest that MP&L, for allegedly adequate consideration, sell to Reserve said equipment in that it is used solely to serve Reserve and is integral to the operations of Reserve's facilities.

A statement of the cost of the facilities involved in the sale has been submitted. Gross value of the plant and equipment to be transferred is $383,515.68. Net of accumulated depreciation, the assets are carried at $254,641.95.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-946 Filed 1-22-71;8:46 am]

[Docket No. CP71-179]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 19, 1971.

Take notice that on January 11, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-179 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Vincent underground gas storage field near Vincent, Iowa, as hereinafter set forth, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized by the Commission's order issued March 18, 1963, as amended April 16, 1964, in Docket No. CP62-307 to construct and operate two 550 horsepower compressor units and 1½ miles of pipeline for the purpose of injecting up to 5,000,000 Mcf of natural gas into the Vincent underground storage field in order to test and develop the gas storage capabilities of four potential storage reservoirs in the field.

Applicant states that after thoroughly testing the storage field, it has determined that it is not practical to operate this field as a storage facility.

Applicant propose to abandon and remove all of its surface facilities, plug and abandon all subsurface facilities and terminate the testing and development of the Vincent Field.

The estimated cost of the proposed abandonment and removal of facilities is $347,200, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-947 Filed 1-22-71;8:46 am]

[Docket No. CP70-243]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

JANUARY 19, 1971.

Take notice that on January 8, 1971, Panhandle Eastern Pipe Line Co. (petitioner), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP70-243 a petition to amend the order issued in the subject docket on June 19, 1970, granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act so as to authorize petitioner to construct and operate additional gathering lines and field compressor units, as hereinafter described, as more fully described in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, petitioner proposes to install approximately 72.6 miles of varying diameter pipeline and 38 580-horsepower field compressor units, at a total estimated cost of $6,713,000.

Petitioner states that it has been advised by Phillips Petroleum Co. (Phillips) that volumes of residue gas available to petitioner at the outlet of Phillips' plant near Douglas, Wyo., are projected to reach an average of 110,000 Mcf per day in August 1971. The proposed facilities are required to accommodate the additional raw gas volumes related to the residue gas volume projection. Petitioner states that the proposed facilities will provide a market for new gas volumes and will supplement petitioner's existing gas supply.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[FR Doc.71-948 Filed 1-22-71;8:46 am]

[Project No. 1894]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Application for New License for Constructed Project

JANUARY 14, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by South Carolina Electric and Gas Co. (correspondence to: George H. Fischer, Esq., Vice President and General Counsel, South Carolina Electric and Gas Co., Post Office Box 764, Columbia, SC 29202) for its constructed Parr Shoals Project No. 1894, located on the Broad River, in Newberry

and Fairfield Counties, S.C., in the vicinity of the cities of Winnsboro and Columbia. The original license for the project expired on June 30, 1970.

The existing project consists of (1) a 2,715-foot long dam having a 35-foot high 2,000-foot long, concrete overflow section having a crest elevation of 258.2 feet, USGS, joined on the westerly end by an earth dike about 300-feet long and on the easterly end by a 300-foot long integral powerhouse section, a 90-foot long concrete nonoverflow section, and a 25-foot earth filled section; (2) a 2,925-acre reservoir having a controlled surface elevation of 258.2 feet, USGS, extending about 8½ miles upstream; (3) a steel-framed brick powerhouse containing six generators rated at 2,480 kw. each, and provisions for two additional units; and (4) all other facilities and interests appurtenant to operation of the project.

Recreational features of the project are as follows: The 2,925-acre reservoir has a 48-mile shoreline—20 percent of which is easily accessible for recreational use from paved roads—and contains some game fish as well as other varieties. The applicant plans to construct a picnic and boat launch facility on a gently sloping area adjacent to the Parr Steam Plant for general public use and is working with the South Carolina Department of Parks, Recreation, and Tourism on possible future recreational improvement at the project.

According to the application: (1) The power generated by the project is delivered into applicant's interconnected system serving customers in 23 counties in south and southwestern South Carolina and applicant transfers power from its system to Georgia Power Co. for distribution in Georgia; (2) the estimated net investment in the project as of the termination date of the license was $1,587,000 which is less than the estimate of fair value; (3) the estimated severance damages in the event of takeover by the United States is in excess of $190,000; and (4) estimated annual taxes paid to Federal, State, and local government agencies is $164,000.

Any person desiring to be heard or to make any portest with reference to said application should on or before March 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-949 Filed 1-22-71;8:46 am]

NATIONAL POWER SURVEY TASK FORCE ON ENVIRONMENT

Determination of the Commission

JANUARY 15, 1971.

Pursuant to section 8 of Executive Order No. 11007, issued February 26, 1962 (27 F.R. 1875, 3 CFR 1959–1963 Comp., p. 573) and paragraph 7 of the Commission's Order Establishing the National Power Survey Task Force on Environment, issued January 28, 1970 (35 F.R. 2543, Feb. 4, 1970), the Commission hereby determines that the continued existence of the National Power Survey Task Force on Environment for an additional peroid of 6 months, from January 27, 1971 through July 28, 1971, is in the public interest.

The Secretary shall cause prompt publication of this determination to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[FR Doc.71-950 Filed 1-22-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation E-14]

PURCHASE OF PASSENGER VEHICLES

Procedures To Be Followed

1. *Purpose.* This regulation prescribes policies and procedures to be followed in purchasing new passenger vehicles covered by Interim Federal Standard No. 00122L.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (1-23-71).

3. *Applicability.* The provisions of this regulation apply to all Federal agencies.

4. *Background.* Public Law 91-423 dated September 26, 1970, amends paragraph (1) of subsection (c) of section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a), to allow the Administrator of General Services to (1) determine the systems and equipment required for standard passenger vehicles (sedans and station wagons) to be completely equipped for operation, and (2) purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, but appropriate for reasons of safety, efficiency, economy, or suitability for the purposes intended; the prices for which are considered not to be included in the statutory price limitation. As a consequence Interim Federal Standard No. 00122L (attachment A) has been developed. This standard identifies those standard passenger vehicles which are subject to statutory price limitation and those additional systems or equipment which may be purchased without regard to the statutory limitation.

5. *Standard passenger vehicles.* a. The items shown below are extracted from Interim Federal Standard No. 00122L and are considered to be standard passenger vehicles completely equipped for ordinary operation thus subject to the statutory maximum price limitation:

Table I, Standard Item No. 9, Specification Type I.
Table II, Standard Item No. 10, Specification Type II.
Table III, Standard Item No. 11, Specification Type III.
Table VI, Standard Item No. 15, Specification Type II.
Table VII, Standard Item No. 16, Specification Type III.

b. To facilitate requisitioning new passenger vehicles from GSA, the Interim Federal Standard includes eight tables, numbered I through VIII. The first seven tables identify specific categories of vehicles with additional systems or equipment generally associated with the listed vehicle. Table VIII reflects additional systems or equipment which might be procured with any of the vehicles covered by the other tables.

6. *Additional systems or equipment.* Those items included in tables I through VIII, other than the standard items shown in paragraph 5a, above, are considered to be additional systems or equipment for new passenger vehicles. Nothing in this regulation is to be construed as authorizing the procurement of additional systems or equipment for other than new passenger vehicles.

a. Selection of additional systems or equipment in vehicles shall be made by the requiring agency and shall be based on the need to provide for overall economy, safety, efficiency, and suitability of the vehicle for the purposes intended. The agency head or his designee involved shall so determine which vehicles require specific additional systems or equipment and among other factors shall, in making this determination, consider:

(1) Climatic conditions prevailing in the area of operations (see paragraph b, below).

(2) Affect on vehicle operational capabilities.

(3) Special terrain requirements.

(4) Availability of maintenance and service facilities.

b. Air-conditioning equipment may be authorized where the vehicle involved will operate principally in the geographic areas shown in the shaded portion of the map illustrated in attachment B to this regulation; provided that the head of the agency or his designee has determined that air-conditioning equipment is required in consideration of safety, efficiency, and economy. Where vehicles are to be operated in areas other than those in the shaded area on the map or outside of the United States, data similar to the following should be used if available, to determine if the 700 cooling degree day criterion for justification for air-conditioning such vehicles is met. The shaded area is derived by computing the number of cooling degree days of 700 or more during the 4 hottest months of the year. Cooling degree days are calculated by subtracting the base value of 65°F. from the daily average temperature (average of high and low of daily recorded temperatures), with negative values being zero and summing these values for the 4 months. Where the 700 cooling degree day criterion for other than the shaded areas is met a statement to that effect should be included on or with the requisition. Where this data is not available or air conditioning is determined essential irrespective of whether the criterion is met, justification shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, for approval prior to procurement.

c. Additional systems or equipment requested to be purchased by GSA will be construed to have been determined essential for the effective operation of the vehicle involved by the agency head or his designee. The essentiality of such systems or equipment shall be weighed against the economic factors involved and potential benefits to be derived therefrom. Where systems or equipment other than those listed in table I through table VIII are requested, such systems or equipment shall be considered and treated as deviations pursuant to paragraph 7, below.

7. *Deviation from Interim Federal Standard 00122L.* Requisitions for passenger vehicles and systems or equipment not identified in Interim Federal Standard 00122L shall be accompanied by a supporting justification setting forth the intended use of the vehicle including a description of the terrain where such vehicle will be used. These justifications and those for air conditioning required in paragraph 6 above shall be submitted to the Commissioner, Federal Supply Service, for approval prior to procurement.

8. *Submission of requirements.* The GSA Form 1781, Motor Vehicle Requisition—Delivery Order-Invoice, revised October 1970, may be used to identify requirements by the codes as shown in Interim Federal Standard 00122L. For ease in placing requirements, the appropriate item number for passenger vehicles equipped to meet specific operational needs may be selected from tables I through VII; additional systems and equipment may be added by inserting the appropriate code for the selected items from table VIII and inserting such code(s) in the "Standard Options" portion of block 10, on the form. If a vehicle equipped as listed in tables I through VII includes items which are not required, item number 9, 19, 11, 15, or 16, whichever represents the minimum wheelbase required, should be selected, and all the additional systems or equipment required should be identified by inserting the appropriate item code(s) from table VIII in the appropriate portion of block 10 on the form.

9. *Trucks and buses.* Requirements for trucks and buses shall be requisitioned in accordance with the provisions of FPMR 101-26.501 and Interim Federal Standard 00307 or 00292, as applicable. Interim Federal Standard 00307 covers those trucks formerly identified in Interim Federal Standard 00122K.

10. *Availability of Federal Standards.* Copies of Federal Standards may be obtained from established sources of supply within each agency. When there is no such established source, purchase orders should be submitted to the General Services Administration (3FRDS), Washington, D.C. 20407.

11. *Effect on other issuances.* This regulation supersedes FPMR 101-26.501 as it applies to the policy covering type I vehicles.

12. *Expiration date.* This regulation expires October 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation shall be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management. Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration (FF), Washington, D.C. 20406, no later than May 31, 1971, for consideration and possible incorporation into the permanent regulation.

ROBERT L. KUNZIG,
Administrator of General Services.

JANUARY 18, 1971.

Int. Fed. Std. No. 00122 L (GSA-FSS) September 26, 1970

Superseding Int. Fed. Std. No. 00122K (GSA-FSS) August 11, 1969 and Interim revision of Fed. Std. No. 122 July 1, 1957 (See S6.2)

INTERIM FEDERAL STANDARD

AUTOMOBILES, SEDANS AND STATION WAGONS (GASOLINE ENGINE POWERED, REAR WHEEL DRIVE)

This Interim Federal Standard was developed by Automotive Standards Division, Federal Supply Service, General Services Administration, Washington, D.C. 20406, based upon currently available technical information. It is recommended that Federal agencies use it in procurement and forward recommendations for changes to the preparing activity at the address shown above.

The General Services Administration has authorized the use of this Interim Federal Standard as a valid exception to Federal Standard No. 122, dated July 1, 1957.

S1. Purpose and scope.

S1.1 The purpose of this standard is to identify standard passenger vehicles as those being completely equipped for ordinary operations and additional systems and equipment authorized for installation on Government vehicles.

S1.2 Tables of standard passenger vehicles and additional systems and equipment:

I—Automobiles, 4-door sedans (compact).
II—Automobiles, 4-door sedans (intermediate).
III—Automobiles, 4-door sedans (regular).
IV—Automobiles, 4-door sedans (law enforcement).
V—Station wagons, 4-door (law enforcement).
VI—Station wagons, 4-door (intermediate).
VII—Station wagons, 4-door (regular).
VIII—Systems and equipment.

S1.3 *Application.* This standard is intended for the procurement of standard passenger vehicles and other vehicles equipped with additional systems and equipment as set forth in this standard and individual related specifications, procurement documents, or other authorizing directives. The criteria for authorization to purchase such systems and equipment are set forth in FPMR Temp. Reg. E-14 (see S6.1).

S2. Applicable documents.

S2.1 The following specifications, of the issues in effect on date of invitation for bids or request for proposal, form a part of this standard to the extent specified therein.

KKK-A-00811—Automobile (106- to 149-inch wheelbase).

KKK-A-00850—Automobile, station wagon (4 x 2, 106- to 123-inch wheelbase).

FSC 2310

Attachment A

FPMR Temp. Reg. E-14

(Activities outside the Federal Government may obtain copies of Federal Specifications, Standards, and Handbooks as outlined under Information in the Index of Federal Specifications and Standards and at the prices indicated in the Index. The Index, which includes cumulative monthly supplements as issued, is for sale on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Single copies of this standard and other product specifications required by activities outside the Federal Goverument for bidding purposes are available without charge at the General Services Administration Regional Offices in Boston, New York, Washington, D.C., Atlanta, Chicago, Kansas City, Mo., Fort Worth, Denver, San Francisco, Los Angeles, and Seattle, Washington.

(Federal Government activities may obtain copies of Federal Specifications, Standards, and Handbooks and the Index of Federal Specifications and Standards from established distribution points in their agencies.)

S3. Standard passenger vehicles.

S3.1 The standard passenger vehicles completely equipped for operation for determining whether the cost is within any maximum price otherwise established by law are found by the Administrator of General Services to be limited to item numbers 9, 10, 11, 15 and 16 of the tables included in S3.2 and S3.3.

S3.2 *Standard passenger vehicle, sedan type. (Int. Fed. Spec. KKK-A00811.)*

TABLE IV. AUTOMOBILES, 4-DOOR SEDANS (LAW ENFORCEMENT)

Item No.	10e	10f	11e	11f	11g
Specification type	11	11	111	111	111
Wheelbase, min.	114	114	119	119	119
Engine, G.H.P., min.*	1 (10)	2 300	2 245	2 300	2 300
Transmission, 3-sp., automatic (T2)		X	X	X	X
Transmission, 3-sp., manual (T3)					
Differential, special traction (D3)	X	X	X	X	X
Rear axle ratio, standard (D2)	X	X	X	X	X
Suspension, H.D. springs and shocks (H2)	X	X	X	X	X
Brakes, power H.D. disc-front (PD)	X	X	X	X	X
Steering, power (PS)	X	X	X	X	X
Wheels, 15-in. dia. min. (WD)	X	X	X	X	X
Tires, Police special type (HS)	X	X	X	X	X
Seats, H.D. construction, front (H9)	X	X	X	X	X
Trim, vinyl upholstery (VT)	X	X	X	X	X
Mirror, left side remote controlled (MR)	X	X	X	X	X
Air conditioning (AC)	X	X	X	X	X

•"NOTE": Engine codes; 1 E5; 2 E8; 3 E7.

S3.3 Standard passenger vehicle, station wagon type. (Int. Fed. Spec. KKK-A-00880.)

TABLE V. STATION WAGONS, 4-DOOR
(Law enforcement—5 to 8 passengers)

Item No.	15e	15f	16e	16d	17b	17e
Specification type	11	11	111	111	111	111
Wheelbase, min.	113	113	119	119	119	119
Engine, G.H.P., min.*	1 245	2 300	2 300	2 300	2 300	2 300
Transmission, 3-sp., automatic (T2)	X	X	X	X	X	X
Differential, special traction (D3)	X	X	X	X	X	X
Rear axle ratio, standard (D2)	X	X	X	X	X	X
Suspension, H.D. springs and shocks (H2)	X	X	X	X	X	X
Brakes, power H.D. disc-front (PD)	X	X	X	X	X	X
Steering, power (PS)	X	X	X	X	X	X
Wheels, 15-in. dia. min. (WD)	X	X	X	X	X	X
Tires, Police special type (HS)	X	X	X	X	X	X
Rows of seats, min.** (D7)	2	2	2	2	3	3
Seats, H.D. construction, front (H9)	X	X	X	X	X	X
Trim, vinyl upholstery (VT)	X	X	X	X	X	X
Mirror, left side remote controlled (MR)	X	X	X	X	X	X
Rear window air deflector (WA)	X	X	X	X	X	X
Air conditioning (AC)	X	X	X	X	X	X

•"NOTE": Engine codes; 1 E5; 2 E6. ••"NOTES": Seats; 1 R2; 2 R3.

TABLE VI. STATION WAGONS, 4-DOOR
(Intermediate, 6 to 6 passengers)

Item No.	15	15a	15b	15c	15d
Specification type	11	11	11	11	11
Wheelbase, min.	113	113	113	113	113
Engine, G.H.P., min.*	1 (10)	1 140	1 190	2 190	2 190
Transmission, 3-sp., manual (T3)	(X	X	X	X	X
Transmission, 3-sp., automatic (T2)					
Differential, special traction (D3)		X	X	X	X
Rows of seats (H2)	2	2	2	2	2
Suspension, H.D. springs and shocks (H2)		X	X	X	X
Trim, vinyl upholstery (VT)					
Rear window air deflector (WA)					
Steering, power (PS)			X	X	X
Brakes, power (PB)					
Air conditioning (AC)					

•"NOTE": Engine codes; 1 E6; 2 E8.

TABLE I. AUTOMOBILES, 4-DOOR SEDANS
(Compact)

Item No.	9	9a	9b	9c	9d
Specification type	I	I	I	I	I
Wheelbase, min.	105	105	105	105	105
Engine, G.H.P., min.*	1 115	1 115	1 140	1 190	2 190
Transmission, 4-sp., manual (T3)	X				
Transmission, 3-sp., automatic (T2)		X	X	X	X
Differential, special traction (D3)		X	X	X	X
Suspension, H.D. springs and shocks (H2)		X	X	X	X
Trim, vinyl upholstery (VT)					
Steering, power (PS)					
Air conditioning (AC)					

•"NOTE": Engine codes; 1 E3; 2 E4; 3 E5.

TABLE II. AUTOMOBILES, 4-DOOR SEDANS
(Intermediate)

Item No.	10	10a	10b	10c	10d
Specification type	II	II	II	II	II
Wheelbase, min.	114	114	114	114	411
Engine, G.H.P., min.*	1 (10)	1 (10	1 140	2 190	2190)
Transmission, 4-sp., manual (T3)	X				
Transmission, 3-sp., automatic (T2)		X	X	X	X
Differential, special traction (D3)		X	X	X	X
Rear axle ratio, mountain terrain** (D7)		X	X	X	X
Suspension, H.D. springs and shocks (H2)		X	X	X	X
Trim, vinyl upholstery (VT)					
Steering, power (PS)					X
Brakes, power (PB)					
Air conditioning (AC)					

•"NOTE": Engine codes; 1 E4; 2 E5.
••"NOTE" or equivalent transmission and axle combination.

TABLE III. AUTOMOBILES, 4-DOOR SEDANS (REGULAR)

Item No.	11	11a	11b	11c	11d
Specification type	III	III	III	III	III
Wheelbase, min.	119	119	119	119	119
Engine, G.H.P., min.*	1 140	1 140	1 140	2 190	2 190
Transmission, 4-sp., manual (T3)	X	X			
Transmission, 3-sp., automatic (T2)			X	X	X
Differential, special traction (D3)		X	X	X	X
Rear axle ratio, mountain terrain** (D7)		X	X	X	X
Suspension, H.D. springs and shocks (H2)		X	X	X	X
Trim, vinyl upholstery (VT)					
Steering, power (PS)			X	X	X
Brakes, power (PB)					
Air conditioning (AC)					

•"NOTE": Engine codes; 1 E4; 2 E5.
••"NOTE" or equivalent transmission and axle combination.

TABLE VII. STATION WAGONS, 4-DOOR
(Regular, 6 to 8 passenger)

Item No.	16	16a	16b	17	17a
Specification type	III	III	III	III	III
Wheelbase, min.	119	119	119	119	119
Engine, G.H.P., min.*	1 190	1 190	2 220	2 245	2 245
Transmission, 3-sp., manual (T3)	X				
Transmission, 3-sp., automatic (T2)		X	X	X	X
Differential, special traction (D3)		X	X	X	X
Suspension, H.D. springs and shocks (H2)		X	X	X	X
Rows of seats of passenger, min.** (D7)	1 2	1 2	2	8-pass. 2	8-pass. 2
Trim, vinyl upholstery (VT)		X	X	X	X
Rear window air deflector (WA)		X	X	X	X
Steering, power (PS)		X	X	X	X
Brakes, power, disc-front (PD)			X		X
Air conditioning (AC)					

•"NOTE": Engine codes; 1 E5; 2 E6; 3 E7. ••"NOTE": Seats; 1 R2; 2 R8.

S3.4 Systems and equipment. Any of the systems and equipment listed below may be selected for incorporation in any of the vehicles in tables I through VII, when required to meet agencies' needs.

TABLE VIII. SYSTEMS AND EQUIPMENT

	Code
Engines:	
6 cyl., 115 G.H.P. (min.) (Applicable type I only.)	E3
6 cyl., 140 G.H.P., (min.)	E4
8 cyl., 190 G.H.P. (min.)	E5
8 cyl., 220 G.H.P. (min.)	E6
8 cyl., 245 G.H.P. (min.)	E7
8 cyl., 300 G.H.P. (min.)	E8
Transmission:	
Automatic, 3-speed	T2
Manual, 3-speed	T3
Differential:	
Special traction	D3
Rear axle ratio:	
Mountain terrain (Or equivalent transmission and axle combination.)	D7
Standard	D2
Heavy duty equipment:	
Suspension, springs and shocks	H2
Clutch (Manual transmission only.)	H3
Cooling system	H4
Electrical system—Battery—65 amp. hour. Alternator—50 amp. at 12 volts.	H5
Heavy duty equipment:	
Electrical system—Battery—95 amp. hour Alternator—60 amp. at 12 volts.	H6
Tires, high speed police pursuit (Law enforcement only.)	H8
Front seats	H9
Special equipment:	
Air Conditioner (8 cyl. engines only.)	AC
Power brakes	PB
Power front disc brakes (Not applicable to type I.)	PD
Power steering	PS
Radio, AM	RA
Bumper guards (Front and rear.)	BG
Rear window defogger (Sedans only.)	RD
Undercoating	UC
Rustproofing	RP
Vinyl upholstery trim	VT
Mirror, left side, remote controlled	MR
Wheels 15" diameter (Not applicable to type I.)	WD
Special equipment:	
Rear window air deflector (Station wagons only.)	WA
2 Rows of seats (Station wagons only.)	R2
Seats, 8 passenger (Station wagons only.)	R8
Tinted glass	TA

S4. Changes and amendments. When a Federal agency considers that this standard requires revision, written request for changing or adding to the standard, supported by adequate justification, shall be sent to the General Services Administration, Federal Supply Service, Automotive Standards Division, Washington, D.C. 20406, for appropriate action. The agency will be informed of action taken. New and revised information regarding this standard will be issued from time to time under an amendment to the Interim Federal Standard. These amendments, pink in color, will be numbered consecutively and will bear the date of issuance. Amendments should be retained and filed in front of the standard until such time as it is superseded by a reissue of the entire standard.

S5. Conflict with referenced specification. When the requirements stated in this standard conflict with any requirements in the referenced specification, the requirements of this standard shall apply.

S6. Notes.

S6.1 *Ordering data.* For ease in placing requirements, ordering agencies, using GSA Form 1781, may select from tables I through VII the appropriate item number for the passenger vehicle equipped to meet their specific operational needs; additional systems and equipment authorized under table VIII may be added by inserting the appropriate code(s). If a vehicle with the systems and equipment required cannot be described in that manner, the basic vehicle listed under either item 9, 10, 11, 15, or 16 may be selected and additional systems or equipment from table VIII may be added or substituted by use of the appropriate code(s), to constitute the vehicle required.

S6.2 *Supersession data.* This standard covers automobiles (sedans and station wagons). For selection of light trucks refer to Int. Fed. Std. No. 00307.

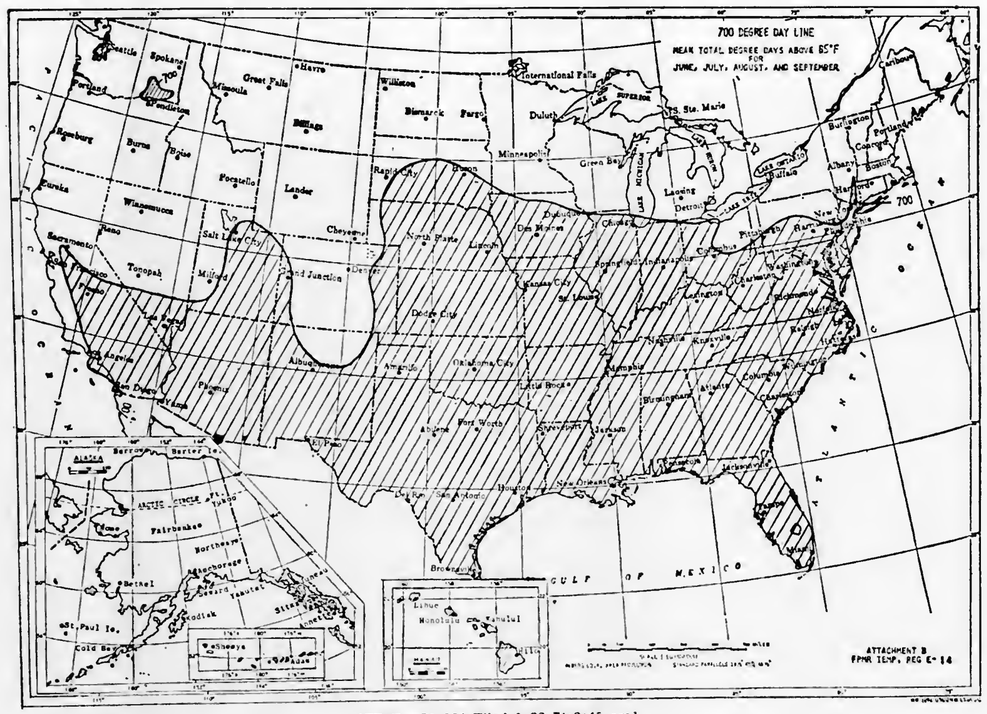

[FR Doc.71-934 Filed 1-22-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

Entry or Withdrawal From Warehouse for Consumption

JANUARY 19, 1971.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. Under this agreement the Government of Malta has undertaken to limit its exports to the United States of cotton textiles and cotton textile products to specified annual amounts. Among the provisions of the agreement are those applying specific limitations to Categories 43, 51, and 60.

On December 30, 1970, the two Governments exchanged notes amending the agreement and extending its term through December 31, 1971.

Accordingly, there is published below a letter of January 11, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1971, and extending through December 31, 1971, be limited to designated levels.

This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 11, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, as amended, between the Governments of the United States and Malta, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning January 1, 1971, and extending through December 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following designated levels of restraint:

Category	12-month level of restraint
43	77,306 dozen
51	27,348 dozen
60	46,796 dozen

In carrying out this directive entries of cotton textiles and cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been exported to the United States from Malta prior to January 1, 1971, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1970, through December 31, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, as amended, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit for apparel, limits on categories subject to specific limits may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textiles and cotton textile products from Malta have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-953 Filed 1-22-71;8:47 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

JANUARY 19, 1971.

On December 31, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of the Socialist Republic of Romania concerning exports of cotton textiles and cotton textile products from Romania to the United States over a 5-year period beginning on January 1, 1971, and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories, and within the aggregate limit specific limits on Categories 19, 26, 47, 49, 55, 60, and 63.

Previously, the Chairman of the President's Cabinet Textile Advisory Committee issued a series of directives, pursuant to Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textiles, limiting imports of cotton textiles and cotton textile products in various Categories from Romania. The letter published below cancels and supersedes these directives.

Accordingly, there is published below a letter of January 8, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Categories 19, 26, 47, 49, 55, 60, and 63 produced or manufactured in Romania which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1971, and extending through December 31, 1971, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

JANUARY 8, 1971.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directives issued to you on the following dates by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles and cotton textile products in the following categories produced or manufactured in the Socialist Republic of Romania:

Date of P.C.T.A.C. directive	Categories
Mar. 30, 1970	60.
Apr. 27, 1970	55.
June 15, 1970	53.
Aug. 12, 1970	34.
Sept. 25, 1970	19 and 47.
Oct. 30, 1970	63.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning January 1, 1971, and extending through December 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 19, 26, 47, 49, 55, 60, and 63, produced or manufactured in the Socialist Republic of Romania in excess of the following levels of restraint:

Category	12-month levels of restraint [1]
19	1,100,000 square yards.
26	2,200,000 square yards (of which not more than 500,000 square yards may be duck fabric [2]).
47	40,566 dozen.
49	21,538 dozen.
55	13,725 dozen.
60	19,246 dozen.
63	347,826 pounds.

Cotton textiles in Categories 19, 26, 47, 49, 55, 60, and 63 produced or manufactured in the Socialist Republic of Romania and which have been exported prior to January 1, 1971, shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that within the aggregate limit, the limitations on Categories 19, 26, 47, 49, 55, 60, and 63 may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

[1] These levels have not been adjusted to reflect any entries made on or after Jan. 1, 1971.

[2] The T.S.U.S.A. Nos. for duck fabric are:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-952 Filed 1-22-71;8:47 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

JANUARY 19, 1971.

On March 7, 1970, there was published in the FEDERAL REGISTER (35 F.R. 4273) a letter dated February 28, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Poland and exported to the United States during the 12-month period beginning March 1, 1970. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of March 15, 1967, as amended, between the Governments of the United States and Poland, which provides that within the aggregate and applicable group limits, specific limits on categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Poland and pursuant to the bilateral agreement referred to above, there is published below a letter of January 11, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textile products in Category 42 for the 12-month period which began on March 1, 1970.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 11, 1971.

DEAR MR. COMMISSIONER: On February 28, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibt entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Poland, and exported to the United States on or after March 1, 1970, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, as amended, between the Governments of the United States and Poland, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of February 28, 1970, the level of restraint provided in that directive for cotton textile products in Category 42, produced or manufactured in Poland and exported from Poland to the United States for the period beginning March 1, 1970, and extending through February 28, 1971, is hereby amended, effective as soon as possible, to be 31,500 dozen.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-954 Filed 1-22-71;8:47 am]

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Mar. 15, 1967, between the Governments of the United States and Poland which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; and for administrative arrangements.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (71-1)]

JAMES A. CHAMBERLIN

Certification

In accordance with the authority contained in title 18, U.S. Code, section 207, I hereby certify that in my judgment the national interest would be served by permitting Mr. James A. Chamberlin, a former employee of the Manned Spacecraft Center, Houston, Tex., to act as a representative of the McDonnell-Douglas Astronautics Co., and to appear personally before NASA in connection with matters relating to the NASA Space Shuttle Program, notwithstanding the restrictions on the activities of former U.S. Government employees, as set forth in title 18, U.S. Code, sections 207(a) and 207(b).

Effective date: January 20, 1971.

GEORGE M. LOW,
Acting Administrator.

[FR Doc.71-977 Filed 1-22-71;8:48 am]

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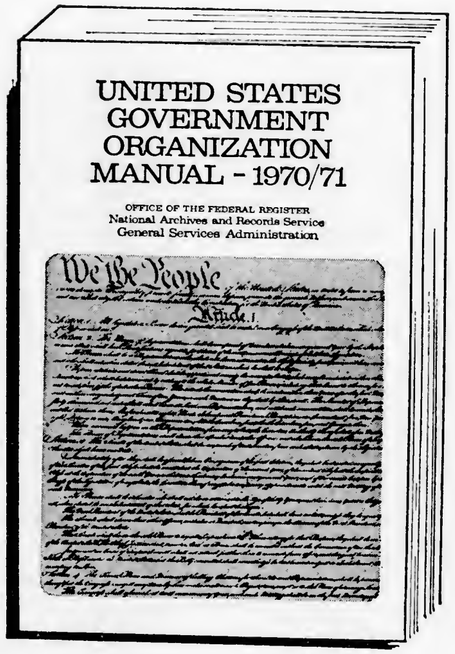

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Title 3—The President

PROCLAMATION 4027

American Heart Month, 1971

By the President of the United States of America

A Proclamation

The special effort to combat diseases of the heart and circulation initiated in the United States more than twenty years ago has been tremendously successful. Advances have been made in every aspect of cardiovascular medicine—in basic understanding, in preventive measures, in methods of diagnosis, in instrumentation, in surgical treatment, in drug therapy, in patient care, in rehabilitation. Heart victims everywhere have enormously benefited.

This progress is clearly reflected in our overall cardiovascular mortality rate, which has been reduced more than 14 percent. However, there is much to be done before this killer disease is conquered. Heart and blood vessel diseases still afflict more than 27 million persons in our country. They take over one million lives annually and they exact a tremendous toll in suffering, disability, and economic loss.

The progress we have witnessed these past years has been achieved primarily because of the programs supported by the Federal Government's National Heart and Lung Institute and the American Heart Association, a private voluntary agency. Allied with other public and private interests by common purpose, they constitute a continuing force for progress in reducing death and disability from cardiovascular causes. To sustain the forward march, however, the concern and support of all Americans is needed. With this support, the conquest of heart disease can be an attainable goal.

To help encourage this support, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February

1971 as American Heart Month, and I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to give heed to the nationwide problem of heart disease and to support the programs essential to bring about its solution.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of January, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[FR Doc.71-1135 Filed 1-22-71;4:08 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

SUBCHAPTER A—GENERAL PROVISIONS

PART 2401—AVAILABILITY OF OFFICIAL INFORMATION

Part 2401 is added to Chapter XIV, Code of Federal Regulations, to read as follows:

Sec.
2401.1 Place where information may be obtained.
2401.2 Time for obtaining information.
2401.3 Identification of information requested.
2401.4 Information available for public inspection and copying.
2401.5 Information exempt from public disclosure.
2401.6 Index of material available to public.
2401.7 Service charges for information.
2401.8 Compliance with subpoenas.

AUTHORITY: The provisions of this Part 2401 issued under 5 U.S.C. 552; E.O. 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

§ 2401.1 Place where information may be obtained.

(a) *Federal Labor Relations Council.* Requests for information, including materials available for public inspection and copying, should be submitted to the Executive Director of the Federal Labor Relations Council, 1900 E Street NW., Washington, DC 20415.

(b) *Federal Service Impasses Panel.* Requests for information, including materials available for public inspection and copying, should be submitted to the Executive Secretary of the Federal Service Impasses Panel, 1900 E Street NW., Washington, DC 20415.

§ 2401.2 Time for obtaining information.

A request for information under this part may be made in writing or orally during business hours on a regular business day. When information to be furnished is not readily available, the employee responsible for obtaining the information shall make it available within a reasonable time.

§ 2401.3 Identification of information requested.

A request for information under this part shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

§ 2401.4 Information available for public inspection and copying.

(a) *Federal Labor Relations Council.* (1) The Executive Director shall make available for public inspection and copying final decisions and orders of the Federal Labor Relations Council, statements of policy and interpretations which have been adopted by the Council and are not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) The Executive Director shall also make promptly available for public inspection and copying, upon request by any person, other identifiable records of the Council.

(b) *Federal Service Impasses Panel.* (1) The Executive Secretary shall make available for public inspection and copying authorizations and directions by the Federal Service Impasses Panel of third-party factfinding and arbitration, final decisions and orders of the Panel, statements of policy and interpretations which have been adopted by the Panel and are not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) The Executive Secretary shall also make promptly available for public inspection and copying, upon request by any person, other identifiable records of the Panel.

§ 2401.5 Information exempt from public disclosure.

The Council or the Panel may decline to disclose any matters exempted from the disclosure requirements in 5 U.S.C. 552(b), particularly those that are: (a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; (b) related solely to internal personnel rules and practices of the Council or the Panel; (c) specifically exempted from disclosure by statute; (d) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (e) interagency and intra-agency memoranda or letters; (f) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (g) investigatory files compiled for law enforcement purposes.

§ 2401.6 Index of material available to public.

The Executive Director shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to the materials of the Council and the Panel set forth in § 2401.4 (a)(1) and (b)(1).

§ 2401.7 Service charges for information.

(a) A member of the public shall be furnished free of charge a reasonable quantity of information that has been printed or is otherwise available for free public consumption.

(b) A member of the public shall be furnished free of charge other information that is requested and is not exempted from disclosure when the information is available and can be furnished without cost or at nominal cost to the Council or the Panel.

(c) When a request for information not provided under paragraph (a) or (b) of this section is received, a copy of it shall be furnished at a fair and equitable fee if it is available to the public. In determining the fair and equitable fee under this paragraph, the Executive Director of the Federal Labor Relations Council shall ascertain all costs necessary to recover the full cost to the Government including, but not limited to, costs of employee services relating to research, reproduction, assembly, and authentication. The fee will be based on these costs. The Executive Director shall not undertake to furnish copies of information under this paragraph until the fee for the information is paid, except when the fee cannot be determined in advance in which case an estimated fee shall be paid with appropriate adjustment at time of delivery. A fee shall be paid by check or money order payable to the U.S. Treasury.

§ 2401.8 Compliance with subpoenas.

No member of the Council or the Panel, or other officer or employee of the Council or the Panel, shall produce or present any files, documents, reports, memoranda, or records of the Council or the Panel or testify in behalf of any party to any cause pending in any arbitration or in any court or before the Council or the Panel, or any other board, commission, or administrative agency of the United States, territory, or the District of Columbia with respect to any information, facts, or other matter to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Council or the Panel, whether in answer to a subpoena, subpoena duces tecum, or otherwise, without the written consent of the Council or the Panel, as the case may be.

Whenever any subpoena, the purpose for which is to adduce testimony or require the production of records as described above, shall have been served on any member or other officer or employee of the Council or the Panel, he will, unless otherwise expressly directed by the Council or the Panel, as the case may be, move pursuant to the applicable procedure to have such subpoena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

Effective date. The provisions of this part are effective on date of publication in the FEDERAL REGISTER (1-26-71).

ROBERT E. HAMPTON,
Chairman,
Federal Labor Relations Council.

JACOB SEIDENBERG,
Chairman,
Federal Service Impasses Panel.

[FR Doc.71-1035 Filed 1-25-71;8:47 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division, on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $9.40 per man-hour per employee; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1-26-71), when it shall supersede 7 CFR 354.1, effective July 1, 1970.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $8.72 to $9.40 commensurate with salary increases provided in the Federal Pay Comparability Act of 1970 (Public Law 91-656) and Executive Order 11576. Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of January 1971.

[SEAL] F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-1069 Filed 1-25-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 464]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.764 Lemon Regulation 464.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 19, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 24, through January 30, 1971, are hereby fixed as follows:

(i) District 1: 30,000 cartons;

(ii) District 2: 55,000 cartons;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 21, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1087 Filed 1-22-71;12:43 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Commercial Processing Into Products

On November 28, 1970, notice was published in the FEDERAL REGISTER (35 F.R. 18200) that the Department was considering an amendment, as therein set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 915.110-915.150) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915; 35 F.R. 16627) regulating the handling of avocados grown in south Florida. This is regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amendment of the said rules and regulations was proposed by the Avocado Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment as hereinafter set forth, establishes rules, regulations, and safeguards pursuant to § 915.55, applicable to the handling of avocados for commercial processing into products by: (1) Defining the term "commercial processing into products", (2) providing for "approved manufacturers", and (3) prescribing the requirements and conditions with respect to such approved manufacturers.

The committee reported that at times avocados allegedly handled pursuant to § 915.55 for commercial processing into products have entered the fresh market. Hence, it deems amendment of the rules and regulations necessary to prevent avocados handled pursuant to the provisions of § 915.55 for commercial processing into products from entering channels of trade for other than such purpose.

Said notice included a proposal to add a new § 915.141 *Handling avocados for commercial processing into products*, which prescribes the requirements and conditions for the Avocado Administrative Committee's listing of approved manufacturers of avocado products. The language of said section, as hereinafter set forth, is a modification of that in said notice, so as to prescribe guidelines for the committee to follow when establishing and maintaining its list of approved manufacturers of avocado products, and the requirements applicable to suspension of listings.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice, which were submitted by the Avocado Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order will tend to effectuate the declared policy of the act. Said rules and regulations are amended by adding a new paragraph (c) to § 915.140 *Avocados not subject to regulation*, and adding a new § 915.141 *Handling avocados for commercial processing into products*, reading respectively as follows:

§ 915.140 Avocados not subject to regulation.

* * * * *

(c) *Commercial processing into products.* The term "commercial processing into products", as used in § 915.55(c), means the manufacture of any avocado product which is preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

§ 915.141 Handling avocados for commercial processing into products.

(a) No person shall handle any avocados for commercial processing into products unless prior to such handling such person notifies the Avocado Administrative Committee of the proposed handling and provides the committee with the name of the intended processor. If the intended processor's name is not on the Avocado Administrative Committee's current list of approved manufacturers of avocado products, as prescribed in paragraph (b) of this section, or if on the list is suspended, such person shall furnish the committee, prior to each such handling, with a statement executed by the intended processor that the avocados will be used for the stated purpose only.

(b) Any person who desires to have his name placed on the Avocado Administrative Committee's list of approved manufacturers of avocado products shall, prior to such listing, submit to the Avocado Administrative Committee an application containing the following information: (1) Name and address of applicant; (2) location of the facilities for commercial processing into products; (3) proposed type of avocado product or products to be manufactured from avocados and the proposed commercial process of preservation; (4) description of facilities for commercial processing into products; (5) quantity of avocados used in commercial processing into products during the previous fiscal year and estimate of the quantity of avocados to be similarly processed during the current fiscal year; (6) expected source of avocados for commercial processing into products; (7) method of transporting avocados and unloading point; (8) Avocado Administrative Committee handler certificate of registration number, if any; (9) a statement that the avocados obtained for commercial processing into products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels; and (10) an agreement to submit such reports as are required by the Avocado Administrative Committee with approval of the Secretary.

(c) Upon receipt of an application for such listing, the Avocado Administrative Committee shall make such investigation as it deems appropriate, and if it appears that the applicant may reasonably be expected to use avocados covered by the application in accordance with, and to comply with, the requirements of paragraph (b) of this section, it shall place the person's name on Avocado Administrative Committee's current list of approved manufacturers of avocado products.

(d) If it is determined by the committee from the available information that the applicant is not entitled to such listing he shall be so informed by written notice stating why his application was denied.

(e) Any such listing pursuant to paragraphs (b) and (c) of this section may be canceled by the committee under circumstances which would have justified denial of this application.

(f) The committee shall suspend the listing of any approved manufacturer who fails to submit reports as prescribed pursuant to the provisions of paragraph (b) of this section. The committee shall advise such manufacturer in writing of the pending suspension and shall specify the time such suspension is to become effective. Upon determination by the committee that the manufacturer has satisfied by such effective time the requirements with respect to the submission of

reports the committee shall not make such suspension effective. However, if the suspension is in effect, the committee shall terminate such suspension at such time as it determines that the manufacturer has satisfied the requirements with respect to the submission of reports.

Dated, January 20, 1971, to become effective February 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1034 Filed 1-25-71;8:47 am]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Termination of Certain Regulations

Notice of rule making regarding the proposed termination of §§ 953.101–953.116 to be effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER December 4, 1970 (35 F.R. 18475). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

Recommendation for termination of certain current rules and regulations was made by the Southeastern Potato Committee, established pursuant to said marketing agreement and order, subsequent to the recent amendment of the marketing agreement and order because either: (1) The provisions contained in 7 CFR 953.101–953.116 are no longer applicable due to deletions to the marketing agreement and order pursuant to amendments thereto; or (2) the restrictions are obsolete, and no longer applicable, and not in conformity with provisions presently contained in the order.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice it is hereby found and determined that:

Sections 953.101–953.116 of 7 CFR are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 21, 1971, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1067 Filed 1-25-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports and airports.[1]

(a) Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at a rate of $9.40 per manhour per employee; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted traveltime period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular workday. It shall be administratively determined from time to time which days constitute holidays.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1–26–71), when it shall supersede 9 CFR 97.1, effective July 1, 1970.

The purpose of this amendment is to increase the hourly rate for overtime services from $8.72 to $9.40 commensurate with salary increases provided in the Federal Pay Comparability Act of 1970 (Public Law 91–656 and Executive Order 11576). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of January 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-1068 Filed 1-25-71;8:50 am]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Miscellaneous Amendments

Correction

In F.R. Doc. 71-638 appearing at page 601 in the issue for Friday, January 15, 1971, the word "cross-examination" in § 133.8(e) should read "cross-contamination."

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethoate

A petition (PP 0F0928) was filed with the Food and Drug Administration, DHEW, by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a) proposing establishment of tolerances for negligible residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodities cottonseed and safflower seed at 0.1 part per million and in eggs and the meat, fat, and meat byproducts of poultry at 0.02 part per million.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of the Act (21 U.S.C. 346a (1)) were also transferred to the Administrator of the Environmental Protection Agency.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, the Administrator of the Environmental Protection Agency concludes that:

1. The proposed tolerance of 0.1 part per million on cottonseed and safflower seed and the established tolerance of 0.1 part per million on pecans are not negligible residues.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), § 420.204 is amended by revising the paragraphs "0.1 part per million * * *" and "0.02 part per million * * *" to read as follows:

§ 420.204 Dimethoate including its oxygen analog; tolerances for residues.

* * * * *

0.1 part per million in or on cottonseed, pecans, and safflower seed.

* * * * *

0.02 part per million (negligible residue) in eggs and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–26–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: January 20, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1061 Filed 1-25-71;8:49 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

P-Nitrophenyl 2-Nitro-4-(Trifluoromethyl) Phenyl Ether

A petition (PP 0F0958) was filed with the Food and Drug Administration, DHEW, by Ciba Agrochemical Co., Post Office Box 1105, Vero Beach, Florida 32960, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide *p*-nitrophenyl 2-nitro-4-(trifluoromethyl) phenyl ether and its metabolites in or on the raw agricultural commodities soybeans and soybean forage at 0.1 part per million.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of that Act (21 U.S.C. 346a(1)) were also transferred to the Administrator of the Environmental Protection Agency.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, the Administrator of the Environmental Protection Agency concludes that:

1. The proposed use is not reasonably expected to result in residues in meat, milk, poultry, and eggs. The use is in the category specified in § 420.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), a new section is added to Part 420, as follows:

§ 420.290 *p*-Nitrophenyl 2-nitro-4-(trifluoromethyl) phenyl ether; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *p*-nitrophenyl 2-nitro-4-(trifluoromethyl) phenyl ether and its metabolites *p*-nitrophenyl 2-amino-4-(trifluoromethyl) phenyl ether and *p*-nitrophenol in or on the raw agricultural commodities soybeans and soybean forage at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-26-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 20, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1062 Filed 1-25-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-57a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Clearwater Harbor, Fla.

1. The city of Clearwater, Fla., requested that the special operation regulations for the Florida State Road 60 bridge across Clearwater Harbor be revised. A public notice dated March 17, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Seventh Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 18, 1970 (35 F.R. 6325).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. A number of comments were received. Some objected to any closed periods, some felt that longer closed periods were required and some supported the proposal as published. After consideration of all known factors in this case, the proposal, as submitted, is accepted. If, at a later time, conditions warrant a review and possibly a revision of this section, such action will be taken.

3. Accordingly, Part 117 is amended by revising § 117.466(a) to read as follows:

§ 117.466 Clearwater Harbor, Fla.; the city of Clearwater bridge (Memorial Causeway), Clearwater, Fla.

(a) The draw shall be opened promptly on signal except that: (1) From 12 m. to 6 p.m. on Saturdays, Sundays, and legal holidays the draw need not be opened except on the hour and half hour to allow all accumulated vessels to pass.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 20, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1026 Filed 1-25-71;8:46 am]

[CGFR 70-123a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Escatawpa River, Miss.

1. The city of Moss Point, Jackson County, Miss., requested that special operation regulations be established for the Mississippi State Route 63 Highway bridge across the Escatawpa River Mile 1.0. A public notice dated September 14, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Eighth Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of October 9, 1970 (35 F.R. 15935).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. Three comments were received in favor of the proposal. After consideration of all known factors in this case, the proposal, as submitted, is accepted.

3. Accordingly, Part 117 is amended by adding § 117.485 to read as follows:

§ 117.485 Escatawpa River, Miss.; Mississippi State Highway 63 Bridge; mile 1.0.

The draw need not be opened for the passage of vessels, from 6:15 a.m. to 6:45 a.m., 7:15 a.m. to 8 a.m. and 3:15 p.m. to 4:15 p.m., Monday through Friday, excluding national holidays. At all other times the draw shall be opened promptly on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959); 33 CFR 1.05 1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 20, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1027 Filed 1-25-71;8:46 am]

[CGFR 70-139]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Inner Harbor Navigation (Industrial) Canal, New Orleans, La.

1. The U.S. Coast Guard has recently assumed jurisdiction over the Inner Harbor Navigation Canal, New Orleans, La., as a navigable water of the United States. Several drawbridges across this canal are being operated under special regulations which were previously issued by the State of Louisiana and administered by the Board of Commissioners of the Port of New Orleans. These regulations are currently being observed, but must be issued by the U.S. Coast Guard to be valid. The purpose of this document is to issue such regulations. Notice and public procedure thereon as set forth in 5 U.S.C. 553 are deemed to be unnecessary at this time.

2. Accordingly, Part 117 is amended by adding a new § 117.535 to read as follows:

§ 117.535 Inner Harbor Navigation Canal, New Orleans, La.

The draws of each bridge shall be opened promptly on signal except that from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m., Monday through Friday, the draws of the New Seabrook vehicular bridge and the Danziger bridge at Chef Menteur Highway (U.S. 90) need not be opened for the passage of vessels except in an emergency.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective upon the date of publication in the FEDERAL REGISTER (1-26-71).

Dated: January 20, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1028 Filed 1-25-71;8:47 am]

[CGFR 70-125a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pine River, St. Clair, Mich.

1. The Michigan State Highway Department requested that the special operation regulations for its bridge across the Pine River at St. Clair, Mich., be revised. A public notice dated October 30, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Ninth Coast Guard District, and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of October 23, 1970 (35 F.R. 16547).

2. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. No adverse comments were received. After consideration of all known factors in this case, the proposal is accepted.

3. Accordingly, Part 117 is amended by revising § 117.703(c) to read as follows:

§ 117.703 Pine River, Mich.; Michigan State Highway bridge at St. Clair.

* * * * *

(c) Signals:

(1) *Opening signal.* One (1) long blast followed by one (1) short blast of a whistle, horn, or siren, repeated if necessary until the acknowledging signal is received from the drawtender.

(2) *Acknowledging signals.* (i) When the draw can be opened immediately, one (1) long blast followed by one (1) short blast.

(ii) When the draw cannot be opened immediately, four (4) or more short blasts in rapid succession. As soon thereafter as the draw can be opened, the drawtender shall sound one (1) long blast followed by one (1) short blast.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 20, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1029 Filed 1-25-71;8:47 am]

[CGFR 70-45a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Rouge River, Mich.

1. The Board of Road Commissioners, Wayne County, Mich., requested that the special operation regulations for the bridges across the Rouge River at Jefferson Avenue and Fort Street be revoked. This request was based on the completion of the I-75 High Level fixed bridge which is used extensively by vehicular traffic. A public notice dated January 21, 1969, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, Ninth Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 11, 1970 (35 F.R. 6012).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. A number of comments were received. Some supported the revocation and others opposed it. A close examination of the vehicular traffic data showed that with the exception of the 6:30 a.m. to 7:10 a.m. period the special operation regulations should continue due to the high vehicular traffic count during these periods. After consideration of all known factors in this case, the proposal, as modified is accepted.

3. Accordingly, Part 117 is amended by revising § 117.705(g) to read as follows:

§ 117.705 Rouge River, Mich.; Short Cut Canal and Rouge River between Short Cut Canal and Maples Road; bridges.

* * * * *

(g) Jefferson Avenue and Fort Street highway bridges: From March 15 through December 15 the draws of these bridges need not be opened from 7:30 a.m. to 8:30 a.m., 4 p.m. to 4:40 p.m., and 5 p.m. to 6 p.m., except on Saturdays, Sundays, and legal holidays observed in the locality. However any vessel proceeding either upstream or downstream which has passed one of these bridges shall be afforded continuous passage through the other.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) 33 CFR 1.05-(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 20, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1030 Filed 1-25-71;8:47 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-4; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires on Passenger Cars

Federal Motor Vehicle Safety Standard No. 109, 49 CFR Part 571, as amended (35 F.R. 16735), specifies requirements for passenger car tire dimensions and laboratory test requirements, defines tire load ratings, specifies labeling requirements and sets forth the limited conditions under which passenger car tires that are not certified as complying with the standard may be sold. One of the labeling requirements of the standard (S4.3(d)) is that each tire be labeled on both sidewalls with the manufacturer's name or, if the tire is a brand name tire, with the brand name and an approved code mark assigned the manufacturer by the National Highway Traffic Safety Administration (formerly the National Highway Safety Bureau). Another labeling requirement (S4.3(j)) in the standard is that each tire contain on both sidewalls a certification statement or the symbol DOT, constituting the manufacturer's certification that the tire conforms to the standard. Both of these requirements are affected by the Tire Identification and Recordkeeping Regulation (49 CFR Part 574), as revised and published in this issue of the FEDERAL REGISTER (36 F.R. 1196), in that the Tire Identification and Recordkeeping Regulation specifies the location of the DOT symbol and requires that it be on either sidewall of the tire. Part 574 also establishes a system whereby all tire manufacturers apply for an assigned two-symbol code designation which is to be part of the tire identification number and placed on either sidewall. It is intended that these requirements take the place of the requirements in Standard No. 109 that tire manufacturers be assigned a three-number code and that it be placed on both sidewalls of brand name tires.

In view of the above, S4.3 of the passenger car tire standard is amended as set forth below to reconcile the requirements of Standard No. 109 with the requirements of the Tire Identification and Recordkeeping Regulation.

In addition, the labeling requirements (S4.3) are changed as set forth below to make it clear that each tire shall be labeled with only one size designation found in the tables in Appendix A of Standard No. 109, except that tires may have equivalent inch and metric size designations. The labeling requirements are further changed by deleting the paragraph which deals with tires manufactured before August 1, 1968, since the exception is no longer relevant.

Requirements for reclassified tires (S6.) are being amended to provide that the serial number required by S6.1(c), and the manufacturer's code symbol, if used, can be on either sidewall.

It is further noted that the correction published in the FEDERAL REGISTER of November 26, 1970 (35 F.R. 18118), was inaccurately stated as "for the period covering November 1, 1970 through July 31, 1971". Actually, the phrase to be corrected was "for the period covering December 1, 1970 through July 31, 1971." S6.2 should read "for the period covering December 1, 1970 through June 30, 1971", and for clarity S6.2 is republished with the correct language.

In consideration of the foregoing, Standard No. 109 of § 571.21 of Title 49, Code of Federal Regulations, is amended as set forth below.

1. S4.3 is amended to read as follows:

S4.3 *Labeling requirements.* Except as provided in S4.3.1 and S4.3.2, each tire shall be conspicuously labeled on both sidewalls with each of the following permanently molded into or onto the tire:

(a) One size designation, except that equivalent inch and metric size designations may be used.

(b) Maximum permissible inflation pressure.

(c) Maximum load rating.

(d) Composition of the material used in the ply cord.

(e) Actual number of plies in the sidewall and the actual number of plies in the tread area, if different.

(f) The word "tubeless" or "tube type", as applicable.

(g) The word "radial", if a radial ply tire.

S4.3.1 Each tire shall be labeled with the symbol DOT in the manner specified in Part 574 of this chapter, which shall constitute a certification that the tire conforms to applicable Federal motor vehicle safety standards.

S4.3.2 Each tire shall be labeled with the name of the manufacturer, or brand name and number assigned to the manufacturer in the manner specified in Part 574.

* * * * *

2. S6.1 is amended to read as follows:

S6.1 *Labeling.* Each reclassified tire shall be labeled on both sidewalls with the information described in subparagraphs (a), (b), (c), and (d), permanently molded into or onto the tires, except that the number assigned the manufacturer and the information described in subparagraph (d) need only appear on one sidewall. All other labeling required by Standard No. 109 shall be removed.

(a) Size designation.

(b) Name of manufacturer or brand name and number assigned manufacturer pursuant to Part 574 of this chapter.

(c) The word "tubeless" or "tube type", as applicable.

(d) A serial number that enables the manufacturer or band name owner to identify the week and year of production.

* * * * *

3. S6.2 is republished as follows:

S6.2 *Reporting.* On July 31, 1971, each manufacturer reclassifying passenger car tires shall submit to: Reclassified Tires, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20591 a report containing the information specified below for the period covering December 1, 1970 through June 30, 1971. Thereafter, each manufacturer reclassifying passenger car tires shall submit a report containing the information specified below on July 31 of each year for the period covering the preceding January 1 to June 30 and on January 31 of each year for the period covering the preceding July 1 to December 31.

Effective date: May 22, 1971.

Because this amendment to Standard No. 109 relieves restrictions, clarifies the intent expressed in the standard, makes a correction to the standard and imposes no additional burden on any person, notice and request for comments on such notice are found to be unnecessary and impracticable, and good cause is shown that an effective date earlier than 180 days after issuance is in the public interest.

(Sec. 103, 112, 119, 201, National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1392, 1401, 1407, and 1421); delegation of authority at 49 CFR 1.51 (35 F.R. 4955))

Issued on January 19, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

[FR Doc.71-922 Filed 1-25-71;8:45 am]

[Docket No. 70-12; Notice 5]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

On November 10, 1970, the National Highway Safety Bureau (now the National Highway Traffic Safety Administration, or NHTSA) published the Tire Identification and Recordkeeping Regulations (35 F.R. 18116). Thereafter, pursuant to § 553.35 of the rule making procedures (49 CFR Part 553, 35 F.R. 5119), petitions for reconsideration or petitions for rule making were filed by the American Retreaders' Association, Inc., the Armstrong Rubber Co., Bandag Inc., the National Tire Dealers & Retreaders Association, Inc., the Goodyear Tire & Rubber Co., the Lee Tire and Rubber Co., Chrysler Corp., the Rubber Manufacturers Association, Ford Motor Co., the Kelly-Springfield Tire Co., Pirelli Tire Corp., the B. F. Goodrich Co., Uniroyal Tire Co., Cooper Tire & Rubber Co., Michelin Tire Corp., the Firestone Tire & Rubber Co., White Motor Corp., Bert Schwarz-S&H Inc., and the Truck Trailer Manufacturers Association. Several petitioners requested the opportunity to demonstrate difficulties they were having meeting the regulation as issued, and as a result a public meeting was held December 21, 1970. Notice of the meeting was published in the FEDERAL REGISTER (35 F.R. 19036) and the transcript of the meeting is in the public docket. The substance of the petitions and comments made at the meeting have been considered. Certain parts of the Tire Identification and Recordkeeping Regulation are hereby amended.

The definition of "Tire brand name owner" in § 574.3(c) is changed to make it clear that a person manufacturing a brand name tire that he markets himself is not a brand name owner for the purposes of this regulation.

The regulation is amended to except from its requirements tires manufactured for pre-1948 vehicles. This exception is consistent with the Federal Motor Vehicle Safety Standard for passenger car tires (Standard No. 109).

After consideration of the comments in the petitions concerning the tire identification number requirements, several changes have been made.

1. Section 574.5 is amended to specify the numbers and letters to be used in the identification number.

2. Figures 1 and 2 are modified to allow three-quarters of an inch, instead of one-half inch, between the DOT symbol and the identification number and between the second and third grouping. Tires with cross section width of 6 inches or less may use $\frac{5}{32}$-inch letters. The DOT symbol may be located to the right of the identification number as well as above, below, or to the left of the identification number. Retreaders, as well as new tire manufacturers, may locate the DOT symbol above, below, to the left, or to the right of the identification number. The minimum depth of the identification number has been changed from 0.025 inch to 0.020 inch, measured from the surface immediately surrounding the characters.

3. The second grouping, identifying the tire size, has been changed with respect to retreaded tires to provide that if a matrix is used for processing the retreaded tire the code must identify the matrix used. The change requiring retreaded tire identification numbers to contain a matrix code rather than a size code was made because, in the event of a defect notification, the matrix would be a more meaningful method of identifying the suspect tires and it was considered impracticable to require retreaders to include the tire size in the tire-identification number.

4. The third grouping, for identifying the significant characteristics of the tire, has been changed to provide that if a tire is manufactured for a brand name owner the code shall include symbols identifying the brand name owner, which shall be assigned by the manufacturer rather than by the NHTSA. Manufacturers are required to provide the NHTSA with the symbols assigned to brand name owners upon the NHTSA's request. This change should result in a shorter identification number and allow manufacturers greater flexibility in the use of the third grouping.

Standard No. 109 presently requires that passenger car tires contain a DOT symbol, or a statement that the tire complies with the standard, on both sidewalls of the tire between the section width and the bead. The requirement in Standard No. 109 is being changed by notice published in this issue (36 F.R. 1195 to provide that the DOT symbol may be on either sidewall, in the location specified by this regulation. The requested change that the DOT symbol be allowed on tires for which there is no applicable standard in effect is denied, since such use would tend to give consumers the impression those tires were covered by a Federal standard.

Several petitioners requested that other DOT symbols (located as required by the present Standard No. 109) be permitted to remain on the tire along with the three-digit manufactuer's code number assigned pursuant to that standard. The Tire Identification and Recordkeeping regulation does not prohibit the continued use of the symbol and code number provided the numbers are not close enough to the identification number to be confused with it. In no event should the three-digit number, formerly required by Standard No. 109, immediately follow the tire identification number.

As a result of petitions by vehicle manufacturers the requirement in § 574.10 that vehicle manufacturers maintain the record of tires on each vehicle shipped has been changed to eliminate the requirement that this information be maintained by identification number. It would evidently be extremely difficult and expensive for the vehicle manufacturer to record each tire identification number. Vehicle manufacturers have stated that their present system provides records that enable them to notify the purchaser of a vehicle that may contain suspect tires.

Several petitioners requested that the effective date of the regulation be extended beyond May 1, 1971. The 1970 amendment to the National Traffic and Motor Vehicle Safety Act requires that the provisions relating to maintaining records of tire purchasers shall be effective not later than 1 year after the date of enactment of these amendments (May 22, 1971). It has been determined that in view of the complexities involved in establishing the record keeping system required and the effect of the same on existing processes, good cause exists for making the regulations effective on the latest date manufacturers are required by the statute to maintain records. It is further determined that a May 22, 1971, effective date is in the public interest.

In consideration of the above, Part 574 of Title 49, Code of Federal Regulations, is revised as set forth below.

Effective date: May 22, 1971.

Issued on January 19, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

Sec.

574.1 Scope.
574.2 Purpose.
574.3 Definitions.
574.4 Applicability.
574.5 Tire identification requirements.
574.6 Identification mark.
574.7 Information requirements—tire manufacturers, brand name owners, retreaders.
574.8 Information requirements—tire distributors and dealers.
574.9 Requirements for motor vehicle dealers.
574.10 Requirements for motor vehicle manufacturers.

AUTHORITY: The provisions of this Part 574 issued under secs. 103, 112, 113, 119, 201, and 206, National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. 1392, 1401, 1402, 1407, 1421, and 1426; delegation of authority at 49 CFR 1.51, 35 F.R. 4955.

§ 574.1 Scope.

This part sets forth the method by which manufacturers, brand name owners, and retreaders shall identify tires for use on motor vehicles and maintain records of tire purchasers, and the method by which distributors and dealers of new and retreaded tires shall record and report the names of tire purchasers to manufacturers, brand name owners and retreaders.

§ 574.2 Purpose.

The purpose of this part is to facilitate notification to purchasers of defective or nonconforming tires, pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1402) (hereafter the Act), so that they may take appropriate action in the interest of motor vehicle safety.

§ 574.3 Definitions.

(a) *Statutory definitions.* All terms in this part that are defined in section 102 of the Act are used as defined therein.

(b) *Motor vehicle safety standard definitions.* Unless otherwise indicated, all terms used in this part that are defined in the Motor Vehicle Safety Standards, part 571 of this subchapter (hereinafter the Standards), are used as defined therein.

(c) *Definitions used in this part.* (1) "Mileage contract purchaser" means a person who purchases or leases tire use on a mileage basis.

(2) "Tire brand name owner" means a person, other than a tire manufacturer, who owns or has the right to control the brand name of a tire or a person who licenses another to purchase tires from a tire manufacturer bearing the licensor's brand name.

(3) "Tire purchaser" means a person who buys or leases a new or newly retreaded tire, or who buys or leases for 60 days or more a motor vehicle containing a new tire or a newly retreaded tire, for purposes other than resale.

§ 574.4 Applicability.

This part applies to manufacturers, brand name owners, retreaders, distributors, and dealers of new and retreaded tires for use on motor vehicles manufactured after 1948 and to manufacturers and dealers of motor vehicles manufactured after 1948.

§ 574.5 Tire identification requirements.

Each tire manufacturer shall conspicuously label on one sidewall of each tire he manufactures except tires manufactured exclusively for mileage contract purchasers, by permanently molding into or onto the sidewall, in the manner and location specified in figure 1, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. Each tire retreader shall conspicuously label one sidewall of each tire he retreads, by permanently molding or branding into or onto the sidewall, in the manner and location specified in figure 2, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. In addition, the DOT symbol required by Federal Motor Vehicle Safety Standards shall be located as shown in figures 1 and 2. The DOT symbol shall not appear on tires to which no Federal Motor Vehicle Standard is applicable. The symbols to be used in the tire identification number for tire manufacturers and retreaders are "A, B, C, D, E, F, H, J, K, L, M, N, P, T, U, V, W, X, Y, 1, 2, 3, 4, 5, 6, 7, 8, 9." The number "0" may only be used in the date code (fourth grouping). Tires manufactured or retreaded exclusively for mileage contract purchasers are not required to contain the tire identification number if the tire contains the phrase "for mileage contract use only" permanently molded into or onto the tire sidewall in lettering at least one-quarter inch high.

(a) *First grouping.* The first group, of two or three symbols, depending on whether the tire is new or retreaded, shall represent the manufacturer's assigned identification mark (see § 574.6).

(b) *Second grouping.* For new tires, the second group, of two symbols, shall be used to identify the tire size in accordance with the size code designation listed in table I. For retreaded tires, the second group, of no more than two symbols, shall identify the retread matrix in which the tire was processed, or the tire size code designation listed in table I if a matrix was not used to process the retreaded tire. Each retreader using a matrix code system shall maintain a record of the system used which shall be provided to the Bureau upon written request.

(c) *Third grouping.* The third group, consisting of no more than four symbols, may be used at the option of the manufacturer or retreader as a descriptive code for the purpose of identifying significant characteristics of the tire. However, if the tire is manufactured for a brand name owner, one of the functions of the third grouping shall be to identify the brand name owner. Each manufacturer or retreader who uses the third grouping shall maintain a detailed record of any descriptive or brand name owner code used, which shall be provided to the Bureau upon written request.

(d) *Fourth grouping.* The fourth group, of three symbols, shall identify the week and year of manufacture. The first two symbols shall identify the week of the year using "01" for the first full calendar week in each year. The final week of each year may include not more than 6 days of the following year. The third symbol shall identify the year. (Example: 311 means the 31st week of 1971, or Aug. 1 through 7, 1971; 012 means the first week of 1972, or Jan. 2 through 8, 1972.) The symbols signifying the date of manufacture shall immediately follow the optional descriptive code (paragraph (c) of this section). If no optional descriptive code is used the symbols signifying the date of manufacture shall be placed in the area shown in figures 1 and 2 for the optional descriptive code.

§ 574.6 Identification mark.

To obtain the identification mark required by § 574.5(a), each manufacturer of new or retreaded motor vehicle tires shall apply after November 30, 1970, in writing, to "Tire Identification and Recordkeeping," National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20591, identify himself as a manufacturer of new tires or retreaded tires and furnish the following information:

(a) The name, or other designation identifying the applicant, and his main office address.

(b) The name, or other identifying designation, of each individual plant operated by the manufacturer and the address of each plant, if applicable.

(c) The type of tires manufactured at each plant, e.g., passenger car tires, bus tires, truck tires, motorcycle tires, or retreaded tires.

§ 574.7 Information requirements—tire manufacturers, brand name owners, retreaders.

(a) Each tire manufacturer, brand name owner and retreaders (hereinafter referred to in this section and § 574.8 as "tire manufacturer" unless specified otherwise) or his designee, shall provide to every distributor and dealer of his tires who offers these tires for sale or lease to tire purchasers means by which the distributor or dealer offering the tire for sale or lease to tire purchasers may record the following information:

(1) Name and address of the tire purchaser;

(2) Tire identification number;

(3) Name and address of the tire seller or other means by which the manufacturer can identify the tire seller.

(b) Each tire manufacturer shall record and maintain, or have recorded and maintained for him, the information specified in paragraph (a) of this section and shall not use this information for any commercial purpose detrimental to tire distributors or dealers.

(c) Each tire manufacturer shall maintain, or have maintained for him, a record of each tire distributor or dealer who purchases tires directly from him and sells them to tire purchasers, the number of tires purchased by each such distributor or dealer, the number of tires for which reports have been received from each such distributor or dealer pursuant to paragraph (a) of § 574.8, the total number of tires sold by the tire manufacturer, and the total number of tires for which reports have been received.

(d) Information required by paragraph (a) of this section shall be maintained for a period of not less than 3 years from the date the tire manufacturer or his designee records the information submitted to him.

§ 574.8 Information requirements—tire distributors and dealers.

(a) Each distributor and each dealer selling tires to tire purchasers shall submit the information specified in § 574.7 (a) to the manufacturer of the tires sold, or to the manufacturer's designee.

(b) Each tire distributor and each dealer selling tires to tire purchasers shall forward the information specified in § 574.7(a) to the tire manufacturer, or person maintaining the information, not less often than every 30 days. However, a distributor or dealer who sells less than 40 tires, of all makes, types, and sizes during a 30-day period may wait until he sells a total of 40 tires, but in no event longer than 6 months, before forwarding the tire information to the respective tire manufacturers or their designees.

(c) Each distributor and each dealer selling tires to other tire distributors and dealers shall supply to the tire distributor or dealer to whom he sells tires a a means to record the information specified in § 574.7(a), unless such a means has been provided to that distributor or dealer by another person or by a manufacturer.

(d) Each distributor and each dealer shall immediatey stop selling any group of tires when so directed by a notification issued pursuant to section 113 of the Act (15 U.S.C. 1402).

§ 574.9 Requirements for motor vehicle dealers.

(a) Each motor vehicle dealer who sells a used motor vehicle for purposes other than resale, or who leases a motor vehicle for more than 60 days, that is equipped with new tires or newly retreaded tires is considered, for purposes of this part, to be a tire dealer and shall meet the requirements specified in § 574.8.

(b) Each person selling a new motor vehicle to first purchasers for purposes other than resale, that is equipped with tires that were not on the motor vehicle when shipped by the vehicle manufacturer is considered a tire dealer for purposes of this part and shall meet the requirements specified in § 574.8.

§ 574.10 Requirements for motor vehicle manufacturers.

Each motor vehicle manufacturer, or his designee, shall maintain a record of tires on or in each vehicle shipped by him to a motor vehicle distributor or dealer, and shall maintain a record of the name and address of the first purchaser for purposes other than resale of each vehicle equipped with such tires. These records shall be maintained for a period of not less than 3 years from the date of sale of the vehicle to the first purchaser for purposes other than resale.

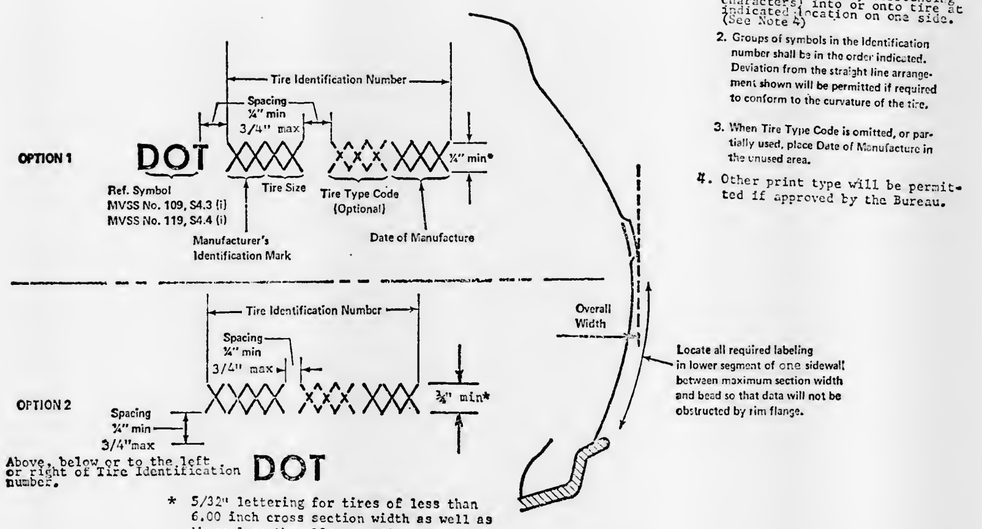

Notes:

1. Tire identification number shall be in Futura Bold, Modified, Condensed or Gothic characters permanently molded (0.020 to 0.040" deep, measured from the surface immediately surrounding characters) into or onto tire at indicated location on one side. (See Note 4)
2. Groups of symbols in the identification number shall be in the order indicated. Deviation from the straight line arrangement shown will be permitted if required to conform to the curvature of the tire.
3. When Tire Type Code is omitted, or partially used, place Date of Manufacture in the unused area.
4. Other print type will be permitted if approved by the Bureau.

* 5/32" lettering for tires of less than 6.00 inch cross section width as well as those less than 13" bead diameter may be used.

FIGURE 1 - IDENTIFICATION NUMBER FOR NEW TIRES.

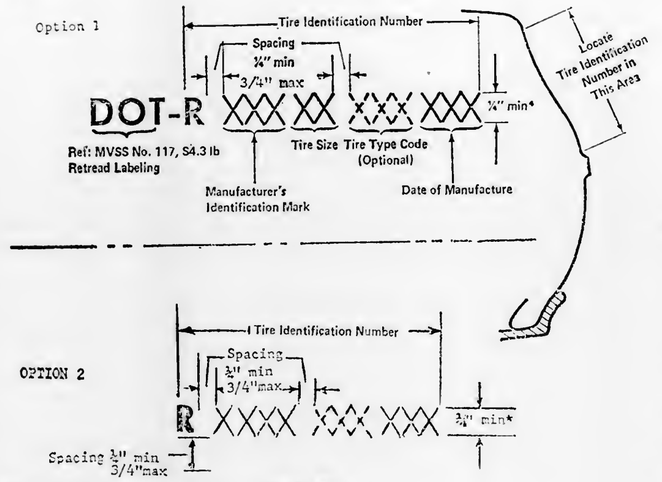

Notes:

1. Tire identification number shall be in "Futura Bold, Modified, Condensed or Gothic" characters permanently molded (0.020 to 0.040" deep, measured from the surface immediately surrounding characters) into or onto tire at indicated location on one side. (See Note4)
2. Groups of symbols in the identification number shall be in the order indicated. Deviation from the straight line arrangement shown will be permitted if required to conform to the curvature of the tire.
3. When Tire Type Code is omitted, or partially used, place Date of Manufacture in the unused area.
4. Other print type will be permitted if approved by the Bureau.

* 5/32" lettering for tires of less than 6.00 inch cross section width as well as those less than 13" bead diameter may be used.

FIGURE 2 - IDENTIFICATION NUMBER FOR RETREADED TIRES.

TABLE I

SIZE CODE FOR MOTOR VEHICLE TIRES

Tire size code	*Tire size designation*
AA	Not assigned.
AB	3.50–4.
AC	Not assigned.
AD	Not assigned.
AE	3.50–5.
AF	Not assigned.
AH	Not assigned.
AJ	3.50–6.
AK	4.10–6.
AL	4.50–6.
AM	5.30–6.
AN	6.00–6.
AP	Not assigned.
AT	Not assigned.
AU	3.00–7.
AV	4.00–7.
AW	4.80–7.
AX	5.30–7.
AY	Not assigned.
A1	Not assigned.
A2	4.00–8.
A3	4.80–8.
A4	5.70–8.
A5	16.5 x 6.5–8.
A6	18.5 x 8.5–8.
A7	Not assigned.
A8	Not assigned.
A9	4.80–9.
BA	6.00–9.
BB	6.90–9.
BC	Not assigned.
BD	Not assigned.
BE	3.00–10.
BF	3.50–10.
BH	5.20–10.
BJ	5.20 R 10.
BK	5.9–10.
BL	5.90–10.
BM	6.50–10.
BN	7.00–10.

TABLE I—Continued

Tire size code	*Tire size designation*
BP	7.50–10.
BT	9.00–10.
BU	20.5 x 8.0–10.
BV	145–10.
BW	145 R 10.
BX	145–10/5.95–10.
BY	Not assigned.
B1	Not assigned.
B2	3.00–12.
B3	4.00–12.
B4	4.50–12.
B5	4.80–12.
B6	5.00–12.
B7	5.00 R 12.
B8	5.20–12.
B9	5.20–12 L.T.
CA	5.20 R 12.
CB	5.30–12.
CC	5.50–12.
CD	5.50–12 L.T.
CE	5.50 R 12.
CF	5.60–12.
CH	5.60–12 L.T.
CJ	5.60 R 12.
CK	5.9–12.
CL	5.90–12.
CM	6.00–12.
CN	6.00–12 L.T.
CP	6.2–12.
CT	6.20–12.
CU	6.90–12.
CV	23.5 x 8.5–12.
CW	125–12.
CX	125 R 12.
CY	125–12/5.35–12.
C1	135–12.
C2	135 R 12.
C3	135–12/5.65–12.
C4	145–12.
C5	145 R 12.
C6	145–12/5.95–12.
C7	155–12.

TABLE I—Continued

Tire size code	*Tire size designation*
C8	155 R 12.
C9	155–12/6.15–12.
DA	Not assigned.
DB	Not assigned.
DC	Not assigned.
DD	Not assigned.
DE	Not assigned.
DF	Not assigned.
DH	5.00–13.
DJ	5.00–13 L.T.
DK	5.00 R 13.
DL	5.20–13.
DM	5.20 R 13.
DN	5.50–13.
DP	5.50–13 L.T.
DT	5.50 R 13.
DU	5.60–13.
DV	5.60–13 L.T.
DW	5.60 R 13.
DX	5.90–13.
DY	5.90–13 L.T.
D1	5.90 R 13.
D2	6.00–13.
D3	6.00–13 L.T.
D4	6.00 R 13.
D5	6.2–13.
D6	6.20–13.
D7	6.40–13.
D8	6.40–13 L.T.
D9	6.40 R 13.
EA	6.50–13.
EB	6.50–13 L.T.
EC	6.50–13 S.T.
ED	6.50 R 13.
EE	6.70–13.
EF	6.70–13 L.T.
EH	6.70 R 13.
EJ	6.9–13.
EK	6.90–13.
EL	7.00–13.
EM	7.00–13 L.T.
EN	7.00 R 13.

TABLE I—Continued

Tire size code	*Tire size designation*
EP	7.25–13.
ET	7.25 R 13.
EU	7.50–13.
EV	135–13.
EW	135 R 13.
EX	135–13/5.65–13.
EY	145–13.
E1	145 R 13.
E2	145–13/5.95–13.
E3	150 R 13.
E4	155–13.
E5	155 R 13.
E6	155–13/6.15–13.
E7	160 R 13.
E8	165–13.
E9	165 R 13.
FA	165–13/6.45–13.
FB	165/70 R 13.
FC	170 R 13.
FD	175–13.
FE	175 R 13.
FF	175–13/6.95–13.
FH	175/70 R 13.
FJ	185–13.
FK	185 R 13.
FL	185–13 7.35–13.
FM	185/70 R 13.
FN	195–13.
FP	195 R 13.
FT	195/70 R 13.
FU	D70–13.
FV	B78–13.
FW	BR78–13.
FX	C78–13.
FY	Not assigned.
F1	Not assigned.
F2	Not assigned.
F3	Not assigned.
F4	Not assigned.
F5	Not assigned.
F6	Not assigned.
F7	Not assigned.
F8	Not assigned.
F9	Not assigned.
HA	Not assigned.
HB	Not assigned.
HC	2.50–14.
HD	5.00–14 L.T.
HE	5.20–14.
HF	5.20 R 14.
HH	5.50–14 L.T.
HJ	5.60–14.
HK	5.90–14.
HL	5.90–14 L.T.
HM	5.90 R 14.
HN	6.00–14.
HP	6.00–14 L.T.
HT	6.40–14.
HU	6.40–14 L.T.
HV	6.45–14.
HW	6.50–14.
HX	8.50–14 L.T.
HY	6.70–14.
H1	6.95–14.
H2	7.00–14.
H3	7.00–14 L.T.
H4	7.00 R 14.
H5	7.35–14.
H6	7.50–14.
H7	7.50–14 L.T.
H8	7.50 R 14.
H9	7.75–14.
JA	7.75–14 S.T.
JB	8.00–14.
JC	8.25–14.
JD	8.50–14.
JE	8.55–14.
JF	8.85–14.
JH	9.00–14.
JJ	9.50–14.
JK	135–14.
JL	135 R 14.
JM	135–14/5.65–14.
JN	145–14.
JP	145 R 14.
JT	145–14/5.95–14.
JU	155–14.

TABLE I—Continued

Tire size code	*Tire size designation*
JV	155 R 14.
JW	155–14/6.15–14.
JX	155/70 R 14.
JY	165–14.
J1	165 R 14.
J2	175–14.
J3	175 R 14.
J4	185–14.
J5	185 R 14.
J6	185 70 R 14.
J7	195–14.
J8	195 R 14.
J9	195 70 R 14.
KA	205–14.
KB	205 R 14.
KC	215 14.
KD	215 R 14.
KE	225–14.
KF	225 R 14.
KH	Not assigned.
KJ	Not assigned.
KK	Not assigned.
KL	Not assigned.
KM	Not assigned.
KN	Not assigned.
KP	Not assigned.
KT	Not assigned.
KU	Not assigned.
KV	Not assigned.
KW	F60–14.
KX	G60–14.
KY	J60–14.
K1	L60–14.
K2	Not assigned.
K3	Not assigned.
K4	Not assigned.
K5	Not assigned.
K6	Not assigned.
K7	Not assigned.
K8	Not assigned.
K9	D70–14.
LA	DR70–14.
LB	E70–14.
LC	ER70–14.
LD	F70–14.
LE	FR70–14.
LF	G70–14.
LH	GR70–14.
LJ	H70–14.
LK	HR70–14.
LL	J70–14.
LM	JR70–14.
LN	L70–14.
LP	LR70–14
LT	Not assigned.
LU	Not assigned.
LV	Not assigned.
LW	Not assigned.
LX	G77–14.
LY	B78–14.
L1	C78–14.
L2	CR78–14.
L3	D78–14.
L4	DR78–14.
L5	E78–14.
L6	ER78–14.
L7	F78–14.
L8	FR78–14.
L9	G78–14.
MA	GR78–14.
MB	H78–14.
MC	HR78–14.
MD	J78–14.
ME	JR78–14.
MF	Not assigned.
MH	Not assigned.
MJ	Not assigned.
MK	7–14.5.
ML	8–14.5.
MM	Not assigned.
MN	Not assigned.
MP	Not assigned.
MT	2.25–15.
MU	2.50–15.
MV	3.00–15.
MW	3.25–15.
MX	5.0–15.

TABLE I—Continued

Tire size code	*Tire size designation*
MY	5.20–15.
M1	5.5–15.
M2	5.50–15 L.
M3	5.50–15 L.T.
M4	5.60–15.
M5	5.60 R 15.
M6	5.90–15.
M7	5.90–15 L.T.
M8	6.00–15.
M9	6.00–15 L.
NA	6.00–15 L.T.
NB	6.2–15.
NC	6.40–15.
ND	6.40–15 L.T.
NE	6.40 R 15.
NF	6.50–15.
NH	6.50–15 L.
NJ	6.50–15 L.T.
NK	6.70–15.
NL	6.70–15 L.T.
NM	6.70 R 15.
NN	6.85–15.
NP	6.9–15.
NT	7.00–15.
NU	7.00–15 L.
NV	7.00–15 L.T.
NW	7.10–15.
NX	7.10–15 L.T.
NY	7.35–15.
N1	7.50–15.
N2	7.60–15.
N3	7.60 R 15.
N4	7.75–15.
N5	7.75–15 S.T.
N6	8.00–15.
N7	8.15–15.
N8	8.20–15.
N9	8.25–15.
PA	8.25–15 L.T.
PB	8.45–15.
PC	8.55–15.
PD	8.85–15.
PE	8.90–15.
PF	9.00–15.
PH	9.00–15 L.T.
PJ	9.15–15.
PK	10–15.
PL	10.00–15.
PM	Not assigned.
PN	Not assigned.
PP	Not assigned.
PT	Not assigned.
PU	Not assigned.
PV	125–15.
PW	125 R 15
PX	125–15/5.35–15.
PY	135–15.
P1	135 R 15.
P2	135–15/5.65–15.
P3	145–15.
P4	145 R 15.
P5	145–15/5.95–15.
P6	155–15.
P7	155 R 15.
P8	155–15/6.35–15.
P9	165–15.
TA	165–15 L.T.
TB	165 R 15.
TC	175–15.
TD	175 R 15.
TE	175–15/7.15–15.
TF	175/70 R 15.
TH	180–15.
TJ	185–15.
TK	185 R 15.
TL	185/70 R 15.
TM	195–15.
TN	195 R 15.
TP	205–15.
TT	205 R 15.
TU	215–15.
TV	215 R 15.
TW	225–15.
TX	225 R 15.
TY	235–15.
T1	235 R 15.
T2	Not assigned.

TABLE I—Continued

Tire size code	Tire size designation
T3	Not assigned.
T4	Not assigned.
T5	Not assigned.
T6	Not assigned.
T7	Not assigned.
T8	Not assigned.
T9	Not assigned.
UA	Not assigned.
UB	Not assigned.
UC	E60–15.
UD	F60–15.
UE	FR60–15.
UF	G60–15.
UH	GR60–15.
UJ	J60–15.
UK	L60–15.
UL	Not assigned.
UM	Not assigned.
UN	Not assigned.
UP	Not assigned.
UT	Not assigned.
UU	Not assigned.
UV	C70–15.
UW	D70–15.
UX	DR70–15.
UY	E70–15.
U1	ER70–15.
U2	F70–15.
U3	FR70–15.
U4	G70–15.
U5	GR70–15.
U6	H70–15.
U7	HR70–15.
U8	J70–15.
U9	JR70–15.
VA	K70–15.
VB	KR70–15.
VC	L70–15.
VD	LR70–15.
VE	Not assigned.
VF	Not assigned.
VH	Not assigned.
VJ	Not assigned.
VK	BR78–15.
VL	C78–15.
VM	D78–15.
VN	E78–15.
VP	ER78–15.
VT	F78–15.
VU	FR78–15.
VV	G78–15.
VW	GR78–15.
VX	H78–15.
VY	HR78–15.
V1	J78–15.
V2	JR78–15.
V3	L78–15.
V4	LR78–15.
V5	N78–15.
V6	Not assigned.
V7	Not assigned.
V8	Not assigned.
V9	Not assigned.
WA	L84–15.
WB	Not assigned.
WC	2.25–16.
WD	2.50–16.
WE	3.00–16.
WF	3.25–16.
WH	3.50–16.
WJ	5.00–16.
WK	5.10–16.
WL	5.50–16 L.T.
WM	6.00–16.
WN	6.00–16 L.T.
WP	6.50–16.
WT	6.50–16 L.T.
WU	6.70–16.
WV	7.00–16.
WW	7.00–16 L.T.
WX	7.50–16.
WY	7.50–16 L.T.
W1	8.25–16.
W2	9.00–16.
W3	10–16.
W4	Not assigned.
W5	Not assigned.
W6	Not assigned.

TABLE I—Continued

Tire Size code	Tire size designation
W7	19–400c.
W8	165–400.
W9	235–16.
XA	Not assigned.
XB	Not assigned.
XC	G45C–16.
XD	E50C–16.
XE	F50C–16.
XF	Not assigned.
XH	Not assigned.
XJ	8.00–16.5.
XK	8.75–16.5.
XL	9.50–16.5.
XM	10–16.5.
XN	12–16.5.
XP	Not assigned.
XT	Not assigned.
XU	2.00–17.
XV	2.25–17.
XW	2.50–17.
XX	2.75–17.
XY	3.00–17.
X1	3.25–17.
X2	3.50–17.
X3	6.50–17.
X4	6.50–17 L.T.
X5	7.00–17.
X6	7.50–17.
X7	8.25–17.
X8	Not assigned.
X9	Not assigned.
YA	G50C–17.
YB	H50C–17.
YC	Not assigned.
YD	Not assigned.
YE	Not assigned.
YF	Not assigned.
YH	7–17.5.
YJ	8–17.5.
YK	8.5–17.5.
YL	9.5–17.5.
YM	10–17.5.
YN	14–17.5.
YP	Not assigned.
YT	Not assigned.
YU	Not assigned.
YV	2.50–18.
YW	2.75–18.
YX	3.00–18.
YY	3.25–18.
Y1	3.50–18.
Y2	4.00–18.
Y3	4.50–18.
Y4	6.00–18.
Y5	7.00–18.
Y6	7.50–18.
Y7	8.25–18.
Y8	9.00–18.
Y9	10.00–18.
1A	11.00–18.
1B	Not assigned.
1C	Not assigned.
1D	L50C–18.
1E	Not assigned.
1F	Not assigned.
1H	2.00–19.
1J	2.25–19.
1K	2.50–19.
1L	2.75–19
1M	3.00–19.
1N	3.25–19.
1P	3.50–19.
1T	4.00–19.
1U	11.00–19.
1V	Not assigned.
1W	Not assigned.
1X	Not assigned.
1Y	7–19.5.
11	7.5–19.5
12	8–19.5.
13	9–19.5.
14	14–19.5.
15	15–19.5.
16	16.5–19.5.
17	18–19.5.
18	19.5–19.5.
19	6.00–20.

TABLE I—Continued

Tire Size code	Tire size designation
2A	6.50–20.
2B	7.00–20.
2C	7.50–20.
2D	8.25–20.
2E	8.5–20.
2F	9.00–20.
2H	9.4–20.
2J	10.00–20.
2K	10.3–20.
2L	11.00–20.
2M	11.1–20.
2N	11.50–20.
2P	11.9–20.
2T	12.00–20.
2U	12.5–20.
2V	13.00–20.
2W	14.00–20.
2X	Not assigned.
2Y	Not assigned.
21	Not assigned.
22	Not assigned.
23	2.75–21.
24	3.00–21.
25	Not assigned.
26	Not assigned.
27	10.00–22.
28	11.00–22.
29	11.1–22.
3A	11.9–22.
3B	12.00–22.
3C	14.00–22.
3D	Not assigned.
3E	Not assigned.
3F	Not assigned.
3H	7–22.5.
3J	8–22.5.
3K	8.5–22.5.
3L	9–22.5.
3M	9.4–22.5.
3N	10–22.5.
3P	10.3–22.5.
3T	11–22.5.
3U	11.1–22.5.
3V	11.5–22.5.
3W	11.9–22.5.
3X	12–22.5.
3Y	12.5–22.5.
31	15–22.5.
32	16.5–22.5.
33	18–22.5.
34	Not assigned.
35	Not assigned.
36	Not assigned.
37	9.00–24.
38	10.00–24.
39	11.00–24.
4A	12.00–24.
4B	14.00–24.
4C	Not assigned.
4D	Not assigned.
4E	Not assigned.
4F	11–24.5.
4H	12–24.5.
4J	13.5–24.5.

[FR Doc.71-921 Filed 1-25-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1057]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of January 1971.

It appearing, that because of heavy snow drifts and track damage between Little River, Kans., and Lorraine, Kans., The Atchison, Topeka and Santa Fe Railway Co. is unable to serve shippers on its Little River branch, extending from Little River, Kans., through Lorraine, Kans., to Galatia, Kans.; that the St. Louis-San Francisco Railway Co. has agreed to operation over its line between Lyons, Kans., and Lorraine, Kans., a distance of approximately 17 miles by The Atchison, Topeka and Santa Fe Railway Co.; that such operation over tracks of the St. Louis-San Francisco Railway Co. will enable The Atchison, Topeka and Santa Fe Railway Co. to serve all shippers presently located on its Little River branch; that the Commission is of the opinion that operation by The Atchison, Topeka and Santa Fe Railway Co. over tracks of the St. Louis-San Francisco Railway Co. between Lyons, Kans., and Lorraine, Kans., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days notice:

It is ordered, That:

§ 1033.1057 Service Order No. 1057.

(a) *The Atchison, Topeka and Santa Fe Railway Co. authorized to operate over tracks of the St. Louis-San Francisco Railway Co.* The Atchison, Topeka and Santa Fe Railway Co. be, and it is hereby, authorized to operate over tracks of the St. Louis-San Francisco Railway Co. between Lyons, Kans., and Lorraine, Kans., a distance of approximately 17 miles.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by The Atchison, Topeka and Santa Fe Railway Co. over tracks of the St. Louis-San Francisco Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by The Atchison, Topeka and Santa Fe Railway Co. over these tracks of the St. Louis-San Francisco Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 21, 1971.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1050 Filed 1-25-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 15]

DETERMINATION OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS

Notice of Extension of Time for Filing Comments

JANUARY 15, 1971.

On December 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 18392–18399), a notice of proposed revision of Part 15 of Title 25 of the Code of Federal Regulations, governing the determination of heirs and the settlement of estates of deceased Indians, other than deceased Indians of the Five Civilized Tribes and deceased Osage Indians, who die possessed of trust and restricted property.

Following publication of the above notice, several requests for an extension of the time for filing comments have been received. No objection appearing, the period of time for filing comments, suggestions, or objections, to the proposed regulations is hereby extended to and including February 12, 1971.

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

[FR Doc.71-1036 Filed 1-25-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 32]

GREASE MOHAIR

Proposed Standards for Grades

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), it is proposed to promulgate official standards of the United States for grades of grease mohair (7 CFR Part 32) and provisions governing methods for determining the grade of grease mohair and the distribution of samples representative of official grease mohair grade standards as set forth below in a new Part 32, 7 CFR.

Statement of considerations. These grease mohair grade standards are proposed under authority of the Agricultural Marketing Act of 1946, as amended, which provides for the issuance of official U.S. grade standards for agricultural products to designate different levels of quality for the voluntary use of producers, buyers, and consumers.

Traditionally, the trade has used names such as No. 1 Kid, No. 2 Kid, and No. 1 Grown, No. 2 Grown, and No. 3 Grown, etc., to describe mohair. Generally, these designations have reflected differences in fineness of mohair produced by young and older goats. But since the basis for these designations was entirely subjective, there has been considerable variation in their interpretation.

To better serve the mohair industry, the Department proposed—but did not adopt—grade standards for grease mohair in 1950 (15 F.R. 6969). Those standards were based on fineness of fiber and season of shearing (spring and fall). At that time, samples depicting the proposed grades were made available and since have served as tentative standards. In recent years, however, changes in the marketing and manufacturing of mohair have indicated a need for more precise and objective grade standards.

The grease mohair grade standards being proposed have been under study for many months. The standards reflect the results of a Department study carried out with the cooperation of industry, the American Society for Testing and Materials, and the Mohair Council of America. In this study, changes in average fiber diameter and fiber diameter variability due to processing grease mohair into mohair top were investigated. Samples of grease mohair matchings, carded mohair, mohair top, and mohair noils from 69 lots were tested for average fiber diameter and fiber diameter variability. The bulk of the mohair was French combed and processed by five different mills.

Based on a regression analysis between the average fiber diameter of top and the average fiber diameter of grease mohair (cleaned before being tested), an equation was developed to estimate the average fiber diameter of grease mohair needed to produce a top of a given average fiber diameter. The equation is as follows: Estimated average fiber diameter of grease mohair, in microns= —0.58+1.00 (average fiber diameter of mohair top, in microns).

The limits in average fiber diameter specifications included for each of the grease mohair grades were set by adapting the application of this equation to current industry mohair top specifications.

The proposed official grease mohair standards as outlined herein provide specifications in terms of average fiber diameter and standard deviation in average fiber diameter for 12 grades—Finer than 40s, 40s, 36s, 32s, 30s, 28s, 26s, 24s, 22s, 20s, 18s, and coarser than 18s. However, if the standard deviation of the average fiber diameter exceeds the maximum permitted for the grade to which the average fiber diameter corresponds, the mohair is assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds.

The proposed standards have been developed after discussion with various producer, marketing, testing, and manufacturing groups and careful consideration has been given to their opinions and suggestions. The work involved in their development also has had the support of such groups as the Texas Sheep and Goat Raisers Association, The Mohair Council of America, National Wool Growers Association, and the Technical Committee of the Boston Wool Trade Association concerned with mohair.

It is proposed to establish official standards for grades of grease mohair as follows:

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF GREASE MOHAIR

§ 32.1 Official grease mohair grades.

The official grades for grease mohair and the specifications for each shall be those set forth in Table 1. However, mohair which qualifies for any of the grades on the basis of its average fiber diameter but whose standard deviation of average fiber diameter exceeds the maximum permitted for that grade shall be assigned a dual grade designation. In such case, the first designation shall indicate the grade based on the average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 1. SPECIFICATIONS FOR THE OFFICIAL GRADES OF GREASE MOHAIR

Grade	Fiber diameter		Approximate number of fiber measurements [1]
	Limits for average (microns)	Maximum standard deviation (microns)	
Finer than 40s	Under 23.01	7.2	1,000
40s	23.01–25.00	7.6	1,000
36s	25.01–27.00	8.0	1,200
32s	27.01–29.00	8.4	1,200
30s	29.01–31.00	8.8	1,400
28s	31.01–33.00	9.2	1,400
26s	33.01–35.00	9.6	1,600
24s	35.01–37.00	10.0	1,600
22s	37.01–39.00	10.5	1,800
20s	39.01–41.00	11.0	2,200
18s	41.01–43.00	11.5	2,200
Coarser than 18s.	43.01 and over	-----	2,600

[1] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. Measurement of the approximate number of fibers for the grades listed above may serve as a guide to meet the required confidence limits. The numbers indicated are based on mohair matchings.

DEFINITIONS

§ 32.200 Meaning of words.

Words used in this part in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand.

§ 32.201 Terms defined.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Administrator.* The Administrator of the Consumer and Marketing Service, or any officer or employee of the Consumer and Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) *Average fiber diameter.* The sum of the individual fiber diameter measurements divided by the number of fibers measured, as described in § 32.204(a).

(c) *Bulk sample.* A quantity of grease mohair selected for use in the preparation of standard samples.

(d) *Card sliver.* Mohair that has been scoured and carded and formed into a continuous, untwisted strand of loosely assembled fibers.

(e) *Consumer and Marketing Service.* The Consumer and Marketing Service of the Department.

(f) *Core sampling.* Coring packages of mohair by means of special tools to obtain a representative sample of the mohair according to the appropriate procedures described in § 32.204(a)(4).

(g) *Department.* The U.S. Department of Agriculture.

(h) *Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Division.* The Livestock Division of the Consumer and Marketing Service.

(j) *Fineness.* Average fiber diameter.

(k) *Fleece.* The mohair of one Angora goat obtained by shearing.

(l) *Grade.* A numerical designation of mohair fineness based on average fiber diameter and variation of fiber diameter. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color, all of which affect the spinability of mohair and the properties of the yarn and fabric and which are usually referred to as "quality." Neither does it apply to mohair by geographic origin, manner of preparation for market, or a combination of characteristics which makes mohair appropriate for a specific use. These are usually referred to as "type."

(m) *Grease mohair.* Mohair as obtained from living Angora goats.

(n) *Hand sampling.* Drawing handfuls of mohair to obtain a sample according to the appropriate procedures described in § 32.204(a)(4).

(o) *Lot.* The entire quantity of mohair constituting the subject of consideration or test.

(p) *Matchings.* Sortings made by grouping together parts of mohair fleeces that are closely similar in fineness, length, and other qualities with the following removed, if necessary: Coarse neck, belly, britch, and stained portions.

(q) *Micron.* A unit of linear measurement equal to 1/1000 millimeter or 1/25400 inch.

(r) *Mohair.* Fiber from the Angora goat.

(s) *Mohair top.* A continuous untwisted strand of scoured mohair fibers from which the shorter fibers—noils—have been removed by combing.

(t) *Pulled mohair.* Mohair obtained from the pelts of slaughtered goats by pulling or similar means after subjecting the pelt to sweating, the use of a depilatory, or other auxiliary treatment to loosen the mohair fibers from the skin.

(u) *Sample.* A portion of a lot which is taken for grade determination.

(v) *Scoured mohair.* Mohair from which the bulk of the impurities have been removed by washing in warm water, soap, and alkali or by an equivalent process.

(w) *Standards.* The official standards of the United States for grades of grease mohair.

(x) *Standard samples.* Physical samples representative of the standards.

(y) *Test.* A determination, by measurement, of the average fiber diameter and standard deviation in fiber diameter of test specimens of mohair, in accordance with the procedures provided in § 32.204.

(z) *Test specimen.* A representative portion of the sample obtained and prepared as described in § 32.204(a)(5).

METHODS FOR DETERMINING GRADE OF GREASE MOHAIR

§ 32.202 General.

The official standards of the United States for grades of grease mohair as defined in § 32.1 shall be the basis for grade determination. Grade may be determined by (a) inspection or (b) by measuring the number of fibers of a sample needed to attain the required precision of the average, calculating the average fiber diameter, and standard deviation in fiber diameter, and comparing the average fiber diameter and standard deviation with the specifications for grades of grease mohair. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurment shall prevail. Although these standards are developed specifically for grease mohair and based primarily on tests of grease mohair matchings, they are applicable also to mohair in the pulled or scoured state, or to mohair in the form of card sliver.

§ 32.203 Inspection method.

Determination of the grade of grease mohair by inspection will be facilitated by comparing the fineness and variability in fineness of fibers of a sample of mohair representative of the lot or fleece with the fibers of valid standard grease mohair samples representative of the official grades. The grade assigned the lot or fleece shall be that of the standard mohair sample which most nearly matches the mohair being graded.

§ 32.204 Measurement method.

(a) The determination of the grade of grease mohair by measurement shall be by comparison of the measured average fiber diameter and standard deviation of the fiber diameter with the specifications of the Official Standards of the United States for Grades of Grease Mohair in § 32.1. This determination shall be made in accordance with the procedure for determining the average fiber diameter and the standard deviation of fiber diameter set forth in paragraph (b) of this section and the procedure for designating grade set forth in paragraph (c) of this section.

(b) Procedure for determining average fiber diameter and standard deviation of fiber diameter:

(1) *Principle of procedure.* The average fiber diameter and standard deviation of fiber diameter are determined by sectioning the fibers in a test specimen to a designated short length, mounting the sections on a slide, projecting the magnified image onto a wedge scale, and measuring the diameter of the required number of the fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and material are needed and these shall comply with the following provisions:

(i) *Microprojector.* The miscroscope shall be equipped with a fixed body tube, a focusable stage responsive to coarse and fine adjustments, and a focusable substage with condenser and iris diaphragm and a vertically installed adequate light source to give a precise magnification of 500X when equipped with a 10 to 15X eyepiece, and a 20 to 21X objective with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross sectioning device, heavy duty.* An instrument approximately 2 inches in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1" x 3" (25 x 75 mm.).

(v) *Cover glasses.* No. 1 thickness, 7/8" x 2" (22 x 50 mm.).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43, and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for measurement of fiber diameter at a magnification of 500X. The wedge is usually divided into 2.5-micron intervals (cells).

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This shall be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100.0 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* The method of obtaining a sample representative of the fineness of a lot of grease mohair, pulled

mohair, scoured mohair, or card sliver will differ according to the manner in which it is stored and the equipment available for sampling. Lots may be sampled either by coring or by hand. The sampling procedures are as follows:

(i) *Core sampling.* Core sampling of packaged scoured, pulled, or grease mohair is advisable. Acceptable procedures and schedules for core sampling grease mohair are those described for raw wool in current ASTM Standards on Textile Materials, Designation D 1060, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present."[1] If a representative portion of the scoured mohair core sample resulting from the test for clean mohair fiber content is available, it may be used for fiber diameter measurements.

(ii) *Hand sampling an individual fleece.* A sample shall consist of approximately 60 grams of mohair and shall be drawn at random from all parts of a fleece.

(iii) *Hand sampling lots of scoured, pulled, and grease mohair.* A sample shall consist of at least 6 pounds of mohair. If the mohair is packaged, the sample shall be drawn by taking a total of at least 50 randomly selected handfuls of mohair from not less than 10 percent of the packages randomly selected from the lot. If the mohair is in piles, the sample shall be drawn by taking a handful from at least 50 locations throughout the pile.

(iv) *Hand sampling card sliver.* Mohair card sliver shall be sampled by drawing at random from the lot, preferably during the carding operation, ten 24-inch lengths of sliver.

(5) *Test specimens.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of subparagraph (4) of this paragraph will differ according to the type of sample and the equipment available for subsampling. The methods are as follows:

(i) *Obtaining test specimen from clean fiber core test residue.* The test specimen shall be obtained from the scoured mohair remaining after testing for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of at least 40 grams. These fibers shall be mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼-inch and larger coring tubes should be machine blended. The machine blending of test specimens may be accomplished by carding the specimen three times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of silver to maintain a convenient length. Core samples drawn with smaller coring tubes should not be machine blended since loss of fiber may occur.

(ii) *Obtaining test specimens from other samples (except card silver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(a) *Hand sampling.* Samples shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fiber to provide a test specimen of at least 40 grams shall be drawn at random. Test specimens of grease mohair and pulled mohair shall be scoured or otherwise cleaned. Clean specimens, except those from samples of mohair with fibers less than 1¼ inches in length, shall be further blended, preferably by machine, following the procedures described in subdivision (i) of this subparagraph (5).

(b) *Core sampling.* The sample shall be compressed in a suitable container. By means of a ½-inch coring tube with sharp tip, a sufficient number of cores shall be extracted at random to provide a test specimen of at least 40 grams of scoured mohair. Test specimens of grease mohair or pulled mohair shall be scoured or otherwise cleaned.

NOTE: An example of a suitable container would be a box 12 inches by 10 inches by 6 inches deep, equipped with a floating top which has 16 equally spaced holes three-fourth inch in diameter over its area. The mohair may be firmly compressed by applying pressure on the top. The top is held in place by two rods extending through holes in the side of the box and over the top. The coring tube is thrust through the holes in the top to sample the mohair.

(iii) *Obtaining test specimens from card sliver samples.* Portions—approximately one-tenth the width of a sliver—shall be stripped from each of the ten 24-inch pieces of sliver obtained in accordance with subparagraph (4)(iv) of this paragraph (b). These pieces shall be combined to form a composite sliver. This will constitute the test specimen.

(6) *Test condition.* Test specimens shall be preconditioned to approximate equilibrium in an atmosphere of 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely, 63 to 67 percent relative humidity at a temperature of 68° to 72° F. (19.9° to 22.1° C.).

(7) *Preparation of slides*—(i) *Filling cross section device.* A specimen in sliver form shall be placed in the slot of the cross section device at a section of the sliver estimated to be a full fiber length or more from the end of the sliver. The sliver shall be firmly compacted with the compression key which shall then be secured with the set screw. For specimens not in sliver form, from the bulk of the test specimen, small quantities of fibers shall be drawn at random, packing the slot to the required level. The specimen shall be compacted firmly with the compression key which shall then be secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded to the extent of approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a sharp razor blade flush with the upper surface of the fiber holder plate. This section shall be discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm. The fiber bundle shall be moistened with a few drops of mineral oil, blotting off the excess. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate. The fiber pieces should adhere to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth. Slides shall be measured the day they are prepared.

(8) *Measurement of fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate midlength of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers on all portions of the slide will be measured. Successive fibers should be measured whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 150 microns in length and those having distorted images shall be excluded from measurement. The marks on the wedge scale indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in paragraph (a)(11) of this section.

[1] A publication containing these ASTM Standards is published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, for $22.

(9) *Nature of test.* A test shall comprise the measurement of the test specimen by two operators, each operator following independently the procedures of subparagraph (7) of this paragraph (b).

(10) *Number of fibers to measure.* The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. The approximate number of fiber measurements needed for each of the grades—as listed in Table 1—may serve as a guide. However, the precise number of fibers to be measured can be calculated by using the equation shown below:

$$n=\left(\frac{1.96\sigma}{0.40}\right)^2$$

In this equation:
n=Number of fibers to be measured, and
σ=Standard deviation of fiber diameters.

(11) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) Total number of measurements (n)

(ii) The average diameter of fiber ($\bar{X}$);

$$\bar{X}=A+mE_1$$

(iii) The standard deviation (σ);

$$\sigma=m\sqrt{E_2-E_1^2}$$

In the formulae stated above:
A=Midpoint of cell containing the smallest measurement.
m=Cell interval.

$$E_1=\frac{\Sigma fx}{n}.$$

$$E_2=\frac{\Sigma fx^2}{n}.$$

Σ=Summation.
f=Observed frequency.
x=Deviation in cells from A.

An example of the calculations is set forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Cell boundary	A	Deviation in cells from A, x	Observed frequency, f	fx	fx^2
5	10.0–12.5	11.25	0	1	0	0
6	12.5–15.0		1	15	15	15
7	15.0–17.5		2	66	132	264
8	17.5–20.0		3	141	423	1,269
9	20.0–22.5		4	165	660	2,640
10	22.5–25.0		5	176	880	4,400
11	25.0–27.5		6	138	828	4,968
12	27.5–30.0		7	99	693	4,851
13	30.0–32.5		8	79	632	5,056
14	32.5–35.0		9	55	495	4,455
15	35.0–37.5		10	35	350	3,500
16	37.5–40.0		11	9	99	1,089
17	40.0–42.5		12	8	96	1,152
18	42.5–45.0		13	6	78	1,014
19	45.0–47.5		14	4	56	784
20	47.5–50.0		15	0	0	0
21	50.0–52.5		16	3	48	768
Total				1,000	5,485	36,225

Number of measurements (n)=1,000.
A (midpoint of cell containing smallest diameter measurement)=11.25 microns.
m cell interval)=2.5 microns.

$$E_1=\left(\frac{\Sigma fx}{n}\right)=\frac{5485}{1000}=5.4850 \text{ and } E_2=\left(\frac{\Sigma fx^2}{n}\right)=\frac{36,225}{1,000}=36.2250$$

Average diameter, $\bar{X}=A+mE_1=11.25+2.5(5.4850)=24.96$ microns.[1]

Standard deviation, $\sigma=m\sqrt{E_2-E_1^2}=2.5\sqrt{36.2250-30.0852}=2.5(2.4779)=6.19$ microns.[1]

Confidence limits of mean at 95 percent probability level $=\pm\frac{1.96\sigma}{\sqrt{n}}=\pm\frac{12.1324}{31.6127}=\pm 0.38$ micron.[1]

[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to two decimal places as follows: If the figure in the third decimal place is 4 or less, retain the figure in the second decimal place unchanged; otherwise, increase the figure in the second decimal place by 1.

(c) Procedure for designating grade:

(1) *Single grade designation.* If the measured average fiber diameter and standard deviation correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample. Example: Measured average fiber diameter=28.50 microns; standard deviation=8.1 microns; the grade designation is 32s.

(2) *Dual grade designation.* If the standard deviation exceeds the limits for the grade to which the average fiber diameter corresponds, the mohair shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds. Example: Measured average fiber diameter =28.50 microns; standard deviation =8.6 microns; the grade designation is 32s/30s.

§ 32.205 Interpretation.

Since all the portions of a lot of mohair may not be of the same grade, the grade determined represents only the average grade of the entire lot. It should not be construed to represent the grade of any component part of the lot.

SAMPLES REPRESENTATIVE OF OFFICIAL GRADE STANDARDS OF THE UNITED STATES FOR GREASE MOHAIR

§ 32.400 Standard samples of grease mohair grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of grease mohair will be furnished as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of the costs thereof as fixed in § 32.401. The certification will be issued by the U.S. Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of each of the standard grades of grease mohair:

(1) *Complete set.* Ten certified samples of grease mohair, grades 40s through 18s.

(2) *Individual sample.* Individual certified samples of grease mohair.

NOTE: A certified sample consists of grease mohair randomly selected from a bulk sample. The measured average and standard deviation of fiber diameter of the bulk sample were within the limits corresponding to the grade of the standard sample as set forth in § 32.1.

(b) Each application for standard samples of grease mohair shall be upon an application form furnished or approved by the Consumer and Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Consumer and Marketing Service," in an amount to cover the cost of the samples requested, and shall incorporate the following agreement.

(1) That no samples representative of the official grease mohair standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock Division, if it is found upon such inspection that the said samples are not representative of the official standards.

§ 32.401 Cost of standard samples for grease mohair grades.

(a) *Complete set.* $22 each, delivered to any destination within the United States and $25 each, delivered to any destination outside the United States.

(b) *Individual sample.* $2.50 each, delivered to any destination within the United States, and $3 each, delivered to any destination outside the United States.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submission made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of January 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-962 Filed 1-25-71;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

UTILIZATION OF APPROPRIATIONS MADE AVAILABLE FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY

Statement of General Policy

Pursuant to section 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and in accordance with the provisions of section 3(a)(3), Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)), notice is hereby given that the Maritime Subsidy Board is contemplating the adoption of a "Statement of General Policy" relative to the criteria to be applied in selecting the operators and shipyards to participate in the new Maritime Program (Public Law 91-469).

While the subsidy program is exempt from the requirements of section 4, Administrative Procedure Act (5 U.S.C. 553), the Board invites interested parties to submit any written data or views on the contemplated aforesaid policy for consideration by the Board, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., by close of business on February 23, 1971.

Upon adoption by the Board of a "Statement of General Policy," the Board will publish same and thereafter apply the policy to future applications for construction-differential subsidy.

It is proposed that the present "Appendix No. 2—Statement of General Policy" at the end of § 251.1 (46 CFR 251.1) (30 F.R. 14598, Nov. 24, 1965) be deleted in its entirety and the following new Appendix No. 2 be substituted therefor:

§ 251.1 Applications for construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended.

* * * * *

APPENDIX No. 2, REV.—STATEMENT OF GENERAL POLICY

1. The new Merchant Marine Program (Public Law 91-469, approved Oct. 21, 1970) provides for a long-range merchant shipbuilding program with additional emphasis on the construction and maintenance of a United States-flag bulk carrier fleet. It is necessary to issue new standards and criteria to provide guidance for applicants and the Government in making the judgments essential in selecting from among competing applications those which are calculated to carry out most effectively the intent of the new maritime program.

2. The Board will allocate Federal financial assistance for construction or reconstruction of vessels so as to give priority to those proposals which, having met all requirements of Title V, Merchant Marine Act, 1936, as amended, will in the Board's opinion utilize such assistance to accomplish the following objectives:

(a) The attainment of the goal of reducing construction-differential subsidy to the applicable percentages as set forth in section 502(b), of the Act, as amended, and

(b) The production of ships of high transport capability and productivity.

3. In evaluating applications in relation to the foregoing objectives, the Board will take into consideration the following subsidiary factors:

(a) Use of standard ship design leading to series production and multiyear contracting;

(b) Increase foreign trade penetration;

(c) Support the national defense and provide for emergency ocean transportation; and

(d) Reduce or eliminate operating-differential subsidy, or operate without operating-differential subsidy if not presently subsidized.

4. In determining the productivity of the proposed vessel or vessels the Board will take into consideration the following factors:

(a) Cubic and deadweight capacities and speed;

(b) Proposed cargo handling equipment and techniques for transfer of cargo in and out of vessels and to and from inland points. The applicant should set forth the estimated rate of loading and of discharge of cargo, as well as the adaptability of the proposed vessel to integrated systems of transportation embracing both ocean and overland transportation; and.

(c) Estimated revenues and costs of operation.

Dated: January 19, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71 1042 Filed 1-25-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-158]

BISCAYNE BAY, FLA.

Drawbridge Operation

1. The Chief, Office of Operations, U.S. Coast Guard is considering a request by the Metropolitan Dade County Public Works Department to revise the special operation regulations for its bridge across Biscayne Bay at the Rickenbacker Causeway. This request was made for the purpose of partially relieving the vehicular traffic congestions that occur frequently. Present regulations governing this bridge require that the draw be opened promptly on signal except from 4 p.m. to 5 p.m. and 5:15 p.m. to 6 p.m., Saturdays, Sundays, and legal holidays. The proposed regulations would require that the draw be opened promptly on signal except from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, the draw need not be opened for the passage of vessels except at 8 a.m. and 5 p.m. when the draw shall be opened to allow any accumulated traffic to pass. On Saturdays, Sundays, and legal holidays from 11 a.m. to 6 p.m. the draw shall be opened only on the hour and half hour to allow any accumulated traffic to pass.

2. It is proposed that Part 117 be amended by revising § 117.447a(a) to read as follows:

§ 117.447a Biscayne Bay, Fla., Rickenbacker Causeway Bridge.

(a) The draw shall be opened promptly on signal except that:

(1) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday, except legal holidays, the draw need not be opened except at 8 a.m. and 5 p.m. when the draw shall be opened if any vessels are waiting to pass.

(2) From 11 a.m. to 6 p.m. Saturdays, Sundays, and legal holidays, the draw shall be opened only on the hour and half hour if any vessels are waiting to pass.

* * * * *

Authority for this action is set forth in section 5, 28 Stat. 362, as amended, section 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922).

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before February 26, 1971. All submissions should be made in writing to the Commander, Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address, and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Seventh Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations, will thereafter make a final determination with respect to these proposals.

Dated: January 20, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[F.R. Doc.71-1031 Filed 1-25-71;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 22771; EDR-194A]

MINIMUM INSURANCE REQUIREMENTS FOR FOREIGN AIR CARRIERS

Supplemental Notice of Proposed Rule Making

JANUARY 21, 1971.

The Board by circulation of Advance Notice of Proposed Rule Making EDR-194, dated November 17, 1970, and publication at 35 F.R. 17955, gave notice that it had under consideration an addition to its Economic Regulations which would require foreign air carriers serving the United States to maintain certain minimum levels of insurance.

By telegram counsel for K.L.M. Royal Dutch Airlines has requested that the January 22, 1971, date set for filing comments to the above action be extended to February 22, 1971. Similar requests have been made by other carriers.[1] The reasons given in support of these requests have been considered, and it is concluded that good cause has been shown to justify an extension to February 22, 1971. Accordingly, interested persons having comments with respect to the action proposed in EDR-194 shall file them with the Board by February 22, 1971. This action is taken pursuant to authority delegated to the undersigned in §§ 385.7 and 385.20(d) of the Board's Organization Regulations.

(Secs. 204(a), 402, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

[FR Doc.71-1052 Filed 1-25-71;8:49 am]

[14 CFR Part 302]

[Docket No. 23029; PDR-31]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Notice of Proposed Rule Making

JANUARY 20, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration certain amendments to Rules 28, 1314, 1315, 1414, and 1415 of its rules of practice.

The features of the amendments are set forth in the explanatory statement and proposed rule below. The amendments are proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.

[1] By telegram dated Jan. 20, 1971, Mr. Julian G. Thomka Gazdik, General Counsel of the International Air Transport Association, requested that an extension of 60 days be granted for filing comments. We consider a 60-day extension unnecessary and excessive.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before February 26, 1971, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Rule 28(a) of the rules of practice provides that any party may file and serve a petition for discretionary review of an initial decision within 25 days after service thereof. Rule 27(c) recites that unless a petition for discretionary review is filed pursuant to Rule 28 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 30 days after service thereof. Rules 1314(a) and 1414(a) have similar provisions, except that the time for filing a petition is 10 days after service of an initial decision, and the initial decision becomes effective under the same conditions 15 days after service.

Where no petition for review is filed and except where the 25th (or 15th) day falls on a Sunday or Monday, the effect of these provisions is to allow the Board only 3 working days in which to determine whether to review an initial decision on its own initiative,[1] since Saturdays, Sundays, and holidays are included in the computation of time. The Board tentatively finds that Rules 28(a), 1314(a), 1315(a), 1414(a), and 1415(a) should be amended, in the form set forth hereafter, to allow an additional period of time for this Board determination to be made. Rule 28 would be modified to provide that petitions for discretionary review may be filed within 21 days after service of the initial decision, instead of 25 days as in the present rule. This would give the Board an additional 4 days to decide whether or not to take review of the initial decision. The Board is of the view that 21 days is a sufficient period of time within which the parties can prepare and file a petition for review of an examiner's initial decision.

In the case of the review of initial decisions under Subparts M and N of Part 302,[2] we would also modify rules 1314(a) and 1414(a) so as to provide that unless a petition for review is filed by the parties or the Board takes review upon its own motion, the initial decision of the examiner shall become effective as the final order of the Board 21 days after service thereof, instead of 15 days as in the present rule. Similarly, Rules 1315(a) and 1415(a), which provide that petitions for discretionary review may be filed with the Board within 10 days after service of the initial decision, would be changed so as to grant 14 days for filing such petitions.

These amendments would serve the additional purpose of rendering less complex the ascertainment of the expiration dates of the various time periods involved. Since the number of days in each of the new time periods would consist of multiples of 7, i.e., 14 or 21, each period would divide into weeks and would end upon the same day of the week as upon which it began.

Proposed rule. It is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302), as follows:

1. Amend § 302.28(a)(1) to read as follows:

§ 302.28 Petitions for discretionary review of initial decisions; review proceedings.

(a) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision within 21 days after service thereof. Such petitions shall be accompanied by proof of service on all parties.

* * * * *

2. Amend § 302.1314(a) to read as follows:

§ 302.1314 Examiner's initial decision.

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1315 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 21 days after service thereof; and

* * * * * *

3. Amend § 302.1315(a) to read as follows:

§ 302.1315 Subsequent procedures.

* * * * * *

(a) Any party may file and serve a petition for discretionary review by the Board of an initial decision within 14 days after service thereof;

* * * * * *

4. Amend § 302.1414(a) to read as follows:

§ 302.1414 Examiner's initial decision.

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1415 or the Board issues an order to review upon its own initiative, the initial decision shall become effective

[1] Only 2 days, if there is an intervening holiday. If the 25th day falls on a Sunday or Monday, 4 days are allowed.

[2] Expedited procedures for modifying or removing certain limitations or restrictions in local service or trunkline certificates, respectively.

as the final order of the Board 21 days after service thereof; and

• • • • • •

5. Amend § 302.1415(a) to read as follows:

§ 302.1415 Subsequent procedures.

• • • • • •

(a) Any party may file and serve a a petition for discretionary review by the Board of an initial decision within 14 days after service thereof;

• • • • • •

[FR Doc.71-1053 Filed 1-25-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Alabama as set forth in the following new §§481.198—481.199 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the New Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Metropolitan Birmingham Intrastate Air Quality Control Region (§ 481.41), the designated Alabama-Mississippi-Tennessee Interstate Air Quality Control Region (§481.62), and the designated Scottsboro (Alabama)-Jasper (Tennessee) Interstate Air Quality Control Region (§481.72).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Alabama, Mississippi, Tennessee, Georgia, and Florida, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., Room 200, State Office Building, Montgomery, AL, on February 2, 1971.

Mr. Gene Welsh is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Gene Welsh, Air Pollution Control Office, Environmental Protection Agency, 50 Seventh Street NE., Room 404, Atlanta, GA 30323.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.198 Alabama State Capital Intrastate Air Quality Control Region.

The Alabama State Capital Intrastate Air Quality Control Region (Alabama) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Autauga County.	Geneva County.
Barbour County.	Henry County.
Bullock County.	Houston County.
Butler County.	Lowndes County.
Choctaw County.	Macon County.
Clarke County.	Marengo County.
Coffee County.	Monroe County.
Conecuh County.	Montgomery County.
Covington County.	Perry County.
Crenshaw County.	Pike County.
Dale County.	Washington County.
Dallas County.	Wilcox County.
Elmore County.	

§ 481.199 East Alabama Intrastate Air Quality Control Region.

The East Alabama Intrastate Air Quality Control Region (Alabama) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Calhoun County.	Etowah County.
Cherokee County.	Randolph County.
Clay County.	Talladega County.
Cleburne County.	Tallapoosa County.
Coosa County.	

§ 481.41 [Amended]

The Metropolitan Birmingham Intrastate Air Quality Control Region (Alabama) (§ 481.41) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Blount County.	St. Clair County.
Jefferson County.	Tuscaloosa County.
Shelby County.	Walker County.

It is now proposed to add the following counties in the State of Alabama to the Metropolitan Birmingham Intrastate Air Quality Control Region: Bibb, Chilton, Fayette, Greene, Hale, Lamar, Pickens, and Sumter.

§ 481.72 [Amended]

The Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region (§ 481.72) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

De Kalb County.	Jackson County.

In the State of Tennessee:

Bledsoe County.	Sequatchie County.
Marion County.	

It is now proposed to: (1) Add the following Alabama Counties, which are not presently within a designated air quality control region—Cullman, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston; (2) add the Alabama portion of the presently designated Alabama-Mississippi-Tennessee Interstate Air Quality Control Region (§ 481.62), which is comprised of the counties of Colbert, Franklin, and Lauderdale; and (3) change the name of the Region to the Tennessee River Valley (Alabama)-Cumberland Mountains (Tennessee) Interstate Air Quality Control Region. It should be noted that in the November 7, 1970, FEDERAL REGISTER a proposal was made to expand the Tennessee portion of the designated Scottsboro-Jasper Interstate Air Quality Control Region to include 13 additional Counties in the State of Tennessee, and to change the name of the Region to the Scottsboro-Cumberland Mountains (Tennessee) Interstate Air Quality Control Region. Final recommendations to implement this proposal have been made to the Administrator, EPA.

§ 481.62 [Amended]

The Alabama-Mississippi-Tennessee Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

Colbert County.	Lauderdale County.
Franklin County.	

In the State of Mississippi:

Alcorn County.	Tishomingo County.

In the State of Tennessee:

Hardin County.

It is now proposed to delete the Alabama portion of the designated Region, which includes the counties of Colbert, Franklin, and Lauderdale. It should be noted

that on November 7, 1970 (35 F.R. 17191), a proposal was made to delete the Tennessee portion (Hardin County) of the Region, place Hardin County in a proposed Western Tennessee Intrastate Air Quality Control Region (§ 481.119), and change the name of the Region to the Alabama-Mississippi Interstate Air Quality Control Region. Additionally, a proposal was made on November 17, 1970 (35 F.R. 17664), to add 30 counties in Mississippi to the Region. Consistent with the intrastate character of the Region as now proposed, it is further proposed to change the name of the Northeast Mississippi Intrastate Air Quality Control Region.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a), as amended by section 15(c)(2), Pub. L. 91-604.

Dated: January 22, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1089 Filed 1-25-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 564]

[No. 71-54]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Valuation of Certain Trust Interests in Determining Insurance of Accounts

JANUARY 20, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 564.2 of the rules and regulations for Insurance of Accounts (12 CFR 564.2) for the purpose of modifying the standards used for the valuation of trust interests in determining insurance of accounts. Accordingly, the Federal Home Loan Bank Board proposes to amend paragraph (c) of said section to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

• • • • • •

(c) *Valuation of trust interests.* (1) Trust estates in the same trust invested in the same account will be separately insured if the value of the trust estate is capable of determination, as of the date of default, without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031-10 of the Federal Estate Tax Regulations (26 CFR 20.2031.10).

• • • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by February 26, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-1059 Filed 1-25-71;8:49 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 429]

COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Notice of Rescheduled Hearing Dates and Extension of Time for Submitting Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

In response to numerous requests the Federal Trade Commission has rescheduled its public hearings in both Washington, D.C., and Chicago, Ill., on the proposed trade regulation rule regarding Cooling-Off Period for Door-To-Door Sales.

The first hearing will be held in Washington, D.C., on March 8, 9, and 10, 1971, commencing at 10 a.m., e.s.t., each day in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW. Any person desiring to orally present his views at the hearing should so inform the Assistant Director for Industry Guidance at the Commissioner's address above, not later than March 1, 1971, and state the estimated time required for his oral presentation. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Industry Guidance, on or before March 1, 1971.

The second hearing will be held in Chicago, Ill., on March 22, 23, and 24, 1971, commencing at 10 a.m., c.s.t., each day in Room 204A, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street. All interested persons desiring to orally present views at the Chicago hearing should so inform Mr. Jerome S. Lamet, Senior Attorney, Federal Trade Commission, Room 486, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604, not later than March 15, 1971, and state the estimated time required for such oral presentation. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with Mr. Lamet, on or before March 15, 1971.

Reasonable limitations upon the length of time allotted to any person may be imposed. To the extent practicable, persons filing prepared statements which are in excess of two pages should submit 20 copies.

The Commission has extended until March 15, 1971, the closing date for the submission of written data, views, or arguments concerning the proposed rule. These should be submitted to the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington DC 20580.

Copies of the original notice including the proposed rule may be obtained upon request to the Federal Trade Commission at either of the addresses shown herein.

Issued: January 26, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-974 Filed 1-25-71;8:45 am]

[16 CFR Part 433]

PRESERVATION OF BUYERS' CLAIMS AND DEFENSES IN CONSUMER INSTALLMENT SALES

Notice of Public Hearing and Opportunity To Submit Data, Views or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning the maintenance and retention of buyers' claims and defenses in retail consumer installment sales.

For purposes of this rule, the following definitions shall apply:

Consumer goods and services. Goods or services purchased primarily for personal, family, or household use or consumption, and not for resale or for use or consumption in a trade or business.

Retail seller. Any person engaged in the retail sale or lease of consumer goods or services.

The Commission proposes the following Trade Regulation Rule:

§ 433.1 The Rule.

If any contract for the sale or lease of consumer goods or services entered into between a retail seller and a retail buyer requires or involves the execution of a promissory note or other instrument of indebtedness, it constitutes an unfair and deceptive act or practice for any such retail seller to:

(a) Fail to have inscribed upon the face of such note, instrument or other evidence of indebtedness, in 10-point bold face type, the following statement:

NOTICE

Any holder of this instrument takes this instrument subject to all defenses and claims of the maker hereof which would be available to the maker in any action arising out of the contract which gave rise to the execution of this instrument, notwithstanding any agreement to the contrary.

(b) Take or receive any retail installment sale agreement, contract, or other obligation from a buyer which contains:

(1) Any waiver of rights or remedies which the buyer may have against the seller or holder of the retail installment sale agreement, or other person acting in his behalf;

(2) Any provision by which the buyer agrees not to assert against a seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense.

All interested persons, including the consuming public are hereby notified that they may file written data, views, or arguments concerning the practices described herein with Charles A. Tobin, Secretary, Federal Trade Commission, Washington, D.C. 20580, not later than May 3, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to these practices and the proposed rule at a public hearing to be held at 10 a.m., e.d.t., May 10 and 11, 1971, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, DC. Mr. Christopher W. Keller has been designated Commission attorney for this proceeding.

Any person desiring to orally present his views at the hearing should so inform the Secretary not later than May 3, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Secretary of the Commission on or before May 3, 1971.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in retail consumer sales, in commerce, as "commerce" is defined in the Federal Trade Commission Act, will be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revision thereof, and to give a full statement of their views in connection therewith.

Issued: January 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-975 Filed 1-25-71;8:45 am]

[16 CFR Part 434]

LABELING AND ADVERTISING REQUIREMENTS FOR DETERGENTS

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning the labeling and advertising of synthetic detergents.

Accordingly, the Commission proposes the following Trade Regulation Rule:

§ 434.1 The Rule.

In connection with the sale, offering for sale, or other distribution of any detergent in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5 of that Act:

(a) To fail to list prominently all ingredients by common or usual name, or by chemical name if there be no common or usual name, giving percentage by weight, and weight in grams per recommended use level of each, in descending order of predominance, on the container of every detergent.

(b) To fail to include in all advertising, promotional literature (or other literature accompanying the product when sold), and principal container display panels of every detergent containing phosphorus in any form the following statement:

WARNING: Each Recommended Use Level of This Product Contains ------ Grams of Phosphorus, Which Contributes to Water Pollution. Do Not Use in Excess. In Soft Water Areas, Use of Phosphates Is Not Necessary.

The aforesaid statement shall in all instances be clear and conspicuous, and in the case of television advertising shall be broadcast simultaneously on the audio and video portions, without background distraction. The applicable quantity of phosphorus shall be included in each such statement, and shall be based on recommended use levels which have been found to be adequate for normal usage.

NOTE: As used in this part,

(1) "Detergent" is any synthetic surface active product in any form used for personal, laundry (including presoaking), household, commercial, industrial, or other washing purposes;

(2) "Advertising" is any visual or aural presentation in any medium which is intended to, or is reasonably likely to stimulate sale of any detergent, including any point-of-sale display, but excluding mere price listings in connection with general multiproduct advertisements of the type commonly used by supermarkets;

(3) "Ingredients" are the simplest constituents of the detergent which can reasonably be determined and reported;

(4) "Principal Display Panel" is that part of the label or container that is most likely to be displayed, presented, shown, or examined under normal and customary conditions.

The quantitative disclosures required herein shall be determined by the latest method prescribed by the American Society for Testing and Materials in effect at the time of a given analysis, and insofar as they concern polyphosphates or other phosphorous ingredients shall be expressed in terms of elemental phosphorous.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed Rule with the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, not later than April 19, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a public hearing to be held at 10 a.m., e.d.t., April 26 and 27, 1971, in room 532 of the Federal Trade Commission Building, Washington, D.C. Mr. Wayne B. Cooper has been designated Commission attorney for this proceeding.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director for Industry Guidance, not later than April 19, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Industry Guidance, on or before April 19, 1971.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the manufacture, packaging, distribution, advertising, or sale of detergents, in commerce, as "commerce" is defined in the Federal Trade Commission Act, will be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: January 25, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-1045 Filed 1-25-71;8:48 am]

Notices

POST OFFICE DEPARTMENT

MAIL TO GREAT BRITAIN

Suspension of Private Express Statutes

The Postmaster General issued the following order on January 22, 1971.

British postal workers have gone on strike. The British postal administration has advised the Post Office Department that all British domestic and international mail services are suspended. The Post Office Department has placed an embargo on all mail to Great Britain except mail addressed to American military personnel.

In view of the strike, I here suspend the operation of paragraphs (1) through (6) of 39 United States Code 901(a) in respect to any carriage of letters out of the mails destined for delivery in Great Britain, which includes England, Scotland, Wales, and Northern Ireland. This suspension shall remain in effect until further notice.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 901(a), 6106)

DAVID A. NELSON, *General Counsel.*

[FR Doc.71-1140 Filed 1-25-71;9:39 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-21]

CORPORATE SURETY POWER OF ATTORNEY

Notice of New Procedure for Execution and Revocation

In a notice published in the FEDERAL REGISTER for January 9, 1970 (35 F.R. 361), the Bureau of Customs, in proposing certain changes in the procedure for processing powers of attorney issued by corporate surety companies, gave notice of a proposal to invalidate all corporate surety powers of attorney and to adopt a revised corporate surety power of attorney, Customs Form 5297. The notice also set forth the manner in which corporate surety powers of attorney are to be filed and processed after such changes become effective.

Written representations on behalf of interested parties were received and have been carefully considered. The suggested revisions have been adopted, insofar as is feasible, effective as set forth below.

Accordingly, under authority of section 251 of the Revised Statutes (19 U.S.C. 66), section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), and 5 U.S.C. 301, the following substantive and procedural changes in the designation of agents or attorneys authorized to execute Cutoms bonds for surety companies are made:

1. All corporate surety powers of attorney filed in any Customs office on or before February 28, 1971, are hereby invalidated as of May 31, 1971.

2. A revised corporate surety power of attorney, Customs Form 5297(8/70), has been adopted for use on and after March 1, 1971.

3. Corporate surety powers of attorney filed on and after March 1, 1971, shall be executed on revised Customs Form 5297 (8/70) and filed in duplicate at any Customs port of entry. The surety number required to be entered on Customs Form 5297(8/70) will be assigned by Customs. The original of the form shall be transmitted immediately to the Customs Data Center and the copy shall be retained at the port for use in connection with bonds executed for the surety company by the person covered by the power of attorney. These corporate surety powers of attorney shall continue in force and effect until revoked in accordance with the provisions thereof, and any surety desiring that a designated agent or attorney be divested of such power must execute a revocation on Customs Form 5297(8/70).

4. In lieu of filing individual corporate surety powers of attorney on revised Customs Form 5297(8/70), surety companies listed in Treasury Circular 570, 1970 revision (35 F.R. 11102), having powers of attorney invalidated pursuant to item 1 above, shall file with the Bureau of Customs Data Center, 7981 Eastern Avenue, Silver Springs, MD 20910, on or before March 31, 1971, a composite corporate surety power of attorney listing all individuals authorized to execute Customs bonds on its behalf. To assist surety companies in preparing the composite corporate surety power of attorney, each Customs district will compile and furnish to each surety company, through the Customs regional office, a list of all persons holding powers of attorney from such company in that district. The form of the composite corporate surety power of attorney set out as Appendix A below contains the operative language of revised Customs Form 5297(8/70) and shall be followed in furnishing the above composite corporate surety power of attorney. The power of attorney granted in the composite surety power of attorney shall be valid in the district or districts in which the agent or attorney is authorized to do business. The composite surety power of attorney shall be executed on letter-size paper, and if more than one page is used to list the names of the designated agents and attorneys, the required information shall be shown on each page under the same headings as were used on the initial page. The surety number shall also be entered on each page of Appendix A. The attestation clause and signatures shall appear at the end of the listing.

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: January 12, 1971.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

APPENDIX A

For the purpose indicated in the foregoing notice, the format to be followed is reproduced below:

Surety Name,
Address,
Surety Number,

Know all Men by these Presents, That ----------, a corporation duly organized and existing under the laws of the State of ----------, has constituted and appointed, and does hereby constitute and appoint, each of the persons named and listed below its true and lawful officer, agent, or attorney, with full power and authority to sign the company's name and affix its corporate seal to, and deliver for and on its behalf as surety, any and all obligations as herein provided and the execution of such obligations in pursuance of these presents shall be binding upon the company as fully and to all intents and purposes as if done by the regularly elected officers of the said company at its home office in their own proper persons; and the said company hereby ratifies and confirms all and whatsoever its said officers, agents, or attorneys may lawfully do and perform in the premises by virtue of these presents. This power of attorney includes all the authorities vested in the said officers, agents, or attorneys, and revokes all others effective as set forth in the following sentence. This power of attorney shall remain in full force and effect until the last day of the month after the month in which notice of revocation is receipted by the Customs Data Center, or, if earlier limited revocation is essential, a notice of revocation is filed at individual Customs Ports of Entry and a revocation on revised Customs Form 5297 is submitted to the Customs Data Center, the date of receipt at such port or ports as are notified individually will constitute the date of revocation for such port or ports with full revocation as provided above.

Name (last, first, middle) [1]	Social security number	Address (number, street, city, State, ZIP code)	Limit on any single obligation (in thousands, numerals only)	Customs districts in which authorized to do business

[1] Same headings will be used for any additional listings.

Attestation:

In witness whereof, the said ---------- ---------- Company, by virtue of authority conferred by its Board of Directors has caused these Presents consisting of these ------ pages listing ------ persons to be sealed with its corporate seal and attested by any two principal officers this ------ day of ----------, 19--.

---------- (Name) (Title)

---------- (Name) (Title)

[FR Doc.71-1006 Filed 1-25-71;8:45 am]

Office of Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE, AND CARPET WOOL

Importation From Countries Not in Authorized Trade Territory; Applications for Licenses

Licenses under the Foreign Assets Control Regulations (31 CFR 500.101-500.808) for the importation of the following commodities produced in the U.S.S.R. or Outer Mongolia will be issued during 1971 in the same aggregate quantities as in previous years. These quantities, based on importations during the period 1946 through 1951, are as follows:

	Pounds
Badger hair	200
Carpet wool	1,800,000
Cotton waste	4,550,000
Goat hair	610,000
Horse mane hair	660,000
Horse tail hair	70,000
Silk waste	435,000
Yak hair	525,000

Licenses will be issued to any person, and will not be limited to persons with a previous history of importation. The following conditions will apply:

(1) Applications must be filed before September 1, 1971, and must be accompanied by a copy of a firm contract with the seller subject only to the obtaining of the necessary license.

(2) No one applicant will be licensed to import more than 25 percent of the total quota for any one commodity. However, more than one contract can be entered into by any applicant, up to the 25 percent limit.

(3) Licenses will be nontransferable and imports may be made only in the name of and for the account of the licensee.

(4) The contract must provide for shipment from the U.S.S.R. If the contract is made with a seller in a third country any license issued will require that the goods be shipped directly from the U.S.S.R. to the United States or, if not, that they remain in continuous carriers' custody during the entire period of transshipment.

Licenses will be valid until the date of shipment specified in the contract and will be extended to permit Customs entry and transactions under a letter of credit for goods shipped pursuant to the contract.

Applications for licenses must be filed in duplicate on Form TFAC-1 with the Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045. Applications will be considered in the order in which they are received. Persons applying for a license to import more than one commodity should file a separate application for each such commodity.

Since for one reason or another some licenses may expire unused or the full quota of a commodity may not be applied for by qualified applicants (i.e., by persons who have not reached the 25 percent limit), announcement will be made in the FEDERAL REGISTER on or before September 15, 1971, of any balances still available for licensing. At that time any person may apply for any portion of an available balance irrespective of the fact that he may have already received licenses to import as much as 25 percent of the quota. Applications for licenses filed after September 15, 1971, are subject to all conditions set forth above other than the 25 percent limit.

Additional information and license application forms may be obtained from the Federal Reserve Bank of New York or from the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[FR Doc.71-1041 Filed 1-25-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

Pursuant to § 76.16 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134f), notice is hereby given that the following stockyards and livestock markets are approved under said regulations as indicated below:

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE ALL CLASSES OF SWINE

ALABAMA

Atmore Truckers Association, Inc., Atmore.
Central Alabama Feeder Pig Association, Clanton.
Coosa Valley Feeder Pig Association, Anniston.
Limestone County Feeder Pig Association, Inc., Athens.
Northeast Alabama Feeder Pig Association, Section.
Northwest Alabama Feeder Pig Association, Inc., Russellville.
Perry-Dallas Feeder Pig Sale, Suttle.
Robertsdale Livestock Auction, Inc., Robertsdale.
Sand Mountain Feeder Pig Association, Guntersville.
South Alabama Feeder Pig Producers Association, Greenville.
Southeast Alabama Feeder Pig Association, Inc. Dothan.
Tennessee Valley Feeder Pig Association, Huntsville.

ARKANSAS

Beebe Auction Co., Beebe.
Bentonville Livestock Auction, Bentonville.
Carroll County Livestock Auction, Berryville.
Corning Livestock Auction, Corning.
Davis Livestock Auction, Batesville.
Farmers Livestock Auction, Springdale.
Gordon Livestock Auction, Bob, Mena.
Harrison Stockyards, Harrison.
Hill Livestock Auction, Nuel, Batesville.
Jonesboro Stockyards, Jonesboro.
Loftin Pig Farm, West Fork.
MFA Livestock Association, Imboden.
Magnolia Livestock Auction, Magnolia.
Montgomery Auction, Searcy.
Nettleton Stockyards, Jonesboro.
North Arkansas Feeder Pig Association, Batesville.
Randolph County Livestock Auction, Pocahontas.
Scott County Livestock Auction, Waldron.
Searcy County Livestock Auction, Marshall.
Southeast Arkansas Feeder Pig Association, Warren.
Stone County Auction, Mountain View.
Washington County Sale, Fayetteville.

DELAWARE

Carroll's Sales Co., Felton.
Mar-Del Farms, Marydel.

FLORIDA

Bonifay State Livestock Market, Bonifay.
Chipley Livestock Market, Chipley.
Columbia Livestock Market, Lake City.
Gadsden County Livestock Auction Market, Quincy.
Jay Livestock Auction Market, Jay.
Madison Stockyards, Madison.
Suwannee Valley Livestock Market, Live Oak.
Tindel Livestock Market, Graceville.

GEORGIA

Appling Stockmen's Association, Baxley.
Bulloch Stockyard, Statesboro.
CSRA Feeder Pig Sale, Warrenton.
Dodge County Stock Barn, Eastman.
Metter Livestock Market, Metter.
Milan Livestock Market, Milan.
Moultrie Livestock Co., Moultrie.
Parkers Stockyard, Statesboro.
Sumter Livestock Association, Americus.
Upper Hiswassee Feeder Pig Co-op, Blue Ridge.
Valdosta Livestock Co., Inc., Valdosta.
Wayne County Stockyards, Jesup.

IDAHO

Bonners Ferry Livestock, Inc., Bonners Ferry.
Cache Valley Livestock Auction, Cache.
Coeur d'Alene Livestock, Inc., Coeur d'Alene.
Meridian Salesyard, Meridian.
Nampa Livestock Markets, Inc., Nampa.
Sandpoint Livestock Auction, Inc., Sandpoint.
Twin City Salesyard, Twin City.
Valley Livestock Commission Co., Rupert.
Weiser Livestock Commission Co., Weiser.

ILLINOIS

Barnard's Livestock Auction Market, Wayne City.
Benton Livestock Association, Benton.
Breed's Livestock Sale, Elizabeth.
Carthage Community Sale Co, Carthage.
Cherry, Nellis (Bros.), Shannon.
Cochran, Theodore, Good Hope.
Dameron Livestock Auction, Vienna.
Danville Livestock Commission Co., Danville.

Deekers Livestock, Inc., Milford.
DeWane's Livestock Exchange, Belvidere.
Harry Elliott, Lyndon.
Galesburg Livestock Sale, Galesburg.
Greenville Livestock Auction Co., Greenville.
Illinois Auction Commission Co., Paris.
Interstate Producers LS Association, Dongola.
Interstate Producers Livestock Association, Fairfield.
Interstate Producers Livestock Association, Golconda.
Interstate Producers Livestock Association, Harrisburg
Interstate Producers Livestock Association, Pinckneyville.
Interstate Producers Livestock Association, Quincy.
Interstate Producers Livestock Association, Salem.
Jennings Sales Co., Macomb.
Kewanee Sale Barn, Kewanee.
Knoxville Sale Co., Inc., Knoxville.
Kuntz, Clyde, Gridley.
La Salle County Livestock Market Center, Ottawa.
Mehler Stock Yards, West York.
Mercer County Livestock Auction, Viola.
Oak Valley Feeder Pig Sales, Kampsville.
Olney Livestock Commission Co., Olney Live.
Paris Livestock Sales Co. Paris.
Peterson Livestock Auction, Wyoming.
Rock Island Auction Sales, Inc., Rock Island.
Rohn, Donald R., Livestock Market, Dallas City.
Savanna Livestock Sales, Savanna.
Schrader, Harry, Consignment, Dakota.
Southeastern Livestock Association, Inc., Albion.
Walnut Auction Co., Walnut.
Warren County Livestock Auction, Monmouth.
Winslow Marketing Center, Inc., Winslow.
Wood, Marvin T., Morrison.

INDIANA

Geneva Berne Livestock Sale, Berne.
Brookville Sale Barn, Brookville.
Loren Cates, Williamsburg.
Don Clark Feeder Pig, Brook.
Delta Livestock Auction Co., Fort Wayne.
Robert Elliott, Westport.
Goshen Community Sale, Goshen.
Hilltop Auction Sale, Madison.
Lowell Livestock Auction, Lowell.
Loy's Sale Barn, Portland.
Marvin Luellen, Mooreland.
Jack Milhollin, Parker.
Ohio Valley Producers, Evansville.
Producers Livestock Association, Bath.
Producers Livestock Association, Vincennes.
Producers Marketing Association, Centerville.
Producers Market Association, Mentone.
Producers Marketing Association, Mooresville.
Producers Marketing Association, Terre Haute.
Russellville Feeder Pig Co., Russellville.
Willis Sare, Jr., Feeder Pig Sales, Perrysville.
Shipshewana Livestock Auction Co., Shipshewana.
Topeka Livestock Auction Co., Topeka.
Valparaiso Community Sale Barn, Valparaiso.
Waitt Feeder Pig Co., Sheridan.
Ralph Yarling, Elwood.
Yeager and Sullivan, Inc., Camden.

IOWA

Applegate Hog Yard, Leon.
W. J. Armstrong, Chester.
B & H Cattle Co., Ida Grove.
Baxter Sale Co., Baxter.
Bedford Sale Co., Bedford.
Berry's Feeder Pigs Co., Vinton.
Bingley Sales Co., Knoxville.
Boone Sales Co., Boone.
Centerville Sales Co., Centerville.
Clarinda Auction Co., Clarinda.
DeVries Auction Co., Buffalo Center.
Donnellson Livestock Sale, Inc., Donnellson.
Edgewood Sale Barn, Inc., Edgewood.
Ray Fritz Stockyards, Washington.
Gaffney Storm Lake Auction, Storm Lake.
Galva Pig Market, Galva.
Garner Livestock Sales, Inc., Garner.
Grassland Co., Odebolt.
Haupert Livestock Co., Inc., Fairfield.
Hilltop Feeder Pig Co., Aplington.
Hubbard Feeder Pig Co., Hubbard.
Interstate Producers Livestock Association, Mount Pleasant.
Interstate Producers Livestock Association, Waukon.
Kalona Sale Barn, Inc., Kalona.
Keoco Auction Co., Sigourney.
Lamoni Livestock Sales Co., Inc., Lamoni.
Mac's Feeder Supply, Belmond.
Maquoketa Sale Co., Maquoketa.
Marshall County Feeder Pig Association, Marshalltown.
Middletown Auction Sales, Inc., Middletown.
Monticello Salebarn, Monticello.
Mount Ayr Livestock Market, Mount Ayr.
Keith E. Myers, Grundy Center.
Nishna Valley Hog Yards, Shenandoah.
Northside Sales Co., Sibley.
Northwood Livestock Sales Co., Northwood.
O & W Auction Market, Wadena.
Pella Feeder Pigs Market, Pella.
Pella Sale Co., Pella.
Perry Sales Pavilion, Perry.
Producers Livestock Marketing Association, Creston.
Riceville Sales Pavilion, Riceville.
Sales Co. of Hawarden, Inc., Hawarden.
Shelden Approved Hog Mart, Sheldon.
Sheldon Livestock Co., Sheldon.
Smylie-Haupert Livestock Co., Inc., Columbus Junction.
Spencer Livestock Sales, Inc., Spencer.
Thompson Livestock Commission Co., Davis City.
Tri-State Livestock Auction Co., Inc., Sioux Center.
W & W Livestock Enterprises, Inc., La Porte City.
Wallace Livestock Market, Riceville.
Wapello Livestock Sales, Inc., Wapello.
James Webb Market, Mallard.
Weichman Pig Co., Inc., Des Moines.

KANSAS

Atchison County Auction Co., Inc., Atchison.
Belleville Livestock Commission Co., Belleville.
Caldwell Community Sale, Caldwell.
Coffeyville Livestock Sales, Coffeyville.
Concordia Sales Co., Inc., Concordia.
Dodge City Livestock Commission Co., Dodge City.
Fort Scott Livestock Auction, Fort Scott.
Goodland Livestock Commission Co., Goodland.
Liberal Sales Co., Liberal.
Mankato Livestock Commission Co., Mankato.
Marysville Livestock & Commission Co., Marysville.
Medicine Lodge Sale Co., Inc., Medicine Lodge.
Mid-Kansas Swine Association, Hutchinson.
Moline Auction Co., Moline.
Phillipsburg Sales Co., Phillipsburg.
Sabetha Livestock Auction, Sabetha.
Southeastern Kansas Sales Co., Fort Scott.
St. Francis Livestock Sale, St. Francis.
Syracuse Sale Co., Syracuse.
Washington Sale Co., Washington.

KENTUCKY

Adair County Stockyard, Columbia.
Albany Stockyard, Albany.
Barnes Feeder Pig, Columbia.
Berryman Feeder Pig, Winchester.
Blue Grass Stockyard, Lexington.
Bowling Green Stockyard, Bowling Green.
Boyle County Stockyard, Danville.
Bullitt County Stockyard, Shepherdsville.
Burkesville Stockyard, Burkesville.
Burton's Feed & Supply, Brodhead.
Butler & Wilson Auction Barn, Harned.
Catlettsburg Livestock Market, Catlettsburg.
Clay-Wachs Stockyard, Lexington.
Christian County Livestock, Hopkinsville.
Cynthiana Stockyard, Cynthiana.
Dinwiddie Feeder Pig, Leitchfield.
Dunnington Milling Co., Monticello.
John L. Evans Feeder Pig, Corydon.
Farmers Commission Co., Tompkinsville.
Farmers Livestock Market, Glasgow.
Farmers Livestock, London.
Farmers Livestock, Louisa.
Farmers Stockyard, Flemingsburg.
Farmers Stockyard, Mount Sterling.
Florence, Peak, & Fryman, Cynthiana.
Garfield Livestock Barn, Garfield.
Garrard County Stockyard, Lancaster.
Gibson Livestock Co., Inc. Marion.
Glasgow Livestock Market, Glasgow.
Glenn May Feeder Pig, Lancaster.
Grayson County Livestock Market, Leitchfield.
Green County Stockyard, Greensburg.
Green Valley Pig Market, Glasgow.
Greenville Livestock Market, Greenville.
Tom Harper Feeder Pig, Clinton.
Hart County Livestock Market, Munfordville.
Ivel Livestock Market, Ivel.
Jolly Brothers Feeder Pig, Albany.
Kentuckiana Livestock Market, Owensboro.
King & Sullivan, Hopkinsville.
Knox County Stockyard, Barbourville.
Ky-Tenn Livestock Market, Guthrie.
Laurel Sales Co., London.
Lebanon Stockyard, Inc., Lebanon.
Logan County Livestock Co., Russellville.
Madison Sales Co., Richmond.
Mayfield Feeder Pig Sale, Mayfield.
Maysville Stockyard, Maysville.
Melvin Jones Feeder Pig, Maysville.
E. B. McFelin Feeder Pig Barn, Munfordville.
Middlesboro Livestock Market, Middlesboro.
Monticello Stockyard, Monticello.
Morganfield Stockyard, Morganfield.
Murphy & Jefferies Sale Barn, Mount Eden.
Murray Livestock Market, Murray.
Ohio Valley, Sturgis.
O. K. Stockyards, Maysville.
Olive Hill Stockyard, Olive Hill.
Owen County Stockyard, Owenton.
Owsley County Stockyard, Booneville.
Paintsville Livestock Market, Paintsville.
Paris Stockyard, Paris.
Pulaski County Livestock, Somerset.
Ratliff Stockyards, Mount Sterling.
Rockcastle Feeder Pig Sales, Brodhead.
Russell County Stockyard, Russell Springs.
Russell County Feeder Pig, Russell Springs.
Taylor County Stockyard, Campbellsville.
Valley Stockyard, Princeton.
New Walton Stockyards, South Walton.
Warren County Farmers Marketing Co., Bowling Green.
Washington County Stockyard, Springfield.
Western Kentucky Feeder Pig, Corydon.
Wigwam Hog & Feeder Pig, Horse Cave.
Williamstown Stockyard, Williamstown.
Winchester Stockyard, Winchester.
Wright Feeder Pig, Bedford.

LOUISIANA

Avoyelles Swine Association, Marksville.
Bastrop Livestock Auction, Bastrop.
Central Louisiana Swine Producer's Association, Jena.
Delhi Livestock Auction, Delhi.
DeQuincy Livestock Commission Co., De Quincy.
DeRidder Livestock Market, De Ridder.
Florida Parishes Feeder Pig Association, Amite.
Franklinton Stockyards, Inc., Franklinton.
Macon Ridge Swine Producers Association Winnsboro.
Mieelle's Commission Yard, Inc., Lake Charles.

Northwest Louisiana Swine Growers Association, Minden.
Southwest Louisiana Swine Producers Association, Basile.
West Monroe Livestock Auction, West Monroe.

MARYLAND

Aberdeen Sales Co., Aberdeen.
Barcus Livestock Sales, Centreville.
Caroline Sales Co., Denton.
Cumberland Stockyards, Inc., Cumberland.
Dukes Brothers Stockyards, Inc., Eden.
Farmers Livestock Exchange, Inc., Boonsboro.
Farmers Market & Auction, Charlotte Hall.
Four States Livestock Sales, Inc., Hagerstown.
Frederick Livestock Auction, Inc., Hagerstown.
Friends Stockyards, Inc., Accident.
Grantsville Community Sales, Inc., Grantsville.
Harry Rudnick & Sons, Inc., Galena.
West Nottingham Sales, Inc., Rising Sun.
Western Maryland Stock Yards, Inc., Westminster.
Woodsboro Livestock Sales, Inc., Woodsboro.

MINNESOTA

Arends Sale Yard, Inc., Blue Earth.
Cottonwood Veterinary Clinic, Windom.
Farmers Feeder Pig Association, Worthington.
G & L Feeder Pigs, Ellsworth.
Hebrink Feeder Pig Market, Renville.
Hollerich Feeder Pig Market, Good Thunder.
Kasson Livestock Exchange, Kasson.
Long Prairie Livestock Auction Market, Long Prairie.
Luverne Livestock Auction, Luverne.
Midwest Livestock Producers Co-operative, Mora.
Midwest Livestock Producers Co-operative, Princeton.
Rice Feeder Pig Center, Rice.
Sawyer Livestock Co., Inc., Little Falls.
Windom Sales Co., Inc., Windom.
Wisconsin Feeder Pig Marketing Coop., Sauk Centre.
Worthington Livestock Auction Market, Worthington.
Rushford Feeder Pig Tel-O-Auction, Rushford.
Top Livestock Auction, Edgerton.

MISSISSIPPI

Benton County Pork Producers, Ashland.
Booneville Area Feeder Pig Association, Booneville.
Bruce Area Feeder Pig Sales, Bruce.
Central Mississippi Area Federal Pig Sale, Kosciusko.
Dixie Stockyards, Inc., Meridian.
Fayette Stockyards, Inc., Fayette.
Graves Livestock Co., Winona.
Grenada Livestock Exchange, Grenada.
Lexington Sales Co., Lexington.
Lucedale Area Feeder Pig Association Sale, Lucedale.
Lum Commission Co., Vicksburg.
Magee Area Feeder Pig Sale, Livestock Show Barn, Magee.
McComb Area Feeder Pig Sale, McComb.
Meridian Area Feeder Pig Sale, Meridian.
Mississippi Livestock Producers Association, (North Yard), Jackson.
Natchez Stockyards, Natchez.
New Albany Feeder Pig Sale, New Albany.
Poplarville Area Feeder Pig Association Sale, Poplarville.
Southeast Mississippi Feeder Pig Association, Laurel.
Southeast Mississippi Livestock Farmers Association, Hattiesburg.
Vicksburg Area Feeder Pig Sale, Port Gibson.
Wayne Area Pork Producers Association, Waynesboro.
Waynesboro Livestock Yard, Inc., Waynesboro.

MISSOURI

Alton Sale Co., Alton.
Armour & Co.—Pig Station, Amity.
Ava Sales Co., Ava.
Beck & McCord Auction Co., Sikeston.
Benton County Producers Association, Warsaw.
Bollinger County Livestock Producers Association, Marble Hill.
Browning & Crowe Order Buyers, Monroe City.
Buffalo Sale Barn, Buffalo.
Bullshippers Inc., Nevada.
Butler Community Sale, Butler.
Bryant & Kirkman Livestock Market, Summersville.
Cabool Livestock Market, Cabool.
Cantrell & Sons., Archie.
Central Ozark Auction, West Plains.
Charleston Auction Co., Charleston.
Circle "S" Livestock Auction, Stanberry.
Clark County Sale Co., Kohoka.
Clinton Community Sale, Clinton.
Concordia Livestock Auction, Concordia.
Dent County Livestock Improvement Association, Salem.
Doniphan Auction Sales Co., Doniphan.
Downing Stockyards, Downing.
Edina Auction Co., Edina.
Farmers & Traders Commission Co., Palmyra.
Farmington Auction Market, Farmington
Four-Square Markets, Inc., Marshall.
Fredericktown Auction Co., Fredericktown.
Fruitland Livestock Auction, Inc., Jackson.
Goodman Auction Market, Goodman.
Grant City Sale Barn, Grant City.
Hannibal Sale Co., Hannibal.
Hinds Sale Co., Memphis.
Interstate Producers Livestock Association, Albany.
Interstate Producers Livestock Association, Caledonia.
Interstate Producers Livestock Association, Cuba.
Interstate Producers Livestock Association, Jackson.
Interstate Producers Livestock Association, Perryville.
Johnson County Livestock Market, Inc., Warrensburg.
Kahoka Sale Co., Kahoka.
Keen Livestock Market, Cassville.
Kennett Sales Co., Kennett.
LaClede County Livestock Producers Association, Lebanon.
Lewis County Auction Co., Lewistown.
Lexington Livestock Auction, Lexington.
Licking Livestock Sales, Licking.
Linn County Beef Producers, Inc., Brookfield.
Maryville Auction Co., Maryville.
Means Auction Co., Boonville.
Mercer County Auction, Princeton.
Mercer County Producers Association, Princeton.
MFA Feeder Pig Assembly Point, Ellington.
MFA Feeder Pig Market, Sedalia.
MFA Feeder Pig Market, Taneyville.
MFA Feeder Pig Yards, Westphalia.
MFA Hog Market, Alton.
MFA Livestock Association, Cabool.
MFA Livestock Association, Mansfield.
Moberly Auction Co., Moberly.
Monticello Livestock Order Buyers, Monticello.
National Feeder Pig Co., Mountain Grove.
Monett Sale Co., Monett.
Odessa Community Sale, Odessa.
Oregon Livestock Sales Co., Oregon.
Osage County Livestock Producers, Linn.
Palmyra Livestock Sale, Palmyra.
Platte County Sale Co., Platte.
Pasley Auction Co., Osceola.
Poplar Bluff Sales Co., Poplar Bluff.
Puxico Stockyards & Auction Co., Puxico.
Rock Port Sales Pavilion, Inc., Rock Port.
Salem Auction Co., Salem.
St. Clair Auction, St. Clair.
St. James Auction, St. James.
Savannah Sale Co., Savannah.
Schuyler County Sales Co., Lancaster.
Sedgewickville Auction, Sedgewickville.
Seneca Community Sale, Seneca.
Shelbina Auction Co., Shelbina.
Shell Feed & Supply, Frederickstown.
Shell Feed & Supply, Jackson.
Shell Feed & Supply, Lutesville.
Shell Feed & Supply, Perryville.
Sivils (Jack) Sale Co., Butler.
Summersville Auction Co., Summersville.
Thayer Sales Co., Thayer.
Unionville Sale Co., Unionville.
Urbana Sale Barn, Urbana.
Van Meter Auction Co., Kingsville.
Carroll Warnock, Lineville.
Warsaw Auction Co., Warsaw.
Welty Sale Pavilion, Nevada.
West Plains Livestock Auction, West Plains.
Wheaton Livestock Auction, Wheaton.

MONTANA

Sidney Livestock Market Center, Sidney.

NEBRASKA

Alma Sale Barn, Alma.
Beatrice Sales Pavilion, Beatrice.
Beatrice 77 Livestock Sales Co., Beatrice.
Butte Livestock Market, Butte.
Chadron Sales Co., Chadron.
Chappell Livestock Auction, Inc., Chappell.
Crawford Livestock Market, Inc., Crawford.
Fairbury Livestock Co., Fairbury.
Falls City Auction Co., Falls City.
Farmers Livestock Sales Co., Benkelman.
Gordon Livestock Auction Co., Inc., Gordon.
Hebron Livestock Commission Co., Hebron.
Imperial Auction Market, Inc., Imperial.
Kimball Livestock Auction, Kimball.
Morris Livestock, Plattsmouth.
Nebraska City Salebarn, Inc., Nebraska City.
Ogallala Livestock Commission Co., Ogallala.
Pawnee Livestock Co., Pawnee.
Producers Livestock Marketing Association, Gering.
Producers Livestock Marketing Association, McCook.
Red Cloud Livestock Commission Co., Inc., Red Cloud.
Republican Valley Livestock Auction, Franklin.
Sheridan Livestock Commission Co., Rushville.
Superior Livestock Commission Co., Inc., Superior.
Tri-State Livestock Commission Co., Inc., McCook.
Twin City Livestock Auction Co., Gering.
Weichman Pig Co., Inc., Fremont.
Western Plains Auction Co., Sidney.
Valentine Livestock Auction Co., Valentine.

NEW JERSEY

Cowtown Auctioneers, Woodstown,
Livestock Cooperative Auction Market Association of North Jersey, Inc., Hackettstown.

NEW MEXICO

Clovis Hog Co., Inc., Clovis.
Five States Livestock Auction, Inc., Clayton.
Portales Livestock Commission Co., Portales.

NORTH CAROLINA

Benthall's Graded Feeder Pig Sale, Rich Square.
Central Carolina Farmers Livestock Market Quality Feeder Pig Sale, Hillsborough.
Chadbourn Graded Feeder Pig Sale, Chadbourn.
Fayetteville Regional Graded Feeder Pig Sale, Fayetteville.
Greensboro Graded Feeder Pig Sale, Greensboro.
Iredell Livestock Co., Turnersburg.

Gus Z. Lancaster Quality Feeder Pig Sale, Dunn.
Gus Z. Lancaster Quality Feeder Pig Sale, Rocky Mount.
Norwood Graded Quality Feeder Pig Sale, Norwood.
Wells Livestock Market Graded Feeder Pig Sale, Wallace.

NORTH DAKOTA

Ashley Livestock Sales Co., Ashley.
Carrington Livestock Sales, Inc., Carrington.
Ellendale Livestock Sales Co., Ellendale.
Harrington Brothers Livestock, Inc., Minot.
Hettinger Auction Market, Inc., Hettinger.
Home Base Auction Market, Inc., Bowman.
Jamestown Livestock Sales Co., Jamestown.
Kamrath Auction Market, Mott.
Kist Livestock Auction Co., Mandan.
Linton Livestock Sales, Inc., Linton.
Minot Livestock Auction, Minot.
Missouri Slope Livestock Auction, Inc., Bismarck.
Oakes Livestock Terminal, Oakes.
Park River Livestock Sales, Inc., Park River.
Rugby Livestock Sales, Inc., Rugby.
Schnell's Beulah Livestock Auction Market, Beulah.
Schnell Livestock Auction Market, Dickinson.
Sitting Bull Auction, Williston.
Valley City Livestock Auction, Valley City.
Western Livestock Co., Dickinson.
Wisconsin Feeder Pig Market Co-op, Oakes.
Wishek Livestock Sales Co., Wishek.

OHIO

Delta Livestock Auction, Delta.
Krugh's Stockyards, Wren.
Lugbill Brothers, Archbold.
Ward Livestock Co., Stryker.
Zeigler Livestock Feeders Inc., Delta.
Producers Livestock Association, Lancaster.

OKLAHOMA

Ag Markets Inc., Holdenville.
Atoka Livestock Auction, Atoka.
Joe Benefield, Jay.
Blackwell Livestock Auction, Blackwell.
Joe Brewster Pig Parlor, Pryor.
Cattlemen's Swine Sale Barn, Comanche.
Dewey Livestock Sale Co., Dewey.
Durant Stockyards Co., Inc., Durant.
Elk City Livestock Auction, Inc., Elk City.
Farmers & Ranchers Livestock Auction, Vinita.
R. C. Forrest Pig Market, Tahlequah.
Four-Way Stockyards Inc., McAlester.
Grove Sale Co., Grove.
Hennessey Sale, Hennessey.
LeFlore County Livestock Auction, Wister.
Lost City Co-op Marketing Association, Hulbert.
Maxson Sales Co., Inc., South Coffeyville.
Maxson Sales Co., Inc., Welch.
Mid-America Stockyards, Bristow.
Muskogee Stockyards & Livestock Auction, Inc., Muskogee.
Newkirk Sale Co., Newkirk.
Okmulgee L. S. Auction & Stockyards, Okmulgee.
Panhandle L. S. Commission Co., Guymon.
J. W. Stanley, Kansas.
Tahlequah Sale Barn, Tahlequah.
Tonkawa Livestock Auction, Tonkawa.
Warner Sale & Livestock Auction, Warner.

OREGON

Hermiston Livestock Auction, Inc, Hermiston.
Northwestern Livestock Commission Co., Hermiston.
The Dalles Auction Yard, The Dalles.

PENNSYLVANIA

Bleknap Livestock Market, Inc., Dayton.
Belleville Livestock Market, Inc., Belleville.
Carlisle Livestock Market, Inc., Carlisle.
Chambersburg Livestock Sales, Chambersburg.
Chesley's Livestock Sales Inc., North East.
Cowanesque Valley Livestock Market, Knoxville.
Dewart Livestock Market, Dewart.
Eighty Four Auction Sales, Inc., Eighty Four.
T. Kenneth Emery, Glenmore.
Enon Valley Community Sale, Enon Valley.
Farmer's Tri-County Auction, Scenery Hill.
Fayette Stockyards, Uniontown.
Greencastle Livestock Market, Inc., Greencastle.
Hickory Auction & Sales, Inc., Hickory.
Hulshart, O. A., Stewartstown.
Indiana Livestock Auction, Inc., Homer City.
Jersey Shore Livestock, Inc., Jersey Shore.
Lebanon Valley Livestock Market, Inc., Fredericksburg.
Leesport Market & Auction, Leesport.
Meadville Livestock Auction, Saegertown.
Mercer Livestock Auction, Mercer.
Montague Livestock Auction, Inc., Union City.
Montour Farmers Livestock Market, Inc., Danville.
Morrisons Cove Livestock Market, Martinsburg.
New Wilmington Livestock Auction, Inc., New Wilmington.
Nicholson Sales Co., Nicholson.
Penns Valley Livestock Auction, Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
Perkiomenville Sales Stables, Inc., Perkiomenville.
Quarkertown Livestock Sale, Quakertown.
Sechrist Sales Co., Inc., Fawn Grove.
Showalter's Livestock Exchange, Duncansville.
Silver Springs Livestock Market, Inc., Mechanicsburg.
Troy Sales Cooperative, Troy.
Valley Stockyards, Inc., Athens.
Vintage Sales Stable, Inc., Paradise.
Wayne County Livestock Exchange, Inc., Honesdale.
Western Pennsylvania Swine Producers Association, Inc., Brookville.
Wyalusing Livestock Market, Wyalusing.
York Livestock Market, Inc., York.

SOUTH CAROLINA

Central Carolina Livestock Market, Lugoff.
Clarendon Auction Sales, Manning.
Darlington Auction Market, Darlington.
Farmers County Line Stockyard, Andrews.
Hemingway Livestock Market, Hemingway.
Herndon's Stockyards, Ehrhardt.
Hutto Stockyard, Inc., Holly Hill.
Nichols Auction Market, Nichols.
Orangeburg Stockyards, Inc., Orangeburg.
Saluda County Stockyard, Saluda.
Springfield Stockyard, Springfield.
Walterboro Stockyard Co., Inc., Walterboro.

SOUTH DAKOTA

Aberdeen Livestock Sales Co., Inc., Aberdeen.
Belle Fourche Livestock Exchange, Inc., Belle Fourche.
Burke Livestock Auction, Burke.
Canton Livestock Sales Co., Canton.
Centerville Livestock Auction, Inc., Centerville.
Chamberlain Livestock Sales, Inc., Chamberlain.
Corsica Livestock Sales Co., Corsica.
Edgemont Livestock Commission Co., Edgemont.
Eureka Livestock Commission Co., Eureka.
Faith Livestock Commission Co., Inc., Faith.
Gregory Livestock Auction Co., Gregory.
Herreid Livestock Commission Co., Herreid.
Hub City Livestock Sales, Aberdeen.
Kramer's Livestock Auction Co., Inc., Sioux, Falls.
Lemmon Livestock Market, Inc., Lemmon.
Loken's Watertown Sale Pavilion, Watertown.
Madden's Livestock Auction Market, Inc., St. Onge.
Magness Huron Livestock Exchange, Inc., Huron.
Marshall Livestock Auction Co., Britton.
Martin Auction Co., Inc., Martin.
McLaughlin Commission Co., Inc., McLaughlin.
Mobridge Livestock Auction Sales, Inc., Mobridge.
Philip Livestock Auction, Philip.
Rapid City Livestock Commission Co., Rapid City.
Sisseton Livestock Auction Inc., Sisseton.
South Dakota Livestock Sales Co., Watertown.
Stockmen's Livestock Auction Co., Yankton.
Sturgis Livestock Exchange, Inc., Sturgis.
Timber Lake Livestock Auction, Timber Lake.
Wall Livestock Auction, Wall.
Webster Livestock Exchange, Webster.
Willow Lake Livestock Auction, Willow Lake.
Yankton Livestock Auction Market, Yankton.
Winner Livestock Auction Co., Winner.

TENNESSEE

Bedford County Feeder Pig Sale, Unionville.
Bogle, Harry Feeder Pig Barn, Murfreesboro.
Boyce Livestock Co., Unionville.
Boyce, Johnny Feeder Pig Barn, Unionville.
Brownsville Feeder Sales Association, Brownsville.
Carroll County Feeder Pig Association, Huntingdon.
Castellaw Stock Barn, Alamo.
Chickasaw Feeder Association, Selmer.
Covington Feeder Pig Sale, Covington.
Cumberland Feeder Pig Sale, Cookeville.
Dellinger Feeder Pigs, Newbern.
Derryberry Pig Barn, Chesterfield.
Garrett Feeder Pigs, College Grove.
Gibson County Livestock Exchange, Trenton.
Giles County Feeder Pig Sales, Pulaski.
Goff Feeder Pig Association, Quebeck.
H & M Livestock Co., Baxter.
Hardin County Livestock Association, Savannah.
Hickman County Area Feeder Pig Sale, Centerville.
Higgins Pig Barn, Woodbury.
Higgins, Grady Pig Barn, Woodbury.
Feeder Pig Division of Humphreys County Livestock Association, Waverly.
Jamestown Feeder Pig Market, Jamestown.
Johns Brothers Feeder Pigs, Chapel Hill.
Jolley Brothers, Doyle.
Feeder Pig Division of Lawrence County Livestock Association, Lawrenceburg.
McMinnville Area Feeder Pig Sale, McMinnville.
Feeder Pig Division of Marshall County Livestock Association, Lewisburg.
Mid-South Feeder Pig Center, Lebanon.
Mid-State Producers Feeder Pig Sale, Woodbury.
Mid-West Tennessee Feeder Pig Association, Trenton.
Montgomery County Feeder Pig Sales, Clarksville.
Mullins & Martin Feeder Pig Barn, Byrdstown.
Nashville Area Feeder Pig Sale, Nashville.
Northwest Tennessee Feeder Pig Association, Dyersburg.
Northwest Tennessee Feeder Pig Association, Trenton.
Odem, J. V., Pig Barn, St. Joseph.
Robinson, Jimmie & Son, Franklin.
Sells Pig Barn, Winchester.
Sevier County Livestock Association, Sevierville.
Smith County Feeder Pig Association, Carthage.
Smotherman Feeder Pig Barn, Murfreesboro.
Sudberry Feeder Pig Sales, Chapel Hill.
Aulton Sullivan and E. V. Roberts, d.b.a. S & R Feeder Pig Co., Spencer.

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Sweetwater Valley Feeder Pig Association, Sweetwater.
Taylor Brothers, College Grove.
Thompson Brothers Feeder Pig Barn, Sparta.
Vassar's Pig Barn, Readyville.
Volunteer Feeder Pig Sale, Lexington.
Walker, Dallas Livestock, Rutherford.
Weakley County Feeder Pig Sale, Dresden.
Wisdom, J. S., Pig Barn, Shelbyville.

VIRGINIA

Farmers Livestock Exchange, Inc., Winchester.
Farmville Livestock Market, Farmville.
Halifax Livestock Market, Halifax.
Nokesville Livestock Market, Nokesville.
Orange Livestock Market, Inc., Orange.
Rockingham Livestock Sales, Inc., Harrisonburg.
Shenandoah Valley Livestock Sales, Inc., Harrisonburg.
Southside Stockyards, Inc., Petersburg.
Staunton Livestock Market, Inc., Staunton.
Staunton Union Stockyards, Staunton.
Tappahannock Livestock Market, Inc., Tappahannock.
B. C. Umbargers Assembly Yard, Wytheville.
Woodstock Livestock Market, Inc., Woodstock.

WASHINGTON

Auburn Livestock, Inc., Auburn.
Mings & Mings (Old Walla Walla Livestock Market), Walla Walla.
Prosser Commission Co., Inc., Prosser.
Walla Walla Livestock, Walla Walla.

WEST VIRGINIA

Bluegrass Market, Inc., Lewisburg.
Blue Ridge Livestock Sales, Inc., Charles Town.
Moundsville Livestock Auction Co., Moundsville.
Point Pleasant Livestock Co., Point Pleasant.
Terra Alta Stockyards, Inc., Terra Alta.

WISCONSIN

Clarence Acker, Middleton.
Belmont Livestock Market, Belmont.
Ernest Dittner, Spencer.
Don Ellers, Marshfield.
Equity Co-op Livestock Sales, Bonduel.
Equity Co-op Livestock Sales, Johnson Creek.
Equity Co-op Livestock Sales Association, Ripon.
Equity Livestock Market, Richland Center.
Fennimore Feeder Pig Market, Fennimore.
Grassland Feeder Pigs, Neillsville.
3-H Association Pig Growers, Waupun.
Iowa County Livestock Market, Dodgeville.
Kuehne Livestock Auction Market, Seymour.
Lafayette County Livestock Market, Shullsburg.
Midwest Livestock Producer Co-op, d.b.a. Ettrick Livestock Market, Ettrick.
Midwest Livestock Producers Inc., Fennimore.
Midwest Livestock Producers Inc., Francis Creek.
Midwest Livestock Producers Inc., Lomira.
Midwest Livestock Producers Inc., New Richmond.
Monticello Livestock Sales, Monticello.
Gordon Peterson, Waupaca.
Charles Pufahl, Waupaca.
L. Richter & Son, Rice Lake.
Donald Schwebs, De Forest.
Stanley Stevens, Loyal.
Waupaca County Feeder Pigs, Waupaca.
Cyril Weber, Menomonie.
Wisconsin Feeder Pig Co-op, Boltonville.
Wisconsin Feeder Pig Co-op, Francis Creek.
Wisconsin Feeder Pig Co-op, Galesville.
Ray Wolosek, Wisconsin Rapids.

WYOMING

Douglas Livestock Exchange Co., Douglas.
Gillette Livestock Exchange, Gillette.
Greybull Livestock Auction, Greybull.
Powell Auction Market, Powell.
Riverton Auction & Livestock Co., Riverton.
Stockmans Livestock Commission Co., Torrington.
Torrington Livestock Commission Co., Torrington.
Worland Livestock Auction, Worland.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS, TO HANDLE SLAUGHTER SWINE ONLY

ALABAMA

Beard Livestock Market, Scottsboro.
Cherokee County Stockyard, Centre.
Frosty Morn Buying Station, Elba.
H. E. Fulford, Hartford.
Geneva Stockyard, Geneva.
Hodges Stockyards of Alabama, Selma.
Kennamer Livestock, Inc., Guntersville.
McArthur Brothers Livestock Co., Ashford.
Carl Register Stockyard, Slocomb.
Stokes & Brogden Stockyard, Andalusia.
Valleydale Packers, Inc., Valleydale Stockyards, Valleydale.
David West Livestock Co., Cottonwood.
J. H. Winterington, Evergreen.
Florence Trading Post, Florence.

ARKANSAS

Clark County Livestock Auction, Arkadelphia.
Cleburne County Livestock Auction, Herber Springs.
Decatur Livestock Auction, Decatur.
Drew County Auction, Monticello.
Eudora Livestock Auction, Eudora.
Glover Livestock Auction, Pine Bluff.
Gravette Community Sales, Gravette.
Hope Livestock Auction, Hope.
Huntsville Livestock Auction, Huntsville.
Mount Home Livestock Auction, Mount Home.
North Arkansas Livestock Auction, Green Forest.
Rector Auction Co., Rector.
Siloam Springs Sale Barn, Siloam Springs.

DELAWARE

Goldinger Bros., Inc., Smyrna.
Charles F. Poore Livestock Market, Smyrna.
Floyd E. West Livestock, Frankfort.

GEORGIA

Bacon County Stockyard, Alma.
Bartow Livestock Commission Co., Cartersville.
Carroll County Livestock Salesbarn, Carrollton.
Chatham Livestock, Co., Savannah.
Columbus-Muscogee Livestock Auction, Columbus.
Cordele Livestock Commission Co., Cordele.
County Stock Barn, Sandersville.
Dublin Livestock Commission Co., Dublin.
Effingham County Stockyard, Springfield.
Farmers Livestock Market, Douglas.
Farmers Stockyard, Sylvania.
Farmers Stockyard of McRae, McRae.
Fitzgerald Farmers Auction, Inc., Fitzgerald.
Franklin County Livestock Market, Carnesville.
Gainesville Livestock Auction, Gainesville.
Georgia Farmers Livestock, Inc., Cumming.
Georgia Farm Products Sales Corp., Thomaston
Hagan Livestock Market, Hagan.
Hazelhurst Livestock Market, Hazelhurst.
Holman Auction Co., Blakely.
Irwin County Livestock Co., Irwin.
Jepeway-Craig Commission Co., Dublin.
Livestock Marketers, Inc., Douglas.
McClure-Burnett Commission Co., Rome.
Miles Stockyard, Baxley.
Millen Livestock Market, Millen.
Pearson Livestock Market, Pearson.
Peoples Stockyard, Cuthbert.
Pulaski Stockyard, Hawkinsville.
Pierce County Stockyard, Blackshear.
Seminole Hog & Cattle Co., Donalsonville.
Smith Bros. Stockyard, Bartow.
Soperton Stockyard, Soperton.
Sutton Livestock Market, Sylvester.
Swainsboro Stockyards, Swainsboro.
Sylvania Stockyard, Sylvania.
Tattnall Livestock Market, Glennville.
Thomas County Stockyard, Thomasville.
Thomson Stock Yard, Inc., Thomson.
Toccoa Livestock Auction, Toccoa.
Toombs County Stockyard, Lyons.
Tri-County Livestock Auction Co., Social Circle.
Turner County Stockyard, Ashburn.
Tifton Stockyards, Tifton.
Union Stockyards, Albany.
Valdosta Livestock Co., Inc., Valdosta.
Vidalia Livestock Auction, Vidalia.

ILLINOIS

Albion Livestock, Albion.
Carthage Order Buyers, Carthage.
Chicago Stockyards—Atkinson Market, Inc., Atkinson.
Cudahy, Patrick, Orangeville.
Doonan, Emery L., Taylor Ridge.
Edgar County Marketing Association, Paris.
Emge Stock Yards, Palestine.
Farmers Hog Market of Ursa, Ursa.
Galesburg Order Buyers, Milledgeville.
Heinold Hog Market, Girard.
Heinold Hog Market, Leland.
Heinold Hog Market, Marengo.
Heinold Hog Market, Inc., Sheldon.
Hempen Stockyards, Warsaw.
Hesselbacher Bros., Scales Mound.
Interstate Producers Livestock Association, Apple River.
Interstate Producers Livestock Association, Elvaston.
Interstate Producers Livestock Association, Erie.
Interstate Producers Livestock Association, Payson.
Jamison Livestock Market, Tuscola.
K–M Livestock Center, Robinson.
Knowles Stock Yards, Marshall.
Krey Stock Yards, Pleasant Hill.
LaHarpe Order Buyers, La Harpe.
McPhillips, George, Transfer, Lena.
Mayer, Oscar & Co., Barry.
Mayer, Oscar & Co., Davis.
Mayer, Oscar & Co., Esmond.
Mayer, Oscar & Co., German Valley.
Mayer, Oscar & Co., McConnell.
Mayer, Oscar & Co., Milledgeville.
Mayer, Oscar & Co., Pearl City.
Mayer, Oscar & Co., Pittsfield.
Mayer, Oscar & Co., Polo.
Mayer, Oscar & Co., Quincy.
Mayer, Oscar & Co., Shannon.
Mayer, Oscar & Co., Warren.
Mendon Order Buyers, Mendon.
Paris Union Stockyards, Paris.
Peoria Union Stockyards Co., Peoria.
Souders Stock Yards, Brookport.
Staton Stock Yard, Lena.
Winslow Stockyards, Winslow.

INDIANA

Decker's Hog Market, Boswell.
Greencastle Livestock Center, Greencastle.
Heinold Hog Market, Goodland.
I. Duffey & Son, Lagro.
I. Duffey & Son, Peru.
Logansport Livestock Yards, Inc., Logansport.
Mike Brady Stockyards, Lagrange.
Mike Brady Stockyards, Ligonier.
Mike Brady Stockyards, Waterloo.
Morrison Livestock Market, Culver.
Portland Stockyards, Portland.
Sullivan County Livestock Market, Sullivan.
Wabash Valley Order Buyers, Inc. Arcadia.
Wabash Valley Order Buyers, Inc., Bippus.
Wabash Valley Order Buyers Inc., Camden.
Wabash Valley Order Buyers Inc., Clarks Hill.
Wabash Valley Order Buyers Inc., Monon.
Wabash Valley Order Buyers Inc., Pierceton.
Wabash Valley Order Buyers Inc., Rossville.
Wabash Valley Order Buyers Inc., Valpariso.
Wabash Valley Order Buyers Inc., Warsaw.

IOWA

Albertson Feed & Livestock, Lime Springs.
Armour & Co. Shenandoah.
Bank's Hog Yards, Seymour.
Brookhiser (W. H.) & Sons, Wever.
Delbert Bullard, West Point.
Burton's Relay, Clio.
Cartenson Livestock & Truck Service, Spirit Lake.
Decker Livestock, Charlton.
Leo Happe, Spirit Lake.
Hygrade Food Products Corp., Clarinda.
Lucas Hog Yard, Bedford.
McCreary Hog Market Centerville.
Milton Hog Co., Milton.
Miskimins Hog Yard Seymour.
Moore Hog Yards, Braddyville.
Myers Livestock, Creston.
Verl Perkins Hog Market, Centerville.
Petefish Seale Yard, Bloomfield.
Simmons Hog Buyer, Farmington.
Sporleder Livestock, Carroll.
Steeples Hog Market, Bonaparte.
Swift & Company Hog Buying Station, Clinton.
Waco Livestock Markets, Olds.
West Grove Stock Yards West Grove.
Ralph Mullenbach, Staeyville.

KANSAS

Abilene Livestock Sales Co., Abilene.
Altoona Stockyards, Altoona.
Anthony Livestock Sale, Anthony.
Chandler Livestock Auction, Inc., Smith Center.
Clougherty Packing Co., Marysville.
Coldwater Sale Co., Coldwater.
Effingham Auction Co, Effingham.
El Dorado Sales Co., El Dorado.
Farmers Livestock Exchange, Wakarusa.
Frankfort Community Sale, Frankfort.
Hiawatha Auction Co., Hiawatha.
Junction Sales, Inc., Junction City.
Kansas Hog Co., Morland.
Kingman Community Sale, Kingman.
Lowe and Sons Finished Hog Buyers, Girard.
Luckeroth Hog Market, Seneca.
McKinley-Winter Livestock Commission Co., Dodge City.
Manhattan Commission Co., Inc., Manhattan.
Manhattan Livestock Exchange, Inc., Manhattan.
M & M Co., Inc., Iola
Rezac Livestock Commission Co., St. Marys.
Wilkey Livestock Sale, Pratt.
Wilson Buying Station, Independence.
Zima Livestock Sale Co., Emmett.
Zima Slaughter Hog Market, Emmett.
N.F.O. Hog Buying Station, Marysville.

KENTUCKY

Allen County Livestock Market, Scottsville.
R. B. Berry & Son, Clinton.
Breckinridge County Livestock, Irvington.
Brown & Whayne Livestock, Clinton.
Billy Carnes Stockyard, Leitchfield.
Clinton Livestock Reload Co. Point, Clinton.
Edmonton Livestock Market, Edmonton.
J. C. Faire Hog Barn Bardwell
Farmers Livestock Market, Mayfield.
Field Packing Co., Owensboro.
Franklin Livestock Market, Franklin.
Green Rivers Livestock, Beaver Dam.
Heinhold Markets, Pancy Farm.
Heinhold Markets, Marion.
Heinhold Markets, Morganfield.
Horse Cave Livestock Market, Horse Cave.
Jones Livestock Market, Glasgow.
Mantle Stockyard, Bardwell.
Mayfield Livestock, Mayfield.
Nichols Stockyard, Millburn.
Ohio Valley Producers, Clinton.
Paducah Livestock Co., Paducah.
Russellville Livestock, Russellville.
Shoemaker & Atkins, Murray.
Smith Livestock Co., Symsonia.
Smithland Receiving Point, Smithland.
Walton Sales Barn, Walton.

LOUISIANA

Homer Livestock Commission Co., Homer.

MARYLAND

Adkins Livestock, Inc., Parsonsburg.
Esskay Buying Station, Baltimore.
Esskay Buying Station, Wye Mills.

MASSACHUSETTS

Farmers Live Animal Market Exchange, Inc., Littleton.
Richard Madfis, Somerville.
Michelson's Livestock Commission Auction, Inc., South Easton.
Northampton Co-op Livestock Auction, Whately.

MICHIGAN

Andy Adams Sale Barn, Hillsdale.
Alexander's Livestock Sale, Three Rivers.
Clare Bordner, Burr Oak.
Camden Stockyards, Camden.
Coldwater Livestock Auction, Coldwater.
Dundee Livestock Sales, Inc., Dundee.
Maurice Fowler & Sons, Montgomery.
Groholski Brothers, Burlington.
Linsmeier Livestock Auction, Menominee.
Lugbill Brothers, Inc., Morenci.
Michigan Live Stock Exchange, Battle Creek.
Michigan Live Stock Exchange, Cassopolis.
Napoleon Livestock Commission Co., Napoleon.
Tecumseh NFO Collection Point, Britton.
Westfall Stockyards, Hillsdale.

MINNESOTA

Breckenridge Livestock, Breckenridge.
Johnson Livestock, Windom.
Lakefield N.F.O. Collection Point, Lakefield.
Rosen Livestock, Fairmont.

MISSISSIPPI

Alcorn County Stockyard, Corinth.
Batesville Livestock Commission Co., Batesville.
Billingsley's Auction Sale, Senatobia.
Booneville Commission Co., Booneville.
H. T. Branning Livestock Co., French Camp.
Chickasaw Commission Co., Houston.
Clarksdale Livestock Sales Co., Clarksdale.
Corinth Livestock Commission Co., Corinth.
Decatur Stockyard, Decatur.
East Mississippi Farmer's Livestock Co., Philadelphia.
Fairchild Livestock Commission Co., Hazelhurst.
Felders Livestock Sales Co., Summit.
George County Stockyards, Inc., Lucedale.
Grenada Livestock Exchange, Grenada.
Gulfport Livestock Market, Gulfport.
Highway 84 Stockyards, Laurel.
Knight Sale, Carthage.
Laurel Sales Co., Laurel.
Lexington Sales Co., Lexington.
Lincoln County Livestock Commission Co., Brookhaven.
Lipscomb Commission Co., Como.
Livestock Producers Association, Tylertown.
Meridian Stockyards, Meridian.
Moore & Woods Commission Co., Inc., Macon.
Natchez Stockyards, Natchez.
New Albany Stockyard, New Albany.
Oxford Livestock Commission Co., Oxford.
Peelers Livestock Sales, Kosciusko.
Philadelphia Stockyards, Philadelphia.
Pontotoc Livestock Commission Co., Pontotoc.
Ripley Sale Co., Ripley.
Riverside Stockyard, Inc., Monticello.
S. & A. Livestock Inc., Tupelo.
Southwest Stockyards, Inc., Port Gibson.
Spicer Brothers, Tupelo.
Stockyards, Inc., Tupelo.
Stringer Sale Barn, Columbia.
Tadlock Stockyards, Forest.
Jack Theobald (Order Buyer), Oxford.
Tri-State Stockyard, Inc., Greenville.
West Point Livestock Auction, Inc., West Point.
Walnut Sale Co., Walnut.
Winston County Community Sale, Louisville.
Starkville Livestock Auction Co., Starkville.

MISSOURI

Armour & Co., Corder.
Armour & Co., Hog Buying Station, Mercer.
Browning & Crowe Livestock Order Buyers, Paris.
Browning & Crowe Livestock Order Buyers, Monroe City.
Burrus & Troutman Livestock, Memphis.
Central Hog Market, Rich Fountain.
Clinton Hog Market, Clinton.
Colstable Stockyards, Princeton.
Eldon Hog Market, Eldon.
Esther & Vernon, Inc., Lebanon.
Farmers Auction Co., Mountain View.
Heinold Hog Market, King City.
Gibson Livestock Co., Inc., Bloomfield.
Harkins Livestock Co., Trenton.
Heinold Hog Buyers, Inc., Bowling Green.
Heinhold Hog Market, King City.
Heinold Hog Market, Labelle.
Heinold Hog Market, Maryville.
Heinold Hog Market, Tarklo.
Hollon (Otto) Hog Market, Browning.
Interstate Producers Livestock Association, Albany.
Interstate Producers Livestock Association, Callao.
K & K Livestock Buyers, Mexico.
Keen Livestock Auction, Seneca.
Krey Stockyards, Eolia.
Lewis & Son Hog Buyers, Glasgow.
Lockwood NFO Collection Point, Lockwood.
Oscar Mayer Stockyards, Brookfield.
Oscar Mayer Stockyards, Macon.
Oscar Mayer Stockyards, Palmyra.
Oscar Mayer Stockyards, Shelbina.
McCallister Hog Buying Station, Marshall.
MFA Hog Market, Boonville.
MFA Hog Market, Carrollton.
MFA Hog Market, Centerview.
MFA Hog Market, Chillicothe.
MFA Hog Market, Marshall.
MFA Hog Market, Salisbury.
MFA Hog Market, Sedalia.
MFA Hog Market, Tipton.
MFA Livestock Association, Gallatin.
MFA Livestock Association, Moberly.
MFA Hog Market, Salisbury.
Mountain Grove Livestock Market, Mountain Grove.
Oregon Swine Buying Station, Oregon.
Osage County Hog Buying Station, Linn.
Rains Livestock, Poplar Bluff.
Reed (Chester) Livestock Market, Mountain Grove.
Reeds Livestock Co., Dexter.
Rhodes Hog Buying Station, Milan.
Schlenl Livestock Co., Salisbury.
Southeast Missouri Stockyards Co., Oran.
Heinold Hog Market, Monroe City.
Tarklo Hog Yards, Tarklo.
Thomas, A. C., & Son, Syracuse.
Penn. Packing Co.—Hog Buying Station, Unionville.
Warnock Stockyard, Trenton.
West Plains City Scales, West Plains.
Wilson Hog Buying Station, Greenfield.

MONTANA

Glendive Livestock Sales Co., Glendive.

NEW JERSEY

Flemington Agricultural Marketing Co-op Association, Flemington.
Jaeger's Livestock Market, Sussex.

NEW YORK

Luther's Livestock Commission Market, Wassaic.

NORTH CAROLINA

M. D. Baker Hog Market, Tyner.
Brite-Tatum Livestock Auction, Elizabeth City.
Chadbourn Livestock Market, Chadbourn.
Greenville Stock Yard, Greenville.
Gwaltney Hertford Livestock Market, Hertford.
George P. Kittrell Livestock Market, Cora Peake.
Laurinburg Livestock Market, Laurinburg.
Miller & Humphlett, Winfall.
W. R. Ralph Auction Market, Elizabeth City.
Stallings Hog Market, Hobbsville.

NORTH DAKOTA

Armour & Co., Wahpeton.
C. M. Cook Hog Yard, Hettinger.

OHIO

Athens Livestock Sales Co., Inc., Athens.
Gamboe Stockyards, Pioneer.
Heinold Hog Markets, Gettysburg.
Kleeppel Livestock, Sidney.
Paul D. Krill Market, Edgerton.
Lugbill Brothers, Fayette.
Lugbill Brothers, Wauseon.
Middleton Stockyards, Inc., New Madison.
National Farmers Organization, d.b.a. Ohio Indiana Buying Station, Lewisburg.
L. B. Stemen Stockyard, Middle Point.
P. B. Stewart, Edon.
Tuente Stock Yards, Yorkshire.
Werling & Sons, Inc. d.b.a. Burkettsville Stockyard, Burkettsville.
Jerome Winner Stockyard, New Weston.
Robert Winner Sons, Inc., Osgood.

OKLAHOMA

Arthur Kelly Stockyards, Muskogee.
Mauer-Nauer, Enid.

PENNSYLVANIA

New Holland Sales Stable, New Holland.

SOUTH CAROLINA

P. L. Bruce Stockyard, Greensville.
Chesnee Livestock Co., Chesnee.
The J. W. Conder Co., Columbia.
Dorchester Marketing Association, St. George.
SC Farm Bureau Market Association, Orangeburg.
Farmers Livestock Market, Leesville.
Greenwood Stockyard, Inc., Greenwood.
Herndon Stockyards, Inc., Yemassee.
Homewood Livestock Auction, Conway.
R. D. Martin Livestock, Nichols.
Loris Livestock Market, Inc., Loris.
Pickens Auction Market, Pickens.
S & S Milling Co., Hemingway.
Spartanburg Livestock Market, Spartanburg.
John C. Taylor Stockyard, Anderson.
York County Stockyards, York.

TENNESSEE

Athens Livestock Auction Co., Athens.
Beasley Community Auction, Franklin.
Bemis Stockyard, Inc., Bemis.
Bryan, R. D., Morrison.
Buford, John, Buying Station, Celina.
C & M Livestock Market, Jamestown.
Chattanooga Union Stockyard, Chattanooga.
Clarksville Livestock Co., Clarksville.
Clarksville Livestock Market, Clarksville.
Cleveland Livestock Auction Co., Cleveland.
Clinton Livestock Auction Co., Clinton.
Coffee County Livestock Market, Manchester.
Collierville Livestock Auction Co., Collierville.
Cookeville Livestock Co., Inc., Cookeville.
Covington Sales Co., Covington.
Crockett County Sales Co., Maury City.
Cumberland City Stockyard, Cumberland City.
DeKalb County Livestock Co., Alexandria.
East Tennessee Livestock Center, Sweetwater.
Farmers Auction Co., Fayetteville.
Farmers Commission Co., Carthage.
Farmers Livestock Exchange, Union City.
Farmers Livestock Market, Inc., Greeneville.
Gallatin Livestock Market, Gallatin.
Gamaliel Livestock Market, Gamaliel, Ky.
Giles County Stockyard, Pulaski.
Greeneville Livestock Co., Inc., Greeneville.
Hardin County Stockyards, Savannah.
Hartsville Livestock Market, Hartsville.
Henderson Sales Co., Henderson.
Jackson County Commission Co., Gainesboro.
Johnson City Livestock Market, Johnson City.
Kingsport Livestock Market, Kingsport.
Lawrence County Stockyards, Lawrenceburg.
Lewis County Stockyard, Hohenwald.
Lexington Sales Co., Lexington.
Logan Livestock Co., Union City.
McHairy County Livestock & Auction Corp., Selmer.
Macon County Livestock Market, Lafayette.
Madisonville Livestock Auction, Madisonville.
Mid-South Livestock Commission, Columbia.
Mid-State Producers, Inc., Woodbury.
Middleton Sales Co., Middleton.
Morristown Stockyards, Inc., Morristown.
Murfreesboro Livestock Market, Murfreesboro.
Newbern Livestock Co., Newbern.
Newbern Sales Co., Inc., Newbern.
Newport Livestock Auction Co., Newport.
New Tazewell Livestock Market, New Tazewell.
Nichols & Moore Sales Barn, Thompson Station.
Oliver Livestock Co., Union City.
O'Neil, Sam, Livestock Commission, Chattanooga.
Paris Livestock Commission Co., Paris.
Payne Livestock Market, Telford.
Peoples Stockyard, Fayetteville.
Peoples Stockyards, Cookeville.
Plateau Livestock Exchange, Crossville.
Pulaski Stockyard, Pulaski.
Ramsey, Bob, Viola.
Rogersville Livestock Market, Rogersville.
Sampson's Livestock Auction, Lewisburg.
Scotts Hill Auction Co., Inc., Scotts Hill.
Sevier County Livestock Auction, Seymour.
Shelbyville Stockyard, Shelbyville.
Smith County Commission Co., Carthage.
Smithville Stockyards, Smithville.
Southern Livestock Auction Co., Columbia.
Southwestern Sales Co., Inc., Huntingdon.
Tennessee Producers Livestock Marketing Association, Fayetteville.
Thompson Livestock Co., Obion.
Trenton Livestock Sales Co., Trenton.
Tri-County Stockyards, McKenzie.
Trousdale County Livestock Market, Hartsville.
Union Livestock Yards, Inc., Knoxville.
Unionville Livestock Market, Unionville.
Ward, William, Livestock, South Fulton.
Warren County Livestock Co., McMinnville.
West Tennessee Auction Co., Martin.
White County Livestock Market, Sparta.
Wilson County Livestock Market, Lebanon.
Wilson Livestock Market, Newport.

VIRGINIA

Abingdon Livestock Market, Inc., Abingdon.
Albermarle Livestock Market, Inc., Charlottesville.
Bedford Livestock Market, Inc., Bedford.
Christiansburg Livestock Market, Inc., Christiansburg.
Creech Livestock Market, Inc., South Hill.
Eddins Livestock Market, Standardsville.
Emporia Hog Market, Emporia.
Farmers Livestock Market, Inc., Ewing.
Fauquier Livestock Exchange, Inc., Marshall.
Fredericksburg Stockyards, Inc., Fredericksburg.
Front Royal Livestock Market, Front Royal.
Galax Livestock Market, Inc., Galax.
Leonard Harrell Livestock, Chesapeake.
Lee Farmers Livestock Market, Inc., Jonesville.
Leesburg, Livestock Market, Leesburg.
Lottsburg Buying Station, Lottsburg.
Lynchburg Livestock Market, Lynchburg.
McComb & Block, Inc (Buying Station) Lawrenceville Hog Market, Lawrenceville.
Madison Livestock Market, Inc., Madison Mills.
Monterey Livestock Sales, Inc., Monterey.
Narrows Livestock Market, Inc., Narrows.
Old Dominion Livestock, Inc., Culpeper.
Pearce's Livestock Market, Holland.
Phenix Livestock Market, Phenix.
Pulaski County Livestock Market, Dublin.
Roanoke Livestock Market, Roanoke.
Roanoke-Hollins Livestock Market, Hollins.
Saluda Buying Station, Glennis.
Scott County Livestock Market, Gates City.
Shen-Valley Buying Station, Dillwyn.
Shen-Valley Buying Station, Madison Mills.
Smithfield Livestock Market, Inc., Smithfield.
South Boston Livestock Market, South Boston.
Southside Stockyards, Inc., Blackstone.
Tazewell Livestock Market, Inc., Tazewell.
Tri-State Livestock Market, Inc., Abingdon.
Victoria Livestock Market, South Hill.
Wytheville Livestock Market, Inc., Wytheville.

WEST VIRGINIA

Alderson Livestock Market, Alderson.
Bridgeport Stockyards Inc., Bridgeport.
Buckhannon Stockyards, Buckhannon.
Elkins Stockyards, Inc., Elkins.
Jackson County Livestock Market, Inc., Ripley.
Mannington Livestock Sales, Inc., Mannington.
Moundsville Livestock Auction, Moundsville.
New River Livestock Market, Beckley.
Ohio County Livestock Auction, Triadelphia.
Pocahontas Producers Co-op Association, Marlinton.
Spencer Livestock Exchange Co., Spencer.
South Branch Stockyards, Inc., Moorefield.
Union Livestock Sales Co., Parkersburg.
Weston Livestock Sales Co., Weston.

WISCONSIN

Al Berning, Cuba City.
M. J. Condon & Son, Brodhead.
M. J. Condon & Son, Juda.
Dubuque Packing Co., Monroe.
Dubuque Stockyards, Gratiot.
Dubuque Stockyards (Kuhl's), Hazel Green.
Equity Livestock Sales Association, Sparta.
Gensler Brothers, Shullsburg.
*Grant County Livestock Exchange, Hazel Green.
Oscar Mayer & Co., Avalon.
Oscar Mayer & Co., Cuba City.
Oscar Mayer & Co., Darlington.
Oscar Mayer & Co., Monroe
Oscar Mayer & Co., Prairie du Chien.
Oscar Mayer & Co., Shullsburg.
Mondovi NFO Collection Point, Mondovi.
Rock County Reload Market, Beloit.
Emil Treuthardt, Juda.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER (1-26-71).

Certain additional stockyards and livestock markets have been added to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such stockyards and livestock markets are adequate to effectuate the purposes of the regulations. Certain stockyards and livestock markets have been removed from the list of those heretofore approved under said regulations, because it has been determined that such stockyards and livestock markets no longer qualify for approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 20th day of January 1971.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-1070 Filed 1-25-71;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-260]

DELTA STEAMSHIP LINES, INC., ET AL.

Notice of Applications

Notice is hereby given that the following applications have been received with respect to extension of service to certain areas of essential Trade Route No. 19 (U.S. Gulf/Caribbean).

DELTA STEAMSHIP LINES, INC.

Delta Steamship Lines, Inc., has applied for permission for its freight ships operating on its Trade Route No. 14-2 (U.S. Gulf-West Africa) and Trade Route No. 20 (U.S. Gulf-East Coast South America) Services to provide service between U.S. Gulf ports and certain foreign areas on Trade Route No. 19 in conjunction with such services. Delta is requesting authority to serve all ports between U.S. Gulf ports (Key West, Fla., to the Mexican border) and foreign ports in the Gulf of Mexico, Caribbean Sea, and the Guianas (Mexico to southern border of French Guiana and all islands of the Caribbean and West Indies except the Canal Zone and ports in Colombia).

GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

Gulf & South American Steamship Co., Inc., has applied for permission for its freight ships operating on its Trade Route No. 31 (U.S. Gulf/West Coast South America) Service to provide service between U.S. Gulf ports and a port or ports on the North Coast of Colombia in conjunction with that service.

LYKES BROS. STEAMSHIP CO., INC.

Lykes Bros. Steamship Co., Inc., has applied for permission for its freight ships operating on its Line D, Trade Route No. 22 (U.S. Gulf/Far East) and Line E, Trade Route No. 15-B (U.S. Gulf/South and East Africa) Services to provide service between U.S. Gulf ports and ports in the West Indies (including the Greater and Lesser Antilles and the Islands of Jamaica, Trinidad, Tobago, and Barbados but not including the Bahama Islands) in conjunction with those services.

Any person, firm, or corporation having any interest in such applications and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on February 5, 1971, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure (46 CFR 201.78).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the acomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within a specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: January 20, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-1043 Filed 1-25-71;8:48 am]

[Report No. 111]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through January 6, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total—all flags (209 ships)	1,554,350
Cypriot (102 ships)	775,352
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aftadelfos	8,136
Aghios Ermolaos	7,208
Cypriot—Continued	
Aghios Nicolaos	7,254
Alda	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
*Anemone	7,168
Angeliki	8,482
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
*Areti	8,406
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,330
Azalea	9,506
Azure Coast II	7,638
*Begonia	6,576
Byron	8,720
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Costiana	7,199
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
Elpidoforos	4,963
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,190
NOTE: Felicie (now 3o de Noviembe—Cuban—will be deleted from future reports)	7,096
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Gladiator	8,346
Good Luck	6,952
Happy Land	9,080
Herodemos	7,356
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Lebanese)	7,232
Iris	8,479
Johnny	9,669
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,682
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,190
Krios	2,915
Kypros	7,001
Lena	7,029
Marco	7,622

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Marika (previous trip to Cuba—Lebanese)	7,290
Master George	7,334
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papallos	9,069
Mimosa	8,618
Miss Papallos	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Pantazis Calas	9,618
Patricia	6,998
*Petunia	7,843
Piatres	7,244
Protokilitos	6,154
*Salvia	8,522
Savvas	7,230
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030
Spyro	7,591
Successor	11,471
Suerte	7,267
Thlos Costas (previous trips to Cuba—Somali)	7,258
Torenia	8,077
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Venturer	9,000
Venus	9,777
Zaira	8,032
Zinia	7,114
British (43 ships)	355,636
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
NOTE: Changpaishan (Now Xingban—Peoples Republic of China—will be deleted from future reports	8,929
Cheung Chau	8,566
Coral Islands	9,060
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Golden Bridge	7,897
Green Walrus	9,443
Hee Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
Jolity	8,819
Kinross	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
Peony	9,037
Precious Pearl	6,921
Purple Dolphin	9,420
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
British—Continued	
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Venice	8,611
Vergmont	7,381
Yellow Sea	9,998
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Uleinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothite (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505
Elia (tanker)	11,021
Probitas	8,150
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (6 ships)	42,729
**Atlas (trip to Cuba—Finnish)	3,916
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
**Marie (trips to Cuba as the Stevo—Lebanese and Somali)	7,174
**Nebula (trips to Cuba—British)	8,907

Flag of Registry and Name of Ship	Gross tonnage
Somali—Continued	
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
French (4 ships)	10,466
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
*Danac	3,486
Nelle	2,874
Lebanese (3 ships)	18,759
Antonis	6,259
Astir	5,324
Tony	7,176
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Chinese (Taiwan) (1 ship)	10,419
NOTE: **Kangding (Now Peoples Republic of China—will be deleted from future reports	10,419
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.

b. Previous reports:

Flag of registry (total)	Number of ships 132
British	45
Cypriot	8
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	2

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross Tonnage
Sea Captain (British)	7,385
Ibrahim K. (Cypriot)	7,124
Vassiliki (Cypriot)	7,192

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	23
Cypriot	34
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
South Africa	2
Swedish	1
Yugoslav	6
Total	144

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through January 6, 1971.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970 Jan.–July	1970 Aug.	1970 Sept.	1970 Oct.	1970 Nov.	1970 Dec.	Total
British	133	180	126	101	78	62	45	34	2	7	4	2	1	775
Cypriot	1	1	17	27	42	68	115	111	19	14	17	12	13	450
Lebanese	64	91	58	25	16	16	4	1						275
Greek	90	27	23	27	29	7								212
Italian	16	20	24	11	11	10	15	10	2		1			120
Yugoslav	12	11	15	10	14	9	6	5	1			1		84
French	8	9	9	10	10	4	2	1				1	1	55
Finnish	1	4	5	11	12	8	2	1						44
Spanish	9	17												25
Norwegian	11	10												21
Moroccan	9	13	1											23
Maltese		2	6	1	4	8	1	2						24
Somalia					2	11	7	2				1		23
Netherlands		4	2											6
Sweden	3	3												6
Kuwaiti		2	1											3
Israeli			2											2
Japanese	1					1								2
Danish	1													1
German (West)	1													1
Haitian			1											1
Monaco				1										1
Subtotal	370	394	290	224	218	204	197	167	24	21	22	17	15	2,169
Polish	18	16	12	10	11	7	2	1		1			1	79
Grand total	388	410	302	234	229	211	199	168	24	22	22	17	16	2,342

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 110, appearing in the FEDERAL REGISTER issue of December 16, 1970.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: January 11, 1970.

By order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71-1044 Filed 1-25-71;8:48 am]

Office of the Secretary

[Dept. Organization Order 10-8]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Authority and Functions

The following order was issued by the Acting Secretary of Commerce effective October 21, 1970. This material supersedes the material appearing at 31 F.R. 8087 of June 8, 1966; 31 F.R. 15331 of December 7, 1966; 32 F.R. 17549 of December 7, 1967; and 34 F.R. 8250 of May 28, 1969.

SECTION 1. *Purpose.* This order delegates authority to the Assistant Secretary for Maritime Affairs and to the Maritime Subsidy Board and prescribes the general functions of the Maritime Administration. The primary organizational structure of the Maritime Administration shall be prescribed in Department Organization Order 25-2.

SEC. 2. *Status and line of authority.* .01 The Maritime Administration, established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950, as affected by Reorganization Plan No. 7 of 1961, effective August 12, 1961, is continued as a primary operating unit of the Department of Commerce.

.02 By effect of section 38 of the Merchant Marine Act of 1970 (Public Law 91-469 of October 21, 1970), the Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex-officio Maritime Administrator, is the head of the Maritime Administration. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate. He shall report and be responsible to the Secretary of Commerce.

.03 Pursuant to section 203 of Reorganization Plan No. 21 of 1950, the Maritime Administration shall have a Deputy Maritime Administrator who shall perform such duties as the Assistant Secretary shall assign. In addition, he shall assume the duties of the Assistant Secretary in his absence, disability, or during a vacancy in the office, unless the Secretary shall designate another person.

.04 The Assistant Secretary is also designated Commandant of the U.S. Maritime Service.

SEC. 3. *Delegations of authority to the assistant secretary.* .01 Pursuant to the authority vested in the Secretary of

Commerce by Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, and Reorganization Plan No. 5 of 1950, and otherwise by law, the Assistant Secretary is hereby delegated the authority vested in the Secretary of Commerce under:

a. Reorganization Plan No. 21 of 1950 (64 Stat. 1273) and section 202 of Reorganization Plan No. 7 of 1961 (75 Stat. 840), except the authority delegated to the Maritime Subsidy Board by section 6 of this order. This delegation includes but is not limited to the authority vested in the Secretary of Commerce by:

(1) The Shipping Act, 1916, as amended (46 U.S.C. 801 et seq.);

(2) The Merchant Marine Act, 1920, as amended (46 U.S.C. 861 et seq.), including the Ship Mortgage Act, 1920, as amended (46 U.S.C. 921 et seq.);

(3) The Merchant Marine Act, 1928, as amended (46 U.S.C. 891 et seq.);

(4) The Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843 et seq.);

(5) The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.); and

(6) The Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 et seq.).

b. Title VI of the Civil Rights Act of 1964, which is applicable to the Assistant Secretary, as provided in Department Administrative Order 201-7 and the regulations referred to therein;

c. The Act of August 9, 1954 (50 U.S.C. 196 et seq.) commonly called the Emergency Foreign Vessels Acquisition Act;

d. The Act of July 24, 1956 (46 U.S.C. 249 et seq.) commonly called the Merchant Marine Medals Act of 1956;

e. The Maritime Academy Act of 1958, as amended (46 U.S.C. 1381 et seq.);

f. The Act of September 14, 1961 (46 U.S.C. 1126(b)) commonly called the Merchant Marine Academy Act;

g. Executive Order 10480, as amended, and Executive Order 11490, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal, and overseas shipping and ports and port facilities;

h. Section 617 of the Act of December 29, 1969 (40 U.S.C. 483a), commonly known as the Department of Defense Appropriations Act, 1970, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency;

i. The Suits in Admiralty Act (1920), as amended (46 U.S.C. 741 et seq.);

j. The Civilian Nautical School Act, 1940 (46 U.S.C. 1331 et seq.); and

k. The Act of June 2, 1951 (46 U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund."

.02 The Assistant Secretary is also hereby vested with the authorities of the Director, National Shipping Authority, which was established by the Secretary of Commerce effective March 13, 1951.

.03 Pursuant to the authority delegated to the Secretary of Commerce by the Administrator of the General Services Administration, dated August 15, 1967, the Assistant Secretary is hereby delegated authority to appoint uniformed guards as special policemen, with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), as amended, for protection duties on those parcels of property at the U.S. Merchant Marine Academy, Kings Point, N.Y., which are not protected by General Services Administration guards, and over which the Federal Government has exclusive or concurrent jurisdiction. This authority shall be exercised in accordance with the limitations and requirements of the above cited Act, and policies, procedures, and controls prescribed by the General Services Administration.

.04 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.05 The Assistant Secretary may redelegate his authority to officials of the Maritime Administration subject to such limitations in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Maritime Administration, in accordance with the declaration of policy stated in Title I of the Merchant Marine Act of 1936, as amended, shall be responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national security and of the domestic and foreign commerce of the United States. In carrying out these responsibilities, the Maritime Administration shall:

a. Award and administer construction-differential subsidy contracts and operating-differential subsidy contracts with the American merchant marine and trade-in allowances for new ship construction;

b. Administer capital construction funds and construction reserve funds;

c. Provide insurance on construction loans and ship mortgages obtained from private sources for ship construction and reconstruction;

d. Provide assistance to the shipping industry to generate increased trade and cargo shipments on U.S.-flag ships;

e. Promote development of ports and intermodal transportation systems;

f. Oversee the administration of cargo preference statutes;

g. Administer charters and general agency agreements for operation of Government-owned ships;

h. Maintain custody and preserve ships in the National Defense Reserve Fleets;

i. Administer the sale and exchange of ships;

j. Supervise design and construction of ships for Government account;

k. Furnish war risk insurance on privately owned merchant ships;

l. Train merchant marine officers;

m. Administer a research and development program in the maritime field; and

n. Issue rules and regulations with respect to the foregoing functions.

SEC. 5. *Maritime Subsidy Board.* .01 The Maritime Subsidy Board (the "Board") is continued within the Maritime Administration. The Board shall be composed of the Assistant Secretary, the Deputy Maritime Administrator and the General Counsel of the Maritime Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board, unless the Secretary of Commerce designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Deputy Administrator for Program Implementation and the Secretary of the Maritime Administration and Maritime Subsidy Board, in that order, shall act as members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Commerce and exercise judgment independently of authority otherwise delegated to the Assistant Secretary. The Assistant Secretary or the Acting Assistant Secretary serves as Chairman of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

.02 The Chairman of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Maritime Subsidy Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

SEC. 6. *Delegations of authority to the Maritime Subsidy Board.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, and Reorganization Plan No. 5 of 1950, and otherwise by law, the Maritime Subsidy Board is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. All functions previously vested in the Federal Maritime Board pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.).

b. All functions previously vested in the Federal Maritime Board pursuant to section 103(e) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in subparagraph a of this paragraph.

c. All functions under title VI of the Civil Rights Act of 1964, which are applicable to the Maritime Subsidy Board, as provided in Department Administrative Order 201-7 and the regulations referred to therein, which delegated authority shall be performed in accord with the provisions of said Department Administrative Order and regulations, and shall be exempted from review under section 7 of this order.

.02 The Maritime Subsidy Board may exercise other authorities of the Secretary of Commerce as applicable to performing the functions assigned to the Board in this order.

.03 Any member of the Maritime Subsidy Board or the Secretary or an Assistant Secretary of the Maritime Subsidy Board is authorized to execute and sign contracts and other documents authorized or approved pursuant to section 6 or 7 of this order. The execution of such contracts or documents may be attested, under the seal of the Maritime Administration, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

.04 The Maritime Subsidy Board may, with the approval of the Secretary of Commerce, redelegate its authority and prescribe necessary limitations, restrictions, and conditions on the exercise of such authority. Action taken by any redelegatee shall be exempt from the provisions of section 7 of this order.

SEC. 7. *Review and finality of actions by Maritime Subsidy Board.* .01 The Secretary of Commerce (hereinafter referred to as the "Secretary") may on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record. Petitions for review under this paragraph may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file answers in writing thereto. Ten (10) copies of such answers, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and answers thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing answer thereto unless the Secretary, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. If upon any review the decision of the Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of the provisions of 5 U.S.C. 556(e). A copy of all orders for review, petitions for review, answers to petitions for review, and decisions of the Secretary shall be filed with the Secretary of the Board concurrent with service upon all parties of record.

.02 The Secretary may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in paragraph .01 of this section by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this paragraph shall have the privilege of submitting to the Secretary, within ten (10) days after the date of such Board action, a request that the Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Secretary. Any other person having an interest in such matter shall have the privilege of submitting within fifteen (15) days after the date of the Board's action, a written request that the Secretary not exercise such review. Copies of request that the Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in ten (10) days, after expiration of the time prescribed for submission of a request that review not be exercised unless the Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in twenty (20) days after the date of such action unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be filed with the Board, and served upon all persons filing requests as herein described.

.03 If a timely petition for reopening is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Secretary under paragraph .01 or .02 of this section, respectively, or the entry of an order by the Secretary on his own motion electing to review an action of the Board under paragraph .01 or .02 of this section, shall in the case of actions under paragraph .01 of this section run from the date of service of the Board's action and, in the case of actions under paragraph .02 of this section, run from the date of the Board's action, finally disposing of the issues presented by the petition for reopening.

.04 In computing any period of time under this section, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Secretary in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Secretary shall not be filed:

a. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reopening) before the Maritime Subsidy Board; or

b. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in paragraphs .01 and .02 of this section.

.06 The Secretary may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section by written order.

SEC. 8. *Savings provisions.* .01 All orders, determinations, rules, regulations, permissions, delegations, approvals, agreements, rulings, certificates, directives and other actions heretofore issued or taken by or relating to the Federal Maritime Board, Maritime Administration, Maritime Subsidy Board, National Shipping Authority and their predecessor agencies, and in effect on the effective date of this order shall, insofar as they relate to the functions referred to herein and are not inconsistent herewith, remain in full force and effect until hereafter suspended, amended or revoked under appropriate authority.

.02 All actions, proceedings, hearings or investigations pending on the effective date of this order before the Maritime Administration or the Maritime Subsidy Board in respect to the functions referred to in this order shall be continued before the Maritime Administration or the Maritime Subsidy Board, as the case may be, in accordance with the delegations made pursuant to this order.

Effective date: October 21, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-1058 Filed 1-25-71;8:49 am]

ATOMIC ENERGY COMMISSION

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permit and Operating License

Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated January 13, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the Midland Plant, Units Nos. 1 and 2, at its site on the Tittabawasee River in Midland County, Mich., and adjacent to the Dow Chemical Co.'s main industrial complex in the city of Midland.

Each of the proposed reactors is designed for initial operation at approximately 2,452 thermal megawatts, with a total electrical output of approximately 1,325 megawatts plus 4,050,000 lbs./hr. of process steam.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 12, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-180 Filed 1-11-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22913, etc.; Order 71-1-95]

HUB AIRLINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority January 19, 1971.

The Postmaster General filed a notice of intent December 21, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for Hub Airlines, Inc. (Hub), an air taxi operator, final service mail rates for the transportation of priority and nonpriority mail by aircraft between Fort Wayne, Ind., and Chicago (O'Hare), Ill.

No service mail rates are currently in effect for this transportation by Hub. The Postmaster General requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] He states that the Postal Service and Hub agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Hub of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Hub Airlines will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Hub Airlines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Fort Wayne, Ind., and Chicago (O'Hare), Ill., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Hub Airlines, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Dockets 22671 and 22731 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(f):

It is ordered, That:

1. Hub Airlines, Inc., the Postmaster General, Delta Air Lines, Inc., United Air Lines, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Hub Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the service connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below;

3. Hub Airlines, Inc., is hereby made a party in Dockets 22671 and 22731;

4. This order shall be served upon Hub Airlines, Inc., the Postmaster General, Delta Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-1054 Filed 1-25-71;8:49 am]

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at Chicago and 4.68 cents at Fort Wayne, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 20993; Order 71-1-93]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 19, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers, was promulgated in an IATA letter dated January 5, 1971. As indicated below, it specifies rates under new commodity descriptions which reflect significant reductions from the general cargo rates. In addition, rates on Item 9073 (Empty Aerosol Containers), previously approved by the Board, from Sydney to New York are to be revalidated beyond December 31, 1970.[1]

R-9:
Commodity Item No. 4107—Helicopter Spares, 159 cents per kg., minimum weight 100 kgs., 138 cents per kg., minimum weight 300 kgs., Between Los Angeles and Hong Kong; 189 cents per kg., minimum weight 100 kgs., 168 cents per kg., minimum weight 300 kgs., Between New York and Hong Kong.

R-11:
Commodity Item No. 9506—Carved Wooden Curios and Articles made of Bone and/or Horn, 145 cents per kg., minimum weight 500 kgs., Seoul to Honolulu.

Pursuant to authority duly delegated by the Board in the Board's economic regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22096, R-9 through R-11, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That, insofar as air transportation as defined by the Act is concerned, tariff filings shall not be made to implement the agreement prior to eventual approval, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's economic regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1055 Filed 1-25-71;8:49 am]

[1] R-10.

[Docket No. 20993; Order 71-1-94]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 19, 1971.

By Order 71-1-31, dated January 7, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-1-31 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-7 and R-8, be and hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1056 Filed 1-25-71;8:49 am]

[Docket No. 22971; Order 71-1-100]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of January 1971.

By tariff revision[1] posted December 22, 1970, for effectiveness February 5, 1971, Trans World Airlines, Inc. (TWA), proposes to cancel its participation in a tariff exception applicable to C.O.D. shipments, which currently provides that the shipper's C.O.D. amount will be deemed to be the declared value of the shipment unless a higher or lower valuation is declared.[2]

In support of its filing, TWA states that large sums of money in the form of claim payments have been lost without compensating valuation charges; that this situation is attributable to the wording of the rule which permits the shipper to submit a package, marked for C.O.D. collection by the carrier, without specifically declaring such valuation on the airbill; and that without the declared value of the shipment being thus flagged, excess valuation charges are not being collected due to a natural tendency of TWA's rating personnel to look to the declared value box on the airbill in order to assess excess valuation charges. The proposed cancellation would effect no change in charges for excess value declarations; however, it would require the shipper to also specifically declare the C.O.D. amount as the declared value on the airbill, if a valuation is desired in excess of that otherwise provided in the rule viz: $0.50 per pound but not less than $50.00 per shipment.

The Society of American Florists, a national trade association representing the floral industry, protests the foregoing proposal and requests suspension and investigation thereof asserting, inter alia, that the proposal is inadequately justified, and that, if permitted to become effective, the carrier would burden the entire shipping public with the task of remembering that C.O.D. shipments via TWA alone must be treated differently or suffer the consequences, i.e., if a shipper's clerk failed to insert a declared value and the shipment was lost or damaged, the shipper would recover only 50 cents per pound but not less than $50 per shipment.

The tariff proposal before us would revise tariff Rule 52, now under investigation in Docket 19923, Air freight tariff liability and claim rules and practices, and as such the revision will automatically be subject to the investigation in that docket. The remaining issue for determination at this time, therefore, is whether to suspend the revision pending the investigation. Upon consideration of the tariff proposal, the complaint, and other relevant matters, the Board will deny the request for suspension. The change is one of form as to documentation practices and will not deny the shipper the availability of an option to have excess valuation and carrier liability above the $0.50 per pound—$50 per shipment, nor will the proposal change the charge for the coverage provided. Its only effect will be to require the shipper to enter the C.O.D. amount as a declaration of excess valuation, where currently this is the automatic effect of the documentation rule.

While the Board recognizes the value of uniformity in rules among carriers as a means of increasing shipper acceptance and understanding of air transportation and the governing tariff rules, in consideration of all the circumstances, the Board will permit the revision to become effective pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

[1] Revisions to Rule 52, Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 96.

[2] The current rule was established by the carriers pursuant to Agreement CAB No. 18233-A2, approved by the Board by Order E-25874 dated Oct. 24, 1967.

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It is ordered, That:

Except to the extent granted herein, the complaint by the Society of American Florists in Docket 22971 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc.71-1057 Filed 1-25-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

COMMISSIONER OR ACTING COMMISSIONER, PESTICIDES OFFICE

Delegation of Authority for Establishment of Pesticide Tolerances

Section 2(a)(4) of Reorganization Plan No. 3 of 1970 (35 F.R. 15623) transferred from the Secretary of Health, Education, and Welfare to the Administrator of the Environmental Protection Agency the functions under 21 U.S.C. 346, 346a and 348 for establishing tolerances for pesticides chemicals.

Pursuant to the authority vested in the Administrator of the Environmental Protection Agency by section 3 of Reorganization Plan No. 3 of 1970, the Commissioner or Acting Commissioner, Pesticides Office, is hereby authorized to exercise the authority of the Administrator of the Environmental Protection Agency under the provisions of sections 406, 408 and 409 of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 346, 364a and 348) for establishing tolerances for pesticide chemicals.

Effective date. This delegation of authority shall become effective on the date of its publication in the FEDERAL REGISTER (1-26-71).

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 20, 1971.

[FR Doc.71-1063 Filed 1-25-71;8:49 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA, NEW ZEALAND AND SOUTH SEA ISLANDS, PACIFIC COAST CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham and James, Attorneys at Law, 310 Sansome Street, San Francisco, CA 94104.

The notice of filing of Agreement No. 7580-10 appeared in the FEDERAL REGISTER of August 21, 1970, at page 13501. The Australia, New Zealand, and South Sea Islands, Pacific Coast Conference have filed an amended version of this agreement. In addition to revising the Conference's basic agreement, in effect, to permit "the absorption of transshipment between ports via any means" the revised Agreement No. 7580-10 details the Conference's proposed absorption practices between ports in Hawaii, in San Francisco Bay, on the Columbia River, and in Washington State in addition to the eastern and southern states of Australia and Tasmania.

Dated: January 20, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1018 Filed 1-25-71;8:46 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-619]

ROYAL RESOURCES CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 15, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 8, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-619	Royal Resources Corp.	1	[1] 5	Arkansas Louisiana Gas Co. (Kinta Field) (Pittsburg County) (Oklahoma Other Area).	$5,650	11-2-70	11-2-70	11-3-70	15.0	16.0	
			[2] 6		2,160	12-16-70	12-16-70	12-17-70	15.0	16.0	

[1] The pressure base is 14.65 p.s.i.a.
[1] Pertains to acreage dedicated under basic rate schedule.
[2] Pertains to acreage dedicated under Supplements Nos. 3 and 4 to rate schedule. (Agreements dated June 1, 1970 and Aug. 1, 1970.)

Royal Resources Corp. (Royal) has filed for two proposed increased under its FPC Gas Rate Schedule No. 1. The first increase, filed November 2, 1970, is applicable to the acreage dedicated under the basic rate schedule and through oversight was not suspended within the 30-day statutory time limit. The second increase, filed December 16, 1970, is applicable to sales from acreage added under Supplement Nos. 3 and 4 to the subject rate schedule, and would normally be subject to a 5-month suspension period. The producer has advised that it is willing to accept suspension of both rate increases, provided the suspension periods are limited to 1 day from the respective dates of filing. This order so provides.

Royal's proposed increased rate and charge exceeds the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-940 Filed 1-25-71;8:45 am]

[Docket No. RI71-620]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 18, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 12, 1971.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*: Rate in effect	Cents per Mcf*: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-620	Skelly Oil Co.	65	[4] 13	Colorado Interstate Gas Co. (Baca County) (Colorado).	[5] $6,000	12-21-70	1-21-71	6-21-71	[1] [2] 16.41	[3] 17.95	RI61-305

* The pressure base is 15.025 p.s.i.a.
[1] Base rate subject to upward and downward B.t.u. adjustment.
[2] Colorado production.
[3] Previously reported at 16 cents at 14.65 p.s.i.a.
[4] The proposed increased rate of 17.5 cents per Mcf for sales from Kansas under this supplement will be accepted by Commission letter.
[5] Includes increase relating to both Kansas and Colorado production.

Skelly Oil Co.'s proposed increased rate of 17.95 cents for sales from Colorado exceeds the applicable area increased rate ceiling for Colorado set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). Accordingly, the rate increase for the sale in Colorado is suspended for 5 months.

[FR Doc.71-941 Filed 1-25-71;8:45 am]

[Docket No. RI71-618]

TENNECO OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 15, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 3, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, that it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-618	Tenneco Oil Co.	263	2	Southern Union Gathering Co. (Leases in San Juan County) (New Mex., San Juan Basin).	$1,600	12-21-70	12-22-70	12-23-70	13.0	15.0	

*The pressure base is 15.025 p.s.i.a.

The proposed increase of Tenneco Oil Co. is filed pursuant to Commission Order issued December 11, 1970,[2] which among other things granted Tenneco a certificate and advised applicant that it could file up to the proposed rate and collect such rate, if contractually due, after a 1-day suspension period from the date of filing. Accordingly, the proposed increase is suspended for 1 day from the date of filing.

Tenneco's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-942 Filed 1-25-71;8:45 am]

[Docket No. RP71-77]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Extension of Time

JANUARY 20, 1971.

On December 22, 1970, Consolidated Gas Supply Corp. filed a motion requesting an extension of time to and including February 1, 1971, within which to file testimony in support of its proposed rate of return.

Upon consideration, notice is hereby given that the time is extended to and including February 1, 1971, within which Consolidated Gas Supply Corp. shall file testimony in support of its proposed rate of return, in the above-designated matter.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1020 Filed 1-25-71;8:46 am]

[2] Docket No. CI71-145 et al., Continental Oil Co. et al.

[Docket No. E-7594]

IOWA PUBLIC SERVICE CO.

Notice of Application

JANUARY 20, 1971.

Take notice that on January 11, 1971, Iowa Public Service Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 100,000 shares of Cumulative Preferred Stock (par value $100 per share).

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to sell the new stock at competitive bidding, with the dividend rate and price to be paid to be determined by the successful bidder. The new stock will be issued on or about March 11, 1971. Applicant proposes to use the proceeds from the issuance of the securities to pay off short-term loans and to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property. The construction program for 1971 is estimated to total $39,823,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1021 Filed 1-25-71;8:46 am]

[Docket No. E-7471]

KANSAS GAS AND ELECTRIC CO.

Notice of Supplemental Application

JANUARY 20, 1971.

Take notice that by order issued April 22, 1969, and supplemented by order of December 24, 1969, the Commission authorized Kansas Gas and Electric Co. (applicant) to issue promissory notes to banks and commercial paper to commercial paper dealers with final maturity dates not later than December 31, 1971, in an aggregate principal amount not to exceed $25 million. On December 17, 1970, Applicant filed a supplemental application seeking an increase in the maximum outstanding amount from $25 million to $30 million and an extension of the final maturity date from December 31, 1971, to December 31, 1973. All other terms and conditions of the Commission's previous orders to remain the same.

Proceeds from the additional notes will be used by Applicant to provide greater flexibility in its financing program by making available additional working capital at a time of high interest costs on the bond market. The Applicant anticipates that it will undertake permanent financing in 1971 and 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1022 Filed 1-25-71;8:46 am]

[Dockets Nos. CP71-181, CP71-182]

PACIFIC GAS TRANSMISSION CO.

Notice of Applications

JANUARY 20, 1971.

Take notice that on January 13, 1971, Pacific Gas Transmission Co. (applicant), 245 Market Street, San Francisco, CA 94111, filed in Dockets Nos. CP71-181, and CP71-182 applications pursuant to sections 3 and 7(c) of the Natural Gas Act authorizing applicant to import natural gas from Canada and granting applicant a certificate of public convenience and necessity authorizing the construction and operation of facilities for the interstate transportation and sale of natural gas to be imported from Canada, as hereinafter described, as more fully described in the applications which are on file with the Commission and open to public inspection.

Applicant proposes in Docket No. CP71-182 to increase by 200,000 Mcf per day the amount of natural gas which it imports from Canada, transports, and sells to Pacific Gas and Electric Co. (PG&E). This is the fourth expansion of applicant's importation and transportation project originally authorized in Dockets Nos. G-17350, G-17351, and G-17352. Applicant proposes to begin importation and transportation of these volumes of natural gas on or about November 1, 1971, or as soon thereafter as all necessary facilites for the receipt and delivery of said gas can be constructed.

Applicant states that it will purchase these increased volumes of natural gas from Alberta and Southern Gas Co., Ltd. (Alberta and Southern). These volumes will be transported in Canada via the facilities of Alberta Gas Trunk Line Co., Ltd., and Albert National Gas Co. These volumes will be sold and delivered to applicant at a point on the international boundary near Kingsgate, British Columbia. Thereafter, applicant will transport these volumes in its certificated pipeline system to a point on the Oregon-California border where the gas will be sold and delivered to PG&E.

In order to carry out the above proposal, applicant proposes in Docket No. CP71-181 to construct, install and operate 12 sections of parallel 36-inch pipeline, totaling 319.3 miles; to modify or upgrade compressor stations located at or near: Eastport, Idaho; Rosalia, Wash.; Wallula, Wash.; Ione, Oreg.; Kent, Oreg.; Madras, Oreg.; Paulina, Oreg.; Diamond Junction, Oreg.; and Bonanza, Oreg.; and to construct and operate additional metering facilities at the Malin, Oreg., metering station.

Applicant estimates that the capital cost of these facilities will be $82,823,000, which will be financed through cash generated from operations and from external sources of long-term capital.

Applicant states that PG&E is in need of additional volumes of natural gas to meet its increasing market requirements, and that the proposed importation and the construction of the proposed facilities will help applicant to supply PG&E with needed volumes of natural gas.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1023 Filed 1-25-71;8:46 am]

[Docket No. E-7593]

PHILADELPHIA ELECTRIC CO.

Notice of Application

JANUARY 20, 1971.

Take notice that on January 11, 1971, Philadelphia Electric Co. (applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing them to acquire securities of Conowingo Power Co. Said acquisition being 30,000 shares of Conowingo Power Co. common stock at $400 per share or a total aggregate value of $12 million.

Applicant is a public utility incorporated under the laws of the Commonwealth of Pennsylvania with its principal business office at Philadelphia, Pa., and is engaged in furnishing electric, gas, and steam service in southeastern Pennsylvania.

Conowingo Power Co. is an electric utility incorporated under the laws of the State of Maryland with its principal business office at Elkton, Md. All of the outstanding capital stock of Conowingo is owned by the applicant. Conowingo purchases its entire electrical requirements. About two-thirds of its power is bought from applicant and one-third from The Susquehanna Electric Co., a wholly owned subsidiary of applicant.

Conowingo Power Co., proposes to use the proceeds of the sale to liquidate $9,125,000 of outstanding notes, $2,500,000 of outstanding intercompany advances by applicant, and $375,000 to provide construction funds for 1971.

Any person desiring to be heard or to make any protest with reference to this application should on or before February 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests

filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1024 Filed 1-25-71;8:46 am]

[Project 2546]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for Approval of Revised Exhibits R (Recreational Use Plan) and J, K, and F for Constructed Project

JANUARY 20, 1971.

Public notice is hereby given that application for approval of revised Exhibits R, J, K, and F have been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Public Service Corp. (correspondence to: C. H. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, WI 53201) as part of the license for the constructed Standstone Rapids Project No. 2546, located on the Peshtigo River in the unincorporated community of Crivitz in the town of Stephenson in Marinette County, Wis. Commission approval of Exhibit F is not required.

The revised Exhibit R shows as being within the project boundary access roads to "fly fishing only" areas which were constructed and are maintained by the licensee, and areas covering hunting grounds and parking for the public—all as reflected also on the revised Exhibits J, K, and F. Exhibits R and K were filed pursuant to license Article 28.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1025 Filed 1-25-71;8:46 am]

FEDERAL RESERVE SYSTEM

NEW MEXICO BANCORPORATION, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of New Mexico Bancorporation, Inc., Santa Fe, N. Mex., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of (1) The First National Bank of Santa Fe, Santa Fe, N. Mex., and (2) First State Bank of Taos, Taos, N. Mex.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application of New Mexico Bancorporation, Inc., Santa Fe, N. Mex., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following two banks in New Mexico: The First National Bank of Santa Fe, Santa Fe, and First State Bank of Taos, Taos.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Commissioner of Banking of the State of New Mexico and requested their views and recommendations. The Commissioner stated that he had no objection to approval of the application, and the Comptroller recommended that the application be approved.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 1, 1970 (35 F.R. 18304), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

By order of the Board of Governors,[2] January 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1016 Filed 1-25-71;8:46 am]

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Society Corp., which is a bank holding company located in Cleveland, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Peoples Bank of Youngstown, Youngstown, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, January 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1014 Filed 1-25-71;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

FREEMAN COAL MINING CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³ has been accepted for consideration as follows:

(1) ICP Docket No. 11109, Freeman Coal Mining Corp., Orient Mine No. 6, USBM ID No. 11 00599 0, Waltonville, Jefferson County, Ill., Section ID No. 001 (Main East off Main North), Section ID No 002 (8 North off Main East), Section ID No. 011 (5 North off Main West).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 21, 1971.

[FR Doc.71-1033 Filed 1-25-71;8:47 am]

RENEGOTIATION BOARD

GENERAL COUNSEL

Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, and of Executive Order 11576, January 8, 1971, the General Counsel of the Renegotiation Board shall receive compensation at the rate of $36,000 per annum, effective January 10, 1971. In the event that the salary rate for Level V of the Executive Schedule in section 5316 of title 5, United States Code is increased, the General Counsel shall receive compensation equal to such salary rate for Level V, but not to exceed $37,624 per annum, effective as of the effective date of such increase in the salary rate for Level V.

Dated: January 21, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-1046 Filed 1-25-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3515]

BATTLE MOUNTAIN WILD CAT, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 19, 1971.

I. Battle Mountain Wild Cat, Inc. (BMW"), 2 Ryland Street, Reno, NV, was incorporated under the laws of Nevada on September 19, 1969. Its stated purpose was to explore for oil and natural gas on properties it leased. To date BMWC has engaged in no operations. BMWC filed a notification under Regulation A with the San Francisco Regional Office on October 27, 1969, for the purpose of obtaining an exemption from registration as required by the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of it and Regulation A promulgated under it.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular, as amended, omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading and contains untrue statements of material facts, and that Mr. James Schasre, counsel for BMWC, was the cause of these omissions in that:

1. The notification fails to identfy Mr. James Schasre as an affiliate of BMWC. The offering circular fails to state that Mr. Schasre would assume operational control of BMWC, including the receipt and disbursement of corporate funds through his personal bank "trust account".

2. The notification and offering circular fail to disclose the material family relationship of uncle and nephew existing between the company's original president and the assignor of the company's oil and gas leases and general manager of field operations.

3. The notification and offering circular fail to reveal that Battle Mountain Wild Cat would invest in securities of other companies and that the issuer's stock would be purchased by other companies.

B. The terms and conditions of Regulation A have not been complied with in that (1) the company sold shares of unregistered stock prior to the offering's effective date without disclosing such sale in the notification nor relying on any exemption from registration for such sale and (2) the company filed a false and misleading report on Form 2-A pursuant to Rule 260.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), subparagraphs 1 and 2 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended and that James Schasre, Esq., be named as a cause of this suspension.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1037 Filed 1-25-71;8:47 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 20, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 21, 1971, through January 30, 1971 both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1038 Filed 1-25-71;8:47 am]

[811-1772]

GIBRALTAR CENTURY FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 20, 1971.

Notice is hereby given that The Gibraltar Century Fund, Inc. (Applicant), 2455 East Sunrise Boulevard, Fort Lauderdale, FL 33304, a Delaware corporation registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant represents that subsequent to registering under the Act on November 25, 1968, it determined not to proceed with a proposed public offering of its securities. No offering of its securities was ever made to the general public and Applicant's registration statement under the Securities Act of 1933 was withdrawn on November 5, 1970.

Applicant also represents that it has repurchased all of its outstanding securities and has no assets, no debts, and no obligations. Applicant is presently in the process of being dissolved.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1039 Filed 1-25-71;8:47 am]

[811-2020]

TECHNOLOGICAL ASSOCIATES, INC.

Notice of Filing of Application for Order Declaring that Company has Ceased To Be an Investment Company

JANUARY 20, 1971.

Notice is hereby given that Technological Associates, Inc. (Applicant), Suite 320, Bayview Building, 1040 Bayview Drive, Fort Lauderdale, FL 33304, a Delaware corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant registered under the Act on February 5, 1970, by filing a Notification of Registration on Form N-8A. On March 17, 1970, Applicant filed both a Registration Statement on Form N-8B1 pursuant to section 8 of the Act and a Registration Statement on Form S-4 under the Securities Act of 1933.

Applicant represents that it is not now and never has been publicly held and that it has decided not to make a public offering of its stock. On December 3, 1970, Applicant withdrew its Registration Statement under the Securities Act of 1933.

Applicant represents that its securities are held by less than 100 shareholders and that no company which is a shareholder of the Applicant owns as much as 10 percent of Applicant's voting securities.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act. An order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1040 Filed 1-25-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 07/15-5026]

VENTURE INVESTMENT CO.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), has been filed by Venture Investment Co. (applicant), with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326).

The officers and directors of the applicant are as follows:

Robert Garrard, 8 Edgewood, Saginaw, MI 48602. President, General Manager, and Director.

Gordon Crimmins, 701 Kenton Drive, Saginaw, MI 48607. Vice President, Treasurer, and Director.

William V. Knapp, 1353 Fromm Drive, Saginaw, MI 48603. Secretary and Director.

The applicant, a Michigan corporation with its principal place of business located at 201 Bearinger Building, Saginaw, MI 48607, will begin operations with $150,000 of paid-in capital, consisting of 150,000 shares of common stock.

The issued and outstanding stock will be owned 49 percent by First State Bank of Saginaw, 101 South Washington, Saginaw, MI 48607, and 51 percent by Garrard & Co., 201 Bearinger Building, Saginaw, MI 48607. The Bank has one shareholder owning over 10 percent of its stock, Mr. John A. Raponos, 1912 South Saginaw Road, Midland, MI 48640. Garrard & Co. is engaged in investment banking activities, and its president, Mr. Robert Garrard, owns 80 percent of the company.

Applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises. According to the company's stated investment policy, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under such management, including adequate profitability and financial soundness, in accordance with the Act and SBA regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Saginaw, Mich.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 14, 1971.

[FR Doc.71-1013 Filed 1-25-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 21, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42115—*Bulgur, rolled wheat and related articles between points in Montana and north coast territory.* Filed by North Pacific Coast Freight Bureau, agent (No. 71-1), for interested rail carriers. Rates on bulgur, rolled wheat, and wheat (bulgur), in carloads, as described in the application, between points in Montana and points in north coast territory.

Grounds for relief—Commodity relationship.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1049 Filed 1-25-71;8:48 am]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10786; 33 F.R. 522; 33 F.R. 10544; 33 F.R. 20067; 34 F.R. 11341; 35 F.R. 131; and 35 F.R. 12175) for the 6 months' period ended January 3, 1971.

Revised list of securities—January 15, 1971:
Combustion Engineering.
I.B.M.
IT&T.
International Nickel.
Krafteo.
Marriott.
Minnesota Mining & Manufacturing.
Phillips Petroleum.
Texaco.
Union Carbide.

R. R. MANION.

JANUARY 15, 1971.

[FR Doc.71-1017 Filed 1-25-71;8:46 am]

[Notice 233]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 21, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 418 TA), filed January 18, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Mailing: Post Office Box 160, 53141, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in initial movements, in driveaway and truckaway service, from points in Livingston County, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Rectrans, Inc., 800 Whitney Avenue, Brighton, MI 48116 (James L. Monroe). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 113828 (Sub-No. 186 TA), filed January 18, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Office: 5320 Marinelli Drive, Industrial Park, Rockville, MD 20852, Mail: Post Office Box 30006, Washington DC 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, from Piney Point, Md., to Dover AFB, Del., for 180 days. Supporting shipper: Department of the Army, Washington, D.C. 20310. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue, NW., Washington, DC 20423.

No. MC 134477 (Sub-No. 8 TA), filed January 18, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766; and (2) *foodstuffs* in mixed truckloads with meat and meat products, from the plant-site and warehouse facilities of Geo A. Hormel & Co., Austin, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire,

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New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Vermont, and Virginia, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn. 55912. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134599 (Sub-No. 10 TA), filed January 18, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., and its commercial zone, to Denver, Colo., and its commercial zone, for 180 days. Supporting shipper: NII Metals Services, Division National Industries, Inc., 1919 West 74th Street, Chicago, IL 60636. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 134599 (Sub-No. 11 TA), filed January 18, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and advertising and display materials*, when moving in the same vehicle and at the same time with candy and confectionery, from Centralia and Ashley, Ill., to points in Nebraska, Kansas, Nevada, California, Arizona, and New Mexico, for 180 days. Supporting shipper: Hollywood Brands, Division of Consolidated Foods Corp., 836 South Chestnut Street, Centralia, IL 62801. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 135067 (Sub-No. 2 TA), filed January 18, 1971. Applicant: HANS L. SANDBERG, doing business as SANDBERG TRUCKING COMPANY, 405 South McCoy, Grandville, IL 61326. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from South Bend, Ind., to Freeport, Peru, and Rockford, Ill., for 120 days. Supporting shipper: Lassandro Distributing Co., 22–24 East Spring Street, Freeport, IL. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135208 (Sub-No. 1 TA), filed January 18, 1971. Applicant: GEORGE L. BIGELO, Post Office Box 421, Delavan, WI 53115. Applicant's representative: Nancy J. Johnson, Suite 203, Provident Building, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated flooring*, from the town of Crystal Falls, Mich., to Downingtown, Lebanon and Fairless Hills, Pa., and Middletown, N.Y.; and (2) *lumber and laminated flooring*, between the plantsites of Laminated Industries, Inc., located at the town of Crystal Falls, Mich., and Wild Rose and Fort Atkinson, Wis. Restriction: Restricted to traffic originating at or destined to said plantsites, for 180 days. Supporting shipper: Laminated Industries, Inc., 1450 Janesville Avenue, Fort Atkinson, Wis. 53538 (Charles Gagner, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135224 (Sub-No. 1 TA), filed January 18, 1971. Applicant: ALPCO TRANSPORTATION COMPANY, INC., 4910 West Knollwood, Tampa, FL 33614. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authortiy sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden louvered doors and blinds*, from the plantsite of American Louvered Products Co., at Tampa, Fla., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture of wooden louvered doors and blinds, from all points in the United States (except Alaska and Hawaii) to the plantsite of American Louvered Products Co., at Tampa, Fla., for 180 days. Supporting shipper: American Louvered Products Co., 4910 West Knollwood, Tampa, Fla. 33614. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1047 Filed 1-25-71;8:48 am]

[Notice 637]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 21, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72415. By order of January 18, 1971, the Motor Carrier Board approved the transfer to FoPa Transport, Inc., Phoenix, Ariz., of the operating rights in certificates Nos. MC–125899, MC–125899 (Sub-No. 1), MC–125899 (Sub-No. 2), MC–125899 (Sub-No. 9), and MC–125899 (Sub-No. 10) issued April 2, 1965, August 9, 1967, February 1, 1967, September 20, 1968, and December 19, 1968, respectively, to John McCabe, Phoenix, Ariz., authorizing the transportation of stone, lumber, brick, and boards or sheets made of ground wood from, to, and between points in Arizona, California, Oregon, New Mexico, Nevada, Idaho, and Washington. Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018, attorney for applicants.

No. MC–FC–72501. By order of January 18, 1971, the Motor Carrier Board approved the transfer to Croswell Bus Line, Inc., Williamsburg, Ohio, of certificate No. MC–72359, issued June 12, 1964, to Robert S. Croswell, Jr., doing business as Croswell Bus Line, Williamsburg, Ohio, authorizing the transportation of: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Cincinnati, Ohio, and Williamsburg, Ohio, serving all intermediate points, over specified route. Langdon D. Bell, 218 East State Street, Columbus, OH 43215, attorney for applicants.

No. MC–FC–72580. By order of January 15, 1971, the Motor Carrier Board approved the transfer to Dorothy L. Luebbe, doing business as Luebbe Express, Cincinnati, Ohio, of the operating rights in certificate No. MC–60886, issued May 23, 1949, to Edward P. Luebbe, Dorothy L. Luebbe, heir at law, doing business as Huber's Express, Cincinnati, Ohio, authorizing the transportation of general commodities, with exceptions, between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Newport, Ludlow, Bellevue, Dayton, Southgate, and Fort Thomas, Ky. Norbert B. Flick, 715 Executive Building, Cincinnati, OH 45202, representative for applicants.

No. MC–FC–72589. By order of January 15, 1971, the Motor Carrier Board approved the transfer to Joseph H. Smith and William H. Smith, a partnership, doing business as Joseph H. Smith & Co., Philadelphia, Pa., of certificates Nos. MC–29734, MC–29734 (Sub-No. 6), and MC–29734 (Sub-No. 8) issued to Joseph H. Smith, William H. Smith, and James J. Smith, a partnership, doing business as Joseph H. Smith & Co., Philadelphia, Pa., authorizing the transportation of: Various commodities of a general commodity nature, between specified points and areas in New York, Maryland, Delaware, New Jersey, Pennsylvania, Virginia, and the District of Columbia. David F. Kaliner, Suite 1600, Two Penn Center Plaza, Philadelphia, PA 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1048 Filed 1-25-71;8:48 am]

[Finance Docket No. 26137]

SEABOARD COAST LINE RAILROAD CO.

Discontinuance of Certain Trains Between Florence, S.C., and Augusta, Ga.

Seaboard Coast Line Railroad Co. discontinuance of trains Nos. 51 and 52 (Champion) between Florence, S.C., and Augusta, Ga.

Present: Kenneth H. Tuggle, Commissioner, to whom the matters which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of the Rail Passenger Service Act of 1970, Public Law 91–518, hereinafter referred to as the Act of 1970, effective October 30, 1970; and

It appearing, that the Act of 1970, section 802, provides

Upon enactment of this Act, no railroad may discontinue any intercity rail passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

It further appearing, that the Act of 1970, in section 102(5), defines intercity rail passenger service as—

(5) "Intercity rail passenger service" means all rail passenger service other than (A) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and

It further appearing, that, in view of the Act of 1970, there may be some question as to whether, for the purpose of ordering its maintenance or restoration, the train service in the above-entitled proceeding is within this Commission's jurisdiction under section 13a of the Interstate Commerce Act, under the commuter exclusion of the Act of 1970, or under any other provision of law; but that the distinction made in the Act of 1970 between intercity service and other service was not of jurisdictional importance under section 13a of the Interstate Commerce Act, and the parties, not having previously done so, may wish to address themselves to that particular matter, or make other representations which they may deem appropriate in the circumstances:

It is ordered, That, in view of the provisions of the Rail Passenger Service Act of 1970 regarding the national policy on passenger train service and plans for operation of intercity passenger trains, the parties to this proceeding and all other interested persons be, and they are hereby, notified to inform this Commission in writing, within 60 days after the date of service of this order, why an order should not be entered discounting the subject proceeding, and in such writing, to set forth all reasons—jurisdictional, factual, and legal—and appropriate argument as to why such order should not be entered.

It is further ordered, That this proceeding shall be continued until further order of the Commission; and

It is further ordered, That this order shall become effective upon the date of its service and that its contents shall be published in the FEDERAL REGISTER.

By the Commission, Commissioner Tuggle.

Dated this 15th day of January 1971.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1051 Filed 1-25-71;8:48 am]

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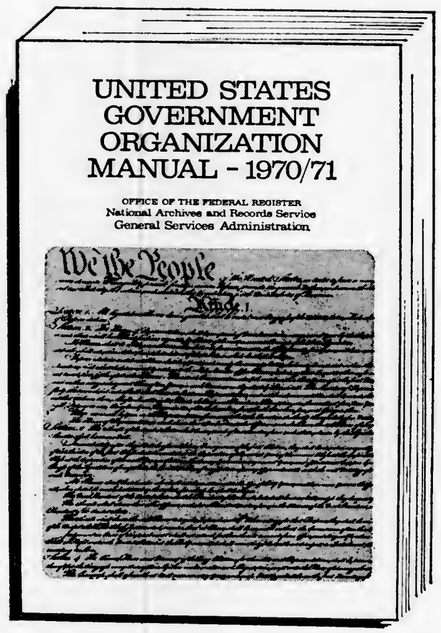

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PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1971

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$7,536,587	$7,474,500	$62,087
Alaska	197,095	197,095	
Arizona	1,625,797	1,625,797	
Arkansas	4,560,239	4,505,810	54,429
California	9,986,971	9,986,971	
Colorado	1,647,127	1,426,330	220,797
Connecticut	1,086,188	1,086,188	
Delaware	351,868	351,649	219
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Georgia	8,369,356	8,369,356	
Guam	144,632	144,632	
Hawaii	560,065	414,084	145,981
Idaho	706,264	657,035	51,229
Illinois	6,752,457	6,752,457	
Indiana	3,833,764	3,833,764	
Iowa	3,187,425	2,593,932	593,493
Kansas	2,087,513	2,087,513	
Kentucky	6,996,088	6,996,088	
Louisiana	6,876,922	6,876,922	
Maine	1,173,416	991,132	182,284
Maryland	2,673,953	2,386,306	287,647
Massachusetts	2,765,172	2,765,172	
Michigan	5,646,984	4,781,666	865,318
Minnesota	3,479,334	2,872,902	606,432
Mississippi	6,712,378	6,712,378	
Missouri	5,039,790	5,039,790	
Montana	706,039	588,517	117,522
Nebraska	1,746,310	1,399,522	346,788
Nevada	166,470	164,925	1,545
New Hampshire	420,982	420,982	
New Jersey	3,090,089	2,529,673	560,416
New Mexico	1,538,034	1,538,034	
New York	10,828,876	10,828,876	
North Carolina	10,754,597	10,754,597	
North Dakota	1,057,669	770,310	287,359
Ohio	6,958,946	5,902,972	1,055,974
Oklahoma	3,390,220	3,390,220	
Oregon	1,178,996	1,178,996	
Pennsylvania	9,299,243	5,891,840	3,407,403
Puerto Rico	5,874,347	5,874,347	
Rhode Island	672,694	672,694	
South Carolina	6,276,421	6,259,713	16,708
South Dakota	1,173,038	1,173,038	
Tennessee	7,428,864	7,346,806	82,058
Texas	15,598,186	15,137,250	460,936
Utah	644,790	644,790	
Vermont	471,646	471,646	
Virginia	6,365,317	6,312,729	52,588
Virgin Islands	66,988	66,988	
Washington	1,768,336	1,664,537	103,799
West Virginia	3,345,057	3,298,238	46,819
Wisconsin	3,073,307	2,123,945	949,362
Wyoming	285,514	285,514	
Samoa, American	56,413	56,443	
Total	204,747,000	194,187,807	10,559,193

(Secs. 2–12, 60 Stat. 230, as amended; 42 U.S.C. 1751–1760)

Dated: January 19, 1971.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.71–1011 Filed 1–26–71;8:45 am]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1971

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$7,384,508	$7,232,937	$151,571
Alaska	254,120	254,120	
Arizona	1,983,424	1,983,424	
Arkansas	4,162,484	4,074,306	88,178
California	8,442,385	8,442,385	
Colorado	2,436,050	2,315,374	120,676
Connecticut	1,983,738	1,983,738	
Delaware	601,259	597,118	4,141
District of Columbia	348,709	348,709	
Florida	8,601,764	8,601,764	
Georgia	9,985,404	9,985,404	
Guam	217,949	217,949	
Hawaii	1,385,349	1,304,797	80,552
Idaho	1,030,832	1,004,479	26,353
Illinois	6,448,443	6,448,443	
Indiana	5,304,768	5,304,768	
Iowa	4,162,058	3,722,331	439,727
Kansas	2,613,723	2,613,723	
Kentucky	6,406,576	6,406,576	
Louisiana	9,119,485	9,119,485	
Maine	1,274,032	1,150,924	123,108
Maryland	2,962,881	2,889,301	73,580
Massachusetts	5,316,855	5,316,855	
Michigan	5,582,412	5,168,267	414,145
Minnesota	5,229,712	4,685,596	544,116
Mississippi	6,151,334	6,151,334	
Missouri	5,573,734	5,573,734	
Montana	690,264	653,125	37,139
Nebraska	1,780,660	1,550,597	230,063
Nevada	200,502	199,380	1,122
New Hampshire	735,338	735,338	
New Jersey	3,086,555	2,766,503	320,052
New Mexico	1,710,826	1,710,826	
New York	14,540,078	14,540,078	
North Carolina	10,605,365	10,605,365	
North Dakota	1,113,917	1,003,046	110,871
Ohio	8,998,457	8,230,348	768,109
Oklahoma	3,081,868	3,081,868	
Oregon	1,991,407	1,991,407	
Pennsylvania	8,771,314	7,853,306	918,008
Puerto Rico	5,955,116	5,955,116	
Rhode Island	418,002	418,002	
South Carolina	6,691,553	6,636,290	55,263
South Dakota	903,974	903,974	
Tennessee	6,852,788	6,756,029	96,759
Texas	11,466,239	11,128,179	338,060
Utah	2,042,043	2,042,043	
Vermont	406,005	406,005	
Virginia	6,636,925	6,555,530	81,395
Virgin Islands	234,633	234,633	
Washington	2,880,267	2,827,212	53,055
West Virginia	2,729,975	2,679,796	50,179
Wisconsin	4,262,342	3,858,877	703,465
Wyoming	369,093	369,093	
Samoa, American	127,396	127,396	
Total	224,250,000	218,420,293	5,829,707

(Secs. 2–12, 60 Stat. 230, as amended; 42 U.S.C. 1751–1760)

Dated: January 19, 1971.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.71–1002 Filed 1–26–71;8:45 am]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Apportionment of Food Assistance and Nonfood Assistance Funds

Appendix: Apportionment of Food Assistance and Nonfood Assistance Funds provided by clause 4(a) under the Item Removal of Surplus Agricultural Commodities of the Agriculture Appropriation Act of 1971, Public Law 91–566, 84 Stat. 1480, fiscal year 1971.

The table which follows shows the apportionments by State of Special Assistance funds provided from section 32 for the fiscal year ending June 30, 1971:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$5,692,664	$5,645,767	$46,897
Alaska	148,873	148,873	
Arizona	1,228,025	1,228,025	
Arkansas	3,441,518	3,403,406	41,112
California	7,543,529	7,543,529	
Colorado	1,244,136	1,077,360	166,776
Connecticut	820,438	820,438	
Delaware	265,779	265,614	165
District of Columbia	568,821	568,821	
Florida	5,028,374	5,028,374	
Georgia	6,321,685	6,321,685	
Hawaii	423,038	312,773	110,265
Idaho	334,978	496,283	38,695
Illinois	5,100,381	5,100,381	
Indiana	2,895,784	2,895,784	
Iowa	2,407,580	1,959,293	448,287
Kansas	1,576,776	1,576,776	
Kentucky	4,604,602	4,604,602	
Louisiana	5,194,394	5,194,394	
Maine	886,324	748,538	137,686
Maryland	2,019,736	1,802,465	217,271
Massachusetts	2,088,637	2,088,637	
Michigan	4,265,376	3,611,769	653,607
Minnesota	2,628,070	2,170,009	458,061
Mississippi	5,070,108	5,070,108	
Missouri	3,806,740	3,806,740	
Montana	533,298	444,529	88,769
Nebraska	1,319,053	1,057,111	261,942
Nevada	125,741	124,574	1,167
New Hampshire	317,963	317,963	
New Jersey	2,334,059	1,910,756	423,303
New Mexico	1,161,734	1,161,734	
New York	8,179,451	8,179,451	
North Carolina	8,123,346	8,123,346	
North Dakota	298,896	881,844	217,052
Ohio	5,256,350	4,458,734	797,616
Oklahoma	2,560,759	2,560,759	
Oregon	890,540	890,540	
Pennsylvania	7,024,063	4,450,326	2,573,737
Rhode Island	508,110	508,110	
South Carolina	4,740,814	4,728,194	12,620
South Dakota	886,039	886,039	
Tennessee	5,611,297	5,549,315	61,982
Texas	11,781,888	11,433,726	348,162
Utah	487,034	487,034	
Vermont	356,252	356,252	
Virginia	4,807,960	4,768,238	39,722
Washington	1,335,689	1,257,286	78,403
West Virginia	2,526,646	2,491,282	35,364
Wisconsin	2,321,383	1,604,295	717,088
Wyoming	215,659	215,659	
Guam	109,246	109,246	
Puerto Rico	4,437,112	4,437,112	
Virgin Islands	50,599	50,599	
Samoa, American	42,633	42,633	
Total	154,653,000	146,677,251	7,975,749

(84 Stat. 1480)

Dated: January 19, 1971.

EDWARD J. HEKMAN,
Administrator,
Food and Nutrition Service.

[FR Doc.71–1010 Filed 1–26–71;8:45 am]

[Amdt. 3]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Miscellaneous Amendments

Regulations for the operation of the National School Lunch Program (35 F.R. 753), as amended (35 F.R. 3900, 35 F.R. 14061) are hereby amended as follows:

1. In § 210.13 paragraph (a) is amended, a new paragraph (b–1) is added, and paragraph (d) is revised to read as follows:

§ 210.13 Reimbursement procedure.

(a) To be entitled to reimbursement under this part, each School Food Authority shall submit to the State Agency, or FNSRO where applicable, a monthly Claim for Reimbursement, as set forth in paragraphs (b) and (b–1) of this section, and other information concerning the operation of its nonprofit lunch program as set forth in paragraphs (c) and (d) of this section.

* * * * *

(b–1) The State Agency, or FNSRO where applicable, may authorize a School Food Authority to submit a consolidated Claim for Reimbursement for all schools under its jurisdiction that serve Type A lunches, provided that the data on each school's operations required in paragraphs (b) and (d) of this section are maintained on file at the local office of the School Food Authority and the consolidated Claim for Reimbursement is accompanied by a list of participating schools.

* * * * *

(d) The Claim for Reimbursement covering operations for the month of December of each fiscal year shall be supplemented by the following information for each school included in such claim for the 6-month period, July–December of such fiscal year: (1) Income (receipts) from children's payments: (2) income (receipts) from reimbursement; (3) all other income (receipts); (4) expenditures representing the cost of obtaining food; (5) all other expenditures; and (6) the value of donated goods and services, excluding the value of commodities donated under Part 250 of this chapter. Such supplemental information shall be submitted by February 1. The Claim for Reimbursement covering the final month of operations for each fiscal year shall be supplemented by the same information on income and expenditures for each school included in such claim for the period between January 1 and the end of the final month of operations for each fiscal year. Such supplemental information shall be submitted within 30 days after the end of program operations for that fiscal year. State Agencies, or FNSRO where applicable, may collect the information required in this paragraph more frequently than semiannually.

2. In § 210.15a the first sentence of paragraph (c) is revised, a new paragraph (c–1) is added, and paragraph (d) is revised to read as follows:

§ 210.15a Commodity only schools.

* * * * *

(c) Each School Food Authority of a commodity only school shall report each month to the State Agency, or FNSRO where applicable, the following items:

* * * * *

(c–1) The State Agency, or FNSRO where applicable, may authorize a School Food Authority to submit a consolidated report for all commodity only schools under its jurisdiction: *Provided*, That the data on each school's operations required in paragraphs (c) and (d) of this section are maintained on file at the local office of the School Food Authority and the consolidated report is accompanied by a list of participating schools.

(d) The State Agency, or FNSRO where applicable, shall require the submission by the School Food Authorities of commodity only schools of the following information for each such school under their jurisdiction for the 6-month period, July–December, of each fiscal year: (1) Income (receipts) from children's payments; (2) all other income (receipts); (3) expenditures representing the cost of obtaining food; (4) all other expenditures; and (5) the value of donated goods and services, excluding the value of commodities donated under Part 250 of this chapter. Such supplemental information shall be submitted by February 1. The same information on income and expenditures shall be submitted by the School Food Authorities for the period between January 1 and the end of the final month of operations for each fiscal year. Such supplemental information shall be submitted within 30 days after the end of program operations for that fiscal year. State agencies, or FNSRO where applicable, may collect the information required in this paragraph more frequently than semiannually.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (1–27–71).

Approved: January 22, 1971.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.71–1090 Filed 1–26–71;8:46 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1971

Pursuant to section 5 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$256,028	$214,811	$14,187
Alaska	24,868	24,868	.....
Arizona	118,779	118,779	.....
Arkansas	143,632	138,266	5,366
California	1,039,297	1,039,297	.....
Colorado	140,413	122,876	17,537
Connecticut	323,887	323,887	.....
Delaware	36,211	20,018	16,193
District of Columbia	75,063	75,063	.....
Florida	418,182	418,182	.....
Georgia	358,800	358,800	.....
Guam	7,360	7,360	.....
Hawaii	59,357	43,515	15,842
Idaho	52,706	48,277	4,429
Illinois	626,052	626,052	.....
Indiana	326,866	326,866	.....
Iowa	198,720	169,017	29,703
Kansas	167,712	167,712	.....
Kentucky	233,311	233,311	.....
Louisiana	314,095	314,095	.....
Maine	117,779	98,287	19,492
Maryland	164,057	164,057	.....
Massachusetts	766,563	766,563	.....
Michigan	896,394	755,247	141,147
Minnesota	283,248	233,095	50,153
Mississippi	240,460	240,460	.....
Missouri	242,483	242,483	.....
Montana	86,957	76,687	10,252
Nebraska	125,199	106,549	18,650
Nevada	53,105	47,871	5,234
New Hampshire	83,005	83,005	.....
New Jersey	879,101	639,631	239,470
New Mexico	99,095	99,095	.....
New York	1,140,808	1,140,808	.....
North Carolina	372,078	372,078	.....
North Dakota	47,444	43,530	3,914
Ohio	739,578	590,938	148,640
Oklahoma	130,846	130,846	.....
Oregon	108,482	108,482	.....
Pennsylvania	1,142,492	714,122	428,370
Puerto Rico	245,080	245,080	.....
Rhode Island	83,341	83,341	.....
South Carolina	230,470	224,396	15,074
South Dakota	67,561	67,561	.....
Tennessee	246,941	233,796	13,145
Texas	473,995	435,427	38,568
Utah	81,996	81,996	.....
Vermont	29,003	29,003	.....
Virginia	244,226	219,043	25,183
Virgin Islands	10,412	10,412	.....
Washington	153,756	104,396	49,360
West Virginia	128,937	117,452	11,485
Wisconsin	360,998	276,535	84,463
Wyoming	27,521	27,521	.....
Samoa, American	4,249	4,249	.....
Total	15,000,000	13,594,143	1,405,857

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885–890; U.S.C. 1771, 1774, 1775, 1777–1785)

Dated: January 20, 1971.

HOWARD P. DAVIS,
Acting Administrator.

[FR Doc.71–1009 Filed 1–26–71;8:45 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1971

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1971 are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$358,058	$350,709	$7,349
Alaska	60,601	60,601	.....
Arizona	132,742	132,742	.....
Arkansas	223,646	218,908	4,738
California	402,190	402,190	.....
Colorado	151,624	144,113	7,511
Connecticut	132,755	132,755	.....
Delaware	75,083	74,566	517
District of Columbia	64,547	64,547	.....
Florida	408,964	408,964	.....
Georgia	466,563	466,563	.....
Guam	24,092	24,092	.....
Hawaii	107,792	101,524	6,268
Idaho	93,003	90,625	2,378
Illinois	319,009	319,009	.....
Indiana	271,298	271,298	.....
Iowa	223,628	200,001	23,627
Kansas	159,036	159,036	.....
Kentucky	317,262	317,262	.....
Louisiana	430,436	430,436	.....
Maine	103,149	93,182	9,967
Maryland	173,602	169,291	4,311
Massachusetts	271,802	271,802	.....
Michigan	282,881	261,895	20,986
Minnesota	268,167	240,266	27,901
Mississippi	306,614	306,614	.....
Missouri	282,519	282,519	.....
Montana	78,796	74,556	4,240
Nebraska	124,284	108,225	16,059
Nevada	58,364	58,037	327
New Hampshire	80,676	80,676	.....
New Jersey	178,761	160,225	18,536
New Mexico	121,370	121,370	.....
New York	656,566	656,566	.....
North Carolina	492,422	492,422	.....
North Dakota	96,469	86,867	9,602
Ohio	425,387	389,076	36,311
Oklahoma	178,566	178,566	.....
Oregon	133,075	133,075	.....
Pennsylvania	415,911	372,382	43,529
Puerto Rico	298,429	298,429	.....
Rhode Island	67,438	67,438	.....
South Carolina	329,150	326,432	2,718
South Dakota	87,711	87,711	.....
Tennessee	335,877	331,135	4,742
Texas	528,335	512,758	15,577
Utah	135,188	135,188	.....
Vermont	66,937	66,937	.....
Virginia	326,872	322,863	4,009
Virgin Islands	24,788	24,788	.....
Washington	170,156	167,022	3,134
West Virginia	163,886	160,874	3,012
Wisconsin	227,811	190,213	37,598
Wyoming	65,397	65,397	.....
Samoa, American	20,315	20,315	.....
Total	12,000,000	11,685,053	314,947

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: January 20, 1971.

HOWARD P. DAVIS,
Acting Administrator.

[FR Doc.71–1003 Filed 1–26–71;8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 463, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.763 (Lemon Regulation 463, Amendment 1) are hereby amended to read as follows:

§ 910.763 Lemon Regulation 463.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 42,000 cartons.

(ii) District 2: 78,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 22, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–1088 Filed 1–26–71;8:46 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

PART 238—CONTRACTS WITH TRANSPORTATION LINES

PART 341—CERTIFICATES OF CITIZENSHIP

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The third and fourth sentences of subparagraph (2) *Reentry permit* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* are amended to read as follows: "A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through Albania, Cuba, Outer Mongolia, or Communist portions of China, Korea, or Viet-Nam, unless his permit bears an endorsement, or he presents a letter issued to him by the Department of State, stating that the restriction with regard to any such place or places has been waived. A waiver of the restriction will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through any such place or places."

2. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "East African Airways."

3. The first sentence of subparagraph (2) *Substitution and waiver* of paragraph (b) *Witnesses* of § 341.2 *Examination upon application* is amended to read as follows: "If the presentation of the person or persons through whom citizenship is claimed is precluded by reason of death, refusal to testify, unknown whereabouts, advanced age, mental or physical incapacity, or severe illness or infirmity, another witness or witnesses shall be produced."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (1–27–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 211.1(b)(2) and 341.2(b)(2) confer benefits upon persons affected thereby and the amendment to § 238.3(b) adds a transportation line to the listing.

Dated: January 22, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–1102 Filed 1–26–71;8:47 am]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

DIVISION OF BANK SUPERVISION

Effective upon the date of publication of these amendments in the FEDERAL REGISTER (1–27–71), Parts 303, 304, 326, 334, and 336 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Parts 303, 304, 326, 334, and 336) are amended as follows:

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

1. The first sentence of § 303.1 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

2. The fourth sentence of § 303.1 is amended by deleting the words "Supervising Examiner of the District" and by inserting the words "Regional Director of the Region" in lieu thereof.

3. The first sentence of § 303.2 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

4. The second sentence of § 303.2 is amended by deleting the words "Supervising Examiner of the District" and by inserting the words "Regional Director of the Region" in lieu thereof.

5. The first sentence of § 303.3 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

6. The second sentence of § 303.3 is amended by deleting the words "Supervising Examiner of the District" and by inserting the words "Regional Director of the Region" in lieu thereof.

7. The first sentence of § 303.4 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

8. The second sentence of § 303.4 is amended by deleting the words "Supervising Examiner of the District" and by inserting the words "Regional Director of the Region" in lieu thereof.

9. The first sentence of paragraph (a) of § 303.5 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

10. The second sentence of paragraph (a) of § 303.5 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director" in lieu thereof.

11. The first sentence of paragraph (b) of § 303.5 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

12. The second sentence of paragraph (b) of § 303.5 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director" in lieu thereof.

13. The first sentence of paragraph (c) of § 303.5 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

14. The second sentence of paragraph (c) of § 303.5 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director" in lieu thereof.

15. The first sentence of § 303.6 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

16. The second sentence of § 303.6 is amended by deleting the words "Supervising Examiner of the District" and by inserting the words "Regional Director of the Region" in lieu thereof.

17. The first sentence of § 303.7 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

18. The first sentence of § 303.8 is amended by deleting the word "Examination" and by inserting the words "Bank Supervision" in lieu thereof.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

19. The third sentence of paragraph (a) of § 304.3 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region in which the proposed bank will be located" in lieu thereof.

20. The second sentence of paragraph (c) of § 304.3 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region in which the proposed bank will be located" in lieu thereof.

21. The third sentence of paragraph (d) of § 304.3 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region in which the bank is located" in lieu thereof.

22. The fourth sentence of subparagraph (1) of paragraph (g) of § 304.3 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region in which the applicant bank is located" in lieu thereof.

23. The second sentence of paragraph (i) of § 304.3 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region in which the applicant bank is located" in lieu thereof.

24. The third sentence of paragraph (j) of § 304.3 is amended by deleting the words "Supervising Examiner" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region in which the applicant bank is located" in lieu thereof.

25. The fifth sentence of paragraph (k) of § 304.3 is amended by deleting the words "Supervising Examiner of the District" and by inserting the words "Regional Director of the Region" in lieu thereof.

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INSURED NONMEMBER BANKS

26. The first sentence of paragraph (a) of § 326.5 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

27. Paragraph (c) of § 326.5 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

28. The second sentence of paragraph (d) of § 326.5 is amended by deleting the words "Supervising Examiner of the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

PART 334—BANK SERVICE ARRANGEMENTS

29. The second sentence of § 334.2 is amended by deleting the words "Supervising Examiner of the Corporation for the Federal Deposit Insurance Corporation District" and by inserting the words "Regional Director of the Federal Deposit Insurance Corporation Region" in lieu thereof.

30. The first sentence of § 334.4 is amended to read as follows: "It is the policy of the Corporation that assurances complying with § 334.2 need not be furnished in connection with arrangements for bank services which are immediately necessary because of emergency conditions or situations, or are required for short periods of time due to unusually heavy work demands, if the insured State nonmember bank promptly advises the Regional Director of the Federal Deposit Insurance Corporation Region in which it has its main office of the circumstances involved and of the length of time during which any of the bank's books or records or any banking media will be removed from the bank's premises and of the location thereof, and unless the bank is advised by the Regional Director that such assurances must be furnished."

PART 336—EMPLOYEE RESPONSIBILITIES AND CONDUCT

31. Appendix A of Part 336 is amended to read as follows:

APPENDIX A—EMPLOYEES WHO MUST FILE STATEMENTS

SPECIFIC POSITIONS

A Head, Associate Head or Assistant Head of a Division or Office of the Corporation (regardless of his specific title).
An Adviser or Assistant to the Board of Directors.
A Regional Director.
An Assistant Regional Director.

The purpose of these amendments is to reflect the redesignation of the Division of Examination as the Division of Bank Supervision and the redesignation of the Chief of the Division of Examination as the Director of the Division of Bank Supervision. The amendments also make structural and technical changes in Parts 303, 304, 326, 334, and 336 of the Corporation's rules and regulations. The amendments are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth").

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendments to Parts 303, 304, 326, 334, and 336 are editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments.

Dated at Washington, D.C., this 22d day of January 1971.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.71-1138 Filed 1-26-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-46-AD; Amdt. 39-1149]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 747 and Pratt and Whitney JT9D

Amendment 39-1116, 35 F.R. 18453, AD 70-25-3 required modification of the engine bleed control system and utilization of optional thrust reverser operating procedures which have been incorporated in the FAA-approved Airplane Flight Manual. The FEDERAL REGISTER publication invited interested persons to submit their views or comments for consideration.

Comments have been received from the airlines and these have been considered. Four airlines indicated that, due to the extent of the modification, the delivery date for parts required, and, in one case, the availability of manpower, the out of service time would be extensive if the 300 hours compliance time was to be met. FAA review of the proposed schedule for completion has revealed the need for an extension. It has been determined that an additional 300 hours time in service to complete the modification is justified. Accordingly, the compliance time has been adjusted to require completion within 600 hours time in service after the effective date of Amendment 39-1116, AD 70-25-3 (i.e., Jan. 5, 1971).

One operator commented that the wording of the required placard conflicts with its reverser operating procedure. In addition, the manufacturer requested FAA approval of a new operating procedure for aircraft which are not equipped with reverser actuated bleed systems. The required placard may also be in conflict with the new procedure which was approved and incorporated in the manufacturer's airplane flight manual. The manufacturer revised its service bulletin to call for new placard wording which would not be in conflict with the airplane flight manual or any unique airline operating procedure. Accordingly, the Airworthiness Directive has been amended to allow installation of the placard that is defined in the manufacturer's service bulletin, as revised, or an equivalent placard. As the placard requirement was included in the Airworthiness Directive to prevent operators from using the reverse actuated bleed system thrust reverser operating procedure with a mixed configuration on the airplane, the AD is amended to allow deletion of the placard if the original thrust reverser operating procedures are utilized for all reverser operations.

Several comments were received relative to the differences between airline operating procedures and the procedures which are shown in the manufacturer's airplane flight manual and operations manual. As these differences only involve technique and do not exceed the thrust reverser and engine operating limitations, the airplane flight manual does not have to be revised and the airlines may continue to use their procedures.

Since this amendment provides for the extension of the compliance time and clarification of the placard requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1116, 35 F.R. 18453, AD 70-25-3, is amended as follows:

1. Substitute 600 hours for the 300 hours compliance time in the compliance statement.

2. Revise the second paragraph of (c) to read:

(c) • • • Until such time as the modification of all four engines on an aircraft is accomplished, install the placard described in Boeing Service Bulletin No. 78-2016, dated November 10, 1970, and referenced at paragraph C(iv), of Boeing Service Bulletin No. 75-2002, dated September 25, 1970, or later FAA-approved revisions or an equivalent placard approved by the Chief, Aircraft Engineering Division, FAA, Western Region. The placard may be removed after the modifications in (a) and (b) are accomplished. The placard need not be installed if *RABS Procedures (Optional)* is not used as an optional procedure by the operator.

This amendment becomes effective January 29, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 19, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-1092 Filed 1-26-71;8:46 am]

[Airspace Docket No. 70-WA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments and Designation of Reporting Point

On November 14, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17554) stating that the Federal Aviation Administration was proposing amendments to Part 71 of the Federal Aviation Regulations that would alter V-506 and B-27 and designate a low altitude reporting point on V-456.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

1. Section 71.109 (36 F.R. 2008) is amended as follows: In B-27 the phrase "43 miles, 94 miles," is deleted and the phrase "53 miles, 84 miles," is substituted therefor.

2. Section 71.125 (36 F.R. 2042) is amended as follows: In V-506 the phrase "41 miles, 94 miles," is deleted and the phrase "51 miles, 84 miles," is substituted therefor.

3. In § 71.211 (36 F.R. 2313) the following low altitude reporting point is added:

Tux Bay INT: INT Kenai, Alaska, 239°, Homer, Alaska, 316° radials.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 19, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-1093 Filed 1-26-71;8:47 am]

[Airspace Docket No. 70-WE-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 10, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18746) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Twin Falls, Idaho, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

In the description of the control zone, delete "• • • (latitude 42°29'00" N., longitude 114°29'00" W.) • • •" and substitute "• • • (latitude 42°28'54" N., longitude 114°29'11" W.) • • •" therefor.

Since this change is minor and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., April 1, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 18, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Twin Falls, Idaho, control zone is amended to read as follows:

TWIN FALLS, IDAHO

Within a 5-mile radius of the Twin Falls City-County (Joslin Field), Idaho Airport (latitude 42°28'54" N., longitude 114°29'11" W.) within 5 miles each side of Twin Falls VORTAC 086° and 281° radials, extending from the 5-mile radius zone to 10.5 miles east and 10.5 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (35 F.R. 2134) the description of the Twin Falls, Idaho, transition area is amended by deleting all before "• • • ; and that airspace extending upward from 1,200 feet • • •" and substitute the following therefor:

TWIN FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials, extending from the VORTAC to 18.5 miles east and 18.5 miles west of the VORTAC, and within 5 miles each side of the Twin Falls 156° radial, extending from the VORTAC to 9.5 miles southeast of the VORTAC; • • •.

[FR Doc.71-1094 Filed 1-26-71;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1068]

PART 13—PROHIBITED TRADE PRACTICES

Phillips Petroleum Co. et al.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act. Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.452 *To limit production;* § 13.470 *To restrain and monopolize trade.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Modified order to cease and desist, Phillips Petroleum Co. et al., Bartlesville, Okla., Docket C-1088, Dec. 14, 1970]

In the Matter of Phillips Petroleum Co., a Corporation; National Distillers and Chemical Corp., a Corporation; Alamo Industries, Inc., a Corporation; and A-B Chemical Corp., a Corporation.

Order modifying the consent order issued August 2, 1966, 31 F.R. 11747, by granting respondent's application that the date for compliance with paragraph III of the order be extended to May 1, 1971, and denying any extension for paragraph IX.

The modified order to cease and desist is as follows:

It is ordered, That respondent's application be, and it hereby is, granted in part, by extending the date for compliance with paragraph III of said order issued August 2, 1966, to May 1, 1971.

It is further ordered, That in all other respects respondent's application be, and hereby is, denied.

Issued: December 14, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-1077 Filed 1-26-71;8:46 am]

[Docket No. C-1835]

PART 13—PROHIBITED TRADE PRACTICES

S. A. Promotions, Inc., and Harry Wasser

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards:* 13.85-30 Federal Trade Commission orders or endorsements. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly:* 13.330-90 U.S. Government: 13.330-90(h) Federal Trade Commission.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, S. A. Promotions, Inc., et al., Schenectady, N.Y., Docket C-1835, Dec. 17, 1970]

In the Matter of S. A. Promotions, Inc., a Corporation, and Harry Wasser, Individually and as an Officer of S. A. Promotions, Inc.

Consent order requiring a New York City corporation dealing in sales promotional devices and games of chance to cease representing or implying that the Federal Trade Commission has endorsed any of its programs, or that any of its programs conform to a Government standard or regulation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S. A. Promotions, Inc., a corporation, and its officers, and Harry Wasser, individually and as an officer of the aforesaid corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the preparation, promotion, sale, distribution or use of contests, chance promotions or any other promotional device, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. The Federal Trade Commission or its staff has approved or endorsed any promotional program offered by either, or both, respondents;

2. Any promotional program conforms to a government standard or regulation unless such standard or regulation actually exists and applies to the promotion and the promotion conforms to such standard or regulation in all respects.

It is further ordered, That respondents distribute a copy of this order to all parties which were sent material making the misrepresentation charged in the complaint.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of a subsidiary or any other change in the corporation, which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: December 17, 1970.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-1078 Filed 1-26-71;8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 451-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart L—Internal Security Division

ASSIGNING RESPONSIBILITY FOR HANDLING MATTERS RELATING TO MILITARY SELECTIVE SERVICE ACT OF 1967 AND CERTAIN HABEAS CORPUS PROCEEDINGS

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 0.61 of Subpart L of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new paragraphs (l) and (m):

§ 0.61 General functions.

• • • • •

(l) Criminal matters arising under the Military Selective Service Act of 1967.

(m) Notwithstanding § 0.55(i), habeas corpus proceedings instituted by selective service inductees disputing the legality of their induction and by armed forces personnel seeking release from service on the ground that they have become conscientious objectors.

Dated: January 18, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-1085 Filed 1-26-71;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT

PART 1001—GENERAL PROVISIONS

PART 1012—LABOR

Responsible Prospective Contractors and Equal Opportunity

Subchapter W of Title 32 of the Code of Federal Regulations is amended as follows:

1. Part 1001 is amended by adding Subparts H and I to read as follows:

Subpart H—[Reserved]

Subpart I—Responsible Prospective Contractors

§ 1001.905-50 Air Force Contractor Experience List.

(a) *General.* The Directorate of Procurement Policy, Hq USAF/SPP, will maintain and publish an Air Force Contractor Experience List (AFCEL). The AFCEL and all correspondence disclosing the names of contractors on or proposed to be on the AFCEL will be marked "For Official Use Only" unless a security classification is required. The AFCEL will not be released outside the Government and information contained therein will not be made available for inspection by private individuals, firms or trade organizations. The AFCEL and other Contractor Experience Lists attached thereto are the only official listings of this type that are authorized within the United States.

(b) *Purpose.* The purpose of the AFCEL is to identify contractors who have not performed satisfactorily on Government contracts or who have encountered other difficulties that might endanger future performance. The AFCEL alerts contracting officers to secure preaward surveys prior to placing new business with these contractors. It also serves to identify conditions which the contractor must correct to satisfactorily improve performance and justify removal from the AFCEL.

(c) *Limitation on use of the AFCEL.* The listing of a contractor on the AFCEL, or on the other Contractor Experience Lists (CELs) attached thereto, will not be interpreted to mean that the listed contractor will not be given an opportunity to bid or quote on a proposed procurement, that negotiations cannot be carried on with the contractor, or that award cannot be made to such contractor. The CELs have no relationship to the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors, and the inclusion of any contractor on a CEL will not in any sense be regarded as a determination of debarment or ineligibility. These procedures do not apply to contractors performing only outside the United States.

(d) *Reasons for listing contractors.* Contractors with one or more of the following deficiencies will be considered for the AFCEL, identified by the letter coding shown.

(1) D—Contractors who have a less than satisfactory record of delivery or schedule performance on one or more contracts.

(2) Q—Contractors who fail to meet the product quality standards established by the contract.

(3) T—Contractors who have had one or more contracts terminated for default. All defaulted contractors must be reported to Hq USAF for AFCEL listing.

(4) F—Contractors who have a less than adequate financial capability for contract performance. All contractors who file for bankruptcy or are placed in receivership must be reported to Hq USAF for AFCEL listing.

(5) M—Contractors whose performance is considered unsatisfactory or whose responsibility is questioned for other specific reasons.

(e) *Procedures.* (1) Both Procuring Contracting Officers (PCO) and Administrative Contracting Officers (ACO) may initiate recommendations for the AFCEL. The PCO will coordinate the intended AFCEL action with the ACO, or vice versa as applicable, and will obtain supporting information needed to substantiate the recommendation.

(2) The contracting officer will get the approval of the chief of his purchasing or contract administration office before proceeding further. The chief (or higher level authority as determined by the major command concerned) will then notify the contractor by letter of the proposed AFCEL recommendation. State the specific deficiencies in the contractor's performance, and request a reply within 15 days if the contractor wishes to present reasons why he should not be recommended for AFCEL listing.

(3) If the contractor does not respond within 15 days, or if the response is unsatisfactory, immediately advise the contractor that he has been recommended for the AFCEL. Simultaneously submit the recommendation to Hq USAF/SPP through command channels. The major command will forward the approved recommendation to arrive at Hq USAF within 15 days after receipt unless there are valid reasons for delay.

(4) Recommendations should be brief, but complete and factual. They should answer more questions than they generate. Copies of contracts and other lengthy documents are normally not required. All recommendations should include at least the following information:

(i) Contractor's full name, address, product line, and president's name. If only one part of the company is recommended, give necessary details of the relationship.

(ii) Purchasing and contract administration offices.

(iii) Codes for which the contractor is recommended.

(iv) Contract number, effective date, type of contract, dollar value, items covered, and unusual pertinent provisions.

(v) Brief narrative of contract requirements not met, and the contractor's actual performance, or other reasons for the recommended listing. If contractor's performance is considered less than satisfactory for only certain product lines or services, identify such qualification specifically in the recommendation, and any subsequent listing on the AFCEL will be annotated.

(vi) Brief outline of previous corrective actions taken by the contracting officer, such as "show cause" or "cure" notices, including dates such actions were taken and results obtained.

(vii) For Code D give original contract delivery dates and changes thereto, including reasons therefor, action taken to assure that delivery schedules are current and realistic, and a brief summary of the frequency, duration, and

seriousness of late deliveries considered to be the fault of the contractor.

(viii) For Code Q provide a brief current evaluation of the contractor's quality control plan or inspection system.

(ix) For Code T include reasons for the default termination and results of any appeal or other disposition of the case, if available. No further justification is required unless you recommend that the defaulted contractor "Not" be listed.

(x) For Code F provide brief current financial data showing lack of financial capability. No further justification is required for a contractor in bankruptcy unless you recommend that he "Not" be listed.

(xi) AFCEL recommendations from purchasing activities will include a copy of a statement from the cognizant contract administration activity providing current performance evaluation on the specific contracts involved, pertinent overall performance, background information, and concurrence, or nonconcurrence with the recommendation.

(5) The Hq USAF/SPP AFCEL Review Board will review all recommendations. Recommendations of the Board are subject to the approval of the Director of Procurement Policy, Hq USAF/SPP, and the Deputy Chief of Staff/Systems and Logistics, Hq USAF/SDC.

(6) Normally within 30 days of receipt of the recommendation, Hq USAF/SPP will advise the contractor by letter of the decision on AFCEL listing, with copies to all offices involved in the recommendation.

(7) Hq USAF/SPP will publish an updated AFCEL quarterly and will distribute it to all major commands, DSA, and Navy for distribution to their procuring activities. Interim changes will be published as required.

(8) AFCEL Review:

(i) Each contractor on the current AFCEL will be reviewed by the recommending activity each quarter to keep the listing current and to determine if removal from or retention on the list is warranted. If the purchasing office is the recommending activity, contact the appropriate contract administration activity to obtain an evaluation of the contractor's current overall performance. Promptly recommend removal when the contractor has corrected the deficiency for which he was placed on the AFCEL and no other major deficiencies exist. Specifically substantiate recommendations. If retention is recommended, also validate the letter coding.

(ii) Forward results of quarterly reviews by letter through command channels to arrive at Hq USAF/SPP by the tenth of February, May, August, and November of each year. Hq USAF/SPP will advise the contractor by letter if removal is approved, with copies to all offices concerned.

(iii) Recommend removal of a contractor who no longer has Government contracts after a maximum of 1 year on the list.

(iv) Recommend removal of a contractor who is subsequently included in the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors (AFR 70–23).

(v) Do not recommend removal of a contractor who has appealed any matter which caused AFCEL listing, other than Code T, until final resolution of the appeal with the contractor's position substantially upheld.

(vi) Do not recommend removal of a contractor who was listed for Code T until the termination for default is converted to a termination for convenience, the Armed Services Board of Contract Appeals substantially upholds the contractor's position, or the contractor has been listed for 1 year.

(vii) Do not recommend removal of a contractor who was listed under Code F for bankruptcy/receivership until such proceedings have been completed and the contractor has been listed for 1 year.

(viii) Whenever a listed contractor changes name or address, promptly notify Hq USAF/SPP. Identify whether the new name or address replaces or is in addition to the present listing. This includes contractors listed on the Navy or DSA CEL's.

(f) *Navy and Defense Supply Agency (DSA) Implementation.* Navy Procurement Directive NPD 1–950, Navy Contractor Experience List (NCEL); Defense Supply Procurement Regulation 1–950, DSA Contractor Experience List (DSACEL); and DSA Regulation No. 8335.1, Contractor Experience List for Contract Administration Services provide information on Air Force, Navy, and DSA Contractor Experience Lists. DSAR No. 8335.1 also provides instructions to DCAs organizations on their recommendation of contractors for the AFCEL. Hq USAF sends the AFCEL to Navy and DSA for distribution with the NCEL and DSACEL.

(g) *Letters to contractors.* The following are formats for letters to contractor top management.

(1) Format for initial notice to contractor:

Dear Mr. ---------- (President) ----------

The Air Force has established a list of contractors whose performance or financial condition has been determined to be unsatisfactory. This list is the Air Force Contractor Experience List (AFCEL). The procedure for listing contractors on the AFCEL is set forth in § 1001.905–50 of Air Force Procurement.

This is to notify you that the Air Force considers your performance (or financial condition) to be unsatisfactory. (State specific deficiencies.) Action is in process to recommend you for placement on the AFCEL. However, you are being afforded an opportunity to provide reasons why this action should not be taken and/or what corrective actions you propose to take to resolve the above cited deficiencies.

Please forward your response to this office on or before (15 days).

Sincerely

(2) Format for notice to contractor of recommendation to Hq USAF:

Dear Mr ---------- (President) ----------

Your response of (date) has been carefully reviewed (or: No response has been received to my letter of (date) and the decision to recommend placing your company on the Air Force Contractor Experience List (AFCEL) is still considered appropriate. Therefore I have recommended that your firm be placed on the AFCEL. If this recommendation is approved by Hq USAF your firm will be listed on the next AFCEL. Your listing will be carefully reviewed at least quarterly. At such time as there is assurance that you have taken effective action to correct the unsatisfactory condition, we will recommend that your company be removed from the AFCEL.

Your listing on the AFCEL will not in any way prevent you from bidding on or submitting proposals for future contracts. The list will, however, alert contracting officers to companies whose performance has been determined to be currently unsatisfactory, and a preaward survey will be required before any award to your firm.

Any further information which you feel is appropriate before final action is taken may be forwarded directly to Hq USAF/SPP, Washington, D.C. 20330, with a copy to this office.

We sincerely hope that you soon correct the conditions that prompted this recommendation.

Sincerely

(10 U.S.C. Ch. 137, 10 U.S.C. 8012)

2. Part 1012 is amended by adding Subparts G and H to read as follows:

Subpart G—[Reserved]

Subpart H—Equal Opportunity

§ 1012.808–2 Compliance reviews.

From time to time, the OFCC and other compliance agencies issue notices with respect to companies whose EEO compliance status is questionable. Such notices may require special reviews, inquiries, consultations, etc., prior to award to those companies of any contract, regardless of dollar amount. Upon receipt by Hq USAF/SPP, the notice shall be forwarded to appropriate major commands for dissemination to all buying activities. Before awarding a contract to any firm listed in such a notice, the PCO shall contact the Hq USAF/SPP Labor Relations Office for instructions. Hq USAF, after consultation with the appropriate agencies, shall advise the PCO as to whether award can be made to the firm in question.

(10 U.S.C. Ch. 137, 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71–1074 Filed 1–26–71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Fox River, Wis.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 226; 33 U.S.C. 1), § 207.460 governing the use, administration of the locks and canals in the Fox River, Wis., is hereby amended by adding a new paragraph (a)(17) to govern the operation of the Neenah dam outlet works at Neenah, Wis., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.460 Fox River, Wis.

(a) *Use, administration, and navigation of the locks and canals.* • • •

(17) *Neenah dam outlet works.* (i) During periods of high water, when determined to be necessary by the District Engineer, U.S. Army Engineer District, Chicago, to reduce the threat of flooding, it shall be the duty of the person owning, operating, or controlling the dam across the Neenah Channel of the Fox River at Neenah, Wis., acting as agent of the United States, to open or close, or cause to be opened or closed, pursuant to subdivision (ii) of this subparagraph, the outlet works of said dam to regulate the passage of water through said outlet works.

(ii) The outlet works of said dam shall be opened when and to the extent directed by the District Engineer or his authorized field representatives, and said outlet works shall thereafter be closed when and to the extent directed by the said District Engineer or his authorized field representative.

• • • • • •

[Regs., Jan. 7, 1971, ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General:

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71–1081 Filed 1–26–71;8:46 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Relocation Assistance and Payments; Interim Operating Procedures; Postponement of Effective Date

On October 30, 1970, the Federal Highway Administrator issued Instructional Memorandum 80–2–70 which was published in the FEDERAL REGISTER December 19, 1970, at 35 F.R. 19232, entitled "Relocation Assistance and Payments Interim Operating Procedures" which was to become effective 90 days after issuance or at the option of the State the memorandum could be effective at an earlier date.

The effective date of this memorandum is postponed until further notice because of the enactment of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", Public Law 91–646, January 2, 1971.

This postponement is issued under authority of 23 U.S.C. 315 and the delegation of authority in § 1.48(b) of the regulations of the Office of the Secretary (35 F.R. 4959 (1970)).

Issued on January 20, 1971.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.71–1131 Filed 1–26–71;8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—DELEGATIONS OF AUTHORITY

Delegations Relating to Guaranty of Mobile Home Loans

In Part 2, §§ 2.95 and 2.96 are added to read as follows:

§ 2.95 Delegation of authority to certain employees to exercise the power of the Administrator to waive stated procedural (nonsubstantive) requirements of the mobile home guaranty regulations.

This delegation of authority is identical to § 36.4220 of this chapter.

§ 2.96 Delegation of authority to certain employees to exercise certain powers and functions of the Administrator with respect to the guaranty of mobile home loans. The authority hereby delegated to these employees may, with the approval of the Chief Benefits Director, be redelegated.

This delegation of authority is identical to § 36.4221 of this chapter.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–1137 Filed 1–26–71;8:50 am]

PART 36—LOAN GUARANTY

Guaranty of Loans to Veterans To Purchase Mobile Homes and Lots, Including Site Preparation

§§ 36.4000–36.4251 [Revoked]

1. Sections 36.4000 through 36.4251 are revoked.

2. A new center title and §§ 36.4201 through 36.4222, §§ 36.4231 through 36.4235, §§ 36.4275 through 36.4277 and §§ 36.4279 through 36.4287 are added to read as follows:

GUARANTY OF LOANS TO VETERANS TO PURCHASE MOBILE HOMES AND LOTS, INCLUDING SITE PREPARATION GENERAL PROVISIONS.

Sec.
36.4201 Applicability of the § 36.4200 series.
36.4202 Definitions.
36.4203 Eligibility of the veteran for the mobile home loan benefit under 38 U.S.C. 1819.
36.4204 Maximum loan amounts and term.
36.4205 Computation of guaranty.
36.4206 Income, credit, and occupancy requirements.
36.4207 Mobile home standards.
36.4208 Mobile home location standards.
36.4209 Reporting requirements.
36.4210 Joint loans.
36.4211 Amortization—Prepayment.
36.4212 Interest rates and late charges.
36.4213 Capacity of parties.
36.4214 Geographical limits.
36.4215 Accounting records.
36.4216 Disqualification of lenders.
36.4217 Delivery of notice.
36.4218 Payment in full; termination of guaranty.
36.4219 Incorporation by reference.
36.4220 Substantive and procedural requirements; waiver.
36.4221 Delegation of authority.
36.4222 Hazard insurance.

FINANCING MOBILE HOME UNITS

36.4231 Manufacturers warranty.
36.4232 Allowable fees and charges; mobile home unit.
36.4233 Suspension of manufacturers.
36.4234 Title and lien requirements.
36.4235 Suspension of dealers and mobile home park operators.

SERVICING, LIQUIDATION OF SECURITY AND CLAIM

36.4275 Events constituting default.
36.4276 Advances and other charges.
36.4277 Release of security.
36.4279 Extensions and reamortizations.
36.4280 Reporting of defaults.
36.4281 Refunding of loans in default.
36.4282 Legal proceedings (notice of repossession).
36.4283 Foreclosure or repossession.
36.4284 Computation of guaranty claims.
36.4285 Subrogation and indemnity.
36.4286 Partial or total loss of guaranty.
36.4287 Substitution of trustees.

AUTHORITY: Sections 36.4201 to 36.4287 issued under 72 Stat. 1114, 84 Stat. 1110; 38 U.S.C. 210, 1819.

GUARANTY OF LOANS TO VETERANS TO PURCHASE MOBILE HOMES AND LOTS INCLUDING SITE PREPARATION

NOTE: Those requirements, conditions, or limitations which are expressly set forth in 38 U.S.C. 1819 and are not restated herein must be taken into consideration in conjunction with the § 36.4200 series.

GENERAL PROVISIONS

§ 36.4201 Applicability of the § 36.4200 series.

The § 36.4200 series shall be applicable to each loan entitled to guaranty under 38 U.S.C. 1819 on or after the date of cation thereof in the FEDERAL REGISTER.

§ 36.4202 Definitions.

Wherever used in 38 U.S.C. 1819 or the § 36.4200 series, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated.

(a) "Administrator" means the Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized by him to act in his stead.

(b) "Date of first uncured default" means the due date of the earliest payment not fully satisfied by the proper application or available credits or deposits.

(c) "Default" means failure of a borrower to comply with the terms of a loan agreement.

(d) "Guaranty" means the obligation of the United States, assumed by virtue

of 38 U.S.C. 1819, to repay a specified percentage of a loan upon default of the primary debtor, which guaranty payment shall be made after liquidation of the security for the loan and an accounting with the Administrator.

(e) "Holder" means the lender or any subsequent assignee or transferee of the guaranteed obligation.

(f) "Indebtedness" means the unpaid principal and interest plus any other amounts allowable under the terms of a loan including those authorized by statute and consistent with the § 36.4200 series, which have been paid and debited to the loan account. Unpaid late charges may not be included in the indebtedness.

(g) "Lender" means the payee or assignee or transferee of an obligation at the time it is guaranteed.

(h) "Lien" means any interest in, or power over, real or personal property, reserved by the vendor, or created by the parties or by operation of law, chiefly or solely for the purpose of assuring the payment of the purchase price, or a debt, and irrespective of the identity of the party in whom title to the property is vested, including but not limited to mortgages, deeds with a defeasance therein or collaterally, deeds of trust, security deeds, security instruments, mechanics' liens, lease-purchase contracts, conditional sales contracts, consignments.

(i) "Loan" means unpaid principal balance plus unpaid earned interest due under the terms of the obligation.

(j) "Lot" means a parcel of land acceptable to the Administrator as a mobile home site.

(k) "Manufacturer's invoice cost" means that figure shown on a document acceptable in form and content to the Administrator issued by the manufacturer which represents the wholesale price of a specifically identified mobile home including any furnishings, equipment and accessories installed by the manufacturer, which document is certified as the true manufacturer's invoice for that particular mobile home and which separately states the amount of freight or transportation costs charged to the dealer, if any.

(l) "Maximum home loan guaranty entitlement" means for the purposes of 38 U.S.C. 1819, evidence of the fact that a veteran has "maximum home loan guaranty entitlement" available for use shall be a Certificate of Eligibility showing he has $12,500 available for real estate purposes in the column headed "1810".

(m) "Mobile home" means a moveable dwelling unit designed and constructed for year around occupancy on land by a single family, which dwelling unit contains permanent eating, cooking, sleeping and sanitary facilities.

(n) "Necessary site preparation" means those improvements essential to render a mobile home site acceptable to the Administrator including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

(o) "New mobile home" means a mobile home which, at the time of purchase by the veteran-borrower, has not been previously occupied.

(p) "Reasonable value" means that figure which represents the amount a reputable and qualified appraiser, unaffected by personal interest, bias, or prejudice, would recommend to a prospective purchaser as a proper price or cost in the light of prevailing conditions.

(q) "Repossession—repossessed" means recovery or acquisition of such physical control of property (pursuant to the provisions of the security instrument or as otherwise provided by law) as to make further legal or other action unnecessary in order to obtain actual possession of the property or to dispose of the same by sale or otherwise.

(r) "Resale" means sale of the property by the holder to a third party for the purpose of liquidating the security for the loan after having acquired the property by repossession, public or private sale, or by any other means.

(s) "Used mobile home" means a mobile home which is the security for a prior loan guaranteed, insured or made by the Veterans' Administration or by another Federal agency.

§ 36.4203 Eligibility of the veteran for the mobile home loan benefit under 38 U.S.C. 1819.

(a) To be eligible for the mobile home loan benefit a veteran must have maximum home loan guaranty entitlement of $12,500 available for use. Such maximum home loan guaranty entitlement may consist, in whole or in part, of restored entitlement. Entitlement used to obtain a mobile home loan may be restored a single time provided the first loan has been repaid in full.

(b) Use of the mobile home loan guaranty benefit shall preclude the use of any home loan guaranty entitlement under any other section of chapter 37, title 38, United States Code until the mobile home loan has been paid in full.

§ 36.4204 Maximum loan amounts and term.

(a) Maximum permissible loan amounts and term shall not exceed:

(1) $10,000 for 12 years and 32 days in the case of a loan covering the purchase of a mobile home only.

(2) $10,000 for 12 years and 32 days in the case of a loan covering the purchase of a mobile home plus such additional amount as determined by the Administrator to be appropriate to cover the cost necessary for site preparation where the veteran owns the lot.

(3) $15,000 (but not to exceed $10,000 for the mobile home and not to exceed $5,000 for an undeveloped lot) for 15 years and 32 days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home plus such additional amount as determined by the Administrator to be appropriate to cover the cost of necessary site preparation.

(4) $17,500 (but not to exceed $10,000 for the mobile home and not to exceed $7,500 for a suitably developed lot) for 15 years and 32 days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

(b) Subject to the maximum loan amounts in paragraph (a) of this section the loan amount in an individual case shall not exceed the following:

(1) In the case of a loan to purchase a new mobile home unit only, the loan amount shall not exceed the sum of the following:

(i) 120 percent of the figure produced by the following computation: Subtract from the manufacturer's invoice cost the manufacturer's invoice cost of any components (furnishings, accessories, equipment) removed from the unit by the dealer. To the remainder add the dealer's cost for any components added by such dealer. The sum so obtained shall be the figure to be multiplied by the specified percentage.

(ii) 100 percent of the actual amount of fees and charges permitted in § 36.4232 but not in excess of the specified maximums.

(2) In the case of a loan to purchase a new mobile home unit plus the cost of necessary site preparation where the veteran owns the lot, the loan amount shall be limited to the amount determined in subparagraph (1) of this paragraph plus such costs of necessary site preparation as are approved by the Administrator.

(3) In the case of a loan to purchase a new mobile home unit plus the purchase of an undeveloped lot on which to place such home plus the cost of necessary site preparation, the loan amount shall be limited to the amount determined in subparagraph (1) of this paragraph plus the reasonable value of the undeveloped lot as determined by the Administrator plus such costs of necessary site preparation as are approved by the Administrator.

(4) In the case of a loan to purchase a new mobile home unit plus the cost of a suitably developed lot on which to place such home, the loan amount shall be limited to the amount determined in subparagraph (1) of this paragraph plus the reasonable value of the developed lot as determined by the Administrator.

(c) The cost of the transaction which will not be paid from the proceeds of the loan must be paid by the veteran in cash from his own resources. Closing costs and prepaid items incident to the real estate portion of any mobile home must be paid in cash and may not be included in the loan amount.

§ 36.4205 Computation of guaranty.

(a) The amount of the guaranty in respect to a loan guaranteed under 38 U.S.C. 1819 shall be thirty (30) percent of the loan. The amount of the guaranty is reduced or increased pro rata with any reduction or increase in the amount of the guaranteed loan.

(b) Any evidence of guaranty issued by the Administrator in respect to such loan shall be conclusive evidence of the eligibility of the loan for guaranty and of the amount of such guaranty: *Provided, however*, That the Administrator may establish against the original lender, defenses based on fraud or material misrepresentation and that the Administrator may by regulations in force at the date of such issuance establish partial defenses to the amount payable on the guaranty.

§ 36.4206 Income, credit, and occupancy requirements.

No loan shall be guaranteed under 38 U.S.C. 1819 unless:

(a) The terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings.

(b) The veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home. For the purposes of this section, the words "personally occupy the property as his home" mean that the veteran as of the date of his certification actually lives in the property personally as his residence or actually intends upon completion of the loan and acquisition of the mobile home to move into the home personally within a reasonable time and to utilize the home as his residence.

§ 36.4207 Mobile home standards.

To qualify for purchase with a guaranteed loan a mobile home must

(a) Be a minimum of forty (40) feet long and ten (10) feet wide having a minimum area of at least four hundred (400) square feet or be a module or modules having a minimum area of at least four hundred (400) square feet;

(b) Be so constructed as to be towed on its own chassis and undercarriage and/or independent undercarriage;

(c) Contain living facilities for year around occupancy by one family, including permanent provisions for heat, sleeping, cooking, and sanitation; and

(d) Comply with the specifications in effect at the time the loan is made that are prescribed in mobile home standard No. A 119.1, as approved by the American National Standards Institute (formerly the United States of America Institute, Inc.).

§ 36.4208 Mobile home location standards.

(a) Any rental site on which a mobile home to be purchased with a guaranteed loan will be placed must qualify as an acceptable rental site as follows:

(1) Be located within a mobile home park or subdivision which is acceptable to the Veterans Administration; or

(2) Be a site which is not within a mobile home park or subdivision provided that (i) the site is determined by the Veterans Administration to be an acceptable rental site, or (ii) in the absence of a determination by the Veterans Administration in respect to such site the mobile home purchaser and the dealer certify to the Administrator as follows:

(*a*) Placement of the mobile home on the site or lot is not a violation of zoning laws or other local requirements applicable to mobile homes;

(*b*) The site or lot is served by water and sanitary facilities which are approved by the local public authority and which are acceptable to the Veterans Administration;

(*c*) The site or lot is served by an all-weather street or road;

(*d*) The site or lot is not known to be subject to conditions that may be hazardous to the health or safety of the mobile home occupants or that may endanger the mobile home; and

(*e*) The site is free from, and the location of the mobile home thereon will not substantially contribute to, adverse scenic or environmental conditions.

(b) No mobile home purchased with a guaranteed loan may be placed on a lot owned by an eligible veteran or on a lot to be purchased or improved with the proceeds of a guaranteed mobile home loan unless the lot owned or to be so purchased or improved is determined by the Veterans Administration to be an acceptable mobile home site.

(c) A mobile home park or subdivision which is not approved by the Federal Housing Administration will be acceptable to the Veterans Administration for the purpose of 38 U.S.C. 1819 if the Administrator determines that the park or subdivision, whether existing or proposed, (1) is designed to encourage the maintenance and development of mobile home sites which will be free from, and not substantially contribute to, adverse scenic and environmental conditions, and (2) complies otherwise with the applicable standards for planning, construction, and general acceptability prescribed by the Administrator.

§ 36.4209 Reporting requirements.

(a) Each loan proposed for guaranty under 38 U.S.C. 1819 shall, unless otherwise provided in the § 36.4200 series, be submitted to the Administrator for approval prior to closing. The Administrator upon determining any such proposed loan to be eligible for guaranty will issue a certificate of commitment

(b) Except as provided in paragraph (c) of this section, a certificate of commitment shall entitle the holder to the issuance of the evidence of guaranty upon the ultimate actual payment of the full proceeds of the loan for the purposes described in the original report and upon the submission within 30 days thereafter of a supplemental report showing such fact and:

(1) That the loan conforms to the terms of the certificate of commitment;

(2) The identity of all property purchased therewith;

(3) That all property purchased with the proceeds of the loan has been encumbered as required by the § 36.4200 series;

(4) In respect to any property purchased with the loan proceeds as to which the Administrator issued a certificate of reasonable value which was conditioned upon completion of any construction, repairs, alterations or improvements not inspected and approved subsequent to completion by a compliance inspector designated by the Administrator that such construction, repairs, alterations or improvements have been completed according to the plans and specifications upon which such reasonable value was based; and

(5) That the loan conforms otherwise to the applicable provisions of 38 U.S.C. 1819 and the § 36.4200 series.

(c) A deviation of more than five (5) percent between the estimates upon which the certificate of commitment was issued and the report of final payment of the proceeds of the loan, or a change in the identity of the property acquired by the veteran with the loan proceeds will invalidate the certificate of commitment, unless such deviation or change is approved by the Administrator.

(d) Upon the failure of the lender to report in accordance with paragraph (b) of this section, the certificate of commitment shall have no further effect; *Provided, nevertheless,* That if the loan otherwise meets the requirements of this section, said certificate of commitment may be given effect by the Administrator, notwithstanding the report is received after the date otherwise required.

(e) A Certificate of Guaranty will be issued on the basis of the loan stated in the certification of loan disbursement provided the loan is otherwise eligible.

(f) Any amount of the loan that is disbursed for an ineligible purpose shall be excluded in computing the amount of guaranty.

§ 36.4210 Joint loans.

The joinder of the spouse of a veteran-borrower in the ownership of the property purchased with the loan proceeds shall not preclude issuance of guaranty based upon the entire amount of the loan. The amount or percentage of guaranty may not, however, be increased beyond the 30 percent maximum by reason of such spouse's eligibility for the mobile home loan benefit or by the joinder in ownership of the property of more than one eligible veteran.

§ 36.4211 Amortization—prepayment.

(a) To be eligible for guaranty under 38 U.S.C. 1819 a loan shall be amortized fully within the term of the loan in accordance with any generally recognized plan of amortization requiring approximately equal monthly payments. The loan shall not be payable on demand or at sight or presentation, or at a time not specified or computable from the language in the evidence of indebtedness, or on a renewal basis at the option of the holder. The first payment may be deferred not longer than 2 months from the date the loan is closed.

(b) No guaranteed loan security instrument shall contain any provision giving the holder a right to declare the loan due or otherwise to declare a default if the holder "shall feel insecure" or upon the occurrence of any similar condition

at the holder's option, without regard to any act or omission by the debtor.

(c) The debtor shall have the right, without penalty or fee, to prepay all or not less than one installment of the indebtedness at any time. Credit for any partial prepayment made on other than an installment due date may be postponed to the next installment due date. The holder and the debtor may agree at any time that any prepayment not previously applied in satisfaction of matured installments shall be reapplied for the purpose of curing or preventing any subsequent default. Any prepayment in full of the indebtedness (unpaid principal balance plus earned interest) shall be credited on the date received. In determining the amount required to prepay the indebtedness in full the holder of the loan shall exclude all unearned interest or discount.

(d) Subject to paragraph (a) of this section any amounts which under the terms of a loan do not become due and payable on or before the last maturity date permissible for loans of its class under the limitations contained in § 36.4204 shall automatically fall due on such date.

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima:

(1) 10.75 percent simple interest per annum for that portion of the loan which finances the purchase of a mobile home unit.

(2) 7.50 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 7.50 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 10.75 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

(b) The rate of interest in instruments securing the indebtedness for all loans may be expressed in terms of add-on or discount provided the rate as so computed does not exceed the applicable maximum simple interest rate(s) specified in paragraph (a) of this section.

(c) A late charge not in excess of an amount equal to 4 percent of any installment paid more than 15 days after due date shall not be considered a violation of the interest rate limitations specified in paragraph (a) of this section. Late charges must be collected from the borrower as such and may not be deducted from regular installments.

§ 36.4213 Capacity of parties.

Nothing in the § 36.4200 series shall be construed to relieve any lender of responsibility for any loss caused by lack of legal capacity of any person to contract, sell, convey or encumber, or by the existence of other legal disability or defects invalidating or rendering unenforceable in whole or in part either the loan obligation or the security therefor.

§ 36.4214 Geographical limits.

The site for any mobile home purchased with a guaranteed loan must be located within the United States of America, which for the purposes of 38 U.S.C. 1819 comprises the several States, the Territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

§ 36.4215 Accounting records.

(a) The holder shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto and the dates thereof. This record shall be maintained until the Administrator ceases to be liable as guarantor of the loan. For the purpose of any accounting with the Administrator or computation of claim against him, any holder who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such holder.

(b) The Administrator has the right to inspect, examine, or audit, at a reasonable time and place, the records or accounts of a holder pertaining to loans guaranteed by the Administrator.

§ 36.4216 Disqualification of lenders.

(a) A lender or holder may be suspended from obtaining guaranty of loans or from the right to the guaranty in respect to any loan made or purchased after the date of its suspension, except as provided in paragraph (h) of this section, whenever any of the employees designated in § 36.4221(b) finds that the lender or holder (hereinafter referred to as lender) has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has declined to make a guaranteed mobile home loan to an eligible veteran because of the applicant's race, color, religion, or national origin, or has willfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government, or has been refused the benefits of participation under the National Housing Act pursuant to a determination of the Federal Housing Commissioner under section 512 of that Act. Suspension of a lender shall be effected only when specifically authorized by the Administrator, the Deputy Administrator, or by the Chief Benefits Director, Department of Veterans Benefits. In any case in which suspension has been so authorized and (1) an indictment has been secured or a criminal information has been filed against the lender in connection with a transaction involving 38 U.S.C. 1819, or (2) is based upon action taken by the Federal Housing Commissioner, an immediate suspension may be effected. In any other case in which the Director of a regional office has obtained Central Office authorization to initiate suspension proceedings, prior written notice of intention to apply the suspension sanction shall be furnished to the lender concerned.

(b) Where notice of intention to suspend is furnished a lender, the notice shall state the charges against the lender and the specifications on which the charges are based. Such notice shall also advise the lender that no later than 20 days from the date of the receipt of the notice it may file written answer to the charges with the Director and, if desired, may also file a written request that lender be permitted to appear before the Veterans Administration and state why suspension should not be effected. In the event the lender does not file written answer to the charges against it and does not make or request permission to make an appearance before the Veterans Administration within the time specified, suspension may be effected immediately, without further authorization, by the Director who will advise the Chief Benefits Director of the action taken.

(c) If an appearance before the Veterans Administration is requested by the lender, the Director will arrange for and notify the lender of the time and place thereof and will appoint a committee of three Veterans Administration employees to hear the lender's statement. The Chief Attorney or his designee will represent the Veterans Administration at such appearance. The proceedings of the committee will be informal. The lender will be informed of the charges and specifications which constitute the basis of the contemplated suspension and will be afforded an opportunity to state either orally or in writing why suspension should not be effected. Written or oral statements of the lender, or its officers, agents, or representatives other than counsel may be required by said Chief Attorney or his designee to be made under oath if in his discretion the nature of the statement is such as to make that procedure advisable. In the event an oral statement is made under oath, a verbatim transcript of such statement will be made. Authority is hereby delegated to the Chief Attorney or his designee to administer oaths to each party making the statement under oath.

(d) If within the specified time, written answer is filed with the Director or the lender makes an appearance, the Director will hold the suspension in abeyance and submit a full report to the Chief Benefits Director including recommendations as to the action to be taken in the case and will await instructions of the Chief Benefits Director before proceeding further.

(e) Where suspension is effected, the lender will be advised in writing of the effective date of the suspension and, unless such was previously furnished, will be given written notice of the charges against the lender and the specifications on which such charges are based. Any lender who is suspended shall have the right to apply to the Chief Benefits Director for termination or modification of the suspension and, except when the suspension is based upon action taken by the Federal Housing Commissioner, shall also have the right to apply to the Chief Benefits Director for a formal hearing at which opportunity shall be afforded to show why suspension should be modified or terminated. The Chief Benefits Director may postpone the holding of a hearing for a reasonable period in any case in which the Department of Justice or U.S. attorney advises or requests postponement pending the trial of a criminal or civil case or the institution of criminal or civil proceedings against the lender. In the absence of such request, the Chief Benefits Director, as soon as he may deem it feasible to do so, shall designate such time and place as he may deem appropriate for such hearing, shall notify the lender thereof, and shall appoint not less than three persons, who shall constitute the board, to conduct the hearing. The Chief Attorney or his designee shall represent the Veterans' Administration. Authority is hereby delegated to the chairman of the board designated to conduct such hearing to administer oaths to witnesses. The Director may issue subpenas for witnesses or records as provided in 38 U.S.C. 3311. The lender shall have the right to appear at such hearing in person or by attorney, or both, and to introduce evidence showing why such suspension should be modified or terminated. If the Veterans' Administration has knowledge of a pending or contemplated civil or criminal action by the United States against the lender, arising from the facts on which the suspension of the lender was based, the Chief Attorney of the regional office concerned will inform the responsible U.S. attorney of the date and place of hearing and keep him advised of all developments.

(f) As soon as is practicable after the conclusion of the hearing, the board will make findings of fact and recommendations in writing to the Chief Benefits Director. The lender will be furnished with a transcript of the hearing and with a statement of the board's findings of fact. The lender shall have the right within 14 days after receipt of such transcript and statement to file with the Chief Benefits Director a brief of either, or both, facts and law.

(g) Upon receipt of the transcript of the hearing, the findings and recommendations of the board, and the brief of the lender, if one is filed, the Chief Benefits Director shall make a determination in the case, basing his action on such record. Written notice of such determination shall be given to the lender. The lender shall have the right to appeal such decision to the Administrator by giving notice in writing to the Chief Benefits Director within 10 days after the receipt of notice of such determination. In the event of such appeal, the Administrator will decide the matter finally on the record and will notify the lender of his decision in writing. If the lender does not appeal to the Administrator within the period specified, the determination by the Chief Benefits Director shall be final.

(h) Except where acquisition is pursuant to a binding contract antedating the suspension, the purchase of a guaranteed loan by a lender after the date of its suspension shall cancel the guaranty on such loan: *Provided*, The notice to the lender of the suspension expressly bars such lender from acquiring by purchase loans guaranteed by the Administrator.

(i) If after determination by the Chief Benefits Director or the Administrator, as provided in paragraph (g) of this section, the suspension is terminated, all rights and interest of the lender shall be restored. However, any lender suspended by reason of action taken by the Federal Housing Commissioner is not afforded the rights under paragraph (g) of this section and the suspension in any such case will be terminated by the Chief Benefits Director only if the lender furnishes satisfactory evidence of his reinstatement by the Federal Housing Commissioner.

§ 36.4217 Delivery of notice.

Any notice required by the § 36.4200 series to be given the Administrator must be in writing, and delivered, by mail or otherwise, to the Veterans Administration office at which the guaranty was issued, or to any changed address of which the holder has been given notice. Such notice must plainly identify the case by the setting forth the name of the original veteran-obligor and the file number assigned to the case by the Administrator, if available, or otherwise the name and serial number of the veteran. If mailed, the notice shall be by certified mail when so provided by the § 36.4200 series. This section does not apply to legal process. (See § 36.4282.)

§ 36.4218 Payment in full; termination of guaranty.

Upon full satisfaction of a guaranteed loan by payment or otherwise the instrument evidencing the guaranty shall be returned to the Veterans Administration office issuing the same with the holder's cancellation or endorsement of release thereon.

§ 36.4219 Incorporation by reference.

Veterans Administration regulations issued under 38 U.S.C. 1819, and in effect on the date of any loan which is submitted and accepted or approved for a guaranty thereunder, shall govern the rights, duties, and liabilities of the parties to such loan and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform therto.

§ 36.4220 Substantive and procedural requirements; waiver.

(a) Notwithstanding any requirement, condition, or limitation stated in or imposed by the regulations concerning the guaranty of mobile home loans to veterans, the Chief Benefits Director, or the Director, Loan Guaranty Service, within the limitations and conditions prescribed by the Administrator, is hereby authorized, if he finds the interests of the Government are not adversely affected, to relieve undue prejudice to a debtor, holder, or other person, which might otherwise result, provided no such action may be taken which would impair the vested rights of any person affected thereby. If such requirement, condition, or limitation is of an administrative or procedural (not substantive) nature, any employee designated in § 36.4221 is hereby authorized to grant similar relief if he finds the failure or error of the lender was due to misunderstanding or mistake and that the interests of the Government are not adversely affected. Provisions of the regulations considered to be of an administrative or procedural (nonsubstantive) nature are limited to the following:

(1) The requirement in § 36.4209 that a lender originating a loan under a certificate of commitment report the loan for issuance of guaranty evidence within 30 days following actual payment of the full proceeds of the loan. In such cases it is not necessary that a finding be made that the loan is not in default.

(2) The requirement in § 36.4279 that a holder promptly forward an advice of the terms of any agreement effecting a reamortization or extension of a loan.

(3) The requirement in § 36.4280 concerning the giving of notice of default.

(4) The requirement in § 36.4280 that a holder give 30 days advance notice of its intention to foreclose or repossess the security.

(5) The requirement in § 36.4282 that a holder give notice of repossession of personal property within 10 days after such repossession has occurred.

(b) No waiver, consent, or approval required or authorized by the regulations concerning guaranty of loans to veterans shall be valid unless in writing signed by the Administrator or the employee designated in § 36.4221.

§ 36.4221 Delegation of authority.

(a) Except as hereinafter provided, each employee of the Veterans Administration heretofore or hereafter appointed to, or lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to the guaranty of mobile home loans and the rights and liabilities arising therefrom, including but not limited to the adjudication and allowance, disallowance, and compromise of claims; the collection or compromise of amounts due, in money or other property; the extension, rearrangement, or acquisition of loans; the management and disposition of secured and unsecured notes and other property; and those functions expressly or impliedly embraced within paragraphs (2) to (6), inclusive, of 38 U.S.C. 1820(a). Incidental to the exercise and performance of the powers and functions hereby delegated, each such employee is authorized to execute and deliver (with or without acknowledgment) for, and on behalf of, the Administrator, evidence of

guaranty and such certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental, or other disposition of real or personal property, or of any right, title, or interest therein, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments, and releases; and to approve disbursements to be made for any purpose authorized by 38 U.S.C. chapter 37.

(b) Designated positions:

Chief, Benefits Director.
Director, Loan Guaranty Service.
Director, Regional Office.
Director, Veterans Benefits Office (Washington, D.C.).
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

The authority hereby delegated to employees of the positions designated in this paragraph may, with the approval of the Chief Benefits Director, be redelegated.

(c) Nothing in this section shall be construed (1) to authorize any such employee to excercise the authority vested in the Administrator under 38 U.S.C. 210 (c) or 1815(b) or to sue, or enter appearance for and on behalf of the Administrator, or confess judgment against him in any court without his prior authorization; or (2) to include the authority to exercise those powers delegated to the Chief Benefits Director, or the Director, Loan Guaranty Service, under § 36.4220: *Provided*, That anything in the regulations concerning guaranty of loans to veterans to the contrary notwithstanding, any evidence of guaranty issued on or after the effective date of the § 36.4200 series by any of the employees designated in paragraph (b) of this section or by any employee designated an authorized agent or a loan guaranty agent shall be deemed to have been issued by the Administrator, subject to the defenses reserved in 38 U.S.C. 1821.

§ 36.4222 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

FINANCING MOBILE HOME UNITS

§ 36.4231 Manufacturers warranty.

(a) When a new mobile home purchased with financing guaranteed under 38 U.S.C. 1819 is delivered to the veteran-borrower he will be supplied a written warranty by the manufacturer in the form and content prescribed by the Administrator. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument, and the warranty instrument will so provide. No evidence of guaranty shall be issued by the Administrator unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

(b) The Administrator may from time to time conduct inspection of the manufacturing process of mobile homes constructed for sale to veterans and onsite inspections of mobile homes purchased with the assistance of loans guaranteed under 38 U.S.C. 1819.

§ 36.4232 Allowable fees and charges; mobile home unit.

(a) Incident to the origination of a guaranteed loan for the purchase of a mobile home unit only, no charge shall be made against, or paid by, the veteran-borrower without the express prior approval of the Administrator except as follows:

(1) Actual fees or charges for required recordation of documents.

(2) The amount of any documentary stamp taxes levied on the transaction.

(3) The amount of State and local taxes levied on the transaction.

(4) The premium for customary physical damage insurance and vendor's single interest coverage on the mobile home for an initial policy term of not to exceed five (5) years.

(5) The actual cost of transportation or freight not to exceed $400.

(6) Set-up charges for installing the mobile home on site, not to exceed $200.

(b) Any charge against the borrower properly made under paragraph (a) of this section may be included in the loan and paid out of the proceeds of the loan, if such inclusion does not increase the amount of the loan to more than the maximum amount allowable under § 36.4204.

(c) Costs of a credit report, such additional insurance as the veteran may desire, and any other expenses normally charged to a mobile home purchaser under local customs may be paid by the borrower other than from the loan proceeds.

§ 36.4233 Suspension of manufacturers.

(a) The Administrator may refuse to guarantee loans (1) in respect to any mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in § 36.4231, or (2) in respect to any mobile homes constructed by a manufacturer as to whose mobile homes the Administrator has made a determination of nonconformity to the structural standards prescribed in § 36.4207, or (3) in respect to any mobile homes constructed by a manufacturer who fails or is unable to discharge his obligations under the warranty required by the regulations in the § 36.4200 series to be issued by such manufacturer.

(b) Any manufacturer affected by such refusal to guarantee loans shall have the right within 10 days after receipt of written notice of such refusal to file with the Administrator, by registered mail, a request for a hearing. Upon receipt of such request, the Chief Benefits Director shall, as promptly as he deems it feasible to do so, designate a time and place as he deems appropriate for such hearing and shall appoint one or more persons who shall constitute a board to conduct the hearing. The person or persons requesting such hearing shall be afforded full opportunity to appear at the hearing in person, or by counsel, or both, and to introduce evidence showing why the sanction should be terminated or modified. Authority is hereby granted to the persons designated to conduct the hearing to administer oaths to witnesses.

(c) As soon as is practicable after conclusion of the hearing, the board will make findings of fact and recommendations in writing to the Chief Benefits Director. The person requesting the hearing will be furnished with a transcript of the hearing and with a statement of the board's findings of fact. Such person shall have the right within 14 days after receipt of such copy to file with the Chief Benefits Director a brief of either, or both, facts and law.

(d) Upon receipt of the findings and recommendations of the hearing board and the brief of the person requesting the hearing, if a brief is filed, the Chief Benefits Director shall make a determination in the case; i.e., whether the refusal to guarantee or make loans as originally imposed is continued, modified, or terminated, and what terms or conditions, if any, are imposed for termination or modification. Notice of such determination shall be given to the person requesting the hearing. Such person shall have the right to appeal such decision to the Administrator within 30 days after the date of receipt of such notice. In the event of an appeal, the Administrator will decide the matter finally and will notify the person who filed the appeal of his decision.

§ 36.4234 Title and lien requirements.

(a) The interest in the mobile home acquired by the veteran at the time of his purchase shall be either:

(1) Legal title evidenced by such document as is customarily issued to the purchaser of a mobile home in the jurisdiction in which the mobile home is initially sited, or

(2) A full possessory interest convertible into a legal title conforming to subparagraph (1) of this paragraph upon payment in full of the guaranteed loan.

(b) The loan must be secured by a properly recorded financing statement and security agreement or other security instrument that creates a first lien on or equivalent security interest in the mobile home and all of the furnishings, equipment, and accessories paid for in whole or in part out of the loan proceeds.

(c) It is the responsibility of the lender that the veteran initially obtains an interest in the mobile home meeting the requirements of paragraph (a) of this section and to obtain and retain a security interest meeting the requirements of paragraph (b) of this section.

§ 36.4235 Suspension of dealers and mobile home park operators.

(a) The Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

(b) Any person or firm suspended pursuant to paragraph (a) of this section shall have the right within 10 days after receipt of written notice of such refusal to file with the Administrator, by registered mail, a request for a hearing. Upon receipt of such request, the Chief Benefits Director shall, as promptly as he deems it feasible to do so, designate a time and place as he deems appropriate for such hearing and shall appoint one or more persons who shall constitute a board to conduct the hearing. The person or persons requesting such hearing shall be afforded full opportunity to appear at the hearing in person, or by counsel, or both, and to introduce evidence showing why the sanction should be terminated or modified. Authority is hereby granted to the persons designated to conduct the hearing to administer oaths to witnesses.

(c) As soon as is practicable after conclusion of the hearing, the board will make findings of fact and recommendations in writing to the Chief Benefits Director. The person requesting the hearing will be furnished with a transcript of the hearing and with a statement of the board's findings of fact. Such person shall have the right within 14 days after receipt of such copy to file with the Chief Benefits Director a brief of either or both, facts and law.

(d) Upon receipt of the findings and recommendations of the hearing board and the brief of the person requesting the hearing, if a brief is filed, the Chief Benefits Director shall make a determination in the case; i.e., whether the refusal to accept a site or to guarantee loans as originally imposed is continued, modified, or terminated, and what terms or conditions, if any, are imposed for termination or modification. Notice of such determination shall be given to the person requesting the hearing. Such person shall have the right to appeal such decision to the Administrator within 30 days after the date of receipt of such notice. In the event of an appeal, the Administrator will decide the matter finally and will notify the person who filed the appeal of his decision.

SERVICING, LIQUIDATION OF SECURITY AND CLAIM

§ 36.4275 Events constituting default.

(a) The conveyance of or other transfer of title to property by operation of law or otherwise, after the creation of a lien thereon to secure a loan which is guaranteed in whole or in part by the Administrator, shall not constitute an event of default, or acceleration of maturity, elective or otherwise, and shall not of itself terminate or otherwise affect the guaranty.

(b) The inclusion in the guaranteed obligation of a provision contrary to the provisions of this section or § 36.4211 shall not impair the right of the holder to payment of the guaranty provided that:

(1) Default was declared or maturity was accelerated under some other provision of the note, mortgage, or other loan instrument, or

(2) Activation or enforcement of such provision is warranted under § 36.4280, or

(3) The prior approval of the Administrator was obtained.

(c) If the title to real property or a leasehold interest therein which secures a mobile home loan guaranteed after December 22, 1970, is restricted against sale or occupancy on the ground of race, color, religion, or national origin, by restrictions created and filed of record by the borrower subsequent to that date, such action, at the election of the holder, shall constitute an event of default entitling the holder to declare the unpaid balance of the loan immediately due and payable.

(d) The holder of any guaranteed obligation shall have the right, notwithstanding the absence of express provision therefor in the instruments evidencing the indebtedness, to accelerate the maturity of such obligation at any time after the continuance of any default for the period specified in § 36.4280.

(e) If sufficient funds are tendered to bring a delinquency current at any time prior to repossession or foreclosure of the mobile home the holder shall be obligated to accept the funds in payment of the delinquency, unless the prior approval of the Administrator is obtained to do otherwise.

§ 36.4276 Advances and other charges.

(a) A holder may advance any reasonable amount necessary and proper for the maintenance or repair of the security, or for the payment of accrued taxes, special assessments or other charges which constitute prior liens, or premiums on fire or other hazard insurance against loss of or damage to such property and any such advance so made may be added to the guaranteed indebtedness.

(b) In addition to advances allowable under paragraph (a) of this section, the holder may charge (1) against the proceeds of the sale of the security, (2) against gross amounts collected, or (3) in the computation of a claim under the guaranty, if lawfully authorized by the loan agreement and subject to § 36.4284, any of the following items actually paid:

(i) Any expense which is reasonably necessary for preservation of the security,

(ii) Court costs in a foreclosure or other proper judicial proceeding involving the security,

(iii) Other expenses reasonably necessary for collecting the debt, or repossession or liquidation of the security, including a reasonable sales commission to the dealer or sales broker for resale of the security,

(iv) Reasonable trustee's fees or commissions paid incident to the sale of real property,

(v) Reasonable amount for legal services actually performed not to exceed 10 percent of the unpaid indebtedness as of the date of the first uncured default, or $250, whichever is less,

(vi) Any other expense or fee that is approved in advance by the Administrator.

§ 36.4277 Release of security.

(a) Except upon full payment of the indebtedness the holder shall not release a lien or other right in or to property held as security for a guaranteed loan, or grant a fee or other interest in such property, without the prior approval of the Administrator, unless in the opinion of the holder such release does not involve a decrease in the value of the security in excess of $500: *Provided*, That the aggregate of the reduction in the original value of the security resultant from such releases without the Administrator's prior approval does not exceed $500.

(b) Except upon full payment of the indebtedness or upon the prior approval of the Administrator, the holder shall not release a lien under paragraph (a) of this section unless the consideration received for the release is commensurate with the fair market value of the property released and the entire consideration is applied to the indebtedness, or if encumbrance on other property is accepted in lieu of that released it shall be the holder's duty to acquire such lien on property of substantially equal value which is reasonably capable of serving the purpose for which the property released was utilized.

(c) Failure of the holder to comply with the provisions of this section shall not in itself affect the validity of the title of a purchaser to the property released.

(d) The holder shall notify the Administrator of any such release or substitution of security within 30 days after completion of such transaction.

(e) The release of the personal liability of any obligor on a guaranteed obligation resultant from the act or omission of any holder without the prior approval of the Administrator shall release the obligation of the Administrator as guarantor, except when such act or omission consists of

(1) Failure to establish the debt as a valid claim against the assets of the estate of any deceased obligor, provided no lien for the guaranteed debt is thereby impaired or destroyed; or

(2) An election and appropriate prosecution of legally available effective remedies with respect to the repossession or the liquidation of the security in any case, irrespective of the identity or the survival of the original or of any subsequent debtor, if holder shall have given such notice as required by § 36.4280 and if, after receiving such notice, the Administrator shall have failed to notify the holder within 15 days to proceed in

such manner as to effectively preserve the personal liability of the parties liable, or such of them as the Administrator indicates is such notice to the holder; or

(3) The release of an obligor, or obligors, from liability on an obligation secured by a lien on property, which release is an incident of and contemporaneous with the sale of such property to an eligible veteran who assumed such obligation, which assumed obligation is guaranteed on his account pursuant to 38 U.S.C. 1819; or

(4) The release of an obligor or obligors as provided in § 36.4279.

§ 36.4279 Extensions and reamortizations.

(a) The terms of repayment of any loan may, by written agreement between the holder and debtor, be extended in the event of default, to avoid imminent default, or in any other case where the prior approval of the Administrator is obtained. Except with the prior approval of the Administrator, no such extension shall set a rate of amortization less than that sufficient to fully amortize at least 80 percent of the loan balance so extended within the maximum maturity prescribed for loans of its class.

(b) In the event of a prepayment pursuant to § 36.4211, the balance of the indebtedness may, by written agreement between the holder and the debtor, be reamortized, provided the reamortization schedule will result in full repayment of the loan within the original maturity.

(c) Unless the prior approval of the Administrator has been obtained, any extension or reamortization agreed to by a holder which relieves any obligor from liability will release the liability of the Administrator under the guaranty on the entire loan. However, if such release of liability of an obligor results through operation of law by reason of an extension or other act of forbearance, the liability of the Administrator as guarantor will not be affected thereby, *Provided*, The required lien is maintained and the title holder is and will remain liable for the payment of the indebtedness: *And further provided*, That if such extension or act of forbearance will result in the release of the veteran, all delinquent installments, plus any foreclosure expenses which may have been incurred, shall have been fully paid.

(d) The holder shall promptly forward to the Administrator an advice of the terms of any agreement effecting a reamortization or extension of a guaranteed loan.

§ 36.4280 Reporting of defaults.

The holder of any guaranteed loan shall give notice to the Administrator within 15 days after any debtor:

(a) Is in default by reason of nonpayment of two full installments; or

(b) Is in default by failing to comply with any other covenant or obligation of such guaranteed loan which failure persists for a continuing period of 60 days after demand for compliance therewith has been made, except that if the default is due to nonpayment of real estate taxes, the notice shall not be required until the failure to pay when due has persisted for a continuing period of 120 days.

(c) In the event any failure of the debtor to discharge his obligations under the loan continues for a period of 2 months or for more than 1 month on an extended loan, the holder may then or thereafter give the notice in the manner described in paragraph (e) of this section.

(d) The notice prescribed in paragraph (e) of this section may be submitted prior to the time prescribed in paragraph (c) of this section in any case where any material prejudice to the rights of the holder or to the Administrator or hazard to the security warrants more prompt action.

(e) Except upon the express waiver of the Administrator, a holder shall not begin proceedings in court or give notice of sale under power of sale, repossess the security, or accelerate the loan, or otherwise take steps to terminate the debtor's rights in the security until the expiration of 30 days after delivery by certified mail to the Administrator of a notice of intention to take such action; *Provided*, That immediate action may be taken if the property to be affected thereby has been abandoned by the debtor, or has been or may be otherwise subjected to extraordinary waste or hazard.

§ 36.4281 Refunding of loans in default.

Upon receiving a notice of default the Administrator may at any time prior to the termination of the borrower's interest in the property require the holder upon penalty of otherwise losing the guaranty to transfer and assign the loan and the security therefor to the Administrator or to another designated by him upon receipt of payment of the balance of the indebtedness remaining unpaid to the date of such assignment. Such assignment may be made without recourse but the transferor shall not thereby be relieved from the provisions of §36.4286.

§ 36.4282 Legal proceedings (notice of repossession).

(a) When the holder institutes suit or otherwise becomes a party in any legal or equitable proceeding brought on or in connection with the guaranteed indebtedness, or involving title to, or other lien on, the security, such holder, within the time that would be required if the Administrator were a party to the proceeding, shall deliver to the Administrator, by mail or otherwise, by making such delivery to the loan guaranty officer at the office which granted the guaranty, or other office to which the holder has been notified the file is transferred, a copy of every procedural paper filed on behalf of holder, and shall also so deliver, as promptly as possible, a copy of each similar pleading served on holder or filed in the cause by any other party thereto. Notice of, or motion for, continuance and orders thereon are excepted from the foregoing.

(b) A copy of a notice of sale under power by a holder or one acting at his behest (e.g., trustee or public official) shall be similarly delivered to the Administrator at or before the date of first publication, posting, or other notice, but in any event, except in emergency or when waived by the Administrator, not less than 10 days prior to date of sale. Copy of any other notice of sale served on the holder or of which he has knowledge shall be similarly delivered to the Administrator, including any such notice of sale under tax or other superior lien or any judicial sale.

(c) The procedure prescribed in paragraphs (a) and (b) of this section shall not be applicable in any proceeding to which the Administrator is a party, after his appearance shall have been entered therein by a duly authorized attorney.

(d) In any legal or equitable proceeding (including probate and bankruptcy proceedings) to which the Administrator is a party, original process and any other process prior to appearance, proper to be served on the Administrator, shall be delivered to the loan guaranty officer of the office of the Veterans Administration having jurisdiction of the area in which the court is situated. Within the time required by applicable law, or rule of court, the Administrator will cause appropriate special or general appearance to be entered in the cause by his authorized attorney.

(e) After appearance of the Administrator by attorney, all process and notice otherwise proper to serve on the Administrator before or after judgment, if served on his attorney of record shall have the same effect as if the Administrator were personally served within the jurisdiction of the court.

(f) If following a default the holder does not begin appropriate action within 30 days after requested in writing by the Administrator to do so, or does not prosecute such action with reasonable diligence, the Administrator may at his option intervene in, or begin and prosecute to completion any action or proceeding, in his name or in the name of the holder, which the Administrator deems necessary or appropriate, and may fix a date beyond which no further charges may be included in the computation of the guaranty claim. The Administrator shall pay, in advance if necessary, any court costs or other expenses incurred by him, or properly taxed against him, in any such action to which he is a party, but may charge the same, and also a reasonable amount for legal services, against the guaranteed indebtedness, or the proceeds of the sale of the security to the same extent as the holder (see § 36.4276), or otherwise collect from the holder any such expenses incurred by the Administrator because of the neglect or failure of the holder to take or complete proper action. The rights and remedies herein reserved are without prejudice to any other rights, remedies, or defenses, in law or in equity, available to the Administrator.

(g) The holder, no later than 10 days after it has repossessed a property, must advise the Administrator of such repossession. The holder shall proceed thereafter, within a reasonable time after

repossession, to terminate the debtors' rights in the property. If it is a legal requirement or if the Administrator requires that the debtors' rights be terminated by public sale, the holder shall follow the procedures set forth in paragraph (b) of this section. Otherwise, the holder shall proceed in the manner set forth in § 36.4283(f).

§ 36.4283 Foreclosure or repossession.

(a) Upon receipt by the Administrator of notice of a judical or statutory sale, or other public sale under power of sale contained in the loan instruments, to liquidate any security for a guaranteed loan, he may specify in advance of such sale the minimum amount which shall be credited to the indebtedness of the borrower on account of the value of the security to be sold, subject to the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph:

(1) If a minimum amount has been specified in relation to a sale of the property and the holder is the successful bidder at the sale for an amount not in excess of such specified amount the holder shall dispose of the property in the manner set forth in paragraph (f) and the amount realized from the resale of the property shall govern in the final accounting for determining the rights and liabilities of the holder and the Administrator.

(2) If a minimum amount has been specified by the Administrator and:

(i) A third party is the successful bidder at the sale for an amount equal to or in excess of that specified, the holder shall credit to the indebtedness the net proceeds of the sale.

(ii) A third party is the successful bidder at the sale for an amount less than that specified, the holder shall credit to the indebtedness the amount specified less expenses allowable under § 36.4276.

(iii) The holder is the successful bidder at the sale for an amount in excess of the specified amount the indebtedness shall be credited with the net proceeds of the sale or an amount established in accordance with paragraph (f) of this section, whichever is the greater, unless the bid in excess of the specified amount was made pursuant to paragraph (d) of this section.

(3) If a minimum amount has not been specified by the Administrator under subparagraph (1) or (2) of this paragraph, and the Administrator advised the holder that it did not intend to specify an amount, and the property is purchased at the sale by a third party, the holder shall credit against the indebtedness the net proceeds of the sale except as provided in paragraph (d) of this section. However, if the property is purchased at the sale by the holder, the indebtedness will be credited with the net proceeds of the sale or an amount established in accordance with paragraph (f) of this section, whichever is greater.

(4) The holder shall notify the Administrator of the results of the sale within 10 days after the sale is completed.

(b) In the event that any real property which is security for a guaranteed loan is to be acquired by a holder in a manner other than as provided in paragraph (a) or (c) of this section (e.g., by strict foreclosure or by the termination without a public sale of the purchaser's interest in a land sale contract), the holder shall notify the Administrator of the acquisition within 15 days thereafter and account to the Administrator for the proceeds of the liquidation of the security in accordance with paragraph (f) of this section.

(c) When a debtor proposes to convey or transfer any property to a holder to avoid foreclosure or other judicial, contractual, or statutory disposition of the obligation or of the security, the consent of the Administrator to the terms of such proposal shall be obtained in advance of such conveyance or transfer. If the Administrator consents thereto, the holder may acquire the property and account to the Administrator for the proceeds of the liquidation of the security in accordance with paragraph (f) of this section.

(d) If a minimum bid is required under applicable State law, or decree of foreclosure or order of sale, or other lawful order or decree, the holder may bid an amount not exceeding such amount legally required. If an amount has been specified by the Administrator and the holder is the successful bidder for an amount not exceeding the amount legally required, such specified amount shall govern for the purpose of this section.

(e) If the Administrator has specified an amount as provided in this section, and the holder learns of any material damage to the property occurring prior to the foreclosure sale or to the acceptance of a deed in lieu of foreclosure or prior to any other event to which such specified amount is applicable, the holder shall promptly advise the Administrator of such damage. Also, if the holder acquires or repossesses the property and the holder learns of any material damage to it, the holder shall promptly advise the Administrator of such damage.

(f) When the security for a guaranteed loan is acquired by the holder through foreclosure or otherwise, the holder shall resell the property within a reasonable time and may thereafter submit its claim under the guaranty. The holder shall submit to the Administrator a written advice setting forth the price, terms, conditions, and the expenses of the proposed sale at least 10 days in advance thereof, and the Administrator shall thereupon either (1) assent to such sale in which event the holder shall credit against the indebtedness the net proceeds of the sale, or (2) agree to indemnify the holder to the extent of any increased or resultant loss thereon, subject to the provisions of paragraph (h)(4) of this section, and may specify the minimum price for which the security may be sold. If the Administrator has agreed to indemnify the holder, the Administrator shall have the right to reject any offer of sale and require further exposure to the market. The amount realized by the holder from the ultimate sale of the property shall be reported to the Administrator.

(g) If at the end of 6 months from the date of acquisition the holder has been unable to resell the property a claim may be submitted under the guaranty and the Administrator will pay to the holder upon submission of such claim:

(1) The difference between the appraised value of the property as determined by the Administrator and the indebtedness including those costs allowable under § 36.4276 and the costs of repossessing the mobile home not to exceed $100, plus any accrued and unpaid interest to the applicable cut-off date as set forth in § 36.4284(a) at the maximum rate allowable plus accrued interest at a rate of 6 percent from such cut-off date to the date of claim but not to exceed 60 days or,

(2) The amount of the guaranty payable on the total outstanding indebtedness as of the applicable cutoff date set forth in § 36.4284(a), whichever is less.

(h) If the property securing the guaranteed loan is acquired by a holder pursuant to paragraph (a), (b), or (c) of this section, the following provisions shall apply:

(1) The holder's notice to the Administrator after acquisition shall state the amount of the successful bid at public sale.

(2) The holder's notice after acquisition shall also provide complete occupancy data. Except with the prior approval of the Administrator the holder shall not rent the property to a new tenant nor extent the terms of an existing tenancy on other than a month-to-month basis.

(3) Except with the prior approval of the Administrator, any taxes or special assessments which constitute prior liens due and payable after acquisition of the property by the holder shall be paid by the holder sufficiently in advance of the payment due dates to avoid penalties and to take advantage of any discounts. The holder also may include in its accounting with the Administrator any expenditures for repairs made that were reasonably necessary to properly maintain or refurbish the security property, not to exceed $400. Expenditures in excess of $400 shall not be made without the prior approval of the Administrator.

(4) As between the holder and the Administrator, the holder shall be responsible for any loss due to damage to or destruction of the property, ordinary wear and tear excepted, from the date of repossession or acquisition by the holder to the date the property has been liquidated.

(5) The holder shall include as credits in its accounting with the Administrator all rentals and other income collected from the property and insurance proceeds or refunds subsequent to the date of acquisition by the holder.

(i) Definitions: (1) The terms "date of sale" or "date of acquisition" as used in this section are defined as the date of the event (e.g., date of repossession,

date of sale confirmation when required under local practice, date of acceptance of deed in case of voluntary conveyance, etc.) which fixes the rights of the parties in the property.

(2) The term "property" or "real-property" as used in this section shall include:

(i) A leasehold estate therein which at the time of closing the loan was of not less duration than that prescribed by § 36.4253, and

(ii) The rights derived by the holder through a foreclosure sale of real estate whether or not such rights constitute an estate in real property under local law.

(j) The provisions of this section shall not be in derogation of any rights which the Administrator may have under § 36.4284. The Chief Benefits Director, or the Director, Loan Guaranty Service, may authorize any deviation from the provisions of this section, within the limitations prescribed in 38 U.S.C. chapter 37, which may be necessary or desirable to accomplish the objectives of this section if such deviation is made necessary by reason of any laws or practice in any State, Territory, or the District of Columbia: *Provided*, That no such deviation shall impair the rights of any holder not consenting thereto with respect to loans made or approved prior to the date the holder is notified of such action.

§ 36.4284 Computation of guaranty claims.

(a) Subject to the limitation that the maximum amount payable shall in no event exceed the amount originally guaranteed, the amount payable on a claim for the guaranty shall be the percentage of the loan originally guaranteed applied to the indebtedness computed as of the date of claim but not later than (1) the date of judgment or of decree of foreclosure; or (2) in nonjudicial foreclosures, the date of publication of the first notice of sale; or (3) in cases in which the security is repossessed without a judgment, decree, or foreclosure, the date the holder repossesses the security; or (4) if no security is available, the date of claim but not more than 6 months after the first uncured default. Deposits or other credits or setoffs including any escrowed or earmarked funds legally applicable to the indebtedness on the date of the claim computation shall be applied in reduction of the indebtedness upon which the claim is based.

(b) Credits accruing from the proceeds of a sale or other disposition of the security shall be reported to the Administrator incident to such submission, and the amount payable on the claim shall in no event exceed the remaining balance of the indebtedness.

(c) Any allowable expenditures or costs, paid by the holder, and any accrued and unpaid interest to the applicable cutoff date as set forth in paragraph (a) of this section at the maximum rate allowable, plus accrued interest at a rate of 6 percent from such cutoff date to the date of resale or other liquidation but not to exceed 60 days may be deducted from the proceeds of the sale of the property, or may be included in the accounting to the Administrator on such loan.

(d) In computing the indebtedness for the purpose of filing a claim for payment of a guaranty, or in the event of a transfer of the loan under § 36.4281, or other accounting to the Administrator, the holder shall not be entitled to treat repayments theretofore made, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

§ 36.4285 Subrogation and indemnity.

(a) The Administrator shall be subrogated to the contract and the lien or other rights of the holder to the extent of any sum paid on a guaranty, which right shall be junior to the holder's rights as against the debtor or the encumbered property until the holder shall have received the full amount payable under his contract with the debtor. No partial or complete release by a creditor shall impair the rights of the Administrator with respect to the debtor's obligation.

(b) The holder, upon request, shall execute, acknowledge, and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

(c) The Administrator may cause the instrument required by paragraph (b) of this section to be filed for record in the Office of the Recorder of Deeds, or other appropriate office of the proper county, town, or State, in accordance with the applicable State law.

(d) Any amounts paid by the Administrator on account of the liabilities of any veteran guaranteed under the provisions of 38 U.S.C. 1819 shall constitute a debt owing to the United States by such veteran.

(e) Whenever any veteran disposes of residential property securing a guaranteed loan obtained by him under 38 U.S.C. 1819, the Administrator, upon application made by such veteran, shall issue to the veteran a release relieving him of all further liability to the Administrator on account of such loan (including liability for any loss resulting from any default of the transferee or any subsequent purchaser of such property) if the Administrator has determined, after such investigation as he may deem appropriate, that there has been compliance with the conditions prescribed in 38 U.S.C. 1817. The assumption of full liability for repayment of the loan by the transferee of the property must be evidenced by an agreement in writing in such form as the Administrator may require. Release of the veteran from liability to the Administrator will not impair or otherwise affect the Administrator's guaranty on the loan, or the liability of the veteran to the holder. Any release of liability granted to a veteran by the Administrator shall inure to the spouse of such veteran. The release of the veteran from liability to the Administrator will constitute the Administrator's prior approval to a release of the veteran from liability on the loan by the holder thereof. This release will not result in the veteran being entitled to further loan benefits unless the requirements of § 36.4203 are met.

§ 36.4286 Partial or total loss of guaranty.

(a) There shall be no guaranty liability on the part of the Administrator in respect to any loan as to which a signature to the note, the mortgage or other security instrument is a forgery. Except as to a holder who acquired the loan instrument before maturity, for value, and without notice, and who has not directly or by agent participated in the fraud, or in the misrepresentation hereinafter specified, any willful and material misrepresentation or fraud by the lender, or by a holder, or the agent of either, in procuring the guaranty shall relieve the Administrator of liability, or shall constitute a defense against liability on account of the guaranty of the loan in respect to which the willful misrepresentation, or the fraud, is practiced: *Provided*, That if a misrepresentation, although material, is not made willfully, or with fraudulent intent, it shall have only the consequences prescribed in paragraphs (b) and (c) of this section.

(b) In taking security required by 38 U.S.C. 1819 and the § 36.4200 series, a holder shall obtain the required lien on real property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally in the community in which the property is situated: *Provided*, That a title will not be unacceptable by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4253. If such holder fails in this respect or fails to comply with any of the requirements of 38 U.S.C. 1819 and the § 36.4200 series with respect to:

(1) Obtaining and retaining a lien of the dignity prescribed on all property upon which a lien is required by 38 U.S.C. 1819 or the § 36.4200 series,

(2) Inclusion of power to substitute trustees,

(3) The procurement and maintenance of insurance coverage,

(4) Advice to Administrator as to default,

(5) Notice of intention to begin action,

(6) Notice to the Administrator in any suit or action, or notice of sale,

(7) The release, conveyance, substitution, or exchange of security,

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty is granted,

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

(10) The taking into consideration of limitations upon the quantum or quality of the estate or property,

(11) Any other requirement of 38 U.S.C. 1819 or the § 36.4200 series which does not by the terms of said section or regulations result in relieving the Administrator of all liability with respect to the loan,

no claim on the guaranty shall be paid on account of the loan with respect to which such failure occurred, or in respect to which an unwillful misrepresentation occurred, until the amount by which the ultimate liability of the Administrator would thereby be increased has been ascertained. The burden of proof shall be upon the holder to establish that no increase of ultimate liability is attributable to such failure or misrepresentation. The amount of increased liability of the Administrator shall be offset by deduction from the amount of the guaranty otherwise payable, or if consequent upon loss of security shall be offset by crediting to the indebtedness the amount of the impairment as proceeds of the sale of security in the final accounting to the Administrator. To the extent the loss resultant from the failure of misrepresentation prejudices the Administrator's right of subrogation acceptance by the holder of the guaranty payment shall subordinate the holder's right to those of the Administrator.

(c) If after the payment of a guaranty, or after a loan is transferred pursuant to § 36.4281, the fraud, misrepresentation, or failure to comply with the regulations concerning guaranty of loans to veterans as provided in this section is discovered and the Administrator determines that an increased loss to the Government resulted therefrom, the transferee or person to whom such payment was made shall be liable to the Administrator for the amount of the loss caused by such misrepresentation or failure.

§ 36.4287 Substitution of trustees.

In jurisdictions in which valid, any deed of trust or mortgage securing a guaranteed loan, if it names trustees or confers a power of sale otherwise, shall contain a provision empowering any holder of the indebtedness to appoint substitute trustees or other person with such power to sell, who shall succeed to all the rights, powers, and duties of the trustees, or other person, originally designated.

These VA regulations are effective upon publication in the FEDERAL REGISTER (1-27-71).

Approved: January 18, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc. 71-1136 Filed 1-26-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

APPROPRIATION ACT RESTRICTIONS; HAND AND MEASURING TOOLS

Chapter 5A of Title 41 is amended as follows:

PART 5A-6—FOREIGN PURCHASES

Subpart 5A-6.1 is added as follows:

Subpart 5A-6.1—Buy American Act—Supply and Service Contracts

Sec.
5A-6.100 Scope of subpart.
5A-6.104 Evaluating bids for hand and measuring tools.

AUTHORITY: The provisions of this Subpart 5A-6.1 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c).

Subpart 5A-6.1—Buy American Act—Supply and Service Contracts

§ 5A-6.100 Scope of subpart.

(a) This subpart prescribes procedures for soliciting and evaluating offers involving hand or measuring tools not produced in the United States or its possessions. This subpart is based on sections 512 of Independent Offices and HUD Appropriations Act, 1971.

(b) Solicitations and offers involving the procurement of foreign source supplies other than hand and measuring tools shall be evaluated in accordance with policies and procedures in Subparts 1-6.1 and 5-6.1 of this title.

§ 5A-6.104 Evaluating bids for hand and measuring tools.

(a) *Appropriation Act restriction.* Section 512 of Public Law 91-556 provides as follows:

Sec. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

(b) *Definition.* "Hand and measuring tools" are those items listed in Groups 51 and 52, as contained in Cataloging Handbook H2-1, Federal Supply Classification, Part I, Groups and Classes, published by the Defense Supply Agency.

(c) *Solicitation provision.* All solicitations for hand and measuring tools shall include the following special provision:

BUY AMERICAN ACT—HAND AND MEASURING TOOLS

Article 14 of Standard Form 32 is amended by including the following at the end of that provision:

Public Law 91-556 dated December 17, 1970, requires that GSA purchases of hand and measuring tools must be from domestic sources except in accordance with procedures prescribed by 6-104.4(b) of Armed Services Procurement Regulation (as such regulation existed on June 15, 1970). Accordingly, bids under this solicitation offering domestic source end products normally will be evaluated against bids offering other end products by adding a factor of fifty percent (50%) to the latter, exclusive of import duties. Details of the evaluation procedure are set forth in § 5A-6.104 of the General Services Administration Procurement Regulations.

Each bid offering a foreign source end product must state below or on an attachment to the bid the amount of duty included in each bid price. Failure to furnish duty information will result in use of the entire item bid price (inclusive of any unspecified duty) when adding the "Buy American" differential.

Item No.	Unit	Amount of Duty (in dollars and cents)

[End Of Provision]

(d) *Procedures.* Bids and proposals for hand and measuring tools shall be evaluated in accordance with the following procedures.

(NOTE: Section 512 of Public Law 91-556 requires that the procedures in § 6-104.4(b) of Armed Services Procurement Regulation, as such regulation existed on June 15, 1970, shall govern. Accordingly, the following procedures are FSS adaptions to ASPR 6-104.4(b), the full text of which is shown in § 5A-76.302.):

Bids and proposals shall be evaluated so as to give preference to domestic bids, except that bids offering end products manufactured in Canada shall be evaluated on the same basis as bids offering domestic end products after any applicable duty (whether or not a duty free entry certificate is issued) is included for evaluation purposes. Each foreign bid shall be adjusted for purposes of evaluation either by excluding any duty from the foreign bid and adding 50 percent of the bid (exclusive of duty) to the remainder, or by adding to the foreign bid (inclusive of duty) a factor of 6 percent of that bid, whichever results in the greater evaluated price, except that a 12 percent factor shall be used instead of the 6 percent factor if (i) the firm submitting the low acceptable domestic bid is a small business concern, or a labor surplus area concern, or both, and (ii) any contract award to a domestic concern which would result from applying the 12 percent factor, but which would not result from applying the 6 percent or 50 percent factor, would not exceed $100,000. (If an award for more than $100,000 would be made to a domestic concern if the 12 percent factor is applied, the matter shall be submitted to the Commissioner, FSS, for a decision as to whether the award to the small business or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest.) If the foregoing procedure results in a tie between a foreign bid as evaluated and a domestic bid, award shall be made on the latter. When more than one line item is offered in response to an invitation for bids or request for proposals, the appropriate factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items as to which the invitation for bids or requests for proposals specifically provides that award may be made on a particular group of items.

(e) *Supplemental instructions.* The following examples illustrate how the procedure in paragraph (d) of this section should be applied. Throughout these examples, "foreign bid" means a bid or offered price for a foreign end product which is not a Canadian end product; "domestic bid—large" means a domestic bid which is not from a small business

or labor surplus area concern, and "domestic bid—small" means a domestic bid which is from either a small business concern or a labor surplus area concern, or both. Bid prices are evaluated net prices including consideration of transportation costs and prompt payment discounts. The same differentials shall be applied when making small purchases under $2,500.

EXAMPLE A

Foreign bid, including duty of $4,500	$14,500
Domestic bid—large	15,100
Domestic bid—small	15,110

Award on domestic bid—large. Domestic bid—small is out because it is not the low acceptable domestic bid. Foreign bid, if adjusted by the 50 percent factor, would be $14,500 less $4,500 duty (i.e., $10,000), plus 50 percent of $10,000 (i.e., $5,000), or $15,000; but if adjusted by the 6 percent factor it would be $14,500 plus 6 percent of $14,500 (i.e., $870), or $15,370; therefore, the 6 percent factor is added and domestic bid—large is the low evaluated bid.

EXAMPLE B

Foreign bid, including duty of $2,000	$12,000
Domestic bid—large	15,000

Award on domestic bid—large. Foreign bid adjusted by 50 percent factor is $15,000; adjusted by 6 percent factor, it is $12,720. Therefore, foreign bid is evaluated at $15,000, resulting in a tie and consequent award on the domestic bid—large.

EXAMPLE C

Foreign bid, including duty of $3,500	$13,500
Domestic bid—large	17,000
Domestic bid—small	15,100

Award on domestic bid—small. Foreign bid adjusted by 50 percent factor is $15,000; adjusted by 12 percent factor, it is $15,120. Therefore, it is evaluated at $15,120, resulting in award on the domestic bid—small.

EXAMPLE D

Foreign bid, including duty of $70,000	$270,000
Domestic bid—large	310,000
Domestic bid—small	302,000

Foreign bid adjusted by 50 percent factor is $300,000, adjusted by 12 percent factor, it is $302,400; adjusted by 6 percent factor, it is $286,200. Therefore, domestic bid—small is in line for possible award only because of the bidder's small business or labor surplus area status. But since the contract award would exceed $100,000, the matter requires submission for decision pursuant to § 5A-6.104(d).

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to read as follows:

Sec.
5A-76.302 ASPR 6-104.4(b) as of June 15, 1970.

Effective date. These regulations are effective December 18, 1970.

Dated: January 14, 1971.

L. E. SPANGLER,
Acting Commissioner, FSS.

[FR Doc.71-1075 Filed 1-26-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

List of Endangered Foreign Fish and Wildlife

This amendment corrects the scientific name of the gray, fin and sei whales, and the spelling of the generic names of the bowhead and sperm whales in Appendix A of 50 CFR Part 17.

F.R. Doc. 70-16173 appearing on page 18320 in the issue of Wednesday, December 2, 1970, is amended as follows:

1. In the second column entitled "Mammals" the first eight lines common names, scientific names, and where found are amended to read:

Common name	Scientific name	Where found
Bowhead whale	*Balaena mysticetus*	Oceanic.
Right whale	*Eubalaena spp.*	Do.
Blue whale	*Balaenoptera musculus*	Do.
Sperm whale	*Physeter catodon*	Do.
Finback whale	*Balaenoptera physalus*	Do.
Sei whale	*Balaenoptera borealis*	Do.
Humpback whale.	*Megaptera spp*	Do.
Gray whale	*Eschrichtius gibbosus*	Do.

Since this amendment makes no substantive changes, but conforms to the scientific names for these species of whales previously published in the FEDERAL REGISTER of April 18, 1968 (33 F.R. 5953) and codified in the Code of Federal Regulations as 50 CFR 230.5, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment will become effective on February 1, 1971.

(16 U.S.C. 688cc et seq.)

Effective date: February 1, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1098 Filed 1-26-71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-72]

PART 73—RADIO BROADCAST SERVICES

Further Period of Relaxation of Rules Governing Transmission of Coded Patterns for Electronic Program Identification

JANUARY 21, 1971.

On October 22, 1970, the Commission issued a Public Notice (FCC 70-1148) (35 F.R. 16682), notifying licensees of television broadcast stations that for a period of 90 days the requirements of § 73.682(a)(2) of its rules governing the placement of coded program identification material in the transmitted picture would be relaxed to permit such material to be located within the first and last 10 microseconds of lines 20 through 25, and 258 through 262. This limited waiver of the rule was granted because, as described in the notice, mechanical difficulties encountered in certain steps of the process involved in the coding and electrical reproduction of filmed program material resulted in television station transmission of coded commercials in some cases not meeting the requirements of § 73.682(a)(2). Within the 90-day period, we indicated that we expected International Digisonics Corp. (IDC), the entity responsible for coding the program material, and other interested parties, to resolve the difficulties which had prompted the rule relaxation, or to propose some other permanent solution of the problem.

The 90-day period expires on January 20, 1971. On January 15, 1971, a letter was received from the attorneys for IDC requesting that the period during which television stations would be permitted to operate in limited compliance with with § 73.682(a)(2) of the rules be extended for an additional 120 days. In support of this request, the letter relates in some detail the steps that IDC has taken to correct the conditions which have made expedient the rule relaxation, and the reasons why further time appears necessary in which to achieve a final solution to the problem. In particular, IDC states it has replaced commercials identified to it as having been improperly coded. It has distributed to optical houses new, more accurate matters for the application of code patterns to new commercial films. Its representatives have visited all large film laboratories and have supplied them 16-mm. film alignment clips to improve their procedures. An improved procedure has been instituted for checking the coded commercials which are supplied to stations, and IDC states that it urges its clients to replace the code on commercials not meeting its specifications.

IDC further asserts it is working with several television station licensees in an effort to improve or modify film alignment practices in accordance with SMPTE Recommended Standards. It understands that an SMPTE committee will make an independent study of film encoding techniques, with the aim of developing recommendations to IDC and to the industry.

It is IDC's contention that these activities have already resulted in a marked reduction in the incidence of faulty code transmissions. IDC urges, however, that it requires further time to analyze the results of the corrective measures taken and to formulate recommendations for a permanent solution of the difficulty, based on meaningful and complete data. It is engaged in a statistical study to develop norms for deviations in code placement which will relate such deviations to a survey of station film alignment procedures. It believes that this study will provide information essential to an adequate understanding of all facets of the problem, and leading to its permanent solution. If the requested extension is granted, IDC will undertake to furnish to the Commission, and to make available to all interested parties a monthly report of the status of its operations and the progress being made in its continuing study.

On January 15, 1971, the National Association of Broadcasters (NAB) submitted a letter to the Commission calling attention to the approaching expiration of the 90-day period, and the fact that IDC, at the time of its letter, had not submitted a written report to the Commission concerning "the technical difficulties encountered in placing the coded patterns on scanning lines other than those specified in § 73.682(a)(22) of the rules." It alleges that based on studies of its Technical Committee and reports from member television stations "the coded patterns furnished by IDC in many instances neither comply with the provisions of the rules adopted by the Commission in its Report and Order in Docket 18605 (FCC 70-386) nor the relaxed provisions specified in the Commission's Public Notice of October 22, 1970 (FCC 70-1148)."

NAB further states that the Commission should not grant an extension of the limited waiver of the rules unless it can be clearly demonstrated that coded commercials supplied on film meet the relaxed standard. If IDC is "unable to provide licensees with coded patterns within the scanning lines specified in the rules" NAB suggests the reopening of the proceeding in Docket 18605, to consider the possible amendment of § 73.682(a)(22), with the opportunity for all interested parties to participate. Such a proceeding "should also consider the related issues of prior notice and licensee control which were discussed in the Commission's Public Notice of October 22, 1970, and which are an integral part of each licensee's mandate under the Communications Act."

We, of course, are disturbed that the various factors, which, it now appears, contribute to the faulty transmission of coded commercial film were not isolated and fully evaluated in the extensive tests which IDC conducted, and upon whose results the Commission relied in adopting §73.682(a)(22) of the rules. Had we not been convinced by the IDC showing of the feasibility of coded transmissions in accordance with the proposed rule, we obviously would not have adopted it.

The fact remains that the rule is in effect, and numerous coded commercials are being transmitted. It is unfortunate that it has become necessary now to institute measures to correct deficiencies which might have been corrected prior to regular use of its system had IDC more thoroughly investigated all facets of the problem. However, we find IDC has acted at all times in good faith, and is presently putting forth an extensive effort to bring the coded transmissions into compliance with the rules. We have had several briefings from IDC, in addition to the information contained in its January 15 letter. It appears to us that substantial progress is being made, and that IDC should be afforded a further period of time in which to demonstrate that the identification code, applied to film, can be transmitted in full accordance with the rules, or to seek an amendment of these rules, should such a course be indicated.

We have no information that code transmissions in accordance with the limited rule waiver are causing picture degradation or viewer annoyance. However, we are concerned that the present situation, in which such transmissions, in many cases, do not meet the basic rule requirements, not continue indefinitely.

We are extending the existing limited waiver of the requirements of § 73.682(a)(2) for an additional 90-day period, and require that IDC submit progress reports at the end of each 30-day period. By the end of this period we expect IDC to be able to demonstrate conclusively that commercials currently being produced are being consistently and correctly coded and that the codes are regularly transmitted in accordance with the present rule, or would meet the rule if a specific tolerance is applied.

If a tolerance appears necessary, and is of reasonable size, the Commission will accept a petition for rule making looking toward any necessary rule amendment. In such circumstances, a still further extension of the present rule relaxation may be necessary for the duration of the proceeding. With this exception, we contemplate no further extension will be granted.

We, of course, expect that during this further period in which the limited waiver of the rule applies, that program identification code transmissions will meet the requirements of the relaxed rule. It may be, as NAB contends, that on occasion a licensee will be furnished coded film whose use he believes will result in transmission of the code which do not meet the requirements of the rule. Under such circumstances, we assume the licensee will refrain from using such material.

Action by the Commission January 20, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1112 Filed 1-26-71;8:48 am]

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee and Wells, with Commissioner Houser not participating.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–373]

LETTUCE GROWN IN CALIFORNIA, ARIZONA, COLORADO, NEW MEXICO, AND DESIGNATED PARTS OF TEXAS

Notice of Hearing on Proposed Marketing Agreement and Order

Notice is hereby given of a public hearing to be held in Room 1501, Courthouse Building, 312 North Spring Street, Los Angeles, CA, on March 2, 1971, and in the U.S. Federal Court Room, Federal and U.S. Court Building, 500 Gold Avenue SW., Albuquerque, NM, on March 10, 1971, both beginning at 10 a.m., local time, with respect to a proposed marketing agreement and order regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and designated parts of Texas. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900).

The public hearing is for the purpose of: (a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof;

(b) Determining whether the handling of lettuce in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of lettuce in the area; and

(d) Determining whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposed marketing agreement and order, the provisions of which are as follows, were submitted with a request for a hearing thereon by the Western States Lettuce Producers Committee and have not received the approval of the Secretary of Agriculture (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

§ ___.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

§ ___.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ___.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

§ ___.4 Production area.

"Production area" means the States of California, Arizona, Colorado, and New Mexico, and that part of the State of Texas located north of U.S. Highway 90.

§ ___.5 Lettuce.

"Lettuce" means all varieties of Lactuca sativa, commonly known as iceberg type head lettuce, grown within the production area.

§ ___.6 Handler.

"Handler" means any person (except a common or contract carrier of lettuce owned by another person) who handles harvested lettuce on behalf of a producer or on his own behalf.

§ ___.7 Handle.

"Handle" means to purchase harvested lettuce from a producer or to package, sell, ship, deliver, or transport harvested lettuce or to cause such packaging, sale, shipment, delivery, or transportation or in any other way to place harvested lettuce or to cause harvested lettuce to be placed in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, shipment, or delivery of harvested lettuce by the producer thereof to a registered handler within the production area for the purpose of preparing such lettuce for market.

§ ___.8 Registered handler.

"Registered handler" means any handler who is registered with the committee pursuant to rules established by the committee with the approval of the Secretary, and who has adequate facilities within the production area for preparing lettuce for market, and who customarily does so, or any person who has access to such facilities within the production area and has recorded with the committee his ability and willingness to assume customary obligations of preparing lettuce for market.

§ ___.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of lettuce for market.

§ ___.10 Registered producer.

"Registered producer" means any producer who is registered with the committee pursuant to rules established by the committee and approved by the Secretary.

§ ___.11 Grade and size.

"Grade" means any one of the established grades of lettuce and "size" means any one of the established sizes of lettuce as defined and set forth in U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ ___.12 Pack.

"Pack" means a quantity of lettuce in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits or any combination of these, recommended by the committee and approved by the Secretary.

§ ___.13 Carton.

"Carton" means the standard container No. 45B as described in section 43607 of the Agricultural Code of California, as amended, or the equivalent thereof or any other container which may be established by the committee with the approval of the Secretary.

§ ___.14 Committee.

"Committee" means the Western States Lettuce Administrative Committee established pursuant to § ___.20.

§ ___.15 Marketing year, season, or fiscal period.

"Marketing year," "season," or "fiscal period" means the period from August 1 to the following July 31, both dates inclusive, or such other 12-month period recommended by the committee and approved by the Secretary: *Provided*, That the initial period shall begin on the effective date of this part and end on the following July 31.

§ ___.16 Base quantity; base quantity period.

"Base quantity" means the number of cartons of harvested lettuce determined for a producer by the committee pursuant to § ___.53 for a base quantity period. "Base quantity period" means each of the 12 calendar months or other specified period during the marketing year.

§ ___.17 Allocation; allocation period.

"Allocation" means the number of cartons of harvested lettuce which during an allocation period may be purchased from, or handled on behalf of a producer holding a base quantity. "Allocation period" means one week or a number of consecutive weeks as established pursuant to § ___.54.

§ ___.18 Export.

"Export" means shipment of lettuce to any destination which is not within the contiguous 48 States of the United States and the District of Columbia, or Canada.

COMMITTEE

§ ___.20 Establishment and membership.

(a) There is hereby established a Western States Lettuce Administrative Committee consisting of 18 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate.

(b) Fifteen of the members and their respective alternates shall be producers or officers or employees of corporate producers and are hereinafter referred to as "producer members." Three of the members shall be handlers, or officers or employees of handlers and are hereinafter referred to as "handler members." A handler member who is also a producer is not precluded from being nominated and appointed as a producer member and vice versa.

(1) Initial nominations and appointments of producer members and their alternates shall be in such numbers and shall be producers or officers or employees of corporate producers in such districts as follows:

District No. 1—Santa Barbara County in the State of California—one member;

District No. 2—Ventura, Los Angeles, and Orange Counties and that part of San Diego County west of a north-south line through the present post office in the city of Julian in the State of California—one member;

District No. 3—Imperial County and that part of San Diego County east of a north-south line through the present post office in the city of Julian and excluding the Palo Verde Irrigation District in the State of California—two members;

District No. 4—Riverside, Inyo, and Mono Counties and that part of the Palo Verde Irrigation District in Imperial County in the State of California—one member;

District No. 5—San Luis Obispo, Monterey, San Benito, Santa Clara, Santa Cruz, San Mateo, Alameda, Contra Costa, Marion, Napa, Sonoma, Mendocino, Humbolt, and Del Norte Counties in the State of California—three members;

District No. 6—All other counties in the State of California—one member;

District No. 7—Yuma County in the State of Arizona—one member;

District No. 8—All other counties in the State of Arizona—two members;

District No. 9—All counties in the State of New Mexico and El Paso County in the State of Texas—one member;

District No. 10—All territory north of U.S. Highway 90 in the State of Texas excluding El Paso County—one member; and

District No. 11—All counties in the State of Colorado—one member.

(2) The three handler members and their alternates shall be selected from the production area at large and shall have handled lettuce during each of the 12 months of the season.

(c) The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. With respect to any such changes, the committee and the Secretary shall give consideration to:

(1) Shifts in lettuce acreage and production within the districts and within the production area during recent years; (2) the importance of new production in its relation to existing districts; (3) the equitable relationship of committee membership and districts; (4) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (5) other relevant factors.

§ ___.21 Term of office.

(a) The term of office for members and alternates shall be for 1 year, except as otherwise specified. The dates on which such term of office shall begin and end shall be established by the Secretary pursuant to the committee's recommendation, and the term of office may be extended or shortened, including that of the then current membership, to accord therewith.

(b) Each member and alternate shall serve in such capacity during the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ ___.22 Nominations.

Nominations for committee members and their alternates shall be made in the following manner: (a) A meeting of producers shall be held in each district to nominate producer-members and alternates of the committee in the manner provided for in § ___.20. The committee shall hold or cause to be held such meetings prior to May 15 of each year, or by such other date as may be specified by the Secretary;

(b) At each such meeting the eligibility of the members shall be recorded for the purpose of determining participation;

(c) Each producer is entitled to cast only one vote for each producer member position in the district in which his lettuce was grown in the current season. If a producer grows lettuce in more than one district he may vote at nomination meetings in each such district;

(d) The committee shall, not less than 45 days prior to the upcoming term of office, submit to each handler, a list of those handlers who are qualified to serve as a handler member or an alternate handler member in accordance with § ___.20(b) and ask that they nominate at least three members and three alternates from such list to represent them.

(e) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe not later than June 15 of each year, or by such other date as may be specified by the Secretary;

(f) Initial members: Nominations for each of the initial members of the committee and their alternates for each position may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of a meeting of handlers and group meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary not later than the effective date of this part. In the event nominations for the initial members are not filed pursuant to and within the time specified within this section the Secretary may select such initial members and alternates without regard to the nominations, but selection shall be on the basis of the representation provided for in § ___.20.

§ ___.23 Selection.

The Secretary shall select the 15 producer-members on the basis of representation provided for in § ___.20 and three handler-members and an alternate for each such member from the nominations made pursuant to § ___.22 or from other eligible persons.

§ ___.24 Failure to nominate.

If recommendations are not made within the time and manner prescribed in § ___.22, the Secretary may, without regard to nominations, select the members and alternates of the committee on the basis of the representation provided for in § ___.20.

§ ___.25 Acceptance.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within the time specified by the Secretary.

§ ___.26 Vacancies.

To fill committee vacancies, the Secretary may select members or alternates from nominees on the current nomination reports or from nominations made in the manner specified in § ___.22. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, but such selection shall be made on the basis of representation provided for in § ___.20.

§ ___.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected

or actual presence of the respective members.

§ ___.28 Procedure.

(a) Other than to recommend a volume regulation and actions relating thereto, 10 members of the committee shall be necessary to constitute a quorum and 10 concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person. On all motions to recommend volume regulation and actions related thereto, those qualified to vote shall be all handler members and those producer members or their alternates who are appointed from districts which are subject to allocation during the regulation period: *Provided:* That both the quorum and the number of concurring votes in voting on volume regulations and related matters shall be a majority of those present and qualified to vote.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing.

§ ___.29 Expenses.

Members and alternates of the committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in attending committee and subcommittee meetings and in the performance of their duties under this part.

§ ___.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ___.31 Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select from among its members and alternates such officers and subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to lettuce;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(i) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(j) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee and to send two copies to the Secretary.

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(l) To notify producers and handlers of meetings of the committee to consider recommendations for regulations and to give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members.

(m) To investigate compliance and use means available to prevent violations of the provisions of this part; and

(n) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ ___.32 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

EXPENSES AND ASSESSMENTS

§ ___.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of lettuce handled by him as the first handler thereof during a fiscal period and the total quantity of lettuce so handled by all handlers as first handlers thereof during such fiscal period.

§ ___.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ ___.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles lettuce shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all lettuce which was handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative.

§ ___.43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ ___.44 Excess funds.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessment, which represents payments by the handler in excess of his pro rata share, shall be credited with such refund against the operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. If upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected: *Provided*, That any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

RESEARCH AND DEVELOPMENT

§ ___.18 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of lettuce. The expenses of such projects shall be paid from funds collected pursuant to § ___.42.

REGULATIONS

§ ___.50 Marketing policy.

(a) For each season, prior to or at the same time as initial recommendations are made pursuant to § ___.51 or § ___.61, or both as applicable, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow during such season. The report shall indicate the kinds or types of regulations contemplated during such season and to the extent practical, shall include recommendations for specific volume regulations or other regulations which are deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted if the committee adopts a new or modified marketing policy because of changes in the supply and demand situation with respect to lettuce.

(b) In determining each such marketing policy, committee considerations shall include:

(1) Prospective lettuce production within the production area by districts and periods and in competing areas;

(2) Prospective lettuce demand, recognizing trend and level of consumer income;

(3) Market prices for lettuce, including prices by grade, size, quality, and pack; and

(4) Other relevant factors.

(c) The committee shall publicly announce the submission of each marketing policy (including new or modified policies) and notice and contents thereof shall be provided to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ ___.51 Recommendation for volume regulation.

(a) The committee may recommend to the Secretary the total quantity of lettuce which it deems advisable to be purchased from, or handled on behalf of, producers during an allocation period. Each such recommendation shall be made prior to the beginning of the allocation period.

(b) In making its recommendation the committee shall give due consideration to the following factors: Market prices for lettuce, supply of lettuce on track and enroute to the principal markets, supply, maturity, and condition of the lettuce in the production areas, market prices and supply of lettuce from competing producing areas, and any other relevant factors.

(c) At any time during an allocation period for which the Secretary, pursuant to § ___.52 has fixed the total quantity of lettuce which may be purchased from or handled on behalf of producers, the committee may recommend to the Secretary that such quantity be increased. Each such recommendation, together with the committee's reason for such recommendation, shall be promptly submitted to the Secretary.

§ ___.52 Issuance of volume regulation.

(a) Whenever the Secretary finds on the basis of a committee recommendation or other information, that limiting the total quantity of lettuce to be purchased from, or handled on behalf of, producers during an allocation period, and establishing a total allocation or increasing a total allocation previously established, would tend to effectuate the declared policy of the act, he shall establish the total allocation which handlers may purchase from, or handle on behalf of, producers as first handlers for such period, or increase a previously established total allocation.

(b) When a total allocation, including an increased total allocation, is established for any allocation period, no handler may purchase from, or handle on behalf of, producers any harvested lettuce during such period unless (1) it is within the unused allocation of a producer holding a base quantity pursuant to § ___.53 and (2) such producer authorized the first handler thereof to purchase or otherwise handle it, and (3) the committee has been notified of the proposed handling as provided in § ___.54(c).

§ ___.53 Base quantities.

(a) Upon request of the committee, each producer desiring one or more base quantities shall register with the committee and furnish to it, on forms provided by the committee, a report of the number of cartons of lettuce produced and sold by him, or on his behalf, during the five seasons, 1965–66 through 1969–70, broken down by cartons, handlers, and such time periods thereof as may be required by the committee and approved by the Secretary.

(b) (1) For the initial season the base quantities shall be established for each registered producer in accordance with the option of such producer as either (i) the number of cartons of harvested lettuce produced and sold by him or on his behalf in the corresponding base quantity period during the 1969–70 season or (ii) the average number of cartons of harvested lettuce produced and sold by him or on his behalf in such corresponding periods in one of the following combinations of seasons: 1968–69 and 1969–70; 1967–68 through 1969–70; 1966–67 through 1969–70; or 1965–66 through 1969–70: *Provided*, That only one such option may be employed by any producer to apply to all his base quantity periods during the season in which this part

becomes effective and in determining the base quantities of any applicant who has acquired the land and facilities of a producer no longer operating in the production area, the applicant may include the quantity sold by or handled on behalf of such producer in previous applicable seasons.

(2) For each season subsequent to the initial season under this part, base quantities for each registered producer shall be adjusted to recognize trends in sales volume of individual operations. This shall be accomplished by annually recalculating all base quantities for all base quantity periods according to the applicable one of the following procedures:

(i) The base quantity computed on a five-season basis shall be adjusted by: (a) Adding the producer's latest season's sales for the corresponding base quantity period to his five-season total sales used in computing his existing base quantity; (b) subtracting the sales recorded for the corresponding base quantity period in the earliest season included in the existing base, and (c) recalculating a new five-season simple average which shall be the new base quantity.

(ii) Base quantities computed on a less than five-season basis shall be adjusted by weighting each season in the original base quantity by the following values and adding a weight of one-fifth to the producer's sales during the initial season of regulation under this part and to such producer's sales in each subsequent season:

Number of years in original base	Year of adjustment			
	First	Second	Third	Fourth
	weight of each year in original base			
4	1/5			
3	1/5	1/5		
2	2/5	3/10	1/5	
1	5/5	3/5	2/5	1/5

(3) A condition for the continuing validity of a base quantity is production of lettuce thereunder. If no bona fide effort is made to produce and sell lettuce thereunder for commercial purposes during any two consecutive seasons such base quantity may be declared invalid due to lack of use and canceled at the end of the second consecutive season of nonproduction.

(c) (1) It shall be a policy under this part to continually provide the American public with high quality lettuce in adequate volume at a reasonable cost. In carrying out this policy the committee shall, for 1972–73 season and each subsequent season, recommend to the Secretary an adjustment in base quantities covered by this part which will reflect (i) changes in per capita consumption of lettuce in the United States; (ii) changes in population of the United States; (iii) other factors which reflect an increase in consumer demand for lettuce; (iv) desires of new producers to gain entry, and established producers to expand, as evidenced by applications for base quantities or increased base quantities; and (v) any additional factors which bear on industry adjustments to new and changing conditions.

(2) Notwithstanding the provisions of subparagraph (1) the annual increase in the quantity of lettuce provided for by all base quantities covered by this part shall be no more than 5 percent of the total base quantities encompassed by this part during the previous season. Such increase shall be distributed proportionately among all base quantity periods in the season.

(3) Any person may apply, under rules and procedures to be established by the committee with the approval of the Secretary, either for a new base quantity or for an increase in an existing base quantity. Said applications may be submitted annually, but must be filed with the committee on or before January 1 of a given season in order to be considered for an award of a new base quantity or the adjustment of an existing base quantity to take effect the following season.

(4) The committee may, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining base quantity awards or adjustments that are to be recommended to the Secretary taking into account among other things, the minimum economic enterprise requirements for lettuce production.

(5) (i) The committee's recommendations, with justification, supporting data, and a listing and summary of all applications for new or adjusted base quantities, shall be submitted to the Secretary no later than February 1 of each season. Not more than sixty (60) days after receipt of the committee's recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest.

(ii) The decision of the Secretary shall be final: *Provided*, That he shall communicate his decision and the reasons therefor to the committee in writing.

(6) Within thirty (30) days after receipt of the Secretary's decision, the committee shall notify each producer of his base quantity or quantities, by period, for the following season.

(d) (i) The committee shall have the authority and responsibility to correct any technical errors or inaccuracies in base quantity determinations.

(ii) All base quantity applications and determinations covered by this section shall be subject to review by the Secretary.

§ ___.54 Allocations.

(a) When the Secretary establishes an allocation period consisting of a specified week or number of consecutive weeks, and fixes the total allocation for such period, a uniform percentage for such period shall be determined by dividing such total allocation by the total of all existing base quantities. The percentage so determined shall be the uniform percentage for the entire allocation period unless changed by a revised total allocation.

(b) For each allocation period, the allocation for each producer holding a base quantity shall be established by the committee by multiplying his base quantity by such period's uniform percentage. The committee shall notify each such producer of the allocation established for him pursuant to this section.

(c) Prior to the handling of harvested lettuce during an allocation period, each holder of a base quantity shall notify the committee in such manner as it may prescribe, of the handler or handlers who will first handle all or a portion of such allocation during such period. The committee shall then notify the respective handlers.

§ ___.55 Transfers.

(a) Base quantities, allocations, or both may be transferred in whole or in part, for specified periods of time, in accordance with rules and procedures established by the committee.

(b) Details of all such transfers shall be confirmed to the committee by both parties thereto within 48 hours.

(c) The committee shall be notified if a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (a) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount each may handle as the first handler thereof, based upon the number of cartons involved in the transfer, and shall revise as necessary the base quantities of, and allocations to, the producers involved.

§ ___.56 Overages.

Any handler who purchases from or handles on behalf of a producer during any allocation period, a quantity of lettuce covered by a regulation issued pursuant to § ___.52 may purchase from or handle on behalf of such producer and in addition to such producer's allocation, an amount equal to 10 percent of such producer's allocation; *Provided*, That the quantity of lettuce so handled in excess of each such producer's allocation shall be deducted from such producer's allocation for the next allocation period and that such an overage shall not be so purchased or handled in any two consecutive allocation periods; *Provided further*, That the committee, with the approval of the Secretary, may change the overage percentage permitted and shall adopt rules and regulations to ensure repayment of any such overages and to effectuate the provisions of this section.

§ ___.57 Shortages.

Any handler who purchases from or handles on behalf of a producer during any allocation period, a quantity of lettuce covered by a regulation issued pursuant to § ___.52, in any amount less than such producer's allocation for such period, may so purchase or handle, in addition to such producer's allocation for the next allocation period only, an amount equal to any such shortage but not to exceed 25 percent of the allocation for the period in which the shortage occurred; *Provided*, That the committee, with the approval of the Secretary, may change this percentage.

§ ___.58 Priority of allocations.

Any handler who, during any allocation period, has the right to purchase from or handle on behalf of a producer a quantity of lettuce in addition to such producer's allocation issued pursuant to § ___.52 by reason of a shortage of such producer's immediately preceding allocation pursuant to § ___.57 and such handler so purchases or handles a quantity of lettuce which is less than the total quantity of lettuce which he may so purchase or handle during such period, the amount of such lettuce so purchased or handled shall first apply to such producer's current allocation. The remainder, if any, shall be applied to any shortage of his immediately preceding allocation.

OTHER REGULATIONS

§ ___.61 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of lettuce in the manner provided in § ___.62 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for lettuce during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information of which such recommendation is predicted and such other available information as the Secretary may request.

§ ___.62 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section the handling of lettuce whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit in any or all portions of the production area during any period or periods, the handling of particular grades, sizes, qualities, maturities, containers, or packs, or any combination thereof, of any variety or varieties of lettuce grown in the production area; also limit the handling of particular grades, sizes, or qualities of lettuce differently for different varieties, for different markets, for different sizes and types of containers, or for any combination of the foregoing, during any period.

(2) Limit the handling of lettuce during any fiscal period with respect to which it is determined by the Secretary that the seasonal average returns will exceed the applicable season average parity by establishing minimum standards of quality and maturity in terms of grades, sizes, or both.

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of lettuce.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give notice thereof to handlers.

§ ___.63 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulation issued pursuant to § ___.62 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendations and information submitted by the committee or from other available information that a regulation should be modified, suspended or terminated with respect to any or all shipments of lettuce in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ ___.64 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ ___.42, ___.52, ___.62, and ___.70 and the regulations issued thereunder, handle lettuce (1) for consumption by charitable institutions; (2) for export; or (3) for distribution by relief agencies.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ ___.42, ___.52, ___.62, and ___.70 the handling of lettuce for such specified purposes including shipments to facilitate the conduct of production or marketing research and development projects established pursuant to § ___.48, or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent lettuce handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle lettuce pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the lettuce will not be used for any purpose not authorized by this section.

INSPECTION

§ ___.70 Inspection and certification.

(a) Whenever the handling of lettuce is regulated pursuant to § ___.62, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle lettuce unless it is inspected by an authorized representative of the Federal or Federal-State Inspection Service and it is covered by a valid inspection certificate, except when relieved from such requirements pursuant to § ___.64, or paragraph (b) of this section.

(b) Regrading, resorting, repacking any lot of lettuce, or breaking any lot (without continuing identification of applicable inspection or subcertification thereof, shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle lettuce after a lot has been broken, regraded, repacked, or resorted, or in any other way additionally prepared for market, unless such lettuce is inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, repacked, or broken lots of lettuce may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all lettuce so inspected and certified shall be identified by appropriate seals, stamps, or tags, to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State inspector or the committee.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When lettuce is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Federal-State Inspection Service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of lettuce by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

(g) The committee may enter into an agreement with the Federal and Federal-State Inspection Service with respect to the cost of the inspection required by paragraph (a) of this section and may collect from handlers their respective prorata share of such costs.

MINIMUM QUANTITY EXEMPTION

§ ___.75 Minimum quantity exemption.

The committee, with the approval of the Secretary, may establish a minimum quantity of lettuce which may be handled free from regulations issued pursuand to: § ___.52 Issuance of volume regulation; § ___.62 Issuance of regulations; § ___.70 Inspection and certifications; and § ___.42 Assessments.

REPORTS

§ ___.80 Weekly report.

On or before such day of each week as may be designated by the committee, each handler shall report to the committee, on forms prepared by it, the following information with respect to lettuce shipped by such handler during the immediate preceding week:

(a) Quantity handled.

(b) Quantity sold or otherwise disposed of for export, showing the destination and quantity of each such destination.

(c) Total quantity disposed of otherwise, showing the manner and quantity of each such disposition.

§ ___.81 Manifest report.

Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering each shipment of lettuce as follows:

(a) Name of shipper and shipping point.

(b) The car or truck license number.

(c) The date of shipment.

(d) The number of cartons of lettuce.

(e) The quantity shipped, showing grade and size of the lettuce.

(f) The destination.

(g) Identification of the inspection certificate number of each shipment of lettuce so handled.

§ ___.82 Other reports.

(a) Upon request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such information as may be necessary to enable the committee to perform its duties under this part.

(b) When necessary for determining compliance with regulations, the committee may request reports from individual handlers. Such reports may include, but are not limited to:

(1) Information regarding specific sales, transportation, or other handling of lettuce.

(2) Anticipated lettuce planting intentions for the next 3 successive weeks.

(3) Fields or blocks of lettuce owned or controlled by applicant.

(4) Quantity of lettuce harvested from particular fields or blocks of lettuce with dates of harvest.

(5) Identification of each lot by original base quantity holder and subsequent transfers.

(c) All reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees or agents thereof, so that the information contained therein which may adversely affect the competitive position of any handler or producer in relation to other handlers or producers will not be disclosed. Compilations of general reports from data submitted by handlers and producers is authorized, subject to the prohibition of disclosure of individual handler's or producer's identities or operations: *Provided,* That all individual base quantities shall be considered public information.

§ ___.83 Handler records.

Each handler shall maintain for at least 2 succeeding years after the end of the season to which they relate such records of the lettuce received, and of lettuce disposed of by him as may be necessary to substantiate the reports he submits to the committee pursuant to this section.

§ ___.84 Verification of reports and records.

For the purpose of assuring compliance with recordkeeping requirements and verifying reports of producers and handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records are maintained, where lettuce is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

Any person filing a report, record, or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation on government reports, as well as subject to correcting any base quantity or allocation issued by the committee based upon any such misrepresentation.

§ ___.85 Compliance.

Except as provided in this subpart, no handler shall handle lettuce, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle lettuce except in conformity to the provisions of this subpart. Any person exceeding any unused allocation fixed for him under § ___.52 and any person knowingly participating or aiding in exceeding of such allocation shall forfeit to the United States a sum equal to the value of such excess at the current market price for such commodity at the time of violation pursuant to section 608a of the Act.

§ ___.86 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ___.87 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ ___.88 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of lettuce for market: *Provided,* That such majority has, during such representative period, produced for market more than 50 percent of the volume of such lettuce produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ___.89 Proceeding after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ ___.90 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) effect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ___.91 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ ___.92 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ ___.93 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ___.94 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ ___.95 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ ___.96 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ ___.97 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ ___.98 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ ___.99 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of lettuce in the same manner as is provided for in this agreement. • • •

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250; also Warren C. Noland, C&MS, F&V, USDA, 312 North Spring Street, Room 1733, Los Angeles, CA 90012; David B. Fitz, C&MS, F&V, USDA, Commercial Arts Building, 2217 North 10th Street, McAllen, TX 78501; or Robert B. Case, C&MS, F&V, USDA, U.S. Customhouse, Room 365, 721 19th Street, Denver, CO 80202.

Signed at Washington, D.C., on January 22, 1971.

JOHN C. BLUM,
Deputy Administrator.

[FR Doc.71-1134 Filed 1-26-71;8:50 am]

[7 CFR Part 1032]

MILK IN SOUTHERN ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Southern Illinois marketing area is being considered for the month of January 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is contained in subparagraph (2) of § 1032.14(b) and consists of: "during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer."

Statement of consideration. The proposed suspension would remove for the month of January 1971 the provision which limits the quantity of producer milk that may be diverted.

Suspension was requested by a cooperative association representing producers on the market. Nine other cooperatives have indicated support of the suspension request.

The cooperative states that suspension of the diversion provision is necessary to accommodate the disposal of reserve milk supplies for January 1971 because supplies of producer milk have increased in relation to Class I sales and severe weather conditions have curtailed usual movements of milk to the market.

Signed at Washington, D.C., on January 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1133 Filed 1-26-71;8:50 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL AND OUTSIDE SALESMEN EXEMPTIONS

Status of Certain Employees; Clarification of Hearing Announcement

There has been a good deal of misunderstanding concerning the public hearing on this matter scheduled to begin February 2, 1971, as announced in the September 10, 1970, and November 6, 1970, editions of the FEDERAL REGISTER (35 F.R. 14268 and 35 F.R. 17116). This notice is intended solely to clarify the purpose of the hearing and to emphasize that written testimony may be submitted in lieu of personal appearance at the hearing.

No specific proposals have been made by the Wage and Hour Division with respect to either outside salesmen or the other occupations involved. The primary purpose of this hearing is twofold: (1) To provide the Wage and Hour Division with information which will assist in developing guidelines for more clearly determining the status of data processing, paramedical, and highly paid technical employees for the purposes of the executive, administrative, and professional exemptions, and (2) to solicit comment on the feasibility of a minimum earnings requirement for outside salesmen.

Upon completion of the hearing an analysis will be made of all oral and written data, views, and arguments received on this matter. If such an analysis indicates that changes in the present regulations are appropriate, specific proposals will then be published in the

FEDERAL REGISTER with a period of time allowed for comment by interested persons. Thereafter, the proposals may be adopted, modified, or not adopted, depending upon the comments.

The question of a minimum earnings requirement for outside sales employees is being considered at this time because it has been brought to the attention of the Wage and Hour Division through inquiries and complaints from persons who work as outside sales employees that they are, in many cases, being exploited. Complaints range from those who receive no pay even though commissions have been earned, to those who must work excessively long hours to earn a disappointing payment, including instances of questionable promises by commission salesmen under pressure to produce. At present, because of the definition of the term "outside salesman" in 29 CFR Part 541, no action can be taken to assist such persons.

The Wage and Hour Division assures those interested persons who prefer to submit written testimony by mail instead of presenting oral testimony at the hearing (including those persons who have already informed the Wage and Hour Division of their intention to appear at the hearing) that equal weight will be given to written statements containing data, views, and arguments pertinent to the subjects being considered and to oral testimony. Written statements may be submitted any time prior to the conclusion of the hearing.

Signed at Washington, D.C., this 21st day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-1086 Filed 1-26-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

RADIOACTIVE NEW DRUGS

Proposal Regarding New-Drug Applicatiaon Requirements

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), and in cooperation with the Division of Biologics Standard of the National Institutes of Health and the Atomic Energy Commission, the Commissioner of Food and Drugs proposes that the following new section regarding radioactive new drugs be added to Part 130, Subpart A:

§ 130.____ **Requirements regarding certain radioactive drugs.**

(a) On January 9, 1963 (28 F.R. 183), the Commissioner of Food and Drugs exempted investigational radioactive new drugs from § 130.3 provided they were shipped in complete conformity with the regulations issued by the Atomic Energy Commission. This exemption also applied to investigational radioactive biologics.

(b) It is the opinion of the Atomic Energy Commission, the Division of Biologics standards of the National Institutes of Health, and the Food and Drug Administration that this exemption should not apply for certain specific drugs and that these drugs should be appropriately labeled for uses for which safety and effectiveness can be demonstrated by new-drug applications or through licensing by the Public Health Service in the case of biologics. Continued distribution under the investigational exemption when the drugs are intended for established uses will not be permitted.

(c) Based on its experience in regulating investigational radioactive pharmaceuticals, the Atomic Energy Commission has compiled the following list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling; such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Cesium 137	Encased in needles and/or applicator cells.	Interstitial or intracavitary treatment of cancer.
Do	Teletherapy source.	Treatment of cancer.
Chromium 51	Chromate	Spleen scans.
Do	do	Placenta localization.
Do	do	Red blood cell labeling and survival studies.
Do	Labeled human serum albumin.	Gastrointestinal protein loss studies.
Do	do	Placenta localization.
Do	Labeled red blood cells.	Do.
Cobalt 58 or Cobalt 60	Labeled cyanocobalamin.	Intestinal absorption studies.
Cobalt 60	Teletherapy source.	Treatment of cancer.
Do	Encased in needles and/or applicator cells.	Interstitial or intracavitary treatment of cancer.
Gold 198	Colloidal	Liver scans.
Do	do	Intracavitary treatment of pleural effusions and/or ascites.
Do	do	Interstitial treatment of cancer.
Do	Seeds	Do.
Iodine 131	Iodide	Diagnosis of thyroid functions.
Do	do	Thyroid scans.
Do	do	Treatment of hyperthyroidism and/or cardiac dysfunction.
Do	do	Treatment of thyroid carcinoma.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	do	Brain tumor localization.
Do	do	Placenta localization.
Do	do	Cardiac scans for determination of pericardial effusions.
Do	Rose Bengal	Liver function studies.
Do	do	Liver scans.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate.	Kidney function studies and kidney scans.
Iodine 131	Labeled fats and/or fatty acids.	Fat absorption studies.
Do	Cholografin	Cardiac scans for determination of pericardial effusions.
Do	Macroaggregated iodinated human serum albumin.	Lung scans.
Do	Colloidal microaggregated human serum albumin.	Liver scans.
Iodine 125	Iodine	Diagnosis of thyroid function.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	Rose Bengal	Liver function studies.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate.	Kidney function studies.
Do	Labeled fats and/or fatty acids.	Fat absorption studies.
Iron 59	Chloride, citrate and/or sulfate.	Iron turnover studies.
Iridium 192	Seeds encased in nylon ribbon.	Interstitial treatment of cancer.
Krypton 85	Gas	Diagnosis of cardiac abnormalities.
Mercury 197	Chlormerodrin	Kidney scans.
Do	do	Brain scans.
Mercury 203	do	Do.
Phosphorus 32	Soluble phosphate	Treatment of polycythemia vera.
Do	do	Treatment of leukemia and bone metastases.
Do	Colloidal chromic phosphate.	Intracavitary treatment of pleural effusions and/or ascites.
Do	do	Interstitial treatment of cancer.
Potassium 42	Chloride	Potassium space studies.
Selenium 75	Labeled methionine.	Pancreas scans.
Strontium 85	Nitrate or chloride	Bone scans on patients with diagnosed cancer.
Strontium 90	Medical applicator	Treatment of superficial eye conditions.
Technetium 99m	Pertechnetate	Brain scans.
Do	do	Thyroid scans.
Do	Sulfur colloid	Liver and spleen scans.
Do	Pertechnetate	Placenta localization.
Do	do	Blood pool scans.
Do	do	Salivary gland scans.
Xenon 133	Gas	Diagnosis of cardiac abnormalities. Cerebral blood-flow studies. Pulmonary function studies. Muscle blood-flow studies.

(d) (1) In view of the extent of experience with the isotopes listed in paragraph (c) of this section, the Atomic Energy Commission, the Division of Biologics Standards of the National Institutes of Health, and the Food and Drug Administration conclude that they should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(2) It is further concluded that manufacturers or distributors interested in continuing to ship in interstate commerce drugs containing the isotopes listed in paragraph (c) of this section for any of the indications listed should submit, within 90 days after the effective date of this section, to the Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, a new-drug application or a "Notice of Claimed Investigational Exemption for a New Drug" for each such drug for which the manufacturer or distributor does not have an approved new-drug application pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act. Any "Notice of Claimed Investigational Exemption for a New Drug" should be submitted in accordance with § 130.3, and any new-drug application should be submitted in accordance with § 130.4.

(3) If the drug is a biologic, a "Notice of Claimed Investigational Exemption for a New Drug" or an application for a license under the Public Health Service Act of July 1, 1944, should be submitted to the Division of Biologics Standards of the National Institutes of Health, Public Health Service, Building 29, 9000 Rockville Pike, Bethesda, Md. 20014.

(4) After such 90-day period, the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, will no longer be exempt from § 130.3.

(e) No exemption from section 505 of the act or from § 130.3 is in effect or has been in effect for radioactive drugs prepared from accelerator-produced radioisotopes, naturally occurring isotopes, or cold substances used in conjunction with isotopes.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 12, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-880 Filed 1-26-71;8:45 am]

[21 CFR Part 191]

BANNED HAZARDOUS SUBSTANCES

Repurchase or Rectification; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of December 19, 1970 (35 F.R. 19275), proposing § 191.202 *Repurchase or rectification of banned hazardous substances*, provided for the filing of comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments regarding proposed § 191.202 is hereby extended to February 17, 1971.

This action is taken pursuant to provisions of the Federal Hazardous Substances Act (sec. 15, 83 Stat. 189–90; 15 U.S.C. 1273) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-1072 Filed 1-26-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 10664; Notice No. 70-44A]

CIVIL AIRPLANE NOISE REDUCTION RETROFIT REQUIREMENTS

Advance Notice of Proposed Rule Making; Extension of Comment Period

The Federal Aviation Administration, on October 30, 1970, issued Notice 70–44, published in the FEDERAL REGISTER (35 F.R. 16980) on November 4, 1970. That advance notice of proposed rule making requested public comments for consideration by the FAA in rule making to establish noise reduction requirements that would involve modification or "retrofit" of currently type certificated subsonic turbofan engine powered airplanes. The comment period expires January 29, 1971.

It appears that the original comment period is insufficient to permit an adequate technical analysis and response from persons who would be regulated by the proposed rules. The International Air Transport Association has indicated that insufficient time was given for consolidation of replies from its worldwide membership. The Aerospace Industries Association of America, Inc., and the Air Transport Association of America have also stated that more time is needed to prepare detailed, coordinated industry comments.

In view of the effect that fleetwide retrofit will have on air transportation and the statutory obligation of the FAA to consider economic and technological factors in its noise regulations, and because a limited extension of time will not delay the development of the proposed rules, I find that petitioners have shown a substantive interest in the proposed rule, that good cause exists for extension of the comment period, and that a limited extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator in 14 CFR 11.45, the time within which comments on Notice 70–44 will be received is extended to February 26, 1971.

Issued in Washington, D.C., on January 22, 1971.

JOSEPH K. POWER,
Acting Deputy Director, Office of Environmental Quality.

[FR Doc.71-1101 Filed 1-26-71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 70-WA-42]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 10 area high routes as a part of the overall program to establish an area navigation jet route structure.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J812R (MIAMI, FLA., TO CHICAGO, ILL.)

Vero Beach, Fla., 187.5 M/89.8 NM lat. 26° 11'22'' N., long. 80°42'24'' W.;
Vero Beach, Fla., 311.2 M/82 NM lat. 28°34' 32'' N., long. 81°39'31'' W.;
Alma, Ga., VORTAC, lat. 31°32'11'' N., long. 82°30'30'' W.;
Chattanooga, Tenn., 066.7 M/48.5 NM lat. 35°15'54'' N., long. 84°14'25'' W.;
Bowling Green, Ky., 064.8 M/61 NM lat. 37° 19'34'' N., long. 85°16'22'' W.;
Indianapolis, Ind., 328 M/73 NM lat. 40°51' 20'' N., long. 87°11'36'' W.;
Indianapolis, Ind., 331 M/115.6 NM lat. 41° 30'36'' N., long. 87°34'17'' W.

J811R (CHICAGO, ILL., TO MIAMI, FLA.)

Lewis, Ind., 352.6 M/58.2 NM lat. 40°14'20" N., long. 87°22'35" W.;
Nashville, Tenn., 143.1 M/131 NM lat. 34° 16'03" N., long. 85°05'51" W.;
Macon, Ga., 251.5 M/40.8 NM lat. 32°29'12" N., long. 84°24'51" W.;
Gainesville, Fla., 297.3 M/70.2 NM lat. 30° 07'24" N., long. 83°33'01" W.;
Miami, Fla., 269 M/28 NM lat. 25°57'14" N., long. 80 58'42" W.

J814R (NEW ORLEANS, LA., TO ATLANTA, GA.)

New Orleans, La., VORTAC, lat. 30°01'47" N., long. 90°10'20" W.;
Montgomery, Ala., 226.4 M/69.8 NM lat. 31° 27'37" N., long. 87°21'10" W.;
Montgomery, Ala., 045.6 M/74.8 NM lat. 33° 02'35" N., long. 85°12'27" W.

J813R (ATLANTA, GA., TO NEW ORLEANS, LA.)

Montgomery, Ala., 029.7 M/102.6 NM lat. 33° 39'32" N., long. 85°12'55" W.;
Montgomery, Ala., VORTAC, lat. 32°13'20" N., long. 86°19'11" W.;
Montgomery, Ala., 226.4 M/69.8 NM lat. 31° 27'37" N., long. 87°21'10" W.;
New Orleans, La., VORTAC, lat. 30°01'47" N., long. 90°10'20" W.

J816R (ATLANTA, GA., TO WASHINGTON, D.C.)

Spartanburg, S.C., 227.1 M/119.1 NM lat. 33° 37'10" N., long. 83°36'42" W.;
Spartanburg, S.C., 080 M/50 NM lat. 35°12' 11" N., long. 80°55'57" W.;
Richmond, Va., VORTAC, lat. 37°30'08" N., long. 77°19'14" W.;
Richmond, Va., 015 M/61 NM lat. 38°30'27" N., long. 77°07'05" W.

J815R (WASHINGTON, D.C., TO ATLANTA, GA.)

Gordonsville, Va., 025.7 M/40 NM lat. 38° 38'28" N., long. 77°51'57" W.;
Spartanburg, S.C., 246.4 M/96.7 NM lat. 34° 19'21" N., long. 83°40'53" W.

J818R (WASHINGTON, D.C., TO BOSTON, MASS.)

Sea Isle, N.J., 284.1 M/57.4 NM at lat. 39°10'-29" N., long. 76°01'32" W.;
Sea Isle, N.J., 333.3 M/40 NM lat. 39°38'-09" N., long. 75°18'12" W.;
Putnam, Conn., 210.5 M/70.9 NM lat. 40°49'-17" N., long. 72°17'15" W.;
Putnam, Conn., 094.6 M/38.9 NM lat. 42°03'-28" N., long. 70°59'13" W.

J817R (BOSTON, MASS., TO WASHINGTON, D.C.)

Huguenot, N.Y., 080.3 M/126.7 NM lat. 42°-07'31" N., long. 71°56'13" W.;
Sea Isle, N.J., 329.9 M/63.8 NM lat. 39°55'-04" N., long. 75°40'16" W.;
Sea Isle, N.J., 284.2 M/101.7 NM lat. 39°13'-41" N., long. 76°58'22" W.

J820R (CHICAGO, ILL., TO BOSTON, MASS.)

Pullman, Mich., 250.9 M/85.2 NM lat. 41°59'-16" N., long. 87°54'17" W.;
Pullman, Mich., 097.9 M/96.1 NM lat. 42°13'-36" N., long. 83°58'14" W.;
Chardon, Ohio, 023 M/31 NM lat. 42°00'19" N., long. 80°58'16" W.;
Syracuse, N.Y., 258 M/47 NM lat. 42°51'00" N., long. 77°11'07" W.;
Boston, Mass., 296.5 M/104.3 NM lat. 42°40'-52" N., long. 73°18'11" W.;
Boston, Mass., 298.8 M/48.6 NM lat. 42°32'-45" N., long. 72°03'31" W.

J819R (BOSTON, MASS., TO CHICAGO, ILL.)

Albany, N.Y., 104.5 M/114.5 NM lat. 42°40'00" N., long. 71°13'00" W.;
Albany, N.Y., 310 M/44 NM lat. 43°04'37" N., long. 74°41'42" W.;
Buffalo, N.Y., 006.4 M/6.5 NM lat. 43°02'15" N., long. 78°38'58" W.;
Flint, Mich., 256 M/53 NM lat 42°42'07" N., long. 84°53'12" W.;
Northbrook, Ill., 076 M/15 NM lat. 42°14'36" N., long. 87°37'17" W.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 20, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-1091 Filed 1-26-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS IN OHIO

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Ohio as set forth in the following new §§ 481.200—481.205 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the designated Huntington—Ashland—Portsmouth-Ironton Interstate Air Quality Control Region within Ohio.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Ohio, Indiana, Pennsylvania, Michigan, Kentucky, and West Virginia, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revision are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., February 8, 1971, Veterans Memorial Auditorium, Room 201, 300 West Broad Street, Columbus, OH 43215.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.200 Metropolitan Columbus Intrastate Air Quality Control Region.

The Metropolitan Columbus Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)), geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Delaware County.	Madison County.
Fairfield County.	Perry County.
Franklin County.	Pickaway County.
Licking County.	Union County.

§ 481.201 Mansfield-Marion Intrastate Air Quality Control Region.

The Mansfield-Marion Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Ashland County.	Morrow County.
Crawford County.	Richland County.
Holmes County.	Wayne County.
Knox County.	Wyandot County.
Marion County.	

§ 481.202 Northwest Ohio Intrastate Air Quality Control Region.

The Northwest Ohio Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Allen County.	Logan County.
Auglaize County	Mercer County.
Champaign County.	Paulding County.
Defiance County	Putnam County.
Fulton County	Shelby County.
Hancock County.	Van Wert County.
Hardin County.	Williams County.
Henry County.	

§ 481.203 Sandusky Intrastate Air Quality Control Region.

The Sandusky Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Erie County.	Sandusky County.
Huron County.	Seneca County.
Ottawa County.	

§ 481.204 Wilmington-Chillicothe-Logan Intrastate Air Quality Control Region.

The Wilmington-Chillicothe-Logan Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Clinton County.	Jackson County.
Fayette County.	Pike County.
Highland County.	Ross County.
Hocking County.	Vinton County.

§ 481.205 Zanesville-Cambridge Intrastate Air Quality Control Region.

The Zanesville-Cambridge Intrastate Air Quality Control Region (Ohio) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:

Carroll County.	Muskingum County.
Coshocton County.	Noble County.
Guernsey County.	Tuscarawas County.
Harrison County.	

§ 481.64 [Amended]

The Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region (§ 481.64) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Cabell County.	Mason County.
Wayne County.	

In the State of Kentucky:

Boyd County.	Greenup County.
Lawrence County.	

In the State of Ohio:

Gallia County.	Lawrence County.
Scioto County.	

It is now proposed to add Adams and Brown Counties in the State of Ohio.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a), as amended by section 15(c)(2) of Public Law 91-604.

Dated January 22, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1113 Filed 1-26-71;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 19, 1971.

Notice of an application, Anchorage Serial No. AA-4543, for withdrawal and reservation of lands was published as F.R. Doc. 68-15085 on page 18943 of the issue for December 19, 1968.

The Bureau of Land Management has canceled its application in its entirety involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2350, the subject lands will be at 10 a.m. on January 22, 1971, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

KAKE TOWNSITE, ALASKA

Block 20, U.S. Survey No. 1871.
Tracts A & B, U.S. Survey No. 3851.
Lot 1, U.S. Survey No. 3852.

Containing 164.66 acres.

T. G. BINGHAM,
Acting State Director.

[FR Doc.71-1083 Filed 1-26-71;8:46 am]

National Park Service

BLUE RIDGE PARKWAY

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Blue Ridge Parkway, Roanoke, Va., proposes to issue a concession permit to Hylton's Livestock Rental & Sales, Inc., authorizing it to provide concession facilities and services for the public at Rocky Knob on the Blue Ridge Parkway for a period of 1 year from January 1, 1971, through December 31, 1971.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, VA 24008, for information as to the requirements of the proposed permit.

GRANVILLE B. LILES,
Superintendent,
Blue Ridge Parkway.

DECEMBER 23, 1970.

[FR Doc.71-1084 Filed 1-26-71;8:46 am]

Office of the Secretary

CENTRAL AND FIELD ORGANIZATION

Organization and Functions

The organization statement for the Department of the Interior published at 35 F.R. 17125 is revised as follows to: (1) Reflect the transfer of functions and the abolishment of the Bureau of Commercial Fisheries in the Department of the Interior in accordance with the provisions of Reorganization Plan No. 4 of 1970; (2) reflect the transfer of the functions and the abolishment of the Federal Water Quality Administration in the Department of the Interior in accordance with the provisions of Reorganization Plan No. 3 of 1970; (3) the abolishment of the Office of Marine Affairs; and (4) other miscellaneous organization changes.

The Section Table of Contents is revised as follows:

Sec.

* * * * *

110.1.6 Assistant Secretary—Water and Power Resources. [Revised Title]

110.1.7 Assistant Secretary—Water Quality and Research. [Deleted]

* * * * *

111.3 Office of Marine Affairs. [Deleted]

* * * * *

141.1 Bureau of Commercial Fisheries. [Deleted]

* * * * *

175.1 Federal Water Quality Administration. [Deleted]

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110.1.3 *Assistant Secretary for Fish and Wildlife and Parks.* The Assistant Secretary for Fish and Wildlife and Parks discharges the duties of the Secretary with respect to the development, conservation, and utilization of the fish, wildlife, and national park resources of the Nation. The Assistant Secretary represents the Department in the coordination of marine and ocean resources programs with other Federal agencies. The Assistant Secretary exercises Secretarial direction and supervision over the Commissioner of Fish and Wildlife, the Bureau of Sport Fisheries and Wildlife, and the National Park Service.

* * * * *

110.1.6 *Assistant Secretary — Water and Power Resources.* The Assistant Secretary—Water and Power Resources discharges the duties of the Secretary with respect to the development of water and power and the coordination of programs concerned with water resources research. The Assistant Secretary exercises Secretarial direction and supervision over the Bureau of Reclamation, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, Alaska Power Administration, Office of Water Resources Research, and the Office of Saline Water. He is also responsible for carrying out the defense functions of the Secretary with respect to electric power.

110.1.7 *Assistant Secretary — Water Quality and Research.* [Deleted]

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110.3 *Field Committees, Field Representatives, and Regional Coordinators.* (The address for the Field Representative, Alaska Region is changed to 338 Denali Street, Mackay Building, Suite 1407, Anchorage, AL 99501.)

* * * * *

110.5 *Office of Information.* The Office of Information exercises technical and general functional supervision over all information activities of the Department. The Office of Information, Northwest Regional Office, located in Portland, Oreg., assists and directs the information programs of bureaus operating in that area.

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111.3 *Office of Marine Affairs.* [Deleted]

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111.6 *Office of Water Resources Research.* (The reference in paragraph one to "Assistant Secretary—Water Quality and Research" is changed to "Assistant Secretary—Water and Power Resources").

111.7 *Office of Saline Water.* (The reference in paragraph one to "Assistant Secretary—Water Quality and Research" is changed to "Assistant Secretary—Water and Power Resources").

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140.1 *U.S. Fish and Wildlife Service.* [For pertinent codified regulations see Code of Federal Regulations, Title 50, Chapter IV.] The U.S. Fish and Wildlife Service was created in the Department of the Interior on November 6, 1956, as provided by the Fish and Wildlife Act of 1956 [70 Stat. 1119]. The functions of the Service are administered under the supervision of the Commissioner of Fish and Wildlife, who subject to the supervision of the Assistant Secretary for Fish and Wildlife and Parks.

141.1 *Bureau of Commercial Fisheries.* [Deleted]

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160.1 *Bonneville Power Administration.* (Under the listing of major field offices, the address of the Portland Area Office is changed to 919 Northeast 19th Avenue, Portland, OR 97208).

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175.1 *Federal Water Quality Administration.* [Deleted]

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JANUARY 19, 1971.

[FR Doc.71-1130 Filed 1-26-71;8:50 am]

DEPARTMENT OF COMMERCE

Patent Office

PLANT VARIETY PROTECTION

German Protection for Kentucky Bluegrass & Roses

Printed below is a translation of the pertinent portion of the official Federal Republic of Germany "Announcement Governing Protection Equivalent to Varietal Protection Outside the Area where the Breeders' Rights Act Applies" (Bundesgesetzblatt p. 1123/1970) dated July 17, 1970.

This announcement, together with Article 23, paragraph 1(3) of the West German Breeders' Rights Act of May 20, 1968, permits U.S. nationals to apply for the grant of plant variety protection in the Federal Republic of Germany on new varieties of Kentucky bluegrass and roses.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

JANUARY 4, 1977.

ANNOUNCEMENT GOVERNING PROTECTION EQUIVALENT TO VARIETAL PROTECTION OUTSIDE THE AREA WHERE THE BREEDERS' RIGHTS ACT APPLIES DATED JULY 17, 1970

The Federal Minister for Food, Agriculture and Forestry announces in accordance with section 23, paragraph 1 (3) of the Breeders' Rights Act of May 20, 1968 (Bundesgesetzblatt I p. 439) that protection equivalent to protection under the Breeders' Rights Act is granted German citizens or persons with residence or place of business in the area where the Act applies for varieties of the following species:

Kentucky bluegrass—Poa pratensis L. Rose—Rosa L. hort. in the United States of America.

Bonn, July 17, 1970.

The Federal Minister for Food, Agriculture, and Forestry.

[FR Doc.71-1099 Filed 1-26-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL ASSISTANCE PROGRAM

Notice of Closing Dates

Notice is hereby given with respect to the following matters relating to the administration of the Emergency School Assistance Program (assistance to desegregating local educational agencies) (Public Law 91-380). Regulations with respect to this program appear in the FEDERAL REGISTER for August 22, 1970 (35 F.R. 13442-13448).

Pursuant to 45 CFR § 181.5, the Commissioner of Education is authorized to reallot funds which have been previously allotted for use in a State pursuant to that section and which he determines will not be needed in that State. Such funds are to be reallotted among other States in proportion to their original allotments under the Program with appropriate adjustments to assure that no State receives a portion of the funds being reallotted in excess of its needs.

In order equitably to carry out such reallotment which will be made as of March 1, 1971, the Commissioner has established a final closing date for receipt of applications by local educational agencies and other public or non-profit private agencies, organizations, and institutions eligible for assistance under the Emergency School Assistance Program. Such applications must be received by the Commissioner of Education, Office of Education, 400 Maryland Avenue SW., Washington, DC., no later than 31 days after the date of publication of this notice in the FEDERAL REGISTER.

A number of States have unused balances in their allotments under the Emergency School Assistance Program after taking into account the funding of all applications from eligible applicants which have been received. However, prospective applicants should be aware that in the case of a number of other States which originally received ESAP allotments, the allotments have either been completely consumed or the small amounts remaining in the allotments will be consumed by proposed awards under previously filed applications, and additional applications by eligible applicants remain pending. It is not anticipated that funds sufficient to cover new applications in these States will become available in the event of reallotment. Further information with respect to the Emergency School Assistance Program, including the current status of individual State allotments, may be obtained by contacting the appropriate Regional Commissioner of Education.

(42 U.S.C. 2812; 45 CFR Sec. 181.5; 20 U.S.C. 1119-1119a, 20 U.S.C. 331-332b, 42 U.S.C. 2000c-2000c-9; 20 U.S.C. 887, 20 U.S.C. 1222)

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

JANUARY 22, 1971.

[FR Doc.71-1139; Filed 1-26-71;8:51 am]

Food and Drug Administration

[DESI 8200]

CERTAIN RADIOACTIVE PREPARATIONS CONTAINING THERAPEUTIC OR DIAGNOSTIC SODIUM IODIDE I-131

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following radioactive iodine drugs:

1a. Sodium iodide I-131 capsules; marketed as Radiocaps-131 by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 8-200).

b. Sodium iodide I-131 sterile solution; marketed as tracervial-131; Abbott (NDA 8-200).

c. Sodium iodide I-131 oral solution; marketed as Orlodide-131; Abbott (NDA 8-200).

d. Sodium iodide I-131 capsules; marketed as Theriodide-131, Abbott (NDA 8-200).

e. Sodium iodide I-131 sterile solution; Abbott (NDA 8-200).

2a. Sodium iodide I-131 capsules; marketed as Iodotope by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 10-929).

b. Sodium iodide I-131 oral solution; marketed as Iodotope; Squibb (NDA 10-929).

c. Sodium iodide I-131 injection; marketed as Iodotope; Squibb (NDA 10-929).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Sodium iodide I-131 is effective as a diagnostic agent of thyroid function; in localizing metastases associated with thyroid malignancies.

2. As a therapeutic agent, sodium iodide I-131 is effective for the treatment of hyperthyroidism and selected cases of carcinoma of the thyroid.

3. Sodium iodide I-131 is possibly effective for use in the management of euthyroid heart disease, such as angina pectoris and congestive heart failure.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated

new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Sodium iodide I-131 preparations are in capsule or solution form suitable for oral administration or sterile solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request.)

INDICATIONS

Radioiodide is indicated for use in performance of the radioactive iodide (RAI) uptake test to evaluate thyroid function. Diagnostic doses may also be employed in localizing metastases associated with thyroid malignancies.

Therapeutic doses of radioiodide may be indicated in the treatment of hyperthyroidism and selected cases of carcinoma of the thyroid. Palliative effects may be seen in patients with papillary and/or follicular carcinoma of the thyroid. Stimulation of radioiodide uptake may be achieved by the administration of thyrotropin. (Radioiodide will not be taken up by giant cell and spindle cell carcinoma of the thyroid or by amyloid solid carcinomas.)

The possibly effective indication may also be included for 6 months.

3. *Marketing status.* Marketing of such drugs may be continued under conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8200, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-1073 Filed 1-26-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

TRANSPORT OF RADIOACTIVE MATERIALS

Request for Public Advice on Revision of International Regulations

Purpose. This notice is intended to inform interested persons of the recent issuance and availability of a draft of proposed changes to the international regulations for the transportation of radioactive materials and to invite comments.

Background. In 1959, at the request of the Economic and Social Council of the United Nations, the International Atomic Energy Agency (IAEA) undertook the development of international regulations for the safe transportation of radioactive materials. The initial regulations published by the Agency in 1961 were recommended to member states as the basis for national regulations and for application to international transportation. As a result of extensive revision in 1963 and 1964, and further effort in 1966, the present version of the IAEA "Regulations for Safe Transport of Radioactive Materials, Safety Series No. 6," was published in 1967. The IAEA regulations have since been adopted generally by most nations of the world as a basis for their own national regulations governing the transportation of radioactive materials.

Since 1966, the U.S. Atomic Energy Commission has issued regulations which are substantially in conformance with IAEA standards for fissile radioactive materials and large quantities of radioactive materials. On October 4, 1968, the Hazardous Materials Regulations Board of the Department of Transportation published amendments which were also in substantial conformance with the IAEA standards (Docket HM-2, 33 F.R. 14918).

In February 1969, recognizing that the international standards should be revised from time to time on the basis of scientific and technical advances, as well as accumulated experience in their application, the IAEA invited all of its member states to submit comments and suggested changes to the regulations. Another aim was to remove any ambiguities and to simplify the presentation of the text of the regulations.

Comments and suggested revisions to the IAEA regulations were then collected by the Department from the U.S. Atomic Energy Commission, the American National Standards Institute, Atomic Industrial Forum, and others. As a result of that effort, a compilation of some 40 comments was then forwarded by the Department to the IAEA in July 1969. Some of these suggested changes were intended to make a more positive alignment of the U.S. regulations with the IAEA regulations possible.

In all, the IAEA received more than 300 pages of comments from the member states. During the period of February 2-13, 1970, the IAEA convened a panel of experts to review the regulations and consider the comments which had been submitted by member states. The U.S. delegation on this review panel consisted of a three-man team, headed by the U.S. Department of Transportation representative, with one advisor from the U.S. Atomic Energy Commission and another from private industry. At this panel, 14 countries and 10 international organizations were represented.

As a result of this review panel's efforts, a first working draft of a revision of the regulations was developed. It was circulated to the chairmen of the working groups of the review panel in April 1970. Subsequently, a second revised draft was prepared and issued in June 1970 to all of the review panel participants for their review. The second draft was also circulated by the USAEC to many interested persons. On December 3, 1970, the Secretary General transmitted a third revised draft to all IAEA member states and to interested international organizations.

The purpose of this public notice is to inform all interested persons of the issuance and availability of this third revised draft, identified as IAEA Document No. PL-383, entitled "Regulations for the Safe Transport of Radioactive Materials, Third Revised Draft, November 1970."

In cooperation with the U.S. Atomic Energy Commission, the Department is making every effort to solicit comments on this third draft. Copies are presently being distributed to all USAEC operating contractors, as well as to the Atomic Industrial Forum and the American National Standards Institute (ANSI) Subcommittee N-14 (Transportation of Fissile and Radioactive Materials) for redistribution to their members and other interested persons.

A copy of this document may be obtained, free of charge, by writing to the Director, Office of Hazardous Materials, U.S. Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Copies are also available from the Atomic Industrial Forum, 850 Third Avenue, New York, NY 10022.

Comments on the third draft are invited and should be submitted in duplicate to the Director, Office of Hazardous Materials at the above address, prior to April 1, 1971.

Formal U.S. comments have been requested by the IAEA by May, 31, 1971. These comments will be forwarded through the U.S. State Department by the Department of Transportation.

A final meeting of the review panel of experts is presently scheduled to be convened by the IAEA in late October 1971, for the purpose of considering the final comments by the member states, and to prepare a final draft for submission to the IAEA Board of Governors for their approval. It is contemplated that this would be followed by a formal revision of IAEA Safety Series No. 6 sometime during 1972.

Dated: January 22, 1971.

WILLIAM K. BYRD,
Director, Office of Hazardous Materials.

[FR Doc.71-1104 Filed 1-26-71;8:48 am]

ATOMIC ENERGY COMMISSION

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $35,505 to $36,000 per annum, effective January 10, 1971:

Title of position	*Authorizing section of Atomic Energy Act of 1954, as amended*
Assistant General Manager for Military Application, and Program Division Directors.	Section 25a.
Director, Division of Inspection.	Section 25c.
Executive Management Positions.	Section 25d.

Dated: January 20, 1971.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-1082 Filed 1-26-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22931 etc.; Order 71-1-99]

APACHE AIRLINES, INC.

Order To Show Cause

Issued under delegated authority January 21, 1971.

The Postmaster General filed a petition December 23, 1970, pursuant to 14 CFR Part 298, requesting the Board to establish for Apache Airlines, Inc. (Apache), an air taxi operator, final service mail rates for the transportation of mail by aircraft between Kingman and Prescott, Ariz.

No service mail rates are currently in effect for this transportation by Apache. The Postmaster General requests on behalf of Apache that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] He states that the Postal Service and Apache agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Apache of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Apache will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Apache Airlines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Kingman and Prescott, Ariz., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Apache Airlines, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Dockets 22671 and 22731 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(f),

It is ordered, That:

1. Apache Airlines, Inc., the Postmaster General, Hughes Air Corp., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Apache Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the service connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified, in the attached appendix;

3. Apache Airlines, Inc., is hereby made a party in Dockets 22671 and 22731;

4. This order shall be served upon Apache Airlines, Inc., the Postmaster General, and Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 9.36 cents at Kingman and at Prescott, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in section 385.16(g).

and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-1132 Filed 1-26-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19129; FCC 71-64]

AMERICAN TELEPHONE & TELEGRAPH CO., AND ASSOCIATED BELL SYSTEM COMPANIES

Order Instituting Investigation

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Companies; Docket No. 19129 charges for interstate telephone service. Transmittals Nos. 10989 and 11027.

1. The Commission has before it for consideration the following items: (a) proposed tariff changes filed by the American Telephone & Telegraph Co. on November 20, 1970, to be effective January 19, 1971, calling for increased rates for long distance message toll telephone service under Tariff FCC No. 263; (b) numerous petitions and letters opposing such rate changes and seeking to participate in any hearings held thereon; [1]

(c) replies of A.T. & T. to certain of these public filings; (d) our letter of January 12, 1971 to A.T. & T.; (e) its reply thereto of January 13, 1971; and (f) further tariff changes filed by A.T. & T. on January 14, 1971, to be effective January 21, 1971.

2. Since the latter revised tariff schedules which contain increased charges to the public will become effective January 21, 1971, without suspension or any accounting order unless the Commission takes prompt action, we are hereby suspending such schedules until 12:01 a.m., January 26, 1971, and imposing an accounting and refund order. Time does not permit full consideration herein of the many questions and issues raised by the enumerated pleadings and the schedules themselves. A further document will be subsequently issued herein which will deal more fully with these matters and set forth in detail the procedures which will govern the conduct of this proceeding.

3. Since the Commission is unable to determine that the proposed tariff schedules are or will be lawful, the rights and interests of the public may be adversely affected absent the action taken hereby.

4. *Accordingly, it is ordered,* That pursuant to sections 201(b), 202(a), 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by A.T. & T. under Transmittals Nos. 10989 and 11027 and hearings will be held on a date and on issues to be specified by further order of the Commission;

5. *It is further ordered,* That the effectiveness of the tariff schedules filed under Transmittal No. 11027 is suspended until 12:01 a.m., January 26, 1971;

6. *It is further ordered,* That pending the determination of this proceeding, or until further order of the Commission, the carriers collecting amounts under the above-mentioned tariff schedules shall keep accurate account of such amounts, specifying by whom and on whose behalf such amounts were paid except in the case of sent-paid coin box and hotel guest-initiated toll telephone calls, and that for the latter classes of users such accounting procedures shall be established and records maintained as will permit respondents to account for the revenues collected pursuant to the rates filed on January 14, 1971, for each class as a whole. Such latter sums will be held for further disposition as further order of the Commission may direct;

7. *It is further ordered,* That American Telephone and Telegraph Co. and the Associated Bell System Companies are hereby made parties respondent to this proceeding.

Adopted: January 20, 1971.

Released: January 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1105 Filed 1-26-71;8:48 am]

[Docket No. 19129; FCC 71-74]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Specifying Issues

In the matter of American Telephone and Telegraph Co., Docket No. 19129; Charges for Domestic Telephone Service; A.T. & T. Transmittals Nos. 10989 and 11027.

1. The Commission has before it for consideration the following items: (a) Proposed tariff changes filed by the American Telephone and Telegraph Co. on November 20, 1970, to be effective January 19, 1971, calling for increased rates and changes in the rate structure in the provision of long distance message toll telephone service under Tariff FCC No. 263; (b) numerous petitions and letters opposing such rate changes and seeking to participate in any hearings held thereon; [1] (c) replies of A.T. & T. to certain of these public filings; (d) our letter of January 12, 1971, to A.T. & T.; (e) its reply thereto of January 13, 1971; and (f) further tariff changes filed by A.T. & T. on January 14, 1971, to be effective January 21, 1971.

2. The major increases included in the tariffs as filed on November 20, 1970, are in the rates for person to person calls, operator handled calls and customer dialed calls made during the "Day" period (8 a.m. to 5 p.m.) on the weekdays, i.e., during the business period of the workweek. The revised tariffs provide for increased charges for operator assisted calls (both person and station calls) by 30 cents for the initial 3-minute period and 5 cents per minute for the additional time over 3 minutes in most mileage steps. Increases for daytime customer dialed calls would average about 9 cents for the initial period and 3 cents per minute thereafter. Increases would be proportionately greater for the shorter distances allegedly to reflect costs more accurately and to lessen the interstate/intrastate rate disparity. In its filing, A.T. & T. is also proposing some relatively minor decreases in evening, night and weekend rates for customer dialed

[1] Formal pleadings were filed by the following parties: Equal Employment Opportunities Commission; Secretary of Defense on behalf of all Executive Agencies; Silver Beehive Telephone Co.; city of Chicago; Anthony Martin-Trigona; Utility Users League; Microwave Communications, Inc.; National Association for the Advancement of Colored People; National Organization for Women; Telephone Users Association of the District of Columbia. In addition, numerous letters and telegrams have been received expressing interest in the proposed rate increases and any hearings to be held with respect thereto, or commenting on the merits of the proposed increases. A.T. & T. filed replies to the petitions of EEOC, Secretary of Defense, Utility Users League, and city of Chicago. A further telegram was received from the EEOC on Jan. 14, 1971, seeking certain information relating to the Commission's deliberations and consideration of the proposed rate increases and the EEOC petition. Numerous additional pleadings have subsequently been filed.

[2] Commissioner Wells concurring in result.

calls (generally reductions of 5 cents or less). These decreases are designed, in conjunction with the increases described above, to create a pattern whereby evening rates are at least 20 percent below daytime rates and night and weekend rates are at least 40 percent below daytime rates. The tariffs also provide for rates for paid station calls originated at coin-box telephones which are lower than other operator handled calls in the first seven mileage steps (0 to 70 miles). The increases range from 67 percent from some short-haul operator handled station calls (3-minute rate increased from 15 cents to 25 cents in step one—1 to 10 miles—and from 45 cents to 75 cents in step seven—56 to 70 miles) down to 7 percent for cross-country customer dialed day calls ($1.35 rate increased to $1.45).

3. A straight repricing of interstate calls at the revised rates (i.e., assuming no change in volume or composition of messages projected for 1971) would result in increased revenues of about $760 million annually. The Company estimates that only $385 million additional annual revenues will be realized because of the following: (1) Shrinkage—the reduction in the volume of interstate calls because of the higher rates; (2) Shifts—the lower revenue derived because of customers shifting their calls to a time period where lower rates prevail, e.g., calling at night rather than daytime; and (3) Reclassifications—the lower revenues derived due to customers using a class of service where lower rates prevail, e.g., making customer dialed calls rather than person or operator handled calls. The rate schedules were specifically designed to encourage shifts and reclassification of calls in a continuation of the changes in the message toll rate structure designed to encourage the use of the network in off-peak periods and to place calls without operator assistance when feasible. In addition to reducing the additional amount of revenues expected to be derived from the rate revisions, these factors also reduce costs. The Company estimates the cost reduction to be about $160 million for the year 1971. Therefore, the improvement in operating results before income taxes is estimated to be about $545 million ($385 million increased revenues plus the $160 million reduction in costs).

4. In its transmittal letter, A.T. & T. states that the rate increase

> • • • is required in order (1) to offset the effect of the new separations methods shifting $130 million of annual revenue requirements from intrastate to interstate operations by order of the Commission effective January 1, 1971; (2) to recoup the reduction in revenues of over $150 million annually made earlier this year on the basis of estimates of economic and financial conditions which have been proved inaccurate by experience; and, (3) to improve earnings to a level which will sustain the financial integrity of the Bell System and permit the attraction of additional capital needed to satisfy consumer requirements for telecommunications service.

The Company has also filed 17 statements by Company officials and outside consultants and 22 volumes of related data and workpapers in support of various aspects of the rate increase.

5. In support of the need for a 9½ percent rate of return, A.T. & T. places primary stress on the change in economic conditions and substantial increases in costs of debt and equity capital since the 1966 test period on which the Commission's July 5, 1967 decision was based in phase 1A of the A.T. & T. rate case in which the Commission found that a rate of return in the range of 7 percent to 7½ percent was appropriate for Bell's interstate operations. See 9 FCC 2d 30. With respect to the cost of debt capital to the Bell System the Company notes the increase in the current cost of debt capital of about 3 percentage points, from a range of 5½ percent to 6 percent in 1966 to the range of 8.6 percent to 9.4 percent in 1970 and the increase in embedded debt cost from 4.0 percent in 1966 to 6.0 percent which Bell estimates it will reach shortly. A.T. & T. contends that because of the vast amounts of capital it will require in the near future (about $4 billion annually) and its current debt ratio of about 45 percent it will be necessary to acquire a substantial amount of equity capital; that a return on equity of 12 percent to 12½ percent will be required to attract the necessary new equity capital, that the increase in return on equity to a level of 12 percent to 12½ percent over that allowed in the Commission's July 1967 decision is well justified by the changed economic and financial conditions and the increase in bond interest rate since 1966.

6. The revised tariff changes, as filed on January 14, 1971, provide for an increase in revenue of $175 million and associated costs savings of $75 million, for a total increase in net earnings before income taxes of $250 million annually. The following summarizes the major reductions from the November 20, 1970, filing for increased rates provided for in the revised tariffs filed on January 14, 1971:

(1) The increases in the initial period rate for customer dialed daytime calls were reduced generally from 10 cents to 5 cents. The increases in the additional minute rate for such calls were also generally reduced.

(2) The increases in the initial period rates for daytime operator station-to-station calls were reduced from 30 cents to 15 cents.

(3) The increases in the initial period rates for person-to-person calls were, with some exceptions, reduced from 30 cents to 25 cents.

The Company estimates that earnings for the year 1971 would be 7.9 percent absent any rate rate change and without the implementation of the recent separations change (Ozark Plan) adopted by the Commission. With the Ozark Plan, which became effective January 1, 1971, in effect the estimate for 1971 is 7.4 percent [2] again absent any rate change. The Company indicates that each deviation from their forecasts of message volumes and expenses of one percent and their forecast of average revenues per message by 1 cent, would alter the results by one-half of 1 percent above or below the projected figure.

7. Upon consideration of the proposed tariff changes and the material submitted therewith, the Commission adopted its letter of January 12, 1971, wherein it requested that A.T. & T. voluntarily postpone the effective date of the tariffs as filed pending the outcome of an expedited hearing, and simultaneously granted special permission to the company to refile revised tariffs providing for increases in MTT rates that will produce additional annual net earnings, before income taxes, of not more than $250 million. It stated that such new rates would be suspended and would also be subject to accounting and refund by the carriers, pending a final determination by the Commission on the justness and reasonableness of the rates sought by A.T. & T. In so acting, the Commission indicated that it had taken into account its decision in 1967 in Docket No. 16258 that an allowable rate of return for A.T. & T.'s interstate operations was within a range of 7 percent to 7.5 percent, whereas the present rate of return objective was substantially higher. The Commission's letter also referred to the pendency of proceedings in Docket No. 18128 in which the determination of appropriate relationships among the earnings level of each of A.T. & T.'s several classes of interstate service is to be made. At the same time, the Commission recognized that interstate annual revenue requirements, as of January 1, 1971, would be increased by about $130 million as a consequence of recent revisions in jurisdictional separations procedures prescribed by the Commission; it also noted that changes occurring in the capital structure and the costs thereof of A.T. & T. subsequent to the 1967 decision, particularly the net increase in embedded cost of debt, were of particular importance.

8. The Commission stated in its letter to A.T. & T. that if the carrier would agree to postpone the effective date of the pending tariff changes and would file new tariff schedules designed to generate the lower net earnings level specified in the letter, the Commission would, nevertheless, proceed immediately to institute an expedited hearing under section 204 of the Act to inquire into the justness and reasonableness of the rates, both as originally filed and as modified by the carrier. The Commission felt that under these circumstances it should expedite the proceeding with a view to completing it within a time frame of 6 to 9 months (barring extraordinary developments). It also stated that the concurrent proceedings in Docket No. 18128 would also be expedited with the objective that determinations in this docket should be available in a timely fashion to implement the conclusions reached in the rate proceeding to be initiated with respect to the revised tariff schedules. The Commission made it clear that the procedures set out in its letter should not be construed as in any way indicating approval

[2] In a letter of Jan. 4, 1971, A.T. & T. indicated that further data on operating results for Dec. 1970 suggest that the estimate for 1971 should be adjusted downward to 7.2 percent.

or acceptance of the rates filed pursuant to the special permission being granted. Instead, it specifically stated that its findings and conclusions in this matter would be reached only after it had before it the entire record resulting from the hearing and investigation it would institute. It noted that the new rates were subject to protest and to any action that the Commission might deem warranted prior to the effective date. The Commission further noted that the carrier would be free to make a showing that the rates originally filed and the resulting rate of return change, which the carrier felt to be justified, were warranted and would be in the public interest. Conversely, any party participating in the projected hearing would, of course, be given equal opportunity to show that other rates or another rate of return should be found to be just and reasonable. Implicit in the Commission's request to the company to refile the lower rates was the strong feeling that an increase of the magnitude first proposed, even with a 90-day suspension, was not warranted until it had been explored on the basis of a complete record in the projected hearing. On the other hand, the Commission recognized that by its own action in Docket No. 18688, the company's interstate revenue requirements had been increased by some $130 million annually, effective January 1, 1971, and that changes had taken place in the various elements which make up the cost of capital since the Commission's 1967 decision in Docket No. 16258. Accordingly, any long term suspension of the revised proposed rate increases would inevitably prevent the company from recovering any of these sums during the period of such suspension. On the other hand an accounting order with provision for refund would protect the using public if any or all of the increases collected by the company during this period were not justified by the company. Under such circumstances, the public which had paid the sums found to be excessive would secure prompt refunds with interest for the time the company held the sums found to be excessive. As already noted, A.T. & T. has, in fact, refiled at the lower rates pursuant to the special permission granted. In view of all of the foregoing considerations including the company's refiling of rates substantially below those originally filed, the Commission adopted an order herein on January 20, 1971, suspending the refiled rate increases until 12:01 a.m., January 26, 1971, and requiring appropriate accounting with provision for possible refund. This order was premised on the Commission's inability to find the rates either as initially filed or refiled to be just, reasonable, and nondiscriminatory and, therefore, requiring investigation and hearing pursuant to section 204 of the Act. In its present posture, therefore, there is before the Commission a filing by A.T. & T. which that company must justify on a record with leave, of course, to justify the higher rates and the associated rate of return originally filed by the company.

9. In addition to the determination to be made herein regarding the just and reasonable rate of return to be allowed A.T. & T. on its interstate operations, a number of other important issues are presented for determination, as indicated in our letter of January 12, 1971. The subject tariff filings rest on an implicit conclusion that the additional revenue requirements claimed by A.T. & T. and the Bell System companies should be met by imposing higher charges on MTT users, to the exclusion of increases or adjustments in the rates of other classes of service provided by them. The basis for this assumption is not shown and we expect A.T. & T. to carry the burden of proof on this issue in Docket No. 18128, in which we also expect A.T. & T. to demonstrate that the instant rate increases do not involve any cross-subsidization of other services provided by the carriers involved.

10. An additional matter warranting specific inquiry is that of the expense level used by the company in making its revenue requirement calculations. In our continuing review of Bell's operating results, we have noted an unusually sharp upswing in interstate operating expenses excluding Federal income taxes. For the first 9 months of 1970 such expenses were 15.7 percent greater than the same period in 1969 and for the year 1969 the growth was 15.8 percent, whereas since 1960 the annual growth rates ranged from 7.4 percent in 1962 to 13.9 percent in 1965 and averaged 10.6 percent for the 1961–68 period. The growth rates for maintenance expenses assigned to interstate were 20.3 percent for the first 9 months of 1970 and 20 percent for 1969 compared to 10.7 percent in 1968 and 9.6 percent in 1967. There may be valid reasons for these unusual growth rates. However, the question arises whether these growth rates are to continue in the foreseeable future or whether adjustments should be made in the company's operating results to reflect the nonrecurring nature of these expenses if they are not expected to continue at such high level. A specific issue is included herein to deal with this matter.

11. Included by the company in its material filed in support of the original tariff changes is considerable testimony and data related to the regulatory problems posed by the integration of Western Electric into the A.T. & T.'s corporate structure. That matter is already in issue in Phase II of Docket No. 16258, and we believe it would be appropriate to inquire specifically into the question whether the costs and expenses for Western Electric equipment and plant should result in earnings in excess of those necessary to give A.T. & T. a fair rate of return; we expect A.T. & T. to demonstrate what justification there is for a return to Western Electric which is different from that allowed A.T. & T. generally, and why charges higher than those sufficient to maintain the same rate of return as that allowed to A.T. & T. overall for its interstate operations should not be disallowed for rate making purposes.

12. We also wish to explore in this proceeding issues going to the appropriateness of the rate structure for MTT service as proposed by A.T. & T. herein and a specific issue on this matter will be included. Both the November 20, 1970, and the January 14, 1971 filings effect substantial changes in the MTT rate structure. We wish to investigate the MTT rate structure to determine whether each subclass of MTT users bears an appropriate share of the burden and whether there is any discrimination in favor of or against any MTT users or class thereof.

13. While we are concerned with a prompt resolution of the issues herein, we stress that we do not intend to preclude the parties from making the presentations necessary to permit a full and fair exploration of the issues specified. However, in view of the fact that we have recently held a full hearing on the rate of return issues for A.T. & T. and since A.T. & T. has already filed its case in chief, we believe that at least the rate of return issue can be resolved within a 6- to 9-month period. We propose, therefore, to consider the question of the fair and allowable rate of return first. To the extent that actual experience, as the hearing proceeds, makes it possible and feasible to explore the other issues in the first phase, we believe it would be desirable to do so.

13a. Turning now to other procedural questions we are of the opinion that in light of all of the circumstances involved in this matter and discussed herein, it would be desirable to provide for the submission of an initial decision by a hearing examiner and we have done so below. Moreover, we believe it would be desirable for the trial staff of the Common Carrier Bureau to be separated both from the Commission and from the Examiner. We will therefore follow the procedures recommended by the Administrative Conference. See Selected Reports of the Administrative Conference of the United States, 88th Cong., first session S. Doc. 24 at pp. 109–110. After the record has been completed on the rate of return issue the parties may file proposed findings of fact and conclusions of law, but in establishing procedural dates for the conduct of the hearings the examiner should bear in mind the need for expedition as outlined above and consistent with a full and fair hearing should strive to issue an initial decision within approximately 6 months of the publication hereof in the FEDERAL REGISTER. Such a schedule would permit the parties sufficient time to brief and argue the issues on appeal from the examiner's decision, and to permit us sufficient time to prepare a final decision within the time frame specified above.[4] After the parties have concluded their participation in the rate of return phase, they may address themselves to the remaining issues and every effort should be made to expedite that phase of this proceeding, although we do not, at this time, impose any time limitations on the conduct of that aspect of the matter.

[4] We will at this time order all intervenors filing a direct case to do so within 30 days of the prehearing conference.

14. As indicated above, we are prepared to handle the issues in phases since this will "best conduce to the ends of justice and the proper dispatch of business" 47 U.S.C. 154(j). This may result in rate adjustments at the end of the first phase, but before the resolution of other important issues. This, in turn, again calls for full protection of the public while these further issues are being explored. Thus, any such rate changes as may be authorized in the final decision or any appropriate further orders may be of an interim nature and may be accompanied by appropriate accounting and refund orders pending the outcome of the further hearing on questions related to expenses, rate level and structure, and other associated matters.

15. In view of our inability to find that the rate increases or rate structure changes proposed by A.T. & T. comply with all statutory requirements and are in the public interest, it is necessary, in order to adequately protect the rate payers, to require A.T. & T. to undertake such accounting procedures as will permit it to make appropriate refunds to subscribers if the rates refiled on January 14, 1971, subsequently prove to be too high or otherwise contrary to the public interest. In response to an inquiry from the Chief of the Common Carrier Bureau, A.T. & T. indicated, in a letter of December 1, 1970, that it could institute a procedure for maintenance of collection records, at minimal cost and complexity, which would assure equitable treatment to all but coin-box patrons or hotel guests paying for toll calls. We have been assured that other carriers will also be able to estabish such procedures.[5] According to A.T. & T. the cost of maintaining individual records for sent paid coin-box calls and for hotel guests calls would be approximately five times the additional revenue from such users sought by A.T. & T. in its November 20, 1970 filing. Accordingly, with respect to those classes of service we provided that accounting procedures be established sufficient to provide revenue data for the classes as a whole rather than on an individual user basis. Should the rates ultimately be reduced or modified as a consequence of this proceeding in such a way as to require further consideration of the total revenue collected from these user classes, the carrier shall dispose of such funds as directed by the Commission.

16. As indicated in footnote 1, numerous petitions and informal filings have been submitted in response to the proposed rate increase. One group of petitions in particular warrants particular mention at this time. The Equal Employment Opportunities Commission (hereafter EEOC) filed a petition for intervention, asking the Commission to suspend the proposed rate increases, conduct a hearing, and declare the proposed increases illegal until the operating companies of the Bell System "have ceased their unlawful discrimination against women, blacks, Spanish-surnamed Americans, and other minorities." The EEOC also seeks numerous other forms of relief, arguing that for many years, and continuing to the present time, the operating companies of the Bell System have engaged in massive, deliberate, illegal discrimination against blacks, women, Spanish-surnamed Americans, and other minorities in hiring, promotion, job classification, and wage scales.

17. The EEOC contends that because A.T. & T. has operated in widespread and flagrant disregard of the equal employment laws, the proposed rate increase is unjust and unreasonable as contrary to the public interest, and therefore unlawful. It notes that the Bell System, as a regulated utility, is a public trustee and as a company of enormous economic power and influence, is particularly bound to serve the national goal of eradicating employment discrimination; it contends that, in considering the "public interest," the Commission is bound to consider issues other than the narrow and traditional ones which are related to the economic factors generally considered in public utility regulation. Finally, the EEOC contends that to approve the rate increases in issue here would be to authorize the discrimination to continue and would contravene the Fifth and Fourteenth Amendments to the Constitution.

18. A.T. & T. responded with an opposition to the petition on December 21, 1970, denying, with varying degrees of specificity, the charges lodged by the EEOC, and urging the Commission not to consider the issues raised by the EEOC petition in its disposition of the pending request for rate increases. A.T. & T. argues that it would be "incongruous to hear and investigate charges of discrimination simply because an employer files new rates while ignoring the employment practices of those who enjoy adequate earnings." (Oppos., p. 3). Moreover, A.T. & T. argues that to delay the rate increases in issue would seriously injure the public interest inasmuch as the additional funds are required to permit attraction of capital for construction programs which must be maintained to provide telecommunications service. Subsequently, numerous petitions for "Rate Suspension, Hearing Intervention, and Declaration of Unlawfulness" were filed by California Rural Legal Assistance, Inc., Mexican American Legal Defense Fund, the NOW Legal Defense and Education Fund, and the American Civil Liberties Union. Each of these pleadings adopts and incorporates the petition filed by EEOC.

19. We agree with the EEOC that the matters raised by it are indeed crucial considerations in effectuating our statutory responsibilities. As the Commission recently said in adopting its nondiscrimination rules applicable to common carrier operations: "It is clear to us that discriminatory employment practices by a common carrier licensee or permittee are not compatible with the public interest." Employment Practices by Common Carriers, 24 FCC 2d 725 at 729 (1970). We also observed that "The Commission has an independent responsibility to effectuate the strong national policy against discrimination in employment * * *." Id. at 727. See also Potomac Electric Power Co. (D.C.), 83 PUR 3d 113 at 147–149 (1970); 84 PUR 3d 236. Moreover, on the basis of the pleadings now before us on this issue, we believe there are outstanding substantial and material questions of law and fact which can be resolved only after full evidentiary hearing and briefing of the issues by the parties.

20. It is therefore our intention to vigorously pursue the questions raised by the EEOC and related filings and to reach appropriate determinations on a full record. No showing has been made, however, or even attempted, as to any logical or functional relationship between rate levels and the company's policies and practices in the matter of equal employment opportunity.

21. In these circumstances, we believe the most appropriate way to proceed is as follows: We will treat the EEOC and related petitions as formal complaints filed under our antidiscrimination rules, and will establish a separate docketed proceeding in which the questions raised by EEOC may be fully considered. We will include an issue in that proceeding inquiring into the effect, if any, of the employment practices or policies of A.T. & T. and the Associated Bell System Companies on the company's revenue requirements, so as to permit the complainants an opportunity to demonstrate some logical or causal relationship between the matters raised by them and the determination of just and reasonable rates under section 201 of the Act. Pending a final resolution of this separate proceeding, we will retain jurisdiction of the instant case until such time as the employment discrimination issue and its relationship, if any, to revenue requirements has been resolved.[6] Any of the civil rights groups is of course free to intervene, upon appropriate notice, in this proceeding, in its capacity as a telephone subscriber or representative of telephone subscribers, and for the purpose of assisting in the determinations of the issues set forth herein; the petitions to intervene filed by the City of Chicago, Telephone Users Association, MCI Inc., Martin-Trigona, and Silver Beehive Telephone Co. will be granted.

22. In its telegram of January 14, 1971 (see n. 1, supra), EEOC asks that the Commission provide, in addition to certain documents which are readily available, and certain relief which is mooted

[5] United Utilities, Inc. has suggested an accounting procedure less costly than A.T. & T.'s but also less precise. In view of the magnitude of the sums in issue here we believe A.T. & T.'s approach is the more appropriate.

[6] The petitions filed by the civil rights groups specifically state that they are not complaints filed under § 1.721 of our rules. However, the alternative to so construing them is to dismiss them outright, a result we believe would not be in the public interest.

by this order, a transcript of the Commission proceeding at which the Commission's letter of January 12, 1971, was authorized, a copy of each correspondence item received or sent by the Commission in relation thereto, and a report of all telephone calls, meetings and other communications between commissioners and officers of the carrier in relation to the letter of January 12, 1971. EEOC also seeks a transcript of the Commission proceeding which dealt with the petition. The Commission responded to that telegram by letter dated January 19, 1971. We adopt that letter (Att. A hereto) as our response.

23. The Petitions filed by the Civil Rights groups on January 18, 1971, uniformly make two additional arguments: (1) That the lower rate increase proposed by A.T. & T. is a Commission-prescribed rate and as such is violative of numerous statutory provisions; and (2) that no "good cause" has been shown to permit the rate increase to become effective prior to the 60-day period specified in 47 U.S.C. section 203(b). They also request that if the Commission denies the relief requested in the petition, it stay its actions pending judicial review. We find no merit in any of these points. We believe the language of this order makes clear beyond quibble that we have not established any rates pursuant to section 205 of the Communications Act; instead we have suspended these rates with an accounting order and placed the burden of justifying them upon A.T. & T. The determination that good cause does exist for waiving the usual statutory waiting period of 60 days is one which is committed to our discretion and we believe, on the basis of all the circumstances presented, that our decision in this respect, for the reasons set forth above, is well within the bounds of a reasonable exercise of such discretion. As to the imposition of a stay, we note that the parties have neither alleged nor proven that a denial of such extraordinary relief would result in irreparable injury either to themselves or to the public, particularly in view of our accounting order, nor have they demonstrated that they have a substantial likelihood of prevailing on the merits. In such circumstances we see no reason to grant a stay. See Virginia Petroleum Jobbers Ass. v. FPC, 259 F. 2d 921 (D.C. Cir., 1958). As indicated above, we have also received a letter from Mr. Ralph Nader protesting the Commission's actions and policies and requesting suspension of the proposed rate increases. Many of the points raised in that letter are dealt with either in our response to the EEOC of January 19, 1971, cited above, or in this memorandum opinion and order. We reemphasize, however, that the accounting and refund provisions included in this proceeding will adequately protect the public; that by our action here we have not approved any rate increases or higher rate of return and that we are holding a full evidentiary hearing on the public interest issues raised by the proposed rates increases. Mr. Nader or any other interested party is free to seek intervention in this proceeding, pursuant to § 1.223(b) of our rules, and to make any relevant showing with respect to the issues set forth herein.

24. We wish to make clear that as to all the issues specified below, A.T. & T., as the proponent of higher rates, shall bear not only the burden of proof, but also the burden of going forward with the evidence. We will provide by order that the proceedings in Docket No. 18128 be expedited and it is our expectation that a resolution of that proceeding insofar as it relates to the rate adjustments proposed by A.T. & T. in its filing of November 20, 1970, as well as in the tariff schedule suspended herein, will occur in less than 1 year. We shall retain jurisdiction herein to implement our conclusions in Docket No. 18128 insofar as they relate to the assignment of any revenue requirements of A.T. & T. to MTT.

In view of all the foregoing matters:

It is ordered, That, pursuant to the provisions of sections 201(b), 202(a), 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the charges of the American Telephone and Telegraph Co. and the Associated Bell System Companies for interstate and foreign communication service;[1]

It is further ordered, That, without in any way limiting the scope of the proceeding, it shall include consideration of the following:

(1) What are the revenue requirements of the Bell System Companies applicable to their interstate and foreign communication services and the basis upon which such revenue requirements are to be determined, including:

(A) The amounts properly includible as the net investment of the above-mentioned companies in property and plant used and useful for providing interstate and foreign communication service;

(B) The fair rate of return required by the Bell System on the amounts of net investment determined pursuant to the foregoing;

(C) The amounts properly includible as expenses and taxes incurred by the above-mentioned companies in the provision of interstate and foreign communication service.

(2) The amount of operating revenues that are or may reasonably be expected to accrue in the foreseeable future from interstate and foreign communication services rendered by use of the plant and facilities, the costs of which are included in the net investment to be determind herein as a consequence of the particular MTT rate levels proposed by respondent in its filing of November 20, 1970, as well as those suspended herein, with particular reference to the projected gross revenues to be derived therefrom, the changes in traffic level and usage patterns anticipated as a result of the rate change, and the associated changes in expense level;

(3) The cost justification, demand factors and other pertinent considerations in respect to the structure and differing rate levels proposed for various classes of MTT service proposed by A.T. & T. in its filing of November 20, 1970, as well as that included in the tariff schedules suspended herein;

(4) In light of our determinations as to the foregoing, whether the instant rate increases sought by the Bell System Companies are just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

(5) Whether the specific charges for the above-mentioned service proposed by A.T. & T. in its filing of November 20, 1970, as well as those suspended herein, will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue preference or advantage to any person, class of persons, or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

(6) Whether the Commission should prescribe just and reasonable charges or maximum or minimum or maximum and minimum charges to be hereafter followed with respect to message toll telephone service, and, if so, what charges should be prescribed;

It is further ordered, That the hearings in this investigation shall be held at the offices of the Commission in Washington, D.C., at a time to be later specified and that the Examiner appointed to preside at the hearings shall conduct a hearing with the objective of issuing, if practicable and fully consistent with the requirements for a full and fair hearing, an initial decision no later than 6 months following the publication hereof in the FEDERAL REGISTER on the rate of return issue, and on such other issues as the foregoing schedule will permit.

It is further ordered, That upon issuance of its final decision herein, consideration will be given to what action, if any, should be taken by the Commission to effect such interim rate adjustments as may be warranted on the basis of the record as it is then constituted, and such further order or orders will issue as may be appropriate to this end;

It is further ordered, That the petition for intervention filed by the EEOC and the relief sought in its telegram of January 14, 1971, is denied to the extent indicated herein;

It is further ordered, That the American Telephone and Telegraph Co. and the Associated Bell System Companies are hereby made parties respondent in this proceeding, and subject to the procedures set forth in paragraph 13 above the Common Carrier Bureau is named a party hereto;

It is further ordered, That any connecting or concurring carrier, the General Telephone and Electronics Corp., United Utilities, Inc., Anthony Martin-Trigona, Microwave Communications, Inc., Silver Beehive Telephone Co., The Telephone Users Association, and the city of Chicago are hereby granted leave to intervene upon the filing of a notice of intention to appear and participate in these proceedings within 15 days from the date of publication of this order in the FEDERAL REGISTER, and that any interested parties desiring to intervene herein may do so by filing a petition for leave to intervene pursuant to 47 CFR § 1.223(b), but no later than 15 days after the publication hereof in the FEDERAL REGISTER;

It is further ordered, That the burden of proof, as well as the burden of going forward with the proof, is upon the American Telephone and Telegraph Co. and the Associated Bell Companies;

It is further ordered, That the petitions for hearings and suspension of the increased rates are granted to the extent indicated herein and are in all other respects denied, and that the petitions for denial, declarations of unlawfulness or for similar forms of relief are denied;

It is further ordered, That the Commission will retain jurisdiction of this proceeding until such time as a final determination in the proceedings in Docket No. 19143 in the matter of petitions filed by the Equal Employment Opportunity Commission (EEOC) and others is reached as to the effect, if any, of the alleged discriminatory hiring and employment practices of A.T. & T. and the Associated Bell System Companies on the revenue requirements of the parties respondent herein. Jurisdiction will also be retained until we are able to implement our conclusions in Docket No. 18128 insofar as they relate to the assignment of any revenue requirements of A.T. & T. to MTT.

Adopted: January 21, 1971.

Released: January 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1106 Filed 1-26-71;8:48 am]

[1] See 2 FCC 2d 876 (1966) for a full listing of the corporate parties included.

[2] Concurring statement of Commissioner Johnson filed as part of original document. Commissioner Houser not participating.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), ET AL.

Memorandum Opinion and Order Instituting Hearing

INTRODUCTION

1. On November 19, 1970, the American Telephone and Telegraph Co. (hereafter A.T. & T.) filed with the Commission a revised tariff schedule to be effective January 19, 1971, which provided for increases in rates for long distance message telephone service in the 48 contiguous States, and was designed to raise A.T. & T.'s rate of return from 7.5 percent to 9.5 percent (Transmittal No. 10989). On December 10, 1970, the Equal Employment Opportunity Commission (hereafter EEOC) filed a petition to intervene in the above matter wherein it opposed the instant rate increase and alleged generally that A.T. & T. and it operating companies engage in pervasive, systemwide discrimination in employment against women, Negroes, Spanish-surnamed Americans, and other minorities. Specifically, the EEOC petition claims that employment practices by A.T. & T. and its operating companies violate sections 201(b), 202(a), 214, 501, and 502 of the Communications Act of 1934, as amended, §§ 21.307 and 23.49 of the Commission's rules and regulations, section 703 (a) and (d) of title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1866, the Equal Pay Act of 1963, Executive Order 11246, and the fair employment practices acts of numerous States and cities. On the basis of the foregoing assertions, the EEOC urges that the Commission deny the proposed rate increase, bring actions against A.T. & T. and its officials for violations of the Commission's rules and regulations, and take whatever appropriate steps may be necessary to insure that A.T. & T. and its operating companies will cease their discriminatory employment practices.

2. The Commission has also received other filings in the instant matter which also raise questions of discriminatory employment practices in the A.T. & T. system. The National Association for the Advancement of Colored People (hereafter NAACP) has filed a petition for suspension of rates, hearing, and declaration of unlawfulness with the Commission. In its petition, the NAACP claims violations by A.T. & T. of Federal and State laws and of Commission rules and regulations which correspond to the violations alleged by the EEOC in its petition. The NAACP also states that it "incorporates by reference the entire Memorandum in Support of EEOC Petition to Intervene * * *" The Commission has also received a petition for suspension from the National Organization for Women (hereafter NOW) and a telegram from the American GI Forum which states that it is prepared to produce evidence that the charges of discrimination were true. Both of these latter two filings also fully support and incorporate the petition filed by the EEOC. The California Rural Legal Assistance, Inc. (CRLA), and the Mexican American Legal Defense Fund (MALD), filed a joint petition for rate suspension, hearing intervention, and declaration of unlawfulness.[1] In their petition, the CRLA and the MALD raise identical issues with those raised by the EEOC petition to intervene, and incorporate the EEOC petition by reference. The American Civil Liberties Union (ACLU) has also filed a petition for suspension of rates, hearing and declaration of unlawfulness, similarly raising those issues contained in the EEOC petition and incorporating that petition by reference. The Commission has received other filings in the instant rate matter, but these do not raise the issue of discriminatory hiring policies and need not be discussed here.[2]

3. On December 21, 1970, A.T. & T. filed a petition in opposition to the petition for intervention filed by the Equal Employment Opportunity Commission. In its opposition, A.T. & T. denies generally the allegations of the EEOC in its petition and offers to show that it has, in fact, conformed to provisions of Federal and State law, Commission rules and regulations, and has actively promoted minority hiring and promotion in its employment practices and policies. A.T. & T. also claims that the introduction of the broad allegations raised by the EEOC in the present rate matter falls beyond the scope of a rate proceeding and is not relevant to any proceeding used to determine the adequacy of rates for telephone service. A.T. & T. has also filed oppositions to the filings of the NAACP and NOW.[3]

DISCUSSION

4. The Commission has repeatedly stated its concern regarding discriminatory employment practices by its licensees. In its notice of proposed rule making to require communications common carriers to show nondiscrimination in their employment practices, adopted November 19, 1969 (Docket No. 18742), 34 F.R. 19200, the Commission, in noting that the common carriers operate in a unique public interest capacity, stated that when consideration regarding authorization of a communications common carrier is undertaken, "the Commission must consider whether the applicant has violated or is in violation of the Civil Rights Act or pertinent State or local laws or ordinances in the field". In the same proceeding, the Commission went on to say that "both because of the special position granted communications common carriers by the government, and the relationship between service to the public and the carriers' employment practices,

[1] The filings by CRLA and MALD are made in response to A.T. & T. Transmittal No. 11027, rather than Transmittal No. 10989. Transmittal No. 11027, which asks for a lesser rate increase in the same revised tariff schedule as referred to in Transmittal No. 10989, was filed pursuant to Commission action requesting postponement of the effective date of the proposed increased rates and giving A.T. & T. special permission to file for a lesser rate increase (see FCC News Release No. 61049, Jan. 12, 1971). The ACLU, EEOC, and NAACP have also filed new petitions with respect to Transmittal No. 11027, raising essentially the same issues as in their earlier filings. For the purposes of this decision, however, these filings shall be considered along with those filed in response to Transmittal No. 10989 without special reference to which transmittal they refer.

[2] Other parties who have filed in the instant proposed rate increase (A.T. & T. Transmittal No. 10989) include: Utility Users League, city of Chicago, Silver Beehive Telephone Co., Microwave Communications, Inc., city of Los Angeles, Anthony R. Martin-Trigona, Ralph Nader, and the Secretary of Defense filing on behalf of all U.S. Executive Agencies.

[3] There have been subsequent filings and replies which we have considered in making our conclusions herein. None of these affect the conclusions reached herein.

it would be intolerable to countenance discriminatory employment practices".

5. On August 5, 1970, the Commission adopted comprehensive rules and regulations requiring communications common carriers to show nondiscrimination in their employment practices (24 F.C.C. 2d 725), becoming the first independent regulatory agency to adopt such a program applicable to its regulated industries.[4] In adopting its proposed rules prohibiting discriminatory employment practices by its licensees and permittees, the Commission recognized its "independent responsibility to effectuate the strong national policy against discrimination in employment, and that it need not be dependent upon the judgment of some other forum to maintain its own affirmative program for insuring compliance with this Act". 24 FCC 2d 725.

6. By the adoption of the above referenced rules requiring communications common carriers to show nondiscrimination in their employment practices, contained in new §§ 1.815, 21.307, and 23.49 of the Commission's rules and regulations, 47 CFR §§ 1.815, 21.307, 23.49, the Commission has undertaken a systematic program to insure equal employment in the communications industry. As regards communications common carriers, the general policy of nondiscrimination is expressed in §§ 21.307(a) and 23.49(a) of the Commission's rules and regulations.[5] To insure nondiscriminatory employment practices by communications common carriers, the Commission has provided, in §§ 21.307(d) and 23.49(d), 47 CFR §§ 2.307(d), 23.49(d), that complaints "indicating a general pattern of disregard of equal employment practices" received against a particular licensee or permittee, could be investigated by the Commission.

7. The subject filing by the EEOC clearly alleges "a general pattern of disregard of equal employment practices" pursuant to the above noted rules. The EEOC has not, however, submitted its petition pursuant to the above noted Commission rules. It has rather chosen to file its petition in the form of a Petition for Suspension of Tariff Schedules, as foreseen in § 1.773 of the Commission's rules and regulations, 47 CFR § 1.773.[6]

8. As we have already stated this day in our decision in Docket No. 19129 In the matter of American Telephone and Telegraph Co. Revision of Tariff FCC No. 263, no showing has been made as to any logical or functional relationship between rate levels and the company's policies and practices in the matter of equal employment opportunity. The EEOC has claimed, in Appendix A to its petition, that section 202(a) of the Communications Act of 1934, as amended, 47 U.S.C. 202(a), prohibits, "on its face", employment discrimination by a carrier. We do not agree. The language in section 202(a) is designed to protect the users of telecommunications services against discriminatory rates; it does not apply to the employees of a carrier except insofar as they may be discriminated against through rates and charges as users of the system.[7] Accordingly, we feel that the petitions by the EEOC and others raising the issues of discriminatory employment practices should not be introduced in the subject rate hearing referred to above.

9. We reaffirm our position that in divorcing these claims from the subject rate proceeding we are not intimating that they are without merit. On the contrary, we feel that the claims made by the EEOC and the other aforementioned organizations raise serious questions under those provisions of our rules requiring common carriers to show nondiscrimination in their hiring and employment policies. Accordingly, as we have already mentioned in our decision in Docket No. 19129, we are setting this matter down for a separate hearing to allow us to determine the outstanding questions of law and fact. We are including an issue herein as to whether and in what manner any of the alleged practices, if proved, affect revenues, expenses, and rates of A.T. & T. At the same time we are retaining jurisdiction in our proceeding in Docket No. 19129 to enable us to take any conclusions we may reach on the subject into account before finally disposing of the issues raised therein. Such procedures are designed to afford the petitioners full opportunity to make any relevant showing while at the same time ensuring due and orderly dispatch of our responsibilities to all interested parties.

10. *Accordingly, it is ordered*, That pursuant to the provisions of sections 4(i), 4(j), 208, 218, and 403 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be hereinafter designated upon the following specific issues:

ISSUES

(A) Whether the existing employment practices of A.T. & T. tend to impede equal employment opportunities in A.T. & T. and its operating companies? Contrary to other purposes and requirements of the Commission's rules and the Civil Rights Act of 1964.

(B) Whether A.T. & T. has failed to inaugurate and maintain specific programs, pursuant to Commission rules and regulations, insuring against discriminatory practices in the recruiting, selection, hiring, placement, and promotion of its employees?

(C) Whether A.T. & T. has engaged in pervasive, systemwide discrimination against women, Negroes, Spanish-surnamed Americans, and other minorities in its employment policies?

(D) Whether any of the employment practices of A.T. & T. if found to be discriminatory, affect the rates charged by that company for its services, and if so, in what ways is this reflected in the present rate structure?

(E) To determine, in light of the evidence adduced pursuant to the foregoing issues, what order, or requirements, if any, should be adopted by the Commission?

11. *It is further ordered*, That the above-designated hearing shall be an adjudicatory hearing, and that the rules of procedure as set forth in the Commission's rules and regulations pertaining to Hearing Proceedings, sections 1.201 et. seq., shall govern.

12. *It is further ordered*, That the American Telephone and Telegraph Co., the American Civil Liberties Union, the California Rural Legal Assistance, the Equal Employment Opportunity Commission, the Mexican American Legal Defense Fund, the National Association for the Advancement of Colored People, the National Organization for Women, and the American GI Forum of the United States are hereby designated parties to this proceeding.

13. *It is further ordered*, That the Common Carrier Bureau is named a party herein.

14. *It is further ordered*, That in the presentation of evidence, the petitioner-complainants shall open and close, pursuant to these provisions of section 1.255 of the Commission's rules and regulations.

15. *It is further ordered*, That interested parties may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Commission's rules, within 20 days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in the memorandum opinion and order.

16. *It is further ordered*, That a Hearing Examiner shall be designated to preside in the proceeding ordered herein, who shall prepare an initial decision on all of the issues in the complaint proceeding as provided in § 1.267 of the Commission's rules and regulations.

Adopted: January 21, 1971.

Released: January 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1107 Filed 1-26-71;8:48 am]

[Dockets Nos. 18128, 18684; FCC 71-76]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Expediting Hearing

In the matter of American Telephone and Telegraph Co. Long Lines Department, Docket No. 18128; revisions of Tariff FCC No. 260, private line services, Series 5000 (TELPAK); American Telephone and Telegraph Co., Docket No. 18684; revisions of American Telephone and Telegraph Co. Tariff FCC No. 260, Series 6000 and 7000 Channels (Program Transmission Services).

1. The Commission has under consideration the record in this proceeding to date, together with the issues presented, as stated and interpreted by our previous orders. We also have under consideration recent tariff filings by American Telephone and Telegraph Co. which propose substantial increases in the rates for Long Distance Message Telecommunications Service (MTT).

2. One of the determinations to be made in the instant proceeding is an appropriate rate level for each of A.T. & T.'s major categories of service, such as private line telephone and telegraph, program transmission, TWX, WATS, and MTT. As set forth in past Commission orders, our examination herein of the rate levels for the various categories of service will enable us, if warranted to make adjustments in the relative earnings level of the services in question. In light of A.T. & T.'s recently proposed tariff revisions for MTT service, and the critical importance of the present proceeding to the disposition of the question of the proper distribution of A.T. & T.'s overall revenue requirements among its various services, we believe that due and timely execution of our functions necessitates that we expedite this proceeding.[1] Therefore, we request that the Chief Hearing Examiner meet with the Hearing Examiner in this proceeding, review the Hearing Examiner's case assignments, and, insofar as practicable, relieve the Hearing Examiner of other case assignments in order that this proceeding may be heard continuously. The Hearing Examiner should bear in mind the schedule we have established on A.T. & T.'s proposed tariff revisions and make every reasonable effort consistent with the compilation of the necessary record to complete this hearing within 6 months of the publication of this order.

3. One other specific measure which we feel will enable us to accomplish the necessary expedition of Dockets 18128 and 18684 is a requirement that the intervenors file their direct cases within 60 days from the release of this order so as to preclude any delay after the conclusion of cross-examination on A.T. & T.'s direct case. The intervenors have had A.T. & T.'s direct case for an extended amount of time; i.e., substantially since April 1, 1970. In addition, the intervenors have made numerous requests for and have obtained from A.T. & T. a considerable amount of data supporting the various exhibits. Moreover, by the release date of this order, cross-examination of several key witnesses will have been completed and the essential methodology of LRIC will have been subjected to detailed analysis. The same LRIC methodology, in essence, has apparently been applied by A.T. & T. to other private line services and, apart from relevant differences in the details applicable to video, etc., the intervenors should by this time find no inherent difficulty in preparing and submitting their direct evidence.

4. Accordingly, on the basis of the foregoing: *It is hereby ordered*, That, insofar as practicable, the Hearing Examiner shall be relieved of other case assignments and hear this proceeding continuously; and

5. *It is further ordered*, That within 60 days from the release of this order the intervenors shall file their direct cases.

Adopted: January 21, 1971.

Released: January 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1108 Filed 1-26-71;8:48 am]

[Dockets Nos. 19055-19057; FCC 71R-18]

FIDELITY BROADCASTING CORP., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Fidelity Broadcasting Corp., Guayama, P.R., Docket No. 19055, File No. BP-17777; Lucas Tomas Muniz, Yabucoa, P.R., Docket No. 19056, File No. BP-17990; James Calderon, Yabucoa, P.R., Docket No. 19057, File No. BP-18003; for construction permits.

1. The above captioned mutually exclusive applications for new AM stations operating on 840 kHz, with 250 w. power, in various communities in Puerto Rico were designated for consolidated hearing by memorandum opinion and order, FCC 70-1118, released October 19, 1970, 25 F.R. 16559, 26 FCC 2d 93, 20 RR 2d 477. The Review Board now has before it a petition to enlarge issues, filed on November 9, 1970, by Fidelity Broadcasting Corp., requesting the inclusion of the following issues:

(1) To determine whether grant of the application of Lucas Tomas Muniz would be consistent with the Commission's rules and policies relating to the multiple ownership and control of broadcast facilities.

(2) To determine whether James Calderon has the requisite technical and character qualifications to be a Commission licensee.

(3) To determine whether the proposals of James Calderon and Lucas Tomas Muniz for Yabucoa, P.R., will realistically provide a local transmission facility for their specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicants to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicants' program proposals will meet the specific unsatisfied programing needs of their specified station location; and

(d) The extent to which the projected sources of the applicants' advertising revenues within their specified station location are adequate to support their proposals, as compared with their projected sources from all other areas.[3]

Since each of the issues requested is based on a separate set of allegations, we will discuss the issues in series.

MULTIPLE OWNERSHIP ISSUE

2. Petitioner alleges that the island of Puerto Rico is particularly small, about 100 miles long by 35 miles wide at its largest point, and that there are 7 VHF television stations on the island associated with 3 networks, each network providing or attempting to provide island-wide coverage. It further alleges that Lucas Tomas Muniz is a program producer who produces a large number of live programs which are carried by the WAPA-TV network, and that the WAPA-TV network attains complete coverage of the island of Puerto Rico. It also alleges that Mr. Muniz is a 50 percent owner of radio Station WUNA, Aguadilla, P.R., and the licensee of Station WLUZ, Bayamon, P.R. In view of these circumstances, the petitioner argues that the requested issue is required by Commission policy articulated in its

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[4] The Commission had earlier adopted similar rules applicable to its Broadcast licensees. In this regard see 18 F.C.C. 2d 240 (1969) and 23 F.C.C. 2d 430 (1970).

[5] Sections 21.307(a) and 23.49(a) provide: "Equal Opportunity in employment shall be afforded by all common carrier licensees or permittees to all persons, and no personnel shall be discriminated against in employment because of sex, race, color, religion, or national origin."

[6] Although entitled A Petition for Intervention, it cannot be considered as such in that the proceeding had not, at the time of the filing of the petition, been set for hearing, and section 1.223 of the Commission's rules and regulations provides for petitions to intervene "not later than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto."

[7] Section 202(a) provides: "It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communications service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage."

[8] Commissioner Johnson concurring; Commissioner Houser not participating.

[1] In our memorandum opinion and order on A.T. & T.'s proposed MTT tariff revisions we specifically retained jurisdiction until we are able to implement our conclusions in Docket No. 18128 insofar as they relate to the assignment of revenue requirements of A.T. & T. to MTT.

[2] Commissioner Johnson concurring; Commissioner Houser not participating.

[3] The Board also has before it for consideration oppositions to the petition, filed on Dec. 2 and 4, 1970, respectively, by Lucas Tomas Muniz and James Calderon; the Broadcast Bureau's comments on petition to enlarge, filed on Dec. 4, 1970; and Fidelity's reply to oppositions and comments, filed on Dec. 28, 1970.

First Report and Order in the Matter of Amendment of §§ 73.35, 73.240 and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM and Television Stations. 22 FCC 2d 306, 18 RR 2d 1735 (1970). Both Muniz and the Bureau oppose the addition of the requested issue. Muniz points out that there is no allegation that there will be prohibited overlap between the requested station and the stations in which he has ownership. Moreover, he notes that the programs which he produces are subject to the managerial responsibilities of licensees of the television stations which carry them. Both Muniz and the Bureau note that Muniz' relationship with the WAPA-TV network does not constitute ownership or control, and does not afford Muniz an opportunity to dictate policies of those stations or otherwise bring Muniz' activity within the Commission's policy prohibitions.

3. The requested issue will be denied. The factual allegations set forth by the petitioner do not constitute a showing which warrants an inquiry into possible violations of the multiple ownership provisions of section 73.35 of the Commission's rules, nor do they provide a factual basis for an assumption that the licensees of those stations which broadcast the programs produced by Muniz, have abandoned their responsibility to manage their station, thus raising the possibility that a grant of the proposed application would violate the Commission's policy concerning concentration of control of mass media of communications.[2]

QUALIFICATIONS OF JAMES CALDERON

4. In support of its second requested issue, petitioner alleges that International Broadcasting Corp., the licensee of Station WVOZ, Carolina, P.R., paid a forfeiture in the amount of $7,500, levied because of numerous violations of the Commission's technical rules which the Commission noted:

> point[ed] to serious and continued failures on the part of [the licensee] to meet the standards of radio stewardship which the Commission has set for its broadcast licensees. 19 FCC 2d 793 (1969).

Petitioner further alleges that at the time of these derelictions, Mr. James Calderon was a 10 percent stockholder of International and an engineer employed by that corporation. In view of these circumstances, petitioner argues that the Commission must inquire into the relationship between Calderon and International Broadcasting Corp. to ascertain what bearing International's shortcomings have on Calderon's qualifications to be a station licensee. The Bureau observes that since Calderon was a stockholder, officer, and employee of International at the time of the noted violations, an issue must be added to establish Calderon's relationship with the station and the extent to which the station's violations may affect Calderon's qualifications.

5. In opposition, Calderon argues that the allegations of the petitioner fall short of the degree of specificity required by § 1.229(c) of the Commission's rules.[3] Calderon submits his personal affidavit and that of the secretary of International for the purpose of establishing that Calderon was not the engineer involved in the technical violations referred to in connection with the forfeiture proceeding; that Calderon gave engineering assistance to the station only as a favor to the station and that, after 1967, he did not have any technical responsibility for the station's operation. Furthermore, those affidavits purport to establish that although Calderon had a 10 percent interest in the station, he did not participate in its management or policy direction.

6. The requested issue will be included. While the better procedure would have been for the petitioner to make more specific allegations concerning the activities of Calderon, it has, nevertheless, raised questions which we believe can best be resolved through the hearing process. The violations referred to in International Broadcasting Corporation, 19 FCC 2d 793, are numerous and cover a wide scope of technical failures on the part of the licensee. The fact that Calderon appears to have been actively associated with the station during this period raises questions which we are unable to resolve on the basis of the pleadings before us.[4] The issues will be enlarged accordingly.

307(b) SUBURBAN COMMUNITY ISSUE

7. Petitioner bases his request for this issue on the fact that the town of Yabucoa is located within 7½ miles of the town of Humacao, and that the population of Yabucoa in 1960 was 3,734 persons, and the population of Humacao was 8,005 persons; and that the proposed 5 mv/m contour of either of the proposed Yubucoa stations would completely encompass the town of Humacao. Thus, argues the petitioner, a factual situation is present which warrants the inclusion of a "suburban community" issue, (citing V.W.B., Inc., 8 FCC 2d 744, 10 RR 2d 563; and Outer Banks Radio Co., 15 FCC 2d 994, 15 RR 2d 471). Muniz Calderon and the Bureau all oppose the inclusion of this issue arguing that the 1970 census shows a population for the town of Yabucoa of 5,071 persons and for the municipio (equivalent to a county in the continental United States) of 29,997, while the 1970 population figures for the town and municipio of Humacao were 12,333 and 35,655, respectively. The oppositions also note that these communities are separate and distinct from each other, each having its own government with all the appurtenances thereof, as well as its civic and community activities, and that the petitioner has made no allegations that Yabucoa is, in any way, dependent upon Humacao. Thus, they argue, V.W.B., Inc., and Outer Banks are inapposite to the facts before us.

8. The requested issue will be denied. The fact that a specified community is somewhat smaller than another nearby community does not per se establish that the smaller community is economically, socially or governmentally dependent upon the larger community, nor does it establish that the larger community will in fact have a dominant influence over the licensee or station for the smaller community. In the absence of more specific factual allegations, the requested issue must be denied.

9. *Accordingly, it is ordered*, That the petition to enlarge issues, filed by Fidelity Broadcasting Corp., November 9, 1970, is granted to the extent indicated herein, and is denied in all other respects;

10. *It is further ordered*, That the issues will be enlarged to include the following issue: To determine the relationship of James Calderon to radio Station WVOZ, Carolina, P.R., and whether, in view of that relationship Calderon has the requisite qualifications to be the licensee of a new standard broadcast station operating on 840 kHz, with 250 w. of power, in Yabacoa, P.R., and;

11. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof shall be on James Calderon.

Adopted: January 15, 1971.

Released: January 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1109 Filed 1-26-71;8:48 am]

[2] Comparing the population and area of Puerto Rico to that of Connecticut, petitioner suggests in his reply that the Commission would not grant a third license to a single applicant from the State of Connecticut. This supposition is supported by no authority or precedent and must be regarded as purely speculative.

[3] Section 1.229(c) requires that: "Such motions, oppositions thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof."

[4] Calderon declares that he has had no technical responsibility for the operation of Station WVOZ since 1967. However, this appears to be inconsistent with what purports to be an agreement, dated Jan. 30, 1967, and filed with the Commission, between International Broadcasting Corp. and James Calderon, whereby, for a fee to be determined, Calderon undertakes to "make required inspections as required by the rules of the Commission, as well as to make himself available whenever required to make the station meet the requirements and rules of the FCC." It also appears to be inconsistent with the understanding of Mr. Pedro Collazo, secretary of International Broadcasting Corp., who filed a document with the Commission on Aug. 13, 1968, which states that Mr. Jose Arzuga, Jr. will be paid $100 a week and take responsibility for inspections as required by the FCC. The same document noted that International would employ another first class radio operator to perform major maintenance which, at that time, was being performed by Mr. James Calderon.

[Docket No. 19120; FCC 71-38]

SHELL BROADCASTING, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Shell Broadcasting, Inc., Docket No. 19120, File No. BR-2278; for renewal of license of Station WHEL, New Albany, Ind.

1. We have before us for consideration: (a) The above-captioned application of Shell Broadcasting, Inc., for renewal of license of Station WHEL, New Albany, Ind.; (b) our letter of October 21, 1970, advising the applicant that the application could not be granted without an evidentiary hearing in view of a Complaints and Compliance Division investigation involving the activities of Grady A. Sanders in connection with Station KGA, Spokane, Wash.; (c) a letter of November 12, 1970, from the attorney for Shell Broadcasting, Inc., stating: "The licensee does intend to prosecute its license renewal application," and requesting an additional 30 days to respond to our letter of October 21, 1970; and (d) our letter of December 9, 1970, denying the requested extension of time.

2. As indicated by our letter of October 22, 1970, information developed as the result of the Complaints and Compliance Division's field investigations and responses by Grady A. Sanders, under oath, to certain written inquiries of the Complaints and Compliance Division following the field investigations, raised serious questions regarding the character qualifications of Grady A. Sanders, who has an 87 percent ownership interest in Shell Broadcasting, Inc. On the basis of this information, it appears that Grady A. Sanders misrepresented his financial condition in connection with a proposal (BTC-5678) to acquire 100 percent ownership of Station KGA; that the effect of these misrepresentations was substantially to overstate the net worth of Grady A. Sanders; and that such misrepresentations were made for the purpose of misleading the Commission respecting Grady A. Sanders' financial ability to acquire control of Station KGA under BTC-5678. It further appears that Grady A. Sanders, in his efforts to promote the sale of stock in KGA, Inc. (a company which intended subsequently to acquire the KGA license from Sanders), issued a brochure which misrepresented purported security interests which KGA, Inc., allegedly had in Stations KGA and WHEL, and that such misrepresentations were intended to mislead prospective purchasers of the stock of KGA, Inc. And, finally, it appears that a copy of an agreement dated April 20, 1968 (later canceled), to sell Liddie Broadcasting Corp. (the then licensee of Station KGA) to Grady A. Sanders and William Campbell was never filed with the Commission, in apparent violation of § 1.613(b)(3) of the Commission's rules and regulations.

3. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned renewal application is designated for hearing, at a time and place to be specified in a subsequent order, on the following issues:

(a) To determine whether Grady A. Sanders misrepresented his financial condition to the Commission in connection with his earlier proposal to acquire control of Station KGA, Spokane, Wash., with particular reference to the balance sheet (Exhibit 6) contained in the application covering that proposal, BTC-5678;

(b) To determine whether the financial condition of Grady A. Sanders was further misrepresented in his notarized statement of December 11, 1968, made in response to certain questions directed by the Complaints and Compliance Division in a letter of November 18, 1968, with particular reference to the "Pro Forma Personal Financial Statement" as of October 18, 1968, submitted in connection with his notarized statement;

(c) To determine the reason for the discrepancies between the balance sheet submitted with BTC-5678 (Exhibit 6, BTC-5678) and the "Pro Forma Personal Financial Statement" as of October 18, 1968, furnished in connection with the notarized response of December 11, 1968;

(d) To determine whether Grady A. Sanders misrepresented security interests which KGA, Inc., assertedly had in Stations KGA and WHEL, in connection with issuance of the brochure for sale of the stock in KGA, Inc.;

(e) To determine whether Grady A. Sanders failed to file a copy of an agreement dated April 20, 1968 (later canceled) for the sale of Liddie Broadcasting Corp. to Grady A. Sanders and William Campbell, in violation of § 1.613(b)(3) of the Commission's rules and regulations; and

(f) To determine whether, in light of all the evidence, a grant of the application for renewal of license of Station WHEL would serve the public interest, convenience, and necessity.

4. *It is further ordered*, That in accordance with section 309(e) of the Act the ultimate burden of proof as to each issue shall be on the applicant.

5. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by its attorney, shall, within twenty (20) days of the date of this order file with the Commission, in triplicate, a written appearance stating its intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered*, That the parties herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g). of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1110 Filed 1-26-71;8:48 am]

[Docket No. 19127; FCC 71-44]

TEXAS KEY BROADCASTERS, INC. (KTXS-TV)

Order and Notice of Apparent Liability Designating Application for Hearing on Stated Issues

In regard application of Texas Key Broadcasters, Inc. (KTXS-TV), Docket No. 19127, File No. BMLCT-706; for authority to change the main studio location of Station KTXS-TV from Sweetwater, Tex., to Abilene, Tex.

1. The Commission has before it for consideration: (a) The above-captioned application of Texas Key Broadcasters, Inc. (Texas Key), licensee of television boadcast station KTXS-TV, Channel 12, Sweetwater, Tex., filed July 24, 1970; (b) the informal objections of Abilene Radio and Television Co. (ARTC), licensee of television broadcast station KRBC-TV, Channel 9, Abilene, Tex., filed August 31, 1970, and November 9, 1970; and (c) Texas Key's response to ARTC's informal objections filed October 6, 1970, and November 24, 1970.

2. An application for a move in a station's main studio location is considered an application for a minor change in the station's license, and § 1.580(a)(1) of the Commission's rules provides that petitions to deny do not lie against such applications. However, because ARTC is a competitor of Texas Key and has a definite interest in this matter, its petition will be treated as an informal objection under section 1.587 of the rules.

3. Section 73.613(b) of the Commission's rules provide for the location of a television station's main studio outside of its community of license only when (a) it would not be inconsistent with the public interest; and (b) good cause has been shown. In this case, the main studio of Station KTXS-TV is located just beyond the city limits of Sweetwater, Tex., and an auxiliary studio is maintained in Abilene, Tex., a town approximately 35 miles east of Sweetwater. Texas Key now requests authority to designate the Abilene facility as its main studio for the following reasons: Abilene is the cultural, economic, and governmental center of the essentially homogeneous west central Texas region; only 8 percent of Station KTXS-TV's local advertising revenues come from Sweetwater; Sweetwater is losing population;[1] the Commission's requirement that a station originate at least 50 percent of its programing from its main studio is an unreasonable and wasteful burden which serves to degrade the quality of programing Station KTXS-TV is able to provide; Station KTXS-TV operates at a competitive disadvantage relative to its main competitor, Station KRBC-TV, Channel 9, Abilene; the Commission has previously authorized similar main studio moves; and it would continue to maintain a

[1] Preliminary returns from the 1970 census list the population of Sweetwater as 11,317 and the population of Abilene as 88,433. These figures represent a decline from the 1960 census of 18.6 percent for Sweetwater and 2.1 percent for Abilene.

studio in Sweetwater and otherwise serve that community. Basically, Texas Key contends that there has been such a significant change in the relative size of Sweetwater and Abilene since Channel 12 was allocated to Sweetwater in 1952 that it is no longer possible to efficiently operate a television station there.

4. Texas Key was granted authority to identify Station KTXS–TV as a Sweetwater-Abilene station on February 16, 1966, and later that year was acquired by group owner Grayson Enterprises, Inc. (Grayson).[2] Grayson proceeded to change the call sign of the Sweetwater station from KPAR–TV to KTXS–TV; increase its height and power and move its main studio from a point approximately midway between Abilene and Sweetwater to its present location; [3] and, build a new auxiliary studio in Abilene. ARTC now contends that a grant of the present application would result in a de facto reallocation of Channel 12 from Sweetwater to Abilene, and that in any case, Texas Key has already established its main studio in Abilene without the prior approval of the Commission in violation of the Communications Act and the Commission's rules. Texas Key states that it has been responsible for many significant improvements in both the Sweetwater and Abilene facilities of Station KTXS–TV, but admits that the majority of its equipment and personnel are located in Abilene; that it failed to originate programing from Sweetwater during 1969; and that even now, less than 50 percent of its local programing is originated from Sweetwater. With the exception of two live weekday programs, the programing Station KTXS–TV originates from its Sweetwater studio is prepared in Abilene and driven to Sweetwater to be broadcast.

5. Texas Key claims that the Commission failed to provide its licensees with adequate guidelines in matters concerning main studio location until mid-1969, when it adopted two decisions, Ponce Television Corporation, 18 FCC 2d 543 (1969), and Nationwide Communications, Inc., 18 FCC 2d 171 (1969), interpreting § 73.613(b) of the rules. This argument deserves little credence. The location of a station's main studio is directly related to the manner in which it fulfills its obligations to serve its community of license, WSIX Broadcasting Station, 8 RR 216, 218 (1952). Although the definition of main studio is meant to be flexible to a degree, the Commission has stated that no more than an ordinary understanding of the word "main" is necessary for a licensee to accurately distinguish its main studio from an auxiliary studio, Ponce Television Corporation, supra, 546, and as long ago as 1956, the Commission set forth a number of criteria that are relevant in determining whether a given facility is a main studio, including: Percentage of locally originated programs, programing practices, number of employees, types of employees, type and quality of equipment, and the size and quality of the building. Gulf Television Company, 20 FCC 734 (1956).

6. ARTC also alleges that Texas Key violated section 73.652(a) of the Commission's rules concerning its station identification announcements. As stated above, Texas Key was granted a waiver of § 73.652(a) on February 16, 1966, which allowed it to identify itself as a dual "Sweetwater-Abilene" station. On February 25, 1966, ARTC filed a petition for reconsideration of this waiver which asked the Commission to require Station KTXS–TV to identify itself only as a "Sweetwater-Abilene" station and not as an "Abilene-Sweetwater" station. The Commission denied this petition, Texas Key Broadcasters, Inc., FCC 67–94, 9 RR 2d 140 (1967), and stated that it would be permissible for station KTXS–TV to identify itself as an "Abilene-Sweetwater" station whenever it originated programing from Abilene or broadcast programs relating to Abilene activities. This decision no longer represents Commission policy in this area, which now requires a station utilizing a dual-city identification to announce its city of license first, General Electric Broadcasting Co., Inc., 16 FCC 2d 673 (1969); Nationwide Communications, Inc., 19 FCC 2d 861 (1969), and in this instance it also appears as if Texas Key has abused its privilege, for Texas Key admits that Station KTXS–TV was identified as a "Sweetwater-Abilene" station only at the beginning and the end of its broadcast day for approximately 1 year during 1969–70, while all of its hourly announcements referred to Station KTXS–TV as an "Abilene-Sweetwater" station. Inasmuch as a grant of dual-city identification privileges does not modify a station's license, the Commission may revoke this authority at any time without the necessity of a holding a hearing on the matter. In this instance, the Commission is of the opinion that Station KTXS–TV should no longer be allowed to identify itself as an "Abilene-Sweetwater" station, and that its authority to do so shall be rescinded effective 30 days from the date of this order. It may continue to identify itself as "Sweetwater-Abilene", however, if it wishes to do so.

7. Texas Key attempts to distinguish the Ponce and Nationwide cases on their facts, and cites the following Commission decisions as precedent for a grant of the instant application: Triad Television Corp., 25 FCC 848, 1013 (1958); Florida Gulfcoast Broadcasters, Inc., 32 FCC 197, 202 (1962); North Dakota Broadcasting Co., Inc., unreported, BMLCT–127, granted January 3, 1963; and Texoma Broadcasters, Inc., unreported, BMLCT–633, granted March 9, 1967. In each of these cases, the Commission authorized a main studio location elsewhere than in a station's city of license, but both Triad and Florida were cases where several competing applicants for a vacant channel were subjected to a full hearing before a construction permit was awarded, and practically all of the applicants (9 of 10) had requested a waiver of § 73.613(b). The North Dakota and Texoma cases are more on point, but, as each § 73.613(b) decision involves different facts concerning the economic condition of the applicant, the market involved, and the dangers of inadequate service to the city of license, they are not dispositive of the present matter. Under the circumstances present here, the Commission can not find that Texas Key has demonstrated good cause for relocating its main studio in Abilene or shown how such a move would serve the public interest, and further finds that the facts raise serious questions concerning Texas Key's compliance with the Commission's rules, which require that the application be set for hearing.[4]

8. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether good cause exists to relocate the main studio of Station KTXS–TV, Channel 12, Sweetwater, Tex., from Sweetwater to Abilene, Tex.;

(2) To determine whether Texas Key Broadcasters, Inc., has changed the location of Station KTXS–TV's main studio from Sweetwater, Tex., to Abilene, Tex., without the prior approval of the Commission as required by section 308 of the Communications Act of 1934, as amended, and section 73.613(b) of the Commission's rules and, if so, whether any such violation was willful or repeated.

(3) To determine whether a grant of the above-captioned application of Texas Key Broadcasters, Inc., would serve the public interest, convenience, and necessity.

9. *It is further ordered,* That, if on the basis of the evidence adduced under issue (2) above, Texas Key Broadcasters, Inc., is determined to have willfully or repeatedly violated section 308 of the Communications Act or § 73.613(b) of the Commission's rules, it shall also be determined whether an order of forfeiture pursuant to section 503(b) of the Communications Act, in the amount of $10,000 or some lesser amount, should be issued.

10. *It is further ordered,* That this document also constitutes a notice of apparent liability for violation of the Communications Act and the Commission's rules, but that the inclusion of this notice does not in any way indicate what the initial or final disposition of the case should be, and that the Examiner shall make his decision on the facts of the case alone.

11. *It is further ordered,* That the Commission's order of January 18, 1967, authorizing station KTXS–TV to identify itself as an "Abilene-Sweetwater" station is rescinded effective 30 days from the date of this order. Thereafter, Station KTXS–TV shall identify itself as a "Sweetwater-Abilene" or "Sweetwater" station only.

12. *It is further ordered,* That Abilene Radio and Television Co. is made a party to this proceeding.

13. *It is further ordered,* That with respect to issue (1) specified above, the burden of proceeding with the introduction of evidence and the burden of proof shall be on Texas Key Broadcasters, Inc., and, with respect to issue (2) specified above, the burden of proceeding with the introduction of evidence shall be on the Abilene Radio and Television Co. and the burden of proof shall be on Texas Key Broadcasters, Inc.

14. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and the petitioner herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

15. *It is further ordered,* That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as is also required by § 1.594(g).

16. *It is further ordered,* That the Secretary of the Commission send copies of this order by Certified Airmail—Return Receipt Requested to Texas Key Broadcasters, Inc.

Adopted: January 13, 1971.

Released: January 19, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–1111 Filed 1–26–71;8:48 am]

[2] The Commission granted application number BTC–5036 on June 15, 1966, which authorized the transfer of control in Texas Key from A. R. Elam, Jr., et al., to Grayson Enterprises, Inc. Grayson is also licensee of Stations KLBK–TV–AM–FM, Lubbock, Tex.; Station KWAB–TV, Channel 4, Big Springs, Tex.; and, Station KMOM–TV, Channel 9, Monahans, Tex.

[3] The Commission granted application No. BPCT–3992 on July 21, 1967, authorizing these changes in Station KTXS–TV.

[4] Although Texas Key's application was accompanied by a "Request for authority to relocate main studio, or, in the alternative, for hyphenation of channel allocation", such a combination of documents is not contemplated by the Commission's rules and is contrary to the intent of § 1.44. Therefore, if Texas Key still intends to initiate a rulemaking proceeding, it should file a separate petition for rulemaking in accordance with sections 1.401 et seq. of the rules.

[5] Commissioner H. Rex Lee absent; Commissioner Houser not participating.

FEDERAL HOME LOAN BANK BOARD

THE WESTERN AND SOUTHERN LIFE INSURANCE CO.

Notice of Receipt of Application for Approval of Acquisition of Control of State Savings Association

JANUARY 22, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from The Western and Southern Life Insurance Co., Cincinnati, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of the State Savings Association, Greenhills, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and section 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of stock of the State Savings Association for cash. Following said acquisition it is proposed that State Savings Association be merged into Eagle Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71–1123 Filed 1–26–71;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.: Temporary Reg. D–26]

SECRETARY OF AGRICULTURE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Agriculture to assist in controlling violations of law at the U.S. Meat Animal Research Center, Clay Center, NE.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Agriculture to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c., as will insure their enforcement, for the protection of the U.S. Meat Animal Research Center, Clay Center, NE, over which the United States has exclusive legislative jurisdiction.

b. The Secretary of Agriculture may redelegate this authority to any officer or employee of the Department of Agriculture.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited Acts, and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: January 20, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–1076 Filed 1–26–71;8:46 am]

TARIFF COMMISSION

[TEA–W–56]

WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers employed at the Glascote Products Division, Haveg Industries, Inc., 20900 St. Clair Avenue, Cleveland, OH, the U.S. Tariff Commission, on January 21, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with glass-lined steel process equipment produced by said firm in its plant at said address are being imported into the United States in such increased quantities as to cause or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 22, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–1103 Filed 1–26–71;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. RI71–621, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 19, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[a]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before March 12, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[a] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-621	Pan American Petroleum Corp.	550	2	Southern Union Gathering Co. (Basin Dakota and Fulcher-Kutz Pictured Cliffs Fields) (San Juan County, N. Mex.) (San Juan Basin).	$495	12-29-70	[1] 12-29-70	12-30-70	13.0	[1] 15.0636	
					7					[2] 13.0551	
		551		do	1,238	12-28-70	[1] 12-28-70	12-29-70		[1] 15.0636	
		552		do	12	12-28-70	[1] 12-28-70	12-29-70		[2] 13.0551	
		553		do	12	12-28-70	[1] 12-28-70	12-29-70		[2] 13.0551	
		554		do	1	12-28-70	[1] 12-28-70	12-29-70		[2] 13.0551	
		195	[3] 27	El Paso Natural Gas Co. (Pictured Cliffs et al. Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	208	12-29-70	1-29-71	1-30-71		[4] 13.2486	
		549	[5] 8	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).		12-31-70	12-31-70	[6] Accepted			
			9	do	49,525	12-31-70	[7] 12-31-70	1-1-71		[1] 15.0636	
					49,525	12-31-70	[8] 12-31-70	1-1-71		[8] 15.0619	
RI71-622	Earl E. Wall	1	2	Transcontinental Gas Pipe Line Corp. (Lucy Field, St. Charles Parish, Southern Louisiana).	4,791	12-23-70	2-5-71	[9] 2-5-71	[10] 20.625	[11] [12] 22.375	
RI71-623	Kenmore Oil Co., Inc., et al.	1	1	Florida Gas Transmission Co. (West Addis Field, Iberville Parish) (Southern Louisiana).	27,000	12-22-70	2-4-71	[13] 2-4-71	[14] 20.0	[13] 25.0	

* The pressure base is 15.025 p.s.i.a.
[1] Dakota Formation.
[2] Pictured Cliffs Formation.
[3] Pursuant to Commission Order issued Dec. 11, 1970, Docket No. CI71-145 et al., Continental Oil Co. et al. and Docket No. CI71-299 et al., Mobil Oil Corp. et al.
[4] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[5] For acreage added by Supplement No. 26 only.
[6] Supplement deletes favored nations provision for acreage added by Supplement No. 1 dated Sept. 27, 1962.
[7] Applies to acreage dedicated by original contract.
[8] Applies to acreage dedicated to the contract by Supplement No. 1 for which the favored nations provision was deleted.
[9] Accepted for filing to become effective as of the dates shown in the "Effective Date Column."
[10] Permanently certificated initial rate.
[11] Increase limited to Southern Louisiana proposed settlement rate pursuant to order issued Dec. 24, 1970 in R-304. Rate proposed is 27.5 per Mcf.
[12] Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.
[13] The date from Jan. 10, 1971, corresponding to the number of days filed after Nov. 27, 1970.
[14] Temporary certificated initial rate for the sale of gas well gas.

With the exception of the proposed increase under its FPC Gas Rate Schedule No. 195, the proposed increases of Pan American Petroleum Corp. (Pan American) are filed pursuant to Commission orders issued December 11, 1970,[1] which among other things granted Applicant certificates and advised that it could file up to the proposed rates and collect such rates, if contractually due, after a 1-day suspension from the dates of filing. Accordingly, the proposed increases are suspended for 1 day from the dates of filing. This order so provides.

Pan American's proposed tax reimbursement increase reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax and exceeds the ceiling by the amount of the tax. Accordingly, Pan American's proposed rate is suspended for 1 day from the date of expiration of the 30-day notice period. El Paso (purchaser) questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing herein shall be concerned with the contractual basis for such rate filing, as well as the statutory lawfulness of the proposed increased rates.[2]

[1] Docket No. CI71-145 et al., Continental Oil Co. et al. and Docket No. CI71-299 et al., Mobil Oil Corp. et al.

[2] The Commission may not be required to decide this contract issue in view of pending court litigation. See order issued Mar. 24, 1969, in Pan American Petroleum Corporation, Docket No. RI69-244.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by Nov. 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of Jan. 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

The proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56).

[FR Doc.71-1019 Filed 1-26-71;8:45 am]

[Docket No. RP71-24, etc.]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Order Accepting Joint Tariff and Revised Tariff Sheets for Filing Subject to Refund and Consolidated Proceedings

JANUARY 19, 1971.

The Manufacturers Light and Heat Co. (Manufacturers) and Home Gas Co. (Home), affiliates of The Columbia Gas System, Inc., on November 13 as supplemented on December 4, 1970, tendered for filing their joint FPC Gas Tariff, Original Volumes No. 1 and 2 pursuant to Commission order accompanying Opinion No. 587.[1] The new joint tariff, proposed to become effective as of October 14, 1970, is filed to supersede the currently effective individual tariffs of the two companies without change in services each performs thereunder and makes no change in the rates currently charged.[2]

In Opinion No. 587 the Commission authorized Manufacturers and Home to coordinate their operations as proposed in their joint application, subject to certain conditions. Paragraph (B) of the initial decision adopted by the Commission in Opinion No. 587, required that the applicants file a joint tariff containing the terms and provisions set forth in Exhibit P to the certificate application, as amended to eliminate the minimum commodity billing provisions and that the rate schedules in the joint tariff reflect zoned rates corresponding with the individual-company rates then in effect.

The rates included in rate schedules in the joint tariff, as original sheets, and the rates included in the revised tariff sheets to be effective as of November 1, 1970, are the same as and are proposed to supersede the pertinent rates in Dockets Nos. RP69-33 and RP69-32, respectively. The rates included in the other two sets of revised tariff sheets are the same as and are proposed to supersede the pertinent rates now under suspension until March 17 and April 16, 1971, in Dockets Nos. RP71-24 and RP71-25, respectively.

Upon review of the new joint tariff and the revised tariff sheets containing the rates currently in effect and those which have been or may become effective from and after October 14, 1970, subject to refund and rate reduction obligations in the above-captioned proceedings, we find that these proposed filings comply with the requirements of Opinion No. 587 and the initial decision therein adopted.

The Commission finds:

(1) The new joint tariff, Manufacturers' and Home's FPC Gas Tariff, Original Volumes Nos. 1 and 2, and the three sets of tariff sheets (Appendix A)[3] tendered for filing on November 13 as amended on December 4, 1970, are acceptable for filing as satisfactory compliance with the requirements of Opinion No. 587 and the initial decision therein adopted, subject to the conditions hereinafter prescribed.

(2) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act that the proceedings in Dockets Nos. RP71-24 and RP71-38, involving the prospective rates and charges of Manufacturers be consolidated for hearing and decision with the similar proceedings of Home in Dockets Nos. RP71-25 and RP71-40.

The Commission orders:

(A) Manufacturers' and Home's FPC Gas Tariff, Original Volumes No. 1 and 2, and the revised tariff sheets (Appendix A)[3] tendered for filing on November 13 and December 4, 1970, are accepted for filing as satisfactory compliance with the requirements of Opinion No. 587 and the initial decision therein adopted, subject however, to the condition that, from and after October 14, 1970, they are substituted for the respective tariff volumes and tariff sheets of each of the applicants in each of the above-captioned proceedings as though initially filed in lieu thereof, and from and after October 14, 1970, such tariff and rate filings shall be subject to suspension, refund and rate reduction and all other obligations, rights and requirements of all prior and future orders issued in the respective docketed proceedings.

(B) The proceedings in Dockets Nos. RP71-24 and RP71-38 are consolidated for hearing and decision with the proceedings in Dockets Nos. RP71-25 and RP71-40.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Opinion No. 587 issued Oct. 14, 1970, in Docket No. CP68-364, ____ FPC ____ (1970).

[2] In addition to the joint tariff, the proposed rate filing contains three sets of tariff sheets, each set containing rates proposed to become effective as of Nov. 1, 1970, Mar. 17 and Apr. 16, 1971, respectively. (Appendix A which is filed as part of the original document).

[3] Appendix A filed as part of original document.

[FR Doc.71-1095 Filed 1-26-71;8:47 am]

[Docket No. CP71-183]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 20, 1971.

Take notice that on January 14, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-183 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing applicant to construct and operate measuring station facilities in order to deliver up to 40,000 Mcf per day of natural gas to Minneapolis Gas Co. (Minnegasco) for large scale injection of Minnegasco's Waterville Underground Storage Field, as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that it was previously authorized to deliver up to 6,200 Mcf per day to Minnegasco for testing and development of an underground natural gas aquifer storage reservoir near Waterville, Minn. Subsequently, Northern was authorized to install certain minor facilities to transport certain volumes to permit Minnegasco to conduct withdrawal tests of the storage facility.

Minnegasco has now advised that it desires to commence large scale injection and has requested Northern to install metering facilities to connect with a 16-inch line to be built by Minnegasco in order to deliver up to 40,000 Mcf per day to Minnegasco. The gas which Minnegasco proposes to inject will be "valley gas" available within Minnegasco's contract demand.

Applicant states that the estimated cost of the proposed meter station facilities is $133,740, and that Minnegasco will reimburse Northern for the cost of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1097 Filed 1-26-71;8:47 am]

PRESIDENT'S COMMISSION ON SCHOOL FINANCE

COMMISSION'S PROGRAM

Notice Requesting Views

The President's Commission on School Finance is interested in receiving written statements from interested national organizations regarding their views of the Commission's programs.

Prepared statements should be sent to:

Mr. Norman Karsh, Executive Director, President's Commission on School Finance, 1016 16th Street NW., Washington, DC 20036.

The Commission's program has previously been released to the public on November 6, 1970, and is repeated, as follows:

1. What should be the role of each level of government to provide quality education?

2. Determine the degree to which the public purpose is served by the operation of nonpublic schools.

3. To what extent can public resources be used for nonpublic schools and what are the attendant obligations of nonpublic schools?

4. How can we improve the existing State and local tax and revenue structure to provide revenues which maximize yields and minimize public objections?

5. How can we improve the present distribution of State and local education funds to maximize equality and minimize disparity?

6. Can we define or establish a working definition of "Equal Educational Opportunity" for all individuals, in both a fiscal and educational sense? If yes, relate to roles of each level of government.

7. Is there any basis for justifying public support to a child, regardless of the school attended?

8. Can we determine what educational outputs should be and the techniques to measure them?

9. What changes in purposes, procedures or institutional arrangements are needed to improve the quality of American elementary and secondary education?

10. Can we illustrate the economic benefits of education?

11. What can the Federal Government do to direct its financial assistance in a manner most consistent with the "new federalism" as well as National (Federal-State-local) Goals?

12. What are the unique problems of financing the "inner-city" schools and what can be done now?

13. What are the unique problems of financing the education of special or high-cost target groups, such as Negro, Mexican-American or other minority groups, as well as handicapped children and those children living in sparsely populated areas?

14. What are the enrollment and financial projections for the 1970's and their implications for financial requirements?

15. Do we have adequate statistics and data to effectively portray the results of Federal-State-local programs to tell us what we are financing?

16. Are the new technologies which are being utilized throughout the Nation increasing or decreasing costs and are they worth it in terms of instructional effectiveness?

17. What is the potential for more efficient utilization of resources through improved techniques of business management, including technological innovations.

Dated: January 26, 1971.

NORMAN KARSH,
Executive Director, President's Commission on School Finance.

[FR Doc.71-1212 Filed 1-26-71;9:53 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.3 for Disaster No. 783]

DISASTER COORDINATOR HURRICANE CELIA DISASTER

Delegation on Financial Assistance

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Financial Assistance in Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759 and 36 F.R. 653), there is hereby redelegated to the Disaster Coordinator, Hurricane Celia Disaster (Disaster No. 783), the following authority:

A. *Financing program.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $1 million and to decline them in any amount.

2. To enter into disaster loan participation agreements with banks.

3. To execute loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By: ----------
(Name)
Disaster Coordinator
---------- *Disaster.*

4. To cancel, reinstate, modify, and amend authorizations for disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

7. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

8. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Loan administration program.* 1. To take all necessary actions in connection with the administration, servicing, and collection of all disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters); other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; or (4) to cancel authority to liquidate.

C. *Eligibility determinations.* To determine eligibility of applicants for assistance under the disaster loan program of the Agency (excluding displaced business and coal mine health and safety loan programs and the economic injury disaster loan program in connection with declarations made by the Secretary of Agriculture for natural disasters), in accordance with Small Business Administration standards and policies.

D. *Size determinations.* To make initial size determinations in all disaster loan cases (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters), within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classificaton decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

II. The specific authority in the subsections may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting disaster coordinator for the specified disaster.

Effective date: January 11, 1971.

JACK EACHON, Jr.,
Associate Administrator for Financial Assistance.

[FR Doc.71-1125 Filed 1-26-71;8:49 am]

[Delegation of Authority 4.4 for Designated Disasters]

REGIONAL DIRECTORS

Delegation of Financial Assistance

Pursuant to the authority delegated by the Administrator to the Associate Administrator for Financial Assistance in Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759 and 36 F.R. 653), the following authority is hereby redelegated:

A. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $1 million, and to decline them in any amount:

a. Regional Director, Region II, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. Regional Director, Region III, for the following disasters:

(1) Pennsylvania, Cumberland, Disaster No. 780.

(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.

c. Regional Director, Region IV, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster No. 734.

(3) Florida, Santa Rosa, Escambia, Disaster No. 773.

(4) Florida, Bay, Disaster No. 793.

(5) Georgia, Chatham, Disaster No. 784.

(6) Mississippi, all areas affected, Disaster No. 734.

d. Regional Director, Region V, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

e. Regional Director, Region VI, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

f. Regional Director, Region VII, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

g. Regional Director, Region VII, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

h. Regional Director, Region IX, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

B. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

a. Regional Director, Region II, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. Regional Director, Region III, for the following disasters:

(1) Pennsylvania, Cumberland, disaster No. 780.

(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.

c. Regional Director, Region IV, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster, No. 734.

(3) Florida, Santa Rosa, Escambia, Disaster No. 773.

(4) Florida, Bay, Disaster. No. 793.

(5) Georgia, Chatham, Disaster No. 784.

(6) Mississippi, all areas affected, Disaster No. 734.

d. Regional Director, Region V, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

e. Regional Director, Region VI, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.
(4) Oklahoma, Oklahoma, Disaster No. 770.
(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.
(6) Oklahoma, Murray, Disaster No. 792.
(7) Texas, Lubbock, Disaster No. 767.
f. Regional Director, Region VII, for the following disasters:
(1) Iowa, all areas affected, Disaster No. 787.
g. Regional Director, Region VIII, for the following disasters:
(1) Colorado, La Plata, Disaster No. 794.
(2) North Dakota, Ransom, Disaster No. 771.
(3) Utah, Davis, Disaster No. 772.
(4) Utah, Sevier, Disaster No. 785.
h. Regional Director, Region IX, for the following disasters:
(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.
(2) California, Alameda, Disaster No. 788.
(3) California, all areas, Disaster No. 789.

C. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:
a. Regional Director, Region II, for the following disasters:
(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.
(2) Puerto Rico, San Juan, Disaster No. 776.
(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.
b. Regional Director, Region III, for the following disasters:
(1) Pennsylvania, Cumberland, Disaster No. 780.
(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.
c. Regional Director, Region IV, for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.
d. Regional Director, Region V, for the following disasters:
(1) Illinois, Crescent City, Disaster No. 777.
(2) Minnesota, St. Louis, Disaster No. 774.
(3) Minnesota, Douglas, Disaster No. 782.
e. Regional Director, Region VI, for the following disasters:
(1) Arkansas, Washington, Disaster No. 775.
(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.
(3) New Mexico, Bernalillo, Disaster No. 781.
(4) Oklahoma, Oklahoma, Disaster No. 770.
(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.
(6) Oklahoma, Murray, Disaster No. 792.
(7) Texas, Lubbock, Disaster No. 767.
f. Regional Director, Region VII, for the following disasters:
(1) Iowa, all areas affected, Disaster No. 787.
g. Regional Director, Region VIII, for the following disasters:
(1) Colorado, La Plata, Disaster No. 794.
(2) North Dakota, Ransom, Disaster No. 771.
(3) Utah, Davis, Disaster No. 772.
(4) Utah, Sevier, Disaster No. 785.
h. Regional Director, Region IX, for the following disasters:
(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.
(2) California, Alameda, Disaster No. 788.
(3) California, all areas, Disaster No. 789.

Effective date: January 11, 1971.

JACK EACHON, Jr.,
Associate Administrator for Financial Assistance.

[FR Doc.71-1124 Filed 1-26-71;8:49 am]

[Delegation of Authority No. 30-F (Region I) (Amdt. 2)]

REGIONAL DIVISION CHIEFS, REGION I ET AL.

Delegation of Authority To Conduct Program Activities in Region I

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-F (35 F.R. 6886), as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority No. 30-F (Region I) (35 F.R. 8845) dated June 6, 1970, as amended (35 F.R. 18351) is hereby further amended by revising Item I.A.2.b., Item I.B.1, Item II.A.2.b, and Item III.A.2.b, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* • • •
2. • • •
b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

II. *District Directors—A. Financing Program.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors—A. Financing Program.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

II. *District Directors—A. Financing Program.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

Effective date: December 8, 1970.

DAVID P. HEILNER,
Regional Director, Region I.

[FR Doc.71-1126 Filed 1-26-71;8:50 am]

[Delegation of Authority No. 30-H (Region II), Amdt. 3]

REGIONAL DIVISION CHIEFS, ET AL., REGION III

Delegation of Authority To Conduct Program Activities in Region II

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-H, 35 F.R. 11603, as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority No. 30-H (Region II) 35 F.R. 12805, as amended (35 F.R. 18351 and 36 F.R. 131), is hereby further amended by revising Item II.A.2.b, Item I.B, Item II.A.2.b, Item III.A.2.b, and Item IV.1, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* • • •
2. • • •
b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

II. *District Directors—A. Financing Program.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

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III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* • • •
2. • • •
b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

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IV. *Branch Manager—Buffalo, N.Y.* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not in excess of $50,000 (SBA share).

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Effective date: October 29, 1970.

CARLOS A. VILLAMIL,
Regional Director, Region II.

[FR Doc.71-1127 Filed 1-26-71;8:50 am]

[Delegation of Authority No. 30-D (Region VIII) Amdt. 1]

REGIONAL DIVISION CHIEFS, ET AL., REGION III

Delegation of Authority To Conduct Program Activities in Region VIII

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-D, 35 F.R. 5144, as amended (35 F.R. 15033 and 35 F.R. 17156), Delegation of Authority No. 30-D (Region VIII), dated April 11, 1970, 35 F.R. 6028, is hereby amended by revising Item I.A.2.b, Item I.B.1, Item I.J, Item II.A.2.b, and Item III.A.2.b, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* • • •
2. • • •

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

• • • • • •

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

• • • • • •

J. Chief, Procurement and Management Assistance Division. 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

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II. *District Directors—A. Financing Program.* • • •
2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

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III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* • • •
2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

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Effective date: December 30, 1970.

EDWIN JENISON,
Regional Director, Region VIII.

[FR Doc.71-1128 Filed 1-26-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 22, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 35337, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-102 Case No. 3, filed November 9, 1970. Applicant: HOOKER MOTOR FREIGHT, INC., 1515 Buchanan Avenue SW., Grand Rapids, MI 49502. Applicant's representative: John W. Ester, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Potterville, Mich., and Battle Creek, Mich., via U.S. Highway 27 to intersection with I-94, as an alternate route for operating convenience only and serving only those points otherwise authorized. Both intrastate and interstate authority sought.

HEARING: February 25, 1971, 9:30 a.m., Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Michigan Public Service Commission, Seven Story State Office Building, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. CC-915 (Rev. App. No. 19) (Republication), filed December 3, 1970, published in the FEDERAL REGISTER issue of December 23, 1970, and republished this issue. Applicant: FORE WAY EXPRESS, INC., 204 Bellis Street, Wausau, WI 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, over U.S. Highway 141 between Milwaukee and Green Bay for operating convenience only in intrastate and interstate commerce.

HEARING: February 15, 1971, 10 a.m., Suite 301, City Hall, Milwaukee, WI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Wisconsin, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, WI 53702, and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to state that the sought route is for operating convenience only.

State Docket No. C-2327 (Case No. 2), filed November 12, 1970. Applicant: MILLER TRANSPORTATION CORP., 4035 Jimbo Drive, Post Office Box 7047, Flint, MI 48507. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, serving the plantsite of GMC Truck & Coach Division of General Motors Corp. on Ecorse Road, one-half mile west of Denton Road, in Van Buren Township, Wayne County, Mich. (near Willow Run), as an off-route point in connection with otherwise authorized operations. Both intrastate and interstate authority sought.

HEARING: February 25, 1971, 9:30 a.m., Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Seven Story State Office Building, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

State Docket Number Amending Common Carrier Certificate No. 2709. Applicant: BLUEBONNET EXPRESS, INC., 5009 Rusk Avenue, Post Office Box 18205, Houston, TX 77023. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (A) *Magazines, pamphlets, periodicals, and paperback books* between Houston and Lufkin, Tex., over U.S. Highway 59 and (B) *Motion picture films and theatrical supplies, and newspapers and newspaper supplies, and general commodities* over the following routes: Between Austin and Bastrop, Tex., via Elgin, Tex., over U.S. Highway 290 from Austin to Elgin; over State Highway 95 from Elgin to Bastrop and return over the same route serving all intermediate points, coordinating with the service presently rendered over existing routes and interchanging freight at appropriate points. Between Austin, Tex., and Bastrop, Tex., over State Highway 71 and return over the same route, removing present restrictions over this route, serving all intermediate points, coordinating with the service presently rendered over existing routes and interchanging freight at appropriate points. The transportation of

general commodities over the roads hereinabove described shall be subject to the following restrictions: No service shall be rendered in the transportation of any package or articles weighing more than 50 pounds. No service shall be provided in the service of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day.

Further restrictions: (1) The Texas Commission retains jurisdiction over this certificate, under the provisions of section 12(b), Article 911(b), V.C.S., so that if the Texas Commission, in the future, determines that the holder hereof is not performing the service authorized by the Texas Commission, it may amend, revoke, or suspend the authority herein granted, if conditions so justify. (2) The holder of this certificate is required to keep such records and accounts to enable the law enforcement division of the Texas Commission to ascertain if the holder hereof is complying with the restriction as to the type of commodities, and weight thereof, authorized herein. (3) The holder hereof shall file with the Texas Commission each January 1, April 1, July 1, and October 1, a current, accurate list of its local representatives and agents and their addresses. (4) On July 1 of each year, the holder of this certificate shall file a "performance report" with the Texas Commission with respect to the operations conducted under the certificate here issued, which report shall show the tonnage handled, the towns served, and any other information which the Texas Commission may request. Both intrastate and interstate authority sought.

HEARING: Application will be assigned for hearing approximately 30 days after notice in the FEDERAL REGISTER. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer EE, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. C-3742 (Case No. 13), filed November 12, 1970. Applicant: EARL C. SMITH, INC., Post Office Box 349, Port Huron, MI. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* over irregular routes, serving the plantsite of GMC Truck & Coach Division of General Motors Corp. on Ecorse Road, one-half mile west of Denton Road, in Van Buren Township, Wayne County, Mich. (near Willow Run), as an off-route point in connection with otherwise authorized operations. Both intrastate and interstate authority sought.

HEARING: February 25, 1971, 9:30 a.m., Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Michigan Public Service Commission, Seven Story State Office Building, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT 8891, filed December 15, 1970. Applicant: SPECIALIZED TRUCKING CORP., 90-14 217th Street, Queens Village, NY 11428. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Wines and Spirits and Alcoholic Beverages of all descriptions:* From Nassau and Suffolk Counties and the port limits of New York City to all points in New York State. Both intrastate and interstate authority sought.

HEARING: Date and time and place application has been assigned for hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, NY 12208, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1115 Filed 1-26-71;8:49 am]

[Notice 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 22, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 575) (Cancels Deviation No. 530), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 12, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Erie, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 288, thence over Pennsylvania Highway 288 to junction U.S. Highway 19 near the Pennsylvania Turnpike; (2) from Edinboro, Pa., over U.S. Highway 6N to junction Interstate Highway 79; (3) from Meadville, Pa., over U.S. Highway 6 to junction Interstate Highway 79; (4) from junction Pennsylvania Highway 358 and U.S. Highway 19 over Pennsylvania Highway 358 to junction Interstate Highway 79; (5) from Mercer, Pa., over U.S. Highway 62 to junction Interstate Highway 79; (6) from the interchange of U.S. Highway 19 and Interstate Highway 80 over Interstate Highway 80 to junction Interstate Highway 79; (7) from Leesburg, Pa., over Pennsylvania Highway 208 to junction Interstate Highway 79; (8) from Harlansburg, Pa., over Pennsylvania Highway 108 to junction Interstate Highway 79; (9) from junction U.S. Highways 422 and 19 over U.S. Highway 422 to junction Interstate Highway 79; (10) from Pottersville, Pa., over U.S. Highway 488 to junction Interstate Highway 79; and (11) from Zelienople, Pa., over Pennsylvania Highway 68 to junction Interstate Highway 79, and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From junction U.S. Highways 422 and 19 at a point approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 via Portersville and Zelienople, Pa., to Pittsburgh, Pa.; (2) from Erie, Pa., over U.S. Highway 19 to Kearsarge, Pa., thence over Pennsylvania Highway 99 to Cambridge Springs, Pa., thence over U.S. Highway 6 to Conneaut Lake, Pa.; (3) from Pittsburgh, Pa., over U.S. Highway 19 to junction Pennsylvania Turnpike, at the Perry Highway Interchange near Warrendale, Pa.; and (4) from junction U.S. Highways 19 and 422 approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 to junction U.S. Highway 6, thence over combined U.S. Highways 19 and 6 to junction U.S. Highway 322 approximately 4 miles west of Meadville, Pa., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1117 Filed 1-26-71;8:49 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 22, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-30504 (Deviation No. 10), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, IN 46621, filed January 13, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Michigan Highway 78 and U.S. Highway 23 (west of Flint, Mich.), over U.S. Highway 23 to junction U.S. Highway 24 (south of Toledo, Ohio), thence over U.S. Highway 24 to junction U.S. Highway 31 (west of Peru, Ind.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From South Bend, Ind., over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., thence over Michigan Highway 78 to Flint, Mich.; and (2) from Grand Rapids, Mich., over U.S. Highway 131 to the Michigan-Indiana State line, thence over Indiana Highway 15 to Bristol, Ind., thence over Indiana Highway 120 to Elkhart, Ind., thence over U.S. Highway 33 to South Bend, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same routes.

No. MC-48958 (Deviation No. 24), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216, filed January 12, 1971. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, TX 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Diego, Calif., over U.S. Highway 80 (Interstate Highway 8) to junction Arizona Highway 84, thence over Arizona Highway 84 (Interstate Highway 8) to junction Arizona Highway 93, thence over Arizona Highway 93 to junction Interstate Highway 10, thence over Interstate Highway 10 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From San Diego, Calif., over U.S. Highway 395 to Colton, Calif.; (2) from Colton, Calif., over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to Ashfork, Ariz.; and (3) from Wickenburg, Ariz., over U.S. Highway 89 to Phoenix, Ariz., and return over the same routes.

No. MC-48958 (Deviation No. 25), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216, filed January 12, 1971. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, TX 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Sumner, N. Mex., over U.S. Highway 84 to junction U.S. Highway 66 (Interstate Highway 40), thence over U.S. Highway 66 (Interstate Highway 40) to Clines Corners, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Albuquerque, N. Mex., over U.S. Highway 66 to Moriarty, N. Mex., thence over New Mexico Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Vaughn, N. Mex., thence over U.S. Highway 285 to Carlsbad, N. Mex., thence over U.S. Highway 62 to El Paso, Tex.; (2) from Albuquerque, N. Mex., over the route described in (1) above to Vaughn, N. Mex., thence over U.S. Highway 60 via Clovis, N. Mex., to Amarillo, Tex.; and (3) from junction U.S. Highway 66 and New Mexico Highway 41, near Moriarty, N. Mex., over U.S. Highway 66 to Clines Corners, N. Mex., thence over U.S. Highway 285 to junction U.S. Highway 60, near Encino, N. Mex., and return over the same routes.

No. MC-110683 (Deviation No. 4), SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401, filed January 13, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chattanooga, Tenn., over U.S. Highway 27 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Knoxville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chattanooga, Tenn., over U.S. Highway 11 (formerly Tennessee Highway 2) via Ooltewah, Mineral Park, and McDonald, Tenn., to Cleveland, Tenn., thence over U.S. Highway 64 (portion formerly Tennessee Highway 40) to junction U.S. Highway 411 (formerly Tennessee Highway 33), at or near Ocoee, Tenn., thence over U.S. Highway 411 via Venton, Wetmore, Etowah, Englewood, Madisonville, and Vonore, Tenn., to Maryville, Tenn., thence over Tennessee Highway 73 via Alcoa, Tenn., to Knoxville, Tenn.; and (2) from Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., thence over Tennessee Highway 60 to the Tennessee-Georgia State line, thence over Georgia Highway 71 to Dalton, Ga., thence over U.S. Highway 41 to Cartersville, Ga., thence over Georgia Highway 293 via Acworth, Ga., to Marietta, Ga., thence over Georgia Highway 3 via Smyrna, Ga., to Atlanta, Ga., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1118 Filed 1-26-71;8:49 am]

[Notice 234]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 22, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36509 (Sub-No. 16 TA), filed January 18, 1971. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, WA 98121. Applicant's representative: George H. Hart, IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency and securities, and negotiable instruments*, between Seattle, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Clearwater, Latah, Nez Perce, Lewis, and Idaho Counties, Idaho, for 180 days. Supporting shipper: Federal Reserve Bank of San Francisco, San Francisco, CA 94120. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 107151 (Sub-No. 25 TA), filed January 20, 1971. Applicant: H. F. JOHNSON, INC., Post Office Box 1435, 1524 Lockwood Road, Billings, MT 59103. Applicant's representative: Hugh Sweeney, 2718 Third Avenue North, Billings, MT 59101. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bozeman, Mont., and Missoula, Mont., to points in Malheur County, Oreg., with *rejected or contaminated shipments* on return, for 180 days. Supporting shipper: Farmers Union Central Exchange, Post Office Box 126, Laurel, MT 59044. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 107496 (Sub-No. 797 TA), filed January 18, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, 50304, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry facing*, in bulk, in stainless steel tank vehicles, from Highland, Ind., to Ashland and Newport, Ky., for 150 days. Supporting shipper: Therminum, Inc., 2550 Industrial Drive, Highland, IN 46322. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 107496 (Sub-No. 798 TA), filed January 18, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, 50304, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand with additives*, in bulk, in dump vehicles, from Aurora, Ill., to points in Indiana, Iowa, Wisconsin, and the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Faskure Coated Sand Division, Aurora Matal Corp., 1019 Jericho Road, Aurora, IL 60538. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 107515 (Sub-No. 729 TA), filed January 20, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Terre Haute, Ind., to points in Georgia and Florida, for 150 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, MN 65402. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111170 (Sub-No. 157 TA), filed January 20, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2311 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novacite/novaculite*, (silica), dry, in bulk, from Hot Springs, Ark., to Chesterfield, Mo., for 180 days. Supporting shipper: Malvern Minerals Co., Post Office Box 1246, 220 Runyon Street, Hot Springs, AR 71901. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 113624 (Sub-No. 57 TA), filed January 20, 1971. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Donald S. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Moab, Utah, to points in Colorado, for 180 days. Supporting shipper: Suburban Gas of Denver, Inc., 3801 East 56th Avenue, Commerce City, CO 80022. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 115331 (Sub-No. 295 TA), filed January 18, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Pekin, Ill., to points in Iowa; for 180 days. Supporting shipper: International Salt Co., Clarks Summit, PA. Robert J. Casey, Midwest Traffic Manager, International Salt Co., 6300 North River Road, Rosemont, IL 60018. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 116133 (Sub-No. 6 TA), filed January 18, 1971. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, DC 20001. Applicant's representative: Peter A. Green, Commonwealth Building, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A or B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require special equipment) between points in Warren, Page, and Shenandoah Counties, Va., on the one hand, and, on the other, Dulles International Airport, Chantilly, Va., Washington National Airport, Gravelley Point, Va., and Friendship International Airport, Anne Arundel County, Md. *Restriction:* The authority granted herein is restricted to traffic having a prior, or subsequent movement by air for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 117119 (Sub-No. 428 TA), filed January 18, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engraver's plates, zinc, copper, magnesium, petroleum distillate, chemicals, and photographers' materials*, from Greeneville, Tenn., to Tulsa and Oklahoma City, Okla.; Joplin and Springfield, Mo.; Little Rock, Hot Springs, and Texarkana, Ark.; Dallas, Fort Worth, Houston, San Antonio, Abilene, San Angelo, Beaumont, Waco, and Corpus Christi, Tex.; Wichita and Parsons, Kans.; Shreveport and New Orleans, La.; Denver and Colorado Springs, Colo.; San Francisco, San Diego, and Los Angeles, Calif.; and Memphis, Tenn.; for 180 days. Supporting shipper: Lew Wenzel & Co., 520 South Peoria, Tulsa, OK 74120. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 125194 (Sub-No. 13 TA), filed January 20, 1971. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, MI 49120. Applicant's representative: David Parent, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products and filled or imitation milk and dairy products, fruit drinks and salads*, from Livonia, Mich., to points in Will County, Ill., for 180 days. Supporting shipper: The Kroger Co. Dairy, 29600 Industrial Road, Livonia, MI 48150 (by Harland E. Austin, Plant Manager). Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, MI 48933.

No. MC 128273 (Sub-No. 84 TA), filed January 18, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Hamboldt Street, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured tobacco products*, from Louisville, Ky., to Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Albany, Tonawanda, Buffalo, Syracuse, and Rochester, N.Y.; Atlanta, Ga.; Birmingham and Montgomery, Ala.; Boston, Westwood, and Springfield, Mass.; Butte, Mont.; Chicago and East Peoria, Ill.; Dallas, Farmers Branch, El Paso, Houston, San Antonio, and Lubbock, Tex.; Denver, Colo.; Des Moines, Iowa; Detroit, Melvindale, and Grand Rapids, Mich.; East Hartford, Conn.; Fargo, N. Dak.; Green Bay and Milwaukee, Wis.; Harrisburg, Pittsburgh, and Scranton, Pa.; Jacksonville, Miami, and Tampa, Fla.; Jersey City, N.J.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Los Angeles, Wilmington, National City, Oakland, San Diego, Scranton, and San Francisco, Calif.; Memphis and Nashville, Tenn.; Milwaukie, Oreg.; Minneapolis, Minn.; New Orleans and Shreveport, La.; Oklahoma City and Tulsa, Okla.; Omaha, Nebr.; Richmond, Va.; Phoenix, Ariz.; Portland, Maine; Providence, R.I.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Sioux Falls, S. Dak.; Wichita, Kans.; and Greensboro, N.C.; for 180 days. Supporting shipper: Lorillard, 2525 East Market Street, Greensboro, NC. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128701 (Sub-No. 7 TA), filed January 18, 1971. Applicant: R. MARTEL EXPRESS LTD., 47 Visitation Street, Farnham, PQ Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Snowmobiles*, from ports of entry on the international boundary line between the United States and Canada in Maine, New Hampshire, Vermont, New York, and Michigan to; (A) Lewiston, Maine; West Leyden, N.Y.; Burlington, Vt.; Saginaw, Mich.; Rolling Meadows, Ill.; Newark, N.J.; Kenosha, Wis.; Alexandria, Minn.; Inglewood, Colo.; Provo, Utah; Los Angeles, Calif. For the account of Northways Snowmobiles Ltd., (B) Denver, Colo.; Salt Lake City, Utah; Harrisburg, Pa.; La Crosse, Wis.; Neenah, Wis.; Bozeman, Mont.; Lansing, Mich.; Milford, N.H.; West Fargo, S. Dak.; Minneapolis, Minn. For the account of the Eskimo Division, McKee Brothers Ltd., (C) Carlisle and Monroeville, Pa.; South Boston, Mass.; Johnstown, N.Y. For the account of the Featherweight Corp., (D) Hibbing, Minn.; Albany, N.Y.; Janesville, Wis.; Lansing, Mich.; Port Huron, S. Dak. For the account of Autotechnique, Inc., for 150 days. Supporting shippers: (1) Northways Snowmobiles Ltd., Pointe Claire, PQ Canada; (2) Eskimo Division of McKee Brothers Ltd., Pointe Claire, PQ Canada: (3) Featherweight Corp., Montreal, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 128988 (Sub-No. 12 TA), filed January 20, 1971. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: Louis C. Curry (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstery or carpet tacking rims or strips, nails, adhesive cement, mechanic hand tools, and advertising materials, racks and stands* therefor, from City of Industry, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to City of Industry, Calif. Restriction: The transportation service authorized is restricted against the transportation of commodities in bulk and is limited to a transportation service to be performed under continuing contract, or contracts, with Taylor Industries, Inc., for 150 days. Supporting shipper: Taylor Industries, a subsidiary of Consolidated Foods Corp., 13300 East Nelson Avenue, City of Industry, CA 91746. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 133409 (Sub-No. 1 TA), filed January 18, 1971. Applicant: LOUIS H. FOLTZ, doing business as AIR FREIGHT DELIVERY SERVICE, 1031 Orchard Avenue, Winchester, VA 22601. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between points in Shenandoah, Page, and Warren Counties, Va., on the one hand, and, on the other, Friendship International Airport at Baltimore, Md., Dulles International Airport at Chantilly, Va., and Washington National Airport at Alexandria, Va. Restriction: The operations authorized herein are restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air, for 180 days. Supporting shippers: Redifixt Consolidated Business Systems, Post Office Box 483, Luray, VA; Wallace Business Forms, Inc., Post Office Box 512, Luray, VA; Aileen, Inc., Woodstock, VA; Aileen, Inc. Edinburg, VA; Shenandoah County Memorial Hospital, Inc., Woodstock, VA; Warren Memorial Hospital, 1000 Shenandoah Avenue, Front Royal, VA; James McGraw, Inc., Post Office Box 1087, Front Royal, VA. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 134323 (Sub-No. 11 TA), filed January 18, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Normal L. Cummins, Director of Physical Distribution, Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 314 East Third Street, Amarillo, TX 79101.

No. MC 134776 (Sub-No. 6 TA), filed January 18, 1971. Applicant: MILTON TRUCKING, INC., Rural Delivery 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spheres, highway marking strip glass, ballotini, and glass, crushed, ground and powdered*, from Apex, N.C., to points in Maryland, Pennsylvania, New Jersey, and New York; (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above to Apex, N.C., under contract with Potters Industries, Inc., for 150 days. Supporting shipper: Potters Industries, Inc., Post Office Box 14, Carlstadt, NJ 07072. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building. Post Office Box 869, Harrisburg, PA 17108.

No. MC 134776 (Sub-No. 7 TA), filed January 18, 1971. Applicant: MILTON TRUCKING, INC., Rural Delivery 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *Spheres, highway marking strip glass, ballotini, and glass, crushed, ground and powdered*, from Carlstadt, N.J., to points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, North Carolina, and New York; (2) *materials, and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above to Carlstadt, N.J., under contract with Potters Industries, Inc., for 150 days. Supporting shipper: Potters Industries, Inc., Post Office Box 14, Carlstadt, NJ 07072. Send protests to: Robert W. Ritemour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 134776 (Sub-No. 8 TA), filed January 18, 1971. Applicant: MILTON TRUCKING, INC., Rural Delivery 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass, crushed, ground and powdered,* from Cleveland, Ohio; to points in Maryland, Pennsylvania, New York, Illinois, Indiana, and Michigan; (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above to Cleveland, Ohio. Under contract with Potters Industries, Inc., for 150 days. Supporting shipper: Potters Industries, Inc., Post Office Box 14, Carlstadt, NJ 07072. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 135031 (Sub-No. 1 TA), filed January 20, 1971. Applicant: MARK NOONAN, Cornlea, Nebr. 68630. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, 14th and J Streets, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and related parts, equipment, materials, and supplies*, between the plantsite and storage facilities utilized by Lindsay Manufacturing Co., Inc., at or near Lindsay, Nebr., on the one hand, and, on the other, points in Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming, for 120 days. Supporting shipper: Arthur Zimmerer, Lindsay Manufacturing Co., Inc., Box 156, Lindsay, NE 68644. Send protests to: District Supervisor Max H. Johnson, Interstate Commerce Commission, Bureau of Operations, 315 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 135183 (Sub-No. 1, TA), filed January 20, 1971. Applicant: KERR CONTRACT CARRIAGE, INC., Salem, Mo. 65560. Applicant's representative: George J. Pruneau, 100 North Main Street, Piedmont, MO 63957. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, and associated barbecue items, cornstarch and paper bags*, from plantsite of Floyd Charcoal Co., Salem, Mo., to points in Ohio, Illinois, Missouri, Kansas, Wisconsin, Michigan, Indiana, Kentucky, Oklahoma, Alabama, Mississippi, Georgia, Florida, and Arkansas, for 180 days. Supporting shipper: Floyd Charcoal Co., Salem, Mo. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No MC 135238 TA, filed January 18, 1971. Applicant: THOMPSON COMPANY, INC., doing business as THOMPSON MOVING & STORAGE, 331 Love Street, Troy, AL 36801. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pike, Dale, Henry, Houston, Geneva, Coffee, Covington, Butler, Crenshaw, Lowndes, Dallas, Autauga, Montgomery, Elmore, Macon, Bullock, and Barbour Counties, Ala., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, VA 22304; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA 90503. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 135242 TA, filed January 20, 1971. Applicant: HIGGINS CONTRACT CARRIER, INC., Post Office Box 206, Shelby, NE 68662. Applicant's representative: David R. Parker, Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients:* (1) From Schuyler, Nebr., to points in Iowa, Kansas, and Colorado under a continuing contract with F. J. Higgins Milling Co. and (2) from Schuyler, Columbus, David City, Central City, and Fremont, Nebr., to points in Iowa, Kansas, and Colorado under a continuing contract with Three Dehy Co., Inc., for 150 days. Supporting shipper: John Higgins, Vice-President, F. J. Higgins Milling Co., and Secretary-Treasurer of Three Dehy Co., Inc., Schuyler, Nebr. 68661. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Federal Building and Courthouse, Lincoln, NE 68508.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1119 Filed 1-26-71;8:49 am]

[Notice 638]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 22, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72505. By order of January 18, 1971, the Motor Carrier Board approved the transfer to Ronald Woltmann and Edna M. Woltmann, a partnership, doing business as Woltmann Trucking, Avoca, Iowa, of the operating rights in certificate No. MC-34257 issued July 26, 1963, to Hermann Woltmann, Avoca, Iowa, authorizing the transportation of livestock between Oakland, Iowa, and points in Iowa within 30 miles of Oakland, on the one hand, and, on the other, Omaha and Fremont, Nebr., and feeds, agricultural implements, furniture, hay, seeds, salt, grain, inedible tallow, hides, empty barrels, and iron pipe between Oakland, Iowa, and points within 15 miles of Oakland, on the one hand, and, on the other, Omaha, Nebr. Milton L. Hanson, Avoca, Iowa 51521, attorney for applicants.

No. MC-FC-72455. By order of January 18, 1971, the Motor Carrier Board approved the transfer to Port Motor Lines, Inc., Englewood Cliffs, N.J., of certificates Nos., MC-126873 and MC-126873 (Sub-No. 1) issued to Central Port Warehouses, Inc., Carlstadt, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between specified points and areas in New York, New Jersey, and Connecticut. William D. Traub, Practitioner, 10 East 40th Street, New York, N.Y. 10016, Albert S. Gross, attorney, 1 Essex Street, Hackensack, NJ 07601.

No. MC-FC-72557. By order of January 13, 1971, the Motor Carrier Board approved the transfer to Menantico Transport Co., Inc., Vineland, N.J., of the operating rights in certificate No. MC-88071 issued January 31, 1967 to John Reginak, Millville, N.J., authorizing the transportation of construction and road-building materials, supplies, and equipment between points in Pennsylvania within 50 miles of Trenton, N.J., on the one hand, and, on the other, points in New Jersey. Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302, attorney for applicants.

No. MC-FC-72577. By order of January 18, 1971, the Motor Carrier Board approved the transfer to Baker Trucking, Inc., Baker, Mont., of certificate No. MC-98971 (Sub-No. 1) issued to Alvin Graham and Rodney Askin, doing business as Baker Trucking Service, Baker, Mont., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Montana and North Dakota. Gene Huntley, Box 897, Baker, MT 59313, attorney at law.

No. MC-FC-72578. By order of January 20, 1971, the Motor Carrier Board approved the transfer to H H & S Co., Inc., Pittsburgh, Pa., of the operating rights in certificate No. MC-13245 issued July 10, 1969, to City Express, Inc., Irwin, Pa., authorizing the transportation of building and construction materials, supplies, machinery, and equipment, between Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50, and those in Ohio on and east of U.S. Highway 25. Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC-FC-72582. By order of January 18, 1971, the Motor Carrier Board approved the transfer to Charles W. Karper, Inc., Chambersburg, Pa., of certificates Nos. MC-27903, MC-27903 (Sub-No. 9), MC-27903 (Sub-No. 12), and MC-27903 (Sub-No. 19) issued to Charles W. Karper, Chambersburg, Pa., authorizing the transportation of various commodities of a general commodity nature, between specified points and areas in Pennsylvania, Maryland, Virginia, West Virginia, New York, New Jersey, Ohio, Connecticut, Massachusetts, Rhode Island, Delaware, and Washington, D.C. Christian V. Graf, attorney, 407 North Front Street, Harrisburg, PA 17101.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1120 Filed 1-26-71;8:49 am]

[Ex Parte Nos. 270, 271]

INVESTIGATION OF RAILROAD FREIGHT RATE STRUCTURE

Net Investment; Railroad Rate Base

JANUARY 19, 1971.

General notice of the institution of these proceedings has been given by publication in the FEDERAL REGISTER and actual notice has been given to all rail carriers subject to the Commission's jurisdiction. The Commission desires as wide a public participation as possible and in order to insure that consumer groups which may have an immediate interest in these proceedings receive personal notice, the orders instituting these proceedings are being served concurrently herewith upon the consumer interests set forth in Appendix A. The time for filing statements of positions in Ex Parte No. 271, Net Investment—Railroad Rate Base, is hereby extended from January 18, 1971, to February 8, 1971, so that these parties, as well as others, may participate. Similar service is being made in Ex Parte No. 270, Investigation of Railroad Freight Rate Structure, but since the present due date for filing of statements of interest and discussion of the matters specified in the order of December 11, 1970, issued in that proceeding is February 16, 1971, an extension of the filing date does not appear to be necesary.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1121 Filed 1-26-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 22, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42116—*Vegetables, melons and related articles from points in Arizona, California, and New Mexico.* Filed by Trans-Continental Freight Bureau, agent (No. 464), for interested rail carriers. Rates on vegetables, fresh or green, melons, etc., in carloads, as described in the application, from points in Arizona, California, and New Mexico, to points in official territory.

Grounds for relief—Maintenance of depressed rates without use of such rates as factors in constructing combination rates.

Tariff—Supplement 163 to Trans-Continental Freight Bureau, agent, tariff ICC 1744.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1122 Filed 1-26-71;8:49 am]

[Notice 5]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 22, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 58902 (Sub-No. 15) (Republication), filed February 6, 1970, published in the FEDERAL REGISTER issue of May 7, 1970, and republished this issue. Applicant: MANLEY TRANSFER COMPANY, INC., 312 North Santa Fe, Chanute, KS. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, MO 64106. The modified procedure has been followed in this proceeding, and a report and order of the Commission Review Board No. 1, decided January 7, 1971, and served January 15, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (a) between Chanute, Kans., and junction U.S. Highways 169 and 160, from Chanute over Kansas Highway 39 to junction U.S. Highway 75, thence over U.S. Highway 75 to Independence, Kans., thence over U.S. Highway 160 to junction U.S. Highway 169, and return over the same route, serving all intermediate points and serving junction U.S. Highway 160 and U.S. Highway 169 for purposes of joinder only; (b) between junction U.S. Highway 75 and Kansas Highway 39 and Neodesha, Kans.; from junction U.S. Highway 75 and Kansas Highway 39 over Kansas Highway 39 to junction Kansas Highway 96, thence over Kansas Highway 96 to Neodesha, and return over the same route, serving all intermediate points and serving junction U.S. Highway 75 and Kansas Highway 39 for purposes of joinder only;

(c) Between Chanute, Kans., and junction U.S. Highways 160 and 69, from Chanute over Kansas Highway 39 to junction U.S. Highway 59, thence over U.S. Highway 59 to Parsons, Kans., thence east over U.S. Highway 160 to junction U.S. Highway 69 and return over the same route, serving all intermediate points and serving junction U.S. Highways 160 and 69 for purposes of joinder only; (d) between Parsons and Crestline, Kans., from Parsons over U.S. Highway 59 to Oswego, Kans., thence over Kansas Highway 96 to Crestline, and return over the same route, serving all intermediate points; (e) between Oswego and Chetopa, Kans.; over U.S. Highway 59; and (f) between Neodesha and Parsons, Kans.; from Neodesha over U.S. Highway 75 to junction Kansas Highway 37, thence over Kansas Highway 37 to junction U.S. Highway 160, thence over U.S. Highway 160 to Parsons, and return over the same route, serving all intermediate points. All of the authority in (a) through (f) above, is restricted to the transportation of traffic moving between Pittsburg, Kans., on the one hand, and, on the other, points in Kansas within 80 miles of Pittsburg; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be issued subject (1) to the prior receipt from applicant of a written request for the insertion in its outstanding certificate No. MC-58902 (Sub-No. 16) of a restriction providing that the carrier shall not, pursuant to the irregular-route authority contained in that certificate, serve any points authorized herein to be served by it in regular-route operations, and (2) to the further condition that the authority granted herein shall not be severable by sale or otherwise from the irregular-routes embraced in certificate No. MC-58902 (Sub-No. 16); because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise

manner in which it has been so prejudiced.

No. MC 83835 (Sub-No. 63) (Republication), filed February 5, 1970, published in the FEDERAL REGISTER issue of February 27, 1970, and republished this issue. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. A decision and order of the Commission, Review Board No. 3, dated January 14, 1971, and served January 20, 1971; upon consideration of the record in this proceeding, finds; that the present and future public convenience and necessity require operation by applicant, as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular route, of metal tubing and pipe, (1) from Tulsa, Okla., to points in Alabama (except Decatur), Arkansas, Georgia (except Atlanta), Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, New Mexico, New York, Ohio, Pennsylvania, Texas, Wisconsin, and Wyoming, and (2) from points in Indiana, Kansas, Michigan, New York, Ohio, Pennsylvania, Texas, and West Virginia to Tulsa, Okla., subject to the condition that to the extent the authority granted duplicates any authority heretofore granted to applicant it shall be construed as conferring only a single operating right. Because it is possible that other persons, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113459 (Sub-No. 58) (Republication), filed March 30, 1970, published in the FEDERAL REGISTER issue of April 23, 1970, and republished this issue. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. A decision and order of the Commission, Review Board No. 3, dated January 14, 1971, and served January 20, 1971; upon consideration of the record in this proceeding, finds; that the present and future public convenience and necessity require operation by applicant, as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of metal tubing and pipe, (1) from Tulsa, Okla., to points in Alabama (except Decatur), Arkansas, Georgia (except Atlanta), Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, New Mexico, Ohio, Texas, Utah, Wisconsin, and Wyoming, and (2) from East Troy, Wis., and points in Indiana, Ohio, New York, and Texas to Tulsa, Okla., subject to the condition that to the extent the authority granted duplicates any authority heretofore granted to applicant it shall be construed as conferring only a single operating right. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to reopen the proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12744 (Sub-No. 1) (Notice of Filing of Petition for Waiver of Rule 101 (e), for Reopening and Reconsideration, and for Modification of Passenger Broker's License), filed December 30, 1970. Petitioner: RIDGEWAY TOURS, INC., Lancaster, Pa. Petitioner's representatives: Robert H. Griswold and S. Berne Smith, Post Office Box 1166, Harrisburg, PA 17108. Petitioner holds a license to operate as a broker at Lancaster, Pa., in arranging for the transportation of passengers and their baggage, both as individuals and groups, between points in the United States, including Alaska and Hawaii. By the instant petition, petitioner seeks that Rule 101(e) of the General Rules of Practice be waived and the proceeding at MC 12744 (Sub-No. 1) be reopened and reconsidered; and that upon reconsideration petitioner's broker's license in No. MC 12744 (Sub-No. 1) be modified to eliminate the phrase, "both as individuals and groups," so that it will read as follows: "Passengers and their baggage, between points in the United States, including Alaska and Hawaii." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereof (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11060. (Correction) (PENN YAN EXPRESS, INC.—Purchase—FRANK'S-VAN NAMEE'S EXPRESS CORP.-STANLEY R. RUDIN-TRUSTEE IN BANKRUPTCY), published in the January 13, 1971 issue of the FEDERAL REGISTER on page 483. Prior notice read: No. MC-46300 (Sub-No. 2 TA) filed purchase by PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527, of the operating rights of FRANK'S-VAN NAMEE'S EXPRESS CORP., STANLEY R. RUDIN-TRUSTEE IN BANKRUPTCY; and should read: No. MC-F-11060. Authority sought for purchase by PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527, of the operating rights of FRANK'S-VAN NAMEE'S EXPRESS CORP., STANLEY R. RUDIN, TRUSTEE IN BANKRUPTCY.

No. MC-F-11065. Authority sought for purchase by ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627, of the operating rights of KEECH TRANSFER CO., INC., 803 West Jackson, Morris, IL (LEONARD M. SPIRA—TRUSTEE FOR BENEFIT OF CREDITORS), and for acquisition by EMIL ARBET, also of 222 East 135th Place, Chicago, IL 60627, of control of such rights through the purchase. Applicants' attorneys: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602 and Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98603 Sub-1, covering the transportation of property, as a common carrier in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Ohio, Indiana, Missouri, Iowa, Michigan, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11067. Authority sought for purchase by HAGEN, INC., 4120 Floyd Boulevard, Sioux City, IA 51108, of a portion of the operating rights of COMMERCIAL FREIGHT LINES, INC., 4200 Gardner, Kansas City, MO 64120, and for acquisition by FRED HAGEN, also of Sioux City, Iowa, of control of such rights through the purchase. Applicants' attorney: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, as a *common carrier* over irregular routes, from the site of the plant of Armour & Co. located at or near Emporia, Kans., to points in Illinois, Iowa, Missouri, and Nebraska. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, Wisconsin, Wyoming, South Dakota, Oregon, Missouri, Arizona, California, Washington, Nevada, Idaho, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11068. Authority sought for purchase by BILL G. CARR AND PHYLLIS R. CARR, doing business as ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, MT 59102, of a portion of the operating rights of NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Street, St. Paul, MN 55101. Applicants' attorney: Arthur F. Lamey, Jr., Post Office Box 2529, Billings, MT 59103. Operating rights sought to be transferred: *General commodities*, as a common carrier, over regular routes, between Laurel, Mont., and Red Lodge, Mont., serving to and from all intermediate points; and *general commodities*, between Red Lodge, Mont., and Bridger, Mont., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Montana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11069. Authority sought for purchase by C. I. WHITTEN TRANSFER COMPANY, Post Office Box 1833, Huntington, WV 25719, of a portion of the operating rights of McLEAN TRUCKING COMPANY, 617 Waughton Street, Winston-Salem, NC 27102, and for acquisition by U.S. INDUSTRIES, INC., 250 Park Avenue, New York, NY 10017, of control of such rights through the purchase. Applicants' attorneys: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004 and Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, as a *common carrier*, over regular routes, between Forest Hill, La., and a point on Louisiana Highway 112, 4 miles from Forest Hill, serving all intermediate points; *general commodities*, between Alexandria, La., and Leesville, La., for operating convenience only, serving no intermediate points; *general commodities*, except currency, stamps, gold and silver bullion, loose bulk commodities, and commodities contaminating to other lading; and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Shreveport, La., and Bossier City, La., serving no intermediate points; *classes A and B explosives, general commodities*, except household goods as defined by the Commission, and commodities in bulk; and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Ville Platte, La., and Eunice, La., between Gibson, La., and Thibodaux, La., serving no intermediate points;

General commodities, except those of unusual value, household goods as defined by the Commission, and commodities in bulk; and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Houston, Tex., and New Orleans, La., serving all intermediate points and certain off-route points in Louisiana, between Beaumont, Tex., and Port Arthur, Tex., between Houston, Tex., and Shreveport, La., between Tenaha, Tex., and Mansfield, La., between Toomey, La., and New Orleans, La., between Port Allen, La., and Leesville, La., between Sulphur, La., and Hackberry, La., between junction U.S. Highway 190 and Louisiana Highway 97, near Basile, La., and Opelousas, La., between Eunice, La., and Kaplan, La., between Rayne, La., and Opelousas, La., between Abbeville, La., and Breaux Bridge, La., between Lafayette, La., and Opelousas, La., between Logansport, La., and Gloster, La., between Opelousas, La., and Ville Platte, La., serving all intermediate points, between Lake Charles, La., and Shreveport, La., serving all intermediate points except those between Lake Charles and Mansfield, La., between junction unnumbered highway, known as Old Port Arthur Road, and U.S. Highway 69, about 3 miles south of Beaumont, Tex., and Port Arthur, Tex., serving all intermediate points; *general commodities*, except those of unusual value, household goods as defined by the Commission, and commodities in bulk, between Sunset, La., and Scott, La., serving all intermediate points, and the off-route points within 2 miles of the specified route, between Sunset, La., and Rayne, La., serving all intermediate points, and the off-route points within 2 miles of the specified route, between Bristol, La., and Duson, La., serving all intermediate points, and the off-route points within 2 miles of the specified route, between Corsicana, Tex., and De Ridder, La., serving the intermediate points of Merryville, La., and Lufkin, Tex., with restriction; between La Place, La., and New Orleans, La., serving all intermediate points, between De Ridder, La., and junction Louisiana Highway 26 and U.S. Highway 190 near Elton, La., serving no intermediate points;

Classes A and B explosives, general commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Boutte, La., and the Huey P. Long Bridge, new New Orleans, La., between Orleans, La., and Chalmette, La., between junction U.S. Highway 190 and west approach of the Mississippi River Bridge, La., and Baton Rouge, La., between Houma, La., and Dulac, La., between Houma, La., and Montegut, La., between Houma, La., and Chauvin, La., serving all intermediate points; *classes A and B explosives, general commodities*, except those of unusual value, baled cotton, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Galveston, Tex., and Fort Worth, Tex., serving the intermediate points of Dallas, Waco, and Houston, Tex.; *general commodities*, except household goods as defined by the Commission, between Alexandria, La., and Lake Charles, La., between Kinder, La., and Eunice, La., serving all intermediate points; *general commodities*, except livestock, household goods as defined by the Commission, and commodities in bulk; and

Government-owned compressed gas trailers, empty or loaded with compressed gases other than liquefied petroleum gas, between Memphis, Tenn., and Little Rock, Ark., serving the intermediate point of Lonoke, Ark., between Little Rock, Ark., and Shreveport, La., serving all intermediate points; off-route points within 6 miles of Little Rock, Ark., and Shreveport, La., respectively, and those within 10 miles of Smackover and El Dorado, Ark., respectively, between El Dorado, Ark., and Hamburg, Ark., serving all intermediate points; off-route points within 10 miles of El Dorado, Ark., those within 10 miles of Smackover, Ark., those on Arkansas Highway 129 between Strong, Ark., and the Arkansas-Louisiana State line, and those on Arkansas Highway 81 between Hamburg, Ark., and the Arkansas-Louisiana State line, between Crossett, Ark., and Monroe, La., between Memphis, Tenn., and Monroe, La., between Monroe, La., and Hancock, La., for operating convenience only, serving no intermediate points, between Monroe, La., and Dubach, La., serving the intermediate point of West Monroe, La., between Dubach, La., and Minden, La., serving no intermediate; *general commodities*, except loose bulk commodities, livestock, currency, bullion, articles of virtu, household goods as defined by the Commission, and commodities exceeding ordinary equipment and loading facilities; and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, between Junction City, Ark., and Homer, La., serving all intermediate points;

Classes A and B explosives, and general commodities, except those of unusual value, baled cotton, household goods as defined by the Commission, commodities, in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas, over irregular routes, between points within 3 miles of Houston, Tex., including Houston; *general commodities*, between New Iberia, La., and points within 7 miles of New Iberia; *dangerous explosives*, between the site of the U.S. Naval Ammunition Depot near Savanna, Okla., on the one hand, and, on the other, the site of the U.S. naval loading and unloading facilities, at or near Bell Chasse, La. Vendee is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Ohio, Kentucky, Virginia, North Carolina, Illinois, New Jersey, Alabama, Connecticut, Delaware, Maryland, Massachusetts, Vermont, Maine, Tennessee, Iowa, New Hampshire, Rhode Island, Indiana, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11070. Authority sought for control by WALTER ENICK, doing business as GATEWAY TRUCKING, 169 Station Street, Aliquippa, PA 15001, of J. MILLER EXPRESS, INC., 152 Pittsburgh, PA 15220. Applicants' Attorney Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Operating rights sought to be controlled: *Machinery, materials, and supplies,* used by steel mills (except materials used by steel mills from points in Jackson and Washington Counties, Ohio, and except ferro alloys, in containers, from the plantsite of the Union Carbide Corp., at or near Ashtabula, Ohio), *iron and steel and iron and steel articles,* as defined by the Commission, and *nonferrous metals,* as a common *carrier* over irregular routes, between points in Ohio, those in that part of New York west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16 (formerly New York Highway 16A), to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50 from the Maryland-West Virginia State line to the West Virginia-Ohio State line, between Ashland, Ky., on the one hand, and, on the other points in Ohio, and those in the above-described New York, Pennsylvania, and West Virginia areas;

Ferro alloys, pig iron, and scrap metal, in dump vehicles, from the site of the storage facilities of S. H. Bell Co. at East Liverpool, Ohio, to points in Connecticut, Massachusetts, New Jersey, and points in that part of Pennsylvania on and east of U.S. Highway 15 (except Philadelphia, Pa., and points in the Philadelphia, Pa., commercial zone, as defined by the Commission), from Pittsburgh, Pa. (except Braddock, Pa.), to points in Connecticut and Massachusetts, between Braddock, Pa., and East Liverpool, Ohio, on the one hand, and, on the other, points in Vermont and New Hampshire, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire; *ferrous and nonferrous alloys, fluorspar, clay, pig iron, scrap metals, chrome ore, and manganese ore,* in dump vehicles, between the site of the storage facilities of the S. H. Bell Co. at Braddock, Pa., on the one hand, and, on the other, points in Connecticut, Kentucky (except points in Marshall County), Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, North Carolina, points in that part of Ohio on and west of U.S. Highway 23, points in that part of Pennsylvania on and east of U.S. Highway 15 (except Philadelphia, Pa., and points in its commercial zone, as defined by the Commission), Rhode Island, Tennessee, and Virginia, excluding clay from points in Graves County, Ky., and points in Henry County, Tenn., and excluding ferro chrome from Newport News, Va., between the site of the storage facilities of S. H. Bell Co. at East Liverpool, Ohio, on the one hand, and, on the other, points in Connecticut, Kentucky (except points in Marshall County), New Jersey, New York, North Carolina, Massachusetts, points in that part of Ohio on and west of U.S. Highway 23, points in that part of Pennsylvania on and east of U.S. Highway 15 (except Philadelphia, Pa., and points in its commercial zone, as defined by the Commission), Rhode Island, Tennessee, and Virginia, excluding clay from points in Graves County, Ky., and points in Henry County, Tenn., and excluding ferro chrome from Newport News, Va.;

Ferro alloys and silicon metal, in dump vehicles, from Vancoram, Ohio, to points in Connecticut, Delaware, Maryland (except points in Garrett, Allegany, Washington, and Frederick Counties), Massachusetts, New Jersey, and Virginia; *ferro alloys, fluorspar, and pig iron,* in dump vehicles, between the site of the storage facilities of S. H. Bell Co., at East Liverpool, Ohio, on the one hand, and, on the other, points in Illinois, Kentucky (except points in Marshall County), New Jersey, New York, points in that part of Ohio on and west of U.S. Highway 23, and points in that part of Pennsylvania on and east of U.S. Highway 15 (except Philadelphia, Pa., and points in its commercial zone, as defined by the Commission), between Pittsburgh, Pa. (except Braddock, Pa.), on the one hand, and, on the other, points in Illinois, Kentucky (except points in Marshall County), New York, and points in that part of Ohio on and west of U.S. Highway 23, with restriction; *pig iron,* in dump vehicles, from Buffalo, N.Y., to points in New Jersey, that part of Pennsylvania east of U.S. Highway 219, and that part of West Virginia south of U.S. Highway 50; *scrap metal,* in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), Maryland, Delaware, and Virginia, with restriction;

Scrap carbon, furnace lining, and carbon butts, in bulk, in dump vehicles, from Niagara Falls, N.Y., to points in Pennsylvania, Ohio, and West Virginia; *alloys and ores,* in dump vehicles, from Philadelphia, Pa., to points in Ohio (except points in Astabula, Cuyahoga, Geauga, Franklin, Lake, Licking, Lorain, Muskingum, Portage, Summit, and Wayne Counties, Ohio), West Virginia, Indiana, Illinois, Michigan, and Kentucky; *metals, metal alloys, sand, ores, and limestone,* in dump vehicles, from points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey (except points in Gloucester and Cumberland Counties and the city of Mount Hope, N.J., and points in its comercial zone as defined by the Commission), New York, Pennsylvania (except points in Adams County, Pa., and points in Pennsylvania west of U.S. Highway 15), Vermont, Virginia, and West Virginia (except points in Jefferson and Berkeley Counties and the cities of Martinsburg, Millville, and Bakerton, W. Va., and points in their commercial zones as defined by the Commission); *metals and scrap steel shapes,* in dump vehicles, between Braddock, Pa., East Liverpool, Ohio, and Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire;

Ferro alloys, silicon metals, and manganese metal, in dump vehicles, from Graham, W. Va., and Vancoram and Vanadis, Ohio, to points in Kentucky (except Marshall County), Illinois, Indiana, Missouri, Ohio (except Cuyahoga, Geauga, Lorain, Portage, and Washington Counties), and Iowa; *coke,* from Harriet (Tonawanda Township), Erie County, N.Y., to points in Pennsylvania; *metal pipe and tubing and fittings* for metal pipe and tubing, from the plantsites of Jones & Laughlin Steel Corp., located at New Kensington, Pa., and Niles, Ohio, and the plantsite of H. K. Porter Co., Inc., at Ambridge, Pa., to points in Delaware, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, with restriction. WALTER ENICK, doing business as GATEWAY TRUCKING, is authorized to operate as a *common carrier* under section 210a, *general commodities,* except commodities in bulk, in tank vehicles, over irregular routes, between Butler, Pa., and points in Allegheny, Beaver, Butler, and Mercer Counties, Pa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11071. Authority sought for purchase by TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, MI 48217, of the operating rights of WILMER FRANK, Post Office Box 788, Toledo, OH 43601, and for acquisition by V. W. McLaughlin, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorneys: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *General commodities,* except agricultural commodities, livestock, motion picture films, and household goods as defined by the Commission, as a *common carrier,* over irregular routes, between points within 5 miles of Toledo, Ohio, including Toledo, between Toledo, Ohio, and points within 10 miles of Toledo; *household goods,* as defined by the Commission, between Toledo, Ohio, and points in that part of Lucas County, Ohio, on and north of U.S. Highway 20, and all other points within 5 miles of Toledo, on the one hand, and, on the other, points in Michigan, between points in that part of Lucas County, Ohio, on and north of U.S. Highway 20, on the one hand, and, on the other, points in

that part of Indiana on and north of U.S. Highway 50, between Toledo, Ohio, on the one hand, and, on the other, points in Indiana, Maryland, Michigan, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Illinois, and the District of Columbia;

New refrigerators, electric and gas ranges, heating appliances, and laundry equipment, in retail store deliveries, from points in that part of Lucas County, Ohio, on and north of U.S. Highway 20, to certain specified points in Michigan; and from Fort Wayne, Ind., to Toledo, Ohio; *office furniture, and store fixtures,* between points in that part of Lucas County, Ohio, on and north of U.S. Highway 20, on the one hand, and, on the other, points in the southern peninsula of Michigan and those in that part of Indiana on and north of U.S. Highway 50; *refrigerators,* between Toledo, Ohio, and points within 5 miles of Toledo, on the one hand, and, on the other, points in Michigan; *materials, supplies, and equipment* incidental to, or used in, the construction, operation, maintenance, and removal of telephone, telegraph, and electric powerlines, between certain specified points in Ohio; and *machinery,* between certain specified points in Ohio. Vendee is authorized to operate as a *contract carrier* in Michigan, Indiana, Illinois, Ohio, Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–1116 Filed 1–26–71;8:49 am]

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PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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FEDERAL SEED ACT REGULATIONS

Rules of Practice

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

PART 202—FEDERAL SEED ACT RULES OF PRACTICE

Miscellaneous Amendments

Statement of considerations. The Federal Seed Act (7 U.S.C. 1551 et seq.) and the rules and regulations thereunder contain, in part, provisions for cease and desist proceedings. The rules of practice (7 CFR 201.151–201.154) for such proceedings have not been amended since 1940. As a result they have become outdated and do not conform with the rules of practice under other statutes administered by the U.S. Department of Agriculture.

On March 18, 1970, there was published in the FEDERAL REGISTER (35 F.R. 4734) a notice of rule making and hearing with respect to proposed amendments to the rules of practice (7 CFR 201.151 et seq.) under the Act. The proposals for amendments were primarily for the purpose of updating the rules of practice for cease and desist proceedings. However, proposed rules of practice for other proceedings under the Act also were included in the notice.

Approximately 500 copies of the notice of proposed rule making were sent to State seed officials and members of the seed trade. A public hearing was held on April 20, 1970, in Washington, D.C. Written comments were permitted until May 20, 1970.

No written comments were received. Only two persons submitted comments at the public hearing, one representing the seed trade and one representing the Department. The applicable comments made by the seed trade representative pertained principally to the time allowed for answers during the proceedings. The comments made by a representative of the Department were concerned principally with substitution of terminology for the use of "Secretary" in the rules.

The rules set forth below are the same as those proposed in the rule-making and hearing except for changes made pursuant to comments received and except for inclusion in § 202.42 of a reference to the policy for publication of notices concerning settlement of court cases which was proposed by the Consumer and Marketing Service at the public hearing on this matter.

It does not appear that further public participation in the rule-making procedure would make additional information available to the Department on the changes.

Therefore under the provisions of 5 U.S.C. 553 it is found that further notice and other public rule-making procedure with respect to this document are unnecessary.

After consideration of all relevant matters, including those presented at the hearing and in writing pursuant to said notice and under authority of section 402 of the Federal Seed Act, Part 201 of Title 7, Code of Federal Regulations, is amended by deleting §§ 201.151 through 201.159 and § 201.231 and a new Part 202 is issued to read as follows:

Subpart A—General

Sec.
202.1 Meaning of words.
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202.3 Institution of proceedings.
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Subpart B—Rules Applicable to Cease and Desist Proceedings

202.10 Institution of proceeding; docket number.
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Subpart C—Rules Applicable to Other Proceedings

202.40 Proceedings prior to reporting for criminal prosecution.
202.41 Notice and hearing prior to promulgation of rules and regulations.
202.42 Publication of judgments, settlements, and orders.
202.43 Proceedings under section 302(a) to show cause why seed or screenings should be admitted into the United States.
202.44 Proceedings under section 305(b) to determine whether foreign alfalfa or red clover seed is not adapted for general agricultural use in the United States.

AUTHORITY: The provisions of this art 202 issued under secs. 302, 305, 402, 408, 409, 413, 414, 53 Stat. 1275, as amended; 7 U.S.C. 1582, 1585, 1592, 1598, 1599, 1603, 1604.

Subpart A—General

§ 202.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 202.2 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) The term "Act" means the Federal Seed Act, approved August 9, 1939 (53 Stat. 1275, 7 U.S.C. 1551 et seq.) and any legislation amendatory thereof.

(b) "Complaint" means any formal complaint and notice of hearing or other document by virtue of which a proceeding under the Act is instituted.

(c) "Complainant" means the party upon whose complaint the proceeding is instituted.

(d) "Decision and Order" includes the Secretary's findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions and orders submitted by the parties not theretofore ruled upon.

(e) "Director" means the Director of the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(f) "Examiner" means an Examiner in the Office of Hearing Examiners, U.S. Department of Agriculture.

(g) "Examiner's Recommended Decision" means the Examiner's report to the Secretary consisting of the proposed: (1) Findings of facts and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis for such conclusions and (2) order.

(h) The term "hearing" means that part of a proceeding which involves the submission of evidence and means either an oral or written hearing.

(i) "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

(j) The term "person" includes any individual, partnership, corporation, company, society, association, receiver, or trustee.

(k) The term "regulations" means the regulations promulgated pursuant to the Act (7 CFR Part 201).

(l) "Respondent" means the party proceeded against.

(m) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead, including the Judicial Officer.

§ 202.3 Institution of proceedings.

Any person having information of any violation of the Act or of any of the regulations promulgated thereunder may file with the Director an application requesting the institution of such proceedings as may be authorized under the Act. Such application shall be in writing, signed by or on behalf of the applicant, and shall contain a short and simple statement of the facts constituting the alleged violation and the name and address of the applicant and the party complained of. If, after investigation of the matters complained of in the application or after investigation made on his own motion, the Director has reason to believe that any person has violated or is violating any of the provisions of the Act or the regulations made and promulgated thereunder, he may institute such proceedings as may be authorized by the Act.

§ 202.4 Status of applicant.

The person filing an application shall not be a party to any proceeding which may be instituted under the Act, unless he be permitted by the Secretary or by the Examiner to intervene therein. The Director shall not be required to divulge the name of the applicant and such person will have no legal status in the proceeding which may be instituted, except where allowed to intervene or as such person may be called as a witness. At any time after the institution of the proceeding, and before it has been submitted to the Secretary for final consideration, the Secretary or the Examiner may, upon petition in writing and upon good cause shown, permit any person to intervene.

Subpart B—Rules Applicable to Cease and Desist Proceedings

§ 202.10 Institution of proceedings; docket number.

(a) A cease and desist proceeding under section 409 of the Act (7 U.S.C. 1599) is instituted upon the issuance by the Director of a complaint and the filing of such document with the Hearing Clerk.

(b) Each such proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk and thereafter the proceeding shall be referred to by such number.

§ 202.11 Complaint.

§ 202.11–1 Filing and service.

If the Director has reason to believe that any person has violated or is violating any of the provisions of the Act or the regulations issued or promulgated thereunder, a complaint may be filed with the Hearing Clerk, a copy of which shall be served upon each respondent as provided in § 202.27.

§ 202.11–2 Contents.

The complaint shall set forth briefly the nature of the violation or violations, including allegations of fact which constitute a basis for the proceeding, and designate a time and place for a hearing in the matter which shall be at least 30 days after the date of the service of the complaint upon the respondent.

§ 202.11–3 Amendments.

At any time prior to the close of the hearing, the complaint may be amended; but, in case of an amendment adding new provisions, the hearing shall, on the request of the respondent, be adjourned for a period not exceeding 15 days.

§ 202.12 Answer.

§ 202.12–1 Filing and service.

The respondent shall file, within 20 days after service of the complaint upon the respondent, an answer to the allegations of the complaint, with the Hearing Clerk, signed by the respondent or his attorney.

§ 202.12–2 Contents.

The answer shall:

(a) Contain a concise statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the complaint, unless the respondent is without knowledge, in which case the answer shall so state;

(b) State that the respondent admits all of the facts alleged in the complaint; or

(c) State that the respondent admits the jurisdictional allegations of the complaint and neither admits nor denies the remaining allegations and consents to the issuance of a specified order without further procedure. The answer may, in addition, request an oral hearing or may contain an express waiver of hearing.

§ 202.12–3 Failure to file.

Failure to file an answer to, or plead specifically to, any allegation of the complaint, except as provided in § 201.–12–2(c), shall constitute an admission of such allegation.

§ 202.13 Consent orders.

At any time after the institution of a proceeding, the respondent may file an answer or amended answer consenting to an order as set forth in § 202.12–2(c). Within 15 days after service of such an answer, the complainant shall file its recommendation. If the complainant recommends that the order consented to by respondent be issued, the Secretary may, in his discretion, enter such order which shall have the same force and effect as other orders issued hereunder and shall be served upon the parties in the manner provided in § 202.27.

§ 202.14 Examiners.

§ 202.14–1 Assignment.

No examiner shall serve in any proceeding if he: (a) Has any pecuniary interest in any matter or business involved in the proceeding; (b) is related within the third degree by blood or marriage to any party to the proceeding; or (c) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

§ 202.14–2 Disqualification of Examiner.

(a) Any party may, by motion made to the Examiner, request that the Examiner disqualify himself and withdraw from the proceeding. The Examiner may then either rule upon or certify the motion to the Secretary, but not both.

(b) An Examiner shall withdraw from any proceeding in which he deems himself disqualified for any reason.

§ 202.14–3 Conduct.

The Examiner shall conduct the proceeding in a fair and impartial manner, and save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

§ 202.14–4 Powers.

Subject to review by the Secretary as provided elsewhere in this part, the Examiner, in any proceeding assigned to him, shall have power to:

(a) Rule upon motions and requests;

(b) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(c) Administer oaths and affirmations and take affidavits;

(d) Issue subpenas requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence;

(e) Summon and examine witnesses and receive evidence;

(f) Take or order the taking of depositions;

(g) Admit or exclude evidence;

(h) Hear oral argument on facts or law; and

(i) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

§ 202.14–5 Who may act in the absence of the Examiner.

In case of the absence of the Examiner or his inability to act: (a) the powers and duties to be performed by him under this part in connection with a proceeding

assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to any other Examiner; and (b) the Chief Hearing Examiner or the Acting Chief Hearing Examiner may act on ancillary matters, such as requests for extensions of time and requests for continuances without the case being assigned to another Examiner.

§ 202.15 Prehearing conferences.

In any proceeding in which it appears that such procedure will expedite the proceeding, the Examiner may request the parties or their counsel to appear at a conference before him to consider: (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of experts or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the Examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the Examiner may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The Examiner shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the Examiner shall submit a written summary for the record if any action is taken.

§ 202.16 Motions and requests.

§ 202.16–1 General.

All motions and requests shall be filed with the Hearing Clerk, unless made during the course of an oral hearing, in which case they may be stated orally and made a part of the transcript. The Examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the Hearing Clerk as hereinafter provided. The Secretary will rule upon all motions and requests filed after that time.

§ 202.16–2 Motions entertained.

Any motion will be entertained except a motion to dismiss a complaint on the pleadings. All motions and requests concerning the sufficiency of the complaint must be made within the time allowed for filing an answer.

§ 202.16–3 Contents.

All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

§ 202.16–4 Answers to motions and requests.

Within 15 days after service of any written motion or request, or within any longer period fixed by the Secretary or Examiner, the opposing party shall file an answer to the motion or request or shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless permitted by the Secretary or Examiner, the complainant shall have no right to reply to the answer.

§ 202.16–5 Certification to Secretary.

The submission or certification of any motion, request, objection or other question to the Secretary prior to the time when the Examiner's Recommended Decision is filed with the Hearing Clerk shall be in the discretion of the Examiner, except as provided in this section. The Examiner may either rule upon or certify the motion, request, objection, or other question, but not both.

§ 202.17 Procedure upon failure to request oral hearing or waiver of oral hearing.

§ 202.17–1 General.

Failure to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Except as provided in § 202.18, upon such failure to request an oral hearing, or upon express waiver of such hearing, by the parties, the parties shall have a period of 20 days from the final date for filing the answer in which to file sworn statements or affidavits in support of their respective positions. Within a reasonable time thereafter, the Examiner shall issue his Recommended Decision, which shall be served upon the parties in the manner provided in § 202.27: *Provided, however,* That if such sworn statements or affidavits raise any material issue of fact, the Examiner may afford the parties an opportunity to submit sworn statements or affidavits in reply or supplemental thereto or he may set the matter down for an oral hearing with respect to such material issues of fact. In the event the matter is set down for oral hearing, the rules in § 202.19 shall be applicable.

§ 202.17–2 Exceptions to Examiner's Recommended Decision.

Within 20 days after service of the Examiner's Recommended Decision, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk suggesting corrected findings of fact, conclusions, or order. A party may file a brief in support of any exceptions or objections which he may file. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument thereon before the Secretary in the manner provided in § 202.23; otherwise he shall be deemed to have waived such oral argument.

§ 202.17–3 Final order.

As soon as practicable after the expiration of the period for filing exceptions and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions filed by the parties. The order shall be served upon the parties in the manner provided in § 202.27.

§ 202.18 Procedure upon admission of facts.

§ 202.18–1 General.

Failure to file an answer shall constitute an admission of all the material allegations of fact contained in the complaint. The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint, shall constitute a waiver of oral hearing. Upon such admission of facts, the Examiner, without further procedure or hearing, shall issue his Recommended Decision, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The Examiner's Recommended Decision shall be served upon the parties in the manner provided in § 202.27.

§ 202.18–2 Exceptions to Examiner's report.

Within 10 days after service of the Examiner's Recommended Decision, parties may take exception to any matter set out in such Recommended Decision, and in such case shall file exceptions in writing with the Hearing Clerk suggesting corrected findings of fact, conclusions, or order. A party may file a brief in support of any exceptions or objections which he may file. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument thereon before the Secretary in the manner provided in § 202.23; otherwise he shall be deemed to have waived such oral argument.

§ 202.18–3 Final order.

As soon as practicable after the expiration of the period for filing exceptions and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions filed by the parties. The decision and order shall be served upon the parties in the manner provided in § 202.27.

§ 202.19 Procedure upon request for an oral hearing.

§ 202.19–1 Time and place of hearing.

If and when the proceeding has reached the stage where an oral hearing is to be held, the Examiner, giving careful consideration to the convenience of the parties, shall set a time and place of hearing and shall file with the Hearing Clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the Examiner shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

§ 202.19–2 Appearances.

(a) *Representation.* The parties may appear in person or by counsel or other representative. Parties who appear in person and persons who appear as counsel or in a representative capacity must conform to the standards of ethical

conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the Secretary, is unfit to act as such representative or counsel, he will order that such person be precluded from acting as counsel or representative in any proceeding under the Act. The procedure in such case will be governed by the applicable provisions of this part.

(b) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the Examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Examiner's Recommended Decision and to file exceptions and make oral argument before the Secretary with respect thereto, in the manner provided in §§ 202.19–8 and 202.23.

§ 202.19–3 Order of proceeding.

Except as may be determined otherwise by the Examiner, the complainant shall proceed first at the hearing.

§ 202.19–4 Evidence.

(a) *General.* The testimony of witnesses at the hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The Examiner shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, whereupon an automatic exception will follow if the objection is overruled by the Examiner. Only objections made before the Examiner may be subsequently relied upon in the proceeding.

(c) *Depositions.* The deposition of any witness shall be admitted in the manner provided in and subject to the provisions of § 202.20.

(d) *Records of the Department.* A true copy of every written entry in the records of the Department made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(e) *Exhibits.* Except where the Examiner finds that the furnishing of copies is impracticable, copies of each exhibit, in addition to the original, shall be filed with the Examiner for the use of the other parties to the proceeding. A true copy of an exhibit may, in the discretion of the Examiner, be substituted for the original.

(f) *Official notice.* Official notice may be taken of the official publications of the Department and other Federal agencies, of such matters as are judicially noticed in the courts of the United States, and of any other matter of technical or scientific fact of established character: *Provided however,* That the parties shall be given adequate notice, at the hearing or by reference in the Examiner's Recommended Decision or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(g) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of an exhibit, it shall be inserted in the record in toto. In the event the Secretary decides that the Examiner's ruling in excluding the evidence was erroneous and prejudicial, the hearing shall be reopened to permit the taking of such evidence.

§ 202.19–5 Transcripts.

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the close of the hearing, the Examiner shall cause to be transmitted to the Hearing Clerk an original and two copies of the transcript of testimony and the original and copies of exhibits introduced or offered in evidence at the hearing. He shall attach to the original transcript of the evidence a certification stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits offered or introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of evidence.

(b) *Ordering copies.* Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders at the close of the hearing with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the purchaser.

§ 202.19–6 Proposed findings of fact, conclusions, and order.

Within such time as the Examiner may prescribe, each party may file with the Hearing Clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party or parties in the manner provided in § 202.27.

§ 202.19–7 Examiner's Recommended Decision.

The Examiner, within a reasonable time after the termination of the period allowed to the parties for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare on the basis of the record and shall file with the Hearing Clerk, his Recommended Decision, a copy of which shall be served upon each of the parties in the manner provided in § 202.27.

§ 202.19–8 Exceptions; objections; requests for oral argument.

(a) Within 20 days after service of the Examiner's Recommended Decision, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk, referring to the relevant pages of the transcript, and suggesting corrected findings of fact, conclusions, or order. Within the same period of time, either party may file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Examiner at the hearing, as set out in § 202.19–4(b), upon which the party wishes to rely, referring where relevant, to the pages of the transcript. A party may file a brief in support of any exceptions or objections which he may file.

(b) A party, if he files exceptions or a statement of objections, shall state in writing, whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

§ 202.19–9 Final order.

As soon as practicable after the expiration of the period for filing exceptions, objections, and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions or objections filed by the parties. The decision and order shall be served upon the parties in the manner provided in § 202.27.

§ 202.20 Depositions.

(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the Examiner may, at any time after the filing of the complaint, order the taking of testimony by deposition. The application shall be in writing and shall be filed with the Hearing Clerk and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to in this section as the "officer") qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(b) *Examiner's order for taking deposition.* If the Examiner is satisfied that

good cause for taking the deposition is present, he may order its taking. The order shall be filed with the Hearing Clerk and shall be served upon the parties and shall state: (1) The time and place of examination (which shall not be less than 15 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; and (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer.* The deposition shall be made before the Examiner, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths. No deposition shall be made before an officer who is a relative (within the third degree by blood or marriage), employee, attorney, or counsel of any party or who is a relative (within the third degree by blood or marriage), or employee of any attorney or counsel for any party or who is financially interested in the result of the proceeding: *Provided, however,* That an officer who is an employee of the Department and is not a relative of any such party, attorney, or counsel may take depositions in any proceeding under the act.

(d) *Procedure on examination.* The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination and the officer shall propound such cross-interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the Examiner, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least 5 days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the Examiner finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered or certified mail to the Hearing Clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section, or in accord with the provisions of the Rules of Civil Procedure of the Courts of the United States, may be used in a proceeding under the act if the Examiner finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored but has been unable to procure the attendance of the witness by subpena; or (5) in any event, upon application and notice that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the Examiner, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any other portion, of the deposition.

§ 202.21 Subpenas.

(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the Examiner, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the Examiner upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a U.S. marshal or his deputy, (2) by any other person who is not less than 18 years of age, or (3) by registering or certifying and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business. Proof of service may be made by the return of service on the subpena by the U.S. marshal or his deputy; or, if served by an individual other than a U.S. marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or if the service was by registered or certified mail, by an affidavit made by the person mailing the subpena that it was mailed as provided herein and by the signed return post office receipt: *Provided however,* That where the subpena is issued on behalf of the Secretary, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 202.22 Fees of witnesses.

Witnesses summoned before the Examiner or the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 202.23 Argument before Secretary.

§ 202.23–1 Request for oral argument; waiver.

Unless a party has included in his exceptions or objections a request for oral argument or has filed a separate request for argument prior to the expiration of the last date for filing such exceptions or objections, he shall be deemed to have waived his right to such oral argument.

§ 202.23–2 Briefs.

The parties may, with the consent of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

§ 202.23–3 Scope of argument.

Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 202.24 Ex parte discussion.

At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the

merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Secretary, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the Hearing Clerk. A copy thereof shall be served upon the other party or parties in the manner provided in § 202.27, and opportunity will be given the other party or parties to file a reply thereto.

§ 202.25 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of order.

§ 202.25–1 Petition requisite.

(a) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order, must be made by petition to the Secretary filed with the Hearing Clerk. A copy thereof shall be served upon the other party or parties in the manner provided in § 202.27. Every such petition must state specifically the grounds relied upon.

(b) *Petition to reopen hearing.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(c) *Petition to rehear or reargue proceeding, or to reconsider order.* A petition to rehear or reargue the proceeding or to reconsider the order shall be filed within 15 days after the date of the service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 202.25–2 Procedure for disposition of petitions.

Within 20 days following the service of any petition provided for in this § 202.25, the other party or parties to the proceeding shall file with the Hearing Clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce his decision whether to grant or to deny the petition. Unless the Secretary shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party or complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 202.26 Filing documents.

All documents or papers required or authorized to be filed, except as provided otherwise in the rules in this Part, shall be filed with the Hearing Clerk in triplicate: *Provided however,* That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide copies for service upon all parties to the proceeding.

§ 202.27 Service.

Copies of all documents or papers, required or authorized by the rules in this Part to be served on any party to a proceeding, shall be served by the Hearing Examiner, Hearing Clerk, or some other employee of the United States. Except as is provided otherwise by the rules in this Part, service shall be made either: (1) by delivering a copy of the document or paper to the individual to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office or place of business. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided, however,* That if the service is made by registered or certified mail, proof of service shall be made by the return post office receipt. The affidavit or post office receipt contemplated hereby shall be filed with the Hearing Clerk and the fact of filing thereof shall be noted in the record of the proceeding.

§ 202.28 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided, however,* That when such time expires on a Saturday, Sunday, or a legal holiday (Federal or State), such period shall be extended to include the next following business day.

§ 202.29 Extension of time.

The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the Examiner (before the Examiner's (Recommended Decision is filed), or by the Secretary (after the Examiner's (Recommended Decision is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if in the judgment of the Examiner or the Secretary, as the case may be, after notice to and consideration of the views of the other party, when practicable, there is good reason for the extension.

Subpart C—Rules Applicable to Other Proceedings

§ 202.40 Proceedings prior to reporting for criminal prosecution.

The Director shall, before any violation of this act is reported to any U.S. attorney for institution of a criminal proceeding, notify the person against whom such proceeding is contemplated that action is contemplated, inform him regarding the facts involved, and afford him an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding. Notice shall be served upon such person in the manner provided in section 202.27 of this part. If the person desires to explain the transaction or otherwise to present his views, he shall file with the Director, within 20 days after the service of the notice, an answer, in duplicate, signed by him or by his attorney, or shall request, within the 20 days, an opportunity to express his views orally. The request shall be embodied in a writing signed by the person or by his attorney or agent. Such opportunity to present his views orally shall be afforded at a time and place to be designated by the Director and it shall be given within a time not to exceed 10 days after the date of the filing of the request therefor.

§ 202.41 Notice and hearing prior to promulgation of rules and regulations.

Prior to the promulgation of any rule or regulation contemplated by section 402 of the Act (7 U.S.C. 1592), notice shall be given by publication in the FEDERAL REGISTER of intention to promulgate such rule or regulation and of the time and place of a public hearing to be held with reference thereto. Such hearings shall be conducted by the Director or by such employee or employees of the Department of Agriculture as may be designated to preside thereat, except that hearings with respect to rules or regulations contemplated by section 402(b) of the Act relating to title III of the Act (Foreign Commerce), shall be conducted by the Secretary of the Treasury and the Secretary of Agriculture, acting jointly or separately, or by such employee or employees of the Department of Agriculture or the Department of the Treasury as may be designated to preside thereat. The presiding officer shall conduct the hearing in an orderly and informal manner, according to such procedure as he may announce at the commencement of the hearing. Any rule or regulation promulgated under section 402 of the Act shall become effective on the data fixed in the promulgation, which date shall be not less than 30 days after publication in the FEDERAL REGISTER. Any rule or regulation may be amended or revoked in the same manner as is provided for its promulgation.

§ 202.42 **Publication of judgments, settlements, and orders.**

After judgment or settlement, or the issuance of a cease and desist order, in any case or proceeding arising under this Act, notice thereof containing any information pertinent to the judgment or settlement or the issuance of the cease and desist order, shall be given by issuing a press release or by such other media as the Administrator of the Consumer and Marketing Service may designate from time to time.

§ 202.43 **Proceedings under section 302(a) to show cause why seed or screenings should be admitted into the United States.**

When seed or screenings have been refused admission into the United States under the Act or the joint regulations promulgated thereunder, the owner or consignee of such seed or screenings may submit a request to the Director for a hearing in which he may show cause, if any he have, why such seed or screenings should be admitted. Request for such hearing shall be embodied in a writing signed by the owner or consignee or by his attorney or agent. The Director shall thereupon fix, and notify the owner or consignee of, the time when and place at which the hearing will be held. The hearing shall be conducted in an orderly and informal manner by the Director or by a presiding officer duly designated by him, and it shall be governed by such rules of procedure as the presiding officer shall announce at the opening of the hearing. The determination as to whether the seed or screenings may be admitted into the United States shall be made by the Administrator of the Consumer and Marketing Service, within a reasonable time after the close of the hearing, and the owner or consignee of the seed or screenings who requested the hearing and the Secretary of the Treasury shall be duly notified as to such determination.

§ 202.44 **Proceedings under section 305(b) to determine whether foreign alfalfa or red clover seed is not adapted for general agricultural use in the United States.**

The public hearings which shall be held from time to time for the purpose of determining whether seed of alfalfa or red clover from any foreign country or region is not adapted for general agricultural use in the United States shall be conducted by the Director, or by a presiding officer duly designated by him. Such hearings shall be conducted in an orderly and informal manner in accordance with such procedure as the presiding officer shall announce at the opening of each hearing. The Administrator of the Consumer and Marketing Service shall, within a reasonable time after the close of the public hearing, make and publish his determination as to whether the said seed is adapted for general agricultural use in the United States. Publication of the determination shall be made in the FEDERAL REGISTER, and through such other media as the said Administrator may deem appropriate.

Done at Washington, D.C., this 21st day of January 1971, effective 30 days after publication hereof in the FEDERAL REGISTER.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

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Volume 83

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91st Congress, 1st Session
1969

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Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[S.D. 857.20]

PART 857—SUGARCANE; PUERTO RICO

Proportionate Shares for Farms; 1971–72 Crop

The following regulation is issued pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended.

§ 857.20 Proportionate shares for the 1971–72 crop of sugarcane not required.

It is determined for the 1971–72 crop of sugarcane that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1972, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and to provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in Puerto Rico for the 1971–72 crop of sugarcane.

Statement of bases and considerations. Section 302 of the Sugar Act, as amended, provides, in part that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

In accordance with this provision of the Act, an informal public hearing was held in Washington, D.C., on December 22, 1970. Interested persons were invited to submit views and recommendations concerning the possible establishment of proportionate shares for the 1971–72 crop of sugarcane.

The spokesman for the Association of Sugar Producers of Puerto Rico recommended that proportionate shares not be established for the 1971–72 crop. He stated that sugar production from the 1969–70 crop totaled only 460,000 tons, as compared to a marketing opportunity of 1,275,000 tons, and resulted in a declared deficit of 780,000 tons for the calendar year 1970. He said that prospects for the 1970–71 crop are not significantly better, so that sugar production will again fall substantially short of marketing opportunities, and that there is not reason to establish proportionate shares for the 1971–72 crop of Puerto Rican sugarcane. No other interested persons offered testimony.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of this Act.

(Sec. 403, 61 Stat. 932 (7 U.S.C. 1153); sec. 301, 61 Stat. 929, 930, as amended (7 U.S.C. 1131, 1132))

Effective date: Date of publication (1–28–71).

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1171 Filed 1-27-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 223]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.523 Navel Orange Regulation 223.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 29, 1971, through February 4, 1971, are hereby fixed as follows:

(i) District 1: 730,000 Cartons
(ii) District 2: 270,000 Cartons
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1971.

Director, Fruit and Vegetable Division, Consumer and Marketing Service.
FLOYD F. HEDLUND.

[FR Doc.71-1280 Filed 1-27-71;11:14 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice of rule making regarding a proposed amendment of the rules and regulations (Subpart—Rules and Regulations, 7 CFR 947.100–947.133) effective under amended Marketing Agreement

No. 114 and Order No. 947, as amended (7 CFR Part 947; 35 F.R. 6653), regulating the handling of Irish potatoes grown in Modoc and Siskiyou counties in California and in all counties in Oregon except Malheur County, was published in the December 16, 1970, issue of the FEDERAL REGISTER (35 F.R. 19024).

The notice afforded interested persons an opportunity to submit written data, views, or arguments, pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

In respect to the applications for Special Purpose Certificates, the amendment of § 947.130 as proposed would have required under paragraph (e), inter alia, that each application contain the quantity of potatoes to be shipped, the name of the consignee and destination. Inasmuch as it appears unduly burdensome to require each application to include such information, § 947.130 as hereinafter amended does not so require.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, the following amendment of Subpart—Rules and Regulations is hereby approved.

In § 947.120, paragraphs (b)(3) and (c)(3) are revised to read, respectively, as follows:

§ 947.120 Application.

* * * * *

(b) * * *

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to § 947.52 or § 947.54, or any combination thereof, stated in terms of varieties, grades, and sizes; and.

* * * * *

(c) * * *

(3) An estimate of the percentage of applicant's holdings of ungraded potatoes which cannot be shipped because of regulations issued and in effect pursuant to § 947.52 or § 947.54, or any combination thereof, stated in terms of varieties, grades, and sizes.

* * * * *

In § 947.122, paragraphs (a) and (b) are revised to read as follows:

§ 947.122 Issuance of certificate.

(a) Whenever the committee finds satisfactory proof that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes, which may fail to meet the minimum grade, size and quality requirements in effect at the time thereof, as is authorized by §§ 947.65 through 947.68, inclusive. Provided that the committee shall first determine the need and the "average proportions" or percentages referred to in § 947.66.

(b) The issuance of an exemption certificate by the committee shall be evidenced by a written instrument signed for and in behalf of the committee by either the manager of the committee or some other duly authorized employee of the committee.

* * * * *

Section 947.130 is revised to read as follows:

§ 947.130 Application for Special Purpose Certificate.

(a) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to §§ 947.40–947.41 or §§ 947.50–947.60, inclusive, or any combination thereof, obtain from the committee prior to initiating such shipments, a Special Purpose Certificate permitting such shipments:

(1) Charity;

(2) Exports;

(3) Prepeeling;

(4) Canning and freezing;

(5) Processing into other products including "other processing" pursuant to Public Law 91–196, 91st Congress, second session (Feb. 20, 1970).

(b) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Special Purpose Certificate, or Certificates, permitting such shipments.

(c) Handlers desiring to make shipments of potatoes, for the purpose of grading and storing from District 5 to the States of Idaho, Washington, or Malheur County in the State of Oregon pursuant to § 947.54, shall apply in writing to the committee on forms furnished by it. Upon receiving such application, the committee shall promptly assure itself that the facilities at destination are adequate to accommodate the anticipated volume of potatoes and that none of the potatoes so moved will be diverted to markets in a form different from that prescribed by the regulations issued pursuant to §§ 947.52 and 947.54. Thereupon, the committee shall authorize such shipments under Special Purpose Certificate number and diversion report procedure.

(d)(1) Handlers desiring to make shipments of potatoes for livestock feed from one district to another or from the production area to Malheur County in the State of Oregon or to the States of Washington or Idaho, shall apply in writing to the committee on forms furnished by it. The application shall state the anticipated tonnage of such potatoes to be moved, the total acreage from which such potatoes will be derived, and the approximate dates of starting and completion of such movement.

(2) Upon receiving an application from a handler for movement of potatoes for livestock feed, the committee or its duly authorized agent shall make a physical examination of the premises upon which the livestock are to be fed. If, as a result of such examination, the committee considers that the number of livestock to be fed is reasonably compatible with the volume of potatoes to be moved during the period specified in the application, it shall issue a Special Purpose Certificate for the shipment.

(e) Applications for Special Purpose Certificates shall be made on forms furnished by the committee. Each application shall contain the name and the address of the handler, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information and be accompanied by such other documents as the committee may require in safeguard against the entry of such potatoes into trade channels other than those for which the Special Purpose Certificates were granted.

Section 947.131 is revised to read as follows:

§ 947.131 Issuance.

The committee shall give prompt consideration to each applicant for a Special Purpose Certificate. Approval of an application shall be evidenced by the issuance of a Special Purpose Certificate authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

Section 947.132 is revised to read as follows:

§ 947.132 Reports.

Each handler shipping potatoes under, and pursuant to, a Special Purpose Certificate shall supply to the committee, upon request, a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination and consignee.

Section 947.133 is revised to read as follows:

§ 947.133 Denial and appeals.

The committee may rescind a Special Purpose Certificate issued to a handler pursuant to this part, or deny Special Purpose Certificates to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to provisions of this part. Such committee action denying or rescinding a Special Purpose Certificate shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Special Purpose Certificate or who has had a Special Purpose Certificate rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 22, 1971, to become effective March 1, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1173 Filed 1-27-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-94]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of the Yakima, Wash., Restricted Area R-6714.

The Department of the Army has concurred in the modification of the boundaries to accommodate instrument approach procedures to the Yakima Municipal Airport, Wash.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication (1-28-71), as hereinafter set forth.

In § 73.67 (36 F.R. 2364), R-6714 Yakima, Wash., all between "Latitude 46°33'00" N, Longitude 119°55'30" W;" and to "Latitude 46°40'35" N, Longitude 120°26'35" W;" is deleted and "Latitude 46°33'00" N, Longitude 120°09'00" W; Latitude 46°36'22" N, Longitude 120°18'50" W;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 21, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-1183 Filed 1-27-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 149q—ROLITETRACYCLINE

Rolitetracycline Nitrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 141 is amended and Part 149q is established as follows to provide for certification of the antibiotic drug rolitetracycline nitrate, as follows:

1. Section 141.5(b) is amended by alphabetically inserting a new item in the table to read as follows:

§ 141.5 Safety test.

* * * * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * *	* * *	* * *	* * *	* * *
Rolitetracycline nitrate	3	2 mg	.5	Do.
* * *	* * *	* * *	* * *	* * *

2. Section 141.7(c) is amended by alphabetically inserting a new item in the table to read as follows:

§ 141.7 Histamine test.

* * * * * * *

(c) * * *

Antibiotic	Diluent (diluent number as listed in § 141.3(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
* * *	* * *	* * *	* * *
Rolitetracycline nitrate	4	5.0	6
* * *	* * *	* * *	* * *

3. The following new Part 149q is added to Title 21, Chapter I:

Sec.
149q.1a Rolitetracycline nitrate.
149q.4 Rolitetracycline nitrate for intravenous use.
149q.5 Rolitetracycline nitrate for intramuscular use.

AUTHORITY: The provisions of this Part 149q issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149q.1a Rolitetracycline nitrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate is the nitrate salt of *N*-(pyrrolidinomethyl) tetracycline. It is so purified and dried that:

(i) It contains not less than 765 micrograms of rolitetracycline per milligram on an "as is" basis.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(viii) It is crystalline.

(ix) When calculated on an anhydrous basis, its absorptivity at 380 manometers is 89.2±4.0 percent of that of the rolitetracycline standard similarly treated and corrected for potency.

(x) It gives a positive result to the identity tests for rolitetracycline nitrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 (b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity.* Proceed as directed in § 141.504 of this chapter.

(9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to representative 100-milliliter volumetric flasks. Add about 75 milliliters of distilled water and 5.0 milliliters of 5*N* NaOH to each and then make to mark with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each

solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{milligrams standard}}{\text{milligrams sample}} \times \frac{\text{Potency of standard in micrograms per milligram}}{\text{Potency of sample in micrograms per milligram}} \times 10}{(100-m)},$$

where:

m = percent moisture in the sample.

(10) *Identity*—(i) *Rolitetracycline.* Place approximately 100 milligrams of the sample to be tested in a test tube, add 5 milliliters of 1*N* NaOH, and heat gently to boiling for about 15 seconds. (The musty, amine-like odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(ii) *Nitrate identity.* Transfer approximately 1 gram of sample to a 250-milliliter beaker, add 100 milliliters of water, and acidify with 1 milliliter of acetic acid. Heat to boiling and, with constant stirring, add 10 milliliters of a 10-percent solution of nitron (1,4-diphenyl-3,5-endo-anilino-4,5-dihydro-1,2,4-triazole) $C_{20}H_{16}N_4$[1] in 1*N* acetic acid. Allow to cool. A heavy precipitate indicates the presence of nitrate.

§ 149q.4 Rolitetracycline nitrate for intravenous use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate for intravenous use is a dry mixture of rolitetracycline nitrate and one or more suitable buffer substances. Each vial contains the equivalent of 350 milligrams of rolitetracycline. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. It contains no histamine nor histamine-like substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 149q.1a.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rolitetracycline nitrate used in making the batch for potency, moisture, pH, crystallinity, identity, and absorptivity.

(*b*) The batch for potency, sterility, safety, pyrogens, histamine, loss on drying, and pH.

(ii) Samples required:

(*a*) The rolitetracycline nitrate used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution prepared as directed in the labeling.

§ 149q.5 Rolitetracycline nitrate for intramuscular use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rolitetracycline nitrate for intramuscular use is a dry mixture of rolitetracycline nitrate, one or more suitable buffer substances, and lidocaine hydrochloride. Each vial contains the equivalent of 150 or 350 milligrams of rolitetracycline and 40 milligrams of lidocaine hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 149q.1a.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rolitetracycline nitrate used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(*b*) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:

(*a*) The rolitetracycline nitrate used in making the batch: 10 packages, each containing 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 141.4(b) of this chapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(5) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution prepared as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-28-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 12, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-1129 Filed 1-27-71;8:45 am]

[1] Notron is available from J. T. Baker Laboratory Chemicals, North Phillipsburg, N.J.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Cellulose Sponges of Irregular Dimensions; Confirmation of Effective Date

In the matter of amending Part 501 by the addition of a new § 501.6 which exempts cellulose sponges of irregular dimensions from the requirements of § 500.25 of this chapter:

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), notice is given that no objections were filed in the above-identified matter published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18510). Accordingly, the January 4, 1971, effective date of § 501.6 is confirmed.

Issued: January 21, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-1178 Filed 1-27-71;8:48 am]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1709—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

Part 1709 of this chapter is revised to read as follows:

Sec.

1709.1 Purpose.
1709.2 Eligibility of certain expenditures for reimbursement.
1709.3 Expenditures not eligible for reimbursement.
1709.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.
1709.5 Procedures for requesting reimbursement.

AUTHORITY: The provisions of this Part 1709 issued under Public Law 91-606, 84 Stat. 1744; E.O. 11575, 36 F.R. 37; E.O. 11051, 27 F.R. 9683, 3 CFR, 1959-1963 Comp.

§ 1709.1 Purpose.

The regulations in this part prescribe the policies and procedures governing the reimbursement, under Public Law 91-606, 91st Congress, of any Federal agency, for any of its authorized expenditures determined to be eligible for reimbursement.

§ 1709.2 Eligibility of certain expenditures for reimbursement.

Reimbursement to other Federal agencies for expenditures in providing disaster assistance, at the direction or request of the office of Emergency Preparedness' Director or Regional Director, may be approved by the OEP Director for the following:

(a) Overtime, travel, and per diem of regular Federal agency civilian personnel diverted from their normal duties. In addition, regular salary, including employee benefits, may be approved only for employees detailed directly to and under the supervision of OEP.

(b) Wages, travel, and per diem of temporary Federal personnel assigned to disaster work (in the major disaster area designated by the Director).

(c) Travel and per diem for Federal military personnel assigned to disaster work (in the major disaster area designated by the Director).

(d) For those projects, approved by the OEP Director, which are undertaken by a Federal agency with its own forces and costed on a project basis, reimbursement of full project costs, including all wages and salaries of regular employees.

(e) In those cases where field labor and supervisory costs are not readily identifiable, current costing practice of the agency level performing the work, substituted for paragraph (a) of this section, when approved by the Director.

(f) All costs paid from a trust fund, revolving fund, or other fund, where reimbursement of such fund is required by law.

(g) Work, services, and materials contracted for by other Federal agencies for assistance performed on a specific disaster project.

(h) Materials, equipment, and supplies (including transportation, repair, and maintenance) from regular inventory stocks utilized or consumed.

(i) Work performed at the specific direction of the Director when a major disaster is imminent: *Provided*, That such work would be otherwise eligible upon the declaration of a major disaster: *And provided further*, That such costs shall not include funds expended or supplies and materials including medical stockpiles delegated under E.O. 10958, August 14, 1961, used by Federal agencies performing disaster work under their own authority where funds therefor may be otherwise available or may be made available.

(j) Work performed at the request of the Director or Regional Director to investigate potential disaster situations: *Provided*, That work would be otherwise eligible if a major disaster were declared.

(k) Other direct costs that can be specifically identified with a directive or request from the Director or Regional Director.

(l) Such other costs or expenditures not otherwise provided herein, as the Director may approve, based upon the written justification submitted to the Director by the agency concerned, or as agreed to in writing between the Director and other Federal agencies.

§ 1709.3 Expenditures not eligible for reimbursement.

(a) Administrative overhead costs.

(b) Costs incurred while performing work under a Federal agency's own authority.

§ 1709.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.

(a) The Director, in determining the nature and extent of Federal assistance to be rendered to a State in alleviating the damages resulting from a major disaster, will take into consideration the type of assistance available from other Federal agencies. He, or the Regional Director, will direct or request other Federal agencies to provide such available assistance as he may determine necessary.

(b) All such directives or requests authorizing the performance of work and the expenditure of funds shall be in writing, or, if oral, shall be confirmed in writing, and contain a clause regarding funding.

§ 1709.5 Procedures for requesting reimbursement.

(a) Requests for reimbursement of authorized expenditures should normally be submitted quarterly; except, however, final accounting for expenditures should be submitted within 90 days after completion of work for each specific disaster. Billings totaling less than $1,000 are not to be submitted more often than quarterly.

(b) Requests for reimbursement shall be in sufficient detail to identify and segregate: (1) Personal services, (2) travel, and (3) all other expenses. Supporting documentation shall include a breakdown of eligible personal services, list of contracts and an explanation of other costs. The reimbursement request shall cite the specific directive or request for assistance, issued by the Director or Regional Director, under which costs were incurred, the State and location in which the work was performed, and the disaster identification number.

(c) All requests for reimbursement shall be submitted to the Regional Director of the Region for which costs were incurred.

Effective date. The regulations in this part shall become effective for all disasters declared subsequent to publication of this part.

Dated: January 22, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-1176 Filed 1-27-71;8:48 am]

PART 1710—FEDERAL DISASTER ASSISTANCE

PART 1711—FEDERAL DISASTER ASSISTANCE FOR PROJECTS UNDER CONSTRUCTION

PART 1715—FEDERAL DISASTER ASSISTANCE UNDER THE DISASTER RELIEF ACT OF 1969

Pursuant to the authority vested in me by Public Law 91–606 and Executive Order 11575 of December 31, 1970, the present Parts 1710, 1711, and 1715 of Title 32 of the Code of Federal Regulations are hereby combined in a new Part 1710 to read as follows:

Subpart A—General

Sec.
1710.1 Purpose.
1710.2 Definitions.
1710.3 Policy.

Subpart B—Major Disasters

1710.4 Requests for Federal assistance.
1710.5 Processing the request of a Governor for a declaration of a "major disaster."
1710.6 Initiation of Federal assistance.
1710.7 Federal-State Disaster Assistance Agreements.
1710.8 Project applications.
1710.9 Debris and wreckage clearance.
1710.10 Protective work.
1710.11 Repair and replacement of public facilities.
1710.12 Emergency shelter.
1710.13 Temporary housing.
1710.14 Lease and mortgage payments.
1710.15 Grants for removing timber from privately owned land.
1710.16 Assistance to unemployed individuals.
1710.17 Federal assistance for projects under construction.
1710.18 Emergency support teams.
1710.19 Use of local firms and individuals.
1710.20 Relief agencies.
1710.21 Duplication of benefits.
1710.22 Nondiscrimination.
1710.23 Emergency communications.
1710.24 Emergency public transportation.
1710.25 Legal services.
1710.26 State action.
1710.27 Assistance by Federal agencies.
1710.28 Surplus property.
1710.29 The American National Red Cross.
1710.30 Private relief organizations.
1710.31 Minimum State and local expenditures.
1710.32 Time limits.
1710.33 Grants to local governments suffering loss of property tax revenue.
1710.34 Retroactive provisions.

Subpart C—Disaster Planning

1710.35 Grants for developing, improving, maintaining, and updating State disaster plans.

Subpart D—Reduction of Threat of Major Disasters

1710.36 Predisaster assistance.
1710.37 Fire suppression.

AUTHORITY: The provisions of this Part 1710 issued under Public Law 91–606, 84 Stat. 1744; E.O. 11575, 36 F.R. 37; E.O. 11051, 27 F.R. 9683, 3 CFR, 1959–1963 Comp.

Subpart A—General

§ 1710.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in implementing those sections of Public Law 91–606 assigned to the Director by the Act or delegated to him by Executive Order 11575 dated December 31, 1970.

§ 1710.2 Definitions.

As used in the Act:

(a) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(b) "United States" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(c) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross;

(g) "Director" means the Director of the Office of Emergency Preparedness;

(h) "Public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes;

(i) "Regional Director" means a director of a regional office of the Office of Emergency Preparedness;

(j) "Federal Coordinating Officer" is the person appointed by the Director to operate under the Regional Director to coordinate Federal assistance in a major disaster;

(k) "State Coordinating Officer" is the person appointed by the Governor in the Federal-State Disaster Assistance Agreement as his authorized representative to act in cooperation with the Federal Coordinating Officer appointed under section 201 of the Act;

(l) "Contractor" is any individual, partnership, corporation, agency, or other entity, public or private (other than an organization engaged in the business of insurance) performing work for a State or local agency;

(m) "Damages" include suffering and hardship and physical destruction or deterioration;

(n) "Federal assistance" includes aid to disaster victims or State or local governments under provisions of the Act by Federal agencies;

(o) "Termination" as used in this part, means completion of eligible work to be accomplished and therefore the end of the need for Federal assistance;

(p) "Projects under construction" are those projects on which work has physically been initiated but not yet completed to the extent that the project has been accepted by the applicant;

(q) "Changed conditions" means changed physical conditions as differentiated from financial or administrative conditions;

(r) "Applicant" is the State or local government submitting a project application under the Act.

§ 1710.3 Policy.

(a) It is the policy of the Office of Emergency Preparedness to provide an orderly and continuing means of supplemental assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering, hardship and damage resulting from major disasters.

(b) It is also the policy of OEP to foster the development of State and local government organizations and plans for coping with major disasters, and to provide advice and guidance to Federal agencies and States and local governments on organization and preparedness in order to meet the effects of major disasters.

(c) It is further a policy of OEP to insure that the individual disaster victims are apprised of Federal assistance available and to assist the individual victim in obtaining the Federal assistance to which he is entitled.

Subpart B—Major Disasters

§ 1710.4 Requests for Federal assistance.

(a) Upon the occurrence or threat of a catastrophe within a State which, in the opinion of its Governor constitutes, or threatens, a major disaster requiring supplementary Federal assistance, the Governor may present to the Director, through the Regional Director, a request for Federal assistance. The request shall include the Governor's verification of the need for Federal assistance and his assurance of reasonable State and local government expenditures to prevent or alleviate damage from such disaster. In certain circumstances, the Governor may request a major disaster declaration for limited types of assistance. The request shall include the following:

(1) The Governor's certification as prescribed in § 1710.31(c).

(2) An estimate of the amount and severity of damage broken down by type, such as private (nonagricultural), agricultural, and public.

(3) A statement of actions pending or taken by the State legislative or local legislative and governing authorities with regard to the disaster.

(4) An estimate of the extent and nature of Federal assistance needed by each county and the State broken down by category of public or individual assistance, including an estimate of the Federal funds necessary to supplement the efforts and available resources of the State in alleviating the damage.

(5) As appropriate, other justification in support of the request.

§ 1710.5 Processing the request of a Governor for a declaration of a "major disaster".

(a) The Regional Director shall acknowledge and forward the Governor's request, together with his report and recommendations, to the Director.

(b) The Director shall forward the Governor's request to the President, together with his recommendation regarding Presidential action thereon.

§ 1710.6 Initiation of Federal assistance.

Upon a declaration of a major disaster by the President, the Director will immediately initiate action to provide Federal assistance in accordance with such declaration, applicable laws, and regulations. The determination of the President, with respect to the declaration of a major disaster, will be promptly transmitted to the Governor of the State concerned. Areas eligible for Federal assistance will be determined by the Director. The Director will appoint a Federal Coordinating Officer (FCO) to operate under the Regional Director in each major disaster. Such officer may be the Regional Director, a member of the regional staff or other Federal official. He shall be responsible for the coordination of Federal disaster relief and assistance. He shall establish and staff such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled. The FCO may also exercise any additional authorities as the Regional Director may prescribe.

§ 1710.7 Federal-State Disaster Assistance Agreements.

(a) Upon the declaration of a major disaster, a Federal-State Disaster Assistance Agreement will be executed by the Governor (or the Acting Governor) acting for the State and the appropriate Regional Director, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of applicable laws, executive orders, and regulations, as the Director may require.

(b) In the event a declaration is made only for limited assistance, the Agreement will so specify.

(c) In the event funds are to be transferred to a State for disaster relief purposes, every Federal-State Disaster Assistance Agreement, by reference to this part, shall contain, and the State and its political subdivisions will agree to, the following provision:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Director will notify the State of said violation and the necessary corrective measures, and will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided*, That if the Director, after such notice to the State is not satisfied with the corrective measures taken to comply with his notification, the Director will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations and the Act.

(d) By reference to this part, the following provisions shall be included in every Federal-State Disaster Assistance Agreement:

During the performance of any contract entered into under this agreement, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, age, economic status, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, age, economic status or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the U.S. Equal Employment Opportunity Commission.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) Contractor noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, may result in action whereby the contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965. Such other sanctions may be imposed and remedial measures invoked as provided in the said Executive order or by rule, regulation, or order of the U.S. Equal Employment Opportunity Commission or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the U.S. Equal Employment Opportunity Commission issued pursuant to section 303 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(e) By reference to this part, the following provision shall be included in every Federal-State Disaster Assistance Agreement entered into:

No member of or Delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon: *Provided, however*, This provision shall not be construed to extend to any contract made with a corporation for its general benefit.

§ 1710.8 Project applications.

(a) Federal financial assistance shall be provided on the basis of project applications submitted by the State or local governments and approved by the State and Regional Director or his authorized representative, pursuant to the Federal-State Disaster Assistance Agreement and in accordance with this part. The approved project application will provide the basis of a request for an advance of funds and reimbursement for expenditure.

(b) Project applications shall be submitted within 90 days, or a lesser period if so prescribed by the Regional Director, following the date of the President's

declaration of a major disaster. If the circumstances of the disaster are such as to make immediate detailed damage surveys and reports by local/State/Federal agencies impractical, the Regional Director may, if the State so requests, extend this period.

(c) Every project application shall contain a certification by the Governor, or his authorized representative, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

(d) If a project application is approved without change, signed copies thereof evidencing such approval shall be returned to the State.

(e) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(f) If the approval is made subject to revisions, additional conditions, or partial disapproval, signed copies thereof evidencing such approval, together with a full explanation of the revisions or additional conditions, shall be returned to the State.

(g) If the project application is disapproved in whole or in part, by the Regional Director, because of inadequacy of information, the disapproved items may be resubmitted by the State within 30 days of the date of the return to the State: *Provided, however*, That if again disapproved by the Regional Director, or if there is no additional information, the disapproved items may be resubmitted, in writing, within 30 days of such disapproval through the Regional Director, with any further justification for consideration by the Director. The same appeal procedures shall apply to the approval of vouchers for final payment.

§ 1710.9 Debris and wreckage clearance.

(a) General: No authority under this section for debris clearance through the use of Federal agencies shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris, or wreckage from public and private property, and shall agree to indemnify the Federal Government against any claim arising from such removal. All emergency debris and wreckage clearance shall be performed immediately. Other debris clearance is to be completed as rapidly as possible.

(b) Emergency debris clearance is work necessary for preservation of life and property. Priority shall be given to restoring essential public services including reopening of roads and access to public facilities, and to removing immediate threats to life and property.

(c) Recovery work supplements the emergency work under paragraph (b) of this section. The Regional Director, whenever he determines it to be in the public interest, may:

(1) Through the use of Federal agencies, clear debris and wreckage from publicly and privately owned lands, waters, and drainage sources, and

(2) Make reimbursements to any State or local government for the removal of such debris or wreckage.

(d) Consideration in determining public interest under this section shall include:

(1) Whether removal of debris and wreckage is necessary to eliminate threats to life and property.

(2) Whether removal of debris and wreckage is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community.

(e) No provision is made in the Act for reimbursing an individual or nongovernmental entity for the cost of removing debris from his own property. However, an individual may be reimbursed for the cost of debris removal from his property in those instances where applications were received by the Federal Government prior to January 1, 1971.

§ 1710.10 Protective work.

Federal financial assistance may be provided for performing on public or private lands, protective and other emergency work necessary because of the disaster, for the protection of life and property.

§ 1710.11 Repair and replacement of public facilities.

Repair and replacement of public facilities may be eligible in two phases, dependent on the extent of damage and the circumstances under which repairs are to be made.

(a) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that repair or replacement can be delayed until repair or replacement can be performed to predisaster conditions or if no alternative is practical, eligible work will be considered only under paragraph (b) of this section.

(b) Permanent repair or replacement to predisaster condition, based on the design of the facility as it existed prior to the disaster, but in conformity with current codes, specifications or standards may be approved using the following criteria:

(1) The Federal contribution therefore shall not exceed the net eligible cost of restoring each such facility.

(2) Such net cost shall be based on the codes, specifications and standards currently being used by the applicant for similar facilities in the locality.

(3) Written codes, specifications and standards shall have been in use prior to the disaster to be applicable. If not in writing, the applicant must identify, and a Federal inspector shall verify that the standards, to be applicable, have been in use prior to the disaster. If no codes, specifications or standards are applicable as prescribed above, repair or replacement will be limited to returning the facility to predisaster condition, based on then existing design.

(4) If damages to a facility are not extensive and the facility is economically repairable, as determined by the Regional Director, repairs only will be approved.

(5) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement toward the repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost of eligible work.

(6) In every major Federal action or project, involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Director or his staff to arrange for compliance with section 102, National Environmental Policy Act, Public Law 91-190.

(7) The minimum policy objective in restoring public facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged public facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a public facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site provided that overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore public facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(c) For the purposes of this section, functional furnishings and equipment will be considered as part of a facility: *Provided, however*, That used or surplus equipment shall be utilized to the extent practicable.

(d) Consumable supplies damaged or lost in a disaster, will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced.

§ 1710.12 Emergency shelter.

Emergency shelter such as mass shelter or other shelter during the emergency period during and immediately following the disaster may be furnished by the Red Cross or other private organization or by local, State, or Federal Government. If furnished by government agencies, and not reimbursable by such private organization, eligible costs may be paid.

§ 1710.13 Temporary housing.

In providing assistance under this section for temporary housing for persons requiring such housing as a result of the disaster, the following criteria shall apply:

(a) Prior to provision of temporary housing a determination of the need for same will be made by the Regional Director based on a recommendation by the State Coordinating Officer, and after a survey of available facilities by private, local, State, and Federal agencies, as appropriate.

(b) Assistance for temporary housing with respect to a particular major disaster shall be limited to the minimum required to provide shelter within a reasonable commuting distance during such period of time, as determined by the Director, as would be necessary to permit the construction or repair of permanent housing in the area, or relocation of displaced persons into other adequate housing.

(c) Temporary housing accommodations may be furnished by, but not limited to:

(1) Using any unoccupied and readily usable housing owned by the United States under any program of the Federal Government.

(2) Arranging with a local public housing agency for using unoccupied and readily usable public housing units, or

(3) Acquiring existing dwellings by lease.

(4) Acquiring mobile homes, or other readily fabricated dwellings by purchase or lease.

(5) Any mobile home or readily fabricated dwelling shall be placed on a developed site, complete with necessary improvements and utilities to the location of each such dwelling as provided without charge to the Federal Government by State or local government, or by the owner or occupant of a site who was displaced by the major disaster. In such cases, the Federal responsibility shall be limited to connection costs to the furnished utilities. Failure to provide such facilities on sites proposed for use by owners or occupants, shall constitute a basis for rejection of such sites. If the Regional Director determines it is in the public interest to use more economical and accessible sites, such sites, including utilities and improvements, may be provided at Federal expense.

(d) The occupant shall be responsible for paying directly all utility use charges, or shall be responsible for paying a monthly allowance for utilities used if he occupies a mobile home or prefabricated home located in a park or other dwelling for which utilities are not metered separately.

(e) No rentals shall be established for any temporary housing for the first 12 months of occupancy. Thereafter, rentals shall be as established by the Regional Director and shall be based on the fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant: *Provided, however*, That occupants of temporary housing may be evicted on 30 days notice for reasons including, but not limited to, the following:

(1) Alternate housing, determined to be adequate by the Federal Coordinating Officer or his representative is now available.

(2) The occupants' predisaster housing is now ready for occupancy.

(3) Failure to pay rent or utility charges.

(4) Failure to utilize and maintain the housing in a manner normally expected of tenants of rental housing.

(f) Temporary housing shall not be made available to any displaced individual or family with insurance coverage which provides the full cost of alternate living arrangements. An exception may be made if adequate housing for the individual or family is not available.

(g) Any mobile home or other dwelling provided under this part shall normally be the minimum size required to accommodate the individual or family occupant.

(h) Temporary housing (including but not limited to, mobile homes or other readily fabricated dwellings) acquired by purchase as a result of the major disaster may be sold directly to individuals and families occupying Federal furnished temporary disaster housing at prices that are fair and equitable.

(i) A disaster victim is expected to accept the first adequate housing offered. If, because of personal preferance he refuses such housing, his request shall be returned to the State Coordinating Officer.

(j) Temporary housing shall not be made available to any person or family for use as a vacation or other secondary residence.

(k) Temporary housing will not be provided when mass shelter or typical transient accommodations are sufficient and when the nature or duration of the housing requirement does not justify more stable arrangements as determined by the Regional Director or his representative.

§ 1710.14 Lease and mortgage payments.

The director or his designee shall provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage of lien, cancellation of any contract of sale, or termination of any lease entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed 1 year or for the duration of the period of financial hardship, whichever is the lesser.

§ 1710.15 Grants for removing timber from privately owned lands.

Removal of timber damaged by a major disaster from privately owned lands may be eligible for Federal assistance.

(a) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(1) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(2) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(3) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(b) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include a complete description of the land to be cleared and of the eligible work and an estimate of the salvage value as well as the estimated cost of such work.

(c) Considerations in determining public interest under this section shall include threats to life and property, and possible flood hazards.

(d) Considerations in determining eligible costs under this section shall include:

(1) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(2) Any applicable insurance recoveries and any salvage value of all timber removed or to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage shall be established by the State and Federal representatives. If they cannot agree, the OEP Regional Director shall make the determination, and his decision will be final.

(3) Costs for construction of temporary roads approved by the OEP Regional Director, as necessary for access to or salvage of damaged timber are eligible.

§ 1710.16 Assistance to unemployed individuals.

Based on delegation authority by the Director dated January 8, 1971, the Secretary of Labor will (a) under section 240 of the Act, provide assistance to individuals unemployed as a result of a major disaster, and (b) under section 226(b) of the Act, provide reemployment assistance services under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster and to issue such rules and regulations as may be necessary and appropriate. Such regulations are provided in Title 20, Chapter V, Part 625, of the Code of Federal Regulations (34 F.R. 19656, Dec. 13, 1969), as amended.

§ 1710.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility, which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement therefore shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs determined by the Regional Director as incurred or to be incurred in:

(i) Restoring a public facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence.

(d) No payment will be made for any work which is not the responsibility of the applicant to perform.

§ 1710.18 Emergency support teams.

The Director or Regional Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal Coordinating Officer in carrying out his responsibilities pursuant to section 201(b) of this Act. Upon request of the Director, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Director, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Director may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

§ 1710.19 Use of local firms and individuals.

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms and individuals who reside or do business primarily in the affected political subdivisions in the disaster area. The Regional Director shall monitor such Federal expenditures to assure compliance.

§ 1710.20 Relief agencies.

(a) In providing relief and assistance following a major disaster, the Director or Regional Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Director or Regional Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal Coordinating Officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the Federal Coordinating Officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of the Act, and such other regualtions as the Director may require.

§ 1710.21 Duplication of benefits.

(a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such Federal financial assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

§ 1710.22 Nondiscrimination.

(a) Federal financial assistance to the States or their political subdivisions is conditioned on full compliance with OEP Regulation 5 issued pursuant to Title VI of the Civil Rights Act of 1964, 30 F.R. 321, January 9, 1965.

(b) The Director shall issue, and may alter and amend, such additional regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, religion, sex, color, age, economic status, or national origin.

(c) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

§ 1710.23 Emergency communications.

The Director is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

§ 1710.24 Emergency public transportation.

The Director or Regional Director may provide emergency public transportation service in a major disaster area to meet the emergency needs of communities. Such service shall be devised to meet the needs of persons who, because of the disaster, have lost ready access to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible. Any transportation provided under this section is intended to supplement but not replace normally available transportation facilities and is to be discontinued as rapidly as possible as ready access to the above facilities becomes available.

§ 1710.25 Legal services.

Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the

programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and States and local bar associations.

§ 1710.26 State action.

(a) The Governor of the State shall designate a State Coordinating Officer who shall review all project applications. In addition, the Governor (or his designee) shall certify that the project applications meet all the requirements and conditions of the Agreement and such other terms established by the Director and shall recommend approval or disapproval.

(b) Federal funds shall be controlled in accordance with accepted or prescribed methods of accounting, identification and administrative responsibilities. Representatives of the Office of Emergency Preparedness and the General Accounting Office shall have access during normal business hours to the books and records of the State, local governments, contractors, and other agencies relating to Federal financial assistance. Such records shall be maintained for a period of 3 years after payment.

(c) Procurement of work and services under project applications hereunder must comply with § 1710.7 and with State or local statutes, regulations and ordinances covering procurement of such supplies and services by such State or the political subdivision thereof.

(d) No contract entered into by an applicant for disaster work or services under the Act shall contain a provision which makes the payment for such work contingent upon reimbursement under the Act.

§ 1710.27 Assistance by Federal agencies.

(a) Upon the declaration of a major disaster, the Director or Regional Director may direct any Federal agency, to provide assistance to State and local governments, with or without reimbursement to the Federal agency as prescribed in the Act and as deemed appropriate by the Director or Regional Director under the provisions of Federal reimbursement regulations, Part 1709 of this chapter.

(b) The Regional Director is authorized to coordinate all activities of Federal agencies in providing disaster assistance.

(c) The Regional Director is authorized to request that other Federal agencies shall provide any reports or information relating to disaster assistance deemed necessary.

(d) Assistance to be furnished by any Federal agency under paragraph (a) of this section shall be subject to the criteria of eligibility provided for under this part and such other instructions as may be issued from time to time by the Director.

(e) Assistance under paragraph (a) of this section, when directed by the Director or Regional Director, shall not affect the authority of any Federal agency to provide disaster relief assistance independent of the Act: *Provided*, Such disaster relief assistance by other Federal agencies is subject to the coordination of the Regional Director/Federal Coordinating Officer.

(f) In carrying out disaster relief assistance under the Act and this part, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of such State or local agency in connection with the disaster: *Provided, however*, Such utilization shall not be considered to make such services, materials, or facilities, Federal in nature or to make the State, local governments, or agencies thereof an arm or agent of the Federal Government.

§ 1710.28 Surplus property.

(a) The States shall make maximum utilization of available Federal surplus property.

(b) The Federal Government will donate equipment and supplies determined in accordance with applicable laws and regulations to be surplus to the needs and responsibilities of the Federal Government, to States for use by them for the purposes of the Act. The donation of such surplus property shall be made to the States upon the basis of a certification by the State that such property is usable and necessary for disaster relief purposes, and will be made in accordance with the procedures prescribed by the General Services Administration.

(c) The States may obtain information on the availability of surplus property from the State surplus property agency; or the State agency designated for such purposes under State law.

§ 1710.29 The American National Red Cross.

The disaster relief capabilities of the American National Red Cross shall be utilized to the maximum extent in accordance with the Memorandum of Understanding between the Office of Emergency Preparedness and the American National Red Cross. Nothing contained herein shall be construed to limit or in any way effect the responsibilities of the American National Red Cross as stated in Public Law 58–4 approved January 5, 1905 (33 Stat. 599).

§ 1710.30 Private relief organizations.

The disaster relief capabilities of private organizations shall be utilized as provided in Federal agreements of such organizations with the Office of Emergency Preparedness, or as authorized by the Regional Director.

§ 1710.31 Minimum State and local expenditures.

(a) Federal disaster assistance under the Act in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published by the Director as the minimum for that State in that disaster and for all disasters during the 12-month period immediately preceding the request for assistance.

(b) The Director, in unusual circumstances, or in disasters in which exceptional destruction and/or suffering and hardship have occurred, may waive in whole or in part this requirement.

(c) The certification by the Governor of total State and local expenditures and obligations shall contain the following provisions:

Pursuant to § 1710.32, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the State of ----------, for disaster relief purposes for all disasters during the 12-month period immediately preceding this request, and for which no Federal reimbursement has been or will be received, exceeds $----------.

Disaster relief expenditures for this disaster for which no Federal reimbursement will be requested are expected to exceed $---------- in accordance with the following table:

Category of assistance	Amount	
	State	Local
Individual assistance:		
Temporary housing		
Health		
Welfare		
Other (specify)		
Total		
Public assistance:		
Debris and wreckage clearance		
Protective work		
Restoration of public facilities		
Public safety		
Other (specify)		
Total		
Grand total		

§ 1710.32 Time limits.

Federal assistance provided under the Act shall terminate upon notice by the Director to the Governor of the State or upon the expiration of the time periods specified below from the date of the President's determination that a major disaster exists, whichever is first, except that under paragraphs (a) and (b) of this section, the Regional Director may extend the time a maximum of 3 additional months. Upon a showing of unusual requirements, the Director may extend these periods.

	Start	Complete
(a) Emergency debris clearance.		3 months.
(b) Other emergency measures.	3 months	6 months.
(c) Relief and rehabilitation.	6 months	1 year.
(d) Long term permanent projects.	do	18 months (The Regional Director on basis of approved construction schedule shall establish the completion deadline within these

Failure to start a project within the specified time limits may result in cancellation of the project unless the late start is approved by the Regional Director. The Regional Director shall set lesser time limits under paragraphs (a), (b), and

(c) of this section if considered appropriate.

§ 1710.33 Grants to local governments suffering loss of property tax revenue.

(a) To obtain Federal assistance under section 241 of the Act, an applicant shall submit a project application through normal channels not later than 30 days after filing and certifying the annual tax roll covering the disaster period. The Director or Regional Director may accept a late application for processing when properly justified by the applicant.

(b) A Federal financial contribution may be authorized only for the tax year in which the disaster occurred and for each of the following 2 tax years. Grants will be approved on an annual basis for each of the 3 tax-year periods provided that the applications for the second and third years will reflect the current certified tax rolls.

(c) The Federal financial contribution authorized for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the 3 tax-year periods immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the 2 tax years following the major disaster: *Provided*, That: If there has been a reduction in the tax rates or the tax assessment valuation then for the purpose of determining the amount of a grant under this part for the year or years when such reduction is in effect, the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction shall be used, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

(d) Advances may be made on the basis of the estimated loss of revenue and payment of such advances may be made as of the date that tax revenues are due and payable.

(e) Each year to be considered will be treated as a separate project and the annual final payment for each year will be adjusted based on the actual loss experienced at the close of such tax year. As a part of the Project Applications, applicants will be required to submit to the State a certification of the annual revenues received by the applicant during the 3 tax-year periods immediately preceding the tax year in which the disaster occurred.

§ 1710.34 Retroactive provisions.

Sections 226(b), 237, 241, 252(a), and 254 of the Act take effect as of August 1, 1969, and sections 231, 232, and 233 take effect as of April 1, 1970.

Subpart C—Disaster Planning

§ 1710.35 Grants for developing, improving, maintaining, and updating State disaster plans.

(a) A Federal contribution up to a maximum of $250,000 for any one State, and not to exceed 50 percent of the cost of developing a plan and program, may be provided on the basis of the following:

(1) A State desiring assistance under this section shall designate or create an agency which is qualified to plan, and administer or coordinate a program to combat and mitigate the effects of major disasters, and for relief and assistance to individuals, businesses, and local governments, suffering losses as a result of a major disaster.

(2) The Governor shall then submit a letter of application for assistance under this part to the OEP Regional Director. Such application shall include the following:

(i) Estimated total cost.

(ii) Contribution requested from the Federal Government.

(iii) Work schedule or timetable.

(iv) Proposed staffing, including qualification standards for planning staff and work that will be contracted.

(v) Name of the State agency responsible under subparagraph (1) of this paragraph.

(3) Within 1 year following the date the Regional Director approves the application, the State agency shall submit a plan which will:

(i) Set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster including provisions for emergency and long-term assistance to individuals, businesses, and local governments suffering losses as a result of a major disaster showing the role of State and local governments in the coordination and execution of the program, including maintenance of effective liaison and cooperation with appropriate charitable organizations which provide food, shelter, and other disaster relief, and

(ii) Make provision for the appointment of a State Coordinating Officer to act in cooperation with the Federal Coordinating Officer required by section 201 of the Act.

(b) A Federal contribution up to a maximum of $25,000 per annum for any one State in an amount not to exceed 50 percent of the cost for the purpose of improving, maintaining, and updating that State's disaster assistance plan, may be provided on the basis of an application similar to that required in paragraph (a) of this section.

(c) To be eligible for improving, maintaining, and updating under paragraph (a)(2) of this section a State disaster assistance plan must:

(1) Have been developed in accordance with the provisions of the Disaster Act of 1969 or 1970; or

(2) Be determined by the Director as sufficiently comprehensive and adequate to justify improving, maintaining, and updating.

Subpart D—Reduction of Threat of Major Disasters

§ 1710.36 Predisaster assistance.

Upon the request of a Governor, through the OEP Regional Director, the Director may direct the use of Federal departments, agencies, instrumentalities, and other resources of the Federal Government, to assist a State or any local government thereof and to use their available resources to avert or lessen the effects of a disaster which threatens to become a major disaster. The Governor's request shall specify the location and extent of the area that will be affected; the conditions existing which clearly indicate the imminent occurrence of a major disaster and the assistance required from the Federal Government. Normally such assistance will consist of mobilizing personnel, equipment and supplies at the scene of an imminent disaster and of providing advice and guidance to State and local authorities. This authority shall not be used in substitution for existing authorities of any other Federal agency or for the authority contained in section 205 of the Act.

§ 1710.37 Fire suppression.

Upon the request of a Governor or his authorized representative, if one is named in the Federal-State Agreement, through the Regional Director, the Director may provide funds to assist a State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. The Governor's request shall specify the location of the fire, the conditions existing which make the threat imminent, and the assistance required from the Federal Government.

Effective date. This part shall take effect the date of publication in the FEDERAL REGISTER (1-28-71).

Dated: January 22, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-1177 Filed 1-27-71;8:48 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 21]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Effective as of 4 p.m. October 21, 1970, G.m.t. (noon, e.d.s.t.), Part 308 is hereby amended to reflect the following changes:

§ 308.6 [Amended]

1. Amend § 308.6 *Period of interim binders and renewal procedure* by changing the expiration date contained in paragraph (d) to read "midnight, May 7, 1971, G.m.t."

§ 308.7 [Amended]

2. Amend § 308.7 *Premiums and payment thereof* by deleting the following words and figures:

American Institute War Risks and Strikes and Automatic Termination and Cancellation Clauses (Time)—Hulls—(March 7, 1961).

and inserting in lieu thereof the following words and figures:

American Institute Hull War Risks and Strikes Clauses (including Automatic Termination and Cancellation Provisions) for attachment to American Institute Hull Clauses January 18, 1970.

§§ 308.106, 308.206, 308.305 [Amended]

3. Amend § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, as follows:

(a) By deleting the paragraphs reading:

Attaching automatically upon and simultaneously with the outbreak of war (whether there be a declaration of war or not) between any of the following countries: United States of America, United Kingdom, France, the Union of Soviet Socialist Republics, the People's Republic of China: upon the occurrence of any prior hostile act or acts by any of the said countries resulting in such outbreak of war and occurring within a period of 90 days preceding such outbreak of war.

Terminating thirty (30) days after the outbreak of war (whether there be a declaration of war or not) between any of the aforesaid countries.

and inserting in lieu thereof the following paragraphs:

Attaching automatically (a) upon and simultaneously with the outbreak of war, whether there be a declaration of war or not, between any of the following countries: United States of America, United Kingdom, France, the Union of Soviet Socialist Republics, or the People's Republic of China; or (b) upon and simultaneously with the occurrence of any hostile detonation of any nuclear weapon of war (including any weapon of war employing atomic or nuclear fission and/or fusion or other like reaction or radioactive force or matter) wheresoever or whensoever such detonation may occur and whether or not the vessel may be involved.

Terminating thirty (30) days after attachment.

(b) By deleting the paragraph reading:

This binder shall automatically expire at midnight, September 7, 1970, G.m.t. unless insurance hereunder has attached prior to that date.

and inserting in lieu thereof the following:

This binder shall automatically expire at midnight, May 7, 1971, G.m.t. unless insurance hereunder has attached prior to that date.

(c) By deleting the following words and figures wherever they appear:

American Institute War Risks and Strikes and Automatic Termination and Cancellation Clauses (Time)—Hulls—(March 7, 1961).

and inserting in lieu thereof the following words and figures:

American Institute Hull War Risks and Strikes Clauses (including Automatic Termination and Cancellation Provisions) for attachment to American Institute Hull Clauses January 18, 1970.

4. Add a new section reading as follows:

§ 308.553 Amendment of binders.

All interim binders heretofore issued and now in effect shall be deemed to have been amended effective as of the date of issuance or as of 4 p.m. October 21, 1970, G.m.t. (noon, e.d.s.t.), whichever is the later date, to conform with the standard forms of binders prescribed in §§ 308.106, 308.206, and 308.305, as amended.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: January 25, 1971.

By order of the Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71-1206 Filed 1-27-71;8:50 am]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 68-9; General Order 26, Amdt. 1]

PART 541—FREE TIME AND DEMURRAGE CHARGES ON EXPORT CARGO

Ports of New York and Philadelphia

On April 17, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 6276) rules and regulations prescribed in Docket No. 68-9, General Order 26, Part 541, Free Time and Demurrage Charges on Export Cargo.

Section 541.1(e)(4) of these rules specifically lists the "Journal of Commerce" and the "Shipping Digest" as publications of general circulation which may be consulted for determining announced dates of sailing. We are now advised that "Brandon's Shipper and Forwarder" is a publication of similar general circulation and warrants specific inclusion in the list.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the Commission's authority under section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), Title 46, Part 541, § 541.1(e)(4) is amended as follows:

Insert the words "Brandon's Shipper and Forwarder" after the word "Digest,".

As amended, § 541.1(e)(4) reads as follows:

§ 541.1 Free time, consolidation time, and demurrage at the Ports of New York and Philadelphia.

* * * * * *

(e) * * *

(4) The announced date of sailing shall be that date(s) appearing in the Journal of Commerce, the Shipping Digest, Brandon's Shipper and Forwarder, or any other appropriate publication of general circulation, as designated in the appropriate tariff.

Notice, public procedure, and delayed effective date are unnecessary for the promulgation of this order inasmuch as it merely accomplishes a specific listing of an acceptable publication which would otherwise be included in the existing general description of acceptable publications.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (1-28-71).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1186 Filed 1-27-71;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-150]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

General Description

Correction

In F.R. Doc. 71-791 appearing at page 909 in the issue of Wednesday, January 20, 1971, the phrase "Cugach Islands" in the penultimate line of § 3.85-55(b) should read "Chugach Islands".

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-3358]

PART 1055—DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR COMMON CARRIERS OF PASSENGERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of January 1971.

It appearing, that, by report (86 M.C.C. 743) and order entered September 22, 1961, this Commission amended Title 49 of the Code of Federal Regulations by adding thereto Part 180a entitled "Regulations Governing Discrimination in Operations of Interstate Motor Carriers of Passengers" (which part has been subsequently redesignated as Part 1055) setting forth regulations which became effective on November 1, 1961, and which continue to remain in effect;

It further appearing, that the said Part 180a was published in the FEDERAL REGISTER at 26 F.R. 9166, on September 29, 1961, and republished under its redesignation as Part 1055 at 32 F.R. 20051, on December 20, 1967;

And it further appearing, that former § 180a.2 [now § 1055.2], not having been further extended, ceased to be effective by its terms on January 1, 1963 that the final sentence of § 180a.3 [now § 1055.3] which made that particular regulation applicable to all tickets sold on or after January 1, 1963, is no longer needed inasmuch as that section now stands equally applicable with the other effective regulations set forth in Part 1055; that, inasmuch as § 1055.5 of the same part requires a notice to be posted at terminal facilities "containing the full text of the regulations" in Part 1055, it is in the public interest to delete from the regulations all unnecessary language so as to shorten, without any substantive change, and make more clear and readable, the Public Notice which must be posted at terminal facilities; that the deletion of § 1055.2 requires corresponding redesignations of certain sections following it in Part 1055, and all listings or cross-references to them; and that these technical changes can be made without altering in any way the continuing applicability of all effective regulations contained in Part 1055:

Wherefore, and good cause appearing therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, reopened, on our own motion, solely for the purpose of deleting from the regulations the above-indicated language, and restating the regulations governing "Discrimination in Operations of Interstate Motor Carriers of Passengers" in a more concise form.

It is further ordered, That Part 1055 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

Sec.
1055.1 Discrimination prohibited.
1055.2 Notice to be printed on tickets.
1055.3 Discrimination in terminal facilities.
1055.4 Notice to be posted at terminal facilities.
1055.5 Carriers not relieved of existing obligations.
1055.6 Reports of interference with regulations.
1055.10 Definitions.

AUTHORITY: The provisions of this Part 1055 issued under 52 Stat. 1237, 49 U.S.C. sec. 304.

§ 1055.1 Discrimination prohibited.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall operate a motor vehicle in interstate or foreign commerce on which the seating of passengers is based upon race, color, creed, or national origin.

§ 1055.2 Notice to be printed on tickets.

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin."

NOTE: The following interpretation of the provisions of § 1055.2 appears at 27 F.R. 230, Jan. 9, 1962:

The words, "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin", should appear on the face of every ticket coming within the purview of the section. If the ticket is in parts or consists of additional elements, such as coupons, identification stubs, or checks, it shall be sufficient for the purposes of § 1055.2 that the notice appear only once on the ticket and be placed on the face of that portion of the ticket which is held by the passenger.

§ 1055.3 Discrimination in terminal facilities.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce provide, maintain arrangements for, utilize, make available, adhere to any understanding for the availability of, or follow any practice which includes the availability of, any terminal facilities which are so operated, arranged, or maintained as to involve any separation of any portion thereof, or in the use thereof on the basis of race, color, creed, or national origin.

§ 1055.4 Notice to be posted at terminal facilities.

No motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall in the operation of vehicles in interstate or foreign commerce utilize any terminal facility in which there is not conspicuously displayed and maintained so as to be readily visible to the public a plainly legible sign or placard containing the full text of these regulations. Such sign or placard shall be captioned: "Public Notice: Regulations Applicable to Vehicles and Terminal Facilities of Interstate Motor Common Carriers of Passengers, by order of the Interstate Commerce Commission."

§ 1055.5 Carriers not relieved of existing obligations.

Nothing in this regulation shall be construed to relieve any interstate motor common carrier of passengers subject to section 216 of the Interstate Commerce Act of any of its obligations under the Interstate Commerce Act or its certificate(s) of public convenience and necessity.

§ 1055.6 Reports of interference with regulations.

Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act operating vehicles in interstate or foreign commerce shall report to the Secretary of the Interstate Commerce Commission, within fifteen (15) days of its occurrence, any interference by any person, municipality, county, parish, State, or body politic with its observance of the requirements of these regulations in this part. Such report shall include a statement of the action that such carrier may have taken to eliminate any such interference.

§ 1055.10 Definitions.

For the purpose of these regulations the following terms and phrases are defined:

(a) *Terminal facilities.* As used in these regulations the term "terminal facilities" means all facilities, including waiting room, rest room, eating, drinking, and ticket sales facilities which a motor common carrier makes available to passengers of a motor vehicle operated in interstate or foreign commerce as a regular part of their transportation.

(b) *Separation.* As used in § 1055.3, the term "separation" includes, among other things, the display of any sign indicating that any portion of the terminal facilities are separated, allocated, restricted, provided, available, used, or otherwise distinguished on the basis of race, color, creed, or national origin.

It is further ordered, That this order shall be effective immediately and remain in effect until modified or revoked in whole or in part by further order of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 71-1195 Filed 1-27-71;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-28-71).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Entry by foot or bicycle during daylight hours is permitted on travel routes designated by signs for the purpose of nature study, photography, hiking, or skating. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,300 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1154 Filed 1-27-71;8:46 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Elizabeth Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-28-71).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NEW YORK

ELIZABETH MORTON NATIONAL WILDLIFE REFUGE

Entry to the refuge area on foot or bicycles is permitted, from 8 a.m. to 5 p.m. daily, for the purpose of bird watching, photography, nature study, hiking, picnicking, and fishing. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, Rural Delivery Box 359, Noyac Road, Sag Harbor, NY and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1155 Filed 1-27-71;8:46 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Target Rock National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-28-71).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NEW YORK

TARGET ROCK NATIONAL WILDLIFE REFUGE

Entrance on the refuge is permitted, by advanced reservation only, for the purpose of photography, nature study, and hiking on roads, trails, and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits for specific dates are issued by mail upon request. Motor vehicles are limited to the designated parking area. Pets are permitted in the parking area only.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, NY 11743 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1971.

[FR Doc.71-1155 Filed 1-27-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P 16]

CORN AND SOYBEANS

Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued orders under section 4a of the Commodity Exchange Act (7 U.S.C. 6a), establishing maximum limits on position and daily trading in corn and in soybeans for future delivery on any one market, at 2 million bushels in any one future or in all futures combined, except that for positions shown to represent spreading between markets, and for purchases and sales shown to represent spreading or the closing of spreads, between markets, in corn, such limits were established at 3 million bushels in all futures combined or 2 million bushels in any one future.

Since the establishment of speculative limits in corn and soybeans, production of both commodities has increased substantially. The volume of futures trading and open contracts in corn and soybeans also have reached record levels during those periods.

Limits fixed by the 1938 and 1951 orders were based on the principle that the larger the net trades by large speculators, the more certain it becomes that prices will respond directly to trading. An analysis by the Commodity Exchange Authority of speculative trading for the 4 years 1966–69 did not show that undue price fluctuations resulted from speculative trading as the trading by individual traders grew larger. Although there was some indication that prices tended to move in the direction of the larger trades by speculators, the analysis did not show a sufficiently high probability of this occurring to indicate that the limits should be retained at the present 2-million-bushel level in these commodities.

The administrative officials of the Commodity Exchange Authority believe that the orders should be amended to provide that the limits should be established at 3 million bushels in any one future or in all futures combined.

Since § 150.1 of such orders applies to other commodities in addition to corn, and no amendment is proposed with respect to such other commodities, the administrative officials believe that corn should be removed from the provisions of § 150.1 and that a new order should be issued for corn.

Accordingly, notice is hereby given that the Commodity Exchange Authority proposes that the Commodity Exchange Commission revise §§ 150.1(e) and 150.4 (a) and (b) and issue a new order designated as § 150.11, to read as follows:

§ 150.1 Limits on position and daily trading in grain for future delivery.

* * * * *

(e) *Definitions.* As used in this part the word "grain" includes wheat, oats, barley, and flaxseed, and the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

* * * * *

§ 150.4 Limits on position and daily trading in soybeans for future delivery.

The following limits on the amount of trading under contracts of sale of soybeans for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after _____:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in soybeans on or subject to the rules of any one contract market is 3 million bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of soybeans which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3 million bushels in any one future or in all futures combined.

* * * * *

§ 150.11 Limits on position and daily trading in corn for future delivery.

The following limits on the amount of trading under contracts of sale of corn for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after _____:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in corn on or subject to the rules of any one contract market is 3 million bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of corn, on or subject to the rules of any one contract market during any one business day is 3 million bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

If any interested person desires an oral hearing with reference to the proposed amendment to the orders on limits on position and daily trading in corn and in soybeans and notifies the Administrator of the Commodity Exchange Authority to that effect, as directed below, on or before March 1, 1971, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for such an oral hearing should be addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250. No oral hearing will be held in the absence of such a request received on or before March 1, 1971.

Written statements with reference to the subject matter of this proposal may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to March 1, 1971.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Issued this 25th day of January 1971.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc 71-1172 Filed 1-27-71;8:47 am]

Consumer and Marketing Service

[7 CFR Part 928]

[Docket No. AO-371]

PAPAYAS GROWN IN HAWAII

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of papayas grown in Hawaii, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act". Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the thirtieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Hilo, Hawaii, September 21, 1970, and continued at Honolulu, Hawaii, on September 24, 1970, pursuant to a notice thereof which was published in the August 27, 1970, issue of the FEDERAL REGISTER (35 F.R. 13653). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Hawaii Papaya Industry Association and 36 growers of papayas in Hawaii, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in the administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish production research, marketing research, and development projects;

(e) The method for regulating the handling of papayas grown in the production area;

(f) The granting of exemption from regulation of papayas, including papayas used for such special purpose as the committee, with the approval of the Secretary, may specify;

(g) The establishment of reporting and related recordkeeping requirements upon handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in §§ 928.61 through 928.71 and published in the FEDERAL REGISTER (35 F.R. 13653) on August 27, 1970, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 928.72 through 928.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Except for a limited production in the States of Florida and Texas, the commercial crop of papayas in the United States is produced within the State of Hawaii. About 85 percent of the 1969 production was disposed of through fresh sales. The remaining percentage was processed into products.

Markets in Hawaii, the continental United States and Japan are important outlets for papayas grown in Hawaii. There have been some sales to European markets. The outlook for future market growth in this area is good.

Because of the distance from market, papayas for export markets are usually a little less mature at the time of picking than are the papayas sold within Hawaii. However, with the advent of air transportation at more reasonable rates, there is less need for this difference in maturity. It presently takes about the same amount of time to deliver papayas from the island of Hawaii to Honolulu as it takes to deliver the fruit to the mainland by direct jet air transportation.

Shipments of papayas, grown in the production area, are made each month of the year. More papayas are available for marketing during the summer months due to the warmer temperatures and longer periods of daylight. This condition favors plant and fruit growth. It is during this period that papaya shipments to the mainland, primarily to California, receive the stiffest competition. At this season melons and soft fruits from California are in abundant supply and are being marketed in competition with papayas grown in Hawaii.

A good marketing climate on the mainland, primarily in California, encourages the shipment of greater quantities to that market. Conversely, a declining or dull market on the mainland would result in greater quantities being offered in the Honolulu market. The same situation prevails with respect to export sales to other destination, such as Japan.

The Solo variety of papayas is the only variety commercially produced in the State. Papayas from any island may be sold within the State or for export depending upon the marketing situation at the time of harvest. At the present time most of the papayas that are sold in export, as that term is defined in the order, are produced on the island of Hawaii. Most of the papayas produced on the other islands within the State are sold in Honolulu. However, papayas from any part of State may be sold within the State or for export disposition depending upon marketing conditions at the time of harvest.

All handling of papayas, grown in the production area, in fresh fruit channels exert an influence on all other handling of such papayas in fresh form. Sellers of papayas, as of other commodities, endeavor to transact their business so as to secure maximum returns for the papayas they have for sale. The sellers of papayas continually survey all accessible markets so as to take advantage of the best possible opportunity to market the fruit. Markets within Hawaii provide opportunities to dispose of papayas the same as export markets. The sale of a quantity of papayas within Hawaii exerts an influence on all other sales of papayas. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used when bargaining for papayas in another market. Hence, it is concluded that any movement and sale of papayas, grown in the production area, whether to a market within the State of Hawaii or outside thereof, affect prices for all papayas grown in the production area.

Therefore, it is found that all handling of papayas, grown in the production area, is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce; and except as hereinafter otherwise provided, all handling of papayas grown in the production area should be subject to the act and the order.

(2) Although there has been considerable variation in the annual production of papayas produced in Hawaii, the trend has been upward. In the 5-year period, 1960–64, production averaged 16,297,000 pounds. In the 5-year period, 1965–69, production averaged 20,738,000 pounds. In 1966 production was 18,680,000 pounds. Production increased to 22,845,000 pounds in 1967, and 23,550,000 pounds in 1968. Due to adverse weather and the replant problem production declined in 1969 to 19,235,000 pounds. Increased plantings are being made and there is much research in progress dealing with the replant problem, fumigation, harvesting, plant breeding, and grading and packaging practices which,

if successful, should result in a greater volume of papayas being available for marketing each year.

Prices for papayas sold by some handlers have ranged, during a recent season, from a high of 16 cents per pound to a low of 5 cents per pound. Fresh sales offer the greatest marketing opportunity for papaya growers. Sales to the fresh market averaged 14 cents per pound during the 1969 season and accounted for about 85 percent of the total production. Processed sales averaged 3.6 cents per pound, and accounted for approximately 15 percent of the total production. It was testified that production costs on the average, are about 7 cents per pound.

Record evidence shows that there are periods during each marketing season when sales of papayas do not return cost of production to the producers. Prices for papayas are usually high at the beginning and ending of each calendar year. Handlers tend to ship heavily to the market when prices are at a high level. This often results in a glut due to the shipment of low quality fruit or fruit of undesirable sizes. It is particularly important in view of the prospective increase in production, that the papayas consumers receive are of desirable grade, quality, size and maturity. Papayas of undesirable sizes, lower grades, and poor quality do not receive consumers acceptance. Shipments of such papayas depress the price for all papayas and contribute to disorderly marketing conditions for the desired sizes and qualities of such fruit. The establishment of regulations with respect to grade, size, quality, and maturity, such as are contemplated under the order, would provide a method whereby orderly marketing could be promoted. This would tend to effectuate the declared policy of the act.

Presently, only two containers are authorized for use for shipments of papayas within the State of Hawaii. However, there is no restriction on the containers that may be used for export shipments. It was testified at the hearing that most export shipments are in cartons with a net fill weight of 10 pounds. Also, record evidence shows that containers used for such shipments do not now present serious problems in marketing. However, to insure that undesirable containers are not used the order should contain authority for the committee to recommend and the Secretary to issue regulations prescribing the size, capacity, weight, dimensions, or pack of the containers that may be used in the handling of papayas within the production area and for export.

It would not be in the public interest to cease all regulations should grower prices exceed the parity level. To cease all regulations may result in the dissipation of all the benefits derived from the program and result in disorderly marketing. Therefore, the order should provide that the Secretary be authorized, during periods when producer prices exceed the parity level, to limit shipments of papayas by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity as will be in the public interest. In the State of Hawaii Department of Agriculture wholesale standards for Hawaii grown papayas, each papaya must meet the size requirement set forth for that grade. For example, to be classified, as Hawaii Fancy, each papaya must weigh not less than 16 ounces. The minimum weight prescribed for Hawaii No. 1 grade is 14 ounces. Thus, there is a definite correlation between the size of the papaya and the quality of such fruit.

As hereinbefore discussed, markets within Hawaii are an important outlet for papayas. Because of the close proximity of some of the fields to market in Hawaii, it may not be in the best interest of the papaya industry to require papayas for sale within Hawaii to meet the same requirements applicable to shipments of papayas to export markets. The order should authorize the Secretary, on the basis of a committee recommendation or other available information, to prescribe requirements applicable to exports of papayas which are different from those applicable to the handling to other destinations.

Therefore, it is concluded that the establishment of the order, providing for regulation of grade, size, quality, and maturity of shipments of papayas produced in Hawaii, and for regulation of the containers, and pack that may be used for such shipments, is necessary to effectuate the declared policy of the act. Also the establishment and maintenance in effect of minimum standards of quality and maturity, when prices are above the parity level, will effectuate such orderly marketing of papayas as will be in the public interest. The objective under such order is the tailoring of the supply of papayas available for sale in fresh market channels to the demand in such outlets so that the fruit thus made available to buyers will be packaged uniformly and be of desirable grade, size, quality, and maturity. Such limitations on shipments of papayas grown in Hawaii should contribute to the establishment of more orderly marketing conditions for such fruit and tend to increase the demand therefor.

(3) The term "papayas" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all variations of papaya classified botanically as related to the species Carcia. Presently, most of the papaya production is classified botanically as *Carcia papaya variety solo*. However, the definition of papaya should include other varieties that may be developed and produced in the production area. Papayas are readily distinguishable from other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute in the receiving markets papayas grown in the production area.

A definition of the term "production area" should be incorporated in the order to designate the specific area in which the papayas to be regulated are grown. Such area should embrace all of the territory within the State of Hawaii. Presently most of papaya production is located in the Puna area of the Island of Hawaii. There are fields where papayas are produced commercially on the islands of Kauai, Maui, Molokai, and Oahu. In addition to this acreage, there are areas on each island within the State of Hawaii having soil, water conditions, and weather patterns of such nature to be potential producing acreages and all such acreage should be included in the production area. It is well established that there are areas throughout the production area, because of soil, water, or weather conditions, where papayas are not now or are not likely to be grown. However, it would not be practicable to exclude areas not producing papayas which are within or adjacent to the commercial papaya producing area.

If such areas were excluded, it is very likely that papaya fields would be established extensively in such excluded areas. The production from such fields would not be subject to regulation and would impede the effectiveness of the order. Hence, it is concluded that the production area, as hereinafter defined, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of papayas that is regulated, the term "handler" should apply to all persons who place papayas in commerce by performing any of the activities within the scope of the term "handle", as hereinafter described. In other words, any person who is responsible for the sale, consignment, or transportation of papayas, or who in any other way places papayas in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of papayas owned by another person should not be considered as making such a carrier a "handler" as, in such instances, the carrier is performing a service for hire, and is not responsible for the quality or pack of the commodity. Of course, if the carrier is the owner of the papayas being transported, such carrier would be a handler the same as any other person who may primarily be engaged in another business—such as a producer or retailer—but at times is also a handler.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place papayas in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of papayas begins at the time the fruit is picked from the tree and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these

activities, such as selling, consigning, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of papayas to fruit which conforms to the applicable regulations under the order.

It is usual for papayas, after picking, to be sorted, graded, packed, or otherwise prepared for market at a packing facility in the production area. Such preparation for market may be performed at the field where the fruit is grown, or the papayas may be transported to the packing facility prior to sorting, grading, and packing. The grower, in such instance, properly relies on the person preparing the papayas for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the papayas in commerce. It would not be practical and would unnecessarily complicate the administration of the order to require persons engaged in the preparation of papayas for market to meet the requirements of regulation under the program until after such preparation. Therefore, activities in connection with the preparation of papayas for market should be excluded from the definition of "handle."

Testimony at the hearing established that packing facilities are generally located in or near the area where the fruit is produced. It is the activity which determines who is a handler and not the location within the production area of the packing facility. Facilities located in "out of the way" places may present problems of administration but such should be resolved by the administrative committee through rules and regulations to make sure that the regulations in effect are not circumvented.

Papayas are sometimes sold, after picking, at the field where grown, at a roadside stand, or at a packinghouse to brokers and others who transport the papayas or cause the transportation thereof from such points to markets within and without the State. The sale or delivery of papayas to such persons, and the subsequent movement to market, are each handling transactions. Any person who is engaged in any such transaction, whether grower, packinghouse operator, broker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the papayas he handles meets all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading or otherwise preparing the papayas for market. The primary responsibility for obtaining inspection and certification to determine whether a particular lot of papayas conforms to the applicable regulations should rest with the person who places such lot in the current of commerce. In most cases, such person will be the one who was responsible for grading and preparing the papayas for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the papayas are met at the time such person handles the papayas. This can readily be ascertained by determining that the papayas have been inspected and certified as meeting such regulations or by having them inspected. As all handling of papayas is in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, or transportation of papayas within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meaning whenever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employees of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" should follow the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal year" should be defined to set forth the period with respect to which financial records of the Papaya Administrative Committee, the administration committee established by the order, are to be maintained.

Papayas are produced and marketed each month of the year. The records of most industry members are maintained on a calendar year basis. Record evidence shows that it would not be difficult for those persons whose records are maintained on a basis other than the calendar year to comply with the reporting requirements of the order. Also, the Hawaii Crop and Livestock Reporting Service issues its reports on the basis of the calendar year. Therefore, it is concluded that the fiscal year should be the 12-month period beginning January 1 of each year.

Due to the increased interest in papayas, it is probable that new varieties may be developed or new marketing practices may be adopted or for some other reason, a different fiscal year would be desirable. Therefore, the order should authorize the Secretary, on the basis of a committee recommendation, to change the beginning and ending dates of the fiscal year whenever it is appropriate to do so.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is used.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged in the production area, in the production of papayas for market. A definition of the term "grower" is necessary to determine eligibility to vote for nominees for, and serve as, grower members or alternate members of the Papaya Administrative Committee. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the grower members of the committee. The districts (i.e., the geographical divisions of the production area) as hereinafter set forth represent a reasonable basis for providing a fair, adequate and equitable representation on the committee. The provisions for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

"Export" should be defined in the order to mean to ship papayas to any destination outside the State of Hawaii. Presently, the industry considers all shipments to destinations outside of Hawaii as export shipments. It is desirable to define "export" in the order to clearly set forth what shipments are covered when the term "export" is used. The order should contain provisions which would permit the committee to recommend and the Secretary to issue regulations prescribing requirements for export shipments which are different from the requirements applicable to shipments within Hawaii. Such requirements may include grade, size, quality, maturity, pack or containers or any combination thereof. The need for this provision stems from the differences in market demand as between domestic and other markets, the method of shipment employed, and the amount of time involved from time of harvest until the papayas reach the consumers in the various markets. Thus, to effectively market papayas, the requirements applicable to these two-market outlets, domestic and export, may need be different. When certain marketing conditions prevail it may be desirable to impose restrictions to one such outlet and apply no restrictions to the other outlet. Therefore, "export" should be defined, as hereinafter set forth, to

mean to ship papayas to any point outside the State of Hawaii.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purpose of the order and the declared policy of the act. The term "Papaya Administrative Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 13 members, of whom 10 should represent growers and three should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of papaya shipments.

Seven of the 10 grower members and their respective alternates should be producers in District 1. The other three grower members and their alternates should be allocated to Districts 2, 3, and 4, on the basis of one member and his alternate per district. Such representation represents to the extent practicable the relationship of the volume of production in the four districts. It also recognizes the division of the State of Hawaii that has been made for other purposes. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

The three handler members and their alternates should be selected from the production area at large. This is appropriate since most of the papayas are handled by handlers whose operations encompass the production area.

Each grower member of the committee, and his alternate should be a grower, or an officer or employee of a grower. There are growers in the production area which are companies, either incorporated or otherwise, and a company, as such, would be precluded from having representation on the committee unless officers and employees of growers were permitted to vote for and serve as grower members of the committee. A person who is a grower or an officer or employee of a grower should be acquainted with the problems of producing papayas in the District where such person produces papayas.

Each handler member of the committee and his alternate should be a handler, or an officer or employee of a handler. There are handlers in the production area which are companies, either incorporated or otherwise, and a company, as such, would be precluded from having representation on the committee unless officers and employees of handlers were permitted to serve as handler members of the committee. People who are handlers or officers or employees of a handler should be acquainted with the problems of handling papayas grown in the production area.

The term of office of committee members and alternates under the proposed program should be for 2 years beginning on the first day of January and continuing until December 31 of the succeeding year. This will establish an orderly procedure for changing the membership on the committee. The term of office should be for 2 years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of heaviest shipments during each marketing season and hence will allow adequate time for the committee to organize and start operating.

Provision should be made in the order for the Secretary to change the term of office pursuant to a recommendation from the committee. The order contains provisions for changing the fiscal year. If the fiscal year is changed, it will probably be desirable for the term of office of committee members to be changed to coincide with the then fiscal year.

It is probable that the order, if made effective, will not become effective until about the spring of 1971—a date well past the starting date of the 1971 fiscal year. Therefore, the order should provide that the initial term of office shall begin on the effective date of the order and end December 31, 1972. Successor members and alternates should be appointed for 2-year terms as herein provided. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members on the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that the industry desires that names of the nominees for appointment to the initial committee be obtained from nominations made at meetings of growers and handlers, or from lists submitted by individual growers and handlers. As a practical matter such nominations must be available to the Secretary not later than the effective date of the order, if the order is to operate in an effective way for the 1971 marketing season. If such nominations are not made available to the Secretary by the effective date of the order, the Secretary should be free to appoint the committee without the formal nomination procedure. It was testified at the hearing that there are organizations, such as the Hawaii Papaya Industry Association, the Big Island Papaya Growers Association, and others, which will be holding meetings in the production area and which papaya growers would normally attend, which may be utilized for obtaining the names of the initial nominees and such meetings would afford larger grower and handler participation than if meetings were called solely for the purpose of obtaining the names of nominees. Thus, the nomination of prospective members and alternate members at such meetings of growers in the respective districts and handlers from the production area at large is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the initial committee.

Elections for the purpose of designating nominees for successor members of the committee and their alternates whose term of office expire on the last day of December of such year should be held during such year by the committee. Such meetings should be held prior to November 15, and at such places that may be designated by the committee so that the names and addresses of the nominees can be submitted to the Secretary in time for the committee to be appointed and functioning by the beginning of the fiscal year, January 1.

The order should provide that only growers, including duly authorized officers or employees of growers who are present at nomination meetings, may participate in the nomination and election of grower members and their alternates because it is proper that growers nominate the persons who are to represent them. Each grower should be permitted only one vote for each nominee to be elected in the district in which he produces papayas as this is a democratic method of voting. To prevent growers who produce papayas in more than one district from having a greater voice in nominating representatives than do growers who produce papayas in only one district, no grower should be permitted to participate in the election of grower nominees in more than one district in any one fiscal year.

The order should provide that no grower organization should be permitted to have more than a total of three members and three alternate members on the committee. This requirement would tend to assure wider distribution of the membership on the committee among the

growers that would likely result without such limitation. Representation from many grower segments of the industry is desirable. Such would tend to assure that there would be full discussion on all matters requiring the attention of the committee and that all views would be expressed before a decision is reached.

Only eligible handlers, including duly authorized officers and employees of such handlers, who are present at nomination meetings should be permitted to participate in the nomination and election of handler members and their alternates since the handlers should be the ones to indicate the persons they desire to represent them on the committee. Also, handlers should be eligible to cast only one vote for each nominee to be elected. Such provisions are necessary and desirable in order to assure that each handler is given an equal voice in the selection of the nominees for handler membership.

Consistent with a modification introduced at the hearing, the order, as hereinafter set forth, should provide that in the nomination of persons to fill handler positions the vote of each handler should be weighted by the volume of papayas he handled during the then current fiscal year. Presently, there are three major handlers of papayas. These handlers market approximately 90 percent of the total volume of papayas marketed by all handlers. The inclusion of the requirement that handler votes be weighted by the volume of papayas handled would tend to insure that the persons nominated for handler member positions, including alternate handler members, would have knowledge of the handling and marketing problems that confront the industry.

However, to prevent any handler organization from having more representation on the committee than is appropriate and thus being in a position to unduly influence the actions of the committee, the order should provide that no handler organization should be permitted to have more than one member and one alternate member on the committee.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternate members without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nomination where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

It was testified at the hearing that, at times, it may be desirable to fill vacancies from the list of persons who were nominated at the previous nomination meeting but who were not appointed because they did not receive a sufficient number of votes. By keeping a record of such voting, the industry could indicate who it desires to be appointed to the committee without holding a meeting for that purpose.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district will generally have grower representation and handler representation from the production area at large at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member be absent, die, resign, be removed from office, or be disqualified, the representation on the committee will remain unchanged. The alternate should serve until a successor to such member has been appointed and has qualified.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

A majority of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make decisions; and any committee action should require a minimum affirmative vote of at least seven of the members present. Actions taken by the committee are of such importance that a majority should be required for a quorum and any actions of the committee should receive at least seven favorable votes.

The committee should be authorized to vote by telephone, telegraph, or other means of communications when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes cast. In the case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that members and alternates of the committee be reimbursed for actual out-of-pocket reasonable expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all papaya growers and handlers in the production area.

In order for a grower alternate adequately to represent his district or an alternate handler member to serve at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussion leading up to action that may be taken at the meeting. Likewise, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although, only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer and handler attitudes towards a proposed regulation or other matters. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective member, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

Provision should be made whereby the committee will be authorized to prepare an annual report as soon as is practicable after the close of each fiscal period. Handler reports and records for any fiscal year could not be completed and submitted to the committee until after the close of the fiscal period. Hence, it would not be possible to prepare an accurate annual report until after the fiscal year had ended. It should not be mandatory that the committee prepare an annual report each fiscal year. It may be that the committee determines that there is insufficient money available to defray the cost of preparing and distributing an annual report. There may be other reasons why it would not be desirable to prepare an annual report and the committee should not be required to issue such a report when it determines that such a report is not warranted. However, should the Secretary request an annual report, the committee should prepare a report. Annual reports would provide the committee, the Secretary, and the industry with a record of the operations under the program. Such report would also provide a means for evaluation of the program and the need for any changes therein. When consideration is being

given as to whether to issue an annual report, considerable weight should be given to the value of such report. It is anticipated that value of the report will far exceed the cost involved in its preparation and distribution. On this basis it is anticipated that the committee will issue a report each year.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessment should be required even if particular provisions of the order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to papayas handled by him as the first handler thereof his pro rata share of such expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. Each handler's share of such expenses should be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal year and the total quantity of papayas so handled by all handlers during the same fiscal year. In this way, payments by handlers of assessments would be proportionate to the respective quantities of papayas handled by each handler and assessments would be levied on the same papayas only once.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal year, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means of repaying any loans.

Should it develop that assessment income, during a fiscal year, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all papayas handled during the particular fiscal year so that the total payments by each handler during each fiscal year will be proportional to the total volume of papayas handled during that period.

Should the provisions of the order be suspended during any portion or all of a fiscal year it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will continue to have duties to perform and incur expenses each fiscal year even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods, it would be necessary to eliminate the payment of any salaries, rent, or utilities. Since such expenses will not always cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, in the absence of a reserve it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

It would be equitable, and far less burdensome, for handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay an excessively high rate of assessment during a year when the crop is materially reduced. The reserve fund should be built up to the desirable amount rather slowly, over a period of time, as funds in excess of expenses may be available. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately 1 fiscal year's operational expenses should be provided. A reserve of that amount should be adequate to meet any foreseeable need. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a fiscal year, after first offsetting any amounts due from the handler.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal moneys to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth authority for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of papayas.

The proponents testimony attests that there are no specific projects which the proponents recommend to pursue at this time. However, record evidence shows there are many areas where research on an industry basis is needed. For example, it was testified at the hearing that there is not a sufficient byproduct outlet for papayas. This has resulted in growers having to dump fruit. Presently, the industry faces the problem of increasing consumer consumption of papayas. Consumers must be made aware of papayas. Research could be undertaken which would introduce papayas through hotels and restaurants by means of menu cards, fruit samples and other means of inducing such establishments to use papayas. Also, research could be instituted at the retail store level which may utilize point of sale material, samples, and other methods to introduce the respective customer to papayas. It was also pointed out at the hearing that research is badly needed to improve the handling operations. Under the present methods, papayas are handled a great number of times. Research may lead to new methods where fewer handlings of the fruit is required.

Production research might be undertaken on methods which would retard the growth of the tree so that there would be a longer period of time during which papayas may be harvested before the fruit bearing area becomes so high that harvesting the fruit is difficult. Also, research leading to a tree which will start fruiting at a lower height should reduce harvesting costs. These

are but a few of the kinds of research that the committee may want to undertake. It is desirable for the order to contain authority for the committee to engage in research projects, either production or marketing research or both, and development projects which are designed to assist, improve production or promote the marketing, distribution and consumption of papayas.

The order should contain authority for the committee to engage in promotional activities, including paid advertising, as a means to strengthen the competitive position of papayas in the marketplace. As hereinbefore stated, consumers must be made aware of papayas. The employment of paid advertising and other advertising techniques, as proposed to be authorized under the order, would provide the committee with a means whereby sales may be stimulated and returns to producers enhanced. Such promotional techniques designed to increase the consumer knowledge and awareness relative to papayas and its uses should be authorized to be employed as the occasion requires to achieve a more favorable balance between supply and demand. It is not possible at this time to visualize the exact type of promotional program that would be required to meet the needs of the industry. Therefore, the authority for the committee to establish promotional and advertising projects should be broad and flexible, and available to the extent permitted under the act to facilitate timely development of programs suitable to the circumstances.

Prior to engaging in any research or development projects, the committee should, of course, submit to the Secretary for his approval the plans for each project. When considering any research or development project, the committee should give consideration to all those factors set forth in the order. It is only good business to consider the cost, the objectives to be accomplished, the time required to complete the project and other factors in order to arrive at a sound decision as to whether the project is justified. Of course, the costs of any such projects should be included in the budget submitted for approval, and such costs should be defrayed by the use of assessment funds as authorized by the act.

(c) The declared policy of the act is to establish and maintain such orderly marketing conditions for papayas, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of papayas, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to papayas produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of papayas. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for papayas since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the lastest known market conditions when changes in such conditions are sufficient to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such grade, size, and quality regulations, as well as any other regulations and amendments thereto, authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for papayas. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulation will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend such amendment, modification, suspension, or termination of such regulations as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for papayas. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The order provides for grade, size, quality or maturity regulations. It seems logical that the committee will recommend one of the grades set forth in the Wholesale-Retail Grade Standards promulgated by the Hawaii Department of Agriculture or modifications thereof or variations based thereon. For example, if the committee recommends and the Secretary issues a regulation providing that papayas shall meet the requirements of the Hawaii No. 1 grade except that the papayas shall each weigh at least 10 ounces, such would be a proper modification of the Hawaii No. 1 grade. In this instance, the papayas could be labeled Hawaii No. 1.

The grade, size, and quality of papayas which are shipped at any particular time have a direct effect on returns to growers. The poorer grades and less desirable sizes of papayas marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of papayas of lower grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of the poor quality papayas.

Handlers sometimes have shipped in fresh fruit channels papayas of low quality and of undesirable sizes. Such papayas may be sold only at discount, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the price for the entire crop, for the particular year, below the level which otherwise would have existed if only papayas of suitable grades, size, and quality, had been available in the markets.

The demand for particular grades, sizes, and qualities of papayas varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for papayas are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the papaya crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of papayas harvested in the production area and available for shipment in fresh market outlets so that the market demands could generally be met without shipment of the poorer grades, sizes, and quality papayas to such market outlets. The shipment of excessively

small and poor quality papayas has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by grade, size, and quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the papaya crop will be marketed.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimension, or pack of the containers which may be used in the packaging or handling of papayas.

Most shipments of papayas to the export markets are in cartons having a net fill weight of 10 pounds. The number of fruit in the containers may vary. Presently, only two containers are authorized for use for shipments in Hawaii. As the export market for papayas is expected to expand, and as the size and type of containers which will satisfactorily deliver papayas to such destination is not known at the present time it may be appropriate for the committee to recommend and the Secretary to prescribe the containers which may be used for such shipments. This action would be predicated upon the results obtained through research or based on information resulting from shipments by handlers or as dictated by the desires or demands of the people at destination.

The order should contain authority to regulate the packs of containers. The regulation of the packs of containers would assist the papaya industry in the production area in its merchandizing efforts to provide the most acceptable packs to enhance trade acceptance. It is essential that authority be included in the order for prescribing pack limitations designed to protect the reputation of packs known or found to be superior, including any for which a demand has been built through research and development. If it is found that the demand for papayas is enhanced in certain containers when a particular manner of arrangement, grade, or size is used, it may be desirable to prescribe the grade, sizes, and methods of arrangement which may be used in specified packages. Therefore, it is concluded that the order should contain authorization to so prescribe.

It is not in the public interest to cease regulations when the season average price of papayas exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality, in terms of grades and sizes, or both; and such grading and inspection requirements, during any and all periods when the season average price for papayas may be above parity, as will effectuate such orderly marketing of papayas as will be in the public interest. Some papayas do not give consumer satisfaction regardless of the price level. Papayas harvested at a time when they are insufficiently mature to ripen properly, offgrade papayas, and papayas of very small sizes are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of such immature papayas or fruit lacking in the quality necessary to assure delivery in satisfactory condition cause an adverse buyer reaction and tend to demoralize the market for later shipments of all papayas. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulations when the season average price is above parity. Hence, the discontinuance of regulations during seasons when the average price exceeds parity could adversely affect consumers and producers alike, and also result in dissipation of all benefits from prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. Such developments depend on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendation of the committee or other available information made after review of the existing conditions that year.

(f) The order should provide for the exemption from its provisions of such handling of papayas which it is not necessary to regulate in order to effectuate the declared policy of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Papayas which are handled for consumption within certain charitable institutions, or for distribution by some relief agencies, or for commercal processing into products have, except as hereinafter discussed, little influence on the level of prices for fresh papayas sold in the domestic and export markets. Hence, papayas handled for such purposes could be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of papayas, in such specified small quantities, or types of shipments, including gift fruit shipments, or shipments made for such specified purpose as it is not necessary to regulate in order to effectuate the declared policy of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate because of the small volume and the cost involved and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of papayas in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether papayas which are handled for consumption within charitable institutions, for distribution to relief agencies or whether small quantities or types of shipments, or shipments made for special purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemption should be in effect.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent papayas handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objectives of the program. For example, should it be found that a portion of the papayas moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such papayas do not have to comply with grade, size, quality, or other requirements. These procedures might include such requirements as filing application for authorization to move papayas in exempted channels and certification by the receiver that such papayas would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(g) Provision should be made in the order requiring all papayas handled during any period when handling limitations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all papayas handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with regulation issued under the program can be ascertained only through inspection and certification of all papayas handled during the effective period of such regulation. As a handler of papayas is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of papayas handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal and the Federal-State Inspection Service, and the certification of papayas in the production area.

Responsibility for obatining inspection and certification should fall on each person who handles papayas. In this way, not only will the handler who first ships or handles papayas be required to obtain inspection and certification thereof, but also no subsequent handler may handle papayas unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of papayas previously inspected is regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such papayas should be required to be inspected following such preparation and certified as meeting the requirements of the applicable regulations before such papayas are handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

The committee should be authorized to enter into an agreement with the appropriate inspection service with respect to the costs of inspection required under the order and to collect from handlers their pro rata shares of such costs. As hereinafter discussed, there are growers who are located in out-of-the-way places that are considerable distances from established inspection points. Other handlers inspection cost may be high because of the limited volume handled. Through such an agreement, the costs, per package, for the required inspection and certification will be uniform to all handlers and the industry will pay only the actual cost of such service. A representative of the Hawaii Department of Agriculture indicated that such an agreement could be satisfactorily arranged. Through such an arrangement inspection costs are likely to be lower than would be possible without such an arrangement. The collection of inspection fees by the committee is desirable since two bills—inspection and assessment cost—could be consolidated into one payment. Separate accounting of these costs should be maintained however.

It was testified at the hearing that there are papaya fields, such as some of those located on the island of Oahu, and on the island of Maui, that are considerable distance from established inspection points, thus making inspection not readily available to such handlers. It would be expensive and impractical to make the inspection at the point where such papayas are prepared for market and first handled as defined in the order and thus become subject to regulations. Inspection fees are the chief source of income for the Federal-State Inspection Service. For that reason, it is generally not the policy to maintain a year-round staff of the size required for peak load periods. The use of inspection personnel for such isolated inspections, where a large percentage of the time involved is spent in travel, would not utilize such personnel in an effective manner. Record evidence shows that the committee should have the authority to conclude an arrangement with the inspection organization whereby the committee could issue waivers-of-inspection to growers for fruit produced at locations not having inspection service readily available. The committee should also be authorized with the approval of the Secretary to prescribe such safeguards as are necessary to prevent papayas handled pursuant to any such procedure from being marketed without complying with the provisions of the order.

(h) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the Secretary and the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is anticipated that much of the information needed from handlers will be obtained from the inspection certificates. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of papayas. Such records should be retained for not less than 2 years after the termination of the fiscal year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose.

(i) Except as provided in the order, no handler should be permitted to handle papayas, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle papayas except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 928.62 through 928.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 928.72 through 928.74, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

These provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 928.62 *Right of the Secretary;* § 928.63 *Effective time;* § 928.64 *Termination;* § 928.65 *Proceedings after termination;* § 928.66 *Effect of termination or amendment;* § 928.67 *Duration of immunities;* § 928.68 *Agents;* § 928.69 *Deorgation;* § 928.70 *Personal liability* and § 928.71 *Separability.*

With respect to § 928.64 *Termination,* record evidence shows that it is the wish of the industry, and the order so provides, that the Secretary conduct a referendum among growers to ascertain if continuance of the order is desired by growers when so recommended by the committee. Any committee recommendation for a referendum should be received not later than October of an even-numbered year. This would provide a sufficient time so that he could conduct the referendum prior to December 1 of that year, as required by the order.

The order cannot be made effective until about the spring or summer of 1971. Thus, October 1, 1972, would permit the committee to initially appraise the operation of the program for two seasons when it considers whether to recommend that a referendum be conducted with respect to continuance.

The provisions of the order with respect to committee recommendation for a referendum on continuance should not preclude the Secretary from conducting a referendum at such other times as he may determine to be appropriate. Such authority is contained in § 928.64(c) of the order.

These provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 928.72 *Counterparts;* § 928.73 *Additional parties;* and § 928.74 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. October 30, 1970, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of papayas grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of papayas grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of papayas grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 928.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 Act.

"Act" means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 928.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Papayas.

"Papayas" means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

"Production area" means the State of Hawaii.

§ 928.6 Fiscal year.

"Fiscal year" means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided,* That the initial fiscal year shall begin on the effective date of this part.

§ 928.7 Committee.

"Committee" means the Papaya Administrative Committee established pursuant to § 928.20.

§ 928.8 Grower.

"Grower" is synonymous with "producer" and means any person who produces papayas for market, and who has a proprietary interest therein.

§ 928.9 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

§ 928.10 Handle.

"Handle" or "ship" are synonymous and mean to sell, consign, deliver, or transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale of papayas on the tree; (b) the transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or (c) the sale of papayas at retail by a person in his capacity as a retailer.

§ 928.11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(n):

(a) District 1 shall include the island of Hawaii.

(b) District 2 shall include the county of Maui which consists of the islands of Maui, Molokai, Lanai, and Kahoolawe, and Kalawao County.

(c) District 3 shall include the county of Kauai which consists of the islands of Kauai and Niihau.

(d) District 4 shall include the county of Honolulu which includes all of the island of Oahu.

§ 928.12 Export.

"Export" means to ship papayas to any point outside the State of Hawaii.

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of thirteen (13) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten (10) of the members and their respective alternates shall be growers and are referred to as "growers" members of the committee. Seven of the ten grower members and their respective alternates shall be producers of papayas in District 1, one grower member and his alternate shall be producers of papayas in District 2, one grower member and his alternate shall be producers of papayas in District 3, and one grower member and his alternate shall be producers of papayas in District 4. No grower organization shall be permitted to have more than three (3) members on the committee. The three (3) handler members and their respective alternates shall be selected from the production area at large. No handler organization shall be permitted to have more than (1) handler member on the committee.

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning January 1 and ending on the second succeeding December 31 or such other dates as the Secretary may establish pursuant to a recommendation of the committee: *Provided,* That the term of office of the initial members and their alternates shall end December 31, 1972. Members and alternates members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 928.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nomination may be made by means of a meeting of handlers, and group meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for the initial members are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selection shall be on the basis of the representation provided for in § 928.23.

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than November 15 of each even numbered year, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate member of the committee, which shall be publicized and open to all growers and handlers. At each grower meeting, a chairman and a secretary shall be selected by growers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary. At each handler meeting, a chairman and a secretary may be selected by the handlers eligible to participate therein. If a chairman is elected he shall announce the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a report concerning such meeting. If a chairman is not elected some person shall be designated to file a report with the committee concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces papayas. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote, which vote shall be weighted by the volume of papayas handled by such handler during the then current fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

§ 928.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 928.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 928.20.

(b) *Successor members.* From the nominations made pursuant to § 928.22, or from other qualified persons, the Secretary shall select the 10 grower members of the committee, the three handler members of the committee, and an alternate for each such member.

§ 928.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 928.22 the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 928.20.

§ 928.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 928.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.22 and 928.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 928.20.

§ 928.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 928.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 928.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers; and to select sub-committees, advisory committees or other committees and define the duties of each;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties and procedures of each;

(c) To submit to the Secretary prior to each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To require adequate fidelity bonds for all persons handling funds;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(h) To act as intermediary between the Secretary and any grower or handler;

(i) To provide an adequate system for estimating the total season crop of papayas and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this marketing order;

(j) To investigate the growing, handling, and marketing conditions with respect to papayas, and to assemble data in connection therewith;

(k) To engage in such research relating to the determination of maturity and grade standards for papayas as may be approved by the Secretary;

(l) To submit to the Secretary such available information, including verified reports, as he may request;

(m) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(n) To investigate compliance with the provisions of this meeting order; and

(o) With the approval of the Secretary to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in papaya production within the districts and the production area.

§ 928.32 Procedure.

(a) A majority of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require at least seven concurring votes;

(b) The committee may vote by telegraph, telephone, or other means of communication, and any vote so cast shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

(c) All meetings of the committee held for the purpose of formulating a marketing policy, for formulating recommendations for regulations, or for

consideration of matters pertaining to production research, marketing research and development projects, including paid advertising shall be open to the growers and handlers. The committee shall give notice to each grower and handler who has requested such notice and has filed his name and address with the committee.

§ 928.33 Expenses and compensation.

The members of the committee and alternates when acting as members, or when requested by the committee to attend a committee meeting or to perform another committee function, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

§ 928.34 Annual report.

The committee may, as soon as practicable after the end of the fiscal year, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the papaya industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 928.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enble it to exercise its powers and perform its dutles in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 928.41.

§ 928.41 Assessments.

(a) Each person who first handles papayas shall, with respect to the papayas so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal period and the total quantity of papayas so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such expenses shall be applied to all papayas handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

§ 928.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such expenses shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands payment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of this pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years, an operating monetary reserve in an amount not to exceed approximately 1 fiscal year's operational expense. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses pursuant to § 928.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

RESEARCH

§ 928.45 Production research, marketing research and development.

(a) The committee, with the approval of the Secretary may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the production, marketing, distribution, and consumption of papayas. Such projects may provide for any form of marketing promotion including paid advertising. The expense of such projects shall be paid by funds collected pursuant to § 928.41.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of papayas in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The need for production or marketing research with respect to any production or marketing development activity.

(c) If the committee should conclude that a program of production or marketing research or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary;

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any production research or marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

REGULATION

§ 928.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 928.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of papayas within the production area;

(2) The estimated utilization of the crop, showing the quantity and percentages of the crop expected to be marketed through fresh fruit channels within the State of Hawaii, within the continent of North America, and within the balance of the markets of the world; and showing the quantity and percent of the crop expected to be marketed through byproduct channels, together with quantities otherwise to be disposed of;

(3) Available supplies of competitive papayas in all producing areas of the United States and other competitive producing areas;

(4) Trend and level of consumer income;

(5) Other factors having a bearing on the marketing of papayas; and

(6) The type of regulations expected to be recommended during the season.

(b) In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section. The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers. The committee shall announce the contents of each marketing policy report, including each revised marketing policy report.

§ 928.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of papayas in the manner provided in § 928.52 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for papayas during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 928.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of papayas whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area;

(2) Limit the shipment of papayas by establishing, in term of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of papayas;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of papayas which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof, to growers and handlers.

§ 928.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 928.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of papayas in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 928.54 Special purpose and minimum quantity shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 928.41, 928.52, 928.53 and 928.55, and the regulations issued thereunder, handle papayas (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 928.41, 928.52, 928.53, and 928.55, the handling of papayas in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle papayas pursuant to this section, and that such application be accompanied by certification by the intended purchaser or receiver that the papayas will not be used for any purpose not authorized by this section.

§ 928.55 Inspection and certification.

(a) Whenever the handling of any variety of papayas is regulated pursuant to § 928.52 or § 928.53, each handler who handles papayas shall, prior thereto, cause such papayas to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for papayas which previously have been so inspected and certified only if such papayas have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such papayas.

(b) The committee may enter into an agreement with the inspection agency with respect to the costs of inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 928.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of papayas received and disposed of and such other information as may be necessary for the committee to perform its duties under this part.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records of the papayas received and of papayas disposed of by such handler as may be necessary to verify reports pursuant to this section.

(d) Verification of reports: For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the Committee, through its duly authorized agents, shall have access to any fumises where applicable records are maintained, where papayas are handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

MISCELLANEOUS PROVISIONS

§ 928.61 Compliance.

Except as provided in this part, no person shall handle papayas, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle papayas except in conformity with the provisions and the regulations issued under this part.

§ 928.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time.

Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 928.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 928.64.

§ 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of papayas for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of papayas produced for fresh market in the production area; but such termination shall be effective only if announced on or before December 15 of the then current fiscal period.

(d) Upon recommendation of the committee, received not later than October 1 of an even-numbered year, the Secretary shall conduct a referendum prior to December 1 of such year to ascertain whether continuance of this part is favored by the growers.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 928.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which may thereafter arise in connection with any provisions of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any violation.

§ 928.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 928.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 928.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 928.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 928.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 928.72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ 928.73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

§ 928.74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of papayas in the same manner as is provided for in this agreement. * * *

Dated: January 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1175 Filed 1-27-71;8:48 am]

[7 CFR Part 999]

IMPORTATION OF DATES

Grade Requirements

Notice is hereby given that the Department is proposing a revision to become effective during March 1971, of the present grade requirements (7 CFR 999.1(b)(1)) for imported dates, other than dates for processing, from a modified U.S. Grade C of the U.S. Standards for Grades of Dates (7 CFR 52.1001—52.1011) to a grade comparable to the modified U.S. Grade B grade applicable to the handling of domestic dates. The requirements governing the importation of dates (7 CFR 999.1) are effective pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The current grade requirements for the handling of domestic dates (whether whole or pitted) under Order No. 987, as amended (7 CFR Part 987), are contained in paragraph (a) of § 987.203 Additional grade regulation (7 CFR 987.203) and became effective November 14, 1970 (34 F.R. 17528). They reflect a revision of the preceding requirements from a modified U.S. Grade C to U.S. Grade B, with a tolerance for dates packed for handling of not more than 25 percent, by weight, for dates possessing semidry or dry calyx ends, except that not more than 5 percent, by weight, of the dates may possess dry calyx ends.

Section 8e of the act provides that whenever the Secretary of Agriculture finds that the application of the restrictions under a marketing order to imported dates, other than dates for processing, is not practicable because of variations in characteristics between domestic and imported dates he shall establish with respect to imported dates, other than dates for processing, such appropriate grade, size, quality, and maturity restrictions as he finds will be equivalent to or comparable to those imposed upon domestic dates under the order.

Following the revision in November of the grade requirements for the handling of domestic dates under the marketing order, the Department considered information derived from the inspection of imported dates in relation to information pertaining to domestic dates. It found that imported dates may dry out to such a degree prior to importation that they vary in color more and are drier in texture (character) than permitted by U.S. Grade B for the handling of domestic dates under the current grade requirements of the marketing order. However, it found also that upon hydration of such dates in accordance with good commercial practice, the dates most generally met the color and texture (character) requirements of U.S. Grade B.

To recognize and provide for such possible differences with respect to color and texture (character), the proposed grade restrictions require imported dates to be of such quality and condition that: (1) Upon inspection on the basis of a representative sample thereof without hydration of the sample the dates meet the color and texture (character) requirements of U.S. Grade B; or (2) upon inspection on the basis of such a sample with hydration of the sample in accordance with good commercial practice, the dates meet such requirements. The proposal, as hereinafter set forth, also modifies the present import grade requirements by prescribing for the importation of dates, other than dates for processing, the requirements of U.S. Grade B which under the marketing order are applicable to the handling of domestic dates, and the increased tolerances allowed for calyx ends.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Amend § 999.1 *Regulation governing the importation of dates* (7 CFR 999.1) by revising paragraph (b)(1) thereof to read as follows:

§ 999.1 Regulation governing the importation of dates.

* * * * *

(b) *Grade requirements.* (1) Except as provided in paragraph (d) of this section, no lot of dates for packaging and dates in retail packages shall be imported into the United States unless the dates are wholesome and unadulterated and meet the following grade requirements which are determined to be comparable to those imposed upon domestic dates handled pursuant to Order No. 987, as amended (Part 987 of this chapter): The whole or pitted dates in the lot of one variety, and are of such quality and condition that upon inspection on the basis of a representative sample thereof, with hydration (of the sample) in accordance with good commercial practice or without any hydration, the dates possess a reasonably good color, are reasonably uniform in size, are reasonably free from defects, possess a reasonably good character, and score not less 80 points when scored in accordance with the scoring system applicable to U.S. Grade B dates: *Provided*, That not more than 25 percent, by weight, of the dates may possess semidry or dry calyx ends except that not more than 5 percent, by weight, of the dates may possess dry calyx ends: *And provided further*, That in determining the grade for pitted dates, the pitted dates shall not be scored as damaged because of the longitudinal slit caused by removing the pit or the mashing resulting therefrom unless the flesh is seriously torn or mangled.

* * * * *

Dated: January 25, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1205 Filed 1-27-71;8:50 am]

[7 CFR Part 1062]

MILK IN ST. LOUIS-OZARKS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the St. Louis-Ozarks marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal proposed to be suspended is contained in § 1062.53(d) and consists of: "Barry, Douglas, Greene, Howell, Lawrence, Ozark, Stone, Taney, Webster, Wright,".

With suspension, § 1062.53(d) would read as follows:

§ 1062.53 Location differentials to handlers.

* * * * *

(d) In Zone A (the Missouri counties of Christian, Laclede, and Texas), for any plant which does not dispose of fluid milk products in consumer type packages and which is qualified as a pool plant pursuant to § 1062.12 (b) or (c) or a supply plant which qualifies pursuant to § 1062.12(d) shall be the price pursuant to § 1062.51(a) less 27 cents.

* * * * *

Statement of consideration. The proposed suspension would remove the 27-cent location credit on Class I milk at supply plants located in 10 southwestern Missouri counties. The 27-cent credit would remain applicable at plant locations in the three counties of: Christian, Laclede, and Texas.

Suspension was requested by the cooperative association representing more than two-thirds of the producers for the market. A suspension order was in effect for the months of October through December 1970. That suspension resulted in application of the same Class I price at both supply plants and distributing plants located in 13 southwestern Missouri counties. The effect of the proposed suspension is to continue this action in 10 of the 13 counties. In the counties of Christian, Laclede, and Texas, the 27-cent Class I price location credit would remain in effect at three present pool supply plants under the order located at Cabool, Lebanon, and Ozark, which are operated by the major cooperative.

The cooperative states that these three plants are used primarily to supply supplemental milk to distributors located in the St. Louis portion of the St. Louis-Ozarks marketing area. Allowance of the credit would tend to compensate for the cost of transporting milk from the three supply plants to the St. Louis area.

The cooperative contends that suspension on the proposed basis is to be preferred over continuing the suspension in the form in which it existed for the latter 3 months of 1970 in that net prices, after transportation costs, for milk of producer members of the cooperative at their supply plants in southwestern Missouri were reduced as a result of that suspension action in relation to the uniform price available to other producers in the southwestern Missouri area.

Signed at Washington, D.C., on January 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1174 Filed 1-27-71;8:47 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

AFTER FINAL REJECTION PRACTICE

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.116, 1.191, 1.192, and 1.193, and by adding § 1.130.

All persons interested in presenting their views and objections and recommendations in connection with the proposed changes are invited to do so on or before March 23, 1971, on which day a hearing will be held at 2 p.m., e.s.t., in Room 8 C 06, Building 2, 2011 Jefferson Davis Highway, Arlington, Va. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

The proposed changes, if adopted, will provide a basis for a revised procedure for treating amendments filed after a final rejection. A proposed additional section is added to incorporate the existing practice relative to affidavits.

The proposed procedure will provide that all timely filed first amendments after final rejection be entered as a matter of right, subject to the limitation that additional claims will not be entered beyond the number that would result in the total number of claims under prosecution equalling the number of claims finally rejected. Only those second and subsequent amendments which cancel claims will be entered as a matter of right. The entry and treatment of any other amendments filed at this stage will be entirely within the discretion of the examiner.

A distinction will be made between first amendments after final rejection filed within 2 months from the date of the final rejection and those filed after that period.

A first amendment after final rejection filed within 2 months of the final rejection will receive a full and complete advisory action as soon as possible after its receipt in the Patent Office. Under these circumstances, the revised procedure would permit the filing of an appeal within the period for response to the final rejection or within 1 month from the date of the advisory action, whichever is later. However, if an appeal had been filed before the mailing of the advisory action, the appeal brief would not be due until 2 months after the date of the advisory action.

Amendments filed later than 2 months after the date of the final rejection in nonappealed cases may be answered at the examiner's discretion, but no additional time will be allowed for appeal. However, if an appeal is filed in these cases, a full and complete advisory action will be rendered and the time for filing the brief will be extended to expire 2 months from the date of the advisory action.

After jurisdiction of an application transfers to the Board of Appeals, no amendments will be considered for entry except those restricted to cancellation of claims or copying claims for purposes of interference.

If new issues are presented in the claims as amended or presented after final rejection, they will be rejected in the advisory action on the ground of being drawn to new issues. These rejections will be reviewable by the Board of Appeals as "adverse decisions of examiners" (35 U.S.C. 7).

The current practice of normally making the second action on the merits final and setting of a 3-month period for response will continue. However, the practice of granting an automatic 1-month extension of time if an amendment is filed (notices of Aug. 7, 1967; 841 O.G. 1411 and of Sept. 26, 1968; 855 O.G. 1109) will be terminated, and extensions of time at this stage of the prosecution will not be encouraged. Further, any extension of time granted after a final rejection will not affect the 2-month period and the privilege of an advisory action.

The present policy concerning consideration of affidavits, declarations, and exhibits will remain unchanged.

Holding of interviews after final rejection will be at the primary examiner's discretion.

This procedure will also allow the examiner to prepare examiner's answers which simply refer to the final rejection or the advisory action in most instances.

The sections, if amended as proposed, would read as follows:

§ 1.116 Amendments after final action.

* * * * *

(b) A first amendment presented after final rejection will be entered and considered, but the total number of claims under prosecution may not exceed the total number finally rejected. Entry of second and subsequent amendments after final rejection will normally be limited to only those which cancel claims.

(c) A first amendment filed within 2 months after the date of the final rejection, or after appeal, will receive a full and complete advisory action. If not previously filed, an appeal may be filed in such cases within the period for response to the final rejection or within 1 month from the date of the advisory action, whichever is later. In those cases where an appeal was filed before the date of the advisory action, the appeal brief is due 2 months after the date of the advisory action.

(d) After jurisdiction of an appealed case passes to the Board of Appeals no amendments may normally be made (see § 1.191(d)). After decision on appeal, amendments can only be made as provided in § 1.198, or to carry into effect a recommendation under § 1.196.

(e) Amendments after final rejection shall not introduce new issues into the prosecution.

§ 1.130 Affidavits, declarations, or exhibits after final rejection.

Affidavits, declarations, or exhibits submitted with a first reply after final rejection for the purpose of overcoming a new ground of rejection or requirement made in the final rejection, shall be admitted and considered. No other affidavit, declaration, or exhibit presented after final rejection will be admitted and considered without a showing of good and sufficient reasons why they were not earlier presented.

§ 1.191 Appeal to Board of Appeals.

(a) Every applicant for a patent or for reissue of a patent, any of the claims of which have been twice rejected, or who has been given a final rejection (§ 1.113) may, upon the payment of the fee required by law, appeal from the decision of the primary examiner to the Board of Appeals within the time allowed for response. (See § 1.116(c).)

* * * * *

(d) The jurisdiction of an appealed case is retained by the primary examiner until the time for filing a reply to the examiner's answer (§ 1.193(b)) has expired, at which time the Board of Appeals will take jurisdiction of the same.

§ 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the appeal, or within the time allowed for response to the action appealed from, or within the time allowed in an advisory action (§ 1.116(b)), whichever is later, file a brief, accompanied by the requisite fee. Said brief shall include all of the authorities and arguments on which he will rely to maintain his appeal, including a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved, at the same time indicating if he desires an oral hearing. Two extra copies of the brief are required if an oral hearing is requested. Upon a showing of sufficient cause the time for filing the brief may be extended to a date not later than 2 months after the original expiration date. Any longer or further extensions must be sought from the Commissioner. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

* * * * *

§ 1.193 Examiner's answer.

* * * * *

(b) The appellant may file a reply brief directed only to such new points of argument as may be raised in the examiner's answer, within 1 month from the date of such answer. However, if the examiner's answer states a new ground of rejection appellant may file a reply thereto within 2 months from the date of such answer; such reply may include

any amendment or material appropriate to the new ground.

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved: January 22, 1971.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-1167 Filed 1-27-71;8:47 am]

[37 CFR Parts 1, 3]

DIVISION-CONTINUATION PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regualtions by revising §§ 1.41 and 1.75, adding §§ 1.60 and 3.54, and by revoking § 1.147.

All persons interested in presenting their views and objections and recommendations in connection with the proposed changes are invited to do so on or before March 23, 1971, on which day a hearing will be held at 1 p.m., e.s.t., in Room 8 C 06, Building 2, 2011 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

The proposed program is intended to replace the current Rule 147 divisional and streamline continuation programs (notices of Feb. 11, 1966, 824 O.G. 1 and Oct. 14, 1969, 869 O.G. 1). The proposed program follows generally the present Rule 147 practice and expands its use to include continuations. No new specification, claims or oath would be required under the proposed practice since a copy of the original application papers would be made by the Patent Office.

Title 35 U.S.C. 121 specifically allows filing of a divisional application without signing by the inventor.

In regularly filed continuation or divisional applications, the only statement in the oath or declaration of the continuing case (37 CFR 3.17, 3.17(a)) which is not sworn to in the original application is that the continuing application discloses and claims only subject matter disclosed in his original application. Since the continuing application as filed is an exact duplicate of the original application, the additional statement is superfluous. Acceptance of a continuing application without a new execution by the applicant is, therefore, within the broad authority conferred by 35 U.S.C. 6 and 120.

The proposed changes follow:

§ 1.41 [Amended]

1. Section 1.41 is proposed to be amended by revising the parenthetical expression at the end of paragraph (a) to read "(See § 1.60)".

2. A new § 1.60 is proposed to be added, the full text of which reads as follows:

§ 1.60 Continuing application for invention disclosed and claimed in a prior application.

A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121), which discloses and claims only subject matter disclosed in a prior application may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application. If the application papers comprise a copy of the prior application as filed, prepared and certified by the Patent Office, signing and execution by the applicant may be omitted. Certification may be omitted if the copy does not leave the custody of the Patent Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting of the filing date.

3. Section 1.75 is proposed to be amended by revising paragraph (d)(2) to read as follows:

§ 1.75 Claim(s).

* * * * *

(d) * * *

(2) See §§ 1.141 to 1.146 as to claiming different inventions in one application.

* * * * *

§ 1.147 [Revoked]

4. Section 1.147 is proposed to be revoked.

5. A new § 3.54 is proposed to be added to read as follows:

§ 3.54 Division-continuation program application transmittal form.

IN THE UNITED STATES PATENT OFFICE

THE COMMISSIONER OF PATENTS.
Washington, D.C. 20231

SIR: This is a request for filing a

☐ Continuation
application under 37 CFR 1.60.

☐ Divisional
of pending original application Serial No. ------- filed on ---------- of ---------- (date) for ---------- (inventor) ---------- (title of invention)

1. ☐ The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY AMENDMENT

For	Number filed	Number extra	Rate	Basic fee $65
Total claims	-10=	×	$2	=
Independent claims.	-1=	×	10	=
Total filing fee.				

2. ☐ Please charge my Deposit Account No. ------ in the amount of $------. A duplicate copy of this sheet is enclosed.

3. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. ------. A duplicate copy of this sheet is enclosed.

4. ☐ A check in the amount of $ ----- is enclosed.

5. ☐ Cancel claims ----------

6. ☐ Amend the specification by inserting before the first line the sentence: —This is a ☐ Continuation ☐ Division of application Serial No. ------, filed ------.

7 ☐ The original application is assigned to ----------

8 ☐ The power of attorney in the original application is to----------

a. ☐ The power appears in the original papers of the original application.

b ☐ Since the power does not appear in the original papers, a copy of the power in the original application is enclosed.

---------- (Signature)

☐ Inventor(s)
☐ Assignee of Complete Interest
☐ Attorney or agent of record in original application

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents

Approved: January 22, 1971.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology

[FR Doc.71-1168 Filed 1-27-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-90]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Yakima, Wash., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received with 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this

time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

Two new approach procedures have been developed for Yakima Municipal Airport utilizing the 115° T (094° M) radial of the Yakima VORTAC (VOR-VOR/DME Rwy-27) and the ILS localizer west course (LOC/DME Rwy-9) as final approach courses. These procedures were developed utilizing the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). The proposed additional airspace is required to provide controlled airspace protection for aircraft executing the prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the description of the Yakima, Wash., control zone is amended to read as follows:

YAKIMA, WASH.

Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

In § 71.181 (36 F.R. 2140) the description of the Yakima, Wash., transition area is amended to read as follows:

YAKIMA, WASH.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° radial, extending from 9 miles south to 13 miles north of the INT of the Ellensburg VORTAC 191° and the Yakima VORTAC 305° radials, within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; that airspace northeast and east of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the east edge of V-25 to the northeast edge of V-4, within a 21-mile radius of the Yakima VORTAC, extending clockwise from the southwest edge of V-4 to the northwest edge of V-448, and within a 23-mile radius of the Yakima VORTAC extending clockwise from the northwest edge of V-448 to the south edge of V-204; that airspace extending upward from 7,500 feet MSL within 11 miles northwest and 16 miles southeast of the Yakima VORTAC 242° radial, extending from 8 miles southwest to 52 miles southwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 21, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-1199 Filed 1-27-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 21 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Nashville control zone described in § 71.171 (35 F.R. 2054 and 4257) would be redesignated as:

Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 3 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer; within 3 miles each side of Nashville VORTAC 103° radial, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM.

The Nashville transition area described in § 71.181 (35 F.R. 2134 and 17535) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 9.5 miles east and 4.5 miles west of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer; within 9.5 miles north and 4.5 miles south of Nashville VORTAC 103° radial, extending from the 14-mile radius area to 18.5 miles east of the VORTAC; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from the 14-mile radius area to 18.5 miles south of the LOM; within an 8.5-mile radius of the Smyrna Airport (lat. 36°00'33" N., long. 86°31'13" W.); within 7 miles northeast and 4.5 miles southwest of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 35.5 miles southeast of the VORTAC; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to new instrument approach procedures to Nashville Metropolitan and Smyrna Airports, predicated on the relocation of the Nashville VOR TAC, requires the following actions:

Control zone. 1. Revoke the 1-mile exclusion predicated on Cornelia Fort Airpark.

2. Revoke the extension predicated on Nashville VORTAC 315° radial.

3. Redescribe the extension predicated on Nashville ILS localizer north course.

4. Designate an extension predicated on Nashville VORTAC 103° radial 6 miles in width and 8.5 miles in length.

Transition area. 1. Revoke the extension predicated on Nashville VORTAC 135° radial.

2. Designate an extension predicated on Nashville VORTAC 103° radial 14 miles in width and 18.5 miles in length.

3. Designate an extension predicated on Nashville VORTAC 131° radial 11.5 miles in width and 16 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Nashville terminal area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 19, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-1200 Filed 1-27-71;8:50 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 21625; EDR-195A]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Aircraft Capacity for Cargo Charters; Supplemental Advance Notice of Proposed Rule Making

JANUARY 25, 1971.

The Board, by advance notice of proposed rule making EDR-195 dated December 4, 1970, and published at 35 F.R. 18749, gave notice that it had under consideration rule making action to amend Part 221 of the economic regulations of the Board (14 CFR Part 221) to assure that carriers may not unjustly discriminate among shippers in terms of capacity offered to cargo charterers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before January 25, 1971.

Subsequent to the issuance of the advance notice, counsel representing Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines) and the Airline of Switzerland (SWISSAIR) requested a 2-week extension of time for filing comments on the proposed rule making action, on the ground that the named foreign air carriers had not received timely notice of the proposed rule making action through regular mailing.

The undersigned finds that good cause has been shown for an extension as requested by counsel for the named foreign air carriers. The extension requested will provide a broader range of comments and will assist the Board in developing all considerations relevant to the proposed rule making action.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to February 5, 1971

(Sec. 204(a), Federal Aviation Act of 1958 as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel, Rules and Rates

[FR Doc 71-1204 Filed 1-27-71; 8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-3868]

IDAHO

Notice of Offer of Lands

JANUARY 20, 1971.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 39 E.,
Sec. 18, lot 8 (portion lying southwest of dike centerline), 1 acre.
Sec. 19, lot 19 (portion lying southwest of dike centerline), 9 acres.
Lots 20, 21, portions of each, lying south of major slough, described as: Beginning at angle point 23 on the original meander line for the left bank of the river; thence northwesterly along original meander line to intersection with left bank of slough; thence east along left bank of slough for approximately 18 chains to intersection with original meander line; thence westerly along original meander line to angle point 23, the point of beginning. Containing approximately 4 acres.
Sec. 19, lots 21, 22, portions of each, lying southeast of major slough, described as: Beginning at angle point 20 on the original meander line for the left bank of the river; thence westerly along fence line for approximately 2 chains to intersection with left bank of major slough; thence southwesterly along left bank of slough for approximately 7 chains to intersection with original meander line; thence northeasterly along original meander line to angle point 20, the point of beginning. Containing approximately 1 acre.
Sec. 20, lot 14, portion, described as: Beginning at intersection of original meander line and centerline of dike between angle points 1 and 2 for the left bank of the river; thence westerly along original meander line to angle point 3; thence westerly along original meander line for approximately 2 chains to intersection with existing N–S fence line at west edge of cultivated field, thence northerly along fence line to intersection with centerline of dike; thence southeasterly along centerline of dike to intersection with original meander line, the point of beginning. Containing approximately 2.5 acres.
Sec. 27, lot 2; 2.86 acres.
Sec. 28, lot 16 (portion lying southwest of dike centerline), 12 acres.
Lot 17 (portion lying southwest of dike centerline), 0.20 acre.
Lot 24 (portion lying southwest of dike centerline), 3.53 acres.
Lot 25 (portion lying southwest of dike centerline), 30 acres.
Lot 26, portion, described as: Beginning at a point which lies S. 61°40′ E. and 1.96 chains from angle point 4 (monument incorrectly stamped AP2) on the original meander line for the left bank of the river; thence S. 25°22′ E., 3.67 chains; thence S. 32°42′ E., 2.09 chains; thence S. 26°50′ E., 1.67 chains; thence S. 14°03′ E., 2.22 chains; thence S. 86°15′ W., 3.01 chains; thence N. 58°16′ W., 5.16 chains; thence N. 28°37′ E., 7.07 chains to the point of beginning. Containing 3.32 acres, more or less.
Sec. 29, lot 17 (portion lying southwest of dike centerline), 6 acres.
Lot 18 (portion lying southwest of dike centerline), 31 acres.
Lot 19, 13.95 acres.
Lot 20, 32.78 acres.
Lot 21 (portion lying southwest of dike centerline), 19 acres.
Sec. 33, lots 9, 10, portions described as: Beginning at angle point 3 on the original meander line for the left bank in sec. 33; thence due east approximately 2 chains to left bank of Snake River; thence southeasterly along left bank of river approximately 7 chains to the meander corner of secs. 33 and 34; thence south along section line common to secs. 33 and 34 to original meander corner of secs. 33 and 34 on the left bank of the river; thence northwesterly along original meander line to angle point 3, the point of beginning. Containing approximately 16.87 acres.
Sec. 34, lot 9, portion, described as: Beginning at the original meander corner of secs. 27 and 34 for the right bank of the river; thence west along the section line common to secs. 27 and 34 for approximately 7 chains to the meander corner of secs. 28 and 37 on the right bank of the river; thence southeasterly along the right bank of the river approximately 5 chains to intersection with right bank of high water channel; thence southeasterly along right bank of high water channel for approximately 10 chains to its intersection with the original meander line; thence northwesterly along original meander line to original meander corner of secs. 27 and 34, the point of beginning. Containing approximately 5 acres.
Sec. 34, lots 9, 13, 14, portions of each, described as: Beginning at angle point 3 on the original meander line for the right bank of river in sec. 34; thence northwesterly along original meander line for approximately 14 chains to intersection with right bank of high water channel; thence southerly along right bank of this high water channel for approximately 14 chains to intersection with right bank of another high water channel of the river; thence easterly along right bank of second high water channel for approximately 4 chains; thence due north approximately 1 chain to angle point 3, the point of beginning. Containing approximately 4 acres.
Sec. 34, lots 11, 17, 19, portions of each, described as: Beginning at the original meander corner of secs. 33 and 34 for the left bank of the river; thence southeasterly along original meander line to its intersection with centerline of dike; thence northwesterly along centerline of dike for approximately 48 chains to existing E–W fence line which crosses dike; thence east along fence line to left bank of Snake River; thence northerly along left bank of river for approximately 23 chains to the meander corner of secs. 33 and 34 on the left bank of the river; thence south along section line common to secs. 33 and 34 to original meander corner of secs. 33 and 34, the point of beginning. Containing approximately 33.02 acres.
Sec. 34, lot 21 (portion lying south of dike centerline), 5 acres.
Sec. 35, lot 8 (portion lying south of dike centerline), 0.47 acre.

The areas described aggregate approximately 236.50 acres.

2. Plats of survey were filed (see 35 F.R. 3042) in the Land Office, Boise, Idaho at 10 a.m. on March 20, 1970.

Persons claiming a preference right in accordance with the provisions of the Act, must file with the Manager, Land Office, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702, before April 1, 1971, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) The following reservations:

(1) A right-of-way easement for existing flood control dikes.

(2) A 100-foot easement for public access and use along the river banks on lot 2, sec. 27, portions of lots 9 and 10, sec. 33, and portions of lots 9 and 11, sec. 34.

(3) A 75-foot easement along the west line of the offered portion of lot 26, sec. 28 for public access and use.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-1149 Filed 1-27-71;8:46 am]

IDAHO

Notice of Filing of Plats of Survey

JANUARY 22, 1971.

1. A plat of survey for the following described land, accepted October 9, 1970, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on February 26, 1971:

BOISE MERIDIAN, IDAHO

T. 38 N., R. 8 E.,
Sec. 11, lots 1 to 13, inclusive, N½NE¼, NW¼, SE¼SE¼;
Sec. 12, lots 1 to 8, inclusive, SE¼NE¼, NW¼NW¼, S½;
Sec. 14, lot 1, NE¼, E½NW¼, SE¼NW¼, S½;
Secs. 13, 23, 24;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½.

The areas described aggregate 4,354.50 acres.

2. All of the above-described lands are embraced in the Clearwater National Forest under Presidential Proclamation of November 6, 1906.

3. Railroad Grant Lieu Selection applications serial numbers Idaho 014920, 014921, and 014922 include some of the lands described above.

4. Powersite Classification No. 166, dated February 5, 1927, withdrew all lands within one-quarter mile of the North Fork of the Clearwater River in this township, among others, for powersite purposes. This withdrawal is now described as embracing the following described lands, excluding those portions embraced within the Railroad Grant Lieu Selections:

T. 38 N., R. 8 E.,
Sec. 11, lots 1, 2, 3, 4, 5, 6, 12 and 13, N½NE¼, and SE¼NW¼;
Sec. 12, lots 1, 2, 3, and 8, SE¼NE¼;
Sec. 14, lot 1, N½NE¼, NE¼NW¼, and SW¼NW¼.

5. The lands not affected by the Railroad Selection applications or Powersite Classification No. 166 will be open to such forms of disposition as may by law be made of national forest lands, on the effective date of the filing of the plat.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office,
Boise, Idaho.

[FR Doc.71-1150 Filed 1-27-71;8:46 am]

[Serial No. I-3823]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JANUARY 21, 1971.

In F.R. Doc. 70-16714; filed December 11, 1970, appearing on pages 18926 and 7 of the issue for December 12, 1970, the following corrections should be made:

"T. 2 S., R. 1 E., Sec. 7, Lots 1, 2, E½ W½, SW¼NE¼, SE¼;" should read:

T. 2 S., R. 1 E.,
Sec. 7, lots 1, 2, 5, E½W½, SW¼NE¼, SE¼;

"T. 2 S., R. 1 E., Sec. 29, W½NE¼, W½SE¼;" should read:

T. 2 S., R. 1 E.,
Sec. 29, W½NE¼, W½, SE¼;

"T. 3 S., R. 1 E., Sec. 6, Lots 1, 2, 3, 4, 8, 9, 11, SE¼NE¼, SE¼SW¼;" should read:

T. 3 S., R. 1 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 8, 9, 11, SE¼NE¼, SE¼SW¼;

"T. 4 S., R. 2 E., Sec. 4, Lots 1, 2, 3, 4, S½N½, NE¼SW¼, SE¼;" should read:

T. 4 S., R. 2 E.,
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, N½SE¼, SE¼SE¼;

"T. 4 S., R. 2 E., Sec. 25, N½;" should read:

T. 4 S., R. 2 E.,
Sec. 25, N½, NW¼SW¼;

"T. 4 S., R. 2 E., Sec. 26, Lot 5, NE¼, N½NW¼, SW¼NW¼;" should read:

T. 4 S., R. 2 E.,
Sec. 26, lot 5, NE¼, N½NW¼, SE¼NW¼;

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-1151 Filed 1-27-71;8:46 am]

[ES 3108]

MICHIGAN

Notice of Proposed Restoration and Further Withdrawal of Land

The U.S. Coast Guard, Department of Transportation, has relinquished for return to the public domain a 38.12-acre tract of land comprising the Little Point Sable Light Station Reservation, Golden Township, Oceana County, MI, more particularly described as lot 2, fractional sec. 35, T. 15 N., R. 19 W., Michigan Meridian, Michigan. Accountability and responsibility for the land was accepted on December 10, 1969.

The Forest Service, Department of Agriculture, has requested that the land be withdrawn for addition to the Huron-Manistee National Forest and for use for exchange with the State of Michigan.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, U.S.D.I., 7981 Eastern Avenue, Silver Spring, MD 20910.

The Department's regulations, 43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,
Manager.

JANUARY 21, 1971.

[FR Doc.71-1147 Filed 1-27-71;8:45 am]

[BLM 054548]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, U.S. Department of the Interior, has filed application BLM 054548 for the withdrawal of the lands described below for addition to the Hiawatha National Forest, Michigan:

MICHIGAN MERIDIAN

T. 44 N., R. 18 W., Schoolcraft County,
Sec. 11, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 13, SW¼NW¼, lot 1 (SE¼SE¼);
Sec. 14, E½NE¼, SE¼NW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 22, NW¼SW¼;
Sec. 23, NE¼NW¼, SE¼SE¼;
Sec. 24, NW¼SW¼, SE¼SE¼;
Sec. 36, S½SW¼.
T. 44 N., R. 19 W., Alger County,
Sec. 5, NE¼NE¼.
T. 45 N., R. 19 W., Alger County,
Sec. 6, NW¼SE¼.
T. 45 N., R. 20 W., Alger County,
Sec. 28, SE¼SW¼.
T. 46 N., R. 18 W., Alger County,
Sec. 33, SE¼SW¼, SW¼SE¼;
Sec. 35, W½NE¼, SE¼NE¼, NW¼, SE¼;
Sec. 36, E½SW¼.
T. 46 N., R. 21 W., Alger County,
Sec. 7, E½SW¼, NW¼SW¼, SW¼SW¼.

The lands described above aggregate 1,707.41 acres.

The lands lie within the exterior boundary of the Hiawatha National Forest, Mich. The applicant desires the lands for addition to the national forest for use in exchange with the State of Michigan in order to consolidate ownerships and improve surface management of their respective areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office,

Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,
Manager.

JANUARY 21, 1971.

[FR Doc.71-1148 Filed 1-27-71;8:45 am]

[N-3836, N-4202, N-5002]

NEVADA

Notice of Classification of Public Lands

JANUARY 22, 1971.

1. Pursuant to 43 CFR subpart 2462, notice is hereby given of a classification of the public lands described below for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869), for enlargement of the Valley of Fire State Park. The classification shall become effective upon publication of this notice in the FEDERAL REGISTER (1-28-71).

2. Notation of the Land Office records of this classification has the effect of segregating all the lands described below from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws, except the form of disposal prescribed above.

3. The District Advisory Board, local government officials, and other interested parties have been notified of this classification. Information derived from discussions, other sources, and field inspections indicate that these lands are chiefly valuable for public purposes (43 CFR 2430.4(a) and 2430.2(b)), and that these lands meet the criterion of 43 CFR 2430.4(c) which authorizes classification of lands for recreation and public purposes use when the provisions of the act are required to insure the continued dedication of the lands for recreation and public purposes use. Information concerning the lands, including a field report is available for inspection and study at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV.

4. Two comments on the proposed classification were received which objected to disposal of these lands to the Nevada State Park System if such transfer would result in restricting rockhounding activity. We are advised by the State Park System that the objective of that agency is to preserve one of the finest desert landscapes in the southwestern United States, which is rich in geology and archeology, petrified wood and desert vegetation. It is the opinion of the State Park System that, with the exception of petrified wood areas, the Valley of Fire and its surroundings is not of great rockhounding interest. The master plan for the Valley of Fire State Park narratively and graphically emphasizes the need to protect the park from exploitation.

5. It is our belief that the lands described below can best be managed as a part of the State Park System. We further believe that that agency's plans to preserve and protect the resources within the park will lead to the greatest enjoyment of the desert landscape by the greatest number of persons. Public lands near and adjoining the Valley of Fire State Park are now and will continue to be available to all persons interested in the rock-hounding activity. The two objections to this classification are therefore dismissed.

6. The lands affected by this classification are located near Overton, Clark County, Nev., and are described as:

MOUNT DIABLO MERIDIAN

(N-3836)

T. 16 S., R. 66 E.,
Sec. 26, E½, SE¼NW¼, E½SW¼;
Sec. 35, all.

(N-4202)

T. 16 S., R. 66 E.,
Sec. 12, E½E½;
Sec. 13, E½E½, SW¼SE¼;
Sec. 24, E½.
T. 17 S., R. 66 E.,
Sec. 11, all;
Sec. 12, W½;
Sec. 13, W½;
Secs. 14, 23, all;
Sec. 24, lots 3-8, inclusive;
Sec. 25, lot 1;
Sec. 26, lots 1-11, inclusive.
T. 15 S., R. 67 E.,
Sec. 31, E½E½, E½SE¼SW¼, W½SE¼;
Sec. 32, all;
Sec. 33, W½.
T. 16 S., R. 67 E.,
Sec. 4, W½;
Sec. 5, N½, W½W½SW¼, SE¼;
Secs. 6, 7, 8, all;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17, 18, 19, 20, 21, 28, all;
Sec. 29, E½, E½W½.
T. 17 S., R. 67 E.,
Sec. 32, all.

(N-5002)

T. 16 S., R. 66 E.,
Sec. 1, all;
Sec. 2, E½E½, SW¼SE¼;
Sec. 11, E½E½;
Sec. 12, W½E½, W½;
Sec. 13, W½NE¼, W½, NW¼SE¼;
Sec. 14, E½E½;
Sec. 23, NE¼, E½NW¼, S½;
Sec. 24, W½;
Sec. 34, E½W½, E½.
T. 18 S., R. 66½ E.,
Sec. 7, lot 2, S½NW¼.
T. 16 S., R. 67 E.,
Sec. 27, W½NW¼, SW¼;
Sec. 34, all.
T. 17 S., R. 67 E.,
Secs. 33, 34, 35, 36, all.
T. 18 S., R. 67 E.,
Sec. 6, NW¼.

Aggregating approximately 21,240 acres.

7. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the classification may present their views in writing to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240. (43 CFR 2462.3)

NOLAN F. KEIL,
State Director, Nevada.

[FR Doc.71-1181 Filed 1-27-71;8:48 am]

[U 9862]

UTAH

Notice of Classification

JANUARY 22, 1971.

Pursuant to section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, the lands described below are hereby classified for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g, 43 CFR Part 2200) for lands within the Salt Lake District.

The lands affected by this classification are located in Rich County, Utah, and are described as follows:

SALT LAKE MERIDIAN, UTAH

T. 7 N., R. 6 E.,
Sec. 24, W½W½.
T. 7 N., R. 7 E.,
Secs. 4, 8, 18, 20, 28, 30, 34;
Sec. 26, E½W½, E½.
T. 8 N., R. 7 E.,
Sec. 14, N½S½, SE¼NE¼.
Secs. 22 and 28.

The above-described area contains 6,606.33 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, DC 20240, (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[FR Doc.71-1180 Filed 1-27-71;8:48 am]

[OR 6999 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

JANUARY 20, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6999 (Wash), for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Rainbow Creek Research Natural Area and the Pataha Bunchgrass Research Natural Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

UMATILLA NATIONAL FOREST

RAINBOW CREEK RESEARCH NATURAL AREA—COLUMBIA COUNTY

T. 7 N., R. 40 E.,
Sec. 14, E½SE¼SW¼NW¼, W½SW¼SE¼NW¼, W½NW¼NE¼SW¼, SW¼NE¼SW¼, S½SE¼NE¼SW¼, E½E½W½SW¼, SE¼SW¼, W½SW¼SE¼, W½SE¼SW¼SE¼;
Sec. 22, SE¼NE¼NE¼, E½SE¼NE¼, NE¼NE¼SE¼;
Sec. 23, NE¼NW¼, S½NW¼, S½NW¼NW¼, E½NE¼NW¼NW¼, SW¼, W½E½, W½SE¼NE¼, W½W½NE¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼, S½NE¼SE¼SE¼;
Sec. 26, N½N½N½NE¼.

PATAHA BUNCHGRASS RESEARCH NATURAL AREA—GARFIELD COUNTY

T. 9 N., R. 42 E.,
Sec. 1, NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, N½NE¼NW¼SW¼.

The area described aggregates approximately 790 acres in Columbia and Garfield counties, Wash.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-1152 Filed 1-27-71;8:46 am]

Office of the Secretary

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 4, 1971.

Dated: January 4, 1971.

B. M. GUTHRIE.

[FR Doc.71-1157 Filed 1-27-71;8:46 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 4, 1971.

Dated: January 4, 1971.

B. C. HULSEY.

[FR Doc.71-1158 Filed 1-27-71;8:46 am]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1970.

Dated: January 4, 1971.

A. PAT JONES.

[FR Doc.71-1159 Filed 1-27-71;8:46 am]

G. V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1971.

Dated: January 11, 1971.

GEORGE V. KENNEDY.

[FR Doc.71-1160 Filed 1-27-71;8:46 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1971.

Dated: January 4, 1971.

CARLOS O. LOVE.

[FR Doc.71-1161 Filed 1-27-71;8:46 am]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 14, 1971.

Dated: January 14, 1971.

JOHN P. MADGETT.

[FR Doc. 71-1162 Filed 1-27-71;8:47 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Anaconda Shares.
(3) No change.
(4) No change.

This statement is made as of January 1, 1971.

Dated: January 4, 1971.

RIGGS SHEPPERD.

[FR Doc.71-1163 Filed 1-27-71;8:47 am]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 5, 1971.

Dated: January 5, 1971.

W. B. SIMONDS.

[FR Doc.71-1164 Filed 1-27-71;8:47 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1971.

Dated: January 4, 1971.

C. N. WHITMIRE.

[FR Doc.71-1165 Filed 1-27-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-535]

THOMAS ELROY SVENSEN

Notice of Loan Application

JANUARY 20, 1971.

Thomas Elroy Svensen, Box 403, Cathlamet, WA 98612, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for salmon and smelt in the Oregon and Washington area.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-1142 Filed 1-27-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL INSURANCE ADMINISTRATOR AND DEPUTY FEDERAL INSURANCE ADMINISTRATOR

Delegation of Authority

The following amendment reflects authority to administer the Federal Crime Insurance program, newly vested in the Secretary of Housing and Urban Development by title VI of the Housing and Urban Development Act of 1970, Public Law 91-609, approved December 31, 1970, amending title XII of the National Housing Act, 12 U.S.C. 1749bbb. Specifically, this amendment deletes the original delegation's restrictive citation to the Urban Property Protection and Reinsurance Act of 1968.

Accordingly, the first paragraph of section A is changed to read:

Authority delegated with respect to the National Insurance Development Program. The Federal Insurance Administrator and the Deputy Federal Insurance Administrator each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the National Insurance Development Program under title XII of the National Housing Act (12 U.S.C. 1749bbb) except the authority to:

* * * * *

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment of delegation of authority is effective as of January 25 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-1201 Filed 1-27-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 553 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 540-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after January 21, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 18th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-840 Filed 1-20-71;8:47 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1141 Filed 1-27-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 527]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 18, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3619-C2-P-(2)71—Aircall New York Corp. (New), C.P. for a new 1-way station to be located at 1 Shell Plaza, Houston, TX, to operate on frequencies 43.22 and 43.58 MHz.

3686-C2-P-71—AAA Anserphone, Inc.—Jackson (New), C.P. for a new 2-way station to be located at the Kantor Building, on Highway 49 South, Clarksdale, MS, to operate on frequency 152.18 MHz.

3687-C2-P-(2)71—New York Telephone Co. (KEC932), C.P. to replace transmitters operating on 454.675 MHz signaling and 454.700 MHz base and relocate facilities to 125-10 Queens Boulevard, Kew Gardens, NY (Air-Ground Developmental).

3688-C2-P-71—Radio Paging Service (KKE970), C.P. to replace transmitters operating on frequencies 152.03 and 152.15 MHz. Station location: 7400 University Avenue, Lubbock, TX

3738-C2-P-71—Mobile Communications (New), C.P. for a new 2-way station to be located on Queen Street, near Palestine, Tex., to operate on frequency 152.12 MHz.

3742-C2-P-71—Golden West Telephone Co. (KRH642), C.P. to reinstate expired C.P. for a new 2-way station to be located at Cahto Peak, 4.5 miles west of Laytonville, Calif., to operate on frequency 152.78 MHz.

3743-C2-P-71—Curtin Call Communications Inc. (New), C.P. for a new 2-way station to be located on Skyline Road, near Linn Avenue, Council Bluffs, Iowa, to operate on frequency 454.25 MHz.

3746-C2-AL-71—Delta Communications Service. Consent to assignment of license from Vernon Hull, doing business as Delta Communications Service, Assignor to Delta Communications, Inc., Assignee. Station KQZ783, Greenwood, Miss.

Correction

3078-C2-P-69—Allegheny Mobile Communications (New), Correct entry to read. *Major Amendment.*

2200-C2-P-69—Nicholas Mervos, Jr., Ben Farkas, and Joseph S. Miller, doing business as Allegheny Mobile Communications (New), To add base frequency 156.70 MHz at location No. 2: 1601 Penn Avenue, Wilkinsburg, PA. Refer to Report No. 411, dated Oct. 28, 1968 and Report No. 416, dated Dec. 2, 1968.

RURAL RADIO SERVICE

3744-C1-P-71—Cascade Telephone Co. (New), C.P. for a new rural subscriber station to be located at 6.5 miles southeast of North Bend, Wash., to operate on frequency 157.92 MHz communicating with Station KOP320, Snoqualmie, Wash.

3745-C1-P-71—Cascade Telephone Co. (New), C.P. for a new rural subscriber station to be located at 3.8 miles south of U.S. No. 10 on State Highway No. 18, at test site for Explosives Corp. of America, North Bend, Wash., to operate on frequency 157.92 MHz communicating with Station KOP320, Snoqualmie, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3556-C1-P-71—RCA Alaska Communications, Inc. (New), C.P. for a new station to be located at Deadhorse, approximately 200 miles east-southeast of Barrow, Alaska. Frequency: 2128 MHz toward Frontier Camp, Alaska.

American Telephone & Telegraph Co., 55 C.P. applications to construct additional Type TD-2 radio relay channels between Norway, Ill., and Wichita Junction, Kans., and between Frick, Colo., and Windsor, Mo.

3564-C1-P-71—American Telephone & Telegraph Co. (KSA81), C.P. to add 3990 and 4150 MHz toward Mendota, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.

3565-C1-P-71—American Telephone & Telegraph Co. (KSI20), Add frequencies 3950 MHz toward Norway and 3950 and 4110 MHz toward Buda, Ill. Station location: 4 miles south-southwest of Mendota, Ill.

3566-C1-P-71—American Telephone & Telegraph Co. (KSH99), Add frequencies 3990 MHz toward Mendota and 3990 and 4130 MHz toward Kewanee, Ill. Station location: 2 miles east of Buda, Ill.

3567-C1-P-71—American Telephone & Telegraph Co. (KSH98), Add frequency 3950 MHz toward Buda, and 3950 and 4110 MHz toward New Windsor, Ill. Station location: 1 mile north-northwest of Kewanee, Ill.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3568-C1-P-71—American Telephone & Telegraph Co. (KSH97), Add frequency 3990 MHz toward Kewanee and 3990 and 4150 MHz toward Joy, Ill. Station location: 1.5 miles east-southeast of New Windsor, Ill.

3569-C1-P-71—American Telephone & Telegraph Co. (KSH96), Add frequency 3950 MHz toward New Windsor, Ill., and 3950 and 4110 MHz toward Crawfordsville, Iowa. Station location: 1 mile west of Joy, Ill.

3570-C1-P-71—American Telephone & Telegraph Co. (KAO58), Add frequency 3990 MHz toward Joy, Ill., and 3990 and 4150 MHz toward Fairfield, Iowa. Station location: 2.5 miles east-southeast of Crawfordsville, Iowa.

3571-C1-P-71—American Telephone & Telegraph Co. (KAO57), Add frequency 3950 MHz toward Crawfordsville and Blakesburg, Iowa. Station location: 9 miles northwest of Fairfield, Iowa.

3572-C1-P-71—American Telephone & Telegraph Co. (KAO56), Add frequency 3990 MHz toward Fairfield and 3990 and 4150 MHz toward Mystic, Iowa. Station location: 1.5 miles east-southeast of Blakesburg, Iowa.

3573-C1-P-71—American Telephone & Telegraph Co. (KAO55), Add frequency 3950 MHz toward Blakesburg, and 3950 and 4110 MHz toward Leon, Iowa. Station location: 5.5 miles west-northwest of Mystic, Iowa.

3574-C1-P-71—American Telephone & Telegraph Co. (KAO54), Add frequency 3990 MHz toward Mystic and 3990 and 4150 MHz toward Afton, Iowa. Station location: 8 miles east-northeast of Leon, Iowa.

3575-C1-P-71—American Telephone & Telegraph Co. (KAO53), Add frequency 3950 MHz toward Leon and 3990 and 4150 MHz toward Corning, Iowa. Station location: 7 miles south-southeast of Afton, Iowa.

3576-C1-P-71—American Telephone & Telegraph Co. (KAO52), Add frequency 3950 MHz toward Afton and 3950 and 4110 MHz toward Red Oak Junction, Iowa. Station location: 5 miles south-southeast of Corning, Iowa.

3577-C1-P-71—American Telephone & Telegraph Co. (KAN24), Add frequency 3990 MHz toward Corning, Iowa and 3710 and 3790 MHz toward Watson, Mo. Station location: 6.5 miles south of Red Oak, Iowa.

3578-C1-P-71—American Telephone & Telegraph Co. (KAO51), Add frequencies 3750 and 3830 MHz toward Red Oak Junction, Iowa, and Humboldt, Nebr. Station location: 7 miles north-northeast of Watson, Mo.

3579-C1-P-71—American Telephone & Telegraph Co. (KAO50), Add frequencies 3710 and 3790 MHz toward Watson, Mo., and Beattie, Kans. Station location: 5 miles north-northwest of Humboldt, Nebr.

3580-C1-P-71—American Telephone & Telegraph Co. (KAO49), Add frequencies 3750 and 3830 MHz toward Humboldt, Nebr., and Linn, Kans. Station location: 6 miles north of Beattie, Kans.

3581-C1-P-71—American Telephone & Telegraph Co. (KAO48), Add frequencies 3710 and 3790 MHz toward Beattie and Aurora, Kans. Station location: 4.5 miles southeast of Linn, Kans.

3582-C1-P-71—American Telephone & Telegraph Co. (KAO47), Add frequencies 3750 and 3830 MHz toward Linn and Minneapolis, Kans. Station location: 2 miles south-southeast of Aurora, Kans.

3583-C1-P-71—American Telephone & Telegraph Co. (KAO46), Add frequencies 3710 and 3790 MHz toward Aurora and Ellsworth, Kans. Station location: 6.5 miles west of Minneapolis, Kans.

3584-C1-P-71—American Telephone & Telegraph Co. (KAN95), Add frequencies 3750 and 3830 MHz toward Minneapolis and Hoisington, Kans. Station location: 6.5 miles north-northeast of Ellsworth, Kans.

3585-C1-P-71—American Telephone & Telegraph Co. (KAN94), Add frequencies 3710 and 3790 MHz toward Ellsworth and Larned, Kans. Station location: 7.5 miles northeast of Hoisington, Kans.

3586-C1-P-71—American Telephone & Telegraph Co. (KAN93), Add frequencies 3750 and 3830 MHz toward Hoisington and Hanston, Kans. Station location: 9 miles north-northeast of Larned, Kans.

3587-C1-P-71—American Telephone & Telegraph Co. (KAN92), Add frequencies 3710 and 3790 MHz toward Larned and Dodge City Junction, Kans. Station location: 5 miles east-southeast of Hanston, Kans.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3588-C1-P-71—American Telephone & Telegraph Co. (KAM47), Add frequencies 3750 and 3830 MHz toward Hanston and 3930 MHz toward Mullinville, Kans. Station location: 0.5 mile northwest of Dodge City, Kans.

3589-C1-P-71—American Telephone & Telegraph Co. (KAM46), Add frequency 3890 MHz toward Dodge City Junction and Cullison, Kans. Station location: 3 miles south of Mullinville, Kans.

3590-C1-P-71—American Telephone & Telegraph Co. (KAM62), Add frequency 3930 MHz toward Mullinville and Nashville, Kans. Station location: 4 miles south-southwest of Cullison, Kans.

3591-C1-P-71—American Telephone & Telegraph Co. (KAM63), Add frequency 3890 MHz toward Cullison and Bluff City, Kans. Station location: 5.5 miles south of Nashville, Kans.

3592-C1-P-71—American Telephone & Telegraph Co. (KAM64), Add frequency 3930 MHz toward Nashville and 3890 MHz toward South Haven, Kans. Station location: 2 miles south-southwest of Bluff City, Kans.

3593-C1-P-71—American Telephone & Telegraph Co. (KAM65), Add frequency 3930 MHz toward Bluff City, Kans., and Hardy, Okla. Station location: 5.5 miles southeast of South Haven, Kans.

3594-C1-P-71—American Telephone & Telegraph Co. (KKC97), Add frequency 3890 MHz toward South Haven and 3950 MHz toward Dalton, Kans. Station location: 3.5 miles west-northwest of Hardy, Okla.

3595-C1-P-71—American Telephone & Telegraph Co. (KAC66), Add frequency 3990 MHz toward Hardy, Okla., and Wichita Junction, Kans. Station location: 2 miles north of Dalton, Kans.

3596-C1-P-71—American Telephone & Telegraph Co. (KAC67), Add frequency 3950 MHz toward Dalton, Kans. Station location: Murdock and Mathewson Streets, Wichita Junction, KS.

3597-C1-P-71—American Telephone & Telegraph Co. (KAZ60), Add frequency 3810 MHz toward Two Buttes, Colo. Station location: Frick, 20.4 miles north of Pritchett, Colo.

3598-C1-P-71—American Teelphone & Telegraph Co. (KBI97), Add frequency 3850 MHz toward Frick, Colo., and Manter, Kans. Station location: 2.3 miles west of Two Buttes, Colo.

3599-C1-P-71—American Telephone & Telegraph Co. (KBT50), Add frequency 3810 MHz toward Two Buttes, Colo., and Ulysses, Kans. Station location: 1.2 miles north-northwest of Manter, Kans.

3600-C1-P-71—American Telephone & Telegraph Co. (KBT51), Add frequency 3850 MHz toward Manter and Woods, Kans. Station location: 10 miles south of Ulysses, Kans.

3601-C1-P-71—American Telephone & Telegraph Co. (KBT52), Add frequency 3810 MHz toward Ulysses and Plains, Kans. Station location: Woods, 11.6 miles east-southeast of Moscow, Kans.

3602-C1-P-71—American Telephone & Telegraph Co. (KBT53), Add frequency 3850 MHz toward Woods and Minneola, Kans. Station location: 5.1 miles east-northeast of Plains, Kans.

3603-C1-P-71—American Telephone & Telegraph Co. (KBT49), Add frequency 3810 MHz toward Plains, and 3730 and 4130 MHz toward Coldwater, Kans. Station location: 6.2 miles southeast of Minneola, Kans.

3604-C1-P-71—American Telephone & Telegraph Co. (KBI98), Add frequency 3770 and 4170 MHz toward Minneola, Kans., and toward Lookout, Okla. Station location: 5.5 miles northwest of Coldwater, Kans.

3605-C1-P-71—American Telephone & Telegraph Co. (KRR46), Add frequencies 3730 and 4130 MHz toward Coldwater, Kans., and Alva, Okla. Station location: Lookout, 12 miles north of Freedom, Okla.

3606-C1-P-71—American Telephone & Telegraph Co. (KRR47), Add frequencies 3770 and 4170 MHz toward Lookout and Goltry, Okla. Station location: 5.2 miles east of Alva, Okla.

3607-C1-P-71—American Telephone & Telegraph Co. (KRR48), Add frequencies 3730 and 4130 MHz toward Alva and Hunter, Okla. Station location: 2.6 miles east of Goltry, Okla.

3608-C1-P-71—American Telephone & Telegraph Co. (KRR49), Add frequencies 3770 and 4170 MHz toward Goltry and Sumner, Okla. Station location: 4.6 miles east-southeast of Hunter, Okla.

3609-C1-P-71—American Telephone & Telegraph Co. (KRR50), Add frequencies 3730 and 4130 MHz toward Hunter and Burbank, Okla. Station location: 4.8 miles northeast of Sumner, Okla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3610-C1-P-71—American Telephone & Telegraph Co. (KRR51), Add frequencies 3770 and 4170 MHz toward Sumner and Herd, Okla. Station location: 9.2 miles east of Burbank, Okla.

3611-C1-P-71—American Telephone & Telegraph Co. (KRR52), Add frequencies 3730 and 4130 MHz toward Burbank, Okla., and Tyro, Kans. Station location: 1 mile northwest of Herd, Okla.

3612-C1-P-71—American Telephone & Telegraph Co. (KBI99), Add frequencies 3770 and 4170 MHz toward Herd, Okla., and Dennis, Kans. Station location: 1.2 miles south-southwest of Tyro, Kans.

3613-C1-P-71—American Telephone & Telegraph Co. (KBT46), Add frequencies 3730 and 4130 MHz toward Tyro and Walnut, Kans. Station location: 3.7 miles south of Dennis, Kans.

3614-C1-P-71—American Telephone & Telegraph Co. (KBT47), Add frequencies 3770 and 4170 MHz toward Dennis and Fort Scott, Kans. Station location: 2.4 miles north of Walnut, Kans.

3615-C1-P-71—American Telephone & Telegraph Co. (KBT48), Add frequencies 3730 and 4130 MHz toward Walnut, Kans., and Walker, Mo. Station location: 3.1 miles west of Fort Scott, Kans.

3616-C1-P-71—American Telephone & Telegraph Co. (KBT54), Add frequencies 3770 and 4170 MHz toward Fort Scott, Kans., and Deepwater, Mo. Station location: 3.7 miles north of Walker, Mo.

3617-C1-P-71—American Telephone & Telegraph Co. (KBT55), Add frequencies 3730 and 4130 MHz toward Walker and Windsor, Mo. Station location: 0.8 mile west of Deepwater, Mo.

3618-C1-P-71—American Telephone & Telegraph Co. (KAJ76), Add frequencies 3770 and 4170 MHz toward Deepwater, Mo. Station location: 3.7 miles north of Windsor, Mo.

3631-C1-P-71—Western States Telephone Co. Inc. (KZA75), C.P. to add frequency 2112.0 MHz toward Las Cruces, N. Mex., and change frequency 2129.0 MHz to 2120.0 MHz toward Truth or Consequences. Station location: Caballo Mountain, 11.5 miles south of Truth or Consequences.

3632-C1-P-71—Western States Telephone Co. Inc. (KZA76), C.P. to change frequency 2179.0 MHz to 2170.0 MHz toward Mount Caballo, N. Mex., and change station location to 115 North Foch Street, Truth or Consequences, NM, and change coordinates to latitude 33°07'46" N., longitude 107°15'12" W.

3633-C1-P-71—The Pacific Telephone & Telegraph Co. (KMN30), C.P. to add frequency 4010 MHz toward Lodi, Calif. Station location: 345 North San Joaquin Street, Stockton, CA.

3634-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequency 3970 MHz toward Stockton, Calif. Station location: 1.2 miles west-northwest of Lodi, Calif.

3689-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPS46), C.P. to add frequency 11,035 MHz toward Deep Creek, Mont., via passive reflector. Station location: 302 West Callender Street, Livingston, MT.

3690-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPY42), C.P. to add frequencies 11,285 and 11,485 MHz toward Livingston, Mont., via passive reflector. Station location: 7.6 miles south of Livingston, Mont.

3691—C1-P-71—The Mountain States Telephone & Telegraph Co. (KPY43), C.P. to add frequencies 5937.8, 6058.4, 10,835, and 11,035 MHz toward Yellowstone Park, Wyo., via passive reflector. Station location: Dailey Lake, 7 miles north-northwest of Corwin Springs, Mont.

3692-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPY44), C.P. to add frequency 11,485 MHz toward Dailey Lake, Mont., via passive reflector. Station location: Yellowstone Park, 6.5 miles northwest of Mammoth Hot Springs, Wyo.

3693-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at Tom Miner, 8.3 miles southwest of Miner, Mont. Frequencies: 6189.8, 6204.7, 6308.4, and 6323.3 MHz toward West Yellowstone, Mont., via passive reflector.

3694-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 29 Yellowstone Avenue, West Yellowstone, MT. Frequencies: 5952.6 and 6071.2 MHz toward Tom Miner, Mont., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3695-C1-P-71—South Central Bell Telephone Co. (KYS48), C.P. to add frequencies 4030 and 4110 MHz toward Richmond, Ky. Station location: 232 West Lexington Avenue, Winchester, KY.

3696-C1-P-71—South Central Bell Telephone Co. (KJD27), C.P. to add frequencies 3750 and 3830 MHz toward Winchester, Ky., and 4070 and 4150 MHz toward Danville, Ky. Station location: 1.8 miles southwest of Richmond, Ky.

3697-C1-P-71—South Central Bell Telephone Co. (KJK51), C.P. to add frequencies 3710 and 3790 MHz toward Richmond, Ky. Station location: 216 South Fourth Street, Danville, KY.

3698-C1-P-71—The Mountain States Telephone & Telegraph Co. (KVH80), C.P. to change alarm center location to 6.5 miles southeast of Billings, Mont. Station location: 114 South Willson Avenue, Bozeman, MT.

3699-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPS45), C.P. to operate on frequency 6078.6 MHz for the 0.5-watt output power and frequency 10,955 MHz for the 1-watt output power, toward Bozeman, Mont., via passive reflector. Station: 11.5 miles east of Bozeman, Mont.

3708-C1-P/L-71—RCA Alaska Communications, Inc. (New), C.P. and license for a new station to be located at 190 miles east-southeast of Barrow, Alaska (Frontier Camp). Frequency: 2178 MHz toward Deadhorse, Alaska.

LOCAL TELEVISION TRANSMISSION SERVICE

3707-C1-P/L-71—RCA Alaska Communications, Inc. (New), C.P. and license for a new temporary fixed television pickup station. Frequency: 6430 MHz toward various points within a 30-mile radius of Anchorage, Alaska.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: February 1, 1971, to February 1, 1976.

General Telephone Co. of Indiana, Inc.
KL6656—Mobile TV-Pickup.
The Lincoln Telephone & Telegraph Co.
KBH86—Lincoln, Nebr.
Western Tele-Communications, Inc.
KXR27—Whitehall, Mont.
KXR28—Baldy Mountain, Mont.
KXR29—Blackhorse, Mont.
KZS84—Bozeman Pass, Mont.
KZS85—Near Butte, Mont.
KZS86—Near Greycliff, Mont.
KZS87—Greeno, Mont.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3635-C1-TC-(3)-71—KHC Microwave Corp. Consent to transfer of control of KHC Microwave Corp., Transferor to United Video, Inc., Transferee. Stations: WDD97, Labelle, Tex.; WDE80, Orange, Tex.; WDE81, Mossville, La.

3654-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at WSL-TV, 190 North State Street, Chicago, IL, at latitude 41°53'07" N., longitude 87°37'42" W. Frequencies 10,855H and 10,935H MHz on azimuth 301°05'.

3655-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at WBBM-TV, 630 North McClurg Court, Chicago, IL, at latitude 41°53'37" N., longitude 87°37'05" W. Frequencies 10,855V and 11,095V MHz on azimuth 250°10'.

3656-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at Merchandise Mart, Chicago, IL, at latitude 41°53'18" N., longitude 87°38'07" W. Frequencies 10,615H, 10,935V, 11,055H, 11,135H, and 11,175V MHz on azimuth 273°45'; and 11,505H MHz on azimuth 121°05'; and 11,265V MHz on azimuth 70°10'.

3657-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles south of Cloverdale, Ill., at latitude 41°53'18" N., longitude 87°38'07" W. Frequencies 11,265H, 11,345H, 11,425H, 11,505H, and 11,585H MHz on azimuth 338°10' and frequencies 11,225V and 11,465V MHz on azimuth 93°45'.

3658-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.9 miles east of Crystal Lake, Ill., at latitude 42°15'14" N., longitude 88°17'02" W. Frequencies 5945.2V, 6004.5V, 6063.8V, 6123.1V, and 6152.8H MHz on azimuth 351°13' and frequencies 10,855H and 11,095H MHz on azimuth 158°10'.

3659-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3 miles east of Lake Geneva, Wis., at latitude 42°35'49" N., longitude 88°21'20" W. Frequencies 6212.0V, 6301.0H, 6330.7V, 6360.3H, and 6390.0V MHz on azimuth 0°33', and frequency 6301.0V on azimuth 171°13'

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POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3674-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.5 miles east of La Crosse, Wis., at latitude 43°49'08" N. longitude 91°11'15" W. Frequencies 6167.6H and 6108.3H MHz on azimuth 260°30'. Frequencies 6019.3V and 6108.3H MHz on azimuth 284°35'. Frequencies 5989.7H, 6019.3V, 6078.6V, 6108.3H, and 6167.6H MHz on azimuth 300°45'. Frequencies 5980.7V and 6137.9H MHz on azimuth 140°30'.

3675-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at 270 East Capitol Drive, Milwaukee, Wi. at latitude 43°05'29" N. longitude 87°54'07" W. Frequencies 6286.2H MHz on azimuth 242°30'. Frequencies 11.265H and 11.505H on azimuth 305°35'. Frequencies 11.265V and 11.345V MHz on azimuth 206°00'.

3676-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles north-northeast of Eyota, Minn., at latitude 44°00'36" N. longitude 92°10'55" W. Frequencies 5989.7V, 6049.0V, 6078.6H, 6108.3V, and 6167.6V MHz on azimuth 311°15'. Frequencies 5089.7V and 6108.3V MHz on azimuth 273°35'. Frequencies 5989.7H and 6108.3H MHz on azimuth 247°30'. Frequencies 6004.5V and 6123.1V MHz on azimuth 83°50'.

3677-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3 miles south of Rockdell, Minn., at latitude 43°52'35" N. longitude 92°38'00" W. Frequencies 6241.7V and 6301.0V MHz on azimuth 239°50'.

3678-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.25 miles northwest of Belchester, Minn. at latitude 44°22'54" N. longitude 92°31'21" W. Frequencies 6241.7H, 6271.4V, 6301.0H, 6330.3H, and 6390.0V MHz on azimuth 311°15'. Frequencies 6241.7V and 6301.0V MHz on azimuth 151°15'.

3679-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east-northeast of New Trier, Minn., at latitude 44°36'50" N., longitude 92°53'32" W. Frequencies 5945.2H, 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz on azimuth 338°45'. Frequencies 6004.5V and 6063.8V MHz on azimuth 121°15'.

3680-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east of New Brighton, Minn., at latitude 45°03'44" N., longitude 93°08'11" W. Frequencies 11.265V and 11.505V MHz on azimuth 208°30'. Frequencies 6301.1H and 6360.3H MHz on azimuth 158°45'. Frequencies 6212.0H, 6241.7V, 6330.7H, and 6360.3V MHz on azimuth 356°45'. Frequencies 11.345V, 11.425V, 11.505V, and 11.585V MHz on azimuth 228°00'.

3681-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station on South Ninth Street, Minneapolis, MN, at latitude 44°58'28" N., longitude 93°16'17" W. Frequencies 10,855H and 10,935H MHz on azimuth 226°15'.

3682-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 4.75 miles northeast of Isanti, Minn., at latitude 45°31'17" N., longitude 93°10'27" W. Frequencies 5989.7H, 6049.0H, 6108.3H, and 6167.6H MHz on azimuth 11°45'. Frequency 6019.3H MHz on azimuth 176°45'.

3683-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3.8 miles westnorthwest of Hinkley, Minn. at latitude 46°01'37" N. longitude 93°01'15" W. Frequencies 6212.0V, 6271.4V, 6330.7V, and 6390.0V MHz on azimuth 42°30', and frequency 6301.0H MHz on azimuth 191°45'.

3684-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 0.8 mile west-southwest of Duquette, Minn., at latitude 46°22'00" N., longitude 92°34'16" W. Frequencies 5989.7H, 6049.0H, 6108.3H, and 6167.6H MHz on azimuth 36°15'. Frequency 6049.0V MHz on azimuth 222°30'.

3685-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at Fifth Avenue West and 10th Street, Duluth, Minn., at latitude 46°47'21" N., longitude 92°06'51" W. Frequencies 11.265V and 11.505V MHz on azimuth 92°30'. Frequencies 11.265V and 11.345V MHz on azimuth 139°30'. Frequencies 11.265H and 11.585H MHz on azimuth 348°00'. Frequency 6301.0H MHz on azimuth 216°15'.

(Informative: Applicant is proposing to provide audio and video programing to television stations in Wisconsin, Iowa, and Minnesota from Chicago, Ill.)

3706-C1-P-71—First Television Corp. (KGP55), C.P. to add frequency 6389.9 MHz via power split toward Frankford, Del., on azimuth 144°50'. Location: Bramhall Street, Georgetown, Del., at latitude 38°41'44" N., longitude 75°23'50" W.

(Informative: Applicant proposes to provide the television signal of WBAL-TV to Lower Delaware CATV, Inc., in Frankford, Del.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3660-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east of North Prairie, Wis., at latitude 42°55'52" N., longitude 88°21'05" W. Frequencies 5989.7H, 6019.3V, 6108.3H, 6137.9V, and 6167.6H MHz on azimuths 62°30', and 278°15'. Frequencies 5989.7H, 6019.3V, 6108.3H, and 6137.9V MHz on azimuth 8°45'. Frequencies 5960.0 and 6167.6V MHz on azimuth 180°33'.

3661-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles north-northeast of Winona, Minn., at latitude 44°02'46" N., longitude 91°43'26" W. Frequencies 6197.2V, 6228.9H, 6286.2H, 6345.5H, and 6404.8H MHz on azimuth 263°50'. Frequencies 6241.7H and 6301.0H MHz on azimuth 120°45'.

3676-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2 miles north-northeast of Eyota, Minn., at latitude 44°00'36" N. longitude 92°10'55" W. Frequencies 5989.7V, 6049.0V, 6078.6H, 6108.3V, and 6167.6V MHz on azimuth 311°15'. Frequencies 5089.7V and 6108.3V MHz on azimuth 273°35'. Frequencies 5989.7H and 6108.3H MHz on azimuth 247°30'. Frequencies 6004.5V and 6123.1V MHz on azimuth 83°50'.

3677-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3 miles south of Rockdell, Minn., at latitude 43°52'35" N., longitude 92°38'00" W. Frequencies 6241.7V and 6301.0V MHz on azimuth 239°50'.

3678-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 1.25 miles northwest of Belchester, Minn. at latitude 44°22'54" N., longitude 92°31'21" W. Frequencies 6241.7H, 6271.4V, 6301.0H, 6330.3H, and 6390.0V MHz on azimuth 311°15'. Frequencies 6241.7V and 6301.0V MHz on azimuth 151°15'.

3679-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east-northeast of New Trier, Minn., at latitude 44°36'50" N., longitude 92°53'32" W. Frequencies 5945.2H, 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz on azimuth 338°45'. Frequencies 6004.5V and 6063.8V MHz on azimuth 121°15'.

3680-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 2.5 miles east of New Brighton, Minn., at latitude 45°03'44" N., longitude 93°08'11" W. Frequencies 11.265V and 11.505V MHz on azimuth 208°30'. Frequencies 6301.1H and 6360.3H MHz on azimuth 158°45'. Frequencies 6212.0H, 6241.7V, 6330.7H, and 6360.3V MHz on azimuth 356°45'. Frequencies 11.345V, 11.425V, 11.505V, and 11.585V MHz on azimuth 228°00'.

3681-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station on South Ninth Street, Minneapolis, MN, at latitude 44°58'28" N., longitude 93°16'17" W. Frequencies 10,855H and 10,935H MHz on azimuth 226°15'.

3682-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 4.75 miles northeast of Isanti, Minn., at latitude 45°31'17" N., longitude 93°10'27" W. Frequencies 5989.7H, 6049.0H, 6108.3H, and 6167.6H MHz on azimuth 11°45'. Frequency 6019.3H MHz on azimuth 176°45'.

3683-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 3.8 miles westnorthwest of Hinkley, Minn. at latitude 46°01'37" N. longitude 93°01'15" W. Frequencies 6212.0V, 6271.4V, 6330.7V, and 6390.0V MHz on azimuth 42°30', and frequency 6301.0H MHz on azimuth 191°45'.

3684-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station 0.8 mile west-southwest of Duquette, Minn., at latitude 46°22'00" N., longitude 92°34'16" W. Frequencies 5989.7H, 6049.0H, 6108.3H, and 6167.6H MHz on azimuth 36°15'. Frequency 6049.0V MHz on azimuth 222°30'.

3685-C1-P-71—Midwestern Relay Co. (New), C.P. for a new station at Fifth Avenue West and 10th Street, Duluth, Minn., at latitude 46°47'21" N., longitude 92°06'51" W. Frequencies 11.265V and 11.505V MHz on azimuth 92°30'. Frequencies 11.265V and 11.345V MHz on azimuth 139°30'. Frequencies 11.265H and 11.585H MHz on azimuth 348°00'. Frequency 6301.0H MHz on azimuth 216°15'.

(Informative: Applicant is proposing to provide audio and video programing to television stations in Wisconsin, Iowa, and Minnesota from Chicago, Ill.)

3706-C1-P-71—First Television Corp. (KGP55), C.P. to add frequency 6389.9 MHz via power split toward Frankford, Del., on azimuth 144°50'. Location: Bramhall Street, Georgetown, Del., at latitude 38°41'44" N., longitude 75°23'50" W.

(Informative: Applicant proposes to provide the television signal of WBAL-TV to Lower Delaware CATV, Inc., in Frankword, Del.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3739-C1-P-71—United Video, Inc. (WAN79), C.P. to add frequency 10,735 MHz on azimuth 293°02'. Location: 3.3 miles southeast of Lebanon City, Mo., at latitude 37°42'39" N., longitude 92°42'43" W.

3740-C1-P-71—United Video, Inc. (WCZ32), C.P. to add frequency 11,425 MHz on azimuth 344°39'. Location: 2.6 miles northwest of Urbana, Mo., at latitude 37°52'16" N., longitude 93°11'25.3" W.

3741-C1-P-71—United Video, Inc. (WCZ33), C.P. to add frequency 10,735 MHz on azimuth 6°30'. Location: 2.2 miles east of Warsaw, Mo., at latitude 38°14'17" N., longitude 93°-19'05" W.

(Informative: Applicant proposes to provide the television signal of Station KPLR-TV to Cablevision, Inc., to Sedalia, Mo.)

[FR Doc.71-1064 Filed 1-27-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20946, etc.]

HARLLEE BRANCH, JR., ET AL.

Notice of Oral Argument

Harllee Branch, Jr., et al., and United States Steel Corp.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 10, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 25, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1202 Filed 1-27-71;8:50 am]

[Docket No. 20741]

KOREA AIR TERMINAL SERVICE CO., LTD.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on February 3, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 22, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1203 Filed 1-27-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 86]

USLIFE CORP.

Notice of Receipt of Application for Permission To Acquire Control of Columbia Savings and Loan Association

JANUARY 25, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the USLIFE Corp., New York, N.Y., a unitary savings and loan holding company, for approval of acquisition of control of the Columbia Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of cash and stock of USLIFE Corp. for stock in Columbia Savings and Loan Association. Following the acquisition it is proposed that Columbia Savings and Loan Association be merged with Sterling Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-1207 Filed 1-27-71;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esquire, Burlington, Underwood, Wright, White, and Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9000-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1187 Filed 1-27-71;8:49 am]

CALIFORNIA/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William C. Galloway, Chairman, California/Japan Cotton Pool, 635 Sacramento Street, San Francisco, CA 94111.

Agreement No. 8882-8 would "suspend for the current Pool season ending July 31, 1971, the provision of Article 10 which provides for an annual financial

settlement between members" with respect to the transportation of cotton from California to Japan. The reason for the suspension of the requirement of Article 10 is "that the American and Japanese Governments have reached an agreement whereby Export Import Bank loan shipments of cotton from California to Japan are for the balance of this cotton Pool season to move exclusively on American flag vessels."

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1188 Filed 1-27-71;8:49 am]

EAST COAST COLOMBIA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. D. Marshall, Chairman, East Coast Colombia Conference, 11 Broadway, New York, NY 10004.

Agreement No. 7590-18, among the member lines of the East Coast Colombia Conference, will modify the "Self-Policing" Rules pursuant to General Order No. 7 (Revised) by canceling the existing Articles 17 through 22 and substituting therefore new Articles 17 through 20.

Dated: January 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1189 Filed 1-27-71;8:49 am]

GREAT LAKES UNITED KINGDOM EASTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

David F. Graham, Manager-Secretary, Great Lakes United Kingdom Eastbound Conference, 108 North State Street, Chicago, IL 60602.

Agreement No. 8130-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates the basic agreement in its entirety.

Dated: January 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 71-1191 Filed 1-27-71;8:49 am]

LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Chairman, Latin America/Pacific Coast Steamship Conference, 417 Montgomery Street, San Francisco, CA 94104.

Agreement No. 8660-3, among the member lines of the Latin America/Pacific Coast Steamship Conference will revise the basic agreement by up-dating the terms of the self-policing provisions to conform to the requirements of the Commission's General Order 7 (Revised)

Dated: January 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1190 Filed 1-27-71;8:49 am]

MATSON NAVIGATION CO. AND NIPPON YUSEN KAISHA (N.Y.K.)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter Wilson, Esquire, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. 9926, between the two carriers noted above, would permit the Matson Navigation Co. to lease certain of its owned containers and related equipment to N.Y.K., and other common carriers upon application, under those terms and conditions set forth in the agreement.

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1192 Filed 1-27-71;8:49 am]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esquire, Burlingham, Underwood, Wright, White, and Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8260-12 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General October 7 as revised on October 27, 1970.

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1193 Filed 1-27-71;8:49 am]

PACIFIC WESTBOUND CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. William C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.

The Pacific Westbound Conference has filed with the Commission for approval under section 14b of the Shipping Act, 1916, a proposed revision of its form of exclusive patronage (dual rate) contract. The purpose and effect of the proposed modification is to include the Conference's Overland Tariff in the dual rate system. The Conference's Overland Tariff applies to export cargoes originating in North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and "States east thereof."

Dated: January 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1194 Filed 1-27-71;8:49 am]

[Docket No. 71-9]

ROSS PRODUCTS AND TAUB, HUMMEL & SCHNALL, INC.

Order of Investigation and Hearing

The Commission has become aware that certain shipments consigned to Ross Products, a division of NMS Industries, Inc. (Ross Products), during the period of April 12, 1969, through October 24, 1969, see Attachment A for a list of the shipments, were misclassified resulting in the assessment of incorrect ocean freight charges. The bills of lading involved described the nine shipments as "Toys", whereas the custom papers, shippers invoices, and packing lists and inspections disclosed that the shipments consisted of mirrors, immersion heaters, photo albums, glass animals, window chimes, and grass beachmats which are subject to higher freight rates than "Toys". The difference between the proper rates and the rate for "Toys" for each shipment is also set forth in Attachment A.

Taub, Hummel & Schnall, Inc. acted as the customhouse broker, for the inbound shipments to Ross Products. The firm handled the various documents which properly identified the commodities, and paid the collect ocean freight charges for Ross Products.

Section 16 of the Shipping Act of 1916 provides in part: "That it shall be unlawful for any shipper consignor, consignee, forwarder, broker, or other person, or other officer, agent, or employee thereof, knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable."

Therefore it is ordered, Pursuant to section 22 of the Shipping Act, 1916, that a proceeding is hereby instituted to determine whether Ross Products and/or

Taub, Hummel and Schnall, Inc., violated section 16 of the Shipping Act, 1916, by knowingly and willfully, directly or indirectly, by means of false classification, or by any other unjust or unfair device or means obtained transportation by water for property at less than the rates or charges which would otherwise be applicable.

It is further ordered, That NMS Industries, Inc., and Taub, Hummel & Schnall, Inc., be made respondents in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondents.

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573 with copies to respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

ATTACHMENT A

1. Sea-Land Waybill #905-437936, 8-4-69, declared 1,225 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was $964.96;

2. Sea-Land Waybill #905-435068, 4-12-69, declared 353 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was $136.24;

3. Sea-Land Waybill #905-438322, 8-21-69, declared 700 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was $268.58;

4. Sea-Land Waybill #905-437864, 8-2-69, declared 175 cartons of "Toys." The cargo was inspected and found to be "Mirrors" and "Immersion Heaters." The difference in the proper rate and the rate for "Toys" was $54.68;

5. Sea-Land Waybill #905-438698, 8-29-69, declared 340 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was $106.31;

6. Sea-Land Waybill #905-439066, 9-7-69, declared 700 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was $299.06;

7. Sea-Land Waybill #905-401056, 9-21-69, declared 305 cartons of "Toys." The cargo was inspected and found to be "Mirrors," "Photo Albums," "Glass Animals," "Glass Window Chimes," and "Grass Beach Mats." The difference in the proper rate and the rate for "Toys" was $84.65;

8. Sea-Land Waybill #905-400958, 9-20-69, declared 548 cartons of "Toys." The cargo was inspected and found to be "Mirrors." The difference in the proper rate and the rate for "Toys" was $225.15; and

9. Sea-Land Waybill #905-402157, 10-24-69, declared 50 cartons of "Toys." The cargo was inspected and found to be "Immersion Heaters." The difference in the proper rate and the rate for "Toys" was $35.65.

Total difference between the proper rate and the rate for "Toys" was $2,175.28.

[FR Doc.71-1185 Filed 1-27-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-184]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 22, 1971.

Take notice that on January 18, 1971, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226 filed in Docket No. CP71-184 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the underground natural gas storage service being rendered for Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities required incident thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket No. CP70-19, et al., the Commission authorized applicant to render an underground natural storage service for Natural, pursuant to an agreement dated January 30, 1970. This agreement provides for the delivery by Natural to applicant of an annual volume of 9,000,000 Mcf of natural gas for storage and the redelivery thereto during the period November 1 to the next succeeding March 1 of each year at a daily rate not to exceed 90,000 Mcf.

Applicant states that by agreement dated October 15, 1970, applicant and Natural amended the storage agreement, effective March 1, 1971, to increase the annual storage volume to 13,500,000 Mcf and to increase the daily redelivery rate to 135,000 Mcf. Incident to this increased service, applicant proposes to install an additional 5,000-horsepower compressor facility at its Hamilton Compressor Station and an additional 4,000-horsepower compressor facility at its Lincoln Compressor Station. Applicant states that the estimated cost of these facilities will be $2,940,000 which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1144 Filed 1-27-71;8:45 am]

[Docket No. RP71-89]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 22, 1971.

Take notice that on January 18, 1971, Northern Natural Gas Co. (Northern) filed changes in its FPC Gas Tariff, Third Revised Volume No. 1, consisting of First Revised Sheet No. 60 Superseding Original Sheet No. 60 and Original Sheet No. 60a, to be effective February 27, 1971. The proposed tariff revisions would amend paragraph 9 of the General Terms and Conditions to permit Northern to curtail deliveries of gas to its customers down to 85 percent of their contract demands in the months of April and October and down to 70 percent of their contract demands during the months of May through September in order to assure Northern of the availability of sufficient volumes of gas to replenish its underground storage facility.

Northern states that the load factor of its system used to be at a point which permitted it to replenish its underground storage facility without curtailing any of its system requirements during the summer months. However, in 1969 its markets grew sufficiently to make it necessary to implement partial curtailment of overrun requirements in order to provide adequate volumes to replenish its Redfield storage field. During 1970 the growth of system requirements was so great that it was necessary to discontinue all overrun sales and since that time Northern has restricted sales to its customers to their contract demands.

Northern avers that it has not been able to contract for sufficient volumes of additional gas reserves to support an expansion of its transmission system to provide for the sale of additional contract demand volumes. The combination of normal load growth within existing contract demands coupled with no expansion of the transmission facilities results in a situation whereby pipeline capacity is inadequate by 14 million Mcf annually to deliver its customers' full contract demand requirements and satisfy the injection volumes needed to replenish its storage facility. Northern concluded, after a series of meetings with its customers, that the most desirable solution for providing the gas needed to replenish Redfield would be to file the proposed Tariff sheets hereinbefore described to permit Northern to order curtailment of contract demand deliveries so as to provide the gas and the pipeline capacity required for replenishing Redfield.

Northern's filing indicates that its curtailment program is proposed for a 2-year period pending the disposition of its project to import gas from Canada.

Northern states that copies of its filing have been mailed to all of its customers and to the State Commissions of Illinois, Iowa, Kansas, Michigan, and Wisconsin.

Any person desiring to be heard or to make any protest with reference to this filing should on or before February 9, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc.71-1145 Filed 1-27-71;8:45 am]

FEDERAL RESERVE SYSTEM

CONSOLIDATED BANKSHARES OF FLORIDA, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Consolidated Bankshares of Florida, Inc., Fort Lauderdale, FL, for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Security First National Bank of Plantation, Fla., a proposed new bank, and 80 percent or more of the voting shares of each of the following Florida banks: First National Bank in Fort Lauderdale; Plantation First National Bank, Plantation; Guaranty First National Bank of Fort Lauderdale; and Ocean First National Bank of Fort Lauderdale.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., for the Board's approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Security First National Bank of Plantation, Fla., a proposed new bank, and 80 percent or more of the voting shares of each of the following Florida banks: First National Bank in Fort Lauderdale; Plantation First National Bank, Plantation; Guaranty First National Bank of Fort Lauderdale; and Ocean First National Bank of Fort Lauderdale.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17879), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, and provided further that (c) Security First National Bank of Plantation shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] January 19, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-1015 Filed 1-27-71;8:45 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

FIRST FLORIDA BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Florida Bancorporation, which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Midway Bank at Tampa, Tampa, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, January 22, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-1179 Filed 1-27-71;8:48 am]

FIRST HOLDING CO., INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Holding Co., Inc., Waukesha, Wis., for approval of acquisition of 80 percent or more of the voting shares of Elm-Brook State Bank, Brookfield, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12

CFR 222.3(a)), the application of First Holding Co., Inc., Waukesha, Wis. Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Elm-Brook State Bank, Brookfield, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Wisconsin Commissioner of Banking and requested his views and recommendation. The Commissioner responded that he offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17879), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the appllcation in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls four banks with aggregate deposits of $145 million, representing 1.7 percent of total bank deposits in Wisconsin, and is the fifth largest banking organization in that State. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Applicant's acquisition of Bank, with deposits of $6.4 million, would not change this ranking or significantly increase its share of deposits in the State.

Bank is one of the smaller banks in a market which is approximated by Milwaukee County and the east-central portion of Waukesha County west to and including the city of Waukesha. It has only 0.2 percent of deposits in this market and its acquisition by Applicant would increase the latter's share of deposits in this market to only 4.7 percent. Three large organizations control 65.3 percent of the deposits therein, and the addition of Bank to Applicant's system would help Applicant compete with the three larger organization. Though some actual competition between Applicant's subsidiaries and Bank would be eliminated by consummation of the acquisition, this is mitigated by the geographical closeness of several banking alternatives to Bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have a substantially adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiary banks are consistent with approval of the application and as they pertain to Bank lend support for approval. Affiliation with Applicant would provide Bank with greater depth in management and would alleviate a management succession problem. Considerations relating to the convenience and needs of the communities concerned also favor approval of the application in that Applicant plans to add certain new services at Bank, such as the elimination of all service charges on demand deposit accounts. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] January 22, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1146 Filed 1-27-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

COMBINED OPPORTUNITIES, INC.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On December 22, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 19379) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company (MESBIC) by Combined Opportunities, Inc., 5050 North Broadway, Chicago, IL 60640.

Interested parties were invited to submit their written comments to SBA.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, et seq.), after having considered the application and all other pertient information and facts with regard thereto, SBA has issued License No. 07/07-5084 to Combined Opportunities, Inc., to operate as a MESBIC.

A. H. SINGER,
Associate Administrator, for Investment.

JANUARY 14, 1971.

[FR Doc.71-1166 Filed 1-27-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

TARIFF COMMISSION

[TEA-W-57]

ARISTA MILLS CO.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Arista Mills Co., Winston-Salem, N.C., the U.S. Tariff Commission, on January 22, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with fabrics of the kind produced by the Arista Mills Co., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: January 25, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1198 Filed 1-27-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 6]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 22, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 427(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 268) (Correction), filed November 25, 1970, published in the FEDERAL REGISTER issue of January 7, 1971, and republished as corrected, this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in Texas; and, except from points in St. Charles Parishes, La., to points in the United States (except Alaska and Hawaii) (except from the plantsite of Monsanto Co. at or near Luling, La., in St. James Parish, and, except from the plantsite of Union Carbide Corp. at or near Taft, La., in St. Charles Parish, to points in Texas, California, Washington, and Oregon; and, except from the plantsite of Hooker Chemical Co. at or near Taft, La., in St. Charles Parish to points in Texas; and, except from points in St. James Parish within 15 miles of Geismar, La.). NOTE: Applicant states that tacking is possible but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to add the destinations inadvertently omitted in the territorial description of the previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 1641 (Sub-No. 90), filed December 16, 1970. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to all points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 2392 (Sub-No. 81), filed December 18, 1970. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, Omaha, NE 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, from the plantsite of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 2567 (Sub-No. 14), filed December 7, 1970. Applicant: BELBEY TRANSFER COMPANY, a corporation, 520 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment*, other than household appliances, and *epuipment, materials, and supplies* used in connection with the manufacture, installation, and maintenance of said commodities (except in bulk), (1) between the plantsite of Westinghouse Electric Corp., Hillside, N.J., and points in Union, Essex, Bergen, Hudson, and Morris Counties, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Newport News, Va., and Washington, D.C.; and (2) between the plantsite of Westinghouse Electric Corp., Hillside, N.J., and Richmond, Va.; Cincinnati, Cleveland, Marietta, and Akron, Ohio, and Bloomington, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2860 (Sub-No. 93), filed December 28, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Somerville, N.J., on the one hand, and, on the other, points in New York and Pennsylvania, serving Somerville for joinder only. NOTE: Applicant states that it could tack with its existing authority at points in Somerville, N.J., to provide through service to points in southern New England. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC3468 (Sub-No. 159) (Correction), filed November 10, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished in part, as corrected this issue. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, DC 20001. The purpose of this partial republication is to reflect the correct name of applicant as F. J. Boutell Driveway Co., Inc., in lieu of F. J. Boutell Delivery Co., Inc., as was previously published. The rest of the application remains as previously published.

No. MC 4405 (Sub-No. 483), filed December 28, 1970. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, *trailer converter dollies*, in initial truckaway and driveaway service, *truck bodies and trailer bodies, and containers* having a capacity of more than 5 gallons, or of more than 9 cubic feet, and (b) *tractors*, in secondary driveaway

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

service only when drawing trailers moving in initial driveaway service, (a) from points in Coles County, Ill. (except Mattoon), to points in the United States including Alaska (but excluding Hawaii), and (b) from points in Coles County, Ill. (except Mattoon), to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 484), filed December 31, 1970. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste and water treatment systems*, from Lansdale, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 60), filed December 22, 1970. Applicant: TAJON INC., Rural Delivery 5, Post Office Box 146, Mercer, PA 16137. Applicant's representative: Donald Cross, Munsey Building, 1329 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, ores, scrap steel shapes, and pig iron*, in dump vehicles, from Theodore, Ala., to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Wisconsin, West Virginia, and Virginia; and (2) *materials and supplies* used in the manufacture of alloys and pig iron, in dump vehicles, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and West Virginia to Theodore, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 13426 (Sub-No. 9), filed January 6, 1971. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Applicant's representatives: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005, and Irving R. Segal, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail department stores, between Milwaukee, Wis., on the one hand, and, on the other, points in Sheboygan, Washington, Jefferson, Milwaukee, Walworth, Ozaukee, Dodge, Waukesha, Racine, and Kenosha Counties, Wis., restricted to service for Sears, Roebuck and Co., under contract with Sears, Roebuck and Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 25798 (Sub-No. 218), filed January 4, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) *Equipment, materials and supplies* used in the conduct of meat packinghouses, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and on the other, points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30837 (Sub-No. 417), filed December 28, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs and parts* therefor when moving therewith, from Rochester, Minn., to Racine, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 341), filed December 11, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO. 80202. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, from Spencer, Iowa, to points in Delaware, Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30884 (Sub-No. 14), filed January 5, 1971. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, from places of manufacture and assembly located in Kansas City, Mo., to points in the States of Alabama and Wisconsin, with no transportation for compensation on return except as otherwise authorized. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 40915 (Sub-No. 44), filed December 21, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives and linoleum paste*, from the plantsite of Roman Adhesives, Inc., at Newark, N.J., to points in California, Colorado, Florida, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 41404 (Sub-No. 93), filed December 23, 1970. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same as address applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *Dairy products*; (3) *Shortening* and (4) *Canned foods*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Krey Packing Co. at St. Louis, Mo., to points in Kentucky west of the Cumberland River and points in Tennessee, west of the Tennessee River. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it to be held at St. Louis, Mo.

No. MC 42487 (Sub-No. 769), filed December 18, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil treating compounds*, in bulk, in tank vehicles, from Brea, Calif., to Pascagoula, Miss. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 51146 (Sub-No. 192), filed December 17, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Fond du Lac, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 193), filed December 21, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, fibers, scrap iron, brass, copper, aluminum, lead, zinc solids, and residues* for remelting purposes only, between Fort Atkinson, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 194), filed December 21, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., and Jacksonville, Fla., to points in the States of Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant also states it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52657 (Sub-No. 674), filed December 21, 1970. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway service, *trailer converter dollies, bodies, containers, and materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), trailer converter dollies, bodies, and containers, between Elizabeth, W. Va., and Parkersburg, W. Va., on the one hand, and, on the other, points in the United States including Alaska (but excluding Hawaii), and (b) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary truckaway service, *trailer converter dollies, bodies, containers, and materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), trailer converter dollies, bodies, and containers, between points in the United States including Alaska (but excluding Hawaii), on the one hand, and, on the other, Elizabeth, W. Va., and Parkersburg, W. Va., restricted to shipments from, to, or between suppliers, distributors, plants, warehouses, or other facilities of Ravens-Metal Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52657 (Sub-No. 675), filed January 5, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703 and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway movements, and *trailer converter dollies, and materials, supplies, and parts* used in the manufacture, assembly and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and trailer converter dollies, from Albion, Pa., to points in Alaska, Arizona, California, Colorado, Idaho, Maine, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington, and Wyoming; (b) *trailers* (except those designed to be drawn by passenger automobiles), in initial driveway movements, from Albion, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (c) *trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway movements, *trailer converter dollies, and materials, supplies, and parts* used in the manufacture, assembly and servicing of trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and *trailer converter dollies* from Albion, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia;

(d) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway movements, trailer converter dollies, and *materials, supplies, and parts* used in the manufacture, assembly, and servicing of trailers and trailer chassis (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, from Delta, Ohio, to points and places in the United States (including Alaska but excluding Hawaii). (e) Trailers and trailer chassis (except those designed to be drawn by passenger automobiles), in Truckaway service in secondary movements and *trailer converter dollies*, and *materials, supplies, and parts* used in the manufacture, assembly, and servicing of *trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, between Albion, Pa., and Delta, Ohio, on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii), restricted to shipments from, to, or between suppliers, distributors, plants, warehouses, or other facilities of Rogers Brothers Corp., and (f) *Tractors* in secondary movements only when pulling trailers, trailer chassis (except those designed to be drawn by passenger automobiles), and *trailer converter dollies*, between Albion, Pa., and Delta, Ohio, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Ok-

lahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, restricted to shipments from, to or between suppliers, distributors, plants, warehouses or other facilities of Rogers Brothers Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52861 (Sub-No. 21), filed December 17, 1970. Applicant: WILLIS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in West Virginia on the one hand, and, on the other, points in Cuyahoga, Lake, and Ashtabula Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52979 (Sub-No. 16), filed December 18, 1970. Applicant: HUNT TRUCK LINES, INC., Rockwell City, Iowa 50579. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Counter tops, doors, desks, and cabinets and parts and accessories* for such commodities, from Holstein, Iowa, to Chicago, Ill., and Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 61231 (Sub-No. 54), filed December 21, 1970. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, Ninth Floor, Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, hardboard, insulation, insulation materials, padding and cushioning materials, and materials and accessories* used in the installation of wallboard, pulpboard, hardboard, insulation and insulation materials, from Bemidji, Duluth, and Cloquet, Minn., to points in Indiana and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 61592 (Sub-No. 198), filed December 18, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, wooden stakes, wood products, props, sawdust, and shavings*, from Fredericksburg, Va., and points in Caroline, King George, and Spotsylvania Counties, Va., to points in New York, Ohio, West Virginia, Delaware, New Jersey, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Michigan, North Carolina, Virginia, Maryland, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64600 (Sub-No. 40), filed December 28, 1970. Applicant: WILSON TRUCKING CORPORATION, Post Office, Box 1067, Waynesboro, VA 22980. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fredericksburg, and Richmond, Va., from Fredericksburg over U.S. Highway 1, serving all intermediate points; (2) between Richmond, and Reedville, Va., from Richmond, over U.S. Highway 360 to Reedville, serving all intermediate points; (3) between Richmond, and Deltaville, Va., from Richmond, over U.S. Highway 60 to its junction with Virginia Highway 33, thence over Virginia Highway 33 to Deltaville and return over the same routes, serving all intermediate points; (4) between Norfolk, and Fredericksburg, Va., from Norfolk over U.S. Highway 17 to Fredericksburg, Va., serving all intermediate points between Gloucester Point and Fredericksburg, Va.; and (5) between Fredericksburg, and Gloucester, Va.; from Fredericksburg, over Virginia Highway 3 to Gloucester, Va., serving all intermediate points. NOTE: Off-route service is sought in connection with routes 1 thru 5 above, as follows: Service is authorized in connection with operations over Routes 1 through 5 above in that part of Virginia bounded by a line beginning at Fredericksburg and extending along U.S. Highway 1 to Richmond, thence along U.S. Highway 60 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence along the western shore of Chesapeake Bay and the Potomac River to Dahlgren, Va., thence along Virginia Highway 206 to junction Virginia Highway 3, and thence along Virginia Highway 3 to the point of beginning at Fredericksburg, Va., and Matthews and Gloucester Counties, Va., and that portion of Middlesex County not included in the off-route territory described above. NOTE: Applicant states it presently holds authority to serve points on all of the routes or territories sought in instant application. The purpose of this application is (a) to eliminate certain gateways; and (b) to make its operation uniform (regular route) in the territory involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 66462 (Sub-No. 12), filed December 30, 1970. Applicant: THE WILLETT COMPANY, a corporation, 700 South Des Plaines Street, Chicago, IL 60607. Applicant's representatives: Daniel J. Sweeney and Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1034, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Illinois, Iowa, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 70313 (Sub-No. 1), filed January 11, 1971. Applicant: MYERS CONTRACT TRUCKING, INC., 1220 Roosevelt Avenue, York, PA 17404. Applicant's representative: Christian V Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise as is dealt in by chain, cable, hoisting equipment, garage equipment, and malleable iron and steel manufacturing houses, and in connection therewith machinery, materials, and supplies*, used in the conduct of such business, (1) between York, Pa., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, and Iowa, (2) between Burlington and Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Pennsylvania and (3) between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, and Pennsylvania, under contract with Campbell Chain Division of United Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 72806 (Sub-No. 5), filed December 28, 1970. Applicant: RED-YELLOW CAB CO., doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, OH 43612. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), in express service, in taxicabs, between points

in Lucas, Fulton, Wood, and Ottawa Counties, Ohio, on the one hand, and, on the other, points in the Southern Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 73165 (Sub-No. 288), filed December 28, 1970. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, or slabs*, from the plantsite of Revere Copper & Brass, Inc., at or near Scottsboro, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that there are tacking possibilities but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76032 (Sub-No. 272), filed January 4, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, acids, chemicals, perfumery, toilet preparations, bread making compounds, display racks, advertising material, and syrup* not medicated, from Brooklyn, N.Y.; New York, N.Y.; Groton, Conn.; and Parsippany, N.J.; to points in Portland, Oreg. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates it has no present intention to tack and therefore cannot identify points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or New York, N.Y.

No. MC 76032 (Sub-No. 273), filed January 6, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire handling machine, parts and supplies, machinery and machinery parts, generators or motors or generators and motors combined or parts*, between Saticoy, Calif., on the one hand, points in the continental United States (except Alaska on the other). NOTE: Common control may be involved. Applicant states the requested authority can be tacked with its presently existing authority but indicated it has no present intention to tack and therefore cannot identify points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 76032 (Sub-No. 275), filed January 6, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs or medicines, advertising matter, printed matter, paper, toilet preparations, deodorants*, (other than medicinal), *food curing, preserving or seasoning compounds, insecticides*, (other than agricultural), *paradichlorobenzol*, from West Point, Pa., to Portland, Oreg. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Denver, Colo., or Philadelphia, Pa.

No. MC 78277 (Sub-No. 10), filed December 21, 1970. Applicant: McCABE MOVING & STORAGE CO., a corporation, 5623 Southeast Center, Portland, OR 97206. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* between points in Oregon, on the one hand, and, on the other, points in Washington, Idaho, Montana, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 82841 (Sub-No. 79), filed December 31, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from St. Louis, Mo., and St. Louis commercial zone to points in Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 87231 (Sub-No. 21), filed December 21, 1970. Applicant: BAY AND BAY TRANSFER CO., INC., 805 North Fourth Street, Minneapolis, MN 55401. Applicant's representative: David T. Bennett, 300 Roanoke Building Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Pine Bend, Minn., to points in Iowa, Wisconsin, North Dakota, and South Dakota; (2) *salt*, from points in the Minneapolis-St. Paul commercial zone to points in North Dakota and South Dakota; and (3) *salt*, in bags and other containers, from points in the Minneapolis-St. Paul commercial zone to points in Iowa and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 94201 (Sub-No. 94), filed December 29, 1970. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cigarettes, tobacco, with paper wrappers, with or without cigarette papers; cigars, cigarette filters, tobacco and tobacco products, advertising material, display racks, and stands and salesmen's supplies*, from the plantsite, storage or warehouse facilities of Lorillard, a Division of Loew's Theatres, Inc., located at or near Greensboro, N.C., to Tampa and Miami, Fla., and their respective commercial zones; (2) *cigarettes and manufactured tobacco products; advertising material, display racks, and stands and salesmen's supplies*, from the plantsite, storage or warehouse facilities of R. J. Reynolds Tobacco Co., Winston-Salem, N.C., to Tampa, Port Everglade, and Miami, Fla., and their respective commercial zones; (3) *cigarettes, cigarette papers, smoking tobacco, fine cut chewing, and plug tobacco*, from the plantsite, storage, or warehouse facilities of Liggett & Myers, Inc., at or near Durham, N.C., to Miami and Tampa, Fla., and their respective commercial zones; and (4) *manufactured tobacco, cigars and cigarettes with or without advertising matter, and cigarette papers and pipes*, from the plantsite, storage, and warehouse facilities of American Tobacco Co., a division of American Brands, Inc., located at or near Richmond, Va.; Durham, N.C.; and Reidsville, N.C.; and their respective commercial zones, to Tampa and Miami, Fla., and their respective commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 285), filed December 22, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant) and Ames, Hill, and Ames, 666 11th Street

NW., Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Holmes County, Ohio, to all points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 96098 (Sub-No. 51), filed December 28, 1970. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 389, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Stamford, Conn., to Dayton, Ohio, under continuing contract with St. Regis Paper Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 97726 (Sub-No. 9), filed December 28, 1970. Applicant: AAA MOTOR LINES, INC., 1205 Reeves Street, Dothan, AL 36301. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives in bulk, and commodities requiring special equipment), serving the plantsite of Joseph M. Farley Nuclear Plant, located on Alabama Highway 95N approximately 15 miles east of Dothan, Ala., as an off-route point in connection with carrier's authorized regular-route service to and from Dothan, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Montgomery, or Dothan, Ala.

No. MC 100666 (Sub-No. 179), filed December 29, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels, panels combined with insulation and hardware and accessories*, used in the installation and completion thereof, from Dallas, Tex., to all points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 102817 (Sub-No. 16), filed January 7, 1971. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, IN 46202. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, crated and furniture, crated*, from Charlevoix, Mich., to points in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 103993 (Sub-No. 604), filed December 28, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, buildings and sections of buildings and frames and undercarriages, from points in Lea County, N. Mex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carlsbad, N. Mex.

No. MC 105045 (Sub-No. 27), filed December 28, 1970. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47708. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, liquids; and parts, attachments, and accessories* for use in the installation and operation of the above-named items, between the plantsite of Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). Restriction: Restricted to traffic originating at or destined to the named plantsite. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 105566 (Sub-No. 27), filed December 15, 1970. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Effingham and Sparta, Ill., to points in California, Washington, Oregon, Colorado, Arizona, Montana, Utah, New Mexico, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 106674 (Sub-No. 79), filed December 14, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, anhydrous ammonia, and liquid fertilizer solutions*, from Marseilles, Ill., to points in the States of Iowa, Indiana, Michigan, and Wisconsin. NOTE: Common control may be involved. Applicant states that it does not propose to tack this authority with any presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 480), filed January 7, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from Waco, Abilene, and Midland, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that should possible duplications be discovered later, it will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 107403 (Sub-No. 802), filed January 5, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke fines*, from Delaware City, Del., to Ashtabula, Ohio. NOTE: Common control may be involved. Applicant's present authority can be tacked to that here sought but applicant has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 108119 (Sub-No. 27), filed December 30, 1970. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, 3303 Sibley Memorial Highway, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000

First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Newport, Minn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsite and warehouse of North Star Steel Co. at Newport, Minn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108119 (Sub-No. 28), filed December 30, 1970. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, 3303 Sibley Memorial Highway, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Duluth, Minn., to points in Colorado, Connecticut, Delaware, Idaho, Illinois, Kansas, Maryland, Massachusetts, Missouri, Montana, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Vermont, Virginia, West Virginia, Wyoming, Washington, California, Nevada, Arizona, New Mexico, Arkansas, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, and Tennessee. NOTE: Applicant states that tacking is possible but knows of no traffic to be handled by tacking. Possible tacking with lead certificate on size and weight authority, Sub 17. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 108393 (Sub-No. 42), filed December 18, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical or gas appliances, parts of electrical or gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, from Somerset, Ky., to Evansville, Ind., under contract with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 319), filed December 31, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, St. Paul, MN 55113. Applicant's representative: Wallace A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from La Crosse, Wis., to points in Minnesota, Illinois, Iowa, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 110420 (Sub-No. 625), filed December 14, 1970. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, flavoring, and coating compounds, and cocoa products*, in bulk, from St. Louis, Mo., to Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 110683 (Sub-No. 78), filed December 18, 1970. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box No. 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives (household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Nashville and Knoxville, Tenn., (1) from Nashville over U.S. Highway 70N to Knoxville and return over the same route; and (2) from Nashville over Interstate Highway 40 and Interstate Highway 40–75 to Knoxville and return over the same route, serving all intermediate points between (1) and (2) above. Restriction: The service authorized above is restricted to the transportation of traffic moving to, from, or through Staunton, Va. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 262), filed January 4, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001, and David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, liquid, in bulk, in tank vehicles, from Neenah, Wis., to points in Minnesota, Ohio, Pennsylvania, and Tennessee; (2) *phosphoric acid and phosphatic fertilizer solutions*, liquid, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Colorado, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio; and (3) *chromium sulphate*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111545 (Sub-No. 150), filed December 28, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Wheeling-Pittsburgh Steel Corp. at or near Follansbee, Benwood, Beech Bottom, and Wheeling, W. Va., to points in Kentucky, Ohio, and Tennessee. NOTE: Applicant states it will tack at points in Ohio, Kentucky, and Tennessee enabling service to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Iowa, Illinois, Wisconsin, Minnesota, Nebraska, Missouri, Kansas, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 112241 (Sub-No. 3), filed December 28, 1970. Applicant: HUSSEY'S MOVING & STORAGE, INC., 1720 Broadway, Vallejo, CA 94590. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in San Mateo, Santa Clara, Stanislaus, Santa Cruz, Sutter, Yuba, Nevada, Colusa, Placer, Butte, Mendocino, Glenn, El Dorado, Amador, and Calaveras Counties, Calif., and (2) between the above-named counties on the one hand, and, on the other, points in San Francisco, Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Solano, Yolo, Sacramento, and San Joaquin Counties, Calif., restricted (1) to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized; and (2) to the performance of a pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant will tack proposed authority with existing authorities in its Sub-No. 2 to permit a through service. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 112304 (Sub-No. 42), filed December 28, 1970. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street,

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Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidfying, dehumidifying, and moving of air, gas, or liquids; and *parts, attachments and accessories* for use in the installation and operation of the above-named items, all of which require the use of special equipment because of their size and weight; and (2) *the commodities named in (1) above which do not require the use of special equipment* when moving on the same vehicle with commodities requiring the use of special equipment; from the plantsite of the Chrysler Corp. at Bowling Green, Ky., to points in the United States (except Hawaii), restricted to traffic originating at the named plantsite. NOTE: Applicant states that the authority sought herein cannot be tacked with its presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 231), filed December 18, 1970. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, from points in Santa Rosa County, Fla., to LeMoyne, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 112582 (Sub-No. 35), filed December 21, 1970. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Rural Delivery No. 2, Chambersburg, PA 17201. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, having prior movement by water, in vehicles equipped with controlled refrigeration, from Wilmington, Del., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Harrisburg, Pa.

No. MC 112801 (Sub-No. 115), filed January 7, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and feed ingredients*, in bulk, in tank vehicles, from Muscatine and Sioux City, Iowa, to points in Iowa, Illinois, Indiana, Wisconsin, Missouri, Nebraska, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113024 (Sub-No. 107), filed January 1, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Synthetic fiber yarn and staple*, between Seaford, Del., and warehouses of E. I. du Pont de Nemours & Co. Inc., at Charlette, N.C.; and (b) *synthetic fiber yarn*, on beams, loose, in specially equipped rack trailers, between Graingers, N.C., and Denver, Colo., under contract with E. I. du Pont de Nemours & Co., Inc. NOTE: Applicant presently has pending an application for common carrier authority under its No. MC 135046, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 71), filed December 22, 1970. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Aplicant's representatives: Leonard A. Jasiewicz, 1730 M Street NW., Washington, DC 20036, and Joseph A. Eschenbacher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, and (2) *liquefied petroleum gas*, in bulk, in tank vehicles, from (1) Winona, Minn., to points in Minnesota, Wisconsin, and Iowa, and (2) Oostburg, Wis., to points in upper Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 113495 (Sub-No. 48), filed December 30, 1970. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 705 McLachen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles;* and (2) *materials and supplies* used in the manufacture thereof (except in bulk), between points in Smith County, Tenn., on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., of Washington, D.C.

No. MC 113495 (Sub-No. 50), filed December 31, 1970. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, TN 37206. Applicant's representative Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles;* and (2) *materials and supplies* used in the manufacture thereof (except in bulk), between points in Maury County, Tenn., and Lauderdale County, Ala., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Nebraska, and Minnesota, and those in States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113624 (Sub-No. 55), filed December 16, 1970. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plansite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Oklahoma City, Okla.

No. MC 113624 (Sub-No. 56), filed December 21, 1970. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Catalyst, clay, and silica gel*, from points in Wyoming to points in Colorado, Idaho, Kansas, Nebraska, North Dakota, South Dakota, Utah, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 183), filed December 30, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, DC, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, from Hopewell, Va., to points in Natrium, W. Va., and Perth Amboy, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at District of Columbia.

No. MC 113828 (Sub-No. 184), filed December 30, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, DC 20006, or John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Wilmington, N.C., to points in South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 113828 (Sub-No. 185), filed January 5, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Federal Bar Building West, Washington, DC 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Danville, Va., to points in North Carolina and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 113855 (Sub-No. 231), filed December 28, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of North Star Steel Co. at Newport, Minn., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn.

No. MC 114004 (Sub-No. 91), filed January 4, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and buildings, in sections, mounted on wheeled undercarriages with hitchball connectors, in initial movements, from Logan County, Okla., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114045 (Sub-No. 344) (amendment), filed October 5, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished in part, as amended this issue. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). The purpose of this partial republication is to include Reno, Nev., to the destinations. The rest of the application remains as previously published.

No. MC 114194 (Sub-No. 160), filed December 28, 1970. Applicant: KREIDER TRUCK SERVICE, INC., 80003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Gene Kreider, 67 Carnation Street, Collinsville, IL 62234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and blends* in bulk, from St. Louis, Mo., to points in Illinois, Indiana, Michigan, Wisconsin, Arkansas, Tennessee, Kentucky, Oklahoma, Kansas, Nebraska, and Iowa. Applicant states that the requested authority can be tacked with its presently existing authority, but does not indicate the points or territories which could be served through such tacking. Persons are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114211 (Sub-No. 150), filed December 18, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and unprocessed soy beans*, from points in Black Hawk County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 114273 (Sub-No. 77), filed December 23, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski (same address as applicant), or Robert E. Konchar, Suite 315, Commerce Exchange Building, 2700 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from St. Joseph, Mo., to points in Connecticut, Delaware, Indiana, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 64), filed January 6, 1971. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Lewes, Del., to points in Pennsylvania, Maryland, New Jersey, Delaware, and that part of Virginia on and east of the Chesapeake Bay. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114552 (Sub-No. 53), filed December 21, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, or built-up wood, prefinished, molding, and accessorial items* used in the installation as nails, stains, adhesives, and putty sticks, from points in Illinois, Indiana, Kentucky, Michigan, North Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 114632 (Sub-No. 34), filed December 31, 1970. Applicant: APPLE LINES, INC., Post Office Box 670, Madison, SD 57042. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans.; West Point and Dakota City, Nebr.; Luverne, Minn.; and Denison, Fort Dodge, LeMars, and Mason City, Iowa; to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under

MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 114789 (Sub-No. 32), filed December 28, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, tile, flooring facing, and materials and supplies* used in the installation, maintenance, and repair of the commodities described above, from points in Alabama, Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia, to points in Minnesota, Illinois, Indiana, Iowa, Kansas, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. Restriction: The operations sought herein are to be limited to transportation service to be performed under continuing contracts with General Floor Coverings, Inc.; Minnesota Tile Supply; Robertson-American Corp.; Mid America Tile Distributors, Inc.; Gateway Ceramics; Carson Pirie Scott & Co.; and Columbia Cement Co., Inc. NOTE: Applicant states it already holds a permit in MC 114789 (Sub-No. 16) which authorizes the transportation of "Floor coverings, stair treads, wall tile, countertop coverings, and mouldings, and materials and supplies used in the installation, maintenance and repair of the commodities described above, from Danbury, New London, and West Haven, Conn.; Boston, Cambridge, Lowell, and Norwood, Mass.; Lisbon, Maine; Newark, Salem, and Trenton, N.J.; Newburg and New York, N.Y.; Akron, Fostoria, and Middlefield, Ohio; and Chicago, Ill., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, service restricted to that performed under continuing contracts with General Floor Coverings Company and Minnesota Tile Supply." Applicant hold common carrier authority in MC 117840, therefor dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115162 (Sub-No. 214), filed December 14, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., to those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except North Dakota, South Dakota, Iowa, Arkansas, Kentucky, Louisiana (other than Baton Rouge and Lake Charles and points within 15 miles of each), Mississippi (north of U.S. Highway 80), Michigan (lower peninsula only), St. Louis, Mo., and West Virginia on and south of U.S. Highway 33). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Pensacola, Fla.

No. MC 115162 (Sub-No. 215), filed December 24, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe*, from Baltimore, Md., to points in Alabama, Florida, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115180 (Sub-No. 67) (Correction), filed November 23, 1970, published in the FEDERAL REGISTER issue of January 7, 1971, and republished as corrected this issue. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, drugs, pharmaceuticals* (except in bulk), in mechanical refrigerated equipment, from points in Illinois to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the State of Illinois as the origin territory which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 211), filed December 21, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, (except in bulk), from the storage facilities utilized by Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Colorado, South Dakota, Oregon, Washington, California, Utah, Texas, Oklahoma, North Dakota, Montana, Wyoming, New Mexico, Arizona, Nevada, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or New Orleans, La.

No. MC 115826 (Sub-No. 212), filed December 31, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A. Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Pueblo, Colo., to points in California, Arizona, Nevada, and Utah. NOTE: This application is a gateway elimination application. Applicant by tacking its Subs 4 and 28 can presently provide the service through another Colorado point. If a hearing is deemed necessary, applicant requests it be held at Denver or Pueblo, Colo.

No. MC 115840 (Sub-No. 62), filed December 28, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, components, parts, and accessories*, from Anniston, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 394), filed December 24, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same as applicant's) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food preparations* (except in bulk), from the plant and warehouse facilities of Kraft Foods, a division of Kraftco Corp., at Decatur, Ga., to points in Kentucky, Tennessee, Mississippi, and Louisiana. Restriction: Restricted to traffic originating at the named plantsite and warehouse facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., or New Orleans, La.

No. MC 116077 (Sub-No. 306), filed December 11, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, TX 77001. Applicant's representative: Pat. H. Robertson, Suite 401, First National Life Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from St. James Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 116077 but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Lafayette, La.

No. MC 116254 (Sub-No. 121), filed January 7, 1971. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between points in Jefferson County, Ala., and points in Colbert, Lauderdale, Morgan, and Marshall Counties, Ala. NOTE: Applicant states that the authority sought could be tacked with various certificates presently held, but it has no present intention to do so and therefore does not identify the points or territories which can be served through tacking. Such subs are 5, 9, 20, 33, 60, 62, 73, 76, 82, 92, 101, 103. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala., Nashville or Memphis, Tenn.

No. MC 116763 (Sub-No. 184), filed December 28, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of The J. M. Smucker Co., at Berne and Winchester, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, South Dakota, Tennessee, Texas, Vermont, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 185), filed December 28, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, building supplies, furnaces, air conditioners, air cleaners, coolers, and heaters*, from points in Ohio, to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Texas (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 186), filed December 28, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared or preserved food, and foodstuffs* (except citrus products and frozen foods), from points in Florida, to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116947 (Sub-No. 15), filed December 23, 1970. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Albany Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal containers parts and accessories, and equipment* used in connection with the distribution of metal containers, and metal containers ends, from Fruitland, Md., to points and places in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. NOTE: Applicant holds common carrier authority in MC 117956 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117815 (Sub-No. 169), filed December 24, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles) and (2) *equipment, materials, and supplies* used in the conduct of meat packing business, between the plantsite and facilities of Illini-Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117883 (Sub-No. 146), filed December 16, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Winchester and Berne, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to the transportation of traffic from the plantsites and storage facilities of J. M. Smucker Co. at or near Winchester and Berne, Ind., and destined to the above named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 11859 (Sub-No. 108), filed January 4, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spice sets*, in glass containers and/or racks, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii), and (2) *articles* used in the manufacture, sale, distribution, and advertising of commodities set forth in (1), from points in the United States (except Alaska and Hawaii), to Tulsa, Okla., restricted to shipments originating or destined to the plantsite and storage facilities utilized by Business Builders, Inc., of Tulsa, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, Okla., Washington, D.C., or New Orleans, La.

No. MC 118459 (Sub-No. 4), filed December 18, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, paint materials and related articles* normally sold in retail paint and

hardware stores, from the Distribution Center of The Sherwin-Williams Co. located at Savage, Md., to points in Virginia; and (2) *returned and damaged commoditics* as described above from points in Virginia to the Distribution Service Center of The Sherwin-Williams Co. located at Savage, Md. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118739 (Sub-No. 7), filed December 21, 1970. Applicant: FRITZ TRUCKING, INC., Clara City, MN 56222. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail dry goods and variety store business houses, from points in the Chicago, Ill., commercial zone as defined by the Commission, to Clara City, Minn., under contract with VSC, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118989 (Sub-No. 59), filed December 28, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic solution containers, related parts and components* thereof from Racine, Wis., to points in Illinois, Iowa, Missouri, Minnesota, Ohio, New Jersey, Texas, Pennsylvania, and Indiana. NOTE: Applicant states that the authority sought cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119493 (Sub-No. 65), filed December 28, 1970. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between Fort Smith, Ark., and points in Arkansas, Oklahoma, Missouri, Kansas, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 119767 (Sub-No. 255), filed December 24, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and County Highway C, Bristol, WI. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Terre Haute, Ind., to points in Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 256), filed December 21, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158, Bristol, WI. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising matter, display racks and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Iowa. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 257), filed December 28, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amorphous silica*, from Tamms, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 119767 (Sub-No. 258), filed December 31, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Marathon, Taylor, and Grant Counties, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the above-named products, from points in the United States (except Alaska and Hawaii), to points in Marathon, Taylor, and Grant Counties, Wis. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119777 (Sub-No. 197), filed December 27, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representatives: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101, and William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and parts, attachments, and accessories* for use in the installation and operation of the above-named items, between the plantsite of the Chrysler Corp. at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: Restricted to traffic originating at or destined to the named plantsite. NOTE: Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119777 (Sub-No. 199), filed January 7, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, insulation board, paneling, vinyl film, shelving, siding, moulding, display cases, and display case assemblies; knocked down furniture, doors, and door assemblies; and returned and rejected shipments thereof; and* (2) *machinery and equipment* used in manufacturing items in (1) above when moving in mixed shipments therewith, from Wright City, Union, and Sedalia, Mo., to points in the United States (except the St. Louis, Mo.-East St. Louis, Ill., commercial zone); and (3) *show and display furniture, furniture advertising brochures, and paraphernalia* moving in conjunction therewith, in shipper-owned trailers, between points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicants holds contract carrier permit MC 129670 therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119789 (Sub-No. 53), filed December 29, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.; Dallas, Tex., or Washington, D.C.

No. MC 119917 (Sub-No. 30), filed December 27, 1970. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips, potato sticks, popped corn, corn chips, twists, and puffs*, in straight or mixed shipments with bakery products and related shipping containers and devices, empty or loaded, used in the transportation of the shipment of these commodities, from the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Atlanta, Ga., to the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Charlotte, N.C.; and (2) *bakery products and potato chips, potato sticks, popped corn, corn chips, twists, and puffs*, in straight or mixed shipments with bakery products and related shipping containers and devices, empty or loaded, used in the transportation of the shipment of these commodities, from the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Charlotte, N.C., to the bakery plants and shipping sites of The Great Atlantic & Pacific Tea Co., Inc., in Atlanta, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119931 (Sub-No. 6), filed December 9, 1970. Applicant: DEWEY FREIGHT SYSTEM, INC., 7921 Grandview, Overland Park, KS 66204. Applicant's representative: Charles A. Darby, 1215 Commerce Bank Building, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty malt beverage containers* on return, from St. Louis, Mo., to Beloit and Salina, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123111 (Sub-No. 8), filed December 28, 1970. Applicant: QUEENSWAY TANK LINES LIMITED, a corporation, Queensway Road, Chesterville, ON, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, from ports of entry on the United States-Canada boundary line at Highgate and Rock Island, Vt., to points and places in Vermont. Restriction: Transportation performed under this authority shall be restricted to shipments originating in the Province of Quebec, Canada; (B) *asphalt*, in bulk, from ports of entry on the United States-Canada boundary line at Champlain and Rouses Points, N.Y., to points in New York. Restriction: Transportation performed under the above authority shall be restricted to shipments originating at the Province of Quebec; (C) *asphalt and asphalt products*, in bulk, from ports of entry along the United States-Canada boundary line along the St. Lawrence River to points in New York. Restriction: Transportation under the above authority shall be restricted to shipments originating in the Province of Ontario, Canada. General restriction: All transportation performed under the authorities sought herein shall be restricted to international commerce. No transportation for compensation on return, except as otherwise authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, Albany, or New York, N.Y.

No. MC 123383 (Sub-No. 52), filed December 24, 1970. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poly Styrene beads*, from Farmingdale, N.J., to Chesapeake, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 123407 (Sub-No. 75), filed December 22, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Ohio and Oakland County, Mich., to points in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Wisconsin, Upper Michigan, and Illinois except points in the Chicago commercial zone. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 123407 (Sub-No. 77), filed January 4, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and poultry feed*, from Chicago Heights, Ill., to points in Minnesota, Wisconsin, Iowa, Mississippi, Arkansas, Louisiana, Alabama, Georgia, North Carolina, Florida, Texas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123685 (Sub-No. 8), filed December 28, 1970. Applicant: PEOPLES CARTAGE INC., 8045 Navarre Road SW, Massillon, OH 44646. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 53215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fungicides, insecticides, herbicides, and pesticides*, in containers, and in bulk (except liquids), from Cairo and Washington Court House, Ohio, to points in Pennsylvania and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington D.C.

No. MC 124070 (Sub-No. 19), filed December 28, 1970. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Dubuque, Iowa, to points in Illinois, Wisconsin, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124212 (Sub-No. 54), filed December 18, 1970. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plantsite of Lehigh Portland Cement Co. located at Union Bridge, Md., to points in the Commonwealth of Pennsylvania. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125102 (Sub-No. 14), filed December 21, 1970. Applicant: LEONARD DELUE, D. J. SEBERN, T. W. RINKER, E. L. DELUE, AND TED P. RINKER, a partnership doing business as ARMORED MOTORS SERVICE, 970 Yuma, Denver, CO 80204. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, CO 80204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Data processing papers, punchcards, microfilm, magnetic uncoded documents, magnetic tape, punch paper tape, printed reports and documents, blueprints and drawings, audit media, office records and other business and accounting records*, between points in Larimer, Weld, Boulder, Denver, Adams, Arapahoe, Jefferson, Douglas, El Paso, and Pueblo Counties, Colo., restricted to traffic with an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126473 (Sub-No 14), filed December 28, 1970. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wines and champagnes*, from Fairfield, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *champagnes, materials, equipment, and supplies* used in the manufacture, processing, sale, or distribution of wines and champagnes, from points in the United States (except Alaska and Hawaii), to Fairfield, Iowa. NOTE: Applicant states that the requested authority will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 126719 (Sub-No. 5), filed December 17, 1970. Applicant: CARON TRANSPORT LTD., Post Office Box 3464, Station D, AB Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, from the port of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, Mont., to Casper, Gillette, Powell, and Worland, Wyo., under contract with Dow Chemical of Canada, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127049 (Sub-No. 6), filed December 28, 1970. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, WI 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising displays*, from Milwaukee, Wis., to points in the United States (except Hawaii, Alaska, and Wisconsin), under contract with Dimensional Products, Inc., Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127283 (Sub-No. 4), filed December 23, 1970. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, Post Office Box 212, Yorkville, IL 60560. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, (1) from Glen Rose, Tex., to points in Louisiana, Oklahoma, Texas, Colorado, Kansas, Missouri, Arkansas, Illinois, New Mexico, Iowa, and Tennessee; and (2) from Wedron, Ill., to points in Pennsylvania, New York, New Jersey, West Virginia, Massachusetts, and Tennessee, under contract with Wedron Silica Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127346 (Sub-No. 6), filed December 24, 1970. Applicant: HALL'S FAST MOTOR FREIGHT, INC., Post Office Box 183, South Plainfield, NJ 07080. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk in water carrier containers, from New Castle, Del., to Sea Land Terminal at Elizabeth, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128217 (Sub-No. 3), filed December 28, 1970. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside, Jamestown, ND 58401. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from (a) Chicago, Chicago Heights, and Broadview, Ill., to points in Minnesota and Nebraska; (b) the plantsites and storage facilities of Calumet Steel Division of Borg Warner Corp. at Chicago Heights, Ill., and Ceco Corp. at Chicago, Ill., to points in South Dakota; (c) Duluth and Minneapolis, Minn., and Sterling, and Granite City, Ill., to points in Nebraska; and (d) Jamestown, N. Dak., to points in Nebraska, Idaho, and Wyoming; (2) *lumber, chipboard, plywood, shingles, treated lumber, and treated posts and poles*, from the port of entry at or near East Port, Idaho, to points in North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Arizona, New Mexico, Washington, Oregon, California, Nevada, Utah, and Colorado; (3) *treated posts and poles*, from the port of entry at or near East Port, Idaho, to points in Iowa, Wisconsin, and Illinois. Restriction: Restricted in parts (2) and (3) to traffic moving in foreign commerce; and (4) *overhead doors and accessories, materials, and supplies* used in the installation thereof, from Sterling, Ill., to Jamestown, N. Dak., all under contract with LeFevre Sales, Inc. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 128273 (Sub-No. 82), filed January 5, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment); (1) between points in Portage and Wood Counties, Wis. (except the plantsite and storage facilities of Consolidated Paper Co. at Wisconsin Rapids, Wis.), on the one hand, and, on the other, points in Alabama, Louisiana, Nebraska, Mississippi, Tennessee, Kentucky, Missouri, Texas, Kansas, Oklahoma, and Arkansas; and (2) between the plantsite and storage facilities of Consolidated Paper Co. at Wisconsin Rapids, Wis., on the one hand, and, on the other, Memphis, Tenn.; Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; and East St. Louis, Ill.; and points in their respective commercial zones. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Minneapolis, Minn.

No. MC 129086 (Sub-No. 12), filed December 17, 1970. Applicant: SPENCER TRUCKING CORPORATION, Box 254A, Route 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, gravel, crushed stone, pugmill fine, lime, limestone, sand; and asphalt and blacktop*, in bulk, in dump vehicles, between points in Allegany and Garrett Counties, Md.; Bedford and Fulton Counties, Pa.; Barbour, Berkeley, Grant, Hampshire, Jefferson, Hardy, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Taylor, Tucker, and Upshur Counties, W. Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 129086 (Sub-No. 7) in Mineral County, W. Va., to perform through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129086 (Sub-No. 13), filed January 6, 1971. Applicant: SPENCER TRUCKING CORPORATION, Box 254A, Keyser, WV 26726. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from points in Frederick County, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129615 (Sub-No. 4), filed December 21, 1970. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, a corporation, 2000 West 16th Street, Long Beach, CA 90801. Applicant's representative: E. D. Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, campers, and motor homes* (not mobile homes), in secondary movements, in driveaway service, between points in Hawaii and California, on the one hand, and, on the other, points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129631 (Sub-No. 16), filed December 28, 1970. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max Eliason (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Uintah, Daggett, Summit, Rich, and Cache (except Logan and Smithfield) Counties, Utah, to Arizona, Utah, Colorado, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133220 (Sub-No. 2), filed December 14, 1970. Applicant: RECORD TRUCK LINE, INC., Box 11, Henderson, TN 38340. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention sprinkler systems and fire prevention sprinkler systems parts, accessories, and attachments;* and (2) *pipe fittings, pipe connections, castings, and valves;* (a) from the plantsite of Princeton Co., Division of Grinnell Corp., at or near Princeton, Ky., to points in the United States, except Alaska and Hawaii; (b) from the plantsite of Grinnell Co., Inc., at or near Temple, Tex., to points in the United States, except Alaska and Hawaii; and (c) from the plantsite of the Augusta Corp., Division of Grinnell Corp., at or near Augusta, Ark., to points in the United States, except Alaska and Hawaii; and (3) *materials* used in the fabrication, assembly, and installation of (1) and (2) above, from points in the United States (except Alaska and Hawaii), to the named plant and warehouse sites of Princeton Co., Division of Grinnell Corp.; Grinnell Co., Inc., and Augusta Corp., Division of Grinnell Corp., under contract with Princeton Co., Division of Grinnell Corp., Princeton, Ky., Grinnell Co. Inc., Temple, Tex., and Augusta Corp., Division of Grinnell Corp., Augusta, Ark. NOTE: Applicant has common carrier authority under MC 125227 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 134129 (Sub-No. 4), filed December 22, 1970. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe, culvert sectional plate, couplings and coatings* for culvert pipe and sections, (1) from Bealeton, Va., to points in North Carolina and West Virginia, and (2) from Cessna, Pa., to points in North Carolina, and (3) from Ashland, Ky., to Bealeton, Va., and points in West Virginia, restricted to a service to be performed under a continuing contract with Lane Juniata, Inc., of Bedford, Pa., and its affiliate, Lane-Penncarva, Inc., of Bealeton, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134169 (Sub-No. 1), filed December 21, 1970. Applicant: WAYNE E. TRUELOVE AND RAYMOND S. SCOTT, a partnership, doing business as TRUELOVE AND SCOTT TRANSPORTATION CO., 1078 South Jefferson Street, Lebanon, MO 65536. Applicant's representative: Raymond S. Scott, Post Office Box 104, Lebanon, MO 65536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cooperage stock, heading and staves, and wood chips*, between Lebanon, Mo., and points in Iowa, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, and Missouri, under contract with Independent Stave Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Jefferson City, or St. Louis, Mo.

No. MC 134412 (Sub-No. 1), filed December 24, 1970. Applicant: BUFF TRANSPORTATION CORP., 32-50 Buffington Avenue, Irvington, NJ 07111. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, (except in bulk), from Irvington, N.J., to points in Arizona, Colorado, New Mexico, California, Washington, and Oregon, under contract with Atlas Paint & Varnish Co., of Irvington, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134454 (Sub-No. 2), filed December 31, 1970. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second Street, Dayton, OH 45402. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Concrete products*, (b) *pipe fittings*, and (c) *materials and supplies* incidental to the manufacture of concrete products, between the plantsites of Price Brothers Co. in Oakland, McComb, and Wayne Counties, Mich., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Illinois, Ohio, New York, and Pennsylvania, under contract with Price Brothers Co., Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134599 (Sub-No. 5) (Correction), filed December 2, 1970, published in the FEDERAL REGISTER issue of December 24, 1970, and republished in part as corrected this issue. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln NE 68501. NOTE: The purpose of this partial republication is to redescribe Part (2) as follows: From Centralia and Ashley, Ill., to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Louisiana, Oklahoma, Texas, Mississippi, Alabama, Georgia, and Florida. The rest of the application remains the same.

No. MC 134599 (Sub-No. 7), filed December 18, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Acklie & Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, rubber products, and equipment, materials, and supplies* used in the manufacture and production thereof, between Carter County, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contract with Uniroyal, Inc., its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Lincoln, Nebr.

No. MC 134599 (Sub-No. 9), filed December 28, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216.

Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, advertising materials and equipment, materials, and supplies* used in the manufacture of above items, between Muskegon, Mich., and points in its commercial zone, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Arizona, Utah, Colorado, New Mexico, Kansas, Nebraska, Iowa, and Missouri, under continuing contract with Scott Paper Co. and its subsidiaries and affiliates. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134645 (Sub-No. 2), filed December 23, 1970. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, St. Cloud, MN 56301. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles, and hides, from the plant and warehouse facilities of Needham Packing Co., Inc., West Fargo and Fargo, N. Dak., to points in the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 124071, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 134651 (Sub-No. 1), filed December 23, 1970. Applicant: GIBSON TRANSPORT LIMITED, 211 Lakeshore Road East, Clarkson, ON Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the port of entry on the United States-Canada boundary line located at Lewiston, N.Y.; (1) to points in New York, except Erie County, N.Y.; and (2) to points in Cameron, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Tioga, Venango, and Warren Counties, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134699 (Sub-No. 1), filed December 21, 1970. Applicant: CAMPUS DIVISION OF P'EYLIM (AMERICAN YESHIVA STUDENT UNION), 3 West 16th Street, New York, NY 10011. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers' baggage and personal effects*, during the season from June 1, to October 1, inclusive of each year, between New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Bergen, Essex, Hudson, Union, Passaic, and Middlesex Counties, N.J.; on the one hand, and, on the other, Great Barrington, Mass.; Flatbrookville, N.J.; Hancock, Livingston Manor, Monticello, Swan Lake, and Woodbridge, N.Y.; Beachlake, Dingman's Ferry, Effort, Honesdale, Indian Orchard, Lake Como, Tannersville, Waymart, and Winterdale, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134776 (Sub-No. 3), filed December 31, 1970. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Rural Delivery No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground, and powdered, from Apex, N.C., to points in Maryland, Pennsylvania, New Jersey, and New YorK; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above, to Apex, N.C., under contract with Potters Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., New York, N.Y., or Washington, D.C.

No. MC 134858 (Sub-No. 1), filed December 28, 1970. Applicant: ROGER BARRY HANS, Route 2, Stone Road, Westminster, MD 21157. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden stairs and parts*, from Silver Run, Md., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington, D.C., under contract with B & D Woodworking & Finishing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134930 (Sub-No. 2), filed December 14, 1970. Applicant: SAM VIVELO, doing business as TRI-COUNTY DELIVERY, 987 North Ward Avenue, Girard, OH 44420. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, OH 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retail merchandise*, from Austin, Warren, and Youngstown, Ohio, to points in Ashtabula, Trumbull, Mahoning, Columbiana, Stark, Portage, and Geauga Counties, Ohio; and Crawford, Butler, Beaver, Mercer, Lawrence, and Venango Counties, Pa., and the return of *rejected and damaged shipments* for the transportation of retail merchandise, for the account of W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Youngstown, Ohio.

No. MC 134952 (Amendment), filed September 14, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished as amended this issue. Applicant: LOUIS E. RITT AND S. DIANNE RITT a partnership, doing business as, ANTRIM COUNTY AVIATION, Box 395, Bellaire, MI 49615. Applicant's representative: Louis E. Ritt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities requiring special equipment, and classes A and B explosives), from points in Antrim, Charlevoix, and Emmet Counties, Mich., to Detroit Metropolitan Airport located at Romulus, Mich., and the Willow Run Airport located at or near Ypsilanti, Mich., restricted to shipments having a prior or subsequent movement by air and further restricted to shipments not exceeding 3,600 pounds in weight. NOTE: The purpose of this republication is to broaden the commodity description, reduce the origin territory and more accurately describe the airport designations. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 134979 (Sub-No. 1), filed December 28, 1970. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pie crusts* from the plantsite of Ready Italy, Inc., at or near Fargo, N. Dak., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used for the manufacture and distribution of pie crusts from points in the United States (except Alaska and Hawaii) to the plantsite of Ready Italy, Inc., at or near Fargo, N. Dak., under contract with Ready Italy, Inc. Restriction: Restricted to traffic moving in insulated temperature controlled equipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis and St. Paul, Minn.

No. MC 135022 (Sub-No. 2), filed December 28, 1970. Applicant: LAWRENCE C. ARTHUR, Post Office Box 601, Warsaw, VA 22572. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*; (a) from the plantsite of Koppers Co., near Newton, Va.; (b) from the plantsite of De Jarnette Lumber Corp., at Milford, Va.; and (c) from Koppers Co. plantsite on Charles City Road in Richmond, Va., to P. H. Glatfelter Paper Co. in Spring Grove, Pa.; and (2) *crossties*, from the Koppers Co. plantsite at Newton, Va., to their plant in Newport, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Warsaw or Richmond, Va.

No. MC 135055, filed October 26, 1970 (correction), published in the FEDERAL REGISTER issue of December 17, 1970, and republished as corrected, this issue. Applicant: ARVID R. NELSON, doing business as NELSON'S TRUCKING, 318 Wittwer Street, Hayward, WI 54843. Applicant's representative: Thomas W. Duffy, 104 West Second Street, Hayward, WI 54843. The purpose of this partial republication is to correctly place a comma after "furniture dowls" in lieu of after "furniture" in the commodity description as inadvertently shown in previous publication. The rest of the application remains the same.

No. MC 135072 (Sub-No. 2), filed December 28, 1970. Applicant: JUDSON E. HEATER, 6887 Versailles Road, North Evans, NY 14112. Applicant's representative: E. George Perdix, 546 Delaware Avenue, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as dealt in by Century Housewares, Inc., under contract with Century Housewares, Inc., between the town of Hamburg, N.Y., and Erie, Pa., Mansfield and Toledo, Ohio, Flint, Pontiac, Saginaw, Lansing, Kalamazoo, and Muskegon Heights, Mich., and Fort Wayne, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135200 (Sub-No. 2), filed December 28, 1970. Applicant: W. H. SAPP AND HILTON SAPP, a partnership, doing business as SAPP BROS. TRUCKING CO., Tifton Highway, R.F.D. 1, Box 135–A, Barney, GA 31625. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanut meal, peanut hulls, soybean meal, soybean hulls, and mill run*, from Moultrie, and Valdosta, Ga., to Dothan and Enterprise, Ala., and points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 135203 (Amendment), filed December 17, 1970, published in the FEDERAL REGISTER issue of January 14, 1971, and republished as amended this issue. Applicant: TEPICO, INC., 150 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint*, except in bulk, from Middlesex, N.J., to points in California, Washington, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, and Virginia; (2) *clay*, except in bulk, from points in Georgia to Middlesex, N.J.; (3) *talc*, except in bulk, from points in New York to Middlesex, N.J.; (4) *resin*, except in bulk, from points in Pennsylvania to Middlesex, N.J.; and (5) *calcium carbonate*, except in bulk, from points in Maryland to Middlesex, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Chemray Coating Corp. NOTE: The purpose of this republication is to add to the commodity description and broaden the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135204, filed December 15, 1970. Applicant: W. L. DAVIS, doing business as W. L. DAVIS TRUCKING, 8439 Lock Lomond, Pico Rivera, CA 90660. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in Alameda, Los Angeles, and San Francisco Counties, Calif., to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington; and (2) *bananas and exempt commodities* as described in section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle, from points in (a) Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Ariz., (b) points in that part of California located south of and including, Butte, Colusa, Lake, Sierra, and Sonoma Counties (but excluding points in Inyo and Mono Counties), and (c) points in Nevada, to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135220, filed December 30, 1970. Applicant: MORRIS MILLER, 288 Maple Avenue, Cassadaga, NY 14718. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Michigan to points in New York and returned shipments in the reverse direction; and (2) *empty malt beverage containers*, from points in New York to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135221, filed December 15, 1970. Applicant: WESTERN PROVISIONS, INC., 4301 Downey Road, Vernon, CA 90058. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in Alameda, Los Angeles, and San Francisco Counties, Calif., to ports of entry on the international boundary line between the United States and Canada in Idaho, Montana, North Dakota, and Washington, D.C. NOTE: Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135223, filed December 18, 1970. Applicant: DOUCIMO TRANSPORTATION CO., INC., 34 Southwest Cutoff, Worcester, MA 01604. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, and trap rock*, in bulk; (1) (a) gravel and sand from Thompson, Conn., to Oxford, Mass.; (b) from Oxford, Mass., to Wauregan, Conn.; and (2) trap rock from Wauregan, Conn., to Oxford, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 135224, filed December 24, 1970. Applicant: ALPCO TRANSPORTATION COMPANY, INC., 4910 West Knollwood, Tampa, FL 33614. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden louvered doors and blinds*, from the plantsite of American Louvered Products Co. at Tampa, Fla., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of wooden louvered doors and blinds, from points in the United States (except Alaska and Hawaii) to the plantsite of American Louvered Products Co., at Tampa, Fla., under contract with American Louvered Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Mobile, Ala.

No. MC 135225, filed December 29, 1970. Applicant: CAPITOL MOVING & STORAGE COMPANY, INC., 100 Edgewood Street, Annapolis, MD 21401. Applicant's representative: Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic between points in Maryland and Washington, D.C. NOTE: Common control may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135226, filed December 29, 1970. Applicant: HENRY L. STODDARD, doing business as, HAST DELIVERY SERVICE, 9 Indian Neck Avenue, Branford, CT 06405. Applicant's representative: William J. Meuser, 101 River Street, Milford, CT 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed photofilm, photoprints, materials and supplies therefor, photofilm finishers' handling materials and materials and supplies* used in the packaging and identification of photofilm and photoprints (except commodities in bulk, in tank vehicles); (1) between Bradley Airport, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut and Massachusetts; (2) between New Haven, Conn., and points in Connecticut; (3) between Fair Lawn, N.J., on the one hand, and, on the other, Newark, N.J., and New York, N.Y.; (4) between New Haven, Conn., on the one hand, and, on the other, New York, N.Y., and Newark, N.J.; (5) between New Haven, Conn., on the one hand, and, on the other, Fair Lawn, N.J.; and (6) between New Haven, Conn., on the other, points in Hampshire County and Hampden County, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 135228, filed January 8, 1971. Applicant: WRENN AUTO DELIVERY CO., a corporation, 2835 Southeast 111th Avenue, Portland, OR 97266. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill supplies, machinery, and equipment*, between the plants and warehouses of Crown Zellerbach in Portland, Oreg., and Vancouver, Wash., under contract with Crown Zellerbach Corp., Flexible Packaging Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

MOTOR CARRIERS OF PASSENGERS

No. MC 134929 (Sub-No. 2), filed December 22, 1970. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, MD 21797. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Columbia, Md., and Washington, D.C., under contract with The Columbia Park and Recreation Association, Inc. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135219, filed December 22, 1970. Applicant: CHEROKEE BOYS CLUB, INC., Box 507, Cherokee, NC 28719. Applicant's representative: Raymond E. Kinsland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (Charter Service) from points in Swain, Jackson, Graham, Cherokee, Haywood, and Macon Counties, N.C., on the one hand, and, on the other, points in Tennessee, Georgia, South Carolina, New York, Virginia, Kentucky, Ohio, Alabama, Florida, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Knoxville, Tenn.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-396 (DOMESTIC AIR EXPRESS, INC. FREIGHT FORWARDER APPLICATION), filed January 8, 1971. Applicant: DOMESTIC AIR EXPRESS, INC., 147-17 176th Street, Jamaica, NY 11434. Applicant's representative: David M. Schwartz, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, air and motor vehicle in the transportation of: *General commodities* (except used household goods, used automobiles and unaccompanied baggage), limited to shipments having a prior or subsequent movement by air, between points in the United States, including Alaska and Hawaii.

No. FF-397 (JAPAN LINE, LTD. FREIGHT FORWARDER APPLICATION), filed January 12, 1971. Applicant: JAPAN LINE, LTD., Kokusai Building 1-1, Marunouchi 3, Chiyoda-Ku, Tokyo, Japan. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, in the transportation of *General commodities;* (a) from the ports on the west coast to points in Illinois, Texas, New York, Wisconsin, Minnesota, and Missouri, restricted to the handling of shipments having an immediately prior movement in foreign commerce, in containers loaded outside the United States for through movements to Illinois, Texas, New York, Wisconsin, Minnesota, and Missouri, and (b) from all ports on the west coast to points in Illinois, Texas, Kansas, Missouri, Wisconsin, Minnesota, New York, and Michigan, restricted to the handling of shipments having an immediately prior movement in foreign commerce, in containers loaded outside the United States for through movements to Illinois, Texas, Kansas, New York, Missouri, Wisconsin, Minnesota, New York, and Michigan. NOTE: A motion to dismiss part (a) has been filed herewith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2986 (Sub-No. 35), filed January 3, 1971. Applicant: I & S-McDANIEL, INC., 1102 Prairie Avenue, Vincennes, IN 47591. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Indianapolis, Ind., and Cincinnati, Ohio; from Indianapolis over Interstate Highway 74 to Cincinnati, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 53965 (Sub-No. 71), filed December 31, 1970. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Post Office Box 838, Salina, KS. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids, and chemicals, in bulk and liquid commodities, in bulk in tank vehicles), from Holton, Kans., to points in Arkansas, Colorado (on and east of the Continental Divide), Nebraska, Oklahoma, Texas, Louisiana, Missouri, Kentucky, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1114 Filed 1-27-71;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 25, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42117—*Chlorine to Points in Kentucky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2995), for interested rail carriers. Rates on chlorine, liquid, in tank-car loads, as described in the application, from specified points in West Virginia, to specified points in Kentucky.

Grounds for relief—Market competition.

Tariff—Supplement 119 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1196 Filed 1-27-71;8:49 am]

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FEDERAL REGISTER

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Thursday, January 28, 1971 • Washington, D.C.

PART II

COUNCIL ON ENVIRONMENTAL QUALITY

•

Statements on Proposed Federal Actions Affecting the Environment

Guidelines

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Guidelines

Notice is hereby given that the Council on Environmental Quality proposes, as provided in the interim guidelines issued April 30, 1970, to revise its guidelines on the preparation of detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4322(2)(c)).

Prior to the adoption of the proposed revisions, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Council on Environmental Quality (722 Jackson Place, NW., Washington, DC 20006), Attention: General Counsel, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 22, 1971.

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

GUIDELINES

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans, and programs so as to meet national environmental goals. The objective of section 102(2)(c) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act.

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or a recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, no later than June 1, 1970 (and, with respect to requirements imposed by revisions in these guidelines, by May 1, 1971) its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review processes for which environmental impact statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 12 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities;

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license, certificate, or other entitlement for use;

(iii) Policy, regulations—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, observe short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include

actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency will also be required. [Mere reference to the previous certification is sufficient.]

(c) In addition to these rules, the Administrator of the Environmental Protection Agency shall comply with the provisions of section 309 of the Clean Air Amendments of 1970 (42 U.S.C. 1857 et seq.).

(d) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have as impact on man's environment."

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* At the earliest point at which possible action requiring an environmental statement has been identified but prior to agency decision as to that action, the Federal agency considering the action, on the basis of information for which it takes responsibility, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specially affecting the environment of their geographic jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended that the above listed departments and agencies establish contact points for providing comments on the environmental impact of proposed actions described in draft environmental statements and that departments from which comment is solicited, coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than 30 days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make.

9. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments received thereon (when received), and ten (10) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the

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Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the fullest extent possible, no administrative action subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and made available to the public pursuant to section 12 of these guidelines, or sooner than thirty (30) days after the final text of a statement (together with comments) has been made available to the Council and the public. With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement should be available to the Congress and the public in advance of any relevant Congressional hearings.

10. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional, and metropolitan clearinghouses.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* (a) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action.

(b) The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552) without regard to the exclusion of interagency memoranda therefrom. With respect to recommendations or reports on proposals for legislation, the environmental statement and comments should be made available to the public at the same time they are furnished to the Congress. With respect to administrative actions, except where advance public disclosure will result in significantly increased costs of procurement to the Government, the draft environmental statement should be made available to the public at the same time it is circulated for comment and furnished to the Council, and the final text of the statement and comments received should be made available to the public when furnished to the Council. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statements available to the public fifteen (15) days prior to the time of the relevant hearings. Agencies shall institute appropriate procedures to implement those requirements for public availability of environmental statements and comments thereon. These shall include arrangements for availability of the draft and final texts of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses.

13. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX 1

FORM OF THE SUMMARY SHEET WHICH SHOULD ACCOMPANY EACH DRAFT AND FINAL ENVIRONMENTAL STATEMENT

There should be a summary statement of no more than one page containing the following information:

1. Date of the statement.
2. Indication whether statement is draft or final.
3. A complete listing of all Federal, State, and local agencies from which comments have been received.
4. The first three items (environmental impact, adverse environmental effects which cannot be avoided, alternatives) of the five required under Section 102 (2)(C) should be briefly summarized.
5. The summary should show whether the proposed action is (a) legislative (proposed legislation or report on legislation) or (b) administrative.

APPENDIX 2

FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Federal Power Commission (hydro facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities and Government lands).

Natural Gas Energy Development Generation

Federal Power Commission.
Department of the Interior—
Geological Survey, Office of Oil and Gas.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Health, Education, and Welfare—
Food and Drug Administration.
National Institutes of Health.
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Department of Defense.

Pesticides

Environmental Protection Agency—
Office of Pesticides.
Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Soil Conservation Service.
Environmental Protection Agency—
Office of Pesticides.

Transportation and Handling of Hazardous Materials

Interstate Commerce Commission.
Department of Defense—
Armed Services Explosive Safety Board.
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuge Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Bureau of Commercial Fisheries.
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.
Department of Housing and Urban Development (urban aspects).

Historic and Archeological Sites

Advisory Council on Historic Preservation.
Department of the Interior—
National Park Service.
Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Department of the Interior—
Bureau of Mines.
Bureau of Land Management.
U.S. Geological Survey.
Department of Agriculture—
Forest Service.

Parks, Forests, and Outdoor Recreation Areas

Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Agriculture—
Forest Service.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration (national oceans survey).
Department of the Interior—
Bureau of Land Management.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Office of Noise Abatement.
Federal Aviation Administration.
Environmental Protection Agency.
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination and Food Products

Department of Health, Education, and Welfare—
Food and Drug Administration (food, drugs, cosmetics).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare—
Food and Drug Administration.
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare—
Food and Drug Administration.

Radiation and Radiological Health

Atomic Energy Commission.
Department of Health, Education, and Welfare—
National Institute of Environmental Health Sciences.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—
National Institute of Environmental Health Sciences.
Health Services and Mental Health Administration.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes).

Shellfish Sanitation

Department of Commerce—
Bureau of Commercial Fisheries.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare—
Food and Drug Administration.
Environmental Protection Agency.

TRANSPORTATION

Air

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.

Water

Environmental Protection Agency—
Water Quality Office.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

Land

Department of Transportation—
Federal Highway Administration.
Federal Railroad Administration.
Urban Mass Transportation Administration.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Urban Mass Transportation Administration.
Federal Highway Administration.
Department of Health, Education, and Welfare—
Health Services and Mental Health Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.

Rodent Control

Department of Health, Education, and Welfare—
Health Services and Mental Health Administration.
Department of Housing and Urban Development (urban areas).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.

Environmental Protection Agency.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of the Interior—
Bureau of Reclamation.
Bureau of Mines.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Defense—
Navy (ship pollution control).
Army Corps of Engineers (Refuse Act permits).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).

Oceanography

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

Agency	*Contact*
Department of Agriculture	Dr. T. C. Byerly, Office of the Secretary, 388–7803.
Appalachian Regional Commission	Orville H. Lerch, Alternate Federal Co-Chairman, 967–4103.
Department of the Army (Corps of Engineers).	Colonel J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, 693–7168.
Atomic Energy Commission	For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, 973–5391. For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, 973–7531.
Department of Commerce	Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, 967–4335.
Department of Defense	Dr. Louis M. Rousselot, Assistant Secretary of Defense (Health and Environment), 697–2111.
Environmental Protection Agency	Robert Hayward, Environmental Protection Agency, 632–7692.
Federal Power Commission	Frederick H. Warren, Commission's Advisor on Environmental Quality, 386–6084.
General Services Administration	Rod Kreger, Deputy Administrator, 343–6077.
Department of Health, Education, and Welfare.	Donald Bliss, Assistant to the Secretary, 962–4742.
Department of Housing and Urban Development.[1]	Charles Orlebeke, Deputy Under Secretary, 755–6960. Alternate Contact, George Wright, Office of Deputy Under Secretary, 755–8192. [1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows: James J. Barry, Regional Administrator I, Attn: Environmental Clearance Office, Room 405, John F. Kennedy Federal Building, Boston, MA 02203 (617–223–4066). S. William Green, Regional Administrator II, Attn: Environmental Clearance Office, 26 Federal Plaza, New York, NY 10007 (212–264–8068). Warren P. Phelan, Regional Administrator III, Attn: Environmental Clearance Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106 (215–597–2580). Edward H. Baxter, Regional Administrator IV, Attn: Environmental Clearance Office, Peachtree—Seventh Building, Atlanta, GA 30323 (404–526–5585). Don Morrow (Acting), Regional Administrator V, Attn: Environmental Clearance Office, 360 North Michigan Avenue, Chicago, IL 60601 (312–353–5680). Richard L. Morgan, Regional Administrator VI, Attn: Environmental Clearance Office, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102 (817–334–2867). Harry T. Morley, Jr., Regional Administrator VII, Attn: Environmental Clearance Office, 911 Walnut Street, Kansas City, MO 64106 (816–374–2661). Robert C. Rosenheim, Regional Administrator VIII, Attn: Environmental Clearance Office, Samsonite Building, 1050 South Broadway, Denver, CO 80209 (303–837–4061). Robert H. Baida, Regional Administrator IX, Attn: Environmental Clearance Office, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102 (415–556–4752). Oscar P. Pederson, Regional Administrator X, Attn: Environmental Clearance Office, Room 226, Arcade Plaza Building, Seattle, WA 98101 (206–583–5415).
Department of the Interior	Jack O. Horton, Special Assistant to the Secretary, 343–6412.
Interstate Commerce Commission	Marten E. Foley, Assistant Managing Director, 737–9765 x 434.
Office of Economic Opportunity	Frank Carlucci, Acting Director, 254–6000.
St. Lawrence Seaway Development Corporation.	John B. Adams III, Chief Engineer, 962–1887.
Tennessee Valley Authority	Dr. Francis Gartrell, Director of Environmental Research and Development, 615–755–2002.
Department of Transportation	Michael S. Cafferty, Assistant Secretary for Environment and Urban Systems, 426–4563.
Department of State	Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, 632–7964.
National Capital Planning Commission	Charles H. Conrad, Executive Director, 382–1163.
Advisory Council on Historic Preservation.	Robert Garvey, Executive Director, 801 19th Street NW., Suite 618, 343–8607.

[FR Doc.71–1071 Filed 1–27–71;8:45 am]

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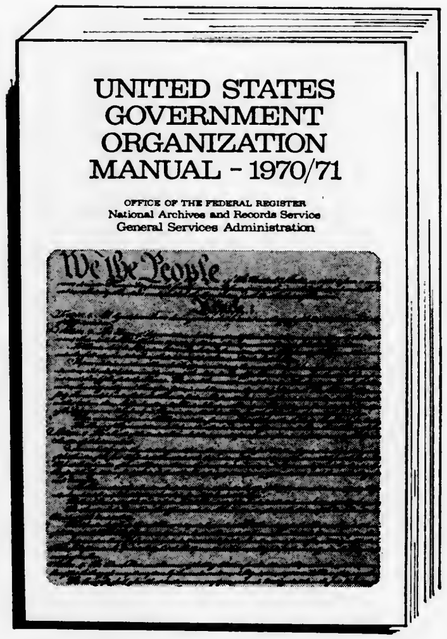

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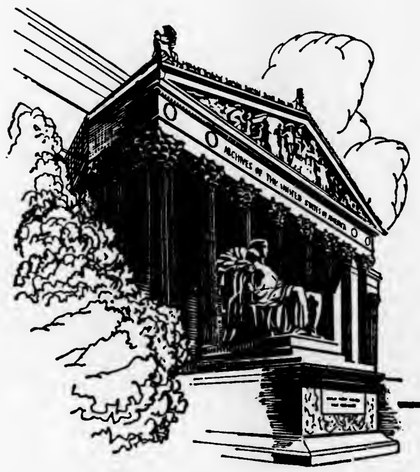

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10799; Amdt. No. 740]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective February 25, 1971.

Hawthorne, Calif.—Hawthorne Municipal Airport; VOR Runway 25, Amdt. 8; Revised.

Montrose, Colo.—Montrose County Airport; VOR-1 Runway 12, Amdt. 2; Revised.

Montrose, Colo.—Montrose County Airport; VOR-2 Runway 12, Amdt. 1; Revised.

Pascagoula, Miss.—Jackson County Airport; VOR Runway 18, Amdt. 4; Revised.

Tallahassee, Fla.—Tallahassee Municipal Airport; VOR Runway 18, Amdt. 3; Revised.

Wells, Nev.—Harriet Field; VOR A, Orig.; Established.

Redding, Calif.—Redding Municipal Airport; VOR/DME Runway 34, Orig.; Established.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective February 25, 1971.

San Diego, Calif.—San Diego International Lindbergh Field; LOC (BC)-A, Amdt. 11; Revised.

San Diego, Calif.—San Diego International Lindbergh Field; LOC Runway 9, Amdt. 1; Revised.

San Diego, Calif.—San Diego International Lindbergh Field; LOC/DME (BC) Runway 27, Orig.; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 25, 1971.

Alton, Ill.—Civic Memorial Airport; NDB Runway 29, Orig.; Established.

San Diego, Calif.—San Diego International Lindbergh Field; NDB (ADF)-A, Amdt. 1; Canceled.

San Diego, Calif.—San Diego International Lindbergh Field; NDB-A Orig.; Established.

San Diego, Calif.—San Diego International Lindbergh Field; NDB Runway 9, Amdt. 11; Revised.

West Palm Beach, Fla.—Palm Beach International Airport; NDB Runway 9L, Amdt. 10; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 25, 1971.

Alton, Ill.—Civic Memorial Airport; ILS Runway 29, Orig.; Established.

Nashville, Tenn.—Nashville Metropolitan Airport; ILS Runway 2L, Amdt. 20; Revised.

5. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective February 25, 1971.

Napa, Calif.—Napa County Airport; RNAV Runway 36, Orig.; Established.

Renton, Wash.—Renton Municipal Airport; RNAV Runway 33, Amdt. 1; Revised.

Santa Barbara, Calif.—Santa Barbara Municipal Airport; RNAV-A, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 19, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-1184 Filed 1-28-71;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the transfer of the functions of the Business and Defense Services Administration to the Bureau of Domestic Commerce. The schedule C listings of five positions formerly reporting to the Administrator, BDSA, are amended to show that they now report to the Director, Bureau of Domestic Commerce. The schedule C listing of one position reporting to the Deputy Administrator, BDSA, is amended to show that it now reports to the Deputy Director, Bureau of Domestic Commerce. Effective on publication in the FEDERAL REGISTER (1-29-71), paragraph (c) is revoked and subparagraphs (10), (11), and (12) are added to paragraph (m) of section 213.3314 as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(c) [Revoked]

• • • • • •

(m) *Office of the Assistant Secretary for Domestic and International Business.*

• • •

(10) Four Confidential Assistants to the Director, Bureau of Domestic Commerce.

(11) One Secretarial Assistant to the Director, Bureau or Domestic Commerce.

(12) One Confidential Assistant to the Deputy Director, Bureau of Domestic Commerce.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1268 Filed 1-28-71;8:50 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-26]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Austria

JANUARY 19, 1971.

On advice from the Department of State on March 16, 1970, that satisfactory proof had been obtained that no discriminating duties of tonnage or imposts are imposed or levied in ports of Austria upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels from the United States or from any foreign country, Treasury Decision 70-112 (35 F.R. 7299) was issued suspending and discontinuing the imposition of such taxes and imposts within the United States with respect to vessels of Austria and the produce, manufactures, and merchandise imported into the United States from Austria or from any other foreign country. The suspension and discontinuance took effect on March 2, 1970.

The Department of State advised the Department of the Treasury on August 7, 1970, that the Treaty of Friendship, Navigation and Consular Rights between Austria and the United States signed on June 19, 1928, and effective as of May 27, 1931, the date the treaty came into force, provided the assurances required by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141).

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Austria, and the produce, manufactures, or merchandise imported into the United States in such vessels from Austria or from any other foreign country as of May 27, 1931, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

Any application for refund of such duties is subject to the provisions of 46 U.S.C. 8 and 19 CFR 4.24.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-1248 Filed 1-28-71;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Carbenicillin Sensitivity Discs

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 147 is amended as follows to provide for the certification of antibiotic sensitivity discs containing carbenicillin:

1. Section 147.1 *Antibiotic sensitivity discs; tests and methods of assay; potency* is amended:

a. By adding a new subparagraph (12) to paragraph (b), as follows:

(12) *Suspension 12.* The test organism is *Pseudomonas aeruginosa* (ATCC 25619). Follow the procedure described for suspension 2, except wash the resulting growth from the agar surface of the Roux bottle with 25 milliliters of sterile sodium chloride solution in lieu of 50 milliliters and do not standardize the suspension.

b. By alphabetically adding a new item to the tables in paragraphs (c)(3) and (d), as follows:

Antibiotic	Volume of suspension added to each 100 ml of seed agar used for test	Suspension number	Medium: Base layer	Medium: Seed layer
	Ml.			
. . .	. . .	. . .	. . .	. . .
Carbenicillin	3.0	12	F	G
. . .	. . .	. . .	. . .	. . .

Antibiotic	Solvent	Standard curve (antibiotic concentration (per disc)
. . .	. . .	. . .
Carbenicillin	Methyl alcohol	25.0, 35.5, 50.0, 70.7, 100 μg
. . .	. . .	. . .

2. Section 147.2(a) is amended by adding a new subparagraph (36), as follows:

§ 147.2 *Antibiotic sensitivity discs; certification procedure.*

(a) . . .

(36) Carbenicillin: 50 μg.

. . . . . .

Data supplied by the manufacturer concerning the subject antibiotic sensitivity disc have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-29-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 12, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-1211 Filed 1-28-71;8:45 am]

PART 148j—NOVOBIOCIN

Standards of Identity, Strength, Quality, and Purity

In F.R. Doc. 70-16513 appearing at page 18667 in FEDERAL REGISTER of December 9, 1970, the heading of § 148j.1a(a)(1) is changed to read "*Standards of identity, strength, quality, and purity.*"

Dated: January 19, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-1210 Filed 1-28-71;8:45 am]

PART 148s—VANCOMYCIN

Effective on publication in the FEDERAL REGISTER (1-29-71), Part 148s is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

§ 148s.1 **Vancomycin hydrochloride.**

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Vancomycin hydrochloride is the hyrochloride salt of a kind of vancomycin or a mixture of two or more such salts. It is soluble in water and moderately soluble in dilute methyl alcohol. It is insoluble in higher alcohols, acetone, and ether. It is so purified and dried that:

(i) It contains not less than 900 micrograms of vancomycin per milligram, calculated on an anhydrous basis. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of vancomycin that it is represented to contain.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) Its moisture content is not more than 5 percent.

(vi) Its pH in an aqueous solution containing 50 milligrams per milliliter is not less than 2.5 and not more than 4.5.

(vii) Its heavy metals content is not more than 30 parts per million.

(viii) It contains not more than 15 percent of factor A.

(ix) It gives a positive identity test for vancomycin.

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing, the vancomycin content of each immediate container is 500 milligrams of vancomycin.

(3) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, moisture, pH, heavy metals, factor A content, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 12 packages, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample of approximately 30 milligrams in sufficient sterile distilled water to give a stock solution of 1 milligram per milliliter; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to give a stock solution of 1 milligram per milliliter. Further dilute an aliquot of the stock solution with solution 4 to the reference concentration of 10.0 micrograms of vancomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except use sterile distilled water in lieu of diluting fluid A.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 5 milligrams of vancomycin per milliliter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using a solution containing 50 milligrams per milliliter.

(7) *Identity and factor A content—(i) Preparation of the chromatogram—(a) Equipment.* (*1*) Chromatographic paper (Whatman No. 1 untreated filter paper).

(2) Equipment for descending paper chromatography (Mitchell tank).

(*b*) *Preparations of solutions—(1) Factor A.* Prepare a solution in distilled water to contain 1.33 milligrams of factor A per milliliter and further dilute with distilled water to prepare solutions containing 0.1 and 0.2 milligram of factor A per milliliter.

(2) *Vancomycin working standard solution.* Prepare a solution in distilled water to contain 1.33 milligrams of vancomycin per milliliter.

(3) *Known mixture of factor A and vancomycin.* Prepare a solution in distilled water to contain 0.2 milligram of factor A and 1.13 milligrams of vancomycin (estimated) per milliliter.

(*4*) *Sample.* Prepare two solutions of the sample in distilled water, each to contain 1.33 milligrams of vancomycin (estimated) per milliliter.

(*5*) *Solvent mixture.* Mix 300 milliliters of butyl alcohol, 150 milliliters of pyridine, and 200 milliliters of water in a large separatory funnel and shake well for 3 minutes. Let stand at room temperature. There should be no separation of layers.

(*c*) *Procedure.* Saturate the atmosphere in the tank with vapors of the solvent mixture by placing 10 milliliters of the mixture in a trough in the bottom of the tank and closing tightly for 15 minutes. Prepare a sheet of chromatographic paper (8 inches x 8 inches) by carefully drawing a line of origin with a pencil 2 inches from one of the edges. Fold the paper along a straight line 1½ inches from the same edge of the paper. Starting 1 inch from the left-hand edge, establish points at 1-inch intervals along the line of origin on which to apply the solutions. Using a micropipette, apply the factor A solutions, the vancomycin solution, the known mixture solution, and the sample solutions by placing 5 microliters of each on separate spots. Properly identify the locations of the spots but avoid unnecessary handling of the paper. Allow the spots to dry spontaneously. Suspend the paper in the chamber so that the edge nearest the fold can be conveniently immersed in the solvent mixture contained in the top trough. Immerse the paper across its entire width to a depth sufficient to assure contact with the solvent mixture during the entire development time. Close the chamber tightly and allow the chromatograph to develop at room temperature for 6½ to 7 hours. Remove the paper and allow it to dry completely.

(ii) *Development by bioautograph—(a) Preparation of test organism (spore suspension).* The test organism is *Bacillus subtilis* (ATCC 6633), test organism H, prepared as described in § 141.104 of this chapter, using the method described in paragraph (b)(2) of that section.

(*b*) *Preparation of plates—(1) Base layer.* Add 42 milliliters of medium 2 described in § 141.103(b)(2) of this chapter to each Petri dish (25 millimeters x 150 millimeters) and allow to harden on a flat, level surface. To prevent condensation of excess moisture, raise the tops slightly while the agar hardens.

(2) *Seed layer.* Melt nutrient agar medium 2 described in § 141.103(b)(2) of this chapter. Accurately measure a sufficient quantity of the melted agar, cool to 48° C., and add the appropriate quantity of the spore suspension prepared as described in (*a*) of this subdivision. Swirl the flask of inoculated agar to obtain a homogeneous suspension. Add 8 milliliters of this inoculated agar to each plate, spread evenly, and allow to harden on a flat, level surface. For accurate results, it is necessary to obtain uniform distribution of the agar over the entire surface of the plates.

(*c*) *Assay.* For each spot on the paper described in subdivision (i)(*c*) of this subparagraph, cut a strip 1.5 centimeters by approximately 14 centimeters with the center of each strip centered about the line of descent of the spot. Place all strips on plates with the aid of forceps within as short a period of time as possible. Use maximum spacing between strips. Insure complete contact so that the entire strip becomes uniformly moistened. Allow to stand for 30 minutes. Remove the strips and identify each strip location on the Petri dish. Incubate the plates for 16–18 hours at 37° C. Any zone of inhibition corresponding to factor A in the sample must not be greater than that of the 0.2 milligram-per-milliliter factor A standard. Also, the two areas of inhibition for the sample due to the presence of factor A and vancomycin must compare to the corresponding two areas of inhibition of the known mixture in their respective distances from their origins.

(8) *Heavy metals.* Proceed as directed in § 141.511 of this chapter.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 12, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-1230 Filed 1-28-71;8:47 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 169—POST OFFICE BOXES

Renting and Closing Post Office Boxes

Correction

In F.R. Doc. 71-936 appearing at page 1141 in the issue for Saturday, January 23, 1971, § 169.1(e) (1) and (2), at the top of the third column, should be transferred to appear immediately following paragraph (d)(5) *Grounds for closing a box.*

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

APPLICATION FEE

The following amendment has been made to increase the application fees:

In § 203.12 paragraphs (a)(1) (i) and (ii) are amended to read as follows:

§ 203.12 **Application and commitment extension fees.**

(a) *Application fee*—(1) *Amount of fee.* • • •

(i) $40 for an application involving existing construction.

(ii) $50 for an application involving proposed construction.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10; 12 U.S.C. 1709)

Issued at Washington, D.C., January 22, 1971.

Effective date: February 1, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-1222 Filed 1-28-71;8:46 am]

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

COMBINED FEE—REHABILITATION SALES MORTGAGOR

The following amendment has been made to increase the application fee:

Section 221.506a is amended to read as follows:

§ 221.506a **Combined fee—rehabilitation sales mortgagor.**

In the case of a rehabilitation sales mortgagor, the fees provided in §§ 221.503 through 221.506 shall not be applicable. In lieu of such fees, a combined application, commitment, and inspection fee of $40 per dwelling unit shall be paid to the Commissioner when the application for insurance is filed.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599; 12 U.S.C. 1715l)

Issued at Washington, D.C., January 22, 1971.

Effective date: February 1, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-1223 Filed 1-28-71;8:46 am]

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

APPLICATION AND COMMITMENT EXTENSION FEES

The following amendment has been made to increase the application fee:

In § 234.13 paragraph (a)(1) is amended to read as follows:

§ 234.13 **Application and commitment extension fees.**

(a) *Application fee*—(1) *Amount of fee.* The mortgagee shall pay an application fee of $40 per family unit to cover the cost of processing.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 161; 12 U.S.C. 1715y)

Issued at Washington, D.C., January 22, 1971.

Effective date: February 1, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-1224 Filed 1-28-71;8:46 am]

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Projects—Conversion Individual Sales Units

APPLICATION FILING AND APPROVED FEES

The following amendment has been made to increase the application fees:

In § 234.506 paragraphs (a) and (b) are amended to read as follows:

§ 234.506 **Application filing and approved fees.**

• • • • • •

(a) $50 per dwelling unit, in a case involving new construction.

(b) $40 per dwelling unit, in a case involving rehabilitation.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 161; 12 U.S.C. 1715y.)

Issued at Washington, D.C., January 22, 1971.

Effective date: February 1, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-1225 Filed 1-28-71;8:47 am]

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

APPLICATION, COMMITMENT, AND INSPECTION FEES

The following amendment has been made to increase the application fee:

Section 235.520 is amended to read as follows:

§ 235.520 **Application, commitment, and inspection fees.**

A combined application, commitment, and inspection fee in the amount of $40 per dwelling unit to be contained in the proposed project shall be paid with the filing of the application. A subsequent application for an increase in the number of units to be contained in the project shall be accompanied by a payment of an additional fee in the amount of $40 for each additional unit.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 235, 82 Stat. 477; 12 U.S.C. 1715z.)

Issued at Washington, D.C., January 22, 1971.

Effective date: February 1, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-1226 Filed 1-28-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-120a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Passaic River, N.J.

1. The Erie Lackawanna Railroad Co. requested the Commander, Third Coast Guard District to revise the special operation regulations for its bridge across the Passaic River, West Arlington, N.J. A public notice dated September 10, 1970 setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Third Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of September 24, 1970 (35 F.R. 14848).

2. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. No comments were received. After consideration of all known factors in this case, the proposal is accepted.

3. Accordingly, Part 117 is amended by revising § 117.225(f)(2-a) to read as follows:

§ 117.225 **Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders not required.**

• • • • • •

(f) • • •

(2-a) Passaic River, Erie Lackawanna Railroad bridge between Newark and West Arlington, N.J. The draw need not be opened from 11 p.m. to 7 a.m. From 7 a.m. to 11 p.m., the draw shall be opened promptly on signal provided 8 hours' advance notice has been given

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 25, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1235 Filed 1-28-71;8:48 am]

[CGFR 70-56a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sinepuxent Bay, Md.

1. The Maryland State Roads Commission requested the Commander, Fifth Coast Guard District to establish special operation regulations for its bridge across the Sinepuxent Bay at Ocean City, Md. A public notice dated April 13, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Fifth Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 15, 1970 (35 F.R. 6150).

2. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. One letter was received that objected on the grounds that marine traffic may be expected to grow in that area on a year round basis and that the proposed restrictions might retard such growth. Available data on the drawbridge openings did not bear out this premise for the periods requested at this time. After consideration of all known factors in this case, the proposal is accepted. If, at a later period, conditions warrant a review of this section, such action will be taken.

3. Accordingly, Part 117 is amended by adding § 117.245(f)(16) to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.**

• • • • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(16) *Sinepuxent Bay, Ocean City, Md., U.S. 50 Bridge.* The draw shall be opened promptly on signal provided that from 6 p.m. to 6 a.m., from October 1 through April 30 at least 3 hours' advance notice has been given.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: January 26, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-1236 Filed 1-28-71;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-7—CONTRACT CLAUSES

Preproduction Samples Clause

The table of contents for Part 5A-7 is amended by the addition of the following new entry:

Sec.
5A-7.170-2 Preproduction samples.

Subpart 5A-7.1—Fixed-Price Supply Contracts

Section 5A-7.170-2 is added to read as follows:

§ 5A-7.170-2 **Preproduction samples.**

Preproduction samples may be required to determine that the contractor can produce supplies which comply with the contract specifications, and to provide a quality standard for reference during the life of the contract. Substantially the following clause shall be included in contracts when submission of preproduction samples is to be required. The clause requires submission of two preproduction samples; however, this aspect may be modified to require the submission of only one such sample when the Quality Control Division notifies the contracting officer in writing that it is not feasible (or practicable) for them to accept and maintain custody of the second sample. Also, the clause may be modified for consistency with other provisions of the solicitation, such as place and method of inspection.

PREPRODUCTION SAMPLES

The contractor shall have available at his expense within (specify appropriate number of days) calendar days after receipt of notice of award two (2) preproduction samples of each item to be delivered under the contract for inspection and determination by the Government as to compliance with the specifications. The contractor shall notify the Contracting Officer and the Regional Quality Control Division set forth in the notice of award, in writing, of the availability of the samples for inspection, the notification to be made (specify appropriate number of days) calendar days prior to the date the contractor proposes to have the samples available. The contractor shall without any additional charge provide all necessary facilities for inspection of the samples.

Preproduction samples required by this contract must conform to all specification requirements. The acceptance of any previous preproduction samples or the granting of any deviations on previous preproduction samples or on supplies required by previous contracts for the same item(s) shall in no way be considered as justification for assuming that the preproduction samples submitted under this contract will be accepted unless they fully meet specifications or that deviations will be granted.

When the preproduction samples are approved, the Government shall notify the contractor of their acceptance in writing. After acceptance, one preproduction sample shall be retained by the contractor and made available to the Government without additional cost to the Government, at the location where the material is offered to the Government for inspection, until completion of the contract, at which time it may be delivered in "like new" condition as part of the last scheduled delivery under the contract. The other preproduction sample shall be delivered to the Government in accordance with instructions to be furnished by the Contracting Officer and upon acceptance shall be deemed an item delivered under the contract.

If the contractor fails to deliver the preproduction samples or if the Government disapproves the preproduction sample, the contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract and this contract shall be subject to termination for default provided that failure of the Government in such an event to terminate this contract for default shall not relieve the contractor of his responsibility to meet the delivery schedule for production quantities.

The Government reserves the right to waive the requirements for preproduction samples as to those bidders offering a product which has been previously procured and approved by General Services Administration under the same specifications applicable to this procurement. Bidders offering such products are requested to furnish with their bids information identifying the product by citing the number, date and item of the purchase order and/or contract number involved in such prior purchase.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: January 22, 1971.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service

[FR Doc.71-1229 Filed 1-28-71;8:47 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.7—Use of GSA Supply Sources by Grantees and Contractors

IDENTIFICATION OF GRANTEES OR CONTRACTORS IN WRITTEN AUTHORIZATIONS

Section 101–26.704(b)(1) is revised to provide that authorizations issued by agencies to grantees and contractors to use GSA supply sources indicate whether the recipient of the authorization is a grantee or a contractor and identify the grant(s) or cite the contract number(s) involved.

Section 101–26.704(b)(1) is revised to read as follows:

§ 101–26.704 Agency authorizations.

* * * * * *

(b) * * *

(1) Indicate whether the recipient is a grantee or contractor and identify the grant(s) or cite the contract number(s) involved.

* * * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1–29–71).

Dated: January 25, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc 71 1228 Filed 1–28–71;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 113—FINANCIAL ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES OF LOCAL EDUCATIONAL AGENCIES AFFECTED BY CERTAIN DISASTERS

Dates for Filing Applications

Part 113 of Chapter I of Title 45 of the Code of Federal Regulations is amended to reflect the fact that regulations in Part 115 are being amended to provide additional time for the Office of Education to determine before the end of the fiscal year whether local educational agencies meet the statutory requirements for eligibility.

1. Section 113.9 is amended to read as follows:

§ 113.9 Dates for filing applications.

Each application for benefits under section 7 of the Act, except applications for financial assistance for continuing to provide free public education at a preexisting level that are filed for a fiscal year subsequent to that covered by such initial application, must be filed by the applicant on or before 90 days following the date on which the area in which the applicant is, in whole or in part, located is declared to be a major disaster area or 90 days following the date of the publication in the FEDERAL REGISTER of the amendment to the regulations in this part extending their application to the particular major disaster involved, whichever is later; except that, whenever such date shall fall on a nonbusiness day, the final date for filing applications shall be the next succeeding business day. An application for financial assistance for providing free public education for a fiscal year subsequent to that covered by the initial year of such application must be filed by January 31 in the fiscal year following the last such application. An application must either be received by the Commissioner, or be mailed under cover postmarked, on or before the final filing date. It must be transmitted through and certified for by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing transmittal of the application to the Commissioner.

(20 U.S.C. 242; interpret or apply 20 U.S.C. 241–1, 242–244)

* * * * * *

In accordance with section 421 of the General Education Provisions Act (20 U.S.C. 1232), the foregoing amendments will become effective 30 days following the date of their publication in the FEDERAL REGISTER.

Dated: November 30, 1970.

T. H. BELL,
Acting Commissioner of Education.

Approved: January 25, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71–1219 Filed 1–28–71;8:46 am]

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS AS AMENDED, IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Miscellaneous Amendments

Part 114 of Chapter I of Title 45 of the Code of Federal Regulations is amended to reflect amendments made by Public Law 91–230, and by Public Law 91–260.

1. In the Table of Contents, Subparts B and D are amended to revise the heading of § 114.4, to add a reference to the new § 114.36, to read as follows:

Subpart B—Filing Complete Applications and Determining Priority Indices

* * * * * *

Sec.
114.4 Determination of priority indices and priority groupings for applications.

* * * * * *

Subpart D—Criteria for Waivers Under the Act

* * * * * *

Sec.
114.36 Criteria for waiver of substantial percentage requirement in section 14(c).

* * * * * *

AUTHORITY: The provisions of this Part 114 issued under 20 U.S.C. 642. Interpret or apply 20 U.S.C. 631–645.

2. In § 114.1, paragraphs (q) and (s) are amended, and a new paragraph (w) is added, to read as follows:

§ 114.1 Definitions.

* * * * * *

(q) The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining the order of approval of project applications, and the order of payments within each priority grouping.

* * * * * *

(s) The term "base year" means the third or fourth school year preceding the fiscal year in which an application was filed, as may be designated in the application, except that in the case of an application based on children referred to in paragraphs (2) or (3) of section 5(a) of the Act, the base year shall in no event be later than the regular school year 1968–69.

* * * * * *

(w) For the purpose of applications under section 10 of the Act, "repairs" means those repairs which must be accomplished without delay in order to avoid further deterioration of the school facilities and thereby appreciably increase the ultimate repair or replacement cost. The term "repairs" does not for that purpose include remodeling or rearrangement of existing facilities to permit grade pattern reorganization or providing minimum school facilities not otherwise obtainable.

(20 U.S.C. 633, 634, 635, 640, 645)

3. In § 114.2, paragraph (a) is amended to read as follows:

§ 114.2 Cutoff dates for filing applications.

(a) Pursuant to section 3 of the Act, the Commissioner will from time to time set dates by which applications for payments under all sections of the Act with respect to construction projects must be filed, except that the last such date with respect to applications for payments on account of children referred to in paragraphs (2) or (3) of section 5(a) of the Act shall not be later than June 30, 1973.

* * * * * *

(20 U.S.C. 633)

4. Section 114.3 is revised to read as follows:

§ 114.3 Procedure if funds are inadequate to make all payments.

(a) Section 2 of the Act provides that for each fiscal year the Commissioner is to determine the portion of the funds appropriated under the Act which shall be available for carrying out the provisions of sections 9 and 10 and that the remainder of such funds shall be available for paying to local education agencies the Federal share of the cost of projects for the construction of school facilities for which applications have been approved under section 6. Section 3 of the Act provides that the Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under the Act and remaining available on any cutoff date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under the Act have not already been obligated). Only applications meeting the conditions for approval under the Act (other than section 6(b)(2)(C)) shall be considered applications for purposes of the preceding sentence. Such an order of priority is to provide that applications for payments based upon increases in the number of children either residing on, or residing with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection 5(a) have been approved for that fiscal year. Section 14 of the Act provides, in subsection (e), in part, as follows: "In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility." Section 14 provides, in subsection (h), that the provision of assistance pursuant to subsections 14(a) and 14(b) of the Act shall be given a priority at least equal to that given to payments made pursuant to section 10 of the Act.

(b) Pursuant to the above provisions of the Act, applications for assistance under the provisions of sections 9, 10, and 16 and subsections 14(a) and 14(b) shall have priority in funding over applications under section 6 (as limited by section 5), and sections 8 and 14(c) of the Act. That portion of payments under applications under section 6 (as limited by section 5) and section 8 of the Act based upon increases in the number of children either residing on, or residing with a parent employed on, Federal property other than property which is part of an eligible low-rent housing property shall have priority in funding over that portion of payments that is based upon increases in the number of children countable for payment under subsections 5(a)(2) and 5(a)(3) who either reside on, or reside with a parent employed on, an eligible low-rent housing property.

(c) For each fiscal year, the Commissioner will first determine the estimated requirements for all applications filed under sections 9, 10, and 16 and subsections 14(a) and 14(b) of the Act; and the funds appropriated and made available for applications filed during that fiscal year will be allocated to each such section and subsection in the ratio of the estimated requirements under each to the total estimated requirements for all such sections and subsections.

(d) Each approvable application will be assigned a priority rating determined in the manner specified in §§ 114.4 and 114.5, and a priority listing shall be established for each such section and subsection. The funds allocated as prescribed in paragraph (c) will be reserved for applications on such priority listings in the order of priority indices. When all such applications have been funded, any remaining available funds will be reserved for applications under section 6 (as limited by section 5) and section 8 and subsection 14(c).

(e) For fiscal year 1971 and following fiscal years, a priority listing will be established also for applications under section 6 (as limited by section 5) and section 8 for that portion of payments that is based on increases in the number of children either residing on, or residing with a parent employed on, an eligible low-rent housing property. Funds will be reserved for applications on such a priority listing after funds have been reserved for all other approvable applications under section 6 (as limited by section 5) and section 8 and subsection 14(c) filed for that fiscal year.

(20 U.S.C. 633, 640, 644)

5. Section 114.4 is amended to read as follows:

§ 114.4 Determination of priority indices and priority groupings for applications.

When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications will be determined as follows:

(a) For applications under sections 6 and 14 of the Act, a priority index will be determined for the first construction project for each applicant by adding (1) the percentage that the estimated number of federally connected children countable for payment in the school district (or in the approved attendance area except under subsections 14(a) and 14(b)) is of the total estimated membership of all children therein at the close of the applicable period and (2) the percentage of the estimated school membership within the school district (or in the approved attendance area except under subsections 14(a) and 14(b)) which at the same time is without minimum school facilities. However, in no case shall the amount used in determining the priority index exceed twice the percentage in clause (1). No priority, except under subsections 14(a) and 14(b), shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) For applications under section 10 of the Act, a priority index will be determined for the first construction project by adding (1) the percentage that the estimated number of children residing on Federal property (or attending school on Federal property) and for whom minimum school facilities are to be provided, is of the total estimated number of all children residing and attending school on the installation at the close of the applicable period; and (2) the percentage of the estimated school membership at such installation which is without minimum school facilities as of the same time. However, in no case will the combined percentage used in determining the priority index exceed twice the percentage arrived at in clause (1). In determining the order of priority for approving applications under section 10, applications will be classified in groups for priority in funding from funds allocated for applications under section 10 as prescribed in paragraph (c) of § 114.3, and a priority listing will be established for each such group, as follows: (i) Applications requesting major repairs necessary for the safety of school children or to prevent further deterioration of existing school facilities; (ii) applications in cases where the local educational agency which operates the school program in the school facilities located on Federal property has given assurance and a firm commitment to the Commissioner that, upon completion of the proposed project, it will accept ownership of the school facilities located on Federal property under section 10(b) of the Act; (iii) applications in cases where, under currently effective State standards, there are unhoused pupils; and (iv) applications equesting capacity or noncapacity school facilities, or the rehabilitation or remodeling of existing school facilities, required to bring the school facilities up to a standard which will permit the offering of a contemporary educational program.

(c) In those cases in which an applicant has filed more than one project application, or in the case of section 10, two or more applications are filed which fall within the same group classification in paragraph (b), the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the applicable period and (2) reducing the applicant's priority index by twice the percentage so obtained. When more than two project applications have been filed, the priority index for each succeeding project shall be reduced by the cumulative total percentage, in the manner provided for in the preceding sentence, of all approved projects of the applicant.

(20 U.S.C. 633, 640, 644)

6. In § 114.5, paragraph (a) is amended to read as follows:

§ 114.5 Determination of subpriority indices for applications.

(a) In the event that the appropriated funds are sufficient to fund only a portion of the project applications with identical priority indices as determined under § 114.4, the subpriority index (relative position) of such project applications will be determined by computing the percentage that the estimated

number of federally connected children countable for payment in the school district (or in the approved attendance area except under section 14, or in the case of section 10, of the number of children for whom school facilities are to be provided on Federal property), is of the total estimated membership of all children in such an area at the close of the applicable period.

(20 U.S.C. 633, 644)

7. In § 114.12, paragraph (d) is amended to read as follows:

§ 114.12 Determination of available and usable school facilities.

• • • • • •

(d) With respect to subsections 14(a) and 14(c) of the Act, all minimum school facilities which, with full utilization of practicably available financial resources could be provided from local, State, or other Federal sources will be considered as available and usable in making determinations. Such utilization by the applicant is a condition precedent to Federal assistance for the providing of school facilities. In determining practicably available financial resources, the amount representing the unused bonding authority of the applicant, up to the legal maximum bonding limit in the State, but not in excess of 12 percent of the assessed valuation of the applicant school district, will be considered as an available resource.

(20 U.S.C. 634, 644)

8. In § 114.16, paragraph (a), subparagraph (1), and paragraph (c), subparagraph (1), are revised, and new paragraphs (d) and (e) are added, to read as follows:

§ 114.16 Determination of eligibility under section 14.

(a) • • •

(1) The total number of children who reside on Indian lands (for whom the applicant is providing, or upon completion of the school facilities for which provision is made will provide, free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is at least 15 and represents 33⅓ percent of the total number of children for whom the applicant is providing free public education: The percentage requirement may however, be waived by the Commissioner under § 114.34;

• • • • • •

(c) • • •

(1) The total number of children who reside on Indian lands (for whom the applicant is providing, or upon completion of the school facilities for which provision is made will provide, free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is at least 15 and represents at least 10 percent of the total number of children for whom the applicant is providing free public education. That percentage requirement may however, be waived by the Commissioner under § 114.35.

• • • • • •

(d) The requirement in section 14(c)(1) of the Act will be deemed to have been met when the following conditions exist:

(1) The total number of children who are inadequately housed by minimum school facilities (for whom the applicant is providing, or upon completion of the school facilities for which provisions are made will provide, free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is at least 20 in number and represents at least 33⅓ percent of the total number of children for whom the applicant is providing free public education: The percentage requirement may however, be waived by the Commissioner under § 114.36.

(2) The Federal property in the school district represents at least 33⅓ percent of the total land area of the school district.

(e) The requirement in section 14(c)(4) of the Act will be deemed to have been met when, subject to the provisions of paragraph (d) of § 114.12, the applicant does not have available sufficient funds to provide minimum school facilities required for the free public education of 95 percent or more of the total number of children estimated to be in the applicant's schools as of the end of the second year following the end of the membership period for which the application is filed.

(20 U.S.C. 644)

9. Subpart D—Criteria for Waivers Under the Act, is amended to add a new § 114.36, and to amend the reservations of section number, to read as follows:

§ 114.36 Criteria for waiver of substantial percentage requirement in section 14(c).

(a) The Commissioner's authority in section 14(c) of the Act to waive the substantial percentage requirement in section 14(c)(1) will not be exercised unless the conditions set forth in subparagraphs (1) through (6), inclusive, of this paragraph, are met:

(1) The applicant would, on the basis of a waiver of the substantial percentage requirement, meet all conditions of eligibility under section 14(c);

(2) The applicant makes a request to waive that percentage requirement;

(3) The applicant's jurisdictional area is countywide or is sufficiently extensive as to be analogous to a countywide school system;

(4) There has been a concentration of children who are inadequately housed by minimum school facilities located in a remote or isolated area; and it would not be practicable to transport such children from the remote or isolated area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons;

(5) The number of children who are inadequately housed by minimum school facilities located in the remote or isolated area and estimated to be in membership in the applicant's schools as of the close of the membership period for which the application is filed is at least 20 in number and at least 20 percent of the total number of children in membership in the district as a whole and for whom the applicant is providing free public education.

(6) The area of all Federal lands in the school district composes at least 80 percent of the total area of the school district;

(b) If the Commissioner, on the basis of the minimum criteria set forth in paragraph (a) of this section, determines to waive the specified percentage requirement, the application will be processed under the Act and the regulations in this part, taking into consideration only the established remote or isolated attendance area; but in no case shall payments hereunder exceed the cost of construction of minimum school facilities for the number of children in the remote or isolated attendance area (or approved attendance area) which the Commissioner determines are inadequately housed and who will be in membership in the schools of such applicant as of the close of the second year following the close of the membership period for which the application is filed, and who would otherwise be without such facilities, and which cost has not been, and is not to be, recovered by the applicant from other sources, including payments by the United States under any other provisions of the Act or any other law, less the amount of financial resources which the Commissioner determines to be practicably available to the applicant from local, State, or other Federal sources.

(20 U.S.C. 644)

§§ 114.37–114.40 [Reserved]

10. Section 114.42 is amended to add a new paragraph (c), to read as follows:

§ 114.42 Certification of payments, section 14.

• • • • • •

(c) With respect to payments under section 14(c) of the Act, except applications with respect to which the Commissioner has waived the substantial percentage requirement in section 14(c)(1), the Federal share of the cost of a project when certified for payment will be equal to but shall not exceed that portion of the cost of constructing minimum school facilities in the school district of the applicant that the Commissioner determines is attributable to children who are inadequately housed by minimum school facilities and who will be in membership in the schools of such applicant at the close of the second year following the close of the membership period under consideration and who will otherwise be without such facilities, and which cost has not been, and is not to be, recovered by the applicant from other sources, including payments by the United States under any other provisions of the Act or any other law less the amount of financial resources which the Commissioner determines to be practicably available to the applicant from local, State, or other Federal sources.

(20 U.S.C. 644)

In accordance with section 421 of the General Education Provisions Act (20 U.S.C. 1232), the foregoing amendments will become effective 30 days following the date of their publication in the FEDERAL REGISTER.

Dated: November 30, 1970.

T. H. BELL,
Acting Commissioner of Education.

Approved: January 25, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-1220 Filed 1-28-71;8:46 am]

PART 115—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

Miscellaneous Amendments

Part 115 of Chapter I of Title 45 of the Code of Federal Regulations is amended to reflect the fact that Public Law 81–874 has been amended by Public Law 91–230 and to provide additional time for the U.S. Office of Education to determine before the end of the fiscal year whether local educational agencies meet the statutory requirements for eligibility.

1. In § 115.3, paragraph (a) is amended to read as follows:

§ 115.3 Definitions.

• • • • • •

(a) "The Act" means Public Law 874, 81st Congress (64 Stat. 1100); as amended.

• • • • • •

2. In § 115.11, paragraph (a) is amended to read as follows:

§ 115.11 Final date for filing an application for financial assistance.

(a) Except as otherwise provided in this section, the final date for filing an application for financial assistance under sections 2, 3, or 4 of the Act, and the regulations in this part, out of funds appropriated for any fiscal year shall be January 31st of that fiscal year for all applicants; except that, whenever such a final date falls on a Saturday, Sunday, or other legal holiday, the final date for filing an application shall be the next succeeding weekday which is not a legal holiday. Each application must be received by the Commissioner, or under cover postmarked, on or before the final filing date after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing a timely transmittal of the application to the Commissioner of Education. In order to give the State educational agency time in which it may process the application, the applicant should file its application with the State educational agency by January 2 of the fiscal year.

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(20 U.S.C. 242; interpret or apply 20 U.S.C. 236–241, 242–244)

In accordance with section 421 of the General Education Provision Act (12 U.S.C. 1232), the foregoing amendments will become effective 30 days following the date of their publication in the FEDERAL REGISTER.

Dated: November 30, 1970.

T. H. BELL,
Acting Commissioner of Education.

Approved: January 25, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-1221 Filed 1-28-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18862; FCC 71-62]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments; Glen Ridge, N.J.

First Report and Order. In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Glen Ridge, N.J., and Bowling Green and Toledo, Ohio).

1. The Commission instituted this proceeding by notice of proposed rule making, released May 21, 1970 (FCC 70–524, 35 F.R. 8670) for the purpose of deleting two educational television (ETV) assignments—Channel 77 at Glen Ridge, N.J., and Channel 70 at Bowling Green, Ohio—in order to implement its recent decision in the land mobile-UHF allocation proceeding in Docket No. 18262, in which these channels, among others (Channels 70–83, 806–890 MHz), were reallocated for land mobile use.[1] The notice also invited comments on possible replacements for both assignments, specifically proposing, with respect to the Channel *70 Bowling Green assignment, to replace it with Channel *40 by deleting Channel 54 from Toledo, Ohio. No replacement was proposed for the Channel *77 Glen Ridge assignment since, considering the crowded nature of the UHF assignment picture in the northeast, none appeared possible under present rules. We here consider and act only upon the Glen Ridge proposal. The Bowling Green proposal is still under study and will be dealt with later in a separate action.

2. Comments directed to the Glen Ridge proposal were filed by the Land Mobile Communications Council (LMCC), the New Jersey Public Broadcasting Authority (Authority), the State agency charged with providing a statewide educational television system and which has an application on file for use of the ETV Channel 77 Glen Ridge assignment at Montclair, N.J.,[2] and by the National Association of Educational Broadcasters (NAEB). At the Authority's request, supported by the NAEB, we have also included for consideration herein the petition for rule making which it filed with its comments on August 24, 1970, respecting the replacement for the Channel *77 Glen Ridge assignment proposed in its comments. The Authority has also filed herein copies of correspondence exchanged with Screen Gems Broadcasting Corp., licensee of Station WNJU–TV, Channel 47, Linden, N.J., relative to its replacement proposal.

3. In its comments, LMCC states that, while it does not take lightly the deletion of the Glen Ridge ETV assignment and fully supports the Commission's efforts to substitute assignments for those affected by the Commission's decisions in the land mobile-UHF allocation proceedings in Dockets Nos. 18261 and 18262, it fully supports our proposal to delete the Channel 77 Glen Ridge assignment without replacement at this time inasmuch as none appears possible. It takes the view that no exceptions from total reallocation of the 806–890 MHz frequency band for land mobile use are warranted; that to create exceptions would ultimately act to frustrate the Commission's decisions in Dockets Nos. 18261[3] and 18262[4] and encourage creating a patchwork of "relief" to land mobile users; and that, in the overall scheme of effective frequency utilization and management, total reallocation of the 806–890 MHz frequency band for land mobile use will best serve the public interest.

4. The comments of the Authority and the NAEB discuss the planning and active steps the Authority has been and is taking to establish a statewide educational television system, of which an ETV station in the Glen Ridge area to serve northern New Jersey is an integral and planned part; the need for a suitable replacement for the Channel 77 Glen Ridge assignment at this time so that the Authority can go forward with its plans for an ETV station in the area, which had reached the application stage with respect to Channel 77; and the channel replacement proposed by the Authority.

5. From a study made by its technical consultants, the Authority believes that the only channel having potential for use in the proximity of Glen Ridge to meet its ETV needs is Channel 50. The

[1] See First Report and Order and Second Notice of Inquiry, adopted May 20, 1970, in Docket No. 18262, FCC 70–519, 35 F.R. 8644.

[2] BPET–363, filed Feb. 18, 1970.

[3] First Report and Order, adopted May 20, 1970, Docket 18261, FCC 70–521, 23 FCC 2d 325.

[4] Supra, footnote 1.

Authority, supported by the NAEB, therefore requests that Channel 50 be assigned to Little Falls, N.J., as a replacement for the Channel 77 Glen Ridge ETV assignment. Little Falls, a town with a 1960 population of 9,730 persons, is located in Passaic County, in close proximity to Glen Ridge and immediately adjacent to Montclair, the location of a portion of the Montclair State College campus, and the planned location for the Authority's transmitting facilities for an ETV station to serve this northern New Jersey area.

6. The Authority also requests waiver of the rules (§ 73.601(d)) to permit the assignment and use of Channel 50 at Little Falls at less than the 20-mile separation required by the UHF intermodulation taboo from the transmitting facilities of Station WNJU-TV, Channel 47, Linden, N.J., on the Empire State Building, New York City, or from the World Trade Center Building in the event the WNJU-TV transmitter is relocated there when it is completed, as anticipated. The Authority urges that good cause exists for waiving the intermodulation taboo in this case since its technical study indicates that the present or proposed operation on Channel 47 will not be affected by a Little Falls Channel 50 operation; the Channel 47 licensee will not object to the Channel 50 operation—correspondence filed herein by the Authority indicates that Screen Gems would interpose no objection to a Channel 50 operation at the site contemplated by the Authority and that neither party would object to the use of maximum power by the Channel 50 Little Falls station or by Station WNJU-TV at either its present transmitter site or one on the World Trade Center Building; and the people in northern New Jersey are entitled to have the educational television service envisioned by the State Legislature and proposed by the Authority.

7. The Commission subscribes to the view that the overall public interest is served by deleting the ETV Glen Ridge assignment at this time, even without replacement, in view of the fact that it is among the UHF television channels which we have reallocated to the land mobile services in Docket No. 18262 in light of their pressing needs, particularly in the New York-eastern New Jersey area. We also believe, as do all the parties herein, that in withdrawing Channel 77 from ETV use in the Glen Ridge area, it is clearly desirable in the public interest to replace it at this time, if at all possible. Its deletion from Glen Ridge will remove the only ETV channel assignment in northern New Jersey, and we are convinced by the Authority's showing that an assignment is needed in this area to enable the Authority to proceed with its plan to establish a first local ETV station to serve northern New Jersey and to implement its plans for a statewide educational television network effectively.

8. Since instituting this proceeding, we have made further studies of channel replacement possibilities for the Channel 77 Glen Ridge assignment. From them, we have determined that there are no available channels meeting spacing requirements which could be assigned in this area and that, of all other possibilities, the assignment of Channel 50 to the area would pose the fewest problems. If assigned to Little Falls and used as the Authority plans, it would meet all spacing requirements but one—the required 20-mile separation (intermodulation taboo) between Channel 50 and Channel 47, occupied by Station WNJU-TV, Linden, N.J. The distance from the Little Falls reference point to the Empire State Building, where the WNJU-TV transmitter is now located, is but 15.8 miles, and to the World Trade Center Building, where the WNJU-TV transmitter may be relocated when that structure is completed, but 16.3 miles. The distance from the Little Falls transmitter site for the Channel 50 operation planned by the Authority (some 1,150 feet west of the specified site for the Authority's proposed Channel 77 operation, with geographical coordinates of north latitude 40°51'48" and west longitude 74°12'01") is only about 13.7 miles from the Empire State Building and only 14.3 miles from the World Trade Center Building.

9. We have also investigated the possibility of interference that might result from waiver of the intermodulation taboo to the extent required for a Little Falls ETV Channel 50 station at the location planned by the Authority. It leads us to believe that there would be little likelihood of significant interference from intermodulation products. In considering the channels that might be received in the Little Falls, N.J., area,[5] we found only two channels that might provide a usable signal in the potential interference area—Channel 43, Bridgeport, Conn., occupied by off-the-air Station WFTT, and unused Channel 54, Poughkeepsie, N.Y. Since both channels are approximately 55 miles from the potential interference area, their signal intensities would likely be too low for satisfactory reception in that area or to create an interference problem of any magnitude. Also, since neither the Authority nor the Channel 47 licensee are proposing to operate with maximum power at this time, the possibility of interference resulting from the requested waiver of the separation requirements for the intermodulation taboo is further reduced. Of course, there is always the possibility that the licensee of either channel may wish to increase power at some future time. In that event, we would again consider the situation at that time. It does not appear, however, that the possibility of interference from intermodulation would be sufficiently great to make the use of even maximum power on either channel prohibitive at present or presently contemplated sites.

[5] For this intermodulation study, the third channel above channel 50, plus and minus one (Channels 52, 53, 54), and the third channel below Channel 47, plus and minus one (Channels 43, 44, 45), were considered.

10. This assignment proposal presents a difficult case for decision. We have not heretofore relaxed the UHF intermodulation taboo in order to permit an assignment or its use, and we believe that, in the interest of maintaining stability in our allocation policies and in insuring adequate protection to the public and stations from interference caused by intermodulation, we should continue to apply this "safety" taboo to all stations, at least until such time as our reevaluation of the UHF taboos, which has begun, shows what relaxation, if any, would be feasible. But this reevaluation will take time, and the case for relaxing the UHF intermodulation taboo to the extent necessary to permit the assignment and ETV use of Channel 50 at Little Falls at this time appears unusually strong and compelling. First, we are reasonably satisfied by our studies that the relaxation required would not create a significant intermodulation interference problem and would be feasible. Second, since the Authority's showing indicates that both it and the Channel 47 licensee are agreeable to the use of Channel 50 at Little Falls under conditions that will not hamper full and effective use of either channel, there appears no problem in this regard. Third, there appears no other channel which could be assigned to this northern New Jersey area to replace Channel 77 at this time which would involve fewer problems than the assignment of Channel 50. Fourth, and most important, we feel called upon, in the public interest and in furtherance of our educational and UHF television goals, to provide the State of New Jersey with an alternate means for implementing the plans which it, through the Authority, has been actively pursuing for establishing a first local and network educational service in northern New Jersey on Channel 77, and which had reached the application stage prior to our decision in Docket No. 18262. We are especially desirous of doing so since it is as a consequence of our reallocation of television Channels 70-83 to meet the needs of the land mobile services that these plans have been disrupted.

11. We are persuaded that the above considerations, taken together, may make this an exceptional case for relaxing the UHF intermodulation taboo to the extent necessary to permit the assignment and use of Channel 50 at Little Falls, as planned by the Authority, and we wish to consider the proposal further in rule making. We are therefore implementing our decision on Docket No. 18262 by deleting the ETV Channel 77 Glen Ridge assignment and, in a separate document adopted today, instituting rule making on the Authority's Channel 50 replacement proposal.

12. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

13. *Accordingly, it is ordered,* That, effective March 2, 1971, § 73.606(b), Table of Assignments, Television Broadcast Stations, is amended, by deleting the entry for Glen Ridge, N.J., and Channel 77 therefrom.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 20, 1971.

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1255 Filed 1-28-71;8:49 am]

[6] Commissioner Robert E. Lee abstaining from voting; Commissioner Johnson concurring in the result; Commissioner Houser not participating.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1059]

PART 1033—CAR SERVICE

Pennsylvania-Reading Seashore Lines; Unloading of Certain Cars of Beets Held at Glassboro and Tuckahoe, N.J.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 25th day of January 1971.

It appearing, that there is a critical shortage of hopper cars throughout the country; that numerous shippers are unable to secure the hopper cars required for transportation of their traffic; that certain shippers load substantial numbers of such hopper cars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that 26 such cars are being held by the Pennsylvania-Reading Seashore Lines at Glassboro, N.J., and four such cars are being held on that line at Tuckahoe, N.J., commencing with various dates between November 11, 1970, and December 11, 1970; that the Pennsylvania-Reading Seashore Lines has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, and emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1059 Service Order No. 1059.

(a) Pennsylvania-Reading Seashore Lines shall unload certain cars of beets held at Glassboro, N.J. and at Tuckahoe, N.J.: The Pennsylvania-Reading Seashore Lines, its agents or employees, shall unload the following cars containing beets held at Glassboro, N.J., and at Tuckahoe, N.J.

(1) Cars held at Glassboro, N.J.:

NYC 906992	PRR 669137
PRR 279901	PRR 667719
PRR 274572	PRR 279891
PRR 267814	PRR 670662
NYC 905962	PRR 279300
PRR 666113	PRR 279439
PRR 670221	PRR 275254
PRR 673129	PRR 272291
PRR 268770	PRR 267206
PRR 271084	PRR 674512
PRR 271590	PRR 670362
PRR 274279	PRR 268988
PRR 673640	PRR 274354

(2) Cars held at Tuckahoe, N.J.:

PRR 671648	PRR 672423
PRR 672518	PRR 274709

(b) The Pennsylvania-Reading Seashore Lines, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 13, 1971.

(c) The Pennsylvania-Reading Seashore Lines, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., January 26, 1971.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 13, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1241 Filed 1-28-71;8:48 am]

[S.O. 1060]

PART 1033—CAR SERVICE

Reading Co.; Unloading of Certain Cars of Beets Held at Macungie, Pa.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of January 1971.

It appearing, that there is a critical shortage of hopper cars throughout the country; that numerous shippers are unable to secure the hopper cars required for transportation of their traffic; that certain shippers load substantial numbers of such hopper cars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that two such cars are being held by the Reading Co. at Macungie, Pa., since November 23, 1970; that the Reading Co. has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1060 Service Order No. 1060.

(a) The Reading Co. shall unload certain cars of beets held at Macungie, Pa.: The Reading Co., its agents or employees, shall unload the following cars containing beets held at Macungie, Pa.

BAR 813	BAR 837

(b) The Reading Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 13, 1971.

(c) The Reading Co., its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such

notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., January 26, 1971.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 13, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1242 Filed 1-28-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 30]

EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

Notice of Proposed Rule Making

Part 30 of Title 29 of the Code of Federal Regulations was originally issued by the Secretary of Labor on December 13, 1963, 28 F.R. 13775. Approximately 7 years of experience has shown some significant equal employment opportunity progress in apprenticeship programs. However, despite the fact that there has been progress in some occupations and in some geographical areas, there continues to be underutilization of minorities in apprenticeship. The need therefore exists for revision of these regulations in order to sustain the progress which has been made, to correct the underutilization which exists, to meet this Department's responsibilities for insuring that apprenticeship programs registered with the Department or with recognized State apprenticeship agencies provide equal opportunity for all Americans, and to coordinate this part with other equal opportunity programs. It is therefore proposed to revise the provisions of 29 CFR Part 30 to read as set forth below.

Interested persons may submit written statements, data, views, or argument in regard to any or all of the policies or procedures contained in this proposal by mailing them to the Secretary of Labor, U.S. Department of Labor, Constitution Avenue and 14th Street NW., Washington, DC 20210 within 30 days after this notice is published in the FEDERAL REGISTER.

PART 30—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

Sec.
30.1 Scope and purpose.
30.2 Definitions.
30.3 Equal opportunity standards.
30.4 Affirmative action plans.
30.5 Selection of apprentices.
30.6 Existing lists of eligibles and public notice.
30.7 Completion of approved preapprenticeship programs.
30.8 Records.
30.9 Compliance reviews.
30.10 Noncompliance with Federal and State equal opportunity requirements.
30.11 Complaint procedure.
30.12 Adjustment in schedule for compliance review or complaint processing.
30.13 Sanctions.
30.14 Reinstatement of program registration.
30.15 State Apprenticeship Councils.
30.16 Hearings.
30.17 Intimidatory or retaliatory acts.
30.18 Nondiscrimination.
30.19 Exemptions.

AUTHORITY: The provisions of this Part 30 are issued under sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3 CFR 1949-53 Comp., p. 1007.

§ 30.1 Scope and purpose.

This part sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or with State apprenticeship programs registered with recognized State apprenticeship agencies. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship; and the procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. This part also provides policies and procedures for recognizing appropriate State agencies for registering apprenticeship programs for Federal purposes. The purpose of this part is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this part with other equal opportunity programs.

§ 30.2 Definitions.

(a) "Department" means the U.S. Department of Labor.

(b) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(c) "Apprenticeship program" means a program registered by the Department and evidenced by a Certificate of Registration as meeting the standards of the Department for apprenticeship, but does not include a State apprenticeship program.

(d) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(e) "Secretary" means the Secretary of Labor, the Assistant Secretary of Labor for Manpower or any person specifically designated by either of them.

(f) "State Apprenticeship Council" means a State apprenticeship council or other State agency in any of the 50 States, the District of Columbia, or any territory or possession of the United States, which is recognized by the Department as the appropriate agency for registering programs for Federal purposes.

(g) "State apprenticeship program" means a program registered with a State Apprenticeship Council and evidenced by a Certificate of Registration or other appropriate document as meeting the standards of the State Apprenticeship Council for apprenticeship.

(h) "State program sponsor" means any person or organization operating a State apprenticeship program, irrespective of whether such person or organization is an employer.

§ 30.3 Equal opportunity standards.

(a) *Obligations of sponsors.* Each sponsor of an apprenticeship program shall:

(1) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and

(2) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and

(3) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this part.

(b) *Equal opportunity pledge.* Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

> The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.

(c) *Programs presently registered.* Each sponsor of a program registered with the Department as of the effective date of this part shall within 9 months following that effective date take the following action:

(1) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph (b) of this section; and,

(2) Adopt an affirmative action plan required by § 30.4; and

(3) Adopt a selection procedure required by § 30.5. A sponsor adopting a selection method under § 30.5(b) (1), (2), or (3) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A

sponsor adopting a selection method under § 30.5(b)(4) shall submit to the Department copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of § 30.5(b)(4)(i)(a).

(d) *Sponsors seeking new registration.* A sponsor of a program seeking new registration with the Department shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this part.

(e) *Programs subject to approved equal employment opportunity plans.* A sponsor shall not be required to adopt an affirmative action plan under §30.4 or a selection procedure under §30.5 if it submits to the Department satisfactory evidence that it is subject to an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship which has been approved as meeting the requirements of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or Executive Order 11246, as amended (30 F.R. 12319, 32 F.R. 14303, 34 F.R. 12986) and the implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV, and Title 41 of the Code of Federal Regulations, Chapter 60.

(f) *Program with fewer than five apprentices.* A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5.

§ 30.4 Affirmative action plans.

(a) *Adoption of affirmative action plans.* A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(b) *Definition of affirmative action.* Affirmative action is not mere passive nondiscrimination. It includes procedures, methods and program for the identification, positive recruitment, training, and motivation of present and potential minority group apprentices. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of minority group manpower potential. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.

(c) *Outreach and positive recruitment.* An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority participation in apprenticeship by expanding the opportunity of minority persons to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all of the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part.

(1) Dissemination of information concerning the nature of apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. Such information shall be disseminated at least 30 days in advance of the earliest date for application for admission to the apprenticeship program and be given to the Department, local schools, employment service offices, community organizations which can effectively reach minority groups, and published in newspapers which are circulated in the minority community as well as the general areas in which the program sponsor operates.

(2) Participate in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(3) Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(4) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

(5) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no such programs are in existence, the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the Department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations.

(6) Utilization of journeymen to assist in the implementation of the sponsor's affirmative action program.

(7) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

(8) Admitting to apprenticeship persons whose age exceeds the maximum age for admission to the program, where such action is necessary to assist the sponsor in achieving its affirmative action obligations.

(9) Such other action as to insure that the recruitment, selection, employment, and training of apprentices during apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex; such as: General publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority apprentices and journeymen as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to insure that equal employment opportunity is being granted including reporting systems, on site reviews, briefing sessions, etc. The affirmative action program shall set forth the specific steps the program under this paragraph (c) sponsors intend to take, in the above areas. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the above requirements.

(d) *Goals and timetables.* (1) A sponsor adopting a selection method under § 30.5(b)(1) or (2) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of underutilization of minorities in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority applicants into the eligibility pool.

(2) A sponsor adopting a selection method under § 30.5(b)(3) or (4) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of the underutilization of minorities in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority applicants for the apprenticeship program.

(3) "Underutilization" as used in this paragraph refers to the situation where there are fewer minorities in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in subparagraphs (1) through (5) in paragraph (e) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action program shall include a detailed explanation why no goals and timetables have been established.

(4) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the Department determines that the sponsor has deficiencies in terms of underutilization of minorities within the meaning of this section, the Department shall establish goals and timetables applicable to the sponsor for the admission of minority applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

(e) *Analysis to determine if deficiencies exist.* The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action program.

(1) The minority population of the labor market area in which the program sponsor operates;

(2) The size of the minority labor force in the program sponsor's labor market area;

(3) The percentage of minority participation as apprentices in the particular craft as compared with the percentage of minorities in the labor force in the program sponsor's labor market area;

(4) The percentage of minority participation as journeymen employed by the employer or employers participating in the program as compared with the percentage of minorities in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices.

(5) The general availability of minorities with present or potential capacity for apprenticeship in the program sponsor's labor market area.

(f) *Establishment and attainment of goals and timetables.* The goals and timetables shall be established on the basis of the sponsor's analysis of its underutilization of minorities and its entire affirmative action program. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetable, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals.

(g) *Data and information.* The Secretary of Labor, or a person or agency designated by him, shall make available to program sponsors data and information on minority population and labor force characteristics for each Standard Metropolitan Statistical Area, and for other special areas as shall be designated by the Secretary.

§ 30.5 Selection of apprentices.

(a) *Obligations of sponsors.* In addition to the development of a written affirmative action plan to insure that minorities have an equal opportunity for selection as apprentices and further to otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following subparagraphs (1) through (4) of paragraph (b) of this section.

(b) *Selection methods.* The sponsor shall adopt one of the following methods for selecting apprentices:

(1) *Selection on basis of rank from pool of eligible applicants*—(i) *Selection.* A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subdivision (iii) of this subparagraph on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical and practical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in the Department of Labor Order of September 9, 1968 (33 F.R. 14392, Sept. 24, 1968), covering the validation of employment tests of contractors and subcontractors subject to the provision of Executive Order 11246, as amended.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (vii) of this subparagraph.

(iii) *Creation of pool of eligibles.* A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age and the sponsor's minimum physical requirements; or from applicants who meet qualification standards in addition to minimum legal working age and the sponsor's minimum physical requirements: *Provided*, That any additional qualification standards conform with the following requirements:

(*a*) *Qualification standards.* The qualification standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score on the standards, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall follow the procedures set forth in the Department's testing order of September 9, 1968. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(*b*) *Aptitude tests.* Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical and practical relationships between the score on the aptitude tests, and the score required for admission to the pool, and performance in the apprenticeship program. In determining such relationships, the sponsor shall follow the procedures set forth in the Department's testing order of September 9, 1968. The requirements of this item (b) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a State employment service agency, a private employment agency, or an other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a national joint apprenticeship committee will not be approved by the Department unless such test meets the requirements of this subsection.

(*c*) *Educational attainments.* All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall meet the requirements of the Department's testing order of September 9, 1968. School records or the results of general education development tests recognized by the State or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

(iv) *Oral interviews.* Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and before he is selected for apprenticeship from the pool, he may be required to submit to an oral interview. Oral interviews shall be limited only to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record his questions, the general nature of answers, and shall prepare a summary of any conclusions. Applicants rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.

(v) *Notification of applicants.* All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant notice of his rejection including the reasons for his rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.

(vi) *Goals and timetables.* The sponsor shall establish, where required by § 30.4(d), percentage goals and timetables for the admission of minority persons into the pool of eligibles, in accordance with the provisions of § 30.4 (d), (e), and (f).

(vii) *Compliance.* A sponsor shall be deemed to be in compliance with its commitments under subdivision (vi) of this

subparagraph if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments (see § 30.4(f)). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(2) *Random selection from pool of eligible applicants*—(i) *Selection.* A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Department. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(ii) The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (v) of subparagraph (1) of this paragraph relating to the creation of pool of eligibles, oral interviews, and notification of applicants.

(iii) *Goals and timetables.* The sponsor shall establish, where required by § 30.4(d), percentage goals and timetables for the admission of minority persons into the pool of eligibles in accordance with the provisions of § 30.4 (d), (e), and (f).

(iv) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(3) *Selection from pool of current employees*—(i) *Selection.* A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority apprentices, unless the sponsor concludes, in accordance with the provisions of § 30.4 (d), (e), and (f) that it does not have deficiencies in terms of underutilization of minorities in the apprenticeship of journeymen crafts represented by the program.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(4) *Alternative selection methods*—(i) *Selection.* A sponsor may select apprentices by means of any other method, including its present selection method: *Provided,* That the sponsor meets the following requirements:

(a) *Selection method and goals and timetables.* Within 6 months of the effective date of this part, the sponsor shall submit to the Department a detailed statement of the selection method it proposes to use along with the rest of its written affirmative action program including, where required by § 30.4(d), its percentage goals and timetables for the selection of minority applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of § 30.4 (d), (e), and (f). The sponsor may not implement any such selection method until the Department has approved the selection method as meeting the requirements of item (b) of this subdivision and has approved the remainder of its affirmative action program including its goals and timetables. If the Department fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor may implement the selection method on the effective date of this part.

(b) *Qualification standards.* Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards as fair aptitude tests, school diplomas, age requirements, occupationally essential physical requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgment.

(ii) *Compliance.* Determination as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b). Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness towards the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Department, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its golas is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minority persons for apprenticeship, the sponsor may be required to demostrate that such qualification standard is directly related to job performance, in accordance with the provisions of subparagraph (1)(iii)(*a*) of this paragraph.

§ 30.6 Existing lists of eligibles and public notice.

A sponsor adopting a selection method under § 30.5(b) (1) or (2), and a sponsor adopting a selection method under § 30.5(b)(4) who determines that there are fewer minorities on its existing lists of eligibles than would reasonably be expected in view of the analysis described in § 30.4(e) shall discard all existing eligibility lists upon adoption of the selection methods required by this part. New eligibility pools shall be established and lists of eligibility pools shall be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than 2 weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see § 30.4(c) on affirmative action with respect to dissemination of information). Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by registered return receipt mail notice. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his current mailing address. A sponsor may restore to the list of eligibles an applicant who has been removed from the list at his request or who has failed to respond to an apprenticeship job opportunity.

§ 30.7 Completion of approved preapprenticeship programs.

In order to encourage the establishment and utilization of preapprenticeship programs, a sponsor shall make appropriate provision in its selection method to assure that applicants who satisfactorily complete an approved preapprenticeship program in the trade will be afforded full opportunity for admission to the apprenticeship program.

§ 30.8 Records.

(a) *Obligations of sponsors.* Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department. The records pertaining to individual applicants, whether selected or rejected shall be maintained in such manner as to permit identification of minority participants.

(b) *Affirmative action plans.* Each sponsor must retain a statement of its affirmative action plan required by § 30.4 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of § 30.4. Sponsors shall periodically review their affirmative action plan and update it where necessary.

(c) *Qualification standards.* Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in § 30.5(b).

(d) *Records of State Apprenticeship Councils.* State Apprenticeship Councils shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this part, as may be required by the Department, and shall report to the Department as may be required by the Department.

(e) *Maintenance of records.* The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.

§ 30.9 Compliance reviews.

(a) *Conduct of compliance reviews.* The Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to § 30.11(b)(1)(i), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this part. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits.

(b) *Reregistration.* Sponsors seeking reregistration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the reregistration process.

(c) *New registrations.* Sponsors seeking new registration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the registration process.

(d) *Voluntary compliance.* Where the compliance review indicates that the sponsor is not operating in accordance with this part, the Department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under § 30.13. In the case of sponsors seeking new registration, the Department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

§ 30.10 Noncompliance with Federal and State equal opportunity requirements.

A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or State laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with § 30.13 if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this part. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

§ 30.11 Complaint procedure.

(a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes that he has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to his selection have not been followed in the operation of an apprenticeship program may, by himself or by an authorized representative, file a complaint with the Department, or with a private review body established pursuant to subparagraph (3) of this paragraph. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this part.

(2) The complaint must be filed not later than 90 days from the date of the alleged discrimination of specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Department must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Department for good cause shown.

(3) Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

(b) *Processing of complaints.* (1)(i) When the sponsor has designated a review body for reviewing complaints, and if the Department determines that such review body will effectively enforce the equal opportunity standards, the Department, upon receiving a complaint, shall refer the complaint to the review body.

(ii) The Department shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

(iii) When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this part, the Department may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.

(2) Where no review body exists, the Department may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.

§ 30.12 Adjustments in schedule for compliance review of complaint processing.

If, in the judgment of the Department, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

§ 30.13 Sanctions.

(a) Where the Department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this part and voluntary corrective action has not been taken by the program sponsor, the Department shall institute proceedings to deregister the program or it shall refer the matter to the Attorney General with recommendations for the institution of a court action by the Attorney General under title VII of the Civil Rights Act of 1964.

(b) Deregistration proceedings shall be conducted in accordance with the following procedures:

(1) The Department shall notify the sponsor, in writing, that a determination of reasonable cause has been made under paragraph (a) of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the sponsor mails a request for a hearing, the Secretary shall convene a hearing in accordance with § 30.16.

(3) The Secretary shall make a final decision on the basis of the record before him, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to § 30.16, the proposed findings and recommended decision of the hearing officer. In his discretion, the Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor and the complainant, if any.

§ 30.14 Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence to the Secretary that the apprenticeship program is operating in accordance with this part.

§ 30.15 State Apprenticeship Councils.

(a) *Adoption of consistent State plans.* (1) The Department shall encourage State Apprenticeship Councils to adopt and implement the requirements of this part.

(2) Each State Apprenticeship Council which, prior to the effective date of this part had in operation a State equal opportunity plan, shall submit a new State plan within 6 months from the effective date of this part. Such new State plan shall, as a prerequisite to approval by the Department, adopt and implement the requirements of this part. The new State plan shall also require all State apprenticeship programs registered with the State Apprenticeship Council to comply with the requirements of the new State plan within 1 year after the effective date of this part. No State Apprenticeship Council shall continue to be recognized by the Department if it has not adopted within 6 months after the effective date of this part a plan implementing the requirements of this part.

(3) The Department retains authority to conduct compliance reviews to determine whether the State plan or any State apprenticeship program registered with a State Apprenticeship Council is being administered or operated in accordance with this part.

(4) It shall be the responsibility of the State Apprenticeship Council to take the necessary action to bring a noncomplying program into compliance with the State plan. In the event the State Apprenticeship Council fails to fulfill this responsibility, the Secretary may withdraw the recognition for Federal purposes of any or all State apprenticeship programs, in accordance with the procedures for deregistration of programs registered by the Department, or refer the matter to the Attorney General with a recommendation for the institution by the Attorney General of a court action under title VII of the Civil Rights Act of 1964.

(5) Each State Apprenticeship Council shall notify the Department of any State apprenticeship program deregistered by it.

(6) Any State apprenticeship program deregistered by a State Apprenticeship Council for noncompliance with requirements of this part may, within 15 days of the receipt of a notice of deregistration, appeal to the Department to set aside the determination of the State Apprenticeship Council. The Department shall make its determination on the basis of the record. The Department may grant the State program sponsor, the State Apprenticeship Council and the complainant(s), if any, the opportunity to present oral or written argument.

(b) *Withdrawal of recognition.* (1) Whenever the Department determines that reasonable cause exists to believe that a State Apprenticeship Council has not adopted or implemented a plan in accordance with the equal opportunity requirements of this part, it shall give notice to such State Apprenticeship Council and to appropriate State sponsors of this determination, stating specifically wherein the State's plan fails to meet such requirements and that the Department proposes to withdraw recognition for Federal purposes, from the State Apprenticeship Council unless within 15 days of the receipt of the notice, the State Apprenticeship Council complies with the provisions of this part or mails a request for a hearing to the Secretary.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council neither complies with the provisions of this part, nor mails a request for a hearing, the Secretary shall determine whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(3) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council mails a request for a hearing, the Secretary shall proceed in accordance with § 30.16.

(4) If a hearing is conducted in accordance with § 30.16, the Secretary upon receipt of the proposed findings and recommended decision of the hearing officer shall make a final decision whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(5) If the Secretary determines to withdraw recognition, for Federal purposes, from the State Apprenticeship Council he shall notify the State Apprenticeship Council of this determination. He shall also notify the State sponsors that within 30 days of the receipt of the notice the Department shall cease to recognize, for Federal purposes, each State apprenticeship program unless the State program sponsor requests registration with the Department. Such registration may be granted contingent upon finding that the State apprenticeship program is operating in accordance with the requirements of this part.

(6) A State Apprenticeship Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence to the Secretary that it has adopted and implemented a plan carrying out the equal opportunity requirements of this part.

§ 30.16 Hearings.

(a) Within 10 days of his receipt of a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor (Federal or State registered), the State Apprenticeship Council, or both, as the case may be. Such notice shall include (1) a reasonable time and place of hearing, (2) a statement of the provisions of this part pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

§ 30.17 Intimidatory or retaliatory acts.

Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by title VII of the Civil Rights Act of 1964, Executive Order 11246 of September 24, 1965, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding, or hearing under this part shall be considered noncompliance with the equal opportunity standards of this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

§ 30.18 Nondiscrimination.

The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

§ 30.19 Exemptions.

Requests for exemption from these regulations, or any part thereof, shall be made in writing to the Secretary, and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause.

Effective date. This part shall be effective [upon publication in the FEDERAL REGISTER].

Signed at Washington, D.C., this 25th day of January 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc. 71-1227 Filed 1-28-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 19130; FCC 71-56]

AURAL BROADCAST STL OPERATIONS, INTERCITY RELAY STATIONS, AND CERTAIN LOW POWER BROADCAST AUXILIARY STATIONS

Notice of Proposed Rule Making and Notice of Inquiry

In the matter of amendment of Parts 2 and 74 to permit Aural Broadcast STL operations in the band 2150–2160 MHz and to accommodate STL, Intercity Relay Stations and certain low power broadcast auxiliary stations within the frequency band 947–952 MHz.

1. On May 20, 1970, the Commission adopted a first report and order and second notice of inquiry in Docket No. 18262 which, among other things, ordered a reduction in the band available for use by the above captioned stations from 942–952 MHz to 947–952 MHz and reallocated the lower 5 MHz to the land mobile service.[1] Aural Broadcast STL and intercity relay stations are authorized under Subpart E, Part 74 and the low power broadcast auxiliary stations concerned are authorized under § 74.437 (c) and (e) of Subpart D. Collectively, these stations shall be referred to hereinafter as broadcast auxiliary stations.

2. In taking the aforementioned action in Docket No. 18262, the Commission recognized that while the band is lightly used at present, some congestion has developed in the Los Angeles area and may develop in one or more other local areas. It therefore stated its intention in that document to: (1) Initiate the instant rulemaking with respect to additional spectrum space for aural broadcast studio transmitter links in the band 2150–2160 MHz (footnote 1, page 2); (2) examine the STL channelling in the band 947–952 MHz; and (3) determine the disposition of existing broadcast auxiliary stations in the band 942–947 MHz.

3. With regard to the frequency band 2150–2160 MHz, by memorandum opinion and order released July 31, 1970, the Commission increased the authorized bandwidth for common carrier use of the band to 10 MHz. Such action was taken to enable the band to be used for omnidirectional relay of closed circuit television signals by common carriers. Interest has been generated for this use and it would be inappropriate to take an action which would preclude or severely hamper a new service before it had a chance to be developed. However, we believe that some shared use with the relatively narrow bandwidth of aural STL stations can be accomplished without foreclosing the possibility of video usage in most metropolitan areas. Specifically, comments are invited as to whether or not the applicant for an aural STL station should be required to demonstrate by a special showing that his operation in the band 947–952 MHz would result in harmful interference to or from existing users before he has access to the band 2150–2160 MHz. Furthermore, upon whatever basis the STL is authorized in the band 2150–2160 MHz we propose that, in the coordination process, the STL operation would be assigned frequencies as close as possible to the upper or lower limits of the band in order to preclude fragmentation of the band to the detriment of those with a wideband requirement. Such limitations could supply STL relief where it is most needed without unduly restricting shared use by common carriers and private users in the operational fixed service.

4. It is proposed also that the band 947–952 MHz be limited to AM and FM broadcasting licensees and that § 74.603 (b), which permits the transmission of the aural portion of TV program material in this band, be deleted. The transmission of such material would be confined to those TV STL frequencies set forth in § 74.602. Present TV licensees operating in the band 947–952 MHz, however, would be permitted to continue such operations.

5. The frequency band 2150–2160 MHz is now allocated to both common carrier and private fixed services generally, for omnidirectional use. Footnote NG45, as now written, precludes broadcast and auxiliary broadcast station use of the band. It is proposed to modify that footnote and other appropriate sections of the rules to permit the limited Aural STL access described in paragraph 3 above. It is not proposed to grant access to intercity relay stations or low power broadcast auxiliary functions presently permitted on a secondary basis in the band 947–952 MHz.

6. With regard to the second item in paragraph 2 above, comments are invited on the following points, with a view toward the more efficient utilization of the band 947–952 MHz:

(a) Being of the view that the present channelling calling for 500 kHz separation between assignable frequencies may be reduced, we solicit comments pro and con with respect to the desirability or necessity of maintaining any specific channelling (e.g., the emission bandwidth of standard broadcasting stations must not exceed 30 kHz);

(b) If there is to be a channeling plan, is there merit in channeling on the basis of the narrowest known requirement and authorizing multiple channels to meet wider bandwidth needs; and

(c) What changes, if any, are required in the technical standards presently applicable to the stations concerned herein?

Microwave equipment manufacturers in particular are requested to comment on the technical and practical aspects of producing equipment capable of providing these functions within lesser bandwidths. Comments are also requested as to the experience of microwave users of bands that are not channelized.

7. The third matter of concern referred to in paragraph 2 above is the reaccommodation of presently licensed broadcast auxiliary stations in the band 942–947 MHz which, effective July 10, 1970, was reallocated to the land mobile service. Inasmuch as "private" land mobile systems are not expected to develop to any significant degree in this part of the spectrum for some years, there is no immediate pressure to clear this band of existing users. Therefore, we propose to amend footnote NG64 so that broadcast auxiliary stations holding a valid license in the band 942–947 MHz as of July 10, 1970, would be permitted to continue to operate on their presently authorized frequencies without interference from the land mobile service for the duration of their current license periods. Such licenses could subsequently be renewed but only on the condition that each such station will thereafter be on a secondary basis with respect to the land mobile service. In other words, they would no longer be protected from the land mobile service but instead would be required to protect the land mobile service from harmful interference. Further, they would not be permitted by their presence to inhibit the normal growth of the land mobile service in the area concerned.

8. We will accept no applications for new facilities in the band 942–947 MHz under Part 74 of the rules. Applications accepted prior to July 10, 1970, will be processed in the normal manner and we will continue to accept applications for renewals, for modifications, and for the licensing of stations authorized for construction prior to July 10, 1970. Applications accepted subsequent to July 10, 1970, will be accommodated in the band 947–952 MHz on the basis of the current channeling plan, during the pendency of this proceeding.

9. As set forth below it is proposed to amend Part 2 of the rules by deleting footnote NG45, by amending footnote NG64, and by introducing a new footnote NG——, specifying the new conditions under which the band 2150–2160 MHz will be used.

10. Specific changes to Part 74 of the rules are not suggested herein. However, it is the Commission's intention to develop such changes, based primarily on the comments filed in response to this and/or subsequent actions in this proceeding.

[1] Several parties filed comments in opposition to decisions in the first report and order. None, however, was directed specifically to the STL matter.

11. Authority for the proposals set forth herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before March 2, 1971, and reply comments on or before March 12, 1971. All relevant and timely comments and reply comments will be considered by the Commission before taking final action in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all written comments, replies, statements or briefs shall be furnished the Commission.

Adopted: January 20, 1971.

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

In § 2.106, the frequency band 2150–2160 MHz is changed in column 7 by deleting footnote indicator NG45 and replacing it with footnote indicator NG____.

Delete Footnote NG45, amend Footnote NG64, and add new footnote NG____, reading as follows:

NG____ .Authorizations in this frequency band will be granted for omnidirectional point-to-point operations only, excluding broadcast and auxiliary broadcast operations. Exceptionally, however, and upon a showing that the operation cannot be accommodated in the frequency band 947–952 MHz, aural STL stations may also be authorized in this band. Such STL stations shall employ directional antennas and utilize frequencies which are as close as practicable to the upper or lower limit of the band.

NG64 Broadcast auxiliary stations operating under a valid license as of July 10, 1970, in the band 942–947 MHz may continue to so operate for the duration of their licenses on frequencies authorized therein without interference from the land mobile service. Such licenses may subsequently be renewed but only on a secondary basis with respect to the land mobile service.

[FR Doc.71-1261 Filed 1-28-71;8:50 am]

[47 CFR Part 73]

[Docket No. 18862; FCC 71-63]

TELEVISION BROADCAST STATIONS

Table of Assignments; Glen Ridge, N.J.; Further Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Glen Ridge, N.J., and Bowling Green and Toledo, Ohio).

1. Further notice of proposed rule making is hereby given in the above-captioned matter concerning Glen Ridge, N.J.

2. In the first report and order adopted today in this proceeding (FCC 71–62), the Commission amended the television Table of Assignments for Glen Ridge, N.J., by deleting Channel *77, its one assignment, the only channel reserved for noncommercial educational television (ETV) use in northern New Jersey, and for which an application was pending, filed by the New Jersey Public Broadcasting Authority (Authority) on February 18, 1970 (BPET–363), for proposed use at Montclair, N.J., as the northern link in the statewide network it is actively planning to construct and operate. This action was necessitated in the public interest by our decision in the land mobile-UHF allocation proceeding in Docket No. 18262 in which, among other things, UHF television spectrum space (Channels 70–83, 806–890 MHz) was permanently reallocated for land mobile use.[1] The first report and order also expressed our intention to institute a further rule making proceeding herein, to examine a proposal made by the Authority in a petition for rule making filed simultaneously with its comments in this proceeding.

3. The proposal of the Authority upon which comments are invited would assign Channel 50 to Little Falls, N.J., as a replacement for the deleted ETV Channel 77 Glen Ridge assignment. Little Falls, a town with a 1960 population of 9,730 persons, is located in Passaic County, in close proximity to Glen Ridge and Montclair; the location of a portion of the Montclair State College campus, and the planned location for the transmitting facilities of the ETV station which the Authority plans to establish to provide local and network educational service to this northern New Jersey area.

4. To permit the assignment and use of Channel 50 at Little Falls, the Authority also requests a waiver of the UHF intermodulation taboo, § 73.610(d) of the rules. This would be required since the Little Falls reference point, as well as the Authority's planned Little Falls transmitter site for an ETV Channel 50 station, is less than the 20-mile separation required by the intermodulation taboo from the transmitter site for the Channel 47 station (Station WNJU–TV, Linden, N.J.) on the Empire State Building, New York City. The Little Falls reference point is a distance of only about 15.8 miles from the Empire State Building and the Authority's contemplated Little Falls Channel 50 transmitter site only about 13.7 miles from the Empire State Building. Also, the new World Trade Center Building, to which it appears that the Channel 47 licensee contemplates moving the transmitting facilities for Station WNJU–TV when that structure is completed, is only about 16.3 miles to the Little Falls reference point and only about 14.3 miles from the Authority's planned Channel 50 site. Channel 50 would, however, meet all other spacing and technical requirements for assignment and use at Little Falls.

5. This assignment proposal presents a difficult case for decision. The Commission has not heretofore relaxed the UHF intermodulation taboo in order to permit an assignment or its use, and we believe that, in the interest of maintaining stability in our allocation policies and in insuring adequate protection to the public and stations from interference caused by intermodulation, we should continue to apply this "safety" taboo to all stations, at least until such time as our reevaluation of the UHF taboos, which has begun, shows what relaxation, if any, would be feasible. But, as we said in the first report and order herein, this reevaluation will take time, and the case for relaxing the UHF intermodulation taboo to the extent necessary to permit the assignment and ETV use of Channel 50 at Little Falls at this time appears unusually strong and compelling.

6. First, we are reasonably satisfied by our studies that the relaxation required would not create a significant intermodulation interference problem and would be feasible. In considering the channels that might be received in the Little Falls, N.J., New York area,[2] we found only two channels that might provide a usable signal in the potential interference area—Channel 43, Bridgeport, Conn., occupied by off-the-air Station WFTT, and unused Channel 54, Poughkeepsie, N.Y. Since both channels are approximately 55 miles from the potential interference area, their signal intensities would likely be too low for satisfactory reception in that area or to create an interference problem from intermodulation products of any magnitude. Also since neither the Authority nor the Channel 47 licensee are proposing to operate with maximum power at this time, the possibility of interference resulting from the requested waiver of the separation requirements for the intermodulation taboo is further reduced. There is, of course, always the possibility that the licensee of either channel may wish to increase power at some time. In that event, we would again consider the situation at that time. It does not appear, however, that the possibility of interference from intermodulation would be sufficiently great to make the use of even maximum power on either channel prohibitive at present or presently contemplated sites for Channel 50 and Channel 47 operations.

7. Second, it appears from the Authority's showing that both it and the Channel 47 licensee, Screen Gems Broadcasting Corp., are agreeable to the use of Channel 50 at Little Falls under conditions that will not hamper full and effective use of either channel. In support of its proposal, the Authority has filed copies of correspondence exchanged with Screen Gems which indicates that Screen Gems would interpose no objection to a Channel 50 operation at the Little Falls transmitter site planned for a Channel 50 operation by the Authority and that neither party would object to the use of maximum power by the Channel 50 station or by Station WNJU–TV at either its present transmitter site or at the World Trade Center Building.

8. Third, there appears no other channel which could be assigned to this northern New Jersey area at this time to replace Channel 77 which would involve fewer problems than the assignment of Channel 50. Because of the crowded nature of the UHF assignment picture in the northeast, there are no available channels meeting spacing requirements which could be assigned in northern New Jersey, and our studies of channel replacement possibilities for the Channel 77 Glen Ridge assignment indicate that all other possibilities would pose more problems than would Channel 50.

9. Fourth, and most important, we feel called upon, in the public interest and in furtherance of our educational and UHF television goals, to provide the State of New Jersey with an alternate means for implementing the plans which it, through the Authority, has been actively pursuing for establishing a first local and network educational service in northern New Jersey on Channel 77, and which had reached the application stage prior to our decision in Docket No. 18262. We are especially desirous of doing so since it is as a consequence of our reallocation of television Channel 70–83 to meet the needs of the land mobile services that these plans have been disrupted.

10. We are persuaded that the foregoing considerations, taken together, may make this an exceptional case warranting relaxation of the UHF intermodulation taboo to the extent necessary to permit the assignment and use of Channel 50 at Little Falls at less than the 20-mile separation required from the transmitter site of Station WNJU–TV, Channel 47, Linden, N.J., on the Empire State Building. Accordingly, comments are invited on the following proposed change in the television Table of Assignments, § 73.606(b) of the rules:

City	Channel No.	
	Present	Proposed
Little Falls, N.J.		*50

Comments are also invited on the matter of waiving the UHF intermodulation taboo, § 73.610(d) of the rules, to permit the assignment and use of Channel 50 at Little Falls at less than the 20-mile separation required from the WNJU–TV transmitter site.

11. Authority for the adoption of the amendments and action proposed herein is contained in sections 4(i), 303 (g) and (r) and 307 (b) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 2, 1971, and reply comments on or before March 12, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: January 20, 1971.

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary,

[FR Doc.71-1258 Filed 1-28-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19138; FCC 71-60]

TELEVISION BROADCAST STATIONS

Table of Assignments; Lowry and Martin, S. Dak.; Notice of Proposed Rule Making

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Lowry and Martin, S. Dak.), RM–1651.

1. On July 6, 1970, the South Dakota State Board of Directors for Educational Television (State Board) filed a brief petition with this Commission requesting the assignment of Channels *11 to Lowry, and *8 to Martin, both in South Dakota, and their reservation for noncommercial educational use. No oppositions were filed.

2. The State Board is a South Dakota governmental agency created during the 1965 session of the South Dakota Legislature for the express purpose of promoting and supporting a statewide educational television network. According to the petition, at the present time it provides or expects to provide educational service to the citizenry of South Dakota through the following television stations in the State: Vermillion, KUSD–TV, licensed to the University of South Dakota; Brookings, KESD–TV, licensed to South Dakota State University; Rapid City, KBHE–TV, licensed to the State Board; and Pierre, KTSD–TV, CP held by the State Board. The pleadings also indicate that the State Board has applications pending for Channel *16 at Aberdeen (BPET–363) and Channel *13 at Eagle Butte (BPET–346). In respect to this educational network petitioner states

> • • • Although there are six educational television broadcast facilities already in operation, under construction or applied for in South Dakota, there are vast areas in the south central and north central portions of the State that still cannot be reached by the network with a signal of acceptable quality. To further the statewide plan, therefore, requires the establishment of additional transmitting facilities in these heretofore inaccessible portions of the State so as to assure the distribution of educational television throughout South Dakota.

In brief, the choice of Lowry in north central South Dakota and Martin in south central South Dakota as communities for television assignments is based not on the size of their populations but on their geographic location and the need of their surrounding regions for educational television service.[1] Lowry is located in Walworth County, respective populations, 35 and 7,842. Martin, population 1,248, is located in Bennett County with its population of 3,088. Neither community has any television assignment.[2]

3. Petitioner indicates the above population statistics in presenting the needs of the State for additional educational service—

> in many areas the population is relatively sparse and the economy is rural in nature, so that these areas cannot provide the substantial tax resources which are found in heavily populated, more industrialized areas. In the sparsely populated areas, local school curriculae must be supplemented by educational television broadcasting which would provide both in-school instruction at all school levels (particularly in science and mathematics) and in-service teacher training. In addition, specialized and professional instruction for teachers and adult education programs also rely heavily upon educational television to supplement the limited local resources. Moreover, the educational network provides the cultural advantages generally available only in metropolitan areas (concerts, live drama, etc.), and inaccessible to those living in the widely distributed rural areas of the State.

The State Board concludes its request for the assignment of Channel *11 to Lowry and Channel *8 to Martin along with its presentation of the above facts by stating:

> • • • It seems clear that such allocations are manifestly in the public interest and would conform with the Commission's mandate in section 303(g) of the Communications Act to "generally encourage larger and more effective use of radio in the public interest" • • •.

4. In view of the above presentation as well as the facts; that there is no opposing parties; that the requested assignments can be made in full compliance with our minimum mileage separation requirements; that no other assignments need be disturbed; and that the State Board has expressed its intention to apply for and promptly activate the channels on their assignment; we are of the view that it is in the public interest to institute this rule making proceeding in order to propose the following assignments:

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[1] See first report and order and second notice of inquiry, adopted May 20, 1970, in Docket No. 18262, FCC 70–519, 35 F.R. 8644.

[2] For this intermodulation study, the third channel above Channel 50, plus and minus one (Channels 52, 53, 54), and the third channel below Channel 47, plus and minus one (Channels 43, 44, 45), were considered.

[1] Petitioner states that neither station will be a production center for the network, but will instead, be a transmitting and distribution center for the network's programing.

[2] Population statistics are from the 1970 U.S. Census.

[3] Commissioner Houser not participating.

[3] Commissioner Robert E. Lee abstaining from voting; Commissioner Johnson concurring in the result; Commissioner Houser not participating.

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City	Channel No. Present	Proposed
Lowry, S. Dak.		*-11
Martin, S. Dak.		*-8

5. Authority for the action proposed herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before March 2, 1971, and reply comments on or before March 12, 1971. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

Adopted: January 20, 1971.

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1259 Filed 1-28-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19139; FCC 71-61]

TELEVISION BROADCAST STATIONS

Table of Assignments; Certain Stations in Ohio; Notice of Proposed Rule Making

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations. (Alliance, Bowling Green, and Cambridge, Ohio), RM-1653.

1. Notice of proposed rule making is hereby given concerning a proposal to amend the Television Table of Assignments (§ 73.606(b) of the rules) with respect to various communities in Ohio. All the changes were proposed in the petition for rule making of the Ohio Educational Television Network Commission, filed July 8, 1970.

2. The Ohio Educational Television Network Commission[1] is a permanent State agency created by the act of the General Assembly of the State of Ohio to own and operate, contract to provide transmission and interconnection facilities, and take other steps for a statewide educational network and distribute educational programs throughout that network. See Chapter 3353 of the Ohio Code. The OETNC has been authorized to help plan for expansion of educational television in the State of Ohio. Seven of the eight operating educational stations in Ohio are affiliated with the Network Commission.[2] One of the objectives of the overall legislation and the OETNC's primary functions is to provide at least one educational television service to each person in Ohio, and, as especially relevant to the instant proceeding, to aid the Ohio Board of Regents in the distribution of almost $5.5 million appropriated for ETV use during the current fiscal period. The overall plan calls for extending network operational facilities of the network distribution center at Columbus and activate five facilities, that is, apply for the channels at Dayton, Portsmouth, Alliance, "Bryan", and "Woodsfield". The Educational Network Commission has applied for construction permits for Channel *42 at Portsmouth (BPET-370) and Channel *45 at Dayton (BPET-399). As a necessary preliminary to the latter three applications, which already have been filed, this rule making is essential in order to:

(a) Reallocate Channel 45 from Youngstown to Alliance and reserve it;

(b) Reallocate Channel *27 from Bryan to Bowling Green-Lima; and

(c) Redesignate the place of assignment of Channel *44 from Woodsfield to Cambridge-Woodsfield.

3. Both the Lima-Bowling Green and Cambridge-Woodsfield proposals are predicated on use at sites removed from the borders of the State of Ohio where better service could be provided to Ohio proper. Thus, in the case of Cambridge-Woodsfield, a transmitter site north and west of Woodsfield in the Cambridge area is contemplated and, indeed, OETNC has applied for construction at a site 16 miles northeast of Cambridge roughly 25 miles from Woodsfield. As for the Bryan channel, OETNC has applied for a site 41 miles southeast of Bryan and roughly 29 miles northeast of Lima and 21 miles southwest of Bowling Green. With respect to both, it appears that from a technical standpoint the proposed reallocations comport with the requirements of the Commission's rules. However, the Commission does not favor the proposed hyphenated assignments. In this report, while not dispositive, OETNC's applications respectively request cities of license as Cambridge and Bowling Green. As to Channel *27, the proposed facility would not provide principal city grade service over all of Lima as required by § 73.685 of the rules. In the circumstances, we believe that it would be more appropriate to designate Bowling Green as the city of assignment. While the proposed Channel *44 facility would also provide Woodsfield with principal city grade service, we believe that it is best to make the assignment to the nearer community, Cambridge.

4. We turn now to the Alliance proposal. As already noted, the Network Commission here proposes that Channel 45, presently assigned to Youngstown, be reallocated to Alliance and reserved for educational noncommercial use.[3] Petitioner contends that the reallocation and ETV reservation are necessary to provide a wide-area educational service in the northeast portion of Ohio. As perhaps relevant, OETNC's proposed station would provide principal city grade service to Youngstown, Akron, Kent, Canton, and many other cities. It is contemplated that after the application is granted a consortium representing Youngstown State University, Kent State University, and the University of Akron will operate the station.[4] The proposed reallocation complies with all mileage separations under our rules.

5. From the foregoing, it would appear that the proposals of the Ohio Educational Television Network Commission, as modified by our comments as to the cities of assignment for the Cambridge and Bowling Green proposals, would serve the public interest, convenience and necessity. Accordingly, we are adopting this notice of proposed rule making.

6. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, comments are invited as to amending the Television Table of Assignments (§ 73.606(b) of the rules) as concerns the cities named, to read as follows:

City	Channel No. Present	Proposed
Bryan, Ohio	*27	
Bowling Green, Ohio	[5] *70	*27, *70
Woodsfield, Ohio	*44	
Cambridge, Ohio		*44
Youngstown, Ohio	21, 27, 33, 45, *58	21, 27, 33, *[illegible]
Alliance, Ohio		*45

[5] In Docket No. 18862, there is pending a proposal to substitute Channel *40 for *70 which requires the simultaneous deletion of Channel 54 from Toledo. This change was proposed because of the land mobile proceeding (Docket No. 18262).

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 23, 1971, and reply comments on or before March 2, 1971. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: January 20, 1971.

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1260 Filed 1-28-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19142; FCC 71-71]

CHILDREN'S TELEVISION PROGRAMS

Notice of Inquiry and Notice of Proposed Rule Making

In the matter of petition of Action for Childrens Television (ACT) for rule making looking toward the elimination of sponsorship and commercial content in children's programing and the establishment of a weekly 14 hour quota of children's television programs, RM-1569.

1. Notice of inquiry and notice of proposed rule making in the above-captioned proceeding are hereby given.

2. By a submission received February 5, 1970, Action for Childrens Television (ACT) requested that the Commission adopt certain guidelines for television programing for children. The specific proposals of ACT are:

(a) There shall be no sponsorship and no commercials on children's programs.

(b) No performer shall be permitted to use or mention products, services or stores by brand names during children's programs, nor shall such names be included in any way during children's programs.

(c) Each station shall provide daily programing for children and in no case shall this be less than 14 hours a week, as part of its public service requirement. Provision shall be made for programing in each of the age groups specified below, and during the time periods specified:

(i) Preschool: Ages, 2-5: 7 a.m.-6 p.m. daily; 7 a.m.-6 p.m. weekends.

(ii) Primary: Ages, 6-9: 4 p.m.-8 p.m. daily; 8 a.m.-8 p.m. weekends.

(iii) Elementary: Ages, 10-12; 5 p.m.-9 p.m. daily; 9 a.m.-9 p.m. weekends.

3. By public notice (Mimeo No. 44628) of February 12, 1970, the Commission announced that it had accepted the ACT submission as a petition for rule making, and assigned it file number RM-1569. Over 2,000 letters and other short memoranda were filed in support of the ACT proposal. A few letters were filed in opposition. The listed broadcasters, broadcaster associations and advertiser oriented organizations filed comments, which, in the main, opposed the ACT proposals.[1] ACT filed a detailed reply statement together with two statistical exhibits.

4. The letters filed in support of the ACT proposal contained, for the most part, general expressions of support for better programming and less "hard sell" advertising on children's programs. The 20 or so letters opposing the ACT request rest mainly on the contention that parents should exercise proper control over their children's choice of programs.

5. The most lengthy pleadings in opposition to ACT's proposals will be dealt with in summary. The first of the most basic objections presented is that the three requests of ACT are violative of the First Amendment to the Constitution and section 326 of the Communications Act of 1934, as amended. The second objection is that adoption of the proposals would contravene the long-standing policy whereby the Commission charges the licensee with the duty of making programing decisions that serve the public interest. The next objection is that the proposal is unworkable because of the difficulty of definition and classification of children's programs. The last objection is that prohibition of commercials on children's programs will be self-defeating in that it will dry up the major sources of children's programs because of the problem of funding such programs. Other correlative or subsidiary propositions raised in the pleadings are that the proposals would have a severe inhibiting effect on UHF television and other marginal television stations; that the NAB Code has been and is fully capable of regulation of this problem; and that the Commission should not substitute its judgment for proper parental control over the programing for children.

6. In support of their First Amendment and section 326 contentions, the parties so arguing cite a number of well-known cases, including U.S. v. Paramount Pictures, Inc., 334 U.S. 131 (1948); Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952); and New York Times v. Sullivan, 376 U.S. 254 (1964). Also cited, in support of the arguments concerning the limitations on the Commission's role in the program selection process, are past Commission pronouncements such as the 1960 Program Policy Statement[2] and Butte Broadcasting Company, Inc., 22 F.C.C. 2d 7 (1970).

7. We recognize the importance and significance of these pronouncements and the concepts expressed in them. It may be that, ultimately, we will conclude that they substantially limit otherwise appropriate Commission action in this area. But it is also apparent that there are high public interest considerations involved in the use of television, perhaps the most powerful communications medium ever devised, in relation to a large and important segment of the audience, the Nation's children. The importance of this portion of the audience, and the character of material reaching it, are particularly great because its ideas and concepts are largely not yet crystallized and are therefore open to suggestion, and also because its members do not yet have the experience and judgment always to distinguish the real from the fanciful.

8. The Commission does not have in its files sufficient data on children's TV programing upon which we can evaluate the situation to determine whether these public interest considerations in fact amount to a substantial public interest question as to whether the present use of the medium in this respect is as satisfactory as should be expected. Thus, we know that on many stations programing designed for children is available in substantial amount, but occasionally there have been complaints that in particular cases it is not. We also are aware that on some such programs there is vigorous selling of products designed for children's use. In order to arrive at an informed determination in this area, we need the data which this inquiry proceeding is designed to elicit through the questions set forth below. This information will give us an idea of the scope of the problem if in fact one exists, and of how it may best be approached. We emphasize that we have not reached conclusions as to the matters referred to in paragraphs 5 and 6 above. In light of the above considerations, our authority to conduct this inquiry proceeding, pursuant to section 403 of the Act, is not seriously open to challenge.[3]

9. *Definition of "children's programming".* As noted above, one of the arguments against the ACT proposal is the

[1] The following parties filed statements in response to the public notice: Licensees filing statements: American Broadcasting Cos.; Broadcast-Plaza, Inc.; Broadcasting Services, Inc.; Connecticut Television, Inc., et al.; Doubleday Broadcasting Co.; The Houston Post Co.; Hubbard Broadcasting, Inc., et al.; Kern County Broadcasting Co.; Meredith Corp.; National Broadcasting Co., Inc.; Palmer Broadcasting Co.; Storer Broadcasting Co.; Triangle Broadcasting Corp.; Van Curler Broadcasting Corp.; Westinghouse Broadcasting Co., Inc.; WGN Continental Broadcasting Co.; WKY Television System, Inc., et al.; WTVY, Inc. Licensees filing reply statements: Bonneville International Corp.; Columbia Broadcasting System, Inc. Broadcaster Associations filing statements: National Association of Broadcasters; North Dakota Association of Broadcasters; Virginia Association of Broadcasters. Other statements: Toy Manufacturers of America, Inc.; Cognivision, Inc.; Ecumedia; American Association of Advertising Agencies; National Confectioners Association of the United States, Inc., et al.

[2] Report and Policy Statement re: Commission en Banc Programing Inquiry (Docket 12782), 20 R.R. 1901, FCC 60-970 (1960).

[3] It will be appropriate to reexamine the First Amendment question at such time as we contemplate definitive action. This inquiry and the information elicited through it could be pertinent, among other things, to the Commission's duty, under section 4(i) of the Act, to transmit to Congress significant data concerning the use of radio, and also legislative recommendations. It is also conceivable that the extent of the problem would be pertinent to the question of whether the First Amendment and section 326 do apply to limit the Commission's role.

[2] They are: Station WOUB-TV, Athens; WBGU-TV, Bowling Green; WCET-TV, Cincinnati; WOSU-TV, Columbus; WGSF, Newark; WMUB-TV, Oxford; and WGTE-TV, Toledo. Station WVIZ-TV, Cleveland, is the only ETV station in the State of Ohio not presently associated with the OETNC.

[3] When this petition was filed, pending were Youngstown State University's application for Youngstown's Channel 45 (BPCT-4221) and its petition to reserve the channel for ETV use (RM-1337); and Kent State University's petition to reallocate Channel 45 to Kent and designate for ETV use (RM-1229). These and Kent State University's application for Akron Channel *49 (BPET-129) have been withdrawn.

[4] While the Educational Network Commission is the applicant for five stations, it is contemplated that each would be licensed to an educational organization or group. The Portsmouth station would be licensed to Ohio State University; Cambridge would be licensed to Ohio University; the Bowling Green station would be licensed to Bowling Green University; and the Dayton station would be licensed and operated by another consortium (Miami University, Wright State University, and Central State University).

[5] Commissioner Houser not participating.

[5] Commissioner Houser not participating.

[1] Referred to hereinafter at times as the "OETNC," "Network Commission," or "Educational Network Commission."

difficulty of defining "children's programs". This is, indeed, not an easy matter, and we are not proposing, at this time, any final definition for comment. The matter of a suitable definition is among the general questions set forth in paragraph 11, below. However, it is also necessary to set forth some general guidelines for stations and others to use in presenting their material herein, so that there can be some uniformity and reasonably accurate evaluation. The programs chiefly involved herein are those which are primarily designed for children of the ages mentioned by ACT and referred to above. However, stations and other parties are also invited to list and comment on other programs which are of substantial interest to children even though not primarily designed for them.

10. The Commission is inviting comments and data on a number of questions. With respect to specific data requested, the Commission is setting up a composite week so that a representative sample may be secured, as well as to give specific guidelines and to somewhat alleviate the burden on the television networks and television station licensees. The Commission hopes and urges that all television networks and station licensees will furnish the specific program data requested for the composite week. The composite week for the speeific data will be:

Sunday, September 13, 1970.
Monday, February 16, 1970.
Tuesday, June 23, 1970.
Wednesday, April 8, 1970.
Thursday, October 2, 1969.
Friday, August 14, 1970.
Saturday, December 6, 1969.

The listing of questions should not be construed as limiting in any way the area of comment.

11. (a) Data and comments are invited on the following questions:

(1) What children's programs[4] were broadcast over your television network or television station? (Give name, date, time and length.) The listing of programs for the composite week should state whether the program was network produced, a syndicated production, locally produced or from other sources. The listing should also classify the programs as to being either entertainment or educational. It should also state whether it is an original showing or a rerun of the program. A short descriptive summary of each program would greatly assist the Commission in analyzing the data.

(2) For each program listed above, list the sponsor or sponsors, or, if it were "participating", the advertisers involved (if a program were sustaining, please so indicate). State with particularity the nature of the sponsorship or commercial participation, i.e., the products, stores or services advertised, and the total commercial time on each program.

(3) Give the same information as in 2, above, for all commercial announcements adjacent to children's programs, i.e., all those presented after the end of the previous program and before the opening of the next program.

(4) For each program listed above, state, if possible, whether the performers on the show conducted or participated in the delivery of commercial copy on the program; and whether there were any other oral reference to, or visual exposure of, a product by brand name.

(5) For each program listed, state which age group, if any, it was designed for or of particular interest to.

(6) Set forth your definition of "children's programs" used in the compilation of the data submitted pursuant to this notice.

(b) General questions.

(1) What types of children's programs not now available do parties believe commercial TV stations should present?

(2) To what extent, generally and with respect to particular programs and types of programs, does "children's programming" have benefits to children beyond the fact that it holds their interest and attention and thus removes the need for other activity or parental attention?

(3) What, generally speaking, is a definition of "children's programming" which could serve for the Commission's use in this connection? To what extent do children, particularly in the higher age groups mentioned by ACT, view and benefit from general TV programing?

(4) What restriction on commercials short of prohibition—e.g., on types of products or services, what can be said, number, divorcement from program content, etc.—would be desirable? Comments should take into account in this connection the provisions of the NAB Television Code and its guidelines.

(5) To what extent should any restriction on commercial messages in children's programs also apply to such messages adjacent to children's programs?

12. We have also labeled this as a notice of proposed rule making, although as shown by the above discussion its primary focus is as an inquiry. Our reason for so designating the proceeding is twofold. First, in the foregoing discussion, we have given notice of the subject matter and the issues, as required by the Administrative Procedure Act. Thus, the subject matter is children's programing on television, and the issues are the appropriate definition of children's programing; the nature of the commercials associated with such programing (e.g., no commercials or a limited number of commercials; no commercials by performers; divorcement from content of show, and the appropriateness and legality of the specification of the amount of time to be devoted to various categories of children's programing). Second, while we believe that the data to be collected from this inquiry is the most appropriate first step in this area and have reached no conclusion, tentative or final, on the desirability of a rule, it may be that on the basis of the data and the comments, a clear basis for a rule will emerge. If so, we wish to be in a position to take definitive action. In sum, by proceeding in this fashion, we insure the achievement of the prerequisite step—the collection of an adequate data base—and at the same time maintain maximum flexibility to take such action as the public interest may call for (e.g., further notice of proposed rule making; a rule; a rule with a further notice of proposed rule making; a policy statement).

13. Authority for the institution of this inquiry proceeding is found in section 403 of the Communications Act of 1934, as amended. Authority for the institution of the rule making proceeding is contained in sections 4(i) and 303, 307(d) and 309 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth §§ 1.51 and 1.419 of the Commission's rules, an original and 14 copies of all material requested by this proceeding should be submitted on or before May 3, 1971, and reply comments on or before June 1, 1971. All revelant material will be considered by the Commission. In reaching its decision, if any, in this proceeding, the Commission may also take into account other relevant data before it, in addition to the specific data invited by this notice.

Adopted: January 20, 1971.

Released: January 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1262 Filed 1-28-71;8:50 am]

[4] See paragraph 9, above. The information mentioned in these questions particularly relates to programs designed primarily for children, of the age groups mentioned herein. Parties are also invited to give as much information as is feasible with respect to other programs which are of substantial interest to, though not primarily designed for, children.

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Interests in Nonbanking Activities

By act of Congress approved December 31, 1970 (Public Law 91-607) the Bank Holding Company Act was expanded to cover companies that control only one bank. In conjunction with that expansion Congress amended section 4(c)(8) of that Act, under which bank holding companies may acquire interests in nonbanking activities subject to certain restrictions and upon certain conditions. Under that section as amended, the Board is authorized to promulgate regulations governing acquisition of companies whose activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board is required to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." In promulgating regulations under that section, the Board is authorized to "differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern".

As its initial implementation of this authority, the Board is giving consideration to amending § 222.4(a) of Regulation Y to read as follows:

§ 222.4 Interests in nonbanking organizations.

(a) *Shares of companies whose activities are closely related to banking or managing or controlling banks.* Any bank holding company may apply to the Board, by filing an application with its Federal Reserve Bank, for permission to retain or acquire an interest in a company that engages solely in one or more of the following activities:

(1) Making, for its own account or for the account of others, loans such as would be made, for example, by a mortgage, finance, or factoring company;

(2) Operating as an industrial bank;

(3) Servicing loans;

(4) Acting as fiduciary;

(5) Acting as investment or financial adviser, including for a mortgage investment trust or a real estate investment trust;

(6) Leasing personal property, where the initial lease provides for payment of rentals that will reimburse the lessor for the full purchase price of the property;

(7) Acting as insurance agent or broker principally in connection with extensions of credit by the holding company or any of its subsidiaries;

(8) Acting as insurer for the holding company and its subsidiaries or with respect to insurance sold by the holding company or any of its subsidiaries as agent or broker;

(9) Providing bookkeeping or data processing services for (i) the holding company and its subsidiaries, (ii) other financial institutions or (iii) others, *Provided*, That the value of services performed by the company for such persons is not a principal portion of the total value of all such services performed; or

(10) Making equity investments in community rehabilitation and development corporations engaged in providing better housing and employment opportunities for low-income and moderate-income population.

Every application filed under this section shall be accompanied by a copy of a notice of the proposal published within the preceding 30 days in a newspaper of general circulation in the communities in which offices of the company are or are to be located. The Board will cause to be published in the FEDERAL REGISTER notice of any application to acquire an interest in a going concern and will give interested persons an opportunity to express their views (including where appropriate, by means of a hearing) on the question whether performance of the activity proposed by the holding company, under the particular circumstances involved can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Applications to engage in the foregoing activities de novo shall be deemed to be approved, unless the applicant is notified to the contrary within 45 days after being advised that the application has been filed. Except to the extent otherwise provided in an order in a particular case, the following conditions shall apply with respect to every acquisition consummated or activity engaged in on authority of this section: (i) Performance of services of the company shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970; (ii) activities of the company acquired shall not be altered in any significant respect from those considered by the Board in making the determination, nor provided at any location other than those described in the application for such determination, except upon compliance with the foregoing procedures for engaging in an activity de novo; and (iii) no merger, acquisition of assets, or assumption of liabilities to which the acquired company is a party shall be consummated without prior Board approval, if thereafter the bank holding company will continue to own, directly or indirectly, more than 5 percent of the voting shares of such company or its successor.

* * * * *

The regulation as proposed does not limit the location at which permissible activities may be conducted to any State or other geographical area. Such limitations might be imposed by regulation, or by order in particular cases.

In view of the amendment to section 4(c)(8), the Board is considering limiting the scope of acquisitions by holding companies that may be made on the basis of section 4(c)(5) of the Act. Under that section, holding companies may acquire shares of the kinds and amounts eligible for investment by national banks under the provisions of section 5136 of the Revised Statutes. Under present interpretations of the Board, a holding company may acquire interests in many of the types of companies described above if located at a place at which one of the banks in the holding company may engage in the activities involved and such activities are otherwise conducted in accordance with certain other limitations on the activities of national banks.

The amendment to section 4(c)(8) requires the Board to consider acquisitions by a bank holding company not only from the standpoint of whether the activities of the company to be acquired are closely related to banking, but also from the standpoint of antitrust and related considerations. Accordingly, the Board believes that it should exercise its general regulatory authority over holding companies under section 5 of the Act to limit the scope of permissible activities under section 4(c)(5) to lending and fiduciary activities commenced de novo, except where the shares involved are of the kinds and amounts explicitly eligible for investment by a national bank under Federal statute law. Otherwise Congress' purpose in amending section 4(c)(8) might be substantially nullified. Any limitations on section 4(c)(5) would not affect the scope of activities permitted to a banking subsidiary of a bank holding company, but could affect acquisitions of a nonbanking company by such a bank, since any acquisition by a subsidiary bank would represent an indirect acquisition by the parent holding company.

To aid in the consideration by the Board of the proposed regulation, interested persons are invited to submit relevant data, views, or arguments. In accordance with the provisions of section 4(c)(8) interested persons are also given opportunity to request a hearing on the question whether an activity specified in the proposed amendment is "so closely related to banking or managing or controlling banks as to be a proper incident thereto".

The Board anticipates proposing from time to time additional activities for inclusion in the regulation. Accordingly, holding companies or other interested persons may desire to submit proposals that they wish to have the Board consider for that purpose. However, to facilitate prompt implementation of the amended section 4(c)(8), the Board does not intend to consider such proposals until after adoption by the Board of its initial regulation. For similar reasons, the Board does not anticipate processing until that time applications for acquisitions on the basis of section 4(c)(8) received by the Reserve Banks after December 31, 1970, except in unusual and exigent circumstances.

Any such material or requests for hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 26, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, January 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1215 Filed 1-28-71;8:46 am]

[4] Commissioners Bartley, Robert E. Lee, and Wells dissenting; Commissioner Johnson concurring and issuing a statement which is filed as part of the original document.

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Acquisitions by One-Bank Holding Companies

The Board of Governors proposes to add a new paragraph to § 222.4 of Regulation Y to read as follows:

§ 222.4 Interests in nonbanking organizations.

• • • • • •

(d) *Certain acquisitions by company covered in 1970.* Except with respect to acquisitions made pursuant to a binding commitment entered into before January 26, 1971, no bank holding company may after that date, directly or indirectly, acquire any shares or commence to engage in any activities on the basis of section 4(c)(12) of the Bank Holding Company Act, except with prior approval of the Board. If the company has filed with the Board an irrevocable declaration that, unless granted an exemption under section 4(d) of the Act, it will cease to be a bank holding company by January 1, 1981, requests for such approval shall be deemed to be approved 45 days after the company is informed that the request has been received by its Reserve Bank, unless the company is notified to the contrary within that time. If the company has not filed such a declaration, only requests with respect to acquisitions or expansion of activities that the company demonstrates to the satisfaction of the Board are necessary to enable it more efficiently to market its assets subject to divestiture will be approved.

Section 4(c)(12) of the Bank Holding Company Act permits a company covered by the 1970 amendments to retain or acquire any shares or engage in any activities until January 1, 1981, if the holding company complies with such conditions as the Board may by regulation prescribe. In enacting this exemption, Congress had two types of companies in mind. The Board believes that the foregoing system of prior approvals is necessary to assure that the exemption is used only by those companies for purposes consistent with the Act.

The two types of companies Congress had in mind in enacting section 4(c)(12) are (1) a company that elects to divest itself of its bank before 1981 and thereby cease to be a bank holding company and (2) a company that will be required to divest a nonbanking subsidiary or cease to engage in a nonbanking activity owned or engaged in on December 31, 1970.

Under the proposal, approval of acquisitions by a company that elects to divest itself of its bank would normally be granted, under a simple notification procedure. Acquisitions by other companies normally would not be approved, unless the company demonstrates that the acquisition is necessary to assure that the company's required divestitures can be made as quickly as possible, as efficiently as possible, and with as little economic loss to the divesting company as possible.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 26, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, January 21, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-1214 Filed 1-28-71;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DONALD EDWIN DEDERER, SR.

Notice of Granting of Relief

Notice is hereby given that Donald Edwin Dederer, Sr., 31 Oakwood Street, East Hartford, CT 06111, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on October 10, 1963, in the Superior Court, New London, Conn., and on January 6, 1964, in the Superior Court, Kingston, R.I., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald Edwin Dederer, Sr., because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Donald Edwin Dederer, Sr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald Edwin Dederer, Sr.'s application and:

1. I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

2. It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Donald Edwin Dederer, Sr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 19th day of January 1971.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[FR Doc.71-1243 Filed 1-28-71;8:48 am]

DONALD LEROY GREEN

Notice of Granting of Relief

Notice is hereby given that Donald Leroy Green, 1515½ Sixth Avenue North, Post Office Box 1312, Great Falls, MT 59401, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 14, 1967, in the District Court, County of Rice, Faribault, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald Leroy Green because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Donald Leroy Green to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald Leroy Green's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Donald Leroy Green be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of January 1971.

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

[FR Doc.71-1244 Filed 1-28-71;8:48 am]

DUANE EDWARD MARVIN, SR.

Notice of Granting of Relief

Notice is hereby given that Duane Edward Marvin, Sr., 7129 Southeast 72d Avenue, Portland, OR 97206, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 16, 1965, in the Circuit Court of Multnomah County, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Duane Edward Marvin, Sr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Duane Edward Marvin, Sr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Duane Edward Marvin, Sr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Duane Edward Marvin, Sr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect

to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1245 Filed 1-28-71;8:48 am]

EDWARD FRANCIS PERKINS

Notice of Granting of Relief

Notice is hereby given that Edward Francis Perkins, Box 109, Main Street, La Fargeville, NY 13656, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 17, 1960, in the County Court, Jefferson County, Watertown, N.Y. of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Edward Francis Perkins because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Edward Francis Perkins to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Edward Francis Perkins' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Edward Francis Perkins be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1246 Filed 1-28-71;8:48 am]

Office of the Secretary

CLEAR SHEET GLASS FROM JAPAN

Amendment of Determination of Sales at Less Than Fair Value

JANUARY 26, 1971.

The determination of sales at less than fair value with respect to sheet glass from Japan, published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 333, F.R. Doc. 71-284), was intended to apply only to "clear sheet glass". In order to make plain that the determination applies only to "clear sheet glass", the determination is hereby amended by inserting the word "clear" before "sheet glass" wherever that term occurs.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-1247 Filed 1-28-71;8:49 am]

FROZEN FRENCH FRIED POTATOES FROM CANADA

Determination of Sales at Not Less Than Fair Value

JANUARY 22, 1971.

On October 22, 1970, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that frozen french fried potatoes manufactured by McCain Foods Ltd., Florenceville, New Brunswick, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and requests to present oral views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that, for the reasons stated in the tentative determination, frozen french fried potatoes manufactured by McCain Foods Ltd., Florenceville, New Brunswick, Canada, are not being, nor likely to be, sold at less than fair value (section 201 (a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs regulations (19 CFR 153.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-1216 Filed 1-28-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. February 16, 1971.

SEWARD MERIDIAN, ALASKA

T. 14 N., R. 1 E.
Sec. 30, lots 5 and 6 (S½NW¼).

Containing 76.49 acres.

2. The area is steep mountainous to precipitous slopes. Timber is small birch, spruce, aspen, and some cottonwood with alder. Soil is for the most part thin sandy loam.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, Public Land Order 4962 dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Manager, Land Office.

[FR Doc.71-1208 Filed 1-28-71;8:45 am]

[Serial No. I-3823]

IDAHO

Notice of Hearing on Proposed Withdrawal of Public Lands

JANUARY 22, 1971.

1. Notice is hereby given that a public hearing will be held at 1 p.m., February 26, 1971, in the Boise Interagency Fire Center Auditorium, Boise, Idaho, pertaining to the request of the Bureau of Land Management for withdrawal from all forms of appropriation and location under the public land and mining laws, except the mineral leasing laws, of the public lands described hereafter as the Snake River Birds of Prey Natural Area as set forth in the notice of proposed withdrawal and reservation of lands published in the FEDERAL REGISTER on December 12, 1970, vol. 35, page 18926. The lands are described as follows:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 2 W.,
Sec. 25, SW¼SE¼.
T. 1 S., R. 1 W.,
Sec. 26, S½S½;
Sec. 27, SW¼, NW¼SE¼, S½SE¼;
Sec. 28, S½;
Sec. 29, S½SW¼, SE¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, E½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 32, lots 2, 3, 4, 5, 6, 7, N½N½, SW¼NE¼, S½NW¼;
Sec. 33, lots 1, 2, 5, 6, 7, 8, NW¼NE¼, S½NE¼, E½NW¼, S½S½;
Sec. 34, lots 1, 2, 5, 6, 7, 8, NE¼NW¼, N½SE¼, S½S½;
Sec. 35, all.
T. 2 S., R. 2 W.,
Sec. 1, E½E½.
T. 2 S., R. 1 W.,
Sec. 1, lots 1, 2, 3, 6, 7, 8, 9, 12, 13, SW¼NW¼, W½SW¼;
Sec. 2, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 3, lots 1, 2, 3, 4, S½NW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, NW¼SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, SE¼NW¼, E½SW¼, N½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼;
Sec. 12, lots 1, 2, 4, 6, 9, 10, W½W½, SE¼SW¼;
Sec. 13, lots 1, 2, 3, 4, W½NE¼, N½NW¼, W½SE¼;
Sec. 24, lots 1, 2, 3, 4, W½E½, SE¼SW¼;
Sec. 25, lots 1, 2, NW¼NE¼, NE¼NW¼.
T. 2 S., R. 1 E.,
Sec. 6, lots 5, 6, 7, E½SW¼;
Sec. 7, lots 1, 2, 5, E½W½, SW¼NE¼, SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, SW¼NE¼, W½, W½SE¼;
Sec. 18, lots 2, 3, 4, 7, 8, 9, N½NE¼, SE¼NE¼, SE¼SW¼;
Sec. 19, lots 3, 4, 5, 6, 11, 12, 13, 14, 15, E½W½;
Sec. 20, W½E½, W½;
Sec. 28, SW¼SW¼;
Sec. 29, W½NE¼, W½, SE¼;
Sec. 30, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, SE¼NE¼, E½SE¼;
Sec. 31, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, E½E½;
Sec. 32, all;
Sec. 33, W½W½.
T. 3 S., R. 1 W.,
Sec. 1, lots 1, 2, S½NE¼, SE¼NW¼.
T. 3 S., R. 1 E.,
Sec. 4, lot 4, SW¼NW¼, W½SW¼;
Sec. 5, all;
Sec. 6, lots 1, 2, 3, 4, 5, 8, 9, 11, SE¼NE¼, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 8, all;
Sec. 9, W½W½;
Sec. 10, S½N½, S½;
Sec. 15, W½E½, NW¼, E½SW¼, SE¼SE¼;
Sec. 17, lots 1, 2, 3, SW¼NE¼, NE¼NW¼, E½SE¼;
Sec. 21, lots 1, 2, E½SE¼;
Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NW¼NE¼, S½NE¼, E½NW¼, SW¼SW¼;
Sec. 23, S½N½, S½;
Sec. 24, SW¼NE¼, SE¼NW¼, S½;
Sec. 25, W½NE¼, W¼, SE¼;
Sec. 26, lots 1, 2, 3, 4, 6, 7, E½, E½NW¼;
Sec. 27, lots 1, 2, 3, W½NE¼, E½SE¼;
Sec. 34, E½NE¼;
Sec. 35, lots 2, 3, 4, N½NE¼.
T. 3 S., R. 2 E.,
Sec. 30, lots 3, 4, SE¼SW¼;
Sec. 31, lots 1, 2, 3, 6, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32, S½N½, S½;
Sec. 33, S½.
T. 4 S., R. 2 E.,
Sec. 2, S½SW¼;
Sec. 3, lots 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 5, lots 1, 2, 3, 4, SE¼NE¼;
Sec. 6, lots 2, 5, 6, 9, 10, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 8, lots 2, 4, SW¼NE¼, S½NW¼, E½SE¼;
Sec. 9, lots 1, 2, 5, 6, 7, 8, S½;
Sec. 10, lots 2, 3, 4, 7, 8, E½NE¼, SW¼, SW¼SE¼;
Sec. 11, lot 1, S½NE¼, NW¼, SE¼SW¼, SE¼;
Sec. 12, SW¼;
Sec. 13, NW¼;
Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 15, N½NE¼, SW¼NE¼, NW¼;
Sec. 22, lots 1, 4, 5, 8, E½E½;
Sec. 23, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, N½, NW¼SW¼;
Sec. 26, lot 5, NE¼, N½NW¼, SE¼NW¼.

The areas described aggregate 26,255.60 acres in Ada, Canyon, Elmore, and Owyhee Counties of Idaho.

2. The hearing will be open to attendance and participation of all persons having an interest either for or against the proposed withdrawal. At the outset of the hearing, the proposed withdrawal will be described as to objectives, extent, and provisions.

Parties desiring to make a statement at the hearing should file notice thereof not later than February 24, 1971, with the State Director, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702. The record of the hearing will be held open until March 29, 1971, for receipt of written comments at the above address.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-1209 Filed 1-28-71;8:45 am]

National Park Service

ANACOSTIA PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—East, proposes to issue a concession permit to Mr. Thomas C. Long, authorizing him to provide concession facilities and services for the public at Anacostia Park, Reservation 343, Section E, 1900 M Street SE., Washington, DC, for a period of two (2) years from January 1, 1971, through December 31, 1972.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, National Capital Parks—East, 5210 Indian Head Highway, Oxon Hill, MD 20021, for information as to the requirements of the proposed permit.

ROBERT H. VIKLUND,
Acting Superintendent, National Capital Parks—East.

DECEMBER 16, 1970.

[FR Doc.71-1197 Filed 1-28-71;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

TWO RECOMMENDED STANDARDS

Notice of Circulation for Acceptance

The National Bureau of Standards is giving public notice and circulating for public comment the following recommended standards (TS) for a determination of their acceptance to manufacturers, distributors, users and consumers:

TS 116d, "Hardwood and Decorative Plywood".

TS 132, "Body Measurements for the Sizing of Apparel for Young Men (Students)".

These circulations are being made in accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

Copies of these recommended standards may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standards should be addressed to the Office of Engineering Standards Services within 30 days following publication of this notice.

LEWIS M. BRANSCOMB,
Director.

JANUARY 18, 1971.

Approved: January 25, 1971.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-1213 Filed 1-28-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-423]

AIRCRAFT ACCIDENT AT ANCHORAGE, ALASKA

Notice of Investigation Hearing

In the matter of investigation of accident involving Capitol International Airways, Inc., Douglas DC-8, N4909C, Anchorage, Alaska, November 27, 1970.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., local time, on February 16, 1971, at the Royal Inn Hotel, 720 West Fifth Street, Anchorage, Alaska.

Dated this 25th day of January 1971.

[SEAL] WILLIAM R. HENDRICKS,
Senior Hearing Officer.

[FR Doc.71-1232 Filed 1-28-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21980]

AEROMAR AIR CARGO, C. POR A.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 9, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 25, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-1249 Filed 1-28-71;8:49 am]

[Docket No. 22896]

EMPRESA GUATEMALTECA DE AVIACION

Notice of Postponement of Prehearing Conference

Pursuant to applicant's request and with concurrence of the Bureau of Operating Rights, notice is hereby given that the prehearing conference in the above-entitled matter now scheduled for January 25, 1971, is postponed until March 9, 1971 at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., January 25, 1971.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.71-1250 Filed 1-28-71;8:49 am]

[Docket Nos. 22903, etc.; Order 71-1-103]

EXECUTIVE AIRLINES, INC.

Order To Show Cause

Issued under delegated authority January 21, 1971.

The Postmaster General filed a notice of intent December 17, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for Executive Airlines, Inc. (Executive), an air taxi operator, final service mail rates for the transportation of priority and nonpriority mail by aircraft between (1) Boston, Mass., and Albany, N.Y., via Worchester, Mass., and Keene, N.H., and (2) Boston, Mass., and Burlington, Vt., via Lebanon, N.H., and Montpelier, Vt.

No service mail rates are currently in effect for this transportation by Executive. The Postmaster General requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] He states that the Postal Service and Executive agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Executive of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Executive will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Executive Airlines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between (1) Boston, Mass., and Albany, N.Y., via Worchester, Mass., and Keene, N.H., and (2) Boston, Mass., and Burlington, Vt., via Lebanon, N.H., and Montpelier, Vt., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Executive Airlines, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Dockets 22671 and 22731 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(f),

It is ordered, That:

1. Executive Airlines, Inc., the Postmaster General, American Airlines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Executive Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the service connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified, in the attached appendix;

3. Executive Airlines, Inc., is hereby made a party in Dockets 22671 and 22731;

4. This order shall be served upon Executive Airlines, Inc., the Postmaster General, American Airlines, Inc., Mohawk Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-1251 Filed 1-28-71;8:49 am]

[Docket No. 22628; Order 71-1-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Reduced Fares for Spouses of Passenger Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of January 1971.

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at Albany and Boston, 4.68 cents at Burlington, and 9.36 cents at Keene, Lebanon, Montpelier, and Worchester, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in section 385.16(g).

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Composite Passenger Conference of the International Air Transport Association (IATA). The agreement, which was adopted at the Honolulu Worldwide Passenger Fare Conference has been assigned the above-designated CAB Agreement number.

The IATA carriers have filed amendments to two resolutions relating to reduced fares for spouses of passenger agents. One amends the resolution for application to passenger agents located in the United States and the other amends the existing resolution relating to the facility for passenger agents based in other countries. These resolutions, which are discussed below, are intended to become effective April 1, 1971.

The Honolulu agreement amends both resolutions to permit the spouse of each eligible person (agent) traveling, to accompany that agent at a discounted fare not exceeding 50 percent of the applicable fare. Presently, spouses of agents cannot travel at reduced fares.

We will herein approve the agreement as it relates to reduced fares for spouses of travel agents outside the United States. We will defer action with a view toward disapproval of the agreement as it relates to reduced fares for spouses of travel agents located in the United States.

Generally speaking, it has not been demonstrated that by granting discounted air fares to the spouses of agents, the agents' ability to sell air transportation will be enhanced. The concept of reduced fares to travel agents is predicated on the business needs of the carriers and agents, including travel for familiarization purposes as well as that required in the day-to-day conduct of business activities. In fact, the IATA resolutions providing for reduced fares for passenger agents stipulate that the reduced fares are "for the purpose of enhancing the professional ability and capacity of Approved Agents to generate, promote and sell international air passenger transportation."[1] We will, however, defer action for a period of 30 days for the receipt of comments in support of or in opposition to this proposed action.

As regards agents located outside the United States, it is our opinion that those agents (and their spouses) should have at least the same opportunity to travel to the United States as to other countries. To require more restrictive standards, with respect to travel to the United States in order to achieve uniformity among agents in "air transportation" could serve to create a greater incentive for the sale of transportation between other countries.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. The Board finds that it is in the public interest to defer action for a period of 30 days on Agreement CAB 22068, R-22 (Resolution 203, Reduced Fares for Passenger Agents-U.S.A.-Amending) so as to receive comments in support of or in opposition to the Board's proposed disapproval.

2. The Board does not find Agreement CAB 22068, R-23 (Resolution 203, Reduced Fares for Passenger Agents-Except U.S.A.-Amending) to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 22068, R-22 (Resolution 203, Reduced Fares for Passenger Agents-U.S.A.-Amending) is deferred with a view toward disapproval as it would permit spouses of travel agents to travel on reduced fares; and

2. Agreement CAB 22068, R-23 (Resolution 203, Reduced Fares for Passenger Agents-Except U.S.A.-Amending) is approved.

Any air carrier party to the agreements, or any interested person, may, within 30 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action and/or proposed action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein with respect to agreements approved by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1252 Filed 1-28-71;8:49 am]

[Dockets Nos. 23040, 22625; Order 71-1-118]

TAMPA-MEXICO CITY NONSTOP SERVICE INVESTIGATION AND PAN AMERICAN WORLD AIRWAYS, INC.

Application for an Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of January, 1971.

On August 1, 1970, the United States concluded amendments to a bilateral Air Transport Agreement with the Mexican Government authorizing, inter alia, nonstop air service between Tampa and Mexico City by a designated U.S.-flag carrier. At present Pan American World Airways, Inc. (Pan Am) is authorized to operate one-stop service between Tampa and Mexico City.[1]

On October 6, August 12, and October 14, 1970, Pan Am,[2] Eastern,[3] and National,[4] respectively, filed applications for Tampa-Mexico City nonstop authority. Pan Am further filed an application[5] for exemption authority to operate Tampa-Mexico City nonstop service pendente lite. In support of its application, Pan Am relies primarily on the reduction of its losses in that market which allegedly would result from an increased and more efficient schedule pattern between Miami and Mexico City.[6]

The Tampa Bay Area Parties (Tampa Parties) filed an answer in support of Pan Am's exemption request.

National Airlines, Inc. (National) filed an answer which does not oppose Pan Am's exemption request, subject to an "understanding" that this is without prejudice to its own application for Tampa-Mexico City nonstop service as well as its right to petition for suspension of Pan Am's present certificate between Tampa and Mexico City.

Eastern filed an answer in opposition to Pan Am's exemption request and Pan Am filed a reply to National's and Eastern's answers.

Upon consideration of the foregoing pleadings and the relevant facts, we have decided (1) to institute an investigation into the need for U.S.-flag Tampa-Mexico City nonstop service, pursuant to the amended U.S.-Mexico bilateral Air Transport Agreement, and (2) to deny the request of Pan Am for an exemption pendente lite for Tampa-Mexico City nonstop authority.

We are not persuaded that this is an appropriate situation for the exercise of the Board's extraordinary exemption powers.

Pan Am argues that the authority requested would reduce the losses of its operation. However, in the present circumstances, that factor standing alone is not sufficient to warrant grant of an exemption. Pan Am has not established that enforcement of the Act would be an undue burden on it and not in the public interest.

Accordingly, it is ordered, That:

1. An investigation designated the Tampa-Mexico City Nonstop Service Investigation, be and it hereby is instituted in Docket 23040 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to consider the need for authorization of U.S.-flag service between Tampa and Mexico City on a nonstop basis;

2. The following applications are hereby consolidated with the above investigation: Pan American Airways, Inc.,

[1] IATA Resolution 203.

[1] Pan Am is required to serve Merida, Mexico, pursuant to Condition (12) in Pan Am's certificate of public convenience and necessity for route 136 on all flights between Miami and Tampa, on the one hand, and Mexico City, on the other hand.

[2] Docket 22624.
[3] Docket 22467.
[4] Docket 22645.
[5] Docket 22625.
[6] Pan Am proposed to operate a circular schedule pattern; i.e., Sundays, Wednesdays, and Fridays, the aircraft would operate Mexico City-Tampa-Miami-Merida-Mexico City, while on Mondays, Thursdays, and Saturdays, it would operate Mexico City-Merida-Miami-Tampa-Mexico City.

Docket 22624; and National Airlines, Inc., Docket 22645; [7]

3. Applications and motions to consolidate and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order, and answers to such pleadings shall be filed within 15 days thereafter;

4. This proceeding shall be set for hearing at a time and place to be designated hereafter;

5. The application of Pan American World Airways, Inc., Docket 22625, for an exemption be and it hereby is denied; and

6. A copy of this order shall be served upon Pan American World Airways, Inc., Eastern Air Lines, Inc., National Airlines, Inc., The Tampa Bay Area Parties, and each carrier and civic party designated for service in Docket 22625.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1253 Filed 1-28-71;8:49 am]

[Dockets Nos. 23039, 22859; Order 71-1-114]

TRANS WORLD AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of January 1971.

By tariff revisions [1] bearing the posting date of December 16, 1970, and marked to become effective January 30, 1971, Trans World Airlines, Inc., (TWA) proposes to increase all of its mainland general commodity rates according to the following formula:

Minimum weight (in pounds)	*Increase per 100 pounds*
Under 100	2 cents (per pound)
100	$2.00
500	1.25
1,000 and over	.75

A complaint requesting suspension and investigation of the proposed rates to the extent that they would apply to floral and fishery products was filed jointly by the Society of American Florists and the National Fisheries Institute, Inc.[2] The complainants assert, inter alia, that the proposed rates would be unreasonably high and would divert a considerable amount of floral and seafood traffic to surface transportation.

In support of its proposals, TWA claims, inter alia, that (1) a need for additional freight revenues exists as a result of continuing losses in cargo operations, (2) the rate of inflation has outpaced the average percentage revenue increase resulting from the mid-1970 general rate increases, and (3) the rates proposed are based upon costs by shipment size and length of haul.

The general commodity rates proposed would result in increases ranging up to 28 percent. Such increases, at one time, have the potential for very significant adverse effects upon many shippers. While TWA contends that its proposed rate structure comports with its unit cost patterns, this is a highly complex and controversial area.

In Order 70-12-143, dated December 28, 1970, the Board suspended, pending investigation, mainland general commodity rate increases proposed by United Air Lines, Inc., which also ranged as high as 28 percent. Consistent with the foregoing order, and upon consideration of other relevant matters, the Board finds that TWA's proposed general commodity rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful, and should be suspended pending investigation.

Although many of TWA's proposed rate increases are moderate in extent, we shall suspend all of the general commodity rates filed because suspension of only the larger increases would leave in effect a distorted general rate structure not proposed by TWA.

TWA's proposed rates will automatically be under investigation in Docket 22859, Domestic Air Freight Rate Investigation, and Docket 21474, In the Matter of Air Freight Rates on Live Animals and Birds.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and charges described in Appendix A hereto [3] and rules, regulations, or practices affecting such rates and charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and charges and rules, regulations and practices affecting such rates and charges;

2. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto are suspended and their use deferred to and including April 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Docket 23039 initiated herein be consolidated into Docket 22859, Domestic Air Freight Rate Investigation;

4. The complaints filed by Emery Air Freight Corp., in Docket 22953 and jointly by the Society of American Florists and the National Fisheries Institute, Inc., in Docket 22948 are dismissed, except to the extend granted herein; and

5. Copies of this order shall be filed with the tariff and shall be served upon Trans World Airlines, Inc., and the Society of American Florists and the National Fisheries Institute, Inc., which are hereby made parties to Docket 23039.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1254 Filed 1-28-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18308, 18793; FCC 71-54]

CHRISTIAN VOICE OF CENTRAL OHIO AND DELAWARE-GAHANNA FM RADIO BROADCASTING STATION, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Christian Voice of Central Ohio, Gahanna, Ohio, Docket No. 18308, File No. BPH-6137; and Delaware-Gahanna FM Radio Broadcasting Station, Inc., Delaware, Ohio, Docket No. 18793, File No. BPH-7004; for construction permits.

1. The Commission has before it for consideration: (a) A memorandum opinion and order of the Review Board, FCC 70R-278, 24 FCC 2d 709, released August 10, 1970; (b) an application for review filed by Christian Voice of Central Ohio (CVCO), on August 17, 1970; (c) an opposition to the application for review, filed by Delaware-Gahanna FM Radio Broadcasting Station, Inc. (D-G), on August 27, 1970; (d) comments on the application for review filed by the Chief, Broadcast Bureau (Bureau), on August 27, 1970; and (e) a reply filed by CVCO on September 4, 1970.

2. This proceeding began when the Commission designated for evidentiary hearing the mutually exclusive applications of CVCO and Delaware-Maryville Broadcast Service, Inc. (D-M), 14 FCC 2d 576 released September 11, 1968. CVCO and D-M thereafter filed a joint petition for approval of an agreement looking toward the dismissal of the D-M application in return for partial reimbursement of its out-of-pocket expenses. By memorandum opinion and order, 16 FCC 2d 879, released March 24, 1969, the Review Board (Board) withheld further action on the joint petition pending publication, pursuant to § 1.525 (b) of the rules. On May 12, 1969, an application for a new FM station in Delaware, Ohio, was tendered for filing by a partnership composed of Charles Gordon, et al., doing business as Delaware-Gahanna FM Radio Broadcasting Station. On February 12, 1970, the Commission released an order accepting this application for filing, and consolidated it for hearing with applications of CVCO and D-M. Subsequently, the Board, by memorandum opinion and order released March 6, 1970, dismissed the D-M application (22 FCC 2d 13).

3. On March 5, 1970, CVCO petitioned the Board to enlarge the hearing issues in this evidentiary proceeding. The petition alleged numerous inconsistencies between the information contained in the filings of D-G with this Commission and with the Division of Securities of the State of Ohio. The petition also alleged that D-G had been guilty of misrepresentations to actual and prospective investors, regarding the comparative status of its application. The misrepresentations and discrepancies considered by the Board fall into the following principal areas: (1) Misrepresentations to the Commission regarding a cease and desist order issued by Ohio Division of Securities, and sales of partnership interests in violation thereof; (2) misrepresentations to actual and potential D-G investors and subscribers; (3) discrepancies in balance sheets, registration statements and other pertinent information filed with the Commission and with the State of Ohio; and (4) discrepancies in statements made by persons buying and selling pledges, stock subscriptions or securities of D-G. By memorandum opinion and order, 24 FCC 2d 709, released August 10, 1970, the Board granted in part and denied in part the CVCO petition to enlarge issues. In doing so, the Board added four hearing issues to this proceeding, each of which inquires into a specific area of alleged misrepresentation and/or concealment by D-G. The Board's findings and conclusions regarding these matters are not before us for review and, accordingly, are not set forth herein.

4. In the same order, however, the Board declined to add hearing issues inquiring into certain other alleged irregularities by D-G, which CVCO alleged in its petition to enlarge issues. The Board's rulings in this respect are before us for review, and both of the parties' contentions and the Board's rulings are as follows. CVCO averred that in a balance sheet dated May 9, 1969, submitted with D-G's application to this Commission, the applicant showed no "Pledges Receivable", whereas in a balance sheet dated May 15, 1969, filed with the Ohio Division of Securities, D-G showed "Pledges Receivable" of $60,000. CVCO also contended that the identity of individuals pledging the $60,000 to D-G was not made known to either the Ohio Division of Securities or to the Commission and that these pledges were not disclosed until December 4, 1969, nearly 7 months later, when D-G filed an amendment with the Commission updating its balance sheet to show a total of $58,350 of stock either paid for or subscribed. In reply thereto, D-G conceded the discrepancies in the balance sheets, but contended that the cash on hand account was inadvertently increased by a "bookkeeping error" and that the pledges receivable account was increased only after the Ohio Division of Securities permitted D-G to solicit pledges, following a conference with that State agency on May 15, 1969. CVCO, however, took issue with D-G, stating that the conference occurred "on or about May 19, 1969," 4 days after the May 15, 1969, balance sheet showing $60,000 in "Pledges Receivable."

5. In refusing to add a hearing issue, the Board found that the discrepancies between the two balance sheets were adequately explained by D-G; that the only other substantive allegation presented by CVCO is a possible misstatement by D-G of a date of a conference held by the Ohio authorities; and that such a showing was grossly insufficient to establish CVCO's major contention that D-G sold securities in violation of the cease and desist order of the State of Ohio. Moreover, the Board further concluded that in the absence of further affirmative action by the Ohio authorities, it would be inappropriate to add an issue inquiring into alleged violations of an order solely within the jurisdiction of the State of Ohio. Having concluded that an issue should not be specified in this respect, the Board further concluded that an associated issue inquiring into both the identity of D-G's pledgors and the dates of their pledges was not warranted. CVCO's request for a hearing issue inquiring into the alleged failure of D-G to inform prospective investors and subscribers of the pendency of a comparative hearing was also refused by the Board. In doing so, the Board held that D-G's one omission, i.e., the failure to inform Charles P. Hagan, Jr. (an initial partner in D-G, who subsequently withdrew from the partnership) that D-G faced a comparative hearing, does not warrant the requested issue nor does it constitute a misrepresentation. Moreover, the Board further concluded that D-G's failure to inform Hagan of the comparative status of its applications is insufficient to sustain CVCO's general contention that other D-G investors were likewise misinformed. A claim was also made by one Reverend Sanders that false representations were made to him; however the Board refused to consider this matter because CVCO first raised such contentions in a reply pleading.

6. Presently before us is CVCO's application for review, which was filed on August 17, 1970. CVCO complains that the Board, in the above-described memorandum opinion and order, erroneously failed to enlarge the hearing issues in this comparative proceeding on matters equally significant to those for which hearing inquiries were ordered. CVCO believes that the Board should have ordered inquiries to determine the facts surrounding the inconsistent May 9 and May 15 balance sheets of D-G submitted to this Commission and to the State of Ohio, respectively, and to determine whether or not D-G misrepresented and/or concealed the existence of CVCO's mutually exclusive application to D-G investors or potential investors. In support thereof, CVCO essentially reiterates the prior contentions raised in its earlier petition to enlarge issues, and contends that it has, in essence, made a prima facie showing justifying the requested hearing issues; that failure of the Board to recognize this fact is reversible error; and that the Commission, at this juncture of the proceeding, should review and reverse the Board's interlocutory rulings regarding these particular matters.

7. D-G opposes the application for review. As it did before the Board, D-G sets forth its version of both the circumstances leading to the discrepancies in its balance sheets and the circumstances under which potential investors were solicited. Based upon these reiterations, D-G concludes that it has resolved all substantial questions regarding these two matters; that the Board properly found this to be the case; that contrary to CVCO's contentions, the Board's rulings are both legally and factually sound; and that, therefore, such rulings should not be disturbed by the Commission. The Bureau has filed comments supporting CVCO's request for the addition of issues. It is the position of the Bureau that there are substantial and material unresolved questions of fact surrounding the markedly different balance sheets of D-G; that CVCO has also presented sufficient information to warrant an inquiry as to whether or not investors have been taken advantage of in soliciting capital funds by D-G; and that contrary to the Board's findings and D-G's allegations, there are significant unresolved matters in these areas which justify further exploration in the evidentiary process. CVCO has replied to D-G's opposition and the Bureau's comments, restating its prior position taken before the Board and again repeated in its application for review.

8. We believe that CVCO's application for review raises valid questions regarding certain interlocutory rulings in this adjudicatory case which are fundamental and which could affect the entire conduct of this proceeding. Accordingly, we find that the public interest will be served by our review of these matters at this juncture of the proceeding, rather than at the time when exceptions are filed. Moreover, the evidentiary hearing in this case has been postponed by the presiding Examiner pending the determination of other matters before the Commission, and thus, the action taken herein will neither disrupt the orderly processes of this case nor will it unduly inconvenience the parties in their preparations.

9. We have fully considered the memorandum opinion and order of the Review Board and the respective pleadings thereto. After careful analysis, we conclude that additional hearing issues should be specified in this proceeding. We believe an issue is warranted to authorize an inquiry into the discrepancies surrounding D-G's May 9 and May 15 balance sheets. A spectre of confusion and voluminous assertions by all parties

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[7] Because Eastern's application includes other authority which may be heard in separate proceedings, we will not consolidate its application as framed; the carrier is, however, free to move consolidation of an application conforming to the scope of this proceeding in accordance with ordering paragraph 3.

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariffs CAB No. 8 (Agent J. Aniello Series).

[2] A telegraphic complaint was filed by Emery Air Freight Corp., but was not followed by a formal complaint as required by the Board's economic regulations.

[3] Filed as part of original document.

have arisen in this respect. Based upon all the information now before us, we are unable to glean the necessary facts upon which to render a public interest determination. For instance, D–G asserts that the discrepancies were due to bookkeeping errors and additional investments by its original principals, but CVCO continually refutes these explanations. We are further troubled by the fact that D–G made substantial changes in its capital picture between May and December 1969, of which we were not informed. The Board attempted to dismiss this matter, apparently considering such changes insignificant because 51 percent of the ownership of D–G was still retained by D–G's original partners. However, CVCO asserts that these persons held only 36.02 percent of the D–G capital stock as reported in D–G's December 4, 1969, amendment to its application.[1] Moreover, we find that section II of D–G's application is not particularly illuminating in this respect, since only the names of the partners are reflected therein and no reference is made to the amount of their capital contributions. While it is true that the parties have submitted some supporting documentation to corroborate their contentions, we find that such information is equally inconclusive and insufficient and does not warrant acceptance of one party's assertions to the exclusion of the other. For these reasons, we believe that this matter should be thoroughly examined in the evidentiary hearing where all parties would have the opportunity to present evidence in their own behalf, subject to the test of cross-examination.

10. Moreover, we are not persuaded, as the Board was, that CVCO's allegations, both with respect to the discrepancies in D–G's balance sheets and with respect to the inconsistent statements concerning the date of a conference between D–G and the Ohio Division of Securities were submitted to indicate no more than a possible misstatement regarding the date of that conference, nor are they to be considered, in the context of this case, solely for determining whether a hearing issue should be added to inquire into D–G's possible violations of the Ohio cease and desist order. Our examination of CVCO's petition to enlarge issues and other responsive pleadings clearly indicates that in alleging these irregularities, and others, CVCO sought something more in this comparative proceeding, i.e., a broad misrepresentation issue against D–G because of contradictory information and statements submitted to this Commission. Accordingly, on our own motion, we have so considered CVCO's allegations and conclude that they lend further support to our determination that substantial and material unresolved questions of fact exist warranting a hearing inquiry into the circumstances surrounding D–G's May 9 and May 15 balance sheets.

11. We are also persuaded that a hearing issue inquiring into whether D–G made misrepresentations to actual and prospective investors is likewise warranted. As the Board recognized, it has been shown that D–G did in fact on one occassion fail to advise one of its investors (Charles P. Hagan, Jr.) of the comparative status of its application. The significance of such information to potential investors, we believe, is borne out by the fact that upon being apprised of the comparative status of the application, Hagan elected to withdraw his pledge to D–G. Moreover, D–G's responsibility to divulge such information when soliciting capital investments, we believe, is fundamental and pertinent to any reasoned determination regarding an applicant's qualifications to be a Commission licensee. While we are not prepared to say that this one act of omission and/or concealment of material information by D–G's principals is sufficient to sustain CVCO's charge, neither are we prepared to say that the public interest would not be served by further exploration of this matter in the evidentiary process. This is so, we believe, because of the seriousness of the allegations and because D–G has failed, in our opinion, to adequately refute them in its pleadings.[2]

12. In specifying the following hearing issues in this proceeding we wish to emphasize that they have been drafted sufficiently broad so as not to restrict or unduly limit the scope of all relevant and material evidence which should be admitted to compile a complete and proper record. Moreover, the conduct of the hearing, which necessarily encompasses the admissibility of evidence dependent upon its materiality and relevance, is properly within the purview of the Hearing Examiner, and he can provide adequate protection against surprise and other unfairness. Consequently, we find no need to add specific hearing issues, as CVCO suggests, to inquire into both the identity of D–G pledgors before and after its May 15, 1969, balance sheet was prepared and the identity of prospective investors sought by D–G in its attempt to solicit capital investments.

13. *Accordingly, it is ordered*, That the application for review, filed August 17, 1970, by Christian Voice of Central Ohio is granted to the extent indicated herein, and is denied in all other respects.

14. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the facts and circumstances surrounding the May 9, 1969, and May 15, 1969, balance sheets and amendment thereto of December 4, 1969, of Delaware-Gahanna FM Radio Broadcasting Station, Inc.; and based thereon, to determine whether dellberate misrepresentations and/or concealment of pertinent facts have been made or withheld from the Commission which would reflect adversely on Delaware-Gahanna FM Radio Broadcasting Station, Inc.'s basic or comparative qualifications to be a Commission licensee.

(b) To determine whether Delaware-Gahanna FM Radio Broadcasting Station, Inc., misrepresented itself to actual and prospective investors in its attempts to capitalize and, if so, whether such conduct reflects adversely on Delaware-Gahanna FM Radio Broadcasting Station, Inc.'s basic or comparative qualifications to be a Commission licensee.

15. *It is further ordered*, That the initial burden of proceeding with the introduction of the evidence under the issues added herein shall be upon Christian Voice of Central Ohio and the burden of proof shall be upon Delaware-Gahanna FM Radio Broadcasting Station, Inc.

Adopted: January 20, 1971.

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1256 Filed 1-28-71;8:49 am]

[Docket No. 19143]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), ET AL.

Memorandum Opinion and Order Instituting Hearing; Correction

In the Commission's Memorandum Opinion and Order, FCC 71–75 (58371), adopted January 21, 1971 (36 F.R. 1287), issues (A) and (D), adopted therein, should be corrected to read as follows:

(A) Whether the existing employment practices of A.T. & T. tend to impede equal employment opportunities in A.T. & T. and its operating companies contrary to the purposes and requirements of the Commission's rules and regulations and the Civil Rights Act of 1964?

(D) Whether, and in what manner, any of the employment practices of A.T. & T., if found to be discriminatory, affect the revenues or expenses of A.T. & T., or otherwise affect the rates charged by that company for its interstate and foreign communication services, and if so, in what ways this is reflected in the present rate structure?

Released: January 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1257 Filed 1-28-71;8:49 am]

[1] The Commission's associated memorandum opinion and order adopted today, which disposes of a petition for reconsideration filed by CVCO on Mar. 16, 1970, thoroughly considers and deals with D–G's change of ownership structure and the resultant effect thereof. Thus, our references to the parties' contentions regarding the percentages of ownership interests in D–G are set forth herein merely to point out the apparent financial discrepancies in the two D–G balance sheets, and the need to explore further this matter in an evidentiary hearing.

[2] The allegations of the Reverend Mr. Sanders raise serious questions regarding D–G's refutations. Though improperly pleaded, such information is material and relevant to any reasoned determination in this case and, accordingly, on our own motion, these allegations have been considered.

[3] Commissioner Houser not participating.

FEDERAL POWER COMMISSION

[Docket No. G–4421, etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JANUARY 20, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–4421 D 12-30-70	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, TX 75202 (partial abandonment).	Texas Eastern Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Depleted	----
G–10033 D 1-4-71	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202 (partial abandonment).	Cities Service Gas Co., acreage in Barber County, Kans.	Depleted	----
G–11863 C&D 10-23-70[2]	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Lone Star Gas Co., Graham Area, Carter County, Okla.	21.0	14.65
G–13826 C 12-28-70[2]	---do---	Northern Natural Gas Co., Parnell and Northrup Field, Ochiltree County, Tex.	18.0675	14.65
C160-122 D 11-27-70	Texas San Juan Oil Corp., 1126 Mercantile Securities Bldg., Dallas, TX 75201 (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Jim Wells and Duval Counties, Tex.	Depleted	----
C162-522 C 11-5-70	J. M. Huber Corp., c/o James B. Reed, General Attorney, 2500 West Loop, Houston, TX 77027.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	17.0	14.65
C162-855 E 12-18-70	Lewis S. Deffrular d.b.a. Stephen Gas Co. (successor to Shaff Mineral Associates, Inc., et al.), Camden, W. V. 26338.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va., and Court House District, Lewis County, W. Va.	26.0	15.325
C164-461[3] E 10-27-70	The South Coast Corp. (successor to Shore Oil Co.), c/o Robert L. Goodwin, Esq., Exchange Oil & Gas Corp., 1300 Oil and Gas Bldg., New Orleans, LA 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Patterson Field, St. Mary Parish, La.	[4] 21.26	15.025
C164-670 D 1-4-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Arkansas Louisiana Gas Co., Willmuton Field, Le Flore County, Okla.	Assigned	----
C165-631 D 12-31-70	Hunt Petroleum Corp., 1401 Elm St., Dallas, TX 75202.	Northern Natural Gas Co., South Six Mile Field, Beaver County, Okla.	(5)	----
C166-260 D 11-23-70	Edson J. Parsons et al., 1001 Charleston National Plaza, Charleston, WV 25301 (partial abandonment).	Consolidated Gas Supply Corp., Ripley District, Jackson County, W. Va.	(5)	----
C167-1651[3] E 11-24-70	Owen Oil Co., Inc. (Operator) et al. (successor to Ladd Petroleum Corp. (Operator) et al.), Post Office Box 51288, Lafayette, LA 70501.	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Par sh, La.	16.5 [4] 20.0	15.025
C169-838[3] (C171-486) B 12-23-70[6]	Exchange Oil & Gas Corp. (Operator) et al., 16th Floor, 1010 Common St., New Orleans, LA 70112.	Gas Gathering Corp., South Klondike Field, Iberville Parish, La.	Depleted	----
C170-179[3] B 12-28-70	Petroleum, Inc., 300 West Douglas, Wichita, KS 67202.	Panhandle Eastern Pipe Line Co., acreage in Woodward County, Okla.	Depleted	----
C170-986 C S 28-70	Cleary Funds, Inc. et al., c/o G. D. Ashabraner, attorney, Lawyers Bldg., 29 Couch Dr., Oklahoma City, OK 73102.	Panhandle Eastern Pipe Line Co., Salon Field, Ellis County, Okla.	20.0	14.65
C171-118 (C162-1388) F 11-9-70	Hurk Gas Corp. (successor to Atlantic Richfield Co.), 800 Oil & Gas Bldg., Wichita Falls, TX 76301.	Northern Natural Gas Co., Southeast Flores Field, Beaver County, Okla.	18.0	14.65
C171-459 A 12-7-70 as amended 12-17-70	Inexco Oil Co., 308 Lincoln Tower Bldg., Denver, CO 80203.	Natural Gas Pipeline Co. of America, South Mermentau Area, Acadia Parish, La.	[4] 28.0	15.025
C171-467 A 12-10-70	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City OK 73118.	Industrial Gas Corp., McCorkle Field, Lincoln, Kanawha, and Boone Counties, W. Va.	25.0	15.325
C171-479 A 12-14-70[12]	Marathon Oil Co.	Plateau Natural Gas Co., Hugoton Field, Stevens County, Kans.	[4] 13.0 [4] 16.0	14.65
C171-481 B 12-18-70	Tamarack Petroleum Co., Inc., Agent et al., 910 Bank of the Southwest Bldg., Midland, TX 79701.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Ross Field, Starr County, Tex.	(11)	----
C171-482 B 12-18-70	---do---	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Seven Sisters Queen City Field, Duval County, Tex.	(11)	----
C171-483 B 12-18-70	Tamarack Petroleum Co., Inc. (Operator) et al.	Panhandle Eastern Pipe Line Co., North Hansford Tonkawa Field, Hansford County, Tex.	(11)	----
C171-484 A 12-21-70	Prudhoe Production Inc. (Operator), et al., 301 First National Bank Bldg., McAllen, TX 78501.	Natural Gas Pipeline Co. of America, North Willamar Field, Wilacy County, Tex.	24.26	14.65
C171-485 A 12-21-70	Merchants Petroleum Co., 1636 West Eighth St., Los Angeles, CA 90017.	Equitable Gas Co., Henry District, Clay County, W. Va.	32.0	15.325
C171-486 A 12-21-70	Samedan Oil Corp. et al., Post Office Box 909, Ardmore, OK 73401.	Michigan Wisconsin Pipe Line Co., North Lovedale Field, Harper County, Okla.	20.0	14.65
C171-487 B 12-23-70	Exchange Oil & Gas Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Tigre Lagoon Field, Iberia Parish, LA.	Depleted	----
C171-489 A 12-23-70	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Phillips Petroleum Co., West Panhandle Field, Gray County, Tex.	13.5	14.65
C171-490 A 12-23-70[13]	LVO Corp., Post Office Box 2818, Tulsa, OK 74101.	United Gas Pipe Line Co., Northwest Oakley-East Lake Verret Area, Assumption Parish, La.	[4] 20.0	15.025
C171-491 B 12-28-70	Union Oil Co. of California, Post Office Box 7600, Los Angeles, CA 90054.	Cities Service Gas Co., Canfield Unit, Woodward Area, Woodward County, Okla.	Depleted	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-492..... A 12-28-70	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	32.0	15.325
C171-494..... A 12-21-70	Patrick A. Doheny et al., 136 El Camino, Beverly Hills, CA 90212.	Kansas-Nebraska Natural Gas Co., Inc., East Dune Ridge Field, Logan County, Colo.	10.0	16.4
C171-495..... (C164-530) F 12-22-70	Texas Oil & Gas Corp. (successor to J. M. Huber Corp.), Fidelity Union Tower Dallas, TX 75201.	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	[9] 17.0	14.65
C171-496..... (C163-826) A 12-23-70 [10]	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Cities Service Gas Co., Eureka Area, Grant and Alfalfa Counties, Okla.	12.75	14.65
C171-497..... B 12-29-70	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Bon Air Field, Calcasieu Parish, La.	Depleted	.....
C171-498..... A 12-29-70	do.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Block 63 (Block 72 Field), Offshore Louisiana.	18.5 [8] 17.0	15.025
C171-499..... A 12-29-70 [4]	do.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., LacBlanc Field, Vermilion Parish, La.	[8] 18.5	15.025
C171-500..... A 12-29-70	do.....	Northern Natural Gas Co., Share Field, Ochiltree County, Tex.	18.5	14.65
C171-501..... A 12-30-70	Commonwealth Gas Corp., 801 Union Bldg., Charleston, WV 25325.	United Fuel Gas Co., Ripley and Union Districts, Jackson County, W.Va.	32.0	15.325
C171-502..... B 12-31-70	Bridwell Oil Co.....	Texas San Juan Oil Corp., acreage in Jim Wells and Duval Counties, Tex.	Depleted	.....
C171-503..... B 12-30-70	Phillips Petroleum Co. (Operator) et al., Bartlesville, OK 74004.	United Fuel Gas Co., Longview Field, Franklin Parish, La.	[22]	.....
C171-505..... A 1-4-71	Harry Spooner, Jr., 411 Quachita National Bank Bldg., Monroe, LA 71201.	Mid Louisiana Gas Co., Monroe Field, Union Parish, La.	18.0	15.025

[1] Adds and deletes acreage by replacement of contract.
[2] Adds acreage acquired from Diamond Shamrock Corp., Docket No. G-19720.
[3] Pending—temporary authorization only granted.
[4] Rate being collected under temporary certificate.
[5] Well is incapable of delivering gas into Buyer's line.
[6] Deletes the Effie Batten tract. No sales have ever been made from subject acreage.
[7] Amendment filed to reflect change in operator. Also amends contract pricing provisions to provide for a rate of 19.5 cents per Mcf for gas produced from reservoirs discovered prior to Oct. 1, 1968, and a rate of 20 cents per Mcf for gas produced in newly dedicated acreage and from "newly discovered reservoirs" as defined in Opinion No. 567.
[8] Original application in Docket No. C169-838 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[9] Application erroneously assigned Docket No. C171-488. Docket No. C171-188 is canceled.
[10] Original application in Docket No. C170-179 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Applicant is filing for certificate to cover its interests previously covered by Operator's certificates in Dockets Nos. G-5660 and C166-658.
[13] Above the depth of Chase Group.
[14] Council Grove Formation.
[15] Well is no longer capable of producing gas in commercial quantities.
[16] Gas-well gas.
[17] Contract provides for rate of 27 cents per Mcf; however, Applicant states its willingness to accept a permanent certificate at 20 cents per Mcf.
[18] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Dockets Nos. R165-168 and R168-121.
[19] Applicant is filing for certificate to cover its interest previously covered by Operator's certificate in Docket No. C163-826.
[20] Contract provides for rate of 27.5 cents per Mcf; however, by letter filed Jan. 13, 1 71, applicant agreed to accept certificate at the applicable area rate.
[21] Casinghead gas.
[22] All dedicated acreage released from contract.

[FR Doc.71-1096 Filed 1-28-71;8:45 am]

[Docket No. E-7577]

MISSISSIPPI POWER & LIGHT CO.

Order Suspending Tendered Rate Schedules, Denying Petition for Rejection of Rate Filings, Granting Waiver of Notice Requirements, Providing for Hearing and Granting Intervention

JANUARY 21, 1971.

This order suspends for 1 day the operation of tendered rate schedules, orders a public hearing to be held on the lawfulness of those schedules, denies a petition for rejection of those rate filings, grants waiver of notice requirements, and permits intervention in this proceeding.

Mississippi Power & Light Co. (MP&L), a public utility subject to the jurisdiction of this Commission, filed on November 16, 1970, as rate schedule supplements, changes in rates for sales to its eight rural electric cooperative customers at each of 67 delivery points. MP&L proposes to replace the present rates REA-10 and REA-9 applicable to cooperatives by a new rate REA-11. The proposed rate schedule supplements are identified in the appendix attached hereto. The filings are proposed to become effective January 22, 1971.

The proposed rate contains an energy charge of 8.15 miles per kw.1hr. and continues a fuel adjustment clause similar to the one in the REA-10 rate. It is anticipated that the rate would provide increased revenues from the cooperatives of approximately $790,000 (13.7 percent) for the year ending January 1971 and of approximately $819,000 (13.9 percent) for the year ending January 1972.

MP&L contends that on the basis of a study utilizing test year 1969, its present rates to cooperatives produce a 4.39 percent rate of return while the proposed rates show a 5.81 percent return, still less than fully compensatory but within the Company's past policy of receiving lower rates of return from this class of customers in order to help economic development of rural areas.

MP&L initially proposed an effective date for the present filings of January 20, 1971. However, the original filing was not complete until December 22, 1970, at which time MP&L requested a waiver of the 60-day notice requirement of § 35.13(b)(4)(i) of the Commission's regulations in order for the filing to become effective on January 22, 1971, 30 days after completion of the filing. We will grant waiver of that notice requirement subject to the provisions of this order.

Notice of the filing was given by publication in the FEDERAL REGISTER on December 8, 1970 (35 F.R. 18643), stating that any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure.

In addition to preliminary protests from several individual cooperative customers, the Commission received on December 22, 1970, a joint "Protest and Petition to Intervene and for Rejection of Rate Schedules Submitted for Filing" from the Company's eight cooperative customers.[1] The petitioners inter alia (1) request intervention in the proceeding; (2) assert that the tendered rate schedules are unlawful under the Federal Power Act because they will produce an excessive return to the Company; (3) allege that the fuel clause in the proffered rate schedules conflicts with the requirements of § 35.14(a)(1) of the Commission's regulations; (4) assert that the proposed increase in rates to the cooperatives is greater than that imposed upon the Company's retail rate customers; (5) request the Commission to reject the tendered rate schedules on the ground that MP&L has currently effective fixed rate contracts which preclude unilateral rate increase filings by the Company; and (6) petition for such further relief as may be appropriate. In a response thereto filed January 8, 1971, following an extension of time by the Commission's Secretary, MP&L denies the allegations that the rate filings would produce an excessive return and that the fuel clause contained therein is not just or reasonable as well as petitioners' contention that provisions of the Company's present contracts with the cooperatives bar the proposed rate increase filings.

Examination of the cooperatives' joint protest and petition and MP&L's answer thereto indicates that certain issues raised therein should be determined on the basis of an evidentiary hearing record. However, our examination of the data filed by MP&L in support of its proposed increased rates and charges does not warrant suspension of those tendered rate schedule supplements for the full 5-month statutory period. Accordingly, we shall suspend the tendered rate schedule supplements for 1 day and direct that a public hearing be held on the lawfulness thereof.

Insofar as the joint petition requests rejection of the rate filings, petitioners contend essentially that their currently effective rate agreements with MP&L do not provide for unilateral rate change filings by the Company and therefore such filings are not valid. F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956). In its answer MP&L maintains that the contracts do not fix a specific rate and points to the following provision in the contract for support:

SECTION 3. *Rate.* Association shall pay Company for electric power and energy furnished hereunder for its own use and for resale directly to ultimate consumers in accordance with Rate Schedule REA-10, attached hereto and made a part hereof.

Service shall be taken and paid for under and in accordance with said rate schedule as provided above or such other effective superseding rate schedule as may be authorized by duly constituted regulatory authority. Either party may seek authorization through regulatory procedures for such change as may be necessary to make any schedule used for billing just and reasonable.

The Company indicates that the contracts prior to the Sierra case supra contained no provision for any rate other than the particular rate specified therein.

Construing the above provision in the context of the entire rate agreement as here consummated, we conclude that the provisions of these rate contracts contemplate changes in the rates and charges specified therein by or with the approval of this Commission. Hence, they do not constitute fixed rate contracts. See United Gas Pipeline Company v. Memphis Light, Gas and Water Division, et al., 358 U.S. 103 (1958). We shall deny the petition for rejection of the proffered rate filings.

The Commission finds:

(1) The tendered rate schedule filings designated in the Appendix attached hereto may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause has been shown to grant MP&L's request for waiver of the 60-day provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the tendered filings and that the tendered filings be suspended and the use thereof be deferred and a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter provided.

(4) Participation by the aforementioned petitioners for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) MP&L's request for waiver of the 60-day provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act is hereby granted to permit the tendered filing to take effect 30 days after completion of the filing subject to the provisions of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of MP&L's rate schedules identified in the appendix hereto.

(C) Pending such hearing and decision thereon, the tendered rate schedules designated in the appendix attached hereto are hereby suspended and the use thereof deferred until January 23, 1971. On that day those filings shall take effect in the manner prescribed by the Federal Power Act, and MP&L, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those filings for all power sold and delivered thereunder.

(D) MP&L shall file with the Commission and serve on all parties, on or before February 23, 1971, its case-in-chief in support of the subject rate schedules, including testimony of witnesses and exhibits. Cross-examination of MP&L's case-in-chief shall commence on March 30, 1971, at 10 a.m., e.s.t., in a hearing room at the offices of the Federal Power Commission, 441 G Street NW., Washington, DC. If any party believes that a prehearing conference would serve to expedite the proceeding, he may file with the Chief Examiner or the designated Presiding Examiner, on or before February 5, 1971, a motion for a prehearing conference, including a statement of how the proceeding would be expedited thereby and a proposed agenda for the conference. In the event that a prehearing conference is scheduled, the Presiding Examiner is authorized to reschedule the date for the commencement of cross-examination if such reschedule is found necessary for the orderly procedure of this hearing. All further procedural dates shall be as ordered by the Presiding Examiner.

(E) MP&L shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on January 23, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of January 23, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to January 23, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(F) Capital Electric Power Association, Coahoma Electric Power Association, Delta Electric Power Association, Magnolia Electric Power Association, Southern Pine Electric Power Association, Southwest Mississippi Electric Power Association, Twin County Electric Power Association, and Yazoo Valley Electric Power Association are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(G) Unless otherwise ordered by the Commission, MP&L shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(H) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 12, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

MISSISSIPPI POWER & LIGHT COMPANY

FPC RATE SCHEDULE DESIGNATIONS

EACH FPC RATE SCHEDULE SUPPLEMENT DESIGNATED BELOW IS THE COMPANY'S RATE SCHEDULE REA 11, FILED DECEMBER 22, 1970.

Designations			
Supplement No.: to—	Rate schedule No.	Customer	Delivery point
1	215	Capital EPA [1]...	Bowna.
1	155	do[1].....	Byram.
1	156	do[1].....	Canton.
1	157	do[1].....	Clinton.
1	161	do[1].....	Crystal Springs.
1	158	do[1].....	Flora.
1	159	do[1].....	Flowood.
1	160	do[1].....	North Jackson Sub.
1	217	do[1].....	Northwest Jackson Sub.
1	161	do[1].....	Utica.
1	162	do[1].....	Vicksburg.
1	163	do[1].....	West Jackson Sub.
1	165	Coahoma EPA.....	Clarksdale.
1	166	do.....	Darling.
1	168	do.....	Lula.

See footnote at end of table.

[1] The cooperative customers are Capital E.P.A., Coahoma E.P.A., Delta, E.P.A., Magnolia E..A., Southern Pine E.P.A., Southwest Mississippi E.P.A., Twin County E.P.A., and Yazoo Valley E.P.A. (Petitioners).

MISSISSIPPI POWER & LIGHT COMPANY

FPC RATE SCHEDULE DESIGNATIONS

EACH FPC RATE SCHEDULE SUPPLEMENT DESIGNATED BELOW IS THE COMPANY'S RATE SCHEDULE REA-11, FILED DECEMBER 22, 1970.

Designations			
Supplement No.: to—	Rate schedule No.	Customer	Delivery point
1	210	do	Marks.
1	170	do	Shelby.
1	169	do	Sunflower.
1	171	do	Tunica.
1	172	do	Walls.
1	220	Delta EPA	Carrollton.
1	173	do	Cleveland.
1	174	do	Greenville.
1	175	do	Greenwood.
1	176	do	Indianola.
1	177	do	Inverness.
1	219	do	Itta Bena.
1	208	do	Minter City.
1	214	do	Moorhead.
1	178	do	Pace.
1	179	do	Schlater.
1	209	do	Shaw.
1	180	do	West.
1	181	do	Winona.
1	182	Magnolia EPA	Brookhaven:
1	184	do	Fernwood.
[2] 2	213	do	Jayess.
1	185	do	Liberty.
1	186	do	Norfield.
1	218	do	Progress.
1	188	do	Tylertown.
1	125	Southern Pine EPA.	Florence.
1	124	do	Hazlehurst.
[4] 4	86	do	Magee 115 kV.
1	126	do	Magee 13 kV.
1	123	do	Silver Creek.
1	189	Southwest Mississippi EPA.	Brookhaven.
1	190	do	Crosby.
1	191	do	Lorman.
[2] 2	212	do	Natchez.
1	192	do	Port Gibson.
1	207	do	Roxie.
1	216	do	Utica.
1	194	do	Washington.
1	195	do	Woodville.
1	196	Twin County EPA.	Belzoni.
2	197	do	Greenville.
1	198	do	Hollandale.
1	199	do	Leland.
1	200	do	Onward.
1	201	do	Rolling Fork.
1	202	Yazoo Valley EPA.	Anchorage.
1	203	do	Lexington.
1	204	do	Pickens.
1	205	do	Redwood.
1	206	do	Yazoo City.
1	211	do	Little Yazoo.

[1] Electric Power Association.
[2] Supersedes Supplement No. 1.
[3] Supersedes Supplement No. 3.

[FR Doc.71-1143 Filed 1-28-71;8:45 am]

FEDERAL RESERVE SYSTEM

SOUTHERN BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southern Bankshares, Inc., Richmond, Va., for approval of acquisition of voting shares of the successor by merger to Williamsburg National Bank, Williamsburg, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Southern Bankshares, Inc., Richmond, Va. (Applicant), a one-bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (except directors' qualifying shares) of a new national bank into which would be merged Williamsburg National Bank, Williamsburg, Va. (Bank). [The application was filed as one to become a bank holding company pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956. Due to Applicant's ownership of 100 percent of the voting shares of Southern Bank and Trust Co., Richmond, Va., and to the Bank Holding Company Act Amendments of 1970 (Public Law 91-607, 84 Stat. 1760), Applicant became a bank holding company by operation of law on December 31, 1970, and the Board, therefore, treats the application as one by such a company to acquire an additional bank.] The new bank has significance only as a means of acquiring all of the shares of the bank to be merged into it. Accordingly, the proposed acquisition of the shares of the successor organization is treated as a proposed acquisition of the shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Virginia Commissioner of Banking and to the Comptroller of the Currency and requested their views and recommendations. The Commissioner and the Deputy Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 19, 1970 (35 F.R. 17808), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant presently controls one banking subsidiary, acquired on April 30, 1970. This institution, Southern Bank and Trust Co. (Southern Bank), is located in Richmond, Va., and is the State's 11th largest banking organization, controlling deposits of $94.6 million, representing 1.3 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions approved by the Board to date.)

Southern Bank with control of 6.2 percent of total deposits in the Richmond market area, is the fifth largest of 13 banks in that market. Upon acquisition of Bank (deposits of $6.8 million), Applicant would continue to rank 11th among the State's largest banking organizations and would increase its control over total State deposits to 1.4 percent.

Bank operates one office in Williamsburg and is, by a substantial margin, the smaller of the two banks operating in the Williamsburg banking market. Its competitor, a subsidiary of the State's largest banking organization, holds five times as many deposit dollars as Bank.

Bank is located 51 miles from Southern Bank and there appears to be no existing competition between the two. Further, in view of the distance separating the two, the presence of two intervening, sparsely settled counties, and the fact that Virginia law would preclude either bank from branching de novo into the area served by the other, there is little likelihood of such competition developing in the future.

Based upon the record, the Board concludes that consummation of the proposal would have no adverse effect on competition in any relevant area. The banking factors as they relate to Applicant and both its present and proposed subsidiary are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application; although the banking needs of the Williamsburg area appear adequately served, affiliation with Applicant would enhance Bank's ability to participate in the expected growth of the area by increasing Bank's lending capabilities and enabling it to provide computer and specialized financial and trust services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved; *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] January 22, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1218 Filed 1-28-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations, Temporary Regulation E-14]

PURCHASE OF PASSENGER VEHICLES

Procedures To Be Followed

Correction

In F.R. Doc. 71-934 appearing at page 1172 of the issue for Saturday, January 23, 1971, the following changes should be made:

1. On page 1173 in paragraph 8, the figure "19" in the 19th line is corrected to read "10".

2. On page 1174 the last entry for "Wheelbase min" in Table II now reading "411" is corrected to read "114".

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

FREEMAN COAL MINING CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.[3]) has been accepted for consideration as follows:

(1) ICP Docket No. 11112, Freeman Coal Mining Corp., Crown Mine, USBM ID No. 11 00604 0, Farmersville, Montgomery County, Ill., Section ID No. 009 (2 Main East off Main South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 26, 1971.

[FR Doc.71-1217 Filed 1-28-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-C (Region VI), Amdt. 1]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VI

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-C, 35 F.R. 2840, as amended, (35 F.R. 15033 and 35 F.R. 17156) Delegation of Authority No. 30-C (Region VI), 35 F.R. 5440, is hereby amended by revising Item I.A.2.b., Item I.B.1., Item I.J., Item II.A.2.b., Item III. A.2.b., Item IV., Item V., and Item VI., and deleting Item VII., to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* * * *

2. * * *

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

* * * * * *

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * * *

J. *Chief, Procurement and Management Assistance Division.* 1. To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except changes, amendments, modifications, or termination of the original grant, agreement, or contract.

* * * * * *

II. *District Directors—A. Financing Program.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

* * * * * *

III. *District Division Chiefs, District Counsel, and Staffs—A. Chief, Financing Division.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

* * * * * *

IV. *Branch Manager (Reserved).*

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 10, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI.

[FR Doc.71-1231 Filed 1-28-71;8:47 am]

TARIFF COMMISSION

[TEA-W-66 and TEA-W-67]

WORKER'S PETITIONS FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers at two plants of Mattel, Inc., located in the City of Industry and Hawthorne, Calif., the U.S. Tariff Commission, on January 22, 1971, instituted investigations under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the toys, dolls, models, and game produced at such plants are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of their workers.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations; *Provided*, Such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: January 26, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1234 Filed 1-28-71;8:47 am]

[TEA-W-58 thru TEA-W-65]

WORKER'S PETITIONS FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of—

TEA-W-58, Smith Shoe Corp., Newmarket, N.H.
TEA-W-59, Bella Mia Footwear Manufacturing Corp., Brooklyn, N.Y.
TEA-W-60, TEA-W-61, Kalmon Shoe Manufacturing Co., St. Louis, Mo.
TEA-W-62, Deb Shoe Co., Inc., Washington, Mo.
TEA-W-63, Wolff Shoe Manufacturing Co., Rolla, Mo.
TEA-W-64 Wolff Shoe Manufacturing Co., St. Louis, Mo.
TEA-W-65 Johnson, Stephens, and Shinkle Co., Vandalia, Ill.

The U.S. Tariff Commission, on the 22d day of January 1971, instituted investigations under 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firms are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of

the investigation; *Provided*, Such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: January 26, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-1233 Filed 1-28-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 26, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42118—*Chlorine from Point Comfort, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-210), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Point Comfort, Tex., to Anniston, Ala.

Grounds for relief—Water-truck competition.

Tariff—Supplement 146 to Southwestern Freight Bureau, agent, tariff ICC 4773.

FSA No. 42119—*Methanol (methyl alcohol) to Kingsport, Tenn.* Filed by O. W. South, Jr., agent (No. A6219), for interested rail carriers. Rates on methanol (methyl alcohol), in tank carloads, as described in the application, from Pace, Fla., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 52 to Southern Freight Association, agent, tariff ICC S-832.

FSA No. 42120—*Phosphate rock to Horn, Mo.* Filed by O. W. South, Jr., agent (No. A6221), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock) in carloads, as described in the application, from Occidental, Fla., to Horn, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 132 to Southern Freight Association, agent, tariff ICC S-658.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1240 Filed 1-28-71;8:48 am]

[Notice 235]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2962 (Sub-No. 44 TA), filed January 20, 1971. Applicant: A & H TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, IN 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) serving the plantsite of Grinnell Corp., Welded Products Division, located near Princeton in Caldwell County, Ky., as an off-route point in connection with carrier's regular route operations, for 180 days. NOTE: Applicant states it intends to tack with MC 2962 and interline at all gateway points. Supporting shipper: Grinnell Corp., 260 West Exchange Street, Providence, RI. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 102817 (Sub-No. 15 TA) (Correction), filed January 11, 1971, and published FEDERAL REGISTER issue January 20, 1971, and republished in part as corrected this issue Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, IN 46202. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. NOTE: The purpose of this partial republication is to include the State of Minnesota as a destination State, which was inadvertently omitted in previous publication, the rest of application remains the same.

No. MC 106743 (Sub-No. 10 TA), filed January 20, 1971. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, 4081 Ross Clark Circle, NW., Dothan, AL 36301. Applicant's representative: Richard S. Richard, 57 Adams Avenue, Montgomery, AL 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in De Kalb County, Ga., on the one hand, and, on the other, points in Catoosa, Chattooga, Dade, Dawson, Murray, Rabun, Towns, and Whitfield Counties, Ga., Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attention: Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 112822 (Sub-No. 181 TA), filed January 20, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from the Kansas City, Kans.-Mo., commercial zone to points in Texas, south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380 to Post, Tex., and thence along U.S. Highway 84 to junction U.S. Highway 281 at Evant, Tex., and on and west of a line beginning at Evant and extending along U.S. Highway 281 to the United States-Mexico international boundary line at or near Hidalgo, Tex., for 180 days. Supporting shipper: J. LeeRoy Smith, Rate Analyst, Petroleum Products, Phillips Petroleum Co., Bartlesville, Okla. 74004. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73201.

No. MC 113267 (Sub-No. 253 TA), filed January 20, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, articles distributed by meat packinghouses*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and (2) *foodstuffs* in mixed shipments with meat and meat products, from plantsite and warehouse facilities of Geo. A. Hormel & Co., Fort Dodge, Iowa, to Fresno and San Francisco, Calif., for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, MN 55912. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 113514 (Sub-No. 108 TA), filed January 20, 1971. Applicant: SMITH TRANSIT, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid silicate of soda*, in bulk, from Dallas, Tex., to Denver, Colo., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Diamond Shamrock Chemical Co., 610 Euclid Avenue, Cleveland, OH 44114. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 128375 (Sub-No. 58 TA), filed January 21, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by home products distributors*, from the warehouse and storage facilities used by the Amway Corp. in the commercial zone of Atlanta, Ga., to points in Alabama, Georgia, Tennessee, North Carolina, South Carolina, Virginia, and West Virginia, under continuing contract with the Amway Corp. Restricted to traffic having a prior movement from Ada, Mich., in Interstate Commerce by private or contract carrier, for 180 days. Supporting shipper: Michael LaMonde, Traffic Manager, Amway Corp., 7575 East Fulton Road, Ada, MI 49301. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 135113 (Sub-No. 1 TA) (Correction) filed December 10, 1970, and published FEDERAL REGISTER issue December 24, 1970, and republished in part as corrected this issue. Applicant: BLUE EAGLE TRUCK LINES, INC., Post Office Box 446, Highland Park, IL 60035. Applicant's representative: Stephen L. Jennings, Seyfarth, Shaw, Fairweather and Geraldson, 111 West Jackson Boulevard, Chicago, IL 60604. NOTE: The purpose of this partial republication is to show applicant's correct name and include the return movements in (a) and (b). The rest of the application remains the same.

No. MC 135113 (Sub-No. 1 TA) (Correction), filed January 5, 1971, and published FEDERAL REGISTER issue January 14, 1971, and republished in part as corrected this issue. Applicant: WELLINGTON REALTY CORP. (Transportation Division), Post Office Box 244, Madison, GA 30650. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW, Atlanta, GA 30309. NOTE: The purpose of this partial republication is to make various corrections as follows, (1) should show "cotton yarn" in lieu of cotton yard; (2) should show "Louisville, Ky.", in lieu of Louisiana, Ky., and bronze or steel wire, in lieu of broze or steel wire, and (14) should show "used by Wellington Book Co., Inc. at or near East Rutherford, N.J., and Wellington Book-West, Inc., at or near Montebello, Calif.," The rest of the application remains the same.

No. MC 135153 (Sub-No. 3 TA), filed January 20, 1971. Applicant: GREAT OVERLAND, INC., Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission (except those commodities in bulk and hides), from Dodge City, Kans., to points in Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C., for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, KS 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 135216 TA (Correction), filed January 12, 1971, and published FEDERAL REGISTER issue January 20, 1971, and republished in part as corrected this issue. Applicant: LEROY DENEAU, Route 1, Chana, IL 61015. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. NOTE: The purpose of this partial republication is to include household goods as defined by the Commission, commodities in bulk, which was inadvertently omitted in previous publication. The rest of publication remains the same.

No. MC 135239 TA, filed January 19, 1971. Applicant: SAM H. WILLIAMS, doing business as WILLIAMS TRANSFER & STORAGE, Post Office Box 6, Leesville, LA 71446. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to shipments having a prior or subsequent movement beyond the below named points, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between points in Louisiana parishes, Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, Natchitoches, Sabine, St. Landry, Vermilion, and Vernon and points in Angelina, Jasper, Nacogdoches, Newton, Orange, Sabine, San Augustine, and Shelby Counties, Tex., for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502; Imperial Household Shipping Co., Inc., 9674 Fourth Street North, Post Office Box 20124, St. Petersburg, FL 33702; and Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018. Also, Department of Defense, contract handling household goods for Fort Polk, La. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135241 TA, filed January 20, 1971. Applicant: KENNETH M. ALLISON, doing business as ALLISON TRUCKING, 10025 Southwest Boones Ferry Road, Portland, OR 97219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum sheets*, from Spokane, Wash., to South El Monte, Calif.; (2) *overseas storage boxes*, from South El Monte, Calif., to points in Washington and Oregon; and (3) *lumber* from points in Washington, and Oregon to South El Monte, Calif., for 180 days. Supporting shipper: California Equipment Co., 9657 East Rush Street, Post Office Box 3245, South El Monte, CA 91733. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1237 Filed 1-28-71;8:48 am]

[Notice 236]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 26, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52861 (Sub-No. 22 TA), filed January 22, 1971. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Huron, Ohio, to Ecorse, Mich., and return, for 180 days. Supporting shipper: The Federal Lime & Stone Co., Tower East Building, Cleveland, OH 44122. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 109172 (Sub-No. 8 TA), filed January 21, 1971. Applicant: NATIONAL TRANSFER, INC., doing business as 4100 East Marginal Way South, Seattle WA 98134. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers*, empty and *general cargo containers*, loaded, between points in King and Pierce Counties, Wash., on the one hand, and, Oregon and points in Oregon and Washington on the other, for 180 days. NOTE: Applicant states it does intend to tack the authority held in MC 109172. Supporting shippers: American Mail Line, 1010 Washington Building, Seattle, WA 98101; Geo. S. Bush & Co., Inc., 259 Colman Building, Seattle, WA 98104; Japan Line (U.S.A.) Ltd., 2220 Pacific Building, Seattle, WA 98104; McClary, Swift & Co., Inc., 909 Western Avenue, Seattle, WA 98104; Northland Marine Lines, Inc., 653 Northwest 41st Street, Seattle, WA 98107; North Star Forwarding Co., 1102 Southwest Massachusetts Street, Seattle, WA 98134; Williams, Dimond & Co., 1515 Pacific Building, Seattle, WA 98104. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 111284 (Sub-No. 2 TA), filed January 22, 1971. Applicant: Q & R MOTOR SERVICE CO., 2701 West Clay Street, St. Charles, MO 63301. Applicant's representative: B. W. LaTourette, Jr., 1850 Railway Exchange Building, 611 Olive Street, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meats, meat products, meat byproducts*, as described in section A to appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (2) *packinghouse products, cheese, dairy products, foodstuffs and food products*, all requiring temperature control and (3) *advertising* or *display material* used in connection with display and sale of such commodities, (1) between points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone, as defined by the Commission and points in Missouri upon the following highways and within an area bounded as follows: Commencing at the confluence of the Missouri and Mississippi Rivers; thence northerly along the Mississippi River to its intersection with the Missouri-Iowa State line; thence westerly along the Missouri-Iowa State line to its intersection with the Missouri-Nebraska State line; thence southerly along the Missouri-Nebraska State line to its intersection with the Missouri-Kansas State line; thence southerly along the Missouri-Kansas State line to its intersection with U.S. Highway 54; thence easterly along U.S. Highway 54 to Junction U.S. Highway 71; thence southerly along U.S. Highway 71 to Camp Clark, Mo.; thence returning northerly along U.S. Highway 71 to Junction U.S. Highway 54; thence easterly along U.S. Highway 54 to junction Missouri Highway 42; thence easterly along Missouri Highway 42 to junction Missouri Highway 17; thence northwesterly along Missouri Highway 17 to junction Missouri Highway 52; thence northwesterly along Missouri Highway 52 to junction U.S. Highway 54; thence easterly along U.S. Highway 54 to its intersection with the Missouri River; thence easterly along the Missouri River to its confluence with the Mississippi River, the point of beginning of this description and (2) between points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone as defined by the Commission and those points in Kansas within the Kansas City, Mo.-Kansas City, Kans. commercial zone as defined by the Commission, for 150 days. Supporting shippers: Hautly Cheese Co., Inc., 5130 Northrup Avenue, St. Louis, MO 63110. Krey Packing Co., St. Louis, MO 63107. Frigo Chees Corp., Post Office Box 5147, Kansas City, KS 66119. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 114389 (Sub-No. 15 TA), filed January 22, 1971. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from South Bend, Ind., to Ottumwa, Iowa; with return of *empty containers*, for 180 days. Supporting shipper: Mutt Harris Distributing Co., Ottumwa, Iowa 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 117765 (Sub-No. 117 TA), filed January 22, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (nonalcoholic), in containers, from plantsite of Shasta Beverages, Lenexa, Kans., to points in Illinois, for 180 days. Supporting shipper: Shasta Beverages, Murray H. Crossen, 9901 Wilmer Road, Lenexa, KS 66215. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 123389 (Sub-No. 10 TA), filed January 22, 1971. Applicant: CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, Iowa 51401. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Storm Lake, Iowa; to points in Inidana, Kansas, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, MI 48214. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Post Office Building, Sioux City, IA 51101.

No. MC 127505 (Sub-No. 40 TA), filed January 22, 1971. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor cabs*, from Rock Falls, Ill., to Farmington, Pontiac, Taylor, and Utica, Mich., for 180 days. Supporting shipper: Northeast Tractor Cab Co., 804 East 11th Street, Rock Falls, IL 61071. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133700 (Sub-No. 4 TA), filed January 22, 1971. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, NC 28803. Applicant's representative: McGuire Baley & Wood, Post Office Box 748, Asheville, NC 28802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, from Brooksville, Fla., to Asheville, N.C., under a continuing contract with Gerber Products Company of Asheville, N.C., for delivery to Gerber's Asheville, N.C., processing plant, for 180 days. Supporting shipper: Gerber Products Co., Post Office Box 2689, Asheville, NC 28802. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building) Charlotte, NC 28202.

No. MC 134677 (Sub-No. 1 TA), filed January 22, 1971. Applicant: J. P. NOONAN TRANSPORTATION, INC., Linden Street, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Tiverton, R.I., to points in Massachusetts, for 180 days. Supporting shipper: P & H Trust, 551 Washington Street, Abington, MA 02351. Send protests to: John B. Thomas, Interstate Commerce Commission, Bureau of Operations, J. F. Kennedy Building, Room 2211-B, Government Center, Boston, MA 02203.

No. MC 135244 TA, filed January 22, 1971. Applicant: NUTRITION PLUS, INC., 1000 Hillcrest Road, Wayne, NE 68787. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Malvern, Iowa, to points in Burt, Cummings, Dakota, Dixon, Thurson, and Wayne Counties, Nebr., for 180 days. Supporting shipper: Standard Chemical Manufacturing Co., Malvern, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Room 304 Federal Building, Sioux City, IA 51101.

No. MC 135246 TA, filed January 22, 1971. Applicant: JIMBO, INC., 3810 Westheimer, Suite 410, Houston, TX 77027. Applicant's representative: Everett Hutchinson, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude borate rock* (in bulk) from the site of the Tenneco Oil Co. installation located approximately 28 miles northwest of Death Valley junction, Inyo County, Calif., to the Tenneco Oil Co. plantsite located approximately 15 miles south of Lathrop Wells, Nye County, Nev.; and (2) *Calcium Borate* (in bulk) from the plantsite of the Tenneco Oil Co. plantsite located approximately 15 miles south of Lathrop Wells, Nye County, Nev., to points in California and Nevada, for 180 days. Supporting shipper: Tenneco Oil Co. (Lewis McKinley, Jr., Traffic Manager), Post Office Box 2511, Houston, TX 77001, for 180 days. Supporting shipper: Tenneco Oil Co. (Lewis McKinley, Jr., Traffic Manager), Post Office Box 2511, Houston, TX 77001. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1238 Filed 1-28-71;8:48 am]

[Accounting Series Circular No. 144—Rev.]

PENN CENTRAL TRANSPORTATION CO. ET AL.

Accounting Series Circular

JANUARY 25, 1971.

On January 8, 1971, the Bureau of Accounts issued Accounting Series Circular No. 144—Revised, instructing the railroads to write off certain accounts receivable due from the Penn Central Transportation Co. and other railroads in bankruptcy in their 1970 accounts.

Upon consideration of petitions filed with Division 2 seeking rescission or postponement of the Circular, the Division has decided to stay the implementation of said Circular until all interested parties have expressed their views and comments.

In the circumstances, all carriers may proceed to close their accounts for the year 1970 without giving effect to the requirements of the Circular.

In view of the status of the Penn Central Transportation Co. reorganization proceedings at this time, it is presumed that the receivables in question will be transferred to account 741, Other Assets, in the 1970 accounts.

Any party desiring to make representation in favor of or against the Circular may do so through submission of written data, views or comments for consideration. An original and five copies of any such representation must be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423, within 45 days after publication of this notice in the FEDERAL REGISTER. The Commission will consider all such responses and representations before deciding this matter, after which appropriate action will be taken.

Service of this notice shall be made on all carriers by railroad which are affected hereby and notice thereto shall be given the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing the notice with the Director, Office of the Federal Register.

By the Commission, division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1239 Filed 1-28-71;8:50 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

•

PRACTICE AND PROCEDURE FOR HEARINGS TO STATES ON CONFORMITY OF PUBLIC ASSISTANCE PLANS TO FEDERAL REQUIREMENTS

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 213—PRACTICE AND PROCEDURE FOR HEARINGS TO STATES ON CONFORMITY OF PUBLIC ASSISTANCE PLANS TO FEDERAL REQUIREMENTS

The regulations in this part were published in the FEDERAL REGISTER on July 29, 1970 (35 F.R. 12182), and made effective upon publication. Although the notice of proposed rule making was dispensed with, due to the nature and urgency of the regulations, the submission of comments, suggestions, and objections were invited.

As a result of such comments and of experience in the conduct of hearings, the regulations are revised to clarify:

1. The limitations on suspension of rules (§ 213.4);

2. That the time limits apply to scheduling rather than to the actual carrying out of the hearing (§ 213.12);

3. That an issue may be complied with, and removed from the proceedings, either in whole or in part (§ 213.14(c) (1) and (2) and (d));

4. That individuals or groups requesting participation must serve copies of the petition on all parties of record and such parties shall have 5 days to file comments thereon (§ 213.15(b) (2) and (3));

5. That the presiding officer has authority to continue a hearing, subject to statutory time limitations on hearings under section 1116(a)(2) of the Social Security Act (§ 213.22(a)(1));

6. That the Administrator shall serve copies of the recommended findings and the proposed decision on each party and each amicus (§ 213.32(b)(1));

7. That the requirement in § 213.32 (c) applies only to hearings pursuant to § 201.6(a) of this chapter;

8. The effective date of the Administrator's decision on withholding of Federal funds (new § 213.33).

Accordingly, Part 213 is revised to read as set forth below, effective on date of publication in the FEDERAL REGISTER (1-29-71):

Subpart A—General

Sec.
213.1 Scope of rules.
213.2 Records to be public.
213.3 Use of gender and number.
213.4 Suspension of rules.
213.5 Filing and service of papers.

Subpart B—Preliminary Matters—Notice and Parties

213.11 Notice of hearing or opportunity for hearing.
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213.13 Place.
213.14 Issues at hearing.
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Subpart C—Hearing Procedures

Sec.
213.21 Who presides.
213.22 Authority of presiding officer.
213.23 Rights of parties.
213.24 Evidentiary purpose.
213.25 Evidence.
213.26 Exclusion from hearing for misconduct.
213.27 Unsponsored written material.
213.28 Official transcript.
213.29 Record for decision.

Subpart D—Posthearing Procedures, Decisions

213.31 Posthearing briefs.
213.32 Decisions following hearing.
213.33 Effective date of Administrator's decision.

AUTHORITY: The provisions of this Part 213 issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.

Subpart A—General

§ 213.1 Scope of rules.

(a) The rules of procedure in this part govern the practice for hearings afforded by the Department to States pursuant to § 201.4 or § 201.6 (a) or (b) of this chapter, and the practice relating to decisions upon such hearings. These rules may also be applied to hearings afforded by the Department to States in other Federal-State programs for which Federal administrative responsibility has been delegated to the Service.

(b) Nothing in this part is intended to preclude or limit negotiations between the Department and the State, whether before, during, or after the hearing, to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing, and are not governed by the rules in this part, except as expressly provided herein.

§ 213.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the SRS Hearing Clerk. Inquiries may be made at the Central Information Center, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201.

§ 213.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

§ 213.4 Suspension of rules.

Upon notice to all parties, the Administrator or the presiding officer, with respect to matters pending before him and within his jurisdiction, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 213.5 Filing and service of papers.

(a) All papers in the proceedings shall be filed with the SRS Hearing Clerk, in an original and two copies. Originals only of exhibits and transcripts of testimony need be filed.

(b) All papers in the proceedings shall be served on all parties by personal delivery or by mail. Service on the party's designated attorney will be deemed service upon the party.

Subpart B—Preliminary Matters—Notice and Parties

§ 213.11 Notice of hearing or opportunity for hearing.

Proceedings are commenced by mailing a notice of hearing or opportunity for hearing from the Administrator to the State. The notice shall state the time and place for the hearing, and the issues which will be considered, and shall be published in the FEDERAL REGISTER.

§ 213.12 Time of hearing.

The hearing shall be scheduled not less than 30 days nor more than 60 days after the date notice of the hearing is furnished to the State.

§ 213.13 Place.

The hearing shall be held in the city in which the regional office of the Department is located or in such other place as is fixed by the Administrator in light of the circumstances of the case, with due regard for the convenience and necessity of the parties or their representatives.

§ 213.14 Issues at hearing.

(a) The Administrator may, prior to a hearing under § 201.6 (a) or (b) of this chapter, notify the State in writing of additional issues which will be considered at the hearing, and such notice shall be published in the FEDERAL REGISTER. If such notice is furnished to the State less than 20 days before the date of the hearing, the State or any other party, at its request, shall be granted a postponement of the hearing to a date 20 days after such notice was furnished, or such later date as may be agreed to by the Administrator.

(b) If, as a result of negotiations between the Department and the State, the submittal of a plan amendment, a change in the State program, or other actions by the State, any issue is resolved in whole or in part, but new or modified issues are presented, as specified by the Administrator, the hearing shall proceed on such new or modified issues.

(c)(1) If at any time, whether prior to, during, or after the hearing, the Administrator finds that the State has come into compliance with Federal requirements on any issue, in whole or in part, he shall remove such issue from the proceedings in whole or in part, as may be appropriate. If all issues are removed, he shall terminate the hearing.

(2) Prior to the removal of any issue from the hearing, in whole or in part, the Administrator shall provide all parties other than the Department and the State (see § 213.15(b)) with the statement of his intention, and the reasons therefor, and a copy of the proposed State plan provision on which the State and he have settled, and the parties shall have opportunity to submit in writing within 15 days, for the Administrator's consideration and for the record, their views as to, or any information bearing upon, the merits of the proposed plan provision and the merits of the Administrator's reasons for removing the issue from the hearing.

(d) The issues considered at the hearing shall be limited to those issues of which the State is notified as provided in § 213.11 and paragraph (a) of this section, and new or modified issues described in paragraph (b) of this section, and shall not include issues or parts of issues removed from the proceedings pursuant to paragraph (c) of this section.

§ 213.15 Request to participate in hearing.

(a) The Department and the State are parties to the hearing without making a specific request to participate.

(b) (1) Other individuals or groups may be recognized as parties, if the issues to be considered at the hearing have caused them injury and their interest is within the zone of interests to be protected by the governing Federal statute.

(2) Any individual or group wishing to participate as a party shall file a petition with the SRS Hearing Clerk within 15 days after notice of the hearing has been published in the FEDERAL REGISTER, and shall serve a copy on each party of record at that time, in accordance with § 213.5(b). Such petition shall concisely state (i) petitioner's interest in the proceeding, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(3) Any party may, within 5 days of receipt of such petition, file comments thereon.

(4) The presiding officer shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the presiding officer may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners. The presiding officer shall give each petitioner written notice of the decision on his petition, and if the petition is denied, he shall briefly state the grounds for denial.

(c) (1) Any interested person or organization wishing to participate as amicus curiae shall file a petition with the SRS Hearing Clerk before the commencement of the hearing. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome and may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing, at the point in the proceedings specified by the presiding officer. He may submit a written statement of position to the presiding officer prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs, and shall serve a copy on each party.

Subpart C—Hearing Procedures

§ 213.21 Who presides.

(a) The presiding officer at a hearing shall be the Administrator or, at his discretion a hearing examiner assigned under 5 U.S.C. 3105 or 3344.

(b) The designation of the presiding officer shall be in writing. A copy of the designation shall be served on all parties.

§ 213.22 Authority of presiding officer.

(a) The presiding officer shall have the duty to conduct a fair hearing, to avoid delay, maintain order, and make a record of the proceedings. He shall have all powers necessary to accomplish these ends, including, but not limited to, the power to:

(1) Change the date, time, and place of the hearing, upon due notice to the parties. This includes the power to continue the hearing in whole or in part. In hearings pursuant to section 1116(a)(2) of the Social Security Act (see § 201.4 of this chapter), changes of time are subject to the requirements of the statute.

(2) Hold conferences to settle or simplify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(3) Regulate participation of parties and amici curiae and require parties and amici curiae to state their position with respect to the various issues in the proceeding.

(4) Administer oaths and affirmations.

(5) Rule on motions and other procedural items on matters pending before him.

(6) Regulate the course of the hearing and conduct of counsel therein.

(7) Examine witnesses.

(8) Receive, rule on, exclude or limit evidence.

(9) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(10) If the presiding officer is the Administrator, make a final decision.

(11) If the presiding officer is a hearing examiner, certify the entire record including his recommended findings and proposed decision to the Administrator.

(12) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551-559.

(b) The presiding officer does not have authority to compel by subpena the production of witnesses, papers, or other evidence.

(c) If the presiding officer is a hearing examiner, his authority pertains to the issues of compliance by a State with Federal requirements which are to be considered at the hearing, and does not extend to the question of whether, in case of any noncompliance, Federal payments will not be made in respect to the entire State plan or will be limited to categories under or parts of the State plan affected by such noncompliance.

§ 213.23 Right of parties.

All parties may:

(a) Appear by counsel or other authorized representative, in all hearing proceedings.

(b) Participate in any prehearing conference held by the presiding officer.

(c) Agree to stipulations as to facts which will be made a part of the record.

(d) Make opening statements at the hearing.

(e) Present relevant evidence on the issues at the hearing.

(f) Present witnesses who then must be available for cross-examination by all other parties.

(g) Present oral arguments at the hearing.

(h) Submit written briefs, proposed findings of fact, and proposed conclusions of law, after the hearing.

§ 213.24 Evidentiary purpose.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, which shall be limited to statement of the party's position and what he intends to prove, may be made at hearings.

§ 213.25 Evidence.

(a) *Testimony.* Testimony shall be given orally under oath or affirmation by witnesses at the hearing. Witnesses shall be available at the hearing for cross-examination by all parties.

(b) *Stipulations and exhibits.* Two or more parties may agree to stipulations of fact. Such stipulations, or any exhibit proposed by any party, shall be exchanged at the prehearing conference or otherwise prior to the hearing if the presiding officer so requires.

(c) *Rules of evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the presiding officer. A witness may be cross-examined on any matter material to the proceeding without regard to the scope of his direct examination. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to

examination by the parties and opportunity shall be given to refute facts and, arguments advanced on either side of the issues.

§ 213.26 Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at the hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

§ 213.27 Unsponsored written material.

Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a hearing will be placed in the correspondence section of the docket of the proceeding. These data are not deemed part of the evidence or record in the hearing.

§ 213.28 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any stipulations, exhibits, briefs, or memoranda of law filed therewith shall be filed with the Department. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

§ 213.29 Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision shall constitute the exclusive record for decision.

Subpart D—Posthearing Procedures, Decisions

§ 213.31 Posthearing briefs.

The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs.

§ 213.32 Decisions following hearing.

(a) If the Administrator is the presiding officer, he shall, when the time for submission of posthearing briefs has expired, issue his decision within 60 days.

(b)(1) If a hearing examiner is the presiding officer, he shall, when the time for submission of posthearing briefs has expired, certify the entire record, including his recommended findings and proposed decision, to the Administrator. The Administrator shall serve a copy of the recommended findings and proposed decision upon all parties, and amici, if any.

(2) Any party may, within 20 days, file with the Administrator exceptions to the recommended findings and proposed decision and a supporting brief or statement.

(3) The Administrator shall thereupon review the recommended decision and, within 60 days of its issuance, issue his own decision.

(c) If the Administrator concludes that a State plan does not comply with Federal requirements, he shall also, in the case of a hearing pursuant to § 201.6 (a) of this chapter, specify whether further payments will not be made to the State or whether, in the exercise of his discretion, payments will be limited to categories under or parts of the State plan not affected by such noncompliance. The Administrator may ask the parties for recommendations or briefs or may hold conferences of the parties on this question.

(d) The decision of the Administrator under this section shall be the final decision of the Secretary and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 and a "final determination" within the meaning of section 1116(a)(3) of the Act and § 213.7. The Administrator's decision shall be promptly served on all parties, and amici, if any.

§ 213.33 Effective date of Administrator's decision.

If, in the case of a hearing pursuant to § 201.6(a) of this chapter, the Administrator concludes that a State plan does not comply with Federal requirements, his decision that further payments will not be made to the State, or payments will be limited to categories under or parts of the State plan not affected, shall specify the effective date for the withholding of Federal funds. The effective date shall not be earlier than the date of the Administrator's decision and shall not be later than the first day of the next calendar quarter. The provisions of this section may not be waived pursuant to § 213.4.

Dated: January 6, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: January 21, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1169 Filed 1-28-71;8:45 am]

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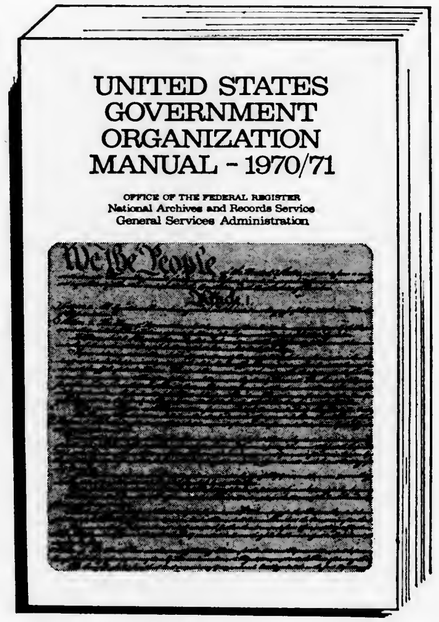

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Title 3—The President

PROCLAMATION 4028

National Safe Boating Week, 1971

By the President of the United States of America

A Proclamation

More Americans each year are choosing boating as the ideal way to relax with their families and friends. All too often, however, what starts out as a pleasant cruise ends in tragedy because boatmen fail to teach their families to swim, fail to properly equip their craft with life preservers and other protective devices, or fail to instruct their passengers on the use of such devices prior to a boating cruise.

Every year, about 1,300 lives are lost in boating accidents. These fatalities can be reduced and boating made more pleasurable if those who engage in it will emphasize boating safety rules.

Recognizing the need for that emphasis, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 4, 1971, as National Safe Boating Week.

I urge all who use our waterways to acquire those skills essential to their own safety and that of others and to apply them carefully.

I also invite the Governors of the States and the Commonwealth of Puerto Rico to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of January, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[FR Doc.71-1383 Filed 1-29-71;9:09 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Deputy Assistant Secretary (International Affairs) having been abolished is no longer in Schedule C. Effective on publication in the FEDERAL REGISTER (1–30–71), subparagraph (3) of paragraph (a) of § 213.3305 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–1270 Filed 1–29–71;8:45 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Miscellaneous Amendments

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

The purpose of these amendments is to (1) remove the reference to upland cotton from the definition of quota in § 711.3(f) and (2) revise certain areas of venue established by State committees as previously published in the FEDERAL REGISTER of October 2 and 16, 1970 (35 F.R. 15355, 16235). Public Law 91–524, approved November 30, 1970, provides that marketing quotas shall not be applicable to upland cotton of the 1971, 1972, and 1973 crops. Section 711.13 provides for establishing areas of venue.

Since these amendments remove the reference to upland cotton as the result of Public Law 91–524 and revise certain areas of venue which were recommended by the respective State committees, it is hereby determined and found that compliance with the notice, public procedures, and effective date requirement of 5 U.S.C. 553 is unnecessary and these amendments shall become effective as provided herein.

Part 711—Marketing Quota Review Regulations (35 F.R. 15355, 16235) is amended as follows:

1. Paragraph (f) of § 711.3 is amended by deleting the words "upland cotton" at the beginning of the parenthetical phrase beginning on the fifth line thereof.

2. Section 711.29 is amended by revising the areas of venue for certain States as follows:

FLORIDA

Counties of: Area I—Alachua, Baker, Bradford, Charlotte, Collier, Columbia, Duval, Hardee, Hendry, Highlands, Hillsborough, Lee, Levy, Marion, Martin, Nassau, Okeechobee, Palm Beach, Sumter, Union.

Area II—Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor.

Area III—Calhoun, Gadsden, Jackson, Jefferson, Leon, Liberty, Wakulla.

Area IV—Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

INDIANA

Counties of: Area I—Elkhart, Jasper, Kosciusko, Lake, La Porte, Marshall, Newton, Porter, St. Joseph, Starke.

Area II—Carroll, Cass, Fulton, Grant, Hamilton, Howard, Miami, Pulaski, Tipton, White.

Area III—Adams, Allen, DeKalb, Huntington, Lagrange, Noble, Steuben, Wabash, Wells, Whitley.

Area IV—Benton, Boone, Clinton, Fountain, Hendricks, Montgomery, Parke, Putnam, Tippecanoe, Vermillion, Warren.

Area V—Blackford, Delaware, Fayette, Franklin, Henry, Jay, Madison, Randolph, Union, Wayne.

Area VI—Clay, Daviess, Greene, Knox, Martin, Monroe, Orange, Owen, Sullivan, Vigo.

Area VII—Bartholomew, Brown, Decatur, Hancock, Jackson, Johnson, Lawrence, Marion, Morgan, Rush, Shelby.

Area VIII—Crawford, Dubois, Gibson, Harrison, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

Area IX—Dearborn, Clark, Floyd, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.

MINNESOTA

Counties of: Area I—Fillmore, Houston.
Area II—Meeker, Stearns.

NEVADA

Counties of: Area I—Clark, Nye.

NEW MEXICO

Counties of: Area I—Chaves, Curry, De Baca, Eddy, Harding, Lea, Quay, Roosevelt.

Area II—Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro.

OKLAHOMA

Counties of: Area I—Alfalfa, Beaver, Blaine, Canadian, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Oklahoma, Roger Mills, Texas, Woods, Woodward.

Area II—Adair, Cherokee, Craig, Creek, Delaware, Lincoln, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Rogers, Sequoyah, Tulsa, Wagoner, Washington.

Area III—Beckham, Caddo, Carter, Cleveland, Comanche, Cotton, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Love, McClain, Murray, Stephens, Tillman, Washita.

Area IV—Atoka, Bryan, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Le Flore, McCurtain, Marshall, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Seminole.

PENNSYLVANIA

Counties of: Area I—Armstrong, Beaver, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Venango, Warren.

Area II—Berks, Bradford, Bucks, Carbon, Chester, Columbia, Delaware, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming.

Area III—Adams, Allegheny, Bedford, Cumberland, Dauphin, Fayette, Franklin, Fulton, Greene, Huntingdon, Juniata, Lancaster, Montour, Northumberland, Perry, Snyder, Somerset, Union, Washington, Westmoreland, York.

TENNESSEE

Counties of: Area I—Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington.

Area II—Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Sevier, Union.

Area III—Cumberland, Fentress, Morgan, Overton, Pickett, Putnam, Raone, Scott, White.

Area IV—Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Monroe, Polk, Rhea, Sequatchie.

Area V—Clay, DeKalb, Jackson, Macon, Rutherford, Smith, Sumner, Trousdale, Wilson.

Area VI—Bedford, Cannon, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, Warren.

Area VII—Benton, Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Stewart.

Area VIII—Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, Wayne, Williamson.

Area IX—Carroll, Crockett, Dyer, Gibson, Henderson, Henry, Lake, Lauderdale, Obion, Weakley.

Area X—Chester, Decatur, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.

(Secs. 301, 363–368, 375, 52 Stat. 38, as amended, 63, 64, as amended, 66, as amended; 7 U.S.C. 1301, 1363–1368, 1375; sec. 601, 84 Stat. 1371, Public Law 91–524)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 71–1281 Filed 1–29–71;8:46 am]

[Amdt. 2]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

1970 CROP PRICE SUPPORT PAYMENT

The regulations governing the Extra Long Staple Cotton Program for 1968 and succeeding years (33 F.R. 19159; 34 F.R. 14065) are hereby amended as follows:

1. Section 722.704 is amended by changing paragraphs (a) and (b) to read as follows:

§ 722.704 Price support payment factor.

* * * * *

(a) For 1968, 1969, and 1970 the price support payment factor is 1.0000.

(b) For 1971 and succeeding years, the price support payment factor will be announced by an amendment to these regulations.

2. Section 722.709(a) is amended by adding at the end thereof the following new sentence:

§ 722.709 Price support payment.

(a) * * * For 1970, the price support payment rate shall be 9.29 cents per pound.

* * * * *

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1282 Filed 1-29-71;8:46 am]

[Amdt. 7]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1969 and Subsequent Crops of Peanuts

TRANSFER OF ALLOTMENTS AND CONDITIONS OF ELIGIBILITY FOR NEW FARM ALLOTMENTS

This amendment of the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

(1) Section 729.19: Expands the income requirement for new farm eligibility to include the income from farming rather than income from the farm for which the allotment is requested and to allow bona fide peanut production experience gained while participating as a member of a partnership to qualify an applicant under the experience requirement for a new farm peanut allotment.

(2) Sections 729.68 and 729.69: Extends the authority to transfer peanut acreage allotments on a permanent basis pursuant to Public Law 91-568, approved December 22, 1970.

Peanut producers are now making plans for the 1971 crop year and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 533 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

1. Subparagraphs (6) and (7) of paragraph (b) of § 729.19 are amended to read as follows:

§ 729.19 Conditions of eligibility for new farm allotment.

* * * * *

(b) * * *

(6) (i) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family; and a State committee representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing peanuts either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. Bona fide peanut production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. In making a determination of any person's experience in growing peanuts, no credit shall be given for the person's interest in peanuts grown on a farm for which no farm peanut allotment was established for such year. Experience in growing peanuts on a farm having a farm allotment by temporary transfer shall be given credit.

* * * * *

2. Section 729.68 is revised to read as follows:

§ 729.68 Authorization of and general explanation of transfers of farm allotments under section 358a of the act.

(a) *Authorization of transfers.* It is hereby determined and found that transfers of peanut acreage allotments in accordance with the provisions of section 358a of the act will not impair the effective operation of the peanut marketing quota or price support programs. Accordingly, such transfers of allotment shall be permitted in accordance with the provisions of this section and § 729.69.

(b) *General explanation.* Three types of transfers of farm allotments within the same county are permitted in accordance with the terms and conditions in § 729.69. Transfer by sale would be permanent transfers of allotment and related acreage history and marketing quota. Transfers by lease would be temporary for the term of the lease not to exceed 5 years. Transfers by owner on a permanent basis or on a temporary basis not to exceed 5 years would be made from a farm owned by him to another farm in the same county owned or controlled by him. The receiving farm need not be an old farm but the total allotment transferred to the receiving farm in the case of sale and lease transfers but not in the case of transfers by owner on a permanent or temporary basis, shall not exceed 50 acres.

3. Paragraphs (a) and (b) of § 729.69 are revised to read as follows:

§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

(a) *Persons eligible to file applications for transfer—(1) Sale or lease.* The owner and operator of any old farm as defined in §729.6 for which a peanut farm allotment is or will be established for the year in which the transfer by sale or lease is to take effect shall be eligible to file an application for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) *By owner.* The owner of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer is to take effect is eligible to file an application to transfer such allotment from the farm to another farm in the same county owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) *When application to be filed.* Applications for transfers shall be filed not later than April 1 in the year the transfer is to take effect. This final date may be extended by the State committee, with the approval of the Deputy Administrator, to a date not later than the close of the normal planting period for the State or area. The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

* * * * *

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1358, 1358a, 1359, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1283 Filed 1-29-71;8:46 am]

[Amdt. 6]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

ELIGIBILITY REQUIREMENTS FOR NEW GROWERS

On pages 18286 and 18287 of the FEDERAL REGISTER of December 1, 1970 (35 F.R. 18286), was published a notice of proposed rule making to issue an amendment to the regulations for determination of acreage allotments for 1969 and subsequent crops of rice.

Interested persons were given 30 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

After consideration of the views and recommendations received, the proposed amendment, as issued in the notice, is adopted with the following additions:

1. A basis and purpose paragraph is added at the beginning of the amendment.

2. An authority clause is added.

3. An effective date provision is added immediately following the authority clause.

In order that this amendment may be applicable not later than January 31, 1971, which is the final date for filing applications for new grower rice allotments for 1971, it is necessary that this amendment become effective earlier than 30 days after publication in the FEDERAL REGISTER. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective as provided herein.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to provide that a person who makes application for a new grower rice allotment must expect to obtain more than 50 percent of his income from farming in the crop year for which the allotment is requested.

The Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (33 F.R. 14520), as amended, is amended as follows:

1. Section 730.69 is amended by revising the first sentence of paragraph (c)(4) and paragraph (d), (2), (3), (4), and (5) to read as follows:

§ 730.69 Determination of allotments for new producers.

* * * * *

(c) * * *

(4) He expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant, from farming or otherwise, will not provide a reasonable standard of living for the applicant and his family. * * *

(d) * * *

(2) Credit will be allowed for estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced for consumption on the farm.

(3) Where the applicant is a partnership, each partner shall expect to obtain more than 50 percent of his income during the current year from farming.

(4) Where the applicant is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm, and the officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from farming.

(5) Where the applicant is a trustee under a trust arrangement, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from farming.

* * * * *

2. Section 730.80 is amended by revising the first sentence of paragraph (c)(4) and paragraph (d) (2), (3), (4), and (5) to read as follows:

§ 730.80 Determination of allotments for new farms.

* * * * *

(c) * * * (4) he expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant, from farming or otherwise, will not provide a reasonable standard of living for the applicant and his family. * * *

(d) * * *

(2) Credit will be allowed for estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm.

(3) Where the farm operator is a partnership, each partner shall expect to obtain, during the current year, more than 50 percent of his income from farming.

(4) Where the farm operator is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm. The officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from farming.

(5) Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary

of the trust each shall expect to obtain during the current year more than 50 percent of his income from farming.

• • • • •

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

[FR Doc.71-1284 Filed 1-29-71;8:46 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 465]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.765 Lemon Regulation 465.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 31, 1971, through February 6, 1971, are hereby fixed as follows:

(i) District 1: 39,000 cartons;

(ii) District 2: 86,000 cartons;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1335 Filed 1-29-71;8:49 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

Miscellaneous Amendments

Notice is hereby given of the amendment of the Atomic Energy Commission's regulations "Standards for Protection Against Radiation," 10 CFR Part 20, and "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30.

The amendments of Part 20 change the telephone numbers of Regions III and IV of the Compliance Regional Offices listed in Appendix D of Part 20 and make other minor editorial changes.

The amendments of Part 30 change § 30.34(c) to clarify that licensees may transfer byproduct material to the Commission, to a specific or general licensee of the Commission or of an Agreement State whose license authorizes him to receive such material, or to any person exempt from the regulations in Part 30 to the extent permitted under the exemption. The amendments also include minor editorial changes in § 30.4.

Because these amendments relate solely to correction, clarification, and minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20 and 30, are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (1–30–71).

1. The centerhead "Permissible Doses, Levels, and Concentrates" which precedes § 20.101 of 10 CFR Part 20 is amended to read "Permissible Doses, Levels, and Concentrations".

2. The text of § 20.404 which precedes § 20.404(b) is designated as paragraph (a) of § 20.404.

3. The telephone numbers of Regions III and IV of the Compliance Regional Offices in Appendix D of Part 20 are amended to read as follows:

Address	Telephone	
	Daytime	Nights and holidays
• • •	• • •	• • •
Region III, Division of Compliance, USAEC, 799 Roosevelt Rd., Glen Ellyn, Ill. 60137	312-858-2660	312-739-7711
Region IL, Division of Compliance, USAEC, 10395 West Colfax Ave., Denver, CO 80215	303-837-4211	303-237-5095
• • •	• • •	• • •

4. Section 30.4(a) of 10 CFR Part 30 is amended by adding "(68 Stat. 919)" after "Act of 1954".

5. Section 30.4(o) is amended by adding "radiation" between the "or" and "survey instruments in radiography;"

6. Section 30.34(c) is amended by revising the second sentence to read as follows:

(c) • • • Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31–36 of this chapter shall carry with it the right to receive, acquire, own, possess, and import byproduct material and to transfer such material to the Commission, to a specific or general licensee of the Commission or of an Agreement State whose license authorizes him to receive such material, or to any person exempt from the regulations in this part to the extent permitted under such exemption.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of December 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-1296 Filed 1-29-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10283; Amdt. 91–85]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Temporary Flight Restrictions

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to prohibit the operation of nonessential aircraft in the vicinity of any incident or event which by its nature may generate such a high degree of public interest that the likelihood of hazardous congestion exists.

This amendment was proposed in Notice 70–19, published in the FEDERAL REGISTER on May 2, 1970 (35 F.R. 7020).

Of the seven comments received to the notice, only two opposed the proposed rule change. One private citizen believed that no new amendment was required, as, in his opinion, the existing regulations were adequate to handle any hazardous situation that might arise.

The other dissenting opinion expressed the fear that the adoption of the rule as proposed would permit the closing of airspace with minimum reason and notification. Also, that the present system of NOTAM dissemination was an inadequate means of notifying pilots of flight restrictions.

It is the opinion of the FAA that in certain instances the temporary closing of airspace may be the only practical means of relieving an extremely hazardous situation. Furthermore, the fact that airmen at times fail to check NOTAMS is not in itself sufficient reason to reject the proposed rule change. In view of the fact that in recent years certain events, including, but not limited to, civil disturbances and major sporting events, have resulted in hazardous concentrations of air traffic, the FAA believes that this amendment is not only desirable but rather a requirement for the furtherance of air safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended as follows, effective March 1, 1971:

§ 91.91 Temporary flight restrictions.

(a) Whenever the Administrator determines it to be necessary in order to prevent an unsafe congestion of sightseeing aircraft above an incident or event which may generate a high degree of public interest, or to provide a safe environment for the operation of disaster relief aircraft, a Notice to Airmen will be issued designating an area within which temporary flight restrictions apply.

(b) When a Notice to Airmen has been issued under this Section, no person may operate an aircraft within the designated area unless—

(1) That aircraft is participating in disaster relief activities and is being operated under the direction of the agency responsible for relief activities;

(2) That aircraft is being operated to or from an airport within the area and is operated so as not to hamper or endanger relief activities;

(3) That operation is specifically authorized under an IFR ATC clearance;

(4) VFR Flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the Air Traffic Service facility specified in the Notice to Airmen, and en route operation through the area is conducted so as not to hamper or endanger relief activities; or,

(5) That aircraft is carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airmen; the operation is conducted in accordance with § 91.79; the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities; and further, in connection with this type of operation, prior to entering the area the operator has filed with the Air Traffic Service facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type and color,

(ii) Radio communications frequencies to be used.

(iii) Proposed times of entry and exit of the designated area.

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

(Secs. 307, 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 25, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1288 Filed 1-29-71;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 601—GRANTS FOR WATER POLLUTION CONTROL

Recordkeeping Requirements

Sections 601.7 and 601.65(a)(9) are amended to read as set forth below. The purpose of this amendment is to establish a specific retention period for the records prescribed by these sections.

§ 601.7 Audit.

Audit of the expenditures for the activities described in the plans may be made after prior consultation with the States or interstate agencies. Records, documents, and information available to the State and interstate agencies pertinent to the audit shall be accessible for the purposes of the audit. Records reflecting the receipt and expenditure of funds, payroll records, and progress records shall be retained for 3 years following the final settlement.

(Secs. 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 466c, 466i)

§ 601.65 Assurances from applicant.

• • • • • •

(a) • • •

(9) That adequate accounting and fiscal records will be maintained, reflecting (i) amount, receipt, and disposition of grant assistance, total cost of project, amount and identification of that portion of the cost of the project supplied from other sources, and (ii) payroll records and kickback statements of laborers and mechanics working at the site. Such records shall be retained for 3 years following final settlement.

• • • • • •

(Secs. 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 466c, 466i)

NADINE S. CASEY,
Records Management Officer, Water Quality Office, Environmental Protection Agency.

[FR Doc.71-1304 Filed 1-29-71;8:48 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 728—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO

Wage Order; Correction

On January 22, 1971, wage orders revising §§ 728.2 and 729.2 of Title 29, Code of Federal Regulations, to be effective February 3, 1971, were published in the FEDERAL REGISTER at pages 1058 and 1059.

As section 8(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208) provides that the recommendations of the industry committee shall take effect upon the expiration of 15 days after the date of publication, the effective date of these wage orders is corrected from February 3, 1971, to February 6, 1971.

Signed at Washington, D.C., this 27th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-1310 Filed 1-29-71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

PERIOD OF OPERATION OF COURSE AND COURSES IN FOREIGN COUNTRIES

1. In § 21.4251(a), subparagraph (1) is amended and paragraph (g) is added to read as follows:

§ 21.4251 Period of operation of course.

(a) *General.* • • •

(1) Any course to be pursued in a public or other tax-supported educational institution, and any course of the nature contemplated under provisions of § 21.4235(a)(1) which is to be pursued at an institution operated by the Department of Defense;

• • • • •

(g) *Period of operation of Predischarge Education Program courses.* Any course as contemplated in § 21.4235(a)(1) which is established under § 21.4260(a)(2)(ii) will be accepted as having been in operation for the 2-year period if it is similar in character to one which the institution has had in operation for a 2-year period at its parent location.

2. In § 21.4260, paragraph (a) is amended to read as follows:

§ 21.4260 Courses in foreign countries.

(a) *Chapter 34.* Enrollment in a course at a school not located in a State may be approved:

(1) In accordance with § 21.4250(c) when such course is pursued at an institution of higher learning, or

(2) When such course or courses contemplated under the provisions of § 21.4235(a)(1) are:

(i) Pursued at an institution operated by the Department of Defense, or

(ii) Provided by an institution under a contract with the Department of Defense. Such course or courses must accord with regulations prescribed by the Administrator of Veterans Affairs in Part 21 of this chapter. Assurance of compliance with the terms of such contract by such institution shall be the function of the Department of Defense.

The educational assistance allowance to a veteran pursuing a course in a foreign country will be denied or discontinued when it is found that such enrollment is not for the best interests of the veteran or the Government.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: January 26, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-1293 Filed 1-29-71;8:47 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Sexually Oriented Advertisements

On pages 433–435 of the FEDERAL REGISTER of January 13, 1971, the Department published a notice of proposed rule making to implement section 3010 (b), (c) of title 39, United States Code, as enacted by Public Law 91–375, consisting of a new § 124.9 in Part 124.

Interested persons were given until January 20, 1971, to submit written data, views, and comments on the proposed regulations. After consideration of the comments received, the Department has determined to adopt the regulations, subject to a number of minor changes as explained below.

Nevertheless, the Department will continue to receive and retain any further written data, views, and comments concerning these regulations that interested persons may submit hereafter to the Assistant General Counsel, Mailability Division, U.S. Postal Service, Washington, D.C. 20260. Such matter will be considered as suggestions for future rule making.

Since section 3010 of title 39, United States Code, becomes effective on February 1, 1971, it is necessary that the implementing regulations be in force on that date. Accordingly, the new § 124.9 proposed in the above-mentioned notice of proposed rule making is hereby adopted, effective February 1, 1971, subject to the following changes:

(1) In paragraph (b)(4) the last sentence is revised and supplemented.

(2) In paragraph (d)(1) the first two sentences are revised; and the last two sentences are revised and supplemented.

(3) The portion of paragraph (f)(1) preceding the colon is corrected.

(4) In the third sentence of paragraph (f)(2) the words "the addressee must endorse the envelope or other wrapper" are changed to "the addressee must endorse the envelope or other wrapper and also the contents thereof."

Section 124.9 supersedes the regulations formerly codified as § 125.9 of Title 39 CFR (35 F.R. 18743; 35 F.R. 19399).

(5 U.S.C. 301, 39 U.S.C. 501; 39 U.S.C. 3010 (Public Law 91-375; 84 Stat. 749))

DAVID A. NELSON,
General Counsel.

In Part 124 new § 124.9 is added, reading as follows:

§ 124.9 Sexually oriented advertisements.

(a) *General.* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. 3011 and in 18 U.S.C. 1735–37.

(2) 39 U.S.C. 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for ensuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by section 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the List.

(b) *Application for listing.* (1) A person may invoke the protection of section 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office to the Office of ADP Management, Finance and Administration Department, U.S. Postal Service, Box 677, Washington, DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Office of ADP Management, Finance and Administration Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. Each copy of the list (and each revision or supplement) will be dated. The 30-day period provided by section 3010(b) starts on the date shown on the list (or revision or supplement) on which the customer's name and address first appears.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing.* A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of section 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service List.* (1) Copies of the list or portions thereof and periodic amendments thereto shall be available to any person by annual subscription. A subscription year runs from January 1, through December 31, except that in 1971 the subscription year will be deemed to be from February 1, 1971 through December 31, 1971. Requests for information on subscriptions and requests for subscriptions should be submitted to the Director, Office of Mail Classification, Finance & Administration Department, U.S. Postal Service, Washington, DC 20260. Requests for subscriptions must be accompanied by a check for $5,000 payable to the U.S. Postal Service. This money will be applied to the subscription price at the end of the year, and any excess will be refunded to the subscriber. The annual subscription price will be established following each subscription year, and will represent the cost, prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription price exceed $10,000. The List will be in the form of a reduced reproduction of computer print outs. For an additional fee of $30 a computer tape of the listings can also be secured in conjunction with subscriptions to the List. Details of the List format may be obtained from the Director, Office of Mail Classification. A computer tape of the Listing may not be purchased without a purchase of the subscription computer print-out List.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope.* Section 3010(a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the notice, separating them from anything else appearing on the exterior face of the mail piece.

(f) *Violations.* (1) The following is a partial list of conduct which may violate 39 U.S.C. sec. 3010 or 18 U.S.C. sec. 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the List for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b)(1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed

on the List should direct his inquiry to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b)(1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b)(4) of this section has been obtained and shall thereafter be destroyed.

[FR Doc.71-1327 Filed 1-29-71;8:49 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Hepatitis Associated Antibody (Anti-Australia Antigen)

On November 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17954–17955) proposing to amend Part 73 of the Public Health Service regulations by prescribing specific standards of safety, purity, and potency for Hepatitis Associated Antibody (Anti-Australia Antigen).

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted. As provided in the notice, such standards shall become effective immediately upon publication in the FEDERAL REGISTER (1–30–71). This action is taken in the public interest because the product is new and an immediate effective date will permit issuance of licenses without further delay upon compliance with such standards and thus assure the earliest possible availability of such product for the testing of blood intended for transfusion in man.

1. The table of contents of Part 73 is amended by designating Subpart F and adding thereunder a new entry, as follows:

Subpart F—Additional Standards for Diagnostic Substances for Laboratory Tests

HEPATITIS ASSOCIATED ANTIBODY (ANTI-AUSTRALIA ANTIGEN)

Sec.
73.5000 The product.
73.5001 Reference panel.
73.5002 Potency test.
73.5003 Specificity.
73.5004 General requirements.

AUTHORITY: The provisions of this Subpart F issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262.

§ 73.870 [Amended]

2. Section 73.870 is amended by inserting immediately after the listing "*Haemophilus influenzae* Typing Serum ---------- One year." the following new listing:

Hepatitis Associated Antibody (Anti-Australia Antigen)	Six months. (5° C., six months.)

3. Part 73 is amended by assigning the designation "Additional Standards for Diagnostic Substances for Laboratory Tests to Subpart F and by adding immediately after such subpart designation, the following:

Subpart F—Additional Standards for Diagnostic Substances for Laboratory Tests

HEPATITIS ASSOCIATED ANTIBODY (ANTI-AUSTRALIA ANTIGEN)

§ 73.5000 The product.

(a) *Proper name and definition.* The proper name of this product shall be Hepatitis Associated Antibody (Anti-Australia Antigen) which shall consist of a preparation of serum containing the hepatitis associated antibody.

(b) *Source.* The source of this product shall be plasma or blood, obtained aseptically from animals immunized with hepatitis associated (Australia) antigen which have met the applicable requirements of § 73.501 or from human donors whose blood is positive for hepatitis associated antibody.

§ 73.5001 Reference panel.

A Reference Hepatitis Associated Antigen (Australia Antigen) Panel shall be obtained from the Division of Biologics Standards and shall be used for determining the potency and specificity of Hepatitis Associated Antibody (Anti-Australia Antigen).

§ 73.5002 Potency test.

To be satisfactory for release each filling of Hepatitis Associated Antibody (Anti-Australia Antigen) shall be tested against the Reference Hepatitis Associated Antigen (Australia Antigen) Panel and shall be sufficiently potent to be able to detect the antigen in the appropriate sera of the reference panel by all test methods recommended by the manufacturer in the package enclosure.

§ 73.5003 Specificity.

Each filling of the product shall be specific for hepatitis associated antibody as determined by specificity tests found acceptable to the Director, Division of Biologics Standards.

§ 73.5004 General requirements.

(a) *Processing.* The processing method shall be one that has been shown to consistently yield a specific and potent final product free of properties which would adversely affect the test results when the product is tested by the methods recommended by the manufacturer in the package enclosure.

(b) *Ancillary reagents and materials.* All ancillary reagents and materials supplied in the package with the product shall meet generally accepted standards of purity and quality and shall be effectively segregated and otherwise manufactured in a manner (such as heating at 60° C. for 10 hours) that will reduce the risk of contaminating the product and other biological products. Ancillary reagents and materials accompanying the product which are used in the performance of the test as described by the manufacturer's recommended test procedures shall have been shown not to adversely affect the product within the prescribed dating period.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, the following shall also be included:

(1) Indication of the source of the product immediately following the proper name on both the final container and package label, e.g., human, guinea pig.

(2) Name of the test method(s) recommended for the product on the package label and on the final container label when capable of bearing a full label (see § 73.600(a)).

(3) A warning on the package label and on the final container label if capable of bearing a full label (see § 73.600 (a)) indicating that the product and antigen if supplied, shall be handled as if capable of transmitting hepatitis.

(4) If the product is dried, the final container label shall indicate "Reconstitution date: ----------" and a statement indicating the period within which the product may be used after reconstitution.

(5) The package shall include a package enclosure providing (i) adequate instructions for use, (ii) a description of all recommended test methods, and (iii) warnings as to possible hazards, including hepatitis, in handling the product and any ancillary reagents and materials accompanying the product.

(d) *Final container.* Final containers shall be sterile, colorless, and transparent.

(e) *Samples; protocols; official release.* For each filling of the product the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A sample of each filling packaged as for distribution including all ancillary reagents and materials.

(2) A protocol which consists of a summary of the history of manufacture of each filling, including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

The product shall not be issued by the manufacturer until notification of official release of the filling is received from the Director, Division of Biologics Standards.

Dated: January 22, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

[FR Doc.71-1295 Filed 1-29-71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4989]

[Anchorage 050042]

ALASKA

Revocation of Withdrawals for Townsite, Military, and Alaska Railroad Purposes at Seward

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914, 38 Stat. 305, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The unnumbered Executive order of July 3, 1905, withdrawing 10 acres for use of the War Department as a Signal Corps Station, Executive Order No. 2224 of July 19, 1915, withdrawing 91.70 acres as Alaska Townsite Withdrawal No. 8, Executive Order No. 3149 of August 16, 1919, withdrawing lands for use of the Navy Department, Executive Order No. 3828 of May 3, 1923, withdrawing 2.15 acres for use of the Alaskan Engineering Commission, Public Land Order No. 337 of December 31, 1946, revoking Executive Order No. 4625 of April 1, 1927, and returning lots 11 and 12, Block 8, Federal Addition, Seward, to railroad townlot status, Public Land Order No. 718 of May 4, 1951, amending Executive Order No. 3149 of August 16, 1919, by transferring lands from the Department of the Navy to the Departments of the Army and Interior, Public Land Order No. 782 of December 29, 1951, withdrawing 36,818 square feet in the Federal Addition for use of the Alaska Railroad, and Public Land Order No. 2670 of May 4, 1962, so far as it withdrew 11.23 acres of land along the Seward waterfront for use of the Alaska Railroad, are hereby revoked.

The areas involved are public and nonpublic lands within and adjoining the townsite of Seward. The greater part of the land has been sold and patented under the Alaska Railroad Townsite Act of March 12, 1914, 38 Stat. 305.

2. The unappropriated public lands involved are withdrawn pursuant to the provisions of Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 25, 1971.

[FR Doc.71-1289 Filed 1-29-71;8:47 am]

[Public Land Order 4990]

[Nevada 051745]

NEVADA

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, 43 U.S.C. sec. 416 (1964), as amended and supplemented, it is ordered as follows:

1. The departmental orders of January 31, 1903, May 8, 1919, August 7, 1920, March 30, 1921, May 19, 1921, April 21, 1923, June 4, 1930, October 16, 1931, March 3, 1933, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands, except as to all lands lying inside a line 300-feet landward from the high watermark, measured from a line horizontal to a perpendicular rising from the 655-foot elevation of Lake Mohave and the 1,229-foot elevation of Lake Mead:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 65 E. (unsurveyed),
Sec. 27, all fractional;
Sec. 28, SE¼SE¼;
Sec. 33, all;
Sec. 34, all fractional.

T. 23½ S., R. 65 E. (unsurveyed),
Secs. 33, 34, all;
Sec. 35, all fractional.

T. 24 S., R. 65 E. (unsurveyed),
Secs. 1, 2, all fractional;
Sec. 3, all;
Sec. 10, E½, N½NW¼, SE¼NW¼;
Sec. 11, all;
Secs. 12, 13, 14, all fractional;
Sec. 15, E½E½ all fractional, NW¼NE¼;
Sec. 22, NE¼NE¼, all fractional;
Sec. 27, SW¼NW¼, SW¼, SW¼SE¼;
Secs. 34, 35, all fractional.

T. 25 S., R. 65 E. (partially unsurveyed),
Sec. 2, all fractional;
Secs. 3, 10, all;
Secs. 11, 14, all fractional;
Secs. 15, 22, all;
Secs. 23, 26, all fractional;
Secs. 27, 34, all;
Sec. 35, all fractional.

T. 26 S., R. 65 E.,
Secs. 2, 3, all fractional;
Secs. 4 through 10, all;
Secs. 11, 13, 14, all fractional;
Secs. 15, 22, all;
Secs. 23, 24, 26, all fractional;
Secs. 27, 34, all;
Secs. 35, 36, all fractional.

T. 27 S., R. 65 E.,
Sec. 1, all fractional;
Secs. 2, 3, 10, 11, 12, all;
Sec. 13, all fractional;
Secs. 14, 15, 22, all;
Secs. 23, 24, 25, 26, all fractional;
Secs. 27, 34, 35, all;
Sec. 36, all fractional.

T. 28 S., R. 65 E.,
Sec. 1, all fractional;
Secs. 2, 3, 10, 11, all;
Secs. 12, 13, all fractional;
Secs. 14, 15, 22, all;
Secs. 23, 24, 25, all fractional;
Secs. 26, 27, 34, 35, all;
Sec. 36, all fractional.

T. 29 S., R. 65 E.,
Sec. 1, all fractional;
Secs. 2, 3, 11, all;
Secs. 12, 13, all fractional;
Secs. 14, 23, all;
Sec. 24, all fractional;
Sec. 25, all.

T. 30 S., R. 65 E. (unsurveyed),
Secs. 23, 24, 25, 26, 27, 34, 35, 36, all.

T. 31 S., R. 65 E. (unsurveyed),
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, all;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, all.

T. 27 S., R. 66 E. (unsurveyed),
All fractional township.

T. 29 S., R. 66 E.,
Secs. 19, 29, 30, all fractional;
Sec. 31, all;
Secs. 32, 33, all fractional.

T. 30 S., R. 66 E. (unsurveyed),
Secs. 3, 4, all fractional;
Sec. 5, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 8, N½NE¼, SE¼NE¼;
Sec. 9, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 10, all fractional;
Sec. 15, E½ all fractional, NW¼, N½SW¼, SE¼SW¼;
Sec. 16, N½NE¼, SE¼NE¼;
Sec. 17, S½SW¼, NW¼SW¼;
Sec. 18, S½NE¼, NW¼NE¼, NW¼, S½;
Sec. 19, all;
Sec. 20, S½NE¼, NW¼NE¼, NW¼, S½;
Sec. 21, SW¼SW¼;
Sec. 22, NE¼ all fractional;
Sec. 28, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Secs. 29, 30, 31, 32, 33, all;
Sec. 34, W½SW¼.

T. 31 S., R. 66 E.,
Sec. 3, W½, S½SE¼ all fractional;
Secs. 4, 5, 6, 7, 8, 9, all;
Secs. 10, 11, 14, all fractional;
Secs. 15, 16, 17, 18, 19, 20, 21, 22, all;
Secs. 23, 26, all fractional;
Secs. 27, 28, 29, 30, 31, 32, 33, 34, all;
Sec. 35, all fractional.

T. 32 S., R 66 E.,
Sec. 2, NW¼;
Secs. 3, 4, 5, 6, all;
Sec. 10, N½NW¼.

T. 17 S., R. 67 E.,
Secs. 24, 25, all.

T. 18 S., R. 67 E.,
Secs. 13, 24, 25, all.

T. 19 S., R. 67 E.,
Sec. 1, all fractional;
Secs. 12, 13, 24, 25, 36, all.

T. 20 S., R. 67 E. (unsurveyed),
Sec. 1, all;
Secs. 7, 8, 9, 10, all lands lying within 4 miles of the Colorado River;
Sec. 11, all;
Secs. 12, 13, all fractional;
Secs. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, all;
Secs. 24, 25, 26, 27, 28, 29, 30, 31, all fractional.

T. 15 S., R. 68 E.,
Sec. 1, NW¼;
Sec. 12, E½SE¼;
Sec. 13, E½NE¼, S½;
Secs. 24, 25, all;
Sec. 26, E½;
Sec. 35, E½;
Sec. 36, all fractional.

T. 16 S., R. 68 E.,
Sec. 1, all fractional;
Sec. 2, E½;
Sec. 11, E½;
Secs. 12, 13, all fractional;
Sec. 14, E½;
Sec. 23, E½;
Secs. 24, 25, all fractional;
Sec. 26, E½ all fractional, E½SW¼;
Sec. 23, E½ all fractional;
Secs. 33, 34, 35, all fractional.
T. 17 S., R. 68 E.,
Secs. 1, 2, 11, 12, all fractional.
T. 18 S., R. 68 E.,
Secs. 7, 8, all;
Secs. 9, 12, 13, 14, 16, 17, all fractional;
Sec. 18, all;
Secs. 19, 20, 23, all fractional;
Secs. 24, 25, all;
Secs. 26, 30, 31, 34, 35, all fractional;
Sec. 36, all.
T. 19 S., R. 68 E.,
Secs. 2, 5, 6, 7, 8, 10, 11, 14, 15, 17, all fractional;
Secs. 18, 19, all;
Secs. 20, 22, all fractional;
Secs. 23, 25, all;
Secs. 27, 29, all fractional;
Sec. 30, all;
Secs. 31, 32, 34, all fractional;
Sec. 35, all.
T. 20 S., R. 68 E.,
Secs. 1, 2, all;
Secs. 3, 6, 7, 9, 10, all fractional;
Secs. 11, 12, 13, 14, all;
Secs. 15, 16, 18, 22, all fractional;
Secs. 23, 25, all;
Secs. 26, 27, 30, 35, 36, all fractional.
T. 21 S., R. 68 E.,
Sec. 1, all fractional.
T. 15 S., R. 69 E.,
Sec. 5, all;
Sec. 6, NE¼, S½;
Sec. 7, all;
Sec. 8, NW¼;
Secs. 18, 19, 30, all;
Sec. 31, all fractional.
T. 16 S., R. 69 E.,
Sec. 6, all fractional;
Sec. 7, W½ all fractional;
Sec. 18, NE¼, SW¼SE¼, N½SE¼, and W½ all fractional;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, all fractional;
Sec. 32, all.
T. 17 S., R. 69 E.,
Secs. 4, 5, all;
Secs. 6, 7, all fractional;
Secs. 8, 9, 10, 15, 16, 17, all;
Secs. 18, 19, all fractional;
Secs. 20, 21, 28, all;
Secs. 29, 30, 32, all fractional;
Secs. 33, all.
T. 18 S., R. 69 E.,
Sec. 4, all;
Secs. 5, 6, 7, all fractional;
Secs. 8, 18, 19, 30, 31, all.
T. 20 S., R. 69 E.,
Secs. 30, 31, 32, all.
T. 21 S., R. 69 E. (unsurveyed),
Secs. 1 through 5, all;
Secs. 6, 7, 8, all fractional;
Secs. 9 through 15, all;
Secs. 16, 17, 21, all fractional;
Secs. 22, 23, all;
Sec. 24, all land lying within 4 miles of the Colorado River;
Secs. 25, 26, all;
Secs. 27, 28, 33, 34, 35, all fractional;
Sec. 36, all.
T. 22 S., R. 69 E. (unsurveyed),
All fractional township.
T. 20 S., R. 70 E. (unsurveyed),
Secs. 12, 13, 23, 24, 25, 26, 35, 36, all.
T. 21 S., R. 70 E.,
Secs. 1, 2, 3, all;
Sec. 4, E½, SE¼NW¼, E½SW¼, SW¼SW¼;
Sec. 6, E½SE¼;
Secs. 9, 10, 11, all;
Secs. 12, 13, 14, all fractional;
Secs. 15, 16, all;
Sec. 17, E½E½;
Secs. 20, 21, 22, all;
Secs. 23, 26, all fractional;
Secs. 27, 28, 29, 31, 32, 33, 34, all;
Sec. 35, all fractional.
T. 22 S., R. 70 E. (unsurveyed),
All fractional township.
T. 20 S., R. 71 E. (unsurveyed),
All fractional township.
T. 21 S., R. 71 E. (unsurveyed),
All fractional township.

The areas described aggregate approximately 218,930 acres of public land, and 9,880 acres of nonpublic land in Clark County.

Most of the lands described are within the Lake Mead National Recreation Area, established under the authority of the Act of October 8, 1964, 78 Stat. 1039, 16 U.S.C. sec. 460n, and will be administered by the National Park Service in accordance with the provisions of said Act. The remainder of the lands are in the Valley of Fire State Park, are privately owned, or are classified for disposal to the State of Nevada Fish and Game Commission, pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. sec. 869 et seq. (1964).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 25, 1971.

[FR Doc.71-1290 Filed 1-29-71;8:47 am]

[Public Land Order 4991]

[Oregon 1927]

OREGON

Correction of Public Land Order No. 4941

The date of February 13, 1970, shown on the first line of paragraph 2, and the date of February 14, 1970, shown on the first and 10th lines of paragraph 3 of Public Land Order No. 4941 of November 13, 1970, appearing in 35 F.R. 17786 of the issue of November 19, 1970, are hereby corrected to read "February 13, 1971 and February 14, 1971", respectively.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 25, 1971.

[FR Doc.71-1291 Filed 1-29-71;8:47 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-61; Amdt. 173-43]

PART 173—SHIPPERS

Acrolein, Inhibited

The purpose of this amendment is to authorize the transportation of inhibited acrolein, a flammable liquid, in:

1. Class 105A • • • W tank cars having a minimum test pressure of 300 p.s.i. and stenciled "105A200W";

2. Specifications 4B240, 4BA240, and 4BW240 welded steel cylinders; and

3. Specification 51 steel portable tanks.

On October 27, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-61; Notice No. 70-19 (35 F.R. 16643), which proposed this amendment as described above. No comments were received.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.122 paragraph (a)(3) is amended, and paragraph (a) (5) and (6) are added to read as follows:

§ 173.122 Acrolein, inhibited.

(a) • • •

(3) Specification 105A300W (§§ 179.-100 and 179.101 of this chapter) tank cars. Tank cars must be equipped with 150 p.s.i.g. safety relief valves and be stenciled 105A200W. Tank cars must also be stenciled "For Acrolein Only" near the specification number.

NOTE 1: [Canceled]

• • • • • •

(5) Specification 4B240, 4BA240, or 4BW240 (§§ 178.50, 178.51, 178.61 of this chapter) welded cylinders each having a water capacity not exceeding 500 pounds.

(6) Specification 51 (§ 178.245 of this chapter) portable tanks each having a water capacity not exceeding 425 gallons.

• • • • • •

This amendment is effective June 10, 1971. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); Title VI; sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)))

Issued in Washington, D.C., on January 6, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc. 71-1273 Filed 1-29-71;8:46 am]

[Docket No. HM-59; Amdt. 173-42]

PART 173—SHIPPERS

Class A Poisons in Cylinders

The purpose of this amendment is to provide for the use of specification DOT-3A, 3AA, and 3E1800 cylinders for the transportation of certain class A poisonous liquids or gases.

On October 10, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-59; Notice No. 70-18 (35 F.R. 16005), proposing to amend the regulations as stated above. No objections were received to the basic proposal, but two commenters objected to certain elements. Several others suggested some editorial changes, of which most were adopted.

One commenter objected to the specificity of the requirement for taper-threaded connections of valves to cylinders, noting the Board's announced intention of striving for performance standards. Another objected to the limitation for the gas pressure at 130° F. to not exceed the service pressure of the cylinder, and to the 6-foot boxed drop test. Both commenters referred to good experience in the shipment of gases in general, under conditions other than were proposed to be required for class A poison liquids and gases. The Board acknowledges that the proposals it made impose more specific and limiting conditions for class A poison shipments. It did so on the basis that the hazard level of a material should be a primary factor in specifying packaging. Consistent with this philosophy, its proposal intended to provide a better package than currently required for nonpoisonous gases or liquids that are otherwise regulated. Also, the proposal generally reflected packaging standards that have been in use for several years under the terms of many special permits. The permit experience has been completely satisfactory and, according to the comments received by one holder of such a permit and an association representing the majority of shippers of class A poisons who hold such permits, implementation of the proposal was recommended.

Editorial changes are being made to insure completeness and consistency between §§ 173.34, 173.327, and 173.328. For example, the sentence "Safety relief devices are forbidden" is being deleted in § 173.327(a), since this is already covered by § 173.34(d)(3); reference to § 173.301(g) is being deleted, as § 173.327 is complete in itself.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.327, paragraph (a) is amended to read as follows:

§ 173.327 Packing.

(a) Cylinders must be maintained in compliance with the requirements of § 173.34. Valves must be capable of withstanding the test pressure of the cylinders and must have taper-threaded connections directly to the cylinders (no bushings or straight-threaded connections of valves to cylinders permitted). For corrosive commodities, valves may be of the packed type provided the assembly is made gas-tight by means of a seal cap with compatible gasketed joint to the valve body or to the cylinder to prevent loss of commodity through or past the packing; otherwise the valves must be of the packless type with nonperforated diaphragms and handwheels. Each valve outlet must be sealed by a threaded cap or a threaded solid plug. The outlet caps and plugs, luting, and gaskets must be compatible with each other, the valve assembly, and the lading.

(1) The pressure of the poison gas at 130° F. must not exceed the service pressure of the cylinder. Cylinders must not be liquid full at 130° F.

(2) Cylinders packed in boxes must have adequate protection for valves. Box and valve protection must be of strength sufficient to protect all parts of cylinders and valves from deformation or breakage resulting from a drop of at least 6 feet onto a concrete floor, impacting at the weakest point. A cylinder not overpacked in a box must be equipped with a protective cap or other means of valve protection which must be capable of preventing damage to or distortion of the valve if it were subjected to an impact test as follows: The cylinder, prepared as for shipment, is allowed to fall from an upright position with the side of the cap or other valve protection striking a solid steel object projecting not more than 6 inches above the floor level.

• • • • • •

In § 173.328, paragraph (a)(2) is added to read as follows:

§ 173.328 Poisonous gases and liquids not specifically provided for.

(a) • • •

(2) Specification 3A1800, 3AA1800 or 3E1800 (§§ 178.36, 178.37, 178.42) cylinders.

(i) Specifications 3A and 3AA cylinders must not exceed 125 pounds water capacity (nominal). Cylinders must have valve protection or be packed in strong wooden or metal boxes as described in § 173.327(a)(2) of this chapter.

(ii) Specification 3E1800 cylinders must be packed in strong wooden or metal boxes.

This amendment is effective June 10, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 1472(h)))

Issued in Washington, D.C., on January 6, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-1272 Filed 1-29-71;8:46 am]

[Docket No. HM-28; Amdts. 173-41, 177-15]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Removal of Label Exemption

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to remove certain exemptions from the labeling requirements in § 173.402 and to make corresponding changes in § 177.815.

On July 23, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-28; Notice 69-20 (34 F.R. 12188), which proposed to remove certain exemptions from the requirements for labeling of packages containing specified classes of hazardous materials. The Board also proposed to cancel § 173.404 (h) since the provision therein is no longer necessary.

As a basis for removing the exemptions the Board said:

> Carload and truckload shipments of hazardous materials, except classes A or C poisons, etiologic agents, and radioactive materials, are presently exempt from labeling requirements when such shipments are loaded by the shipper and are unloaded by the consignee from the transport vehicle in which originally loaded. In addition, carload and truckload shipments of classes A or C poisons, etiologic agents, and radioactive materials made by, for, or to the Department of Defense are presently exempt from the labeling requirements if loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded when accompanied by qualified personnel who are supplied with equipment to repair leaks or other container failures which will permit escape of contents.
>
> These labeling exemptions were provided over 30 years ago for rail shipments. The exemptions were later extended to truckload shipments when transported by highway. In either case a car or motor vehicle containing carload or truckload shipments is required to be placarded or marked as prescribed for the hazardous materials contained therein. The placard (or marking) has about the same relationship to the rail car or motor vehicle as the label has to the package. Basically, the label provides precautionary information to the handler of the package and governs the loading or storage of the package while in the custody of the carrier. The placard (or marking) governs the placement of the rail car in a train, is a warning to train crews and operating personnel, and provides precautionary information to persons responding to the scene of an accident. Essentially the same type of safeguards apply to a placarded motor vehicle.
>
> Packages of hazardous materials often are not confined within transport vehicles as a result of collisions, derailments, and overturns. These packages may or may not be intact. Persons engaged in firefighting, cleanup operations, enforcement, and the general public should be afforded sufficient warning of the potential hazards of the materials in packages. Prescribed labels on packages are a means of informing persons of the hazards involved.

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There are occurrences when handling personnel, other than those employed by consignees, would come into contact with these hazardous materials even though such events are not contemplated at the time of shipment. Such occurrences as mechanical failure of transport equipment, shipments reconsigned to more than one destination and the placement of shipments temporarily in storage are not uncommon.

The Board believes that the absence of labels from certain packages of hazardous materials even when carried in carload or truckload shipments is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under its supervision and which are escorted by its personnel.

The Board received comments from persons involved in one or more of five areas of interest: (1) The transportation industry; (2) manufacturers of chemicals and explosives; (3) manufacturers and distributors of compressed gases; (4) fire prevention organizations; and (5) government agencies.

Respondents from the transportation industry, government agencies (with one exception) and fire prevention agencies fully supported the proposal. The General Services Administration said, in its supporting statement, "By requiring the individual shipping containers to be labeled with the required hazardous label for the commodity at the initial point of origin or manufacture, inadvertent omission of required label(s) in further shipment of the commodity in less than car or truckload quantities would be eliminated to a substantial degree, further contributing to the safe handling of hazardous commodities in transportation."

The Military Traffic Management and Terminal Service (MTMTS) of the Department of Defense (DOD) objected to the proposal pointing out that many of its shipments are not normally escorted. MTMTS requested that DOD be exempt from labeling requirements for carload or truckload lots either with or without escorts. If not exempted, a considerable number of military items would require labels. The Board was aware that large numbers of packages not presently subject to the labeling requirements would have to be labeled in proposing to remove most of the exemptions. This included shipments by DOD since its shipments are subject to the same types of exposure during transportation. The proposal to maintain the label exemption for shipments being escorted by DOD personnel in separate vehicles is adopted. Otherwise, DOD shipments must be labeled in the same manner as those of commercial shippers, and for the same reasons.

A number of municipal fire departments and fire prevention organizations submitted comments indicating their strong support for the proposal. One fire department recommended adoption of labels as specified in the National Fire Protection Association's Pamphlet No. 704–M. The content of labels is being handled in another rule making action—Docket No. HM–8. The manufacturers of chemicals (other than compressed gases) and explosives, with one exception, indicated their support for the proposal. One manufacturer, commenting in opposition to the proposal, said "Although we agree with the reasoning given that packages are not necessarily confined within a transport vehicle as a result of a collision, derailment, or overturn, it is highly questionable in our mind that such labeling is going to provide any additional help over and above that provided in placarding to persons engaged in firefighting, cleanup operations, enforcement, and the general public. The cost to many people to apply labels, where they are now exempt from the labeling requirements, such as those shipping cylinders and drummed products, would be extensive without sufficient benefit to the general public." The Board believes that removal of the exemption will be of benefit to the public for the reasons stated in the notice. For shipments by highway, there are occasions when trucks carry certain classes of hazardous materials in quantities of less than 1,000 pounds gross weight. In such cases, exterior markings or placarding is not required on motor vehicles. The label on a package, in many instances, will be the only communication of the potential hazard of the material it contains. The marking of the name of contents on the outside of a package, in compliance with § 173.401, will not always provide immediate communication as to the type of hazard involved. Also, as was stated in the notice, events occur that are not contemplated at the time of shipment such as reconsignments, and transfers due to mechanical failure. The Board is concerned not only with events following collisions, derailments, and overturns, but with such matters as material compatibility. For example, packages of acids bearing white labels must not be loaded near packages of oxidizing materials bearing yellow labels (see §§ 174.538 and 177.848). Labels affixed to packages are one means of effecting compliance with certain of the compatibility requirements.

In general, manufacturers, distributors, and associations of the compressed gas industry indicated strong objection to the proposal. Their principal comments were: (1) The requirement would be an unnecessary duplication of decals presently employed by the industry; (2) it will place an undue burden on shippers; (3) there will be considerable additional expense incurred in shipping millions of cylinders annually; (4) no purpose will be accomplished and no benefit will be provided to the public.

Concerning the first comment, the Board does not agree that the label requirement will be an unnecessary duplication of industry decals. From a review of cylinder shipments, the Board found that cylinders usually did not bear any decal. Further, several of the decals that were observed were not legible. The use of such decals, often containing proprietary legends, are not acceptable as a substitute for the universally accepted diamond-shaped warning label of specified size and color that can be recognized from a considerable distance.

Concerning the second comment, the Board is aware that safety requirements are often a burden. However, the Board believes that it is not an undue burden to require that packages containing hazardous materials be labeled to communicate the nature of the hazard, unless the hazard is minimized by some other means.

Concerning the third comment, the Board knows that the new safety requirements will cost money in material and labor. Of the large number of comments received, two commenters responded in detail as to cost. One commenter indicated the material and labor cost per cylinder would be approximately 2.4 cents. He indicated that the new requirement would cost his company in excess of $200,000 per year. The other commenter estimated a cost of 2 cents per label, and an added cost to the liquefied petroleum gas industry of at least 2.8 million dollars annually. The Board has considered the cost of labeling each package of hazardous materials and believes the benefit to the public exceeds the cost.

Concerning the fourth comment, the Board has stated previously what it believes to be the purpose and benefit of the rule change. One commenter provided considerable justification with his proposal that cylinders transported by contract and private carriers be exempt from the labeling requirements. He also stated, "There is probably no container that is more suggestive of its contents or more familiar to the general public than the compressed gas cylinder. This is probably the result of ubiquitous presence of such cylinders at hospitals, building and construction sites, welding shops, auto and body shops, auto repair stations, suburban heating systems, and other locations. Indeed, so well known is the bottle configuration of the compressed gas cylinder that a picture of such a cylinder, without more, is used to represent compressed gas in the United Nations label recommendations and in Federal Aviation Administration regulations for air transportation. Moreover, the Board presently has under consideration, in Docket No. HM–8, a proposal to adopt the same method for representing compressed gas. In view of the foregoing, we are entirely confident that the absence of labels on compressed gas cylinders, when moved in private and contract carriage, would not in any manner diminish or impair the safety of such transportation or increase the hazard to emergency crews and the general public." The Board agrees with the commenter that a compressed gas cylinder itself signifies to some degree the presence of a hazard and acknowledges that the silhouette of a cylinder is being proposed for inclusion on the new label for compressed gases. The Board does not agree that by granting an exemption for all cylinders, as proposed by the commenter, the degree of the hazard will be indicated; therefore, the amendment will provide an exemption only for compressed gases classed as nonflammable when carried by private or contract motor carriers. As a further condition of the exemption, it will apply only to those cylinders that

are not overpacked so that the cylinder configuration will be readily visible in place of the communication of hazard by a warning label.

In reviewing the comments made in response to the notice, the Board believes it necessary to remind all shippers that the requirements of § 173.401(a) apply to all shipments of hazardous materials unless they are specifically exempt from the requirement. Some of the sample decals that were submitted with comments do not conform to the requirements of this section in that the commodity name, as listed in § 172.5, was not included.

Interested persons were afforded an opportunity to participate in this rule making and all comments received have been carefully considered.

In consideration of the foregoing, Parts 173 and 177 of Title 49, Code of Federal Regulations, are amended as follows:

I. Part 173 is amended as follows:

(A) In § 173.402 paragraph (c) is amended; paragraph (d) is added; and paragraph (e) is canceled, as follows:

§ 173.402 Labeling of explosives or other dangerous articles.

• • • • • •

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(d) Labels are not required on cylinders containing compressed gases classed as nonflammable, when—

(1) The cylinders are carried by private or contract motor carriers, and

(2) The cylinders are not overpacked.

(e) [Canceled]

(B) In § 173.404 paragraph (h) is canceled as follows:

§ 173.404 Labels.

• • • • • •

(h) [Canceled]

II. Part 177 is amended as follows: In § 177.815 paragraphs (a) and (b) are amended; paragraph (c) is added, and paragraph (d) is canceled as follows:

§ 177.815 Labels.

(a) Labels prescribed in §§ 173.402 through 173.414 of this chapter must have been applied to packages by the shipper, unless exempted from the labeling requirements, the exemption being noted on the shipping papers.

(b) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(c) Labels are not required on cylinders containing compressed gases classed as nonflammable when—

(1) The cylinders are carried by private or contract motor carriers, and

(2) The cylinders are not overpacked.

(d) [Canceled]

• • • • • •

This amendment is effective June 10, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on December 8, 1970.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-1271 Filed 1-29-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1058]

PART 1033—CAR SERVICE

Penn Central Transportation Co. et al. To Unload Certain Cars of Beets Held at Morrisville, Pa.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 25th day of January 1971.

It appearing, that there is a critical shortage of hopper cars throughout the country; that numerous shippers are unable to secure the hopper cars required for transportation of their traffic; that certain shippers load substantial numbers of such hopper cars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that fourteen such cars are being held by the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, at Morrisville, Pa., commencing with various dates between November 14, 1970, and November 29, 1970; that the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1058 Service Order No. 1058.

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall unload the following cars containing beets, and held at Morrisville, Pa.

PRR 668097	PRR 278747	NYC 901587
PRR 274283	PRR 674359	PRR 278439
PRR 267449	PRR 671963	PRR 249855
NYC 900795	PRR 279238	PRR 278473
PRR 673673	NYC 906281	

(b) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 13, 1971.

(c) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., January 26, 1971.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 13, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American

Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1302 Filed 1-29-71;8:48 am]

[S.O. 1061]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of January 1971.

It appearing, that an acute shortage of hopper cars exists on the railroad named in section (a) paragraph 1 herein; that shippers located on the lines of this carrier are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all hopper cars owned by the Missouri-Kansas-Texas Railroad Co.[1]

(2) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, provided such loading is available at unloading point. Backhauling of empties is prohibited.

[1] Cars bearing Reporting Marks MKT or BKTY.

(3) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, ICC R.E.R. No. 376, issued by E. J. McFarland, or reissues thereof.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., January 27, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., March 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1303 Filed 1-29-71;8:48 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 29]

OI REG. 1—OIL IMPORT REGULATION

Petrochemical Allocations

This amendment of section 9 of Oil Import Regulation 1 (Revision 5) provides for the making of allocations of imports of crude oil and unfinished oils for petrochemical plants in Districts I–IV and District V for the allocation period January 1, 1971 through December 31, 1971.

While the Administrator, Oil Import Administration, shall make allocation of imports of crude oil and unfinished oils under section 9 for the 12-month period January 1, 1971 through December 31, 1971, pending a decision on the proposed amendment to section 7 which appeared in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), he is directed to issue, under each such allocation which is in excess of 1,300,000 barrels, a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is the greater. If such an allocation does not exceed 1,300,000 barrels, a license shall be issued in the full amount of the allocation.

This amendment of section 9 makes no changes in the system of allocating imports of crude oil and unfinished oils to petrochemical plants in Districts I–IV and District V. The formulation of orderly programs of importation, including those involving exchanges of oil, depend upon the making of allocations and the issuance of license thereunder. In the circumstances, the public interest would not be served either by giving notice of proposed rulemaking or by delaying the effective date of this amendment. Accordingly, this Amendment 29 shall be effective immediately.

Section 9 of Oil Import Regulation 1 (Revision 5) (34 F.R. 19975) is amended to read as follows:

Sec. 9 Allocations; petrochemical plants; Districts I–IV, District V.

(a) For the allocation period January 1, 1971, through December 31, 1971, each eligible person with a petrochemical plant in Districts I–IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average or persons will require a transfer of inputs to his petrochemical plants in these districts during the year ending September 30, 1970, multiplied by 11.2 percent.

(b) For the allocation period January 1, 1971, through December 31, 1971, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1970, multiplied by 11.9 percent.

(c) No allocation for Districts I–IV made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation, and no allocation for District V made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation. However, a person obtaining an allocation for imports of crude oil and unfinished oils pursuant to this section or section 25 may petition the Administrator to adjust the percentage of

imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the imported unfinished oils will not be exchanged, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

(d) Each allocation made pursuant to this section shall be reduced by the amount of any licenses issued to the applicant under an interim allocation for the allocation period.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Dated: January 28, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

I concur: January 28, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-1422 Filed 1-29-71;10:34 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A23]

MILK IN PUGET SOUND MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, WA, beginning at 9:30 a.m., local time, on February 9, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Puget Sound Producers' Class I Base Plan Committee:

Proposal No. 1—A. *General nature of plan.* The plan will be based upon a 3-year rolling average of production during the base-earning period with production history protected for producers who decrease production.

At the beginning of the plan, persons who delivered milk during at least the last 4 months of the base-earning period shall be given a specific base immediately. Such base shall be computed in a manner so that equity is maintained between producers who are using deliveries over a 3-year period and those producers with a shorter association with the market. Within 3 years, all producers will be using the same base-earning period.

After the effective date of the plan, established producers entering through plants becoming regulated shall immediately be issued bases equitable with other producers in the market. Established producers entering by transfer from another market shall within 90 days be issued bases equitable with other producers in the market.

After the effective date of the plan, persons who begin milk production in the market shall within 90 days be given base milk or a Class I base which is appropriate according to the current supply and demand conditions in the market and the effects on other producers. Within 3 years, such beginning producers will be on equity with old producers.

Only continuous production can be used to establish a production history base. A break in deliveries of 60 days or more, either before or after the effective date of the new plan, shall cause forfeiture of history of production prior to that 60-day break, except where the break was due to hardship or other conditions beyond the control of the producer.

The following paragraphs outline the general conditions for determining production history bases, Class I bases, and base rules.

B. *Base earning period for production history bases.* A producer's share in the market should be based upon his demonstrated ability to produce. Production history bases should be determined as follows:

1. The full base earning period should be the market's 4 lowest months of production in each of the last 3 calendar years. For the initial issuance of production histories, the calendar years of 1968, 1969, and 1970 would be used.

Because of the severe storm conditions in parts of December 1968, January 1969, and February 1969 which prevented normal delivery of milk in certain areas of the milk shed, if any of those months are among the 4 lowest months of those calendar years, the production history of producers who could not deliver milk because of storm conditions and were forced to dump milk at the farm shall be adjusted by determining a daily average delivery from the actual days of delivery by those producers in such months.

2. A production history base may be determined from deliveries in parts of 1, 2, or 3 years if the producer did not deliver in all of 3 calendar years.

3. If a producer delivers milk during at least the last 4 months of a calendar year, he shall be considered as having delivered in that calendar year for purposes of determining a production history base. His deliveries in the last 4 months of a year shall be adjusted to reflect the market's 4 lowest months of production in that calendar year and used to determine his history of production. This adjustment is to insure that production by such producers in a portion of a calendar year which is used to determine a production history base will be equitable with production of other producers during the market's 4 lowest months of production.

4. A production history base once issued and not transferred or forfeited will be protected for future years if a producer reduces his production, but not below the Class I base issued to him, and such production history base meets the following criteria:

a. It was used to determine a Class I base under the Class I base plan effective September 1, 1967, and the producer has not transferred or forfeited the Class I base issued to him under those provisions, or

b. The production history base was issued under the new plan and was based upon deliveries in 3 calendar years, and

c. It was not based either wholly or partially upon production history received by transfer other than under the intrafamily provisions, or that transferred as protected production history base.

C. *Method to determine the first production history bases for different categories of producers under the new plan.* 1. For a producer who delivered milk in all of 1968, 1969, and 1970.

Use an average determined by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months, except that

a. A person issued a Class I base under the provisions which became effective September 1, 1967, and who retained and used such base in all months after its issuance may use the production history from which his Class I base was determined if it was higher than the average deliveries determined above.

2. For a producer delivering milk when the new plan starts and who did not deliver milk in all of 1968, 1969, and 1970.

a. A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during a 12-month period divided by the number of days in that 12-month period and shall use that average as his history of production.

b. A producer who has delivered at least the last 4 months of 1969 and all of 1970 shall have his eligible deliveries during an 8-month period divided by the number of days in that 8-month period and shall use 80 percent of that average as his history of production.

c. A producer who has delivered at least the last 4 months of 1970 shall have his eligible deliveries during a 4-month period dividend by the number of days in that 4-month period and shall use 60 percent of that average as his history of production.

d. For a producer who starts deliveries after September 1, 1970, a production history base will not be issued at the start of the new plan, but he will be given base milk according to paragraph 5 below until he is issued a production history base on a subsequent February 1.

3. For producers who enter the market after a new plan is issued.

a. Persons who become producers because the plant to which they ship milk becomes regulated shall have a production history base determined as if they had been old producers pursuant to paragraphs 1 and 2, above.

b. Persons who were producers for another market and who start delivering milk to this market from the farm operated during the base-earning period shall receive only the Class III price for their deliveries up to their first 90 days of production. They will then have a production history base determined from deliveries from the farm operated during the base-earning period as for old producers pursuant to paragraphs 1 and 2, above. Such base would be usable only from that same farm.

c. Persons who begin milk production shall receive only the Class III price for up to their first 90 days of delivery. They would then receive base milk pursuant to paragraph 5, below, until they were issued a production history base on a succeeding February 1 from procedures as outlined in paragraph 2, above.

4. Persons who previously held a designation as a producer-handler shall have a production history base determined when they become a producer as for old producers pursuant to paragraphs 1 and 2, above.

5. Producers who are not issued a production history base and, therefore, cannot be issued a Class I base, shall be allowed base milk by use of a percentage which will reflect their association with the market and the supply-demand relationship of the market in the previous year. This percentage shall be determined by multiplying the percentage used to adjust production history bases to Class I bases by 40 percent.

D. *Amount of Class I base to issue.* 1. At the start of the new plan the total Class I base to be issued will be the average daily usage of Class I milk during the calendar year 1970 plus a 20-percent reserve.

2. On each February 1 thereafter the amount of Class I base to be issued will be the average daily usage of Class I milk during the preceding calendar year plus a 20-percent reserve.

E. *Calculation of percentage to use to determine Class I base from production history base.* A percentage shall be calculated by dividing the Class I base to be issued by the sum of the production history bases determined for producers. A percentage will be determined when the new plan becomes effective and then a new percentage shall be determined on succeeding February 1's. A percentage once determined shall be used until the next February 1 for determining all Class I bases to be issued and for determining the percentage to be used in allocating base milk to producers who were not issued a Class I base.

F. *Reallocation of bases.* Production history bases and Class I bases will be updated or reallocated on February 1 of each year according to the following procedures:

1. A production history base will be determined for each eligible producer and will be the higher of the following:

a. A producer's protected production history base; or

b. A base determined as follows:

For a producer delivering milk in all of the last 3 calendar years—an average computed by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months.

For any other producer—an average computed from procedures as outlined in paragraph C2, above, for the longest period available.

2. A Class I base will be determined by multiplying the appropriate production history for each producer by the percentage determined under paragraph E.

G. *Forfeiture of bases (base rules).* Producers who are issued production history bases and Class I bases but do not make use of those bases should forfeit bases as provided below:

1. A producer who does not deliver the average of his Class I base in the market's 4 lowest months of production in a calendar year shall forfeit, on the next February 1, a portion of his protected production history base. He should forfeit protected production history base in proportion to the amount that Class I base held exceeds his average delivery during those 4 months.

2. A person holding a Class I base who does not deliver producer milk to the market for a period of 60 consecutive days shall immediately forfeit all production history base and Class I base held and all credit for deliveries made prior to the 60-day period of nondelivery. When such a producer returns to the market, he shall begin to earn a production history base as for any other person beginning production. His deliveries up to his first 90 days shall be paid for at the Class III price and after that he shall receive base milk and/or a Class I base provided in paragraph C_2, above.

H. *Transfers of base.* Transfer of base should be permitted so as to encourage new producers to acquire base by transfer rather than to earn bases. It should also permit an old producer to acquire additional base by transfer rather than only by increasing production. The base rules should be such as to prevent bases from taking on an unreasonable value.

1. Both production history bases and Class I bases may be transferred from one producer to another under the conditions specifically set out below.

2. Transfers may be made intrafamily without restrictions when a herd and farm is transferred as an operating unit. This will include transfers to an estate and from an estate to a member of the family.

Also, any transfers of Class I base within a family under the current Class I base plan which was associated with the transfer of a herd and farm shall be allowed the production history base issued under the plan which became effective September 1, 1967, and any production delivered by the transferor producer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan.

3. The rules for requesting transfer of base, the person to whom base can be transferred, the amounts of base that can be transferred, and the effective date of transfer under the current order provisions are contained in § 1125.123. Paragraphs (a) (7), (8), and (9), and (b), (c), and (f) are to be changed by other provisions of this proposal. The remaining portions of § 1125.123 should remain the same except for the inclusion of references to production history base as well as to Class I base.

4. Transfers which are not intrafamily pursuant to paragraph 2, above, shall be subject to the following conditions:

a. Of the amount of production history base and Class I base to be transferred by the transferor producer, 25 percent shall be forfeited and the other 75 percent may be transferred to the other producer.

b. A portion of the production history base received by the transferee producer may be used with his own deliveries to determine production history bases in the succeeding 3 years. Also, some portion of the production history base received by transfer should be added to the protected production history base of the transferee producer.

c. The transferor producer's Class I base, credit for production in months used to determine future production history bases, and protected production history base shall be reduced by the transfers and forfeitures above.

5. There should be no time restrictions on the transfer of production history base and Class I base after base has been received by transfer. Because of the forfeiture provisions on transfers, it is not necessary to retain the 1 year provision in the current order.

6. Time restrictions should be placed on the transfer of production history base and Class I base after issuance of such bases to producers under certain conditions. This will require such producers to demonstrate their permanent association with the market before they are permitted to transfer bases to other producers. These restrictions should be as follows:

a. Bases issued to beginning producers should not be transferable until 3 years after production history and Class I bases are first issued to the producer.

b. Bases issued to producers pursuant to the producer-handler provision, the nonpool plant provision, and the producers for other market provision should not be transferable until 3 years after production history bases and Class I bases are first issued to the producer.

7. If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of

bases and compliance with all base rules currently in effect.

8. A person who transfers all of his production history base and Class I base to other persons after the new plan begins shall receive only the Class III price for his deliveries of milk for a period of 1 year after the transfer of his production history base and Class I base. He must then start earning a production history base according to the new provisions, but deliveries prior to the expiration of the 1-year period cannot be used towards the earning of a new base. The same provisions shall apply to any operation using the same herd and/or other production facilities if the new operator is a member of the immediate family of the producer who transferred his production history base and Class I base, is an affiliate of such a person, or is a business unit of which such a person is a part.

9. There should be no provisions which will increase excessively the value of bases, require issuance of base certificates, or require notification of clearance of pending transfers with third parties.

I. *Hardship provisions.* Hardship provisions similar to those in § 1125.124 of the current Class I base plan provisions should be included in the new Class I base plan.

1. The provisions of § 1125.124(a) should be revised to permit producers who are not issued a Class I base or those who feel that their Class I base is not appropriate because of unusual conditions during the base-earning period to request a review after bases are first issued under the new plan and after bases are issued on each succeeding February 1.

2. The provisions of § 1125.124(c)(3)(i) and (ii) should authorize a producer base committee to grant or adjust production history bases where it appears appropriate. They should also permit the committee to delay forfeiture of production history base and/or Class I base or to restore forfeited bases where appropriate. The committee should also be authorized to permit transfer of base not otherwise permissible under the order provisions if the committee feels such transfer is appropriate.

Proposed by the Equal Marketing Committee:

Proposal No. 2—A. *General nature of plan.* The plan will be based upon a 3-year rolling average of production during the base-earning period with production history protected for producers who decrease production.

At the beginning of the plan, persons who delivered milk during at least the last 4 months of the base-earning period or during the last 7 months before the effective date of the new plan shall be given a specific base immediately. Such base shall be computed in a manner so that equity is maintained between producers who are using deliveries over a 3-year period and those producers with a shorter association with the market. Within 3 years, all producers will be using the same base-earning period.

After the effective date of the plan, established producers entering through plants becoming regulated shall immediately be issued bases equitable with other producers in the market. Established producers entering by transfer from another market shall within 90 days be issued bases equitable with other producers in the market.

After the effective date of the plan, persons who begin milk production in the market shall within 90 days be given base milk or a Class I base which is appropriate according to the current supply and demand conditions in the market and the effects on other producers. Within 3 years, such beginning producers will be on equity with old producers.

Only continuous production can be used to establish a production history base. A break in deliveries of 60 days or more, either before or after the effective date of the new plan, shall cause forfeiture of history of production prior to that 60-day break, except where the break was due to hardship or other conditions beyond the control of the producer.

In computing production history bases and Class I bases, a producer shall not receive any credit for Class I base received by transfer under the provisions of the Class I base plan which became effective September 1, 1967, unless the transfer was within the family.

The following paragraphs outline the general conditions for determining production history bases, Class I bases, and base rules.

B. *Base earning period for production history bases.* A producer's share in the market should be based upon his demonstrated ability to produce. Production history bases should be determined as follows:

1. The full base-earning period should be the market's 4 lowest months of production in each of the last 3 calendar years. For the initial issuance of production histories, the calendar years of 1968, 1969, and 1970 would be used.

Because of the severe storm conditions in parts of December 1968, January 1969, and February 1969, which prevented normal delivery of milk in certain areas of the milk shed, if any of those months are among the 4 lowest months of those calendar years, the production history of producers who could not deliver milk because of storm conditions and were forced to dump milk at the farm shall be adjusted by determining a daily average delivery from the actual days of delivery by those producers in such months.

2. A production history base may be determined from deliveries in parts of 1, 2, or 3 years if the producer did not deliver in all of 3 calendar years.

3. If a producer delivers milk during at least the last 4 months of a calendar year, he shall be considered as having delivered in that calendar year for purposes of determining a production history base. His deliveries in the last 4 months of a year shall be adjusted to reflect the market's 4 lowest months of production in that calendar year and used to determine his history of production. Also, a producer who delivers milk in at least the last 7 months before the effective date of the new plan shall be considered as having delivered in the base-earning period. His deliveries in the first 4 of those 7 months shall be adjusted to reflect the market's 4 lowest months of production in the last calendar year and used to determine his history of production. This adjustment is to insure that production by such producers in a portion of a calendar year which is used to determine a production history base will be equitable with production of other producers during the market's 4 lowest months of production.

4. A production history base once issued will be protected for future years if a producer reduces his production, but not below the Class I base issued to him, and such production history base meets the following criteria:

a. It was used to determine a Class I base under the Class I base plan effective September 1, 1967, or

b. The production history base was issued under the new plan and was based upon deliveries in 3 calendar years, and

c. It was not based either wholly or partially upon production history received by transfer other than under the intrafamily provisions, or that transferred as protected production history base.

C. *Method to determine the first production history bases for different categories of producers under the new plan.* 1. For a producer who delivered milk in all of 1968, 1969, and 1970.

Use an average determined by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months, except that a person issued a Class I base under the provisions which became effective September 1, 1967, may use the production history from which his Class I base was determined if it was higher than the average deliveries determined above.

2. For a producer delivering milk when the new plan starts and who did not deliver milk in all of 1968, 1969, and 1970.

a. A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during a 12-month period divided by the number of days in that 12-month period and shall use that average as his history of production.

b. A producer who has delivered at least the last 4 months of 1969 and all of 1970 shall have his eligible deliveries during an 8-month period divided by the number of days in that 8-month period and shall use 80 percent of that average as his history of production.

c. A producer who has delivered at least the last 4 months of 1970 shall have his eligible deliveries during a 4-month period divided by the number of days in that 4-month period and shall use 60 percent of that average as his history of production.

Also, a producer who has delivered at least the last 7 months before the effective date of the plan shall use 60 percent of the average of his adjusted eligible deliveries during the first 4 months of that 7-month period as his history of production.

d. For a producer who starts deliveries later than 7 months before the effective date of the new plan, a production history base will not be issued at the start of the new plan, but he will be given base milk according to paragraph 5 below until he is issued a production history base on a subsequent February 1.

3. For producers who enter the market after a new plan is issued.

a. Persons who become producers because the plant to which they ship milk becomes regulated shall have a production history base determined as if they had been old producers pursuant to paragraphs 1 and 2, above.

b. Persons who were producers for another market and who start delivering milk to this market from the farm operated during the base-earning period shall receive only the Class III price for their deliveries up to their first 90 days of production. They will then have a production history base determined from deliveries from the farm operated during the base-earning period as for old producers pursuant to paragraphs 1 and 2, above. Such base would be usable only from that same farm.

c. Persons who begin milk production shall receive only the Class III price for up to their first 90 days of delivery. They would then receive base milk pursuant to paragraph 5, below, until they were issued a production history base on a succeeding February 1 from procedures as outlined in paragraph 2, above.

4. Persons who previously held a designation as a producer-handler shall have a production history base determined when they become a producer as for old producers pursuant to paragraphs 1 and 2, above.

5. Producers who are not issued a production history base and, therefore, cannot be issued a Class I base, shall be allowed base milk by use of a percentage which will reflect their association with the market and the supply-demand relationship of the market in the previous year. This percentage shall be determined by multiplying the percentage used to adjust production history bases to Class I bases by 40 percent.

D. *Amount of Class I base to issue.* 1. At the start of the new plan the total Class I base to be issued will be the average daily usage of Class I milk during the calendar year 1970 plus a 20 percent reserve.

2. On each February 1 thereafter the amount of Class I base to be issued will be the average daily usage of Class I milk during the preceding calendar year plus a 20 percent reserve.

E. *Calculation of percentage to use to determine Class I base from production history base.* A percentage shall be calculated by dividing the Class I base to be issued by the sum of the production history bases determined for producers. A percentage will be determined when the new plan becomes effective and then a new percentage shall be determined on succeeding February 1's. A percentage once determined shall be used until the next February 1 for determining all Class I bases to be issued and for determining the percentage to be used in allocating base milk to producers who were not issued a Class I base.

F. *Reallocation of bases.* Production history bases and Class I bases will be updated or reallocated on February 1 of each year according to the following procedures:

1. A production history base will be determined for each eligible producer and will be the higher of the following:

a. A producer's protected production history base; or

b. A base determined as follows:

For a producer delivering milk in all of the last 3 calendar years—an average computed by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months.

For any other producer—an average computed from procedures as outlined in paragraph C 2, above, for the longest period available.

2. A Class I base will be determined by multiplying the appropriate production history for each producer by the percentage determined under paragraph E.

G. *Forfeiture of bases (base rules).* Producers who are issued production history bases and Class I bases but do not make use of those bases should forfeit bases as provided below.

1. A producer who does not deliver the average of his Class I base in the market's 4 lowest months of production in a calendar year shall forfeit, on the next February 1, a portion of his protected production history base. He should forfeit protected production history base in proportion to the amount that Class I base held exceeds his average delivery during those 4 months.

2. A person holding a Class I base who does not deliver producer milk to the market for a period of 60 consecutive days shall immediately forfeit all production history base and Class I base held and all credit for deliveries made prior to the 60-day period of nondelivery. When such a producer returns to the market, he shall begin to earn a production history base as for any other person beginning production. His deliveries up to his first 90 days shall be paid for at the Class III price and after that he shall receive base milk and/or a Class I base provided in paragraph C 3, above.

H. *Transfers of base.* Transfer of base should be permitted so as to encourage new producers to acquire base by transfer rather than to earn bases. It should also permit an old producer to acquire additional base by transfer rather than only by increasing production. The base rules should be such as to prevent bases from taking on an unreasonable value.

1. Both production history bases and Class I bases may be transferred from one producer to another under the conditions specifically set out below.

2. Transfers may be made intrafamily without restrictions when a herd and farm is transferred as an operating unit. This will include transfers to an estate and from an estate to a member of the family.

Also, any transfers of Class I base within a family under the current Class I base plan which was associated with the transfer of a herd and farm shall be allowed the production history base issued under the plan which became effective September 1, 1967, and any production delivered by the transferor producer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan.

3. The rules for requesting transfer of base, the person to whom base can be transferred, the amounts of base that can be transferred, and the effective date of transfer under the current order provisions are contained in § 1125.123. Subsecitons (a) (7), (8), (9), and (b), (c), and (f) are to be changed by other provisions of this proposal. The remaining portions of § 1125.123 should remain the same except for the inclusion of references to production history base as well as to Class I base.

4. Transfers which are not intrafamily pursuant to paragraph 2, above, shall be subject to the following conditions:

a. Of the amount of production history base and Class I base to be transferred by the transferor producer, 25 percent shall be forfeited and the other 75 percent may be transferred to the other producer.

b. Production history base received by the transferee producer may be used with his own deliveries to determine production history bases in the succeeding 3 years as follows:

On the 1st following February 1, 67 percent of amount received.
On the 2nd following February 1, 45 percent of amount received.
On the 3rd following February 1, 30 percent of amount received.

c. The protected production history base of the producer receiving the base may be increased by 30 percent of the production history base transferred.

d. A production history base determined while using transferred production history cannot be used as a protected production history base.

e. The transferor producer's Class I base, credit for production used to determine future production history bases, and protected production history base shall be reduced pro rata by the transfers and forfeitures above.

5. There should be no time restrictions on the transfer of production history base and Class I base after base has been received by transfer. Because of the forfeiture provisions on transfers, it is not necessary to retain the 1-year provision in the current order.

6. Time restrictions should be placed on the transfer of production history base and Class I base after issuance of such bases to producers under certain conditions. This will require such producers to demonstrate their permanent

association with the market before they are permitted to transfer bases to other producers. These restrictions should be as follows:

a. Bases issued to beginning producers should not be transferable until 3 years after production history and Class I bases are first issued to the producer, except that if a producer discontinues dairy production, his base may be transferred effective on the first day of the next month.

b. Bases issued to producers pursuant to the producer-handler provision, the nonpool plant provision, and the producers for other market provision should not be transferable until 3 years after production history bases and Class I bases are first issued to the producer.

7. If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules currently in effect.

8. A person who transfers all of his production history base and Class I base to other persons after the new plan begins shall receive only the Class III price for his deliveries of milk for a period of 1 year after the transfer of his production history base and Class I base. He must then start earning a production history base according to the new provisions, but deliveries prior to the expiration of the 1-year period cannot be used towards the earning of a new base. The same provisions shall apply to any operation using the same herd and/or other production facilities if the new operator is a member of the immediate family of the producer who transferred his production history base and Class I base, is an affiliate of such a person, or is a business unit of which such a person is a part.

9. There should be no provisions which will increase excessively the value of bases, require issuance of base certificates, or require notification of clearance of pending transfers with third parties.

I. *Hardship provisions.* Hardship provisions similar to those in § 1125.124 of the current Class I base plan provisions should be included in the new Class I base plan.

1. The provisions of § 1125.124(a) should be revised to permit producers who are not issued a Class I base or those who feel that their Class I base is not appropriate because of unusual conditions during the base-earning period to request a review after bases are first issued under the new plan and after bases are issued on each succeeding February 1.

2. The provisions of § 1125.124(c)(3)(i) and (ii) should authorize a producer base committee to grant or adjust production history bases where it appears appropriate. They should also permit the committee to delay forefeiture of production history base and/or Class I base or to restore forfeited bases where appropriate. The committee should also be authorized to permit transfer of base not otherwise permissible under the order provisions if the committee feels such transfer is appropriate.

Proposed by William Brouwer, Lynden, Washington:

Proposal No. 3. Provide that all producers be paid the same uniform price irrespective of their deliveries in any preceding period.

Proposed by Mrs. Glen Hardy, Everson, Washington:

Proposal No. 4. Provide that all producers receive the same blend price for all milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Nicholas L. Keyock, 16 West Harrison Street, Seattle, WA 98119, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 27, 1971.

CLAYTON YEUTTER,
Administrator,
Consumer and Marketing Service.

[FR Doc.71-1316 Filed 1-29-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 14, 121]

[Docket No. FDC-79]

COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING

Standard of Identity and Food Additive Regulations; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing

In the matter of establishing a standard of identity and food additive regulations for cocoa with dioctyl sodium sulfosuccinate for manufacturing:

HISTORY

1. In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19197), a notice was published proposing establishment of a standard of identity (§ 14.14) for cocoa with dioctyl sodium sulfosuccinate for manufacturing. The proposal was based on a food standard petition submitted by American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965. Also published December 24, 1968 (33 F.R. 19203), was a notice of filing of a food additive petition (FAP 6J2039) by the same firm proposing that food additive regulation § 121.1137 be amended to provide for safe use of dioctyl sodium sulfosuccinate as a dispersing agent in cocoa and proposing issuance of a new food additive regulation to provide for safe use of "cocoa with dioctyl sodium sulfosuccinate for manufacturing" in dry beverage bases.

2. Received comments were considered and in the FEDERAL REGISTER of July 23, 1969 (34 F.R. 12177), a food standard order was published adding said standard of identity (§ 14.14) to Part 14. The order, issued under sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act, provided 30 days for filing objections and a 60-day delay in effective date. Also published July 23, 1969 (35 F.R. 12178), was a food additive order acting on FAP 6J2039 by adding paragraph (e) to § 121.1137 and by adding § 121.1229 to Part 121. This order, issued under section 409 of the act, provided 30 days for filing objections but was effective on its date of publication.

3. In the FEDERAL REGISTER of December 3, 1969 (34 F.R. 19140), notice was given that the Chocolate Manufacturers Association of the United States of America, Washington, D.C. 20006, had filed objections to said orders and requested a public hearing. The Commissioner of Food and Drugs concluded that reasonable grounds had been given for a hearing on the issue of whether dioctyl sodium sulfosuccinate in cocoa would accomplish its intended effect; that is, to rapidly disperse cocoa in dry beverage bases when such bases are being mixed with water or milk. (The Commissioner rejected the other objections by said Association, having concluded they were not supported by reasonable grounds.) Accordingly, the effective date of §§ 14.14, 121.1137(e), and 121.1229 was stayed pending resolution of said issue at a public hearing.

4. In the FEDERAL REGISTER of March 31, 1970 (35 F.R. 5347), a notice was published scheduling the hearing to begin May 4, 1970, for the purpose of receiving evidence relevant and material to said issue, and also scheduling a prehearing conference for April 27, 1970, for stated purposes.

5. The prehearing conference began and was completed April 27, 1970; the public hearing began May 4, 1970, and was concluded May 5, 1970. Four expert witnesses were called by the petitioner (American Cyanamid Co.) and five were called by the objector (Chocolate Manufacturers Association).

6. On June 25, 1970, the Hearing Examiner, Mr. William E. Brennan, submitted his report in this matter to the Commissioner of Food and Drugs. The report is part of the public record, Docket No. FDC-79, on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852.

Having considered the record of the public hearing, the Hearing Examiner's Report dated June 25, 1970, and other relevant material, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 72 Stat. 1785-88, as amended; 21 U.S.C. 341, 348, 371), under authority delegated to him (21 CFR 2.120), and in accordance with 21 CFR 2.97, proposes the following findings of fact, conclusions, and final order in this matter:

PROPOSED FINDINGS OF FACT[1]

1. For the purposes of this matter, dispersibility is the ability of a substance to be wetted by a liquid and to go into suspension. Substances such as cocoa do not readily disperse in a liquid and will settle out after a relatively short period of time. (Tr. 76-77.)

2. At least two methods are presently utilized by cocoa manufacturers to increase dispersibility of cocoa: Instantizing or agglomerating and use of lecithin. (Tr. 87, 111, 124, 191-92, 223-26.)

3. Lecithin is a wetting agent that has been used by industry, some of whom consider their methods of addition of lecithin to be proprietary. Although it is less expensive than dioctyl sodium sulfosuccinate (DSS), it seems to lose its wetting power as the product ages, which DSS does not. More lecithin than DSS must be used to achieve increased wettability, which replaces some of the cocoa in the finished product. The present cocoa standards do not include lecithin as a permitted ingredient, although it may be used in nonstandardized dry beverage mixes containing cocoa. (Tr. 111, 112-13, 124, 191-92, 194, 215, 216-17, 227-28, 330-31.)

4. Agglomeration is the tendency of powder particles to form larger aggregates or particles. These particles are more readily dispersible because they are able to break through the surface tension of the liquid and become wet more rapidly than very fine particles. (Tr. 66, 78, 111, 280.)

5. Instantizing is the most commonly used process for making cocoa beverage mixes more wettable. In this process the mixture of cocoa powder (which may be lecithinated), sugar, and (sometimes) milk solids is passed through a very humid atmosphere and then allowed to fall through a chamber in which there is hot air to dry it. This results in agglomeration of the individual particles of the mix. Instantizing is an expensive method that is not economically feasible for some smaller manufacturers. Small manufacturers are interested in the availability of a product such as DSS. Members of the Chocolate Manufacturers Association have received many requests from customers for DSS-treated cocoa. Use of DSS would allow these manufacturers to compete with dry chocolate mixes presently on the market which are nonstandardized products containing lecithinated cocoa. (Tr. 111-12, 114, 205, 208, 262, 341-42.)

6. Several instantizing methods and methods of adding lecithin by the manufacturer are considered to be proprietary. At least one method is patented. (Tr. 215, 226.)

7. DSS is a well known wetting agent that is presently approved for such use in several food products; it is used as a solubilizing agent in certain gums. (Tr. 253, 292.)

8. Cocoa is treated with DSS by dissolving the DSS in a solvent and adding the solution to the cocoa through one of several means. The product is then dried to remove the solvent. (Tr. 53, 162, 180-81, 207, 235; P. 6.)

9. Treatment of cocoa with solvent alone and no DSS increases dispersibility to some degree, possibly through the tendency of the cocoa particles to agglomerate or through the effect of the solvent on the cocoa fat; however, the effect of the solvent alone is not as great as that of DSS in solvent. Tests run by the American Cyanamid Co. after milling the agglomerates produced by the DSS coating procedure also showed an increase in dispersibility. (Tr. 79-80, 107, 172-73, 290-92.)

10. Pressed cake is the cocoa cake left after extraction of a portion of the cocoa butter with a filter press. This process can reduce the fat content to as low as 8 to 10 percent. (Tr. 62-63, 110.)

11. Kibbling is the process by which the pressed cake is fed through a machine to break it up into coarse ¼ to 1 inch pieces suitable for milling. Big cakes are unsuitable for use in cocoa mills. (Tr. 62-63, 108, 286.)

12. Dutching is the process whereby cocoa is treated with alkali to neutralize some of the acids in the cocoa. It also changes the flavor of the cocoa. (Tr. 131.)

13. Cocoa with a very low fat content, for example as low as 1 percent, is readily dispersible by itself. (Tr. 57.)

14. "Complemix" (also known as "Complemix 100") is the trade name for the American Cyanamid Co.'s brand of DSS. "Complemix 50" is their brand of DSS in a solution of 50 percent DSS and 50 percent food grade ethanol. DSS is the substance defined in the "National Formulary," XII Edition, page 138, and the "Food Chemicals Codex," page 238. (Tr. 156, 177, 202, 209; P. 1, 2, 6.)

15. The American Cyanamid Co. treated many samples sent to them by Chocolate Manufacturers Association members and other cocoa manufacturers and also treated with DSS cocoa for user-manufacturers. These included cocoas that had different fat contents, dutched and nondutched cocoas, and cocoas in kibbled and powder forms. The tests were run on batches of up to 525 pounds. Testing by the American Cyanamid Co., by chocolate manufacturers, and by independent experts showed that in most cases the samples treated by the American Cyanamid Co. were more rapidly dispersible in water and milk than the nontreated controls. As cocoa is the major obstacle to the quick wetting of dry beverage mixes, results of tests showing rapid wetting of cocoa alone can be used as an indication of cocoa mix wettability. (Tr. 50-59, 60-61, 64, 80, 87-88, 96, 123-124, 206-7, 292-93; O. 3, 6.)

16. Several tests were run by the American Cyanamid Co., chocolate manufacturers, and independent chocolate experts on cocoa mixes containing cocoa treated by the American Cyanamid Co. with DSS. The majority of results showed that the DSS-treated samples were more rapidly dispersible in water and milk. (Tr. 60-61, 96, 112, 123, 129, 130-33, 147; P. 4.)

17. Tests were run at the U.S. Cocoa Co. plant by U.S. Cocoa Co., and American Cyanamid Co., employees. They treated both cocoa powder and kibbled pressed cake in runs of up to 525 pounds. The results were comparable to those obtained at the American Cyanamid Co.'s plant. The U.S. Cocoa Co.'s President testified that these results could be duplicated in runs of up to 5,000 pounds. In 1964 the U.S. Cocoa Co., without the aid of the American Cyanamid Co., treated cocoa and beverage mixes with DSS and produced a very easily dispersible cocoa and cocoa mix. (Tr. 94-96.)

18. The size of a commercial run of cocoa may vary from 500 to 5,000 pounds. (Tr. 97, 314.)

19. In the majority of test runs, on both cocoa mixes and cocoa alone, the amount of DSS used did not exceed 0.4 percent by weight of the cocoa. (Tr. 57, 59, 79, 80, 87; O. 3, P. 4.)

20. None of the Chocolate Manufacturers Association members who treated the cocoa themselves were able to duplicate the significant improvements in wetting times which the American Cyanamid Co., obtained; however, in tests conducted by the Ambrosia Chocolate Co., a member of said Association, on 20-pound batches of cocoa treated by them with Complemix 50 in water, the nontreated control required a wetting time of 14 minutes whereas the treated cocoa took only 6 minutes. A witness from the Ambrosia Chocolate Co., testified that these results were promising and that the technology will probably improve sufficiently to warrant the use of DSS. This company also treated 2,500-pounds lots of lecithinated cocoa with DSS and decreased the wetting time over nontreated controls. The Wilbur Chocolate Co., another member of said Association, treated cocoa with Complemix 100, using a food grade solvent, and achieved improved results as compared with untreated powders. (Tr. 159, 165-67, 186, 206-9, 242, 244, 247, 301-3, 314; O. 3.)

21. Tests were conducted by witnesses for both parties showing the use of ethanol, isopropanol, water, and an undisclosed natural food substance as the solvent for DSS. Alcohol 23A and isopropanol are comparable in their effectiveness as solvents for DSS. (Tr. 63, 74, 78, 86, 124, 156, 162-64, 208, 220-23, 236, 331; P. 2, 6.)

22. Alcohol 23A is denatured alcohol prepared to be suitable for use in food products. (Tr. 156.)

PROPOSED CONCLUSIONS

1. Dioctyl sodium sulfosuccinate can be added to cocoa in conformity with the

[1] The abbreviations in the citations are: "Tr." for transcript pages of the hearing; "P." for exhibits introduced by the petitioner; and "O." for exhibits introduced by the objector.

regulations concerning cocoa with dioctyl sodium sulfosuccinate for manufacturing (21 CFR 14.14, 121.1137(e), and 121.1229) so as to accomplish the intended effect of facilitating production of dry beverage bases with cocoa that will disperse rapidly in water or milk.

2. The standard of identity (21 CFR 14.14) established for cocoa with dioctyl sodium sulfosuccinate for manufacturing (34 F.R. 12177) and stayed by order of the Commissioner (34 F.R. 19140) is reasonable and will promote honesty and fair dealing in the interest of consumers.

3. The food additive regulations (21 CFR 121.1137(e) and 121.1229) established concerning cocoa with dioctyl sodium sulfosuccinate for manufacturing (34 F.R. 12178) and stayed by order of the Commissioner (34 F.R. 19140) permit use of the additive at levels that are safe and sufficient to accomplish the intended effects of the additive.

4. Safe use of the additive dioctyl sodium sulfosuccinate as contemplated in conclusion 3 above includes dissolving it in a solvent generally recognized by properly qualified experts as safe for such use, or in a solvent used in conformity with food additive regulations (21 CFR Part 121), in an amount not greater than reasonably needed to facilitate applying the additive to the cocoa. (In some of the reported tests isopropyl alcohol was selected as the solvent; the food additive regulation for isopropyl alcohol (21 CFR 121.1043) does not cover such use.)

TENTATIVE ORDER

Therefore, on the basis of the foregoing findings of fact and conclusions of law drawn therefrom: *It is ordered*, That the stay of effective date of §§ 14.14, 121.1137(e), and 121.1229, which stay was promulgated December 3, 1969 (34 F.R. 19140), be ended.

Any interested person whose appearance was filed at the hearing may, within 30 days after publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed findings of fact and proposed conclusions, and shall include specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: January 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-1265 Filed 1-29-71;8:47 am]

Public Health Service

[42 CFR Part 59a]

MEDICAL LIBRARY ASSISTANCE

Grants for Improving and Expanding Basic Resources

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart B of Part 59a of the Public Health Service regulations governing the award of grants for improving and expanding basic resources of medical libraries and related instrumentalities under section 396 (formerly section 397) of the Public Health Service Act in order to implement amendments to such section made by the Medical Library Assistance Extension Act of 1970, Public Law 91-212. The proposed amendments were prepared with the advice and assistance of the Board of Regents of the National Library of Medicine.

In addition, it is proposed to amend such regulations to reflect Reorganization Plan No. 3 of 1966 and Reorganization Orders of the Secretary of Health, Education, and Welfare of March 13 and April 1, 1968 (33 F.R. 4894, 5426).

Inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 59a, Subpart B, of the Public Health Service regulations as follows:

1. Amend the title of Subpart B to read as follows:

Subpart B—Grants for Establishing, Expanding and Improving Basic Resources

2. Revise the issuing authority for Subpart B appearing immediately after the title to read as follows:

AUTHORITY: The provisions of this Subpart B issued under secs. 392, 396, 79 Stat. 1060, 1063, as amended; 42 U.S.C. 280b-2, 280b-7. Reorganization Plan No. 3 of 1966, 31 F.R. 8855, 80 Stat. 1610; 3 CFR 1966 Comp.; Reorganization Orders and Delegations of Mar. 13 and Apr. 1, 1968, 33 F.R. 4894, 5426. Section 59a.15(c) also issued under sec. 398, 79 Stat. 1066, as amended; 42 U.S.C. 280b-9.

3. Delete all references in Subpart B to "Surgeon General" and "Surgeon General's" and substitute the term "Secretary" or "Secretary's" in lieu thereof, respectively.

4. Amend § 59a.11 to read as follows:

§ 59a.11 Applicability.

The provisions of this subpart apply to grants for establishing, expanding and improving basic resources as authorized by section 396 of the Public Health Service Act.

5. Amend § 59a.12 by deleting paragraphs (c), (e), and (f) and substituting in lieu of paragraph (c) the following new paragraph:

§ 59a.12 Definitions.

* * * * *

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

* * * * *

(e) [Deleted]
(f) [Deleted]

6. Revise § 59a.15 to read as follows:

§ 59a.15 Grant awards.

(a) *General.* Within the limits provided by law and to the extent of funds available, the Secretary shall award grants to those applicants whose proposals for establishment, expansion, or improvement will in his judgment best promote the purposes of section 396 of the Act.

(b) *Determination of award amount.* The amount of any award, not to exceed $200,000, shall be determined by the Secretary:

(1) On the basis of the scope of medical library or related services provided by the applicant in relation to the population and purposes served by it, taking into account the following factors:

(i) The number of graduate and undergraduate students, and physicians and other practitioners in the sciences related to health making use of the applicant's library resources;

(ii) The type of supportive staffs, if any, available to the applicant's library;

(iii) The type, size, and qualifications of the faculty of any school with which the applicant is affiliated;

(iv) The staff of any hospitals or clinics with which the applicant's library is affiliated;

(v) The geographic area served by such applicant and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities; and

(2) Shall be in such amount as in the Secretary's judgment will assure adequate continuing financial support of the applicant's proposed activity from other sources during and after the period of award. In making such determination, the Secretary shall take into consideration the level of non-Federal support for the proposed activity for periods prior to the fiscal year in which a grant is made and shall require assurance from the applicant that such support will not be diminished as a result of such award and that adequate support for such activity will be continued during and after the period of Federal assistance: *Provided*, That subject to such exceptions as the Secretary may determine to be necessary for the orderly administration of the grant program hereunder, no grant shall be made for less than $1,000.

(c) *Payments.* The Secretary shall from time to time make payments or provide materials, to a grantee of all or a portion of any grant award. Payments may be made either in advance or by way of reimbursement for expenses incurred, or to be incurred, for the grant purposes and in such amounts or installments as best to promote prompt establishment, expansion and/or improvement of the medical library or related instrumentality. This provision relating to grant payments shall also be applicable to awards pursuant to section 398 of the Act.

7. Revise § 59a.16(a) to read as follows:

§ 59a.16 Termination.

(a) *Termination by the Secretary.* Any grant award may be revoked or terminated by the Secretary in whole or in part at any time when, in his judgment, the grantee has failed in a material respect to comply with the Act or the regulations of this subpart. The grantee shall be promptly notified in writing of any such determination and given the reasons therefor. Within 10 days after receipt of such notice, or such longer period as the Secretary may allow, the grantee may request a reconsideration of such termination and shall be afforded an opportunity to present, orally or in writing, such information or argument as may be pertinent.

* * * * *

§ 59a.21 [Amended]

8. Amend § 59a.21 by deleting after the word "Secretary" in the second sentence, the words "of Health, Education, and Welfare".

Dated: December 3, 1970.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: January 20, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1170 Filed 1-29-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-1]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fortuna, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new departure procedure has been developed for Rohnerville Airport, CA, requiring climb via a heading of 309° T (290° M). Additional 700-foot transition area is required to provide controlled airspace protection for aircraft during climb from 700 feet to 1,200 feet above the surface. The transition area has also been described for simplicity and ease of charting.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Fortuna, Calif., transition area is amended to read as follows:

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within two miles each side of the Fortuna, California, VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna, Calif., VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC, and within 2.5 miles southwest and 3.5 miles northeast of the 309° and 129° bearings from the Rohnerville Airport, Calif. (latitude 40°33'15" N., longitude 124°07'53" W.) extending from 7.5 miles northwest to 3 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 22, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-1286 Filed 1-29-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Arcata, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new departure procedure is proposed for Murray Airport, California, via a 309° T (290° M) bearing to intercept V27. A portion of 700-foot transition area is required to provide controlled airspace protection for aircraft climbing from 700 feet to 1,200 feet above the surface. In addition, a new ILS RWY-27 approach is proposed incorporating a 20 NM DME arc transition counterclockwise from the Fortuna, Calif., VORTAC 136° radial to the point of intersection with the Arcata, Calif., ILS localizer southeast course (Yager INT). A small portion of 1,200-foot transition area will be required between V27 and V195 for aircraft executing this proposed instrument procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Arcata, Calif., transition area is amended to read as follows:

ARCATA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W.), on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V27 to the south edge of V195.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 22, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-1287 Filed 1-29-71; 8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 479]

REGULATION OF FUEL ADDITIVES

Advance Notice of Proposed Rule Making

Section 211 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), authorizes the Administrator of the Environmental Protection Agency to regulate any motor vehicle fuel or fuel additive which produces emissions that will endanger public health or welfare, or which produces emissions that will significantly impair the performance of any emission control system or device which is generally used or which the Administrator determines would be generally used within a reasonable time if the fuel or fuel additive in question were to be regulated. Before he prescribes such regulations, the Administrator is required to consider scientific data on the need for regulation of such fuel or fuel additive and, in certain situations, to make findings on the technological and economic feasibility and consequences of such regulations.

An extensive body of information exists which indicates that the addition of alkyl lead to gasoline, for the purpose of increasing the octane of that fuel, results in automobile exhaust emissions of lead particles that pose a threat to public health; and that these particles also render inoperative catalytic converters, which are devices currently being developed to enable the internal combustion engine to meet the emission standards for hydrocarbons and carbon monoxide required to be prescribed under section 202(b)(1)(A) of the Clean Air Act, as amended.

Notice is hereby given that the Agency, in accordance with the requirements of section 211, is considering available relevant scientific, medical, economic, and technological data concerning the use of alkyl lead in motor vehicle gasolines, with the intention of proposing controls or prohibitions on the use of that additive on the earliest date possible. It is anticipated that regulations will be proposed which provide for general availability by July 1, 1974, of lead-free gasoline of an octane quality suitable for 1975 and subsequent model year light duty vehicles; and for reduction of the lead content of the current "regular" and "premium" grades of gasoline from their present average levels of approximately 2.5 grams per gallon to no more than 0.5 grams per gallon; such reduction to be achieved as quickly as is technologically possible. Although no schedule for reduction of lead content of "regular" and "premium" grades of gasoline has been developed, the Agency intends that gasoline of an octane quality suitable for vehicles currently in use will be allowed to be sold for as long as the demand exists, insofar as that is consistent with the goal of a maximum lead content of 0.5 grams per gallon.

This advance notice of proposed rulemaking is published with the intention of informing the public of the Agency's actions and plans in this important area of concern, and for the purpose of providing the automobile and refining industries notice of impending regulation relevant to their immediate and long-range planning.

Dated: January 27, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1300 Filed 1-29-71; 8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397-A, etc.; FCC 71-69]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Communications Technology and Services; Diversification of Control; Federal, State, or Local Relationships; and Technical Standards; Extension of Time

Order. In the matter of: Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397-A. Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18891. Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the community antenna television systems fields; and/or formation of legislative proposals in this respect; Docket No. 18892. Amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems; Docket No. 18894.

1. On January 15, 1971, American Broadcasting Co., All-Channel Television Society, Association of Maximum Service Telecasters, Inc., and National Association of Broadcasters filed a "Motion for Extension of Time" in Docket No. 18397-A. No opposition to this motion has been filed.

2. The background of this matter is contained in the Order in Docket No. 18397-A, FCC 70-1244 (released Dec. 8, 1970). The joint petitioners now urge that there has been an inadequate period of time for them to prepare "exhaustive, sophisticated, and valuable critiques" of the studies presented.

3. The Commission has carefully considered the present petition, and will extend the time for reply comments to February 10, 1971. An extension beyond this date seems impracticable since we have determined to conduct hearings in this general area commencing March 11, 1971, and sufficient time must be allowed for study of comments prior to the date of hearings. In this regard, we intend shortly to issue an order describing procedural considerations applicable to the up-coming hearings.

In view of the foregoing: *It is ordered,* That the "Motion for Extension of Time" described above is granted in part and is denied in part as described below.

It is further ordered, That the time for filing reply comments in the above-captioned proceedings is extended to and including February 10, 1971.[1]

Adopted: January 20, 1971.

Released: January 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1312 Filed 1-29-71; 8:48 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 70-676]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans by Federal Savings and Loan Associations

Correction

In F.R. Doc. 71-774 appearing on page 942 in the issue for Wednesday, January 20, 1971, the reference to "§ 545.7-(a)" in the second last line of the introductory text of § 545.6-3(c)(2) should read "§ 545.7-1(a)".

[1] As indicated in our above cited Order, FCC 70-1244, the four above-captioned dockets are so closely related that it is desirable to maintain the same filing dates in all of them.

[2] Commissioner Houser not participating.

FEDERAL POWER COMMISSION

[18 CFR Parts 3, 32, 33, 34, 35, 36, 45, 159]

[Docket No. R-408]

SCHEDULES OF FEES TO BE PAID BY ELECTRIC PUBLIC UTILITY COMPANIES AND NATURAL GAS COMPANIES AND FOR MISCELLANEOUS SERVICES

Notice of Further Extension of Time

JANUARY 22, 1971.

On January 19, 1971, the Independent Natural Gas Association filed a request for a further extension of time to and including February 5, 1971, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is further extended to and including February 5, 1971, within which any interested person may submit data, views, comments, and suggestions in writing to the notice of proposed rulemaking issued November 25, 1970 (35 F.R. 18324, 19641), in the above-designated matter.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1279 Filed 1-29-71; 8:46 am]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS; REFINERS; DISTRICT V

Notice of Proposed Rule Making

Section 11 of Oil Import Regulation 1 (Revision 5), as amended by Amendment 26 (36 F.R. 52), provides for tentative allocations of imports of crude oil into District V for the allocation period January 1, 1971 through December 31, 1971. The schedule set forth in paragraph (b) of section 11, as amended by Amendment 26, is designed to achieve the equitable distribution of approximately 145,000 b/d. In fact, however, the quantity available for allocation in District V for the calendar year 1971 will be approximately 222,000 b/d. Accordingly, it is proposed that section 11 be amended to read as set forth below. Final action upon this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Although tentative allocations of imports of crude oil into District V were authorized by section 11, as amended by Amendment 26, formulation of orderly programs of importation, including those involving exchanges of oil, require the prompt issuance of regulations prescribing the manner in which regular import allocations will be made for District V for the allocation period January 1, 1971 through December 31, 1971. For that reason in view of the notice that was given in this regard by amendment 26, it is not in the public interest to give 30 days notice of proposed rule making concerning this amendment. Instead, comments concerning this amendment should be submitted within fifteen (15) days from the date of the publication of this notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, JR.,
Acting Administrator,
Oil Import Administration.

JANUARY 29, 1971.

Amend section 11 of Oil Import Regulation 1 (Revision 5), as amended (36 F.R. 52) to read as follows:

Sec. 11 Allocations; refiners; District V.

(a) For the allocation period January 1, 1971 through December 31, 1971, the Administrator shall allocate, as provided in paragraph (b) of this section, approximately 222,000 b/d of imports of crude oil into District V among eligible persons having refinery capacity in that district. Such allocations shall supersede the tentative allocations which have been made of imports of crude oil into District V for that allocation period. Licenses issued under tentative allocations shall be charged against the new allocations and shall remain in force.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1970, and computed according to the following schedule:

Average b/d input		Percent of inputs		Number of days
0–10,000 10–30,000 30,000 plus	×	{60.0 {13.0 {5.5	×	365

However, each allocation made pursuant to this paragraph (b) shall be reduced by the amount of any license issued to the applicant under an interim allocation for the allocation period.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

[FR Doc.71-1421 Filed 1-29-71; 10:34 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 89]

PRINCIPAL DIPLOMATIC OFFICER IN CAMBODIA

Delegation of Authority Regarding Administration of A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Cambodia, with respect to the administration of the foreign assistance program in that country, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

The authority delegated hereby may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority shall be effective immediately.

Dated: January 22, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-1285 Filed 1-29-71;8:46 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CAST OR ROLLED GLASS FROM JAPAN

Notice of Tentative Negative Determination

Information was received on January 6, 1969, that cast or rolled glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160, et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 30, 1969, on pages 12453-54.

I hereby make a tentative determination that cast or rolled glass from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (10 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Information gathered during the course of the investigation indicated that sales in the home market were sufficient to afford a basis for comparison.

None of the parties involved in these sales were related within the meaning of section 207 of the Act.

Purchase price was compared to home market price for fair value purposes.

Purchase price was based on the delivered price to purchasers in the United States. Deductions were made for discounts, commissions, freight, clearance charges, United States duty, insurance, and packing. An addition was made for reimbursement of Japanese import duties.

Home market price was based on a delivered price to domestic purchasers. Adjustments were made for discounts, rebates, freight, breakage compensation, interest, and packing.

Comparisons between purchase price and home market price revealed that purchase price was not lower than home market price in any instance.

In accordance with § 153.33(b), Customs regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments, or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-1309 Filed 1-29-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Loan and Contract Servicing

The redelegation of authority to Regional Administrators, et al., with respect to loan and contract servicing, published at 35 F.R. 16104, October 14, 1970, is amended by revising section B to read as follows:

SEC. B. *Authority redelegated with respect to specific programs.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, and Director, Housing Services and Property Management Division, Area Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development in connection with servicing loans and grants for college housing under title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c) and loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), except the following power and authority:

1. To sue and be sued.
2. To establish the rate of interest on Federal loans and advances.
3. To issue notes or other obligations for purchase by the Secretary of the Treasury.
4. To issue rules and regulations.
5. Exercise the power and authority under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).
6. To make the determination to:

a. Consent to the modification of any agreement to which the Government is a party with respect to time of payment on any installment of principal or interest due the Government, or any required deposit into a fund or reserve, under section 402(c)(8) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(8));

b. Authorize postponement of a scheduled payment due the Government or deferment of any required deposit into a fund or reserve;

c. Foreclose on any property, or commence any legal action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement;

d. Accept deeds in lieu of foreclosure; or

e. Purchase prior liens on such property.

(Secretary's delegation of authority to redelegate published at 35 F.R. 15025, and other authorities cited therein)

Effective date. This amendment to redelegation of authority is effective September 1, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

[FR Doc.71-1292 Filed 1-29-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 12600]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 25, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 12600, for the withdrawal of land described, from location and entry under the general mining laws. The applicant desires the lands in connection with the Trout Lakes Recreation Area as well as the Canjilon Lakes and Canjilon Creek Campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Sante Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

Trout Lakes Recreation Area

T. 27 N., R. 5 E.,
Sec. 1, S½SW¼NW¼;
Sec. 2, SW¼ lot 2, lots 3, 4, N½SW¼NE¼, S½N½SE¼NE¼, S½SE¼NE¼, N½N½SW¼NW¼, NE¼SE¼NW¼, and N½NW¼SE¼NW¼;
Sec. 3, E½ lot 1 and N½NE¼SE¼NE¼.
T. 28 N., R. 5 E.,
Sec. 26, lot 4;
Sec. 34, lot 1, S½ lot 2, E½ lot 3, lot 4, NW¼SE¼, S½NE¼SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 35, lot 1, NW¼SW¼NW¼, NW¼SW¼SW¼, S½SW¼SW¼, and SW¼SE¼SW¼.

Canjilon Lakes and Canjilon Creek Campground

T. 27 N., R. 6 E. unsurveyed,
Sec. 19, E½NE¼, SW¼NE¼, E½SW¼, and SE¼;
Sec. 20, NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼, and W½W½SE¼;
Sec. 29, W½E½ and W½SE¼SE¼;
Sec. 30, NW¼NE¼, N½NW¼, and N½S½NW¼;
Sec. 32, NW¼NE¼, W½SW¼NE¼, and E½NE¼NW¼.

The areas described aggregate 1,629.43 acres more or less.

MICHAEL T. SOLAN,
Land Office Manager.

[FR Doc.71-1294 Filed 1-29-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHICAGO MERCANTILE EXCHANGE

Designation as Contract Market for Grain Sorghums

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1, et seq., Supp. IV, 1969) I hereby designate the Chicago Mercantile Exchange of Chicago, Ill., as a contract market for grain sorghums effective on this date, as shown below. The said exchange has applied for, and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, August 22, 1955, June 13, 1968, July 19, 1968, and March 13, 1970 designating the said exchange as a contract market for the commodities specified in such orders may constitute either a single designation or several designations.

Issued this 27th day of January 1971.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.71-1311 Filed 1-29-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23038; Order 71-1-119]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of January 1971.

By tariff revisions[1] marked to become effective February 8, 1971, Eastern Air Lines, Inc. (Eastern), proposes to establish multiple trip first-class and tourist fares in the New York-Miami market.[2] The first-class fare is $369.44 and the tourist fare is $276.85 for five one-way trips to be completed within a 6-month period. The tickets are restricted to one user, are nontransferable, and valid any time, every day. The discount from five one-way trips at the regular coach fare between New York and Miami is 24 percent. The tariff is marked to expire in 6 months.

Complaints against the proposal have been filed by Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), Northeast Airlines, Inc. (Northeast), and Northwest Airlines, Inc. (Northwest), all of whom request suspension and investigation of the filing. The thrust of the complaints is that the proposal, if permitted to become effective, will be largely diversionary; will generate little new traffic; and thus will result in a net dilution of revenues. Complaints further assert that Eastern's use of an incremental costing technique in forecasting the profit impact of its proposal is inappropriate, and understates the costs associated with the fare.

In support of its proposal and in answer to the complaints, Eastern asserts that it wishes to determine to what extent frequent travelers will respond to fare discounts designed to encourage their further travel. It submits that its experiment would be directed to persons who have several reasons and occasions for traveling between New York and Miami—business, vacation, weekend visits for property management, etc. It is Eastern's thesis that additional travel will result, and that the proposal will make a $180,000 net contribution to profit during the 6-month experimental period. The carrier further asserts that its thesis is a reasonable one, worth testing in one market, and that unless the basis for its proposal is demonstrably irrational, it should be permitted to measure the generation/diversion results in the marketplace.

Upon consideration of the tariff proposal, the complaints, and other relevant matters, the Board finds that the proposal may be unjust or unreasonable, or

[1] Revisions to Eastern Air Lines, Inc. Tariff CAB 324.

[2] National and Northeast have filed defensive tariffs.

unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Eastern's proposal appears to be unjustly discriminatory since it involves a volume discount based on number of trips taken. While the Board has permitted volume discounts based on the size of a group, we have consistently declined to permit the use of discounts based on frequency of movement.[3] Group fare travel has been found to involve some cost savings to the carrier which a multitrip discount would not produce. Similarly, group travel would have a lesser value of service than individual travel, which would support the historic group discounts, but this factor is largely absent from the instant proposal. On the contrary, we do not find a significant difference in the value of service between the carrier's proposal and existing available services involving individual travel. Finally, we have serious doubts that the proposal is economically viable, particularly in view of its potential diversionary aspect.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in Eastern Air Lines, Inc.'s CAB Nos. 324 and 325, National Airlines, Inc.'s CAB Nos. 128 and 129, and Northeast Airlines, Inc.'s CAB No. 122, and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions.

2. Pending hearing and decision by the Board, the fares and provisions in Eastern Air Lines, Inc.'s CAB Nos. 324 and 325, National Airlines, Inc.'s CAB Nos. 128 and 129, and Northeast Airlines, Inc.'s CAB No. 122, are suspended and their use deferred to and including May 8, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein the complaints of Delta Air Lines, Inc., in Docket 22979, National Airlines, Inc., in Docket 22977, Northeast Airlines, Inc., in Docket 22978, and Northwest Airlines, Inc., in Docket 22974 are dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the above-named tariffs and served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1307 Filed 1-29-71;8:48 am]

[3] For example, in the TWA Multi-Charter Cargo Rate Investigation, Docket 17930 (Order E-25936, Nov. 7, 1967), the Board found the carrier's proposal to provide a rate reduction for 10 or more charters to be unjustly discriminatory.

[Docket No. 22628; Order 71-1-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority January 19, 1971.

By Order 70-12-116, dated December 18, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in agreements adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreements, which encompass a portion of the passenger resolutions adopted at Honolulu, relate to resolutions involving administrative, procedural, or technical provisions which do not affect basic fare levels.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-12-116 will herein be made final.

Accordingly, it is ordered, That:

The subject portions of Agreements CAB 22036,[1] CAB 22051,[2] CAB 22068,[3] and CAB 22095 [4] be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1308 Filed 1-29-71;8:48 am]

[1] Agreement CAB 22036, R-1 through R-5; R-9 through R-11; R-14; R-16; R-58; R-59; R-62.

[2] Agreement CAB 22051, R-1; R-21 through R-25.

[3] Agreement CAB 22068, R-1 through R-10; R-12; R-15; R-16; R-18; R-21.

[4] Agreement CAB 22095, R-1; R-2; R-9.

[Docket No. 23035]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 8, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Dated at Washington, D.C., January 26, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1305 Filed 1-29-71;8:48 am]

[Docket No. 22982]

TRANSPORTE AEREO RIOPLATENSE, S.A.C. e I.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 11, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 26, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1306 Filed 1-29-71;8:48 am]

TARIFF COMMISSION

[AA1921-69/70]

GLASS FROM JAPAN

Notice of Investigations and Hearings

Having received advice from the Treasury Department on January 7, 1971, that clear plate and clear float glass from Japan is being, or is likely to be, sold in the United States at less than fair value (investigation AA1921-69); and having received advice from the Treasury Department on January 7, 1971, as amended by subsequent advice received on January 26, 1971, that clear sheet glass from Japan is being, and is likely to be sold in the United States at less than fair value (investigation AA1921-70); the U.S. Tariff Commission has instituted investigations with respect to both matters under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with each investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. The hearing with respect to the imports of clear plate and clear float glass will begin at 10 a.m., e.s.t., on February 24, 1971. The hearing with respect to clear sheet glass will begin at the conclusion of the aforementioned hearing. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearings. Interested parties desiring to appear at either public hearing should notify the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., at least 5 days in advance of the date set for the hearing. All parties entering an appearance for either hearing will be notified of the earliest time at which they must be available at such hearing.

Issued: January 27, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1156 Filed 1-29-71;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL MARITIME COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Maritime Commission to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1269 Filed 1-29-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 528]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 25, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which th Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3642-C2-ML-71—Kidd's Communications Inc. (KMA257), Modification of license to change control frequency to 72.26 MHz at location No. 2: 215 East 18th Street, Bakersfield, CA. All other terms of the existing license to remain unchanged.

3757-C2-P-71—Rock County Telephone Co. (New), C.P. for a new 2-way station to be located at 2.5 miles east Bassett, Nebr., to operate on frequency 152.81 MHz.

3758-C2-P-71—The Northeastern Telephone Co. (New), C.P. for a new 2-way station to be located at 2 miles north of Arnold, Nebr., to operate on frequency 152.72 MHz.

3759-C2-MP-(3)71—Wisconsin Telephone Co. (KSA210), Modification of C.P. to change the antenna system operating on 454.400, 454.475, and 454.600 MHz at location No. 1: 722 North Broadway, Milwaukee, WI.

3760-C2-P-71—Cahill Answering Services, Inc. (KQZ774), C.P. for additional channel to operate on frequency 158.70 MHz located at 203 South Capitol Avenue, Lansing, MI.

3761-C2-P-71—Airsignal International, Inc. (KIP653), C.P. to replace transmitter operating on frequency 43.58 MHz and change the antenna system for same located at 42 North Third Street, Memphis, TN.

3762-C2-P-71—Kalamazoo Telephone Answering Service (KQK720), C.P. to change the antenna system and relocate facilities operating on 152.03 MHz to 5735 Parkview, Kalamazoo, MI.

3763-C2-MP-71—Kalamazoo Telephone Answering Service (KPM961), Modification of C.P. to change the antenna system and relocate facilities operating on 152.24 MHz to 5735 Parkview, Kalamazoo, MI.

3770-C2-P-71—Radio Communications Corp. (KLF608), C.P. to change the antenna system and relocate facilities operating on 454.125 MHz to 0.25 mile southeast of Hart and Chillem Road, Batavia, IL.

3793-C2-P-71—Telephone Answering Service of Owensboro, Inc. (KQZ722), C.P. to change the antenna system and relocate (1-way) facilities operating on 152.24 MHz to 19th and Litchfield Road, Highway 54 East, Owensboro, KY.

Major Amendment

6377-C2-P-68—The Telephone Co. of Pennsylvania (New), Amended to add a new 1-way station to operate on frequency 152.84 MHz at the following locations:
(Report No. 402-1, Dated Aug. 28, 1968) Location No. 1: 4224 Mount Troy Road, Pittsburgh, PA.; Location No. 2: 2607 Skyline Drive, West Mifflin, PA.; Location No. 3: Lyon Street, Pittsburgh, PA.; Location No. 3: Brinton Road and Yost Boulevard, Braddock Hill, PA.; Location No. 5: McRoberts Road, Castle Shannon, PA; Location No. 6: Route No. 60 at Campbell Run Road, Robinson Township, PA; Location No. 7: Logan's Ferry Road, Plum Township, PA; Location No. 8: Fox Chapel Road, Indiana Township, PA.

6081-C2-P-(2)-69—Mobilfone of Kansas (New), Amend to read: C.P. for a new 1-way station to operate on frequency 152.24 MHz. Location: Merchants National Bank Building, Eighth and Jackson Streets, Topeka, KS. Report No. 436, dated Apr. 12, 1969.

RURAL RADIO SERVICE

3777-C1-P-71—The Midland Telephone Co. (New), C.P. for a new rural subscriber station to be located at Beaver Point, 9 miles northwest of Helper, Utah, to operate on frequency 158.04 MHz communicating with Station KLF567, Bald Mesa, Utah.

3778-C1-P-71—The Midland Telephone Co. (New), Same as above, except, to be located at Frontier Mining Co's, Happy Jack Mine, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3779-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (New), C.P. for a new station to be located 400 yards north of Corolla Post Office, Corolla, N.C. Frequencies: 5937.8 and 6056.4 MHz toward Coinjock, N.C.

3780-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KJG97), C.P. to add frequencies 6189.8 and 6308.4 MHz toward Corolla, N.C. a new point of communication. Station location: Coinjock, N.C.

3781-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KJH20), C.P. to replace transmitter toward Waves, N.C., frequencies: 5937.8 and 6056.4 MHz, and correct path length and azimuth toward Kill Devil Hills, N.C., frequencies: 5967.4 and 6086.0 MHz. Location: 105 Uppowoc Avenue, Manteo, N.C.

3782-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KV125), C.P. to replace transmitter, frequencies: 6189.8 and 6308.4 MHz toward Manteo, and 6219.6 and 6388.1 MHz toward Buxton, N.C. Station location: 0.2 mile north of Waves, N.C.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

Union Telephone Co.
KPV43—Urie, Wyo.
KPV44—Hickey Mountain, Wyo.
Indiana Telephone Corp.
KSO45—Seymour, Ind.
KSO46—near Salem, Ind.
KSO47—Salem, Ind.
KSO69—North Vernon, Ind.
KVH90—Jasper, Ind.
KVH91—Orleans, Ind.
KVH92—near Jasper, Ind.
KVH93—Loogootee, Ind.
KVH94—near French Lick, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3792-C1-MP-71—Western Tele-Communications, Inc. (WDE21). Modification of C.P. to change the emission designator to 3500F9 for frequency 2128.4 MHz on azimuth 103°47'. Location: 2433 North Montana Avenue, Helena, MT; at latitude 46°36'33" N., longitude 112°01'10" W.

The following Renewal Applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Brentwood Co.
KTG33—Frazier Mountain, Calif.
KTG34—Breckenridge Mountain, Calif.
Garden State Micro Relay, Inc.
KEM55—near Chatsworth, N.J.
KEM56—Milmay, N.J.
KY290—North Wildwood, N.J.
WAY88—Temporary-Fixed.
Sekan Microwave, Inc.
KTG29—near Garnett, Kans.
KTG30—near Iola, Kans.
KTG31—near Chanute, Kans.
Tower Communications Systems Corp.
KQO40—St. Louisville, Ohio.
KQO41—Coshocton, Ohio.
KQO42—Shanesville, Ohio.
KQO43—New Philadelphia, Ohio.

[FR Doc.71-1313 Filed 1-29-71;8:49 am]

FEDERAL MARITIME COMMISSION

ALASKA BARGE AND TRANSPORT, INC.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, DC, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

Alan F. Wohlstetter,
Denning and Wohlstetter,
1 Farragut Square South,
Washington, DC 2006.

Application designated Exemption No. 8 is hereby made pursuant to section 35 of the Shipping Act, 1916 for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916 and regulations applicable thereunder for the carriage of general cargo between Seattle, Washington, and the Arctic Coast of Alaska between Beechy Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the application of Puget Sound Tug and Barge Co. and Alaska Barge and Transport, Inc. in Exemption No. 4, which was approved by the Commission (46 CFR 531.26(c); 35 F.R. 9925, June 17, 1970).

The proposed service is designed for the movement of general cargo, including bulk liquids, to and from the oil field discovered in 1968 near Prudhoe Bay, Alaska. The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is controlled by ice. Cargoes must be held at the carrier's dock in Seattle until shortly after midsummer, at which time all vessels engaged in the movement depart for the Arctic as a flotilla so as to arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return south of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character, the movement does not lend itself to rate regulation and applicant doubts that the movement is common carriage subject to regulations.

This exception from the tariff filing requirements and regulations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35, Shipping Act, 1916.

Dated: January 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1315 Filed 1-29-71;8:49 am]

[Independent Ocean Freight Forwarder License 1002]

CARIBE SHIPPING CO., INC.

Order of Revocation

By letter dated December 28, 1970, Caribe Shipping Co., Inc., Pier No. 9, Post Office Box 3267, San Juan PR 00904, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1002 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 20, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Caribe Shipping Co., Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1002 be returned to the Commission. Revocation of License No. 1002 is effective January 20, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Caribe Shipping Co., Inc.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.71-1314 Filed 1-29-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-185]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 26, 1971.

Take notice that on January 17, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP71-185 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of certain pipeline and measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks permission and approval to abandon the Fountain Meter Station and appurtenances and a portion of the downstream end of the Castle Rock lateral consisting of approximately 1,042 feet of 2-inch mainline and 976 feet of 3-inch loopline, all of which are located in Colorado.

Applicant states that during 1970 it replaced and relocated at points nearer its mainline and away from congested areas both the Castle Rock and Fountain Meter Stations. Northern Natural Gas Co., Peoples Natural Gas Division (Peoples) has agreed to purchase a portion of the Fountain Meter Station and the portion of the Castle Rock lateral and loop which are to be abandoned. Applicant further states that it will remove and salvage, where possible, all equipment at the Fountain Meter Station not purchased by Peoples.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1277 Filed 1-29-71;8:46 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Amending Prior Order Approving Rate Increase Without Suspension and Granting Petitions To Intervene

JANUARY 26, 1971.

On November 2, 1970, Transcontinental Gas Pipe Line Co. (Transco) proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2 to become effective January 1, 1971, without suspension.

Transco in its filing included a document, "Agreement as to Rates," and also requested that it be permitted to amortize by uniform annual amounts over a 14-year period commencing January 1, 1971, the balance in Account 282, in lieu of the vintage-year basis method authorized by our order issued August 12, 1966, in Docket No. RP67-3. The 14-year period is the same period remaining under the vintage-year method of amortization presently being utilized.

In our order issued in these proceedings on December 30, 1970, we approved the proposed rates and permitted the revised tariff sheets to become effective as requested, subject to the terms and conditions in the "Agreement as to Rates," and implicitly granted Transco's request to change its method of amortization of Account 282. By letter dated January 5, 1971, Transco has asked that we modify our December 30, 1970, order to specifically grant permission for such change. In order to avoid any future ambiguity, we deem it appropriate to grant Transco's request.

The Commission orders:

(A) Transco's request that it be permitted to amortize by uniform annual amounts over a 14-year period commencing January 1, 1971, the balance in Account 282, in lieu of the vintage-year basis authorized by Commission order issued August 12, 1966, in Docket No. RP67-3 is hereby granted.

(B) All the provisions of our December 30, 1970, order in Docket No. RP71-31 shall remain in effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[FR Doc.71 1278 Filed 1-29-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2832]

E. F. HUTTON TAX-EXEMPT FUND

Notice of Application To Amend Order of Exemption

JANUARY 22, 1971.

Notice is hereby given that E. F. Hutton Tax-Exempt Fund (California Series 1, New York Series 1, and Subsequent Series) (Applicant), c/o E. F. Hutton & Co., Inc., One Chase Manhattan Plaza, New York, NY 10005, a unit investment trust registered under the Investment Company Act of 1940 (Act) has filed an amended application pursuant to section 6(c) of the Act for an order of the Commission modifying the order (Investment Company Act Release No. 6274) issued by the Commission granting applicant an exemption from the provisions of section 14(a) of the Act.

Applicant includes California Series 1, New York Series 1, and all subsequent series named "E. F. Hutton Tax-Exempt Fund." Each Series is to be governed by a Trust Agreement under which E. F. Hutton & Co., Inc., is to act as sponsor and the United States Trust Company of New York is to act as trustee. The Trust Agreement for each series is to contain terms and conditions of trust common to all series. Pursuant to each such Trust Agreement, the sponsor originally was to have deposited with the trustee between $2 million and $10 million principal amount of bonds for each series which the sponsor was to have accumulated for such purpose, and simultaneously with such deposit was to have received from the trustee registered certificates for betwen 2,000 and 10,000 units representing the entire ownership of a series.

Applicant states in its amended application that the Trust Agreements will hereafter provide that the sponsor will deposit with the trustee between $2 million and $20 million principal amount of bonds, and simultaneously with such deposit will receive from the trustee registered certificates for between 2,000 and 20,000 units which will represent the entire ownership of the series.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1182; Filed 1-29-71;8:45 am]

[70-4969]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Amendment of Articles of Incorporation To Increase Authorized Shares of Common Stock and Solicitation of Proxies in Connection Therewith

JANUARY 26, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designated sections 6(a) 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to submit to its stockholders at its annual meeting to be held April 5, 1971, a proposal to amend its Articles of Incorporation to increase from 30 million to 40 million the aggregate number of authorized shares of common stock, par value $2.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the GPU holding company system. The proposed amendment will require the affirmative vote of the holders of the majority of the 29,792,689 outstanding shares of common stock. GPU intends to solicit proxies by mail, in person, or by telephone or telegraph, by directors, officers, and regular employees of GPU.

It is stated that the fees and expenses, excluding the Pennsylvania excise tax of $50,000, of GPU to be paid in connection with the proposed amendment will not exceed $5,030, including legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1298 Filed 1-29-71;8:48 am]

[70-4958]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks

JANUARY 26, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is estimated at $135 million. Its 10 sponsor companies are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

In order to obtain interim financing for its initial nuclear fuel inventory, Vermont Yankee proposes to issue and sell its promissory notes of up to $14 million outstanding at any one time to the banks indicated below (Banks). The notes will be sold pursuant to a credit agreement dated as of December 1, 1970, amended January 5, 1971, will mature March 15, 1971, will bear interest at the rate of 7½ percent per annum and will not be prepayable.

The names of the Banks and the maximum amounts to be borrowed from each are as follows:

Name	Amount
Bankers Trust Co., New York, N.Y.	$6, 750, 000
First National Bank of Boston, Mass.	6, 750, 000
Crittenden Trust Co., Burlington, Vt.	400, 000
Vermont Bank & Trust Co., Brattleboro, Vt.	200, 000
Vermont National Bank, Brattleboro, Vt.	160, 000
The Howard National Bank and Trust Co., Burlington, Vt.	100, 000
Total	14, 000, 000

The credit agreement with the Banks, referred to above, initially provided for loans aggregating $8 million to mature February 1, 1971, of which $6 million has been borrowed. Vermont Yankee is not in a position to pay such notes at maturity and requires additional funds (the combined total of which is $14 million), has negotiated an amendment to the credit agreement providing for extension of existing maturities and for additional notes at the original rate of interest of 7½ percent. It is represented that some of the sponsors may have difficulty in providing such funds under the capital funds agreement and that prior advances by the sponsors to Vermont Yankee have been at a rate of interest of 1½ percent above the prime commercial rate (Holding Company Act Release No. 16838). It is also stated that these notes will not be renewed at the maturity date of March 15, 1971.

The proceeds from the sale of the notes will be used to pay for or to reimburse Vermont Yankee for payments made for fabrication, construction and acquisition of nuclear fuel, until a more permanent arrangement can be made. It is presently anticipated that the notes proposed herein will be paid through the sale of longer-term notes to another bank (see File No. 70-4968).

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $19,500, including legal fees of $17,500.

Notice is further given that any interested person may, not later than February 9, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1299 Filed 1-29-71;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

JANUARY 25, 1971.

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Citizens National Bank of Wooster, Wooster, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, January 25, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-1297 Filed 1-29-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 797]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Webster County, Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county suffered damage or destruction resulting from fire occurring on January 12, 1971.

OFFICE

Small Business Administration District Office, 210 Walnut Street, Des Moines, IA 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1971.

Dated: January 22, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-1267 Filed 1-29-71;8:45 am]

[Declaration of Disaster Loan Area 798]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to business property located in Winchester, N.H.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city suffered damage or destruction resulting from fire occurring on January 19 and 20, 1971.

OFFICE

Small Business Administration District Office, 55 Pleasant Street, Concord, NH 03301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1971.

Dated: January 22, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-1266 Filed 1-29-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 236]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 27, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5101 (Sub-No. 6 TA), filed January 22, 1971. Applicant: SREIN FURNITURE CARRIERS, INC., 924 Bent Road, Cornwells Heights, PA 19020. Applicant's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, NJ 08053. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, crated and uncrated, furniture parts, and materials used in the manufacture thereof*, from Laurel, Md., Fleetwood, Pa., Elizabeth and Riverside, N.J., to points in Delaware, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and the District of Columbia, for 180 days. NOTE: Applicant does intend to tack the authority here applied for to previous authority held under MC 5101 at Philadelphia, Pa., when necessary. Supporting shipper: Simmons Co., New York, N.Y., Brunswick Avenue and Allen Street, Elizabeth F., NJ 07207. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 51146 (Sub-No. 196 TA), filed January 22, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, 54306, Green Bay, WI 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and containers ends*, from Lenexa, Kans., to Madisonville, Ky., and St. Louis, Mo., for 180 days. Supporting shipper: National Can Corp., Midway Center, 5959 South Cicero Avenue, Chicago, IL 60638 (J. E. Barton, Midwest District Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 109689 (Sub-No. 220 TA), filed January 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Plainview, Tex., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, North Carolina, Soutn Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta GA 30309.

No. MC 107515 (Sub-No. 730 TA), filed January 22, 1971. Applicant: W. S. HATCH CO., 643 South 800 West Street, Office: Woods Cross, UT 84087, Mail: Post Office Box 1825, Salt Lake City, UT 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, from railroad siding at Pittsburg, Calif., to points in California north of Interstate 15 and California Highways 58, 119, and 166, for 180 days. Supporting shipper: CPC International Inc., International Plaza, Englewood Cliffs, NJ 07632 (R. V. Haugen, Assistant Transportation Manager Motor Transportation). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 110798 (Sub-No. 4 TA), filed January 22, 1971. Applicant: WILLISTON-SCOBEY TRANSFER, Post Office Box 455, Plentywood, MT 59254. Applicant's representative: Loren J. O'Toole, Plentywood, Mont. 59254. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Plentywood, Mont., and Williston, N. Dak., serving the intermediate points of Westby, Mont., East Westby, N. Dak., Fortuna Air Force Base, N. Dak., and Fortuna, N. Dak., from Plentywood over Montana Highway 5 and North Dakota Highway 5 to junction U.S. Highway 85; thence to Williston, N. Dak., and return over the same route; between Opheim, Mont., and Glasgow, Mont., serving the intermediate point of Glasgow Air Force Base, from Opheim, Mont., to Glasgow, Mont., over Montana Highway 247 and return over the same route; between Plentywood, Mont., and the United States-Canada boundary line at or near the port of entry of Raymond, Mont., serving the intermediate point of Raymond; from Plentywood, Mont., over Montana Highway 5 to junction Montana Highway 256; thence Montana Highway 256 to the United States-Canada international boundary line, and return over the same route with authority to tack to its existing authority issued in MC-110798, for 180 days. Supporting shippers: Gamble Stores, Glasgow, Mont., Enco Service, Fortuna, N. Dak., Fortuna Air Force Base, Fortuna, N. Dak., Farmers Grain and Trading Co., Westby, Mont., Michael Lowe, Superintendent of Schools, Westby, Mont. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 119118 (Sub-No. 28 TA), filed January 22, 1971. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, PA 15650. Authority sought to oprcate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Winston-Salem, N.C., to points in Pennsylvania on and west of U.S. Highway 15, and *empty containers* on return, for 120 days. Supporting shipper: Jos. Schlitz Brewing Co., Milwaukee, Wis. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 119789 (Sub-No. 55 TA), filed January 22, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from Hereford, TEX., to points in Alabama, Georgia, Florida, Maryland, Ohio, New York, New Jersey, Pennsylvania, and Massachusetts, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Wilson Beef & Lamb Co., Hereford, Tex. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, TX 75202.

No. MC 119988 (Sub-No. 36 TA), filed January 22, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Bennie Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bags, from Van Buren, Ark., to points in Texas, for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Diamond Shamrock Chemical Co., Nopco Chemical Division (I. Alfred Biondi, General Traffic Manager), Post Office Box 2386, Morristown, NJ 07960. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 124964 (Sub-No. 12 TA), filed January 22, 1971. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Office: 441 and Haines Creek Road, Eustis, FL 32726, Tavares, Fla. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juices, drinks, concentrates* not frozen and *fruit salads*, for the account of Doric Foods Corp., from Mount Dora, Fla., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and the District of Columbia, for 150 days. NOTE: Applicant states it does intend to tack authority with MC 124964 (Sub-No. 12 TA). Supporting shipper: Doric Foods Corp., Post Office Box 986, Mount Dora, FL 32757. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 133093 (Sub-No. 3 TA), filed January 22, 1971. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINE, 3010 McNutt Road, Box 307, Sunland Park, NM 88063. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from El Paso, Tex., to points in California, for 180 days. Supporting shipper: Starmill, Inc., 120 South La Salle Street, Chicago, IL 60603. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 135243 TA, filed January 22, 1971. Applicant: WISPAK TRANSPORT, INC., 4700 North 132d Street, Butler, WI 53007. Applicant's representative: Harry J. Weisfeldt, Suite 5058, Plankinton Building, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meat, and suspended carcass meat*, from the plantsite, storage, and freezer facilities of Wisconsin Packing Co., Inc., in Milwaukee and Butler, Wis., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Tennessee; (2) *Carcass meat*, from Muncie, Ind., Dubuque, Postville, and Sioux City, Iowa; Wichita, Kans., Ottumwa, Minneapolis, St. Cloud, and St. Paul, Minn., Pittsburgh and Philadelphia, Pa., for Wisconsin Packing Co., Inc., Butler and Milwaukee, Wis., and (3) *Pallets*, from Philadelphia, Pa., and Knoxville, Tenn., to Wisconsin Packing Co., Inc., Butler and Milwaukee, Wis. The above indicated transportation is to be on a continuing contract with Wisconsin Packing Co., Inc., for 180 days. Supporting shipper: Wisconsin Packing Co., Inc., 305 South Third Street, Wilwaukee, WI 53204 (Robert C. Heller, Vice President of Operations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135245 TA, filed January 22, 1971. Applicant: BURGER'S EXPRESS, INC., doing business as BOULDER VALLEY TRANSFER, INC., 5541 Central, Boulder, CO 80302. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles and premiums* and (2) *equipment and supplies* used in connection with the commodities described in Item 1, from Boulder, Colo., to points in Boulder, Gilpin, Larimer, and Weld Counties, Colo., for 180 days. Supporting shipper: Avon Products, Inc., 83d and College, Kansas City, MO 64141. Send protests to: District Supervisor R. L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1301 Filed 1-29-71;8:48 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 21

Saturday, January 30, 1971 • Washington, D.C.

PART II

ENVIRONMENTAL PROTECTION AGENCY

•

National Primary and Secondary Ambient Air Quality Standards and Air Pollution and Control

Notice of Proposed Standards and List of Air Pollutants

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 410]

NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Notice of Proposed Standards for Sulfur Oxides, Particulate Matter, Carbon Monoxide, Photochemical Oxidants, Hydrocarbons, and Nitrogen Oxides

Section 109 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-640), directs the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, proposed national primary and secondary ambient air quality standards for each pollutant for which air quality criteria were issued prior to enactment of the amendments. The section also provides that after December 31, 1970, the Administrator shall, simultaneously with his issuance of air quality criteria and information on control techniques for a pollutant, publish proposed national primary and secondary ambient air quality standards for that pollutant. Primary ambient air quality standards define levels of air quality which the Administrator judges necessary, based on the air quality criteria and allowing an adequate margin of safety, to protect the public health. Secondary ambient air quality standards define levels of air quality which the Administrator judges necessary, based on the air quality criteria to protect the public welfare from any known or anticipated adverse effects of an air pollutant.

Prior to December 31, 1970, air quality criteria had been issued for these five pollutants: Sulfur oxides and particulate matter (34 F.R. 1988); carbon monoxide, photochemical oxidants, and hydrocarbons (35 F.R. 4768). The Administrator has determined that nitrogen oxides, which are present in the ambient air as a result of emissions from numerous and diverse mobile and stationary sources and for which air quality criteria were not issued prior to December 31, 1970, are air pollutants which adversely affect public health and welfare. In accordance with section 108 of the Act, the following are published in a notice in this issue of the FEDERAL REGISTER:

1. A list of air pollutants, required to be published no later than January 30, 1971, which identifies nitrogen oxides as air pollutants for which air quality criteria will be issued and for which national primary and secondary ambient air quality standards will be promulgated, and

2. An announcement of the issuance of air quality criteria for nitrogen oxides.

Pursuant to section 109 of the Clean Air Act, notice is hereby given of proposed national primary and secondary ambient air quality standards as set forth in Part 410 below, which would be added to Chapter IV of Title 42, Code of Federal Regulations. With respect to carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen oxides, adverse welfare effects have not been observed to occur at levels below the levels of the proposed primary standards. For each of those pollutants, therefore, the proposed secondary standard has been specified at the level of the proposed primary standard.

The characteristics of the six air pollutants named above are, briefly, as follows:

Sulfur oxides. Sulfur oxides, which arise primarily from the combustion of sulfur-containing fossil fuels, are prevalent in polluted air. Their presence in the ambient air has been associated with a variety of respiratory diseases and increased mortality rates. They represent a significant economic burden and have a nuisance impact. Sulfur dioxide is an indicator of the presence of sulfur oxides in polluted air and is an important index of the effects which have been associated with these contaminants.

Detailed information on sulfur oxides is presented in the document "Air Quality Criteria for Sulfur Oxides" (NAPCA Publication No. AP-50), which provided a basis for the development of the standards set forth below.

Particulate matter. Particulate matter refers to any matter dispersed in the air, whether solid or liquid, in which the individual particles are larger than small molecules but smaller than 500 microns. Particles smaller than 1 micron in diameter originate in the atmosphere principally through condensation and combustion, while larger particles arise principally from erosion and abrasion. Particulate matter of technological origin is pervasive in its distribution and is associated with a variety of adverse effects on public health and welfare. Particulate matter in the respiratory tract may produce injury by itself, or it may act in conjunction with gases, altering their sites or their mode of action. Particles cleared from the respiratory tract by transfer to the lymph, blood, or gastrointestinal tract may produce effects elsewhere in the body.

Detailed information on particulate matter is presented in the document "Air Quality Criteria for Particulate Matter" (NAPCA Publication No. AP-49), which provided a basis for the development of the standards set forth below.

Carbon monoxide. Carbon monoxide is the product of incomplete combustion of carbonaceous fuels and is widely prevalent in ambient air. It is absorbed through the lungs and reacts primarily with the hemoglobin in red blood cells. It decreases the oxygen carrying capacity of the blood and reduces the availability of oxygen transported to vital tissues by the blood.

Detailed information on carbon monoxide is presented in the document "Air Quality Criteria for Carbon Monoxide" (NAPCA Publication No. AP-62), which provided a basis for the development of the standards set forth below.

Photochemical oxidants. Photochemical oxidants are produced in the atmosphere when reactive organic substances, principally reactive hydrocarbons, and nitrogen oxides are exposed to sunlight. Photochemical oxidants cause irritation of the mucous membranes, damage to vegetation, and deterioration of materials. They affect the clearance mechanism of the lungs and alter resistance to respiratory bacterial infection. Photochemical oxidants have been implicated as accelerators in the aging process.

Detailed information on photochemical oxidants is presented in the document "Air Quality Criteria for Photochemical Oxidants" (NAPCA Publication No. AP-63) which provided a basis for the development of the standards set forth below.

Hydrocarbons. Hydrocarbons are primarily associated with the processing, marketing, and use of petroleum products and are widely prevalent in the ambient air. They constitute the principal portion of these volatile reactive organic substances in the atmosphere which are the precursors of other compounds formed in the atmospheric photochemical system and which result in the manifestations of photochemical smog. Methane, which occurs naturally in the atmosphere at relatively high levels, is not considered to be involved in the photochemical reactions. The only direct effect attributable to ambient levels of hydrocarbons is the vegetation damage from ethylene.

Detailed information on hydrocarbons is presented in the document "Air Quality Criteria for Hydrocarbons" (NAPCA Publication No. AP-64) which provided a basis for the development of the standards set forth below.

Nitrogen oxides. Nitrogen oxides result from the fixation of nitrogen and oxygen at high temperatures and are typically associated with combustion processes. They are also related to certain chemical processes. The principal nitrogen oxide formed in the combustion process is nitric oxide. This compound has not been shown to have health or welfare effects at present or anticipated ambient concentrations. However, there are several atmospheric reactions which lead to the oxidation of nitric oxide to nitrogen dioxide, and the presence of nitrogen dioxide in ambient air has been associated with a variety of respiratory diseases. Nitrogen dioxide is essential to the production of photochemical smog. At higher concentrations, its presence has been implicated in the corrosion of electrical components as well as vegetation damage.

Detailed information on nitrogen oxides is presented in the document "Air Quality Criteria for Nitrogen Oxides" (EPA Publication No. AP-84) which provided a basis for the development of the standards set forth below.

The air quality criteria documents referred to above are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Prices are as follows:

Sulfur oxides (AP-50)	$1.25
Particulate matter (AP-49)	1.75
Carbon monoxide (AP-62)	1.50
Hydrocarbons (AP-64)	1.25
Photochemical oxidants (AP-63)	1.75
Nitrogen oxides (AP-84)	1.50

Orders for any of the above documents should be accompanied by a check or money order payable to the Superintendent of Documents.

Copies of the summary-and-conclusions chapter of each air quality criteria document are available free of charge from the Air Pollution Control Office, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852, Attention: Publications Section.

Interested persons may submit written comments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17-59, 5600 Fishers Lane, Rockville, MD 20852. All relevant comments received not later than 45 days after the publication of this proposal will be considered. The standards, modified as the Administrator deems appropriate after consideration of comments, will be promulgated no later than 90 days from the date of publication of this notice, as required by the Act.

This notice of proposed rulemaking is issued under the authority of section 4, Public Law 91-604, 84 Stat. 1679.

Dated: January 25, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

A new Part 410 would be added to Chapter IV, Title 42, Code of Federal Regulations, as follows:

PART 410—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Sec.

410.1 Definitions.
410.2 Scope.
410.3 Measurement corrections.
410.4 National primary ambient air quality standards for sulfur oxides (sulfur dioxide).
410.5 National secondary ambient air quality standards for sulfur oxides (sulfur dioxide).
410.6 National primary ambient air quality standards for particulate matter.
410.7 National secondary ambient air quality standards for particulate matter.
410.8 National primary and secondary ambient air quality standards for carbon monoxide.
410.9 National primary and secondary ambient air quality standards for photochemical oxidants.
410.10 National primary and secondary ambient air quality standards for hydrocarbons.
410.11 National primary and secondary ambient air quality standards for nitrogen dioxide.
Appendix A—Method for Determination of Sulfur Dioxide (Pararosaniline Method).
Appendix B—Procedure for Determination of Suspended Particulates (High Volume Method).
Appendix C—Method for Continuous Measurement of Carbon Monoxide (Nondispersive Infrared Spectrometry).
Appendix D—Method for Determination of Oxidants (Neutral Buffered Potassium Iodide Method).
Appendix E—Part 1: Method for Continuous Measurement of Hydrocarbons (Flame Ionization Method).
Part 2: Method for Measurement of Methane.
Appendix F—Method for Determination of Nitrogen Dioxide in the Atmosphere (24-Hour Sampling Method).

§ 410.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(b) "Act" means the Clean Air Act, as amended (Public Law 91-604).

(c) "Agency" means the Environmental Protection Agency.

(d) "Administrator" means the Administrator of the Environmental Protection Agency.

§ 410.2 Scope.

(a) National primary and secondary ambient air quality standards under section 109 of the Act are set forth in this part.

(b) National primary ambient air quality standards define levels of air quality which the Administrator judges are necessary, with an adequate margin of safety, to protect the public health. National secondary ambient air quality standards define levels of air quality which the Administrator judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Such standards are subject to revision, and additional primary and secondary standards may be promulgated as the Administrator deems necessary to protect the public health and welfare.

(c) The promulgation of national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of any State.

(d) The proposal, promulgation, or revision of national primary and secondary ambient air quality standards shall not prohibit any State from establishing ambient air quality standards for that State or any portion thereof which are more stringent than the national standards.

§ 410.3 Measurement corrections.

All measurements of air quality are corrected to a reference temperature of 20° C. and to a reference pressure of 760 millimeters of mercury.

§ 410.4 National primary ambient air quality standards for sulfur oxides (sulfur dioxide).

The national primary ambient air quality standards for sulfur oxides, measured as sulfur dioxide by a method referenced to the pararosaniline method, as described in Appendix A to this part, are:

(a) 80 micrograms per cubic meter—annual arithmetic mean.

(b) 365 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

§ 410.5 National secondary ambient air quality standards for sulfur oxides (sulfur dioxide).

The national secondary ambient air quality standards for sulfur oxides, measured as sulfur dioxide by a method referenced to the pararosaniline method, as described in Appendix A to this part, are:

(a) 60 micrograms per cubic meter—annual arithmetic mean.

(b) 260 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

§ 410.6 National primary ambient air quality standards for particulate matter.

The national primary ambient air quality standards for particulate matter, measured by the high-volume sampling method, as described in Appendix B to this part, are:

(a) 75 micrograms per cubic meter—annual geometric mean.

(b) 260 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

§ 410.7 National secondary ambient air quality standards for particulate matter.

The national secondary ambient air quality standards for particulate matter, measured by the high-volume sampling method, as described in Appendix B to this part, are:

(a) 60 micrograms per cubic meter—annual geometric mean.

(b) 150 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

§ 410.8 National primary and secondary ambient air quality standards for carbon monoxide.

The national primary and secondary ambient air quality standards for carbon monoxide, measured by the nondispersive infrared method, as described in Appendix C to this part, or equivalent method, are:

(a) 10 milligrams per cubic meter—maximum 8-hour concentration not to be exceeded more than once per year.

(b) 15 milligrams per cubic meter—maximum 1-hour concentration not to be exceeded more than once per year.

§ 410.9 National primary and secondary ambient air quality standards for photochemical oxidants.

The national primary and secondary ambient air quality standards for photochemical oxidants, measured by a method referenced to the neutral-buffered 1 percent potassium iodide colorimeteric technique and corrected for interferences due to nitrogen oxides and sulfur dioxide, as described in Appendix D to this part, are: 125 micrograms per cubic meter—maximum 1-hour concentration not to be exceeded more than once per year.

§ 410.10 National primary and secondary ambient air quality standards for hydrocarbons.

The national primary and secondary ambient air quality standards for hydrocarbons, measured by the flame ionization detection method, as described in Appendix E to this part (Part 1), and corrected for methane in the sampled air by the procedures described in Appendix E to this part, or by an equivalent procedure, are: 125 micrograms per cubic meter—maximum 3-hour concentration (6 to 9 a.m.) not to be exceeded more than once per year.

§ 410.11 National primary and secondary ambient air quality standards for nitrogen dioxide.

The national primary and secondary ambient air quality standards for nitrogen dioxide, measured by a method referenced to the 24-hour sampling method, as described in Appendix F to this part, are:

(a) 100 micrograms per cubic meter—annual arithmetic mean.

(b) 250 micrograms per cubic meter—24-hour concentration not to be exceeded more than once per year.

APPENDIX A

PART 1—METHOD FOR DETERMINATION OF SULFUR DIOXIDE (PARAROSANILINE METHOD)

1. *Principle and applicability of method.* 1.1 Sulfur dioxide is absorbed from air in a solution of potassium tetrachloromercurate (TCM). A dichlorosulfitomercurate complex, which resists oxidation by the oxygen in the air, is formed.[1,2] Once formed, this complex is stable to strong oxidants (e.g., ozone, oxides of nitrogen).

1.2 The complex is reacted with pararosaniline and formaldehyde to form intensely colored pararosaniline methyl sulfonic acid. The absorbance of the solution is measured spectrophotometrically.

2. *Range and sensitivity.* 2.1 Concentrations of sulfur dioxide in the range of 25 to 1,000 $\mu g./m.^3$ (0.01 to 0.40 p.p.m.) can be measured under the conditions given. One can extrapolate to concentrations below 25 $g./m.^3$ by sampling larger volumes of air, but only if the absorption efficiency of the particular system is first determined. Higher concentrations can be analyzed by using smaller gas samples, a larger collection volume, or a suitable aliquot of the collected sample.

2.2 The lower limit of detection of sulfur dioxide in 10 ml. TCM is 0.75 $\mu g.$ (based on twice the standard deviation) representing a concentration of 25 $\mu g./m.^3$ SO_2 (0.01 p.p.m.) in an air sample of 30 liters.

2.3 Beer's Law is followed through the working range from 0.0 to 1.0 absorbance units (0 to 27 $\mu g.$ of sulfite ion in 25 ml. final solution computed as SO_2).

3. *Interferences.* 3.1 The effects of the principle known interferences have been minimized or eliminated. Interferences by oxides of nitrogen are eliminated by sulfamic acid,[4,5] ozone by time-delay,[4] and heavy metals by EDTA (ethylenediaminetetraacetic acid disodium salt) and phosphoric acid.[4,5] At least 60 $\mu g.$ Fe(III), 10 $\mu g.$ Mn(II), and 10 $\mu g.$ Cr(III) in 10 ml. absorbing reagent can be tolerated in the procedure. No significant interference was found with 10 $\mu g.$ Cu(II) and 22 $\mu g.$ V(V).

4. *Precision, accuracy, and stability.* 4.1 Relative standard deviation at the 95 percent confidence level is 4.6 percent for the analytical procedure using standard samples.[3]

4.2 After sample collection the solutions are relatively stable. At 25° C. losses of sulfur dioxide occur at the rate of 1.5 percent per day. When samples are stored at 5° C. for 30 days, no detectable losses of sulfur dioxide occur. The presence of EDTA enhances the stability of SO_2 in solution, and the rate of decay is independent of the concentration of SO_2.[7]

5. *Apparatus.* 5.1 Sampling.

5.1.1 Absorber—Absorbers normally used in air pollution sampling are acceptable for concentrations above 25 $\mu g./m.^3$ (0.01 p.p.m.). An all-glass midget impinger, as shown in Figure 1, is recommended for 30-minute samples.

5.1.2 Pump—Capable of maintaining an air pressure differential greater than 0.7 atmosphere at the desired flow rate.

5.1.3 Air Flowmeter or Volume Meter—Capable of measuring air flow within ±2 percent. A wet or dry gas meter, with manometer, or a specially calibrated rotameter, is satisfactory. A 22-gauge hypodermic needle 1-in. long may be used as a critical orifice to give a flow of about 1 liter/min. if it has first been calibrated in the system. Use a membrane filter to protect the needle.

5.2 Analysis.

5.2.1 Spectrophotometer—Suitable for measurement of absorbance at 548 nm. with an effective spectral band of less than 15 nm. Reagent blank problems may occur with spectrophotometers having greater spectral band width. The wavelength calibration of the instrument should be verified. If transmittance is measured, this can be converted to absorbance:

$$A = \log_{10}(I/T)$$

6. *Reagents.* 6.1 Sampling.

6.1.1 Distilled water—Must be free from oxidants.

6.1.2 Absorbing Reagent (0.04 M Potassium Tetrachloromercurate (TCM))—Dissolve 10.86 g. mercuric chloride, 0.066 g. EDTA (Ethylenediaminetetraacetic acid disodium salt), and 6.0 g. potassium chloride in water and bring to mark in a 1,000-ml. volumetric flask. (Caution: highly poisonous. If spilled on skin, flush off with water immediately.) The pH of this reagent should be approximately 4.0, but it has been shown that there is no appreciable difference in collection efficiency over the range of pH 5 to pH 3.[7] The absorbing reagent is normally stable for 6 months. If a precipitate forms, discard the reagent.

6.2 Analysis.

6.2.1 Sulfamic Acid (0.6 percent)—Dissolve 0.6 g. sulfamic acid in 100 ml. distilled water. Prepare fresh daily.

6.2.2 Formaldehyde (0.2 percent)—Dilute 5 ml. formaldehyde solution (36–38 percent) to 1,000 ml. with distilled water. Prepare daily.

6.2.3 Stock Iodine Solution (0.1 N)—Place 12.7 g. iodine in a 250-ml. beaker; add 40 g. potassium iodide and 25 ml. water. Stir until all is dissolved, then dilute to 1,000 ml. with distilled water.

6.2.4 Iodine Solution (0.01 N)—Prepare approximately 0.01 N iodine solution by diluting 50 ml. of stock solution to 500 ml. with distilled water.

6.2.5 Starch Indicator Solution—Triturate 0.4 g. soluble starch and 0.002 g. mercuric iodide (preservative) with a little water, and add the paste slowly to 200 ml. boiling water. Continue boiling until the solution is clear; cool, and transfer to a glass-stoppered bottle.

6.2.6 Stock Sodium Thiosulfate Solution (0.1 N)—Prepare a stock solution by dissolving 25 g. sodium thiosulfate ($Na_2S_2O_3 \cdot 5H_2O$) in 1,000 ml. freshly boiled, cooled, distilled water and add 0.1 g. sodium carbonate to the solution. Allow the solution to stand 1 day before standardizing. To standardize, accurately weigh, to the nearest 0.1 mg., 1.5 g. primary standard potassium iodate dried at 180° C. and dilute to volume in a 500-ml. volumetric flask. To a 500 ml. iodine flask, pipet 50 ml. of iodate solution. Add 2 g. potassium iodide and 10 ml. of 1 N hydrochloric acid. Stopper the flask. After 5 minutes, titrate with stock thiosulfate solution to a pale yellow. Add 5 ml. starch indicator solution and complete the titration. Calculate the normality of the stock solution.

$$N = \frac{W}{M} \times 2.80$$

N = Normality of stock thiosulfate solution.
M = Volume of thiosulfate required, ml.
W = Weight of potassium iodate, grams.

$$2.80 = \frac{10^3 \text{ (conversion of g. to mg.)} \times 0.1 \text{ (fraction iodate used)}}{35.67 \text{ equivalent weight of potassium iodate}}$$

6.2.7 Sodium Thiosulfate Titrant (0.01 N)—Dilute 100 ml. of the stock thiosulfate solution to 1,000 ml. with freshly boiled distilled water.

Normality = Normality of Stock Solution $\times 0.100$.

6.2.8 Standardized Sulfite Solution for Preparation of Working Sulfite-TCM Solution—Dissolve 0.30 g. sodium metabisulfite ($Na_2S_2O_5$ or 0.40 g. sodium sulfite (Na_2SO_3) in 500 ml. of recently boiled, cooled, distilled water. (Sulfite solution is unstable; it is therefore important to use water of the highest purity to minimize this instability.) This solution contains the equivalent of 320 to 400 $\mu g./ml.$ of SO_2. The actual concentration of the solution is determined by adding excess iodine and back-titrating with standard sodium thiosulfate solution. To back-titrate, pipet 50 ml. of the 0.01 N iodine into each of two 500-ml. iodine flasks (A and B). To flask A (blank) add 25 ml. distilled water, and to flask B (sample) pipet 25 ml. sulfite solution. Stopper the flasks and allow to react for 5 min. Prepare the working sulfite-TCM Solution (6.2.9) at the same time iodine solution is added to the flasks. By means of a buret containing standardized 0.01 N Thiosulfate, titrate each flask in turn to a pale yellow. Then add 5 ml. starch solution and continue the titration until the blue color disappears.

6.2.9 Working Sulfite-TCM Solution—Pipet accurately 2 ml. of the standard solution into a 100-ml. volumetric flask and bring to mark with 0.04 M TCM. Calculate the concentration of sulfur dioxide in the working solution:

$$\mu g.SO_2/ml. = \frac{(A-B)\ (N)\ (32{,}000) \times 0.02}{25}$$

32,000 = Milliequivalent wt., $\mu g.$
A = Volume thiosulfate for blank, ml.
B = Volume thiosulfate for sample, ml.
N = Normality of thiosulfate titrant.
25 = Volume standard sulfite solution, ml.
0.02 = Dilution factor.

This solution is stable for 30 days if kept at 5° C. (refrigerator). If not kept at 5° C., prepare daily.

6.2.10.1 Dye Specifications—The pararosaniline dye must meet the following performance specifications: (1) The dye must have a wavelength of maximum absorbance at 540 nm. when assayed in a buffered solution of 0.1 M sodium acetate-acetic acid; (2) the absorbance of the reagent blank, which is temperature-sensitive (0.015 absorbance unit/° C.), should not exceed 0.170 absorbance unit at 22° C. with a 1-cm. optical path length, when the blank is prepared according to the prescribed analytical procedure and to the specified concentration of the dye; (3) the calibration curve (Section 8.2.1) should have a slope of 0.030±0.002 absorbance units/$\mu g.$ SO_2 at this path length when the dye is pure and the sulfite solution is properly standardized.

6.2.10.2 Preparation of Stock Solution—A specially purified (99–100 percent pure) solution of pararosaniline, which meets the above specifications, is commercially available in the required 0.20 percent concentration (Harleco*). If this cannot be obtained, the stock solution may be prepared by dissolving 0.200 g. of the purified dye in 100 ml. of 1 N hydrochloric acid in a 100 ml. glass stoppered graduated cylinder. (See Scaringelli, et al.[4] for the purification and assay procedures.)

*Hartmen-Leddon, 60th and Woodland Avenue, Philadelphia, PA 19143.

6.2.11 Pararosaniline Reagent—To a 250-ml. volumetric flasks, add 20 ml. stock pararosaniline solution. Add an additional 0.2 ml. stock solution for each percent the stock assays below 100 percent. Then add 25 ml. 3 M phosphoric acid and dilute to volume with distilled water. This reagent is stable for at least 9 months.

7. *Procedure.* 7.1 Sampling—Procedures are described for short term (30 min.) and for long term (24 hours) sampling. One can select different combinations of sampling rate and time to meet special needs. Fixing sample volume at 30 liters maintains linearity between absorbance and concentration over this dynamic range.

7.1.1 30-Minute Sampling—Insert a midget impinger into the sampling system, Figure 1. Add 10 ml. TCM solution to the impinger. Collect sample at 1 liter/min. for 30 min. Shield the absorbing reagent from direct sunlight during and after sampling by covering the impinger with aluminum foil, to prevent deterioration. Record the actual volume of air by multiplying the flow rate by the time in minutes. Remove and stopper the impinger. If the sample must be stored for more than a day before analysis, keep it at 5° C. in a refrigerator (see 4.2).

7.1.2 24-Hour Sampling—Place 15–20 ml. TCM solution in a midget impinger or 50 ml. in a larger impinger and collect the sample at 0.2 liter/min. for 24 hours. Make sure no entrainment of solution results with the impinger. During collection and storage protect from direct sunlight. Record the total volume of sample by multiplying the flow rate by the time in minutes. If storage is necessary, refrigerate at 5° C. (see 4.2).

7.2 Analysis.

7.2.1 Sample Preparation—After collection, if a precipitate is observed in the sample, remove it by centrifugation.

7.2.1.1 30-Minute Sample—Transfer the sample quantitatively to a 25-ml. volumetric flask; use about 5 ml. distilled water for rinsing. Delay analyses for 20 min. to allow any ozone to decompose.

7.2.1.2 24-Hour Sample—Dilute the entire sample to 25 ml. for the midget impinger of 50 ml. for the larger impinger, with absorbing solution. Pipet one-tenth of the sample into a 25 ml. volumetric flask for chemical analyses. Delay analyses for 20 min. to allow any ozone to decompose.

7.2.2 Determination—For each set of determinations prepare a reagent blank by adding 10 ml. unexposed TCM solution to a 25 ml. volumetric flask. Prepare a control solution by adding 2 ml. of working sulfite-TCM solution and 8ml. TCM solution to a 25-ml. volumetric flask. To each flask containing either sample, control solution or reagent blank, add 1 ml. 0.6 percent sulfamic acid and allow to react 10 min. to destroy the nitrite from oxides of nitrogen. Accurately pipet in 2 ml. 0.2 percent formaldehyde solution, then 5 ml. pararosaniline solution. Start a laboratory timer that has been set for 30 minutes. Bring all flasks to volume with freshly boiled and cooled distilled water and mix thoroughly. After 30 min. and before 60 min., determine the absorbances of the sample, reagent blank and the control solution at 548 nm. using 1-cm. optical path length cells. Use distilled water, not the reagent blank, as the reference. (NOTE: This is important because of the color sensitivity of the reagent blank to temperature changes which can be induced in the cell compartment of a spectrophotometer.) Do not allow the colored solution to stand in the absorbance cells, because a film of dye may be deposited. Clean cells with alcohol after use. If the temperature of the determinations does not differ by more than 2° C. from the calibration temperature (8.2), the reagent blank should be within 0.03 absorbance unit of the y-intercept of the calibration curve (8.2). If the reagent blank differs by more than 0.03 absorbance unit, from that found in the calibration curve, prepare a new curve.

7.2.3 Absorbance Range—If the absorbance of the sample solution ranges between 1.0 and 2.0, the sample can be diluted 1:1 with a portion of the *reagent blank* and read within a few minutes. Solutions with higher absorbance can be diluted up to sixfold with the reagent blank in order to obtain on-scale readings within 10 percent of the true absorbance value.

8. *Calibration and efficiencies.* 8.1 Flowmeters and Hypodermic Needle—Calibrate flowmeters and hypodermic needle[15] against a calibrated wet test meter.

8.2 Calibration Curves.

8.2.1 Procedure with Sulfite Solution—Accurately pipet graduated amounts of the working sulfite-TCM solution (such as 0, 0.5, 1, 2, 3, and 4 ml.) into a series of 25-ml. volumetric flasks. Add sufficient TCM solution to each flask to bring the volume to approximately 10 ml. Then add the remaining reagents as described in 7.2.2. For maximum precision use a constant-temperature bath. The temperature of calibration must be maintained within ±1° C. and in the range of 20 to 30° C. The temperature of calibration and the temperature of analysis must be within 2 degrees. Plot the absorbance against the total concentration in $\mu g.$ SO_2 for the corresponding solution. The total $\mu g.$ SO_2 in solution equals the concentration of the standard (Section 6.2.9) in $\mu g.$ $SO_2/ml.$ times the ml. sulfite solution added ($\mu g.$ $SO_2 = \mu g./ml.$ $SO_2 \times ml.$ added). A linear relationship should be obtained, and the y-intercept should be within 0.02 absorbance unit of the zero standard absorbance. For maximum precision determine the line of best fit using regression analysis by the method of least squares. Under these conditions the plot need be determined only once to determine the calibration factor (reciprocal of the slope of the line). (See Section 6.2.10.1 for specifications on the slope of the calibration curve.) This calibration factor can be used for calculating results provided there are no radical changes in temperature or pH. At least one control sample containing a known concentration of SO_2 for each series of determinations, is recommended to insure the reliability of this factor.

8.2.2 Procedure with SO_2 Gas—See Part 2.

8.3 Sampling Efficiency—Collection efficiency is above 98 percent; efficiency may fall off, however, at concentrations below 25 $\mu g./m.^3$ [8,9]

9. *Calculations.* 9.1 Conversion of Volume—Convert the volume of air sampled to the volume at standard conditions of 25° C., 760 mm. Hg.:

$$V_s = V \times \frac{P}{760} \times \frac{298}{(t+273)}$$

V_s = Volume of air at 25° C. and 760 mm. Hg.
V = Volume of air sampled, liters.
P = Barometric pressure, mm. Hg.
t = Temperature of air sample, °C.

Ordinarily, the correction for pressure is slight and may be neglected.

9.2 Sulfur Dioxide Concentration—Compute the concentration of sulfur dioxide in the sample by the following formula:

$$SO_2, \mu g./m.^3 = \frac{(A-A_s)\ (10^3)\ (B)}{V_s}$$

A = Sample absorbance.
A_s = Reagent blank absorbance.
10^3 = Conversion of liters to cubic meters.
V_s = The sample volume corrected to 25° C. and 760 mm. Hg., liters.

$$B = \frac{1}{\text{Slope of calibration}} = \text{calibration factor, } \mu g./\text{absorbance unit}$$

curve, absorbance units/$\mu g.$

9.2.1 Conversion of $\mu g./m.^3$ to p.p.m.—If desired, the concentration of sulfur dioxide may be calculated as p.p.m. SO_2 at standard conditions as follows:

$$\text{p.p.m. } SO_2 = \mu g.\ SO_2/m.^3 \times 3.82 \times 10^{-4}$$

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PART 2

A. *Gaseous calibration.* Certified permeation tubes containing liquified sulfur dioxide are available from the National Bureau of Standards and may be used for gaseous calibration.

(1) Commercially available permeation tubes* may be calibrated as follows: Obtain an FEP TefionR permeation tube that emits sulfur dioxide at a rate of 0.2 to 0.4 μg./min. (0.08 to 0.15 μl./min. at standard conditions of 25° C. and 1 atmosphere.) A permeation tube with an effective length of 2 to 4 cm., and outer diameter of 0.63 cm. will yield the desired permeation rate if held at a constant temperature of 20° C. Using the system shown in Figure 2, calibrate the tube gravimetrically at the intended operating temperature to a precision within ±2 percent. The temperature of the tube must be controlled within 0.1° C. Permeation tubes are calibrated under a stream of dry nitrogen to prevent the formation of blisters in the walls and sulfuric acid inside the tube. Periodically, about every 4 days, remove the bubbler from the constant temperature bath and thoroughly dry the bubbler. Remove the permeation tube from the bubbler with a Teflon-tipped forcep and weigh the tube to the nearest 0.1 mg. Record weight and time to the nearest minute. Immediately return tube to bubbler and bubbler to bath. Plot gross weight (10 mg. to the inch) against time (1,000 minutes to the inch). Compute the slope of the linear portion from the line that best fits the points. Linear regression is recommended. Alternately, tubes can be rapidly calibrated using a coulometric SO_2 analyzer operating under ideal conditions.[11]

(2) A system designed for the preparation of standard concentrations of sulfur dioxide in the laboratory is shown in Figure 3. (Alternately, the apparatus shown in Figure 2 for gravimetric calibration and field use may be used.) Assemble the apparatus, consisting of a water-cooled condenser, a constant-temperature water bath maintained at 20° C., a cylinder containing pure, dry air or nitrogen, and appropriate pressure regulators, needle valves, and flow meters for the nitrogen and dry air diluent gas streams. The diluent gases are brought to temperature by passage through a 2-meter copper coil immersed in the water bath. Insert a calibrated permeation tube into the central tube of the condenser maintained at 20° C. by circulating water from the constant-temperature bath and pass a stream of air or nitrogen over the tube at a fixed rate of approximately 50 ml./min. Dilute this gas stream to the desired concentration by varying the air flow rate. Normally this flow rate can be varied from 1.1 to 15 liters/min. The flow rate of the sampling system determines the lower limit for the flow rate of the diluent gases. With a tube permeating sulfur dioxide at a rate of 0.4 μg./min., the range of concentration of sulfur dioxide will be between 27 and 260 μg./m.³ (0.01 to 0.14 p.p.m.), a generally satisfactory range for ambient air conditions. When higher concentrations are desired, calibrate and use longer permeation tubes.

*Available from Metronics, Inc., 3201 Porter Drive, Palo Alto, CA 94304 and Analytical Instrument Developments, Inc., 250 South Franklin Street, West Chester, PA 19380.

B. *Procedure for preparing calibration curves.* One can prepare a multitude of curves by selecting different combinations of sampling rate and sampling time. (Calibration should be made under the same conditions used in sampling and analyses). Twenty-four hour samples must be calibrated for 24 hours. The above description represents a typical procedure for simulating ambient air sampling of short duration. The system is designed to provide an accurate measurement of sulfur dioxide in the range of 0.01 to 0.5 p.p.m. It can be modified easily to meet special needs. The concentration of standard SO_2 in air is computed as follows:

$$C = \frac{Pr \times 10^5}{R + r}$$

C = Concentration of SO_2, μg./m.³
Pr = Permeation rate, μg./min.
R = Flow rate of diluent air, liters/min.
r = Flow rate of diluent nitrogen, liters/min.

Data for a typical calibration curve are listed in Table 1. A plot of the concentration of sulfur dioxide in μg./m.³ (X-axis) against absorbance of the final solution (Y-axis) will yield a straight line, the reciprocal of the slope of which is the factor for conversion of absorbance to μg./m.³ This factor includes the correction for collection efficiency. Any deviation from linearity at the lower concentration range indicates a change in collection efficiency of the sampling system. Actually, the standard concentrations of 25 μg./m.³ and below of sulfur dioxide are slightly below the dynamic range of the method. If this is the range of interest, the diluent air stream must be adjust to deliver these lower concentrations, and the total volume of air collected must be increased to obtain sufficient color within the dynamic range of the procedure. The calibration factor must be reestablished, if collection efficiency differs significantly from that obtained above 25 μg./m.³ The remainder of the analytical procedure is the same as described in section 7.

TABLE 1—TYPICAL CALIBRATION DATA

Concentrations of SO_2, μg./m.³	Amount of SO_2 in μg. for 30 liters	Absorbance of sample
15	0.45	0.013
25	0.75	0.022
100	3.0	0.089
200	6.0	0.179
500	15.0	0.448
800	24.0	0.716
1000	30.0	0.895
1100	33.0	0.985

SO_2, μg./m.³ = A × F,

Where:
$F = 1.1 \times 10^3$ = factor, as derived from equation in 9.2.
A = Absorbance of solution for 30 liters of sample and a volume of 25 ml. for the colored solution.

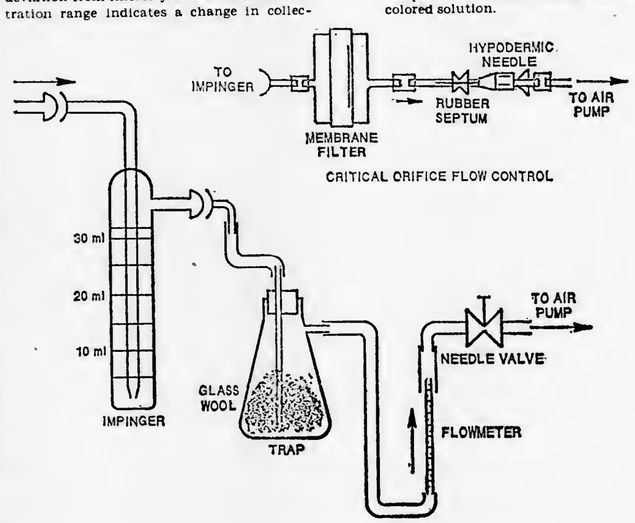

Figure 1. Sampling train.

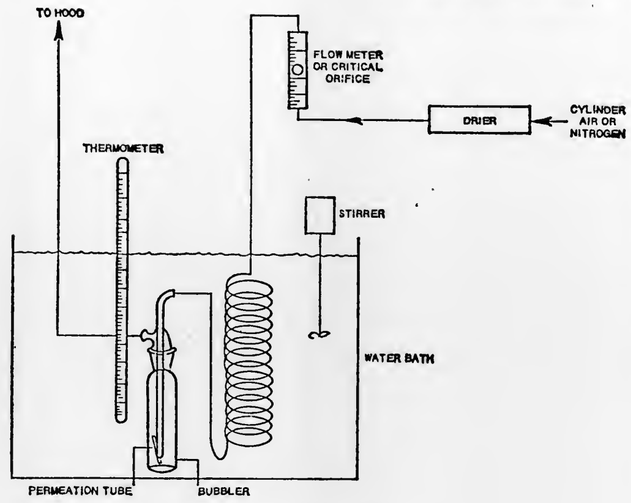

Figure 2. Apparatus for gravimetric calibration and field use.

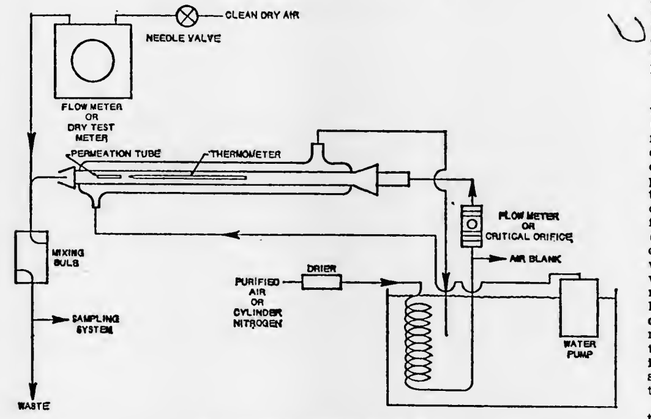

Figure 3. Permeation tube schematic for laboratory use.

APPENDIX B

PROCEDURE FOR DETERMINATION OF SUSPENDED PARTICULATES (HIGH VOLUME METHOD)

1. *Principle and applicability.* 1.1 Air is drawn into a covered housing and through a filter by means of a high-flow-rate blower at a flow rate (1.13 to 1.70 m.³/min.; 40 to 60 ft.³/min.) that allows suspended particles having diameters of less than 100 μm. (Stokes equivalent diameter) to pass to the filter surface.[1] The particles are ordinarily collected on a glass-fiber filter within the size range of 100 to 0.1 μm. diameter.

1.2 The mass concentration of suspended particulate in the ambient air (μg./m.³) is computed by measuring the mass of collected particulate and the volume of air sampled.

1.3 This method is applicable to measurement of the mass concentration of suspended particulate in ambient air. This method does not control the flow of air during sampling and for this reason is most applicable to trend measurement. The size of the sample collected is usually adequate for other analyses.

2. *Range and sensitivity.* 2.1 When the sampler is operated at an average flow rate of 1.70 m.³/min. (60 ft.³/min.) for 24 hours, an adequate sample will be obtained even in an atmosphere having concentrations of suspended particulate as low as 1 μg./m.³ If particulate levels are unusually high, a satisfactory sample may be obtained in 6 to 8 hours or less. For determination of average concentrations of suspended particulate in ambient air, a standard sampling period of 24 hours is recommended.

2.2 Weights are determined to the nearest milligram; air flow rates are determined to the nearest 0.03 m.³/min. (1.0 ft.³/min.) times are determined to the nearest 2 min. and mass concentrations are reported to the nearest microgram per cubic meter.

3. *Interferences.* 3.1 Particulate that is oily, such as photochemical smog or wood smoke, may block the filter and cause a rapid drop in air flow at a nonuniform rate. Dense fog or high humidity can cause the filter to become too wet and severely reduce the air flow through the filter.

3.2 Glass-fiber filters are comparatively insensitive to change in relative humidity, but collected particulate can be hygroscopic.[2]

4. *Precision, accuracy, and stability.* 4.1 At an average mass concentration of 112 μg./m.³ of particulate matter in ambient air the standard deviation is 10 μg./m.³ (corresponding to a relative standard deviation of 9 percent); at an average of 39 μg./m.³ the standard deviation is 6 μg./m.³ (corresponding to a relative standard deviation of 15 percent).[3]

4.2 The accuracy with which the sampler mensures the true average concentration depends upon the degree of constant air flow rate maintained in the sampler. The air flow rate is affected by the concentration and the nature of the dust in the atmosphere, which may clog the filter and significantly reduce the air flow rate. Under these conditions the error in the measured average concentration may be as much as ±50 percent or more of the true average concentration, depending on the amount of reduction of air flow rate and on the variation of the mass concentration of dust with time during the 24-hour sampling period.[4]

5. *Apparatus.* 5.1 Sampling.

5.1.1 Sampler—The sampler consists of three units: (1) the face plate and gasket, (2) the filter adapter assembly, and (3) the motor unit. Figure 1 shows an exploded view of these parts, their relationship to each other, and how they are assembled. The sampler must be capable of passing environmental air through a 408.5 cm.² (63 in.²) portion of a clean 20- by 25-cm. (8- by 10-in.) glass-fiber filter at a rate of at least 1.70 m.³/min. (60 ft.³/min.). The motor must be capable of continuous operation for 24-hour periods with input voltages ranging from 110 to 120 volts, 50–60 cycles alternating current and must have third-wire safety ground. The housing for the motor unit may be of any convenient construction so long as the unit remains air-tight and leak-free. The life of the sampler motor can be extended by lowering the voltage by about 10 percent with a small "buck or boost" transformer between the sampler and power outlet.

5.1.2 Sampler Shelter—It is important that the sampler be properly installed in a suitable shelter. The shelter is subjected to extremes of environmental conditions such as high and low temperatures, extremes of humidity, and all types of air pollutants. For these reasons the materials of the shelter must be chosen carefully. Properly painted exterior plywood or heavy gauge aluminum serve well. The sample must be mounted vertically in the shelter so that the glass-fiber filter is parallel with the ground. The shelter must be provided with a roof so that the filter is protected from precipitation and debris. The clearance area between the edge of the roof and the main housing should be 645±65 cm.² (100±10 in.²). The main housing should be rectangular, with dimensions of 29 by 36 cm. (11¼ by 14 in.).

5.1.3 Rotameter—Marked in arbitrary units, frequently 0 to 70, and capable of being calibrated.

5.1.4 Orifice Calibration Unit—Consisting of a metal tube 7.6 cm. (3 in.) ID and 15.9 cm. (6¼ in.) long with a static pressure tap 5.1 cm. (2 in.) from one end. The tube end nearest the pressure tap is flanged to about 10.8 cm. (4¼ in.) OD with a male thread of the same size as the inlet end of the high-volume air sampler. A single metal plate 9.2 cm. (3⅝ in.) in diameter and 0.24 cm. (3/32 in.) thick with a central orifice 2.9 cm. (1⅛ in.) in diameter is held in place at the air inlet end with a female threaded ring. The other end of the tube is flanged to hold a loose female threaded coupling, which screws on to the inlet of the sampler. An 18-hole metal plate, an integral part of the unit, is positioned between the orifice and sampler to simulate the resistance of a clean glass-fiber filter.

5.1.5 Differential Manometer—Capable of measuring to at least 40 cm. (16 in.) of water.

5.1.6 Flow Measuring Device—Positive displacement type; calibrated in cubic meters or cubic feet, to be used as a primary standard.

5.1.7 Barometer—Capable of measuring atmospheric pressure to the nearest mm.

5.1.8 Folders—Manila cardboard folders, 22 by 28 cm. (8½ by 11 in.) creased.

5.2 Analysis.

5.2.1 Balance Room Environment—Maintained at 15 to 35° C. and less than 50 percent relative humidity.

5.2.2 Analytical Balance—Equipped with a weighing chamber designed to handle unfolded 20- by 25-cm. (8- by 10-in.) filters and having a sensitivity of 0.1 mg.

5.2.3 Light Table—Of the type used to view X-ray films.

5.2.4 Numbering Machine—Capable of printing identification numbers of 4 to 8 digits on the filter.

6. *Reagents.* 6.1 Filter Media—Glass-fiber filters having a collection efficiency of at least 99 percent for particles of 0.3 μm. diameter, as measured by the DOP test, are suitable for the quantitative measurement of concentrations of suspended particulate,[5] although some other medium, such as paper, may be desirable for some analyses. Care must be exercised to prevent use of filters that contain high background concentrations of the pollutant being investigated. Careful quality control is required to determine background values of these pollutants.

7. *Procedure.* 7.1 Sampling.

7.1.1 Filter Preparation—Place each filter on a light table and inspect for pinholes, dark particles, or other imperfections. Filters with visible imperfections should not be used. A small brush is useful for removing particles. Equilibrate the filters to the conditions of the balance room for 24 hours. Weigh the filters to the nearest milligram; record tare weight and filter identification number. Do not bend or fold the filter before collection of the sample.

7.1.2 Sample Collection—Open the shelter, loosen the wing nuts, and remove the face plate from the filter holder. Install a numbered, preweighted, glass-fiber filter in position (rough side up), replace the face plate without disturbing the filter, and fasten securely. Undertightening will allow air leakage, overtightening will damage the sponge-rubber face-plate gasket. A very light application of talcum powder may be used on the sponge-rubber face-plate gasket to prevent the filter from sticking. During inclement weather the sampler may be removed to a protected area for filter change. Close the roof of the shelter, run the sampler for about 5 min., connect the rotameter to the nipple on the back of the sampler, and read the rotameter ball with rotameter in a vertical position. Estimate to the nearest whole number. If the ball is fluctuating rapidly, tip the rotameter and slowly straighten it until the ball gives a constant reading. Disconnect the rotameter from the nipple; record the initial rotameter reading and the starting time and date on the filter folder. The rotameter should never be connected to the sampler except when the flow is being measured. Let the sampler run for the desired time (usually 24 hours) and take a final rotameter reading. Record the final rotameter reading and ending time and date on the filter folder. Remove the face plate as described above and carefully remove the filter from the holder, touching only the outer edges. Fold the filter lengthwise so that only surfaces with collected particulate are in contact, and place in a filter folder. Record on the folder the filter number, location, and any other factors, such as meteorological conditions or razing of nearby buildings, that might affect the results. If the sample is defective, void it at this time. In order to obtain a valid sample, the high-volume sampler must be operated with the same rotameter and tubing that were used during its calibration.

7.1.3 Maintenance.

7.1.3.1 Sampler Motor—Replace brushes before they are worn to the point where motor damage can occur.

7.1.3.2 Face Plate Gasket—Replace when the margins of samplers are no longer sharp. Seal the gasket to the face plate with rubber cement or double-sided adhesive tape.

7.1.3.3 Rotameter—clean as required, using alcohol.

7.2 Analysis

7.2.1 Equilibrate the exposed filters for 24 hours in the environment of the balance room, then reweigh. After they are weighed, the filters may be saved for detailed chemical analysis.

8. *Calibration.* 8.1 Sampling—Since only a small portion of the total air sampled passes through the rotameter during measurement, the rotameter must be calibrated against actual air flow with the orifice calibration unit. Before the orifice calibration unit can be used to calibrate the rotameter, the orifice calibration unit itself must be calibrated against the positive displacement primary standard.

8.1.1 Orifice Calibration Unit—Attach the orifice calibration unit to the intake end of the positive displacement primary standard and attach a high-volume motor blower unit to the exhaust end of the primary standard. Connect one end of a differential manometer to the differential pressure tap of the orifice calibration unit and leave the other end open to the atmosphere. Operate the high-volume motor blower unit so that a series of different, but constant, air flows (usually six) are obtained for definite time periods. Record the reading on the differential manometer at each air flow. The different constant air flows can be obtained either by placing a series of load plates, one at a time, between the calibration unit and the primary standard or by varying the speed of the sampler motor with a variable speed transformer with the No. 18 plate in position. The latter method is considerably more convenient and flexible. Placing the orifice before the inlet reduces the pressure at the inlet of the primary standard below atmospheric; therefore a correction must be made for the increase in air volume caused by this decreased inlet pressure. Attach one end of a second differential manometer to an inlet pressure tap of the primary standard and leave the other end open to the atmosphere. During each of the constant air flow measurements made above, measure the true inlet pressure of the primary standard with this second differential manometer. Measure atmospheric pressure with a barometer. Correct the measured air volume to true air volume as directed in 9.1.1 then obtain true air flow rate, Q, as directed in 9.1.2. Plot the differential manometer readings of the orifice unit versus Q.

8.1.2 High-Volume Sampler—Assemble a high-volume sampler with a clean filter in place and run for at least 5 min. Attach a rotameter, read the ball, adjust so that the ball reads 65, and seal the adjusting mechanism so that it cannot be changed easily. Shut off motor, remove the filter, and attach the orifice calibration unit in its place. Operate the high-volume sampler at a series of different, but constant, air flows (usually six). Record the reading of the differential manometer on the orifice calibration unit, and record the reading of the rotameter at each flow. Convert the differential manometer reading to m.³/min., Q, then plot rotameter reading versus Q.

8.1.2.1 If the pressure or temperature during high-volume sampler calibration is substantially different from the pressure or temperature during orifice calibration, a correction of the flow rate, Q, may be required. If the pressures differ by no more than 15 percent and the temperatures differ by no more than 100 percent (°C.), the error in the uncorrected flow rate will be no more than 15 percent. If necessary, obtain the corrected flow rate as directed in Appendix C. This correction applies only to orific meters having a constant orifice coefficient. The coefficient for the calibrating orifice described in 5.1.4 has been shown experimentally to be constant over the normal operating range of the high-volume sampler (0.6 to 2.2 m.³/min.; 20 to 78 ft.³/min.).

9. *Calculations.* 9.1 Calibration of Orifice.

9.1.1 Calculate the true air volume measured by the positive displacement primary standard.

$$P_a V_a = P_M V_M$$
$$P_M = P_a - P_m$$

Combining these relationships:

$$V_a = \frac{(P_a - P_m)}{P_a} \quad (V_m).$$

V_a = Volume of air at atmospheric pressure, m.³
P_a = Barometric pressure, mm. Hg.
P_M = Pressure at inlet of the primary standard, mm. Hg.
P_m = Pressure difference between inlet of primary standard and atmospheric, mm. Hg.
V_m = Volume measured by primary standard, m.³

9.1.1.1 Conversion Factors:
In. water × 73.48 × 10³ = in. Hg.
In. Hg. × 25.4 = mm. Hg.
Cubic feet × 0.0284 = m.³

9.1.2 Calculate flow rate:

$$Q = \frac{V_a}{T}$$

Q = Flow rate, m.³/min.
T = Time of flow, min.

9.2 Sample Volume.

9.2.1 Convert the initial and final rotameter readings to m.³/min. using calibration curve of 8.1.2.

9.2.2 Calculate volume of air sampled.

$$V = \frac{Q_i + Q_f}{2} \times T$$

V = Air volume sampled, m.³
Q_i = Initial air flow rate, m.³/min.
Q_f = Final air flow rate, m.³/min.
T = Sampling time, min.

9.3 Calculate mass concentration of suspended particulate.

$$\text{S.P.} = \frac{(W_f - W_i) \times 10^6}{V}$$

S.P. = Mass concentration of suspended particulate, μg./m.³
W_i = Initial weight of filter, g.
W_f = Final weight of filter, g.
V = Air volume sampled, m.³
10^6 = Conversion of g. to μg.

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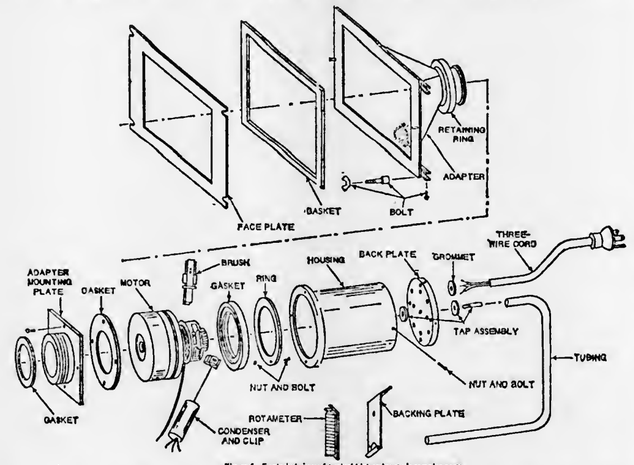

Figure 1. Exploded view of typical high volume air sampler parts.

Appendix C

Method for Continuous Measurement of Carbon Monoxide (Nondispersive Infrared Spectrometry)

1. *Principle and applicability.* 1.1 The measuring principle makes use of absorption of radiation by CO in the infrared region. The absorption is measured by a photometer with two parallel beams and a selective detector. A source emits energy in the infrared region. One beam passes through a reference cell filled with nonabsorbing gas. Both beams pass into a detector cell, which contains CO. The CO in the detector absorbs the infrared radiation only at its characteristic frequencies and thus the detector is sensitive only to those frequencies. With no CO in the sample cell, the detector is balanced for equal absorption from both beams. Any CO present in the sample cell will absorb some of the radiation and reduce the amount entering the detector from that beam. This reduces the temperature and hence the pressure in one chamber of the detector, causing a diaphragm to be displaced. This movement is detected electronically and amplified to provide an output signal.

1.2 The sample introduction pump may be bypassed for analysis of gases under pressure, as is sometimes done with the calibration gases.

2. *Range and sensitivity.* (See definitions.)

2.1 Instruments are available that measure in the range of 0 to 48 mg./m.³ (0–50 p.p.m.), which is the range most commonly used for urban atmospheric sampling; most instruments measure in additional ranges—typically 0 to 29 and 0 to 115 mg./m.³

2.2 Sensitivity is 1 percent of full-scale response per 0.8 mg./m.³ (0.5 p.p.m.).

3. *Interferences.* 3.1 The degree of interference varies among individual instruments. The effect of carbon dioxide interference at normal concentrations is minimal. The primary interference is caused by water vapor. With no corrective measures, interference from water may be as high as 12 mg./m.³ Water vapor interference may be minimized by (a) passing the air sample through silica gel or similar drying agents, (b) maintaining constant humidity in the sample and calibration gases by refrigeration, (c) saturating the air sample and calibration gases to maintain constant humidity, (d) using narrow-band optical filters, or (e) combining some or all of these measures.

3.2 Hydrocarbons at ambient levels do not cause interferences. Effects of specific hydrocarbons are generally rated on the manufacturer's specification sheets for the individual analyzer.

4. *Precision, accuracy, and stability.* 4.1 Precision with standard calibration gases is ±0.5 percent full scale in the 0–58 mg./m.³ range.

4.2 Accuracy is dependent on instrument linearity and absolute concentration of the calibration gases used. Generally, accuracy is ±1 percent of full scale in the 0–58 mg./m.³ range.

4.3 Effects of variations in ambient room temperature are considerable. Changes as much as 0.5 mg./m.³ per ° C. have been noted. The effects can be minimized by operating the analyzer in a controlled-temperature room. Further, pressure changes between span checks will cause proportional changes in the reading. If cell temperature and pressure are assumed constant, however, zero drift observed with various instruments is less than ±1 percent in 24 hours.

5. *Apparatus.*—5.1 *Commercially available NDIR carbon monoxide analyzer.* Instruments should be installed on location and demonstrated, preferably by the manufacturer, to meet or exceed manufacturers specifications and those described in this method. The analyzer consists of an infrared source, sample and reference gas cells, a detector capable of sensing differences between levels of infrared energy in the two cells, and a control, power supply, and amplifier unit.

5.2 *Sample introduction system.* Pump, flow control valve, and flowmeter.

5.3 *Particulate filter (in-line).* To keep sample cell clean, porosity of the filter should be 2 to 10 microns.

5.4 *Moisture control.* For systems with which constant humidity control is desired, refrigeration units are available with some commercial instruments. Drying tubes (with sufficient capacity to operate for 72 hours) containing indicating silica gel or equivalent drying agent may be used for short-term sampling.

6. *Reagents.*—6.1 *Zero gas.* Nitrogen or helium containing less than 0.1 mg./m.³ carbon monoxide.

6.2 *Calibration gases.* Gases needed for linearity checks are determined by the range of operation of instruments. Calibration gases corresponding to 10, 20, 40, and 80 percent of full scale are needed. Gases must be provided with certification or guaranteed analysis of carbon monoxide content.

6.3 *Span gas.* The calibration gas corresponding to 80 percent of full scale may be used to span the instrument.

7. *Procedure.* 7.1 Calibrate the instrument as described in 8.1. All gases (sample, zero, calibration, and span) must be introduced into the entire analyzer system. Figure 1 shows a typical flow schematic. For specific operating instructions, refer to the manufacturer's manual.

8. *Calibration.*—8.1 *Calibration curve.* Determine the linearity of the detector response at the operating flow rate and temperature. Prepare a calibration curve or check the curve furnished with the instrument. Introduce zero gas and set the zero control to indicate a recorder reading of zero. Introduce span gas and adjust the span control to indicate the proper value on the recorder scale (e.g. on 0–68 mg./m.³ scale set 46 mg./m.³ (40 p.p.m.) standard at 80 percent recorder chart). Recheck zero and span until adjustments are no longer necessary. Introduce intermediate calibration gases and plot the values obtained. If a smooth curve is not obtained, calibration gases should be suspected.

9. *Calculation.* 9.1 No calculations are involved in this procedure since the concentration is determined directly from the calibration curve.

9.2 Carbon monoxide concentration in mg./m.³ can be converted to p.p.m. as follows:

p.p.m. CO = mg. CO/m.³ × 0.873

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2. Beckman Instruction 1635B, Models 215A, 315A, and 415A Infrared Analyzers, Beckman Instrument Co., Fullerton, Calif.

3. Continuous CO Monitoring System, Model A 5611 Intertech Corp., Princeton, N.J.

4. Bendix-UNOR Infrared Gas Analyzers, Ronceverte, W.Va.

11. *Definitions of performance specifications used in this method—Range.* The minimum and maximum measurement limits.

Output. Electrical signal which is proportional to the measurement; intended for connection to readout or data processing devices. Usually expressed as millivolts or milliamps full scale at a given impedence.

Full scale. The maximum measuring limit for a given range.

Minimum detectable sensitivity. The smallest amount of input concentration that can be detected as the concentration approaches zero.

Accuracy. The degree of agreement between a measured value and the true value; usually expressed as ± percent of full scale.

Lag time. The time interval from a step change in input concentration at the instrument inlet to the first corresponding change in the instrument output.

Time to 90 percent response. The time interval from a step change in the input concentration at the instrument inlet to a reading of 90 percent of the ultimate recorded concentration.

Rise time (90 percent). The interval between initial response time and time to 90 percent response after a step increase in inlet concentration.

Fall time (90 percent). The interval between initial response time and time to 90 percent response time after a step decrease in the inlet concentration.

Zero drift. The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation, when the input concentration is zero; usually expressed as percent full scale.

Span drift. The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation, when the input concentration is a stated upscale value; usually expressed as percent full scale.

Precision. The degree of agreement between repeated measurements of the same concentration and is expressed as the average deviation of the single results from the mean.

Operational period. The period of time over which the instrument can be expected to operate unattended within specifications.

Noise. Spontaneous deviations from a mean output not caused by input concentration changes.

Interference. An undesired positive or negative output caused by a substance other than the one being measured.

Interference equivalent. The portion of indicated input concentration due to the presence of an interferent.

Operating temperature range. The range of ambient temperatures over which the instrument will meet all performance specifications.

Operating humidity range. The range of ambient relative humidity over which the instrument will meet all performance specifications.

Linearity. The maximum deviation between an actual instrument reading and the reading predicted by a straight line drawn between upper and lower calibration points.

12. *Suggested minimum performance specifications for NDIR carbon monoxide analyzers.*

Range (minimum)	0–58 mg./m.³ (0–50 p.p.m.).
Output (minimum)	0–10, 100, 1,000, 5,000 mv. full scale.
Minimum detectable sensitivity.	0.6 mg./m.³ (0.5 p.p.m.).
Lag time (maximum)	15 seconds.
Time to 90% response (maximum).	30 seconds.
Rise time (90% maximum).	15 seconds.
Fall time (90% maximum).	15 seconds.
Zero drift (maximum).	3%/week not to exceed 1%/24 hours.
Span drift (maximum).	3%/week not to exceed 1%/24 hours.
Precision (maximum).	± 0.5%.
Operational period (minimum).	3 days.
Noise (maximum)	± 0.5%.
Interference equivalent (maximum).	1% of full scale.
Operating temperature range (minimum).	5–40° C.
Operating humidity range (minimum).	10–100%.
Linearity (maximum).	1%.

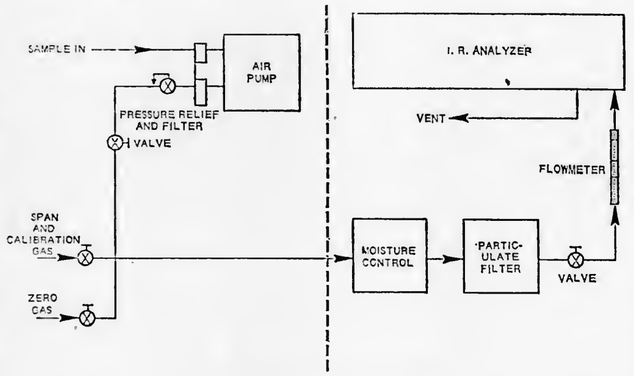

Figure 1. Carbon monoxide analyzer flow diagram.

Appendix D

Method for Determination of Oxidants (Neutral Buffered Potassium Iodide Method)

1. *Principle and applicability.* 1.1 A sample of ambient air is drawn through a chromium trioxide scrubber to remove sulfur dioxide and then through two absorbers in series containing potassium iodide reagent to collect the oxidants.

1.2 Oxidants are defined by this method as those compounds capable of liberating iodine from a 1 percent potassium iodide solution buffered with disodium phosphate and potassium dihydrogen phosphate. The iodine produced in the absorbing reagent is measured spectrophotometrically as the triiodide ion.

1.3 This method is intended for the measurement of total oxidants as ozone in the atmosphere. However, the various oxidizing species, such as ozone, nitrogen dioxide, peroxyacetyl nitrate, and peroxides are present in widely varying concentrations and react with the reagent at different rates. Also, reducing compounds in the atmosphere have a negative effect on the oxidant reading. Thus the number obtained is a "net" oxidant value, which describes a condition of the atmosphere and is not the total concentration of the oxidizing species present.

2. *Range and sensitivity.* 2.1 Concentrations of oxidants in the range of about 20 to 20,000 μg./m.³ (0.01 to 10 p.p.m.) can be determined.

2.2 At a sampling rate of 2 liters/min. for 15 min. using 10 ml. absorbing reagent, 20 μg./m.³ (0.01 p.p.m.) should produce an absorbance of approximately 0.025 measured in 1-cm. cells. At concentrations below 100 μg./m.³ (0.05 p.p.m.) readings may be quite imprecise because of the instability of oxidants or iodine at very low concentrations.

2.3 The above limits are based on a molar absorptivity of 24,200 liters/mole/cm.

3. *Interferences.* 3.1 Reducing gases such as sulfur dioxide and hydrogen sulfide give very serious negative interferences. Sulfur dioxide gives a 100 percent negative interference of an equivalent molar concentration of ozone. The interference from sulfur dioxide, even when it is present at ambient concentrations, can be eliminated by a properly conditioned chromium trioxide-scrubber (see 6.3, 7.1).

3.2 The oxidant reading contains a contribution of 10 percent of the molar concentration of NO_2. When a chromium trioxide scrubber is used, NO is converted to NO_2, thus contributing to the oxidant reading to the same extent as NO_2. If an oxidant value less NO_2 is desired, $NO + NO_2$ must be measured simultaneously and a correction factor of 10 percent of the NO_{in} concentration must be subtracted.

3.3 Glassware should be cleaned with chromic acid, since dust or foreign materials may interfere.

3.4 Direct sunlight will affect the iodine concentration.

4. *Precision, accuracy, and stability.* 4.1 $A \pm 5$ percent relative standard deviation can be obtained at a concentration of 1,000 μg./m.³ (0.5 p.p.m.) of ozone.

4.2 Accuracy cannot be defined, since the sensitivity of the potassium iodine reagent varies widely with the different oxidizing species.

4.3 Analysis should be completed immediately after sampling to obtain consistent results. This is necessary because some oxidants release iodine slowly to enhance color, while fading due to slow decomposition of iodine may occur.

5. *Apparatus*—5.1 *Absorber.* All-glass impingers as shown in Figure 1 are recommended. These impingers may be purchased from major glassware suppliers. Two absorbers in series are needed to insure complete collection of the sample.

5.2 *Air pump.* Capable of drawing 2 liters/min. through the absorbers. The pump should be equipped with a needle valve at the inlet side to regulate flow. If a critical orifice (5.7) is used, the pump must be capable of maintaining 0.7 atmosphere vacuum.

5.3 *U tube.* 140 ml. for the chromium trioxide scrubber.

5.4 *Thermometer.* Or other temperature-measuring device with an accuracy of ±2° C.

5.5 *Barometer.* Atmospheric, accurate to the nearest mm. Hg.

5.6 *Wet test meter.* 1 or 3 liters/revolution.

5.7 *Flowmeter.* Calibrated metering device for measuring flow of 2 liters/min. within ±5 percent. A 20-gauge hypodermic needle 1 in. long acting as a critical orifice can be used to give a flow of approximately 2 liters/min.

5.8 *Drying tube.* Containing an indicating drying agent to protect flowmeter.

5.9 *Prescrubber.* Tube filled with granular MnO_2 and charcoal to remove oxidants.

5.10 *Volumetric flasks.* 25, 100, 500, 1,000 ml.

5.11 *Buret.* 50 ml.

5.12 *Pipets.* 0.5, 1, 2, 3, 4, 10, 25, and 50 ml. volumetric.

5.13 *Erlenmeyer flasks.* 300 ml.

5.14 *Oven.* Capable of maintaining 105° C.

5.15 *Spectrophotometer.* Capable of measuring absorbance at 352 nm. Matched 1-cm cells should be used.

6. *Reagents*—6.1 *Purified water.* Used for all reagents. To distilled or deionized water in an all-glass distillation apparatus, add a crystal of potassium permanganate and a crystal of barium hydroxide, and redistill.

6.2 *Absorbing reagent.* Dissolve 13.6 g. potassium dihydrogen phosphate (KH_2PO_4), 14.2 g. anhydrous disodium hydrogen phosphate (Na_2HPO_4) (or 35.8 g. dodecahydrate salt), and 10.0 g. potassium iodide (KI) in purified water and dilute to 1,000 ml. The pH should be 6.8±0.2. Store the solution in a glass-stoppered amber bottle in a cool, dark place. It is stable for several weeks.

6.3 *Standard arsenious oxide solution (0.05 N).* Use primary standard grade arsenious oxide (As_2O_3). Dry 1 hour at 105° C. immediately before using. Accurately weigh 2.4 g. arsenious oxide from a small glass-stoppered bottle. Dissolve in 25 ml. 1 N sodium hydroxide in flask or beaker on a steam bath. Add 25 ml. 1 N sulfuric acid. Cool and transfer quantitatively to a 1,000-ml. volumetric flask, and dilute to volume. Note: Solution must be neutral to litmus, not alkaline.

$$\text{Normality } As_2O_3 = \frac{\text{wt. } As_2O_3 \text{ (g.)}}{49.46}$$

6.4 *Starch indicator solution (0.2 percent).* Triturate 0.4 g. soluble starch and approximately 2 mg. mercuric iodide (preservative) with a little water, add the paste slowly to 200 ml. boiling water. Continue boiling until the solution is clear, then allow to cool, and transfer to glass-stoppered bottle.

6.5 *Standard iodine solution (0.05 N)*—6.5.1 *Preparation.* Dissolve 5.0 g. potassium iodide (KI) and 3.2 g. resublimed iodine (I_2) in 10 ml. purified water. When the iodine dissolves, transfer the solution to a 500-ml. glass-stoppered volumetric flask. Dilute to mark with purified water and mix thoroughly. Keep solution in a dark brown glass-stoppered bottle away from light, and restandardize as necessary.

6.5.2 *Standardization.* Pipet accurately 50 ml. standard arsenious oxide solution into a 300-ml. Erlenmeyer flask. Acidify slightly with a 1:10 dilution of sulfuric acid, neutralize with solid sodium bicarbonate, and add about 2 g. excess. Titrate with the standard iodine solution using 5 ml. starch solution as indicator. Saturate the solution with carbon dioxide at end of titration by adding 1 ml. of 1:10 sulfuric acid just before the end point is reached.

6.6 *Chromium trioxide scrubber.* Dissolve 125 g. chromium trioxide (CrO_3) crystals in 35 ml. concentrated sulfuric acid and add to 750 ml. distilled water. Place a 15-by 25-cm. sheet of a flash-fired glass-fiber filter in an oven rack equipped with glass rod attachments to prevent the filter from touching metal. Saturate the filter with 15 ml. chromium trioxide solution. Place the filter in an oven set at 65–70° C. for 1 hour. A freshly prepared filter is brownish pink. At the end of this time remove the filter and fold every 1.2 cm. along the 15-cm. dimension in an accordion fashion. While the sheet is folded, cut the 15-cm. length into 10 equal widths. As each strip is cut, place it in the 140-ml. U-tube. Place five cut strips in each tube, rotating alternate strips 90° so that folds will not match. Before the scrubber is used for sampling, condition for several hours to ozone at a high concentration from an ozone source such as a UV photolysis lamp. As the filters absorb moisture, scrubbing efficiency is decreased. This condition is evident as a green color. Caution: When working with chromium trioxide and sulfuric acid, wear gloves to prevent irritation of the skin.

7. *Procedure*—7.1 *Sampling.* Assemble the apparatus as shown in Figure 1. Use ground-glass connections upstream from the impinger. Butt-to-butt connections with Tygon tubing may be used. Check assembled system for leaks. Pipet 10 ml. absorbing reagent into first absorber and place MnO_2 prescrubber on the sample probe. Draw air through the prescrubber and the sampling train for 15 min. at 2 liter/min. If an absorbance reading at 352 nm. is obtained, repeat until zero or constant absorbance is obtained. This system blank absorbance should be subtracted from the absorbance of the first absorber when analyzing for oxidants. Remove the prescrubber. Pipet 10 ml. absorbing reagent into each absorber. Draw ambient air through the sampling train at 2 liters/min. for 15 min.

7.2 *Analysis.* Immediately transfer the solutions from each absorber to separate clean 1-cm. cells. Determine the absorbance of each at 352 nm. against unexposed absorbing reagent as the reference. Add the absorbance of the two solutions to obtain total absorbance. Read total μg. O_3 from the calibration curve (see 8.2).

8. *Calibration, standards, and efficiencies*—8.1 *Sampling.* The flowmeter must be calibrated with the sampling train assembled and solution in the absorbers. Connect the wet test meter to the sample probe and calibrate the flowmeter.

8.2 *Analysis.* Pipet 1 ml. standard iodine solution into a 100-ml. volumetric flask. Dilute to mark with absorbing reagent. Prepare fresh before use. Into a series of 25-ml. volumetric flasks, pipet 0.5, 1, 2, 3, and 4 ml. of diluted standard iodine solution, and dilute each to the mark with absorbing reagent. Mix thoroughly, and immediately read the absorbance of each at 352 nm. against unexposed absorbing reagent as the reference. Calculate the concentration of the solutions as total μg. O_3 as follows:

$$\text{Total } \mu\text{g. } O_3 = (N)\,(96)\,(V)$$

N = Normality I_2 (see 6.5.2), meq./ml.

V = Volume of diluted standard I_2 added, ml. (0.5, 1, 2, 3, 4).

Plot absorbance versus total μg. O_3.

8.3 *Sampling efficiency.* Sampling efficiency in the first absorber may be 90–95 percent depending upon the impinger orifice and the ozone concentration. When two absorbers are placed in series essentially all ozone is collected.

9. *Calculations*—9.1 *Sampling.* Correct the volume of air sampled to the volume at standard conditions of 25° C. and 760 mm. Hg.

$$V_s = V \times \frac{P}{760} \times \frac{298}{t + 273}$$

V_s = Volume of air at standard conditions, liters.

V = Volume of air at sampling conditions, liters.

P = Barometric pressure of mercury, mm. Hg.

t = Temperature of sample, °C.

9.2 Calculate ozone concentration in μg./m.³ at standard conditions.

$$\mu\text{g. } O_3/\text{m.}^3 = \frac{(A)\ (10^3)}{V_s}$$

A = Total μg. O_3 read from calibration curve.

10^3 = conversion of liters to cubic meters.

V_s = volume sampled at standard conditions, liters.

9.2.1 If desired, concentration of oxidant may be calculated as p.p.m. O_3 at standard conditions of 25 °C. and 760 mm. Hg.

$$\text{p.p.m. } O_3 = (\mu\text{g. } O_3/\text{m.}^3)\ (5.094 \times 10^{-4})$$

Derivation of above equation:

(1) Total μg. $O_3 = [N_D$ (meq./ml.) × (10 ml.) ÷ (24,000 μg./meq.)]

(2) N_D = Normality of diluted calibration standard.

$$N_D = \left[\frac{1}{100}(\text{list dilution}) \times \frac{V}{25}(\text{2nd dilution})\right].$$

(3) Therefore: Total μg. $O_3 = (N)\,(96)\,(V)$.

10. *Bibliography.* 1. Byers, D. H., Saltzman, B. E., "Determination of Ozone in Air by Neutral and Alkaline Iodide Procedures," J. Am. Indust. Hyg. Assoc. 19, 251–7 (1958).

2. Saltzman, B. E., Gilber, N., "Iodometric Microdetermination of Organic Oxidants and Ozone," Anal. Chem. 31, 1914–20 (1959).

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6. Ripley, D. L., Clingenpeel, J. M., and Hurn, R. W., "Continuous Determination of Nitrogen Oxides in Air and Exhaust Gases," Int. J. Air Wat. Poll. Vol. 8, pp. 455–463, (1964).

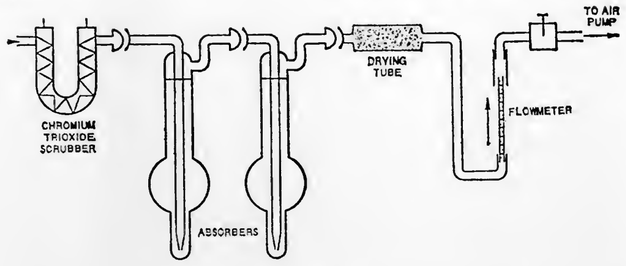

Figure 1 Sampling train.

APPENDIX E

PART 1: METHOD FOR CONTINUOUS MEASUREMENT OF HYDROCARBONS (FLAME IONIZATION METHOD)

1. *Principle and applicability.* 1.1 The sampling system is an integral part of the most commercial total hydrocarbon analyzers designed to measure continuously the concentration of hydrocarbons (and other organic compounds) in the atmosphere. The sample line is attached to the inlet and the sample is pumped into a flame ionization detector. A sensitive electrometer coupled with a potentiometric recorder detects the increase in ion intensity resulting from the introduction into a hydrogen flame of a sample of air containing any organic compound (e.g. hydrocarbons, aldehydes, alcohols). The response is approximately proportional to the number of carbon-hydrogen bonds in the sample. The analyzer is calibrated using methane and the results reported as methane equivalents. See addendum for description of method for measurement of methane.

1.2 The sample introduction pump may be bypassed for analysis of gases under pressure as is done with calibration gases.

2. *Range and sensitivity.* 2.1 The range of the analyzer may be varied so that full scale may be 2.6 mg./m.^{3} (4 p.p.m.) to 1960 mg./m.^{3} (3,000 p.p.m.) hydrocarbon as methane by varying the attenuation and the sample flow rate to the detector. The 13 mg./m.^{3} (20 p.p.m.) range is normally for atmospheric sampling.

2.2 Sensitivity is 1 percent of full scale recorder response.

3. *Interferences.* 3.1 Carbon atoms bound to oxygen, nitrogen, or halogens give reduced or no response. There is no response to nitrogen, carbon monoxide, carbon dioxide, or water vapor.

4. *Precision accuracy and stability.* 4.1 Precision is approximately 0.5 percent full recorder scale on the 13 mg./m.^{3} (20 p.p.m.) scale.

4.2 Accuracy is dependent on instrument linearity and absolute concentration of the calibration gases used. Generally, accuracy is ± 1 percent of full scale on the 0–13 mg./m.^{3} range.

4.3 Zero drift necessitates frequent calibration. The magnitude of the drift depends on the air flow rate, sample flow rate, fuel flow rate, ambient temperature changes, detector contamination, and electronic drift. Zero drift observations on various instruments indicate 2 percent/24 hours on the 13 mg./m.^{3} scale.

5. *Apparatus*—5.1 *Commercially available total hydrocarbon analyzer.* Instruments obtained should be installed on location and demonstrated preferably by the manufacturer to meet or exceed manufacturers specifications and those described in this method. Generally, hydrocarbon analyzers consist of a regulated fuel and air delivery system for the hydrocarbon burner, a regulated sample injection system, electrometer for measuring the flame ion current, meter readout with connections for a recorder, and a sample pump.

5.2 *Recorder.* Potentiometeric type, compatible with analyzer with an accuracy of 0/5 percent or better.

5.3 *Sample line.* Any tubing that is not a source interferences or an absorbant of hydrocarbons. Inert materials such as glass, stainless steel, and Teflon are recommended.

6. *Reagents*—6.1 *Combustion air.* High purity air containing less than 1.3 mg./m.^{3} (2 p.p.m.) hydrocarbon as methane.

6.2 *Fuel.* Hydrogen or a hydrogen-inert gas mixture; when ordering specify hydrocarbon-free gas. A hydrogen generator is strongly advised for safety reasons.

6.3 *Zero gas.* Less than 0.05 mg./m.^{3} (0.1 p.p.m.) hydrocarbon as methane in air.

6.4 *Span gas.* Methane in air corresponding to 80 percent of full scale, 10.4 mg./m.^{3} (16.0 p.p.m.) for 13 mg./m.^{3}. A certified or guaranteed analysis is required.

7. *Procedure.* 7.1 For specific operating instructions, see the manufacturer's manual.

8. *Calibration and efficiencies.* 8.1 Calibrate the instrument at the desired flow rate and attenuator setting. Introduce zero gas and set zero control to indicate proper value on the recorder. If a live zero recorder is not used, it is recommended that the zero setting be offset at least 5 percent of scale to allow for negative zero drift. In this case, the span setting must also be offset by an equal amount. Introduce span gas and adjust span control to indicate proper value on recorder scale (e.g. 0–13 mg./m.^{3} (0–20 p.p.m.) sale set a 10.4 mg./m.^{3} (16.0 p.p.m.) standard to read 80 percent recorder chart). Recheck zero and span until adjustments are no longer necessary. Since the scale is linear, the two-point calibration is valid.

8.1.1 If attenuation is varied, some discrepancy between the true attenuation and the nominal attenuation may exist. The instrument should be calibrated using appropriate standards at each attenuator setting used.

9. *Calculations.* 91.1 The recorder is read directly for hydrocarbon concentration.

PART 2: METHOD FOR MEASUREMENT OF METHANE

1. *Principle and applicability.* 1.1 The atmospheric sample is continuously passed through a treated charcoal column before introduction into the instrument. This column will selectively strip all hydrocarbons other than methane and give a specific analyses for methane.[1] The methane level is continuously monitored by flame ionization techniques.

1.2 The technique may be applied to a gaseous sample containing low concentrations of methane, since the instrument can sample gases at 5 p.s.i. or more pressure or at ambient pressure.

2. *Range and sensitivity.* 2.1 The ranges available on commercial continuous hydrocarbon analyzers are commonly 0 to 10 p.p.m. and 0 to 100 p.p.m. A sensitivity of 0.1 p.p.m. can be obtained in the 0 to 10 p.p.m. range.

3. *Interferences.* 3.1 Ethane is the hydrocarbon most likely to break through the carbon column when ambient urban air is sampled. Thus, service life of the column is measured by introducing known concentrations of ethane in amounts equal to the daily average peak for the sampling zone (ref. 1). This service life has been found to be as long as 6 days. The column must be purged with helium every 3 days.

4. *Precision, accuracy, and stability.* 4.1 Precision is ±1 percent for successive identical samples under identical conditions.

4.2 Accuracy is dependent upon the accuracy of standards used to calibrate the instrument.

4.3 At normal temperature, the system is stable.

5. *Apparatus*—5.1 *Continuous hydrocarbon analyses.* The procedure described is for the Beckman 108A and 109A analyzers.

5.2 *Charcoal column.* A 5-inch long threaded nipple of ¼-inch pipe packed with 4.5 grams of $^{60}/_{80}$ mesh activated charcoal. Cloth discs contain the charcoal. The freshly packed tube is blown out forcibly with helium for 2 minutes to remove fine dust, which otherwise would interfere with the detector operation.

6. *Reagents*—6.1 *Fuel gas.* Pure hydrogen or a 40 percent hydrogen/60 percent nitrogen mixture, relatively hydrocarbon free. A hydrogen generator may be used.

6.2 *Air.* Water-pumped cylinder air.

6.3 *Zero gas.* A calibration gas that contains a relatively low amount of hydrocarbons is required for setting the zero point. If the hydrocarbon content of the burner air is sufficiently low and accurately known, this gas can be used as the zero gas.

6.4 *Span gas.* The span gas is a certified calibration gas used to set an upscale standardization point.

6.5 *Helium.* Cylinder helium (water-pumped) is required to recondition the carbon filter.

7. *Procedure.* 7.1 Check that all units are properly connected according to the diagram. Turn on fuel gas. Allow fuel pressure to reach proper level according to flow desired. Slowly open the air cylinder valve. Adjust air pressure to about 30 p.s.i. Again adjust to obtain desired flow. Check all fittings for leaks. Insert a carbon column in position. Introduce sample and adjust to proper value. If all pressures inside analyzer are proper, turn on analyzer power switch and ignite burner. A small pop indicates that the flame has ignited. The analyzer meter should show an upscale deflection. Adjust attenuator to x30 position, and adjust the zero and span* controls so that meter reading is between 10 and 60. Proceed to calibration.

8. *Calibration, standards, and efficiencies.* 8.1 Check flow rates with a calibrated bubble flow meter so that sample flow corresponds to optimum values.

8.2 If the instrument has just been started, wait at least 3 hours before calibrating. Open the cylinder shut-off valves on the span and zero gas cylinders. Observe the sample pressure gauge and adjust to the proper value. Connect the zero gas to the carbon column so that it goes through the column before passing into the analyzer. Allow the instrument to run on zero gas for 5 to 10 minutes. Disconnect the zero gas and connect the span gas to the column so that span gas passes through the column before the analyzer. Allow the instrument to run 5 to 10 minutes. Remove the old column and insert a freshly purged carbon column. Observe the analysis tag attached to zero-gas cylinder and note the indicated p.p.m. Disconnect the span gas and reconnect the zero gas, wait until reading has stopped changing, then adjust the ZERO control to bring the recorder pen to the same reading (in p.p.m.) as indicated on analysis tag. Reconnect the span gas and adjust the recorder with SPAN control to indicated value in p.p.m. Repeat zero and span adjustment until no further adjustments are required. Connect the column back to sample air. Check to see that the sample pressure gauge reading is still the same as originally set. Turn off the zero and span cylinder valves.

9. *Calculation.* 9.1 Meter is read directly in p.p.m. as CH_4.

10. *Bibliography.* 1. Ortman, G. C., Monitoring Methane in Atmosphere with a Flame Ionization Detector, Anal. Chem. 38, 644 (1966).

2. Beckman Instruction Manual 1306, Beckman Instruments, Inc. (1964).

*Span control has been added to the Beckman analyzer for convenience.

APPENDIX F

METHOD FOR DETERMINATION OF NITROGEN DIOXIDE IN THE ATMOSPHERE

(24-TOUR SAMPLING METHOD)

1. *Principle and applicability.* 1.1 Nitrogen dioxide is collected by bubbling air through a sodium hydroxide solution. A dilute solution of sodium nitrite is produced, which need not be analyzed immediately.

1.2 The nitrite ion produced during sampling is determined colorimetrically by reacting the exposed absorbing reagent with phosphoric acid, sulfanilamide, and N-(1-naphthyl)-ethylenediamine dihydrochloride.

1.3 The methods of sampling and analysis are applicable to field collection of 24-hour samples and return to a central laboratory for analysis.

2. *Range and sensitivity.* 2.1 The range of the analysis is 0.04 to 1.5 μg. NO_2^-/ml. For the efficiency stated in section 8.3, 50 ml. absorbing reagent, and a sampling rate of 200 ml./min. for 24 hours; the range of the method is 20–740 μg./m.^{3} (0.01–0.4 p.p.m.) nitrogen dioxide.

2.2 A nitrite concentration of 0.04 μg. NO_2^-/ml. will produce an absorbance of 0.02 with 1-cm. cells.

3. *Interferences.* 3.1 The interference of sulfur dioxide is eliminated by conversion to sulfuric acid with hydrogen peroxide before analysis.[1]

4. *Precision, accuracy, and stability.* 4.1 The relative standard deviations are 14.4 percent and 21.5 percent at nitrogen dioxide concentrations of 140 μg./m.^{3} (0.072 p.p.m.) and 200 μg./m.^{3} (0.108 p.p.m.). These data are based on 10 samples collected from test atmospheres generated with nitrogen dioxide permeation tubes are analyzed by automating the procedure with a Technicon Autoanalyzer.

4.2 No accuracy data are available.

4.3 Collected samples are stable for at least 6 weeks.

5. *Apparatus*—5.1 *Sampling.* See Figure 1.

5.1.1 Absorber—Polypropylene tubes 164 by 32 mm., equipped with polypropylene two-port tube closures. Rubber stoppers cannot be used because high and varying blank values are obtained. A gas dispersion tube with a fritted disc of porosity B (70–100 μm. maximum pore diameter) is used.

5.1.1.1 *Measurement of maximum pore diameter of frit.* Carefully clean the frit with dichromate-concentrated sulfuric acid cleaning solution and rinse well with distilled water. Insert the frit in one hole of a two-hole rubber stopper and install the frit in a tube containing sufficient distilled water to cover. Attach a vacuum source to the other hole of the rubber stopper and measure the vacuum required to draw the first perceptible stream of air bubbles through the frit. Apply the following equation:

$$\text{maximum pore diameter, } \mu\text{m.} = \frac{30s}{P}$$

s = Surface tension of water in dynes cm. at the test temperature (73 at 18° C., 72 at 25° C., and 71 at 31° C.)

P = Vacuum, mm. Hg.

5.1.2 *Probe.* Teflon or glass tube with a polypropylene or glass funnel at the end and a membrane filter to protect the frit. Replace filter after use with no more than five samples.

5.1.3 *Flow control device.* Calibrated 27-gauge hypodermic needles, 3½-in. long. The needle should be protected by a membrane filter or fiber glass filter. Change filter after use with 10 samples.

5.1.4 *Air pump.* Capable of maintaining a flow of 0.2 liter/min. through the absorber, and a vacuum of 0.7 atmosphere.

5.1.5 *Calibration equipment.* One ball-float flowmeter for measuring air flows up to approximately 275 ml./min., one stopwatch, and one precision wet test meter, 1 liter/revolution.

5.2 *Analysis.*

5.2.1 *Volumetric flasks.* 50, 100, 200, 250, 500, 1,000 ml.

5.2.2 *Graduated cylinder.* 1,000 ml.

5.2.3 *Pipets.* 1, 2, 5, 10 ml.

5.2.4 *Test tube.*

5.2.5 *Spectrophotometer or colorimeter.* Capable of measuring absorbance at 540 nm. Band width is not critical.

6. *Reagents*—6.1 *Sampling.*

6.1.1 *Absorbing reagent.* Dissolve 4.0 g. sodium hydroxide and dilute to 1,000 ml. with distilled water.

6.2 *Analysis.*

6.2.1 *Sulfanilamide.* Dissolve 20 g. sulfanilamide in 700 ml. distilled water. Add, with mixing, 50 ml. phosphoric acid (85 percent) and dilute to 1,000 ml. This solution is stable for a month if refrigerated.

6.2.2 *NEDA solution.* Dissolve 0.5 g. N-(1-naphthyl)-ethylenediamine dihydrochloride in distilled water. This solution is stable for a month if refrigerated and protected from light.

6.2.3 *Hydrogen peroxide.* Dilute 0.2 ml. 30 percent hydrogen peroxide to 250 ml. with distilled water. This solution is stable for a month if protected from light.

6.2.4 *Standard nitrite solution.* Dissolve sufficient desiccated sodium nitrite ($NaNO_2$, assay of 97 percent or greater) and dilute with distilled water to 1,000 ml. so that a solution containing 100 μg. NO_2^-/ml. is obtained. The amount of $NaNO_2$ to use is calculated as follows:

$$G = \frac{1.500}{A} \times 1000$$

G = Amount of $NaNO_2$, g.

1.500 = Gravimetric factor in coverting NO_2^- into $NaNO_2$.

A = Assay, percent.

7. *Procedure*—7.1 *Sampling.* Assemble the sampling train as shown in Figure 1. Add 50 ml. absorbing reagent to the absorber. Disconnect funnel, insert calibrated flowmeter, and measure flow before sampling. If flow rate before sampling is less than 85 percent of needle calibration, check for leak or change filters as necessary. Sample for 24 hours and measure flow at end of sampling period.

7.2 *Analysis.* Replace any water lost by evaporation during sampling. Pipet 10 ml. of the collected sample into a test tube. Add 1.0 ml. hydrogen peroxide solution, 10.0 ml. sulfanilamide solution, and 1.4 ml. NEDA solution with thorough mixing after the addition of each reagent. Prepare a blank in the same manner using 10 ml. absorbing reagent. After a 10-min. color development interval, measure the absorbance at 540 nm. against the blank. Read μg. NO_2^-/ml. from standard curve (section 8.2).

8. *Calibration and efficiencies*—8.1 *Sampling.*

8.1.1 *Calibration of ball float flowmeter.* Using a wet test meter and a stopwatch, determine the rates of air flow (ml./min.) through the flowmeter at several ball positions. Plot ball positions versus flow rates.

8.1.2 *Calibration of hypodermic needle.* Connect the calibrated flowmeter, the needle to be calibrated, and the source of vacuum in such a way that the direction of air flow through the needle is the same as in the sampling train. Read the position of the ball and determine flow rate in ml./min. from the calibration chart prepared in 8.1.1. Reject all needles not having flow rates of 190 to 210 ml./min. before sampling.

8.2 *Calibration curve.* Dilute 5.0 ml. of the 1,000 μg. NO_2^-/ml. solution to 200 ml. with absorbing reagent. This solution contains 25 μg. NO_2^-/ml. Pipette 1, 2, 5, and 15 ml. of the 25 μg. NO_2^-/ml. solution into 50- 50-, 100-, and 250-ml. volumetric flasks and dilute to the mark with absorbing reagent. The solutions contain 0.50, 1.00, 1.25, and 1.50 μg. NO_2^-/ml., respectively. Run standards as instructed in 7.2 Plot absorbance vs. μg. NO_2^-/ml.

8.3 *Efficiencies.* An overall average efficiency of 35 percent was obtained from test atmospheres having nitrogen dioxide concentrations of 140 μg./m.^{3} and 200 μg./m.^{3} by automated analysis.[2]

9. *Calculation*—9.1 *Sampling.*

9.1.1 Calculate volume of air sampled.

$$V = \frac{F_1 + F_2}{2} \times T \times 10^{-6}$$

V = Volume of air sampled, m.^{3}

F_1 = Measured flow rate before sampling, ml./min.

F_2 = Measured flow rate after sampling, ml./min.

T = Time of sampling, min.

10^{-6} = Conversion of ml. to m.^{3}

9.2 Calculate the concentration of nitrogen dioxide as μg. NO_2/m.^{3}

$$\mu\text{g. } NO_2/\text{m.}^3 = \frac{(\mu\text{g. } NO_2^-/\text{ml.}) \times 50}{V \times 0.35} = \frac{(\mu\text{g. } NO_2^-/\text{ml.}) \times 143}{V}$$

50 = Volume of absorbing reagent used in sampling, ml.

V = Volume of air sampled, m.^{3}

0.35 = Efficiency.

9.2.1 If desired, concentration of nitrogen dioxide may be calculated as p.p.m. NO_2 at 25° C. and 760 mm.

$$\text{p.p.m.} = (\mu\text{g. } NO_2/\text{m.}^3) \times 5.319 \times 10^{-4}$$

10. *Bibliography.* 1. Jacobs, M. B., and Hochheiser, S., "Continuous Sampling and Ultramicrodetermination of Nitrogen Dioxide in Air," Anal. Chem., 30 426 (1958).

2. Morgan, G. B., Golden, C., and Tabor, E. C., "New and Improved Procedures for Gas Sampling and Analysis in the National Air Sampling Nework. J. APCA 17 (5) 300–304 (1967).

3. Purdue, L. J., Dudley, J. E., Clements, J. B., and Thompson, R. J., "Studies in Air Sampling for Nitrogen Dioxide." I. A reinvestigation of the "Jacobs-Hochheiser Reagent. In Preparation.

Figure 1

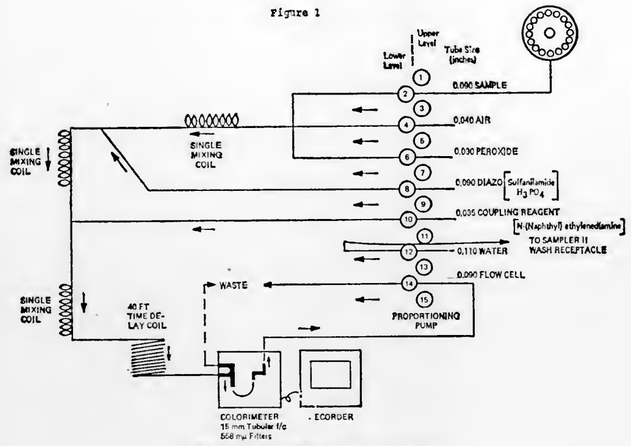

[FR Doc.71-1263 Filed 1-29-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AIR POLLUTION PREVENTION AND CONTROL

List of Air Pollutants; Issuance of Air Quality Criteria

Section 108(a)(1) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, and from time to time thereafter revise, a list that includes each air pollutant which in his judgment has an adverse effect on public health or welfare, which is present in the ambient air as a result of emissions from numerous or diverse mobile or stationary sources, and for which no air quality criteria were issued prior to the enactment of the amendments. Within twelve (12) months from the inclusion of a pollutant on the list, the Administrator is required to issue air quality criteria for such pollutant.

The Administrator, after evaluating available information, has concluded that nitrogen oxides clearly meet the above requirements. Evaluation of other air pollutants, including fluorides, polycyclic organic matter, and odorous substances, is being conducted, and the list will be revised as the Administrator deems appropriate. Accordingly, there is hereby established a list of air pollutants under section 108(a)(1) of the Act, as follows:

LIST OF AIR POLLUTANTS

1. NITROGEN OXIDES

Pursuant to sections 108 (a) and (d) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604) notice is hereby given that the Administrator of the Environmental Protection Agency, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, has today issued the document "Air Quality Criteria for Nitrogen Oxides" (EPA Publication No. AP-84). As required by the Act, issuance of this document follows the inclusion of nitrogen oxides in the list of air pollutants published above.

The air quality criteria reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of nitrogen oxides in varying quantities in the ambient air.

Notice is further given that the information on control techniques for nitrogen oxides required to be issued pursuant to section 108(b) of the Act was issued on March 19, 1970 (35 F.R. 4768) in the following documents:

Control Techniques for Carbon Monoxide, Nitrogen Oxide, and Hydrocarbon Emissions from Mobile Sources (NAPCA Publication No. AP-66)

Control Techniques for Nitrogen Oxide Emissions from Stationary Sources (NAPCA Publication No. AP-67)

The control techniques documents were transmitted to the Governor of each State, and to the agency in each State that is designated by the Governor as the official State air pollution control agency for purposes of the Act.

Pursuant to section 109(a)(2) of the Clean Air Act, as amended, there are published in this issue of the FEDERAL REGISTER proposed national primary and secondary ambient air quality standards for nitrogen oxides, which the Administrator is required to publish simultaneously with the issuance of air quality criteria and information on control techniques.

Copies of the documents whose issuance is announced herein are available to the general public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 25, 1971.

[FR Doc 71-1264 Filed 1-29-71;8:45 am]

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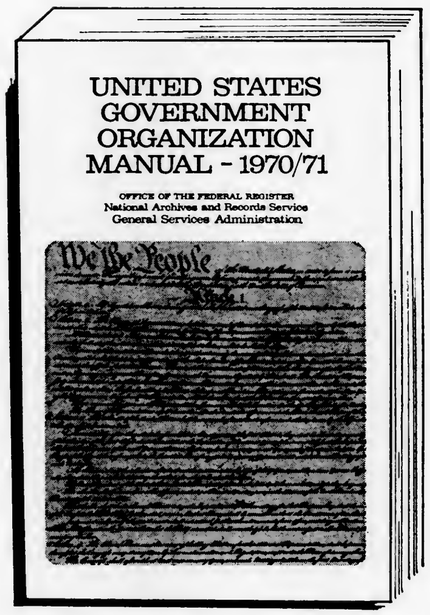

UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

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FEDERAL REGISTER

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Pages 1517–1870

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Customs Bureau
Education Office
Environmental Protection Agency
Federal Maritime Commission
Federal Power Commission
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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.), to make certain amendments to the regulations (33 F.R. 15521, as amended).

The purpose of this amendment is to (1) change Farmer Programs Division to Commodity Programs Division in the definition of Director, (2) expand the income requirement for new farm eligibility to include the income from farming rather than income from the farm for which the allotment is requested, (3) allow bona fide tobacco production experience gained while participating as a member of a partnership to qualify an applicant under the experience requirement for a new farm tobacco allotment, (4) change the date for filing new farm cigar tobacco allotment applications, surrending cigar allotment acreage, and requesting reallocation of surrendered acreage to March 5, (5) permit the county committee to redelegate authority to the County Executive Director for approving lease and transfer agreements, (6) require annual recomputation of allotments and quotas for transfers which extend for more than 1 year, (7) require signatures of lienholder(s) and mortgagee(s) for transfers which extend for more than 1 year, (8) permit the county committee to distinguish between false information knowingly given by the applicant and that unknowingly given in deciding the effective date of cancellation of a new farm allotment, and (9) require that, if the warehouseman gains possession of a basket of tobacco through a rejected producer sale after bill-out, such tobacco be identified as resale tobacco.

Tobacco producers are now making plans for the 1971 crop and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The amendment is as follows:

1. Paragraph (h) of § 724.51 is amended to read as follows:

§ 724.51 Definitions.

* * * * * *

(h) *Director.* The Director, or Acting Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

2. Subparagraphs (6) and (7) of paragraph (b) and paragraph (d) of § 724.63 are amended to read as follows:

§ 724.63 Determination of acreage allotments for new farms.

* * * * * *

(b) * * *

(6) (i) The operator (each partner where the farm operator is a partnership) shall expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) When the farm operator is a low income farmer:

(*a*) The county committee may waive the income provision in subdivision (i) of this subparagraph provided they determine that the farm operator's income from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action.

(*b*) The county committee must exercise good judgment to see that this determination is reasonable in light of all pertinent factors and that this special provision is made applicable only to those who qualify.

(c) In making this determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing the kind of tobacco requested in the application either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. Bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established shall not be deemed as experience in growing tobacco for this purpose.

* * * * * *

(d) Any improperly established new farm allotment is subject to cancellation under the provision in § 724.95.

3. Paragraphs (c) and (d) are amended and a new paragraph (s) is added to § 724.68 as follows:

§ 724.68 Lease and transfer of tobacco acreage allotments.

* * * * * *

(c) The lease and transfer of any allotment or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than May 1 of the current year, except that a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than May 1 of the current year and (2) the terms of the lease in writing are filed with the county committee no later than July 31 of the current year. The county committee may redelegate authority to approve leasing agreements to the County Executive Director.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 724.62 in the case of old farms, and, in the case of new farms, § 724.64 for each farm from which, and for each farm to which, a tobacco acreage allotment or any part

thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than 10 percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred. In the case of transfers of allotment for 2 or more years, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

• • • • •

(s) No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

4. Subparagraph (7) of paragraph (c) of § 724.72 is amended to read as follows:

§ 724.72 Determination of acreage allotments for new farms for Cigar-binder (types 51 and 52) and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for 1970–71 and subsequent marketing years.

• • • • •

(c) • • •

(7) A written application is filed by the farm operator at the office of the county committee on or before March 5 of the calendar year for which the application is made.

• • • • •

§ 724.73 [Amended]

5. The first sentence of paragraph (a) and the last sentence of paragraph (b) of § 724.73 are amended by changing the date for surrendering allotment to the State committee and requesting reallocation of surrendered acreage from the county committee from March 27 to March 5.

6. Paragraph (d) of § 724.95 is amended to read as follows:

§ 724.95 Producer's records and reports.

• • • • •

(d) *Cancellation of new farm allotment.* Any new farm allotment approved under this subpart which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the allotment was established. Where incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 724.66(d) apply.

7. Subparagraph (11) of paragraph (g) of section 724.96 is amended to read as follows:

§ 724.96 Warehouseman's records and reports, except Burley tobacco.

• • • • •

(g) • • •

(11) Where a producer rejects the sale of a basket of tobacco, and the tobacco has been billed out and the bills presented to the buyer, the warehouseman shall not change the (i) marketing card, or (ii) the MQ–80 reporting the sale. If the warehouseman gains possession of the tobacco and it is resold by such warehouseman, it shall be identified as resale tobacco.

8. Paragraph (i) is added to § 724.97 to read as follows:

§ 724.97 Warehouseman's records and reports for Burley tobacco.

• • • • •

(i) *Handling rejected (producer) sale after bill-out.* Where a producer rejects the sale of a basket of tobacco, and the tobacco has been billed out and bills presented to the buyer, the warehouseman shall not change the (1) MQ–76, (2) MQ–72–1, or (3) MQ–80 reporting the sale. If the warehouseman gains possession of the tobacco and it is resold by such warehouseman, it shall be identified as resale tobacco.

(Secs. 301, 313, 316, 318, 373, 375, 52 Stat. 38, as amended, 47, as amended, 75 Stat. 469, as amended, 80 Stat. 120, as amended, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1301, 1313, 1314b, 1314d, 1373, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 26, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–1342 Filed 2–1–71;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 40, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage, in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. The provisions of paragraph (a)(1)(i) and (ii) of § 905.528 (Tangerine Reg. 40; 35 F.R. 16075, 17167, 17938, 19245; 36 F.R. 41), are amended to read as follows:

§ 905.528 Tangerine Regulation 10.

(a) • • •

(1) • • •

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, January 28, 1971, to become effective February 1, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–1337 Filed 2–1–71;8:47 am]

[Orange Reg. 67, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246), the provisions of paragraph (a)(2)(viii) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) • • •

(2) • • •

(viii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 28, 1971, to become effective February 1, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–1338 Filed 2–1–71;8:47 am]

[Lemon Reg. 464, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) and (ii) of § 910.764 (Lemon Reg. 464, 36 F.R. 1190) are hereby amended to read as follows:

§ 910.764 Lemon Regulation 464.

• • • • • •

(b) • • •

(i) District 1: 44,000 cartons;

(ii) District 2: 81,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–1377 Filed 2–1–71;8:51 am]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER, November 28, 1970 (35 F.R. 18201). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than thirty days after publication. None was filed.

Statement of consideration. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1971 crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 1.

The grade and size requirements herein are recommended to prevent culls and poor quality onions, as well as undesirable sizes, from being distributed in fresh market channels. This should provide consumers with desirable onions, at reasonable prices and at the same time result in higher returns to producers for the better grades and preferred sizes and enhance the reputation of South Texas onions.

The container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade and other designated special purpose containers which have been the subject of experimental shipments for the past five seasons, provided they comply with the special purpose shipments requirements.

The prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The regulation is as follows:

During the period beginning March 1, 1971, through May 29, 1971, no handler may (1) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section, or (2) package or load onions on Sundays.

§ 959.311 Limitation of shipments.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to $2^{1}/_{4}$ inches in diameter, and limited to whites only:

(2) "Repacker"—$1^{3}/_{4}$ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to $3^{1}/_{2}$ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of $27^{1}/_{2}$ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by $38^{1}/_{2}$ inches.

(3) These container requirements shall not be applicable to onions sold to Federal Agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided*, That shipments of 2-, 3-, and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments: *And provided further*, That shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles such shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1971, to become effective March 1, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1336 Filed 2-1-71;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Kansas City marketing area.

It is hereby found and determined that for the months of February and March 1971 the following provisions of the order do not tend to effectuate the declared policy of the Act.

1. In § 1064.44, paragraph (c) in its entirely.

2. In the introductory text of § 1064.44 (d) preceding subparagraph (1), the provision: ", located not more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Kansas City, Mo., or Topeka, Kans."

Statement of consideration. Suspension of the provisions was requested by a cooperative operating a pool supply plant located in Faribault, Minn. Suspension will render inoperative the present order provisions requiring mandatory Class I classification of milk transferred to a nonpool plant located 400 miles or more from the nearer of Kansas City or Topeka. The cooperative operates a nonpool cheese manufacturing plant at Pine Island, Minn., located 427 miles from Kansas City. It also operates another supply plant located at Pine Island that is presently pooled under the Southeastern Minnesota-Northern Iowa order. The cooperative States, however, that it intends to qualify the latter plant for pooling under the Kansas City order.

The cooperative requests suspension of the order provisions in order that its milk in excess to its fluid milk outlets in Kansas City may be moved to the nonpool cheese manufacturing plant at Pine Island from both the Faribault supply plant and the Pine Island supply plant, and still be classified and priced as Class III milk under the Kansas City order. Without suspension, such milk would be classified and priced as Class I milk, although used in the production of a manufactured dairy product.

Suspension of the 400-mile diversion limitation is necessary to accommodate the orderly disposition of seasonally increased reserve milk supplies, particularly since manufacturing plants near the farms of some producers now supplying the market are located in Minnesota.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will accommodate the efficient disposal of reserve milk supplies into manufactured dairy product uses during months of seasonally increased milk production;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension has been in effect since November 1, 1970. Producers requested continuance of this suspension at a public hearing held December 15, 1970. No one opposed it. Interim action is necessary during the pendency of proceedings on amendments to the order.

Therefore, good cause exists for making this order effective February 1, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February and March 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1971.

Signed at Washington, D.C., on January 28, 1971.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.71-1340 Filed 2-1-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5125]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Small Offering Exemption

The Securities and Exchange Commission has amended Regulation A (17 CFR 230.251 et seq.) to increase the maximum amount of the offering price of securities which may be offered thereunder from $300,000 to $500,000. Regulation A exempts from registration under the Securities Act of 1933 securities, the offering price of which is not in excess of that amount, upon compliance with the terms and conditions of the regulation. Among the terms and conditions of the regulation are requirements that there be filed with the Commission a notification and an offering circular containing certain specified information, and the use of such offering circular in the offering and sale of the securities.

The amendment of the regulation to increase the maximum amount of the offering price of securities which may be offered thereunder has been adopted pursuant to Public Law 91–565, amending section 3(b) of the Act, which was passed by Congress on December 7, 1970, and signed by President Nixon on December 19, 1970.

The Commission has under consideration certain additional amendments to Regulation A which will be published for comment at a later date.

Commission action: Section 230.254 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 230.254 Amount of securities exempted.

(a) The aggregate offering price of all of the following securities of the issuer, its predecessors and all of its affiliates which were incorporated or organized, or became affiliates of the issuer, within the past 2 years, shall not exceed $500,000:

• • • • • •

The foregoing action has been taken pursuant to the Securities Act of 1933, particularly sections 3(b) and 19(a) thereof. Because the amendment of Section 3(b) of the Act has received extensive publicity and has been the subject of hearings by Congressional committees, the Commission finds that notice and procedure pursuant to 5 U.S.C. 553 are unnecessary. The Commission also finds that because the amendment relieves a previously existing restriction it may be made effective immediately upon publication. Accordingly, the amendment shall become effective on January 7, 1971.

(Secs. 3(b), 19(a), 48 Stat. 75, 85, 908, 59 Stat. 167, 15 U.S.C. 77c(b), 77s(a))

By the Commission, January 7, 1971.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71 1322 Filed 2-1-71;8:45 am]

[Release No. 33-5121]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Use of Legends and Stop-Transfer Instructions as Evidence of Nonpublic Offering

The Securities and Exchange Commission has authorized the publication of the following statement which sets forth the policy of the Commission's Division of Corporation Finance in connection with the availability of the exemption under section 4(2) from the registration provisions of the Securities Act of 1933. Section 4(2) of the Act provides for an exemption for "transactions by an issuer not involving any public offering," the so-called "private offering exemption."

Whether the transaction is one not involving any public offering is essentially a question of fact and necessitates a consideration of all the surrounding circumstances, including such factors as the relationship between the offerees and the issuer, the nature, scope, size, type and manner of the offering. The availability of the exemption turns on the question of "• • • the need of the offerees for the protection afforded by registration." See S.E.C. v. Ralston Purina Company, 346 U.S. 119 (1953) and Securities Act Release No. 4552 (1962).

An important factor to be considered is whether the securities offered have come to rest in the hands of the initially informed group or whether the purchasers are merely conduits for a wider distribution. It is essential that the issuer of the securities take careful precautions to assure that a public offering does not result through resales of securities purchased in transactions meeting the tests set forth in the Ralston Purina case, for, if in fact the purchasers do acquire the securities with a view to distribution, the seller assumes the risk of possible violation of the registration requirements of the Act and consequent civil and criminal liabilities.

These possibilities have led to the practice whereby issuers procure from the initial purchasers representations that they have acquired the securities for investment. A statement from an initial purchaser that he is purchasing for investment is not conclusive as to his actual intent. However, since the terms of an exemption are to be strictly construed against a claimant who has the burden of proving its availability, in many cases the issuer has placed a legend on such securities and stop-transfer instructions have been issued to the transfer agent. These precautions—placing the legend on the securities and issuing the stop-transfer orders—are not to be regarded as a basis for exemption, but they have proved in many cases to be an effective means of preventing illegal distributions. The use of the legend also alerts the buyer to the restricted character of the securities he has acquired and thus calls attention to material facts which assist in the protection of public investors.

The Legal and Compliance Committee of the Association of Stock Exchange Firms has recommended on a number of occasions that the Exchanges adopt a requirement that issuers of listed securities legend certificates that represent securities issued under an investment restriction. The American Stock Exchange requires that investment stock be legended because it feels that this restrictive legend would aid brokers in carrying out their responsibilities under the Exchange's Rule 411 which requires members to use diligence to learn the essential facts relative to every customer and to every order or account accepted.

The Division will regard the presence or absence of an appropriate legend and stop-transfer instructions as a factor in considering whether the circumstances surrounding the offering are consistent with the exemption under section 4(2) of the Act. Consequently, issuers are urged to stamp or print on the face of certificates or other instruments evidencing restricted securities a conspicuous legend referring to the fact that the securities have not been registered under the Securities Act of 1933 and may be offered and sold only if registered pursuant to the provisions of that Act or if an exemption from registration is available. Issuers are also urged to issue stop-transfer instructions to prevent the transfer of the securities in such cases.

By the Commission, December 30, 1970.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1321 Filed 2-1-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 148v—CANDICIDIN

Miscellaneous Amendments

A. Effective on publication in the FEDERAL REGISTER (2-2-71), Part 148v is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148v.1 Candicidin.
148v.2 Candicidin vaginal tablets.
148v.3 Candicidin vaginal ointment.
148v.4 Candicidin vaginal capsules.

AUTHORITY: The provisions of this Part 148v issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148v.1 Candicidin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin is a brown to yellow powder. It is sparingly soluble in water; very slightly soluble in ethyl alcohol, butyl alcohol, and acetone. It is so purified and dried that:

(i) Its potency is not less than 1,000 micrograms of candicidin per milligram on an anhydrous basis.

(ii) Its loss on drying is not more than 4 percent.

(iii) Its pH is not less than 8.0 nor more than 10.0 in a 1 percent aqueous suspension.

(iv) Its ultraviolet absorption spectrum is characteristic of a conjugated heptaene and is qualitatively the same as that of the candicidin working standard.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, loss on drying, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve a portion of the sample in sufficient dimethylsulfoxide to yield an estimated concentration of 1,000 micrograms of candicidin activity per milliliter. Further dilute an aliquot with sterile distilled water to the reference concentration of 0.06 microgram of candicidin activity per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using a 1 percent aqueous suspension.

(4) *Identity*—(i) *Preparation of aqueous alcohol solution.* Prepare an aqueous alcohol solution by mixing 53 volumes of ethyl alcohol and 47 volumes of water.

(ii) *Preparation of standard solution.* Grind a small portion of the candicidin working standard to a fine powder with a mortar and pestle. Accurately weigh an amount equivalent to 20,000 micrograms of candicidin activity and transfer it to a 100-milliliter volumetric flask. Add about 50 milliliters of the aqueous alcohol solution and shake to effect complete dissolution. Bring to volume with the aqueous alcohol solution and mix well. Transfer a 25-milliliter aliquot to a 100-milliliter volumetric flask and bring to volume with the aqueous alcohol solution. This solution contains 50 micrograms of candicidin activity per milliliter.

(iii) *Preparation of sample solution.* Proceed as directed in subparagraph (ii) of this paragraph.

(iv) *Procedure.* Using a suitable recording spectrophotometer, record the absorption spectra of the standard solution and the sample solution between the wavelengths of 330 and 410 nanometers with the aqueous alcohol solution as the reference solution. Compare the absorption spectra of the standard solution and the sample solution. They should exhibit absorption maxima and minima at the same wavelengths, which are nominally 342, 359, 378, and 397 nanometers for the maxima and 348, 366, and 390 nanometers for the minima.

§ 148v.2 Candicidin vaginal tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal tablets are tablets composed of candicidin with suitable binders, diluents, and lubricants. Each tablet contains 3 milligrams of candicidin. Its potency is satisfactory if it is not less than 90 percent and not more than 150 percent of the number of milligrams of candicidin that it is represented to contain, except that for the issuance of a certificate for each batch, the candicidin content must be not less than 115 percent and not more than 150 percent of the number of milligrams of candicidin that it is represented to contain. The tablets shall disintegrate within 30 minutes. The loss on drying is not more than 1 percent. The candicidin used in making the batch conforms to the standards of § 148v.1(a)(1).

(2) *Labeling.* The drug shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for potency, loss on drying, and disintegration time.

(ii) *Samples required.* (*a*) The candicidin used in making the batch: 10 packages, each consisting of approximately 300 milligrams.

(*b*) The batch: A minimum of 56 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Weigh a pool of five tablets and grind in a mortar to a very fine powder. Suspend an accurately weighed aliquot (of approximately 2 grams) in 10 milliliters of dimethylsulfoxide. Centrifuge for 5 minutes at 20,000 revolutions per minute. Carefully decant the supernatant solution into a sterile 250-milliliter volumetric flask. Wash the residue three times with 5-milliliter portions of dimethylsulfoxide, centrifuging each time. Add the washes to the 250-milliliter volumetric flask and fill to volume with sterile distilled water. Using sterile distilled water, further dilute to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

(2) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the method described in paragraph (e)(1) of that section, except use distilled water as the immersion fluid.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

§ 148v.3 Candicidin vaginal ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal ointment is composed of candicidin and a suitable ointment base. It contains 0.6 milligram of candicidin per gram. Its potency is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain. Its moisture content is not more than 0.1 percent. The candicidin used conforms to the requirements of § 148v.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The candicidin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Accurately weigh approximately 3 grams of the ointment into a 50-milliliter centrifuge tube. Dissolve the ointment in 30 milliliters of *n*-hexane by warming the centrifuge tube with hot water. Centrifuge for 15 minutes at 20,000 revolutions per minute. Carefully decant the supernatant, leaving all sediment in the tube. Repeat the suspending and centrifuging operation three times or until all the ointment base is washed out. After the final wash, evaporate the *n*-hexane by air evaporation. Dissolve the sediment in 10 milliliters of dimethylsulfoxide, quantitatively transfer to a sterile 200-milliliter volumetric flask, and fill to volume with sterile distilled water. Further dilute with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148v.4 Candicidin vaginal capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal capsules are gelatin capsules containing 3 milligrams of candicidin in a suitable and harmless ointment. The candicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain. The moisture content is not more than 0.1 percent. The candicidin used conforms to the requirements of § 148v.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The candicidin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 20 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.111 of this chapter, except prepare the sample as follows: Remove tips from two capsules and express the ointment from each capsule into one 50-milliliter glass-stoppered centrifuge tube. Wash out the capsules with warm *n*-hexane adding the washes to the 50-milliliter centrifuge tube. Completely dissolve the ointment base in the *n*-hexane by warming the centrifuge tube with hot water, if necessary. Centrifuge for 15 minutes at 20,000 revolutions per minute. Carefully decant the supernatant leaving all sediment in the tube. Repeat the suspending and centrifuging operations three times or until all ointment base is washed out. After the final wash, evaporate the *n*-hexane by air evaporation. Dissolve the sediment in 20 milliliters of dimethylsulfoxide, quantitatively transfer to a sterile 250-milliliter volumetric flask, and fill to volume with sterile distilled water. Further dilute with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

B. Also regarding candicidin and also effective upon publication, minor technical changes are made in § 141.111(b) by revising in the table the item "Candicidin" to add two footnotes, as follows:

§ 141.111 Microbiological turbidimetric assay.

• • • • • •

(b) • • •

Antibiotic	Test organism	Medium (nutrient broth)	Suggested volume of standardized inoculum to be added to each 100 milliliters of medium (nutrient broth)	Incubation temperature
Candicidin [1]	E	13	0.2	[2] 28
• • •	• • •	• • •	• • •	• • •

[1] Use sterile equipment for all stages of this assay.
[2] Cover and incubate the tubes for 16 to 18 hours.

• • • • • • • •

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 19, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-1318 Filed 2-1-71;8:45 am]

PART 149c—HETACILLIN

Hetacillin and Potassium Hetacillin

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 149c is amended by adding the following new sections to provide for certification of the subject antibiotic drugs:

§ 149c.1a Sterile potassium hetacillin.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Potassium hetacillin is the potassium salt of hetacillin. It occurs as a fine, white to light buff powder. It is so purified and dried that:

(i) Its potency is not less than 735 micrograms of ampicillin per milligram. If it is packaged for dispensing, its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 1.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter (or when reconstituted as directed in the labeling, if it is packaged for dispensing) is not less than 7.0 and not more than 9.0.

(vii) Its potassium hetacillin content is not less than 90 percent and not more than 105 percent.

(viii) It gives a positive identity test for potassium hetacillin.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*2*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers, except if each contains less than 450 milligrams, a minimum of 16 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for ampicillin in § 141.110 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration; and also if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the

sample thus obtained with sufficient solution 3 to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter using a solution containing the equivalent of 18 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter (or using a solution reconstituted as directed in the labeling, if it is packaged for dispensing).

(7) *Potassium hetacillin content.* Proceed as directed in § 149c.1(b)(5) of this chapter, except use about 110 milligrams of sample and calculate the potassium hetacillin content as follows:

$$\text{Percent potassium hetacillin} = \frac{c \times 500 \times 427.57}{\text{Wt. of sample in milligrams} \times 389.48}$$

where:

c = Concentration in micrograms per milligram of the sample solution obtained from the standard response line.

(8) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

(9) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 149c.2 Potassium hetacillin for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Potassium hetacillin for injection is a dry mixture of potassium hetacillin and lidocaine hydrochloride. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile, nonpyrogenic, and passes the safety test. Its moisture content is not more than 1.0 percent. When reconstituted as directed in its labeling, its pH is not less than 7.0 and not more than 9.0. The potassium hetacillin used conforms to the requirements of § 149c.1a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The potassium hetacillin used in making the batch for potency, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture and pH.

(ii) Samples required:

(*a*) The potassium hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers, except if each contains less than 450 milligrams of ampicillin, a minimum of 16 immediate containers.

(2) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed for ampicillin in § 141.110 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove the withdrawable contents from each container represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing the equivalent of 18 milligrams of ampicillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter for potassium hetacillin, except use a concentration of 4 milligrams of ampicillin activity per milliliter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the product reconstituted as directed in the labeling.

§ 149c.3 Potassium hetacillin capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Potassium hetacillin capsules are composed of potassium hetacillin with or without one or more suitable diluents, lubricants, and drying agents. Each capsule contains an amount of potassium hetacillin equivalent to 112.5, 225, or 450 milligrams of ampicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The moisture content is not more than 3 percent. The potassium hetacillin used conforms to the requirements of § 149c.1b(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The potassium hetacillin used in making the batch for potency, safety, moisture, pH, potassium hetacillin content, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The potassium hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed for ampicillin in § 141.110 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Place a representative number of capsules in a high-speed gless blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 149c.4 Hetacillin chewable tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Each hetacillin chewable tablet contains an amount of hetacillin equivalent to 112.5 milligrams of ampicillin with suitable buffers, preservatives, binders, flavorings, colorings, and sweetening ingredients. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. The moisture content is not more than 2.0 percent. The hetacillin used conforms to the requirements of § 149c.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hetacillin used in making the batch for potency, safety, moisture, pH, hetacillion content, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required.

(*a*) The hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed for ampicillin in § 141.110 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows: Place a representative number of tablets in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin permilliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 149c.5 Hetacillin for oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Hetacillin for oral suspension is a mixture of hetacillin with one or more suitable preservatives, suspending agents, sweetening ingredients, flavorings and colorings. When reconstituted as directed in the labeling, it contains the equivalent of 22.5, 45, or 112.5 milligrams of ampicillin per milliliter. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 2.0 percent. The pH of the suspension, when reconstituted as directed in its labeling, is not less than 2.0 and not more than 5.0. The hectacillin used conforms to the requirements of § 149c.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The hetacillin used in making the batch for potency, safety, moisture, pH, hetacillin content, identity, and crystallinity.

(*b*) The batch for potency, moisture and pH.

(ii) Samples required:

(*a*) The hetacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed for ampicillin in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Remove an accurately measured representative portion with a suitable syringe and hypodermic needle and place into a suitable volumetric flask. Dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the sample after reconstituting as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for certification of these drugs have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–2–71).

(Sec. 597, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 19, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-1317 Filed 2-1-71;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4992]

[Nevada 047410]

NEVADA

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. section 300 (1964), it is ordered as follows:

1. The departmental order of January 16, 1919, creating Stock Driveway Withdrawal No. 54 (Nevada No. 10), is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 5 N., R. 37 E. (unsurveyed),
Secs. 15, 16;
Sec. 17, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 18, SW¼SE¼, E½SE¼;
Sec. 19, NE¼, NE¼NW¼, S½NW¼, S½;
Secs. 20 to 28 inclusive.
T. 4 N., R. 38 E. (unsurveyed),
Secs. 4, 5, 6, 8, 9, 10, 13 to 17, inclusive, 21 to 24, inclusive,
Relocated in:
T. 4 N., R. 38½ E. (unsurveyed),
Secs. 16 to 21, inclusive.
T. 5 N., R. 38 E. (unsurveyed),
Secs. 19, 20, 21, 28 to 33, inclusive.
T. 4 N., R. 39 E.,
Secs. 13 to 24, inclusive.
T. 4 N., R. 40 E.,
Secs. 16 to 22, inclusive, 25 to 29, inclusive, 33, 34, 35 and 36.
T. 3 N., R. 41 E.,
Secs. 2 to 6, inclusive;
Sec. 7, lots 1, 2, 3, E½, E½W½;
Sec. 8;
Sec. 9, W½;
Secs. 11 to 14, inclusive;
Sec. 15, S½;
Sec. 16, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, N½SE¼;
Sec. 17, NE¼, NE¼NW¼;
Sec. 22, NE¼NE¼;
Sec. 23, NE¼, N½NW¼;
Sec. 24, N½, N½S½, SE¼SE¼;
Sec. 25, S½NE¼, NW¼, S½;
Sec. 36.
T. 4 N., R. 41 E.,
Secs. 29 to 32, inclusive.
T. 1 N., R. 42 E.,
Sec. 2, N½, SW¼ (excluding Mineral Survey Patent No. 819102);
Secs. 3, 10, 15, 22, 27, 28, 33.
T. 2 N., R. 42 E.,
Secs. 5 to 18, inclusive, 23, 24, 25, 35, and 36 (excluding Mineral Survey Patent Nos. 819102, 848684, 876079, 933262).
T. 3 N., R. 42 E.,
Secs. 18, 19, 30, 31.
T. 3 S., R. 37 E. (unsurveyed),
Secs. 21 to 29, inclusive, 32, 33, 34.
T. 4 S., R. 37 E. (unsurveyed),
Secs. 4, 5, 7, 8, 9, 16, 17, 18.
T. 3 S., R. 38 E.,
Secs. 19 to 24, inclusive, 29 and 30 (excluding Mineral Survey Patent No. 46421 in sec. 29).
T. 3 S., R. 39 E.,
Secs. 19 to 24, inclusive.
T. 3 S., R. 40 E.,
Secs. 19 to 24, inclusive.
T. 3 S., R. 41 E.,
Secs. 19 to 24, inclusive.
T. 1 S., R. 42 E.,
Secs. 4, 9, 16, 21, 28, and 33.
T. 2 S., R. 42 E.,
Secs. 4, 9, 16, 21, 28, and 33.
T. 3 S., R. 42 E.,
Secs. 4, 9, 16, 17, 19, 20, and 21.

The areas described aggregate approximately 112,330 acres of public land in Esmeralda County.

Generally the lands encompass a mile wide strip that crosses valley bottoms and several mountain ranges with elevations ranging from 4,200 to 7,500 feet. Soils range from poorly drained clay loams to rocky, sandy loams.

A portion of the lands in T. 2 N., R. 42 E.; T. 3 N., R. 42 E.; T. 4 N., R. 40 E.; T. 3 N., R. 41 E.; T. 3 S., R. 39 E., and T. 2 S., R. 42 E., is embraced in a withdrawal of 50 feet on each side of the centerline of a power transmission line for Power Project No. 2703.

2. At 10 a.m. on March 2, 1971, the unreserved public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on March 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 25, 1971.

[FR Doc.71-1320 Filed 2-1-71;8:45 am]

[Public Land Order 4993]

[Oregon 6400 (Wash.)]

WASHINGTON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public domain land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. Sections 601-604 (1964), and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 78 Stat. 1089, 16 U.S.C. Sections 532, 533 (1964):

WILLAMETTE MERIDIAN

TOATS COULEE ROAD NO. 390

T. 39 N., R. 25 E.,
Sec. 28, SW¼SW¼;
Sec. 29, S½SE¼;
Sec. 33, NE¼NW¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of the Toats Coulee Road in and through the above described subdivisions, as shown on plats filed in the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains about 1.39 acres in Okanogan County.

2. The withdrawal made by this order shall not preclude entries, selections, sales, exchanges, or leases under public land laws of any legal subdivisions traversed by an cooperator road constructed on any lands withdrawn by this order, provided that any such entry, selection, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1356 Filed 2-1-71;8:49 am]

[Public Land Order 4995]

[Montana 16783]

MONTANA

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 1035 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Secretary's order dated November 27, 1908, withdrawing public domain lands for use by the United States Forest Service as an administrative site, is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

T. 2 N., R. 58 E.,
Sec. 32, SW¼SW¼.

The area described contains 40 acres in Carter County.

2. At 10 a.m. on March 3, 1971, the land shall be open to operation of the public land laws, including the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws. All valid applications received at or prior to 10 a.m. on March 3, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1357 Filed 2-1-71;8:49 am]

[Public Land Order 4996]

[Arizona 035307]

ARIZONA

Withdrawal and Reservation of Lands for National Historic Site Buffer Zone

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, and reserved as a buffer zone for the Fort Bowie National Historic Site:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 28 E.,
Sec. 1, SW¼SW¼, NW¼SW¼, NE¼SE¼, N½NW¼SE¼, NE¼SE¼SE¼, W½SW¼SE¼, SE¼SW¼SE¼;
Sec. 2, N½N½SE¼, SW¼;
Sec. 3, N½S½SE¼, SE¼SE¼SE¼;
Sec. 10, S½N½NE¼;
Sec. 11, SW¼NW¼NW¼, SW¼NW¼, S½S½SE¼NW¼, S½S½SW¼NE¼, SW¼SE¼NE¼;
Sec. 12, N½N½NE¼.

The areas described above aggregate approximately 590 acres in Cochise County.

2. The Bureau of Land Management will administer the use of these lands in such a manner as will complement and supplement administration by the National Park Service of the adjacent Fort Bowie National Historic Site.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1358 Filed 2-1-71;8:49 am]

[Public Land Order 4997]

[Sacramento 079492]

CALIFORNIA

Withdrawal for National Forest Administrative Sites-Recreation Areas-Roadside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

LASSEN NATIONAL FOREST

Butte Meadows Campground

T. 26 N., R. 4 E.,
Sec. 30, S½S½SE¼NE¼.

TAHOE NATIONAL FOREST

Alaska Peak Administrative Site

T. 18 N., R. 9 E.,
Sec. 6, SE¼SE¼SW¼SE¼.

American Hill Administrative Site

T. 19 N., R. 11 E.,
Sec. 20, SW¼SW¼NE¼SW¼.

Woodcamp Administrative Site

T. 19 N., R. 13 E.,
Sec. 30, lots 3 and 4, and E½SW¼.

Castle Valley Recreation Area

T. 17 N., R. 14 E.,
Sec. 12, SE¼, SW¼NE¼, E½SW¼, E½NW¼SW¼, W½NW¼, SE¼NW¼, W½NE¼NW¼, and SE¼NE¼NW¼.

PLUMAS NATIONAL FOREST

Lee Summit Seed Production Area

T. 23 N., R. 11 E.,
Sec. 8, NE¼NE¼ and S½NE¼ (except portion withdrawn by PLO 2971 for roadside zone);
Sec. 9, W½NW¼ (except portion withdrawn by PLO 2971 for roadside zone).

SHASTA AND TRINITY NATIONAL FORESTS

Eagle Flat Campground and Picnic Area

T. 38 N., R. 7 W.,
Sec. 8, N½SE¼ and N½SE¼SE¼.

Eagle Creek Campground

Sec. 16, NE¼SE¼NE¼ and S½SE¼.

Roadside-Streamside Zone

Sec. 16, those portions of the NE¼NW¼ and NE¼ described as: That land lying between Eagle Creek and Eagle Creek Road together with a strip of land 200 feet wide along the southwesterly side of Eagle Creek, extending from the north boundary of sec. 16 southeasterly to the confluence of the Trinity River; and a strip of land 200 feet wide along the northeasterly side of the Eagle Creek Road in place, extending from the north boundary of sec. 16 southeasterly to the confluence of the Trinity River, containing approximately 50 acres more or less.

HUMBOLDT MERIDIAN

Forest Glen Recreation Area

T. 1 S., R. 7 E.,
Sec. 13, SE¼SE¼SE¼, N½SE¼SE¼, and S½NE¼SE¼.

T. 1 S., R. 8 E.,
Sec. 18, SW¼ of lot 4 and S½NW¼ of lot 4 less H.E. Survey 264;
Sec. 19, NW¼ of lot 1, E½ of lot 1, NE¼NW¼ less H.E. Survey 264, and NW¼NE¼.

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

Kangaroo-Lilypad Lakes Recreation Area

T. 40 N., R. 7 W.,
Sec. 14, N½N½.

Beaver Mouth Campground

T. 46 N., R. 8 W.,
Sec. 6, lot 1.

Trail Creek Recreation Area

T. 39 N., R. 10 W.,
Sec. 23, N½N½SE¼ and S½S½NE¼;
Sec. 24, SW¼SW¼NW¼.

Seiad Administrative Site

T. 46 N., R. 12 W.,
Sec. 12, portion of tract 55; beginning at point 5 of tract 55, thence N. 89°55' W., 546.10 feet; thence S. 02°00'30" E., 620.31 feet; thence S. 89°55' E., 546.10 feet; thence N. 02°00'30" W., 620.31 feet to point of beginning, containing 7.27 acres, more or less (which approximates NW¼SW¼NW¼).

HUMBOLDT MERIDIAN

OAK BOTTOM GUARD STATION AND CAMPGROUND

T. 11 N., R. 6 E.,
Sec. 2, NE¼SE¼ less that part of I.A. Survey No. 280.

Ukonom Ranger Station-Administrative Site

T. 12 N., R. 6 E.,
Sec. 33, S½SE¼NE¼, NE¼SE¼, and SE¼SE¼;
Sec. 34, NW¼NW¼NW¼, S½SW¼NW¼, NW¼SW¼, and SW¼SW¼.

Ti Bar Administrative Site

T. 13 N., R. 6 E.,
Sec. 8, SW¼NE¼SW¼ and NW¼SE¼SW¼.

Johnson's Bar Campground

T. 13 N., R. 6 E.,
Sec. 32, SE¼SE¼, SW¼SE¼NE¼SE¼, E½SW¼NE¼SE¼, and SE¼NW¼NE¼SE¼.

SIX RIVERS NATIONAL FOREST

Big Flat Administrative Site

T. 15 N., R. 2 E.,
Sec. 23, E½NW¼NE¼ and W½NE¼NE¼.

Dry Lake Campground

T. 16 N., R. 3 E.,
Sec. 31, S½NW¼NE¼ and N½SW¼NE¼.

Fish Lake Campground

T. 10 N., R. 4 E.,
Sec. 14, NE¼NE¼.

Boise Creek Campground

T. 7 N., R. 5 E.,
Sec. 30, E½SE¼SW¼ and W½SW¼SE¼.

Big Bar Campground

T. 10 N., R. 5 E.,
Sec. 17, SW¼SE¼, SE¼SW¼ (lot 1 and portion lot 39), S½SW¼SW¼ (portion lots 2 and 39);
Sec. 20, N½N½NW¼ (portion lots 1, 2, and 39).

Gephart Campground

Sec. 19, S½ lot 4 and lot 5.

Aikens Campground

Sec. 30, lot 7, NE¼SW¼, E½NW¼SW¼, and E½W½NW¼SW¼.

Bluff Creek Campground

Sec. 30, W½ lot 1, W½ lot 5, lot 6, and E½SW¼SW¼NW¼.

Bonda Mine Campground

T. 11 N., R. 6 E.,
Sec. 29, W½E½W½NE¼NW¼, W½W½NE¼NW¼, N½SW¼NW¼, and NW¼NW¼.

Pearch Creek Campground

T. 11 N., R. 6 E.,
Sec. 32, SE¼NE¼NW¼, S½NE¼NW¼, and NW¼NE¼NE¼NW¼.

South Fork Campground

T. 15 N., R. 2 E.,
Sec. 15, NW¼NW¼NE¼, E½W½NE¼, E½NW¼SE¼, and W½NE¼SE¼.

Madrona Campground

T. 17 N., R. 2 E.,
Sec. 24, E½NE¼NE¼.
T. 17 N., R. 3 E.,
Sec. 19, S½ lot 5 and N½ lot 6.

Patricks Creek Campground

T. 17 N., R. 3 E.,
Sec. 16, SW¼NE¼NW¼, S½NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼.

Mad River Campground

T. 1 S., R. 6 E.,
Sec. 2, E½NE¼SW¼, E½W½NE¼SW¼, and W½SW¼NE¼SW¼.

Bailey Canyon and Fir Cove Campgrounds

T. 1 S., R. 7 E.,
Sec. 29, SE¼SE¼;
Sec. 33, N½NW¼NW¼ and SW¼NW¼NW¼.

The areas described aggregate approximately 2,646 acres in Butte, Del Norte, Humboldt, Nevada, Plumas, Sierra, Siskiyou, Tehama, and Trinity Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1359 Filed 2-1-71;8:49 am]

[Public Land Order 4998]

[Oregon 4372]

OREGON

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT HOOD NATIONAL FOREST

WILLAMETTE MERIDIAN

Lazy Bend Campground Addition

T. 4 S., R. 5 E.,
Sec. 28, S½N½NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, W½NW¼SW¼SW¼, N½S½SW¼SW¼.

Memaloose Campground

T. 4 S., R. 5 E.,
Sec. 29, SW¼SE¼SW¼NE¼.

Carter Bridge Campground Addition

T. 5 S., R. 5 E.,
Sec. 2, NW¼SE¼NE¼.

Armstrong Campground Addition

T. 5 S., R. 5 E.,
Sec. 2, SE¼SE¼NE¼, NE¼NE¼SE¼, N½SE¼NE¼SE¼.

Ward Campground

T. 5 S., R. 5 E.,
Sec. 26, W½SW¼NE¼SW¼, E½SE¼SW¼SW¼, W½SE¼SW¼.

Skookum Lake Campground

T. 6 S., R. 5 E.,
Sec. 35, W½SW¼ of lot 3.

Shining Lake Campground

T. 4 S., R. 6 E.,
Sec. 36, NE¼NE¼NE¼SW¼.

Frazier Forks Campground

T. 5 S., R. 7 E.,
Sec. 9, SE¼SW¼SW¼NW¼, NE¼NW¼NW¼SW¼.

Frazier Turnaround Campground

T. 5 S., R. 7 E.,
Sec. 9, SW¼NW¼NW¼SW¼, NW¼SW¼NW¼SW¼.

The areas described aggregate approximately 125.34 acres in Clackamas County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1360 Filed 2-1-71;8:49 am]

[Public Land Order 4999]

[Oregon 4158]

OREGON

Partial Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of November 25, 1907, and October 30, 1908, so far as they withdrew the following described lands as an administrative site, are hereby revoked:

UMATILLA NATIONAL FOREST

WILLAMETTE MERIDIAN

Desolation Ranger Station Administrative Site

T. 9 S., R. 34 E.,
Sec. 5, lots 2 (NW¼NE¼), S½ lot 3 (S½ NE¼NW¼), N½SW¼NE¼, N½SE¼ NW¼.

The areas described aggregate 101.25 acres in Grant County.

2. At 10 a.m. on March 3, 1971, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1361 Filed 2-1-71;8:49 am]

[Public Land Order 5000]

[Arizona 4582]

ARIZONA

Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. section 300 (1964), it is ordered, as follows:

The Departmental Order of June 6, 1923, creating Stock Driveway No. 164, Arizona No. 6, as enlarged by Departmental Orders of July 29, 1924, and May 19, 1938, is hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. section 932, by the Maricopa County Highway Department, over the following described lands, as delineated on a map entitled Projects Nos. 22-024 and 22-092, on file with the Bureau of Land Management in Arizona 4582, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 7 E.,
Sec. 3, SE¼, NE¼SW¼, SW¼NW¼, W½SW¼;
Sec. 4, E½E½SE¼;
Sec. 9, NE¼.

The areas described aggregate 500 acres in Maricopa County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[F.R. Doc.71-1362 Filed 2-1-71;8:49 am]

[Public Land Order 5001]

[Anchorage 051594]

ALASKA

Transfer of Lands From Department of the Navy to Department of the Air Force Public Land Order No. 1404 Amended in Part

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described lands, which were withdrawn for use by the War Department by Executive Order No. 8877 of August 29, 1941, as amended by Executive Order No. 9526 of February 28, 1945, the jurisdiction of which was transferred to the Department of the Navy by Public Land Order No. 1404 of April 3, 1957, are hereby transferred to the jurisdiction of the Department of the Air Force:

KODIAK ISLAND, ALASKA

CAPE GREVILLE—CAPE CHINIAK AREA

Beginning at a point on line of mean high tide on the east shore of Kodiak Island in latitude 57°34'08" N., longitude 152°11'-54" W., thence north 8,000 feet; west 7,000 feet approximately to longitude 152°13' W., north 7,800 feet approximately on longitude 152°13' W. to a point on line of mean high tide on Kalsin Bay; easterly and southerly along line of mean high tide around Cape Chiniak and Cape Greville to point of beginning.

The area described contains approximately 3,723 acres.

This order does not otherwise serve to change the provisions of Executive Order No. 8877, as amended by Executive Order No. 9526 and Public Land Order No. 1404, withdrawing and reserving the lands for military purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1364 Filed 2-1-71;8:50 am]

[Public Land Order 5002]

[Oregon 5137]

OREGON

Partial Revocation of Reclamation Withdrawals Public Land Order No. 4777 of March 9, 1970, Revoked

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. The orders of the Secretary dated March 17, 1904, August 16, 1905, and August 16, 1906, withdrawing lands for the Umatilla Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 4 N., R. 28 E.,
Sec. 4, S½NE¼NE¼, N½NE¼NE¼.
T. 5 N., R 28 E.,
Sec. 26, S½S½NW¼NE¼, N½SW¼NE¼.

The areas described aggregate approximately 74.76 acres in Umatilla County.

The lands in sec. 4, T. 4 N., R. 28 E., are embraced in an allowed desert land entry.

2. At 10 a.m. on March 3, 1971, the lands in sec. 26, T. 5 N., R. 28 E., shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 3, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

3. Public Land Order No. 4777 of March 9, 1970, appearing in 35 F.R. 4516 of the issue of March 13, 1970, is hereby revoked in its entirety.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1363 Filed 2-1-71;8:49 am]

[Public Land Order 5006]

[Idaho 3453]

IDAHO

Revocation of Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 1641 of November 8, 1912, withdrawing the following described lands as the Deer Lick Administrative Site, for use of the Forest Service, is hereby revoked:

BOISE MERIDIAN

T. 15 N., R. 4 E.,
Sec. 3, NW¼SW¼.

The area described contains 40 acres in Valley County.

The lands are located 8 miles east of Donnelly, in Little Valley. Topography is of moderately west-facing slope with elevations ranging from 5,100 to 4,960 feet. Soils are decomposed granite, not suitable for farming. Vegetation is lodgepole and ponderosa pine with a mixed grass understory.

2. At 10 a.m. on March 3, 1971, the land shall be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 3, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals under the U.S. mining laws at 10 a.m. on March 3, 1971. They have been and continue to be open to applications and offers under the mineral leasing laws, and to location and entry under the mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1365 Filed 2-1-71;8:50 am]

[Public Land Order 5007]

[Oregon 6983]

OREGON

Withdrawal for National Forest Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

OCHOCO NATIONAL FOREST

Ochoco Divide Research Natural Area

T. 12 S., R. 20 E.,
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, SE¼;
Sec. 31, E½;
Sec. 32;
Sec. 33, W½W½.

The area described contains approximately 1,920 acres in Wheeler County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1366 Filed 2-1-71;8:50 am]

[Public Land Order 5008]

[Idaho 3294]

IDAHO

Partial Revocation of Stock Driveway Withdrawal

By the virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. section 300 (1964), it is ordered as follows:

1. The departmental order of December 9, 1918, creating Stock Driveway No. 48 (Idaho No. 3), is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

SAWTOOTH NATIONAL FOREST

T. 1 N., R. 11 E.,
Sec. 31, SW¼, S½SE¼;
Sec. 32, S½S½.

The area described aggregates 400 acres in Elmore County.

2. At 10 a.m. on March 3, 1971, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

The lands are open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1367 Filed 2-1-71;8:50 am]

[Public Land Order 5011]

[Utah 11029]

UTAH

Withdrawal for Administrative Site Revocation of Air Navigation Site Withdrawals

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. section 214 (1964), and the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an administrative site for use by the Department of Agriculture:

SALT LAKE MERIDIAN

T. 36 S., R. 3 W.,
Sec. 7, lots 1 and 2.

The areas described aggregate 68.66 acres in Garfield County.

2. The departmental order of July 17, 1945, which withdrew lot 1, above, as Air Navigation Site Withdrawal No. 226, and Public Land Order No. 1946 of August 17, 1959, which withdrew lot 2, above, as an administrative site for use of the Federal Aviation Agency, are hereby revoked.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1368 Filed 2-1-71; 8:50 am]

[Public Land Order 5012]

[New Mexico 9246]

NEW MEXICO

Powersite Cancellation No. 289; Partial Revocation of Waterpower Designation No. 1

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-78-New Mexico, it is ordered as follows:

1. The Departmental Order creating Waterpower Designation No. 1, New Mexico No. 1, approved August 7, 1916, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

T. 28 N., R. 15 E.,
Secs. 6 and 7, tracts 37 and 38.

The area described contains 16.27 acres in Taos County.

The State of New Mexico failed to exercise its preference right of application for highway rights-of-way and material sites afforded it by section 24 of the Federal Power Act, supra, when notified of the proposed restoration of the lands from the withdrawal.

2. At 10 a.m. on March 3, 1971, the land shall be open to such forms of disposition as may be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1369 Filed 2-1-71;8:50 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-25; Amdt. 178-16]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Special Composite Package for Electrolyte (Acid) or Alkaline Corrosive Battery Fluid

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the use of multiwall polyethylene or other suitable plastic bags within specification 12B fiberboard boxes for shipment of electrolyte acid or alkaline corrosive battery fluid.

On November 21, 1969, amendment 178-8 was published (34 F.R. 18554). Subsequent to the amendment, it was brought to the Hazardous Materials Regulations Board's attention that a major style of bag used for several years under special permit authority was a multiwall bag, and not a 3-mil bag within another 3-mil bag as described in the amendment.

The rule change as stated therefore did not authorize, as was intended, the type bag with which shipping experience had been obtained under special permit provision. On August 22, 1970, the Board published another notice of proposed rule making, Docket No. HM-25; Notice 70-15 (35 F.R. 13465) which proposed to correct the deficiency.

Interested persons were invited to give their views on the proposal. Two comments were received objecting to the concept of bag-in-a-box packaging for electrolyte. No other comments were received.

The proposed change related to a variation from currently authorized bag-in-a-box packaging. The two comments made, however, did not address themselves to the rule change concerned, and therefore could not be considered as objections to the proposal, but the Board does take note that concern exists over the overall adequacy of the package.

Accordingly, 49 CFR Part 178 is amended as follows:

In § 178.205-37, paragraph (a) is amended to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205-37 Special box: authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box must comply with this specification except as follows: Box must be one-piece construction of slotted style and may have die-cut areas of minimum size to provide access to an inside closure part. Box must contain one multiwall bag made of polyethylene or other suitable plastic of sufficient size and capacity to be capable of coming into contact with all of the interior surfaces of the box when filled. Each ply of the bag must be formed from virgin film not less than 0.003 inch thick. Joints must be heat sealed and not less than ⅛-inch wide.

* * * * *

This amendment is effective June 10, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 48 U.S.C. 1421-1430, 1472(h))

Issued in Washington, D.C., on January 27, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-1333 Filed 2-1-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-372]

SPEARMINT OIL PRODUCED IN CERTAIN STATES

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium of the Federal Building, Richland, WA, beginning at 9:30 a.m., local time, February 24, 1971, with respect to a proposed marketing agreement and order regulating the handling of spearmint oil produced in the States of Washington, Idaho, and Oregon, and designated part of California, Nevada, Utah, and Montana.

The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted, with a request for a public hearing thereon, by the Northwest Spearmint Marketing Association (the sections identified with asterisks (* * *) apply only to the proposed marketing agreement and not to the proposed orders):

DEFINITIONS

§ 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and renacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 49 Stat. 31, as amended; U.S.C. 601-674).

§ 3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 4 Spearmint Oil.

"Spearmint Oil" or "oil" means the essential oil extracted from the plant of genus Mentha, species cardiaca (commonly referred to as Scotch) or spicata (commonly referred to as Native), or any other species grown in the production area.

§ 5 Classes of Spearmint Oil.

"Class 1" shall be the product of the distillation process of Scotch spearmint.

"Class 2" shall be the product of the distillation process of Native spearmint.

At the time of receiving spearmint oil for handling each handler shall have the oil divided into classes according to standards devleoped by the committee and approved by the Secretary. The committee may require a third party to determine the class of oil received by each handler. Each handler shall notify the committee of the locations of receiving stations.

§ 6 Salable Spearmint Oil.

"Salable spearmint oil" means oil which has been identified as having had the appropriate set-aside spearmint oil withheld and is free to be handled.

§ 7 Set-aside Spearmint Oil.

"Set-aside spearmint oil" means that spearmint oil which must be withheld in satisfaction of a set-aside obligation arising from application of the set-aside percentage established by the Secretary pursuant to § 45 hereof.

§ 8 Production Area.

"Production area" means all of the area North of the 37th Parallel, except Alaska and West of the 111th Meridian. The area shall be divided into the following districts:

(a) "District 1" shall include the area in the State of Washington west of the Okanogan River and west of the Columbia River below its confluence with the Okanogan River.

(b) "District 2" shall include the area in the State of Washington not included in District 1.

(c) "District 3" shall include the balance of the production area.

§ 9 Producer.

"Producer" is synonymous with "grower" and means an individual, partnership, corporation, association, or any other business unit that grows and harvests spearmint and produces spearmint oil or causes it to be produced therefrom.

§ 10 Handler.

"Handler" is synonymous with "shipper" and means any person who handles spearmint oil.

§ 11 Handle.

"Handle" means to sell spearmint oil, use oil commercially of own production, to acquire, transport or ship (except as a common or contract carrier of oil owned by another), store, or warehouse or place spearmint oil into the current of commerce within the production area or from the production area to any point outside thereof following distillation except that the preparation, sale or transportation of spearmint oil by a producer to a handler of record shall not be construed as handling.

§ 12 Marketing Year and Crop Year.

"Marketing year" and "crop year" are synonymous and mean the 12 months from July 1 to the following June 30, inclusive, or such other period as recommended by the committee and approved by the Secretary.

ADMINISTRATIVE BODIES

§ 20 Designation of Administrative Bodies.

A Spearmint Oil Administrative Committee and a Spearmint Oil Marketing Advisory Board are hereby established. The membership shall be selected in accordance with provisions of §§ 21 through 28, inclusive.

§ 21 Spearmint Oil Administrative Committee—Membership and Term of Office.

(a) The Spearmint Oil Administrative Committee (hereinafter referred to as "Committee") shall consist of seven members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Four (4) of the members and their respective alternates shall each be a producer, or a designated officer or employee thereof, in District 1; one (1) member and his respective alternate shall each be a producer, or a designated officer or employee thereof, in District 2; and two (2) members and their respective alternates shall each be a producer, or a designated officer or employee thereof, in District 3.

(b) The term of office of committee members and their respective alternates shall be for 2 years beginning April 1 and ending March 31: *Provided*, That the initial term of office shall begin on the effective date of the order and shall end March 31, 1973.

§ 22 Nominations for Spearmint Oil Administrative Committee Members.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted to the Secretary, not later than the effective date of this part, by individual producers, including officers or employees thereof, or groups of producers. Such nominations may be made by means of separate group meetings of the producers concerned in each district, which meetings shall be publicized and open to all producers. In the event nominations for initial members or alternate members of

the committee are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such initial members or alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 21.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 15 of each odd-numbered year, meetings of producers in each district for the purpose of designating nominees for successor members and alternate members of the committee whose term of office expires on March 31 of that year. Such meetings shall be publicized and open to all producers. At each such meeting, a chairman and a secretary shall be elected by the producers eligible to participate therein. The eligible person receiving the highest number of votes for a member or alternate member position shall be the nominee for the respective position. The chairman shall announce at each meeting the results of nominations for members and alternate members and shall submit promptly to the committee a complete report concerning such meeting. Should the committee find it impracticable to conduct nomination meetings, nominations may be submitted to the Secretary based on the results of balloting by mail. Whenever ballots are to be cast by mail, the committee shall give public notice and mail, to all producers of record, ballots containing the names of the candidates, blank spaces in which names of candidates may be written for each position, and instructions as to the voting procedure. The committee shall submit all nominations to the Secretary on or before March 15 of each year. In the event nominations for successor members or alternate members of the committee are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such successor members or alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 21.

(2) Only producers, including duly authorized officers or employees thereof, who are present at nomination meetings may participate in the nomination and election of nominees for committee members and alternate members. Each producer shall be entitled to cast only one vote for each position to be filled. No producer or any agent thereof shall participate in the election of nominees in more than one district. In case a person produces spearmint oil in more than one district, he shall select one district in which he will cast nominating votes and notify the committee as to the district in which he will, until further notice, cast nominating votes.

§ 23 Selection of Spearmint Oil Administrative Committee Members.

(a) *Initial members.* From the persons nominated pursuant to § 21(a), or from other qualified persons the Secretary shall select the initial members and alternate members for the committee on the basis of the district representation provided for in § 22.

(b) *Successor members.* From the nominations made pursuant to § 22(b), or from other qualified persons, the Secretary shall appoint the successor members and alternate members on the basis of the district representation provided for in § 22.

§ 24 Spearmint Oil Marketing Advisory Board Membership and Term of Office.

The Spearmint Oil Marketing Advisory Board (hereinafter referred to as "board") shall consist of five members, each of whom shall have an alternate, all of whom shall be handlers or the officers or employees of handlers. The term of office of board members and their respective alternates shall be for 2 years beginning April 1 and ending March 31: *Provided*, That the term of office of the initial members and their alternates shall end March 31, 1973. Members and alternate members shall serve in such capacities for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 25 Nominations for Spearmint Oil Marketing Advisory Board.

(a) *Initial members.* Nominations for each of the initial members and alternate members of the board may be submitted to the Secretary not later than the effective date of this part, by individual handlers. Such nominations may be made by means of separate group meetings of the handlers concerned in all districts, which meetings shall be publicized and open to all handlers. In the event nominations for initial members or alternate members of the board are not submitted pursuant to and within the time specified by this paragraph, the Secretary may select such initial members and alternate members without regard to nominations.

(b) *Successor members.* Nominations for successor members and alternate members of the board shall be made by the handlers involved and shall be submitted to the committee for certification and transmission to the Secretary not later than March 15 of each odd numbered year, together with information deemed to be pertinent or requested by the Secretary. In the event nominations for successor members or alternate members of the board are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such successor members or alternate members without regard to nominations.

§ 26 Selection of Spearmint Oil Marketing Advisory Board Members.

(a) *Initial members.* The Secretary shall select the initial members and alternate members for the board from the persons nominated pursuant to § 25(a), or from other qualified persons.

(b) *Successor members.* The Secretary shall select the successor members and alternate members for the board from persons nominated pursuant to § 25(b), or from other qualified persons.

§ 27 Acceptance.

Any person selected by the Secretary as a member or alternate member of the committee or the board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 28 Vacancies.

To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate member of either administrative body or in the event of the death, removal, resignation, or disqualification of any member or alternate member of either administrative body, a successor for the unexpired term of such member or alternate shall be nominated and selected in the manner specified in §§ 22 and 23 or §§ 25 and 26, as applicable. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, except that selections to fill committee vacancies shall be made on the basis of representation provided for in § 21.

§ 29 Alternate Members.

An alternate member of the committee or the board, during the absence or at the written request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of any member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event that both a member and his alternate are unable to attend a meeting the administrative body may designate any other alternate member from the same body and the same district, where applicable, to serve in such member's place and stead.

§ 30 Powers of the Spearmint Oil Administrative Committee.

The committee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 31 Duties of the Spearmint Oil Administrative Committee.

The committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees or other committees as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(f) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy, which does not contain confidential data, for inspection by producers and handlers at the offices of the committee;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to spearmint oil;

(i) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meeting of the committee and its subcommittees or other committees as is given to its members;

(l) To investigate complaints and use available means to prevent violations of the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in spearmint oil production within the districts and the production area; and

(n) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 32 Procedure of the Spearmint Oil Administrative Committee.

At any assembled meeting, six members of the committee shall constitute a quorum and all votes shall be cast in person. Decisions of the committee at assembled meetings shall require the concurring vote of at least five members. The committee may vote by mail, telephone, or other means of communication on matters other than the formulation of marketing policies and recommendation of regulations: *Provided*, That each proposition is explained accurately and fully to each member available and all such votes shall be confirmed in writing. A reasonable time limit may be set by the committee for receipt of written confirmation. Five concurring votes shall be required for approval of a committee action by such method of voting.

§ 33 Duties of the Spearmint Oil Marketing Advisory Board.

The duties of the board shall consist of selecting from its members such officers, establishing such bylaws as it deems necessary for performing its functions, making such recommendations with respect to marketing policies, and considering and recommending such other matters as it may deem advisable or the committee may request.

§ 34 Compensation and expenses.

Members and alternate members of the committee and of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in connection with their duties under this part.

§ 35 Annual report.

The committee shall, as soon as is practicable after the close of each marketing year, prepare and mail an annual report to the Secretary and make a copy available to each handler and producer who requests it. This annual report shall contain at least:

(a) A complete review of the regulatory operations during the marketing year;

(b) A review of the effect, upon the spearmint oil industry, of the regulatory operations; and

(c) Any recommendations for changes in the program.

§ 36 Funds and other property.

(a) All funds received by the committee, pursuant to the provisions of this part, shall be used solely for the purpose specified in this part; and the Secretary may require the committee and its members to account for all receipts and disbursements.

(b) Upon the resignation, removal, or expiration of the term of any member or employee of the committee, all books, records, funds, and other property in his possession belonging to the committee shall be delivered to the committee or to his successor in office; and such assignments and other instruments shall be executed as may be necessary to vest in committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this part.

Expenses and Assessments

§ 40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of said committee and of the board under this part during each marketing year. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 41. The committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 41 Assessments.

(a) *Requirements for payment.* Each person who first handles spearmint oil shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each such person's pro rata share shall be the rate of assessment per pound fixed by the Secretary times the salable quantity of spearmint oil which he handles as first handler thereof. The payment of assessments for the maintenance and functioning of the committee and the board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* The Secretary shall fix the rate of assessment to be paid by each first handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all spearmint oil handled during the applicable marketing year. In order to provide funds for the administration of the provisions of this part during the first part of a marketing year before sufficient operating income is available from assesments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately 1 marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided*, That any sum paid by a first handler in excess of his pro rata share of the expenses during any marketing year may be applied by the committee at the end of such marketing year to any outstanding obligations due the committee from such person. Each handler's share of such excess funds shall be the amount of assessments he paid in excess of his pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner

as the Secretary may determine to be appropriate; *Provided*, That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

REGULATION

§ 43 **Marketing policy.**

(a) Each season prior to making any recommendation pursuant to § 44, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(1) The estimated pounds of each class of salable oil in the hands of growers.

(2) The desirable carryout of each class of salable oil at the end of the crop year.

(3) The amount of each class of oil in the set-aside.

(4) The estimated carryover of each class of salable oil by handlers.

(5) The estimated demand for each class of oil.

(6) The estimated or known production in the current crop year.

(7) The current prices being received and the probable general level of the prices to be received for each class of oil.

(b) The committee shall, not later than July 1 of each year, announce its initial recommendation to the Secretary as to the salable percentage for each class of spearmint oil that should be made available for handling during the ensuing marketing year. It shall also recommend the set-aside percentage for each class of oil.

(c) In the event that it becomes necessary to substantially modify its marketing policy at any or all of its meetings held during the first week in October and February, and at such other meetings that may be held, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. Notice of the committee's marketing policy, and any modifications thereof, shall be made available promptly to producers, handlers and any other interested person who has filed his name and address with the committee for that purpose.

(d) All assembled meetings of the committee shall be open to growers and handlers and other interested persons. The committee shall give notice of all meetings as it deems appropriate.

§ 44 **Recommendations for regulations.**

(a) Whenever the considerations enumerated in § 43 indicate a need for limiting the quantity of spearmint oil marketed, the committee shall recommend to the Secretary a salable percentage and a set-aside percentage of the currently available oil. Prior to July 1 of each year, the committee shall formulate its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate salable percentage and set-aside percentage for the ensuing crop, including any set-aside oil, as may be warranted.

(b) The failure of the board to make a recommendation with respect to regulation authorized by § 45, after having received notice of the intention of the committee to meet for the purpose of receiving such recommendations, shall not preclude the committee from submitting recommendations and supporting information to the Secretary.

(c) The committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 44 by mailing a notice of meeting to each handler who has filed his address with the committee for this purpose. The committee shall give the same notice of any such recommendation before the recommended time that such regulation would become effective.

§ 45 **Issuance of regulations.**

When the Secretary finds, but no later than July 1 of each year, on the basis of the committee's recommendations or other information, that the anticipated supply of spearmint oil by class produced by all producers is in excess of the market demand for that class, he shall establish a salable percentage and a set-aside percentage which shall be used to determine the amount of spearmint oil of each class that may be purchased from or handled on behalf of each producer by all handlers.

(a) Each producer's salable quantity for the initial marketing year shall be determined by multiplying his production of each class of oil in such year by the salable percentage. The remaining balance shall be his set-aside quantity of each class of oil. Handlers may acquire and freely handle the salable quantity of each producer: *Provided*, That they set aside from each delivery, in the name of the producer, the set-aside quantity.

(b) Each producer's salable quantity in subsequent years shall be determined by multiplying his production of each class of oil in that year plus his set-aside of that class from any prior years, by the salable percentage. The remaining balance shall be his set-aside quantity of that class. Handlers may acquire and freely handle the salable quantity, of each producer: *Provided*, That they set aside, from each delivery in the name of the producer, the set-aside quantity.

§ 46 **Modification, suspension or termination of volume regulations.**

During the first week in October and February, or such other dates as recommended by the committee and approved by the Secretary, the committee shall review its recommendations of the set-aside percentages for each class of spearmint oil. If it is determined that such percentage did not result in an adequate salable quantity of either class of oil, it shall recommend a reduction of the set-aside percentage so that any portion of the set-aside, as approved by the Secretary, may be made available for handling as salable quantity of each class.

§ 47 **Set-aside.**

(a) Whenever the Secretary has fixed the set-aside percentage for any marketing year as provided in § 45, each handler shall set aside in the name of each producer at such time and in such manner and form as the committee may prescribe, a portion of the spearmint oil he acquired during such period that will fulfill the set-aside requirements. Such set-aside portion shall be equal to the product obtained by multiplying the pounds of spearmint oil of each class acquired from each grower during the marketing year by the set-aside percentage as fixed by the committee with the approval of the Secretary.

(b) Set-aside spearmint oil shall be held by each handler for the account of the producer until relieved of such responsibility by the committee. Such set-aside spearmint oil shall be stored in accordance with good commercial practices and apart from other spearmint oil. The committee may, with the approval of the Secretary, establish rules and regulations with regard to such things as storage, transfer from one handler to another, and identification of set-aside spearmint oil.

(c) Handlers shall store set-aside in the containers in which received and maintain the same as when acquired except for normal and natural deterioration, loss through fire, acts of God or other conditions beyond the handler's control.

§ 48 **Exempt spearmint oil.**

Oil held in the hands of a producer or handler on the effective date of this order shall be free of regulations under this order if reported to and identified to the committee not later than 15 days after the effective date of the order. If not so reported and identified to the committee, it shall be presumed that such oil was produced after the effective date of this order.

TRADE PRACTICES

§ 55 **Authorization for prohibition of trade practices.**

Whenever the Secretary finds, upon recommendation of the committee or other information, that continuance of certain trade practices in trade channels would tend to interfere with achieving the objectives of this part, he may prohibit handlers from using such practices for any crop year or portion thereof. Prior to any such practices being prohibited in any crop year the committee shall recommend, for the approval of the Secretary, such rules and procedures and such recordkeeping requirements as are necessary to enforce prohibitions and obtain compliance therewith.

REPORTS AND RECORDS

§ 60 **Reports.**

(a) *Producer reports.* In order to assist the Secretary in establishing the salable percentage for any class of oil as required under § 45, each producer shall report to the committee on or before January 15 of each year, on forms provided by the committee, his estimated acreage by class for the ensuing crop year.

Any person who did not produce oil in the then current crop year should notify the committee by January 15 of said year

of his intended acreage for the ensuing crop year, the class of oil to be produced, and the location or locations of production.

(b) *Inventory.* Each handler shall file with the committee a certified report showing such information as the committee may specify with respect to any spearmint oil held by him on such dates as the committee may designate.

(c) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing, for each lot of spearmint oil received, the identifying marks, type or variety, weight, place of production, and the producer's name and address.

(d) *Other reports.* Upon the request of the committee, as approved by the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 61 **Records.**

Each handler shall maintain such records pertaining to all spearmint oil handled under the provisions of this part as will substantiate the required reports. All such records shall be maintained for at least 2 years after the termination of the marketing year to which the records relate.

§ 62 **Verification of reports and records.**

For the purpose of assuring compliance with record keeping requirements and veryfying reports filed by producers and handlers the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where spearmint oil is received or held, and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any/or all records of such handlers with respect to matters within the purview of this part.

§ 63 **Confidential information.**

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from the records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 70 **Compliance.**

No person shall handle spearmint oil except in conformity with the provisions of this part.

§ 71 **Rights of the Secretary.**

Members of the committee and of the board, and any agent, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 72 **Derogation.**

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 73 **Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 74 **Personal liability.**

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty, willful misconduct or gross negligence.

§ 75 **Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 76 **Separability.**

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 77 **Effective term.**

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 78.

§ 78 **Termination.**

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this part at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, produced for market more than 50 percent of the volume of spearmint oil so produced in the production area: *Provided*, That any referendum pursuant to an order issued by the Secretary to determine whether or not producers favor termination of this part shall be held during the first 15 days of October, but such termination shall be effective only if announced on or before November 15 of the then current marketing year.

(c) *Termination of act.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 79 **Proceedings after termination.**

Upon termination of the provisions of this part the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 80 **Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 81 **Counterparts.**

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ 82 **Additional parties.**

After the effective date hereof, any handler may become a party to this

agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterpart is delivered to the Secretary, and the benefits, privileges and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ 83 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of spearmint oil in the same manner as is provided for in this agreement. • • •

Dated: January 27, 1971.

CLAYTON YEUTTER,
Administrator.

[FR Doc.71-1339 Filed 2-1-71;8:47 am]

[7 CFR Part 1030]

[Docket No. AO-361-A2-RO2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Partial Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Madison, Wis., on October 20 and 21, 1970, pursuant to notices thereof which were issued on August 3, 1970 (35 F.R. 12545) and August 21, 1970 (35 F.R. 13660).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 14, 1970 (35 F.R. 19116) filed with the Hearing Clerk, U.S. Department of Agriculture, his partial recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the partial recommended decison are hereby approved and adopted and are set forth in full herein subject to the following changes in Issue No. 3:

1. Paragraphs 2, 10, 12, 13, 14, and 17 are deleted.

2. Paragraphs 1, 3, 7, 11, and 16 are revised; and

3. A new paragraph is added immediately following paragraph 11 and a new paragraph is added immediately following paragraph 18.

The material issues on the record of the hearing relate to:

1. Pool plant performance requirements for supply plants and reload points.

2. Diversion of producer milk.

3. Allocating to Class I milk specified receipts from a producer-handler.

This decision deals only with the issue relating to the allocation to Class I milk of specified receipts from a producer-handler. All other issues are reserved for later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on issue No. 3 are based on evidence presented at the hearing and the record thereof:

3. *Allocating to Class I milk specified receipts from a producer-handler.* No change should be made in the allocation sequence with respect to any receipts of fluid milk products at a pool distributing plant from a producer-handler on the basis of this hearing record.

The order allocates to Class II milk, to the extent possible, any receipt of fluid milk products from a producer-handler. If any such receipt is allocated to Class I milk, the pool plant handler must pay the difference between the Class I price and the Class II price in to the producer-settlement fund on such quantity. This allocation and payment procedure applies regardless of whether the producer-handler has received any Class I milk from the pool plant.

A producer-handler proposed that any packaged fluid milk products received at a pool plant from a producer-handler be allocated to Class I milk, not to be subject to a compensatory payment if the producer-handler has received an equivalent quantity of Class I milk (either bulk or packaged) from any pool plant. A group of operating cooperative associations supported this proposal.

In recent years the sale of milk in glass containers has declined. The single service disposable container, plastic coated paper, has become the major consumer package for milk. Many handlers no longer handle milk packaged in glass bottles.

The proponent producer-handler who packages milk in glass bottles desires to custom package fluid milk products in glass containers for a pool distributing plant. A pool handler who packages most of his milk in paper cartons wishes to discontinue processing milk in glass containers entirely although he would like to continue to serve his customers who desire milk in glass containers. He has indicated interest in having the proponent producer-handler custom package milk in glass containers for him.

Since the order provides that any fluid milk product received at a pool plant from a producer-handler shall receive credit only at the lowest class price, and any transfer to the producer-handler is Class I, the cost of such an arrangement would be prohibitive unless the producer-handler has sufficient surplus milk to fill the custom-packaged sales. The custom-packaged sales would require a constant supply of milk and the producer-handler would need to carry sufficient surplus milk, in addition to his own reserve requirements, to supply such sales.

The proposal was made to allow a producer-handler to offset his transfers of packaged fluid milk to pool plants with purchases of Class I fluid milk products from pool plant sources, rather than assign his own production to surplus in the amount of the custom packaging operation.

Proponent operates a 120-cow dairy farm in addition to his milk plant. Milk produced on his farm accounts for about 60 percent of his total glass bottling operation and the remaining 40 percent is purchased in bulk from pool plants. In addition, he purchases packaged milk products from the pool handler for whom he wants to custom bottle.

The recommended decision found that in the situation where a producer-handler is clearly performing a custom bottling operation for a pool plant handler, and the transfers of fluid milk products between the two plants are strictly for this purpose, the custom-packaged milk returned to the same pool distributing plant would not represent the producer-handler's surplus. Such milk may be clearly identified as the quantity of bulk Class I milk received from the pool distributing plant for custom processing. Thus, it was concluded that bulk Class I milk shipments of fluid milk products from a pool distributing plant for which a producer-handler is custom bottling should be permitted to offset as Class I the packaged fluid milk products transferred to such pool distributing plant by the producer-handler.

In the exceptions filed by the proponent producer-handler, it was claimed the above described recommended amendment would not be helpful in his situation. He stated there exists no economical way for him to transport bulk milk from the pool distributing plant for which he is custom bottling to his plant because the pool distributing plant is located 60 miles away. To make the custom packaging operation economical, he stated he would need to continue purchasing Class I milk from a nearby pool plant. Consequently, proponent repeated in his exceptions an earlier request that Class I receipts from other pool plants also should count toward the offset. This proposal should not be adopted, however.

Producer-handlers are allowed under this order to purchase unlimited quantities of fluid milk products from pool plant sources. Although the matter of limiting a producer-handler's supplemental supplies was not an issue at the hearing, no change should be made that would expand the possibilities for a producer-handler to shift to pool producers the burden of his reserve supplies.

If a producer-handler were allowed to use packaged fluid milk products he receives from the pool distributing plant for which he is custom bottling or any fluid milk products, bulk or packaged, he receives from other pool plants to offset his custom packaging operation, the situation could arise where a pool distributing plant could purchase milk at less than the Class I price. A producer-handler who receives Class I milk on a continuing basis from a pool plant and who also has own farm milk in excess of his Class I requirements might well be willing to package this milk in surplus and sell it to a pool distributing plant at a price which would net the seller something in excess of its value as surplus but less than the Class I price. The operator of the pool distributing plant obviously would have an incentive to purchase such milk for competitive advantage. For these reasons, it would not be appropriate to permit other receipts to count toward the offset.

No testimony was presented at the hearing in opposition to the producer-handler's proposal. However, two briefs were filed expressing opposition to it. An association of Chicago milk dealers filed a brief opposing any change which would enable a producer-handler to receive more favorable treatment under the order than currently. A large Wisconsin bargaining cooperative association, also filing an opposition brief, contended that when a handler's business expands beyond the point of occasional need for supplementary fluid milk supplies, he should no longer be considered a producer-handler. While many Federal milk orders do place a limit on the quantities that an exempt producer-handler may purchase from regulated sources, there was no proposal before the hearing to deny producer-handler status on the basis of the amount of fluid milk products he purchases from pool plants.

There is no apparent interest at this time in the provision set forth in the recommended decision. The pool plant handler for whom proponent would be custom-packaging fluid milk products did not participate in the hearing. It is hereby concluded that no change in the order should be made on the basis of this proceeding.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Determination. The findings and conclusions of this partial decision do not require any changes in the regulatory provisions of the order regulating the handling of milk in the Chicago Regional marketing area.

Signed at Washington, D.C., on January 28, 1971.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.71-1341 Filed 2-1-71;8:48 am]

[7 CFR Ch. IX]

[Docket No. AO-373]

LETTUCE GROWN IN CALIFORNIA, ARIZONA, COLORADO, NEW MEXICO, AND DESIGNATED PART OF TEXAS

Notice of Hearing on Proposed Marketing Agreement and Order; Correction

The entire second paragraph of the notice of hearing published in the January 27, 1971, issue of the FEDERAL REGISTER (36 F.R. 1266) on a proposed marketing agreement and order regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and designated part of Texas is hereby corrected by substituting therefor the following:

The public hearing is for the purpose of: (a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof;

(b) Determining whether the handling of lettuce grown in the proposed production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of such lettuce; and

(d) Determining whether the proposed marketing agreement and order or appropriate modification thereof will tend to effectuate the declared policy of the Act.

• • • • • •

Dated: January 29, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1488 Filed 2-1-71;8:50 am]

DEPARTMENT OF COMMERCE

U.S. Travel Service

[15 CFR Part 1200]

ISSUANCE OF U.S. TRAVEL SERVICE GRANTS TO PROMOTE TRAVEL TO STATES OR THEIR POLITICAL SUBDIVISIONS BY FOREIGN RESIDENTS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Travel Service, Department of Commerce, is considering proposed regulations implementing the amendments made by Public Law 91-477 to the International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.). These amendments include a Federal matching grant program to enable the Federal Government to enlist the support of States, cities, and regional groupings of States in an effort to attract greater numbers of foreign visitors to the United States and to upgrade and improve the tourist host and reception facilities in the States. Under this grant program, the Federal Government is authorized to provide up to 50 percent of the cost of any project. The purpose of the proposed regulations set forth below is to prescribe the procedures for the administration of the Federal grant program.

All persons who desire to submit written views or comments for consideration in connection with the issuance of these regulations, should file them in duplicate with the Assistant Secretary of Commerce for Tourism, United States Travel Service, U.S. Department of Commerce, Washington, D.C. 20230, within 20 days of the date of publication of this notice in the FEDERAL REGISTER.

Sec.

1200.1 Background and purpose.
1200.2 Definitions.
1200.3 Applications for tourism development grant-in-aid.
1200.4 Action on application.
1200.5 Grant accounting and records.
1200.6 Reports.
1200.7 Inspection and audit.
1200.8 Publications.
1200.9 Collection of information.
1200.10 Termination.
1200.11 Repayment.
1200.12 Federal coordination.

AUTHORITY: The provisions of this part are issued pursuant to Public Law 87-63, as amended and Public Law 91-477; Department of Commerce Organization Order No. 10-7 of Nov. 12, 1970.

§ 1200.1 Background and purpose.

The regulations in this part are issued under the authority of the International Travel Act of 1961, as amended. The purpose of the Act is to strengthen the domestic and foreign commerce of the United States; promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the States, as defined in §1200.2; and facilitate international travel in general. On October 21, 1970, the Act was amended by Public Law 91-477. One of the amendments made to the Act by Public Law 91-477 authorized the U.S. Travel Service to make matching Federal grants to the States, cities, and regional groupings of States in an effort to encourage foreign residents to visit the United States and to upgrade and improve the tourist host and reception facilities in this country thereby furthering the stated purposes of the Act.

§ 1200.2 Definitions.

(a) "Act" means the International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.).

(b) "Assistant Secretary" means the Assistant Secretary of Commerce for

Tourism or such official as may be designated to act in his behalf.

(c) "State" means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) "Political subdivision" means a unit of local government, including specifically, a county, municipality, city, town, township, or other special district created by or pursuant to law.

(e) "Designated agency" means the institution or agency which has been designated as administrator of the grant program by the State or political subdivision or combination thereof.

(f) "Travel promotion project" means an activity or program designed to enhance a State or political subdivision as a desired travel destination of residents of foreign countries or to inform such residents and to encourage them to visit a State or political subdivision through such means as:

(1) Preparing and disseminating materials, including brochures, leaflets, booklets, posters, and displays featuring domestic regional and local attractions in appropriate foreign languages in foreign cities and countries that constitute a potential travel market to the States.

(2) Carrying out either singly or in conjunction with other States and/or other political subdivisions and/or with U.S. Travel Service, special promotions of facilities, attractions, events and services of an area by means of exhibits, shows, films, etc.

(3) Planning, developing, and sponsoring advertising campaigns in foreign countries to inform and encourage foreign residents to visit.

(4) Undertaking projects to upgrade and improve tourist facilities and services to better serve the foreign resident.

(5) Carrying out other projects that indicate a high probability of increasing foreign tourism.

(g) "Matching funds" means funds that are provided by the State or political subdivision or by a combination thereof, or from other non-Federal sources and may include fees, contributions, donations, gifts of money, and special user charges from persons and private profit or nonprofit firms, organizations, or institutions.

§ 1200.3 Applications for tourism development grant-in-aid.

(a) Each designated agency seeking a Federal grant for a travel promotional project on behalf of a State or political subdivision or combination thereof shall file an application, as further specified below, with the Assistant Secretary.

(b) Every application, exhibit, or enclosure, except where specifically waived by the Assistant Secretary, shall be in quadruplicate, duly authenticated and referenced, and addressed to the Assistant Secretary of Commerce for Tourism, U.S. Travel Service, U.S. Department of Commerce, Washington, D.C. 20230.

(c) Every application shall be on USTS Form, Application for Tourism Development Grant-in-Aid, a sample of which is set forth as Appendix A and hereby made a part of these regulations, and shall contain the date, address, and official title of the designated agency and shall be signed by an authorized representative.

(d) Every application, except where specifically waived by the Assistant Secretary, shall be accompanied by the following exhibits:

(1) *Exhibit No. 1.* A statement setting forth in detail the current level of tourism in area in terms of (i) numbers of tourists in area, both foreign and domestic; (ii) impact of tourism on area economy (i.e., employment and income); and (iii) current efforts to develop and promote tourism in area.

(2) *Exhibit No. 2.* A project statement setting forth in detail the existing need for Federal assistance, the goals and objectives thereof, in terms of tourism receipts and their effects on area jobs and income, the specific methods proposed for accomplishing these objectives in terms of personnel and funds and the procedures that will be used to evaluate the project.

(3) *Exhibit No. 3.* A statement setting forth in detail the procedures for fiscal control, funding, accounting and auditing to assure proper disbursement of funds paid to the designated agency.

(4) *Exhibit No. 4.* Documentation establishing that the designated agency has coordinated the travel promotion project with other States (when regional cooperation is desirable) and with other publicly supported activities within the States or political subdivision, as appropriate, and the extent and manner in which such coordination has been carried out by identifying such projects and activities and indicating how any duplication of other travel promotion project in the area has been avoided.

(5) *Exhibit No. 5.* Certification by the Governor of the State or the chief political officer of the political subdivision that the designated agency has—(i) Established adequate standards and rules to insure that no officer or employee of the State or political subdivision or their designated agencies shall receive compensation from sources other than his employer for tourism development or promotional services for which funds are provided under the Act and that no such officer or employee shall otherwise maintain any private interest in conflict with his public responsibility. Each designated agency will furnish a copy of the standards and rules which are established to avoid any conflict of interest in connection with the administration of a grant which may be made under the Act. Such rules shall clearly set forth the standards and procedures which officers, employees, and consultants can follow to avoid any conflict of interest. (ii) Determined that matching funds will be available from States or other non-Federal sources. In addition, each designated agency shall indicate the basis for the determination by identifying such sources. (iii) Determined that such travel promotional project supported by a grant under the Act does not provide or arrange transportation for, or accommodations to, persons traveling between foreign countries and the States in competition with any private business engaged in providing or arranging for such transportation and accommodations. (iv) Planned no services specially related to a particular firm or company, public work or other capital project except insofar as the services are of general concern to the industry and commerce of the State or political subdivision. If the designated agency has planned services which are specially related to a particular firm or company, public work or other capital project, a statement shall be furnished by the designated agency to the Assistant Secretary describing such services and the basis for the determination that such services are of general concern to the industry and commerce of the State or political subdivision.

§ 1200.4 Action on application.

(a) Upon receipt of an application, the the Assistant Secretary shall designate an employee of the U.S. Travel Service who will investigate the application and accompanying exhibits for compliance with the provisions of § 1200.3 and report his findings with respect thereof to the Assistant Secretary.

(b) The Assistant Secretary, within a reasonable time after receipt of the report referred to in paragraph (a) of this section, may authorize a grant to the designated agency provided he finds that (1) the travel promotional project is designed to carry out the purposes of the Act; (2) the project will facilitate and encourage travel to the State or political subdivision or combination thereof by foreign residents; and (3) matching funds will be available from State or other non-Federal sources.

(c) In no event shall the amount of any grant made under the regulations of this part for any travel promotion project exceed 50 percent of the total cost of the project.

§ 1200.5 Grant accounting and records.

(a) Accounting for grant funds shall be in accordance with the State or political subdivision's usual accounting practices, consistently applied, regardless of source of funds. Any generally accepted accounting system and internal control procedures, including provisions for audit, will be satisfactory: *Provided, however*, That they meet the following requirements:

(1) Separate ledger accounts are established for each grant or grant project which conforms to or permits ready identification with grant budget categories. Such accounts should provide separate and specific accountability of receipts, expenditures and balance separate accounts may be maintained for each annual period within the total grant period, but are not required.

(2) Supporting records of project expenditures are maintained in sufficient detail and itemization to show the exact nature of each expenditure. Such records should clearly indicate to which major budget category and subitems within the category an expenditure is charged.

(3) Reimbursements of travel expenses are supported by vouchers containing the signature of the individual performing the travel and the person authorized by the designated agency to approve such travel. Vouchers should show the starting point and destination of travel, dates of travel, itemization of amounts expended for transportation and a statement of the amount of per diem due (not to exceed the per diem authorized by the State or political subdivision or the rate of $25 per day (whichever is less)).

(4) Each expenditure is referenced to a supporting purchase order, contract, voucher, invoice or bill, properly approved. Special voucher forms are not necessary since ordinarily the documents used by a designated agency to support expenditures from its own funds will be sufficient. Whenever possible, separate orders should be issued for purchases charged to grant funds in order that bills or invoices will not contain items charged to other funds.

(5) Grant number, account number, date and expense classification are identified on invoices or vouchers charged to other funds.

(6) Payroll authorizations are maintained to effect control on salaries and wages charged against grant funds. These authorizations shall be approved by the appropriate authority in the State or political subdivision.

(7) Some objective evidence of time devoted to the grant project is maintained. As a minimum, a statement should be prepared at the end of each pay period showing the names of employees, the percentage of time each devoted to grant projects, the gross amounts of salaries and approval by appropriate authority in the designated agency.

(8) Adequate records are maintained supporting charges for fringe benefits, such as pensions, retirement, social security tax, (FICA) etc., when included in the project budgets.

(9) All canceled checks are filed and are readily accessible for examination. When cash disbursements are made, they must be supported by receipts approved by appropriate authority.

(10) The accounting system is adequate to permit immediate identification of project balances and funds in general accounts, or separate bank accounts may be established for project funds.

(11) Inventory records are maintained for all equipment purchased with grant funds.

(12) The designated agency receiving Federal funds under the Act shall require all subcontractors to provide documentation covering receipt and expenditure of grant and matching funds for which the designated agency is held responsible.

(13) The grant accounting system provides for adequate internal audits and the use of written policies and instructions defining accounting policies, procedures and controls.

(14) All income from project activity (sale of publications, entrance fees, user charges, etc.) is accounted for and clearly identified in financial reports.

§ 1200.6 Reports.

Financial reports and descriptive reports will be required as the Assistant Secretary may specify. Each designated agency is also required to submit to the Assistant Secretary within 90 days after the official termination date of the grant (a) a final financial report, and (b) a descriptive report describing and evaluating the project accomplishments.

§ 1200.7 Inspection and audit.

(a) The Assistant Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, any books, documents, papers, and records of the designated agency that are pertinent to Federal assistance received under the Act.

(b) Financial records must be kept on file for a minimum of 3 years following the termination of the grant. The required retention period may be extended by written notification by the Assistant Secretary.

§ 1200.8 Publications.

(a) If the designated agency desires to publish information resulting from the grant, the general provisions accompanying the grant will contain regulations regarding acknowledgement and disclaimer requirements.

(b) A determination as to responsibilities will be made on a case-by-case basis; however, the Government reserves a nonexclusive license to use and reproduce for government purposes, without payment, any publishable matter or information collected, including copyrighted material, arising out of the designated agency's activities.

§ 1200.9 Collection of information.

If the designated agency collects information from the public on its own initiative in connection with a research or other general purpose project, it will not, without prior written approval of the Assistant Secretary, in any way represent that the information is being collected by or for a Federal agency.

§ 1200.10 Termination.

(a) Grants may be terminated, in whole or in part, by the Assistant Secretary if he finds that any of the following conditions exist:

(1) The designated agency, or those with whom such agency has contracted or subcontracted, is not complying with the provisions of the Act, with the regulations in this part, or with any of the provisions of the grant; or

(2) Any funds paid to the designated agency under the provisions of the Act or the regulations in this part have been lost, misapplied, or otherwise diverted from or improperly used or expended for other than the purposes for which they were paid.

(b) The Assistant Secretary may, in his sole discretion, terminate the grant, in whole or in part, if he finds that any of the conditions described in subsection (a) to exist. Such termination shall be effective 30 days after the mailing of a written notice of termination to the designated agency.

§ 1200.11 Repayment.

In the event that the grant is terminated, any funds that have been paid to the designated agency by the U.S. Travel Service which have not been expended or contracted for upon receipt of the notice of termination shall be repaid to the Assistant Secretary within 30 days of such notice.

§ 1200.12 Federal coordination.

The Assistant Secretary may, prior to approving any travel promotional project, take such steps as he deems appropriate, to coordinate such project with other Federal agencies or seek the advice of such committees as may be established for the purpose of reviewing tourist development or promotion plans and programs.

Done in Washington, D.C., this 25th day of January 1971.

C. LANGHORNE WASHBURN,
Assistant Secretary of Commerce for Tourism, U.S. Travel Service, Department of Commerce.

[FR Doc.71-1370 Filed 2-1-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 4-2; Notice 4]

WARNING DEVICES

Extension of Time for Comments

A notice of proposed rulemaking on Warning Devices was published on November 11, 1970 (35 F.R. 17350). The notice set February 5, 1971, as the closing date for comments on the proposal. Several persons have petitioned for an extension of the closing date in order to allow additional time to compile data and study the impact of the proposal, and to evaluate more completely the proposed performance requirements. In response to these petitions, the closing date for comments is hereby extended to May 6, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on January 29, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-1458 Filed 2-1-71;8:50 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Control of Releases of Radioactivity to the Environment

Statement of considerations. On December 3, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 18385) amendments to 10 CFR Part 50 of its regulations to provide for design and operating requirements to minimize quantities of radioactivity released in gaseous and liquid effluents from nuclear power reactors. The amendments became effective on January 2, 1971.

The amendments to Part 50 include a new § 50.34a, Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors. Paragraph (b) of § 50.34a specifies certain information which must be included in each application for a permit to construct a nuclear power reactor, including estimates of quantities of principal radionuclides expected to be released annually to unrestricted areas in effluents produced during normal reactor operations.

The Commission now has under consideration the addition of a provision to § 50.34a(b) which would require that each application for a permit to construct a nuclear power reactor include an estimate of the range of maximum potential annual radiation doses to individuals and suitable samples of population groups resulting from the principal radionuclides expected to be released in liquid and gaseous effluents produced during normal reactor operations.

This information that would be provided under the proposed amendment would assist in evaluating the public health significance of the low level releases of radioactivity in gaseous and liquid effluents from each nuclear power reactor produced during normal reactor operations. The estimates of exposures would take into account the environmental factors of the particular site where the power reactor is to be located.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments and suggestions received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Paragraph (b)(2) of § 50.34a is amended by deleting the "and" at the end of subdivision (i), deleting the period and adding "; and" at the end of subdivision (ii), and adding a new subdivision (iii).

As amended § 50.34a(b)(2) reads as follows:

§ 50.34a Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors.

* * * * *

(b) Each application for a permit to construct a nuclear power reactor shall include:

(1) * * *

(2) An estimate of:

(i) The quantity of each of the principal radionuclides expected to be released annually to unrestricted areas in liquid effluents produced during normal reactor operations;

(ii) The quantity of each of the principal radionuclides of the gases, halides, and particulates expected to be released annually to unrestricted areas in gaseous effluents produced during normal reactor operations; and

(iii) The range of maximum potential annual radiation doses to individuals and suitable samples of population groups resulting from the principal radionuclides expected to be released in liquid and gaseous effluents produced during normal reactor operations.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 22d day of January 1971.

For the Atomic Energy Commission,

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-1374 Filed 2-1-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a prosposal to designate Intrastate Air Quality Control Regions in the State of Michigan as set forth in the following new §§ 481.195–481.197 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Wisconsin, Ohio, Indiana, and Michigan and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 2 p.m., February 9, 1971, Room 217, Federal Office Building, 216 Townsend Street, Lansing, MI.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.195 Central Michigan Intrastate Air Quality Control Region.

The Central Michigan Intrastate Air Quality Control Region (481.195) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan:

Allegan County.	Mecosta County.
Arenac County.	Midland County.
Bay County.	Montcalm County.
Clare County.	Muskegon County.
Genesee County.	Newaygo County.
Gladwin County.	Oceana County
Gratiot County.	Ogemaw County.
Huron County.	Osceola County.
Ionia County.	Ottawa County.
Iosco County.	Roscommon County.
Isabella County.	Saginaw County.
Kent County.	Sanilac County
Lake County.	Shiawassee County.
Lapeer County.	Tuscola County.
Mason County	

§ 481.196 South Central Michigan Intrastate Air Quality Control Region.

The South Central Michigan Intrastate Air Quality Control Region (Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan:

Barry County.	Jackson County.
Branch County.	Kalamazoo County.
Calhoun County.	Lenawee County.
Clinton County.	Livingston County.
Eaton County.	St. Joseph County.
Hillsdale County.	Washtenaw County.
Ingham County.	

§ 481.197 Upper Michigan Intrastate Air Quality Control Region.

The Upper Michigan Intrastate Air Quality Control Region (Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan:

Alcona County.	Kalkaska County.
Alger County.	Keweenaw County.
Alpena County.	Leelanau County.
Antrim County.	Luce County.
Baraga County.	Mackinac County.
Benzie County.	Manistee County.
Cheboygan County.	Marquette County.
Charlevoix County.	Missaukee County.
Chippewa County.	Montmorency County.
Crawford County.	Ontonagon County.
Emmet County.	Oscoda County.
Gogebic County.	Otsego County.
Grand Traverse County.	Presque Isle County.
Houghton County.	Schoolcraft County.
Iron County.	Wexford County.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604).

Dated: January 28, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1436 Filed 2-1-71;8:50 am]

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Indiana as set forth in the following new §§ 481.215–481.218 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments is triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Michigan, Illinois, Ohio, Kentucky, and Indiana, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 10 a.m., on February 10, 1971, in Room 402, 46 East Ohio Street, Indianapolis, IN.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.215 East Central Indiana Intrastate Air Quality Control Region.

The East Central Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Blackford County.	Jay County.
Delaware County.	Madison County.
Grant County.	Randolph County.
Henry County.	Wayne County.

§ 481.216 Northeast Indiana Intrastate Air Quality Control Region.

The Northeast Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Adams County.	Noble County.
Allen County.	Steuben County.
De Kalb County.	Wells County.
Huntington County.	Whitley County.
Lagrange County.	

§ 481.217 Southern Indiana Intrastate Air Quality Control Region.

The Southern Indiana Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Bartholomew County.	Greene County.
Brown County.	Harrison County.
Crawford County.	Jackson County.
Daviess County.	Jefferson County.
Decatur County.	Jennings County.
Fayette County.	Lawrence County.
Franklin County.	Martin County.
	Monroe County.
Orange County.	Scott County.
Owen County.	Switzerland County.
Ripley County.	Union County.
Rush County.	Washington County.

§ 481.218 Wabash Valley Intrastate Air Quality Control Region.

The Wabash Valley Intrastate Air Quality Control Region (Indiana) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Indiana:

Benton County.	Parke County.
Carroll County.	Pulaski County.
Cass County.	Putnam County.
Clay County.	Starke County.
Clinton County.	Sullivan County.
Fountain County.	Tippecanoe County.
Fulton County.	Tipton County.
Howard County.	Vermillion County.
Jasper County.	Vigo County.
Knox County.	Wabash County.
Miami County.	Warren County.
Montgomery County.	White County.
Newton County.	

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604).

Dated: January 28, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1449 Filed 2-1-71;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 201, 204]

[Docket No. R-409]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND FOR NATURAL GAS COMPANIES

Disposition of Balance in Accumulated Deferred Tax Accounts Attributable To Property Retired Prior to the Expiration of Its Estimated Useful Life; Notice of Extension of Time

JANUARY 26, 1971.

On January 11, 1971, Haskins & Sells filed a request for an extension of time within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including February 16, 1971, within which any interested person may submit data, views, comments or suggestions in writing to the notice of proposed rulemaking (35 F.R. 18627), issued December 2, 1970, in the above-designated matter.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1326 Filed 2-1-71;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

ASBESTOS-CEMENT PIPE FROM JAPAN

Antidumping Proceeding Notice

JANUARY 25, 1971.

On November 13, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that asbestos-cement pipe from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-1375 Filed 2-1-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 25, 1971.

Notice of a Bureau of Land Management application, Wyoming 25088, for withdrawal and reservation of lands to protect the Crooked Creek Fossil Area in Wyoming was published as F.R. Doc. No. 70-11185, on page 13534 of the issue for August 25, 1970. This Bureau has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2091.2-5, such lands, at 10:00 a.m. on March 1, 1971, will be relieved of the segregative effect of the above-mentioned application. The proposed withdrawal is terminated because adequate protection for the area has been effected by Multiple-Use Management Classification W-15468.

JOHN T. WASSERBURGER,
Acting State Director.

[FR Doc.71-1319 Filed 2-1-71;8:45 am]

[Wyoming 11730, 0319020, 0319654]

WYOMING

Notice of Proposed Classification

JANUARY 26, 1971.

Pursuant to 43 CFR 2462.1, notice is hereby given of a proposal to classify the lands described below for disposal through private exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. 315g).

These lands consist of six tracts of public land. The primary current and potential use is for grazing. The ownership pattern makes them difficult to manage, and their exchange for other lands having equal or greater dollar value and more important public values, would be in the public interest.

Publication in the FEDERAL REGISTER of this notice of proposed classification segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except exchange under section 8 of the Taylor Grazing Act. It does not, however, affect the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources, other than under the mining laws.

For a period of 60 days from the date of this publication, interested parties may submit comments to the district manager of the Casper District Office, Bureau of Land Management, 100 East "B" Street, Casper, WY 82601.

The lands affected by this proposal are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

NATRONA COUNTY

T. 36 N., R. 79 W.,
Sec. 3, lots 3 and 4, S½NW¼, SW¼NE¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 4, lots 1 and 2, S½NE¼, NE¼SW¼, SW¼SW¼, and N½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼.

T. 37 N., R. 79 W.,
Sec. 1, S½SW¼;
Sec. 2, S½S½ and NE¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 10, NE¼;
Sec. 11, All;
Sec. 12, W½NW¼ and N½SW¼;
Sec. 14, NW¼;
Sec. 22, E½NW¼, NE¼, and S½;
Sec. 23, W½NW¼ and NW¼SW¼;
Sec. 26, NW¼;
Sec. 27, All.

WASHAKIE COUNTY

T. 42 N., R. 86 W.,
Sec. 34, S½N½, N½SW¼, NW¼SE¼, and S½SE¼.

The areas described aggregate 4,112.83 acres.

JOHN T. WASSERBURGER,
Acting State Director.

[FR Doc.71-1355 Filed 2-1-71;8:49 am]

Fish and Wildlife Service

CHASE LAKE NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7:30 p.m. on April 7, 1971, at Ottertail Power Co. Community Room, Jamestown, Stutsman County, ND, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Chase Lake Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 4,155 acres within the Chase Lake National Wildlife Refuge and is located in Stutsman County, State of North Dakota.

A brochure containing a map and information about the Chase Lake Wilderness proposal may be obtained from the Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, ND 58434, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 22, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 28, 1971.

[FR Doc.71-1354 Filed 2-1-71;8:49 am]

Office of Hearings and Appeals

[Docket No. M 71-7]

RELIABLE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Reliable Coal Corp. has filed a petition to modify the application of section 303(1) of the Act and §75.313 et seq. of 30 CFR to its Kanes Creek mine (#46-01822-0), Preston County, W. Va.

Section 303(1) provides as follows:

The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after the operative date of this title, be installed, when available, on any electric face cutting equipment, continuous miner, long-wall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under section 305(a) of this title. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume per centum of methane.

The regulations cited (35 F.R. 17903) paraphrase and implement the statutory requirement.

Petitioner proposes to purchase and use, in lieu of the methane monitors required by section 303(1), methane detectors or hand carried methanometers to be used by section bosses for continuous routine periodic checks. Petitioner states that this alternate method of achieving the results of the methane monitor installation required by the Act will at all times guarantee no less than the same measure of protection afforded the miners by section 303(1) and that the application of the statutory standard to the mine will result in a diminution of safety to the miners.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at this address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 26, 1971.

[FR Doc.71-1350 Filed 2-1-71;8:48 am]

[Docket No. M 71-8]

RELIABLE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (Sub. V, 1970)), notice is given that the Reliable Coal Corp. has filed a petition to modify the application of section 303(1) of the Act and § 75.313 et seq. of 30 CFR to its Masontown mine (#46-01493-0), Preston County, W. Va.

Section 303(1) provides as follows:

The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after the operative date of this title be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under section 305(a) of this title. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume per centum of methane.

The regulations cited (35 F.R. 17903) paraphrase and implement the statutory requirement.

Petitioner proposes to purchase and use, in lieu of the methane monitors required by section 303(1), methane detectors or hand carried methanometers to be used by section bosses for continuous routine periodic checks. Petitioner states that this alternate method of achieving the results of the methane monitor installation required by the Act will at all times guarantee no less than the same measure of protection afforded the miners by section 303(1) and that the application of the statutory standard to the mine will result in a diminution of safety to the miners.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at this address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 26, 1971.

[FR Doc.71-1351 Filed 2-1-71;8:48 am]

Office of the Secretary

ROBERT H. LYNCH

Report of Appointment and Statement of Financial Interests

JANUARY 25, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Robert H. Lynch.

Name of employing agency: U.S. Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Regional Administrator, Region 2, Emergency Petroleum and Gas Administration.

The name of the appointee's private employer or employers: Eastern Pipe Line Division of the Atlantic Pipe Line Co.

The statement of "financial interests" for the above appointee is set forth below.

WALTER J. HICKEL,
Secretary of the Interior.

SEPTEMBER 25, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 25, 1970, as Regional Administrator, EPGA—Region 2, an officer or director:

Atlantic Pipe Line Co.
Petroleum Tankers, Inc.
Philadelphia Tankers, Inc.
Stingray Tanker Corp.
Tanker Transport, Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Atlantic Richfield Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ROBERT H. LYNCH.

NOVEMBER 30, 1970.

[FR Doc.71-1352 Filed 2-1-71;8:48 am]

NEWLANDS RECLAMATION PROJECT, NEVADA

Operating Criteria and Procedures; Truckee and Carson Rivers

Pursuant to the requirements of 43 CFR 418.3(a), operating criteria and procedures were published (35 F.R. 5131) for coordinated operation and control of the Truckee and Carson Rivers for service to Newlands Project during the calendar year beginning January 1, 1970.

Notice is hereby given that the same operating criteria and procedures are approved and will be in effect for the calendar year beginning January 1, 1971, and ending December 31, 1971.

This is an interim measure pending receipt and evaluation of a report and recommendations by a special Pyramid Lake Task Force.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 21, 1971.

[FR Doc.71-1353 Filed 2-1-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

PULASKI STOCKYARD, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
GEORGIA	
Pulaski Stock Yard, Hawkinsville, June 2, 1959	Pulaski Stockyard, Inc., July 1, 1970.
IOWA	
Kimballton Auction Co., Kimballton, May 20, 1959.	Kimballton Auction Company, Jan. 1, 1971.
KENTUCKY	
Pulaski County Livestock Market, Inc., Somerset, Jan. 25, 1966.	Somerset and Pulaski County Livestock Market, Inc., Jan. 1, 1971.
MINNESOTA	
Montevideo Sales Company, Inc., Montevideo, Apr. 19, 1960.	Montevideo Sales Company, Jan. 20, 1971.
NEBRASKA	
Holdrege Commission Company, Holdrege, Aug. 12, 1967.	Holdrege Livestock Commission Company, Jan. 7, 1971.
Twin City Livestock Auction Company, Scottsbluff, November 28, 1938.	Morrison Livestock Auction, Jan. 12, 1971.

Done at Washington, D.C., this 27th day of January 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[FR Doc.71-1378 Filed 2-1-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT PROGRAM OF TEACHER DEVELOPMENT FOR DESEGREGATING SCHOOLS

Amended Notice of Closing Date for Expression of Interest in 1972 Fiscal Year Program

Notice is hereby given of the establishment of a new closing date for receipt of letters of interest for new projects to be conducted during the fiscal year 1972 under the Teacher Development for Desegregating Schools Program established pursuant to the Education Professions Development Act (20 U.S.C. 1091) as amended.

Assistance made available through the Program of Teacher Development for Desegregating Schools is subject to the Regulation in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (20 U.S.C. 2000d). Section 601 provides:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Education Professions Development Act provides for programs to improve the quality of education and to help meet critical shortages of adequately trained educational personnel. The Teacher Development for Desegregating Schools Program which is supported under the Act was initiated in fiscal year 1970 in order to meet the special needs of educational personnel who serve or will be serving in recently desegregated schools. This program has now been redirected to give special emphasis to projects which improve and enlarge the skills of teachers who have been demoted or displaced incident to the desegregation process. Institutions participating in education professions development programs were advised of this change by letter dated November 23, 1970.

The purpose of this notice is to further advise institutions of higher education that wish to participate in conducting a new project under the Teacher Development for Desegregating Schools Program that in order to be assured that their desire to carry out such a program during the fiscal year 1972 receives consideration, letters of interest must be postmarked within 31 days of the date of the publication of this notice in the FEDERAL REGISTER. The letters should be short and informal. They should indicate the interest and capacity of the applicant to undertake a project. Only institutions of higher education may apply for a grant. However, proposals that indicate that a project will be carried out by a consortium of one or more institutions of higher education, local public educational agencies, and State Departments of Education are encouraged.

Letters of interest should be addressed to and further information may be obtained by writing to the Teacher Development for Desegregating Schools Branch, Bureau of Educational Personnel Development, U.S. Office of Education, Washington, D.C. 20202.

This notice has no application to other programs supported under the Education Professions Development Act. Notice of the closing date for filing letters of interest for these programs appears in the FEDERAL REGISTER for June 25, 1970 (35 F.R. 10396).

Dated: January 8, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

Approved: January 28, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1448 Filed 2-1-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR RENEWAL AND HOUSING MANAGEMENT

Delegation of Authority With Respect to Major-Disaster Relief Functions

SECTION A. *Delegation of authority.* The Assistant Secretary for Renewal and Housing Management is authorized to direct and to coordinate, within the Department of Housing and Urban Development and with the Office of Emergency Preparedness, major-disaster relief functions assigned to the Department by the Director of the Office of Emergency Preparedness, pursuant to Public Law 81-875 (42 U.S.C. 1855), Public Law 89-769 (42 U.S.C. 1855aa), and Public Law 91-79 (42 U.S.C. 1855aaa); Executive Orders 10427, 10737, and 11495; and regulations of OEP codified in 32 CFR Parts 1709, 1710, and 1715. The Assistant Secretary is authorized to use the personnel and resources of the Department in major-disaster areas in the manner and to the extent directed by the Director of the Office of Emergency Preparedness.

SEC. B. *Authority to redelegate.* The Assistant Secretary is authorized to redelegate to employees of the Department any of the authority delegated to him in section A.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date: This delegation of authority is effective August 3, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-1379 Filed 2-1-71;8:51 am]

REGIONAL ADMINISTRATORS, AREA DIRECTORS, ET AL.

Designation as Contracting Officer and Redelegation of Authority With Respect to Major-Disaster Relief Functions

SECTION A. *Designation and redelegation.* Each Regional Administrator, Deputy Regional Administrator, Area Director, and Deputy Area Director of the Department of Housing and Urban Development is designated a contracting officer, and is authorized to enter into and administer procurement contracts within major-disaster areas under his jurisdiction and to make related determinations, except determinations under section 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11), (12), and (13)), with respect to major-disaster relief functions assigned to the Department by the Director, Office of Emergency Preparedness pursuant to Public Law 81-875 (42 U.S.C. 1855), Public Law 89-769 (42 U.S.C. 1855aa), and Public Law 91-79 (42 U.S.C. 1855aaa); Executive Orders 10427, 10737, and 11495; and OEP regulations codified in 32 CFR Parts 1709, 1710, and 1715.

SEC. B. *Authority to redelegate.* Each Regional Administrator, Deputy Regional Administrator, Area Director, and Deputy Area Director is authorized to redelegate to subordinate employees any of the authority redelegated in section A.

(Secretary's delegation of authority published at 36 F.R. effective Aug. 3, 1970; sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date: This document is effective August 3, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

[FR Doc.71-1380 Filed 2-1-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 17]

LOUISIANA AND NORTH WEST RAILROAD CO.

Petition for Further Hearing and Consideration

Petition of the Louisiana and North West Railroad Co. for further hearing and further consideration of its request for an exemption from the 14 hours-of-service-limitation in Public Law 91-169.

It is hereby determined that the petition of this carrier should be assigned for further hearing and further consideration. Accordingly, it is ordered that it be set for hearing on March 18, 1971, at 9:30 a.m., c.s.t., in conference room at City Hall, East Main Street, Homer, LA.

Issued this 25th day of January 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-1346 Filed 2-1-71;8:48 am]

[FRA-Petition-No. 17]

AMERICAN SHORT LINE RAILROAD ASSOCIATION

Notice of Further Hearing and Further Consideration

Petition of the American Short Line Railroad Association seeking exemption of certain named carriers from the 14 hours-of-service-limitation in Public Law 91-169.

Washington, Idaho & Montana Railway Co., Vermont Railway Inc., Texas Central Railroad, Northampton and Bath Railroad Co., Roscoe, Snyder, and Pacific Railway, and St. Johnsbury & Lamoille County Railroad.

The captioned carriers, by petition filed January 20, 1971, seek further hearing and further consideration of their petition for exemption from the 14 hours-of-service-limitation in Public Law 91-169. The petition indicates that a hearing in Washington, D.C., would be agreeable to the parties. In the circumstances the considered petition, as it pertains to the captioned carriers is hereby set down for further hearing on February 17, 1971 at 9:30 a.m., e.s.t., in conference room 4432, Nassif Building, 400 Seventh Street SW., Washington, DC and for appropriate proceedings thereon.

The petition for further hearing and further consideration, as it pertains to the Washington, Idaho & Montana Railway Co., included further pleadings on behalf of the carrier and suggested that a favorable decision might immediately be made applicable to this carrier based on the additional evidence submitted with the petition of January 20, 1971. The examiner has considered the supplemental statement of this carrier and finds, however, that it is not yet persuasive that the sought relief should be granted. Accordingly, this carrier's petition is embraced in the further hearing to be held February 17, 1971.

Issued this 25th day of January 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings & Proceedings and Hearing Examiner.

[FR Doc.71-1347 Filed 2-1-71;8:48 am]

[FRA-Petition-No. 22]

RICHMOND, FREDERICKSBURG, AND POTOMAC RAILROAD CO.

Petition for Relief From Requirements

By a letter dated December 15, 1970, which has been received as a petition, the Richmond, Fredericksburg, and Potomac Railroad Co. seeks relief from the requirements of § 232.12(3) of the Rules of Inspection and Test of Air Brakes so as to be permitted to perform an amended air brake test at Richmond, Va., on certain run-through passenger trains operated over its line. More specifically the petitioner seeks the type of relief which has been granted in FRA-Petition-Nos. 1 et al., as first set forth in the decision served October 22, 1970.

The involved trains, when originating at southern terminals on the SCL Railroad, proceed northward to Richmond and over the RF&P Railroad to Washington, D.C., where motive power is changed. This operation is reversed southbound from the time the motive power is placed to the train at Washington, D.C., until it reaches its Florida destination, with 500-mile test and inspection being performed at Hamlet, N.C., and Florence, S.C., in both directions.

The RF&P requests that the following trains which are classified as "run-through" by definition in the October 22, 1970 order, be included in its petition:

58 Silver Meteor (northbound).
57 Silver Meteor (southbound).
22 Silver Star (northbound).
21 Silver Star (southbound).
92 Champion (northbound).
91 Champion (southbound).
2 Florida Special (northbound).
1 Florida Special (southbound).

It is determined that the petition should be, and it is hereby, assigned for oral hearing and for appropriate proceedings thereon. The hearing shall be

held February 26, 1971, at 9:30 a.m., e.s.t., in conference room 4432, Nassif Building, 400 Seventh Street SW., Washington, DC.

Issued this 25th day of January 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and hearing Examiner.

[FR Doc.71-1348 Filed 2-1-71;8:48 am]

[FRA-Petition-No. 23]

TEXAS-NEW MEXICO RAILWAY CO.

Petition Seeking Exemption From 14 Hours-of-Service-Limitation

By application filed January 6, 1971, the Texas-New Mexico Railway Co. seeks exemption from the 14 hours-of-service-limitation in Public Law 91-169.

The petitioner asked that it be given a full hearing and it is now determined that the proceeding should be, and it is hereby, set down for oral hearing. The hearing shall be held March 17, 1971 at 9:30 a.m., c.s.t., in conference room 101, Federal Building, 1114 Commerce Street, Dallas, TX, and for appropriate proceedings thereon.

Issued this 25th day of January 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings & Proceedings and Hearing Examiner.

[FR Doc.71-1349 Filed 2-1-71;8:48 am]

ATOMIC ENERGY COMMISSION

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permit and Operating License

Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich., pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated January 13, 1969, for permits to construct and licenses to operate two pressurized water nuclear power reactors, designated as the Midland Plant, Units Nos. 1 and 2, at its site on the Tittabawasee River in Midland County, Mich., and adjacent to the Dow Chemical Co.'s main industrial complex in the city of Midland.

Each of the proposed reactors is designed for initial operation at approximately 2,452 thermal megawatts, with a total electrical output of approximately 1,325 megawatts plus 4,050,000 lbs./hr. of process steam.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 12, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Grace Dow Memorial Library, 1710 West St., Andrews Road, Midland, MI.

Dated at Bethesda, Md., this 31st day of December 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[FR Doc.71-180 Filed 1-11-71;8:45 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Schedule for Hearing

In the matter of Long Island Lighting Co., Shoreham Nuclear Power Station; Docket No. 50-322.

The hearing in the captioned matter will be continued on Tuesday, February 9, 1971, at 10 a.m., local time, in the Holiday Inn, 4089 Nesconset, Port Jefferson Highway, Centerreach, NY 11720. The hearing is scheduled to continue through Friday, February 19, 1971.

The first week of the proceeding will consist of the continued cross-examination of the Regulatory Staff witnesses by the parties followed by redirect examination by the Regulatory Staff.

On Monday, February 15, 1971, Intervenors, Connecticut Action Now, Inc., and Fairfield County Citizens for Environmental Control, Inc., will present their testimony. On Tuesday, February 16, 1971, Intervenors, New York State Atomic Energy Council, and Attorney General, State of New York, will present their testimony. On Wednesday, February 17, 1971, Intervenor, Lloyd Harbor Study Group, will present their testimony.

Two weeks prior to the time of their presentation each party will furnish the Board and the other parties, copies of the testimony which they propose to offer. This proceeding will shortly be observing its first anniversary. The Board notes that all the parties have had more than ample time to prepare their cases and to participate in this proceeding on an orderly basis.

Dated at: Washington, D.C., this 29th day of January 1971.

ATOMIC SAFETY AND LICENSING BOARD,
JAMES R. YORE,
Chairman.

[FR Doc.71-1447 Filed 2-1-71;8:50 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Business Research and Analysis, Domestic and International Business, Bureau of Domestic Commerce.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1344 Filed 2-1-71;8:48 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Systems Analysis), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1345 Filed 2-1-71;8:48 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Inc., Hatag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc.

Notice of request for an extension of an approved agreement filed by:

Mr. J. Scott Morrison, Vice-President, Traffic Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.

Agreement No. 9899-1 is a request to extend the approval of the original agreement for an additional 3 months from February 24, 1971. The original agreements permits the parties, all container operators in the North Atlantic trades, to exchange information and to cooperate in developing information concerning intermodal and container operations, practices, and experiences between U.S. Atlantic ports and Atlantic ports of continental Europe, Baltic and Scandinavian ports, Mediterranean ports and ports of the United Kingdom and Eire.

Dated: January 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1487 Filed 2-1-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-6061, etc.]

NATIONAL COOPERATIVE REFINERY ASSOCIATION ET AL.

Findings and Order

JANUARY 25, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successor co-respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, or add to natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

National Cooperative Refinery Association, applicant in Dockets Nos. G-6061 and G-14891, G-9834, G-9833, G-10191, and G-14892, G-10362, and CI 64-294 proposes to continue the sale of natural gas heretofore authorized in said dockets to be made pursuant to United States Smelting Refining and Mining Co. FPC Gas Rate Schedules Nos. 4, 6, 7, 8, 9, and 16, respectively. Said rate schedules will be redesignated as those of applicant and the sales authorized in Dockets Nos. G-14891 and G-14892 will be authorized to be continued pursuant to the certificates issued in Dockets Nos. G-6061 and G-10191, respectively. The present rate under the predecessor's FPC Gas Rate Schedule No. 4 is in effect subject to refund in Docket No. RI64-669 and the present rate under the predecessor's FPC Gas Rate Schedules Nos. 6, 7, 8, and 9 is in effect subject to refund in Docket No. RI64-656. Applicant has filed motions to be made co-respondent in said proceedings and indicates in its certificate applications that it will assume the total refund obligation from the time the predecessor's rates were made effective subject to refund if so required by the Commission. Applicant will be made co-respondent in said proceedings and the proceedings will be redesignated accordingly. Section 154.92(d)(3) of the regulations under the Natural Gas Act provides that an assignee's refund obligation attaches as of the effective date of the order granting its certificate in the absence of a voluntary assumption of a greater obligation. Inasmuch as the predecessor's rate schedules are being accepted for filing as of the effective dates of the transfers of the properties, applicant will be required to file in Dockets Nos. RI64-656 and RI64-669 agreements and undertakings to assure the refunds of only those amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. The predecessor commenced the sale in Docket No. CI64-294 pursuant to a temporary certificate at the rate of 17.7 cents per Mcf at 15.025 p.s.i.a. subject to refund. Inasmuch as the Commission herein finds that an initial rate of 17.7 cents per Mcf is required by the public convenience and necessity, applicant and its predecessor are relieved of any refund obligation in Docket No. CI64-294.

Frank O. Elliott, doing business as Elliott Oil Co. (Operator) et al., applicant in Dockets Nos. G-18742, G-20517, and CI61-388, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Elliott Production Co. FPC Gas Rate Schedules Nos. 3 and 4 and Sunshine Royalty Co. FPC Gas Rate Schedule No. 2, respectively. Said rate schedules will be redesignated as those of applicant. Applicant also proposes to continue the sales authorized in Dockets Nos. CS67-89 and CS67-94 to be made by Sunshine Royalty Co. and Elliott Production Co., respectively. Applicant will be substituted as certificate holder in Docket No. CS67-94 and the small producer certificate issued in Docket No. CS67-89 will be terminated. At the time that the small producer certificate was issued in Docket No. CS67-94, the FPC gas rate schedules of Elliott Production Co., except Nos. 1 and 5, were canceled. FPC Gas Rate Schedules Nos. 1 and 5 were involved in the proceeding on the order to show cause in Docket No. AR61-1, et al. Since refunds of amounts collected under said rate schedules have now been made, it is appropriate that said rate schedules should be canceled at this time. The present rate under Elliott Production Co. FPC Gas Rate Schedule No. 3 is effective subject to refund in Docket No. RI64-567 and an increased rate under Elliott Production Co. FPC Gas Rate Schedule No. 4 is suspended in Docket No. RI64-580. The present rate under Sunshine Royalty Co. FPC Gas Rate Schedule No. 2 is effective subject to refund in Docket No. RI64-568. Therefore, applicant will be made co-respondent in the proceedings pending in Dockets Nos. RI64-567 and RI64-568 and will be substituted in lieu of Elliott Production Co. as respondent in the proceeding pending in Docket No. RI64-580; said proceedings will be redesignated accordingly; and applicant will be required to file agreements and undertakings in Dockets Nos. RI64-567 and RI64-568 to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings.

Aztec Oil & Gas Co., applicant in Docket No. G-16015, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to El Paso Products Co. FPC Gas Rate Schedule No. 4. Said rate schedule will be redesignated as that of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI64-460. Applicant is presently a co-respondent in said proceeding and has heretofore filed a general undertaking to assure the refunds of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by The People of The State of California and The Public Utilities Commission of the State of California was filed in Docket No. CI64-294, in the matter of the application filed on September 3, 1963, in said docket. Said intervention

has been withdrawn. No other petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on January 21, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sales heretofore authorized in Dockets Nos. G–14891 and G–14892 should be authorized to be continued pursuant to the certificates heretofore issued in Dockets Nos. G–6061 and G–10191, respectively, and that the certificates in Dockets Nos. G–14891 and G–14892 should be terminated.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale heretofore authorized in Docket No. G–18403 should be authorized to be continued pursuant to the certificate heretofore issued in Docket No. G–18352 and the certificate in Docket No. G–18403 should be terminated.

(8) The sale of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the application and in the tabulation herein is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(9) The abandonment proposed by Applicant herein is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued to applicant relating to the abandonment hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI69–25 should be terminated only with respect to sales made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 81.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that National Cooperative Refinery Association should be made a co-respondent in the procedings pending in Dockets Nos. RI64–656 and RI64–669, that said proceedings should be redesignated accordingly, and that it should be required to file agreements and undertakings in said proceedings.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Frank O. Elliott, doing business as Elliott Oil Co. (Operator) et al., should be made co-respondent in the proceedings pending in Dockets Nos. RI64–567 and RI64–568 and should be substituted in lieu of Elliott Production Co. as respondent in the proceeding pending in Docket No. RI64–580; that said proceedings should be redesignated accordingly; and that he should be required to file agreements and undertakings in Dockets Nos. RI64–567 and RI64–568.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a small producer certificate in Docket No. CS67–94 should be amended by substituting Frank O. Elliott, doing business as Elliott Oil Co. (Operator) et al., as certificate holder and by authorizing him to continue thereunder the sales of natural gas heretofore authorized in Docket No. CS67–89.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. CI68–650, CI71–134, CI71–281, and CI71–333 shall be the applicable area base rates prescribed in Opinion No. 586, as adjusted for quality of gas, or the contract rates, whichever are lower.

(b) Within 90 days from the date of initial delivery applicants in Dockets Nos. CI71–281 and CI71–333 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI68–650, CI71–134, CI71–281 and CI71–333 deviates at any time from the quality standards set forth in Opinion No. 586, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) In the event that any amounts are collected in excess of the applicable area rates, as adjusted for quality of the gas, applicants in Dockets Nos. CI71–281 and CI71–333 shall refund to buyers, with interest at the rate of 7 percent per annum, all excess amounts so collected from the date of initial delivery.

(e) The authorizations granted in Dockets Nos. CI68–650 and CI71–281 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(f) The authorizations granted in Dockets Nos. G–18352 and CI67–292 shall be subject to Opinion No. 586.

(g) The rate for the sale authorized in Docket No. CI69–49 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(h) The initial rate for the sale authorized in Docket No. CI71–360 shall be 15 cents per Mcf at 14.65 p.s.i.a. subject to upward B.t.u. adjustment not to exceed 2.2 cents per Mcf.

(i) The sale authorized in Docket No. G–16015 shall be made at a rate of 14.0536 cents per Mcf at 15.025 p.s.i.a. subject to refund in Docket No. RI64–460.

(E) The certificate issued in Docket No. CI71–281 involving the sale of gas by Anadarko Production Co., to its affiliate, Panhandle Eastern Pipe Line Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(F) The orders issuing certificates in Dockets Nos. CI68–650 and CI69–49 are amended by adding thereto authorization to sell natural gas as described in the tabulation herein.

(G) The order issuing a certificate in Docket No. G–18352 is amended to include the sales of natural gas heretofore authorized in Docket No. G–18403 and the certificate heretofore issued in Docket No. G–18403 is terminated.

(H) The orders issuing certificates in Dockets Nos. CI64–62, CI68–1049, and CI70–973 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI71–373, CI71–372, and CI71–371, respectively.

(I) The sales heretofore authorized in Dockets Nos. G–14891 and G–14892 shall be made pursuant to the certificates heretofore issued in Dockets Nos. G–6061 and G–10191, respectively, and the certificates in Dockets Nos. G–14891 and G–14892 are terminated.

(J) The orders issuing certificates in Dockets Nos. G–6061, G–9833, G–9834, G–10191, G–10362, G–16015, G–18742, G–20517, CI61–388, CI67–292, CI67–1155, and CI67–94 are amended to reflect the successors in interest as certificate holders.

(K) Permission for an approval of the abandonment of service by applicant, as hereinbefore described, all as more fully described in the application and in the tabulation herein are granted.

(L) The certificate heretofore issued in Docket No. G–12082 is terminated.

(M) The proceeding pending in Docket No. RI69–25 is terminated only with respect to sales made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 81.

(N) National Cooperative Refinery Association is made a co-respondent in the proceedings pending in Dockets Nos. RI64–656 and RI64–669 and said proceedings are redesignated accordingly. National Cooperative Refinery Association shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(O) Within 30 days from the issuance of this order, National Cooperative Refinery Association shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI64–656 and RI64–669 to assure the refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(P) Frank O. Elliott, doing business as Elliott Oil Co. (Operator) et al., is made a co-respondent in the proceedings pending in Dockets Nos. RI64–567 and RI64–568 and is substituted in lieu of Elliott Production Co. as respondent in the proceeding pending in Docket No. RI64–580; and said proceedings are redesignated accordingly. Frank O. Elliott shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Q) Within 30 days from the issuance of this order, Frank O. Elliott, doing business as Elliott Oil Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI64–567 and RI64–568 to assure the refunds of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within thirty days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(R) The order issuing a small producer certificate of public convenience and necessity to Elliott Production Co. in Docket No. CS67–94 is amended by substituting Frank O. Elliott, doing business as Elliott Oil Co. (Operator) et al., as certificate holder and by authorizing him to continue thereunder the sales of nautral gas heretofore authorized in Docket No. CS67–89; and in all other respects said order shall remain in full force and effect. The small producer certificate issued in Docket No. CS67–89 to Sunshine Royalty Co. is terminated. Elliott Production Co. FPC Gas Rate Schedule Nos. 1 and 5 are canceled.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–6061 (G–14891) [1] E 9–18–70	National Cooperative Refinery Association (successor to United States Smelting, Refining, and Mining Co.).	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.	United States Smelting Refining and Mining Co., FPC GRS No. 4.	18	
			Supplements Nos. 1–3	18	1–3
			Notice of succession 9–15–70		
			Conveyance 1–23–69 [1]	18	4
			Effective date: 1–1–68		
G–9833 E 9–21–70	do	El Paso Natural Gas Co., Ignacio (Pictured Cliffs) Field, La Plata County, Colo.	United States Smelting Refining and Mining Co., FPC GRS No. 7.	20	
			Supplements Nos. 1–2	20	1 2
			Notice of succession 9–18–70		
			Conveyance 1–23–69 [1]	20	3
			Effective date: 1–1–68		
G–9834 E 9–21–70	do	El Paso Natural Gas Co., Ignacio (Dakota-Morrison) Field, La Plata County, Colo.	United States Smelting Refining and Mining Co., FPC GRS No. 6.	19	
			Supplements Nos. 1–2	19	1 2
			Notice of succession 9–18–70		
			Conveyance 1–23–69 [1]	19	3
			Effective date: 1–1–68		
G–10191 (G–14892) [1] E 9–21–70	do	El Paso Natural Gas Co., Ignacio (Mesa Verde-Dakota) Field, La Plata County, Colo.	United States Smelting Refining and Mining Co., FPC GRS No. 8.	21	
			Supplements Nos. 1–18	21	1–18
			Notice of succession 9–18–70		
			Conveyance 1–23–69 [1]	21	19
			Effective date: 1–1–68		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C169-49 ..... E 9-24-70	John C. Oxley (Operator) et al.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	Assignment 7-23-69 ..... Letter 10-30-70	3 3	8 9
CI71-134 ..... A 8-13-70	Mobil Oil Corp.[1]	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Contract 7-9-70	465	.....
CI71-281 ..... A 9-25-70	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Rentz A No. 1 Gas Unit, Texas County, Okla.	Contract 7-27-70	154	.....
CI71-333 ..... A 10-15-70	Pan American Petroleum Corp.	Cities Service Gas Co., Camrick Field, Beaver Co., Okla. Arroya Fields, Stevens and Stanton Counties, Kans.	Contract 9-28-70[4]	858	.....
CI71-360 ..... A 10-22-70	Prenalta Corp.[13] (Operator) et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Point of Rocks Field, Sweetwater County, Wyo.	Contract 9-16-70	6	.....
CI71-371 ..... (C170-520) F 10-15-70	Ladd Petroleum Corp. (Operator) et al. (successor to Aikman Bros. Corp.).	Northern Natural Gas Co., Lorena West Field, Texas County, Okla.	Contract 3-2-70[14] ..... Assignment 9-7-70 ..... Assignment 9-7-70	25 25 25	1 2 .....
CI71-372 ..... (C168-1040) F 10-16-70	Ladd Petroleum Corp. (successor to Aikman Bros. Corp.).	Northern Natural Gas Co., Larrabee Field, Stevens County, Kans.	Contract 11-1-52[15] ..... Amended 11-27-67 ..... Assignment 9-7-70[16]	26 26 26	1 2 .....
CI71-394 ..... (C164-452) F 10-16-70	Ladd Petroleum Corp. (successor to Aikman Brothers).	Northern Natural Gas Co., Arroya Field, Lipscomb County, Tex.	Contract 9-1-64 ..... Assignment 9-7-70[17]	27 27	 1
CI71-407 ..... (G-12862) B 11-12-70	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Donna Field, Hidalgo County, Tex.	Notice of cancellation 11-9-70[3 4 18]	81	11

[1] The certificates in Dockets Nos. G-6661 and G-10191 will also be amended to include sales from the additional acreage heretofore authorized in Dockets Nos. G-14891 and G-14892, respectively, and the certificates heretofore issued in the latter dockets will be terminated.

[2] Successor to Stanolind Oil and Gas Co.

[3] From United States Smelting, Refining, and Mining Co. to applicant.

[4] Conveys Skelly Oil Co.'s 25 percent interest in the Stuart A Unit to Cities Service Oil Co.; covered under Skelly's FPC GRS No. 148. The interest acquired from Skelly is the total interest covered under Skelly's FPC GRS No. 148; therefore, the certificate heretofore issued to Skelly in Docket No. G-14803 will be terminated.

[5] Supersedes notice of succession filed Nov. 3, 1970, which supersedes Skelly's FPC GRS No. 148.

[6] Adopts plan of complete liquidation of Elliott Production Co.

[7] Two similar agreements which establish Trusts of Frank O. Elliott and Edna Ione Hall, sole stockholders of Elliott Production Co. and Sunshine Royalty Co.

[8] Trusts designate Frank O. Elliott, doing business as Elliott Oil Co. as operator of all properties acquired.

[9] Adopts plan of complete liquidation of Sunshine Royalty Co.

[10] Effective date: Date of first delivery. Contracts in Dockets Nos. C168-650 and C171-134, respectively, requested permanent certificates at the rate of 30 cents per Mcf, the area ceiling rate prescribed by Opinion No. 586, accept authorization conditioned to the initial ceiling rate of 15 cents.

[11] By letters dated Oct. 29, 1970, and Sept. 28, 1970, applicants in Dockets Nos. C168-650 and C171-134, respectively, requested permanent certificates at the rate of 30 cents per Mcf, the area ceiling rate prescribed by Opinion No. 586, accept authorization conditioned to the initial ceiling rate of 15 cents.

[12] Contract rate is 16.015 cents inclusive of tax reimbursement, however, applicant has indicated willingness to accept a rate of 15 cents, the initial delivery (supplement shall advise the Commission as to such date).

[13] Effective date: May 30, 1970, initial delivery (supplement shall advise the Commission as to such date).

[14] Effective date: Nov. 30, 1970, applicant agreed to accept a permanent certificate containing the conditions imposed by the temporary certificate.

[15] Between Aikman Bros. Corp. and the purchaser; also on file as Aikman Bros. Corp. FPC GRS No. 9.

[16] Conveys certain interests to Joseph Strick et al., subject to a reversionary interest specified therein from Aikman Bros. Corp.

[17] Conveys reversionary interest from Aikman Bros. Corp. to applicant.

[18] Between Northern Natural Gas Producing Co. (Aikman's predecessor in interest) and the purchaser; also on file as Aikman Bros. Corp. FPC GRS No. 2.

[19] Conveys interest from Aikman Bros. Corp. to applicant.

[20] Between Aikman and the purchaser; also on file as Aikman Brothers FPC GRS No. 3.

[21] Conveys interest from Aikman Brothers to applicant.

[22] Rate of 15.6 cents effective subject to refund in Docket No. RI69-25. Applicant made no deliveries in 1970 and filed to terminate the proceeding in Docket No. RI69-25, therefore, said proceeding will be terminated only with respect to sales made pursuant to applicant's FPC GRS No. 81.

[23] Effective date: Date of this order.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-10362 ..... E 9-21-70	National Cooperative Refinery Association —Continued	El Paso Natural Gas Co., Ignacio (Dakota-Mancos) Field, La Plata County, Colo.	United States Smelting Refining and Mining Co., FPC GRS No. 16. Supplement Nos. 1-2 ..... Notice of succession 9-18-70. Conveyance 1-23-69[3]	22 22 22	3 1-2 3
G-16015 ..... E 10-26-70	Astec Oil & Gas Co. (successor to El Paso Products Co.).	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	El Paso Products Co., FPC GRS No. 4. Supplement Nos. 1-4 ..... Notice of succession 10-20-70. Assignment 10-23-69	34 34 34	5 1-4 5
G-18352 ..... (G-18463) C 9-28-70	Cities Service Oil Co....	Natural Gas Pipeline Co. of America, Smart A Gas Unit, Beaver County, Okla.	Effective date: 11-1-69 ..... Assignment 5-21-70[4] ..... Supplemental agreement 9-9-70[5]	129 129	7 8
G-18742 ..... E 8-28-70	Frank O. Elliott, d.b.a. Elliott Oil Co. (Operator) et al. (successor to Elliott Production Co.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Effective date: 4-1-70 ..... Elliott Production Co., FPC GRS No. 3. Supplements Nos. 1-2 ..... Notice of succession 8-24-70. Resolution 7-31-70[6] ..... Trust agreement 3-23-70[7] ..... Operating agreement 3-31-70[8]. Effective date: 4-1-70	1 1 1 1	1-2 3 4 5
G-20317 ..... E 9-28-70	do.....	El Paso Natural Gas Co., Gavilan Gallup Field, San Juan County, N. Mex.	Elliott Production Co., FPC GRS No. 4. Supplements Nos. 1-2 ..... Notice of succession 8-24-70. Resolution 7-31-70[6] ..... Trust agreement 3-23-70[7] ..... Effective date: 4-1-70	2 2 2	1 2 3
C161-388 ..... E 9-28-70	Frank O. Elliott, d.b.a. Elliott Oil Co. (Operator) et al. (successor to Sunshine Royalty Co.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Sunshine Royalty Co., FPC GRS No. 2. Supplements Nos. 1-2 ..... Notice of succession 8-24-70. Resolution 7-31-70[6] ..... Trust agreement 3-23-70[7] ..... Assignment 3-31-70[9] ..... Effective date: 4-1-70	3 3 3 3	1-2 3 4 5
C167-94 ..... E 9-28-70	Frank O. Elliott, d.b.a. Elliott Oil Co. et al. (successor to Elliott Production Co.).	Permian Basin.....			
C164-294 ..... A 9-3-63 E 9-29-70	National Cooperative Refinery Association (successor to United States Smelting Refining, and Mining Co.).	El Paso Natural Gas Co., Chinle Wash Field, San Juan County, Utah.	United States Smelting Refining and Mining Company, FPC GRS No. 16. Notice of succession 9-28-70 ..... Conveyance 1-23-69[3] ..... Effective date: 1-1-68	23 23 23	..... 1 .....
C167-292 ..... E 10-16-70	Ladd Petroleum Corp. (Operator) et al. (successor to Aikman Bros. Corp. (Operator) et al.).	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Aikman Bros. Corp. (Operator) et al., FPC GRS No. 9. Notice of succession 10-7-70 ..... Assignment 9-7-70	24 24 24	..... 1 .....
C167-1155 ..... E 9-29-70	National Cooperative Refinery Association (successor to United States Smelting Refining, and Mining Co.).	Mountain Fuel Supply Co., North Craig Field, Moffat County, Colo.	United States Smelting Refining and Mining Co., FPC GRS No. 18. Notice of succession 9-28-70 ..... Conveyance 1-23-69[3]	24 24	1 2
C168-650 ..... C 7-30-70	Texas Oil & Gas Corp. (Operator) et al.	Cities Service Gas Co., acreage in Woods and Major Counties, Okla.	Effective date: 1-1-68 ..... Agreement 6-22-70	24 52	2 3

See footnotes at end of document.

Suggested Agreement and Undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent: ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ---------- 19 ---.

(Name of Respondent)

By ----------

Attest:

[FR Doc.71-1274 Filed 2-1-71;8:45 am]

[Docket No. RI71-631 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 22, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Comsion jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 12, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-631..	Pan American Petroleum Corp.	120	15	Northern Natural Gas Co. (Eumont, Fields) (Lea County, N. Mex.) (Permian Basin).	$10,228	12-24-70	1-24-71	6-24-71	[1 2] 13.7598	[3 4] 15.7513	RI69-558.
RI71-632..	George R. Brown et al.	22	2	Texas Eastern Transmission Corp. (North Panther Reef Field, Calhoun County) (Texas RR. District No. 2).	2,557 148	12-28-70	2-1-71	7-1-71	[2 3] 13.2628 15.0656	[2 3 4] 15.2574 16.07	RI69-558, RI70-483.
RI71-633..	Hydrocarbon Production Co., Inc.	1	[7 18]	Transcontinental Gas Pipe Line Corp. (Lacyfield, Hidalgo and Cameron Counties) (Texas RR. District No. 4).	----------	12-28-70	1-28-71	[12] Accepted			
RI71-634..	W. L. Pickens et al....	3	19 2	South Texas Natural Gas Gathering Co. (Penitas Field, Hidalgo County) (Texas RR. District No. 4).	104,003 10,300	12-28-70 12-28-70	1-28-71 1-28-71	6-28-71 6-28-71	[4 11] 13.0188 [4 13] 14.0	19.0 [4 13] 16.06	
RI71-635..	Getty Oil Co.....	19	26	Transcontinental Gas Pipe Line Corp. (West Bernard Field) (Wharton County) (Texas RR. District No. 3).	72,347	12-28-70	1-28-71	6-28-71	[8] 14.05167	19.0	
RI71-636..	Pan American Petroleum Corp.	73	16	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Lucky and East Bay City Fields) (Matagorda County) (Texas RR. District No. 3).	19,740 14,760	12-28-70	1-28-71	6-28-71	15.0553 [12] 17.0	22.0 22.0	RI70-430.
	....do.....	83	26	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (East Bay City Field, (Matagorda County) (Texas RR. District No. 3).	159,432 75,920	12-24-70	1-24-71	6-24-71	15.0 [12] 17.0	22.0 22.0	
		92	21	Transcontinental Gas Pipe Line Corporation (Harris, Coquat & Oakville Fields, Live Oak County) (Texas RR. District No. 2).	[11] 66,473	12-24-70	1-24-71	6-24-71	16.0 [17 18] 16.0	[13] 21.0 [13 19] 25.0	

* The pressure base is 14.65 p.s.i.a.

[1] High pressure gas.

[2] Low pressure gas requiring compression for which the rate is reduced by 0.5 cent at 15.025 p.s.i.a.

[3] Converted from 15.025 p.s.i.a. pressure base. Includes partial reimbursement for the full 2.35 percent New Mexico Emergency School Tax.

[4] Increase due to rise in U.S. Department of Labor Industrial Commodities Wholesale Price Index.

[5] Less 1 cent per Mcf for gas compressed by buyer, the facilities to be maintained and operated by seller.

[6] Subject to a reduction of 0.21931 cent for gas dehydrated by buyer.

[7] Agreement dated Nov. 30, 1970. Provides among other things for 19 cents for gas produced from reservoirs discovered prior to Sept. 28, 1960, 21 cents for gas discovered between Sept. 28, 1960 and June 17, 1970, and 25 cents for gas discovered on or after June 17, 1970.

[8] Two-step periodic increase.

[9] Proposed rate of 15 cents suspended in Docket No. RI65-236, but not yet made ESR.

[10] Subject to a 0.25-cent dehydration charge deducted by buyer.

[11] Less 2 cents for gas not requiring compression or which is compressed by buyer.

[12] Accepted, for filing to be effective as of the date shown in the "Effective Date" column.

[13] Price for new reservoir sales as identified in Supplement No. 25.

[14] For gas produced from reservoirs discovered between Sept. 28, 1960 and June 17, 1970.

[15] For gas produced from reservoirs discovered after June 17 1970. Not applicable at present time.

[16] Per amendment on file as Supplement No. 19.

[17] New reservoir price. (Reservoirs discovered after Sept. 28, 1960).

[18] Subject to a 0.21931-cent dehydration charge by buyer.

Hydrocarbon Production Co., Inc., requests an effective date for which adequate notice was not given. Good cause has not been shown for granting such request and it is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[FR Doc.71–1275 Filed 2–1–71;8:45 am]

[Docket No. RI71–525 etc.]

EDWIN L. COX ET AL.

Order Amending Rate Suspension Orders

JANUARY 25, 1971.

Edwin L. Cox et al., Docket No. RI71–525 et al.; Union Oil Company of California et al., Docket No. RI71–534 et al.

By ordr issued in Dockets Nos. RI71–525 et al., and RI71–534 et al., on December 29, 1970, and December 30, 1970, respectively, we suspended for various periods increased rate filings of the independent producers named therein. Certain of the rate filings exceeded the limits set forth in our order of December 24, 1970, in Docket No. R–394, on increased rate filings in southern Louisiana. We shall therefore amend the orders of December 29 and 30 to conform to the provisions of the order of December 24.

The Commission orders: The orders issued in Dockets Nos. RI71–525 et al., and RI71–534 et al., on December 29, 1970, and December 30, 1970, respectively, are hereby amended in the respects set forth in Appendix A hereof.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71–525..	Edwin L. Cox	77	7	Texas Gas Transmission Corp. (Ramos Field, St. Mary's Parish) (South Louisiana).	$44,250	11–30–70	12–31–70	1–13–71	[1] 19.5	[1] 22.375	
RI71–539..	Coastal States Gas Producing Co.	49	8	United Gas Pipe Line Co. (Hawkins, Hays Unit, Jefferson Davis and Calcasieu Parishes) (South Louisiana).	27,000	12–4–70	1–4–71	1–17–71	20.25	[1] 22.375	
RI71–541..	J. C. Trahan Drilling Contractor, Inc.	14	3	Transcontinental Gas Pipe Line Co. (Dixon Field, Lafayette Parish, South Louisiana).	14,125	12–4–70	1–4–71	1–17–71	20.625	[1] 22.375	
RI71–542..	North Central Oil Corp.	7	7	Transcontinental Gas Pipe Line Corp. (West Kaplan Field, Vermilion Parish) (South Louisiana).	163,350	12–7–70	1–7–71	1–20–71	20.625	[1] 22.375	
RI71–544..	Circle Drilling Co., Inc.	1	5	Texas Gas Transmission Corp. (North Rousseau Area) (Lafourche Parish) (South Louisiana).	3,340	12–10–70	1–10–71	1–23–71	20.625	[1] 22.375	
		2	4	do						[1] 22.375	
RI71–547..	Kewanee Oil Co.	84	7	Transcontinental Gas Pipe Line Corp. (Rousseau Field, Lafourche Parish) (South Louisiana).	6,895	12–10–70	1–10–71	1–23–71	20.625	[1] 22.375	
RI71–551..	Cabot Corp. (SW)	51	9	United Gas Pipe Line Co. (St. Martinville Field) (Choplin Unit) (St. Martinville Parish) (Southern Louisiana).	949	12–4–70	1–4–71	1–17–71	22.0	[1] 22.375	
		55	5	Southern Natural Gas Co. (Bayou Long Field) (Iberia Parish) (Southern Louisiana).	43,735	12–4–70	1–4–71	1–17–71	20.625	[1] 22.375	

*The pressure base is 15.025 p.s.i.a.

[1] Increase is limited to ceiling rate prescribed in the order issued Dec. 24, 1970, in Docket R–394.

[2] Opinion 546 rate. Temporary certificated 20 cents (G–14515) and 20.75 cents (G–14835) rates currently being collected.

[3] Applicant has changed name to Circo Exploration, Inc., and has submitted filings to reflect the change in name.

[FR Doc.71–1276 Filed 2–1–71;8:45 am]

[Docket No. CP71–189]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JANUARY 27, 1971.

Take notice that on January 22, 1971, Montana-Dakota Utilities Co. (applicant), 400 North Fourth Street, Bismarck, ND 58501, filed in Docket No. CP71–189 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period beginning April 1, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $600,000 with no single project costing in excess of $150,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[FR Doc.71–1325 Filed 2–1–71;8:46 am]

[Docket No. AR61–2 etc.]

AREA RATE PROCEEDING (SOUTHERN LOUISIANA AREA)

Order Establishing Time for Submittal of Rebuttal

JANUARY 26, 1971.

In our order of December 24, 1970 consolidating these proceedings, we established a deadline of February 15, 1971, for the submittal of direct evidence. We did not, however, fix any limit on the period for which rebuttal to that direct testimony should be filed. We now require that all rebuttal testimony which the parties choose to file in response to the above-mentioned direct testimony shall be submitted to the presiding examiner on or before March 3, 1971.

The Commission orders: All rebuttal evidence submitted in this proceeding shall be filed on or before March 3, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71–1328 Filed 2–1–71;8:46 am]

[Docket No. AR61–2 etc.]

AREA RATE PROCEEDING (SOUTHERN LOUISIANA AREA)

Order Expanding Area Rate Proceeding

JANUARY 26, 1971.

On March 20, 1969, the Commission issued an investigation and proposed rulemaking covering certain sales of natural gas from offshore southern Louisiana. This proceeding was enlarged by order of December 15, 1969, to encompass all vintages of gas produced from the entire southern Louisiana area. Docket No. AR61–2 et al. was reopened on December 24, 1970, and consolidated with AR69–1.

While this area rate proceeding has been in progress there have been and will continue to be rate increase filings suspended under section 4 of the Natural Gas Act and applications for certificates for new sales receiving temporary certificates under section 7 of the Act. This proceeding shall be expanded to apply to all section 4 rate suspension proceedings and all section 7 certificate proceedings which involve sales in the hearing area which have or may be instituted during the pendency of this proceeding.

The Commission finds:

It is necessary and appropriate for purposes of carrying out the provisions of the Natural Gas Act, particularly, but not in limitation of the foregoing, sections 4, 5, 7, 8, 10, 14, 15, and 16 thereof, that all proceedings involving sales of natural gas in the southern Louisiana area be consolidated into this area rate proceeding.

The Commission orders: All rate suspension proceedings under section 4 of the Natural Gas Act and all certificate proceedings under section 7 of the Natural Gas Act which are in the southern Louisiana area and which may arise during the pendency of this proceeding are hereby consolidated into this area rate proceeding.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71–1329 Filed 2–1–71;8:46 am]

[Docket No. AR70–1]

AREA RATE PROCEEDING (PERMIAN BASIN AREA)

Order Setting Prehearing Conference, Further Prescribing Procedures, Clarifying Order Instituting Area Rate Proceeding and Permitting Intervention

JANUARY 26, 1971.

In accordance with our order issued June 17, 1970, in this second Permian Basin Area Proceeding, a prehearing conference for the purpose of developing the issues and prescribing the procedures to be followed here shall be held as hereinafter provided. As a guideline in effecting such purpose the parties and the staff are encouraged (1) to define the issues which will be before the Commission in this proceeding, (2) to state what evidence they desire to submit towards the resolution of such issues and the relevance and materiality of such evidence, (3) to avoid the presentation of any unduly repetitious evidence, (4) to stipulate to all matters which can be resolved without the necessity for a formal presentation and (5), among other matters, to establish procedures which will expedite this hearing.

Our instituting order incorporated by reference into this proceeding all relevant evidence filed in Phase I of the Southern Louisiana Area Rate Proceeding, Docket No. AR69–1, and provided for conducting this proceeding in two separate phases. Much of the evidence presented in Phase I of AR69–1 is equally applicable to conditions in this hearing area. There should be no repetition of this testimony. We also recognize the need for adducement of evidence which, although it may be similar to that presented in AR69–1, will be related primarily to the Permian Basin area. This evidence should include the present and projections for future adequacy of supply to meet present and future demand for natural gas from the area, the effect of the intrastate market on jurisdictional sales, deliverability by the pipelines in the area, composite area cost data of the major respondents, possible use of incentives for dedication of new reserves to the interstate market, arguments for or against the continuation of differential rates based upon gas vintage, and the effect of Commission action upon the structure of the gas producing industry, the availability of capital for exploration and development of new reserves, and the market variables of supply and demand.

Since we intend to consider the justness and reasonableness of rates for all gas presently being produced in the Permian Basin area, there is no longer any need for the hearing to proceed in separate phases. We therefore terminate the phasing requirement of our instituting order.

Experience gained in other area rate proceedings indicates the need for certain relief in the service of documents by the parties as provided in § 1.17 of the Commission's rules of practice and procedure. Accordingly, good cause exists in this proceeding for waiving the provisions of said section 1.17 to the extent that only those parties who desire to receive copies of all pleadings, motions, evidence, briefs, and other documents shall be served by the other parties and such service shall be limited to one representative for each party. For this purpose, a separate service list shall be prepared by the Secretary of the Commission. Those parties desiring to be on the separate service list for the service of the aforementioned materials shall submit the name of the person or official upon whom such service is to be made as hereinafter ordered. All parties to this proceeding, of course, will continue to receive a copy of all Commission orders, notices and other documents issued by the Commission.

In the order instituting this proceeding, it was specifically provided in ordering paragraph (D) that this proceeding shall apply to all section 4 rate suspension matters and section 7 certificate matters in the hearing area arising during the pendency of this proceeding. As a matter of clarification, Docket No. AR70–1 likewise encompasses the setting of just and reasonable rates under section 5 of the Natural Gas Act and such other authorized action as deemed appropriate under the circumstances of this case.

The Commission orders:

(A) A conference will be held on Tuesday, February 23, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, commencing at 10 a.m., e.s.t., between the parties to this proceeding, including the Commission staff, concerning the issues and procedures to be followed herein. The Chief Examiner, or an Examiner designated by him, shall preside at this conference. At least 2 weeks prior to the conference, the staff shall serve upon all of the parties who express a desire for separate service a list of data which it deems necessary to meet the requirements of this order, together with a suggested prehearing order incorporating proposed stipulations and schedules.

(B) Any party desiring to be on the separate service list as described above, shall so advise the Secretary of the Commission in writing on or before February 4, 1971.

(C) All petitions to intervene heretofore filed by petitioners as set forth in the appendix are granted.

(D) This proceeding shall no longer be conducted in two separate phases, as directed in ordering paragraph (F) of the instituting order of June 17, 1970, in this proceeding. Evidence material to the issues set forth in this order and the order of June 17, 1970, may be offered irrespective of its relation to the date of contract dedicating the gas.

(E) The Secretary shall cause a copy of this order to be published in the FEDERAL REGISTER and served upon each of the respondents and intervenors in this proceeding and upon interested State Commissions as is provided for in § 1.19 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

INTERVENORS

Michigan Public Service Commission.
People of the State of California and the Public Utilities Commission of the State of California.
The Public Service Commission of the State of New York.
Iowa State Commerce Commission.
The Public Service Commission of Wisconsin.
The State of Texas.
The Peoples Gas Light and Coke Co.
North Shore Gas Co.
Iowa Public Service Co.
The City of Los Angeles.
Illinois Power Co.
King Resources Co.
Pacific Lighting Service Co., Southern California Gas Co., and Southern Counties Gas Company of California.
Associated Gas Distributors:
- Alabama Gas Corp.
- Atlanta Gas Light Co.
- The Berkshire Gas Co.
- Boston Gas Co.
- Bristol and Warren Gas Co.
- Brockton Taunton Gas Co.
- Buzzards Bay Gas Co.
- Cambridge Gas Co.
- Central Massachusetts Gas Co.
- City of Holyoke, Massachusetts Gas and Electric Department.
- City of Norwich, Department of Public Utilities.
- City of Westfield Gas and Electric Light Department.
- Concord Natural Gas Corp.
- The Connecticut Gas Co.
- Connecticut Natural Gas Corp.
- Fall River Gas Co.
- Fitchburg Gas and Electric Light Co.
- Gas Service, Inc.
- The Greenwich Gas Co.
- The Hartford Electric Light Co.
- Haverhill Gas Co.
- Lawrence Gas Co.
- Lowell Gas Co.
- Lynn Gas Co.
- Manchester Gas Co.
- Mystic Valley Gas Co.
- New Bedford Gas and Edison Light Co.
- The Newport Gas Light Co.
- Northhampton Gas Light Co.
- North Attleboro Gas Co.
- North Shore Gas Co.
- Norwood Gas Co.
- The Pequot Gas Co.
- South County Gas Co.
- Southern Connecticut Gas Co.
- Springfield Gas Light Co.
- Tiverton Gas Co.
- Valley Gas Co.
- Wachusett Gas Co. and Worcester Gas Light Co. (Jointly).
- The Brooklyn Union Gas Co.
- Central Hudson Gas and Electric Corp.
- Consolidated Edison Company of New York, Inc.
- Elizabethtown Gas Co.
- Long Island Lighting Co.
- New Jersey Natural Gas Co.
- New York State Electric & Gas Corp.

Associated Gas Distributors—Continued
- Philadelphia Electric Co.
- Philadelphia Gas Works, Division of UGI Corp.
- Piedmont Natural Gas Co., Inc.
- Public Service Electric & Gas Co.
- Public Service Company of North Carolina.
- Rochester Gas and Electric Corp.
- South Jersey Gas Co.
- UGI Corp.
- Washington Gas Light Co.

American Public Gas Association.
San Diego Gas & Electric Co.
Metropolitan Utilities District of Omaha.
Municipal Distributor Group:
- Memphis Light, Gas and Water Division.
- City of Dyersburg.
- Gibson County Utility District.
- City of Humboldt Board of Public Utilities.
- Jackson Utility of the City of Jackson, Tenn.
- City of Brownsville.
- Town of Covington.
- Tipton County Utility Co., Inc.
- Crockett Utility District of Crockett County, Tenn.
- Bells Utility District of Crockett County, Tenn.

United Distribution Companies:
- American Natural Gas System.
- Central Illinois Light Co.
- Central Illinois Public Service Co.
- Citizens Gas and Coke Utility.
- Columbia Gas System.
- Consolidated Natural Gas System.
- Consumers Power Co.
- The Dayton Power and Light Co.
- Equitable Gas Co.
- Illinois Power Co.
- Michigan Gas Utilities Co.
- Mississippi Valley Gas Co.
- National Fuel Gas System.
- Niagara Mohawk Power Corp.
- Northern Illinois Gas Co.
- Orange & Rockland Utilities, Inc.
- The Peoples Gas System.
- South Carolina Electric & Gas Co.

The Independent Petroleum Association of America.
Independent Natural Gas Association of America.
Pacific Gas & Electric Co.
Northern Illinois Gas Co.
North Central Public Service and Division of Donovan Companies, Inc.
Iowa-Illinois Gas & Electric Co.
Central Telephone & Utilities Corp.
Minneapolis Gas Co.
Northern States Power Co.
Iowa Electric Light & Power Co.
Iowa Power & Light Co.
Cities Service Gas Co.

[FR Doc.71-1330 Filed 2-1-71;8:46 am]

[Docket No. G-10283, etc.]

BRADLEY PRODUCING CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Substituting Respondent, Redesignating Proceedings, and Requiring Filing of Agreements and Undertakings

JANUARY 25, 1971.

On August 7, 1970, The Bradley Producing Corp. (petitioner) filed in Docket No. G-10283 et al., a petition to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act by substituting petitioner, a Delaware corporation, in lieu of Bradley Resources Corp., formerly The Bradley Producing Corp., a New York corporation, as certificate holder, all as more fully set forth in the petition to amend and in the appendix hereto.

The certificate holder, The Bradley Producing Corp., changed its name to Bradley Resources Corp., and subsequently conveyed certain producing properties to petitioner. Petitioner proposes to continue without change sales of natural gas in interstate commerce from said properties.

Petitioner will be permitted to continue the sales of natural gas pursuant to the rate schedules of its predecessor presently on file with the Commission. Said rate schedules shall retain their nominal and numerical designations. The present rates under said rate schedules are in effect subject to refund and prior increased rates have been collected subject to refund for locked-in periods. Therefore, Petitioner will be substituted in lieu of The Bradley Producing Corp., a New York corporation, as respondent in said proceedings; the proceedings will be redesignated accordingly; and Petitioner will be required to file agreements and undertakings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issuing certificates to The Bradley Producing Corp., a New York corporation, should be amended as hereinafter ordered, that petitioner should be substituted in lieu of The Bradley Producing Corp., a New York corporation, as respondent in the latter's rate proceedings, that said proceedings should be redesignated accordingly, and that petitioner should be required to file agreements and undertakings.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to The Bradley Producing Corp., a New York corporation, are amended by substituting The Bradley Producing Corp., a Delaware corporation, as certificate holder, all as hereinbefore described and as more fully described in the appendix hereto. In all other respects said orders shall remain in full force and effect.

(B) Petitioner shall continue sales of natural gas pursuant to the FPC gas rate schedules heretofore filed with the Commission by its predecessor in interest, The Bradley Producing Corp., a New York corporation. Said rate schedules shall retain their nominal and numerical designations.

(C) Petitioner is substituted in lieu of The Bradley Producing Corp., a New York corporation, as respondent in the rate proceedings set forth in the appendix hereto and said proceedings are redesignated accordingly. Applicant shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(D) Within 30 days from the date of this order, petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in the rate proceedings set forth in the appendix hereto in which changes in rate have been made effective subject to refund to assure the refund of all amounts collected, together with interest at the rates of 6 or 7 percent per annum as required by the regulations under the Natural Gas Act, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

FPC gas rate schedule No.	Certificate docket No.	Rate docket No.
1	G-10283	G-18109, G-20077, R160-374, R161-417, R162-372, R163-405, R164-648, R165-546, R170-1602.
2	G-11974	G-17591, G-19612, R160-323, R161-375, R162-372, R163-405, R164-648, R165-546, R170-1602.
3	G-15384	G-19151, R170-323, R161-375, R162-372, R163-405, R164-648, R165-546, R170-1602.
4	G-16735	R164-182, R171-216.
5	(1)	G-18690.
8	C162-1367	R170-1602.
9	C163-413	R170-1602.
10	C163-1411	R166-230.
11	C166-9	R170-1602.

[1] Certificate now held by Mapco Production Co., but The Bradley Producing Corp. is co-respondent in the suspension proceeding in Docket No. G-18690.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent: ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 19--.

(Name of Respondent)

By ----------

Attest:

[FR Doc.71-1331 Filed 2-1-71;8:46 am]

[Docket No. G-14750, etc.]

HAMILTON BROTHERS PETROLEUM CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating FPC Gas Rate Schedules, Substituting Respondent, Redesignating Proceedings and Requiring Filing of Agreements and Undertakings

JANUARY 25, 1971.

On August 28, 1970, Hamilton Brothers Petroleum Corp. (petitioner) filed in Docket No. G-14750 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting petitioner in lieu of Frederic C. and Ferris F. Hamilton, doing business as Hamilton Brothers, Ltd., all as more fully set forth in the petition to amend and in the appendix hereto.

Petitioner has acquired the producing properties of Frederic C. and Ferris F. Hamilton, doing business as Hamilton Brothers, Ltd., and proposes to continue without change the sales of natural gas in interstate commerce.

The FPC gas rate schedules of Hamilton Brothers, Ltd., will be redesignated as those of petitioner. The present rates under certain of the rate schedules are in effect subject to refund and in some instances prior increased rates have been collected subject to refund for locked-in periods. Therefore, petitioner will be substituted in lieu of Hamilton Brothers, Ltd., as respondent in each of the latter's rate proceedings; the proceedings will be redesignated accordingly; and petitioner will be required to file agreements and undertakings in said proceedings to assure the refunds by it of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders issuing certificates to Frederic C. and Ferris F. Hamilton, doing business as Hamilton Brothers, Ltd., should be amended as hereinafter ordered, that the related FPC gas rate schedules should be redesignated, that petitioner should be substituted in lieu of Hamilton Brothers, Ltd., as respondent in the latter's rate proceedings, that said proceedings should be redesignated accordingly, and that petitioner should be required to file agreements and undertakings.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Frederic C. and Ferris F. Hamilton, doing business as Hamilton Brothers, Ltd., are amended by substituting Hamilton Brothers Petroleum Corp. as certificate holder and the related FPC gas rate schedules are redesignated accordingly, all as hereinbefore described and as more fully described in the appendix hereto. In all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Frederic C. and Ferris F. Hamilton, doing business as Hamilton Brothers, Ltd., as respondent in each of the rate proceedings set forth in the appendix hereto and said proceedings are redesignated accordingly. Petitioner shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Within 30 days from the date of this order, petitioner shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in the rate proceedings set forth in the appendix hereto in which changes in rate have been made effective subject to refund to assure the refunds of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

FPC gas rate schedule No.	Certificate docket No.	Rate docket No.
1	G-14750	R163-422, R170-1736.
2	G-16206	R160-464, R163-207, R168-224.
4	G-18581	R162-444, R167-388, R168-505.
6	C160-685	R167-334, R171-151.
8	C161-31	R167-20, R168-506.
9	C161-262	R164-443, R168-506, R170-1736.
10	C161-625	R166-200.
13	C161-1458	R162-323, R163-165, R164-284, R165-301, R166-133, R167-107, R168-145, R170-1736.
14	C161-1775	R167-136, R168-506.
15	C162-45	R167-35, R168-506.
16	C162-267	R167-136, R168-506.
17	C162-488	R167-129, R167-389, R168-506.
18	C162-737	R164-443, R168-506, R170-1736.
19	C162-1411	R167-443, R168-505.
20	C163-620	
22	C166-960	R168-506.
23	G-20565	
24	G-20565	R168-204, R169-157.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent: ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ----------, 197--.

(Name of Respondent)

By ----------

Attest:

[FR Doc.71-1332 Filed 2-1-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4779]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Fourth Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper by Holding Company and Capital Contributions to Subsidiary Companies

JANUARY 25, 1971.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, New York 10004, a registered holding company, has filed a fourth post-effective amendment to its application-declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 15, 1969, August 10, 1970, and September 21, 1970 (Holding Company Act Releases Nos. 16476, 16803, and 16835), the Commission authorized AEP to issue and sell, from time to time prior to June 30, 1971, short-term notes to banks and commercial paper to a dealer in an aggregate face amount of not more than $130 million to be outstanding at any one time and to make capital contributions to three of its subsidiary companies. AEP has pending presently a third post-effective amendment to its application-declaration stating that it also intends to make one or more cash capital contributions to a fourth subsidiary company, Kentucky Power Co. (Kentucky), on or before June 30, 1971, in an aggregate amount not to exceed $5 million (Holding Company Act Release No. 16958 (Jan. 7, 1971)).

AEP has now filed a fourth post-effective amendment to its application-declaration in which it proposes to increase the cash capital contributions to be made to Ohio Power Co. (Ohio) from $55 million to $90 million. It is stated that Ohio's construction program for 1971 is estimated at more than $150 million.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 11, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said fourth post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1323 Filed 2-1-71; 8:46 am]

SMALL BUSINESS ADMINISTRATION

GROWTH BUSINESS FUNDS, INC.

Notice of Issuance of Small Business Investment Company License

On January 5, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 130) stating that Growth Business Funds, Inc., Home Federal Building, 2100 East Hallandale Beach Boulevard, Hallandale, FL 33009, had filed an application with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) for a license to operate as a small business investment company.

Interested parties were given to the close of business January 15, 1971, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/05-0098 to Growth Business Funds, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER, *Associate Administrator for Investment.*

JANUARY 20, 1971.

[FR Doc.71-1324 Filed 2-1-71;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

INTERNATIONAL SILVER CO., MERIDEN, CONN.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of December 11, 1970, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-29) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the workers of Factory E of the International Silver Co., located in Meriden, Conn. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with silver-plated and stainless-steel table hollowarc produced at Factory E of the International Silver Co. in Meriden, Conn., are being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of that plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 35 F.R. 19292; 29 CFR Part 90). In that recommendation he noted that the production decline in Factory E became significant in the beginning of 1970, and at the same time employment began to decline steadily. He further reported that this unemployment or underemployment began after January 2, 1970. After due consideration, I make the following certification:

All hourly and salaried workers of Factory E of the International Silver Co. in Meriden, Conn., who became or will become unemployed or underemployed after January 2, 1970, are eligible to apply for adjustment assistance under title III of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 25th day of January 1971.

GEORGE H. HILDEBRAND, *Deputy Under Secretary International Affairs.*

[FR Doc.71-1382 Filed 2-1-71;8:51 am]

INTERNATIONAL SILVER CO., MERIDEN AND WALLINGFORD, CONN.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of December 11, 1970 the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-30) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the workers of Factories C, H, and L of the International Silver Co. located in the Meriden-Wallingford, Conn., area. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the stainless-steel table flatware produced at Factories C, H, and L of the International Silver Co. in the Meriden-Wallingford, Conn., area are being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers at the said factories.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 35 F.R. 19292; 29 CFR Part 90). In that recommendation he noted that the production of stainless-steel table flatware at Factories C, H, and L, declined substantially between January and September 1970, and employment at those plants fell sharply during the same period. He further reported that this unemployment or underemployment began after January 2, 1970, and that additional layoffs involving production workers and other personnel, including supporting services, clerical and management, are expected after a consolidation of the three plants is accomplished in early 1971. After due consideration, I make the following certification:

All hourly and salaried workers of the International Silver Co. at Factories C and H, Meriden, Conn. and Factory L, Wallingford, Conn., who became or will become unemployed or underemployed after January 2, 1970, are eligible to apply for adjustment assistance under title III of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 25th day of January 1971.

GEORGE H. HILDEBRAND, *Deputy Under Secretary International Affairs.*

[FR Doc.71-1381 Filed 2-1-71;8:51 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 22

Tuesday, February 2, 1971 • Washington, D.C.

PART II

DEPARTMENT OF LABOR

Bureau of Labor Standards

•

Proposed Safety and Health Regulations for Construction

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1518]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Notice of Proposed Rule Making

Pursuant to section 107 of the Contract Work Hours and Safety Standards Act (86 Stat. 96; 40 U.S.C. 327), commonly known as the Construction Safety Act, it is proposed to amend 29 CFR Chapter XIII by adding thereto a new Part 1518, to read as set forth below.

Interested persons are invited to submit written data, views, or arguments concerning the proposed regulations to the Director of the Bureau of Labor Standards, Workplace Standards Administration, U.S. Department of Labor, 400 First Street NW., Washington, DC 20210, not later than March 2, 1971.

Interested persons are also invited to attend regional informal hearings to be held at the places and at the times indicated below to present orally or in writing data, views, or arguments concerning the proposal before presiding officers to be designated for this purpose.

Each hearing shall be commenced at 10 a.m., local time, at the following places on the indicated dates in 1971:

February 17 and 18.	New York City	Main Post Office Conference Room, 31st and Eighth Ave.
February 22 and 23.	Atlanta	Biltmore Hotel, 817 West Peachtree St. NE.
February 22 and 23.	Chicago	U.S. Army Reserve Facility, 5020 South Cornell Ave.
February 25 and 26.	Dallas	Baker Hotel, Commerce and Akard Sts.
February 25 and 26.	San Francisco.	Bellevue Hotel, 505 Geary St.
March 1 and 2	Washington.	Conference Room, General Accounting Office Bldg., Fourth and G Sts. NW.

Interested persons wishing to appear at any one of the listed hearings should notify in writing the Director of the Bureau of Labor Standards at his address given above. Such notice of intention to appear (original and two copies) should be filed at least 1 week before the first day of the scheduled hearings in which participation is sought, and should indicate the amount of time requested for the presentation. No interested person shall be permitted to testify at more than one hearing.

Each presiding officer at each hearing is empowered to do the following: (1) To regulate the course of the hearing; (2) to rule upon procedural requests, objections, and other procedural matters; (3) in his discretion to call and examine witnesses; (4) to administer oaths and affirmations; and (5) to enforce his decisions relating to the orderly conduct of the proceeding by excluding persons from the hearing room.

The use of prepared statements by witnesses is encouraged. A reporter will be present at each hearing. However, only a report of summarized testimony and procedural matters will be prepared unless the presiding officer in his discretion finds after inviting argument from those participating that a report of summarized testimony will not result in the making of an adequate record of the oral comments to be made, in which case such portions of the proceeding as he may designate will be reported verbatim.

Following the close of each hearing, the presiding officer shall certify the record thereof to the Director of the Bureau of Labor Standards. The Director shall combine the records of the individual hearings, and shall forthwith transmit the combined record to the Advisory Committee on Construction Safety and Health for the rendering of general advice to the Secretary on the proposal and in addition the Director may request the advice of the Advisory Committee on such specific subjects and issues as he may consider appropriate. As soon thereafter as practicable, the Advisory Committee shall convene and render its advice to the Secretary of Labor and transmit the record therewith. The advice of the Advisory Committee shall be public information.

In carrying out its duties under the preceding paragraph, a majority of the members of the Advisory Committee shall constitute a quorum, provided at least one public member, one member representative of contractors, and one member representative of employees are present. Approval by a majority of all members of the Advisory Committee is encouraged for rendering advice and making recommendations. However, a failure to marshal a majority of all members of the Advisory Committee shall not be reason for delaying the giving of advice to the Secretary. The Secretary shall be informed of any concurring or dissenting views. If the advice of the Advisory Committee is not forthcoming within a reasonable time, the Secretary of Labor shall direct the immediate return of the record so that action upon the proposal may be promptly concluded.

For a general description of the composition and functions of the Advisory Committee, see Secretary of Labor's Order No. 14–70, published in the FEDERAL REGISTER on July 15, 1970 (35 F.R. 11320).

The proposed Part 1518 reads as set forth below.

Signed at Washington, D.C., this 15th day of January 1971.

J. D. HODGSON,
Secretary of Labor.

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart A—General

Sec.
1518.1 Purpose and scope.
1518.2 Variations from safety and health standards.
1518.3 Inspections—right of entry.
1518.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

Subpart B—General Interpretations

1518.10 Scope of subpart.
1518.11 Coverage under section 103 of the act distinguished.
1518.12 Reorganization Plan No. 14 of 1950.
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1518.15 Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.
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Subpart C—General Safety and Health Provisions

1518.20 General safety and health provisions.
1518.21 Safety training and education.
1518.22 Recording and reporting of injuries.
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1518.24 Fire protection and prevention.
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1518.26 Illumination.
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1518.50 Medical services and first aid.
1518.51 Sanitation.
1518.52 Occupational noise exposure.
1518.53 Ionizing radiation.
1518.54 Nonionizing radiation.
1518.55 Gases, vapors, fumes, dusts, and mists.
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1518.100 Head protection.
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Subpart F—Fire Protection and Prevention

1518.150 Definitions.
1518.151 Fire protection.
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1518.153 Flammable and combustible liquids.
1518.154 Liquefied petroleum gas (LP-Gas).
1518.155 Temporary heating devices.

Subpart G—Signs, Signals, and Barricades

1518.200 Accident prevention signs and tags.
1518.201 Signaling.
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Subpart H—Materials Handling, Storage, Use, and Disposal

1518.250 General requirements for storage.
1518.251 Rigging equipment for material handling.
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Subpart I—Tools—Hand and Power

1518.300 General requirements.
1518.301 Hand tools.
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1518.303 Abrasive wheels and tools.
1518.304 Woodworking tools.
1518.305 Jacks—lever and ratchet, screw and hydraulic.

Subpart J—Welding and Cutting

1518.350 Ventilation and protection in welding, cutting, and heating.
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Sec.
1518.352 Welding, cutting and heating in way of preservative coatings.
1518.353 Gas welding and cutting.
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Subpart K—Electrical

1518.400 General requirements.
1518.401 Grounding and bonding.
1518.402 Equipment installation and maintenance.
1518.403 Battery rooms and battery charging.
1518.404 Hazardous locations.
1518.405 Definitions.

Subpart L—Ladders and Scaffolding

1518.450 Ladders.
1518.451 Scaffolding.
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Subpart M—Floor and Wall Openings, and Stairways

1518.500 Guardrails, handrails, and covers.
1518.501 Stairways.
1518.502 Definitions.

Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors

1518.550 Cranes and derricks.
1518.551 Helicopters.
1518.552 Material hoists and personnel elevators.
1518.553 Base-mounted drums hoists.
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Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations

1518.600 Equipment.
1518.601 Motor vehicles.
1518.602 Material handling equipment.
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Subpart P—Excavations, Trenching, and Shoring

1518.650 General requirements.
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Subpart Q—Concrete Forms and Shoring

1518.700 General provisions.
1518.701 Vertical shoring.

Subpart R—Steel Erection

1518.750 Flooring requirements.
1518.751 Structural steel assembly.
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Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air

1518.200 Tunnels and shafts.
1518.801 Caissons.
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Subpart T—Demolition

1518.850 Preparatory operations.
1518.851 Stairs, passageways, and ladders.
1518.852 Chutes.
1518.853 Removal of materials through floor holes.
1518.854 Removal of walls, masonry sections, and chimneys.
1518.855 Manual removal of floors.
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1518.857 Storage.
1518.858 Removal of steel construction.
1518.859 Mechanical demolition.

Subpart U—Blasting and Use of Explosives

1518.900 General provisions.
1518.901 Blaster qualifications.
1518.902 Surface transportation of explosives.
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1518.904 Storage of explosives and blasting agents.
1518.905 Storage within magazines.
1518.906 Loading of explosives or blasting agents.
1518.907 Initiation of explosive charges.
1518.908 Use of safety fuse.
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1518.910 Firing the blast.
1518.911 Inspection after blasting.
1518.912 Misfires.
1518.913 Underwater blasting.
1518.914 Blasting in excavations under compressed air.
1518.915 Definitions.

Subpart V—Power Distribution and Transmission Lines

1518.950 Power distribution lines.
1518.951 Transmission lines.

Subpart W—Recording and Reporting Work Injury Frequency and Severity Data and Accident Costs

1518.1000 Definitions for purpose of this part.
1518.1001 Records.
1518.1002 Injury reports required.
1518.1003 Schedule of time charges.

AUTHORITY: The provisions of this Part 1518 issued under sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87–581, 76 Stat. 357; 40 U.S.C. 327.

Subpart A—General

§ 1518.1 Purpose and scope.

(a) This part sets forth the safety and health standards promulgated by the Secretary of Labor under section 107 of the Contract Work Hours and Safety Standards Act. The standards are published in Subpart C of this part and following subparts.

(b) Subpart B of this part contains statements of general policy and interpretations of section 107 of the Contract Work Hours and Safety Standards Act having general applicability.

§ 1518.2 Variations from safety and health standards.

(a) In case of substantial engineering or other practical difficulties, a contractor or subcontractor may request a variation from any of the safety and health standards published in Subpart C of this part and following subparts.

(b) Any contractor or subcontractor desiring a variation shall file with the Director of the Bureau of Labor Standards a written application in triplicate containing the following:

(1) The name and address of the applicant;

(2) A reference to the applicable standard, including the applicable provisions of this part;

(3) A full description of the proposed variation from the standard;

(4) A statement of how the variation would provide for protecting the surroundings or working conditions of the laborers or mechanics sought to be protected by the standard; and

(5) A statement of the substantial engineering or other practical difficulties which are asserted.

(c) The Director may require the applicant to furnish additional information.

(d) If the Director finds that the variation will not prejudice the safety or health of the laborers or mechanics sought to be protected by the standard, he shall grant the variation with such modifications, restrictions, or qualifications as he may consider to be necessary or appropriate.

(e) The terms and conditions of the variation may be modified at the discretion of the Director or upon application of the contractor or subcontractor or other interested person.

(f) The Director may cancel the variation for cause.

(g) Notice of the granting or cancellation of a variation shall be published in the FEDERAL REGISTER.

§ 1518.3 Inspections—right of entry.

(a) It shall be a condition of each contract which is subject to section 107 of the Contract Work Hours and Safety Standards Act that the Secretary of Labor or any authorized representative shall have a right of entry to any site of contract performance for the following purposes:

(1) To inspect or investigate the matter of compliance with the safety and health standards contained in Subpart C of this part and following subparts; and

(2) To carry out the duties of the Secretary under section 107(f) of the Act.

(b) For the purpose of carrying out his investigative duties under the Act, the Secretary of Labor may, by agreement, use with or without reimbursement the services, personnel, and facilities of any State or Federal agency. Any agreements with States under this section shall be similar to those provided for under the Walsh-Healey Public Contracts Act under 41 CFR Part 50–205.

§ 1518.4 Rules of practice for administrative adjudications for enforcement of safety and health standards.

(a) The rules of practice for administrative adjudications for the enforcement of the safety and health standards contained in Subpart C of this part and the following subparts shall be the same as those published in Part 6 of this title with respect to safety and health violations of the Service Contract Act of 1965 (69 Stat. 1035), except as provided in paragraph (b) of this section.

(b) In the case of debarment, the findings required by section 107(d) of the Act shall be made by the hearing examiner or the Director, as the case may be. Whenever, as provided in section 107(d)(2), a contractor requests termination of debarment before the end of the 3-year period prescribed in that section, the request shall be filed in writing with the Director who shall publish a notice in the FEDERAL REGISTER that the request has been received and afford interested persons an opportunity to be heard upon the request, and thereafter the provisions of Part 6 of this title shall apply with respect to prehearing conferences,

hearings and related matters, and decisions and orders.

Subpart B—General Interpretations

§ 1518.10 Scope of subpart.

(a) This subpart contains the general rules of the Secretary of Labor interpreting and applying the construction safety and health provisions of section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96). Section 107 requires as a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and which is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation.

§ 1518.11 Coverage under section 103 of the act distinguished.

(a) *Coverage under section 103.* It is important to note that the coverage of section 107 differs from that for the overtime requirements of the Contract Work Hours and Safety Standards Act. The application of the overtime requirements is governed by section 103, which, subject to specific exemptions, includes (1) Federal contracts requiring or involving the employment of laborers or mechanics (thus including, but not limited to, contracts for construction), and (2) contracts assisted in whole or in part by Federal loans, grants, or guarantees under any statute "providing wage standards for such work." The statutes "providing wage standards for such work" include statutes for construction which require the payment of minimum wages in accordance with prevailing wage findings by the Secretary of Labor in accordance with the Davis-Bacon Act. A provision to section 103 excludes from the overtime requirements work where the Federal assistance is only in the form of a loan guarantee or insurance.

(b) *Coverage under section 107.* To be covered by section 107 of the Contract Work Hours and Safety Standards Act, a contract must be one which (1) is entered into under a statute that is subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267); and (2) is for "construction, alteration, and/or repair, including painting and decorating."

§ 1518.12 Reorganization Plan No. 14 of 1950.

(a) *General provisions.* Reorganization Plan No. 14 of 1950 relates to the prescribing by the Secretary of Labor of "appropriate standards, regulations, and procedures" with respect to the enforcement of labor standards under Federal and federally assisted contracts which are subject to various statutes subject to the Plan. The rules of the Secretary of Labor implementing the Plan are published in Part 5 of this title. Briefly, the statutes subject to the Plan include the Davis-Bacon Act, including its extension to Federal-aid highway legislation subject to 23 U.S.C. 113, and other statutes subject to the Plan by its original terms, statutes by which the Plan is expressly applied, such as the Contract Work Hours Standards Act by virtue of section 104(d) thereof.

(b) *The Plan.* (1) The statutes subject to Reorganization Plan No. 14 of 1950 are cited and briefly described in the remaining subparagraphs of this paragraph. These descriptions are general in nature and not intended to convey the full scope of the work to be performed under each statute. The individual statutes should be resorted to for a more detailed scope of the work.

(2) *Federal-Aid Highway Acts.* The provisions codified in 23 U.S.C. 113 apply to the initial construction, reconstruction, or improvement work performed by contractors or subcontractors on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid system. As cited in 41 Op. A.G. 488, 496, the Attorney General ruled that the Federal-Aid Highway Acts are subject to Reorganization Plan No. 14 of 1950.

(3) *National Housing Act (12 U.S.C. 1713, 1715a, 1715e, 1715k, 1715l(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748, 1748h–2, 1750g, 1715l(h)(1), 1715z (j)(1), 1715z–1, 1715y(d), Subchapter 1x–A and 1x–B, 1715z–7).* This act covers construction which is financed with assistance by the Federal Government through programs of loan and mortgage insurance for the following purposes:

(i) Rental Housing—Section 1713 provides mortgage and insurance on rental housing of eight or more units and on mobile-home courts.

(ii) Section 1715a—Repealed.

(iii) Cooperative Housing—Section 1715e authorizes mortgage insurance on cooperative housing of five or more units as well as supplementary loans for improvement of repair or resale of memberships.

(iv) Urban Renewal Housing—Section 1715k provides mortgage insurance on single family or multifamily housing in approved urban renewal areas.

(v) Low or Moderate Income Housing—Section 1715L(d) (3) and (4) insures mortgages on low-cost single family or multifamily housing.

(vi) Housing for Elderly—Section 1715v provides mortgage insurance on rental housing for elderly or handicapped persons.

(vii) Nursing Homes—Section 1715w authorizes mortgage insurance on nursing home facilities and major equipment.

(viii) Experimental Housing—Section 1715x provides mortgage insurance on single family or multifamily housing with experimental design of materials.

(ix) War Housing Insurance—Section 1743 not active.

(x) Yield Insurance—Section 1747 insures investment returns on multifamily housing.

(xi) Armed Services Housing—Section 1748b to assist in relieving acute shortage and urgent need for family housing at or in areas adjacent to military installations.

(xii) Defense Housing for Impacted Areas—Section 1748h–2 provides mortgage insurance on single family or multifamily housing for sale or rent primarily to military or civilian personnel of the Armed Services, National Aeronautics and Space Administration, or Atomic Energy Commission.

(xiii) Defense Rental Housing—Section 1750g provides for mortgage insurance in critical defense housing areas.

(xiv) Rehabilitation—Section 1715L(h)(1) provides mortgage insurance for nonprofit organizations to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent resale to low-income home purchasers. There must be located on the property five or more single family dwellings of detached, semidetached, or row construction.

(xv) Homeowner Assistance—Section 1715Z(j)(1) authorizes mortgage insurance to nonprofit organizations or public bodies or agencies executed to finance sale of individual dwellings to lower income individuals or families. Also includes the rehabilitation of such housing if it is deteriorating or substandard for subsequent resale to lower income home purchasers.

(xvi) Rental Housing Assistance—Section 1715Z–1 authorizes mortgage insurance and interest reduction payments on behalf of owners of rental housing projects designed for occupancy by lower income families. Payments are also authorized for certain State or locally aided projects.

(xvii) Condominium Housing—Section 1715y(d) provides mortgage insurance on property purchased for the development of building sites. This includes waterlines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electrical lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installation or work.

(xviii) Group Medical Practice Facilities—Subchapter LX–B authorizes mortgage insurance for the financing of construction and equipment, of facilities for group practice of medicine, optometry, or dentistry.

(xix) Nonprofit Hospitals—1715z–7 authorizes mortgage insurance to cover new and rehabilitated hospitals, including initial equipment.

(4) *Hospital Survey and Construction Act, as amended by the Hospital and Medical Facilities Amendments of 1964 (42 U.S.C. 291e).* The provisions of this Act cover construction contracts made by State or local authorities or private institutions under Federal grant-in-aid programs for the construction of hospitals and other medical facilities.

(5) *Federal Airport Act (49 U.S.C. 1114(b)).* The act provides grant-in-aid funds for airport construction limited to general site preparation runways, taxiways, aprons, lighting appurtenant thereto, and fire, rescue, and maintenance buildings. The act excludes construction intended for use as a public parking facility for passenger automobiles and the cost of construction of any part of an airport building except such of those buildings or parts of buildings to house facilities or activities directly related to the safety of persons at the airport.

(6) *Housing Act of 1949 (42 U.S.C. 1459).* Construction contracts awarded by local authorities financed with the assistance of loans and grants from the Federal Government. The construction programs are for slum clearance and urban renewal which includes rehabilitation grants, neighborhood development programs, neighborhood renewal plans, community renewal, demolition projects, and assistance for blighted areas. See the Housing Act of 1964, No. 21 below, concerning financial assistance for low-rent housing for domestic farm labor.

(7) *School Survey and Construction Act of 1950 (20 U.S.C. 636).* This act provides for a Federal grant-in-aid program to assist in the construction of schools in federally affected areas.

(8) *Defense Housing & Community Facilities & Services Act of 1951 (42 U.S.C. 1592i).* Inactive Program.

(9) *United States Housing Act of 1937 (42 U.S.C. 1416).* This statute covers the construction of low-rent public housing and slum clearance projects awarded by local authorities. These projects are financed with the assistance of loans and grants from the Federal Government. The slum clearance is the demolition and removal of buildings from any slum area to be used for a low-rent housing project.

(10) *Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).* This act provides for Federal assistance to the several States and their political subdivisions in the field of civil defense which includes procurement, construction, leasing, or renovating of materials and facilities.

(11) *Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).* This joint resolution creates, by intergovernmental compact between the United States, Delaware, New Jersey, New York, and Pennsylvania, a regional agency for planning, conservation, utilization, development, management and control of the water and related sources of the Delaware River.

(12) *Cooperative Research Act (20 U.S.C. 332a(c)).* This act provides Federal grants to a university, college, or other appropriate public or nonprofit private agency or institution for part or all of the cost of constructing a facility for research or for research and related purposes. Research and related purposes means research, research training, surveys, or demonstrations in the field of education, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental schools, except that such term does not include research, research training, surveys, or demonstrations in the field of sectarian instruction or the dissemination of information derived therefrom. Construction includes new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings and the equipping of new buildings and existing buildings.

(13) *Health Professions Educational Assistance Act of 1963 (42 U.S.C. 292d (c)(4), 293a(c)(5)).* The provisions of this act provide for grants to assist public and nonprofit medical, dental, and similar schools for the construction, expansion, or renovation of teaching facilities.

(14) *Mental Retardation Facilities Construction Act (42 U.S.C. 295(a)(2)(D), 2662(5), 2675(a)(5)).* This act authorizes Federal financial assistance in the construction of centers for research on mental retardation and related aspects of human development, of university-affiliated facilities for the mentally retarded and of facilities for the mentally retarded.

(15) *Community Mental Health Centers Act (42 U.S.C. 2685(a)(5)).* This act authorizes Federal grants for the construction of public and other nonprofit community mental health centers.

(16) *Higher Education Facilities Act of 1963 (20 U.S.C. 753).* This act authorizes the grant or loan of Federal funds to assist public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of academic and related facilities in undergraduate and graduate schools.

(17) *Vocational Educational Act of 1963 (20 U.S.C. 35f).* This act provides for Federal grants to the various States for construction of area vocational education school facilities.

(18) *Library Services and Construction Act (20 U.S.C. 355e(a)(4)).* This act provides for Federal assistance to the various States for the construction of public libraries.

(19) *Urban Mass Transportation Act of 1954 (49 U.S.C. 1609).* This act provides for grants and loans to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban area and in coordinating such service with highway and other transportation in such areas.

(20) *Economic Opportunity Act of 1964 (42 U.S.C. 2947).* This act covers construction which is financed with assistance of the Federal Government for the following purposes:

(i) Authorizes Federal assistance for construction of projects, buildings and works which will provide young men and women in rural and urban residential centers with education, vocational training, and useful work experience (Title I).

(ii) Authorizes financial assistance for construction work planned and carried out at the community level for anti-poverty programs (Title II):

(a) Authorizes loans to low income rural families by assisting them to acquire or improve real estate or reduce encumbrances or erect improvements thereon, and to participate in cooperative associations and/or to finance non-agricultural enterprises which will enable such families to supplement their income (Title III);

(b) Authorizes loans to local cooperative associations furnishing essential processing, purchasing, or marketing services, supplies, or facilities predominantly to low-income rural families (Title III);

(c) Authorizes financial assistance to States, political subdivisions of States, public and nonprofit agencies, institutions, organizations, farm associations, or individuals in establishing housing, sanitation, education, and child day-care programs for immigrants and other seasonally employed agricultural employees and their families (Title III).

(iii) Authorizes loans or guarantees loans to small businesses for construction work (Title IV).

(iv) Authorizes the payment of the cost of experimental, pilot, or demonstration projects to foster State programs providing construction work experience or training for unemployed fathers and needy people (Title V).

(21) *Housing Act of 1964 (42 U.S.C. 1486(f); 42 U.S.C. 1452b(e)).* Provides financial assistance for low-rent housing for domestic farm labor. The Act further provides for loans, through public or private agencies, where feasible, to owners or tenants of property in urban renewal areas to finance rehabilitation required to conform the property to applicable code requirements or carry out the objectives of the urban renewal plan for the area.

(22) *The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779e(b)).* This act authorizes financial assistance to State agencies for construction projects designed for the research and development of the commercial fisheries resources of the Nation.

(23) *The Nurse Training Act of 1964 (42 U.S.C. 296a(b)(5)).* This act provides for grants to assist in the construction of new facilities for collegiate, associate degree, and diploma schools of nursing, or replacement or rehabilitation of existing facilities of such schools.

(24) *Elementary and Secondary Education Act of 1965 (20 U.S.C. 241i, 848).* The purpose of the act is to provide financial assistance to local educational agencies serving areas with concentrations of children from low income families for construction in connection with the expansion or improvement of their educational programs.

(25) *Federal Water Pollution Control Act, as amended by the Water Quality Act of 1965 (3 U.S.C. 466e(g)).* Provides for financial assistance to States or municipalities for construction of facilities in connection with the prevention and control of water pollution. This includes projects that will control the discharge into any waters of untreated or inadequately treated sewage.

(26) *Appalachian Regional Development Act of 1965 (40 U.S.C. App. 402).*

Authorizes Federal assistance in the construction of an Appalachian development highway system; construction of multicounty demonstration health facilities, hospitals, regional health, diagnostic and treatment centers, and other facilities for health; seal and fill voids in abandoned mines and to rehabilitate strip mine areas; construction of school facilities for vocational education; and to assist in construction of sewage treatment works.

(27) *National Technical Institute for the Deaf Act (20 U.S.C. 684(b)(5))*. Provides for financial assistance for institutions of higher education for the establishment, construction, including equipment and operation, of a National Institution for the Deaf.

(28) *Housing Act of 1959 (12 U.S.C. 1701(q)(c)(3))*. This act authorizes loans to nonprofit corporations to be used for the construction of housing and related facilities for elderly families. Also, the provisions of the act provide for rehabilitation, alteration, conversion or improvement of existing structures which are otherwise inadequate for proposed dwellings used by such families.

(29) *College Housing Act of 1950, as amended (12 U.S.C. 1749a(f))*. This act provides for Federal loans to assist educational institutions in providing housing and other educational facilities for students and faculties.

(30) *Housing and Urban Development Act of 1965 (42 U.S.C. 1500c–3, 3107)*. This act provides for Federal assistance for the following purposes:

(i) Grants to States and local public bodies to assist in any construction work to be carried out under the open-space land and urban beautification provisions contained therein. It provides for parks and recreation areas, conservation of land and other natural resources, and historical and scenic purposes.

(ii) Grants to local public bodies and agencies to finance specific project for basic public water facilities (including works for the storage, treatment, purification, and distribution of water), and for basic public sewer facilities (other than "treatment works" as defined in the Federal Water Pollution Control Act).

(iii) Grants to any local public body or agency to assist in financing neighborhood facilities. These facilities must be necessary for carrying out a program of health, recreational, social, or similar community service and located so as to be available for the use of the area's low or moderate income residents.

(31) *National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k))*. The act establishes the "National Foundation on the Arts and the Humanities" which may provide matching grants to groups (nonprofit organizations and State and other public organizations) and to individuals engaged in creative and performing arts for the entire range of artistic activity, including construction of necessary facilities.

(32) *Public Works and Economic Development Act of 1965 (42 U.S.C. 3222)*. This act provides for Federal assistance for the following purposes:

(i) Grants for the acquisition or development of land or improvements for public works or development facility usage in redevelopment areas. It authorizes loans to assist in financing the purchase or development of land for public works which will assist in the creation of long-term employment opportunities in the area.

(ii) Loans for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage within redevelopment areas; guarantee of loans for working capital made to private borrowers by private lending institutions in connection with direct loan projects; and to contract to pay to, or on behalf of, business entities locating in redevelopment areas, a portion of the interest costs which they incur in financing their expansions from private sources.

(iii) Loans and grants to create economic development centers within designated county economic development districts.

(33) *High-Speed Ground Transportation Study (40 U.S.C. 1636(b))*. This act provides for financial assistance for construction activities in connection with research and development of different forms of high-speed ground transportation and demonstration projects relating to intercity rail passenger service.

(34) *Heart Disease, Cancer and Stroke Amendments of 1965 (42 U.S.C. 299(b)(4))*. This act provides for grants to public or nonprofit private universities, medical schools, research institutions, hospitals, and other public and nonprofit agencies and institutions, or associations thereof to assist in construction and equipment of facilities in connection with research, training, demonstration of patient care, diagnostic and treatment related to heart disease, cancer, stroke, and other major diseases.

(35) *Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965 (20 U.S.C. 618(g))*. These provisions provide for grants to institutions of higher education for construction of facilities for research or for research and related purposes relating to education for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education.

(36) *Vocational Rehabilitation Act Amendments of 1965 (29 U.S.C. 41a(b)(4))*. This act authorizes grants to assist in meeting the costs of construction of public or other nonprofit workshops and rehabilitation facilities.

(37) *Clean Air and Solid Waste Disposal Acts (42 U.S.C. 3256)*. This act provides for financial assistance to public (Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the construction of facilities for solid-waste disposal. The term construction includes the installation of initial equipment.

(38) *Medical Library Assistance Act of 1965 (42 U.S.C. 280b–3(b)(3))*. This act provides for grants to public or private non-profit agencies or institutions for the cost of construction of medical library facility.

(39) *Veterans Nursing Home Care Act (38 U.S.C. 5035(a)(8))*. The construction industry health and safety standards do not apply to this act since it is not subject to Reorganization Plan No. 14 of 1950.

(40) *National Capital Transportation Act of 1965 (40 U.S.C. 682(b)(4))*. This act provides for Federal assistance to the National Capital Transportation Agency for construction of a rail rapid transit system and related facilities for the Nation's Capital.

(41) *Alaska Centennial—1967 (80 Stat. 82)*. The program under this legislation has expired.

(42) *Model Secondary School for the Deaf Act (80 Stat. 1028)*. This act provides for funds to establish and operate, including construction and initial equipment of new buildings, expansion, remodeling, and alteration of existing buildings and equipment thereof, a model secondary school for the deaf to serve the residents of the District of Columbia and nearby States.

(43) *Allied Health Professions Personnel Training Act of 1966 (42 U.S.C. 295h(b)(2)(E))*. This act provides for grants to assist in the construction of new facilities for training centers for allied health professions, or replacement or rehabilitation of existing facilities for such centers.

(44) *Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3310; 12 U.S.C. 1715c; 42 U.S.C. 1416)*. This act provides for Federal assistance for the following purposes:

(i) Grants to assist in the construction, rehabilitation, alteration, or repair of residential property only if such residential property is designed for residential use for eight or more families to enable city demonstration agencies to carry out comprehensive city demonstration programs (42 U.S.C. 3310).

(ii) Amends the National Housing Act (12 U.S.C. 1715c) and the Housing Act of 1937 (42 U.S.C. 1416). See these acts for coverage.

(45) *Air Quality Act of 1967 (42 U.S.C. 1857j–3)*. This act provides for Federal assistance to public or nonprofit agencies, institutions, and organizations and to individuals, and contracts with public or private agencies, institutions, or persons for construction of research and development facilities and demonstration plants relating to the application of preventing or controlling discharges into the air of various types of pollutants.

(46) *Elementary and Secondary Education Amendments of 1967 (Title VII—Bilingual Education Act) (20 U.S.C. 880b–6)*. This act provides for Federal assistance to local educational agencies or to an institution of higher education applying jointly with a local educational agency for minor remodeling projects in connection with bilingual education programs to meet the special needs of children with limited English-speaking ability in the United States.

(47) *Vocational Rehabilitation Amendments of 1967 (29 U.S.C. 42a(c)(3))*. This act authorizes Federal assistance to any public or nonprofit private agency or organization for the construction of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind which shall be known as the National Center for Deaf-Blind Youths and Adults. Construction includes new buildings and expansion, remodeling, alteration and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

(48) *National Visitor Center Facilities Act of 1968 (40 U.S.C. 808)*. This act authorizes agreements and leases with the owner of property in the District of Columbia known as Union Station for the use of all or a part of such property for a national visitor center to be known as the National Visitor Center. The agreements and leases shall provide for such alterations of the Union Station Building as necessary to provide adequate facilities for visitors. They also provide for the construction of a parking facility, including necessary approaches and ramps.

(49) *Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3843)*. This act provides for Federal grants to State, county, municipal, or other public agency or combination thereof for the construction of facilities to be used in connection with rehabilitation services for the diagnosis, treatment, and rehabilitation of delinquent youths and youths in danger of becoming delinquent.

(50) *Housing and Urban Development Act of 1968 (including New Communities Act of 1968) (42 U.S.C. 3909)*. This act provides for Federal assistance for the following purposes:

(i) Guarantees, and commitments to guarantee, the bonds, debentures, notes, and other obligations issued by new community developers to help finance new community development projects.

(ii) Amends section 212(a) of the National Housing Act, adding section 236 for "Rental Housing for Lower Income Families" and section 242 "Mortgage Insurance for Nonprofit Hospitals" thereto.

(51) *Public Health Service Act Amendment (Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968) (42 U.S.C. 2681, et seq.)*. This act provides for grants to a public and nonprofit private agency or organization for construction projects consisting of any facilities (including post-hospitalization treatment facilities for the prevention and treatment of alcoholism or treatment) of narcotic addicts.

(52) *Vocational Education Amendments of 1968 (20 U.S.C. 1246)*. This act provides for grants to States for the construction of area vocational education school facilities. The act further provides grants to public educational agencies, organizations, or institutions for construction of residential schools to provide vocational education for the purpose of demonstrating the feasibility and desirability of such schools. The act still further provides grants to State boards, to colleges and universities, to public educational agencies, organizations or institutions to reduce the cost of borrowing funds for the construction or residential schools and dormitories.

(c) *VA and FHA housing*. In the course of the legislative development of section 107, it was recognized that section 107 would not apply to housing construction for which insurance was issued by the Federal Housing Authority and Veterans' Administration for individual home ownership. Concerning construction under the National Housing Act, Reorganization Plan No. 14 of 1950 applies to construction which is subject to the minimum wage requirements of section 212(a) thereof (12 U.S.C. 1715c).

§ 1518.13 Interpretation of statutory terms.

(a) The terms "construction," "alteration," and "repair" used in section 107 of the Act are also used in section 1 of the Davis-Bacon Act (40 U.S.C. 276a), providing minimum wage protection on Federal construction contracts, and section 1 of the Miller Act (40 U.S.C. 270a), providing performance and payment bond protection on Federal construction contracts. Similarly, the terms "contractor" and "subcontractor" are used in those statutes, as well as in Copeland (Anti-Kickback) Act (40 U.S.C. 276c) and the Contract Work Hours and Safety Standards Act itself, which apply concurrently with the Miller Act and the Davis-Bacon Act on Federal construction contracts and also apply to most federally assisted construction contracts. The use of the same or identical terms in these statutes which apply concurrently with section 107 of the Act have considerable precedential value in ascertaining the coverage of section 107.

(b) It should be noted that section 1 of the Davis-Bacon Act limits minimum wage protection to laborers and mechanics "employed directly" upon the "site of the work." There is no comparable limitation in section 107 of the Act. Section 107 expressly requires as a self-executing condition of each covered contract that no contractor or subcontractor shall require "any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety" as these health and safety standards are applied in the rules of the Secretary of Labor. However, it should be borne in mind that it is clearly the Congressional intent to apply section 107 of the Act only to the construction industry. Therefore, employers having what are technically subcontracts for a part of the prime contract performance would not be considered "subcontractors" unless that part may be reasonably characterized as "construction," "alteration," or "repair."

§ 1518.14 Federal contract for "mixed" types of performance.

(a) It is the intent of the Congress to provide safety and health protection of Federal, federally financed, or federally assisted construction. See, for example, H. Report. No. 91–241, 91st Cong., first session, p. 1 (1969). Thus, it is clear that when a Federal contract calls for mixed types of performance, such as both manufacturing and construction, section 107 would apply to the construction. By its express terms, section 107 applies to a contract which is "for construction, alteration, and/or repair." Such a contract is not required to be exclusively for such services. The application of the section is not limited to contracts which permit an overall characterization as "construction contracts." The text of section 107 is not so limited.

(b) When the mixed types of performances include both construction and manufacturing, see also § 1518.15(b) concerning the relationship between the Walsh-Healey Public Contracts Act and section 107.

§ 1518.15 Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.

(a) A contract for "construction" is one for nonpersonal service. See, e.g., 41 CFR 1–1.208. Section 2(e) of the Service Contract Act of 1950 (bid specification therefor) exceeding $2,500, the "principal purpose" of which is to furnish services to the United States through the use of "service employees," that certain safety and health standards be met. See 29 CFR Part 1516, which contains the Department rules concerning these standards. Section 7 of the Service Contract Act provides that the Act shall not apply to "any contract of the United States or District of Columbia for construction, alteration, and/or repair, including painting and decorating of public buildings or public works." It is clear from the legislative history of section 107 that no gaps in coverage between the two statutes are intended.

(b) The Walsh-Healey Public Contracts Act requires that contracts entered into by any Federal agency for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must contain among other provisions a requirement that "no part of such contract will be performed nor with any of their materials, supplies, articles or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract." The rules of the Secretary concerning these standards are published in 29 CFR Part 50–204, and express the Secretary of Labor's interpretation and application of section 1(e) of the Walsh-Healey Public Contracts Act to certain particular working conditions. None of the described working conditions are intended to deal with

construction activities, although such activities may conceivably be a part of a contract which is subject to the Walsh-Healey Public Contracts Act. Nevertheless, such activities remain subject to the general statutory duty prescribed by section 1(e).

(1) Section 103(b) of the Contract Work Hours and Safety Standards Act provides, among other things, that the Act shall not apply to any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act.

§ 1518.16 Rules of construction.

Whenever an obligation is prescribed as that of the employer under the standards in this part, it may be satisfied by the prime contractor, any subcontractors, or by combination thereof. When employment is by a subcontractor, the paramount concern is that the laborers and mechanics are afforded safe and healthful working conditions. If an obligation is undertaken by a prime contractor or any subcontractors in addition to the immediate employer, such prime contractor, and subcontractors, as well as the immediate employer, shall be considered subject to the enforcement provisions of the Act.

Subpart C—General Safety and Health Provisions

§ 1518.20 General safety and health provisions.

(a) *Contractor requirements.* (1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), as defined in § 1518.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety.

(b) *Accident prevention responsibilities.* (1) It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part.

(2) Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

(3) The use of unsafe machinery, tools, materials, or equipment is prohibited. Unsafe tools, materials, or equipment shall be identified as unsafe by tagging or by locking the controls to render them inoperable, or they shall be removed from service.

(4) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

§ 1518.21 Safety training and education.

(a) *General requirements.* The Director shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe conditions in employments covered by the act.

(b) *Employer responsibility.* (1) The employer should avail himself of the safety and health training programs the Director provides.

(2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(3) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(4) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

(5) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Subparts D, F, and other applicable subparts of this part.

(6) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

§ 1518.22 Recording and reporting of injuries.

(a) *Employer requirements.* Subpart W of this part contains requirements and procedures for the recording, reporting, maintenance, and submission of the injury data and reports deemed necessary to achieve the objective in section 107(f) of the Act.

§ 1518.23 First aid and medical attention.

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations. Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in Subpart D of this part.

§ 1518.24 Fire protection and prevention.

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by Subpart F of this part.

§ 1518.25 Housekeeping.

(a) During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.

(b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

(c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other wastes shall be equipped with covers. Garbage shall be disposed of at frequent and regular intervals.

§ 1518.26 Illumination.

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in Subpart D of this part.

§ 1518.27 Sanitation.

Health and sanitation requirements for drinking water are contained in Subpart D of this part.

§ 1518.28 Personal protective equipment.

(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions and where this part indicates the need for using such equipment to reduce the hazards to the employees.

(b) Regulations governing the use, selection, and maintenance of personal protective and lifesaving equipment are described under Subpart E of this part.

§ 1518.29 Acceptable certifications.

(a) *Current vessels.* Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, testing of pressure vessels provided by the employer.

(b) *Boilers.* Power boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

(c) *Other requirements.* Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in Subparts F and O of this part.

§ 1518.30 Shipbuilding and ship repairing.

(a) *General.* Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government contract, except naval ship construction, is work subject to the Act.

(b) *Applicable safety and health standards.* For the purpose of work carried out under this section, the safety and health regulations promulgated by the Secretary of Labor shall apply: Part 1501 of this title, Safety and Health Regulations for Ship Repairing, and Part 1502 of this title, Safety and Health Regulations for Shipbuilding.

§ 1518.40 Definitions.

The following definitions shall apply in the application of the regulations in this part:

(a) "Act" means the Contract Work Hours and Safety Standards Act commonly known as the Construction Safety Act.

(b) "Approved" means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.

(c) "Authorized or designated person" means a person approved or assigned by management to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(d) "Boom-type excavator" means a power-operated crane-type excavating machine, usually used for digging or moving materials. Some excavators of this type are commonly known as a dipper stick shovel, back-hoe, trench-hoe shovel, dragline, grab bucket, clamshell, or orange peel excavator.

(e) "Barricade" means an obstruction to prevent the passage of persons, vehicles, or flying materials.

(f) "Competent person," means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to the employees, and shall have the authorization to take prompt corrective measures to eliminate them.

(g) "Bureau" shall mean Bureau of Labor Standards.

(h) "Derrick" means an apparatus for hoisting or swinging loads, consisting of a mast supported by guys or braces. It usually has a boom, hinged at the lower end, for carrying the load. It may be power- or hand-operated.

(i) "Elevator, construction," includes any means used to hoist persons or material of any kind attached to a structure in the course of construction, when operated within guides, by any power other than manual.

(j) "Employee" shall include every laborer or mechanic under the Act regardless of the contractual relationship alleged to exist between the laborer or mechanic and the contractor or subcontractor who engaged him.

(k) "Employer" shall include any contractor or subcontractor covered by the Act.

(l) "Haulage vehicle," as used in these regulations, means a self-propelled vehicle including its trailer, used to transport materials on construction projects. The term "haulage vehicle" includes trucks, truck and trailer combinations, and all other similar equipment used for haulage.

(m) "Hoist" means any apparatus by which a pulling and releasing action can be transmitted through ropes, wire rope, or chains to bring about the raising or lowering of loads.

(n) "Lanyard" means a rope suitable for supporting a worker if one end is fastened to a safety belt and the other end is secured to a substantial object or a safety line.

(o) "Loading device" means a mobile mechanical-powered machine of the skip-loader type used for picking up materials and loading or dumping them into haulage vehicles, bins, or hoppers, excluding boom-type excavators and endless belt or chain conveyors.

(p) "Ramp" means a surfaced sloping passageway connecting two different levels.

(q) "Lifeline" is one that is provided to protect a worker from falls caused by failure of scaffolds, working platforms, or loss of balance, and shall extend to within 4 feet of ground or other stable surface.

(r) "Scaffold" means the complete scaffold structure, including the platform and all supporting members.

(s) "Shall" means mandatory.

(t) "Should" means recommended.

§ 1518.49 Incorporation by reference.

(a) The specifications, standards and codes of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government, to the extent they are legally incorporated by reference in this part, have the same force and effect as other standards in this part. The locations where these specifications, standards, and codes may be examined are as follows:

(1) Offices of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Bureau of Labor Standards which are listed in the U.S. Government Manual 1970–71, at page 324.

(b) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (a) of this section. All questions as to the applicability of such changes should also be referred to these offices.

Subpart D—Occupational Health and Environmental Controls

§ 1518.50 Medical services and first aid.

(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.

(b) In the absence of an infirmary, clinic, or hospital in near proximity to the job site which is available for the treatment of all injured employees, a person or persons who have met the training qualifications of the U.S. Bureau of Mines or the American Red Cross shall be available to render first aid. First aid supplies approved by the consulting physician shall be readily available.

(c) The first aid materials shall consist of a weather proof container with individual sealed packages for each type of item. The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) Provisions shall be made in advance for prompt medical attention in case of serious injury.

(e) Proper equipment for prompt transportation of the injured person to a physician or hospital, or a communication system for contacting necessary ambulance service, shall be provided.

(f) There shall be at least one employee with training to administer emergency first aid at any isolated location where 10 or more employees are employed. The training shall be equal to that of the U.S. Bureau of Mines or American Red Cross.

§ 1518.51 Sanitation.

(a) *Potable water.* (1) An adequate supply of potable water shall be provided in all places of employment.

(2) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(4) The common drinking cup is prohibited.

(5) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(b) *Nonpotable water.* (1) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part, to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(2) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(c) *Toilets at construction job sites.* (1) Toilets shall be provided for employees according to the following table:

TABLE D-1

Number of employees:	*Minimum number of facilities*
1 to 9	1
10 to 24	2
25 to 49	3
50 to 74	4
75 to 100	5
Over 100, 1 for each additional 30 employees.	

(2) Water closets (flush toilets) shall be used where sanitary sewers are available.

(3) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:

(i) Privies (where their use will not contaminate ground or surface water);
(ii) Chemical toilets;
(iii) Recirculating toilets;
(iv) Combustion toilets.

(d) *Food handling.* All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(e) *Temporary sleeping quarters.* When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(f) *Washing facilities.* The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees.

§ 1518.52 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table D–2 of this section when measured on the A-scale of a standard sound level meter at slow response.

(b) When employees are subjected to sound levels exceeding those listed in Table D–2 of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment as required in Subpart E, shall be provided and used to reduce sound levels within the levels of the table.

(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

(d) (1) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE D–2—PERMISSIBLE NOISE EXPOSURES

Duration per day, hours:	*Sound level dBA slow Response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

(2) When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions:

$$\frac{C1}{T1}+\frac{C2}{T2}\cdots\cdots+\frac{Cn}{Tn}$$

exceeds unity, then the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

(e) Exposure to impulsive or impact noise should not exceed 140 dBA peak sound pressure level.

§ 1518.53 Ionizing radiation.

(a) In construction and related activities involving the use of sources of ionizing radiation, the applicable provisions of the Atomic Energy Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radioactive material or X-ray, whether or not under license from the Atomic Energy Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

§ 1518.54 Nonionizing radiation.

(a) Only qualified and trained employees shall be assigned to install, adjust, and operate laser equipment.

(b) All employees, in areas where lasers are used, shall be instructed with respect to the hazards of the equipment and the laser beams, direct or reflected, and of the safety precautions established to prevent injury.

(c) Employees, when working in areas in which a potential exposure to direct or reflected laser light exists, shall be provided with antilaser eye protection devices as specified in Subpart E of this part.

(d) Areas in which lasers are used shall be posted with warning placards meeting the requirements of Subpart G of this part to warn the other employees who may be exposed.

(e) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.

(f) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(g) The laser beam shall not be directed at employees.

§ 1518.55 Gases, vapors, fumes, dusts, and mists.

(a) Exposure of employees to inhalation, ingestion, skin absorption, or contact to any material or substance at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, shall be avoided.

(b) When engineering or administrative controls cannot be employed to reduce or eliminate the exposure, protective equipment, as required in Subpart E of this part, shall be used.

§ 1518.56 Illumination.

(a) *General.* Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table D–3 while any work is in progress:

TABLE D–3—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-candles:	*Area or operation*
10	General construction area lighting.
10	General construction areas, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
10	Indoors: warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas: (Exception: minimum of 10 foot-candles is required at tunnel and shaft heading during drilling, mucking, and sealing. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.)
50	General construction plant and shops (e.g., batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
70	First aid stations, infirmaries, and offices.

(b) *Other areas.* For areas or operations not covered above, refer to the American National Standard A11.1–1965, R1970, Practice for Industrial Lighting, for recommended values of illumination.

§ 1518.57 Ventilation.

(a) *General.* Whenever harmful dusts, fumes, mists, vapors, or gases exist, or are produced in the course of construction work, in quantities giving rise to harmful exposure of employees, and prevention or elimination of such hazards is not practicable, such hazards shall be controlled by the application of general ventilation, local exhaust ventilation, or other effective mechanical means.

(b) *Local exhaust ventilation.* Local exhaust ventilation when used as described in (a) shall be designed to prevent dispersion into the air of dusts, fumes, mists, vapors, and gases in concentrations causing harmful exposure. Such exhaust systems shall be so designed that dusts, fumes, mists, vapors, or gases are not drawn through the work area of employees.

(c) *Design and operation.* Exhaust fans, jets, ducts, hoods, separators, and all necessary appurtenances, including refuse receptacles, shall be so designed, constructed, maintained and operated as to ensure the required protection by maintaining a volume and velocity of exhaust aid sufficient to gather dusts, fumes, vapors, or gases from said equipment or process, and to convey them to suitable points of safe disposal, thereby preventing their dispersion in harmful quantities into the atmosphere where employees work.

(d) *Duration of operations.* (1) The exhaust system shall be in operation continually during all operations which it is designed to serve. If the employee remains in the contaminated zone, the system shall continue to operate for some time after the cessation of said operations, the length of time to depend upon the individual circumstances and effectiveness of the general ventilation system.

(2) Since dust capable of causing disability is, according to the best medical opinion, of microscopic size, tending to remain for hours in suspension in still air, it is essential that the exhaust system be continued in operation for a time after the work process or equipment served by the same shall have ceased, in order to ensure the removal of the harmful elements to the required extent. For the same reason, employees wearing respiratory equipment should not remove same immediately until the atmosphere seems clear.

(e) *Disposal of exhaust materials.* The air outlet from every dust separator, and the dusts, fumes, mists, vapors, or gases collected by an exhaust or ventilating system shall discharge to the outside atmosphere. Collecting systems which return air to work area may be used if concentrations which accumulate in the work area air do not result in harmful exposure to employees. Dust and refuse discharged from an exhaust system shall be disposed of in such a manner that it will not result in harmful exposure to employees.

Subpart E—Personal Protective and Life Saving Equipment

§ 1518.100 Head protection.

(a) Employees working in areas where there is a danger of head injury from impact, or from falling of flying objects, or from electrical shock and burns, shall be protected by protective helmets.

(b) Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1–1969, Safety Requirements for Industrial Head Protection.

(c) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2–1970.

§ 1518.101 Hearing protection.

(a) Wherever it is not feasible to reduce the noise levels or duration of exposures to those specified in Table D–2, Permissible Noise Exposures, in § 1518.52, ear protective devices shall be provided and used.

(b) Ear protective devices inserted in the ear shall be fitted or determined individually and shall be initiated by and subject to medical supervision.

(c) Plain cotton is not an acceptable protective device.

§ 1518.102 Eye and face protection.

(a) *General.* (1) Employees shall be provided with eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.

(2) Eye and face protection equipment required by this Part shall meet the requirements specified in American National Standards Institute, Z87.1–1968, Practice for Occupational and Educational Eye and Face Protection.

(3) Laser and maser eye protection equipment required by this regulation shall meet the requirements specified in American National Standards Institute, Z136–197 (date to be inserted), Safe Use of Lasers and Masers.

(4) Employees whose vision requires the use of corrective lenses in spectacles, when required by this regulation to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction;

(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles;

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(5) Face and eye protection equipment shall be kept clean and in good repair. The use of this type equipment with structural or optical defects shall be prohibited.

(6) Table E–1 shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.

TABLE E–1—EYE AND FACE PROTECTOR SELECTION GUIDE

1. GOGGLES, Flexible Fitting, Regular Ventilation
2. GOGGLES, Flexible Fitting, Hooded Ventilation
3. GOGGLES, Cushioned Fitting, Rigid Body
*4. SPECTACLES, Metal Frame, with Sideshields
*5. SPECTACLES, Plastic Frame, with Sideshields
*6. SPECTACLES, Metal-Plastic Frame, with Sideshields
** 7. WELDING GOGGLES, Eyecup Type, Tinted Lenses (Illustrated)
7A. CHIPPING GOGGLES, Eyecup Type, Clear Safety Lenses (Not Illustrated)
** 8. WELDING GOGGLES, Coverspec Type Tinted Lenses (Illustrated)
8A. CHIPPING GOGGLES, Coverspec Type, Clear Safety Lenses (Not Illustrated)
** 9. WELDING GOGGLES, Coverspec Type, Tinted Plate Lens
10. FACE SHIELD (Available with Plastic or Mesh Window)
**11. WELDING HELMETS

*Nonsideshield spectacles are available for limited hazard use requiring only frontal protection.

**See Table E–2, in paragraph (b) of this section, Filter Lens Shade Numbers for Protection Against Radiant Energy.

APPLICATIONS

OPERATION	HAZARDS	RECOMMENDED PROTECTORS: Bold Type Numbers Signify Preferred Protection
ACETYLENE-BURNING ACETYLENE-CUTTING ACETYLENE-WELDING	SPARKS, HARMFUL RAYS, MOLTEN METAL, FLYING PARTICLES	**7, 8, 5**
CHEMICAL HANDLING	SPLASH, ACID BURNS, FUMES	**2, 10** (For severe exposure add 10 over 2)
CHIPPING	FLYING PARTICLES	**1, 3, 4, 5, 6, 7A, 8A**
ELECTRIC (ARC) WELDING	SPARKS, INTENSE RAYS, MOLTEN METAL	**9, 11** (11 in combination with 4, 5, 6, in tinted lenses, advisable)
FURNACE OPERATIONS	GLARE, HEAT, MOLTEN METAL	**7, 8, 9** (For severe exposure add 10)
GRINDING–LIGHT	FLYING PARTICLES	**1, 3, 4, 5, 6, 10**
GRINDING–HEAVY	FLYING PARTICLES	**1, 3, 7A, 8A** (For severe exposure add 10)
LABORATORY	CHEMICAL SPLASH, GLASS BREAKAGE	**2** (10 when in combination with 4, 5, 6)
MACHINING	FLYING PARTICLES	**1, 3, 4, 5, 6, 10**
MOLTEN METALS	HEAT, GLARE, SPARKS, SPLASH	**7, 8** (10 in combination with 4, 5, 6, in tinted lenses)
SPOT WELDING	FLYING PARTICLES, SPARKS	**1, 3, 4, 5, 6, 10**

(b) *Protection against radiant energy.*—(1) *Selection of shade numbers for welding filter.* Table E–2 shall be used as a guide for the selection of the proper shade numbers of filter lenses or plates used in welding. Shades more dense than those listed may be used to suit the individual's needs.

TABLE E–2—FILTER LENS SHADE NUMBERS FOR PROTECTION AGAINST RADIANT ENERGY

Welding operation	*Shade number*
Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	10
Gas-shielded arc welding (nonferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	11

Welding operation	*Shade number*
Gas-shielded arc welding (ferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 3/16-, 7/32-, 1/4-inch diameter electrodes	12
5/16-, 3/8-inch diameter electrodes	14
Atomic hydrogen welding	10–14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding (light), up to 1/2-inch	4 or 5
Gas welding (medium), 1/2-inch to 1/2-inch	5 or 6
Gas welding (heavy), over 1/2-inch	6 or 8

(2) *Laser protection.* (i) Employees whose occupation or assignment requires exposure to laser beams shall be furnished suitable laser safety goggles which will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved. Table E-3 lists the maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 1 through 8.

TABLE E-3—SELECTING LASER SAFETY GLASS

Intensity			Attenuation	
Q-switch maximum energy density (j/cm²)	Non-Q-switch maximum energy density (j/cm²)	CW maximum power density (watts/cm²)	Optical density (O.D.)	Attenuation factor
10^{-7}	10^{-6}	10^{-4}	1	10
10^{-6}	10^{-5}	10^{-3}	2	10^2
10^{-5}	10^{-4}	10^{-2}	3	10^3
10^{-4}	10^{-3}	10^{-1}	4	10^4
10^{-3}	10^{-2}	1.0	5	10^5
10^{-2}	10^{-1}	10.0	6	10^6
10^{-1}	1.0	10.0	7	10^7
1.0	10.0	10.0	8	10^8

(ii) All protective goggles shall bear a label identifying the following data:

(*a*) The laser wavelengths for which use is intended;

(*b*) The optical density of those wavelengths;

(*c*) The visible light transmission.

§ 1518.103 Respiratory protection.

(a) *General.* (1) In emergencies, or when controls required by Subpart D of this part either fail or are inadequate to prevent harmful exposure to employees, appropriate respiratory protective devices shall be provided by the employer and shall be used.

(2) Respiratory protective devices shall be approved by the U.S. Bureau of Mines or acceptable to the U.S. Department of Labor for the specific contaminant to which the employee is exposed.

(b) *Respirator selection.* (1) The chemical and physical properties of the contaminant, as well as the toxicity and concentration of the hazardous material, shall be considered in selecting the proper respirators.

(2) The nature and extent of the hazard, work requirements, and conditions, as well as the limitations and characteristics of the available respirators, shall also be factors considered in making the proper selection.

(3) The following table lists the types of respirators required for protection in dangerous atmospheres:

TABLE E-4.—SELECTION OF RESPIRATORS

Hazard	Respirator (See Note 1.)
Oxygen deficiency	Self-contained breathing apparatus. Hose mask with blower. Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Gas and vapor contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister (gas mask). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health.	Air-line respirator. Hose mask without blower. Air-purifying, half-mask or mouthpiece respirator with chemical cartridge.
Particulate contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with appropriate filter. Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health.	Air-purifying, half-mask or mouthpiece respirator with filter pad or cartridge. Air-line respirator. Air-line abrasive-blasting respirator. Hose-mask without blower.
Combination gas, vapor, and particulate contaminants immediately dangerous to life and health.	Self-contained breathing apparatus. Hose mask with blower. Air-purifying, full facepiece respirator with chemical canister and appropriate filter (gas mask with filter). Self-rescue mouthpiece respirator (for escape only). Combination air-line respirator with auxiliary self-contained air supply or an air-storage receiver with alarm.
Not immediately dangerous to life and health.	Air-line respirator. Hose mask without blower. Air-purifying, half-mask or mouthpiece respirator with chemical cartridge and appropriate filter.

NOTE: For the purpose of this part, "immediately dangerous to life and health" is defined as a condition that either poses an immediate threat to life and health or an immediate threat of severe exposure to contaminants, such as radioactive materials, which are likely to have adverse delayed effects on health.

(c) *Selection, issuance, use and care of respirators.* (1) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(2) Respiratory protective equipment shall be inspected regularly and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

§ 1518.104 Safety belts, lifelines, and lanyards.

(a) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Should any of these items be subjected to actual loading or load testing, they shall be immediately removed from service and destroyed.

(b) Lifelines shall be secured above the point of operation to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds.

(c) Lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,400 pounds, shall be used.

(d) Safety belt lanyard ropes shall be a minimum of 1/2-inch nylon, or equivalent, with a maximum length of 6 feet. The rope shall have a nominal breaking strength of 6,200 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, Class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(f) All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

§ 1518.105 Safety nets.

(a) Where safety net protection is required by this part, operations shall not be undertaken until the net is in place and has been tested.

(b) Nets shall extend 8 feet beyond the edge of the work surface where workmen are exposed.

(c) The maximum mesh size of nets shall be 6 inches by 6 inches.

(d) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(e) Connections between net panels shall develop the full strength of the net.

§ 1518.106 Working over or near water.

(a) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jacket or buoyant work vests.

(b) Prior to and after each use, the buoyant work vests or life preservers shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least 90 feet of line shall be provided and readily available for emergency rescue operations.

Subpart F—Fire Protection and Prevention

§ 1518.150 Definitions.

(a) "Flammable liquids" mean any liquid having a flash point below 140° F. and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F.

(b) "Combustible liquids" mean any liquid having a flash point at or above 140° F. (60° C.), and below 200° F.

(c) "Flash point" of the liquid means the temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the vessel used as determined by appropriate test procedure and apparatus as specified below.

(1) The flash point of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100° F. (37.8° C.) and a flash point below 175° F. (79.4° C.) shall be determined in accordance with the Standard Method of Test for Flash Point by the Tag Closed Tester, ASTM D-56-69.

(2) The flash point of liquids having a viscosity of 45 Saybolt Universal Second(s) or more at 175° F. (79.4° C.) or higher shall be determined in accordance with the Standard Method of Test for Flash Point by the Pensky Martens Closed Tester, ASTM D-93-69.

(d) "Liquefied petroleum gases," "LPG" and "LP Gas" mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, such as propane, propylene, butane (normal butane or iso-butane), and butylenes.

(e) "Portable tank" means a closed container having a liquid capacity more than 60 U.S. gallons, and not intended for fixed installation.

(f) "Safety can" means an approved closed container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover and so designed that it will safety relieve internal pressure when subjected to fire exposure.

(g) "Vapor pressure" means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)." (ASTM D323-58).

(h) "Fire brigade" means an organized group of employees that are knowledgeable, trained, and skilled in the safe evacuation of employees during emergency situations and in assisting in fire fighting operations.

(i) "Closed container" means a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(j) "Fire resistance" means so resistant to fire that, for specified time and under conditions of a standard heat intensity, it will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969.

(k) "Approved", for the purpose of this subpart, means equipment that has been listed or approved by a nationally recognized testing laboratory such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc., or Federal agencies such as Bureau of Mines, Department of Transportation (ICC), or U.S. Coast Guard, which issue approvals for such equipment.

§ 1518.151 Fire protection.

(a) *General requirements.* (1) The employer shall be responsible for the development of a fire protection program to be followed throughout all phases of the construction and demolition work, and he shall provide for the necessary firefighting equipment. As fire hazards occur, there shall be no delay for providing the necessary equipment.

(2) Access to all available firefighting equipment shall be maintained at all times.

(3) All firefighting equipment, provided by the employer, shall be conspicuously located.

(4) All firefighting equipment shall be periodically inspected and maintained in operating condition. Defective equipment shall be immediately replaced.

(5) As warranted by the project, the employer shall provide a trained and equipped firefighting organization (Fire Brigade) to assure adequate protection to life.

(b) *Water supply.* (1) A temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate the firefighting equipment shall be made available as soon as combustible materials accumulate.

(2) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(c) *Portable firefighting equipment.* (1) *Fire extinguishers.* (i) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet.

(ii) One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(iii) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, at least one fire extinguisher shall be located adjacent to stairway.

(iv) Extinguishers and drums, subject to freezing, shall be protected from freezing.

(v) Where more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used, a fire extinguisher, rated not less than 10B, shall be provided within 50 feet, unless required otherwise.

(vi) Carbon tetrachloride and other vaporizing liquid fire extinguishers are prohibited.

(vii) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A-1970.

(viii) Fire extinguishers, which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this subpart.

(ix) Table F-1 may be used as a guide for selecting the appropriate portable fire extinguishers.

Table F-1 FIRE EXTINGUISHERS DATA

		WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
								SODIUM OR POTASSIUM BICARBONATE		MULTI-PURPOSE ABC	
		STORED PRESSURE	CARTRIDGE OPERATED	BATTERY PUMP TANK	SODA ACID	FOAM		CARTRIDGE OPERATED	STORED PRESSURE	STORED PRESSURE	CARTRIDGE OPERATED
CLASS A FIRES		YES	YES	YES	YES	YES	NO	NO	NO	YES	YES
CLASS B FIRES		NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES		NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES		SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION		PULL PIN—SQUEEZE HANDLE	TURN UPSIDE DOWN, AND BUMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN—SQUEEZE LEVER	PULL PIN—SQUEEZE HANDLE	PULL PIN—SQUEEZE HANDLE	PULL PIN—SQUEEZE HANDLE	PULL PIN—SQUEEZE HANDLE
RANGE		30'-40'	30'-40'	30'-40'	30'-40'	30'-40'	3'-8'	5'-20'	5'-20'	5'-20'	5'-20'
MAINTENANCE		CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH CAS CARTRIDGE—ADD WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY RECHARGE	DISCHARGE ANNUALLY RECHARGE	WEIGH ANNUALLY	WEIGH CAS CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH CAS CARTRIDGE—CHECK CONDITION OF DRY CHEMICAL ANNUALLY

(2) *Fire hose and connections.* (i) One hundred feet of 1 1/2-inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(ii) If fire hose connections are not compatible with local firefighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(iii) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(d) *Fixed firefighting equipment*—(1) *Sprinkler protection.* (i) If automatic sprinkler protection is to be provided, the installation shall closely follow the construction and be placed in service before or immediately following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons. Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(2) *Standpipes.* (i) In all structures in which standpipes are required, or where existing in structures being altered or demolished, they shall be brought up or maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes should be provided with siamese fire department connections on the outside of the structure, at the street level, conspicuously marked and have at least one standard hose outlet at each floor.

(e) *Fire alarm devices.* (1) An alarm system shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(2) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(f) *Fire cutoffs.* (1) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as practicable.

(2) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

§ 1518.152 Fire prevention.

(a) *Ignition hazards.* (1) Electrical wiring and equipment for light, heat, or power purposes shall be installed in compliance with the requirements of the National Electrical Code, NFPA No. 70–1970, and the requirements of Subpart K of this part.

(2) Internal combustion engine powered equipment shall be so located that the exhausts are well away from combustible materials. When the exhausts are piped to outside the building under construction, a clearance of at least 6 inches shall be maintained between such piping and combustible material.

(3) Smoking shall be prohibited at or in the vicinity of operations which constitute a fire hazard, and shall be conspicuously posted: "No Smoking or Open Flame."

(4) Portable battery powered lighting equipment, used in connection with the storage, handling, or use of flammable gases or liquids, shall be of the type approved for the hazardous locations.

(b) *Temporary buildings.* (1) No temporary building shall be erected where it will adversely affect any means of exit.

(2) Temporary buildings, when located within another building or structure, shall be of either noncombustible construction or of combustible construction having a fire resistance of not less than 1 hour.

(3) Temporary buildings, located other than inside another building and not used for the storage, handling, or use of flammable or combustible liquids, flammable gases, explosives, or blasting agents, or similar hazardous occupancies, shall be located at a distance of not less than 10 feet from another building or structure. Groups of temporary buildings, not exceeding 2,000 square feet in aggregate, shall, for the purposes of this part, be considered a single temporary building.

(c) *Open yard storage.* (1) Combustible materials shall be piled with due regard to the stability of piles and in no case higher than 20 feet.

(2) Driveways between and around storage piles shall be at least 15 feet wide and maintained free from accumulation of rubbish, equipment, or other articles or materials. Driveways shall be so spaced that a maximum grid system unit of 50 feet by 150 feet is produced.

(3) The entire storage site shall be kept free from accumulation of unnecessary combustible materials. Weeds and grass shall be kept down and a regular procedure provided for the periodic cleanup of the entire area.

(4) When there is a danger of an underground fire, that land shall not be used for combustible or flammable storage.

(5) Method of piling shall be solid wherever possible and in orderly and regular piles. No combustible material shall be stored outdoors within 10 feet of a building or structure.

(6) Portable fire extinguishing equipment, suitable for the fire hazard involved, shall be provided at convenient, conspicuously accessible locations in the yard. Portable fire extinguishers, rated not less than 2A, shall be placed so that maximum travel distance to the nearest unit shall not exceed 100 feet.

(d) *Indoor storage.* (1) Storage shall not obstruct, or adversely affect, means of exit.

(2) All materials shall be stored, handled, and piled with due regard to their fire characteristics.

(3) Noncompatible materials, which may create a fire hazard, shall be segregated by a barrier having a fire resistance of at least 1 hour.

(4) Material shall be piled to minimize the spread of fire internally and to permit convenient access for firefighting. Stable piling shall be maintained at all times. Aisle space shall be maintained to safely accommodate the widest vehicle that may be used within the building for firefighting purposes.

(5) Clearance of at least 36 inches shall be maintained between the top level of the stored material and the sprinkler deflectors.

(6) Clearance shall be maintained around lights and heating units to prevent ignition of combustible materials.

(7) A clearance of 24 inches shall be maintained around the path of travel of fire doors unless a barricade is provided, in which case no clearance is needed. Material shall not be stored within 36 inches of a fire door opening.

§ 1518.153 Flammable and combustible liquids.

(a) *General requirements.* (1) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids.

(2) Flammable or combustible liquids shall not be stored in areas used for exists, stairways, or normally used for the safe passage of people.

(b) *Indoor storage of flammable and combustible liquids.* (1) No more than 15 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet.

(2) Quantities of flammable and combustible liquid in excess of 15 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws. When more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep Fire Away."

(3) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(4) (i) Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251–1969.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80–1970, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(iii) Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table F–2 following:

TABLE F–2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./ floor area
Yes	2 hrs.	500 sq. ft.	10
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, Hazardous Locations. For definition of Class 1, Division 1, Hazardous Locations, see § 1518.404.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with paragraph (c) of this section.

(c) *Storage outside buildings.* (1) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(2) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(3) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(4) Outdoor portable tank storage: (i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(5) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(6) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30–1969, The Flammable and Combustible Liquids Code.

(7) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of The Flammable and Combustible Liquids Code, NFPA 30–1969.

(d) *Fire control for flammable or combustible liquid storage.* (1) At least one portable fire extinguisher, having a rating of not less than 20–B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(2) At least one portable fire extinguisher having a rating of not less than 20–B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(3) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13–1969.

(4) At least one portable fire extinguisher having a rating of not less than 20–B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(e) *Dispensing liquids.* (1) Areas in which flammable or combustile liquids are transferred at one time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-feet distance or by construction having a fire resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(2) Transfer or flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(3) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks is prohibited.

(4) The dispensing units shall be protected against collision damage.

(5) Dispensing devices and nozzles for flammable liquids shall be of an approved type.

(f) *Handling liquids at point of final use.* (1) Flammable liquids shall be kept in closed containers when not actually in use.

(2) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(3) Flammable liquids may be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(g) *Service and refueling areas.* (1) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(2) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385–1966.

(3) The dispensing hose shall be an approved type.

(4) The dispensing nozzle shall be an approved automatic-closing type without a latch-open device.

(5) Underground tanks shall not be abandoned.

(6) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(7) (i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable

liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(8) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.

(9) Conspicuous and legible signs prohibiting smoking shall be posted.

(10) The motors of all equipment being fueled shall be shut off during the fueling operation.

(11) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20BC located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

§ 1518.154 Liquefied petroleum gas (LP-Gas).

(a) *Approval of equipment and systems.* (1) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(b) *Welding on LP-Gas containers.* Welding is prohibited on containers.

(c) *Container valves and container accessories.* (1) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service.

(2) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(d) *Safety devices.* (1) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(2) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(3) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(e) *Dispensing.* (1) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

(2) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(f) *Requirements for appliances.* (1) LP-Gas consuming appliances shall be approved types.

(2) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas, and is in good condition, may be used with LP-Gas only after it is properly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(g) *Containers and regulating equipment installed outside of buildings or structures.* Containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(h) *Containers and equipment used inside of buildings or structures.* (1) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is impracticable, containers and equipment shall be permitted to be used inside of buildings or structures in accordance with subparagraphs (2) through (11) of this paragraph.

(2) "Containers in use" means connected for use.

(3) Systems utilizing containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(4) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(5) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-Gas capacity) shall be protected from damage while in use or storage.

(6) Aluminum piping or tubing shall not be used.

(7) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as practicable. Hoses shall be long enough to permit compliance with spacing provisions of subparagraphs (1)–(13) of this paragraph, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(8) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 B.t.u. per hour, shall be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system. NOTE: The provisions of this subparagraph do not aply to portable heaters under 7,50 B.t.u. per hour input when used with containers having a maximum water capacity of 2½ pounds.

(9) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(10) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(11) Containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(12) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(13) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type heaters shall not be directed toward any LP-Gas container within 20 feet.

(14) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(15) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifolds shall be separated by at least 20 feet.

(16) Storage of containers awaiting use shall be in accordance with paragraphs (j) and (k) of this section.

(i) *Container valves and accessories.* (1) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision is not to be construed as requiring an automatic changeover device.

(2) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(3) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(j) *Storage of LPG containers.* Storage of LPG within buildings is prohibited.

(k) *Storage outside of buildings.* (1) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with the following:

TABLE F–3

Quantity of LP-Gas stored:	Distance (feet)
500 lbs. or less	0
501 to 6,000 lbs	10
6,001 to 10,000 lbs	20
Over 10,000 lbs	25

(2) Containers shall be in a suitable enclosure or otherwise protected against tampering.

(l) *Fire protection.* Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20–B:C.

§ 1518.155 Temporary heating devices.

(a) *Ventilation.* (1) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of workmen. Where natural means of fresh air supply is inadequate, mechanical ventilation shall be provided.

(2) When heaters are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to ensure proper combustion, maintain the health and safety of workmen, and limit temperature rise in the area.

(b) *Clearance and mounting.* (1) Temporary heating devices shall be installed to provide clearance to combustible material not less than the amount shown in Table F–4.

(2) Temporary heating devices, which are listed for installation with lesser clearances than specified in Table F–4, may be installed in accordance with their approval.

TABLE F–4

Heating appliances	Minimum clearance, (inches)		
	Sides	Rear	Chimney connector
Room heater, circulating type	12	12	18
Room heater, radiant type	36	36	18

(3) Heaters not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such heaters are used, they shall rest on suitable heat insulating material or at least 1-inch concrete, or equivalent. The insulating material shall extend beyond the heater 2 feet or more in all directions.

(4) Heaters used in the vicinity of tarpaulins, canvas, or similar coverings shall be located at least 10 feet from the coverings. The coverings shall be securely fastened to prevent ignition or upsetting of the heater due to wind action on the covering or other material.

(c) *Stability.* Heaters, when in use, shall be set horizontally level, unless otherwise permitted by the manufacturer's markings.

(d) *Solid fuel heaters.* Solid fuel heaters are prohibited.

(e) *Flammable liquid-fired heaters.* (1) Flammable liquid-fired heaters shall be equipped with a primary safety control to stop the flow of fuel in the event of flame failure. Barometric or gravity oil feed shall not be considered a primary safety control.

(2) Heaters designed for barometric or gravity oil feed shall be used only with the integral tanks.

(3) Heaters which are not designed for flue connection shall be equipped with integral tanks having capacity of not more than 2 gallons.

(4) Heaters specifically designed and approved for use with separate supply tanks may be directly connected for gravity feed, or an automatic pump, from a supply tank.

Subpart G—Signs, Signals, and Barricades

§ 1518.200 Accident prevention signs and tags.

(a) *General.* Signs and symbols required by this subpart shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(b) *Danger signs.* (1) Danger signs (see Figure G–1) shall be used only where an immediate hazard exists.

(2) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(c) *Caution signs.* (1) Caution signs (see Figure G–2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(2) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.

Figure G-1

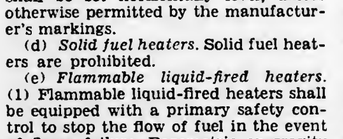

Figure G-2

(d) *Exit signs.* Exit signs, when required, shall be lettered in legible red letters, not less than 6 inches high, on a white field and the principal stroke of the letters shall be at least three-fourths inch in width.

(e) *Safety instruction signs.* Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(f) *Directional signs.* Directional signs, other than automotive traffic signs specified in paragraph (h) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(h) *Traffic signs.* (1) Construction areas shall be posted with legible traffic signs at points of hazard to provide warning to equipment operators and workmen using roadways.

(2) All traffic control signs or devices used for protection of construction workmen shall conform to American National Standards Institute D6.1–1961, Manual on Uniform Traffic Control Devices for Streets and Highways.

§ 1518.201 Signaling.

(a) *Flagmen.* (1) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway, flagmen or other appropriate traffic controls shall be provided.

(2) Signaling directions by flagmen shall conform to American National Standards Institute D6.1–1961, Manual on Uniform Traffic Control Devices for Streets and Highways.

(3) Hand signaling by flagmen shall be by use of red flags at least 18 inches square, sign paddles, and in periods of darkness, red lights.

(4) Flagmen shall be provided with and shall wear a red or orange warning garment while flagging. Warning garments worn at night shall be of reflectorized material.

(b) *Crane and hoist signals.* Regulations for crane and hoist signaling will be found in applicable American National Standards Institute standards.

§ 1518.202 Barricades.

(a) All uncovered openings and excavations in places accessible to vehicular or pedestrian traffic shall be provided with barricades to protect employees from these hazards.

(b) Warning lights or flares shall be displayed if work is being done at night.

Subpart H—Materials Handling, Storage, Use, and Disposal

§ 1518.250 General requirements for storage.

(a) *General.* (1) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(2) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas. Maximum safe loads shall not be exceeded.

(3) Aisles and passageways shall be kept clear to provide for the free and safe

movement of material handling equipment or employees. Such areas shall be kept in good repair.

(4) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(b) *Material storage.* (1) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(2) Employees required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with lifelines and safety belts meeting the requirements o' Subpart E of this part.

(3) Noncompatible materials shall be segregated in storage.

(4) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(5) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(6) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(7) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(8) Lumber. (i) Used lumber shall have all nails withdrawn before stacking for storage.

(g) *Accident prevention tags.* (1) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard. They shall not be used in place of, or as a substitute for, accident prevention signs.

(2) Specifications for accident prevention tags shall be as follows in Table G-1:

Table G-1

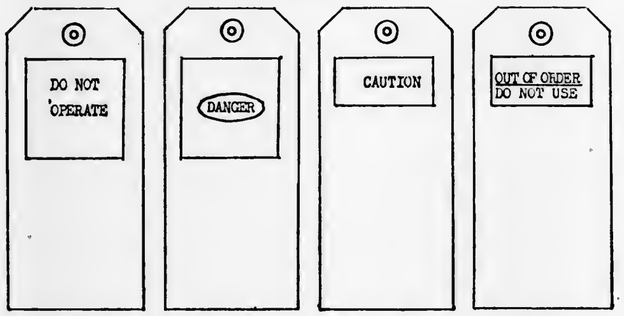

White tag - White letters on red square	White tag - White letters on red oval with a black square	Yellow tag - Yellow letters on a black background	White tag - White letters on black background

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order Do Not Use

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber piles shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(9) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

§ 1518.251 Rigging equipment for material handling.

(a) *General.* (1) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(2) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in the tables that follow for the specific equipment.

(3) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(b) *Alloy steel chains.* (1) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(2) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(3) Job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall not be used.

(4) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table H-1.

(5) Whenever wear at any point of any chain link exceeds that shown in Table H-2, the assembly shall be removed from service.

(c) *Wire rope.* (1) Tables H-3 through H-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Wire rope shall not be secured by knots, except on haul back lines on scrapers.

(4) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Eyes in wire rope bridles, slings, or bull wires shall not be formed by wire rope clips or knots.

(iv) Wire rope shall not be used if, in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(5) When U-bolt wire rope clips are used to form eyes, Table H-20 shall be used to determine the number and spacing of clips.

(i) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) *Natural rope, and synthetic fiber*—(1) *General.* When using natural or synthetic fiber rope slings, Tables H-15, 16, 17, and 18 shall apply.

(2) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(e) *Synthetic webbing (nylon, polyester, and polypropylene).* (1) The employer shall have each synthetic web sling marked or coded to show:

(i) Name or trademark of manufacturer.

(ii) Rated capacities for the type of hitch.

(iii) Type of material.

(2) Rated capacity shall not be exceeded.

(f) *Shackles and hooks.* (1) Table H-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.

(2) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

§ 1518.252 Disposal of waste materials.

(a) Whenever materials are dropped to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used.

(b) When debris is dropped through holes in the floor without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edge of the opening above. Signs warning of the hazard of falling materials shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(c) All scrap lumber, waste material, and rubbish shall be removed from the immediate work area as the work progresses.

(d) Disposal of waste material or debris by burning shall comply with local fire regulations.

(e) All solvent waste, oily rags, and flammable liquids shall be kept in fire resistant covered containers until removed from worksite.

Table H-1

RATED CAPACITY (WORKING LOAD LIMIT), FOR ALLOY STEEL CHAIN SLINGS*

RATED CAPACITY (WORKING LOAD LIMIT), POUNDS

Chain Size, Inches	Single Branch Sling — 90 degree Loading	Double Sling Vertical Angle (1) 30 degree	45 degree	60 degree	Horizontal Angle (2) 60 degree	45 degree	30 degree	Triple and Quadruple Sling Vertical Angle (1) 30 degree	45 degree	60 degree	Horizontal Angle (2) 60 degree	45 degree	30 degree
1/4	3,250	5,550	4,550	3,250				8,400	6,600	4,900			
3/8	6,600	11,400	9,300	6,600				17,000	14,000	9,900			
1/2	11,250	19,500	15,900	11,250				29,000	24,000	17,000			
5/8	16,500	28,500	23,300	16,500				43,000	35,000	24,500			
3/4	23,000	39,800	32,500	23,000				59,500	48,500	34,500			
7/8	28,750	49,600	40,600	28,750				74,500	61,000	43,000			
1	38,750	67,100	54,800	38,750				101,000	82,000	58,000			
1-1/8	44,500	77,000	63,000	44,500				115,500	94,500	66,500			
1-1/4	57,500	99,500	81,000	57,500				149,000	121,500	86,000			
1-3/8	67,000	116,000	94,000	67,000				174,000	141,000	100,500			
1-1/2	80,000	138,000	112,500	80,000				207,000	169,000	119,500			
1-3/4	100,000	172,000	140,000	100,000				258,000	210,000	150,000			

(1) Rating of multileg slings adjusted for angle of loading measured as the included angle between the inclined leg and the vertical as shown in Figure H-2

(2) Rating of multileg slings adjusted for angle of loading between the inclined leg and the horizontal plane of the load, as shown in Figure H-2

* Other grades of proof tested steel chain include Proof Coil, BBB Coil and Hi-Test Chain. These grades are not recommended for overhead lifting and therefore are not covered by this code.

TABLE H-2—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size, inches	Maximum allowable wear, inch	Chain size, inches	Maximum allowable wear, inch
1/4	3/64	7/8	11/64
3/8	5/64	1	3/16
1/2	7/64	1 1/8	7/32
5/8	9/64	1 1/4	1/4
3/4	5/32	1 3/8	9/32
		1 1/2	5/16
		1 3/4	11/32

Table H-3

RATED CAPACITIES FOR SINGLE LEG SLINGS

6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE WITH FIBER CORE (FC)

Rope Dia (Inches)	Rope Constr	Rated Capacities, Tons (2,000 lb) Vertical HT	MS	S	Choker HT	MS	S	Vertical Basket* HT	MS	S
1/4	6 x 19	0.49	0.51	0.55	0.37	0.38	0.41	0.99	1.0	1.1
5/16	6 x 19	0.76	0.79	0.85	0.57	0.59	0.64	1.5	1.6	1.7
3/8	6 x 19	1.1	1.1	1.2	0.80	0.85	0.91	2.1	2.2	2.4
7/16	6 x 19	1.4	1.5	1.6	1.1	1.1	1.2	2.9	3.0	3.3
1/2	6 x 19	1.8	2.0	2.1	1.4	1.5	1.6	3.7	3.9	4.3
9/16	6 x 19	2.3	2.5	2.7	1.7	1.9	2.0	4.6	5.0	5.4
5/8	6 x 19	2.8	3.1	3.3	2.1	2.3	2.5	5.6	6.2	6.7
3/4	6 x 19	3.9	4.4	4.8	2.9	3.3	3.6	7.8	8.8	9.5
7/8	6 x 19	5.1	5.9	6.4	3.9	4.5	4.8	10.0	12.0	13.0
1	6 x 19	6.7	7.7	8.4	5.0	5.8	6.3	13.0	15.0	17.0
1-1/8	6 x 19	8.4	9.5	10.0	6.3	7.1	7.9	17.0	19.0	21.0
1-1/4	6 x 37	9.8	11.0	12.0	7.4	8.3	9.2	20.0	22.0	25.0
1-3/8	6 x 37	12.0	13.0	15.0	8.9	10.0	11.0	24.0	27.0	30.0
1-1/2	6 x 37	14.0	16.0	17.0	10.0	12.0	13.0	28.0	32.0	35.0
1-5/8	6 x 37	16.0	18.0	21.0	12.0	14.0	15.0	33.0	37.0	41.0
1-3/4	6 x 37	19.0	21.0	24.0	14.0	16.0	18.0	38.0	43.0	48.0
2	6 x 37	25.0	28.0	31.0	18.0	21.0	23.0	49.0	55.0	62.0

HT = Hand Tucked Splice and Hidden Tuck Splice
For hidden tuck splice (IWRC) use values in HT columns.
MS = Mechanical Splice
S = Swaged or Zinc Poured Socket

*These values only apply when the D/d ratio for HT slings is 18 or greater, and for MS and S slings is 30 or greater where
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-4
RATED CAPACITIES FOR SINGLE LEG SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)								
		Vertical			Choker			Vertical Basket*		
		HT	MS	S	HT	MS	S	HT	MS	S
1/4	6 x 19	0.53	0.56	0.59	0.40	0.42	0.44	1.0	1.1	1.2
5/16	6 x 19	0.81	0.87	0.92	0.61	0.65	0.69	1.6	1.7	1.8
3/8	6 x 19	1.1	1.2	1.3	0.86	0.93	0.98	2.3	2.5	2.6
7/16	6 x 19	1.5	1.7	1.8	1.2	1.3	1.3	3.1	3.4	3.5
1/2	6 x 19	2.0	2.2	2.3	1.5	1.6	1.7	3.9	4.4	4.6
9/16	6 x 19	2.5	2.7	2.9	1.8	2.1	2.2	4.9	5.5	5.8
5/8	6 x 19	3.0	3.4	3.6	2.2	2.5	2.7	6.0	6.8	7.2
3/4	6 x 19	4.2	4.9	5.1	3.1	3.6	3.8	8.4	9.7	10.0
7/8	6 x 19	5.5	6.6	6.9	4.1	4.9	5.2	11.0	13.0	14.0
1	6 x 19	7.2	8.5	9.0	5.4	6.4	6.7	14.0	17.0	18.0
1-1/8	6 x 19	9.0	10.0	11.0	6.8	7.8	8.5	18.0	21.0	23.0
1-1/4	6 x 37	10.0	12.0	13.0	7.9	9.2	9.9	21.0	24.0	26.0
1-3/8	6 x 37	13.0	15.0	16.0	9.6	11.0	12.0	25.0	29.0	32.0
1-1/2	6 x 37	15.0	17.0	19.0	11.0	13.0	14.0	30.0	35.0	38.0
1-5/8	6 x 37	18.0	20.0	22.0	13.0	15.0	17.0	35.0	41.0	44.0
1-3/4	6 x 37	20.0	24.0	26.0	15.0	18.0	19.0	41.0	47.0	51.0
2	6 x 37	26.0	30.0	33.0	20.0	23.0	25.0	53.0	61.0	66.0

HT = Hand Tucked Splice
For hidden tuck splice (IWRC) use Table H-3 values in HT column.
MS = Mechanical Splice.
S = Swaged or Zinc Poured Socket.
*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S Slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-5
RATED CAPACITIES FOR SINGLE LEG SLINGS
CABLE LAID ROPE – MECHANICAL SPLICE ONLY
7x7x7 & 7x7x19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7x6x19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)		
		Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.50	0.38	1.0
3/8	7 x 7 x 7	1.1	0.81	2.2
1/2	7 x 7 x 7	1.8	1.4	3.7
5/8	7 x 7 x 7	2.8	2.1	5.5
3/4	7 x 7 x 7	3.8	2.9	7.6
5/8	7 x 7 x 19	2.9	2.2	5.8
3/4	7 x 7 x 19	4.1	3.0	8.1
7/8	7 x 7 x 19	5.4	4.0	11.0
1	7 x 7 x 19	6.9	5.1	14.0
1-1/8	7 x 7 x 19	8.2	6.2	16.0
1-1/4	7 x 7 x 19	9.9	7.4	20.0
3/4	7 x 6 x 19 IWRC	3.8	2.8	7.6
7/8	7 x 6 x 19 IWRC	5.0	3.8	10.0
1	7 x 6 x 19 IWRC	6.4	4.8	13.0
1-1/8	7 x 6 x 19 IWRC	7.7	5.8	15.0
1-1/4	7 x 6 x 19 IWRC	9.2	6.9	18.0
1-5/16	7 x 6 x 19 IWRC	10.0	7.5	20.0
1-3/8	7 x 6 x 19 IWRC	11.0	8.2	22.0
1-1/2	7 x 6 x 19 IWRC	13.0	9.6	26.0

*These values only apply when the D/d ratio is 10 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

Table H-6
RATED CAPACITIES FOR SINGLE LEG SLINGS
8-PART AND 6-PART BRAIDED ROPE
6x7 AND 6x19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7x7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Ropes Diameter (Inches)	Constr	Rated Capacities, Tons (2,000 lb)					
		Vertical		Choker		Basket Vertical to 30 degree*	
		8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6 x 7	0.42	0.32	0.32	0.24	0.74	0.55
1/8	6 x 7	0.76	0.57	0.57	0.42	1.3	0.98
3/16	6 x 7	1.7	1.3	1.3	0.94	2.9	2.2
3/32	7 x 7	0.51	0.39	0.38	0.29	0.89	0.67
1/8	7 x 7	0.95	0.71	0.71	0.53	1.6	1.2
3/16	7 x 7	2.1	1.5	1.5	1.2	3.6	2.7
3/16	6 x 19	1.7	1.3	1.3	0.98	3.0	2.2
1/4	6 x 19	3.1	2.3	2.3	1.7	5.3	4.0
5/16	6 x 19	4.8	3.6	3.6	2.7	8.3	6.2
3/8	6 x 19	6.8	5.1	5.1	3.8	12.0	8.9
7/16	6 x 19	9.3	6.9	6.9	5.2	16.0	12.0
1/2	6 x 19	12.0	9.0	9.0	6.7	21.0	15.0
9/16	6 x 19	15.0	11.0	11.0	8.5	26.0	20.0
5/8	6 x 19	19.0	14.0	14.0	10.0	32.0	24.0
3/4	6 x 19	27.0	20.0	20.0	15.0	46.0	35.0
7/8	6 x 19	36.0	27.0	27.0	20.0	62.0	47.0
1	6 x 19	47.0	35.0	35.0	26.0	81.0	61.0

*These values only apply when the D/d ratio is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of component rope.

Table H-7
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 AND 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH FIBER CORE (FC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)									
		2-Leg Bridle Slings						3-Leg Bridle Slings			
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
		HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
1/4	6 x 19	0.85	0.88	0.70	0.72	0.49	0.51	1.3	1.3	1.0	1.1	0.74	0.7
5/16	6 x 19	1.3	1.4	1.1	1.1	0.76	0.79	2.0	2.0	1.6	1.7	1.1	1.2
3/8	6 x 19	1.8	1.9	1.5	1.6	1.1	1.1	2.8	2.9	2.3	2.4	1.6	1.7
7/16	6 x 19	2.5	2.6	2.0	2.2	1.4	1.5	3.7	4.0	3.0	3.2	2.1	2.3
1/2	6 x 19	3.2	3.4	2.6	2.8	1.8	2.0	4.8	5.1	3.9	4.2	2.8	3.0
9/16	6 x 19	4.0	4.3	3.2	3.5	2.3	2.5	6.0	6.5	4.9	5.3	3.4	3.7
5/8	6 x 19	4.8	5.3	4.0	4.4	2.8	3.1	7.3	8.0	5.9	6.5	4.2	4.6
3/4	6 x 19	6.8	7.6	5.5	6.2	3.9	4.4	10.0	11.0	8.3	9.3	5.8	6.6
7/8	6 x 19	8.9	10.0	7.3	8.4	5.1	5.9	13.0	15.0	11.0	13.0	7.7	8.9
1	6 x 19	11.0	13.0	9.4	11.0	6.7	7.7	17.0	20.0	14.0	16.0	10.0	11.0
1-1/8	6 x 19	14.0	16.0	12.0	13.0	8.4	9.5	22.0	24.0	18.0	20.0	13.0	14.0
1-1/4	6 x 37	17.0	19.0	14.0	16.0	9.8	11.0	25.0	29.0	21.0	23.0	15.0	17.0
1-3/8	6 x 37	20.0	23.0	17.0	19.0	12.0	13.0	31.0	35.0	25.0	28.0	18.0	20.0
1-1/2	6 x 37	24.0	27.0	20.0	22.0	14.0	16.0	36.0	41.0	30.0	33.0	21.0	24.0
1-5/8	6 x 37	28.0	32.0	23.0	26.0	16.0	18.0	43.0	48.0	35.0	39.0	25.0	28.0
1-3/4	6 x 37	33.0	37.0	27.0	30.0	19.0	21.0	49.0	56.0	40.0	45.0	28.0	32.0
2	6 x 37	43.0	48.0	35.0	39.0	25.0	28.0	64.0	72.0	52.0	59.0	37.0	41.0

HT = Hand Tucked Splice.
MS = Mechanical Splice

Table H-8
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
6 x 19 and 6 x 37 CLASSIFICATION IMPROVED PLOW STEEL GRADE ROPE
WITH INDEPENDENT WIRE ROPE CORE (IWRC)

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)									
		2-Leg Bridle Sling						3-Leg Bridle Sling			
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
		HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
1/4	6 x 19	0.92	0.97	0.75	0.79	0.53	0.56	1.4	1.4	1.1	1.2	0.79	0.84
5/16	6 x 19	1.4	1.5	1.1	1.2	1.81	0.87	2.1	2.3	1.7	1.8	1.2	1.3
3/8	6 x 19	2.0	2.1	1.6	1.8	1.1	1.2	3.0	3.2	2.4	2.6	1.7	1.9
7/16	6 x 19	2.7	2.9	2.2	2.4	1.5	1.7	4.0	4.4	3.3	3.6	2.3	2.5
1/2	6 x 19	3.4	3.8	2.8	3.1	2.0	2.2	5.1	5.7	4.2	4.6	3.0	3.3
9/16	6 x 19	4.3	4.8	3.5	3.9	2.5	2.7	6.4	7.1	5.2	5.8	3.7	4.1
5/8	6 x 19	5.2	5.9	4.2	4.8	3.0	3.4	7.8	8.8	6.4	7.2	4.5	5.1
3/4	6 x 19	7.3	8.4	5.9	6.9	4.2	4.9	11.0	13.0	8.9	10.0	6.3	7.3
7/8	6 x 19	9.6	11.0	7.8	9.3	5.5	6.6	14.0	17.0	12.0	14.0	8.3	9.9
1	6 x 19	12.0	15.0	10.0	12.0	7.2	8.5	19.0	22.0	15.0	18.0	11.0	13.0
1-1/8	6 x 19	16.0	18.0	13.0	15.0	9.0	10.0	23.0	27.0	19.0	22.0	13.0	16.0
1-1/4	6 x 37	18.0	21.0	15.0	17.0	10.0	12.0	27.0	32.0	22.0	26.0	16.0	18.0
1-3/8	6 x 37	22.0	25.0	18.0	21.0	13.0	15.0	33.0	38.0	27.0	31.0	19.0	22.0
1-1/2	6 x 37	26.0	30.0	21.0	25.0	15.0	17.0	39.0	45.0	32.0	37.0	23.0	26.0
1-5/8	6 x 37	31.0	35.0	25.0	29.0	18.0	20.0	46.0	53.0	38.0	43.0	27.0	31.0
1-3/4	6 x 37	35.0	41.0	29.0	33.0	20.0	24.0	53.0	61.0	43.0	50.0	31.0	35.0
2	6 x 37	46.0	53.0	37.0	43.0	26.0	30.0	68.0	79.0	56.0	65.0	40.0	46.0

HT = Hand Tucked Splice
MS = Mechanical Splice

Table H-9
RATED CAPACITIES FOR 2-LEG & 3-LEG BRIDLE SLINGS
CABLE LAID ROPE – MECHANICAL SPLICE ONLY
7x7x7 AND 7x7x19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7x6x19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)					
		2-Leg Bridle Sling			3-Leg Bridle Sling		
		Vert 30 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg	Vert 30 deg Horz 60 deg	45 degree Angle	Vert 60 deg Horz 30 deg
1/4	7 x 7 x 7	0.87	0.71	0.50	1.3	1.1	0.75
3/8	7 x 7 x 7	1.9	1.5	1.1	2.8	2.3	1.6
1/2	7 x 7 x 7	3.2	2.6	1.8	4.8	3.9	2.8
5/8	7 x 7 x 7	4.8	3.9	2.8	7.2	5.9	4.2
3/4	7 x 7 x 7	6.6	5.4	3.8	9.9	8.1	5.7
5/8	7 x 7 x 19	5.0	4.1	2.9	7.5	6.1	4.3
3/4	7 x 7 x 19	7.0	5.7	4.1	10.0	8.6	6.1
7/8	7 x 7 x 19	9.3	7.6	5.4	14.0	11.0	8.1
1	7 x 7 x 19	12.0	9.7	6.9	18.0	14.0	10.0
1-1/8	7 x 7 x 19	14.0	12.0	8.2	21.0	17.0	12.0
1-1/4	7 x 7 x 19	17.0	14.0	9.9	26.0	21.0	15.0
3/4	7x6x19 IWRC	6.6	5.4	3.8	9.9	8.0	5.7
7/8	7x6x19 IWRC	8.7	7.1	5.0	13.0	11.0	7.5
1	7x6x19 IWRC	11.0	9.0	6.4	17.0	13.0	9.6
1-1/8	7x6x19 IWRC	13.0	11.0	7.7	20.0	16.0	11.0
1-1/4	7x6x19 IWRC	16.0	13.0	9.2	24.0	20.0	14.0
1-5/16	7x6x19 IWRC	17.0	14.0	10.0	26.0	21.0	15.0
1-3/8	7x6x19 IWRC	19.0	15.0	11.0	28.0	23.0	16.0
1-1/2	7x6x19 IWRC	22.0	18.0	13.0	33.0	27.0	19.0

Table H-10
RATED CAPACITIES FOR 2-LEG AND 3-LEG BRIDLE SLINGS
8-PART AND 6-PART BRAIDED ROPE
6x7 AND 6x19 CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE
7x7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

Component Rope Dia (Inches)	Constr	Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree		Vert 30 degree Horz 60 degree		45 degree Angle		Vert 60 degree Horz 30 degree	
		8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6 x 7	0.74	0.55	0.60	0.45	0.42	0.32	1.1	0.83	0.90	0.68	0.64	0.48
1/8	6 x 7	1.3	0.98	1.1	0.80	0.76	0.57	2.0	1.5	1.6	1.2	1.1	0.85
3/16	6 x 7	2.9	2.2	2.4	1.8	1.7	1.3	4.4	3.3	3.6	2.7	2.5	1.9
3/32	7 x 7	0.89	0.67	0.72	0.55	0.51	0.39	1.3	1.0	1.1	0.82	0.77	0.58
1/8	7 x 7	1.6	1.2	1.3	1.0	0.95	0.71	2.5	1.8	2.0	1.5	1.4	1.1
3/16	7 x 7	3.6	2.7	2.9	2.2	2.1	1.5	5.4	4.0	4.4	3.3	3.1	2.3
3/16	6 x 19	3.0	2.2	2.4	1.8	1.7	1.3	4.5	3.4	3.7	2.8	2.6	1.9
1/4	6 x 19	5.3	4.0	4.3	3.2	3.1	2.3	8.0	6.0	6.5	4.9	4.6	3.4
5/16	6 x 19	8.3	6.2	6.7	5.0	4.8	3.6	12.0	9.3	10.0	7.6	7.1	5.4
3/8	6 x 19	12.0	8.9	9.7	7.2	6.8	5.1	18.0	13.0	14.0	11.0	10.0	7.7
7/16	6 x 19	16.0	12.0	13.0	9.8	9.3	6.9	24.0	18.0	20.0	15.0	14.0	10.0
1/2	6 x 19	21.0	15.0	17.0	13.0	12.0	9.0	31.0	23.0	25.0	19.0	18.0	13.0
9/16	6 x 19	26.0	20.0	21.0	16.0	15.0	11.0	39.0	29.0	32.0	24.0	23.0	17.0
5/8	6 x 19	32.0	24.0	26.0	20.0	19.0	14.0	48.0	36.0	40.0	30.0	28.0	21.0
3/4	6 x 19	46.0	35.0	38.0	28.0	27.0	20.0	69.0	52.0	56.0	42.0	40.0	30.0
7/8	6 x 19	62.0	47.0	51.0	38.0	36.0	27.0	94.0	70.0	76.0	57.0	54.0	40.0
1	6 x 19	81.0	61.0	66.0	50.0	47.0	35.0	122.0	91.0	99.0	74.0	70.0	53.0

Table H-11
RATED CAPACITIES FOR STRAND LAID GROMMET – HAND TUCKED
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 x 19	0.85	0.64	1.7
5/16	7 x 19	1.3	1.0	2.6
3/8	7 x 19	1.9	1.4	3.8
7/16	7 x 19	2.6	1.9	5.2
1/2	7 x 19	3.3	2.5	6.7
9/16	7 x 19	4.2	3.1	8.4
5/8	7 x 19	5.2	3.9	10.00
3/4	7 x 19	7.4	5.6	15.0
7/8	7 x 19	10.0	7.5	20.0
1	7 x 19	13.0	9.7	26.0
1-1/8	7 x 19	16.0	12.0	32.0
1-1/4	7 x 37	18.0	14.0	37.0
1-3/8	7 x 37	22.0	16.0	44.0
1-1/2	7 x 37	26.0	19.0	52.0

*These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

Table H-12

RATED CAPACITIES FOR CABLE LAID GROMMET — HAND TUCKED
7 × 6 × 7 AND 7 × 6 × 19 CONSTRUCTIONS IMPROVED PLOW STEEL GRADE ROPE
7 × 7 × 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
3/8	7 × 6 × 7	1.3	0.95	2.5
9/16	7 × 6 × 7	2.8	2.1	5.6
5/8	7 × 6 × 7	3.8	2.8	7.6
3/8	7 × 7 × 7	1.6	1.2	3.2
9/16	7 × 7 × 7	3.5	2.6	6.9
5/8	7 × 7 × 7	4.5	3.4	9.0
5/8	7 × 6 × 19	3.9	3.0	7.9
3/4	7 × 6 × 19	5.1	3.8	10.0
15/16	7 × 6 × 19	7.9	5.9	16.0
1-1/8	7 × 6 × 19	11.0	8.4	22.0
1-5/16	7 × 6 × 19	15.0	11.0	30.0
1-1/2	7 × 6 × 19	19.0	14.0	39.0
1-11/16	7 × 6 × 19	24.0	18.0	49.0
1-7/8	7 × 6 × 19	30.0	22.0	60.0
2-1/4	7 × 6 × 19	42.0	31.0	84.0
2-5/8	7 × 6 × 19	56.0	42.0	112.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

Table H-13

RATED CAPACITIES FOR STRAND LAID ENDLESS SLINGS-MECHANICAL JOINT
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	6 × 19 IWRC	0.92	0.69	1.8
3/8	6 × 19 IWRC	2.0	1.5	4.1
1/2	6 × 19 IWRC	3.6	2.7	7.2
5/8	6 × 19 IWRC	5.6	4.2	11.0
3/4	6 × 19 IWRC	8.0	6.0	16.0
7/8	6 × 19 IWRC	11.0	8.1	21.0
1	6 × 19 IWRC	14.0	10.0	28.0
1-1/8	6 × 19 IWRC	18.0	13.0	35.0
1-1/4	6 × 37 IWRC	21.0	15.0	41.0
1-3/8	6 × 37 IWRC	25.0	19.0	50.0
1-1/2	6 × 37 IWRC	29.0	22.0	59.0

* These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

Table H-14

RATED CAPACITIES FOR CABLE LAID ENDLESS SLINGS-MECHANICAL JOINT
7 × 7 × 7 AND 7 × 7 × 19 CONSTRUCTIONS GALVANIZED AIRCRAFT GRADE ROPE
7 × 6 × 19 IWRC CONSTRUCTION IMPROVED PLOW STEEL GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 × 7 × 7	0.83	0.62	1.6
3/8	7 × 7 × 7	1.8	1.3	3.6
1/2	7 × 7 × 7	3.0	2.3	6.1
5/8	7 × 7 × 7	4.5	3.4	9.1
3/4	7 × 7 × 7	6.3	4.7	12.0
5/8	7 × 7 × 19	4.7	3.5	9.5
3/4	7 × 7 × 19	6.7	5.0	13.0
7/8	7 × 7 × 19	8.9	6.6	18.0
1	7 × 7 × 19	11.0	8.5	22.0
1-1/8	7 × 7 × 19	14.0	10.0	28.0
1-1/4	7 × 7 × 19	17.0	12.0	33.0
3/4	7 × 6 × 19 IWRC	6.2	4.7	12.0
7/8	7 × 6 × 19 IWRC	8.3	6.2	16.0
1	7 × 6 × 19 IWRC	10.0	7.9	21.0
1-1/8	7 × 6 × 19 IWRC	13.0	9.7	26.0
1-1/4	7 × 6 × 19 IWRC	16.0	12.0	31.0
1-3/8	7 × 6 × 19 IWRC	18.0	14.0	37.0
1-1/2	7 × 6 × 19 IWRC	22.0	16.0	43.0

* These values only apply when the D/d value is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

Table H-15

MANILA ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 5)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	7.5	2,650	550	250	1,100	900	750	550	950	500	1,900	1,700	1,400	950
9/16	10.4	3,450	700	350	1,400	1,200	1,000	700	1,200	600	2,500	2,200	1,800	1,200
5/8	13.3	4,400	900	450	1,800	1,500	1,200	900	1,600	800	3,200	2,700	2,200	1,600
3/4	16.7	5,400	1,100	550	2,200	1,900	1,500	1,100	2,000	950	3,900	3,400	2,800	2,000
13/16	19.5	6,500	1,300	650	2,600	2,300	1,800	1,300	2,300	1,200	4,700	4,100	3,300	2,300
7/8	22.5	7,700	1,500	750	3,100	2,700	2,200	1,500	2,800	1,400	5,600	4,800	3,900	2,800
1	27.0	9,000	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,500	5,600	4,600	3,200
1 1/16	31.3	10,500	2,100	1,100	4,200	3,600	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1 1/8	36.0	12,000	2,400	1,200	4,800	4,200	3,400	2,400	4,300	2,200	8,600	7,500	6,100	4,300
1 1/4	41.7	13,500	2,700	1,400	5,400	4,700	3,800	2,700	4,900	2,400	9,700	8,400	6,900	4,900
1 5/16	47.9	15,000	3,000	1,500	6,000	5,200	4,300	3,000	5,400	2,700	11,000	9,400	7,700	5,400
1 1/2	59.9	18,500	3,700	1,850	7,400	6,400	5,200	3,700	6,700	3,300	13,500	11,500	9,400	6,700
1 5/8	74.6	22,500	4,500	2,300	9,000	7,800	6,400	4,500	8,100	4,100	16,000	14,000	11,500	8,000
1 3/4	89.3	26,500	5,300	2,700	10,500	9,200	7,500	5,300	9,500	4,800	19,000	16,500	13,500	9,500
2	107.5	31,000	6,200	3,100	12,500	10,500	8,800	6,200	11,000	5,600	22,500	19,500	16,000	11,000
2 1/3	125.0	36,000	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,500	26,000	22,500	18,500	13,000
2 1/4	146.0	41,000	8,200	4,100	16,500	14,000	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/2	166.7	46,500	9,300	4,700	18,500	16,000	13,000	9,300	16,500	8,400	33,500	29,000	23,500	16,500
2 5/8	190.8	52,000	10,500	5,200	21,000	18,000	14,500	10,500	18,500	9,500	37,500	32,500	26,500	18,500

Refer to Figs. H-1 and H-2

Table H-16

NYLON ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	6.5	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	8.3	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	10.5	9,880	1,100	550	2,200	1,900	1,600	1,100	2,000	1,000	4,000	3,400	2,800	2,000
3/4	14.5	13,490	1,500	750	3,000	2,600	2,100	1,500	2,700	1,400	5,400	4,700	3,800	2,700
13/16	17.0	16,150	1,800	900	3,600	3,100	2,600	1,800	3,200	1,600	6,400	5,600	4,600	3,200
7/8	20.0	19,000	2,100	1,100	4,200	3,700	3,000	2,100	3,800	1,900	7,600	6,600	5,400	3,800
1	26.0	23,750	2,600	1,300	5,300	4,600	3,700	2,600	4,800	2,400	9,500	8,200	6,700	4,800
1 1/16	29.0	27,360	3,000	1,500	6,100	5,300	4,300	3,000	5,500	2,700	11,000	9,500	7,700	5,500
1 1/8	34.0	31,350	3,500	1,700	7,000	6,000	5,000	3,500	6,300	3,100	12,500	11,000	8,900	6,300
1 1/4	40.0	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 5/16	45.0	40,850	4,500	2,300	9,100	7,900	6,400	4,500	8,200	4,100	16,500	14,000	12,000	8,200
1 1/2	55.0	50,350	5,600	2,800	11,000	9,700	7,900	5,600	10,000	5,000	20,000	17,500	14,000	10,000
1 5/8	68.0	61,750	6,900	3,400	13,500	12,000	9,700	6,900	12,500	6,200	24,500	21,500	17,500	12,500
1 3/4	83.0	74,100	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	27,500	21,000	15,000
2	95.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/8	109.0	100,700	11,000	5,600	22,500	19,500	16,000	11,000	20,000	10,000	40,500	35,000	28,500	20,000
2 1/4	129.0	118,750	13,000	6,600	26,500	23,000	18,500	13,000	24,000	12,000	47,500	41,000	33,500	24,000
2 1/2	149.0	138,000	15,000	7,400	29,500	25,500	21,000	15,000	26,500	13,500	53,000	46,000	37,500	26,500
2 5/8	169.0	153,900	17,100	8,600	34,000	29,500	24,000	17,000	31,000	15,500	61,500	53,500	43,500	31,000

Refer to Figs. H-1 and H-2

Table H-17
POLYESTER ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 9)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	8.0	6,080	700	350	1,400	1,200	950	700	1,200	600	2,400	2,100	1,700	1,200
9/16	10.2	7,600	850	400	1,700	1,500	1,200	850	1,500	750	3,000	2,600	2,200	1,500
5/8	13.0	9,500	1,100	550	2,100	1,800	1,500	1,100	1,900	950	3,800	3,300	2,700	1,900
3/4	17.5	11,875	1,300	650	2,600	2,300	1,900	1,300	2,400	1,200	4,800	4,100	3,400	2,400
13/16	21.0	14,725	1,600	800	3,300	2,800	2,300	1,600	2,900	1,500	5,900	5,100	4,200	2,900
7/8	25.0	17,100	1,900	950	3,800	3,300	2,700	1,900	3,400	1,700	6,800	5,900	4,800	3,400
1	30.5	20,900	2,300	1,200	4,600	4,000	3,300	2,300	4,200	2,100	8,400	7,200	5,900	4,200
1 1/16	34.5	24,225	2,700	1,300	5,400	4,700	3,800	2,700	4,800	2,400	9,700	8,400	6,900	4,800
1 1/8	40.0	28,025	3,100	1,600	6,200	5,400	4,400	3,100	5,600	2,800	11,000	9,700	7,900	5,600
1 1/4	46.3	31,540	3,500	1,800	7,000	6,100	5,000	3,500	6,300	3,200	12,500	11,000	8,900	6,300
1 5/16	52.5	35,625	4,000	2,000	7,900	6,900	5,600	4,000	7,100	3,600	14,500	12,500	10,000	7,100
1 1/2	66.8	44,460	4,900	2,500	9,900	8,600	7,000	4,900	8,900	4,400	18,000	15,500	12,500	8,900
1 5/8	82.0	54,150	6,000	3,000	12,000	10,400	8,500	6,000	11,000	5,400	21,500	19,000	15,500	11,000
1 3/4	98.0	64,410	7,200	3,600	14,500	12,500	10,000	7,200	13,000	6,400	26,000	22,500	18,000	13,000
2	118.0	76,000	8,400	4,200	17,000	14,500	12,000	8,400	15,000	7,600	30,500	26,500	21,500	15,000
2 1/8	135.0	87,400	9,700	4,900	19,500	17,000	13,500	9,700	17,500	8,700	35,000	30,500	24,500	17,500
2 1/4	157.0	101,650	11,500	5,700	22,500	19,500	16,000	11,500	20,500	10,000	40,500	35,000	29,000	20,500
2 1/2	181.0	115,900	13,000	6,400	26,000	22,500	18,000	13,000	23,000	11,500	46,500	40,000	33,000	23,000
2 5/8	205.0	130,150	14,500	7,200	29,000	25,000	20,500	14,500	26,000	13,000	52,000	45,000	37,000	26,000

Refer to Figs. H-1 and H-2

Table H-18
POLYPROPYLENE ROPE SLINGS

ROPE DIAMETER Nominal In Inches	Nominal Weight Per 100 ft In Pounds	Minimum Breaking Strength In Pounds	RATED CAPACITY IN POUNDS (Safety Factor = 6)											
			EYE AND EYE SLING						ENDLESS SLING					
			VERTICAL HITCH	CHOKER HITCH	BASKET HITCH				VERTICAL HITCH	CHOKER HITCH	BASKET HITCH			
					Angle of Rope to Horizontal						Angle of Rope to Horizontal			
					90 deg	60 deg	45 deg	30 deg			90 deg	60 deg	45 deg	30 deg
					Angle of Rope to Vertical						Angle of Rope to Vertical			
					0 deg	30 deg	45 deg	60 deg			0 deg	30 deg	45 deg	60 deg
1/2	4.7	3,990	650	350	1,300	1,200	950	650	1,200	600	2,400	2,100	1,700	1,200
9/16	6.1	4,845	800	400	1,600	1,400	1,100	800	1,500	750	2,900	2,500	2,100	1,500
5/8	7.5	5,890	1,000	500	2,000	1,700	1,400	1,000	1,800	900	3,500	3,100	2,500	1,800
3/4	10.7	8,075	1,300	700	2,700	2,300	1,900	1,300	2,400	1,200	4,900	4,200	3,400	2,400
13/16	12.7	9,405	1,600	800	3,100	2,700	2,200	1,600	2,800	1,400	5,600	4,900	4,000	2,800
7/8	15.0	10,925	1,800	900	3,600	3,200	2,600	1,800	3,300	1,600	6,600	5,700	4,600	3,300
1	18.0	13,300	2,200	1,100	4,400	3,800	3,100	2,200	4,000	2,000	8,000	6,900	5,600	4,000
1 1/16	20.4	15,200	2,500	1,300	5,100	4,400	3,600	2,500	4,600	2,300	9,100	7,900	6,500	4,600
1 1/8	23.7	17,385	2,900	1,500	5,800	5,000	4,100	2,900	5,200	2,600	10,500	9,000	7,400	5,200
1 1/4	27.0	19,950	3,300	1,700	6,700	5,800	4,700	3,300	6,000	3,000	12,000	10,500	8,500	6,000
1 5/16	30.5	22,325	3,700	1,900	7,400	6,400	5,300	3,700	6,700	3,400	13,500	11,500	9,500	6,700
1 1/2	38.5	28,215	4,700	2,400	9,400	8,100	6,700	4,700	8,500	4,200	17,000	14,500	12,000	8,500
1 5/8	47.5	34,200	5,700	2,900	11,500	9,900	8,100	5,700	10,500	5,100	20,500	18,000	14,500	10,500
1 3/4	57.0	40,850	6,800	3,400	13,500	12,000	9,600	6,800	12,500	6,100	24,500	21,000	17,500	12,500
2	69.0	49,400	8,200	4,100	16,500	14,500	11,500	8,200	15,000	7,400	29,500	25,500	21,000	15,000
2 1/8	80.0	57,950	9,700	4,800	19,500	16,500	13,500	9,700	17,500	8,700	35,000	30,100	24,500	17,500
2 1/4	92.0	65,550	11,000	5,500	22,000	19,000	15,500	11,000	19,500	9,900	39,500	34,000	28,000	19,500
2 1/2	107.0	76,000	12,500	6,300	25,500	22,000	18,000	12,500	23,000	11,500	45,500	39,500	32,500	23,000
2 5/8	120.0	85,500	14,500	7,100	28,500	24,500	20,000	14,500	25,500	13,000	51,500	44,500	36,500	25,500

Refer to Figs. H-1 and H-2

TABLE H-19—SAFE WORKING LOADS FOR SHACKLES

[In tons of 2000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
3/8	5/8	1.4
1/2	3/4	2.2
5/8	7/8	3.2
3/4	1	4.3
1	1 1/4	5.6
1 1/4	1 3/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

TABLE H-20—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/16	3	4	3 3/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	4	6	6
9/16	5	6	6 3/4
5/8	5	7	7 1/2
3/4	6	7	8 3/4
7/8	6	8	9

(f) *Sling configurations.* The several sling configurations encompassed here are identified in Figures H-1 and H-2. For both figures, the following symbols are used to limit and qualify the contact surface between a portion of the sling and a load or support:

Represents a contact surface which shall have a diameter of curvature at least double the diameter of the rope from which the sling is made.

Represents a contact surface which shall have a diameter of curvature at least eight times the diameter of the rope.

Represents a load in a choker hitch and illustrates the rotary force on the load and/or the slippage of the rope in contact with the load. Diameter of curvature of load surface shall be at least double the diameter of the rope.

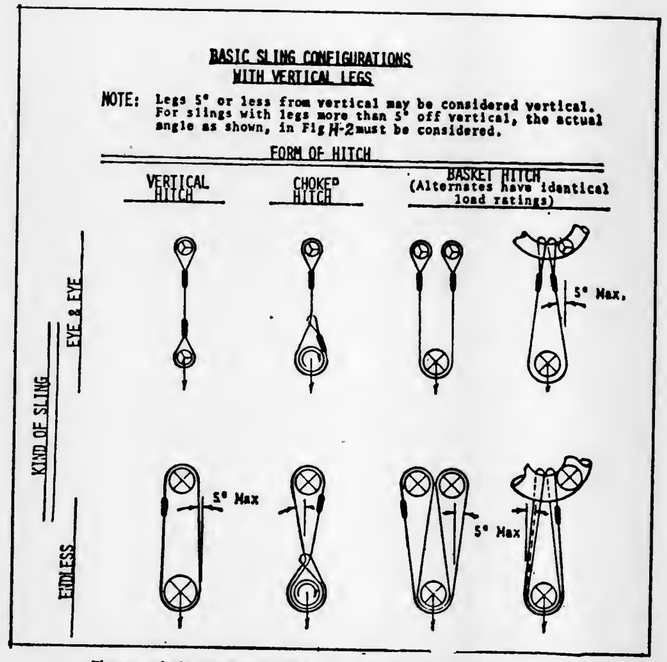

These symbols represent load or support surfaces in contact with the sling. For fibre rope slings, these surfaces have limitations, as stated in paragraph (f).

Fig. H-1

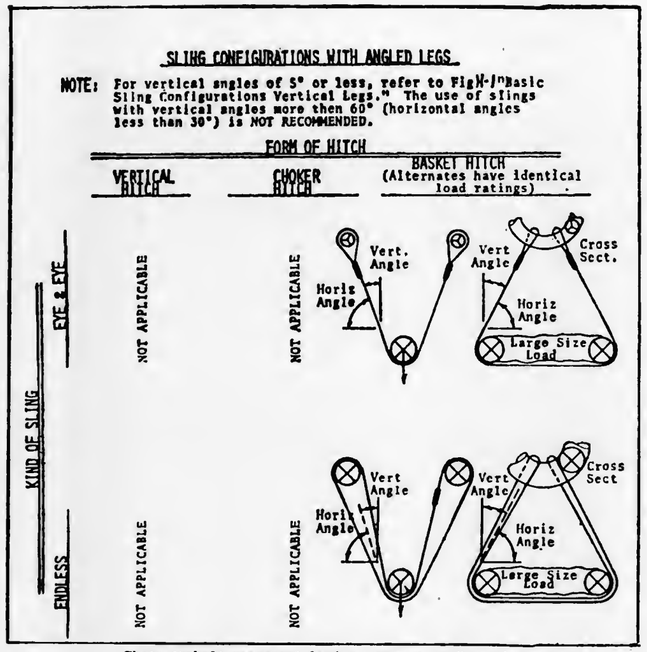

These symbols represent load or support surfaces in contact with the sling. For fibre rope slings, these surfaces have limitations as stated.

Fig. H-2

Subpart I—Tools—Hand and Power

§ 1518.300 General requirements.

(a) *Condition of tools.* All hand and power tools and similar equipment, whether furnished by the employer or the employee, shall be maintained in a safe condition.

(b) *Guarding.* (1) When power operated tools are designed to accommodate guards, they shall be equipped with such guards when in use.

(2) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating or moving parts or equipment shall be guarded if such parts are exposed to contact by employees or otherwise create a hazard. Guarding shall meet the requirements as set forth in American National Standards Institute, B15.1–1953 (R1958), Safety Code for Mechanical Power-Transmission Apparatus.

(c) *Personal protective equipment.* Employees using hand and power tools and exposed to the hazard of falling, flying, abrasive, and splashing objects, or exposed to harmful dusts, fumes, mists, vapors, or gases shall be provided with the particular personal protective equipment necessary to protect them from the hazard. All personal protective equipment shall meet the requirements and be maintained according to Subparts D and E of this part.

(d) *Constant pressure switch.* All hand-held power tools shall be equipped with a constant pressure switch that will shut off the power when the pressure is released.

§ 1518.301 Hand tools.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including adjustable, pipe, end, and socket wrenches shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1518.302 Power-operated hand tools.

(a) *Electric power-operated tools.* (1) Electric power operated tools shall either be of the approved double-insulated type or grounded in accordance with Subpart K of this part.

(2) The use of electric cords for hoisting or lowering tools shall not be permitted.

(b) *Pneumatic power tools.* (1) Pneumatic power tools shall be secured to the hose or whip by some positive means to prevent the tool from becoming accidentally disconnected.

(2) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled.

(3) All pneumatically driven nailers, staplers, and other similar equipment which operate at more than 100 p.s.i. pressure at the tool shall have a safety device on the muzzle to prevent the tool from operating, unless the muzzle is in contact with the work surface.

(4) Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. at the nozzle and then only with effective chip guarding and personal protective equipment which meets the requirements of Subpart E of this part.

(5) The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.

(6) The use of hoses for hoisting or lowering tools shall not be permitted.

(7) An excess flow valve shall be installed in the air supply line at the manifold or source which will shut off the air supply automatically if the line fails.

(8) Airless spray guns of the type which atomize paints and fluids at high pressures (1,000 pounds or more per square inch) shall be equipped with automatic or visible manual safety devices which will prevent pulling of the trigger to prevent release of the paint or fluid until the safety device is manually released.

(9) In lieu of the above, a diffuser nut which will prevent high pressure, high velocity release, while the nozzle tip is removed, plus a nozzle tip guard which will prevent the tip from coming into contact with the operator, or other equivalent protection, shall be provided.

(c) *Fuel powered tools.* (1) All fuel powered tools shall be stopped while being refueled, serviced, or maintained, and fuel shall be transported, handled, and stored in accordance with Subpart F of this part.

(2) When fuel powered tools are used in enclosed spaces, the applicable requirements for concentrations of toxic gases and use of personal protective equipment, as outlined in Subparts D and E of this part, shall apply.

(d) *Hydraulic power tools.* (1) the fluid used in hydraulic powered tools shall be fire-resistant fluids approved under Schedule 30 of the U.S. Bureau of Mines, Department of the Interior, and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

(2) The manufacturer's safe operating pressures for hoses, valves, pipes, filters, and other fittings shall not be exceeded.

(e) *Powder-actuated tools.* (1) Only employees who have been trained in the operation of the particular tool in use shall be allowed to operate a powder-actuated tool.

(2) The tool shall be tested each day before loading to see that safety devices are in proper working condition. The method of testing shall be in accordance with the manufacturer's recommended procedure.

(3) Any tool found not in proper working order, or that develops a defect during use, shall be immediate removed from service and not used until properly repaired.

(4) Personal protective equipment shall be in accordance with Subpart E of this part.

(5) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any employees. Hands shall be kept clear of the open barrel end.

(6) Loaded tools shall not be left unattended.

(7) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.

(8) Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.

(9) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.

(10) Tools shall not be used in an explosive or flammable atmosphere.

(11) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.

(12) Powder-actuated tools used by employees shall meet all other applicable requirements of American National Standards Institute, A10.3–1970, Safety Requirements for Explosive-Actuated Fastening Tools.

§ 1518.303 Abrasive wheels and tools.

(a) *Power.* All grinding machines shall be supplied with sufficient power to maintain the rated spindle speed under all conditions of normal operation.

(b) *Guarding.* Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1–1964, Safety Code for the Use, Care and Protection of Abrasive Wheels, and paragraph (d) of this section.

(c) *Exhaust provision.* All stationary machines used for dry grinding shall have provisions made for connection to an exhaust system.

(d) *Use of abrasive wheels.* (1) Floor stand and bench mounted abrasive wheels, used for external grinding, shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90°, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exeecd 125°. In either case, the exposure shall begin not more than 65° above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(2) Floor and bench-mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept at a distance not to exceed one-eighth inch from the surface of the wheel.

(3) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the American National Standards Institute, B7.1–1964, Safety Code for the Use, Care, and Protection of Abrasive Wheels. All other portable abrasive wheels used for external grinding, shall be provided with safety guards (protection hoods) meeting the requirements of subparagraph (5) of this paragraph, except as follows:

(i) When the work location makes it impossible, a wheel equipped with safety flanges, as described in subparagraph (6) of this paragraph, shall be used;

(ii) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(4) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of subparagraph (6) of this paragraph, except as follows:

(i) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used;

(ii) If the wheel is entirely within the work being ground while in use.

(5) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180°.

(6) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges, of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage, shall be used.

(7) All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure that they are free from cracks or defects.

(8) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(9) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(10) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of Subpart E of this part, except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

(e) *Other requirements.* All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1–1964, Safety Code for the Use, Care and Protection of Abrasive Wheels.

§ 1518.304 Woodworking tools.

(a) *Disconnect switches.* All power driven woodworking tools shall be provided with a disconnect switch that can be locked in the off position.

(b) *Speeds.* The operating speed shall be etched or otherwise permanently marked on all circular saws over 20 inches in diameter or operating at over 10,000 peripheral feet per minute. Any saw so marked shall not be operated at a speed other than that marked on the blade. When a marked saw is retensioned for a different speed, the marking shall be corrected to show the new speed.

(c) *Self-feed.* Automatic feeding devices shall be installed on machines whenever the nature of the work will permit. Feeder attachments shall have the feed rolls or other moving parts covered or guarded so as to protect the operator from hazardous points.

(d) *Guarding.* All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(e) *Personal protective equipment.* All personal protective equipment provided for use shall conform to Subpart E of this part.

(f) *Other requirements.* All woodworking tools and machinery shall met other applicable requirements of American National Standards Institute, 01.1–1961, Safety Code for Woodworking Machinery.

§ 1518.305 Jacks—lever and ratchet, screw, and hydraulic.

(a) *General requirements.* (1) The manufacturer's rated capacity shall be legibly marked on all jacks and shall not be exceeded.

(2) All jacks shall have a positive stop to prevent overtravel.

(b) *Lift slab construction.* (1) Hydraulic jacks used in lift slab construction shall have a safety device which will cause the jacks to support the load in any position in the event the jack malfunctions.

(2) If lift slabs are automatically controlled, a device shall be installed which will stop the operation when the ½-inch leveling tolerance is exceeded.

(c) *Blocking.* When it is necesary, to provide a firm foundation, the base of the

jack shall be blocked or cribbed. Where there is a possibility of slippage of the metal cap of the jack, a wood block shall be placed between the cap and the load.

Subpart J—Welding and Cutting

§ 1518.350 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation.* For purposes of this section, mechanical ventilation shall meet the following requirements:

(1) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(2) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits, as defined in Subpart D of this part.

(3) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits as defined in Subpart D of this part.

(4) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(5) All air replacing that withdrawn shall be clean and respirable.

(6) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust from clothing, or for cleaning the work area.

(b) *Welding, cutting, and heating in confined spaces.* (1) Except as provided in subparagraph (2) of this paragraph and paragraph (c)(2) of this section, either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section shall be provided whenever welding, cutting, or heating is performed in a confined space.

(2) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of Subpart E of this part, and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(c) *Welding, cutting, or heating of metals of toxic significance.* (1) Welding, cutting, or heating in any enclosed spaces involving the metals specified in this subparagraph shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section:

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals;

(iii) Cadmium-bearing filler materials;

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting, or heating in any enclosed spaces involving the metals specified in this subparagraph shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (a) of this section, or employees shall be protected by air line respirators in accordance with the requirements of Subpart E of this part:

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials;

(ii) Cadmium-bearing or cadmium-coated base metals;

(iii) Metals coated with mercury-bearing metals;

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter-type respirators in accordance with the requirements of Subpart E of this part, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of Subpart E of this part.

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(d) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least 200 feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening shall be protected by filter lenses meeting the requirements of Subpart E of this part. When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type, meeting the requirements of Subpart E of this part shall be worn under welding helmets. Hand shields to protect the welder against flashes and radiant energy shall be used when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (c)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(e) *General welding, cutting, and heating.* (1) Welding, cutting, and heating, not involving conditions or materials described in paragraph (b), (c), or (d) of this section, may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting, or heating shall be protected by suitable eye protective equipment in accordance with the requirements of Subpart E of this part.

§ 1518.351 Fire prevention.

(a) When practical, objects to be welded, cut, or heated shall be moved to a designated safe location or, if the objects to be welded, cut, or heated cannot be readily moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(b) If the object to be welded, cut, or heated cannot be moved and if all the fire hazards cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(c) No welding, cutting, or heating shall be done where the application of flammable paints, or the presence of other flammable compounds, or heavy dust concentrations creates a hazard.

(d) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed, and for a sufficient period of time after completion of the work to ensure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

(f) When welding, cutting, or heating is performed on walls, floors, and ceilings, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent area, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(g) For the elimination of possible fire in enclosed spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the enclosed space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch period. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

(h) Except when the contents are being removed or transferred, drums, pails, and other containers, which contain or have contained flammable liquids, shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations or open flames.

(i) Drums, containers, or hollow structures which have contained toxic or flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(j) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

§ 1518.352 Welding, cutting, and heating in way of preservative coatings.

(a) Before welding, cutting, or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

(b) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable, they shall be stripped from the area to be heated to prevent ignition.

(c) Protection against toxic preservative coatings: (1) In enclosed spaces, all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application, or the employees shall be protected by air line respirators, meeting the requirements of Subpart E of this part.

(2) In the open air, employees shall be protected by a respirator, in accordance with requirements of Subpart E of this part.

(d) The preservative coatings shall be removed a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heating area may be used to limit the size of the area required to be cleaned.

§ 1518.353 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secured. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard, or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or vale protection caps to pry cylinders lose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty, or when cylinders are moved at any time, the cylinder valve shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him, shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission, Department of Transportation, identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the work area. In the event that fuel gas should leak from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the work area.

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least 1-inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be

made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage shall not be used. A wall failure would permit the flow of one gas into the other gas passage.

(2) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches shall be covered by tape.

(3) All hose in use, carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion, or be in any way harmful to employees, shall be inspected at the beginning of each working shift. Defective hose shall be removed from service.

(4) Hose which has been subject to flashback, or which shows evidence of severe wear or damage, shall be tested to twice the normal pressure to which it is subject, but in no case less than 300 p.s.i. Defective hose, or hose in doubtful condition, shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the storage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills, or other devices designed for such purpose.

(2) Torches in use shall be inspected at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Regulators and gauges.* Oxygen and fuel gas pressure regulators, including their related gauges, shall be in proper working order while in use.

(i) *Oil and grease hazards.* Oxygen cylinders and fittings shall be kept away from oil or grease. Cylinders, cylinder valves, couplings, regulators, hose, and apparatus shall be kept free from oil or greasy substances and shall not be handled with oily hands or gloves. Oxygen shall not be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

§ 1518.354 Arc welding and cutting.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting, and are of a capacity capable of safely handling the maximum rated current required by the electrodes, shall be used.

(2) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of 10 feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current-carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Pipelines containing gases or flammable liquids, or conduits containing electrical circuits, shall not be used as a ground return.

(3) When a structure or pipeline is emloyed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks, or heat at any point shall cause rejection of the structures as a ground circuit.

(4) When a structure or pipeline is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water; to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(5) Other requirements, as outlined in Article 360, National Electric Code, Electric Welders, shall be used when applicable.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flameproof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

Subpart K—Electrical

§ 1518.400 General requirements.

(a) *Protection of employees.* (1) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation or other means. In work areas where the exact location of underground electric power lines is unknown, workmen using jack-hammers, bars, or other hand tools which may contact a line shall be provided with insulated protective gloves.

(2) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact therewith. The employer shall post and maintain proper warning signs where such a circuit exists. He shall advise his employees of the location of such lines, the hazards involved and the protective measures to be taken.

(3) In existing installations no changes in circuit protection shall be made to increase load in excess of the load rating of the circuit wiring.

(b) *Lockout and tagging of circuits.* (1) Equipment or circuits that are deenergized shall be rendered inoperative and have tags attached at all points where such equipment or circuits can be energized.

(2) Controls that are to be deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged.

(3) Tags shall be placed to identify plainly the equipment or circuits being worked on.

§ 1518.401 Grounding and bonding.

(a) *Portable and/or cord and plug-connected equipment.* (1) The noncurrent-carrying metal parts of portable and/or plug-connected equipment shall be grounded.

(2) Portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(b) *Fixed equipment.* The noncurrent-carrying metal parts of fixed electrical equipment, including motors, generators, frames and tracks of electrically operated cranes, electrically driven machinery, etc., shall be grounded.

(c) *Effective grounding.* The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit.

(d) *Ground resistance.* Driven rod electrodes shall, where practicable, have a resistance to ground not to exceed 25 ohms. Where the resistance is not as low as 25 ohms, two or more electrodes connected in parallel shall be used.

(e) *Testing of grounds.* Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(f) *Ground fault interruption.* A ground fault interrupter, which will instantly disrupt the flow of current, should a ground fault develop on the system, such as breakdown of insulation, may be used if adequate grounding is important.

(g) *Extension cords.* Extension cords used with portable electric tools and appliances shall be of three-wire type.

(h) *Bonding.* (1) Where not effectively bonded or grounded by contact or connection, provision shall be made to prevent the accumulation of static electrical charges which may create a source of ignition in the presence of flammable vapors or gases.

(2) The nozzle of air, inert gas, and steam lines or hoses when used in the cleaning or ventilation of tanks and vessels that contain hazardous concentrations of flammable gases or vapors, shall be bonded to the tank or vessel shell. Bonding devices shall not be attached nor detached in hazardous concentrations of flammable gases or vapors.

(3) Conductors used for bonding and grounding stationary and moveable equipment shall be of ample size to carry the anticipated current.

(4) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(i) *Temporary wiring.* All temporary wiring shall be installed in a safe and workmanlike manner. Individual circumstances will dictate the degree of hazard and will therefore determine the wiring method to be employed.

(j) *Construction site.* Every precaution shall be taken to make any necessary open wiring inaccessible to unqualified personnel. Lighting on barricades, fences, or sidewalks coverings shall be encased in a metal raceway.

(k) *Temporary lighting.* (1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the cable.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(4) Portable electric lighting used in moist and/or other hazardous locations, as for example, drums, tanks and vessels shall be operated at a maximum of 12 volts.

§ 1518.402 Equipment installation and maintenance.

(a) *Flexible cable and cords.* (1) Receptacles for attachment plugs shall be of approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact.

(2) Where different voltages, frequencies, or types of current (a.c. or d.c.) are to be supplied by portable cords, receptacles shall be of such design that attachment plugs used on such circuits are not interchangeable.

(3) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(4) Attachment plugs for use in work areas shall be so constructed that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(5) Flexible cord shall be used only in continuous lengths without splice, except suitable molded or vulcanized splices may be used where properly made, and the insulation shall be equal to the cable being spliced.

(6) Trailing cables shall be protected from damage.

(7) Splices in trailing cable shall be mechanically strong components and insulated to retain the mechanical and dielectric strength of the original cable.

(8) Cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(9) Handlamps of the portable type shall be of the molded composition or other type approved for the purpose. Brass-shell, paper-lined lampholders shall not be used. Handlamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lampholder or the handle.

(10) Worn or frayed electric cables shall not be used.

(11) Extension cords shall be protected against accidental damage as may be caused by traffic, sharp corners, or projections and pinching in doors or elsewhere.

(12) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire.

(b) *Overcurrent protection.* (1) Overcurrent protection shall be provided by fuses or circuit breakers for each feeder and branch circuit, and shall be based on the current-carrying capacity of the conductors supplied and the power load being used.

(2) No overcurrent device shall be placed in any permanently grounded conductor, except where the overcurrent device simultaneously opens all conductors of the circuit or for motor running protection.

(3) When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(c) *Switches, circuit breakers, and disconnecting means.* (1) Each disconnecting means for motors and appliances, and each service feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

(2) Disconnecting means shall be located or shielded so that employees will not be injured.

(3) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted and fitted with covers.

(4) Boxes and disconnecting means installed in damp or wet locations shall be waterproof to the extent that water does not enter or accumulate.

(d) *Transformers.* (1) Energized transformers shall be provided with enclosures. Enclosures made of metal shall be grounded.

(2) Entrance to such locations shall be kept locked.

(3) Signs indicating danger and prohibiting unauthorized entrance shall be displayed at entrances.

(e) *Welding and cutting equipment.* Welding and cutting equipment shall meet the requirements specified in Subparts F and J of this part.

§ 1518.403 Battery rooms and battery charging.

(a) *General requirements.* (1) Batteries of the nonsealed type shall be located in separate rooms or enclosures

so arranged as to prevent the escape into other rooms of objectionable quantities of electrolyte spray.

(2) Ventilation shall be provided to ensure diffusion of the gases from the battery to prevent the accumulation of an explosive mixture.

(3) Racks and trays shall be substantial and treated to be resistant to the electrolyte.

(4) Floors shall be of acid resistant construction or be protected from acid accumulations.

(5) Face shields, aprons, and rubber gloves shall be provided for workmen handling acids or batteries.

(6) Facilities for quick drenching of the eyes and body shall be provided within 25 feet of the work area for emergency use.

(7) Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.

(b) *Charging.* (1) Battery charging installations shall be located in areas designated for that purpose.

(2) When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning.

§ 1518.404 Hazardous locations.

(a) General: For the purpose of this section, hazardous locations are defined as follows:

(1) Class I Locations—Class I Locations are those in which flammable gases or vapors are or may be present in quantities sufficient to produce explosive or ignitable mixtures.

(2) Class II Locations—Class II Locations are those which are hazardous because of the presence of combustible dust.

(3) Class III Locations—Class III Locations are those which are hazardous because of the presence of easily ignitable fibers or flyings, but in which such fibers or flyings are not likely to be in suspension in air in quantities sufficient to produce ignitable mixtures.

(4) See the National Electrical Code for further definition of divisions 1 and 2 for each class.

(b) All wiring, components, and utilization equipment used in a hazardous location shall be listed by the Underwriters' Laboratories Inc., or approved by the Factory Mutual Engr. Corp. for the use in the applicable class location.

(c) Equipment approved for a specific hazardous location shall not be installed or intermixed with equipment approved for another specific hazardous location.

(d) Contractor shall ensure that all wiring components and utilization equipment are maintained as vapor, dust, or fiber tight as contemplated by their approvals. There shall be no loose or missing screws, gaskets, threaded connections, or other impairments to this tight condition.

§ 1518.405 Definitions.

(a) "Approved"—electrical wire, apparatus, and equipment in temporary or permanent use shall be of a type approved by the Underwriters' Laboratories, Inc., or Factory Mutual Engr. Corp. for the specific application. In the absence of an enforcing authority, compliance with the applicable requirements of the National Electrical Code shall constitute approval for equipment and installation.

(b) "Bonding jumper"—a conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(c) "Branch circuits"—that portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(d) "Circuit breaker"—a device designed to open and close a circuit by manual means, and to open the circuit automatically on a predetermined overload of current, without injury to itself when properly applied within its rating.

(e) "Exposed" (as applied to live parts)—means that a live part can be inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated.

(f) "Ground"—a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body which serves in place of the earth.

(g) "Grounded"—connected to earth or to some conducting body which serves in place of the earth.

(h) "Hazard"—is considered to include casualty, fire, and shock when applicable.

(i) "Raceway"—any channel for loosely holding wires or cables in interior work which is designed expressly and used solely for this purpose. Raceways may be of metal, wood, or insulating material, and the term includes wood and metal moldings consisting of a backing and capping, and also metal ducts into which wires are to be pulled.

(j) "Shock hazard"—considered to exist at an accessible part in a circuit involving a potential of 125 volts or less, measured between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

(k) "Weatherproof"—so constructed or protected that exposure to the weather shall not interfere with successful operation.

Subpart L—Ladders and Scaffolding

§ 1518.450 Ladders.

(a) *General requirements.* (1) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this subpart shall be used to give safe access to all levels.

(2) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(3) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A 14.1–1968, Safety Code for Portable Wood Ladders.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A 14.2–1956, Safety Code for Portable Metal Ladders.

(5) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A 14.3–1956, Safety Code for Fixed Ladders.

(6) Portable ladder feet shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear.

(7) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the base will not be greater than one-fourth the vertical distance between these points.

(8) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(9) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(10) Portable ladders in use shall be tied, blocked, or otherwise secured to prevent their being displaced.

(11) Portable metal ladders shall not be used near electrical conductors, nor for electric arc welding operations, nor in corrosive environments, which could adversely affect the metal.

(b) *Job-made ladders.* (1) Job-made ladders shall be constructed for intended use. If a ladder is to provide the only means of access or exit from a working area for 25 or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(2) Double cleat ladders shall not exceed 24 feet in length.

(3) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms. (See § 1518.451 (a)(5).)

(4) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(5) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of length.

(6) Wood side rails of ladders having cleats shall be not less than 1⅝ inches thick and 3⅝ inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods. Wood side rails of Group 4 woods may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

AVERAGE DENSITIES OF VARIOUS SPECIES OF WOOD FOR USE IN LADDERS

Species	Density (lbs./ft.³)	Species	Density (lbs./ft.³)
GROUP 1			
White ash	41	Hard maple	42
Beech	43	Red maple	36
Birch	44	Red oak	43
Rock elm	43	White oak	46
Hickory	50	Pecan	46
Locust	47	Persimmon	50
GROUP 2			
Douglas fir (coast region)	34	Southern yellow pine	37
Western larch	38		
GROUP 3			
Red alder	28	Gum	34
Oregon ash	38	West Coast hemlock	30
Pumpkin ash	37	Magnolia	35
Alaska cedar	31	Oregon maple	34
Port Orford cedar	30	Norway pine	31
Cucumber	34	Poplar	28
Cypress	32	Redwood	25
Soft elm	36	Eastern spruce	28
Douglas fir (Rocky Mountain type)	30	Sitka spruce	28
Noble fir	27	Sycamore	35
		Tamarack	37
		Tupelo	35
GROUP 4			
Aspen	27	Eastern hemlock	28
Basswood	25	Holly	39
Buckeye	25	Soft maple	33
Butternut	27	Lodgepole pine	29
Incense cedar	25	Idaho white pine	28
Western red cedar	23	Northern white pine	25
Black cottonwood	24	Ponderosa pine	28
White fir	26	Sugar pine	26
Hackberry	37		

(7) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(8) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 3-inch by 6-inch lumber shall be used for single cleat ladders from 16 to 30 feet in length.

(9) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(10) Wood cleats shall have the following minimum dimensions when made of Group 1 woods:

Length of cleat (inches)	Thickness (inches)	Width (inches)
Up to and including 20	2 5/32	3
Over 20 and up to and including 30	2 5/32	3 3/4

(11) Cleats may be made of species of any other group provided that the cross-sectional dimensions specified for Group I species are increased by the factors shown below (based on the following percentages) for the species group of which the cleats are to be made.

FACTOR FOR INCREASE IN

Species group	Width and thickness	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.05
3	1.11	1.19
4	1.17	1.26

(12) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

§ 1518.451 Scaffolding.

(a) *General requirements.* (1) Scaffolds shall be erected in accordance with requirements of this section.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(3) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 5 feet above the ground or floor, except needle beam scaffolds and floats.

(5) Guardrails shall be 2- x 4-inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 10 feet. Toeboards shall be a minimum of 4 inches in height.

(6) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 19 gauge U.S. Standard wire ½-inch mesh, or the equivalent.

(7) Where the structure prevents or this subpart does not require guardrail, employees working more than 5 feet above solid surfaces shall be protected by safety belts and lifelines meeting the requirements of § 1518.104.

(8) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(9) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(10) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(11) All planking shall be Scaffold Grade as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 9-inch or wider planks shall be as shown in the following:

MATERIAL

	Full thickness undressed lumber			Nominal thickness lumber[1]	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

[1] Nominal thickness lumber not recommended for heavy duty use.

(12) The maximum permissible span for 1¼- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(13) All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement.

(14) An access ladder or equivalent safe access shall be provided.

(15) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(16) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(17) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(18) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(19) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals.

(20) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the intended load.

(21) The use of shore pump jack, or lean-to scaffolds is prohibited.

(b) *Wood pole scaffolds.* (1) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(2) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(3) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(4) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at

intervals not greater than 25 feet vertically and horizontally.

(5) Putlogs or bearers shall be set with their greater dimension vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(6) Every wooden putlog on single pole scaffolds shall be reinforced with a $\frac{3}{16}$- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(7) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(8) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(9) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(10) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles.

(11) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(12) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of plans due to deflection, and the ends shall be secured to prevent their dislodgment.

(13) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(14) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(15) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section, when required.

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables L–1 to 6. If they are over 60 feet in height, they shall be designed by a licensed professional engineer competent in this field, and it shall be constructed and erected in accordance with such design.

TABLE L–1—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS, LIGHT DUTY

	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2 x 4 in.	4 x 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers or putlogs to 30 ft. 0 in. width	2 x 4 in.	2 x 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 x 6 in. or 3 x 4 in.	2 x 6 in. or 3 x 4 in. (rough).
Ledgers	1 x 4 in.	1¼ x 9 in.
Planking	1¼ x 9 in. (rough)	2 x 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 x 4 in.	1 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum).
Guardrail	2 x 4 in.	2 x 4 in.

All members except planking are used on edge.

TABLE L–2—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 x 9 in. or 3 x 4 in.
Spacing of bearers or putlogs	3 ft. 4 in.
Ledgers	2 x 9 in.
Vertical spacing of horizontal members	9 ft. 0 in.
Bracing, horizontal	1 x 6 in. or 1¼ x 4 in.
Bracing, diagonal	1 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 9 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

TABLE L–3—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—HEAVY DUTY

Uniformly distributed load	Not to exceed 75 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 x 9 in. or 3 x 5 in. (rough).
Spacing of bearers or putlog	6 ft. 0 in.
Ledgers	2 x 9 in.
Vertical spacing of horizontal members	6 ft. 6 in.
Bracing, horizontal and diagonal	2 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 9 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

TABLE L–4—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2 x 4 in.	4 x 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1¼ x 4 in.	1¼ x 9 in.
Bearers to 3 ft. 0 in. span	2 x 4 in.	2 x 4 in.
Bearers to 10 ft. 0 in. span	2 x 6 in. or 3 x 4 in.	2 x 9 (rough) or 3 x 8 in.
Planking	1¼ x 9 in.	2 x 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 x 4 in.	1 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 x 4 in.	2 x 4 in.

All members except planking are used on edge:

TABLE L–5—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in. 2 x 9 in.
Ledgers	
Vertical spacing of horizontal members	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 x 9 in. (rough) or 2 x 10 in.
Bracing, horizontal	1 x 6 in. or 1¼ x 4 in.
Bracing, diagonal	1 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 9 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

TABLE L–6—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS—HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 p.s.f.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 x 9 in.
Vertical spacing of horizontal members.	4 ft. 6 in.
Bearers	2 x 9 in. (rough).
Bracing, horizontal and diagonal.	2 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 9 in.
Toeboards	4-in. high (minimum).
Guardrail	2 x 4 in.

All members except planking are used on edge.

(c) *Tube and coupler scaffolds.* (1) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(2) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(3) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet 6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables L–7, 8, and 9. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables L–7, 8, and 9 shall be designed by a licensed professional engineer competent in this field.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables L–7, 8, and 9, or as set forth in the specifications by a licensed professional engineer competent in this field.

TABLE L–7—TUBE AND COUPLER SCAFFOLDS LIGHT DUTY

Uniformly distributed load..... Not to exceed 25 p.s.f.
Post spacing (longitudinal)..... 10 ft. 0 in.
Post spacing (transverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE L–8—TUBE AND COUPLER SCAFFOLDS MEDIUM DUTY

Uniformly distributed load..... Not to exceed 50 p.s.f.
Post spacing (longitudinal)..... 8 ft. 0 in.
Post spacing (transverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

Table L–9—Tube and Coupler Scaffolds Heavy Duty

Uniformly distributed load..... Not to exceed 75 p.s.f.
Post spacing (longitudinal)..... 6 ft. 0 in.
Post spacing (traverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

(6) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(7) Runners shall be erected along the height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

(8) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(9) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(10) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(11) Longitudinal diagonal bracing shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(12) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(13) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail of 1- x 4-inch lumber or equivalent, and toeboard, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(d) *Tubular welded frame scaffolds.* (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safety support four times the maximum intended load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(8) Maximum permissible spans of planking shall be in conformity with paragraph (a)(11) of this section.

(9) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a licensed professional engineer.

(10) Guardrails, not less than 2 x 4 inches or the equivalent, and approximately 42 inches high, with a midrail, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(e) *Manually propelled mobile scaffolds.* (1) When free-standing mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(2) Casters shall be properly designed for strength and dimensions to support

four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(3) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with paragraph (d)(3) of this section.

(4) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(5) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(6) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(7) Employees shall be prohibited from staying on the scaffold while it is being moved. All tools and materials shall be secured or removed from the platform before the mobile scaffold is moved.

(8) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(9) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of paragraphs (b), (c), or (d) of this section, depending on the material of which they are constructed.

(10) Guardrails not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(f) *Elevating and rotating work platforms.* Applicable requirements of American National Standards Institute A92.9–1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be met for such equipment in use.

(g) *Outrigger scaffolds.* (1) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1½ times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(2) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Unless outrigger scaffolds are designed by a licensed professional engineer competent in this field, they shall be constructed and erected in accordance with Table L–10. Outrigger scaffolds, designed by a licensed professional engineer, shall be constructed and erected in accordance with such design.

TABLE L–10—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

Maximum scaffold load.	Light duty	Medium duty
	25 p.s.f.	50 p.s.f.
Outrigger size	2 x 10 in	3 x 10 in.
Maximum outrigger spacing.	10 ft. 0 in	6 ft. 0 in.
Planking	2 x 9 in	2 x 9 in.
Guardrail	2 x 4 in	2 x 4 in.
Guardrail uprights	2 x 4 in	2 x 4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(5) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(h) *Masons' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure. The platform shall be supported by outriggers at intervals not greater than 12 feet apart.

(2) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories.

(3) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(6) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(7) All outrigger beams shall be set and maintained with their webs in a vertical position.

(8) A stop bolt shall be placed at each end of every outrigger beam.

(9) The outrigger beam shall rest on suitable wood bearing blocks.

(10) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(11) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(12) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see paragraph (a)(11) of this section.)

(13) When men are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(14) Each scaffold shall be installed or relocated under the supervision of a competent person.

(15) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(i) (*Swinging scaffolds*) *two-point suspension.* (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4 times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories.

(4) The roof irons or hooks shall be of mild steel, or other equivalent material, or proper size and design, securely installed and anchored. Tiebacks of ¾-inch manila rope, or the equivalent, shall serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(5) Two-point suspension scaffolds shall be suspended by wire, synthetic, or fiber ropes capable of supporting at least 6 times the intended load.

(6) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(7) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(8) On suspension scaffolds designed for a working load of 500 pounds, no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be appropriately changed as the work progresses.

(9) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(10) The platform of every two-point suspension scaffold shall be one of the following types:

(i) *Ladder-type platforms.* The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛ inch in diameter, with ⅞-inch tenons mortised into the side stringers at least seven-eighths inch. The stringers shall be tied together with tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table L–11.

TABLE L–11—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 and 16	18 and 20	22 and 24	26 and 30
Side Stringers, minimum cross section (finished sizes):					
At ends (inches)	1¾ x 2¾	1¾ x 2¾	1¾ x 3	1¾ x 3	1¾ x 3½.
At middle (inches)	1¾ x 3½	1¾ x 3½	1¾ x 4	1¾ x 4½	1¾ x 5.
Reinforcing strip (minimum)	A ¾x⅜ inch steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 11½-inches minimum diameter with at least ¾-inch diameter tenons, and the maximum spacing shall be 12 inches center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6.
Diameter (minimum)	¾ in.	¼ in.	¼ in.	½ in.	½ in.
Flooring, minimum finished size (inches)	⅞x2¾	⅞x2¾	⅞x2¾	1⅛x2¾	1⅛x2¾.

(ii) *Plank-type platforms.* Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(iii) *Beam-type platforms.* Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) *Light metal-type platforms.* When used, shall be tested and listed according to Underwriters' Laboratories.

(11) Guardrails, not less than 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(j) *Stone setters' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see subdivision (ii) of paragraph (i)(10), Plank-Type Platforms, and Table L–11 of this section.)

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(5) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope capable of supporting at least 6 times the intended load.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain at the drum at all times.

(8) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other, but shall be maintained at even height with platforms abutting closely.

(9) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(k) *Single-point adjustable suspension scaffolds.* (1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories.

(2) The power units may be either electrically or air motor driven.

(3) All power-operated gears and brakes shall be enclosed.

(4) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(5) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(6) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with paragraph (i) of this section.

(7) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(8) Suspension methods shall conform to applicable provisions of paragraphs (h) and (i) of this section.

(9) Guards, midrails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 x 4 inches or the equivalent, approximately 42 inches above the platform. Midrails shall be 1 x 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.

(10) For additional details not covered in this paragraph, applicable technical portions of American National Standards Institute, A120, 1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(l) *Boatswain's chairs.* (1) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least ⅜-inch wire rope when an employee is conducting a heat-producing process, such as gas or arc welding.

(4) The employee shall be protected by a safety lifebelt and lifeline in accordance with § 1518.104. The attachment

point of the lifeline to the structure shall be appropriately changed as the work progresses.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced $\frac{5}{8}$-inch diameter first-grade manila rope, or equivalent.

(6) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(m) *Carpenters' bracket scaffolds.* (1) the brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than five-eighths inch in diameter, which shall extend through the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(3) The brackets shall be spaced no more than 10 feet apart.

(4) No more than two employees shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(5) The platform shall consist of not less than two 2- x 9-inch nominal size planks extending not more than 12 inches or less than 6 inches beyond each end support.

(8) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail, or 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(n) *Bricklayers' square scaffolds.* (1) The squares shall not exceed 5 feet in width and 5 feet in height.

(2) Members shall be not less than those specified in Table L–12.

TABLE L–12.—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members	*Dimensions*
Bearers or horizontal members	2 x 6 in.
Legs	2 x 6 in.
Braces at corners	1 x 6 in.
Braces diagonally from center frame.	1 x 8 in.

(3) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(4) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(5) Platform planks shall be at least 2- x 9-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(6) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(7) Scaffolds shall be level and set upon a firm foundation.

(o) *Horse scaffolds.* (1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table L–13.

TABLE L–13—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members	*Dimensions*
Horizontal members or bearers.	3 x 4 in.
Legs	$1\frac{1}{4}$ x $4\frac{1}{2}$ in.
Longitudinal brace between legs.	1 x 6 in.
Gusset brace at top of legs	1 x 8 in.
Half diagonal braces	$1\frac{1}{4}$ x $4\frac{1}{2}$ in.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(p) *Needle beam scaffold.* (1) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to paragraphs (a) (8) and (10) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(4) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(5) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(6) When needle beam scaffolds are used, the planks shall be secured against slipping.

(7) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(8) One end of a needle beam scaffold may be supported by a permanent structural member conforming to paragraphs (a) (8) and (10) of this section.

(9) Each employee working on a needle beam scaffold shall be protected by a safety life belt, in accordance with § 1518.104.

(q) *Plasterers', decorators', and large area scaffolds.* (1) Plasterers', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See paragraph (b) and Tables L–4, 5, and 6 of this section.)

(2) All platform planks shall be laid with the edges close together.

(3) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(4) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed on all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(r) *Interior hung scaffolds.* (1) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(2) The suspending wire or fiber rope shall be capable of supporting at least 6 times the intended load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(3) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 9 inches on edge;

(ii) Planking 2 x 9 inches or 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) Guardrails, not less than 2 x 4 inches or the equivalent, approximately 42 inches high, with a midrail of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides and ends on all scaffolds more than 5 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(s) *Ladder jack scaffolds.* (1) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(2) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A 14.1–1968, Safety Code for Portable Wood Ladders, and A 14.2–1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(3) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(4) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(5) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(6) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

(t) *Window jack scaffolds.* (1) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(3) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and provided for employee.

(4) Not more than one employee shall occupy a window jack scaffold at any one time.

(u) *Roofing brackets.* (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manila of at least $\frac{3}{4}$-inch diameter, or equivalent.

(3) A catch platform shall be installed below the working area of roofs more than 10 feet from the ground to eaves with a slope greater than 3 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the projection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(v) *Crawling boards or chicken ladders.* (1) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x $1\frac{1}{2}$ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(2) A firmly fastened lifeline of at least $\frac{3}{4}$-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(3) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

(w) *Float or ship scaffolds.* (1) Float or ship scaffolds shall not be used to support more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designd in subparagraphs (2) through (6) of this paragraph, unless substitute designs and materials provide equivalent strength, stability, and safety.

(2) The platform shall be not less than 3 feet wide and 6 feet long, made of $\frac{3}{4}$-inch plywood, equivalent to American Plywood Association Grade B–B, Group I, Exterior, or other similar material.

(3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(4) An edging of wood not less than $\frac{3}{4}$ x $1\frac{1}{2}$ inches or equivalent shall be placed around all side of the platform to prevent tools from rolling off.

(5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(6) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with § 1518.104.

(x) *Form scaffolds.* (1) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum intended load.

(2) All scaffold planking shall be a minimum of 2- x 9-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 9-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(3) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(4) Figure-four form scaffolds: (i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table L–14.

TABLE L–14—MINIMUM DESIGN CRITERIA FOR FIGURE-FOUR FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in. or 2 x 6 in.
Outriggers ledgers (two).	1 x 6 in.
Braces	1 x 6 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails.	1 x 4 in.
Toeboards	1 x 4 in.
Maximum length of ledgers.	3 ft. 6 in. (unsupported).
Planking	2 x 9 in.
Upright spacing	8 ft. 0 in. (on centers).

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 9-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(5) Metal bracket form scaffolds: (i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either

bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table L-15. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

TABLE L-15—MINIMUM DESIGN CRITERIA FOR METAL BRACKET FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails.	1 x 4 in.
Toeboards	1 x 4 in.
Planking	2 x 9 in.

(6) Wooden bracket form scaffolds: (i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table L-16 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

TABLE L-16—MINIMUM DESIGN CRITERIA FOR WOODEN BRACKET FORM SCAFFOLDS

Members	*Dimensions*
Uprights	2 x 4 in. or 2 x 6 in.
Support ledgers	2 x 6 in.
Maximum scaffold width.	3 ft. 6 in.
Braces	1 x 6 in.
Guardrails	2 x 4 in.
Guardrail height	Approximately 42 in.
Intermediate guardrails.	1 x 4 in.
Toeboards	1 x 4 in.
Upright spacing	8 ft. 0 in. (on centers).

(iii) Guardrails and toeboard shall be installed on all open sides and ends of platforms and scaffolding over 5 feet above floor or ground. Guardrails shall be 1- x 4-inch nominal dimension or equivalent, approximately 42 inches high, supported at intervals not to exceed 8 feet. Guardrails shall be equipped with midrails constructed of 2- x 4-inch nominal lumber or equivalent. Toeboards shall be constructed of 1- x 4-inch nominal lumber or equivalent and shall extend not less than 4 inches above the scaffold plank.

§ 1518.452 Definitions.

(a) "Ladders"—(1) "Cleats"—Ladder crosspieces of rectangular cross section placed on edge on which a person may step in ascending or descending.

(2) "Single cleat ladder"—One which consists of a pair of side rails, usually parallel, but with flared side rails permissible, connected together with cleats that are joined to the side rails at regular intervals.

(3) "Double cleat ladder"—One that is similar to a single cleat ladder, but is wider, with an additional center rail which will allow for two-way traffic for workmen in ascending and descending.

(b) "Scaffolding"—(1) "Bearer"—A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) "Boatswain's chair"—A seat supported by slings attached to a suspended rope, designed to accommodate one workman in a sitting position.

(3) "Brace"—A tie that holds one scaffold member in a fixed position with respect to another member.

(4) "Bricklayers' square scaffold"—A scaffold composed of framed wood squares which support a platform, limited to light and medium duty.

(5) "Carpenters' bracket scaffold"—A scaffold consisting of wood or metal brackets supporting a platform.

(6) "Coupler"—A device for locking together the component parts of a tubular metal scaffold. (The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum.)

(7) "Crawling board or chicken ladder"—A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(8) "Double pole or independent pole scaffold"—A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(9) "Float or ship scaffold"—A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(10) "Guardrail"—A rail secured to uprights and erected along the exposed sides and ends of platforms.

(11) "Heavy duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(12) "Horse scaffold"—A scaffold for light or medium duty, composed of horses supporting a work platform.

(13) "Interior hung scaffold"—A scaffold suspended from the ceiling or roof structure.

(14) "Ladder jack scaffold"—A light duty scaffold supported by brackets attached to ladders.

(15) "Ledgers (stringer)"—A horizontal scaffold member which extends from post to post and which supports the putlogs or bearers forming a tie between the posts.

(16) "Light duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(17) "Manually propelled mobile scaffold"—A portable rolling scaffold supported by casters.

(18) "Masons' adjustable multiple-point suspension scaffold"—A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(19) "Maximum intended load"—The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(20) "Medium duty scaffold"—A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(21) "Midrail"—A rail approximately midway between the guardrail and platform, secured to the uprights erected along the exposed sides and ends of platforms.

(22) "Needle beam scaffold"—A light duty scaffold consisting of needle beams supporting a platform.

(23) "Outrigger scaffold"—A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such building or structure.

(24) "Putlog"—A scaffold member upon which the platform rests.

(25) "Roofing or bearer bracket"—A bracket used in slope roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(26) "Runner"—The lengthwise horizontal bracing or bearing members or both.

(27) "Scaffold"—Any temporary elevated platform and its supporting structure used for supporting workmen or materials, or both.

(28) "Single-point adjustable suspension scaffold"—A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of platform to desired working positions.

(29) "Single-pole scaffold"—Platforms resting on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row or posts or uprights, and the inner ends of which are supported on or in a wall.

(30) "Stone setters' adjustable multiple-point suspension scaffold"—A swinging type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(31) "Toeboard"—A barrier secured along the sides and ends of a platform to guard against the falling of material.

(32) "Tube and coupler scaffold"—An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(33) "Tubular welded frame scaffold"—A sectional panel or frame metal scaffold substantially built up of prefabricated welded sections which consists of posts and horizontal bearer with intermediate members.

(34) "Two-point suspension scaffold (swinging scaffold)"—A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(35) "Window jack scaffold"—A scaffold the platform of which is supported by a bracket or jack which projects through a window opening.

(36) "Working load"—Load imposed by men, materials, and equipment.

Subpart M—Floor and Wall Openings, and Stairways

§ 1518.500 Guardrails, handrails, and covers.

(a) *General provision.* This subpart shall apply to temporary or emergency conditions as well as to permanent conditions, where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways or runways.

(b) *Guarding of floor openings and floor holes.* (1) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in paragraph (f) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways.

(2) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(3) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged floor opening cover of standard strength and construction equipped with standard railing or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

(4) Skylight openings and holes shall be guarded by a cover or a fixed standard railing on all exposed sides, whether or not covered by glass.

(5) Pits and trap-door floor openings shall be guarded by a floor opening cover of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(6) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(7) Temporary floor openings shall have standard railings.

(8) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be protected by a standard railing.

(9) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(c) *Guarding of wall openings.* (1) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toeboard or an enclosing screen either of solid construction or as specified in paragraph (f) (7) (ii) of this section.

(2) Extension platforms outside of wall openings onto which materials can be hoisted for handling shall have side rails or equivalent guards of standard specifications.

(3) When a chute is attached to an opening, the provisions of subparagraph (1) of this paragraph shall apply, except that a toeboard is not required.

(d) *Guarding of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) (i) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(2) Runways shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) (i) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(3) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(4) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(5) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(e) *Stairway railings and guards.* (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(f) *Standard specifications.* (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of approximately 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following paragraphs:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on

8-foot centers, with 2-inch by 4-inch intermediate rail.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1½ inches nominal diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by ⅜-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(v) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vi) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(*a*) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of approximately 42 inches;

(*b*) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(*c*) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(*d*) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(2) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) (i) A standard toeboard shall be 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than ¼-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toeboard does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(4) (i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrial. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(5) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles, shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) The floor opening cover shall be capable of supporting the maximum intended load and so installed as to prevent accidental displacement.

(6) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with subparagraph (5) (ii) of this paragraph.

(7) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

§ 1518.501 Stairways.

(a) On all structures, two or more floors (20 feet or over) in height, stairways (or ramps) shall be provided for employees during the construction period. Where permanent stairways are not constructed or installed concurrently with the construction of each floor, a temporary stairway shall be provided.

(b) Stairway railings and guardrails shall meet the requirements of § 1518.500 (c) and (f).

(c) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(d) Debris, and other loose materials, shall not be allowed on or under stairways.

(e) Slippery conditions on stairways shall be eliminated as soon as possible after they occur.

(f) Permanent steel or other metal stairways, and landings with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. The requirement shall not apply during the period of actual construction of the stairways themselves.

(g) Wooden treads for temporary service shall be full width.

(h) Metal landings shall be secured in place before filling.

(i) Temporary stairs shall have a landing not less than 30 inches in the direction of travel at every 12 feet of vertical rise.

(j) Stairs shall be installed at angles to the horizontal of between 30° and 50°.

(k) Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(l) All stairs shall be lighted in accordance with Subpart D of this part.

(m) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

§ 1518.502 Definitions.

(a) "Floor hole"—An opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, platform, pavement, or yard through which materials but not persons may fall, such as a belt hold, pipe opening, or slot opening.

(b) "Floor opening"—An opening measuring 12 inches or more in its least dimension in any floor, roof, platform, pavement, or yard through which persons may fall, such as a hatchway, stair or ladder opening, pit, or manhole.

(c) "Handrail"—A bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(d) "Nose, nosing"—That portion of a tread projecting beyond the face of the riser immediately below.

(e) "Platform"—A working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(f) "Runway"—A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(g) "Rise"—The vertical distance from the top of a tread to the top of the next higher tread.

(h) "Stair platform"—An extended step or landing breaking a continuous run of stairs.

(i) "Stair railing"—A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(j) "Stairs, stairways"—A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this subpart, a series of steps and landings having three or more rises constitutes stairs or stairway.

(k) "Standard railing"—A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(l) "Standard strength and construction"—Any construction of railings, covers, or other guards that meets the requirements of this subpart.

(m) "Toe board"—A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(n) "Tread width"—The horizontal distance from front to back of tread, including nosing, when used.

Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors

§ 1518.550 Cranes and derricks.

(a) *General requirements.* (1) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in this field. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(2) Rated load capacities, and recommended operating speeds, special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while he is at his control station.

(3) A boom angle indicator and a load indicating device in good working order shall be provided.

(4) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(5) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(6) A thorough, annual inspection of the hoisting machinery shall be made by a competent person. The employer shall maintain a record of the dates and results of inspections for each hoisting machine and piece of equipment.

(7) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one-sixteenth inch for diameter seven-eighths inch to 1⅛ inches inclusive, three-thirty-seconds inch for diameters 1¼ to 1½ inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

(8) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of the American National Standards Institute B 15.1–1953, Safety Code for Mechanical Power Transmission Apparatus.

(9) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane, either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being struck or crushed by the crane.

(10) All exhaust pipes shall be guarded or insulated in areas where contact by employees is possible in the performance of normal duties.

(11) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres.

(12) All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion.

(13) (i) Where necessary for rigging or service requirements, a ladder, or steps, shall be provided to give access to a cab roof.

(ii) On cranes, handholds and steps shall be provided for easy access to the car and cab.

(iii) Outside platforms shall be provided with guardrails.

(14) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the requirements of Subpart F of this part.

(15) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or use twice the length of the line insulator but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter towers where charges can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if voltages are induced on the crane. The following precautions shall be taken when necessary to dissipate induced voltages:

(*a*) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(*b*) Ground jumper cables shall be attached to materials being handled by tall-boom cranes when current is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(c) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(b) *Crawler, locomotive and truck cranes.* (1) The boom hoisting mechanism shall meet the following requirements:

(i) It shall be provided with a suitable clutching or power engaging device permitting immediate starting or stopping of the boom drum motion.

(ii) The boom hoisting mechanism also shall be provided with a self-setting safety brake, capable of supporting all rated loads, with recommended reeving.

(iii) The boom hoisting mechanism shall be provided with an auxiliary ratchet and pawl or other positive locking device.

(2) When power-operated load hoist brakes having no continuous mechanical linkage between the actuating and braking means are used for controlling loads, an automatic means shall be provided to prevent the load from falling in event of loss of break actuating power.

(i) Brake pedals shall be constructed so the operator's feet will not easily slip off, and shall be equipped with a means for latching in the applied position.

(3) All cranes with wire rope-supported main booms shall be equipped with energy absorbing boomstops.

(4) Jibs shall have positive stops to prevent their movement of more than 5 degrees beyond the straight line of the jib and boom on conventional type crane booms. Cable type belly slings are not in compliance with this requirement.

(5) Automatic means shall be provided to stop boom drum motion when the maximum permissible boom angle is reached.

(6) All crawler, truck, or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5–1968, Safety Code for Crawler, Locomotive and Truck Cranes.

(c) *Hammerhead tower cranes.* (1) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(2) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by safety belts and lanyards attached to lifelines in conformance with Subpart E of this part.

(3) Buffers shall be provided at both ends of travel of the trolley.

(4) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(5) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in the ANSI B30.3–1971, Safety Code for Hammerhead Tower Cranes.

(d) *Overhead and gantry cranes.* (1) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(2) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(3) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(4) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in the ANSI B30.2.0–1967, Safety Code for Overhead and Gantry Cranes.

(e) *Derricks.* All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standards Institute B30.6–1967, Safety Code for Derricks.

(f) *Mobile cranes mounted on barges.* (1) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(2) The combination of operating radius and load handled shall not produce a list in excess of 5°.

(3) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(4) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(5) Mobile cranes on barges shall be blocked to prevent shifting.

(g) *Permanently mounted cranes and derricks.* (1) When nonmobile cranes and derricks are installed on a barge, the capacity shall be specified by a professional engineer competent in the field.

(2) The combination of operating radius and load handled shall not produce a list in excess of 5° for cranes rated at 25 tons or less, and 7° for cranes rated over 25 tons.

(3) For derricks, the combination of operating radius and load handled shall not produce a list in excess of 10°.

(4) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(5) Floating cranes and floating dirricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed in the ANSI B30.8–1970, Safety Code for Floating Cranes and Floating Derricks.

(h) *Protection of employees working on barges.* The employer shall comply with the applicable requirements for protection of employees working on board marine vessels specified in § 1518.605.

§ 1518.551 Helicopters.

(a) Helicopter cranes when used shall be certified and conform to all applicable regulations of the FAA, 14 CFR Part 133.

(b) Rotorcraft pilots shall be licensed to conduct external-load operations in accordance with the FAA regulations, 14 CFR Part 133.

§ 1518.552 Material hoists and personnel elevators.

(a) *General requirements.* (1) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(2) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be posted on cars and platforms.

(3) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1⅛ inches; and three thirty-seconds inch for diameters 1¼ to 1½ inches.

(4) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(5) The installation of live booms on hoists is prohibited.

(b) *Material hoists.* (1) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads.

(2) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be equipped with a latching device.

(3) Overhead protective covering of 2-inch planking, ¾-inch plywood, or other solid material of equivalent strength, shall be provided on the top of every material hoist cage or platform.

(4) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(5) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of ½-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with ½-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(6) Car arresting devices shall be installed to function in case of rope failure.

(7) All material hoist towers shall be designed by a licensed professional engineer.

(8) All material hoists shall conform to the requirements of ANSI A10.5–1969, Safety Requirements for Material Hoists.

(c) *Personnel elevators.* (1) Elevator towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

(2) Towers inside of structures shall be enclosed on all four sides throughout the full height.

(3) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

(4) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot be operated from the landing side, and shall be accessible only to persons on the car.

(5) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

(6) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

(7) Overhead protective covering of 2-inch planking, ¾-inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

(8) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

(9) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

(10) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

(11) Internal combustion engines shall not be permitted for direct drive.

(12) Normal and final terminal stopping devices shall be provided.

(13) An emergency stop switch shall be provided in the car and marked "Stop."

(14) Ropes: (i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be ½-inch.

(iii) Safety factors:

MINIMUM FACTORS OF SAFETY FOR SUSPENSION WIRE ROPES

Rope speed in feet per minute:	*Minimum factor of safety*
50	7.60
75	7.75
100	7.95
125	8.10
150	8.25
175	8.40
200	8.60
225	8.75
250	8.90
300	9.20
350	9.50
400	9.75
450	10.00
500	10.25
550	10.45
600	10.70

(15) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

(16) All personnel elevators used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4–1971, Safety Requirements for Personnel Hoists.

§ 1518.553 Base-mounted drum hoists.

(a) Exposed moving parts such as gears, projecting screws, setscrews, chain, cables, chain sprockets, and reciprocating or rotating parts, which might constitute a hazard, shall be guarded.

(b) All controls used during the normal operation cycle shall be located within easy reach of the operator's station.

(c) Electric motor operated hoists shall be provided with:

(i) A device to disconnect all motors from the line upon power failure and not permit any motor to be restarted until the controller handle is brought to the "off" position;

(ii) Where applicable, an overspeed preventive device;

(iii) A means whereby remote operated hoists stop when any control is ineffective.

(d) All base-mounted drum hoists in use shall meet the applicable requirements for design, construction, installation, testing, inspection, maintenance, and operation, as prescribed in the ANSI B30.7–1971, Safety Code for Base Mounted Drum Hoists.

§ 1518.554 Overhead hoists.

(a) The safe working load of the overhead hoist, as determined by the manufacturer, shall be indicated on the hoist, and this safe working load shall not be exceeded.

(b) The supporting structure to which the hoist is attached shall have a safe working load equal to that of the hoist.

(c) The support shall be arranged so as to provide for free movement of the hoist and shall not restrict the hoist from lining itself up with the load.

(d) The hoist shall be installed only in locations that will permit the operator to stand clear of the load at all times.

(e) Air hoists shall be connected to an air supply of sufficient capacity and pressure to safely operate the hoist. All air hoses supplying air shall be positively connected to prevent their becoming disconnected during use.

(f) All overhead hoists in use shall meet the applicable requirements for construction, design, installation, testing, inspection, maintenance, and operation, as prescribed in the ANSI B30.16–1969, Safety Code for Overhead Hoists.

§ 1518.555 Conveyors.

(a) Means for stopping the motor or engine shall be provided at the operator's station. Conveyor systems shall be equipped with an audible warning signal to be sounded immediately before starting up the conveyor.

(b) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(c) Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "On" position.

(d) Screw conveyors shall be guarded to prevent employee contact with turning flights.

(e) Where a conveyor passes over work areas, aisles, or thoroughfares, suitable guards shall be provided to protect employees required to work below the conveyors.

(f) All crossovers, aisles, and passageways shall be conspicuously marked by suitable signs, as required by Subpart G of this part.

(g) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in the ANSI B20.1–1957, Safety Code for Conveyors, Cableways, and Related Equipment.

Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations

§ 1518.600 Equipment.

(a) *General requirements.* (1) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have red lights or red reflectors to identify location of the equipment.

(2) A safety tire rack, cage, or equivalent protection shall be provided and

used when inflating tires installed on rims equipped with locking rings or similar devices.

(3) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before men are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or adequately blocked when being repaired or when not in use.

(4) The use, care and charging of all batteries shall conform to the requirements of Subpart K of this part.

(5) All equipment covered by this Subpart shall comply with the requirements of § 1518.550(a)(15) when working or being moved in the vicinity of power lines or energized transmitters.

(b) *Specific requirements.* [Reserved]

§ 1518.601 Motor vehicles.

(a) *General requirements.* (1) All vehicles shall be equipped with service brakes and independently operated parking brakes. Vehicle brakes shall be inspected and tested daily. Those found to be faulty shall be repaired before vehicle returns to service.

(2) All vehicles, or combination of vehicles, operating on roadways shall be equipped with two headlights (one on each side of the front end), one red taillight, and one red or amber stop light (on the rear end), in operable condition, which shall be lighted whenever visibility conditions warrant their use.

(3) All vehicles shall be equipped with an adequate audible warning device in operating condition.

(4) All motor vehicle type equipment, except light service trucks, such as pickups, which have unobstructed vision through the rear window of the cab, shall be equipped with a reverse signal alarm to meet the requirements of Society of Automotive Engineers J994–1967, Criteria for Backup Alarm Devices.

(5) All vehicles shall be equipped with windshields and automatic wipers. Cracked and broken glass shall be replaced. All vehicles having cabs shall be equipped with operable defrosting and defogging devices.

(6) All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

(7) Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

(8) Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

(9) Seat belts and anchorages meeting Society of Automotive Engineers J4c–1965, Motor Vehicle Seat Belt Assemblies, J787b–1966, Motor Vehicle Seat Belt Anchorage and J800b–1965, Motor Vehicle Seat Belt Assembly Installations, shall be installed on all motor vehicle type equipment. There shall be a seat belt provided for each permanent seating position.

(10) Trucks with dump bodies shall be equipped with hinged supports, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done beneath.

(11) Operating levers, controlling hoisting or dumping devices on haulage bodies, shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

(12) Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

(13) All pneumatic-tired motor vehicle equipment shall be equipped with fenders.

(14) All vehicles in use shall be inspected daily to ensure that they are in safe operating condition. Any defects shall be corrected before the vehicle is returned to service.

(b) *Specific requirements.* [Reserved]

§ 1518.602 Material handling equipment.

(a) *Earthmoving equipment.* Vehicles considered to be earthmoving equipment are: scrapers, loaders, tractors, bulldozers, compactors, graders, and other similar equipment.

(1) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386–1969, Seat Belts for Construction Equipment.

(2) All earthmoving equipment shall have a service braking system capable of stopping and holding the equipment fully loaded on any grade. Roadway grades shall be designed by a professional engineer, competent in this field, and constructed to accommodate all the equipment using the roadway. Emergency access ramps and berms shall be constructed and used for runaway vehicles.

(3) Brake systems for self-propelled pneumatic-tired scrapers shall be in accordance with the Society of Automotive Engineers, J319–1969, Off-Highway Rubber-Tired Self-Propelled Scrapers.

(4) All pneumatic-tired earthmoving haulage equipment, such as scrapers, loaders, bulldozers, etc., shall be equipped with fenders on all wheels to meet the requirements of the Society of Automotive Engineers, J321–1967, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment.

(5) All earthmoving equipment, whether mounted on crawlers or wheels, shall be equipped with rollover protective structure in conformance with the Society of Automotive Engineers minimum performance criteria as follows:

Equipment	*Rollover protective system*
Motor scrapers	SAE J320a (1969).
Graders	SAE J396 (1969).
Crawler loaders	SAE J395 (1969).
Crawler tractors	SAE J395 (1969).
Rubber-tired loaders	SAE J392 (1969).
Rubber-tired bulldozers.	SAE J394 (1969).

(6) All earthmoving equipment shall be equipped with a reverse signal alarm to meet the requirements of Society of Automotive Engineers J994–1967, Criteria for Backup Alarm Device. The use of reverse signal alarms shall be in addition to a signalman, if assigned.

(7) Scissor points on all front-end loaders, which constitute a hazard to the operator, shall be guarded.

(b) *Excavating equipment.* (1) Seat belts shall be provided on tractor type backhoes for traveling, and shall meet the requirements of Society of Automotive Engineers J386–1969, Seat Belts for Contruction Equipment.

(2) Tractor type backhoes shall be equipped with roll-over protective structures to meet the applicable requirements of Society of Automotive Engineers standard as specified in paragraph (a)(5) of this section.

(3) All equipment and attachments used shall meet the applicable requirements of the Power Crane and Shovel Association Standards No. 1 and No. 2–1968 and No. 3–1969, or Society of Automotive Engineers 1970 Handbook descriptions of utility attachments.

(c) *Lifting and hauling equipment (other than equipment covered under Subpart N of this part).* (1) Industrial trucks shall meet the requirements of § 1518.600 and the following:

(i) Lift trucks, stackers, etc., shall have the rated capacity, with and without removable counterweights, clearly posted on the vehicle in such a manner so as to be clearly visible to the operator. These ratings shall not be exceeded.

(ii) No modifications or additions which affect the capacity and safe operation of the equipment shall be made by the employer without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(iii) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(iv) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(v) All industrial trucks shall be equipped with overhead guards securely attached to the machines. The guards shall be of such design and construction as to protect the operator from falling packages, boxes, bagged material, etc.

(vi) All industrial trucks shall meet the applicable requirements for design, construction, and stability of American National Standards Institute B56.1–1969, Safety Standards for Powered Industrial Trucks.

§ 1518.603 Pile driving equipment.

(a) *General requirements.* (1) Boilers and piping systems which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Powers Boilers (section I).

(2) All pressure vessels which are a part of, or used with, pile driving equipment shall meet the applicable requirements of the American Society of Mechanical Engineers, Pressure Vessels (section XIII).

(3) Overhead protection, which will not obscure the vision of the operator, shall be provided. Protection shall be the equivalent of 2-inch planking or other solid material of equivalent strength.

(4) Stop blocks shall be provided for the leads to prevent the hammer from being raised against the head block.

(5) A blocking device, capable of safely supporting the weight of the hammer, shall be provided for placement in the leads under the hammer at all times while employees are working under the hammer.

(6) Guards shall be provided across the top of the head block to prevent the cable from jumping out of the sheaves.

(7) When the leads must be inclined in the driving of batter piles, provisions shall be made to stabilize the leads.

(8) Fixed leads shall be provided with a guardrailed loft platform, ladder, and adequate rings so that the loft man may snap his safety-belt line lanyard to the leads.

(9) Steam hose leading to a steam hammer or jet pipe shall be securely attached to the hammer with an adequate length of at least ¼-inch diameter chain or cable to prevent whipping in the event the joint at the hammer is broken. Air hammer hoses shall be provided with the same protection as required for steam lines.

(10) Safety chains, or equivalent means, shall be provided for each hose connection to prevent the line from thrashing around in case the coupling becomes disconnected.

(11) Steam line controls shall consist of two shutoff valves, one of which shall be a quick-acting lever type within easy reach of the hammer operator.

(12) Guys, outriggers, thrustouts, or counterbalances shall be provided as necessary to maintain stability of pile driver rigs.

(b) *Pile driving from barges and floats.* (1) Barges or floats supporting pile driving operations shall meet the applicable requirements of § 1518.605.

§ 1518.604 Site clearing.

(a) *General requirements.* (1) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants.

(2) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this subpart and the applicable provisions of other sections of this part. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than ⅛-inch steel plate or ¼-inch woven wire mesh with openings no greater than 1 inch.

(ii) The opening in the rear of the canopy structure shall be covered with not less than ¼-inch woven wire mesh with openings no greater than 1 inch.

(b) *Specific requirements.* [Reserved]

§ 1518.605 Marine operations and equipment.

(a) *Longshoring operations.* (1) Operations fitting the definition of "longshoring operations" shall be performed in conformance with applicable requirements of 29 CFR Part 1504, "Safety and Health Regulations for Longshoring." The term "longshoring operations" mean the loading, unloading, moving, or handling of construction materials, gear and supplies, etc. into, in, on, or out of any vessel from a fixed structure or shore-to-vessel, vessel-to-shore or fixed structure or vessel-to-vessel.

(b) *Access to barges.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained, and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp, meeting the requirements of subparagraph (1) of this paragraph, or a safe walkway, shall be provided.

(3) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(4) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

(5) When the upper end of the means of access rests on or is flush with the top of the bulwark, substantial steps, properly secured and equipped with at least one substantial hand rail approximately 33 inches in height, shall be provided between the top of the bulwark and the deck.

(6) Obstructions shall not be laid on or across the gangway.

(7) The means of access shall be adequately illuminated for its full length.

(8) Unless the construction makes it impossible, the means of access shall be so located that drafts of cargo do not pass over employees.

(c) *Working surfaces of barges.* (1) Employees shall not be permitted to walk along the sides of covered lighters or barges with coamings more than 5 feet high, unless there is a 3-foot clear walkway, or a grab rail, or a taut handline is provided.

(2) Decks and other working surfaces shall be maintained in a safe condition.

(3) Employees shall not be permitted to pass fore and aft, over, or around deckloads, unless there is a safe passage.

(4) Employees shall not be permitted to walk over deckloads from rail to coaming unless there is a safe passage. If it is necessary to stand at the outboard or inboard edge of the deckload where less than 24 inches of bulwark, rail, coaming, or other protection exists, all employees shall be provided with a suitable means of protection against falling from the deckload.

(d) *First-aid and lifesaving equipment.* (1) Provisions for rendering first aid and medical assistance shall be in accordance with Subpart D of this part.

(2) The employer shall ensure that there is in the vicinity of each barge in use at least one U.S. Coast Guard-approved 30-inch lifering with not less than 90 feet of line attached, and at least one portable or permanent ladder which will reach the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the barge.

(3) Employees walking or working on the unguarded decks of barges shall be protected with U.S. Coast Guard-approved work vests or buoyant vests.

(e) *Diving operations.* (1) The employer shall ensure that applicable requirements of "U.S. Navy Diving Manual," NAVSHIPS 0994–001–9010, Parts 1, 2, and 3 and Appendix A, B, C, D, and E are followed.

Subpart P—Excavations, Trenching, and Shoring

§ 1518.650 General requirements.

(a) The employer shall ensure that the walls and faces of all excavations which expose employees to danger from moving ground shall be guarded by a shoring system or sloping of the ground.

(b) Prior to excavation, the site shall be inspected to determine conditions requiring special precautionary safety measures. The location of underground utilities, such as electrical conduit, telephone conduit, gas, water, and sewer mains, shall be determined and plainly staked. Arrangements shall be made with the utility company or owner covering interruption of service, removal, or relocation.

(c) When employees are working around exposed underground utilities, the employees shall be protected.

(d) Trees, boulders, and other hazards in, on, or in the vicinity of excavation work, shall be removed and the area made safe.

(e) Excavated and other materials shall be so located as to prevent them from falling into the excavation or trench where men are working.

(1) All materials shall be stored and retained 4 feet or more from the edge of any excavation or trench which is more than 5 feet in depth to prevent excessive loading on the face of the excavation or trench.

(2) When the excavation or trench is 5 feet or less in depth, all materials shall be stored and retained at least 2 feet from the edge.

(f) When mobile equipment is utilized or allowed adjacent to excavations or trenches, stop logs of at least 8 inches by 8 inches, or other preventive measures, shall be used to prevent the equipment from running into the trench or excavation.

(g) Where ramps are used in excavations, a minimum width of 4 feet for employee ramps, or a 12-foot minimum when used by both employees and equipment, shall be provided. Guardrails shall

be provided on all personnel ramps. Barrier guards not less than 8- x 8-inch timbers, or equivalent protection, shall be provided to separate employee and equipment traffic on ramp.

(h) Where employees will be working in or adjacent to excavations and trenches, the area shall be inspected by a properly qualified person daily and after every rainstorm or other occurrence which may increase the hazard of slides and cave-ins. The shoring shall be increased, if necessary, or the slope scaled of loose material.

(i) If it is necessary to place materials, to operate power shovels, derricks, trucks, or other heavy machinery, or to excavate adjacent to active railroads or highways, the sides of the excavation shall be sheet-piled, shored, and braced, as necessary, to resist the extra ground pressure due to such superimposed loads.

(j) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench.

(k) Ground water shall be controlled. Freezing, pumping, drainage, and similar control measures shall be planned and directed by a qualified person. When continuous operation of ground water control equipment is necessary, an emergency power source shall be provided.

(l) Guardrails, fences, barricades, and warning lights, shall comply with Subpart G of this part.

(m) Additional precautions by way of shoring and bracing, or sloping, shall be taken to prevent slides, or cave-ins, when excavations or trenches are made in locations adjacent to backfilled excavations.

(n) Exposed underground utilities shall be adequately supported or suspended to protect employees.

(o) Dusty conditions shall be kept to a safe level for protection of the employees in accordance with Subpart D of this part.

(p) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting. (See Table P-1 for proper angles of repose.)

(q) In locations where oxygen deficiency or toxic atmospheric conditions may exist, tests shall be made to ascertain the degree of hazard. Where the levels exceed those established in Subpart D of this part, precautions prescribed therein shall be followed.

(r) In locations where flammable gases may exist, tests shall be made to determine the degree of hazard. When flammable or explosive atmospheres are found, adequate ventilation shall be provided and/or sources of ignition shall be eliminated.

§ 1518.651 Specific excavation requirements.

(a) The sides of excavations, 4 feet or more in depth, unless in solid rock, hard shale, or cemented sand and gravel, shall either be sloped to the angle of repose or be supported by sheeting, sheet piling, cribbing, shoring, or other support system.

(b) When employees are required to work in excavations adjacent to structures or improvements, or are subjected to vibration, or ground water, the support systems shall be planned and designed by a qualified person.

(c) At least two means of exit shall be provided for men working in excavations. Where the width of the excavation exceeds 100 feet, two or more means of exit shall be provided on at least two sides of the excavation.

(d) Where danger of slides or cave-ins exists with banks over 4 feet high, resulting from excavation for bulkhead construction, retaining walls, bridge abutments, wing walls, etc., shoring shall be provided to protect employees unless the banks are sloped to the angle of repose.

§ 1518.652 Specific trenching requirements.

(a) The sides of trenches 4 feet or more in depth, shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect the employees working within them. In lieu of shoring, the sides of the trench above the 4-foot level may be sloped to preclude collapse, but shall not be steeper than 1-foot rise to each ½-foot horizontal.

(b) Minimum requirements for trench timbering shall be in accordance with Table P-2. (For illustrations of timber shoring, see Figures P-1 through P-6.)

(c) Cross braces or trench jacks shall be placed in true horizontal position and secured to prevent sliding, falling, or kick outs.

(d) Portable trench boxes or sliding trench shields may be used for the protection of personnel. Such trench boxes or shields shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting and shoring required for the situation.

(e) Bracing or shoring of trenches, when used, shall be carried along with the trenching where workers may be exposed. Trench shoring installation shall proceed from the top down.

(f) Braces and diagonal shores in a wood shoring system, when used in trenches having a width greater than 12 feet, shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:
L=Length, unsupported in inches.
D=Least side of the timber in inches.
S=Allowable stress in pounds per square inch of cross section.

(g) Ladders used as accessways shall extend from the bottom of the trench to not less than 3 feet above the surface. Lateral travel to an exit ladder shall not exceed 50 feet.

(h) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after men have cleared the trench.

Table P-1

APPROXIMATE ANGLE OF REPOSE FOR SLOPING OF SIDES OF EXCAVATIONS

Note:
Clays, Silts, Loams or Non-Homogeneous Soils Require Shoring and Bracing.
The Presence of Ground Water Requires Special Treatment.

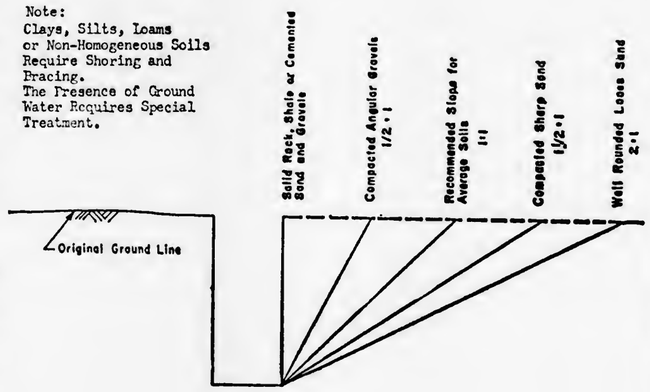

Table P-2

Trench Shoring—Minimum Requirements

Depth of trench	Kind or condition of earth	Size and spacing of members: Uprights Min. dim.	Uprights Max. spac.	Stringers Min. dim.	Stringers Max. spac.	Cross braces* Width of trench: Up to 3 ft.	3 to 6 ft.	6 to 9 ft.	9 to 12 ft.	Max. spacing Vert.	Max. spacing Horiz.
Feet		Inches	Feet	Inches	Feet	Inches	Inches	Inches	Inches	Feet	Feet
4 to 10	Hard, compact	3 x 4 or 2 x 6	6	—	—	2x6	4 x 4	4 x 6	6 x 6	4	6
	Likely to crack	"	3	4 x 6	4	"	"	"	"	"	"
	Soft, sandy, or filled	"	Close sheeting	4 x 6	"	4 x 4	4 x 6	6 x 6	6 x 8	"	"
	Hydrostatic pressure	"	"	6 x 8	"	"	"	"	"	"	"
10 to 15	Hard	"	4	4x6	11.	"	"	"	"	"	"
	Likely to crack	"	2	4 x 6	4	"	"	"	"	"	"
	Soft, sandy, or filled	"	Close sheeting	4 x 6	"	4 x 6	6 x 6	6 x 8	8 x 8	"	"
	Hydrostatic pressure	3x6	"	8 x 10	"	"	"	"	"	"	"
15 to 20	All kinds or conditions	"	Close sheeting	4 x 12	"	4x12	6 x 8	8x8	8 x 10	"	"
Over 20	All kinds or conditions	"	"	6 x 8	"	"	8 x 8	8 x 10	10 x 10	"	"

*Trench jacks may be used in lieu of, or in combination with, cross braces.
Shoring is not required in solid rock, hard shale, or hard slag.
Where desirable, steel sheet piling and bracing of equal strength may be substituted for wood.

Figure P-1

Figure P-2

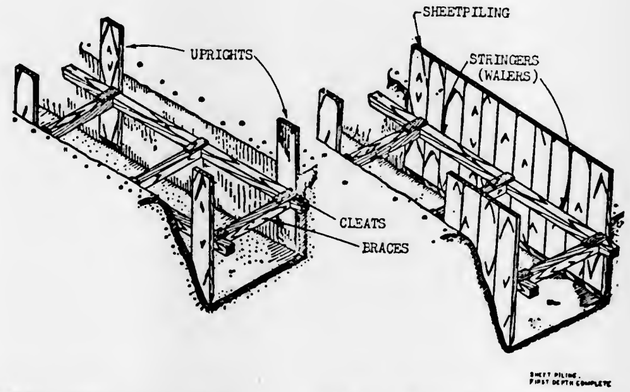

SHORING - TYPICAL SHORING METHOD WITH SPACINGS AND SIZES CONFORMING WITH TABLE P-2.

SHORING - COMPLETION OF FIRST DEPTH IN TRENCH SHORING.

Figure P-3

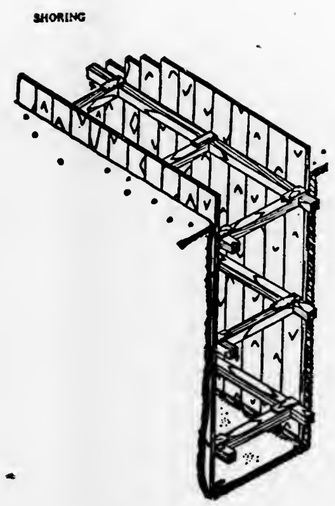

SHORING—COMPLETED TO FULL DEPTH.

Figure P-4

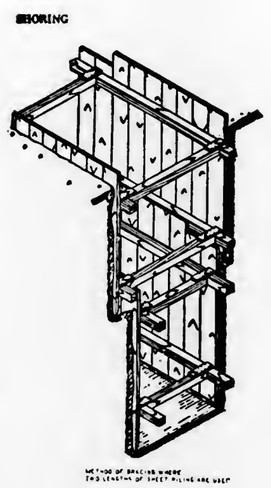

SHORING—COMPLETED TO FULL DEPTH USING TWO LENGTHS OF SHEETING.

Figure P-5

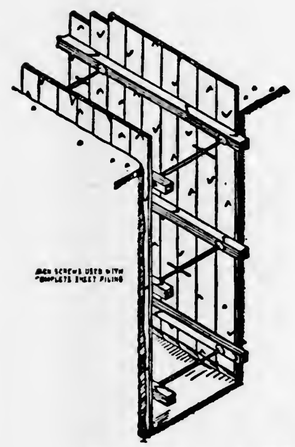

SHORING—SUBSTITUTING TRENCH JACKS FOR CROSS BRACING.

Figure P-6

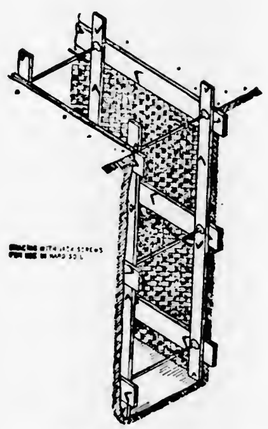

SHORING—USE OF TRENCH JACKS WITH HORIZONTAL AND VERTICAL PLANKS TO SUPPORT HARD COMPACT MATERIAL.

Subpart Q—Concrete Forms and Shoring

§ 1518.700 General provisions.

(a) *Forms and shoring.* (1) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be applied until such loads can be supported by the concrete structure.

(2) Drawings or plans showing the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.

(3) Stripped forms and shoring shall be removed and stockpiled promptly after stripping, in all areas in which persons are required to work or pass. Protruding nails, wire ties, and other form accessories not necessary to subsequent work shall be pulled, cut, or other means taken to eliminate the hazard.

(4) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(b) *Vertical slip forms.* (1) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be specifically designed for the purpose. Such rods shall be adequately braced where not encased in concrete.

(2) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(3) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to provide protection in case of failure of the power supply or the lifting mechanism.

(4) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.

(5) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the jacking operation.

(6) During jacking operations, the form structure shall be maintained in line and plumb.

(7) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

§ 1518.701 Vertical shoring.

(a) *General requirements.* (1) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be strengthened to meet the intended loads.

(2) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(3) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout. Any equipment found to be damaged shall not be used for shoring.

(4) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored.

(5) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to superimposed loads due to construction above.

(b) *Tubular welded frame shoring.* (1) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.

(2) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place; and all components shall be in a condition similar to that of original manufacture.

(3) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(4) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(5) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form.

(c) *Tube and coupler shoring.* (1) Couplers (clamps) shall not be used if they are deformed, broken, or have defective or missing threads on bolts, or other defects.

(2) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(3) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couples shall be checked.

(4) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material and shall be snug against the posts.

Subpart R—Steel Erection

§ 1518.750 Flooring requirements.

(a) *Permanent flooring—skeleton steel construction in tiered buildings.* (1) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor.

(2) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(b) *Temporary flooring—skeleton steel construction in tiered buildings.* (1) (i) The derrick or erection floor shall be solidly planked over its entire surface except for access openings. Planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(ii) There shall also be a tight and substantial floor within two stories or 30 feet, whichever is less, below and directly under the portion of each tier of beams on which bolting, riveting, welding, or painting is being done.

(iii) Floor periphery—safety railing. A safety railing of ½-inch manila rope or equal shall be installed around the periphery of all temporary-planked or temporary metal-decked floors of tier buildings and other multifloored structures during structural steel assembly.

(2) Where erection is being done by means of a crane operating on the ground, a tight and substantial floor shall be maintained within two stories or 30 feet, whichever is less, below and directly under that portion of each tier of beams on which bolting, riveting, welding, or painting is being done.

(c) *Flooring—other construction.* (1) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(2) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked over.

§ 1518.751 Structural steel assembly.

(a) During the final placing of solid web structural members, the load shall not be released from the hoisting line until the members are secured with not less than two bolts, or the equivalent.

(b) Open web steel joists shall not be placed on any structural steel framework unless such framework is safely bolted or welded.

(c) In steel framing, where bar joists are utilized, and columns are not framed in at least two directions with structural steel members, a bar joist shall be field-bolted at columns to provide lateral stability during construction.

(i) Where long span joists, 40 feet or longer, are used, a center row of bolted bridging shall be installed to provide lateral stability during construction prior to slacking of hoisting line.

(ii) No load shall be placed on open web steel joists until these security requirements are met.

§ 1518.752 Bolting, riveting, fitting-up, and plumbing-up.

(a) General requirements. (1) Containers shall be provided for storing or carrying rivets, bolts, and drift pins, and secured against accidental displacement when aloft.

(2) Pneumatic hand tools shall be disconnected from the power source, and pressure in hose lines shall be released, before any adjustments or repairs are made.

(3) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.

(4) Eye protection shall be provided in accordance with Subpart E of this part.

(b) Bolting. (1) When bolts or drift pins are being knocked out, means shall be provided to keep them from falling.

(2) Impact wrenches shall be provided with a locking device for retaining the socket.

(c) Riveting. (1) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

(2) When rivet heads are knocked off, or backed out, means shall be provided to keep them from falling.

(3) A safety wire shall be properly installed on the snap and on the handle of the pneumatic riveting hammer and shall be used at all times. The wire size shall be not less than No. 9 (B&S gauge), leaving the handle and annealed No. 14 on the snap, or equivalent.

(d) Plumbing-up. (1) Connections of the equipment used in plumbing-up shall be properly secured.

(2) The turnbuckles shall be secured to prevent unwinding while under stress.

(3) Plumbing-up guys related equipment shall be placed so that employees can get at the connection points.

(4) Plumbing-up guys shall be removed only under the supervision of a competent person.

(e) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, exterior grade plywood, at least ¾-inch thick, or equivalent material.

(f) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.

(g) Planks shall overlap the bearing on each end by a minimum of 12 inches.

(h) Wire mesh, exterior plywood, or equivalent, shall be used around columns where planks do not fit tightly.

(i) Provisions shall be made to secure temporary flooring against displacement.

(j) All unused openings in floors, temporary or permanent, shall be completely planked over or guarded in accordance with Subpart M of this part.

Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air

§ 1518.800 Tunnels and shafts.

(a) *General.* (1) The specific requirements of this Subpart S, Tunnels, Shafts, Caissons, Cofferdams, and Compressed Air, shall be complied with as well as the applicable provisions of all other subparts of this part.

(2) Safe means of access shall be provided and maintained to all working places.

(3) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of Subparts L and M of this part.

(4) Access to unattended underground openings shall be restricted by gates or doors, or the openings shall be fenced and posted.

(5) Subsidence areas that present hazards shall be fenced and posted.

(6) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. An accurate record of the employees underground shall be kept on the surface.

(b) *Emergency provisions.* (1) Evacuation plans and procedures shall be developed and made known to the employees.

(2) Emergency hoisting facilities shall be readily available at shafts more than 50 feet in depth, unless hoisting facilities are provided that are independent of electrical power failures.

(3) Bureau of Mines approved self-rescuers shall be available near the advancing face to equip each face employee. Such equipment shall be on the haulage equipment and in other areas where employees might be trapped by smoke or gas, and shall be maintained in good condition.

(4) Telephone or other voice communication shall be provided between the work face and the tunnel portal, and such systems shall be independent of the tunnel power supply.

(c) *Air Quality and Ventilation*—(1) *Air quality and quantity.* (i) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, other gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

(ii) Flame safety lamps, or other suitable devices, shall be used to test for oxygen deficiency.

(iii) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed ceiling "C" limits or the limit of permissible excursions referred to in subdivision (iv) and (v) of this subparagraph, if such employee wears a respiratory protective device approved by the Bureau of Mines as protection against the particular hazards involved.

(iv) The exposure to airborne, contaminants of an employee working in a tunnel or shaft shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1970 edition of the Conference's publication entitled "Threshold Limit Values of Airborne Contaminants." Excursions above the listed threshold limit values shall not be of a greater magnitude than is characterized as permissible by the Conference. This subdivision (iv) does not apply to airborne contaminants given a "C" designation by the Conference; for example, nitrogen dioxide.

(v) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant given a "C" designation by the Conference which exceeds the threshold limit value (ceiling "C" limit) listed for that contaminant.

(vi) Atmospheres in all active areas shall contain at least 20 percent oxygen.

(2) *Ventilation.* (i) Tunnels shall be provided with mechanically induced primary ventilation in all work areas. The direction of airflow shall be reversible.

(ii) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(iii) When there has been a failure of ventilation, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(iv) When the main fan or fans have been shut down with all employees out of the tunnel or shaft, no employee, other than those qualified to examine the tunnel or shaft, or other authorized employee, shall go underground until the fans have been started, the work areas examined for gas and other hazards, and declared safe.

(v) The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(vi) If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the employees shall be withdrawn and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

(vii) Internal combustion engines other than mobile diesel shall not be used underground. Mobile diesel-powered equipment used underground shall be approved or acceptable to the Labor Department. Approval plates shall be kept affixed to approved equipment and maintained so the inscription thereon is readable.

(d) *Illumination.* (1) Sufficient lighting shall be provided, in accordance with the requirements of Table D-3 of Subpart D of this part, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(e) *Fire prevention and control*—(1) *General.* (i) The requirements for fire prevention and protection specified in Subpart F of this part shall be complied with in all tunnel and shaft operations.

(ii) Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

(iii) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(iv) Gasoline or liquefied petroleum gases shall not be taken, stored, or used underground.

(v) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(vi) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(vii) Approved fire-resistant hydraulic fluids shall be used in hydraulically actuated underground machinery and equipment.

(viii) Fires shall not be built underground.

(ix) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(x) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys or underground belt conveyors and at 300-foot intervals along the belt line.

(xi) At tunnel operations, employing 25 or more men at one time underground, at least two rescue crews (10 men divided between shifts) shall be trained annually in rescue procedures, in the use, care, and limitations of oxygen breathing apparatus, and the use and maintenance of firefighting equipment. Not less than one crew (5 men) shall be trained at smaller operations.

(f) *Personal protective equipment.* Protective clothing or equipment shall be worn as specified in Subparts D and E of this part.

(g) *Noise.* (1) Permissible noise exposures shall conform to those specified in Subpart D of this part.

(h) *Ground support*—(1) *Tunnel portal area.* Portals shall be protected and supported where loose soil or rock or fractured material is encountered.

(2) *Tunnel area.* (i) The employer shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and scaled or supported as necessary.

(iii) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired or replaced. New supports shall be installed whenever possible before removing the damaged supports.

(v) All sets, including horseshoe-shaped or arched rib steel sets, shall be designed and installed so that the bottoms will have required anchorage to

prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(3) *Shafts.* (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing of required strength to support the surrounding earth.

(ii) The casing shall be provided the full depth of the shaft, or at least 5 feet into solid rock if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over 5 feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, the employer shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(i) *Drilling.* (1) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) The drilling area shall be inspected for hazards before starting the drilling operation.

(3) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(4) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(5) Receptacles or racks shall be provided for drill steel stored on jumbos.

(6) Before drilling cycle is started, warning shall be given to men working below jumbo decks.

(7) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(j) *Blasting.* All blasting and explosives-handling operations shall be conducted in compliance with Subpart U of this part.

(k) *Haulage.* (1) Equipment that is to be used during a shift shall be inspected by a competent person each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) Powered mobile equipment shall be provided with adequate brakes.

(3) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided on both ends when required.

(4) Cab windows shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(5) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(6) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for the transportation of employees.

(7) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, for the purpose of transportation.

(8) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(9) When dumping cars by hand, the car dumps shall be provided with tie-down chains or bumper blocks to prevent cars from overturning.

(10) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(11) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(12) Parked railcars, unless held effectively by brakes, shall be blocked securely.

(13) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(14) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(15) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars.

(l) *Electrical equipment.* (1) Electrical equipment shall conform to the requirements of Subpart K of this part.

(2) Powerlines shall be well separated or insulated from waterlines, telephone lines, and airlines.

§ 1518.801 Caissons.

(a) Wherever, in caisson work in which compressed air is used, and the working chamber is less than 11 feet in length, and when such caissons are at any time suspended or hung while work is in progress so that the bottom of the excavation is more than 9 feet below the deck of the working chamber, a shield shall be erected therein for the protection of the employees.

(b) Shafts shall be subjected to a hydrostatic or air-pressure test, at which pressure they shall be tight. The shaft shall be stamped on the outside shell about 12 inches from each flange to show the pressure to which they have been subjected.

(c) Whenever a shaft is used, it shall be provided, where space permits, with a safe, proper, and suitable staircase for its entire length, including landing platforms, not more than 20 feet apart. Where this is impracticable, suitable ladders shall be installed with landing platforms located about 20 feet apart to break the climb.

(d) All caissons, having a diameter or side greater than 10 feet long, shall be provided with a man lock and shaft for the exclusive use of employees.

(e) In addition to the gage in the locks, an accurate gage shall be maintained on the outer and inner side of each bulkhead. These gages shall be accessible at all times and kept in accurate working order.

(f) In caisson operations where employees are exposed to compressed air working environments, the requirements contained in § 1518.803 shall be complied with.

§ 1518.802 Cofferdams.

(a) If overtopping of the cofferdam by high waters is possible, means shall be provided for controlled flooding of the work area.

(b) Warning signals for evacuation of employees in case of emergency shall be developed and posted.

(c) Cofferdam walkways, bridges, or ramps, shall be provided with guardrails as specified in Subpart M of this part.

(d) Cofferdam located close to navigable shipping channels shall be protected from damage by vessels in transit by means of dolphin pilings strategically placed to fend off vessels.

§ 1518.803 Compressed air.

(a) *General provisions.* (1) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this subpart in all respects, and responsible for full compliance with these and other applicable subparts.

(2) Every employee shall be instructed in the rules and regulations which concern his safety or the safety of others.

(b) *Medical attendance, examination, and regulations.* (1) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. He shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. He shall himself be physically qualified and be willing to enter a pressurized environment.

(2) No employee shall be permitted to enter a compressed air environment until he has been examined by the physician and reported by him to be physically qualified to engage in such work.

(3) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, he shall not resume work until he is reexamined by the physician, and his physical condition reported, as provided in this paragraph, to be such as to permit him to work in compressed air.

(4) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, he shall be reexamined by the physician to determine if he is still physically qualified to engage in compressed air work.

(5) Such physician shall at all times keep a complete and full record of examinations made by him. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for

work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(6) Records shall be available for the inspection of the Secretary or his representatives, and a copy thereof shall be forwarded to the Bureau of Labor Standards within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the Secretary.

(7) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(8) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.

(viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock.

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender.

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines;

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90° F. nor be less than 70° F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(9) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. The badge shall give employee's name, address of the medical lock, the phone number of the licensed physician for the compressed air project, and contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(c) *Telephone and signal communication.* (1) Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations:

(i) The working chamber face;

(ii) The working chamber side of the man lock near the door;

(iii) The interior of the man lock;

(iv) Lock attendant's station;

(v) The compressor plant;

(vi) The first-aid station;

(vii) The emergency lock (if one is required); and

(viii) The special decompression chamber (if one is required).

(d) *Signs and records.* (1) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

------ pounds to ------ pounds in ------ minutes.
------ pounds to ------ pounds in ------ minutes.
------ pounds to ------ pounds in ------ minutes.

This form shall be posted in the Man Lock at all times.

(Signed by) ----------
(Superintendent)

(2) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(3) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(e) *Compression.* (1) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(2) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(3) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(4) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If he does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(5) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in emergency.

(f) *Decompression.* (1) Decompression to normal condition shall be in accordance with the Decompression Tables in Appendix A of this subpart.

(2) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(3) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(g) *Man locks and special decompression chambers*—(1) *Man locks.* (i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this subpart.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. He shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are men in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that test gauges may be attached whenever necessary.

(vi) Except where air pressure is below 14 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used as a man lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position, and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70° F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires a total time of decompression exceeding 75 minutes.

(2) *Special decompression chamber.* (i) The headroom in the special decompression chamber shall be not less than 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(a) A clock or clocks suitably placed so that the attendant and the chamber occupants and readily ascertain the time;

(b) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(c) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber;

(d) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(e) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(f) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(h) *Compressor plant and air supply.* (1) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: *Provided*, That the gauge and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(2) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(3) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(4) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(5) Switching from one independent source of power supply to the other shall be done periodically to ensure the workability of the apparatus in an emergency.

(6) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(7) All high- and low-pressure air supply lines shall be equipped with check valves.

(8) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(9) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(10) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(i) *Ventilation and air quality.* (1) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. Ventilating air shall be not less than 30 cubic feet per man per minute.

(2) The air in the workplace shall be analyzed by the contractor not less than once each shift, and records of such tests shall be within the threshold limit values the work is in progress. The test results shall be within the threshold limit values specified in Subpart D of this part, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

(3) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85° F.

(4) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical

air purifying devices that will ensure a source of fresh air shall be provided.

(5) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(j) *Electricity.* (1) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.

(2) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(3) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of the National Electrical Code for use in damp, hazardous, high temperature, and compressed air environments.

(4) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.

(5) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(6) The use of worn or defective portable and pendant conductors is prohibited.

(k) *Sanitation.* (1) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to eight men per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(2) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(l) *Fire prevention and protection.* (1) Firefighting equipment shall be available at all times and shall be maintained in working condition.

(2) While welding or flame-cutting is being done in compressed air, a fire-watch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(3) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(4) Fire hose shall be at least 1½ inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(5) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(6) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(7) In addition to fire hose protection required by this subpart, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazard involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(8) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.

(9) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

(10) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(11) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(12) No oil, gasoline, or other combustible material shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(13) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding paragraph.

(14) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in Subpart U of this part.

(m) *Bulkheads and safety screens.* (1) Intermediate bulkheads with locks, or intermediate safety screens or both, is required where there is the danger of rapid flooding.

(2) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Subpart N of this part. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(3) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

§ 1518.804 Definitions.

(a) "Bulkhead"—An airtight structure separating the working chamber from free air or from another chamber under a lesser pressure than the woking pressure.

(b) "Caisson"—A wood, steel, concrete or reinforced concrete, air- and watertight chamber in which it is possible for men to work under air pressure greater than atmospheric pressure to excavate material below water level.

(c) "Decanting"—A method used for decompressing under emergency circumstances. In this procedure, the employees are brought to atmospheric pressure with a very high gas tension in the tissues and then immediately recompressed in a second and separate chamber or lock.

(d) "Emergency locks"—A lock designed to hold and permit the quick passage of an entire shift of employees.

(e) "High air"—Air pressure used to supply power to pneumatic tools and devices.

(f) "Low air"—Air supplied to pressurize working chambers and locks.

(g) "Man lock"—A chamber through which men pass from one air pressure environment into another.

(h) "Materials lock"—A chamber through which materials and equipment pass from one air pressure environment into another.

(i) "Medical lock"—A special chamber in which employees are treated for decompression illness. It may also be used in preemployment physical examinations to determine the adaptability of the prospective employee to changes in pressure.

(j) "Normal condition"—One during which exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air during the single continuous working period is not interrupted by exposure to normal atmospheric pressure, and a second exposure to compressed air does not occur until at least 12 consecutive hours of exposure to normal atmospheric pressure has elapsed since the employee has been under pressure.

(k) "Pressure"—A force acting on a unit area. Usually shown as pounds per square inch. (p.s.i.)

(l) "Absolute pressure" (p.s.i.a.)—The sum of the atmospheric pressure and gauge pressure (p.s.i.g.).

(m) "Atmospheric pressure"—The pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or 0 p.s.i.g.

(n) "Gauge pressure" (p.s.i.g.)—Pressure measured by a gauge and indicating the pressure exceeding atmospheric.

(o) "Safety screen"—An air- and water-tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead, thus providing a safe means of refuge and exit from a flooding or flooded tunnel.

(p) "Special decompression chamber"—A chamber to provide greater comfort for employees when the total decompression time exceeds 75 minutes.

(q) "Working chamber"—The space or compartment under air pressure in which the work is being done.

Appendix A

Decompression Tables

1. *Explanation.* The decompression tables are computed for working chamber pressures from 0 to 14 pounds, and from 14 to 50 pounds per square inch gage inclusive by 2-pound increments and for exposure times for each pressure extending from one-half to over 8 hours inclusive. Decompressions will be conducted by two or more stages with a maximum of four stages, the latter for a working chamber pressure of 40 pounds per square inch gage or over.

Stage 1 consists of a reduction in ambient pressure ranging from 10 to a maximum of 16 pounds per square inch, but in no instance will the pressure be reduced below 4 pounds at the end of stage 1. This reduction in pressure in stage 1 will always take place at a rate not greater than 5 pounds per minute.

Further reduction in pressure will take place during stage 2 and subsequent stages as required at a slower rate, but in no event at a rate greater than 1 pound per minute.

Decompression Table No. 1 indicates in the body of the table the total decompression time in minutes for various combinations of working chamber pressure and exposure time.

Decompression Table No. 2 indicates for the same various combinations of working chamber pressure and exposure time the following:

a. The number of stages required;

b. The reduction in pressure and the terminal pressure for each required stage;

c. The time in minutes through which the reduction in pressure is accomplished for each required stage;

d. The pressure reduction rate in minutes per pound for each required stage;

IMPORTANT NOTE: The Pressure Reduction in Each Stage is Accomplished at a Uniform Rate. Do Not Interpolate Between Values Shown on the Tables. Use the Next Higher Value of Working Chamber Pressure or Exposure Time Should the Actual Working Chamber Pressure or the Actual Exposure Time, Respectively, Fall Between Those for Which Calculated Values Are Shown in the Body of the Tables.

Examples:

Example No. 1:
4 hours working period at 20 pounds gage.
Decompression Table No. 1:
20 pounds for 4 hours, total decompression time. — 43 minutes.
Decompression Table No. 2:
Stage 1: Reduce pressure from 20 pounds to 4 pounds at the uniform rate of 5 pounds per minute.
Elapsed time stage 1: $\frac{16}{5}$ — 3 minutes.
Stage 2 (final stage): Reduce pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 40 minutes.
Rate—0.10 pound per minute or 10 minutes per pound.
Stage 2 (final) elapsed time. — 40 minutes.
Total time — 43 minutes.

Example No. 2:
5-hour working period at 24 pounds gage.
Decompression Table No. 1:
24 pounds for 5 hours, total decompression time. — 117 minutes.
Decompression Table No. 2:
Stage 1: Reduce pressure from 24 pounds to 8 pounds at the uniform rate of 5 pounds per minute.
Elapsed time stage 1: $\frac{16}{5}$ — 3 minutes.
Stage 2: Reduce pressure at a uniform rate from 8 pounds to 4 pounds over a period of 4 minutes. Rate, 1 pound per minute elapsed time, stage 2. — 4 minutes.
Transfer men to special decompression chamber maintaining the 4-pound pressure during the transfer operation.
Stage 3 (final stage): In the special decompression chamber, reduce the pressure at a uniform rate from 4 pounds to 0-pound gage over a period of 110 minutes. Rate, 0.037 pound per minute or 27.5 minutes per pound. Stage 3 (final) elapsed time. — 110 minutes.
Total time — 117 minutes.

DECOMPRESSION TABLE NO. 1—TOTAL DECOMPRESSION TIME

Work pressure p.s.i.g.	Working period hours: ½	1	1½	2	3	4	5	6	7	8	Over 8
0–12	3	3	3	3	3	3	3	3	3	3	3
14	6	6	6	6	6	6	6	6	16	16	32
16	7	7	7	7	7	7	17	33	48	48	63
18	7	7	7	8	11	17	48	63	63	73	87
20	7	7	8	15	15	43	63	73	83	103	113
22	9	9	16	24	38	68	93	103	113	128	133
24	11	12	23	27	52	92	117	122	127	137	151
26	13	14	29	34	69	104	126	141	142	142	163
28	15	23	31	41	98	127	143	153	153	165	183
30	17	28	38	62	105	143	165	168	178	188	204
32	19	35	43	85	126	163	178	193	203	213	226
34	21	39	58	98	151	178	195	218	228	233	248
36	24	44	63	113	170	198	223	233	243	263	273
38	28	49	73	128	178	203	223	238	253	263	278
40	31	49	84	143	183	213	233	248	258	278	288
42	37	56	102	144	189	215	245	260	263	268	293
44	43	64	118	154	199	234	254	264	269	269	293
46	44	74	139	171	214	244	269	274	289	299	318
48	51	89	144	189	229	269	299	309	319	319	
50	58	94	164	209	249	279	309	329			

DECOMPRESSION TABLE NO. 2

(Do not interpolate, use next higher value for conditions not computed.)

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data: Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
14	½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	1½	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	2	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	3	1	14	4	2	0.20	6
		2	4	0	4	1.00	6
	4	1	14	0	2	0.20	6
		2	4	0	4	1.00	6
	5	1	14	4	2	0.20	6
		2	4	0	4	1.00	6

Decompression data

Working chamber pressure P.s.i.g.	Working period Hours	Stage No.	Pressure reduction P.s.i.g. From	Pressure reduction P.s.i.g. To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
20	1	1	20	0	3	0.20	3
	2	1	20	0	3	0.20	3
	3	1	20	0	3	0.20	3
	4	1	20	0	3	0.20	3
	5	1	20	0	3	0.20	3
	6	1	20	0	3	0.20	3
	7	1	20	0	3	0.20	3
	8	1	20	0	3	0.20	3
	10	1	20	0	3	0.20	3
	12	1	20	0	3	0.20	3

PROPOSED RULE MAKING

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g.		Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
			From	To			
40	1/2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	31
	1	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	49
	1 1/2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	30	7.50	84
	2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	3	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
Over 8	1	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	3	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
Over 8	2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	3	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
48	1/2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	1	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	1 1/2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	3	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
Over 8	3	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
60	1/2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	1	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	1 1/2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	2	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	3	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
Over 8	4	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	5	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	6	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	7	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188
	8	1	40	24	3	0.20	
		2	24	8	16	1.00	
		3	8	4	16	2.00	
		4	4	0	120	30.00	188

PROPOSED RULE MAKING

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g.		Time in stage Minutes	Pressure reduction rate Min./Pound	Total time decompress Minutes
			From	To			
40	1/2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	1	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	1 1/2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
Over 8	1	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
Over 8	2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
48	1/2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	1	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	1 1/2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
Over 8	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
60	1/2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	1	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	1 1/2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	2	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	3	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
Over 8	4	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	5	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	6	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	7	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171
	8	1	46	30	3	0.20	
		2	30	14	16	1.00	
		3	14	4	66	4.70	171

Working chamber pressure P.s.i.g.	Working period Hours	Decompression data					
		Stage No.	Pressure reduction P.s.i.g. From	To	Time in stage Minutes	Pressure reduction rate Min/Pound	Total time decompress Minutes
50	½	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	14	1.00	
		4	4	0	25	6.25	58
	1	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	40	2.86	
		4	4	0	35	8.75	94
	1½	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	55	3.93	
		4	4	0	90	22.50	164
	2	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	70	5.00	
		4	4	0	120	30.00	209
	3	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	100	7.15	
		4	4	0	130	32.50	249
	4	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	130	8.58	
		4	4	0	130	32.50	279
	5	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	160	11.42	
		4	4	0	130	32.50	309
	6	1	50	34	3	0.20	
		2	34	18	16	1.00	
		3	18	4	180	12.85	
		4	4	0	130	32.50	329

Subpart T—Demolition

§ 1518.850 Preparatory operations.

(a) Prior to permitting employees to start demolition operations, a engineering survey shall be made, by a competent person, of the structure to determine the condition of the framing, floors, and walls, and possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing, evidence that such a survey has been performed.

(b) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls shall be shored or braced.

(c) All electric, gas, water, steam, sewer, and other service lines shall be shut off, capped, or otherwise controlled, outside the building line before demolition work is started. In each case, any utility company which is involved shall be notified in advance.

(d) If it is necessary to maintain any power, water or other utilities during demolition, such lines shall be temporarily relocated, as necessary, and protected.

(e) It shall also be determined if any type of hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances have been used in any pipes, tanks, or other equipment on the property. When the presence of any such substances is apparent or suspected, testing and purging shall be performed and the hazard eliminated before demolition is started.

(f) Where a hazard exists from fragmentation of glass, such hazards shall be removed.

(g) Where a hazard exists to employees falling through wall openings, the opening shall be protected to a height of approximately 42 inches.

(h) When debris is dropped through holes in the floor without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edge of the opening above. Signs, warning of the hazard of falling materials, shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(i) All floor openings, not used as material drops, shall be covered over with material substantial enough to support the weight of any workers who may step upon them. Such material shall be properly secured to prevent its accidental movement.

(j) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, the demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward. Each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floors in the story next below.

(k) Employee entrances to multistory structures being demolished shall be completely protected by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of 8 feet. All such canopies shall be at least 2 feet wider than the building entrances or openings (1 foot wider on each side thereof), and shall be capable of sustaining a load of 150 pounds per square foot.

§ 1518.851 Stairs, passageways, and ladders.

(a) Only those stairways, passageways, and ladders, designated as means of access to the structure of building, shall be used. Other access ways shall be entirely closed off at all times.

(b) All stairs, passageways, ladders and incidental equipment thereto, which are covered by this section, shall be periodically inspected and maintained in a clean safe condition.

(c) In a multistory building, when a stairwell is being used, it shall be properly illuminated by either natural or artificial means, and completely and substantially covered over at a point not less than two floors below the floor on which work is being performed, and access to the floor where the work is in progress shall be through a properly lighted, protected, and separate passageway.

§ 1518.852 Chutes.

(a) No material shall be dropped to any point lying outside the exterior walls of the structure unless the area is effectively protected.

(b) All materials chutes, or sections thereof, at an angle of more than 45° from the horizontal, shall be entirely enclosed, except for openings equipped with closures at or about floor level for the insertion of materials. The openings shall not exceed 48 inches in height measured along the wall of the chute. At all stories below the top floor, such openings shall be kept closed when not in use.

(c) A substantial gate shall be installed in each chute at or near the discharge end. A competent employee shall be assigned to control the operation of the gate, and the backing and loading of trucks.

(d) When operations are not in progress, the area surrounding the discharge end of a chute shall be securely closed off.

(e) Any chute opening, into which workmen dump debris, shall be protected by a substantial guardrail approximately 42 inches above the floor or other surface on which the men stand to dump the material. Any space between the chute and the edge of openings in the floors through which it passes shall be solidly covered over.

(f) Where the material is dumped from wheelbarrows, a securely attached toeboard or bumper, not less than 4 inches thick and 6 inches high, shall be provided at each chute opening.

(g) Chutes shall be designed and constructed of such strength as to eliminate failure due to impact of materials or debris loaded therein.

§ 1518.853 Removal of materials through floor holes.

Any openings cut in a floor for the disposal of materials shall be no larger in size than 25 percent of the aggregate of the total floor area, unless the lateral supports of the removed flooring remain in place. Floors weakened or otherwise made unsafe by demolition operations shall be shored to carry safely the intended imposed load from demolition operations.

§ 1518.854 Removal of walls, masonry sections, and chimneys.

(a) Masonry walls, or other sections of masonry, shall not be permitted to fall upon the floors of the building in such masses as to exceed the safe carrying capacities of the floors.

(b) No wall section, which is more than one story in height, shall be permitted to stand alone without lateral bracing, unless such wall was originally designed and constructed to stand without such lateral support, and is in a condition safe enough to be self-supporting. All walls shall be left in a stable condition at the end of each shift.

(c) Employees shall not be permitted to work on the top of a wall when weather conditions constitute a hazard.

(d) Structural or load-supporting members on any floor shall not be cut or removed until all stories above such a floor have been demolished and removed. This provision shall not prohibit the cutting of floor beams for the disposal of materials or for the installation of equipment, provided that the requirements of §§ 1518.853 and 1518.855 are met.

(e) Floor openings within 10 feet of any wall being demolished shall be planked solid, except when employees are kept out of the area below.

(f) In buildings of "skeleton-steel" construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams, girders, and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.

(g) Walkways shall be provided to enable employees to safely reach or leave any scaffold or wall.

(h) Walls, which serve as retaining walls to support earth or adjoining structures, shall not be demolished until such earth has been properly braced or adjoining structures have been properly underpinned.

(i) Walls, which are to serve as retaining walls against which debris will be piled, shall not be so used unless capable of safely supporting the imposed load.

§ 1518.855 Manual removal of floors.

(a) Openings cut in a floor shall extend the full span of the arch between supports.

(b) Before demolishing any floor arch, debris and other material shall be removed from such arch and other adjacent floor area. Planks not less than 2 inches by 10 inches in cross section, full size undressed, shall be provided for, and shall be used by employees to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the workmen should the arch between the beams collapse. The open space between planks shall not exceed 16 inches.

(c) Safe walkways, not less than 20 inches wide, formed of planks not less than 2 inches thick if wood, or of equivalent strength if metal, shall be provided and used by workmen when necessary to enable them to reach any point without walking upon exposed beams.

(d) Stringers of ample strength shall be installed to support the flooring planks, and the ends of such stringers shall be supported by floor beams or girders, and not by floor arches alone.

(e) Planks shall be laid together over solid bearings with the ends overlapping at least 1 foot.

(f) When floor arches are being removed, employees shall not be allowed in the area directly underneath, and such an area shall be barricaded to prevent access to it.

(g) Demolition of floor arches shall not be started until they, and the surrounding floor area for a distance of 20 feet, have been cleared of debris and any other unnecessary materials.

§ 1518.856 Removal of walls, floors, and material with equipment.

(a) Mechanical equipment shall not be used on floors or working surfaces unless such floors or surfaces are of sufficient strength to support the imposed load.

(b) Floor openings shall have curbs or stop-logs to prevent equipment from running over the edge.

(c) Mechanical equipment used shall meet the requirements specified in Subparts N and O of this part.

§ 1518.857 Storage.

(a) The storage of waste material and debris on any floor shall not exceed the allowable floor loads.

(b) In buildings having wooden floor construction, the flooring boards may be removed from not more than one floor above grade to provide storage space for debris, provided falling material is not permitted to endanger the stability of the structure.

(c) When wood floor beams serve to brace interior walls or free-standing exterior walls, such beams shall be left in place until other equivalent support can be installed to replace them.

(d) Floor arches, to an elevation of not more than 25 feet above grade, may be removed to provide storage area for debris: *Provided*, That such removal does not endanger the stability of the structure.

(e) Storage space into which material is dumped shall be blocked off, except for openings necessary for the removal of material. Such openings shall be kept closed at all times when material is not being removed.

§ 1518.858 Removal of steel construction.

(a) When floor arches have been removed, planking in accordance with § 1518.855(b) shall be provided for the workers engaged in razing the steel framing.

(b) Cranes, derricks, and other hoisting equipment used shall meet the requirements specified in Subpart N of this part.

(c) Steel construction shall be dismantled column length by column length, and tier by tier (columns may be in two-story lengths).

(d) Any structural member being dismembered shall not be overstressed.

§ 1518.859 Mechanical demolition.

(a) No workers shall be permitted in any area, which can be adversely affected by demolition operations, when balling or clamming is being performed. Only those workers necessary for the performance of the operations shall be permitted in this area at any other time.

(b) The weight of the demolition ball shall not exceed 50 percent of the crane's rated load, based on the length of the boom and the maximum angle of operation at which the demolition ball will be used, or it shall not exceed 25 percent of the nominal breaking strength of the line by which it is suspended, whichever results in a lesser value.

(c) The crane boom and loadline shall be as short as possible.

(d) The ball shall be attached to the loadline with a swivel-type connection to prevent twisting of the loadline, and shall be attached by positive means in such manner that the weight cannot become accidentally disconnected.

(e) When pulling over walls or portions thereof with a demolition ball or clamshell bucket, or by attachment of a rope, all steel members affected shall have been previously cut free.

(f) All roof cornices or other such ornamental stonework shall be removed prior to pulling walls over.

(g) During demolition, continuing inspections shall be made as the work progresses to detect hazards resulting from weakened or deteriorated floors, or walls, or loosened material. No workman shall be permitted to work where such hazards exist until they are corrected by shoring, bracing, or other effective means.

Subpart U—Blasting and the Use of Explosives

§ 1518.900 General provisions.

(a) The employer shall permit only authorized and qualified persons to handle and use explosives.

(b) Smoking, firearms, matches, open flame lamps, and other fires, flame or heat producing devices and sparks shall be prohibited in or near explosive magazines or while explosives are being handled, transported or used.

(c) No person shall be allowed to handle or use explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(d) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(e) No explosives or blasting agents shall be abandoned.

(f) No fire shall be fought that has come in contact with explosives. All em-

ployees shall be removed to a safe area and the fire area guarded against intruders.

(g) Original containers, or Class II magazines, shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(h) When blasting is done in congested areas or in proximity to a structure, railway, or highway, or any other installation that may be damaged, the blaster shall take special precautions in the loading, delaying, initiation, and confinement of each blast with mats or other methods so as to control the throw of fragments, and thus prevent bodily injury to employees.

(i) Employees authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visual and audible warning signals, flags, or barricades, to ensure employee safety.

(j) Insofar as possible, blasting operations above ground shall be conducted during daylight hours.

(k) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(1) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm;

(2) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operations. Lettering shall not be less than 4 inches in height on a contrasting background;

(3) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, in other than original containers, shall be de-energized and effectively locked;

(4) Compliance with the recommendations of The Institute of the Makers of Explosives with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1968.

(l) Empty boxes and paper and fiber packing materials, which have previously contained high explosives, shall not be used again for any purpose, but shall be destroyed by burning at an approved location.

(m) Explosives, blasting agents, and blasting supplies that are obviously deteriorated or damaged shall not be used.

(n) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling areas.

§ 1518.901 Blaster qualifications.

(a) A blaster shall be able to understand and give written and oral orders.

(b) A blaster shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs.

(c) A blaster shall be qualified, by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of State and local laws and regulations which pertain to explosives.

(d) Blasters shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(e) The blaster shall be knowledgeable and competent in the use of each type of blasting method used.

§ 1518.902 Surface transportation of explosives.

(a) Explosives shall be transported in full compliance with Federal, State, and local laws and regulations.

(b) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver who is physically fit. He shall be familiar with the local, State, and Federal regulation governing the transportation of explosives.

(c) No person shall smoke, or carry matches or any other flame-producing device, nor shall firearms or loaded cartridges be carried while in or near a motor vehicle or conveyance transporting explosives.

(d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Blasting caps (including electric) shall not be transported in the same vehicle with other explosives.

(e) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty, and shall be in good mechanical condition.

(f) When explosives are transported by a vehicle with an open body, a Class II magazine or original manufacturer's container shall be securely mounted on the bed to contain the cargo.

(g) All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood, or other nonsparking material, to prevent contact with containers of explosives.

(h) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front, and the rear with the word "Explosives" in red letters, not less than 4 inches in height, on white background. In addition to such marking or placarding, the motor vehicle or conveyance may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches by 30 inches, with the word "Explosives" painted, stamped, or sewed thereon, in white letters, at least 6 inches in height.

(i) Every motor vehicle or conveyance used for transporting explosives shall be equipped with a minimum of two approved extinguishers, each having a rating of at least 10–BC.

(j) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(k) No motor vehicle transporting explosives shall be left unattended.

§ 1518.903 Underground transportation of explosives.

(a) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(b) The quantity of explosives or blasting agents taken to an underground working place shall not exceed the amount estimated to be necessary for the blast.

(c) Explosives in transit shall not be left unattended.

(d) The hoist operator shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies, or equipment shall be transported in the same conveyance at the same time.

(f) No one, except the operator, his helper, and the powderman, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

(g) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(h) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(i) No explosives or blasting agents shall be transported on a man haul trip.

(j) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(k) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a sign on each side with the word "Explosives" in letters, not less than 4 inches in height; upon a background of sharply contrasting color.

(l) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(m) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(n) Explosives, blasting agents, or blasting supplies shall not be transported with other materials.

(o) Explosives or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(p) Detonators, primers, and other explosives shall be carried in separate containers when transported manually.

§ 1518.904 Storage of explosives and blasting agents.

(a) All explosives shall be stored in approved magazines. Specifications for construction of magazines shall conform to ANSI A10.7–1970, sections 5.3 and 5.4.

(b) Blasting caps, electric blasting caps, detonating primers, and primed

cartridges shall not be stored in the same magazine with other explosives or blasting agents.

(c) Detonating cord shall be stored in Class I or Class II magazines with explosives or blasting agents. Detonating cord shall not be stored with detonators unless the magazine is bullet-resistant. Detonating cord delay connectors shall be stored with detonators only.

(d) The ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear or all combustible materials for a distance of at least 25 feet.

(e) Smoking and open flames shall not be permitted within 50 feet of explosives and detonator storage magazine.

(f) Class I and Class II surface magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in conformity with ANSI 10.7–1970, Safety Requirements for Transportation, Storage, Handling, and Use of Commercial Explosives and Blasting Agents in the Construction Industry, paragraph 5.1.9.

(g) The use of Class II magazines for the temporary storage of larger quantities of explosives or blasting agents at surface or underground blasting sites shall be by the authorization of the contractor or his authorized representative.

(h) A distance of at least 150 feet shall be maintained between Class II magazines and the work in progress.

(i) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been provided.

(j) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(k) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

§ 1518.905 Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored to be easily counted and checked. Packages of explosives shall be piled in a stable manner.

(b) Packages of explosives shall not be opened, unpacked, or repacked inside of or within 50 feet of a magazine, or in close proximity to other explosives. Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that metal slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet, shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be closed before being returned to a magazine.

(c) Only explosives and blasting agents shall be stored in magazines.

(d) Magazine floors shall be regularly swept and kept clean, dry, and free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings shall be removed from floors of magazines and destroyed.

(e) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosive, the person in possession of such explosive shall immediately report the fact to the contractor or his authorized representative. Only experienced persons shall do the work of destroying explosives.

(f) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire, the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall be either placed in another magazine, or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

§ 1518.906 Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(g) No explosives or blasting agents shall be left unattended at the blast site.

(h) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes before explosives are delivered.

(i) No activity of any nature other than that which is required for loading holes with explosives shall be permitted in a blast area.

(j) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out by the blaster.

(k) Holes shall be checked prior to loading to determine depth and conditions.

(l) When loading a long line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.

(m) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts.

(n) No explosives other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(o) All blast holes in open work shall be stemmed to the collar or to a point which will confine the charge.

(p) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(q) A bore hole shall never be sprung when it is adjacent to or near a hole that is loaded.

(r) Drill holes which have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(s) No loaded holes shall be left unattended or unprotected.

(t) The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

§ 1518.907 Initiation of explosive charges—electric blasting.

(a) Electric blasting caps shall not be used where sources of extraneous electricity make the use of electric blasting caps dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the blaster shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations, or an approved contractor or his designated representative.

(e) When firing a circuit of electric blasting caps, care must be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(f) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity.

(g) Bus wires shall be solid single wires of sufficient current-carrying capacity.

(h) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(i) A power circuit used for firing electric blasting caps shall not be grounded.

(j) In underground operations when firing from a power circuit, a safety switch shall be placed in the permanent firing line at intervals. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(k) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(l) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the blaster.

(m) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(n) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(o) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(p) All blasting machines shall be in charge of the blaster, and no other person shall connect the leading wires to the machine.

(q) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell especially designed for this purpose.

(r) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(s) In electrical firing, only the man making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(t) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

§ 1518.908 Use of safety fuse.

(a) The use of a fuse that has been hammered or injured in any way is forbidden.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) No one shall be permitted to carry detonators or primers of any kind on his person.

(h) The minimum length of safety fuse to be used in blasting shall be as required by State law, but shall not be less than 30 inches.

(i) At least two men shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

§ 1518.909 Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(d) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(e) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(f) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(g) All detonating cord connections shall be inspected before firing the blast.

(h) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(i) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(j) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

§ 1518.910 Firing the blast.

(a) A code of blasting signals equivalent to Table U-1, shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(c) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(d) It shall be the duty of the blaster to fix the time of blasting.

(e) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE U-1

WARNING SIGNAL—A one-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL—A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL—A prolonged blast following the inspection of blast area.

§ 1518.911 Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or

where power switches are used, they shall be locked open.

(b) Sufficient time shall be allowed for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the blaster to determine if all charges have been exploded before employees are allowed to return to the operation.

(c) No one shall be allowed to return to the area of the blast until an "all clear" signal is given.

(d) Loose pieces of rock and other debris shall be scaled down from the sides of the face of excavation and the area made safe before proceeding with the work.

§ 1518.912 Misfires.

(a) A blaster shall conduct all blast-shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least 1 hour. Misfires shall be handled under the direction of the person in charge of the blasting. All wires shall be done through a nonsparking metal for unexploded charges.

(e) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

§ 1518.913 Underwater blasting.

(a) A blaster shall conduct all blasting operations, and no shot shall be fired without his approval.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all marine blasting. Loading shall be done through a nonsparkling metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any person is in the water.

(f) Flares shall be set up to warn of impending firing. Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

§ 1518.914 Blasting in excavation work under compressed air.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are bought into an air lock, no employee except the powderman, blaster, lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other material, supplies, or equipment shall be locked through with the explosives.

(c) Detonators and explosives shall be taken separately into pressure working chambers.

(d) The blaster or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each low air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

§ 1518.915 Definitions.

(a) "American Table of Distances" (also known as Quantity Distance Tables) means American Table of Distances for Storage of Explosives as revised and approved by the Institute of the Makers of Explosives, September 30, 1955.

(b) "Blast area"—The area in which explosives loading and blasting operations are being conducted.

(c) "Blaster"—The person or persons authorized to use explosives for blasting purposes and meeting the qualifications contained in § 1518.901.

(d) "Blasting agent"—A blasting agent is any material or mixture consisting of a fuel and oxidizer used for blasting, but not classified an explosive and in which none of the ingredients is classified as an explosive provided the furnished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined. A common blasting agent presently in use is a mixture of ammonium nitrate (NH_4NO_3) and carbonaceous combustibles, such as fuel oil or coal, and may either be procured, premixed and packaged from explosives companies or mixed in the field.

(e) "Blasting cap"—A metallic tube closed at one end, containing a charge of one or more detonating compounds, and designed for and capable of detonation from the sparks or flame from a safety fuse inserted and crimped into the open end.

(f) "Block holing"—The breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

(g) "Conveyance"—Any unit for transporting explosives or blasting agents, including but not limited to trucks, trailers, rail cars, barges, and vessels.

(h) "Detonating cord"—A flexible cord containing a center core of high explosives which when detonated, will have sufficient strength to detonate other cap-sensitive explosives with which it is in contact.

(i) "Detonator"—Blasting caps, electric blasting caps, delay electric blasting caps, and nonelectric delay blasting caps.

(j) "Electric blasting cap"—A blasting cap designed for and capable of detonation by means of an electric current.

(k) "Electric blasting circuitry"—

(1) Bus wire. An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg wires of electric blasting caps.

(2) Connecting wire. An insulated expendable wire used between electric blasting caps and the leading wires or between the bus wire and the leading wires.

(3) Leading wire. An insulated wire used between the electric power source and the electric blasting cap circuit.

(4) Permanent blasting wire. A permanently mounted insulated wire used between the electric power source and the electric blasting cap circuit.

(l) "Electric delay blasting caps"—Caps designed to detonate at a predetermined period of time after energy is applied to the ignition system.

(m) "Explosives"—(1) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the U.S. Department of Transportation.

(2) All material which is classified as Class A, Class B, and Class C explosives by the U.S. Department of Transportation.

(3) Classification of explosives by the U.S. Department of Transportation is as follows:

Class A Explosives. Possessing detonating hazard, such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

Class B Explosives. Possessing flammable hazard, such as propellant explosives, including some smokeless propellants.

Class C Explosives. Include certain types of manufactured articles which contain Class A or Class B explosives, or both, as components, but in restricted quantities.

(n) "Fuse lighters"—Special devices for the purpose of igniting safety fuse.

(o) "Magazine"—Any building or structure, other than an explosives manufacturing building, used for the storage of explosives.

Class I magazine. A magazine designed for the storage of more than 50 pounds of explosives.

Class II magazine. A magazine designed for the storage of less than 50 pounds of explosives.

(p) "Misfire"—An explosive charge which failed to detonate.

(q) "Mud-capping" (sometimes known as bulldozing, adobe blasting, or dobying). The blasting of boulders by placing a quantity of explosives against a rock, boulder, or other object without confining the explosives in a drill hole.

(r) "Nonelectric delay blasting cap"—A blasting cap with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal from miniaturized detonating cord.

(s) "Primary blasting"—The blasting operation by which the original rock formation is dislodged from its natural location.

(t) "Primer"—A cartridge or container of explosives into which a detonator or detonating cord is inserted or attached.

(u) "Safety fuse"—A flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps.

(v) "Secondary blasting"—The reduction of oversize material by the use of explosives to the dimension required for handling, including mudcapping and blockholing.

(w) "Stemming"—A suitable inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mudcapping.

(x) "Springing"—The creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives in order that larger quantities or explosives may be inserted therein.

(y) "Water gels, or slurry explosives"—A wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are: (1) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and (2) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

Subpart V—Power Distribution and Transmission Lines

§ 1518.950 Power distribution lines.

(a) *General requirements.* (1) Before starting work on lines, an inspection and test shall be made to determine whether circuits are energized or denergized.

(2) Operating voltages of equipment and lines shall be determined before work is performed on or near energized parts.

(3) Rubber protective equipment shall meet the requirements of the ANSI J6—J6.1–1950(R1962) Rubber Insulating Line Hose; J6.2–1950(R1962) Rubber Insulator Hoods; J6.4–1950(R1962) Rubber Insulating Blankets; J6.5–1962 Rubber Insulating Sleeves; J6.6–1967 Rubber Insulating Gloves, Specifications for; and J6.7–1935(R1962) Rubber Matting for Use Around Electrical Apparatus (Reaffirmation and Redesignation of C59.4–1935).

(4) Protective hats, meeting the specifications of ANSI Z89.2–1970, Industrial Protective Helmets for Electrical Workers—Class B, shall be worn by employees exposed to the hazards of falling objects, electric shock, and burns.

(b) *Work on energized lines.* (1) Before employees are permitted to work on or near energized lines, the required clearance, climbing, and working space prescribed in the National Electrical Safety Code, ANSI C2.2–1960, Safety Rules for the Maintenance of Electric Supply and Communication Lines, shall be provided.

(2) When approaching or working on energized circuit, except from an insulated aerial lift or similar insulated device, the following minimum distances shall be maintained:

Nominal voltage	Unguarded phase-to-workmen	With barriers phase-to-barriers
	(Inches)	*(Inches)*
4,000	8	8
13,000	12	8
26,000	24	12
46,000	24	12
69,000	30	16
115,000	48	20
161,000	48	24
230,000	72	36
500,000	144	144

(3) Climber gaffs less than 1¼-inch in length shall not be used.

(4) Rubber gloves shall not be used with hot sticks for hotline work.

(5) Lockout and tagging. (i) When circuits to be worked on are deenergized, they shall be locked out and tagged.

(ii) Controls shall be locked out and tags attached at any points where circuit can be energized.

(iii) Tags shall be placed and maintained legible to identify equipment or circuits being worked on.

(c) *Safety belts.* (1) Safety belts and straps shall be worn to protect employees working at elevated locations on poles and towers. The use of rope as safety straps is prohibited.

(2) Safety belts shall be inspected before each climb and unsafe belts shall be removed from service.

(3) Employees shall wear safety belts and lanyards attached to the boom when working from aerial lift buckets.

(d) *Grounds for protection of employees.* (1) All circuits shall be treated as energized until grounded in accordance with this section.

(2) A ground stick shall be used to "feel out" a dead circuit to determine if it is deenergized.

(3) When attaching grounds, the ground end shall be attached first and the other end shall be attached and removed by means of insulated tools.

(4) Grounds shall be placed between the work location and all sources of energy.

(i) For line work, grounds shall be placed one span on each side of the work location and not more than 1 mile from the work location.

(ii) A second set of grounds shall be placed on the structure being worked on.

(iii) All grounds shall be tested during progress of the work to ensure that they are effective.

(vi) Open-wire telephone lines on power poles or structures shall be treated as energized lines until they are grounded.

(e) *Aerial lifts.* (1) All aerial lifts shall be designed and constructed in conformance with the applicable requirements of ANSI A92.2–1969, Vehicle Mounted Elevating and Rotating Work Platforms.

(2) Before work is started, the vehicle shall be grounded.

(3) Platform controls shall be tested before employees are raised to work position.

(4) Arm-current reading shall be taken before use each day and when work is to be done on higher voltage lines. Operations shall cease immediately when the leakage-current alarm sounds.

(5) Aerial lift platforms shall be racked or cradled when employees are entering or leaving work bucket.

(f) *Hot sticks, switch sticks, and ground sticks.* (1) All hot sticks, switch sticks, and ground sticks shall be visually inspected before each use and shall be electrically tested at regular scheduled intervals.

(i) Sticks which do not pass visual inspection shall not be used until repaired and tested to prove safe for continued service.

(ii) All sticks shall be tested to withstand the equivalent of 75,000 volts across each foot of length. Electrical tests shall be at 1 year intervals on ground sticks.

(2) Fuse pullers shall be used when pulling or replacing energized primary fuses or when operating fuse cutouts of the open or enclosed types.

(g) *Pole setting in energized lines.* Employees handling poles being set in lines energized above 750 volts shall be protected by insulating rubber gloves.

(h) *Underground lines.* (1) Manholes, vaults, and confined spaces shall not be entered before being tested for flammable, toxic gases or insufficient oxygen.

(2) Ventilation shall be provided, when required, in accordance with Subpart D of this part.

§ 1518.951 Transmission lines.

(a) *General requirements.* Hoisting machinery, site preparation machinery, equipment, and other types of construction machinery used by employees engaged in the construction of transmission towers and erecting poles, shall conform to the applicable requirements of this part.

(b) *Ladders.* Hook or other type ladders, used on structures, shall be provided with a safety device, and it shall be engaged to prevent the ladder from being displaced.

(c) *Stringing wire.* (1) Stringing lines, pulling lines, and all load-bearing hardwear and accessories shall have a safety factor of at least five times the pulling tension.

(2) Pulling lines and accessories shall be inspected before each use and damaged equipment shall be removed from service.

(3) Employees shall not be permitted on towers during stringing.

(4) Handlines used to hoist material shall have a safety factor of three.

(d) *Grounding and bonding.* The following requirements for grounding and bonding shall be complied with when stringing parallel to energized transmission lines:

(1) Pulling and tensioning equipment shall be bonded and effectively grounded. At least two driven grounds shall be used at both the pulling and tensioning setup.

(2) An insulating platform and barriers shall be installed around all conductive parts of the pulling and tensioning equipment.

(3) A moving-type ground shall be installed within 20 feet of the tensioning reel setup to positively and constantly ground each conductor, subconductor, and overhead ground wire during stringing operations.

(4) During stringing operations, each conductor, subconductor, and overhead ground wire shall be grounded at the first tower adjacent to both the tensioning and pulling setup.

(5) Conductors, subconductors, and overhead ground wire shall be grounded at all dead-end or catch-off points.

(6) A driven ground shall be placed at each side and within 10 feet of working areas where conductors, subconductors, and overhead ground wire are being spliced at ground level. The two ends to be spliced shall be effectively bonded to each other. Splicing shall be done on either an insulated platform or a conductive metallic grounding mat bonded to both driven grounds. The grounding mat shall be roped off and an insulated walkway provided for access to the mat.

(7) When performing work from steel towers, clipping crews and other employees working on conductors, subconductors, or overhead ground wire, shall be protected by individual hot-stick, clamp-type grounds.

(8) Moving type grounds shall be designed and installed so as not to exceed 1 ohm resistance as measured between the conductor or overhead ground wire and the point of attachment of the ground lead to the tower or driven ground rod.

(9) Driven ground shall be a flexible ground lead attached to a ⅝-inch diameter or greater 10-foot copper or galvanized-type rod.

(10) Ground leads shall be No. 1.0 AWG copper.

(11) All grounds shall be tested to prove their effectiveness before work starts.

Subpart W—Recording and Reporting Work Injury Frequency and Severity Data and Accident Costs

§ 1518.1000 Definitions for purpose of this subpart.

(a) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment, or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(b) The term "disabling injury" includes any injury which results in death or permanent physical impairment or which makes the injured person unable, on any day after the day of injury, to perform effectively throughout a full shift the essential functions of a regularly established job which is open and available to him.

(c) The term "death" means any work injury which results in death regardless of the time which elapses between the injury and death, and shall be assigned a time charge of 6,000 days.

(d) The term "permanent-total disability" means an injury which permanently and completely disables a worker. It includes the loss, or complete loss, of use of both arms, or hands, or legs, or feet, or eyes, or any combination of these body parts, such as one arm and one leg, one hand and one foot, etc.

(e) The term "permanent-partial disability" means an injury which permanently, but only partially, disables a worker. It includes the total or partial loss, or loss of use, of an arm, hand, leg, finger, etc., or any permanent impairment of a function of the body, or of a part of the body to any degree less than permanent-total disability.

(f) The term "temporary-total disability" means an injury which does not result in death or permanent-total or permanent-partial disability if the injured person, because of his injury, is unable to perform a regularly established job, which is open and available to him, during the entire time interval corresponding to the hours of his regular shift on any one or more days (including Sundays and days off) subsequent to the day of injury.

(g) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States, or any State, or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(h) "Employee" includes any individual employed by an employer.

(i) The term "injury-frequency rate" means the number of disabling injuries per million employee-hours worked, obtained by multiplying the total number of disabling injuries by 1 million and dividing that product by the total employee-hours worked.

(j) The term "injury-severity rate" means the number of days lost or charged per million employee-hours worked, obtained by adding the standard time charges for each case of death and permanent impairment to the total number of days of incapacity resulting from all other cases of disabling injuries, multiplying that sum by 1 million and dividing that product by the total number of employee-hours worked.

(k) The term "work injury cost" means those costs of medical, compensation reserves and incidentals accrued in the settlement of a claim or loss to an employee because of a job-connected injury.

§ 1518.1001 Records.

(a) The employer shall maintain a record of each disabling work injury experienced by an employee arising out of and in the course of his employment in any activity covered by the Act as it occurs. This record shall indicate the activity being performed at the time of injury; a description of the accident and the nature of the injury; and the actual number of days lost, or in the case of death or permanent total or permanent partial disability, the number of days charged in accordance with the schedule in § 1518.1003.

(b) The records required by this section shall also indicate the total number of employee-hours worked by all employees in activities covered by the Act.

§ 1518.1002 Injury reports required.

(a) Notification of fatality or serious accident. The employer shall send to the nearest Regional Office, within 10 days, a copy of the report made on each death or serious injury which resulted in hospitalization for over 48 hours.

(b) Annual report. For the year ending December 31, 1972, and for each calendar year thereafter, every employer shall file with the Bureau of Labor Standards, at its central office at Washington, D.C. 20210, on the forms prescribed, an annual summary injury and employment record for all employed personnel under the Act.

(c) This report shall include:

(1) The number of man-hours under the Act;

(2) The number of deaths;

(3) The number of injuries on which compensation was paid;

(4) The cost incurred by payment of medical, compensation, and reserve expense in connection with the payment of claim or loss to an employee because of a job-connected injury.

(d) *Filing of report.* The report under this section shall be filed within the month following the end of the calendar year to which the report applies.

§ 1518.1003 Schedule of time charges.

The specific charge (in days) assigned to a permanent-partial, permanent-total, or fatal injury. For these charges see Table W-1, Tabulation of Scheduled Charges, outlines the specific charge (in days) assigned to a permanent-partial, permanent-total, or fatal injury.

TABLE W-1—TABULATION OF SCHEDULED CHARGES

A. For Loss of Member—Traumatic or Surgical

FINGERS, THUMB, AND HAND

Amputation involving all or part of bone*	Thumb	Fingers			
		Index	Middle	Ring	Little
Distal phalange	300	100	75	60	50
Middle phalange		200	150	120	100
Proximal phalange	600	400	300	240	200
Metacarpal	900	600	500	450	400
Hand at wrist, 3,000.					

TOE, FOOT, AND ANKLE

Amputation involving all or part of bone*	Great toe	Each of other toes
Distal phalange	150	35
Middle phalange		75
Proximal phalange	300	150
Metatarsal	600	350
Foot at ankle, 2,400.		

ARM

Any point above** elbow, including shoulder joint	4,500
Any point above wrist and at or below elbow	3,600

LEG

Any point above** knee	4,500
Any point above ankle and at or below knee	3,000

B. Impairment of Function

One Eye (loss of sight), whether or not there is sight in the other eye	1,800
Both Eyes (loss of sight), in one accident	6,000
One Ear (complete industrial loss of hearing), whether or not there is hearing in the other ear	600
Both Ears (complete industrial loss of hearing), in one accident	3,000
Unrepaired Hernia	50

*If the bone is not involved, use actual days lost, and classify as temporary total disability. The tuft of the distal bone of a finger or toe is considered bone if it shows in X-rays.

**The term "above" when applied to the arm means toward the shoulder, and when applied to the leg, means toward the hip.

[FR Doc.71-829 Filed 2-1-71;8:45 am]

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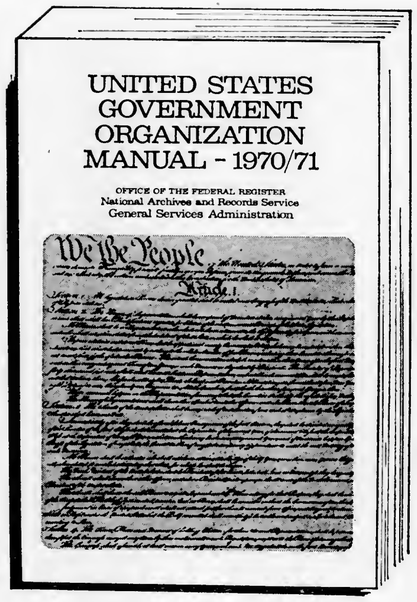

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Department of the Navy

Section 213.3108 of Schedule A is amended to reflect the change in name from Military Sea Transportation Service to Military Sealift Command. Effective on publication in the FEDERAL REGISTER (2-3-71), paragraph (d) under § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

• • • • • •

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1455 Filed 2-2-71;8:50 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that until January 31, 1972, positions in grade GS–15 and below on the staff of the Presidential Foreign Assistance Task Force are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER (2-3-71), paragraph (j) is added to § 213.3199 as set out below.

§ 213.3199 Temporary boards and commissions.

• • • • • •

(j) *Presidential Foreign Assistance Task Force.* (1) Until January 31, 1972, positions in grade GS–15 and below on the staff of the Presidential Foreign Assistance Task Force.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1456 Filed 2-2-71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that the position of one Labor Liaison Advisor to the Director of Civil Defense is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2-3-71), subparagraph (7) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* • • •

(7) One Labor Liaison Advisor to the Director of Civil Defense.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1454 Filed 2-2-71;8:50 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 41—STANDARD CONTAINERS

Deletion of Regulations

On October 22, 1968, Public Law 90–628 repealed the Standard Container Acts. Sections 41.4 through 41.22 are deleted from Title 7, Part 41, of the Code of Federal Regulations. The authority for these regulations has expired.

This notice shall be effective upon publication in the FEDERAL REGISTER (2-3-71).

Done at Washington, D.C., this 29th day of January 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-1491 Filed 2-2-71;8:53 am]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Brown-Tail Moth

EXEMPTIONS

Under authority of § 301.45–2 of the Gypsy Moth and Brown-Tail Moth Quarantine regulations (7 CFR 301.45–2, as amended), a supplemental regulation exempting certain articles from specified requirements of the regulations, 7 CFR 301.45–2b, is hereby issued as set forth below. The Director of the Plant Protection Division has found that facts exists as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.45–2b Exempted articles.

The following regulated articles are exempt[1] from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (g) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Trees and shrubs, and parts of such trees and shrubs, if grown in a greenhouse throughout the year and so labeled on the outside of each container.

(b) Boughs, cuttings, and scions with stems no greater than one-half inch in diameter.

(c) Parts of trees and shrubs that have been dried, pressed, waxed, lacquered, varnished, or similarly surface treated.

(d) Lumber, if dressed or sawed four sides with ends clipped and free of surface bark; or if kiln dried: *Provided,* That such lumber is shipped directly after processing and the waybill or other shipping document is marked to show that the lumber was shipped immediately after processing.

(e) Wood products which have been manufactured, such as shingles, flooring, furniture, handles, etc.

(f) Shavings, sawdust, wood flour, excelsior, and cedar bedding, if not exposed to infestation in storage.

(g) Stone and quarry products, if processed by grinding or pulverizing.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.45–2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER (2-3-71) when it shall supersede the list of exempted articles, § 301.45–2b, which became effective November 23, 1968.

The principal purpose of this document is to delete from the list of exempted articles stone and quarry products if handled in accordance with a compliance agreement and shipped directly from establishments approved by the Director. It has been determined by the Director that exempting stone and quarry products moving from specifically approved establishments should no longer be allowed and that attachment of certificates or permits is necessary for the orderly movement of such products. Accordingly, PPD 640, which lists specifically approved establishments eligible to ship stone and quarry products without certification or permit, is hereby canceled.

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

This document imposes restrictions that are necessary in order to prevent the interstate spread of the gypsy moth and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 29th day of January 1971.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[FR Doc.71-1490 Filed 2-2-71;8:53 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 222, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.522 (Navel Orange Reg. 222, Amdt. 1) are hereby amended to read as follows:

§ 907.522 Navel Orange Regulation 222.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 814,000 cartons;

(ii) District 2: 286,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1426 Filed 2-2-71;8:49 am]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Miscellaneous Amendments

Notice was published in the FEDERAL REGISTER issue of January 1, 1971 (36 F.R. 22), that the Department was giving consideration to proposed amendments of the respective rules and regulations (Subpart—Rules and Regulations; §§ 907.100–907.142 and §§ 908.100–908.142; 35 F.R. 457), currently in effect pursuant to the applicable provisions of the marketing agreements, as amended, and Order Nos. 907 and 908, as amended (7 CFR Parts 907 and 908; 35 F.R. 16625, 16359), regulating, respectively the handling of Navel oranges and Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments were proposed by the Navel Orange Administrative Committee and the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreements and orders as the agencies to administer, respectively, the terms and provisions thereof. No written data, views, or arguments were filed with respect to said proposals during the period specified therefor in the notice.

After consideration of all relevant matters presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of the respective rules and regulations is in accordance with the applicable marketing agreements and orders and will tend to effectuate the declared policy of the act and contribute to more effective operations under said marketing agreements and orders. Therefore, said rules and regulations are hereby amended as follows:

§§ 907.102, 908.102 [Amended]

1. Sections 907.102 (a) (3) *Nomination procedure* and 908.102(a)(3) *Nomination procedure* are amended by deleting the word "seven" in the first sentence of each subparagraph and inserting in lieu thereof the word "five."

2. Section 908.108 *Prorate bases and allotments* is amended by revising the second sentence of paragraph (a), deleting paragraph (b), and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively, to read as follows:

§ 908.108 Prorate bases and allotments.

(a) *Application to be filed.* * * * Such application shall contain the information required pursuant to § 908.53 (b) and a certification to the U.S. Department of Agriculture and the Valencia Orange Administrative Committee by the handler that the information in the application is true and that he has control, for all purposes relating to this part, of the oranges described in the application. * * *

(b) *Change in control of oranges occasioned by transfer of real property.* In the event a change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control shall request the committee to make the adjustment prescribed in § 908.53(e). Such request shall set forth the names of the parties to the transfer, and be accompanied by a legal description of the real property transferred, the name of the county, the book, page number and date showing that such transfer has been duly recorded. The request shall also set forth the name of the person losing control of the oranges. Upon determination by the committee that the change in control of the oranges has been occasioned by such transfer, the quantity of oranges available for current shipment of the person gaining such control shall be adjusted by adding thereto a quantity of oranges equal to the quantity deducted from the oranges available for current shipment of the person losing control of such oranges. Such quantity shall be added during the same periods in which the deductions are effected in accordance with the provisions of paragraph (c) of this section.

(c) *Loss of control of oranges.* If a person loses control of oranges and has handled a quantity thereof less than the quantity that could have been handled under allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom a quantity of oranges equivalent to the quantity upon which allotments were issued, but which were not utilized thereon. The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period): *Provided,* That, insofar as practicable, such deduction for any weekly period shall not exceed the amount which would decrease by one-half the allotment, other than short-life allotment, that otherwise would be issued to such person for such weekly period in the absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this section for making such deductions may be extended.

(d) *Adjustment of prorate bases.* (1) The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period): *Provided,* That insofar as practicable, such deduction for any weekly period shall not exceed the amount which would decrease by one-half the allotment, other than short-life allotment, that otherwise would be issued to such person for such weekly period in the absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this section for making such deductions may be extended.

(2) When a handler has moved all of the oranges under his control in a particular district and has received allotment sufficient to repay all loans of allotments received by him under the provisions of § 908.57, such handler shall receive no further allotment for such oranges unless, during the same marketing season, he subsequently gains control of oranges, in the same district, which he desires to handle and promptly submits a report thereon to the committee in accordance with § 908.53(d).

3. Section 908.111 *Allotment loans* is amended by redesignating paragraph (b) (4), (5), and (6), as paragraph (b) (5), (6), and (7), respectively, revising the second sentence of paragraph (a)(1), and adding a new paragraph (b)(4) to read, respectively, as follows:

§ 908.111 Allotment loans.

(a) * * *

(1) *Payback date.* * * * Each loan agreement entered into between handlers in the same district to whom short-life allotments have been issued shall provide for the repayment of the loan during the time the borrowing short-life handler will be issued allotment.

* * * * *

(b) * * *

(4) In arranging loans for handlers to whom short-life allotments have been issued, the committee shall offer such loans first, to other handlers within the same district to whom short-life allotments have been issued; second, to handlers within the same districts to whom general maturity allotments have been issued; and third, to handlers in other districts to whom allotments have been issued. All such loans to handlers to whom general maturity allotments have been issued shall provide for a payback date within the scheduled shipping period of the lending short-life handler.

(5) Loan offers and requests received by the committee prior to 12 m. Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount of his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in that district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be equitably apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 m. Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests, including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(6) Offers to loan allotment received by the committee at, or subsequent to, 12 m. Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment loan offers received from handlers in a prorate district at, or subsequent to, 12 m. Monday and for which there are no requests by handlers in that district, may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the quantity of allotment requested by handlers in a prorate district exceeds the quantity offered, the quantity each borrowing handler receives shall bear the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers.

(i) Offers to loan, and request to borrow, allotment received at, or subsequent to, 12 m. Monday may be modified or withdrawn: *Provided,* That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(7) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan, the committee shall confirm the terms thereof by mailing VOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

* * * * *

4. A new paragraph (c) is added to § 908.113 *Early maturity allotments* to read as follows:

§ 908.113 Early maturity allotments.

* * * * *

(c) Whenever the total amount of early maturity allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of early maturity allotment the committee deems should be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

(Secs. 1–19, 48 Stat. 31, as amended; U.S.C. 601–674)

Dated, January 28, 1971, to become effective March 5, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1427 Filed 2-2-71;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-508]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), § 76.2 (e), (f), and (g) of the regulations relating to hog cholera and related swine diseases (9 CFR 76.2 (e), (f), and (g),

as amended) are reissued, as follows, without change in order to incorporate all amendments in one document for the convenience of affected persons:

§ 76.2 Notice relating to existence of hog cholera; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Alabama, Arizona, Florida, Minnesota, Mississippi, Missouri, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, and Texas, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Alabama.* (i) That portion of Covington County bounded by a line beginning at the junction of the Covington-Crenshaw-Coffee County lines; thence, following the Covington-Coffee County line in a southerly direction to U.S. Highway 84; thence, following U.S. Highway 84 in a southwesterly direction to Secondary Road 11; thence, following Secondary Road 11 in a southwesterly direction to Secondary Road 77; thence, following Secondary Road 77 in a northeasterly direction to the Mt. Gilead-Five Points Road; thence, following the Mount Gilead-Five Points Road in a northeasterly direction to Primary Road 43; thence, following Primary Road 43 in a northeasterly directon to the Covington-Crenshaw County line; thence, following the Covington-Crenshaw County line in a generally southeasterly direction to its junction with the Coffee County line.

(ii) That portion of Dallas County bounded by a line beginning at the junction of U.S. Highway 80 and the Alabama River; thence, following U.S. Highway 80 in a southeasterly direction to State Highway 41; thence, following State Highway 41 in a generally southwesterly direction to Cedar Creek; thence, following the north bank of Cedar Creek in a generally northwesterly direction to the Alabama River; thence, following the east bank of the Alabama River in a generally northeasterly direction to its junction with U.S. Highway 80.

(2) *Arizona.* That portion of Maricopa County bounded by a line beginning at the junction of Yuma Road and Perryville Road; thence, following Perryville Road in a southerly direction to its junction with Baseline Road and the Gila and Salt River Base Line; thence, following the Gila and Salt River Base Line in an easterly direction to the southeastern corner of sec. 31, of T. 1 N., R. 1 W.; thence, following the eastern boundaries of secs. 31, 30, and 19, of T. 1 N., R. 1 W. in a northerly direction to Reams Road; thence, following Reams Road in a northerly direction to Yuma Road; thence, following Yuma Road in a westerly direction to its junction with Perryville Road.

(3) *Florida.* That portion of Escambia County bounded by a line beginning at the junction of U.S. Highway 29, State Highway 95 and State Highway 10, U.S. Highway 90A; thence, following U.S. Highway 29, State Highway 95 in a northwesterly direction to State Highway 196; thence, following State Highway 196 in a westerly direction to State Highway 99; thence, following State Highway 99 in a northwesterly direction to the Perdido River; thence, following the east bank of the Perdido River in a generally southerly direction to State Highway 10, U.S. Highway 90A; thence, following State Highway 10, U.S. Highway 90A in a northeasterly direction to its junction with U.S. Highway 29, State Highway 95.

(4) *Minnesota.* The adjoining portions of Renville, Sibley, and Nicollet Counties bounded by a line beginning at the junction of State Highway 19 and State Highway 4; thence, following State Highway 4 in a southerly direction to the north bank of the Minnesota River; thence, following the north bank of the Minnesota River in a southeasterly direction to County Road 24; thence, following County Road 24 in a northerly direction to U.S. Highway 14; thence, following U.S. Highway 14 in a northwesterly direction to County Road 12; thence, following County Road 12 in a generally northwesterly direction to County Road 1; thence, following County Road 1 in a westerly direction to State Highway 15; thence, following State Highway 15 in a northerly direction to State Highway 19; thence, following State Highway 19 in a westerly direction to its junction with State Highway 4.

(5) *Mississippi.* That portion of Forrest County bounded by a line beginning at the junction of U.S. Highway 11 and the southern city limits of Hattiesburg; thence, following the southern city limits of Hattiesburg in an easterly direction to the Mississippi Central Railroad; thence, following the Mississippi Central Railroad in a southeasterly direction to Old Highway 24; thence, following Old Highway 24 in a westerly direction to the Hess Pipeline; thence, following the Hess Pipeline in a southwesterly direction to the Mississippi Power Co. line; thence, following the Mississippi Power Co. line in a northwesterly direction to U.S. Highway 11; thence, following U.S. Highway 11 in a northeasterly direction to the southern city limits of Hattiesburg.

(6) *Missouri.* (i) That portion of Lafayette County bounded by a line beginning at the junction of State Highways O and FF; thence, following State Highway FF in a westerly direction to State Highway 131; thence, following State Highway 131 in a northerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a northeasterly direction to County Home Road; thence, following County Home Road in an easterly direction to State Highway O; thence, following State Highway O in a southerly direction to its junction with State Highway FF.

(ii) The adjacent portions of Lafayette and Johnson Counties bounded by a line beginning at the junction of State Highway U and State Highway 13 in Lafayette County; thence, following State Highway 13 in a southerly direction to State Highway H; thence, following State Highway H in a generally northwesterly direction to State Highway U; thence, following State Highway U in an easterly direction to its junction with State Highway 13 in Lafayette County.

(7) *New Hampshire.* That portion of Hillsboro County comprised of New Ispwich town.

(8) *North Carolina.* (i) That portion of Gates, Chowan, and Perquimans Counties bounded by a line beginning at the junction of State Highways 37 and 32; thence, following State Highways 37, 32 in a southeasterly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a generally southerly direction to Secondary Road 1305; thence, following Secondary Road 1305 in a southeasterly direction to Secondary Road 1200; thence, following Secondary Road 1200 in a northerly direction to Secondary Road 1213; thence, following Secondary Road 1213 in an easterly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northerly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a northwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a northerly and then southwesterly direction to State Highway 32; thence, following State Highway 32 in a southwesterly direction to its junction with State Highway 37 in Gates County.

(ii) That portion of Pitt County beginning at the junction of the Tar River and the Pitt-Beaufort County line; thence, following the south bank of the Tar River in a westerly direction to the Chicod Creek; thence, following the south bank of the Chicod Creek in a generally westerly direction to U.S. Highway 264; thence, following U.S. Highway 264 in a westerly direction to County Road 1759; thence, following County Road 1759 in a southwesterly direction to County Road 1700; thence, following County Road 1700 in a southwesterly direction to County Road 1774; thence, following County Road 1774 in a southeasterly direction to County Road 1772; thence, following County Road 1772 in a northeasterly direction to County Road 1785; thence, following County Road 1785 in a southeasterly direction to County Road 1786; thence, following County Road 1786 in a southeasterly direction to County Road 1800; thence, following County Road 1800 in a northeasterly direction to the Pitt-Beaufort County line; thence, following the Pitt-Beaufort County line in a generally northeasterly direction to its junction with the Tar River.

(9) *Ohio.* That portion of Clinton County bounded by a line beginning at the junction of State Highway 22, 3 and State Highway 73; thence, following State Highway 73 in a southeasterly direction to the Clinton-Highland County line; thence, following the Clinton-Highland County line in a northeasterly direction to State Highway 72; thence, following State Highway 72 in a northwesterly direction to State Highway 22, 3; thence, following State Highway 22, 3 in a southwesterly direction to its junction with State Highway 73.

(10) *Rhode Island.* Providence County.

(11) *South Carolina.* That portion of Horry County bounded by a line beginning at the junction of State Highway 905 and State Highway 9; thence, following State Highway 9 in a southeasterly direction to the Waccamaw Creek; thence, following the west bank of the Waccamaw Creek in a southwesterly and then northwesterly direction to State Highway 31; thence, following State Highway 31 in a northerly direction to State Highway 905; thence, following State Highway 905 in a generally northeasterly direction to its junction with State Highway 9.

(12) *Tennessee.* That portion of Stewart County bounded by a line beginning at the junction of U.S. Highway 79 and State Highway 49; thence, following State Highway 49 in a southeasterly direction to Secondary Road 6113; thence, following Secondary Road 6113 in a southerly and then southwesterly direction to the Taylor Chapel Road; thence, following the Taylor Chapel Road in a generally northerly direction to U.S. Highway 79; thence, following U.S. Highway 79 in a northeasterly direction to its junction with State Highway 49.

(13) *Texas.* (i) Tarrant County.

(ii) The adjacent portions of Bosque and McLennan Counties bounded by a line beginning at the junction of State Highway 6 and Farm-to-Market Road 219; thence, following Farm-to-Market Road 219 in a northeasterly direction to Farm-to-Market Road 708; thence, following Farm-to-Market Road 708 in a generally southeasterly direction to Farm-to-Market Road 56; thence, following Farm-to-Market Road 56 in a northeasterly direction to Farm-to-Market Road 2114; thence, following Farm-to-Market Road 2114 in a generally southeasterly direction to the Brazos River; thence, following the west bank of the Brazos River in a generally southerly direction to the Bosque-McLennan County line; thence following the Bosque-McLennan County line, in a southwesterly direction to Farm-to-Market Road 2490; thence, following Farm-to-Market Road 2490 in a southeasterly direction to Farm-to-Market Road 1637; thence, following Farm-to-Market Road 1637 in a northwesterly direction to Farm-to-Market Road 185; thence, following Farm-to-Market Road 185 in a generally southwesterly direction to the McLennan-Coryell County line; thence, following the McLennan-Coryell County line in a northwesterly direction to the Bosque-Coryell County line; thence, following the Bosque-Coryell County line in a northwesterly direction to Farm-to-Market Road 217; thence, following Farm-to-Market Road 217 in a northeasterly direction to Farm-to-Market Road 2602; thence, following Farm-to-Market Road 2602 in a generally northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to its junction with Farm-to-Market Road 219.

(iii) That portion of Callahan County bounded by a line beginning at the junction of the Callahan-Taylor County line and Interstate Highway 20 (also U.S. Highway 80); thence, following Interstate Highway 20 (also U.S. Highway 80) in a southeasterly direction to U.S. Highway 283; thence, following U.S. Highway 283 in a southwesterly direction to the Callahan-Coleman County line; thence, following the Callahan-Coleman County line in a westerly direction to the Callahan-Taylor County line; thence, following the Callahan-Taylor County line in a northerly direction to its junction with Interstate Highway 20 (also U.S. Highway 80).

(iv) That portion of Comanche County bounded by a line beginning at the junction of State Highway 16 and the Comanche-Mills County line; thence, following State Highway 16 in a northeasterly direction to Farm-to-Market Road 1476; thence, following Farm-to-Market Road 1476 in a generally northeasterly direction to U.S. Highways 67, 377; thence, following U.S. Highways 67, 377 in a southwesterly direction to Farm-to-Market Road 2861; thence, following Farm-to-Market Road 2861 in a northeasterly and then westerly direction to State Highway 16; thence, following State Highway 16 in a northeasterly direction to Farm-to-Market Road 2318; thence, following Farm-to-Market Road 2318 in a northwesterly and then northeasterly direction to Farm-to-Market Road 587; thence, following Farm-to-Market Road 587 in a westerly direction to the Comanche-Eastland County line; thence, following the Comanche-Eastland County line in a southwesterly direction to the Comanche-Brown County line; thence, following the Comanche-Brown County line in a southeasterly direction to the Comanche-Mills County line; thence, following the Comanche-Mills County line in a southeasterly direction to its junction with State Highway 16.

(v) That portion of Denton County bounded by a line beginning at the junction of the Denton-Collin County line and Farm-to-Market Road 720; thence, following Farm-to-Market Road 720 in a generally northwesterly direction to State Highway 24 (also U.S. Highway 377); thence, following State Highway 24 (also U.S. Highway 377) in a generally southwesterly direction to the Denton-Tarrant County line; thence, following the Denton-Tarrant County line in an easterly direction to the Denton-Dallas County line; thence, following the Denton-Dallas County line in a continuing easterly direction to the Denton-Collin County line; thence following the Denton-Collin County line in a northerly direction to its junction with Farm-to-Market Road 720.

(vi) That portion of Eastland County bounded by a line beginning at the junction of the Eastland-Stephens County line and State Highway 6; thence, following State Highway 6 in a southeasterly direction to Farm-to-Market Road 1027; thence, following Farm-to-Market Road 1027 in a southwesterly direction to Farm-to-Market Road 587; thence, following Farm-to-Market Road 587 in a northwesterly direction to State Highway 36; thence, following State Highway 36 in a westerly direction to Farm-to-Market Road 569; thence following Farm-to-Market Road 569 in a northwesterly direction to State Highway 206; thence, following State Highway 206 in a northeasterly direction to Farm-to-Market Road 2526; thence, following Farm-to-Market Road 2526 in a westerly direction to Farm-to-Market Road 569; thence, following Farm-to-Market Road 569 in a northerly direction to Farm-to-Market Road 1864; thence, following Farm-to-Market Road 1864 in a southwesterly direction to the Eastland-Callahan County line; thence, following the Eastland-Callahan County line in a northerly direction to the Eastland-Shackelford County line; thence, following the Eastland-Shackelford County line in an easterly direction to the Eastland-Stephens County line; thence, following the Eastland-Stephens County line in an easterly direction to its junction with State Highway 6.

(vii) That portion of El Paso County bounded by a line beginning at the junction of Interstate Highway 10 and the O. T. Smith Road; thence, following Interstate Highway 10 in a southeasterly direction to the El Paso-Hudspeth County line; thence following the El Paso-Hudspeth County line in a southwesterly direction to the Rio Grande River; thence, following the north bank of the Rio Grande River in a northwesterly direction to Farm-to-Market Road 1109; thence, following Farm-to-Market Road 1109 in a generally northeasterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southeasterly direction to the O. T. Smith Road; thence, following the O. T. Smith Road in a northeasterly direction to its junction with Interstate Highway 10.

(viii) That portion of Ellis County bounded by a line beginning at the junction of the Ellis-Dallas County line and Interstate Highway 35E; thence, following Interstate Highway 35E in a southeasterly direction to U.S. Highway 287; thence, following U.S. Highway 287 in a northwesterly direction to Farm-to-Market Road 875; thence, following Farm-to-Market Road 875 in a generally southwesterly direction to Farm-to-Market Road 157; thence, following Farm-to-Market Road 157 in a northwesterly direction to the Ellis-Johnson County line; thence, following the Ellis-Johnson County line in a northerly direction to the Ellis-Tarrant County line; thence, following the Ellis-Tarrant County line in an easterly direction to the Ellis-Dallas County line; thence, following the Ellis-Dallas County line in an easterly direction to its junction with Interstate Highway 35E.

(ix) That portion of Erath County bounded by a line beginning at the junction of State Highway 108 and Farm-to-Market Road 219; thence, following State

Highway 108 in a southeasterly direction to Farm-to-Market Road 3025; thence, following Farm-to-Market Road 3025 in a northeasterly direction to Bethel Road; thence, following Bethel Road in a generally easterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a northeasterly direction to Farm-to-Market Road 1189; thence, following Farm-to-Market Road 1189 in a northeasterly direction to Farm-to-Market Road 1188; thence, following Farm-to-Market Road 1188 in a southeasterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a southeasterly direction to Farm-to-Market Road 3106; thence, following Farm-to-Market Road 3106 in a southwesterly direction to Farm-to-Market Road 2157; thence, following Farm-to-Market Road 2157 in a southwesterly direction to the Cedar Point Cut Off Road; thence, following the Cedar Point Cut Off Road in a southeasterly and then southwesterly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southeasterly direction to Farm-to-Market Road 913; thence, following Farm-to-Market Road 913 in a southwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a southeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to Farm-to-Market Road 219; thence, following Farm-to-Market Road 219 in a generally northeasterly direction to its junction with State Highway 108.

(x) The adjacent portions of Erath and Comanche Counties bounded by a line beginning at the junction of U.S. Highways 67, 377 and Farm-to-Market Road 219; thence, following Farm-to-Market Road 219 in a southeasterly direction to the Erath-Hamilton County line; thence, following the Erath-Hamilton County line in a southwesterly direction to the Comanche-Hamilton County line; thence, following the Comanche-Hamilton County line in a southeasterly and then southwesterly direction to State Highway 36; thence, following State Highway 36 in a northwesterly direction to Farm-to-Market Road 1702; thence, following Farm-to-Market Road 1702 in a northerly direction to Farm-to-Market Road 591; thence, following Farm-to-Market Road 591 in a northwesterly direction to Farm-to-Market Road 1476; thence, following Farm-to-Market Road 1476 in a generally northerly direction to U.S. Highways 67, 377; thence, following U.S. Highways 67, 377 in a northeasterly direction to its junction with Farm-to-Market Road 219.

(xi) That portion of Bolivar Peninsula in Galveston County lying southwest of Gilchrist Bridge on State Highway 87.

(xii) That portion of Grayson County bounded by a line beginning at the junction of U.S. Highway 75 and U.S. Highway 69; thence, following U.S. Highway 69 in a southeasterly direction to the Denison-Antioch Road; thence, following the Denison-Antioch Road in a southwesterly, then easterly and then southwesterly direction to U.S. Highway 82; thence, following U.S. Highway 82 in a generally westerly direction to U.S. Highway 75; thence, following U.S. Highway 75 in a generally northeasterly direction to its junction with U.S. Highway 69.

(xiii) The adjacent portions of Harris, Liberty and Montgomery Counties bounded by a line beginning at the junction of U.S. Highway 59 and Texas Highway 321; thence, following Texas Highway 321 in a southeasterly direction to Farm-to-Market Road 1960; thence, following Farm-to-Market Road 1960 in a generally southwesterly direction to U.S. Highway 59; thence, following U.S. Highway 59 in a northeasterly direction to its junction with Texas Highway 321.

(xiv) The adjacent portions of Hill and McLennan Counties bounded by a line beginning at the junction of U.S. Highway 77 and the Hill-Ellis County line; thence, following U.S. Highway 77 in a generally southwesterly direction to State Highway 171; thence, following State Highway 171 in a generally southeasterly direction to Farm-to-Market Road 1242; thence, following Farm-to-Market Road 1242 in a generally southwesterly direction to U.S. Highways 35, 81, 77; thence, following U.S. Highways 35, 81, 77 in a northwesterly direction to Farm-to-Market Road 1304; thence, following Farm-to-Market Road 1304 in a southwesterly direction to Farm-to-Market Road 933; thence, following Farm-to-Market Road 933 in a generally southwesterly direction to Farm-to-Market Road 308; thence, following Farm-to-Market Road 308 in a generally northeasterly direction to the Hill-Ellis County line; thence, following the Hill-Ellis County line in a southwesterly direction and then a northwesterly direction to its junction with U.S. Highway 77.

(xv) That portion of McLennan County bounded by a line beginning at the junction of the McLennan-Limestone County line and U.S. Highway 84; thence, following U.S. Highway 84 in a generally southwesterly direction to U.S. Highway 77; thence, following U.S. Highway 77 in a generally southeasterly direction to the McLennan-Falls County line; thence, following the McLennan-Falls County line in a northeasterly direction to the McLennan-Limestone County line; thence, following the McLennan-Limestone County line in a northwesterly direction to its junction with U.S. Highway 84.

(xvi) That portion of Smith County bounded by a line beginning at the junction of Farm-to-Market Road 16 and Farm-to-Market Road 849 in the town of Lindale; thence, following Farm-to-Market Road 16 in a generally easterly direction to Farm-to-Market Road 2015; thence, following Farm-to-Market Road 2015 in a southwesterly direction to Interstate Highway 20; thence, following Interstate Highway 20 in a southeasterly direction to U.S. Highway 271; thence, following U.S. Highway 271 in a southwesterly direction to Farm-to-Market Road 2908; thence, following Farm-to-Market Road 2908 in a generally southwesterly direction to State Highway 31; thence, following State Highway 31 in a southwesterly direction to State Highway 64; thence, following State Highway 64 in a northwesterly direction to Farm-to-Market Road 724; thence, following Farm-to-Market Road 724 in a northwesterly direction to State Highway 110; thence, following State Highway 110 in a southeasterly direction to Farm-to-Market Road 849; thence, following Farm-to-Market Road 849 in a northeasterly direction to its junction with Farm-to-Market Road 16 in the town of Lindale.

(xvii) That portion of Stephens County bounded by a line beginning at the junction of U.S. Highway 183 (also State Highway 6) and U.S. Highway 180 (also State Highway 67); thence, following U.S. Highway 180 (also State Highway 67) in an easterly direction to the division of U.S. Highway 180 and State Highway 67; thence, following State Highway 67 in a northeasterly direction to Farm-to-Market Road 717; thence, following Farm-to-Market Road 717 in a generally southeasterly direction to Farm-to-Market Road 207; thence, following Farm-to-Market Road 207 in a westerly, then northwesterly direction to Farm-to-Market Road 576; thence, following Farm-to-Market Road 576 in a westerly direction to U.S. Highway 183 (also State Highway 6); thence, following U.S. Highway 183 (also State Highway 6) in a northerly direction to its junction with U.S. Highway 180 (also State Highway 67).

(xviii) That portion of Tom Green County bounded by a line beginning at the junction of U.S. Highway 67 and U.S. Highway 87; thence, following U.S. Highway 87 in a northwesterly direction to Mount Nebo Road; thence, following Mount Nebo Road in a northwesterly direction to the Tom Green-Coke County line; thence, following the Tom Green-Coke County line in an easterly direction to the Tom Green-Runnels County line; thence, following the Tom Green-Runnels County line in a southerly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southwesterly direction to its junction with U.S. Highway 87.

(xix) That portion of Upton County bounded by a line beginning at the junction of the Upton-Crane County line and Farm-to-Market Road 870; thence, following Farm-to-Market Road 870 in a northeasterly and then southeasterly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southwesterly direction to State Highway 349; thence, following State Highway 349 in a southwesterly direction to the Upton-Crockett County line; thence, following the Upton-Crockett County line in a westerly direction to the Upton-Crane County line; thence, following the Upton-Crane County line in a northerly direction to its junction with Farm-to-Market Road 870.

(xx) The adjacent portions of Wise and Parker Counties bounded by a line beginning at the junction of Farm-to-Market Road 51 and U.S. Highways 81, 287; thence, following U.S. Highways 81, 287 in a southeasterly direction to Farm-to-Market Road 730; thence, following Farm-to-Market Road 730 in a southeasterly direction to the junction of the Wise-Parker-Tarrant County lines; thence, following the Parker-Tarrant County line in a southerly direction to State Highway 199; thence, following State Highway 199 in a northwesterly direction to Farm-to-Market Road 1707; thence, following Farm-to-Market Road 1707 in a southwesterly direction to U.S. Highways 80, 180; thence, following U.S. Highways 80, 180 in a westerly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northerly direction to Farm-to-Market Road 920; thence, following Farm-to-Market Road 920 in a northwesterly direction to Farm-to-Market Road 1885; thence, following Farm-to-Market Road 1885 in a generally northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Jack County line; thence, following the Parker-Jack County line in an easterly direction to the Parker-Wise County line; thence, following the Parker-Wise County line in an easterly direction to Farm-to-Market Road 51; thence, following Farm-to-Market Road 51 in a northeasterly direction to its junction with U.S. Highways 81, 287.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

California.	Maryland.
Connecticut.	New Mexico.
Delaware.	Oklahoma.
Georgia.	West Virginia.
Iowa.	

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States:

Alaska.	South Dakota.
Idaho.	Utah.
Michigan.	Vermont.
Montana.	Washington.
Nevada.	Wisconsin.
North Dakota.	Wyoming.
Oregon.	

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 76 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing shall become effective upon issuance.

The provisions above include without change the texts of § 76.2 (e), (f), and (g), as amended, which continue in effect. This is done in order to incorporate all amendments in one document for the convenience of affected persons. These provisions do not change the rights or duties of any person.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this reissuance are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-1428 Filed 2-2-71;8:49 am]

[Docket No. 71-509]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(6) relating to the State of Missouri, subdivision (i) relating to Lafayette County is deleted.

2. In § 76.2, paragraph (f) relating to hog cholera eradication States is amended to read:

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

Arkansas.	Maryland.
Connecticut.	New Jersey.
Delaware.	New Mexico.
Georgia.	New York.
Illinois.	Oklahoma.
Iowa.	Pennsylvania.
Kansas.	

3. In § 76.2, paragraph (g) relating to hog cholera free States is amended to read:

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States:

Alaska.	Oregon.
California.	South Dakota.
Idaho.	Utah.
Kentucky.	Vermont.
Michigan.	Washington.
Montana.	Wisconsin.
Nevada.	Wyoming.
North Dakota.	West Virginia.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude a portion of Lafayette County, Mo., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

The amendments delete California and West Virginia from the list of hog cholera eradication States in § 76.2(f) and the special provisions pertaining to the interstate movement of swine and swine products from and to such eradication States are no longer applicable to California and West Virginia. The amendments also add the States of Arkansas, Illinois, Kansas, New Jersey, New York, and Pennsylvania, to the list of hog cholera eradication States in § 76.2(f) and the special provisions pertaining to the interstate movement of swine and swine products from and to such eradication States under said Part 76 are applicable to Arkansas, Illinois, Kansas, New Jersey, New York, and Pennsylvania.

The amendments also add California, Kentucky, and West Virginia to the list of hog cholera free States in § 76.2(g) and the special provisions pertaining to the interstate movement of swine and swine products from and to such free States under said Part 76 are applicable to California, Kentucky, and West Virginia.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for

making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of January 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-1429 Filed 2-2-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 18, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19184) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, Calif., transition area.

Interested persons were given 30 days in which to submit written commits, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete FEDERAL REGISTER citation "* * * § 71.181 (35 F.R. 2134) * * *" and substitute "* * * § 71.181 (36 F.R. 2140) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 1, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the San Diego, Calif., transition area is amended by deleting the geographical coordinates "* * * latitude 33°00'00" N., longitude 116°18'00" W., * * *" in the ninth line of the description of the transition area and substituting therefor "* * * latitude 33°18'00" N., longitude 116°10'30" W., thence to latitude 33°00'00" N., longitude 116°15'00" W., * * *"

[FR Doc.71-1461 Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-CE-120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Winner, S. Dak.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Winner, S. Dak., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 1, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WINNER, S. DAK.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of the Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); within three miles each side of the Winner VOR 212° radial extending from the 7½-mile-radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 4½ miles southeast of the Winner VOR 032° and 212° radials extending from 5 miles southwest of the VOR to 18½ miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial extending from the VOR to 20 miles southwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-1462 Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-CE-121]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Worthington, Minn.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Worthington, Minn., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 1, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

WORTHINGTON, MINN.

That airspace within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°35'01" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WORTHINGTON, MINN.

That airspace extending upward from 700 feet above the surface, within an 8-mile radius of the Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°-35'01" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the Worthington VOR 358° radial extending from the VOR to 18½ miles north of the VOR; and within 9½ miles west and 4½ miles east of the Worthington VOR 189° radial extending from the VOR to 18½ miles south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-1463 Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-CE-124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Land O'Lakes, Wis., transition area.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Land O'Lakes, Wis., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 1, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

LAND O'LAKES, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of King's Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'31" W.); and within 9½ miles southwest and 4½ miles northeast of the 312° and 132° bearings from the King's Land O'Lakes Municipal Airport extending from the 5-mile-radius area to 18½-mile-radius area to 18½ miles northwest of the airport to 6 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 21, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-1464 Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-CE-125]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Yankton, S. Dak., control zone and transition area.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Yankton, S. Dak., control zone and transition area. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 1, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

YANKTON, S. DAK.

That airspace within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); within 2½ miles each side of the Yankton VOR 321° radial extending from the 5-mile radius to 7 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

YANKTON, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); and within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 321° radial extending from the 9-mile radius to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 135° radial extending from the VOR to 18½ miles southeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 21, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-1465 Filed 2-2-71;8:51 am]

[Airspace Docket No.70-SO-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 9, 1971, F.R. Doc. 71-286 was published in the FEDERAL REGISTER (36 F.R. 319), amending Part 71 of the Federal Aviation Regulations by designating the Oneida, Tenn., transition area.

In the amendment, a transition area extension was predicated on the 221° bearing from Scott RBN. Subsequent to publication of the rule, the final approach bearing was changed to 220°. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 71-286 is amended as follows: In line six of the Oneida, Tenn., transition area description "* * * 221° * * *" is deleted and "* * * 220° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 25, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-1466 Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-SW-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Clovis, N. Mex., transition area.

On December 18, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19185) stating the Federal Aviation Administration proposed to alter this transition area.

Interested persons were afforded an oportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140) the Clovis, N. Mex., transition area is amended to read:

CLOVIS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (lat. 34°23'01" N., long. 103°18'58" W.; within 7.5 miles north and 2 miles south of the Texico VORTAC 254° and 074° radials, extending from the 23-mile-radius area to 1.5 miles east of the Texico VORTAC; and within 3.5 miles each side of the Portales NDB (lat. 34°10'45" N., long. 103°22'33" W.) 202° bearing extending from the 23-mile-radius area to 12 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on January 25, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-1467 Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-SW-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Farmington, N. Mex., terminal area.

On December 10, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18746) stating the Federal Aviation Administration proposed to alter the Farmington, N. Mex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Farmington, N. Mex., control zone is amended to read:

FARMINGTON, N. MEX.

Within a 5-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.); and within 3 miles each side of the Farmington VORTAC 086° and 267° radials extending from the 5-mile-radius zone to 8 miles east of the Farmington, N. Mex., VORTAC.

(2) In § 71.181 (36 F.R. 2140), the Farmington, N. Mex., transition area is amended to read:

FARMINGTON, N. MEX.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.) within 3.5 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile-radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Farmington VORTAC 265° radial extending from the 11-mile-radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 25, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-1468;Filed 2-2-71;8:51 am]

[Airspace Docket No. 70-SW-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Taos, N. Mex., transition area.

On December 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19363) stating the Federal Aviation Administration proposed to designate a transition area at Taos, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

TAOS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.; within 3 miles each side of a 215° bearing from the Taos NDB (lat. 36°27'40" N., long. 105°40'10" W.) extending from the 6.5-mile-radius area to 8.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface beginning at lat. 36°07'00" N., long. 105°50'00" W., thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to lat. 36°48'00" N., long. 105°49'15" W., thence direct to lat. 36°30'00" N., long. 105°30'00" W., thence direct to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 26, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-1469 Filed 2-2-71;8:51 am]

[Airspace Docket No. 71-EA-2]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Lake Erie, Ohio, Restricted Area R-5505. This change was requested by the Department of the Navy.

Since this change is minor in nature and imposes no additional burden upon the public, notice and public procedure thereon are unnecessary, and good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (2-3-71), as hereinafter set forth.

In § 73.55 (36 F.R. 2356) the Lake Erie, Ohio, Restricted Area R-5505 is amended by changing the using agency from "Commanding Officer, U.S. Naval Air Facility, Detroit, Mich." to "Commander, Lockbourne AFB, Ohio."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 27, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-1470 Filed 2-2-71;8:51 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8816]

PART 13—PROHIBITED TRADE PRACTICES

AAMCO Automatic Transmissions, Inc., and Robert Morgan

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155-5 Additional charges unmentioned; 13.155-10 Bait; § 13.160 *Promotional sales plans;* § 13.175 *Quality of product or service;* § 13.225 *Services.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1779 *Bait;* Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 *Promotional sales plans;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, AAMCO Automatic Transmissions, Inc., et al., Bridgeport, Pa., Docket 8816, Dec. 17, 1970]

In the Matter of AAMCO Automatic Transmissions, Inc., a Corporation, and Robert Morgan, Individually and as an Officer of Said Corporation

Consent order requiring a major licensor of businesses specializing in the rebuilding, reconditioning, and repairing of automatic transmissions used in automobiles with headquarters in Bridgeport, Pa., to cease misrepresenting other products or services to obtain leads to transmission repair, misrepresenting that all customers receive 1-day service and that customers will receive credit, using the term "overhaul" where service does not include replacement of worn parts, failing to give all terms of a guarantee, failing to furnish customers with an itemized bill of all parts and labor prior to removal of the transmission, furnishing others with deceptive advertising material, failing to disclose respondent's national customer service office telephone number, failing to keep records of all

complaints, and failing to deliver a copy of this order to every present and future licensee.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That these proceedings be, and hereby are, terminated as to respondent Anthony A. Martino.

II. *It is ordered,* That respondents AAMCO Automatic Transmissions, Inc.; a corporation, and its officers and Robert Morgan, individually and as an officer of said corporation, and respondents' agents and employees, directly or through any corporate or other device or through any agent, employee, licensee, or franchisee, in connection with the advertising, offering for sale, sale, repair, servicing or distribution of automobile transmissions or any other automotive component, part or repair, or other services or products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations which are designed to obtain leads or prospects for the sale of products or services other than those offered or advertised.

2. Representing, directly or by implication, that any product or service is offered when such offer is not a bona fide offer to sell said product or service. However, respondents' licensees or franchisees shall not be required to provide a product or service when the licensee or franchisee determines in good faith that such products or service are not applicable to the proper repair of a transmission, or other automotive components.

3. Representing, directly or by implication that all customers will receive 1 day service; misrepresenting, in any manner to any customer, the availability or completion time of any service for the purpose of gaining or retaining custody of the customer's automobile.

4. Misrepresenting that respondents or their licensees or franchisees furnish credit to customers; provided that nothing herein shall be deemed to prohibit respondents or their licensees or franchisees from making truthful and nondeceptive references as to the availability of credit or the arrangements that may be made for credit.

5. Using the term "overhaul" or any other word or words of similar import or meaning to refer to any transmission service which does not include the removal, disassembly, and replacement of all worn parts and the reassembly and reinstallation of the transmission in the vehicle.

6. Misrepresenting, in any manner, the nature or extent of any service or parts necessary to properly repair an automotive component.

7. Representing that any article of merchandise or service is guaranteed unless all of the terms and conditions of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

8. Misrepresenting to a customer that his transmission problem is an internal one necessitating the removal of the transmission from the automobile and its disassembly for diagnosis.

9. Removing and disassembling the customer's transmission for the purpose of misrepresenting that a serious transmission problem has been discovered requiring major repair service.

10. Refusing to disclose to a customer the specific nature of any transmission problem after proper inspection procedures have been completed.

11. Obtaining authorization from any customer to remove, or removing, the transmission or any other part from any customer's automobile without clearly and emphatically informing the customer at the time such authorization is obtained and prior to the removal of said transmission or other part, of the charge which will be made for replacement of the transmission or other part in its former nonrepaired condition in the customer's automobile if the customer refuses to authorize further work thereon, or refusing or failing to replace said transmission or other part in its former nonrepaired condition when requested to do so by the customer for the stated charge or without charge in case none was stated prior to such removal.

12. Failing to provide all customers, at the time of billing, with an itemized list of all parts and labor for which the customer is being charged in connection with the sale, service or repair of an automobile transmission or any other automotive component; and if any such parts were used or reconditioned, a clear disclosure on such list of the fact that such parts were used or reconditioned as the case may be: *Provided,* That when an automobile transmission or other automotive component has been rebuilt in the manner set forth in such trade practice rules or guides for the Rebuilt, Reconditioned and Other Used Automotive Parts Industry as may be in effect, in lieu of such itemized list, a certification may be furnished in writing to the customer that states substantially as follows:

> This certifies that the transmission (or other automotive component) has been dismantled, reconditioned or rebuilt as necessary; all external and internal parts cleaned, all defective parts restored or replaced as needed with new, rebuilt or sound used parts and such machining or other procedures performed as necessary to place your transmission (or other automotive component) in sound working condition.

This certification shall be signed by or on behalf of the licensee or franchisee responsible for the sale or installation of the transmission or other automotive component.

13. Failing to, at the time of suggesting to a customer that they repair, recondition or rebuild his transmission or other automotive component, prepare a written quotation sheet describing the costs involved in repairing, reconditioning or rebuilding the customer's transmission or other automotive component. Where alternative services are available, the quotation sheet shall set forth such alternatives. At the time of suggesting to a customer that they repair or rebuild his transmission or other automotive component, they shall orally inform the customer of the information contained in said quotation sheet. The customer, upon his request, shall be entitled to receive a copy of said written quotation sheet. Said written quotation sheet shall be kept available at the transmission shop for a period of not less than 12 months from the date it is prepared. When agreement is reached between a shop and a customer, the shop shall prepare a written work order setting forth the agreed repair or replacement work and the agreed price together with the agreed financing arrangement if it is not a cash transaction. A copy of this work order shall be furnished to the customer at the earliest practicable time, either by placing it in a conspicuous place in or upon his automobile or by delivering it to him in person when he next visits the transmission shop. In addition, the work order shall clearly disclose on its face, the following statement:

> You Are Entitled To Receive a Copy of Our Quotation Sheet Which Sets Forth the Cost of the Service or Services Which Were Available to You.

Each shop shall display in a conspicuous place a large sign which states:

> Inspection service includes written quotation sheet upon request.

14. Using any deceptive sales scheme or device to induce the sale of the products or services offered by respondents or their licensees or franchisees.

15. Placing in the hands of others advertising materials, sales manuals or any other thing for the purpose of misleading or deceiving prospective customers or customers as to any of the matters or things prohibited by this order.

16. Failing to continue to disclose clearly and conspicuously on invoices furnished by licensees or franchisees to their customers the identification, location and telephone number of respondents' national customer service office.

17. Failing to deliver by ordinary mail a copy of this order to each present and every future licensee or franchisee; and failing to obtain an agreement in writing from each present and every future licensee or franchisee to abide by the terms of this order. *Provided, however,* That as to any licensee or franchisee whose franchise agreement is in effect as of the effective date of this order, respondents' failure to obtain said agreement to abide by the terms of the order shall not be deemed a violation of this provision if, after having made a diligent effort to obtain said agreement from any such licensee or franchisee and such licensee or franchisee having failed or refused to execute such agreement, respondents inform the Commission of the identity of such licensee or franchisee.

18. Failing, after acceptance by the Commission of respondents' initial report of compliance to maintain, and have readily available, records of each and every complaint received by respondents

involving the acts and practices prohibited by this order and which: (1) Describe each and every complaint, including the name and address of the complaining party; (2) set forth the facts uncovered by respondents in connection with the investigation of each such complaint; and (3) state the disposition of each such complaint. Said records shall be maintained and kept readily available for at least 24 months following the month in which said records were created.

It is further ordered, That respondents and respondents' agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, repair, servicing or distribution of automobile transmissions or other automotive components, parts or services, or other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, or from providing any advertising or promotional materials to any licensee or franchisee which represent, that automobile transmissions or other automotive components will be inspected, serviced or repaired for any particular price, or that any other service will be provided or product sold, for any particular price unless the particular price represents the price previously and independently determined by the licensees or franchisees participating in the advertising program or named in the advertisement. For the purposes of this paragraph, representations of price include, but are not limited to, representations that minor repairs will be made for $4.50 to $28.80, that inspections will be performed for $23 or that towing or any other service will be provided free of charge. Nothing herein shall be deemed to sanction price fixing.

It is further ordered, That respondents continue to maintain their program of surveillance which is designed and executed to enable respondents to reasonably determine whether any of their licensees or franchisees may be engaged in any of the acts and practices prohibited by the provisions of this order. The acts and practices of an individual licensee or franchisee which violate any provision of this order shall be determined a violation of this order by respondents, if upon having knowledge that such act or practice has occurred, respondents do not take reasonably diligent steps to effect a discontinuance of the act or practice by the licensee or franchisee. For the purpose of this paragraph "knowledge" shall be defined as that which is obtained through respondents' program of surveillance. The receipt of individual complaints shall not, in itself, be deemed to constitute "knowledge" provided that respondents shall promptly institute a specific surveillance investigation of any licensee or franchisee who is the subject of 18 or more customer complaints in any calendar year: *And further provided*, That the foregoing shall not excuse respondents from failure to investigate any complaints which may violate this order and which are discovered in the course of its regular program of surveillance. For the purpose of this paragraph "reasonably diligent steps" shall mean that (1) the licensee or franchisee shall be instructed by registered mail to discontinue the acts or practices which violate this order, with further instructions to reply in writing within 10 days agreeing to discontinue the said acts or practices; (2) failing to receive within 10 days from the licensee or franchisee a written agreement to discontinue said acts or practices, respondents shall send a second letter, registered mail, to the licensee or franchisee with instructions that such licensee or franchisee submit within 10 days a written agreement to discontinue said acts or practices, with a warning that upon failure to do so, the Federal Trade Commission will be notified of such refusal to comply with respondents' instructions; (3) in the event the licensee or franchisee does not agree in writing to discontinue such acts or practices, or if the respondents shall have knowledge (as defined above) that such acts and practices have not been discontinued, the respondents shall notify the Federal Trade Commission in writing, copy to licensee or franchisee, and offer its full facilities to assist the Commission in any action against said licensee or franchisee; (4) for a period of 60 days subsequent to knowledge (as defined above) that a licensee or franchisee had engaged in any of the acts or practices prohibited by the provisions of this order, respondents' surveillance department shall arrange its schedule so as to perform at least one inspection of said licensee or franchisee; and (5) if respondents shall have knowledge (as defined above) that a licensee or franchisee, for the purpose of obtaining a higher price, has knowingly misrepresented the extent of repairs necessary to properly repair customers' transmissions, or who fails to replace parts in customers' transmissions that licensee or franchisee represented as requiring replacement or is listed on customers' repair orders as having been replaced, and if the licensee or franchisee has been previously requested in writing (as covered above) to discontinue these specific acts and practices, the respondents, in addition to notifying the Federal Trade Commission of these facts, shall institute legal action for the purpose of having said licensee or franchisee's Franchise Agreement terminated.

It is further ordered, That respondents notify the Commission at least 30 days after any change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents furnish a copy of this order to each of their operating divisions or departments.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 17, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-1397 Filed 2-2-71;8:46 am]

[Docket No. 8796]

PART 13—PROHIBITED TRADE PRACTICES

Hollywood Credit Clothing Co., Inc., and Barry Miller

Subpart—Advertising falsely or misleadingly: § 13.125 *Limited offers or supply;* § 13.155 *Prices:* 13.155–15 Comparative; 13.155–100 Usual as reduced or special, etc.; § 13.260 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1905 *Terms and conditions:* 13.1905–50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hollywood Credit Clothing Co., Inc., et al., Washington, D.C., Docket 8796, Dec. 31, 1970]

In the Matter of Hollywood Credit Clothing Co., Inc., a Corporation, and Barry Miller, Individually and as an Officer of Said Corporation

Order requiring a Washington, D.C., distributor of clothing, furniture, appliances and other merchandise to cease advertising any merchandise without disclosure of required conditions or obligations, misrepresenting that any article of merchandise is in short supply, that any article is reduced from its former price, that customers are afforded savings, failing to maintain records upon which savings claims are based, failing to furnish customers with copies of executed conditional sales contracts, and failing to comply with certain requirements of Regulation Z of the Truth in Lending Act.

The order to cease and desist, is as follows:

It is ordered, That respondents Hollywood Credit Clothing Co., Inc., a corporation, and its officers, and Barry Miller, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of clothing, furniture, appliances, linenware or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising any merchandise when there are any conditions or obligations imposed or attempted to be imposed, without clearly and conspicuously disclosing such conditions or obligations in the advertisement.

2. Representing, directly or by implication, that any merchandise is available in limited quantity, or that customers should hurry because the merchandise will be sold out or will be unavailable for purchase when an adequate supply is available to respondents to meet reasonably anticipated demands; or misrepresenting in any other manner the quantity or availability of merchandise.

3. Representing, directly or by implication, through the use of terms such as "Our Lowest Price Ever," "special sale price," "savings," or in any other manner, that any price is reduced from respondents' former price; unless, respondents' business records establish and show that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith by respondents for a reasonably substantial period of time, in the recent, regular course of their business.

4. (a) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

5. Representing, directly or by implication, that savings are available to purchasers or prospective purchasers of respondents' merchandise unless such is the fact; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims and similar representations of the type described in paragraphs 3–5 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 3–5 of this order can be determined.

7. Failing or refusing to furnish purchasers of respondents' merchandise with a completed copy of the executed conditional sale contract or any other agreement at the time of execution by the purchaser.

8. Engaging in any consumer credit transaction or disseminating any advertisement within the meaning of Regulation Z of the Truth in Lending Act without making all disclosures that are required by §§ 226.6, 226.7, 226.8, and 226.10 of Regulation Z in the amount, manner, and form specified therein, and

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions, and

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Hollywood Credit Clothing Co., Inc., a corporation, and Barry Miller, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by the respondents named in this order, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: December 31, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-1398 Filed 2-2-71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9048]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration and Reporting and Form for Annual Reports of Employee Stock Purchase Plans

The Securities and Exchange Commission has adopted certain amendments to its general rules and regulations under the Securities Exchange Act of 1934. These amendments to the general rules and regulations are part of the steps being taken to implement the recommendations contained in the Disclosure Policy Study report submitted to the Commission last year. They were published in preliminary draft form for public comment on September 15, 1969, in Securities Exchange Act Release 8680 (34 F.R. 14235). A number of helpful comments have been received and carefully considered in the preparation of the definitive draft of the rules.

A brief description of the changes effected in the general rules and regulations under the Securities Exchange Act is set forth below.

Rule 12b–23 (17 CFR 240.12b–23). This rule as amended incorporates in a single rule, applicable to both registration statements and reports, the previous requirements under sections 12, 13, and 15(d) with respect to incorporation by reference of matter other than exhibits. Incorporation of exhibits by reference is governed by Rule 12b–32 (17 CFR 240.12b–32). In order that the microfiche system for the public dissemination of reports and documents filed with Commission may work, the amended rule requires that copies of information or financial statements incorporated by reference, or copies of the pertinent pages of any document containing such information or statement, be filed with the registration statement or report in which it is so incorporated.

Rule 12b–25 (17 CFR 240.12b–25). Rule 12b–25 provides for an extension of time within which to furnish any required information or document. An application for an extension is deemed to be granted unless it is denied within 15 days after its receipt. The amended rule provides for an extension of 30 days which can be renewed for an additional 30 days in appropriate cases. Thereafter, any further extension will be deemed to be denied unless the Commission enters an order granting it within 15 days after receipt of the request. The amended rule also spells out more explicitly the procedures to be followed in applying for extensions of time.

Rule 12b–34 (17 CFR 240.12b–34). Rule 24(b) of the Commission's rules of practice (17 CFR 201.24(b)) provides for the classification of certain documents as basic documents which may be placed in a special file to form a permanent record of the company to which the documents relate. The new Rule 12b–34 classifies certain documents as basic documents for the purpose of Rule 24(b) of the Commission's rules of practice. In addition, the rule requires companies filing a registration statement under section 12 of the Act to identify the exhibits filed therewith which are classified as basic documents. Companies having securities already so registered are required to identify in their next annual report all documents previously filed which are classified as basic documents. Where such documents have been amended, the rule provides that copes of the amended documents may be filed.

Rule 13a–1 (17 CFR 240.13a–1). This rule requires the filing of annual reports.

It previously provided that such reports were to be filed within 120 days after the end of the fiscal year or such other period as may be specified in the appropriate form. Since various forms provide for different filing periods, this rule has been amended to provide merely that annual reports shall be filed within the period specified in the appropriate report form.

Rules 13a–3 and 13a–4 (17 CFR 240.-13a–3, –4). These rules were special rules relating to incorporation by reference. In view of the provisions for incorporation by reference made in Rule 12b–23, these rules have been rescinded.

Rules 15d–1 and 15d–2 (17 CFR 240.-15d–1, –2). The amendments to the rules under section 15(d) of the Act conform those rules to the amendments to the rules under section 13(a) of the Act.

Form 11–K (17 CFR 249.311). Since the general rules and regulations no longer specify the period within which annual reports must be filed, Form 11–K has been amended to provide that annual reports on that form shall be filed within 90 days after the end of the fiscal year. This is consistent with the corresponding provision of the recently amended Form 10–K (17 CFR 249.310).

Commission action. Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations have been amended as indicated below:

I. Section 240.12b–23 is amended to read as follows:

§ 240.12b–23 Incorporation by reference.

(a) Information contained in any part of a registration statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the same statement or report. Information contained in an exhibit may be so incorporated to the extent permitted by § 240.12b–24.

(b) Any information, other than financial statements, contained in any of the following documents may be incorporated by reference in answer or partial answer to any item of a registration statement or report:

(1) A definitive proxy statement filed pursuant to section 14(a) of the Act or a definitive information statement filed pursuant to section 14(c) of the Act;

(2) A report to security holders; or

(3) A prospectus filed pursuant to § 230.424 (b) or (c) of this chapter.

(c) Any financial statement contained in any document referred to in paragraph (b) of this section or filed with the Commission pursuant to any Act administered by the Commission may be incorporated by reference in a registration statement or report if such financial statement substantially meets the requirements of the form on which the statement or report is filed. Financial statements or other financial data required to be given in comparative form for two or more fiscal years or periods shall not be incorporated by reference unless the material incorporated by reference includes the entire period for which the comparative data is required to be given.

(d) Copies of any information or financial statement incorporated by reference pursuant to paragraph (b) or (c) of this section, or copies of the pertinent pages of the document containing such information or statement, shall be submitted with the statement or report and shall be deemed to be filed with the Commission for all purposes of the Act.

(e) Matter incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. Where only certain pages of a document are incorporated by reference and filed with the statement or report, the document from which the material is taken shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement or report incomplete, unclear or confusing.

II. Section 240.12b–25 is amended to read as follows:

§ 240.12b–25 Extension of time for furnishing information.

NOTE: The disclosures required in reports filed with the Commission are essential to the preservation of free, fair and informed securities markets. It is of critical importance that such reports be filed with the Commission on or before their respective due dates under the Commission's rules. Only the most compelling and unexpected circumstances justify a delay in the filing of a report and the dissemination to the public of the factual information called for therein.

(a) If any required information, document or report, other than an initial registration statement under section 12(g) of the Act, cannot, without unreasonable effort or expense, be furnished at the time it is required to be filed, the registrant shall, prior to such time, file with the Commission, as a separate document, an application (1) identifying the information, document or report in question, (2) stating in detail the specific reasons why the filing thereof at the time required cannot be made without unreasonable effort or expense, (3) requesting an extension of time for filing the information, document or report to a specified date not more than 30 days after the date it would otherwise have to be filed and (4) showing that such extension is consistent with the public interest and the protection of investors.

(b) If the requested extension is necessitated by the inability of any person other than the registrant to furnish any required opinion, information, report or certification (1) the application shall be accompanied by a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, information, report or certification within the required time; and (2) the application shall state whether the registrant has published a preliminary release of sales and earnings and mailed an annual report to shareholders containing financial statements certified by independent accountants relating to the registrant's latest fiscal year.

(c) The application shall be deemed granted unless the Commission within 15 days after the receipt thereof shall enter an order denying the application or shall notify the registrant that the application does not meet the requirements of the section.

(d) One additional extension of not more than 30 days may be applied for following the same procedure as for the initial application. An application for any further extension of time shall be deemed to have been denied unless the Commission shall enter an order granting such application within 15 days after its receipt.

(e) If the application, or the extension of time granted, relates only to a portion of the required information, document, or report, the registrant shall file the remaining portion, and the portion filed shall prominently indicate the nature of the omitted portion.

III. Section 240.12b–34 has been adopted and reads as follows:

§ 240.12b–34 Basic documents.

(a) The following documents filed pursuant to section 12, 13 or 15(d) of the Act by any issuer, other than issuers registered under the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940, are classified as basic documents for the purpose of § 201.24(b) of this chapter.

(1) Articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument which effects (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person;

(2) Bylaws or instruments corresponding thereto;

(3) Specimen copies of securities registered pursuant to section 12 of the Act;

(4) Trust indentures, contracts or other documents defining or limiting the rights of the holders of any class of securities so registered;

(5) Voting trust agreements;

(6) Amendments to any of the foregoing; and

(7) Any other documents classified as basic documents by the Commission pursuant to § 201.24(b) of this chapter.

(b) Every registration statement filed pursuant to section 12 of the Act, and every report filed pursuant to section 13 or 15(d) of the Act, after the effective date of this section shall clearly identify the exhibits filed with such statement or report which are classified as basic documents pursuant to paragraph (a) of this section. If any such exhibit is an amendment of a previously filed basic document, the document as amended may be filed and identified as a basic document in lieu of filing and identifying the amendment.

(c) Every issuer which on the effective date of this section is subject to the reporting requirements of section 13 or 15(d) of the Act shall, in its first annual report filed after such effective date pursuant to either of such sections, identify each document previously filed with the Commission pursuant to the Act or the Securities Act of 1933 which is currently a basic document to the Act or the Securities Act of 1933 which is currently a basic document and shall identify the registration statements and reports in which such documents are contained. If one or more amendments of a basic document have been previously filed, copies of such document as amended may be filed with the report and identified as a basic document in lieu of identifying the registration statements or reports in which the original document and amendments thereto are contained.

IV. Section 240.13a–1 is amended to read as follows:

§ 240.13a–1 Requirement of annual reports.

Every issuer having securities registered pursuant to section 12 of the Act shall file an annual report on the appropriate form authorized or prescribed therefor for each fiscal year after the last full fiscal year for which financial statements were filed in its registration statement. Registrants on Form 8–B, § 249.308b of this chapter, shall file an annual report for each fiscal year beginning on or after the date as of which the succession occurred. Annual reports shall be filed within the period specified in the appropriate report form.

V. Section 240.15d–1 is amended to read as follows:

§ 240.15d–1 Requirement of annual reports.

Every registrant under the Securities Act of 1933 shall file an annual report, on the appropriate form authorized or prescribed therefor, for the fiscal year in which the registration statement under that Act became effective and for each fiscal year thereafter, unless the registrant is exempt from such filing by section 15(d) of the Securities Exchange Act of 1934. Annual reports shall be filed within the period specified in the appropriate report form.

VI. Section 240.15d–2 is amended as follows:

§ 240.15d–2 Special financial report.

(a) If the registration statement under the Securities Act of 1933 did not contain certified financial statements for the registrant's last full fiscal year (or for the life of the registrant if less than a full fiscal year) preceding the fiscal year in which the registration statement became effective, the registrant shall, within 90 days after the effective date of the registration statement, file a special report furnishing certified financial statements for such last full fiscal year or other period, as the case may be, meeting the requirements of the form appropriate for annual reports of the registrant.

* * * * *

§§ 240.15d–3, 240.15d–4 [Rescinded]

VII. Sections 240.15d–3 and 240.14d–4 are rescinded.

§ 249.311 [Amended]

VIII. The general instructions as to the use of Form 11–K (§ 249.311) have been amended.

Copies of Release 34–9048 containing the text of this amendment to Form 11–K have been filed with the Office of the Federal Register, and may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing amendments shall become effective February 4, 1971.

(Secs. 12, 13, 15(d), 23(a); 48 Stat. 892, 894, 895, 901, as amended; 15 U.S.C. 78*l*, 78m, 78o (d), 78w(a))

By the Commission, January 4, 1971.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71–1415 Filed 2–2–71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71–39]

PERMIT TO UNLADE; SECURITY OF CARGO IN UNLADING AREAS

On June 26, 1970, a notice of proposed rule making to amend the Customs Regulations to prescribe security measures for the protection of cargo in unlading areas was published in the FEDERAL REGISTER (35 F.R. 10463). Interested persons were given the opportunity to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all such relevant matters as were presented, certain portions of the proposed amendments are hereby adopted, subject to the following changes:

(1) In § 4.30(l) language is added which requires the carrier to utilize a terminal which has suitable facilities for the transportation and storage of its merchandise as a condition to the granting of a permit to unlade. Also, the term "adequately secured" has been clarified.

(2) In § 4.30(m) the requirement has been added that the list of names, addresses, social security numbers, and dates and places of birth required by the district director be submitted to him in writing. Also the carrier has been given the responsibility of promptly advising the district director when the employment of any such person is terminated. A definition of when a person is deemed to be employed by a carrier has been included.

(3) In §§ 19.3 and 111.28 dealing with bonded warehouse proprietors and their employees and customhouse brokers and their employees, respectively, changes similar to those in § 4.30(m) have been made.

(4) In § 4.38 (c) and (d), direct supervision of delivery by a Customs officer has been made optional.

Minor editorial changes, and conforming changes to reflect changes in the cross-references are also made. The text of the amendments to the Code of Federal Regulations as adopted is set forth below, and shall become effective April 1, 1971.

Other portions of the proposed amendments, concerned with the issuance of identification cards (previously published as §§ 4.30(n), 19.3(e), and 111.28 (c) and (d)) are still under consideration.

[SEAL] EDWIN F. RAINS, *Commissioner of Customs.*

Approved: January 29, 1971.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.30 is amended to add new paragraphs (l) and (m), as follows:

§ 4.30 Permits and special licenses for unlading and lading.

* * * * * *

(l) A permit to unlade pursuant to this Part 4 or Part 6 of this chapter shall not be granted unless the district director determines that the applicant provides or the terminal at which the applicant will unlade the cargo provides (1) sufficient space, capable of being locked, sealed, or otherwise secured, for the storage immediately upon unlading of cargo whose weight-to-value ratio renders it susceptible to theft or pilferage and of packages which have been broken prior to or in the course of unlading; and (2) an adequate number of vehicles, capable of being locked, sealed, or otherwise secured, for the transportation of such cargo or packages between the point of unlading and the point of storage. A term permit to unlade shall be revoked if the district director determines subsequent to such issuance that the requirements of this paragraph have not been met.

(m) A permit to unlade pursuant to this Part 4 or Part 6 of this chapter shall not be granted to an importing carrier, and a term permit to unlade previously granted to such a carrier shall be revoked, (1) if such carrier, within 30 days after the date of receipt of a written demand by the district director, does not furnish a written list of the names, addresses, social security numbers, and dates and places of birth of persons it employs in connection with the unlading, storage and delivery of imported merchandise; or (2) if, having furnished such a list, the carrier does not advise the district directr in writing of the names, addresses, social security numbers, and dates and places of birth of any new personnel employed in connection with the unlading, storage and delivery of imported merchandise within 10

days after such employment. If the employment of any such person is terminated, the carrier shall promptly advise the district director. For the purposes of this part, a person shall not be deemed to be employed by a carrier if he is an officer or employee of an independent contractor engaged by a carrier to load, unload, transport or otherwise handle cargo.

Section 4.38 is amended to add new paragraphs (c) and (d) as follows:

§ 4.38 Release of cargo.

* * * * *

(c) If the district director determines that, in a port or portion of a port, the volume of cargo handled, the incidence of theft or pilferage, or any other factor related to the protection of merchandise in Customs custody requires such measures, he shall require as a condition to the granting of a permit to release imported merchandise that the importer or his agent present to the carrier or his agent a fully executed pickup order in substantially the following format, in triplicate, to obtain delivery of any imported merchandise:

PICKUP ORDER

_____ is authorized to pick up the merchandise indicated below
(Trucker name)

COD ☐ Bank release ☐ Collect ☐

Broker Name and Authorized Signature (if applicable)

Marks and Numbers	Pcs.	Description of goods	Entry No.	Importing carrier and AWB Number or B/L Number	Signature and date of receiving carrier	Remarks

Delivered quantities verified_____
Customs officer badge No.

_____
Date

The pickup order shall contain a duly authenticated customhouse broker's signature, unless it is presented by a person properly identified as an employee or agent of the ultimate consignee. When delivered quantities are verified by a Customs officer, he shall certify all copies of the pickup order, returning one to the importer or his agent and two to the carrier making delivery.

(d) When the provisions of paragraph (c) of this section are invoked by the district director and verification of delivered quantities by Customs is required, a permit to release merchandise shall be effective as a release from Customs custody at the time that the delivery of the merchandise covered by the pickup order into the physical possession of a subsequent carrier or an importer or the agent of either is completed under the supervision of a Customs officer, and only to the extent of the actual delivery of merchandise described in such pickup order as verified by such Customs officer.

(Secs. 448, 505, 46 Stat. 714, 732; 19 U.S.C. 1448, 1505)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Section 19.3 is amended to add new paragraphs (d) and (e), as follows:

§ 19.3 Bonded warehouses; alterations; suspensions; discontinuance.

* * * * *

(d) The bonded status of a warehouse may be discontinued if, within 30 days after the date of receipt of a written demand by the district director, the proprietor fails to submit a written list of the names, addresses, social security numbers, and dates and places of birth of all persons employed by him in the carriage, receiving, storage or delivery of imported merchandise; or if, having furnished such a list, the proprietor fails to advise the district director in writing of the names, addresses, social security numbers, and dates places of birth of any new personnel employed by him in the carriage, receiving, storage or delivery of imported merchandise within 10 days after such employment. If the employment of any such person is terminated, the proprietor shall promptly advise the district director. For the purpose of this part, a person shall not be deemed to be employed by a warehouse proprietor if he is an officer or employee of an independent contractor engaged by the warehouse proprietor to load, unload, transport, or otherwise handle imported merchandise.

(e) The district director may at any time serve notice in writing upon any proprietor of a bonded warehouse to show cause why his right to continue the bonded status of his warehouse should not be discontinued for failure to comply with the requirements established in accordance with paragraph (d) of this section. Such notice shall advise him of the allegations and shall afford him the right to respond in writing within 10 days. Thereafter, the district director shall consider the allegations and responses made by the said proprietor unless the proprietor in his response requests a hearing. If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following requests therefor. The proprietor may be represented by counsel at such hearing, and all evidence and testimony of witnesses in such proceedings, including substantiation of the allegations and the responses thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the proprietor of the warehouse. At the conclusion of such proceeding or review of a written response, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs together with his recommendation for final action. The proprietor may submit in writing additional views or arguments to the Commissioner, following a hearing on the basis of the stenographic record, within 10 days after delivery to him of a copy of such record. The Commissioner shall thereafter render his decision in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be served on the proprietor of the warehouse.

(Secs. 555, 556, 46 Stat. 743; 19 U.S.C. 1555, 1556)

PART 111—CUSTOMHOUSE BROKERS

Section 111.28 is amended to read as follows:

§ 111.28 Responsible supervision.

(a) *General rule.* Every licensed broker operating as a sole proprietor and every licensed member of a partnership and every licensed officer of an association or corporation which is licensed as a broker shall exercise responsibile supervision and control over the transaction of the Customs business of such sole proprietorship, partnership, association, or corporation.

(b) *List of employees.* Within 30 days after the date of receipt of a written demand by the district director, a licensed customhouse broker shall submit a list of the names, addresses, social security numbers, and dates and places of birth of persons currently employed. Having furnished such a list, each licensed customhouse broker shall, within 10 days after the employment of any new personnel, advise the district director of the names, addresses, social security numbers, and dates and places of birth of any such employees. If the employment of any such person is terminated, the customhouse broker shall promptly advise the district director.

[FR Doc.71-1477 Filed 2-2-71;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Certain Food Additive Regulations; Correction

In F.R. Doc. 70-13187 appearing at page 15372 of the FEDERAL REGISTER of October 2, 1970, § 135g.26(a) is corrected by adding to the end of the sentence "or in any food yielded by or derived from the living animal."

Dated: January 26, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-1390 Filed 2-2-71;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Exemption From Service Contract Act of Certain Mail Contracts of Owner-Operators

On pages 18923 and 18924 of the FEDERAL REGISTER of December 12, 1970, there was published a notice of a proposed amendment to § 4.6 of Title 29, Code of Federal Regulations, which exempts from the Service Contract Act of 1965 certain mail contracts to be entered into with owner-operators. Interested persons were given 30 days in which to submit in writing data, views, or arguments relative to the proposal.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

As this amendment relieves a restriction, it shall be effective upon publication in the FEDERAL REGISTER (2-3-71).

Signed at Washington, D.C., this 29th day of January 1971.

ROBERT D. MORAN,
Administrator of Workplace Standards.

In § 4.6 of Title 29, Code of Federal Regulations, paragraph (m) is amended as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2500.

* * * * *

(m) * * *

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exempt tions the Secretary of Labor hereby finds necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(i) Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom;

(ii) Any contract entered into by the U.S. Postal Service with an individual owner-operator for mail service where it is not contemplated at the time the contract is made that such owner-operator will hire any service employee to perform the services under the contract except for short periods of vacation time or for unexpected contingencies or emergency situations such as illness or accident.

* * * * *

(Sec. 4(b), 79 Stat. 1035, 41 U.S.C. 353, 5 U.S.C. 301)

[FR Doc.71-1451 Filed 2-2-71;8:50 am]

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS

Project Standards for New Out-of-School Agreements

Pursuant to authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (78 Stat. 528, 79 Stat. 973, 80 Stat. 1451, 81 Stat. 672, 83 Stat. 827, 42 U.S.C. 2701 et seq.), the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity (33 F.R. 15139), and Secretary's Order No. 14-69 (34 F.R. 6502), Part 50 of Subtitle A of Title 29 of the Code of Federal Regulations is hereby amended to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) requiring notice and public procedure are not applicable since these regulations involve only matters that relate to public benefits. Further, I do not believe that such procedure would in any event serve a useful purpose here. The amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

1. In § 50.22, subparagraph (2) of paragraph (h) is amended to read as follows:

§ 50.22 Standards for projects.

* * * * *

(h) * * *

(2) New enrollments are limited to youths 16 and 17 years of age who have left full-time attendance in grade school or high school prior to graduation, and who are defined as disadvantaged persons: *Provided, however,* The Project Director may allow up to 10 percent of new enrollments to be youths who are 18 and 19 years of age. Otherwise eligible persons may be enrolled in a project on an Indian reservation, or in a project where the majority of the enrollees are Indians, at any age from 16 through 21, without restriction as to age ratios. Persons may be enrolled who are employed at the time of enrollment and may remain employed during enrollment if they are employed part-time or at a skill level substantially less than they are capable of before training in NYC. No person may remain enrolled for more than 24 months, or after his 22d birthday, whichever occurs first.

* * * * *

(78 Stat. 528; 42 U.S.C. 2942)

Signed at Washington, D.C., this 29th day of January 1971.

M. R. LOVELL, JR.,
Assistant Secretary for Manpower.

[FR Doc.71-1453 Filed 2-2-71;8:50 am]

PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

Disclosure of Evaluation Reports

Pursuant to authority in 5 U.S.C. 301, 552, 559, and in Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), Part 70 of Title 29 of the Code of Federal Regulations is amended by revising § 70.3 to read as set out below.

As the change made by this document relates solely to an interpretative rule or a general statement of policy, neither notice of proposed rule making and public participation therein, nor delay in effective date is required by 5 U.S.C. 553. I do not believe such participation or such delay would serve a useful purpose here. This amendment shall, therefore, be effective upon publication in the FEDERAL REGISTER (2-3-71).

Section 70.3, as revised on January 26, 1970 (35 F.R. 1289), is further revised to read as follows:

§ 70.3 Disclosure policy; exemptions.

(a) Except with respect to matters specifically required by Executive order to be kept secret in the interest of national defense or foreign policy and with respect to matters specifically required by statute to be kept secret, the officer authorized to disclose documents, as provided in § 70.4(b), shall make available for inspection and copying:

(1) Within 45 days after receipt thereof, any document, or part thereof, containing a final evaluation, by an independent contractor, of any external program or activity carried out by the Department of Labor; and

(2) Any other document, if he determines that such disclosure furthers the public interest and does not impede the discharge of any of the functions of the Labor Department.

(b) Except as provided in paragraph (a) or (c) of this section, the officer authorized to disclose a document, as provided in § 70.4(b), may decline to disclose matters that are: (1) Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy; (2) related solely to the internal personnel rules and practices of any administration, bureau, or office of the Department of Labor; (3)

specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) interagency or intra-agency memoranda or letters; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (7) investigatory files compiled for law enforcement purposes.

(c) Documents relating to Federal Employees' Compensation Act claims may be made available for inspection as provided in 20 CFR 1.22, and for copying as provided in § 70.6.

(5 U.S.C. 301, 552, 559. Reorganization Plan No. 6 of 1950, 3 CFR 1949-53 Comp., p. 1004)

Signed at Washington, D.C., this 28th day of January 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-1452 Filed 2-2-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.11—Qualified Products

PART 9-9—PATENTS AND COPYRIGHTS

Subpart 9-9.51—Copyrights

MISCELLANEOUS AMENDMENTS

1. In § 9-1.1101, *Procurement of qualified products*, paragraph (a) is revised to read as follows:

§ 9-1.1101 Procurement of qualified products.

(a) This subpart prescribes policies and procedures for the procurement of qualified products established by the Government. These procedures are applicable to AEC direct procurement. Contracting officers may authorize their use by cost-type contractors.

* * * * *

2. In § 9-1.1150, *Distribution of qualified products lists*, the text is revised to read as follows:

§ 9-1.1150 Distribution of qualified products lists.

Qualified products lists are distributed by GSA directly to Headquarters and field offices. These lists shall be redistributed by contracting officers to those persons authorized to use them, including responsible procurement personnel of cost-type contractors. AEC contracting officers shall maintain records of distribution of the lists. Extra copies may be obtained through the Division of Contracts.

3. In § 9-9.5106, *Copyrights in motion pictures*, paragraph (a) of the Copyrights article is revised to read as follows:

§ 9-9.5106 Copyrights in motion pictures.

* * * * *

COPYRIGHTS

(a) The Contractor agrees that all material forming the subject matter of this contract and first produced in the performance of this contract shall be the sole property of the Government, and may not be published or reproduced, in whole or in part, or in any manner or form, other than by the Government or with its express consent. The contractor further agrees that no right at common law or in equity shall be asserted and no claim to copyright by statute shall be established by the contractor in any material first produced in the performance of this contract.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (2-3-71).

Dated at Germantown, Md., this 26th day of January 1971.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director,
Division of Contracts.

[FR Doc.71-1385 Filed 2-2-71;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4994]

[New Mexico 11643]

NEW MEXICO

Withdrawal for National Forest Recreation Areas, Roadside Zones, and Radio and Electronic Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Nacimiento Road Roadside Zone

A strip of land 300 feet on each side of surveyed centerline of said road through the following legal subdivisions:

T. 21 N., R. 1 E.,
Sec. 28, NW¼SW¼NW¼, NE¼SW¼SW¼NW¼, SE¼SW¼NW¼, NW¼NE¼SW¼, S½NE¼SW¼, N½SW¼SE¼, SE¼SW¼SE¼, SW¼SW¼NW¼SE¼;
Sec. 33, W½E½NE¼, NE¼NE¼NW¼NE¼.

Clear Creek Recreation Area Addition

T. 21 N., R. 1 E.,
Sec. 33, SE¼;
Sec. 34, W½SW¼SW¼.

Puerco Mesa Poleo Road Roadside Zone

A strip of land 300 feet on each side of surveyed centerline of said road through the following legal subdivisions:

T. 20 N., R. 1 E.,
Sec. 12, S½SE¼.
T. 20 N., R. 2 E.,
Sec. 3, lots 3, 4, E½SW¼NW¼, SW¼SW¼NW¼;
Sec. 4, E½NE¼SE¼, SW¼SE¼, W½SE¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼SE¼;
Sec. 7, lot 4, SW¼NE¼SW¼, W½SE¼NE¼SW¼, NE¼NW¼SE¼SW¼, W½NW¼SE¼SW¼, NW¼NW¼NW¼SE¼;
Sec. 8, SW¼NE¼;
Sec. 9, E½NW¼NW¼.
T. 21 N., R. 2 E.,
Sec. 27, SW¼SW¼NE¼SE¼, E½SW¼SE¼;
Sec. 34, NW¼NE¼NE¼, NE¼NW¼NE¼, SE¼SW¼NW¼NE¼, S½SW¼NE¼, S½NE¼SW¼, SE¼SW¼, NW¼SE¼.

Tesuque Radio and Electronic Site

T. 18 N., R. 11 E.,
Sec. 16, unsurveyed.

Jacks Creek Campground

T. 19 N., R. 12 E.,
Sec. 26, S½SW¼SW¼NW¼, SW¼SE¼SW¼NW¼, W½NE¼SW¼;
Sec. 27, E½E½SW¼NE¼, E½E½NW¼SE¼.

The areas described above aggregate 1,442.50 acres in Rio Arriba, Sandoval, San Miguel, and Santa Fe Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1399 Filed 2-2-71;8:46 am]

[Public Land Order 5003]

[Riverside 1444]

CALIFORNIA

Withdrawal for Reclamation Project and Revocation of Departmental Order of July 26, 1906

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for flood control in the area of the Lower Reservation Levee and the flood plain of the Colorado River for the Reservation Division of the Yuma Project:

SAN BERNARDINO MERIDIAN

T. 16 S., R. 22 E.,
Sec. 30, lots 5 to 10, inclusive.

Containing 165.92 acres in Imperial County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws: *Provided*, That such use or disposition will not be inconsistent with the purpose for which the land is withdrawn in connection with the Lower Reservation Levee, Reservation Division, Yuma Project, which project was authorized by the Act of June 28, 1946, 60 Stat. 369.

3. The departmental order of July 26, 1906, withdrawing the land described in paragraph 1 of this order for use by the U.S. Forest Service as a planting area is hereby revoked.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1400 Filed 2-2-71;8:46 am]

[Public Land Order 5004]

[Sacramento 2438]

CALIFORNIA

Powersite Cancellation No. 304, Partial Cancellation of Powersite Classification No. 183

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-1094-California, it is ordered as follows:

1. The departmental order of July 9, 1927, creating Powersite Classification No. 183, California No. 55, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

T. 17 N., R. 13 E.,
Sec. 26, N½SE¼;
Sec. 27, S½NE¼.

The areas described aggregate approximately 160 acres in Placer County.

2. At 10 a.m. on March 3, 1971, the land shall be open to such forms of disposition as may by law be made of national forest land.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1401 Filed 2-2-71;8:47 am]

[Public Land Order 5005]

[Oregon 6929]

OREGON

Withdrawal for National Forest Campground Water System Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

WHITMAN NATIONAL FOREST

Union Creek Campground Water System Site

T. 10 S., R. 38 E.,
Sec. 14, E½NW¼.

The area described contains approximately 80 acres in Baker County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1402 Filed 2-2-71;8:47 am]

[Public Land Order 5009]

[New Mexico 1649]

NEW MEXICO

Powersite Restoration No. 696; Powersite Cancellation No. 290; Partly Revoking Powersite Reserve No. 546, and Waterpower Designation No. 1

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-77-New Mexico, it is ordered as follows:

1. Executive order of October 2, 1916, creating Powersite Reserve No. 546, and the Departmental Order of August 7, 1916, creating Waterpower Designation No. 1, New Mexico No. 1, are hereby revoked insofar as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 11 E.,
Sec. 26, SE¼SE¼NW¼, NE¼SW¼.

The area described aggregates 50 acres in Otero County.

The State of New Mexico failed to exercise its preference right of application for highway rights-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra, when notified of the proposed restoration of the land from powersite withdrawals.

2. At 10 a.m. on March 3, 1971, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 3, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex. 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1403 Filed 2-2-71;8:47 am]

[Public Land Order 5010]

[Oregon 6138 (Wash.)]

WASHINGTON

Withdrawal for National Forest Campground, Electronic Administrative Site, Rock Pits

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Rocky Brook Rock Pit No. 1

T. 26 N., R. 2 W.,
Sec. 18, a strip of land within the NW¼NW¼ described as follows: Beginning at a point approximately 2.50 miles from intersection of Forest Service Roads Nos. 2621 and 2651 along centerline of Road 2651 in NW¼NW¼ sec. 18, said point being S. 21°00' E., 1,135 feet from the northwest corner of said section, thence N. 80°00' W., 335 feet, thence S. 10°00' W., 536 feet, thence N. 42°00' E., 632 feet to point of beginning, containing approximately 2.06 acres.

Duckabush Rock Pit No. 1

T. 25 N., R. 3 W.,
Sec. 2, a strip of land within the N½SE¼ described as follows: Beginning at a point approximately 0.1 mile from intersection of Forest Service Roads Nos. 2515 and 2531 along centerline of old spur road in N½SE¼ sec. 2, said point being N. 35°45' W., 2,455 feet from the southeast corner of said section, thence N. 85°00' E., 675 feet, thence N. 25°00' W., 650 feet, thence S. 85°00' W., 675 feet, thence S. 25°00' E., 650 feet to point of beginning, containing approximately 10.07 acres.

Dosewallips Rock Pit No. 1

T. 26 N., R. 3 W.,
Sec. 20, a strip of land in the NW¼NE¼ described as follows: Beginning at a point approximately 9.4 miles from intersection of Forest Service Road No. 261 and U.S. Highway No. 101 along centerline of Road 261 in NW¼NE¼ sec. 20, said point being S. 70°45' W., 2,165 feet from the northeast corner of said section, thence S. 35°00' E., 740 feet, thence S. 55°00' W., 350 feet, thence N. 35°00' W., 740 feet, thence N. 55°00' E., 350 feet to point of beginning, containing approximately 5.95 acres.

Hamma Hamma Rock Pit No. 1

T. 24 N., R. 4 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 1, a strip of land within the SE¼NW¼ described as follows: Beginning at a point approximately 900 feet from intersection of Forest Service Road No. 249.1 and spur road at mile post 0.6 of Road 249.1 along centerline of spur road in SE¼NW¼ sec. 1, said points being S. 46°30' E., 3,326 feet from the northwest corner of said section, thence N. 17°00' E., 130 feet, thence S. 77°00' E., 230 feet, thence N. 79°00' E., 535 feet, thence S. 10°30' E., 187 feet, thence S. 19°00' W., 300 feet, thence S. 70°00' W., 710 feet, thence N. 23°00' W., 100 feet, thence N. 02°00' W., 445 feet to point of beginning, containing approximately 9.46 acres.

Boulder Rock Rock Pit No. 1

T. 24 N., R. 4 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 7, a strip of land within the SW¼NE¼ and SW¼SE¼ described as follows: Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 249.1 and 2466 along centerline of Road 2466 in NW¼SE¼ sec. 7, said point being N. 35°30' W., 2,930 feet from the southeast corner of said section, thence N. 01°00' W., 600 feet, thence S. 89°00' W., 528 feet, thence S. 01°00' E., 600 feet, thence N. 89°00' E., 528 feet to point of beginning, containing approximately 7.27 acres.

Canyon Rock Pit No. 1

T. 29 N., R. 4 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 28, a strip of land within the NE¼SE¼ described as follows: Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 2926.1 and 2910 along centerline of Road 2926.1 in NE¼SE¼ sec. 28, said point being S. 20°00' W., 2,500 feet from the northeast corner of said section, thence S. 25°00' E., 400 feet, thence S. 65°00' W., 250 feet, thence N. 25°00' W., 400 feet, thence N. 65°00' E., 250 feet to point of beginning, containing approximately 2.30 acres.

Lake Cushman Rock Pit No. 2

T. 23 N., R. 5 W.,
Sec. 9, a strip of land within the NW¼NE¼ described as follows: Beginning at a point approximately 0.8 mile from intersection of Forest Service Roads Nos. 245.1 and 2347 along centerline of Road 2357 NW¼NE¼ sec. 9, said point being S. 80°30' E., 2,825 feet from the northwest corner of said section, thence S. 54°00' W., 500 feet, thence N. 33°00' W., 350 feet, thence N. 54°00' E., 500 feet, thence S. 33°00' E., 350 feet to point of beginning, containing approximately 4.02 acres.

Chakchak Campground

T. 23 N., R. 7 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 27, a tract of land within the SE¼SE¼ described as follows: Beginning at a point which is the centerline junction of Forest Roads Nos. 2312, 236 and 2312.1 in SE¼SE¼SE¼ sec. 27, said point being N. 15°00' W., 6,105 feet from the corner common to secs. 33 and 34, T. 23 N., R. 7 W., and secs. 2 and 3, T. 22 N., R. 7 W., thence N. 35°00' W., 285 feet, thence N. 25°00' W., 200 feet, thence N. 08°00' E., 450 feet, thence S. 62°00' E., 550 feet, thence N. 90°00' E., 400 feet, thence S. 05°00' E., 150 feet to Road 2312.1, thence S. 59°00' W., 855 feet to point of beginning, containing approximately 16.50 acres.

Joe Creek Gravel Pit

T. 22 N., R. 9 W.,
Sec. 12, SE¼SW¼NE¼, containing 10 acres.

Neilton Point Electronic Site

T. 22 N., R. 9 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 18, N½SW¼SE¼, containing 20 acres.

Cook Creek Gravel Pit

T. 22 N., R. 10 W.,
Sec. 22, SE¼ of lot 2, containing 10 acres.

Quinault Ridge Gravel Pit

T. 22 N., R. 10 W.,
Sec. 35, SW¼ of lot 1, containing 10 acres.

Park Gravel Pit

T. 24 N., R. 10½ W.,
Sec. 2, SW¼ of lot 21, containing 11.33 acres.

The areas described aggregate approximately 119 acres in Jefferson, Mason, Clallam, and Grays Harbor Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their minerals or vegetative resources other than the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1404 Filed 2-2-71;8:47 am]

[Public Land Order 5013]

[BLM 048089]

ARKANSAS

Amendment of Public Land Order No. 3836 (Fort Chaffee Military Reservation)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 3836 of September 27, 1965, which transferred jurisdiction over oil and gas deposits underlying certain acquired lands at Fort Chaffee Military Reservation, as amended by Public Land Order No. 4434 of June 3, 1968, is hereby further amended in the following respects:

(a) To add thereto the transfer of jurisdiction over oil and gas deposits within the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 7 N., R. 30 W.,
Sec. 4, SW¼SW¼, and those portions of the NW¼SW¼ and the SW¼NW¼ lying south and west of State Highway No. 22;
Sec. 5, that portion lying south of State Highway No. 22;
Sec. 6, that portion lying south of State Highway No. 22 excepting 2½ acres within the SE¼NE¼ which adjoins the southerly R.O.W. of Highway No. 22 and the east line of said section;
Secs. 7, 8, and 9;
Sec. 10, W½, and that portion lying below State Highway No. 22.

T. 7 N., R. 31 W.,
Sec. 1, S½, that portion of the NE¼ lying south of State Highway No. 22, excepting a portion of the SW¼NE¼ which extends 420 feet south of Highway No. 22, and 315 feet east of the west line of the SW¼NE¼, that portion of the NW¼ lying south of the Missouri Pacific Railroad, north of Highway No. 22 and extending 830 feet easterly from the west line of the NW¼, and that portion of the SW¼NW¼ lying south of Highway No. 22;
Secs. 2, 11, and 12.

The areas described aggregate 6,202.26 acres.

2. Jurisdiction over the oil and gas deposits owned by the United States underlying the acquired lands described in paragraph 1(a), above, is hereby transferred from the Department of the Army to the Department of the Interior, subject to all the provisions and limitations of Public Land Order No. 3836 as herein amended.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 26, 1971.

[FR Doc.71-1405 Filed 2-2-71;8:47 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

Motor Vehicle Safety Standard No. 108, establishing requirements for lamps, reflective devices, and associated equipment on motor vehicles was amended on October 31, 1970 (35 F.R. 16840). Thereafter, pursuant to 49 CFR 553.35 (35 F.R. 5119) petitions for reconsideration of the amendment were filed by Freightliner Corp., Ford Motor Co., Japan Automobile Manufacturers Association, Inc., Wagner Electric Corp., General Motors Corp., Chrysler Corp., Rohm and Haas Co., Motor Coach Industries, International Harvester Co., and Motorcycle Industry Council, Inc. The petitions of Harley-Davidson Motor Co., Inc., Kawasaki

Motors Corp., White Motor Corp., Hackney Bros. Body Co., and a supplement to the Japan AMA petition were not timely filed, and have been treated as petitions for rulemaking pursuant to 49 CFR 553.31. However, some of the issues raised in these petitions are similar to those contained in timely filed petitions.

In response to information contained in several of the petitions the standard is being amended. The Administrator has declined to grant requested relief from other requirements of the standard.

1. *Effective date.* General Motors, Ford, and Chrysler have petitioned for an extension of the effective date, stating that compliance is impracticable for 1971 models which, as of July 1, 1971, have only a short production life before the end of the model run. The Bureau has determined therefore that an effective date later than 1 year from issuance of the original amendment is in the public interest. The effective date of the standard is extended to January 1, 1972.

2. *Paragraph S4.1.1.7.* This paragraph is being amended to clarify that its stop lamp requirement does not apply to passenger cars manufactured before January 1, 1973, and to correctly cite SAE Standard J588d, "Turn Signal Lamps," June 1966, as the standard incorporated by reference.

3. *Paragraph S4.1.1.14.* The amendment inadvertently omitted installation requirements for backup lamps. This paragraph is hereby amended to correct the omission, and to insure that current installation requirements remain in effect until January 1, 1973.

4. *Paragraph* S4.1.1.16. Japan AMA and Motorcycle Industry Council objected to the portion of this paragraph that would require motorcycles, as of January 1, 1973, to be equipped with turn-signal units designed to complete a durability test of 100,000 cycles. In order to allow time for further industry study and comment on this aspect of performance, the requirement is withdrawn from the standard. It is anticipated, however, that an increased durability test cycle for motorcycle turn-signals will be proposed in a future rulemaking action.

5. *Paragraph S4.1.2.* Ford, Chrysler, and Rohm, and Haas petitioned for reduction of the heat test cycle of the warpage test from 10 to 5 minutes or, in the alternative, for an extension of the effective date of this requirement. The Traffic Safety Administration has determined that the 10-minute cycle is appropriate because of the frequency of usage of stop and backup lamps. The petitions for reduction of the test cycle are therefore denied. However, because of the leadtime for development and tooling of new lamps which may be required, good cause is considered shown for postponement of the effective date for this requirement until January 1, 1973.

6. *Paragraph S4.3.1.8 and Table II.* General Motors, Motor Coach Industries, and International Harvester objected to the reduction in the maximum allowable spacing of identification lamps (from 6 to 12 inches, to 6 to 8 inches), alleging that there is no safety justification for the requirement, and that compliance by July 1, 1971, is impracticable. It is recognized that other approaches to wide-vehicle identification, such as minimum spacing between identification and clearance lamps, have merit. These approaches are being considered and, as deemed appropriate, will be incorporated into future rulemaking proposals. Accordingly, the petitions are granted; Table II is amended to reinstate the 6 to 12 inch spacing, and S4.3.1.8 is deleted.

7. *Paragraph S4.4.2 and Tables I and III.* Wagner Electric petitioned for reconsideration of the omission of sampling provisions from SAE Standard J590b, "Turn-Signal Units", October 1965, and SAE Standard J945, "Vehicular Hazard Warning Unit", February 1966. Letters have also been received inquiring as to the number of flashers constituting a sample for test and the number of failures allowable for compliance. Standard No. 108 was amended without notice to omit sampling provisions in order to bring the standard into conformity with the National Traffic and Motor Vehicle Safety Act of 1966, which requires that all items conform to applicable standards. Therefore the safety standards should not specify sampling provisions or failure rates. It is the manufacturer's responsibility to institute a test program that is sufficient to legally constitute due care, on a continuing basis, to insure that all products manufactured after the effective date of a standard meet the applicable requirements. However, in response to the procedural objection that the change is important enough to merit notice and opportunity for comment, Wagner's petition is granted and paragraph S4.4.2 and Tables I and III are being amended to strike the language precluding sampling provisions. At the same time, this agency is publishing today a notice (Docket No. 69-18; Notice 3, 36 F.R. 1913 proposing omission of sampling provisions as of January 1, 1972, the date when this omission would otherwise have been effective.

8. *Paragraph S4.5.6.* International Harvester asked that the exemption for lamp outage indication be extended to vehicles equipped with auxiliary lamps or wiring, since these vehicles, like vehicles equipped to tow trailers, use variable load flashers. However, fixed load flashers providing lamp outage indication are available on the market for the increased load of an auxiliary lamp. The manufacturer can provide the appropriate flasher with foreknowledge of the intended end configuration of the vehicle, and International Harvester's petition is therefore denied.

9. *Tables II and IV.* Freightliner, International Harvester, and White Motor requested that the maximum mounting height allowable for turn-signal units, 72 inches, be reconsidered. This agency believes that most turn-signal lamps are presently mounted at or below the height of 72 inches, and that no detriment to motor vehicle safety would occur if the maximum mounting height were increased to 83 inches to allow higher mounting of turn-signals on cab-over-engine trucks, snow removal equipment, and other vehicles where a lower height may be impracticable. Tables II and IV are being revised accordingly. In Table IV the word "rear" was inadvertently omitted in that position of Column 2 establishing location requirements for side reflex reflectors, and has been reinserted.

10. *Table III.* Motorcycle Industry Council recommended that SAE Standard J584a, "Motorcycle and Motor Driven Cycle Headlamps," October 1969, be incorporated by reference rather than SAE Standard J584, April 1964. Such an amendment is beyond the scope of the original rulemaking proposal. Reference of the upgraded SAE Standard is being considered for a future rulemaking action. The petition is denied.

In addition, General Motors, Japan AMA, Motorcycle Industry Council, Harley-Davidson, and Kawasaki objected that the 300 candlepower limitation on motorcycle amber rear turn signals is unduly restrictive. Motorcycle Industry Council, Harley-Davidson, and Kawasaki objected to the spacing requirements for motorcycle turn-signal lamps. Both of these matters are still under reconsideration and will be disposed of at a later date.

In consideration of the foregoing, S4.1.1.7, S4.1.1.14, S4.1.1.16, S4.1.2, S4.3.1.8, S4.4.2, Table I, Table II, Table III and Table IV, of Motor Vehicle Safety Standard No. 108 in 49 CFR 571.21 are revised as follows:

S4.1.1.7. Stop lamps on each passenger car manufactured on or after January 1, 1973, and turn-signal lamps on each passenger car shall meet the photometric minimum candlepower requirements for Class A red turn-signal lamps, and shall have effective projected illuminated areas not less than those of Class B lamps as specified in SAE Standard J588d, 'Turn Signal Lamps,' June 1966. If multiple compartment lamps or multiple lamps are used, the effective projected illuminated area of each compartment or lamp shall be not less than that of a Class B lamp; however, Class A photometric requirements may be met by a combination of compartments or lamps.

• • • • •

S4.1.1.14. In lieu of conformance with SAE Standard J593c, February 1968, a vehicle manufactured before January 1, 1973, may be equipped with backup lamps conforming to SAE Standard J593b, May 1966, and the installation requirements of SAE Standard J593c, February 1968.

• • • • •

S4.1.1.16. All passenger cars, and multipurpose passenger vehicles, trucks, and buses of less than 80 inches overall width manufactured before January 1, 1973, may be equipped with Class B turn signal operating units. Such vehicles manufactured on or after January 1, 1973, shall be equipped with turn signal operating units designed to complete a durability test of 100,000 cycles.

• • • • •

TABLE III—REQUIRED MOTOR VEHICLE LIGHTING EQUIPMENT

PASSENGER CARS AND MOTORCYCLES, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES OF LESS THAN 80 INCHES OVERALL WIDTH

Item	Passenger cars, multipurpose passenger vehicles, trucks and buses	Trailers	Motorcycles	Applicable SAE standard or recommended practice
Column 1	Column 2	Column 3	Column 4	Column 5
• • •	• • •	• • •	• • •	• • •
Turn signal flasher	1[2].....	None.....	1[2].....	J590b, October 1965.
• • •	• • •	• • •	• • •	• • •
Vehicular hazard warning signal flasher.	1[2].....	None.....	None.....	J945, February 1966.
• • •	• • •	• • •	• • •	• • •

TABLE IV—LOCATION OF REQUIRED EQUIPMENT

PASSENGER CARS AND MOTORCYCLES, AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRACTORS, AND BUSES OF LESS THAN 80 INCHES OVERALL WIDTH

Item	Location on—			Height above road surface measured from center of item on vehicle at curb weight
	Passenger cars	Motorcycles	Trailers	
Column 1	Column 2	Column 3	Column 4	
• • •	• • •	• • •	• • •	• • •
Reflex reflectors	On each side—1 red as far to the rear as practicable and 1 additional as far to the front as practicable.	• • •	• • •	Not less than 15 inches, nor more than 84 inches.
• • •	• • •	• • •	• • •	• • •
Turn signal lamps	1[2]	None	1[2]	Not less than 15 inches, nor more than 84 inches.

TABLE I—REQUIRED MOTOR VEHICLE LIGHTING EQUIPMENT

MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES OF 80 OR MORE INCHES OVERALL WIDTH

Item	Multipurpose passenger vehicles, trucks, and buses	Trailers	Applicable SAE standard or recommended practice
Column 1	Column 2	Column 3	Column 4
• • •	• • •	• • •	• • •
Turn signal flasher	1[2].....	None.....	J590, October 1965.
• • •	• • •	• • •	• • •
Vehicular hazard warning signal flasher.	1[2].....	None.....	J945, February 1966.
• • •	• • •	• • •	• • •

TABLE II—LOCATION OF REQUIRED EQUIPMENT

MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES OF 80 OR MORE INCHES OVERALL WIDTH

Item	Location on—			Height above road surface measured from center of item on vehicle at curb weight
	Multipurpose passenger vehicles, trucks, and buses	Trailers	Motorcycles	
Column 1	Column 2	Column 3	Column 4	
• • •	• • •	• • •	• • •	• • •
Turn signal lamps.	On the front and rear—2 lamps, similar in color, as close as practicable to the left and right sides of the vehicle, at the same height, one on each side of the vertical centerline, and one on each side of the vertical centerline with lamp centers spaced not less than 12 inches apart.			Not less than 15 inches, nor more than 83 inches.
Identification lamps.	On the front and rear—3 red lamps as close as practicable to the top of the vehicle, at the same height, one on the vertical centerline and one on each side of the vertical centerline with lamp centers spaced not less than 6 inches or more than 12 inches apart.			• • •
• • •	• • •	• • •	• • •	• • •

Footnote 1 is deleted.

S4.1.2. Plastic materials used for optical parts such as lenses and reflectors shall conform to SAE Recommended Practice J576b, "Platic Materials for Use in Optical Parts, such as Lenses and Reflectors, of Motor Vehicle Lighting Devices," August 1966. Plastic materials used as inner lenses or those covered by another material and not exposed directly to sunlight shall meet the requirements of paragraphs 3.4 and 4.2 of SAE J576b when covered by the outer lens or other material. Except for a stop lamp lens or a backup lamp lens, each plastic lens shall conform to section L, 'Warpage Test Devices with Plastic Lenses', of SAE Standard J575d, 'Test for Motor Vehicle Lighting Devices and Components', August 1967. A plastic lens for a stop lamp or a backup lamp manufactured on or after January 1, 1973, shall conform to section L of SAE Standard J575d and shall be tested with the lamp cycled on for 10 minutes and off for 10 minutes through the 1-hour warpage test.

S4.3.1.8 [Deleted]

S4.4.2. Each combination turn signal and hazard warning signal flasher shall, when tested consecutively in accordance with SAE Standard J590b, "Automotive Turn Signal Flasher", October 1965, and SAE Standard J945, "Vehicular Hazard Warning Signal Flasher", February 1966, meet the requirements of both these standards.

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 6), Amdt. 29]

OI REG. 1—OIL IMPORT REGULATION

Petrochemical Allocations

Correction

In F.R. Doc. 71-1422 appearing at page 1476 in the issue of Saturday, January 30, 1971, the seventh line of paragraph (a) of section 9 now reading "or persons will require a transfer of" should read "barrels per day of petrochemical plant".

In addition, "capablet" in the fifth line of S4.1.1.5 is corrected to read "capable", and "S4 *Equipment* combinations" is corrected to read "S4.4 *Equipment combinations*".

Effective date: January 1, 1972, except as otherwise noted in the text of the rule.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegations of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on January 28, 1971.

CHARLES H. HARTMAN,
Acting Administrator, National Highway Traffic Safety Administration.

[FR Doc.71-1371 Filed 2-2-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

Certain Wildlife Refuges in Southeast United States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (2-3-71).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Area open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective March 1, 1971 through June 15, 1971.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing, and clamming, in accordance with Virginia regulations, is permitted on the Chincoteague National Wildlife Refuge, Va., subject to the following conditions:

(1) Open areas: (a) Surf fishing—the entire beach front, except those areas designated by signs as areas closed to fishing, (b) Fishing and crabbing—from the impoundment banks designated as open to fishing, (c) Clamming—the area between high and low tide marks in Tom's Cove, except as posted closed.

(2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

FLORIDA

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations.

(1) The sport fishing season extends from date of this announcement through October 30, 1971.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Users must follow designated routes of travel from the beach to the open fishing area.

(5) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must be removed from the refuge no later than October 30, 1971.

(6) Use of live minnows as bait is prohibited.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 50,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1971 through October 15, 1971.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 4 horsepower and electric motors are permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, DeLeon Springs, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. The open season extends from March 15, 1971, to October 15, 1971, in refuge waters east of the Norris Dead River, Lake Woodruff, and Spring Garden Creek.

(2) Fishing on refuge waters is permitted during daylight hours only.

(3) Air-thrust boats are prohibited.

(4) Firearms of any type are prohibited.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 23, 1971, to February 22, 1972.

(2) Fishing is restricted to 1 hour before sunrise until 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the three public ramps as follows: (a) North end of the refuge at S-5A landing; (b) headquarters boat ramp; (c) S-39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Ga., is permitted only on the areas designated by signs as open to fishing. Those open areas, comprising 680 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1971, through October 25, 1971.

(2) Fishing is permitted in daylight hours only.

(3) Boats with motors prohibited.

(4) Use of live minnows as bait prohibited.

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Ga., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1971, through November 15, 1971.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited.
(4) Use of live minnows as bait prohibited.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1971, through October 25, 1971.

(2) Fishing is permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted in the impoundments. Boats powered with gasoline outboard motors are prohibited in the impoundments.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Ala., is permitted only on the areas designated by signs as open to fishing. These open areas are shown on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 15, 1971, through November 30, 1971.

(2) Fishing is permitted during daylight hours only.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 26, 1971.

[FR Doc.71-1444 Filed 2-2-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Proposed Official Standards for Georgia and Florida Shade-Grown Cigar-Wrapper

Notice is hereby given that the U.S. Department of Agriculture has under consideration the issuance of Official Standard Grades for Georgia and Florida Shade-grown Cigar-wrapper Tobacco, U.S. Type 62, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration leading to the proposed standards. Grade standards for tobacco are issued under the authority of the Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

Standards for type 62 tobacco were originally issued in 1933 under the authority of the Stocks and Standards Act. They were slightly modified and issued in 1956 under the authority of the Tobacco Inspection Act of 1935. These tentative standards contain 35 basic grades for natural or air-cured tobacco with seven special factors which were used to describe type 62 tobacco at that time.

Concurrent with the present-day trend in market preparation and usage, fewer quality and color distinctions are needed to accurately describe Cigar-wrapper tobacco. Therefore, the proposed official standards would eliminate special factors and provide only 12 grades for natural or air-cured tobacco.

The proposal would also establish 10 grades for candela-cured tobacco to provide adequate standards for that portion of type 62 cured by this method. Candela-curing is a quick process of subjecting tobacco to artificial atmospheric conditions which are controlled through the use of regulated heat and humidity. Its usage is becoming more prevalent among producers of shade-grown cigar-wrapper tobacco.

In addition, the proposal would add, revise, and delete definitions and rules to implement accurate application of the official standards.

Preliminary drafts were discussed with producer and industry representatives. Their suggestions were incorporated into the proposed official standards.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendment should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed official standards are as follows:

1. Subpart C of Part 29 is amended by adding the new issuance, immediately after § 29.6411, to read as follows:

OFFICIAL STANDARD GRADES FOR GEORGIA AND FLORIDA SHADE-GROWN CIGAR-WRAPPER TOBACCO[1] (U.S. TYPE 62)

DEFINITIONS

Sec.
29.6501 Definitions.
29.6502 Air-cured.
29.6503 Body.
29.6504 Candela-cured.
29.6505 Candela-cured green colors.
29.6506 Class.
29.6507 Color.
29.6508 Color shade.
29.6509 Color symbols.
29.6510 Condition.
29.6511 Crude.
29.6512 Cured.
29.6513 Damage.
29.6514 Dirty.
29.6515 Elasticity.
29.6516 Elements of quality.
29.6517 Fibers.
29.6518 Fleck (FL).
29.6519 Foreign matter.
29.6520 Form.
29.6521 Grade.
29.6522 Grademark.
29.6523 Green (G).
29.6524 Greenish.
29.6525 Group.
29.6526 Injury.
29.6527 Leaf scrap.
29.6528 Leaf structure.
29.6529 Length.
29.6530 Lot.
29.6531 Maturity.
29.6532 Mixed color (M).
29.6533 Nested.
29.6534 Offtype.
29.6535 Order (case).
29.6536 Package.
29.6537 Packing.
29.6538 Quality.
29.6539 Semicured.
29.6540 Side.
29.6541 Sound.
29.6542 Special factor.
29.6543 Stained.
29.6544 Stem.
29.6545 Stemmed.
29.6546 Strips.
29.6547 Subgrade.
29.6548 Sweated.
29.6549 Sweating.
29.6550 Tobacco.
29.6551 Tobacco products.
29.6552 Type.
29.6553 Type 62.
29.6554 Undried.
29.6555 Uniformity.
29.6556 Unstemmed.
29.6557 Variegated.
29.6558 Wet.

RULES

29.6581 Rules.
29.6582 Rule 1.
29.6583 Rule 2.
29.6584 Rule 3.
29.6585 Rule 4.
29.6586 Rule 5.
29.6587 Rule 6.
29.6588 Rule 7.
29.6589 Rule 8.
29.6590 Rule 9.
29.6591 Rule 10.
29.6592 Rule 11.
29.6593 Rule 12.
29.6594 Rule 13.
29.6595 Rule 14.
29.6596 Rule 15.
29.6597 Rule 16.
29.6598 Rule 17.
29.6599 Rule 18.
29.6600 Rule 19.

ELEMENTS OF QUALITY

29.6616 Elements of quality and degrees of each element.

GRADES FOR NATURAL (AIR-CURED) TOBACCO

29.6636 Wrappers (A Group).
29.6637 Stained (S Group).
29.6638 Brokes (X Group).
29.6639 Nondescript (N Group).

GRADES FOR CANDELA-CURED TOBACCO

29.6646 Wrappers (A Group).
29.6647 Brokes (X Group).
29.6648 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.6656 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6661 Key to standard grademarks.

DEFINITIONS

§ 29.6501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6502 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of artificial heat except to prevent pole-burn in damp weather.

§ 29.6503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.6616.)

§ 29.6504 Candela-cured.

Tobacco cured under controlled artificial atmospheric conditions by regulating the heat and humidity. This process produces a green or greenish color in the cured leaves.

§ 29.6505 Candela-cured green colors.

A group of candela-cured wrapper colors ranging from a yellowish green to dark green. The range is expressed as yellowish green (YG), light green (LG), green (G), and dark green (KG).

[1] These standards provide grades for both air-cured and candela-cured tobacco.

§ 29.6506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6507 Color.

The third factor of a grademark based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.6508 Color shade.

The varying strength or weakness of a color or hue.

§ 29.6509 Color symbols.

In this type the color symbols used for naturally cured tobacco are M—mixed color, FL—fleck, K—variegated, and G—green. Color symbols used for candela-cured tobacco are LG—light green, G—green, YG—yellowish green, FL—fleck, and KG—dark green or dark green and variegated mixed.

§ 29.6510 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6511 Crude.

A subdegree of maturity. (See rule 18, § 29.6599.)

§ 29.6512 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6513 Damage.

The effect of mold, musk, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, musk, or rot is considered damaged. (See rule 19, § 29.6600.)

§ 29.6514 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 19, § 29.6600.)

§ 29.6515 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.6516 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in § 29.6616.

§ 29.6517 Fibers.

Lateral and cross veins in a tobacco leaf. (See chart, § 29.6616.)

§ 29.6518 Fleck (FL).

Spots or dapples on the surface of the tobacco leaf. (See rule 14, § 29.6595.)

§ 29.6519 Foreign matter.

Any extraneous substance or material. (See rule 19, § 29.6600.)

§ 29.6520 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6521 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6522 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. Color symbols are used only in the A group.

§ 29.6523 Green (G).

Green color. In natural wrappers any leaf which has a green color affecting 10 percent or more of its surface may be described as green. (See rule 16, § 29.6597.)

§ 29.6524 Greenish.

A term applied to greenish-tinged air-cured tobacco. Any leaf of natural wrapper tobacco which has a greenish tinge or a pale green color affecting 10 percent or more of its surface may be described as greenish.

§ 29.6525 Group.

A division of a type covering closely related grades. Groups in this type are Wrappers (A), Stained (S), Brokes (X), and Nondescript (N).

§ 29.6526 Injury.

Hurt or impairment. (See rule 13, § 29.6594.)

§ 29.6527 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6528 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.6616.)

§ 29.6529 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.6616.)

§ 29.6530 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6531 Maturity.

The degree of ripeness. (See chart, § 29.6616.)

§ 29.6532 Mixed color (M).

Normal colors of air-cured type 62 mixed in various proportions. Golden brown, light brown, reddish brown, and greenish hues may be included.

§ 29.6533 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See rule 19, § 29.6600.)

§ 29.6534 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as type 62. (See rule 19, § 29.6600.)

§ 29.6535 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.6536 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6537 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6538 Quality.

A division of a group or the second factor of a grademark based on the relative degree of one or more elements of quality in tobacco.

§ 29.6539 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See rule 19, § 29.6600.)

§ 29.6540 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.6541 Sound.

Free of damage.

§ 29.6542 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9, § 29.6590.)

§ 29.6543 Stained.

A term applied to tobacco that has been blackened, bruised, or discolored by excessive moisture. (See rules 17 and 19, §§ 29.6598 and 29.6600.)

§ 29.6544 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6545 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6546 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6547 Subgrade.

Any grade modified by a special factor symbol.

§ 29.6548 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.6549 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.6550 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.6551 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.6552 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6553 Type 62.

That type of shade-grown tobacco known as Georgia and Florida Shade-grown, produced principally in southwestern Georgia and in the central part of northern Florida.

§ 29.6554 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6555 Uniformity.

An element of quality which describes the consistency of a lot of tobacco. (See rule 12, § 29.6593.)

§ 29.6556 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6557 Variegated.

Two or more contrasting colors or tints within a leaf. (See rule 15, § 29.6596.)

§ 29.6558 Wet.

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 19, § 29.6600.)

RULES

§ 29.6581 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6582 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6583 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot or packing of tobacco or of an official sample of the lot or packing.

§ 29.6584 Rule 3.

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6585 Rule 4.

Tobacco of the A, X, or S groups shall be placed straight in boxes or bales of normal size, weight, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. All sides of the bales shall be completely covered with paper or other suitable protective material.

§ 29.6586 Rule 5.

A lot or packing of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.6587 Rule 6.

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

§ 29.6588 Rule 7.

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.6589 Rule 8.

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularites which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6590 Rule 9.

Any special factor approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.6591 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.6592 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6593 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot or packing which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6594 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected wrapper cutting area or the degree of the injury.

§ 29.6595 Rule 14.

Fleck shall be included only in A3FL, N1, and N2.

§ 29.6596 Rule 15.

Any lot or packing of tobacco containing over 10 percent of variegated leaves shall be designated by the color symbol "K" in natural wrappers and "KG" in candela wrappers.

§ 29.6597 Rule 16.

Any lot or packing of natural wrapper tobacco containing over 10 percent of green leaves shall be designated by the color symbol "G."

§ 29.6598 Rule 17.

Stained tobacco shall be included only in grades of the S and N groups.

§ 29.6599 Rule 18.

Crude leaves shall be included only in N2.

§ 29.6600 Rule 19.

Tobacco shall be designated "N2" when it is crude, damaged, dirty, improperly packed, nested, offtype, semicured, wet, or when it contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.6616 Elements of quality and degrees of each element.

These words or terms are used to determine tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees.

Elements	Degrees			
Body	Thin	Medium	Heavy.	
Color shade	True	Dusky	Dull.	
Maturity	Ripe	Unripe	Immature.	
Leaf structure.	Open	Firm	Close.	
Fiber size	Small	Medium	Large.	
Fiber color	Blending	Contrasting	Clashing.	
Injury	Expressed in percentages.			
Tolerance.				
Uniformity	do.			
Length	Expressed in inches.			

GRADES FOR NATURAL (AIR-CURED) TOBACCO

§ 29.6636 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1M	Choice Mixed-color Natural Wrappers Thin, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2M	Fine Short Mixed-color Natural Wrappers Thin, true color shades, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3M	Good Mixed-color Natural Wrappers Medium body, true color shades, ripe, open, medium-sized and contrasting fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Natural Wrappers Medium body, ripe, firm, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3K	Good Variegated Natural Wrappers Medium body, unripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3G	Good Green Natural Wrappers Heavy body, immature, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6637 Stained (S Group).

This group consists of tied, stained tobacco from the A group.

U.S. grades	*Grade names, minimum specifications, and tolerances*
S1	Choice Stained Natural Wrappers Thin, true color shades, ripe, open, over 14 inches in length. Uniformity, 85 percent. Tolerances: 5 percent injury, 10 percent stain parallel to the midrib.
S2	Fine Stained Natural Wrappers Medium body, ripe, open, over 14 inches in length. Uniformity, 70 percent. Tolerances: 10 percent injury, 20 percent stain.

§ 29.6638 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Natural Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Natural Brokes Medium body, ripe, open. Minimum wrapper yield, 25 percent.

§ 29.6639 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Natural Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grade in the A, S, or X groups.
N2	Lowest Natural Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

GRADES FOR CANDELA-CURED TOBACCO

§ 29.6646 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1LG	Choice Light Green Candela Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1G	Choice Green Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2G	Fine Green Short Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3YG	Good Yellowish Green Candela Wrappers Thin to medium body, ripe, open, medium-sized and contrasting fibers. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Candela Wrappers Thin to medium body, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3KG	Good Dark Green and Variegated Candela Wrappers Heavy, unripe, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6647 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Candela Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Candela Brokes Medium body, ripe, firm. Minimum wrapper yield, 25 percent.

§ 29.6648 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Candela Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grades in the A or X groups.
N2	Lowest Candela Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type.

SUMMARY OF STANDARD GRADES

§ 29.6656 Summary of standard grades.

NATURAL (AIR-CURED)

Wrappers

A1M	A3FL
A2M	A3K
A3M	A3G

Stained

S1 S2

Brokes

X1 X2

Nondescript

N1 N2

CANDELA-CURED

Wrappers

A1LG	A3YG
A1G	A3FL
A2G	A3KG

Brokes

X1 X2

Nondescript

N1 N2

KEY TO STANDARD GRADEMARKS

§ 29.6661 Key to standard grademarks.

Groups	*Qualities*
A—Wrappers.	1—Choice.
S—Stained.	2—Fine.
X—Brokes.	3—Good.
N—Nondescript.	

Colors

M—Mixed color.	YG—Yellowish green.
FL—Fleck.	KG—Dark green, or dark green and variegated mixed.
K—Variegated.	
G—Green.	
LG—Light green.	

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 29th day of January 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-1492 Filed 2-2-71;8:53 am]

[7 CFR Part 29]

TOBACCO INSPECTION

Proposed Official Standards for Connecticut Valley Shade-Grown Cigar-Wrapper

Notice is hereby given that the U.S. Department of Agriculture has under consideration the issuance of Official Standard Grades for Connecticut Valley Shade-grown Cigar-wrapper Tobacco, U.S. Type 61, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration leading to the proposed standards. Grade standards for tobacco are issued under the authority of the Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and permissive basis.

Tentative standard grades for Connecticut Valley Shade-grown tobacco were issued December 1933 under the authority of the Tobacco Stocks and Standards Act. They were slightly revised and issued in December 1956 under the authority of the Tobacco Inspection Act of 1935. Both versions contained grades for natural or air-cured tobacco only.

For some years it has been obvious that the tentative standards for type 61 tobacco were becoming obsolete. The increasing cost of labor has caused producers to adopt less stringent sorting methods. Also, the use of candela-curing has gradually become more widespread.

The candela-curing process exposes tobacco to artificial atmospheric conditions controlled by regulating heat and humidity. The traditional air-cured method subjects tobacco to natural atmospheric conditions without the use of artificial heat except to prevent poleburn in damp weather.

Studies of type 61 tobacco were conducted for several years to determine what changes would be necessary to bring the standards into focus with accepted methods of sorting and curing. Preliminary drafts were discussed with producer and industry representatives. Their suggestions were incorporated into the proposed official standards.

The proposal would simplify the grade structure for natural or air-cured tobacco by eliminating the eight special factors and the resultant subgrades and reducing the number of basic grades from 24 to 22. These changes would be accomplished through broadening grade specifications and relaxing length requirements to reflect current sorting practices. Ten grades would be established for candela-cured tobacco to describe that portion of type 61 production cured under this relatively new method.

In addition the proposal would add, revise, and delete definitions and rules to implement accurate application of the official standards.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed official standards are as follows:

1. Subpart C of Part 29 is amended by adding the new issuance immediately after § 29.6161 to read as follows:

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY SHADE-GROWN CIGAR-WRAPPER TOBACCO (U.S. TYPE 61)[1]

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29.6253 Body.
29.6254 Brown colors.
29.6255 Candela-cured.
29.6256 Candela-cured green colors.
29.6257 Class.
29.6258 Color.
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29.6262 Crude.
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29.6268 Fibers.
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29.6337 Rule 1.
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29.6353 Rule 17.
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ELEMENTS OF QUALITY

29.6371 Elements of quality.

GRADES FOR NATURAL (AIR-CURED) TOBACCO

29.6386 Wrappers (A Group).
29.6387 Stained (S Group).
29.6388 Brokes (X Group).
29.6389 Nondescript (N Group).

GRADES FOR CANDELA-CURED TOBACCO

29.6396 Wrappers (A Group).
29.6397 Brokes (X Group).
29.6398 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.6406 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6411 Key to standard grademarks.

DEFINITIONS

§ 29.6251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6252 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of artificial heat except to prevent poleburn in damp weather.

§ 29.6253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.6371.)

§ 29.6254 Brown colors.

A group of natural wrapper colors ranging from a golden brown to reddish brown. The range is expressed as golden brown (L), light brown (F), and reddish brown (R).

§ 29.6255 Candela-cured.

Tobacco cured under controlled artificial atmospheric conditions by regulating the heat and humidity. This process produces a green or greenish color in the cured leaves.

§ 29.6256 Candela-cured green colors.

A group of candela-cured wrapper colors ranging from a yellowish green to dark green. The range is expressed as yellowish green (YG), light green (LG), green (G), and dark green (KG).

§ 29.6257 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6258 Color.

The third factor of a grademark based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.6259 Color shade.

The varying strength or weakness of a color or hue.

[1] These standards provide grades for both air-cured and candela-cured tobacco.

§ 29.6260 **Color symbols.**

In this type the color symbols used for naturally cured tobacco are L—golden brown, F—light brown, M—mixed color, V—greenish, FL—fleck, R—reddish brown, K—variegated, and G—green. Color symbols used for candela-cured tobacco are LG—light green, G—green, YG—yellowish green, FL—fleck, and KG—dark green or dark green and variegated mixed.

§ 29.6261 **Condition.**

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6262 **Crude.**

A subdegree of maturity. (See rule 19, § 29.6355.)

§ 29.6263 **Cured.**

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6264 **Damage.**

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 20, § 29.6356.)

§ 29.6265 **Dirty.**

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 20, § 29.6356.)

§ 29.6266 **Elasticity.**

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.6267 **Elements of quality.**

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in § 29.6371.

§ 29.6268 **Fibers.**

Lateral and cross veins in a tobacco leaf. (See chart, § 29.6371.)

§ 29.6269 **Fleck (FL).**

Spots or dapples on the surface of the tobacco leaf. (See rule 14, § 29.6350.)

§ 29.6270 **Foreign matter.**

Any extraneous substance or material. (See rule 20, § 29.6356.)

§ 29.6271 **Form.**

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6272 **Grade.**

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6273 **Grademark.**

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. Color symbols are used only in the A group.

§ 29.6274 **Green (G).**

Green color. In natural wrappers any leaf which has a green color affecting 10 percent or more of its surface may be described as green. (See rule 17, § 29.6353.)

§ 29.6275 **Greenish (V).**

A color term applied to greenish-tinged air-cured tobacco. Any leaf of natural wrapper tobacco which has a greenish tinge or a pale green color affecting 10 percent or more of its surface may be described as greenish. (See rule 16, § 29.6352.)

§ 29.6276 **Group.**

A division of a type covering closely related grades. Groups in this type are Wrappers (A), Stained (S), Brokes (X), and Nondescript (N).

§ 29.6277 **Injury.**

Hurt or impairment. (See rule 13, § 29.6349.)

§ 29.6278 **Leaf scrap.**

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6279 **Leaf structure.**

The cell development of a leaf as indicated by its porosity. (See chart, § 29.6371.)

§ 29.6280 **Length.**

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.6371.)

§ 29.6281 **Lot.**

A pile, basket, bulk, package, or other definite unit.

§ 29.6282 **Maturity.**

The degree of ripeness. (See chart, § 29.6371.)

§ 29.6283 **Mixed color (M).**

Normal colors of air-cured type 61 mixed in various proportions. Golden brown, light brown, reddish brown, and greenish hues may be included.

§ 29.6284 **Nested.**

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See rule 20, § 29.6356.)

§ 29.6285 **Offtype.**

Tobacco of distinctly different characteristics which cannot be classified as type 61. (See rule 20, § 29.6356.)

§ 29.6286 **Order (case).**

The state of tobacco with respect to its moisture content.

§ 29.6287 **Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6288 **Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6289 **Quality.**

A division of a group or the second factor of a grademark based on the relative degree of one or more elements of quality in tobacco.

§ 29.6290 **Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See rule 20, § 29.6356.)

§ 29.6291 **Side.**

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.6292 **Sound.**

Free of damage.

§ 29.6293 **Special factor.**

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9, § 29.6345.)

§ 29.6294 **Stained.**

A term applied to tobacco that has been blackened, bruised, or discolored by excessive moisture. (See rules 18 and 20, §§ 29.6354 and 29.6356.)

§ 29.6295 **Stem.**

The midrib or large central vein of a tobacco leaf.

§ 29.6296 **Stemmed.**

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6297 **Strips.**

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6298 **Subgrade.**

Any grade modified by a special factor symbol.

§ 29.6299 **Sweated.**

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.6300 **Sweating.**

The condition of tobacco in the process of fermentation.

§ 29.6301 **Tobacco.**

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.6302 **Tobacco products.**

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.6303 **Type.**

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6304 **Type 61.**

That type of shade-grown tobacco known as Connecticut Valley Shade-grown, produced principally in the Connecticut Valley section of Connecticut and Massachusetts.

§ 29.6305 **Undried.**

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6306 **Uniformity.**

An element of quality which describes the consistency of a lot of tobacco. (See rule 12, § 29.6348.)

§ 29.6307 **Unstemmed.**

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6308 **Variegated.**

Two or more contrasting colors or tints within a leaf. (See rule 15, § 29.6351.)

§ 29.6309 **Wet.**

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 20, § 29.6356.)

RULES

§ 29.6336 **Rules.**

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6337 **Rule 1.**

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6338 **Rule 2.**

The determination of a grade shall be based upon a thorough examination of a lot or packing of tobacco or of an official sample of the lot or packing.

§ 29.6339 **Rule 3.**

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6340 **Rule 4.**

Tobacco of the A, X, or S groups shall be placed straight in boxes or bales of normal size, weight, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. All sides of the bales shall be completely covered with paper or other suitable protective material.

§ 29.6341 **Rule 5.**

A lot or packing of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.6342 **Rule 6.**

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

§ 29.6343 **Rule 7.**

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.6344 **Rule 8.**

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.6345 **Rule 9.**

Any special factor approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.6346 **Rule 10.**

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch, and approved by the Director.

§ 29.6347 **Rule 11.**

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6348 **Rule 12.**

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot or packing which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6349 **Rule 13.**

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected wrapper cutting area or the degree of injury.

§ 29.6350 **Rule 14.**

Fleck shall be included only in A2FL, A3FL, N1, and N2.

§ 29.6351 **Rule 15.**

Any lot or packing of tobacco containing over 10 percent of variegated leaves shall be designated by the color symbol "K" in natural wrappers and "KG" in candela wrappers.

§ 29.6352 **Rule 16.**

Any lot or packing of L- or F-colored natural wrapper tobacco containing over 10 percent of greenish leaves shall be designated by the color symbol "V".

§ 29.6353 **Rule 17.**

Any lot or packing of natural wrapper tobacco containing over 10 percent of green leaves shall be designated by the color symbol "G".

§ 29.6354 **Rule 18.**

Stained tobacco shall be included only in grades of the S and N groups.

§ 29.6355 **Rule 19.**

Crude leaves shall be included only in N2.

§ 29.6356 **Rule 20.**

Tobacco shall be designated "N2" when it is crude, damaged, dirty, improperly packed, nested, offtype, semicured, wet, or when it contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.6371 **Elements of quality and degrees of each element.**

These words or terms are used to determine tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees.

Elements	Degrees			
Body	Thin	Medium	Heavy.	
Color shade	True	Dusky	Dull.	
Maturity	Ripe	Unripe	Immature.	
Leaf structure	Open	Firm	Close.	
Fiber size	Small	Medium	Large.	
Fiber color	Blending	Contrasting	Clashing.	
Injury tolerance	Expressed in percentages.			
Uniformity	do			
Length	Expressed in inches.			

GRADES FOR NATURAL (AIR-CURED) TOBACCO

§ 29.6386 **Wrappers (A Group).**

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	Grade names, minimum specifications, and tolerances
A1L	Choice Golden Brown Natural Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2L	Fine Golden Brown Natural Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity 90 percent; injury tolerance, 10 percent.
A3L	Good Short Golden Brown Natural Wrappers Thin to medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1F	Choice Light Brown Natural Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2F	Fine Light Brown Natural Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3F	Good Short Light Brown Natural Wrappers Thin to medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1M	Choice Mixed-color Natural Wrappers Thin, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2M	Fine Mixed-color Natural Wrappers Medium body, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3M	Good Short Mixed-color Natural Wrappers Thin to medium body, true color shades, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2V	Fine Greenish Natural Wrappers Thin to medium body, true color shade, ripe, open small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3V	Good Greenish Short Natural Wrappers Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A2FL	Fine Fleck Natural Wrappers Thin to medium body, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Short Natural Wrappers Heavy, ripe, firm, 14 inches or under in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3R	Good Reddish Brown Natural Wrappers Heavy, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3K	Good Variegated Natural Wrappers Medium body, unripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3G	Good Green Natural Wrappers Heavy, immature, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6387 Stained (S Group).

This group consists of tied, stained tobacco from the A group.

U.S. grades	Grade names, minimum specifications, and tolerances
S1	Choice Stained Natural Wrappers Thin, true color shades, ripe, open, over 14 inches in length. Uniformity, 85 percent. Tolerances: 5 percent injury, 10 percent stain parallel to the midrib.
S2	Fine Stained Natural Wrappers Medium body, ripe, open, over 14 inches in length. Uniformity, 70 percent. Tolerances: 10 percent injury, 20 percent stain.

§ 29.6388 Brokes (S Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	Grade names and minimum specifications
X1	Choice Natural Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Natural Brokes Medium body, ripe, open. Minimum wrapper yield, 25 percent.

§ 29.6389 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	Grade names and specifications
N1	Best Natural Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grade in the A, S, or X groups.
N2	Lowest Natural Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

GRADES FOR CANDELA-CURED TOBACCO

§ 29.6396 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	Grade names, minimum specifications, and tolerances
A1LG	Choice Light Green Candela Wrappers Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1G	Choice Green Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2G	Fine Green Short Candela Wrappers Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3YG	Good Yellowish Green Candela Wrappers Thin to medium body, ripe, open, medium-sized and contrasting fibers. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Candela Wrappers Thin to medium body, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3KG	Good Dark Green and Variegated Candela Wrappers Heavy, unripe, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6397 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	Grade names and minimum specifications
X1	Choice Candela Brokes Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Candela Brokes Medium body, ripe, firm. Minimum wrapper yield, 25 percent.

§ 29.6398 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	Grade names and specifications
N1	Best Candela Nondescript Any tobacco except N2 which does not meet the specifications of the lowest grades in the A or X groups.
N2	Lowest Candela Nondescript Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type.

SUMMARY OF STANDARD GRADES

§ 29.6406 Summary of standard grades.

NATURAL (AIR-CURED)

Wrappers

A1L	A2F	A3M	A3FL
A2L	A3F	A2V	A3R
A3L	A1M	A3V	A3K
A1F	A2M	A2FL	A3G

Stained

S1 S2

Brokes

X1 X2

Nondescript

N1 N2

CANDELA-CURED

Wrappers

A1LG	A3YG
A1G	A3FL
A2G	A3KG

Brokes

X1 X2

Nondescript

N1 N2

KEY TO STANDARD GRADEMARKS

§ 29.6411 Key to standard grademarks.

Groups	Qualities
A—Wrappers.	1—Choice.
S—Stained.	2—Fine.
X—Brokes.	3—Good.
N—Nondescript.	

Colors

L—Golden brown.	LG—Light green.
F—Light brown.	YG—Yellowish green.
M—Mixed color.	KG—Dark green, or dark green and variegated mixed.
V—Greenish.	
FL—Fleck.	
R—Reddish brown.	
K—Variegated.	
G—Green.	

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 29th day of January 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-1493 Filed 2-2-71;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD

Identity Standard; Listing of Papain as an Optional Ingredient

Notice is given that a petition has been filed by CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632, proposing that the standard of identity for bread (21 CFR 17.1) be amended to permit papain preparations obtained from papaya to be listed as optional ingredients.

Grounds given in support of the proposal are that:

1. Papain is generally recognized as safe (21 CFR 121.101).

2. Papain improves the handling characteristics and machinability of dough and improves the grain and texture of bread.

3. Papain is effective in both the conventional "sponge and dough" process and the continuous process for making bread.

The petitioner proposes that § 17.1(a)(6)(ii) be revised to add papain preparations obtained from papaya to the ingredients already provided for therein, including the provision for a suitable harmless carrier.

Papain, if used as an optional ingredient, would not be required to be designated on the label of the bread. This is consistent with the provisions of the bread standard since the other enzymes listed in paragraph (a)(6)(ii) are not so required.

Due to cross-references, adopting the proposal would have the effect of providing for papain as an optional ingredient in enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2, 17.3, 17.4, and 17.5).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: January 26, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-1391 Filed 2-2-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

SHIPMENTS OF NO. 2 FUEL OIL FROM PUERTO RICO; DISTRICT I

Notice of Proposed Rule Making

In order to remove deterrants to shipments of No. 2 fuel oil from Puerto Rico and thus broaden the base for purchases of such oil in the Western Hemisphere, it is proposed to add to paragraph (b) of section 15 (Allocations of crude oil and unfinished oils—Puerto Rico) of Oil Import Regulation 1 (Revision 5) as amended (33 F.R. 3062), the following three new sentences: "However, such a person's allocation for the period beginning April 1, 1972, shall not be reduced by reason of the shipment of No. 2 fuel oil, or the sale of No. 2 fuel oil which was shipped, to a recipient in District I during the calendar year 1971, if that recipient holds an allocation of imports of No. 2 fuel oil into District I and relinquishes to the Administrator a quantity of imports under such allocation equal to the quantity of No. 2 fuel oil which was shipped or which was sold and so shipped. As used in this paragraph, the term "No. 2 fuel oil" means only No. 2 fuel oil which is derived from crude oil produced in the Western Hemisphere (North America, Central America, South America, and the West Indies)." Final action on the proposal will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, Jr.,
Acting Administrator,
Oil Import Administration.

FEBRUARY 1, 1971.

[FR Doc.71-1601 Filed 2-2-71;10:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-156]

SHEEPSCOT RIVER, MAINE

Drawbridge Operation

1. The Chief, Office of Operations, U.S. Coast Guard is considering requests from the Marine Central Railroad Co. to establish special operation regulations for its bridges across the Sheepscot River Mile 15 and the Maine State Highway Commission to revise the special operation regulations for its bridge across the Sheepscot River Mile 14. These requests were made for the purpose of reducing operating expenses in view of the infrequent openings currently required. Present regulations governing the Maine Central Railroad require that the draw be opened promptly on signal. The draws of the Maine State Highway bridge are presently required to be opened on signal from June 1 through September 30 from 9 a.m. to 9 p.m. Advance notice is required from June 1 through September 30 from 9 p.m. to 9 a.m. to be given to the drawtender while he is on duty. From October 1 through May 31, 24 hours' advance notice is required. The proposed regulations would require at least 24 hours' advance notice at all times.

2. It is proposed that Part 117 be amended by revising § 117.5a to read as follows:

§ 117.5a Sheepscot River, Maine.

(a) *Maine State Highway Commission bridge, Mile 14.* The draw need not be opened for the passage of vessels unless at least 24 hours' advance notice has been given to the Maine State Highway Commission, Augusta, Maine, in person, in writing, or by telephone.

(b) *Maine Central Railroad Company bridge, mile 15.0.* The draw need not be opened for the passage of vessels unless at least 24 hours' advance notice has

been given to the railroad's agent at Wiscasset in person, in writing, or by telephone.

Authority for this section is set forth in section 5, 28 Stat. 362 as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2)), 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05–1(c)(4) (35 F.R. 15922).

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before March 8, 1971. All submissions should be made in writing to the Commander, First Coast Guard District, J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, First Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations will thereafter make a final determination with respect to these proposals.

Dated: January 27, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-1423 Filed 2-2-71;8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-1]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would realign the segment of VOR Federal airway No. 159 between St. Joseph, Mo., and Omaha, Nebr., and extend V-307 with a west alternate from Pawnee City, Nebr., to Omaha.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace actions proposed in this docket would:

1. Realign V-159 between St. Joseph and Omaha via the intersection of the St. Joseph VORTAC 328° T (320° M) and Omaha VORTAC 155° T (147° M) radials.

2. Extend V-307 from the Pawnee City VORTAC direct to the Omaha VORTAC with a west alternate via the intersection of the Pawnee City VORTAC 003° T (354° M) and Omaha VORTAC 226° T (218° M) radials.

An increase in air traffic in the vicinity of Omaha requires an alteration of the airway structure in the terminal area. The proposed realignment of airways would provide a dual airway capability between St. Joseph and Omaha and between Pawnee City and Omaha.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 27, 1971.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.71-1471 Filed 2-2-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-3]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Palmdale, Calif., control zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The Lockheed Aircraft Corp. is presently installing an Instrument Landing System (ILS) at the Palmdale Production Flight Test Installation, Air Force Plant No. 42, Palmdale, Calif.

The ILS is being installed to serve Runway 25 and will be an improved alignment over the ILS formerly installed for Runway 22. Target date for commissioning is March 1, 1971. On completion of the flight inspection-acceptance check, the facility will be turned over to the Federal Aviation Administration. The ILS will be used primarily for checkout of airborne equipment of the Lockheed 1011 and as a training facility by air carrier aircraft conducting ILS training and proficiency flights.

Two new instrument approach procedures are proposed, one utilizing the ILS 086° T (071° M) and 266° T (251° M) bearings from the ILS LOM, and the VORTAC Runway 25 approach utilizing the 099° T (084° M) radial of the Palmdale VORTAC. The airspace requirements for these and the current VOR and TACAN 1 Runway 25 instrument approach procedures have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPs). As a result of the review, control zone extensions are required for each procedure to provide controlled airspace protection for aircraft executing the prescribed instrument procedures while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the description of the Palmdale, Calif., control zone is amended to read as follows:

PALMDALE, CALIF.

Within a 5-mile radius of Air Force Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.), within 2 miles each side of the Palmdale VORTAC 045° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC, within 3 miles each side of the ILS localizer east course, extending from the 5-mile radius zone to 7.5 miles east of the LOM, and within 2 miles south of and parallel to the Palmdale VORTAC 099° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-1474 Filed 2-2-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-122]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Montevideo, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new instrument approach procedure has been developed for the Montevideo Municipal Airport, Montevideo, Minn. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Montevideo transition area to adequately protect aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MONTEVIDEO, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 3 miles each side of the 313° bearing from the Montevideo Municipal Airport extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 313° and 133° bearings from the Montevideo Municipal Airport extending from 5 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 133° bearing from the Montevideo Municipal Airport extending from the airport to 12 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-1475 Filed 2-2-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-123]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wisconsin Rapids, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new instrument approach procedure has been developed for the Alexander Field-Southwood County Airport at Wisconsin Rapids, Wis. Accordingly, it is necessary to alter the Wisconsin Rapids transition area to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WISCONSIN RAPIDS, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field-Southwood County Airport (latitude 44°21'30" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile-radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-1476 Filed 2-2-71;8:52 am]

[14 CFR Parts 71, 73, 75]

[Airspace Docket No. 70-WE-93]

RESTRICTED AREAS AND JET ROUTES

Proposed Designation and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations that would designate a joint-use restricted area near Green River, Utah, revoke the Hanksville, Utah, Restricted Area and designate jet route segments from Grand Junction, Colo., to Wilson Creek, Nev., and from Grand Junction to Bryce Canyon, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules

Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force has requested the designation of a restricted area at Green River, Utah, to provide for the launching of U.S. Army Pershing ballistic missiles. The proposed area would contain the first stage booster impact and, when required, the unignited second stage and missile warhead. A normal launch would result in the expended second stage and the warhead impacting in R-5107A, B, or C.

The proposed restricted area would overlie a portion of the existing R-6409. Consolidation of launch activities in the same general location provides a savings and improved support logistics. The Pershing ballistic missile firings to be conducted within the proposed restricted area cannot be accomplished within the existing R-6409. The Air Force has advised that firings will be individually scheduled and the proposed area and R-6409 and its associated fallout area R-6408 will not be activated at the same time. The proposed area would be activated for a period of approximately 90 days annually with the first period beginning April 1, 1971. Each successive period would be designated by a rule published in the FEDERAL REGISTER. Four 5-hour firing periods would be scheduled during the 90-day period. Thirteen missiles would be fired during each 5-hour period. For each missile firing the area would be utilized only long enough to clear the area of traffic and launch the missile. From launch to impact, the duration of the missile flight would be 8 minutes. During other times the area would be available for normal air traffic use.

The proposed jet routes would be used as alternate routes for J-60 and J-80 during the effective hours of the restricted area.

In view of the foregoing, the FAA proposes the following airspace actions:

1. R-6413, Green River, Utah, Restricted Area would be designated as follows:

Boundaries: Beginning at latitude 38°57'-00" N., longitude 110°09'40" W.; thence to latitude 38°46'03" N., longitude 110°06'00" W.; to latitude 38°31'30" N., longitude 109°57'00" W.; to latitude 38°31'30" N., longitude 109°51'00" W.; to latitude 38°33'-27" N., longitude 109°46'00" W.; to latitude 38°49'15" N., longitude 109°57'02" W.; to latitude 38°58'02" N., longitude 110°05'33" W.; thence to point of beginning.

Designated altitudes: Surface to unlimited.

Time of designation: From April 1, 1971, to June 30, 1971, unless canceled sooner by Notices to Airmen. All subsequent firing periods would be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Air Force Special Weapons Center, Air Force Systems Command, Kirtland AFB, N. Mex.

2. A jet route would be designated from the Grand Junction, Colo., VOR TAC to the Wilson Creek, Nev., VOR TAC via the intersection of the Grand Junction 274° T (259° M) and Wilson Creek 067° T (052° M) radials.

3. A jet route would be designated from the Grand Junction, Colo., VOR TAV to the Bryce Canyon, Utah, VOR TAC via the intersection of the Grand Junction 232° T (217° M) and Bryce Canyon 090° T (075° M).

4. The Continental Control Area would be altered by adding the Green River Restricted Area, R-6413 and deleting R-6411 Hanksville, Utah.

5. The Hanksville, Utah, Restricted Area, R-6411, would be revoked.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 27, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-1472 Filed 2-2-71;8:51 am]

[14 CFR Part 75]

[Airspace Docket No. 70-WA-43]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 10 area high routes in the western United States.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J-850R LOS ANGELES, CALIF., TO SAN FRANCISCO, CALIF.

Santa Barbara, Calif., 107.2°M/42.9 NM, lat. 34°06'54" N, long. 119°02'55"W;
Santa Barbara, Calif., 316°M/39.1 NM, lat. 35°05'05" N, long. 120°08'34" W;
Avenal, Calif., 241.9°M/34.1 NM, lat. 35°-31'34" N, long. 120°39'27" W;
Salinas, Calif., 151.4°M/27.1 NM, lat. 36°13'-15" N, long. 121°29'25" W;
Salinas, Calif., 265°M/26.5 NM, lat. 36°45'16" N, long. 122°08'26" W.

J-851R SAN FRANCISCO, CALIF., TO LOS ANGELES, CALIF.

Fresno, Calif., 257.1°M/92.6 NM, lat. 36°58'-59" N, long. 121°43'26" W;
Los Angeles, Calif., 297°M/26 NM, lat. 34°-13'24" N, long. 118°49'11" W.

J-852R LAS VEGAS, NEV., TO SAN FRANCISCO, CALIF.

Beatty, Nev., 119.7°M/63.5 NM, lat. 36°02'-22" N, long. 115°50'08" W;
Fresno, Calif., 292.1°M/70.9 NM, lat. 37°37'-39" N, long. 120°57'25" W.

J-853R LOS ANGELES, CALIF., TO PHOENIX, ARIZ.

Oceanside, Calif., 300.9°M/45.5 NM, lat. 33°-47'05" N, long. 118°03'03" W;
Yuma, Ariz., 024.6°M/57.4 NM, lat. 33°30'-58" N, long. 113°53'17" W;
Gila Bend, Ariz., 040.1°M/48.7 NM, lat. 33°-25'53" N, long. 111°53'17" W.

J-854R LOS ANGELES, CALIF., TO SACRAMENTO, CALIF.

Avenal, Calif., 137.2°M/102.8 NM, lat. 34°-06'54" N, long. 119°02'55" W;
Avenal, Calif., VORTAC, lat. 35°38'49" N, long. 119°58'40" W;
Stockton, Calif., VORTAC, lat. 37°50'01" N, long. 121°10'13" W.

J-855R DALLAS, TEX., TO SAN FRANCISCO, CALIF.

Wichita Falls, Tex., 121.5°M/104.7 NM, lat. 32°49'10" N, long. 97°02'28" W;
Wichita Falls, Tex., VORTAC, lat. 33°59'14" N, long. 98°35'35" W;
Texico, N. Mex., VORTAC, lat. 34°29'42" N, long. 102°50'21" W;
Socorro, N. Mex., 356.8°M/46.6 NM, lat. 35°-06'22" N, long. 106°39'21" W;
St. Johns, Ariz., 354.5°M/60 NM, lat. 35°-24'51" N, long. 108°57'44" W;
Tuba City, Ariz., 172.3°M/26.4 NM, lat. 35°-41'03" N, long. 111°20'14" W;
Boulder City, Nev., VORTAC, lat. 35°59'45" N, long. 114°51'46" W;
Beatty, Nev., 119.7°M/63.5 NM, lat. 36°-02'22" N, long. 115°50'08" W;
Fresno, Calif., 022.1°M/70.9 NM, lat. 37°-37'39" N, long. 120°57'25" W.

J-857R DENVER, COLO., TO SALT LAKE CITY, UTAH

Meeker, Colo., 077.8°M/68.4 NM, lat. 40°-00'10" N, long. 106°26'31" W;
Fairfield, Utah, VORTAC, lat. 40°16'30" N, long. 111°56'23" W.

J-858R DENVER, COLO., TO KANSAS CITY, MO.

Hill City, Kans., 268.3°M/93.5 NM, lat. 39°-29'41" N, long. 102°12'42" W;
Hill City, Kans., 348.7°M/13.6 NM, lat. 39°-29'09" N, long. 100°13'37" W;
Kansas City, Mo., 266°M/19 NM, lat. 39°-18'03" N, long. 94°59'53" W.

J-859R KANSAS CITY, MO., TO DENVER, COLO.

Salina, Kans., 070.9°M/124.9 NM, lat. 39°-13'06" N, long. 94°59 28" W;
Salina, Kans., 071°M/30 NM, lat. 38°58'04" N, long. 96°59'46" W;
Goodland, Kans., 273°M/25 NM, lat. 39°-29'41" N, long. 102°12'42" W.

J-861R EL PASO, TEX., TO LOS ANGELES, CALIF.

Truth or Consequences, N. Mex., 137.2°M/102 NM, lat. 31°48'03" N, long. 106°17'17" W;
San Simon, Ariz., 271°M/30 NM, lat. 32°-23'21" N, long. 109°50'08" W;
Phoenix, Ariz., 147°M/42 NM, lat. 32°46'04" N, long. 111°37'04" W;
Parker, Calif., 116.3°M/52.9 NM, lat. 33°-30'58" N, long. 113°53'17" W;
Parker, Calif., 255.3°M/102.5 NM, lat. 34°-05'40" N, long. 116°44'17" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 27, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-1473 Filed 2-2-71;8:51 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 70-27; Notice 4]

HYDRAULIC BRAKE SYSTEMS

Motor Vehicle Safety Standard; Extension of Time for Comments

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 105, Hydraulic Brake Systems, was published on November 11, 1970 (35 F.R. 17345), with a closing date for comments of February 4, 1971. Borg & Beck Division of Borg-Warner Corp. has petitioned for an extension of the closing date in order to allow time for compilation of data from tests conducted on antilock brake systems, and to allow completion and testing of a vehicle with a brake system that can meet the proposed stopping distance requirements. In response to this request, the closing date for comments is hereby extended to March 4, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on January 28, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-1373 Filed 2-2-71;8:45 am]

[49 CFR Part 571]

[Docket No. 69-18; Notice 3]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Motor Vehicle Safety Standard

Standard No. 108, establishing requirements for lighting equipment and reflective devices on motor vehicles, was amended in several respects on October 31, 1970 (35 F.R. 16840). One of these amendments deleted the provisions in SAE Standard J590b, "Automotive Turn Signal Flasher", and SAE Standard J945, "Vehicular Hazard Warning Signal Flasher," incorporated by reference in Standard No. 108, that specified a sample size and a permissible failure rate for the items tested. In response to an objection by an interested manufacturer that this particular amendment was not included in the prior notice of proposed rule making (35 F.R. 106, Jan. 3, 1970), this amendment has been revoked by notice issued today (36 F.R. 1896) and the amendment is hereby set forth as a proposal to allow interested parties opportunity to comment.

The SAE provisions in question specify that 50 items shall be "submitted for test", that 20 items shall be chosen from the 50, and that "at least 17 out of 20 samples" shall meet the requirements. These provisions are considered by this agency, both as policy and as a legal matter, to be inappropriate for a motor vehicle safety standard in light of the purposes and language of the National Traffic and Motor Vehicle Safety Act, which in section 108(a)(1) requires that no person shall manufacture any item or equipment that does not conform to applicable "standards", defined in part as "minimum standards for motor vehicle performance."

This agency does not, however, accept the proposition that every change in detail made from a notice of proposed rule making must be resubmitted as a proposal before a final rule may be issued. In this area of complex technical rule making, such a practice would greatly increase the number of notices that would have to be issued, without corresponding public benefit. It does not appear to be mandated by the Administrative Procedure Act's provision (5 U.S.C. 553) that notices of proposed rule making shall include "either the terms of substance of the proposed rule or a description of the subjects and issues involved."

In consideration of the foregoing, it is proposed that 49 CFR 571.21, Motor Vehicle Safety Standard No. 108, S4.4.2, Table I, and Table III thereof, be amended as follows:

1. S4.4.2 would be amended by adding the following sentence at the end thereof: "The sampling provisions in these standards shall be omitted".

2. Table I, Column 4, and Table III, Column 5 would be amended by changing "J590b, October 1965" to read "J590b, October 1965, omitting sampling provisions".

3. Table I, Column 4, and Table III, Column 5 would be amended by changing "J945, February 1966" to read "J945, February 1966, omitting sampling provisions".

Interested persons are invited to submit data, views, and arguments concerning the proposed amendments. Comments are particularly invited on the leadtime and costs directly related to compliance with the proposal. Comments should refer to the docket number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 4223, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on March 4, 1971, will be considered and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rulemaking action may proceed at any time after the date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continuing to examine the docket for new materials.

Proposed effective date: January 1, 1972.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on January 28, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-1372 Filed 2-2-71;8:45 am]

[49 CFR Part 571]

[Docket No. 71-5; Notice 1]

DOOR LOCKS AND DOOR RETENTION COMPONENTS

Motor Vehicle Safety Standard

This notice proposes to amend 49 CFR 571.21, Standard No. 206—Door Locks and Door Retention Components on Passenger Cars, Multipurpose Passenger Vehicles, and Trucks, so that its requirements would apply to any side door leading directly into a passenger compartment.

S4. of the Standard provides, in pertinent part, that "side door components referred to herein shall conform to this standard if any portion of a 90th-percentile two-dimensional manikin as described in SAE Practice J826, when positioned at any seating reference point, projects into the door opening area on the side elevation or profile view." Under this language, Standard No. 206 applies only to those side doors that are laterally opposite designated seating positions. The proposed amendment is intended to afford protection against ejection through side doors not only to those persons who, when seated, would project into the side door opening area, but also those persons who are either sitting farther from the door opening or standing anywhere in the compartment. As amended, the Standard would apply to all side doors leading into a passenger compartment containing one or more

seating accommodations. The Standard would apply to such doors regardless of the location of the seating accommodation within the compartment and regardless of whether the seating accommodation is a designated seating position.

In consideration of the above, it is proposed that S4. of Standard No. 206, in § 571.21 of Title 49, Code of Federal Regulations, be revised to read as follows:

§ 571.21 **Federal Motor Vehicle Safety Standards.**

• • • • • •

MOTOR VEHICLE SAFETY STANDARD NO. 206

DOOR LOCKS AND DOOR RETENTION COMPONENTS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, AND TRUCKS

• • • • • •

S4. *Requirements.* Components on any side door leading directly into a compartment that contains one or more seating accommodations shall conform to this standard. However, components on folding doors, roll-up doors and doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors need not conform to this standard.

• • • • • •

Comments are invited on the proposal, particularly on the leadtime required for compliance. Comments should identify the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 4223, 400 Seventh Street SW., Washington, DC 20591. Ten copies are requested, but not required.

All comments received before the close of business on April 5, 1971, will be considered, and will be available for examination at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: January 1, 1972.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on January 29, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-1459 Filed 2-2-71;8:50 am]

[49 CFR Part 571]

[Docket No. 70-28; Notice 2]

NEW PNEUMATIC TIRES FOR PASSENGER CARS

Motor Vehicle Safety Standard; Extension of Time for Comments

A notice of a proposed amendment to Federal Motor Vehicle Safety Standard No. 109 to establish a new criterion for calculating the breaking energy value of the tire strength test was published on November 10, 1970 (35 F.R. 17272), with a closing date for comments of February 5, 1971. The Rubber Manufacturers Association has requested an extension of time to file comments to this docket, in order to make tests and prepare a statistical analysis of the results of the tests. In response to this request the closing date for comments is hereby extended to March 8, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on February 1, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-1544 Filed 2-2-71;8:53 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 73]

PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

Notice of Proposed Rule Making

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 73, "Physical Protection of Special Nuclear Material," to prescribe new requirements, in the interest of national security, to strengthen existing requirements for physical protection of special nuclear material while in transit.

A licensee of special nuclear material subject to Part 73 requirements would be required:

1. To provide for monitoring by an "authorized individual" of all shipments when such material is scheduled to be handled and is transported in a package which weighs less than 500 pounds; this requirement would supplement the hand-to-hand receipt system of physical protection presently required;

2. To conduct an appropriate investigation of each individual to be designated by the licensee as an "authorized individual" to support the belief that the individual is trustworthy;

3. To assure that all such material, which the licensee delivers to a carrier for transport or which he transports, will be physically protected as specified in Part 73; and

4. If he is the shipper, to make arrangements with the consignee to be notified of the arrival of a protected shipment at its destination, and, if he is the consignee, to notify the shipper of the arrival of a protected shipment at its destination.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 73 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 73.1 is amended to read as follows:

§ 73.1 **Purpose and scope.**

This part prescribes requirements for the physical protection of special nuclear material by any person who is licensed pursuant to the regulations in Part 70 of this chapter and who exports, transports, or delivers to a carrier for transport in a single shipment, or possesses at any site or contiguous sites subject to control by the licensee, more than 5,000 grams of uranium 235 (contained in uranium enriched to 20 percent or more in the U235 isotope), uranium 233, or plutonium, or a combination thereof.

2. Section 73.3(b) is amended to read as follows:

§ 73.3 **Definitions.**

• • • • • •

(b) "Authorized individual" means an individual, including an employee, a consultant, or an agent of a licensee, who after adequate background investigation, is reasonably believed by the licensee to be trustworthy and who has been designated in writing by the licensee to have responsibility for surveillance of special nuclear material.

• • • • • •

3. Section 73.31 is amended to read as follows:

§ 73.31 **Physical protection of special nuclear material in transit.**

(a) Each licensee who transports or who delivers to a common or contract carrier for transport special nuclear material shall assure that such special nuclear material will be protected in transit as follows:

(1) Special nuclear material will be transported in the continuous personal custody of an authorized individual, or

(2) (i) Special nuclear material will be transported under the established procedures of a common or contract carrier which provide a system for the physical protection of valuable material in transit and require an exchange of hand-to-hand receipts at origin and destination and at all points en route where there is a transfer of custody.

(ii) A container the gross weight of which is less than 500 pounds shall be monitored by an authorized individual during a scheduled transfer from storage to a vehicle, from one vehicle to another, or from a vehicle to storage. The authorized individual shall be required to notify his employer and the carrier immediately of any deviation from, or attempted interference with, schedule or routing.

(b) Each licensee who delivers to a carrier for transport special nuclear material, shall immediately notify the consignee by telephone, telegram, or teletype, of the time of departure of the shipment, the method of transportation, including names of carriers, and the estimated time of arrival of the shipment at its destination. He shall also make arrangements with the consignee to be notified immediately by telephone, telegraph, or teletype, of the arrival of the shipment at its destination.

(c) In addition to the requirements specified in paragraphs (a), (b), and (e) of this section, each licensee who exports special nuclear material shall make arrangements with the consignee to be notified immediately by telephone, telegraph, or teletype, of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination.

(d) Each licensee who receives a shipment of special nuclear material shall immediately notify the person who delivered the material to a carrier for transport of the arrival of the shipment at its destination. In the event such a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone, telegram, or teletype, the Director of the appropriate Atomic Energy Commission District Safeguards Office listed in Appendix A, and the licensee or other person who delivered the material to a carrier for transport.

(e) Each licensee who makes arrangements for physical protection of a shipment of special nuclear material as required by this section, shall immediately conduct a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and file a report with the Commission as specified in § 73.42 and immediately report the results of his investigation by telephone, telegram, or teletype to the consignee.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 21st day of January 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-1384 Filed 2-2-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[No. MC-C-4000 (Sub-No. 4)]

MOTOR TRANSPORTATION OF PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

Notice of Proposed Rule Making

JANUARY 29, 1971.

Redefinition of the limits of the zone within which motor transportation of passengers having an immediately prior or subsequent movement by air from or to Philadelphia International Airport, Philadelphia, Pa., is exempt from economic regulation pursuant to section 203(b)(7a) of the Interstate Commerce Act, defined in MC-C-4000, 95 M.C.C. 526 at pages 538-539.

Petitioner: Airport Shuttle Service, Inc. Petitioner's representative: H. James Conway, Jr., 1401 Market Tower, Wilmington, DE 19801. By petition filed January 21, 1971, the above-named petitioner requests the Commission to reopen the above proceeding for the purpose of specifically defining the limits of the zone within which may be performed motor transportation of passengers having an immediately prior or subsequent movement by air, pursuant to section 203(b)(7a) of the Interstate Commerce Act, within the Philadelphia, Pa., air terminal area. The limits of terminal areas at airports within which such transportation may be performed under the section 203(b)(7a) exemption were defined on July 17, 1964, in Motor Transportation of Passengers Incidental to Transportation by Aircraft, 95 M.C.C. 526, at pages 538-539 (49 CFR 1047.45). Petitioner here seeks to remove the exemption, in part, with respect to Philadelphia International Airport.

As presently defined, the Philadelphia, Pa., "passenger exempt zone", within which motor transportation is incidental to transportation by aircraft (except as may be individually determined), does not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart, and by the boundaries of the commercial zones (as defined by the Commission) of any municipalities any part of whose commercial zones lie within the 25-mile radius of the pertinent airport. Petitioner requests the Commission to remove the exemption as to all points beyond a 7-mile radius of Philadelphia International Airport.

No oral hearing is contemplated at this time, but anyone, including petitioner, wishing to make representations in favor of, or against, the above-proposed revision of the limits of the "passenger exempt zone" at Philadelphia, Pa., may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments, the original of which must be verified with respect to matters of fact contained therein, shall be filed with the Commission on or before April 2, 1971. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

In addition, one copy of each representation, reply, or any other pleading must be filed with:

Secretary,
Civil Aeronautics Board, Washington, D.C. 20428.

Copies of all representations, replies, or other pleadings filed with the Commission must show that service has been made upon the persons named above, in conformity with the Rule 1.22 of the Commission's general rules of practice.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1479 Filed 2-2-71;8:52 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-2573]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

JANUARY 26, 1971.

1. F.R. Doc. 70-15821 appearing at page 18067 of the issue of Wednesday, November 25, 1970, identified 3,720 acres of public land proposed to be classified for transfer out of Federal ownership under authority of section 8 of the Taylor Grazing Act (43 U.S.C. 316g). That notice did not contain a statement of reasons supporting the proposed classification as required by 43 CFR 2450.3(a). That notice is hereby amended to include the following:

A. BACKGROUND AND GENERAL DATA

1. The subject is vacant, unappropriated public land. There are no rights-of-way of record that cross the subject land.

2. There are no current or previous land classifications affecting the land. The land was previously proposed for classification for exchange pursuant to section 8 of the Taylor Grazing Act. This proposed classification was held invalid by the Office of Hearings and Appeals, Department of the Interior because the range users were not appropriately notified of the action.

3. There are no known Federal, State, or local programs known to affect the subject land.

4. The land is zoned M-3 "open use." The southern one-third portion of Washoe County, which includes the subject, is being currently included in a county comprehensive master plan.

5. The lands to the north and west of the subject are solidly blocked, private lands owned by North American Rockwell Corp. Lands to the south and east are alternately owned by Depaoli Brothers (livestock operators) and the Federal Government.

6. The subject parcels occupy the remote higher elevations of the Pah Rah Range of the Virginia Mountains. They are accessible by foot or horseback only. They are bordered by private lands on three sides and checkerboard public land on one side. They therefore, are isolated tracts and legal access to them by the public is at the discretion of North American Rockwell Corp. and Depaoli Brothers, the adjoining private land owners. The principal use is considered to be for summer livestock grazing and some wildlife use.

7. The subject comprises seven alternate sections with four sections occupying a west-east direction and three sections occupying a south to north direction. This land pattern reflects a backward "L" shape.

These lands reach the crest of the Pah Rah Range of the Virginia Mountains. They are located approximately 20 miles northeast of Reno/Sparks, Nev., and 10 miles northwest of Wadsworth/Fernley, Nev.

480 acres of the land occupy the White Hills and Olinghouse grazing allotments. The crest of the mountain is the demarcation line for these allotments. The allotments occupy the east side of the slope and North American Rockwell Corp. (Cottonwood Allotment) occupies the west side of the slope.

8. There is no legal access to the land. The only physical access available is via foot or horseback. The land is too remote and rough for vehicle traffic.

9. Primary vegetation consists of big sagebrush, scattered Juniper trees, bitterbrush and a mixture of annuals and grasses.

10. There is one fresh water spring in sec. 36 (T. 22 N., R. 22 E.). This spring is situated in the E½ of the section and is not included with the subject lands.

Cottonwood Creek, a seasonal body of water, crosses the approximate centers of sec. 34 (T. 21 N., R 22 E.). The creek's direction of flow is from east to west, primarily crossing North American Rockwell Corp. land.

There has been reported a seasonal water catchments at a spring located in sec. 12 (T. 21 N., R. 22 E.). These improvements could not be located by the examiner, however, if they do exist, the amount of water collected for livestock use would be minimal.

11. There is a range fence (Project No. 5008) that traverses the south section line (east-west direction) of sec. 36 (T. 21 N., R. 21 E.), secs. 32 and 34 (T. 21 N., R. 22 E.), and the northwest portion of sec. 36 (T. 21 N., R. 22 E.).

B. LAND USE CAPABILITIES

1. *Historical uses.* The historical uses of the land are wildlife habitat and livestock grazing.

2. *Present uses.* Approximately 3,270 acres of the subject is situated within the Cottonwood Grazing Allotment leased by North American Rockwell Corp. Approximately 450 acres of the subject is situated within the White Hills and Olinghouse Canyon grazing allotments leased to Depaoli Brothers. The boundary line separating these allotments is the ridge or summit of the Pah Rah mountain range. This mountain ridge runs in a north-south direction.

The land has not been classified for multiple-use management. The subject lands are among the last of the public land parcels remaining in the Cottonwood Grazing Allotment and North American Rockwell's Nevada Rocket Test facility. The land is in a checkerboard land ownership pattern, and the lands are without legal access.

No mineral exploration work or mining claim monuments were noted on the subject. County records were not searched for evidence of mining claims.

3. *Potential uses—Domestic livestock grazing.* The approximate carrying capacity for cattle of the subject is 12-18 ac./AUM. Due to elevation and prevalent winter precipitation, this area is limited to seasonal warmer month use.

Wildlife habitat. The land contains adequate deer and chukar habitat and population.

Mineral production. There is no evidence of mineral potential on the lands. U.S.G.S. reports that the lands are not valuable for any known minerals or geothermal resources.

Outdoor recreation. The lands would be suited to open space recreation usage with legal access. The land is accessible by foot and horse back only.

Timber production. The land is nontimbered.

Watershed protection. The land is not essential to watershed protection.

Wilderness preservation. The land contains no wilderness value.

Public purposes. The land has public value for open space recreation, wildlife habitat, and livestock grazing. It has no known public purpose value for State or local government uses or non profit recreation groups.

Occupancy. The land has no known value for residential, commercial, or industrial uses.

Agricultural. The land is nonagricultural in character.

C. LAND USE ANALYSIS AND CONCLUSIONS

The land has some value for livestock grazing, wildlife habitat, and open space recreation. The forage carrying capacity for livestock is considered low. Wildlife habitat for deer and chukar is considered average. The open space recreation value is considered marginal because the land is without physical or legal access. Use of the land is limited to North American Rockwell, the Depaoli Brothers, and their guests. It would be in the public interest to exchange the subject parcels for private lands with superior public values.

D. CLASSIFICATION CRITERIA

1. *43 CFR 2410.1.* The lands are suitable or adaptable to the uses or purposes for which they are classified.

The land classification will attempt to achieve maximum future uses and minimum disturbance to or dislocation of existing users.

The land classification is consistent with State and local government programs, plans, zoning, and regulations applicable to the area.

The land classification is consistent with Federal programs and policies affecting disposal of public lands.

2. *43 CFR 2420.2.* The subject lands are not needed for the stabilization and development of the livestock industry dependent upon Federal lands.

The subject lands are not needed to provide adequate areas of public hunting and public access thereto.

The subject lands are not needed for public beneficial utilization through leases such as Recreation and Public Purposes Act.

The subject lands are not needed to provided needed recreation, conservation, scenic areas, and open space.

3. *43 CFR Part 2430.* The subject lands are not needed for urban, suburban, or public purposes.

The subject lands have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of Federal programs.

4. It is concluded that the subject lands are not needed for retention for Multiple-Use Management but are suited to private exchange disposal and should be so classified.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, objections, or suggestions in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Carson City District Office, 801 North Plaza Street, Carson City, NV 89701.

For the State Director.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[FR Doc.71-1406 Filed 2-2-71;8:47 am]

[Wyoming 17259]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 27, 1971.

Notice of a Bureau of Land Management application, Wyoming 17259, for withdrawal and reservation of lands for an administrative site, was published as F.R. Doc. 69-1507 on pages 1776 and 1777 of the issue for February 6, 1969, and amended by F.R. Doc. 70-3237, on page 4712 of the March 18, 1970 issue. The Bureau now cancels its application insofar as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 105 W.,
Lot 5, except that portion therein described as follows: Beginning at a point 816.55' N., 17°56'40" E. of the quarter corner common to secs. 14 and 15, T. 19 N., R. 105 W., of the 6th P.M.; thence N. 12°22' E. a distance of 513.7 feet, thence S. 89°41' E. a distance of 902.92 feet, thence S. 2°16' E. a distance of 779.4 feet, thence N. 74°54'30" W. a distance of 1,080 feet to the point of beginning.

The area described contains 27.40 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5, such lands, at 10 a.m. on February 26, 1971, will be relieved of the segregative effect of the above-mentioned application.

JOHN T. WASSERBURGER,
Acting State Director.

[FR Doc.71-1460 Filed 2-2-71;8:51 am]

Bureau of Mines

UNDERGROUND COAL MINES

Notice of Training Programs Required To Be Filed by Operators and Availability of Approved Training Programs

Part 75, Mandatory Safety Standards for Underground Coal Mines, published in the FEDERAL REGISTER for November 20, 1970 (35 F.R. 17890), provides as follows:

Section 75.160 *Training programs.* Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in the Act.

Section 75.160-1 *Plans for training programs.* On or before December 31, 1970, each operator shall submit to the District Manager a program or plan setting forth what, when, how, and where he will train and retrain persons whose work assignments require that they be certified or qualified. Such program shall provide: (a) For certified persons, annual training courses in methane measurement and oxygen deficiency testing, roof and rib control, ventilation, first aid, principles of mine rescue, and the provisions of this Part 75, and (b) for qualified persons, annual courses in performance of the tasks which they perform as qualified persons.

Section 75.1713-4 *First-aid training program; availability of instruction to all miners.* On or before June 30, 1971, each operator of an underground coal mine shall make available to all miners employed in the mine a course of instruction in first-aid conducted by the operator or under the auspices of the opertaor, and such a course of instruction shall be made available to newly employed miners within 6 months after the date of employment.

Section 75.1713-5 *First-aid training program; retraining of supervisory employees; availability to all miners.* Beginning January 1, 1971, each operator of an underground coal mine shall conduct refresher first-aid training courses each calendar year for all selected supervisory employees, and make available refresher first-aid training courses to all miners employed in the mine.

Section 75.1714 *Self-rescue device.* A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for 1 hour or longer. Each operator shall train each miner in the use of such device.

Notice is hereby given, that each operator of an underground coal mine may, in carrying out the training requirements set forth above, submit proposed training programs in the following manner:

Training programs may be submitted directly to the Coal Mine Health and Safety District Manager for the District in which the mine is located.

Each proposed training program shall contain the following information:

Training staff. (1) Name and Bureau of Mines Identification No. of the mine.

(2) The name, occupation, and social security number of the person designated by the operator as responsible for health and safety training at the mine.

(3) The names, social security numbers, and titles (occupation), and training experience of each instructor who will participate in the training program.

(4) Specify the nature of the training to be provided, together with a training schedule and the proposed use of handout materials, such as pocket cards.

Certified persons. The proposed training and retraining programs for all certified persons shall specify the nature of the training to be provided and the time allocated to the following topics:

(1) First Aid;

(2) Methane Measurement and Oxygen Deficiency Testing;

(3) Roof and Rib Control;

(4) Ventilation;

(5) Principles of Mine Rescue; and,

(6) Provisions of the Coal Mine Health and Safety Act of 1969 and regulations pursuant thereto, where applicable.

Qualified persons. The proposed training programs for qualified persons shall specify:

(1) The training schedule and the training time allocated for annual training and retraining of all qualified persons in first aid; and,

(2) The proposed schedule and training time allocated for training qualified persons to perform the duties to which they are assigned.

The District offices of the Bureau of Mines have available for loan an approved first-aid course based on the most recent Revision of the Bureau of Mines First Aid Manual. A similar first aid instructional course is also available from the 3M Co. for $199, and will also be available after December 31, 1970, from the U.S. Government Printing Office for $5. All other training courses will be available from the Division of Education, Bureau of Mines, Pittsburgh, PA.

On and after February 1, 1971, courses for retraining certified persons, complete with illustrations and visuals will be available. Requests for these retraining programs should be addressed to:

Division of Education, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

Upon request to the same address, the Bureau of Mines will mail to each mine operator instructions and pocket cards for use in training all underground personnel in the use of the self-rescuer.

On and after April 1, 1971, courses in ventilation, roof control, methane measurement, and oxygen deficiency testing will also be available upon written request from the Division of Education, Bureau of Mines.

Training programs may consist entirely of available Bureau of Mines programs, or entirely of company-developed programs, or a combination of both of these.

On and after April 1, 1971, where the operator chooses to employ training courses other than those available from the Division of Education, Bureau of Mines, such training courses must be submitted for approval to the Coal Mine Health and Safety District Manager for the District in which the mine is located prior to their installation and use.

The minimum requirements for training and retraining programs set forth above shall apply until further notice. Additional requirements for training and retraining programs will be published periodically by the Bureau to reflect improvements in training methods and techniques.

FRED J. RUSSELL,
Under Secretary of the Interior.

JANUARY 27, 1971.

[FR Doc.71-1407 Filed 2-2-71;8:47 am]

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Arthur E. McCain authorizing him to provide boating concession facilities and services for the public on Jenny Lake in Grand Teton National Park for a period of approximately 5 years, January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012 for information as to the requirements of the proposed permit.

Dated: December 18, 1970.

HOWARD H. CHAPMAN,
Superintendent,
Grand Teton National Park.

[FR Doc.71-1413 Filed 2-2-71;8:48 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20); public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Eldorado Canyon Resort, Inc., authorizing it to provide concession facilities and services for the public at Eldorado Canyon, Lake Mead National Recreation Area, for a period of two (2) years from January 1, 1970, through December 31, 1971.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 25, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-1408 Filed 2-2-71;8:47 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with McCulloch Properties, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead Marina within Lake Mead National Recreation Area, for a period of one (1) year from January 1, 1971, through December 31, 1971.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 25, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-1409 Filed 2-2-71;8:47 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Las Vegas Boat Harbor, Inc., authorizing it to provide concession facilities and services for the public at the Las Vegas Wash Site, Lake Mead National Recreation Area, for a period of two (2) years from November 1, 1969, through October 31, 1971.

The National Park Service has determined that it is in the best interest of the United States to extend this expired contract in order to provide continuity of operation and services to the public while planning is completed for the future operation of the concession facility.

Under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Managment, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 25, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-1410 Filed 2-2-71;8:47 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with McCulloch Properties, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead Lodge, within Lake Mead National Recreation Area, for a period of one (1) year from January 1, 1971, through December 31, 1971.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 25, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-1411 Filed 2-2-71;8:48 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20); public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Ray Flaskamper, an individual, authorizing him to provide concession facilities and services for the public within the Overton Beach Site, Lake Mead National Recreation Area, for a period of one (1) year from January 1, 1971, through December 31, 1971.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 25, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-1412 Filed 2-2-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

GYPSY MOTH AND BROWN-TAIL MOTH

List of Approved Establishments; Revocation

The list of approved establishments eligible to ship stone and quarry products without certification or permit (35 F.R. 382, Jan. 10, 1970) and the amendment thereto (35 F.R. 9866, June 16, 1970) issued under the authority of §§ 301.45–2 and 301.45–2b(8) of the regulations (7 CFR 301.45–2 and 301.45–2b(8)) are hereby revoked.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[FR Doc.71-1489 Filed 2-2-71;8:53 am]

LICENSING DEPARTMENT INVENTIONS

Pursuant to authority delegated by the Secretary in 7 CFR 19.3 (35 F.R. 7493), the Administrator of the Agricultural Research Service has determined that certain Department inventions shall be made available for exclusive licensing under the provisions of Government Patent Policy (28 F.R. 10943) and 7 CFR 19.5 (35 F.R. 7493). Notice is hereby given that the following Department inventions are available for exclusive licensing:

1. Process for Making Powdered Fruit Juices, U.S. Patent 2,816,039, issued December 10, 1957, by Roderick K. Eskew.

Abstract. A process for making powdered fruit juice comprising evaporating a fruit juice concentrate of about 70 to 85 percent solids content to at least about 96 percent solids content by forming the concentrate into a film of the order of 1 mm. thickness, heating said film at a temperature of about from 240° to 250° F. for a time not exceeding about 1 minute while maintaining on it a vacuum of at least about 20 inches of mercury, cooling said film to a temperature at which it is a brittle solid and grinding it to a powder.

2. Process for Making Full-Flavored Powdered Fruit Juice, U.S. Patent 2,816,840, issued December 17, 1957, by Victor A. Turkot, Roderick K. Eskew, and Nicholas C. Aceto.

Abstract. A process for making powered, full-flavored fruit juice comprising stripping volatile flavoring materials from fruit juice; concentrating said flavoring materials to an essence of at least about 200-fold strength; separately concentrating the stripped juice to obtain a molten concentrated juice of at least 96 percent solids content, continuously adding said essence to said molten juice and thoroughly mixing therewith under superatmospheric pressure to prevent flashing of the essence; continuously discharging the molten, essence-containing concentrated juice in a thin layer onto a chilled surface to quickly cool and solidify the molten product to a brittle solid; and reducing said solid to a powder.

3. Process for Dehydrating Liquid Foodstuffs with Preservation of Volatile Flavors, U.S. Patent 2,906,630, issued September 29, 1959, by Victor A. Turkot, Roderick K. Eskew, and Nicholas C. Aceto.

Abstract. A process for dehydrating a liquid foodstuff with preservation of its volatile flavor comprising stripping the volatile flavor from a liquid foodstuff from the group consisting of honey, coffee extract, and tea extract, dehydrating the stripped liquid foodstuff until it is obtained in a molten state of at least about 96 percent solids, separately concentrating the recovered volatile flavor to at least about 200-fold strength, mixing the molten dehydrated foodstuff and concentrated volatile flavor under superatmospheric pressure and quickly cooling the product thus obtained to a temperature at which it is a brittle solid.

4. Dried Fat-Containing Milk Products of Easy Dispersibility, U.S. Patent 2,964,407, issued December 13, 1960, by Howard I. Sinnamon, Nicholas C. Aceto, and Roderick K. Eskew.

Abstract. A process for making a dried whole milk comprising incorporating an inert gas of low solubility into a concentrated, homogenized, fat-containing milk in which the fat particles do not exceed about 2 microns in size; subjecting said gas-containing milk concentrate to conditions of temperature and pressure to prevent substantial evolution of gas while causing the concentrate to foam; and then drying the foamed concentrate to produce a dry cellular product readily dispersible by hand stirring in cold water without fat separation.

5. Process for Treating Washable Leather, U.S. Patent 3,300,338, issued January 24, 1967, by Martin L. Fein, Samuel J. Viola, and Edward M. Filachione.

Abstract. The properties of softness, smoothness, and other closely associated physical characteristics are imparted to washable leather by impregnating the leather with an aqueous solution of a compound of the formula

$$R-CH_2-\underset{\underset{Y}{|}}{N}-CH_2-CH_2-\overset{\overset{O}{\|}}{C}-O-M$$

wherein R is a long carbon chain aliphatic radical, M is selected from the group consisting of hydrogen and a water-soluble salt-forming cation, and Y is selected from the group consisting of hydrogen and

$$(-CH_2-CH_2-\overset{\overset{O}{\|}}{C}-O-M)$$

wherein M is as previously recited, separating the impregnated leather from the solution and drying the leather.

6. Degraded Starch Polyoxyalkylene Ether Compositions and Process for Producing the Same, U.S. Patent 3,165,508, issued January 12, 1965, by Felix H. Otey and Charles L. Mehltretter.

Abstract. Polyurethane foams resistant to yellowing are obtained by reacting an organic polyisocyanate and a degraded starch glycoside polyoxyalkylene ether containing from about 4 to about 75 mole equivalents of an alkylene oxide. The degraded starch glycoside polyether is prepared by heating an unmodified starch with at least 1 mole equivalent of a polyol at about 120° to 140° C. for about 30 to 60 minutes in the presence of a strong

mineral acid catalyst, continuing said heating for another 30 to 60 minutes at reduced pressure to completely remove water of reaction and at least partially remove any unreacted polyol, adding a catalytic excess of alkali, and introducing an alkylene oxide while maintaining the temperature of about 130° C. until the desired amount has reacted.

7. Saponified Starch Acrylate Grafts, U.S. Patent 3,377,302, issued April 9, 1968, by Lewis A. Gugliemelli, Mary Ollidene Weaver, and Charles R. Russell.

Abstract. The saponified salt or free acid derivatives of hydrophobic starch grafts containing from 1 to 2 parts by weight of polyacrylate or polymethylacrylate side chains have improved hydrophilic properties over commercially available polyacrylic acids. Dilute aqueous solutions or dispersions of the saponified starch ester grafts exhibit high viscosities even in the presence of shear. They have utility as industrial thickening agents for drilling muds, hydraulic fluids, and flocculents.

8. Graft Polymers of Polyalkylene Oxides on Starch and Dextrin, U.S. Patent 3,414,530, issued December 3, 1968, by Albert Zilkha, Menashe Tahan, and Gabrial Ezra.

Abstract. Graft copolymers of polyalkylene oxides on starch and dextrin polysaccharides having utility as adhesives, emulsifiers, and thickeners are prepared by reacting under aprotic conditions the alkali metal alkoxide derivative of the polysaccharide with one or more of the alkylene oxides.

9. Salt-Resistant Thickeners Comprising Base-Saponified Starch-Poly-Acrylonitrile Graft Copolymers, U.S. Patent 3,425,971, issued February 4, 1969, by Lewis A. Gugliemelli, Mary Ollidene Weaver, and Charles R. Russell.

Abstract. Two percent dispersions of saponified starch-polyacrylonitrile graft copolymers provide viscosities of about 6,000 c.p.s. even though dispersed in a 12 percent brine. The presence of only a limited sensitivity to high salt concentrations provides the saponified graft copolymers with great potential as a bodying agent for use in secondary oil recovery operations from off-shore wells.

10. Cellulosic Pulps Comprising Crosslinked Cereal Pulps and Products Made Therewith, U.S. Patent 3,160,552, issued December 8, 1964, by Charles R. Russell, Russell A. Buchanan, and Carl E. Rist.

Abstract. Paper and related cellulosic products including grease-proof paper and boxboard and consisting of from 4 to about 44 percent by weight (about 90 percent based on the cellulose fiber content) of a starch, flour, wheat bran, whole wheat, dextrin, or polysaccharide gum xanthate that has been crosslinked in situ on the cellulose fibers in a beater or other wet-end point by iodine, chlorine, zinc chloride, or ferric chloride to form the corresponding "cereal pulp" disulfurdithiocarbonates, or metal dithiocarbonates have greatly increased wet strengths and fold endurance over the corresponding all-cellulose products. Incorporating the cereal pulp disulfurdithiocarbonates or metal dithiocarbonates improves the drainage of water from a papermaker's pulp and improves the transparency of greaseproof-type papers therefrom, thus providing a method of improving the freeness of a cellulose furnish.

11. Process for Production of an Alkali Starch Xanthate Solution, U.S. Patent 3,385,719, issued May 28, 1968, by Earl B. Lancaster, Howard F. Conway, Lawrence A. Weinecke, and Edward L. Griffin, Jr.

Abstract. Very low viscosity aqueous 10 percent 0.07° of substitution starch xanthate solutions are directly produced without a final addition of water by stirring starch or pregelatinized starch in the form of an aqueous dispersion containing only 10 percent of starch based on the weight of the dispersion with up to 0.5 mole equivalents of NaOH and OS_2, preferably at or only slightly above room temperature in a closed mixer for up to 1 hour.

12. Cycloheximide as an Abscission Aid in Harvesting Citrus Fruit, Patent Application S.N. 865,199, filed October 8, 1969, by William C. Cooper.

Abstract. Aqueous solutions of cycloheximide, 3-[2-(3,5-dimethyl-2-oxocyclohexyl)-2-hydroxyethyl] glutarimide, promote fruit abscission when they are sprayed on orange trees. The pull force required to separate the fruit from the tree is greatly reduced 4–7 days following application of 15–25 p.p.m. cycloheximide. The mode of action is related to the increased natural production of ethylene. Effectiveness of cycloheximide sprays is influenced by the citrus variety, stage of growth, plant stress conditions, relative humidity and temperature at the time of application and by rate of application. Use of cycloheximide sprays will greatly improve the efficiency of the mechanical harvesting of citrus crops used for processing and will greatly enhance the full development of mechanical aids for the harvest of citrus crops.

13. Phosphoramides and Thiophosphoramides as Insect Chemosterilants, U.S. Patent 3,205,130, issued September 7, 1965, by Paul H. Terry and Alexej B. Borkovec.

Abstract. The patent describes the use of several of the title compounds as effective sterilizing agents of various kinds of insects. The advantages of the described phosphoramides as insect sterilant, are numerous—they have low toxicity towards the insect, high sterilizing activity, sufficient stability to allow formulation and application, and a high margin of safety to allow use in, without harmful effects on, the environment. They are also generally nontoxic to humans and other mammals. Thus these compounds can be used to replace the effective, but less desirable, types of compounds such as the aziridinyl compounds which are patented mutagens in warmblooded animals.

14. Nematocidal Haloalkyl Acid Ester, U.S. Patent 3,084,094, issued April 2, 1963, by Samuel I. Gertler.

Abstract. A number of haloalkyl acid esters are effective against some nematodes which attack the roots of citrus plants and certain tropical and subtropical ornamentals such as azalea, philodendron, hibiscus, midget palm, and the like. The nematicides include chloroacetates, 2-chloropropionates, and 3-chloropropionates of alkyl, haloalkyl, cycloaliphatic, alkylcycloaliphatic, aralkyl, and aroxyalkyl alcohols, and the method is given for their use.

15. Process for the Production of Confectionery Fats, U.S. Patent 3,431,116, issued March 4, 1969, by R. O. Feuge, N. V. Lovegren, and B. B. Gajee.

Abstract. This invention relates to a process for producing confectionery fats using as a starting material the stearine fraction obtained as a byproduct in the manufacture of cottonseed salad oil by solvent winterization. This stearine consists of about two-thirds 1,3-dipalmito-2-unsaturated triglycerides and one-third 1-palmito-2, 3-diunsaturated triglycerides of oleic and linoleic acids. The process of the invention comprises the following steps: (1) Bleaching of the stearine to remove gums and substances which might poison hydrogenation catalysts. (2) Selective hydrogenation to an iodine value of about 25 to 36, employing conditions of temperature, pressure, and catalyst adapted to accomplish the conversion of linoleic acid groups in the stearine to acid groups having a lower degree of unsaturation while maintaining the amount of iso-oleic acid groups, as measured by trans-bond content, below about 12 percent, calculated as trielaidin, while also producing a minimum amount of trisaturated triglycerides. (3) Dissolving the hydrogenated product in a hydrocarbon or acetone and selectively crystallizing the higher melting compounds. (4) Tempering the solids which are formed so as to convert them into their highest melting polymorphs. (5) Removing the solids from the mixture. (6) Recovering the cocoa butter-like fraction from the liquid fraction remaining after removal of the solids. Variations of the process also are covered by the patent.

Applicants for exclusive licenses will have a period of 60 days from date of this publication in which to file information as required by § 19.6 *Application for licenses*, of Title 7 CFR (35 F.R. 7493). Also, applicants should examine all other sections published under Part 19, Licensing Department Inventions. Applications should be mailed to the Administrator, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 28th day of January 1971.

T. W. EDMINSTER,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-1457 Filed 2-2-71;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

NATIONAL ACCELERATOR LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The notice of decision published October 14, 1970 (35 F.R. 10696) and amended November 6, 1970 (35 F.R. 17134) pursuant to section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) is revised to read as follows:

Docket No. 70–00735–98–42900. Applicant: National Accelerator Laboratory, University Research Asso. Inc., 2100 Pennsylvania Avenue NW., Washington, DC 20006. Article: Magnetic coils for 200-BeV accelerator. Manufacturers: Alsthom Societe Generalde, Belfort, France (50 B–1 bending magnet coils and 480 B–2 bending magnet coils); Lintott Engineering Co., Ltd., Morsham, United Kingdom (300 B–1 bending magnet coils); English Electric Co., Yorkshire, United Kingdom (154 4-inch and 400 7-inch quadrupole coils). Multiple shipments will be made by each manufacturer of the indicated quantities. Final shipment to be made on or about June 1, 1971.

Intended use of article: The article will be used at the 200-BeV accelerator for research in high energy physics to attempt to understand the structure of matter and the forces holding it together at exceedingly small distances. A large variety of scientific exploratory experiments will be performed with protons accelerated by the accelerator to 200-BeV energy by scientists from U.S. universities and also from foreign high energy physics laboratories.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to 692 pairs of magnet coils intended for use in 200-billion-electron-volt accelerator which is being constructed by the applicant institution for use in its laboratory as part of a research program in high energy physics. The construction schedule of the applicant requires the delivery of 850 pairs of bending magnet coils and 950 quadrupole magnets on or before April 10, 1971, to complete the accelerator in order to meet the scheduled program of experiments. The National Bureau of Standards (NBS) in its memorandum of August 17, 1970, advised that the applicant's construction schedule is technically proper. The applicant sent invitations to bid to 11 domestic manufacturers, six of which responded with bids. One of the six respondents was considered unqualified to manufacture either the bending magnet coils or the quadrupole magnets. (This manufacturer was, however, awarded a contract for a different type of coil.) Another domestic manufacturer was already under contract to the applicant for certain types of coils and magnets and, consequently, was unable to meet the delivery schedules required for the bending magnet coils and quadrupole magnets. The four remaining domestic companies were awarded contracts for 850 magnet coils. This exhausted the capacity of the domestic manufacturers to produce the magnet coils within the specified delivery time.

In order to preclude any delay in completing the accelerator, the applicant solicited bids from foreign manufacturers. We find that the delay which would be caused in awaiting the freeing of domestic capacity for the manufacture of scientifically equivalent magnet coils would seriously impair the achievement of the applicant's research program. Therefore, the excessive delivery time provisions of § 602.1(g) of the above-cited regulations have been satisfied with respect to the magnet coils to which this application relates.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1386 Filed 2-2-71;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00626–33–11000. Applicant: National Institutes of Health, National Institute of Mental Health, Building 10, Room 2D–46, 9000 Rockville Pike, Bethesda, MD 20014. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for studies of the identification and quantitative analysis of minute quantities of very wide range of metabolites, to examine their subtle differences and thus further the understanding of the biochemical factors involved in mental illness. Research concerns inborn errors of metabolism, such as phenylketonuria; cerebrospinal fluid; and how drugs differ in efficiency in different patients because they may be distributed or metabolized differently or affect metabolic systems to different extents.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface), and a mass spectrometer have been integrated. There are domestic manufacturers which are in a position to offer to supply some of these components to be combined with a component (or with components) produced by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and, (b) establish through appropriate test procedures the performance specifications of the chromatographic and spectrometric functions as a single unit. (See decisions on Docket No. 67–00108–33–11000, 33 F.R. 597, January 17, 1968; Docket No. 68–00516–01–11000, 33 F.R. 11097, August 3, 1968, and Docket No. 69–00446–01–11000, 34 F.R. 13336 and 13337, August 16, 1969.) We note that three instruments meeting these criteria are being manufactured in the United States—the Model 1015 manufactured by Finnigan Instrument Corp. (Finnigan); the GC/MS–66 system manufactured by Varian Associates (Varian); and the Model 270 GC–DF manufactured by Perkin-Elmer Corp. (P–E). A comparison of the Finnigan Model 1015 with the foreign article shows that this domestic instrument has a specified sensitivity of 100 nanograms of cholesterol injected into the gas chromatograph column, whereas the foreign article has a specified sensitivity of 10 nanograms of cholesterol injected into the gas chromatograph column. This indicates that the foreign article can produce a meaningful spectrum with a sample of one-tenth of that required to produce a meaningful spectrum with the Finnigan Model 1015 and that the sensitivity of the foreign article exceeds that of this domestic instrument by a factor of 10. It is also noted that the foreign article can achieve this sensitivity with a corresponding resolution of 750 to a 10 percent valley definition, whereas the Finnigan Model 1015 has a maximum specified resolution that is equivalent to 500 at the 10 percent valley definition.

In regard to the Varian GC/MS–66 system, the specified sensitivity of the foreign article also exceeds the specified sensitivity of this domestic instrument by a factor of 10. The quoted specification for the sensitivity of the P–E Model 270 GC–DF is "less than 3×10^{-9} gram/second of methyl stearate will produce a spectrum with a signal-to-noise ratio substantially greater than 1 at parent mass peak, for 1 second/decade scan rate."

On the basis of these specifications, the sensitivity of the foreign article exceeds that of the P–E Model 270 GC–DF by a factor of 500. Since the applicant's research program involves the investigation of many compounds which are available only in minute quantities, the greater sensitivity of the foreign article is pertinent to the applicant's research studies.

For this reason, we find that none of the three domestic instruments cited above is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other combination of instruments being manufactured in the United States and being offered as a functionally integrated single instrument, which is of equivalent scientific value to the foreign article for the purposes, for which this article is intended to be used.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1387 Filed 2-2-71;8:45 am]

NORTHWESTERN UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, DC 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> • • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 68-00459-33-09000. Applicant: Northwestern University, 906 University Place, Evanston, IL 60201. Article: Cathetometer with microscope. Date of denial without prejudice to resubmission: June 21, 1968.

Docket No. 68-00465-33-43420. Applicant: State University of New York at Buffalo, 122 Capen Hall, 3435 Main Street, Buffalo, NY 14214. Article: Micromanipulator. Date of denial without prejudice to resubmission: June 21, 1968.

Docket No. 68-00468-33-90000. Applicant: Harvard Medical School, Fruit Street, Boston, MA 02114. Article: Rotating anode assembly. Date of denial without prejudice to resubmission: August 14, 1968.

Docket No. 68-00469-33-68200. Applicant: State University of New York at Buffalo, 122 Capen Hall, 3435 Main Street, Buffalo, NY 14214. Article: Micro infusion pump. Date of denial without prejudice to resubmission: June 18, 1968.

Docket No. 68-00479-33-46500. Applicant: University of Pittsburgh, Central Receiving Department, Terrace and De Sota Streets, Pittsburgh, PA 15213. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: June 11, 1968.

Docket No. 68-00489-99-26500. Applicant: United Nations International School, 1131 First Avenue, New York, NY 10021. Article: Electronic learning laboratory. Date of denial without prejudice to resubmission: June 27, 1968.

Docket No. 68-00505-33-46040. Applicant: Brown University, Division of Biological and Medical Sciences, Providence, RI 02912. Article: Electron microscope, EM6B. Date of denial without prejudice to resubmission: July 30, 1968.

Docket No. 68-00513-01-77040. Applicant: University of Iowa, Department of Chemistry, Iowa City, IA 52240. Article: Mass spectrometer, RMU-6E. Date of denial without prejudice to resubmission: June 12, 1968.

Docket No. 68-00521-98-66700. Applicant: University of Tennessee, Department of Physics, Knoxville, TN 37916. Article: Scanning projector Model SPI/160. Date of denial without prejudice to resubmission: August 20, 1968.

Docket No. 68-00541-33-46095. Applicant: Pacific University College of Optometry, Forest Grove, OR 97116. Article: Two dimensional measuring microscopes. Date of denial without prejudice to resubmission: July 31, 1968.

Docket No. 68-00564-01-77040. Applicant: University of California at Santa Barbara, Department of Chemistry, Santa Barbara, CA 93106. Article: Mass spectrometer, MS 902. Date of denial without projudice to resubmission: September 26, 1968.

Docket No. 68-00565-16-61800. Applicant: Union Free School District No. 5, North Village Green, Levittown, NY 11756. Article: Planetarium and auxiliary projectors. Date of denial without prejudice to resubmission: July 20, 1968.

Docket No. 68-00635-50-34010. Applicant: University of Washington, 3917 University Way NE., Seattle, WA 98105. Article: Electric field mill, Type FM 300/NR-IS. Date of denial without prejudice to resubmission: July 3, 1968.

Docket No. 68-00639-33-02700. Applicant: Shands Teaching Hospital and Clinic, J. Hillis Miller Health Center, University of Florida, Gainesville, FL 32601. Article: Arthroscope and camera. Date of denial without prejudice to resubmission: July 3, 1968.

Docket No. 68-00644-33-46500. Applicant: Armed Forces Institute of Pathology Room 318, 14th and Alaska Avenues NW., Washington, DC 20305. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: October 16, 1968.

Docket No. 68-00648-00-61800. Applicant: Union Free School District No. 5, North Village Green, Levittown, NY 11756. Article: Hemispherical assembly. Date of denial without prejudice to resubmission: November 27, 1968.

Docket No. 68-00677-33-46500. Applicant: University of Minnesota, Post Office Box 198 Mayo, Minneapolis, MN 55455. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: November 13, 1968.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1388 Filed 2-2-71;8:45 am]

SOUTHERN ILLINOIS UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: § 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> • • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 69-00041-25-01600. Applicant: Southern Illinois University, Carbondale, IL 62901. Article: Multirange microammeter-millivoltmeter, Model Verivat. Date of denial without prejudice to resubmission: October 10, 1968.

Docket No. 69-00081-33-46040. Applicant: Veterans Administration Hospital, University Drive C, Pittsburgh, PA 15240. Article: Electron microscope, EM-300. Date of denial without prejudice to resubmission: December 6, 1968.

Docket No. 69-00103-33-77030. Applicant: University of South Florida, 4202 Fowler Avenue, Tampa, FL 33620. Article: NMR spectrometer, JNM-4H-100. Date of denial without prejudice to resubmission: January 10, 1969.

Docket No. 69-00108-00-25100. Applicant: Joseph Bulova School of Watchmaking, 40-24 62d Street, Woodside NY 11377. Article: Parts for watch repairing. Date of denial without prejudice to resubmission: December 18, 1968.

Docket No. 69-00158-33-77040. Applicant: Cornell University, 160 Day Hall, Ithaca, NY 14850. Article: Mass spectrometer, Model RMU-7. Date of denial without prejudice to resubmission: December 3, 1968.

Docket No. 69-00161-33-79500. Applicant: The University of Vermont, Waterman Building, Burlington, VT 05401. Article: Sphygomomanometer. Date of denial without prejudice to resubmission: January 7, 1969.

Docket No. 69-00167-00-44695. Applicant: James Connally Technical Institute of Texas A. and M. University, Waco, TX 76705. Article: Profile milling machine, Model E32. Date of denial without prejudice to resubmission: December 24, 1968.

Docket No. 69-00175-65-77040. Applicant: Midwest Research Institute, 425 Volker Boulevard, Kansas City, MO 64110. Article: Mass spectrometer, Model CH-4B. Date of denial without prejudice to resubmission: March 6, 1969.

Docket No. 69-00178-74-47500. Applicant: University of Illinois, Urbana, IL 61801. Article: Monochromator and control unit, Model RSP 2. Date of denial without prejudice to resubmission: January 7, 1969.

Docket No. 69-00188-33-46070. Applicant: Washington University School of Medicine, 4550 Scott Avenue, St. Louis, MO 63110. Article: Scanning electron microscope, Model Stereoscan. Date of denial without prejudice to resubmission: March 10, 1969.

Docket No. 69-00212-01-77030. Applicant: George Washington University, Chemistry Department, Washington, DC 20006. Article: NMR spectrometer, Model R-20. Date of denial without prejudice to resubmission: January 7, 1969.

Docket No. 69-00221-33-02400. Applicant: University of Washington, Division of Child Health, 3917 University Way NE., Seattle, WA 98105. Article: Portable stadiometer. Date of denial without prejudice to resubmission: January 24, 1969.

Docket No. 69-00233-33-46500. Applicant: University of California, San Francisco Medical Center, 1438 South 10th Street, Richmond, CA 94804. Article: Ultramicrotome, "OM U2". Date of denial without prejudice to resubmission: January 21, 1969.

Docket No. 69-00241-33-46040. Applicant: University of Utah, Building 40, Salt Lake City, UT 84112. Article: Electron microscope, HU-11E. Date of denial without prejudice to resubmission: March 3, 1969.

Docket No. 69-00242-33-90000. Applicant: Carnegie-Mellon University, Chemistry Department, Schenley Park, 4400 Fifth Avenue, Pittsburgh, PA 15213. Article: Rotating anode GX3. Date of denial without prejudice to resubmission: February 11, 1969.

Docket No. 69-00249-33-46070. Applicant: University of Georgia, Electron Microscopy Laboratory, Barrow Hall, Athens, GA 30601. Article: Scanning electron microscope, Mark IIA. Date of denial without prejudice to resubmission: March 3, 1969.

Docket No. 69-00284-33-41400. Applicant: Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: Microtome knife sharpener, date of denial without prejudice to resubmission: June 9, 1969.

Docket No. 69-00288-01-54900. Applicant: Syracuse University, 150 Marshall Street, Syracuse, NY 13210. Article: Polymer research equipment. Date of denial without prejudice to resubmission: February 24, 1969.

Docket No. 69-00290-88-41600. Applicant: Carnegie Institution of Washington, Geophysical Laboratory, 2801 Upton Street NW., Washington, DC 20008. Article: Rock polishing machines and accessories. Date of denial without prejudice to resubmission: February 14, 1969.

Docket No. 69-00385-33-07795. Applicant: Pasadena Foundation for Medical Research, 99 North El Molino Avenue, Pasadena, CA 91101. Article: Leicaflex SL 50-mm. camera with accessories. Date of denial without prejudice to resubmission: March 3, 1969.

Docket No. 69-00410-33-40450. Applicant: University of Wisconsin, Biophysics Laboratory, Room 641, 750 University Avenue, Madison, WI 53706. Article: Curve length integrator. Date of denial without prejudice to resubmission: September 30, 1969.

Docket No. 69-00425-33-46500. Applicant: University of California at San Diego, 3175 Miramar Road, La Jolla, CA 92037. Article: LKB 4800A ultramicrotome. Date of denial without prejudice to resubmission: March 7, 1969.

Docket No. 69-00431-01-77030. Applicant: Richmond College of the City University of New York, 130 Stuyvesant Place, Staten Island, NY 10301. Article: Minimar spectrometer, JNM-MH-60. Date of denial without prejudice to resubmission: September 16, 1969.

Docket No. 69-00451-01-77040. Applicant: Illinois Institute of Technology, Department of Chemistry, Chicago, IL 60610. Article: Mass spectrometer, Model Varian MAT CH7. Date of denial without prejudice to resubmission: March 18, 1969.

Docket No. 69-00416-75-46070. Applicant: Washington University, Laboratory for Space Physics, Lindell and Skinker Boulevards, St. Louis, MO 63130. Article: Scanning electron microscope, Mark IIA. Date of denial without prejudice to resubmission: June 9, 1969.

Docket No. 69-00463-33-46070. Applicant: University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham, AL 35233. Article: Scanning electron microscope, Mark IIA. Date of denial without prejudice to resubmission: April 28, 1969.

Docket No. 69-00481-33-46500. Applicant: New York University Medical Center, Purchasing Department, 550 First Avenue, New York, NY 10016. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: September 22, 1969.

Docket No. 69-00482-67-25300. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Electric discharge machine. Date of denial without prejudice to resubmission: September 22, 1969.

Docket No. 69-00490-33-46040. Applicant: The Catholic University of America, 620 Michigan Avenue NE., Washington, DC 20017. Article: Electron microscope, Model AEI-801. Date of denial

without prejudice to resubmission: May 1, 1969.

Docket No. 69-00492-65-46070. Applicant: University of Virginia Department of Materials Science, Thornton Hall, Charlottsville, VA 22901. Article: Scanning electron microscope, Model IIA. Date of denial without prejudice to resubmission: November 4, 1969.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1389 Filed 2-2-71;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. A-563]

MICHAEL L. ROSE

Notice of Loan Application

JANUARY 28, 1971.

Michael L. Rose, Post Office Box 126, Sitka, AK 99835, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 36.5-foot registered length wood vessel to engage in the fishery for salmon, halibut, and sablefish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-1445 Filed 2-2-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. E-7595]

NEW ENGLAND POWER CO.

Notice of Proposed Rate Schedule Changes

JANUARY 27, 1971.

Take notice that on January 15, 1971, New England Power Service Co. (NEPSCO), filed on behalf of New England Power Co. (NEPCO), rate schedule changes constituting amendments to the contracts for primary service for resale between NEPCO and its 33 wholesale customers. The proposed changes are to become effective March 15, 1971.

According to the applicant the effect of the proposed changes are to increase the demand charge per month for each kilowatt of demand from $2.76 to $2.96 and the energy charge from 5.6 mills per kilowatt hour to 6.1 mills per kilowatt hour. In addition changes are also effected in supply line voltage metering adjustments and credits for supply line voltage deliveries. Based on the calendar year 1969 as a test period, the effect of these rate changes will be to increase the applicants annual revenues by approximately $13,459,000.

Copies of the filing have been served on customers and interested state regulatory agencies.

Any person desiring to be heard or make protest with reference to said application should on or before February 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1440 Filed 2-2-71;8:49 am]

[Docket No. RP71-88]

NORTH PENN GAS CO.

Order Permitting Rate Increase Filing To Become Effective Without Suspension

JANUARY 27, 1971.

On December 31, 1970, North Penn Gas Co. (North Penn) filed a proposed change to its FPC Gas Tariff, First Revised Volume No. 1,[1] and requested that the filing be permitted to become effective as of January 31, 1971, without suspension. North Penn proposes to increase the price in its Rate Schedules G-1 and P-1 by 0.556 cents to 49.590 cents per Mcf. The proposed change would increase jurisdictional revenues by approximately $83,750 per annum based on sales for the 12-month period ended October 31, 1970. The company concurrently filed a proposal that it be permitted to track supplier rate changes and to flow through refunds which it may receive from its suppliers subsequent to January 31, 1971.

In support of its filing, North Penn submitted a cost of service for the abovementioned 12-month period and stated that the increase in rates is filed to track the rate increases of its suppliers (Consolidated Gas Supply Corp. and Transcontinental Gas Pipe Line Corp.) and to reflect increases in wages, etc.

Notice of the proposed change was issued by the Commission on January 7, 1971, and no protests or petitions to intervene have been received.

Analysis of the cost of service and revenue data submitted with the filing indicates that after giving effect to the proposed increased rate, the overall earned rate of return would approximate 7.7 percent; the return on common equity under the company's present capital structure would approximate 10.17 percent. We find that the proposed increased rate has been supported and should be permitted to become effective as requested.

The Commission orders:

(A) The increased rates contained in Sixteenth Revised Sheets Nos. 4 and 5, as filed by North Penn on December 31, 1970, are hereby permitted to be effective as of January 31, 1971.

(B) During the period that the rates hereby made effective shall remain in full force and effect, North Penn may file rate increases and shall file rate decreases tracking changes in the effective rates of its suppliers as of January 31, 1971, and shall flow-through to its jurisdictional customers refunds received from its suppliers all as set forth in the "Agreement as to Rates" concurrently filed on December 31, 1971.

(C) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against North Penn or any other persons affected by the rates hereby permitted to be effective.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[FR Doc.71-1437 Filed 2-2-71;8:49 am]

[1] Sixteenth Revised Sheets Nos. 4 and 5.

[Docket No. CP71-188]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 27, 1971.

Take notice that on January 19, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-188 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Pioneer Natural Gas Co. (Pioneer) and to Southern Union Gas Co. (Southern Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization to continue the sale and delivery of natural gas from its Texas transmission system in Pecos and Winkler Counties, Tex., to Pioneer and Southern Union for resale to right-of-way grantors and others for use in irrigation and other farm uses.

At the time these facilities were installed, it was thought that no Commission authorization was required. Applicant states that it now appears that a certificate of public convenience and necessity must be obtained.

Applicant states that no new facilities are proposed herein and that the operation of these existant facilities will not affect its ability to render service to existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1441 Filed 2-2-71;8:49 am]

[Docket No. CP71-186]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JANUARY 27, 1971.

Take notice that on January 18, 1971, Panhandle Eastern Pipe Line Company (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP71-186 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain looping and compressor facilities appurtenant to its Western Oklahoma Supply Line (Elk City Line), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to construct and operate approximately 19.4 miles of 30-inch pipeline looping a portion of its Elk City Line and a 5,000 horsepower compressor unit at its existing Alva, Okla., compressor station. Applicant also requests authorization to upgrade a 6,500 horsepower compressor unit at its Seiling, Okla., compressor station to permit operation of this unit at levels up to 11,250 horsepower.

The Elk City Line was initially placed in service in 1962 and, applicant states since that time large volumes of reserves have been discovered and developed in the area transversed by this line. Applicant also states that it is presently operating this system at full capacity and that the facilities herein proposed are necessary for the further development of sources of supply presently connected to the Elk City Line.

The total cost of the aforementioned facilities is estimated to be $6,084,000, which cost is to be financed initially from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1438 Filed 2-2-71;8:49 am]

[Docket No. CP71-187]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JANUARY 27, 1971.

Take notice that on January 18, 1970, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP71-187 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Central Illinois Light Co. (Central) that portion of its Peoria, Ill., lateral pipeline system extending downstream from the proposed Central-Peoria measuring station, and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and 0.7 mile of 8-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks permission and approval to abandon by sale to Central the portion of its Peoria, Ill., lateral pipeline system which extends downstream from Central's proposed measuring station to be located in the vicinity of Illinois State Highway Number 9. Accordingly to the application, this includes 37,355 feet of 16-inch pipeline, 36,760 feet of 16-inch loop line, all subsidiary laterals, appurtenances and property rights.

Applicant also seeks authorization to construct and operate a gas measuring station at the new terminus of its Peoria, Ill., lateral pipeline system, its proposed delivery point to Central. To facilitate the delivery of natural gas, Applicant states that it will construct approximately 0.7 mile of 8-inch pipeline to connect the existing Morton measuring and regulating station to its 22-inch Peoria Lateral.

The abandonment, construction and operation of facilities proposed herein, according to applicant, would relieve it of the obligation of operating and maintaining several stations and other facilities in areas which are becoming densely populated. Applicant also believes that the acquisition of the aforementioned facilities would enable Central to operate its Glasford underground storage facility in a more effective manner.

Applicant estimates the cost of the proposed facilities to be $469,000, which cost would be financed from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1439 Filed 2-2-71;8:49 am]

[Docket No. RP70-29, etc.]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Motion Filed for Approval of Stipulation and Agreement

JANUARY 27, 1971.

Take notice that on January 21, 1971, Texas Eastern Transmission Corp. (Texas Eastern) filed with the Commission a motion for approval of a Stipulation and Agreement in Dockets Nos. RP70-29, RP71-12, and RP71-49.

The Stipulation and Agreement, inter alia, provides:

(1) For a reduction in rates below those which are presently in effect subject to refund in the above-captioned proceedings and sets forth rates for specified periods of time.

(2) For refunds by Texas Eastern for the excess which has been collected above the rates set forth in the Stipulation and Agreement.

(3) That Texas Eastern may increase its rates from time to time until July 1, 1972, to reflect rate increases of its suppliers and is required to decrease its rates to reflect supplier rate reductions.

(4) That Texas Eastern shall flow-through to its customers the appropriate portion of all refunds, together with interest, received from its suppliers which are applicable to purchases by Texas Eastern from such suppliers during the term of the Stipulation and Agreement.

(5) For rate adjustments based upon changes in the applicable total Federal Income tax rate.

(6) That Texas Eastern may file for an increase in rates to reflect advance payments for gas made during the term of the Stipulation and Agreement, subject to possible 1-day suspension and hearing.

(7) For the reservation for Commission hearing and decision the issue of the use of liberalized depreciation with normalization for accounting and rate purposes.

(8) That the rate differential between zones C and D be maintained during the term of the Stipulation and the differential which may be proposed in any rate filing prior to November 1, 1973.

(9) For a moratorium on any increases in jurisdictional rates until July 1, 1972, except such increases made pursuant to the provisions of this Stipulation and Agreement.

(10) That Texas Eastern reaffirms its refund obligations regarding supplier refunds for prior periods as set forth in previous settlement agreements.

Copies of the Stipulation and Agreement, together with a motion of Texas Eastern for approval of this Agreement were served upon all parties to the above-captioned proceedings, all of Texas Eastern's jurisdictional customers and all interested State commissions.

Answers or comments relating to the Stipulation and Agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 16, 1971.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1442 Filed 2-2-71;8:49 am]

[Docket No. CP71-7]

WASHINGTON NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 27, 1971.

Take notice that on January 19, 1971, Washington Natural Gas Company (petitioner), 815 Mercer Street, Seattle, WA 98111, filed in Docket No. CP71-7 a petition to amend the order dated October 30, 1970, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the construction and operation of certain additional facilities at the Jackson Prairie Storage Project, Lewis County, Wash., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In order to maintain the Storage Project's operational capacity and to effect proper distribution withdrawal from the various segments of the reservoirs, petitioner states that it will be necessary to drill additional observation, water production and gas injection wells, rework certain existing wells, and provide additional gas and water field lines and water disposal facilities. Petitioner states that the exact location of the new wells and the selection of the existing wells to be reworked has not been determined because sufficient production data from the reservoir operation for the current cycle are not available.

Applicant states that the cost of the facilities proposed herein will not exceed $500,000, which cost is to be shared equally by El Paso Natural Gas Co., Washington Water Power Co. and petitioner as joint owners of the Storage Project.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1443 Filed 2-2-71;8:50 am]

FEDERAL RESERVE SYSTEM

C. B. INVESTMENT CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of C. B. Investment Corp., Houston, Tex., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the sucessor by merger to First City National Bank of Houston, Houston, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of C. B. Investment Corp., Houston, Tex. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First City National Bank of Houston, Houston, Tex. (Bank). The successor bank only has significance as a means to facilitate the acquisition of all the voting shares of Bank, and the proposed acquisition of shares of the successor bank is treated as the proposed acquisition of shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 1, 1970 (35 F.R. 18304), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, with control of four banks in the suburban Houston area with deposits of $48 million representing 0.2 percent of the bank deposits in Texas, is the smallest registered bank holding company in the State and is not among the ten largest banking organizations. (Banking data are as of June 30, 1970, and represent holding company formations and acquisitions approved to date.) Additionally, Applicant owns less than 5 percent of the stock of 12 banks, and between 5 percent and 25 percent of the shares of four banks in that area. Although Applicant presently owns less than 1 percent of the shares of Bank (deposits of $930 million), the largest of 127 banks in Houston, a close relationship has existed between the two since Applicant's formation. Applicant was organized by shareholders of Bank in 1950 to hold shares of surburban Houston banks, and it has been staffed by Bank-related personnel since that time. At the present time, persons owning 24 percent of Bank's shares control 100 percent of Applicant's stock. An additional indication of the close relationship existing between Applicant and Bank is the fact that four of the banks in which Applicant has an ownership interest of 5 percent or more are majority controlled by stockholders who own more than 50 percent of the stock of the Bank. The present proposal would result in a strengthening of the existing relationship, but would appear to have no significant effect on existing or potential competition. On consummation of the acquisition, Applicant, rather than Bank, would be the third largest banking organization in Texas and would control 4.3 percent of deposits in the State.

Based upon the foregoing, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area. The banking factors are regarded as consistent with approval. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved; *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] January 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1396 Filed 2-2-71;8:46 am]

CHEMICAL BANK AND TRUST CO.

Order Approving Application for Consolidation of Banks Under Bank Merger Act

JANUARY 28, 1971.

In the matter of the application of Chemical Bank and Trust Co., Midland, Mich., for approval of consolidation with The Commercial Savings Bank of Saint Louis, St. Louis, Mich.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Chemical Bank and Trust Company, Midland, Mich., a member State bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank with The Commercial Savings Bank of Saint Louis, St. Louis, Mich., under the charter and the name of the former institution. As an incident to the proposed consolidation, the sole office of The Commercial Savings Bank of Saint Louis would become a branch office of the resulting bank. Notice of the proposed consolidation, in form approved by the Board, has been published pursuant to said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and future prospects of the banks concerned, and the convenience and needs of the communities to be served, and upon such consideration,

It is hereby ordered, For the reasons set forth in the Board's Statement[1a] of this date, said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] January 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1394 Filed 2-2-71;8:46 am]

CHEMICAL BANK AND TRUST CO.

Order Denying Application for Consolidation of Bank Under Bank Merger Act

In the matter of the application of Chemical Bank and Trust Co., Midland, Mich., for approval of consolidation with Gladwin County Bank, Beaverton, Mich.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Chemical Bank and Trust Co., Midland, Mich., a member State bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank with Gladwin County Bank, Beaverton, Mich., under the charter and name of the former institution. Notice of the proposed consolidation, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and upon such consideration,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2a] January 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1393 Filed 2-2-71;8:46 am]

CITIZENS BANK AND TRUST CO.

Order Denying Application for Consolidation of Bank Under Bank Merger Act

In the matter of the application of Citizens Bank and Trust Co., Clare,

[1] Voting for this action: Chairman Burns and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Mitchell.

[1a] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2a] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

Mich., for approval of consolidation with The Farwell State Savings Bank, Farwell, Mich.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Citizens Bank and Trust Co., Clare, Mich., a member State bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank with The Farwell State Savings Bank, Farwell, Mich., under the charter and name of the former institution. Notice of the proposed consolidation, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and upon such consideration,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] January 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1392 Filed 2-2-71;8:46 am]

MERCANTILE BANCORPORATION, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Mercantile Bancorporation, Inc., St. Louis, Mo., for approval of action to become a bank holding company.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mercantile Bancorporation, Inc., St. Louis, Mo., for the Board's prior approval of action whereby applicant would become a bank holding company through the merger of Mercantile Trust Co. National Association, St. Louis, Mo., into a nonoperating bank of which applicant plans to own all but directors' qualifying shares and, as an incident to the merger, acquisition of indirect ownership of 100 percent of the voting shares (less directors' qualifying shares) of Mercantile-Commerce Trust Co., St. Louis, Mo.; and through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The Southern Missouri Trust Co., Springfield, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Commissioner of Finance of the State of Missouri, and requested their views and recommendations. The Deputy Comptroller recommended approval of the application, and the Commissioner offered no objection to approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 7, 1970 (35 F.R. 17224), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[2] January 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1395 Filed 2-2-71;8:46 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WESTMORELAND COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.[3]) has been accepted for consideration as follows:

(1) ICP Docket No. 10652, Westmoreland Coal Co., Pine Branch No. 1 Mine, USBM ID NO. 44 00298 0, Dunbar, Wise County, Va., Section ID No. 001 (No. 4 Main West).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 29, 1971.

[FR Doc.71-1424 Filed 2-2-71;8:48 am]

WESTMORELAND COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.[3]) have been received as follows:

(1) ICP Docket No. 10651, Westmoreland Coal Co., Bullitt No. 1 Mine, USBM ID No. 44 00304 0, Appalachia, Wise County, Va., Section ID No. 001 (Main South Headings), Section ID No. 002 (Main South-1 Left). Section ID No. 003 (Main South-7 Left).

(2) ICP Docket No. 10653, Westmoreland Coal Co., Osaka No. 2 Mine, USBM ID No. 44 01688 0, Stonega, Wise County, Va., Section ID No. 001 (1 Right, 4 Face), Section ID No. 002 (6 Left, 4 Face), Section ID No. 003 (14 Face Right Headings), Section ID No. 005 (6 Face Right Headings).

(3) ICP Docket No. 10646, Westmoreland Coal Co., Wentz No. 2 Mine, USBM ID No. 44 01696 0, Stonega, Wise County, Va., Section ID No. 001 (7 Main East).

(4) ICP Docket No. 10648, Westmoreland Coal Co., Prescott No. 2 Mine, USBM ID No. 44 01689 0, Osaka, Wise County, Va., Section ID No. 001 (5 North Headings). Section ID No. 002 (5 North-8 Left).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 29, 1971.

[FR Doc.71-1425 Filed 2-2-71;8:48 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of St. Louis.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-6960]

AT-YOUR-SERVICE LEASING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 28, 1971.

I. At-Your-Service Leasing Corp. (AYSL), is a New Jersey corporation located at 449 60th Street, West New York, NJ. On October 23, 1969, it filed a notification in the New York Regional Office pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share. The offering was to be conducted by TDA Securities, Inc. on a best efforts "one half (50,000 shares) or none" basis. The notification became effective on April 8, 1970. According to the offering circular AYSL is "engaged in the auto leasing business, specifically in long term auto leasing of predominately higher priced automobiles."

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not mislealing, with respect to the following:

1. The offering circular is materially false and misleading in that the issuer failed to conduct the offering in accordance with the terms set forth therein. More particularly the minimum number of shares required to be sold within a 90-day designated period was never reached yet the offering was continued and no funds were ever returned to subscribers as conditioned in the offering circular. In addition funds received from the public during the 90-day period of the offering were never deposited in the "special account" described in the offering circular in violation of Rule 15c2-4 of the general rules and regulations under the Securities Exchange Act of 1934.

2. The notification and offering circular fail to state that one Michael Hellerman would participate as an underwriter in the offering as that term is defined in section 2(11) of the Securities Act of 1933.

3. The offering circular omits to state material facts concerning an injunction filed November 24, 1969, in the U.S. District Court for the Southern District of New York restraining Michael Hellerman from further violation of sections 5(a) and 5(c) of the Securities Act of 1933 in connection with the sale of Trimatrix, Inc., stock.

4. The offering circular contains untrue statements concerning the sale of shares to the public, in particular, that 100,000 shares of AYSL would be issued to the public only if payment in the amount of $300,000 (less commissions and expenses of the underwriter) was received by AYSL. In fact only $127,500 was received by AYSL despite the issuance of 100,000 shares of stock to the public.

5. The offering circular omits to state material facts concerning a contractual agreement between AYSL and Tech-Ec Systems, Inc. whereby the latter company, for a fee of $20,000, would act as management consultants to AYSL in their public offering under Regulation A. The "Use of Proceeds" section of the offering circular omits any allocation for payment of the fee to Tech-Ec, notwithstanding the fact that pursuant to the agreement, one-half the fee was to be paid from the proceeds of the offering.

6. The offering circular contains untrue statements of material facts concerning the proposed transfer agent for the issuer, in particular, that Community National Bank and Trust Company of New York would perform all the requisite duties of transfer agent for AYSL. In fact, RLM Services, Ltd., pursuant to an agreement dated June 15, 1970, acted as transfer agent for AYSL.

B. Michael Hellerman, an undisclosed underwriter, and the subject of an injunction restraining him from further violation of sections 5(a) and 5(c) of the Securities Act of 1933, commenced participation in the offering after the filing of the notification and such participation is therefore deemed an event which would have rendered the exemption unavailable if it had occurred prior to such filing.

C. The use of the offering circular by the issuer operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1416 Filed 2-2-71;8:48 am]

[812-2853]

JOHN HANCOCK MUTUAL LIFE INSURANCE CO. AND JOHN HANCOCK VARIABLE ACCOUNT A

Notice of Application for Exemptions

JANUARY 28, 1971.

Notice is hereby given that John Hancock Variable Account A (Account A) a registered, open-end, diversified, management investment company and John Hancock Mutual Life Insurance Co. (Hancock) Hancock Place, Boston, MA 02117 (herein collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from sections 17(f), 22(d), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Hancock established Account A, a separate account as defined by Rule 0-1(e) under the Act, in connection with the proposed offering of individual variable annuity contracts (Contracts) for use with pension, profit-sharing, or annuity plans meeting the requirements for qualification under sections 401, 403(a), 403(b), or 404(a) of the Internal Revenue Code. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Hancock is the sole owner of Account A's assets under Massachusetts Law and administers Account A. Hancock may be deemed to be Account A's investment adviser and principal underwriter as defined in the Act. Each Contract will represent Hancock's obligation to make annuity payments, commencing immediately under Single Payment Immediate Contracts or at a later date under Single Payment Deferred Contracts and Periodic Payment Deferred Contracts, to the

Annuitant on whose life the Contract is issued or to other persons specified in such contract, and to provide certain other benefits.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and similar investments in its own custody in accordance with such rules, regulations and orders as may be adopted by the Commission for the protection of investors. Rule 17f–2 requires, among other things, that such assets be deposited with a bank or other company whose functions and facilities are supervised by Federal or State authority and limits the persons who shall have access to certain specified individuals. Applicants request an exemption from the provisions of section 17(f) and Rule 17f–2 thereunder to the extent necessary to permit Hancock to act as safekeeping agent for Account A in the manner and on the terms described in the application and also to permit a maximum of 10 duly authorized officers or employees of Hancock as well as the insurance authorities of the jurisdictions in which it does business (or their duly authorized representatives) to have access to the Account's securities and similar investments.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any persons except at a current offering price described in the prospectus.

Beneficiaries designated under deferred Contracts may elect under certain circumstances to receive any minimum death benefit under terms of an Annuity Option described in the Contract in lieu of a single sum payment without imposition of any charge. If the beneficiary elects an option not based on life contingencies, it might be contended that such election constitutes sale of a redeemable security proscribed by section 22(d) of the Act.

Applicants state that as purchase payments are received, deductions are made for sales and administrative expenses, and, in the case of deferred Contracts, for Hancock's undertaking to pay a minimum death benefit. Applicants state that when beneficiaries elect to receive the minimum death benefit under an Annuity Option, Hancock incurs no significant selling expense and no significant administrative expenses over those incurred by a single sum payment. Applicants submit that imposition of a charge upon a beneficiary electing the Annuity Option would compound charges. They further state that all beneficiaries will be treated uniformly and no discrimination will result.

Exemption is requested from the requirements of section 22(d) of the Act to permit Hancock, without imposition of a sales load or other charge, to accord beneficiaries designated under deferred Contracts the right to elect an Annuity Option in lieu of receiving a single sum with respect to minimum death benefits.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and 26(a)(3) of the Act for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, and places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that the Contracts may be deemed to be periodic payment plan certificates as defined in section 2(a)(26) of the Act. All purchase payments received will be applied (or held for later application) after deductions to Account A investments, of which Hancock will have custody as owner, not trustee, and may be deposited in accounts maintained by Hancock in banks having qualifications prescribed in section 26(a)(1) of the Act for the trustees of unit investment trusts. These bank accounts are to be regular bank accounts. The bank used, however, will not act as trustee or custodian for Account A, and the banks will not act under an indenture or agreement containing the provisions required by sections 26(a)(2) and 26(a)(3) of the Act for trust indentures of unit investment trusts.

Exemption is requested from the requirements of section 27(c)(2) of the Act to permit all purchase payments received under the Contracts by Hancock to be allocated to Account A for investment.

Applicants state that Hancock conducts a conventional life insurance business, and has total assets of nearly $10 billion and unassigned surplus exceeding $500 million. It is subject to supervision, regulation, and inspection by the Massachusetts Commissioner of Insurance, and applicable insurance laws in all jurisdictions where it does an insurance business. Applicants state that Hancock operates under circumstances contemplated by proposed Rule 27c–2 described in Investment Company Act Release No. 6039. Hancock is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc.

Applicants assert that Hancock's vault is similar or superior to vaults of most banks, and that Hancock keeps therein securities and other investments having a value in excess of $4 billion. It has elaborate rules governing access to its vaults and observes a high order of security for protection against loss and theft.

Applicants state that their Management Agreement incorporates most of the precautions of Rule 17f–2. All Hancock employees having access to the vault are covered by fidelity bonds. Also, Hancock maintains a fidelity bond which meets the requirements of section 17(g) of the Act covering all employees having access to Account A's securities and funds.

The Contracts represent legal obligations of Hancock which cannot be abandoned under the Massachusetts law until fully discharged. Fees and charges payable to Hancock with respect to Account A are specified in the Contracts and cannot be increased. Applicants state that Account A's assets equal to the reserves and other contractual obligations under the Contracts are not chargeable with liabilities arising out of any other business which Hancock may conduct.

Applicants contend that the assets of the Account and the interests of participants under the Contracts are safeguarded in a manner equal to or better than those specified in sections 17(f) and 27(c)(2) of the Act.

Applicants submit that the requested exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants have consented that the requested exemption may be made subject to the conditions that (1) the deductions under the contracts for administrative expenses and bookkeeping shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Account A shall not be deemed to be exempted from regulation but the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services and bookkeeping.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 19, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a

hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71–1417 Filed 2–2–71;8:48 am]

[812–2508]

PITTSBURGH COKE & CHEMICAL CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

JANUARY 28, 1971.

Notice is hereby given that Pittsburgh Coke & Chemical Co. (Applicant), Grant Building, Pittsburgh, PA 15219, a Delaware corporation and a closed-end, nondiversified investment company, registered under the Investment Company Act of 1940 (Act), has filed an application, as amended, pursuant to section 17(b) of the Act. Applicant seeks an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Coons Pacific Co. (Coons) from First Grant Corp. (First Grant), a majority-owned subsidiary of Applicant, of all of First Grant's holdings of stock of Pittsburgh Pacific Co. (Pacific) for a price of $2,750,000 plus a contingent additional payment as set forth below. All interested persons are referred to the application, as amended, for a complete statement of Applicant's representations which are summarized below.

Applicant owns 90.6 percent of the capital stock of First Grant. Accordingly, First Grant is controlled by a registered investment company. First Grant owns 60 percent of the stock of Pacific. Accordingly, Pacific is indirectly controlled by Applicant and is an affiliate of Applicant and of First Grant. The capital stock of Pacific consists entirely of common stock, of which 600 shares are outstanding (excluding 400 shares in the treasury). First Grant owns 360 shares (60 percent) of Pacific's common stock; Coons owns the remaining 240 shares (40 percent).

Coons' ownership of 40 percent of the stock of Pacific makes it an affiliate of an affiliate of Applicant. Since the purchase of shares of common stock of Pacific by Coons from First Grant would constitute the purchase of property by an affiliate of an affiliate of an investment company from a company controlled by such registered investment company, the purchase is subject to section 17(a) of the Act and the purchase of Pacific common stock by Coons is accordingly conditioned on obtaining an order of the Commission under section 17(b) of the Act exempting the transaction.

Pacific, a Minnesota corporation, produces iron and manganiferous ores in the Lake Superior district, leases and operates mines substantially worked out by others, and specializes in the production and the sale of smaller quantities of natural iron ore products to fill individual customer requirements. The company also operates concentrating plants and does contract concentrating of ore.

Pacific's business is essentially a salvage operation involving the mining in Minnesota of iron ore properties which have already been mined and substantially exhausted by previous operators. Applicant represents that the Minnesota natural iron ore industry is rapidly declining and has a very limited number of years of existence remaining and that it is anticipated that Pacific itself will within a few years discontinue its mining operations. Applicant represents that mining experts have concluded that the Minnesota natural iron ore industry can maintain itself for no more than 5 or 6 years.

Mr. E. T. Binger, who owns 40 percent of Coons and is chairman of the board of directors of Pacific and Coons, was prior to December 1968, president, a director and treasurer of First Grant. In early October of 1968, Mr. Binger informed First Grant that he was resigning as an officer and director of First Grant. Mr. Binger agreed to remain available as an employee of First Grant through January 1969, to the extent necessary to assist the new management of First Grant. Mr. Binger's resignation was formally accepted by the First Grant board of directors at a meeting held on December 2, 1968.

At the time of his resignation, Binger concluded that the interests in Pacific should be consolidated and he entered into discussions with Applicant's officers concerning the consolidation of 100 percent of the interest of Pacific in either First Grant or Coons. Mr. Binger informed Applicant's management that Coons would be willing either to sell its 40 percent interest in Pacific to First Grant or to purchase First Grant's 60 percent interest in Pacific.

The application states that First Grant's management considered whether it wished to acquire 100 percent of the interest in Pacific but decided against it. First Grant had previously been engaged principally in the transportation of iron ore on a contract basis for steel companies. The company had developed certain knowledge of the steel business and consistent therewith it had acquired its interest in Pacific. First Grant's interests in iron ore transportation have, however, all been sold. Other than its Pacific interest, First Grant has no mineral related business except a minority interest in a joint venture in a South American mine in the exploratory stage. First Grant has concentrated its investments in airline related businesses and with this change of emphasis from mining to transportation, management and employees with expertise in mining activities have found employment with other companies. Applicant represents that Binger was the person most familiar with Pacific's mining business and without him First Grant had no one else who was familiar with Pacific's operation and it was unlikely First Grant could obtain anyone. The change in the nature of First Grant's business together with a lack of personnel familiar with Pacific's unique mining business, prompted First Grant to decide to sell its interest in Pacific to Coons.

First Grant discussed with Coons a basis for evaluation of the Pacific stock. There was no market for Pacific stock; the earnings of Pacific were regarded as too variable to be the basis upon which a price could be determined. Because of the bleak nature of the natural iron ore industry, the purchase of the Pacific stock was to be essentially in contemplation of the discontinuance of the iron ore business of Pacific within several years of the sale. There were no long-term sales contracts held by Pacific which would make it likely that Pacific would remain in the natural iron ore business beyond 1973. It appeared to the parties that the method of evaluation to be used for Pacific stock should be based on the value of the assets of Pacific or, in other words, a modified book value.

On January 24, 1969, an agreement of sale (attached as an exhibit to the application) between First Grant and Coons was entered into providing for the purchase by Coons of all of First Grant's shares (360 shares) of Pacific stock. The parties agreed that the selling price for First Grant's 60 percent interest in Pacific would be $2,750,000, which is based upon the adjusted book value of Pacific's assets for purposes of the sale. In addition to the adjusted book value, a contingency payment would be due to First Grant if certain future conditions occurred, as more fully described in the application. The parties negotiated the adjusted book value as follows: As of November 30, 1968, Pacific's total assets were $6,857,014 from which total liabilities of $1,959,069 were subtracted. Also, a deduction of $288,500 was made for assets of questionable value (representing 50 percent of total assets of questionable value at $577,000) and a deduction of $50,000 was made for a contingent liability not a part of total liabilities (representing 50 percent of the contingent liability taken to be $100,000). The resulting adjusted net worth, or book value,

was $4,559,445. Since First Grant owned 60 percent of the Pacific common stock, 60 percent of the adjusted book equity was approximately $2,750,000, the agreed upon selling price. Applicant asserts that the 1967 and 1968 earnings after taxes for Pacific averaged $370,000 a year and that the sales price per share was approximately 12 times earnings per share. Applicant has submitted as part of the application detailed information describing the assets in question.

In the course of the negotiations, Applicant's officers inquired of Mr. Binger whether Coons had any commitments or intention to resell the stock of Pacific or substantially all of the assets of Pacific. Although assured by Mr. Binger that no such commitments or intention existed, Applicant's officers desired to provide for First Grant's participation in any profit which might be obtained by Coons in the event of any such resale. The parties agreed that a contingent payment would be made if more than 50 percent of the shares of Coons or substantially all of the assets of Coons should be disposed of prior to December 31, 1971. Coons has stated that it has no present intention to make a sale which would give rise to any such contingent payment.

The parties decided that First Grant would share in any sum over and above the difference between the combined value of Pacific and Coons and the price which First Grant received for its 60 percent interest in Pacific. The combined value of Pacific and Coons was determined to be $5,520,000. (Pacific adjusted shareholder equity of $4,560,000, rounded to $4,600,000 plus the adjusted shareholder equity of Coons $920,000.) Pacific's adjusted shareholder equity ($4,600,000) was 83.3 percent of the combined agreed total value of Coons and Pacific. First Grant was selling 60 percent of the Pacific stock hence 50 percent of the combined value of Pacific and Coons was attributed to it (60 percent of 83.3 percent). The parties decided to adopt a sliding scale depending on the year in which a sale giving rise to a contingent payment might be made. They agreed on a scale of 50 percent and 25 percent for 1970 and 1971 respectively. Hence, if more than 50 percent of the shares of Coons are sold in 1971, it was agreed that First Grant would receive, as to all amounts received above $2,770,000, 25 percent of the 50 percent it contributed to the combined company; thus, First Grant would get 12.5 percent of such excess for a sale in 1971.

Applicant asserts that Mr. Binger's only interest in the contract is this ownership of approximately 40 percent of Coons, and that Mr. Binger received no compensation other than his regular salary in connection with the contract of sale.

Based on the foregoing information, which is elaborated upon in the application, Applicant and First Grant have determined that it would be to the advantage of their respective stockholders for First Grant to dispose of its interest in Pacific. Coons is interested in acquiring such interest which would give it 100 percent of the stock of Pacific.

Applicant asserts that the terms of the transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicant also asserts that the proposed transaction does not change the nature of applicant's business in any material respects, is consistent with its policy as recited in instruments filed under the Act and is also consistent with the general purposes of the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to purchase from a company controlled by such registered investment company any security or other property, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 16, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1418 Filed 2-2-71;8:48 am]

[811-1783]

SPECTRUM EQUITIES FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 28, 1971.

Notice is hereby given that Spectrum Equities Fund, Inc. (Applicant), 555 Madison Avenue, New York, NY 10022, a management open-end diversified investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant represents that subsequent to registering under the Act on December 19, 1968, it has issued no securities; it has no assets at the present time; a proposed public offering of Applicant's securities has now been abandoned; and it does not intend to proceed with the completion of a registration statement under the Securities Act of 1933 because of market conditions in general. Pursuant to Applicant's request, the registration statement was withdrawn on January 22, 1971. Applicant also requests an order of the Commission declaring that it has ceased to be an investment company as defined in the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 19, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1419 Filed 2-2-71;8:48 am]

[File No. 24NY-6823]

TECH-EC SYSTEMS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 28, 1971.

I. Tech-Ec Systems, Inc. (TES) is a New York corporation located at 124 East 40th Street, New York, NY. On June 17, 1969, it filed a notification in the New York Regional Office pursuant to Regulation A in connection with a proposed offering of 60,000 shares of its $0.01 par value common stock at $5 per share. The offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on September 21, 1969.

On October 28, 1969, a posteffective amendment was filed adding TDA Securities, Inc. (TDA), as an underwriter of the offering.

The offering recommenced on May 22, 1970. The amended offering circular provided that TES would offer 100,000 shares of its $0.01 par value common stock at $3 per share on a best efforts "one-fifth (20,000) shares or none" basis. If the minimum number of shares was not sold within 90 days of the amended effective date, all funds were to be returned to subscribers.

According to the offering circular TES was organized "for the purpose of offering a broad range of management, consulting, investment, and financial services * * *".

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to the following:

1. The offering circular is materially false and misleading in that the issuer failed to conduct the offering in accordance with the terms set forth therein. More particularly the minimum number of shares required to be sold within a 90-day designated period was never reached yet the offering was continued and no funds were ever returned to subscribers as conditioned in the offering circular. In addition, funds received from the public were deposited in the "special account" described in the offering circular, after the 90-day period had expired.

2. The notification and offering circular fail to state that one Michael Hellerman would participate as an underwriter in the offering as that term is defined in section 2(11) of the Securities Act of 1933.

3. The offering circular omits to state material facts concerning an injunction filed November 24, 1969 in the U.S. District Court for the Southern District of New York restraining Michael Hellerman from further violations of section 5 (a) and (c) of the Securities Act of 1933 in connection with the sale of Trimatrix, Inc., stock.

4. The offering circular contains untrue statements concerning the sale of shares to the public, in particular, that 100,000 shares of TES would be issued to the public only if payment in the amount of $300,000 (less commissions and expenses of the underwriter) was received by TES. In fact only a small fraction of that amount was received by TES despite the issuance of 100,000 shares of stock to the public.

B. Michael Hellerman, an undisclosed underwriter, and the subject of an injunction restraining him from further violation of section 5 (a) and (c) of the Securities Act of 1933, commenced participation in the offering after the filing of the notification and such participation is therefore deemed an event which would have rendered the exemption unavailable if it had occurred prior to such filing.

C. The use of the offering circular by the issuer operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 30 days after the receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration the presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1420 Filed 2-2-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-H (Region II), Amdt. 3]

REGIONAL DIVISION CHIEFS ET AL., REGION II

Delegation of Authority To Conduct Program Activities in Region II

Correction

In F.R. Doc. 71-1127 appearing at page 1298 in the issue of Wednesday, January 27, 1971, the headings should read as set forth above.

[Delegation of Authority No. 30-D (Region VIII), Amdt. 1]

REGIONAL DIVISION CHIEFS ET AL., REGION VIII

Delegation of Authority To Conduct Program Activities in Region VIII

Correction

In F.R. Doc. 71-1128 appearing at page 1299 in the issue of Wednesday, January 27, 1971, the headings should read as set forth above.

[Delegation of Authority No. 30-G (Region IV), Amdt. 2]

REGIONAL DIVISION CHIEFS ET AL., REGION IV

Delegation of Authority To Conduct Program Activities in Region IV

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-G, 35 F.R. 9955, as amended (35 F.R. 12630, 35 F.R. 15033, and 35 F.R. 17156), Delegation of Authority No. 30-G (Region IV) (35 F.R. 12434) as amended (36 F.R. 651), is hereby further amended by revising Item I.A.2.b., Item I.B., Item II.A.2.b., Item III.A.2.b., and Item IV.A.1.b.(2) to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* * * *

2. * * *

b. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

* * * * * *

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline

business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors*—A. *Financing Program.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

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III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

IV. *Branch Manager*—A. *Gulfport, Mississippi*—1. *Financing Program.* • • •

b. • • •

(2) To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

• • • • • •

Effective date: January 4, 1971.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.71-1414 Filed 2-2-71;8:48 am]

TARIFF COMMISSION

[AA1921-65]

FERRITE CORES FROM JAPAN

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on October 28, 1970, that ferrite cores (of the type used in consumer electronic products) from Japan are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160 (a)), the Tariff Commission instituted Investigation No. AA1921-65 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on December 8, 1970. Notice of the investigation and hearing was published in the FEDERAL REGISTER of November 4, 1970 (35 F.R. 17012).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined by a vote of 3 to 2[1] that an industry in the United States is being injured by reason of the importation of ferrite cores (of the type used in consumer electronic products) from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION BY COMMISSIONERS SUTTON, CLUBB, AND MOORE

In our opinion an industry in the United States is being injured by reason of the importation of ferrite cores of the type used in consumer electronic products from Japan, which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Moreover, there is a likelihood of greater injury to the industry should the amounts of price discrimination not be offset by special dumping duties.

The industry. In making this determination under section 201(a) of the Antidumping Act, we have considered the injured industry to consist of the operations of all U.S. facilities producing ferrite cores of the type covered by Treasury's determination of sales at LTFV.

Imported product. The ferrite cores from Japan, determined by Treasury to be sold at LTFV, consist of cores of a type commonly used as components in consumer electronic products such as household television receivers, radios, stereo and high fidelity radio systems, and automobile radios. Of all the LTFV imported cores, deflection yoke cores and flyback cores which are used in television receivers reflected the major volume (about 80 percent) of the imports; other significant LTFV imports (about 20 percent) consisted of t-shaped cores, threaded cores, insert cores, antenna rod cores, and drum cores. Hereinafter, the use of "ferrite cores" has reference to cores of the type covered by Treasury's determination of sales at LTFV unless the context indicates otherwise.

During the investigation an issue arose as to whether certain imports of "pot cores" from Japan were within the scope of Treasury's determination of sales at LTFV (i.e., were they ferrite cores of a type used in consumer electronic products). We were unable to identify any imports of pot cores of a type commonly used in consumer electronic products. Accordingly, the known imports of pot cores did not enter into our considerations in this investigation.

Claims of interested parties. Representatives of the industry claim that they are suffering serious injury from the imports of ferrite cores from Japan which were sold at LTFV and that they are likely to be further injured if such imports continue. However, they deny that the totality of injury suffered from such imports must be attributable solely or primarily to sales at LTFV if an injury determination is to be made in this case. Rather, they claim that if the degree of injury caused solely by the dumping practice is more than de minimis the Commission must determine there is injury. We agree with this premise.

Representatives of the importers claim that injury to the domestic industry is attributable primarily, if not solely, to factors other than sales at LTFV and, therefore, a negative determination must be made. We agree that if injury is attributable solely to factors other than sales at LTFV, and affirmative finding should not be made in this case. However, if injury is attributable in part to the LTFV sales of the ferrite cores and such injury is more than de minimis, we must make an affirmative determination. The relative importance of such injury to injuries caused by other factors is irrelevant.

The industry claims that the sales at LTFV have caused market disruptions and a serious depression in the U.S. prices for the ferrite cores with resulting loss of profits as its injury. The importers of LTFV ferrite cores claim essentially that the depressed prices are a result of factors other than sales at LTFV, the major causal factor seemingly being a diminishing market for the cores.

Size of the U.S. Market. The U.S. market for ferrite cores has had a general growth for over two decades. Sales of such cores in 1965, the year prior to the start of substantial sales and offers of sales of LTFV Japanese cores, were about at their highest level to date. It is therefore considered conservative to use the quantity of sales of such cores in that year as a "norm" year. In 1966, the quantity of sales of ferrite cores in the United States reached its highest peak, a phenomenon caused by a rapid surge in the production and sale of color TV sets. Thereafter, the quantities of sales continued at a high plateau for 3 years (1967 through 1969) with an average volume 31 percent higher than in the "norm" year. Estimated sales of ferrite cores in 1970 indicate diminishing sales during that year; however, as most prices were appreciably depressed during the high plateau years 1967 through 1969, the size of the market in 1970 has little bearing on our consideration of the effect of LTFV imports since the major surge of sales, and offers of sales, of the LTFV imports of cores in the domestic market occurred in the high plateau period.

Price levels in the market. As previously stated, the quantity of sales of ferrite cores in the U.S. market increased in 1966 when sales of TV sets surged higher. In that year the unit values of ferrite cores rose somewhat. However, in the high plateau period when the quantity of sales continued at an average level much higher than the "norm" year, the dollar value of sales and average unit prices had a continuous drop with unit values falling far below the unit values existing in the "norm" year.

Comparisons of delivered prices. About 80 percent of the value of all LTFV imports consisted of deflection yoke cores and flyback cores. Sales of such cores in the domestic market during the high plateau period were found to be always at delivered prices (or their equivalents) far below the delivered prices for the comparable domestic cores. Domestic prices of such ferrite cores were incrementally lowered during the price-war period with aggregate price reductions ranging from 16 to 44 percent of the former domestic prices. During the plateau period, prices of the Japanese cores had incremental drops ranging in the aggregate from 22 to 29 percent of their original low prices in the United States. Prices for such LTFV cores were virtually, if not always, below the prices of their domestic counterparts. In the early stages of competition between the LTFV cores and domestic cores, the price differentials were somewhat greater than the margins of dumping (amounts of price discrimination): However, such price differentials were narrowed to such a point that they could be equated generally with the dumping margins in mid-1969 when the continued downward pricing of Japanese cores slowed, a time in which imports had diminished to a minor level in apparent concern over this dumping investigation.

About 20 percent of the value of all LTFV imports of ferrite cores consisted of cores having similar unit values than those for the cores discussed immediately above. Available price data indicates that the LTFV cores in this category were generally sold at delivered prices (or their equivalents) that were considerably lower than the delivered prices for their domestic counterparts. Moreover, the margins of underselling appeared to be dependent in large part, if not solely, upon the large margins of dumping found by Treasury to be prevalent among such imports.

Price depression. It is clear that 80 percent of the imports at LTFV have been sold at quite low price levels which have caused serious depressions in domestic market prices. The injury ensuing from such price depressions is not all attributable to the margins of dumping; however, such injury is attributable in substantial part to such margins and constitutes a substantial injury in itself which is more than de minimis. As to the remaining 20 percent of the LTFV imports, this portion of the industry's sales has suffered serious price depressions attributable largely to the dumping margins which are appreciable in size.

Conclusion. The disruptions in the U.S. market prices for ferrite cores of a type used in consumer electronic products are quite large and of a serious nature. They are attributable in large measure to the margins of dumping which undergird the low prices of such cores in the United States. Such disruptions, to the extent they are attributable to the dumping margins, are substantial; they cannot be viewed as de minimis because other factors may also be contributing in large part to the price disruptions. Accordingly, we conclude that LTFV imports from Japan are injuring an industry in the United States. Moreover, if such imports are permitted to continue at their last known price levels without the assessment of special dumping duties to offset the margins of dumping, it can be anticipated that domestic prices will take a further downward trend because the domestic industry has not yet met the lowest prices of the Japanese LTFV ferrite cores. Thus, an even greater injury can be anticipated, we conclude that the likelihood of injury to the domestic industry by reason of such imports at LTFV is even greater than the present injury.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

The Antidumping Act, 1921, as amended, requires that three conditions be satisfied before an affirmative determination can be made.

First, there must be dumping. Unless the Secretary of the Treasury has determined "that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value," the Tariff Commission has no basis upon which to institute an investigation.

Second, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. The quantum or description of injury is not disclosed in the statute.

And third, there must be a connection between the first two conditions, that is, the injury (or likelihood of injury or prevention of establishment) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determines is being or is likely to be sold at less than fair value. Although few determinations in the past have dealt explicitly with this third condition, it is an integral part of the law which must be fulfilled before an affirmative determination can be made.

The first condition, a determination by the Secretary of the Treasury of sales and the likelihood of sales at less than fair value of ferrite cores from Japan of the type used in consumer electronic products (CEP), was met, and the Commission instituted the instant investigation.

The second condition has been satisfied. There is injury and likelihood of injury to the domestic industry composed of ferrite core producers in the United States. The injury is a depression in the prices at which the domestic ferrite core producers sold their products and offered them for sale.

However, we make a negative determination because we do not find satisfied in the instant case the third condition of the statute, that injury (or likelihood of injury or prevention of establishment) is "by reason of" the importation of merchandise sold or likely to be sold at less than fair value. The facts uncovered in this investigation do not show cause and effect relationship between the importation of Japanese ferrite cores sold or likely to be sold in the United States at less than fair value and injury or likelihood of injury, i.e., price depression, to the domestic ferrite core industry.[1] What the facts do show follows.

Market conditions. The domestic CEP ferrite core industry in recent years has encountered steadily increasing competition from imports of consumer electronic products (television sets and radios) containing CEP ferrite cores. There is only nominal production and trade in CEP ferrite cores other than those used in television sets and radios. In these circumstances the domestic production and consumption of radios and television sets are a most important consideration in assessing market demand for CEP ferrite cores.

From 1964 when imports of television sets were 7.7 percent of domestic consumption, the share of the domestic market enjoyed by imports rose to 31.5 percent in 1969. For radios, during this period the increase was from 44.3 to 70.9 percent. Aside from the increased share of the market for television sets taken by imports, apparent consumption declined from a high of 12.2 million sets in 1966 to 10.9 million in 1969. Accordingly, the number of television sets produced in the United States dropped from a high of 11.7 million sets in 1966 to 8.9 million in 1969. U.S. radio production fell from 23 million units to 15.8 million units during this period. Since CEP ferrite cores are produced almost exclusively for use in television sets and radios, a sharp decline in demand for cores accompanied the lower domestic production of television sets and radios after 1966. The natural consequence has been a depression in ferrite core prices as domestic core producers vigorously competed for the dwindling domestic market.

Subassembly. The domestic market for CEP ferrite cores has been further diminished by increased entry into the United States of ferrite cores as parts of subassemblies. Imports of subassemblies for consumer products rose sharply in the last 6 years from 2.6 percent of apparent consumption in 1965 to 28 percent in 1970. The entry of subassemblies has caused decreased domestic demand for CEP ferrite cores, and again the natural concomitant is a price depression.

[1] There is no evidence that the importation of Japanese ferrite cores sold or likely to be sold in the United States at less than fair value prevented an industry in the United States from being established; therefore, we shall not treat further with this consequence of dumping which is a statutory alternative to injury or likelihood of injury.

[1] Commissioners Sutton, Clubb, and Moore determined in the affirmative. Commissioners Leonard and Young determined in the negative. Their statement of reasons follow. Chairman Mize did not participate in the investigation.

Import penetration. In 1965, imports of ferrite cores were insignificant, accounting for a mere 0.7 percent of domestic consumption. Although there was a one-time temporary bulge in 1967, when imports obtained 4 percent of domestic consumption, the import level collapsed immediately to 1.3 percent of domestic consumption in 1968. In 1969 and 1970, imports at 0.4 percent of consumption were even below their insignificant level of 0.7 percent registered in 1965. Thus, the evidence does not point to any real market penetration, and without any real market penetration it is difficult to aline price depression of domestic ferrite cores with imports. The minimal market penetration is further highlighted when it is noted that the above import figures are for all ferrite core imports from Japan, not only those sold or likely to be sold at less than fair value. For an affirmative determination to be made in the light of such a minimal market penetration, there would have to be other evidence present, generally indicating a probability on the part of the dumping party to penetrate the market sufficiently in the future. Such evidence has not been discovered in this investigation.

Price suppression or depression. During the 5-year period 1965–70, CEP ferrite core prices declined at a time when other prices in the U.S. economy showed a steady increase. This downward trend in ferrite core prices, which was counter to the general price level, appears to have no relationship to the level of core imports as might be assumed from the 1967 import increase. Following the rapid decrease in ferrite core imports after 1967, domestic prices of cores continued their steady decline.

Conclusion. To sum up then, the facts produced in this investigation seem to indicate that any injury or likelihood of injury to the U.S. ferrite core industry measured by depressed prices is by reason of a continued worsening of competitive market conditions and not by reason of imports sold or likely to be sold at less than fair value. Therefore, a negative determination is required.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-1446 Filed 2-2-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 29, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42121—*Liquid caustic soda from Geismar, La.* Filed by O. W. South, Jr., agent (No. A6222), for interested rail carriers. Rates on caustic soda (sodium hydroxide), liquid, in tank carloads, as described in the application, from Geismar, La., to Jacksonville and South Jacksonville, Fla., also Brunswick and Savannah, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 165 to Southern Freight Association, agent, tariff ICC S–699.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1480 Filed 2-2-71;8:52 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 29, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–1515 (Deviation No. 576) (Cancels Deviation No. 350), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 19, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Clifton Forge, Va., over Interstate Highway 64 to junction West Virginia Highway 12, thence over West Virginia Highway 12 to junction U.S. Highway 60; with the following access roads: (1) from Covington, Va., over U.S. Highway 60 to Interchange Interstate Highway . 64 southeast of Covington, Va.; (2) from Covington, Va., over U.S. Highway 60 to Interchange Interstate Highway 64 near Callaghan, Va.; (3) from White Sulphur Springs, W. Va., over U.S. Highway 60 to junction Interstate Highway 64; (4) from junction Harts Run Road and U.S. Highway 60 west of White Sulphur Springs, W. Va., over Harts Run Road to junction Interstate Highway 64; and (5) from Lewisburg, W. Va., over U.S. Highway 219 to junction Interstate Highway 64, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Lexington, Va., over U.S. Highway 60 via Clifton Forge and Callaghan, Va., to junction unnumbered highway near Montgomery, W. Va., and return over the same route.

No. MC–1940 (Deviation No. 20), TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street NW., Washington, DC 20005, filed January 15, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 84 to junction Interstate Highway 684 near Brewster, N.Y., thence over Interstate Highway 684 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hamden, North Haven and Wallingford, Conn., to junction Alternate U.S. Highway 5 approximately 3 miles south of Meriden, Conn., thence over Alternate U.S. Highway 5 via Meriden to junction U.S. Highway 5 approximately 3 miles north of Meriden, thence over U.S. Highway 5 via Newington and Wethersfield, Conn., to Hartford, Conn. (also from New Haven over U.S. Highway 5 to Hartford; also from New Haven over U.S. Highway 15 to Middletown, Conn., thence over U.S. Highway 9 to Hartford), and return over the same routes.

No. MC–50026 (Deviation No. 16) (Cancels Deviation Nos. 10 and 12), ARKANSAS MOTOR COACHES LIMITED, INC., 100 Main Street, Little Rock, AR 72201, filed January 18, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Hope, Ark., over Arkansas Highway 4 to junction Interstate Highways 59–71, thence over U.S. Highways 59–71 to Texarkana, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 67 to Texarkana, Tex., thence over U.S. Highway 67 to junction Interstate Highway 30, thence over Interstate Highway 30 to junction U.S. Highways 59–71, thence over U.S. Highways 59–71 to Texarkana, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 to Hot Springs National Park, Ark., thence over U.S. Highway 67 to Texarkana, Tex., and return over the same route.

No. MC–50026 (Deviation No. 17) (Cancels Deviation No. 14), ARKANSAS

MOTOR COACHES LIMITED, INC., 100 Main Street, Little Rock, AR 72201, filed January 18, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 67 and Interstate Highway 30, 2 miles south of Benton, Ark., over Interstate Highway 30 and U.S. Highway 270 over U.S. Highway 270 to Malvern, Ark. (a distance of 3.2 miles); (2) from junction Interstate Highway 30 and Arkansas Highway 8 over Arkansas Highway 8 to Arkadelphia, Ark. (a distance of 2.4 miles); (3) from junction Interstate Highway 30 and Arkansas Highway 26 over Arkansas Highway 26 to Gum Springs Junction, Ark. (a distance of 1.6 miles); (4) from junction Interstate Highway 30 and Arkansas Highway 53 over Arkansas Highway 53 to Gurdon, Ark. (a distance of 5.6 miles); and (5) from junction Interstate Highway 30 and Arkansas Highway 51 over Arkansas Highway 51 to junction U.S. Highway 67 (a distance of 2 miles); and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 70 to Hot Springs Park, Ark., thence over U.S. Highway 67 to Texarkana, Tex.; and (2) from Benton, Ark., over U.S. Highway 67 to junction Arkansas Highway 7 (5 miles north of Arkadelphia, Ark.), and return over the same routes.

No. MC–61616 (Deviation No. 37) (Cancels Deviation Nos. 22 and 27), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, AR 72114. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers over a deviation route as follows: From Hope, Ark., over Arkansas Highway 4 to junction Interstate Highway 30, thence over Interstate Highway 30 to junction U.S. Highways 59–71, thence over U.S. Highways 59–71 to Texarkana, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Judsonia, Ark., thence over U.S. Highway 67 to junction U.S. Highway 67C, thence over U.S. 67C to junction U.S. Highway 67, thence over U.S. Highway 67 to Maud, Tex., thence over Texas Highway 8 to junction U.S. Highway 59, thence over U.S. Highway 59 to Marshall, Tex., thence over Texas Highway 43 to Henderson, Tex., thence over U.S. Highway 79 to Palestine, Tex., thence over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 75 to Houston, Tex., thence over Texas Highway 288 to Freeport, Tex., and return over the same route.

No. MC 61616 (Deviation No. 38) (Cancels Deviation No. 31), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, AR 72114. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, AR 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers over a deviation route as follows: From junction U.S. Highway 67 and Interstate Highway 30, 2 miles south of Benton, Ark., over Interstate Highway 30 to junction Arkansas Highway 19, thence over Arkansas Highway 19 to Prescott, Ark., with the following access roads: (1) From junction Interstate Highway 30 and U.S. Highway 270 over U.S. Highway 270 to Malvern, Ark. (a distance of 3.2 miles); (2) from junction Interstate Highway 30 and Arkansas Highway 8 over Arkansas Highway 8 to Arkadelphia, Ark. (a distance of 2.4 miles); (3) from junction Interstate Highway 30 and Arkansas Highway 26 over Arkansas Highway 26 to Gum Springs Junction, Ark. (a distance of 1.6 miles); (4) from junction Interstate Highway 30 and Arkansas Highway 53 over Arkansas Highway 53 to Gurdon, Ark. (a distance of 5.6 miles); and (5) from junction Interstate Highway 30 and Arkansas Highway 51 over Arkansas Highway 51 to junction U.S. Highway 67 (a distance of 2 miles); and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Judsonia, Ark., thence over U.S. Highway 67 to junction U.S. Highway 67C, thence over U.S. Highway 67C to junction U.S. Highway 67, thence over U.S. Highway 67 to Maud, Tex., thence over Texas Highway 8 to junction U.S. Highway 59 to Marshall, Tex., thence over Texas Highway 43 to Henderson, Tex., thence over U.S. Highway 79 to Palestine, Tex., thence over U.S. Highway 287 to Crockett, Tex., thence over Texas Highway 19 to Huntsville, Tex., thence over U.S. Highway 75 to Houston, Tex., thence over Texas Highway 288 to Freeport, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1484 Filed 2-2-71;8:52 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 29, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–22301 (Deviation No. 4), SIOUX TRANSPORTATION COMPANY, INC., Post Office Box 3088, Sioux City, IA 51102, filed December 1, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over city streets to junction U.S. Highway 73, thence over U.S. Highway 73 via Blair, Winnebago and South Sioux City, Nebr., to Sioux City, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill.; and (2) from Sioux City, Iowa, over U.S. Highway 75 to Missouri Valley, Iowa, and return over the same routes.

No. MC–35334 (Deviation No. 18), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, filed December 7, 1970, amended January 21, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the northeast extension of the Pennsylvania Turnpike at Exit 33 at the junction of Interstate Highway 78, over Interstate Highway 78 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence over Pennsylvania Highway 93 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 80, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Wallingford, Conn., over Connecticut Highway 70 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 81E, thence over Interstate Highway 81E to junction Interstate Highway 80, thence

over Interstate Highway 80 to junction Interstate Highway 79 at or near Mercer, Pa.; and (2) from Philadelphia, Pa., over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 80, and return over the same routes.

No. MC-48958 (Deviation No. 26), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216, filed January 19, 1971. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, TX 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 35E to junction Texas Highway 24, thence over Texas Highway 24 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction U.S. Highway 66 (Interstate Highway 40), thence over U.S. Highway 66 (Interstate Highway 40) to junction U.S. Highway 666 (near Gallup, N. Mex.), thence over U.S. Highway 666 to junction U.S. Highway 160 (near Cortez, Colo.), thence over U.S. Highway 160 to junction U.S. Highway 50 (near Crescent Junction, Utah), thence over U.S. Highway 50 to junction Alternate U.S. Highway 50 (near Spanish Fork, Utah), thence over Alternate U.S. Highway 50 to Salt Lake City, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex.; (2) from Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex.;

(3) From Tucumcari, N. Mex., over U.S. Highway 66 to San Jon, N. Mex.; (4) from Moriarty, N. Mex., over U.S. Highway 66 to Tucumcari, N. Mex.; (5) from Albuquerque, N. Mex., thence Highway 66 to Moriarty, N. Mex., thence over New Mexico Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Vaughn, N. Mex., thence over U.S. Highway 285 to Carlsbad, N. Mex., thence over U.S. Highway 62 to El Paso, Tex.; (6) from Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., and (7) from Salt Lake City, Utah, over U.S. Highway 91 to Levan, Utah, thence over Utah Highway 28 to Gunnison, Utah (also from Salt Lake City over U.S. Highway 89 to Gunnison), thence over U.S. Highway 89 to junction Alternate U.S. Highway 89 at or near Kanab, Utah, thence over Alternate U.S. Highway 89 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., thence over Interstate Highway 17 to Phoenix, Ariz., and return over the same routes.

No. MC 59680 (Deviation No. 85), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222, filed January 18, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Lehi, Ark., and Stuttgart, Ark., over U.S. Highway 79, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Memphis, Tenn., over U.S. Highway 70 to junction Arkansas Highway 11 (near Hazen), thence over Arkansas Highway 11 to Stuttgart, Ark., thence over U.S. Highway 79 to Fordyce, Ark., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1485 Filed 2-2-71;8:52 am]

[Notice 7]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 29, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Sub-No. 255) (Republication), filed March 23, 1970, published in the FEDERAL REGISTER issue of June 11, 1970, and republished this issue. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602. The modified procedure has been followed in this proceeding and the above-described application has been handled as a petition to modify applicants presently held alternate route authority in its certificate No. MC 76032 (Sub-No. 206), issued February 2, 1967. An order of the Commission, Operating Rights Board, dated December 28, 1970, and served January 18, 1971, finds; that in No. MC 76032 (Sub-No. 6), the future public convenience and necessity require operation by petitioner, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities, and between the points, as described as follows (which constitutes a modification of the presently held certificate in No. MC 76032) (Sub-No. 206): Authority authorized in certificate No. MC 76032 (Sub-No. 206), as modified herein: Alternate routes for operating convenience only: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, coal, ore, fresh fish, sand, gravel, heavy machinery, and commodities injurious or contaminating to other lading.

(1) Between Oakland, Calif., and Denver, Colo., in connection with carrier's presently authorized regular-route operations, serving Salt Lake City, Utah, for the purpose of interchange with rail carriers in the performance of substituted rail-for-motor carrier service only: From Oakland over Interstate Highway 80 (U.S. Highway 40) to junction U.S. Highway 30S near Echo, Utah, thence over U.S. Highway 40 to junction U.S. Highway 189 near Kimball, Utah, thence over U.S. Highway 189 (Interstate Highway 80) to junction U.S. Highway 30S near Echo, Utah, thence over U.S. Highway 30S (Interstate Highway 80) to junction U.S. Highway 30 at Little America, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to junction U.S. Highway 30 at or near Walcott, Wyo., thence over U.S. Highway 30 to Laramie, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to junction Interstate Highway 25 near Cheyenne, Wyo., thence over Interstate Highway 25 (U.S. Highway 87) to Denver, and return over the same route.

(2) Between Manteca, Calif., and junction Interstate Highway 80 and U.S. Highway 99, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving junction U.S. Highway 99 and Interstate Highway 80 for purposes of joinder only: From Manteca over U.S. Highway 99 to junction Interstate Highway 80, and return over the same route.

(3) Between junction Interstate Highways 80 and 25 near Cheyenne, Wyo., and junction U.S. Highways 30 and 138 (junction Interstate Highways 80 and 80S) near Big Springs, Nebr., in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving the termini for purposes of joinder only: From junction Interstate Highways 80 and 25 over Interstate Highway 80 (U.S. Highway 30) to junction U.S. Highway 138, and return over the same route. Restriction: The operations authorized hereinabove are restricted to the transportation of traffic moving from, to, or through Omaha, Nebr. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 108068 (Sub-No. 73) (Republication), filed December 20, 1968, published in the FEDERAL REGISTER issue of January 16, 1969, and republished this issue. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as above). An order of the Interstate Commerce Commission, at a General Session held at its office in Washington, D.C., on January 8, 1971, was served January 20, 1971, and upon consideration of the above-entitled proceeding, finds: TRI-STATE MOTOR TRANSIT CO. (Joplin, Mo.), (substituted as applicant in the proceeding) that the present and future public convenience and necessity require operation by TRI-STATE MOTOR TRANSIT CO., as substituted applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of aircraft ground support equipment (except automobiles, trucks, and buses as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766) between points in the United States (except Alaska, Hawaii, California, Washington, Oregon, Nevada, Utah, and Arizona); subject to the condition that the authority to so operate shall not be joined or combined directly or indirectly with any other authority presently held by applicant for the purpose of providing a service from or to any points other than those specified above; subject further to the condition that to the extent the authority granted herein duplicates the authority presently held by applicant, it shall not be construed as conferring more than a single operating right. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125479 (Sub-No. 11) (republication), filed May 28, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished this issue. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, IL. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. A report and order of the Commission, Division 1, Acting as Appellate Division, decided December 8, 1970, and served December 18, 1970, finds; that operation by *P-N-J Kornacker, Inc.*, substituted applicant, in this proceeding in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of malt beverages and related advertising materials (1) from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to Addison, Ill., under a continuing contract or contracts with Western Beverage Service, Inc., of Addison, Ill., (2) from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to Arlington Heights, Ill., under a continuing contract or contracts with Joe Huebner Distributing Co., of Arlington Heights, Ill., (3) from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to Montgomery, Ill., under a continuing contract or contracts with Magill Beverage Co., Inc., of Montgomery, Ill., (4) from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to Waukegan, Ill., under a continuing contract or contracts with Jack Neids, Inc., of Waukegan, Ill., and (5) from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, and St. Louis, Mo., to Chicago, Ill., under a continuing contract or contracts with Marg-Ann, Inc., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice that the authority granted in this proceeding can be tacked with applicant's outstanding authority, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

No. MC 126528 (Sub-No. 2) (Republication), filed July 17, 1970, published in the FEDERAL REGISTER issue of August 13, 1970, and republished this issue. Applicant: BULK HAULERS, INC., Airport Road, Nashua, N.H. 03060. Applicant's representative: T. J. O'Loughlin, Jr., 18 Baker Street, Hudson, NH 03051. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated December 31, 1970, and served January 20, 1971, finds: That operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of alcoholic beverages and equipment, materials and supplies used in connection therewith, except in bulk, between points in California, Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in New Hampshire, under a continuing contract with New Hampshire State Liquor Commission will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to confrom to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; than an appropriate permit should be issued, subject (1) to the written receipt from *Law Motor Freight, Inc.*, of a request for modification of its existing certificate in No. MC-36144 of the Commodities involved herein to or from the facilities of the New Hampshire State Liquor Commission, and (2) to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by the Order. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

BROKERS

No. MC 130120 (Republication), filed July 2, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, and republished this issue. Applicant: HAGERSTOWN TRAVEL MOTOR COACH TOURS, 1317 Dual Highway, Hagerstown, MD 21740. The modified procedure has been followed in this proceeding, and an order of the Commission, Operating Rights Board, dated December 30, 1970, and served January 21, 1971, finds: That operation by applicant as a broker, at Hagerstown, Md., in arranging for transportation in interstate or foreign commerce, of passengers and their baggage, in all-expense round-trip tours, in special and charter operations beginning and ending at Hagerstown, Cumberland, and Frederick, Md., Winchester, Va., and Martinsburg, W. Va., and extending to points in the United States (including Alaska and Hawaii), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The order also cautions applicant that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc. Extension—New York, N.Y.*, 54 M.C.C. 291. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld

for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130122 (Republication), filed July 13, 1970, published in the FEDERAL REGISTER issue of August 6, 1970, and republished this issue. Applicant: TRAVEL SERVICES, INC., 416 West Walnut Street, Louisville, KY 40202. Applicant's representative: Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated December 30, 1970, and served January 21, 1971, finds: that operation by applicant at Louisville, Ky., as a broker in arranging for transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in round-trip tours, in special and charter operations, beginning and ending at Louisville, Ky., and extending to points in the United States (including Alaska and Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The order also cautions applicant that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc.—Extension—New York, N.Y.*, 54 M.C.C. 291. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

WATER CARRIER

No. W-1247 (Sub-No. 1) (Republication) (CANYON TOURS, INC. COMMON CARRIER APPLICATION), filed June 17, 1970, published in the FEDERAL REGISTER issue of July 2, 1970, and republished this issue. Applicant: CANYON TOURS, INC., Post Office Box 1597, Page, AZ 86040. Applicant's representative: George F. Senner, Jr., 609 Luhrs Building, Phoenix, AZ 85003. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, dated January 18, 1971, and served January 20, 1971, finds: that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by water, by self-propelled vessels, in the transportation of passengers between Wahweap Marinas, Lake Powell, Ariz., on the one hand, and, on the other, points in Utah and Arizona on Lake Powell, subject to the condition that applicant shall maintain separate books and accounts for its water transportation service and its other services; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-3468, filed December 2, 1970 (Notice of Filing of Petition for Modification and Correction of Certificate). Petitioner: F. J. BOUTELL DRIVE-AWAY CO., INC., Flint, Mich. Petitioner's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Petitioner presently holds a certificate in No. MC-3468, issued April 10, 1970, which, as pertinent herein, authorizes operation as a common carrier by motor vehicle, over irregular routes, of automobiles, trucks, bodies, cabs, and chassis, new, used, or unfinished, in secondary movements, in truckaway service, between places of manufacture and assembly in Detroit, Mich., and those in that part of Macomb County, Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), and Omaha, Nebr., Joliet, Ill., and points in Iowa and Michigan, restricted against the joinder, directly or indirectly, with any authority otherwise held by carrier for the purpose of performing through transportation of traffic under such combination. Petitioner obtained this authority as the result of the purchase from Treloar Trucking of all its interstate operating authorities, which purchase was approved by the Commission in No. MC-F-7455. These authorities originally were issued to petitioner in its certificate No. MC-3468 (Sub-No. 145), dated December 5, 1961. The authority originally granted authorized the transportation (1) of new automobiles, new trucks, new bodies, new cabs, and new chassis, in initial movements, in truckaway service, from places of manufacture and assembly in Detroit, Mich., and Warren Township, Macomb County, Mich., to Omaha, Nebr., Joliet, Ill., and points in Iowa and Michigan, and (2) of automobiles, trucks, bodies, cabs, and chassis, new, used, or unfinished, in secondary movements, in truckaway service, between all points described in (1) above. Petitioner states that the authority described in the April 10, 1970, certificate is more limited than originally granted, extent prays that its authority be modified and corrected. Any persons desiring to participate in this proceeding may file an original and six copies of his written representatives, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11026. (Amendment) (CONTINENTAL TENNESSEE LINES, INC.—Purchase (portion)—KENTUCKY BUS LINES, INC.), published in the November 25, 1970, issue of the FEDERAL REGISTER at page 18096. Amendment filed January 20, 1971, to show vendee is purchasing only rights between Shepherdsville and Paducah, Ky., as well as certain incidental routes to and from Madisonville and Calvert City, Ky. Vendee is seeking an extension of operating authority between Shepherdsville and Louisville, Ky. CONTINENTAL TENNESSEE LINES, INC., does not seek any incidental charter rights at Louisville or Fort Knox, Ky.

No. MC-F-11069. (Correction), (C. I. WHITTEN TRANSFER COMPANY—Purchase (portion)—McLEAN TRUCKING COMPANY), published in the January 27, 1971, issue of the FEDERAL REGISTER on page 1307. Prior notice should have stated that the parties seek to transfer only that portion of the operating rights listed which authorizes the transportation of *explosives* and *blasting supplies* and that seller intends to retain authority to transport the other commodities authorized.

No. MC-F-11072. Authority sought for control by GLOBAL MOVING & STORAGE, INC., a noncarrier, 15 South Spokane Street, Seattle, WA 98134, of UNION CARTAGE, WAREHOUSE & TRANSFER, INC., 115 South Dawson Street, Seattle, WA 98108, and for acquisition by VIV T. KIDD and A. WESLEY ROBERTS of 15 South Spokane Street, Seattle, WA 98134 and GLOBAL VAN LINES, No. 1 Global Way, Anaheim, CA 92802, of control of UNION CARTAGE, WAREHOUSE & TRANSFER, INC., through the acquisition by GLOBAL MOVING & STORAGE, INC. Applicants' attorney: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Operating rights sought to be controlled: *General commodities*, excepting, among others, classes A and B explosives, and household goods, as a *common carrier*, over irregular routes, between points in Seattle, Wash. GLOBAL MOVING & STORAGE, INC., holds no authority from this Commission. However, it is affiliated with GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, CA 92803, which is authorized to operate as a *common carrier* in all of the States in the United States except Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11073. Authority sought for purchase by REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050, of a portion of the operating rights of CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222, and for acquisition by LAMAR BEAUCHAMP, Post Office Box 1499, Winter Haven, FL 33880, and RICHARD BEAUCHAMP, Post Office Box 308, Forest Park, GA 30050, of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Operating rights sought to be transferred: *Pineapples, fresh fruits, and fresh vegetables*, when moving in the same vehicle with bananas otherwise authorized, as a *common carrier*, over irregular routes, from Gulfport, Miss., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming. Vendee is authorized to operate as a *common carrier* in Mississippi, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Nebraska, Arkansas, Illinois, Indiana, Iowa, Minnesota, Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, West Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11074. Authority sought for purchase by POINT TRANSFER, INC., 5075 Navarre Road SW., Post Office Box 1441, Station C, Canton, OH 44708, of the operating rights of THE CORAOPOLIS TRANSFER AND STORAGE COMPANY, 101 Talbot Avenue, Braddock, PA 15104, and for acquisition by C. C. P. EXPRESS, INC., and, in turn by R. L. CHEEK, both of Canton, Ohio of control of such rights through the purchase. Applicants' attorney and representative: Ronald K. Bennington, 1200 Harter Bank Building, Canton, OH 44702 and Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Operating rights sought to be transferred: *General commodities, except* those of unusual value, livestock, classes A and explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Pittsburgh, Pa., and Sewickley Bridge, Pa., serving the intermediate points of McKees Rocks and Sewickley Bridge; and the off-route point of Neville Island, Pa.; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Pittsburgh, Pa., and points within 15 miles of Pittsburgh, Pa.; household goods, as defined by the Commission, between points in that part of Allegheny County, Pa., on and west of U.S. Highway 19, on the one hand, and on the other, points in Ohio and West Virginia; *iron and steel articles, machinery, and electrical appliances*, between Coraopolis, Pa., points in Neville, Crescent, and Moon Townships, Allegheny County, Pa., and that part of Robinson Township, Allegheny County, Pa., within 3 miles of Coraopolis, on the one hand, and, on the other, points in Ohio and West Virginia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, New York, Indiana, Illinois, Kentucky, Nebraska, and Iowa. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1486 Filed 2-2-71;8:52 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 29, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4485 (Sub-6), filed January 15, 1971. Applicant: WAVERLY TRANSFER COMPANY, INC., 111 Tredco Avenue, Nashville, TN 37211. Applicant's representative: Val Sanford, 23d Floor, Life and Casualty Tower, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods, commodities in bulk and articles requiring special equipment, between Nashville, points in Humphreys County, Tenn., and Camden, Tenn., on the one hand and Jackson, Tenn., on the other hand, via U.S. Highway 70 or Interstate Highway 40, or both, and return over the same route, serving no intermediate points between Jackson and Camden, Tenn. Applicant seeks corresponding authority to conduct operations in interstate or foreign commerce. Both intrastate and interstate authority sought.

HEARING: March 10, 1971, at the Commission's Court Room C-1, Cordell Hull Building, Nashville, TN, at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10808, filed January 20, 1971. Applicant: STEVE D. THOMPSON, Winnsboro, La. Applicant's representative: Harry E. Dixon, Post Office Box 4319, Monroe, LA 71201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Ruston, La., and Delta, La., along U.S. Highway 80 and all intermediate points using Interstate 20 for operating conveniences. Between Tallulah, La., and Vidalia, La., along U.S. Highway 65 and all intermediate points. Between Ferriday, La., and Winnfield, La., and all intermediate points along U.S. Highway 84. Between Winnfield, La., and Ruston, La., and all intermediate points along U.S. Highway 167. Between Fort Necessity, La., and Columbia, La., along Louisiana Highway 4. Between Sicily Island, La., and Jonesville, La., along Louisiana Highway 8 and Louisiana Highway 124 and all intermediate points. Between Sicily Island, La., and Ferriday, La., along Louisiana Highway 15 and all intermediate points. Between Monroe, La., and Tullos, La., along U.S. Highway 165 and all intermediate points. Between Harrisonburg, La., and Whitehall, La., along Louisiana Highway 8 and all intermediate points. Between Archibald, La., and Rayville, La., along Louisiana Highway 137 to U.S. Highway 80 (Interstate 20). Between Crowville, La., and Delhi, La., along Louisiana Highway 17 and all intermediate points. Both intrastate and interstate authority sought.

HEARING: Date and time and place application has been assigned for hearing unknown at this time. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Louisiana, Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1481 Filed 2-2-71;8:52 am]

[Notice 238]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 21, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 20 TA), filed January 26, 1971. Applicant: GENE MITCHELL CO., 1106 Division Street, West Liberty, IA 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution control systems and heated asphalt storage vessels*, from West Liberty, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Assemblers, Inc., West Liberty, Iowa 52776. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA.

No. MC 96303 (Sub-No. 6 TA), filed January 25, 1971. Applicant: PRICHARD TRANSFER, INC., Post Office Box 690, Price, UT 84501. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Coal*, in bulk, from mine 4 miles from Emery, Utah; to railhead at Price, Utah; over unnumbered highway to Emery, Utah; and then to Price over Utah Highway 10, for 180 days. Supporting shipper: Browning Coal Co., Emery, Utah (Harace A. Petty, Owner). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 109533 (Sub-No. 43 TA) (Correction), filed January 14, 1971, and published in the FEDERAL REGISTER issue January 22, 1971, and republished in part as corrected this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Post Office Box 1216 (23209), Richmond, VA 23224. Applicant's representative: C. H. Swanson (same address as above). NOTE: The purpose of this partial republication is to make correction as follows, under route (7) should show "serving no intermediate points" in lieu of "serving all intermediate points." The rest of application remains the same.

No. MC 112014 (Sub-No. 11 TA), filed January 25, 1971. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Office: 1417 MacLean Road, Post Office Box 400, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, consisting of Mobile Pea Viners and Swathers and Farm Tractors*, between points in Skagit County, Wash., and Salem, Oreg., for 180 days. Supporting shipper: San Juan Islands Cannery, La Conner, Wash. 98257. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 113666 (Sub-No. 50 TA), filed January 26, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluxing compounds and rimming agents*, from New Kensington, Pa., to points in New York, Ohio, Pennsylvania, Maryland, Alabama, Iowa, Tennessee, Indiana, Illinois, Michigan, New Jersey, and West Virginia. The return of *materials and supplies* used in the production of fluxing compounds and rimming agents, for 180 days. Supporting shipper: Lumus Chemical Co., Inc., 100 Seventh Street, New Kensington, PA 15068. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 126539 (Sub-No. 3 TA), filed January 26, 1971. Applicant: KATUIN BROS., INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Washed stone chips and sand*, in bulk, in straight or mixed loads, from the R. P. Donohoe Quarry at or near Lemont, Ill., and the Lincoln Stone Quarry located at or near Joliet, Ill., to the plantsite of the Iowa Illinois Miami Brick, Inc., at Clinton, Iowa; and (b) *Texture faced brick concrete and related manufactured products*, from the plantsite of the Iowa Illinois Miami Brick, Inc., Clinton, Iowa, to points in Illinois located on and west of U.S. Highway 51, and on and north of U.S. Highway 136, and points in Grant and Lafayette Counties, Wis., for 150 days. Supporting shipper: Iowa Illinois Miami Brick, Inc., 433 17th Avenue South, Clinton, IA 52732. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 128772 (Sub-No. 6 TA), filed January 25, 1971. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Richard M. Bosard, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from New Ulm and Owatonna, Minn., to Philadelphia, Pa., Secaucus, N.J., and Plymouth, Wis., for 180 days. Supporting shipper: Associated Milk Producers, Inc., State Brand Creameries Division, New Ulm, Minn. 56073. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134460 (Sub-No. 5 TA), filed January 25, 1971. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94036. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, in vehicles equipped with mechanical refrigeration, from San Francisco and Oakland, Calif., to points in California north of San Luis Obispo, Kern, and San Bernardino Counties, for 180 days. Supporting shippers: Secrest Watson International, Post Office Box 1066 Station A, 1288 Bayshore Highway, Burlingame, CA 94010; Hoyt, Shepston & Sciaroni, Inc., 30 Hotaling Place, San Francisco, CA 94111. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 135250 TA, filed January 26, 1971. Applicant: EMRICK'S VAN & STORAGE CO., INC., 202 East Pine, Enid, OK 73701. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Garfield County, Okla., on the one hand, and, on the other, points in Grant, Alfalfa, Kay, Garfield, Noble, Major, Pawnee, Woodward, Harper, Osage, Woods, and Washington Counties, Okla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. NOTE: Applicant will interline with other carriers in Garfield County, Okla. Supporting shippers: HC & D Moving & Storage Co., Inc., 321 Valencia Street, San Francisco, CA 94103; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA 94103. Send protests to: Clifford L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1482 Filed 2-2-71;8:52 am]

[Notice 641]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 29, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72483. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Ranch and Farm, M & M Trucking, Inc., Williston, N. Dak., of the operating rights in permit No. MC-128116 issued August 9, 1967, to Guy McDonald, Williston, N. Dak., authorizing the transportation of malt beverages and soft drinks, from Milwaukee, Wis., and Minneapolis, Minn., to Williston, N. Dak. Ray H. Walton, Box 726, Williston, ND 58801, attorney for applicants.

No. MC-FC-72585. By order of January 27, 1971, the Motor Carrier Board approved the transfer to Mid-Ohio Valley Leasing, Inc., doing business as Domestic and International Airfreight Lines, Parkersburg, W. Va., of the operating rights in certificate No. MC-129601 issued July 8, 1968, to The Weser Cab Co., a corporation, Parkersburg, W. Va., authorizing the transportation of general commodities, with usual exceptions, (1) between the airport at Parkersburg, W. Va., on the one hand, and, on the other, points in Athens, Meigs, Monroe, and Washington Counties, Ohio, and Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood Counties, W. Va., and (2) between points in Athens, Meigs, Monroe, and Washington Counties, Ohio, and points in Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood Counties, W. Va., on the one hand, and, on the other, the Greater Pittsburgh Airport in Moon Township, Allegheny County, Pa., Washington National Airport, Arlington County, Va., Dulles International Airport, in Fairfax and Loudoun Counties, Va., Frienship International Airport, in Anne Arundel County, Md., Cincinnati Municipal Airport at Lunken Field, in Hamilton County, Ohio, Greater Cincinnati Airport, in Boone County, Ky., Columbus Municipal Airport, in Franklin County, Ohio, and Kanawha County Airport, in Charleston, W. Va., restricted to the transportation of traffic having an immediately prior or subsequent movement by air. Charles H. Rudolph, Jr., Post Office Box 646, Parkersburg, WV, attorney for applicants.

No. MC-FC-72586. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Eugene L. Weber, Menomonic, Wis., of the operating rights in certificate No. MC-20298 issued February 6, 1963, to George Trainor, Eau Galle, Wis., authorizing the transportation of dry animal and poultry feed and dry feed ingredients from Savage, Minn., to specified points in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC-FC-72596. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Irvington Transfer & Storage Co., a corporation, Portland, Oreg., of the operating rights in permit No. MC-127609 (Sub-No. 1) issued September 28, 1966, to Bert L. and Bruce L. Bowlsby, a partnership, doing business as Irvington Transfer and Storage Co., Portland, Oreg., authorizing the transportation of such merchandise as is dealt in by retail department stores between points in Multnomah County, Oreg., and points in Clark County, Wash. Earle V. White, White & Southwell, 2400 Southwest Fourth Avenue, Portland, OR 97201, attorney for applicants.

NO. MC-FC-72606. By order of January 22, 1971, the Motor Carrier Board, approved the transfer to Olpag Inc., North Bellmore, N.Y., of the operating rights in permit No. MC-128524, issued September 21, 1967, to Max Hess, New York, N.Y., authorizing the transportation of such commodities as are dealt in or distributed by a manufacturer or distributor of toilet preparations and materials and supplies used in the manufacture of such commodities between specified points in New York and New Jersey, Martin Werner, 2 West 45th Street, New York, NY 10036, attorney for transferor. Herbert Lifschitz, 29 Park Avenue, Manhassett, NY 11030, attorney for transferee.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1483 Filed 2-2-71;8:52 am]

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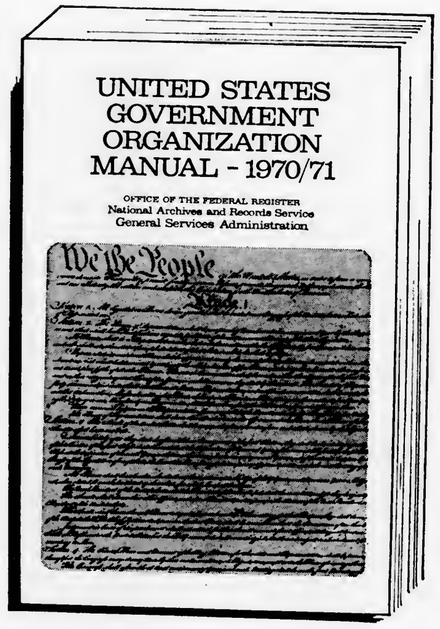

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FEDERAL REGISTER

VOLUME 36 • NUMBER 23

Wednesday, February 3, 1971 • Washington, D.C.

PART II

Section 1

(Section 2 begins on page 2193)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

•

14 CFR Parts 71, 73, 75
Compilation of Regulations

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-WA-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Compilation of Regulations

The purpose of this compilation is to combine all amendments and pending amendments to Parts 71, 73 and 75 of the Federal Aviation regulations which have been published by the Administrator of the Federal Aviation Administration in the FEDERAL REGISTER prior to January 7, 1971. Pending amendments are listed below the appropriate sections and include the effective dates and FEDERAL REGISTER citations.

Minor editorial corrections have been included to clarify existing airspace descriptions; however, no substantive changes or revision of airspace designations have been effected thereby. Therefore, compliance with the notice and public procedure requirements of 5 U.S.C. 533 is unnecessary and for that reason this docket may be made effective immediately.

In consideration thereof, this action is effective, 0901 G.m.t., January 7, 1971.

(Secs. 307 and 313, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 7, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-914 Filed 2-2-71;8:45 am]

TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION ADMINISTRATION

SUBCHAPTER E - AIRSPACE

PART 71

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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SUBPART A - GENERAL

§ 71.1 Applicability.

(a) The airspace assignments described in Subparts B and C are designated as Federal airways.

(b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.

(c) The airspace assignments described in Subpart K of this part are designated as terminal control areas.

(d) The airspace assignments described in Subpart J are designated as area low routes.

§ 71.3 Classification of Federal Airways.

Federal airways are classified as follows:

(a) Colored Federal airways:

(1) Green Federal airways.

(2) Amber Federal airways.

(3) Red Federal airways.

(4) Blue Federal airways.

(b) VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at angles of 4.5° from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend beyond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.6 Extent of area low routes.

(a) Each area low route is based on a centerline that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.

(b) Unless otherwise specified in Subpart J, the following apply:

(1) Except as provided in subparagraph (2) of this paragraph, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route centerline as described in the middle column of the following table, plus that additional airspace outside of those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility to tangent point	Miles from centerline to parallel lines	Miles from tangent point along parallel lines to vortices of 3.25° angles
Less than 17	4	51.
17 to, but not including 27	4	50.
27 to, but not including 33	4	49.
33 to, but not including 38	4	48.
38 to, but not including 43	4	47.
43 to, but not including 47	4	46.
47 to, but not including 51	4	45.
51 to, but not including 55	4	44.
55 to, but not including 58	4	43.
58 to, but not including 61	4	42.
61 to, but not including 63	4	41.
63 to, but not including 66	4	40.
66 to, but not including 68	4	39.
68 to, but not including 70	4	38.
70 to, but not including 72	4	37.
72 to, but not including 74	4	36.
74 to, but not including 76	4	35.
76 to, but not including 78	4	34.
78 to, but not including 79	4	33.
79 to, but not including 81	4	32.
81 to, but not including 83	4	31.
83 to, but not including 84	4	30.
84 to, but not including 86	4	29.
86 to, but not including 87	4	28.
87 to, but not including 88	4	27.
88 to, but not including 89	4	26.
89 to, but not including 91	4	25.
91 to, but not including 92	4	24.
92 to, but not including 93	4	23.
93 to, but not including 94	4	22.
94 to, but not including 95	4	21.
95 to, but not including 96	4	19.
96 to, but not including 97	4	18.
97 to, but not including 98	4	17.
98 to, but not including 99	4	15.
99 to, but not including 100	4	13.
100 to, but not including 101	4	11.
101 to, but not including 102	4	8.
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

(2) Each area low route, whose centerline is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the centerline that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the centerline through the reference facility, thence to the edges of the boundary lines described in subparagraph (1) of this paragraph, intersecting those boundary lines at angles of 5.15°.

(3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.

(4) Where the widths of adjoining route segments are unequal, the following apply:

(i) If the tangent point of the narrower segment is on the route centerline, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.

(ii) If the tangent point of the narrower segment is on the route centerline extended, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.

(5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend beyond the domestic/oceanic control area boundary.

(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

AMENDMENTS 7/22/70 35 F. R. 10653 (Added)

§ 71.7 Control areas.

Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

§ 71.9 Continental Control Area

The Continental Control Area consists of the airspace of the 48 contiguous States, the District of Columbia and Alaska, excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet M.S.L., but does not include -

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

AMENDMENTS 4/2/70 35 F. R. 622 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

§71.11 Control Zones

The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area. Control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with a radius of 5 miles and any extensions necessary to include instrument approach and departure paths.

§71.12 Terminal Control Areas

The terminal control areas listed in Subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules and pilot and equipment requirements specified in Part 91 of this chapter. Each such location is designated as a Group I or Group II Terminal Control Area, and includes at least one primary airport around which the terminal control area is located.

§ 71.13 Transition Areas.

The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive Control Areas.

The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

§ 71.17 Reporting Points.

(a) The reporting points listed in Subpart I consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with §91.125.

(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.

(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings; Radials; Miles.

(a) All bearings and radials in this Part are true, and are applied from point of origin.

(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this Part are stated as statute miles.

SUBPART B - COLORED FEDERAL AIRWAYS

§ 71.101 Designation.

The airspace assignments described in this subpart are designated as Colored Federal Airways.

§71.103 Green Federal Airways.

G-7 From Nome, Alaska, RR, Moses Point, Alaska, RR; INT east course Moses Point RR and north course Unalakleet, Alaska, RR; 11 miles, 57 miles, 55 MSL, Galena, Alaska, RBN; INT Galena RBN 089° bearing and west course Fairbanks, Alaska, RR; Fairbanks RR.

G-8 From Shemya, Alaska, RBN, 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; King Salmon, Alaska, RR; Big Mountain, Alaska, RBN; Homer, Alaska, RR; Kenai, Alaska, RR; INT northeast course Kenai and a bearing of 266° from Anchorage, Alaska, RR; Anchorage RR; INT northeast course Anchorage RR and southeast course Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT northeast course Gulkana RR and southwest course Northway, Alaska, RR; Northway RR.

G-9 From Bethel, Alaska, RBN (BET) 35 miles, 125 miles, 55 MSL, Sparrevohn, Alaska, RBN; 24 miles, 29 miles, 53 MSL, 14 miles, 10,500 MSL, 42 miles, 12,500 MSL, Anchorage, Alaska, RR.

AMENDMENTS 5/8/70 35 F. R. 7237 (Changed)

G-11 From Shemya, Alaska, RBN, 20 AGL, Kirilof Wharf, Alaska, RBN; 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; 20 AGL INT Cold Bay, RBN, 041° and Port Moller, Alaska, RBN, 313° bearings; 20 AGL Port Heiden, Alaska, RBN; 174 miles, 85 MSL, 20 AGL Kodiak, Alaska, RR.

AMENDMENTS 1/8/70 34 F. R. 17510 (Changed)

AMBER FEDERAL AIRWAYS

§71.105 Amber Federal Airways.

A-1 From Sandspit, British Columbia, Canada, RR; Sitka, Alaska, RR; 31 miles, 50 miles, 48 MSL, 112 miles, 20 MSL, Yakutat, Alaska, RR; INT northwest course Yakutat RR and southeast course Hinchinbrook, Alaska, RR; Hinchinbrook, RR; Whittier, Alaska, RBN; Anchorage, Alaska, RR; INT northwest course Anchorage and southeast course Skwentna, Alaska, RR; Skwentna RR; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RR; McGrath, Alaska, RR; 24 miles, 53 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska, RR; 52 miles, 51 miles, 25 MSL, Nome, Alaska, RR. The airspace within Canada is excluded.

AMENDMENTS 9/17/70 35 F. R. 12198 (Changed)

A-2 From Burwash, Yukon Territory, Canada, RR, 88 miles; 40 miles, Northway, Alaska, RR; Big Delta, Alaska, RR; INT northwest course Big Delta RR; Fairbanks, Alaska, RR; Bettles, Alaska, RBN; 69 miles, 166 miles 95 MSL, Point Barrow, Alaska, RBN (PBA). The airspace within Canada is excluded.

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 9/17/70 35 F. R. 12198 (Changed)

A-3 From the Bettles, Alaska, RBN, 50 miles, 76 miles 95 MSL, Deadhorse, Alaska, RBN.

AMENDMENTS 8/20/70 35 F. R. 10655 (Added)

A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

A-15 From Ethelda, British Columbia, Canada, RBN 112 miles; 26 miles, Annette Island, Alaska, RR; 42 miles, 52 MSL Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Burwash, Yukon Territory, Canada, RR; Northway, Alaska, RR; Big Delta, Alaska, Fairbanks, Alaska, RR; Chandalar Lake, Alaska, RBN; 30 miles, 60 miles 95 MSL, Sagwon, Alaska, RBN; Deadhorse, Alaska, RBN; Oliktok, Alaska, RBN. The airspace within Canada is excluded. (Joins Canadian high level airway No. 502).

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 8/20/70 35 F. R. 10655 (Changed)
AMENDMENTS 9/17/70 35 F. R. 12198 (Changed)

RED FEDERAL AIRWAYS

§71.107 Red Federal Airways.

R-27 From Summit, Alaska, RR; Nenana, Alaska, RR; Fairbanks, Alaska, RR.

AMENDMENTS 9/17/70 35 F. R. 12198 (Rewritten)

R-39 From Bethel, Alaska, RBN (BET) Aniak, Alaska, RBN; 25 miles, 89 miles, 55 MSL, McGrath, Alaska, RR; 28 miles, 64 miles, 45 MSL, Minchumina, Alaska, RR; Nenana, Alaska, RR; Fairbanks, Alaska, RR.

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

R-40 From Kodiak, Alaska, RR; 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, RR; INT east course Kenai, Alaska, RR and southwest course Anchorage, Alaska, RR; Anchorage, RR.

R-50 From Galena, Alaska, RBN, Bear Creek, Alaska, RBN; Fairbanks, Alaska, RR.

AMENDMENTS 3/12/70 35 F. R. 4397 (Rewritten)

R-75 From Vancouver, British Columbia, Canada, RR via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RR; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RR, excluding the portion within Canada.

R-82 From Skwentna, Alaska, RR, INT southeast course Skwentna RR and northeast course Anchorage, Alaska, RR.

R-99 From Big Mountain, Alaska, RBN Iliamna, Alaska, RBN; INT Iliamna RBN 145° and Big Mountain RBN 080° bearings.

R-103 From Kenai, Alaska, RR; INT southeast course Kenai RR and southwest course Anchorage, RR; 49 miles, 58 miles, 85 MSL, Middleton Island, Alaska, RBN.

AMENDMENTS 9/17/70 35 F. R. 12198 (Changed)

BLUE FEDERAL AIRWAYS

§71.109 Blue Federal Airways.

B-12 From McGrath, Alaska, RR, 24 miles, 54 miles, 55 MSL, Galena, Alaska, RBN; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska, RBN.

B-19 From Key West, Fla. RBN INT Key West RBN 037° and Perrine, Fla., RBN 232° bearings; Perrine RBN.

B-25 From INT southwest course Hinchinbrook, Alaska, RR and Middleton Island, Alaska, RBN 296° bearing; Hinchinbrook RR; 11 miles, 21 miles 55 MSL, 28 miles, 90 MSL, INT northeast course Hinchinbrook RR and south course Gulkana, Alaska, RR; Gulkana, RR; Big Delta, Alaska, RR.

B-26 From Anchorage, Alaska, RR, Talkeetna, Alaska, RBN; Summit, Alaska, RR; INT north course Summit RR and southwest course Fairbanks, Alaska, RR; Fairbanks RR; Fort Yukon, Alaska, RBN; 86 miles, 75, 115 MSL, Barter Island, Alaska, RBN.

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

B-27 From Kodiak, Alaska, RR, 45 miles, 68 miles, 95 MSL, King Salmon, Alaska, RR; 43 miles, 94 miles, 70 MSL, Bethel, Alaska (BET) RBN; 46 miles, 173 miles, 30 MSL, Nome, Alaska, RR; 35 miles, 89 miles, 55 MSL, Kotzebue, Alaska, RBN.

B-38 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska, RR; 42 miles, 52 MSL, Petersburg, Alaska, RR; Sisters Island, Alaska, RBN; Haines, Alaska, RBN; Whitehorse, Yukon Territory, Canada, RR. The airspace within Canada is excluded.

AMENDMENTS 9/17/70 35 F. R. 12198 (Changed)

B-40 From the Haines, Alaska RBN, Robinson, Yukon Territory, Canada, RBN, excluding the portion within Canada.

B-79 From Sandspit, British Columbia, Canada, RR; Annette Island, Alaska, RR; 42 miles, 99 miles 55 MSL, Sitka, Alaska, RR; Sisters Island, Alaska, RBN; Cape Spencer, Alaska, RBN; INT Cape Spencer, RBN, 273° and Yakutat, Alaska, RR, Southeast course. The airspace in Canada is excluded.

AMENDMENTS 9/17/70 35 F. R. 12198 (Rewritten)

B-80 From INT northwest course Unalakleet, Alaska, RR and south course Moses Point, Alaska, RR; Moses Point RR.

SUBPART C - VOR FEDERAL AIRWAYS

§ 71.121 **Designation**
The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§71.123 **Domestic VOR Federal Airways.**

V-1 From Jacksonville, Fla., Charleston, S. C.; Myrtle Beach, S. C.; Wilmington, N. C.; Kinston, N. C., including a W alternate via INT Wilmington 352° and Kinston 214° radials; Cofield, N. C.; Norfolk, Va.; Cape Charles, Va.; INT Cape Charles 006° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT Waterloo 024° and Coyle, N. J., 216° radials; to coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S. C. The portion within R-5002 is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-2 From Seattle, Wash., Ellensburg, Wash., including a south alternate via INT Seattle 123° and Ellensburg 274° radials; Moses Lake, Wash.; Spokane, Wash., including a north alternate from Seattle to Spokane via Wenatchee, Wash., and Ephrata, Wash.; Mullan Pass, Idaho, including a north alternate via INT Spokane 073° and Mullan Pass 291° radials, and also a south alternate, via INT Spokane 109° and Mullan Pass 260° radials; 5 miles, 53 miles, 91 MSL, Missoula, Mont.; 6 miles, 84 MSL, Drummond, Mont.; 11 miles, 84 MSL, Helena, Mont.; INT Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont., including an N alternate from Helena, 21 miles, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, to Billings, excluding the airspace between the main and this N alternate; 19 miles, 79 miles, 49 MSL, Miles City, Mont., including an N alternate from Billings, 19 miles, 49 MSL INT Billings 057° and Miles City 269° radials, 42 miles, 49 MSL, to Miles City; 24 miles, 90 miles, 55 MSL, Dickinson, N. Dak.; 10 miles, 60 miles, 38 MSL, Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, to Bismarck; 14 miles, 62 miles, 34 MSL Jamestown, N. Dak., including an N alternate from Bismarck 14 miles, 65 miles, 34 MSL, Jamestown; 7 miles, 43 miles, 28 MSL, Fargo, N. Dak., including an N alternate from Jamestown 7 miles, 46 miles, 28 MSL, Fargo; 25 miles, 50 miles, 30 MSL, Alexandria, Minn., including an N alternate from Fargo, 25 miles, 52 miles, 30 MSL, Alexandria; 5 miles, 70 miles, 25 MSL, Minneapolis, Minn.; Nodine, Minn., including a N alternate; Lone Rock, Wis.; Madison, Wis.; Milwaukee, Wis.; Muskegon, Mich., including a S alternate via INT Milwaukee 102° and Muskegon
252° radials; Lansing, Mich., including a S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, Mich., 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline Grand Rapids to Lansing; Salem, Mich., including a N alternate via INT Lansing 091° and Salem 308° radials; INT Salem 083° and Aylmer, Ont., Canada 260° radials; Aylmer; INT Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y., including a north alternate via INT of Buffalo 045° and Rochester 273° radials; Syracuse, N. Y., including a N alternate via INT Rochester 064° and Syracuse
283° radials; Utica, N. Y.; Albany, N. Y.; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; Boston, Mass. The airspace within Canada is excluded.

AMENDMENTS 4/30/70 35 F. R. 4396 (Changed)

V-3 From Key West, Fla., INT Key West 086° and Miami, Fla., 205° radials; INT Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Palm Beach, Fla., including an E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; Vero Beach, Fla., including an E alternate via INT Palm Beach 358° and Vero Beach 143° radials; Daytona Beach, Fla.; INT Daytona Beach 334° and Jacksonville, Fla., 159° radials; Jacksonville, including an E alternate via INT Daytona Beach 360° and Jacksonville 144° radials; Brunswick, Ga.; Savannah, Ga., including an E alternate from Jacksonville to Savannah via INT Jacksonville 028° and Savannah 180° radials; Vance, S. C.; Florence, S. C.; Pinehurst, N. C.; Raleigh, N. C., including an E alternate from Florence to Raleigh via Fayetteville, N. C., excluding the airspace between the main and this alternate airway; INT Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Brooke, Va.; 6-mile wide, INT Brooke 014° and Westminster, Md., 195° radials; 6-mile wide, Westminster; INT Westminster 065° and Modena, Pa., 250° radials; Modena; Solberg, N. J.; Carmel, N. Y.; Hartford, Conn.; INT Hartford 044° and Boston, Mass., 251° radials; Boston; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; INT Bangor 039° and Houlton, Maine, 203° radials; Houlton; Presque Isle, Maine. The portion outside the United States has no upper limit except that the portion of the E alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL. The airspace within R-2902A and R-2902B is excluded.

AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-4 From Neah Bay, Wash., RBN, Port Angeles, Wash.; INT Port Angeles 090° and Seattle, Wash., 329° radials; Seattle; Yakima, Wash., including a south alternate from Seattle to Yakima via INT Seattle 163° and Olympia, Wash., 084° radials and INT Olympia 084° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, Oreg.; Baker, Oreg; Boise, Idaho, including a south alternate; INT Boise 130° and Burley 290° radials; Burley, including a north alternate from Boise 25 miles, 25 miles 90 MSL, 95 MSL INT Pocatello, Idaho, 286° and Burley 323° radials, Burley, excluding the airspace between the main and this alternate airway; Malad City, Idaho; 35 miles, 58 miles, 115 MSL, Rock Springs, Wyo., including an S alternate from Malad City, 20 miles, 68 miles 115 MSL, via Fort Bridger, Wyo., to Rock Springs, excluding the airspace between the main and this S alternate; 20 miles, 39 miles, 95 MSL, Cherokee, Wyo.; Laramie, Wyo.; Denver, Colo., including a north alternate from Laramie to Denver via Gill, Colo.;
INT Denver 103° and Thurman, Colo., 275° radials; Thurman, Colo.; 50 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.; INT Hill City 097° and Salina, Kans., 284° radials; Salina, including a S alternate via Hays, Kansas.; Topeka, Kans., including a S alternate via INT Salina 095° and Topeka 236° radials; Kansas City, Mo., including a N alternate and also a S alternate via INT Topeka 099° and Kansas City 231° radials; Hallsville, Mo.; St. Louis, Mo., including a N alternate; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Evansville 068° and Louisville 280° radials; Lexington, Ky., including a N alternate via INT Louisville 081° and Lexington 303° radials and also a S alternate via INT Louisville 114° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including a S alternate via INT Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; Herndon, Va. The airspace within R-6705 is excluded.

AMENDMENTS 9/17/70 35 F. R. 11898 (Changed)

V-5 From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga., Rex, Ga., including a W alternate via Macon, Ga., and INT Macon 335° and Rex 140° radials; INT Rex 345° and Chattanooga, Tenn., 118° radials; Chattanooga, including a W alternate from Rex to Chattanooga via INT Rex 268° and Atlanta, Ga., 347° radials and INT Atlanta 347° and Chattanooga 152° radials; Nashville, Tenn., including an E alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an E alternate from Nashville to New Hope via INT Nashville 029° and New Hope 202° radials; Louisville, Ky.; Cincinnati, Ohio; Appleton, Ohio, including an E alternate; Mansfield, Ohio, Cleveland, Ohio; London, Ont., Canada. The airspace within Canada is excluded.

V-6 From INT Oakland, Calif., 221° and Point Reyes, Calif., 161° radials, Oakland; INT Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including a S alternate via INT Oakland 077° and Sacramento 192° radials; Lake Tahoe, Calif.; Reno, Nev., including a N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials; Lovelock, Nev., including a south alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including a north alternate; INT Battle Mountain 062° and Wells, Nev., 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, Ogden, Utah; 11 miles, 50 miles, 105 MSL, Fort Bridger, Wyo.; Rock Springs, Wyo.; 20 miles, 39 miles 95 MSL, Cherokee, Wyo.; 39 miles, 27 miles 95 MSL, Medicine Bow, Wyo.; INT Medicine Bow 106° and Sidney, Nebr., 291° radials; Sidney; 13 miles, 26 miles, 57 MSL, North Platte, Nebr.; Grand Island, Nebr.; Omaha, Nebr.; Des Moines, Iowa, including a S alternate; Iowa City, Iowa, including a S alternate via INT Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; Naperville, Ill.; South Bend, Ind.; INT South Bend 092° and Waterville, Ohio, 288° radials; Waterville, including a S alternate via INT Waterville 108° and Cleveland, Ohio, 258° radials; Cleveland; Youngstown, Ohio, including a north alternate via INT Cleveland 081° and Youngstown 285° radials; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; Allentown, Pa., excluding the portion within R-4803 and R-4813

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051
AMENDMENTS 7/23/70 35 F. R. 7857 (Changed); 8/20/70 35 F. R. 10654 (Changed)

V-7 From Miami, Fla., Fort Myers, Fla.; Lakeland, Fla.; Cross City, Fla.; Greenville, Fla.; Dothan, Ala., including a W alternate from Cross City to Dothan via INT Cross City 287° and Marianna, Fla., 141° radials and Marianna; INT Dothan 333° and Montgomery, Ala., 129° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles on E, 3 miles on W and within 4.5° of the centerline) Birmingham; Muscle Shoals, Ala., including an E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a W alternate via INT Birmingham 313° and Muscle Shoals 178° radials; Graham, Tenn.; Nashville, Tenn.; Central City, Ky.; including an east alternate; Evansville, Ind.; INT Evansville 015° and Lewis, Ind., 198° radials; Lewis; Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 215° radials; Lafayette, Ind.; Chicago Heights, Ill.; INT Chicago Heights 358° and Milwaukee, Wis., 137° radials; Milwaukee, including an E alternate via INT Chicago Heights 013° and Milwaukee 137° radials; Green Bay, Wis.; Menominee, Mich.; Escanaba, Mich. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-8 From INT Seal Beach, Calif., 266° and Los Angeles, Calif., 236° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, Calif.; Goffs, Calif.; INT Goffs 033° and Morman Mesa, Nev., 196° radials; Morman Mesa, including a N alternate from Seal Beach to Morman Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.; Bryce Canyon, Utah, including a north alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, INT Cedar City 004° and Bryce Canyon 292° radials, Bryce Canyon, excluding the
airspace between the main and this N alternate; Hanksville, Utah, including a south alternate; Grand Junction, Colo., including a south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 130 MSL Kremmling, Colo., including a south alternate from Grand Junction 33 miles, 21 miles, 127 MSL, 120 MSL INT Grand Junction 074° and Kremmling 228° radials, 28 miles, 120 MSL, 130 MSL to Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, Denver, Colo.; Akron, Colo.; including a south alternate via Denver 103° and Akron 242° radials; Hayes Center, Nebr., including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 246° radials; Grand Island, Nebr., including a N alternate via INT Hayes Center 059 and Grand Island 273° radials, and also a S alternate; Omaha, Nebr.; Des Moines, Iowa; Iowa City, Iowa; Cordova, Ill.; INT Cordova 087° and Joliet, Ill., 316° radials; Joliet; Chicago Heights, Ill.; Goshen, Ind.; Findlay, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville, Md., 285° radials; Grantsville; Martinsburg, W. Va.; INT Herndon, Va., 048° and Washington, D. C., 324° radials; Washington, including a north alternate from Grantsville to INT Washington 324° and Herndon 048° radials via Hagerstown, Md. The portion outside the United States has no upper limit.

AMENDMENTS 4/2/70 35 F. R. 3155 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

V-9 From Grand Isle, La., via INT Grand Isle, 333° and New Orleans, La., 181° radials; New Orleans; McComb, Miss., including an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT McComb 348° and Jackson 199° radials; Greenwood, Miss., including an E alternate and also a W alternate; Memphis, Tenn., including an E alternate and also a W alternate; Malden, Mo., including a W alternate; Farmington, Mo.; St. Louis, Mo., including a W alternate; Capital, Ill., including a W alternate; Pontiac, Ill.; Joliet, Ill.; Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 198° radials; Milwaukee; Oshkosh, Wis.; Green Bay, Wis.; Iron Mountain, Mich., including an east alternate from Green Bay to Iron Mountain via Menominee, Mich.; Houghton, Mich.; including an E alternate via Marquette, Mich.

V-10 From Pueblo, Colo., 18 miles, 48 miles, 60 MSL, Lamar, Colo.; Garden City, Kans.; Dodge City, Kans.; Hutchinson, Kans., including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; Emporia, Kans.; Kansas City, Mo., including a N alternate Emporia to Kansas City via Topeka, Kans.; Kirksville, Mo.; Burlington, Iowa; Bradford, Ill.; INT Bradford 050° and Naperville, Ill., 254° radials; Naperville; South Bend, Ind., including a N alternate via INT Naperville 075° and South Bend 290° radials; Litchfield, Mich.; Carleton, Mich.; INT Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; Youngstown; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa. The airspace within Canada is excluded.

V-11 From Mobile, Ala., Green County, Miss.; 28 miles 95 MSL, Laurel, Miss., including an east alternate from Mobile to Laurel via INT Mobile 356° and Laurel 109° radials; Jackson, Miss. From Memphis, Tenn., Dyersburg, Tenn., including a W alternate via INT Memphis 001° and Dyersburg 235° radials, and an E alternate via the INT Memphis 045° and Dyersburg 182° radials; Paducah, Ky., including an E alternate; Evansville, Ind., including an east alternate;
Indianapolis, Ind., including an E alternate from Evansville to Indianapolis via INT Evansville 046° and Bloomington, Ind., 205° radials, Bloomington, INT of Bloomington 025° and Indianapolis 185° radials; Fort Wayne, including an E alternate via INT Indianapolis 060° and Shelbyville, Ind., 006° radials, and INT Shelbyville 006° and Fort Wayne 218° radials; Salem, Mich.; 6-miles wide to INT Salem 052° and Windsor, Ont., Canada 335° radials.

AMENDMENTS 9/17/70 35 F. R. 11231 (Changed)

V-12 From Gaviota, Calif., Santa Barbara, Calif.; INT Santa Barbara 109° and Fillmore, Calif., 268° radials; Fillmore; Palmdale, Calif.; 38 miles, 6 miles wide, Hector, Calif.; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, Calif.; 45 miles, 34 miles, 95 MSL, Prescott, Ariz.; Winslow, Ariz.; 30 mi. 85 MSL Zuni, N. Mex.; Albuquerque, N. Mex., including a south alternate via INT Zuni 104° and Albuquerque 253° radials; Otto, N. Mex.; Anton Chico, N. Mex., including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex.; Amarillo, Tex., including a N alternate and also a S alternate; Gage, Okla., including a N alternate from Aramillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials; Anthony, Kans.; Wichita, Kans., including a N alternate from Gage to Wichita via INT Gage 025° and Wichita 250° radials and also a S alternate via Anthony 060° and Wichita 190° radials; Emporia, Kans., including a N alternate via INT Wichita 037° and Emporia 259° radials; INT Emporia 050° and Topeka, Kans., 099° radials; INT Topeka 099° and Blue Springs, Mo., 268° radials; Blue Springs; Columbia, Mo.; Maryland Heights, Mo., including a S alternate from INT Macon, Mo., 202° and Columbia 273° radials to INT Hallsville, Mo., 134° and Columbia 102° radials via Jefferson City, Mo.; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including a N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, Ohio, 083° radials; Newcomerstown, Ohio; Bellaire, Ohio; INT Bellaire 107° and Indian Head, Pa., 254° radials; Indian Head; Johnstown, Pa.;
Harrisburg, Pa., including a S alternate from Johnstown to Harrisburg via St. Thomas, Pa.
AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

V-13 From Houston, Tex., Humble, Tex.; Lufkin, Tex., including an east alternate from Houston to Lufkin via Daisetta, Tex., and a west alternate from Humble to Lufkin via INT Humble 002° and Lufkin 218° radials; Shreveport, La., including an E alternate; Texarkana, Ark., including a W alternate via INT Shreveport 275° and Texarkana 184° radials; Page, Okla.; Fort Smith, Ark.; INT Fort Smith 006° and Fayetteville, Ark., 190° radials; Fayetteville, including a W alternate from Page to Fayetteville via INT Page 006° and Fayetteville 205° radials; Neosho, Mo.; Butler, Mo.; Kansas City, Mo., including an E alternate via INT Butler 013° and Kansas City 157° radials; Lamoni, Iowa; Des Moines, Iowa, including a W alternate; Mason City, Iowa, including an E alternate and also a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; Farmington, Minn.; Grantsburg, Wis., including a W alternate from Mason City to Grantsburg via INT Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and W alternate; Duluth, Minn., including an E alternate; 36 miles, 35 MSL Thunder Bay, Ontario, Canada. The airspace outside the United States is excluded.
AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 087° and Tulsa 228° radials; Neosho, Mo., including a N alternate and also a S alternate via INT Tulsa 087° and Neosho 223° radials; Springfield, Mo., including a S alternate via INT Neosho 074° and Springfield 210° radials; Vichy, Mo., including a N alternate; St. Louis, Mo., including a N alternate and also a S alternate via INT of Vichy 069° and St. Louis 219° radials;
Vandalia, Ill., including a N alternate via INT of St. Louis 062° and Vandalia 273° radials; Terre Haute, Ind.; Indianapolis, Ind., including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; Muncie, Ind.; Findlay, Ohio; INT Findlay 095° and Cleveland, Ohio, 241° radials; Cleveland; Jefferson, Ohio, Erie, Pa., including a N alternate from
Cleveland to Erie via INT Cleveland 049° and Jefferson 279° radials; Dunkirk, N. Y.; Buffalo, N. Y. including a N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 259° radials; Geneseo, N. Y., Georgetown, N. Y.; INT Georgetown 093° and Albany, N. Y. 270° radials; Albany; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; INT Gardner 128° and Boston, Mass., 251° radials; Boston. The airspace within R-5207 and Canada is excluded.
AMENDMENTS 4/30/70 35 F. R. 4396 (Changed)
AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051
AMENDMENTS 7/23/70 35 F. R. 7857 (Changed); 8/20/70 35 F. R. 8925 (Changed)

V-15 From Galveston, Tex., via Houston, Tex.; Navasota, Tex., including an east alternate from Houston to Navasota via Humble, Tex.; College Station, Tex., including a west alternate from Houston to College Station via INT Houston 290° and College Station 151° radials; Waco, Tex., including a W alternate via INT College Station 307° and Waco 173° radials; Dallas, Tex., including an E alternate and also a W alternate from Waco to INT Britton, Tex., 091° and Dallas, Tex., 202° radials via INT Waco 353° and Britton 264° radials, and Britton; Ardmore, Okla., including a W alternate via INT Dallas 299° and Ardmore 178° radials; Okmulgee, Okla., including an E alternate and also a W alternate via INT Ardmore 006° and Okmulgee 245° radials; INT Okmulgee 048° and Neosho, Mo., 223° radials; Neosho. From Kansas City, Mo., St. Joseph, Mo.; INT St. Joseph 343° and Neola, Iowa, 157° radials; Neola; INT Neola 322° and Sioux City, Iowa, 159° radials; Sioux City; INT Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a west alternate from Sioux Falls to Huron via Mitchell, S. Dak.; Aberdeen, S. Dak., including a W alternate; 18 miles, 89 miles, 42 MSL, Bismarck, N. Dak.; Minot, N. Dak.

V-16 From Los Angeles, Calif., Ontario, Calif.; Palm Springs, Calif.; Blythe, Calif.; 21 miles, 60 miles, 55 MSL, Buckeye, Ariz.; Phoenix, Ariz.; INT Phoenix 161° and Casa Grande, Ariz., 105° radials; Tucson, Ariz., including a south alternate from INT Phoenix 161° and Casa Grande 105° radials, to Tucson via INT Phoenix 161° and Tucson 298° radials; Cochise, Ariz., including a S alternate via INT Tucson 122° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radial; Salt Flat, Tex.; Wink, Tex.; Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including a S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Mineral Wells, Tex.; INT Mineral Wells 078° and Dallas, Tex., 252° radials; Dallas, including a S alternate via INT Mineral Wells 094° and Dallas 229° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a N alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a S alternate via INT Sulphur Springs 090° and Texarkana 240° radials; Pine Bluff, Ark.; Memphis, Tenn., including a S alternate; Jacks Creek, Tenn., including a N alternate via INT Memphis 045° and Jacks Creek 260° radials; Graham, Tenn., including a S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radial; Nashville, Tenn., including a N alternate from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 288° radials; Hinch Mountain, Tenn., including a S alternate and also a N alternate via INT Nashville 081° and Hinch Mountain 301° radials; Knoxville, Tenn., including a S alternate via INT Hinch Mountain
100° and Knoxville 243° radials; Holston Mountain, Tenn., including a S alternate from Knoxville to Holston Mountain via Snowbird, Tenn.; Pulaski, Va., including a N alternate from Knoxville to Pulaski via INT Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va.; Gordonsville, Va., including a N alternate from Roanoke to Gordonsville via INT Roanoke 035° and Montebello, Va., 250° radials and Montebello, and also a S alternate from Pulaski to Gordonsville via INT Pulaski 094° and Lynchburg, Va., 253° radials and Lynchburg; Nottingham, Md.; 6-mile wide, Kenton, Del.; Millville, N. J.; Coyle, N. J.; Kenndy, N. Y.; Deer Park, N. Y.; Riverhead, N. Y.; Norwich, Conn.; Boston, Mass. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded.
AMENDMENTS 4/30/70 35 F. R. 4256 (Changed)
AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-17 From McAllen, Tex., 29 miles, 34 miles, 25 MSL, Laredo, Tex.; Cotulla, Tex.; INT Cotulla 041° and San Antonio, Tex., 202° radials; San Antonio, including a E alternate via INT Cotulla 041° and San Antonio 183° radials; Austin, Tex., including a W alternate via INT San Antonio 002° and Austin 237° radials and also an E alternate via INT San Antonio 057° and Austin 198° radials; Waco, Tex., including an E alternate via INT Austin 046° and Waco 173° radials; INT Waco 315° and Mineral Wells, Tex., 197° radials; Mineral Wells; Bridgeport, Tex.; Duncan, Okla. INT Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT Oklahoma City 282° and Gage 153° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; Goodland, Kans. The airspace above 9,000 feet MSL is excluded between McAllen and Laredo.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

V-18 From Dallas, Tex., via Quitman, Tex.; Shreveport, La., including a S alternate via INT Quitman 109° and Shreveport 246° radials; Monroe, La., including a N alternate and also a S alternate via INT Shreveport 117° and Monroe 268° radials; Jackson, Miss., including a N alternate and also a S alternate; Meridian, Miss., including a N alternate and also a S alternate; Tuscaloosa, Ala.; Birmingham, Ala.; Anniston, Ala.; Rex, Ga.; INT Rex 090° and Augusta, Ga., 278° radials; Augusta, including a S alternate from Birmingham to Augusta via INT Birmingham 114° and Brookwood, Ala., 083° radials, Atlanta, Ga., and INT Atlanta 098° and Augusta 263° radials; INT Augusta 103° and Charleston, S. C., 296° radials; Charleston, including a S alternate from Augusta to Charleston via INT Augusta 148° and Allendale, S. C., 273° radials, and Allendale, excluding the airspace within R-6004.

AMENDMENTS 4/2/70 35 F. R. 2726 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

V-19 From Newman, Tex., via INT Newman 286° and Truth or Consequences, N. Mex., 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; Albuquerque, N. Mex., including a W alternate via INT Socorro 343° and Albuquerque 199° radials, and also an E alternate via INT Socorro 015° and Albuquerque 160° radials; Sante Fe, N. Mex., including a W alternate via INT Albuquerque 026° and Santa Fe 253° radials; Las Vegas, N. Mex.; Cimarron, N. Mex.; Pueblo, Colo., including an E alternate via INT Cimarron 053° and Pueblo 176° radials; Kiowa, Colo., including an east alternate; Denver; Cheyenne, Wyo.; Casper, Wyo., including an E alternate from Cheyenne to Casper via INT Cheyenne 002° and Douglas, Wyo., 152° radials and Douglas; 5 miles, 45 miles 71 MSL, Crazy Woman, Wyo.; Sheridan, Wyo., including an E alternate; 21 miles, 35 miles 75 MSL, Billings, Mont., including an E alternate from Sheridan 21 miles, 38 miles, 75 MSL, to Billings; 38 miles, 72 MSL INT Billings 347° and Lewistown, Mont., 104° radials; Lewistown; Great Falls, Mont., including a W alternate via INT Lewistown 274° and Great Falls 122° radials.

AMENDMENTS 7/23/70 35 F. R. 8879 (Changed)

V-20 From McAllen, Tex., INT McAllen 039° and Corpus Christi, Tex., 181° radials; Corpus Christi, including a south alternate from McAllen to INT McAllen 039° and Corpus Christi 181° radials via Harlingen, Tex.; via INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios, including a N alternate via INT Corpus Christi 039° and Palacios 241° radials; Houston, Tex., including a N alternate via INT Palacios 035° and Houston 251° radials, and a south alternate via INT Palacios 064° and Houston 201° radials; Beaumont, Tex., including a north alternate via INT Houston 045° and Beaumont 271° radials; Lake Charles, La., including a north alternate via INT Beaumont 056° and Lake Charles 272° radials, and also a south alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° radials and Sabine Pass; Lafayette, La., including a N alternate via INT Lake Charles 064° and Lafayette 285° radials; New Orleans, La., including a S alternate from Lafayette to New Orleans via Tibby, La.; INT New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including a N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate; INT Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including a 6-mile wide S alternate via INT Mobile 063° and Monroeville 216° radials; Montgomery, Ala.; La Grange, Ga., Atlanta, Ga., including a N alternate from Montgomery to Atlanta via INT Montgomery 033° and Atlanta 248° radials; Rex, Ga.; Anderson, S. C.; Spartanburg, S. C., including a N alternate from Atlanta to Spartanburg via Norcross, Ga., and INT Norcross 055° and Spartanburg 244° radials; Greensboro, N. C.; South Boston, Va.; INT of Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including Richmond, Va.; INT Richmond 039° and Brooke, Va., 132° radials; INT Patuxent, Md., 228° and Nottingham, Md., 174° radials; Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded.

V-21 From INT Seal Beach, Calif., 250° and Los Angeles, Calif., 207° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), Hector, Calif.; Boulder City, Nev., including a W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; Morman Mesa, Nev.; 30 miles, 52 miles, 95 MSL Milford, Utah, including an E alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, to Milford, excluding the airspace between the man and this E alternate airway; Delta, Utah; Fairfield, Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Idaho Falls, Idaho; INT of Idaho Falls, 030° and DuBois, Idaho, 157° radials; DuBois; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; INT Helena 352° and Great Falls, Mont., 222° radials; Great Falls; Cut Bank, Mont., including a W alternate Helena direct Cut Bank; INT Cut Bank 348° radial and the United States/Canadian border.

AMENDMENTS 4/30/70 35 F. R. 3110 (Changed)
AMENDMENTS 4/2/70 35 F. R. 3155 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

V-23 From San Diego, Calif., Oceanside, Calif.; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; Gorman, Calif., Bakersfield, Calif.; Fresno, Calif.; 53 miles, 6 miles wide, Linden, Calif.; Sacramento, Calif., including a W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; INT Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; 58 miles, 95 MSL Fort Jones, Calif.; Medford, Oreg., including an east alternate via INT Fort Jones 041° and Medford 157° radials; Eugene, Oreg.; Portland, Oreg., including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, Oreg., 174° radials, Roseburg, INT Roseburg 355° and Corvallis, Oreg., 195° radials, Corvallis, and Newberg, Oreg.; 20 miles, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, Seattle; Paine, Wash.; Bellingham, Wash.; via INT Bellingham 290° radial to the United States/Canadian border.

AMENDMENTS 9/17/70 35 F. R. 10504 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11682 (Changed)

V-24 From Aberdeen, S. Dak., Watertown, S. Dak., including a N alternate; 15 miles, 64 miles 33 MSL, Redwood Falls, Minn.; Rochester, Minn.; Lone Rock, Wis., including a S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From San Diego, Calif., Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Seal Beach, Calif., 186° radials, via Seal Beach, 6 miles wide, to INT Seal Beach 287° and Los Angeles 138° radials; INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, Ventura; 6 miles wide, INT Ventura 331° and Santa Barbara, Calif., 109° radials; Santa Barbara; Paso Robles, Calif., Salinas, Calif., including an E alternate via INT Paso Robles 342° and Salinas 131° radials; INT Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 24 miles, 85 MSL, 18 miles, 75 MSL, Red Bluff, Calif.; 53 miles, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181 radials; 19 miles, 95 MSL, Klamath Falls; 21 miles, 77 miles, 90 MSL, Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an east alternate via INT The Dalles 051° and Yakima 183° radials; Ellensburg, Wash., including a west alternate via INT Yakima 305° and Ellensburg 191° radials; Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States
and the airspace more than 3 miles NE of the airway centerline between Long Beach and INT of Long Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, and W-289 is excluded.
The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 11/12/70 35 F. R. 14693 (Changed): Corr: 35 F. R. 17032

V-26 From Cherokee, Wyo.; 11 miles, 52 miles 111 MSL,
Casper, Wyo.; 14 miles, 25 miles 75 MSL, 92 miles 90 MSL, Rapid City, S. Dak.; 43 miles, 35 MSL Philip, S. Dak.; 56 miles, 35 MSL, Pierre, S. Dak., including a north alternate; 26 miles, 41 miles, 35 MSL, Huron, S. Dak.; Redwood Falls, Minn., including
a S alternate; Flying Cloud, Minn.; INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; Eau Claire, including a south alternate from Redwood Falls to Eau Claire via Farmington, Minn.; Wausau, Wis.; Green Bay, Wis.; INT Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich.; INT Salem 139° and Cleveland, Ohio, 309° radials; Cleveland. The airspace within Canada is excluded.
AMENDMENTS 5/28/70 35 F. R. 6006 (Changed); 7/23/70 35 F. R. 7553 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11682 (Changed)

V-27 From San Diego, Calif., INT San Diego 319° and Santa Catalina, Calif., 099° radials; Santa Catalina; 6 miles wide, Ventura, Calif.; 6 miles wide, INT Ventura 331° and Fillmore, Calif., 268° radials; INT Fillmore 268° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur; INT Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; Ukiah; Fortuna, Calif.; Crescent City, Calif.; 34 miles, 32 miles, 59 MSL, North Bend, Oreg.; Newport, Oreg.; 39 miles, 30 miles, 45 MSL, Astoria, Oreg.; including an east alternate via INT of Newport 016° and Astoria 157° radials; Hoquiam, Wash., including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, Wash., including an east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520, and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

V-28 From Oakland, Calif., INT Oakland 077° and Linden, Calif., 246° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; Reno.

V-29 From Snow Hill, Md., Salisbury, Md.; Kenton, Del., including a West alternate via INT Salisbury 340° and Kenton 217° radials; New Castle, Del.; Modena, Pa.; Pottstown, Pa.; East Texas, Pa.; Wilkes-Barre, Pa.; Binghamton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT Watertown 033° and Massena, N. Y., 241° radials; Massena. The airspace within R-4006 is excluded.
AMENDMENTS 2/5/70 34 F. R. 19968 (Changed)
AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-30 From Milwaukee, Wis., INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including a S alternate via INT Milwaukee 121° and Pullman 282° radials; Litchfield, Mich.; Waterville, Ohio; Cleveland, Ohio; Akron, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; INT East Texas 103° and Solberg, N. J., 255° radials; Solberg.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-31 From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham. From Baltimore, Md.; Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y.; INT Elmira 357° and Rochester, N. Y., 125° radials; Rochester.

V-32 From Battle Mountain, Nev.; Elko, Nev.; Bonneville, Utah, including a north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL, Salt Lake City, Utah; 17 miles, 45 miles, 105 MSL, Fort Bridger, Wyo.

V-33 From Cofield, N. C.; INT Cofield 007° and Harcum, Va., 187° radials; Harcum; INT Harcum 003° and Nottingham, Md., 174° radials; Nottingham. From Baltimore, Md., Harrisburg, Pa.; Philipsburg, Pa.; Keating, Pa.; Bradford, Pa.; Buffalo, N. Y.

V-34 From Kleinburg, Ont., INT Kleinburg 113° and Rochester, N. Y., 309° radials; Rochester, including a south alternate via INT of Kleinburg 133° and Rochester 289° radials; Ithaca, N. Y.; Hancock, N. Y.; Carmel, N. Y.; INT Carmel 093° and Riverhead, N. Y., 046° radials. The airspace within Canada and R-5207 is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Corr: 35 F. R. 1221; Eff. date changed 4/30/70 35 F.R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-35 From Key West, Fla., INT Key West 086° and Bimini, Bahamas, 215° radials; INT Bimini 215° and Miami, Fla., 147° radials; Miami; INT Miami 269° and Fort Myers, Fla., 137° radials, including a W alternate from INT Miami 147° radial and Miami International Airport Runway 9 left ILS localizer W course to INT Miami 269° and Fort Myers 137° radials via INT Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; Fort Myers; St. Petersburg, Fla., including a W alternate; INT St. Petersburg 350° and Cross City, Fla., 168° radials; Cross City, including an E alternate via Gainesville, Fla., and also a W alternate via INT St. Petersburg 316° and Cross City 185° radials; Greenville, Fla.; Albany, Ga., including a west alternate from Cross City to Albany via Tallahassee, Fla.; Macon, Ga., including a west alternate via INT Albany 013° and Macon 227° radials; Athens, Ga.; Anderson, Sugarloaf Mountain, N. C.; Holston Mountain, Tenn., via INT Sugarloaf Mountain 301° and Holston Mountain 203° radials; Blackford, Va.; Charleston, W. Va., including an E
alternate via Bluefield, W. Va.; INT Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa., including a west alternate from Morgantown to Johnstown via INT Morgantown 010° and Johnstown 260° radials; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira,
N. Y.; Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.
AMENDMENTS 4/30/70 35 F. R. 4257 (Changed)

V-36 From Toronto, Ont., via INT Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo, including a S alternate via INT Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this S alternate; Elmira, N. Y.; Lake Henry, Pa.; INT Lake Henry 136° and Sparta, N. J., 290° radials; Sparta; Kennedy, N. Y. The airspace within Canada is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-37 From Savannah, Ga., Allendale, S. C.; Columbia, S. C.; Fort Mill, S. C., including a W alternate via INT Columbia 294° and Fort Mill 201° radials; Pulaski, Va., Elkins, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Clarion, Pa.; Franklin, Pa.; Erie, Pa.; Toronto, Ont., Canada. The airspace within Canada is excluded.

V-38 From Iowa City, Iowa, Moline, Ill.; Joliet, Ill.; Peotone, Ill.; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; Elins, W. Va.; Gordonsville, Va.; Richmond, Va.; Harcum, Va.; Cape Charles, Va.

V-39 From Myrtle Beach, S. C., 27 MSL Fayetteville, N. C., excluding the airspace at and above 5,000 feet MSL. From Pinehurst, N. C., South Boston, Va.; Gordonsville, Va.; INT Gordonsville, 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va.; including an E alternate from Gordonsville to Herndon via INT Herndon 202° and Brooke, Va., 300° radials; Westminster, Md.; Lancaster, Pa.; East Texas, Pa.; Allentown, Pa.; Huguenot, N. Y.; INT Huguenot 032° and Pawling, N. Y., 259° radials; Pawling; Westfield, Mass.; Gardner, Mass.; Concord, N. H.; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; Millinocket, Maine; Presque Isle, Maine; Mont Joli, Quebec, Canada, excluding the portion within Canada.

V-40 From Cleveland, Ohio, Briggs, Ohio; INT Briggs 077° and Youngstown, Ohio, 177° radials.

AMENDMENTS 6/25/70 35 F. R. 7051 (Changed)

V-41 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Youngstown.

AMENDMENTS 6/25/70 35 F. R. 7051 (Rewritten)

V-42 From Flint, Mich.; via INT Flint 133° and Windsor, Ont., 320° radials; Windsor, including an E alternate INT Flint 118° and Windsor 335° radials, 7 mi. wide (3 mi. E and 4 mi. W of centerline), Cleveland, Ohio; Akron, Ohio, including an E alternate from Windsor, Ont., Canada, to Akron via INT Windsor 134° and Akron 312° radials. The airspace within Canada is excluded.

AMENDMENTS 5/28/70 35 F. R. 6006 (Changed)

V-43 From Appleton, Ohio; Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio, including a west alternate from Tiverton to Youngstown via INT Tiverton 040° and Akron, Ohio, 233° radials, and Akron; Erie, Pa.

V-44 From Maryland Heights, Mo.; Centralia, Ill.; Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; INT Kenton 086° and Atlantic City, N. J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N. Y., 209° radials; Deer Park. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-45 From New Bern, N. C., Kinston, N. C.; Raleigh-Durham, N. C.; INT Raleigh-Durham 275° and Greensboro, N. C., 105° radials; Greensboro; INT Greensboro 334° and
Hickory, N. C., 049° radials; Pulaski, Va.; Bluefield, W. Va.; Charleston, W. Va. From INT Waterville, Ohio, 085° and Cleveland, Ohio, 335° radials; Waterville;
Jackson, Mich.; Lansing, Mich.; Saginaw, Mich.; Alpena, Mich., including a west alternate via INT Saginaw 353° and Alpena 232° radials; Pellston, Mich. The airspace within R-5502 is excluded.

AMENDMENTS 4/2/70 35 F. R. 1103 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 7/23/70 35 F. R. 7857 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14693 (Changed)

V-46 From Deer Park, N. Y., Riverhead, N. Y.; Hampton, N. Y.; INT Hampton 083° and Nantucket, Mass., 255° radials; Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-47 From Evansville, Ind., Nabb, Ind.; Cincinnati, Ohio; Rosewood, Ohio; Findlay, Ohio, including a W alternate
via INT Rosewood 309° and Findlay, Ohio, 218° radials; Waterville, Ohio; INT Waterville 353° and Salem, Mich., 197° radials; Salem; INT Salem 027° and Flint, Mich., 118° radials.

AMENDMENTS 8/20/70 35 F. R. 8925 (Changed)

V-48 From Ottumwa, Iowa, Burlington, Iowa; Peoria, Ill.; Pontiac, Ill.

V-49 From Jacks Creek, Tenn., Bowling Green, Ky.; Mystic, Ky.; Nabb, Ind.

V-50 From Pawnee City, Nebr., St. Joseph, Mo.; Kirksville, Mo.; Quincy, Ill.; Capital, Ill.; Decatur, Ill.; Terre Haute, Ind.; Indianapolis, Ind.; Dayton, Ohio, including a N alternate from Indianapolis to Dayton via Muncie, Ind.

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V-51 From Key West, Fla., INT Miami, Fla., 222° and Biscayne Bay, Fla. 262° radials; Biscayne Bay; Miami; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; INT Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an east alternate
from Biscayne Bay to Vero Beach via INT Biscayne Bay 348° and Vero Beach 178° radials; Daytona Beach, Fla.; INT Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma, including an E alternate; Dublin, Ga.; Rex, Ga.; Hinch Mountain, Tenn.; including a W alternate from INT Rex 345° and Chattanooga, Tenn., 118° radials to Hinch Mountain via Chattanooga; Livingston, Tenn.; Louisville, Ky., including an E alternate and also a W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, Ky., 165° radials and New Hope; Nabb, Ind.; Shelbyville, Ind.; INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; Chicago Heights, Ill. The airspace within R-2902A and R-2902B is excluded.

AMENDMENTS 4/30/70 35 F. R. 4256 (Changed)

V-52 From Des Moines, Iowa; Ottumwa, Iowa; Quincy, Ill.; St. Louis, Mo., including a N alternate; Troy, Ill.; INT Troy 099° and Evansville, Ind., 311° radials; Evansville, Ind.

V-53 From Charleston, S. C., INT Charleston 296° and Columbia, S. C., 153° radials; Columbia; Spartanburg, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; INT Indianapolis 312° and Lafayette, Ind., 159° radials; Lafayette; INT Lafayette 313° and Peotone, Ill., 152° radials; Peotone; INT Peotone 003° and Chicago-O'Hare, Ill., 153° radials; Chicago-O'Hare.

AMENDMENTS 4/2/70 35 F. R. 2726 (Changed); Corr: 35 F. R. 4291; Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 4/30/70 35 F. R. 4257 (Changed)

V-54 From Waco, Tex., via INT Waco 037° and Quitman, Tex., 243° radials; Quitman; Texarkana, Ark.; INT Texarkana 052° and Little Rock, Ark., 235° True radials; Little Rock, including a N alternate via INT Texarkana 037° and Hot Springs, Ark., 223° radials and Hot Springs; Memphis, Tenn., including a N alternate; Muscle Shoals, Ala., including a N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a S alternate via Holly Springs, Miss., and INT Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala., including a N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; Chattanooga, Tenn., including a N alternate and also a S alternate via Huntsville 097° and Chattanooga 229° radials; Harris, Ga.; Spartanburg, S. C.; Fort Mill, S. C.; Pinehurst, N. C.

V-55 From Dayton, Ohio, Fort Wayne, Ind., including an E alternate via INT Dayton 347° and Fort Wayne 128° radials; Goshen, Ind.; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; 9 miles, 55 miles, 25 MSL, Grantsburg, Wis.; 9 miles, 45 miles, 26 MSL, Brainerd, Minn.; 13 miles, 29 miles, 27 MSL, Park Rapids, Minn.; 7 miles, 58 miles, 30 MSL, 31 miles, 28 MSL, Grand Forks, N. Dak.

V-56 From Meridian, Miss., Kewanee, Miss.; Craig, Ala.; Montgomery, Ala.; Tuskegee, Ala.; INT Tuskegee 078° and Columbus, Ga. 255° radials; Columbus, including a south alternate from Montgomery to Columbus via INT Montgomery 090° and Columbus 219° radials; Macon, Ga.; Augusta, Ga.; Columbia, S. C., including a south alternate via INT of Augusta 103° and Columbia 236° radials; INT Columbia 079° and
Florence, S. C., 243° radials; Florence; Fayetteville, N. C., 41 miles 15 MSL, INT Fayetteville 098° and New Bern, N. C., 256° radials; New Bern. The airspace at and above 5,000 feet MSL is excluded from Fayetteville to Wallace INT; and the airspace at and above 9,000 feet MSL is excluded from Wallace INT to New Bern.

AMENDMENTS 4/2/70 35 F. R. 2726 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

V-57 From Lexington, Ky., to Falmouth, Ky.

AMENDMENTS 8/20/70 35 F. R. 8925 (Rewritten)

V-58 From Philipsburg, Pa.; Williamsport, Pa.; INT Williamsport 079° and Lake Henry, Pa., 265° radials; Lake Henry; Pawling, N. Y.; Hartford, Conn.; INT Hartford 130° and Providence, R. I., 212° radials.

V-59 From Pulaski, Va., Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio.

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including a S alternate via INT Albuquerque 103° and Otto 253° radials; Las Vegas, N. Mex.

V-61 From Bridgeport, Tex., INT Bridgeport 315° and Wichita Falls, Tex., 139° radials; Wichita Falls.

V-62 From INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, via Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Lubbock, Tex.;
Abilene, Tex.; INT Abilene 096° and Britton, Tex., 264° radials; Britton.

AMENDMENTS 2/5/70 34 F. R. 19749 (Changed)

V-63 From McAlester, Okla., via Fayetteville, Ark.; Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; Burlington, Iowa; Moline, Ill.; Cordova, Ill.; Rockford, Ill.; Janesville, Wis.; Milwaukee, Wis.

V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Seal Beach, Calif., 266° radials; Seal Beach; Thermal, Calif.; Blythe, Calif. The portion outside the United States has no upper limit.

V-65 From INT Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials; St. Joseph; Lamoni, Iowa.

V-66 From San Diego, Calif., Imperial, Calif.; 13 miles, 24 miles, 25 MSL, Yuma, Ariz.; 12 miles, 35 MSL INT Yuma 087° and Gila Bend, Ariz., 262° radials; 46 miles, 35 MSL, Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT Douglas 064° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, INT El Paso 112° and Hudspeth, Tex., 281° radials; 6 mi. wide, Hudspeth; Pecos, Tex.; Midland, Tex.; Hyman, Tex.; INT Hyman 074° and Abilene, Tex., 251° radials; Abilene; INT Abilene 066° and Bridgeport, Tex., 248° radials; Bridgeport; INT Bridgeport 087° and Sulphur Springs, Tex., 275° radials; Sulphur Springs. From Tuscaloosa, Ala., Brookwood, Ala.; 15 miles, 7 miles wide (4 miles N and 3 miles S of centerline) Atlanta, Ga.; Rex, Ga.; INT Rex 090° and Athens, Ga., 238° radials; Athens; Fort Mill, S. C.; Raleigh-Durham, N. C.; Franklin, Va.; INT Franklin 087° and Norfolk, Va., 226° radials; Norfolk.

AMENDMENTS 7/23/70 35 F. R. 7857 (Changed)

V-67 From Paducah, Ky.; Marion, Ill.; Centralia, Ill.; INT Centralia 010° and Vandalia, Ill., 162° radials; Vandalia; Capital, Ill.; INT Capital 305° and Burlington, Iowa 134° radials; Burlington; Iowa City, Iowa; Cedar Rapids, Iowa; Waterloo, Iowa; Mason City, Iowa; Rochester, Minn., including a west alternate via INT Mason City 023° and Rochester 243° radials.

AMENDMENTS 3/5/70 35 F. R. 355 (Rewritten); Corr: 35 F. R. 2726

V-68 From Albuquerque, N. Mex., via INT Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including a N alternate via INT Albuquerque 103° and Corona 328° radials and also a S alternate via INT Albuquerque 160° and Corona 269° radials; 41 mi. 85 MSL, Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, Roswell; Hobbs, N. Mex., including a S alternate; INT Hobbs 120° and Midland, Tex., 312° radials; Midland, including a S alternate via INT Hobbs 136° and Midland 283° radials; San Angelo, Tex., including a S alterante via INT Midland 128° and San Angelo 278° radials; Junction, Tex., including a S alternate via INT San Angelo 181° and Junction 310° radials; San Antonio, Tex.

V-69 From Shreveport, La., via INT Shreveport 087° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreveport 087° and El Dorado 233° radials; Pine Bluff, Ark.; INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials; Walnut Ridge; Farmington, Mo.; INT Farmington 351° and Troy, Ill., 233° radials; Troy; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-70 From Corpus Christi, Tex., via INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Galveston, Tex.; Sabine Pass, Tex., including a north alternate from Palacios to Sabine Pass via Humble, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including a N alternate via INT Lafayette 012° and Baton Rouge 264° radials; Picayune, Miss.; 95 MSL Greene County, Miss.; Monroeville, Ala.; INT Monroeville 073° and Eufaula, Ala., 258° radials; Eufaula; Vienna, Ga.; Allendale, S. C., including a north alternate from Eufaula to INT Dublin 101° and Allendale 247° radials, via Macon, Ga., and Dublin, Ga.

V-71 From Baton Rouge, La., Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La.; El Dorado, Ark.; Hot Springs, Ark.; INT Hot Springs 358° and Harrison, Ark., 176° radials; Harrison; Springfield, Mo., including a W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate; Butler, Mo.; Kansas City, Mo.; INT Kansas City 310° and Pawnee City, Nebr., 122° radials; Pawnee City; INT Pawnee City 334° and Lincoln, Nebr. 146° radials; Lincoln; Columbus, Nebr.

V-72 From Fayetteville, Ark., Dogwood, Mo.; Maples, Mo.; Farmington, Mo.; Centralia, Ill.; Bible Grove, Ill.; INT Bible Grove 015° and Vandalia, Ill., 075° radials. From Rosewood, Ohio, Mansfield, Ohio;
INT Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials; Akron, Ohio; Youngstown, Ohio; Tidioute, Pa.; Bradford, Pa.; INT Bradford 078° and Elmira, N. Y., 252° radials; Elmira; Binghamton, N. Y., Rockdale, N. Y.; Albany, N. Y.; Cambridge, N. Y.; INT Cambridge 063° and Keene, N. H., 336° radials.

V-73 From Wichita, Kans., Hutchinson, Kans.; INT Hutchinson 025° and Salina, Kans., 184° radials; Salina, including an east alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials.

V-74 From Garden City, Kans.; Dodge City, Kans.; Anthony, Kans.; Ponca City, Okla., including a north alternate via INT Anthony 091° and Ponca City 327° radials; Tulsa, Okla., including a N alternate via INT Ponca City 094° and Tulsa 319° radials; Fort Smith, Ark., including a N alternate via INT Tulsa 087° and Fort Smith 318° radials and a S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; Little Rock, Ark., including a N alternate and also a S alternate via INT Fort Smith 133° and Little Rock 278° radials; Pine Bluff, Ark., including a N alternate via INT Little Rock 137° and Pine Bluff 006° radials.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

V-75 From Morgantown, W. Va.; Bellaire, Ohio; Briggs, Ohio; Cleveland, Ohio.

V-76 From Lubbock, Tex., via INT Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including a N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.; Austin, Tex., including a S alternate via INT Llano 129° and Austin 257° radials; Industry, Tex.; INT Industry 101° and Houston, Tex., 290° radials; Houston, including a S alternate from Industry to Houston via Eagle Lake, Tex.; Galveston, Tex.

AMENDMENTS 3/6/70 35 F. R. 4200 (Changed)

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Ponca City, Okla., including an E alternate via INT Oklahoma City 037° and Ponca City 186° radials; INT Ponca City 327° and Wichita, Kans., 225° radials; Wichita; INT Wichita 037° and Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; to Des Moines, Iowa. The airspace within R-5601 is excluded.

V-78 From Huron, S. Dak., Watertown, S. Dak., including a S alternate; Darwin, Minn.; Minneapolis, Minn.; Eau Claire, Wis.

V-79 From Hobbs, N. Mex., via INT Hobbs 073° and Lubbock, Tex., 188° radials; Lubbock.

V-80 From Akron, Colo., North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an E alternate; Dalhart, Tex.; Tobe, Colo.; Pueblo, Colo.; Colorado Springs, Colo.; Denver, Colo.

V-82 From Baudette, Minn., Bemidji, Minn.; 20 miles, 51 miles, 29 MSL, Brainerd, Minn.; 11 miles, 52 miles, 25 MSL, Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn.; Nodine, Minn.; Dells, Wis.; INT Dells 097° and Timmerman, Wis., 322° radials; 6 mi. wide Timmerman.

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; 40 miles, 85 MSL Corona, N. Mex., including an E alternate INT Roswell 335° and Corona 124° radials, 85 MSL Corona; Otto, N. Mex., Santa Fe, N. Mex.; Taos, N. Mex.; Alamosa, Colo.; INT Alamosa 074° and Pueblo, Colo., 191° radials; Pueblo; Colorado Springs; Colo.; Kiowa, Colo.

AMENDMENTS 2/5/70 34 F. R. 19464 (Changed)

V-84 From Bradford, Ill.; INT Bradford 033° and Chicago-O'Hare, Ill., 269° radials; Northbrook, Ill.; Pullman, Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT Geneseo 091° and Syracuse, N. Y., 242° radials; Syracuse. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles, 48 miles 77 MSL, to Riverton, Wyo.

V-86 From Butte, Mont., Whitehall, Mont.; Bozeman, Mont.; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont.; 32 miles, 35 miles, 75 MSL, Sheridan, Wyo.; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, Rapid City, S. Dak.

V-87 From San Francisco, Calif., INT San Francisco 357° and Napa, Calif., 182° radials; Napa; INT Napa 004° and Maxwell, Calif., 188° radials; Maxwell; Red Bluff, Calif.
AMENDMENTS 1/5/71 36 F. R. 44 (Changed)

V-88 From Tulsa, Okla., INT Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo.; INT Vichy 091° and St. Louis, Mo., 171° radials.

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; Denver; Cheyenne, Wyo., including an east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials; Chadron, including an E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., via INT Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 083° and Dunkirk, N. Y., 266° radials; Dunkirk, including a N alternate from INT Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont. The airspace within Canada is excluded.

V-91 From Riverhead, N. Y., INT Riverhead 344° and Pawling, N. Y., 139° radials; Pawling; INT Pawling 342° and Albany, N. Y., 181° radials; Albany;
Glens Falls, N. Y.; INT Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-92 From Joliet, Ill., Chicago Heights, Ill.; Goshen, Ind.; Waterville, Ohio; Mansfield, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville 285° radials; Grantsville; Front Royal, Va.

V-93 From Patuxent River, Md., INT Patuxent 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa.; Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N. Y.; Chester, Mass.; Keene, N. H.; Concord, N. H.; INT Concord 041° and Augusta, Maine, 239° radials; Augusta; Bangor, Maine; Princeton, Maine; INT Princeton 057° radial and the United States/Canadian border.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-94 From Gila Bend, Ariz., Casa Grande, Ariz.; 55 miles, 74 miles, 95 MSL, San Simon, Ariz.; Deming, N. Mex.; Newman, Tex., including a S alternate via INT Deming 119° and Newman 271° radials; Salt Flat, Tex., including a north alternate via INT Newman 091° and Salt Flat 312° radials; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Tuscola, Tex.; INT Tuscola, 084° and Britton, Tex., 264° radials; Britton; Gregg County, Tex.; Elm Grove, La.; Monroe, La. The airspace within R-5103A is excluded.

AMENDMENTS 7/23/70 35 F. R. 7857 (Changed)

V-95 From Gila Bend, Ariz., INT Gila Bend 096° and Phoenix, Ariz., 204° radials; Phoenix; 49 miles, 40 miles, 95 MSL, Winslow, Ariz., including a W alternate from Phoenix, INT Phoenix 004° and Winslow 224° radials; 52 miles, 95 MSL, Winslow; 66 miles, 39 miles, 125 MSL, Farmington, N. Mex. From Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, Kiowa, Colo.

V-96 From Indianapolis, Ind., Kokomo, Ind.; Fort Wayne, Ind.; Waterville, Ohio; Windsor, Ontario, Canada, excluding the portion within Canada.

V-97 From Miami, Fla., La Belle, Fla.; St. Petersburg, Fla.; Tallahassee, Fla., including an east alternate from INT LaBelle 313° and Lakeland, Fla., 175° radials to INT St. Petersburg 331° and Lakeland 307° radials via Lakeland and from INT of St. Petersburg 331° and Cross City, Fla., 201° radials to Tallahassee, via Cross City and also a west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City 201° radials via INT St. Petersburg 316° and Cross City 201° radials; Albany, Ga.; Atlanta, Ga., including an east alternate via INT Albany 013° and Rex, Ga., 174° radials and the INT of Rex 174° and Atlanta 147° radials; INT Atlanta 007° and Knoxville, Tenn., 198° radials; Knoxville, including an E alternate from Atlanta to Knoxville via Norcross Ga., and Harris, Ga.; London, Ky., including an E alternate via INT Knoxville 013° and London 141° radials; Lexington, Ky.; Cincinnati, Ohio, including a W alternate via INT Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, Ky.; Shelbyville, Ind., INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Lafayette 136° radials; Chicago Heights, Ill.; Joliet, Ill., INT Joliet 008° and Naperville, Ill., 340° radials; INT Naperville 340° and Janesville, Wis., 111° radials; Janesville; INT Janesville 294° and Lone Rock, Wis., 147° radials; Lone Rock; Nodine, Minn.; Minneapolis, Minn. The airspace below 2,000 feet MSL outside the United States is excluded.

V-98 From INT Litchfield, Mich., 126° and Carleton, Mich., 249° radials; Carleton; Windsor, Ont., Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Maseena, N. Y.; St. Jean, Quebec, Canada. The airspace within Canada is excluded.

V-99 From Bridgeport, Conn.; to Hartford, Conn.

AMENDMENTS 4/2/70 34 F. R. 20419 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-100 From Medicine Bow, Wyo., Scottsbluff, Nebr.; Alliance, Nebr.; Ainsworth, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; Northbrook, Ill.; INT Northbrook 093° and Keeler, Mich., 271° radials; Keeler; Litchfield, Mich.; Carleton, Mich.

V-101 From Vernal, Utah, 25 miles, 25 miles 120 MSL, 22 miles 145 MSL, 20 miles 125 MSL, Salt Lake City, Utah; Ogden, Utah;
61 miles, 26 miles, 109 MSL, Burley, Idaho; INT Burley 323° and Pocatello, Idaho, 286° radials.

AMENDMENTS 7/23/70 35 F. R. 8212 (Changed)

V-102 From Salt Flat, Tex., via Carlsbad, N. Mex.; Hobbs, N. Mex.; Lubbock, Tex.; Guthrie, Tex.; Wichita Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

V-103 From Greensboro, N. C., Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; Bellaire, Ohio; INT Bellaire 327° and Akron, Ohio, 181° radials; Akron, Ohio; INT Akron 312° and Windsor, Ontario, Canada 134° radials; INT Windsor 134° and Salem, Mich., 117° radials; Salem. The airspace within Canada is excluded.

V-104 From Ottawa, Ontario, Canada, INT Ottawa 095° and Massena, N. Y., 330° radials; Massena; Plattsburgh, N. Y. The airspace within Canada is excluded.

V-105 From Tucson, Ariz., INT Tucson 273° and Casa Grande, Ariz., 158° radials; Casa Grande; Phoenix, Ariz.; Prescott, Ariz.; 25 miles, 22 miles, 85 MSL, Boulder City, Nev.; Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, Peach Springs, INT Peach Springs 305° and Las Vegas 081° radials, to Las Vegas; INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 105 MSL Beatty; 105 MSL Coaldale, Nev.; 82 miles 110 MSL, to Reno, Nev., including an east alternate from Coaldale, 110 MSL via Mina, Nev., 110 MSL INT Mina 300° and Reno 135° radials, Reno.

V-106 From Johnstown, Pa.; INT Johnstown 068° and Selinsgrove, Pa., 259° radials; Selinsgrove; INT Selinsgrove 067° and Wilkes-Barre, Pa., 237° radials; Wilkes-Barre; Lake Henry, Pa.; Pawling, N. Y.; Westfield, Mass; Gardner, Mass.; Manchester, N. H.; Kennebunk, Maine.

V-107 From Los Angeles, Calif., INT Los Angeles 061° and Santa Monica, Calif., 093° radials; Santa Monica; INT Santa Monica 276° and Fillmore, Calif., 163° radials; Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials, and Ventura, Calif.; Avenal, Calif.; Los Banos, Calif.; Oakland, Calif., including an E alternate via INT Los Banos 317° and Oakland 110° radials;
Point Reyes, Calif.; INT Point Reyes 306° and Ukiah, Calif., 172° radials. The
airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 1/8/70 34 F. R. 17330 (Changed)

V-108 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; INT Sausalito 052° and Linden, Calif., 269° radials; Linden. From Colorado Springs, Colo.; Hugo, Colo., including a south alternate via INT Colorado Springs 153° and Hugo 250° radials; 74 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.

V-109 From Los Banos, Calif., Stockton, Calif.; INT Stockton 268° and Oakland, Calif., 077° radials; Oakland.

V-110 From Deming, N. Mex., Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., Salinas, Calif.; INT Salinas 026° and Los Banos, Calif., 317° radials.

AMENDMENTS 5/28/70 35 F. R. 6006 (Rewritten)

V-112 From Astoria, Oreg., 44 miles; 15 miles, 6-mile wide, Portland, Oreg.; The Dalles, Oreg.; INT of The Dalles 101° and Pendleton, Oreg., 254° radials; Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, Wash., including a W alternate from Pendleton via Pasco, Wash., 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane, and an east alternate from Pendleton via INT Pendleton 090° and Walla Walla, Wash., 215° radials, Walla Walla, 22 miles, 48 miles, 45 MSL, to Spokane, excluding the airspace between the main and west and east alternates; 47 miles, 105 MSL Kimberley, British Columbia, Canada, excluding the portion within Canada.

V-113 From San Luis Obispo, Calif., Paso Robles, Calif.; Priest, Calif.; Los Banos, Calif.; Stockton, Calif.; Linden, Calif.; INT Linden 046° and Reno, Nev. 208° radials; Reno; 42 miles, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, to Boise, Idaho.

V-114 From Amarillo, Tex., via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials; INT Wichita Falls 122° and Dallas, Tex., 299° radials; Dallas; INT Dallas 113° and Gregg County, Tex., 290° radials; Gregg County, including a N alternate from Dallas to Gregg County via Quitman, Tex., and also a S alternate via INT Dallas 130 and Gregg County 273° radials; Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 302° radials; Baton Rouge, La.; New Orleans, La., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials.

V-115 From Crestview, Fla., INT Crestview 001° and Montgomery, Ala., 204° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles E and 3 miles W and within 4.5° of centerline) Birmingham; Chattanooga, Tenn., including a E alternate via INT Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT Gadsden 042° and Chattanooga 214° radials; Knoxville, Tenn., including a West alternate via INT Chattanooga 028° and Knoxville 243° radials; Whitesburg, Ky.; Charleston, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; INT Newcomerstown 038° and Franklin, Pa., 239° radials; Franklin; Tidioute, Pa.; Jamestown, N. Y.; Buffalo, N. Y.

V-116 From Kansas City, Mo., Macon, Mo.; Quincy, Ill.; Peoria, Ill.; Joliet, Ill.; Naperville, Ill.; Keeler, Mich., including a south alternate via INT Naperville 089° and Keeler 234° radials; Jackson, Mich.; INT Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; INT Windsor 100° and Erie, Pa., 275° radials; Erie; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; INT Lake Henry 109° and Deer Park, N. Y., 296° radials; Deer Park. The airspace within Canada is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274 ; Eff. date changed to: 6/25/70 35 F. R. 7051

V-117 From Parkersburg, W. Va.; Bellaire, Ohio; INT Bellaire 044° and Newcomerstown, Ohio, 099° radials.

V-118 From Medicine Bow, Wyo., 23 miles 85 MSL, Laramie, Wyo.; Cheyenne, Wyo.

V-119 From Newcombe, Ky., Henderson, W. Va.; Parkersburg, W. Va.; INT Parkersburg 067° and Indian Head, Pa., 254° radials; Indian Head; Clarion, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V-120 From Mullan Pass, Idaho, 5 miles, 55 miles, 95 MSL, 43 miles, 125 MSL, Great Falls, Mont., Lewistown, Mont., including a N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 72 miles, 85 MSL, Miles City, Mont., 48 miles, 109 miles, 90 MSL, 38 MSL Dupree, S. Dak.; 60 miles, 38 MSL, Pierre, S. Dak.; Mitchell, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa.

V-121 From Medford, Oreg., INT Medford 352° and Roseburg, Oreg., 127° radials; Roseburg; North Bend, Oreg.; Eugene, Oreg.; INT Eugene 070° and Redmond, Oreg., 281° radials; Redmond.

V-122 From Crescent City, Calif., Medford, Oreg.; 32 miles, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° True radials; 6 miles, 75 MSL Klamath Falls; 21 miles, 90 MSL Lakeview, Oreg.

V-123 From Washington, D. C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and Woodstown, N. J., 230° radials; Woodstown; INT Woodstown 043° and Robbinsville, N. J., 239° radials; Robbinsville; LaGuardia, N. Y.; INT LaGuardia 034° and Carmel, N. Y., 188° radials; Carmel.
AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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V-124 From Dallas, Tex., Paris, Tex.; Hot Springs, Ark.; Little Rock, Ark.; Memphis, Tenn.
AMENDMENTS 12/10/70 35 F. R. 14542 (Changed)

V-125 From Anthony, Kans., Hutchinson, Kans.

V-126 From Chicago Heights, Ill., Goshen, Ind.; Waterville, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; Huguenot, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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V-127 From Bradford, Ill., Polo, Ill.; Rockford, Ill.

V-128 From Chicago-O'Hare, Ill., INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; Peotone; INT Peotone 152° and Indianapolis, Ind., 312° radials; Indianapolis; INT Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky., including a S alternate via INT Cincinnati 120° and York 271° radials; Charleston, W. Va.; Casanova, Va.

V-129 From Capital, Ill., Peoria, Ill.; Cordova, Ill.; Dubuque, Iowa; Waukon, Iowa; Nodine, Minn.; Eau Claire, Wis.; 15 miles, 73 miles, 35 MSL Duluth, Minn.; Hibbing, Minn., including an E alternate; 24 miles, 47 miles, 30 MSL, International Falls, Minn., including a W alternate from Hibbing, 24 miles 30 MSL INT Hibbing 325° and International Falls 182° radials, 25 miles, 30 MSL, to International Falls; INT International Falls 335° radial and the United States/Canadian border.

AMENDMENTS 8/18/70 35 F. R. 13118 (Changed)

V-130 From Albany, N. Y., Hartford, Conn.; Norwich, Conn.; INT Norwich 090° radial and Providence, R. I., ILS localizer S course.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; Topeka, Kans.

V-132 From Cheyenne, Wyo.; Akron, Colo.; 17 miles, 49 miles, 59 MSL, Goodland, Kans.; 50 miles, 97 miles, 65 MSL, Hutchinson, Kans.; INT Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT Chanute 100° and Springfield, Mo., 276° radials; Springfield; INT Springfield 058° and Forney, Mo., 266°; Forney; INT Forney 086° and Maples, Mo., 052° radials, excluding that portion within R-4501A.

V-133 From Fort Mill, S. C., Hickory, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield, Ohio; Sandusky, Ohio; INT Sandusky 342° and Salem, Mich., 139° radials; Salem; Flint, Mich.; Saginaw, Mich.; Traverse City, Mich., Escanaba, Mich.; Marquette, Mich.; Houghton, Mich.; 10 miles, 26 MSL Thunder Bay, Ontario, Canada. The airspace within Canada is excluded.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed); 5/28/70 35 F. R. 6006 (Changed)

V-134 From Fairfield, Utah, via Price, Utah; to Grand Junction, Colo.

AMENDMENTS 11/12/70 35 F. R. 14693 (Added)

V-135 From Yuma, Ariz., Blythe, Calif.; Parker, Calif.; 5 miles, 24 miles, 55 MSL, Needles, Calif.; Goffs, Calif.; 84 miles, 105 MSL Beatty, Nev.; 105 MSL INT Beatty 326° and Tonopah, Nev., 198° radials; to Tonopah. The airspace within R-4807 is excluded.

V-136 From Pulaski, Va., INT Pulaski 094° and South Boston, Va., 295° radials; South Boston; Raleigh-Durham, N. C.

V-137 From Imperial, Calif., INT Imperial 350° and Thermal, Calif., 122° radials; Thermal; Palm Springs, Calif.; Palmdale, Calif.; Gorman, Calif.; Avenal, Calif.; Priest, Calif.; Salinas, Calif. The airspace within R-2521 is excluded.

V-138 From Riverton, Wyo., 35 mi. 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow; Cheyenne, Wyo., including a N alternate via INT Medicine Bow 106° and Cheyenne 330° radials; Sidney, Nebr. From Grand Island, Nebr., 1200 feet AGL INT of Grand Island 099° and Lincoln, Nebr., 267° true radials; 1,200 feet AGL Lincoln; 1,200 feet AGL INT of Lincoln 040° and Neola, Iowa, 253° true radials; Neola to Fort Dodge, Iowa.

V-139 From Wilmington, N. C., New Bern, N. C.; Cofield, N. C.; INT Cofield 077° and Norfolk, Va., 209° radials; Norfolk; Cape Charles, Va.; Snow Hill, Md.; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; INT Hampton 059° and Providence, R. I., 212° radials; Providence; 6 miles wide, Whitman, Mass., including an E alternate; INT Whitman 041° and Manchester, N. H., 130° radials; INT Manchester 130° and Boston, Mass., 015° radials; INT Manchester 117° and Boston 015° radials. The airspace below 2,000 feet MSL outside the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

AMENDMENTS 4/30/70 35 F. R. 3109 (Changed)

V-140 From Amarillo, Tex., via Sayre, Okla., including a N alternate via INT Amarillo 072° and Sayre 288° radials; Kingfisher, Okla.; INT Kingfisher 072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including a N alternate via INT Tulsa 059° and Fayetteville 284° radials; Harrison, Ark., Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., Livingston, Tenn., including a S alternate; London, Ky., including a N alternate from Nashville to London via INT Nashville 044° and London 258° radials; Whitesburg, Ky., Bluefield, W. Va.; INT of Bluefield 071° and Montebello, Va., 250° radials; Montebello; Casanova, Va.; Herndon, Va.; INT Herndon 061° and Modena, Pa., 234° radials; Modena.

V-141 From Nantucket, Mass., Hyannis, Mass.; Boston, Mass.; INT Boston 015° and Manchester, N. H. 117° radials; Manchester; Concord, N. H.; Lebanon, N. H., including an east alternate via INT Concord 022° and Lebanon 103° radials; Burlington, Vt.; Massena, N. Y.

V-143 From Fort Mill, S. C., Greensboro, N. C.; Lynchburg, Va.; Montebello, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials; Pottstown, Pa.; Yardley, Pa.

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V-144 From Chicago-O'Hare, Ill., INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; Peotone; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials.

V-145 From Utica, N. Y., INT Utica 303° and Watertown, N. Y., 171° radials; Watertown; INT Watertown 358° radial and the United States/Canadian border.

V-146 From Pawling, N. Y., Putnam, Conn.; Providence, R. I.; Martha's Vineyard, Mass.; Nantucket, Mass.

V-147 From INT New Castle, Del., 058° and Pottstown, Pa., 143° radials; Pottstown; East Texas, Pa.; Wilkes-Barre, Pa.; Elmira, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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V-148 From Denver, Colo.; INT Denver 174° and Kiowa, Colo., 273° radials; Kiowa; Thurman, Colo.; 65 MSL INT Thurman 067° and Hayes Center, Nebr., 246° radials; Hayes Center, Nebr.; North Platte, Nebr.; 21 miles, 84 miles 49 MSL, O'Neill, Nebr.; 10 miles, 62 miles, 35 MSL, Sioux Falls, S. Dak.; 29 miles, 46 miles, 31 MSL, Redwood Falls, Minn., including a south alternate from Sioux Falls 29 miles, 49 miles, 31 MSL, Redwood Falls; Minneapolis, Minn.

AMENDMENTS 5/28/70 35 F. R. 5398 (Changed)

V-149 From INT Allentown, Pa. 147° and Solberg, N. J., 227° radials; Allentown, Pa.; Lake Henry, Pa.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051
AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Corr: 35 F. R. 4291; Eff. date changed 4/30/70 35 F.R. 5465;
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-150 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; Sacramento, Calif.

V-151 From Providence, R. I., Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt.; Burlington, Vt.

V-152 From St. Petersburg, Fla., Orlando, Fla., including a N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a S alternate via Lakeland, Fla.; Dayton Beach, Fla., including a S alternate via INT Orlando 049° and Daytona Beach 161° radials.

V-153 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; Stillwater; Lake Henry, Pa.; Hancock, N. Y.; Georgetown, N. Y.; Syracuse, N. Y.

AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Corr: 35 F. R. 4291; Eff. date changed 4/30/70 35 F.R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-154 From Macon, Ga.; Dublin, Ga.; Savannah, Ga.

V-155 From Augusta, Ga., Chesterfield, S. C.; Pinehurst, N. C.; Raleigh-Durham, N. C.; Lawrenceville, Va.; INT Lawrenceville 034° and Flat Rock, Va.; 171° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va. The airspace within R-6602 is excluded.

V-156 From Moline, Ill., Bradford, Ill.; Peotone, Ill.; INT Peotone 098° and Knox, Ind.; 238° radials; Knox; South Bend, Ind.

V-157 From Key West, Fla., Miami, Fla.; La Belle, Fla., including a W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Waycross, Ga.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; Florence, S. C. From Kinston, N. C., Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; INT Brooke, Va., 132° and Washington, D. C., 189° radials; 6-mile wide Washington; Baltimore, Md.; INT Baltimore 038° and New Castle, Del., 261° radials; New Castle; Robbinsville, N. J.; Colts Neck, N. J.; Kingston, N. Y. The airspace within R-4001, R-6602, R-6612 is excluded.

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V-158 From Waterloo, Iowa, Dubuque, Iowa; Polo, Ill. The airspace within R-3302 is excluded.

V-159 From Miami, Fla., INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach; INT Palm Beach 321° and Vero Beach, Fla., 178° radials; Vero Beach; Orlando, Fla., including an E alternate via INT Vero Beach 341° and Orlando 123° radials; Ocala, Fla., including a W alternate via INT Orlando 283° and Ocala 156° radials; Gainesville, Fla.; Greenville, Fla., including a W alternate from Ocala to Greenville via Cross City, Fla.; Albany, Ga.; Eufaula, Ala.; Tuskegee, Ala.; Birmingham, Ala.; INT Birmingham 298° and Hamilton, Ala., 122° radials; Hamilton; Holly Springs, Miss., including an east alternate from Birmingham to Holly Springs via INT Birmingham 313° and Holly Springs 099° radials; Memphis, Tenn., including a west alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; Walnut Ridge, Ark.; Dogwood, Mo.; Springfield, Mo.; Blue Springs, Mo.; Kansas City, Mo.; St. Joseph, Mo.; INT St. Joseph 343° and Neola, Iowa, 157° radials; INT Neola 157° and Omaha, Nebr., 112° radials; Omaha; Sioux City, Iowa, including a west alternate via INT Omaha 320° and Sioux City 174° radials; Yankton, S. Dak.; Mitchell, S. Dak.

V-160 From Denver, Colo.; INT Denver 045° and Sidney, Nebr., 230° radials; Sidney.

V-161 From Greater Southwest, Tex., via INT Greater Southwest 318° and Ardmore, Okla., 192° radials; Ardmore; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Blue Springs, Mo.; INT Blue Springs 016° and Lamoni, Iowa, 174° radials; Lamoni; Des Moines, Iowa; Newton, Iowa; Waterloo, Iowa, including a W alternate from Des Moines to Waterloo via INT Des Moines 023° and Waterloo 241° radials; Rochester, Minn.; INT Rochester 365° and Minneapolis, Minn., 116° radials; Minneapolis; 14 miles, 52 miles, 25 MSL, Brainerd, Minn.; Grand Rapids, Minn.; 15 miles, 59 miles 30 MSL, International Falls, Minn.; to Winnipeg, Manitoba, Canada, excluding the portion within Canada.

V-162 From INT Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials; Clarksburg. From Harrisburg, Pa., East Texas, Pa., including a S alternate via INT Harrisburg 087° and East Texas 225° radials; Allentown, Pa. The airspace within R-5802 is excluded.

V-163 From Brownsville, Tex., INT Brownsville 356° and Corpus Christi 181° radials; Corpus Christi, including a west alternate from Brownsville to INT Brownsville 356° and Corpus Christi 181° radials via Harlingen, Tex.; Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate; INT San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radials and Llano; Mineral Wells, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT Ardmore 342° and Oklahoma City, Okla., 154° radials; Oklahoma City, including a W alternate via INT Ardmore 327° and Oklahoma City 180° radials and also an E alternate via INT Ardmore 006° and Oklahoma City 107° radials. The airspace within Mexico is excluded.

V-164 From Buffalo, N. Y., Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT Williamsport 129° and East Texas, Pa., 315° radials; East Texas.

V-165 From San Diego, Calif., INT San Diego 270° and Oceanside, Calif., 177° radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; Lake Hughes; INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; Bakersfield; Porterville, Calif.; INT Porterville 339° and Fresno, Calif., 140° radials; Fresno; 68 miles, 50 miles, 131 MSL, Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Oreg.; 5 miles, 72 miles, 90 MSL, Redmond, Oreg.; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, Oreg.; 32 miles, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT Olympia 010° and Seattle, Wash., 249° radials; Seattle.

V-166 From Parkersburg, W. Va., Clarksburg, W. Va.; Kessel, W. Va.; Martinsburg, W. Va.; Westminster, Md.; New Castle, Del.; Woodstown, N. J.; Sea Isle, N. J.

V-167 From Hancock, N. Y.; INT Hancock 120° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT
Hartford 081° and Providence, R. I., 270° radials; Providence; INT Providence 101° and Hyannis, Mass., 224° radials; Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-169 From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, Thurman, Colo.; Akron, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.; Chadron, Nebr.; Rapid City, S. Dak.; Dupree, S. Dak.; Bismarck, N. Dak. The airspace within R-4701 is excluded.

V-170 From Aberdeen, S. Dak., Sioux Falls, S. Dak.; Worthington, Minn.; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn. From Nodine, Minn., Dells, Wis.; INT Dells 097° and Milwaukee, Wis., 307° radials; Milwaukee; INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; Salem, Mich. From Erie, Pa., Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT Ravine 125° and Modena, Pa., 318° radials; Modena. The airspace within R-5802 is excluded.

V-171 From Louisville, Ky., Lewis, Ind., including an E alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington; Danville, Ill.; Peotone, Ill.; Joliet, Ill.; Rockford, Ill.; Lone Rock, Wis.; Nodine, Minn.; INT Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; 6 miles, 51 miles, 27 MSL, Alexandria, Minn.; INT Alexandria 321° and Grand Forks, N. Dak., 152° radials; Grand Forks.

AMENDMENTS 3/5/70 35 F. R. 356 (Changed)

V-172 From Denver, Colo., INT Denver 061° and Hayes Center, Nebr., 276° radials; INT Hayes Center 276° and North Platte, Nebr. 245° radials; North Platte; INT North Platte 073° and Wolbach, Nebr., 266° radials; Wolbach; Neola, Iowa; Newton, Iowa; Cedar Rapids, Iowa; Polo, Ill.; Chicago-O'Hare, Ill.; INT Chicago-O'Hare 091° and South Bend, Ind., 290° radials; South Bend.

V-173 From Capital, Ill., Roberts, Ill.; INT Roberts 008° and Joliet, Ill., 067° radials; Kedzie, Ill., RBN.

V-174 From York, Ky., Henderson, W. Va.; Elkins, W. Va.; Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials.

V-175 From Malden, Mo.; Vichy, Mo.; Hallsville, Mo., including a west alternate via INT Vichy 321° and Hallsville 183° radials; Macon, Mo.; Kirksville, Mo.; Des Moines, Iowa; Sioux City, Iowa; Worthington, Minn.; Redwood Falls, Minn.

AMENDMENTS 7/23/70 35 F. R. 7553 (Changed)

V-176 From Pontiac, Mich., to INT Pontiac 100° and Windsor, Ontario, Canada, 057° radials, excluding the portion within Canada.

V-177 From Naperville, Ill., Janesville, Wis.; Madison, Wis.; Stevens Point, Wis., including a west alternate via Dells, Wis.; Wausau, Wis., 32 miles, 99 miles, 55 MSL, Duluth, Minn.

V-178 From Vichy, Mo.; Farmington, Mo.; Paducah, Ky., including a south alternate; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W. Va.

V-180 From San Antonio, Tex., via Eagle Lake, Tex.; Galveston, Tex.

V-181 From Kirksville, Mo., Lamoni, Iowa; Omaha, Nebr.; Norfolk, Nebr.; Yankton, S. Dak.; Sioux Falls, S. Dak., including a W alternate via INT Yankton 016° and Sioux Falls 230° radials; Watertown, S. Dak., including an east alternate; 34 miles, 24 miles, 34 MSL, Fargo, N. Dak., including an east alternate; Grand Forks, N. Dak., including an east alternate via INT Fargo 004° and Grand Forks 152° radials; Pembina, N. Dak.; INT Pembina 356° radial and the United States/Canadian border.

AMENDMENTS 3/5/70 35 F. R. 356 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11682 (Changed)

V-182 From Portland, Oreg., The Dalles, Oreg.; Baker, Oreg.

V-183 From Santa Barbara, Calif., Bakersfield, Calif.

V-184 From Erie, Pa., Tidioute, Pa.; INT Tidioute 154° and Philipsburg, Pa., 296° radials; Philipsburg; Harrisburg, Pa.; INT Harrisburg 132° and Modena, Pa., 274° radials; Modena; INT Modena 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; Atlantic City, N. J.

V-185 From Savannah, Ga.; Augusta, Ga.; Greenwood, S. C.; Sugarloaf Mountain, N. C.; Snowbird, Tenn.; INT Snowbird 301° and Knoxville, Tenn., 069° radials; Knoxville, including an E alternate from Sugarloaf Mountain to Knoxville via INT Sugarloaf Mountain 329° and Knoxville 069° radials. The airspace within R-6004 is excluded.

AMENDMENTS 4/2/70 35 F. R. 2726 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 4/30/70 35 F. R. 4257 (Changed)

V-186 From Fillmore, Calif., Van Nuys, Calif.; Ontario, Calif.

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; 50 miles, 62 miles 115 MSL, Grand Junction, Colo., including a west alternate from Farmington, Cortez, Colo., Dove Creek, Colo., 17 miles, 28 miles 115 MSL, to Grand Junction, excluding the airspace between the main and west alternate; 75 miles, 50 miles, 112 MSL, Rock Springs, Wyo., including a west alternate from Grand Junction 45 miles 103 MSL, 14 miles 85 MSL, Vernal, Utah, 20 miles, 110 MSL, Rock Springs, excluding the airspace between the main and this west alternate; 20 miles, 37 miles 95 MSL, INT Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir, Wyo.; 9 miles, 78 miles, 105 MSL, Billings, Mont., including a west alternate from Boysen Reservoir, 9 miles, 56 miles, 91 MSL, via Cody, Wyo., Billings, excluding the airspace between the main and this west alternate; 40 miles, 75 MSL INT Billings 317° and Great Falls, Mont., 122° radials; Great Falls; Missoula, Mont.

AMENDMENTS 7/23/70 35 F. R. 8212 (Changed)

V-188 From Carleton, Mich., Jefferson, Ohio; Tidioute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Wilkes-Barre, Pa. The airspace within Canada is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-189 From Rocky Mount, N. C., Franklin, Va.; Hopewell, Va.

V-190 From Phoenix, Ariz., 54 miles, 19 miles, 95 MSL, 59 miles, 115 MSL, St. Johns, Ariz.; Albuquerque, N. Mex., including a south alternate via INT St. Johns 092° and Albuquerque 238° radials; Las Vegas, N. Mex.; 19 mi., 72 mi. 90 MSL, Dalhart, Tex.; 14 mi., 36 mi. 60 MSL, Gage, Okla.; INT Gage 059° and Ponca City, Okla., 280° radials; Ponca City; INT Ponca City 094° and Bartlesville, Okla., 256° radials; Bartlesville; INT Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo., Marion, Ill.; Evansville, Ind.

V-191 From Troy, Ill.; Decatur, Ill.; Roberts, Ill.; INT of Roberts 008° and Joliet, Ill., direct radial to Kedzie, Ill., RBN; Northbrook, Ill.;
INT of Northbrook 078° and Chicago, Ill., 019° radials; INT of Chicago 019° and Milwaukee, Wis., 121° radials; Milwaukee; Oshkosh, Wis.; Stevens Point, Wis.; Wausau, Wis.; Rhinelander, Wis., including an E alternate from Oshkosh direct to Rhinelander; Ironwood, Mich.; Duluth, Minn.

AMENDMENTS 12/10/70 35 F. R. 15983 (Changed)

V-192 From Champaign, Ill.; Terre Haute, Ind.

AMENDMENTS 2/5/70 34 F. R. 19969 (Added)

V-193 From INT Pullman, Mich., 243° and South Bend, Ind., 310° radials; Pullman; INT Pullman 029° and White Cloud, Mich., 168° radials; White Cloud; Traverse City, Mich., including a W alternate via Manistee, Mich.; Pellston, Mich.; INT Pellston 003° and Sault Ste. Marie, Mich., 214° radials; Sault Ste. Marie.

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss.; INT McComb 055° and Meridian, Miss., 221° radials; Meridian. From Norcross, Ga., INT Norcross 055° and Anderson, S. C., 267° radials; Anderson; INT Anderson 065° and Charlotte, N. C., 240° radials; Charlotte; Liberty, N. C.; Raleigh-Durham, N. C.; Rocky Mount, N. C.; Cofield, N. C.; Norfolk, Va., INT Norfolk 001° and Harcum, Va., 075° radials; INT Harcum 075° and Snow Hill 211° radials.

V-195 From Oakland, Calif., INT Oakland 004° and Williams, Calif., 191° radials; Williams; INT Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; Fortuna, Calif.

V-196 From Utica, N. Y., Saranac Lake, N. Y.; Plattsburgh, N. Y.

V-197 From Ontario, Calif.; Pomona, Calif.; Palmdale, Calif.; INT Palmdale 314° and Bakersfield, Calif., 137° radials; Bakersfield, excluding the airspace more than 3 miles northeast of the centerline from Palmdale to 30 miles northwest.

Corr: 35 F. R. 146

V-198 From San Simon, Ariz., Columbus, N. Mex.; El Paso, Tex., 6 mi. wide, INT El Paso 112° and Hudspeth, Tex., 281° radials; 6 mi. wide, Hudspeth; 29 mi., 38 mi. 82 MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° radials; 18 mi. 82 MSL, Fort Stockton; 20 mi., 116 mi. 55 MSL, Junction, Tex.; San Antonio, Tex.; Eagle Lake, Tex.; Houston, Tex.; INT Houston 090° and Sabine Pass, Tex., 265° radials; Sabine Pass, including a north alternate from Eagle Lake to Sabine Pass via Humble, Tex.; White Lake, La.; Tibby, La.; Harvey, La., 69 miles, 33 miles 25 MSL, Brookley; 6 miles wide Navy Saufley, Fla.; 6 miles wide INT
Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide Crestview; Marianna, Fla.; Tallahassee, Fla.; Greenville, Fla.; 18 miles, 6 miles wide, Taylor, Fla.; Jacksonville, Fla.

AMENDMENTS 9/17/70 35 F. R. 11231 (Changed)
AMENDMENTS 1/7/71 35 F. R. 17535 (Changed)

V-199 From San Francisco, Calif. INT San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; 17 miles, 23 miles 85 MSL, 18 miles 75 MSL, Red Bluff, Calif. The portion outside the United States has no upper limit.

V-200 From Ukiah, Calif., Williams, Calif.; Reno, Nev. From Fairfield, Utah, 10 miles, 35 miles 125 MSL, Myton, Utah; 30 miles 79 MSL, 31 miles, 98 MSL Meeker, Colo.; 37 miles, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, Denver, Colo.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; Los Angeles; Palmdale, Calif. The portion outside the United States has no upper limit.

V-202 From Cochise, Ariz., via San Simon, Ariz.; Silver City, N. Mex.; Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., Chester, Mass.; INT Chester 293° and Albany, N. Y., 139° radials; Albany; Saranac Lake, N. Y.; Massena, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-204 From Hoquiam, Wash., Olympia, Wash.; INT Olympia 114° and Yakima, Wash., 271° radials; Yakima.

V-205 From Sparta, N. J.; INT Sparta 023° and Pawling, N. Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

AMENDMENTS 4/2/70 34 F. R. 20419 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-206 From Blue Springs, Mo., INT Blue Springs 056° and Kirksville, Mo., 225° radials; Kirksville.

V-207 From Denver, Colo., Gill, Colo.; Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif. Twentynine Palms, Calif.; 20 miles, 24 miles 73 MSL, Needles, Calif.; Peach Springs, Ariz. From Myton, Utah, 79 MSL, via Vernal, Utah, 25 miles, 105 MSL, Cherokee, Wyo. The airspace within R-2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.
AMENDMENTS 7/23/70 35 F. R. 7553 (Changed); Corr: 35 F. R. 11467

V-209 From Mobile, Ala., INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi.; 6 mi. wide Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) Brookwood, Ala.; Birmingham, Ala.; Decatur, Ala., including an E alternate via INT Birmingham 013° and Decatur 130° radials, and a W alternate via INT Birmingham 335° and Decatur 205° radials; Graham, Tenn.; INT Graham 006° and Bowling Green, Ky., 230° radials; to Bowling Green.

V-210 From Los Angeles, Calif., INT Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT Daggett, Calif., 229° and Hector, Calif., 263° radials; Hector; Goffs, Calif.; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; Grand Canyon, Ariz.; Tuba City, Ariz.; 10 mi. 90 MSL, 91 mi. 105 MSL, Farmington, N. Mex.; Alamosa, Colo., including a south alternate via INT Farmington 086° and Alamosa 232° radials; INT Alamosa 074° and Lamar, Colo., 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City. From Indianapolis, Ind., Muncie, Ind.; Rosewood, Ohio; Tiverton, Ohio; Briggs, Ohio; INT Briggs 044° and Akron, Ohio, 088° radials; INT Akron 088° and Youngstown, Ohio, 116° radials; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa.; INT Revloc 096° and Harrisburg, Pa., 289° radials; Harrisburg; Lancaster, Pa.; INT Lancaster 095° and Pottstown, Pa., 143° radials.
AMENDMENTS 2/5/70 34 F. R. 19464 (Changed); 3/5/70 35 F. R. 146 (Changed)

V-211 From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo., excluding the airspace below 1,200 feet above the surface.

V-212 From San Antonio, Tex., via INT San Antonio 089° and Industry, Tex., 233° radials; Industry; Navasota, Tex.; Lufkin, Tex.; Alexandria, La.; McComb, Miss.

V-213 From Myrtle Beach, S. C., INT Myrtle Beach 031° and Rocky Mount, N. C., 191° radials; Rocky Mount; Hopewell, Va.; INT Hopewell 019° and Brooke, Va., 132° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J.; INT Woodstown 043° and Robbinsville, N. J. 239° radials; Robbinsville.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-214 From Richmond, Ind., INT Richmond 090° and Rosewood, Ohio, 202° radials. From INT Appleton, Ohio, 236° and Zanesville, Ohio, 274° radials; Zanesville; Bellaire, Ohio; INT Bellaire, 108° and Indian Head, Pa., 254° radials; Indian Head; Martinsburg, W. Va.

V-215 From INT Muskegon, Mich., 208° and Pullman, Mich., 259° radials; Muskegon; White Cloud, Mich.

V-216 From Lamar, Colo., Hill City, Kans.; Mankato, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Ottumwa, Iowa; Iowa City, Iowa; INT Iowa City 062° and Janesville, Wis., 240° radials; Janesville; INT Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich., including a southern alternate via INT Saginaw 131° and Peck 270° radials; Kleinburg, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 3/5/70 35 F. R. 355 (Changed)
AMENDMENTS 10/15/70 35 F. R. 12327 (Changed)

V-217 From Chicago-O'Hare, Ill., INT Chicago-O'Hare 019° and Milwaukee, Wis., 137° radials; INT Milwaukee 137° radial and Milwaukee (General Mitchell Field) ILS front course; Milwaukee (General Mitchell Field) ILS localizer; INT Milwaukee (General Mitchell Field) ILS localizer back course and Green Bay, Wis., 165° radial; Green Bay; 32 miles, 39 miles, 31 MSL, Rhinelander, Wis.; 24 miles, 80 miles, 55 MSL, Duluth, Minn.

V-218 From Fairmont, Minn., Rochester, Minn.; Waukon, Iowa; Rockford, Ill.; INT Rockford 136° and Naperville, Ill., 290° radials; Naperville; Keeler, Mich.; Lansing, Mich.; Pontiac, Mich.; to INT Pontiac 112° and Windsor, Ont., Canada, 320° radials.

V-219 From Hayes Center, Nebr., INT Hayes Center 059° and Wolbach, Nebr., 251° radials; Wolbach; Norfolk, Nebr.; Sioux City, Iowa; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn.

V-220 From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL INT Kremmling 081° and Denver, Colo., 334° radials; Akron, Colo., INT Akron 094° and McCook, Nebr., 264° radials; McCook; INT McCook 072° and Grand Island, Nebr., 241° radials; Kearney, Nebr.; Hastings, Nebr.; Columbus, Nebr.

V-221 From Fort Wayne, Ind., via Litchfield, Mich.; Jackson, Mich.; INT Jackson 084° and Salem, Mich. 254° radials; Salem; INT Salem 083° and Erie, Pa., 290° radials; Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., via Salt Flat, Tex.; Fort Stockton, Tex.; 20 miles, 116 miles, 55 MSL, Junction, Tex.; INT Junction 112° and San Antonio, Tex., 334° radials; San Antonio; INT San Antonio 074° and Industry, Tex., 264° radials; Industry; INT Industry 085° and Humble, Tex., 274° radials; Humble; Beaumont, Tex.; Lake Charles, La., including a north alternate from Humble to Lake Charles via Daisetta, Tex.; McComb, Miss.; Hattiesburg, Miss.; Monroeville, Ala. From Norcross, Ga., INT Norcross 010° and Toccoa, Ga., 230° radials; Toccoa; Sugarloaf Mountain, N. C.; Hickory, N. C.; Lynchburg, Va.; INT Lynchburg 058° and Brooke, Va., 230° radials; Brooke; INT Brooke 045° and Richmond, Va., 009° radials.

AMENDMENTS 4/30/70 35 F. R. 4257 (Changed)

V-223 From Flat Rock, Va., INT Brooke, Va., 300° and Herndon, Va., 202° radials; Herndon; Harrisburg, Pa.

V-225 From Key West, Fla., 30 miles, 72 miles, 17 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles, 77 miles 17 AGL to Fort Myers; La Belle, Fla.; Vero Beach, Fla. The portion of V-225 E alternate outside the United States has no upper limit.

V-226 From INT Franklin, Pa., 175° and Clarion, Pa., 222° radials; Clarion, Pa.; Keating, Pa.; Williamsport, Pa., Wilkes-Barre, Pa.; Stillwater, N. J.; INT Stillwater 110° and Sparta, N. J., 194° radials.

V-227 From Lafayette, Ind., Roberts, Ill.; Pontiac, Ill.; INT Pontiac 338° and Rockford, Ill., 172° radials; Rockford.

V-228 From Northbrook, Ill., South Bend, Ind., including a N alternate via INT Northbrook 093° and South Bend 310° radials.

V-229 From Kennedy, N. Y.; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 150° radials; Gardner.

AMENDMENTS 4/2/70 34 F. R. 20419 (Added); Eff. date changed 4/30/70 35 F. R. 5465
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AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; Salinas; Los Banos, Calif.; Fresno, Calif.; Friant, Calif. The portion outside the United States has no upper limit.

V-231 From Missoula, Mont., INT Missoula 354° and Kalispell, Mont., 180° radials; Kalispell.

V-232 From INT of Waterville, Ohio, 013° and Sandusky, Ohio, 296° radials, Sandusky; INT Sandusky 061° and Chardon, Ohio, 281° radials; Chardon; Franklin, Pa.; Keating, Pa.; Milton, Pa.; Kennedy, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-233 From Roberts, Ill., Knox, Ind.; Goshen, Ind.; Litchfield, Mich.; Lansing, Mich.; Mount Pleasant, Mich.; to Traverse City, Mich.

AMENDMENTS 12/10/70 35 F. R. 15982 (Rewritten)

V-234 From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 65 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia.

V-235 From Fairfield, Utah, 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger. From Rock Springs, Wyo., 20 miles, 41 miles, 95 MSL, 37 miles, 107 MSL, to Casper, Wyo.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; Ogden.

V-237 From Needles, Calif., 25 miles, 24 miles 71 MSL, Boulder City, Nev.; INT Boulder City 347° and Las Vegas, Nev., 081° radials; Las Vegas.

V-238 From Maples, Mo.; Troy, Ill.

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

V-240 From New Orleans, La., via INT New Orleans 085° and Harvey, La., 065° radials; INT Brookley, Ala., 246° and Mobile, Ala., 224° radials; to Mobile.

AMENDMENTS 9/17/70 35 F. R. 11231 (Rewritten)

V-241 From Crestview, Fla., INT Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga., including a W alternate from Dothan to Columbus via INT Dothan 002° and Columbus 219° radials; INT Columbus 086° and Atlanta, Ga., 198° radials; Atlanta, including a W alternate via INT Columbus 019° and Atlanta 233° radials, and also an E alternate via INT Columbus 086° and Atlanta 198° radials, INT of Columbus 041° and Atlanta 198° radials and INT of Columbus 041° and Atlanta 175° radials.

V-242 From Mobile, Ala., Brookley, Ala.

V-243 From Jacksonville, Fla., INT Jacksonville 319° and Waycross, Ga., 126° radials; Waycross, including a W alternate via INT Jacksonville 304° and Waycross 149° radials; Vienna, Ga., including an E alternate via Alma, Ga., and INT Alma 320° and Vienna 104° radials; Atlanta, Ga., including an E alternate from INT Vienna 328° and Macon, Ga., 208° radials, to INT Vienna 328° and Macon 297° radials via Macon; INT Atlanta 347° and Chattanooga, Tenn., 152° radials; Chattanooga; Bowling Green, Ky.; Lewis, Ind.

V-244 From Oakland, Calif., INT Oakland 077° and Stockton, Calif., 268° radials; Stockton, including a S alternate INT Oakland 110° and Stockton 246° radials; 76 miles, 51 miles 145 MSL, Coaldale, Nev.; Tonopah, Nev.; 40 miles 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, Milford, Utah, Hanksville, Utah; 63 miles, 13 miles 140 MSL, 36 miles 115 MSL, Montrose, Colo.; Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, Pueblo, Colo.; 18 miles, 48 miles, 60 MSL, Lamar, Colo.; 20 miles, 116 miles 65 MSL, Hays, Kans.; Salina, Kans. The airspace within R-2531 is excluded.

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss.; Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

V-246 From Nodine, Minn., INT Nodine 055° and Stevens Point, Wis., 255° radials; to Stevens Point.

V-247 From Douglas, Wyo., 90 miles 75 MSL, to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., Avenal, Calif.; Bakersfield, Calif.

V-249 From Sparta, N. J., INT Sparta, N. J., 023° and DeLancey, N. Y., 131° radials; DeLancey; Utica, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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V-250 From O'Neill, Nebr.; Yankton, S. Dak.; Worthington, Minn.; Mankato, Minn.

AMENDMENTS 7/23/70 35 F. R. 7553 (Added)

V-251 From Decatur, Ill., via Champaign, Ill.; Danville, Ill.; Lafayette, Ind.

AMENDMENTS 2/5/70 34 F. R. 19969 (Added); 7/23/70 35 F. R. 7694 (Changed)
AMENDMENTS 12/10/70 35 F. R. 15983 (Changed)

V-252 From Buffalo, N. Y., Geneseo, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-253 From Fairfield, Utah, INT Fairfield 326° and Salt Lake City, 265° radials; 24 miles, 85 MSL Bonneville; 5 miles,
85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, Twin Falls, Idaho; Boise, Idaho; 42 miles; 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, Lewiston, Idaho; Pullman, Wash.: Spokane, Wash.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

V-255 From Garden City, Kans., to Hays, Kansas.

AMENDMENTS 4/30/70 35 F. R. 2953 (Added)

V-257 From Pheonix, Ariz., Prescott, Ariz.; INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; 7 miles, 71 miles 125 MSL, Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials, Delta; 39 miles, 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, Malad City; Pocatello, Idaho; DuBois, Idaho; Dillon, Mont.; Butte, Mont.; 22 miles, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; INT Helena 272° and Great Falls, Mont., 222° radials; Great Falls; 73 miles, 56 MSL, Havre, Mont. The airspace within R-6401 and R-6403 is excluded.

V-258 From Charleston, W. Va., Beckley, W. Va.; INT Beckley 125° and Roanoke, Va., 288° radials; Roanoke; INT Roanoke 145° and Danville, Va., 320° radials; Danville.

V-259 From Fort Mill, S. C., Holston Mountain, Tenn.

V-260 From Charleston, W. Va., Rainelle, W. Va.; Roanoke, Va., Lynchburg, Va.; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; INT Hopewell 128° and Norfolk, Va., 296° radials; Norfolk,

V-262 Fort Peoria, Ill., Bradford, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-263 From Cimarron, N. Mex., Tobe, Colo., 54 miles, 69 MSL, Lamar, Colo.; 17 miles, 63 MSL Hugo, Colo.; INT Hugo 327° and Gill, Colo., 157° radials; Gill. From Pierre, S. Dak., Aberdeen, S. Dak.

V-264 From Los Angeles, Calif., INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, Pomona; Twentynine Palms, Calif., including a S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles, 28 miles 55 MSL, Parker, Calif.; 35 miles, 60 miles 95 MSL, Prescott, Ariz.; 50 miles, 98 miles 115 MSL, St. Johns, Ariz.; 55 miles, 25 miles, 115 MSL, Socorro, N. Mex.; Corona, N. Mex.; 15 miles, 35 miles 105 MSL, Tucumcari, N. Mex.

V-265 From INT Nottingham, Md., 271° and Westminster, Md., 179° radials; Westminster; INT Westminster 346° and Harrisburg, Pa., 196° radials; Harrisburg; Phillipsburg, Pa.; Keating, N. Y.; Bradford, Pa.; Jamestown, N. Y.; Dunkirk, N. Y.

V-266 From Hickory, N. C., South Boston, Va.; Lawrenceville, Va.; Franklin, Va.; INT Franklin 087° and Norfolk Va., 226° radials; Norfolk.

V-267 From Biscayne Bay, Fla., Miami, Fla.; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; Orlando, Fla.; including an east alternate from Miami to Orlando via Palm Beach, Fla., and INT Palm Beach 321° and Orlando 162° radials; Jacksonville, Fla., including an E alternate from Orlando to INT Dayton Beach, Fla., 308° and Jacksonville 174° radials via Daytona Beach; INT Jacksonville 334° and Dublin, Ga., 137° radials; Dublin; Norcross, Ga.; Harris, Ga.; Knoxville, Tenn.

V-268 From INT Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; Kenton 086° and Sea Isle, N. J., 050° radials. The airspace within R-4001 and the airpace below 2,000 feet MSL outside the United States is excluded.

V-269 From Ely, Nev., 125 MSL to INT Ely 007° and Bonneville, Utah, 272° radials. From Wells, Nev., Twin Falls, Idaho; Burley, Idaho; Pocatello, Idaho.

V-270 From Erie, Pa., Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; DeLancey, N. Y.; Chester, Mass.

V-271 From Muskegon, Mich., to Manistee, Mich.

AMENDMENTS 10/15/70 35 F. R. 12836 (Added)

V-272 From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.; Oklahoma City, Okla., including a N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a S alternate via INT Sayre 101° and Oklahoma City 242° radials; INT Oklahoma City 107° and McAlester, Okla., 292° radials; McAlester.

V-273 From INT Sparta, N. J., 133° and Solberg, N. J., 051° radials; Sparta; INT Sparta 331° and Hancock, N. Y., 148° radials; Hancock; Georgetown, N. Y.; 6 mi. wide, Syracuse, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-274 From Pullman, Mich., Grand Rapids, Mich.; Saginaw, Mich.

V-275 From Cincinnati, Ohio, INT Cincinnati 006° and Dayton, Ohio, 207° radials; Dayton, including a W alternate from Cincinnati to Dayton via INT Cincinnati 336° and Richmond, Ind., 190° radials, and Richmond; INT Dayton 011° and Salem, Mich., 197° radials; Salem.

V-276 From Clarion, Pa.; Tyrone, Pa.; INT Tyrone 096° and Ravine, Pa., 279° radials; Ravine; Yardley, Pa.; Robbinsville, N. J.; INT Robbinsville 112° and Sea Isle, N. J., 050° radials. The airspace below 2,000 feet MSL outisde the United States is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-277 From Rosewood, Ohio, Fort Wayne, Ind.; Keeler, Mich.

V-278 From Texico, N. Mex., via Plainview, Tex.; Guthrie, Tex.; Bridgeport, Tex.; Dallas, Tex.; Paris, Tex.; Texarkana, Ark.; Monticello, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala., including a S alternate from Columbus to Birmingham via INT Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

V-279 From the Columbus, Ohio, RBN, INT Findlay, Ohio, 146° and Rosewood, Ohio, 045° radials; 7 miles wide (4 miles northeast and 3 miles southwest of the centerline) to Findlay.

AMENDMENTS 11/12/70 35 F. R. 14693 (Changed)

V-280 From El Paso, Texas, INT El Paso 069° and Pinon, N. Mex., 219° radials; Pinon; Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials; INT Texico 021° and Amarillo, Tex., 252° radials; Amarillo; Gage, Okla.; INT Gage 025° and Hutchinson, Kans., 234° radials; Hutchinson;
INT Hutchinson 062° and Topeka, Kans., 236° radials; Topeka; INT Topeka 064° and Kansas City, Mo., 274° radials; Kansas City.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

V-282 From Saranac Lake, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-285 From Indianapolis, Ind., Kokomo, Ind.; Goshen, Ind.; South Bend, Ind.; Kalamazoo, Mich.; INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; Grand Rapids; White Cloud, Mich.

V-286 From Linden, Va., Casanova, Va.; INT Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; Cape Charles, Va.

V-287 From Medford, Oreg., North Bend, Oreg.; Newberg, Oreg., including a west alternate from North Bend to Newberg via Newport, Oreg., and including an east alternate from Medford to the INT Corvallis, Oreg., 352° and Newberg 204° radials via Roseburg, Oreg., INT Roseburg 003° and Eugene, Oreg., 187° radials, Eugene, and Corvallis; Portland, Oreg.,
including an east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 51 miles, 45 MSL, Olympia, Wash.; INT Olympia 010° and Seattle, Wash., 329° radials; INT Seattle 329° and Port Angeles, Wash., 090° radials; Port Angeles, Neah Bay, Wash., RBN. The airspace within Canada is excluded.

AMENDMENTS 9/17/70 35 F. R. 11682 (Changed)
AMENDMENTS 1/7/71 35 F. R. 17536 (Changed)

V-288 From Lucin, Utah, 50 miles, 85 MSL, INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 50 miles, 105 MSL, Fort Bridger.

V-289 From Beaumont, Tex., via INT Beaumont 323° and Lufkin, Tex., 161° radials; Lufkin, including an E alternate; INT Lufkin 355° and Gregg County, Tex., 181° radials; Gregg County; Texarkana, Ark.; Fort Smith, Ark.; Harrison, Mo.; Dogwood, Mo.; INT Dogwood 026° and Vichy, Mo., 239° radials; to Vichy.

V-290 From Rainelle, W. Va., Montebello, Va.; Flat Rock, Va. From Franklin, Va., Elizabeth City, N. C.

V-291 From Albuquerque, N. Mex.; Gallup, N. Mex., including a north alternate via INT Albuquerque 303° and Gallup 089° radials; Winslow, Ariz.; Flagstaff, Ariz.; including a N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.

V-292 From Sparta, N. J.; INT Sparta 082° and Carmel, N. Y., 232° radials; Carmel; Hartford, Conn.; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051
AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-293 From Mormon Mesa, Nev., 30 miles, 95 MSL INT Cedar City, Utah. 294° and Milford, Utah 213° radials; 8 miles, 95 MSL, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 57 miles, 99 MSL, Twin Falls, Idaho; 37 miles, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

V-294 From Des Moines, Iowa, INT Des Moines 086° and Cedar Rapids, Iowa, 238° radials; Cedar Rapids; Cordova, Ill.

V-295 From Biscayne Bay, Fla., INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach, INT Vero Beach, 296° and Orlando, Fla., 162° radials; Orlando; INT Orlando 283° and Cross City, Fla., 150° radials; Cross City. The portion outside the United States has no upper limit.

V-296 From Sugarloaf Mountain, N. C., Fort Mill, S. C.; 27 MSL INT Fort Mill 093° and Fayetteville, N. C. 267° radials; 27 MSL Fayetteville.

AMENDMENTS 4/30/70 35 F. R. 4257 (Changed)

V-297 From Johnstown, Pa.; INT Johnstown 315° and Clarion, Pa., 222° radials; INT Clarion 269° and Youngstown, Ohio, 116° radials; Akron, Ohio; INT Akron 298° and Carleton, Mich., 120° radials; Carleton; INT Carleton 334° and Saginaw, Mich., 182° radials; Saginaw; INT
Saginaw 353° and Pellston, Mich., 164° radials; Pellston. The airspace within Canada is excluded.

AMENDMENTS 5/28/70 35 F. R. 6006 (Changed)

V-298 From Yakima, Wash., INT Yakima 129° and Pasco, Wash., 276° radials; Pasco; Pendleton, Oreg., 74 miles, 43 miles 115 MSL, 99 MSL via McCall, Idaho; 41 mi. 99 MSL, 89 mi. 145 MSL, Dubois, Idaho; 68 mi., 130 MSL Dunoir, Wyo.; 62 miles 135 MSL, Boysen Reservoir, Wyo.; 9 miles, 34 miles 105 MSL, Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, via Riverton, Wyo., 19 miles, 48 miles 77 MSL, to Casper, excluding the airspace between the main and this south alternate. The airspace within R-6715 is excluded.
NOTE: Delete exclusion on next change.

V-299 From Los Angeles, Calif., INT Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore; Gorman, Calif. The portion outside the United States has no upper limit.

V-300 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. From Thunder Bay, Ontario, Canada, Sault Ste. Marie, Mich.; Wiarton, Ontario, Canada, including a N alternate. From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, Millincoket, Maine; Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

V-301 From Point Reyes, Calif., Santa Rosa, Calif.; Williams, Calif.

V-302 From Augusta, Maine, INT Augusta 123° and Bangor, Maine, 192° radials.

V-303 From Hot Springs, Ark., Fort Smith, Ark.

V-304 From Amarillo, Tex., via Borger, Tex.; Liberal, Kans., including a W alternate via INT Borger 354° and Liberal 234° radials; 15 miles, 79 miles 55 MSL, Lamar, Colo.

V-305 From El Dorado, Ark., Little Rock, Ark.

V-306 From Austin, Tex., via Navasota, Tex.; Daisetta, Tex.; Lake Charles, La., including a south alternate from Daisetta to Lake Charles via Beaumont.

V-307 From Chanute, Kans., Emporia, Kans., INT of Emporia 336° and Pawnee City, Nebr., 193° radials; 35 MSL Pawnee City.

V-308 From INT Linden, Va., 273° and Casanova, Va., 284° radials, Casanova; INT Casanova 076° and Nottingham, Md., 271° radials; Nottingham; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y. 223° radials; Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-309 From Charleston, W. Va.; INT Charleston 034° and Morgantown, W. Va., 284° radials; Bellaire, Ohio.

V-310 From Louisville, Ky., London, Ky.; Holston Mountain, Tenn.; INT Holston Mountain 104° and Greensboro, N. C., 280° radials; Greensboro; INT Greensboro 105° and Raleigh-Durham, N. C., 275° radials; Raleigh-Durham; Rocky Mount, N. C.; Elizabeth City, N. C.

AMENDMENTS 4/2/70 35 F. R. 1103 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

V-311 From Norcross, Ga., INT Norcross 055° and Anderson, S. C., 267° radials; Anderson; Greenwood; S. C.; Columbia, S. C.

V-312 From Coyle, N. J.; INT Coyle 090° and Sea Isle, N. J., 050° radials. The airspace within R-5002 and below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 4/2/70 34 F. R. 20419 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-313 From Malden, Mo., Cape Girardeau, Mo.; Centralia, Ill.; Decatur, Ill.; Pontiac, Ill.

V-314 From Quebec, Province of Quebec, Canada, 99 miles 55 MSL, Millinocket, Maine; Princeton, Maine; St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-315 From Paris, Tex., Page, Okla.

V-316 From Ironwood, Mich.; Marquette, Mich.; 15 miles, 100 miles 40 MSL, Sault Ste. Marie, Mich.; Sudbury, Ontario, Canada. The airspace within Canada is excluded.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)
AMENDMENTS 12/10/70 35 F. R. 15982 (Changed)

V-318 From Quebec, Province of Quebec, Canada, 81 miles 65 MSL, 26 miles 85 MSL, Houlton, Maine. The airspace within Canada is excluded.

V-319 From Boysen Reservoir, Wyo., Worland, Wyo.; Cody, Wyo.

V-320 From Peck, Mich., Toronto, Ont., Canada. The airspace within Canada is excluded.

V-321 From Atlanta, Ga., INT Atlanta 264° and Gadsden Ala., 130° radials; Gadsden; INT Gadsden 333° and Huntsville, Ala., 149° radials; Huntsville.

V-322 From Concord, N. H., INT Concord, 022° and Berlin, N. H., 161° radials; Berlin, N. H.; Sherbrooke, Quebec, Canada. The airspace within Canada is excluded.

V-325 From Gadsden, Ala., Muscle Shoals, Ala., including an E alternate via INT Gadsden 318° and Decatur, Ala., 130° radials, and Decatur.

V-326 From Fillmore, Calif., INT Fillmore 163° and Van Nuys, Calif., 270° radials; Van Nuys.

V-327 From Phoenix, Ariz., via INT of Phoenix 004° and Flagstaff, Ariz., 187° radials; Flagstaff.

V-328 From Dubois, Idaho, Jackson, Wyo.; Big Piney, Wyo.; 53 miles 95 MSL, Rock Springs, Wyo.

V-329 From INT Crestview, Fla., 091° and Eglin, Fla., 003° radials, INT Eglin 003° and Montgomery, Ala., 188° radials; Montgomery.

V-330 From INT Boise, Idaho, 130° and Mountain Home, Idaho, 084° radials; INT Mountain Home 084° and Burley, Idaho, 323° radials. From Idaho Falls, Idaho, Jackson, Wyo.

V-331 From Whitesburg, Ky., Newcombe, Ky.

V-333 From Hinch Mountain, Tenn., Lexington, Ky.

AMENDMENTS 4/30/70 35 F. R. 4256 (Changed)

V-334 From San Jose, Calif., INT San Jose 026° and Sacramento, Calif., 192° radials; Sacramento.

V-335 From St. Louis, Mo.; INT St. Louis 171° and Marion, Ill., 290° radials; Marion.

V-336 From Ellensburg, Wash., to Ephrata, Wash.

V-337 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Akron, Ohio; INT Akron 328° and Windsor, Ontario, Canada, 116° radials; Windsor; INT Windsor 335° and Saginaw, Mich., 131° radials; Saginaw; Mount Pleasant Mich.; White Cloud, Mich., excluding the portion within Canada.

AMENDMENTS 6/25/70 35 F. R. 7051 (Changed)
AMENDMENTS 10/15/70 35 F. R. 12327 (Changed)

V-339 From Whitesburg, Ky., Falmouth, Ky.

V-341 From Cedar Rapids, Iowa, Dubuque, Iowa; Madison, Wis.; INT Madison 042° and Oshkosh, Wis., 208° radials; to Oshkosh.

V-342 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 244° radials; Princeton, excluding the airspace within Canada.

V-343 From Dubois, Idaho, Bozeman, Mont., 51 miles, 34 miles, 103 MSL, 84 MSL Drummond, Mont.

V-345 From Dells, Wis., INT Dells 321° and Eau Claire, Wis., 134° radials; to Eau Calire.

V-351 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 231° radials; Carmi, British Columbia, Canada, excluding the airspace within Canada.

V-371 From Lafayette, Ind., to Knox, Ind.

AMENDMENTS 7/23/70 35 F. R. 7694 (Added)

V-420 From Green Bay, Wis., Traverse City, Mich.

V-421 From Zuni, N. Mex., via Gallup, N. Mex.; Farmington, N. Mex.; Durango, Colo.; Gunnison, Colo.

V-422 From Chicago Heights, Ill., INT Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT Wolflake 096° and Findlay, Ohio, 289° radials; Findlay.

V-423 From Williamsport, Pa., Binghamton, N. Y.; Ithaca, N. Y.; INT Ithaca 357° and Syracuse, N. Y., 210° radials; Syracuse.

V-424 From Blue Springs, Mo., INT Blue Springs 078° and Macon, Mo., 236° radials; Macon.

V-425 From Brookley, Ala., INT Brookley 357° and Mobile, Ala., 048° radials.

V-426 From St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

V-428 From Elmira, N. Y., Ithaca, N. Y.; Georgetown, N. Y.; Utica, N. Y.

V-429 From Cape Girardeau, Mo., Marion, Ill.; INT Marion 011° and Bible Grove, Ill., 207° radials; Bible Grove; Mattoon, Ill.; Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT Joliet 008° and Naperville, Ill., 340° radials; INT Naperville 340° and Milwaukee, Wis., 198° radials; Milwaukee.

V-430 From Cut Bank, Mont., 10 miles, 74 miles 55 MSL, Havre, Mont.; 14 miles, 100 miles 50 MSL, Glasgow, Mont.; INT Glasgow 100° and Williston, N. Dak., 263° radials, 22 miles, 33 miles 55 MSL, Williston; Minot, N. Dak.; Devils Lake, N. Dak.; Grand Forks, N. Dak.; Bemidji, Minn., including a north alternate via Thief River Falls, Minn.; Grand Rapids, Minn.; Duluth, Minn., including a N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway; Ironwood, Mich.; Iron Mountain, Mich.; Escanaba, Mich. From Traverse City, Mich.; Gaylord, Mich.; Alpena, Mich.

AMENDMENTS 10/15/70 35 F. R. 12837 (Changed)

V-431 From Boston, Mass., INT Boston 015° and Gardner, Mass., 097° radials; Gardner, Keene, N. H., Glens Falls, N. Y.; INT Glens Falls 286° and Albany, N. Y., 350° radials.

V-432 From Thermal, Calif., Parker, Calif.

V-433 From Washington, D. C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and New Castle, Del., 222° radials; New Castle; Yardley, Pa.; INT Yardley 059° and La Guardia, N. Y., 231° radials; La Guardia; INT La Guardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn., 280° radials.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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V-434 From Ottumwa, Iowa, Moline, Ill.; Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind.

AMENDMENTS 2/5/70 35 F. R. 19969 (Changed)

V-435 From Rosewood, Ohio, via INT Rosewood 045° and Sandusky, Ohio, 221° radials; to Sandusky.

AMENDMENTS 7/23/70 35 F. R. 7857 (Rewritten)

V-437 From Daytona Beach, Fla., 37 miles, 76 miles 75 MSL, Savannah, Ga.; Charleston, S. C.; Florence, S. C., including an E alternate via INT Charleston 029° and Florence 178° radials.

V-439 From Dickinson, N. Dak., 13 miles, 62 miles, 40 MSL, Williston, N. Dak.

V-441 From St. Petersburg, Fla., INT St. Petersburg 010° and Ocala, Fla., 213° radials; Ocala, including an E alternate via INT St. Petersburg 040° and Ocala 171° radials.

V-442 From Hector, Calif., 12 miles, 38 miles 85 MSL, 14 miles 75 MSL, INT Needles, Calif., 272° and Goffs, Calif., 163° radials; INT Goffs 163° and Parker, Calif., 333° radials; Parker.

V-443 From INT Newcomerstown, Ohio, 099° and Bellaire, Ohio, 044° radials; Newcomerstown, Ohio, Tiverton, Ohio; Cleveland, Ohio, including an E alternate via INT Tiverton 028° and Cleveland 138° radials; INT Cleveland 049° and Aylmer, Ont., Canada, 205° radials; Aylmer. The airspace within Canada is excluded.

AMENDMENTS 8/20/70 35 F. R. 10654 (Changed)

V-445 From La Guardia, N. Y., INT La Guardia 034° and Hartford, Conn., 245° radials.

V-446 From Troy, Ill., INT Troy 099° and Centralia, Ill., 056° radials; Samsville, Ill.

V-447 From Montpelier, Vt., INT Montpelier 020° and Sherbrooke, Quebec, Canada, 217° radials; Sherbrooke. The airspace within Canada is excluded.

V-448 From Portland, Oreg., Yakima, Wash., including a south alternate; Moses Lake, Wash.; Spokane, Wash., 45 miles, 21 miles 75 MSL, 20 miles 80 MSL, Kalispell, Mont.

V-449 From Lake Henry, Pa.; DeLancey, N. Y.; Albany, N. Y.

AMENDMENTS 4/2/70 35 F. R. 3109 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
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V-450 From Green Bay, Wis.; Muskegon, Mich.; INT Muskegon 094° and Flint, Mich., 280° radials; Flint; INT Flint 088° and Peck, Mich., 237° radials.

AMENDMENTS 10/15/70 35 F. R. 12327 (Rewritten)

V-451 From INT Whitman, Mass., 177° and Providence, R. I., 118° radials, Whitman; Boston, Mass.

V-452 From Newport, Oreg., to Eugene, Oreg.

AMENDMENTS 9/17/70 35 F. R. 11682 (Added)

V-454 From Monroeville, Ala., INT Monroeville 073° and Eufaula, Ala., 258° radials; INT Eufaula 258° and Columbus, Ga., 219° radials; Columbus; INT Columbus 019° and Atlanta, Ga., 233° radials; Atlanta; Rex, Ga.; INT Rex 090° and Greenwood, S. C., 240° radials; Greenwood; INT Greenwood 060° and Fort Mill, S. C. 227° radials; Fort Mill; Liberty, N. C.; Lawrenceville, Va.; Hopewell, Va.

V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including an E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° radials; 6 mi. wide, Meridian, including a W alternate via INT Hattiesburg 010° and Meridian 221° radials.

V-458 From Santa Catalina, Calif., via Oceanside, Calif., Julian, Calif.; INT Julian 130° and Imperial, Calif., 272° radials; Imperial; 13 miles, 24 miles, 25 MSL, Yuma, Ariz., excluding the airspace within R-2503 and below 2,000 feet MSL outside the United States. The portion outside the United States has no upper limit.

V-459 From Seal Beach, Calif., Lake Hughes, Calif.; Porterville, Calif., Friant, Calif.; INT Friant 319° and Linden, Calif., 124° radials; Linden.

V-460 From Julian, Calif., INT Julian 055° and Blythe, Calif., 272° radials; Blythe.

V-461 From Gila Bend, Ariz., Buckeye, Ariz.

V-464 From Dunkirk, N. Y., Geneseo, N. Y.

V-465 From Elko, Nev., Wells, Nev.; 12 miles; 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, Idaho; 39 miles, 53 miles 124 MSL, Jackson, Wyo.; Dunoir, Wyo.; 14 miles, 45 miles, 137 MSL, Billings, Mont. From Miles City, Mont., Williston, N. Dak., including an E alternate.

V-467 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials; INT Sea Isle 256° and Millville, N. J., 216° radials; Millville, INT Millville 037° and LaGuardia, N. Y., 211° radials; LaGuardia; Hartford, Conn.

AMENDMENTS 4/2/70 34 F. R. 20419 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-469 From Danville, Va., Lynchburg, Va.

V-471 From INT Princeton, Maine, 208° and Bangor, Maine, 132° radials; Bangor; Millinocket, Maine; Houlton, Maine; INT Houlton 085° and the United States/Canadian border.

V-472 From Elizabeth City, N. C., via INT Elizabeth City 243° and Kinston, N. C., 029° radials; Kinston.

V-474 From INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.; St. Thomas, Pa.; INT St. Thomas 088° and Modena, Pa., 274° radials; Modena; INT Modena 095° and Woodstown, N. J., 043 radials.

V-475 From La Guardia, N. Y.; INT La Guardia 049° and Madison, Conn., 269° radials; Madison; Norwich, Conn.; Providence, R. I.; INT Providence 013° and Boston, Mass., 223° radials; Boston.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051
AMENDMENTS 4/2/70 35 F. R. 3109 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-477 From Houston, Tex., Humble, Tex.; Leona, Tex., including an east alternate from Humble to Leona via INT of Humble 002° and Leona 139° radials, and a west alternate from Houston to Leona via Navasota, Tex.; INT Leona 338° and Dallas, Tex., 170° radials; Dallas, including an E alternate.

V-478 From Falmouth, Ky., Newcombe, Ky.; Beckley, W. Va.

V-479 From Northbrook, Ill., to Milwaukee, Wis.

AMENDMENTS 4/2/70 35 F. R. 1103 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

V-483 From Carmel, N. Y.; DeLancey, N. Y.; Rockdale, N. Y.; INT Rockdale 325° and Syracuse, N. Y. 100° radials; Syracuse.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R 5465
Eff. date changed to: Upon further notice 35 F. R. 6274 ; Eff. date changed to: 6/25/70 35 F. R. 7051

V-484 From INT Twin Falls, Idaho, 007° and Burley, Idaho, 323° radials, Twin Falls, 49 miles, 34 miles 114 MSL, Salt Lake City, Utah; 25 miles, 31 miles, 125 MSL, Myton, Utah; 14 miles, 79 MSL, 33 miles, 100 MSL, Grand Junction, Colo.; Gunnison, Colo., including a south alternate from Grand Junction to Gunnison via Montrose, Colo.; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; Alamosa.

V-485 From Ventura, Calif., 6 miles wide, INT Ventura 331° and Fellows, Calif., 142° radials; Fellows; Priest, Calif.; INT of Priest 322° and San Jose, Calif., 139° radials; San Jose. The airspace within W-289 and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded.

V-487 From INT LaGuardia, N. Y., 034° and Carmel, N. Y., 188° radials; Carmel; Pawling, N. Y.; Cambridge, N. Y.; INT Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT Burlington 359° and St. Jean, Quebec, Canada, 158° radials; St. Jean. The airspace within Canada is excluded.

V-489 From Sparta, N. J.; INT Sparta 023° and Kingston 238° radials; Kingston, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; Plattsburgh, N. Y.

AMENDMENTS 4/2/70 34 F. R. 20419 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

V-490 From Utica, N. Y., Cambridge, N. Y.; Manchester, N. H.; INT Manchester 117° and Boston, Mass., 015° radials.

V-492 From St. Petersburg, Fla., via La Belle, Fla.; Pahokee, Fla., to Palm Beach, Fla., including a south alternate from La Belle to Palm Beach via INT La Belle 113° and Palm Beach 252° radials, and also a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

V-493 From Livingston, Tenn., Lexington, Ky.; York, Ky.; Appleton, Ohio; Waterville, Ohio; Carleton, Mich.; INT Carleton 334° and Flint, Mich., 202° radials; Flint.

V-494 From Ukiah, Calif., INT Ukiah 147° and Santa Rosa, Calif., 325° radials; Santa Rosa; Sacramento, Calif.; INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen.

V-496 From Utica, N. Y., Glens Falls, N. Y.

V-497 From John Day, Oreg., 49 miles, 65 MSL, The Dalles, Oreg.

V-500 From Portland, Oreg., Newberg, Oreg.; 41 miles, 70 MSL John Day, Oreg.; 30 miles, 71 miles, 105 MSL, Boise, Idaho; 25 miles, 25 miles, 90 MSL, 26 miles, 95 MSL 22 miles, 25 miles, 70 MSL, Pocatello, Idaho.

V-501 From Martinsburg, W. Va., St. Thomas, Pa.; Philipsburg, Pa. From Wellsville, N. Y.; INT Elmira, N. Y., 357° and Geneseo, N. Y., 091° radials.

V-502 From Louisville, Ky., Falmouth, Ky.

V-516 From Liberal, Kans., Anthony, Kans.; Ponca City, Okla.; Oswego, Kans.

V-518 From Fillmore, Calif., INT Fillmore 102° and Ventura, Calif., 061° radials; INT Ventura 061° and Palmdale, Calif., 233° radials; Palmdale.

V-520 From Portland, Oreg., via The Dalles, Oreg.; Pasco, Wash.; Walla Walla, Wash.; to Lewiston, Idaho.

V-524 From Laramie, Wyo., INT Laramie 069° and Scottsbluff, Nebr., 254° radials; Scottsbluff; 18 miles, 93 miles, 54 MSL, North Platte, Nebr.

V-530 From Texico, N. Mex., Childress, Tex.

V-536 From North Bend, Oreg., INT North Bend 023° and Corvallis, Oreg., 235° radials; Corvallis; Redmond, Oreg., 32 miles, 58 miles, 71 MSL, Pendleton, Oreg.; Walla Walla, Wash.;
Pullman, Wash.; 27 miles, 85 MSL Mullan Pass, Idaho; 5 miles, 34 miles, 95 MSL Kalispell, Mont.; 20 miles, 41 miles, 115 MSL, Great Falls, Mont.

AMENDMENTS 9/17/70 35 F. R. 11682 (Changed)

V-538 From Twentynine Palms, Calif., INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, Goffs; Las Vegas, Nev. The airspace within R-2501E is excluded.

AMENDMENTS 8/20/70 35 F. R. 12328 (Changed)

§71.125 **Alaskan VOR Federal Airways.**

V-307 From Sandspit, British Columbia, Canada, Annette Island, Alaska; 42 miles, 99 miles, 55 MSL, Biorka Island, Alaska; Sisters Island, Alaska. The airspace within Canada is excluded.

V-309 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska. The airspace within Canada is excluded.

V-317 From Ethelda Bay, British Columbia, Canada, RBN Annette Island, Alaska, including a west alternate via INT Sandspit, British Columbia, Canada, 039° and Annette Island 167° radials; 42 miles, 52 MSL Level Island, Alaska; Sisters Island, Alaska; INT Sisters Island 272° and Yakutat, Alaska, 139° radials; 86 miles, 20 MSL, Yakutat; Johnstone Point, Alaska; INT Johnstone Point 286° and Anchorage, Alaska 117° radials; Anchorage, including a south alternate via INT Johnstone Point 275° and Anchorage 130° radials. The airspace within Canada is excluded.

V-347 From Fairbanks, Alaska, Chandalar Lake, Alaska, RBN.

AMENDMENTS 10/15/70 35 F. R. 13117 (added)

V-427 From King Salmon, Alaska, 042° 103 miles, 19 miles 135 MSL; INT King Salmon 042° and Anchorage, Alaska, 246° radials; 42 miles 135 MSL, 15 miles 120 MSL, 15 miles 95 MSL, to Anchorage.

AMENDMENTS 12/10/70 35 F. R. 14986 (Added)

V-436 From King Salmon, Alaska, INT King Salmon 068° and Kenai, Alaska, 217° radials; Kenai, including an east alternate from King Salmon to Kenai via INT King Salmon 068° and Kenai 217° radials, and Homer, Alaska; Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska RBN.

V-438 From Kodiak, Alaska, 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, including a west alternate from Kodiak 27 miles, 24 miles, 35 MSL, 33 miles, 55 MSL, to Homer; INT Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Big Lake, Alaska; Fairbanks, Alaska; 54 miles, 31 miles, 65 MSL, Fort Yukon, Alaska, including an east alternate from Fairbanks 54 miles, 34 miles, 65 MSL, to Fort Yukon.

V-440 From Seattle, Wash., Victoria, British Columbia, Canada. From Sandspit, British Columbia; 83 miles; 115 miles, 35 MSL, Biorka Island, Alaska; 31 miles, 50 miles 48 MSL, 108 miles, 20 MSL, Yakutat, Alaska; 50 miles, 105 miles, 75 MSL, Middleton Island, Alaska; 56 miles, 48 miles, 80 MSL, Anchorage, Alaska, including a south alternate from Middleton Island, 56 miles, 85 MSL INT Middleton Island 298° and Anchorage 163° radials; to Anchorage, excluding the airspace between the main and this south alternate; McGrath, Alaska; 23 miles, 54 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska; 52 miles, 51 miles, 25 MSL, Nome, Alaska. The airspace within Canada is excluded.

V-444 From Bettles, Alaska, Fairbanks, Alaska, including a south alternate via INT Bettles 155° and Fairbanks 307° radials; Big Delta, Alaska; Northway, Alaska; Burwash, Yukon Territory, Canada. The airspace within Canada is excluded.

V-452 From Nome, Alaska, Moses Point, Alaska, including a north alternate; 47 miles, 57 miles, 55 MSL, Galena, Alaska; Nenana, Alaska.

V-453 From King Salmon, Alaska, Dillingham, Alaska, including a south alternate; 38 miles, 60 MSL INT Dillingham 308° and Bethel, Alaska, 143° radials; 50 miles, 60 MSL, Bethel.

V-456 From Cold Bay, Alaska, 20 AGL King Salmon, Alaska, 053° 93 miles, 9 miles 125 MSL; INT King Salmon 053° and Kenai, Alaska, 239° radials, 46 miles 125 MSL, 10 miles 115 MSL, Kenai; Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; Northway, Alaska.

AMENDMENTS 12/10/70 35 F. R. 14986 (Changed)

V-462 From Dillingham, Alaska, 35 miles, 45 MSL, 42 miles 100 MSL, 85 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage, Alaska.

AMENDMENTS 12/10/70 35 F. R. 14986 (Added)

V-463 From Anchorage, Alaska, INT Anchorage 330° and Big Lake, Alaska, 294° radials.

V-480 From Bethel, Alaska, 105 miles, 89 miles, 55 MSL, McGrath, Alaska, 28 miles, 64 miles, 45 MSL, Nenana, Alaska; Fairbanks, Alaska.

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

V-488 From Galena, Alaska, INT Galena 074° and Tanana, Alaska, 260° radials; Tanana, including a south alternate; Fairbanks, Alaska.

V-498 From McGrath, Alaska, 24 miles, 54 miles, 55 MSL, Galena, Alaska; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska.

V-504 From Nenana, Alaska, Bettles, Alaska.

V-506 From INT Kodiak, Alaska, 107° radial and northwest boundary Anchorage Oceanic Control Area at latitude 57°28" N., longitude 150°32" W.; 37 miles, 20 MSL, Kodiak; 45 miles, 68 miles, 95 MSL; King Salmon, Alaska; 41 miles, 94 miles, 70 MSL, Bethel, Alaska; 47 miles, 173 miles, 30 MSL, Nome, Alaska; 35 miles, 90 miles, 55 MSL, Kotzebue, Alaska.

V-508 From Middleton Island, Alaska, 56 miles, 58 miles, 85 MSL, Kenai, Alaska.

V-510 From McGrath, Alaska, INT McGrath 123° and Big Lake, Alaska, 294° radials; Big Lake.

§71.127 **Hawaiian VOR Federal Airways.**

V-1 HAWAII From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 334° radials, INT Upolu Point 093° and Hilo 013° radials; Hilo.

V-2 HAWAII From South Kauai, Hawaii, Lihue, Hawaii, INT Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; Lanai, Hawaii, including a south alternate; INT Lanai 107° and Upolu Point, Hawaii, 305° radials; Upolu Point; INT Upolu Point 093° and Hilo, Hawaii, 336° radials; Hilo. The airspace within R-3104 is excluded.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

V-3 Hawaii From INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, Kamuela; INT Kamuela 068° and Hilo, Hawaii, 336° radials.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

V-4 HAWAII From INT Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, Koko Head; 15 miles, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

V-5 Hawaii From Kona, Hawaii, INT Kona 338° and Maui, Hawaii, 179° radials, including a west alternate via INT Kona 323° and Maui 179° radials.

V-6 HAWAII From INT Molokai, Hawaii, 067° and Maui, Hawaii 331° radials, Maui; INT Maui 080° and Hilo, Hawaii, 336° radials; Hilo.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

V-7 HAWAII From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

V-8 HAWAII From INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials, Molokai; 30 miles, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V-9 HAWAII From INT Lanai, Hawaii, 223° and Honolulu, Hawaii, 179° radials, 78 mi. 35 MSL, Honolulu. The airspace above FL-300 within W-321B is excluded.

AMENDMENTS 10/15/70 35 F. R. 14077 (Rewritten)

V-11 HAWAII From INT Kona, Hawaii, 323° and Upolu Point, Hawaii 211° radials; Upolu Point; INT Upolu Point 349° and Maui, Hawaii, 080° radials; Maui; INT Maui 331° and Molokai, Hawaii, 091° radials; Molokai; INT Molokai 262° and Honolulu, Hawaii, 179° radials.

V-12 HAWAII From INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, Honolulu; Koko Head, Hawaii, 14 miles, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V-13 HAWAII From Lihue, Hawaii, INT Lihue 145° and Honolulu, Hawaii, 269° radials; INT South Kauai, Hawaii, 133° and Koko Head, Hawaii 254° radials; Koko Head; INT Koko Head 050° and Molokai, Hawaii, 015° radials; to INT Molokai 015° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

V-14 HAWAII From INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; INT South Kauai 133° and Koko Head, Hawaii, 254° radials; Koko Head.

V-15 HAWAII From INT South Kauai, Hawaii, 288° radial and longitude 161°15'00" W.; 50 MSL longitude 150°42'00" W.; South Kauai; Honolulu, Hawaii; Koko Head, Hawaii; Molokai, Hawaii, Maui, Hawaii; INT Maui 095° and Hilo, Hawaii, 336° radials; Hilo; to INT Hilo 099° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

V-16 HAWAII From Honolulu, Hawaii, INT Honolulu 179° and Lanai, Hawaii, 285° radial; Lanai; Upolu Point, Hawaii; INT Upolu Point 108° and Hilo, Hawaii, 013° radials; Hilo.

V-17 HAWAII From INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; Maui.

V-19 HAWAII From Hilo, Hawaii, to INT Hilo 013° and Maui, Hawaii, 086° radials.

AMENDMENTS 1/7/71 35 F. R. 16468 (Rewritten)

V-20 HAWAII From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii, 308° radials; Kona.

V-21 HAWAII From INT Honolulu, Hawaii, 179° and Lanai, Hawaii, 285° radials; Lanai; INT Lanai 107° and Hilo, Hawaii, 013° radials; to INT Upolu Point 093° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 1/7/71 35 F. R. 16468 (Rewritten)

V-22 Hawaii From Maui, Hawaii, INT Maui 095° and Hilo, Hawaii, 321° radials; Hilo; to INT Hilo 078° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

V-23 HAWAII From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

V-24 HAWAII From Lanai, Hawaii; Maui, Hawaii; to INT Maui 086° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

V-25 HAWAII From Hilo, Hawaii, to INT Hilo 356° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 **Restricted areas included.**

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102 Fort McClellan, Ala.
R-2104A Huntsville, Ala.
R-2202A Big Delta, Alaska
R-2203A Eagle River, Alaska
R-2203B Eagle River, Alaska
R-2205A Yukon, Alaska
R-2205B Asa P. Gray Missile Range, Alaska — 1/7/71 35 F. R. 19104 (Added)
R-2301 Ajo, Arizona. — 1/7/71 35 F. R. 19104 (Added)
R-2303A Fort Huachuca, Arizona.
R-2303B Fort Huachuca, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.
R-2306A Yuma West, Ariz.
R-2306B Yuma West, Ariz.
R-2306C Yuma West, Ariz.
R-2307 Yuma, Arizona
R-2308A Yuma East, Ariz.
R-2308B Yuma East, Ariz.
R-2402 Fort Chaffee, Ark.
R-2501N Bullion Mountains, Calif. — 8/20/70 35 F. R. 12328 (Added)
R-2501C Bullion Mountains, Calif. — 8/20/70 35 F. R. 12328 (Added)
R-2501S Bullion Mountains, Calif. — 8/20/70 35 F. R. 12328 (Added)
R-2501E Bullion Mountains, Calif. — 8/20/70 35 F. R. 12328 (Added)
R-2502 Fort Irwin, Calif.
R-2503 Camp Pendleton, Calif.
R-2505 China Lake, Calif.
R-2507 Chocolate Mountains, Calif.
R-2508 California Complex.
R-2509 Cuddeback Dry Lake, Calif.
R-2510 El Centro, Calif.
R-2512 Holtville, Calif.
R-2513 Hunter-Liggett, Calif.
R-2515 Muroc Lake, Calif.
R-2519 Point Mugu, California
R-2521 Salton Sea, Calif.
R-2524 Trona, Calif.
R-2532 Blythe, Calif.
R-2534A Point Arguello, Calif.
R-2534B Point Arguello, Calif.
R-2601B Fort Carson, Colo.
R-2602 Fort Carson, Colo.
R-2901C Avon Park West, Fla.
R-2902A Cape Kennedy, Fla.
R-2902B Cape Kennedy, Fla.
R-2903B Stevens Lake, Fla.
R-2907 Lake George, Fla.
R-2910 Pinecastle, Fla.
R-2914 Valparaiso, Fla.
R-2915A Eglin AFB, Fla.
R-2915B Eglin AFB, Fla.
R-3004 Fort Gordon, Ga.
R-3005A Fort Stewart, Ga.
R-3005B Fort Stewart, Ga.
R-3202 Sailor Creek, Idaho.
R-3401 Camp Atterbury, Ind.
R-3403 Jefferson Proving Ground, Ind.
R-3601 Brookville, Kansas
R-3602 Manhattan, Kans.
R-3702 Fort Campbell, Ky.
R-3703 Fort Campbell, Ky.
R-3704 Fort Knox, Ky.
R-3801 Camp Claiborne, La.
R-3803 Fort Polk, La.
R-3804A Fort Polk, La.
R-3804C Fort Polk, La.
R-4001 Aberdeen, Md.
R-4005 Patuxent River, Md.
R-4006 Patuxent River, Md.
R-4105 No Man's Land Island, Mass.
R-4201 Camp Grayling, Mich.
R-4207 Upper Lake Huron, Mich.

R-4301 Camp Ripley, Minn.
R-4305 Lake Superior, Minn.
R-4401 Camp Shelby, Miss.
R-4803 Fallon, Nev.
R-4804 Twin Peaks, Nev.
R-4806 Las Vegas, Nev.
R-4810 Desert Mountains, Nevada
R-4812 Sand Springs, Nev.
R-4813 Carson Sink, Nev.
R-5103A McGregor, N. Mex.
R-5104A Melrose, N. Mex.
R-5104B Melrose, N. Mex.
R-5107A White Sands Proving Grounds, N. Mex.
R-5107C White Sands Proving Grounds, N. Mex.
R-5107D White Sands Proving Grounds, N. Mex.
R-5107E White Sands Proving Grounds, N. Mex.
R-5109A White Sands, N. Mex.
R-5109B White Sands, N. Mex.
R-5111A Elephant Butte, N. Mex. (East)
R-5111B Elephant Butte, N. Mex. (West)
R-5113 Socorro, N. Mex. 7/23/70 35 F. R. 8926 (Added)
R-5116A White Sands Proving Grounds, N. Mex. 9/17/70 35 F. R. 13118 (Added)
R-5311B Fort Bragg, N. C. 6/25/70 35 F. R. 6704 (Added)
R-5314 Dare County, N. C.
R-5502 La Carne, Ohio
R-5503 Wilmington, Ohio
R-5504 Wilmington, Ohio
R-5601B Fort Sill, Okla.
R-5601C Fort Sill, Okla.
R-5701 Boardman, Oreg.
R-6001 Fort Jackson, S. C.
R-6302A Fort Hood, Texas
R-6302B Fort Hood, Texas
R-6302C Fort Hood, Texas
R-6303 Matagorda Island, Tex.
R-6312 Cotulla, Texas
R-6402 Deseret Test Center, Utah 3/24/70 35 F. R. 5399 (Added)
R-6404A Hill AFB Rangs South, Utah
R-6404B Hill AFB Range North, Utah
R-6405 Wendover, Utah
R-6406A Wendover North, Utah
R-6406B Wendover South, Utah
R-6407 Dugway West, Utah
R-6408 Indian Creek, Utah
R-6409 Green River, Utah
R-6410 Blanding Utah
R-6604 Chincoteague Inlet, Va.
R-6609 Tangier Island, Va.
R-6611 Dahlgren Complex, Va.
R-6613 Dahlgren Complex, Va.
R-6714 Yakima, Wash.
R-6903 Sheboygan, Wis.
R-6904 Volk Field, Wis.
R-7001 Guernsey, Wyo.

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 **Designation of control areas associated with jet routes outside the continental control area.**
Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

J-41 From Key West, Fla., to Tallahassee, Fla.

Jet Route No. 42 Robbinsville, N. J., to Hampton, N. Y.
AMENDMENTS 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

Jet Route No. 55 from Sea Isle, N. J., to Putnam, Conn.

Jet Route No. 58 from New Orleans, La., to Sarasota, Fla. 2/5/70 34 F. R. 19749 (Added)

Jet Route No. 63 From Kennedy, N. Y., to Tuna INT.

Jet Route No. 77 from Biscayne Bay, Fla., to Vero Beach, Fla.; from Jacksonville, Fla., to Charleston, S. C.
AMENDMENTS 4/2/70 35 F. R. 1221 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

Jet Route No. 79 from Daytona Beach, Fla., to Charleston, S. C.

Jet Route No. 86 from Houston, Tex., to Sarasota, Fla.

Jet Route No. 103 from Daytona Beach, Fla., to Savannah, Ga.

Jet Route No. 111, from Nome, Alaska, to McGrath, Alaska.

Jet Route No. 120, from Fort Yukon, Alaska, to Barter Island, Alaska, RBN.

Jet Route No. 121: Norfolk, Va., to Hampton, N. Y.; Providence, R. I., to INT of Providence 045° and Boston, Mass., 067° radials.

Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.

Jet Route No. 123, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak to King Salmon, Alaska.

Jet Route No. 125, From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 133, From Annette Island, Alaska, to Anchorage, Alaska.

Jet Route No. 150, from Hampton, N. Y., via Hyannis, Mass., to Striper INT.

Jet Route No. 153 From Sea Isle, N. J., to Shad INT.

Jet Route No. 174, from Hampton, N. Y., via Hyannis, Mass., to Herring INT.

Jet Route No. 501, from the United Staes/Canadian border, via Yakutat, Alaska, to Anchorage, Alaska.

Jet Route No. 502 from Tofino, British Columbia, Canada, RBN via Neah Bay, Wash., RBN; Hoquiam, Wash.; to Medford, Oreg.; from Ukiah, Calif., to Oakland, Calif. excluding the portion within Canada.

§ 71.163 **Designation of additional control areas.**

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

Control 1141

That airspace within tangent lines from the circumference of a 5-mile radius circle centered at latitude 42°23'23" N., longitude 70°59'10" W., to a 15 mile radius circle centered on the midway point of a direct line between latitude 42°23'23" N., longitude 70°59'10" W., and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN and that airspace from 18,000 feet MSL to flight level 260 bounded by a line from: Latitude 42°43'20" N., longitude 70°22'00" W.; thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning; and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" W.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to point of beginning; and that airspace extending upward from 2,000 feet MSL bounded by a line from; Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°23'45" N., longitude 70°03'45" W.; latitude 42°25'15" N., longitude 70°30'00" W.; latitude 42°26'15" N., longitude 70°30'00" W.; thence to the point of beginning; excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., transition area, the portion below 2,000 feet MSL W of the 69°30'00" W meridian of longitude and the portion below 5,500 feet MSL E of the 69°30'00" W meridian of longitude.

Control 1142

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at latitude 42°21'30" N., longitude 70°41'25" W., to a 15-mile radius circle centered at latitude 42°02'00" N., longitude 68°00'00" W., thence to 42°05'20" N., longitude 68°00'00" W., and that airspace within lines drawn from latitude 42°16'00" N., longitude 68°00'00" W., thence to latitude 42°14'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to latitude 42°16'00" N., longitude 68°00'00" W., excluding the portion within the Boston Transition area, the airspace below 5,500 feet MSL E of longitude 68°00'00" W., and the airspace below 2,000 feet MSL W of longitude 68°00'00" W., except that airspace within the confines of Federal airways.

Control 1143

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

Control 1144

That airspace in the vicinity of Nantucket, Mass., within an area bounded by a line beginning at latitude 41°06'00" N., longitude 70°09'10" W., to latitude 41°25'35" N., longitude 70°09'35" W., to latitude 41°26'00" N., longitude 69°15'00" W., to latitude 41°46'00" N., longitude 68°00'00" W., to latitude 41°06'00" N., longitude 68°00'00" W., to the point of beginning, excluding the portion below 2,000 feet MSL except that airspace which lies within the confines of Federal airways.

Control 1145

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

Control 1146

That airspace within a 5 NM radius circle centered on the Nantucket, Mass., Consolan and that airspace bounded by a line drawn from the tangent of the 5 NM radius circle centered on Nantucket Consolan to latitude 42°05'20" N., longitude 68°00'00" W., thence to latitude 42°19'00" N., longitude 68°00'00" W., thence to latitude 43°00'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to the tangent of the 5 NM radius circle centered on the Nantucket Consolan, excluding that airspace outside the United States below 2,000 feet MSL W of longitude 68°00'00" W., and below 5,500 feet MSL E of longitude 68°00'00" W.

Control 1147

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded.

Control 1148

That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Millville, N. J., RBN and at the INT of Millville RBN 135° bearing and the Atlantic Ocean-U.S. Coastline to a 15-mile radius circle centered on the INT of Millville RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N. J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded.

Control 1149

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75° 32' 00" W. to the circumference of a 15-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial on the west boundary of the New York Oceanic Control Area at Lat. 36° 57' 30" N., Long. 73° 00' 00" W., excluding the portion below 2,000 feet MSL outside the United States.

Control 1150

That airspace within a 5-nmi radius of the Carolina Beach, N. C., RBN (Lat. 34°06'22" N, Long. 77°57'42" W), within a 5-nmi radius of the Bimini, Bahamas, RBN (Lat. 25°42'32" N, Long. 79°16'33" W), within a 23-nmi radius of Lat. 29°53'15" N, Long. 78°39'15" W, within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nmi radius area to the E and W sides of the 23-nmi radius area centered at Lat. 29°53'15" N, Long. 78°39'15" W. excluding that portion below 2,000 feet MSL outside the United States and that portion below 7,000 feet MSL within the Nassau, Bahamas, control area. The airspace above FL 430 south of latitude 30°36'50" N., and north of a line from latitude 29°06'30" N., longitude 79°09'10" W.; to latitude 29°20'00" N., longitude 78°20'20" W. is excluded.

Control 1151

That airspace N of Lat. 27°00'00" N. within tangent lines drawn from the circumference of a 25-mile radius circle centered at a point midway on a direct line between the Carolina Beach, N. C., RBN and the Nassau, British West Indies, RBN and circles 5 miles in radius centered on the Carolina Beach RBN and the Nassau RBN, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1152

That airspace east of Charleston, S. C., bounded by a line beginning at:

Latitude 33°02'00" N., longitude 80°03'35" W., thence to latitude 32°54'35" N., longitude 79°40'00" W., thence to latitude 32°50'35" N., longitude 79°23'00" W., thence to latitude 32°36'15" N., longitude 78°26'35" W., thence to latitude 32°13'25" N., longitude 77°00'00" W., thence to latitude 31°43'15" N., longitude 77°00'00" W., thence to latitude 32°35'55" N., longitude 79°16'45" W., thence to latitude 32°49'40" N., longitude 80°03'50" W., thence to latitude 32°52'25" N., longitude 80°03'45" W., thence to latitude 32°53'45" N., longitude 80°07'15" W., thence to the point of beginning, excluding the portion below 2,000 feet MSL outside the United States.

Control 1153

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Jacksonville, Fla., RBN to an 18-mile radius circle centered at the INT of the 090° bearing from the Jacksonville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet MSL outside the United States.

PENDING AMENDMENT

Control 1153

That airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Jacksonville, Fla., radio beacon (lat. 30°27'53" N., long. 81°48'06" W.) 090° bearing, including the additional airspace within lines diverging at angles of 5° from the centerline extending from the radio beacon to the western boundary of the New York Oceanic CTA/FIR boundary, excluding the portion below 2,000 feet MSL outside the United States.

AMENDMENTS 12/10/70 35 F. R. 13363 (Rewritten) Corr: 35 F. R. 18039 (Effective date changed to 3/4/71)

Control 1154

That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from latitude 38°03'25" N., longitude 123°11'45" W.; to latitude 38°00'00" N., longitude 123°23'00" W.; to latitude 37°50'00" N., longitude 124°24'30" W.; to latitude 37°40'00" N., longitude 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from latitude 38°50'00" N., longitude 126°11'05" W.; to latitude 38°52'00" N., longitude 125°52'30" W.; to latitude 39°00'00" N., longitude 123°56'30" W.; to latitude 39°02'55" N., longitude 123°22'00" W.

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Control 1155
That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U. S. coastline to the Oakland Oceanic CTA/FIR boundary.

AMENDMENTS 2/5/70 34 F. R. 19464 (Added)

Control 1156
That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Diego, Calif., VORTAC 262° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the VORTAC to its intersection with Control 1177.

AMENDMENTS 11/12/70 35 F. R. 14692 (Added)

Control 1169
That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1173
That airspace W of San Francisco, Calif., bounded by a line extending from latitude 37°40'00" N., longitude 125°23'30" W., to latitude 37°50'00" N., longitude 124°24'30" W., to latitude 38°00'00" N., longitude 123°23'00" W., to latitude 38°03'25" N., longitude 123°11'45" W., thence via the W edge of V-199 and V-27 to latitude 37°09'20" N., longitude 122°34'50" W., to latitude 36°16'00" N., longitude 124°26'00" W., to the point of beginning, excluding the portion below 2,500 feet MSL. The portion within W-513 is excluded between the hours of 0800 and 2000 p.s.t., Monday through Friday, and below 3,000 feet MSL within W-513 between the hours of 2000 and 0800 p.s.t., Monday through Friday.

Control 1176
That airspace extending upward from 2,000 feet MSL, within lines 5 miles each side of the Santa Barbara, Calif., VORTAC 247° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the east boundary of the Oakland Oceanic Control Area, excluding the portion east of longitude 120°30'00" W.

Control 1177
That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N, Long. 118°28'50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N. Long. 121°34'30" W. thence to Lat. 32°10'45" N. Long. 120°16'15" W. thence to Lat. 32°52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5,000 feet MSL.

Control 1181
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

Control 1215
That airspace SE of Galveston, Tex., bounded by a line beginning at latitude 29° 02' 10" N., longitude 95° 05' 00" W., extending NE 3 nmi from and parallel to the United States coastline to latitude 29° 19' 00" N., longitude 94° 40' 30" W., to latitude 28° 15' 00" N., longitude 92° 07' 00" W., to latitude 28° 15' 00" N., longitude 94° 00' 00" W., to latitude 28° 07' 45" N., longitude 94° 12' 00" W., to latitude 28° 10' 00" N., longitude 94° 14' 00" W., to latitude 28° 10' 00" N., longitude 94° 58' 00" W., to latitude 27° 37' 45" N., longitude 94° 59' 45" W., to latitude 27° 32' 00" N., longitude 95° 09' 00" W., to latitude 26° 50' 20" N., longitude 95° 30' 00" W., to latitude 27° 00' 00" N., longitude 95° 30' 00" W., to point of beginning; excluding the portion below 2,500 feet MSL.

Control 1216
That airspace extending upward from 2,000 feet MSL bounded on the N by a direct line from the Navy New Orleans, La., RBN to Lat. 29°25'00" N, Long. 87°00'00" W, on the SE by a line extending from Lat. 29°25'00" N, Long. 87°00'00" W to Lat. 28°50'00" N, Long. 88°00'00" W, thence S along Long. 88°00'00" N to the N boundary of the Houston Oceanic Control Area, on the S by the Houston Oceanic Control Area, on the W by Long. 90°15'00" W., and on the NW by the New Orleans transition area.

Control 1217
That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Kodiak, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Kodiak RR with the NW boundary of the Anchorage Oceanic Control Area. The airspace below 2,000 feet MSL outside the United States is excluded.

Control 1218
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Homer, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Homer RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1226
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Galveston, Tex., RBN extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Galveston RBN and the Grand Isle, La., RBN, thence to the circumference of a 5-mile radius circle centered on the Grand Isle RBN, thence to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle RBN and the Egmont Key, Fla., RBN, thence to the circumference of a 5-mile radius circle centered on the Egmont Key RBN, excluding the portion below 5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion below 2,000 feet MSL from the Grand Isle RBN to the Egmont Key RBN.

Control 1230
That airspace extending from the Portland, Fla., RBN to the INT of the Portland RBN 275° bearing and the eastern
boundary of the Miami Oceanic control area, excluding the airspace below 2,000 feet MSL outside the United States, and the airspace within W-168.

Control 1232
That airspace bounded on the north by a line 5 miles south and parallel to the Orlando, Fla., VOR 071° radial; on the east by a line extending from latitude 29°08'35" N., longitude 79°00'00" W. via latitude 24°40'00" N., longitude 79°00'00" W. to latitude 24°00'00" N., longitude 78°00'00" W.; on the south by latitude 24°00'00" N.; on the west by longitude 80°25'00" W. and V-3; excluding the airspace below 1,000 feet MSL within 5 miles each side of the Palm Beach, Fla., RBN, 090° bearing, outside the United States, and the airspace below 2,000 feet MSL elsewhere outside the United States. The airspace within the Nassau control area is excluded.

Control 1233
That airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 5 miles east of and parallel to the 187° bearing from the Marathon, Fla., RBN; on the south by latitude 24°00'00" N.; on the west by a line extending from the intersection of latitude 24°00'00" N., and a line 5 miles west of and parallel to the 187° bearing from the Marathon RBN, thence via this parallel line to its intersection with latitude 24°25'00" N., thence west via latitude 24°25'00" N., to the arc of a 35-mile radius circle centered at the Key West, Fla., VORTAC, thence northward via this arc to V-35, excluding the portion within W-465.

Control 1234
That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: latitude 58°07'00" N., longitude 160°00'00" W.; to latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; to latitude 57°46'00" N., longitude 161°46'00" W.; thence to point of beginning. The portion within R-2204 is excluded.

Control 1235
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Federal airways and the Kodiak, Alaska, transition area.

Control 1236
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483 and Control 1400.

Control 1310
That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VORTAC to the Middleton Island, Alaska, VOR, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VORTAC and NW from the Middleton Island VOR and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each each side of a line extending from the Middleton Island RBN to the Sandspit, British Columbia, Canada, RR; including that airspace between lines diverging at 5° angles from the centerline, extending southeast from the Middleton Island RBN and northwest from the Sandspit RR, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

Control 1316
That airspace within 5 miles each side of the Los Angeles, Calif., VOR 264° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 264° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

AMENDMENTS 1/7/71 35 F. R. 17031 (Changed)

Control 1386
That airspace within 5 miles either side of the Orlando, Fla., VOR 071° radial, extending from the VOR to Control 1150 and between lines diverging at an angle of 4.5° from the centerline at the Orlando VOR excluding the airspace below 14,000 feet MSL and above FL 430 between the E boundary of R-2902B and the W boundary of control 1150.

Control 1400
That airspace within 5 miles either side of the 263° bearing from the King Salmon, Alaska, RR extending from the RR to the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1401
That airspace within 5 miles either side of the 248° bearing from the King Salmon, Alaska, RR extending from the RR to longitude 160°00'00" W, and between lines diverging at an angle of 5° from the King Salmon 248° bearing extending from the RR to longitude 160°00'00" W, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1415
That airspace within parallel boundary lines 4 nmi each side of the Fortuna, Calif., VOR 270° radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL W of longitude 124°30'00" W.

Control 1418
That airspace extending upward from 2,000 feet MSL centered on the Hoquiam, Wash., VORTAC 232° radial, 10 nmi in width at the VORTAC with each edge diverging at an angle of 5° with the centerline, extending from the VORTAC to the E boundary of the Oakland Oceanic Control Area and excluding the portion within W-460.

Control 1419
That airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the E boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

Control 1445
That airspace S of the United States-Canadian border and the Vancouver Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL. The portion within W-601 is excluded.

Control 1447
That airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29° 22' 30" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

Control 1483
That airspace within 5 miles each side of the 237° bearing from the Bethel, Alaska, RBN, extending from the RBN to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 237° bearing extending from the Bethel RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2.000 feet MSL outside the United States.

Control 1485
That airspace extending upward from FL-230 bounded by a line beginning at latitude 68°00'00" N., longitude 168°58'23" W.; to latitude 72°00'00" N., longitude 158°00'00" W.; to latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 68°00'00" N., longitude 141°00'00" W.; to the point of beginning.

AMENDMENTS 6/4/70 35 F. R. 8656 (Changed)

Control 1486
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

Control 1487
That airspace extending upward from 14,500 feet MSL; to FL 450, within the area bounded by a line beginning at latitude 59°08'30" N., longitude 147°16'00" W., counterclockwise via the arc of a 172-mile radius centered on the Anchorage VORTAC to latitude 60°14'10" N., longitude 145°29'30" W., thence southeastward 3 nmi from and parallel to the U. S. coastline to latitude 54°40'00" N., longitude 132°56'00" W., thence to latitude 54°14'00" N., longitude 134°57'00" W., thence along the eastern boundary of the Anchorage Oceanic control area to the point of beginning. The portion within Control 1310 and the portion within Canada is excluded.

Control 1488
That airspace extending upward from 5,500 feet MSL to flight level 410 within 4 nautical miles each side of the Key West, Fla., VOR 244° radial and within 5 statute miles each side of the Key West radio beacon 245° bearing including the additional airspace between lines diverging at 4.5° from the centerline at the VOR and 5° at the RBN, extending from the VOR/RBN to the Miami Oceanic Area boundary and latitude 24°00'00" N.

Bettles/Umiat, Alaska
From the Bettles, Alaska, RBN, 66 miles, 24 miles 95 MSL, Umiat, Alaska, RBN (lat. 69°23'15" N., long. 152°11'10" W.).

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 9/1/70 35 F. R. 13822 (Changed)

Bozeman, Mont.
From Bozeman, Mont., VOR, 10,700 MSL Livingston, Mont., VORTAC.

Fort Yukon, Alaska
From the Fort Yukon, Alaska, VOR 12 AGL to Flaxman Island, Alaska, RBN.

Kirksville, Mo.
From Kirksville, Mo., VORTAC 12 AGL to Moline, Ill., VORTAC, and from Kirksville VORTAC 45 MSL to St. Louis, Mo., VORTAC.

Menominee, Mich.
From the Menominee, Mich., VORTAC, 12 AGL Marquette, Mich., VORTAC.

Omak, Wash.
That airspace extending upward from 5,500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata, Wash., VOR.

Ottumwa, Iowa
From the Ottumwa, Iowa, VORTAC 12 AGL 26 miles, 50 MSL to Kansas City, Mo., VORTAC.

Point Barrow/Barter Island, Alaska
From the Point Barrow, Alaska, RBN, 12 AGL Lonely, Alaska, RBN; 12 AGL Oliktok, Alaska, RBN; 12 AGL Flaxman Island, Alaska, RBN; 12 AGL Barter Island, Alaska, RBN.

Rattlesnake, Wyo.
That airspace extending upward from 8,500 feet MSL bounded on the north by V-298S, on the east by Casper, Wyo., 1,200-foot transition area, on the south and southwest by a line 4 NM south and southwest and parallel to the Casper ILS west course and Riverton, Wyo., VOR 099° radial and on the west by the Riverton, Wyo., 1,200-foot transition area.

Sault Ste. Marie, Mich.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from the Lakehead, Ontario, Canada, RBN to the Sault Ste. Marie, Mich., RBN, including the additional airspace between lines diverging at 4.5° from the centerline at the Lakehead and Sault Ste. Marie RBNs and extending until the meet. The airspace within Canada is excluded.

Sidney, Mont.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from latitude 47°41'00" N., longitude 104°06'15" W., to latitude 48°06'45" N., longitude 105°36'00" W.

Umiat/Point Barrow, Alaska
From the Umiat, Alaska, RBN (latitude 69°23'15" N., long. 152°11'10" W.) 21 nautical miles 12 AGL, 112 nautical miles 25 MSL, 12 AGL Point Barrow, Alaska, RBN.

AMENDMENTS 9/1/70 35 F. R. 13822 (Changed)

Umiat/Deadhorse, Alaska
From the Umiat, Alaska RBN (lat. 69°23'15" N., long. 152°11'10" W.) to Deadhorse, Alaska, RBN (lat. 70° 11'49" N., long. 148°27'53" W.).

AMENDMENTS 8/20/70 35 F. R. 11683 (Rewritten)
AMENDMENTS 9/1/70 35 F. R. 13822 (Rewritten)

Zuni, N. Mex.
From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials.

§ 71.165 Designation of control area extensions.
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

Eniwetok Island
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N, Long. 162°20'00" E).

Kotzebue, Alaska
Within 10 miles NW and 9 miles SE of the 048° and 228° bearings from the Kotzebue RBN, extending from 10 miles SW to 25 miles NE of the RBN.

Middleton Island, Alaska
Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.

SUBPART F - CONTROL ZONES

§ 71.171 Designation.
The parts of airspace described below are designated as control zones.

Abbotsford, British Columbia, Canada
Within a 5-mile radius of Abbotsford Airport (latitude 49°01'00" N., longitude 122°22'00" W.), excluding the portion outside the United States.

Aberdeen, Md.
Within a 5-mile radius of the center, 39°28'18" N., 76°10'13" W. of Phillips AAF and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 5-mile radius zone to 6 miles NE of the RBN. This control zone is effective from 0600 to 2200 hours, local time, Monday through Friday, excluding Federal legal holidays.

AMENDMENTS 7/11/70 35 F. R. 11177 (Changed)

Aberdeen, S. Dak.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.) and within 3 miles each side of the Aberdeen VORTAC 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7176 (Rewritten)

Abilene, Tex. (Municipal Airport)
That airspace within a 5-mile radius of Abilene Municipal Airport (latitude 32°25'10" N., longitude 99°41'20" W,); within 2 miles each side of the Abilene ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, Tex. (Dyess AFB), control zone.

Abilene, Tex. (Dyess AFB)
That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course, extending from the 5-mile radius zone to 7.5 miles S of the OM; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

Adak, Alaska
Within a 5-mile radius of the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.); within 2 miles each side of the 054° bearing from the Adak RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN, and within 2 miles each side of the Navy Adak TACAN 067° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

Aguadilla, P. R.
Within a 6-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within 2 miles each side of the Ramey ILS localizer west course, extending from the 6-mile radius zone to 12.5 miles west of the middle marker; within 2 miles each side of the ILS localizer west course, extending from the 6-mile radius zone to 11 miles west of the Airport; within 2 miles each side of the Ramey VORTAC 256° radial, extending from the 6-mile radius zone to 8 miles west of the airport.

AMENDMENTS 10/15/70 35 F. R. 16242 (Changed)

Akron, Colo.
Within a 4-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.).
PENDING AMENDMENT
Akron, Colo.
Within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.) and within 4 miles each side of the Akron VORTAC 123° radial, extending from the 5-mile radius zone to 11 miles southeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 19171 (Rewritten)

Akron, Ohio (Akron-Canton Airport)
Within a 5-mile radius of the center, 40°55'05" N., 81°26'30" W., of Akron-Canton Airport, Akron, Ohio, and within 2 miles each side of the Akron VORTAC 223° radial extending from the 5-mile radius zone to 12.5 miles southwest of the VORTAC, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Akron, Ohio (Akron Municipal Airport) control zone.

Akron, Ohio (Akron Municipal Airport)
Within a 5-mile radius of the center 41°02'15" N., 81°28'05" W., of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the point of INT of the 5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

Alamogordo, N. Mex.
Within a 5-mile radius of the Holloman Air Force Base Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (latitude 32°50'27" N., longitude 105°59'17" W.) and within a 2-mile radius of the Midway Airport (latitude 32°52'04" N., longitude 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL.

Alamosa, Colo.
Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.); within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of the 013° bearing from the Frontier Airlines NDB (latitude 37°26'36" N., longitude 105°51'12" W.) extending from the 5-mile radius zone to 10 miles northeast of the NDB; and within 2 miles each side of the Alamosa VORTAC 186° radial extending from the VORTAC to 10 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 5/28/70 35 F. R. 4548 (Added)

Albany, Ga. (Albany-Dougherty County Airport)
Within a 5-mile radius of Albany-Dougherty County Airport (latitude 31°32"08" N., longitude 84°11'34" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile southeast of the VORTAC.

NAS Albany, Ga.
Within a 5-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the Albany VORTAC 110° radial, extending from the 5-mile radius zone to 1.5 miles E of the VORTAC; within 2 miles each side of the NAS Albany TACAN 038° radial, extending from the 5-mile radius zone to 7.5 miles NE of the TACAN; within 2 miles each side of the 031° bearing from the NAS Albany LF RBN (latitude 31°35'52" N., longitude 84°05'42" W.), extending from the 5-mile radius zone to 8 miles NE of the RBN; within 2 miles each side of the 031° bearing from the NAS Albany UHF RBN (latitude 31°35'58" N., longitude 84°05'56" W.), extending from the 5-mile radius zone to 12 miles NE of the RBN; excluding the airspace which coincides with the Albany, Ga. (Municipal Airport), control zone.

Albany, N. Y.
Within a 5-mile radius of the center 42°44'40" N., 73°48'15" W. of Albany County Airport, Albany, N. Y.; within 3.5 miles each side of the Albany VORTAC 354° radial extending from the 5-mile radius zone to 11.5 miles north of the VORTAC and within 3 miles each side of the Albany VORTAC 182° radial extending from the 5-mile radius zone to 11.5 miles south of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 13642 (Rewritten)

Albuquerque, N. Mex.
Within a 5-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 7 miles north of the north end of Runway 35; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles south of the south end of Runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

Alexandria, La. (England AFB)
That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.

Alexandria, La. (Esler Field)
Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), and within 3 miles each side of the Esler VOR 338° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR.

AMENDMENTS 4/2/70 35 F. R. 1221 (Rewritten)

Alexandria, Minn.
Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Alice, Tex.
That airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from latitude 27°44'20" N., longitude 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 27°44'20" N., longitude 98°01'46" W.

Allentown, Pa.
Within a 5-mile radius of the center, 40°39'10" N., 75°26'20" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., within 2 miles each side of a line bearing 050° from a point at 40"42'00" N., 75°26'06" W., extended from the 5-mile radius area to 6 miles northeast of said point, within 2 miles each side of the Allentown ILS localizer northeast course, extending from the 5-mile radius zone to 10 miles northeast of the localizer, and within 2 miles each side of the Allentown VORTAC 347° radial extending from the 5-mile radius zone to 7 miles north of the VORTAC.

Alliance, Nebr.
Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/12/70 35 F. R. 14304 (Rewritten)

Alma, Ga.
Within a 3-mile radius of Bacon County Airport (latitude 31°32'20" N., longitude 82°30'30" W.); within 2 miles each side of the Alma VORTAC 146° and 334° radials, extending from the 3-mile radius zone to 8 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Alpena, Mich.
That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten) Corr: 35 F. R. 18736

Alton, Ill.
Within a 5-mile radius of Civic Memorial Airport (latitude 38°53'30" N., longitude 90°03'00" W.); within 2½ miles each side of the 104° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 5½ miles east of the airport; and within 3 miles each side of the 009° bearing from Civic Memorial Airport; extending from the 5-mile radius zone to 7 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/5/70 35 F. R. 19872 (Rewritten)

Altus, Okla.
Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 1.5 miles S of the OM; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½ mile radius of the Altus, Okla., Municipal Airport, (latitude 34°41'57" N., longitude 99°20'21" W.).

Amarillo, Tex.
That airspace within a 5-mile radius of the Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Air Terminal Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

Amchitka, Alaska
Within a 5-mile radius of the Amchitka, Alaska Airport (latitude 51°22'45" N., longitude 179°15'42" E.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° bearing from the Amchitka RBN extending from the RBN to 8 miles east; and within 2 miles each side of the 247° bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.
AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

Anaheim, Calif. (Disneyland Heliport)
Within a 3-mile radius of Disneyland Heliport (latitude 33° 48' 40" N., longitude 117° 55' 30" W.), excluding that airspace within the Fullerton and Long Beach, Calif., airport control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter will be continuously published in the Airman's Information Manual.

Anchorage, Alaska (Anchorage International Airport)
Within a 5-mile radius of Anchorage International Airport (latitude 61°10' N., longitude 149°58' W.); within 2 miles each side of the Anchorage RR SW course extending from the 5-mile radius zone to 8 miles SW of the RR; within 2 miles each side of the Anchorage VORTAC 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Anchorage ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

Anchorage, Alaska (Bryant AAF)
Within a 3-mile radius of Bryant AAF (latitude 61°16'N., longitude 149°40' W.), excluding the portion west of longitude 149°43' W. This control zone is effective from 0700 to 2100 hours, local time, daily.

Anchorage, Alaska (Merrill Field/Elmendorf AFB)
Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49' W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

Anderson, S. C.
Within a 5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.); within 1.5 miles each side of Anderson VORTAC 039° radial, extending from the 5-mile radius zone to 1.5 miles northeast of the VORTAC.
AMENDMENTS 3/5/70 35 F. R. 306 (Rewritten)

Aniak, Alaska
Within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.); and within 2 miles each side of the 230° and 140° bearings from the Aniak RBN, extending from the 5-mile radius zone to 14 miles SW and 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.
AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

Annette Island, Alaska
Within a 5-mile radius of the Annette Island Airport (latitude 55°02'34" N., longitude 131°34'14" W.); within 3 miles each side of the Annette Island VOR 170° radial, extending from the 5-mile radius zone to 12 miles south of the VOR, and within 2 miles each side of the Annette Island VOR 311° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR.

Anniston, Ala.
Within a 5-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within 1.5 miles each side of Anniston VOR 085° radial, extending from the 5-mile radius zone to the VOR;

AMENDMENTS 4/30/70 35 F. R. 4259 (Rewritten)
AMENDMENTS 10/1/70 35 F. R. 15904 (Changed)

Appleton, Wis.
Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2 miles each side of the 135°, 206, 285°, and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 8 miles southeast, southwest, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Arcata, Calif.
Within a 5-mile radius of Arcata Airport (latitude 40°58'45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° bearing from the Arcata RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN.

Ardmore, Okla.
Within a 5-mile radius of Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 085° bearing from the Ardmore RBN extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Asheville, N. C.
Within a 5-mile radius of Asheville Airport (latitude 35°26'05" N., longitude 82°32'20" W.); within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBN's.

Aspen, Colo.
Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (latitude 39°13'30" N., longitude 106°52'09" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/17/69 34 F. R. 19748 (Added)

Astoria, Oreg.
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46° 09' 25" N., longitude 123° 52' 40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

Athens, Ga.
Within a 5-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.); within 2 miles each side of the Athens VORTAC 076° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC; and within 2 miles each side of the Athens VORTAC 192° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

Atlanta, Ga. (Fulton County Airport)
Within a 5-mile radius of Fulton County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within 2.5 miles each side of the 276° bearing from Bankhead RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 17536 (Changed)

Atlanta, Ga.
Within a 5-mile radius of Atlanta Airport (latitude 33°38'35" N., longitude 84°25'25" W.); within 2 miles each side of Atlanta ILS Runway 33 localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the LOM; within 2 miles each side of Rex, Ga., VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 9L localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.).

AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten)

Atlanta, Ga. (Dobbins AFB/NAS Atlanta)
Within a 5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'40" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from Lost Mountain RBN, extending from the 5-mile radius zone to 1 mile southeast of the RBN; within 1.5 miles each side of Norcross VORTAC 265° radial, extending from the 5-mile radius zone to 30 miles west of the VORTAC; within 2 miles each side of Runway 29 extended centerline, extending from the 5-mile radius zone to 6 miles east of the runway end; within 1.5 miles each side of NAS Atlanta TACAN 301° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; excluding the portion within Atlanta, Ga. (Fulton County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten)

Atlantic City, N. J.
Within a 12-mile radius of the Atlantic City NAFEC Airport (Lat. 39°27'25" N, Long. 74°34'45" W), and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 nmi offshore, on the SE by a line 3 nmi offshore, and on the NE by the Atlantic City VORTAC 112° radial, excluding the portion within a 2 mile radius of the Ocean City Airport (Lat. 39°16'00" N, Long. 74°36'15" W).

Augusta, Ga.
Within a 5-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of Augusta ILS localizer south course, extending from the 5-mile radius zone to 0.5 miles north of the LOM; within a 5-mile radius of Daniel Field (latitude 33°27'55" N., longitude 82°02'25" W.); within 2 miles each side of Augusta VORTAC 135° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

AMENDMENTS 5/28/70 35 F. R. 5531 (Rewritten)

Augusta, Maine
Within a 5-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine; within 3.5 miles each side of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the 5-mile radius zone to 10.5 miles northwest of the RBN and within 3.5 miles each side of the Augusta VORTAC 328° radial, extending from the 5-mile radius zone to 10.5 miles northwest of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 623 (Changed)

Austin, Tex. (Robert Mueller Municipal Airport)
Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Austin ILS localizer NW course, extending from the 5-mile radius zone to 1 mile SE of the INT of the ILS localizer NW course and the Austin VORTAC 269° radial; and within 2 miles each side of the Austin VORTAC 184° radial, extending from the 5-mile radius zone to the VORTAC.

Austin, Tex. (Bergstrom AFB)
Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

Baker, Oreg.
Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 6704 (Rewritten)

Bakersfield, Calif.
Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), and within 2 miles W and 3 miles E of the Bakersfield VORTAC 338° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC.

Baltimore, Md.
Within a 5-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; and within 2 miles each side of the Baltimore ILS west course extending from the 5-mile radius zone to 10 miles west of the OM.

Bangor, Maine
Within a 5 mile radius of the center (44°48'20" N., 68°49'32" W.) of Bangor International Airport, Bangor, Maine excluding the
portion within a 1-mile radius of the center (44°49'15" N., 68°43'00" W.) of the Down East Seaplane Base, Brewer, Maine; within 2 miles each side of the Bangor VORTAC 318° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC; within 2 miles each side of the extended centerline of Runway 33 extending from the 5-mile radius zone to 4.5 miles NW of the lift-off end of the runway; within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC; within 2 miles each side of the Bangor ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the OM.

Bartlesville, Okla.
Within a 5-mile radius of the Phillips Airport (latitude 36°45'45" N., longitude 96°00'30" W.), and within 2 miles each side of the Bartlesville VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR, excluding the area N of latitude 36°46'00" N and E of longitude 95°58'30" W. This control zone shall be effective during the times established by a notice to Airmen and continuously published in the Airman's Information Manual.

Baton Rouge, La.
Within a 5-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 1 mile each side of the Baton Rouge ILS localizer southeast course extending from the 5-mile radius zone to 6.5 miles southeast of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

AMENDMENTS 8/20/70 35 F. R. 10505 (Rewritten)

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

Beaufort, S. C.
Within a 5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 3.5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2.5 miles each side of the 042° bearing from Beaufort MCAS RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/2/70 35 F. R. 4948 (Changed)
AMENDMENTS 11/12/70 35 F. R. 13723 (Rewritten)

Beaumont, Tex.
Within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.).
AMENDMENTS 4/30/70 35 F. R. 3881 (Rewritten)

Bedford, Mass.
Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°17'23" W.); within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).

Beeville, Tex.
That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN.

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

Bellingham, Wash.
Within a 5-mile radius of Bellingham Municipal Airport (latitude 48°47'40" N., longitude 122°32'10" W.); within 2 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 3 miles south of the VORTAC and 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 21.5 miles south of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14765 (Rewritten)

Bemidji, Minn.
Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Benton Harbor, Mich.
Within a 5-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bethel, Alaska
Within a 5-mile radius of the Bethel Municipal Airport (latitude 60°47'01" N., longitude 161°49'59" W.); within 3 miles each side of the BEA RBN 014° bearing extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the BET RBN 293° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles each side of the Bethel VORTAC 213° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

Bettles, Alaska
Within a 5-mile radius of the Bettles Municipal Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles southeast and 3 miles northwest of the 210° bearing from the Bettles RBN extending from the 5-mile radius zone to 8 miles southwest of the RBN.

Big Delta, Alaska
Within a 5-mile radius of the Allen AAF, Fort Greely, Alaska (latitude 64°00' N., longitude 145°43' W.), snd within 2 miles each side of the Big Delta RR NE and NW courses, extending from the 5-mile radius zone to 8 miles NE and 9½ miles NW of the RR; within 2 miles each side of the Big Delta VOR 040° and 315° radials, extending from the 5-mile radius zone to 8 miles NE and 10 miles NW of the VOR.

Big Spring, Tex.
That airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'50" N., longitude 101°31' 25" W.), within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.), within 2 miles each side of the Big Spring VOR 191° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, within 2 miles each side of the Big Spring VOR 155° radial, extending from the 5-mile radius zone to the VOR, within 2 miles each side of the Webb TACAN 355° radial, extending from the 5-mile radius zone to 7.5 miles north of the TACAN, and within 2 miles each side of the Webb TACAN 190° radial extending from the 5-mile radius zone to 7.5 miles south of the TACAN. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/10/70 35 F. R. 16469 (Changed)

Billings, Mont.
Within a 5-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within 2 miles each side of the Billings ILS west and east courses, extending from the 5-mile radius zone to 8 miles west of the OM on the west and to the RBN on the east; and within 2 miles each side of the Billings VORTAC 095° and 267° radials, extending from the 5-mile radius zone to 8 miles west and 12 miles east of the VORTAC.

Biloxi, Miss.
Within a 5-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'25.9" W.); within 1.5 miles each side of Keesler TACAN 045° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 1.5 miles each side of Keesler TACAN 205° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN; excluding the portion west of longitude 89°00'00" W., effective from 0600 to 2200 hours, local time daily.

AMENDMENTS 2/5/70 34 F. R. 19245 (Rewritten)

Binghamton, N.Y.
Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

Birmingham, Ala.
Within a 5-mile radius of Birmingham Municipal Airport (latitude 33°33'50" N., longitude 86°45'30" W.); within 2 miles each side of Birmingham ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 3 miles each side of the 056° and 236° bearings from Roebuck RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

AMENDMENTS 8/20/70 35 F. R. 8926 (Rewritten)

Bismarck, N. Dak.
Within a 5½-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5½-mile radius zone to 1 mile northwest of the OM.

AMENDMENTS 4/2/70 35 F. R. 2581 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Blackstone, Va.
Within a 4-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.), excluding the portion within R-6602. This control zone is effective from 0600 to 2200 hours local time.

Bloomington, Ill.
Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bloomington, Ind.
Within a 5-mile radius of Monroe County Airport (latitude 38°08'35" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VORTAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bluefield, W. Va.
Within a 5-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), with 2 miles each side of the Bluefield VOR 047° radial, extending from the 5-mile radius zone to 4.5 miles NE of the VOR, and within 2 miles each side of the Bluefield VOR 267° radial, extending from the 5-mile radius zone to 15 miles W of the VOR.

Blythe, Calif.
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

Blytheville, Ark.
Within a 5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

Boise, Idaho
Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'35" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 944 (Rewritten)

Boston, Mass.
Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.).

Bowling Green, Ky.
Within a 5-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky., and within 3 miles each side of the Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7379 (Rewritten)

Bozeman, Mont.
Within a 7-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.).

Bradford, Pa.
Within a 5-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 2.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of a 315° and a 135° bearing from the Bradford Regional Airport Runway 32 ILS LOM, extending from the 5-mile radius zone to 8 miles southeast of the LOM; within 2 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7378 (Rewritten)

Brainerd, Minn.
Within a 5-mile radius of Brainerd-Crow Wing County Airport latitude 46°23'55" N., longitude 94°08'15" W.; within 2½ miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 313° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/12/70 35 F. R. 14303 (Rewritten)

Bremerton, Wash.
Within a 5-mile radius of the Kitsap County Airport (latitude 47°29'35" N., longitude 122°45'35" W.), within 3 miles each side of the 209° bearing from the Kitsap RBN (latitude 47°29'48" N., longitude 122°45'36" W.), extending from the 5-mile radius zone to 8 miles SW of the RBN. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

AMENDMENTS 10/15/70 35 F. R. 13723 (Changed)

Bridgeport, Conn.
Within a 5-mile radius of the center 41°09'41" N., 73°07'35" W., of Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 036° and 229° radials, extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

Broomfield, Colo.
That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Brownsville, Tex.
That airspace overlying the United States within a 5-mile radius of Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

Brunswick, Ga. (Malcolm-McKinnon Airport)
Within a 5-mile radius of Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.); within 1.5 miles each side of the Brunswick VOR 023° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.) and the portion within the Brunswick (NAS Glynco) control zone.

Brunswick, Ga. (NAS Glynco)
Within a 5-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within 2 miles each side of the Glynco TACAN 055° radial, extending from the 5-mile radius zone to 5 miles northeast of the TACAN; within 3 miles each side of the Glynco TACAN 250° radial, extending from the 5-mile radius zone to 6.5 miles west of the TACAN, excluding the portion that is within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.) south of a line 3.5 miles south of and parallel to NAS Glynco Runway 7 centerline extended.

Brunswick, Maine
Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the 166° bearing of the Navy Brunswick UHF RBN (latitude 43°53'42" N., longitude 69°56'49" W.), extending from the 5-mile radius zone to 8 miles S of the RBN; within 2 miles each side of a line bearing 353° from latitude 43°48'53" N., longitude 69°55'30" W., extending from the 5-mile radius zone to latitude 43°48'53" N., longitude 69°55'30" W.; within 2 miles each side of the Navy Brunswick TACAN 008° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding that airspace within a 1-mile radius of Topsham Airport; Topsham, Maine (latitude 43°56'55" N., longitude 69°59'50" W.).

Buffalo, N. Y.
Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N. Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark, 42°51'45" N., 78°43'00" W.

Burbank, Calif.
Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), and within 2 miles each side of the Van Nuys, Calif., VOR 111° radial extending from the 5-mile radius zone to 17.5 miles SE of the VOR, excluding the portion W of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09'25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif., latitude 34°15'35" N., longitude 118°24'45" W.

Burley, Idaho
Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 3.5 miles each side of the Burley VORTAC 121° radial, extending from the 5-mile radius zone to 17.5 miles southeast of the VORTAC; within 3 miles each side of the Burley VORTAC 323° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; within 3 miles each side of the Burley VORTAC 301° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

AMENDMENTS 4/30/70 35 F. R. 4258 (Rewritten)

Burlington, Iowa
Within a 5-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); within 3 miles each side of the 293° radial of the Burlington VORTAC extending from the 5-mile radius zone to 2 miles northwest of the VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17033 (rewritten)

Burlington, Vt.
Within a 5-mile radius of the center, 44°28'15" N., 73°09'10" W., of the Burlington International Airport, Burlington, Vt.;
within 2 miles each side of the Burlington ILS localizer northwest course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Burlington VOR 021° radial extending from the 5-mile radius zone to the VOR.

Butte, Mont.
Within a 5-mile radius of Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112° 29'50" W.).

Calverton, N. Y.
Within a 5-mile radius of Peconic River Airport (latitude 40°54'55" N., longitude 72°47'35" W.), and within 2 miles each side of the Riverhead VORTAC 079° radial extending from the 5-mile radius zone to 12.5 miles E of the VORTAC. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday.

AMENDMENTS 6/24/70 35 F. R. 10287 (Changed)

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Camp Douglas, Wis.
Within a 5-mile radius of Volk Field, Camp Douglas, Wis. (latitude43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and/or time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Camp Springs, Md.
Within a 5-mile radius of Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.), within 2 miles E of the extended centerline of the Andrews AFB Runway 19-L and 2 miles W of the Andrews AFB ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Andrews AFB ILS localizer N course, extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of Hyde Field, Clinton, Md. (latitude 38°45'00" N., longitude 76°56'00" W.), and excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

Cape Girardeau, Mo.
Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 2 miles each side of the Cape Girardeau VOR 036° radial extending from the 5-mile radius zone to 10½ miles northeast of the VOR; within 2 miles each side of the Cape Girardeau VOR 196° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Cape Girardeau VOR 279° radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

PENDING AMENDMENT
Cape Girardeau, Mo.
Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 2½ miles each side of the Cape Girardeau VOR 194°, 036° and 279° radials, extending from the 5-mile radius to 6½ miles south-northeast and west of the VOR.

AMENDMENTS 2/4/71 35 F. R. 18509 (Rewritten)

Carbondale, Ill.
Within a 5-mile radius of Southern Illinois Airport (latitude 37°46'50" N., longitude 89°15'15" W.); and within 3 miles each side of the 014° bearing from Southern Illinois Airport, extending from the 5-mile radius zone to 8 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/20/70 35 F. R. 10359 (Added)

Carlsbad, N. Mex.
Within a 5-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 337° and 157° radials extending from the 5-mile radius zone to 10 miles southeast of the VOR.

AMENDMENTS 3/5/70 35 F. R. 308 (Rewritten)

Casper, Wyo.
Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles southwest of the VORTAC; within 3 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 10 miles west of the OM; within 2 miles each side of the 270° bearing from the Casper RBN, extending from the 5-mile radius zone to the RBN and within 4 miles each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC.
AMENDMENTS 6/25/70 35 F. R. 7379 (Rewritten)

PENDING AMENDMENT
Casper, Wyo., control zone is amended by deleting all after "10 miles west of the OM;" and substituting therefore "within 4 miles each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC."

AMENDMENTS 2/4/71 35 F. R. 18735 (Changed)

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

Cedar Rapids, Iowa
Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 3 miles each side of the Cedar Rapids VORTAC 094° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; and within 3 miles each side of the Cedar Rapids VORTAC 264° radial, extending from the 5-mile radius zone to 9 miles west of the VORTAC.
AMENDMENTS 6/25/70 35 F. R. 7177 (Rewritten)

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.) and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles N of the airport.

Chamblee, Ga.
Within a 5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten)

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 123°, 237° and 328° radials, extending from the 5-mile radius zone to 12 miles southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 6/25/70 35 F. R. 7176 (Rewritten)

Chandler, Ariz.
Within a 5-mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39'27" W.); within 2 miles each side of the Rittenhouse VOR 290° radial extending from the 5-mile radius zone to the VOR, within 2 miles northeast and 3 miles southwest of the Chandler TACAN 130° radial extending from the 5-mile radius zone to 9 miles southeast of the TACAN, and within 2 miles each side of the Chandler TACAN 319° radial extending from the 5-mile radius zone to 9 miles northwest of the TACAN. This control zone is effective from 0630 to 2200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday, and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays.

Chantilly, Va.
Within a 5-mile radius of Dulles International Airport, Chantilly, Va., (Lat. 38°56'40" N, Long. 77°27'24" W); within 2 miles either side of the Dulles runway 1-R ILS localizer S course extending from the 5-mile radius zone to the runway 1-R ILS OM; within 2 miles either side of the Dulles runway 19-R ILS localizer N course extending from the 5-mile radius zone to 2 miles N of the runway 19-R ILS OM; within 2 miles either side of the Herndon, Va., VORTAC 161° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the lift-off end of runway 30.

Chanute, Kans.
Within a 5-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

Charleston, S. C.
Within a 5-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 3 miles each side of Charleston VORTAC 018° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2.5 miles each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 2.5 miles each side of the 147° bearing from Charleston RBN, extending from the 5-mile radius zone to the RBN; within 3 miles each side of Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC; within 3 miles each side of Charleston VORTAC 332° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

AMENDMENTS 8/20/70 35 F. R. 10504 (Rewritten)

Charleston, W. Va.
Within a 5-mile radius of the center, 38°22'21" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 2 miles each side of the ILS localizer NE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charleston, VORTAC 081° radial extending from the 5-mile radius zone to 2 miles E of the VORTAC.

Charlotte, N. C.
Within a 5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 003° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2 miles each side of Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the VORTAC; within 2 miles each side of Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VORTAC; within 2 miles each side of Charlotte ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM.

AMENDMENTS 4/2/70 35 F. R. 2645 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Charlotte Amalie, Saint Thomas, V. I. (Harry S. Truman Airport)
Within a 5-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International Notams.

Charlottesville, Va.
Within a 4-mile radius of the Charlottesville-Albemarle Airport (latitude 38°08'25" N., longitude 78°27' 10" W.) and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 4-mile radius zone to 4.5 miles south of the Charlottesville RBN.

Chattanooga, Tenn.
Within a 5-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.); within 2 miles each side of Chattanooga ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles southwest of Daisy RBN; within 1 mile each side of Chattanooga ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of Chattanooga VORTAC 263° radial.

AMENDMENTS 6/25/70 35 F. R. 6273 (Rewritten)

Chesterfield (Spirit of St. Louis), Mo.
Within a 5-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Mo., VORTAC 310° radial, extending from the VORTAC to 9½ miles northwest of the VORTAC; and within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the VORTAC to 14½ miles SW of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/30/70 35 F. R. 3221 (Rewritten); Corr: 35 F. R. 5681

Cheyenne, Wyo.
Within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the OM.

Chicago, Ill. (Midway Airport)
Within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

Chicago, Ill. (O'Hare International Airport)
Within a 5-mile radius of O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'30" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

Chicago, Ill. (Meigs Airport)
Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

Chico, Calif.
Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, excluding the portion within a 1-mile radius of Ranchaero Airport, Chico, Calif. (latitude 39°43'10" N., longitude 121°52'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Childress, Tex.
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

China Lake, Calif.
Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

Chincoteague, Va.
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles south of the VOR. This control zone is effective from 0730 to 1730 hours, local time, Monday through Friday, excluding Federal legal holidays.

AMENDMENTS 8/22/70 35 F. R. 13426 (Changed)

Christiansted, St. Croix, V. I.
Within a 5-mile radius of Alexander Hamilton Airport (latitude 17°42'15" N., longitude 64°47'55" W.); within 3 miles each side of the St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR; within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

AMENDMENTS 4/2/70 35 F. R. 2819 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

Cincinnati, Ohio
Within a 5-mile radius of the center, 39°06'14" N., 84°25'18" W., of Cincinnati Municipal (Lunken Field) Airport, Cincinnati, Ohio; within 2 miles each side of the Cincinnati Municipal ILS localizer north course extending from the 5-mile radius zone to the Madeira, Ohio, RBN and within 2 miles each side of a 227° bearing from the Lunken RBN extending from the 5-mile radius zone to the RBN.

Clarksburg, W. Va.
With a 5-mile radius of the center of Benedum Airport, Clarksburg, W. Va., 39°17'40" N., 80°13'40" W. and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 5 miles from the end of the runway effective 0530 to 2130 hours local time daily and 0600 to 2000 hours on Saturday.

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 5-mile radius of the center 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio; within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion within the Cleveland, Ohio (Cleveland-Hopkins International Airport), control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 11/12/70 35 F. R. 14448 (Rewritten)

Cleveland, Ohio (Cleveland-Hopkins International Airport)
Within a 5-mile radius of the center 41°24'30" N., 81°51'00" W., of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 1.5 miles each side of the Runway 5-R ILS localizer southwest course, extending from the 5-mile radius zone to 3 miles northeast of the Gilbert RBN; within 2 miles each side of the Runway 23-L ILS localizer northeast course, extending from the 5-mile radius zone to 2 miles southwest of the Stadium RBN; within 2 miles each side of the Runway 28-R ILS localizer east course, extending from the 5-mile radius zone to 2 miles west of the Brecksville RBN; within 2 miles each side of the Runway 18-R centerline extended from the 5-mile radius zone to 7.5 miles south of the end of the runway.

AMENDMENTS 11/12/70 35 F. R. 14448 (Rewritten)

Cleveland, Ohio (Cuyahoga County Airport)
Within a 5-mile radius of the center 41°34'00" N., 81°29'15" W. of Cuyahoga County Airport, Cleveland, Ohio; within 2.5 miles each side of the 050° bearing from the Cuyahoga County RBN, extending from the 5-mile radius zone to 5 miles northeast of the RBN, excluding the portion within the Cleveland, Ohio (Burke-Lakefront Airport), control zone. This control zone shall be effective from 0700 to 2200 hours, local time, daily.

AMENDMENTS 11/12/70 35 F. R. 14448 (Added)

Clinton, Okla. (Clinton-Sherman Airport)
Within a 5-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longtiude 99°12'00" W.), and within 2 miles each side of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from 7 miles north to 6 miles south of the ends of the runways. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/1/70 35 F. R. 8475 (Added)
AMENDMENTS 10/15/70 35 F. R. 13425 (Changed)

Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 040° radial extending from the 6-mile radius zone to 9.5 miles northeast of the TACAN; within 2 miles each side of a 045° bearing from latitude 34°18'45" N., longitude 103°24'32" W., extending from the 6-mile radius zone to latitude 34°18'45" N., longitude 103°24'32" W.; within 2 miles each side of the Cannon AFB TACAN 230° radial extending from the 6-mile radius zone to 9.5 miles southwest of the TACAN, and within 2 miles each side of the Cannon AFB TACAN 232° radial extending from the 6-mile radius zone to 7 miles southwest of the TACAN.

Cocoa (Patrick AFB), Fla.
Within a 5-mile radius of Patrick AFB (latitude 28°14'05" N., longitude 80°36'35" W.); within 2 miles each side of the Patrick AFB TACAN 025° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN; and within 2 miles each side of the Melbourne, Fla., VOR 007° radial, extending from the 5-mile radius zone to 4 miles northeast of the VOR.

Cody, Wyo.
Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 8/20/70 35 F. R. 10503 (Rewritten)

Cold Bay, Alaska
Within a 5-mile radius of Cold Bay Airport (latitude 55°12'22" N., longitude 162°43'22" W.); within 2 miles each side
of the Cold Bay VORTAC 335° radial and 2 miles each side of the Cold Bay ILS localizer N course, extending from the 5-mile radius zone to 12 miles N of the Cold Bay RR.

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.

Colorado Springs, Colo.
Within a 6-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.); within a 1-mile radius of Pikes Peak Airport, Fountain, Colo. (latitude 38°43'40" N., longitude 104°42'05" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC.

Columbia, Mo. (Regional Airport)
Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 3 miles each side of the 193° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 9 miles south of the airport; and within 3 miles each side of the 031° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 7 miles northeast of the airport.

AMENDMENTS 4/2/70 35 F. R. 2581 (Added); Eff. date changed 4/30/70 35 F. R. 6272

Columbia, S. C.
Within a 5-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W.); within 2 miles each side of Columbia ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

AMENDMENTS 10/15/70 35 F. R. 13425 (Rewritten)

Columbus, Ga. (Lawson AAF)
Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from Lawson RBN, extending from the 5-mile radius zone to 6.5 miles southwest of the RBN; within 2 miles each side of Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM; excluding the portion within Columbus Metropolitan Airport control zone.

AMENDMENTS 5/19/70 35 F. R. 7858 (Changed)
AMENDMENTS 10/15/70 35 F. R. 13116 (Rewritten)

Columbus, Ga. (Columbus Metropolitan Airport)
Within a 5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55"N., long. 84°56'25" W.); within 1.5 miles each side of Columbus ILS localizer northeast course, extending from the 5-mile radius zone to the intersection of the Columbus VOR 102° radial; within 1.5 miles each side of Columbus VOR 149° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR; within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 6 miles southwest of the runway end; within 2 miles each side of Runway 12 extended centerline, extending from the 5-mile radius zone to 6 miles northwest of the runway end.

AMENDMENTS 5/19/70 35 F. R. 7858 (Changed)
AMENDMENTS 10/15/70 35 F. R. 13116 (Rewritten)

Columbus, Miss.
Within a 5-mile radius of Columbus AFB, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within 1.5 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 1.5 miles southeast of the LOM; within 1.5 miles each side of the Caledonia TACAN 141° and 312° radials, extending from the 5-mile radius zone to 6.5 miles southeast and northwest of the TACAN.

AMENDMENTS 4/30/70 35 F. R. 4259 (Rewritten)

Columbus, Nebr.
Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 2 miles each side of the Columbus VOR 310° and 141° radials, extending from the 5-mile radius zone to 8 miles N and SE of the VOR, and within 2 miles each side of the 330° bearing from the Columbus RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Columbus, Ohio
Within a 5-mile radius of the center, 39°59'45" N., 82°53'20" W., of Port Columbus International Airport, Columbus,
Ohio; within a 5-mile radius of the center, 39°48'50" N., 82°55'40" W., of Lockbourne AFB, Columbus, Ohio; within 2 miles each side of the Columbus runway 10L ILS localizer extending from the 5-mile radius zone to the runway 10L OM; within 2 miles each side of the Columbus runway 10R ILS localizer course extending from the 5-mile radius zone to 6.5 miles W of the runway 10R localizer; within 2 miles each side of the Columbus runway 28L ILS localizer course extending from the 5-mile radius zone to the runway 28L OM; within 2 miles either side of a direct line extending from the Columbus RBN to the Lockbourne AFB within 2 miles each side of the Lockbourne TACAN 229° radial extending from the Lockboune AFB 5-mile radius area to 8 miles southwest of the TACAN; within 2 miles each side of the Lockbourne AFB northeast localizer course extending from the Lockbourne AFB 5-mile radius area to the Lockbourne OM including that airspace within
a 1-mile radius of the center, 39°53'10" N., 82°57'55" W., of South Columbus Airport, Columbus, Ohio and a 4-mile radius of the center, 39°54'20" N., 82°51'20" W., of Esselburne Airport.

Columbus, Ohio (Ohio State University Airport)
Within a 5-mile radius of the center 40°04'45" N., 83°04'20" W., of Ohio State University Airport, Columbus, Ohio, and within 2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 5-mile radius zone to 7 miles west of the RBN, excluding that portion within the control zone designated as Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily,

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.), within 2 miles each side of the Concord VOR 188° radial extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time daily.

Concord, N. H.
Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W., of Concord Municipal Airport, Concord, N. H.; within 2 miles each side of the Concord VORTAC 284° radial extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; within 3 miles each side of the 133° bearing from the Pembroke, N. H., RBN (43°10'57" N., 71°28'18" W.) extending from the 5-mile radius zone to 8.5 miles southeast of the RBN and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles north of the end of the runway.
AMENDMENTS 9/17/70 35 F. R. 11176 (Rewritten)

Cordova, Alaska
Within a 5-mile radius of Cordova (Mile 13) Airport (Lat. 60°29'25" N, Long. 145°29'00" W); within 2 miles either side of the Cordova RR SE course extending from the 5-mile radius zone to the INT of the Cordova RR SE course and the Hinchinbrook, Alaska, RR E course, and within 2 miles either side of the Cordova RR SW course extending from the 5-mile radius zone to the INT of the Cordova RR SW course and the Hinchinbrook RR E course.

Corpus Christi, Tex.
Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

Corpus Christi NAS, Tex.
Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the 5-mile radius zone to 6 miles SE of the TACAN;
and within 2 miles each side of the Navy Corpus TACAN 313° radial, extending from the 5-mile radius zone to 6 miles NW of the TACAN.

Cortez, Colo.
Within a 5-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37' 35" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Corvallis, Oreg.
Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Cotulla, Tex.
That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 265° radial extending from the 3-mile radius zone to the VOR.

Covington, Ky.
Within a 5-mile radius of the center of Greater Cincinnati Airport 39°02'50" N., 84°40'00" W. and within 2 miles each side of the Cincinnati, Ohio, VORTAC 223° radial extending southwestward from the 5-mile radius zone for 5 miles and within 2 miles each side of the Greater Cincinnati Airport ILS localizer south course, extending from the 5-mile radius zone to the Runway 36 OM.

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius zone to 5.5 miles south of the VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17031 (Rewritten)

Crestview, Fla.
Within a 5-mile radius of Bob Sikes Airport (lat. 30° 46' 45" N., long. 86° 31' 10" W.); within 2 miles each side of the Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5 mile east of the VORTAC.

Crossville, Tenn.
Within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.) and within 2 miles each side of the Hinch Mountain VORTAC 334° radial extending from the 5-mile radius zone to 1.5 miles northwest of the VORTAC.

AMENDMENTS 4/30/70 35 F. R. 4256 (Changed)

Crows Landing, Calif.
Within a 5-mile radius of ALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, Calif. (latitude 37°28'05" N., longitude 121°10'06" W.). This control zone will be effective from 0800 to 1630 hours, local time daily, Monday through Friday and times established in advnace by a notice to airmen and continuously published in the Airman's Information Manual.

Cut Bank, Mont.
Within a 5-mile radius of the Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 2 miles each side of the Cut Bank VOR 151° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR.

Dalhart, Tex.
That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

Dallas, Tex. (Addison Airport)
That airspace within a 5-mile radius of Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.); and within 2 miles each side of the Addison VOR 334° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR; excluding the portion S of a line from latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., to latitude 32°54'00" N., longitude 96°46'30" W.; and excluding the portion within a 1-mile radius of Highland Park Airport (latitude 32°55'15" N., longitude 96°46'17" W.). This control zone is effective from 0600 to 2200 hours, local time, daily.

Dallas, Tex. (Love Field)
That airspace bounded by a line beginning at latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°56'30" N.; thence clockwise along the arc of a 5-mile radius circle centered at Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.) to latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., and continuing southeast along a line to latitude 32°54'00" N., longitude 96°46'30" W. until interception of the arc of a 5-mile radius circle centered at Addison Airport, southeast of Addison Airport; then clockwise along the arc of the 5-mile radius centered at Addison Airport to interception with and then clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to longitude 96°49'30" W., southeast of Love Field; thence south along longitude 96°49'30" W. to and counterclockwise along the arc of a 5-mile radius circle centered at Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.) until interception with and then northeast along a line drawn between latitude 32°39'35" N, longitude 96°54'15" W., and longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field, southwest of Love Field; thence clockwise along the arc of a 5-mile radius circle centered at Love Field to latitude 32°49'40" N., west of Love Field, to point of beginning; and within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the Runway 31L OM (latitude 32°46'39" N., longitude 96°46'28" W.).

Dallas, Tex. (NAS Dallas)
That airspace bounded on the N by the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone, on the E by the Dallas, Tex. (Love Field) and (Redbird Airport) control zones; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from 6 to 9.5 miles of the VORTAC; thence E via latitude 32°41'20" N., extending from a line 2 miles E of and parallel to the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, to the arc of a 5-mile radius circle centered on Dallas NAS (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Dallas NAS; thence counterclockwise along this arc to longitude 97°00'15" W., SW of Dallas NAS; thence S via longitude 97°00'15" W., to latitude 32°39'19" N.; thence E via latitude 32°39'19" N. to the intersection of a 5-mile radius circle centered on Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.), SW of Redbird Airport, thence counterclockwise along the arc of the 5-mile radius circle centered on Redbird Airport to its intersection with the arc of an 8-mile radius circle centered at Dallas NAS, SW of Redbird Airport.

Dallas, Tex. (Redbird Airport)
That airspace within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); and within 3.5 miles each side of the 165° bearing from the Redbird RBN extending from the 5-mile radius zone to 10 miles south of the RBN; excluding the portion W of a line from the intersection of the Redbird Airport 5-mile radius zone and the arc of an 8-mile radius circle centered at NAS Dallas (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Redbird Airport, through latitude 32°39'35" N., longitude 96°54'15" W., to longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.), SW of Love Field. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 11/12/70 35 F. R. 14448 (Changed)
AMENDMENTS 12/11/70 35 F. R. 19348 (Changed)

Danville, Va.
Within a 5-mile radius of the center 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; and within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

Davenport, Iowa
Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dayton, Ohio (James M. Cox-Dayton Municipal)
Within a 5-mile radius of the center, 39°53'57" N., 84°12'15" W. of James M. Cox-Dayton Municipal Airport, Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°51'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

Dayton, Ohio (Wright-Patterson AFB)
Within a 5-mile radius of the center, 39°49'25" N., 84°02'55" W. of Patterson AFB, Dayton, Ohio; within 2 miles each side of the Patterson VOR 039° radial extending from the 5-mile radius zone to 10 miles northeast of the VOR; within 2 miles each side of the Patterson TACAN 051° radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within a 5-mile radius of the center, 39°46'35" N., 84°06'35" W. of Wright AFB, Dayton, Ohio; within a 5-mile radius of the center, 39°50'20" N., 83°50'25" W. of Springfield Municipal Airport Springfield, Ohio; and within 2 miles each side of the Springfield RBN 054° bearing extending from the Springfield 5-mile radius zone to 6 miles northeast of the RBN.

Daytona Beach, Fla.
Within a 5-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°03'20" W.; within a 3-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); within 2 miles each side of the Daytona Beach VORTAC 156° radial, extending from the 3-mile radius zone to the 5-mile radius zone; within 2 miles each side of the Daytona Beach VORTAC 256° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC; and within 2 miles each side of the 065° bearing from the Daytona Beach LOM, extending from the 5-mile radius zone to the LOM.

PENDING AMENDMENT
Daytona Beach, Fla.
Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side of Daytona Beach VORTAC 256° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

AMENDMENTS 3/4/71 36 F. R. 216 (Rewritten)

Deadhorse, Alaska
Within a 5-mile radius of the Deadhorse Airport (latitude 70°11'37" N., longitude 148°29'10" W.); within 3 miles south and 8 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148°27'53" W.), extending from the Deadhorse RBN to 10 miles east of the Deadhorse RBN; and within 3 miles south and 8 miles north and parallel to the 250° True (218° Magnetic) bearing of the Deadhorse RBN, extending from the Deadhorse RBN to 8 miles west of the Deadhorse RBN. This control zone will be effective from 0645 to 2145 local time daily.

AMENDMENTS 1/7/71 35 F. R. 17247 (Added)

Decatur, Ill.
Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 10/15/70 35 F. R. 12750 (Rewritten)

Del Rio, Tex.
Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.), within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN, within 2 miles each side of the Laughlin TACAN 149° radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, within 2 miles each side of the Laughlin VOR 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR, within 2 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Laughlin VOR 295° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/2/70 35 F. R. 10754 (Changed)

Deming, N. Mex.
Within a 5-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Amendments 10/15/70 35 F. R. 13118 (Rewritten)

Denver, Colo.
Within a 9-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 2 miles each side of the 151° bearing from Buckley ANGB, extending from the 9-mile radius zone to 15 miles southeast of Buckley ANGB, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

Des Moines, Iowa
Within a 5-mile radius of the Des Moines Municipal Airport, (latitude 41°32'10" N., longitude 93°39'28" W.); and within 2 miles each side of the Des Moines VORTAC 356° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone SE to the LOM and NW to 6 miles NW of the NW end of the Des Moines Municipal Airport Runway 12.

Detroit, Mich. (Metropolitan Wayne County Airport)
Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

Detroit, Mich. (Willow Run Airport)
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

Detroit, Mich.
Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

Devils Lake, N. Dak.
Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54' 30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/12/70 35 F. R. 14303 (Rewritten)

Dickinson, N. Dak.
Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.).

Dillingham, Alaska
Within a 5-mile radius of the Dillingham Municipal Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 2 miles each side of the Dillingham VOR 025° radial extending from the 5-mile radius zone to 14 miles northeast of the VOR; within 2 miles each side of the Dillingham VOR 205° radial extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the 5-mile radius zone to 8 miles northeast of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

Dodge City, Kans.
Within a 5-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., longitude 99°58'00" W.).

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten)

Dothan, Ala.
Within a 5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 3 miles each side of Dothan VORTAC 156° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 6858 (Rewritten)

Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.); within 2 miles each side of the Douglas VORTAC 332° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC, and within 2 miles each side of the Douglas VORTAC 347° radial, extending from the 5-mile radius zone to 6 miles north of the VORTAC.

Dover, Del.
Within a 5-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover TACAN 176° radial extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Dover TACAN 130° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the Dover TACAN 008° radial extending from the 5-mile radius zone to 7 miles N of the TACAN.

Du Bois, Pa.
Within a 5-mile radius of the center, 41°10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3 miles each side of the Du Bois ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM.

AMENDMENTS 12/10/70 35 F. R. 15907 (Rewritten)

Dubuque, Iowa
Within a 5-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., Longitude 90°42'32" W.); within 2 miles each side of the Dubuque VORTAC 126° and 321° radials, extending from the 5-mile radius zone to 8 miles SE and NW of the VORTAC, effective 0600 to 2100 hours, local time, daily.

Duluth, Minn.
Within a 5-mile radius of Duluth, Minn., International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth ILS west course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Duluth ILS east course, extending from the 5-mile radius zone to 8 miles east of the intersection of the Duluth ILS east course and the Duluth VORTAC 062° radial; within 2 miles each side of the Duluth VORTAC 197° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; and within 2 miles each side of the Duluth VORTAC 023° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC.

Durango, Colo.
That airspace within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.), and within 2 miles each side of the Durango 225° radial extending from the 5-mile radius zone to 7 miles SW of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dyersburg, Tenn.
Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 1.5 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

East Hartford, Conn.
Within a 5-mile radius of the center 41°45'10" N., 72°37'25" W. of Rentschler Field, East Hartford, Conn.; within 2 miles each side of the Hartford VOR 331° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of a 182° bearing from the Hartford RBN extending from the 5-mile radius zone to 7 miles S of the RBN and within 2 miles each side of the Hartford VOR 327° radial extending from the 5-mile radius zone to the VOR. This control zone is effective from 0700 to 2300 hours local time daily.

Eastover, S. C.
Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

AMENDMENTS 12/10/70 35 F. R. 16315 (Rewritten)

Eau Claire, Wis.
Within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); within 2½ miles each side of the 304° bearing from Eau Claire Municipal Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport; within 2½ miles each side of the 041° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 274° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles west of the airport.

AMENDMENTS 12/10/70 35 F. R. 15905 (Rewritten)

Edwards AFB, Calif.
Within an 8-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.).

Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'50" W.); within 2 miles each side of the Eglin AFB TACAN 120° radial, extending from the 5-mile radius zone to 12 miles southeast of the TACAN; within 2 miles each side of the Eglin AFB ILS localizer southeast course, extending from the 5-mile radius zone to 12 miles southeast of the LMM; within 2 miles each side of the Eglin AFB TACAN 190° radial, extending from the 5-mile radius zone to 4 miles south of the TACAN; within a 3-mile radius of Destin-Fort Walton Beach Airport (latitude 30°23'55" N., longitude 86°28'20" W.); within 2 miles each side of the extended centerline of the Destin-Fort Walton Beach Airport Runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

Eglin AF Aux No. 3 (Duke Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (latitude 30°39'00" N., longitude 86°31'21" W.). The portion within a 5-mile radius of Bob Sikes Airport (latitude 30°46'45" N., longitude 86°31'10" W.) is excluded. This control zone is effective from 0700 to 1600 hours local time, Monday through Friday.

Eglin AF Aux No. 9 (Hurlburt Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field), (latitude 30°25'40" N., longitude 86°41'20" W.); within 2 miles each side of the 287° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to 1 mile west of the RBN; and within 2 miles each side of the Eglin AFB TACAN 255° radial extending from the 5-mile radius zone to the Eglin AFB 5-mile radius zone. The portion which coincides with the Eglin AFB control zone is excluded.

El Centro, Calif.
Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

El Dorado, Ark.
That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.).

Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; excluding the portion within a 1-mile radius of Elizabeth City Municipal Airport (latitude 36°14'45" N., longitude 76°15'35" W.). This control zone is effective from 0700 to 2200 hours, local time, daily.

AMENDMENTS 3/5/70 35 F. R. 101 (Rewritten); 7/23/70 35 F. R. 8654 (Rewritten)

Elkins, W. Va.
Within a 5-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; and within 2 miles each side of a line bearing 037° from the Randolph County Radio Range extending from the 5-mile radius zone to 8 miles NE of the range, effective sunrise to sunset.

Elko, Nev.
Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).

Elmira, N.Y.
Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

El Monte, Calif.
Within a 3-mile radius of El Monte Airport (latitude 34°05'05" N., longitude 118°02'00" W.) and within 2 miles each side of the Pomona VORTAC 271° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/10/70 35 F. R. 15908 (Added) Effective date changed to 1/7/71 35 F. R. 16792 (Changed)

El Paso, Tex.
That airspace bounded by a line beginning at latitude 31°45'15" N., longitude 106°26'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°52'10" N., longitude 106°26'00" W.; to latitude 31°56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican Border to point of beginning.

El Toro, Calif.
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 3.5 miles west and 3 miles east of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles south of the VOR, and within 2 miles each side of the El Toro VOR 225 radial extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding the portion within the Orange County, Calif., and Santa Ana, Calif., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/20/70 35 F. R. 17834 (Changed)

Emporia, Kans.
Within a 5-mile radius of the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.).

Enid, Okla.
That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles W and 5 miles E of the Vance AFB ILS localizer S course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the Vance AFB TACAN 348° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN; and within 2 miles W and 3 miles E of the Vance AFB 17R-35L runway centerline, extending from the 5-mile radius zone to 6 miles N of Vance AFB; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.); and within 2 miles each side of the Woodring VOR
355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Ephrata, Wash.
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.), and within 2 miles each side of the Ephrata VORTAC 223° radial, extending from the 5-mile radius zone to the VORTAC.

Erie, Pa.
Within a 5-mile radius of Erie International Airport (latitude 42°04'56" N, longitude 80°10'44" W), within 2 miles either side of the Erie VORTAC 054° radial extending from the 5-mile radius zone to the VORTAC.

Escanaba, Mich.
Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 2 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east, and west of the VORTAC; and within 2 miles each side of the 349° bearing from Escanaba Municipal Airport, extending from the 5-mile radius zone to 11 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Eugene, Oreg.
Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.), within 3 miles each side of the Eugene VORTAC 008° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2.5 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 9 miles south of the VORTAC.

AMENDMENTS 12/10/70 35 F. R. 15904 (Rewritten)

Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

Everett, Wash.
Within a 5-mile radius of the Snohomish County Airport (Paine Field), Wash. (latitude 47°54'40" N., longitude 122°16'50" W.), and within 2 miles each side of the Paine VOR 356° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fairbanks, Alaska (Eielson AFB).
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

Fairbanks, Alaska (Fairbanks International-Wainwright AAF).
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'11" W.); within a 5-mile radius of Wainwright AAF (latitude 61°50'15" N., longitude 117°38'05" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

Fairfield, Calif.
Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'36" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 18 miles SW of the VOR.

Fairmont, Minn.
Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'45" N., longitude 94°25'15" W.); within 2 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 5-mile radius zone to 8 miles SE of the airport; and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fallon, Nev.
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

Falmouth, Mass.
Within a 5-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5, extending from the 5-mile radius zone to 6 miles NE of the end of Runway 5; within 2 miles each side of the Otis TACAN 030° radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 5 miles SE of the end of Runway 14; within 2 miles each side of the Otis TACAN 139° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the extended centerline of Runway 23, extending from the 5-mile radius zone to 5 miles SW of the end of Runway 23; within 2 miles each side of the Otis TACAN 221° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN; within 2 miles each side of the extended centerline of Runway 32, extending from the 5-mile radius zone to 5 miles NW of the end of Runway 32; within 2 miles each side of the Otis TACAN 299° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Farewell, Alaska
Within a 5-mile radius of Farewell Airport (lat. 62°30'25" N, Long. 153°53'25" W, from 0745 to 1545 hours, local time, daily.

Fargo, N. Dak.
Within a 5-mile radius of Hector Field (latitude 46°55'01" N., longitude 96°48'58" W.), within 2 miles each side of the Fargo ILS localizer N and S courses, extending from the RBN to LOM, and within 2 miles on each side of the Fargo VORTAC 009° radial, extending from the 5-mile radius zone to the VORTAC.

Farmingdale, N. Y.
Within a 5-mile radius of the center, 40°43'45" N., 73°24'45" W., of Republic Airport, Farmingdale, N. Y.; within 2 miles each side of the Babylon, N. Y., RBN 158° bearing extending from the 5-mile radius zone to 7 miles south of the RBN and within 1.5-mile radius of the center, 40°44'45" N., 73°29'35" W., of Grumman-Bethpage Airport. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/28/70 35 F. R. 3879 (Changed)

Farmington, N. Mex.
Within a 5-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.); and within 2 miles each side of the Farmington VORTAC 268° radial, extending from the 5-mile radius zone to the VORTAC.

Fayetteville, Ark.
Within a 5.5-mile radius of Drake Field (latitude 36°00'13" N., longitude 94°10'12" W.), within 3 miles each side of the Drake VOR 325° radial extending from the 5.5-mile radius zone to 8 miles northwest of the VOR.

AMENDMENTS 9/17/70 35 F. R. 11465 (Rewritten)

Fayetteville, N. C.
Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'35" N., longitude 78°52'50" W.); within 3 miles each side of Fayetteville VOR 233° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Findlay, Ohio
Within a 5-mile radius of the center, 41°00'55" N., 83°40'15" W. of Findlay Airport, Findlay, Ohio, excluding the portion within a 1-mile radius of the center, 40°57'40" N., 83°35'45" W. of Lutz Airport, Findlay, Ohio; within 2 miles each side of the Findlay VORTAC 045° radial extending from the Findlay Airport 5-mile radius to the VORTAC;
within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles south of the RBN; within 2 miles each side of the 248° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles west of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W. of Bluffton Flying Service Airport, Bluffton, Ohio; and within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial extending from theBluffton Flying Service Airport 5-mile radius to the Findlay Airport 5-mile radius.

Flagstaff, Airz. (Pulliam Airport)
That airspace within a 5-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.), within 2 miles each side of the Flagstaff VOR 084° radial, extending from the 5-mile radius zone to 11.5 miles E of the VOR, within 2 miles each side of the Flagstaff VOR 096° radial extending from the 5-mile radius zone to 7.5 miles E of the VOR, and within 2 miles each side of the Flagstaff VOR 189° radial extending from the 5-mile radius zone to 7.5 miles S of the VOR.

Flint, Mich.
Within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052° 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

Florence, S. C.
Within a 5-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 3 miles each side of Florence VOR 049° and 229° radials, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR.

AMENDMENTS 4/30/70 35 F. R. 3755 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 19248 (Changed)

Fort Belvoir, Va.
Within a 3-mile radius of the center, 38°42'55" N., 77°10'50" W., of the Davison AAF, Fort Belvoir, Va.; within 2 miles each side of the centerline of Runway 32 extended from the 3-mile radius zone to 5 miles northwest of the end of the runway; within 2 miles each side of the centerline of Runway 11 extended from the 3-mile radius zone to 5 miles southeast of the end of the runway.

Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and the portion southeast of a line extending from latitude 35°11'15" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W.

Fort Devens, Mass.
Within a 4-mile radius of the center, 42°34'15" N., 71°36'20" W., of Devens AAF, Fort Devens, Mass.; within a 1-mile radius of the center 42°38'30" N., 71°39'15" W., of Groton Airport, Groton, Mass.; within 2 miles each side of the 315° bearing from the Devens, RBN (42°34'05" N., 71°36'19" W.), extending from the 4-mile radius zone to 8 miles northwest of the RBN excluding that portion within a 1-mile radius of the center 42°31'30" N., 71°39'55" W., of Shirley Airport, Shirley, Mass. This control zone is effective from 0700 to 1900 hours, local time, Monday through Friday.

Fort Dodge, Iowa
Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/8/70 34 F. R. 18850 (Rewritten)

Fort Eustis, Va.
Within a 3-mile radius of Felker AAF, Fort Eustis, Va., (latitude 37°07'55" N., longitude 76°36'30" W.), within 2 miles each side of the 320° bearing from the Felker AAF RBN (latitude 37°08'28" N., longitude 76°37'07" W.), extending from the 3-mile radius zone to 5 miles NW of the RBN, and within 2 miles each side of the Felker AAF Runway 13 extended centerline, extending from the 3-mile radius zone to 4 miles NW of the NW end of the Runway 13, excluding the portion within the Newport News, Va., control zone.

Fort Huachuca, Ariz.
Within a 5-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 5-mile radius zone to 15 miles SE of the RBN, and within 2 miles each side of the Libby AAF VOR 121° radial, extending from the 5-mile radius zone to 15 miles SE of the VOR. This control zone shall be effective from 0600 to 2000 hours, local time, Monday through Friday, and from 0600 to 1800 hours, local time, Saturday and Sunday, excluding Federal legal holidays.

Fort Knox, Ky.
Within a 5-mile radius of the center, 37°54'25" N., 85°58'15" W. of Godman AAF, Fort Knox, Ky., within 2 miles each side of the 354° bearing from the Fort Knox RBN extending from the 5-mile radius zone to 7 miles N of the RBN; within 2 miles each side of the Fort Knox VOR 326° radial extending from the 5-mile radius zone to 7 miles NW of the VOR; within 2 miles each side of the Fort Knox VOR 005° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the Fort Knox VOR 167° radial extending from the 5-mile radius zone to 7 miles S of the VOR.

Fort Lauderdale, Fla.
Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'15" N., longitude 80°09'15" W.); within 3 miles each side of Fort Lauderdale VOR 084° radial, extending from the 5-mile radius zone to 10 miles east of the VOR; within 3 miles each side of Fort Lauderdale VOR 276° and 306° radials, extending from the 5-mile radius zone to 8.5 miles west and northwest of the VOR.

AMENDMENTS 7/23/70 35 F. R. 7552 (Rewritten)

Fort Leonard Wood, Mo.
That airspace within a 4-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.), within 2 miles each side of the Forney AAF VOR 152° and 323° radials extending from the 4-mile radius zone to 8 miles southeast and northwest of the VOR, and within 2 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 8 miles southeast of the RBN.

PENDING AMENDMENT
Fort Leonard Wood, Mo.
Within a 4-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 3 miles each side of the Forney AAF VOR 323° radial extending from the 4-mile radius zone to 7½ miles northwest of the VOR; and within 3 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 7½ miles southeast of the Forney AAF RBN.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Fort Lewis, Wash.
Within a 5-mile radius of Gray AAF Fort Lewis, Wash. (latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Wash. (McChord AFB), control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR, 182° radial. This control zone is effective from 0600 to 2200 hours local time daily.

Fort Myers, Fla.
Within a 5-mile radius of Page Field (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the 039° bearing from the Fort Myers RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Fort Myers VORTAC 213° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

Fort Ord, Calif.
Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF. This control zone is effective from 0600 to 2400 hours, local time, daily.

Fort Polk, La.
That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

Fort Riley, Kans.
Within a 5-mile radius of Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°15'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial.

Fort Rucker, Ala.
Within a 7-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 3 miles each side of Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VOR; within 2 miles each side of Cairns AAF Runway 36 extended centerline, extending from the 7-mile radius zone to 5 miles south of the runway end; within 3 miles each side of the 242° bearing from Lowe, Ala., NDB, extending from the 7-mile radius zone to 8.5 miles southwest of the NDB; within 3 miles each side of Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8.5 miles north of the VOR; within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.); within a 2-mile radius of Hooper, Ala. Army Stage Field (latitude 31°24'25" N., longitude 85°41'20" W.); within a 2-mile radius of Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°38'40" W.); excluding the portion within R-2103.

AMENDMENTS 8/20/70 35 F. R. 10107 (Rewritten); Corr: 35 F. R. 12271

Fort Smith, Ark.
Within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 238° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smilth ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stewart, Ga.
Within a 5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within a 1.5-mile radius of Liberty County Airport (latitude 31°47'22" N., longitude 81°38'15" W.); within 3 miles each side of the 230° bearing from Liberty RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Liberty TVOR 242° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TVOR.

AMENDMENTS 4/2/70 35 F. R. 803 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.) within 2 miles each side of the Fort Wayne VORTAC 038° radial extending from the 5-mile radius zone to 7 miles NE of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 228° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC, within 2 miles each side of the Fort Wayne VORTAC 265° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 320° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

PENDING AMENDMENT

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field (latitude 40°58'45" N., longitude 85°11'25" W.); within 3 miles each side of the Fort Wayne VORTAC 229° radial, extending from the 5-mile radius zone to 8½ miles southwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 320° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 038° radial, extending from the 5-mile radius zone to 8½ miles northeast of the VORTAC; and within 3½ miles each side of the Fort Wayne VORTAC 265° radial, extending from the 5-mile radius zone to 10 miles west of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Fort Worth, Tex. (Carswell AFB)
That airspace within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 14 miles north; within 2 miles each side of the Benbrook VOR 360° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 194° radial extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

AMENDMENTS 1/8/70 35 F. R. 307 (Changed)

Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field)
That airspace within an area bounded by a line beginning at latitude 32°48'00" N., longitude 96°59'00" W.; thence E along latitude 32°48'00" N. to and clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to latitude 32°49'40" N., W of Love Field; thence NW to latitude 32°53'15" N., longitude 96°59'35" W.; thence W along latitude 32°53'15" N. to and counterclockwise along the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field (latitude 32°49'35" N., longitude 97°02'45" W.); to longitude 96°59'00" W., SE of Greater Southwest International Dallas-Fort Worth Field; thence N along longitude 96°59'00" W. to point of beginning; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field ILS localizer NW course, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 1-mile NW of the OM, within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 6 miles S of the VORTAC, and within 2 miles each side of Greater Southwest International Dallas-Fort Worth Field VORTAC 322° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 7 miles NW of the VORTAC.

Fort Worth, Tex. (Meacham Field)
That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W.

Fort Yukon, Alaska
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N. longitude 145°15'10" W.) and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius zone to 8 miles NE of the RBN, as published by Notice to Airmen.

Franklin, Pa.
Within a 5-mile radius of the center (41°22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa., VOR 001° and 181° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR and within 3 miles each side of the 102° and the 282° bearings from the Franklin, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 5-mile radius zone to 8.5 miles east of the RBN. This control zone is effective from 0800 to 2000 hours, local time, Monday through Friday; 1100 to 1700 hours, local time, Saturday and 1100 to 2000 hours, local time, Sunday.

AMENDMENTS 12/10/70 35 F. R. 16591 (Added)

Fresno, Calif. (Chandler Municipal Airport)
Within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Chandler RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius zone to 1.5 miles S of the VORTAC, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone will be effective from 0700 to 2300 hours, local time daily.

Fresno, Calif. (Fresno Air Terminal).
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

Fullerton, Calif.
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N., longitude 117°58'45" W.), excluding the portion within the Long Beach, Calif., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Gage, Okla.
Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

Gainesville, Fla.
Within a 5-mile radius of Gainesville Municipal Airport (latitude 29°41'22" N., longitude 82°16'28" W.) and within 2 miles each side of the Gainesville VORTAC 033° radial, extending from the 5-mile radius zone to the VORTAC.

Galena, Alaska
Within a 5-mile radius of the Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

Galesburg, Ill.
Within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Gallup, N. Mex.
That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.), within 2 miles each side of the Gallup VORTAC 232° and 062° radials, extending from the 5-mile radius zone to 6.5 miles SW of the VORTAC. This control zone is effective during the dates and times published in the Airman's Information Manual.

Galveston, Tex.
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N, Long. 94°51'35" W); within 2 miles either side of the 131° bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN and within 2 miles either side of the Galveston VOR 119° radial extending from the 5-mile radius zone to the VOR.

Garden City, Kans.
Within a 5-mile radius of the Garden City Airport (latitude 37°56'09" N., longitude 100°43'47" W.), and within 2 miles each side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone NW to the RBN, and within 2 miles each side of the Garden City VORTAC 004° and 171° radials, extending from the 5-mile radius zone to 8 miles N and S of the VORTAC.

Glasgow, Mont.
Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport; within 2½ miles each side of the Glasgow VOR 327° radial, extending from the 5-mile radius zone to 5½ miles northwest of the VOR; and within 2½ miles each side of the Glasgow VOR 127° radial, extending from the 5-mile radius zone to 5½ miles southeast of the VOR.
AMENDMENTS 7/23/70 35 F. R. 8211 (Rewritten)

Glens Falls, N. Y.
Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport, Glens Falls,
N. Y.; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway; and within 2 miles each side of the Glens Falls VOR 005° radial extending from the 5-mile radius zone to 12 miles north of the VOR.

Glenview, Ill.
Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N., longitude 87°49'20" W.); within 2 miles each side of the Northbrook, Ill., VOR 131° and 163° radials, extending from the Glenview, Ill., and the Chicago, Ill. (O'Hare International Airport), 5-mile radius zones to 1 miles south and southeast of the VOR; within 2 miles each side of the Northbrook VOR 071° radial, extending from 1
mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

Goldsboro, N. C.
Within a 5-mile radius of Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 5-mile radius zone to 4.5 miles east of the TACAN; within 2 miles each side of Seymour Johnson TACAN 253° radial, extending from the 5-mile radius zone to 8.5 miles west of the TACAN; within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the LOM.

AMENDMENTS 4/30/70 35 F. R. 3881 (Rewritten)

Goodland, Kans.
Within a 5-mile radius of Renner Field (latitude 39°21'45" N., longitude 101°42'00" W.), and within 2 miles each side of the Goodland VORTAC 352° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.
PENDING AMENDMENT
Goodland, Kans.
Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101° 41'55" W.).

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Grand Forks, N. Dak. (International Airport)
Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles north and south of the VOR.

Grand Forks, N. Dak. (Grand Forks Air Force Base)
Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile NE of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

Grand Island, Nebr.
Within a 5-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'20" W.); within 2 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2 miles each side of the Grand Island VORTAC 304° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Grand Junction, Colo.
Within a 5-mile radius of Walker Field, Grand Junction, Colo. (lat. 39°07'05" N. Long. 108°31'10" W), and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the localizer.

Grand Rapids, Mich.
Within a 5-mile radius of Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.).

AMENDMENTS 12/10/70 35 F. R. 15905 (Rewritten)

Grandview, Mo.
Within a 5-mile radius of Richars-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN, excluding the area north of latitude 58°52'30" N., and west of longitude 94°35'50" W.

AMENDMENTS 2/9/70 35 F. R. 3029 (Rewritten)

Grant County, Wash.
Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18'50" W.); within 2 miles each side of the Ephrata VOR 156° radial, extending from the 5-mile radius zone to 4 miles SE of the VOR, and within 2 miles W and 2.5 miles E of the Moses Lake ILS localizer S course, extending from the 5-mile radius zone to the Moses Lake RBN (latitude 47°06'57" N., longitude 119°16'23" W.), excluding the portion within the Ephrata Wash., control zone. This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Great Falls, Montana (International Airport)
Within a 5-mile radius of Great Falls International Airport (latitude 47°29'00" N., longitude 111°22'00" W.); within 2 miles each side of the Great Falls ILS localizer south course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Great Falls VOR 222° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the Malmstrom AFB TACAN 230° radial, extending from the arc of a 5-mile radius circle centered on Malmstrom AFB (latitude 47°30'25" N., longitude 111°11'05" W.), to 10 miles southwest of the Malmstrom AFB TACAN, excluding the portion which overlies the Great Falls (Malmstrom AFB), control zone.

Great Falls, Montana (Malmstrom Air Force Base)
Within a 5-mile radius of Malmstrom AFB (latitude 47°30'25" N., longitude 111°11'05" W.); within 2 miles each side of the Malmstrom AFB VOR 036° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Malmstrom AFB TACAN 039° radial, extending from the 5-mile radius zone to 10 miles northeast of the TACAN; and within 2 miles each side of the Malmstrom AFB ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion southwest of a line between the INTs of the 5-mile radius zone and the 5-mile radius of Great Falls (International Airport), control zone.

Green Bay, Wis.
Within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 146° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Green Bay ILS localizer SW course extending from the 5-mile radius zone to the OM.

Greensboro, N. C.
Within a 5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N, longitude 79°56'34" W.); within 2 miles each side of Greensboro VORTAC 035° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of Greensboro ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile southeast of the LOM.

AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Greenville, Miss.
Within a 5-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'06" W.); within 3 miles each side of the Greenville VOR 358° radial extending from the 5-mile radius zone to 8.5 miles N of the VOR, effective from 0700 to 2000 hours, local time, daily.

AMENDMENTS 1/8/70 34 F. R. 17510 (Changed)

Greenville, S. C.
Within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); effective from 0700 to 2300 hours local time daily.

AMENDMENTS 11/12/70 35 F. R. 14076 (rewritten)

Greenwood, Miss.
Within a 5-mile radius of the Greenwood Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

Greenwood, S. C.
Within a 5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.); within 3 miles each side of Greenwood VORTAC 099° and 259° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/9/70 35 F. R. 804 (Changed); 5/28/70 35 F. R. 5530 (Rewritten)

Greenwood Village, Colo.
Within a 5-mile radius of Arapahoe County Airport (latitude 39°34'28" N., longitude 104°51'02" W.), excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/8/70 34 F. R. 13794 (Added)

Greer, S. C. (Greenville-Spartanburg Airport)
Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 1 mile each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; within a 5-mile radius of Donaldson Center Airport (lat. 34° 45' 17" N., long. 82°22'30" W.); within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50' 54" N., long. 82°21'01" W.); excluding the portion within Greenville control zone.

AMENDMENTS 11/12/70 35 F. R. 14076 (Rewritten)

Groton, Conn.
Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Conn.; within 2 miles each side of the Groton VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Groton VOR 202° radial extending from the 4-mile radius zone to 6.5 miles S of the VOR and within 2 miles each side of the 216° and 244° bearings from the Groton RBN extending from the 4-mile radius zone to 6.5 miles SW of the RBN. This control zone is effective from 0530 to 2200 hours Monday through Saturday and 0900 to 2200 hours Sunday, local time, and during specific dates and times established in advance by a Notice to Airmen.

Guam Island (Anderson AFB)
Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

Guam Island (NAS Agana)
Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E.); within 4 miles NW and 2 miles SE of the Agana VOR 244° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, and within 2 miles each side of the Guam RBN 026° bearing, extending from the 5-mile radius zone to 3 miles NE of the RBN.

Gulfport, Miss.
Within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 3 miles each side of Gulfport VORTAC 050°, 129°, 213° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, southwest and northwest of the VORTAC; excluding the portion that coincides with the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/20/70 35 F. R. 8926 (Rewritten)

Gulkana, Alaska
Within a 5-mile radius of the Gulkana Airport (latitude 62°09'20" N., longitude 145°27'15" W.); within 3 miles each side of the Gulkana VOR 349° radial extending from the 5-mile radius zone to 13.5 miles north of the VOR; and within 2 miles each side of the Gulkana VOR 182° radial extending from the 5-mile radius zone to 8 miles south of the VOR.

Hagerstown, Md.
Within a 5-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 084° and 239° radials extending from the 5-mile radius zone to 5.5 miles SW of the VOR. This control zone is effective from 0600 to 2100 hours local time, daily.

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the Langley AFB Runway 7 ILS localizer course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN.

AMENDMENTS 6/24/70 35 F. R. 10287 (Changed)

Harrisburg, Pa.
Within a 5-mile radius of the center, 40°12'59" N., 76°51'03" W. of Harrisburg State Airport, Harrisburg, Pa., and within a 5-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport; Middletown, Pa.; within 2 miles each side of the Harrisburg VOR 100° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Harrisburg State Airport ILS localizer west course extending from the 5-mile radius zone to 2 miles east of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the Olmsted State Airport 5-mile radius zone to 5 miles southeast of the end of the runway.

AMENDMENTS 12/19/69 34 F. R. 19872 (Changed)

Harrison, Ark.
Within a 5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 7.5-mile radius of the airport extending from the Harrison VOR 165° radial clockwise to the 230° radial, and within 1.5 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Hastings, Nebr.
Within a 5-mile radius of Hastings, Nebr., Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Havre, Mont.
Within a 5-mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°45'40" W.); within 3 miles each side of the Havre VOR 080° radial, extending from the 5-mile radius zone to 7 miles east of the VOR; and within 3 miles each side of the Havre VOR 287° radial, extending from the 5-mile radius zone to 7 miles west of the VOR.

Hays, Kansas
Within a 5-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and within 2 miles each side of the Hays, Kansas, VOR 162° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hayward, Calif.
Within a 5-mile radius of Hayward Air Terminal (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Oakland, Calif., control zone. This control zone is effective from 0600 to 0000 hours, local time, daily.

Hazleton, Pa.
Within a 5-mile radius of the center, 40°59'05" N., 75°59'40" W. of Hazleton Airport, Hazleton, Pa.; within 2 miles each side of the Hazleton VOR 263° and 083° radials extending from the 5-mile radius zone to 6 miles W of the VOR and within 2 miles each side of the 076° and 276° bearings from the Hazleton RBN extending from the 5-mile radius zone to 6 miles E of the RBN. This control zone is effective from 0700-2000 hours Monday thru Friday, 0700-1700 hours Saturday and 0900-2000 hours Sunday, local time, or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Helena, Mont.
Within a 5-mile radius of Helena County - City Airport (latitude 46°36'24" N., longitude 111°59'19" W).

Hibbing, Minn.
That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC; and within 2½ miles each side of a 210° bearing from the Chisholm-Hibbing Airport extending from the 5-mile radius zone to 6½ miles southwest of the airport.
AMENDMENTS 12/10/70 35 F. R. 15905 (Rewritten)

Hickory, N. C.
Within a 5-mile radius of Hickory Municipal Airport (latitude 35°44'30" N., longitude 81°23'20" W.); within 2.5 miles each side of the 042° bearing from Hickory RBN (latitude 35°44'00" N., longitude 81°23'30" W.), extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2 miles each side of Hickory VOR 222° radial, extending from the 5-mile radius zone to the VOR.
AMENDMENTS 2/5/70 34 F. R. 18751 (Rewritten); Corr: 34 F. R. 19649

Hillsboro, Oreg.
Within a 5-mile radius of Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles S of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.) and within 3 miles N and 2 miles S of the Hilo VOR 091° radial, extending from the 5-mile radius zone to 12 miles E of the VOR.

Hobart, Okla.
Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

Hobbs, N. Mex.
That airspace within a 5-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding the portion within a 1.5 mile radius of Hobbs Municipal Airport (latitude 32°46'05" N., longitude 103°12'50" W.).

Hollywood, Fla.
Within a 3-mile radius of the North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); excluding the portion which coincides with the Fort Lauderdale and Miami, Fla., control zones. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Homer, Alaska
Within a 5-mile radius of Homer Airport (Lat. 59°38'35" N, Long. 151°28'55" W). This control zone is effective from 0600 Mondays through 2145 Saturdays and from 0600 through 2145 Sundays, local time, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

Homestead, Fla.
Within a 5-mile radius of the Homestead AFB (latitude 25°29'15" N., longitude 80°23'10" W.); within 2 miles each side of the Homestead ILS localizer SW course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Homestead TACAN 232° radial, extending from the 5-mile radius zone to 7.5 miles SW of the TACAN; and within 2 miles each side of the Homestead ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of Homestead AFB.

AMENDMENTS 8/31/70 35 F. R. 14306 (Changed)

Honolulu, Hawaii
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12533 (Rewritten)

Honolulu, Hawaii (Wheeler AFB)
Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

Hopkinsville, Ky.
Within a 5-mile radius of the center, 36°40'25" N., 87°29'30" W. of Campbell Army Airfield, excluding the area within a 1.5-mile radius of the center, 36°37'15" N., 87°24'55" W. of Outlaw Field, Clarksville, Tenn.; within 2 miles each side of the 224° bearing from the Campbell RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the Campbell TACAN 053° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN.

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (latitude 46°58'15" N., longitude 123°56'05" W.), within 2 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Hoquiam VORTAC 080° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

Hot Springs, Ark.
Within a 9-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3 miles each side of the 248° bearing from the Hot Springs RBN extending from the 9-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/23/70 35 F. R. 7177 (Rewritten)

Houghton, Mich.
Within a 5-mile radius of Houghton County Memorial Airport (latitude 47°10'10" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 6½ miles north of the RBN; within 3 miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VOR; and within 3½ miles each side of the Houghton VOR 141° radial, extending from the 5-mile radius zone to 10 miles southeast of the VOR; and within 3 miles each side of the Houghton VOR 060° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR.

AMENDMENTS 12/10/70 35 F. R. 15906 (Rewritten)

Houlton, Maine
Within a 4-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 016° radial extending from the 4-mile radius zone to 2 miles north of the VOR, excluding the airspace within Canada.

Houston, Tex. (Ellington AFB)
Within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (latitude 29°33'27" N., longitude 95°08'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Houston VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

Houston, Tex. (Intercontinental Airport)
That airspace within a 5-mile radius of Houston Intercontinental Airport (latitude 29°58'51" N., longitude 95°20'30" W.), within 2 miles each side of the Humble VORTAC 337° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

Houston, Tex. (William P. Hobby)
Tnat airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the the Houston William P. Hobby ILS localizer SW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Houston William P. Hobby ILS localizer NE course extending from the 5-mile radius zone to
the Pasadena RBN, within 2 miles each side of the Houston VORTAC 306° radial extending from the 5-mile radius zone to 6 miles NW of the VORTAC, within 2 miles each side of the Houston VORTAC 025° radial extending from the 5-mile radius zone to 6 miles NE of the VORTAC, within 2 miles each side of the Houston VORTAC 239° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC, witnin 2 miles each side of the Houston VORTAC 142° radial extending from the 5-mile radius zone to 11.5 miles SE of the VORTAC, and within 2 miles each side of a 223° bearing from the Houston DF station (latitude 29°38'48" N., longitude 95°16'42" W.) extending from the 5-mile radius zone to 8 miles SW of the DF station, exciuding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

Huntington, W. Va.
Within a 5-mile radius of the center, 38°22'00" N., 82°33'25" W., of Tri-State Airport (Walker-Long Field), Huntington, W. Va., including a 1-mile radius of the center, 38°25'10" N., 82°29'45" W., of Huntington-Downtown Airport, Chesapeake, Ohio; within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 5-mile radius zone to 13 miles east of the Shoals, W. Va., FM and within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 5-mile radius zone to the OM.

Huntsville, Ala.
Within a 5-mile radius of Huntsville-Madison County Airport (latitude 34°38'19" N., longitude 86°46'25" W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of Capshaw RBN; within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 0.5 mile southwest of the VOR; within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 352° bearing from Whitesburg RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 356° bearing from Redstone RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2.5 miles each side of Runway 35 extended centerline, extending from the threshold to 5.5 miles south; within 2.5 miles each side of Runway 17 extended centerline, extending from the threshold to 6 miles north.

Huron, S. Dak.
Within a 5-mile radius of Howes Municipal Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 1½ miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 4/2/70 35 F. R. 2581 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Hutchinson, Kans.
Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°03'55" N., longitude 97°51'35" W.); and within 2 miles each side of the Hutchinson VORTAC 042° radial, extending from the 5-mile radius zone to the VORTAC.

Hyannis, Mass.
Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass., and within 2 miles each side of the Hyannis VORTAC 227° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates
and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 1/8/70 34 F. R. 18815 (Rewritten); 7/23/70 35 F. R. 8475 (Changed)
AMENDMENTS 7/23/70 35 F. R. 8475 (Changed)

Idaho Falls, Idaho
Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR; and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

AMENDMENTS 4/2/70 35 F. R. 3155 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

Iliamna, Alaska
Within a 5-mile radius of the Iliamna Airport (latitude 59°45'08" N., longitude 154°54'38" W.) and within 2 miles each side of a bearing 196° from the Iliamna RBN, extending from the 5-mile radius zone to a point 12 miles S of the RBN, from 0745 to 1545 hours, local time, Friday through Tuesday, or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement, Alaska.
AMENDMENTS 6/24/70 35 F. R. 10287 (Changed)

Imperial Beach, Calif.
Within a 3-mile radius of NAS Imperial Beach (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of NAS Imperial Beach within the arc of a 6-mile radius circle centered in the Imperial Beach TACAN, extending counterclockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 288° radial to the United States/Mexican Flight Information Region Boundary, excluding the portion under the jurisdiction of Mexico; and that airspace east of a NAS Imperial Beach within the arc of a 6-mile radius circle centered on the Imperial Beach TACAN, extending clockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 065° radial to the United States/Mexican Border.

Indianapolis, Ind.
Within a 5-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2½ miles each side of the Indianapolis runway 13R ILS localizer northwest course, extending from the 5-mile radius zone to 14½ miles northwest of the OM; within 2 miles each side of the Indianapolis runway 4L ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 2 miles each side of the Indianapolis runway 31L ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM; and within 2½ miles each side of the Indianapolis runway 22R ILS localizer northeast course, extending from the 5-mile radius zone to 14½ miles northeast of the OM.
AMENDMENTS 2/5/70 35 F. R. 101 (Rewritten)

International Falls, Minn.
Within a 5-mile radius of International Falls Airport (latitude 48°33'55" N., longitude 93°24'05" W.); within 2½ miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 7 miles southeast of the VOR; and within 2½ miles each side of the International Falls VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR, excluding the portion outside the United States.

AMENDMENTS 5/28/70 35 F. R. 5531 (Rewritten)

Iron Mountain, Mich.
Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°07'00" W.); within 2½ miles each side of the Iron Mountain VOR 141° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 3 miles each side of the Iron Mountain VOR 193° radial, extending from the 5-mile radius zone to 7½ miles south of the VOR; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7 miles south of the airport; and within 3 miles each side of the 276° bearing from Ford Airport, extending from the 5-mile radius zone to 7 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/28/70 35 F. R. 5680 (Rewritten)

PENDING AMENDMENT
Iron Mountain, Mich.
Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.); within 2½ miles each side of the Iron Mountain VORTAC 141° radial extending from the 5-mile radius zone to 6½ miles southeast of the VORTAC, within 3 miles each side of the Iron Mountain VORTAC 193° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7½ miles south of the airport; within 3 miles each side of the 276° bearing from Ford Airport extending from the 5-mile radius zone to 7½ miles west of the airport; and within 3 miles each side of the Iron Mountain VORTAC 004° radial, extending from the 5-mile radius zone to 7½ miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Ironwood, Mich.
Within a 5-mile radius of Gogebic County Airport (latitude 46°31'25" N., longitude 90°07'50" W.); within 3 miles each side of the Ironwood VORTAC 108° radial, extending from the 5-mile radius zone to 12½ miles east of the VORTAC; and within 3½ miles each side of the Ironwood VORTAC 254° radial, extending from the 5-mile radius zone to 10½ miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/10/70 35 F. R. 14925 (Rewritten)

Islip, N. Y.
Within a 5-mile radius of the center, 40°47'50" N., 73°06'00" W., of Long Island-MacArthur Airport, Islip, N. Y.; within 2 miles each side of the Long Island-MacArthur Airport ILS localizer SW course extending from the 5-mile radius area to 1 mile NE of the OM; and within 2 miles each side of Long Island-MacArthur Airport ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the localizer.

Ithaca, N.Y.
Within a 4-mile radius of the center 42°29'25" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y., within 2 miles each side of the Ithaca VOR 305° radial extending from the 4-mile radius zone to 9 miles NW of the VOR; within 2 miles each side of the Ithaca VOR 141° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR; within 2 miles each side of the Ithaca VOR 117° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR and within 2 miles each side of the Ithaca VOR 058° radial extending NE from the 4-mile radius zone to 7.5 miles NE of the VOR. This control zone is effective Monday through Friday, 0600-2300; Saturday 0600-2100; Sunday, 0900-2300 local time.

Jackson, Mich.
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

Jackson, Miss.
Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within 2.5 miles each side of Jackson VORTAC 157° and 160° radials, extending from the 5-mile radius zone to 20 miles SE and S of the VORTAC; within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 3 miles each side of the 008° bearing from Hawkins RBN, extending from the 5-mile radius zone to 8.5 miles N of the RBN; within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 5-mile radius zone to 0.5 mile S of the VORTAC; within a 5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.).

AMENDMENTS 4/2/70 35 F. R. 2645 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Jackson, Tenn.
Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2.5 miles each side of the McKellar VOR 208° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VOR.

Jacksonville, Fla. (International Airport)
Within a 5-mile radius of Jacksonville International Airport (latitude 30°29'16" N., longitude 81°41'20" W.); within 2 miles each side of the Jacksonville VORTAC 284° radial, extending from the 5-mile radius zone to 2 miles west of the VORTAC.

Jacksonville, Fla. (NAS Jacksonville)
Within a 5-mile radius of NAS Jacksonville (latitude 30°14'10" N., longitude 81°40'40" W.); within 2 miles each side of the 085° bearing from the Navy Cecil RBN (latitude 30°13'15" N., longitude 81°52'12" W.), extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the VOR. The portion within a 5-mile radius of NAS Cecil Field (latitude 30°13'05" N., longitude 81°52'45" W.) is excluded.

Jacksonville, Fla. (NAS Cecil Field)
Within a 5-mile radius of the NAS Cecil Field (latitude 30°13'05" N., longitude 81°52'45" W.); within 2 miles each side of the Navy Cecil VOR 180° radial, extending from the 5-mile radius zone to 12 miles south of the VOR; within 2 miles each side of the 180° bearing from the Navy Cecil RBN (latitude 30°13'15" N., longitude 81°52'12" W.), extending from the 5-mile radius zone to 12 miles south of the RBN; and within 2 miles each side of the Navy Cecil TACAN 355° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN.

Jacksonville, N. C.
Within a 5-mile radius of New River MCAS (latitude 34°42'25" N., longitude 77°26'35" W.); within 2 miles each side, expanding to 3 miles each side of the 051° bearing from New River RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the 226° bearing from New River RBN, extending from the RBN to 8.5 miles southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN; excluding the portion within R-5306C.

AMENDMENTS 6/25/70 35 F. R. 6274 (Rewritten)

Jamestown, N. Y.
Within a 5-mile radius of the center, 42°09'10"N., 79°15'30" W., of Jamestown Municipal Airport, Jamestown, N. Y.; within 2 miles each side of the Jamestown, N. Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone shall be in effect 0700 to 2200 hours Monday through Friday, 0700 to 1700 hours Saturdays and 0900 to 2200 hours Sundays, local time.

Jamestown, N. Dak.
Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 2 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC; and within 2 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

Janesville, Wis.
Within a 5-mile radius of Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'25" W.), and within 2 miles each side of the Janesville VOR 038° radial, extending from the VOR to a point 11.5 miles NE of the VOR, see Airman's Information Manual for hours of designation.

Jefferson City, Mo.
Within a 5-mile radius of Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the Jefferson City VOR 119° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Johnston Island, Johnston Atoll
Within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'19" N., longitude 169°31'12" W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles NE of the Johnston Island RBN, and within 2 miles each side of the 241° bearing from the Johnston Island RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN.

Johnstown, Pa.
Within a 5-mile radius of the center, 40°18'55" N., 78°50'00" W., of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 044° radial extending from the 5-mile radius zone to 7 miles NE of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 215° radial extending from the 5-mile radius zone to 7 miles SW of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 320° radial extending from the 5-mile radius zone to 6 miles NW of the Johnstown VOR effective from 0800 to 2200 hours Sunday through Friday and 0800 to 1700 hours Saturday, all times local and during specific dates and times established in advance by a Notice to Airmen.

Jonesboro, Ark.
Within a 5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Joplin, Mo.
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'05" N., longitude 94° 29' 55" W.).

AMENDMENTS 12/10/70 35 F. R. 14925 (Rewritten)

Juneau, Alaska
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

Kahului, Hawaii
Within a 5-mile radius of Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.); within 4 miles each side of the Maui VORTAC 038° radial, extending from the 5-mile radius zone to 14 miles northeast of the VORTAC; within 2 miles each side of the Maui VORTAC 201° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC and within 2 miles each side of the extended centerline of Runway 2/20, extending from the 5-mile radius zone to 11 miles south of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12836 (Rewritten)

Kalamazoo, Mich.
Within a 5-mile radius of Kalamazoo Municipal Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles N, S and SW of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer S course, extending from the 5-mile radius zone to the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

Kalispell, Mont.
Within a 5-mile radius of Glacier Park International Airport, Kalispell, Mont. (latitude 48°18'49" N., longitude 114°15'16" W.).

Kaneohe, Hawaii
Within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

Kansas City, Mo.
Within a 7.5-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) and within 2 miles each side of the Kansas City VORTAC 185° and 179° radials, extending from the 7.5-mile radius zone to the VORTAC.

Kansas City, Mo. (International Airport)
Within a 5-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City VORTAC 276° radial, extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zone.

Ke-ahole, Kona, Hawaii
Within a 5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 7/1/70 35 F. R. 10505 (Added)

Kearney, Nebr.
Within a 5-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 3½ miles each side of the Kearney VOR 194° radial, extending from the 5-mile radius zone to 10½ miles south of the VOR; and within 3½ miles each side of the Kearney VOR 360° radial, extending from the 5-mile radius zone to 11½ miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/23/70 35 F. R. 11466 (Rewritten)

Kenai, Alaska
Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'11" N., longitude 151°14'56" W.); within 2 miles northwest and 3 miles southeast of the Kenai VOR 031° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR.

Key West, Fla.
Within a 5-mile radius of the Key West International Airport (latitude 24°33'20" N., longitude 81°45'35" W.); within a 5-mile radius of the NAS, Key West (Boca Chica) (latitude 24°34'26" N., longitude 81°41'18" W.); within 2 miles each side of the 268° bearing from the Key West RBN, extending from the International Airport 5-mile radius zone to 8 miles west of the RBN; and within 2 miles each side of the Key West VORTAC 309° radial, extending from the International Airport 5-mile radius zone to 8 miles northwest of the VORTAC.

Killeen, Tex. (Fort Hood AAF)
Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within 2 miles each side of the Hood VOR 352° radial extending from the 5-mile radius zone to the VOR, within a 3-mile radius of Killeen Municipal Airport (latitude 31°05'10" N., longitude 97°41'05" W.), and within 2 miles each side of the Hood VOR 219° radial extending from the 3-mile radius zone to 8 miles SW of the VOR.

Killeen, Tex. (Robert Gray AAF)
Within a 5-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.), within 2 miles each side of the 341° bearing from the Gray RBN extending from the 5-mile radius zone to 8 miles N of the RBN, and within 2 miles each side of the Hood VOR 271° radial extending from the 5-mile radius zone to the VOR, excluding the portion within the Killeen, Tex. (Fort Hood AAF) control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

King Salmon, Alaska
Within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" W.); within 2 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

Kingsville, Tex.
Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN.

Kinston, N. C.
Within a 5-mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°36'55" W.), effective from 0600 to 0030 hours, local time, daily.

Kirksville, Mo.
Within a 5-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

Klamath Falls, Oreg.
Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 4 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8.5 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

Knoxville, Tenn.
Within a 5-mile radius of McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.); within 2 miles each side of Knoxville ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the LOM; within 1.5 miles each side of Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to 1.5 miles southwest of the VORTAC.

AMENDMENTS 12/8/69 34 F. R. 19799 (Rewritten)

Kodiak, Alaska
Within a 5-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.); within 2 miles each side of the Kodiak TACAN 094° radial, extending from the 5-mile radius zone to 7 miles E of the TACAN; and within 2 miles S and 2.5 miles N of the Kodiak RR E and W courses, extending from the 5-mile radius zone to 8 miles E of the RR.

Kokomo, Ind.
Within a 5-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 3½ miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 10½ miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

AMENDMENTS 2/5/70 35 F. R. 19871 (Added); Corr: 35 F. R. 3879

Kotzebue, Alaska
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (Lat. 66°53'02" N, Long. 162°37'33" W), and within 2 miles either side of the 048° bearing from the Kotzebue RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN.

Kwajalein Island, Marshall Islands
Within a 5-mile radius of the Kwajalein Island AAF (latitude 08°43' N., longitude 167°44' E.); within 2 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles W of the TACAN; within 2 miles each side of the 008° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 12 miles N of the RBN; and within 2 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 8 miles E of the RBN.

La Crosse, Wis.
Within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.), and within 2 miles each side of the 305° and 142° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

Lafayette, Ind.
Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.).

AMENDMENTS 12/10/70 35 F. R. 15635 (Rewritten)

Lafayette, La.
That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM.

Lake Charles, La.
That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.), within 2 miles each side of the Lake Charles VORTAC 259° radial extending from the VORTAC to 13 miles W of the VORTAC, within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 7.5 miles SE of the airport.

Lakehurst, N. J.
Within a 5-mile radius of the center, 40°02'05" N., 74°21'05" W., of NAS Lakehurst (West Field), Lakehurst, N.J.; within 2 miles each side of the Navy Lakehurst UHF RBN 050° bearing extending from the 5-mile radius zone to 6.5 miles northeast of the RBN; and within 2 miles each side of the Navy Lakehurst TACAN 058° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 12/18/70 35 F. R. 19172 (Changed)

Lake Tahoe, Calif.
Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Lanai, Hawaii
Within a 5-mile radius of Lanai Airport (Lat. 20°47'30" N, Long. 156°57'00" W), from 1430 to 1815 hours local standard time, daily.

Lancaster, Pa.
Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 2 miles each side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 7 miles SE of the VOR and within 2 miles each side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 8 miles W of the VOR from 0700 to 2300 hours, local time, daily.

Lansing, Mich.
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

Laramie, Wyo.
Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.
AMENDMENTS 9/17/70 35 F. R. 11898 (Rewritten)

Laredo, Tex.
Within a 5-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within 2 miles each side of the Laredo VORTAC 326° radial extending from the 5-mile radius zone to 16 miles northwest of the VORTAC, within 2 miles each side of the Laredo VORTAC 149° and 329° radials, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, within 2 miles each side of the Border TACAN 185° radial extending from the 5-mile radius zone to 12 miles south of the TACAN, within 2 miles each side of the Border TACAN 337° radial extending from the 5-mile radius zone to 12 miles northwest of the TACAN, within 2 miles each side of the Border TACAN 348° radial extending from the 5-mile radius zone to 12 miles north of the TACAN, and within 2 miles each side of the Border TACAN 360° radial extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding those portions outside the United States.

Las Vegas, N. Mex.
Within a 5-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.) and within 2 miles each side of the Las Vegas VORTAC 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC, and within 2 miles each side of the Las Vegas VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

Las Vegas, Nev. (McCarran Field)
Within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles southeast and 3 miles northwest of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles northwest and 3 miles southeast of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles west of the VORTAC.

Las Vegas, Nev. (Nellis AFB)
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

Latrobe, Pa.
Within a 5-mile radius of the center (40°16'35" N., 79°24'20" W.) of Westmoreland-Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the airport localizer (40°16'04" N., 79°25'02" W.) northeast course, extending from the 5-mile radius zone to 8 miles northeast of the Latrobe RBN (40°22'32" N., 79°16'19" W.); and within 2 miles each side of a line bearing 264° from a point 40°16'35" N., 79°24'20" W., extending from this point to 6 miles west. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

LaVerne, Calif.
Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles south of the VOR. This control zone shall be effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lawton, Okla.
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

Leavenworth, Kans.
Within a 5-mile radius of Sherman AAF, Leavenworth, Kans. (latitude 39°22'05" N., longitude 91°54'45" W.).

Lebanon, N. H.
Within a 5-mile radius of the center, 43°37'35" N., 72°18'10" W., of Lebanon Regional Airport, Lebanon, N.H.; within 3.5 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the Lebanon VOR 103° radial extending from the VOR to 3.5 miles east of the VOR and within 2 miles each side of the Lebanon VOR 134° radial extending from the VOR to 4 miles southeast of the VOR; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway.

AMENDMENTS 3/5/70 35 F. R. 803 (Changed)

Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

Lewiston, Idaho
Within a 5-mile radius of Lewiston Nez-Perce Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 263° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/2/70 35 F. R. 943 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

Lewistown, Mont.
Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 2 miles either side of the Lewistown VOR 090° radial, extending from the 5-mile radius zone to the VOR.

Lexington, Ky.
Within a 5-mile radius of the center, 38°02'10" N., 84°36'15" W. of Blue Grass Field, Lexington, Ky., and within 2 miles each side of the Lexington VORTAC 304° radial extending from the 5-mile radius zone to 1 mile NW of the VORTAC and within 2 miles each side of the Lexington Blue Grass ILS localizer NE course extending from the 5-mile radius zone to 5 miles NE of the localizer.

Liberal, Kansas
Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lihue, Hawaii
Within a 5-mile radius of Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.) and within 2 miles each side of the Lihue VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12835 (Rewritten)

Limestone, Maine
Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 168° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

Lincoln, Nebr.
Within a 6-mile radius of Lincoln Airport (latitude 40°50'45" N., longitude 96°45'20" W.); and within 2 miles each side of the Lincoln ILS localizer N course extending from the 6-mile radius to 14 miles N of the Lincoln Airport and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles N of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles S of the Lincoln VORTAC, excluding the airspace within a 1-mile radius of Arrow airport (latitude 40°52'00" N., longitude 96°39'15" W.).

Little Rock, Ark. (Adams Field)
Within a 5-mile radius of Adams Field (latitude 34°43'45" N., longitude 92°13'45" W.), within 1.5 miles each side of the ILS localizer southwest course extending from the 5-mile radius zone to the LOM, and within 3.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 12 miles northeast of the airport excluding the portion within the Little Rock, Ark. (Little Rock AFB), control zone.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

Little Rock, Ark. (Little Rock AFB)
Within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 1.5 miles west of the OM, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of Runway 24 extending from the 5-mile radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

London, Ky.
Within a 5-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending SW from the 5-mile radius zone for 5 miles.

Long Beach, Calif.
Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°02'13" W.).

Longview, Tex.
That airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Los Angeles, Calif. (Hawthorne Municipal Airport)
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Los Angeles, Calif. (Los Angeles International Airport)
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles Runway 25L ILS localizer east course, extending from the 5-mile radius zone to the Lima OM; within 2 miles each side of the Los Angeles VOR 096° radial, extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone.

Louisville, Ky. (Bowman Field)
Within a 5-mile radius of the center, 38°13'40" N., 85°39'45" W. of Bowman Field, Louisville, Ky., excluding the portion west of a line 2 miles east and parallel to the Standiford Field, Ky., localizer north course and excluding the portion south of a line 2 miles north and parallel to the Standiford Field, Ky., localizer east course.

Louisville, Ky. (Standiford Field)
Within a 5-mile radius of the center 38°10'33" N., 85°44'12" W. of Standiford Field, Louisville, Ky.; withir 2 miles each side of the Standiford Field localizer north course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the intersection of the Standiford Field localizer north course and the Louisville, Ky., VORTAC 328° radial; within 2 miles each side of the Standiford Field localizer south course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the OM; within 2 miles each side of the Louisville, Ky., VORTAC 301° radial, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the Louisville, Ky., VORTAC; within 2 miles each side of the Louisville, Ky., VORTAC 331° radial, extending from the Louisville, Ky. (Bowman Field), control zone and the Louisville, Ky. (Standiford Field), 5-mile radius zone to the Louisville, Ky., VORTAC and within 2 miles each side of the Standiford Field localizer west course, extending from the Louisville, Ky. (Standiford Field), 5-mile radius zone to the intersection of the Standiford Field localizer west course and the Nabb, Indiana VOR 206° radial, excluding the portion within the Louisville, Ky. (Bowman Field), control zone.

Lubbock, Tex. (Lubbock Regional Airport)
That airspace within a 5-mile radius of Lubbock Regional Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the Lubbock 5-mile
radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° and 116° radials, extending from the Lubbock 5-mile radius zone to 11.5 miles southeast of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 10/30/70 35 F. R. 17247 (Changed)

Lubbock, Tex. (Reese AFB)
That airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 016° radial extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the Lubbock Regional Airport control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 10/30/70 35 F. R. 17247 (Changed)

Lufkin, Tex.
That airspace within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.), within 2 miles each side of the Lufkin VOR 337° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 153° bearing from the Lufkin DF station (latitude 31°13'57" N., longitude 94°45'15" W.) extending from the 5-mile radius zone to 8 miles SE of the DF station.

Lynchburg, Va.
Within a 5-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va., excluding the airspace within 1-mile radius of the center 37°22'00" N., 79°07'00" W of Falwell Airport, Lynchburg, Va., and within 2 miles each side of the ILS localizer SW course extending SW from the 5-mile radius zone for 1 mile. This control zone is effective from 0700 to 2300 hours, local time, daily.

MacDill AFB, Fla.
Within a 5-mile radius of MacDill AFB (latitude 27°51'00" N., longitude 82°30'25" W.); within a 3-mile radius of Peter O. Knight Airport (latitude 27°54'55" N., longitude 82°27'05" W.); within 2 miles each side of the MacDill TACAN, 216° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN, excluding the portion within the Tampa (International Airport) control zone.

Macon, Ga.
Within a 5-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 5.5 miles southwest of the runway end; within 3 miles each side of Macon VORTAC 316° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 3 miles each side of Macon VORTAC 140° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.
AMENDMENTS 6/25/70 35 F. R. 6917 (Rewritten)

Madison, Wis.
Within a 5-mile radius of Truax Field (latitude 43°08'15" N., longitude 89°20'10" W.); within 2 miles each side of the Madison ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Madison VOR 134° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Madison VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Madison VOR 359° radial, extending from the 5-mile radius zone to 7 miles north of the VOR.

Manchester, N. H.
Within a 5-mile radius of the center, 42°55'55" N., 71°26'20" W. of Grenier Field, Manchester, N. H.; within 2 miles each side of the 157° bearing from the Manchester RBN (42°52'12" N., 71°23'52" W.); extending from the 5-mile radius zone to 8 miles
south of the RBN; within 2 miles each side of the Manchester VOR 141° and 321° radials extending from the 5 mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the Manchester VOR 325° radial extending from the 5-mile radius zone to 13 miles NW of the VOR.
This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.
AMENDMENTS 5/28/70 35 F. R. 7786 (Changed)

Manhattan, Kans.
Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40' 05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans., control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Manistee, Mich.
Within a 5-mile radius of Manistee Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Manitowoc, Wis.
Within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 343° radial extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

Mankato, Minn.
Within a 5-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and within 2 miles each side of the 167° bearing from Mankato Municipal Airport, extending from the 5-mile radius zone to 8 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 7/23/70 35 F. R. 8655 (Rewritten)

Mansfield, Ohio
Within a 5-mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.) and within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course extending from the 5-mile radius zone to 4.5 miles northwest of the localizer.

Marion, Ill.
Within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Marion, Ind.
Within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155° and 211° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

Martha's Vineyard, Mass.
Within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.); within 2 miles each side of the Martha's Vineyard VOR 055° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 040° bearing from the Martha's Vineyard RBN, extending from the 4-mile radius zone to 8 miles NE of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Martinsburg, Pa.
Within a 5-mile radius of the center, 40°17'45" N., 78°19'10" W., of Blair County Airport, Martinsburg, Pa., within 2 miles each side of the centerline of runway 2 extended from the 5-mile radius zone to 6.5 miles north of the end of the runway; and within 2 miles each side of the centerline of runway 20 extended from the 5-mile radius zone to 9 miles south of the end of the runway.

Martinsburg, W. Va.
Within a 5-mile radius of the center, 39°24'05" N., 77°59'00" W., of Martinsburg Airport, Martinsburg, W. Va.

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.), within 2 miles each side of the Beale VOR 162° radial, extending from the 5-mile radius zone to 4 miles south of the VOR, and within 2 miles each side of the Beale TACAN 347° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN.

Marysville, Calif. (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City, Iowa, Municipal Airport (latitude 43°09'31" N., longitude 93°19'39" W.); and within 2 miles each side of the Mason City VOR 002° radial extending from the 5-mile radius zone to 10 miles N of the VOR.

Massena, N. Y.
Within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

Mattoon, Ill.
Within a 5-mile radius of Coles County Memorial Airport (latitude 39°28'45" N., longitude 88°17'05" W.); within 2 miles each side of the Mattoon VOR 060° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the Mattoon VOR 229° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; and 2 miles each side of the 128° bearing from Coles County Memorial Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual

Mayport, Fla. (NS Mayport)
Within a 5-mile radius of NS Mayport (latitude 30°23'30" N., longitude 81°25'25" W.); within 2 miles each side of the Navy Mayport TACAN 041° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN; and within 2 miles each side of the 057° bearing from the Navy Mayport RBN (latitude 30°23'36" N., longitude 81°25'34" W.), extending from the 5-mile radius zone to 8 miles northeast of the RBN.

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).

McAllen, Tex.
Within a 5-mile radius of Miller International Airport (lat. 26°10'40" N., long. 98°14'25" W.), within 3 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 8 miles east of the VOR, and within 1.5 miles each side of the McAllen VOR 324° radial extending from the 5-mile radius zone to the Tacos Intersection excluding the portion outside the United States.

AMENDMENTS 10/15/70 35 F. R. 13117 (Rewritten)

McCook, Nebr.
That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

McGrath, Alaska
Within a 5-mile radius of McGrath Airport (latitude 62°57'05" N., longitude 115°36'10" W.); within 2 miles W of the McGrath VORTAC 003° radial to within 2 miles E of the McGrath VORTAC 008° radial extending from the 5-mile radius zone along the McGrath VORTAC 005° radial to 13 miles N of the VORTAC; and within 3 miles SW and 2 miles NE of the McGrath RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR.

Medford, Oreg.
That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

Melbourne, Fla.
Within a 5-mile radius of Cape Kennedy Regional Airport (latitude 28°06'05" N., longitude 80°38'40" W.); within 2 miles each side of the 267° bearing from the Melbourne RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the Melbourne VOR 100° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; within 2 miles each side of the Melbourne VOR 262° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; excluding that portion which coincides with the Cocoa, Fla. (Patrick AFB). control zone.

Memphis, Tenn.
Within a 5-mile radius of the Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); excluding the portion within a 1-mile radius of Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

AMENDMENTS 7/23/70 35 F. R. 7785 (Rewritten)

Memphis, Tenn. (NAS)
Within a 5-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.); within 2 miles each side of the NAS Memphis TACAN 035° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the NAS. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/4/70 35 F. R. 17032 (Changed)

Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/2/70 35 F. R. 2582 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Merced, Calif.
Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the 011° and 012° bearings from Meridian RBN, extending from the 5-mile radius zone to 0.5 miles north of the RBN; within 2 miles each side of Meridian VORTAC 135° radial, extending from the 5-mile radius zone to 13 miles southeast of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 6176 (Rewritten)

Meridian, Miss. (NAAS Meridian)
Within a 5-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.); within 2 miles each side of Navy McCain TACAN 360° radial extending from the 5-mile radius zone to 7 miles N of the TACAN; within 2 miles each side of the Navy McCain TACAN 069° radial extending from the 5-mile radius zone to 7 miles E of the TACAN; within 2 miles each side of Runway 18L centerline extending from the 5-mile radius zone to 6 miles N of the airport; within 2 miles each side of Runway 27 centerline extending from the 5-mile radius zone to 6 miles E of the airport; within 2 miles E and 1 mile W of Runway 36L centerline extending from the 5-mile radius zone to 6 miles S of the airport.

Miami, Fla. (Dade-Collier Training and Transition Airport)
Within a 5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/20/70 35 F. R. 1220 (Added)

Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within 2 miles each side of the Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 2 miles each side of the Miami Runway 9L ILS localizer west course, extending from the 5-mile radius zone to the Runway 9L LOM; and within 2 miles each side of the Miami Runway 27L ILS localizer west course, extending from the 5-mile radius zone to the intersection of the runway 27L ILS localizer west course and the Miami VORTAC 161° radial.

Miami, Fla. (Opa Locka Airport)
Within a 5-mile radius of Opa Locka Airport (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

Miami, Fla. (Tamiami Airport)
Within a 5-mile radius of the Tamiami Airport, Fla. (latitude 25°38'49" N., longitude 80°25'59" W.).
AMENDMENTS 9/1/70 35 F. R. 14306 (Changed)

Midland, Tex.
Within a 5-mile radius of Midland-Odessa Ragional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and
within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

Midway Island
Within a 5-mile radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); within 2 miles each side of the Midway RBN 244° bearing, extending from the 5-mile radius zone to 11 miles SW of the RBN; within 2 miles each side of the Midway TACAN 232° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within 2 miles each side of the Midway TACAN 168° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN.

Miles City, Mont.
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 2 miles each side of the 252° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the Miles City VORTAC 225° radlal, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; and within 2 miles each side of the Miles City VORTAC 057° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC.

Millinocket, Maine
Within a 5-mile radius of the center 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine; within 3.5 miles each side of a 094° bearing from the Millinocket RBN extending from the 5-mile radius zone to 10.5 miles east of the RBN and within 1.5 miles each side of the Millinocket VORTAC 298° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 13641 (Rewritten)

Millville, N. J.
Within a 5-mile radius of the center, 39°22'00" N., 75°04'45" W. of Millville Municipal Airport, Millville, N. J.

Milton, Fla. (NAS Whiting Field (North))
Within a 5-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.
AMENDMENTS 1/31/70 35 F. R. 5174 (Rewritten)

Milwaukee, Wis. (General Mitchell Field)
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.) and within 2 miles each side of the Milwaukee ILS localizer S course, extending from the 5-mile radius to the OM; and within 2 miles each side of the Milwaukee No. 2 ILS localizer W course, extending from the 5-mile radius zone to the OM.

Milwaukee, Wis. (Timmerman Airport)
Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.); within 2 miles each side of the Timmerman VOR 336° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 5-mile zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mineral Wells. Tex.
That airspace within a 5-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.) S of latitude 32°48'00" N.; within a 3-mile radius of Mineral Wells Airport N of latitude 32°48'00" N.; within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 7 miles SE of the RBN; within 2 miles each side of the Mineral Wells VORTAC 137° and 317° radials, extending from the 5-mile radius zone to 7 miles SE of the VORTAC, and within 2 miles each side of the extended centerline of Runways 13-31 extending from the airport to 3.5 miles NW.

Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front and back courses, extending from the 5-mile radius zone to the MS-OM and to 16 miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front and back courses, extending from the 5-mile radius zone to the AP-OM and to 12 miles northeast of the AP-OM; within 2 miles each side of the 301° bearing from the MS-OM, extending from the 5-mile radius zone to the MS-OM; and within 2 miles each side of the 304° bearing from the MS-OM, extending from the 5-mile radius zone to 14 miles northwest of the MS-OM.
PENDING AMENDMENT
Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile radius zone to one-half mile southwest of AP-OM.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minneapolis, Minn. (Crystal Airport)
Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'20" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
PENDING AMENDMENT
Minneapolis, Minn. (Crystal Airport)
Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minneapolis, Minn. (Flying Cloud Airport)
Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR; and within 2 miles each side of the Flying Cloud VOR 179° radial, extending from the 5-mile radius zone to 7 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
Minneapolis, Minn. (Flying Cloud)
Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minot, N. Dak. (International Airport)
Within a 5-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 4 miles each side of the Minot VORTAC 129° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC; within 4 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 9½ miles west of the VORTAC; within 4 miles each side of the Minot VORTAC 327° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VORTAC; and within 4 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8½ miles east of the VORTAC, excluding the portion which overlies the Minot AFB control zone.

AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Minot, N. Dak. (Minot AFB)
Within a 5-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within 2½ miles each side of the Deering TACAN 113° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN; and within 2½ miles each side of the Deering TACAN 303° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Miramar, Calif.
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

Missoula, Mont.
Within a 5-mile radius of Johnson-Bell Airport (latitude 46°55'00" N., longitude 114°05'15" W.).

Mitchell, S. Dak.
Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mobile, Ala. (Bates Field)
Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 1.5 miles each side of Mobile VORTAC 113° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

AMENDMENTS 4/30/70 35 F. R. 4257 (Rewritten)

Modesto, Calif.
Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 302° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Modesto VOR 122° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/15/70 35 F. R. 13362 (Rewritten)

Moline, Ill.
Within a 5-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); and within 2 miles each side of the Quad City ILS localizer west course, extending from the 5-mile radius zone to the OM.

Molokai, Hawaii
Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC, from 0700 to 1200 hours and from 1400 to 1800 hours local time daily.

Monroe, La.
That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

Montague, Calif.
Within a 5-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); within 2 miles each side of the Siskiyou TACAN 194° radial, extending from the 5-mile radius zone to 7 miles south of the TACAN; and within 2 miles each side of the Siskiyou TACAN 014° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding the airspace within a 1-mile radius of Montague-Yreka Airport (latitude 41°43'50" N., longitude 122°32'45" W.).

Monterey, Calif.
Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, excluding the portion within the Fort Ord, Calif., control zone.

Montgomery, Ala.
Within a 5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 1.5 miles each side of Dannelly Field ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 5-mile radius zone to 15.5 miles northwest of the VORTAC; within a 5-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 2 miles each side of Maxwell TACAN 333° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the TACAN.

AMENDMENTS 8/20/70 35 F. R. 10145 (Rewritten)

Montpelier, Vt.
Within a 5-mile radius of the center, 44°12'15" N., 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier,
Vt.; within 2 miles each side of the Montpelier VOR 160° radial extending from the 5-mile radius zone to 8 miles south of the VOR within 2 miles each side of the centerline of Runway 23 extended from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

AMENDMENTS 8/22/70 35 F. R. 13425 (Changed)

Montrose, Colo.
That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 4 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 14 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Morgantown, W. Va.
Within a 5-mile radius of the center of Morgantown Airport, Morgantown, W. Va.; 39°38'28" N., 79°54'59" W. and within 2 miles each side of the Morgantown VOR 332° radial extending southerly from the 5-mile radius to the VOR; within 2 miles each side of the 168° bearing from the Morgantown RBN extending northerly from the 5-mile radius zone to the RBN; within 2 miles each side of the centerline of Runway 18 extended south for 8.5 miles from the end of the runway.

Morristown, N. J.
Within a 5-mile radius of Morristown Airport (latitude 40°47'50" N., longitude 74°25'05" W.) excluding that portion within a 1-mile radius of Hanover Airport, Hanover, N. J. (latitude 40°50'20" N., longitude 74°20'45" W.); and within 2 miles each side of the 204° bearing from the Chatham, N. J. RBN, extending from the 5-mile radius zone to 7 miles SW of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Mosinee, Wis.
Within a 5-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 1½ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/8/70 34 F. R. 18852 (Added)

Moultrie, Ga.
Within a 5-mile radius of Moultrie-Thomasville Airport (latitude 31°04'58" N., longitude 83°48'15" W.); within 2 miles each side of the Moultrie VOR 230° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Moultrie VOR 199° radial, extending from the 5-mile radius zone to 11.5 miles south of the VOR; within a 5-mile radius of Spence AF Auxiliary Field (latitude 31°08'26" N., longitude 83°42'24" W.), effective from 0700 to 2245, local time, daily.

Mountain Home, Idaho
Within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the SE end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the NW end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Mountain View, Calif. (Moffett Field NAS)
Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 319° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

Mt. Clemens, Mich.
Within a 5-mile radius of Selfridge AFB, Mt. Clemens, Mich.) (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 2 miles each side of the Selfridge AFB ILS localizer N and S courses, extending from the 5-mile radius zone to 8 miles N and 8 miles S of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN.

Mount Vernon, Ill.
Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Muncie, Ind.
Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'25" N., longitude 85°23'45" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile radius zone to 10 miles northwest of the VOR, from 0700 to 2300 hours local time daily.

AMENDMENTS 1/8/70 34 F. R. 17510 (Rewritten)

Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
Within a 5-mile radius of Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); within 2 miles each side of the Muskegon ILS localizer northwest course, extending from the 5-mile radius zone to 1[illegible] miles northwest of the OM; and within 2 miles each side of the Muskegon VORTAC 271° radial extending from the 5-mile radius zone to the VORTAC.

Myrtle Beach, S. C.
Within a 5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 3 miles each side of Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/28/70 35 F. R. 4613 (Rewritten)

Myrtle Beach AFB, S. C.
Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.); within 2.5 miles each side of the 167° bearing from Conway RBN, extending from the 5-mile radius zone to the RBN.

AMENDMENTS 5/28/70 35 F. R. 4613 (Rewritten)
AMENDMENTS 9/17/70 35 F. R. 12533 (Rewritten)

Nantucket, Mass.
Within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.), and within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR.

Napa, Calif.
Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

Nashville, Tenn.
Within a 5-mile radius of Nashville Metropolitan Airport (latitude 36°07'36" N., longitude 86°40'58" W.); within 1 mile each side, expanding in width to 3 miles each side of Nashville ILS localizer north course, extending from the 5-mile radius zone to 8.5 miles north of Nashville VORTAC 344° radial; within 1.5 miles each side of Nashville ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Nashville VORTAC 315° radial, extending from the 5-mile radius zone to the VORTAC; excluding the portion within a 1-mile radius of Cornelia Fort Airpark Monday through Friday, except Federal legal holidays.

AMENDMENTS 4/30/70 35 F. R. 4257 (Rewritten)

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.), and within 2 miles each side of the Needles VORTAC 272° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Nenana, Alaska
Within a 5-mile radius of the Nenana Airport (latitude 64°32'50" N., longitude 149°04'35" W.); and within 2 miles each side of the Nenana RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR. This control zone is effective from 0600 Sunday through 2200 Friday and from 0600 through 2200 Saturday, local time, or during the specific days and times established in advance by Notice to Airman. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

Newark, N. J.
Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles W and 2 miles E of the Newark localizer SW course, extending from the 5-mile radius zone to 1.5 miles SW of the OM; within 2 miles each side of the Newark localizer NE course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longtiude 74°03'40" W.) 5-mile radius zone; and within 2 miles each side of the 254° bearing from the lift-off end of Runway 29, extending from the 5-mile radius zone to 5 miles SW of the runway.

New Bedford, Mass.
Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a NOtice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Bern, N. C.
Within a 5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2.5 miles each side of New Bern VOR 221° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

AMENDMENTS 2/5/70 34 F. R. 19026 (Rewritten)

Newburgh, N. Y.
Within a 5-mile radius of the center, 41°30'05" N., 74°05'45" W. of Stewart Airport, Newburgh, N. Y., and within 2.5 miles each side of the 078° bearing from the Stewart RBN (41°29'09" N., 74°13'44" W.), extending from the 5-mile radius zone to the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 7/9/70 35 F. R. 11017 (Rewritten)

New Haven, Conn.
Within a 4-mile radius of the center, 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 2 miles each side of the centerline of Runway 2 extended from the 4-mile radius zone to 4 miles north of the end of the runway; and within 2 miles each side of the New Haven VOR 192° radial extending from the 4-mile radius zone to 7 miles south of the VOR. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.). excluding the portion W of longitude 90°04'03" W.

New Orleans, La. (New Orleans International Airport-Moisant Field).
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

New Orleans, La. (NAS New Orleans-Alvin Callender Field)
That airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); within 2 miles each side of the 241° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN, within 2 miles each side of the 131° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles each side of the Harvey VOR 053° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Newport News, Va.
Within a 5-mile radius of Patrick Henry Airport, Newport News, Va., (latitude 37°07'47" N., longitude 76°29'46" W.), and within 2 miles each side of the Patrick Henry Airport ILS localizer SW course, extending from the 5-mile radius zone to 7 miles SW of the OM, excluding the portion within the Hampton Roads, Va., control zone.

New York, N. Y. (La Guardia Airport)
Within a 5-mile radius of La Guardia Airport (latitude 40°46'30" N., longitude 73°52'20" W.); and within 2 miles each side of the La Guardia VOR 034° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR, excluding the portion within the John F. Kennedy International Airport control zone.

New York, N. Y. (John F. Kennedy International Airport)
Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'20" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N. Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport NE localizer course, extending from the 5.5-mile radius zone to the NE OM; within 2 miles each side of the Kennedy VORTAC 037° radial, extending from the 5.5-mile radius zone to 8 miles NE of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° radial, extending from the 5.5-mile radius zone to 6 miles SE of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles E of and parallel to the Kennedy VORTAC 141° radial to a line 2 miles W of and parallel to the Kennedy VORTAC 242° radial; within 2 miles each side of the John F. Kennedy International Airport SW localizer course, extending from the 5.5-mile radius zone to 8 miles SW of the OM-RBN; within 2 miles each side of the Canarsie VOR 030° radial, extending from the VOR to 4.5 miles NE of the VOR; and within 2 miles each side of the 182° bearing from the Navy N. Y. RBN, extending from the NAS N. Y. 5-mile radius zone to 8 miles S of the RBN.

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls International Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

Nome, Alaska
Within a 5-mile radius of Nome FAA Airport (latitude 64°31' N., longitude 165°27' W.); within 2 miles each side of the Nome RR E course, extending from the 5-mile radius zone to 10 miles E of the RR; within 2 miles each side of the Nome VOR 107° and 287° radials, extending from the 5-mile radius zone to 8 miles E of the VOR.

Norfolk, Nebr.
Within a 5-mile radius of Karl Stefan Memorial Airport (latitude 41°59'05" N., longitude 97°26'10" W.); and within 2 miles each side of the Norfolk VOR 022°, 144°, 195° and 318° radials, extending from the 5-mile radius zone to 8 miles southeast, south, northwest and northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Norfolk, Va. (Norfolk Regional)
Within a 5-mile radius of the center, 36°53'45" N., 76°12'15" W., of Norfolk Regional Airport, Norfolk, Va., excluding the northwest portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk), control zone.

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of the center, 36°56'15" N., 76°17'15" W. of NAS Norfolk, Norfolk, Va., excluding the southeastern portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk Regional), control zone.

North, S. C.
Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 2 miles each side of a 337° bearing from the North Bend RBN extending from the 5-mile radius zone to 8 miles northwest of the RBN.

North Philadelphia, Pa.
Within a 5-mile radius of North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within 2 miles each side of the North Philadelphia VOR 234° radial, extending from the 5-mile radius zone to 6 miles SW of the VOR; within 2 miles each side of the 048° bearing from the North Philadelphia RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Northway, Alaska
Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

Norwood, Mass.
Within a 5-mile radius of the center (42°11'20" N., 71°10'15" W.) of Norwood Memorial Airport, Norwood, Mass.; within 3 miles each side of the 153° bearing and 333° bearing from the Norwood, Mass., RBN (42°07'10" N., 71°07'41" W.) extending from the 5-mile radius zone to 8 miles southeast of the RBN and within 2 miles each side of the Whitman VORTAC 311° radial extending from the 5-mile radius zone to 2 miles northwest of the VORTAC, excluding the portion within the South Weymouth, Mass., control zone. This control zone is effective daily from 0800 to 2000 hours, local time, or during the specific times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 6/1/70 35 F. R. 8348 (Added); Corr: 35 F. R. 8739

Oakland, Calif.
Within a 5-mile radius of Metropolitan Oakland International Airport (latitude 37°43'15" N., longitude 122°13'20" W.) excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda, Calif., control zone; within a 5-mile radius of Hayward Air Terminal, Hayward, Calif. (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Hayward control zone when it is effective.

Oceana, Va.
Within a 5-mile radius of NAS Oceana, Va., (latitude 36°49'30" N., longitude 76°01'50" W.), within 2 miles each side of the 034° bearing from the Navy Fentress RBN, extending from the 5-mile radius zone to the RBN. within 2 miles each side of the NAS Oceana TACAN 225° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within a 3-mile radius of ALF Fentress (latitude 36°41'45" N., longitude 76°08'05" W.), excluding the portion within R-6606.

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

Oklahoma City, Okla. (Tinker AFB)
That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 001° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; within 2 miles each side of the Tinker AFB ILS south course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Tinker AFB TACAN 187° radial extending from the 5-mile radius zone to 6 miles south of the TACAN.

Oklahoma City, Okla. (Wiley Post Airport)
Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97° 38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

Oklahoma City, Okla. (Will Rogers World Airport)
Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.), within 2 miles each side of the Oklahoma City ILS localizer N course, extending from the 5-mile radius zone to the Tulakes, Okla. RBN, within 2 miles SW and 3.5 miles NE of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Oklahoma City ILS localizer S course, extending from the 5-mile radius zone to the OM, excluding that portion which coincides with the Oklahoma City (Wiley Post Airport) control zone.

Olathe, Kans.
Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N., long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/10/70 35 F. R. 16241 (Added)

Old Town, Maine.
Within a 3-mile radius of Old Town Municipal Airport (latitude 44°57'10" N., longitude 68°40'15" W.); within 2 miles each side of the Bangor VORTAC
052° radial extending from the VORTAC to the 3-mile radius zone; within 2 miles each side of the Bangor VORTAC 050° radial extending from the 3-mile radius zone to 23 miles northeast of the VORTAC; and within 2 miles each side of a 028° bearing and a 208° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the 3-mile radius zone to 7 miles northeast of the RBN, excluding that portion which coincides with the Bangor, Maine, control zone.

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/3/70 34 F. R. 18850 (Rewritten)

Omaha, Nebr. (Eppley Field)
Within a 5-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); and within 2 miles each side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the OM; and within 2 miles each side of the Eppley Field ILS localizer SE course extending from the 5-mile radius zone to 7 miles SE of the airport; and within 2 miles each side of the Omaha VORTAC 318° radial extending from the 5-mile radius zone to a point 7 miles SE of the airport.

Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Ontario, Calif.
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer E course, extending from the 5-mile radius zone to 3 miles E of the OM, excluding the portion within a 1-mile radius of Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

Orlando, Fla.(Herndon Airport)
Within a 5-mile radius of Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.); within 3 miles each side of Orlando VORTAC 125° and 315° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding the portion south of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.).

AMENDMENTS 11/12/70 35 F. R. 14076 (Rewritten)

Orlando, Fla. (McCoy AFB)
Within a 5-mile radius of McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.) control zone.

AMENDMENTS 1/29/70 34 F. R. 18159 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14076 (Rewritten)

Oscoda, Mich.
Within a 5-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB VOR 240° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Wurtsmith AFB VOR 056° radial extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

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Oshkosh, Wis.
Within a 5-mile radius of Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3 miles each side of the Oshkosh VOR 275° radial extending from the 5-mile radius zone to 9½ miles west of the VOR; and within 3 miles each side of the Oshkosh VOR 182° radial extending from the 5-mile radius zone to 9½ miles south of the VOR.

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten)

Ottumwa, Iowa
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

Owensboro, Ky.
Within a 5-mile radius of the center of Owensboro-Daviess County Airport, Owensboro, Ky., 37°44'32" N., 87°09'57" W. and within 2 miles each side of the Owensboro VOR 184° radial extending southerly from the 5-mile radius zone for 8 miles from the VOR; within 2 miles each side of the Owensboro VOR 222° radial extending southwesterly from the 5-mile radius zone for 8 miles, from the VOR, said control zone effective 0600 to 2200 local time daily.

Oxnard, Calif. (Ventura County Airport)
Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual

AMENDMENTS 1/8/70 34 F. R. 19340 (Rewritten)

Paducah, Ky.
Within a 5-mile radius of the center, 37°03'40" N., 88°46'20" W., of Barkley Field, Paducah, Ky., and within 3 miles each side of the 234° bearing from the Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN.

AMENDMENTS 3/5/70 35 F. R. 623 (Rewritten)

Palacios, Tex.
That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'15" W.) and within 2 miles each side of the 323° bearing from the Palacios DF station (latitude 28°43'22" N, longitude 96°15'07" W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

Palm Beach, Fla.
Within a 5-mile radius of Palm Beach International Airport (latitude 26°41'05" N., longitude 80°05'35" W.); within 2 miles each side of the Palm Beach VORTAC 275° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; excluding that airspace within a 1.5-mile radius of the Palm Beach County Park (Lantana) Airport (latitude 26°35'35" N., longitude 80°05'10" W.).

PENDING AMENDMENT
Palm Beach, Fla.
Within a 5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within 3 miles each side of the Palm Beach VORTAC 275° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; excluding that airspace within a 1.5-mile radius of Palm Beach County Park (Lantana) Airport (lat. 26°35'35" N., long. 80°05'10" W.).

AMENDMENTS 2/4/71 35 F. R. 19172 (Rewritten)

Palmdale, Calif.
Within a 5-mile radius of AF Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.) within 2 miles each side of the Palmdale VORTAC 045° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC and within 2 miles each side of the Palmdale VORTAC 079° radial, extending from the 5-mile radius zone to 6.5 miles east of the VORTAC.

AMENDMENTS 4/4/70 35 F. R. 5583 (Rewritten)

Palm Springs, Calif.
Within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palo Alto, Calif.
Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Panama City, Fla.
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/5/70 35 F. R. 309 (Rewritten)

Paris, Tex.
That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

Parkersburg, W. Va.
Within a 4-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County Airport, Parkersburg, W. Va.; and within 2 miles each side of the Parkersburg VOR 208° radial extending from the 4-mile radius zone to the VOR.

Pasco, Wash.
That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 2 miles each side of the Pasco VOR 036° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles SW and 2.5 miles NE of the Pasco VOR 132° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

Patuxent River, Md.
Within a 5-mile radius of the center, 38°17'15" N., 76°24'30" W., of NAS Patuxent River Airport, Patuxent River, Md.; within 2 miles each side of the Patuxent River VORTAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; within 2 miles each side of the Patuxent River VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent River VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a ½-mile radius of the center, 38°13'30" N., 76°26'30" W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40" N., 76°24'15" W., of Chesapeake Ranch Airpark.

Pellston, Mich.
Within a 5-mile radius of Pellston, Mich., Emmet County Airport (latitude 45°34'40" N., longitude 84°47'40" W.) within 2 miles each side of the Pellston VORTAC 240° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 8 miles SE of the airport.

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'42" N., longitude 118°50'25" W.), and within 2 miles each side of the Pendleton VORTAC 273° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Pensacola, Fla. (Municipal Airport)
Within a 5-mile radius of Pensacola Municipal Airport (latitude 30°28'25" N., longitude 87°11'10" W.); within 2 miles each side of the 167° bearing from Pickens RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of the 331° bearing from the Brent LOM, extending from the 5-mile radius zone to 8 miles northwest of the LOM; and within the portion of a 4-mile radius of NAS Ellyson Field (latitude 30°31'30" N., longitude 87°11'45" W.); extending clockwise from a line 2 miles northeast of and parallel to the 331° bearing of the Brent LOM to the 5-mile radius zone.

Pensacola, Fla. (NAS Saufley Field)
Within a 5-mile radius of NAS Saufley Field (latitude 30°28'15" N., longitude 87°20'30" W.); within 2 miles each side of the 214° bearing from Navy Saufley RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding the portions within the Pensacola (Municipal Airport) and NAS Pensacola (Forrest Sherman Field) control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
Pensacola, Fla. (NAS Saufley Field)
Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 3 miles each side of the 214° bearing from NAS Saufley RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; excluding the portions within the Pensacola, Fla. (Municipal Airport and NAS Pensacola-Forrest Sherman Field), control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)

Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field)
Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (latitude 30°21'15" N., longitude 87°19'00" W.); within 2 miles each side of the 219° bearing from NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; within 2 miles each side of NAS Pensacola TACAN 235° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

PENDING AMENDMENT
Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field)
Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (lat. 30°21'15" N., long. 87°19'00" W.); within 3 miles each side of the 134° bearing from the NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of the 174° bearing from the NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of the NAS Pensacola TACAN 235° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)

Peoria, Ill.
Within a 5-mile radius of the Greater Peoria Airport (latitude 40° 39' 45" N., longitude 89° 41' 35" W.); within 2 miles each side of the Peoria VORTAC 099° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Greater Peoria Airport ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the ILS localizer NW course extending from the 5-mile radius zone to 11 miles NW of the airport.

Philadelphia, Pa.
Within a 5-mile radius of Philadelphia International Airport (Lat. 39°52'31" N, Long. 75°14'20" W), and within 2 miles either side of the Philadelphia ILS localizer W course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Philadelphia ILS localizer E course extending from the 5-mile radius zone to 5 miles east of the localizer.

Philipsburg, Pa.
Within a 5-mile radius of the center 40°53'05" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 247° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 162° bearing from the Philipsburg RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the 333° bearing from the Philipsburg VHF/DF station extending from the 5-mile radius zone to 6 miles NW of the station.

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN.

AMENDMENTS 9/17/70 35 F. R. 11898 (Rewritten)

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

Pierre, S. Dak.
Within a 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N. longitude 100°17'15" W.); and within 2 miles each side of the Pierre VOR 266° radial, extending from the 5-mile radius zone to the VOR.

Pine Bluff, Ark.
That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of Allegheny County Airport (latitude 40°21'15" N., longitude 79°55'40" W.); within 2 miles each side of the 257° bearing from the Allegheny RBN, extending from the 5-mile radius zone to 6 miles W of the RBN, and within 2 miles each side of the Allegheny VORTAC 047° radial, extending from the 5-mile radius zone to the VORTAC.

Pittsburgh, Pa. (Greater Pittsburgh)
Within a 6-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within 2 miles each side of the Runway 10-L-ILS localizer W course, extending from the 6-mile radius zone to Creek, Pa., RBN, and within 2 miles S and 3 miles N of the Runway 28-L-ILS localizer E course, extending from the 6-mile radius zone to the OM.

Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (lat. 11°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Clinton County Airport (lat. 44°41'10" N, long. 73°31'10" W.); within 2 miles either side of the Valcour, New York TACAN 338° radial extending from the Clinton County Airport 5-mile radius zone to 12 miles N of the TACAN, and within 2 miles either side of the Plattsburgh VOR 213° radial extending from the Clinton County Airport 5-mile radius zone to the VOR.

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

Point Barrow, Alaska
Within a 5-mile radius of the Point Barrow AFS Airport, Point Barrow, Alaska (latitude 71°20'18" N., longitude 156°38'00" W.); within an 8-mile radius of the Point Barrow RBN (PBA), extending clockwise from a line 2 miles northwest of and parallel to the 028° bearing from the RBN to a line 2 miles southeast of and parallel to the 041° bearing from the RBN; within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport, Barrow, Alaska (latitude 71°17'05" N., longitude 156°46'05" W.); within 2 miles each side of the 226° bearing from the Barrow, Alaska RBN (BRW), extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the 266° bearing from the Barrow RBN (BRW), extending from the 5-mile radius zone to 8 miles west of the RBN.

Point Mugu, Calif.
Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial, excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

AMENDMENTS 1/7/71 35 F. R. 17031 (Added)

Ponca City, Okla.
Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.

Ponce, P. R.
Within a 5-mile radius of the Mercedita Airport, Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMs.

AMENDMENTS 2/5/70 34 F. R. 19500 (Rewritten)

Pontiac, Mich.
Within a 5-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.), within 2 miles each side of the Pontiac VOR 116° and 271° radials, extending from the 5-mile radius zone to 8 miles west of the VOR, effective from 0700 to 2300 hours, local time, daily.

Port Angeles, Wash.
Within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles each side of the Port Angeles VOR 093° radial, extending from the 5-mile radius zone to 8 miles E of the VOR, and within 2 miles each side of the 089° bearing from the Ediz Hook, Wash., RBN, extending from the 5-mile radius zone to 8 miles E of the RBN. This control zone is effective 0400 to 2200 hours, local time, daily.

Portland, Maine
Within a 5-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport, excluding the portion within a 1-mile radius of Oak Knoll Airport, Scarboro, Maine (43°35'21" N., 70°22'03" W.).

AMENDMENTS 12/10/70 35 F. R. 15907 (Rewritten)

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.); within a 3-mile radius of the Troutdale Airport (latitude 45°33'00" N., longitude 122°23'50" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 3.5 miles south of the VORTAC; within 2.5 miles each side of the Portland Runway 10R ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile northwest of the LOM, and within 3 miles each side of the 119° and 299° bearings from the Lake LOM, extending from the 5-mile radius to 8 miles southeast of the LOM, excluding the portion within the Troutdale, Oreg., control zone when the Troutdale control zone is effective.

AMENDMENTS 1/7/71 35 F. R. 17248 (Rewritten)

Portsmouth, N. H.
Within a 5-mile radius of Pease AFB, Protsmouth, N. H. (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side
of the Pease AFB TACAN 142° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Poughkeepsie, N. Y.
Within a 5-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Prescott, Ariz.
Within a 5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

Presque Isle, Maine
Within a 5-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Sprague ville RBN 167° bearing extending from the 5-mile radius zone to 7 miles south of the RBN; and within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 5-mile radius zone to 14 miles south of the VORTAC. This control zone is effective from 0800 to 2000 hours local time, Sunday
through Friday; 0800 to 1730 hours, local time Saturday; and during specific times established in the Notices to Airmen.

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green State Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W), and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

Pueblo, Colo.
Within a 5-mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo ILS localizer west course, extending from the 5-mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 081° radial, extending from the 5-mile radius zone to 9 miles east of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 944 (Rewritten)

Pullman, Wash.
Within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR 047° radial, extending from the 5-mile zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Quantico, Va.
Within a 5-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va., and within 2 miles each side of the Brooke, Va., VOR 013° radial extending from the 5-mile radius zone to 2 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, Wednesday and Thursday; from 0700 to 1800 hours, local time, Friday through Tuesday.

Quincy, Ill.
That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

Quonset Point, R. I.
Within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50 W.), within 2 miles each side of the NAS Quonset Point TACAN 151° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, within 2 miles each side of the 145° bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles SE of the RBN, and within a 4-mile radius of Newport State Airport,
Newport, R. I. (latitude 41°31'50" N., longitude 71°17'00" W.), excluding that portion within the Providence, R. I., control zone.

Raleigh, N. C.
Within a 5-mile radius of Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 3 miles each side of Raleigh-Durham VORTAC 034° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of Raleigh-Durham VORTAC 231° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 309 (Rewritten)

Rantoul, Ill.
Within a 5-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°08'20" W), and within 2 miles each side of the Chanute VOR 270° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Rapid City, S. Dak. (Ellsworth AFB)
Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Regional Airport) control zone.

AMENDMENTS 10/15/70 35 F. R. 12752 (Rewritten)

Rapid City, S. Dak. (Regional Airport)
Within a 5-mile radius of Rapid City Regional Airport (latitude 44°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

AMENDMENTS 10/15/70 35 F. R. 12752 (Rewritten) : Corr: 35 F. R. 14924

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon.

Reading, Pa.
Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W. of General Snaatz Field, Reading, Pa., and within 2 miles each side of the airport ILS localizer S course extending from the 5-mile radius zone to 8 miles S of the OM and within 2 miles each side of the Reading VHF/DF (40°22'42" N., 75°57'30" W.) 201° bearing extending from the 5-mile radius zone to 8 miles S of the VHF/DF site.

Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Redmond, Oreg.
Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 2 miles each side of the Redmond VORTAC 269° and 089° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC.

Redwood Falls, Minn.
Within a 5-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

AMENDMENTS 10/15/70 35 F. R. 12888 (Rewritten)

Reno, Nev. (Reno Municipal Airport)
Within a 5-mile radius of the Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.), and within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport.

Renton, Wash.
That airspace bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W.; thence clockwise along an arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. This control zone is effective from 0700 to 2300 hours local time daily.

AMENDMENTS 12/10/70 35 F. R. 15904 (Rewritten)

Rhinelander, Wis.
Within a 5-mile radius of Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 6½ miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6½ miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/15/70 35 F. R. 12750 (Rewritten) Corr: 35 F. R. 18736

Richmond, Va.
Within a 5-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 131° radial, extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Richmond VOR 359° radial, extending from the 5-mile radius zone to 6 miles N of the VOR; and within 2 miles each side of the Richmond VOR 341 radial, extending from the 5-mile radius zone to 7 miles north of the VOR.

Riverside, Calif. (March AFB).
Within a 5-mile radius of March AFB (latitude 33°52'30" N., longitude 117°15'30" W.); within 2 miles each side of the March AFB VOR 329° and 119° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the March AFB TACAN 325° radial, extending from the 5-mile radius zone to 5 miles NW of the TACAN.

Riverside, Calif. (Municipal Airport)
Within a 3-mile radius of the Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.), within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles W of the VOR; within 2 miles each side of the Riverside VOR 103° radial, extending from the 3-mile radius zone to 7 miles E of the VOR; and within 2 miles each side of the Riverside VOR 108° radial, extending from the 3-mile radius zone to 5 miles E of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.), and the portion that coincides with the Riverside, Calif. (March AFB), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.) within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 3 miles each side of the Riverton VOR 123° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/20/70 35 F. R. 10502 (Rewritten)

Roanoke, Va.
Within a 5-mile radius of the center, 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to 2.5 miles southeast of the OM.

Rochester, Minn.
Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 029° radial, extending from 1 mile northeast of the VOR to 15 miles northeast of the VOR.

Rochester, N. Y.
Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester Monroe County Airport, Rochester, N. Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

Rock Springs, Wyo.
Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5 radius zone to 9 miles east of the OM, and within 3.5 miles each side of the Rock Springs VORTAC 104° radial, extending from the 5.5 radius zone to 11.5 miles east of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 13362 (Rewritten)

Rocky Mount, N. C.
Within a 5-mile radius of Rocky Mount Municipal Airport (latitude 35°58'01" N., longitude 77°47'33" W.).

Rome, N. Y.
Within a 5-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of bearing 135°/315° from a point 43°10'08" N., 75°19'08" W. extending from the 5-mile radius zone to 6 miles southeast of said point; within 2 miles each side of the Griffiss TACAN 306° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of a bearing 142° from the Rome, N. Y., ILS OM, extending from the OM to 4 miles SE of the OM.

AMENDMENTS 1/3/70 35 F. R. 101 (Changed)

Roosevelt Roads, Puerto Rico
Within a 5-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.); within 2 miles each side of the Roosevelt Roads TACAN 040° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within 2 miles each side of the 052° bearing from the Roosevelt Roads RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the extended centerline of the northeast/southwest runway, extending from the 5-mile radius zone to 6 miles southwest of the airport.

PENDING AMENDMENT
Roosevelt Roads, P. R.
Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.); within 3 miles each side of the 052° bearing from Roosevelt Roads RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

AMENDMENTS 2/4/71 35 F. R. 19103 (Rewritten)

Roswell, N. M.
That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (latitude 33°17'59" N., longitude 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21. This control zone is effective during the dates and times published in the Airman's Information Manual.

Russell, Kans.
Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

Sacramento, Calif. (Sacramento Metropolitan Airport)
That airspace within a 5-mile radius of the Sacramento Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'02" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

Sacramento, Calif. (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.), within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles NW and 2.5 miles SE of the 055° bearing from the Mather LOM, extending from the 5-mile radius zone to 5.5 miles NE of the LOM, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB), 5-mile radius zone.

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), within 2 miles E and 2.5 miles W of the McClellan TACAN 004° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB), 5-mile radius zone.

Saginaw, Mich.
That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) within 2 miles each side of the Saginaw, Mich. VORTAC 030°, 156°, 233°, and 310° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, southwest, and northwest of the VORTAC, and within 2 miles northwest and 3 miles southeast of the Saginaw ILS localizer southwest course extending from the 5-mile radius zone to the OM.

St. Charles, Ill.
Within a 3-mile radius of Du Page County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.); and within 2 miles either side of the Du Page VOR 069° radial, extending from the 3-mile radius zone to the VOR.

AMENDMENTS 7/23/70 35 F. R. 8656 (Rewritten)

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC.

St. Louis, Mo.
Within a 5-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 2 miles each side of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer southwest course, extending from the 5-mile radius zone to 10½ miles southwest of the OM; within 2 miles each side of the St. Louis VORTAC 142° radial; extending from the 5-mile radius zone to 7 miles northwest of the northwest end of the Lambert-St. Louis Municipal Airport Runway 12R; within 2 miles each side of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course, extending from the 5-mile radius zone to the Runway 12R OM; and within 2 miles each side of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer southeast course, extending from the 5-mile radius zone to 6 miles southeast of the Runway 12R localizer.

St. Paul, Minn.
Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44°56'10" N., longitude 93°03'40" W.), and within 2 miles each side of the St. Paul VOR 295° radial, extending from the 5-mile radius zone to the VOR, excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of Fleming Field (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT
St. Paul, Minn.
Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93° 03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93° 01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

St. Petersburg, Fla. (Albert-Whitted)
Within a 3-mile radius of the Albert-Whitted Airport (latitude 27°45'51" N., longitude 82°37'46" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

St. Petersburg, Fla.
Within a 5-mile radius of St. Petersburg Clearwater International Airport (latitude 27°54'35" N., longitude 82°41'12" W.); within 2 miles each side of the St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 10.5 miles north of the VORTAC.

Salem, Oreg.
Within a 5-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.) and within 2 miles each side of the Salem ILS localizer SE course, extending from the 5-mile radius zone to the LOM.

Salina, Kansas
Within a 5-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 98°39'30" W.); within 1½ miles each side of the Salina VORTAC 192° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Salina ILS localizer S course, extending from the 5-mile radius zone to 2½ miles N of the OM.

AMENDMENTS 11/12/70 35 F. R. 13424 (Rewritten)

Salinas, Calif.
Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

Salisbury, Md.
Within a 5-mile radius of the center, 38°20'25" N., 75°30'40" W. of Salisbury-Wicomico Airport, Salisbury, Md., and within 2 miles each side of the Salisbury VOR 207° radial extending from the 5-mile radius zone to 6 miles SW of the VOR; within 2 miles each side of the Salisbury VOR 050° radial extending from the 5-mile radius zone to 6 miles NE of the VOR; within 2 miles each side of the Salisbury VOR 134° radial extending from the 5-mile radius zone to 6 miles SE of the VOR.

Salt Lake City, Utah
Within a 5-mile radius of Salt Lake City International Airport (latitude 40°47'10" N., longitude 111°58'05" W.), and within 2 miles each side of the Slat Lake City VORTAC 347° radial extending from the 5-mile radius zone to 1 mile north of the VORTAC.

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

San Antonio, Tex. (International Airport)
That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the San Antonio ILS localizer northwest course extending from the 5-mile radius zone to 1 mile southeast of the OM, within 2 miles each side of the San Antonio ILS localizer northeast course extending from the 5-mile radius zone to 6 miles northeast of the airport, and within 2 miles each side of the San Antonio ILS localizer southeast course extending from the 5-mile radius zone to 7 miles southeast of the localizer, and within 2 miles each side of a 132° bearing from the LOM extending from the 5-mile radius zone to 15.5 miles southeast of the LOM.

San Antonio, Tex. (Kelly AFB)
That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

San Antonio, Tex. (Randolph AFB)
That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the LaVernia, Tex., VOR 320° and 338° radials, extending from the 5-mile radius zone to 1 mile northwest of the VOR, within 2 miles each side of the Randolph AFB TACAN 323° radial extending from the TACAN to 8 miles northwest, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 8 miles southeast.

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of the OM, excluding the portion within a 1-mile radius of the Redland, Calif., Municipal Airport (latitude 34°05'05" N., longitude 117°08'35" W.).

San Carlos, Calif.
Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

San Diego, Calif. (Lindbergh Field)
Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); and within 2 miles each side of the Lindbergh ILS localizer E course, extending from the 5-mile radius zone to 7 miles east of the airport, excluding the portion S of a line extending from latitude 32°43'22" N., longitude 117°16'20"
W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

San Diego, Calif. (Montgomery Field)
Within a 3-mile radius of Montgomery Field (latitude 32°49'00" N., longitude 117°08'20" W.), excluding those portions within the NAS Miramar and San Diego (Lindbergh Field) control zones. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Diego, Calif. (NAS North Island)
Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32°41'02" N., longitude 117°07'25" W., and the portion within the NAS Imperial Beach, Calif., control zone.

San Diego, Calif. (San Diego County-Gillespie Field)
Within a 3-mile radius of San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in The Airman's Information Manual.

San Francisco, Calif.
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22' 35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

San Jose, Calif.
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'20" W.), excluding the portion NW of a line from latitude 37°25'15" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

San Jose, Calif. (Reid-Hillview Airport)
That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'55" N., longitude 121° 49'10" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Juan, P. R. (International Airport)
Within a 5-mile radius of Puerto Rico International Airport (latitude 18°26'45" N., longitude 66°00'05" W.); within a 3-mile radius of Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'55" W.); within 2 miles each side of the San Juan VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC.

San Rafael, Calif.
Within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (latitude 38°03'35" N., longitude 122°30'35" W.), within 2 miles SW and 2.5 miles NE of the Hamilton AFB TACAN 140° radial, extending from the 5-mile radius area to 9 miles SE of the TACAN, and within 2 miles each side of the Hamilton AFB TACAN 305° radial extending from the 5-mile
radius zone to 12 miles NW of the TACAN.

Santa Ana, Calif. (MCAS)
Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) and within a 5-mile radius of Orange County Airport, Santa Ana, Calif., (latitude 33°40'10" N., longitude 117°52'15" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, and that portion east and south of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/5/70 35 F. R. 943 (Rewritten)

Santa Ana, Calif. (Orange County Airport)
Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'00" W.), excluding the portion SE of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°36'10" N., longitude 117°50'20" W., and the portion N of a line extending from latitude 33°41'15" N., longitude 117°48'10" N., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Santa Barbara, Calif.
Within a 5-mile radius of Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.); within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the 5-mile radius zone to the OM.

Santa Fe, N. Mex.
Within a 5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); within 2 miles each side of the extended centerline of runway 20, extending from the 5-mile radius zone to 5 miles SW of the SW end of runway 20; and within 2 miles each side of the Santa Fe VORTAC 007° radial, extending from the 5-mile radius zone to 11 miles N of the VORTAC.

Santa Maria, Calif.
Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.); within 1.5 miles each side of the Santa Maria VOR 133° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VOR. This control zone is effective from 0600 to 2200 hours local time daily.

AMENDMENTS 12/10/70 35 F. R. 15746 (Rewritten)

Santa Monica, Calif.
Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airman's Information Manual.

Santa Rosa, Calif.
Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°28'30" N., longitude 122°44'25" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/2/70 35 F. R. 3156 (Rewritten); 35 F. R. 3220 (Rewritten); F. R. Corr: 35 F. R. 4116
Eff. date changed 4/30/70 35 F. R. 5465

Sarasota, Fla.
Within a 5-mile radius of Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.); within 3 miles each side of the Sarasota VOR 050°, 142°, and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/5/70 35 F. R. 308 (Rewritten); Corr: 35 F. R. 1220

Sault Ste. Marie, Mich. (Kincheloe AFB)
Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Kincheloe AFB TACAN 143° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Kincheloe AFB TACAN 337° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Kincheloe AFB ILS localizer northwest course, extending from the 5-mile radius zone to the OM.

Sault Ste. Marie, Mich. (Municipal Airport)
Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), and within 2 miles each side of the 129° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 8 miles SE of the RBN excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

Sault Ste. Marie, Ontario, Canada
Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

Savannah, Ga.
Within a 5-mile radius of Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.); within 3 miles each side of Runway 18 extended centerline, extending from the 5-mile radius zone to the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport; within a 5-mile radius of Hunter AAF (latitude 32°00'30" N., longitude 81°08'45" W.); within 2 miles each side of Hunter AAF ILS localizer east course, extending from the 5-mile radius zone to 3 miles west of the OM.

AMENDMENTS 4/2/70 35 F. R. 2646 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Schenectady, N. Y.
Within a 5-mile radius of the center 42°51'15" N., 73°55'55" W. of Schenectady County Airport, Schenectady, N. Y.; within 2.5 miles each side of a 037° bearing from the Schenectady RBN (42°51'15" N., 73°55'45" W.) extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2.5 miles each side of the Schenectady VOR (42°51'05" N., 73°56'05" W.) 030° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 28, extending from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the extended centerline of Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding the portion that coincides with the Albany, N. Y., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 10/15/70 35 F. R. 13642 (Rewritten)

Scottsbluff, Nebr.
Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'10" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

Seattle, Wash. (Boeing Field International)
That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., to latitude 47°32'10" N., longitude 122°12'40" W., thence clockwise via an arc of a 3-mile radius circle centered on Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'59" N., longitude 122° 09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122° 12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°13'33" W., to latitude 47°29' 20" N., longitude 122°23'10" W., thence clockwise along
an arc of a 5-mile radius circle centered on Boeing Field International Airport (latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning; within 2 miles each side of the 150° bearing from the Magnolia LOM, extending from the 5-mile radius arc to 2 miles southeast of the Magnolia LOM, excluding the portion within the Seattle, Wash. (Seattle-Tacoma International Airport), control zone, and the portion within the Renton, Wash., control zone when the Renton control zone is effective.

AMENDMENTS 12/10/70 35 F. R. 15904 (Rewritten): Corr: 35 F. R. 17248

Seattle, Wash. (Seattle-Tacoma International Airport)
That airspace bounded by a line beginning at latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°28'09" N., longitude 122°13'33" W., thence to latitude 47°27'00" N., longitude 122°11'50" W., thence clockwise along the arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°29'20" N., longitude 122°23'10" W., thence to point of beginning, and within 2 miles each side of the 360° bearing from the Seattle-Tacoma ILS LOM, extending from the 5-mile radius arc to the LOM.

Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

Selma, Ala.
Within a 5-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'22" W.); within 2 miles each side of the Craig VOR 143° radial extending from the 5-mile radius zone to 11 miles SE of the VOR. Within 2 miles each side of the Craig TACAN 153° radial extending from the 5-mile radius zone to 5.5 miles SE of the TACAN; within 2 miles each side of the Craig TACAN 316° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN.

Shemya, Alaska
Within a 5-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

Sheridan, Wyo.
Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC, 139° radial extending from the VORTAC to 23 miles southeast of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 13362 (rewritten)

Sherman, Tex.
That airspace within a 5-mile radius of Perrin AFB (latitude 33°42'25" N., longitude 96°40'25" W.); within 2 miles each side of the Perrin VOR 170° radial extending from the 5-mile radius zone to 12 miles S of the VOR; within 2 miles each side of the ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Perrin TACAN 016° radial extending from the 5-mile radius zone to 6 miles N of the TACAN; within 2 miles each side of the Perrin VOR 014° radial extending from the 5-mile radius zone to 12 miles N of the VOR; and within 2 miles each side of the Perrin TACAN 171° radial extending from the 5-mile radius zone to 6 miles S of the TACAN.

Shreveport, La. (Barksdale AFB)
That airspace within a 5-mile radius of the Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.); within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Shreveport Downtown VOR 318° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, within 2 miles each side of the Elm Grove VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile NW of the VOR, within 2 miles each side of the Barksdale TACAN 156° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN, excluding the portion within the Shreveport, La. (Greater Shreveport Airport) control zone; and excluding the portion within the Shreveport, La. (Downtown Airport), control zone during the hours the Shreveport, La. (Downtown Airport), control zone is effective.

Shreveport, La. (Downtown Airport)
That airspace within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), and within 2 miles each side of the Shreveport Downtown VOR 313° radial extending from the 5-mile radius zone to 5.5. miles NW of the VOR, excluding the portion SE of a direct line between the two intersecting points of a 5-mile radius circle centered on Downtown Airport and Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.) and the portion within the Shreveport, La. (Greater Shreveport Airport), control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Shreveport, La. (Greater Shreveport Airport)
That airspace within a 5-mile radius of the Greater Shreveport Municipal Airport (latitude 32°26'45" N., longitude 93°49'25" W.); and within 2 miles each side of the Greater Shreveport ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport.

Sidney, Nebr.
Within a 5-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

Silver City, N. Mex.
Within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten)

Simmons Army Air Field, N. C.
Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°57'05" W.); within 3 miles each side of Simmons VOR 085° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR; excluding the portion northwest of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'05" W.

AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Sioux City, Iowa
Within a 6-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2 miles each side of the Sioux City VORTAC 140° radial, extending from the 6-mile radius zone to 6 miles SE of the VORTAC; excluding the area within a 1-mile radius of Martin Airport, South Sioux City, Nebr. (latitude 42°27'15" N., longitude 96°28'20" W.).

Sioux Falls, S. Dak.
Within a 5.5-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.); and within 2 miles each side of the Sioux Falls ILS localizer SW course extending from the 5.5-mile radius zone to the outer marker.

PENDING AMENDMENT
Sioux Falls, S. Dak.
Within a 5-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 2 miles each side of the Sioux Falls VORTAC 156° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Sitka, Alaska
Within a 5-mile radius of the Sitka Airport (latitude 57°03'00" N., longitude 135°21'51" W.); within 2 miles each side of the Biorka Island VORTAC 029° and 209° radials, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC; within 2 miles each side of the Sitka RR northeast and southwest courses, extending from the 5-mile radius zone to 2 miles southwest of the RR; and within 2 miles each side of the LDA northwest course, extending from the 5-mile radius zone to 10 miles northwest of the LDA.

South Bend, Ind.
Within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (Lat 41°42'15" N, Long. 86°18'50" W).

South Weymouth, Mass.
Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN.

Spartanburg, S. C.
Within a 5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of Spartanburg VORTAC 196° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; excluding the portion within the Greer (Greenville-Spartanburg Airport), S. C. control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 4/30/70 35 F. R. 4199 (Rewritten)

Spokane, Wash. (Fairchild AFB)
Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles southwest of the liftoff end of Runway 23; and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC 048° and 228° radials extending from 3 miles northeast to 8 miles southwest of the VORTAC, excluding the portion east of a line extending from latitude 47°40'57" N., longitude 117°36'00" W., to latitude 47°32'45" N., longitude 117°35'00" W.

AMENDMENTS 5/28/70 35 F. R. 5583 (Rewritten)

PENDING AMENDMENT
Spokane, Wash. (Fairchild AFB) control zone amended by deleting the geographical coordinates "latitude 47°40'57" N., longitude 117°36'00" W., to latitude 47°32'45" N., longitude 117°35'00" W." and substituting therefor "latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W."

AMENDMENTS 2/4/71 35 F. R. 18192 (Changed)

Spokane, Wash. (Felts Field)
That airspace within a 5-mile radius of Felts Field.(latitude 47°41'00" N., longitude 117°19'20" W.).

PENDING AMENDMENT
Spokane, Wash. (Felts Field)
That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.); within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC, and within 2 miles each side of the 086° bearing from the Fort LOM, extending from the 5-mile radius zone to the LOM, excluding the portion within the Spokane, Wash. (International) control zone.

AMENDMENTS 2/4/71 35 F. R. 18190 (Rewritten)

Spokane, Wash. (International).
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), and within 2 miles each side of the Runway 21 extended centerline, extending from the 5-mile radius zone to 6 miles SW of the lift-off end of Runway 21, excluding the portion W of a line extending from latitude 47°32'45" N., longitude 117°35'00" W., to latitude 47°40'57" N., longitude 117°36'00" W.

PENDING AMENDMENT

Spokane, Wash. (International)
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), within 2 miles each side of the Runway 21 centerline extended, extending from the 5-mile radius zone to 6 miles southwest of the lift-off end of Runway 21, and within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the VORTAC to 11 miles northeast of the VORTAC, excluding the portion west of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117° 36'00" W.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Springfield, Ill.
That airspace within a 5-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Capital ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Capital VORTAC 040° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of the Capital VORTAC 036° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; and within 2 miles each side of the Capital VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

Springfield, Mo.
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

Stockton, Calif.
Within a 5-mile radius of Stockton Municipal Airport (latitude 37°53'39" N., longitude 121°14'14" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

Sumter, S. C.
Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN: within 2 miles east side of Shaw AFB TACAN 213° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN.

AMENDMENTS 12/10/70 35 F. R. 16315 (Rewritten)

Syracuse, N. Y.
Within a 5-mile radius of the center 43°06'50" N., 76°06'35" W. of Clarence E. Hancock Airport, Syracuse, N. Y.; and within 2.5 miles each side of the Clarence E. Hancock Airport Runway 10 ILS localizer back course, extending from the 5-mile radius zone to 5 miles west of the localizer, excluding that airspace within a 1-mile radius of the center 43°10'45" N., 76°07'30" W. of Michael Field, Cicero, N. Y.

AMENDMENTS 11/12/70 35 F. R. 14449 (Rewritten)

Tacoma, Wash. (McChord AFB)
Within a 5-mile radius of McChord AFB (latitude 47°08'20" N., longitude 122°28'30" W.), excluding the portion SW of a line extending from latitude 47°09'12" N., longitude 122°35'15" W., to latitude 47°04'15" N., longitude 122°31'15" W.; within 2 miles each side of the McChord AFB VOR 182° radial, extending from the 5-mile radius zone to 7.5 miles S of the VOR.

Tacoma, Wash. (Tacoma Industrial Airport)
Within a 5-mile radius of Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion E of a line 2 miles E of and parallel to the 009° bearing from the Gray AAF RBN; within 2 miles each side of the 009° bearing from the Gray AAF RBN, extending from the 5-mile radius zone to 1 mile N of the RBN, excluding the portion within the McChord AFB control zone, and within 2 miles each side of the 187° bearing from the Crescent RBN (latitude 47°21'29" N., longitude 122°33'41" W.), extending from the 5-mile radius zone to 1 mile S of the RBN. The control zone will be effective during the times established in advance by a Notice to Airmen continuously published in the Airman's Information Manual.
AMENDMENTS 10/15/70 35 F. R. 16171 (Changed)

Talkeetna, Alaska
Within a 5-mile radius of Talkeetna Airport (Lat. 62°19'20" N, Long. 150°05'20" W), from 0545 to 2145, hours, local time, daily.

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within 2 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC; within 2 miles each side of the Tallahassee ILS localizer north course, extending from the 5-mile radius zone to 6 miles north of the airport.

PENDING AMENDMENT

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course extending from the 5-mile radius zone to 1.5 miles south of the Joseph Intersection.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Tampa, Fla. (International Airport)
Within a 5-mile radius of Tampa International Airport (latitude 27°58'30" N., longitude 82°31'45" W.); within 2 miles each side of the St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC, excluding the portion southeast of a line 2 miles northwest of and parallel to the MacDill AFB ILS localizer northeast course and the portion within the St. Petersburg control zone.

Tanana, Alaska
That airspace within a 5-mile radius of the Tanana Airport (latitude 65°10'30" N., longitude 152°06'32" W.) and within 3.5 miles each side of the 251° bearing from the Bear Creek radio beacon, extending from the 5-mile radius zone to 11.5 miles west of the RBN, effective 0545 to 2145 hours, local time, daily or during the specific dates and times established in advance by Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 7/23/70 35 F. R. 8349 (Rewritten)

Temple, Tex.
That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Terre Haute, Ind.
Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

Teterboro, N. J.
Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.), and within 2 miles each side of the La Guardia VOR 295° radial extending northwest from the Teterboro, N. J., 5-mile radius zone to 17.5 miles northwest of the La Guardia VOR.

Texarkana, Ark.
That airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to 0.5 mile SE of the VORTAC.

Thief River Falls, Minn.
Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

Titusville, Fla.
Within a 5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2902A. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/25/70 35 F. R. 6859 (Added)

Toledo, Ohio
Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

Tonopah, Nev.
Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.).

Topeka, Kans. (Forbes AFB)
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone.

Topeka, Kans. (Philip Billard Airport)
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

Torrance, Calif.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), and within 2 miles each side of the Los Angeles, Calif., VOR 153° radial, extending from the 3-mile radius zone to 7 miles SE of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Traverse City, Mich.
Within a 5-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.); within 2 miles either side of the 137° bearing from the Traverse City RBN extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles either side of the Traverse City VOR 338° and 158° radials extending from the 5-mile radius zone to 8 miles S of the VOR.
PENDING AMENDMENT
Traverse, City, Mich.
Within a 5-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'55" W.); and within 3 miles each side of the Traverse City VORTAC 158° and 338° radials, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

AMENDMENTS 3/4/71 35 F. R. 19983 (Rewritten)

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.).

AMENDMENTS 12/23/70 35 F. R. 19504 (Changed)

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles each side of Tri-City ILS localizer Northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

AMENDMENTS 4/2/70 35 F. R. 1219 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Trinidad, Colo.
Within a 5-mile radius of Los Animas County Airport (latitude 37°15'35" N., longitude 104°20'21" W.), and within 2 miles each side of the 352° bearing from the Trinidad, Colo., RBN extending from the 5-mile radius zone to 8 miles north of the RBN.

AMENDMENTS 5/28/70 35 F. R. 6858 (Rewritten)

Troutdale, Oreg.
Within a 3-mile radius of Troutdale Airport (Lat. 45°33'00" N, Long. 122°23'50" W). This control zone shall be effective from 0700 to 2300 hours, local time, daily.
PENDING AMENDMENT
Troutdale, Oreg.
Within a 3-mile radius of Troutdale Airport (latitude 45°33'00" N., longitude 122°23'50" W.), within 3 miles each side of the 119° bearing from the Lake LOM, extending from the Lake LOM to 8 miles south of the LOM, and that airspace bounded on the northeast by a line 3 miles northeast of and parallel to the 119° and 299° bearings from the Lake LOM, on the northwest by the 154° radial of the Portland VORTAC, and on the southeast by an arc of the 3-mile radius zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)

Troy, Ala.
Within a 5-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/25/70 35 F. R. 6273 (Rewritten)

Truth or Consequences, N. Mex.
Within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107° 16'20" W.).

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS Localizer SE course, extending from the 5-mile radius zone to the OM.

Tucson, Ariz. (Tucson International Airport)
Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 2 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile radius zone to 14 miles west of the VORTAC; within 2 miles each side of the extended centerline of Runway 12L extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of Runway 12L; within 2 miles northeast and 2.5 miles southwest of the extended centerline of Runway 30R extending from the 5-mile radius zone to 15.5 miles northwest of the lift-off end of Runway 30R, and within 2 miles southeast and 3 miles northwest of the extended centerline of Runway 21 extending from the 5-mile radius zone to 6.5 miles southwest of the lift-off end of Runway 21, excuding the portion subtended by a chord drawn between the points of INT of the Tucson International Airport 5-mile radius zone with the Davis Monthan-AFB 5-mile radius zone.

Tucumcari, N. Mex.
Within a 5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); within 2 miles each side of the Tucumcari VOR 033° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; and within 2 miles each side of the Tucumcari VOR 078° radial, extending from the 5-mile radius zone to 8 miles E of the VOR.

Tulsa, Okla.
That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

Tulsa, Okla. (Riverside Airport)
Within a 3-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 3-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 11/12/70 35 F. R. 14650 (Rewritten)

Tuscaloosa, Ala.
Within a 5-mile radius of Van DE Graaff Airport (latitude 33°13'10" N., longitude 87°36'45" W.); within 3 miles each side of the Tuscaloosa VORTAC 061° and 241° radials, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC.

Twin Falls, Idaho
Within a 5-mile radius of the Twin Falls Municipal Airport (latitude 42°29'05" N., longitude 114°29'15" W.), and within 2 miles each side of the Twin Falls VOR 086° radial, extending from the 5-mile radius zone to 8 miles E of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Tyler, Tex.
That airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23' 55" W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Tyndall AFB, Fla.
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

AMENDMENTS 3/5/70 35 F. R. 309 (Rewritten)

Unalakleet, Alaska
Within a 5-mile radius of the Unalakleet Airport (latitude 63°53'10" N., longitude 160°47'40" W.); within 2 miles each side of the Unalakleet RR northwest course, extending from the 5-mile radius zone to 14 miles northwest of the RR; within 2 miles each side of the Unalakleet VOR 225° radial, extending from the 5-mile radius zone to 14 miles southwest of the VOR; and within 2 miles each side of the Unalakleet TACAN 175° radial, extending from the 5-mile radius zone to 10.5 miles south of the TACAN. This control zone is effective from 0545 to 2145 hours, local time, daily.

Utica, N. Y.
Within a 5-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., within 2 miles each side of the Utica ILS localizer SE course extending from the 5-mile radius zone to the Utica radio beacon; within 2 miles each side of the Utica VOR 306° radial extending from the 5-mile radius zone to 1.5 miles NW of the VOR and excluding the portion within the Rome, N. Y., control zone.

Valdosta, Ga. (Moody AFB)
Within a 5-mile radius of Moody AFB (latitude 30°58'01" N., longitude 83°11'27" W.); within 2 miles each side of the Moody VOR 007° radial, extending from the 5-mile radius zone to 12 miles N of the VOR; within 2 miles each side of the Moody VOR 173° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles each side of the Valdosta VOR 016° radial, extending from the 5-mile radius zone to the Valdosta Municipal Airport 5-mile radius control zone; within 2 miles each side of the Moody TACAN 360° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN; within 2 miles each side of the Moody TACAN 180° radial, extending from the 5-mile radius zone to the Valdosta Municipal Airport 5-mile radius control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
PENDING AMENDMENT
Valdosta, Ga. (Moody AFB)
Within a 5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 1.5 miles each side of Moody TACAN 180° radial, extending from the 5-mile radius zone to 4.5 miles south of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of the Valdosta Municipal Airport (latitude 30°46'58" N., longitude 83°16'44" W.); within 2 miles each side of the Valdosta VOR 007° radial, extending from the 5-mile radius zone to the VOR.
PENDING AMENDMENT
Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.).

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Vandalia, Ill.
Within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

Vandenberg AFB, Calif.
Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif. (latitude 34°43'50" N., longitude 120°34'30" W.); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from the 5-mile radius zone to 2.5 miles northwest of the OM, and within a 1-mile radius of Lompoc Airport (latitude 34°39'55 N., longitude 120°27'55" W.), excluding that portion within R-2516.

Van Nuys, Calif.
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

Vernal, Utah
Within a 5-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.), and within 3 miles each side of the Vernal VOR 157° radial, extending from the 5-mile radius zone to 8.5 miles S of the VOR. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

AMENDMENTS 5/28/70 35 F. R. 5913 (Changed)

Vero Beach, Fla.
Within a 5-mile radius of Vero Beach Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.).

Victoria, Tex.
Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28° 51' 10" N., longitude 96° 55' 20" W.) and within 2 miles each side of the 320° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from the 5-mile radius zone to 8 miles NW of latitude 28° 51' 30" N., longitude 96° 55' 00" W., effective from 0600 to 2200 hours, local time, daily.

Victorville, Calif.
Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.); within 2 miles each side of the George AFB VOR 350° and 005° radials extending from the 5-mile radius zone to 9 miles N of the VOR, and within 1.5 miles NW and 2.5 miles SE of the George AFB VOR 045° radial extending from the 5-mile radius zone to 8.5 miles NE of the VOR.

Visalia, Calif.
Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously in the Airman's Information Manual.

Waco, Tex.
That airspace within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM.

Waimea-Kohala, Hawaii
Within a 5-mile radius of the Waimea-Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

AMENDMENTS 12/12/69 35 F. R. 19970 (Changed)

Wake Island
Within a 5-mile radius of Wake Island Airport (latitude 19°18'00" N. longitude 166°38'00" E); within 2 miles each side of the Wake Island VORTAC 306° radial, extending from the 5-mile radius zone to 17 miles NW of the VORTAC; within 2 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 17 miles E of the VORTAC; within 2 miles each side of the 281° bearing from the Wake Island radio beacon (AXX), extending from the 5-mile radius zone to 15 miles W of the radio beacon; and within 2 miles each side of the 101° bearing from the Wake Island radio beacon (AWK), extending from the 5-mile radius zone to 12 miles E of the radio beacon.

Walla Walla, Wash.
Within a 5-mile radius of Walla Walla City County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 2 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR and within 2 miles each side of the Walla Walla TACAN 041° radial, extending from the 5-mile radius zone to 9.5 miles NE of the TACAN.

Walnut Ridge, Ark.
Within a 5-mile radius of Walnut Ridge Municipal Airport (latitude 36°07'30" N., longitude 90°55'25" W.) and within 2 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Washington, D. C.
Within a 5-mile radius of Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.), within 2 miles each side of the Washington National Airport ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the 137° bearing from the Georgetown, D. C., RBN and 2 miles SW of the Washington, D. C., VOR 313° radial, extending from the 5-mile radius zone to the Georgetown RBN, within 2 miles each side of the Washington VOR 324° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR, and within 2 miles each side of the Washington VOR 060° radial, extending from the 5-mile radius zone to 5 miles NE of the VOR, excluding the portion within P-56 and the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone.

Waterloo, Iowa
Within a 5-mile radius of the Waterloo Municipal Airport (latitude 42°33'22" N., longitude 92°23'59" W.), within 2 miles each side of the Waterloo VORTAC 078° and 200° radials extending from the 5-mile radius zone to 8 miles E and 8 miles S of the VORTAC, and within a 1-mile radius of the Leibundguth Airport (latitude 42°28' N., longitude 92°29' W.).

Watertown, N. Y.
That airspace within a 5-mile radius of the center 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N. Y., and within 3 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

AMENDMENTS 3/5/70 35 F. R. 623 (Changed)

Watertown, S. Dak.
Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'35" N., longitude 97°09'30" W.); within 2 miles each side of the Watertown VORTAC 185° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC; within 2 miles each side of the Watertown VORTAC 006° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2 miles each side of the 145° bearing from Watertown Municipal Airport, extending from the 5-mile radius zone to 12 miles southeast of the airport.

Wausau, Wis.
Within a 5-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and within 2½ miles each side of the 142° bearing from the Wausau Municipal Airport extending from the 5-mile radius zone to 6 miles southeast.

AMENDMENTS 10/15/70 35 F. R. 12888 (Rewritten)

Wenatchee, Wash.
Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (latitude 47°24'00" N., longitude 120°12'30" W.), and within 2 miles each side of the Wenatchee VOR 124° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).

Westfield, Mass.
Within a 5-mile radius of the center 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass.; within 3 miles each side of the Westfield VOR 012° radial, extending from the 5-mile radius zone to 10 miles north of the VOR; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius zone to 7.5 miles northwest of the end of the runway, excluding the portion which coincides with the Westover, Mass., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 11/12/70 35 F. R. 14449 (Rewritten)

Westover, Mass.
Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5-mile radius zone to 6 miles SW of the TACAN.

Weyers Cave, Va.
Within a 5-mile radius of the center (38°15'45" N., 78°53'50" W.), of Shenandoah Valley Airport, Weyers Cave, Va.; within 3 miles each side of the 218° bearing from the Laurel Hill RBN (38°12'08" N., 78°57'30" W.) extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the 355° bearing and the 175° bearing from the Bridgewater RBN (38°21'56" N., 78°57'41" W.) extending from 1.5 miles south of the RBN to 8.5 miles north of the RBN and within 3 miles each side of the 154° bearing from the Bridgewater RBN extending from the 5-mile radius zone to the RBN. This control zone is effective from 0600 to 2400 hours, local time, daily.
AMENDMENTS 5/28/70 35 F. R. 5034 (Added)

Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Whidbey Island, Wash.
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 351° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

White Plains, N. Y.
Within a 5-mile radius of Westchester County Airport (lat. 41°04'05" N, long. 73°42'35" W); and within 2 miles either side of the Westchester County ILS localizer NW course extending from the 5-mile radius zone to the OM.

Wichita, Kans. (McConnell AFB)
Within a 5-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

Wichita, Kans. (Wichita Municipal).
Within a 5-mile radius of the Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'46" W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 5-mile radius zone to the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (McConnell AFB) 5-mile radius control zone.

Wichita Falls, Tex.
That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

Wilkes-Barre, Pa.
Within a 5-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., and within 2 miles each side of the airport ILS localizer SW course extending SW from the 5-mile radius zone for 2 miles SW of the OM.

Williamsport, Pa.
Within a 5-mile radius of the center, 41°14'30" N., 76°55'20" W., of Williamsport-Lycoming County Airport, Williamsport, Pa.; within 2 miles each side of the Williamsport ILS localizer E course extending from the 5-mile radius zone to the Picture Rocks RBN; within 2 miles each side of the centerline of Runway 12 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the centerline of Runway 27 extended from the 5-mile radius zone to 10.5 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 7 miles NW of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5.5 miles NW of the end of the runway.

Williston, N. Dak.
Within a 5-mile radius of Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 1½ miles each side of the Williston VOR 137° radial, extending from the 5-mile radius zone to 1½ miles southeast of the VOR; and within 3 miles each side of the 127° bearing from Sloulin International Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport.

Willow Grove, Pa.
Within a 5-mile radius of Willow Grove NAS (latitude 40° 12' 00" N., longitude 75° 08' 55" W.); within a 5-mile radius of Warminster NAF (latitude 40°11'55" N., longitude 75°04'00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Warminster NAF TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Warminster NAF TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa., control zone, and excluding the portion within the Trenton, N. J., control zone. This control zone is effective from 0700 to 2400 hours, local time Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday.
AMENDMENTS 12/23/70 35 F. R. 19504 (Changed)

Wilmington, Del.
Within a 5-mile radius of the Greater Wilmington Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 5-mile radius zone to 5.5 miles west of the VORTAC.

Wilmington, N. C.
Within a 5-mile radius of New Hanover County Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

Wilmington, Ohio
Within a 5-mile radius of the center, 39°26'00" N., 83°48'00" W., of Clinton County AFB, Wilmington, Ohio; within 2 miles each side of the Clinton County RBN 037° bearing extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 2 miles each side of the 212° bearing from a point 39°25'51" N., 83°48'10" W., extending from the 5-mile radius zone to 7 miles southwest of said point and within 2 miles each side of the centerline of Runway 22 extended from the 5-mile radius zone to 8 miles southwest of the end of the runway, including that airspace within a 1-mile radius of the center, 39°26'20" N., 83°42'20" W. of Hollister Field, Wilmington, Ohio.

Windsor Locks, Conn.
Within a 5-mile radius of the center 41°56'25" N., 72°41'05" W. of Bradley International Airport, Windsor Locks, Conn., and including a 1-mile radius of the center 41°55'00" N., 72°46'35" W. of Simsbury Airport, Simsbury, Conn.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to 6 miles southwest of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles
S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway within 2 miles each side of the centerline of Runway 6 extended from the 5-mile radius zone to 5 miles from the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles from the end of the runway.

Wink, Tex.
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

Winona, Minn.
Within a 5-mile radius of Max Conrad Field, Winona, Minn. (latitude 44°04'34" N., longitude 91°42'25" W.), within 2 miles each side of the 107° bearing from Max Conrad Field extending from the 5-mile radius zone to 8 miles E of the Airport, and within 2 miles each side of the 319° bearing from Max Conrad Field extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Winslow, Ariz.
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.).

Winston-Salem, N. C.
Within a 5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile radius zone to the LOM; effective from 0700 to 2300 hours, local time daily.
AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Worcester, Mass.
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

Worland, Wyo.
Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and and within 3.5 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 12 miles north of the VOR.

AMENDMENTS 10/15/70 35 F. R. 13363 (Rewritten)

Worthington, Minn.
Within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.); and within 2 miles each side of the Worthington VOR 358° radial, extending from the 5-mile radius zone to 7 miles N of the VOR; and within 2 miles each side of the Worthington VOR 189° radial, extending from the 5-mile radius zone to 7 miles S of the VOR. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles each side of the McGuire VOR 350° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the McGuire VOR 051° radial extending from the 5-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the McGuire VOR 180° radial extending from the 5-mile radius zone to 6 miles S of the VOR; and within 2 miles each side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to the OM.

Yakima, Wash.
Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), and within 2 miles each side of the Yakima ILS localizer east course extending from the 5-mile radius zone to 4.5 miles east of the LOM.

Yakutat, Alaska
Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and that airspace bounded on the northeast by a line 2 miles northeast of and parallel to the 315° bearing from the Yakutat RR, on the east and southeast by the 5-mile radius zone, on the south by a line 3 miles south of and parallel to the 283° bearing from the Yakutat RR, and on the west and northwest by the arc of an 8-mile radius circle centered on the Yakutat RR.

Yankton, S. Dak.
Within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); within 2 miles each side of the Yankton VOR 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the Yankton VOR 135° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Youngstown, Ohio
Within a 5-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.), within 2 miles each side of the Youngstown ILS localizer NW course. extending from the 5-mile radius zone to 5 miles NW of the localizer; and within 2 miles each side of the Youngstown ILS localizer SE course. extending from the 5-mile radius zone to the OM.

Yuma, Ariz.
Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC
181° radial extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

Zanesville, Ohio
Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).

SUBPART G - TRANSITION AREAS

§ 71.181 **Designation.**
The parts of airspace described below are designated as transition areas.

Aberdeen, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°28' 18" N., 76°10'13" W. of Phillips AAF, Aberdeen, Md., and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 7-mile radius area to 8 miles NE of the RBN.

Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.); within 3 miles each side of the Aberdeen VORTAC 312° radial, extending from the 10-mile radius area to 17½ miles northwest of the VORTAC, and within 4½ miles southwest and 9½ miles northeast of the Aberdeen VORTAC 131° radial, extending from the 10-mile radius area to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Aberdeen VORTAC; and within 4½ miles northeast and 9½ miles southwest of the Aberdeen VORTAC 312° radial, extending from the 21-mile radius area to 27 miles northwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7176 (Rewritten)

Abilene, Tex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Adak, Alaska
That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles West of the TACAN.

Adrian, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Lenawee County Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 3 miles each side of the 221° bearing from the Lenawee County Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport.

AMENDMENTS 5/28/70 35 F. R. 5681 (Rewritten)

Aguadilla, P. R.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within a 9-mile radius of Mayaguez Airfield (latitude 18°15'25" N., longitude 67°09'09" W.); within 2 miles each side of the 263° bearing from the Mayaguez RBN, extending from the 9-mile radius area to 11 miles west of the beacon.

Aiken, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 3 miles each side of the 048° bearing from Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

Ainsworth, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.), and within 4 miles NE and 2 miles SW of the Akron VOR 123° radial, extending from 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Akron VOR 123° and 303° radials, extending from 20 miles SE to 10 miles NW of the VOR.

PENDING AMENDMENT
Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 19171 (Rewritten)

Akron, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41° 02' 15" N., longitude 81° 28' 05" W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile raidus area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40° 55' 05" N., longitude 81° 26' 30" W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; within 2 miles each side of the Akron VORTAC 223° radial extending from the Akron-Canton Airport 7-mile radius area to 5 miles southwest of the VORTAC; within a 5-mile radius of the
Andrew W. Paton of Kent State University Airport, Kent, Ohio (41°09'05" N., 81°25'05" W.); within 2 miles each side of the Akron VORTAC 285° radial, extending from the Andrew W. Paton of Kent State University Airport 5-mile mile radius area to VORTAC; within 2 miles each side of the Akron RBN 344° and 164° bearings, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to 8 miles south of the RBN; and that airspace
extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N., longitude 81° 43' 00" W.; to latitude 41° 08' 00" N., longitude 81° 36' 00" W.; to latitude 41° 11' 30" N., longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N., longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio, VOR; direct to the Tiverton, Ohio, VOR; to latitude 40° 54' 00" N., longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

Alabama
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R-2101, R-2103, and R-2908.

AMENDMENTS 6/19/70 35 F. R. 10505 (Changed)

Alabaster, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (latitude 33°10'40" N., longitude 86°47'00" W.).

Alamogordo, N. Mex.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°5104" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

SUBPART G - TRANSITION AREAS

§ 71.181 **Designation.**
The parts of airspace described below are designated as transition areas.

Aberdeen, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°28' 18" N., 76°10'13" W. of Phillips AAF, Aberdeen, Md., and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 7-mile radius area to 8 miles NE of the RBN.

Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.); within 3 miles each side of the Aberdeen VORTAC 312° radial, extending from the 10-mile radius area to 17½ miles northwest of the VORTAC, and within 4½ miles southwest and 9½ miles northeast of the Aberdeen VORTAC 131° radial, extending from the 10-mile radius area to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Aberdeen VORTAC; and within 4½ miles northeast and 9½ miles southwest of the Aberdeen VORTAC 312° radial, extending from the 21-mile radius area to 27 miles northwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7176 (Rewritten)

Abilene, Tex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Adak, Alaska
That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles West of the TACAN.

Adrian, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Lenawee County Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 3 miles each side of the 221° bearing from the Lenawee County Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport.

AMENDMENTS 5/28/70 35 F. R. 5681 (Rewritten)

Aguadilla, P. R.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within a 9-mile radius of Mayaguez Airfield (latitude 18°15'25" N., longitude 67°09'09" W.); within 2 miles each side of the 263° bearing from the Mayaguez RBN, extending from the 9-mile radius area to 11 miles west of the beacon.

Aiken, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 3 miles each side of the 048° bearing from Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

Ainsworth, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the [illegible]° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.), and within 4 miles NE and 2 miles SW of the Akron VOR 123° radial, extending from 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Akron VOR 123° and 303° radials, extending from 20 miles SE to 10 miles NW of the VOR.

PENDING AMENDMENT
Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 19171 (Rewritten)

Akron, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41° 02' 15" N., longitude 81° 28' 05" W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40° 55' 05" N., longitude 81° 26' 30" W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; within 2 miles each side of the Akron VORTAC 223° radial extending from the Akron-Canton Airport 7-mile radius area to 5 miles southwest of the VORTAC; within a 5-mile radius of the
Andrew W. Paton of Kent State University Airport, Kent, Ohio (41°09'05" N., 81°25'05" W.); within 2 miles each side of the Akron VORTAC 285° radial, extending from the Andrew W. Paton of Kent State University Airport 5-mile mile radius area to VORTAC; within 2 miles each side of the Akron RBN 344° and 164° bearings, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to 8 miles south of the RBN; and that airspace
extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N., longitude 81° 43' 00" W.; to latitude 41° 08' 00" N., longitude 81° 36' 00" W.; to latitude 41° 11' 30" N., longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N., longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio. VOR; direct to the Tiverton, Ohio. VOR; to latitude 40° 54' 00" N., longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

Alabama
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R-2101, R-2103, and R-2908.

AMENDMENTS 6/19/70 35 F. R. 10505 (Changed)

Alabaster, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (latitude 33°10'40" N., longitude 86°47'00" W.).

Alamogordo, N. Mex.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°5104" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Alamosa, Colo.
That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Alamosa VORTAC 335° and 155° radials extending from 20 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC.
That airspace extending upward from 1,200 feet above the surface within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC.
That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

AMENDMENTS 5/28/70 35 F. R. 4548 (Rewritten)

Albany, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany-Dougherty County Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within a 10-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within a 5-mile radius of Sylvester Airport (latitude 31°33'25" N., longitude 83°53'40" W.); within 2 miles each side of the Albany VORTAC 110° radial, extending from the NAS Albany 10-mile radius area to the VORTAC; within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; within 2 miles each side of the 194° bearing from the Sylvester RBN (latitude 31°33'27" N., longitude 83°53'34" W.), extending from the 5-mile radius area to 8 miles S of the RBN.

Albany, N. Y.
That airspace extending upward from 700 feet above the surface within the area bounded by a point on the Albany VORTAC 007° radial 23 miles north of the VORTAC, thence clockwise along the arc of a 23-mile radius circle centered on the Albany VORTAC to its point of intersection with the Albany VORTAC 037° radial, thence southwest along the Albany VORTAC 037° radial to a point 12 miles northeast of the VORTAC, thence clockwise along the arc of a 12-mile radius circle centered on the Albany VORTAC to its point of intersection with the arc of a 9-mile radius circle centered on the Schenectady VOR (42°51'05" N., 73°56'05" W.), thence clockwise along the arc of the 9-mile radius circle centered on the Schenectady VOR to its point of intersection with a line 2 miles south and parallel to the extended centerline of the Schenectady County Airport Runway 28, thence west along this parallel line to its point of intersection with the arc of a 13-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of this 13-mile radius circle to its point of intersection with the Schenectady VOR 342° radial, thence north along a line bearing 356° from this point to the point of intersection of this line and the arc of a 19-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of the 19-mile radius circle centered on the Schenectady VOR to its point of intersection with the arc of a 23-mile radius circle centered on the Albany VORTAC.

AMENDMENTS 10/15/70 35 F. R. 13642 (Rewritten)

Albert Lea, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Albert Lea Municipal Airport (latitude 43°40'50" N., longitude 93°22'05" W.); and within 3 miles each side of the 343° bearing from Albert Lea Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 163° and 343° bearings from Albert Lea Municipal Airport, extending from 6 miles south to 18½ miles north of the airport, excluding the portion which overlies the Hope, Minn., transition area.

Albion, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airport, Albion, N. J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N. J., transition area. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 8/6/70 35 F. R. I2533 (Changed)

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02: W.); and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Alexander City, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (latitude 32°55'15" N., longitude 85°57'45" W.); within 3 miles each side of the 171° bearing from the Alexander City RBN (latitude 32°53'10" N., longitude 85°57'30" W.), extending from the 5-mile radius area to 11 miles south of the RBN.

Alexandria, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexandria Airport (latitude 40°13'25" N., longitude 85°38'15" W.) excluding the portion which overlies the Anderson, Ind., transition area.

Alexandria, La.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.), within a 7-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), and within 4 miles each side of the Esler VOR 155° radial extending from the Esler Field 7-mile radius area to 17 miles southeast of the VOR.
AMENDMENTS 3/5/70 35 F. R. 6 (Changed); 4/2/70 35 F. R. 1221 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Alexandria, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Alexandria VORTAC, extending from the 306° radial clockwise to the 148° radial; within 4½ miles southeast and 9½ miles northwest of the Alexandria VORTAC 051° and 231° radials extending from 6 miles southwest to 18½ miles northeast of the VORTAC; and within 5 miles each side of the Alexandria VORTAC 231° radial, extending from 9½ miles southwest to 21½ miles southwest of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Allegan, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allegan, Mich., Padgham Field (latitude 42°31'55" N., longitude 85°49'30" W.), excluding the portion which coincides with the Battle Creek, Mich., transition area.
PENDING AMENDMENT
Allegan, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Padgham Field Airport (latitude 42°31'55" N., longitude 85°49'45" W.); and within 2½ miles each side of the 072° radial of the Pullman VORTAC, extending from the 7-mile radius area to 22 miles east of the VORTAC, excluding the portion which overlies the Battle Creek, Michigan 700-foot floor transition area.
AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Allendale, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport (latitude 35°59'30" N., longitude 81°16'05" W.); within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.
AMENDMENTS 8/20/70 35 F. R. 10145 (Added)

Allentown, Pa.
That airspace extending upward from 700 feet above the surface within a 21-mile radius of the center, 40°39'10" N., 75°26'20" W., of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from the 205° bearing from the airport to 5 miles northwest of the Allentown, Pa., VORTAC 043° radial; within 5 miles each side of the Allentown VORTAC 043° radial extending from the VORTAC to 18 miles northeast of the VORTAC; within a 12-mile radius of the airport extending clockwise from 5 miles southeast of the Allentown VORTAC 043° radial to the 205° bearing from the airport.

Alliance, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 10-mile radius area to 11 miles southeast of the airport; and that airspace extending from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° bearing from Alliance Municipal Airport, extending from the airport to 21½ miles southeast of the airport; within 4½ miles northeast and 9½ miles southwest of the Alliance VOR 304° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the Alliance VOR 150° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4 nautical miles each side of a line extending from Alliance Municipal Airport to Chadron, Nebr., Municipal Airport (latitude 42°50'10" N., longitude 103°05'50" W.), excluding the area which overlies the Scottsbluff, Nebr., transition area.

AMENDMENTS 11/12/70 35 F. R. 14304 (Rewritten)

Alliance, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°58'56" N., 81°02'22" W., of Miller Airport, Alliance, Ohio, and within 2 miles each side of the Akron VOR 136° radial extending from the 5-mile radius area to the VOR, excluding the portion within the Akron, Ohio, transition area.

Alma, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bacon County Airport (latitude 31°32'20" N., longitude 82°30'30" W). This transition area is effective from 0600 to 2200 hours, local time, daily.

Alma, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Gratiot Community Airport (latitude 43°19'25" N., longitude 84°41'40" W.); and within 2 miles each side of the 278° bearing from Gratiot Community Airport, extending from the 6-mile radius area to 8 miles west of the airport.

Alpena, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Alpena VORTAC; within 9½ miles west and 4½ miles east of the 360° bearing from the Alpena RBN, extending from the 17-mile radius area to 18½ miles north of the RBN; within 9½ miles west and 4½ miles east of the 346° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles north of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the 305° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles east and 4½ miles west of the Alpena VORTAC 186° radial extending from the 17-mile radius area to 18½ miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 32-mile radius circle centered on the Alpena RBN, extending from a line 5 miles west of and parallel to the 360° bearing from the RBN clockwise to a line 5 miles east of and parallel to the 026° bearing from the RBN; within a 34-mile radius circle centered on the Alpena VORTAC extending from a line 5 miles northwest of and parallel to the 329° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 350° radial of the VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten)

Alva, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (latitude 36°46'00" N., longitude 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (latitude 36°46'47" N., longitude 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Amarillo, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.).

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Amchitka, Alaska
That airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the 082° bearing from the Amchitka RBN extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° bearing from the Amchitka RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport (latitude 51°22'45" N., longitude 179°15'42" E.).

Ames, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.) and within 5 miles SW and 8 miles NE of the 127° bearing from Ames Municipal Airport, extending from the airport to 12 miles SE.

PENDING AMENDMENT

Ames, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.), and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½-mile radius area to 7 miles southeast of the airport.

AMENDMENTS 3/4/71 36 F. R. 147 (Rewritten)

Anchorage, Alaska
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage airport surveillance radar antenna site (latitude 61°16'N., longitude 149°50' W.); within 2 miles each side of the Anchorage RR SW course extending from the 18-mile radius transition area to 10 miles SW of the RR, and within 5 miles north and 8 miles south of the Anchorage VORTAC 260° Radial, extending from the 18-mile radius transition area to 12 miles west of the Anchorage VORTAC; that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Anchorage VORTAC extending clockwise from the SW boundary of Victor Airway 440, northwest of Anchorage, to the S boundary of Green Federal airway No. 8, northeast of Anchorage, and within a 55-mile radius of the Anchorage VORTAC extending clockwise from the S boundary of Green Federal airway No. 8, northeast of Anchorage, to the SW boundary of Victor Airway 440, northwest of Anchorage; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC, excluding the portions within the United States, Federal airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

Anderson, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Anderson Municipal Airport (latitude 40°06'35" N., longitude 85°36'55" W.); and within 3 miles each side of the 298° bearing from Anderson Municipal Airport, extending from the 7-mile radius area to 12½ miles northwest of the airport.

Anderson, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

AMENDMENTS 3/5/70 35 F. R. 308 (Rewritten)

Andover, N. J.
That airspace extending upward from 700 feet above the surface wtihin a 7-mile radius of the center, 41°00'30" N., 74°44'20" W. of Aeroflex-Andover Airport, Andover, N. J., and within 5 miles north and 8 miles south of the Stillwater, N. J., VOR 263° radial extending from the VOR to 12 miles west of the VOR within 2 miles each side of the Stillwater, N. J. VOR 083° radial extending from the 7-mile radius area to the VOR effective from sunrise to sunset daily.
That airspace extending upward from 1200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

Aniak, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 230° bearing from the Aniak RBN extending from 8 miles SW to 18 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles NE and 8 miles SW of the 140° and 320° bearings from the Aniak RBN extending from 7 miles NW to 18 miles SE of the RBN.

Ann Arbor, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ann Arbor Municipal Airport (latitude 42°13'25" N., longitude 83°44'30" W.); excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

Annette Island, Alaska
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Annette Island VOR; within 5 miles southwest of the 331° bearing from the Gravina Island RBN, extending from the 14-mile radius area to 8 miles northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Annette Island radio range northwest course, extending from the RR to 28 miles northwest of the RR; and within 14 miles northeast and 22 miles southwest of the Annette Island VOR 150° radial, extending from the VOR to 30 miles southeast of the VOR; excluding the portion outside the United States.

Anniston, Ala.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within a 12-mile radius of Talladega Municipal Airport (latitude 33°34'07" N., longitude 86°03'36" W.); excluding the portion within R-2101.

AMENDMENTS 4/30/70 35 F. R. 4259 (Rewritten)

Anthony, Kans.
That airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-12, on the northeast by V-74, and on the south by the Kansas/Oklahoma State line.

AMENDMENTS 11/12/70 35 F. R. 14651 (Added)

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Apalachicola, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Apalachicola Municipal Airport (lat. 29° 43' 45" N., long. 85° 01' 45" W.); within 2 miles each side of the 012°, 049°, and 322° bearings from the Apalachicola RBN, extending from the 6-mile radius area to 8 miles North, Northeast and Northwest of the RBN.

Appleton, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2 miles each side of the 016°, 135°, 206°, and 285° bearings from Outagamie County Airport, extending from the 6-mile radius area to 8 miles north, southeast, southwest, and west of the airport.

Arcata, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° and 153° bearings from the Arcata RBN, extending from 7.5 miles NW to 15 miles SE of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 124°30'00" W., on the N by latitude 41° 16'00" N., on the E and S by a line 9 miles NE of and parallel to the 333° and 153° bearings from the Arcata RBN to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°12'00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W.; and within 9 miles each side of the Fortuna, Calif., VOR 110° radial, extending from the VOR to 61 miles E of the VOR.

Ardmore, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

Arkadelphia, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arkadelphia Municipal Airport (latitude 34°06'15" N., longitude 93°03'45" W.), and within 3.5 miles each side of the 216° bearing from the Arkadelphia RBN (latitude 34°03'19" N., longitude 93°06'17" W.) extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN.

AMENDMENTS 4/30/70 35 F. R. 3881 (Added); Corr: 35 F. R. 6176

Arkansas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

AMENDMENTS 9/17/70 35 F. R. 11900 (Added)

Arkansas City/Winfield, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

AMENDMENTS 8/20/70 35 F. R. 10358 (Rewritten)

Asheboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.).

Asheville, N. C.
That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from the Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 8 miles east and 5 miles west of the Asheville ILS localizer south course, extending from Broad River RBN to 12 miles south of the RBN; within 2 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8 miles north of the RBN; within 2 miles each side of the Sugarloaf Mountain VORTAC 230° radial, extending from the VORTAC to the Broad River RBN.

AMENDMENTS 4/30/70 35 F. R. 4257 (Changed)

Ashland, Ky.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°33'15" N., 82°44'20" W., of Ashland-Boyd County Airport, Ashland, Ky.; within 2 miles each side of the Runway 10 centerline extended from the 6-mile radius area to 9 miles east of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 9 miles west of the end of the runway and within 2 miles each side of the York VOR 116° radial extending from the 6-mile radius area to the VOR.

Ashland, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 2 miles each side of the Hallsville, Mo., VORTAC 193° radial, extending from the 8½-mile radius area to 10 miles south of the VORTAC; within 3½ miles each side of the 031° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 9 miles northeast of the airport; and within 3½ miles each side of the 193° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 12 miles south of the airport, excluding the portions which overlie the Columbia, Mo., and Jefferson City, Mo., transition areas.

AMENDMENTS 4/2/70 35 F. R. 2581 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Ashland, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.) and within 2 miles each side of the 208° bearing from John F. Kennedy Memorial Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 208° bearing from John F. Kennedy Memorial Airport extending from the airport to 12 miles SW of the airport.

Astoria, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens FM (latitude 46°12'31" N., longitude 123°57'51" W.), and within 2 miles each side of the Astoria VOR 347° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan marker and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.
That airspace extending upward from 4,500 feet MSL bounded on the northwest by the southeast edge of V-27E, on the east by the west edge of V-165, and on the south by the north edge of V-112.

AMENDMENTS 8/20/70 35 F. R. 9922 (Changed)

Athens, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.).

Athens, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°20'09" N., 82°04'16" W., of Ohio University Airport, Athens, Ohio, and within 2 miles each side of the 089° bearing from the Athens RBN extending from the 6-mile radius area to 8 miles E of the RBN.

Athens, Tenn.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport (lat. 35°23'45" N., long. 84°33'45" W.).

AMENDMENTS 11/12/70 35 F. R. 14650 (Added)

Athens, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 32° 12'30" N., long. 95°39'30" W., to lat 31°59'00" N., long. 95°35'00" W., to lat. 31°56'30" N., long. 95°41' 00" W., to lat. 31°59'30" N., long. 95°53'00" W., to lat. 32°12'00" N., long. 95°56'00" W., to lat. 32° 15' 00" N., long. 95°50'30" W., to point of beginning.

AMENDMENTS 12/10/70 35 F. R. 15635 (Rewritten)

Atlanta, Ga.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Atlanta Airport (latitude 33°38'35" N., longitude 84°25'25" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles northeast and 4.5 miles southwest of Atlanta ILS Runway 33 localizer southeast course, extending from the 15-mile radius area to 18.5 miles southeast of the LOM; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Fulton County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'40" N., longitude 84°31'00" W.); within 4 miles each side of the NAS Atlanta TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.).
AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten); Corr: 35 F. R. 7412

Atlantic, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Atlantic Municipal Airport (latitude 41°24'20" N., longitude 95°02'45" W.); and within 5 miles NE and 8 miles SW of the 313° bearing from the Atlantic, Iowa, RBN, extending from the RBN to 12 miles NW.

Atlantic City, N. J.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°27'25" N., 74°34'45" W. of Atlantic City Municipal (Pomona) Airport, Atlantic City, N. J., and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 NM offshore; on the SE by a line 3 NM offshore; and on the NE by the Atlantic City VORTAC 112° radial, within 8 miles SW and 5 miles NE of the Atlantic City ILS localizer NW course extending from the 12-mile radius area to 12 miles NW of the OM.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 39°43'00" N., 74°48'00" W. to 39°37'31" N., 74°20'02" W. to 39°31'45" N., 74°15'55" W. to 39°08'00" N., 74°51'00" W. to 38°57'30" N., 74°59'20" W. to 39°26'20" N., 75°19'58" W. to 39°30'30" N., 75°23'00" W. to 39°37'00" N., 75°10'00" W. to 39°33'00" N., 75°07'00" W. to point of beginning.

Atterbury, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB.

AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Auburn, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (latitude 32°36'55" N., longitude 85°26'10" W.); within 2.5 miles each side of Columbus, Ga., VOR 270° radial, extending from the 5-mile radius area to 17.5 miles west of the VOR.

Auburn, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-De Kalb Airport (latitude 41°18'25" N., longitude 85°04'00" W.); and within 2½ miles each side of the Fort Wayne, Ind., VORTAC 016° radial, extending from the 5-mile radius area to the arc of a 17-mile radius circle centered on Bear Field (latitude 40°58'50" N., longitude 85°11'25" W.).
AMENDMENTS 7/23/70 35 F. R. 8655 (Rewritten)

Auburn, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°02' 55" N., 70°17'00" W. of Auburn-Lewiston Municipal Airport; within 3 miles each side of the 215° and 035° bearing from the New Gloucester, Maine RBN, 43°59'14" N., 70°19'29" W., extending from the 5-mile radius area to 9 miles southwest of the RBN; and within 2 miles each side of the 049° bearing from the New Gloucester, Maine RBN extending from the RBN to 12 miles northeast of the RBN.

AMENDMENTS 11/12/70 35 F. R. 14450 (Rewritten)

Augusta, Ga.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within 9.5 miles southwest and 4.5 miles northeast of Augusta VORTAC 321° radial, extending from the 11-mile radius area to 18.5 miles northwest of the VORTAC; within 9.5 miles west and 4.5 miles east of the 166° and 346° bearings from Emory RBN, extending from the 11-mile radius area to 18.5 miles north of the RBN; excluding the portion within R-6004.

AMENDMENTS 5/28/70 35 F. R. 5531 (Rewritten)

Augusta, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine, within 4.5 miles northeast and 9.5 miles southwest of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the Capital City RBN to 18.5 miles northwest of the RBN and within 4.5 miles northeast and 9.5 miles southwest of the Augusta VORTAC 328° radial, extending from the Augusta VORTAC to 18.5 miles northwest of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 623 (Changed)

Aurora, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 126° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 306° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.
AMENDMENTS 1/8/70 34 F. R. 18158 (Changed)

Austin, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport, Austin, Minnesota (latitude 43°40'00" N., longitude 92°55'58" W.), and within 5 miles E and 8 miles W of the 351° bearing from Austin Municipal Airport, extending from the airport to 12 miles N and within 5 miles W and 8 miles E of the 176° bearing from the airport extending from the airport to 12 miles S.

Austin, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 30°23'25" N., longitude 97°43'35" W.; within a 7-mile radius of Bergstrom AFB; within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 7-mile radius area to 12 miles S of the LOM; and within 2 miles each side of the Austin ILS localizer SE course, extending from the 7-mile radius area to 8 miles SE of the Austin LOM.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Babylon, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Republic Airport, Farmingdale, N. Y. (latitude 40°43'45" N., longitude 73°24'45" W.); within 2 miles each side of the 158° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; within 2 miles each side of the 165° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; and within an 8-mile radius of Grumman Bethpage Airport, Bethpage, N. Y. (latitude 40°44'45" N., longitude 73°29'35" W.); within a 5-mile radius of Deer Park Airport, Deer Park, N.Y. (latitude 40°45'31" N., longitude 73°18'35" W.); and within 2 miles each side of the Deer Park VORTAC 007° radial extending from the 5-mile radius area to 8 miles N of the VORTAC, excluding the portion within the Islip, N. Y., and New York, N. Y., transition areas.

Baker, Oreg.
That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V-298.

AMENDMENTS 6/25/70 35 F. R. 6704 (Rewritten)

Bakersfield. Calif.
That airspace extending upward from 700 feet above the surface within 4 miles NE and 5 miles SW of 135° and 315° bearings from the Bakersfield LOM, extending from the arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), to 10 miles SE of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118° 45' 00" W., on the S by latitude 35° 05' 00" N., on the W by a line extending from latitude 35° 05' 00" N., longitude 120° 05' 00" W., to latitude 35° 43' 50" N., longitude 120° 05' 00" W, to latitude 35° 43' 50" N, longitude 119° 30' 00" W. to latitude 36° 00' 00" N. longitude 119° 30' 00" W. and on the N by latitude 36° 00' 00" N.

Baltimore, Md.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; within 2 miles each side of the runway 33 centerline extended from the 9-mile radius area to 9 miles northwest of the end of the runway; within 5 miles north and 8 miles south of the Baltimore ILS west course extending from the 9-mile radius area to 12 miles west of the OM; within a 6-mile radius of the center, 39°19'35" N., 76°25'00" W., of Martin Airport, Baltimore, Md.; within 2 miles each side of the runway 14 centerline extended from the 6-mile radius area to 7 miles southeast of the end of the runway; within 2 miles each side of the runway 36 centerline extended from the 6-mile radius area to 9 miles north of the end of the runway; within 2 miles each side of a 132° bearing from the Martin RBN (39°18'15" N., 76°22'45" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN; within 2 miles each side of the Martin TACAN (39°19'18" N., 76°24'42" W.) 317° radial extending from the 6-mile radius area to 15 miles northwest of the TACAN and within a 19-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 004° radial to the 035° radial.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 38°47'00" N., 76°16'00" W., to 38°57'00" N., 75°53'00" W. to 39°10'00" N., 75°53'00" W. to 39°18'20" N., 75°36'40" W. to 39°50'00" N., 76°19'40" W. to 39°50'00" N., 77°30'00" W. to 39°16'00" N., 77°30'00" W. to 39°18'00" N., 77°22'00" W. to 39°09'00" N., 77°12'00" W. to 38°57'00" N., 76°22'00" W. to the point of beginning.

Bangor, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius arc of the center (44°48'20" N., 68°49'32" W,), of the Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Bangor International Airport extending clockwise from 093° to 245°; within 2 miles each side of the Bangor
VORTAC 318° radial extending from the VORTAC to 12 miles NW of the VORTAC; within 5 miles E and 8 miles W of the Bangor ILS localizer SE course extending from the OM to 12 miles SE of the OM; within a 5-mile radius area of the center (44°57'10" N., 68°40'15" W.), of Old Town Municipal Airport, Old Town, Maine, and within 2 miles each side of the Bangor VORTAC 052° radial extending from the Old Town Municipal Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Bangor VORTAC 050° radial extending
from the Old Town Municipal Airport 5- mile radius area to 25 miles northeast of the VORTAC; within 2 miles each side of a 028° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the Old Town Municipal Airport 5-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Old Town Municipal Airport Runway 22 centerline extended from the Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the Old Town Municipal Airport Runway 33 centerline extended from the Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the Old Town Municipal Airport Runway 15 centerline extended from the Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway;
and that airspace
extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 50' 00" N., longitude 67° 56' 00" W., to latitude 44° 18' 30" N., longitude 67° 56' 00" W., to latitude 43° 52' 00" N., longitude 69° 00' 00" W., to latitude 43° 48' 00" N., longitude 69° 03' 00" W., to latitude 43° 50' 00" N., longitude 69° 18' 00" W.,to latitude 43° 59' 00" N., longitude 69° 16' 00" W., to latitude 44° 09' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 06' 00" W., to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 55' 00" N., longitude 70° 28' 00" W., to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W., to latitude 44° 16' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W., to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 45° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W., to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W., to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border to latitude 45° 09' 00" N., longitude 67° 23' 00" W., to latitude 45° 07' 00" N., longitude 67° 30' 00" W., to latitude 44°50'00" N., longitude 67°30'00" W., to the point of beginning.
That airspace extending upward from 5,500 feet MSL bounded by a line beginning at 45°24'00" N., 68°55'00" W., to 45°12'00" N., 69°23'00" W., to 45°07'30" N., 69°28'00" W., to 45°23'00" N., 69°48'00" W., to 45°23'00" N., 69°30'00" W., to the point of beginning.

Baraboo, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bell Airport, Baraboo, Wis. (latitude 43°31'13" N.; longitude 89°46'09" W.); and within 2 miles each side of the Dells VOR 013° radial, extending from the 5-mile radius to 8 miles N of the VOR.

Bardstown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°48'50" N., 85°30'00" W. of Samuels Field, Bardstown, Ky.; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 5 miles south of the end of the runway and within 2 miles each side of a 022° bearing from the Bardstown, Ky. RBN 37°50'52" N., 85°29'00" W. extending from the 5-mile radius area to 8 miles north of the RBN.

Bar Harbor, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bar Harbor Municipal Airport (latitude 44°27'00" N., longitude 68°21'45" W.); within 2 miles each side of the 019° bearing from the Bar Harbor RBN, extending from the 5-mile radius area to 8 miles NE of the RBN; within 2 miles each side of the 331° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles NW of the airport; within 2 miles each side of the 201° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles SW of the airport; and within 2 miles each side of the 271° bearing from the Bar Harbor Airport, extending from the 5-mile radius area to 7 miles W of the airport.

Barnesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 00'10" N., long. 81°11'30" W., of the Bradfield Airport, Barnesville, Ohio.

AMENDMENTS 1/7/71 35 F. R. 19248 (Added)

Barnwell, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barnwell County Airport (lat. 33°15'26" N., long. 81°23'06" W.); within 3 miles each side of the 009° bearing from Barnwell RBN (lat. 33°15'31" N., long. 81°22'43" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within R-6004.

AMENDMENTS 12/10/70 35 F. R. 14924 (Added)

Bartlesville, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Phillips Airport (latitude 36°45'45" N., longitude 96°00'30" W.), and within 2 miles each side of the Barltesville VORTAC 355° radial extending from the 8-mile radius area to 8 miles north of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

PENDING AMENDMENT
Bartow, Fla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bartow Municipal Airport (lat. 27°57'00" N., long. 81°47'00" W.).

AMENDMENTS 3/4/71 35 F. R. 19083 (Added)

Bastrop, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Airport (latitude 32°45'30" N., longitude 91°53'00" W.), and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC.

Batavia, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, latitude 43°01'55" N., longitude 78°10'20" W., of Genesee County Airport and within 2 miles each side of the Geneseo, N. Y., VORTAC 302° radial extending from the 5-mile radius area to 20 miles northwest of the Geneseo, N. Y., VORTAC.

Batesville, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Batesville Regional Airport (latitude 35°43'50" N., longitude 91°38'25" W.), and within 2 miles each side of the 106° bearing from the Batesville RBN (latitude 35°43'44" N., longitude 91°38'17" W.), extending from the 5-mile radius area to 8 miles east of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)
AMENDMENTS 10/30/70 35 F. R. 17246 (Changed)

Baton Rouge, La.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport, within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest, within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC, and within 2 miles each side of the Baton Rouge VORTAC 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport.
AMENDMENTS 3/5/70 35 F. R. 6 (Changed); 8/20/70 35 F. R. 10505 (Rewritten)

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface
bounded on the north by latitude 42°38'00" N., on the east by longitude 84°50'00" W., on the south by the Michigan-Indiana boundary, on the southwest by V-277 and on the west by longitude 86°00'00" W.

AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Battle Mountain, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°35'55" N., longitude 116°52'25" W.), and within 8 miles northwest and 5 miles southeast of the Battle Mountain VORTAC 218° radial extending from the VORTAC to 17.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 5 miles north of and parallel to the Battle Mountain VORTAC 264° and 084° radials, on the west and southwest by an arc of a 23-mile radius circle centered on Battle Mountain VORTAC extending counterclockwise from a line 5 miles N of and parallel to the Battle Mountain VORTAC 264° radial to a line 6 miles southeast of and parallel to the Battle Mountain VORTAC 218° radial, on the southeast by a line 6 miles southeast of and parallel to the Battle Mountain VORTAC 218° radial, on the east by longitude 116°50'30" W., and that airspace within 9 miles north and 6 miles south of the Battle Mountain 077° and 257° radials extending from 18.5 miles east to 7 miles west of the VORTAC.

Baudette, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'25" N., longitude 94°36'24" W.) and within 2 miles each side of the 111° bearing from Baudette International Airport extending from the 5-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 111° and 291° bearings from Baudette International Airport extending from 7 miles W to 13 miles E of the airport, excluding the portion outside of the United States.

Bay City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.) excluding the portion within the Saginaw, Mich., control zone.

PENDING AMENDMENT
Bay City, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), excluding that portion within a 1-mile radius of Bay City Airport (lat. 28°58'41" N., long. 95°56'22" W.).
AMENDMENTS 2/4/71 35 F. R. 18454 (Added)

Beatrice, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Beatrice Municipal Airport (latitude 40°18'00" N., longitude 96°45'15" W.), and within 8 miles SW and 5 miles NE of the Beatrice VOR 319° radial extending from the VOR to a point 12 miles NW of the VOR.

Beaufort, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN.

AMENDMENTS 11/12/70 35 F. R. 13723 (Rewritten)

Beaumont, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (latitude 30°04'15" N., longitude 94°13'00" W.), within 3 miles each side of the Beaumont ILS localizer southeast course extending from the 7-mile radius area to 13.5 miles southeast of the approach end of Jefferson County Airport Runway 29, and within 2.5 miles each side of the Beaumont ILS localizer northwest course extending from the 7-mile radius area to the 5-mile radius area.

AMENDMENTS 3/5/70 35 F. R. 6 (Changed); 4/30/70 35 F. R. 3881 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Beaver Falls, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

Beckley, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Raleigh County Memorial Airport, Beckley, W. Va. (latitude 37° 47' 10" N., longitude 81° 07' 25" W.), and within 2 miles each side of the Beckley VOR 130° and 154° radials, extending from the 7-mile radius area to 13 miles SE of the VOR.

Bedford, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 302° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

AMENDMENTS 3/5/70 35 F. R. 1102 (Rewritten)
AMENDMENTS 12/10/70 35 F. R. 16242 (Rewritten): Corr: 35 F. R. 16636

Beeville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAAS Chase Field (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles NW and SE of the TACAN; within 2 miles each side of the 339° bearing from the NAAS Chase RBN extending from the 7-mile radius area to 12 miles N of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3½ miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 17 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

AMENDMENTS 1/8/70 34 F. R. 18851 (Rewritten)
PENDING AMENDMENT
Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from the Antrim County Airport, extending from the airport to 25 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area.

AMENDMENTS 3/4/71 35 F. R. 19983 (Rewritten)

Belleville, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

Bellingham, Wash.
That airspace extending upward from 700 feet above the surface bounded on the east by longitude 122°15'00" W., on the south by latitude 48°52'00" N., on the west and north by the United States/Canada border, and within 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from 21.5 to 24 miles south of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14765 (Rewritten)

Belzoni, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belzoni Municipal Airport (latitude 33°08'40" N., longitude 90°30'55" W.).

AMENDMENTS 4/2/70 35 F. R. 1219 (Added); Eff. date changed 4/30/70 35 F. R. 5913

Bemidji, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VORTAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Bend, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bend Municipal Airport (latitude 44°05'35" N., longitude 121°12'00" W.) and within 2 miles each side of the Redmond VORTAC 334° and 154° radials, extending from the 5-mile radius area to 1 mile northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Redmond VORTAC 334° radial, extending from the VORTAC to 12 miles northwest of the VORTAC.

Bennington, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°53'30" N., 73°14'50" W. of Bennington State Airport, Bennington, Vt., and within 2 miles each side of the Cambridge, N. Y., VOR 145° radial, extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

Benton Harbor, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ross Field (latitude 42°07'40" N., longiiude 86°25'40" W.), and within 2 miles each side of the ILS back course and Keller, Mich., VORTAC 266° radial extending from the 7-mile radius area to 12 miles west of the airport.

Berlin, N.H.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N. H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin, N. H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR.
That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W. to 44°31'00" N., 70°55'00" W. to 44°29'00" N., 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N., 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°20'00" W. to 44°47'00" N., 71°28'00" W. to point of beginning.

AMENDMENTS 4/30/70 35 F. R. 3221 (Changed)

Bethel, Alaska
That airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Bethel VORTAC.

Big Mountain, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

Big Piney, Wyo.
That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

AMENDMENTS 1/7/71 35 F. R. 16591 (Added)

Big Sandy, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2 miles each side of the Gregg County VORTAC 303° radial extending from the 5-mile radius area to 15 miles northwest of the VORTAC.

Big Spring, Texas
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12'55" N., longitude 101°31'06" W.

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Billings, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings VORTAC 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and the area southeast of Billings bounded on the northeast by V-86, on the south by latitude 45°20'00" N., and on the west by V-187; that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC; and the area northwest of Billings bounded on the northeast by V-187, on the southwest by V2-N, and on the northwest by the Lewistown, Mont., VORTAC 195° radial; and that airspace extending upward from 7,000 feet MSL within 7 miles north and 10 miles south of the Billings VORTAC 266° radial, extending from 6 to 43 miles west of the VORTAC.

Binghamton, N.Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Binghamton RBN.

Birmingham, Ala.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning; within 5 miles each side of Birmingham ILS localizer southwest course, extending from the 17-mile radius area to 11.5 miles southwest of the OM.

AMENDMENTS 8/20/70 35 F. R. 8926 (Changed)

Bishop, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bishop VOR (latitude 37°22'37" N., longitude 118°21'56" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 12 miles northeast of the Bishop VOR 156° and 336° radials, extending from 10 miles northwest to 22 miles southeast of the VOR; that airspace extending upward from 12,500 feet MSL within 5 miles each side of the Bishop VOR 341° radial extending from the VOR to V-244, within 5 miles each side of a direct course between the Bishop VOR and Lida Intersection, 42 miles 12,500 feet MSL, 10,500 feet MSL Lida Intersection, and within 5 miles each side of a direct course between Bishop VOR and Beatty, Nev., VOR 80 miles 12,500 feet MSL, 10,500 feet MSL Beatty.

AMENDMENTS 4/2/70 35 F. R. 2517 (Added); Eff. date changed 4/30/70 35 F. R. 5465

Bismarck, N. Dak.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Bismarck VORTAC; within a 20-mile radius of Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 204° radial clockwise to the Bismarck VORTAC 277° radial; and within a 33-mile radius of the Bismarck VORTAC extending from the Bismarck VORTAC 082° radial clockwise to the Bismarck VORTAC 204° radial.

AMENDMENTS 4/2/70 35 F. R. 2581 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Blacksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 37°12'25" N., 80°24'30" W., of VPI Airport, Blacksburg, Va.; within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC; within 2 miles each side of the Runway 8 centerline extended from the 6-mile radius area to 7 miles east of the end of the runway; and within 2 miles each side of the Runway 30 centerline extended from the 6-mile radius area to 11 miles northwest of the end of the runway, excluding the portion within the Dublin, Va., transition area.

AMENDMENTS 1/8/70 34 F. R. 18816 (Changed)

Blackstone, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.) excluding the portion within R-6602.

Blanding, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

Block Island, R. I.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Block Island Airport (latitude 41°10'05" N., longitude 71°34'40" W.), and within 2 miles each side of the 264° bearing from the Block Island RBN (latitude 41°10'07" N., longitude 71°36'23" W.), extending from the 4-mile radius area to 10 miles W of the RBN.

Bloomington, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

Bloomington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

Bluefield, W. Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), within 2 miles each side of the Bluefield VOR 267° radial, extending from the 8-mile radius area to 22 miles west of the VOR.

Blythe, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered on the Blythe Airport (latitude 33°37' 15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'00" W., on the S by the arc of an 18-mile radius circle centered on the Blythe Airport, and on the W by longitude 115°00'00" W.

Blytheville, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (latitude 35°56'15" N., longitude 89°49'45" W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (latitude 35°57'52" N., longitude 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport; and that airspace extending upward from 1,200 feet above the surface within the States of Kentucky and Missouri south of a line beginning on the Arkansas/Missouri State line at latitude 36°26'25" N., thence to latitude 36°20'00" N., longitude 89°59'00" W., to latitude 36°20'00" N., longitude 89°49'30" W., to latitude 36°33'30" N., longitude 89°34'00" W., to latitude 36°28'00" N., longitude 89°19'00" W.; and that airspace extending upward from 5,000 feet MSL bounded by a line beginning at latitude 36°33'30" N., longitude 89°34'00" W., to latitude 37°03'00" N., longitude 89°19'00" W., to latitude 36°58'30" N., longitude 89°00'00" W., to latitude 36°28'00" N., longitude 89°19'00" W., to point of beginning excluding the portion within the Tenneesee transition area, the Paducah, Ky., transition area and the portion extending upward from 5,000 feet MSL within Federal airways.

AMENDMENTS 9/17/70 35 F. R. 11899 (Rewritten)

Boise, Idaho
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°56'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-mile radius arc, centered on the Boise VORTAC, to longitude 116°14'00" W., direct to latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°27'00" N., longitude 116°22'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Boise VORTAC, extending clockwise from a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial to the Boise VORTAC 204° radial; that airspace east of Boise within a 34-mile radius of Boise VORTAC, extending clockwise from the north edge of V-4N to the northeast edge of V-4; within a 40-mile radius of Boise VORTAC, extending clockwise from the Boise VORTAC 204° radial to a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; within 8 miles south and 7 miles north of the Boise VORTAC 269° radial, extending from the 40-mile radius area to 57 miles west of the VORTAC; within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius area to 75 miles northwest of the VORTAC; within 8 miles northeast and 16 miles northwest of the Boise VORTAC 319° radial, extending from the 40-mile radius area to 55 miles northwest of the VORTAC, and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253, and on the southwest by a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL, extending from the 34-mile radius area bounded on the north by the south edge of V-500, on the northeast by the southwest edge of V-293 and on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4.

AMENDMENTS 3/5/70 35 F. R. 944 (Rewritten)

Bonneville, Utah.
That airspace SE of Bonneville extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°35'00" N., longitude 113°00'00" W., thence via longitude 113°00'00" W., to the S edge of V-32, thence via the S edge of V-32 to longitude 112°56'30" W., thence via longitude 112°56'30" W., to latitude 40°40'00" N., thence to point of beginning; and that airspace extending upward from 8,500 feet AMSL bounded on the S by latitude 40°35'00" N., on the W by longitude 113°51' 00" W., on the N by the S edge of V-32 and on the E by longitude 113°00'00" W.

Boone, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'05" N., longitude 93°50'45" W.) and within 2 miles each side of the 338° bearing from Boone Municipal Airport extending from the airport to 8 miles north and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 338° bearing from Boone Municipal Airport extending from the airport to 12 miles north.

Borger, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR.

Boston, Mass.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at:
Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°43'00" N., longitude 70°46'00" W. to latitude 42°30'00" N., longitude 70°48'00" W. to latitude 42°14'00" N., longitude 70°38'00" W. to latitude 41°59'00" N., longitude 70°48'00" W. to latitude 41°59'00" N., longitude 70°53'00" W. to latitude 42°03'00" N., longitude 71°10'00" W. to latitude 42°13'00" N., longitude 71°21'00" W. to latitude 42°21'00" N., longitude 71°25'00" W. to latitude 42°22'00" N., longitude 71°47'00" W. to latitude 42°27'00" N., longitude 71°55'00" W. to latitude 42°39'00" N., longitude 71°55'00" W. to latitude 42°41'00" N., longitude 71°42'00" W. to latitude 42°38'00" N., longitude 71°20'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning; and within 3.5 miles each side of the 153° bearing from the Norwood, Mass., RBN (42°07'10" N., 71°07'41" W.) extending from the NDB to 10.5 miles southeast of the NDB; that airspace
extending upward from 1,200 feet above the surface bounded by a line beginning at:
Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at:
Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

AMENDMENTS 6/1/70 35 F. R. 8348 (Changed)

Bowie, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (latitude 33°36'15" N., longitude 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 359° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

Bowling Green, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky.; and within 3.5 miles each side of the Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 16.5 miles southwest of the VORTAC. That airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 4.5 miles northwest of the Bowling Green VORTAC 206° radial, extending from the VORTAC to the Tennessee transition area.

AMENDMENTS 6/25/70 35 F. R. 7379 (Rewritten)

Bozeman, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 10½ miles southwest of the Bozeman VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR.

Bradford, Pa.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 4.5 miles northeast and 9.5 miles southwest of the Bradford Regional Airport Runway 32 ILS localizer southeast course, extending from the LOM to 18.5 miles southeast of the LOM; within 5 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 11-mile radius area to 14 miles northwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7378 (Rewritten)

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile radius area to 7½ miles southeast of the VORTAC; within 3 miles each side of the 313° bearing from Brainerd-Crow Wing County Airport extending from the 7-mile radius area to 7½ miles northwest of the airport; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles northwest and 4½ miles southeast of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius area to 18½ miles northeast of the airport; within 9½ miles southwest and 4½ miles northeast of the 313° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius area to 18½ miles northwest of the airport; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; and within 9½ miles northeast and 4½ miles southwest of the 120° radial of the Brainerd VORTAC, extending from the 13-mile radius area to 18½ miles southeast of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14303 (Rewritten) Corr: 35 F. R. 18191

Bridgeport, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°09'41" N., 73°07'35" W., of the Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 229° radial extending SW from the 7-mile radius area for 1 mile; within a 7-mile radius of the center 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 5 miles W and 8 miles E of the New Haven VOR 192° radial extending from the New Haven VOR for 12 miles; within 5 miles E and 5 miles W of the Hartford, Conn., VOR 223° radial extending NE from the Bridgeport 7-mile radius area for 24 miles; within 5 miles E and 5 miles W of the Poughkeepsie, N.Y., VOR 149° radial extending NW from the Bridgeport 7-mile radius area for 11 miles, within 5 miles N and 5 miles S of the Carmel, N.Y., VOR 065° radial extending from the Carmel VOR to 17 miles NE of the VOR; within 5 miles N and 5 miles S of the Carmel VOR 093° radial extending from the Carmel VOR to 28 miles E of the VOR, excluding those portions that coincide with the White Plains, N.Y., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°30'00" W. to 41°31'00" N., 73°20'00" W. to 41°49'00" N.,73°16'00" W. to 41°31'00" N., 72°46'00" W. to 41°18'00" N., 72°30'30" W. to 41°00'00" N., 72°45'00" W. to 41°00'00" N., 73°33'00" W. to 41°10'00" N., 73°33'00" W. to 41°20'00" N., 73°23'00" W. to 41°25'00" N., 73°30'00" W. to point of beginning.

Bridgeport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bridgeport Airport (latitude 33°15'42" N., longitude 97°47'48" W.); and within 2 miles each side of the Bridgeport VORTAC 135° radial, extending from the 5-mile radius area to 8 miles SE of the VORTAC.
PENDING AMENDMENT
Bridgeport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake Bridgeport Airport (lat. 33°10'30" N., long. 97°49'00" W.).
AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)

Brigham City, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 4.5 miles each side of the 205° T (188°M) bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

AMENDMENTS 4/30/70 35 F. R. 4258 (Rewritten)

Broken Bow, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Broken Bow Municipal Airport (latitude 41°26'05" N., longitude 99°38'25" W.); and within 3 miles each side of the 321° bearing from Broken Bow Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 321° and 141° bearings from Broken Bow Municipal Airport; extending from 6 miles southeast to 18½ miles northwest of the airport.
AMENDMENTS 7/23/70 35 F. R. 8474 (Added)

Brookhaven, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookhaven Municipal Airport (lat. 31°36'20" N., long. 90°24'00" W.).
AMENDMENTS 11/12/70 35 F. R. 13724 (Added)

Brookings, S. Dak.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookings, S. Dak., Municipal Airport (latitude 44°18'12" N., longitude 96° 48' 40" W.); and within 8 miles NE and 5 miles SW of the 138° bearing from Brookings Municipal Airport extending from the airport to 12 miles SE of the airport; and within 5 miles NE and 8 miles SW of the 298° bearing from Brookings Municipal Airport extending from the airport to 12 miles NW of the airport.

Brownsville, Tex.
That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.);
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Brownwood, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Brownwood Municipal Airport (latitude 31°47'40" N., longitude 98°57'25" W.); and within 2 miles each side of the Brownwood VOR 360° and 180° radials, extending from the 6-mile radius area to 8 miles N of the VOR.

Brunswick, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'50" W.); within 4.5 miles each side of Glynco TACAN 055° radial, extending from the 8.5-mile radius area to 7 miles northeast of the TACAN; within 4.5 miles each side of Glynco TACAN 250° radial, extending from the 8.5-mile radius area to 8.5 miles west of the TACAN; within 3 miles each side of the 268° bearing from Glynco RBN, extending from the 8.5-mile radius area to 8.5 miles west of the RBN; within an 8.5-mile radius of Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport (latitude 31°04'25" N., longitude 81°25'40" W.); within 3 miles each side of Brunswick VOR 203° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VOR, excluding the portion outside the continental limits of the United States.

Brunswick, Maine
That airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 9-mile radius area to 12 miles S of the VOR; within 2 miles each side of a line bearing 173° from latitude 43°48'53" N., longitude 69°55'30" W., extending from the 9-mile radius area to 12 miles S of latitude 43°48'53" N., longitude 69°55'30" W.

Bryan, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

Bryce Canyon, Utah
That airspace extending upward from 11,500 feet MSL within 7 miles NW and 10 miles SE of the Bryce Canyon VORTAC 240° and 060° radials, extending from 20 miles SW to 9 miles NE of the VORTAC.

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 052° to 112° clockwise, centered on a point, 42°56'26" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'55" W., of Niagara Falls International Airport; within 8 miles north and 5 miles south of the Niagara Falls International Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls International Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N. Y., VORTAC 034° radial; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43° 38' 00" N., longitude 78° 41' 00" W., to latitude 43° 21' 00" N., longitude 78° 00' 00" W., to latitude 43° 06' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 52' 00" W., to latitude 42° 37' 00" N., longitude 79° 15' 00" W., to latitude 42° 41' 00" N., longitude 79° 19' 30" W., thence via the United States/Canadian border to the point of beginning, excluding the portion outside the United States.

Buffalo, Wyo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

AMENDMENTS 2/5/70 34 F. R. 18752 (Added)

Burbank, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 27' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 53' 30" W.; to latitude 34° 21' 30" N., longitude 118° 53' 00" W.; to latitude 34° 30' 30" N., longitude 118° 27' 00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00"W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

Burley, Idaho
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Burley VORTAC 121° radial and extending from 5 miles southeast to 26.5 miles southeast of the VORTAC; within 4 miles each side of the Burley VORTAC 290° radial, extending 10 miles west of the VORTAC; within 3.5 miles each side of the Burley VORTAC 323° radial, extending 7 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 12 miles north and 9 miles south of the Burley VORTAC 075° and 255° radials, extending from 18 miles east of the Burley VORTAC to 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR; that airspace southeast of Burley bounded on the north by the south edge of V-4, on the south by the south edge of V-101 and on the east by an arc of a 33.5-mile radius circle centered on the Burley VORTAC.

AMENDMENTS 4/30/70 35 F. R. 4258 (Rewritten)

Burlington, Iowa
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); and within 2 miles each side of the 293° radial of the Burlington VORTAC extending from the 8½-mile radius area to the Burlington VORTAC; and that airspace extending upward from 1,200 feet above the surface west of the Iowa-Illinois boundary within a 14-mile radius of Burlington Municipal Airport.

AMENDMENTS 1/7/71 35 F. R. 17033 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Burlington, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport (latitude 36°02'45" N., longitude 79°28'40" W.); within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

Burlington, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°28'15" N., 73°09'10" W., of Burlington International Airport, Burlington, Vt.; within 2 miles each side of the Burlington VOR 201° radial extending from the 10-mile radius to 8 miles south of the Burlington VOR; within 8 miles northeast and 5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius to 12 miles northwest of the Burlington LOM; excluding that airspace that coincides with the Plattsburgh, N. Y., transition area.
That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: 45°00'30" N., 72°00'00" W. to 44°55'00" N., 72°05'00" W. to 44°25'00" N., 72°20'00" W. to 43°55'00" N., 72°16'00" W. to 43°47'00" N., 72°39'00" W., 44°00'00" N., 73°16'00" W. to 44°00'00" N., 74°35'00" W. to 44°42'00" N., 74°54'00" W. to 44°42'00" N., 75°05'00" W. to 44°56'00" N., 75°05'00" W. thence easterly along the United States-Canadian Border to the point of beginning.

Burnet, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (latitude 30°44'34" N., longitude 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (latitude 30°44'35" N., longitude 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

PENDING AMENDMENT
Burwell, Nebr.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46'35" N., longitude 99°08'55" W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 330° bearing from the Burwell Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

AMENDMENTS 2/4/71 35 F. R. 18506 (Added)

Butler, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within 2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler-Graham Airport (latitude 40° 46' 45" N., longitude 79° 56' 55" W.), and within 2 miles each side of the Butler RBN 180° and 002° bearings, extending from the 5-mile radius area to 8 miles S of the RBN.

Butte, Mont.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Butte, Mont., VOR 115° radial extending from a 5-mile radius circle centered on Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112°29'50" W.) to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Butte VOR 325° radial extending from the VOR to 12 miles NW of the VOR; within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR; and within 10 miles N and 7 miles S of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles E to 19 miles W or the VOR.

Cadillac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'30" N., longitude 85°25'10" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

Cairo, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (latitude 37°03'50" N., longitude 89°13'15" W.); and within 3 miles each side of the 032° bearing from Cairo Airport, extending from the 5½-mile radius to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 032° and 212° bearings from Cairo Airport extending from 6 miles southwest to 18½ miles northeast of the airport; and within 5 miles each side of the 212° bearing from Cairo Airport, extending from the airport to 12 miles southwest of the airport, excluding the portion which overlies the Sikeston, Mo., transition area, excluding the portion which overlies the State of Illinois.

AMENDMENTS 4/2/70 35 F. R. 2580 (Added); Eff. date changed 4/30/70 35 F. R. 6272
AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Calverton, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Peconic Airport (latitude 40°54'55" N., longitude 72°47'35" W.).

AMENDMENTS 6/24/70 35 F. R. 10287 (Changed)

Cambridge, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°32'30" N., 76°01'55" W.), of Cambridge Municipal Airport and within 2 miles each side of a 145° bearing from the Cambridge, Md., RBN (38° 32' 17" N., 76° 01' 56" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN and within 2 miles each side of the Salisbury, Md. VORTAC 295° radial, extending from the 5-mile radius area to 25 miles northwest of the VORTAC.

Camden, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.), and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Camden, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 3 miles each side of the 040° bearing from Camden RBN (latitude 34°17'02" N., longitude 80°33'42.5" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

Campbellsville, Ky.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 37°21'22" N., 85°18'40" W. of Taylor County Airport, Campbellsville, Ky., and within 2 miles each side of the Campbellsville RBN 171° bearing extending from the 4-mile radius area to 8 miles south of the RBN, effective from 0830 to 1900 local time daily.

Camp Douglas, Wis.
That airspace extending upward from 700 feet above the surface, within a 10-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 10-mile radius to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface N of V82 and V170, within a 30-mile radius of Volk Field, excluding the portions which coincide with R-6901 and R-6904 or overlie the Madison, Wis., transition area.

Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 5 miles east and 8 miles west of the Cape Girardeau VOR 196° radial, extending from the 8-mile radius area to 12 miles south of the VOR; and within 5 miles north and 8 miles south of the Cape Girardeau VOR 279° radial, extending from the 8-mile radius area to 12 miles west of the VOR.
AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

PENDING AMENDMENT
Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 4½ miles east and 9½ miles west of the Cape Girardeau VOR 194° radial, extending from the 10-mile radius area to 18½ miles south of the VOR; and within 4½ miles north and 9½ miles south of the Cape Girardeau VOR 279° radial, extending from the 10-mile radius area to 18½ miles west of the VOR, excluding the portion which overlies the Sikeston, Mo., transition area.
AMENDMENTS 2/4/71 35 F. R. 18509 (Rewritten)

Carbondale, Colo.
That airspace extending upward from 10,500 feet MSL within 3 miles northeast and 2 miles southwest of the 138° and 318° bearings from the Carbondale, Colo., RBN (latitude 39°24'42" N., longitude 107°09'32" W.) extending from 12 miles northwest to 3 miles southeast of the RBN; that airspace extending upward from 11,300 feet MSL within 8 miles northeast and 5 miles southwest of the 138° and 318° bearings from the Carbondale, Colo., RBN extending from 13 miles northwest to 7 miles southeast of the RBN, excluding that portion east of west longitude 107°02'00".

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 157° radial extending from the 7-mile radius area to 11 miles southeast of the VOR.

AMENDMENTS 3/5/70 35 F. R. 308 (Rewritten); 9/17/70 35 F.R. 11617 (Changed; 11/12/70 35 F.R. 14304 (Changed)

Carroll, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'02" W.); and within 2 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 12 miles southeast of the airport.

PENDING AMENDMENT
Carroll, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 18½ miles southeast of the airport.
AMENDMENTS 3/4/71 36 F. R. 214 (Rewritten)

Casper, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Casper ILS localizer west course, extending from the OM to 18.5 miles west of the OM and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Casper RBN and that airspace northwest of Casper extending upward from 11,500 feet MSL, extending from the 35-mile radius area to an arc of a 60-mile radius circle centered on the Casper VORTAC, bounded on the south by the north edge of V-298 and on the east by the west edge of V-19.

AMENDMENTS 6/25/70 35 F. R. 7379 (Rewritten)

PENDING AMENDMENT
The Casper, Wyo., 700-foot portion of the transition area is amended by deleting all after "18.5 miles west of the OM" and substituting therefore "within 4 miles each side of the Casper ILS localizer east course, extending from the 5-mile radius zone to 3 miles east of the Casper RBN and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC;"

AMENDMENTS 2/4/71 35 F. R. 18735 (Changed)

Cecil, Wis.
That airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Green Bay, Wis., VOR 320° radial extending from 17 miles NW to 37 miles NW of the Green Bay VOR.

Cedar City, Utah
Thar airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

Cedar Rapids, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 4½ miles north and 9½ miles south of the Cedar Rapids ILS localizer west course, extending from the OM to 18½ miles west of the OM; and within 4½ miles north and 9½ miles south of the Cedar Rapids VORTAC 264° radial, extending from the VORTAC to 18½ miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W.; thence south along longitude 91°00'00" W.; to and west along the north edge of V-434; to and northwest along the northeast edge of V-52; to and north along longitude 92°53'00" W.; to and northeast along the southeast edge of V-161; to and east along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC; to and southeast along the southwest edge of V-67; to and east along latitude 42°05'00" N.; to the point of beginning excluding the area which overlies the Ottumwa, Iowa, transition area.

AMENDMENTS 6/25/70 35 F. R. 7177 (Rewritten)

Cedar Springs, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Great Northern Airport (latitude 31°10'30" N., longitude 85°05'40" W.); within 2 miles each side of the Dothan VORTAC 110° radial, extending from the 5-mile radius area to 15 miles east of the VORTAC.

Cedartown, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cornelius-Moore Field (latitude 34°01'20" N., longitude 85°08'50" W.).

Centerville, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Centerville Municipal Airport (latitude 35°50'15" N., longitude 87°26'45" W.); within 3 miles each side of Graham, Tenn., VOR 177° radial, extending from the 5.5-mile radius area to 8.5 miles south of the VOR.

AMENDMENTS 4/30/70 35 F. R. 4257 (Rewritten)

Centralia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Chadron, Nebr.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Chadron VOR 030° and 210° radials, extending from 5 miles NE to 14 miles SW of the VOR.

Champaign, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC excluding the portion which overlies the Rantoul, Ill., transition area extending upward from 700 feet above the surface.

Chanute, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the Chanute, Kans. VOR 064° and 244° radials, extending from 6 miles northeast to 18½ miles southwest of the VOR.

Charles City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'15" N., longitude 92°36'15" W.); and within 3 miles each side of the 311° bearing from Charles City Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 131° and 311° bearings from Charles City Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport excluding the portion which overlies the Waterloo, Iowa, transition area.

Charleston, S. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 4 miles each side of Charleston VORTAC 140° radial, extending from the 9-mile radius area to 11 miles southeast of the VORTAC; within 5 miles each side of Charleston VORTAC 332° radial, extending from the 9-mile radius area to 16 miles northwest of the VORTAC.

AMENDMENTS 8/20/70 35 F. R. 10504 (Rewritten)

Charleston, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°22'21" N, 81°35'35" W, of Kanawha Airport, Charleston, W. Va.; within 8 miles NW and 5 miles SE of the ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the ILS OM.

Charlotte, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

Charlotte, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 058° radial, extending from the 8.5-mile radius area to 14 miles northeast of the VORTAC; within 9.5 miles west and 4.5 miles east of Charlotte VORTAC 171° radial, extending from the 5.5 NM DME Fix to 24 miles south of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte VORTAC 223° radial, extending from the 5.5 NM DME Fix to 24 miles southwest of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within a 6.5-mile radius of Gastonia Municipal Airport, N. C. (latitude 35°12'00" N., longitude 81°09'05" W.); within a 6.5-mile radius of Rock Hill Municipal Airport, S. C. (latitude 34°59'05" N., longitude 81°03'30" W.).

AMENDMENTS 4/2/70 35 F. R. 2645 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Charlotte Amalie, St. Thomas, V. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.); within 3.5 miles each side of the St. Thomas VOR 359° radial, extending from the 8-mile radius area to 11 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Harry S. Truman Airport.

AMENDMENTS 2/5/70 34 F. R. 19500 (Rewritten)

Charlottesville, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Charlottesville-Albemarle Airport (latitude 38°08'25" N., longitude 78°27'10" W.); and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 6-mile radius area to 8 miles south of the Charlottesville RBN; within 2 miles each side of a line bearing 045° from a point at latitude 38°08'21" N., longitude 78°27'00" W., extending from the 6-mile radius area to 8 miles northeast of that point.

Chattanooga, Tenn.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 030° to the 210° bearing from Lovell Field; within a 19-mile radius of Lovell Field, extending clockwise from the 210° to the 030° bearing from Lovell Field.

AMENDMENTS 6/25/70 35 F. R. 6273 (Rewritten)

Cheraw, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cheraw Municipal Airport (latitude 34°42'45" N., longitude 79°57'35" W.); within 2 miles each side of the Chesterfield VOR 077° radial extending from the 5-mile radius area to the VOR.

Cherokee, Wyo.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles east and 19 miles west of the VORTAC.

Cherokee Village, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cherokee Village Airport (latitude 36°15'49" N., longitude 91°33'55" W.), within 3.5 miles each side of the 223° bearing from the Cherokee Village RBN (latitude 36°15'55" N., longitude 91°33'45" W.) extending from the 8-mile radius area to 11 miles southwest of the RBN.

AMENDMENTS 6/25/70 35 F. R. 7109 (Added); Corr: 35 F. R. 8738
AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Chester, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

Chesterfield, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Missouri VORTAC 310° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the 9-mile radius area to 16½ miles southwest of the VORTAC; and within 2½ miles each side of the Spirit of St. Louis ILS localizer west course, extending from the 9-mile radius area to 8 miles west of the OM, excluding the portion which overlies the St. Louis, Mo., 700-foot floor transition area.

AMENDMENTS 4/30/70 35 F. R. 3221 (Rewritten)

Cheyenne, Wyo.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo. transition area.

Chicago, Ill.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°31'00" N., longitude 87°47'00" W.; to latitude 41°29'00" N., longitude 87°34'00" W.; to latitude 41°29'00" N., longitude 87°19'00" W.; to latitude 41°55'00" N., longitude 87°19'00" W.; to latitude 42°30'00" N., longitude 87°35'00" W.; to latitude 42°38'00" N., longitude 87°52'00" W.; to latitude 42°30'00" N., longitude 87°59'00" W.; to latitude 42°25'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°25'00" W.; to latitude 41°55'00" N., longitude 88°25'00" W.; to latitude 41°53'00" N., longitude 88°31'00" W.; to latitude 41°50'00" N., longitude 88°31'00" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Aurora Municipal Airport (latitude 41°46'14" N., longitude 88°28'16" W.) to latitude 41°48'00" N., longitude 88°22'50" W. to latitude 41°50'00" N., longitude 88°12'00" W to point of beginning and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 41°55'00" N.; longitude 89°50'00" W to latitude 41°55'00" N, longitude 88°30'00" W. to latitude 42°30'00" N., longitude 88°30'00" W. to latitude 42°30'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 86°33'00" W. to latitude 40°45'00" N., longitude 86°33'00" W. to latitude 40°45'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 89°50'00" W. thence north to point of beginning, excluding the portion which overlies the States of Illinois and Indiana.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Chico, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°52'10" W.

Chicopee Falls, Mass.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass., and within that airspace bounded by a line beginning at 42°11'50" N., 72°54'10" W. to 42°32'20" N., 72°49'20" W. to 42°30'00" N., 72°32'00" W. to 42°24'45" N.; 72°34'00" W. to 42°24'50" N.; 72°33'25" W. to 42°22'00" N.; 72°34'00" W., thence to the point of beginning, excluding the portion which coincides with the Hartford, Conn., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.
AMENDMENTS 11/12/70 35 F. R. 14449 (Changed)

Childress, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.);
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed): 11/12/70 35 F. R. 14651 (Changed)

China Lake NAF, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the NAF China Lake TACAN 350° radial extending from 8 miles to 12 miles N of the TACAN and within 2 miles each side of the NAF China Lake TACAN 148° radial extending from 8 miles to 11 miles SE of the TACAN.

Chincoteague, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of NASA Wallops Station Airport, that airspace northwest of the Snow Hill, Md., VORTAC bounded on the northwest by V-1, on the east by V-29 and on the south by the 12-mile radius area; within 8 miles southeast and 5 miles northwest of the Snow Hill, Md. VORTAC 047° radial extending from the VORTAC to 26 miles northeast; within 5 miles each side of the Waterloo, Del., VORTAC 172° radial extending from 18 miles south to 40 miles south of the VORTAC; and the area extending southwest from the 12-mile radius area bounded on the east by a line 3 nautical miles east and parallel to the shoreline, on the south by the Norfolk, Va., transition area, and on the west by the southeast boundary of V-139, excluding the portion outside the United States.

Christiansted, St. Croix, V. I.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (latitude 17°42'15" N., longitude 64°47'55" W.); within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles southeast and 4.5 miles northwest of the 207° bearing from the St. Croix RBN, extending from the 15-mile radius area to 18.5 miles southwest of the RBN.
AMENDMENTS 4/2/70 35 F. R. 2819 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

Cincinnati, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 39°02'50" N., 84°40'00" W. of Greater Cincinnati Airport, Covington, Ky. and within 5 miles west and 8 miles east of the Greater Cincinnati Airport south localizer extending from the 11.5 mile radius area to 15 miles south of the Runway 36 OM; within 8 miles west and 12 miles east of the Greater Cincinnati Airport north localizer course extending from the 11.5-mile radius area to 14 miles north of the Runway 18 OM; within 2 miles each side of a line bearing 270° from the Burlington, Ky. RBN extending from the 11.5-mile radius area to 8 miles west of the RBN and within 2 miles each side of the Cincinnati VORTAC 290° radial extending from the 11.5-mile radius area to 21 miles west of the VORTAC. Within a 9-mile radius of the center, 39°06'14" N., 84°25'18" W., of Cincinnati Municipal (Lunken Field) Airport, Cincinnati, Ohio; within 2 miles each side of a 044° bearing from the Lunken RBN extending from the 9-mile radius area to 8 miles northeast of the RBN and within 2 miles each side of a 040° bearing from the Lunken RBN extending from the 9-mile radius area to 12 miles northeast of the RBN.
That airspace extending upward from 1,200 feet above the surface beginning at: 38°26'00" N., 85°15'00" W. to 39°12'00" N., 85°30'00" W. to 39°40'00" N., 84°25'00" W. to 39°19'00" N., 84°00'00" W. to 38°30'00" N., 83°59'00" W. to 38°20'00" N., 84°30'00" W. to point of beginning, excluding the portion which overlies the State of Indiana.
AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Claremont, N. H.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 43°22'15" N., 72°22'05" W., of Claremont Municipal Airport, Claremont, N. H.; and within 5 miles south and 3 miles north of the 097° bearing from the Claremont, N. H., RBN (43°21'50" N., 72°17'57" W.); extending from the RBN to 10 miles east of the RBN, excluding the portions within the Lebanon, N. H., and Springfield, Vt., transition areas.

Clarksburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Benedum Airport, Clarksburg, W. Va., 39°17'40" N., 80°13'40" W. and within 2 miles each side of the Clarksburg, VOR 216° radial extending southwesterly from the 7-mile radius area for 8 miles from the VOR and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 7 miles from the end of the runway.

Clarksdale, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fletcher Field (latitude 34°17'45" N., longitude 90°30'50" W.); within 3 miles each side of the 010° and 163° bearings from the Clarksdale RBN (latitude 34°17'33" N., longitude 90°30'57" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

AMENDMENTS 2/5/70 34 F. R. 18159 (Added)

Cleveland, Ohio
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (41°24'30" N., 81°51'00" W.), of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 18-R centerline, extended from the 12.5-mile radius area to 14.5 miles south of the end of the runway; within 3 miles each side of the 230° bearing from the Gilbert, Ohio, RBN extending from the 12.5-miles radius area to 5 miles southwest of the RBN; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 28-R centerline, extended from the 12.5-mile radius area to 13 miles west of the end of the runway; within the area bounded by a line beginning at a point on the Cleveland, Ohio, VORTAC 041° radial 20 miles northeast of the VORTAC, thence along a line bearing 052° from this point to its intersection with the arc of a 15-mile radius circle centered on Lost Nation Airport, Willoughby, Ohio (41°41'00" N., 81°23'20" W.), thence clockwise along the arc of the 15-mile radius circle to its intersection with the arc of a 9-mile radius circle centered on Casement Airport, Painesville, Ohio (41°44'05" N., 81°13'25" W.), thence clockwise along the arc of the 9-mile radius circle to its intersection with the arc of a 7.5-mile radius circle centered on Concord Airpark, Painesville, Ohio (41°40'00" N., 81° 12'00" W.), thence clockwise along the arc of the 7.5-mile radius circle to its point of intersection with a line 2 miles east and parallel to the Chardon VORTAC 350° radial, thence south along this parallel line to its point of intersection with the Chardon VORTAC 080° radial, thence west along the Chardon VORTAC 080° radial to the Chardon VORTAC, thence southeast along the Chardon VORTAC 145° radial to a point 2 miles southeast of the VORTAC, thence southwest along a line 2 miles southeast and parallel to the Chardon VORTAC 235° radial commencing at the point of intersection of this parallel line and the Chardon VORTAC 145° radial to the point of intersection with the arc of a 5.5-mile radius circle centered on Chagrin Falls Airport, Chagrin Falls, Ohio (41°25'45" N., 81°19'50" W.), thence clockwise along the arc of the 5.5-mile radius circle to the point of intersection of the 5.5-mile arc with a line bearing 180° from a point 41°25'45" N., 81°19'50" W., thence direct to the intersection of a 126° bearing from the Brecksville, Ohio, RBN and the arc of a 12.5-mile radius circle centered on the Cleveland-Hopkins International Airport, thence to the point of beginning.
that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 41°57'00" N., 81°18'00" W., thence clockwise along the arc of a 19-mile radius circle (centered at 41°41'00"N., 81°23'25" W.), to 41°24'20" N., 81°23'00" W., to 41°21'00" N., 81°31'00" W., thence clockwise along the arc of an 18-mile radius circle (centered at 41°24'30" N., 81°51'00" W.) to the 146° bearing from said center, thence southeast along the 146° bearing to 41°08'00" N., 81°36'00" W., to 40°53'00" N., 81°43'00" W., thence clockwise along the arc of a 37-mile radius circle (centered at 41°24'30" N., 81°51'00" W.) to 40°56'30" N., to 82°12'00" W., to 41°08'40" N., 82°32'00" W., thence clockwise along the arc of a 21-mile radius circle (centered at 41°26' 00" N., 82°39'05" W.) to 41°14'00" N., 82°57'00" W., to 41°19'10" N., 82°49'20" W., thence clockwise via the arc of a 12-mile radius circle (centered at 41°26'00" N., 82°39'05" W.) to 41°36'30" N., 82°40'00" W., to 41°40'30" N., 82°40'00" W., thence east along the United States-Canada border to 42°02'20" N., 81°37'00" W. to 42°00'00" N., 81°18'00" W. to point of beginning.

AMENDMENTS 11/12/70 35 F. R. 14448 (Changed)

Clinton, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°49'55" N., longitude 90°19'45" W.); within 2 miles each side of the Cordova VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Clinton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sampson County Airport (lat. 34°58'48" N., long. 78°21'48" W.); within 3 miles each side of the 247° bearing from Clinton RBN (lat. 34°58'31" N., long. 78°21'48" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.
AMENDMENTS 10/15/70 35 F. R. 13117 (Added) : Corr: 35 F. R. 14382

Clinton, Okla. (Clinton-Sherman Airport)
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), and within 8 miles west and 5 miles east of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from the 8-mile radius area to 20 miles north and 18 miles south of the ends of the runways excluding the portion within the Hobart, Okla., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 7/1/70 35 F. R. 8475 (Added); 10/15/70 35 F. R. 13425 (Changed)

Clinton, Okla. (Clinton Municipal Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clinton Municipal Airport (lat. 35°32'15" N., long. 98°56'00" W.), and within 3.5 miles each side of the 171° bearing from the Clinton RBN (lat. 35°32'00" N., long. 98°56'02" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

AMENDMENTS 10/15/70 35 F. R. 13425 (Added)

Clintonville, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'50" W.) and within 2 miles each side of the 145° bearing from Clintonville Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

Cloquet, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the Duluth, Minn., VORTAC 244° radial, extending from 18½ to 41 miles southwest of the VORTAC, excluding the portion which overlies the Duluth, Minn., 1,200-foot floor transition area.

AMENDMENTS 10/15/70 35 F. R. 12888 (Rewritten)

Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of a line from the Clovis Municipal Airport (latitude 34°25'38" N., longitude 103°04'44" W.) extending from the 23-mile radius area to the Texico, Tex., VORTAC; within 2 miles each side of a 057° bearing from latitude 34°27'30" N., longitude 103°01'30" W., extending from the 23-mile radius area to 8 miles northeast of latitude 34°27'30" N., longitude 103°01'30" W.; within 2 miles each side of a line from latitude 34°27'30" N., longitude 103°01'30" W., extending from the 23-mile radius area to the Texico, Tex., VORTAC.
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed) 11/12/70 35 F. R. 14304 (Changed)

Coaldale, Nev.
That airspace extending upward from 10,500 feet MSL within 9 miles northeast and 6 miles southwest of the Coaldale VORTAC 146° and 326° radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC.

Coatesville, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°59'00" N., 75°52'00" W. of Chester County Area Airport, Chester, Pa., and within 2 miles each side of the Coatesville RBN 283° bearing extending from the 4-mile radius area to 8 miles W of the RBN.

Cochise, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

Cochran, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Municipal Airport (latitude 32°23'49" N., longitude 83°16'31" W.); within 2 miles each side of the Vienna VORTAC 046° radial, extending from the 5-mile radius area to 12 miles northeast of the VORTAC.

Cody, Wyo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 3 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9.5 miles east of the Cody VOR 022° and 202° radials, extending from 2.5 miles south to 18.5 miles north of the VOR.
AMENDMENTS 8/20/70 35 F. R. 10503 (Rewritten); Corr: 35 F. R. 10947

Coeur D'Alene, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur D'Alene air terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 071° and 251° bearings from the Coeur D'Alene RBN (latitude 47°44'44" N., longitude 116°57'24" W.) extending from the 5-mile radius area to 8 miles west of the RBN.

Coffeyville, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles each side of the 163° bearing from Coffeyville Municipal Airport, extending from the 7-mile radius area to 8 miles south of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Coffeyville Municipal Airport extending from the airport to the Oklahoma transition area; and the area northeast of Coffeyville bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516 and on the west by V-131.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Colby, Kans.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 017° and 197° bearings from Colby Municipal Airport extending from 5 miles south to 18½ miles north of the airport.

AMENDMENTS 5/28/70 35 F. R. 6273 (Added); 7/23/70 35 F. R. 8655 (Rewritten)

Cold Bay, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 041° bearing from the Cold Bay RR, extending from the RR to 6 miles NE of the RR, and within 2 miles each side of the 263° bearing from the Cold Bay RR, extending from the RR to 6 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE of the 041° bearing from the Cold Bay RR, extending from the RR to 18 miles NE of the RR; within 5 miles S of the 263° bearing from the Cold Bay RR, extending from the RR to 18 miles W of the RR; and within the arc of an 18-mile radius circle centered on the Cold Bay RR, extending clockwise from the 263° bearing to the 041° bearing from the RR.

Coldwater, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County, Memorial Airport (latitude 41°56'05" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

College Station, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the College Station VOR 107° radial extending from 10 miles east of the VOR to 18 miles east of the VOR.

Colorado Springs, Colo.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 38°30'00" N., on the west by longitude 104°52'00" W., on the north by latitude 39°05'00" N., on the east by a line 4 n.m. west of and parallel to the Hugo, Colo., VOR 011° and 185° radials, on the southeast by the southeast boundary of V-108S and longitude 104°00'00" W.; that airspace northwest of Colorado Springs bounded on the north by latitude 39°05'00" N., on the east by longitude 104°52'00" W. and on the southwest by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial;
that airspace southwest of Colorado Springs bounded on the north by a line beginning at latitude 38°35'00" N., longitude 105°10'00" W., to latitude 38°40'00" N., longitude 104°52'00" W., on the east by longitude 104°52'00" W., on the south by the north edge of V-244 and on the west by longitude 105°10'00" W.; that airspace southwest and northwest of Colorado Springs extending upwards from 11,700 feet MSL bounded on the north by a line beginning at latitude 38°30'00" N., longitude 105°27'00" W., to latitude 38°35'00" N., longitude 105°10'00" W., on the east by longitude 105°10'00" W., on the south by the north edge of V-244 and on the west by longitude 105°27'00" W., and that airspace bounded on the north by latitude 39°05'00" N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial on the east by longitude 104°52'00" W., on the south by latitude 38°55'00" N., and on the west by longitude 105°20'00" W.

AMENDMENTS 10/15/70 35 F. R. 12650 (Changed)

Columbia, Mo.
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°09'00" N., on the west by longitude 92°31'00" W., on the south by latitude 38°53'30" N., on the east by longitude 92°14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence north along longitude 92°31'00" W., to the south edge of V-12, thence east along the south edge of V-12 to a line 5 miles southeast and parallel to the Jefferson City, Mo., VOR 041° radial, thence southwest along a line 5 miles southeast of and parallel to the Jefferson City VOR 041° and 221° radials to latitude 38°27'30" N., longitude 92°11'00" W., thence southwest to latitude 38°19'00" N., longitude 92°34'00" W., thence north to the point of beginning.

Columbia, S. C.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W); within 9.5 miles southwest and 4.5 miles northeast of Columbia VORTAC 147° radial, extending from the 11-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles south and 4.5 miles north of Columbia ILS localizer west course, extending from the 11-mile radius area to 18.5 miles west of the LOM.
AMENDMENTS 10/15/70 35 F. R. 13425 (Rewritten)

Columbus, Ga.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 10-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 1.5 miles each side, expanding in width to 5 miles each side of Columbus ILS localizer northeast course, extending from the intersection of the Columbus VOR 102° radial to 11.5 miles northeast; within 9.5 miles southwest and 4.5 miles northeast of Lawson AAF ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of Louvale RBN; within 9.5 miles southwest and 4.5 miles northeast of Columbus VOR 149° and 329° radials, extending from the 10.5-mile radius area to 18.5 miles northwest of the VOR; within 4 miles each side of Lawson VOR 339° radial, extending from the 10-mile radius area to 20.5 miles north of the VOR.

AMENDMENTS 5/19/70 35 F. R. 7858 (Changed); 10/15/70 35 F. R. 13116 (Rewritten)

Columbus, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbus Municipal Airport (latitude 39°08'09" N., longitude 85°55'29" W.), and within 2 miles each side of the 225° bearing from the Columbus Municipal Airport extending from the 5-mile radius area to 12 miles SW of the airport, excluding that portion which overlies the Atterbury, Ind., 700-foot transition area.

Columbus, Miss
That airspace extending upward from 700 feet above the surface within a 17.5-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within an 8-mile radius of Monroe County Airport (latitude 33°52'20" N., longitude 88°28'25" W.); within an 8-mile radius of Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.); within 3 miles each side of the 179° bearing from Columbus RBN (latitude 33°27'30" N., longitude 88°23'00" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN; within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial, extending from the VORTAC to 18.5 miles west.
AMENDMENTS 4/30/70 35 F. R. 4259 (Rewritten); Corr: 35 F. R. 5216

Columbus, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 8 miles NE and 5 miles SW of the Columbus VOR 141° radial extending from the VOR to 12 miles SE, and within 8 miles W and 5 miles E of the Columbus VOR 340° radial extending from the VOR to 12 miles N and within 8 miles SW and 5 miles NE of the 330° and 150° bearings from the Columbus RBN extending from 2 miles SE of the RBN to 12 miles NW of the RBN.

Columbus, Ohio
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°59'45" N., 82°53'20" W., of Port Columbus International Airport, Columbus, Ohio; within a 14-mile radius of the center, 39°48'50"
N., 82°55'40" W., of Lockbourne AFB, Columbus, Ohio; within a 6-mile radius of the center, (40°04'45" N., 83°04'20" W.), of Ohio State University Airport; within 2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 6-mile radius area to 8 miles W of the RBN within a 6-mile radius of the center 40°01'25" N., 82°27'40" W., of Licking County Airport, Newark, Ohio; within 2 miles each side of the Licking County Airport Runway 8 centerline extended from the Licking County Airport 6-mile radius area to 7 miles E of the end of the runway; within 2 miles each side of the Appleton, Ohio, VORTAC 320° radial and 140° radial extending from the Licking County Airport 6-mile radius area to 8 miles NW of the Appleton VORTAC; that airspace within a line from 39°45'00" N., 82°42'00" W. to 39°49'35" N., 82°37'30" W.,
to 40°00'00" N., 82°32'30" W., to 40°10'00" N., 82°32'30" W. to 40°10'10" W., 82°53'20" W.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 40°27'28" N., 82°07'37" W. to 39°52'25" N., 82°13'00" W. to 39°40'00" N., 82°00'00" W. to 39°40'00" N., 81°47'00" W. to 39°00'00" N., 81°43'40" W. to 39°00'00" N., 83°00'00" W. to 38°45'00" N., 83°30'00" W. to 38°30'00" N., 83°18'15" W. to 38°30'00" N., 83°59'00" W. to 39°19'00" N., 84°00'00" W. to 39°05'00" N., 83°30'00" W., to 40°00'00" N., 83°15'00" W. to 40°30'00" N., 83°50'00" W. to 40°30'00" N., 83°10'00" W. to point of beginning.

Colusa, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles E and 3.5 miles W of the Williams, Calif. VORTAC 015 radial, extending from the VORTAC to 11 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-23, on the S by the N edge of V-200 and on the W by the W edge of V-19.

Concord, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W., to 43°09'30" N., 71°17'30" W., to 43°09'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., to 71°09'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°35'00" W., to 42°43'00" N., 71°36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°08'00" N., 71°59'00" W., to 43°21'00" N., 71°56'00" W., to 43°19'00" N., 71°38'00" W. to point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

AMENDMENTS 9/17/70 35 F. R. 11176 (Changed)

Concord, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Propst Airport (latitude 35°23'30" N., longitude 80°34'30" W.); within 2.5 miles each side of Charlotte VORTAC 060° radial, extending from the 5-mile radius area to 18 miles northeast of the VORTAC.

AMENDMENTS 1/21/70 35 F. R. 1220 (Rewritten)

Connecticut
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

Connellsville, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39°57'35" N., long. 79°39'25" W. of Connellsville Airport and within 9.5 miles northwest and 4.5 miles southeast of the 230° bearing from the Connellsville, Pa. RBN lat. 39°57'37" N., long. 79°39'16" W., extending from the RBN to 19.5 miles southwest of the RBN, excluding the portion that coincides with the Morgantown, W. Va., transition area.

AMENDMENTS 1/7/71 35 F. R. 17247 (Added)

Connersville, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Mettel Airport (latitude 39°41'50" N., longitude 85°07'55" W.), and within 2 miles each side of the 015° bearing from the Mettel Airport extending from the 6-mile radius area to 8 miles north of the airport.

Cordele, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Cordele Airport (latitude 31°59'15" N., longitude 83°46'24" W.); within 2 miles each side of the Vienna VORTAC 226° radial extending from the 9-mile radius area to the VORTAC.

Cordova, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Cordova RR SW course, extending from 8 miles SW of the Cordova RR to 13 miles SW of the INT of the SW course of the Cordova RR and the E course of the Hinchinbrook RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Cordova RR SE course, extending from 13 miles SE of the Cordova RR to 13 miles SE of the INT of the SE course of the Cordova RR and the E course of the Hinchinbrook RR; within 8 miles N and 5 miles S of the Hinchinbrook RR E and W courses, extending from 7 miles W to 13 miles E of the Hinchinbrook RR.

Corpus Christi, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 9-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 9-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the NAS Corpus Christi 9-mile radius area to 12 miles SE of the TACAN.
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Cortez, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.), and within 2 miles each side of the Cortez VOR 003° and 183° radials, extending from the 7-mile radius area to 6 miles N of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles E and 8 miles W of the Cortez VOR 003° and 183° radials, extending from 3 miles S to 14 miles N of the VOR.

Corvallis, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.); within 2 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 7 miles NE of the Fischer FM and within 2 miles each side of the 044° bearing from latitude 44°33'25" N., longitude 123°16'22" W., extending from the 7-mile radius area to 5 miles NE of latitude 44°33'25" N., longitude 123°16'22" W.; that airspace extending upward from 1,200 feet above the surface within 6 miles NW and 8 miles SE of the Corvallis VOR 029° and 209° radials, extending from 6 miles SW to 17 miles NE of the VOR.

Cotulla, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 8 miles north and 5 miles south of the Cotulla VOR 085° and 265° radials, extending to 5 miles west and 12 miles east of the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Crescent City, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC, within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17031 (Rewritten)

Creston, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41°01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 171° and 351° bearings from Creston Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 351° bearing from Creston Municipal Airport, extending from the airport to V-6S.

Crestview, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30° 46' 45" N., long. 86° 31' 10" W.), excluding the portion within a 1.5-mile radius of Rockin H Ranch Airport (lat. 30° 54' 25" N., long. 86° 35' 00" W.).

Crookston, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°37'15" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak., 1,200-foot floor transition area.

Cross City, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (latitude 29°38'05" N., longitude 83°06'15" W.); and within 2 miles each side of the 121° radial of the Cross City, Fla., VORTAC extending from the 8-mile radius area to 8 miles SE of the VORTAC.

Crossett, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Crossett Municipal Airport (latitude 33°10'30" N., longitude 91°52'45" W.); and within 2 miles each side of the 056° bearing from the Crossett RBN (latitude 33°10'30" N., longitude 91°52'45" W.), extending from the 8-mile radius area to 14 miles northeast of the RBN.
AMENDMENTS 3/5/70 35 F. R. 6 (Changed) : 9/17/70 35 F. R. 11900 (Changed)

Crossville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 2 miles each side of the Hinch Mountain VORTAC 334° radial, extending from the 6.5-mile radius area to the VORTAC; within 3 miles each side of the 063° bearing from the Crossville RBN (latitude 35°58'06" N., longitude 84°59'40" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 4/30/70 35 F. R. 4256 (Changed)

Crows Landing, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Crows Landing TACAN 359° radial, extending from the arc of a 5-mile radius circle centered on ALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.) to 7 miles N of the TACAN; that airspace extending unward from 1,200 feet above the surface bounded on the N by latitude 37°38'00" N., on the E by V-109, on the SW by V-107 and on the W by longitude 121°31'00" W. The portions within R-2525 would be used only after obtaining prior approval from appropriate authority.

Cumberland, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°36'56" N., 78°45'51" W. of Cumberland Municipal Airport, Cumberland, Md., and within 6 miles E and 5 miles W of the Cumberland RBN 019° bearing, extending from the 7-mile radius area to 11 miles N of the RBN.

Cushing, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (latitude 35°57'00" N., longitude 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (latitude 35°53'24" N., longitude 96°46'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11899 (Added) ; Corr: 35 F. R. 13193

Cut Bank, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Cut Bank VOR extending from a line 5 miles NE of and parallel to the Cut Bank VOR 151° radial clockwise to a line 5 miles W of and parallel to the Cut Bank VOR 172° radial; and the area between the Cut Bank VOR 151° radial and a line 8 miles NE of and parallel to the 151° radial extending from the VOR to 12 miles SE of the VOR.

Daggett, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Barstow-Daggett Airport (latitude 34°51'20" N., longitude 116°47'10" W.); within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 6 miles NE of the airport, and within 2 miles each side of the 090° bearing from the Barstow-Daggett Airport extending from the 3-mile radius area to 6.5 miles E of the airport.

Dalhart, Texas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Dallas-Fort Worth, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°11'00" N., long. 97°27'00" W., thence to lat. 33°11'00" N., long. 97°19'00" W., to lat. 33°26'00" N., long. 97°15'00" W., to lat. 33°26'00" N., long. 97°07'00" W., to lat. 33°19'00" N., long. 97°06'00" W., to lat. 33°19'00" N., long. 96°57'00" W., to latitude 33°08'30" N., longitude 96°36'00" W.; to latitude 33°08'30" N., longitude 96°25'00" W.; to latitude 32°44'00" N., longitude 96°26'00" W.; to latitude 32°32'00" N., longitude 96°40'00" W.; to latitude 32°25'00" N., longitude 97°29'00" W.; thence N along longitude 97°29'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.; to longitude 97°28'00" W.; thence N to point of beginning.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 12/10/70 35 F. R. 15746 (Changed)

Dalton, Ga.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport (lat. 34°43'00" N., long. 84°52'00" W.).

AMENDMENTS 11/12/70 35 F. R. 14305 (Added)

Danbury, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°22'20" N., 73°29'00" W., of Danbury Airport, Danbury, Conn.; and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N. Y., 700-foot floor transition areas.

Danielson, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 197° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

AMENDMENTS 2/5/70 35 F. R. 19969 (Added)

Danville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vermillion County Airport (latitude 40°11'55" N., longitude 87°35'40" W.); within 2 miles each side of the Danville VORTAC 196° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the Danville VORTAC 198° radial, extending from the south edge of the 5-mile radius area to 18 miles south of the VORTAC.

Danville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 7-mile radius area to 8 miles NE and 8 miles SW of the VOR.

Darby, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR.

Darlington, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Darlington County Airport (latitude 34°26'50" N., longitude 79°53'23" W.).

Darwin, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles S and 6 miles N of the Darwin VOR 088° and 268° radials, extending from 8 miles E to 19 miles W of the VOR.

Dayton, Ohio
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'00" N., 84°27'00" W. to 40°04'00" N., 84°17'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°19'00" N., 81°00'00" W. to 39°40'00" N., 84°25'00" W. to 40°10'00" N., 85°00'00" W. to 40°30'00" N., 84°49'00" W. to 40°32'00" N., 84°30'00" W. to 40°29'00" N., 84°14'00" W. to 40°30'00" N., 83°50'00" W. to 40°00'00" N., 83°15'00" W. to 39°05'00" N., 83°30'00" W. to the point of beginning, excluding the portion which overlies the State of Indiana.
AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Dayton, Ohio (Montgomery County)
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°35'20" N., 84°13'20" W., of Montgomery County Airport, Dayton, Ohio; and within 2 miles each side of the Montgomery County VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR, excluding the portion which lies within the Middletown, Ohio, transition area.

Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°03'20" W.); within 8 miles northwest and 5 miles southeast of the Daytona ILS localizer southwest course, extending from the 8-mile radius area to 12 miles southwest of the LOM; within 2 miles each side of the 236° bearing from the Daytona Beach LOM, extending from the LOM to the intersection of the Daytona Beach VORTAC 219° radial and the Orlando, Fla., VORTAC 354° radial; and within a 5-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); excluding the airspace outside of the continental limits of the United States.

PENDING AMENDMENT
Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); excluding the portion outside the continental limits of the United States.
AMENDMENTS 3/4/71 36 F. R. 216 (Rewritten)

Deadhorse, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles south and 10 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148° 27'53" W.) extending from the RBN to 24 miles northeast; within 5 miles south and 10 miles north and parallel to the 250° True (218° Magnetic) bearing of the RBN extending from the RBN to 25 miles southwest.

AMENDMENTS 1/7/71 35 F. R. 17247 (Added)

Decatur, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.).

AMENDMENTS 10/15/70 35 F. R. 12750 (Rewritten); 1/7/71 35 F. R. 17036 (Changed)

Decorah, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 122° and 302° bearings from Decorah Municipal Airport, extending from 18½ miles southeast to 6 miles northwest of the airport; and within 5 miles each side of the 302° bearing from Decorah Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Defiance, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Bryan-Defiance Memorial Airport, Defiance, Ohio, 41°20'30" N., 84°25'30" W. and within 2 miles each side of the Defiance RBN 299° bearing extending NW from the 4-mile radius area for 4 miles.

DeLancey, N. Y.
That airsapce extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

Del Rio, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., and within 5 miles southwest and 8 miles northeast of the Laughlin VOR 148° and 330° radials extending from 12 miles southeast of the VOR to 12 miles northwest of the VOR, excluding the portion outside the United States.

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Delta, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39° 23' 00" N., longitude 112° 30' 35" W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Delta VOR 016° and 196° radials, extending from 10 miles N to 20 miles S of the VOR.

Deming, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

AMENDMENTS 10/15/70 35 F. R. 13118 (Changed); 11/12/70 35 F. R. 14304 (Changed)

Denison, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 115° bearing from Denison Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Denver, Colo.
That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 31-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 194° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 194° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by latitude 39°05'00" N., and on the west by longitude 104°00'00" W. excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°26'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

DeRidder, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.), and within 3.5 miles each side of the 347° bearing from the DeRidder RBN (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.
AMENDMENTS 7/23/70 35 F. R. 7785 (Added)

Des Moines, Iowa
That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" W., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N.,to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W.,.to and east along the north edge of V-6, to longitude 94°25'00" W., thence southwest to latitude 40°56'30" N., longitude 93°54'00" N., thence east to latitude 41°10'00" N., longitude 92°53'00" W., thence north to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 92°57'00" W., and the southwest edge of V-52, thence southeast along V-52 to and southwest along the north edge of V-216, to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" W., thence northeast to the point of beginning.

Detroit, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of the Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the intersection of the Willow Run Airport ILS localizer NE course and the Salem, Mich., VOR 140° radial, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the Unites States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian Border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian Border at latitude 41°45'30" N., longitude 82°51'00" W.

Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40" N., longitude 83°10'25" W.), and within a 23-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), extending from the 303° bearing from the Detroit City Airport clockwise to the 123° bearing from the Detroit City Airport excluding the Pontiac, Mich., and Mount Clemens, Mich., transition areas and the airspace outside the United States.

Detroit Lakes, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Detroit Lakes Municipal Airport (latitude 46°49'35" N., longitude 95°53'05" W.); and within 2 miles each side of the 310° bearing from Detroit Lakes Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 310° bearing from Detroit Lakes Municipal Airport, extending from the airport to 12 miles northwest of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

Devils Lake, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14303 (Rewritten)

PENDING AMENDMENT
Dexter, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Dexter Municipal Airport extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Malden, Mo., transition area.

AMENDMENTS 2/4/71 35 F. R. 18507 (Added)

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.), and within 2 miles each side of the Dickinson VORTAC 013° radial, extending from the 7-mile radius area to 8 miles N of the VORTAC; and that airspace extending from 1,200 feet above the surface within 5 miles E and 8 miles W of the Dickinson VORTAC 013° radial, extending from the VORTAC to 13 miles N of the VORTAC; and within the arc of a 12-mile radius circle centered on the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 013° radial.

Dillingham, Alaska
That airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Dillingham Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 5 miles northwest and 8 miles southeast of the Dillingham VOR 025° radial extending from the VOR to 18 miles northeast; within 5 miles northwest and 8 miles southeast of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the RBN to 12 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Dillingham VOR 205° radial extending from the VOR to 12 miles southwest. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

District of Columbia
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

AMENDMENTS 10/15/70 35 F. R. 16172 (Added)

Dixon, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

Dodge City, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., long. 99°58'00" W.), and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Dodge City Municipal Airport; within a 13-mile radius of the Dodge City VORTAC, and within 4½ miles east and 9½ west of the Dodge City VORTAC 341° radial extending from the 13-mile radius area to 18½ miles north of the VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten)

Dothan, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); excluding the airspace within a 1.5-mile radius of Headland Minicipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial.

AMENDMENTS 6/25/70 35 F. R. 6858 (Rewritten)

Denver, Colo.
That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 31-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 194° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 194° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by latitude 39°05'00" N., and on the west by longitude 104°00'00" W. excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°26'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

DeRidder, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.), and within 3.5 miles each side of the 347° bearing from the DeRidder RBN (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.
AMENDMENTS 7/23/70 35 F. R. 7785 (Added)

Des Moines, Iowa
That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" W., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N.to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to and east along the north edge of V-6, to longitude 94°25'00" W., thence southwest to latitude 40°56'30" N., longitude 93°54'00" N., thence east to latitude 41°10'00" N., longitude 92°53'00" W., thence north to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 92°57'00" W., and the southwest edge of V-52, thence southeast along V-52 to and southwest along the north edge of V-216, to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" W., thence northeast to the point of beginning.

Detroit, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of the Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the intersection of the Willow Run Airport ILS localizer NE course and the Salem, Mich., VOR 140° radial, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the Unites States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian Border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian Border at latitude 41°45'30" N., longitude 82°51'00" W.

Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40" N., longitude 83°10'25" W.), and within a 23-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), extending from the 303° bearing from the Detroit City Airport clockwise to the 123° bearing from the Detroit City Airport excluding the Pontiac, Mich., and Mount Clemens, Mich., transition areas and the airspace outside the United States.

Detroit Lakes, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Detroit Lakes Municipal Airport (latitude 46°49'35" N., longitude 95°53'05" W.); and within 2 miles each side of the 310° bearing from Detroit Lakes Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 310° bearing from Detroit Lakes Municipal Airport, extending from the airport to 12 miles northwest of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

Devils Lake, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14303 (Rewritten)

PENDING AMENDMENT
Dexter, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Dexter Municipal Airport extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Malden, Mo., transition area.

AMENDMENTS 2/4/71 35 F. R. 18507 (Added)

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.), and within 2 miles each side of the Dickinson VORTAC 013° radial, extending from the 7-mile radius area to 8 miles N of the VORTAC; and that airspace extending from 1,200 feet above the surface within 5 miles E and 8 miles W of the Dickinson VORTAC 013° radial, extending from the VORTAC to 13 miles N of the VORTAC; and within the arc of a 12-mile radius circle centered on the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 258° radial to the Dickinson VORTAC 013° radial.

Dillingham, Alaska
That airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Dillingham Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 5 miles northwest and 8 miles southeast of the Dillingham VOR 025° radial extending from the VOR to 18 miles northeast; within 5 miles northwest and 8 miles southeast of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the RBN to 12 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Dillingham VOR 205° radial extending from the VOR to 12 miles southwest. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

AMENDMENTS 2/18/70 35 F. R. 3109 (Changed)

District of Columbia
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

AMENDMENTS 10/15/70 35 F. R. 16172 (Added)

Dixon, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

Dodge City, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., long. 99°58'00" W.), and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Dodge City Municipal Airport; within a 13-mile radius of the Dodge City VORTAC, and within 4½ miles east and 9½ west of the Dodge City VORTAC 341° radial extending from the 13-mile radius area to 18½ miles north of the VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten)

Dothan, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); excluding the airspace within a 1.5-mile radius of Headland Minicipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial.

AMENDMENTS 6/25/70 35 F. R. 6858 (Rewritten)

Douglas, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Douglas VORTAC 347° radial extending from 6 miles to 9 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC; within a 23-mile radius of the Douglas VORTAC extending from the 9-mile radius area clockwise from the southwest boundary of V-66 to the southeast boundary of V-66 and within 5 miles each side of the Douglas VORTAC 347° radial extending from the 23-mile radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

Douglas, Wyo.
That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by V-169, on the southeast by V-89, on the south by V-100, on the west by V-19E and on the southwest by V-19E and V-247.

Dover, Del.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover AFB ILS localizer S course extending from the 9-mile radius to 8 miles S of the LOM, and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Dealaware Airpark, Dover-Cheswold, Del.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°26'20" N., 75°19'58" W. to 38°57'30" N., 74°59'20" W. to 38°06'40" N., 75°31'00" W. to 38°10'58" N., 75°42'50" W. to 38°15'20" N., 75°40'05" W. to 38°16'10" N., 75°42'20" W. to 38°23'00" N., 75°38'00" W. to 38°57'00" N., 75°53'00" W. to 39°10'00" N., 75°53'00" W. to point of beginning.

Dowagiac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cass County Memorial Airport (latitude 41°50'30" N., longitude 86°07'30" W.), and within 2 miles each side of the Keeler, Mich., 181° radial extending from the 5-mile radius area to the Keeler VOR excluding the portion within the Benton, Harbor, Mich., and South Bend, Ind., transition areas.

Doylestown, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (40°20'20" N., 75°07'20" W.), of Central Bucks County Airport, Doylestown, Pa.; within 2 miles each side of the runway 5 centerline extended from the Doylestown, Pa., 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Solberg, N. J., VORTAC 229° radial extending from the Doylestown, Pa., 5-mile radius area to 10 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., and Readington, N. J., transition areas. This transition area is effective from sunrise to sunset, daily.

Dublin, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dublin Municipal Airport (latitude 32°33'55" N., longitude 82°59'10" W.); within 2 miles each side of the Dublin VORTAC 069° radial, extending from the 5-mile radius area to the VORTAC.

Dublin, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (37°08'10" N., 80°40'50" W.) of New River Valley Airport, Dublin, Va.; and within 2 miles each side of Pulaski VOR 208° radial extending from the 7-mile radius area to 8 miles southwest of the VOR.

Dubois, Idaho
That airspace extending upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° radials, extending from 10 miles north to 20 miles south of the VOR.

Du Bois, Pa.
That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the center, 41° 10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3.5 miles each side of the Du Bois ILS localizer northeast course extending from the 11.5-mile radius area to 11.5 miles northeast of the OM.
AMENDMENTS 12/10/70 35 F. R. 15907 (Rewritten)

Dubuque, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'55" W.), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, and within 8 miles NE and 5 miles SW of the Dubuque VORTAC 126° radial extending from the VORTAC to 12 miles NW and SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W along latitude 42°05'00" N., to and N along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, to and E along the S edge of V-100, to and clockwise along the arc of a 29-mile radius circle centeded on the Dubuque VORTAC, to and SE along the SW edge of V-218, to and S along longitude 89°55'00" W., to and SW along the NW edge of V-216, to and W along the N edge of V-172, to and N along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.
AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Duluth, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth VOR 023° radial, extending from the 8-mile radius area to 18 miles northeast of the VOR; and within 2 miles each side of the Duluth ILS localizer west course, extending from the 8-mile radius area to 8 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within a 34-mile radius of the Duluth VOR; and within 8 miles northwest and 5 miles southeast of the Duluth VOR 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VOR; excluding the portion which overlies the Hibbing, Minn., transition area.

Duncan, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34° 28' 30" N., longitude 97° 57' 30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE of the VOR.

Dunkirk, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°29'35" N., 79°16'20" W., of Dunkirk Municipal Airport, Dunkirk, N. Y.; within 2 miles northwest and 5 miles southeast of the Dunkirk, N. Y. VOR 046° radial extending from the VOR to 12 miles NE of the VOR; and within 2 miles each side of the Runway 15 centerline extended from the 5-mile radius area to 10 miles southeast of the lift-off end of the runway.

Durango, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.), and within 2 miles SW and 3 miles NE of the Durango VOR 118° radial, extending from the 5-mile radius area to 8 miles SE of the VOR, and within 2 miles each side of the Durango VOR 225° radial, extending from the 5-mile radius area to 9 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9 miles SW and 6 miles NE of the Durango VOR 298° and 118° radials, extending from 7 miles NW to 14 miles SE of the VOR.

Durant, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.), and within 2.5 miles each side of the Perrin VOR 045° radial extending from the 5-mile radius area to 6.5 miles southwest of the airport.

AMENDMENTS 7/23/70 35 F. R. 7294 (Added)

Dyersburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

Eagle, Colo.
That airspace extending upward from 1,200 feet above the surface within 3 miles north and 2 miles south of the 083° and 263° bearings from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.) extending from 12 miles west to 3 miles east of the RBN; that airspace extending upward from 11,700 feet MSL within 5 miles south and 8 miles north of the 083° and 263° bearings from the Eagle, Colo., RBN extending from 7 miles east to 13 miles west of the RBN; that airspace extending upward from 12,200 feet MSL within 5 miles each side of the 083° bearing from the Eagle, Colo., RBN extending from 7 miles east to 16 miles east of the RBN; that airspace extending upward from 13,200 feet MSL within 5 miles each side of the 083° bearing from Eagle, Colo., RBN extending from 16 miles east to 26 miles east of the RBN.

Eagle Lake, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Lake Airport (latitude 29°36'00" N., longitude 96°19'26" W.); and within 2 miles each side of the Eagle Lake VOR 007° radial extending from the 5-mile radius area to 8 miles N of the VOR.

East Hampton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of East Hampton Airport (latitude 40°57'36" N., longitude 72°15'05" W.); and within 2 miles each side of the Hampton VOR 231° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

Eastman, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

Easton, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (38°48'25" N., 76°04'15" W.) of Easton Municipal Airport, Easton, Md., and within 2 miles each side of the 038° bearing from the Easton RBN (38°48'25" N., 76°04'05" W.), extending from the 6-mile radius area to 8 miles northeast of the RBN.

East St.Louis, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bi-State Parks Airport (latitude 38°34'21" N., longitude 90°09'28" W.), and within 8 miles SW and 5 miles NE of the 132° bearing from the Bi-State Parks Airport extending from the airport to 12 miles SE, excluding that portion which overlies the Belleville, Ill., transition area.

Eau Claire, Wis.
That airspace extending upward from 700 feet above the surface within 11½-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); and within 2 miles each side of the 202° radial of the Eau Claire VORTAC extending from the 11½-mile radius area to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Eau Claire VORTAC; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-26S.

AMENDMENTS 12/10/70 35 F. R. 15905 (Rewritten)

Ebensburg, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Revloc, Pa., VORTAC 194° radial extending from the 6-mile radius area to the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

Edenton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 3 miles each side of the 218° and 352° bearings from Edenton RBN (latitude 36°01'33" N., longitude 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north of the RBN.

AMENDMENTS 4/30/70 35 F. R. 3755 (Rewritten)

Edwards AFB, Calif.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.), within 2 miles SE and 8 miles NW of the Edwards AFB TACAN 058° radial extending from the 15-mile radius area to 13.5 miles NE of the TACAN.

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'50" W.), within a 9-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (latitude 30°25'40" N., longitude 86°41'20" W.) within an 8-mile radius of Eglin AF Aux No. 3 (Duke Field) (latitude 30°39'00" N., longitude 86°31'21" W.) within a 5-mile radius of Destin-Fort Walton Beach Airport (latitude 30°23'55" N., longitude 86°28'20" W.), excluding the airspace within R-2909, W-151, a 1.5-mile radius of the Fort Walton Beach Airport (latitude 30°24'20" N., longitude 86°49'45" W.) and a 9-mile radius of Bob Sikes Airport (latitude 30°46'45" N., longitude 86°31'10" W.).

El Centro, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portion under the jurisdiction of Mexico.

El Dorado, Ark.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the El Dorado VORTAC 059° radial, extending from the VORTAC to 12 miles northeast; within 5 miles each side of the 239° radial, extending from the VORTAC to 5 miles southwest; and within 2 miles each side of the 236° radial, extending from the VORTAC to 18 miles southwest.

Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of the 127° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8.5-mile radius area to 12 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within R-5301B.

AMENDMNETS 3/5/70 35 F. R. 101 (Rewritten)

Elizabethtown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°45'10" N., 85°53'10" W., of Elizabethtown-Hardin County Airport, Elizabethtown, Ky., and within 2 miles each side of the New Hope, Ky., VOR 306° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Louisville, Ky., transition area. This transition area shall be in effect from sunrise to sunset, daily.

Elkhart, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'00" N., longitude 85°59'50" W.); and within 2 miles each side of the South Bend, Ind., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, excluding the portion which overlies the South Bend, Ind., 700-foot floor transition area.

Elkins. W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 2 miles each side of the Elkins VOR 098° radial extending from the 7-mile radius area to the VOR; within 5 miles each side of the Elkins VOR 070° radial extending from 11 miles E to 23 miles E of the VOR, effective sunrise to sunset.

Elko, Nev.
That airspace extending upward from 700 feet above the surface within 5 miles east and 8 miles west of the Elko VORTAC 177° radial, extending from the VORTAC to 12 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Elko VORTAC, that airspace extending from the 12-mile radius area E of Elko bounded on the N by a line 4 n. m. S of and parallel to the Wells, Nev., VOR 256° radial, on the east by longitude 115°29'00" W., and on the south by a line 5 miles south of and parallel to the Elko VORTAC 091° radial, that airspace extending from the 12-mile radius area W of Elko bounded on the N by a line 4 n.m. SE of and parallel to the Battle Mountain, Nev., VOR 062° radial, on the west by longitude 116°20'00" W., and on the south by a line 10 miles south of and parallel to the Elko VORTAC 258° radial and within 5 miles each side of the Elko VORTAC 154° radial, extending from the 12-mile radius area to 25 miles southeast of the VORTAC; that airspace extending upward from 9,500 feet MSL S of Elko, extending from the 12-mile radius area bounded on the E by a line 4 n.m. W of and parallel to the Elko VORTAC 154° radial, on the south by the arc of a 29-mile radius circle centered on the Elko VORTAC, and on the west by a line 5 miles west of and parallel to the Elko VORTAC 177° radial; and that airspace extending upward from 12,500 feet MSL within the area bounded by the arcs of 29 and 34-mile radius circles centered on the Elko VORTAC, bounded on the east by V-293 and on the west by a line 5 miles west of and parallel to the Elko VORTAC 177° radial.

Ellensburg, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellensburg Municipal Airport (latitude 47°02'10" N., longitude 120°31'50" W.); and that airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles SW to 20 miles NE of the VORTAC, and within 8 miles NE and 5 miles SW of the Ellensburg VORTAC 131° radial extending from the VORTAC to 12 miles SE of the VORTAC.
That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-2S, on the east by west edge of V-25, and on the south by the north edge of V-4.

AMENDMENTS 8/20/70 35 F. R. 9922 (Changed)

Elmira. N.Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport Elmira, N.Y., 42°09'37" N., 76°53'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

El Paso, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), extending clockwise from the 016° to the 196° bearings from the El Paso International Airport; within 2 miles each side of the Newman, Tex., VOR 040° radial, extending from the 15-mile radius area to 12 miles NE of the VOR, excluding the portion outside of the United States.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed); 11/12/70 35 F. R. 14304 (Changed)

Ely, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely VOR, and within 5 miles NE and 8 miles SW of the Ely VOR 303° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Ely VOR, extending clockwise from a line 5 miles SW of and parallel to the Ely VOR 332° radial to a line 5 miles E of and parallel to the Ely VOR 007° radial, and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles S of the VOR.

Elyria, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°20'40" N., 82°10'40" W., of Lorain County Regional Airport and within 3.5 miles each side of the Cleveland VORTAC 300° radial, extending from the 9-mile radius area to 9.5 miles northwest of the VORTAC, excluding the portion that coincides with the Cleveland, Ohio 700-foot transition area.

AMENDMENTS 7/23/70 35 F. R. 8475 (Rewritten)

Emporia, Kans.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Emporia VORTAC 134° radial extending from the arc of a 5-mile radius circle centered on the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.) to 8 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles SE of the VORTAC.

Emporia, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 36°41'15" N., 77°29'10" W., of Emporia Municipal Airport, Emporia, Va.; within 2 miles each side of the Runway 27 centerline extended from the 6-mile radius area to 6 miles west of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 6 miles northwest of the end of the runway and within 2 miles each side of the 135° bearing from the Emporia RBN (36°40'58" N., 77°28'57" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

Endicott, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°04'45" N., 76°05'50" W., of Tri-Cities Airport, Endicott, N. Y.; within 2 miles each side of the Binghamton, N. Y. VORTAC 340° and 160° radials, extending from the 5-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 10 miles west of the end of the runway; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 6 miles east of the end of the runway; within 2 miles each side of the Runway 21 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; and within 2 miles each side of the Runway 3 centerline extended from the 5-mile radius area to 10 miles northeast of the end of the runway, excluding the portion that coincides with the Binghamton, N. Y., transition area. This transition area shall be effective from sunrise to sunset, daily.

AMENDMENTS 10/9/70 35 F. R. 15908 (Changed)

Enid, Okla.
That airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the Woodring VOR 185° radial, extending from the VOR to 12 miles S.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Erie, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Erie International Airport (latitude 42°04'56" N., longitude 80°10'44" W.); within 5 miles NW, and 8 miles SE of the Erie ILS localizer SW course, extending from the ILS OM to 12 miles SW of the Erie VORTAC; and within 2 miles each side of the Cascade RBN 054° bearing, extending from the 7-mile radius area to 8 miles northeast of the RBN.

Escanaba, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 8 miles west and 5 miles east of the Escanaba VORTAC 007° radial, within 8 miles north and 5 miles south of the Escanaba VORTAC 101° radial and within 8 miles south and 5 miles north of the Escanaba VORTAC 266 radial, extending from the VORTAC to 12 miles north, east, and west of the VORTAC; and within 8 miles west and 5 miles east of the 349° bearing from Escanaba Municipal Airport, extending from the airport to 15 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Escanaba VORTAC.

Estherville, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Estherville, Iowa, Municipal Airport (latitude 43°24'30" N., longitude 94°44'50" W.) and within 2 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 175° bearing from Estherville Municipal Airport, extending from the airport to 12 miles S of the airport.

Eufaula, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weedon Field (latitude 31°57'05" N., longitude 85°07'45" W.); within 3 miles each side of Eufaula VOR 014° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VOR.

AMENDMENTS 2/5/70 34 F. R. 19245 (Rewritten)

Eugene, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles east and 8 miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14 miles north of the VORTAC; within 2 miles southeast and 3 miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 2 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to 12 miles west of the VORTAC, and that airspace southwest of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of an 18-mile radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, and on the north by an arc of a 5-mile radius circle centered on Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.); that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to V-27; within 16 miles west and 10 miles east of the Eugene VORTAC 015° and 195° radials, extending from 26 miles north to 22 miles south of the VORTAC; within 6 miles east and 9 miles west of the Eugene VORTAC 172° radial, extending from the VORTAC to 39 miles south of the VORTAC, and that airspace southwest of Eugene bounded on the southeast by the northwest edge of V-121, on the northwest by the southeast edge of V-287, and on the north by a line 5 miles south of and parallel to the Eugene VORTAC 272° radial and that airspace northeast of Eugene bounded on the north by the south edge of V-536, on the south by the north edge of V-121, and on the northwest by the southeast edge of V-23E.

AMENDMENTS 12/10/70 35 F. R. 15904 (Changed)

Eunice, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (latitude 30°28'00" N., longitude 92°25'30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial extending from the 5-mile radius area to 6 miles southeast of the approach end of Runway 34.

Evadale, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30" N., longitude 94°04'24" W.), and within 2 miles each side of the 150° bearing from the Evadale RBN (latitude 30°24'16" N., longitude 94°07'37" W.), extending from the 5-mile radius area to the RBN.

Evansville, Ind.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°02'50" N., longitude 86°30'00" W., to latitude 37°26'00" N., longitude 86°30'00" W., to latitude 37° 17'50" N., longitude 87°18'00" W., to latitude 37°12'50" N., longitude 87°39'30" W., to latitude 37°26'10" N., longitude 88°19'00" W., thence via the Kentucky boundary to the point of beginning.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Fairbanks, Alaska
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49'40" N., longitude 147°34'00" W., within a 7-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles southeast of the VOR; within 8 miles west and 5 miles east of the 018° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles north of the VORTAC; and within 8 miles east and 5 miles west of the 168° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface beginning at latitude 68°00'00" N., longitude 153°00'00" W. to latitude 68°00'00" N., longitude 144°00'00" W. to latitude 63°10'00" N., longitude 144°00'00" W. to latitude 62°38'00" N., longitude 145°41'00" W. to latitude 62°45'00" N., longitude 148°48'00" W. to latitude 62°59'00" N., long. de 150°15'00" W. to latitude 63°00'00" N., longitude 151°10'00" W. to latitude 64°00'00" N., longitude 153°00'00" W. to point of beginning, excluding the portion within Restricted Areas R-2202A, R-2202B, R-2205, and R-2206.

AMENDMENTS 4/2/70 35 F. R. 2583 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
F. R. Corr: 35 F. R. 6575

Fairfield, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield-Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 008° and 188° bearings from Fairfield Municipal Airport, extending from 3 miles north to 21½ miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

AMENDMENTS 4/2/70 35 F. R. 2582 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Fairmont, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'45" N., longitude 94°25'15" W.); within 2 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 132° bearing from Fairmont Municipal Airport, extending from the airport to 12 miles SE of the airport; and within 5 miles NE and 8 miles SW of the 139° and 319° bearings from Fairmont Municipal Airport, extending from 1 mile SE to 12 miles NW of the airport.

Fallon, Nev.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the NAAS Fallon TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within 11 miles NW and 7 miles SE of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles SW to 30 miles NE of the VOR, excluding the portion W of longitude 119°00'00" W.; within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles NE of the TACAN; within 12 miles SW and 10 miles NE of the Fallon TACAN 139° and 319° radials, extending from 10 miles NW to 23 miles SE of the TACAN; within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials; and that airspace extending upward from 9,500 feet MSL within 12 miles SW and 10 miles NE of the NAAS Fallon TACAN 139° radial, extending from 23 miles to 44 miles SE of the TACAN.

Falmouth, Mass.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass., (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles NW and 8 miles SE of the Barnstable Airport ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass., (latitude 41°23'35" N., longitude 70°36'50" W.), and within 5 miles NW and 8 miles SE of the Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Martha's Vineyard RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26'25" N., longitude 70°34'10" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning
at latitude 42°13'20" N., longitude 70°18'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°21'00" N., longitude 69°45'10" W., to latitude 41°09'00" N., longitude 70°00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°04'00" N., longitude 70°42'30" W., to latitude 41°12'45" N., longitude 70°42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet MSL bounded on the N by Control 1142, on the SE by Control 1143, and on the W by a line extending through latitude 41°40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°03'00" W., excluding the portion within the Nantucket, Mass., transition area.

Farewell, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 8 miles N of the 110° and 290° bearings from the Farewell RR, extending from 13 miles W to 13 miles E of the RR.

Fargo, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field (latitude 46°55'05" N., longitude 96°48'55" W.); within 2 miles each side of the Fargo ILS localizer north course, extending from the 7-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles north of the VORTAC; and within 5 miles west and 8 miles east of the Fargo ILS localizer south course, extending from 5 miles north to 12 miles south of the LOM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Fargo VORTAC; within a 36-mile radius of the Fargo VORTAC, extending from a line 9 miles west of and parallel to the Fargo VORTAC 353° radial, clockwise to a line 5 miles east of and parallel to the Fargo VORTAC 034° radial; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial, extending from the 35-mile radius area to 56 miles south of the VORTAC.

Faribault-Owatonna, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault-Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-170, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

Farmington, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Farmington VORTAC 120° and 300° radials, extending from 5½ miles northwest to 18½ miles southeast of the VORTAC, excluding the portion which overlies the Perryville, Mo., transition area.

Farmington, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), within 2 miles each side of the Farmington VORTAC 094° radial extending from the 11-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion withtin the Durango, Colo., transition area.

Fayetteville, Ark.
That airspace extending upward from 700 feet above the surface within a 27.5-mile radius of latitude 36°12'00" N., longitude 94°14'00" W., within 5 miles each side of the Drake VOR 186° radial extending from the 27.5-mile radius area to 19 miles south of the VOR, and within 5 miles east and 10 miles west of the Fayetteville VORTAC 005° radial extending from the 27.5-mile radius area to 33.5 miles north of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11465 (Rewritten)

Fayetteville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'35" N., longitude 78°52'50" W.); within a 10-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.); within 9.5 miles northwest and 4.5 miles southeast of Pope AFB ILS loclaizer northeast course, extending from the 10-mile radius area to 18.5 miles northeast of the LOM; excluding the portion within R-5311.

AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Fergus Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (latitude 46°17'10" N., longitude 96°09'35" W.); and within 3 miles each side of the 187° bearing from Fergus Falls Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ miles east of the 187° and 007° bearings from Fergus Falls Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 007° bearing from Fergus Falls Municipal Airport, extending from the airport to 12 miles north of the airport.

AMENDMENTS 4/30/70 35 F. R. 8211 (Rewritten)

Findlay, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Findlay Airport (latitude 41°00'55" N., longitude 83°40'15" W.); within 2 miles each side of the 248° bearing from the Findlay RBN extending from the Findlay Airport 6-mile radius area to 8 miles west of the RBN; within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 6-mile radius area to 8 miles south of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W., of Bluffton Flying Service Airport, Bluffton, Ohio; within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial, extending from the Bluffton Flying Service Airport 5-mile radius area to 8 miles northeast of the VORTAC, and within 2 miles each side of the Findlay VORTAC 225° radial, extending from the VORTAC to the Bluffton Flying Service Airport 5-mile radius area; and that airspace extending upward from
1200 feet above the surface bounded by a line extending from latitude 40° 51' 00" N., longitude 84° 00' 00" W.; to latitude 41° 18' 00" N., longitude 84° 07' 00" W.; to latitude 41° 11' 00" N., longitude 83° 19' 00" W.; to latitude 40° 50' 00" N., longitude 83° 30' 00" W.; to the point of beginning.

Fire Island, N. Y.
That airspace extending upward from 8,500 feet MSL bounded on the north by Control 1169, on the southeast by a line 10 nautical miles southeast of and parallel to the southeast boundary of V-139, on the southwest by Control 1147 and on the northwest by V-139.

Five Finger, Alaska
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Five Finger RBN, and within 2 miles each side of the 349° and 189° bearings from the Five Finger RBN, extending from the RBN to 8 miles N and 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 189° and 009° bearings, extending from 7 miles N to 13 miles S of the RBN, and within 8 miles W and 5 miles E of the 349° and 169° bearings, extending from 13 miles N to 7 miles S of the RBN.

Flagstaff, Ariz. (Pulliam Airport)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.); that airspace extending upward from 1,200 feet above the surface within an arc of a 26-mile radius circle centered on the Flagstaff VOR (latitude 35°08'50" N., longitude 111°40' 24" W.), extending from a line 5 miles NW of and parallel to the Flagstaff VOR 054° radial clockwise to a line 5 miles N of and parallel to the Flagstaff VOR 297° radial, and within 9 miles N and 6 miles S of the Flagstaff VOR 096° radial extending from the 26-mile radius area to 35 miles E of the VOR, excluding that portion within R-2302.

Flint, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the OM; and within a 4-mile radius of Owosso City Airport, Owosso, Mich. (latitude 42°59'30" N., longitude 84°08'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 42°46'00" N., on the east by the east boundary of V-42 east and longitude 83°30'00" W., on the north by latitude 43°16'00" N., and on the west by longitude 84°05'00" W.

Flippin, Ark.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W), within an 8-mile radius of the Twin Lakes Airport (latitude 36°22'00" N., longitude 92°28'00" W.), within 2 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 10-mile radius area to 8 miles E of the VOR, and within 2 miles each side of the Flippin VOR 175° radial extending from the Twin Lakes 8-mile radius area to 8 miles S of the VOR.

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Florence, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.).

AMENDMENTS 4/30/70 35 F. R. 3755 (Rewritten)

Florida
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°43'05" N., longitude 81°21'00" W., thence to latitude 30°44'00" N., longitude 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along latitude 30°17'30" N., to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., to latitude 29°56'00" N., longitude 81°14'50" W.; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (latitude 28°14'05" N., longitude 80°36'35" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (latitude 25°47'35" N, longitude 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to latitude 24°08'50" N., longitude 82°04'35" W., to latitude 24°13'00" N., longitude 82°02'30" W., to latitude 24°13'00" N., longitude 82°21'00" W., to latitude 24°25'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'50" W., to latitude 24°49'00" N., longitude 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 26°30'00" N., and a point 3 nautical miles from the shoreline, thence west along latitude 26°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to longitude 83°42'00" W., thence to the north boundary of Control 1226 at longitude 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (latitude 27°51'05" N., longitude 82°31'15" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 29°43'10" N., longitude 85°27'00" W., to latitude 30°04'00" N., longitude 85°56'00" W., to latitude 30°11'10" N., longitude 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°10'30" N., longitude 86°07'30" W., to latitude 30°07'30" N., longitude 86°13'00" W., to latitude 30°07'30" N., longitude 86°24'00" W., to latitude 30°14'46" N., longitude 86°28'40" W., to latitude 30°06'00" N., longitude 86°29'50" W., to latitude 30°00'00" N., longitude 86°34'00" W., to latitude 30°00'00" N., longitude 86°44'00" W., to latitude 30°05'00" N., longitude 86°47'58" W., to latitude 30°09'20" N., longitude 86°47'58" W., to latitude 30°20'30" N., longitude 86°41'00" W.; that airspace
south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°18'20" N., longitude 87°00'00" W., to latitude 29°54'00" N., longitude 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola LF RBN, to latitude 30°02'50" N., longitude 87°42'20" W., to latitude 30°04'00" N., longitude 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to latitude 30°09'45" N., longitude 87°45'45" W., to latitude 30°11'20" N., longitude 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 30°13'15" N., longitude 87°32'55" W.; that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL; east of Jacksonville beginning at latitude 30°44'00" N., longitude 81°18'10" W., to latitude 30°45'15" N., longitude 80°58'50" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence west along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by longitude 80°25'00" W., on the south by latitude 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 20-mile radius circle centered on the Fort Myers VORTAC, on the north by latitude 26°30'00" N., and on the west by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the north boundary of Control 1230 at longitude 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the southwest and northwest by V-97E; that airspace west of Tampa extending upward from 4,700 feet MSL bounded on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding: That portion within W-151 east of the INT of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial; that portion within R-2909; that portion southeast of a line extending from latitude 29°43'35" N., longitude 84°39'00" W., to latitude 29°47'00" N., longitude 84°40'00" W., to latitude 29°52'30" N., longitude 84°34'40" W., thence to the west boundary of V-7W at latitude 29°52'30" N.

Forrest City, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Forest City Municipal Airport (latitude 34°56'42" N., longitude 90°46'16" W.), and within 3.5 miles each side of the 180° bearing from the Forrest City RBN (latitude 34°56'28" N., longitude 90°46'24" W.) extending from the 5.5-mile radius area to 11.5 miles south of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

Fort Bridger, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W.), and within 3.5 miles each side of the Fort Bridger VORTAC 224° radial extending from the 5-mile radius area to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9 miles northwest of the Fort Bridger VORTAC 044° and 224° radials, extending from 19 miles southwest to 8 miles northeast of the VORTAC

AMENDMENTS 5/28/70 35 F. R. 5912 (Rewritten)

Fort Collins, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

AMENDMENTS 1/8/70 34 F. R. 18379 (Added)

Fort Dodge, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 261° radial clockwise to the Fort Dodge VOR 055° radial; within a 25-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 055° radial clockwise to the Fort Dodge VOR 261° radial; within 4½ miles southwest and 9½ miles northeast of the Fort Dodge VOR 127° radial, extending from the 25-mile radius area to 32 miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Fort Dodge VOR 307° radial, extending from the 14-mile radius area to 18½ miles northwest of the VOR; and that airspace extending upward from 3,500 feet MSL south and east of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

AMENDMENTS 1/8/70 34 F. R. 18850 (Rewritten)

Fort Huachuca, Ariz.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, Airz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 6-mile radius area to 15 miles SE of the RBN, and within 2 miles each side of the Libby AAF VOR 121° radial, extending from the 6-mile radius area to 15 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the N by the Tucson, Ariz., transition area, on the NE by the SW edge of V-66, on the E by longitude 109°44'00" W., on the S by a line beginning at latitude 31°25'00" N., longitude 109°44'00" W., thence to latitude 31°25'00" N., longitude 110°-07'00" W., thence to latitude 31°23'00" N., longitude 110°07'00" W., thence to latitude 31°23'00" N., longitude 110°12'00" W., thence to latitude 31°25'00" N., longitude 110°12'00" W., thence to latitude 31°25'00" N., longitude 110°30'00" W.. and on the W by longitude 110°30'00" W.

Fort Jones, Calif.
That airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 123°01'00" W.

Fort Leonard Wood, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); 8 miles northeast and 5 miles southwest of the Forney AAF VOR 152° and 323° radials, extending from the VOR to 12 miles southeast and northwest of the VOR; and within 8 miles northeast and 5 miles southwest of the 146° bearing from Forney AAF RBN, extending from the RBN to 12 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; and Vichy VORTAC to Forney AAF RBN; and within 5 miles each side of the Forney AAF VOR 086° radial and the Forney AAF RBN 080° bearing extending from the VOR and the RBN to V-72, excluding the portions which overlie the Vichy and Maples, Mo., transition areas.

PENDING AMENDMENT
Fort Leonard Wood, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 323° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the 146° and 326° bearings from Forney AAF RBN, extending from Forney AAF to 18½ miles southeast of the Forney AAF RBN; and within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 152° radial extending from the VOR to 18½ miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; and Vichy VORTAC to Forney AAF RBN; and within 5 miles each side of the Forney AAF VOR 086° radial and the Forney AAF RBN 080° bearing extending from the VOR and the RBN to V-72, excluding the portions which overlie the Vichy and Maples, Mo., transition areas.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Fort Madison, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

Fort Myers, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Page Field (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 213° radial, extending from the 8-mile radius area to 9 miles southwest of the VORTAC; within 2 miles each side of the 219° bearing from Fort Myers RBN, extending from the 8-mile radius area to 8 miles southwest of the RBN.

Fort Polk, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

Fort Rucker, Ala.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 31°38'00" N., longitude 86°23'30" W.; thence northeast via V-70 to V-7; thence south via V-7 to V-241; thence southwest via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning.

Fort Scott, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

Fort Smith, Ark.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed); 11/12/70 35 F. R. 14651 (Changed)

Fort Stockton, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (latitude 30°55'00" N., longitude 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the airport to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed); 9/17/70 35 F. R. 11901 (Rewritten);
AMENDMENTS 11/17/70 35 F. R. 18190 (Changed)

Fortuna, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VOR 327° radial, extending from the VOR to 8 miles NW of the VOR; and within 2 miles NE and 4.5 miles SW of the Fortuna VOR 147° radial, extending from the VOR to 3.5 miles SE of the VOR .

Fort Wayne, Ind.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.); and that airspace extending upward from 1200 feet above the surface within the area bounded by a line beginning at latitude 41°45'40" N., longitude 84°50'00" W., to latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00" N., longitude 84°46'00" W., to latitude 41°44'00" N., longitude 84°28'00" W., to latitude 41°32'00" N., longitude 84°31'00" W., to latitude 41°21'00" N., longitude 84°40'00" W., to latitude 40°46'00" N., longitude 84°40'00" W., to latitude 40°31'30" N., longitude 84°48'15" W., thence along the Indiana State boundary to the point of beginning.

AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)
PENDING AMENDMENT
Fort Wayne, Ind.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Fort Wayne VORTAC; and within an 18½-mile radius of Fort Wayne VORTAC, extending from the Fort Wayne VORTAC 194° radial clockwise to the Fort Wayne VORTAC 335° radial; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°45'40" N., longitude 84°50'00" W.; to latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00" N., longitude 84°46'00" W., to latitude 41°44'00" N., longitude 84°28'00"W., to latitude 41°32'00" N., longitude 84°31'00" W., to latitude 41°21'00" N., longitude 84°40'00" W., to latitude 40°46'00" N., longitude 84°40'00" W., to latitude 40°31'30" N., longitude 84°48'15" W., thence along the Indiana State boundary to the point of beginning.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Fort Yukon, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N., longitude 145°15'10" W.), and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius area to 8 miles NE of the RBN.

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

Franklin, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41° 22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.: within 3.5 miles each side of the Franklin, Pa., VOR 001° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR and within 3.5 miles each side of the 102° bearing from the Franklin, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 7-mile radius area to 11.5 miles east of the RBN.

AMENDMENTS 12/10/70 35 F. R. 16591 (Rewritten)

Franklin, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36°41'50" N., 76°54'15" W. of John Beverly Rose Field-Franklin Municipal Airport; and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east.

AMENDMENTS 4/30/70 35 F. R. 4700 (Rewritten)

Frederick, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°24'50" N., 77°22'35" W., of Frederick Municipal Airport, Frederick Md.; within 3.5 miles each side of the Frederick VOR 032° radial, extending from the 5-mile radius area to 11.5 miles northeast of the VOR; within 2 miles each side of the Runway 19 centerline extended from the 5-mile radius area to 6 miles south of the end of the runway and within 2 miles each side of the Frederick VOR 075° radial, extending from the 5-mile radius area to 7 miles east of the VOR.

AMENDMENTS 3/5/70 35 F. R. 804 (Rewritten); 6/24/70 35 F. R. 10287 (Changed)

Fredericksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°15'40" N., 77°26'20" W. of Shannon Airport, Fredericksburg, Va., and within 2 miles each side of the Brooke, Va., VORTAC 227° radial, extending from the 6-mile radius area to 1 mile southwest of the VORTAC.

AMENDMENTS 4/30/70 35 F. R. 3879 (Rewritten)

Freeport, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Albertus Airport (latitude 42°14'50" N., longitude 89°34'45" W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

Fremont, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Fremont Airport, Fremont, Michigan (latitude 43°26'30" N., longitude 85°59'30" W.) and within 2 miles each side of the White Cloud, Michigan, VOR 236° radial, extending from the 4-mile radius area to 23 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NW, and 5 miles SE of the White Cloud VOR 236° radial, extending from 5 miles SW of the VOR to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W) excluding the portion within the White Cloud, Michigan, transition area.

Fremont, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport (latitude 41°26'55" N., longitude 96°30'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 334° bearing from Fremont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

AMENDMENTS 6/25/70 35 F. R. 7175 (Added)

Fremont, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Progress Field, Fremont, Ohio, 41°19'59" N., 83°09'46" W. and within 2 miles each side of the Fremont radio beacon 198° bearing extending from the 4-mile radius area for 4 miles.

Fresno, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius area to the VORTAC, excluding the portion within the arc of a 5-mile radius circle centered on the Fresno Air Terminal, and the portion NE of a line 2 miles SE of and parallel to the Fresno VORTAC 143° radial, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to the VORTAC; within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 13 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 119°30'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., to latitude 36°56'00" N., longitude 119°20'00" W., to latitude 37°04'30" N., longitude 118°59'00" W., to latitude 37°29'00" N., longitude 119°15'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to latitude 36°37'00" N., longitude 119°56'00" W., thence E along latitude 36°37'00" N., to the W boundary of V-23; thence along the W boundary of V-23 to longitude 119°30'00" W.; thence S along longitude 119°30'00" W. to the point of beginning.

Fulton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 43° 21' 05" N., 76°23'20" W. of Oswego County Airport, Fulton, N. Y.

AMENDMENTS 11/12/70 35 F. R. 14449 (Rewritten)

Gadsden, Ala.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport (latitude 33°58'25" N., longitude 86°05'14" W.).

Gage, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N. longitude 99°46'30" W.).

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Gainesville, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gainesville Municipal Airport (latitude 29°41'22" N., longitude 82°16'28" W.); excluding that airspace within a 1-mile radius of Stengel Field Airport (latitude 29°37'30" N., longitude 82°22'35" W.).

Gainesville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gainesville Municipal Airport (latitude 34°16'23" N., longitude 83°49'45" W.); within 2 miles each side of the 216° bearing from the Gainesville, Ga., RBN (latitude 34°16'29.99" N., longitude 83°49'55.58" W.), extending from the 6-mile radius area to 8 miles southwest of the RBN.

Gaithersburg, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°09'54" N., 77°09'39" W. of Montgomery County Airport, Gaithersburg, Md., and within 2 miles each side of the Gaithersburg RBN 008° bearing extending from the 5-mile radius area to 8 miles north of the RBN.

Galena, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

Galesburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles E and 8 miles W of the Galesburg VOR 019° radial extending from the VOR to 12 miles N of the VOR; and within 5 miles NW and 8 miles SE of the Galesburg VOR 214° radial extending from the VOR to 12 miles SW of the VOR.

Galeton, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°39' 50" N., 77°49'15" W., of Cherry Springs Airport, Galeton, Pa., and within 2 miles each side of the Slate Run, Pa., VOR 037° radial extending from the 5.5-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset, daily.

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 2 miles each side of the Gallup VOR 232° radial, extending from the 8-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°25'00" N., longitude 108°38'30" W.; to latitude 35°15'00" N., longitude 109°00'00" W.; to latitude 35°25'00" N., longitude 109°07'00" W.; to latitude 35°52'00" N., longitude 108°47'00" W.; to point of beginning, excluding the portion within the State of New Mexico.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Garden City, Kans.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Garden City Airport (latitude 37°56'09" N., longitude 100°43'47" W.), within 5 miles E and 8 miles W of the Garden City VORTAC 004° and 184° radials, extending from 7 miles S to 13 miles N of the VORTAC, and within 2 miles each side of the Garden City VORTAC 171° radial, extending from the 6-mile radius area to 9 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Garden City VORTAC and within 5 miles NE and 8 miles SW of the 324° bearing from the Garden City RBN, extending from the 15-mile radius area to 13 miles NW of the RBN.

Gaylord, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Otsego County Airport (latitude 45°00'50" N., longitude 84°41'45" W.) and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the 085° bearing from the Otsego County Airport; extending from the airport to 18½ miles east of the airport and within 5 miles each side of the 265° bearing from the Otsego County Airport extending from the airport to 12 miles west of the airport; that airspace extending upward from 5,000 feet MSL within the area east of Gaylord bounded on the northeast by V-45 on the southeast by V-45W and on the west by V-297; and within the area west and north of Gaylord bounded on the east by V-297 on the south by V-430 and on the northwest by V-193.

AMENDMENTS 12/10/70 35 F. R. 15906 (Rewritten)

Georgetown, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gerogetown Municipal Airport (latitude 30°40'47" N., longitude 97°40'52" W.).

AMENDMENTS 2/5/70 34 F. R. 19545 (Added)

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PART II

Section 2

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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14 CFR Parts 71, 73, 75
Compilation of Regulations

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Georgia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at latitude 32°03'25" N., longitude 80°46'30" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; to latitude 31°30'00" N., longitude 80°47'30" W.; to latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; to latitude 30°43'05" N., longitude 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°45'15" N., longitude 80°58'50" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; thence northeast to point of beginning, excluding the portion within R-6004.

AMENDMENTS 6/19/70 35 F. R. 10505 (Changed); 11/14/70 35 F. R. 17536 (Changed)

Gillette, Wyo.
That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 44°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR. That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line between the Crazy Woman VORTAC and the Gillette VOR.

AMENDMENTS 3/5/70 35 F. R. 942 (Added)

Glasgow, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Glasgow VOR 327° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4 miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport.

AMENDMENTS 7/23/70 35 F. R. 8211 (Rewritten)

Glendive, Mont.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Dawson Community Airport (latitude 47°08'20" N., longitude 104°48'25" W.); and within 4½ miles northeast and 9½ miles southwest of the 325° bearing from Dawson Community Airport, extending from the 12-mile radius area to 18½ miles northwest of the airport.

AMENDMENTS 1/8/70 34 F. R. 17511 (Rewritten)

Glens Falls, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°20'32" N., 73°36'35" W. of Warren County Airport, Glens Falls, N. Y. and within 2 miles each side of the Glens Falls VOR 172° radial extending from the 7-mile radius area to 15 miles south of the VOR; within 2 miles each side of the centerline of Runway 30 extended from the 7-mile radius area to 14 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 1 extended from the 7-mile radius area to 13.5 miles north of the end of the runway.

Gloucester, Mass.
That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Contol 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2359 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

Gloucester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area.

Goldsboro, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour-Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 9-mile radius area to 8 miles east of the TACAN; within 2.5 miles each side of Seymour Johnson TACAN 253° radial, extending from the 9-mile radius area to 21 miles west of the TACAN; within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Goldsboro-Wayne Municipal Airport (latitude 35°27'30" N., longitude 77°58'00" W.).

AMENDMENTS 4/30/70 35 F. R. 3881 (Rewritten); 8/20/70 35 F. R. 10107 (Rewritten)

Goodland, Kans
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Renner Field (latitude 39°21'45" N., longitude 101°42'00" W.); and within 2 miles each side of the Goodland VORTAC 022° radial, extending from the 6-mile radius to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Goodland VORTAC 022° radial extending from the VORTAC to 13 miles N of the VORTAC, and within 5 miles E and 8 miles W of the Goodland VORTAC 352° and 172° radials, extending from 2 miles S of the VORTAC to 12 miles N of the VORTAC.

PENDING AMENDMENT
Goodland, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); within 3 miles each side of the 320° bearing from Renner Field-Goodland Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the 125° bearing from Renner Field-Goodland Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 18½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23½-mile radius of the Goodland VORTAC, extending from the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; 4½ miles northeast and 9½ miles southwest of the 320° bearing from Renner Field-Goodland Municipal Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles west and 9½ miles east of the Goodland VORTAC 163° radial, extending from the 23½-mile radius area to 25½ miles south of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Gordonsville, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 38°09'20" N., 78°10'15" W., of Gordonsville Municipal Airport, Gordonsville, Va.; within 2 miles each side of the Gordonsville VOR 356° radial extending from the 5-mile radius area to the VOR.

Gorman, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

Goshen, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

Graham, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (latitude 33°06'20" N., longitude 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (latitude 33°07'48" N., longitude 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Grain Valley, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the East Kansas City Airport (latitude 39°00'55" N., longitude 94°12'45" W.); and within 5 miles each side of the 312° radial of the Blue Springs, Mo., VORTAC extending from the 6½-mile radius area to 8 miles northwest of the VORTAC, excluding the portion which overlies the Kansas City, Mo., 700-foot floor transition area.

AMENDMENTS 6/25/70 35 F. R. 7176 (Added)

Grand Canyon, Ariz. (Grand Canyon National Park Airport)
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Grand Canyon National Park Airport (latitude 35°57'16" N., longitude 112°08'37" W.), and within 2 miles each side of the Grand Canyon VOR 211° radial extending from the 3-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 112°27'00" W., to latitude 36°05'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°27'00" W., thence to point of beginning; and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR.

Grand Forks, N. Dak.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 5 miles W and 8 miles E of the Grand Forks VORTAC 173° radial, extending from the 8-mile radius area to 12 miles S of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles E of and parallel to the Red River VOR 180° radial to a line 5 miles W of and parallel to the Red River VOR 209° radial.

Grand Island, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'20" W.); within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 9-mile radius area to 12 miles north of the VORTAC; and within 5 miles northeast and 8 miles southwest of the Grand Island VORTAC 304° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within the arc of a 27-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial; and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile radius area to the south edge of V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

Grand Isle, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN; within 2 miles each side of the Grand Isle VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC.

Grand Junction, Colo.
That airspace extending upward from 700 feet above the surface within 8 miles northwest and 5 miles southeast of the Grand Junction VORTAC 247° and 067° radials extending from 13 miles southwest to 14 miles northeast of the VORTAC and within 2 miles south and 10 miles north of the Grand Junction VORTAC 110° radial extending from the VORTAC to 22 miles southeast; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles S of the VORTAC, within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

Grand Marais, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Devils Track Airport (latitude 47°49'35" N., longitude 90°22'45" W.); and within 2 miles each side of the 103° bearing from Devils Track Airport, extending from the 6-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 103° bearing from Devils Track Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 273° bearing from Devils Track Airport, extending from the airport to 12 miles west of the airport.

Grand Rapids, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.); within 2 miles each side of the 261° bearing from the Kent County Airport extending from the 9-mile radius area to 15½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 6 miles north of and parallel to the centerline of V-216 east of the Muskegon, Mich., VORTAC and on the west, south, and east by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); and a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending to latitude 42°45'25" N., longitude 86°23'40" W.; to latitude 42°35'00" N., longitude 86°17'30" W.; to latitude 42°35'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°02'00" W.; to latitude 43°27'00" N., longitude 85°02'00" W.

AMENDMENTS 12/10/70 35 F. R. 15905 (Rewritten)

Grand Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'35" W.), and within 2 miles each side of the Grand Rapids VOR 160° radial, extending from the VOR to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the Grand Rapids VOR 160° radial, extending from the VOR to 12 miles south of the VOR.

Grandview, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); and within 3 miles each side of the 183° bearing from Johnson County Airport, extending from the 6-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12; on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); and on the east by the west edge of V-159, excluding the portion which overlies the Emporia and Wichita, Kans., transition areas.

AMENDMENTS 2/9/70 35 F. R. 3029 (Rewritten); Corr: 35 F. R. 4947
AMENDMENTS 10/15/70 35 F. R. 12752 (Rewritten)

Grantsburg, Wis.
That airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Grantsburg VOR 018° and 198° radials, extending from 7 miles S to 13 miles N of the VOR.

Great Barrington, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 23 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 152° bearing from Great Barrington, Mass., RBN 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN.

Great Bend, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.); and within 2 miles each side of the 301° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles NE and 8 miles SW of the 301° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

Great Bend, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°03'25" N., 75°43'15" W., of Wheeler-Sack AAF, N. Y.; within 2 miles each side of the Wheeler-Sack AAF runway 15 centerline, extended from the 5-mile radius area to 5 miles southeast of the end of the runway; within 2 miles each side of the Wheeler-Sack AAF runway 21 centerline, extended from the 5-mile radius area to 7.5 miles south of the end of the runway; within 3 miles each side of the Watertown, N. Y., VOR 069° radial, extending from the 5-mile radius area to the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°51'30" N., 75°40'00" W., to 43°59'30" N., 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W. to point of beginning, excluding the portion which coincides with the Watertown, N. Y. 700-foot and 1,200-foot transition area.

AMENDMENTS 8/20/70 35 F. R. 11016 (Added)

Great Falls, Montana
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Malmstrom AFB (latitude 47°30'25" N., longitude 111°11'05" W.); and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile radius area to 56 miles west of the VOR.

Greeley, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°25'35" N., longitude 104°37'45" W.) and within 3.5 miles each side of the Gill VOR 038° and 218° radials extending from the 6-mile radius area to 11 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

Green Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles northwest of the VORTAC; and within 2 miles each side of the Green Bay ILS localizer southwest and northeast courses, extending from 11 miles southwest to 21 miles northeast of the OM.

PENDING AMENDMENT
Greeneville, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greeneville Municipal Airport (lat. 36°11'30" N., long. 82°49'01" W.); within 9.5 miles southeast and 4.5 miles northwest of the 038° bearing from Greene County RBN (lat. 36°11'26" N., long. 82°48'50" W.), extending from the RBN to 18.5 miles northeast of the RBN; excluding the portion within the Tri-City, Tennessee transition area.

AMENDMENTS 2/4/71 35 F. R. 19171 (Added)

Greensboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 3 miles each side of Greensboro VORTAC 035° radial, extending from the 8.5-mile radius area to 20 miles northeast of the VORTAC; within 3 miles each side of Greensboro VORTAC 207° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of Greensboro ILS localizer northwest course, extending from the LOM to 18.5 miles northwest.

AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Greenville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport (latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles north of the airport.

Greenville, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'20" W.); within 3 miles each side of the Greenville VOR 358° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR.

AMENDMENTS 1/8/70 34 F. R. 17510 (Rewritten)
AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Greenville, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (latitude 35°37'55" N., longitude 77°23'05" W.); within 3 miles each side of the 007° bearing from Greenville RBN (latitude 35°42'32" N., longitude 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 2/5/70 34 F. R. 19026 (Rewritten)

Greenville, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 9.5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 4 miles each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 9.5-mile radius area to 15 miles northeast of the airport.

AMENDMENTS 11/12/70 35 F. R. 14076 (Rewritten)

Greenville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Majors Airport (latitude 33°04'00" N., longitude 96°03'45" W.); and within 2 miles each side of the Majors VOR 188° radial, extending from the 7-mile radius area to 8 miles S of the VOR.

Greenwood, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

Greenwood, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.).

AMENDMENTS 5/28/70 35 F. R. 5530 (Rewritten)

Griffith, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longitude 87°23'55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

Groton, Conn.
That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'30" W. to 41°18'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

Guam Island
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N. longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Agana VOR, excluding the portion within R-7201 and W-517.

Guard Island, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the 247° and the 067° bearings from the Guard Island RBN extending from 7 miles northeast to 13 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the 150° and 330° bearings from the Guard Island RBN extending from 8 miles southeast to 19 miles northwest of the RBN.

Gulfport, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 9.5 miles southwest and 4.5 miles northeast of Gulfport VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest; within an 8.5-mile radius of Keesler AFB
(latitude 30°24'39.2" N., longitude 88°55'25.9" W.); within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 2 miles each side of Keesler TACAN 045° radial, extending from the 8.5-mile radius area to 13 miles northeast of the TACAN; within 2 miles each side of Keesler TACAN 205° radial, extending from the 8.5-mile radius area to 13 miles southwest of the TACAN.

AMENDMENTS 2/5/70 34 F. R. 19245 (Changed); 3/5/70 35 F. R. 6 (Changed)
AMENDMENTS 8/20/70 35 F. R. 8926 (Changed)

Gulkana, Alaska
That airspace extending upward from 1,200 feet above the surface within 7 miles east and 10 miles west of the Gulkana TACAN 350° and 170° radials extending from 18 miles north to 25 miles south of the TACAN.

Gunnison, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 12 miles northeast to 19 miles southwest of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 942 (Rewritten)

Gustavus, Alaska
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VOR; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RR, extending from 16 miles NW to 48 miles SE of the RR.

Guthrie, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°38'25" N., longitude 100°20'50" W., and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Guymon, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Guymon Municipal Airport (latitude 36°40'45" N., longitude 101°30'30" W.), and within 3.5 miles each side of the 006° bearing from the Guymon RBN (latitude 36°42'19" N., longitude 101°30'17" W.) extending from the 8-mile radius area to 11 miles north of the RBN.

AMENDMENTS 6/25/70 35 F. R. 6749 (Rewritten)
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Hagerstown, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 239° radial extending from the 7-mile radius area to 8 miles SW of the VOR.

Hamilton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

Hanford, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of the Hanford Municipal Airport (latitude 36°19'04" N., longitude 119°37'39" W.), and within 2 miles each side of the Visalia TVOR 246° radial extending from the 3-mile radius area toward the Visalia TVOR to abut the currently designated Visalia 700-foot transition area, excluding that airspace within a 1-mile radius of the Blair (private) Airport (latitude 36°16'31" N., longitude 119°38'23" W.).

AMENDMENTS 5/28/70 35 F. R. 5216 (Added); Corr: 35 F. R. 6749

Hanksville, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Hanksville VORTAC 241° and 061° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the airspace within Federal airways.

Harlan, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Harlan Municipal Airport (latitude 41°35'15" N., longitude 95°20'15" W.); and within 5 miles each side of the Neola, Iowa, VORTAC 064° radial, extending from the 7-mile radius area to 8 miles northeast of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 7177 (Added)

Harlingen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'10" W.) and within 2 miles each side of a 360° bearing from the Harlingen RBN (latitude 26°18'17.8" N., longitude 97°39'25.3" W.) extending from the RBN to 8 miles north; within 2 miles each side of a 180° bearing extending from the RBN to the airport; and within 2 miles each side of the Harlingen VOR 118° radial extending from the VOR to the airport.

Harrisburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrisburg-Raleigh Airport (latitude 37°48'50" N., longitude 88°32'56" W.), and within 2 miles each side of the 064° bearing extending from the RBN to a point 8 miles northeast.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Harrisburg, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Harrisburg State Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport, Middletown, Pa.; within 5 miles north and 8 miles south of the Olmsted State Airport ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.

AMENDMENTS 12/19/69 34 F. R. 19872 (Changed)

Harrison, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 12.5-mile radius of the airport extending from the Harrison VOR 140° radial clockwise to the 320° radial, and within 3.5 miles each side of the Harrison VOR 320° radial extending from the 6.5-mile radius area to 11.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-72, on the east by V-71, and on the south by the Arkansas/Missouri State line excluding the portion within the Point Lookout, Mo., transition area.

AMENDMENTS 9/17/70 35 F. R. 11617 (Rewritten)

Hartford, Conn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°56'25" N., 72°41'05" W., of Bradley International Airport, Windsor Locks, Conn.; within 2 miles each side of the Bradley International Airport ILS localizer southwest course extending from the 9-mile radius area to 12 miles southwest of the OM; within a 9-mile radius of the center, 41°45'10" N., 72°37'25" W., of Rentschler Field, East Hartford, Conn.; within 2 miles each side of a 130° bearing from the Hartford RBN extending from the RBN to 8 miles southeast of the RBN; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the Runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VOR; within 2 miles each side of the Hartford VOR 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VOR; and within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest.

Hartsville, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hartsville Municipal Airport (latitude 34°24'15" N., longitude 80°07'04" W.); within 3 miles each side of the 014° bearing from Hartsville RBN (latitude 34°24'25" N., longitude 80°06'56" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Darlington, S. C., transition area.
AMENDMENTS 4/2/70 35 F. R. 943 (Added); Eff. date changed 4/30/70 35 F. R. 5913

Hastings, Mich.
That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Hastings Municipal Airport (latitude 42°39'50" N., longitude 85°20'50" W.); and within 2 miles each side of the Grand Rapids, Mich., VOR 141° radial extending from the 6½ mile radius area to the Grand Rapids VOR, excluding the portion which overlies Grand Rapids, Mich. 700-foot floor transition area.
AMENDMENTS 9/17/70 35 F. R. 12199 (Added)

Hastings, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles NW of the airport; within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 143° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to 14 miles SE, within 5 miles E and 9 miles W of the 338° bearing from the Hastings Municipal Airport extending from the Hastings Municipal Airport to 13 miles N, and within 5 miles each side of the 066° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to the S edge of V-138 and the area bounded on the S by a line 5 miles S of and parallel to the 286° bearing from Hastings Municipal Airport on the N by V-8 S and on the E by a line 9 miles W of and parallel to the 338° bearing from Hastings Municipal Airport.

Hattiesburg, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (latitude 31°17'57" N., longitude 89°18'01" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN.

Haverhill, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass. transition area. This transition area shall be effective from sunrise to sunset, daily.

Havre, Mont.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Havre VOR; within 4½ miles south and 9½ miles north of the Havre VOR 080° radial, extending from the 14-mile radius area to 18½ miles east of the VOR; and within 4½ miles north and 9½ miles south of the Havre VOR 287° radial, extending from the 14-mile radius area to 18½ miles west of the VOR.

Hawaiian Islands.
That airspace extending upward from 14,500 feet MSL within the area bounded by lines beginning at latitude 22°24'N., longitude 161°15' W., to latitude 23°53' N., longitude 159°30' W., to latitude 22°31' N., longitude 156°05' W., to latitude 21°47' N., longitude 155°32' W., to latitude 19°44' N., longitude 153°15' W., to latitude 18°20' N., longitude 153°32° W., to latitude 17°15' N., longitude 155°40' W., to latitude 19°43' N., longitude 158°00' W., to latitude 20°46' N., longitude 159°29' W., to latitude 21°18' N., longitude 159°32' W., to latitude 21°30' N., longitude 159°32' W., to latitude 21°30' N., longitude 161°00' W., to latitude 21°56' 30" N., longitude 161°20' W., to the point of beginning. The airspace within control area extensions, transition areas, Federal airways, warning areas W-318, W-319, W-320, W-321, W-322, W-511, W-512, and the airspace less than 1,500 feet above the terrain is excluded.

Hays, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the Hays, Kans., VOR 162° radial, extending from the VOR to 14 miles south of the VOR.

Hayward and Cable, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'35" N., longitude 91°26'40" W.); and within an 8-mile radius of Cable Union Airport (latitude 46°11'30" W.), longitude 91°5'00" W.), and within 2½ miles each side of the 026° bearing from the Hayward Municipal Airport extending from the Hayward Municipal Airport 7-mile radius area to 15 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 6 miles southeast of the 026° bearing from Hayward Municipal Airport, extending from 3 miles northeast to 27½ miles northeast of the airport; and within 9½ miles southeast and 4½ miles northwest of the 228° bearing from Cable Union Airport, extending from 5 miles southwest to 27½ miles southwest of the airport.

AMENDMENTS 1/7/71 35 F. R. 17033 (Rewritten)

Hazlehurst, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hazlehurst Airport (latitude 31°53'05" N., longitude 82°38'50" W.); within 2 miles each side of the Alma VORTAC 342° radial extending from the 5-mile radius area to 18 miles N of the VORTAC.

Hazleton, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°59'11" N., 75°59'38" W. of Hazleton Airport, Hazleton, Pa., within 2 miles each side of the 076° bearing from the Hazleton RBN extending from the 7-mile radius area to 8 miles E of the RBN and within 2 miles each side of the Hazleton VOR 263° radial extending from the 7-mile radius area to 8 miles W of the VOR.

Heber, Ariz.
That airspace extending upward from 13,500 feet MSL bounded on the north by the south edge of V-264, on the southeast by the northwest edge of V-190, on the south by latitude 33°54'00" N. and on the northwest by the southeast edge of V-95.

Helena, Mont.
That airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VORTAC 089° and 269° radials extending from 18 miles E to 7 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles S and 9 miles N of the Helena VORTAC 089° and 272° radials extending from 12 miles E to 45 miles W of the VORTAC, within the area bounded on the N by a line 5 miles N of and parallel to the Helena VORTAC 089° radial and on the SW by a line 5 miles SW of and parallel to the Helena VORTAC 119° radial extending from the VORTAC to the arc of an 18-mile radius circle centered on the VORTAC, and the area bounded on the NW by a line 6 miles NW of and parallel to the Great Falls, Mont., VORTAC 222° radial, on the NE by the arc of a 40-mile radius circle centered on Malmstrom AFB (latitude 47°30'35" N., longitude 111° 11'35" W.), on the SE by a line 5 miles SE of and parallel to the Helena VORTAC 023° radial and on the South by a line 9 miles N of and parallel to the Helena VORTAC 089° and 272° radials.

Henderson, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°48'30" N., 87°41'00" W., of Henderson City-County Airport, Henderson, Ky., within 2 miles each side of the Evansville
VOR 152° radial extending from the 5-mile radius to the VOR, said area effective sunrise to sunset daily, excluding the portion which coincides with the Evansville 700-foot transition area.

Hershey, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center (40°17'35" N., 76°39'40" W.) of Hershey Air Park Airport, Hershey, Pa.; and within 2 miles each side of the Runway 8 centerline extended from the 4-mile radius area to 5 miles east of the end of the runway, excluding that portion which coincides with Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

Hibbing, Minn.
That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 3 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 23 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'40" N., longitude 92°29'50" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 097° radial, extending from the 11-mile radius area to 18½ miles east of the VOR;and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 256° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC, extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 256° radial; within 4½ miles northeast and 9½ miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 18½ miles southwest of the airport.

AMENDMENTS 12/10/70 35 F. R. 15905 (Rewritten)

Hickory, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (latitude 35°44'30" N., longitude 81°23'20" W.); within 9.5 miles southeast and 4.5 miles northwest of the 042° bearing from Hickory RBN (latitude 35°44'00" N., longitude 81°23'30" W.), extending from the RBN to 18.5 miles northeast; within 3 miles each side of Hickory VOR 058° and 222° radials, extending as a corridor from the 8.5-mile radius area to 8.5 miles northeast of the VOR.

AMENDMENTS 2/5/70 34 F. R. 18751 (Rewritten)

Hillsboro, Oreg.
That airspace extending upward from 700 feet above the surface witnin a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

Hillsdale, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hillsdale, Mich., Airport (latitude 41°55'15" N., longitude 84°35'05" W.), and within 2 miles each side of the Litchfield, Mich., VORTAC 140° radial extending from the 5-mile radius area to 8 miles northwest of the airport.

Hilltop Lakes, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (latitude 31°04'50" N., longitude 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

Hilo, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), extending clockwise from a line 2 miles southwest of and parallel to the Hilo VORTAC 321° radial to a line 2 miles south of and parallel to the Hilo VORTAC 099° radial; and that airspace extending upward from 1,200 feet above the surface northeast of Hilo bounded on the north by V-21, on the south by V-22 and on the west by V-19; that airspace east of Hilo bounded on the north by V-22, on the east by the Honolulu FIR/Oceanic CTA and on the south by V-15; that airspace south of Hilo within the arc of a 21-mile radius circle centered on the Hilo, Hawaii, VORTAC, extending clockwise from V-15 to a line 9 miles southwest of and parallel to the 157° radial of the Hilo VORTAC.

AMENDMENTS 1/7/71 35 F. R. 16468 (Rewritten)

Hilton Head Island, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport (latitude 32°13'20" N., longitude 80°41'55" W.), excluding the portion outside the continental limits of the United States.

Hobart, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-
mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360°
and 180° bearings from latitude 34°33'53" N., longitude 99°16'24" W.; extending from 24 miles N to 12 miles S of latitude 34°33'53" N., longitude 99°16'24" W.

AMENDMENTS 12/22/69 35 F. R. 310 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Hobbs, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 222° radial, extending from the 9-mile radius area to 8 miles SW of the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Holland, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); within a 6-mile radius of Tulip City Airport (latitude 42°44'45" N., longitude 86°06'30" W.); within 3 miles each side of the 175° bearing from Park Township Airport, extending from the 6-mile radii area to 8 miles south of the airport; and within 2 miles each side of the Pullman, Mich., VORTAC 359° radial, extending from the 6-mile radii area to 12 miles north of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11466 (Rewritten)

Homer, Alaska
That airspace extending upward from 1,200 feet above the surface, within 8 miles S and 5 miles N of the 265° and 085° bearings from the Homer RR, extending from 13 miles W to 7 miles E of the RR; and within 8 miles NW and 5 miles SE of the Homer VOR 224° and 044° radials, extending from 13 miles SW to 7 miles NE of the VOR, and within a 54-mile radius of the Homer VOR extending counterclockwise from the south boundary of V-436E, west of Homer, to the west boundary of V-438W, southwest of Homer.

Honolulu, Hawaii.
That airspace extending upward from 700 feet above the surface south and southeast of Honolulu beginning at latitude 21°20'30" N., longitude 157°51'15" W. thence south to latitude 21°15'30" N., longitude 157°49'15" W. thence west to latitude 21°09'50" N., longitude 158°09'50" W. thence northwest to latitude 21°10'10" N., longitude 158°11'55" W. thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.) to the point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above
the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'00" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158° 54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W.; that airspace northwest of Honolulu, extending from the 30-mile radius area bounded on the northeast by W-322D, on the west by the Lihue transition area, and on the southwest by V-2; and that airspace southeast of Honolulu bounded on the northeast by V-16, on the east by longitude 157°17'00" W., on the south by a line extending from latitude 20°47'15" N., longitude 157°17'00" W. to latitude 20°48'00" N., longitude 157°30'00" W. through latitude 20°52'00" N., longitude 157°50'00" W. to a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, and on the west by a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, excluding the portion within W-322D and the portion within the Kaneohe control zone and the Kaneohe transition area.

AMENDMENTS 10/15/70 35 F. R. 12533 (Changed) : Corr: 35 F. R. 14382

Honolulu, Hawaii (Wheeler AFB)
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials.

Hope, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (latitude 33°43'06" N., longitude 93°39'30" W.); and within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC.

Hope, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Farmington, Minn., VOR 184° radial, extending from 38 miles S to 65 miles S of the VOR.

Hopewell, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°18'20" N., 77°13'10" W., of Hopewell Airport and within 1.5 miles each side of the Hopewell VORTAC 253° radial extending from the 5-mile radius area to the VORTAC excluding the portion that coincides with the Richmond, Va., transition area.

AMENDMENTS 4/30/70 35 F. R. 4700 (Rewritten)

Hopkinsville, Ky.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 36°40' 25" N., 87°29'30" W. of Campbell Army Airfield; within 5 miles SE and 8 miles NW of the Campbell RBN 044° bearing extending from the 14-mile radius area to 12 miles NE of the RBN;

That airspace extending upward from 1,200 feet above the surface within the area bounded on the E by V-7, on the SE by V-49, on the S by V-140, and by a line commencing at the N edge of V-140 at 87°55'15" W. to 36°28'00" N., 88°18'50" W. to 36°34'45" N., 88°03'00" W. to 36°44'45" N., 88°09'55" W. to 36°53'20" N., 88°07'05" W. to 37°12'50" N., 87°39'30" W. to the W edge of V-7 at latitude 37°17'50" N.

That airspace extending upward from 2,500 feet MSL within 5 miles each side of the Paducah, Ky., VOR 109° radial bounded on the E by the aforementioned 1,200-foot transition area and on the W by a line between 36°54'00" N., 88°42'15" W. and 37°01'30" N., 88°35'00" W.

Hoquiam, Wash.
That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam 080° radial, extending eastward between the arcs of 5- and 13- mile radius circles centered on Bowerman Field (latitude 46°58'15" N., longitude 123°56'05" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the Hoquiam VORTAC 068° and 248° radials, extending from 13.5 miles east to 13 miles west of the VORTAC, and the area south of the Hoquiam VORTAC bounded on the east by the east boundary of V-27W, on the south and west by the arc of a 13-mile radius circle centered on the Hoquiam VORTAC and on the north by a line 5 miles south of and parallel to the Hoquiam VORTAC 068° and 248° radials, excluding the portion that would coincide with W-237.

Hot Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3.5 miles each side of the 248° bearing from the Hot Springs RBN extending from the 15-mile radius area to 11.5 miles west of the RBN.

AMENDMENTS 7/23/70 35 F. R. 7177 (Rewritten)

Hot Springs, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°57'00" N., 79°49'00 W., of Ingalls Field, Hot Springs, Va., and within 2 miles each side of the Hot Springs RBN 056° bearing extending from the 6-mile radius area to 8 miles NE of the RBN.

Houghton, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Houghton RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 9½ miles southwest of the Houghton VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton VOR 141° radial, extending from the VOR to 18½ miles southeast of the VOR.

AMENDMENTS 12/10/70 35 F. R. 15906 (Rewritten)

Houlton, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine.

That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

Houma, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

Houston, Tex.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°28'00" W., thence to latitude 29°45'00" N., longitude 94°44'00" W., thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (latitude 29°15'55" N., longitude 94°41'35" W.) and latitude 29°16'00" N. at a point east of Scholes Field, thence clockwise along the arc of the 5-mile radius circle to latitude 29°16'00" N. at a point west of Scholes Field, thence to latitude 29°30'00" N., longitude 95°54'00" W., to latitude 30°26'00" N., longitude 95°42'00" W., to point of beginning.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Howell, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles southeast of the airport.

Hugo, Colo.
That airspace south of Hugo, Colo., VOR extending upward from 8,500 feet MSL, bounded on the north by V-108S, on the northeast by V-263, on the south by V-210, and on the west by V-19E and that airspace east of Hugo, extending upward from 8,500 feet MSL, bounded on the north by V-4, on the east by longitude 102°50'00" W., on the southwest by V-263, and on the west by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas.

PENDING AMENDMENT
Humboldt, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Humboldt Municipal Airport (lat. 35°48'00" N., long. 88°52'00" W.); within 2.5 miles each side of the Dyersburg VORTAC 121° radial, extending from the 5-mile radius area to 23 miles southeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18584 (Added)

Huntingburg, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'05" N., longitude 86°57'20" W.), and within 2 miles each side of the 247° bearing from the Huntingburg Airport extending from the 6-mile radius area to 8 miles southwest of the airport.

Huntington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'15" N., longitude 85°27'50" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

AMENDMENTS 8/20/70 35 F. R. 10359 (Added)

Huntington, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°22'00" N., 82°33'25" W., of the Tri-State Airport (Walker-Long Field), Huntington, W. Va., within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 6-mile radius area to 8 miles west of the OM and within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 6-mile radius area to 13 miles east of the Shoals, W. Va., FM.

Huntsville, Ala.
That airspace extending upward from 700 feet above the surface within a 15.5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 3 miles each side of Huntsville ILS localizer north course, extending from the Capshaw RBN to 8.5 miles north of the RBN; within 3 miles each side of Huntsville ILS localizer south course, extending from the localizer to 14.5 miles south; within an 8.5-mile radius of Pryor Field (latitude 34°39'09" N., longitude 86°56'45" W.); within 9.5 miles west and 4.5 miles east of the Decatur VOR 351° radial, extending from the VOR to 18.5 miles north.

Huntsville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Huntsville Municipal Airport (lat. 30°44'30" N., long. 95°35'30" W.), within 3 miles each side of the Leona VORTAC 139° radial extending from the 5-mile radius area to 27.5 miles southeast of the VORTAC, and within 3.5 miles each side of the 008° bearing from the Huntsville RBN (lat. 30°44'20" N., long. 95°35'17" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 1/7/71 35 F. R. 17249 (Added)

Huron, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Howes Municipal Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 4½ miles northeast and 11 miles southwest of the Huron VOR 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Huron VOR, extending from the 314° radial clockwise to the 125° radial; and within a 17-mile radius of the Huron VOR, extending from the 125° radial clockwise to the 314° radial.

AMENDMENTS 4/2/70 35 F. R. 2581 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Hutchinson, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hutchinson Municipal Airport (latitude 38°03'55" N., longitude 97°51'35" W.); within 8 miles northwest and 5 miles southeast of the Hutchinson VORTAC 042° and 222° radials extending from the 8-mile radius area to 12 miles southwest of the VORTAC; and within 8 miles northeast and 5 miles southwest of the Hutchinson ILS localizer northwest course, extending from the 8-mile radius area to 12 miles northwest of the OM; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Hutchinson VORTAC; within 10 miles west and 6 miles east of the Hutchinson VORTAC 025° radial, extending from the 30-mile radius area to 44 miles north of the VORTAC; within 6 miles southwest and 10 miles northeast of the Hutchinson VORTAC 296° radial, extending from the 30-mile radius area to 44 miles northwest of the VORTAC; within 6 miles north and 10 miles south of the Hutchinson VORTAC 266° radial extending from the 30-mile radius area to 41 miles west of the VORTAC; and the area southwest of Hutchinson bounded on the northeast by the 30-mile radius area, on the south by the north edge of V-12N, and on the northwest by the southeast edge of V-280, excluding the portion which overlies the Wichita and Salina, Kans., transition areas.

Ida Grove, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ida Grove Municipal Airport (latitude 42°19'55" N., longitude 95°26'40" W.); and within 2 miles each side of the 117° bearing from Ida Grove Municipal Airport, extending from the 7-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 117° bearing from Ida Grove Municipal Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 297° bearing from Ida Grove Municipal Airport, extending from the airport to V-100.

Idaho Falls, Idaho
That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

Iliamna, Alaska
That airspace extending upward from 1,200 feet above the surface within 6 miles W. and 8 miles E. of the 016° and 196° bearings from the Iliamna RBN, extending from 7 miles N. to 13 miles S. of the RBN.

Illinois
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Illinois.

AMENDMENTS 1/7/71 35 F. R. 17036 (Added)

Independence, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to the Oklahoma transition area.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Indiana
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Indiana.

AMENDMENTS 1/7/71 35 F. R. 17035 (Added)

Indiana, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°37'57" N., 79°06'18" W. of Indiana County Jimmy Stewart Airport, Indiana, Pa., and within 2 miles each side of the 091° bearing from the Indiana RBN extending from the 6-mile radius area to 7 miles E of the RBN.

Indianapolis, Ind.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within a 5½-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); within a 5½-mile radius of Eagle Creek Airpark (latitude 39°49'45" N., longitude 86°17'45" W.); and within 3 miles each side of the Indianapolis VORTAC 257° radial, extending from the 5½ and 9-mile radii to 8 miles west of the VORTAC.

AMENDMENTS 2/5/70 35 F. R. 101 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Indianola, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (latitude 33°29'05" N., longitude 90°40'45" W.).

International Falls, Minn.
That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VOR 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VOR; and within 4½ miles southwest and 9½ miles northeast of the International Falls VOR 129° and 309° radials, extending from 6 miles northwest to 18½ miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the International Falls VOR, excluding the portions outside the United States.

AMENDMENTS 5/28/70 35 F. R. 5531 (Rewritten)

Ionia, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia County Airport (latitude 42°56'20" N., longitude 85°04'15" W.); and within 3 miles each side of the 064° radial of the Grand Rapids, Michigan VOR, extending from the 5-mile radius area to 30 miles northeast of the VOR.

AMENDMENTS 4/30/70 35 F. R. 4256 (Rewritten)

Iowa City, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41° 38' 25" N., longitude 91° 32' 50" W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

Iron Mountain, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Iron Mountain VOR; within 4½ miles west and 9½ miles east of the Iron Mountain VOR 193° radial, extending from the 13-mile radius area to 18½ miles south of the VOR; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VOR 141° radial extending from the VOR to 18½ miles southeast of the VOR.

AMENDMENTS 5/28/70 35 F. R. 5680 (Rewritten)

PENDING AMENDMENT
Iron Mountain, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Iron Mountain VORTAC; within 4½ miles west and 9½ miles east of the Iron Mountain VORTAC 193° radial, extending from the 13-mile radius area to 18½ miles south of the VORTAC; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport (latitude 45°48'55" N., longitude 88°06'56" W.) extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15½-mile radius of the Iron Mountain VORTAC; within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VORTAC 141° radial; extending from the VORTAC to 18½ miles southeast of the VORTAC; and within 4½ miles east and 9½ miles west of the Iron Mountain VORTAC 004° radial, extending from the VORTAC to 18½ miles north of the VORTAC, excluding the portion which overlies the Marquette, Mich., 1,200-foot transition area.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Ironwood, Mich.
That airspace extending upward from 700-feet above the surface within a 9½-mile radius of Gogebic County Airport (latitude 46°31'25" N., longitude 90°07'50" W.); within 9½ miles north and 4½ miles south of the Ironwood VORTAC 254° radial, extending from the 9½-mile radius area to 18½ miles west of the VORTAC; and within 3 miles each side of the Ironwood VORTAC 108° radial, extending from the 9½-mile radius area to 12½ miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Ironwood VORTAC; and within 4½ miles south and 9½ miles north of the Ironwood VORTAC 108° radial, extending from the 17-mile radius area to 23½ miles east of the VORTAC.
AMENDMENTS 12/10/70 35 F. R. 14925 (Rewritten)

Islip, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Long Island-MacArthur Airport (latitude 40°47'50" N., longitude 73°06'00" W.); and within 2 miles each side of the Long Island-MacArthur Airport
localizer SW course extending from the 7-mile radius area to 8 miles SW of the OM; and within 2 miles each side of the NE ILS localizer course extending from the 7-mile radius area to 9 miles NE of the localizer.

Ithaca, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 42°29'25" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., and within 5 miles SW and 8 miles NE of the Ithaca VOR 305° radial extending from the VOR to a point 12 miles NW, excluding that portion which overlies the Elmira, N.Y., transition area.

Jackson, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the west by longitude 84°50'00" W., on the north by latitude 42°30'00" N., on the east by longitude 84°05'00" W., and on the south by a line beginning at latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00 N., longitude 84°46'00" W., to latitude 41°41'00" N., longitude 84°16'00" W., to latitude 41°45'00" N., longitude 84°11' 45" W., to latitude 41°45'05" N., longitude 84°05'00" W.

Jackson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'05" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 147° and 327° bearings from Jackson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Jackson, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within an 8-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 8-mile radius area to the VORTAC; within a 5.5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.); within 1.5 miles each side of the Jackson VORTAC 142° radial, extending from the 5.5-mile radius area to the VORTAC.

AMENDMENTS 4/2/70 35 F. R. 2645 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Jackson, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.).

Jackson, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on Jackson Hole Airport, Wyo. (latitude 43°36'24" N., longitude 110°44'13" W.); that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 200° and 020° radials, extending from 23 miles south to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunoir, Wyo. VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR, and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

Jacksonville, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Jacksonville International Airport (latitude 30°29'16" N., longitude 81°41'20" W.); within an 8-mile radius of NS Mayport (latitude 30°23'30" N., longitude 81°25'25" W.); within 2 miles each side of the Navy Mayport TACAN 041° radial, extending from the NS Mayport 8-mile radius area to 12 miles northeast of the TACAN; within a 5-mile radius of Craig Municipal Airport (latitude 30°20'10" N., longitude 81°30'50" W.); within 2 miles each side of the Jacksonville VORTAC 160° radial, extending from the 5-mile radius area to the VORTAC; within an 8-mile radius of NAS Jacksonville (latitude 30°14'10" N., longitude 81°40'40" W.); within an 8-mile radius of NAS Cecil Field (latitude 30°13'05" N., longitude 81°52'45" W.).

Jacksonville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'30" W.); and within 3 miles each side of the 309° bearing from Jacksonville Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.
AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Jacksonville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within a 6.5-mile radius of Albert Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); excluding the portion within R-5306 B and C.

AMENDMENTS 6/25/70 35 F. R. 6274 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 17535 (Rewritten) Corr: 35 F. R. 19248

Jamestown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Jamestown Municipal Airport, Jamestown, N. Y. (42°09'10" N., 79°15'30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N. Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

Jamestown, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Jamestown Municipal Airport.

Janesville, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'25" W.); and within 5 miles SE and 8 miles NW of the Janesville VOR 239° radial, extending from the 8-mile radius area to 12 miles SW of the VOR; and within 2 miles each side of the Janesville VOR 038° radial, extending from the 8-mile radius area to 20 miles NE of the VOR.

Jasper, Tenn.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Marion County-Brown Field (latitude 35°03'35" N., longitude 85°35'05" W.); excluding the portion that coincides with the Chattanooga, Tenn., transition area.
AMENDMENTS 10/15/70 35 F. R. 12328 (Added)

Jasper, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'32" N., longitude 94°02'03" W.), within 3.5 miles each side of the 360° bearing from the Jasper RBN (latitude 30°57'16" N., longitude 94°02'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN, and within 3.5 miles each side of the 182° bearing from the Pine RBN (latitude 30°52'00" N., longitude 94°02'06" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.
AMENDMENTS 6/25/70 35 F. R. 7108 (Rewritten)

Jefferson, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jackson County Airport (latitude 34°10'31" N., longitude 83°33'38" W).

Jefferson, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jefferson Municipal Airport (latitude 42°00'30" N., longitude 94°20'30" W.), and within 8 miles NE and 5 miles SW of the 152° bearing from the Jefferson RBN, extending from the RBN to 12 miles SE; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 183° radial of the Fort Dodge, Iowa, VORTAC, extending from the Fort Dodge VORTAC, S to the Jefferson RBN; and within 5 miles each side of the 127° bearing from the Jefferson RBN, extending from the RBN SE to the W edge of V-13W and the N edge of V-172, excluding the Fort Dodge, Iowa, and Des Moines, Iowa, transition areas.

Jefferson, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°45'15" N., 80°46'25" W., of the Ashtabula-Jefferson Airport, Jefferson, Ohio; and within 2 miles each side of the Jefferson, Ohio, VORTAC 061° radial extending from the Ashtabula-Jefferson Airport 5-mile radius area to 8 miles northeast of the VORTAC; within a 5-mile radius of the center 41°46'40" N., 80°41'50" W., of Ashtabula County Airport, Ashtabula, Ohio, and within 2 miles each side of the Jefferson, Ohio, VORTAC 243° radial, extending from the VORTAC to 8 miles southwest of the VORTAC.

Jefferson City, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial extending from the 8-mile radius area to 8 miles NW of the VOR; and within 5 miles NE and 8 miles SW of the Jefferson City VOR 119° radial extending from the VOR to 12 miles SE.

Jennings, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.), and within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC.

AMENDMENTS 1/8/70 34 F. R. 18298 (Added)

Johnson City, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City, Tex., airport (latitude 30°15'20" N., longitude 98°37'15" W.); and within 2 miles each side of the 175° bearing from the Johnson City RBN extending from the 7-mile radius area to 8 miles S of the RBN.

Johnston Island, Johnston Atoll
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Johnston Island RBN.

Johnstown, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°18'55" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 320° radial extending from the 7-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the Johnstown VOR 044° radial extending from the 7-mile radius area to 8 miles NE of the VOR; and within 5 miles NW and 8 miles SE of the Johnstown 215° radial extending from the VOR to 12 miles SW of the VOR.

Jonesboro, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

Joplin, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearings from the Joplin Municipal Airport, extending from 23 miles north northwest to 25½ miles southeast of the airport.

AMENDMENTS 12/10/70 35 F. R. 14925 (Rewritten)

Junction, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (latitude 30°30'35" N., longitude 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Juneau, Alaska
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN, that airspace northwest of Juneau bounded on the east by A-15; on the northwest by a line from the Gustavus, Alaska, RR to the Haines, Alaska, RBN, and on the southwest by a line 19 miles northeast of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RR, and that airspace south of Juneau, extending from the 20-mile radius area, bounded on the northeast by A-15 and on the southwest by B-38, excluding the portion within the Gustavus, Alaska, transition area.

AMENDMENTS 12/10/70 35 F. R. 16242 (Rewritten)

Juneau, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Dodge County Airport (latitude 43°25'35" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius area to 8 miles south of the airport.

AMENDMENTS 10/15/70 35 F. R. 13116 (Rewritten)

Kahului, Hawaii
That airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VORTAC 331° radial, on the north by the arc of an 8.5-mile radius circle centered on the Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.), on the southeast by a line 4 miles northwest of and parallel to the Maui VORTAC 038° radial and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport, and within 4 miles each side of the Maui VORTAC 038° radial, extending from 14 to 17 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Kahului Airport, extending clockwise from V-6 northwest of Kahului to V-6 east of Kahului, and that airspace east of the 30-mile radius area bounded on the north by a line 5 miles north of and parallel to the Maui VORTAC 061° radial, on the east by the arc of a 55-mile radius circle centered on the Maui VORTAC, and on the south by V-6.
AMENDMENTS 10/15/70 35 F. R. 12836 (Changed)

Kaiser, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine Memorial Airport (latitude 38°05'45" N., longitude 92°32'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 045° bearing from Lee C. Fine Memorial Airport, extending from the airport to 18½ miles northeast of the airport; and within 5 miles each side of the 225° bearing from Lee C. Fine Memorial Airport, extending from the airport to 12 miles southwest of the airport.
AMENDMENTS 7/23/70 35 F. R. 8474 (Added)

Kalispell, Mont.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Kalispell VOR 332° radial, extending from the arc of a 5-mile radius circle centered on Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.) to the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles E and 8 miles W of the Kalispell VOR 166° and 346° radials extending from 14 miles S to 7 miles N of the VOR.

Kaneohe, Hawaii.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°32'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°32'45" N., longitude 157°51'20" W., thence to latitude 22°00'45" N., longitude 157°56'00" W., thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V-12, thence SW along the NW boundary of V-12 to latitude 21°23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.; thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning.

Kankakee, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greater Kankakee Airport (latitude 41°04'17" N., longitude 87°50'56" W.), and within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the 042° and 222° bearings from the Greater Kankakee Airport extending from the 5-mile radius area to 8 miles NE and SW of the airport.

Kansas City, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City Municipal Airport ILS localizer north course, extending from the 10-mile radius area to 8 miles north of the OM; within an 8-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City International Airport ILS localizer north and south courses, extending from the 8-mile radius area to 13 miles north of the airport and to 8 miles south of the OM; within a 7-mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the southeast by the arc of a 42-mile radius circle centered on Kansas City Municipal Airport, beginning at the west boundary of V-159 and extending counterclockwise to the south boundary of V-12 thence along the south boundary of V-12 to longitude 93°30'00" W., thence north along longitude 93°30'00" W., to the southeast boundary of V-10 thence direct to latitude 39°47'45" N., longitude 93°34'00" W., thence southwest along the northwest boundary of V-10 to the east boundary of V-161, thence west to latitude 39°44'00" N., longitude 94°43'20" W., thence southwest to latitude 39°30'00" N., longitude 94°49'00" W., thence west along latitude 39°30'00" N., to the southwest boundary of V-71, thence northwest along the southwest boundary of V-71 to longitude 95°09'00" W., thence south along longitude 95°09'00" W., to the southeast boundary of V-10, thence northeast along the southeast boundary of V-10 to the arc of a 10-mile radius circle centered on Kansas City Municipal Airport, thence clockwise to the west boundary of V-159, thence south along the west boundary of V-159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93°30'00" W., on the south by V-4, on the east by V-424, on the north by V-116 and on the northwest by V-206; and within the area bounded on the west by longitude 93°30'00" W., on the south by V-116, on the east by V-206 and on the north by V-10; and within an area bounded on the west by V-161, on the southeast by V-10 and on the north by V-50.

Ke-ahole, Kona, Hawaii
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the Kona VORTAC 179° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, within a 17-mile radius of the Kona VORTAC, extending counterclockwise from V-20 to the Kona VORTAC 179° radial, and within the area bounded on the northeast by V-20, on the west by a line 5 miles west of and parallel to the Maui, Hawaii, VORTAC 179° radial and on the south by a line 5 miles south of and parallel to the Kona VORTAC 281° radial.

AMENDMENTS 7/1/70 35 F. R. 10505 (Added)

Kearney, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport; and within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport.

AMENDMENTS 7/23/70 35 F. R. 11466 (Rewritten)

Keene, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 43°01'00" N., 72°27'00" W. to 43°01'00" N., 72°13'00" W. to 42°55'00" N., 72°00'00" W. to 42°51'30" N., 71°54'00" W. to 42°28'00" N., 71°54'00" W. to 42°28'00" N., 72°27'00" W. to the point of beginning excluding that portion within the Boston, Mass., transition area.

Kenai, Alaska
That airspace extending upward from 1,200 feet above the surface within 12 miles each side of the 227° bearing from the Kenai, Alaska, RR extending from the southwest boundary of the Anchorage, Alaska, 1,200-foot transition area to 29 miles SW of the RR.

PENDING AMENDMENT
Kennett, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kennett Memorial Airport (latitude 36°14'00" N., longitude 90°02'00" W.); and within 2 miles each side of the 346° radial of the Blytheville VOR extending from the 5-mile radius area to 13½ miles north of the VOR.

AMENDMENTS 3/4/71 35 F. R. 19984 (Added)

Kenosha, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kenosha Municipal Airport (latitude 42°35'40" N., longitude 87°55'25" W.) and within 2 miles each side of the 332° bearing from Kenosha Municipal Airport extending from the 5-mile radius area to 8 miles northwest of the airport, excluding the portions designated as Chicago, Ill., and Milwaukee, Wis., transition areas.

PENDING AMENDMENT
Kenosha, Wis.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kenosha Municipal Airport (latitude 42°35'30" N., longitude 87°55'15" W.), and within 3 miles each side of the 332° bearing from Kenosha Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport, excluding the portions which overlie the Chicago, Ill., and Milwaukee, Wis., 700-foot floor transition areas.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Keokuk, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN, excluding the portion which overlies the State of Illinois.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Kerrville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

Key West, Fla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Key West (Boca Chica) (latitude 24°34'26" N., longitude 81°41'18" W.); within 2 miles each side of the 251° bearing from the Navy Key West UHF RBN, extending from the 7-mile radius area to 23 miles W of the UHF RBN; within 2 miles each side of the Navy Key West TACAN 246° radial, extending from the 7-mile radius area to 16 miles SW of the TACAN.

Killeen, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within a 7-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.); within 8 miles W and 5 miles E of the Hood VOR 352° and 172° radials extending from 5 miles N to 12 miles S of the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Kingman, Ariz.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

King Salmon, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° bearing from the airport clockwise to the 055° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the 068° radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° radial clockwise to a line 4 nautical miles south of and parallel to the King Salmon, RR, 130° bearing; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° bearing from the LFR clockwise to 5 miles NE of the 312° bearing from the LFR; and that airspace extending upward from 14,500 feet MSL outside the United States within a 172-mile radius of the King Salmon VORTAC. Federal airways, Control 1217, Control 1234, Control 1400, Control 1401, are excluded from the portion extending upward from 14,500 feet MSL.

Kingsville, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (north) (latitude 27°30'10" N., longitude 97°48'25" W.), within a 7-mile radius of the Kleberg County Airport (latitude 27°33'01" N., longitude 98°01'39" W.), and within 2 miles each side of a 316° bearing from the Kleberg County RBN (latitude 27°36'20" N., longitude 98°05'22" W.) extending from the 7-mile radius area to 8 miles northwest of the RBN, excluding that portion which lies within the Alice, Tex., control zone.

Kinston, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°36'55" W.); within 3 miles each side of Kinston VORTAC 047° radial, extending from the 8.5-mile radius to 8.5 miles northeast of the VORTAC.

Kirksville, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile radius area to 11½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Kirksville VORTAC; within 4½ miles northeast and 9½ miles southwest of the Kirksville VORTAC 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VORTAC; within 5 miles each side of the 180° bearing from Clarence Cannon Memorial Airport, extending from the 13-mile radius area to 13 miles south of the airport; and within 5 miles each side of a line from latitude 40°21'12" N., longitude 92° 46'00" W., to latitude 40°15'50" N., longitude 92°33'00" W., to latitude 40°16'12" N., longitude 92°12'48" W.

AMENDMENTS 1/7/71 35 F. R. 17032 (Rewritten)

Klamath Falls, Oreg.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 8 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 12 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles E of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles E of and parallel to the VORTAC 165° radial to the 245° radial, and within the area bounded by the arc of 25-and 28- mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending upward from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

Knoxville, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Knoxville Municipal Airport (latitude 41°18'00" N., longitude 93°06'40" W.) and within 3 miles each side of the 342° bearing from Knoxville Municipal Airport extending from the 5-mile radius area to 8 miles north of the airport.

AMENDMENTS 4/2/70 35 F. R. 2769 (Added); Eff. date changed to 4/30/70 35 F. R. 6272

Knoxville, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.) and a line 3 miles northwest of and parallel to Knoxville VORTAC 040° radial, to and northeast along this line, to and southeast along a line 8.5 miles northeast of and perpendicular to Knoxville VORTAC 040° radial, to and southwest along a line 3 miles southeast of and parallel to Knoxville VORTAC 040° radial, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to and east along the Knoxville VORTAC 100° radial, to and clockwise along the arc of a 25.5-mile radius circle centered on McGhee-Tyson Airport, to and north along the west boundary of V-97, to and southwest along a line 4.5 miles southeast of and parallel to Knoxville ILS localizer southwest course, to and northwest along a line 18.5 miles southwest of and perpendicular to Knoxville ILS localizer southwest course, to and northeast along a line 9.5 miles northeast of and parallel to Knoxville ILS localizer southwest course, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to point of beginning.

AMENDMENTS 12/8/69 34 F. R. 19799 (Rewritten)

Kodiak, Alaska
That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Navy Station Kodiak Airport latitude 57°44'50" N., longitude 152°29'40" W.), extending clockwise from the 085° bearing to the 040° bearing from the airport; within a 35-mile radius of Navy Station Kodiak Airport, extending clockwise from the 040° bearing to the 085° bearing from the airport; and that airspace extending upward from 14,500 feet MSL within 16 miles S and 25 miles N of the Kodiak TACAN 094° radial; extending from 8 miles E of the TACAN to 58 miles E of the TACAN, excluding the King Salmon, Alaska, transition area.

Kokomo, Ind.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind. Municipal Airport (latitude 40°42'35" N., longitude 86°22'45" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course, extending from the 8½-mile and 6½-mile radii areas to 4½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½-mile and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC.

AMENDMENTS 2/5/70 35 F. R. 19871 (Added); Corr: 35 F. R. 3879
AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Kosciusko, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (latitude 33°05'20" N., longitude 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (latitude 33°05'29" N., longitude 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

AMENDMENTS 3/5/70 35 F. R. 310 (Rewritten)

Kwajalein Island, Marshall Islands
That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN.

Laconia, N. H.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43°34'30" N., 71°25'25" W. of Laconia Municipal Airport, Laconia, N. H.; within 3.5 miles each side of the 249° bearing from the Laconia RBN, 43°33'14" N., 71°29'12" W., extending from the 6.5-mile radius area to 9.5 miles west of the RBN; and within 2 miles each side of the Runway 17 centerline, extended from the 6.5 mile radius area to 9.5 miles southeast of the end of the runway.

AMENDMENTS 3/5/70 35 F. R. 804 (Rewritten)

La Crosse, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.), and within 2 miles each side of the La Crosse VOR 185° radial extending from the 9-mile radius area to 15 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the La Crosse VOR 185° radial extending from the VOR to 18 miles S of the VOR, within 8 miles SW and 5 miles NE of the La Crosse VOR 322° radial extending from the VOR to 12 miles NW of the VOR, and within 8 miles SW and 5 miles NE of the 305° bearing from the La Crosse RBN extending from the RBN to 12 miles NW of the RBN.

Lafayette, Ind.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.); within 2 miles each side of the 144° radial of the Lafayette, Ind. VORTAC, extending from the 7½-mile radius area to the Lafayette VORTAC; and within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.).

AMENDMENTS 12/10/70 35 F. R. 15635 (Rewritten); 1/7/71 35 F. R. 17035 (Changed)

Lafayette, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to 1 mile S, within 2 miles each side of the Lafayette ILS localizer S course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles S of the airport, and within 2 miles each side of the Lafayette VORTAC 171° radial extending from the VORTAC to 8 miles south, within a 5-mile radius of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); and within 2 miles each side of the Lafayette VORTAC 207° radial, extending from the VORTAC to the Abbeville Municipal Airport.

AMENDMENTS 3/5/70 35 F. R. 6 (Changed)

LaGrange, Ga.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Callaway Airport. LaGrange, Ga. (latitude 33°00'30" N., longitude 85°04'30" W.) and within 2 miles each side of the LaGrange VORTAC 110° radial, extending from the 4-mile radius zone to the VORTAC.

La Grange, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55'30" N., longitude 96°48'12" W.) and within 2 miles each side of the Industry VOR 262° radial extending from the 5-mile radius area to the VOR.

La Junta, Colo.
That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54" N., longitude 103°37'14" W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by the west boundary of the 700-foot portion of the transition area, on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

AMENDMENTS 8/20/70 35 F. R. 10504 (Added); Corr: 35 F. R. 10947; Corr: 35 F. R. 12650

Lake Charles, La.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of East Lake Charles Airport (latitude 30°13'25" N., longitude 93°08'55" W.), within 2 miles each side of the Lake Charles VORTAC 339° radial extending from the 4-mile radius area to the VORTAC, and within 2 miles each side of the Lake Charles ILS localizer NW course extending from the OM to 8 miles NW of the OM.
AMENDMENTS 3/5/70 35 F. R. 6 (Changed); 9/17/70 35 F. R. 11617 (Changed)

PENDING AMENDMENT

Lake City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).
AMENDMENTS 2/4/71 35 F. R. 18190 (Added)

Lake City, Mich.
That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

Lake Jackson, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brazoria County Airport (latitude 29°02'15" N., longitude 95°27'20" W.); within 2 miles each side of the Lake Jackson VOR 343° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Lake Jackson VOR 158° radial extending from the 5-mile radius area to 8 miles SE of the VOR.

Lakeland, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Lakeland Municipal Airport (latitude 27°59'19" N., longitude 82°00'53" W.); and within 2 miles each side of the Lakeland VORTAC 233° radial, extending from the 8-mile radius area to 10 miles southwest of the VORTAC.

Lakeview, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

Lamar, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 3.5 miles each side of the Lamar VOR 001° radial, extending from the 6-mile radius area to 10 miles north of the VOR; that airspace extending upward from 1,200' above the surface within 6 miles east and 9.5 miles west of the Lamar 001° and 181° radials extending from 18.5 miles north to 8 miles south of the VOR.

AMENDMENTS 6/25/70 35 F. R. 6749 (Rewritten); Corr: 35 F. R. 7858

Lambertville, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wagon Wheel Airport (latitude 41°43'45" N., longitude 83°39'45" W.) and within 2 miles each side of the 357° radial of the Waterville, Ohio, VORTAC, extending from the 5-mile radius area to 14 miles north of the VORTAC; excluding the portion which overlies the Toledo, Ohio, 700-foot floor transition area.
AMENDMENTS 12/10/70 35 F. R. 15907 (Added)

Lanai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

Lancaster, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 5 miles SW and 8 miles NE of the Lancaster VOR 128° radial extending from the VOR to 12 miles SE; within 5 miles N and 8 miles S of the Lancaster VOR 260° radial extending from the VOR to 12 miles W.

Land O'Lakes, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'40" W.); and within 8 miles SW and 5 miles NE of the 311° bearing from the Land O'Lakes Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 4 nm each side of the Rhinelander, Wis., VOR 018° radial, extending from the arc of a 12-mile radius circle centered on the Rhinelander VOR to the Land O'Lakes Airport.

Langhorne, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°11'15" N., 74°54'00" W., of Buehl Field, Langhorne, Pa., excluding the portion which coincides with the North Philadelphia, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

Lansing, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VORTAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill., and Griffith, Ind., transition areas.
AMENDMENTS 11/12/70 35 F. R. 14303 (Added)

Lansing, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Capital City Airport (latitude 42°46'40" N., longitude 84°35'20" W.); within 3 miles each side of the Lansing ILS localizer east course, extending from the 8½-mile radius area to 14 miles east of the OM; and within 3 miles each side of the Lansing ILS localizer west course, extending from the 8½-mile radius area to 14 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°16'00" N., on the east by longitude 84°05'00" W., on the south by a line beginning at latitude 42°30'00" N., longitude 84°05'00" W., to latitude 42°30'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 85°15'00" W., and on the west by longitude 85°15'00" W.; and within the area bounded on the north by V-216, on the east by longitude 84°25'00" W., on the south by latitude 43°16'00" N., and on the west by longitude 85°02'00" W.

Lapeer, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'15" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

Laramie, Wyo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 9.5 miles northeast of the Laramie VORTAC 301° radial, extending from the VORTAC to 19 miles northwest of the VORTAC.
AMENDMENTS 9/17/70 35 F. R. 11898 (Rewritten)

Laredo, Tex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within a 12-mile radius of the Laredo VORTAC extending from a line 5 miles northeast of and parallel to the Laredo VORTAC 149° radial clockwise to the United States-Mexico border, within 2 miles each side of the Laredo VORTAC 326° radial extending from the 9-mile radius area to 20 miles northwest of the VORTAC, within 2 miles each side of the border TACAN 337° radial extending from the 9-mile radius area to 21 miles northwest of the TACAN, within 2 miles each side of the border TACAN 348° radial extending from the 9-mile radius area to 17.5 miles north of the TACAN and within 2 miles each side of the border TACAN 360° radial extending from the 9-mile radius area to 15 miles north of the TACAN, excluding those portions outside the United States.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

PENDING AMENDMENT

Las Cruces, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Las Cruces Municipal Airport (lat. 32°17'27" N., long. 106°55'18" W.); and within 3.5 miles either side of the Las Cruces NDB (lat. 32°16'56" N., long. 106°55'23" W.) 180° bearing extending from the 10.5-mile radius areas to 12 miles south of the NDB.
AMENDMENTS 2/4/71 35 F. R. 19172 (Added)

Las Vegas, Nev.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 36°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°16'00" N., longitude 115°32'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL beginning at latitude 36°47'00" N., longitude 113°59'00" W., thence clockwise via an arc of an 82-mile radius circle centered on Las Vegas, Nev., VORTAC to a line 5 miles north of and parallel to a direct line between the Grand Canyon, Arizona VOR and Boulder City, Nev., VORTAC, thence west along a line 5 miles north of and parallel to a direct line between the Grand Canyon VOR and the Boulder City VORTAC to longitude 114°14'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to point of beginning.
AMENDMENTS 8/20/70 35 F. R. 10503 (Changed)

Las Vegas, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.).

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Latrobe, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 40°16'35" N., 79°24'20" W. of Westmoreland-Latrobe Airport, Latrobe, Pa.; within 5 miles Southeast and 8 miles Northwest of the 046° bearing from the Latrobe RBN 40°22'32" N., 79°16'19" W., extending from the RBN to 12 miles Northeast of the RBN and within 5 miles Southeast and 7 miles Northwest of the 226° bearing from the Latrobe RBN extending from the RBN to 6 miles Southwest of the RBN.

Laurel, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Laurel Municipal Airport (latitude 31°40'10" N., longitude 89°10'20" W.); within 9.5 miles southwest and 4.5 miles northeast of the Laurel VOR 330° radial, extending from the 7-mile radius area to 18.5 miles northwest of the VOR.

Laurinburg, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Laurinburg-Maxton Airport (latitude 34°47'25" N., longitude 79°21'55" W.); within 3 miles each side of Pinehurst VORTAC 157° radial, extending from the 8.5-mile radius area to 20 miles southeast of the VORTAC.

AMENDMENTS 2/5/70 34 F. R. 19245 (Rewritten)

Lawrence, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'35" N., longitude 95°13'00" W.); and within 2 miles each side of the Topeka, Kans., VORTAC 117° radial extending from the 5-mile radius area to 13 miles southeast of the VORTAC.

PENDING AMENDMENT
Lawrenceburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceburg Municipal Airport (lat. 35°14'00" N., long. 87°15'30" W.); within 9.5 miles west and 4.5 miles east of the 349° bearing from the Lawrenceburg RBN (lat. 35°15'51" N., long. 87°15'56" W.), extending from the RBN to 18.5 miles north; excluding the portion within the Mount Pleasant transition area.

AMENDMENTS 2/4/71 35 F. R. 18454 (Added)

Lawrenceville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 1.5 miles each side of Norcross VORTAC 077° radial, extending from the 6-mile radius area to 3 miles east of the VORTAC.

AMENDMENTS 5/21/70 35 F. R. 6859 (Changed)

Lawrenceville, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°46'20" N., 77°47'45" W.,of Lawrenceville Municipal Airport, Lawrenceville, Va., and within 2 miles each side of the Lawrenceville VOR 117° radial, extending from the 5-mile radius area to the VOR.

AMENDMENTS 4/30/70 35 F. R. 3221 (Rewritten)

Lawton, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR, and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Lebanon, N. H.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 43°37'35" N., 72°18'10" W. of Lebanon Regional Airport, Lebanon, N. H., extending clockwise from the 210° to the 030° bearing from the airport and within a 15-mile radius of Lebanon Regional Airport extending clockwise from the 030° to the 210° bearing from the airport and within 4.5 miles southeast and 9.5 miles northwest of the Lebanon VOR 051° radial extending from the Lebanon VOR to 18.5 miles northeast of the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 43°11'00" N., 72°39'00" W. to 43°47'00" N., 72°39'00" W. to 43°55'00" N., 72°16'00" W. to 43°43'00" N., 71°50'00" W. to 43°35'00" N., 71°55'00" W. to 42°55'00" N., 72°00'00" W. to 43°05'00" N., 72°13'00" W. to the point of beginning.

AMENDMENTS 3/5/70 35 F. R. 803 (Changed)

Leesburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°04'45" N., 77°33'26" W., of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a bearing 079° from the Poolesville, Md., RBN extending from the 6-mile radius area to 8 miles east of the RBN, excluding the portion within the Washington, D. C., transition area.

Le Mars, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Le Mars Municipal Airport (latitude 42°46'40" N., longitude 96°11'40" W.); and within 3 miles each side of the 345° bearing from Le Mars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 165° and 345° bearings from Le Mars Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

Lewisburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°51'35" N., 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va.; within 2 miles each side of the Runway 22 centerline, extended from the 7-mile radius area to 8 miles southwest of the end of the runway; within 2 miles each side of the Runway 4 centerline, extended from the 7-mile radius area to 15.5 miles northeast of the end of the runway; within 2 miles each side of the White Sulphur Springs, W. Va., VOR 321° radial, extending from the 7-mile radius area to the VOR.

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius area to the VOR, and within 2.5 miles each side of the Lewiston VOR 065° and 245° radial extending from 1 mile southwest to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Lewiston VOR 065° radial, extending from the VOR to 19 miles northeast of the VOR, within 5 miles each side of the Lewiston VOR 266° radial extending from 7 to 15 miles west of the VOR, and that airspace extending upward from 6,500 feet MSL within 12 miles northwest and 8 miles southeast of the Lewiston VOR 065° and 245° radials, extending from 11 miles southwest to 23 miles northeast of the VOR.

AMENDMENTS 4/2/70 35 F. R. 943 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

Lewistown, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.); and within 2 miles each side of the Lewistown VOR 104° and 289° radials extending from 19 miles E to 8 miles W of the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles N and 8 miles S of the Lewistown VOR 109° and 289° radials extending from 7 miles E to 13 miles W of the VOR and within the area W of the Lewistown VOR bounded on the S by a line 5 miles S and parallel to the Lewistown VOR 259° radial, on the W by the arc of a 30-mile radius circle centered on the Lewistown VOR and on the N by a line 5 miles N of and parallel to the Lewistown VOR 289° radial.

Lexington, Ky.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 38°02'10" N., 84°36'15" W. of Blue Grass Field, Lexington, Ky., and within 2 miles each side of the Lexington Blue Grass ILS localizer NE course extending from the 7-mile radius area to 13 miles NE of the localizer; within 5 miles SE and 8 miles NW of the Lexington Blue Grass ILS SW course extending from the Lexington RBN to 12 miles SW of the RBN and within 2 miles each side of the Lexington VORTAC 304° radial extending from the 7-mile radius area to the VORTAC.
That airspace extending upwards from 1,200 feet above the surface beginning at: 38°24'00" N., 85°00'00" W. to 38°20'00" N., 84°30'00" W. to 38°30'00" N., 83°59'00" W. to 38°30'00" N., 83°18'00" W. to 38°00'00" N., 82°55'00" W. to 37°56'00" N., 83°40'00" W. to 37°39'00" N., 83°40'00" W. to 37°30'00" N., 83°46'00" W. to 37°24'00" N., 84°00'00" W. to 37°25'00" N., 85°00'00" W. to point of beginning.

Lexington, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.
AMENDMENTS 3/5/70 35 F. R. 310 (Rewritten)

Liberal, Kans.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Liberal Municipal Airport, excluding the portion within the State of Oklahoma.
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Liberty, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Liberty Air Service Airport (latitude 30°04'30" N., longitude 94°41'50" W.); and within 2 miles each side of Daisetta VOR 203° radial extending from the 5-mile radius area to the VOR.

Lihue, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on the Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.), extending clockwise from a line 2 miles west of and parallel to the Lihue VORTAC 021° radial to a line 2 miles northeast of and parallel to the Lihue VORTAC 130° radial and within 2 miles each side of the Lihue VORTAC 130° radial, extending from 9 miles southeast to 10.5 miles southeast of the Lihue VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on the Lihue VORTAC, extending clockwise from a line 5 miles west of and parallel to the Lihue VORTAC 021° radial to V-2, excluding the portion within W-511.
AMENDMENTS 10/15/70 35 F. R. 12835 (Rewritten)

Lima, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°42'31" N., 84°01'37" W. of Allen County Airport, Limi, Ohio; within 2 miles each side of the Allen County VOR 090 radial extending from the 6-mile radius area to 8 miles east of the VOR; within a 5-mile radius of the center 40°45'45" N., 84°10'35" W., of Lima Airport, Lima, Ohio; and within 2 miles each side of a 274° bearing from the Lima, Ohio, RBN (40°45'41" N., 84°10'46" W.) extending from the 5-mile radius area to 8 miles west of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°30'00" N., 83°10'00" W. to 40°30'00" N., 83°50'00" W. to 40°29'00" N., 84°14'00" W., to 40°32'00" N., 84°30'00" W. to 40°51'00" N., 84°30'00" W., 40°51'00" N., 84°00'00" W., to 40°50'00" N., 83°30'00" W. to the point of beginning.

Lincoln, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan County Airport (latitude 40°09'40" N., longitude 89°20'05" W.); and within 2½ miles each side of the Capital, Ill., VORTAC 041° radial, extending from the 5-mile radius area to 17 miles northeast of the VORTAC.

Lincoln, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport, to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence south along longitude 96°23'00" W., to and west along the north edge of V-216 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence north along longitude 96°23'00" W., to and west along the south edge of V-172, to and south along longitude 98°00'00" W., to and east along the north edge of V-216 to the point of beginning.

Little Rock, Ark.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°39'15" N., longitude 92°36'00" W., thence to latitude 35°06'00" N., longitude 92°18'00" W., to latitude 35°06'00" N., longitude 91°58'00" W., to latitude 34°47'00" N., longitude 91°56'00" W., to latitude 34°31'00" N., longitude 92°01'00" W., to latitude 34°26'00" N., longitude 92°30'00" W., to latitude 34°28'00" N., longitude 92°36'00" W., thence clockwise along the arc of a 6.5-mile radius circle centered at latitude 34°33'30" N., longitude 92°36'30" W. to point of beginning.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

Livingston, Mont.
That airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Livingston VORTAC 150° and 330° radials, extending from 7 miles SE to 14 miles NW of the VORTAC; and within a 12-mile radius of the Livingston VORTAC, extending from the 261° VORTAC radial clockwise to the 085° VORTAC radial.

Logan, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan-Cache Airport (latitude 41°47'09" N., longitude 111°50'53" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-4S, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

Logansport, Ky.
That airspace extending upward from 1,200 feet above the surface, northwest of the Bowling Green, Ky., 1,200-foot transition area bounded on the southwest by V-7E, on the north by V-178, on the east by V-243 and on the southeast by the Bowling Green, Ky., 1,200-foot transition area.

AMENDMENTS 6/25/70 35 F. R. 7379 (Rewritten)

London, Ky.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending from the 8-mile radius area to 8 miles SW of the VOR.
That airspace extending upward from 1200 feet above the surface bounded by a line beginning at 36°50'00" N., 84°18'00" W. to 37°13'00" N., 84°18'00" W. to 37°13'00" N., 83°52'00" W. to 36°50'00" N., 83°52'00" W. to the point of beginning.

Lone Rock, Wis.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lone Rock VORTAC 089° and 269° radials, extending from 9 miles E to 20 miles W of the VORTAC.

Lone Star, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

Longview, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 6-mile radius area to 17.5 miles southeast of the VORTAC, and within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Los Angeles, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°07'00" W.; to latitude 33°52'03" N., longitude 119°06'59" W.; thence to point of beginning.

PENDING AMENDMENT

Los Banos, Calif.

That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the Los Banos VORTAC 348° radial, extending from the 3-mile radius area to 18.5 miles north of the VORTAC.

AMENDMENTS 3/4/71 36 F. R. 147 (Added)

Louisiana

That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at latitude 30°07'20" N., longitude 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and longitude 88°51'00" W.), thence south to latitude 29°55'00" N., longitude 88°51'00" W., thence west to latitude 29°55'00" N., longitude 89°18'00" W., thence south to latitude 29°41'00" N, longitude 89°18'00" W., to latitude 29°33'00" N., longitude 89°16'00" W., thence southwest to latitude 29°28'35" N., longitude 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control 1226, thence west along the north boundary of Control 1226 to latitude 29°13'30" N., longitude 89°51'00" W., thence southwest to latitude 28°57'00" N., longitude 90°01'00" W., thence west to latitude 28°59'00" N., longitude 90°15'00" W., thence northwest to latitude 29°11'00" N., longitude 90°25'00" W., thence north to latitude 29°15'00" N., longitude 90°25'00" W., thence west to latitude 29°15'00" N., longitude 91°05'00" W., thence north to latitude 29°25'00" N., longitude 91°05'00" W., thence west to latitude 29°25'00" N., longitude 91°27'30" W., thence northwest to latitude 29°33'00" N., longitude 91°35'30" W., thence west via latitude 29°33'00" N., to longitude 92°36'00" W., thence north to latitude 29°35'00" N., longitude 92°36'00" W., thence west via latitude 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to the Louisiana/Texas State line.

AMENDMENTS 3/5/70 35 F. R. 6 (Added)

Louisville, Ky.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°10'33" N., 85°44'12" W. of Standiford Field, Louisville, Ky., within 5 miles E and 8 miles W of the Standiford ILS localizer S course extending from the 12-mile radius area to 12 miles S of the OM; within 2 miles each side of the Standiford Field localizer west course, extending from the 12-mile radius area to 8 miles west of the intersection of the Standiford Field localizer west course and the Nabb, Indiana VOR 206° radial; within 5 miles south and 8 miles north of the Standiford Field localizer east course, extending from the 12-mile radius area to 12 miles east of the LOM; within a 6-mile radius of the center, 37°54'25" N., 85°58'15" W. of Godman AAF, Fort Knox, Ky., within 5 miles E and 8 miles W of the 167° radial of the Fort Knox VOR (37°54'27" N., 85°58'23" W.) extending from the VOR to 12 miles S of the VOR; within 2 miles each side of the 326° radial of the Fort Knox VOR extending from the 6-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the 354° bearing from the Fort Knox RBN extending from the 6 mile radius area to 8 miles N of the RBN; within 2 miles each side of the Fort Knox VOR 005° radial extending from the 6-mile radius area to 8 miles N of the VOR.

That airspace extending upward from 1,200 feet above the surface beginning at latitude 38°43'50" N., longitude 85°20'47" W., to latitude 38°26'00" N., longitude 85°15'00" W., to latitude 38°24'00" W., longitude 85°00'00" W., to latitude 37°25'00" N., longitude 85°00'00" W., to latitude 37°05'00" N., longitude 85°11'00" W., to latitude 37°00'00" N., longitude 85°34'00" W., to latitude 37°32'00" N., longitude 85°45'00" W., to latitude 37°26'00" N., longitude 86°30'00" W., to latitude 38°02'50" N., longitude 86°30'00" W., thence via the Indiana State boundary to the point of beginning.

AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Lovelock, Nev.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

Lubbock, Tex.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Lucin, Utah

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

Ludington, Mich.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.); and within 2 miles each side of the 055° bearing from Mason County Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the 055° bearing from Mason County Airport, extending from the airport to 12 miles northeast of the airport; and within 5 miles each side of the 235° bearing from Mason County Airport, extending from the airport to 12 miles southwest of the airport.

Lufkin, Tex.

That airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Lufkin VOR 157° radial, extending from the VOR to 12 miles SE; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 5 miles NW.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Lumberton, N. C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 3 miles each side of the 302° bearing from Lumberton RBN (latitude 34°36'48" N., longitude 79°03'36" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

AMENDMENTS 2/5/70 34 F. R. 19245 (Rewritten)

Lynchburg, Va.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va.; within 2 miles each side of the airport ILS localizer SW course extending from the 8-mile radius area to the Evington RBN; within 2 miles each side of the Lynchburg VORTAC 201° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC, within 2 miles each side of the Lynchburg VORTAC 076° radial extending from the 8-mile radius area to 11 miles E of the VORTAC.

Macomb, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40°31'10" N., longitude 90°39'15" W.); and within 2 miles each side of the 085° bearing from Macomb Municipal Airport, extending from the 5-mile radius area to 8 miles east of the airport.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Macon, Ga.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Herbert Smart Airport (latitude 32°49'20" N., longitude 83°33'45" W.); within an 11-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within a 14-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 5 miles each side of Macon VORTAC 227° radial, extending from the 14-mile radius area to 10.5 miles southwest of the VORTAC; within 3 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 8.5 miles southwest of the LOM.

AMENDMENTS 6/25/70 35 F. R. 6917 (Rewritten)

Madison, Ga.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Madison Municipal Airport (latitude 33°36'46" N., longitude 83°27'39" W.); within 2 miles each side of the Athens VORTAC 199° radial, extending from the 5-mile radius area to 18 miles south of the VORTAC.

Madison, Ind.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Madison Municipal Airport (latitude 38°45'40" N., longitude 85°27'50" W.); and within 3 miles each side of the 206° bearing from Madison Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

Madison, Minn.

That airspace extending upward from 1,200 feet above the surface within 9 miles N and 6 miles S of the Watertown, S. Dak., VOR 086° radial, extending from 37 miles E to 64 miles E of the VOR.

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Madison, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Truax Field (latitude 43°08'15" N., longitude 89°20'10" W.); within 2 miles each side of the Madison ILS localizer north and south courses, extending from the 9-mile radius area to 8 miles north of the Windsor marker and 8 miles south of the OM; within 8 miles northeast and 5 miles southwest of the Madison VOR 134° radial, extending from the 9-mile radius area to 12 miles southeast of the VOR; and within 8 miles southwest and 5 miles northeast of the Madison VOR 320° radial, extending from the 9-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W.; on the east by longitude 88°30'00" W.; on the south by latitude 42°45'00" N.; and on the west by longitude 89°55'00" W.

Madisonville, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°21'17" N., 87°24'02" W. of Madisonville Municipal Airport, Madisonville, Ky., and within 2 miles each side of the Central City VOR 256° radial extending from the 5-mile radius area to the VOR.

Malad City, Idaho
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

Malden, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Malden Municipal Airport (latitude 36°36'30" N., longitude 89°59'00" W.), and within 2 miles each side of the Malden VOR 120° radial, extending from the 6-mile radius to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Malden VOR 120° and 300° radials, extending from 2 miles NW to 12 miles SE of the VOR.

Manhattan, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°27'00" N., longitude 96°31'00" W., direct to latitude 39°02'50" N., longitude 97°28'20" W., thence S clockwise along the arc of the 14-mile radius circle centered on the Salina VORTAC, to the N edge of V-4S, thence E along the N boundary of V-4s to the Emporia VORTAC 346° radial, thence N along the Emporia VORTAC 346° radial to the point of beginning.

Manila, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (latitude 35°53'25" N., longitude 90°09'20" W.); and within 2 miles each side of the 175° bearing from the Manila RBN (latitude 35°53'25" N., longitude 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Manistee, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

Manistique, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

Manitowoc, Wis.
That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Manitowoc VOR 343° and 163° radials extending from 2 miles south to 13 miles north of the VOR, and within 8 miles west and 5 miles east of the Manitowoc VOR 176° radial extending from the VOR to 12 miles south of the VOR

Mankato, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 167° bearing from Mankato Municipal Airport, extending from the airport to 13 miles south of the airport; and within 5 miles each side of the 347° bearing from Mankato Municipal Airport, extending from the airport to 12 miles north of the airport.

AMENDMENTS 7/23/70 35 F. R. 8655 (Rewritten)

Manning, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'32" W.); within a 1.5-mile radius of the Goat Island Airport (latitude 33°30'26" N., longitude 80°18'41" W.); within a 1.5-mile radius of the Grayson (private) Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 061° radial, extending from the 6.5-mile radius area to the VOR.

AMENDMENTS 12/22/69 35 F. R. 103 (Changed)

Mansfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°00'05" N., 71°11'55" W., of the Mansfield Municipal Airport, Mansfield, Mass., and within 2 miles each side of the Whitman, Mass., VOR 249° radial extending from the 5-mile radius area to the VOR, excluding that portion that coincides with the Boston, Mass., transition area.

Mansfield, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Lahm Municipal Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side
of the Mansfield VORTAC 307° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course, extending from the Mansfield Lahm Municipal Airport 8.5-mile radius area to 14 miles northwest of the localizer; within a 10-mile radius arc of the Mansfield VORTAC, extending clockwise from the Mansfield VORTAC 180° radial to the Mansfield VORTAC 197° radial; within 5 miles southwest and 8 miles northeast of the Mansfield VORTAC 130° radial, extending from 10 miles southeast of the VORTAC to 22 miles southeast of the VORTAC; within 2 miles
each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line extending from the Tiverton
VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00" W; thence counterclockwise via a 37-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°04'00" W. to the point of beginning.

Maples, Mo.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Maples VOR 057° and 237° radials, extending from 7 miles NE to 13 miles SW of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

Marathon, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marathon Flight Strip (lat. 24°43'10" N., long. 81°03'05" W.); within 3 miles each side of the 255° bearing from Marathon RBN, extending from the 6.5-mile radius area to 8.5 miles west of the RBN; excluding the airspace outside the continental limits of the United States.

AMENDMENTS 11/12/70 35 F. R. 14649 (Added)

Marfa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from 5 miles NW to 14 miles SE of the VOR.

Marianna, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Marianna Municipal Airport (latitude 30°50'08" N., longitude 85°11'02" W.), and within 2 miles each side of the Marianna VOR 127° radial extending from the 8-mile radius area to 8 miles SE of the VOR.

Marion, Ill.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°48'30" N., longitude 89°23'50" W., thence south along longitude 89°23'50" W., to latitude 37°43'30" N., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Marion, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155°, 211°, and 320° radials extending from the 5-mile radius area to 8 miles northeast, southeast, southwest, and northwest of the VOR.

Marion, Ky.
That airspace extending upward from 1,200 feet above the surface, bounded on the NE by a line extending from latitude 37°25'50" N., longitude 88°17'40" W., to latitude 37°18'05" N., longitude 87°54'40" W., on the SE by V-178 and on the NW by V-11.

Marion, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Muncipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 2 miles each side of a 328° bearing from the Marion RBN extending from the 5-mile radius area to 8 miles NW of the RBN.

Marion, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (latitude 34°11'00" N., longitude 79°20'00" W.); within 2 miles each side of the Florence VORTAC 101° radial, extending from the 6-mile radius area to the Florence VORTAC excluding the portion that coincides with the Florence transition area.

Marks, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Riverside Industries Airport (latitude 34°13'50" N., longitude 90°17'25" W.); within 3 miles each side of the 197° bearing from Marks, Miss., RBN (latitude 34°13'50" N., longitude 90°17'28" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Marquette, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 8 miles S and 5 miles N of the Marquette VOR 250° radial extending from the VOR to 12 miles W of the VOR; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles S of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles S of the TACAN; and within 2 miles E and 5 miles W of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area.

Marshall, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05" N., longitude 84°57'25" W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

Marshall, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marshall Municipal Airport (latitude 44°26'50" N., longitude 95°49'10" W.); and within 2 miles each side of the 325° bearing from Marshall Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 325° bearing from Marshall Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Marshalltown, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

Marshfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Airport (42°05'45" N., 70°40'25" W.), Marshfield, Mass.; and within 2 miles each side of the centerline of Runway 24 extended from the end of the runway to 5 miles southwest, excluding the portion that coincides with the Boston, Mass. 700-foot floor transition area and excluding the portion outside the United States.

Marshfield, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Martinsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°17'45" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa., within 2 miles each side of the centerline of runway 20 extended from the 7-mile radius area to 9 miles south of the end of the runway; and within 8 miles west and 5 miles east of the Altoona VOR 026° radial extending from the VOR to 12 miles north of the VOR.

Martinsburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°24'05" N., 77°59'00" W., of Martinsburg Airport, Martinsburg, W. Va.

Martinsville, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

Marysville, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.); within an 8-mile radius of Yuba County Airport, Marysville, Calif. (latitude 39°05'50" N., longitude 121°34'00" W.), within 8 miles west and 5 miles east of the Beale VOR 162° and 342° radials, extending from the Beale 10-mile radius area to 6.5 miles north of the VOR; within 8 miles west and 5 miles east of the Marysville VOR 343° radial, extending from the Yuba County 8-mile radius area to 12 miles north of the VOR, and within 8 miles southwest and 5 miles northeast of the Marysville VOR 153° radial, extending from the Yuba County 8-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 40°00'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°55'00" W., to latitude 39°00'00" N., longitude 120°55'00" W., on the south by latitude 39°00'00" N., on the west by the west boundary of V-23, on the northwest by the Red Bluff, Calif., transition area, and on the north by latitude 40°00'00" N.; that airspace extending upward from 8,500 feet MSL bounded on the south by latitude 40°00'00" N., on the west by the Red Bluff, Calif., transition area, on the north by latitude 40°45'00" N., and on the east by a line extending from latitude 40°45'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°25'00" W., to latitude 40°00'00" N., longitude 121°25'00" W.; that airspace extending upward from 10,500 feet MSL bounded on the east by longitude 120°19'00" W., on the south by a line extending from latitude 39°30'00" N., longitude 120°19'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 121°25'00" W., on the west by longitude 121°25'00" W., and on the north by latitude 40°45'00" N.; that airspace extending upward from 12,500 feet MSL bounded on the east by longitude 121°25'00" W., on the south by latitude 40°23'00" N., on the west by longitude 121°39'00" W., and on the north by latitude 40°45'00" N.

Mason City, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Mason City Municipal Airport (latitude 43°09'30" N., longitude 93°20'05" W.); within 2 miles each side of the Mason City VORTAC 002° radial, extending from the 7-mile radius area to 19 miles north of the VORTAC; and within 8 miles east and 5 miles west of the Mason City VORTAC 002° and 182° radials, extending from 4 miles north to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Mason City VORTAC, extending clockwise from a line 5 miles northeast of and parallel to the Mason City VORTAC 128° radial to a line 5 miles northwest of and parallel to the Mason City VORTAC 236° radial; and within a 23-mile radius of the Mason City VORTAC, extending clockwise from a line 5 miles south of and parallel to the Mason City VORTAC 284° radial to a line 5 miles southeast of and parallel to the Mason City VORTAC 038° radial.

Massena, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 3 miles each side of the Massena VOR 104° and 284° radials extending from the 5-mile radius to 8 miles east of the VOR excluding the airspace within Canada.

Matagorda, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Matagorda Peninsula Airport (latitude 28°32'35" N., longitude 96°07'10" W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

Mattoon, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Coles County Memorial Airport (latitude 39°28'45" N., longitude 88°17'05" W.); within 2 miles each side of the Mattoon VOR 060° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; within 2 miles each side of the 128° bearing from Coles County Memorial Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and within 5 miles northwest and 8 miles southeast of the Mattoon VOR 229° radial, extending from the VOR to 12 miles southwest of the VOR.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Maxwell, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

McAlester, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla. Airport (latitude 34°53'05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

McAllen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (lat. 26°10'40" N., long. 98°14'25" W.), within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR, and within 3.5 miles each side of the McAllen VOR 324° radial extending from the 5-mile radius area to 11.5 miles northwest of the Tacos Intersection, excluding the portion outside the United States.

AMENDMENTS 10/15/70 35 F. R. 13117 (Added)

McCall, Idaho
That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

McComb, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of McComb-Pike County Airport (latitude 31°10'35" N., longitude 90°28'08" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 6.5-mile radius area to the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 6 (Changed)
AMENDMENTS 4/2/70 35 F. R. 2645 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

McCook, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles each side of a line extending from McCook Municipal Airport direct to the Hayes Center, Nebr., VORTAC.

McCordsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Brookside Airport (latitude 39°54'20" N., longitude 85°55'30" W.); and within 2 miles each side of the Shelbyville, Ind., VOR 342° radial, extending from the 5-mile radius area to 12 miles north of the VOR.

McGrath, Alaska
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from the 308° to the 334° radials of the McGrath VORTAC; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from 334° to the 308° radials of the McGrath VORTAC; within 9 miles NE and 8 miles SW of the McGrath VORTAC 122° radial extending from the 23-mile radius area to 26 miles SE of the VORTAC; and within 5 miles each side of the McGrath VORTAC 003° radial extending from the 23-mile radius area to 34 miles N of the VORTAC.

McMinnville, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of McMinnville Municipal Airport (latitude 45°11'35" N., longitude 123°08'15" W.) and within 2 miles each side of the Newberg VORTAC 215° radial extending from the 5-mile radius area to the VORTAC.

McPherson, Kans.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of McPherson Airport (latitude 38°21'25" N., longitude 97°41'30" W.); and within 2½ miles each side of the Hutchinson, Kans., VORTAC 027° radial, extending from the 5½-mile radius area to 19 miles northeast of the VORTAC.

PENDING AMENDMENT
McPherson, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

AMENDMENTS 3/4/71 36 F. R. 214 (Rewritten)

Meadville, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°37'35" N., 80°12'55" W. of Port Meadville Airport, Meadville, Pa.; within 2 miles each side of the Runway 4 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway; within 2 miles each side of the Runway 7 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Youngstown, Ohio, VORTAC 050° radial extending from 18 miles northeast of the Youngstown VORTAC to the Meadville, Pa., 5-mile radius area.

Medford, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer northwest course extending from 3 to 9 miles northwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Medford VORTAC; that airspace extending from the 23-mile radius area bounded on the north by latitude 42° 28' 00" N., on the east by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg. VORTAC, on the south by latitude 42° 04' 00" N., and on the southwest by the southwest edge of V-23W; that airspace south of Medford, bounded on the north by latitude 42° 04' 00" N., on the east by the west edge of V-23 and on the west by the east edge of V-23W; that airspace north of **Medford within 16** miles west and 11 miles east of the Medford VORTAC 353° radial, extending from 25 to 65 miles north of the VORTAC, and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial, extending from the 23-mile radius area to V-27.

Melbourne, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Kennedy Regional Airport, Melbourne, Fla. (latitude 28°06'05" N., longitude 80°38'40" W.); within an 8-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'05" N., longitude 80°36'35" W.).

Melfa, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37° 38' 50" N., 75° 45' 40" W., of Accomack County Airport, Melfa, Va., and within 2 miles each side of a 200° bearing from the Melfa, Va., RBN 37°39'27" N., 75°45'27" W., extending from the 6-mile radius area to 8 miles south of the RBN.

Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss., VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side of Memphis ILS localizer west course, extending from the 8.5-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings from West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

AMENDMENTS 7/23/70 35 F. R. 7785 (Rewritten)
AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

NAS Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.), and within 2 miles each side of the 083° bearing from the NAS Memphis RBN, extending from the 12-mile radius area to 14 miles E of NAS Memphis.

Menominee, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Menominee VOR 169° radial, extending from the VOR to 15½ miles south of the VOR; and within 5 miles each side of the 140° bearing from Menominee County Airport extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Sturgeon Bay, Wis. transition area.

AMENDMENTS 4/2/70 35 F. R. 2582 (Rewritten); Eff. date changed 4/30/70 35 F. R. 6272

Merced, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle VOR 141° and 321° radials extending from the Merced 7-mile radius area to 3 miles SE of the Castle VOR; that airspace extending upward
from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-230, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-283, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, Calif., transition area, on the W by V-283 and on the N by V-244.

Mercury, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

Meriden, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway. excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.

Meridian, Miss. (Key Field)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 3 miles each side of the ILS localizer south course, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 191° bearing from Meridian RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 9.5 miles southwest and 4.5 miles northeast of Meridian VORTAC 315° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

AMENDMENTS 6/25/70 35 F. R. 6176 (Rewritten)

Meridian, Miss. (NAAS Meridian)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.).

Merrill, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

AMENDMENTS 1/8/70 34 F. R. 18451 (Added)

Mexico, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°09'35" N., longitude 91°49'25" W.); and that airspace extending upward from 1,200 feet above the surface northeast of the Hallsville, Mo., VORTAC within a 34-mile radius circle centered on the Hallsville VORTAC, extending from the southeast edge of V-63 clockwise to the north edge of V-4.

Miami, Fla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within 5 miles south and 8 miles north of the Miami Runway 9-L ILS localizer west course, extending from the airport to 12 miles west of the Runway 9-L ILS LOM; within 5 miles north and 8 miles south of the Miami Runway 27-L ILS localizer east course, extending from the airport to 12 miles east of the Runway 27-L ILS LOM; within 5 miles south and 8 miles north of the Runway 9-L ILS localizer east course, extending from the airport to 12 miles east of the INT of Runway 9-L ILS localizer east course and the Biscayne Bay VOR 351° radial; within 2 miles each side of the Miami VORTAC 139° radial, extending from the 7-mile radius area to the VORTAC; within an 8-mile radius of the Tamiami Airport, Fla. (latitude 25°38'49" N., longitude 80°25'59" W.); within a 6-mile radius of the Opa Locka Airport, Fla., (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 6-mile radius area to the VORTAC; within a 5-mile radius of the North Perry Airport, Fla. (latitude 26°00'06" N., longitude 80°14'24" W.); within a 7-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'15" N., longitude 80°09'15" W.); within 2 miles each side of the 315° bearing from the Fort Lauderdale RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within a 7-mile radius of Homestead AFB (latitude 25°29'15" N., longitude 80°23'10" W.); within 2 miles each side of the Homestead ILS localizer northeast course, extending from the 7-mile radius area to 9 miles northeast of Homestead AFB.

Miami, Fla. (Dade-Collier Training and Transition Airport)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).

AMENDMENTS 1/20/70 35 F. R. 1220 (Added)

Michigan City, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'15" W.); and within a 6½-mile radius of Michigan City Municipal Airport (latitude 41°40'10" N., longitude 86°53'20" W.).

Middletown, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°25'55" N., 74°23'30" W.), of Randall Airport and within 2 miles each side of the Huguenot, N. Y., VOR 082° radial extending from the 5-mile radius area to the VOR excluding the portions that coincide with the Newburgh, N. Y., and Wurtsboro, N. Y., transition areas.

Middletown, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Hook Field, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

Midland, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Midland, Mich., Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.).

Midland, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (latitude 32°02'00" N., longitude 102°05'55" W.), within a 5-mile radius of Ector County Airport (latitude 31°55'00" N., longitude 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Midland, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°35' 15" N., 77°42'45" W. of Warrenton-Fauquier Airport, Midland, Va., and within 2 miles each side of the Casanova, Va. VORTAC 113° radial extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 12/10/70 35 F. R. 16732 (Added)

Midway Island
That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

Miles City, Mont.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120.

Milford, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

PENDING AMENDMENT
Millard, Nebr.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (latitude 41°11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 314° bearing from the Millard Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portions which overlie the Omaha and Lincoln, Nebr., transition areas.

AMENDMENTS 2/4/71 35 F. R. 18506 (Added)

Millbrook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°42'25" N., 73°44'20" W., of the Sky Acres Airport, Millbrook, N. Y., and within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius area to 6 miles south of the end of the runway, excluding that portion within the Poughkeepsie, N. Y., and the Red Hook, N. Y., transition areas.

Milledgeville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (latitude 33°09'15" N., longitude 83°14'10" W.); within 3 miles each side of the 089° bearing from Milledgeville RBN (latitude 33°09'13" N., longitude 83°14'35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

AMENDMENTS 2/5/70 34 F. R. 18851 (Added); Corr: 35 F. R. 2953

Millersburg, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°32'15" N., 81°57'10" W. of Holmes County Airport, Millersburg, Ohio, and within 2 miles each side of the Tiverton, Ohio, VOR 059° radial extending from the 5-mile radius area to the VOR.

Millinocket, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine, and within 3.5 miles each side of a 094° bearing from the Millinocket RBN extending from the 7-mile radius area to 11.5 miles east of the RBN.

AMENDMENTS 10/15/70 35 F. R. 13642 (Rewritten)

Millville, N. J.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 39°37'00" N., 75°05'00" W. to 39°35'00" N., 74°52'00" W. to 39°16'30" N., 74°59'00" W. to 39°16'30" N., 75°10'00" W. to 39°30'00" N., 75°15'00" W. to point of beginning, excluding the portion that coincides with the Atlantic City, N. J., 700-foot transition area.

Milton, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 1.5-mile radius of Milton "T" (Private) Field (latitude 30°38'15" N.. longitude 86°59'20" W.).

Milwaukee, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within 8 miles east and 5 miles west of the Milwaukee ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within a 5-mile radius of Horlick-Racine Airport (latitude 42°45'35" N., longitude 87°48'55" W.); within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.); within 5 miles northeast and 8 miles southwest of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles northwest of the VOR; within 2 miles each side of the Timmerman VOR 214° radial, extending from the 8-mile radius area to 14 miles southwest of the VOR; and within a 7½-mile radius of Waukesha County Airport (latitude 43°02'20" N., longitude 88°14'05" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°30'00" N., on the east by longitude 87°00'00" W., on the south by latitude 42°30'00" N., and the Illinois-Wisconsin boundary, and on the west by longitude 88°30'00" W.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Mineral Wells, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.); within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 6-mile radius area to 8 miles SE of the RBN and within 2 miles each side of the Mineral Wells VORTAC 137° radial, extending from the 6-mile radius area to 8 miles SE of the VORTAC.

Minneapolis, Minn.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 5 miles north and 8 miles south of the Flying Cloud, Minnesota VOR 292° radial, extending from the 23-mile radius area to 12 miles west of the VOR; within 5 miles each side of the St. Paul, Minnesota VOR 037° radial, extending from the 23-mile radius area to 13 miles northeast of the VOR; and within a 6-mile radius of Airlake Industrial Airpark (latitude 44°37'40" N., longitude 93°13'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on east by the 36-mile radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile radius area west of Minneapolis southwest along the northwest edge of V-148; then clockwise along a 70-mile radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; then southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile radius area, then counterclockwise along the 36-mile radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00" W.; on the north by latitude 46°13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile radius arc.

AMENDMENTS 11/12/70 35 F. R. 14304 (Rewritten)
PENDING AMENDMENT
Minneapolis, Minn.
That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile radius area to 18½ miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile radius area west of Minneapolis southwest along the northwest edge of V-148; thence clockwise along a 70-mile radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; thence southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile radius area thence counterclockwise along the 36-mile radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00"; on the north by latitude 46° 13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile radius arc.
AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minot, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within a 10-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 5 miles each side of the Minot VORTAC 260° radial, extending from the 10-mile radii areas to 12 miles west of the VORTAC; within 5 miles each side of the Minot VORTAC 129° radial extending from the 10-mile radius area to 12 miles southeast of the VORTAC; and within 5 miles each side of the Minot VORTAC 097° radial, extending from the 10-mile radius area to 12 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Deering TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Deering TACAN, excluding the area north of latitude 49°00'00" N., and the area which overlies V-430 and V-15.
AMENDMENTS 10/15/70 35 F. R. 12751 (Rewritten)

Mississippi
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles from and parallel to the shoreline, to and south along longitude 88°51'00" W. to latitude 30°07'20" N. (point of intersection of the Mississippi State line and longitude 88°51'00" W.).

AMENDMENTS 9/25/70 35 F. R. 15635 (Changed)

Missoula, Mont.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 8 miles southwest of the Missoula VORTAC 122° and 302° radials, extending from 5 miles southeast to 19 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above ths surface within 8 miles southwest and 9 miles northeast of the Missoula VORTAC 118° and 298° radials, extending from 7 miles southeast to 16 miles northwest of the VORTAC; within the arc of a 19-mile radius circle centered on the Missoula VORTAC, extending from the northeast edge of V-2 northwest of Missoula clockwise to the west edge of V-231 northwest of Missoula; and within 7 miles east and 8 miles west of the Missoula VORTAC 354° radial extending from the VORTAC to the south edge of V-120.

Mitchell, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial. extending from the VOR to 18½ miles northwest of the VOR.

Moab, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 8 miles northeast of the 125° and 305° bearings from the Frontier Airlines RBN (latitude 38°45'45" N., longitude 109°44'50" W.), extending from 13 miles southeast to 12 miles northwest of the RBN.

Mobile, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within an 8.5-mile radius of Brookley Field (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; within a 6.5-mile radius of Fairhope Municipal Airport (latitude 30°27'50" N., longitude 87°52'35" W.); within 2 miles each side of Brookley VORTAC 134° radial, extending from the 6.5-mile radius area to Brookley Field 8.5-mile radius area.

AMENDMENTS 4/30/70 35 F. R. 4257 (Rewritten)

Modesto, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Modesto VOR 122° and 302° radials, extending from 18.5 miles northwest to 18.5 miles southeast of the VOR; and that airspace
extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.

AMENDMENTS 10/15/70 35 F. R. 13362 (Changed)

Moline, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within a 6½-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport REN, extending from the 6½-mile radius area to 8 miles southwest of the REN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 6½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the southeast by the Illinois-Iowa boundary, and on the west by longitude 91°00'00" W.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Molokai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC and within 4 miles north and 2 miles south of the VORTAC 126° radial extending from the intersection of the Molokai VORTAC 126° and the Lanai, Hawaii, VORTAC 011° radials to a point 7 miles east of this intersection; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156° 19'30" W., thence to point of beginning; that airspace bounded on the northwest by V-8 on the northeast by V-6, and on the south by V-15; that airspace bounded on the north by V-15, on the east by V-17, on the south by V-2, and on the west by V-7; and that airspace bounded on the north by V-8, on the east by V-7, and on the southwest by V-2.

Monongahela, Pa.
That airspace extending upward from 700-feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

Monroe, La.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Monroe VORTAC 222° radial extending from the VORTAC to 12 miles SW, and within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the OM.

AMENDMENTS 3/5/70 35 F. R. 6 (Changed)

Monroe, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

Monroe, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (latitude 35°01'15" N., longitude 80°38'00" W.).

AMENDMENTS 2/5/70 35 F. R. 20267 (Rewritten)

Monroeville, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroeville County Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 4.5 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9.5 miles northeast and south of the VORTAC.

AMENDMENTS 7/23/70 35 F. R. 8654 (Rewritten)

Montague, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 42°04'00" N., on the east by an arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC and an arc of a 14-mile radius circle centered on the Siskiyou County Airport, on the southeast by a line extending from latitude 41°41'00" N., longitude 122°10'00" W., to latitude 41°25'00" N., longitude 122°20'00" W., on the south by latitude 41°25'00" N., and on the west by the east edge of V-23; within 5 miles each side of the Siskiyou TACAN 014° radial, extending from the 7-mile radius area to 19 miles north of the TACAN, and within 5 miles east and 6 miles west of the Siskiyou TACAN 194° radial, extending from the TACAN to 29 miles south of the TACAN.

Monterey, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif., latitude 36°40'55" N., longitude 121°45'40" W., excluding the portion S of latitude 36°32'00" N.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°05'00" N., longitude 122°43'15" W., thence E via the S boundary of Control 1173 to V-27, thence SE via V-27 to latitude 37°00'00" N., thence E via latitude 37°00'00" N., to a line 11 miles SW of and parallel to the Priest, Calif., VORTAC 331° radial, thence SE via this line to a line 12 miles SE of and parallel to the Big Sur, Calif., VOR 047° radial, thence SW via this line to V-27, thence SE via V-27 to longitude 121°03'00" W., thence S to latitude 35°30'00" N., longitude 121°03'00" W., thence to latitude 35°30'00" N., longitude 121°22'00" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 36°15'00" N., longitude 122°01'00" W., to latitude 36°29'00 N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°17'30" W., to point of beginning; that airspace extending upward from 5,000 feet MSL bounded on the northwest by a line 12 miles southeast of and parallel to the Big Sur VOR 047° radial, on the northeast by V-25, on the south by a line extending from the southwest boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence south to the northeast boundary of V-27 and longitude 121°03'00" W., and on the southwest by V-27; and that airspace extending upward from 17,500 feet MSL to and including flight level 240 within 10 miles north and 16 miles south of the Navy Monterey TACAN 280° radial, extending from 17 to 61 miles west of the TACAN, excluding the portion within the Paso Robles, Calif., transition area.

Montevideo, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 2 miles each side of the 326° bearing from Montevideo Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 326° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 138° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles southeast of the airport; excluding the portion which overlies the Madison, Minn., transition area.

Monticello, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monticello Municipal Airport (latitude 33°38'10" N., longitude 91°45'10" W.), and within 2 miles each side of the Monticello VORTAC 337° radial extending from the 5-mile radius area to the VORTAC.

Monticello, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40" N., longitude 91°10'00" W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

AMENDMENTS 4/30/70 35 F. R. 4199 (Added)

Monticello, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°42'00" N., 74°47'50" W. of Sullivan County International Airport, Monticello, N. Y.; within 2 miles each side of the Sullivan County International Airport runway 15 centerline extended from the 8.5-mile radius area to 9 miles southeast of the end of the runway; within 2 miles each side of the Sullivan County International Airport runway 33 centerline extended from the 8.5-mile radius area to 12.5 miles northwest of the end of the runway; and within 3.5 miles each side of the 130° bearing from the White Lake RBN (latitude 41°41'51" N., longitude 74°47'48" W.) extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN.

Montgomery, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 4.5 miles north and 9.5 miles south of Dannelly Field ILS localizer west course, extending from the 8.5-mile radius area to 18.5 miles west of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 8.5-mile radius area to 23 miles northwest of the VORTAC; excluding the portion within the Selma, Ala., transition area; within a 9-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 3 miles northeast and 8 miles southwest of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR.

AMENDMENTS 8/20/70 35 F. R. 10145 (Rewritten)
AMENDMENTS 12/10/70 35 F. R. 16171 (Changed)

Montpelier, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°12'15" N., 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.

AMENDMENTS 8/22/70 35 F. R. 13425 (changed)

Montrose, Colo.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

Morganton, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Morganton-Lenoir Airport (latitude 35°49'20" N., longitude 81°36'35" W.); within 3 miles each side of the 238° bearing from Morganton RBN (latitude 35°49'15" N., longitude 81°36'50" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN; excluding the portion that coincides with Hickory transition area.

AMENDMENTS 4/30/70 35 F. R. 3880 (Added)

Morgantown, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius from the center of Morgantown Airport, Morgantown, W. Va., 39°38'28" N., 79°54'59" W. extending clockwise from a 192° bearing to a 328° bearing; within a 15-mile radius from the center of Morgantown Airport extending clockwise from a 328° bearing to a 192° bearing.

Morrilton, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Petit Jean Airport (lat. 35°08'15" N., long. 92°54'30" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton RBN (lat. 35°07'07" N., long. 92°55'30" W.) extending from the 8.5-mile radius to 11.5 miles southwest of the RBN.

AMENDMENTS 10/15/70 35 F. R. 13116 (Added)

Morris, Ill.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Morris Municipal Airnort (latitude 41°25'46" N., longitude 88°25'12" W.) and within 2 miles each side of the Joliet, Ill., VORTAC 213° radial extending from the 5-mile radius area to the VORTAC.

Morris, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 2 miles each side of the 148° bearing from Morris Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 148° bearing from Morris Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Morristown, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (latitude 36°10'50" N., longitude 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (latitude 36°11'10" N., longitude 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

Morrisville, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°32'10" N., 72°36'55" W.) of Morrisville-Stowe State Airport, Morrisville, Vt., and within 2 miles each side of the Morrisville RBN (44°35'13" N., 72°35'10" W.) 025° bearing extending from the 5-mile radius area to 8 miles northeast of the RBN.

Moses Lake, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (latitude 47°12'35" N., longitude 119°18'50" W.), within 2 miles each side of the Ephrata VORTAC 156° radial extending from the 5-mile radius area to 4 miles southeast of the VORTAC, within 2 miles west and 2.5 miles east of the Moses Lake ILS localizer south course extending from the 5-mile radius area to 10.5 miles south of the Moses Lake RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the arc of a 16-mile radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 8 miles northeast of the Ephrata VORTAC 336° radial extending from the VORTAC to 12 miles northwest of the VORTAC, within 5 miles each side of the Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V-112W, within 15 miles east and 10 miles west of the Moses Lake VOR 161° and 341° radials extending from 27 miles south to 14 miles north of the VOR, that airspace northeast of Moses Lake bounded on the northwest by a line 5 miles northwest of and parallel to the Ephrata VORTAC 066° radial, on the east by an arc of a 52-mile radius circle centered on Fairchild Air Force Base, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.), on the southeast by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial, on the west by longitude 119°15'00" W., that airspace west of Moses Lake bounded on the north by latitude 47°30'00" N., on the east by longitude 119°15'00" W., on the south by a line 6 miles south of and parallel to the Moses Lake VOR 266° radial, on the west by an arc of a 39-mile radius circle centered on the Grant County Airport, and that airspace southwest of Moses Lake extending upward from 5,500 feet MSL within 7 miles northwest and 10 miles southeast of the Moses Lake VOR 238° radial extending from 10 to 50 miles southwest of the VOR, excluding that airspace overlying R-6715.

Moses Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

Mosinee, Wis.
The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

Moultrie, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Thomasville Municipal Airport (latitude 30°54'05" N., longitude 83°52'50" W.); within an 8-mile radius of Moultrie-Thomasville Airport (latitude 31°04'58" N., longitude 83°48'15" W.); within an 8-mile radius of Spence AF Auxiliary Field (latitude 31°08'26" N., longitude 83°42'24" W.).

Mountain Home, Idaho
That airspace extending upward from 700 feet above the surface within 10 miles NE and 9 miles SW of the Mountain Home AFB TACAN 135° and 315° radials, extending from 18 miles SE to 18 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the NE by the SW boundary of V-4, on the SE, S and SW by the arc of a 35-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the W by the Boise, Idaho, VORTAC 204° radial and on the NW by the arc of a 25-mile radius circle centered on the Boise VORTAC; that airspace SE of Mountain Home, extending upward from 6,500 feet MSL, extending from the 35-mile radius area bounded on the NE by V-253, on the S by latitude 42°24'00" N., and on the W by longitude 115°39'00" W., excluding the portion within the Twin Falls, Idaho, transition area; that airspace S of Mountain Home, extending upward from 7,500 feet MSL, extending from the 35-mile radius area bounded on the E by longitude 115°39'00" W., on the S by the arc of a 46-mile radius circle centered on Mountain Home AFB, and on the NW by a line 5 miles NW of and parallel to the Mountain Home AFB VOR 208° radial; and that airspace S of Mountain Home, extending upward from 10,500 feet MSL within 5 miles each side of the Mountain Home VOR 178° and 208° radials, extending from the 46-mile radius circle to 61 miles S and SW of the VOR.

Mt. Clemens, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Selfridge AFB, Mt. Clemens, Mich. (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 5 miles W and 8 miles E of the Selfridge AFB ILS localizer N course. extending from 3 miles S to 12 miles N of the OM, and within 2 miles each side of the Selfridge AFB ILS localizer S course, extending from the 7-mile radius area to 11 miles S of Selfridge AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the E by the United States/Canadian Border, on the W by the E boundary of VOR Federal airway No. 42 E alternate and longitude 83° 30' 00" W., and on the N by the N boundary of VOR Federal airway No. 216.

Mount Pleasant, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mount Pleasant Municipal Airport (latitude 40°56'45" N., longitude 91°30'30" W.); and within 3 miles each side of the 140° bearing from Mount Pleasant Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from the Mount Pleasant Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport; excluding the portion which overlies the Burlington, Iowa, 1,200-foot floor transition area.

AMENDMENTS 9/17/70 35 F. R. 12199 (Added)

Mt. Pleasant, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, Mich., Airport extending from the 4-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the S by the S edge of V-216, on the E by longitude 84°25'00" W., on the NE by a line 10 miles SW and parallel to the Saginaw, Mich., VOR 317° radial, on the NW by a line from latitude 43°49'15" N., longitude 84°43'30" W., to latitude 43°27'00" N., longitude 85°02'00" W., and on the W by longitude 85°02'00" W.

Mount Pleasant, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (latitude 35°33'15" N., longitude 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (latitude 35°33'20" N., longitude 87°10'57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

Mount Pocono, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 333° bearing from the Tobyhanna RBN (41°12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN.

Mount Vernon, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

Mount Vernon, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°19'45" N., 82°31'30" W., of Mount Vernon Airport, Mount Vernon, Ohio; within 2 miles each side of the Appleton, Ohio, VORTAC 015° radial extending from the 5-mile radius area to the VORTAC and within 2 miles each side of the centerline of Runway 28 extended from the 5-mile radius area to 6 miles west of the end of the runway excluding that airspace that coincides with the Columbus, Ohio, transition area.

Mullan Pass, Idaho
That airspace extending upward from 8,500 feet MSL within 6 miles N and 9 miles S of the Mullan Pass VORTAC 095° and 275° radials, extending from 8 miles E to 15 miles W of the VORTAC.

Muncie, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Delaware County-Johnson Field (latitude 40°14'30" N., longitude 85°23'45" W.); within 3 miles each side of the Muncie VOR 125° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 017° radial, extending from the 7-mile radius area to 8 miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 7-mile radius area to 10 miles northwest of the VOR.

AMENDMENTS 1/8/70 34 F. R. 17510 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Muscatine, Iowa
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'00" N., longitude 91°08'40" W.).

Muscle Shoals, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
That airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); within 2 miles each side of the Muskegon ILS localizer northwest course, extending from 11 miles northwest of the OM to 18 miles northwest of the OM; and within a 4-mile radius of Grand Haven, Mich., Memorial Airport (latitude 43°02'00" N., longitude 86°11'50" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); within 5 miles southwest and 7 miles northeast of the Muskegon ILS localizer northwest course extending from the 18-mile radius area to 28 miles northwest of the OM; and the airspace southwest of Muskegon bounded on the northeast by the 18-mile radius area, on the southeast by the Grand Rapids, Mich., transition area, on the southwest by V-30, and on the northwest by V-216.

Muskogee, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla., (latitude 35°39'25" N., longitude 95°21'40" W.); and within 8 miles SW and 5 miles NE of the 128° bearing from the Muskogee RBN, extending from the 7-mile radius area to 12 miles SE of the RBN.

Myrtle Beach, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within an 8.5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.).

AMENDMENTS 5/28/70 35 F. R. 4613 (Rewritten)

Nacogdoches, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (latitude 31°34'35" N., longitude 94°42'25" W.), within 2.5 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 3.5 miles each side of the 339° and 159° bearings from the Nacogdoches RBN (latitude 31°38'01" N., longitude 94°44'01" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Nantucket, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius area to 10 miles NE of the VOR; and that airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket CONSOLAN (Monitor site at latitude 41°15'35" N., longitude 70°09'19" W.), on the N by Control 1144, and on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N by Control 1169, on the E by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL.

Nappanee, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Nappanee Municipal Airport (latitude 41°26'45" N., longitude 85°56'00" W.); and within 2 miles each side of the 138° radial of the Goshen, Ind., VORTAC extending from the 5½-mile radius area to 14 miles southeast of the VORTAC excluding the airspace which overlies the Goshen, Ind., transition area.
AMENDMENTS 12/10/70 35 F. R. 15371 (Added)

Nashville, Tenn.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'58" W.); within 9.5 miles east and 4.5 miles west of Nashville ILS localizer north course, extending from the 14-mile radius area to 18.5 miles north of Nashville VORTAC 344° radial; within 9.5 miles northeast and 4.5 miles southwest of Nashville VORTAC 135° radial, extending from the 14-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles east and 4.5 miles west of Nashville ILS localizer south course, extending from the 14-mile radius area to 18.5 miles south of the LOM; within an 8-mile radius of Gallatin Municipal Airport, Tenn. (lat. 36°22'45" N., long. 86°24'30" W.); within an 8.5 mile radius of Smyrna Airport, Tenn. (lat. 36°00'27" N., long. 86°31'21" W.).

AMENDMENTS 4/30/70 35 F. R. 4257 (Rewritten); Corr: 35 F. R. 5913
AMENDMENTS 1/7/71 35 F. R. 17535 (Rewritten)

Natchez, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (latitude 31°36'50" N., longitude 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR.

AMENDMENTS 2/5/70 34 F. R. 19130 (Rewritten); 3/5/70 35 F. R. 6 (Changed)

Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Needles VORTAC 092° and 272° radials, extending from 8 miles W to 20 miles E of the VORTAC.

Neosho, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Neosho VOR 308° radial, extending from the VOR to 12 miles northwest of the VOR, excluding the portion which overlies the Joplin, Mo., transition area, and the portion within the State of Oklahoma.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

PENDING AMENDMENT
Nevada, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'10" N., longitude 94°18'05" W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Nevada Municipal Airport, extending from 3 miles southwest to 18½ miles northeast of the airport, excluding the portion which overlies the Grandview, Mo., 1,200-foot floor transition area.
AMENDMENTS 2/4/71 35 F. R. 18507 (Added)

New Bern, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); excluding the portion within R-5306A.

AMENDMENTS 2/5/70 34 F. R. 19026 (Rewritten)

PENDING AMENDMENT
Newberry, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Luce County Airport (latitude 46°18'30" N., longitude 85°27'00" W.); within 3 miles each side of the 301° bearing from Luce County Airport, extending from the 6½-mile radius to 8 miles northwest of the airport; and within 3 miles each side of the 103° bearing from Luce County Airport, extending from the 6½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 301° and 121° bearings from Luce County Airport, extending from 3 miles southeast to 18½ miles northwest of the airport; and within 4½ miles north and 9½ miles south of the 103° bearing from Luce County Airport extending from the airport to 18½ miles east of the airport, excluding the portion which overlies the Sault Ste Marie, Mich., transition area.

AMENDMENTS 2/4/71 35 F. R. 18507 (Added)

Newburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°30'34" N., 74°05'44" W. of Stewart AFB, Newburgh, N. Y., and within 2 miles S of the Stewart TACAN 253° radial clockwise to 2 miles NE of the Stewart TACAN 328° radial extending from the 12-mile radius area to 16 miles W and NW of the TACAN.

Newburyport, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

Newcastle, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Newcastle VOR (latitude 43°52'54" N., longitude 104°18'26" W.), 154° and 334° radials extending from 6 miles northwest to 18.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the north edge of V-86, on the east by an arc of a 53-mile radius circle centered on Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.), on the south by the north edge of V-26, on the west by a line 5 miles west of and parallel to the Newcastle VOR 360° radial, excluding the airspace within a 3-mile radius of Schloredt, Wyoming Airport (latitude 44°23'30" N., longitude 104°24'30" W.).

AMENDMENTS 8/20/70 35 F. R. 10503 (Added)

New Mexico
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35° 31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108° 34'00" W., thence along long. 108°34'00" W. to and along the north boundary of V-291N to and clockwise along the arc of a 46-mile radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35°47'00" N., long. 106°15'00" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°50' 00" W. to and along the north boundary of V-19 to long. 105°16'30" W., to lat. 36°00'00" N., long. 105°07' 00" W., thence along lat. 36°00'00" N., to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, and the portion of R-5107A north of lat. 32°18'00" N., excluding that airspace bounded by a line beginning on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W. to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00"W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66 and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°57'00" N., long. 105°27'00" W., thence to lat. 33°12'50" N., long. 105°27'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106° 06'05" W. to and along long. 106°04'00" W. to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

AMENDMENTS 11/12/70 35 F. R. 14304 (Added)

New Orleans, La.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°16'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; and within 2 miles each side of the Harvey VOR 053° radial extending from the VOR to 8 miles NE;

AMENDMENTS 3/5/70 35 F. R. 6 (Changed)

New Philadelphia, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Harry Clever Field (latitude 40°28'15" N., longitude 81°25'10" W.).

AMENDMENTS 11/10/70 35 F. R. 17248 (Changed)

Newport, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newport Municipal Airport (lat. 35°38'25" N., long. 91°10'55" W.), and within 3.5 miles each side of the 163° bearing from the Newport RBN (lat. 35°38'30" N., long. 91°10'00" W.) extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

AMENDMENTS 11/12/70 35 F. R. 14651 (Added)

Newport, Oreg.
That airspace extending upward from 700 feet above the surfaee within a 5-mile radius of Newport Municipal Airport (latitude 44°34'45" N., longitude 124°03'30" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 2 miles each side of the Newport VORTAC 184° radial, extending from the 5-mile radius area to 9.5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 8 miles E of the Newport VORTAC 005° and 184° radials, extending from 12 miles N to 12 miles S of the VORTAC, and within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to a line extending through latitude 44°35'00" N., longitude 124°17'30" W. and latitude 44°22'00" N., longitude 124°13'25" W.; and that airspace between the arcs of a 12 and 16.5-mile radius circle centered on the Newport VORTAC, extending counterclockwise from the 044° radial to a line 5 miles west of a parallel to the 005° radial of the VORTAC.

Newport, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport State Airport, Newport, Vt.,; within 2 miles each side of a bearing 032° from the Newport radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada. This transition area is effective from sunrise to sunset, daily.

Newton, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

Newton, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.).

AMENDMENTS 12/10/70 35 F. R. 15906 (Rewritten)

New Ulm, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° bearing from New Ulm Municipal Airport extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 127° bearing from New Ulm Municipal Airport, extending from the airport to 12 miles southeast of the airport.

New York, N. Y.
That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°49'30" W.; to latitude 40°55'00" N., longitude 74°31'00" W.; to latitude 40°57'00" N., longitude 74°33'00" W.; to latitude 41°03'00" N., longitude 74°27'00" W.; to latitude 41°02'30" N., longitude 74°21'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°00'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N. to the W edge of V-139; thence along the west edge of V-139 to latitude 40°12'55" N., longitude 73°19'00" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to the point of beginning. The airspace within W-106 below 3,000 feet MSL and that airspace within Control Area 1147 are excluded.

Nome, Alaska
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Nome VOR, extending clockwise from the 319° radial to the 125° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VOR.

Norfolk, Nebr.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

Norfolk, Va.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°10'35" N., longitude 76°17'35" W., to latitude 36°49'45" N., longitude 75°52'05" W., to latitude 36°29'25" N., longitude 76°09'40" W., to latitude 36°35'40" N., longitude 76°18'40" W., to latitude 36°54'00" N., longitude 76°27'30" W., to latitude 36°54'00" N., longitude 76°36'15" W., to latitude 37°10'30" N., longitude 76°46'00" W., to latitude 37°14'40" N., longitude 76°39'50" W., thence to the point of beginning, and within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va. (lat. 37°05'05" N., long. 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7.

AMENDMENTS 12/23/70 35 F. R. 19504 (Changed)

North, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.); excluding the portion within Columbia transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.
AMENDMENTS 10/15/70 35 F. R. 13425 (Changed)

North Bend, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC 023° radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 090° radial, extending from the VORTAC to 8 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27, south of the VORTAC to the east edge of V-287 north of the VORTAC; within 5 miles north and 8 miles south of the North Bend VORTAC 090° radial, extending from the VORTAC to 12 miles east of the VORTAC.

North Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at latitude 34°09'45" N., longitude 77°45'45" W., to latitude 34°03'05" N., longitude 77°42'30" W., to latitude 34°01'05" N., longitude 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at latitude 33°50'30" N., longitude 78°23'45" W., to latitude 33°45'50" N., longitude 78°31'00" W., to latitude 33°48'10" N., longitude 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by latitude 36°33'30" N., excluding that airspace within R-5301A and B, R-5306 A, B, and C, R-5311, R-5313, R-5302.

North Conway, N. H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°01'25" N., 71°06'45" W.), of White Mountain Airport, North Conway, N. H.; within 2 miles each side of a 128° bearing from the North Conway, N. H., RBN (44°01'26" N., 71°06'59" W.), extending from the 5-mile radius area to 8 miles southeast of the RBN.
That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N. H., RBN extending from the RBN to 12 miles southeast of the RBN; within 5 miles each side of a direct line extending from the Whitefield, N. H., RBN (44°21'58" N., 71°33'00" W.) to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Lebanon, N. H., VOR to the North Conway, N. H., RBN and within 5 miles each side of a line bearing 116° from the North Conway, N. H., RBN extending from the RBN to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N. H., Lebanon, N. H., and Burlington, Vt., 1,200-foot transition areas. This transition area is effective from sunrise to sunset, daily.

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20°30'00" N., longitude 155°33'30" W.; to latitude 20°45'00" N., longitude 155°43'00" W.; thence along latitude 20°45'00" N.; to longitude 155°27'00" W.; thence through latitude 20°27'22" N., longitude 155°15'00" W., to V-1 Hawaii.

North Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40° 07' 33" N., longitude 75° 17' 08" W.) extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.) and including the airspace beginning at latitude 40° 17' 40" N., longitude 75° 21' 15" W., to latitude 40° 24' 10" N., longitude 75° 09' 20" W., to latitude 40° 18' 10" N., longitude 75°03'50" W., to latitude 40°22'05" N., longitude 74°52'00" W., to latitude 40°10'30" N., longitude 74°48'00" W., to latitude 40°07'30" N., longitude 74°53'30" W., to latitude 40°02'40" N., longitude 75° 08' 00" W., to latitude 40° 04' 30" N., longitude 75° 18' 50" W., to latitude 40° 07' 00" N., longitude 75° 22' 00" W., to point of beginning.

North Platte, Nebr.
That airspace extending upward from 700' above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the North Platte VOR.

Northway, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

Ocala, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor Field) Airport (lat. 29°10'18" N., long. 82°13'26" W.).

AMENDMENTS 11/10/70 35 F. R. 17834 (Rewritten)

Ocean City, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°18'35" N., 75°07'20" W., of Ocean City Airport, Ocean City, Md., and within 2 miles each side of the Snow Hill, Md., VORTAC 047° radial extending from the 5-mile radius area to 18 miles northeast of the VORTAC excluding the portion outside the United States.

Oceanside, Calif.
That airspace extending upward from 700 feet above the surface between the Oceanside VORTAC 316° and 136° radials and a line 5 miles northeast of and parallel to the Oceanside VORTAC 316° and 136° radials, extending from latitude 33°15'00" N., to 5 miles northwest of the VORTAC.

AMENDMENTS 8/20/70 35 F. R. 10503 (Added)

Ogden, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC;
that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288 on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

Ogdensburg, N.Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°40'52" N., 75°28'05" W. of Ogdensburg Municipal Airport, Ogdensburg, N.Y., excluding the portion over Canada; within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.
That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W. to point of beginning.

Oklahoma
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A.

AMENDMENTS 11/12/70 35 F. R. 14651 (Added)

Oklahoma City, Okla.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35°15'30" N., longitude 97°19'00" W.; to latitude 35°23'00" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°14'30" W.; to latitude 35°40'30" N., longitude 97°28'30" W.; to latitude 35°39' 00" N., longitude 97°40'00" W.; to latitude 35°33'00" N., longitude 97°50'00" W.; to latitude 35°34'30" N., longitude 97°58'00" W.; to latitude 35°22'30" N., longitude 98°02'00" W.; to latitude 35°18'00" N., longitude 97°42'00" W.; to latitude 35°08'00" N., longitude 97°42"00" W., to latitude 35°03'45" N., longitude 97°31'15" W., to latitude 35°07'00" N., longitude 97°30'00" W.; to point of beginning; and within 8 miles NW and 5 miles SE of Oklahoma City VORTAC 230° radial, extending from the VORTAC to 12 miles SW of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Okmulgee, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Olean Municipal Airport (latitude 42°14'20" N., longitude 78°22'30" W.), and within 2 miles each side of the Olean RBN 033° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN, from 0700 to 2200 hours, local time, daily.

Olney, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport, Olney, Ill. (latitude 38°43'20" N., longitude 88°10'25" W.); and within 2 miles each side of the 223° bearing from Olney-Noble Airport, extending from the 5-mile radius area to 8 miles SW of the airport.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Omaha, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Eppley Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppley Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; within a 10-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; within a 5-mile radius of Council Bluffs, Iowa, Municipal Airport (latitude 41°15'35" N., longitude 95°45'40" W.); and within 2 miles each side of the Omaha VORTAC 341° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area beginning southeast of Omaha at the north edge of V-216 and longitude 95°00'00" W.; thence north along longitude 95°00'00" W. to and east along the north edge of V-6, to and north along longitude 94°42'00" W., to and west along the south edge of V-172, to and north along longitude 95°18'00" W., to and west along latitude 41°43'00" N., to and south along longitude 96°25'00" W., to and east along latitude 41°30'00" W., to and south along longitude 96°23'00" W., to and east along the north edge of V-216 to the point of beginning.

Omak, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'13" N., longitude 119°30'56" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

O'Neill, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 3½ miles each side of the O'Neill VORTAC 315° radial, extending from the 5½-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of an 18½-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 228° radial clockwise to the O'Neill VORTAC 049° radial; and within the arc of a 9-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 049° radial clockwise to the O'Neill VORTAC 228° radial.

Oneonta, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N. Y.; and within 2 miles each side of the Rockdale VOR 067° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N. Y. transition area.

Ontario, Oreg.
That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 168° and 348° bearings from the Ontario, Oreg., RBN, extending from 18.5 miles south to 6 miles north of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11898 (Rewritten)

Opelousas, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of St. Landry Parish Airport (latitude 30°33'30" N., longitude 92°06'00" W.), and within 2.5 miles each side of the Lafayette VORTAC 347° radial extending from the 5-mile radius area to 22.5 miles north of the VORTAC.

AMENDMENTS 8/20/70 35 F. R. 10755 (Added)

Orangeburg, S. C.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (latitude 33°27'40" N., longitude 80°51'30" W.); within 3 miles each side of the 226° bearing from Orangeburg RBN (latitude 33°26'23" N., longitude 80°52'41" W.), extending from the 7.5-mile radius area to 8.5 miles southwest of the RBN.

Orlando, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Herndon Airport (lat. 28°32'40" N., long. 81°19'55" W.); within an 8.5 mile radius of McCoy AFB (lat. 28°25'55" N., long. 81° 19'15" W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM; within a 6.5-mile radius of Kissimmee Municipal Airport (lat. 28°17'30" N., long. 81°26'15" W.); within 3 miles each side of the 322° bearing from Kissimmee RBN (lat. 28°17'20.5" N., long. 81°26'05" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.
AMENDMENTS 1/29/70 34 F. R. 18159 (Changed); 11/12/70 35 F. R. 14076 (Rewritten)

Osceola, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 114° and 294° bearings from Osceola Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport.

Oscoda, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 7-mile radius area to 14 miles SW of the TACAN; and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 7-mile radius area to 14 miles NE of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Wurtsmith AFB; within 5 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 30-mile radius to 40 miles E of the TACAN; and within the area bounded on the NW by a line 5 miles NW and parallel to the 238° bearing from the Wurtsmith AFB OM, on the NE by the 30-mile radius area, on the SE by a line 5 miles SE and parallel to the 216° bearing from the Wurtsmith AFB OM, and on the SW by the arc of a 33-mile radius circle centered on the Wurtsmith AFB OM.

Oshkosh, Nebr.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (latitude 41°22'55" N., longitude 102°21'12" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 302° bearing from Oshkosh Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

AMENDMENTS 4/30/70 35 F. R. 4199 (Added)

Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3½ miles each side of the 275° radial of the Oshkosh VOR extending from the 10-mile radius area to 12 miles west of the VOR; within 9½ miles west and 4½ miles east of the 008° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles north of the VOR; within 9½ miles east and 4½ miles west of the 182° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles south of the VOR; within an 8½-mile radius of the Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 9½ miles south and 4½ miles north of a 275° bearing from the Fond du Lac County Airport, extending from the 8½-mile radius area to 18½ miles west of the airport excluding the portion which overlies the Appleton, Wis., 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; to latitude 44°36'00" N., longitude 87°27'00" W.; to latitude 43°30'00" N., longitude 87°27'00" W.; to 43°30'00" N., longitude 88°30'00" W.; to latitude 43°40'40" N., longitude 89°38'20" W., thence north along the east boundary of V-177W to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stephens Point, Wis. VOR; to latitude 44°28'30" N., longitude 89°14'25" W.; to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis. VOR to the point of beginning excluding the portion which overlies the Cecil, Wis. transition area.

AMENDMENTS 1/7/71 35 F. R. 17034 (Rewritten)

Oswego, Kans.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Oswego VOR 207° and 027° radials, extending from 20 miles NE to 9 miles SW of the VOR, excluding the portion within the State of Oklahoma.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Ottumwa, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ottumwa Industrial Airport (latitude 41°06'20" N., longitude 92°26'50" W.) and within 2 miles each side of the Ottumwa VORTAC 309° radial extending from the 6-mile radius area to 13 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a line 5 miles south of and parallel to the Ottumwa 251° radial and the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, thence clockwise along the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, to and south along a line 5 miles east of and parallel to the Ottumwa VORTAC 026° radial, to and clockwise along the arc of a 15-mile radius circle centered on the Ottumwa VORTAC, to and west along a line 5 miles south of and parallel to the Ottumwa VORTAC 251° radial to the point of beginning.

Owensboro, Ky.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°44'32" N., 87°09'57" W. of the Owensboro-Daviess County Airport, Owensboro, Ky., and within 5 miles NW and 8 miles SE of the Owensboro VOR 222° radial extending southwesterly from the VOR for 12 miles and within 5 miles W and 8 miles E of the Owensboro VOR 184° radial extending southerly from the VOR for 12 miles

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.); within 3 miles each side of the 280 bearing from Oxford RBN (latitude 34°23'00" N., longitude 89°32'30" W.), extending from the 5-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 2/3/70 35 F. R. 2869 (Rewritten)

Oxford, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

Oxnard, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Point Mugu RBN; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 118°50'00" W., on the south by lat. 34°00'00" N., on the west by long 120°00'00" W., and on the north by a line extending from lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 118°50'00" W.; within the arc of a 34-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 165° radial to the 255° radial, and within 14 miles southeast and 9 miles northwest of the Point Mugu TACAN 220° radial, extending from the 34-mile radius area to 49 miles southwest of the TACAN, excluding the portion within W-412; and that airspace extending upward from 5,000 feet MSL bounded on the north by latitude 34°15'00" N., on the east by longitude 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within the Santa Barbara, Calif., transition area.

AMENDMENTS 1/7/71 35 F. R. 17031 (Changed)

Paducah, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 37°03'40" N., 88°46'20" W., of Barkley Field, Paducah, Ky.; within 3.5 miles each side of the 234° bearing from the Paducah RBN, extending from the 9-mile radius area to 12 miles southwest of the RBN; and within 3.5 miles each side of the Paducah VORTAC 225° radial, extending from the 9-mile radius area to 12 miles southwest of the VORTAC.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°01'30" N., 88°35'00" W. to 36°41'30" N., 88°55'30" W. to 36°53'30" N., 89°10'00" W. to 37°10'00" N., 89°07'10" W. to point of beginning, excluding the portion which overlies the State of Illinois.

AMENDMENTS 3/5/70 35 F. R. 623 (Rewritten)
AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Pahokee, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Palm Beach County Glades Airport (latitude 26°47'15" N., longitude 80°41'35" W.); within 2 miles each side of the Pahokee VORTAC 342° radial extending from the 5-mile radius area to 9 miles N of the VORTAC.

Palacios, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles NW, and within 2 miles each side of the Palacios VORTAC 176° radial extending from the Palacios VORTAC to the intersection with the Matagorda Island AFB VOR 033° radial and within 2 miles each side of the Matagorda Island AFB VOR 033° radial extending from its intersection with the Palacios VORTAC 176° radial to 16 miles NE of the Matagorda Island AFB VOR.

Palestine, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.), and within 2 miles each side of the 208° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

Palm Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Palm Beach International Airport (latitude 26°41'05" N., longitude 80°05'35" W.).

PENDING AMENDMENT
Palm Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); excluding the portion outside the continental limits of the United States.

AMENDMENTS 2/4/71 35 F. R. 19172 (Rewritten)

Palmdale, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles S and 7 miles N of the Palmdale VORTAC 298° radial extending from the VORTAC to 18 miles NW; within 6 miles S and 12 miles N of the Palmdale VORTAC 298° and 118° radials extending from 11 miles NW to 13 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°36'30" N., longitude 118°45'00" W., to latitude 35°44'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°53'00" W.. to latitude 36°07'00" N., longitude 117°35'00" W., to latitude 35°36'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°06'30" W., to latitude 35°34'30" N.. longitude 116°29'40" W., to latitude 35°34'30" N., longitude 116°23'30" W., to latitude 35°28'35" N., longitude 116°18'45" W., to latitude 35°21'30" N., longitude 116°13'00" W., to latitude 34°43'00" N., longitude 116°13'00" W., thence W along latitude 34°43'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to latitude 34°30'00" N., thence W along latitude 34°30'00" N., to longitude 118°20'00" W., thence N along longitude 118°20'00" W., to the S boundary of V-137, thence W along the S boundary of V-137 to longitude 118°45'00" W., thence to point of beginning.

Palmer, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42° 13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72° 18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

Palm Springs, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), within 2 miles NE and 5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR, and within 3 miles S of the 104° bearing from the Palm Springs Airport, extending from the 5-mile radius area to 10 miles E of the airport.

Pampa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 2 miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 8 miles north of the RBN.

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

AMENDMENTS 3/5/70 35 F. R. 309 (Rewritten)

Paragould, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN excluding the portion within the Jonesboro, Ark., control zone.

Paris, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (latitude 36°20'15" N., longitude 88°23'00" W.); within 3 miles each side of the 210° bearing from Paris RBN (latitude 36°20'28" N., longitude 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN; within 3 miles each side of the 353° bearing from Paris RBN, extending from the 5-mile radius area to 8.5 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 4.5 miles west of the 353° bearing from Paris RBN, extending from the RBN to 18.5 miles north; within 5 miles each side of the 331° bearing from Paris RBN, extending from the RBN to the Paducah, Ky., transition area, excluding the portion within the State of Tennessee.

AMENDMENTS 1/8/70 34 F. R. 17511 (Rewritten)

Paris, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Parker, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Parkersburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County Airport, Parkersburg, W. Va.; within 2 miles each side of the Parkersburg VOR 208° and 028° radials extending from the 6-mile radius area to 8 miles northeast of the VOR.

Park Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Park Rapids Municipal Airport (latitude 46°53'55" N., longitude 95°04'15" W.); and within 3 miles each side of the 132° bearing from Park Rapids Municipal Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° and 312° bearings from Park Rapids Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portion north of latitude 47°00'00" N.; and within 5 miles each side of the 307° bearing from Park Rapids Municipal Airport, extending from the airport to 12 miles northwest of the airport.

AMENDMENTS 7/23/70 35 F. R. 8474 (Rewritten)

Parsons, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Tri-City Airport (latitude 37°20'00" N., longitude 95°30'30" W.), and within 5 miles E and 8 miles W of a 359° bearing from the Tri-City Airport, extending from the Airport to a point 12 miles N; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 5 miles SW of the Oswego VOR 306° radial extending from the Oswego VOR to the Tri-City Airport, and within 5 miles E and 5 miles W of the Chanute VOR 166° radial extending from the Chanute VOR to the Tri-City Airport excluding the Oswego and Chanute transition areas.

Pascagoula, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (latitude 30°22'43" N., longitude 88°29'37" W.); within 3 miles each side of the 060° bearing from Pascagoula RBN (latitude 30°22'53" N., longitude 88°29'33" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 4/30/70 35 F. R. 3110 (Rewritten)
AMENDMENTS 12/10/70 35 F. R. 16315 (Changed)

Pasco, Wash.
That airspace extending upward from 700 feet above the surface, within 5 miles southwest and 8 miles northeast of the Pasco VOR 132° radial, extending from the VOR to 12 miles southeast of the VOR, within 5 miles southeast and 8 miles northwest of the Pasco 036° and 216° radials, extending from 12 miles northeast to 3 miles southwest of the VOR, within 2 miles each side of the Pasco 250° radial, extending from the VOR to 12 miles west of the VOR, and within 2 miles each side of the Pasco 276° radial, extending from the VOR to 9 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 8 miles northeast of the Pasco 132° and 312° radials, extending from 8 miles northwest to 18 miles southeast of the VOR, excluding the portion within Restricted Area R-6715.

Paso Robles, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VORTAC 149° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC.

Patterson, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (latitude 29°42'40" N., longitude 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (latitude 29°42'32" N., longitude 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

AMENDMENTS 1/8/70 34 F. R. 18298 (Added)

Patuxent River, Md. NAS
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion NW of a line extending from latitude 38°15'00" N., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 37°55'30" N., longitude 76°46'00" W., to latitude 37°44'40" N., longitude 75°58'05" W., to latitude 38°15'20" N., longitude 75°40'05" W., to latitude 38°16'10" N., longitude 75°42'20" W., to latitude 38°23'00" N., longitude 75°38'00" W., to latitude 38°57'00" N., longitude 75°53'00" W., to latitude 38°47'00" N., longitude 76°16'00" W., to latitude 38°14'00" N., longitude 76°46'00" W., to latitude 38°14'00" N., longitude 77°04'00" W., to point of beginning. The portion within R-4002 is excluded.

Peach Springs, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC. That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E.

Pecos, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Pekin, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Pekin Municipal Airport (latitude 40°29'25" N., longitude 89°40'20" W.); excluding the portion which overlies the Peoria, Ill., 700-foot floor transition area.

AMENDMENTS 12/10/70 35 F. R. 15907 (added)

Pellston, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Pellston, Mich., Emmet County Airport (latitude 45°34'40" N., longitude 84°47'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC extending clockwise from a line 5 miles SW of and parallel to the Pellston VORTAC 310° radial to a line 5 miles W of and parallel to the Pellston VORTAC 180° radial, and within 8 miles NE and 5 miles SW of the 132° bearing from Emmet County Airport, extending from the airport to 12 miles SE of the airport.

Pendleton, Oreg.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41'30" N., longitude 118°47'24" W.; within 4.5 miles each side of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 12.5 miles west of the VORTAC; within 4.5 miles north and 1 mile south of the Pendleton 273° radial extending from the 12-mile radius area to 8 miles west of the VORTAC; and within 9.5 miles north and 5 miles south of the Pendleton 090° bearing from the Pendleton ILS OM (latitude 45°41'45" N., longitude 118°43'46" W.), extending from the 12-mile radius area to 18.5 miles east of the OM; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 50 miles SE of the VORTAC, within 10 miles S and 7 miles N of the Pendleton 254° radial extending from the 12-mile radius area to 33 miles W of the VORTAC, within 9.5 miles north and 5 miles south of the Pendleton 273° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, extending from the 12-mile radius area to 30 miles NW of the VORTAC, within 5 miles NW of the 025° radial and 5 miles SE of the 049° radial, extending from the 12-mile radius area to an arc of a 35-mile radius circle centered on the Pendleton VORTAC, that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V-112E to the northeast edge of V-29E

AMENDMENTS 5/28/70 35 F. R. 5912 (Changed)

Pennsylvania

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°40'00" N., longitude 75°30'00" W., to latitude 42°10'00" N., longitude 75°25'00" W., to latitude 42°00'00" N., longitude 75°26'00" W., to latitude 42°00'00" N., longitude 75°00'00" W., to latitude 41°31'00" N., longitude 75°07'00" W., to latitude 40°56'16" N., longitude 75°11'04" W., to latitude 40°48'00" N., longitude 75°00'00" W., to latitude 40°49'00" N., longitude 74°37'00" W., to latitude 40°38'00" N., longitude 74°49'30" W., to latitude 40°31'15" N., longitude 74°42'30" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°50'00" N., longitude 76°19'40" W., to latitude 39°50'00" N., longitude 77°47'00" W., to latitude 39°30'00" N., longitude 78°30'00" W., to latitude 39°30'00" N., longitude 78°58'00" W., to latitude 39°25'00" N., longitude 78°58'00" W., to latitude 39°25'00" N., longitude 79°20'00" W., to latitude 40°02'00" N., longitude 79°51'30" W., thence clockwise along a 37-mile arc centered on the Imperial, Pa., VORTAC to the 202° radial of the Imperial VORTAC; thence within a 60-mile radius of the Imperial VORTAC extending clockwise from the 202° to the 249° radials; thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial to latitude 40°56'00" N., longitude 80°36'00" W., to latitude 40°56'00" N., longitude 80°52'00" W., to latitude 41°05'00" N., longitude 80°50'00" W., to latitude 41°28'00" N., longitude 81°10'00" W., thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41°41'00" N., longitude 81°23'35" W.) to: latitude 41°50'55" N., longitude 81°05'30" W., to latitude 41°55'00" N., longitude 80°35'00" W., to latitude 42°14'00" N., longitude 80°41'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°40'00" N., longitude 77°23'45" W., to latitude 42°41'30" N., longitude 76°23'00" W., thence to the point of beginning.

Pensacola, Fla.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pensacola Municipal Airport (latitude 30°28'25" N., longitude 87°11'10" W.); within 8 miles southwest and 5 miles northeast of the 331° bearing from the Brent LOM, extending from the 8-mile radius area to 12 miles northwest of the LOM; within a 6-mile radius of NAS Saufley Field (latitude 30°28'15" N., longitude 87°20'30" W.); within 8 miles southeast and 5 miles northwest of Saufley VOR 234° radial, extending from the 6-mile radius area to 12 miles southwest of the VOR; within a 9-mile radius of NAS Pensacola (Forrest Sherman Field) (latitude 30°21'15" N., longitude 87°19'00" W.); within 7 miles each side of the NAS Pensacola (Forrest Sherman Field) Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport.

Peoria, Ill.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 2 miles each side of the Greater Peoria Airport ILS localizer southeast course, extending from the 8-mile radius area to 8 miles southeast of the OM; within 8 miles southwest and 5 miles northeast of the Peoria VORTAC 279° radial, extending from the 8-mile radius area to 12 miles west of the VORTAC; within a 5-mile radius of Mount Hawley Auxiliary Airport (latitude 40°47'35" N., longitude 89°36'50" W.).

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Perry, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 147° bearing from Perry Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portions which overlie the Jefferson, Iowa, transition area.

Perryton, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36° 24' 45" N., longitude 100° 45' 00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36° 24' 46" N., longitude 100° 44' 17" W.) extending from the 5-mile radius area to 8 miles E of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Perryville, Mo.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection of lines 5 miles southwest of and parallel to the Farmington VORTAC 336° and 120° radials, thence northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 336° radial to and clockwise along the arc of a 13-mile radius circle centered on the Farmington VORTAC, to and northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 120° radial, to the point of beginning, and within 5 miles each side of the Farmington VORTAC 057° radial extending from the 13-mile radius area to 15 miles northeast of the VORTAC.

Petersburg, Va.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (37°11'05" N., 77°30'30" W.) of Petersburg Municipal Airport, Petersburg, Va.; within 4.5 miles each side of the 226° bearing from the Petersburg RBN (37°07'48" N., 77°34'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN and within 2 miles each side of the runway 32 centerline extended from the 8.5-mile radius area to 9 miles northwest of the end of the runway, excluding the portion that coincides with the Richmond, Va., transition area.

AMENDMENTS 1/8/70 34 F. R. 18816 (Added)

Philadelphia, Pa.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport(latitude 39° 52' 30" N., longitude 75° 14' 20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N. J., Airport (latitude 39° 47' 40" N., longitude 75° 20' 25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N. J., VOR 350 radial, extending from the VOR to 10 miles north of the VOR.

Philip, S. Dak.

That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the Philip, S. Dak. VOR 102° and 282° radials extending from 14 miles W to 8 miles E of the VOR.

Philipsburg, Pa.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 40°53'05" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 067° radial extending from the 10-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the 342° bearing from the Philipsburg RBN extending from the 10-mile radius area to 8 miles NW of the RBN.

Phoenix, Ariz.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) to point of beginning;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning. That airspace west of Phoenix extending upward from 5,500 feet MSL bounded on the north by the south edge of V-16, on the east by longitude 113°00'00" W., on the south by the north edge of V-66 and on the west by longitude 114°00'00" W., and that airspace extending upward from 7,000 feet MSL bounded on the north by latitude 34°00'00" N., on the east by longitude 113°00'00" W., on the south by the north edge of V-16 and on the west by longitude 114°00'00" W., excluding that airspace within restricted areas R-2308A, R-2308B, and R-2307.

Picayune, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20" N., longitude 89°42'25" W.); within 3 miles each side of the Picayune VOR 334° radial, extending from the 5-mile radius area to 8.5 miles northwest of the VOR.

AMENDMENTS 2/12/70 35 F. R. 102 (Rewritten)

Pierre, S. Dak.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 2 miles each side of the Pierre VOR 086° radial, extending from the 8-mile radius area to 12 miles E of the VOR; and within 2 miles each side of the Pierre VOR 266° radial, extending from the 8-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Pierre VOR 086° and 266° radials, extending from 3 miles W to 12 miles E of the VOR; within the arc of a 29-mile radius circle centered on the Pierre VOR; extending clockwise from a line 5 miles NW of and parallel to the Pierre VOR 056° radial to a line 5 miles S of and parallel to the Pierre VOR 086° radial; and within the arc of a 24-mile radius circle centered on the Pierre VOR, extending clockwise from a line 6 miles S of and parallel to the Pierre VOR 253° radial to the Pierre VOR 302° radial.

Pine Bluff, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 5 miles each side of the Little Rock VORTAC 137° radial and the Pine Bluff VORTAC 007° and 186° radials extending from the Little Rock, Ark., transition area to 22.5 miles south of the Pine Bluff VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

Pine Mountain, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gardens-Harris County Airport (latitude 32°50'30" N., longitude 84°52'55" W.); within 3 miles each side of the 264° bearing from Pine Mountain RBN (latitude 32°50'30" N., longitude 84°52'36" W.), extending from the 8-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11618 (Rewritten)

Pipestone, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (latitude 43°59'10" N., longitude 96°18'05" W.); and within 3 miles each side of the 193° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 013° and 193° bearings from Pipestone Municipal Airport, extending from 5 miles north to 18½ miles south of the airport; and within 5 miles each side of the 013° bearing from Pipestone Municipal Airport, extending from the airport to 12 miles north of the airport.

Piqua, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°10' 00" N., 84°19'00" W. of Piqua Airport, Piqua, Ohio; and within 2 miles each side of the Dayton VOR 024° radial extending from the 4-mile radius area to the VOR.

Pitman, N. J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°45' 00" N., 75°08'00" W. of Pitman Airport, Pitman, N. J., and within 2 miles each side of the Woodstown, N. J., VOR 047° radial extending from the 4-mile radius area to the VOR, excluding that portion within the Philadelphia Pa., transition area, effective from sunrise to sunset, daily.

Pittsburgh, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within an 8-mile radius of Allegheny County Airport, Pittsburgh, Pa. (latitude 40° 21' 15" N., longitude 79° 55' 40" W.), and the airspace within tangent lines extending from the Greater Pittsburgh 8-mile radius area to the Allegheny County 8-mile radius area; within 2 miles each side of the Greater Pittsburgh Runway 10-L-ILS localizer west course extending from the 8-mile radius area to the Creek, Pa., RBN, and within 2 miles each side of the Allegheny RBN 257° bearing, extending from the Allegheny County 8-mile radius area to 8 miles west of the RBN.

Pittsfield, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44° 46'05" N., 69°22'40" W. of Pittsfield Municipal Airport, Pittsfield, Maine and within 3.5 miles each side of the 350° bearing and the 170° bearing from the Burnham, Maine RBN 44°41'50" N., 69°21'30" W., extending from the 5-mile radius area to 10 miles south of the RBN.

AMENDMENTS 11/12/70 35 F. R. 14650 (Rewritten)

Pittsfield, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W., of Pittsfield Airport, Pittsfield, Mass.; within 2 miles each side of the Pittsfield RBN 059° bearing extending from the 7-mile radius area to 8 miles northeast of the RBN; and within 2 miles each side of the Chester VOR 299° radial extending from the 7-mile radius area to 10 miles northwest of the VOR.

Plainview, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex., (latitude 34°10'10" N., longitude 101°43'00" W.).

Plattsburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39' 05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N. Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 12 miles north of the OM; within 2 miles each side of the Plattsburgh VOR 033° radial extending from the 13-mile radius area to 8 miles northeast of the VOR.

Plymouth, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); within 2½ miles each side of the Knox, Ind. VOR 080° radial, extending from the 5-mile radius area to 12 miles east of the VOR; and within 2½ miles each side of the Knox VOR 081° radial, extending from the 5-mile radius area to 25½ miles east of the VOR.

AMENDMENTS 10/15/70 35 F. R. 12888 (Rewritten)

Plymouth, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°54' 35" N., 70°43'45" W., of Plymouth Municipal Airport, Plymouth, Mass., and within 2 miles each side of the Whitman, Mass., VOR 129° radial extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN , 41°54'32" N., 70°44'11" W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN, excluding that airspace which coincides with the Boston, Mass., and Taunton, Mass., 700-foot transition areas.

Plymouth, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mettetal Airport (latitude 42°20'55" N., longitude 83°27'25" W.); and within 2 miles each side of the Salem, Mich., VORTAC 120° and 126° radials, extending from the 5-mile radius area to the VORTAC, excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area and the Salem, Mich., transition area.

Pocatello, Idaho
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VORTAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to latitude 43°05'20" N., longitude 113°00'00" W., thence to latitude 43°20'30" N., longitude 112°45'30" W., thence to point of beginning.

Point Barrow, Alaska
That airspace extending upward from 700 feet above the surface within a 17-mile radius of latitude 71°18'00" N., longitude 156°43'00" W.

Point Lookout, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of School of the Ozarks Airport (latitude 36°37'25" N., longitude 93°13'45" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 127° bearing from School of the Ozarks Airport, extending from the airport to 18½ miles southeast of the airport, excluding the portion within the State of Arkansas.

AMENDMENTS 6/25/70 35 F. R. 7177 (Added)
AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Point Reyes, Calif.
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-107, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Ponca City, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.) within 2 miles each side of the Ponca City VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Ponce, P. R.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

AMENDMENTS 2/5/70 34 F. R. 19500 (Rewritten)

Pontiac, Michigan
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 5 miles N and 8 miles S of the Pontiac VOR 091° and 271° radials extending from 2 miles E to 12 miles W of the Pontiac VOR.

Poplar Bluff, Mo.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 009° and 189° bearings from Earl Field Memorial Airport, extending from 6 miles north to the Arkansas transition area, and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport extending from the airport to V-9.

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Portal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 13 miles north and 8 miles south of the Cochise, Ariz., VORTAC 096° radial extending from 20 miles east to 56 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by V-198, on the south by V-16, and on the west by longitude 108°49'00" W.

Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clallam County Airport, Port Angeles, Wash. (latitude 48°07'20" N., longitude 123°29'40" W.); within a 5-mile radius of CGAS Port Angeles (latitude 48°03'30" N., longitude 123°24'45" W.), within 2 miles N and 5 miles S of the Port Angeles VOR 093° radial, extending from the VOR to 12 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-440, on the S by latitude 48°03'00" N., on the W by longitude 123°35'00" W. and on the N by the United States/Canadian border.

Port Clinton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 30'55" N., long. 82°52'00" W. of Carl R. Keller Field, Port Clinton, Ohio.

AMENDMENTS 1/7/71 35 F. R. 17247 (Added)

Porterville, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343 radial extending from the 5-mile radius area to 1 mile north of the VOR.

Port Huron, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42°54'45" N., longitude 82°31'35" W) and within 2 miles each side of the 229° and 341° bearings from St. Clair County Airport extending from the 5-mile radius area to 8 miles SW and N of the airport, excluding the portion outside the United States.

Portland, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'00" N., longitude 84°59'15" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

Portland, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending
upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W., thence to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude 69°19'42" W., thence SW via the W boundary of Warning Area W-103 to latitude 42°45'00" N., longitude 70°37'00" W., thence to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine VOR to latitude 44°09'00" N., longitude 69°39'00" W., thence to the point of beginning, including that airspace outside of the continental control area extending upward from FL 240 to FL 300, inclusive, within an 18-mile radius of latitude 42°59'50" N., longitude 70°45'30" W.

AMENDMENTS 12/10/70 35 F. R. 15907 (Changed)

Portland, Oreg.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), within a 5-mile radius of Kelso-Longview, Washington Airport (latitude 46°07'12" N., longitude 122°53'58" W.), within 2 miles each side of the 012° bearing from the Kelso, Wash., RBN (latitude 46°09'14" N., longitude 122°54'40" W.), extending from the 5-mile radius area to 8 miles north of the RBN, within 5 miles northeast and 11 miles southwest of the 299° bearing from the Sauvies RBN, extending from the 23-mile radius area to 25 miles northwest of the RBN, and within 4.5 miles northeast and 9.5 miles southwest of the 119° bearing from the Lake LOM, extending from the 23-mile radius area to 18.5 miles southeast of the LOM; that airspace extending
upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport; that airspace northwest of Portland extending from the 30-mile radius area bounded on the south by latitude 45°38'00" N., on the west by longitude 123°17'00" W., on the north by V-112, that airspace north of the Kelso RBN bounded on the north by latitude 46°26'00" N., on the east by a line 6 miles east of and parallel to the 021° bearing from the RBN, on the south by latitude 46°09'00" N., on the southwest by a line 5 miles southwest of and parallel to the 336° bearing from the RBN; that airspace south of the Kelso RBN bounded on the north by latitude 46°09'00" N., on the northeast by a line 6 miles northeast of and parallel to the 151° bearing from the RBN, on the south by the 30-mile radius area and the north edge of V-112, on the northwest by a line 5 miles northwest of and parallel to the 216° bearing from the RBN, and within 5 miles east and 8 miles west of the 012° bearing from the Kelso RBN extending from the RBN to 12 miles north of the RBN; that airspace extending upward from 4,500 feet MSL northwest of Portland bounded on the south by V-112, on the west by longitude 123°17'00" W., on the north by latitude 46°11'00" N., and on the east by V-165; that airspace extending upward from 6,500 feet MSL west of Portland extending from the 30-mile radius area bounded on the SE by V-287W, on the W by V-27, and on the N by V-112, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-287, on the N by the arc of a 40-nautical mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.), and on the E by longitude 122°16'00" W.; that airspace east of Portland extending
from the 30-mile radius area bounded on the north by the south edge of V-448S, on the east by an arc of a 60-mile radius circle centered on the Portland Airport and on the south by the Newberg VORTAC 081° radial; that airspace within arcs of 30- and 44-mile radius circles centered on Portland Airport bounded on the north by the Newberg VORTAC 081° radial and on the south by the northeast edge of V-165 excluding that airspace within Federal airways, that airspace south of Portland bounded on the northeast by the southwest edge of V-165, on the south by an arc of a 60-mile radius circle centered on Portland Airport and on the west by the east edge of V-23E; that airspace extending upward from 8,500 feet MSL north of Portland extending from the 30-mile radius area bounded on the northwest by the Portland VORTAC 036° radial, on the northeast by an arc of a 60-mile radius circle centered on Portland Airport and on the southeast by the northwest edge of V-448; that airspace east and southeast of Portland within arcs of 44- and 60-mile radius circles centered on the Portland Airport extending clockwise from the Newberg 081° radial to the northeast edge of V-165, excluding the airspace within arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg 092° radial.
That airspace extending upward from 11,500 feet MSL bounded on the north by latitude 46°25'00" N., on the east by longitude 121°53'00" W., on the northeast by an arc of a 60-mile radius circle centered on Portland Airport, on the southeast by the Portland VORTAC 036° radial, and on the west by longitude 122°16'00" W.

AMENDMENTS 8/20/70 35 F. R. 9921 (Changed)
AMENDMENTS 1/7/71 35 F. R. 17248 (Changed)

Portsmouth, N. H. (Pease AFB)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB (latitude 43°04'40" N., longitude 70°49'25" W.); within 2
miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles SE of the lift-off end of the runway.

Portsmouth, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 38°50'26" N, 82°50'50" W, of Scioto County Airport, Portsmouth, Ohio; within 2 miles each side of a 178° bearing from the Portsmouth RBN 38°46'54" N, 82°50'42" W extending from the 8-mile radius area to 8 miles S of the RBN.

Port Sulphur, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Sulphur, La., seaplane base (latitude 29°27'45" N., longitude 89°42'10" W.), and within 2 miles each side of the Harvey, La., VORTAC 145° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area.

Pottstown, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15' 37" N., 75°40'09" W., of Pottstown Municipal Airport, Pottstown, Pa.; within a 5-mile radius of the center, 40° 14'15" N., 75°33'45" W., of Pottstown Limerick Airport, Pottstown, Pa.; within 2 miles each side of the centerline of
Runway 1, Pottstown Municipal Airport, extended from the 6-mile radius area to 8 miles north of the end of the runway; within 5 miles east and 8 miles west of the Pottstown, Pa., VOR 190° radial extending from the VOR to 12 miles south of the VOR.

AMENDMENTS 12/30/70 35 F. R. 19748 (Changed)

Pottsville, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'25" N., 76°22'40" W., of Schuylkill County (Zerbey) Airport, Pottsville, Pa.; and within 2 miles each side of the Ravine, Pa., VOR 049° radial extending from the 6-mile radius area to 9 miles northeast of the VOR.

Poughkeepsie, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 7-mile radius area to 8 miles NE of the VOR within a 5-mile radius of the center (41°34'40" N., 73°43'55" W.) of Stormville Airport, Stormville, N. Y.; within 2 miles each side of the Stormville Airport Runway 8 centerline extended from the 5-mile radius area to 10 miles east of the end of the runway; within 2 miles each side of the Stormville Airport Runway 26 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 2 miles each side of the Kingston, N. Y., VOR 323° and 143° radials extending from the 5-mile radius area to 8 miles northwest of the Kingston, N. Y., VOR excluding that portion coinciding with the Newburgh transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°02'00" N., 73°16'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 73°20'00" W. to 41°31'00" N., 73°54'00" W. to 41°27'00" N., 73°54'00" W. to 41°19'00" N., 73°57'00" W. to 41°19'00" N., 74°33'00" W. to 41°31'00" N., 75°07'00" W. to 42°00'00" N., 75°00'00" W. to point of beginning.

Pratt, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pratt Municipal Airport (latitude 37° 42' 10" N., longitude 98° 44' 55" W.), within 2 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the 6-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 352° bearing from Pratt Municipal Airport, extending from the airport to 12 miles N of the airport, within 5 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the airport to 17 miles N of the airport, and within 5 miles each side of the 272° bearing from Pratt Municipal Airport, extending from the airport to 8 miles W of the airport.

Prescott, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prescott VORTAC 123° and 303° radials, extending from the arc of a 5-mile radius circle centered on the Prescott Airport (latitude 34°39'10" N., longitude 112°25'15" W.) to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 340° radial to a line 5 miles W of and parallel to the VORTAC 159° radial, and that airspace within a 12-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 159° radial to a line 5 miles W of and parallel to the VORTAC 340° radial.

Presque Isle, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 46°41'30" N., 68°02'30" W., of Presque Isle Airport, Presque Isle, Maine; within 2 miles each side of the Presque Isle VORTAC 338° radial extending from the 8-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the Sprague ville RBN 167° bearing extending from the 8-mile radius area to 8 miles south of the RBN; within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 8-mile radius area to 21 miles south of the VORTAC; within a 5-mile radius of the center, 46°52'14" N., 68°01'07" W., of Caribou Airport, Caribou, Maine; within an 8-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine; within 2 miles each side of the Loring TACAN 348° radial extending from the Loring 8-mile radius area to 12 miles north of the TACAN; within 2 miles each side of the Loring ILS localizer south course extending from the Loring 8-mile radius area to 12 miles south of the OM, excluding the portion outside the United States.

That airspace extending upward from 1,200 feet above the surface within a 40-mile radius of the center of Loring AFB excluding the portion outside of the United States.

Price, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Price VOR (latitude 39°36'50" N., longitude 110°44'56" W.) and within 2 miles each side of the 201° radial of the Price VOR, extending from the 5-mile radius area to 8 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 11 miles east of the 021° and 201° radials of the Price, VOR extending from 9 miles north to 18.5 miles south of the VOR.

AMENDMENTS 8/20/70 35 F. R. 10504 (Rewritten)

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.

Princeton, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

Princeton, N.J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°23'55" N., 74°39'30" W., of Princeton Airport within 2 miles each side of the Solberg, N.J., VOR 161° radial extending from the 4-mile radius area to the VOR; and within 2 miles each side of the runway 27 centerline extended from the 4-mile radius area to 6 miles west of the end of the runway.

Providence, R. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green State Airport, Providence, R. I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 050° bearing from the Fall River, Mass., RBN, extending from the 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

Provincetown, Mass.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 42°04'15" N., 70°13'15" W., of Provincetown Municipal Airport, Provincetown, Mass.; and within 2 miles each side of the Provincetown RBN 237° bearing extending from the 4-mile radius area to 8 miles SW of the RBN.

Provo, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°12'52" N., longitude 111°43'13" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

AMENDMENTS 11/12/70 35 F. R. 14306 (Changed) : Corr: 35 F. R. 16171

Pueblo, Colo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Pueblo VORTAC; within 2 miles each side of the Pueblo VORTAC 275° radial, extending from the 9-mile radius area to 16 miles west of the VORTAC, and within 4.5 miles each side of the Pueblo VORTAC 081° radial, extending from the 9-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 104°52'00" W., thence to latitude 38°30'00" W., longitude 104°00'00" W., thence to latitude 38°07'00" N., longitude 104°00'00" W., thence west along latitude 38°07'00" W., to the west edge of V-19, thence south along the west edge of V-19, and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W., thence to latitude 38°07'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning.

AMENDMENTS 3/5/70 35 F. R. 944 (Rewritten)

Pullman, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

Quantico, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va.; and within 2 miles each side of the Brooke, Va., 013° radial extending from the 7-mile radius area to the VOR.

Quincy, Ill.
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from 4 miles northeast to 12 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface west of the Illinois-Missouri boundary within a 13-mile radius of the Quincy VORTAC.

AMENDMENTS 1/7/71 35 F. R. 17036 (Rewritten)

Raleigh, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of the 045° bearing from Leesville RBN, extending from the RBN to 18.5 miles northeast of the RBN; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC.

AMENDMENTS 3/5/70 35 F. R. 309 (Rewritten)
AMENDMENTS 12/10/70 35 F. R. 15209 (Rewritten)

Rantoul, Ill.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Chanute AFB.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Rapid City, S. Dak.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.).

Raton, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'30" N., longitude 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 050° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 3.5 miles each side of the Cimarron VORTAC 050° radial extending from 17.5 miles northeast to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC

AMENDMENTS 1/8/70 34 F. R. 18751 (Rewritten)

Rawlins, Wyo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

Reading, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°22'39" N., 75°57'57" W. of General Spaatz Field, Reading, Pa., and within 5 miles W and 8 miles E of the Reading ILS localizer S course extended from the OM for 12 miles; within 5 miles each side of the East Texas VOR 253° radial extended to the Ravine VOR 125° radial and within a 6-mile radius of the center, 40°30'08" N., 75°47'05" W. of Kutztown Airport, Kutztown, Pa., excluding that portion coincident with the Allentown, Pa., 700-foot transition area.

Readington, N. J.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°34'55" N., 74°44'20" W., of Solberg-Hunterdon Airport, Readington, N. J., and within 5 miles east and 5 miles west of Solberg, N. J., VORTAC 227° radial extending from the 6-mile radius area to 14 miles southwest of the VORTAC excluding the portion that coincides with the New York, N. Y., transition area.

Readsville, Mo.
That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the south by V-12, and on the west by V-63.

Red Bluff, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles NW of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, and within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC.
That airspace NW of Red Bluff extending upward from 1,200 feet above the surface bounded on the SW by a line 9 miles NE of and parallel to the Red Bluff VORTAC 291° radial, on the NW by a line 5 miles NW of and parallel to the Redding VOR 233° radial, and on the NE by a line 9 miles W of and parallel to the Red Bluff VORTAC 342° radial.

Red Hook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°59'15" N., 73°50'15" W., of the Stark-Tator Skypark, within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the 358° radial of the Kingston, N. Y., VOR extending from the 5-mile radius area to the VOR, excluding the portion within the Poughkeepsie, N. Y. transition area.

Redmond, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Redmond VORTAC 269° radial extending from 1 to 8 miles west of the VORTAC; within 2 miles each side of the Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of a 230° bearing from Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), extending from the arc of a 5-mile radius circle centered on Roberts Field Airport to 10 miles southwest of the airport, and within 2 miles each side of a 302° bearing from the Redmond RBN extending from the RBN to 8 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface within 14 miles northeast and 2 miles southwest of the Redmond VORTAC 122° and 302° radials extending from 18 miles northwest to 10 miles southeast of the VORTAC, within 6 miles west and 9 miles east of the Redmond VORTAC 189° radial extending from the VORTAC to 19 miles south of the VORTAC, and that airspace bounded on the northeast by a line 2 miles southwest of and parallel to the Redmond VORTAC 302° radial, on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 269° radial and on the west by an arc of a 17-mile radius circle centered on the Redmond VORTAC.

Redwood Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Redwood Falls VORTAC; within 5 miles each side of the Redwood Falls VORTAC 023° radial, extending from the 13-mile radius area to 18 miles north of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Redwood Falls VORTAC 196° radial, extending from the 13-mile radius area to 18½ miles southwest of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12888 (Rewritten)

Reed City, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

Refugio, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of the 039° bearing from the Refugio RBN (latitude 28°20'27" N., longitude 97°08'58" W.), extending from the 5-mile radius area to 8 miles northeast of the RBN; and within a 4-mile radius of Mellon Ranch Airport (latitude 28°16'15" N., longitude 97°12'30" W.).

Rehoboth Beach, Del.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

Reno, Nev.
That airspace extending upward from 700 feet above the surface within an arc of a 25-mile radius circle centered on Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.) beginning at longitude 120°00'00" W., clockwise to latitude 39°25'00" N.; thence direct latitude 39°13'00" N., longitude 119°47'00" W.; thence south via longitude 119°47'00" W. to its intersection with an arc of a 25-mile radius circle centered on Reno Municipal Airport; thence clockwise via the 25-mile radius arc to longitude 120°00'00" W.; thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VORTAC, excluding the portion west of longitude 120°19'00" W., east of longitude 119°00'00" W.; and that airspace southwest of Reno within 22 miles north and 13 miles south of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles east to 35 miles west of the VOR.

Rhinelander, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); and within an 8-mile radius of the Drott Airport (latitude 45°31'00" N., longitude 89°33'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Rhinelander VORTAC; within 9½ miles southeast and 4½ miles northwest of the Rhinelander VORTAC 229° radial extending from the 17-mile radius area to 18½ miles southwest of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the Rhinelander VORTAC 322° radial extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 031° radial extending from the 17-mile radius area to 18½ miles northeast of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 058° radial extending from the 17-mile radius area to 23½ miles northeast of the VORTAC.

AMENDMENTS 10/15/70 35 F. R. 12750 (Rewritten)

Richmond, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Richmond Municipal Airport (latitude 39°45'20" N., longitude 84°50'30" W.); within 2 miles each side of the Richmond VOR 045° radial, extending from the 6-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Richmond VOR 243° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the 234° bearing from the Richmond RBN, extending from the 6-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by a line extending from latitude 40°10'00" N., longitude 85°00'00" W., to latitude 39°40'00" N., longitude 84°25'00" W., on the southeast by a line extending from latitude 39°40'00" N., longitude 84°25'00" W., to latitude 39°12'00" N., longitude 85°30'00" W., and on the west by the Indiana-Ohio boundary.

AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

Richmond, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 136° radial, extending from the 8-mile radius area to 12 miles SE of the VOR; within 5 miles NW and 9 miles SE of the Richmond ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM.

Rio Vista, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.

Riverhead, N. Y.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence S via longitude 72°05'00" W. to the S boundary of V-139; thence SW via the SE boundary of V-139 to latitude 40°30'00" N., thence to latitude 40°30'00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°33'00" W.; to latitude 41°00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'30" W.; to the point of beginning, excluding the portion below 3,000 feet MSL within W-106.

Riverside, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°56'00" N., longitude 117°30'00" W., to latitude 33°56'00" N., longitude 117°59'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning.

Riverton, Wyo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 4.5 miles each side of the Riverton VOR 291° radial, extending from the 10-mile radius area to 19 miles west of the VOR, and within 3.5 miles each side of the Riverton VOR 123° radial extending from the 10-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR, and that airspace within 1 mile north and 9.5 miles south of the Riverton VOR 291° radial extending from the 25-mile radius area to 30 miles west of the VOR.

AMENDMENTS 8/20/70 35 F. R. 10502 (Rewritten)

Roanoke, Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the Roanoke VOR 177° radial extending from the 12-mile radius area to 17 miles south of the Roanoke VOR.

Robinson, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Robinson, Ill., Municipal Airport (latitude 39°00'51" N., longitude 87°38'47" W.) and within 8 miles SW and 5 miles NE of the 333° bearing from Robinson Municipal Airport extending from the airport to 12 miles NW of the airport.

Rochester, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

Rochester, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Rochester VOR, extending clockwise from V-24 southeast of Rochester to V-82 northwest of Rochester; the airspace north and east of Rochester bounded on the west by the west edge of V-82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V-2 and on the south by V-82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 22½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from 22½ miles to 45 miles east of the VOR, excluding the portions that overlie the Winona and Fairbault-Owatonna, Minn., transition areas.

AMENDMENTS 1/8/70 34 F. R. 18851 (Rewritten)

Rochester, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'10" N., longitude 77°40'15" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

Rockford, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by the Illinois-Wisconsin boundary, and on the W by longitude 89°55'00" W.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Rockingham, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rockingham-Hamlet Airport (latitude 34°53'30" N., longitude 79°45'35" W.); within 4 miles each side of Pinehurst VORTAC 203° radial, extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Rockland, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Knox County Regional Airport (latitude 44°03'40" N., longitude 69°06'05" W.); within 2 miles each side of the 192° bearing from the Rockland RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the 292° bearing from the Knox County Regional Airport, extending from the 5-mile radius area to 7 miles W of the airport; and within 2 miles each side of the 332° bearing from the Knox County Regional Airport, extending from the 5-mile radius area to 7 miles NW of the airport.

AMENDMENTS 8/1/70 35 F. R. 12328 (Changed)

Rockport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN, and within 2 miles each side of the Corpus Christi VORTAC 062° radial, extending from the 5-mile radius area to 20.5 miles northeast of the VORTAC.

Rock Springs, Wyo.
That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from Rock Springs LOM, extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 104° radial, extending from the VORTAC to 18.5 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Rock Springs VORTAC extending clockwise from a line 5 miles northwest of and parallel to the Rock Springs VORTAC 026° radial to a line 6 miles south of and parallel to the VORTAC 104° radial.

AMENDMENTS 10/15/70 35 F. R. 13362 (Rewritten)

Rocky Mount, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Municipal Airport (latitude 35°58'00" N., longitude 77°47'35" W.); within 4.5 miles each side of the Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 8.5 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport (latitude 35°51'15" N., longitude 77°53'40" W.).

Rome, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Russell Field, Rome, Ga. (latitude 34°21'00" N., longitude 85°09'30" W.), within 2 miles each side of the Rome VOR 349° radial, extending from the 8-mile radius area to the VOR; within 2 miles each side of the 165° bearing from the Floyd RBN, extending from the 8-mile radius area to 8 miles S of the RBN.

AMENDMENTS 1/7/71 35 F. R. 17536 (Changed)

Roosevelt Roads, P.R.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

Roscommon, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 3 miles each side of the 082° bearing from Roscommon County Airport, extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 082° and 262° bearings from Roscommom County Airport, extending from 5 miles west to 18½ miles east of the airport; and within 5 miles each side of the 256° bearing from Roscommon County Airport, extending from the airport to the Lake City, Mich., transition area.

Roseau, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (latitude 48°51'25" N., longitude 95°41'40" W.); and within 2 miles each side of the 153° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles SW and 8 miles NE of the 153° bearing from Roseau Municipal Airport, extending from the airport to 12 miles SE of the airport.

Roseburg, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roseburg Municipal Airport (latitude 43°14'20" N., longitude 123°21'15" W.), within 2 miles each side of the Roseburg VOR 177° radial, extending from the 5-mile radius area to 3.5 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 177° radial, extending from the VOR to 12 miles S of the VOR, and within 8 miles W and 5 miles E of the 003° and 183° radials, extending from 18 miles N to 7 miles S of the VOR.

Roswell, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Roswell VORTAC extending clockwise between the 092° and 036° radials of the VORTAC, and within a 29-mile radius of the Roswell VORTAC extending clockwise between the 036° and 092° radials of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)
AMENDMENTS 12/10/70 35 F. R. 15635 (Rewritten)

Russell, Kans.
That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles north and 9½ miles south of the Hays VORTAC 086° radial extending from 1 mile to 29 miles east of the VORTAC, excluding the portion which overlies the Hays, Kansas, transition area.

Ruston, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), and within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC.

Rutland, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 43°31'55" N., 72°57'00" W. of Rutland State Airport, Rutland, Vt., and within 5 miles east and 8 miles west of a 344° bearing from Rutland, Vt., RBN extending from the RBN to 12 miles north of the RBN.

Sacramento, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°16'-00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-283, thence via the W edge of V-283 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'-00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.

Saginaw, Mich.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W., thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich., VORTAC 317° radial, to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC, to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial, to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC, to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial, to and south along longitude 83°24'00" W., to and west along the north edge of V-216, to and south along longitude 83°30'00" W., to the point of beginning and within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial extending from the 31-mile radius area to 37 miles northwest of the VORTAC.

St. Clairsville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40° 03' 25" N., longitude 80° 57' 55" W.), and within 2 miles each side of the Bellaire, Ohio, VOR 289° radial, extending from the 5-mile radius area to the VOR.

St. Cloud, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Cloud Municipal Airport (latitude 45°32'45" N., longitude 94°03'40" W.); and within 3 miles each side of the 118° bearing from St. Cloud Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 118° bearing from St. Cloud Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 298° bearing from the St. Cloud Municipal Airport, extending from the airport to 12 miles northwest of the airport.
AMENDMENTS 12/10/70 35 F. R. 16241 (Added)

St. George, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° bearing from the St. George radio beacon (latitude 37°05'13" N., longitude 113°35'27" W.) extending from 12.5 to 18.5 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° and 311° bearings from the St. George radio beacon, extending from 7 miles northwest to 12.5 miles southeast of the radio beacon.
AMENDMENTS 4/2/70 35 F. R. 3155 (Added); Eff. date changed 4/30/70 35 F. R. 5465

St. Johns, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the portion within the State of New Mexico.
AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

St. Joseph, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of the southeast edge of V-77 and the west edge of V-13; thence south along the west edge of V-13 to latitude 39°42'20" N., longitude 94°29'00" W.; thence to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; thence west along latitude 39°30'00" N., to the southwest edge of V-71; thence northwest along the southwest edge of V-71 to the west edge of V-77; thence north along the west boundary of V-77 to the northeast edge of V-71; thence northwest along the northeast edge of V-71; to the south edge of V-50 thence to latitude 40°00'35" N., longitude 95°32'30" W.; thence to latitude 40°09'00" N., longitude 95°30'00" W.; thence to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise via the arc of a 14-mile radius circle centered on the St. Joseph VOR to the southeast edge of V-77; thence northeast along the southeast edge of V-77 to the point of beginning; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and on the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

St. Louis, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course, extending from the Runway 12R OM to 12 miles northwest of the OM; within an 8-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.); that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-14S, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238 and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northeast by the southwest edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.
AMENDMENTS 2/5/70 35 F. R. 19872 (Rewritten); 1/7/71 35 F. R. 17036 (Changed)

St. Marys, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°24'45" N., 78°30'20" W., of St. Marys Municipal Airport, St. Marys, Pa.; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 5 miles west of the end of the runway and within 2 miles each side of the Slate Run VORTAC 256° radial extending from the 5-mile radius area to 19 miles west of the VORTAC.

Salem, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport.

AMENDMENTS 10/15/70 35 F. R. 12750 (Rewritten); 1/7/71 35 F. R. 17036 (Changed)

Salem, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Hudson, Mich., Airport (latitude 42°30'15" N., longitude 83°37'25" W.), and within a 6-mile radius of Wixom, Mich., Spencer Airport (latitude 42°31'15" N., longitude 83°33'10" W.), and within 2 miles each side of the Salem, Mich., VORTAC 347° and 013° radials extending from the 6-mile radius areas to the VORTAC, excluding that portion which coincides with the Pontiac, Mich. transition area.

Salem, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.); within 2 miles each side of a 196° bearing from the Salem ILS LOM, extending from the 7-mile radius area to 8 miles S of the LOM and within 2 miles each side of the Salem ILS localizer SE course, extending from the 7-mile radius area to 6 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within 6 miles SW and 7 miles NE of the 150° and 330° bearings from the Salem ILS LOM, extending from V-23E to V-23W.

Salina, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and within 3 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 8 miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700 foot floor transition area; and that airspace extending upward from 1200 feet above the surface within a 27-mile radius of the Salina, Kansas VORTAC; and that airspace SE of Salina bounded by a line starting at the intersection of the 27-mile radius and the S edge of V-4S; then east along the south edge of V-4S; to and SE along the W edge of V-307; to and W along the N edge of V-10; to and NE along the W edge of V-77; to and SW along the S edge of V-280; to and N along the E edge of V-73E; to the 27-mile radius; then counterclockwise along the 27-mile radius to the point of beginning.
AMENDMENTS 11/12/70 35 F. R. 13424 (Rewritten)

Salisbury, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 38°20'25" N., 75°30'40" W. of Salisbury-Wicomico Airport, Salisbury, Md., and within 2 miles each side of the Salisbury VOR 207° radial extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the Salisbury VOR 050° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Salisbury VOR 134° radial extending from the 7-mile radius area to 8 miles SE of the VOR.

Salisbury, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (latitude 35°38'30" N., longitude 80°31'10" W.); within 3 miles each side of the 014° bearing from Salisbury NDB (latitude 35°40'29" N., longitude 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB.

AMENDMENTS 2/5/70 34 F. R. 19499 (Rewritten)

Salt Lake City, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°45'00" W., and on the south and west by the arc of an 18.5-mile radius circle centered on the Salt Lake City VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 12,400 feet MSL bounded on the NE by the SW edge of V-484, on the S by the N edge of V-200 and on the NW by the SE edge of V-235, excluding the portion within Restricted Area R-6403.

Salyer Farms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon excluding that airspace within a 1-mile radius of Corcoran Airport (latitude 36°06'10" N., longitude 119°35'40" W.), that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Falms radio beacon extending from the radio beacon to 12 miles southeast.

San Angelo, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 5 miles northwest and 8 miles southeast of the San Angelos ILS localizer southwest course extending from the OM to 12 miles southwest.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

San Antonio, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W., thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W., thence southeast to latitude 29°05'30" N., longitude 98°14'30" W., thence southwest to latitude 29°01'40" N., longitude 98°21'40" W., thence northwest to latitude 29°06'30" N., longitude 98°34'10" W., thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W., thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W., thence to latitude 29°43'00" N., longitude 98°01'30" W., thence to point of beginning, and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

AMENDMENTS 9/17/70 35 F. R. 11899 (Rewritten)

San Carlos, Ariz.
That airspace extending upward from 12,000 feet MSL bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

San Diego, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 15' 00" N., longitude 117° 30' 30" W., to latitude 33° 15' 00" N., longitude 117° 17' 00" W., to latitude 33° 00' 00" N., longitude 117° 07' 00" W., to latitude 33° 00' 00" N., longitude 116° 51' 00" W., thence S along longitude 116° 51' 00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 33' 00" N., longitude 117° 27' 30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116° 18' 00" W., thence to latitude 33° 00' 00" N., longitude 116° 18' 00" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N., longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning.

Sandusky, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC.

Sanford, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine VOR 066° radial, extending from the 7-mile radius area to 8 miles NE of the VOR.

Sanford, N. C.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (latitude 35°25'55" N., longitude 79°11'10" W.); within 2.5 miles each side of Pinehurst VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

AMENDMENTS 2/5/70 34 F. R. 19499 (Rewritten)

San Francisco, Calif.
That airspace extending upward from 700 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by longitude 121°52'00" W., on the S by latitude 37°30'00" N., and on the W by a line extending from latitude 37°30'00" N., longitude 122°27'00" W., to latitude 37°34'00" N., longitude 122°31'00" W., to latitude 37°55'00" N., longitude 122°31'00" W., to latitude 38°02'00" N., longitude 122°40'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by a line extending from latitude 38°02'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°50'00" W., to latitude 37°30'00" N., longitude 121°50'00" W., on the S by latitude 37°30'00" N., and on the W by V-27 and V-199.

San Jose, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Moffett TACAN 157° radial, extending from 8 miles SE to 16 miles SE of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 139° radial, extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00" N., longitude 121°52'00" W., thence to latitude 37°22'00" N., longitude 122°08'00" W., thence to latitude 37°22'00" N., longitude 122°24'00" W., thence to latitude 37°30'00" N., longitude 122°27'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00" N., on the E and NE by longitude 121°50'00" W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00" N., and on the W by the E edge of V-27 to latitude 37°30'00" N.

San Juan, P. R.
That airspace extending upward from 700 feet above the surface south of latitude 18°23'00" N.; within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'45" N., longitude 66°00'05" W.); that airspace north of latitude 18°23'00" N. within a 12-mile radius of Puerto Rico International Airport; within 2 miles each side of the San Juan VORTAC 273° radial, extending from the 12-mile radius area to the Dorado RBN; within 2 miles each side of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to the Dorado RBN; within 8 miles north and 5 miles south of the 281° bearing from the
San Pat RBN, extending from the 12-mile radius area to 12 miles west of the San Pat RBN; and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to longitude 65°55'00" W.; thence south to latitude 18°40'00" N., longitude 65°55'00" W.; thence east to latitude 18°40'00" N., longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (latitude 18°15'05" N., longitude 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to latitude 18°00'00" N.; thence west along latitude 18°00'00" N., to and south along longitude 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to latitude 17°46'15" N., longitude 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.); thence clockwise along this arc to latitude 18°00'00" N.; thence west to latitude 18°07'00" N., longitude 67°22'00" W.; thence north to the intersection of longitude 67°23'00" W. and the arc of a 25-mile radius circle centered at Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Ramey AFB; thence east along this line to the point of beginning; and that airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'55" W.) San Juan, P. R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

AMENDMENTS 2/5/70 34 F. R. 19500 (Changed)
AMENDMENTS 1/7/71 35 F. R. 17249 (Changed)

San Luis Obispo, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.); within 2 miles each side of the San Luis Obispo VORTAC 280° and 100° radials, extending from the 3-mile radius area to 8 miles west of the VORTAC; and within 2 miles west and 3 miles east of the 191° bearing from the San Luis Obispo County Airport, extending from the 3-mile radius area to 6 miles south of the airport.

San Rafael, Calif.
That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00" N., and on the W and N by an arc of a 23-mile radius circle centered on Hamilton AFB (latitude 38°03'35" N., longitude 122°30'35" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00" N., on the W by the E edge of V-199 to latitude 38°43'30" N., thence via latitude 38°43'30" N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

San Simon, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz., Portal, Ariz., and New Mexico transition areas.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Santa Barbara, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the OM to 2 miles west of the OM; between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°35'00" N., longitude 120°05'00" W., thence to latitude 35°05'00" N., longitude 120°05'00" W., to latitude 35°05'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°10'30" W., to latitude 34°06'15" N., longitude 120°30'00" W., to latitude 34°24'00" N., longitude 120°30'00" W., to latitude 34°24'45" N., longitude 120°27'20" W., to latitude 34°35'00" N., longitude 120°31'40" W., to latitude 34°39'50" N., longitude 120°31'15" W., to latitude 34°46'15" N., longitude 120°26'40" W., to latitude 34°49'00" N., longitude 120°27'15" W., to latitude 34°59'32" N., longitude 120°41'50" W., to latitude 35°10'00" N., longitude 120°55'00" W., to latitude 35°21'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 120°40'30" W., to latitude 35°22'25" N., longitude 120°31'50" W., to latitude 35°31'40" N., longitude 120°15'00" W., to latitude 35°35'35" N., longitude 120°18'10" W., thence to point of beginning.

Santa Catalina, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 117° 30' 00" W., on the S by a line extending from latitude 33° 15' 00" N., longitude 117° 30' 00" W., to latitude 33° 11' 00" N., longitude 117° 48' 55" W., to latitude 33° 18' 00" N., longitude 118° 34' 00" W., on the W by longitude 118° 34' 00" W., and on the N by latitude 33° 30' 00" N., excluding the portion within Control Area 1177.

Santa Elena, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond "O" Ranch Airport (latitude 26°43'10" N., longitude 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (latitude 26°43'07" N., longitude 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11898 (Added)

Santa Fe, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), within 2 miles each side of the Santa Fe VORTAC 165° radial, extending from the 10-mile radius area to 8 miles S of the VORTAC.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Santa Maria, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.) and within 3 miles each side of the Santa Maria VOR 133° and 327° radials extending from 17 miles southeast to 7 miles northwest of the VOR.

AMENDMENTS 12/10/70 35 F. R. 15746 (Rewritten)

Santa Rosa, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.).

Santa Ynez, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), and within 2 miles each side of the Gaviota VOR 336° radial, extending from 3.5 miles to 12 miles northwest of the VOR,

Saranac Lake, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 44°23'04" N., 74°12'09" W., of Adirondack Airport, (Saranac Lake, N. Y.; within 5 miles south and 8 miles north of the Saranac Lake VOR 237° radial extending from the VOR to 13 miles southwest of the VOR.

Sarasota, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.); within 3 miles each side of Sarasota VOR 050°, 142°, and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast, southeast, and northwest of the VOR; excluding that airspace outside the continental limits of the United States.

AMENDMENTS 3/5/70 35 F. R. 308 (Rewritten)

Sault Ste. Marie, Mich.
That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer northwest course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.

Savannah, Ga.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 3 miles south of and parallel to Savannah Municipal Airport Runway 27 centerline extended from the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.), to and clockwise along this arc, to and east along a line 2.5 miles north of and parallel to Savannah ILS localizer east course, to and south along a line 8.5 miles east of and perpendicular to the Savannah ILS localizer east course and its intersection with Savannah VORTAC 179° radial, to and west along a line 2.5 miles south of and parallel to Savannah ILS localizer east course, to and clockwise along the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport, to and north along a line 3 miles west of and parallel to Runway 18 centerline extended, to and west along a line 3 miles south of and parallel to Runway 27 centerline extended, to point of beginning.

AMENDMENTS 4/2/70 35 F. R. 2646 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Savannah, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Savannah Municipal Airport (latitude 35°10'15" N., longitude 88°13'00" W.).

AMENDMENTS 7/23/70 35 F. R. 8476 (Added)

Scottsbluff, Nebr.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

Seattle, Wash.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'30" W.); within a 23-mile radius of the Seattle VORTAC; within a 10-mile radius of Olympia VORTAC, within 5 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 15.5 miles south of the VORTAC; within a 23-mile radius of latitude 47°39'30" N., longitude 122°25'00" W.; within an 8-mile radius of Kitsap County Airport, Bremerton, Wash. (latitude 47°29'35" N., longitude 122°45'35" W.); that airspace N of Seattle extending from the 23-mile radius area of latitude 47°39'30" N., longitude 122°25'00" W., bounded on the W by longitude 122°30'00" W., on the N by latitude 48°05'00" N., and on the E by longitude 121°55'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 48°05'00" N., on the east via longitude 121°35'00" W. to latitude 46°55'00" N., thence via latitude 46°55'00" N. to longitude 121°53'00" W., thence via longitude 121°53'00" W. to latitude 46°45'00" N., thence via latitude 46°45'00" N. and an arc of a 22-mile radius circle centered on the Olympia VORTAC to longitude 123°15'00" W., thence via longitude 123°15'00" W., to latitude 48°05'00" N., that airspace southwest of Seattle bounded on the north by the north edge of V-27, on the east by longitude 123°15'00" W., on the south by the south edge ov V-204, and on the west by longitude 123°40'00" W.; that airspace S of Seattle extending upward from 4,500- feet MSL bounded on the north by an arc of a 22-mile radius circle centered on Olympia VORTAC and latitude 46°45'00" N., on the southeast by a line extending from latitude 46°45'00" N., longitude 122°25'00" W., to latitude 46°38'00" N., longitude 122°30'00" W., on the east by longitude 122°30'00" W., on the south by latitude 46°26'00" N., on the west by the east edge of V-165; that airspace southwest of Seattle bounded on the southeast by V-165, on the SW by the arc of a 37-mile radius circle centered on the Olympia, Wash., VORTAC, and on the N by V-204, and that airspace W of Seattle bounded on the E by longitude 123°15'00" W., on the S by V-27, on the W by longitude 123°40'00" W., and on the N by a line 7 miles N of and parallel to the N edge of V-27; that airspace extending upward from 6,500 feet MSL S of Seattle bounded on the E by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., on the S by latitude 46°25'00" N., and on the W by longitude 122°30'00" W., and on the N by latitude 46°45'00" N.; that airspace S of Seattle extending upward from 7,000 feet MSL, bounded on the E by longitude 121°53'00" W., on the S by latitude 46°25'00" N., on the W by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., and on the N by latitude 46°45'00" N.; that airspace W of Seattle extending upward from 8,500 feet MSL, bounded on the E by longitude 123°15'00" W., on the S by a line 7 miles N of and parallel to the N edge of V-27, on the W by longitude 123°40'00" W., and on the N by latitude 47°30'00" W.; that airspace NW of Seattle extending upward from 9,500 feet MSL bounded on the E by longitude 123°15'00" W., on the S by latitude 47°30'00" N., on the W by longitude 123°40'00" W., and on the N by latitude 48°03'00" N., and that airspace NE of Seattle bounded on the E by longitude 121°00'00" W., on the S by V-2N, on the W by longitude 121°35'00" W., and on the N by latitude 48°00'00" N. The portions within the Portland, Oreg., and Port Angeles, Wash., transiton areas are excluded.

AMENDMENTS 1/3/70 34 F. R. 18852 (Changed)

Sedalia, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of the Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°10'50" W.); and within 2 miles each side of the 042° bearing from Sedalia Memorial Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°30'00" W.; and the south edge of V-12, thence north via longitude 93°30'00" W.; to and east along the south boundary of V-4; to and south along longitude 92°31'00" W.; to and west along the south edge of V-12; to and southwest along a line 8 miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V-159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V-12; to the point of beginning.

Selinsgrove, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°49'05" N., 76°51'50" W., of Penn Valley Airport, Selinsgrove, Pa.; within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway; within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius zone to 7 miles S of the end of the runway; and within 2 miles each side of the Selinsgrove VOR 192° radial extending from the 5-mile radius zone to 8 miles S of the VOR. This transition area is effective from sunrise to sunset, daily.

Selma, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'32" W.); within a 5-mile radius of Selfield Airport (latitude 32°26'28" N., longitude 86°57'05" W.); within 8 miles each side of the Craig AFB ILS localizer SE course extending from the AFB to 12 miles SE of the OM; within 2 miles each side of the Craig TACAN 316° radial, extending from the 9-mile radius area to 12 miles NW of the TACAN.

Seymour, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Freeman Municipal Airport (latitude 38°55'35" N., longitude 85°54'25" W.); and within 3 miles each side of the 161° bearing from Freeman Municipal Airport extending from the 6½-mile radius to 8 miles south of the airport.

Seymour, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°39'00" N., longitude 99°20'00" W., thence to latitude 33°46'00" N., longitude 99°23'00" W., to latitude 33°52'00" N., longitude 99°07'00" W., to latitude 33°42'00" N., longitude 99°03'00" W., to point of beginning.

Shawnee, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (latitude 35°21'16" N., longitude 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (latitude 35°20'51" N., longitude 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Sheboygan, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 5 miles southeast and 8 miles northwest of the 026° bearing from Sheboygan County Memorial Airport, extending from the airport to 12 miles northeast of the airport.

Shelby, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.); and within 2 miles each side of the 059° bearing from Shelby Airport extending from the 7-mile radius area to 8 miles NE of the airport; and that airspace extending from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the 059° bearing from Shelby Airport, extending from the airport to 12 miles NE of the airport; and within 5 miles each side of the Cut Bank, Mont. VOR 096° radial extending from the Cut Bank VOR to Shelby Airport excluding the portion which overlies the Cut Bank, Mont., transition area.

Shelby, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (latitude 35°15'25" N., longitude 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

Shelby, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°52'25" N., 82°41'55" W., of Shelby Community Airport, Shelby, Ohio, excluding the portion which coincides with the Mansfield, Ohio, transition area.

Shelbyville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shelbyville Memorial Airport (latitude 39°34'50" N., longitude 85°48'20" W.), and within 2 miles each side of the Shelbyville, Ind., VOR 340° radial extending from the 5-mile radius area to 8 miles north of the VOR.

Shelbyville, Tenn.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 4.5 miles north and 9.5 miles south of the Shelbyville VOR 272° radial, extending from the VOR to 18.5 miles west; within 4.5 miles east and 9.5 miles west of the Shelbyville VOR 195° radial, extending from the VOR to 18.5 miles south.

AMENDMENTS 5/28/70 35 F. R. 4612 (Rewritten)

Sheldon, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Municipal Airport (latitude 43°12'35" N., longitude 95°50'05" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° and 343° bearings from Sheldon Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 343° bearing from Sheldon Municipal Airport, extending from the airport to 12 miles north of the airport.

Shemya, Alaska
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.

Shenandoah, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 133° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

Sheridan, Wyo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles southwest and 10 miles northeast of the Sheridan VORTAC 138° and 318° radials, extending from 18.5 miles northwest to 34 miles southeast of the VORTAC.

Amendments 10/15/70 35 F. R. 13362 (Rewritten)

Sherman, Tex.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Perrin AFB (latitude 33°42'25" N., longitude 96°40'25" W.); and within a 5-mile radius of Sherman, Tex., Municipal Airport (latitude 33°37'30" N., longitude 96°35'09" W.).

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Shirley, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N. Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 245° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N. Y., and Calverton, N. Y., transition areas.

AMENDMENTS 6/24/70 35 F. R. 10287 (Changed)

Shreveport, La.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 32°48'10" N., longitude 93°48'30" W.; to latitude 32°42'00" N., longitude 93°37'00" W.; to latitude 32°25'00" N., longitude 93°27'00" W.; to latitude 32°14'00" N., longitude 93°27'00" W.; to latitude 32°16'30" N., longitude 93°53'30" W.; to latitude 32°35'30" N., longitude 94°00'30" W.; to point of beginning.

AMENDMENTS 3/5/70 35 F. R. 6 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Sidney, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Sidney-Richland Airport (latitude 47°42'35" N., longitude 104°11'10" W.); and within 3 miles each side of the 115° bearing from Sidney-Richland Airport, extending from the 11-mile radius area to 13 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 115° bearing from Sidney-Richland Airport, extending from the airport to 23½ miles southeast of the airport.

AMENDMENTS 9/17/70 35 F. R. 11466 (Rewritten)

Sidney, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace SW of Sidney VORTAC extending upward from 8,500 feet MSL bounded on the N by the S edge of V-138, on the E by the W edge of V-169, on the SE by the NW edge of V-172, on the SW by the NE edge of V-132 and on the NW by the SE edge of V-207, excluding the airspace within Federal airways.

Sidney, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°18'30" N., 75°24'45" W. of Sidney Municipal Airport, Sidney, N. Y.; within 2 miles each side of the Rockdale VOR 217° radial extending from the 5-mile radius to the VOR; within 2 miles each side of a bearing 049° from the Sidney radio beacon 42°20'25" N., 75°21'30" W. extending from the 5-mile radius to 8 miles NE of the radio beacon.

Sidney, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°14'23" N., 84°09'17" W. of Sidney Airport, Sidney, Ohio; and within 2 miles each side of the Rosewood VOR 242° radial extending from the 4-mile radius area to the VOR.

Sikeston, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 016° bearing from Sikeston Memorial Airport, extending from the airport to the south edge of V-178S, excluding the portion which overlies the State of Illinois.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Silver City, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR.

AMENDMENTS 6/25/70 35 F. R. 6492 (Rewritten)
AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Sioux City, Iowa
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux City Municipal Airport (latitude 42°24'10" N., longitude 96°23'05" W.); within 7 miles southwest and 8 miles northeast of the Sioux City ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of the OM; within 7 miles northeast and 8 miles southwest of the Sioux City ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the Jackson, Nebr. RBN; within a 6-mile radius of Graham Field, North Sioux City, S. Dak. (latitude 42°32'25" N., longitude 96°29'05" W.); and within 5 miles southwest and 8 miles northeast of the 319° bearing from Graham Field extending from the airport to 12 miles northwest of the airport; that airspace extending from 1,200 feet above the surface within a 27-mile radius of Sioux City VORTAC; and the area bounded on the northeast by a line 5 miles northeast of and parallel to the Sioux City VORTAC 116° radial, on the southwest by a line 5 miles southwest of and parallel to the Sioux City VORTAC 140° radial, on the northwest by the 27-mile radius area and on the southeast by the arc of a 30-mile radius circle centered on the Sioux City ILS OM; and that airspace extending upward from 3500' MSL east, south and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172 and on the west by longitude 98°00'00" W.

Sioux Falls, S. Dak.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Sioux Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Sioux Falls VORTAC; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sious Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls, clockwise to the south edge of V-120 west of Sioux Falls.
PENDING AMENDMENT
Sioux Falls, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 9½ miles southwest and 4½ miles northeast of the Sioux Falls VORTAC 336° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Sioux Falls ILS localizer northeast course, extending from the 10-mile radius area to 23 miles northeast of the airport; and that airspace extending from 1,200 feet above the surface within a 27-mile radius of the Sioux Falls VORTAC extending from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course; within a 25-mile radius of the Sioux Falls VORTAC extending from the Sioux Falls ILS localizer southwest course clockwise to the VORTAC 004° radial; and within a 13-mile radius extending from the Sioux Falls VORTAC 004° radial clockwise to the Sioux Falls VORTAC 054° radial; and that airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-26S, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sioux Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Sitka, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR; and within 2 miles each side of the LDA northwest course, extending from 10 miles northwest to 22 miles northwest of the LDA; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

Skaneateles, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N. Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N. Y., transition area.
AMENDMENTS 2/5/70 35 F. R. 19969 (Changed)

Skwentna, Alaska
That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna RR, extending from 40 miles W to 13 miles E of the RR.

Slidell, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'37" N., longitude 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.
AMENDMENTS 1/8/70 34 F. R. 18298 (Added)

Smithfield, R.I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

Soldotna, Alaska
That airspace extending upward from 700 feet within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.); within 2 miles each side of the Kenai VOR 151° radial extending from the 5-mile radius area to the VOR excluding the portion within the Kenai control zone.

Somerset, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°03'25" N., 84°36'45" W., of Somerset-Pulaski County Airport, Somerset, Ky.; and within 2 miles each side of the Somerset, Ky., RBN (latitude 37°03'19" N., longitude 84°36'58" W.) 220° bearing extending from the 5-mile radius area to 8 miles southwest of the RBN; within 2 miles eash side of the centerline of Runway 4 extended from the 5-mile radius area to 8 miles northeast of the end of the runway; and within 2 miles each side of the centerline of Runway 22 extended from the 5-mile radius area to 5 miles southwest of the end of the runway.
That airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-493, on the north by the Lexington, Ky., transition area, on the east by V-97 and on the south by V-140N, excluding the portion that coincides with the London, Ky., transition area.

South Bend, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from St. Joseph County Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the St. Joseph County Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 41°20'00" N., on the west by longitude 87°00'00" W., on the north by latitude 42°35'00" N., and on the east by a line extending from latitude 42°35'00" N., longitude 86°00'00" W., direct to latitude 42°07'30" N., longitude 86°00'00" W., along the east edge of V-277 to latitude 41°40'00" N., longitude 85°38'25" W., direct to latitude 41°40'00" N., longitude 85°30'00" W., direct to latitude 41°20'00" N., longitude 85°30'00" N., excluding the portion which overlies the State of Indiana.

AMENDMENTS 1/7/71 35 F. R. 17035 (Changed)

South Boston, Va.
That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the center, 36°42'35" N., 78°50'55" W. of William M. Tuck Airport, South Boston, Va.; and within 2 miles each side of the South Boston, Va., VOR 076° radial extending from the 5-mile radius area to the VOR. This transition area shall be in effect sunrise to sunset, daily.

Southbridge, Mass.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 42°06'05" N., 72°02'20" W. of Southbridge Municipal Airport, Southbridge, Mass.; within 3.5 miles each side of the Putnam, Conn., VORTAC 315° radial, extending from the 6.5-mile radius area to the VORTAC; within 2 miles each side of the Runway 2 centerline extended from the 6.5-mile radius area to 6.5 miles north of the end of the runway and within 2 miles each side of the Runway 20 centerline extended from the 6.5-mile radius area to 6.5 miles south of the end of the runway.
AMENDMENTS 3/5/70 35 F. R. 804 (Rewritten)

South Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S. C., bounded by a line beginning at latitude 33°48'10" N., longitude 78°31'45" W.; to latitude 33°45'50" N., longitude 78°31'00" W.; to latitude 33°40'10" N., longitude 78°40'15" W.; thence clockwise along a 15-mile radius circle centered on the Conway TACAN to latitude 33°27'40" N., longitude 78°55'20" W.; to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°14'15" N., longitude 79°06'15" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S. C., bounded by a line beginning at latitude 33°04'55" N., longitude 79°13'10" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to latitude 32°38'40" N., longitude 79°27'25" W.; to latitude 32°44'00" N., longitude 79°45'10" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S. C., bounded by a line beginning at latitude 32°15'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 32°03'25" N., longitude 80°46'30" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning, excluding the airspace within R-6004.

Southern Pines, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (latitude 35°14'02" N., longitude 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 083° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R-5311.

AMENDMENTS 2/5/70 34 F. R. 19499 (Rewritten)

South Haven, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of South Haven, Mich. Municipal Airport (latitude 42°21'00" N., longitude 86°15'30" W.) and within 2 miles each side of the Pullman, Mich., VORTAC 226° radial extending from the 5-mile radius area to the VORTAC.

South Kauai, Hawaii
That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VORTAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

Sparta, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sparta Community Airport (latitude 38°08'55" N., longitude 89°41'55" W.); and within 3 miles each side of the 009° bearing from Sparta Community Airport, extending from the 5-mile radius area to 8 miles north of the airport.

AMENDMENTS 1/7/71 35 F. R. 19172 (Added)

Spartanburg, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 3 miles each side of Spartanburg VORTAC 016° and 196° radials, extending from 8.5 miles north of the VORTAC to 22 miles south of the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within the Greenville, S. C., transition area.

AMENDMENTS 4/30/70 35 F. R. 4199 (Rewritten)

Spencer, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.), and within 2 miles each side of the 191° bearing from the Spencer Municipal Airport, extending from the 5-mile radius to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 191° bearing from the Spencer Municipal Airport, extending from the airport to 12 miles S of the airport, and within 5 miles each side of the 011° bearing from the Spencer Municipal Airport, extending from the airport to V-120.

Spirit Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 353° bearing from Spirit Lake Municipal Airport, extending from the airport to 18½ miles north of the airport.

AMENDMENTS 9/17/70 35 F. R. 12199 (Added)

Spokane, Wash.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); and within 5 miles northwest and 10 miles southeast of the Spokane 228° radial extending from the 15-mile radius area to 18.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55" N., longitude 117°39'20" W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the E by longitude 117°32'00" W., on the S by V-536, and on the W by V-281; that airspace extending upward from 7,000 feet m.s.l. within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that airspace extending upward from 6,000 feet m.s.l. within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial.

AMENDMENTS 5/28/70 35 F. R. 5583 (Changed)

PENDING AMENDMENT
Spokane, Wash.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); within 5 miles northwest and 10 miles southeast of the Spokane 228° radial extending from the 15-mile radius area to 18.5 miles southwest of the VORTAC, and within 3 miles each side of the Spokane VORTAC 060° radial extending from the Felts Field 5-mile radius zone to 26 miles northeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Springfield, Ill
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); and within the arc of a 23-mile radius circle centered on the Capital VORTAC, extending from a line 2 miles southeast of and parallel to the Capital VORTAC 213° radial clockwise to a line 2 miles northwest of and parallel to the Capital VORTAC 228° radial.

AMENDMENTS 1/7/71 35 F. R. 17036 (Changed)

Springfield, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 mile southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 26-mile radius area of the Springfield VORTAC, within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 337° radial, extending from the 26-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 26-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 26-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

Springfield, Vt.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (43°20'40" N., 72°31'15" W.) of Springfield State (Hartness) Airport, Springfield, Vt., within 5 miles northwest and 8 miles southeast of a 214° bearing from the Hartness RBN (43°16'12" N., 72°35'12" W.) extending from the RBN to 12 miles southwest of the RBN and within 2 miles each side of a 034° bearing from the Hartness RBN extending from the 6-mile radius area to the RBN.

Starkville, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (latitude 33°26'00" N., longitude 88°50'45" W.); within 9.5 miles north and 4.5 miles south of Columbus, Miss. VORTAC 260° radial, extending from 23 miles to 42 miles west of the VORTAC, excluding the portion within Columbus, Miss. transition area.

State College, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51' 05" N., 77°51'00" W., of University Park Airport, State College, Pa.; within a 5-mile radius of the center 40° 46'15" N., 77°52'50" W., of State College Air Depot Airport, State College, Pa., and within 2 miles each side of the State College Air Depot Airport Runway 22 centerline extended from the State College Air Depot Airport 5-mile radius area to 10 miles southwest of the end of the runway, excluding that portion that coincides with the Philipsburg, Pa., transition area.

Statesboro, Ga.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles southeast of and parallel to Statesboro Municipal Airport (lat. 32°29'00" N., long. 81°44'20" W.) Runway 23 (southwest of the airport) centerline extended and the arc of a 5-mile radius circle centered on Statesboro Municipal Airport, thence southwest along this line to and clockwise along the arc of an 8.5-mile radius circle centered on Statesboro Municipal Airport, to and southwest along a line 2 miles southeast of and parallel to Runway 5 centerline extended, to and clockwise along the arc of a 5-mile radius circle centered on Statesboro Municipal Airport, to point of beginning; within 3 miles each side of the 326° bearing from Statesboro RBN (lat. 32°28'50" N., long. 81°44'22" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

AMENDMENTS 11/12/70 35 F. R. 14305 (Added)

Statesville, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Statesville Municipal Airport (latitude 35°45'36" N., longitude 80°57'15" W.); within 2 miles each side of Hickory VOR 114° radial, extending from the 5-mile radius area to 3.5 miles southeast of the VOR; excluding the portion within the Hickory transition area.

AMENDMENTS 2/5/70 34 F. R. 18751 (Added)

Sterling, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°44'35" N., longitude 89°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from the 7 mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

Stevens Point, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31'50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius area to 11 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius area to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius area to 8 miles NW of the VOR.

Stillwater, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, Okla., latitude 36°09'30" N., longitude 97°05'05" W.); and within 2 miles each side of the Stillwater VOR 005° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded on the W by the E boundary of V-77E; on the E by the SW boundary of V-74S; and on the S by latitude 36°26'00" N., excluding the portion within the Ponca City, Okla., transition area.

Stockton, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N. The airspace within R-2531 is excluded.

Storm Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Storm Lake, Iowa, Municipal Airport (latitude 42°35'45" N., longitude 95°14'35" W.), and within 8 miles NE and 5 miles SW of the 142° and 322° bearings from the Storm Lake RBN, extending from 3 miles NW to 12 miles SE of the RBN.

Sturgeon Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 195° bearing from the Door County Cherryland Airport extending from the airport to 18½ miles south of the airport; and within 5 miles each side of the 015° bearing from the Door County Cherryland Airport extending from the airport to 12 miles north of the airport.

AMENDMENTS 12/10/70 35 F. R. 16242 (Rewritten) Corr: 35 F. R. 19748

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41° 48' 50" N., longitude 85° 26' 10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

Stuttgart, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.), and within 3.5 miles each side of the 350° bearing from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 6.5-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

Sullivan, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07'00" N., longitude 87°26'55" W.); and within 3 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Sulphur Springs, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sulphur Springs Airport (latitude 33°09'30" N., longitude 95°37'15" W.), and within 2 miles each side of the Sulphur Springs VORTAC 240° radial extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Sumter, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 5 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 12.5 miles northeast of the TACAN; within 5 miles each side of the 215° bearing from Shaw AFB RBN, extending from the 8.5-mile radius area to 12.5 miles southwest of the RBN; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); excluding the portion within Columbia transition area.

AMENDMENTS 12/10/70 35 F. R. 16315 (Rewritten)

Sunol, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°31'00" W., on the SW by V-107 and on the NW by V-244S.

Sunrise, Hawaii
That airspace extending upward from 2,500 feet above the surface bounded on the north by V-12, on the east by the Honolulu Oceanic Control Area, and on the south by V-4; that airspace bounded on the north by V-4, on the east by the Honolulu Oceanic Control Area, on the south by V-8, and on the west by the arc of a 19-mile radius circle centered on the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.); and that airspace bounded on the north by V-8, on the east by the Honolulu Oceanic Control Area, on the south by a line 15 nmi south of and parallel to the Molokai VOR 067° radial, and on the west by the arc of a 30-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.).

Sussex, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°12'00" N., 74°37'25" W.) of Sussex Airport, Sussex, N. J.; within 2 miles each side of the Sparta, N. J. VOR 334° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the centerline of Runway 3 extended to 9 miles NE of the end of the runway; within 2 miles each side of the centerline of Runway 21 extended to 10 miles SW of the end of the runway; within 2 miles each side of the centerline of Runway 26 extended to 12 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 8 extended to 10 miles E of the end of the runway, excluding the portion within the Andover, N. J., 700-foot-floor transition area. This transition area shall be in effect from sunrise to sunset daily.

Swainsboro, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Emanuel County Airport (lat. 32°36'30" N., long. 82°22'15" W.); within 3 miles each side of Swainsboro TVOR (lat. 32°36'24" N., long. 82°22'10" W.) 315° radial extending from the 6.5-mile radius area to 8.5 miles northwest of the TVOR.

AMENDMENTS 11/12/70 35 F. R. 14382 (Added)

Swordfish, Hawaii
That airspace extending upward from 2,700 feet above the surface bounded on the north and northeast by V-14, on the east by the South Kauai, Hawaii, VORTAC 179° radial, on the south by a line 8 miles south of and parallel to the South Kauai VORTAC 269° radial, and on the west by a line 10.5 miles west of and parallel to the South Kauai VORTAC 179° radial; and that airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by longitude 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319, and on the southwest by the Honolulu Oceanic Control Area.

Syracuse, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 43° 06'50" N., 76°06'35" W. of Clarence E. Hancock Airport, Syracuse, N. Y.; within 9.5 miles north and 4.5 miles south of the Clarence E. Hancock Airport Runway 28 ILS localizer course, extending from the OM to 18.5 miles east of the OM; and within 9.5 miles north and 4.5 miles south of the Clarence E. Hancock Airport Runway 10 ILS localizer back course, extending from the localizer to 26 miles west of the localizer.

AMENDMENTS 11/12/70 35 F. R. 14449 (Rewritten)

Talkeetna, Alaska
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna RBN, extending from 40 miles N to 15 miles S of the RBN, excluding the airspace within Federal airways.

Tallahassee, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within a 5-mile radius of the Tallahassee Commercial Airport (latitude 30°33'02" N., longitude 84°22'31" W.); within 8 miles east and 5 miles west of the ILS localizer south course, extending from the 10-mile radius area to 12 miles south of the LOM; within 2 miles each side of the Tallahassee VORTAC 355° radial, extending from the 5-mile radius area to 8 miles north of the VORTAC.

PENDING AMENDMENT
Tallahassee, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Tampa, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Tampa International Airport (latitude 27°58'30" N., longitude 82°31'45" W.); within an 8-mile radius of St. Petersburg-Clearwater International Airport (latitude 27°54'35" N., longitude 82°41'12" W.); within 2 miles each side of the St. Petersburg ILS localizer north course, extending from the 8-mile radius area to 8 miles north of the LOM; within 2 miles each side of the St. Petersburg VORTAC 343° radial, extending from the 8-mile radius area to 12 miles north of the VORTAC; within a 5-mile radius of Albert Whitted Airport (latitude 27°45'50" N., longitude 82°37'45" W.); within a 5-mile radius of Peter O. Knight Airport (latitude 27°54'55" N., longitude 82°27'05" W.); within an 8-mile radius of MacDill AFB (latitude 27°51'00" N., longitude 82°30'25" W.); within 2 miles each side of the MacDill ILS localizer northeast course, extending from the Peter O. Knight 5-mile radius area to 8 miles northeast of the LOM.

Tanana, Alaska
That airspace extending upward from 700 feet above the surface within 9.5 miles south and 4.5 miles north of the Bear Creek radio beacon 251° bearing extending to 18.5 miles west of the RBN.

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 7/23/70 35 F. R. 8349 (Rewritten)

Taunton, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton, Mass.; within 3 miles each side of the Whitman, Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VORTAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

Tecumseh, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°01'30" N., longitude 83°56'20" W.).

Tennessee
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

Terre Haute, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest of the VORTAC.

Texarkana, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Municipal-Webb Field (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer northeast course extending from the 5-mile radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14650 (Rewritten)

Texas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State line and on the south by the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., excluding that airspace in the vicinity of Matagorda Island south and east of a line beginning at a point 3 nautical miles from the shoreline at latitude 28°22'00" N., thence to latitude 28°22'00" N., longitude 96°30'00" W., to latitude 28°14'00" N., longitude 96°46'00" W., thence along longitude 96°46'00" W., to a point 3 nautical miles from the shoreline, and excluding that airspace bounded by a line beginning at the United States/Mexican Border, thence counterclockwise along the arc of a 95-mile radius circle centered at latitude 31°48'35" N., longitude 106°22'55" W., to and along the south boundary of V-198 to longitude 103°16'00" W., thence to latitude 30°37'00" N., longitude 102°40'00" W., thence to the south boundary of V-198 at longitude 102°30'00" W., thence along the south boundary of V-198 to and along longitude 101°00'00" W., to and counterclockwise along the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/Mexican Border to the point of beginning.

AMENDMENTS 9/17/70 35 F. R. 11617 (Added)

The Dalles, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.), that airspace south of The Dalles, extending from a line 2 miles east of and parallel to The Dalles VORTAC 186° radial clockwise to the 222° radial, extending from the 5-mile radius area to an ARC of an 11.5-mile radius circle centered on The Dallas Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of The Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Oreg., transition area.

AMENDMENTS 12/10/70 35 F. R. 15746 (Changed)

Thief River Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

Tifton, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Henry Tift Myers Airport (latitude 31°25'40" N., longitude 83°29'10" W.).

Titusville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2902A and R-2902B.

AMENDMENTS 6/25/70 35 F. R. 6859 (Added)

Titusville, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center lat. 41° 36'45" N., long. 79°44'45" W. of Titusville Airport, excluding the portion that coincides with the Franklin, Pa., transition area.

AMENDMENTS 1/7/71 35 F. R. 17398 (Added)

Tobe, Colo.
That airspace north of Tobe, Colo., VORTAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-263, and on the west by V-19E, excluding the airspace within Federal airways.

Toccoa, Ga.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (latitude 34°35'40" N., longitude 83°17'40" W.).

Toledo, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of the Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the Waterville VOR 318° radial extending from the 7-mile radius area to the VOR; within 5 miles N and 8 miles S of the airport ILS localizer SW course extending SW from the OM for 12 miles; within 2 miles N and 3 miles S of the airport ILS localizer NE course extending NE from the 7-mile radius area for 9 miles from the localizer.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°44'00" N., 84°28'00" W. to 41°41'00" N., 84°16'00" W. to 41°45'05" N., 84°11'45" W. to 41°45'30" N., 83°19'45" W. to 41°50'39" N., 83°03'47" W. to 41°35'41" N., 82°54'24" W. to 41°30'00" N., 82°52'00" W. then counterclockwise along an arc with a radius of 12 miles from Griffin-Sandusky Airport (41°26'00" N., 82°39'00" W.) to 41°18'30" N., 82°49'30" W. to 41°14'00" N., 82°57'00" W., 41°11'00" N., 83°19'00" W. to 41°18'00" N., 84°07'00" W. to 41°00'00" N., 84°02'15" W. to 41°00'00" N., 84°40'00" W. to 41°21'00" N., 84°40'00" W. to 41°32'00" N., 84°31'00" W. to point of beginning.

Tonopah, Nev.
That airspace extending upward from 700 feet above the surface within 2 miles W and 3 miles E of the Tonopah VORTAC 198° radial, extending from the VORTAC to 5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles N and 8 miles S of the Tonopah VORTAC 083° and 263° radials, extending from 17 miles E to 8 miles W of the VORTAC.

Topeka, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7-mile radius area to 8 miles NE of the VORTAC, within 5 miles SW and 8 miles NE of the Philip Billard Airport ILS localizer NW course, extending from 3 miles SE to 12 miles NW of the OM, within a 7-mile radius of Forbes AFB, Topeka, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.), and within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 7-mile radius area to 9 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded by the Emporia, Kans., VORTAC 346° radial beginning at latitude 39°26'50" N., longitude 96°30'50" W., S to the NW edge of V-10, thence NE to latitude 39°00'00" N., longitude 95°09'00" W., thence N along longitude 95°09'00" W. to the S edge of V-71, thence NW to latitude 39°49'00" N., longitude 95°34'00" W., thence direct to point of beginning excluding the portion within the Emporia, Kans., transition area.

PENDING AMENDMENT

Tracy, Calif.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Tracy Municipal Airport (latitude 37°51'15" N., longitude 121°26'25" W.), and within 2.5 miles each side of the Stockton VORTAC 237° radial, extending from the 3-mile radius area to 10.5 miles southwest of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 19171 (Added)

Traverse City, Mich.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Traverse City VOR.

PENDING AMENDMENT

Traverse City, Mich.

That airspace extending upward from 700 feet above the surface within a 10½-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'55" W.); within 4½ miles west and 9½ miles east of the Traverse City VORTAC 158° radial, extending from the 10½-mile radius area to 18½ miles south of the VORTAC; and within 5 miles each side of the Traverse City VORTAC 344° radial, extending from the 10½-mile radius area to 20 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19½-mile radius of the Traverse City VORTAC, extending from the Traverse City VORTAC 060° radial clockwise to the Traverse City VORTAC 129° radial; within a 25-mile radius of the Traverse City VORTAC, extending from the Traverse City VORTAC 268° radial clockwise to the Traverse City VORTAC 060° radial; and within 4½ miles north and 9½ miles south of the Traverse City ILS localizer east course, extending from the 19½-mile radius area to 18½ miles east of the OM.

AMENDMENTS 3/4/71 35 F. R. 19983 (Rewritten)

Trenton, Mo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton, Mo. Municipal Airport (latitude 40°05'00" N., longitude 93°35'25" W.) and within 2 miles each side of the 172° bearing from Trenton Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° bearing from Trenton Municipal Airport, extending from the airport to 12 miles south of the airport.

Tri-City, Tenn.

That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-16S; thence northeast along the northwest boundary of V-16S to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport.

AMENDMENTS 4/2/70 35 F. R. 1219 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Trinidad, Colo.

That airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° and 352° bearings from the Trinidad, Colo. RBN, extending from 7 miles south to 13 miles north of the RBN.

Troy, Ala.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the OM.

AMENDMENTS 6/25/70 35 F. R. 6273 (Rewritten)

Truth or Consequences, N. Mex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.).

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

Tucson, Ariz.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W. to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning, excluding the portion within R-2303.

Tucumcari, N. Mex.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

AMENDMENTS 11/12/70 35 F. R. 14304 (changed)

Tullahoma, Tenn.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (latitude 35°23'33" N., longitude 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

AMENDMENTS 4/30/70 35 F. R. 3755 (Added)

Tulsa, Okla.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (lat. 36°12'00" N., long. 95°53'15" W.), within a 5-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north, within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC, and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius area to 23 miles southwest of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14650 (Rewritten): Corr: 35 F. R. 15804

Tupelo, Miss.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the C. D. Lemons Municipal Airport (latitude 34°15'30" N., longitude 88°45'55" W.); within 3 miles each side of the Tupelo VOR 214° radial, extending from the 5-mile radius area to 8.5 miles southwest of the VOR.

Tuscaloosa, Ala.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (latitude 33°13'10" N., longitude 87°36'45" W.).

Twentynine Palms, Calif.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.), within 2 miles each side of the Thermal VORTAC 140° radial extending from the 3-mile radius area to 8 miles southeast of the VORTAC, within 2 miles each side of the Thermal VORTAC 122° radial, extending from the 3-mile radius area to 5 miles southeast of the VORTAC, and that airspace within 3 miles each side of the Thermal VORTAC 324° radial, extending from the 3-mile radius area to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°17'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R-2501 and R-2507, and within 3 miles northeast and 9.5 miles southwest of the Thermal VORTAC 144° radial, extending from the southeast edge of V460 to a line 5 miles southeast of and parallel to the Julian VOR 055° radial.

AMENDMENTS 8/20/70 35 F. R. 12328 (Changed)
AMENDMENTS 1/7/71 35 F. R. 17249 (Rewritten)

Twin Falls, Idaho

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Twin Falls VOR; within 8 miles N and 5 miles S of the Twin Falls VOR 086° radial, extending from the VOR to 12 miles E of the VOR, and within 2 miles each side of the Twin Falls VOR 195° radial, extending from the 7-mile radius area to 10 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VOR, extending clockwise from the VOR 038° radial to the VOR 311° radial; including that airspace northeast of Twin Falls bounded on the north by V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293, and that airspace northwest of Twin Falls bounded on the north by V-330, on the northeast by V-293 and on the southwest by V-4; and within 9 miles southwest and 6 miles northeast of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles northwest of the VOR.

Tyler, Tex.

That airspace extending upward from 700 feet above the surface bounded by a line extending from latitude 32°05'30" N., longitude 95°17'00" W., to latitude 32°27'00" N., longitude 95°42'30" W., to latitude 32°35'30" N., longitude 95°32'30" W., to latitude 32°13'30" N., longitude 95°07'00" W., to point of beginning.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Ukiah, Calif.
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Ukiah, Calif., VORTAC bounded on the E by the W edge of V-25, that airspace S of Ukiah bounded on the E by the W edge of V-25, on the S by latitude 38°43'30" N., on the W by longitude 123°23'15" W., and that airspace between the 20- and 24-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 7,500 feet MSL between the 24- and 45-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 8,500 MSL bounded on the NE by a 45-mile arc of the Red Bluff, VORTAC, on the SE by the SE edge of V-25, on the S and SW by the N edge of V-200 and a 20-mile arc of the Ukiah VORTAC, and on the NW by the NW edge of V-199; that airspace extending upward from 9,500 feet MSL bounded on the SE by the NW edge of V-199, on the W by the E edge of V-27, and on the N by a line 9 miles S of and parallel to the Red Bluff VORTAC 291° and Fortuna VORTAC 110° radials.

Unalakleet, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles north and 8 miles south of the Unalakleet RR northwest course, extending from the RR to 17 miles northwest of the RR; and within 8 miles northwest and 5 miles southeast of the Unalakleet VOR 225° radial, extending from the VOR to 17 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 8 miles southwest of the RR southeast and northwest courses, extending from 7 miles southeast to 23 miles northwest of the RR.

Union City, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (latitude 36°22'50" N., longitude 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and 8.5 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 347° bearing from Union City RBN, extending from the RBN to 18.5 miles north; excluding the portion within the State of Tennessee.

AMENDMENTS 5/28/70 35 F. R. 5913 (Rewritten)

Upolu Point, Hawaii
That airspace extending upward from 1,200 feet above the surface bounded on the north by V-15, on the east by V-6, on the south by V-2, and on the west by V-11; that airspace bounded on the northeast by V-16, on the southeast by V-11, and on the southwest by V-5; and that airspace bounded on the north by a line 4 nmi north of and parallel to the Lanai VOR 110° radial, on the east by V-11, and the south by V-2.

Utica, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of the Griffiss-TACAN 306° radial extending from the 10-mile radius to 14 miles NW of the TACAN.

Within a 12-mile radius of the center, 43°08'15" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., and within 2 miles each side of the Utica VOR 306° radial extending from the 12-mile radius to the VOR; within 2 miles each side of a bearing 137° from the Utica radio beacon extending from the 12-mile radius to 8 miles SE of the radio beacon; within 2 miles each side of a bearing 132° from the Utica radio beacon extending from the 12-mile radius to 9 miles SE of the radio beacon.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 43°24'00" N., 76°53'00" W. to 42°57'00" N., 76°57'00" W. to 42°40'00" N., 77°23'45" W. to 42°41'30" N., 76°23'00" W. to 42°40'00" N., 75°30'00" W. to 43°00'00" N., 74°30'00" W. to 43°19'00" N., 74°30'00" W., to 43°16'00" N., 74°37'00" W., thence counterclockwise along an arc with a radius of 40 SM from the center of Griffiss AFB to 43°44'00" N., 75°19'15" W. to 43°32'00" N., 76°23'00" W. to 43°21'00" N., 76°40'00" W to point of beginning.

Uvalde, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.) and within 2 miles each side of the 171° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.) extending from the 5-mile radius area to 8 miles south of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Valdosta, Ga.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Valdosta VOR 187° radial, extending from the VOR to 8 miles S of the VOR.

PENDING AMENDMENT

Valdosta, Ga. (Valdosta Municipal Airport)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.).

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Valdosta, Ga. (Moody AFB)
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Moody AFB (latitude 30°58'01" N., longitude 83°11'27" W.); within 2 miles each side of the Moody ILS localizer N course, extending from the 7-mile radius area to 12 miles N of the LOM; within 2 miles each side of the Moody TACAN 180° radial, extending from the 7-mile radius area to 12 miles S of the TACAN. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

PENDING AMENDMENT

Valdosta, Ga. (Moody AFB)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 3 miles each side of Moody AFB ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of the OM; within 3 miles each side of Moody VOR 007° radial, extending from the 8.5-mile radius area to 12.5 miles north of the VOR. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Valentine, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'25" N., longitude 100°32'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 145° bearing from the Miller Field Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 325° bearing from the Miller Field Airport extending from the airport to 12 miles northwest of the airport; excluding the portion which overlies the Ainsworth, Nebr., 1,200-foot floor transition area.

AMENDMENTS 12/10/70 35 F. R. 15907 (Added)

Valparaiso, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.).

AMENDMENTS 1/7/71 35 F. R. 17033 (Rewritten) Corr: 35 F. R. 19749

Vandenberg AFB, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 2.5 miles northwest to 1 mile southeast of the OM.

Vernal, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

AMENDMENTS 5/28/70 35 F. R. 5913 (Rewritten)

Vernon, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14'00" N., longitude 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

Vero Beach, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; within a 5-mile radius of the St. Lucie County Airport, Fort Pierce, Fla. (latitude 27°29'38" N., longitude 80°22'02" W.); within 2 miles each side of the Vero Beach VORTAC 150° radial extending from the 5-mile radius area to the Vero Beach VORTAC.

Vichy, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the Vichy, Mo., VORTAC 067° radial, extending from the 6½-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 059° and 239° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 239° radial clockwise to the Vichy VORTAC 321° radial.

Vicksburg, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.).
AMENDMENTS 3/5/70 35 F. R. 6 (Changed)
AMENDMENTS 4/2/70 35 F. R. 1103 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Victoria, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Victoria VOR 313° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles SW and 5 miles NE of the 324° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from latitude 28° 51' 30" N., longitude 96°55'00" W., to 12 miles NW.

Victorville, Calif.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of George AFB (latitude 34°35'45" N., longitude 117°22'55" W.), and within 3 miles each side of the George AFB VOR 360° radial extending from the 12-mile radius area to 17 miles N of the VOR.

Vidalia, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Vidalia Municipal Airport (latitude 32°11'45" N., longitude 82°22'15" W.); within 2 miles each side of the 077° bearing from the Vidalia, Ga., RBN (latitude 32°11'48.8" N., longitude 82°22'16.7" W.), extending from the 6-mile radius area to 8 miles east of the RBN.

Vincennes, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'30" W.); within a 5½-mile radius of O'Neal Airport (latitude 38°41'30" N., longitude 87°33'10" W.); within 3 miles each side of the 355° bearing from Lawrenceville-Vincennes Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport and within 3 miles each side of the 258° bearing from O'Neal Airport, extending from the 7-mile and 5½-mile radii to 8 miles west of the airport.

AMENDMENTS 3/5/70 35 F. R. 309 (Rewritten)

Virginia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south by latitude 36°33'30" N, and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149, W-50, R-6602 and R-6606.

Visalia, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° and 303° radials, extending from the 5-mile radius area to 8 miles NW of the VOR.

Vivian, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vivian Municipal Airport (latitude 32°51'55" N., longitude 94°00'30" W.), and within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 5-mile radius area to 5.5 miles northwest of the VORTAC.

Wabash, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45'50" N., longitude 85°48'05" W.); within 5 miles each side of the 105° bearing from Wabash Municipal Airport extending from the 5-mile radius area to 12 miles east of the airport; and within 2 miles each side of the 040° radial of the Kokomo, Ind., VORTAC, extending from the 5-mile radius area to 15 miles northeast of the Kokomo, Ind., VORTAC; excluding the portion which overlies the Kokomo, Ind., 700-foot floor transition area.
AMENDMENTS 8/20/70 35 F. R. 11466 (Rewritten)

Waco, Tex.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°49'00" N., longitude 97°00'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W.; to latitude 31°28'20" N., longitude 96°55'40" W.; to latitude 31°17'00" N., longitude 96°56'00" W.; to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97°34'00" W., to latitude 31°46'30" N., longitude 97°41'50" W., to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning.
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)

Waimea-Kohala, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waimea--Kohala Airport
(latitude 20°00'17" N., longitude 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11 and on the southeast by V-3 and the Waimea-Kohala control zone.

AMENDMENTS 12/12/69 35 F. R. 19970 (Changed)

Wake Island
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

Wallace, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henderson Field (latitude 34°43'05" N., longitude 78°01'20" W.); within 3 miles each side of Wilmington VORTAC 344° radial, extending from the 5-mile radius area to 22 miles northwest of the VORTAC.

Walla Walla, Wash.
That airspace extending upward from 700 feet above the surface within 7 miles NW and 5 miles SE of the Walla Walla VOR 040° radial, extending from the VOR to 13 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 13 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, within 5 miles each side of the Walla Walla TACAN 041° radial extending from the TACAN to 23 miles NE of the TACAN, within 5 miles SE and 9 miles NW of the Pendleton, Oreg., VORTAC 025° radial, extending from 33 miles NE to 61 miles NE of the VORTAC, and that airspace bounded by an arc of a 19-mile radius circle centered on the Walla Walla VOR (latitude 46°06'13" N., longitude 118°17'29" W.), from 5 miles SE of the Walla Walla 040° radial, to 4 miles SE of the Pendleton VORTAC 025° radial, within 5 miles east and 10 miles west of the Walla Walla 165° radial, extending from the 19-mile radius area to the northeast edge of V-298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V-112 to the southeast edge of V-112W, excluding the portion within the Pendleton, Oreg., transition area.

Walnut Ridge, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Walnut Ridge Municipal Airport (latitude 36°07'30" N., longitude 90°55'25" W.), within 2 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 6-mile radius area to 8 miles southwest of the VORTAC; and within 2 miles each side of the Walnut Ridge VORTAC 055° radial extending from the 6-mile radius area to 15 miles northeast of the VORTAC.

AMENDMENTS 9/17/70 35 F. R. 11900 (Changed)

Walterboro, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Walterboro Municipal Airport (latitude 32°55'15" N., longitude 80°38'30" W.).

Warren, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (latitude 33°33'50" N., longitude 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 270° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

Warsaw, Indiana
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warsaw, Ind., Municipal Airport (latitude 41°17'00" N., longitude 85°51'00" W.); and within 2 miles each side of the Wolflake, Ind., VOR 278° radial, extending from the 5-mile radius area to 25 miles W of the VOR.

Washington, D. C.
That airspace extending upward from 700 feet above the surface bounded on the W by a line beginning at latitude 38°37'20" N., longitude 77°35'30" W., extending N to latitude 38°50'30" N., longitude 77°35'20" W., thence clockwise along the arc of a 10-mile radius circle centered at Dulles International Airport, Chantilly, Va. (latitude 38°56'40" N., longitude 77°27'24" W.), to and clockwise along the arc of a 22-mile radius circle centered at Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) to, and clockwise along, the arc of a 10-mile radius circle centered at Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.) to latitude 38°40'15" N., longitude 76°55'10" W., to latitude 38°35'00" N., longitude 76°54'20" W., to latitude 38°30'00" N., longitude 77°04'00" W., to latitude 38°35'00" N., longitude 77°11'40" W., thence counterclockwise
along the arc of an 8-mile radius circle centered at MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) to latitude 38°35'10" N., longitude 77°24'20" W., thence to the point of beginning, and within 2 miles each side of the Dulles International Airport runway 19-R ILS localizer N course, extending from the 10-mile radius area centered at the Dulles International Airport to the Poolesville, Md., RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°05'26" N., longitude 78°12'02" W., to latitude 38°51'15" N., longitude 78°12'21" W.; to latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 38°24'00" N., longitude 77°29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04'00" W.; to latitude 38°14'00" N., longitude 76°46'00" W.; to latitude 38°47'00" N., longitude 76°16'00" W.; to latitude 38°57'00" N., longitude 76°22'00" W.; to latitude 39°09'00" N., longitude 77°12'00" W.; to latitude 39°18'00" N., longitude 77°22'00" W.; to the point of beginning. The portion within P-56 is excluded.

Washington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (latitude 35°34'15" N., longitude 77°03'00" W.); within 3 miles each side of the 198° bearing from WITN Commercial Broadcast Station (latitude 35°31'34" N., longitude 77°04'31" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of WITN Commercial Broadcast Station.

AMENDMENTS 2/5/70 34 F. R. 19499 (Rewritten); F. R. Corr: 34 F. R. 19715

Washington, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°08'10" N., 80°17'20" W. of Washington County Airport, Washington, Pa.; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 6 miles east of the end of the runway; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 5 miles west of the end of the runway and within 3.5 miles each side of the Allegheny VORTAC 234° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Pittsburgh, Pa., and Monongahela, Pa., transition areas.

AMENDMENTS 1/8/70 34 F. R. 18816 (Added)

Waterloo, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2 miles each side of the Waterloo ILS localizer northwest course, extending from the 7-mile radius area to 10 miles northwest of the OM; within 5 miles west and 8 miles east of the Waterloo VORTAC 200° radial, extending from the VORTAC to 12 miles south of the VORTAC; and within the arc of a 16-mile radius circle centered on the Waterloo VORTAC, extending clockwise from the Waterloo VORTAC 353° radial to the Waterloo VORTAC 134° radial; that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Waterloo VORTAC; extending clockwise from a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial to a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial; and that airspace extending upward from 3,500 feet MSL bounded on the southeast by V-161W, on the west by V-13E, on the north by V-100 and on the east by the arc of a 29-mile radius circle centered on the Waterloo VORTAC.

Watertown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W of Watertown Municipal Airport, Watertown, N. Y., and within 3.5 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

AMENDMENTS 3/5/70 35 F. R. 623 (Changed)

Watertown, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Watertown Municipal Airport (latitude 44°54'35" N., longitude 97°09'30" W.); and within 5 miles east and 8 miles west of the Watertown VORTAC 006° radial, extending from the 10-mile radius area to 12 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Watertown VORTAC extending from the Watertown VORTAC 238° radial clockwise to the Watertown VORTAC 086° radial; within a 24-mile radius of the Watertown VORTAC, extending from the Watertown VORTAC 086° radial clockwise to the Watertown VORTAC 238° radial; within 5 miles northeast and 8 miles southwest of the Watertown VORTAC 297° radial, extending from the 15-mile radius area to 30 miles northwest of the VORTAC; and within 8 miles west and 5 miles east of the Watertown VORTAC 006° radial, extending from the 15-mile radius area to 39 miles north of the VORTAC.

Waterville, Maine
That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Waterville Robert LaFleur Airport, Waterville, Maine; within 2 miles each side of a 211° bearing from Waterville RBN (44°30'26" N., 69°41'48" W.) extending from the 5 mile radius area to 8 miles SW of the RBN and within 2 miles each side of the Augusta, Maine, VOR 022° radial extending from the 5-mile radius area to 9 miles north of the VOR excluding the portion that coincides with the Augusta, Maine, 700-foot floor transition area.

Waterville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Toledo Municipal Airport, Toledo, Ohio, 41°33'50" N., 83°28'50" W.; within a 4-mile radius of the center of University Airport, Bowling Green, Ohio, 41°23'17" N., 83°38'02" W.; within 2 miles each side of the Waterville VOR 047° radial extending the 5-mile radius area to the VOR; and within 2 miles each side of the Waterville VOR 356° radial extending from the 4-mile radius area to the VOR, excluding that area that coincides with the Toledo, Ohio, transition area. The transition area shall be in effect from sunrise to sunset.

Wausau, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 6 miles north of and parallel to the Wausau VORTAC 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VORTAC 106° radial, on the east by an arc of a 35-mile radius circle centered on the Wausau VORTAC on the south by a line 5 miles south of and parallel to the Stevens Point, Wis., 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VORTAC, the Stevens Point VORTAC 230° radial, and Camp Douglas, Wis., transition area, and V-345, on the west by longitude 90°40'00" W.

AMENDMENTS 10/15/70 35 F. R. 12888 (Rewritten)

Waycross, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross VORTAC 099° radial, extending from the 8-mile radius area to the VORTAC. The portion within a 1½-mile radius of Bivins Airport (latitude 31°11'06" N., longitude 82°16'25" W.) is excluded.

Webster City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.), and within 2 miles each side of the 151° bearing from Webster City Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 151° bearing from Webster City Airport extending from the airport to 12 miles SE, excluding the portion which overlies the Fort Dodge, Iowa, transition area.

Wells, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harriet Field (latitude 41°06'54" N., longitude 114° 55'24" W.) and within 4.5 miles south and 9.5 miles north of the Wells VOR 287° radial, extending from the VOR to 18.5 miles west of the VOR. That airspace extending upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Wells VOR 287° and 107° radials extending from 23 miles west to 10 miles east of the VOR.

AMENDMENTS 12/10/70 35 F. R. 15746 (Added)

Wellsboro, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.

Wellsville, N.Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center of Wellsville Municipal Airport, Wellsville, N.Y., 42°08'15" N., 77°58'30" W. and within 2 miles each side of the Wellsville VOR 205° radial extending from the 9-mile radius area for 8 miles from the VOR.

Wenatchee, Wash.
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Wenatchee VOR 092° and 272° radials, extending from 7 miles W to 14 miles E of the VOR, and within 5 miles SW and 8 miles NE of the 124° radial, extending from the VOR to 14 miles SE of the VOR.

Wendover, Utah
That airspace extending upward from 8,500 feet MSL bounded on the N by V-6, on the W by V-253, on the S by V-32 and on the E by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°12'00" N., longitude 112°52'00" W.; thence N via longitude 112°52'00" W., to V-6.

West Bend, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20" N., longitude 88°07'45" W.); and within 2 miles each side of the 136° bearing from West Bend Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport.

West Helena, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Thompson-Robbins Airport (latitude 34°34'29" N., longitude 90°40'48" W.), and within 3.5 miles each side of the 350° bearing from the Thompson-Robbins RBN (latitude 34°34'16" N., longitude 90°40'33" W.) extending from the 5.5-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 9/17/70 35 F. R. 11900 (Rewritten)

Westminster, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 39°36'10" N., 77°00'05" W. of Westminster Airport, Westminster, Md., and within 2 miles each side of the Westminster VOR 350° radial extending from the 6-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

West Point, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of West Point Municipal Airport 37°31'00" N., 76°45'40" W. and within 2 miles each side of the Harcum, Va., VOR 148° radial extending from the 6-mile radius area to 8 miles southeast of the VOR.

West Virginia
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°50'00" N., longitude 77°30'00" W.; to latitude 39°15'10" N., longitude 77°30'00" W.; thence westerly along the Virginia State line to latitude 37°23'00" N., longitude 82°11'30" W.; thence to latitude 38°02'00" N., longitude 82°15'00" W.; to latitude 38°00'00" N., longitude 82°55'00" W.; to latitude 38°45'00" N., longitude 83°30'00" W.; to latitude 39°00'00" N., longitude 83°00'00" W.; to latitude 39°00'00" N., longitude 81°43'40" W.; to latitude 39°40'00" N., longitude 81°47'00" W.; to latitude 39°40'00" N., longitude 81°30'00" W.; to latitude 39°43'00" N., longitude 81°13'00" W.; to latitude 39°53'15" N., longitude 81°03'15" W.; thence counterclockwise via a 60-mile radius arc centered on the Imperial VORTAC to latitude 39°42'00" N., longitude 80°38'30" W.; to latitude 39°59'00" N., longitude 80°29'00" W.; thence counterclockwise via a 37-mile radius arc centered on the Imperial VORTAC to latitude 40°02'00" N., longitude 79°51'30" W.; to latitude 39°25'00" N., longitude 79°20'00" W.; to latitude 39°25'00" N., longitude 78°58'00" W.; to latitude 39°30'00" N., longitude 78°58'00" W.; to latitude 39°30'00" N., longitude 78°30'00" W.; to latitude 39°50'00" N., longitude 77°47'00" W.; thence to point of beginning.

West Yellowstone, Mont.
That airspace extending upward from 700 feet above the surface within 6½ miles west and 9½ miles east of the 019° and 199° bearings from Yellowstone Airport (latitude 44°41'20" N, longitude 111°06'55" W.), extending from 12 miles north to 19½ miles south of the airport; that airspace extending upward from 10,700 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 087° bearing from Yellowstone Airport clockwise to the 217° bearing from Yellowstone Airport; and that airspace extending upward from 12,000 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 217° bearing from Yellowstone Airport clockwise to the 087° bearing from Yellowstone Airport, excluding the portion which overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/5/70 34 F. R. 19073 (Added); 4/9/70 35 F. R. 2582 (Rewritten)

Wetumpka, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wetumpka Municipal Airport (latitude 32°31'45" N., longitude 86°19'30" W.); within 3 miles each side of the Maxwell VOR 069° radial, extending from the 7-mile radius area to 22 miles northeast of the Maxwell VOR; excluding the portion that coincides with the Montgomery, Ala., transition area.

AMENDMENTS 3/5/70 35 F. R. 310 (Added); Corr: 35 F. R. 3282

Weyers Cave, Va.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (38°15'45" N., 78°53'50" W.), of Shenandoah Valley Airport; Weyers Cave., Va.; within 4.5 miles southeast and 6.5 miles northwest of the 218° bearing from the Laurel Hill RBN (38°12'08" N., 78°57'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN; within 2 miles each side of the Shenandoah Valley Airport Runway 4 centerline, extended from the 8.5-mile radius area to 8.5 miles northeast of the end of the runway; within a 5-mile radius of the center (38°22'00" N., 78°57'40" W.), of the Bridgewater Airpark, Bridgewater, Va.; within 3.5 miles each side of the 355° bearing from Bridgewater RBN (38°21'56" N., 78°57'41" W.), extending from the 5-mile radius area to 9.5 miles north of the RBN; within 4 miles northwest of the 210° bearing from the Bridgewater RBN, extending from the 5-mile radius area to 11.5 miles southwest of the RBN; within 2 miles each side of the Bridgewater Airpark Runway 9 centerline, extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the Bridgewater Airpark Runway 27 centerline, extended from the 5-mile radius area to 7.5 miles west of the end of the runway; within 2 miles each side of the Bridgewater Airpark Runway 33 centerline, extended from the 5-mile radius area to 7 miles northwest of the end of the runway.

AMENDMENTS 5/28/70 35 F. R. 5034 (Added)

Wheeling, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

Whidbey Island, Wash.
That airspace extending upward from 700 feet above the surface bounded on the E by a line extending from latitude 48°40'00" N., longitude 122°05'00" W. to latitude 48°05'00" N., longitude 121°55'00" W., on the S by latitude 48°05'00" N., on the W by the W edge of V-440, and the United states/Canadian border to latitude 48°25'00" N., thence via latitude 48°25'00" N. to an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence clockwise via the 13-mile radius arc to longitude 122°45'00" W., thence to latitude 48°40'00" N., longitude 122°43'00" W., on the N by latitude 48°40'00" N. to point of beginning, and that airspace NW of Whidbey Island NAS bounded by a line beginning at the point of intersection of latitude 48°25'00" N., and the United States/Canadian border, thence via the United States/Canadian border to altitude 48°40'00" N., thence via latitude 48°40'00" N., to longitude 123°02'00" W., thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 48°52'00" N., longitude 122°00'00" W., thence via longitude 122°00'00" W. to latitude 48°43'00" N., thence via latitude 48°43'00" N. to longitude 121°45'00" W., thence via longitude 121°45'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°55'00" W., thence to latitude 48°40'00" N., longitude 122°05'00" W., thence via latitude 48°40'00" N., to longitude 122°43'00" W., thence to latitude 48°31'00" N., longitude 122°45'00" W., to intercept an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence counterclockwise via the 13-mile radius arc to latitude 48°25'00" N., thence via latitude 48°25'00" N., to its intersection with the United States/Canadian border, thence to latitude 48°40'00" N., longitude 123°02'00" W., thence via latitude 48°40'00" N., to the east edge of Canadian VOR airway V-300, thence N via the east edge of V-300 to the United States/Canadian border, thence via the United States/Canadian border to latitude 48°52'00" N., thence to point of beginning; that airspace extending upward from 8,200 feet MSL bounded on the E by longitude 121°30'00" W., to latitude 48°00'00" N., thence via latitude 48°00'00" N., to longitude 121°35'00" W., thence via longitude 121°35'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°45'00" W., on the W by longitude 121°45'00" N., to latitude 48°38'00" N., thence via latitude 48°38'00" N., to longitude 121°30'00" W.; that airspace extending upward from 12,000 feet MSL bounded on the E by longitude 121° 00'00" W., on the S by latitude 48°00'00" N., on the W by longitude 121°30'00" W., and on the N by latitude 48°30'00" N.

White Cloud, Mich.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the White Cloud VOR 006° and 186° radials, extending from 20 miles N to 9 miles S of the VOR.

Whitefield, N.H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°21'53" N., 71°33'07" W. of Whitefield, N.H., Airport; within 2 miles each side of the 248° bearing from the Whitefield, N.H., RBN extending from the 5-mile radius area to 8 miles W of the RBN, effective sunrise to sunset.

White Plains, N.Y.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 41°16'00" N., 74°06'00" W. to 41°16'00" N., 74°00'00" W. to 41°19'00" N., 74°00'00" W. to 41°19'00" N., 73°57'00" W. to 41°27'00" N., 73°54'00" W. to 41°27'00" N., 73°47'00" W. to 41°19'00" N., 73°42'00" W. to 41°25'00" N., 73°30'00" W. to 41°20'00" N., 73°23'00" W. to 41°10'00" N., 73°33'00" W. to 41°00'00" N., 73°33'00" W. to 40°50'00" N., 73°42'00" W. to 41°01'00" N., 74°00'00" W. to 41°07'30" N., 73°57'00" W. to 41°10'30" N., 74°09'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°31'00" N., 73°54'00" W. to 41°31'00" N., 73°30'00" W. to 41°25'00" N., 73°30'00" W. to 41°19'00" N., 73°42'00" W. to 41°27'00" N., 73°47'00" W. to 41°27'00" N., 73°54'00" W. to the point of beginning.

White Sulphur Springs, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°47'00" N., 80°20'00" W. of Greenbrier Airport, White Sulphur Springs, W. Va., and within 2 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial extending from the 7-mile radius area to 8 miles southeast of the VOR, excluding the portion that coincides with the Lewisburg, W. Va., transition area. This transition area shall be effective from sunrise to sunset daily.

Wichita, Kansas
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'45" W.); within 5 miles east and 8 miles west of the Wichita Municipal Airport ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within an 8-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Piper Airpark (latitude 37°44'45" N. longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from Piper Airpark extending from the 5-mile radius area to 6 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W.; thence extending northwest to the INT of a line 10 miles southeast and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to the Emporia VORTAC 134° radial, thence northwest along the Emporia VORTAC 134° and 314° radials to and west along the north boundary of V-10 to and northeast along the west boundary of V-77 to and southwest along the southeast boundary of V-280 to and east along the north boundary of V-10 to longitude 97°15'00" W., thence southwest to latitude 38°00'30" N., longitude 97°28'00" W., thence southwest to the INT of the northwest boundary of V-12N and longitude 97°56'25" W., thence southwest along the northwest boundary of V-12N to and south along the west boundary of V-125 to, and southeast along the southwest boundary of V-74 to the Ponca City, Okla., VORTAC 217° radial, thence northeast along the Ponca City VORTAC 217° and 047° radials to and northeast along the northwest boundary of V-516 point of beginning, excluding the portion which overlies the Emporia, Kans., transition area and the portion within the State of Oklahoma; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence northwest to the INT of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to, and southeast along the southwest boundary of V-132 to, and southeast along a line 12 miles southwest of and parallel to the Chanute, Kans., VOR 334° and 154° radials to, and south along the west boundary of V-131 to, and southwest along the northwest boundary of V-516 to the point of beginning, excluding the portion within the State of Oklahoma.

AMENDMENTS 2/5/70 35 F. R. 102 (Rewritten)
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Wichita Falls, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°59'56" N., longitude 98°30'25" W.

AMENDMENTS 7/23/70 35 F. R. 7176 (Changed)
AMENDMENTS 9/17/70 35 F. R. 11617 (Changed)
AMENDMENTS 11/12/70 35 F. R. 14651 (Changed)

Wildwood, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°00'32" N., 74°54'32" W. of Cape May County Airport, Wildwood, N. J., and within 2 miles each side of the Sea Isle, N. J., VORTAC 225° radial extending from the 5-mile radius area to the VORTAC.

Wilkes-Barre, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., within 2 miles each side of the airport ILS localizer SW course extending from the 12-mile radius area for 7 miles.

Wilkesboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Wilkes County Airport (lat. 36°08'33" N., long. 81°11'36" W.); within 5 miles north and 3 miles south of the 070° bearing from Wilkesboro RBN (lat. 36°08'36" N., long. 81°11'44" W.), extending from the 8.5-mile radius area to 10 miles east of the RBN.

AMENDMENTS 12/10/70 35 F. R. 15209 (Added)

Williamsport, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°14'30" N., 76°55'20" W., of the Williamsport-Lycoming County Airport, Williamsport, Pa.; within 5 miles N and 8 miles S of the Williamsport ILS localizer E course extending from the 12-mile radius area to 12 miles E of the Picture Rocks RBN; and within 2 miles each side of the centerline of Runway 27 extended from the 12-mile radius area to 14 miles W of the end of the runway.

Willimantic, Conn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

Williston, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10½-mile radius of Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 3 miles each side of the Williston VOR 317° radial, extending from the 10½-mile radius area to 8 miles northwest of the VOR; and within 3 miles each side of the 127° bearing from Sloulin International Airport, extending from the 10½-mile radius area to 11½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Williston VOR 137° and 317° radials, extending from 5½ miles southeast to 18½ miles northwest of the VOR; and within 4½ miles southwest and 9½ miles northeast of the 127° bearing from Sloulin International Airport, extending from 4 miles southeast to 22 miles southeast of the airport.

Willmar, Minn.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minnesota, Municipal Airport (Lat. 45°06'52" N., Long. 95°05'11" W.), extending from 7 miles E to 13 miles W of the airport.

Wilmington, Del.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.) within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC, within a 4-mile radius of the center (39°31'20" N., 75°43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC.

Wilmington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New Hanover Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

Wilmington, Ohio
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°26'00" N., 83°48'00" W. of Clinton County AFB, Wilmington, Ohio.

Winchester, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°01' 20" N., 84°13'10" W.) of Winchester-Codell Airport, Winchester, Ky.

Winchester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°08'30" N., 78°08'30" W., of Winchester Airport, Winchester, Va.

Winder, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winder Airport (latitude 33°58'40" N., longitude 83°40'05" W.); within 2 miles each side of the Athens, Ga., VORTAC 277° radial extending from the 5-mile radius area to 6 miles E of the airport.

Windom, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Windom Municipal Airport (latitude 43°54'50" N., longitude 95°06'35" W.); within 5 miles east and 8 miles west of the 354° bearing from Windom Municipal Airport, extending from the airport to 12 miles north of the airport; and within 5 miles each side of the 174° bearing from Windom Municipal Airport, extending from the airport to 12 miles south of the airport.

Winner, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); and within 2 miles each side of the Winner VOR 212° radial, extending from the 7-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 8 miles northwest of the Winner VOR 032° and 212° radials, extending from 5 miles southwest to 12 miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial, extending from 12 to 19 miles southwest of the VOR.

Winona, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Max Conrad Field, Winona, Minn. (latitude 44°04'34" N., longitude 91°42'25" W.), within 2 miles each side of the 107° bearing from Max Conrad Field extending from the 7-mile radius area to 8 miles E of the airport, and within 2 miles each side of the 319° bearing from Max Conrad Field, extending from the 7-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 319° bearing from Max Conrad Field extending from the airport to 12 miles NW of the airport, and within 8 miles S and 5 miles N of the 107° bearing from Max Conrad Field extending from the airport to 12 miles E of the airport, excluding the portion which overlies the La Crosse, Wis., transition area.

Winslow, Ariz.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and within 2 miles each side of the Winslow VORTAC 314° radial, extending from the 9-mile radius area to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 13 miles NE of the Winslow VORTAC 154° and 334° radials, extending from 15 miles NW to 25 miles SE of the VORTAC.

Winston-Salem, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 3 miles each side of Winston-Salem ILS localizer southeast course, extending from the 8.5-mile radius area to 8.5 miles southeast of the LOM; excluding the portion that coincides with the Greensboro transition area.

AMENDMENTS 4/30/70 35 F. R. 3880 (Rewritten)

Wisconsin Rapids, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field-Southwood County Airport (latitude 44°21'30" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile radius area to 8 miles south of the airport.

AMENDMENTS 8/20/70 35 F. R. 10358 (Rewritten)

Wolf Point, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wolf Point International Airport (latitude 48°05'40" N., longitude 105°34'45" W.); and within 3 miles each side of the 314° bearing from Wolf Point International Airport, extending from the 8-mile radius area to 10 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 314° bearing from Wolf Point International Airport, extending from the airport to 20½ miles northwest of the airport; and within 5 miles each side of the 134° bearing from Wolf Point International Airport extending from the airport to 12 miles southeast of the airport.

AMENDMENTS 1/7/71 35 F. R. 17033 (Rewritten)

Woodruff, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lakeland Airport (latitude 45°55'40" N., longitude 89°43'55" W.); within 3 miles each side of the 347° bearing from Lakeland Airport, extending from the 5-mile radius area to 8 miles north of the airport; and within 3 miles each side of the 197° bearing from Lakeland Airport extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 167° and 347° bearings from Lakeland Airport, extending from 8 miles south to 18½ miles north of the airport; and within 4½ miles west and 9½ miles east of the 017° and 197° bearings from Lakeland Airport, extending from 6 miles north to 18½ miles south of the airport, excluding the portion which overlies the Rhineland, Wis. transition area.

AMENDMENTS 12/10/70 35 F. R. 15371 (Rewritten)

Worcester, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°16'05" N., longitude 71°52'20" W.).

Worland, Wyo.
The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Worland VOR 352° and 172° radials extending from 18.5 miles north to 6 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of the VOR.

AMENDMENTS 10/15/70 35 F. R. 13363 (Rewritten)

Worthington, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Worthington Municipal Airport (latitude 43°39'10" N., longitude 95°34'50" W.); and within 5 miles E and 8 miles W of the Worthington VOR 358° radial, extending from the VOR to 13 miles N of the VOR; and within 2 miles each side of the Worthington VOR 189° radial, extending from the 6-mile radius area to 8 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the Worthington VOR 189° radial, extending from the VOR to 12 miles S of the VOR; and within 5 miles each side of the Worthington VOR 178° radial, extending from the VOR to the S boundary of V-120.

Wrightstown, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°04'00" N., 74°10'40" W. of Lakewood Airport, Lakewood, N. J.; within a 12-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.); within a 12-mile radius of NAS Lakehurst (West Field) (latitude 40°02'05" N., longitude 74°21'05" W.); within a 5-mile radius of Trenton-Robbinsville Airport (latitude 40°12'45" N., longitude 74°35'50" W.); within 2 miles N and 3 miles S of the Robbinsville VOR 278° and 098° radials extending from the Trenton-Robbinsville 5-mile radius area to 8 miles E of the VOR; within a 5-mile radius of Monmouth County Airport (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR; within a 5-mile radius of the Red Bank
Airport (latitude 40°19'45" N., longitude 74°04'45" W.); within 3 miles north and 5 miles south of the Colts Neck VOR 255° and 075° radials extending from 5 miles east to 10 miles west of the VOR; and within a 5-mile radius of the center, 40°13'05" N., 74°05'30" W., of the Asbury Park-Neptune Airport, Neptune, N. J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR; within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N. J., within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR; excluding the portion
within the New York, N. Y., Transition Area; and that airpsace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°24'20" N., longitude 74°45'40" W., thence to latitude 40°17'20" N., longitude 73°52'45" W., to latitude 40°12'55" N., longitude 73°19'00" W., to latitude 39°58'40" N., longitude 73°38'35" W., to latitude 39°38'40" N., longitude 74°05'05" W., to latitude 39°31'45" N., longitude 74°15'55" W.; to latitude 39°37'31" N., longitude 74°20'02" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 40°16'10" N., longitude 74°39'20" W.; thence to the point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, and on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet MSL and within Control 1147 is excluded.

AMENDMENTS 1/8/70 34 F. R. 18816 (Changed)

Wurtsboro, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro-Sullivan County Airport, Wurtsboro, N. Y.; and within 2 miles each side of the Huguenot, N. Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N. Y., Transition Area, effective from sunrise to sunset daily.

Yakataga, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (latitude 60°04'52" N., longitude 142°29'30" W.); within 2 miles each side of the southwest course of the Yakataga RR, extending from the 5-mile radius area to the INT of the southwest course of the Yakataga RR and the east course of the Hinchinbrook, Alaska, RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RR southwest course, extending from 7 miles northeast to 13 miles southwest of the INT of the southwest course of the Yakataga RR and east course of the Hinchinbrook, Alaska, RR; within 5 miles each side of the Yakataga RR southeast course extending from the RR to the INT of the southeast course of Yakataga RR and the west course of the Yakutat, Alaska, RR.

Yakima, Wash.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Yakima VORTAC 129° T (108° M) and 309° T (288° M) radials, extending from 2 miles NW to 6.5 miles SE of the VORTAC; within 2 miles each side of the Yakima ILS localizer E course, extending from 2.5 miles W to 8 miles E of the LOM; and within 2 miles each side of the Yakima VORTAC 276° T (255° M) radial, extending from the VORTAC to 12 miles W of the VORTAC: that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Ellensburg, Wash., VORTAC 191° T (170° M) radial, extending from 9 miles S to 13 miles N of the INT of the Ellensburg VORTAC 191° T (170° M) and the Yakima VORTAC 305° T (284° M) radials; within 9 miles NE and 6 miles SW of the Yakima VORTAC 129° T (108° M) radials, extending from the VORTAC to 33 miles SE of the VORTAC; that airspace NE and E of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the E edge of V-25 to the NE edge of V-4, that airspace S of Yakima within a 21-mile radius of the Yakima VORTAC, extending clockwise from the SW edge of V-4 to the NW edge of V-448; and that airspace extending upward from 7,500 feet MSL within 11 miles NW and 16 miles SE of the Yakima VORTAC 242° T (221° M) radial, extending from 8 miles SW to 52 miles SW of the VORTAC.

Yakutat, Alaska
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 700-foot transition area to 65 miles southeast of the VORTAC.

AMENDMENTS 1/8/70 34 F. R. 19026 (Changed)

Yankton, S. Dak.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); and within 5 miles northeast and 8 miles southwest of the Yankton VOR 321° radial, extending from the 8-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Yankton VOR 135° radial, extending from the VOR to 12 miles southeast of the VOR.

Yazoo City, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barrier Field (latitude 32°52'30" N., longitude 90°24'25" W.); within 3 miles each side of the Jackson, Miss., VORTAC 332° radial, extending from the 6.5-mile radius area to 17.5 miles northwest of the VORTAC.

AMENDMENTS 4/2/70 35 F. R. 1220 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5913

Yerington, Nev.
That airspace extending upward from 11,000 feet MSL within 12 miles, southwest and 8 miles northeast of the Reno, Nev., VORTAC 135° radial, extending from 10 miles northwest to 22 miles southeast of the INT of Reno VOR 135° and Lovelock, Nev., VORTAC 197° radials, excluding the airspace within Federal airways.

York, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°55'00" N., 76°52'00" W. of York Airport, York, Pa., and within 2 miles each side of the centerline of Runway 16 extended from the 6-mile radius area to 7 miles S of the end of the runway and within 2 miles each side of the 336° bearing of the Thomasville RBN extending from the 6-mile radius area to 8 miles NW of the RBN excluding that portion coincident with the Harrisburg, Pa., 700-foot transition area.

AMENDMENTS 3/5/70 35 F. R. 3879 (Changed)

Youngstown, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Youngstown Municipal Airport (latitude 41°15'35" N., longitude 80°40'40" W.); within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 7-mile radius area to 13 miles NW of the localizer; within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 7-mile radius area to the Hubbard RBN; and within 2 miles each side of the Youngstown VOR 358° radial, extending from the 7-mile radius area to 8 miles north of the VOR.

Youngstown, Ohio (Lansdowne Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°07'50" N., 80°37'10" W. of Lansdowne Airport, Youngstown, Ohio, excluding the portion that coincides with the Youngstown, Ohio 700-foot floor transition area. This transition area is effective from sunrise to sunset, daily.

Youngstown, Ohio (Youngstown Executive Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°03'34" N., 80°49'48" W., of Youngstown Executive Airport, Youngstown, Ohio; within 2 miles each side of the centerline of Runway 29 extended from the 5-mile radius area to 5 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 11 extended from the 5-mile radius area to 6 miles east of the end of the runway and within 2 miles each side of the 203° radial of the Youngstown, Ohio, VOR extending from the 5-mile radius area to 11 miles southwest of the VOR.

Yuma, Ariz.
That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius
area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

Zanesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at
latitude 39° 53' 15" N., longitude 81° 03' 15" W.; to latitude 39° 43' 00" N., longitude 81° 13' 00" W.; to latitude 39° 40' 00" N., longitude 81° 30' 00" W.; to latitude 39° 40' 00" N., longitude 82° 00' 00" W.; to latitude 39° 52' 25" N., longitude 82° 13' 00" W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the INT of the Imperial, Pa., VORTAC 249° radial and the arc of a 60-mile radius circle centered on the Imperial VORTAC; thence via this arc to the point of beginning.

Zionsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

Zuni, N. Mex.
That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC, excluding the portion within the State of New Mexico.

AMENDMENTS 11/12/70 35 F. R. 14304 (Changed)

SUBPART H - POSITIVE CONTROL AREAS

§71.193 Designation of Positive Control Areas.
The parts of airspace described below are designated as positive control areas.

Continental positive control area.
That airspace within the continental control area from flight level 240 to and including flight level 600 bounded by a line beginning at latitude 48°30'00" N., longitude 124°45'00" W.; thence along the United States/Canadian border to latitude 49°00'00" N., longitude 100°00'00" W.; thence to latitude 46°14'00" N., longitude 100°00'00" W.; latitude 45°40'20" N., longitude 98°20'40" W.; thence to latitude 46°07'30" N., longitude 96°47'30" W.; thence
to latitude 46°27'30" N., longitude 95°35'00" W.; thence to latitude 47°33'00" N., longitude 92°19'00" W.; thence to latitude 47°35'30" N., longitude 91°19'00" W.; thence to latitude 46°42'00" N., longitude 89°45'00" W.; thence to latitude 47°40'40" N., longitude 86°46'00" W.; thence along the United States/Canadian border to latitude 44°48'00" N., longitude 66°53'00" W.; thence via a line three nautical miles
from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; thence to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line 3 nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; thence to latitude 43°07'40" N., longitude 70°32'45" W.; thence to latitude 43°03'16" N., longitude 70°36'17" W.; thence to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line 3 nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; thence to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line 3 nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W ; thence to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line 3 nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; thence to latitude 41°04'50" N., longitude 71°47'25" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence via a line 3 nautical miles from the coastline to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W.; thence along the United States/Mexico border to latitude 32°31'00" N., longitude 117°11'00" W ; thence via a line 3 nautical miles from the coastline to latitude 48°25'00" N., thence to the point of beginning, excluding the Santa Barbara Island, Farallon Island, and the portion south of latitude 25°04'00" N.
That airspace within the continental control area from 18,000 feet MSL up to FL 240 bounded by a line beginning at latitude 37°18'15" N., longitude 80°44'45" W.; thence to latitude 37°16'00" N., longitude 80°53'00" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 36°34'00" N., longitude 84°01'00" W.; thence to latitude 36°30'00" N., longitude 84°45'00" W.; thence to latitude 36°12'30" N, longitude 85°10'30" W.; thence to latitude 36°11'00" N., longitude 85°24'00" W.; thence to latitude 36°54'00" N., longitude 85°35'00" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.; thence to latitude 37°16'30" N., longitude 87°23'50" W.; thence to latitude 37°43'30" N., longitude 88°19'00" W.; thence to latitude 37°32'00" N., longitude 88°50'00" W.; thence to latitude 37°09'00" N., longitude 90°34'00" W.; thence to latitude 36°26'00" N., longitude 94°41'00" W.; thence to latitude 36°56'00" N., longitude 95°06'00" W.; thence to latitude 36°45'00" N., longitude 95°48'00" W.; thence to latitude 36°43'30" N., longitude 95°53'00" W.; thence to latitude 38°04'00" N., longitude 96°00'00" W.; thence to latitude 38°22'00" N.,
longitude 96°22'00" W.; thence to latitude 38°22'00" N., longitude 98°24'00" W.; thence to latitude 38°47'00" N., longitude 99°04'00" W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 42°08'15" N., longitude 99°01'15" W.; thence to latitude 42°20'00" N., longitude 98°34'00" W.; thence to latitude 43°16'30" N., longitude 97°01'45" W.; thence to latitude 43°00'00" N., longitude 96°43'00" W.; thence to latitude 43°04'30" N., longitude 95°37'00" W.; thence to latitude 45°54'00" N., longitude 95°29'00" W.; thence to latitude 46°17'45" N., longitude 93°50'00" W.; thence to latitude 44°57'45" N., longitude 90°01'30" W.; thence to latitude 45°34'30" N., longitude 89°18'00" W.; thence to latitude 45°10'00" N., longitude 88°35'30" W.; thence to latitude 44°50'00" N., longitude 88°00'00" W.; thence to latitude 44°04'00" N., longitude 85°00'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.; thence along the United States/Canadian border to latitude 44°48'00" N., longitude 66°53'00" W.; thence via a line 3 nautical
miles from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; thence to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line 3 nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; thence to latitude 43°07'40" N., longitude 70°32'45" W.; thence to latitude 43°03'16" N., longitude 70°36'17" W.; thence to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line 3 nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; thence to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line 3 nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W.; thence to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line 3 nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; thence to latitude 41°04'50" N., longitude 71°47'25" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence via a line 3 nautical miles from the coastline to latitude 38°00'00" N., longitude 75°11'00" W.; thence to latitude 38°13'30" N., longitude 75°41'00" W.; thence to latitude 38°20'30" N., longitude 75°36'40" W.; thence to latitude 38°53'40" N., longitude 75°51'20" W.; thence to latitude 38°26'20" N., longitude 77°03'15" W.; thence to latitude 37°01'00" N., longitude 77°55'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 37°00'00" N., longitude 80°25'10" W.; thence to latitude 37°12'15" N., longitude 80°25'45" W.; thence to the point of beginning.

PENDING AMENDMENT
Section 71.193 is amended as follows: "thence via a line 3 nautical miles from the coastline to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W." is deleted and "thence via a line 3 nautical miles from the coastline to the United States/Mexico border;" is substituted therefor.

AMENDMENTS 1/7/71 35 F. R. 16677 (Changed) Eff. date changed 2/18/71 36 F. R. 44

SUBPART I - REPORTING POINTS

§ 71.201 Designation.
The locations described in this Subpart are designated as reporting points

§ 71.203 Domestic low altitude reporting points.
The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak.
Abilene, Tex.
Akron, Colo.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Amzie INT: INT Bangor 146° radial and centerline of Control 1143. 6/10/70 35 F. R. 8925 (Added)
Anderson, S. C.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Atlanta, Ga.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Barstow INT: INT Hector, Calif., 263°, Daggett, Calif., 229° radials.
Baton Rouge, La.
Battle Mountain, Nev.
Bay Point, INT: INT Oakland, Calif., 039°, Napa, Calif., 117° radials.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Bemidji, Minn.
Berlin, N. H.
Bible Grove, Ill.
Big Spring, Texas
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.
Blythe, Calif.
Boise, Idaho.
Bolton INT: INT Myrtle Beach, S. C., 031° and Wilmington, N. C., 276° radials.
Bonneville, Utah
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bozeman, Mont.
Bradford, Ill.
Brainerd, Minn.
Bridgeport, Tex.
Britton, Tex.
Brooke, Va.
Brookley, Ala.
Brookwood, Ala.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burley, Idaho
Burlington, Iowa
Burlington, Vt.
Butler, Mo.

Cape Girardeau, Mo.
Capital, Ill.
Carleton, Mich.
Carlsbad, N. Mex.
Carmel, N. Y.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Champaign, Ill.
Chanute, Kans.
Charleston, S. C.
Charleston, W. Va.
Charlo INT: INT Mullan Pass, Idaho, 089°, Missoula, Mont., 354° radials.
Charlo DME INT: Missoula, Mont., VORTAC 354° radial, 34 nautical miles from Missoula VORTAC.
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C.
Cheyenne, Wyo.
Chicago Heights, Ill.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Coalfax INT: INT Johnstown, Pa., 093°, St. Thomas, Pa., 358° radials.
Cochise, Ariz.
Cofield, N. C.
Columbia, Mo.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N. H.
Cooksburg, Pa. INT: INT Clarion, Pa., 044° and Franklin, Pa. 099° radials.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Cut Bank, Mont.
Dalhart, Tex.
Dallas, Tex.
Danville, Ill.
Daytona Beach, Fla.
Dayton, Ohio
Decatur, Ill.
DeLancey, N. Y.
Delta, Utah.
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Doby INT: INT Wells, Nev., 256°, Elko, Nev., 338° radials.
Dogwood, Mo.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Dublin, Ga.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Eagle Lake, Tex.
Eau Claire, Wis.
Edgerton INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials.
El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.

Ellensburg, Wash.
Elmira, N. Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Evansville, Ind.
Fairfield, Utah 5/28/70 35 F. R. 6491 (Added)
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: INT of Kessel, W. Va. 038°, Martinsburg, W. Va., 297° radials.
Florence, S. C.
Fort Bridger, Wyo.
Fort Dodge, Iowa
Fort Jones, Calif.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif.
Front Royal, Va.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials.
Garrison INT: INT Drummond, Mont., 092°, Butte, Mont., 002° radials.
Gaviota, Calif.
Gila Bend, Ariz.
Gill, Colo.
Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind.
Graham, Tenn.
Grand Island, Nebr.
Grand Junction, Colo.
Grand Rapids, Minn.
Grantsburg, Wis.
Grantsville, Md.
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville, Fla.
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.
Hallsville, Mo.
Hamilton, Ala.
Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 256° radials.
Hanksville, Utah
Harcum, Va.
Harris, Ga., VORTAC
Harrisburg, Pa.
Harrison, Ark.
Hartford, Conn.
Hattiesburg, Miss.
Hayes Center, Nebr.
Hays, Kansas
Hazen, Nev.

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Hector, Calif.
Helena, Mont.
Herndon, Va.
Hickory, N. C.
Hidden Hills INT: INT Las Vegas, Nev., 266°, Beatty, Nev., 142° radials.
Hill City, Kans.
Hinch Mountain, Tenn. 4/30/70 35 F. R. 4256 (Added)
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Hot Springs, Ark.
Houghton, Mich.
Houlton, Maine
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans.
Ilwaco INT: INT Astoria, Oreg., 309° and Hoquiam, Wash., 182° radials.
Imperial, Calif.
Indianapolis, Ind.
International Falls, Minn.
Jacks Creek, Tenn.
Jackson, Mich.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Julian, Calif.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Key West, Fla., RBN
Kingston, N. Y.
Kinston, N. C.
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kokomo, Ind.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Henry, Pa.
Lake Hughes, Calif.
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: INT Salem, Mich., 273°, Lansing, Mich., 159° radials.
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.
Liberal, Kans.
Liberty, N. C.
Linden, Calif.
Linden, Va.
Litchfield, Mich.
Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.

Lone Rock, Wis.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah
Lufkin, Tex.
Lynchburg, Va.
Macon, Ga.
Malad City, Idaho
Malden, Mo.
Mansfield, Ohio
Maples, Mo.
Marianna, Fla.
Marion, Ill.
Martinsburg, W. Va.
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McCall, Idaho
McComb, Miss.
McCook, Nebr.
Medford, Oreg.
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine
Millston INT: INT Eau Claire, Wis., 134° and Nodine, Minn., 055° radials.
Milton, Pa.
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Modena, Pa.
Moline, Ill.
Monroe, La.
Monroeville, Ala.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mullan Pass, Idaho
Muncie, Ind.
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Nabb, Ind.
Nantucket, Mass.
Naperville, Ill.
Nashville, Tenn.
Needles, Calif.
Neola, Iowa
Neosho, Mo.
Newcombe, Ky.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norris INT: INT Modena, Pa., 250°, Lancaster, Pa., 178° radials.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.
Oceanside, Calif.
Ogden, Utah
Oklahoma City, Okla.
Omaha, Nebr.

O'Neill, Nebr.
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Oswego, Kans.
Ottumwa, Iowa
Paducah, Ky.
Pahokee, Fla.
Palacios, Tex.
Palm Beach, Fla.
Palmdale, Calif.
Palm Springs, Calif.
Parker, Calif.
Parkersburg, W. Va.
Paso Robles, Calif.
Patuxent, Md.
Pawling, N. Y.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pecos, Tex.
Pellston, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.
Pioneer INT: INT Ft. Wayne, Ind., 039°, Waterville, Ohio, 288° radials.
Plainview, Tex.
Plattsburg, N. Y.
Pocatello, Idaho
Point Reyes, Calif.
Polo, Ill.
Pomona, Calif.
Ponca City, Okla.
Pontiac, Ill.
Porterville, Calif.
Portland, Fla. RBN
Portland, Oreg.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.
Princeton, Maine
Providence, R. I.
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa.
Raymond, Nebr.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Rex, Ga.
Rhinelander, Wis.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.
Rock Springs, Wyo.
Rocky Mount, N. C.
Rome, Oreg.
Rosewood, Ohio
Roswell, N. Mex.
Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.

Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.
Salt Lake City, Utah
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif.
Santa Fe, N. Mex.
Saufley, Fla.
Sault Ste. Marie, Mich.
Savannah, Ga.
Saybrook INT: INT Carmel, N. Y., 093°, Riverhead, N. Y., 046° radials.
Sayre, Okla.
Scipio INT: INT Syracuse, N. Y., 210° and Georgetown, N. Y., 273° radials.
Scottsbluff, Nebr.
Sea Isle, N. J.
Seal Beach, Calif.
Seattle, Wash.
Selinsgrove, Pa.
Shelbyville, Ind.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Snow Hill, Md.
Sod House, Nev.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials.
Stansbury INT: INT Salt Lake City, Utah, 265°, Ogden Utah, 212° radials.
Stevens Point, Wis.
Stockton, Calif.
Sugarloaf Mountain, N. C. 4/30/70 35 F. R. 4257 (Added)
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio
Tobe, Colo.
Topeka, Kans.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Tuscola, Tex.
Tuskegee, Ala.
Twenty-Nine Palms, Calif.
Twin Falls, Nev.
Tyrone, Pa.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.
Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa

Wausau, Wis.
Waycross, Ga.
White Cloud, Mich.
Whitehall, Mont.
White Lake, La.
Whitesburg, Ky.
Wichita, Kans.
Wichita Falls, Tex.
Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N. C.
Wink, Texas
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Yakima, Wash.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

§ 71.207 Domestic High Altitude Reporting Points.

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Bangor, Maine
Battle Mountain, Nev.
Beckley, W. Va.
Bellaire, Ohio
Billings, Mont.
Birmingham, Ala.
Biscayne Bay, Fla.
Blythe, Calif.
Boise, Idaho
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Butler, Mo.
Carleton, Mich.
Casanova, Va.
Chardon, Ohio — 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465 Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. 6/25/70 35 F.R. 7051
Charleston, S. C.
Charleston, W. Va.
Cleveland, Ohio
Coaldale, Nev.
Columbia, S. C.
Coyle, N. J
Crazy Woman, Wyo.
Crestview, Fla.
Croaker INT: INT Norfolk, Va., 088° and Sea Isle, N. J., 146° radials.
Croaker DME INT: Norfolk, Va., VORTAC 088° radial, 154 nautical miles from Norfolk VORTAC.
Davey INT: INT Yarmouth, Nova Scotia, 230° and Bangor, Maine 152° radials.
Daytona Beach, Fla.

Delta, Utah
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dove Creek, Colo.
Dubois, Idaho
Duluth, Minn.
Dunkirk, N. Y. — 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465 Eff. date changed to: Upon further notice 35 F. R. 6274; Eff: 6/25/70 35 F. R. 7051
Dupree, S. Dak.
El Paso, Tex.
Evansville, Ind.
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fort Stockton, Tex.
Flat Rock, Va.
Flint, Mich. — 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465 Eff. date changed to: Upon further notice 35 F. R. 6274; Eff: 6/25/70 35 F. R. 7051
Florence, S. C.
Fresno, Calif.
Front Royal, Va.
Gainesville, Fla.
Garden City, Kans.
Gila Bend, Ariz.
Goodland, Kansas
Gordonsville, Va.
Grand Junction, Colo.
Great Falls, Mont.
Greater Southwest, Tex.
Green Bay, Wis.
Greensboro, N. C.
Greenwood, Miss.
Hancock, N. Y.
Harrisburg, Pa.
Hector, Calif.
Herndon, Va.
Hill City, Kans.
Houston, Tex.
Indianapolis, Ind.
Iowa City, Iowa
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Y.
Joliet, Ill.
Kansas City, Mo.
Keating, Pa. — 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465 Eff. date changed to: Upon further notice 35 F. R. 6274; Eff: 6/25/70 35 F. R. 7051
Kennedy, N. Y.
Key West, Fla.
Knoxville, Tenn.
Lake Charles, La.
Lakeview, Oreg.
Laredo, Tex.
Las Vegas, N. Mex.
Lewistown, Mont.
Lincoln, Nebr.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Lufkin, Tex.
Malad City, Idaho
Mason City, Iowa
Massena, N. Y.
Meeker, Colo.
McCall, Idaho
McComb, Miss.
Medford, Oreg.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Milford, Utah
Millinocket, Maine
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.

Mobile, Ala.
Montgomery, Ala.
Mullan Pass, Idaho
Nantucket, Mass.
Nashville, Tenn.
New Orleans, La.
Nodine, Minn.
Norfolk, Va.
Northbrook, Ill.
Oakland, Calif.
Oklahoma City, Okla.
O'Neill, Nebr.
Orlando, Fla.
Palm Beach, Fla.
Palmdale, Calif.
Parker, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Peck, Mich. 4/2/70 35 F. R. 2769 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff: 6/25/70 35 F. R. 7051
Pembina, N. Dak.
Pendleton, Oreg.
Philipsburg, Pa.
Phoenix, Ariz.
Plattsburgh, N. Y.
Presque Isle, Maine
Pueblo, Colo.
Pulaski, Va.
Putnam, Conn.
Raleigh-Durham, N. C.
Ramey AFB, P. R., RBN
Rapid City, S. Dak.
Red Bluff, Calif.
Reno, Nev.
Richmond, Va.
Robbinsville, N. J.
Rock Springs, Wyo.
Rome, Oreg.
Roswell, N. Mex.
Rosewood, Ohio
Sacramento, Calif.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salt Lake City, Utah
San Angelo, Tex.
San Antonio, Tex.
San Diego, Calif.
San Juan, P. R. RBN
San Simon, Ariz.
Sault Ste. Marie, Mich.
Savannah, Ga.
Scottsbluff, Nebr.
Seattle, Wash.
Shreveport, La.
Sidney, Nebr.
Sioux Falls, S. Dak.
South Bend, Ind. 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. 6/25/70 35 F. R. 7051
Sparta, N. J. 4/2/70 35 F. R. 6 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. 6/25/70 35 F. R. 7051
Spartanburg, S. C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
Tuba City, Ariz.
Tucson, Ariz.
Tulsa, Okla.
Tuna DME INT: Kennedy, N. Y., VORTAC 143° radial, 128 nautical miles from Kennedy VORTAC.
Vero Beach, Fla.
Waco, Tex.
Walnut Ridge, Ark.
Westminster, Md.
Whitehall, Mont.

Wichita, Kans.
Wilmington, N. C.
Wilson, Nev.
Wink, Tex.
Wolbach, Nebr.
Yuma, Ariz.

§ 71.209 **Other domestic reporting points.**
The reporting points listed below are designated at all altitudes.

Alaska INT: INT Ponce, P. R., 181°, St. Croix, P. R., 243° radials.

Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN, at latitude 27°22' N., longitude 95°14' W.

Azalea INT: INT Charleston, S. C., 109°, Wilmington, N. C., 189° radials.

Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N. C., RBN, 110° bearing Charleston, S. C., RBN.

Balboa INT: INT 219° bearing Marathon, Fla. RBN, with latitude 24°00'00" N.

Barracuda INT: INT 055° bearing Melbourne, Fla., RBN, 008° bearing Bimini, Bahamas, RBN.

Bass INT: INT 133° bearing Weeksville, N. C., (Navy) RBN, W boundary New York Oceanic Control Area, at latitude 34°26' N., longitude 73°51' W.

Bimini, Bahamas, RBN.

Bonita INT: INT 208° bearing New Orleans, La., RBN and 109° bearing Galveston, Texas, RBN, at latitude 28°15" N., longitude 91°27" W.

Brim INT: INT 227° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN at latitude 28°15" N., longitude 91°13' W.

Carp INT: INT direct line between Carolina Beach (Wilmington), N. C., RBN, Nassau, British West Indies, RBN, 090° bearing Jacksonville, Fla., RBN.

Catfish INT: INT 220° Grand Isle, La., RBN, 106° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°58' W.

Cod INT: INT of Nantucket, Mass., CONSOLAN 089° True bearing and the W boundary of New York Oceanic Control Area at latitude 41°16'50" N., longitude 68°00'00" W.

Crab INT: INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials.

Crab INT: INT 188° bearing Tallahassee, Fla., RBN, 284° bearing Egmont Key, Fla., RBN.

Croaker INT: INT of 073° bearing Weeksville, N. C., RBN, and the west boundary of New York Oceanic Control Area at latitude 36°57'20" N., longitude 73°00'00" W.
AMENDMENTS 5/26/70 35 F. R. 8212 (Changed)

Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 102° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°02' W.

Ear Shell INT: INT 140° bearing Galveston, Tex., RBN, 254° bearing Grand Isle, La., RBN, at latitude 28°15' N., longitude 93°56' W.

Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN, at latitude 28°15' N., longitude 89°34' W.

Florida INT: INT 149° bearing San Juan, P. R., RBN, St. Croix, P. R., 220° radial.

Gateway INT: INT 090° bearing Jacksonville, Fla., RBN, 188° bearing Wilmington (Carolina Beach), N. C., RBN.

Gateway Cedar INT: INT Hoquiam, Wash., 232° radial, E boundary Oakland Oceanic Control Area at latitude 45°30'35" N., longitude 126°43'10" W.

Gateway Hemlock INT: INT Newport, Oreg., 237° radial, E boundary Oakland Oceanic Control Area at Lat. 43° 19'20" N., Long. 126°40'45" W.

Gateway Pine INT: INT San Luis Obispo, Calif., 242° radial, east boundary Oakland Oceanic Control Area at latitude 34°12'42" N., longitude 123°03'20" W. 2/5/70 34 F. R. 19464 (Added)

Haddock INT: INT rhumb line Nantucket, Mass., consolan station (monitor site) to Kindley AFB, Bermuda, RBN, W boundary New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°14'30" W.

Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing Palm Beach, Fla., RBN.

Hawaii INT: INT Ramey AFB, P. R., 195°, Ponce, P. R., 235° radials.

Herring INT: INT Nantucket, Mass., 066° radial with longitude 67°47'30" W. (latitude 42°00'30" N., longitude 67°47'30" W.).

Idaho INT: INT Ramey AFB, P. R., 326° radials, Mona Island, P. R., RBN 012° bearing.

Ohio INT: INT Ramey AFB, P. R., 013°, San Juan, P. R., 333° radials.

Perch INT: INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials.
AMENDMENTS 1/7/71 35 F. R. 17031 (Changed)

Ramey AFB, P. R.

San Juan, P. R.

Sea Lion INT: INT 205° bearing Key West, Fla., RBN with latitude 24°00'00" N.

Shad INT: INT of Millville, N. J., RBN 135° bearing and west boundary New York Oceanic Control area at latitude 37°43' N., longitude 73°00' W.

Shad INT: INT of Sea Isle, N. J., 134° and Norfolk, Va., 071° radials.

Shad DME INT: Sea Isle, N. J., VORTAC 134° radial, 118 nautical miles from Sea Isle VORTAC.

Smelt INT: INT 110° bearing Charleston, S. C., RBN, W boundary New York Oceanic control area at latitude 31°58' N., longitude 77°00' W.

Tadpole INT: INT 187° bearing Marathon, Fla., RBN, with latitude 24°00'00" N.

Trout INT: INT 090° bearing Jacksonville, Fla., RBN, W boundary New York Oceanic Control area, at latitude 30°23' N., longitude 77°00" W.
PENDING AMENDMENT
Trout INT is amended by deleting "30°23'N., " and substituting "30°21' N.," therefor.
AMENDMENTS 12/10/70 35 F.R. 13363 (Changed) Corr: 35 F.R. 18039 Effective date changed to 3/4/71

Tuna INT: INT 137° bearing Newark, N. J., RBN, W boundary New York Oceanic Control Area, at latitude 38°55' N., longitude 72°07' W.

Utah INT: INT San Juan, P.R., 314°, Ramey, P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W. is added.

Vermont INT: INT Ramey, P. R., 027°, San Juan, P. R., 351° radials.

Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN, at latitude 28°14' N., longitude 88°51' W.

§ 71.211 **Alaskan low altitude reporting points.**

The reporting points listed below are designated up to but not including 18,000 feet MSL.

Adak, Alaska, RBN
Anchorage, Alaska
Anchorage, Alaska, RR
Aniak, Alaska, RBN
Annette Island, Alaska
Annette Island, Alaska, RR
Anvil INT: INT 006° bearing Kirilof Wharf, Alaska, RBN, 282° bearing Adak, Alaska, RBN.
AMENDMENTS 1/8/70 34 F. R. 17510 (Changed); Corr: 34 F.R. 19649
Bear Creek, Alaska, RBN 3/12/70 35 F. R. 4397 (Added)
Bethel, Alaska
Bethel, Alaska, RBN
Bettles, Alaska
Bettles, Alaska, RR
Big Delta, Alaska
Big Delta, Alaska, RR
Big Lake, Alaska
Big Mountain, Alaska, RBN
Biorka Island, Alaska
Cape Sarichef, Alaska, RBN.
Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Sitka, Alaska, RR.
Chandalar, Alaska, RBN.
Clam Gulch INT: Homer, Alaska, 294° Kenai, Alaska, 216° radials.
Coghlan Island, Alaska, RBN
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Deadhorse, Alaska, RBN. 8/20/70 35 F. R. 10655 (Added)
Dillingham, Alaska
East Cordova INT: INT E course Hinchinbrook, Alaska, RR, SE course Cordova, Alaska, RR.
Fairbanks, Alaska
Fairbanks, Alaska, RR
Farewell, Alaska, RR
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Fort Yukon, Alaska, RBN
Galena, Alaska
Galena, Alaska, RBN
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Granite INT: INT 118° bearing Homer, Alaska, RR, NW boundary Anchorage Oceanic Control Area, at latitude 58°43' N., longitude 148°14' W.
Gulkana, Alaska
Gulkana, Alaska, RR
Gustavus, Alaska, RR
Haines, Alaska, RBN
Halibut INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska,
Harbor Point INT: INT 273° bearing Cape Spencer, Alaska, RBN, southeast course Yakutat, Alaska, RR.
AMENDMENTS 9/17/70 35 F. R. 12198 (Added)
Hazy Island INT: INT 127° bearing Sitka, Alaska, RR, southwest course Petersburg, Alaska, RR.
AMENDMENTS 9/17/70 35 F. R. 12198 (Added)
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
Iliamna, Alaska, RBN
Johnstone Point, Alaska
Kenai, Alaska
Kenai, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kirilof Wharf, Alaska, RBN. 1/8/70 34 F. R. 17510 (Added)
Kodiak, Alaska
Kodiak, Alaska, RR
Kotzebue, Alaska
Kotzebue, Alaska, RBN
Level Island, Alaska
Marble INT: INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
Marlin INT: INT 041° bearing Cold Bay, Alaska, RR, 313° bearing Port Moller, Alaska, RBN.
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR

Mordvinoff INT: INT 255° bearing Cold Bay, Alaska, RR, 344° bearing Cape Sarichef, Alaska, RBN.
Moses Point, Alaska
Moses Point, Alaska, RR
Muzon INT: Annette Island, Alaska 236°, and Sandspit, British Columbia, Canada, 331° radials.
Muzon LF INT: INT 331° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska, RR.

AMENDMENTS 9/17/70 35 F. R. 12198 (Added)

Nenabank INT: INT west course Fairbanks, Alaska, RR, northwest course Nenana, Alaska, RR.
Nenana, Alaska
Nenana, Alaska, RR
Nikolski, Alaska, RBN.
Nome, Alaska
Nome, Alaska, RR
Northway, Alaska
Northway, Alaska, RR
Petersburg, Alaska, RR
Porpoise INT: INT 122° bearing Middleton Island, Alaska, RBN, southwest course Yakutat, Alaska, RR.
Port Alexander INT: INT 148° bearing Sitka, Alaska, RR, southwest course Petersburg, Alaska, RR.

AMENDMENTS 9/17/70 35 F. R. 12198 (Rewritten)

Puntilla Lake, Alaska, RBN
Sagwon, Alaska, RBN
Shemya, Alaska, RBN
Shrimp INT: INT 122° bearing Middleton Island, Alaska, RBN southwest course Gustavus, Alaska, RR.
Sisters Island, Alaska
Sisters Island, Alaska, RBN
Sitka, Alaska, RR
Skilak INT: INT Anchorage, Alaska, 198°, Homer, Alaska 027° radials.
Skwentna, Alaska, RR
Sparrevohn, Alaska, RBN.
Summit, Alaska, RR
Talkeetna, Alaska, RBN
Tanana, Alaska
Umiat, Alaska, RBN
Unalakleet, Alaska
Unalakleet, Alaska, RR
Wide Bay INT: INT 164° bearing King Salmon, Alaks, RR, 074° bearing Port Heiden, Alaska, RBN.
Yakutat, Alaska
Yakutat, Alaska, RR

§ 71.213 **Alaskan high altitude reporting points.**
The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, RBN
Anchorage, Alaska
Annette Island, Alaska
Anvil INT: INT 006° bearing Kirilof Wharf, Alaska, RBN, 282° bearing Adak, Alaska, RBN.

AMENDMENTS 1/8/70 34 F. R. 17510 (Changed); Corr: 34 F.R. 19649

Bethel, Alaska
Bettles, Alaska 4/2/70 35 F. R. 2583 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Big Lake, Alaska
Biorka Island, Alaska
Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, Biorka Island, Alaska, 207° radial.
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, RR, 314° bearing Port Heiden, Alaska RBN.
Deadhorse, Alaska, RBN. 8/20/70 35 F. R. 10655 (Added)
Dillingham, Alaska
Fairbanks, Alaska
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Galena, Alaska
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Gulkana, Alaska.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Johnstone Point, Alaska
King Fish INT: INT Yakutat, Alaska, 213° radial and Hinchinbrook, Alaska, 118° bearing (lat. 58°45'N., long. 140°35' W.).
King Salmon, Alaska.
Kodiak, Alaska
Kotzebue, Alaska
Marble INT: INT of Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
McGrath, Alaska
Middleton Island, Alaska
Nenana, Alaska 4/2/70 35 F. R. 2583 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Nikolski, Alaska, RBN.
Nome, Alaska

Northway, Alaska
Point Barrow, Alaska, RBN (PBA) 4/2/70 35 F. R. 2583 (Added); Eff. date changed 4/30/70 35 F. R. 5465
Porpoise INT: INT 122° bearing Middleton Island, Alaska, RBN, Yakutat, Alaska, 215° radial.
Prudhoe Bay, Alaska, RBN.
Sagwon, Alaska, RBN.
Saint Paul, Alaska, RBN.
Sisters Island, Alaska
Unalakleet, Alaska
Yakutat, Alaska.
Yakutat, Alaska, RR.

§ 71.215 **Hawaiian reporting points.**
The reporting points listed below are designated at all altitudes.

Bait INT: INT Hilo, Hawaii, 078° radial and the Honolulu FIR Oceanic CTA at lat. 20°00'42" N., long. 153° 33'16" W.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

Breakers INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials.

Cod INT: INT Hilo, Hawaii, 356° radial and the Honolulu FIR/Oceanic CTA at lat. 21°26'17" N., long. 155° 08'30" W.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

Cuttle INT: INT Upolu Point, Hawaii, 093° radial and the Honolulu FIR/Oceanic CTA at lat. 20°04'48" N., long. 153°37'46" W.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

Dogwood INT: INT South Kauai, Hawaii, 271° radial, with longitude 161°20'00" W, at latitude 21°56'00" N.

Eel INT: INT Hilo, Hawaii, 099° radial and the Honolulu FIR/Oceanic CTA at lat. 19°27'35" N., long. 153° 18'22" W.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

Firepit INT: INT Honolulu, Hawaii, 134° and Upolu Point 277° radials.

Frog INT: INT Molokai, Hawaii, 015° radial and the Honolulu FIR/Oceanic CTA at lat. 22°46'16" N., long. 156°41'58" W.

AMENDMENTS 1/7/71 35 F. R. 16468 (Added)

Hilo, Hawaii

Honolulu, Hawaii

Lanai, Hawaii

Lihue, Hawaii

Lobster INT: INT Maui, Hawaii, 086° radial and the Honolulu FIR/Oceanic CTA at lat. 21°00'34" N., long. 154°39'36" W.

AMENDMENTS 1/7/71 35 F. R. 16468 (Rewritten)

Makai INT: INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials.

Maui, Hawaii

Molokai, Hawaii

Palmtree INT: INT Honolulu, Hawaii, 119° and Molokai, Hawaii, 262° radials.

Paradise INT: INT Hilo, Hawaii, 336°, Upolu Point, Hawaii 093° radials.

AMENDMENTS 1/7/71 35 F. R. 16468 (Changed)

Shark INT: INT of Koko Head, Hawaii, 050° Upolu Point, Hawaii, 355° radials, at latitude 22°31' N., longitude 156°05' W.

Snapper INT: INT Maui, Hawaii, 331° and Molokai, Hawaii, 091° radials.

South Honolulu INT; INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials, at latitude 19°43' N., longitude 158°00' W.

South Kauai, Hawaii

South Port Allen INT: INT Koko Head, Hawaii 254°, Lihue, Hawaii, 186° radials, at latitude 20°46' N., longitude 159°29' W.

Sunrise INT: INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials, at latitude 22°06' N., longitude 155°46' W.

Swordfish INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials, at latitude 21°18' N., longitude 159°32' W.

Tuna INT: INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials, at latitude 21°47' N., longitude 155°32' W.

Upolu, Hawaii

Vanda INT: INT South Kauai, Hawaii, 288° radial, with Long. 161°15'00" W, at latitude 22°24'00" N.

SUBPART K - TERMINAL CONTROL AREAS

§71.401 **Designation.**
The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(a) Group I, Terminal Control Areas:

Atlanta, Ga., Terminal Control Area

Primary Airport.
1. Atlanta Airport (latitude 33°38'42" N., longitude 84°25'37" W.).
Boundaries. That airspace up to and including 8,000 feet MSL -

1. Area A. That airspace extending upward from the surface within a 7-mile radius of Atlanta Airport, and within 2 statute miles each side of the 268° radial of Rex VOR extending from the 7-mile radius to Rex VOR; excluding the Fulton County control zone and the airspace from 4,200 feet MSL to 6,000 feet MSL between the 179° radial of Fulton County VOR and a line 3 miles east of and parallel to the centerline of V-97;

2. Area B. That airspace extending upward from 2,500 feet MSL within the area on the east bounded by Area A, a line 4 miles north of and parallel to the extended centerline of runway 27R, a 12-mile arc of Atlanta Airport, and a line 3 miles east of and parallel to the centerline of V-97; and within the area on the west bounded by Area A, a line 4 miles south of and parallel to the extended centerline of Runway 9R, a 12-mile arc of Atlanta Airport, and a line 4 miles north of and parallel to the extended centerline of Runway 9L; excluding the Fulton County Control Zone;

3. Area C. That airspace extending upward from 3,500 feet MSL within the area on the east bounded by Area A, Area B, a line 1 mile south of and parallel to the 091° radial of Fulton County VOR, a 20-mile arc of Atlanta Airport, and a line 3 miles east of and parallel to the centerline of V-97; and within the area on the west bounded by Area A, Area B, a line 1 mile south of and parallel to the 271° and 091° radials of Fulton County VOR, a 20-mile arc of Atlanta Airport, a line 2 miles north of and parallel to the centerline of V-20 north, and the 179° radial of Fulton County VOR;

4. Area D. That airspace extending upward from 6,000 feet MSL within the area on the south bounded by Area A, Area B, and Area C and a 20-mile arc of Atlanta Airport; and the area on the north bounded by Area A, Area C, and a 20-mile arc of Atlanta Airport, excluding that area described as the Dobbins AFB control zone and the area north of the 260° radial of Norcross VOR east of the Dobbins AFB control zone.

AMENDMENTS 6/25/70 35 F. R. 7784 (Added); Corr: 35 F. R. 12836

AMENDMENT
Atlanta, Ga., Terminal Control Area

Primary Airport
Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.)

Area A. That airspace extending upward from the surface to 8,000 feet MSL within a 7-mile radius of the Atlanta Airport including that area within lines drawn 2 statute miles each side of the 268° radial of the Rex VOR extending from the 7-mile radius circle to the Rex VOR, excluding the Fulton County control zone and excluding the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area B. That airspace extending upward from 2,500 feet MSL to 8,000 feet MSL within a 12-mile radius of the Atlanta Airport, excluding Area A, the Fulton County control zone, and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area C. That airspace extending upward from 3,500 feet MSL to 8,000 feet MSL within a 20-mile radius of the Atlanta Airport, excluding Area A, Area B and the airspace north of a line 1 mile south of and parallel to the 271° and 091° radials of the Fulton County VOR.

Area D. That airspace extending upward from 6,000 feet MSL to 8,000 feet MSL north of the Atlanta Airport bounded on the east by a 20-mile radius arc from the Atlanta Airport, on the south by a line 1 mile south of and parallel to the 271° and 091° radials of Fulton County VOR, on the west by a 20-mile radius arc from the Atlanta Airport, and on the north by the southern boundary of the area described as the Dobbins AFB control zone and the 260° radial of Norcross VOR east of the Dobbins AFB control zone.

AMENDMENTS 2/4/71 35 F. R. 19103 (Rewritten)

Chicago, Ill., Terminal Control Area

Primary Airport
1. Chicago-O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'28" W.)
Boundaries. That airspace up to and including 7,000 feet MSL -

1. Area A. That airspace extending upward from the surface within the Chicago, Ill. (O'Hare International Airport), control zone, including that airspace within 2 miles northwest of the centerline of Runway 4 extended and 2 miles southeast of the centerline of the proposed Runway 4R extended, extending from the 5-mile radius control zone to 2 miles southwest of the Pine Outer Marker.

2. Area B. That airspace extending upward from 1,900 feet MSL within a 10.5-mile radius arc of Chicago O'Hare International Airport, excluding Area A and that area bounded on the southeast by a line 2 miles northwest of and parallel to the centerline extended of Runway 22, on the south and southwest by the southwest boundary of Glenview, Ill., control zone, on the north by a 10.5-mile radius arc of the Chicago-O'Hare International Airport, and
excluding Area E described hereinafter.

3. Area C. That airspace extending upward from 3,000 feet MSL within a 20-mile radius arc of Chicago-O'Hare International Airport, excluding Areas A and B, previously described, Areas D and E, described hereinafter, and that airspace within a 1.5-mile radius of Clow Airport (latitude 41°41'40" N., longitude 88°07'38" W.).

4. Area D. That airspace extending upward from 4,000 feet MSL north of Chicago bounded on the south by the 093° and 274° radials of the Northbrook VOR, on the west by a line 3 miles northeast of and parallel to the centerline extended of Runway 14L, and on the north by the 20-mile radius arc of the Chicago-O'Hare International Airport. That area southeast of Chicago between the 10.5-mile and 20-mile radius arcs of the Chicago-O'Hare International Airport and bounded
on the north by a line 3 miles south of and parallel to the extended centerline of Runway 27R, and on the southwest by a line 3 miles northeast of and parallel to the extended centerline of Runway 32R.

5. Area E. That airspace northeast of Chicago extending upward from 2,500 feet MSL bounded on the northeast by a 10.5-mile radius arc of Chicago-O'Hare International Airport, on the south by the extended-center-line of Runway 9/27 at NAS Glenview and on the northwest by a line 2 miles northwest of and parallel to the extended centerline of Runway 22 at Chicago-O'Hare International Airport.

AMENDMENTS 7/23/70 35 F. R. 8880 (Added); Corr: 35 F. R. 10202; Eff. date changed: 8/20/70 35 F.R. 11231

Washington, D. C., Terminal Control Area

Primary Airports
1. Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.).
2. Andrews AFB (latitude 38°48'40" N., longitude 76°52'05" W.).
Boundaries: That airspace up to and including 8,000 feet MSL -

1. Area A. That airspace extending upward from the surface to and including 3,000 feet MSL and that airspace extending
upward from 5,000 feet MSL within a 5-mile radius of the Washington, D. C., VOR and within a 5-mile radius of the Andrews, Md., VORTAC, including that airspace within 2 miles each side of the Washington National Airport ILS localizer south course extending from the 5-mile radius circle of the Washington VORTAC to the Washington National ILS outer marker, and including the additional airspace within a 7-mile radius of the Washington VOR
bounded on the north by a line running through the point of intersection of a 7-mile radius arc from the Washington VOR and the Herndon VOR 126° radial and lat. 38°51'00" N., long. 77°06'10" W., and on the south by the Washington VOR 203° radial; and
including the additional airspace within a 7-mile radius of the Andrews VORTAC, bounded on the north by the Andrews VORTAC 060° radial and on the southwest by a line 3 miles east of and parallel to the Andrews VORTAC 180° radial, excluding the airspace bounded on the north by latitude 38°45'50" N., on the east by longitude 76°54'25" W. and on the southwest by an arc 5 miles in radius from the Andrews VORTAC; and excluding that airspace below 1,500 feet MSL between arcs 5 miles and 7 miles in radius from the Andrews VORTAC bounded on the north by the Andrews VORTAC 060° radial and on the southwest by a line 3 miles east of and parallel to the Andrews VORTAC 180° radial; and that airspace bounded by a line beginning at latitude 38°50'20" N., longitude 77°05'40" W.; to latitude 38°47'26" N., longitude 77°09'15" W.; thence along an arc 7 miles in radius from the Washington VOR to the Herndon VOR 126° radial, thence to lat. 38°51'00" N., long. 77°06'10" W.; thence to the point of beginning; and excluding Prohibited Area P-56.

2. Area B. That airspace extending upward from 1,500 feet MSL north of Andrews AFB bounded on the southeast by the Andrews VORTAC 060° radial, on the south by Area "A", on the west by the Washington VOR 043° radial and a line 2 miles west of and parallel to the Andrews VORTAC 360° radial, and on the north by a 10-mile radius arc from the Andrews VORTAC. That area south of Washington bounded on the north by Area A, on the east by a line 3 miles east of and parallel to the Andrews VORTAC 180° radial, on the south by a line passing through geographic points latitude 38°39'10" N., longitude 76°47'45" W.; and latitude 38°41'25" N., longitude 77°07'20" W.; and on the west by the Washington VOR 203° radial. That area northwest of Washington bounded on the east by the Washington VOR 351° radial, on the southeast by Area "A", on the southwest by the Herndon VORTAC 126° radial, and on the northwest by a 10-mile radius arc from the Washington VOR.

3. Area C. That airspace extending upward from 2,500 feet MSL south of Washington bounded on the north by Area B, on the east by a line 3 miles east of and parallel to the Andrews VORTAC 180° radial, on the south by a line passing through geographic points latitude 38°33'50" N., longitude 76°47'30" W.; and latitude 38°36'30" N., longitude 77°09'45" W.; and on the west by the Washington VOR 203° radial. That area northwest of Washington bounded on the east by the Washington VOR 351° radial, on the southeast by a 10-mile radius arc from the Washington VOR, on the southwest by the Herndon VORTAC 126° radial and on the northwest by a 15-mile radius arc from the Washington VOR. That area north of Andrews AFB bounded on the southeast by the Andrews VORTAC 060° radial, on the south by a 10-mile radius arc from the Andrews VORTAC, and on the west by a line extending 2 miles west of and parallel to the Andrews VORTAC 360° radial, and on the northeast by a 15-mile radius arc from the Andrews VORTAC.

4. Area D. That airspace extending upward from 4,000 feet MSL south of Washington bounded on the north by Area C, on the east by a line 3 miles east of and parallel to the Andrews VORTAC 180° radial, on the south by a 20-mile radius arc from the Andrews VORTAC and a 20-mile radius arc from the Washington VOR, and on the west by the Washington VOR 203° radial. That area northwest of Washington bounded on the east by the Washington VOR 351° radial, on the southeast by a 15-mile radius arc from the Washington VOR, on the southwest by the Herndon VORTAC 126° radial, and on the northwest by a 20-mile radius arc from Washington VOR. That area north of Andrews AFB bounded on the southeast by the Andrews VORTAC 060° radial, on the southwest by a 15-mile radius arc from Andrews VORTAC, on the west by a line 2 miles west of and parallel to the Andrews VORTAC 360° radial, and on the northeast by a 20-mile radius arc from the Washington VOR and a 20-mile radius arc from the Andrews VORTAC.

5. Area E. That airspace extending upward from 5,000 feet MSL southeast of Andrews AFB bounded on the southeast by a 20-mile radius arc from the Andrews VORTAC, on the west by a line 3 miles E of and parallel to the Andrews VORTAC 180° radial, and a 7-mile radius
arc from the Andrews VORTAC, and on the northwest by the Andrews VORTAC 060° radial. That area southwest of Washington bounded on the southeast by the Washington VOR 203° radial, on the southwest by a 20-mile radius arc from the Washington VOR, on the northeast by the Herndon VORTAC 126° radial and a 7-mile radius arc from the Washington VOR. That area north of Washington bounded on the east by a line 2 miles west of and parallel to the Andrews VORTAC 360° radial and the Washington VOR 043° radial, on the south by a 5-mile radius arc from the Washington VOR, on the west by the Washington VOR 351° radial, and on the north by a 20-mile radius arc from the Washington VOR.

AMENDMENTS 7/23/70 35 F. R. 8738 (Added); Corr; 35 F. R. 10202; Eff. date changed: 8/20/70 35 F.R. 11231
Corr: 35 F. R. 13363
Suspended Indefinitely 8/25/70 35 F. R. 13513

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

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73.1 Applicability.
73.3 Special use airspace.
73.5 Bearings; radials; miles.

SUBPART B -- RESTRICTED AREAS

73.11 Applicability.
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73.40 Maryland.
73.41 Massachusetts.
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73.44 Mississippi.
73.45 Missouri.
73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
73.58 Pennsylvania.
73.59 Rhode Island.
73.60 South Carolina.
73.61 South Dakota.
73.62 Tennessee.
73.63 Texas
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SUBPART C -- PROHIBITED AREAS

73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

73.87 P-56, District of Columbia.

Subpart A -- General

§ 73.1 Applicability.

The airspace that is described in Subpart B and Subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.
(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.
(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.
(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B -- Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of
(a) The using agency described in § 73.15; or
(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies:
(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.
(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.
(c) The using agency shall --
(1) Schedule activities within the restricted area;
(2) Authorize transit through, or flight within, the restricted area as feasible; and
(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each suing agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.

(b) In its report under this section the using agency shall --

(1) State the name and number of the restricted area as published in this part;

(2) State the period covered by the report;

(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;

(4) State the time that daily operations are normally scheduled to begin and end;

(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;

(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;

(7) State whether or not radar is used during operations;

(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;

(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;

(10) Include a chart of the area (of optional scale and design) showing --

(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and

(ii) The location of impact areas, if any;

(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;

(12) State the daily number of hours or minutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;

(13) List the altitudes normally used for daily surface to surface firing operations;

(14) Include a chart of the area (of optional scale and design) showing --

(i) The location of firing points and impact areas, if any; and

(ii) The perimeter of the firing fan for each weapon used, if any; and

(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.

(c) This section does not apply to restricted areas established for climb corridors.

Subpart C -- Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

Note: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.

§ 73.21 Alabama

R-2101 Anniston Army Depot, Ala.

Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.

Designated altitude. Surface to 5,000 feet MSL.

Time of designation. From 0700 to 1800 c.s.t., Monday through Saturday.

Using agency. Commanding Officer, Anniston Army Depot.

R-2102 Fort McClellan, Ala.

Boundaries: Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.

Designated altitudes: Subarea A, surface to and including 8,000 feet MSL. Subarea B, from 8,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.

Time of use: Continuous.

Controlling agency: Federal Aviation Administration, Atlanta ARTC Center.

Using agency: Commanding Officer, Fort McClellan, Ala.

AMENDMENTS 5/28/70 35 F. R. 6047 (Changed)

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

R-2104A Huntsville, Ala.

Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

R-2104B Huntsville, Ala.

Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.

Designated altitudes. Surface to 2,400 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

§ 73.22 Alaska

R-2202A Big Delta, Alaska

Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning, excluding that airspace within R-2202B.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.

Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

R-2202B Big Delta, Alaska
Boundaries. Beginning at latitude 64°07'30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°41'00" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska

R-2203A Eagle River, Alaska
Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2203B Eagle River, Alaska
Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174° 07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5073rd Air Base Squadron, Shemya AFB, Alaska.

R-2205A Yukon, Alaska
Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 21,000 feet MSL.
Time of Designation. Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.
AMENDMENTS 1/7/71 35 F. R. 19104 (Changed)

R-2205B Asa P. Gray Missile Range, Alaska
Boundaries. Beginning at latitude 65°22'35" N., longitude 143°31'54" W., to latitude 64°56'10" N., longitude 143°13'42" W., to latitude 64°36'50" N., longitude 146°11'15" W., to latitude 64°35'18" N., longitude 146° 11'15" W., to latitude 64°33'24" N., longitude 146°18'30" W., to latitude 64°33'25" N., longitude 146°25'00" W., to latitude 64°33'25" N., longitude 146°38'00" W., to latitude 64°36'45" N., longitude 146°50'00" W., thence clockwise via the arc of 4-nautical mile radius circle centered on: latitude 64°39'54" N., longitude 146°44'07" W., to latitude 64°43'02" N., longitude 146°50'00" W., thence to latitude 64°46'53" N., longitude 146°50'00" W., to latitude 64°55'36" N., longitude 145°48'00" W., thence to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. January 7 to March 15 annually. Activation of area for actual firing periods by Notice to Airmen.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. Commanding General U. S. Army Alaska, Fort Richardson, Alaska.
AMENDMENTS 1/7/71 35 F. R. 19104 (Added)

R-2206 Clear, Alaska
Boundaries: Beginning at latitude 64°19'46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°10'05" W ; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency: Commander 13th Missile Warning Squadron, Clear, Alaska.

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

R-2303A Fort Huachuca, Ariz.
Boundaries: Beginning at latitude 31°40'40" N., longitude 110°11'00" W.; to latitude 31°34'00" N., longitude 110°08'30" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'30" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°12'00" W.; to point of beginning.
Designated altitudes: Surface to 15,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commanding Officer, Fort Huachuca Support Command, Fort Huachuca, Ariz.

AMENDMENTS 4/2/70 35 F. R. 1221 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 5/15/70 35 F. R. 7553 (Changed)

R-2303B Fort Huachuca, Ariz.
Boundaries: Beginning at latitude 31°35'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°45'00" W.; to latitude 31°48'00" N., longitude 110°46'00" W.; to latitude 31°48'00" N., longitude 110°25'45" W.; to point of beginning.
Designated altitudes: 15,000 feet MSL to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commanding Officer, Fort Huachuca Support Command, Fort Huachuca, Ariz.

AMENDMENTS 4/2/70 35 F. R. 1221 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 5/15/70 35 F. R. 7553 (Changed)

R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation: Sunrise to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Ariz.

R-2306A Yuma West, Ariz.
Boundaries: Beginning at latitude 33°00'00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°15'00" N., longitude 114°15'00" W.; thence south along Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding officer, Yuma Proving Ground, Yuma, Ariz.

R-2306B Yuma West, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; thence south along Highway 95 to latitude 33°15'00" N., longitude 114°15'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°28'00" N., longitude 114°28'00" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2306C Yuma West, Ariz.
Boundaries: Beginning at latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°23'00" N., longitude 114°34'37" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to point of beginning.
Designated altitudes: Surface to 17,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°-21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308A Yuma East, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°17'20" W.; thence north along Highway 95 to point of beginning.
Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308B Yuma East, Ariz.
Boundaries: Beginning at latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°02'00" N., longitude 113°39'04" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 18' 32" N., longitude 94° 12' 02" W.; to latitude 35° 18' 06" N., longitude 94° 16' 04" W.; to latitude 35° 17' 15" N., longitude 94° 17' 30" W.; to latitude 35° 15' 59" N., longitude 94° 18' 33" W.; to latitude 35° 13' 36" N., longitude 94° 15' 10" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 17' 25" N., longitude 94° 12' 02" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to latitude 35° 13' 36" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 01' 29" W.; to latitude 35° 16' 56" N., longitude 94° 01' 33" W.; to latitude 35° 17' 36" N., longitude 94° 06' 00" W.; to latitude 35° 17' 09" N., longitude 94° 09' 55" W.; to point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least twenty-four (24) hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2403 Little Rock, Ark.

Boundaries. Beginning at Lat. 34°57'00" N, Long. 92°15'00" W; to Lat. 34°52'00" N, Long. 92° 15'00" W; to Lat. 34°52'00" N, Long. 92°19'30" W; to Lat. 34°57'00" N, Long. 92°19'30" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of Designation. 0700 Saturday through 1700 Sunday, c.s.t.
Controlling agency. Federal Aviation Administration, Little Rock Approach Control.
Using agency. Adjutant General, State of Arkansas, Little Rock, Arkansas.

§ 73.25 California

R-2501N Bullion Mountains North, Calif.
Boundaries. Beginning at latitude 34°43'00" N., longitude 116°26'20" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°33'30" N., longitude 116°24'00" W.; to latitude 34°30'00" N., longitude 116°26'30" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501C Bullion Mountains Central, Calif.

Boundaries. Beginning at latitude 34°33'30" N., longitude 116°24'00" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°26'30" N., longitude 116°24'30" W.; to latitude 34°30'00" N., longitude 116°26'30" W.; to point of beginning.
Designated altitudes, Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501S Bullion Mountains South, Calif.

Boundaries: Beginning at latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°28'00" N., longitude 116°09'40" W.; to latitude 34°27'30" N., longitude 116°04'10" W.; to latitude 34°18'25" N., longitude 115°58'20" W.; to latitude 34°14'00" N., longitude 115°59'00" W.; to latitude 34°14'00" N., longitude 116°17'00" W.; to latitude 34°26'30" N., longitude 116°24'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501E Bullion Mountains East, Calif.

Boundaries. Beginning at latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°59'00" W.; to latitude 34°18'25" N., longitude 115°58'20" W.; to latitude 34°27'30" N., longitude 116°04'10" W.; to latitude 34°28'00" N., longitude 116°09'40" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

AMENDMENTS 8/20/70 35 F. R. 10506 (Rewritten); Corr: 35 F. R. 11295

R-2502 Fort Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116°23'30" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to Lat. 35°37'45" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Fort Irwin, Calif.

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117°29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

R-2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117°25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2506 China Lake South, Calif.

Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115°17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09'58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W., to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116°23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

R-2510 El Centro, Calif.

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50"N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 500.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Monterey Approach Control
Using agency. Commanding General, Fort Ord, California.

R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115°13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

R-2513 Hunter-Liggett, Calif.

From latitude 36°03'43" N., longitude 121°22'38" W., to latitude 36°02'45" N., longitude 121°17'45" W., to latitude 35°59'18" N., longitude 121°13'30" W., to latitude 35°56'45" N., longitude 121°09'45" W., to latitude 35°55'20" N., longitude 121°05'45" W., to latitude 35°48'17" N., longitude 121°10'53" W., to latitude 35°51'02" N., longitude 121°16'15" W., to latitude 35°51'02" N., longitude 121°17'20" W., to latitude 35°58'10" N., longitude 121°23'40" W., to latitude 35°58'10" N., longitude 121°21'40" W., to latitude 36°02'12" N., longitude 121°24'40" W., to the point of beginning.
Designated altitudes. Surface to FL 240.
Time of designation. Continuous.
Controlling agency. FAA, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2515 Muroc Lake, Calif.
Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

R-2516 Naval Missile Facility, Point Arguello, Calif.
Boundaries: Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°53'30" N., longitude 120°33'20" W.; to latitude 34°50'15" N., longitude 120°31'30" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Western Test Range, Vandenburg AFB, Calif.

R-2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to 2000 local time.
Using Agency. Officer in Charge, Fleet Air Control and Surveillance Facility, San Diego, Calif.

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

AMENDMENTS 12/22/70 35 F. R. 19348 (Changed)

R-2529 Fort Ord West, California

Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Administration, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

R-2530 Sierra Army Depot, Calif.

Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

R-2531 Tracy, Calif.

Boundaries. Beginning at latitude 37°40'34" N., longitude 121°33'42" W.; to latitude 37°40'45" N., longitude 121°31'29" W.; to latitude 37°39'28" N., longitude 121°30'28" W.; to latitude 37°38'50" N., longitude 121°31' 0[illegible]" W.; to latitude 37°39'03" N., longitude 121°34'03" W.; thence to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 1000 to 1800, local time, Monday through Friday.
Using agency. United States Atomic Energy Commission, San Francisco Operations Office.

R-2532 Blythe, Calif.
Boundaries: Beginning at latitude 33°30'30" N., longitude 115°00'00" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Blythe, Calif., airport at latitude 33°37'15" N., longitude 114°43'00" W.; to latitude 33°23'50" N., longitude 114°53'00" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°22'50" N., longitude 115°09'58" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°24'15" N., longitude 115°17'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; thence to point of beginning.
Time of designation. Sunrise to sunset, April 3, 1969, through April 3, 1971.
Designated altitudes: 100 feet AGL to 17,000 feet MSL.
Controlling agency: FAA, Los Angeles ARTC Center.
Using agency: MCAS, Yuma, Ariz.

R-2533 Oceanside, Calif.

Boundaries: Beginning at latitude 33°27'48" N., longitude 117°33'15" W.; thence to latitude 33°18'20" N., longitude 117°21'48" W.; thence to latitude 33°17'30" N., longitude 117°16'40" W.; thence to latitude 33°13'20" N., longitude 117°29'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 33°22'30" N., longitude 117°39'45" W.; thence to the point of beginning, excluding that airspace within the San Mateo Point Prohibited Area P-25.
Designated altitudes: Surface to 2,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, El Toro RATCC.
Using agency: Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

AMENDMENTS 11/28/70 35 F. R. 18193 (Changed)

R-2534A Point Arguello, Calif.

Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°35'45" N., longitude 120°28'10" W.; to latitude 34°36'20" N., longitude 120°27'20" W.; to latitude 34°30'00" N., longitude 120°15'30" W.; to latitude 34°25'10" N., longitude 120°15'30" W.; thence 3 miles from and parallel to the shoreline to latitude 34°24'40" N., longitude 120°19'10" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2534B Point Arguello, Calif.
Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°24'40" N., longitude 120°19'10" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

§ 73.26 Colorado

R-2601A Fort Carson, Colo.

Boundaries: Beginning at latitude 38°43'38" N., longitude 104°45'50" W.; to latitude 38°40'53" N., longitude 104°45'35" W.; to latitude 38°42'04" N., longitude 104°49'34" W.; thence northeasterly along Colorado Highway No. 115 to latitude 38°43'12" N., longitude 104°49'07" W.; to latitude 38°42'58" N, longitude 104°48'30" W.; to latitude 38°43'43" N., longitude 104°46'20" W.; to the point of beginning.
Designated altitudes: Surface to 8,500 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2601B Fort Carson, Colo.
Boundaries: Beginning at latitude 38°40'53" N., longitude 104°45'35" W.; to latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°39'00" N., longitude 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to latitude 38°42'04" N., longitude 104°49'34" W.; to the point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2602 Fort Carson, Colo.
Boundaries: Beginning at latitude 38°39'00" N., longitude 104°52'00" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°26'10" N., longitude 104°45'00; W.; to latitude 38°26'10" N., longitude 104°57'13" W.; to latitude 38°32'38" N., longitude 104°57'13" W.; thence northeast along Colorado Highway No. 115 to point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2604 Platteville, Colo.
Boundaries. A circle with a 2,000-foot radius centered at latitude 40°10'48" N., longitude 104°43'30" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Flight Service Station, Denver, Colo.
Using agency. Environmental Science Services Administration Research Laboratories, Boulder, Colo.

§ 73.27 Connecticut

§ 73.28 Delaware

R-2801 Bethany Beach, Del.

Boundaries. Beginning at Lat. 38°31'15" N, Long. 75°03'10" W; to Lat. 38°33'45" N, Long. 74°59'33" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 38°26'45" N, Long. 74°59'15" W; to Lat. 38°29'03" N, Long. 75°03'00" W; to the point of beginning.
Designated altitudes. Surface to 23,500 feet m.s.l.
Time of designation: By NOTAM 48 hours in advance during the following periods: June 1 through September 30, 0800-2000 local time, Monday through Friday; October 1 through May 31, 0800-1600 local time, Saturdays and Sundays.
Controlling agency. Federal Aviation Administration, Salisbury, Md., Flight Service Station.
Using agency. Adjutant General, State of Delaware, Wilmington, Del.

§ 73.29 Florida

R-2901A Avon Park North, Fla.

Boundaries. Beginning at latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°52'55" N., longitude 81°24'20" W.; to latitude 27°55'00" N., longitude 81°17'55" W.; to latitude 27°44'45" N., longitude 81°14'05" W.; to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901B Avon Park South, Fla.

Boundaries. Beginning at latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°26'10" N., longitude 81°01'05" W.; to latitude 27°22'35" N., longitude 81°05'15" W.; thence along Highway 98 to latitude 27°23'00" N., longitude 81°07'00" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center
Using agency. Commander, MacDill AFB, Florida.

R-2901C Avon Park West, Fla.

Boundaries. Beginning at latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°31'50" N., longitude 81°09'30" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'32" N., longitude 81°21'40" W.; thence North along Arbuckle Creek to Arbuckle Lake and along the East and North shore of Arbuckle Lake to latitude 27°43'10" N., longitude 81°25'20" W.; to latitude 27°44'50" N., longitude 81°25'20" W.; to latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2901D Avon Park East, Fla.
Boundaries. Beginning at latitude 27°44'45" N., longitude 81°10'20" W.; to latitude 27°37'00" N., longitude 81°06'50" W.; to latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitude. Surface to 13,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

R-2902A Cape Kennedy, Fla.
Boundaries: Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°24'30" N., longitude 80°30'30" W.; to latitude 28° 24'30" N., longitude 80°41'45" W.; to latitude 28°30'30" N., longitude 80°43'30" W.; to latitude 28°37'35" N., longitude 80°46'50" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

R-2902B Cape Kennedy, Fla.
Boundaries. Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to latitude 28°46'00" N., longitude 80°37'50" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

R-2903A Jacksonville, Fla.
Boundaries: Beginning at latitude 30°15'30" N., longitude 81°43'25" W.; clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W.; to latitude 30°11'25" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to latitude 30°15'30" N., longitude 81°50'00" W.; to point of beginning.
Designated altitudes: Surface to and including 10,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903B Stevens Lake, Fla.
Boundaries: Within a 5 nautical mile radius of lat. 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by lat. 29°53'45" N., long. 82°04'50" W.; lat. 29°52'35" N., long. 82°02'00" W.; lat. 29°50'27" N., long. 82°00'00" W.; lat. 29°48'30" N., long. 81°57'00" W.; with a southeast extension beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°41'50" N., long. 81°49'05" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to the point of beginning; and a northeast extension beginning at lat. 29°59'50" N., long. 81°57'40" W.; to lat. 29°56'45" N., long. 81°53'15" W.; to lat. 29°55'30" N., long. 81°54'10" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to lat. 29°58'10" N., long. 81°59'10" W.; to point of beginning.
Designated altitudes: Within the circular area, surface to FL 230; within the southeast extension, surface to 7,000 feet MSL in the area beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to point of beginning. Surface to 5,000 feet MSL in the area beginning at lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°51'10" N., long. 81°51'00" W.; within the northeast extension, surface to 7,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903C Putnam, Fla.

Boundaries: A circle with a 5 nautical mile radius centered at lat. 29°47'00" N., long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2906 Rodman, Fla.
Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviaiton Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2907 Lake George, Fla.
Subarea A
Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W.; to point of beginning.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander Fleet Air Jacksonville, NAS Jacksonville, Fla.

Subarea B
Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.
Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30° 18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2910 Pinecastle, Fla.

Boundaries: A circle withi a 5-nautical mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°03'05" N., longitude 81°47'00" W.
Designated altitudes: Surface to FL 240 within the 5-nautical mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2914 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°43'15" N., longitude 86°25'00" W.; to latitude 30°43'45" N., longitude 86°10'30" W.; to latitude 30°41'00" N., longitude 86°05'10" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'00" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°23'20" N., longitude 86°08'10" W.; to latitude 30°30'45" N., longitude 86°25'00" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1½-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament development and Test Center, Eglin AFB, Fla.

49-000 O - 71 (pt. 2 sec. 2) - 10

R-2915A Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.;to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2915B Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00"W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.
Designated altitudes. Surface to FL 1200.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2916 Cudjoe Key, Fla.

Boundaries. A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Using agency. Department of the Air Force.

AMENDMENTS 7/23/70 35 F. R. 8544 (Added)

R-2917 DeFuniak Springs, Fla.
Boundaries: A circle with a 1½-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitude: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Armament Development and Test Center (DTC), Eglin AFB, Fla.

R-2918 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°43'10" N., longitude 86°27'37" W., to latitude 30°43'15" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°27'37" W., to point of beginning.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°30'45" N., longitude 86°25'00" W.; to latitude 30°23'20" N., longitude 86°08'10" W.; to latitude 30°15'00" N., longitude 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 30°25'00" N., longitude 86°22'26" W.; to latitude 30°25'00" N., longitude 86°25'00" W.; to point of beginning.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

§ 73.30 Georgia

R-3002 Fort Benning, Ga.

Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad to latitude 32°32'10" N., longitude 84°40'40" W.; to lat. 32°31'20" N, long. 84°40'20" W.; thence northeast along Upatoi Creek to lat. 32°31'46" N, long. 84°39'25" W; to lat. 32°18'30" N, long. 84°39'25" W; along the Central of Georgia Railroad to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to lat. 32°24'00" N, long. 84°53'30" W; to lat. 32°29'17" N, long. 84°52'32" W; to lat. 32°29'17" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°52'21" W; to the point of beginning.
Designated altitude. Surface to and including 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort Benning, Ga.

AMENDMENTS 5/19/70 35 F. R. 7858 (Changed)
AMENDMENTS 12/30/70 35 F. R. 19749 (Changed)

R-3003 Fort Gordon, Ga.
Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.
Designated altitude. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.
Designated altitude. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3005A Fort Stewart, Ga.
Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005B Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005C Fort Stewart, Ga.

Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.; thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W., to the point of beginning.
Designated altitudes. Surface to 3,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3006 Townsend, Ga.

Boundaries. Beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence clockwise via the arc of a circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL within the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W. Surface to 9,000 feet MSL within the area beginning at latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence counterclockwise along the arc of the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to point of beginning. Surface to 6,000 feet MSL within the area beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Time of designation. 0600 to 1800 e.s.t., Monday through Friday.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

§ 73.31 Hawaii

R-3101 PMRFAC FOUR, Hawaii

SUBAREA A
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Flight Service Station.
Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA B
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: 5,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu ARTC Center.
Using agency: Commander, Pacific Missile Range (COMPMR).

R-3103 Humuula, Hawaii

Boundaries. Beginning at latitude 19°48'25" N., longitude 155°37'30" W.; thence to latitude 19°43'30" N., longitude 155°29'20" W.; thence to latitude 19°35'00" N., longitude 155°34'30" W.; thence to latitude 19°35'00" N., longitude 155°40'25" W.; thence to latitude 19°40'15" N., longitude 155°43'45" W.; thence to latitude 19°46'40" N., longitude 155°42'20" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Hilo Combined Station/Tower.
Using agency. Commanding General, U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3104A Island of Kahoolawe, Hawaii

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: Surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104B Island of Kahoolawe, Hawaii

Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: 10,000 feet MSL to FL 180.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104C Island of Kahoolawe, Hawaii

Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: FL 180 to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107A Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.
Designated altitudes: Surface to 14,500 feet MSL.
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107B Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical-mile radius centered at latitude 21°39'30" N., longitude 160°32'30" W.
Designated altitudes: 14,500 feet MSL to FL 300.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3109A Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°30'29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°07'35" W.; to latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.
Designated altitudes: The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W.; and latitude 21°29'25" N., longitude 158°05'00" W.; surface to 8,000 feet MSL. The area northwest of this line, surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3109B Schofield-Makua, Oahu, Hawaii

Beginning at latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°33'15" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°13'15" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to point of beginning.
Designated altitudes: Surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3120 PMRFAC Five, Hawaii

Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W., thence to latitude 21°58'25" N., longitude 159°43'35" W., thence southeasterly along the shoreline of the Island of Kauai to latitude 21°57'45" N., longitude 159°42'00" W., thence to latitude 21°54'45" N., longitude 159°42'00" W., thence clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Flight Service Station.
Using agency: Commander, Pacific Missile Range (COMPMR).

AMENDMENTS 12/13/69 34 F. R. 19649 (Changed)

§ 73.32 Idaho

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112° 30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°03'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

R-3202 Sailor Creek, Idaho

SUBAREA A
Boundaries: Beginning at latitude 42°48'45" N., longitude 115°38'14" W.; to latitude 42°48'45" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°38'14" W.; to point of beginning.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA B
Boundaries: Beginning at latitude 42°53'00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°42'20" W.; to point of beginning.
Designated altitudes: Surface to flight level 240.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA C
Boundaries: Beginning at latitude 42°36'00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA D
Boundaries: Beginning at latitude 42°33'00" N., longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 11,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

§ 73.33 Illinois

R-3301 Havana, Ill.

Boundaries. A circular area with a 500-foot radius centered latitude 40°13;16" N., longitude 90°01'23" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at latitude 42°13'15" N., longitude 90°21'24" W.
Designated altitudes. Surface to 2,300 feet MSL.
Time of designation. 0800 to 2200 c.s.t.
Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

§ 73.34 Indiana

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Camp Atterbury, Ind.

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

§ 73.35 Iowa

§ 73.36 Kansas

R-3601A Brookville, Kans.

Boundaries: Beginning at latitude 38°45'20" N., longitude 97°46'00" W.; to latitude 38°39'45" N., longitude 97°46'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to latitude 38°45'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to FL-200.
Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, McConnell AFB, Kans.

AMENDMENTS 8/20/70 35 F. R. 10107 (Added)

R-3601B Brookville, Kans.

Boundaries. Beginning at latitude 38°38'20" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°56'00" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to 6,500 feet MSL.
Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, McConnell AFB, Kans.

AMENDMENTS 8/20/70 35 F. R. 10107 (Added)

R-3602 Manhattan, Kans.

Subarea A

Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U. S. Highway No. 77 to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

Subarea B

Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U. S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

§ 73.37 **Kentucky**

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W.; to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°31'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.

Designated altitudes: Subarea A surface to and including 10,000 feet MSL.
Subarea B from 10,000 feet MSL to 20,000 feet MSL.
Time of designation: Subarea A 0600 to 2400 e.s.t.; other times by NOTAM 24 hours in advance.
Subarea B by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

§ 73.38 **Louisiana**

R-3801 Camp Claiborne, La.

Boundaries. Beginning at latitude 31°05'50" N., longitude 92°31'15" W.; to latitude 31°03'51" N., longitude 92°31'56" W.; to latitude 31°01'53" N., longitude 92°34'17" W.; to latitude 31°07'30" N., longitude 92°40'45" W.; to latitude 31°11'07" N., longitude 92°36'35" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday; other times following issuance of NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commander, England Air Force Base, Louisiana.

R-3803 Fort Polk, La.

Boundaries. Beginning at latitude 31°23'36" N., longitude 93°09'57" W.; to latitude 31°23'12" N., longitude 93°09'48" W.; to latitude 31°22'00" N., longitude 93°10'05" W.; to latitude 31°19'16" N., longitude 93°11'10" W.; to latitude 31°19'16" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°16'42" W.; to latitude 31°23'35" N., longitude 93°13'24" W.; to point of beginning.

Designated altitude. Surface to 15,000 feet MSL.
Time of designation: Continuous from June 1 through August 31; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration. Alexandria, La. Flight Service Station.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804C Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.

Designated altitudes. 15,000 feet MSL to 18,000 feet MSL.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Time of designation. As published by NOTAM 24 hours in advance.
Using agency. Commanding General, Fort Polk, La.

§ 73.39 **Maine**

§ 73.40 Maryland

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08' 00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19' 47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22' 30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22' 00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14' 50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.

Designated altitudes and time of designation:

1. Surface to unlimited, 0700 to 2400 local time.
2. Surface to 10,000 feet MSL, 0000 to 0700 local time, higher altitudes by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00' 00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.

Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

R-4005 Patuxent River, Md.

Boundaries. Beginning at latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°08'50" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.

Designated altitudes. Surface to FL 850.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4006 Patuxent River, Md.

Boundaries: Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°45'00" N., longitude 75°58'45" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, and R-6609.

Designated altitudes: 3,500 feet MSL to FL 850.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

R-4007 Patuxent River, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25' 10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17' 25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. Beginning at latitude 41°44'17" N., longitude 70°29'11" W.; to latitude 41°42'42" N., longitude 70°30'51" W.; to latitude 41°42'20" N., longitude 70°30'15" W.; to latitude 41°41'32" N., longitude 70°30'58" W.; to latitude 41°40'54" N., longitude 70°32'45" W.; thence west along the south side of Howe Road to latitude 41°40'58" N., longitude 70°33'39" W.; to latitude 41°41'50" N., longitude 70°35'09" W.; thence north along the east side of State Highway 28 to latitude 41°44'36" N., longitude 70°35'13" W.; to latitude 41°46'06" N., longitude 70°33'28" W.; to latitude 41°46'06" N., longitude 70°32'39" W.; thence southeast along the southwest side of State Route 6 to point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. From 0600 to 1800 hours local time, daily, other times as specified in a NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Otis Approach Control.
Using agency. Commanding Officer, Camp Edwards, Mass.

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. 0700 to 2400 EST.
Controlling agency. Federal Aviation Administration, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0800 to 2400 EST.
Controlling agency. Federal Aviation Administration, Otis Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29' 00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44° 43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84° 39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.

Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.

Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.

Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.
Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4203 Keweenaw Point, Mich.

Boundaries. That airspace within a circular area with a 10-statute mile radius centered at lat. 47°25'24" N., long. 87°42'40" W.; including the additional airspace within a circular area with a 35 statute mile radius centered at lat. 47°08'00" N., long. 86°55'00" W.

Designated altitudes. Surface to unlimited.
Time of designation. By NOTAM issued at least 6 hours in advance during the period 10 a.m. to 2 p.m. e.s.t., January 4 through March 5, 1971.
Controlling agency. Federal Aviation Administration, Minneapolis, Minn., ARTCC.
Using agency. NASA, Goddard Space Flight Center, Greenbelt, Md.

AMENDMENTS 12/30/70 36 F. R. 44 (Added)

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

AMENDMENTS 4/2/70 35 F. R. 2769 (Changed)

§ 73.43 Minnesota

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.
Designated altitudes and time of designation. Surface to 27,000 feet MSL, May 1 through October 31; and surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30, and from 1200 G.m.t. January 27, 1970, through 2100 G.m.t. January 29, 1970.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commanding Officer, Camp Ripley, Minn.

AMENDMENTS 1/14/70 35 F. R. 460 (Changed)
PENDING AMENDMENT
Camp Ripley, Minn., R-4301 is amended as follows:
Designated altitudes and time of designation. Surface to 27,000 feet MSL, May 1 through October 31; surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30; and at other altitudes and times specified by NOTAM issued 24 hours in advance.

AMENDMENTS 1/22/71 35 F. R. 19633 (Changed)

R-4305 Lake Superior, Minn.

Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0001 local time Monday to 2400 local time Friday.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

§ 73.44 Mississippi

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at latitude 31°12'54" N.; longitude 89°11'03" W.; to latitude 31°11'48" N.; longitude 89°00'00" W.; to latitude 31°10'15" N.; longitude 88°56'34" W.; to latitude 31°09'10" N.; longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N.; longitude 88°59'24" W.; to latitude 31°04'36" N.; longitude 89°11'03" W.; to point of beginning.
Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.
Time of designation. As activated by NOTAMs at least 24 hours in advance. NOTAMs to contain information concerning deactivation of area.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

R-4403 Gainesville, Miss.

Boundaries. Beginning at latitude 30°21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.
Altitudes. From surface to 5,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

§ 73.45 Missouri

R-4501A Fort Leonard Wood West, Mo.

Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'06" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to the point of beginning.
Designated altitudes. Monday through Friday, surface to 2,200 feet MSL; Saturday and Sunday, surface to 11,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

R-4501B Fort Leonard Wood East, Mo.

Boundaries. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02 N., longitude 92°09'17" W.; to the point of beginning.
Designated altitudes.
The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.
The area south of this line, surface to 2,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

§ 73.46 Montana

§ 73.47 Nebraska

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4806 Las Vegas, Nev.

Boundaries: Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: Commander, Nellis AFB, Nev.

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Las Vegas, Nevada.

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes: Surface to flight level 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4811 Hawthorne, Nev.
Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0800 to 1500 local time, Monday through Friday.
Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.

R-4812 Sand Springs, Nev.
Boundaries: That area within 5-nautical miles either side of a line extending from latitude 39°10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the east by R-4804 and bounded on the west by R-4810.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

R-4813 Carson Sink, Nev.
Boundaries: That area surrounding R-4802 from latitude 39°51'00" N., longitude 118°38'00" W.; to latitude 40°01'00" N., longitude 118°15'00" W.; to latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°52'36" N., longitude 118°01'00" W.; thence via the arc of a 15-nautical mile radius circle centered at latitude 39°52'36" N., longitude 118°20'27" W.; to latitude 39°45'50" N., longitude 118°38'00" W.; to point of beginning.
Designated altitude: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

§ 73.49 New Hampshire

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.
Subarea A
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: Surface to and including 4,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

Subarea B
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: From 4,000 feet MSL to and including 8,000 feet MSL.
Time of designation: Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

R-5002 Warren Grove, N. J.

Boundaries: Beginning at latitude 39°45'50" N., longitude 74°20'00" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'25" N., longitude 74°24'20" W.; to latitude 39°38'25" N., longitude 74°29'00" W.; to latitude 39°39'35" N., longitude 74°29'00" W.; to latitude 39°44'50" N., longitude 74°24'40" W.; to latitude 39°45'20" N., longitude 74°23'45" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL, except surface to 4,000 feet MSL for the portion N of Lat. 39°45'00" N; surface to 9,000 feet MSL SE of a line between Lat. 39°43'45" N, Long. 74°17'57" W, and Lat. 39°38'25" N, Long. 74°24'56" W.
Time of designation: Sunrise to Sunset.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

§ 73.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'03" N, Long. 106°21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°16'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R-5103A McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106° 10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32° 27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'40" N., longitude 105°40'00" W.; from the surface to 1,500 feet above the surface.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5104A Melrose, N. Mex.
Boundaries: Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N, longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

AMENDMENTS 5/28/70 35 F. R. 6047 (Changed)

R-5104B Melrose, N. Mex.
Boundaries: Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

AMENDMENTS 5/28/70 35 F. R. 6047 (Changed)

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

AMENDMENTS 5/28/70 35 F. R. 6047 (Changed)

R-5107A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5107B White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U. S. Highway 380 to the point of beginning; excluding the airspace in R-5107D and that airspace from the surface to 1,500 feet above the surface within a 2-nautical-mile radius of latitude 32°26'35" N., longitude 106°40'45" W.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.
AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5107C White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U. S. Highway 380 to latitude 33°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5107D White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°11'00" N., longitude 106°04'00" W.; to latitude 33°11'00" N., longitude 106°17'00" W.; to latitude 33°04'00" N., longitude 106°21'00" W.; to latitude 32°34'00" N., longitude 106°15'00" W.; to latitude 32°34'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to point of beginning.
Designated altitudes: Surface to 22,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5107E White Sands Proving Grounds, N. Mex.
Boundaries. From the point where an arc of 19 nautical miles radius centered at latitude 33°45'00" N., longitude 106°26'30" W., intersects the western boundary of R-5107C, to latitude 33°54'00" N., longitude 106°46'30" W.; to latitude 33°32'45" N., longitude 106°58'45" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of use. As published in NOTAMs at least 12 hours in advance.
Controlling agency. FAA, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5109A White Sands, N. Mex.

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106° 01'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5109B White Sands, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5111A Elephant Butte, N. Mex. (East).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

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R-5111B Elephant Butte, N. Mex. (West).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/4/70 35 F. R. 14077 (Changed)

R-5113 Socorro, N. Mex.
Boundaries. Beginning at latitude 34°00'00" N., longitude 107°07'30" W.; thence to latitude 33°55'30" N., longitude 107°07'30" W.; to latitude 33°55'30" N., longitude 107°12'30" W.; to latitude 34°00'00" N., longitude 107°12'30" W.; to point of beginning.
Designated altitudes. Surface to 45,000 feet MSL.
Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. U. S. Navy, Office of Naval Research, Atmospheric Sciences.

AMENDMENTS 7/23/70 35 F. R. 8926 (Added)

R-5116A White Sands Proving Grounds, N. Mex.
Boundaries: Beginning at lat. 33°53'40" N., long. 106°44'35" W.; to lat. 34°20'35" N., long. 107°02'35" W.; to lat. 34°25'00" N., long. 106°51'45" W.; to lat. 34°09'55" N., long. 106°41'35" W.; to the point of beginning.
Designated altitudes: Surface to FL 240, excluding the airspace below 7,000 feet MSL west of long. 106°50'00" W.
Time of designation: Sunrise to sunset, October 1, 1970, through March 31, 1971, as published in NOTAMS at least 12 hours in advance of use.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/17/70 35 F. R. 13118 (Added)
AMENDMENTS 12/30/70 35 F. R. 18274 (Changed)

§ 73.52 New York

R-5201 Camp Drum, N. Y.

Boundaries. Beginning at Lat. 44°15'00" N, Long. 75°31'30" W; to Lat. 44°11'15" N, Long. 75°25'00" W; to Lat. 44°03'00" N, Long. 75°33'30" W; to Lat. 44°03'15" N, Long. 75°37'39" W; to Lat. 44°06'44" N, Long. 75°43'54" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31.
Time of designation. Continuous April 1 through September 30 and 0600 through 1800 hours local time. October 1 through March 31; other times by NOTAM 48 hours in advance.
Using agency. Commanding Officer, Camp Drum, N. Y.

R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72°08'50" W.
Designated altitudes: Surface to 10,000 feet MSL, inclusive.
Time of designation: 0900 to 1800 local time, April 15 through October 14; 0900 to 1600 local time, October 15 through April 14.
Controlling agency: FAA, Quonset RATCC
Using agency: Commander, Fleet Air Quonset, Naval Air Station, Quonset Point, R. I.

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 310.
Time of designation. Sunrise to sunset, April 1 through December 31.
Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N. Y., Phone: BUtler 5-6691, Extension 497.

AMENDMENTS 4/30/70 35 F. R. 5006 (Changed)

R-5206 West Point, N. Y.

Subarea A

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: Surface to and including 5,000 feet MSL.
Time of designation: 0600 to 2400 local, July 1 to August 31, other dates and times by NOTAM 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

Subarea B

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: 5,000 feet MSL to 7,000 feet MSL.
Time of designation: By NOTAM, 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

AMENDMENTS 12/10/70 35 F. R. 15210 (Rewritten)

R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1815 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5301C Albemarle Sound, N. C.
Boundaries. A circular area within a 1½ nautical mile radius centered at Lat. 36°05'25" N., Long. 76° 18' 30" W.
Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.
Time of designation. As activated by NOTAM at least 24 hours in advance.
Using agency. Commander, Fleet Air Norfolk NAS Norfolk, Va.

AMENDMENTS 10/15/70 35 F. R. 14077 (Added)

R-5302 Albemarle Sound, N. C.
Boundaries: Beginning at latitude 36°03'35" N., longitude 76°03'05" W.; to latitude 35°58'05" N., longitude 76°02'10" W.; to latitude 35°55'40" N., longitude 76°24'05" W.; to latitude 36°01'05" N., longitude 76°25'00" W, to point of beginning.
Designated altitudes: Surface to FL 200.
Time of Designation: 0800 hours to 2300 hours e.s.t.
Using Agency: Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5306A Cherry Point, N. C.

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16' 40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34° 45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76° 56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09' 00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.

Designated altitudes. Surface to flight level 350.

Time of designation. Continuous.

Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

R-5306B Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09' 00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15' 50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34° 40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning.

Designated altitudes. Surface to flight level 290.

Time of designation. Continuous.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

R-5306C Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; to latitude 34°40'20" N., longitude 77°22'12" W.; to point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N. C.

R-5311A Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79° 01°50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.

Designated altitudes: Surface to but not including 18,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bragg, N. C.

AMENDMENTS 6/25/70 35 F. R. 6704 (Changed)

R-5311B Fort Bragg, N. C.

Boundaries: Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.

Designated altitudes: From 18,000 to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, ARTC Center, Washington.

Using agency: Commanding General, Fort Bragg, N. C.

AMENDMENTS 6/25/70 35 F. R. 6704 (Added)

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.

Designated altitudes. Surface to FL-400.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5314 Dare County, N. C.

Subarea A

Boundaries. Beginning at latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W; to the point of beginning.

Designated altitudes. Surface up to, but not including, flight level 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea B

Boundaries. Beginning at latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°46'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to the point of beginning.

Designated altitudes. 500 feet above the surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea C.

Boundaries. Beginning at latitude 35°48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.

Designated altitudes. 500 feet above the surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea D.

Boundaries. Beginning at latitude 35°40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°54'10" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea E.

Boundaries. Beginning at latitude 35°47'50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°52'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea F.

Boundaries. Beginning at latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.

Designated altitudes. 500 feet above the surface up to, but not including, flight level 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea G

Boundaries. Beginning at latitude 35°49'40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" N., longitude 76°02'30" W.; to the point of beginning.

Designated altitudes. 200 feet above the surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea H

Boundaries. Beginning at latitude 35°50'20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.

Designated altitudes. 500 feet above the surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea J

Boundaries. Beginning at latitude 35°51'25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.

Designated altitudes. 1,000 feet above the surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

§ 73.54 North Dakota

§ 73.55 Ohio

R-5502 Lacarne, Ohio
Boundaries: Beginning at latitude 41°41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'19" N., long. 83°00'05" W., to latitude 41°32'16" N., longitude 83°01'24" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.
Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.
Time of designation: 0800 to 1600 local time Saturday and Sunday April 1 through May 31; 0800 to 1600 local time daily June 1 through July 31; 0800 to 1600 local time Saturday and Sunday August 1 through November 30; other dates, time and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.
Using agency: The Adjutant General State of Ohio.

AMENDMENTS 11/12/70 35 F. R. 14693 (Changed)

R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

R-5504 Wilmington, Ohio

Boundaries. Beginning at latitude 39°30'00" N., longitude 83°02'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W.; to latitude 39°12'30" N., longitude 84°05'00" W.; to latitude 39°15'45" N., longitude 84°05'00" W.; to latitude 39°17'50" N., longitude 84°02'30" W.; to latitude 39°26'05" N., longitude 83°48'10" W.; to latitude 39°30'00" N., longitude 83°38'35" W.; to the point of beginning.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

R-5505 Lake Erie, Ohio
Boundaries: Beginning at latitude 41°44'48" N., longitude 83°10'00" W.; thence to latitude 41°47'18" N., longitude 83°10'00" W.; thence to latitude 41°49'00" N., longitude 83°05'50" W.; thence to latitude 41°46'15" N., longitude 83°00'00" W.; thence to latitude 41°44'48" N., longitude 83°00'00" W.; thence to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation: 0800-2300 e.s.t., Wednesday through Saturday; 0800-1700 e.s.t., Sundays.
Controlling agency: Federal Aviation Administration, Cleveland Air Route Traffic Control Center.
Using agency: Commanding Officer, U. S. Naval Air Facility, Detroit, Mich.

AMENDMENTS 6/10/70 35 F. R. 8927 (Changed)

§ 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

R-5601B Fort Sill, Okla.

Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

R-5601C, Fort Sill, Okla.
Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. 23,000 feet MSL to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using Agency. Commanding General, Fort Sill, Okla.

§ 73.57 Oregon

R-5701 Boardman Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 230; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 230; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°30'30" W.; to latitude 45°52'00" N.; longitude 119°30'30" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

R-5705 Warrenton, Oreg.
Boundaries: Beginning at latitude 46°10'00" N., longitude 124°03'00" W.; to latitude 46°09'00" N., longitude 123°57'00" W.; thence along a line one-half mile east of shoreline to latitude 46°05'00" N., longitude 123°55'30" W.; to latitude 46°01'00" N., longitude 123°57'30" W.; to latitude 46°01'00" N., longitude 123°59'50" W.; thence 3 nautical miles from and parallel to shoreline to point of beginning.
Designated altitudes: Surface to 14,500 feet MSL.
Time of designation: Various periods from June 1 to September 10 each year, with specific dates and times to be published by NOTAM.
Controlling agency: FAA, Seattle ARTC Center.
Using agency: Adjutant General Oregon National Guard.

R-5706 Boardman, Oreg.

Boundaries. Beginning at latitude 45°40'40" N., longitude 120°02'25" W.; to latitude 45°40'40" N., longitude 120°09'00" W.; to latitude 45°45'45" N., longitude 120°09'00" W.; thence east along the south shore of the Columbia River to latitude 45°51'00" N., longitude 119°40'00" W.; to latitude 45°53'00" N., longitude 119°31'00" W.; to latitude 45°46'35" N., longitude 119°31'00" W.; to latitude 45°46'10" N., longitude 119°35'00" W.; thence counterclockwise along the arc of a 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W.; to latitude 45°46'35" N., longitude 119°46'50" W.; to latitude 45°46'35" N., longitude 120°02'25" W.; to point of beginning.
Designated altitudes. 3,500 feet MSL to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Seattle ARTC Center.
Using agency. Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

§ 73.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°59'44" N., longitude 77°43'55" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

R-5802 Indiantown Gap, Pa.

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. 0630 to 2400 local time, June 1 through August 31; 0800-1800 local time, Saturday and Sunday February 15 through May 31; 0800-1800 local time, Saturday and Sunday September 1 through December 15. Other dates and times by NOTAM, issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commanding General, Indiantown Gap Military Reservation, Annville, Pa.

R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

§ 73.59 Rhode Island

§ 73.60 South Carolina

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Jackson, S. C.

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°52'30" N., longitude 80°26'00" W.; to latitude 33°45'50" N., longitude 80°25'00" W.; to latitude 33°44'15" N., longitude 80°33'15" W.; to latitude 33°48'00" N., longitude 80°34'00" W.; to latitude 33°52'30" N., longitude 30°30'00" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C.

R-6004 Savannah River Plant, S. C.

Boundaries. Beginning at latitude 33°22'00" N., longitude 81°43'15" W.; to latitude 33°20'30" N., longitude 81°27'40" W.; to latitude 33°10'20" N., longitude 81°29'05" W.; to latitude 33°05'50" N., longitude 81°37'05" W.; to latitude 33°09'35" N., longitude 81°45'50" W.; to latitude 33°16'25" N., longitude 81°50'55" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Savannah River Plant, Aiken, S. C.

§ 73.61 South Dakota

R-6102 Badlands, South Dakota

Boundaries: Beginning at latitude 43°35'00" N., longitude 102°05'00" W.; to latitude 43°35'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°25'00" W.; to latitude 43°42'00"N., longitude 102°05'00" W. to the point of beginning.
Designated altitudes: Surface to 32,000 feet MSL.
Time of designation: A 2-week period annually between June 1 and August 31, to be publicized by NOTAM.
Using agency: The Adjutant General, State of South Dakota (147th Artillery Group, South Dakota Army National Guard).

§ 73.62 Tennessee

§ 73.63 Texas

R-6302A Fort Hood, Texas.

Boundaries. Beginning at latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302B Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°09'03" N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitude. Surface to flight level 450.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

R-6304 Camp Bowie, Tex.

Boundaries: Beginning at latitude 31°41'00" N., longitude 98°58'00" W., to latitude 31°39'25" N., longitude 98°52'15" W., to latitude 31°34'30" N., longitude 98°54'10" W., to latitude 31°36'10" N., longitude 99°00'00" W., thence to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation: A 4-hour period commencing at official sunset, Monday through Thursday.
Using agency: Commander, 75th Tactical Reconnaissance Wing, Bergstrom AFB, Texas.
Controlling agency: Federal Aviation Administration, Air Route Traffic Control Center, Fort Worth, Texas.

AMENDMENTS 2/5/70 34 F. R. 19749 (Added)

R-6312 Cotulla, Tex.,
Boundaries: The area within 5 nmi of geographical points located at 28°14'50" N., 98°43'30" W.; and 28°05'53" N., 98°42'51" W.
Designated altitudes: Surface to 15,000 feet MSL except for the area west of a line between 28°17'40" N., 98°47'55" W., and 28°11'55" N., 98°48'00" W., and the area along Highway 624 extending ½ mile each side where the floor is 1,000 feet AGL.
Time of designation: Sunrise to sunset.
Controlling agency. Federal Aviation Administration, ARTCC, Houston, Tex.
Using agency: Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

§ 73.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6402 Deseret Test Center, Dugway, Utah

Boundaries. Beginning at latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to the point of beginning.
Designated altitudes. Surface to FL-400; joint use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding General, Deseret Test Center, Dugway, Utah.

AMENDMENTS 3/24/70 35 F. R. 5399 (Changed)

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N , longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 local time.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6404A Hill AFB Range South, Utah

Boundaries. Beginning at latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 40°51'30" N., longitude 112°56'30" W.; to latitude 40°48'30" N., longitude 113°40'00" W.; to latitude 41°00'00" N., longitude 113°-41'40" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6404B Hill AFB Range North, Utah

Boundaries. Beginning at latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to latitude 41°15'00" N., longitude 113°43'50" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6405 Wendover, Utah

Boundaries. Beginning at latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406A, Wendover North, Utah.

Boundaries. Beginning at latitude 40°40'30" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°38'30" N., longitude 114°00'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above 7,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406B, Wendover South, Utah

Boundaries. Beginning at latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6407 Deseret Test Center, Dugway, Utah
Boundaries. Beginning at latitude 40°20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding General, Deseret Test Center, Dugway, Utah

R-6408 Indian Creek, Utah.
Boundaries. Beginning at latitude 37°59'00" N., longitude 109°23'00" W.; to latitude 37°57'00" N., longitude 109°25'00" W.; to latitude 37°58'00" N., longitude 109°40'00" W.; to latitude 38°02'00" N., longitude 109°51'00" W.; to latitude 38°21'00" N., longitude 109°51'00" W.; to latitude 38°23'00" N., longitude 109°52'00" W.; to latitude 38°22'00" N., longitude 109°38'00" W.; to latitude 38°21'00" N., longitude 109°31'00" W.; to latitude 38°16'00" N., longitude 109°24'00" W.; to latitude 38°06'00" N., longitude 109°22'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.
AMENDMENTS 9/9/70 35 F. R. 14199 (Changed)

R-6409 Green River, Utah.
Boundaries. Beginning at latitude 39°00'00" N., longitude 110°03'00" W.; to latitude 38°54'00" N., longitude 109°58'00" W.; to latitude 38°51'00" N., longitude 110°05'00" W.; to latitude 38°58'00" N., longitude 110°09'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 9/9/70 35 F. R. 14199 (Changed)

R-6410 Blanding, Utah
Boundaries: Beginning at latitude 37°33'00" N., longitude 109°33'00" W.; to latitude 37°21'00" N., longitude 109°21'00" W.; to latitude 37°17'00" N., longitude 109°29'00" W.; to latitude 37°31'00" N., longitude 109°36'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: April 1, 1970, through August 8, 1970, and September 1, 1970, through December 15, 1970. All subsequent firing periods will be designated by a rule published in the Federal Register.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 3/5/70 34 F. R. 19501 (Changed); 6/27/70 35 F. R. 10506 (Changed)
AMENDMENTS 9/9/70 35 F. R. 14199 (Changed)

R-6412 Camp Williams, Utah
Beginning at latitude 40°27'30" N., longitude 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to latitude 40°23'30" N., longitude 111°54'58" W.; to latitude 40°23'30" N., longitude 112°06'00" W.; to latitude 40°27'30" N., longitude 112°06'00" W.; to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Maximum two-week period during the month of June each year with specific dates to be published by NOTAM.
Controlling agency. Federal Aviation Administration, Salt Lake City Tower,
Using agency. The Adjutant General, State of Utah.

AMENDMENTS 8/20/70 35 F. R. 9247 (Changed)

§ 73.65 Vermont

R-6501 Underhill, Vt.
Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30"W.; to the point of beginning.
Designated altitudes. Surface to 13,600 feet MSL.
Time of designation: Continuous, Monday through Saturday, other time by a NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Burlington Approach Control.
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

§ 73.66 Virginia

R-6601 Camp A. P. Hill, Va.

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U. S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8; and 0700 to 2300 e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.
Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.
Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.
Using Agency. Commanding General U.S . Army Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R-6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.
Designated altitudes: Surface to 51,000 feet MSL.
Time of designation. 0800 to 1700 EST Monday through Friday, except that portion north of latitude 36°41'42" N., from the surface to 1,000 feet MSL, which is continuous.
Using agency. Commanding Officer. U. S. Fleet Air Defense Training Center, Dam Neck, Va.

R-6608 Quantico, Va.

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation: 0700 to 2400 local time.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commandant, Marine Corps Schools, Quantico, Va.

AMENDMENTS 7/23/70 35 F. R. 12271 (Changed)

R-6609 Tangier Island, Va.
Boundaries: Beginning at latitude 37°53'10" N., longitude 76°14'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°50'00" N., longitude 76°00'52" W.; to latitude 37°41'00" N., longitude 76°00'52" W.; to latitude 37°40'00" N., longitude 76°01'30" W.; to latitude 37°40'00" N., longitude 76°10'00" W.; to latitude 37°45'00" N., longitude 76°11'33" W.; to point of beginning.
Designated altitudes: Surface to FL 200.
Time of designation: 0800 to 2300 hours, local time, other times by NOTAM issued at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

R-6611 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N, Long. 77°02'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday September 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday Sept. 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R-6613 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday Sept. 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

§ 73.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

AMENDMENTS 10/10/70 35 F. R. 15983 (Changed)

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35'15" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6707 Queets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 38,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

R-6715 Richland, Wash.

Boundaries. Beginning at latitude 46°44'25" N.; longitude 119°25'00" W.; to latitude 46°39'30" N.; longitude 119°25'00" W.; thence along the northeast bank of the Columbia River to latitude 46°34'10" N.; longitude 119°20'00" W.; to latitude 46°30'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N.; longitude 119°15'30" W.; thence along the east bank of the Columbia River to latitude 46°21'30" N.; longitude 119°15'20" W.; to latitude 46°21'30" N.; longitude 119°18'00" W.; to latitude 46°23'20" N.; longitude 119°24'50" W.' thence along State Highway Nos. 240 and 24 to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington.

§ 73.68 West Virginia

§ 73.69 Wisconsin

R-6901 Camp McCoy, Wis.

Boundaries. Beginning at latitude 44°08'40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'20" W., to latitude 44°09'30" N., longitude 90°40'20" W.; to latitude 44°09'30" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°44'00" W.; to point of beginning.
Designated altitudes. Surface to 25,000 feet MSL.
Time of designation. May 23 through September 5.
Using agency. Commanding Officer, Camp McCoy, Wis.

R-6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

R-6904 Volk Field. Wis.

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

§ 73.70 Wyoming

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°27'30" N., longitude 104°52'30" W., latitude 42°27'30" N., longitude 104°42'30" W., latitude 42°22'30" N., longitude 104°42'30" W., latitude 42°20'00" N., longitude 104°52'30" W., thence to point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 MST, May 15 through September 5.
Controlling agency. Federal Aviation Administration, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

§ 73.71 Puerto Rico

R-7101 Culebra Island, P. R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

AMENDMENTS 7/23/70 35 F. R. 7786 (Rewritten)

R-7103 Salinas, P. R.
SUBAREA A
Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 18°01'00" N., longitude 66°19'58" W.; to latitude 18°01'53" N., longitude 66°18'53" W.; to latitude 18°02'34" N., longitude 66°18'47" W.; to latitude 18°03'25" N., longitude 66°17'54" W.; to latitude 18°04'07" N., longitude 66°17'00" W.; to point of beginning.

SUBAREA B
Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°02'37" N., longitude 66°13'39" W.; to latitude 17°58'53" N., longitude 66°15'22" W.; to latitude 17°58'30" N., longitude 66°16'30" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to point of beginning.

SUBAREA C
Beginning at latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'44" N., longitude 66°19'17" W.; to latitude 18°00'27" N., longitude 66°18'58" W.; to point of beginning.
Designated altitudes: Subarea A, Surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.
Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.
Controlling agency: Federal Aviation Administration, San Juan ARTC Center.
Using agency: The Adjutant General, Commonwealth of Puerto Rico.

R-7104 Vieques Island, P. R.
Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

AMENDMENTS 7/23/70 35 F. R. 7786 (Rewritten)

§ 73.72 Guam

R-7201 Farallon De Medinilla Island, Mariana Islands

Boundaries: The area within a 3-nautical mile radius of lat. 16°01'00" N., long. 146°04'30" E.
Designated altitudes: Surface to FL 600.
Time of use: Continuous.
Using agency: Commander, Naval Forces, Marianas.

AMENDMENTS 11/12/70 35 F. R. 14693 (Rewritten)

§ 73.87 Prohibited Areas

P-56 District of Columbia

Boundaries:
A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);
Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW (latitude 38°53'45" N.; longitude 77°03'24" W.);
Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K street NW (latitude 38°54'08" N.; longitude 77°03'02" W.);
Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE (latitude 38°54'08" N.; longitude 77°00'14" W.);
Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE (latitude 38°53'35" N.; longitude 76°59'57" W.);
Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);
Thence west via a 265° bearing, 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);
Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);
Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);
Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);
Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.
B. That area within a one-half mile radius from the center of the U. S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Using agency: Administrator, Federal Aviation Administration, Washington, D. C.

§73.88

P-29 Key Biscayne, Fla.

Boundaries: That airspace within a 1 nautical mile radius of latitude 25°41'25" N., longitude 80°10'02" W.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.89

P-25 San Mateo Point, Calif.

Boundaries: That airspace within a 1-nautical-mile radius of the San Mateo Point Loran Station, latitude 33°23'32" N., longitude 117°35'37" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.90

P-40 Thurmont, Md.

Boundaries: That airspace within a one nautical mile radius of the Naval Support Facility, latitude 39°38'53" N., longitude 77°28'01" W.
Designated altitudes: Surface to but not including 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

AMENDMENTS 2/24/70 35 F. R. 3755 (Added) Corr: 35 F. R. 4053
AMENDMENTS 11/2/70 35 F. R. 17249 (Changed)

§73.91

P-73 Mount Vernon, Va.

Boundaries: That airspace within a 0.5-mile radius of latitude 38°42'28" N., longitude 77°05'11" W.
Designated altitudes. Surface to but not including 1,500 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

AMENDMENTS 4/30/70 35 F. R. 5466 (Added); **Corr:** 35 F. R. 6917

§73.92

P-26 Denver, Colo.

Boundaries. Beginning at latitude 39°48'45" N., longitude 104°50'46" W.; to latitude 39°50'00" N., longitude 104°50'46" W.; to latitude 39°51'22" N., longitude 104°50'18" W.; to latitude 39°51'22" N., longitude 104°48'00" W.; to latitude 39°48'45" N., longitude 104°48'00" W.; to point of beginning.
Designated altitudes. Surface to 6,900 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

AMENDMENTS 6/25/70 35 F. R. 7051 (Added)

PART 75-ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

SUBPART A -- GENERAL
Sec.
75.1 Applicability.
75.11 Jet routes
75.13 Area high routes; control area designation.
75.15 Jet advisory areas
75.17 Bearings; Radials; Miles

SUBPART B -- JET ROUTES
Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS
Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART D -- AREA HIGH ROUTES
75.400 Area high routes.

SUBPART A -- GENERAL

§75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The areas described in Subpart C are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographic locations. The routes described in Subpart D of this Part are designated as area high routes.

§75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§75.13 Area high routes; control area designation.

(a) Each area high route designated in Subpart D of this Part consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.
(b) Unless otherwise specified, that airspace, on each side of an area high route, that has a lateral extent specified in §71.6 and that extends outside the continental control areas, is designated as a control area.

§75.15 Jet Advisory Areas

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas from flight level 240 through flight level 410, inclusive.

(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.

(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart D of Part 71.

(f) En route jet advisory areas are based on jet routes and are identified by the associated jet route number. Terminal jet advisory areas are based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas and those in the vicinity of geographical locations, and are identified by geographical names.

§75.17 Bearings: Radials: Miles

(a) All bearings and radials in this Part are true and are applied from point of origin.
(b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

SUBPART B -- JET ROUTES

§75.100 Jet Routes.

SUBPART C -- JET ADVISORY AREAS

§ 75.200 En route Jet Advisory Areas.

§ 75.300 Terminal Jet Advisory Areas.

SUBPART D -- AREA HIGH ROUTES

§ 75.400 Area high routes.

SUBPART B - JET ROUTES

§ 75.100 Jet routes.

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 (United States/Mexican border to Seattle, Wash.).

From the INT of the United States/Mexican border with the direct course between the San Diego VORTAC and the Tijuana, Mexico, RBN, via San Diego; Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 087° and the Gila Bend, Ariz., 262° radials; Gila Bend; San Simon, Ariz.; El Paso, Texas; Fort Stockton, Texas; Junction, Tex.; San Antonio, Tex.; Humble, Texas; Lake Charles, La.;
INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 290° radials; Tallahassee; to Jacksonville, Fla.

Jet Route No. 3 (Oakland, Calif., to Kimberly, British Columbia, Canada).

From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; John Day, Oreg.; Spokane, Wash., to Kimberley, British Columbia, excluding the portion that lies over Canadian territory.

AMENDMENTS 12/10/70 35 F. R. 15210 (Changed)

Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Blythe, Calif., 282° radials; Blythe; the INT of the Blythe 096° and the Gila Bend, Ariz., 299° radials; Gila Bend; San Simon, Ariz.; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Greater Southwest, Tex.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; INT of the Meridian 089° and the Montgomery, Ala., 282° radials; Montgomery;
Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; to Seattle, Wash.

Jet Route No. 6 (Paso Robles, Calif., to Robbinsville, N. J.).

From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, Calif.; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Bowling Green, Ky.; Charleston, W. Va.; Front Royal, Va.; Westminster, Md.; INT of Westminster 080° and Robbinsville, N. J. 239° radials; to Robbinsville.

AMENDMENTS 2/5/70 34 F. R. 18451 (Changed)
AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 7 (Oakland, Calif., to the United States/Canadian Border).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.;
via the Great Falls 040° radial to the United States/Canadian Border.

Jet Route No. 8 (Amarillo, Tex., to Robbinsville, N. J.).

From Amarillo, Tex., via Kingfisher, Okla.; Springfield, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J., 239° radials; to Robbinsville.

AMENDMENTS 2/5/70 34 F. R. 18451 (Changed)
AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).
From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Fairfield, Utah; Salt Lake City, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

Jet Route No. 10 (Los Angeles, Calif. to Denver, Colo.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., Gunnison, Colo.; Denver, Colo.

Jet Route No. 11 (Tucson, Ariz., to Salt Lake City, Utah)

From Tucson, Ariz., via INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Fairfield, Utah; to Salt Lake City, Utah.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

Jet Route No. 12 (Salt Lake City, Utah, to Grand Junction, Colo.)

From Salt Lake City, Utah, via Fairfield, Utah; to Grand Junction, Colo.

AMENDMENTS 11/12/70 35 F. R. 14693 (Added)

JET ROUTE No. 13 (El Paso, Texas, to the United States/Canadian Border.)

From El Paso, Texas, via the INT of the El Paso 281° and the Truth or Consequences, N. Mex., 162° radials; Truth or Consequences;
Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo.,
Billings, Mont.. Great Falls, Mont.; via the Great Falls 339° radial to the United States/Canadian Border.

Jet Route No. 14 (Amarillo, Tex., to Kenton, Del.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; Spartanburg, S. C.; Greensboro, N. C.; to Richmond, Va.; to the INT of the Richmond 039° and the Coyle, N. J., 235° radials.

Jet Route No. 15 (Humble, Tex., to Portland, Oreg.).

From Humble, Tex., via Austin, Tex.; Junction, Tex.;
Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque,
N. Mex., 128° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Boise, Idaho; John Day, Oreg.; INT John Day 288° and Portland, Oreg., 136° radials; to Portland.

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via Pendleton, Oreg.; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; Peck, Mich.;
via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

AMENDMENTS 4/30/70 35 F. R. 2819 (Changed)

Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 262° radials; Gila Bend; Phoenix, Ariz.; St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford; to Joliet, Ill.

AMENDMENTS 9/17/70 35 F. R. 11683 (Changed)

Jet Route No. 19 (Phoenix, Ariz., to St. Louis, Mo.)

From Phoenix, Ariz., via St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; to St. Louis, Mo.

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; McCall, Idaho; Pocatello, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; Shreveport, La.; Jackson, Miss.;
Meridian, Miss.; INT of the Meridian 089° and the Montgomery, Ala. 282° radials; Montgomery; Tallahassee, Fla.; INT Tallahassee 129° and Orlando, Fla., 306° radials; Orlando; to the INT of the Orlando 118° and the Vero Beach, Fla., 341° radials.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).

From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; INT Austin 016° and Greater Southwest, Tex., 190° radials; Greater Southwest; INT Greater Southwest 356° and Oklahoma City, Okla., 158° radials; Oklahoma City; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).

From Laredo, Tex., via Corpus Christi, Tex.; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lake Charles, La.; McComb, Miss.; Meridian, Miss., Birmingham; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va.

Jet Route No. 23 (San Antonio, Tex., to Wichita, Kans.).

From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla; Ponca City, Okla.; to Wichita, Kans.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

Jet Route No. 24 (Kansas City, Mo., to Richmond, Va.).

From Kansas City, Mo., via St. Louis, Mo.; Indianapolis, Ind.; Falmouth, Ky.; Charleston, W. Va.; to Richmond, Va.

Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; INT Austin 016° and Greater Southwest, Tex. 190° radials; Greater Southwest;
Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

Jet Route No. 26 (El Paso, Texas, to Joliet, Ill.)

From El Paso, Tex., via the INT of El Paso 069° and Roswell, N. Mex., 215° radials; Roswell;
Amarillo, Texas; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford; to Joliet, Ill.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).

From San Antonio, Tex., to Lufkin, Tex.

Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; INT of Houston 348° and Lufkin, Tex., 204° radials; Lufkin;
Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N. Y.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine to Presque Isle, Maine.

Jet Route No. 30 (Minneapolis, Minn. to Front Royal, Va.).

From Minneapolis, Minn., via Nodine, Minn.;
Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va.

Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).

From New Orleans, La., via Meridian, Miss.; to Birmingham.

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Malad City, Idaho; Boysen Reservoir,
Wyo.; Crazy Woman, Wyo., Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 33 (Humble, Tex., to Greater Southwest, Tex.).

From Humble, Tex., via INT Humble 347° and Greater Southwest, Tex., 139° radials; to Greater Southwest.

Jet Route No. 34 (Seattle, Wash., to Westminster, Md.).

From Seattle, Wash., via Ephrata, Wash.; Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine,
Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials.

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).

From New Orleans, La., via the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson; Memphis, Tenn.; Farmington, Mo.; St. Louis, Mo.;
Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

AMENDMENTS 8/20/70 35 F. R. 9247 (Changed)

Jet Route No. 36 (Dickinson, N. Dak., to Huguenot, N. Y.).

From Dickinson, N. Dak., via Fargo, N. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; to Huguenot, N. Y., excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 37 (New Orleans, La., to United States/Canadian Border).

From New Orleans, La., via INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery; Atlanta, Ga.; Spartanburg, S. C.; Gordonsville, Va.; INT of the Gordonsville 059° and the Coyle, N. J., 235° radials; Coyle; Kennedy, N.Y.; Albany, N.Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).

From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Sioux Narrows, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

AMENDMENTS 8/18/70 35 F. R. 13118 (Changed)

Jet Route No. 39 (Crestview, Fla., to Rosewood, Ohio).

From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; INT of the Birmingham 360° and the Nashville, Tenn., 191° radials; Nashville; Louisville, Ky., to Rosewood, Ohio.

Jet Route No. 40 (Montgomery, Ala., to Ironsides, Md.).

From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon: Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; to the INT of the Richmond 009° and the Gordonsville, Va., 059° radials.

Jet Route No. 41 (Key West, Fla., to Omaha, Nebr.).

From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg; Tallahassee,
Fla.; Montgomery, Ala.; Birmingham, Ala.; Memphis, Tenn.; Springfield, Mo., Kansas City, Mo., to Omaha, Nebr.

Jet Route No. 42 (Greater Southwest, Texas to Hampton, N. Y.).

From Greater Southwest, Texas via Texarkana, Ark.; Memphia, Tenn.; Nashville, Tenn.; Beckley, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J. 239° radials; Robbinsville; INT Robbinsville 073° and Hampton 223° radials; to Hampton.

AMENDMENTS 2/5/70 34 F. R. 18451 (Changed)
AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 43 (Miami, Fla. to Sault Ste. Marie, Mich.).

From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Falmouth, Ky.; Rosewood, Ohio; Carleton, Mich., to Sault Ste. Marie, Mich.

Jet Route No. 44 (Phoenix, Ariz., to Farmington, N. Mex.).

From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

Jet Route No. 45 (Jacksonville, Fla., to Aberdeen, S. Dak.).

From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; INT of the Nashville 316° and the St. Louis, Mo., 129° radials; St. Louis; Des Moines, Iowa, Sioux Falls, S. Dak.; to Aberdeen, S. Dak.

Jet Route No. 46 (Tulsa, Okla., to Knoxville, Tenn.).

From Tulsa, Okla., via Walnut Ridge, Ark.; Nashville, Tenn., to Knoxville, Tenn.

Jet Route No. 47 (Charleston, S. C., to Spartanburg, S. C.)

From Charleston, S. C., via Columbia, S. C., to Spartanburg, S. C.

Jet Route No. 48 (Pulaski, Va., to Boston, Mass.).

From Pulaski, Va., via Westminster, Md.; Sparta, N. J.; Putnam, Conn.; to Boston, Mass.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

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Jet Route No. 49 (Phillipsburg, Pa., to the United States/Canadian Border).

From Phillipsburg, Pa., via Hancock, N. Y.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

Jet Route No. 50 (El Paso, Texas, to Crestview, Fla.).

From El Paso, Texas, via Wink, Texas; Abilene, Tex.; Waco, Texas; Lufkin, Texas; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

Jet Route No. 51 (Jacksonville, Fla., to Norfolk, Va.).

From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N.C.; to Norfolk, Va.

Jet Route No. 52 (Denver, Colo., to Richmond, Va.).

From Denver, Colo., via Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Greater Southwest, Texas; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.,; Raleigh-Durham, N. C.; to Richmond, Va.

AMENDMENTS 2/5/70 34 F. R. 19595 (Changed)
AMENDMENTS 9/17/70 35 F. R. 10506 (Changed)

Jet Route No. 53 (Key West, Fla., to Kleinburg, Ontario, Canada).

From Key West, Fla., via Miami, Fla.; Orlando, Fla.; Jacksonville, Fla.; INT of the Jacksonville 343° and the Augusta, Ga., 189° radials; Augusta; Spartanburg, S. C.; Pulaski, Va.; INT of Pulaski 015° and Ellwood City, Pa., 177° radials; Ellwood City; to Kleinburg, Ontario, Canada. The portion within Canada is excluded.

Jet Route No. 54 (Pendleton, Oreg., to Pocatello, Idaho).

From Pendleton, Oreg., via Boise, Idaho, to Pocatello, Idaho.

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).

From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Grodonsville 059 and Sea Isle, N. J., 257° radials; Sea Isle; INT of Sea Isle 040° and Putnam, Conn., 217° radials; Putnam; Kennebunk, Maine; Bangor, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jot Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Meeker, Colo., to Denver, Colo.

Jet Route No. 57 (Truth or Consequences, N. Mex., to Albuquerque, N. Mex.)

From Truth or Consequences, N. Mex., via Socorro, N. Mex.; to Albuquerque, N. Mex.

AMENDMENTS 7/23/70 35 F. R. 8926 (Added)

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).

From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; Greater Southwest, Texas; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

AMENDMENTS 2/5/70 34 F. R. 19749 (Changed)

Jet Route No. 59 (Philipsburg, Pa., to Syracuse, N. Y.).

From Philipsburg, Pa., to Syracuse, N. Y.

Jet Route No. 60 (Los Angeles, Calif., to Robbinsville, N. J.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT Phillipsburg 100° and Robbinsville, N. J., 293° radials; to Robbinsville.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 61 (Westminster, Md. to Buffalo, N. Y.).

From Westminster, Md., via Philipsburg, Pa., to Buffalo, N. Y.

Jet Route No. 62 (Kennedy, N. Y., to Nantucket, Mass.).

From Kennedy, N.Y., via the INT of the Kennedy 080° and the Nantucket, Mass., 255° radials, to Nantucket.

Jet Route No. 63 (Tuna INT to Syracuse, N. Y.)

From the Tuna INT (INT of Kennedy, N. Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N. Y.; INT of Huguenot 321° and Syracuse, N. Y., 149° radials; to Syracuse.

Jet Route No. 64 (Los Angeles, Calif., to Robbinsville, N. J.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; to Robbinsville, N. J.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).

From Phoenix, Ariz., via the INT of the Phoenix 272° and the Blythe, Calif., 096° radials; Blythe; Palmdale; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

Jet Route No. 66 (Greater Southwest, Tex., to Rome, Ga.).

From Greater Southwest, Tex., via Little Rock, Ark.; Memphis, Tenn.; INT Memphis 096° and Rome, Ga., 286° radials; to Rome.

AMENDMENTS 6/25/70 35 F. R. 7109 (Rewritten)

Jet Route No. 67 (Lakeview, Oreg., to Portland, Oreg.)

From Lakeview, Oreg., direct Portland, Oreg.

Jet Route No. 68 (Milwaukee, Wis., to Nantucket, Mass.).

From Milwaukee, Wis., via INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; Hancock, N. Y.; INT Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R. I.; to Nantucket, Mass., excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 6 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 69 (Mobile, Ala., to Birmingham, Ala.).
From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

Jet Route No. 70 (Hoquiam, Wash., to Kennedy, N. Y.)(Joins Canadian High Level Airway No. 70).

From Hoquiam, Wash., via Seattle, Wash.; Ephrata, Wash.; Mullan Pass, Idaho; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; Salem, Mich.; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 71 (Memphis, Tenn., to Northbrook, Ill.).

From Memphis, Tenn., via Centralia, Ill.; to Northbrook, Ill.

Jet Route No. 72 (Boulder City, Nev., to Greater Southwest, Tex.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Greater Southwest, Texas.

Jet Route No. 74 (Los Angeles, Calif., to Greater Southwest, Tex.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; St. Johns, Ariz.; Socorro, N. Mex.; Texico, N. Mex.; Wichita Falls, Tex.; to Greater Southwest, Tex.

Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; INT Alma 034° and Columbia, S. C., 201° radials; Columbia; Greensboro, N. C.; Gordonsville, Va.; Westminster, Md.; Huguenot, N. Y.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

AMENDMENTS 4/2/70 35 F. R. 2726 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

Jet Route No. 76 (Boulder City, Nev., to Greater Southwest, Texas).

From Boulder City, Nev., via Tuba City, Ariz.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; to Greater Southwest, Texas.

Jet Route No. 77 (Miami, Fla., to Boston, Mass.)

From Biscayne Bay, Fla., via the INT of Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach; Daytona Beach, Fla.; Jacksonville, Fla.; Charleston, S. C.; Wilmington, N. C.; Gordonsville, Va; Westminster, Md.; Huguenot, N. Y.; to Boston, Mass.

AMENDMENTS 4/2/70 35 F. R. 1221 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

Jet Route No. 78 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.; Farmington, Mo.; Louisville, Ky., Charleston, W. Va.; Philipsburg, Pa.; INT Phillipsburg 083° and Keating, Pa., 099° radials; to Kennedy, N. Y.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 79 (Miami, Fla., to Kennedy, N. Y.).

From Biscayne Bay, Fla., via the INT of Biscayne Bay 348° and Vero Beach, Fla., 178° radials; Vero Beach; Daytona Beach, Fla.; INT of Daytona Beach 360°, Savannah, Ga., 180° and Jacksonville, Fla., 028° radials; Charleston, S. C.; Wilmington, N. C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N. J., 208° radials; Coyle; to Kennedy, N. Y.

AMENDMENTS 4/2/70 35 F. R. 1221 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

Jet Route No. 80 (Oakland, Calif. to Kennedy, N. Y.).

From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Goodland, Kans.; Hill City, Kans; Salina, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).

From Miami, Fla., via Orlando, Fla., to the INT of the Melbourne, Fla., RR 055° and the Bimini, Bahamas, RBN 008° bearings.

Jet Route No. 82 (Portland, Oreg. to Albany, N. Y.).

From Portland, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak; Sioux Falls, S. Dak.; Fort Dodge, Iowa; Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials; Joliet; Cleveland, Ohio; Jamestown, N. Y.; to Albany, N. Y.

Jet Route No. 83 (Knoxville, Tenn., to Cleveland, Ohio).

From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.).

From Oakland, Calif., via Linden, Calif.; Mina, Nev.; Currant, Nev.; Delta, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 85 (Miami, Fla., to Salem, Mich.) (Joins Canadian High Level Airway No. 85).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio 172° radials; Cleveland; to Salem, Mich. The portion within Canada is excluded.

Jet Route No. 86 (Boulder City, Nev. to Miami, Fla.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.; Fort Stockton, Texas; Junction, Tex.; Austin, Tex.; Humble, Tex.; Grand Isle, La.; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

AMENDMENTS 2/5/70 34 F. R. 19749 (Changed)

Jet Route No. 87 (Humble, Texas to Northbrook, Ill.).

From Humble, Tex., via INT Humble 332° and Greater Southwest, Tex., 154° radials; Greater Southwest; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Kirksville, Mo., 242° radials; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

Jet Route No. 88 (Los Angeles, Calif., to Oakland, Calif.).

From Los Angeles, Calif., via INT of the Los Angeles 303° and the Santa Barbara, Calif., 109° radials; Santa Barbara; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; to Oakland.

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).

From Miami, Fla. via the INT of the Miami 316° and the Lakeland, Fla. 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 293° radials; to Northbrook.

Jet Route No. 91 (Atlanta, Ga., to Cleveland, Ohio).

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; to Cleveland.

Jet Route No. 92 (Reno, Nev., to Tucson, Ariz.).

From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 142° and Boulder City, Nev., 272° radials; Boulder City; Prescott, Ariz.; Phoenix, Ariz.; to Tucson, Ariz.

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).

From Oakland, Calif., via Stockton, Calif.; Reno, Nev.; Battle Mountain, Nev.; Lucin, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; Dubuque, Iowa; Northbrook; Pullman, Mich.; Flint, Mich.; Peck, Mich.;
to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 95 (Kennedy, N. Y., to the United States/Canadian Border).

From Kennedy, N. Y., via Huguenot, N. Y., Buffalo, N. Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.).

From Los Angeles, Calif. via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

AMENDMENTS 9/17/70 35 F. R. 11683 (Changed)

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.

Jet Route No. 98 (Liberal, Kans., to Farmington, Mo.).

From Liberal, Kans., via Gage, Okla.; Oklahoma City, Okla.; via Tulsa, Okla.; Springfield, Mo.; to Farmington, Mo.

AMENDMENTS 3/5/70 35 F. R. 146 (Changed)

Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.).

From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

Jet Route No. 100 (Los Angeles, Calif., to Northbrook, Ill.).

From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 101 (Humble, Texas to Sault Ste. Marie, Mich.).

From Humble, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

Jet Route No. 102 (Alamosa, Colo. to Hill City, Kans.).

From Alamosa, Colo., via Lamar, Colo.; to Salina, Kans.

Jet Route No. 103 (St. Petersburg, Fla., to Savannah, Ga.).

From St. Petersburg, Fla., via Orlando, Fla.; Daytona Beach, Fla.; to Savannah, Ga.

Jet Route No. 104 (Gila Bend, Ariz., to Denver, Colo.).

From Gila Bend, Ariz., via Tucson, Ariz.; San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

Jet Route No. 105 (Greater Southwest, Tex., to Milwaukee, Wis.).

From Greater Southwest, Tex., via Fayetteville, Ark.; Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

Jet Route No. 106 (Minneapolis, Minn., to Kennedy, N. Y.).

From Minneapolis, Minn., via Green Bay, Wis.; INT Green Bay 106° and Flint, Mich., 310° radials; Flint; INT Flint 127° and Salem, Mich., 092° radials; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y., excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 6 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
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Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

Jet Route No. 108 (Winslow, Ariz., to St. Johns, Ariz.)

From Winslow, Ariz., to St. Johns, Ariz.

Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).

From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; to Buffalo, N. Y.

AMENDMENTS 12/10/70 35 F. R. 15908 (Changed)

Jet Route No. 110 (Oakland, Calif., to Kennedy, N. Y.).

From Oakland, Calif., via INT of the Oakland 170° and the Salinas, Calif., 310° radials; Salinas; Fresno, Calif.; Boulder City, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garder City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 111 (Nome, Alaska, to Middleton Island, Alaska.).

From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; to Middleton Island, Alaska.

Jet Route No. 112 (Butler, Mo., to Louisville, Ky.).

From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

Jet Route No. 113 (Northbrook, Ill., to Minneapolis, Minn.).
From Northbrook, Ill., via Dubuque, Iowa; to Minneapolis, Minn.

Jet Route No. 114 (Denver, Colo. to Minneapolis, Minn.).

From Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; to Minneapolis, Minn.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed) 7/23/70 35 F. R. 7553 (Changed)

Jet Route No. 115 (Shemya, Alaska to Deadhorse, Alaska).

From Shemya, Alaska, RBN, via Adak, Alaska, RBN; Nikolski, Alaska, RBN; Cold Bay, Alaska; King Salmon, Alaska; INT King Salmon 053° and Kenai, Alaska, 239° radials; Kenai; Anchorage, Alaska; Fairbanks, Alaska; Chandalar, Alaska, RBN (CQR); Sagwon, Alaska, RBN; to Deadhorse, Alaska, RBN.

AMENDMENTS 4/2/70 35 F. R. 2583 (Rewritten); Corr: 35 F. R. 5007; Eff. date changed 4/30/70 35 F.R. 5465
AMENDMENTS 8/20/70 35 F. R. 10655 (Changed); 12/10/70 35 F. R. 14986 (Changed)

Jet Route No. 116 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Fairfield, Utah; Meeker, Colo.; to Denver, Colo.

AMENDMENTS 7/23/70 35 F. R. 7553 (Added)

Jet Route No. 117 (McGrath, Alaska, to Kotzebue, Alaska).

From McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska, RBN.

Jet Route No. 118 (Memphis, Tenn., to Spartanburg, S. C.)

From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S. C.

Jet Route No. 119 (Miami, Fla., to Alma, Ga.)

From Miami, Fla., via the INT of the Miami 297° and the St. Petersburg, Fla., 151° radials; St. Petersburg; to Alma, Ga.

Jet Route No. 120 (Bethel, Alaska, to Barter Island, Alaska).

From Bethel, Alaska, via McGrath, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska; to the Barter Island, Alaska, RBN.

Jet Route No. 121 (Norfolk, Va., to Providence, R. I.).

From Norfolk, Va., via INT of Norfolk 023° and Sea Isle, N. J., 212° radials; Sea Isle; INT of Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; to INT of Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122 (Nenana, Alaska, to Nome, Alaska).

From Fairbanks, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 123 From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak; to King Salmon, Alaska.

Jet Route No. 124 (Anchorage, Alaska to Northway, Alaska).

From Anchorage, Alaska, via Big Lake, Alaska; Gulkana, Alaska; to Northway, Alaska.

Jet Route No. 125 (Kodiak, Alaska, to Flaxman Island, Alaska).

From Kodiak, Alaska, via Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, RBN; to Flaxman Island, Alaska, RBN.
AMENDMENTS 8/20/70 35 F. R. 10655 (Changed); Corr: 35 F. R. 11683

Jet Route No. 126 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; INT of the Avenal 329° and the Stockton, Calif., 164° radials; Stockton; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg.; to Seattle, Wash.

Jet Route No. 127 (King Salmon, Alaska, to Anchorage, Alaska)

From King Salmon, Alaska, via INT King Salmon 042° and Anchorage, Alaska, 246° radials to Anchorage.

AMENDMENTS 12/10/70 35 F. R. 14986 (Added)

Jet Route No. 128 (Los Angeles, Calif. to Northbrook, Ill.).

From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Gunnison, Colo.; Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 131 (San Antonio, Tex., to Evansville, Ind.).

From San Antonio, Tex., via INT San Antonio 007° and Greater Southwest, Tex., 219° radials; Greater Southwest; Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind.

Jet Route No. 132 (Fort Dodge, Iowa, to Mason City, Iowa).

From Fort Dodge, Iowa, to Mason City, Iowa.

Jet Route No. 133 (Annette Island, Alaska, to Anchorage, Alaska).

From Annette Island, Alaska, via Biorka Island, Alaska; Hinchinbrook, Alaska, RR; Johnstone Point, Alaska; to Anchorage, Alaska.

Jet Route No. 134 (Los Angeles, Calif., to Front Royal, Va.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; St. Louis, Mo.; Falmouth, Ky.; INT of Falmouth 085° and Front Royal, Va., 264° radials; to Front Royal.

Jet Route No. 136 (Newport, Oreg. to Spokane, Wash.).

From Newport, Oreg., via Portland, Oreg., Yakima, Wash., to Spokane, Wash.

Jet Route No. 138 (Fort Stockton, Tex., to Houston, Tex.).

From Fort Stockton, Tex.; San Antonio, Tex.; to Houston, Tex.

Jet Route No. 139 (Bettles, Alaska, to Deadhorse, Alaska)

From the Bettles, Alaska, RBN to the Deadhorse, Alaska, RBN.

AMENDMENTS 8/20/70 35 F. R. 10655 (Added)

Jet Route No. 142 (San Simon, Ariz., to Socorro, N. Mex.)

From San Simon, Ariz., via the INT of the San Simon 038° and the Socorro, N. Mex., 233° radials; to Socorro.

AMENDMENTS 7/23/70 35 F. R. 8926 (Added)

Jet Route No. 144 (Wolbach, Nebr., to Dubuque, Iowa).

From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

Jet Route No. 145 (Charleston, W. Va., to Bellaire, Ohio).

From Charleston, W. Va., to Bellaire, Ohio.

Jet Route No. 146 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder, Nev.; Dove Creek, Colo.; Gunnison, Colo.; Goodland, Kans.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; South Bend, Ind.; INT South Bend 089° and Chardon, Ohio, 279° radials; Chardon, Keating, Pa.; to Kennedy, N. Y., excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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Jet Route No. 147 (Beckley, W. Va., to Gordonsville, Va.)

From Beckley, W. Va., to Gordonsville, Va.

Jet Route No. 148 (Delta, Utah, to O'Neill, Nebr.).

From Delta, Utah, via Myton, Utah; Cheyenne, Wyo.; to O'Neill, Nebr.

Jet Route No. 149 (Casanova, Va., to Fort Wayne, Ind.).

From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

Jet Route No. 150 (Hampton, N. Y., to Striper INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 151 (Birmingham, Ala., to Billings, Mont.).

From Birmingha, Ala., via INT Birmingham 335° and Farmington, Mo., 139° radials; Farmington; St. Louis, Mo.; Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; to Billings, Mont.

AMENDMENTS 6/25/70 35 F. R. 7109 (Changed)

Jet Route No. 152 (Capital, Ill., to New Holland, Pa.).

From Capital, Ill., via INT of Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; INT Rosewood 084° and Harrisburg, Pa., 277° radials; Harrisburg; to INT Harrisburg 096° and Sparta, N. J., 231° radials.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
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Jet Route No. 153 (From Shad INT to Sea Isle, N. J.)

From Shad INT (INT of Sea Isle, N. J. 134° radial, 118 NM from Sea Isle to Sea Isle.

Jet Route No. 154 (Battle Mountain, Nev., to Rock Springs, Wyo.).

From Battle Mountain, Nev., via Bonneville, Utah; Salt Lake City, Utah; to Rock Springs, Wyo.

Jet Route No. 155 (Chandalar Lake, Alaska, to Oliktok, Alaska)

From the Chandalar Lake, Alaska, RBN to the Oliktok, Alaska, RBN.

AMENDMENTS 8/20/70 35 F. R. 10655 (Added)

Jet Route No. 156 (Wilson Creek, Nev., to Meeker, Colo.).

From Wilson Creek, Nev., to Meeker, Colo.

Jet Route No. 158 (Mina, Nev., to Malad City, Idaho).

From Mina, Nev., via Lucin, Utah; to Malad City, Idaho.

AMENDMENTS 1/8/70 34 F. R. 17105 (Added)

Jet Route No. 162 (Cleveland, Ohio, to Front Royal, Va.).

From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

Jet Route No. 174 (Hampton, N. Y., to Herring INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.

Jet Route No. 500 (Thunder Bay, Ontario, to Fredericton, New Brunswick). (joins Canadian high level airway No. 500).

From Thunder Bay, Ontario, via Sault Ste. Marie, Mich.; North Bay, Ontario, Canada; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

Jet Route No. 501 (Oakland, Calif., to Bethel, Alaska) (Join Canadian High Level Airway No. 501).

From Oakland, Calif., via INT Oakland 305° and Ukiah, Calif., 172° radials; Ukiah; Medford, Oreg.; Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN; Cape Scott, British Columbia, Canada, RBN; Sandspit, British Columbia, Canada; Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; to Bethel, Alaska, excluding the airspace within Canada.

Jet Route No. 502 (Seattle, Wash., to Kotzebue, Alaska) (Joins Canadian High Level Airway No. 502).

From Seattle, Wash.; via Victoria, British Columbia, Canada; Malcolm Island, Alaska; Annette Island, Alaska; Sisters Island, Alaska; Burwash Landing, Yukon Territory Canada, RR; Northway, Alaska; Fairbanks, Alaska; to Kotzebue, Alaska, excluding the airspace within Canada.

Jet Route No. 503(Seattle, Wash., to United States/Canadian Border) (joins Canadian High Level airway No. 503).

From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to Princeton, British Columbia.

Jet Route No. 505 (Seattle, Wash., to the United States/Canadian border) (Joins Canadian high level airway No. 505)

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

Jet Route No. 506 (Millinocket, Maine, to United States/Canadian border). (Joins Canadian high level airway No. 506).

From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N. B., 267° radials; to the intersection of the St. John 267° radial with the United States/Canadian border.

Jet Route No. 507 (Deadhorse, Alaska, to Annette Island, Alaska)

From Deadhorse, Alaska, RBN to Fort Yukon, Alaska, RBN (FTO). From Northway, Alaska, via Yakutat, Alaska; Sisters Island, Alaska; to Annette Island, Alaska, excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 2583 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
AMENDMENTS 8/20/70 35 F. R. 10655 (Changed)

Jet Route No. 509 (Long Lake, N.Y., to United States/Canadian border) (Joins Canadian high level airway No. 509)

From the INT of Albany, N.Y., 343° and St. Eustache, Quebec, 188° radials to the INT of the St. Eustache 188° radial with the United States/Canadian border.

Jet Route No. 511 (Dillingham, Alaska, to the United States/Canadian border); (joins Canadian high level airway No. 511).

From Dillingham, Alaska, via Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; to Burwash Landing, Yukon Territory, Canada, RR, excluding the portion which lies over Canadian territory.

Jet Route No. 513 (Thunder Bay, Ontario, Canada, to Sudbury, Ontario, Canada). (Joins Canadian high level airway No. HL-513).

From Thunder Bay, Ontario, Canada, direct to Sudbury, Ontario, Canada, excluding the portion within Canada.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

Jet Route No. 515 (Fargo, N. Dak., via the United States/Canadian border, to Point Barrow, Alaska). (Joins Canadian high level airway No. 515.)

From Fargo, N. Dak., via Pembina, N. Dak., to the INT of Pembina 356° radial and the United States/Canadian border. From the INT of Northway, Alaska, 121° radial and the United States/Canadian border via Northway to Fairbanks, Alaska; Bettles, Alaska; to Point Barrow, Alaska, RBN (PBA).

AMENDMENTS 4/2/70 35 F. R. 2583 (Changed); Eff. date changed 4/30/70 35 F. R. 5465

Jet Route No. 516 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 516).

From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

Jet Route No. 517 (Boise, Idaho to the United States/Canadian border); (joins Canadian high level airway No. 517).

From Boise, Idaho, via Spokane, Wash., to Kimberley, British Columbia, Canada, excluding the portion which lies over Canadian territory.

AMENDMENTS 12/10/70 35 F. R. 15210 (Changed)

Jet Route No. 518 (Cleveland, Ohio, to Westminster, Md.).

From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

Jet Route No. 522 (From the United States/Canadian border to Huguenot, N. Y.). (Joins Canadian High Level Airway No. 522.)

From Kleinburg, Ont., Canada, via Hancock, N. Y., to Huguenot, N. Y., excluding the airspace within Canada.

PENDING AMENDMENT

Jet Route No. 522 (Green Bay, Wis., to Huguenot, N. Y.) (Joins Canadian High Level airway No. 522)

From Green Bay, Wis., via Traverse City, Mich.; Kleinburg, Ontario, Canada; Hancock, N. Y.; to Huguenot, N.Y., excluding the airspace within Canada.

AMENDMENTS 2/4/71 35 F. R. 19348 (Rewritten)

Jet Route No. 523 (Seattle, Wash., to Neah Bay, Wash., Sandspit, British Columbia, Canada, to Annette Island, Alaska.).

From Seattle, Wash., to the Neah Bay, Wash., RBN. From Sandspit, British Columbia, Canada, to Annette Island, Alaska; excluding the airspace within Canada.

Jet Route No. 525 (Sandspit, British Columbia, Canada, to Annette Island, Alaska) (Joins Canadian High Level Airway No. 525).

From the Sandspit, British Columbia, Canada, RR to Annette Island, Alaska, RR, excluding the airspace within Canada.

Jet Route No. 530 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 530).

From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

Jet Route No. 531 (Buffalo, N. Y., to Sault Ste. Marie, Mich.) (Joins Canadian high level airway No. 531.).

From Buffalo, N. Y., via Kleinburg, Ont., Canada; Wiarton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

Jet Route No. 532 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 532).

From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

Jet Route No. 533 (Duluth, Minn., to the United States/Canadian Border) (joins Canadian high level airway No. 533).

From Duluth, Minn., to the United States/Canadian border via the Duluth to Thunder Bay, Ontario, direct radial.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

Jet Route No. 536 (Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada). (Joins Canadian high level airway No. 536).

From Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada, excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 2584 (Added); Eff. date changed 4/30/70 35 F. R. 5465

Jet Route No. 538 (Duluth, Minn., to the United States/Canadian border); (joins Canadian high level airway No. 538).

From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

Jet Route No. 540 (Mullan Pass, Idaho, to the United States/Canadian border)(Joins Canadian high level airway No. 540).

From Mullan Pass, Idaho, to the INT of Mullan Pass 041° radial and the United States/Canadian border.

AMENDMENTS 5/28/70 35 F. R. 6006 (Added)

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).

From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).

From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.

Jet Route No. 547 (Northbrook, Ill., to Kennebunk, Maine). (Joins Canadian high level airway No. 547.)

From Northbrook, Ill., via Pullman, Mich.; Flint, Mich.; Peck, Mich.; London, Ontario; Buffalo, N. Y.; Syracuse, N. Y.;
INT Syracuse 094° and Albany, N. Y., 058° radials; to Kennebunk, Maine, excluding the portion which lies over Canadian territory.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 548 (Pullman, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).

From Pullman, Mich.; via the INT Sault Ste. Marie, Mich., 207° and Pullman 010° radials; Sault Ste. Marie, to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

Jet Route No. 551 (Peck, Mich., to the United States/Canadian border.) (Joins Canadian high level airway No. 551).

From Peck, Mich., to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

Jet Route No. 554 (Knox, Ind., to Jamestown, N. Y.) (Joins Canadian High Level airway No. 554).

From INT Joliet, Ill., 108° and Fort Wayne, Ind., 279° radials; Carleton, Mich., to Jamestown, N. Y., excluding the portion within Canada.

AMENDMENTS 4/2/70 35 F. R. 6 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 559 (Syracuse, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 559).

From Syracuse, N. Y., to the INT of Syracuse 005° radial and the United States/Canadian border.

Jet Route No. 560 (Plattsburgh, N. Y., to the United States/Canadian Border.) (Joins Canadian high level airway No. 560.)

From Plattsburgh, N. Y., to Quebec, Quebec, Canada, excluding the airspace over Canada.

Jet Route No. 563 (Albany, N. Y., to the United States/Canadian border). (Joins Canadian High Level Airway No. 563).

From Albany, N. Y., via INT of Albany 008° and Sherbrooke, Quebec, Canada, 217° radials to Sherbrooke, excluding the airspace over Canada.

Jet Route No. 564 (Presque Isle, Maine, to the United States/Canadian border); (joins Canadian high level airway No. 564).

From Presque Isle, Maine, to INT of the Presque Isle 038° radial and the United States/Canadian border.

Jet Route No. 566 (Massena, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 566).

From Massena, N. Y., to the INT of the Massena 037° radial and the United States/Canadian border.

Jet Route No. 567 (Plattsburgh, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 567).

From Plattsburgh, N. Y., to the INT of the Plattsburgh 331° radial and the United States/Canadian border.

Jet Route No. 573 (Kennebunk, Maine, to the United States/Canadian Border). (joins Canadian High Level Airway No. 573).

From Kennebunk, Maine, to St. John, New Brunswick, Canada, excluding the portion within Canada.

Jet Route No. 575 (Yardley, Pa., to Yarmouth, N. S., Canada). (Joins Canadian high level airway No. 575).

From INT Kennedy, N. Y., 247° and Robbinsville, N. J., 280° radials; via Kennedy; INT Kennedy 042° and Putnam, Conn., 247° radials; Putnam; Boston, Mass.; to Yarmouth, N. S., Canada, excluding the portion under the jurisdiction of Canada.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 581 (Hampton, N. Y. to the United States/Canadian Border); (joins Canadian high level airway No. 581).

From Hampton, N. Y., via Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

Jet Route No. 582 (Presque Isle, Maine, to the United States/Canadian border). (Joins Canadian high level airway No. 582.)

From Presque Isle, Maine, to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 584 (Northbrook, Ill., to Kennedy, N. Y.).

From Northbrook, Ill., via INT of Northbrook 093° and Carleton, Mich., 270° radials; Carleton; Slate Run, Pa.; INT Slate Run 101° and Kennedy, N. Y., 291° radials; to Kennedy.

AMENDMENTS 4/2/70 35 F. R. 6 (Changed); Eff. date changed 4/30/70 35 F. R. 5465
Eff. date changed to: Upon further notice 35 F. R. 6274; Eff. date changed to: 6/25/70 35 F. R. 7051

Jet Route No. 585 (Nantucket, Mass. to Yarmouth, N.S. Canada). (Joins Canadian high level airway No. 585).

From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 586 (Carleton, Mich., to United States/Canadian Border near Massena, N. Y.). (Joins Canadian High Level Airway No. 586).

From Carleton, Mich., via London, Ont., Canada; Stirling, Ont., Canada; Massena, N. Y.; to St. Jean, Quebec, Canada. That airspace within Canada is excluded.

Jet Route No. 590 (Thunder Bay, Ontario, Canada to Sault Ste. Marie, Mich.)(Joins Canadian high level airway No. HL-590).

From the Thunder Bay, Ontario, Canada, RBN; to Sault Ste. Marie, Mich. The portion within Canada is excluded.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

SUBPART C - JET ADVISORY AREAS

§75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 25 Jet Advisory Area
Nonradar: From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex., from FL 270 to FL 410, inclusive.
PENDING AMENDMENT
Jet Route No. 25 Jet Advisory Area is revoked. 1/7/71 35 F. R. 16677 Eff. date changed 2/18/71 36 F. R. 44

Jet Route No. 29 Jet Advisory Area
Nonradar: From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex., from FL 270 to FL 410, inclusive.
PENDING AMENDMENT
Jet Route No. 29 Jet Advisory Area is revoked. 1/7/71 35 F. R. 16677 Eff. date changed 2/18/71 36 F. R. 44

Jet Route No. 32 Jet Advisory Area.
Nonradar: From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian border only from FL 330 to FL 370, inclusive.

Jet Route No. 36 Jet Advisory Area
Nonradar: From the intersection of J-36 and longitude 100°00'00" W., to the boundary of the positive control area southeast of Fargo from FL 240 to FL 280 and FL 370 to FL 410, inclusive.

Jet Route No. 38 Jet Advisory Area.
Nonradar: From United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and FL 370 to FL 410, inclusive.

Jet Route No. 53 Jet Advisory Area.
Radar: Key West, Fla., to the positive control area boundary S of Miami, Fla.

Jet Route No. 62 Jet Advisory Area.

Radar: From the positive control area boundary SW of Nantucket, Mass., to Nantucket.

Jet Route No. 68 Jet Advisory Area.
Radar: From Providence, R. I., to Nantucket, Mass.

Jet Route No. 97 Jet Advisory Area.
Radar: Nantucket, Mass., to Boston, Mass.

Jet Route No. J-107 Jet Advisory Area.
Radar: From the positive control area boundary NE of Dickinson, N. Dak., to 14 nautical miles SW of Pembina, N. Dak.
Nonradar: From 14 nautical miles SW of Pembina, N. Dak., to 26 nautical miles NE of Pembina; from 81 nautical miles NE of Pembina to 93 nautical miles NE of Pembina.

Jet Route No. 500 Jet Advisory Area.
Radar: From the United States/Canadian border SE of Thunder Bay, Ont., Canada, to the United States/Canadian border E of Sault Ste. Marie, Mich., excluding the airspace below FL 290.
Nonradar: From the United States/Canadian border southeast of Thunder Bay, Ontario, Canada to the positive control area boundary northwest of Sault Ste. Marie, Mich., from FL-240 to FL-280, inclusive.

AMENDMENTS 2/26/70 35 F. R. 3659 (Changed)

Jet Route No. 515 Jet Advisory Area
Nonradar: From Fargo, N. Dak., to the United States/Canadian border from FL 240 to FL 280 and FL 370 to FL 410, inclusive.

Jet Route No. 532 Jet Advisory Area.
Radar: Pembina, N. Dak., to the United States/Canadian border.

Jet Route No. 533 Jet Advisory Area.
Nonradar: From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian Border only from FL 330 to FL 370, inclusive.

Jet Route No. 538 Jet Advisory Area.
Nonradar: From the United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and from FL 370 to FL 410, inclusive.

§75.300 **Terminal jet advisory areas.**

(Unless otherwise specified the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Boston, Mass., Jet Advisory Area.
Radar a. Nantucket, Mass., CONSOLAN via Control Area 1143 to boundary of the Continental Control Area.
b. Nantucket, Mass., CONSOLAN via Control Area 1144 to boundary of the Continental Control Area.
c. Nantucket, Mass., CONSOLAN via Control Area 1145 to boundary of the Continental Control Area.

Los Angeles, Calif., Jet Advisory Area
Radar. a. The airspace within 3 miles from the shoreline of Santa Catalina Island, Calif.

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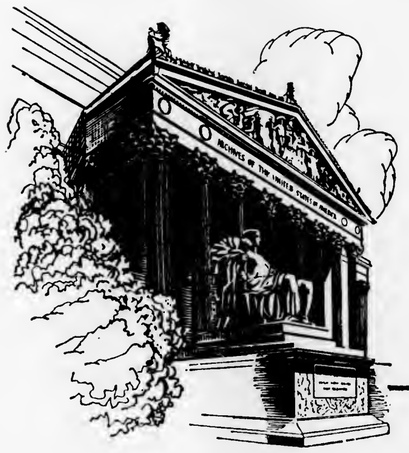

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723.12 Maryland tobacco.

AUTHORITY: The provisions of this subpart are issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

Basis and purpose. Sections 723.1 and 723.2 are issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim national marketing quotas for Cigar-filler (type 41) and Maryland tobacco for each of the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. The material previously appearing in these sections under Subpart—Proclamation of a National Marketing Quota for Cigar-Filler (Type 41) Tobacco for Each of the 3 Marketing Years Beginning October 1, 1968, October 1, 1969, and October 1, 1970; and Determinations and Announcement of the National Marketing Quota, National Acreage Allotment, National Acreage Factor for Apportioning the National Acreage Allotment (Less Reserve) to Old Farms, and the amount of the National Reserve and Parts Thereof Available for (a) 1968 New Farm Allotments, and (b) Making Corrections and Adjusting Inequities in 1968 Old Farm Allotments for Cigar-Filler (Type 41) Tobacco for the 1968–69 Marketing Year remain in full force and effect for the crops to which it was applicable. Sections 723.11 and 732.12 are also issued pursuant to the Act to determine the reserve supply level and the total supply of each kind of tobacco for the marketing year beginning October 1, 1970; to announce for the 1971–72 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves), to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for such kinds of tobacco. The determinations contained in §§ 723.11 and 723.12 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Cigar-filler (type 41) and Maryland tobacco producers and others as provided in a notice (35 F.R. 18400) given in accordance with the provisions of 5 U.S.C. 553.

Since the Act requires the holding of separate referenda of Cigar-filler (type 41) and Maryland tobacco producers within 30 days after issuance of the proclamation of national marketing quotas for such kinds of tobacco to determine whether such producers favor marketing quotas, since such farmers must be notified, insofar as practicable, of their farm acreage allotments prior to the referenda and since notices of allotments cannot be mailed until the issuance of the proclamations herein, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamations, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

PROCLAMATION OF QUOTAS

§ 723.1 Cigar-filler (type 41) tobacco—1971–72, 1972–73, and 1973–74 marketing years.

Since the 1970–71 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed were disapproved by producers of Cigar-filler (type 41) tobacco in a referendum, and since producers of such kind of tobacco had disapproved national marketing quotas on such kind of tobacco in referenda held in 3 successive years subsequent to 1952, section 312(a)(4) of the Act requires the proclamation of a national marketing quota for each of the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973; and each such quota is hereby proclaimed.

§ 723.2 Maryland tobacco—1971–72, 1972–73, and 1973–74 marketing years.

Since the 1970–71 marketing year is the last of the 3 consecutive years for which marketing quotas previously proclaimed were disapproved by producers of Maryland tobacco in a referendum, and since producers of such kind of tobacco had disapproved national marketing quotas on such kind of tobacco in referenda held in 3 successive years subsequent to 1952, section 312(a)(4) of the Act requires the proclamation of a national marketing quota for each of the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973; and each such quota is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS—1971–72 MARKETING YEAR

§ 723.11 Cigar-filler tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for Cigar-filler (type 41) tobacco is 132.9 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 45.6 million pounds and a normal year's exports of 0.7 million pounds.

(b) *Total supply.*[1] The total supply of Cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1970, calculated in accordance with the Act, is 131.5 million pounds, consisting of carryover of 97.3 million pounds and estimated 1970 production of 34.2 million pounds.

(c) *Carryover.*[1] The estimated carryover of Cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1971, is 88.5 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 43 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Cigar-filler (type 41) tobacco which will make available during the marketing year beginning October 1, 1971, a supply of Cigar-filler (type 41) tobacco equal to the reserve supply level of such tobacco is 44.4 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year, 1966–70, national average yield of 1,790 pounds, is 24,804.46 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 248.04 acres, of which 25 acres are made available for 1971 new farms, and 223.04 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 723.12 Maryland tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for Maryland tobacco is 93.9 million pounds, calculated as provided in the Act, from a normal year's domestic consumption of 25.3 million pounds and

See footnote at end of docket.

a normal year's exports of 12 million pounds.

(b) *Total supply.*[1] The total supply of Maryland tobacco for the marketing year beginning October 1, 1970, calculated in accordance with the Act, is 80 million pounds consisting of estimated carryover of 53 million pounds and estimated 1970 production of 27 million pounds.

(c) *Carryover.*[1] The estimated carryover of Maryland tobacco for the 1971–72 marketing year is 43 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance of 37 million pounds for the 1970–71 marketing year from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Maryland tobacco which will make available during the 1971–72 marketing year, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 50.9 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year 1966–70 national average yield of 1,033 pounds, is 49,273.95 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1.40. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 492.73 acres, of which 20 acres are made available for 1971 new farms, and 472.73 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 29, 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-1494 Filed 2-1-71;1:37 pm]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

PROCLAMATION OF QUOTAS

Sec.
724.5 Virginia sun-cured tobacco—1971–72, 1972–73, and 1973–74 marketing years.

[1] Rounded to the nearest tenth of a million pounds.

DETERMINATIONS AND ANNOUNCEMENTS—1971–72 MARKETING YEAR

Sec.
724.12 Fire-cured (type 21) tobacco.
724.13 Fire-cured (types 22–24) tobacco.
724.14 Dark air-cured tobacco.
724.15 Virginia sun-cured tobacco.

AUTHORITY: The provisions of this subpart are issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

Basis and purpose. Section 724.5 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim a national marketing quota for Virginia sun-cured tobacco for each of the three marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Sections 724.12 through 724.15 are also issued pursuant to the Act to determine the reserve supply level and the total supply of each kind of tobacco for the marketing year beginning October 1, 1970; to announce for the 1971–72 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for Fire-cured (type 21), Fire-cured (types 22–24), Dark air-cured, and Virginia sun-cured tobacco. The material previously appearing in these sections under centerhead Determinations and Announcements—1970–71 Marketing Year remain in full force and effect as to the crop to which it was applicable.

The determinations contained in §§ 724.12 through 724.15 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Fire-cured (type 21), Fire-cured (types 22–24), Dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (35 F.R. 18400) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas will not be announced for the 1971–72 marketing year for Fire-cured (type 21), Fire-cured (types 22–24), or Dark air-cured tobacco.

Since tobacco farmers are now making their plans for producing tobacco in 1971 and need to know, at the earliest possible date, the applicable 1971 tobacco allotments for their farms, and since the Act requires the holding of a referendum of Virginia sun-cured tobacco producers within 30 days after issuance of the proclamation of national marketing quotas for this kind of tobacco to determine whether such producers favor quotas, and the Act requires, insofar as practicable, the mailing of farm allotment notices to farmers prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

PROCLAMATION OF QUOTAS

§ 724.5 Virginia sun-cured tobacco—1971–72, 1972–73, and 1973–74 marketing years.

Since the 1970–71 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Virginia sun-cured tobacco, a national marketing quota for such tobacco for each of the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973, is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS—1971–72 MARKETING YEAR

§ 724.12 Fire-cured (type 21) tobacco.[1]

(a) *Reserve supply level.*[1] The reserve supply level for Fire-cured (type 21) tobacco is 21,729,000 pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 3,745,000 pounds and a normal year's exports of 6,300,000 pounds.

(b) *Total supply.*[1] The total supply of Fire-cured (type 21) tobacco for the marketing year beginning October 1, 1970, is 16,297,000 pounds, calculated in accordance with the Act, from a carryover of 9,797,000 pounds and estimated 1970 production of 6,500,000 pounds.

(c) *Carryover.*[1] The estimated carryover of Fire-cured (type 21) tobacco for the marketing year beginning October 1, 1971, is 8,297,000 pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 8 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1971, a supply of Fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 13,432,000 pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 13,432,000 pounds would result in undue restriction of marketings during the 1971–72 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1971, is 16,118,000 pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year 1966–70 national average yield of 1,278 pounds is 12,611.89 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1.10. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the

See footnote at end of docket.

1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 126.11 acres, of which 10 acres are made available for 1971 old farms, and 116.11 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.13 Fire-cured (types 22–24) tobacco.

(a) *Reserve supply level.*[2] The reserve supply level for Fire-cured (types 22–24) tobacco is 98 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 18.8 million pounds and a normal year's exports of 25.2 million pounds.

(b) *Total supply.*[2] The total supply of Fire-cured (types 22–24) tobacco for the marketing year beginning October 1, 1970, is 96.7 million pounds, calculated in accordance with the Act, from a carryover of 63.8 million pounds and estimated 1970 production of 32.9 million pounds.

(c) *Carryover.*[2] The estimated carryover of Fire-cured (types 22–24) tobacco for the marketing year beginning October 1, 1971, is 56.7 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 40 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of Fire-cured (types 22–24) tobacco which will make available during the marketing year beginning October 1, 1971, a supply of Fire-cured (types 22–24) tobacco equal to the reserve supply level of such tobacco is 41.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 41.3 million pounds would result in undue restriction of marketings during the 1971–72 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Fire-cured (types 22–24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1971, is 49.6 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year 1966–70 national average yield of 1,817 pounds is 27,297.74 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 272.97 acres, of which 20 acres are made available for 1971 new farms, and 252.97 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.14 Dark air-cured tobacco.

(a) *Reserve supply level.*[2] The reserve supply level for Dark air-cured tobacco is 67.4 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 21.3 million pounds and a normal year's exports of 3.4 million pounds.

(b) *Total supply.*[2] The total supply of Dark air-cured tobacco for the marketing year beginning October 1, 1970, is 69.7 million pounds calculated in accordance with the Act, from a carryover of 53.7 million pounds and estimated 1970 production of 16 million pounds.

(c) *Carryover.*[2] The estimated carryover of Dark air-cured tobacco for the marketing year beginning October 1, 1971, is 50.1 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 19.6 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of Dark air-cured tobacco which will make available during the marketing year beginning October 1, 1971, a supply of Dark air-cured tobacco equal to the reserve supply level of such tobacco is 17.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 17.3 million pounds would result in undue restriction of marketings during the 1971–72 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1971, is 20.8 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year, 1966–70, national average yield of 1,824 pounds, is 11,403.50 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 114.03 acres, of which 14 acres are made available for 1971 new farms, and 100.03 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.15 Virginia sun-cured tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for Virginia sun-cured tobacco is 5,156,000 pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 1,591,000 pounds and a normal year's exports of 324,000 pounds.

(b) *Total supply.*[1] The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1970, calculated in accordance with the Act, is 4,477,000 pounds, consisting of carryover of 3,327,000 pounds and estimated 1970 production of 1,150,000 pounds.

(c) *Carryover.*[1] The estimated carryover of Virginia sun-cured tobacco for the marketing year beginning October 1, 1971, is 3,077,000 pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 1,400,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1971, a supply of sun-cured tobacco equal to the reserve supply level of such tobacco is 2,079,000 pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 2,079,000 pounds would result in undue restriction of marketings during the 1971–72 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1971, is 2,495,000 pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year, 1966–70, national average yield of 1,125 pounds, is 2,217.77 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 22.17 acres, of which 5 acres are made available for 1971 new farms, and 17.17 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 29, 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-1495 Filed 2-1-71;1:37 pm]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Determinations and Announcements—1971–72 Marketing Year

Sec.
724.16 Cigar-binder (types 51 and 52) tobacco.
724.17 Cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

[1] Rounded to the nearest thousand pounds.
[2] Rounded to the nearest tenth of a million.

AUTHORITY: The provisions of this subpart are issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

Basis and purpose. Sections 724.16 and 724.17 are issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to (1) determine the reserve supply levels for cigar binder (types 51 and 52) and cigar filler and binder (types 42–44, 53–55) tobacco, (2) determine the total supply of each of such two kinds of tobacco for the marketing year beginning October 1, 1971, and (3) announce for the 1971–72 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for each of these two kinds of tobacco.

The material previously appearing in these sections under centerhead Determinations and Announcements—1970–71 Marketing Year remain in full force and effect as to the crop to which it was applicable.

The determinations contained in §§ 724.16 and 724.17 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar binder (types 51 and 52) and cigar filler and binder (types 42–44, 53–55) tobacco producers and others as provided in a notice (35 F.R. 18400) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas for these kinds of tobacco will not be announced for the 1971–72 marketing year. Since cigar tobacco farmers are now making their plans for producing tobacco in 1971 and need to know, at the earliest possible date, the applicable 1971 tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.16 Cigar binder (types 51 and 52) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for cigar binder (types 51 and 52) tobacco is 17.1 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 5.2 million pounds and a normal year's exports of 1.2 million pounds.

(b) *Total supply.*[1] The total supply of Cigar binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1970, is 10.1 million pounds, calculated in accordance with the Act, from a carryover of 7 million pounds and estimated 1970 production of 3.1 million pounds.

(c) *Carryover.*[1] The estimated carryover of Cigar binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1971, is 6.3 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 3.8 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Cigar binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1971, a supply of Cigar binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 10.8 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year, 1966–70 national average yield of 1,804 pounds is 5,986.69 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1.10. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 59.86 acres, of which 48 acres are made available for 1971 new farms, and 11.86 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.17 Cigar filler and binder (types 42–44, 53–55) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for Cigar filler and binder (types 42–44, 53–55) tobacco is 66.9 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 22.9 million pounds and a normal year's exports of 0.4 million pounds.

(b) *Total supply.*[1] The total supply of Cigar filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1970, is 64 million pounds calculated in accordance with the Act, from a carryover of 44.3 million pounds and estimated 1970 production of 19.7 million pounds.

(c) *Carryover.*[1] The estimated carryover of Cigar filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1971, is 39 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1970, of 25 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Cigar filler and binder (types 42–44, 53–55) tobacco which will make available during the marketing year beginning October 1, 1971, a supply of Cigar filler and binder (types 42–44, 53–55) tobacco equal to the reserve supply level of such tobacco is 27.9 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 27.9 million pounds would result in undue restriction of marketings during the 1971–72 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Cigar filler and binder (types 42–44, 53–55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1971, is 32.5 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1971–72 marketing year by the 5-year, 1966–70, national average yield of 1,813 pounds, is 18,477.66 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1971–72 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1971 preliminary allotments for 1971 old farms.

(g) *National reserve.* The national acreage reserve is 184.77 acres, of which 148 acres are made available for 1971 new farms, and 36.77 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 29, 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-1496 Filed 2-1-71;1:37 pm]

[1] Rounded to the nearest tenth of a million.

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 224]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.524 Navel Orange Regulation 224.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 2, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 5, 1971, through February 11, 1971, are hereby fixed as follows:

(i) District 1: 750,000 cartons;

(ii) District 2: 250,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 3, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-1673 Filed 2-3-71;11:26 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Wheat Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Wheat Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 8867, 10097, and 11691 containing provisions for price support loans and purchases applicable to the 1970 crop of wheat are amended as follows:

Section 1421.487 is amended to delete in the introductory sentence of § 1421.487 all references to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (b) which relates to warehouses operated by eastern common carriers. The amended section reads as follows:

§ 1421.487 Warehouse charges.

Subject to the provisions of §1421.466, the schedule of deductions set forth in this section shall apply to wheat stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1971	Deduction (cents per bushel)	Maturity date of May 31, 1971
(1)		(1)
Prior to May 16, 1970	13	Prior to June 16, 1970.
May 16–June 12, 1970	12	June 16–July 13, 1970.
June 13–July 10, 1970	11	July 14–Aug. 10, 1970.
July 11–Aug. 7, 1970	10	Aug. 11–Sept. 7, 1970.
Aug. 8–Sept. 4, 1970	9	Sept. 8–Oct. 5, 1970.
Sept. 5–Oct. 2, 1970	8	Oct. 6–Nov. 2, 1970.
Oct. 3–Oct. 30, 1970	7	Nov. 3–Nov. 30, 1970.
Oct. 31–Nov. 27, 1970	6	Dec. 1–Dec. 28, 1970.
Nov. 28–Dec. 25, 1970	5	Dec. 29, 1970–Jan. 25, 1971.
Dec. 26, 1970–Jan. 22, 1971	4	Jan. 26–Feb. 22, 1971.
Jan. 23–Feb. 19, 1971	3	Feb. 23–Mar. 22, 1971.
Feb. 20–Mar. 19, 1971	2	Mar. 23–Apr. 19, 1971.
Mar. 20–Apr. 30, 1971	1	Apr. 20–May 31, 1971.

[1] Date storage charges start, all dates inclusive.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (2–4–71).

Signed at Washington, D.C., on January 28, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-1553 Filed 2-3-71;8:50 am]

[CCC Grain Price Support Regs., 1970 Crop Oats Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Oats Loan and Purchase Program

DEDUCTION OF STORAGE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 8539 and 9823 containing provisions for price support loans and purchases applicable to the 1970 crop of oats are amended as follows:

In § 1421.273, paragraph (b), which relates to storage deductions for oats stored in warehouses operated by eastern common carriers, is deleted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (2–4–71).

Signed at Washington, D.C., on January 29, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-1554 Filed 2-3-71;8:50 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Oats Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Oats Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 8340, containing provisions for price support loans and purchases applicable to the 1970 and Subsequent crops of oats are amended as follows:

Section 1421.252 is revised to delete all references in paragraph (a) relating to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (c) which relates to warehouses operated by eastern common carriers. The revised section reads as follows:

§ 1421.252 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the oats represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the oats are deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the

lien by sale of the oats when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of oats stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on oats stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the oats were received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (2-4-71).

Signed at Washington, D.C., on January 29, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-1555 Filed 2-3-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-37-AD; Amdt. 39-1151]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39-1101, 35 F.R. 16791, AD 70-22-8, requires a visual inspection and rework of the elevator aft control quadrant in accordance with Boeing Telegraphic Alert Service Bulletin 3003, dated October 16, 1970, on Boeing Model 707 and 720 Series airplanes. After issuing Amendment 39-1101, the Boeing Co. issued Revision 2, dated January 15, 1971, to the Service Bulletin, which Revision provides for additional inspections at specified intervals to assure elevator aft quadrant integrity. The agency has determined that the additional inspections recommended in the Revision must be accomplished to assure adequate elevator aft quadrant integrity. Therefore, the AD is being superseded by a new AD that requires repetitive inspections of the elevator aft quadrant for corrosion and cracks and torque tube ovalness, until modified in accordance with the manufacturer's Service Bulletin.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707 and 720 series airplanes listed in Boeing Service Bulletin 3003, Revision 2, dated January 15, 1971, or later FAA-approved revisions.

Compliance required as indicated after the effective date of this AD.

To assure elevator aft quadrant integrity, accomplish the following inspections and rework or the equivalent inspections and rework approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Within the next 15 hours' time in service unless already accomplished per Telegraphic Alert Service Bulletin 3003 dated October 16, 1970, or AD 70-22-8, perform a close visual inspection of the elevator aft control quadrant hub aft flange face and central web area for corrosion and cracks per Part I of Boeing Service Bulletin 3003, Revision 2, dated January 15, 1971, or later FAA-approved revisions. If cracks are found, replace quadrant per paragraph (d).

(b) Within the next 750 hours' time in service unless already accomplished, inspect the aft flange face and central web of the elevator aft quadrant for corrosion and cracks per Parts I and II of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions. Accomplish a micrometer check of the quadrant torque tube diameter for ovalness in both the "x" and "y" axes as shown in Fig. 1 of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions.

(1) If the torque tube is either round or oval within limits per Part II of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions, perform periodic close visual inspections at intervals not to exceed 750 hours' time in service. On or before 1,500 hours' time in service, initiate the dye penetrant or eddy current and torque check inspection program per Part III of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions. The quadrant assembly may be retained in service under dye penetrant or eddy current inspection surveillance at intervals not to exceed 1,500 hours' time in service until it is either replaced or overhauled per (c).

(2) If the torque tube exceeds the limits of ovalness specified in Part II of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions, conduct a dye penetrant or eddy current inspection and torque check per Part IV of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions prior to further flight.

(3) If, after performing the inspection and torque check per (2) above, the torque tube diameter difference is less than 0.004, the quadrant assembly may be retained in service under dye penetrant or eddy current inspection surveillance at intervals not to exceed 1,500 hours' time in service until it is either replaced per (d) or overhauled per (c).

(4) If, after completing the inspection and torque check per (2) above, the torque tube dimensional difference is still greater than 0.004, replace the quadrant assembly per (d).

(c) On or before 12,000 hours' time in service unless already accomplished, overhaul or replace the quadrant assembly per Part V of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions.

(d) If, as a result of any of the foregoing inspections, the quadrant assembly shows signs of cracks, or the torque tube ovalness is beyond limits after the torque check, replace the quadrant assembly prior to further flight with either an "Existing" quadrant assembly reworked in accordance with Part V of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions, or by an "Equivalent" new quadrant assembly as identified in table II of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions.

(e) The inspections required by this AD may be discontinued upon replacement of the aft quadrant assembly by an "Existing" quadrant assembly reworked in accordance with Part V of the Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions, or by an "Equivalent" new quadrant assembly as identified in table II of Boeing Service Bulletin 3003, Revision 2, or later FAA-approved revisions.

This amendment supersedes Amendment 39-1101, 35 F.R. 16791, AD 70-22-8.

This amendment becomes effective February 13, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 26, 1971.

LEE E. WARREN,
Acting Director, FAA Western Region.

[FR Doc.71-1573 Filed 2-3-71;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 45—OLEOMARGARINE, MARGARINE

Oleomargarine, Margarine Identity Standard; BHA and BHT as Optional Ingredients

Correction

In F.R. Doc. 71-831 appearing at page 977 in the issue for Thursday, January 21, 1971, the new subdivision designated as § 45.1(a)(3)(xii) should be § 45.1(a)(3)(xiii).

SUBCHAPTER C—DRUGS

PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, OR HOLDING

Laboratory Controls; Correction

In F.R. Doc. 71-638 appearing at page 601 of the FEDERAL REGISTER of January 15, 1971, the last sentence of § 133.11 (j) is corrected to read:

§ 133.11 Laboratory controls.

* * * * * *

(j) * * * Such products shall not be marketed if intended for use in man and the product is contaminated with an amount of penicillin equivalent to 0.05 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for parenteral administration, or an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for oral use.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71-1512 Filed 2-3-71;8:47 am]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Confirmation of Effective Date of Order Repealing Provision for Certifications of Certain Topical Dental Antibiotic Drugs

An order was published in the FEDERAL REGISTER of October 7, 1970 (35 F.R. 15749), amending the antibiotic drug regulations to repeal provisions for certification of penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt, crystalline penicillin dental cones); penicillin-streptomycin dental cones; penicillin-dihydrostreptomycin dental cones; penicillin-streptomycin-bacitracin dental paste; penicillin-dihydrostreptomycin - bacitracin dental paste; streptomycin-chlortetracycline - chloramphenicol - bacitracin dental cement; and dihydrostreptomycin - chlortetracycline-chloramphenicol-bacitracin dental cement. The order revoked §§ 141a.13, 141a.50, 141a.59, 141b.127, 146a.31, 146a.71, 146a.82, and 146b.122, and all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 16, 1970.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: January 28, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-1513 Filed 2-3-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

MISCELLANEOUS AMENDMENTS

The following amendments have been made to section 236 in order to implement the "Housing and Urban Development Act of 1970" (Public Law 91-609) and to eliminate the preference for displacees in projects designed for elderly or handicapped persons, except for displacees who are within those categories. The amendments provide that: (1) A displaced single person is an eligible tenant; (2) in projects designed for displaced, elderly, or handicapped persons, occupancy may be restricted to that category of persons for whom the project was designed; (3) lower income military personnel shall be given such preference for occupancy as the Commissioner determines is appropriate; and (4) in projects designed for elderly or handicapped persons, only those displacees who are within those categories shall be given a preference for occupancy.

1. § 236.2 is amended by adding new paragraphs (f) and (g) as follows:

§ 236.2 Definitions used in this subpart.

* * * * * *

(f) "Elderly" means a person 62 years of age or older.

(g) "Displacee" means a person who has been displaced from an urban renewal area, or as a result of governmental action or as a result of a disaster determined by the President to be a major disaster.

2. § 236.70 in its entirety is amended as follows:

§ 236.70 Occupancy requirements.

(a) *Initial occupancy.* Initial occupancy of the project by tenants who are unable to pay the fair market rental shall be restricted to those determined by the mortgagor as meeting the income requirements established by the Commissioner, and who are one of the following:

(1) A family.

(2) An elderly person.

(3) A displacee.

(4) A handicapped person.

(5) A single person who is less than 62 years of age: *Provided*, That occupancy by this category of tenants or members shall be limited to 10 percent of the dwelling units in the project.

(b) *Projects designed for displacees, or elderly, or handicapped.* In a project designed for displacees, or elderly, or handicapped, occupancy may be restricted to that category of persons for whom the project was designed and who meet the income requirements established by the Commissioner.

(c) *Preference for military personnel and displacees.*

(1) Whenever the Commissioner determines that a project, because of its location or other considerations, could ordinarily be expected to substantially serve the family needs of military personnel who are serving on active duty and meet the income requirements established by the Commissioner, such preference for occupancy shall be afforded to the family of such military personnel as the Commissioner determines is appropriate.

(2) In all projects preference or priority to occupy dwelling units shall be given to displacees provided that in a project designed for the handicapped or the elderly, preference for displacees shall be limited to those who are within the category for whom the project was designed.

(d) *Recertification of income.* The mortgagor shall obtain from each tenant or cooperative member who is not paying the fair market rental a biennial recertification of family income.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 171b. Interprets or applies sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1).

Issued at Washington, D.C., effective January 28, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-1541 Filed 2-3-71;8:49 am]

SUBCHAPTER Q-1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Subpart A—Eligibility Requirements

MAXIMUM MORTGAGE AMOUNTS

The following amendment to title 24 of the Code of Federal Regulations reflects an increase in the maximum amount of mortgages for FHA insured hospitals in accordance with section 109 of the Housing and Urban Development Act of 1970, 84 Stat. 1770.

Accordingly, § 242.27 is amended as follows:

§ 242.27 Maximum mortgage amounts.

* * * * * *

(a) $50 million; or

* * * * * *

(Sec. 211, 52 Stat. 23; sec. 242, 82 Stat. 5099; 12 U.S.C. 1715b, 1715z-7)

Issued at Washington, D.C., January 27, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-1539 Filed 2-3-71;8:49 am]

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

LAND DEVELOPMENT CRITERIA

In § 1000.85, a new paragraph (d) is added to exempt certain mortgages from the requirement that the land be developed in accordance with the comprehensive plan for the area if no comprehensive plan is in effect and the insurance commitment is issued before January 1, 1972:

§ 1000.85 Land development criteria.

* * * * * *

(d) If there is no comprehensive plan which covers, or no such comprehensive plan being carried on for, the area in which the land is situated, the requirement of paragraph (a) (2) of this section is not applicable to any project covered by an insurance commitment issued on or after December 31, 1970 and before January 1, 1972.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., January 27, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-1540 Filed 2-3-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Additions, Deletions, or Reductions in Prices; Schedule Contract Items

The table of contents of Part 5A-73 is amended to include the following entry:

Sec.
5A-73.128-2 Additions, deletions, or reductions in prices of schedule contract items.

Subpart 5A-73.1—Production and Maintenance

Subpart 5A-73.1 is amended to add a new § 5A-73.123-2, as follows:

§ 5A-73.123-2 Additions, deletions, or reductions in prices of schedule contract items.

(a) The following provision shall be included in all solicitations for new item and multiple award schedule contracts and in each resulting Schedule thereof.

AMENDMENTS

If, during the contract period, the contractor offers any change(s) (i.e., additions, deletions, reductions in price(s), etc.) to the approved pricelist, the contractor shall submit (Insert number) copies of the proposed change(s) and the reasons therefore to the contracting officer for consideration, in the following manner:

(a) *Additional items.* (1) Furnish "Discount Schedule and Marketing Data" information as required with original offer; (2) furnish published dated commercial pricelist on the new items, and effective date of such commercial pricelist; and (3) furnish production point and delivery time on the new items. If the information requested in (1), (2), and (3), above, is the same as that furnished under the original accepted offer, only a statement to that effect is required.

(b) *Deletions.* State reason for requesting deletion. The Government reserves the right to reject any subsequent offer of a substantially equal item at a higher price during the same contract period, if, in the opinion of the contracting officer, the higher price is unreasonable when compared with that of the deleted item.

(c) *Price reduction.* State whether in conformity with (1) Reductions to Customers other than Federal Government, or (2) Reductions to Federal Agencies (see Special Provision entitled "Price Reductions"), and effective date thereof. If type (1) reduction applies, submit copy of dated commercial pricelist.

When instructed by the contracting officer, the contractor agrees to print and distribute supplemental pricelists reflecting accepted changes within 15 days to Government agencies furnished the original pricelist.

(b) The above provision should encourage the acceptance of bona fide offers of items to be added to existing new item and multiple award Federal Supply Schedule contracts for a limited period of time, such as items offered at reduced prices due to model changeover, the discontinuance of a product line, etc.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: January 22, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71-1511 Filed 2-3-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 29—LAND USE MANAGEMENT

Miscellaneous Amendments

Part 29, Chapter 1 of Title 50 is amended by revising references therein as follows:

In § 29.21-1(a) the reference to "43 CFR 2234.2-4" should read "43 CFR Subpart 2821."

In § 29.21-1(c) the reference to "43 CFR Subpart 2234" should read "43 CFR Part 2800."

In § 29.21-8 the reference to "43 CFR 2234.4-1(b)(4) and (c)" should read "43 CFR 2351.1-1."

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 403, as amended, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i; 664, 43 U.S.C. 315a, 16 U.S.C. 460k; 80 Stat. 926)

Inasmuch as this revision only redesignates reference citations it shall become effective on the date of its publication in the FEDERAL REGISTER (2-4-71).

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 29, 1971.

[FR Doc 71-1514 Filed 2-3-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 175, 176]

ALLOCATION OF STUDENT AID FUNDS TO INSTITUTIONS BY FAMILY INCOME LEVEL

Proposed Change in Method of Allocation of Funds Under College Work-Study Program and Educational Opportunity Grant Program

In view of the importance of the subject rule to current and prospective students and the institutions of higher education that they attend or may be attending, it has been determined that although not required by law, it is appropriate to solicit the widest possible public participation in its formulation. To that end the following notice of proposed rule making follows the procedure of 5 U.S.C. 553.

Notice is hereby given to institutions of higher education which participate in the Educational Opportunity Grant Program (Title IV-A, Higher Education Act of 1965), and the College Work-Study Program (Title IV-C, Higher Education Act of 1965) and other interested parties that the Commissioner of Education proposes to change the method by which funds are to be allocated to such institutions for (1) making initial year awards under the Educational Opportunity Grant Program, and (2) for providing compensation to students for employment under the College Work-Study Program. It is contemplated that these changes would be first effective with respect to the allocation of funds for the fiscal year 1972.

The respective statutes under which these programs are authorized provide that funds shall be allocated to eligible institutions of higher education from their respective State allotments in accordance with criteria established by the Commissioner which are designed to achieve such distribution of such funds as will most effectively carry out the purposes of the legislation (Educational Opportunity Grants, 20 U.S.C. 1066; College Work-Study, 42 U.S.C. 2756).

Under both of these programs participating institutions of higher education file applications for funds with the U.S. Office of Education. These applications take into account the numbers of students eligible for assistance under the terms of the respective programs and include the institutions' estimates as to the amount of funds needed to provide that assistance. The applications are then reviewed for reasonableness by panels appointed by the Office of Education for that purpose. Funds are then allocated to each institution on the basis of its panel approved request.

Where funds are insufficient to honor all approved requests, the current procedure for allocating a State's allotment (and reallotment if any) to institutions within that State is to allocate on the basis of the ratio that the funds approved in each application bears to the total amount of funds approved in all applications of institutions within that State. Under the proposed new procedure—the purpose of which is to focus financial aids in the areas of greatest need—College Work-Study and Educational Opportunity Grant funds would be allocated to institutions in proportion to the estimated number of students from low income families who will be in attendance and in need of financial assistance. Under this proposal, funds would first be allocated to institutions within a State on account of those of such students who have annual adjusted gross family incomes of less than $3,000 per annum. Requests on account of students with annual adjusted gross family incomes of from $3,000 to $6,000 would be taken care of next and so on. Reallotments to a State, if any, would be allocated among institutions on the same basis as is the original allotment. In order to assure that a reasonable portion of a State's allotment will be available to all institutions who have entered into agreements with the Commissioner for the conduct of these programs, the proposed procedures assure each institution a minimum or "floor" amount. Assuming its approved request equals or exceeds its approved request for fiscal year 1971 and if its State's allotment (and reallotment if any) equals or exceeds its allotment for the fiscal year 1971, each institution would receive no less in any year than 80 percent of the amount allocated to it from its State's allotment (and reallotment if any) for the fiscal year 1971.

Specifically, the proposed new procedures for allocating funds among institutions of higher education who have in effect an agreement with the Commissioner of Education under section 407(a) and section 443(a) of the Higher Education Act of 1965 for the conduct of an Educational Opportunity Grant Program or a College Work-Study Program respectively, and who have timely filed an application which has been approved by the Commissioner for funds for (1) making initial year awards under the Educational Opportunity Grant Program, and (2) for providing compensation to students for employment under the College Work-Study Program for a particular program year, is as follows:

1. An amount will first be allocated to each institutional applicant from the appropriate State's allotment (or reallotment) equal to the amount reasonably estimated to be needed by students whose adjusted gross family income is in the $0–$2,999 bracket per annum.

2. From such sums as still remain in a State's allotment (or reallotment), sums will then be allocated to each institutional applicant equal to the amount reasonably estimated to be needed by students whose adjusted gross family income is in the $3,000–$5,999 bracket per annum. This procedure will be repeated for students whose adjusted gross family income is between $6,000–$7,499 and $7,500–$8,999, and with respect to a State's allotment for the College Work-Study Program, between $9,000–$11,999 and over $12,000.

3. Whenever funds available in a State's allotment (or reallotment) are not sufficient to cover all of the institutional requirements in a given adjusted gross family income bracket, such sums as are available will be distributed on a pro rata basis among all institutions in the State according to the ratio that their respective requirements in that bracket bear to the total requirements in that bracket of all institutions in the State.

4. The allocation of funds to any single institution for any year however will be no less than 80 percent of the amount allocated to it for the conduct of each of the subject programs during fiscal year 1971, as reduced on a proportional basis to reflect decreases, if any, in the amount of such institutions' approved application or in the amount of the State's allotment and reallotment for each such program.

5. "Adjusted gross family income" includes in addition to the student's own adjusted gross income (as defined in the Internal Revenue Code), the adjusted gross income of his parents and spouse, if any, except where such income would not be relevant to a determination of such student's financial needs under the method of financial need assessment utilized by the institution concerned in accordance with Schedule A of its agreement with the U.S. Commissioner of Education covering institutional participation in programs of student financial aid.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed changes to the Office of the Commissioner of Education, U.S. Office of Education, Washington, D.C. 20202, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 14, 1971.

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

Approved: January 29, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc 71-1542 Filed 2-3-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Battle Mountain, Nev., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The airspace requirements for Lander County Airport, Battle Mountain, Nev., have been reviewed in accordance with criteria contained in U.S. Standard for Terminal Instrument Approach Procedures.

As a result of the review, it has been determined that the 700-foot portion of the transition area may be reduced. In addition, the 1,200-foot portion described on the Battle Mountain VORTAC 084° and 264° radials may be deleted.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Battle Mountain, Nev., transition area is amended to read as follows:

BATTLE MOUNTAIN, NEV.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°36'03" N., longitude 116°52'25" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Battle Mountain 218° radial, extending from the VORTAC to 23 miles southwest of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 8 miles west to 18.5 miles east of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 26, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-1574 Filed 2-3-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-7]

CONTROL ZONES AND TRANSITION AREA

Proposed Revocation, Designation, and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to revoke, designate, and alter controlled airspace in the Killeen, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to revoke the Killeen, Tex. (Robert Gray AAF), and Killeen, Tex. (Fort Hood AAF), control zones. A single control zone, i.e., Killeen, Tex., will be designated which will accommodate IFR arrival/departure procedures serving Fort Hood AAF, Robert Gray AAF, and Killeen Municipal Airport. The Killeen, Tex., control zone is proposed as follows:

KILLEEN, TEX.

Within a 5-mile radius of Fort Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport (lat. 31°05'10" N., long. 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile-radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 3.5 miles each side of the 341° bearing from the Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 5-mile-radius zone to 11 miles north of the RBN, excluding that portion within R-6302A.

It is proposed to alter the Killeen, Tex., transition area as follows:

KILLEEN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31°08'15" N., long. 97°-42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219° T (210° M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles of each side of the 341° bearing from Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 5-mile-radius area to 11.5 miles north of the RBN, excluding that portion within R-6302A.

At present, the Fort Hood AAF control zone is effective full time, while the Robert Gray AAF control zone is effective part time; i.e., 0600-2200 Monday through Friday and 0800-1200 on Saturday. The proposed single Killeen, Tex., control zone will be effective full time based on weather observations conducted at Robert Gray AAF.

Appropriate citations for amendment to Part 71 of the Federal Aviation Regulations and changes in the Killeen, Tex., control zones and transition area are § 71.171 (36 F.R. 2055) and § 71.181 (36 F.R. 2140), respectively.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on January 26, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-1575 Filed 2-3-71;8:51 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 176, 178, 179]

[Docket No. HM-77; Notice No. 71-4]

TRANSPORTATION OF HAZARDOUS MATERIALS

Methylacetylene-Propadiene, Stabilized

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to provide specific requirements for the shipment of stabilized methylacetylene-propadiene, a flammable compressed gas, in cylinders, tank cars, and tank motor vehicles in accordance with a petition for rule making submitted to the Board. Current provisions for shipping methylacetylene, 15 percent to 20 percent propadiene mixture, in cylinders and tank cars would be deleted. Petitioner has advised that the gas mixture in this specified percentage range is no longer manufactured or shipped. Information submitted also indicates that this currently authorized mixture contains no stabilizing diluents.

The recommended mixture of methylacetylene-propadiene, stabilized, contains not more than 68 percent methylacetylene plus propadiene and at least 32 percent stabilizing diluents consisting of propane, propylene, isobutylene, isobutane, or butadiene. The stability of methylacetylene-propadiene mixtures has been demonstrated by tests, the results of which are on file with the Board. The tests consisted of the blasting cap test, dynamite test, hot spot test, fire test, and vapor ignition test conducted on cylinders containing the gas mixture.

Methylacetylene-propadiene gas is compatible with all LPG cylinders except with cylinders having brazed seams. There is indication that under certain conditions the gas mixture could form acetylides similar to those formed by acetylene. For this reason, no brazed cylinders may be used.

In addition to the changes proposed as set forth below, the petitioner proposed that § 173.315 paragraph (j) be amended to authorize the transportation of stabilized methylacetylene-propadiene in storage tanks built to ASME specifications under the same conditions afforded liquefied petroleum gas. The Board does not believe that the provisions for shipping LPG in non-DOT specification containers should be extended to other gases at this time. The proposal was not supported by sufficient data and, accordingly, will be held in abeyance pending receipt of additional information submitted in conformance with § 170.11.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172, 173, 176, 178, and 179 as follows:

I. Part 172.

In § 172.5 paragraph (a) Commodity List would be amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
• • •	• • •	• • •	• • •	• • •
(add)				
Methylacetylene-propadiene, stabilized (containing at least 3% stabilizing diluents).	F G	No exemption, 173.304, 173.314, 173.315.	Red Gas	300 pounds.
• • •	• • •	• • •	• • •	• • •
(cancel)				
Methylacetylene—15% to 20% propadiene mixture.	F G	173.306, 173.304, 173.314.	Red Gas	300 pounds.

II. Part 173.

(A) In § 173.34 paragraph (e)(9) would be amended by inserting the phrase "methylacetylene-propadiene, stabilized" immediately following the phrase "liquefied petroleum gas", in the first sentence; paragraph (e)(10) Table would be amended as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

• • •

(e) • • •

(10) • • •

Cylinders made in compliance with— (add)	Used exclusively for—
• • •	• • •
DOT-3AA480, DOT-3AA480, DOT-3B, DOT-4B, DOT-4BA.	Methylacetylene-propadiene, stabilized which is commercially free from corroding components.

• • • •

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
• • •	• • •	• • •
(add) Methylacetylenepropadiene, stabilized	(Percent) Note 22	DOT-105A300W; 112A340W; 114A340W; 106A800X, Notes 4 and 9.
(cancel) Methylacetylene—15% to 20% propadiene mixture.	56	ICC-105A300W.

• • • • • •

(e) *Verification of content.* The amount of liquefied gas loaded into each tank may be determined either by measurement or calculation of the weight. If by measurement, the weight must be checked after disconnecting the loading line by the use of proper scales. If by calculation, the weight of liquefied petroleum gas, methylacetylene-propadiene, stabilized, dimethylamine, monomethylamine, or trimethylamine may be calculated using the outage tables supplied by the tank car owners and the specific gravities as determined at the plant, and this computation must be checked by determination of specific gravity of product after loading. Carriers may verify calculated weights by use of proper scales.

• • • • • •

(E) In § 173.315 paragraphs (a) (1) Table, (h) (2) Table, and (i) (2) Table would be amended as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •
(1) • • •

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (f) of this section)	Specification container required: Type (see Note 2)	Specification container required: Minimum design pressure (p.s.i.g.)
• • •	• • •	• • •	• • •	• • •
(add) Methylacetylenepropadiene, stabilized (see Note 13).	53	90	DOT-51, MC 330, 200. MC-331.	

• • • • • •

(h) • • •
(2) • • •

Kind of gas (add)	Permitted gaging device
• • •	• • •
Methylacetylene-propadiene, stabilized.	Rotary tube; adjustable slip tube; fixed length dip tube

• • • • • •

(i) • • •
(2) • • •

Kind of gas (add)	Minimum start-to-discharge pressure (p.s.i.g.)
• • •	• • •
Methylacetylene-propadiene, stabilized.	200

• • • • • •

II. Part 176.

§ 176.703 [Amended]

In § 176.703 paragraph (b) Table, would be amended by inserting "Methylacetylene-propadiene, stabilized • • • Red gas label" between "Liquefied petroleum" and "Methyl chloride".

III. Part 178.

In § 178.337-14 paragraph (a) (1) Table and paragraph (a) (2) would be amended as follows:

§ 178.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section.

§ 178.337-14 Gaging devices.

(a) • • •
(1) • • •

Kind of gas (add)	Permitted gaging device for primary control in filling
• • •	• • •
Methylacetylene-propadiene, stabilized.	Rotary tube; adjustable slip tube, fixed length dip tube.

(2) A dip tube gaging device consists of a pipe or tube with a valve at its outer end, with its intake limited by an orifice not larger than 0.060 inch in diameter. If a fixed length dip tube is used the intake must be located midway of the tank both longitudinally and laterally and at maximum permitted filling level and in tanks for transporting liquefied petroleum gases, and methylacetylene-propadiene, stabilized, it must be located at the level reached by the lading when the tank is loaded to maximum filling density at 40° F.

• • • • • •

IV. Part 179.

In § 179.102-11 the Heading and the introductory text of paragraph (a) would be amended to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102-11 Liquefied petroleum gas, methylacetylene-propadiene, stabilized or anhydrous ammonia.

(a) Specification 105A300W, 112A340W, 112A400W, or 114A340W tank cars used to transport liquefied petroleum gas, methylacetylene-propadiene, stabilized or anhydrous ammonia may, as an alternate, comply with the following special requirements:

• • • • • •

Interested persons are invited to give their views on this proposal. Communications should identify the document number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before March 16, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)). Nothing proposed herein is intended to preclude Board consideration of matters proposed in Docket No. HM-63; Notice No. 70-20 (35 F.R. 16741) and comments received on that proposal.

Issued in Washington, D.C., on January 27, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard,
By direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT H. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-1334 Filed 2-3-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CASPER INTRASTATE AIR QUALITY CONTROL REGION

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate an Intrastate Air Quality Control Region in the State of Wyoming as set forth in the following new § 481.213 which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Wyoming and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designation. Such consultation will take place at 1 p.m., on February 17, 1971, in the Council Chamber, City-County Building, North Senter Street, Casper, WY.

Mr. Earl V. Porter is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Earl V. Porter, Air Pollution Control Office, Environmental Protection Agency, Federal Office Building, Room 9017, Denver, CO 80202.

In Part 481 the following new section is proposed to be added to read as follows:

§ 481.213 Casper Intrastate Air Quality Control Region.

The Casper Intrastate Air Quality Control Region (Wyoming) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Wyoming:

Converse County. Natrona County.
Fremont County.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1527 Filed 2-3-71;8:48 am]

[42 CFR Part 481]

RAPID CITY INTRASTATE AIR QUALITY CONTROL REGION

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate an Intrastate Air Quality Control Region in the State of South Dakota as set forth in the following new § 481.214 which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of South Dakota and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designation. Such consultation will take place at 1 p.m., on February 18, 1971, in the Meeting Room, Pennington County Courthouse, Fourth and St. Joseph Streets, Rapid City, SD.

Mr. Earl V. Porter is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Earl V. Porter, Air Pollution Control Office, Environmental Protection Agency, Federal Office Building, Room 9017, Denver, CO 80202.

In Part 481 the following new section is proposed to be added to read as follows:

§ 481.214 Rapid City Intrastate Air Quality Control Region.

The Rapid City Intrastate Air Quality Control Region (South Dakota) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of South Dakota:

Butte County. Pennington
Lawrence County. County.
Meade County.

This action is proposed under the authority of (section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: January 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc 71-1526 Filed 2-3-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 89, 91, 93]

[Docket No. 18261; FCC 71-93]

AVAILABILITY OF LAND MOBILE CHANNELS IN 10 LARGEST URBANIZED AREAS IN U.S.

Notice of Further Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above captioned matter.

2. This proceeding was initiated by our notice of proposed rule making of August 1, 1968,[1] in which we considered means for providing additional spectrum space to meet the needs of the land mobile radio services in major population centers. In our First Report and Order,[2] we adopted rules [3] which provide for use of a maximum of two of the lower seven UHF channels, on a shared basis with television broadcasting, by land mobile stations within 50 miles of the center of the 10 largest urbanized areas.[4] Technical standards for this purpose were also adopted and are fully described in the Report and Order.[5] We left for further study and later decision the basic assignment principles and the specific frequencies in the 470–512 MHz band to be designated for the use of each of the several land mobile services.[6] This notice looks to a decision on these matters and adoption of appropriate rules to implement the decision. In developing our proposals, consideration has been given to the substantial amount of information submitted, not only in this proceeding, but also in many documented studies and reports concerning land mobile requirements which have been made available to

[1] Land Mobile Use of TV Channels 14 through 20 (Docket No. 18261), 14 FCC 2d 297 (1968).

[2] Land Mobile Use of TV Channels 14 through 20 (Docket No. 18261), 23 FCC 2d 325 (1970).

[3] See Appendices C, D, E, and F of First Report and Order, cited footnote 2, supra, where the major technical rules are set out. As we pointed out at paragraph 67 of the First Report and Order, specific rule provisions covering these matters will be incorporated into Parts 21, 89, 91, and 93 of the Commission's rules at an appropriate date, later.

[4] The Urbanized Areas and Channels are: New York—northeastern New Jersey, Channels 14 and 15; Los Angeles, Channels 14 and 20; Chicago—northwestern Indiana, Channels 14 and 15; Philadelphia, Pa.—New Jersey, Channels 19 and 20; Detroit, Mich., Channels 15 and 16; San Francisco—Oakland, Calif., Channels 16 and 17; Boston, Mass., Channels 14 and 16; Washington, D.C.—Maryland—Virginia, Channels 17 and 18; Pittsburgh, Pa., Channels 14 and 18; and Cleveland, Ohio, Channels 14 and 15. At the time the specific channel availability for the Chicago and Philadelphia areas was not given, because separate proceedings had been initiated to clear the needed channels for use there. These proceedings have now been completed except for minor administrative matters, and we are in a position to give, as we have, above, the allocations for these two regions. However, the necessary coordination with Canada and Mexico for the use of allocations in Detroit, Cleveland, and Los Angeles, although initiated, has not been completed; but, as we said in the First Report and Order, we believe we will be able to work out mutually satisfactory arrangements for this purpose and we do not see this as a reason for delaying our notice relative to the suballocations. See First Report and Order, supra, at paragraph 64, page 349.

[5] See particularly, paragraphs 32 through 52 of the First Report and Order, supra, footnote 2, in which we outline in detail the technical aspects of the allocation plan we adopted.

[6] First Report and Order, supra, footnote 2, at paragraph 67.

the Commission during the past several years.[7]

3. Specifically, we are concerned with the suballocation of the spectrum space made available in the 470–512 MHz band for use by the various classes of land mobile users; the method of allocating the available channels for use in the several land mobile services; and the specific standards under which the frequencies are to be assigned and used. Generally, we propose to employ the same technical standards and method of frequency assignment as are currently applied to land mobile operations in the 450–470 MHz band. This is because essentially the same type of equipment as is now used in the latter range is also capable of being employed in the 470–512 MHz band. Thus, in the First Report and Order, we adopted the same standards for frequency deviation (±5 kHz), bandwidth (20 kHz), and frequency tolerance (0.00025 percent for nonmobile stations and 0.0005 percent for mobile stations) as we had prescribed for the 450–470 MHz band. We also propose to adopt the remaining relevant technical standards prescribed for land mobile operations in the 450–470 MHz band, namely, 25 kHz channeling and the roll-off filter requirements. The first assignable frequency is to be 12.5 kHz from the lower band edge (that is, for example, 470.0125 MHz for Channel 14), and the last assignable frequency, in each of the available 6 MHz television channels, 12.5 kHz from the upper edge (475.9875 MHz in our example). This is reflected in the attached appendix.

4. With respect to system configuration, i.e., single frequency and two frequency half or full duplex modes of use, we plan to follow the same practice established for use of assignments in the 450–470 MHz band. This means that we will permit two frequency base-mobile use and will specify separate frequencies for base and mobile stations. However, unlike the practice followed in the lower band, we do not intend to permit mobile operation on base station frequencies, i.e., base station assignments may be used only for base station operation. This will facilitate the closer base-to-base station geographical separation we are proposing.

5. Finally, as to these technical aspects of our notice, we have the question as to the appropriate frequency separation between base and mobile frequencies. In the proceeding in Docket No. 13847, which dealt with the 450–470 MHz band, we considered this matter and adopted requirements for uniform 5 MHz separation between base and mobile channels.[8] We have the same question here, that is, the most appropriate separation between base and mobile frequencies. We could not adopt 5 MHz spacing, because sufficient contiguous space was not available. We also considered the possibility of using 6 of 12 MHz spacing, but this was not feasible, for essentially the same reason. To illustrate this, while adjacent channels are allocated in seven of the ten urbanized areas involved, this is not so in the remaining three areas. Finally, we took into account the desirability of having equipment available which can be utilized in all 10 regions. If uniform spacing were not adopted, it would not be possible to standardize the equipment and this, we think, would result in increased cost to the land mobile users. In these circumstances, then, it appears the most feasible base-mobile separation would be 3 MHz. Accordingly, while a wider frequency separation in base and mobile operation might be desirable, we do not think it practical. Moreover, we believe the "state of the art" permits the use of the 3 MHz standard, and we propose to adopt it.

6. We now turn to the allocation problem. Traditionally, frequencies have been allocated, for the most part, to specific radio services in "blocks". In the rule making proceeding in Docket No. 13847 we made substantial departures from this practice and made a portion of the 450–470 MHz band available to a number of services on a "shared" or "pooled" basis in the Industrial, Land Transportation, and Public Safety Radio Services.[9] We believe it is desirable to proceed further along these lines, and propose to do so.

7. The basic purpose in this proceeding was to provide additional spectrum space to accommodate the immediate and most urgent requirements for additional land mobile channels in our largest urban centers. In general, however, the requirements of the several classes of land mobile users vary from one urban area to another, and with "pooling," we can achieve a better degree of flexibility to meet these variations in needs in the separate geographic areas. With the added flexibility, systems planning is simplified and more efficient use of the assigned frequencies may be expected.

8. Consistent with these objectives, we propose eight basic groups with each sharing a separate frequency pool. These groups, as will be shown below, have common attributes which we feel will permit sharing of the "pooled" frequencies without undue conflict. The following table reflects the sharing groups and the apportionment of channels among them based on a single 6 MHz TV channel (120 two-frequency pairs). For two television channels, the frequency number shown is to be multiplied by two. Each of the groups listed, below, is to be allocated the number of frequency pairs shown in each of the two allocated 6 MHz television channels.

Group designation	Frequency (pairs assigned)	Eligibility (services)
Public Safety Pool	34	All Part 89 Services, except Special Emergency and State Guard Radio Services.[1]
Utility Pool	8	Power and Telephone Maintenance Radio Services.
Special Industrial	9	Special Industrial Radio Service.
Business Pool	22	Business Radio Service.[2]
Taxicab Pool	4	Taxicab Radio Service.
Land Transportation Pool	14	All Part 93 Services, except Taxicab Radio Service.
Petroleum—Manufacturers Pool.	8	Petroleum, Manufacturers and Forest Products Radio Services.
Domestic Public Radio Services Pool.	12	Nonwireline common carriers.
Reserve Pool "A"[3]	6	
Reserve Pool "B"[3]	6	
Total allocated	108	
Total reserved	12	
Total allocated and reserved.	120	

[1] Eligibles in the State Guard Radio Service will have frequencies available to the extent they are engaged in "local government" functions, as the latter entities will have access to the Public Safety Pool. Eligibles in the Special Emergency Service will, to a large extent, have access to the Business Pool or to the Public Safety Pool, depending upon whether they are governmental functions or are engaged in activities bringing them within the Business Radio Service.

[2] No specific provision is made for the Motion Picture and Relay Press Radio Services. However, as commercial enterprises, users in those services can employ Business Pool frequencies.

[3] Reserve Pools "A" and "B" are unallocated frequencies in different parts of each 6 MHz channel, and are to be used at a later date to meet the needs for additional frequencies in the various services, excluding the Domestic Public Radio Services, as those needs become known.

9. The service pools we propose reflect what we believe is a logical grouping in accordance with the priorities traditionally recognized among the various services and take into account function and user compatibility. To illustrate this, we have included in the Public Safety Pool the Police, Fire, and Local Government Radio Services, and others, where eligibility and use are geared to activities which all involve, primarily, the promotion of the safety of life and property of the general public. Also, the principal users will be governmental entities. Consequently, there will be, to a large degree, compatibility in the class of person licensed in this pool, as well as in the purposes for which the facilities will be employed. Further, with these elements present, we anticipate that the arrangement will afford the flexibility required to permit the establishment of "local" priorities in the facilities requested and, additionally, allow design of systems which will be capable of serving, on a composite basis, the multiple needs of the several arms of local government.

10. As an added indication of the underlying considerations that went into the grouping, we have provided separate assignments (4 frequency pairs) for the Taxicab Radio Service. This was thought desirable, because of the manner in

[7] See, for example, Report of the Advisory Committee for the Land Mobile Services, Nov. 30, 1967; Report of the President's Commission on Law Enforcement and Administration of Justice: The Challenge of Crime in a Free Society; The Report of the Stanford Research Institute: A Study of Land Mobile Spectrum Utilization (1969); Report of Subcommittee 5 of the Select Committee on Small Business, The Allocation of Radio Frequencies and Its Effect on Small Business, House Report 1978, 90th Cong., second session; and Memorandum of Land Mobile Communications Council, Suballocation of 470–512 MHz band, Informal Recommendations (Sept. 14, 1970).

[8] Frequency Allocations—450–470 Mc/s Band, 11 FCC 2d 648 (1968). See, particularly, paragraphs 6 and 7.

[9] Frequency Allocations—450–470 Mc/s Band, supra, footnote 8, at paragraphs 8–9.

which taxicab companies use radio—high density, dispatch operations, not predominant in other Part 93 Services. The separate Business Pool is to accommodate the many and diverse users eligible in the Business Radio Service and to permit continuation of the policy of "intensive sharing" which has been followed traditionally in that Service. By contrast, higher priorities have been accorded eligibles in other Industrial Services, such as the Power, Petroleum, and Manufacturers Radio Services, and others, and therefore, separate pools have been created in recognition of their respective communications requirements. The groups also reflect our undertaking to preserve existing eligibility standards, because we did not think it practical or desirable, for present purposes, to redefine them. Further, it was considered important to retain, insofar as it was possible to do so, existing coordination machinery. This will be needed at this time to permit licensing in this band to be conducted in an orderly fashion and as a means of implementing the loading standards we propose to adopt.

11. The number of frequencies assigned to the respective pools reflect our understanding of the relative needs of the several designated user groups, and, as we have indicated, the priorities traditionally accorded the various classes of users and parallel the suggestions made by the land mobile industry. Thus, we have assigned the Public Safety Pool the greatest number of frequency pairs in order to make available to local governmental authorities reasonably adequate frequency resources upon which to establish or improve vital public safety communications systems. The remaining divisions are based on what we believe is a correct apportionment of the available frequencies in accordance with our views as to the potential demand and needs, and the mentioned priorities, as they relate to the communications requirements of the several land mobile radio services. Nevertheless, as can be observed from the allocation table, above, we have provided two separate "reserve" pools to give added assurance that, with experience, we will be in a position to make adjustments so that the demonstrated needs of user groups in the private services can be met.

12. Finally, on the point of coordination of the use of these frequencies, it seems to us desirable to have a somewhat different system than is currently employed in the several land mobile services, and we propose that it be carried out by a single coordinating entity designated for each group in each of the 10 areas involved. This will not be difficult in some of the service pools. For example, existing committees could coordinate for the Special Industrial, Business and Taxicab groups. But some rearrangement may be required as to a number of the other Industrial and Land Transportation Services, and in the Public Safety Services, as well, for, although there are existing coordination procedures, with persons appointed or assigned to carry them out, this is done by separate committees which are independent from one another and whose organization does not fit the new groups we plan to establish. Additionally, applicants should be given the alternative of demonstrating that the frequency pair applied for is available for assignment in accordance with the loading standards proposed in this notice, similar to the alternative method of coordination now prescribed in the rules. Accordingly, we ask the parties to address themselves to this proposition and to give us their views as to the manner in which they feel coordination in each area could best be carried out and as to how coordinating committees should be organized.

13. In addition to these matters, we propose to adopt some reasonable loading standards for the shared use of the pool frequencies. For this purpose, the following plan is proposed:

Public Safety Pool	50 units.
Business and Taxicab Pool	90 units.
All other, except Domestic Public Radio Service Pool[10]	70 units.

We would define the term "unit" as "one vehicular mobile unit" or four "hand-carried transmitter-receivers." Thus, in the Public Safety Pool, channel capacity would be reached where a licensee has in use 50 vehicular mobile units, or 200 hand-carried devices, or, for example, 20 radio patrol cars and 120 hand units. We recognize, of course, that channel loading solely in terms of transmitter density is not as reliable a standard as others, such as, actual channel use. However, until a different management system is established and the tools for measuring and using channel occupancy information are available, or for that matter, other loading standards are developed and implemented, we are constrained to use "number of transmitters," to determine when a channel is being employed at its full potential.

14. In accordance with these loading standards, then, a licensee will be required to show that an assigned frequency pair is at full capacity before that licensee will be given a second pair. The loading standards will be applied, not in terms of the number of mobile units authorized, rather in terms of the number of units actually in use or to be placed in use within eight months following authorization. Also, as part of our frequency loading criteria, we propose to permit re-use of each frequency pair at distances of 40 miles or more from the point of original authorization. For example, if a user has 20 vehicles equipped with radio, it will be assigned one frequency pair, only. If it has 100 such units in use and is eligible in the Business Pool, it would be entitled to two pairs, but it would not be mobile pair. With respect to the 40-mile we assume that licensees will operate as many mobile units as possible on an assigned pair of frequencies. Moreover, channel capacity may be reached either by the requirements of a single licensee or by several users sharing a given frequency. To illustrate, licensee "A" has 50 mobile units; "B", 20 units; and "C", 20 units. Then, in the Business Pool, "A", "B", or "C", could ask for a second base-mobile pair, assuming they have added units to place in operation and, of course, also assuming "A", "B", and "C" were all sharing a single base-mobile pair. With respect to the 40-mile separation standard, if a given frequency pair (for example, in the Boston Urbanized Area) is in use, then that same pair may be requested and used by the same or a different applicant-licensee in the Boston area without reference to its occupancy, where the transmitter site of the second station is 40 miles or more from the site of any other land mobile base station facility on that frequency.

15. Thus far, our proposal is designed to accommodate the usual base-mobile type of land mobile voice communications, and, the foregoing loading standards are based on concepts compatible with that mode of operation. The parties may feel there is a need for designating some of the available frequencies for paging purposes, on an exclusive basis. Recent indications are that paging frequencies are being used extensively, and that there may be a need for added paging capacity in some of the services. Further, industry members have suggested that consideration be given to possible authorization of "tone signalling" in this band, particularly on those frequencies assigned for use by persons who have important needs for this mode of operation. Also, in comments filed earlier in this proceeding, and in the petition for rule making, filed on November 19, 1970, by the county of Los Angeles (RM–1712), requests have been made for the provision of frequencies in the 470–512 MHz band for use in the transmission of data on the condition of cardiac patients en route to hospitals in emergency vehicles. This, of course, involves, in part, non-voice emissions, too. We feel we should take this opportunity to permit the parties to address themselves to these three subjects, insofar as the use of the 470–512 MHz band is involved; and accordingly, we ask for comments on these aspects of the use of the frequencies available in this band. We request that the comments cover the points as to whether specific frequencies should be made available for these purposes, and, if so, in which service groups and under what special conditions.

16. As we have indicated, we are not proposing loading criteria for the channels to be allocated in the Domestic Public Land Mobile Radio Service because it is not necessary. In this service, we plan to follow the pertinent rules and procedures currently used in authorizing common carrier land mobile radio systems. It is our intent to limit the use of the frequencies to those licensees currently authorized to serve the areas involved. Also, we wish to point out that,

[10] The loading standards are not to apply to the use of frequencies in the Domestic Public Radio Service Pool. As indicated, at paragraph 16, infra, this is not necessary, due to the nature of the licensing processes in these common carrier services.

although the protection standards we adopted in the First Report and Order permit as much as 1,000 watts effective radiated power at 500 feet above average terrain, the present limitations in Part 21 of our rules, which impose greater maximum restrictions with respect to power and antenna height, will apply. Finally, as between common carrier stations, the current standards in Part 21 applicable to the 450–460 MHz frequency band for determining field strength contours describing the limits of reliable service areas of base stations and for determining areas of harmful interference between common carrier co-channel base stations will apply.

17. The foregoing proposals are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act, as amended.

18. Pursuant to procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before March 9, 1971, and reply comments on or before March 19, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

19. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 27, 1971.

Released: January 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

The following rules are proposed to be incorporated in Parts 21, 89, 91, and 93 of the Commission's rules.

Proposed frequency availability in the band 470–512 MHz [1,2].

[11] Commissioner Johnson concurring in the result.

Public Safety Pool [3, 11]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
470.0125 to 470.8375	473.0125 to 473.8375	476.0125 to 476.8375	479.0125 to 479.8375	482.0125 to 482.8375	485.0125 to 485.8375	488.0125 to 488.8375	491.0125 to 491.8375	494.0125 to 494.8375	497.0125 to 497.8375	500.0125 to 500.8375	503.0125 to 503.8375	506.0125 to 506.8375	509.0125 to 509.8375

Reserve Pool "A" [4]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
470.8625 to 470.9875	473.8625 to 473.9875	476.8625 to 476.9875	479.8625 to 479.9875	482.8625 to 482.9875	485.8625 to 485.9875	488.8625 to 488.9875	491.8625 to 491.9875	494.8625 to 494.9875	497.8625 to 497.9875	500.8625 to 500.9875	503.8625 to 503.9875	506.8625 to 506.9875	509.8625 to 509.9875

Utility Pool [5, 12]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
471.0125 to 471.1125	474.0125 to 474.1125	477.0125 to 477.1125	480.0125 to 480.1125	483.0125 to 483.1125	486.0125 to 486.1125	489.0125 to 489.1125	492.0125 to 492.1125	495.0125 to 495.1125	498.0125 to 498.1125	501.0125 to 501.1125	504.0125 to 504.1125	507.0125 to 507.1125	510.0125 to 510.1125

Special Industrial Pool [6, 12]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
471.1375 to 471.3375	474.1375 to 474.3375	477.1375 to 477.3375	480.1375 to 480.3375	483.1375 to 483.3375	486.1375 to 486.3375	489.1375 to 489.3375	492.1375 to 492.3375	495.1375 to 495.3375	498.1375 to 498.3375	501.1375 to 501.3375	504.1375 to 504.3375	507.1375 to 507.3375	510.1375 to 510.3375

Reserve Pool "B" [4]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
471.3625 to 471.4875	474.3625 to 474.4875	477.3625 to 477.4875	480.3625 to 480.4875	483.3625 to 483.4875	486.3625 to 486.4875	489.3625 to 489.4875	492.3625 to 492.4875	495.3625 to 495.4875	498.3625 to 498.4875	501.3625 to 501.4875	504.3625 to 504.4875	507.3625 to 507.4875	510.3625 to 510.4875

Business Pool [7, 12]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
471.5125 to 472.0375	474.5125 to 475.0375	477.5125 to 478.0375	480.5125 to 481.0375	483.5125 to 484.0375	486.5125 to 487.0375	489.5125 to 490.0375	492.5125 to 493.0375	495.5125 to 496.0375	498.5125 to 499.0375	501.5125 to 502.0375	504.5125 to 505.0375	507.5125 to 508.0375	510.5125 to 511.0375

Footnotes at end of tables.

Taxicab Pool [8]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
472.0625 to 472.1375	475.0625 to 475.1375	478.0625 to 478.1375	481.0625 to 481.1375	484.0625 to 484.1375	487.0625 to 487.1375	490.0625 to 490.1375	493.0625 to 493.1375	496.0625 to 496.1375	499.0625 to 499.1375	502.0625 to 502.1375	505.0625 to 505.1375	508.0625 to 508.1375	511.0625 to 511.1375

Land Transportation Pool [9, 12]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
472.1625 to 472.4875	475.1625 to 475.4875	478.1625 to 478.4875	481.1625 to 481.4875	484.1625 to 484.4875	487.1625 to 487.4875	490.1625 to 490.4875	493.1625 to 493.4875	496.1625 to 496.4875	499.1625 to 499.4875	502.1625 to 502.4875	505.1625 to 505.4875	508.1625 to 508.4875	511.1625 to 511.4875

Petroleum Manufacturers Pool [9, 12]

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
472.5125 to 472.6875	475.5125 to 475.6875	478.5125 to 478.6875	481.5125 to 481.6875	484.5125 to 484.6875	487.5125 to 487.6875	490.5125 to 490.6875	493.5125 to 493.6875	496.5125 to 496.6875	499.5125 to 499.6875	502.5125 to 502.6875	505.5125 to 505.6875	508.5125 to 508.6875	511.5125 to 511.6875

Domestic Public Land Mobile Pool

Channel 14		Channel 15		Channel 16		Channel 17		Channel 18		Channel 19		Channel 20	
Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile	Base	Mobile
472.7125 to 472.9875	475.7125 to 475.9875	478.7125 to 478.9875	481.7125 to 481.9875	484.7125 to 484.9875	487.7125 to 487.9875	490.7125 to 490.9875	493.7125 to 493.9875	496.7125 to 496.9875	499.7125 to 499.9875	502.7125 to 502.9875	505.7125 to 505.9875	508.7125 to 508.9875	511.7125 to 511.9875

[1] The first and last assignable frequencies are shown within the various frequency pools. Assignable frequencies occur in increments of 25 kHz. The separation between base and mobile transmit frequencies is 3 MHz.

[2] Frequency coordination is required for all applications for a new frequency or for changes in existing facilities to increase effective radiated power, increase antenna height, relocate a base station or add new base or mobile facilities.

[3] Frequencies are available for assignment in the Local Government, Police, Fire, Highway Maintenance, and Forestry-conservation Radio Services.

[4] Reserved Pools "A" and "B" are to be used at a later date to meet the needs for additional frequencies in the various private services.

[5] Frequencies are available for assignment in the Power and Telephone Maintenance Radio Services.

[6] Frequencies are available for assignment in the Special Industrial Radio Service.

[7] Frequencies are available for assignment in the Business Radio Service.

[8] Frequencies are available for assignment in the Taxicab Radio Service.

[9] Frequencies are available for assignment in the Railroad, Motor Carrier and Automobile Emergency Radio Services.

[10] Frequencies are available for assignment in the Petroleum, Manufacturers, and Forest Products Radio Services.

[11] The channel loading standard is 50 units. A unit is defined as one vehicular mobile unit or four hand carried transmitter receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles or more from the location of base station authorized on that pair without reference to loading at the point of original installation.

[12] The channel loading standard is 70 units. A unit is defined as one vehicular mobile unit or four hand carried transmitter receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles or more from the location of base station authorized on that pair without reference to loading at the point of original installation.

[13] The channel loading standard is 90 units. A unit is defined as one vehicular mobile unit or four hand carried transmitter receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles or more from the location of base station authorized on that pair without reference to loading at the point of original installation.

[FR Doc 71-1376 Filed 2-3-71;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

CREDIT BY BROKERS AND DEALERS

Limitations on Exempt Credit to Specialists

Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors proposes to amend Part 220 in the following respects:

Section 220.4 would be amended by revising paragraph (g) to read as follows:

§ 220.4 Special accounts.

• • • • •

(g) *Specialist's account.* (1) In a special account designated as a specialist's account, a creditor may effect and finance, for any member of a national securities exchange who is registered and acts as a specialist in securities on the exchange, such member's transactions as a specialist in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as specialists.

(2) Such specialist's account shall be subject to the same conditions to which it would be subject if it were a general account except that if the specialist's exchange, in addition to the other requirements applicable to specialists, is designated by the Board of Governors of the Federal Reserve System as requiring reports suitable for supplying current information regarding specialists' use of credit pursuant to this paragraph (g), the requirements of § 220.6(b) regarding joint ventures shall not apply to such accounts and the maximum loan value of a registered security in such account (except a security that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1 (d))) shall be as determined by the creditor in good faith: *Provided*, That in the case of credit extended on any block of stock or portion thereof with a current market value of $200,000 or more, acquired from a single source at approximately the same time, whether in a single transaction or in several transactions, the requirements of subparagraph (3) of this paragraph (g) shall also apply.

(3) (i) In the case of credit extended on any block of stock or portion thereof described in subparagraph (2) of this paragraph (g), the creditor shall identify the credit extended pursuant to this paragraph (g) and all the collateral used to support such credit. (ii) No credit shall be extended pursuant to this paragraph (g) in respect of any such block of stock or portion thereof which the specialist has held continuously for more than 15 business days, and any credit extended pursuant to this paragraph (g) shall be extinguished before the expiration of such 15-day period. (iii) In exceptional cases such 15-day period may on application of the specialist and the creditor be extended for one or more periods limited to 5 business days each commensurate with the circumstances by any regularly constituted committee of a national securities exchange which has jurisdiction over the business conduct of its members, of which the specialist is a member: *Provided*, That such committee is satisfied that the specialist and the creditor are acting in good faith in making the application and that the circumstances in fact warrant such treatment. (iv) For the purposes of this subparagraph (3), a block of stock or portion thereof shall be treated as not having been held continuously only to the extent that there has been a net sale (or in the case of short positions, net purchase) of such securities (whether or not represented by the same certificate) during such 15-day period and/or such extension.

The proposed change in § 220.4(g) would restrict the ability of specialists to obtain exempted credit from other broker/dealers without regard to the limitations of Part 220 (Regulation T) in connection with substantial blocks of stock positioned in the course of their specialist activity. Such credit would be available for a limited period of time only, and would be in conformity with restrictions similar to those that would be imposed under Part 221 (Regulation U) on credit by banks to finance block positioning by specialists, Third market makers, OTC market makers, and block-positioners. Such period could be extended in exceptional circumstances for one or more additional limited periods, by a committee of the exchange of which the specialist was a member. The change would also clarify that securities held for investment are not eligible for exempt credit under § 220.4(g). The provisions for bank credit to finance specialists and OTC market makers are contained in Part 221 (Regulation U) in § 221.3(o) and § 221.3(w) respectively and proposed amendments to these sections are being published simultaneously with this proposal.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 17, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, January 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–1509 Filed 2–3–71;8:47 am]

[12 CFR Part 221]

[Reg. U]

CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Limitations on Exempt Credit to Specialists and OTC Market Makers; Proposal for Exempt Credit to Third-Market Makers and Block-Positioners

Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors proposes to amend Part 221 in the following respects:

Section 221.3 would be amended by revising paragraph (o) and subparagraph (1) of paragraph (w) and by adding paragraph (y) and paragraph (z), as set forth below:

§ 221.3 Miscellaneous provisions.

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(o) *Specialist.* In the case of credit extended to a member of a national securities exchange who is registered and acts as a specialist in securities on the exchange for the purpose of financing such member's transactions as a specialist in such securities, the maximum loan value of any stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d)) and except a block of stock or portion thereof with a current market value of $200,000 or more, acquired from a single source at approximately the same time, whether in a single transaction or in several transactions) shall be as determined by the bank in good faith: *Provided*, That the specialist's exchange, in addition to other requirements applicable to specialists, is designated by the Board of Governors of the Federal Reserve System as requiring reports suitable for supplying current information regarding specialists' use of credit pursuant to this section.

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(w) *OTC market maker exemption.* (1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market-making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d)) and except a block of stock or portion thereof with a current market value of $200,000 or more, acquired from a single source at approximately the same time, whether in a single transaction or in several transactions) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock the OTC market maker shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity (Securities and Exchange Commission Form X–17A–12 (a)) and all other reports required to be filed by market makers in OTC margin stocks pursuant to a rule of the Commission (Rule 17a–12 (17 CFR 240.17a–12)) and shall not have ceased to engage in such market-making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith [1] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

• • • • •

(y) *Third-market maker exemption.* (1) In the case of credit extended to a Third-market maker, as defined in subparagraph (2) of this paragraph (y), for the purpose of purchasing or carrying a stock that is registered on a national securities exchange (other than a convertible security described in paragraph (t)(1) of this section) in order to conduct the market-making activity of such a market maker, the maximum loan value of any stock (except (i) a convertible security described in paragraph (t)(1) of this section, (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of the Internal Revenue (Regs. section 1–1236–1(d)) and (iii) a block of stock or portion thereof with a current market value of $200,000 or more, acquired from a single source at approximately the same time, whether in a single transaction or in several transactions), shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall, at least 10 full business days prior to such extension of credit, have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity, and all other reports required to be filed by Third-market makers pursuant to a rule of the Securities and Exchange Commission and, except when such activity is unlawful, shall not have ceased to engage in such market-making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–3, executed by the Third-market maker who is the recipient of such credit and executed and accepted in good faith [1] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement, if executed and accepted in accordance with the requirements of this paragraph (y) and paragraph (a) of this section.

(2) A Third-market maker with respect to a stock that is registered on a national securities exchange is a dealer who has and maintains net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3–1 (17 CFR 240.15c3–1)), of $250,000 for each such stock in respect of which he has filed and not withdrawn a notice with the Securities and Exchange Commission (but in no case does this subparagraph (2) require net capital of more than $1 million) who is in compliance with such rule of the Commission and who, except when such activity is unlawful, meets all the following conditions with respect to such stock: (i) He furnishes bona fide, competitive bid and offer quotations at all times to other broker/dealers on request, (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iii) he does no more than 25 percent of his business in the stock with other market makers and national securities exchanges and (iv) he has a reasonable average rate of inventory turnover on the stock.

(3) If all or a portion of the credit extended pursuant to this paragraph (y) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be a Third-market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1".

(z) *Block positioner exemption.* (1) In the case of credit extended to a block positioner, as defined in subpargraph (2) of this paragraph (z), for the purpose of financing the activity of block positioning, the maximum loan value of any stock obtained in the ordinary course of the activity of block-positioning as described in subparagraph (2) of this paragraph (z) (except (i) a convertible security described in paragraph (t)(1) of this section and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–(d))) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall have filed with the Securities and Exchange Commission a notice of undertaking such activity on a form prescribed by the Commission, and all other reports required to be filed by block-positioners: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–5 and paragraph (a) of this section, executed by the block positioner who is the recipient of such credit and executed and accepted in good faith [1] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such block positioning activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (z) and paragraph (a) of this section. In determining whether or not an extension of time has been granted pursuant to subparagraph (3) of this paragraph (z) and whether or not such extension of time is commensurate with the circumstances the bank may rely on a statement executed by an officer of the exchange or association on behalf of the committee in conformity with the requirements of Federal Reserve Form U–6 and paragraph (a) of this section.

(2) A block positioner is a dealer who (i) is registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) and has a minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3–1 (17 CFR 240.15c3–1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) of the Commission (17 CFR 240.15c3–1 (b)(2)), of $250,000, or who is a registered specialist on a national securities exchange, (ii) engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which as partner of the dealer, or the dealer itself, participates or a person "associated with" such dealer as defined in section 3(a)(18) of the Securities Exchange Act of 1934) a block of stock (other than a convertible security as described in paragraph (t)(1) of this section) with a current market value of $200,000 or more, in a single transaction to facilitate a sale or purchase by such customer, (iii) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms, and (iv) sells the shares comprising such block as rapidly as possible commensurate with the circumstances.

(3) No credit shall be extended or maintained pursuant to this paragraph (z) in respect of any such block of stock or portion thereof which the block-positioner has held continously for more than 15 business days, and any credit extended pursuant to this paragraph (z) shall be extinguished or brought into conformity with the initial margin requirements of §§ 221.1 and 221.4 before the expiration of such 15-day period. For the purposes of this subparagraph, a block or portion thereof shall be treated as not having been held continuously only to the extent that there has been a net sale (or in the case of short positions, net purchase) of such securities (whether or not represented by the same certificate) during such 15-day period.

(4) In exceptional cases the 15-day period specified in subparagraph (3) of this paragraph (z) may on the application of the block-positioner, be extended for one or more periods limited to 5 busi-

[1] As described in paragraph (a) of this section.

[1] As described in paragraph (a) of this section.

ness days each commensurate with the circumstances by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which the block-positioner is a member or through which his transactions are effected, or by a committee of a national securities association: *Provided*, That such committee is satisfied that the block-positioner is acting in good faith in making the application and that the circumstances in fact warrant such treatment.

The proposed change in § 221.3(o) would restrict the ability of specialists to obtain credit from banks without regard to the limitations of Part 221 (Regulation U) in connection with substantial blocks of stock positioned in the course of their specialist activity. Such credit would be available only in conformity with the requirements of proposed § 221.3(z), and not otherwise. This restriction is similar to that which would be imposed under Part 220 (Regulation T) on credit by broker/dealers to finance block-positioning by specialists. The change would also clarify that securities held by specialists for investment are not eligible for exempt credit under § 221.3(o).

The proposed change in § 221.3(w) would restrict the ability of OTC market makers to obtain exempted credit from banks without regard to the limitations of Part 221 (Regulation U) in connection with substantial blocks of stock positioned in the course of their market-making activity. Such credit would be available only in conformity with the requirements of proposed § 221.3(z), and not otherwise.

Section 221.3(x), proposed for comment by the Board of Governors on May 5, 1969 (34 F.R. 7823, May 16, 1969), would be revised as § 221.3(y), and would restrict the ability of Third-market makers to obtain credit from banks without regard to the limitations of Part 221 (Regulation U) in connection with substantial blocks of stock positioned in the course of their market-making activity. Such credit would be available only in conformity with the requirements of proposed § 221.3(z), and not otherwise. The revision would also provide that if the credit ceased to be for the purpose of making such a market, or the customer ceased to be a Third-market maker, the remaining credit would become restricted in accordance with the provisions of §§ 221.1 and 221.4 of this part. A similar provision applies to OTC market makers under § 221.3(w).

The proposed paragraph (z) of § 221.3 would permit certain broker/dealers (including qualifying specialists, Third-market makers, and OTC market makers) to obtain credit from banks without regard to the restrictions of Part 221 (Regulation U) in connection with their activities as block-positioners. However, the credit would have to be brought into conformity with the initial margin requirements imposed by Part 221 if (1) the credit ceased to be for the purpose of carrying on such an activity, or (2) the dealer ceased to be a block-positioner. In any event, credit extended pursuant to paragraph (z) would have to be paid back or brought into conformity with ordinary margin requirements within 15 business days, unless extended in exceptional cases, for one or more additional periods limited to 5 business days each by appropriate procedures.

For credit to be in connection with block-positioning, the broker/dealer must certify that the credit is used to buy a substantial amount of securities in order to facilitate a securities transaction too large to be handled through normal channels. The credit would enable the broker/dealer to acquire for his own account that part of the transaction that the market could not otherwise absorb; he must thereafter close his position as quickly as circumstances permit. Any credit extended in connection with the transaction thereafter becomes subject to the ordinary initial margin requirements imposed by Part 221.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 17, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, January 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1510 Filed 2-3-71;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey

JANUARY 29, 1971.

1. A plat of survey for the following described land, accepted November 13, 1970, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on March 5, 1971:

BOISE MERIDIAN, IDAHO

T. 25 N., R. 20 E., unsurveyed,
Tracts 37 and 38.

The areas surveyed aggregate 4.69 acres.

2. All of the above described land is embraced in the Salmon National Forest under a proclamation dated November 5, 1906, as amended. Tract 37 is included in Forest Exchange application, Serial No. I-3233, and is segregated in accordance with 43 CFR 2202.5 from appropriation under the public land laws, including the mining laws. Tract 38 by this order is hereby opened to such forms of disposition as may by law be made of national forest land.

ORVAL G. HADLEY,
Land Office Manager,
Boise, Idaho.

[FR Doc.71-1515 Filed 2-3-71;8:47 am]

[New Mexico 13101]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 29, 1971.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 13101, for the withdrawal of the lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundary of the Santa Fe National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 2 E.,
Sec. 13, HES 259;
Sec. 24, NE¼NE¼NE¼, W½E½NE¼, E½E½SW¼NE¼, W½NE¼SE¼NE¼, and W½NE¼SE¼.
T. 20 N., R. 3 E.,
Sec. 18, HES 259.

The areas described aggregate 146.05 acres.

MICHAEL T. SOLAN,
Land Office Manager.

[FR Doc.71-1516 Filed 2-3-71;8:47 am]

[U-10287]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 28, 1971.

The U.S. Department of Agriculture, Forest Service, has filed application Utah 10287 for the withdrawal of the lands described below from all forms of appropriation except the general mining and mineral leasing laws, subject to existing valid rights, as an addition to the Uinta National Forest.

The Forest Service's proposal represents part of a boundary adjustment program with the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, UT 84111.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the justification of the withdrawal and will prepare a report for consideration of the Secretary. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are:

SALT LAKE MERIDIAN

T. 8 S., R. 3 E.,
Sec. 1, SE¼SE¼.
T. 9 S., R. 2 E.,
Sec. 21, NE¼, S½;
Sec. 27, W½SW¼;
Sec. 28, all;
Sec. 29, SE¼NE¼, E½SE¼;
Sec. 33, all;
Sec. 34, W½W½.
T. 9 S., R. 3 E.,
Sec. 12, lots 1, 2.
T. 9 S., R. 4 E.,
Sec. 10, N½NW¼;
Sec. 17, SW¼NE¼, SE¼NW¼;
Sec. 18, NE¼NE¼;
Sec. 26, SW¼;
Sec. 27, NE¼SE¼.
T. 9 S., R. 5 E.,
Sec. 33, S½.
T. 10 S., R. 1 E.,
Sec. 12, SE¼SE¼;
Sec. 13, all;
Sec. 24, all;
Sec. 25, all;
Sec. 36, all.
T. 10 S., R. 2 E.,
Sec. 7, SW¼SW¼.
T. 10 S., R. 5 E.,
Sec. 12, N½NE¼.
T. 10 S., R. 6 E.,
Sec. 13, E½SW¼;
Sec. 14, N½;
Sec. 15, N½N½;
Sec. 17, lots 1, 2, W½NW¼;
Sec. 18, E½NE¼.
T. 10 S., R. 7 E.,
Sec. 19, all;
Sec. 20, NW¼NE¼, NE¼NW¼, W½NW¼, NW¼SW¼.
T. 13 S., R. 2 E.,
Sec. 5, lot 4;
Sec. 16, W½W½;
Sec. 35, lots 1, 2.
T. 14 S., R. 1 E.,
Sec. 12, W½E½;
Sec. 13, W½E½;
Sec. 21, E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W½E½, W½;
Sec. 25, W½E½, W½;
Sec. 26, all;

Sec. 27, all;
Sec. 28, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 33, E½, E½W½;
Sec. 34, all;
Sec. 35, all;
Sec. 36, W½E½, W½.
T 14 S., R. 2E.,
Sec. 35, lots 2, 3, 4, W½NE¼, NW¼, N½SW¼, NW¼SE¼.
T 15 S., R. 1 E.,
Sec. 19, all;
Sec. 27, W½;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, all;
Sec. 33, all;
Sec. 34, lots 1, 2, NW¼, N½SW¼.
T 15 S., R. 1 W.,
Sec. 24, lot 1;
Sec. 25, lots 1, 2, 3, 5, 6, SE¼SW¼.
T 15 S., R. 2 E.,
Sec. 3, E½;
Sec. 10, E½;
Sec. 14, W½SW¼;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, W½W½, E½SW¼;
Sec. 25, lots 1, 2, 3, 4, 5, W½NW¼, NE¼SW¼;
Sec. 26, all;
Sec. 27, E½;
Sec. 34, lots 3, 4, NE¼, N½SE¼;
Sec. 35, lot 1, W½NW¼, NW¼SW¼.
T 16 S., R. 1 E.,
Sec. 3, lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, 8.

The areas described aggregate 25,554.97 acres, of which 10,174.31 acres are non-Federal lands.

R. D. NIELSON,
State Director.

[FR Doc.71-1524 Filed 2-3-71;8:48 am]

[Wyoming 27005]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 29, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Wyoming 27005, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands to allow for their development as an administrative site by the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, WY 82001.

The authorized officer will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

SIXTH PRINCIPAL MERIDIAN

T 30 N., R. 100 W.,
Sec. 36, lots 9 and 17.

The area described contains 75.90 acres.

JOHN T. WASSERBURGER,
Acting State Director.

[FR Doc.71-1517 Filed 2-3-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

CIGAR-FILLER (TYPE 41) TOBACCO

Notice of Referendum

Notice is hereby given that on February 22 to 26, 1971, each inclusive, a referendum will be held of farmers engaged in the production in 1970 of Cigar-filler (type 41) tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice was given (35 F.R. 18400) that consideration would be given to data, views, and recommendations on establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot. No data, views, or recommendations regarding the referendum were received pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1971-72, 1972-73, and 1973-74 marketing years for Cigar-filler (type 41) tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249), Part 717 of this chapter.

Signed at Washington, D.C., on January 26, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1497 Filed 2-3-71;8:45 am]

MARYLAND TOBACCO

Notice of Referendum

Notice is hereby given that on February 22 to 26, 1971, each inclusive, a referendum will be held of farmers engaged in the production of 1970 crop Maryland tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice was given (35 F.R. 18400) that consideration would be given to data, views, and recommendations on establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot. No data, views, or recommendations regarding the referendum were received pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1971-72, 1972-73, and 1973-74 marketing years for Maryland tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended (28 F.R. 13249), Part 717 of this chapter.

Signed at Washington, D.C., on January 26, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1498 Filed 2-3-71;8:46 am]

VIRGINIA SUN-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on February 22 to 26, 1971, each inclusive, a referendum will be held of farmers engaged in the production of 1970 crop Virginia sun-cured tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice was given (35 F.R. 18400) that consideration would be given to data, views, and recommendations on establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot. No data, views, or recommendations regarding the referendum were received pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1971-72, 1972-73, and 1973-74 marketing years for Virginia sun-cured tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended (28 F.R. 13249), Part 717 of this chapter.

Signed at Washington, D.C., on January 28, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1499 Filed 2-3-71;8:45 am]

Commodity Credit Corporation

[Amdt. 8]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1971)

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows: 1. The first sentence of section 15 entitled "Wheat Bulk—Export Sales" is revised to read as follows:

A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring wheat at west coast ports at export market price levels for export under Announcement GR-212 (revision III, Nov. 30, 1970, as amended) as follows:

2. Section 33 entitled "Linseed Oil (Raw) Unrestricted Use Sales" is amended by the insertion of the following sentence after the first sentence:

For February the price will be $0.1165 per pound.

3. Section 48 entitled "Nonfat Dry Milk—Unrestricted Use Sales" is revised to read as follows:

Sales are in carlots only in-store at storage location of products. Market price but not less than the announced prices, under MP-14: Spray process, U.S. Extra Grade, 29.9 cents per pound packed in 50-pound bags.

4. Section 50 entitled "Butter—Unrestricted Use Sales" is revised to read as follows:

Sales are in carlots only in-store at storage location of products. Market price, but not less than the announced prices, under MP-14: 77.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 77 cents per pound—Washington, Oregon, and California. All other States 76.75 cents per pound.

Signed at Washington, D.C., on January 28, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-1557 Filed 2-3-71; 8:50 am]

MICHIGAN, NORTH CAROLINA, AND VERMONT

Notice of Designation of Emergency Areas Regarding Livestock Feed Program

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1-4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR, Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

MICHIGAN

Benzie.	Grand Traverse.
Chippewa.	Manistee.

NORTH CAROLINA

Bladen.	Harnett.
Cherokee.	Henderson.
Clay.	Macon.
Cumberland.	Madison.
Graham.	Sampson.

VERMONT

Addison.

Signed at Washington, D.C., on January 29, 1971.

GEORGE V. HANSEN,
Deputy Vice President, Commodity Credit Corporation.

[FR Doc.71-1558 Filed 2-3-71;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a First Quarter 1971 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1971 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

Dated: January 19, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-1501 Filed 2-3-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 70-2; Notice No. 4]

GOODYEAR TIRE AND RUBBER CO.

Denial of Petition for Reconsideration of Amendment

An amendment to Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars, setting forth the limited conditions under which passenger car tires not certified as complying with the standard may be sold was published in the FEDERAL REGISTER October 29, 1970 (35 F.R. 16734). The Goodyear Tire and Rubber Co. filed a timely petition for reconsideration of this amendment. Pursuant to §§ 553.35, 553.37, and 553.39 of Title 49, Code of Federal Regulations (35 F.R. 5119, 35 F.R. 19268), notice is hereby given that the petition for reconsideration is denied.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on January 29, 1971.

CHARLES H. HARTMAN,
Acting Deputy Administrator, National Highway Traffic Safety Administration.

[FR Doc.71-1545 Filed 2-3-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-135; NDA Nos. 11-507; 11-508]

NYSCO LABORATORIES, INC.

Hydrocortisone Acetate Spray Caps and Hydrocortisone Acetate With Antihistamine Spray Caps; Notice of Withdrawal of Approval of New-Drug Applications

Correction

In F.R. Doc. 71-689 appearing on page 838 in the issue for Tuesday, January 19, 1971, the first line, now reading "A notice of opportunity of approval of", should read, "A notice of opportunity for hearing on".

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 850 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 4, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of January 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-1543 Filed 2-3-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20724]

ATLANTA-DETROIT/CLEVELAND/CINCINNATI INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on February 24, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., January 29, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1559 Filed 2-3-71;8:50 am]

[Dockets Nos. 22859, 23053; Order 71-1-137]

WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

By tariff revisions[1] filed December 31, 1970, and marked to become effective February 1, 1971, Western Air Lines, Inc. (Western), proposes increases on general commodity rates between Portland and Seattle-Tacoma, on the one hand, and points in Alaska, on the other, and between points in Alaska, as follows: (1) Under 100-pound rates are typically increased by 1 cent per pound; (2) general commodity rates for shipments with minimum weights 100, 220, 440, 1,000, and 2,000 pounds are increased on the following formula, subject to a maximum increase of 10 percent:

Distance	Increase (cwt.)
0–750 miles	$1.50
751–1,500 miles	1.25
Over 1,500 miles	1.00

Complaints requesting suspension pending investigation of the proposed increases insofar as they apply to the construction of premium rates were filed by the National Retail Pet Supply Association, and the Western Wholesale Pet Supply Association.

These complaints variously assert, inter alia, that the proposed rates (1) would seriously injure shippers of live animals, and (2) are similar to those of American Airlines, Inc. (American), and Braniff Airways, Inc. (Braniff), with respect to premium traffic in that no showing has been made that existing premium rates do not cover costs.

In Orders 70-12-143 and 71-1-63, dated December 28, 1970, and January 13, 1971, respectively the Board determined to permit American and Braniff to place into effect, pending investigation, increases in freight rates of a similar order of magnitude to those in Western's current proposal.[2] The Board, however, suspended American's and Braniff's proposals to the extent that they would be used in the determination of rates and minimum charges in conjunction with premium ratings, chiefly applicable to live animals.

Consistent with the foregoing orders and in view of other relevant matters, the Board has determined to permit the Western filing to become effective except as the filing applies to the determination of premium rates. Western reported for the 12 months ended June 30, 1970, for domestic all-cargo services, a loss after taxes of $602,000. For the 12 months ended September 30, 1970, Western reported a net loss after special items of $5.1 million for its total domestic services. The Board finds, as it did in the noted orders, that the proposed increases applicable to general commodity traffic do not appear unreasonably large and should not adversely affect most shippers to a significant degree. The tariff revisions to and from the Alaska gateways are already under investigation in Docket 22859 Domestic Air Freight Rate Investigation, and the premium rates are under investigation in Docket 21474, In the Matter of Air Freight Rates on Live Animals and Birds.

The complaints contend and the Board notes the anomalies in Western's exception rating schedule wherein the premium for traffic moving between Seattle-Tacoma and Alaska may be greater than, or less than, the premium for traffic moving between points not involving Alaska, depending upon the commodity involved and that Western has not reexamined its exception ratings and refiled those it was prepared to justify, as the Board suggested in Order 69-9-149 in Docket 21474. The Board further notes that except as to traffic between Seattle-Tacoma and Alaska, no exception rating has been established which would remove the application of general commodity local single-factor rates to traffic originating outside of Alaska and destined to a point within Alaska or originating at a point within Alaska and destined to a point outside Alaska.[4]

To the extent that the carrier's premium rate structure may not be lawful, the situation is of course aggravated by increases in basic general commodity rates. As previously indicated in Order 70-12-143 of December 28, 1970, and 71-1-63 of January 13, 1971, involving increased rates of American and Braniff, respectively, the Board is not prepared to accept without investigation further tariff increases, insofar as they would effect any increases in premium rates in the absence of a prima facie showing that such increased premium rates are necessary to cover the costs of transporting such traffic. Western, however, has provided no rationale for its rate increases on premium-rated traffic, nor has it made any showing that existing rates as they apply to such traffic do not cover the costs of transportation nor has it otherwise provided support for increasing premium rates. In these circumstances, the Board will suspend the application of the increased rates on premium traffic.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and charges described in Appendix A hereto,[5] and rules, regulations, or practices affecting such rates and charges, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and charges, and rules, regulations, or practices affecting such rates and charges;

2. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto[5] are suspended and their use deferred to and including May 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint filed by National Retail Pet Supply Association in Docket 23008, and Western Wholesale Pet Supply Association in Docket 23007 will be dismissed except to the extent granted herein; and

4. A copy of this order should be filed with the tariffs and served upon Western Air Lines, Inc., National Retail Pet Supply Association, and Western Wholesale Pet Supply Association, which are hereby made parties to Docket 23053.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1560 Filed 2-3-71;8:50 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariff, CAB No. 8 (Agent J. Aniello Series).

[2] For shipments of 100 pounds and over, those increases amounted to 6 percent for westbound general commodity rates and 10 percent for numerous eastbound and northbound rates. For smaller shipments, the general commodity rate increases were 1 or 2 cents per pound. In addition, American was permitted to raise most specific commodity rates up to a maximum of 10 percent.

[3] The exception ratings to Western's general commodity rates tariff provide in column 1 thereof for premium ratings (a) between Seattle-Tacoma only, on the one hand, and points wholly within Alaska, on the other, and (b) between points wholly within Alaska. Column 2 of Western's exception ratings, for application between other points on Western's system, is specifically marked as not applicable from and to points in Alaska nor between points wholly within Alaska.

[4] The Board considers that it is desirable for carriers to make appropriate tariff filings to simplify their tariffs where, as here, the suspension of a proposal is applicable only to its use in determining rates on traffic moving under exception ratings and result in a dual system of basic general commodity rates. The Board will consider tariff revisions to the premium percentages stated in the carriers' exception ratings to accomplish this end. Such revisions, however, should fully meet the hold-the-line requirement stated above as to on-line traffic.

[5] Filed as part of the original document.

[No. 70-48]

HAPAG-LLOYD AKTIENGESELLSCHAFT

Publication of Discriminatory Rates; Rescheduling of Filing Dates

Respondent Hapag Lloyd has requested a further enlargement of time within which to respond to the Commission's order to show cause dated December 11, 1970.

Respondent indicates that it has only recently obtained the release of pertinent information by the German Ministry of Transport, and accordingly additional time would be needed for the preparation of submissions in this proceeding. We think the problems encountered by respondent in obtaining clearance from a foreign government constitute cause for a further enlargement of time. We wish to reemphasize, however, that this action does not indicate a diminution of our concern regarding the matters under adjudication herein.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before February 19, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before March 8, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1547 Filed 2-3-71;8:49 am]

[No. 70-49]

SEA-LAND SERVICE, INC.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

Respondent Sea-Land Service, Inc. has requested a further enlargement of time within which to respond to the Commission's order to show cause dated December 11, 1970.

Respondent cites as grounds therefor the necessity of compressing information at hand in preparing submissions in this proceeding. We have previously afforded a 30-day enlargement of time for respondent, but in so doing, emphasized our concern regarding the matters under adjudication herein. We do not think respondent has shown sufficient cause for the further requested extension of 2 weeks. However, since the current filing date is already at hand a short extension will be granted.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before February 3, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before February 18, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1548 Filed 2-3-71;8:49 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1151]

DAVIS VAN & STORAGE

Order of Revocation

By letter dated December 28, 1970, Davis Van & Storage (Mary B. Gehring and Leo M. Gehring doing business as), 912 Fifth Street, Davis, CA 95616, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1151 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 14, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Davis Van & Storage (Mary B. Gehring and Leo M. Gehring doing business as) has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 7.04(g) (Dated 9-29-70).

It is ordered, That the Independent Ocean Freight Forwarder License No. 1151 be returned to the Commission. Revocation of License No. 1151 is effective January 14, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Davis Van & Storage (Mary B. Gehring and Leo M. Gehring doing business as).

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.71-1548 Filed 2-3-71;8:49 am]

[No. 71-1]

SEATRAIN LINES, INC.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

Respondent Seatrain Lines, Inc. has requested a 30-day enlargement of time within which to respond to the Commission's order to show cause dated January 5, 1971. Respondent cites as grounds therefor the time and effort required to assemble materials and prepare submissions and refers to similar extensions afforded carriers in other proceedings.

The Commission wishes to reemphasize its concern regarding the matters under adjudication herein and notes that respondent has effected further rate reductions since institution of this proceeding. Extensions granted in other proceedings were either to foreign based carriers or to carriers which originally had less time to respond than Seatrain and need not serve as a basis for an extension here. Nevertheless, a certain extension of time to respond seems warranted under the circumstances.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before February 12, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before February 26, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1549 Filed 2-3-71;8:49 am]

[No. 71-3]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

Respondent American Export Isbrandtsen Lines, Inc., has requested an enlargement of time within which to respond to the Commission's order to show cause dated January 11, 1971.

Respondent states that additional time is necesary for preparation of affidavits of fact. The request appears reasonable under the circumstances and will be granted. The Commission wishes to emphasize that this action does not indicate, in any way, a diminution in its concern regarding the matters under adjudication herein.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact and memoranda of law shall be filed by respondent on or before February 26, 1971.

(2) That replies thereto by Hearing Counsel and intervenors, if any, shall be filed on or before March 12, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1550 Filed 2-3-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-644]

MOBIL OIL CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 27, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 15, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-644..	Mobil Oil Corp. et al	..	9	[1] 9 Lone Star Gas Co. (Sholem Alechem Gasoline Plant, Graham Area) (Stephens and Carter County) (Okla.).	..	10-23-70	11-23-70	[3] Accepted	..	..	..
		..	10	....do....	$194,433	10-23-70	11-23-70	11-24-70	11.61	21.0	R169-347.

*The pressure base is 14.65 p.s.i.a.
[1] Contract dated July 1, 1970, providing among other things for increased rate and delivery pressure of 1,000 p.s.i.g. instead of 350 p.s.i.g. and a new delivery point. Supersedes contract dated Jan. 1, 1953 under FPC Gas Rate Schedule No. 9.
[3] Accepted, to be effective from the date set forth in the "Effective Date Unless Suspended" column.

Mobil Oil Corp. filed on October 23, 1970, a superseding contract dated July 1, 1970, and a related notice of change in rate under its FPC Gas Rate Schedule No. 9. Mobil proposes to increase the rate to 21 cents from the current effective rate of 11.61 cents per Mcf being collected subject to refund in Docket No. RI69-347. The increased rate ceiling for this area is 11 cents. No action was taken on Mobil's rate filing during the statutory period for such action. Mobil, however, has agreed to a one day suspension period.

[FR Doc.71-1430 Filed 2-3-71;8:45 am]

[Docket No. RI71-654]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 27, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 19, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-654..	Mobil Oil Corp.	340	7	Kansas-Nebraska Natural Gas Co., Inc. (Syracuse Field, Hamilton County, Kans.).	$11	12-28-70	[1] 1-1-71	1-2-71	[2] 13.5	[2] [3] 13.50125	

*The pressure base is 14.65 p.s.i.a.
[1] Pursuant to Opinion No. 586.
[2] Base rate subject to downward B.t.u. adjustment.
[3] According to Mobil, Buyer, by letter dated Jan. 12, 1971, filed Jan. 14, 1971, contends tax increase is without contract basis.

The proposed tax increase of Mobil is for a sale to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska). The buyer states that the tax reimbursement clause in the contract contemplates partial reimbursement in the event of a tax increase, but does not apply to an increase in an assessment, and that under Kansas law an assessment is not a tax. Mobil contends that the increase in assessment was within the contemplation of the parties at the time of execution of the contract. Pending resolution of the contractual issue between Mobil and Kansas-Nebraska the proposed increase is suspended for 1 day from January 1, 1971, the proposed effective date.

[FR Doc.71-1431 Filed 2-3-71;8:45 am]

[Docket Nos. RI71-641, etc.]

CITIES SERVICE OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 27, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 19, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-641..	Cities Service Oil Co. et al..	189	[1] [4] 7	Tennessee Gas Pipeline Co. (Garden Island Bay Field) (Plaquemines Parish) (Southern Louisiana).	$57,214	12-28-70	1-28-71	2-10-71	21.25	[4] 26.0	
RI71-642..	Texas Gulf Sulphur Co. et al.	4	2	United Fuel Gas Co. (Orange Grove Field) (Terrebonne Parish) (Southern Louisiana).	4,450	12-28-70	2-1-71	2-10-71	[2] 20.019	[4] [5] 21.1	

*The pressure base is 15.025 p.s.i.a.
[1] Includes documents relating to the discovery of new reservoirs which entitle applicant to higher ceiling rates in accordance with Opinion No. 567.
[2] Permanent certificated rate. Includes 0.019 cents per Mcf B.t.u. adjustment.
[3] Increase limited to the Southern Louisiana proposed settlement rate pursuant to order issued Dec. 24, 1970, in Docket No. R-391. Proposed rate is 26.50 cents per Mcf.
[4] Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.
[5] Applies only to gas sold from the 9300' Sand Reservoir which was discovered after Aug. 1, 1970.
[6] Supplement No. 6 to the subject rate schedule is an amendatory agreement dated Nov. 17, 1970, which was filed concurrently with the increased rate filing. Said supplement is hereby accepted effective as of Jan. 28, 1971.

Under the provisions of the Commission's order issued October 27, 1970 in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by Nov. 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of Jan. 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970 order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970 deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971 that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-1432 Filed 2-3-71;8:45 am]

[Docket No. RI71-640]

CONTINENTAL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 27, 1971.

Resondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 19, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-640	Continental Oil Company	362	2	Southern Union Gathering Co. (Angels Peak Area, San Juan County, N. Mex.) (San Juan Basin)	$1,600	12-31-70	12-31-70	1-1-71	13.0	15.0	

*The pressure base is 15.025 p.s.i.a.

Continental Oil Co., requests that its proposed increase be effective as of the date of filing. This request is pursuant to the Commission's order issued December 11, 1970, in Docket No. CI71-145 which granted a certificate for the sale and advised Continental that it could file up to the contractually due rate, and collect such rate after a one day suspension from the date of filing. The proposed increase of Continental is suspended for one day from the date of filing, with waiver of notice granted.

The producer's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-1433 Filed 2-3-71;8:45 am]

[Docket No. RI71-643]

HILDA B. WEINERT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 27, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 19, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf Rate in effect	Cents per Mcf Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-643...	Hilda B. Weinert and Jane W. Blumberg et al.	2	[2] 21	Transcontinental Gas Pipe Line Corp. (La Gloria Field, Brooks and Jim Wells Parishes) (Texas RR. District No. 4).	----------	1-8-71	2-8-71	[10] Accepted	----------	----------	
			[2] 22	...do...	4,131	12-28-70	1-28-71	6-28-71	[3] [5] 11.0 [4] [5] 13.0	[6] [8] 19.0 [7] [8] 21.0	

[1] Not used.
[2] For gas that does not require compression or for gas that is compressed by the buyer.
[3] Gas requiring compression, the facilities for which seller elects to maintain and operate.
[4] For gas from reservoirs discovered prior to Sept. 28, 1960.
[5] All four rates (11 cents 13 cents, 19 cents 21 cents) are subject to a dehydration charge of .21931 cent per Mcf if performed by the buyer.
[6] For gas from reservoirs discovered after Sept. 28, 1960.
[7] RN rates as provided for in amendment dated Nov. 2, 1970.
[8] Amendatory agreement dated Nov. 2, 1970, which provides, among other things for a RN rate of 19 cents per Mcf for all gas from reservoirs discovered prior to Sept. 28, 1960, and 21 cents per Mcf for all gas from reservoirs discovered on or after Sept. 28, 1960.
[9] The pressure base is 14.65 p.s.i.a.
[10] Accepted, to be effective on the dates shown in the "Effective Date" column.

Hilda B. Weinert and Jane W. Blumberg et al. (Weinert) request effective dates for which adequate notice was not given. Good cause has not been shown for granting this request and it is denied.

Weinert's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-1434 Filed 2-3-71;8:45 am]

[Docket No. RP70-42]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Filing of Stipulation and Agreement

JANUARY 26, 1971.

Take notice that on January 15, 1971, Natural Gas Pipeline Company of America (Natural) submitted for approval a Stipulation and Agreement in Docket No. RP70-42. The Stipulation and Agreement would not resolve all the issues in these proceedings but would provide for the allocation of Natural's gas supply among its customers during the year 1971.

The Stipulation and Agreement provides for (i) the voluntary suspension of the effectiveness of the proposed tariff sheets filed in these proceedings, and as subsequently modified, until December 1, 1971; (ii) the establishment of maximum quantities which Natural is obligated to deliver and which its customers are entitled to purchase in any month during the calendar year 1971; (iii) the waiver of Natural's liability for damages and the application of "Adjustment for Delivery Deficiency" provisions of Natural's rate schedules should Natural fail during any month in 1971 to deliver volumes of gas in excess of any such maximum quantity, (iv) the exemption from the monthly quantity limitations of any customers of Natural whose Daily Contract Quantity is less than 30,000 Mcf, except that such customer may increase its purchases from Natural only to the extent necessary to meet the requirements of new firm year-round loads, and (v) the modification of the unauthorized monthly over-take provisions of Rate Schedule CD-1 and PL-1.

Copies of the Stipulation and Agreement were served on all parties to these proceedings, all of Natural's jurisdictional customers and interested State commissions.

Answers or comments relating to the proposed Stipulation and Agreement may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before February 8, 1971.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1503 Filed 2-3-71;8:46 am]

[Docket No. RP70-35]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Filing of Stipulation and Agreement

JANUARY 26, 1971.

Take notice that on January 15, 1971, Natural Gas Pipeline Company of America (Natural) submitted for approval a Stipulation and Agreement in Docket No. RP70-35. The Stipulation and Agreement would resolve all issues in these proceedings, and provides for a reduction in the increase proposed by Natural in Docket No. RP70-35 and for flow through of refunds.

The Stipulation and Agreement provides for upward adjustment of Natural's rates during 1971 when additional storage capacity is obtained from Michigan Wisconsin Pipeline Co., when additional storage withdrawal facilities are added to Natural's system, when Natural makes certain advance payments for gas; includes a purchase gas adjustment clause which allows Natural to increase its rates and requires Natural to reduce its rates to reflect changes in its purchase gas cost above and below 19.22 cents per Mcf; requires Natural to flow through to its jurisdictional customers the appropriate portion of all refunds, together with interest, received from its suppliers which are applicable to purchases by Natural from such suppliers during the term of the Stipulation and Agreement, as defined therein; and provides for rate reductions and refunds in the event that Natural's sales during 1971 exceed the estimated sales for 1971 upon which Natural's proposed rates are based.

Copies of the Stipulation and Agreement were served on all parties to these proceedings, all of Natural's jurisdictional customers and interested State commissions.

Answers or comments relating to the proposed Stipulation and Agreement may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before February 8, 1971.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1504 Filed 2-3-71;8:46 am]

[Docket Nos. RI71-517, etc.]

PAN AMERICAN PETROLEUM CORP., AND SUN OIL CO.

Order Granting Rehearing and Setting Matters for Hearing

JANUARY 29, 1971.

Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee) filed on January 4, 1971, an application for rehearing of the Commission's order issued December 22, 1970, in Docket No. RI71-517 insofar as it accepted Supplement No. 13 to Pan American Petroleum Corp's. (Pan American) FPC Gas Rate Schedule No. 72 as a contract amendment effective as of January 1, 1971. In Supplement No. 18 which was filed on December 1, 1970, Pan American states that although the contract, as amended May 16, 1966, covered by its FPC Gas Rate Schedule No. 72 would terminate on December 31, 1970, Pan American intended to "continue to

deliver and sell gas to Buyer on a day to day basis" in accordance with the terms and conditions set forth in Exhibit A which is included therein.

Tennessee also filed similar applications for rehearing on December 31, 1970 (with respect to Pan American's filings) and on January 7, 1971 (with respect to Sun Oil Co's. (Sun) filing) of Commission letters issued December 18, 1970 accepting Supplements Nos. 14 and 24 to Pan American's FPC Gas Rate Schedules Nos. 73 and 83, respectively, and a Commission letter issued December 8, 1970 accepting Supplement No. 28 to Sun's FPC Gas Rate Schedule No. 37.[1] These other filings by Pan American are similar to Supplement No. 18 to Pan American's FPC Gas Rate Schedule No. 72. Sun in its filing also proposed certain modifications in the existing terms and conditions under which it proposes to continue its sale.

None of these filings involve increased rates. The terms and conditions set forth in the filings reflect unilateral action by Pan American and Sun and have not been agreed to by Tennessee. Tennessee which is the purchaser of natural gas under these rate schedules concurrently with its applications for rehearing also filed petitions for leave to intervene in each of these proceedings.

Tennessee in its applications for rehearing claims that various provisions in each of these filings lack the clarity and definitiveness required under section 4 of the Natural Gas Act, and, depending on the construction given to these provisions, may be unlawful, unjust and unreasonable in violation of section 4 and 7(b) of the Natural Gas Act. Tennessee in this connection specifies its view of the ambiguities and uncertainties which each of these filings creates. Tennessee also claims that Pan American and Sun have no right to make unilateral filings proposing to change the terms and conditions in effect under these contracts after the expiration of such contracts.

In view of the issues raised by Tennessee in its applications for rehearing, we shall grant rehearing and shall set these proceedings for hearing. We shall also provide for a prehearing conference at which the factual matters to be resolved by formal evidentiary hearing, if any, will be ascertained. All matters which can be resolved without a formal presentation should be settled by stipulation. In addition, Pan American and Sun at the prehearing conference shall clarify each of the ambiguities and uncertainties in their respective filings alleged by Tennessee.

In the special circumstances presented here, we also believe it appropriate to provide that the terms and conditions (other than rates) contained in the subject rate schedules prior to the filings herein shall remain in effect pending further Commission order. To do otherwise might create difficulties for Tennessee, while continuation of the previous terms and conditions should work no hardship on Pan American or Sun pending resolution of these matters. Such action, of course, will have no effect on the right of Pan American or Sun to collect any proposed increased rate filed concurrently with the subject filings or subsequent thereto.

Finally, we shall grant Tennessee's petitions to intervene in these proceedings.

The Commission orders:

(A) For the reasons set forth above, Tennessee's applications for rehearing are granted.

(B) Pending further Commission order, the terms and conditions (other than rates) in effect prior to the subject filings under Pan American's FPC Gas Rate Schedules Nos. 72, 73, and 83 and under Sun's FPC Gas Rate Schedule No. 37 shall continue in effect.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on the issues involved in the above-entitled proceedings.

(D) A Presiding Examiner, to be hereinafter designated by the Chief Examiner, shall preside at both the prehearing conference and the hearing in the above-entitled proceedings.

(E) Pursuant to the provisions of section 1.18 of the Commission's rules of practice and procedure, a prehearing conference in the above-entitled proceedings shall commence at 10 a.m., e.s.t., on March 2, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, for the purpose of effectuating this order.

(F) Following the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these matters.

(G) Tennessee is permitted to intervene in the proceedings involved here, subject to the rules and regulations of the Commission: *Provided, however,* That Tennessee's participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petitions for leave to intervene: *And, provided, further,* That the admission of Tennessee shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(H) Notices of intervention or petitions seeking leave to intervene shall be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-1536 Filed 2-3-71;8:48 am]

[1] Docket No. RI71-652 shall relate to these Pan American filings and Docket No. RI71-653 shall relate to Sun's filing.

[Docket No. CP71-73]

PANHANDLE EASTERN PIPE LINE CO.

Order Setting Date for Formal Hearing, Prescribing Procedures and Permitting Interventions

JANUARY 29, 1971.

On September 24, 1970, Panhandle Eastern Pipe Line Co. (Panhandle) filed an application pursuant to section 7 of the Natural Gas Act for the issuance of a certificate of public convenience and necessity authorizing the initiation of a Winter Service for Panhandle's existing General Service and Small General Service resale customers under the terms and conditions provided in a proposed new rate schedule and for authorization to increase its existing storage capabilities in order to enable it to provide Winter Service to the foregoing utility customers. Panhandle in conjunction with the aforementioned request also seeks permission to revise its existing interruptible rate schedules as set forth in its aforementioned application which is on file with the Commission.

Panhandle contends that it anticipates gas supply deficiencies during the forthcoming and subsequent winters due to the existing national gas shortage. It proposes to partially alleviate this situation by acquiring additional gas for use during the winter months by purchasing short-term supplies from other pipelines and by converting off-peak transmission capacity into winter deliveries through the expanded use of underground storage.

Panhandle proposes to utilize off-peak transmission capacity to transport additional volumes of gas to its Waverly Storage Field, in Waverly, Ill., in order to effectuate this new service. However, Panhandle contends that it must revise its interruptible rate schedules in order to have the necessary off-peak transmission capacity to deliver the necessary volumes to the storage field. It therefore proposes that future availability of interruptible services should be limited to that which is presently being rendered or which is subject to Commission proceedings that had commenced at the start of the present winter heating season, i.e., prior to October 1, 1970. It proposes herein to reserve all of its remaining excess off-peak capacity for the purpose of supplying gas to its storage reservoirs.

Panhandle further requests authorization to increase the certificated maximum reservoir capacity of the Galesville formation of its Waverly Storage Field from 10,000,000 Mcf to 17,500,000 Mcf, and to augment its capacity for injecting additional off-peak gas through the installation of an additional 1,000-horsepower compressor at the Waverly-Galesville Compressor Station. The proposed compressor unit will cost $727,000.

Panhandle proposes to make its supplementary Winter Service gas available to certain of its General Service and Small General Service customers at an approved nomination charge of 25 cents per Mcf plus a commodity charge, equal to the currently effective commodity rates in its respective general rate zones.

Petitions requesting permission to intervene in the above-styled proceeding were timely filed by the following parties:

Name of petitioners	*Dates of filings*
Illinois Power Co.	Oct. 23, 1970
Citizens Gas Fuel Co.	Nov. 2, 1970
Indiana Gas Co., Inc.	Do.
Michigan Gas Storage Co.	Do.
East Ohio Gas Co.	Do.
City of Fulton, Missouri, Board of Public Works.	Do.
The Ohio Fuel Gas Co.	Do.

In addition to the foregoing the Michigan Public Service Commission filed a Notice of Intervention on November 2, 1970.

The Commission finds: It is desirable to allow the companies and municipalities which have filed petitions to intervene to become interveners in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be constructed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) A formal hearing will be convened in the proceeding entitled Panhandle Eastern Pipe Line Company, Docket No. CP71-73, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. on March 8, 1971, at 10 a.m., e.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at this hearing, pursuant to the Commission's rules of practice and procedure. Panhandle Eastern Pipe Line Co. will serve its testimony and related exhibits on all the parties to this proceeding on or before February 17, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-1535 Filed 2-3-71;8:48 am]

[Docket No. E-7574]

NEW ENGLAND POWER CO.

Order Suspending Tendered Rate Schedules Granting Waiver of Notice Requirements Providing for Hearing and Granting Intervention

JANUARY 28, 1971.

This order suspends for 1 day the operation of tendered rate schedules, orders a public hearing to be held on the lawfulness of those schedules, grants waiver of notice requirements and permits intervention in this proceeding.

New England Power Co. (NEPCO), a public utility subject to the jurisdiction of this Commission on October 26, 1970, filed rate schedule changes which amend Exhibit D of NEPCO's contract for primary service for resale to Narragansett Electric Co. (Narragansett). The filing was proposed to become effective January 1, 1971. On December 14, 1970, New England Power Service Co. (NEPSCO) submitted on behalf of NEPCO additional material completing the filing[1] and a certificate of concurrence on behalf of Narragansett.[2]

Narragansett is an affiliate of NEPCO in the New England Electric System. All of Narragansett's generation facilities and certain transmission facilities are integrated with NEPCO's system. NEPCO renders all requirements service to Narragansett and credits Narragansett monthly with the fixed charges on Narragansett's generation and transmission facilities plus actual operating costs.

The effect of the new rate schedule is to increase the credits which NEPCO allows Narragansett from $678,978 to $689,510 per month generation credit, and from $168,309 to $243,650 per month transmission credit. The increase is the net result of the following changes: (1) Increased investment in facilities; (2) an increase in Narragansett's rate of return from 6.125 percent of 7.3 percent and the associated Federal income tax component; and (3) increase in municipal tax. The proposed increase in credits to Narragansett will total increase in costs to NEPCO of $1,030,493 annually (10.86 percent).

According to NEPSCO the basis for Narragansett's claimed rate of return of 7.3 percent is the imbedded cost of debt and existing preferred stock, anticipated cost of new preferred stock to be issued in 1971, and a return on equity which, inter alia, would provide a minimum level of earnings coverage needed for existing and future debt and allow the company to attract new capital.

NEPCO initially proposed an effective date for the present filing of January 1, 1971, however the original filing was deficient and not completed until December 14, 1970, whereupon NEPCO requested a waiver of the 60-day notice requirement of § 35.13(b)(4) of the Commission's regulations in order for the filing to become effective on January 1, 1971. In consideration of the original filing date of October 22, 1970, and the completed filing date of December 14, 1970, we will grant waiver of that notice requirement to permit the filing to become effective on January 28, 1971, subject to further provisions of this order.

Notice of the filing was given by publication in the FEDERAL REGISTER on November 13, 1970 (35 F.R. 17449), stating that any person desiring to be heard or to make any protest with references to said application should on or before November 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with requirements of the Commission's rules of practice and procedure. In reply the Commission has received a notice of intervention by the Rhode Island Division of Public Utilities and Carriers and a protest and petition to intervene by the Power Planning Committee of the Municipal Electric Association of Massachusetts, Inc., and 23 municipal electric plants and departments. The petitioners, who are wholesale customers of NEPCO, contend that the proposed changes would raise NEPCO's cost and absent suspension petitioners will be placed in a position in any forthcoming NEPCO rate case where NEPCO may contend that Narragansett's rates to NEPCO are finally determined and may no longer be challenged. Petitioners therefore requested: (1) Formal hearings be held if the parties are unable to resolve the matter through informal procedures; (2) intervention; and (3) that the proposed changes be suspended for 5 months and made effective subject to investigation and refund or, alternatively that the Commission accept the filing subject to a full review of costs for propriety and reasonableness in all respects in any forthcoming NEPCO rate case. No answer to the petition has been received.

On January 15, 1971, NEPCO filed a general rate increase to its wholesale customers, including petitioners, containing an adjustment and its cost of service to include the full increase in Narragansett's credits in the subject rate filing.

A preliminary review of the filing indicates that the rate of return allowed Narragansett may be excessive. In view of this and the petition of NEPCO's customers, suspension of the proferred filing is appropriate. However, inasmuch as the present implementation of the filing subject to refund would not directly increase costs to NEPCO's customers, we believe that it is appropriate and in the public interest to suspend the tendered rate schedules for 1 day.

The Commission finds:

(1) The tendered rate schedule filing designated in footnotes (1) and (2) herein may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause has been shown to grant NEPCO's request for waiver of the 60-day provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the tendered filing and that the tendered filing be suspended and the use thereof be deferred and a public hearing be initiated in accordance with

[1] Designated as: New England Power Co., 2d Revised Sheet No. 21 to Rate Schedule FPC No. 161 (superseded 1st Revised Sheet No. 21 to Rate Schedule FPC No. 161).

[2] Designated as: The Narragansett Electric Co. Supplement No. 4 to Rate Schedule FPC No. 24 (concurs in (1) above and supersedes Supplement No. 1 to Rate Schedule No. 24).

the procedures set forth below, all as hereinafter provided.

(4) Participation by the aforementioned petitioners for intervention in this proceeding may be in the public interest.

(5) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) NEPCO's request for waiver of the 60-day provision of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act is hereby granted to permit the tendered filing to take effect January 28, 1971, subject to the provisions of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., at a date and time to be set by further order of the Commission, concerning the lawfulness of NEPCO's rate schedules identified in footnotes (1) and (2) herein.

(C) Pending such hearing and decision thereon, the tendered rate schedules designated in footnotes (1) and (2) herein are hereby suspended and the use thereof deferred until January 29, 1971. On that day those filings shall take effect in the manner prescribed by the Federal Power Act; and NEPCO, subject to further orders of the Commission, shall charge and collect the new rates and charges set forth in those filings for all power sold and delivered thereunder.

(D) NEPCO shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on January 29, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of January 29, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to January 29, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(E) The Power Planning Committee of the Municipal Electric Association of Massachusetts, Inc., and the electrical departments and plants of the Massachusetts towns and cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shewsbury, Sterling, Templeton, and West Boylston are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(F) Unless otherwise ordered by the Commission, NEPCO shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(G) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 22, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-1534 Filed 2-3-71;8:48 am]

[Docket No. CP71-190]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 29, 1971.

Take notice that on January 25, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant) filed in Docket No. CP71-190 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to expand its transmission system peak day sales capacity by 90,000 Mcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the following construction:

(1) A 3,400-horsepower addition at the existing Laramie Compressor Station.

(2) A new 4,000-horsepower compressor station near Wamsutter, Wyo.

(3) A 8,000 Mcf-per day capacity inert gas generation plant at the Laramie Compressor Station.

(4) Approximately 49 miles of 24-inch pipeline loop on the 22-inch Wyoming main line from the Laramie Compressor Station to a point about 22 miles west of Cheyenne, Wyo.

(5) Five new gas storage wells to be drilled and connected at the Fort Morgan Storage Field in Morgan County, Colo.

(6) One existing well to be connected at the Fort Morgan Storage Field.

(7) Approximately 16 miles of 26-inch pipeline loop on the Pueblo to Watkins 20-inch main line from Watkins Junction south to the Littleton Lateral takeoff.

Applicant states that the proposed expansion will assist it in meeting the increased peak day requirements of existing customers and will better enable it to satisfy estimated annual requirements through increased capacity for transporting available supply volumes from Wyoming sources to market. The best estimate of the capacity to be generated by the projects proposed herein is 90,000 Mcf of natural gas per day.

The cost of the facilities proposed is estimated to be $13,990,109 which cost applicant states will be financed from current working funds, funds for operations, short-term borrowings, or long-term debt.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[FR Doc.71-1533 Filed 2-3-71;8:48 am]

[Docket No. RP71-77]

CONSOLIDATED GAS SUPPLY CORP.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedures, and Rejecting for Filing Revised Tariff Sheets Containing Purchased Gas Adjustment Provision

JANUARY 29, 1971.

Consolidated Gas Supply Corp. (Consolidated) on December 17, 1970, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, to become effective on February 1, 1971.[1] The proposed rate changes, based on a cost of service study for the 12-month period ending September 30, 1970, as adjusted, would increase Consolidated's rates and charges by approximately $30,248,118 over the settlement rates in Docket No. RP69-19 et al., approved by Commission order issued September 18, 1970, in that docket, as adjusted to include a tracking increase which became effective November 1, 1970.

Consolidated states that the rate increase is required to compensate it for increased gas costs of approximately $15.9 million, increased cost of Consolidated's capital justifying an increase to a 9-percent rate of return, an increase in the annual depreciation rates for transmission and underground storage plant to 3.5 percent, and on other depreciable properties to a composite depreciation rate of 5 percent, increased operating expenses, normalization of liberalized depreciation for Federal and State income tax purposes, the use of a 5-year average for exploration and development expenses, and changes in Federal, State, and local taxes.

Consolidated's filing includes tariff sheets providing for new rate schedules applicable to small customers (under 5,000,000 Mcf annually) in Zone 4 under the provisions of the rate settlement in Docket No. RP69-19 et al.[2] The company states that it proposes to request the Commission to make these tariff sheets effective at such time as the order approving the settlement in Docket No. RP69-19 et al. becomes final and nonappealable.

Consolidated's filing also includes revised tariff sheets which contain a purchased gas cost adjustment provision. Consolidated requests that if the Commission should reject the tariff sheets containing the purchased gas cost adjustment pursuant to § 154.38(d)(3) of the regulations under the Natural Gas Act, that the Commission waive such of the Commission's rules as may be necessary to permit the clause to be filed or made the subject of hearings in this proceeding.

The reasonableness of including a purchased gas adjustment provision in Consolidated's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Consolidated's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.88(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Consolidated's tariff sheets designated First Revised Sheets Nos. 52 and 53 and Original Sheets Nos. 53-A, 53-B, and 53-C, containing the purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of the issue, however, Consolidated will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed by Consolidated in this proceeding.

Review of the rate filing indicates that issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Consolidated's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above (excluding those tariff sheets which contain a purchase gas cost adjustment clause) be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) Consolidated's revised tariff sheets containing the purchased gas cost adjustment provisions should be rejected.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held commencing on April 27, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Consolidated's FPC Gas Tariff as proposed to be revised herein.

(B) Pending such hearing and decision thereon, Consolidated's revised tariff sheets listed in footnote (1) above except First Revised Sheets Nos. 52 and 53 and Original Sheets Nos. 53-A, 53-B, and 53-C are hereby suspended and the use thereof is deferred until July 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. As to the revised tariff sheets filed under the provisions of the settlement in Docket No. RP69-19 et al. listed in footnote (2) above when the said settlement becomes final and nonappealable Consolidated may take such action as it deems proper to make these revised tariff sheets effective.

(C) Consolidated's First Revised Sheets Nos. 52 and 53 and Original Sheets Nos. 53-A, 53-B, and 53-C containing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Consolidated's tariff.

(D) At the hearing on April 27, 1971, Consolidated's prepared testimony (Statement P) together with its entire rate filing as submitted and served on December 17, 1970, be admitted to the record as Consolidated's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Consolidated's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

(F) On or before June 15, 1971, the Commission's Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before June 25, 1971. Any rebuttal evidence by the company shall be served on or before July 19, 1971. Hearing on the issues will commence on July 27, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate in the circumstances.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-1531 Filed 2-3-71;8:48 am]

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[1] The proposed revised tariff sheets hereinafter accepted for filing and suspended are as follows:

First Revised Volume No. 1

2d Revised Sheet No. 8, 1st Revised Sheet No. 27, 1st Revised Sheet No. 28, Original Sheet No. 28-A, Original Sheet No. 28-B, Original Sheet No. 28-C, 1st Revised Sheet No. 32, 1st Revised Sheet No. 33, 1st Revised Sheet No. 34, 1st Revised Sheet No. 43, 1st Revised Sheet No. 52, 1st Revised Sheet No. 53, Original Sheet No. 53-A, Original Sheet No. 53-B, Original Sheet No. 53-C.

Original Volume No. 2

1st Revised Sheet No. 258, 1st Revised Sheet No. 261, 1st Revised Sheet No. 266, 1st Revised Sheet No. 267, 1st Revised Sheet No. 268, 1st Revised Sheet No. 269, 1st Revised Sheet No. 270, 3d Revised Sheet No. 271, 3d Revised Sheet No. 272, Original Sheet No. 272-A.

[2] The proposed tariff sheets providing for new rate schedules in accordance with the rate settlement in Docket No. RP69-19 et al. are as follows: 1st Revised Sheets Nos. 27, 28, 32, 33, and 34, and Original Sheets Nos. 28-A, 28-B, 28-C.

[Docket No. RP71-87]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedure, and Rejecting for Filing Alternate Revised Tariff Sheets Containing Purchase Gas Adjustment Provision

JANUARY 29, 1971.

Mississippi River Transmission Corp. (Mississippi) on December 31, 1970, tendered for filing proposed changes in its FPC gas tariff to become effective as of February 1, 1971.[1] The proposed rate changes, based on a cost of service study for the 12-month period ending September 30, 1970, as adjusted, would increase Mississippi's charges for jurisdictional sales and services by approximately $10,600,000 per annum over the settlement rates in Docket No. RP70-1, approved by Commission order issued April 13, 1970.

Mississippi states that the rate increase is required due to an increased cost of Mississippi's capital, justifying an increase to a 10.5 percent overall rate of return; an increase in purchase gas costs stemming from tracking suppliers' rate increases and from changes in gas purchase pattern; increased operating costs, including wages; increased taxes; an increase in the annual depreciation rates to 5 percent; and a return to normalization accounting for liberalized depreciation in determining Federal income taxes for cost of service purposes.

Mississippi's filing also proposes to eliminate the low summer rate contained in the PI-1 rate schedule, substituting a single rate applicable during the entire year; change the interest charge for late payments from 6 percent per annum to the prime rate charged by the First National City Bank, New York; and include a purchased gas adjustment clause in its tariff.

Mississippi's filing includes an alternate set of revised tariff sheets, which contain a purchased gas adjustment provision. Mississippi requests waiver of the provisions of the regulations under the Natural Gas Act, § 154.38(d)(3), for purposes of accepting for filing the proposed tariff sheets incorporating the proposed gas adjustment clause in its tariff. If such waiver is not granted, Mississippi requests consideration of the alternative set.

[1] The proposed revised tariff sheets filed are as follows: Revised Tariff Sheets (Without Purchased Gas Cost Adjustment)—11th Revised Sheet No. 4; 7th Revised Sheet No. 5; 6th Revised Sheet No. 6; 4th Revised Sheet No. 7B; 1st Revised Sheet No. 21; 1st Revised Sheet No. 22; Revised Tariff Sheets (With Purchased Gas Cost Adjustment)—Sheet No. 22; 3d Revised Sheet No. 27, and 6th Revised Sheet No. 1; Original Sheet No. 3A; 11th Revised Sheet No. 4; 7th Revised Revised Sheet No. 7; 4th Revised Sheet No. 7B; 1st Revised Sheet No. 21; 1st Revised Original Sheets Nos. 27A-27I (inclusive).

The reasonableness of including a purchased gas adjustment provision in Mississippi's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues, which should be fully explored and resolved before the rates and charges to Mississippi's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of those tariff sheets of Mississippi containing the purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Mississippi will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed by Mississippi in this proceeding.

Review of the rate filing indicates that issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Mississippi's FPC gas tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote 1 above (excluding those tariff sheets which contain a purchase gas adjustment clause) be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) Mississippi's alternate revised tariff sheets containing the purchase gas cost adjustment provisions should be rejected.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing will be held commencing on April 20 at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC gas tariff as proposed to be revised herein.

(B) Pending such hearing and decision thereon, Mississippi's revised tariff sheets listed in footnote 1 above, except those tariff sheets which contain a purchased gas adjustment provision, are hereby suspended and the use thereof deferred until July 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Mississippi's revised tariff sheets listed in footnote 1 containing a purchase gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Mississippi's tariff.

(D) At the hearing on April 20, 1971, Mississippi's prepared testimony (Statement P), together with its entire rate filing as submitted and served on December 31, 1970, be admitted to the record as Mississippi's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Mississippi's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

(F) On or before June 1, 1971, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before June 11, 1971. Any rebuttal evidence by Mississippi shall be served on or before July 5, 1971. Hearing on the issues will commence July 15, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-1532 Filed 2-3-71;8:48 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barnett Banks of Florida, Inc., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of International Bank of Tampa, Tampa, Fla.

There has come before the Board of Govenors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Barnett Banks of Florida, Inc., Jacksonville, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of International Bank of Tampa, Tampa, Fla. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 16, 1970 (35 F.R. 19036), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the third largest banking organization in Florida controlling 24 banks with $626 million in deposits, representing 5.1 percent of the deposits held by all banking organizations in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through Dec. 31, 1970.) Applicant's acquisition of Bank (deposits of $13 million) would increase its share of deposits in the State by only one tenth of 1 percent. Bank is one of the smaller banks in Tampa, and is the 16th largest of 23 commercial banks serving Hillsborough County (other than Plant City), holding only 1.6 percent of the deposits in that area.

Applicant's two closest subsidiaries to Bank are located 23 miles from Bank in Pinellas County, across Tampa Bay. Because of the location of the three banks there is little meaningful competition between these two subsidiaries and Bank and little possibility that more competition will develop in the future. Through affiliation with Applicant, Bank would be in a stronger position to compete with its much larger competitors in Hillsborough County, two of which each have deposits in excess of $190 million. Because of this factor, the acquisition of Bank is likely to have a procompetitive effect in the Hillsborough County area.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiary banks are consistent with approval of the application, and as they pertain to Bank lend support for approval. Applicant plans to provide Bank with additional capital and with stronger management. Considerations relating to the convenience and needs of banking customers in Hillsborough County are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] January 28, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-1505 Filed 2-3-71;8:46 am]

FIRST BANC GROUP OF OHIO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger of The Security Central National Bank of Portsmouth, Portsmouth, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, January 29, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-1507 Filed 2-3-71;8:46 am]

FIRST UNION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Union, Inc., which is a bank holding company located in St. Louis, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The First National Bank of West Plains, West Plains, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary,

[1] Voting for this action: Chairman Burns and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Mitchell.

Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, January 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1502 Filed 2-3-71;8:46 am]

MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Missouri Bancshares, Inc., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of First Security Bank in Kirkwood, Kirkwood, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Missouri Bancshares, Inc., Kansas City, Mo., (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First Security Bank in Kirkwood, Kirkwood, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Missouri Commissioner of Finance and requested his views and recommendation. The Commissioner stated he did not object to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 12, 1970 (35 F.R. 18934), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquistion on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration the Board finds that:

Applicant controls five banks with deposits of $361 million representing approximately 3½ percent of the commercial bank deposits in Missouri. It is the fourth largest holding company and fifth largest banking organization in the State. (All banking data are as of June 30, 1970, and reflect holding company acquisitions approved by the Board through Dec. 31, 1970). Bank (deposits of $21 million) is located 15 miles southwest of downtown St. Louis. The proposal represents Applicant's first entry into the St. Louis area, and Applicant's nearest subsidiary to Bank is located 135 miles west of Kirkwood in Boonville. No significant competition between Bank and Applicant's subsidiaries exists, and, because of distances and restrictive State branching laws, such competition is unlikely to to develop. Bank is the smaller of two banks in Kirkwood, and the third largest of seven banks serving the city and environs with 19 percent of that area's deposits. The largest bank, which controls 26 percent of area deposits, is owned by the individual who controls Bank. Acquisition by Applicant of Bank would terminate the affiliation and would result in an additional banking alternative for area residents.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have a substantially adverse effect on competition in any area, and could stimulate competition in the Kirkwood area. The banking factors are consistent with approval of the application. The banking needs of Bank's customers are being adequately served, although consummation of the acquisition would provide an additional alternative for such services as trust services. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] January 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1506 Filed 2-3-71;8:46 am]

NORTHERN VIRGINIA BANKSHARES INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Northern Virginia Bankshares Inc., Bailey's Crossroads, Va., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of (1) Hamilton Bank and Trust Co., Bailey's Crossroads, Va., by merger into a nonoperating bank of which applicant plans to own all the shares, and (2) First Manassas Bank and Trust Co., Manassas, Va., by merger into a nonoperating bank of which applicant plans to own all the shares.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

By order of the Board of Governors, January 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1508 Filed 2-3-71;8:46 am]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Notice is hereby given that the Statement of Organization published June 30, 1970 (35 F.R. 10627) is revised by abolishing the Office of Economic Adviser and the Office of Congressional Relations attached to the Office of the Chairman, and by providing for the signing of correspondence and official papers in the absence of the Secretary by an Acting Secretary designated by the Commission.

1. Section 8 is revised to read as follows:

SEC. 8. *The Chairman.* The Chairman of the Commission is designated by the President, and subject to the general policies of the Commission, is the executive and administrative head of the agency. He presides at meetings of and hearings before the Commission and participates with other Commissioners in all Commission decisions. Attached to the Office of the Chairman, and reporting directly to him, and through him to the Commission, is the following staff unit:

(a) The Office of Public Information furnishes information concerning Commission activities to news media and the public.

2. Section 12 is revised to read as follows:

SEC. 12. *Office of the Secretary.* The Secretary is responsible for the minutes of Commission meetings and is the legal custodian of the Commission's seal, property, papers, and records, including legal and public records. He, or in his absence an Acting Secretary designated by the Commission, signs Commission orders and official correspondence, and coordinates all liaison activities with the executive and administrative government departments and agencies. The Office of the Secretary maintains a current index of opinions, orders, statements of policy and interpretations, staff manuals and instructions that affect any member of the public, and other public records of the Commission; makes available for inspection and copying all public records of the Commission; is responsible for publication of all Commission action which must appear in the FEDERAL REGISTER and publication of the Federal Trade Commission Decisions and the Statutes and Court Decisions involving the Commission; maintains the Commission's procedures and rules of practice; and screens incoming correspondence addressed to the Commission, provides acknowledgments and replies to the extent appropriate and practicable, and routes correspondence requiring more specialized or detailed attention to the appropriate offices and bureaus for reply.

By directions of the Commission dated December 3, 1970, and January 26, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

FEBRUARY 1, 1971.

[FR Doc.71-1525 Filed 2-3-71;8:48 am]

[1] Voting for this action: Chairman Burns and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Mitchell.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Temporary Reg. D-27]

ATTORNEY GENERAL

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Attorney General of the United States to perform all functions in connection with the leasing of various improved properties in the Maryland and northern Virginia suburbs of Washington, D.C.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation expires June 30, 1972.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Attorney General of the United States to perform all functions in connection with the leasing of various residential properties located in the Maryland and northern Virginia suburbs of Washington, D.C., to be utilized as training facilities by the Bureau of Narcotics and Dangerous Drugs for terms not in excess of 1 year.

b. The Attorney General of the United States may redelegate this authority to any officer, official, or employee of the Department of Justice.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited Act, and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: January 29, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc. 71-1570 Filed 2-3-71;8:50 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

AIR POLLUTION; DETROIT/WINDSOR—SARNIA/PORT HURON

Public Hearings

At the request of the Governments of Canada and the United States, the Commission is investigating air pollution in the above areas to ascertain whether the air is being polluted on either side of the international boundary by quantities of contaminants that are detrimental to the public health, safety, or general welfare of citizens or to property on the other side of the international boundary, and the sources of any such pollution. If such air pollution is taking place, the Commission is also to recommend the most practical remedial measures.

A report to the Commission by its International St. Clair-Detroit Air Pollution Board, entitled "Joint Air Pollution Study of St. Clair-Detroit River Areas", was released to the public on February 4, 1971. Copies may be obtained from the Commission's Secretaries in Ottawa or Washington.

In order to provide convenient opportunity for all those interested to be heard regarding either the matter under investigation or the said report of its Board, the Commission will conduct public hearings at the times and places listed hereunder. Evidence presented will be considered by the Commission and its advisers in formulating its report and recommendations to the two Governments.

Oral and documentary evidence and relevant argument may be presented at the hearings in person or by counsel. While not mandatory, written statements are desirable to insure accuracy of the record. It is desirable also that, if possible, fifteen (15) copies of any written statement be filed with each Secretary ten (10) days in advance of the hearing, for the advance information of the Commission and its advisers. A statement thus filed in advance should indicate at which hearing it is to be placed in the record and whether an oral summary will be made at that hearing. Additional copies of written statements may be deposited with the Secretaries at the hearings, for distribution to the news media and others interested.

DATES AND PLACES OF HEARINGS

Date	Time	Place
Mar. 10, 1971	9:30 a.m.	Sarnia Public Library and Art Gallery, 124 South Christina St., Sarnia, Ontario. (Air Pollution in vicinity of Sarnia-Port Huron).
Mar. 11, 1971	9:30 a.m.	Engineering Society of Detroit, ESD Theater, Rackham Memorial Bldg., 100 Farnsworth St., Detroit, MI 48202. (Air Pollution in vicinity of Detroit-Windsor).

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission.

E. G. CHANCE,
Secretary, Canadian Section, International Joint Committee.

FEBRUARY 1, 1971.

[FR Doc.71-1600 Filed 2-3-71;8:51 am]

POSTAL RATE COMMISSION

[Docket No. R71-1]

POST OFFICE DEPARTMENT

Notice of Proposed Increases in Postal Rates and Fees

FEBRUARY 2, 1971.

Take notice that on February 1, 1971, the U.S. Post Office Department (POD) filed in Docket No. R71-1 a Request for Recommended Decision on Changes in Rates of Postage and Fees for Postal Services, pursuant to section 3622 of the Postal Reorganization Act (the Act). The POD maintains that, without changes in rates of postage and fees for postal service, and allowing for the congressional appropriations anticipated by the POD, there will be a revenue deficiency in fiscal year 1972. The POD states that if this Commission submits a recommended decision as requested, the POD will place into effect the proposed new rates and fees which are designed to generate from mail users additional revenues of $1,454,440,000 during fiscal year 1972.

The POD requests changes in rates of postage and fees for the following classes of mail: First-class mail and airmail, second-class mail; controlled circulation and third-class mail, fourth-class mail, registered mail, and special delivery mail. The specific changes in

rates and fees proposed are contained in the attached schedules.[1]

If any person desires to be heard with reference to said Request and to become a party to a proceeding or to participate as a party in any hearing on the request, that person should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before February 23, 1971, and must be in accordance with section 20 of the Commission's rules of practice. The Commission also calls attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference.

The request of the POD for recommended decision on changes in rates of postage and fees for postal services is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-1617 Filed 2-3-71;8:51 am]

TARIFF COMMISSION

[TEA-W-68]

WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Plant No. 33, McDonald Machine Shop, 7600 South Racine Avenue, Chicago, IL, the U.S. Tariff Commission, on January 29, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the can-sealing machines and parts thereof produced by said plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

[1] Schedules filed as part of the original document. Schedules will appear in full text as part of the Post Office Department's notice of proposed increases in postal rates and fees.

Issued: February 1, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1528 Filed 2-3-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2872]

LSL CORP.

Notice of Filing of Application for Order Declaring Applicant Not To Be an Investment Company

JANUARY 29, 1971.

Notice is hereby given that LSL Corp. (Applicant), 404 West Oak, Denton, TX 76201, a Texas corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission finding and declaring that Applicant is primarily engaged, through controlled companies, in a business other than that of investing, reinvesting, owning, holding or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant owns 178,055 shares (29.7 percent) of the outstanding common stock of Lifetime Security Life Insurance Co. (Lifetime), a legal reserve life insurance company organized in Texas. At August 31, 1970, Applicant's investment in Lifetime represented 58 percent of Applicant's total assets per books of $3,122,197. Applicant asserts that it controls Lifetime, of which it is by far the largest stockholder. The officers and directors of Applicant own an additional 18.7 percent of the common stock of Lifetime. The president of Applicant is also president of Lifetime and his primary working time is spent on the affairs of Lifetime.

In 1970, Applicant formed Lifetime Security Life Insurance Company of Oklahoma and owns 251,476 shares (68.2 percent) of its outstanding common stock. At August 31, 1970, Applicant's investment in this company represented 16.9 percent of Applicant's total assets per books.

Applicant represents that it has always been and remains the intention of Applicant to operate primarily in the insurance and related fields through controlled companies.

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The securities of Lifetime owned by Applicant constitute investment securities as that term is defined in section 3(a) of the Act.

Section 3(b)(2) of the Act excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of business.

Notice is further given that any interested person may, not later than February 12, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time thereafter, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued upon the basis of the information stated in the application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1521 Filed 2-3-71;8:47 am]

[70-4966]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Proposed Issue and Sale of Notes by Subsidiary Companies to Banks, Commercial Paper Dealers, and/or to Holding Companies and Retirement of Outstanding Notes

JANUARY 27, 1971.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) by New England Electric System (NEES), 20 Turnpike Road, Westboro, MA 01581, a registered holding company, and certain of its subsidiary companies (the borrowing companies), namely, Central Massachusetts Gas Co. (Central), Granite State Electric Co. (Granite), Lawrence Gas Co. (Lawrence), Lynn Gas Co. (Lynn), Massachusetts Electric Co. (Mass Electric), Massachusetts Gas System (Mass Gas), Mystic Valley Gas Co. (Mystic Valley), The Narragansett Electric Co. (Narragansett), North Shore Gas Co. (North Shore), Northampton Gas Light Co. (Northampton), Norwood Gas Co. (Norwood), and Wachusett Gas Co. (Wachusett). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12 of the Act and Rules 42(a) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The borrowing companies propose to issue, from time to time through December 31, 1971, unsecured short-term promissory notes to banks, to dealers in commercial paper, and/or to NEES or Mass Gas. The aggregate amount of loans to the borrowing companies by NEES and Mass Gas to be outstanding at any one time will not exceed $35 million and $15 million, respectively. Borrowings by Mass Electric from banks and NEES in the proposed maximum amount of $28 million will be reduced by the principal amount of any commercial paper at the time outstanding. The proceeds of the proposed borrowings are to be used by each borrowing company to pay its then outstanding notes payable to banks, dealers in commercial paper, and/or to NEES or Mass Gas at or prior to maturity thereof, and to provide new money for capital expenditures or reimburse its treasury therefor.

The proposed notes to banks and/or NEES or Mass Gas will bear interest at not in excess of the prime rate in effect at the time of issue with the exception of notes to the First National City Bank of New York which will be at the prime rate plus three-quarters of 1 percent. Said notes will mature in less than 1 year from the date of issue and in any event not later than March 31, 1972, and will be prepayable at any time, in whole or in part, without premium.

The following table shows for each borrowing company the estimated maximum amount of notes to be outstanding with banks and/or with NEES or Mass Gas at any one time:

ESTIMATED MAXIMUM SHORT-TERM NOTES TO BE OUTSTANDING AT ANY ONE TIME

(000 Omitted)

Borrowing company	To banks or NEES	To banks or Mass Gas
Central		[1] $2,910
Granite	[2] $6,900	
	[3] 100	
Lawrence		[7] 7,150
Lynn		[11] 11,450
Mass Electric	[2] 25,000	
	[4] 1,000	
	[5] 400	
	[6] 500	
	[6] 500	
	[10] 600	
Mass Gas	[11] 15,000	
Mystic Valley		[1] 17,775
Narragansett	[4] 6,500	
	[3] 3,500	
	[4] 4,500	
North Shore		[7] 7,775
Northampton		[2] 2,050
Norwood		[2] 2,550
Wachusett		[3] 3,200
Total	64,500	54,860

[1] First National City Bank, New York, N.Y.
[2] The First National Bank of Boston, Boston, Mass.
[3] National Bank of Lebanon, Lebanon, N.H.
[4] Industrial National Bank of Rhode Island, Providence, R.I.
[5] Rhode Island Hospital Trust National Bank, Providence, R.I.
[6] Worcester County National Bank, Worcester, Mass.
[7] Guaranty Bank and Trust Co., Worcester, Mass.
[8] The Mechanics National Bank, Worcester, Mass.
[9] South Shore National Bank, Quincy, Mass.
[10] Middlesex Bank, N.A., Everett, Mass.
[11] NEES only.

It is proposed that certain of the borrowing companies may prepay their notes to NEES or Mass Gas, in whole or in part, with borrowings from banks or from the sale of commercial paper, or that their borrowings from banks may be prepaid, in whole or in part, with borrowings from NEES, Mass Gas, or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES or Mass Gas, NEES or Mass Gas will credit the borrowers for any excess interest from the date of issuance of the new notes or commercial paper to the nomal maturity date of the notes to NEES or Mass Gas being prepaid. Conversely, in the event of borrowing from NEES or Mass Gas to prepay notes to banks, the interest rate of the notes issued to NEES or Mass Gas will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate then in effect (in the case of the gas companies borrowing from the First National City Bank of New York, the prime interest rate then in effect plus three-quarters of 1 percent), but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect (in the case of the gas companies borrowing from the First National City Bank of New York, the prime interest rate then in effect plus three-quarters of 1 percent) at the time the new notes are issued.

Each of the borrowing companies proposes that if any permanent financing is done prior to the maturity of the indebtedness to be issued hereunder, it will apply the proceeds therefrom, in excess of amounts used in connection with refunding other outstanding securities at the principal amount or par value thereof, in reduction of, or in total payment of, note indebtedness then outstanding; and that, except in the case of Mass Electric and Narragansett, the maximum amount of note indebtedness proposed to be outstanding hereunder will be reduced by the amount of such proceeds, other than proceeds used for refunding purposes of such permanent financing.

In addition, Mass Electric proposes to issue and sell commercial paper not to exceed $28 million to Lehman Commercial Paper Inc. (Lehman) and/or A. G. Becker & Co., Inc. (Becker), dealers in commercial paper. The commercial paper will be issued during the period through December 31, 1971, will have varying maturities of not more than 270 days after the date of issue (and in any event will mature on or prior to Mar. 31, 1972), will be sold in varying denominations of not less than $50,000 and not more than $1 million, and will not by their terms be prepayable prior to maturity. Such notes will be issued and sold by Mass Electric directly to Lehman and/or Becker at a discount which will not exceed the discount rate prevailing at the date of issuance for commercial paper of comparable quality and like maturity. The effective interest cost will not exceed the effective interest cost prevailing at the date of issue for borrowings from The First National Bank of Boston (First National), except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of issue with an effective cost in excess of such effective interest cost from First National.

Lehman and Becker, as principals, will reoffer the commercial paper at a discount rate not more than one-eighth of 1 percent per annum less than the prevailing discount rate to the issuer. The notes will be reoffered by Lehman and Becker to not more than 100 of their respective customers whose names appear on nonpublic lists prepared in advance by Lehman and Becker. No additions will be made to such lists of customers which are composed of institutional investors. It is expected that such commercial paper will be held to maturity by the purchasers from the dealers, but, if any such purchaser wishes to resell prior to maturity,

Lehman or Becker, as the case may be, pursuant to an oral repurchase agreement will repurchase the paper for resale to others on said lists of customers.

Mass Electric requests exception of the sale of its commercial paper notes from the competitive bidding requirement of Rule 50 pursuant to section (a) (5) thereof, because: (a) The commercial paper to be issued will have maturities of not more than 9 months; (b) the effective interest cost thereon will not exceed the effective interest cost for borrowings from First National (with the exception above stated); (c) the current rates for commercial paper for prime borrowers such as Mass Electric are readily ascertainable by reference to daily financial publications and do not require competitive bidding in order to determine the reasonableness thereof; and (d) it is not practical to publish invitations for bids for commercial paper.

It is also proposed that the certificates of notification under Rule 24 regarding all of the proposed transactions be filed quarterly.

It is stated that there are no fees or commissions to be paid in connection with the proposed transactions and that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Co., an affiliated service company; such cost is estimated not to exceed $200 for each applicant-declarant, an aggregate of $2,600.

Appropriate action has been taken by the Public Utilities Commission of New Hampshire with respect to the notes proposed to be issued by Granite. It is stated that no further action by any regulatory commission, other than this Commission, is necessary with respect to the proposed transactions.

Notice is further given that any interested person may, not later than February 18, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon New England Electric System at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1520 Filed 2-3-71;8:47 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 29, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 31, 1971, through February 9, 1971, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1522 Filed 2-3-71;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

COMMONWEALTH OF PUERTO RICO

Amendment to Notice of Major Disaster

Notice of major disaster for the Commonwealth of Puerto Rico, dated October 19, 1970, and published October 23, 1970 (35 F.R. 16556) and amended October 26, 1970, and November 30, 1970, is hereby further amended to include the following municipalities among those municipalities determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 12, 1970:

The municipalities of:

Cabo Rojo.	Lajas.
Guayanilla.	Sabana Grande.

Dated: January 29, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-1519 Filed 2-3-71;8:47 am]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PUBLIC AFFAIRS ADVISER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of Public Law 88-426, as modified by the Federal Pay Comparability Act of 1970 (Public Law 91-656), and in conformance with Executive Order 11576 of January 8, 1971, issued by the President under section 3(c) of said Act, notice is hereby given that the rate of basic compensation of the Public Affairs Adviser of the U.S. Arms Control and Disarmament Agency has been adjusted to $36,000 per annum. Pursuant to section 3(c) of the Act, the rate of basic compensation of $36,000 shall take effect as of January 10, 1971, the first day of the first pay period which began on or after January 1, 1971.

Dated: January 25, 1971.

GERARD SMITH,
Director.

[FR Doc.71-1500 Filed 2-3-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 8]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 29, 1971.

The following applications are governed by Special Rule 247[1] 1100.247 of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 923 (Sub-No. 10), filed December 23, 1970. Applicant: MEADE TRANSPORT, INC., 2021 Mill Avenue, Owensboro, KY 42301. Applicant's representatives: A. O. Buck, 500 Court Square Building, Nashville, TN 37201, and George Catlett, 703-706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), (1) between Owensboro, Ky., and Nashville, Tenn., from Owensboro over U.S. Highway 431 to Springfield, Tenn., thence over U.S. Highway 41 to Nashville, and return over the same route, serving the intermediate point of Russellville, Ky., and (2) between Owensboro, Ky., and Nashville Tenn., from Owensboro over U.S. Highway 231 to junction U.S. Highway 231 and junction Interstate Highway 65 near Bowling Green, Ky., thence over Interstate Highway 65 to Nashville, and return over the same route, as an alternate route in connection with applicant's presently held regular route authority, for operating convenience only, serving no intermediate points. Restriction: Service over the above routes is restricted against the handling of traffic originating at, destined to, or interchanged at, Nashville, Tenn., and points within its commercial zone, on the one hand, and, on the other, Russellville and Louisville, Ky., and points within their respective commercial zones, and points on and north of U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Ownesboro, Ky.

No. MC 2368 (Sub-No. 28), filed January 13, 1971. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: D. V. Bralley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid waste*, in bulk, in tank vehicles, between points in North Carolina, South Carolina, Virginia, West Virginia, Tennessee, Delaware, Maryland, Pennsylvania, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2368 (Sub-No. 29), filed January 13, 1971. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: G. C. Kirkmeyer, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, from Hopewell, Va., to Natrium, W. Va., and Perth Amboy, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2567 (Sub-No. 14), filed December 7, 1970. Applicant: BELBEY TRANSFER COMPANY, a corporation, 520 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment*, other than household appliances, and *equipment, materials, and supplies* used in connection with the manufacture, installation, and maintenance of said commodities (except in bulk), (1) between the plantsite of Westinghouse Electric Corp., Hillside, N.J., and points in Union, Essex, Bergen, Hudson, and Morris Counties, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Newport News, Va., and Washington, D.C.; and (2) between plantsite of Westinghouse Electric Corp., Hillside, N.J., and points in Union, Essex, Bergen, Hudson, and Morris Counties, N.J., and Richmond, Va.; Cincinnati, Cleveland, Marietta, and Akron, Ohio, and Bloomington, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2860 (Sub-No. 94), filed January 20, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Waxahachie, Tex., to points in New Orleans, La. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 3854 (Sub-No. 15) (Amendment), filed November 30, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended, this issue. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber wood products and building materials*, from Wilmington, N.C., to points in North Carolina, Tennessee, Kentucky (except Louisville, Ky., and points in the Cincinnati, Ohio, commercial zone), Virginia and West Virginia; and (2) *iron and steel products*, from Wilmington, N.C., to points in North Carolina, Tennessee, Kentucky (except Louisville, Ky., and points in the Cincinnati, Ohio, commercial zone), and Virginia. NOTE: Applicant presently holds contract carrier authority under its No. MC 118864 Sub-1, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include "building materials" in the commodity description in part (1) also to add the destination State of North Carolina in parts (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 10360 (Sub-No. 3), filed December 17, 1970. Applicant: CAM & SONS MOTOR TRANSPORTATION, INC., 162 North Street, Fitchburg, MA 01420. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile products, synthetic yarn*, between Fitchburg, Mass., and points in New Jersey, under contract with Fischer Dye Corp., Seaboard Dyers Corp., and Spinnerin Yarn Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 13250 (Sub-No. 108), filed January 7, 1971. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, 401 First National Life Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Car wash systems and parts;* and (2) *supplies* used in the operation and maintenance of car wash systems, from Phoenix, Ariz., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it has no present intention to tack the authority sought with existing authority, however, applicant holds authority which could be tacked via Phoenix, Ariz., with existing authorities in its Subs-45, 62, 63, 79, and 87. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Los Angeles, Calif., or Las Vegas, Nev.

No. MC 13426 (Sub-No. 7), filed January 6, 1971. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Applicant's representatives: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005, and Irving R. Segal, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail department stores, between Cincinnati, Ohio, on the one hand, and, on the other, points in Hamilton, Butler, Clermont, and Warren Counties, Ohio, restricted to service for Sears, Roebuck and Co., under contract with Sears, Roebuck and Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 13426 (Sub-No. 8), filed January 6, 1971. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Applicant's representatives: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005, and Irving R. Segal, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail department stores, between Cleveland, Ohio, on the one hand, and, on the other, points in Cuyahoga, Lake, Erie, Huron, Medina, Ottawa, Lorain, Geauga, Summit, and Portage Counties, Ohio, restricted to service for Sears, Roebuck and Co., also under contract with Sears, Roebuck and Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 19193 (Sub-No. 11), filed December 31, 1970. Applicant: LAFFERTY TRUCKING COMPANY, a corporation 3703 Beale Avenue, Altoona, PA 16603. Applicant's representatives: S. Berne Smith and Robert H. Griswold, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Salem, Ohio, on the one hand, and, on the other, (a) Greensburg, Rimersburg, and Kane, Pa., and points in Fayette, Greene, and Washington Counties, Pa., (b) points in Monongahela, Marion, Taylor, Preston, Barbour, Randolph, and Tucker Counties, W. Va., (c) Hancock, Md., and points in Garrett County, Md., and (d) points within the territory bounded by a line beginning at Tionesta, Pa., and extending south through Shippenville, Pa., and Oakland, Md., to Thomas, W. Va., thence in a southeasterly direction to Petersburg, W. Va., thence in a northeasterly direction through Moorefield, W. Va., McConnellsburg and Duncannon, Pa., to Millersburg, Pa., thence in a northwesterly direction to Jersey Shore, Pa., and west through Renovo, Emporium, Johnsonburg, and St. Marys, Pa., to Tionesta, including the points named, excluding points in Garrett County, Md., Fayette County, Pa., and Tucker County, W. Va. Restriction: The operations described under the commodity description above are limited to a transportation service to be performed under a continuing contract, or contracts with the Great Atlantic & Pacific Tea Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 20783 (Sub-No. 83), filed December 31, 1970. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, GA 30030. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs* in vehicles equipped with mechanical refrigeration, from the site of the plant of Kraft Foods, Division of Kraftco Corp. at Decatur, Ga., to points in Kentucky, located north of Kentucky Highway 80, points in Mississippi located on U.S. Highway 90, New Orleans, La., and Memphis and Nashville, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Dallas, Tex.

No. MC 29643 (Sub-No. 7), filed January 6, 1971. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, (a) between Albany and New York, N.Y., and points in New Jersey on the one hand, and, on the other, points in St. Lawrence and Franklin Counties, N.Y., (b) from points in St. Lawrence and Franklin Counties, N.Y., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, Vermont, and those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, and (c) from points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York, except Albany and New York, N.Y., and those in the Pennsylvania territory above-named to points in St. Lawrence and Franklin Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y.

No. MC 30605 (Sub-No. 146), filed December 21, 1970. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman, Wichita, KS 67202. Applicant's representative: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special and those injurious or contaminating to other lading), (1) between Phoenix, Ariz., and Grand Canyon, Ariz., from Phoenix over U.S. Highway 89 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arizona Highway 64, thence over Arizona Highway 64 to Grand Canyon, and return over the same route, serving the intermediate point of Wickenburg, Ariz., and the off-route point of Hillside, Ariz., and (2) between Flagstaff, Ariz., and Grand Canyon, Ariz., from Flagstaff over Interstate Highway 40 to junction Arizona Highway 64, thence over Arizona Highway 64 to Grand Canyon, and return over the same route serving no intermediate points. NOTE: Applicant also seeks to remove Winslow, Ariz., from the restrictions in certificates Nos. 91 and 111 as a key point. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., and Los Angeles, Calif.

No. MC 30837 (Sub-No. 419), filed January 5, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Early warning traffic safety systems*, from Napa, Calif., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 30884 (Sub-No. 15), filed January 11, 1971. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, from places of manufacture and assembly located in Kansas City, Mo., to points in Indiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 37578 (Sub-No. 21), filed January 11, 1971. Applicant: JOSEPH W. TREHAN, INCORPORATED, Box 332, North Lima, OH 44452. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, and refractories*, (1) from Canfield Township, Mahoning County, Ohio, to Ashland, Ky., and points in Wayne and Monroe Counties, Mich., and those in Pennsylvania on and west of U.S. Highway 11, those in New York on and west of U.S. Highway 15, those in West Virginia on and north of U.S. Highway 50, and those in Kentucky in the Cincinnati, Ohio, commercial zone as defined by the Commission, and (2) from Mahoning Township, Lawrence County, Pa., to Ashland, Ky., and points in Wayne and Monroe Counties, Mich., those in New York on and west of U.S. Highway 15, those in West Virginia on and north of U.S. Highway 50, and those in Kentucky in the Cincinnati, Ohio, commercial zone, as defined by the Commission. NOTE: Applicant states that the above restriction is to eliminate any duplicating authority between this application and that contained in MC-37578, (Sub 17). Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Cleveland, Ohio.

No. MC 39495 (Sub-No. 2), filed December 18, 1970. Applicant: HARRY N. NICKLAUS and ALBERT P. NICKLAUS, a partnership, doing business as NICKLAUS TRANSFER & STORAGE CO., 36 Street and A.V.R.R., Pittsburgh, PA 15201. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) from the warehouse facilities of Nicklaus Transfer & Storage Co., in Allegheny County, Pa., to points in that part of Ohio bounded by a line beginning at the Pennsylvania-Ohio State line, near Simons, Ohio, and extending along U.S. Highway 322 to junction with Ohio Highway 45; thence along Ohio Highway 45 to Leetonia, Ohio; thence along Ohio Highway 9 to Cadiz, Ohio; thence along U.S. Highway 22 to Smyrna, Ohio; thence along Ohio Highway 8 to the junction of the Ohio-West Virginia State line; thence along the Ohio-West Virginia, and Ohio-Pennsylavnia State lines to the point of beginning; (2) from the warehouse facilities of Nicklaus Transfer & Storage Co., in Allegheny County, Pa., to points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Ohio State line, near Simons, Ohio, and extending along U.S. Highway Route 322, to junction with Interstate Highway 80; thence along Interstate Highway 80 to junction with Pennsylvania Highway 26; thence along Pennsylvania Highway 26 to the Pennsylvania-Maryland State line; thence along the Pennsylvania-Maryland, the Pennsylvania-West Virginia, and Pennsylvania-Ohio State lines to the point of beginning, and (3) from the warehouse facilities of Nicklaus Transfer & Storage Co., in Allegheny County, Pa., to points in that part West Virginia on and north of U.S. Highway 50. NOTE. Applicant states that the requested authority will not be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 42125 (Sub-No. 1), filed January 8, 1971. Applicant: THE OVERLAND INTERNATIONAL, INC., 2828 Howard Street, Detroit, MI 48216. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Flint, Mich., and the port of entry at Port Huron, Mich., serving no intermediate points and restricted to the transportation of traffic moving from or to points in Canada; from Flint over Michigan Highway 21 to the port of entry at Port Huron and return over the same route. NOTE: Common control may be involved. Applicant holds no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Buffalo, N.Y.

No. MC 47583 (Sub-No. 11), filed December 28, 1970. Applicant: ED HOLESTINE TRUCK LINES, INC., 41 Lyons Avenue, Kansas City, KS 66118. Applicant's representative: D. S. Hults, Post Office Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel articles*, from points in Kansas City, Kans.-Mo., commercial zone to points in Kansas and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 47791 (Sub-No. 1), filed December 30, 1970. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter Street, Blossburg, PA 16912. Applicant's representative: Kenneth R. Davis, 999 Union Street, Blossburg, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Coal*, from points in Tioga County, Pa., to New York, N.Y.; (B) *Scrap metal*, from Cortland, Binghamton, and Syracuse, N.Y., to Blossburg, Pa.; and (C) *Sand*, from McConnellsville, N.Y., to Blossburg, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states its officers also hold common carrier authority as a partnership, under MC 125744, if this application is granted, request will be made to revoke MC 125774 Sub-No. 1. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 52460 (Sub-No. 104), filed December 23, 1970. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feed* in bulk, from Tulsa, Okla., to points in Arkansas, Kansas, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 52657 (Sub-No. 676), filed January 4, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street,

Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis, semitrailers, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements, in truckaway service, and (2) *trailer converter dollies, truck and trailer bodies, cargo containers, and materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis (except those designed to be drawn by passenger automobiles), trailer converter dollies, cargo containers, and truck and trailer bodies, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments, from, to, or between suppliers, distributors, plants, warehouses, or other facilities of Brown Trailer Division, Clark Equipment Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52953 (Sub-No. 37), filed January 6, 1971. Applicant: E T & W N C TRANSPORTATION COMPANY, a corporation, 132 Legion Street,. Johnson City, TN 37601. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, and those injurious or contaminating to other lading), (1) Between Chattanooga, Tenn., and Vicksburg, Miss.; (a) from Chattanooga over U.S. Highway 11 to junction U.S. Highway 80, thence over U.S. Highway 80 to Vicksburg; and (2) from Chattanooga over Interstate Highway 59 to junction Interstate Highway 20, thence over Interstate Highway 20 to Vicksburg, and return over the same route, serving the intermediate point of Jackson, Miss., and the off-route point of Canton, Miss. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61396 (Sub-No. 224), filed January 13, 1971. Applicant: HERMAN BROS. INC., 2501 North 11 Street, Post Office Box 189, Omaha, NE 68101. Applicant's representative: D. G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer materials*, from Sioux Falls, S. Dak., to points in North Dakota, Minnesota, Iowa, and Nebraska. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 61592 (Sub-No. 202), filed January 4, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for*, and *equipment* designed for use with the articles described in (1) above and parts for (1) and (2) above when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Connecticut, Alabama, Florida, Georgia, Delaware, North Carolina, South Carolina, Massachusetts, New York, Maine, New Hampshire, New Jersey, Tennessee, Maryland, Mississippi, Virginia, Rhode Island, Vermont, and the District of Columbia. Restriction: Restricted to traffic originating at Eau Claire, Wis. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 203), filed January 18, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (nonalcoholic) in containers, from the plantsite of Shasta Beverages, Granite City, Ill., to points in Arkansas, Kansas, Kentucky, Idaho, Indiana, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requested it be held at St. Louis, Mo.

No. MC 73165 (Sub-No. 289), filed December 28, 1970. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and *parts, attachments and accessories* for use in the installation and operation of the above-named items, between the plantsite of the Chrysler Corp. at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 74321 (Sub-No. 44), filed January 13, 1971. Applicant: B. F. WALKER, INC., 650 17th Street, Denver CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.-Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking the proposed authority with its existing authority is possible under its Sub-No. 10, 17, 22, 27, 30, and 32 certificates. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 76032 (Sub-No. 274), filed January 6, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, knocked down and parts; personnel material; hoists knocked down and parts; concrete hoist knocked down and parts; machinery and parts*, between Harbor City, Calif., on the one hand, and, the States of Nebraska, Montana, Colorado, New Mexico, Arizona, Utah, Minnesota, Washington, Oregon, Nevada, Idaho, Wyoming, North Dakota, South Dakota, and Texas on the other. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 76266 (Sub-No. 120), filed October 23, 1970. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, MN 55114. Applicant's representative: Louis R. Cernjar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and

those requiring special equipment), between Moline and Bloomington, Ill., over Interstate Highway 74 (also U.S. Highway 150), serving no intermediate points. Service at Bloomington, Ill., is restricted to interchange only with Jack Cole-Dixie Highway Co. on traffic moving from, to, or through Birmingham, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Moline, Ill.

No. MC 82080 (Sub-No. 4), filed January 4, 1971. Applicant: BEVIN TRANSFER COMPANY, INC., 2908 East New York Street, Indianapolis, IN 46201. Applicant's representative: Ralph S. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except explosives, when having a prior or subsequent move by another common carrier, between Indianapolis, Ind., and points within a radius up to and including, but not beyond the boundary counties listed: Cass, White, Benton, Warren, Vermillion, Vigo, Sullivan, Greene, Martin, Lawrence, Washington, Scott, Jefferson, Dearborn, Franklin, Union, Wayne, Randolph, Jay, Wells, Huntington, Wabash, and Miami, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 82492 (Sub-No. 46), filed January 11, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Peoria and Pekin, Ill., to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 82492 (Sub-No. 47), filed January 11, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2855, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair Co., at Lafayette, Ind., to points in Iowa, Michigan, and Nebraska. Restricted to the transportation of traffic originating at the above specified cold storage facilities and destined to the named destination States. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82492 (Sub-No. 48), filed January 11, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representatives: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603, and William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and (2) *Equipment, materials and supplies* used in the conduct of meat packing businesses, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Indiana, Ohio, Michigan, Iowa, Nebraska, Wisconsin, Minnesota, Missouri, Kansas, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 82841 (Sub-No. 80), filed January 11, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), and (2) *attachments* for, and *equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Kansas, Oklahoma, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, and New Mexico, restricted to traffic originating at Eau Claire, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 305), filed January 8, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, generators, speed reducing machinery, and parts and accessories*, from Lynn, Mass., to points in the United States (except those in Massachusetts, Hawaii, and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common cointrol may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 306), filed January 4, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1935 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis*, from Sioux City, Iowa, to points in the United States (except Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 83539 (Sub-No. 307), filed January 11, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oil field pipe as described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it intends to tack at Lone Star, Tex., to extend service from Corpus Christi, Galveston, and Houston, Tex. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 83539 (Sub-No. 308), filed January 20, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems; parts and accessories* for above, from Kankakee, Ill., Elkhorn, Wis., and Eureka, Ill., to points in the United States (except Maine, Vermont, and New Hampshire). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 83835 (Sub-No. 75), filed January 11, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dal-

las, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.—Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be joined with its existing authority under MC 83835 (Sub-No. 54) at Lone Star Tex., to perform service to all States (except Alaska, Hawaii, Texas, Oklahoma, Louisiana, Arkansas, and New Mexico). Applicant also states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 83835 (Sub-No. 76), filed January 20, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pollution control systems, and pollution control system parts* and (2) *machinery, equipment, materials, and supplies*, incidental to, used in, or in connection with, the manufacture, installation, removal, operation, repair, servicing and maintenance of pollution control systems and pollution control systems parts, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds authority to transport commodities which because of size or weight requires the use of special equipment in most of the territory sought. To that extent the authority sought would be duplicative. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill.

No. MC 96098 (Sub-No. 52), filed January 18, 1971. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toner* (ink solution), except in bulk, from Dayton, Franklin, Urbana, Ohio, to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, under contract with St. Regis Paper Company. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., New York, N.Y. or Washington, D.C.

No. MC 100449 (Sub-No. 17), filed January 11, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, IA 50569. Applicant's representative: Larry D. Knox, 4044 Southeast 14th Street, Des Moines, IA 50320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), from Waterloo, Iowa to points in Minnesota and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Waterloo, Iowa or Omaha, Nebr.

No. MC 103993 (Sub-No. 565) (Amendment), filed September 21, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished as amended, this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Todd County, Ky., to points in the United States (excluding Hawaii, Alaska, Alabama, Arkansas, Georgia, Illinois, Indiana, Mississippi, Missouri, Ohio, North Carolina, South Carolina, Virginia, and West Virginia). NOTE: The purpose of this republication is to redescribe the scope of the authority sought. Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 596) (Correction), filed December 23, 1970, published in the FEDERAL REGISTER, issue of January 21, 1971, and republished as corrected this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). NOTE: The purpose of this partial republication is to show the correct docket number assigned thereto, in lieu of No. MC 103933 Sub 596, which was in error. The rest of the application remains as previously published.

No. MC 103993 (Sub-No. 606), filed January 7, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, *buildings*, and *sections of buildings*, from Robeson County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fayetteville, N.C.

No. MC 103993 (Sub-No. 605), filed January 7, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from Medina County, Ohio, to points in the United States east of the Mississippi River (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Brunswick, Ohio.

No. MC 105813 (Sub-No. 176), filed January 14, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 North West 79th Avenue, Miami, FL 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Elizabeth, N.J., and Hagerstown, Md., to points in North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106407 (Sub-No. 25), filed January 8, 1971. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main, Post Office Box 1809, Fort Worth, TX 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Extension—Oil Field Commodities, 74 MCC 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 107403 (Sub-No. 803), filed January 7, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in bulk, in tank vehicles, from Lewes, Del., to points in Delaware, Pennsylvania, Maryland, New Jersey and part of Virginia east of Chesapeake Bay.

NOTE: Applicant states that its present authority can be tacked to that here sought but it has no present intention of doing so. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 107515 (Sub-No. 725), filed January 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meats, meat products, meat byproducts and dairy products*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant presently holds authority to transport the involved traffic from Chicago, Ill., to points in Florida by tacking its Sub No. 597 authority with its Subs 99, 285, 1, and 399 authorities over Columbus, Ohio. The purpose of this application is to eliminate existing gateways on Chicago to Florida operations of the applicant. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 726), filed January 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration units, from Terre Haute, Ind., to points in Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107515 (Sub-No. 727), filed January 4, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as above) and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides) and *foodstuffs* in vehicles equipped with mechanical refrigeration, restricted to traffic originating at the plantsites and warehouse facilities utilized by Armour & Co., Wilson Certified Foods Co., Standard Brands, Inc., located at Louisville, Ky., Indianapolis, Evansville, and Washington, Ind., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, Ohio, Indiana, Kentucky, Michigan, Illinois, Missouri, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107515 (Sub-No. 728), filed January 4, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Joslin, Ill., to points in Alabama, Florida, Georgia, Louslana, Mississippi, North Carolina, South Carolina, and Virginia. NOTE: Applicant states no tacking or joinder is intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107541 (Sub-No. 32), filed January 8, 1971. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, OR 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Urea*, from Cheyenne, Wyo., to points in Utah, Idaho, Oregon, and Washington; (b) *spent grain* (dried brewer's grain), from Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; (c) *brewers yeast*, from Denver and Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; and (d) *meat meal and blood meal*, from points in Colorado to points in Idaho, Utah, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 109064 (Sub-No. 23), filed January 8, 1971. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Fort Worth, TX 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.—Oilfield Commodities 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 109533 (Sub-No. 44), filed January 7, 1971. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, VA 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Knoxville, Tenn., and Elizabethtown, Ky., from Knoxville over U.S. Highway 25W to Corbin, Ky., thence over U.S. Highway 25 to junction U.S. Highway 150, thence over U.S. Highway 150 to Bardstown, Ky., thence over U.S. Highway 62 to Elizabethtown, Ky., and return over same route, serving points in Nelson County, Ky., as off-route points; (2) between Morristown, Tenn., and Corbin, Ky., over U.S. Highway 25E; (3) between Mount Vernon, Ky., and Berea, Ky., over U.S. Highway 25; (4) between Stanford, Ky., and Lancaster, Ky., over U.S. Highway 27; (5) between Danville, Ky., and Perryville, Ky., from Danville over U.S. Highway 127 to Harrodsburg, Ky., thence over U.S. Highway 68 to Perryville, Ky., and return over same route; (6) between Perryville, Ky., and Springfield, Ky., from Perryville over U.S. Highway 68 to Lebanon, Ky., thence over Kentucky Highway 55 to Springfield, Ky., and return over same route, serving all intermediate points in connection with 1 thru 6 above; and between Knoxville, Tenn., and Tazewell, Tenn., over Tennessee Highway 33, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 109637 (Sub-No. 374), filed January 7, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by

motor vehicle over irregular routes, transporting: *Uranium hexafluoride*, in radioactive containers, in specialized trailers, from the plantsite of Allied Chemical Corp. at or near Metropolis, Ill., to the Atomic Energy Commission plantsite in McCracken County, Ky. NOTE: Common control may be involved. Applicant states tacking possibilities, but indicates it has no present intention to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 109637 (Sub-No. 375), filed January 7, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spirits*, in bulk, in tank vehicles, between points in Pennsylvania, on the one hand, and, on the other, points in Indiana and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 109708 (Sub-No. 49), filed December 21, 1970. Applicant: INDIANA RIVER TRANSPORT CO., doing business as INDIANA RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, (1) from North Rose, Lyons and Lyndonville, N.Y., to Boston, Mass., and Indianapolis, Ind., and (2) from Charlotte, N.C. to Miami, Daytona Beach and Winter Park, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Charlotte, N.C.

No. MC 110420 (Sub-No. 626), filed December 24, 1970. Applicant: QUALITY CARRIERS, INC., Bristol, WI, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products and blends thereof*, in bulk, from Keokuk, Iowa to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked to serve other origins but tacking is not intended to serve the shipper. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Milwaukee, Wis.

No. MC 110525 (Sub-No. 995), filed January 7, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid, dry*, in bulk, in tank vehicles, from Hopewell, Va., to Natrium, W. Va., and Perth Amboy, N.J. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 55), filed December 30, 1970. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat poducts, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities of Sunflower Packing Co., Inc., at or near York, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Kentucky, Tennessee, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 110656 (Sub-No. 6), filed December 18, 1970. Applicant: PARKER MOTOR FREIGHT, INC., 126 Fulton Street, Petoskey, MI 49770. Applicant's representative: Walter N. Bieneman, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between Mackinaw City, points in Emmet, Charlevoix, Antrim, Kalkaska, and Grand Traverse Counties, Mich., and those in Otsego County, Mich., on and west of Interstate Highway 75, on the one hand, and, on the other, Detroit Metropolitan Airport (at Romulus, Mich.) and Willow Run Airport (near Ypsilanti, Mich.). Restriction: Transportation under this authority shall be restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 111103 (Sub-No. 33), filed January 4, 1971. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, a corporation, 725–29 South Broad Street, Philadelphia, PA 19147. Applicant's representatives: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precious, semiprecious and nonprecious metals, scrap or in bullion, strip, sheet or coil, finished and semifinished mint stampings, blanks or products and related components of unusual value, jewelry and jewelry findings, dies, collars and hubs and* (2) *Mint stampings and metal articles comprising commemorative coins, art and religious medals, coins, currency, coins of the realm, tokens, medallions, coin blanks, ingots, plaques, plates and jewelry made of precious, semiprecious and nonprecious metals and alloys or combinations of foregoing-metals*, between The Franklin Mint, Franklin Center, Pa., on the one hand, and, on the other, Atlanta, Ga., Baltimore, Md., Boston, Mass., Carteret, N.J., Chicago, Ill., Denver, Colo., Fairfield, Conn., Kellogg, Idaho, Los Angeles, Calif., Mount Vernon, N.Y., Newark, N.J., New York, N.Y., Perth Amboy, N.J., Philadelphia, Pa., Wallace, Idaho, Niagara Falls and Rouses Point, N.Y., and Washington, D.C. NOTE: Applicant possesses common carrier authority 133698 Sub No. 2, therefore, dual operations and also common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111170 (Sub-No. 156), filed January 13, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene glycol*, in bulk, from Pine Bluff, Ark., to Milan, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Milan, Tenn.

No. MC 111170 (Sub-No. 158), filed January 20, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, fertilizer and fertilizer ingredients*, in bags, from points in Clark County, Ark., to Louisiana, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111284 (Sub-No. 3), filed January 18, 1971. Applicant: Q & R MOTOR SERVICE CO., a corporation, 2701 West Clay, St. Charles, MO 63301. Applicant's representaitve: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, meat products, meat byproducts*, as described in section A to appendix I in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, *packinghouse products, cheese, dairy products, foodstuffs and food products*, all requiring temperature control; *advertising or display material* used in connection with display and sale of such commodities, (1) Between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points in Missouri upon the following highways and within an area bounded as follows: Commencing at the confluence of the Missouri and Mississippi Rivers; thence northerly along the Mississippi River to its intersection with the Missouri-Iowa State line; thence westerly along the Missouri-Iowa State line to its intersection with the Missouri-Nebraska State line; thence southerly along the Missouri-Nebraska State line to its intersection with the Missouri-Kansas State line; thence southerly along the Missouri-Kansas State line to its intersection with U.S. Highway 54; thence easterly along U.S. Highway 54 to Junction U.S. Highway 71; thence southerly along U.S. Highway 71 to Camp Clark, Mo.; thence returning northerly along U.S. Highway 71 to Junction U.S. Highway 54; thence easterly along U.S. Highway 54 to junction Missouri Highway 42; thence easterly along Missouri Highway 42 to junction Missouri Highway 42; thence easterly along Missouri Highway 42 to junction Missouri Highway 17; thence northwesterly along Missouri Highway 17 to junction Missouri Highway 52; thence northwesterly along Missouri Highway 52 to junction U.S. Highway 54; thence easterly along U.S. Highway 54 to its intersection with the Missouri River; thence easterly along the Missouri River to its confluence with the Mississippi River, the point of beginning of this description. (2) Between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission and those points in Kansas within the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 111397 (Sub-No. 98), filed January 8, 1971. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: H. S. Melton, Box 1407, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, from plantsite of General Tire and Rubber Co. at or near Mayfield, Ky., to plantsite of Armstrong Rubber Co. at or near Natchez, Miss. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Louisville, Ky.

No. MC 111545 (Sub-No. 152), filed January 4, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution parts; materials, equipment and supplies* for antipollution systems and antipollution system parts, from points in Tulsa and Osage Counties, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Kansas City, Kans.

No. MC 111545 (Sub-No. 153), filed January 4, 1971. Applicant: HOME TRANPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Newport, Minn., to all points in the United States, including Alaska (except Hawaii, Idaho, Montana, Oregon, North Dakota, South Dakota, Utah, Washington, and Wyoming). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111545 (Sub-No. 154), filed January 4, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A., Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas or liquids; and *parts, attachments*, and *accessories* for use in the installation or operation of the above named items, between the plantsite of the Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: Restricted to traffic originating at or destined to the named plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 112520 (Sub-No. 232), filed January 12, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from Albany, Ga., to points in Alabama and Florida. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112617 (Sub-No. 287), filed January 4, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets or resins*, in bulk, in pneumatically equipped vehicles, from Tiptonville, Tenn., to points in Louisville, Ky. NOTE: Applicant states it is possible to tack this application with Sub 130 to provide a through service to points in Illinois, Indiana, Missouri, Ohio, Tennessee, Kentucky, Virginia, and West Virginia however tacking is not intended at present time. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Louisville, Ky.

No. MC 112822 (Sub-No. 179), filed December 18, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), and (2) *equipment, materials, and supplies*, used in conduct of meat packing, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or St. Louis, Mo.

No. MC 112822 (Sub-No. 180), filed January 11, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials*, and *supplies and equipment* used in connection with the production and distribution of the foregoing commodities (restricted against the transportation of commodities in bulk), from the plantsite and warehouse facilities of Johns-Manville Products Corp. at or near Cleburne, Tex., to points in Arkansas, Kansas, Louisiana, Missouri, Mississippi, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 113362 (Sub-No. 200), filed January 4, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50503. Applicant's representative: James Ellsworth, 4500 North State Line, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from Gentry and Siloam Springs, Ark., and Kansas and Proctor, Okla., to points in Connecticut, Delaware, District of Columbia, Illinois, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NOTE: Applicant states tacking possibilities from Illinois to Iowa and Minnesota, but has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 113495 (Sub-No. 49), filed December 30, 1970. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles* and (2) *materials and supplies* used in the manufacture thereof (except in bulk), between points in Carter County, Tenn., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Nebraska, Iowa, and Minnesota and those in States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113514 (Sub-No. 109), filed January 20, 1971. Applicant: SMITH TRANSIT, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid silicate of soda*, in bulk, from Dallas, Tex., to points in Colorado. NOTE: Applicant proposes to tack authority sought in instant application with existing authorities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113855 (Sub-No. 232), filed January 14, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling and tunneling equipment*, truck, crawler, or skid mounted, and *parts and accessories* of drilling and tunneling equipment, from Santa Fe Spring, Calif., to points in the United States (except California and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 114004 (Sub-No. 92), filed January 4, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, with hitchball connectors, in initial movements, from points in Pittsylvania County, Va., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 114123 (Sub-No. 38), filed January 13, 1971. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid and invert sugar, corn syrup, mixtures of liquid and invert sugar and corn syrup, and flavoring syrup*, from New York, N.Y., to points in Alexandria, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115113 (Sub-No. 18), filed January 6, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities utilized by Needham Packing Co., Inc., Omaha, Nebr., Sioux City, Iowa, West Fargo, and Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restrictions: The service proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 115162 (Sub-No. 216), filed January 11, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap batteries*, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to points in Pike County, Ala.; and (2) *lead*, from points in Pike County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery, or Mobile, Ala.

No. MC 115180 (Sub-No. 68), filed January 4, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh and meats fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson Beef & Lamb Co., at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, New Hampshire, and District of Columbia. Restriction: The services proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Washington, D.C., or Chicago, Ill.

No. MC 115331 (Sub-No. 294), filed January 11, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, from points in Clinton County, Iowa, to points in Marshall County, Ky., and Madison County, Ill. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 297), filed January 13, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate*, from the plantsite or storage facilities of Monsanto Co., at or near Bonne Terre, Mo., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, and Missouri. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115826 (Sub-No. 213), filed January 11, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from Laramie, Wyo., to points in Colorado, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Missouri, Pennsylvania, New York, New Jersey, Maryland, Delaware, North Dakota, South Dakota, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 116763 (Sub-No. 187), filed January 20, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by tobacco and tobacco products growers, manufacturers, processors, and distributors; and *equipment, materials, supplies, and commodities* used in the conduct of such businesses, (1) between Cullman, Ala., Jacksonville, Fla., and Waycross, Ga.; (2) from Cullman, Ala., Jacksonville, Fla., and (3) from points in the United States (except Alaska and Hawaii) to Cullman, Ala., Waycross, Ga., and Jacksonville, Fla., restricted to traffic originating at or destined to the facilities of Jno. H. Swisher & Son, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 116915 (Sub-No. 8), filed December 28, 1970. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney Street, Post Office Box 1279, Owensboro, KY 42301. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas, or liquids; and *parts, attachments, accessories* for use in the installation or operation of the above named items, between the plantsite of the Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in Minnesota, Wisconsin, Michigan, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Kansas, Missouri, West Virginia, Virginia, Oklahoma, Arkansas, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Texas, Louisiana, and Florida, restricted to traffic originating at or destined to the named plantsite. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 116947 (Sub-No. 15) (Correction), filed December 23, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, and republished in part, as corrected this issue. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Albany Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. NOTE: The purpose of this partial republication is to show that applicant is under contract with Crown Cork & Seal Co., Inc., Philadelphia, Pa., which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 117370 (Sub-No. 20), filed December 31, 1970. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Applicant's representative: Reubin Kaminsky, Post Office Box 17–056, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and silica products*, from North Stonington, Conn., and points within 5 miles thereof, to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 117565 (Sub-No. 35), filed January 8, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, OH 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be pulled by passenger automobile, (1) from points in Sonoma and Los Angeles Counties, Calif., to points in Washington, Oregon, Nevada, Arizona, Idaho, and Utah; and (2) from points in California, Washington, Oregon, Nevada, Arizona, Idaho, and Utah to points in Hamilton County, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Cincinnati, Ohio.

No. MC 117574 (Sub-No. 196), filed January 11, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant), and Joseph W. Hager, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments* for, and *equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, and the District of Columbia, restricted to traffic originating at Eau Claire, Wis. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its

existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 36), filed January 6, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and frozen poultry and frozen poultry parts and fats* (except commodities in bulk), from points in Minnesota and Wisconsin (except Green Bay, Wis.), to points in Virginia. Applicant holds contract carrier authority under MC 114789 and Subs thereunder, therefore, dual operations may be involved. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 37), filed January 11, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lamp components, lamp shades and light fixtures*, from Berwick, Pa., to points in Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It holds contract carrier, authority under MC 114789 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton or Philadelphia, Pa.

No. MC 118039 (Sub-No. 12), filed January 14, 1971. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, fibreboard*, other than corrugated, and *bakery trays*, from the plant site and warehouse of the Food Packaging Corp., De Kalb County, Ga., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; and (2) *boxes, fiberboard, and beverage cartons*, from the plantsite and warehouse of Mead Packaging Division of Mead Corp. in Fulton County, Ga., to points in Tennessee on and west of Tennessee Highway 13, beginning at the Atlanta State line to the Kentucky State line. NOTE: Applicant states that the requested authority will be tacked from Mead Packaging Division of Mead Corp. to its existing authority under Sub 10, wherein applicant is authorized to serve points in Georgia, Mississippi, Arkansas, Oklahoma, Louisiana, and Texas. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119443 (Sub-No. 26), filed January 20, 1971. Applicant: P. E. KRAMME, INC., Monroeville, N.J. 08343. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate liquor, chocolate products, confectioner's products, and cocoa butter*, in bulk, in tank vehicles, between Elizabethtown, Pa., on the one hand, and, on the other, Chicago, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119180 (Sub-No. 8), filed December 30, 1970. Applicant: TREGO BROS. INC., U.S. Route No. 40, Northeast, MD 21901. Applicant's representative: L. Agnew Myers, Jr., Suite 122, Warner Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from Lewes, Del., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and Virginia; (2) *sand gravel* from points in Cecil County, Md., to points in North Hampton County, Pa., and (3) *agricultural herbicides, insecticides, and fungicides* (including tree and weed killing compounds) when moving with shipments of fertilizer as presently authorized: (a) From Baltimore, Md., to points in Kent County, Del., and (b) from Clayton, Del., to points in Connecticut, New Jersey; in New York: on, east and south of New York, Highway 7, extending from the Pennsylvania-New York State line near Binghamton, N.Y., to the New York-Vermont State line near Troy, N.Y., in Pennsylvania on and east of U.S. Highway 11, extending from the Maryland-Pennsylvania State line near Greencastle, Pa., to the Pennsylvania-New York State line near Binghamton, N.Y.; in Virginia, east of the Chesapeake Bay. NOTE: Subparagraphs (a) and (b) correspond to existing fertilizer authority in Subs 4 and 6. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119302 (Sub-No. 11), filed January 7, 1970. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Edinburgh, OH. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass cakes and slabs*, from the plantsite of Chase Brass and Copper Co., Inc., at Cleveland, Ohio, to Buffalo, N.Y., and (2) *brass and copper sheet* in boils, from the plantsite of American Brass Corp. at Buffalo, N.Y., to Cleveland, Ohio, operations to be limited to a transportation service to be performed under a continuing contract or contracts with Chase Brass & Copper Co., Inc. at Cleveland, Ohio. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 119391 (Sub-No. 8), filed January 4, 1971. Applicant: AJAX TRANSFER COMPANY, a corporation, 550 East Fifth Street, South, South St. Paul, MN 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, articles distributed by meat packinghouses, and such commodities* are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) between points in the Minneapolis-St. Paul, Minn., commercial zone, and points Ontonagon, Gogebic, and Houghton Counties, Mich., Taylor, Clark, Buffalo, Trempealeau, Jackson, La Crosse, Monroe, Juneau, Adams, Vernon, Crawford, Richland, Sauk, Grant, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Eau Claire, Pepin, Pierce, Wood, Marathon, Portage, Columbia, Marquette, Waushara, Lincoln, Price, Langlade, Oneida, Vilas, Iron, Ashland, Forest, Winnebago, Outagamie, Brown, Shawano, Waupaca, Fond du Lac, Dodge, Dane, Douglas, and Bayfield Counties, Wis.; Cherokee, Lion, Dubuque, Wapello, Polk, Story, Worth, Cerro Gordo, Franklin, Hardin, Black Hawk, Chickasaw, Mitchell, Floyd, Winneshiek, Webster, Emmet, Clay, Plymouth, Woodbury, Fayette, and Allamakee Counties, Iowa; Grand Forks, Walsh, Cass, Stutsman, Barnes, Burleigh, Morton, and Ward Counties, N. Dak.; and Brown, Beadle, Codington, Brooks, Minnehaha, and Union Counties, S. Dak., for the account of Metro Meat Packing, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119489 (Sub-No. 24), filed January 19, 1971. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 249, Norfolk, NE 68701. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feed and fertilizer solutions and compounds, and related items*, from the plantsite of CF Industries, Inc., located at or near Fremont, Nebr., to points in Wisconsin and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., Omaha, Nebr., or Chicago, Ill.

No. MC 119566 (Sub-No. 7), filed December 22, 1970. Applicant: A. B. & A. TRUCK LINES, INC., Post Office Box 186, Camilla, GA 31730. Applicant's representative: W. H. Bozeman, R.F.D. No. 1, Sale City, GA 31784. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles and piling*, treated and untreated, from Florence and Charleston, S.C., to points in Virginia and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Jacksonville, Fla., or Washington, D.C.

No. MC 119619 (Sub-No. 40), filed December 24, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160–16, Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Kansas, Nebraska, Missouri, Iowa, Wisconsin, Minnesota, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Rhode Island, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; (2) *such commodities as are used by meat packers* in the conduct of their businesses when destined to and for use by meat packers, as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the destinations described in (1) above, to the plantsites and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119630 (Sub-No. 9), filed December 14, 1970. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, KS. Applicant's representative: Dean Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compound fertilizer*, from Miami, Okla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico; and (2) *wood chips and wood waste*, from points in Texas, Louisiana, Arkansas, Missouri, Kansas, Mississippi, and Tennessee, to Miami, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 115036 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119767 (Sub-No. 259), filed January 7, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicle, equipped with mechanical refrigeration, between Chicago, Ill., and Louisville, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (Sub-No. 19), filed January 13, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS, AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shot and grits*, from Shreveport and Bossier City, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *ferro-silicon, ferro-manganese, and carbon coke*, from all the destination States listed in (1) above to Shreveport and Bossier City, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Fort Worth, Tex.

No. MC 11977 (Sub-No. 198), filed January 7, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New crated furniture*, from West Mifflin, Pa., to points in the United States, including Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119789 (Sub-No. 54), filed December 29, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.; Dallas, Tex.; or Washington, D.C.

No. MC 119873 (Sub-No. 7) (Correction), filed December 14, 1970, published in the FEDERAL REGISTER issue of January 14, 1971, and republished in part, as corrected, this issue. Applicant: FRANCIA AND FRANCIA, INC., 11th and Meldon Avenue, Donora, PA 15033. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. The purpose of this partial republication is to reflect the correct name of applicant as: Francia and Francia, Inc., in lieu of Francis and Francis, Inc., as was erroneously published. The rest of the application remains as previously published.

No. MC 119917 (Sub-No. 31), filed January 7, 1971. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, advertising and promotional materials, display racks, stands, and related items*, from Winston-Salem, N.C., to Atlanta, Ga.; and *empty beverage containers and pallets*, from Atlanta, Ga., to Winston-Salem, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 119988 (Sub-No. 35), filed January 5, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground wood products* (except particle board), in containers, from points in Angelina County, Tex., to points in Arkansas, Colorado, Illinois, Louisiana, Missouri, New Mexico, Oklahoma, and

Utah. NOTE: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 120257 (Sub-No. 9), filed January 11, 1971. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.—Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it proposes to tack at Lone Star, Tex., with authority it seeks to purchase from J. H. Marks Trucking Co., to perform a through service to various States. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 120398 (Sub-No. 10), filed December 8, 1971. Applicant: VALLEY EXPRESS, INC., Post Office Box 158, Schofield, WI 54476. Applicant's representative: Earle H. Haupt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New Chester Township, Adams County, Wis., and Milwaukee, Wis.: From New Chester Township over Adams and Marquette County Trunks E to junction U.S. Highway 51, thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 18 to Milwaukee and return over the same route, serving the intermediate points of Madison, Wis., and the unincorporated communities of Lawrence, Marquette County, Wis., and Grand Marsh, Adams County, Wis.; and (2) between New Chester Township, Adams County, Wis., and Stevens Point, Wis.: From New Chester Township over Adams and Marquette County Trunks E to junction U.S. Highway 51, thence over U.S. Highway 51 to Stevens Point and return over the same route, serving the intermediate points of the unincorporated communities of Lawrence, Marquette County, Wis., and Grand Marsh, Adams County, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 121158 (Sub-No. 4), filed January 11, 1971. Applicant: WAGNER FREIGHT LINES, INC., 200 East 28th Street, Chattanooga, TN 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction Tennessee Highway 56 and 108 and Beersheba Springs, Tenn., from junction Tennessee Highways 56 and 108 and Tennessee 56 to and including Beersheba Springs, and serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Nashville, or Knoxville, Tenn.

No. MC 123048 (Sub-No. 184), filed January 11, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703 and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for*, and equipment destined for use with the articles described in (1) above, and parts for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to the United States-Canadian border crossing points in Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 469), filed January 14, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant and warehouse sites of Philadelphia Quartz Co., at or near La Salle, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee (west of U.S. Highway 27), Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Common control may be involved. Applicant states tacking possible, but not intended therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 124573 (Sub-No. 10), filed January 5, 1971. Applicant: STILL FERTILIZER AND GRAIN COMPANY, a corporation, Steele, Mo. 63877. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Jefferson Island, La., to points in Reynolds County, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124673 (Sub-No. 10), filed January 7, 1970. Applicant: FEED TRANSPORTS, INC., Route 2, Box 76A4, Post Office Box 2167, Pullman Road South, Amarillo, TX 79105. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk, from points in Harris County, Tex., to points in Curry County, N. Mex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Fort Worth, or Amarillo, Tex.

No. MC 124711 (Sub-No. 8), filed January 6, 1971. Applicant: BECKER & SONS, INC., 2643 West Central, El Dorado, KS 67042. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Douglas County, Kans., to points and places in the States of Arkansas, Iowa, Minnesota, Missouri, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 124796 (Sub-No. 77) (Amendment), filed November 9, 1970, published in the FEDERAL REGISTER issue of December 10, 1970, and republished as amended, this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aerosol products* (except in bulk) from Chicago, Ill., Sparks, Nev., and Piscataway, N.J., to points in the United States (except Alaska and Hawaii), and *materials, supplies, and equipment* used in the manufacture, sale, and distribution of aerosol products from points in the United States (except Alaska and Hawaii) to Chicago, Ill., Sparks, Nev., and Piscataway, N.J.; under contract with Alberto-Culver Co., all restricted against the transportation of commodities in bulk. All shipments to originate or terminate at the plantsites and warehouse facilities utilized by by Alberto-Culver Co. NOTE: The purpose of this republication is to redescribe the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124796 (Sub-No. 79) (Correction), filed November 27, 1970, published in the FEDERAL REGISTER issue of December 24, 1970, corrected in part, and republished as corrected, this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 1505 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. NOTE: The purpose of this partial republication is to substitute for item (3) an additional authority which was inadvertently omitted from previous publication, and reflect the return movement as item (4), in lieu of (3). "(3) *Bone guard cloth and aluminum clips*, from Camarillo, Calif., to points in the United States (except Alaska and Hawaii)." The rest of the application remains the same.

No. MC 125194 (Sub-No. 12), filed January 11, 1971. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, MI 49120. Applicant's representative: J. M. Neath, Jr., One Vandenberg Center, Grand Rapids, MI 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products, and filled or imitation milk and dairy products, fruit drinks and salads*, from Livonia, Mich., and Indianapolis, Ind., to points in Will County, Ill., under contract with The Kroger Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Detroit, Mich.

No. MC 125925 (Sub-No. 11), filed December 23, 1970. Applicant: SAM TOWLER, 3319 Collins Avenue, Annandale, VA 22003. Applicant's representative: Frank B. Hand, Jr., 12000 Leesburg Pike, Herndon, VA 22070. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry sand*, in bulk, in dump vehicles, from the facilities of Campbell Sand Co., Inc., located in Anne Arundel County, Md., to points in Loudoun County, Va., the District of Columbia, and Alexandria, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126149 (Sub-No. 14), filed January 15, 1971. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, IN 46150. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (except truck tractors), and (2) *attachments* for, and *equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Illinois, Indiana, Ohio, Kentucky, Michigan, West Virginia, and Wisconsin, restricted to traffic originating at Eau Claire, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 42), filed January 7, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container components and ends, container tops and enclosures and materials and supplies* used in the manufacture and distribution of containers, from the plantsites and warehouse sites of American Can Co., at Fort Smith, Ark.; Arlington, Tex.; San Antonio, Tex.; New Orleans, La.; and Houston, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, Wisconsin, and West Virginia, under contract with American Can Co. NOTE: Applicant has common carrier authority pending under MC 134612, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126855 (Sub-No. 3), filed January 7, 1971. Applicant: STERLING TRUCKING, INC., 2 Kenny Place, Saddle Brook, NJ 07663. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate, tin plate, black plate, wire, and materials and supplies* used in the manufacture of pails and cans, and, *cardboard corrugated containers and materials and supplies* used in the manufacture of cardboard containers, (1) between Saddle Brook, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Michigan, Illinois, Maryland, Massachusetts, New Hampshire, New York, Ohio, Indiana, Pennsylvania, Rhode Island, Virginia, West Virgina, and the District of Columbia; and (2) from Weirton, W. Va., and Sparrows Point, Md., to New York, N.Y., and Elizabeth, Lawrenceville, Saddle Brook, and East Paterson, N.J., under contract with Fein Container Corp.; in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 127187 (Sub-No. 9), filed January 5, 1971. Applicant: FLOYD DUENOW, 215 East Cherry Street, Fergus Falls, MN. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, (1) from points in that part of Iowa on and north of U.S. Highway 18, to points in Minnesota, North Dakota, South Dakota, and Wisconsin, (2) from points in that part of Minnesota east of U.S. Highway 71, to points in North Dakota, South Dakota, and Minnesota, and (3) from points in South Dakota to points in Iowa and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 127505 (Sub-No. 41), filed January 19, 1971. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products* (except in bulk), from Three Rivers, Mich., to points in Illinois, Indiana, Kentucky, Missouri, and Wisconsin; (2) *paper and paper articles* (except in bulk), from Kalamazoo, Mich., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin; and (3) *tractor cabs*, from Rock Falls, Ill., to points in the United States on and east of U.S. Highway 85. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Kalamazoo, Mich., or Madison, Wis.

No. MC 127575 (Sub-No. 4), filed December 28, 1970. Applicant: GILPIN COUNTY EXPRESS & TRUCK LINE, INC., Post Office Box 303, 400 Lawrence Street, Central City, CO 80427. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Denver, Colo., and the top of Loveland Pass, Colo., over U.S. Highway 6, serving all intermediate points between Silver Plume and the top of Loveland Pass, Colo., including Silver Plume, and Loveland Basin, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127760 (Sub-No. 1), filed December 18, 1970. Applicant: LAURENT MARCOTTE, Ste. Catherine, Cte. Portneuf, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada located at or near Jackman and Coburn Gore, Maine, Norton, and Derby, Vt., and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and Rhode Island. Restriction: The operations authorized herein are restricted to traffic originating at points in

Bellechasse, Chicoutimi, Gaspee, Lac St. Jean, L'Islet, Portneuf, Quebec, Riviere du Loup, and Roberval Counties, Province of Quebec, Canada. The purpose of this application is (1) to remove the present restriction of "rough" lumber in applicant's present certificate MC-127760; (2) to add additional origin Counties in Quebec, Canada, and; (3) to add the States of Connecticut, New Jersey, Pennsylvania, and Rhode Island as destination territories. Applicant seeks no duplicate authority and will agree to the cancellation of its existing certificate if application is granted. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 128273 (Sub-No. 83), filed January 11, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical instruments and parts, transformers, poles and pole accessories*, and (2) *materials and supplies* used in the manufacture of the above articles, between Springfield, Ill., Vicksburg, Miss., Pickens and Walhalla, S.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128375 (Sub-No. 59), filed January 4, 1971. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, NE 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories and materials and supplies* used in the manufacture and production and distribution of motor vehicle parts and accessories, between points in Lawrence County, Tenn., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), under continuing contract with Maremont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC 128645 (Sub-No. 4), filed December 23, 1970. Applicant: JOE H. BLATTER, Post Office Box 811, Carson, WA 98610. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber*, between Cascade Locks, Oreg., on the one hand, and, on the other, points in Washington, under a continuing contract with Cascade Wood Components, Cascade Locks, Oreg., and (B) *veneer lumber*, from Stevenson and Home Valley, Wash., to points in Oregon in and north of Lane County and west of the summit of the Cascade Range, under a continuing contract with Hegewald Timber, Inc., Stevenson, Wash. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128735 (Sub-No. 7), filed December 24, 1970. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, 731 Second Avenue, Koppel, PA 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper alloys*, between the plantsites of Hussey Metals Division/Copper Range Co., at Leetsdale, Pa., Anderson, Ind., and Eminence, Ky., under continuing contract with Hussey Metals Division/Copper Range Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129307 (Sub-No. 47), filed January 15, 1971. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, MI 49071. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and (2) *Equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, New Hampshire, Maine, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant holds contract carrier authority in Docket MC 119394, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129350 (Sub-No. 11), filed January 6, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Rosebud County, Mont., to points in Indiana, Kansas, Michigan, Missouri, and Ohio. NOTE: Applicant holds contract carrier authority in MC 129264 and subs thereunder. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings Mont.

No. MC 129635 (Sub-No. 2), filed January 4, 1971. Applicant: ROYAL'S MOTOR SERVICE, INC., Post Office Box 10332, Dallas, TX 75207. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, tractors, and machinery; and parts and attachments* for the above when moving in mixed loads with the above, between points in Texas, on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 129808 (Sub-No. 8), filed December 21, 1970. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., 410 West Second Street, Box 399, Grand Island, NE. Applicant's representative: Charles J. Kimball, 300 NSEA Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breading meal and batter mix*, from the plantsites and storage facilities utilized by Modern Maid Food Products at or near Punchatoula, La., and Jamaica, N.Y.; from the plantsite and storage facilities of Griffith Laboratories at or near Chicago, Ill., and from the international boundary line between the United States and Canada at or near Detroit, Mich., to the plantsite and storage facilities of Delicious Foods Co. at or near Grand Island, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133202 (Sub-No. 2), filed January 4, 1971. Applicant: BLUE TRANSIT, INC., 12501 Hudson Boulevard, Route 1, Lake Elmo, MN 55042. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt concrete mix, sand and gravel*, from points in Washington County, Minn., to points in Wisconsin on and south of Wisconsin Highway 70, on and west of U.S. Highway 53, and on and north of Wisconsin Highway 54; and (2) *mineral aggregate*, from points in Polk County, Wis., to points in Washington County, Minn., under contract with Tower Asphalt, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133436 (Sub-No. 5), filed January 4, 1971. Applicant: DUDDEN ELEVATOR, INC., 121 East Second Street, Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, Post Office Box 60, Ogallala, NE 69153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen stuffs*, except meat products, and return with such commodities as are used in the manufacture,

production, and distribution of canned goods and frozen food stuffs, from Delta, Colo., to points in the United States (except Hawaii), restricted to the amount of Skyland Food Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Denver, Colo.

No. MC 133496 (Sub-No. 3), filed January 11, 1971. Applicant: DIEHL LUMBER TRANSPORTATION CO., a corporation, 1756 South Sixth West Street, Salt Lake City, UT 84104. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, from points in Salt Lake County, Utah, to points in Idaho, Wyoming, Nevada, California, Arizona, Colorado, Montana, and New Mexico, under a continuing contract with Utah Components and Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133566 (Sub-No. 8), filed January 18, 1971. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, IN 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials and supplies* used in the conduct of meat packing businesses, between the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, New Hampshire, Maine, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133566 (Sub-No. 9), filed January 20, 1971. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF & DOWNHAM, Post Office Box 676, Logansport, IN 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities utilized by Wilson Sinclair Co., at or near Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133700 (Sub-No. 5), filed January 14, 1971. Applicant: DUCKETT TRANSFER COMPANY, INC., 74 Meadow Road, Asheville, NC 28803. Applicant's representative: Richard A. Wood, Jr., Post Office Box 748, Asheville, NC 28802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk in tank vehicles, from Brooksville, Fla., to Asheville, N.C., under contract with Gerber Products Co. If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

No. MC 133737 (Sub-No. 5), filed January 8, 1971. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 8998 L Street, Suite 231, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen macaroni products*, and (2) *Dry macaroni products*, when moving in mixed loads with frozen macaroni products, from Omaha, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, New Mexico, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and West Virginia; and (3) *Corrugated cartons, cellophane, polyethylene paper, dry macaroni products and sack flour*, from the above-named destination States to Omaha, Nebr., under a continuing contract with Skinner Macaroni Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134112 (Sub-No. 2), filed January 5, 1971. Applicant: ALLEN & SPITTLER, INC., 3204 South 121st Street, Omaha, NE 68144. Applicant's representative: John Allen (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, switches or tails, and pieces thereof*, from the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., to points in the United States, except Alaska, Hawaii, Wisconsin, and except points in that part of the United States in, east and north of the States of Michigan, Ohio, West Virginia, and Virginia, and except Chicago, Ill., New Orleans, La. and San Francisco, Calif.; and, (2) *such commodities* as are used by or dealt in by processors and distributors of commodities named in (1) above, from destinations named in (1) above, to the plantsite and warehouse facilities of Lackawanna of Omaha, Inc., at Omaha, Nebr., restricted in (1) and (2) above to transportation services to be performed, under a continuing contract, or contracts, with Lackawanna of Omaha, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134411 (Sub-No. 2), filed January 19, 1971. Applicant: HONEY TRANSPORT, INC., Post Office Box 961, Eustis, FL 32726. Applicant's representative: David C. Venable, 701 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen prepared foods*, from the plantsite of Kitchens of Sara Lee, Deerfield and Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134586 (Sub-No. 1), filed December 30, 1970. Applicant: RARITAN MOTOR EXPRESS, INC., 129 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and department stores (except commodities in bulk), and in connection therewith, *equipment, materials, and supplies* (except commodities in bulk) used in the conduct of such business, between Linden, N.J., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Putnam, Orange, Dutchess, Sullivan, Ulster, Delaware, Greene, Columbia, Albany, Rensselaer, Schoharie, Montgomery, Fulton, Saratoga, Washington, Warren, Onondaga, and Monroe Counties, N.Y., Hillsborough and Rockingham Counties, N.H., New Jersey, Connecticut, Massachusetts, and Rhode Island, under contract with Food Fair Stores, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134599 (Sub-No. 8), filed December 21, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Games and toys, and advertising and promotional matter* when moving at the same time and in the same vehicle with games and toys, from City of Industry, Calif., and its commercial zone, to points in Alabama, Arkansas, Florida, Georgia, North Carolina, South Carolina, and Tennessee, under a continuing contract with Mattel, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134776 (Sub-No. 4), filed December 31, 1970. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground and powdered, from Cleveland Ohio, to points in Maryland, Pennsylvania, New York, Illinois, Indiana, and Michigan; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above to Cleveland, Ohio, under contract with Potters Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., New York, N.Y., or Washington, D.C.

No. MC 134776 (Sub-No. 5), filed December 31, 1970. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass*, crushed ground powdered, from Carlstadt, N.J., to points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, and North Carolina; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the destination territory above to Carlstadt, N.J., under contract with Potters Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., New York, N.Y., or Washington, D.C.

No. MC 134817 (Sub-No. 1), filed January 19, 1971. Applicant: OWENTON EXPRESS, INC., Route No. 2, Owenton, KY 40359. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as *a common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Swallowfield and Peaks Mill, Ky., from Swallowfield over U.S. Highway 127 to Kentucky Highway 1262, thence over Kentucky Highway 1262 to Peaks Mill, and return over the same route, serving all intermediate points and off-route points within 3 miles of the described route; (2) between Gratz and Louisville, Ky., over Kentucky Highway 22, serving all intermediate points and off-route points within 3 miles of the described route; (3) between Williamstown and Campbellsburg, Ky., from Williamstown over Kentucky Highway 36 to junction U.S. Highway 421, thence over U.S. Highway 421 to Campbellsburg, and return over the same route, serving all intermediate points and off-route points within 3 miles of the described route; and (4) between Ballardsville and Crestwood, Ky., from Ballardsville over Kentucky Highway 53 to junction Kentucky Highway 146, thence over Kentucky Highway 146 to Crestwood, and return over the same route, serving all intermediate points and off-route points within 3 miles of the described routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 134915 (Sub-No. 2), filed January 8, 1971. Applicant: SOUTHWEST REFRIGERATED DISTRIBUTING, INC., doing business as REFRIGERATED DISTRIBUTING, 6000 Prescott Street, St. Louis, MO 63147. Applicant's representative: Gene Ferguson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as set forth in appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except abrasives, detergents, soap, soap stock, soap products) and *frozen foods*, between St. Louis, Mo., on the one hand, and, on the other, points in Missouri and Illinois within the following described area including all points on the boundaries thereof: From the Missouri-Illinois line beginning at the Mississippi River via U.S. Highway 24 to its junction with Missouri Highway 151, thence along Missouri Highway 151 to its junction with Missouri Highway 22, thence along Missouri Highway 22 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Missouri Highway 72, thence along Missouri Highway 72 to its junction with Interstate 55, thence along Interstate 55 to its junction with U.S. Highway 61 at Scott City, Mo., thence along U.S. Highway 61 across the Mississippi River at Cape Girardeau, Mo., where it joins Illinois Highway 146, thence along Illinois Highway 146 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Illinois Highway 142, thence along Illinois Highway 142 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Interstate 57, thence along Interstate 57 to its junction with Illinois Highway 32, thence along Illinois Highway 32 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Illinois Highway 125, thence along Illinois Highway 125 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 24, thence along U.S. Highway 24 across the Mississippi River to the point of beginning. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 134982 (Sub-No. 2), filed January 19, 1971. Applicant: ROGER YELLE, doing business as RED ENTERPRISES ENR'G., Rural Route No. 4, Trout River, PQ, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Popsicle, coffee, and ice cream sticks, and tongue depressors*, from ports of entry on the international boundary line between the United States and Canada located in New York, to Milford, Del.; Brooklyn, N.Y.; Baltimore and Laurel, Md.; Englewood, N.J.; Dunkirk, N.Y.; Lake Geneva, Wis.; St. Louis, Mo.; Memphis, Tenn.; St. Paul, Minn.; Toledo, Ohio; LaFayette, Ind.; Le Mars, Iowa; Dallas and Houston, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 135123 (Sub-No. 1), filed January 4, 1971. Applicant: MARVIN E. YATES, doing business as MARVIN YATES TRUCKING, Route 1, Box 131B, Klamath Falls, OR 97601. Applicant's representative: Arthur A. Beddoe, 296 Main Street, Klamath Falls, OR 97601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Lakeview, Bly, and Klamath Falls, Oreg., to Dorris, Calif., and (2) from Burney and Weed, Calif., to White City, Oreg., under contract with Mountain Valley Moulding Co., Dorris Lumber Co., and Oregon Cutstock and Moulding. NOTE: If a hearing is deemed necessary, applicant requests it be held at Klamath Falls, Oreg., or Medford, Oreg.

No. MC 135146 (Sub-No. 2), filed December 24, 1970. Applicant: TIMMER TRANSFER, INC., Rural Route 1, Box 129, Beecher, IL 60401. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hair goods*, human or imitation human hair, between the plantsite and warehouse facilities of Normandy Hall (a division of Erickson Hair and Scalp Specialists, Inc.), at or near Worth, Ill., on the one hand, and, on the other hand, points in the United States except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135153 (Sub-No. 2), filed January 11, 1971. Applicant: GREAT OVERLAND, INC., Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: Harley E. Laughlin, Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined by the Commission, between Dodge City, Kans., on the one hand, and, on the other, points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135163 (Sub-No. 2), filed January 11, 1971. Applicant: BROWARD AIR FREIGHT TERMINAL, INC., 3333 Southwest Second Avenue, Fort Lauderdale, FL 33315. Applicant's representative: C. William Laystrom, 25 East Las Olas Boulevard, Suite 412, Blount Building, Fort Lauderdale, FL 33301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, commodities of bulk, commodities requiring special equipment and household goods, between points in Broward, Dade, and Palm Beach Counties, Fla., restricted to traffic having a prior subsequent out of State movement by air or water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under CAB Tariff 19, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 135217, filed December 28, 1970. Applicant: ELBERT STAGES, Route 1, Unionville, MO 63565. Applicant's representative: N. William Phillips, 103 North Market, Milan, MO 63556. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, lime, and rock* in bulk and dump vehicle, from Putnam, Mercer, Schuyler, Adair, and Sullivan Counties, Mo., to points in Davis, Appanoose, and Wayne Counties, Iowa, with privilege from all points in above Iowa Counties to all points in above Missouri Counties. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 135222, filed January 5, 1971. Applicant: AAA DELIVERY, INC., Box 417, Kenai, AK 99611. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, AK 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within 25 miles of Kenai, Alaska (including Kenai), located north of the Kasilof River, Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kenai, Alaska.

No. MC 135229, filed January 7, 1971. Applicant: BASIN TRANSPORTATION CORP., 146 Richard Street, Brooklyn, NY. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in containers), between points in that part of the New York, N.Y., commercial zone, as defined by the Commission, within which local operations may be conducted under the exemption provided by section 203 (b)(8) of the Act (the "exempt zone"), restricted to the transportation of traffic having an immediately prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y

No. MC 135232, filed December 31, 1970. Applicant: CROWN METAL & SALVAGE CO., a corporation, Old Route 82, Brookfield, OH 44403. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, under contract with Columbia Iron and Metal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 135236, filed January 6, 1971. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Trenton, N.J., to points in Ohio, Kentucky, Indiana, Michigan, Illinois, and Wisconsin, and used empty malt beverages containers on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135237, filed January 11, 1971. Applicant: EAST PENN TRUCKING COMPANY, a corporation, Rural Delivery No. 1, Lehighton (Carbon County), PA 18235. Applicant's representatives: Robert H. Griswold, Post Office Box 1166, Harrisburg, PA 17108 and George T. McKinley, 57 Broadway, Jim Thorpe, PA 18229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry foods, mineral mixtures for animal and poultry feed, fertilizer material or soil compound and iron oxide*, from points in Carbon County, Pa., the townships of Chestnuthill, Eldred, Polk, and Ross, Monroe County, Pa., and the township of Foster, Luzerne County, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *raw materials* used in the manufacture of the commodities in (1) above, from points in the above-described destination territory to points in Carbon County, Pa., the townships of Chestnuthill, Eldred, Polk, and Ross, Monroe County, Pa., and the township of Foster, Luzerne County, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 428), filed January 7, 1971. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, (1) beginning and ending at points in Hudson County, N.J. (except Bayonne and Jersey City, N.J.), and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia; (2) beginning and ending at points in Burlington, Camden (except city of Camden, N.J.), Gloucester, and Salem Counties, N.J., and extending to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (3) beginning and ending at points in Bucks County, Pa., and those in Montgomery County, Pa., east of U.S. Highway 309, and extending to points in the United States including Alaska (but excluding Hawaii). Applicant holds a brokers license under MC 12668. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Philadelphia, Pa.

No. MC 108378 (Sub-No. 8), filed December 29, 1970. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson Street, Phoenix, AZ 85004. Applicant's representative: Harold L. Jerman, 1004 Security Center, 222 North Central Avenue, Phoenix, AZ 85004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Over regular routes: (1) *Passengers, their baggage, express and newspapers* in the same vehicle with passengers, between Parker, Ariz., and Needles, Calif.: From Parker, Ariz., over Arizona Highway 95 to junction U.S. Highway 66, thence over U.S. Highway 66 to Needles, Calif., and return over the same route, serving all intermediate points, (NOTE: Applicant states Parker, Ariz., and Needles, Calif., are points of joinder with existing authority); and (2) over irregular routes:

Passengers and their baggage, in charter operations, beginning and ending at points in (1) above, and extending to points in the Continental United States. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Lake Havasu City, Ariz.

No. MC 134981 (Sub-No. 1), filed January 5, 1971. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, NJ 07306. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Port Authority Bus Terminal, New York, N.Y., and the plantsite of Nelson Distribution Corp., Secaucus, N.J., under contract with Nelson Distribution Corp. NOTE: Common control may be involved. Applicant also holds common passenger carrier authority under MC 29854. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 118848 (Sub-No. 12), filed January 11, 1971. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, NJ 07002. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between junction Currie Avenue and Hylan Boulevard and junction Point Avenue and Hylan Boulevard, Staten Island, N.Y.; From junction Currie Avenue and Hylan Boulevard, over Hylan Boulevard to junction Point Avenue, and return over the same route, serving all intermediate points. NOTE: The purpose of this instant application is to extend applicant's existing route on Hylan Boulevard south about 8 miles to the area of Tottenville. If a hearing is deemed necessary, applicant requests it be held at Staten Island or New York, N.Y.

APPLICATION OF WATERCARRIER

No. W-1255 (POTOMAC BOAT TOURS, INC. COMMON CARRIER APPLICATION), filed January 15, 1971, as amended January 19, 1971. Applicant: POTOMAC BOAT TOURS, INC., 919 18th Street NW., Suite 830, Washington, DC 20006. Applicant's representative: Alan S. Davis (same address as applicant). Application of Potomac Boat Tours, Inc., filed January 15, 1971, as amended January 19, 1971, for a permit to operate as a *common carrier*, by water, in interstate or foreign commerce, in the transportation of *Passengers* generally, from and between any points or ports on the Potomac and Anacostia Rivers, including cruises and return, within Maryland, Virginia, and the District of Columbia.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130136, filed January 6, 1971. Applicant: FRANK S. BOYCE, doing business as BOYCE TRAVEL AGENCY, 3233 South Tamiami Trail, Sarasota, FL. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC. For a license (BMC 5) to engage in operations as a *broker* at Sarasota, Fla., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 22229 (Sub-No. 66), filed January 13, 1971. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representatives: Ralph B. Matthews, Post Office Box 1918, Atlanta, GA 30301, and T. R. Buck, 3800 Frederica Street, Owensboro, KY 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cincinnati, Ohio, and Indianapolis, Ind., over Interstate Highway 74 and such access highways as may be necessary, serving no intermediate points, as an alternate route for operating convenience only, restricted against the transportation of shipments originating at Cincinnati, Ohio, and destined to Indianapolis, Ind., and further restricted against the transportation of shipments originating at Indianapolis, Ind., and destined to Cincinnati, Ohio.

No. MC 116506 (Sub-No. 4), filed December 28, 1970. Applicant: JOHNSTOWN-PITTSBURGH EXPRESS, INC., Progress and Chesbro Streets, Pittsburgh, PA 15212. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between the junction of U.S. Highway 22 and Pennsylvania Highway 403 and Cresson over U.S. Highway 22, serving no intermediate points and serving the junction of U.S. Highway 22 and U.S. Highway 219 and Cresson, for purposes of joinder only and (2) between the junction of U.S. Highway 22 and 219 and Johnstown, from the junction of U.S. Highways 22 and 219 over U.S. Highway 219 to junction Pennsylvania Highway 56, and thence over Pennsylvania Highway 56 to Johnstown and return over the same routes, serving no intermediate points and serving the junction of U.S. Highways 22 and 219 for purposes of joinder only, as alternate routes, for operating convenience only. NOTE: Applicant states no duplicating authority is being sought.

No. MC 124211 (Sub-No. 169), filed January 11, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, foods, food products, and grain products*, from Lincoln, Nebr., to points in Wisconsin. NOTE: Applicant states that authority requested herein may be tacked with authority held in MC 124211 Sub Nos. 14, 16, 18, 28, 36, 62, 89, 97, 105, 109, 113, 118, 119, 121, 124, 127, 131, 132, 112, and 133, however, not all tacking possibilities mentioned are feasible and applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved.

No. MC 135050 (Sub-No. 1), filed January 18, 1971. Applicant: JOSEPH R. ZANNI, doing business as ZANNI TRANSFER & STORAGE COMPANY, 820 Soltman Avenue, Fort Pierce, FL 33450. Applicant's representative: Joseph R. Zanni, Route 1, Box 909, Fort Pierce, FL 33450. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies*, from Fort Pierce, Fla., to points in Martin, Indian River, Okeechobee, and Saint Lucie Counties, Fla., and return to Fort Pierce in the County of St. Lucie, Fla., restricted to shipments having a prior or subsequent movement in Interstate Commerce, under contract with Western Electric Co., Inc.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 164), filed January 4, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) From Birmingham over Interstate Highway 20 to junction U.S. Highway 78 just east of Leeds, Ala., and return over the same route, serving all intermediate points; (2) from the junction of Interstate Highway 20 and U.S. Highway 78 just west of Pell City, Ala., over Interstate Highway 20 to Atlanta, and return over the same route, serving all intermediate points; (3) from Anniston, Ala., over Alabama Highway 21 to junction Interstate Highway 20, and return over the same route, serving all intermediate points; (4) from Douglasville, Ga., over U.S. Highway 78 to junction Georgia Highway 5, thence over Georgia Highway 5 to junction Interstate Highway 20, and return over the same route, serving all intermediate points; (5) from Douglasville, Ga., over Georgia Highway 92 to junction Interstate Highway 20, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. Applicant states if the authority sought herein is granted, it will request that MC 1515 Deviation No. 542, published in the FEDERAL REGISTER issue of December 31, 1969, be cancelled.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-1478 Filed 2-3-71;8:45 am]

[Notice 239]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 29, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106400 (Sub-No. 79 TA), filed January 26, 1971. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Highway 10, Pleasant Valley, MO, Sugar Creek, MO 64054. Applicant's representative: Harold Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, from St. Louis, Mo., to Kansas City, Kans., for 61 days. Supporting shipper: Gulf Oil Co.—U.S. Transportation Department, Post Office Box 2100, Houston, TX 77001. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, Kansas City, MO 64106.

No. MC 111401 (Sub-No. 313 TA), filed January 26, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt preservative*, in bulk, from Stroud, Okla., to Sarasota, Fla., for 180 days. Supporting shipper: Florida West Coast Materials Corp., Wayne L. Derr, Vice President, 5011 Ocean Boulevard, Sarasota, FL 33581. Send protests to: Clifford L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 119619 (Sub-No. 41 TA), filed January 26, 1971. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, packinghouse products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins, and except commodities in bulk in tank vehicles), from the plantsite and storage facilities of Bird Provision Co. at Pekin, Ill., and cold storage and warehouse facilities at Peoria, Ill., to points in Minnesota and Wisconsin, for 180 days. Supporting shipper: Bird Provision Co., 420 Washington Street, Pekin, IL 61554. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 127812 (Sub-No. 9 TA), filed January 26, 1971. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Hopkins, Minn., to points in Clark, Price, and Taylor Counties, Wis., for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128383 (Sub-No. 7 TA), filed January 26, 1971. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities*, except commodities in bulk; (1) between points in Anne Arundel, Prince Georges, Montgomery, Howard, Frederick, Carroll, Baltimore, Hartford, and Cecil Counties, Md.; Alexandria, Arlington, and Fairfax Counties, Va.; and the District of Columbia on the one hand, and, on the other, Dulles International Airport, Fairfax and Loudoun Counties, Va.; Washington National Airport, Gravelly Point, Va.; Friendship International Airport, Anne Arundel County, Md.; Philadelphia International Airport, Philadelphia, Pa.; Newark Airport, Newark, N.J.; John F. Kennedy International Airport, New York, N.Y.; LaGuardia Airport, New York, N.Y.; (2) between Wilkes-Barre-Scranton Airport and points in Luzerne and Lackawanna Counties, Pa.; Allentown-Bethlehem-Easton Airport, Lehigh County, Pa.; General Carl A. Spaatz Field, Berks County, Pa.; Harrisburg-York Airport, York County, Pa.; Olmsted Airport, Dauphin County, Pa.; Lancaster Airport, Lancaster County, Pa.; and the Greater Pittsburgh Airport, Allegheny County, Pa.; and (3) between the airports named in (2) above on the one hand, and, on the other, Dulles International Airport, Fairfax and Loudoun Counties, Va.; Washington National Airport, Gravelly Point, Va.; Friendship International Airport, Anne Arundel County, Md.; Philadelphia International Airport, Philadelphia, Pa.; Newark Airport, Newark, N.J.; John F. Kennedy International Airport, New York, N.Y.; and LaGuardia Airport, New York, N.Y., for 180 days. Supporting shippers: Bor-Air Freight Co., Inc., 351 West 38th Street, New York, NY 10018; American Airlines, Friendship International Airport, Baltimore, MD 21240; Medallion Air Freight Corp., 344 West 27th Street, New York, NY 10018; Pan American World Airways, 900 Fourth Avenue, Lester, PA 19113; Trans World Airlines, Inc., Friendship International Airport, Baltimore, MD 21240; Pan American World Airways, Friendship International Airport, Baltimore, MD 21240; American Airlines, Washington National Airport, Washington, D.C. 20001. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135252 TA, filed January 26, 1971. Applicant: L & M VAN LINES, INC., 3 Notch Road, Post Office Box 97, Lexington Park, MD 20653. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in St. Marys, Calvert, Charles, and Prince Georges Counties, Md., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: H. T. Ross, Jr., Commander (SC) USN, Department of the Navy,

Naval Air Station, Patuxent River, MD 20670; International Export Packers, Inc., 5360 Wheeler Avenue, Alexandria, VA 22304. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1551 Filed 2-3-71;8:50 am]

[Notice 240]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 324 TA), filed January 26, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., Post Office Box 958, 94604, 1417 Clay Street, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil with additives*, in bulk, in tank vehicles, from San Diego, Calif., to Stoughton, Wis., for 150 days. Supporting shipper: WD-40 Co., 5390 Napa Street, San Diego, CA 92110. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 21945 (Sub-No. 3 TA), filed January 27, 1971. Applicant: P. A. K. TRANSPORT, INC., Meadow Road, Post Office Box 187, Newport, NH 03773. Applicant's representative: Robert A. Peirce (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic carbonated beverages* (except in bulk) from Scotia, N.Y., and Millis, Mass., to Newport, N.H., with return of *empty containers and rejected or damaged merchandise*, for 180 days. Supporting shipper: Johnson Distributing Co., Inc., Box 275, Claremont, NH 03743. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, NH 03301.

No. MC 51269 (Sub-No. 1 TA), filed January 27, 1971. Applicant: BERNARD K. COX, doing business as COX GRAIN & FEED CO., Tennant, Iowa 51574. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from Carlsbad, N. Mex., to points in Shelby and Pottawattamie Counties, Iowa; for 180 days. Supporting shippers: Cox Fertilizers, Inc., Tennant, Iowa; Schirm Produce, Walnut, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 85465 (Sub-No. 32 TA), filed January 26, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, 709 Mill Drive, Scottsbluff, NE 69361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products* (except hides and commodities in bulk) as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr. to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, NE 68508.

No. MC 103066 (Sub-No. 28 TA), filed January 27, 1971. Applicant: STONE TRUCKING COMPANY, a corporation, 4927 South Tacoma, Post Office Box 2014, Tulsa, OK 74101. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution system parts, and materials, equipment, and supplies used in the manufacture, processing, and installation of antipollution systems and antipollution system parts*, between points in Creek, Mayes, Osage, Tulsa, Muskogee, and Rogers Counties, Okla., on the one hand, and, points in the United States (except Hawaii) on the other, for 180 days. Supporting shippers: Abbott Heat Exchanger Corp., Post Office Box 2619, Tulsa OK 74101, Kentube Co., 4150 South Elwood, Tulsa, OK 74107, Econo-Therm Corp., 4502 South Galveston, Tulsa, OK 74105. Send protests to: C. L. Phillips, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111485 (Sub-No. 15 TA), filed January 27, 1971. Applicant: PASCHALL TRUCK LINES, INC., R.F.D. 4, Murray, KY 42071. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, serving Calvert City, Grand Rivers, Aurora, Fulton, Hazel, and Mayfield, Ky., and points within 5 miles of each as off-route and intermediate points in connection with carrier's presently authorized routes between St. Louis, Mo., and Murray, Ky., and between Memphis, Tenn., and Murray, Ky., for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Building, 167 North Main Street, Memphis, TN 38103.

No. MC 111729 (Sub 307 TA), filed January 27, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers and records, audit and accounting media;* (a) between Berkeley Heights and Newark, N.J., on the one hand, and, on the other, Attleboro, Mass.; (b) between Flint, Mich., on the one hand, and, on the other, Lexington, Ky., and Portsmouth, Ohio; (2) *surgical arterial grafts;* (a) between New Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia; (b) between points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic having a prior or subsequent movement by air; (3) *radiopharmaceuticals, radioactive drugs and medical isotopes*, between points in Kansas and Missouri, on traffic having an immediately prior or subsequent movement by air; (4) *cut flowers and decorative greens*, between Minneapolis, Minn., on the one hand, and, on the other, points in North Dakota and Wisconsin;

(5) *Computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Cincinnati, Ohio, to Bluefield, Huntington, and Parkersburg, W. Va., and Anderson, Bloomington, Columbus, Kokomo, Lafayette, and Muncie, Ind.; (6) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Chamblee, Ga., and Bristol, Va., for 180 days. Supporting shippers: Engelhard Industries, 113 Astor Street, Newark, NJ 07114; Hospital Computer Center, 1500 Genesee Towers, Flint, MI 48502; Johnson & Johnson Domestic Operating Co., New Brunswick, NJ; Abbott Laboratories, Abbott Park, North Chicago, IL 60064; Twin City Florist Supply, Inc., 1211 Washington Avenue South, Minneapolis, MN 55415; International Business Machines, 801 West Eighth Street, Cincinnati, OH 45203; Eastman Kodak Co., General Traffic Department, Distribution Center, Rochester, NY 14650. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112617 (Sub-No. 288 TA), filed January 27, 1971. Applicant: LIQUID TRANSPORTATION, INC., Post Office Box 21395, 1292 Fern Valley Road, 40219, Louisville, KY 40221. Applicant's representative: Charles Dunford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets and resins*, in bulk, in pneumatically equipped vehicles, from Tiptonville, Tenn., to Louisville, Ky., for 180 days. Supporting shipper: Doss H. Berry, Jr., Traffic Attorney and Rate Supervisor, Ethyl Corp., 415 Florida Street, Baton Rouge, LA 70801. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 113267 (Sub-No. 255 TA), filed January 27, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold, or distributed by persons engaged in the sales, manufacturing, processing, and milling of grain products from Chelsea, Mich., to points in Tennessee, Alabama, Louisiana, Arkansas, and Texas, for 150 days. Supporting shipper: Chelsea Milling Co., Chelsea, MI 48118. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 113267 (Sub-No. 256 TA), filed January 27, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Minnesota, Missouri, Nebraska, and points in Wisconsin on and south of line traversing the State from La Crosse to Mauston, Wis., then over Wisconsin Highway 82 from Mauston to its junction with U.S. Highway 51, thence over Wisconsin Highway 23 to Sheboygan, Wis., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 116791 (Sub-No. 22 TA), filed January 27, 1971. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, MN 56343. Applicant's representative: Leonard R. Green (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from New Richmond, Wis., to points in South Dakota, for 180 days. Supporting shipper: Domain Industries, New Richmond, WI 54017. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 117610 (Sub-No. 6 TA), filed January 27, 1971. Applicant: DERRICO TRUCKING CORP., 907 East 141th Street, New York, NY 10454. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kraft board and boxboard*, from Whippany, N.J., to Greevale, Hauppauge, North Babylon, Lindenhurst, Syosset, Floral Park, Central Islip, Melville, Farmingdale, Patchogue, and Deer Park, Long Island, N.Y.; and (2) *waste paper*, from the above-named points from New York, N.Y., to Whippany, N.J., for 180 days. Supporting shipper: Whippany Paper Board Co., Inc., 10 North Jefferson Road, Whippany, NJ. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 125294 (Sub-No. 4 TA), filed January 27, 1971. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., Post Office Box 745, 510 Essex Street, Fredericksburg, VA 22401. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Page and Shenandoah Counties, Va., between points in Rockingham, Shenandoah, and Frederick Counties, Va., on the one hand, and, on the other, points in Grant, Hampshire, Hardy, Mineral, and Pendleton Counties, W. Va., between points in Grant, Hampshire, Hardy, Mineral, and Pendleton Counties, W. Va. Restricted to the transportation of traffic having a prior or subsequent movement, in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. NOTE: Applicant states that it intends to tack with MC-125294 Sub No. 3. Applicant requests that a grant of authority not be restricted against tacking. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018; Home-Pack Transport, Inc., 57-48 49th Street, Maspeth, NY 11378; Karevan, Inc., Post Office Box 9240, Seattle, WA 98109; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133; Vanpac Carriers, Inc., 214 MacDonald Avenue, Richmond, CA 94801. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Building, Richmond, VA 23240.

No. MC 126489 (Sub-No. 6 TA), filed January 27, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cottonseed products*, from points in Louisiana, Oklahoma, Mississippi, Arkansas, and Texas, to Pratt, Kans., for 180 days. Supporting shipper: Xtra Factors, Inc., Pioneer Park, Pratt, KS 67124. Send protests to: M. E. Taylor, District Supervior, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 133967 (Sub-No. 5 TA), filed January 27, 1971. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, WI 54515. Applicant representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforced plastics and reinforced plastic products*, from Ladysmith, Wis., to points in Illinois, Indiana, Louisiana, Michigan, Minnesota, and Wisconsin; (2) *materials, equipment, and supplies* (except in bulk), from points in Illinois, Indiana, Louisiana, Michigan, Minnesota, and Wisconsin to Ladysmith, Wis., for 180 days. Supporting shipper: Fiber-Storng, Inc., 200 South Fifth Street West, Ladysmith,

WI 54848. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135251 (Sub-No. 1 TA), filed January 27, 1971. Applicant: WHITE CLOVER DAIRY CO., INC., Route No. 3, Kaukauna, WI 54130. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail food businesses*, between the plants and warehouses of Kaukauna Dairy Co., Inc., located at Kaukauna, Wis., and in the town of Vinland, Winnebago County, Wis., and of White Clover Dairy Co., Inc., located in the village of Hilbert, Calumet County, Wis., and in the town of Holland, Brown County, Wis., all on the one hand, and on the other, points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and District of Columbia, under continuing contract or contracts with Kaukauna Dairy Co., Inc., for 150 days. Supporting shipper: Kaukauna Dairy Co., Kaukauna, Wis. 54130 (Earl A. Gilling, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135257 TA, filed January 27, 1971. Applicant: THE BIG E CORP., 505 North Myrtle Avenue, Jacksonville, FL 32204. Applicant's representative: Martin Sak, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, between the plantsites and warehouses of Jones-Chambliss Co. and Henry's Hickory House at Jacksonville, Fla., on the one hand, and points in the United States (except Alaska and Hawaii), on the other hand, under continuing contract or contracts with Jones-Chambliss Co. and Henry's Hickory House, Jacksonville, Fla., for 180 days. Supporting shippers: Jones-Chambliss Co., 2135 Forest Street, Jacksonville, FL. Henry's Hickory House, 249 Copeland Street, Jacksonville, FL. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1552 Filed 2-3-71;8:50 am]

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PART II

DEPARTMENT OF LABOR

Office of the Secretary

•

IMMIGRATION

Immigrant Labor Certifications

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; IMMIGRANT LABOR CERTIFICATIONS

A notice of proposed revision of 29 CFR Part 60 was published in the FEDERAL REGISTER on November 17, 1970 (35 F.R. 17665). Previous notices of proposed amendments to various portions of 29 CFR Part 60 were published in the FEDERAL REGISTER on May 28, 1970 (35 F.R. 8369), May 27, 1970 (35 F.R. 8291), and on June 5, 1969 (34 F.R. 8972). After consideration of all matters presented by interested persons concerning these proposals, I have decided to and do hereby revise the regulations set forth in Part 60 as set forth below, to be effective upon publication in the FEDERAL REGISTER (2-4-71). The changes are not applicable to requests and applications received prior to the effective date.

The amendments contained herein relate to matters within the Secretary's discretion and in large part constitute a clarification and restatement of existing procedures and policies. In addition, the amendments which change findings regarding certain occupations and the procedural treatment of these occupations reflect changes in the availability of U.S. workers and any additional advance notice of these regulatory changes would be contrary to the public interest.

Part 60 is revised to read as follows:

Sec.
60.1 Purpose and scope.
60.2 Determinations and certification schedules.
60.3 Requests for certification.
60.4 Certification determinations and review.
60.5 Validity.
60.6 Matters to be considered.
60.7 Schedules.

AUTHORITY: The provisions of this Part 60 are issued under section 212(a)(14), as amended, 66 Stat. 181; 8 U.S.C. 1182.

§ 60.1 Purpose and scope.

The Immigration and Nationality Act provides, among other things, that each alien wishing to immigrate to the United States must be eligible to receive a visa as prescribed by regulations of the Department of State and must be admissible into the United States as prescribed by regulations of the Immigration and Naturalization Service. An alien who seeks to immigrate for the purpose of employment instead of on another basis, such as close relationship to U.S. citizens or permanent residents, is ineligible to receive a visa and is excluded from admission into the United States unless the Department of Labor has determined and certified to the Department of State and to the Immigration and Naturalization Service that qualified U.S. workers are not available and that his employment will not adversely affect wages and working conditions of the workers in the United States similarly employed. This certification by the Department of Labor is popularly referred to as a "labor certification". The regulations in this Part set forth the details in particulars of labor certification processing as arranged among the Departments of State, Justice, and Labor.

(a) Sections 101(a)(27)(A) and 203 of the Immigration and Nationality Act were amended on October 3, 1965, to require as a condition to the admission of certain 'special immigrants", any nonpreference immigrant under paragraph 203(a)(8) and any preference immigrant under paragraph 203(a)(3) or 203(a)(6) that the alien be a beneficiary of a determination and certification made by the Secretary of Labor pursuant to the provisions of section 212(a)(14) of the Act. Accordingly, the immigrants for whom the 212(a)(14) certification is made a condition precedent to admission to the United States are as follows:

(1) Third preference immigrants who are described as "qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States." (section 203(a)(3))

(2) Sixth preference immigrants who are described as "qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States." (section 203(a)(6))

(3) Nonpreference immigrants who are described as "other qualified immigrants strictly in the chronological order in which they qualify." (section 203(a)(8))

(4) Special immigrants who are described as "an immigrant[s] who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying, or following to join him." (section 101(a)(27)(A))

(b) The determination and certification required to be made by the Secretary of Labor is described in section 212(a)(14) of the Act as follows:

> Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:
>
> (14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed.

The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of U.S. citizens, or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);

(c) The geographic applicability of this part is the United States, which, unless otherwise specifically indicated means the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

(d) The addresses of the regional and other area offices of the Manpower Administration of the Department of Labor follow, together with a list of the States and Territories in each region. The addresses of the local offices of the several State Employment Services can be obtained at the office of the appropriate Regional Manpower Administrator.

Region I—Room 1703, J. F. Kennedy Federal Building, Government Center, Boston, MA 02203.
(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.)
Region II—Room 716, 341 Ninth Avenue, New York, NY 10001.
(New York, New Jersey, and Puerto Rico.)
Region III—Post Office Box 8796, Philadelphia, PA 19101 (5000 Wissahickon Avenue, do not use street address for mailing purposes).
(Delaware, Maryland, Pennsylvania, Virginia, and West Virginia; except for those portions of Maryland and Virginia administered by the District of Columbia office.)
Region IV—Room 405, 1371 Peachtree Street NE., Atlanta, GA 30309.
(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)
Region V—Room 2402, Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.
(Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.)
Region VI—Room 308, Mayflower Building, 411 North Akard Street, Dallas, TX 75201.
(Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)
Region VII—Room 3000, Federal Building, 911 Walnut Street, Kansas City, MO 64106.
(Iowa, Kansas, Missouri, and Nebraska).
Region VIII—Room 16015, Federal Office Building, 1961 Stout Street, Denver, CO 80202.
(Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)
Region IX—Room 10064, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.
(Arizona, California, Guam, Hawaii, and Nevada).
Region X—Arcade Plaza, 1321 Second Avenue, Seattle, WA 98101.
(Alaska, Idaho, Oregon, and Washington).
D.C.—Room 341, 555 Pennsylvania Avenue NW., Washington, DC 20212.
(District of Columbia, Montgomery and Prince Georges Counties, Md.; Arlington, Fairfax, Loudoun, and Prince William Counties, Va.; and the cities of Alexandria and Falls Church, Va.).
V.I.—First National City Bank Building, Veterans Drive, St. Thomas, V.I. 00801.
(U.S. Virgin Islands).

§ 60.2 Determinations and certification schedules.

(a) *Determinations.* To facilitate the processing of requests for labor certification, Schedules and lists are provided below which contain determinations made by the Secretary of Labor, pursuant to the requirements of section 212(a)(14) of the Immigration and Nationality Act, that:

(1) For the categories of employment described in Schedule A at § 60.7 except for any geographic limitations therein set forth, there are not sufficient workers who are able, willing, qualified, and available for employment and the employment of aliens in such categories in such areas will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(2) For the categories of employment described in Schedule B at § 60.7 subject to any geographic limitations therein set forth, the certification required by section 212(a)(14) cannot now be made.

(b) The Secretary may make such revisions of the Schedules and listings described in paragraph (a) of this section as he deems necessary and at such times as he deems appropriate upon his own initiative or upon the written request of any person setting forth reasonable grounds therefor. Requests for such revisions should be filed by mail with the Secretary of Labor, Washington, D.C. 20210.

§ 60.3 Requests for certification.

(a) Any alien seeking a certification pursuant to this part, or any person on behalf of such alien, whose category of employment is included in Schedule A shall file a Statement of Qualifications of Alien form in duplicate and fully documented with a U.S. Consular office abroad or with an Immigration and Naturalization Service office in the United States. If, after review, the Consular or Immigration Officer concludes that the alien's qualifications conform with the schedule requirements and occupational descriptions, he shall indicate on the form the occupation on Schedule A in which the alien qualifies and the certification made by the operation of the schedule shall be applicable.

(b) Any alien who qualifies as a professional or as one who has exceptional ability in the sciences or arts and whose category of employment is not included on Schedule A, or any person on behalf of such alien, shall file a Statement of Qualifications of Alien form in duplicate and fully documented with a U.S. Consular office abroad or with an Immigration and Naturalization Service office in the United States. When preference status is being requested pursuant to the provisions of section 204 of the Act, the Consular Officer shall review and forward the form and documentation to the Immigration and Naturalization Service; in all other cases the Consular Officer after review shall forward the form and documentation for labor certification determination to the office of the Manpower Administration of the U.S. Department of Labor for the area of the alien's intended residence. The Immigration Officer, upon determining that the alien qualifies as a professional or as one who has exceptional ability in the sciences or arts, shall forward the form and documentation for labor certification determination to the office of the Manpower Administration of the Department of Labor for the area of the alien's intended residence.

(c) Any alien whose category of employment is not included on Schedule A or on Schedule B or in paragraph (b) of this section shall apply for certification by having the prospective employer or the authorized representative of the employer file in duplicate a Statement of Qualifications of Alien form, a Job Offer for Alien Employment form, and where the alien is to "live at work", a fully documented Supplemental Statement for Live-At-Work Job Offers. The forms shall be filed with any local office of the State Employment Service serving the area where the alien will be employed. After a review of the forms and area labor market information pertaining to the availability of U.S. workers and to the prevailing wages and working conditions in the area of employment similar to the alien's intended employment, the State Employment Service shall forward the form and information to the office of the Manpower Administration of the U.S. Department of Labor for that area. A labor certification determination will be made based on the information submitted by the State Employment Service and any other applicable data available to the Manpower Administration area office.

(d) The filing of forms with and the processing of forms by a Consular office pursuant to paragraphs (a) and (b) of this section shall be in accordance with State Department regulations and procedures. The filing of forms with and the processing of forms by the Immigration and Naturalization Service pursuant to paragraphs (a) and (b) of this section shall be in accordance with Immigration and Naturalization Service regulations and procedures. Determinations by the Immigration and Naturalization Service as to whether an alien qualifies as a professional or as one who has exceptional ability pursuant to paragraphs (a) and (b) of this section shall, subject to review as provided by the Immigration and Naturalization Service regulations and procedures, be accepted as conclusive by the Department of Labor.

(e) Forms: Application for Alien Employment Certification.

(1) Statement of Qualifications of Alien—MA 7-50A (formerly ES-575A). This form provides for a description of the alien, including information regarding the alien's occupational qualifications and intended area of residence in the United States. It is to be completed by the alien applicant. (Because of changes in these regulations effectuated since the issuance of form MA 7-50A, there is no longer a requirement that question number 19 regarding placement and/or referral services be answered.)

(2) Job Offer for Alien Employment—MA 7-50B (formerly ES-575B). This form provides for a description of the alien's prospective employment in the United States. It is to be completed by a prospective employer. (Because of changes in these regulations effectuated since the issuance of form MA 7-50B, the note printed between items 3 and 4 of that form is modified to the extent that an employer is not subject to a denial of certification on the ground of employing an alien who works without authorization.)

(3) Supplemental Statement for Live-At-Work Job Offers—MA 7-50C (formerly ES-575B, Supplement 1). This form provides for further description of the alien's prospective living and working conditions for jobs where the alien is required to live at the place of employment.

(4) Forms and instructions for filing are available at U.S. Consulates abroad, Immigration and Naturalization offices in the United States, and local offices of the various State Employment Services.

(5) Forms ES-575A, B, and B Supplement 1 will be accepted for initial processing until July 1, 1971.

(f) Documentation:

(1) The documents supporting an application for alien employment certification as a member of the professions or of an alien with exceptional ability in the sciences or arts, whose eligibility is based in whole or in part on high education, shall include a certified copy of the alien's school record. The record must show the period of attendance, major field of study and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the applicant. Such evidence may attest to the unusual acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievement as judged by national or international experts in a specific discipline or field of endeavor. An affidavit attesting to an alien's exceptional ability in the sciences or the arts must set forth the name and address of the affiant, state how he has acquired his knowledge of the alien's qualifications and must describe in detail the facts on which the affiant bases his assessment of the alien's qualifications. If material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of publication.

(2) If supporting documents are submitted in the original; no additional copies are required. If the return of an original document is desired, it should be accompanied by a photostatic or typewritten copy. Photostatic copies not accompanied by the original may be submitted, provided that they are certified as identical to the original document by an immigration or consular official or official custodian of the original. Documents not in the English language must

be accompanied by a translation, certified by the translator as to the accuracy of the translation and his competency to so translate.

§ 60.4 Certification determinations and review.

(a) Department of Labor determinations pursuant to paragraphs (b) and (c) of § 60.3 shall be made by the Certifying Officer appointed by the Regional Manpower Administrator (or the Administrator for the District of Columbia) of the Manpower Administration of the U.S. Department of Labor for the area wherein the employment is to occur.

(b) Requests for review of a denial of certification pursuant to paragraph (a) of this section and requests for review of a Consular Officer's decision under § 60.3(a) regarding the alien's qualifications may be made in writing to the Regional Manpower Administrator (or the Administrator for the District of Columbia) of the same area in which the denial occurred or, in the case of a Consular Officer's decision, of the area of the alien's intended residence. Such requests shall be made within 90 days of the denial of certification and shall: (1) Clearly identify the particular certification determination for which review is sought; (2) set forth the particular grounds on which the request is based; and (3) include all documents which accompanied the denial of certification.

(c) The Regional Manpower Administrator (or the Administrator for the District of Columbia) or his designated representative, who shall not have participated in the initial determination, shall carry out the review. Upon review, the Regional Manpower Administrator (or the Administrator for the District of Columbia) or his designated representative may order the issuance of a certification or may affirm the denial. The determination of the Regional Manpower Administrator (or the Administrator for the District of Columbia) shall be final.

(d) Notwithstanding any provision in this section to the contrary, applications for certification may be removed by the Department of Labor to the national office and may be determined in the national office by a Certifying Officer designated by the Manpower Administrator; applications for certification for alien employment in the Virgin Islands shall be determined by a Certifying Officer designated by the Manpower Administrator. Requests for review of a denial of certification made in the national office or in the Virgin Islands pursuant to this paragraph shall be made in writing to the Manpower Administrator, U.S. Department of Labor, Washington, D.C. 20210. Such review shall be consistent with the procedure set forth in paragraph (b) or (c) of this section and the determination upon review shall be final.

(e) Requests for review of a denial of certification based upon occupations in Schedule B in § 60.7 may be made in writing to the Assistant Secretary of Labor for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within 90 days of the denial of certification and shall: (1) Clearly identify the particular certification determination for which review is sought; (2) set forth the particular grounds on which the request is based; and (3) include all documents which accompanied the denial of certification.

§ 60.5 Validity.

(a) A labor certification issued pursuant to this part shall be valid for an indefinite period of time except that revalidation shall be required as provided in paragraph (b) of this section, and, notwithstanding any provision in this section to the contrary, no certification made pursuant to Group I of Schedule C or Schedule C—Precertification list previously issued pursuant to this part shall be valid beyond March 31, 1971.

(b) Labor certifications and revalidations of certifications in the categories of employment described below, including any geographic limitations, shall be valid for 1 year after the date that the certification was actually made and revalidation shall be required after that period; this provision shall be applicable to both new and outstanding certifications: Household Domestic Service work; Teaching; and Certifications made pursuant to Group I of Schedule C or Schedule C—Precertification List.

(c) The certification procedures in effect at the time a request for revalidation is made shall be followed in processing the revalidation request. Determinations will be made on the basis of the applicable labor market conditions which exist at the time of the request for revalidation. The original forms upon which initial certification was obtained should be submitted for revalidation. Any material changes in circumstances must be noted and initialed.

(d) Labor certifications made in a Regional Manpower Administration office or national office of the U.S. Department of Labor, shall be deemed to have been made as of the date a complete and proper application for alien employment certification is accepted for processing within the Employment Service system. For the purpose of this section, certifications made pursuant to Schedule A shall be considered to have been made on the date of acceptance by the Consular or Immigration Officer of evidence to establish that the alien's qualifications conform with the Schedule's occupational requirements for certification as set forth in § 60.3(a) above.

(e) The validity of: (1) A labor certification issued pursuant to § 60.3(a) shall be limited to the intended occupation as set forth on the Statement of Qualifications of Alien form and to the geographic areas set forth in Schedule A at § 60.7; (2) a labor certification issued pursuant to § 60.3(b) shall be limited to the intended occupation and to the geographic area of intended residence as set forth on the Statement of Qualifications of Alien form; and (3) a labor certification issued pursuant to § 60.3(c) shall be limited to the particular job and geographic location set forth on the Job Offer for Alien Employment form.

(f) The terms and conditions of the labor certification shall not be construed as preventing an immigrant properly admitted to the United States from subsequently changing his occupation, job, or area of residence.

(g) Certifications issued pursuant to this part are invalid if the representations upon which they are based are materially incorrect. Materially incorrect, for the purposes of this paragraph, means that if the correct facts had been known a certification could not have been issued pursuant to the requirements set forth at section 212(a)(14) of the Immigration and Nationality Act.

§ 60.6 Matters to be considered.

Prospective employment offered in accordance with § 60.3(c) will be deemed to adversely affect "wages" or "working conditions" of American workers within the meaning of section 212(a)(14) of the Act unless it appears:

(a) That such employment will be for wage rates no less than those prevailing for U.S. workers similarly employed in the area of employment: *Provided, however*, That such wages are not lower than any applicable wage rates prescribed by the Secretary of Labor pursuant to law as the minimum rates which will not adversely affect the wages of American workers similarly employed. Where available, such prevailing wages shall generally be the rates determined to be prevailing for the occupations and in localities involved pursuant to the provisions of the Davis-Bacon and related Acts (40 U.S.C. 276a), the McNamara-O'Hara Service Contract Act (41 U.S.C. 351), or the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954(j), § 505.3 of this title), or set forth on Wage Board rate schedules applicable to Federal installations in the area (5 U.S.C. 5341). Where a current determination under one of these laws is not applicable, the prevailing wage rate will be determined in accordance with the current criteria established pursuant to the Davis-Bacon Act in Part 1 of this Title;

(b) That such employment will include the furnishing of fringe benefits that prevail for U.S. workers similarly employed in the area of employment;

(c) That such employment will involve adherence to prevailing working conditions including customs in the area of employment regarding the furnishing of board, lodging, and other facilities;

(d) That such employment will not involve positions (1) that are vacant because the former occupants are on strike or are being locked out in the course of a labor dispute or (2) the filling of which is at issue in a labor dispute;

(e) That such employment will not involve any discrimination with regard to race, creed, color, national origin, age, or sex; and,

(f) That such employment or any term or condition thereof is not contrary to any provisions of Federal, State, or local law.

§ 60.7 Schedules.

SCHEDULE A

Group I: Persons who received an advanced degree in any of the following specialties from an institution of higher learning accredited in the country where the degree was obtained (equivalent to a Ph.D. or master's degree conferred by American colleges or universities):

Dietetics.
Medicine and Surgery.
Nursing.
Pharmacy.
Physical Therapy.

Group II: Persons who have received a degree conferred by an accredited institution of higher learning in any of the following specialties (equivalent to the bachelor's degree conferred by American colleges or universities) or have experience or a combination of experience and education equivalent to such degree:

Dietetics.
Nursing.
Pharmacy.
Physical Therapy.

Group III: (a) Any person of any religious denomination whose regular profession or occupation is to conduct religious services, which he is authorized by his denomination to perform, and who is seeking admission to the United States in order to engage principally in such work.

(b) Any person of any religious denomination having a religious commitment, such as a Monk, Nun, Brother, Missionary, and others, who is seeking admission to the United States to perform the duties required of him by virtue of such commitment.

(c) Any other person seeking admission to the United States to perform duties related to the nonprofit operation of a religious organization (1) if the duties which he will perform involve special skills, training, and experience which the alien possesses and which are related to the religious objectives of the organization and (2) if he intends to be engaged principally (more than 50 percent of his working time) in such duties. Examples of persons coming within this subgroup are cantors and translators of religious tracts or texts who have the special capability of conveying through the translation the spiritual message to which such tracts or texts are directed and who will be engaged in such endeavors.

An operation may be considered nonprofit for purposes of Group III if the receipts from the operation will be used exclusively in furtherance of the philanthropic or religious purposes of the organization.

OCCUPATIONAL DEFINITIONS

These definitions are intended as descriptive guidelines and not as mandatory qualification requirements.

Dictetics

The application of the principles of nutrition to plan menus and diets and direct the preparation and serving of meals. Includes activities involved with service programs designed to feed individuals and groups with special nutritional requirements in schools, restaurants, and other institutions. Also includes participation in research in the field of nutrition.

Medicine and Surgery

The application of the art and science of medicine and surgery to the diagnosis, prevention, and treatment of diseases and injuries in man, disorders of the mind, and the treatment of women during pregnancy; and research into the causes, transmission, and control of disease and other ailments. Includes the practice of medicine, osteopathy, psychiatry, and ophthalmology. May specialize in treating a specific area of the body, or a particular disease, sex, or age group. *Provided*, That certification under this category shall apply only to those physicians and surgeons whose medical degrees or qualifications were conferred by a medical school in the United States and Canada and such other physicians and surgeons who (a) submit evidence from the licensing authority of the State of the alien's intended employment that the alien has met all of the requirements for licensure or for admittance to the licensure examination in that State; or (b) submit evidence from an institution providing approved medical internship or residency training that the alien has met all of the requirements for appointment to an internship or residency and is being offered such appointment; or (c) submit evidence that they have passed the examination of the Educational Council for Foreign Medical Graduates; or (d) submit evidence of having received an appointment to engage in medical teaching, research, or laboratory work that will not involve direct patient care.

Nursing

The application of the art and science of nursing which reflects comprehension of principles derived from the physical, biological, and behavioral sciences. Nursing generally includes the making of clinical judgments concerning the observation, care, and counsel of persons requiring nursing care; the administering of medicines and treatments prescribed by the physician or dentist; the participation in activities for the promotion of health and the prevention of illness in others.

Preparation for nursing practice is generally obtained through an organized program of study approved by a governmental or other competent authority in the alien's country. High school graduation or its equivalent is usually a prerequisite. A program of study generally includes theory and practice in clinical areas such as: Obstetrics, surgery, pediatrics, psychiatry, and medicine.

Pharmacy

The compounding of prescriptions written by physicians, dentists, and other authorized medical practitioners; and the bulk selection, compounding, dispensing, and preservation of drugs and medicines.

Physical Therapy

The treatment of patients with disabilities, disorders, and injuries to relieve pain, develop or restore function, and maintain performance, using physical means, such as exercise, massage, heat, water, light, and electricity, as prescribed by a medical doctor.

SCHEDULE B

OCCUPATIONAL TITLES

Assemblers.
Attendants, Parking Lot.
Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).
Automobile Service Station Attendants.
Bartenders.
Bookkeepers II.
Bus Boys.
Cashiers.
Chauffeurs and Taxicab Drivers.
Charwomen and Cleaners.
Clerks, General.
Clerks, Hotel.
Clerks and Checkers, Grocery Stores.
Clerk Typists.
Cooks, Short Order.
Counter and Fountain Workers.
Electric Truck Operators.
Elevator Operators.
Floormen, Floorboys, and Floorgirls.
Groundskeepers.

SCHEDULE B—Continued

Guards and Watchmen.
Helpers, any Industry.
Household Domestic Service Workers.
Housekeepers.
Housemen and Yardmen.
Janitors.
Key Punch Operators.
Kitchen Workers.
Laborers, Farm.
Laborers, Mine.
Laborers, Common.
Loopers and Toppers.
Maids, Hotel and Motel.
Men-of-all-Work.
Material Handlers.
Nurses' Aides and Orderlies.
Packers, Markers, Bottlers, and Related.
Porters.
Receptionists.
Sailors and Deck Hands.
Sales Clerks, General.
Sewing Machine Operators and Handstitchers.
Street Railway and Bus Conductors.
Telephone Operators.
Truck Drivers and Tractor Drivers.
Typists, Lesser Skilled.
Ushers, Recreation and Amusement.
Warehousemen.

OCCUPATIONAL DEFINITIONS

Assemblers

Perform one or more repetitive tasks to assemble components and subassemblies using hand or power tools to mass produce a variety of components, products or equipment. Involves such activities as riveting, drilling, filing, bolting, soldering, spot welding, cementing, gluing, cutting, and fitting. May use clamp or other work aids to hold parts during assembly. May inspect or test components. May tend previously set-up or automatic machines.

Attendants, Parking Lot

Park automobiles for customers in parking lots or garages and collect fees based on time span of parking.

Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants)

Perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms. Includes such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

Automobile Service Station Attendants

Service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities. Also, compute charges and collect fees from customers.

Bartenders

Prepare, mix, and dispense alcoholic beverages for consumption by bar customers. Also, compute and collect charges for drinks.

Bookkeepers II

Keep records of one facet of an establishment's financial transactions. Responsible for maintaining one set of books, and specialize in such areas as accounts-payable, accounts-receivable, or interest accrued rather than a complete set of records.

Bus Boys

Facilitate food service in an eating place by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

Cashiers

Receive payments made by customers for goods or services, make change, and give receipt. Involves such activities as operating cash register, balancing cash accounts, preparing bank deposits and other related duties.

Chauffeurs and Taxicab Drivers

Drive automobiles to convey passengers according to their instructions.

Charwomen and Cleaners

Keep premises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs. Work according to set routine.

Clerks, General

Perform a variety of routine clerical tasks not requiring knowledge of systems or procedures. Involves such activities as copying and posting data, proofreading records or forms, counting, weighing, or measuring material, routing correspondence, answering telephones, conveying messages, and running errands.

Clerks, Hotel

Perform a variety of routine tasks to accommodate hotel guests. Involves such activities as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

Clerks and Checkers, Grocery Stores

Itemize, total, and receive payment for purchase in grocery stores, usually using cash register. Often assists customer in locating items, stock shelves, and keep stock-control and sales-transaction records.

Clerk Typists

Perform general clerical work requiring use of typewriter in majority of duties. Involves such activities as typing reports, bills, application forms, shipping tickets, and other matters from clerical records; filing records and reports, posting information to records, sorting and distributing mail, answering phone and similar duties. (Combines typing and filing, sorting mail, answering the telephone, and other general office work.)

Cooks—Short Order

Prepare and cook to order all kinds of short-preparation-time foods. May involve such activities as carving meats and filling orders from a steam-table; preparing sandwiches, salads, beverages; and serving meals over a counter.

Counter and Fountain Workers

Serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places. Take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; and clean work area and equipment.

Electric Truck Operators

Drive gasoline- or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

Elevator Operators

Operate elevators to transport passengers and freight between building floors.

Floormen, Floorboys, and Floorgirls

Perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others. Involves such tasks as cleaning floors, materials, and equipment; distributing materials and tools to workers; running errands; delivering messages; emptying containers; and, removing materials from work area to storage or shipping areas.

Groundskeepers

Maintain grounds of industrial, commercial, or public property in good condition. Involves such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

Guards and Watchmen

Guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

Helpers (Any Industry)

Perform a variety of duties to assist another worker usually of a higher level of competency of experiness. Involves such activities as furnishing another worker with materials, tools, and supplies; cleaning work area, machines and equipment; feeding or offbearing machines; holding materials or tools according to worker assisted.

Household Domestic Service Workers

Perform a varelty of tasks in private households, including such activities as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children: *Provided, however,* That noncertification under this category shall apply only to those workers who have had less than 1 year of documented paid experience in the performance of the above tasks working on a live-in or live-out basis.

Housekeepers

Supervise workers engaged in maintaining interiors of residential buildings in a clean and orderly fashion. They assign duties to maids, charwomen, and housemen; inspect finished work, and maintain supply of equipment and materials.

Housemen and Yardmen

(1) Perform routine tasks to keep hotel premises neat and clean. Involves such tasks as cleaning rugs; washing walls, ceilings, and windows; moving furniture; mopping and waxing floors; and, polishing metalwork.

(2) Maintain the grounds of private residence in good order. Typical tasks are mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. Work on instructions of private employer.

Janitors

Keep hotel, office building, apartment house, or similar building in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water. Typical tasks are sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs. Often maintain residence at place of work.

Keypunch Operators

Using machines similar in action to typewriters, punch holes in cards in such a position that each hole can be identified as representing a specific item of information. These punched cards may be used with electronic computers as well as tabulating machines.

Kitchen Workers

Perform routine tasks in kitchen of restaurant. Primary responsibility is to maintain work areas and equipment in a clean and orderly fashion. Involves such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

Laborers, Farm

Plant, cultivate, and harvest farm products, following instructions of supervisors, often working as members of a team. Typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

Laborers, Mine

Perform routine tasks in underground or surface mine, pit, or quarry, or at tipple, mill, or preparation plant. Involves such tasks as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working face to haulage road, and loading or sorting material onto wheelbarrow.

Laborers, Common

Perform routine tasks in an industrial construction or manufacturing environment. Typical tasks are loading and moving equipment and supplies, cleaning work areas, and distributing tools. Work upon instructions according to set routine.

Loopers and Toppers

(1) Tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture.

(2) Operate looping machines to close openings in toe of seamless hose or join knitted garment parts.

(3) Loop stitches or ribbed garment parts on points of transfer bar to facilitate transfer of garment parts to needles of knitting machine.

Maids, Hotel and Motel

Clean hotel rooms and halls; sweep and mop floors; dust furniture; empty wastebaskets; and make beds.

Men-of-all-Work

Perform a combination of duties to keep a private home clean and in good condition. Involves such activities as cleaning and dusting furniture and furnishings, hallways and lavatories; beating, vacuuming, and scrubbing rugs; washing windows, waxing and polishing floors; removing and hanging draperies; cleaning and oiling furnaces and other equipment; repairing mechanical and electrical appliances; painting and other chores as required.

Material Handlers

Load, unload, and convey materials within or near plant, yard, or worksite, under specific instructions.

Nurses' Aides and Orderlies

Assist in care of hospital patients. Involves such activities as bathing, dressing, undressing patients and giving alcohol rubs; serving and collecting food trays; cleaning and shaving hair from skin area of operative cases; lifting patients onto and from bed, and transporting patients to treatment units; changing bed linens, running errands, and directing visitors.

Packers, Markers, Bottlers, and Related

Pack products into containers, such as cartons or crates; mark identifying information on articles; insure filled bottles are properly sealed and marked; often working with team on or at end of assembly line.

Porters

(1) Carry baggage for passengers of airline, railroad, or motorbus by hand or handtruck. Perform related personal services in and around public transportation environment.

(2) Keep building premises, working areas in production departments of industrial organizations, or similar sites in clean and orderly conditions.

Receptionists

Receive clients or customers coming into establishments to ascertain their wants, and direct them accordingly. Involves such activities as arranging appointments, directing caller to destination, recording name, time, nature of business, person seen; answering phone and related duties.

Sailors and Deck Hands

Stand deck watches and perform a variety of tasks to preserve painted surfaces of ship, and maintain lines, running gear, and cargo handling gear in safe operating condition. Involves such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

Sales Clerks, General

Receive payment for merchandise in a retail establishment, wrap or bag merchandise, and keep shelves stocked.

Sewing Machine Operators and Hand-stitchers

(1) Operate single- or multiple-needle sewing machines to join parts in the manufacture of such products as awnings, carpets, and gloves. Specialize in one type of sewing machine limited to joining operations.

(2) Join and reinforce parts of such articles as garments, and curtains, sew buttonholes and attach fasteners to articles, or sew decorative trimmings to articles, using needle and thread.

Street Railway and Bus Conductors

Collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operator to start or stop.

Telephone Operators

Operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls. Taking messages, supplying information and keeping records of calls and charges is often involved. Some situations primarily involve establishing or aiding telephone users in establishing local or long distance telephone connections.

Truck Drivers and Tractor Drivers

(1) Drive trucks to transport materials, merchandise, equipment, or people to and from specified destinations, such as plants, railroad stations, and offices.

(2) Drive tractors to move materials, draw implements, pull out objects imbedded in ground, or pull cable of winch to raise, lower, or load heavy materials or equipment.

Typists, Lesser Skilled

Type straight-copy material, such as letters, reports, stencils, and addresses, from draft or corrected copy. Not required to prepare materials involving the understanding of complicated technical terminology, the arrangement and setting of complex tabular detail or similar problems. Typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and the error rate reaches 12 or more for a 5 minute typing period on representative business correspondence.

Ushers (Recreation and Amusement)

Assist patrons at entertainment events in finding seats, searching for lost articles, and locating facilities.

Warehousemen

Receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

(79 Stat. 911; 8 U.S.C. 1182; 34 F.R. 6502)

Signed at Washington, D.C., this 29th day of January 1971.

M. R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71-1450 Filed 2-3-71;8:45 am]

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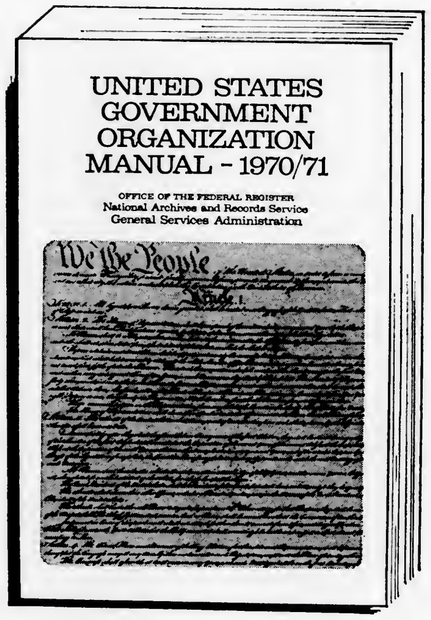

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Title 3—The President

PROCLAMATION 4029

USO Day

By the President of the United States of America

A Proclamation

On February 4, 1971, the United Service Organizations, affectionately known as the USO, will celebrate its thirtieth anniversary.

Its exclusive mission, since its beginning prior to World War II, has been to serve the morale, spiritual, recreational, and entertainment needs of the Armed Forces.

In war and peace the USO, with its thousands of patriotic volunteers, has kept the faith with millions of Americans as they have been called into the service of their nation.

Neither asking for nor receiving any financial support from the Government, the USO has been described as an expression of the continuing concern of Main Street America for its sons and daughters in uniform, wherever they serve.

For the past three decades, the American people have voluntarily given their support, both financial and personal; to bolster the morale of our servicemen and women through the operation of the USO. It continues to give an answer to the two questions always on the minds of the young men and women in uniform, "Does anyone know I'm here?" and "Does anyone care?".

Over the years, the USO has continued to give a resounding "Yes" on behalf of all thoughtful Americans.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim February 4, 1971, as USO Day, and urge the people of the United States to give their enthusiastic support to the United Service Organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of February, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-1696 Filed 2-4-71;9:24 am]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve bank of—	Rate	Effective
Boston	5	Jan. 19, 1971
New York	5	Jan. 22, 1971
Philadelphia	5	Jan. 19, 1971
Cleveland	5	Do.
Richmond	5	Jan. 29, 1971
Atlanta	5	Jan. 19, 1971
Chicago	5	Jan. 21, 1971
St. Louis	5	Jan. 29, 1971
Minneapolis	5	Jan. 19, 1971
Kansas City	5	Jan. 29, 1971
Dallas	5	Jan. 19, 1971
San Francisco	5	Jan. 22, 1971

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve bank of—	Rate	Effective
Boston	5½	Jan. 19, 1971
New York	5½	Jan. 22, 1971
Philadelphia	5½	Jan. 19, 1971
Cleveland	5½	Do.
Richmond	5½	Jan. 29, 1971
Atlanta	5½	Jan. 19, 1971
Chicago	5½	Jan. 21, 1971
St. Louis	5½	Jan. 29, 1971
Minneapolis	5½	Jan. 19, 1971
Kansas City	5½	Jan. 29, 1971
Dallas	5½	Jan. 19, 1971
San Francisco	5½	Jan. 22, 1971

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve bank of—	Rate	Effective
Boston	7	Jan. 19, 1971
New York	7	Jan. 22, 1971
Philadelphia	7	Jan. 19, 1971
Cleveland	7	Do.
Richmond	7	Jan. 29, 1971
Atlanta	7	Jan. 19, 1971
Chicago	7	Jan. 21, 1971
St. Louis	7	Jan. 29, 1971
Minneapolis	7	Jan. 19, 1971
Kansas City	7	Jan. 29, 1971
Dallas	7	Jan. 19, 1971
San Francisco	7	Jan. 22, 1971

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, January 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1586 Filed 2-4-71;8:45 am]

Chapter VII—National Credit Union Administration

PART 745—CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

On December 16, 1970, a notice of proposed rule making regarding clarification and definition of account insurance coverage was published in the FEDERAL REGISTER (35 F.R. 19027). After considering all of such relevant matter as was presented by interested persons, the rules as so proposed are hereby adopted, subject to the following changes:

1. In paragraph (b) of § 745.1, the word "of" appearing in line 3 is changed to "by", and in line 8 after the word "business" add the word "for".

2. In subparagraph (3) of § 745.2(c), delete the phrase "or his legal representative if he is an infant".

3. Section 745.12 is changed as follows:

(a) In line 5 change "90" to "180".

(b) In line 7 following the word "regulations" add "or 90 days after being insured, whichever is later."

(c) In line 8 change "2,000" to "$5,000".

(d) In line 10 change "March 1" to "June 30".

(e) Insert the following new sentence immediately following the first sentence: "Credit unions insured after the effective date of this regulation may select the end of any month of the preceding 6 months before being chartered to determine balances in excess of $5,000."

Effective date. These regulations shall be effective as of February 10, 1971.

H. NICKERSON, Jr.,
Administrator.

JANUARY 27, 1971.

Sec.
745.1 Definitions.
745.2 General principles applicable in determining insurance of deposits.
745.3 Single ownership accounts.
745.4 Testamentary accounts.
745.5 Accounts held by executors or administrators.
745.6 Accounts held by a corporation or partnership.
745.7 Accounts held by an unincorporated association.
745.8 Joint accounts.
745.9 Trust accounts.
745.10 Deposits evidenced by negotiable instruments.
745.11 Deposit obligation for payment of items forwarded for collection by credit union acting as agent.
745.12 Notification of depositors/shareholders.

AUTHORITY: The provisions of this Part 745 issued under sec. 207, 84 Stat. 1010-1011; Public Law 91-468.

§ 745.1 Definitions.

(a) Depositors means those persons who are members or nonmembers of credit unions which are allowed by law or regulation to deposit money in such credit unions.

(b) Deposits include the purchase of shares, share certificates or share deposit accounts by a member or nonmember of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business for which it has given or is obligated to give credit to the account of the member or nonmember.

§ 745.2 General principles applicable in determining insurance of deposits.

(a) General: This Part 745 provides for determination by the Administrator of the insured depositors of an insured credit union and the amount of their insured accounts. The rules for determining the insurance coverage of accounts maintained by depositors in the same or different rights and capacities in the same insured credit union are set forth in the following provisions of this part. Insofar as rules or local law enter into such determinations, the law of the jurisdiction in which the insured credit union's principal office is located shall govern.

(b) The regulations in this part in no way are to be interpreted to authorize any type of account that is not authorized by the Federal Law or Regulation or State Law or Regulation or by the bylaws of a particular credit union. The

purpose is to be as inclusive as possible of all possible situations.

(c) Records: (1) The account records of the insured credit union shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are deposited and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian, or executor. No claim for insurance based on such a relationship will be recognized in the absence of such disclosure.

(2) If the account records of an insured credit union disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the credit union or the records of the depositor maintained in good faith and in the regular course of business.

(3) The deposit records of an insured credit union in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee.

(4) The interests of the coowners of a joint deposit shall be deemed equal, unless otherwise stated on the insured credit union's records in the case of a tenancy in common.

(d) Valuation of trust interests: (1) Trust interests in the same trust deposited in the same account will be separately insured if the value of the trust interest is capable of determination, without evaluation of contingencies, except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031-7 of the Federal Estate Tax Regulations (26 CFR 20.2031-7).

(2) In connection with any trust in which certain trust interests are not capable of evaluation in accordance with the foregoing rule, payment by the Administrator to the trustee with respect to all such trust interests shall not exceed the basic insured amount of $20,000.

(3) Each trust interest in any trust established by two or more settlors shall be deemed to be derived from each settlor pro rata to his contribution to the trust.

(4) The term "trust interest" means the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, but does not include any interest retained by the settlor.

§ 745.3 Single ownership accounts.

Funds owned by an individual and deposited in the manner set forth below shall be added together and insured up to $20,000 in the aggregate.

(a) *Individual accounts.* Funds owned by an individual (or by the community between husband and wife of which the individual is a member) and deposited in one or more deposit accounts in his own name shall be insured up to $20,000 in the aggregate.

(b) *Accounts held by agents or nominees.* Funds owned by a principal and deposited in one or more deposits in the name or names of agents or nominees shall be added to any individual deposit of the principal and insured up to $20,000 in the aggregate.

(c) *Accounts held by guardians, custodians, or conservators.* Funds held by a guardian, custodian, or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and deposited in one or more deposits in the name of the guardian, custodian, or conservator shall be added to any individual deposit accounts of the ward or minor and insured up to $20,000 in the aggregate.

§ 745.4 Testamentary accounts.

(a) Funds owned by an individual and deposited in a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child, or grandchild shall be insured up to $20,000 in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(b) If the named beneficiary of such an account is other than the owner's spouse, child, or grandchild, the funds in such account shall be added to any individual accounts of such owner and insured up to $20,000 in the aggregate.

§ 745.5 Accounts held by executors or administrators.

Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and deposited in one or more accounts shall be insured up to $20,000 in the aggregate, separately from the individual deposits of the beneficiaries of the estate or of the executor or administrator.

§ 745.6 Accounts held by a corporation or partnership.

Deposits of a corporation or partnership engaged in any independent activity shall be insured up to $20,000 in the aggregate. A deposit of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for deposit insurance purposes, the interest of each person in such a deposit shall be added to any other deposit individually owned by such person and insured up to $20,000 in the aggregate.

§ 745.7 Accounts held by an unincorporated association.

Deposits of an unincorporated association engaged in any independent activity shall be insured up to $20,000 in the aggregate. A deposit of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for deposit insurance purposes, the interest of each owner in such a deposit account shall be added to any other deposit accounts individually owned by such person and insured up to $20,000 in the aggregate.

§ 745.8 Joint accounts.

(a) *Separate insurance coverage.* Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be insured separately from deposit accounts individually owned by the coowners.

(b) *Qualifying joint accounts.* A joint account shall be deemed to exist, for purposes of insurance of accounts, only if each coowner has personally executed a joint account signature card and possesses withdrawal rights. The restrictions of this paragraph shall not apply to coowners of a time certificate of deposit or to any deposit obligation evidenced by a negotiable instrument, but such a deposit must in fact be jointly owned.

(c) *Failure to qualify.* An account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $20,000 in the aggregate.

(d) *Same combination of individuals.* All joint accounts owned by the same combination of individuals shall first be added together and insured up to $20,000 in the aggregate.

(e) *Interest of each coowner.* The interests of each coowner in all joint accounts owned by different combinations of individuals shall then be added together and insured up to $20,000 in the aggregate.

§ 745.9 Trust accounts.

All trust interests, for the same beneficiary, deposited and established pursuant to valid trust agreements created by the same settlor (grantor) shall be added together and insured up to $20,000 in the aggregate, separately from other deposit or share accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

§ 745.10 Deposits evidenced by negotiable instruments.

If any insured deposit obligation of a credit union be evidenced by a negotiable certificate of deposit, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, or negotiable traveler's check or letter of credit, the owner of such deposit obligation will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the credit union provided the instrument was in fact negotiated to such owner prior to the date of the closing of the credit union. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

§ 745.11 Deposit obligations for payment of items forwarded for collection by credit union acting as agent.

Where a closed credit union has become obligated for the payment of items forwarded for collection by a credit union acting solely as agent, the owner of such items will be recognized for all purposes of claim for insured accounts to the same extent as if his name and interest were disclosed on the records of the credit union when such claim for insured accounts, if otherwise payable, has been established by the execution and delivery of prescribed forms. Such credit union forwarding such items for the owners thereof will be recognized as agent for such owners for the purpose of making an assignment of the rights of such owners against the closed insured credit union to the Administrator and for the purpose of receiving payment on behalf of such owners.

§ 745.12 Notification of depositors/shareholders.

Each insured credit union is required to provide notice of these rules and regulations for Clarification and Definition of Insurance Coverage of Member Accounts, Part 745, not later than 180 days after the effective date of these regulations or 90 days after being insured, whichever is later, to the owners of each account which had a balance in excess of $5,000 on any date selected by the credit union between October 1, 1970, and June 30, 1971. Credit unions insured after the effective date of this regulation may select the end of any month of the preceding 6 months before being chartered to determine balances in excess of $5,000. Such notice shall consist of mailing to such owners at their last known address as shown on the records of the insured credit union, a question and answer brochure on insurance of deposits. A small initial supply of such brochures will be prepared and furnished without cost by the Administrator. Additional copies may be purchased from the usual source of supply. Such information shall also be made available to the public at each teller's station or window where deposits or shares are normally received and at new account or share stations of an insured credit union. Additional explanatory materials may also be sent to depositors at the option of the insured credit union.

[FR Doc.71-1588 Filed 2-4-71;8:46 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 14]

PART 121—SMALL BUSINESS SIZE STANDARDS

Interpretation of Small Nonmanufacturer for Purpose of Government Procurement

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new § 121.3-14(l) to read as follows:

§ 121.3-14 Interpretations.

* * * * *

(l) *Section 121.3-8(c) "Definition of nonmanufacturer."* The Government often purchases items in the form of kits such as, but not limited to, tool kits and survival kits, which are not manufactured items but merely assemblages of separate manufactured items. Accordingly, a concern which purchases some or all of such items and packages them into kit form is considered to be a nonmanufacturer for size determination purposes. Such a concern can qualify as a small business only if it meets all other qualifications of a small nonmanufacturer set forth in this part and if more than 50 percent of the total value of the kit and its contents is accounted for by items manufactured by small business.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (2-5-71).

Dated: January 27, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-1578 Filed 2-4-71;8:46 am]

[Rev. 9, Amdt. 15]

PART 121—SMALL BUSINESS SIZE STANDARDS

Ammunition Industry

On December 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19124), a notice that the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing new definitions of a small business in Standard Industrial Classification Industry No. 1929, Ammunition, Except for Small Arms, Not Elsewhere Classified, for the purpose of Government procurement and SBA loans.

Interested parties were given 15 days in which to submit written statements of facts, opinions and arguments concerning the proposed changes.

After consideration of all relevant matter in connection with the proposal and there being no adverse comment thereon, it has been determined to adopt the changes as proposed.

Accordingly the amendment set forth below is hereby adopted:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended as follows:

1. Schedule B of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by revising the size standard for Industry No. 1929, Ammunition, Except for Small Arms, Not Elsewhere Classified, to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
1929	Ammunition, except for small arms, n.e.c.	1,500

2. Schedule A of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by revising the size standard for Industry No. 1929, Ammunition, Except for Small Arms, Not Elsewhere Classified, to read as follows:

Census classification code	Industry or class of products	Employment size standard (number of employees)
1929	Ammunition, except for small arms, n.e.c.	1,500

Effective date. This amendment shall become effective twenty (20) days after publication in the FEDERAL REGISTER: *Provided, however,* That, for the purpose of Government procurement, it shall apply only to procurements for which invitations for bids or request for proposals are issued on or after such effective date.

Dated: January 29, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-1579 Filed 2-4-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-3-AD; Amdt. 39-1152]

PART 39—AIRWORTHINESS DIRECTIVES

Certain North American Rockwell Airplanes

There have been cracks of the wing outboard flap track attachment lug that resulted in degradation of the strength of the wing flap-to-wing mounting below an acceptable level. A misalignment of the flap track to the attachment lug causes preload of the lug and has resulted in stress corrosion which is a function of calendar time. To correct this condition an airworthiness directive is being issued to require inspection and shimming, if necessary, of the outboard flap track fittings to the wing and to repair any attachment lugs found cracked.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the outboard flap track attachment lug on P/N's 265-130004-1, -21, -31 (LH) and 265-130004-2, -22, -32 (RH) for evidence of cracking in the areas adjacent to the lug to rear spar radii on NA-265, NA-265-20, NA-265-30, NA-265-40, and NA-265-60 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause

exists for making this amendment effective on the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

NORTH AMERICAN ROCKWELL. Applies to Models NA-265, NA-265-20, NA-265-30, NA-265-40 (Serial Nos. 282-1 through 282-97), and NA-265-60 (Serial Nos. 306-1 through 306-63).

Compliance required within the next 30 days after the effective date of this AD unless already accomplished.

To prevent failure of the outboard flap track attachment lug, accomplish the following:

(a) Inspect the outboard flap track attachment lug of the wing rear spar, P/N's 265-130004-1, -2, -21, -22, -31, and -32 for evidence of cracking in accordance with steps 1, 2, and 3 contained in North American Rockwell Sabreliner Field Service Bulletin No. 70-11, revised January 26, 1971, or later FAA-approved revision.

(b) If the spar lug is not cracked, prior to reassembly, rework the lug radii in accordance with steps 4 and 5 of Service Bulletin 70-11 referenced in (a) above.

(c) If the spar lug area is cracked, before further flight rework the spar lug area in accordance with steps 6 through 13 of Service Bulletin No. 70-11 referenced in (a) above.

This amendment becomes effective February 6, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to North American Rockwell Corp., Los Angeles International Airport, Los Angeles, CA 90009. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, CA 90045, and FAA Headquarters, 800 Independence Avenue SW., Washington, DC 20590. A historical file of this material, in full, is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on January 27, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on February 4, 1971.

[FR Doc.71-1613 Filed 2-4-71;8:49 am]

[Airspace Docket No. 70-SO-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Control Zones and Transition Area

On December 18, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19184), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jacksonville, NAS Cecil Field), and Mayport, control zone, alter the Jacksonville, Fla. (International Airport, NAS Jacksonville, NAS Cecil Field), and Mayport, Fla. (NS Mayport), control zones, and alter the Jacksonville, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that the Craig Field control zone, as proposed, would be inadequate unless a common boundary were established with NS Mayport control zone at the point of intersections of the 5-mile radii. It is necessary to alter the Craig Field and NS Mayport control zones to reflect these boundary changes. Additionally, criteria for establishing controlled airspace protection for military penetration approach procedures, compatible with Terminal Instrument Procedures (TERPs) criteria, were developed by the Departments of the Air Force and Navy. The U.S. Navy submitted a proposed HI-VOR-RWY 9L/9R and HI-NDB ADF(UHF) RWY 9R/9L penetration approach procedure and proposed to cancel HI-VOR-1 and NDB (ADF) (UHF)-1 penetration approach procedures because of their limited utilization due to the activities in R-2903B. Because of lack of criteria, neither of these approaches was considered in the proposal, resulting in inadequate controlled airspace protection. It is necessary to alter the NAS Cecil Field control zone to provide the required controlled airspace protection. In compliance with TERPs criteria, extensions predicated on Navy Cecil VOR 260° radial and the 260° bearing from Navy Cecil RBN 7 miles wide and 11.5 miles long are required. Since these amendments are either minor in nature or made in accordance with TERPs criteria, which was coordinated with government agencies and affected industry groups, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zone is added:

JACKSONVILLE, FLA. (CRAIG MUNICIPAL AIRPORT)

Within a 5-mile radius of Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.); excluding the portion northeast of a line connecting the two points of intersection with a 5-mile-radius circle centered on NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.) control zone.

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

JACKSONVILLE, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile-radius zone to 1.5 miles east of the LOM.

JACKSONVILLE, FLA. (NAS JACKSONVILLE)

Within a 5-mile radius of NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); within 3 miles each side of Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.) control zone.

JACKSONVILLE, FLA. (NAS CECIL FIELD)

Within a 5-mile radius of NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); within 3.5 miles each side of Navy Cecil VOR 260° radial and the 260° bearing from Navy Cecil RBN, extending from the 5-mile-radius zone to 11.5 miles west of the VOR and RBN; within 2 miles each side of Navy Cecil TACAN 184° radial, extending from the 5-mile-radius zone to 14 miles south of the TACAN; within 1.5 miles each side of Navy Cecil TACAN 355° radial, extending from the 5-mile-radius zone to 5.5 miles north of the TACAN.

MAYPORT, FLA. (NS MAYPORT)

Within a 5-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 2 miles each side of Navy Mayport TACAN 041° radial, extending from the 5-mile-radius zone to 6 miles northeast of the TACAN; within 2 miles each side of the 057° bearing from Navy Mayport RBN, extending from the 5-mile-radius zone to 8 miles northeast of the RBN; excluding the portion southwest of a line connecting the two points of intersection with a 5-mile-radius circle centered on Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.).

In § 71.181 (36 F.R. 2140), the Jacksonville, Fla., transition area is amended to read:

JACKSONVILLE, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.), NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.), NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.), Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.); within an 8-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 2 miles each side of Navy Mayport TACAN 041° radial, extending from the 8-mile-radius area to 12 miles northeast of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 26, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-1614 Filed 2-4-71;8:49 am]

[Airspace Docket No. 70-SO-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On December 18, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19185), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Fort Lauderdale, Fla. (Executive Airport), control zone and alter the Miami, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zone is added:

FORT LAUDERDALE, FLA. (EXECUTIVE AIRPORT)

Within a 5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.); excluding the portion within Fort Lauderdale-Hollywood International Airport (lat. 26°04'15" N., long. 80°09'10" W.) control zone and within a 1.5-mile radius of Pompano Beach Airpark (lat. 26°15'00" N., long. 80°06'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140), the Miami, Fla., transition area is amended as follows: "• • • 9 miles northeast of Homestead AFB," is deleted and "• • • 9 miles northeast of Homestead AFB; within a 6.5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.)." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 26, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-1615 Filed 2-4-71;8:49 am]

[Docket No. 10805; Amdt. 91-86]

PART 91—GENERAL OPERATING AND FLIGHT RULES

IFR Operations; Two-Way Radio Communications Failure

The purpose of these amendments to the Federal Aviation Regulations is to clarify the altitude, climb, and descent requirements when two-way radio communications failure is experienced under IFR operations.

The altitude, climb, and descent portions of § 91.127 pertaining to IFR operations in the event of two-way radio communications failure have been in existence essentially unchanged since May 1962. The FAA has received letters and telephone calls indicating a misunderstanding of the altitude, climb, and descent portion of that rule in the event that a pilot operating an aircraft that is enroute to its destination under an IFR flight clearance sustains radio failure. Persons commenting on the rule believe that after climb to an MEA higher than the altitude that is assigned to the flight by ATC, the higher altitude must be maintained for the balance of the flight until reaching the fix from which the approach is to begin. The commentators stress the point that although climb instructions to achieve the appropriate altitude are spelled out in the rule, the rule is silent as to whether the pilot should descend to achieve or maintain an MEA or assigned altitude during the course of his flight when these levels become the appropriate altitude.

The intent of the rule is that the pilot who has experienced two-way radio failure should, during any segment of his route, fly at the appropriate altitude specified in the rule for that particular segment. The appropriate altitude is whichever of the following three is highest in each given phase of flight: (1) The altitude or flight level last assigned; (2) the MEA; or (3) the altitude or flight level the pilot has been advised to expect in a further clearance. The appropriate altitude for the route segment being flown is to be maintained regardless of whether the pilot finds it necessary to climb or descend to achieve that altitude. The rule does not contemplate that a pilot, once he has climbed to satisfy the rule for one segment of his route, may not descend so as to satisfy the rule in some later phase of his flight.

To illustrate the rule, if a pilot sustaining radio failure had an assigned altitude of 7,000 feet, and while en route to his destination came to a route segment for which the MEA was 9,000 feet, he would climb to 9,000 feet at the time or place where it became necessary to comply with that MEA. If later, while he was proceeding to his destination, the MEA dropped from 9,000 feet to 5,000 feet, the pilot would descend to 7,000 feet (the last assigned altitude), because that altitude is higher than the MEA.

It is apparent that the portion of the rule delineating climb requirements has been the major source of confusion in the rule. The FAA has determined that this portion of the rule is not required for accomplishing observance of appropriate radio failure procedures, and may be rescinded in the interest of clarity in understanding the provisions of the basic rule.

Since this amendment is clarifying in nature, and imposes no burden on the public, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 91.127 of the Federal Aviation Regulations is amended as follows, effective February 5, 1971; paragraph (c)(2) is revised, paragraph (c)(3) is revoked, and the heading for paragraph (c)(5) is revised. As amended § 91.127 reads as follows:

§ 91.127 IFR operations; two-way radio communications failure.

• • • • • •

(c) • • •

(2) *Altitude.* At the highest of the following altitudes or flight levels for the route segment being flown: • • •

(3) [Revoked]

• • • • • •

(5) *Descent for approach.* • • •

• • • • • •

(Secs. 307(c), 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1611 Filed 2-4-71;8:48 am]

[Docket No. 10052; Amdts. 91-87, 135-26]

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Preflight Action

The purpose of these amendments to Parts 91 and 135 of the Federal Aviation Regulations is to specifically require, as a part of the preflight action prescribed in § 91.5, that the pilot in command of an aircraft familiarize himself with all available information concerning the runway lengths at airports of intended use and takeoff and landing distance information appropriate to the aircraft. In addition, this amendment deletes § 135.113 which currently contains the substance of the change incorporated herein in § 91.5.

This amendment is based on a notice of proposed rule making, Notice 70-1, published in the FEDERAL REGISTER on January 10, 1970 (35 F.R. 386). Several comments were received in response to the notice. Some comments stated that the current requirements of § 91.5, which are general in nature, are adequate and recognize the fact that preflight knowledge of runway distance information is a good operating practice that is covered by that section. Therefore, by expressly making this specific good operating practice mandatory, these commentators believe the FAA is unnecessarily subjecting pilots to possible violations of the regulations.

The FAA recognizes that good operating practice dictates that a pilot in command familiarize himself, prior to flight, with all available information concern-

ing runway distance information. However, compliance with this good operating practice by all pilots, regardless of the type of operations conducted, can best be insured by removing the current rule from Part 135 and making it a specific operating rule of Part 91 having general applicability.

In addition, objections were raised that there is not enough information available at many airports to enable pilots to comply with the requirements adopted herein, and that the regulation would require pilots to go to great length to find all information concerning runway distance information. In this regard, it should be pointed out that the proposal, and the rule adopted herein, applies only with respect to available information.

As adopted, the rule requires pilots in command of civil aircraft for which an approved airplane or rotocraft flight manual is required, and which contains takeoff and landing distance information, to use that information in compliance with the requirements of § 91.5. Pilots in command of civil aircraft which have not approved airplane or rotorcraft flight manual, or which have manuals which do not provide takeoff and landing distance information, must use other reliable information, if it is available, relating to aircraft performance under expected values of airport elevation, wind and temperature.

Finally, § 135.113 is deleted inasmuch as the substance of that section has been incorporated in the amendment to § 91.5.

Interested persons having been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and for the reasons stated in NPRM 70–1, Parts 91 and 135 of the Federal Aviation Regulations are amended, effective April 6, 1971, as follows:

1. By amending § 91.5 to read as follows:

§ 91.5 Preflight action.

Each pilot in command shall, before beginning a flight, familiarize himself with all available information concerning that flight. This information must include:

(a) For a flight under IFR or a flight not in the vicinity of an airport, weather reports and forecasts, fuel requirements, alternatives available if the planned flight cannot be completed, and any known traffic delays of which he has been advised by ATC.

(b) For any flight, runway lengths at airports of intended use, and the following takeoff and landing distance information:

(1) For civil aircraft for which an approved airplane or rotorcraft flight manual containing takeoff and landing distance data is required, the takeoff and landing distance data contained therein; and

(2) For civil aircraft other than those specified in subparagraph (1) of this paragraph, other reliable information appropriate to the aircraft, relating to aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.

§ 135.113 [Deleted]

2. By deleting and reserving § 135.113.

(Secs. 313(a), 601, 602, and 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1422, and 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1612 Filed 2-4-71;8:48 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-660; Amdt. 16]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Extension of Charter Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

In a Notice of Rule Making EDR–183, PSDR–24,[1] the Board, inter alia, gave notice that it had under consideration amendment of Part 207 for the purpose of establishing uniform charter regulations applicable to all types of charters (except inclusive tour charters) performed by all classes of carriers and applicable to on-route as well as off-route charters. To this end it proposed that existing charter regulations set forth in Part 208 of this subchapter, together with amendments to Part 208 proposed therein, should be extended to Part 207, to the extent applicable. For the reasons set forth in ER–659, issued simultaneously herewith, the Board has decided to adopt the proposals to the extent indicated therein. However, as there indicated, the Board is permitting petitions for reconsideration of the amendment to § 207.13(b) concerning full payment in case of split charters 30 days prior to commencement of the transportation and of the amendment § 207.13(c) concerning additional intermingling authority. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712, Universal Building, Washington, DC 20428, on or before February 19, 1971. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of the economic regulations (14 CFR Part 207), effective April 6, 1971, as follows:

1. Amend the Table of Contents by (a) placing §§ 207.1 through 207.10 under a new Subpart A; (b) adding titles to new §§ 207.11 through 207.16 under Subpart A; and (c) adding new Subparts B, C, and D. As amended, the Table of Contents will read as follows:

[1] May 8, 1970 (35 F.R. 7587).

Subpart A—General Provisions

Sec.
207.1 Definitions.
207.2 Applicability of part.
207.3 Scope of authorization.
207.4 Tariffs to be filed for charter trips and special services.
207.4a Written contracts with charterers.
207.5 Limitation on amount of charter trips which may be performed by combination carriers.
207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.
207.7 Charter trips and other special services within the State of Alaska.
207.7a Restriction on frequency and regularity of off-route charter trips and other special services.
207.8 Notice of proposed special services.
207.9 Records and record retention.
207.10 Reports of emergency commercial charters for other direct carriers.
207.11 Charter flight limitations.
207.12 Unused space.
207.13 Terms of service.
207.14 Substitute transportation in emergencies.
207.15 Payments, gratuities and donations.
207.16 Waiver.

Subpart B—Provisions Relating to Pro Rata Charters

207.20 Applicability of subpart.

REQUIREMENTS RELATING TO AIR CARRIERS

207.21 Solicitation and formation of a chartering group.
207.22 Pretrip notification and charter contract.
207.23 Agent's commission.
207.24 Statement of Supporting Information.

REQUIREMENTS RELATING TO TRAVEL AGENTS

207.30 Prohibition against double compensation.
207.31 Statement of Supporting Information.

REQUIREMENTS RELATING TO CHARTERING ORGANIZATION

207.40 Solicitation of charter participants.
207.41 Passengers on charter flights.
207.42 Participation of immediate families in charter flights.
207.43 Charter costs.
207.44 Statement of charges.
207.45 Passenger lists.
207.46 Application for a charter.
207.47 Statement of Supporting Information.

Subpart C—Provisions Relating to Single Entity Charters

207.50 Applicability of subpart.
207.51 Terms of service.
207.52 Commissions paid to travel agents.
207.53 Statement of Supporting Information.

Subpart D—Provisions Relating to Mixed Charters

207.60 Applicable rules.

AUTHORITY: The provisions of this Part 207 issued under secs. 204(a), 401, 403, 404(b), 407, and 416(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 766, 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386).

2. Amend § 207.1 by revising the definitions of "charter trip," "mixed charter," and "on-route" and adding new definitions of "charter flight," "charter group," "charter organization," "pro rata charter," "single entity charter," "study group," and "travel agent," as follows:

§ 207.1 Definitions.

As used in this part, unless the context otherwise requires:

* * * * *

"Charter flight" means air transportation performed in accordance with § 207.11.

"Charter group" means that body of individuals who shall actually participate in the charter flight.

"Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

"Charter trip" means air transportation performed in accordance with § 207.11.

* * * * *

"Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

* * * * *

"On-route shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to either its certificate of public convenience and necessity or exemption authority: *Provided, however,* That passenger charter trips by any all-cargo carrier are not considered to be on-route whether or not they performed between points designated to receive service by such carrier in its certificate of public convenience and necessity, except that in the event services are performed pursuant to a contract with the Department of Defense or an agency thereof, by an all-cargo carrier between points designated to receive service by such carrier in its certificate of public convenience and necessity which (1) involves cargo transportation in one direction and passenger transportation in the other direction or (2) involves a charter trip in which passengers and cargo are carried on the same flight, the passenger charter leg or the mileage operated in such charter, as the case may be, will be considered on-route.

NOTE: Charter services for the Department of Defense conducted between points between which the carrier is not otherwise authorized to provide service by its certificate of public convenience and necessity or exemption authority naming such points are not regarded as "on-route."

* * * * *

"Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

"Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

* * * * *

"Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided,* That if more than one group is carried, each of the groups shall consist of 40 or more study group participants: *And provided, further,* That the entire aircraft is chartered to a single study group charterer.

* * * * *

"Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

3. Amend paragraph (a) of § 207.4 to read as follows:

§ 207.4 Tariffs to be filed for charter trips and special services.

(a) No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation including the eligibility requirements for charter groups not inconsistent with those established in this part.

* * * * *

4. Add a new paragraph (c) to § 207.9 to read as follows:

§ 207.9 Records and record retention.

Each air carrier shall obtain and retain the following records in accordance with Part 249 of this subchapter:

* * * * *

(c) Every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

5. Add new §§ 207.11 through 207.16 as follows:

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

(a) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;

(b) Air transportation performed on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or the movement of property;

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of comercial traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation;

(4) By a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or

(c) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided,* That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided, further,* That paragraph (c) shall not be construed to apply to movements of property.

§ 207.12 Unused space.

An air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

§ 207.13 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity, or for less than the entire capacity (see § 207.11(c)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of

the charter: *Provided*, That the carrier shall not be carried, there shall be no mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 207.11(c), the carrier shall require full and nonrefundable payment of the total charter price not less than 30 days prior to the commencement of the transportation.

(c) In the case of a charter contract calling for four or more round trips, per-calendar year one-way passengers shall not charge the charterer for ferry intermingling of passengers and each planeload group, or less than planeload group (see § 207.11(c)), shall move as a unit in both directions, except as provided in § 207.14.

§ 207.14 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emeregncy circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

§ 207.15 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 207.23 and 207.52) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

§ 207.16 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

6. Adopt new Subparts B, C, and D as follows:

Subpart B—Provisions Relating to Pro Rata Charters

§ 207.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, both on-route and off-route.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 207.21 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 207.22 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 207.[2] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 207.45. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 207.47 and 207.31, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[3] If the carrier exccutes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 207.45) of the outbound charter shall be attached to the charter contract.

§ 207.23 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any

[2] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[3] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 207.24 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof.[4] If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however*, That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 207.30 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 207.31 Statement of Supporting Information.

Travel agents shall execute, and furnish to air carriers, section A of part II of the Statement of Supporting Information attached hereto and made a part hereof,[4] at such time as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO CHARTERING ORGANIZATION

§ 207.40 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that:

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph of this paragraph is not applicable to—

(i) Students and employees of a single school, and immediate families thereof;

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof; or

(iii) Participants in a study group charter.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however*, That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 207.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 207.42) may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[5] When four or more round trips are contracted for, intermingling between flights or reforming or planeload or less than planeload charter groups shall not be permitted, and each group must move as a unit in both directions, except as provided in § 207.14.

§ 207.42 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however*, That this section shall not apply to study group charters as defined herein (§ 207.1).

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

§ 207.43 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers, and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; and (2) children under two years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratulties or compensation, direct or indirect from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 207.23), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750

[4] Statement filed as part of the original document.

[5] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 207.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 207.45 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or students and employees of a school, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger list as "(3) special" or "(3) member" (where participants are from a study or school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.[6]

(Signature)

§ 207.46 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, and the dates of departure for each one-way or round-trip flight.

§ 207.47 Statement of Supporting Information.

Charterers shall excute and file with the air carrier section B of part II of the Statement of Supporting Information attached hereto and made a part hereof [7] at such time as required by the carrier to afford it due time for review thereof.

Subpart C—Provisions Relating to Single Entity Charters

§ 207.50 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 207.51 Terms of service.

The provisions of § 207.13 shall apply to charters under this subpart except that paragraphs (b) and (c) of such section shall not be applicable and the second sentence of paragraph (a) of such section shall not be applicable.

§ 207.52 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 207.53 Statement of Supporting Information.

The Statement of Supporting Information prescribed in §§ 207.24 and 207.47 shall be applicable in the case of single entity charters.

Subpart D—Provisions Relating to Mixed Charters

§ 207.60 Applicable rules.

The rules set forth in Subpart B of this part shall apply in the case of mixed charters.

(Secs. 204(a), 401, 403, 404(b), 407, 416(b), of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 78 Stat. 143), 758 (as amended by 74 Stat. 445), 760, 768, 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1386))

NOTE: The record-retention and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1562 Filed 2-4-71;8:45 am]

[Reg. ER-659; Amdt. 9]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Extension of Charter Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

By Notice of Proposed Rule Making EDR-183, PSDR-24 [1] (hereafter referred to as EDR-183), dated May 8, 1970, the Board announced that it had under consideration proposed amendments of Parts 207,[2] 208,[3] 212,[4] 214,[5] 249 [6] and repeal of Part 295 [7] of its economic regulations and amendment of Part 399, its statements of general policy. These proposals were divided into nine general categories: (1) Consolidation of Parts 208 and 295; (2) uniform charter regulations; (3) regulations designed to curb the activities of "passenger forwarders" and better enable the carriers to police the regulations; (4) regulations designed to prevent "umbrella-type" organizations; (5) rules to restrict solicitation across chapter lines; (6) regulations to prohibit carriers from performing charters involving certain activities of travel agents; (7) rules designed to take the profit element out of pro rata charters; (8) proposals to relax existing requirements in the regulations; and (9) miscellaneous clarifying and implementing amendments.

Pursuant to the notice of rule making a large number of comments on the proposals have been filed.[8] In addition the Board has heard oral argument on the proposals in EDR-183 and on a proposal submitted by the member carriers of the National Air Carrier Association (NACA) in a petition for rule making filed in Docket 22409. Upon consideration, the Board has determined to adopt at this time (1) the proposal relating to consolidation of Parts 208 and 295 and repeal of the latter; (2) the proposals on uniform charter regulations; (3) with some exceptions, the proposals, as modified herein, concerning "passenger forwarder" activities, and facilitating policing of the regulations by carriers; (4) the proposals with modification, to relax existing regulatory requirements; and (5) the miscellaneous clarifying and implementing amendments. We are not adopting at this time the proposals contained in the other categories referred to, with one exception.[9] In addition, we are concurrently issuing an advance notice of proposed rule making concerning a modified version of the NACA carriers' proposal in Docket 22409.[10]

Our determination to defer action on the remaining proposals in EDR-183 is grounded on the proposition that the affinity concept embodied in the present regulations governing pro rata charters contain well-recognized infirmities upon which we need not elaborate here.[11] The NACA carriers' proposal essentially calls for abolition of the affinity concept. Until we have finally acted on the NACA proposals as modified, we consider it untimely to adopt new and more restrictive proposals generally aimed at securing greater adherence to a charter concept based on affinity, while we are in the process of examining an alternative to this concept. Instead, for this interim period, we believe that we should adopt only proposals generally directed to securing greater enforcement of existing regulations by the carriers and curbing the activities of "passenger forwarders" engaged essentially in individually ticketed services in violation of the Act.

We recognize that the proposals being adopted now will not be as effective in reaching the problem of "umbrella-type" organizations and the related problem of persons engaging in pro rata charters at a profit as would a number of the proposals advanced in EDR-183 which we are not now adopting. However, we are not withdrawing the EDR-183 proposals not being presently adopted. Should the affinity concept continue as it has in the past to be the basic test for charterworthiness, the Board reserves the right to promulgate rules containing any of the remaining EDR-183 proposals it finds should be adopted.[12]

In the meantime we are adopting and making effective for the 1971 summer season the revised and uniform regulations hereafter described and set forth in the amendments to Part 208 herein, and in concurrently issued amendments to Parts 207, 212, 214, 249, 295, 378, and 399. As to the proposals now being made final, we adopt and incorporate by reference herein the tentative findings reach in EDR-183, except as modified herein.

We next discuss the rules being adopted herein.[13]

1. *Uniform charter regulations.* The Board proposed to establish uniform charter regulations applicable to all types of charters (except ITC's) performed by all classes of carriers and applicable to on-route as well as off-route charters. The proposal will be adopted.

Frontier and certain foreign carriers object to application of the rules to on-route charters.[14] Their objections do not meet the overriding considerations for imposing the rules on on-route charters set forth in EDR-183, and we find no reason to disturb the conclusion there reached. In addition, the recent Statement on International Transportation Policy calls for additional uniformity in charter regulations.

A number of foreign air carriers, both scheduled an dcharter only, request that the Board not apply the rules to foreign-originated charters. Again we are not persuaded that their objections offset the reasons advanced in EDR-183 for applying the regulations uniformly. While Atlantis and Martins assert that the rules would have extra territorial application, in point of fact Part 214, under which they operate, presently applies to foreign-originated charters and nothing novel has been proposed on that score.[15] Moreover, to apply more stringent charter regulations on the U.S. supplemental carriers than are imposed on foreign air carriers would result in serious competitive advantage to the latter. We cannot, consistent with our statutory responsibilities, exclude foreign-originated charters by supplementals from the regulations.[16] While we do not have a similar statutory responsibility with respect to foreign air carriers, we cannot allow U.S. supplementals to operate at a disadvantage in foreign markets, whereas foreign air carriers compete on the same terms as our carriers in the U.S. market.

The only other controversy connected with the uniformity provisions is extending the ferry mileage provision in Parts 208 and 295 to Part 207. The provision in question provides: "Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer."

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[6] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., section 1001.

[7] Statement filed as part of the original document.

[1] 35 F.R. 7587.

[2] Governing charter trips and special services of U.S. route carriers.

[3] Presently governing supplemental transportation other than transatlantic.

[4] Charter trips by foreign air carriers.

[5] Terms, conditions, and limitations of foreign air carrier permits authorizing charter transportation only.

[6] Preservation of air carrier accounts, records, and memoranda.

[7] Transatlantic supplemental air transportation.

[8] On Nov. 6, 1970, the NACA carriers filed a motion for leave to file a supplement to their comments in the form of three economic studies. An answer opposing the motion has been filed by 12 trunkline carriers. The motion is denied. Neither the proposals here adopted, nor those proposed in EDR-183, are predicated upon an adjustment of the relationships between charter and scheduled services. Rather, both the proposed action and that which we are now taking stems from a need for uniformity in the regulations applicable to the charter services of the various classes of carriers, and a clarification of the rules relating to those services for more efficient administration and enforcement. Furthermore, we have no reason to believe that the amendments now being adopted will adversely affect the economic opportunities of either the charter or the scheduled services. Finally, a grant of the NACA motion would unduly delay and protract these proceedings.

[9] This exception is the proposal to require written application for charter in category (4) supra, p. 1, although we are eliminating the inclusion of seat data.

[10] SPDR-22.

[11] See SPDR-22.

[12] On June 24, 1970, the NACA carriers filed a motion in this docket for an adjudicatory hearing or alternatively for an evidentiary hearing within the rule making. In Order 70-7-125, the Board deferred action on the motion until after receipt of initial and reply comments. In brief, the motion is predicated on the following statment: "Since the adoption of the proposed rules will make far more stringent the eligibility requirements for affinity charters and thus reduce substantially the size of the market for affinity charterers, adoption of the rules would in effect constitute an amendment or modification of the certificate of public convenience and necessity held by each of the supplemental carriers." Since the rules now being adopted do not make "far more stringent the eligibility requirements for affinity charterers," NACA's motion is presently moot. However, in the event certain of the remaining EDR-183 proposals are adopted, we shall dispose of the motion at that time as well as certain other objections based on legal or policy grounds raised by the NACA carriers.

[13] No comments on the proposal to consolidate Parts 208 and 295 were received. For the reasons set forth in EDR-183, Part 295 will be repealed.

[14] Swissair asks that any action with respect to inclusion of on-route charters in Part 212 should be deferred and considered together with responses to EDR-184, July 13, 1970, concerning proposed amendment of Part 212. The request is denied. See Order 70-9-115, Sept. 23, 1970.

[15] KLM is apparently under the misapprehension that the Board is asserting jurisdiction over foreign charterers as such, since it sees a parallel between foreign charterers and foreign air freight forwarders and tour operators, which are indirect air carriers. The Board has no jurisdiction over the users of air transportation, but only those who provide the transportation. In this connection, we are aware of, but do not agree with, KLM's position that all charterers are indirect air carriers.

[16] See SPR-28, adopted Jan. 7, 1969.

The trunkline carriers[17] oppose the proposal, and particular exception is taken to it in separate comments filed by American, Pan American, and United. For example American contends, first, that the rule would undermine the integrity of the charter contract; ferry mile estimates would be binding on the carrier, but not the charterer; second, the rule would lead to higher live mileage charges.

As to the first contention, it is the carrier, not the charterer, which is in a position to estimate ferry mileage, since it, not the charterer, is knowledgeable as to its aircraft utilization and positioning problems. Accordingly, should the need for ferrying envisaged by the carrier at the time of signing the contract not exist at the time the flight is performed, it is only equitable that the carrier not retain payments made for such prospective ferrying. As to ferrying performed in excess of that contracted for (except where requested by the charterer), again the burden should be on the carrier, for the reasons indicated, to foresee the ferrying that will be necessary and contract accordingly, assuming any additional mileage.

It is conceivable that the rule could lead to higher live mileage charges. However, such an increase would appear to be offset by the refund requirement. The rule is manifestly one to insure fair treatment of a charterer with respect to a matter in which he has no expertise, and he deserves the protection afforded. The provision has applied to supplemental and Part 214 carriers for years, being first announced on November 26, 1957, with respect to the 1958 transatlantic policy, and we see no reason why this issue should be explored in a separate rule making proceeding as requested by United.[18]

2. *Proposals designed to curb the activities of "Passenger Forwarders" and better enable the carriers to police the regulations.* We next turn to the proposals designed to curb the activities of "passenger forwarders" and to better enable the carriers to police the regulations.

The Board proposed that the definition of "bona fide" members in § 208.3 (a) be amended so as to (1) make mandatory the 6-month membership rule presently set forth in Parts 214 and 295, and (2) require that persons are not bona fide members of a charter organization unless they are members at the time the organization first give notice to its members of firm charter plans or at the time the charter contract is signed, whichever is earlier.[19]

We shall adopt only the 6-month rule. Although the NACA carriers in particular oppose the 6-month rule, they have submitted nothing which rebuts the reasons set forth in EDR–183 for its adoption. Thus, the fact that the Board did not adopt a 6-month provision in Part 208, upon recommendation of an examiner on the basis of the record before him, is not persuasive that it should not be adopted for all charters, and be made mandatory.

The record before the examiner in 1965 is hardly one upon which to confine rules in 1971 in light of experience since that time. Further, although the supplementals assert that virtually all of the recent enforcement complaints involved alleged violations of Part 295, which presently contains a presumptive 6-month rule, not Part 208, they are well aware that the Board proposed to consolidate Part 295 into Part 208, as they requested, and that Part 208 will apply to transatlantic as well as charters in other geographic areas. In addition, we find no unjust discrimination in the rule, as alleged by the NACA carriers.[20] The condition of persons who have been members of an organization for 6 months or less generally differs from other members, since short-term membership could be used merely to participate in an organization's charter flights.

The NACA carriers also object to the proposal to make ineligible a member who joined the organization after the contract was signed but before the organization gave notice to its members of firm charter plans. They contend that there is no solid reason why a person who joined an organization unaware of a charter flight not yet announced to the members should be disqualified.[21] In view of our adoption of a mandatory six months rule we believe the additional proposed rule is unnecessary and it will not be adopted.

In addition, United asserts that the term "firm charter plans" in the existing rule is unclear. We agree that the term is imprecise and lacks sufficient definitiveness to be effective. We shall, therefore, delete from Parts 208 and 214 the test relating to membership "at the time the organization first gives notice to its members of firm charter plans."

The notice of rule making proposed to require a Statement of Supporting Information to be executed by the direct carrier, travel agent (if any), and charterer and to be filed by the travel agent and/or charterer with the carrier 30 days prior to the scheduled date of departure, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. If the charter contract covers more than one charter flight, the statement would be filed for each one-way or round-trip flight. In addition, it was proposed that the carrier require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the charter contract is signed.

The NACA carriers agree that a Statement of Supporting Information requirement should be added to Part 208, that the statement should be submitted to the carrier at least 30 days prior to departure, and that the charterer should provide copies of all announcements. However, they say there is no point in requiring a separate statement for each flight in a charter program, if the pro rata price does not change. They also suggest that the charterer be required to furnish the carrier with copies of solicitation material at the time it is distributed.

We find merit in both suggestions. We shall therefore revise § 208.202a[22] to permit a single statement for all flights in a charter program, with separate financial data (Item 13 of the Statement) for each flight. This rule is somewhat more liberal than that recommended by the NACA carriers, since a single statement may be furnished even though the pro rata price changes. The second suggestion will be adopted by amending § 208.210 (Solicitation of charter participants), since it will enable the carriers to monitor the solicitation as it progresses, rather than having only one chance to review the material 30 days before departure.

KLM suggests that, in the event of substitution, the statement filed with the first carrier shall be forwarded to the substitute carrier with no new statement required. We doubt the practicability of a mandatory requirement, but will revise the rule to permit the statement to be forwarded to the substitute carrier.

With these modifications the proposal described above will be adopted.[23]

In EDR–183 it was stated that investigation had disclosed that some charters have been illegally arranged by travel agents in order to realize large profits from the land tour part of the trip, and the charter participant has no way of knowing his pro rata share of air transportation cost. To counter this situation it was proposed to amend § 208.213 (charter costs) to provide that the chartering organization, in any announcement giving price per seat, shall state that the seat price is a pro rata share of total charter costs and is subject to increase or decrease depending on the number of participants. This amendment will be adopted as proposed.[24] It was also proposed to amend § 208.213 to provide: "All announcements shall separately state the total cost of the entire trip; and shall separately state the cost of air transportation and accommodations, if any, and identify the carrier and the number of seats available and the type of aircraft to be used for that charter."

United has pointed up some ambiguity in the language and we are revising it as indicated in the margin.[25] In addition, United states that the proposed language duplicates to some extent language presently appearing in § 208.214 (Statements of charges). To cure this situation, the language, as revised, will be incorporated in § 208.214 and no amendment in § 208.213 will be made in this respect.

We are also adopting without modification the following proposals: (1) To require that a Statement of Supporting Information include certification by the charterer that all participants have been informed of eligibility and pro rata cost requirements and that a flight may be canceled if ineligible participants are included and (2) to require that the charterer certify that it has not offered charter flights simultaneously with the solicitation of membership in any mass media advertisement or notice or through direct mailing.

In addition, the proposals described in EDR–183, pp. 11–12 (subdivision 3(f))[26] amending § 208.201 (Pretrip notification and charter contract), are being adopted, as well as the amendment to § 208.210 (Solicitation of charter participants) to require that a charterer shall not advertise or solicit for a charter until a charter contract has been signed. We shall, however, modify the latter as requested by the NACA carriers to make clear that survey-type inquiries to determine interest in a charter are not precluded.[27]

On the other hand, two proposals dealing with membership lists and the carriers' warranty[28] are not being adopted at this time. These are: (1) The proposal to amend § 208.211 (Passenger or charter flights) to provide that where total membership is less than 1,000, the membership list shall be furnished the carrier within 30 days after the charter contract is signed or at the time the contract is signed, if it is signed within 6 months of flight date[29] and (2) the proposal to require the warranty of the air carrier with respect to the Statement of Supporting Information to include certification that it has checked and compared the passenger list with the official membership records, has checked the articles of incorporation, etc., and has made a record of the officers and directors of the organization.

3. *Proposals to relax existing requirements in the regulations*—(a) *Split charters.* Parts 208, 214, and 295 authorize "split charters"—charters of less than the entire capacity of an aircraft for the transportation of a group—provided that a maximum of three groups be chartered on one aircraft, each group consisting of 40 or more passengers. In EDR–183 the Board took note that the supplemental carriers had requested removal of the three-group limitation. In support the supplementals had pointed out that the original split charter authority was granted in 1961 for one-half the capacity of an aircraft which assumed a capacity of at least 80 passengers on the piston equipment then being used by the supplementals for transatlantic charters, or based on each group having at least 40 persons. They further alluded to the fact that the three-group limitation was adopted in 1966 when the supplementals were using aircraft with increased seating capacity. In addition, the supplementals predicted that in the spring of 1971 the first supplemental will acquire 400-passenger B–747 equipment and at that time, according to the supplementals, the present split charter rules will be clearly inappropriate.

In the notice of rule making, the Board expressed its belief that some revision of the charter regulations may be appropriate in recognition of the technical advance cited by the supplementals. However, rather than propose a specific rule applicable to all classes of carriers, the Board considered that a final rule be framed in light of comment received. In this connection it was noted that IATA Resolution 045 precludes split charters, and the definitions of "charter trip" in Parts 207 and 212 do not include split charters. And the Board stated that comments should include suggestions as to whether these parts should be revised to conform to Parts 208 and 214 with respect to split charters.

Scheduled Carriers, both United States and foreign, oppose dropping the three-group restriction, but it is, of course, supported by the supplementals, as well as Atlantis, ASTA, and AITS. As in the case of the recent amendment to Part 378 eliminating the three-group limitation for ITC's,[30] we have decided to drop the like limitation on split charters in Parts 208 and 214, and we shall adopt the NACA carriers' suggestion that the rule be cast in terms of seats rather than passengers, but require that all seats be paid for by the chartering organization. In addition, Parts 207 and 212 will be conformed in these respects.[31]

As indicated, the three-group limitation was adopted in 1966 when the supplementals were using aircraft with increasing seating capacity—250-seat jets. The contemplation now is for 400-seat capacity B–747's for supplementals,[32] and the route carriers, of course, are already operating these aircraft. A three-group limitation would require groups to

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[17] As used herein the term "trunkline carriers" will generally refer to the following carriers filing joint comments: American, Braniff, Continental, Delta, Eastern, National, Northwest, Pan American, United, and Western. American, Pan American, and United filed additional comment. TWA filed a separate comment.

[18] Southern states that the rule as proposed in Part 207 should not extend to single entity charters. Southern is correct (see Order E–23600, Apr. 29, 1960). Consistent with § 208.301, Parts 207, 212, and 214 will be appropriately conformed.

[19] The present rule establishes a presumption against bona fide membership if the person is not a member at the time "the organization first gives notice of their charter plans."

[20] It appears somewhat inconsistent for the supplementals to attack this rule as "arbitrary," "unreasonable," and an instance of unjust discrimination in light of their proposal in Docket 22409 "that the group must have been formed at least 6 months prior to departure."

[21] The NACA carriers also note that the word "merely" was dropped from the definition of "bona fide" members "who have not joined the organization merely to participate in the charter." The omission of the word was inadvertent and it will be restored.

[22] The section was proposed as § 208.202c.

[23] We reject the suggestions that statements be filed with the Board rather than the carriers. Aside from the heavy administrative burden, the sugegstions are inconsistent with the objective of placing greater responsibility for policing the regulations on the carriers.

[24] Atlantis, in commenting on this proposal, states "the effort to enforce different seat prices among club members is almost impossible." The comment is not understood, since the proposal is aimed at insuring that all charter participants are informed that they pay the same price for air transportation; i.e., that the costs of charter flights shall be prorated equally among all charter passengers, as is presently required (see §§ 208.213 and 214.33). Atlantis' suggestion that the "proration should be based on the total flights chartered by a given group for the charter season" could lead to individually ticketed services where large organizations are concerned and cannot be adopted.

[25] "All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter."

[26] The more significant of these are: (1) To provide that if a carrier signs a contract for a charter within 15 days of the flight date, the carrier shall require the person who executes it on behalf of the charterer to certify as to whether a contract for the flight has been canceled by another carrier; (2) to provide that the carrier shall notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date, and that, if the flight has been canceled, the carrier has made inquiry and has satisfied itself that the cancellation was not caused by the ineligibility of the charterer.

[27] Specifically the rule will permit oral inquiries on internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out.

[28] A footnote to the warranty, adopted from Part 295, refers to title 18, U.S.C. section 1001, concerning fraudulent statements. United suggests that section 902(e) supersedes title 18. Title 18 U.S.C. § 1001, in fact, postdates section 902(e), but we are adding a reference to the latter. In addition we are adding reference to title 18 U.S.C. section 1001 to the certification required in § 208.215 (Passenger lists).

[29] Consistent with this determination, the Statement of Supporting Information is being revised (Item 6 of section B).

[30] SPR–39, adopted Aug. 5, and effective Sept. 7, 1970.

[31] Pan American states that split charter authority for the scheduled carriers should be permissive, not mandatory. This will be the case.

[32] We understand that two supplemental carriers have wide-bodied jets on order for delivery in 1973 and 1975. A third, Universal, has on order a 747–200F, a convertible version, for mid-1972 delivery.

average about 130 persons. Groups of this magnitude are more difficult to assemble and manage effectively than are smaller groups.

However, our decision does not rest on the contemplated use of B-747's by supplementals. With the 250-seat aircraft presently used it appears that under the current rules the supplementals have never been able to develop at significant market for split charters. Thus, the NACA carriers point to the fact that in 1969 only 6.7 percent of all supplemental transatlantic charters were splits.[33] Elimination of the three-group limitation will introduce far more flexibility in providing split charters for all classes of carriers and assist them in developing a meaningful market for this service.[34]

But the paramount consideration is the benefit to the traveling public which removal of the limitation will bring. At present a group must average about 80 persons on a stretched jet to be carried on a split charter. The new rule will permit much smaller groups to take advantage of this type of charter. Thus small organizations will not be handicapped in the use of charter services, and the 40-seat limitation will insure adherence to the group concept.

Pan American notes that when the Board's authority to permit split charters was reviewed in the American Case, the court stated: "Congress intended, although not without limits, that the Board should be free to evolve a definition [of charter] in relation to such variable factors as changing needs and changing aircraft."[35] According to Pan American, to permit carriage of an "unlimited number of groups" would violate the proscription. In the first place, the rule does not permit an "unlimited" number of groups. On 250-seat capacity aircraft no more than six groups may be carried, on 400-seat capacity aircraft, no more than 10. In addition, the court elaborated on the language quoted by stating that these limits related to the preservation of the distinction between "groups and individually ticketed travel."

We believe that the necessary distinction is maintained by requiring each group to purchase 40 or more seats. TWA, however, claims that "marketing charters on a per seat basis, as the supplementals appear to suggest in connection with expanded split charter authority, would be inimical to the charter concept and would involve the sale of individually ticketed service." We cannot agree. A group must contract for at least 40 seats, the costs of which are prorated among the number which participate in the charter and they are thus not individually ticketed. The great advantage of the seat limitation rule, as contrasted with the previous passenger limitation rule, is that it will no longer be necessary for a charterer contracting for 40 seats to cancel where only 39 passengers show up.

(b) *Split charters comprised of all types of charters.* In EDR-183 the Board expressed the tentative view that the regulations should be amended to provide that all types of passenger charters, except inclusive tour charters, be permitted to be combined on one aircraft. It further noted that 'such an amendment appeared necessary to make split charters economically feasible in light of the advent of the jumbo jet. However, it stated that it did not believe that inclusive tour charters (ITC's) should be combined with other charters. In this connection, it took note of the circumstance that as an indirect carrier, the tour operator of an ITC, should not be permitted to rely upon pro rata affinity charters to fill up the aircraft, since cancellation of the affinity charter groups, for lack of charterworthiness or other reasons, would jeopardize the transportation of the inclusive tour passengers. However, it was said that this consideration would not apply to split charters where all the charterers are inclusive tour operators, and it would appear appropriate to amend Part 208, with implementing amendment of Part 378, to permit split charters for ITC's when the entire aircraft is used for this type of charter.

Upon consideration, we have determined to amend Part 208, with implementing amendment of Part 378, to permit all types of charters, including ITC's, to be combined as split charters on one aircraft. In addition Parts 207, 212, and 214 will be amended to permit all types of charters, not including ITC's to be combined as split charters on one aircraft.[36]

We are permitting split charters on a "mix or match" basis to develop a market that has remained relatively undeveloped not only because of the restrictive nature of the regulations, but also because it has not proved suited even to smaller capacity equipment than the jumbo jet. With the advent of the jumbo jet, as noted, such liberalized split charter authority appears necessary to make split charters economically feasible. Further, the new rules will make split charters available to all qualified charterers, whereas continuance of the present regulatory framework would only work to deny this opportunity to all but the largest organizations.

Our reconsideration of the earlier view that ITC's should not be combined with other splits is predicated on our adopting herein a rule which will prevent last minute cancellations of split charters. The prospect of cancellation of one split, requiring the ensuing cancellation of remaining splits, has been a deterrent to split charters under the existing regulations. This problem would be aggravated under the expanded split charter authority being adopted, particularly since the cancellation rate of ITC's has been high. To alleviate the problem, we are amending § 208.32(e) (Tariffs and terms of service), with corresponding changes in the "Terms of Service" sections in Parts 207, 212, and 214,[37] to require that in the case of a split charter, the carrier shall require full and nonrefundable payment of the charter price not less than 30 days prior to the commencement of the transportation. This in effect, requires either that the charter be cancelled or that the remaining charterers pay the additional price. Since this rule was not proposed in EDR-183, it will be subject to reconsideration.

We have, as noted, decided to permit split ITC's and to amend Part 378 accordingly. The trunkline carriers in their joint comments and TWA in its separate comment strenuously oppose split ITC's. Split ITC's are also opposed by Frontier, JAL and Swissair.

First the trunklines contend that the Board has already rejected such a proposal on the basis of an evidentiary record, and it should not reverse this finding without a similar factual basis. Specifically they allude to the examiner's decision in the Supplemental Air Service Proceeding, affirmed by Board Orders E-23350, dated March 11, 1966, and E-24237 et seq., served September 30, 1966. In his decision the examiner stated that split affinity charters had originally been justified by concern for the smaller affinity passenger groups which, with charters limited to planeload movements, were being substantially disadvantaged because of the great increase in aircraft size.[38] In the case of ITC's he pointed out that there is no affinity requirement; the travel agent may sell tours indiscriminately to individual members of the public; and therefore the fundamental justification for split charters disappears when related to all-expense tour charters.[39]

We reject the notion that these findings are controlling here. In the first place, the examiner's decision, and the Board's affirmance, was based on a very scant record with respect to split charters[40] compiled 6 years ago. We have refused to accede to the position of the NACA carriers that we are bound, in these rule making proceedings, to a record and decision in proceedings years ago with respect to the 6 months rule, and we take the same view as to split ITC's.

Moreover, there is, we believe, a sufficient factual basis upon which to validly bottom different conclusions than those previously reached, the trunklines contrary claims notwithstanding. At the time of the examiner's decision, jet aircraft were just coming into use by the supplementals.[41] Now 250-seat jet aircraft are commonly used by the supplementals and 400-seat wide-bodied jets are in the offing. At this juncture split charters are still obviously necessary to enable smaller affinity groups to charter. Moreover, as contrasted with the time the examiner's decision issued, tour operators have no alternative but to charter 250-seat aircraft under the present rules.

We might not be disposed, however, to permit split ITC's if experience since the Supplemental Air Service Proceeding had shown that restricting ITC's to planeload charters had met with reasonable success. The reverse is true.

As is well known, the supplementals have had great difficulty in developing a market for ITC's. The only really successful ITC market—between the Mainland and Hawaii—has been virtually wiped out by the scheduled carriers' GIT fares. Split ITC authority will contribute to the supplementals' ability to compete with GIT fares. At the present time, a tour operator who wishes to organize a tour of less than planeload size has no alternative but to use scheduled services. With split ITC authority, they could at least attempt to compete for this business. It may be added, on this point, that split ITC authority is consistent with the Statement of International Air Transportation Policy.[42]

The examiner's recommendation against split ITC's was also predicated on the finding that it "would increase the diversionary consequences, particularly for those carriers most heavily dependent upon resort type traffic." To deny split ITC's because it would further divert from the scheduled carriers a type of traffic they had been accustomed to carry was valid in 1965 or 1966. It is not valid today.

In the intervening years, the industry, as well as the Board, has drawn away from any notion that certain types of traffic were reserved for the special province of either scheduled or supplemental carriers. The scheduled carriers have invaded the charter market for carriage of ethnic, fraternal or social organizations through GIT's, CBIT's, and group affinity fares. And the supplementals have every right to compete with scheduled carriers for "resort type traffic" which is the essence of ITC's. As the Board recently stated in approving the IATA Agreement establishing transatlantic affinity group fares, there is nothing improper in competition between supplemental and IATA carriers and neither is entitled to a given share of a competitive market over the other.[43] Further recognition of the view that supplemental carriers are entitled to a fair opportunity to compete in the bulk transportation market has been accorded by the policy statement, as just noted.

Accordingly, the fact that split ITC's may cause diversion from the scheduled carriers is not a persuasive reason for denying supplementals such authority. Nor is this conclusion altered by the severe financial losses and declining load factors which Pan American and TWA in particular have been experiencing. The fact of the matter is that the supplemental carriers have also suffered severe financial losses.[44] Under these circumstances, we cannot permit the current financial woes assailing the industry to govern our determinations herein, unless these determinations would impair either charter or scheduled services.

The trunkline carriers make no claim that split ITC authority would impair scheduled services, nor is there any basis for believing that substantial diversion would occur. The Mainland-Hawaii market has been the only market in which the supplementals were able to develop a large volume of ITC traffic. Indeed, a 1967 staff study concluded that "less than two percent * * * of the inclusive tour passenger charters were in fact diverted from the Mainland-Hawaii services of the scheduled carriers" and "[i]n terms of the number of passengers using scheduled Mainland-Hawaii services, the diversion was de minimis."[45]

This minimal diversion occurred, of course, under requirements that a single tour operator charter an aircraft with no more than three groups on board.[46] The new rule will permit an aircraft to be chartered by more than one tour operator or split with other types of charters, and the Board has now removed the three-group limitation. Nevertheless, ITC participants still must travel under restrictions making ITC's less attractive than GIT's or group affinity fares.[47] Under these circumstances it is unlikely that split ITC's will divert substantial traffic from the scheduled carriers.

The trunklines, including TWA, also argue that split ITC's would be illegal, since, they assert, the Congress considered—and rejected—a proposal which would have empowered the Board to authorize such charters. Thus, they advert to the fact that the original bill introduced in the Senate as S. 3566 on May 29, 1968, would have included the following definition:

> * * * inclusive tour charter trip means the charter of an aircraft or portion thereof by a tour operator for the carriage by a supplemental air carrier of passengers in interstate, overseas, and foreign air transportation on a round trip tour which is to one or more points and combines air transportation and land services.

The trunklines point out that the S. 3566 was reported out of Committee on July 1, 1968, with the "portion" language completely eliminated. They add: "The conclusion which must be reached as a consequence of this action is that the Senate Committee rejected the concept of inclusive tour charters of less than planeload size."

This conclusion does not comport with the legislative history. The "portion" language and, indeed, the entire definition of inclusive tour charter trips were deleted after the then Chairman of the Board suggested it and presented the Committee with proposed language which it ultimately adopted. In his prepared testimony the Chairman gave the following explanation for his proposal to delete the definition:

> The definition of inclusive tour charter trip in section 1 of the bill is not required to achieve the stated objectives and we would recommend its exclusion to the extent that there is an unexpressed desire to legislatively establish or change the definition of an "inclusive tour charter" trip. We believe that it would be unwise. Changes in such definition may be required from time to time but in our view they should be left to the informed discretion of the Board, the agent of Congress, as circumstances warrant.[48]

The following statement from the House Report also supports the view that Congress intended to give the Board broad authority to change its ITC regulations, so long as the distinction between individually ticketed and charter services was maintained:

> The committees' assessment of the present situation is that regardless of the legal arguments which have been and are taking place concerning CAB's past action, the supplemental air carriers should be allowed to provide the air transportation part of an inclusive tour, within the confines of Part 378 as it exists today. We recognize that

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[33] Exhibit NACA-A, p. 18, Docket 20781.

[34] Pan American states that the trunklines are informed that the split charter concept is unacceptable to many foreign governments and the more it is expanded, the less likely will be the prospects for persuading foreign governments to accept this "maverick" type of charter. If this is the case, U.S.-flag carriers have little to fear from the liberalized split charter rules being adopted.

[35] American Airlines, Inc. v. CAB, 348 F. 2d 349, 354 (D.C. Cir. 1965).

[36] Part 378 covers ITC's only by supplemental air carriers and certain foreign air carriers (those whose permits authorize ITC's), and it was not proposed to amend Part 378 to provide for ITC's by other carriers. In this connection IATA Resolution 045 prohibits ITC's, and the scheduled carriers are apparently not seeking to be included in Part 378 at this time. On this point we note the trunkline carriers comment that "if and when the Board should decide to renew inclusive tour authorizations after the experiment has run its course and been subject to full review, then all classes of carriers should be authorized equally by the regulation to engage in inclusive tour charters."

[37] §§ 207.13, 212.10, and 214.14.

[38] The examiner referred to the Transatlantic Charter Investigation, Order E-20531, Oct. 8, 1963.

[39] R.D. 66-67.

[40] The examiner noted that "there is little information of record with respect to split charters." (R.D. 66.)

[41] Appendix A to the examiner's decision shows that the transatlantic supplementals then owned a total of six pure jets with four on order.

[42] "Both scheduled carriers and supplemental carriers should be permitted to compete in the bulk transportation market. We consider passengers traveling at group rates on scheduled services to be part of that market."

[43] Order 70-2-123, Feb. 27, 1970.

[44] According to the NACA carriers, the supplementals as a group lost $7.7 million in 1969 and preliminary figures for the first 6 months of 1970 show a loss of $9.4 million.

[45] Economic Impact of Inclusive Tour Charters on Scheduled North Atlantic Services (CAB Research Study, 1969, p. 17).

[46] It also took place at a time when the supplementals did not have the fleets of large capacity jets that they have today (See Id. Appendix F).

[47] I.e., a minimum of 7 days must elapse between departure and return; the land portion must provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles apart.

[48] Hearings on S. 3566 before the Aviation Subcommittee of the Senate Commerce Committee, 90th Cong., second session, p. 12 (1968).

shifting economic considerations and the public convenience and necessity may require modification in the regulations. We do not undertake here to proscribe the usual rule making procedures of the CAB, and will leave the Board with its present flexibility, which must be exercised within the confines of the statute, due process, and full participation on the part of interested parties in the Board's rule making proceedings. The committee, however, expects the Board to keep it fully and currently informed as to contemplated changes in Part 378.[49]

We agree with the NACA carriers that the trunklines' effort to construe this statement as referring only to the Board's "power to change the regulations relating to the performance" of ITC's and not the definition of "inclusive tour charter" itself, is wholly unpersuasive.[50]

We conclude that the Board does have power to grant split ITC authority by amendment of Part 378.

(c) *NACA carriers split charter proposals.* The NACA carriers have also offered split charter proposals for (1) split passenger/cargo authority, (2) split cargo charters[51] and (3) "guaranteed split charters," by which the supplementals could offer split charters on the basis of guaranteed departures at a guaranteed price, even if the entire aircraft is not under charter. These proposals are opposed by the trunkline carriers, Flying Tiger and Seaboard, and we find that they should be denied.

In the first place these proposals, which are directed only to expanding the supplemental carriers' authority, are inconsistent with our determination that charter rules be uniform, as well as the Statement of International Air Transportation Policy calling for additional uniformity of charter rules. Secondly, permitting only the supplementals such authority would give them a decided competitive advantage vis-a-vis combination and all-cargo carriers.

As to the split charter proposal, however, the supplemental carriers argue that there is no danger that it would divert substantial cargo from scheduled services because of the high minimum capacity requirement that each charterer take at least 10,000 pounds of capacity (or its cubic equivalent), and that such large shipments represent a small portion of the scheduled cargo traffic.[52] The protection offered by the 10,000 pound capacity requirement is illusory, since it would apply to charters by air freight forwarders, and the larger forwarders would have little difficulty in consolidating small shipments of this size. Furthermore, Flying Tiger points out that while the average shipment weight for combination carriers may be low, the average shipment weight for the all-cargo carriers is more than three times that of any trunkline.[53]

More specifically Flying Tiger states that for the 12 months ended September 30, 1970, $9.8 million or 35.9 percent of its domestic traffic and $4.3 million or 26.4 percent of its international traffic was derived from shipments in excess of 10,000 pounds. Accordingly, of $49.9 million of commercial cargo revenues for this period, more than $24.6 million or over 45 percent of its total traffic would be exposed to diversion.[54] Similarly, Seaboard estimates that 45 percent of the tonnage it carried was composed of shipments of 10,000 pounds and over.[55]

Accordingly, there is no support whatever for the NACA carriers' assertion that there is no danger that substantial cargo would be diverted from scheduled services. To the contrary, it is quite clear that such a danger exists.

Moreover, as regards cargo charters, the only regulatory requirement which presently inhibits supplemental carriers from engaging in individually waybilled cargo services such as are offered by the scheduled carriers is the planeload charter requirement. To remove this requirement and permit split charters as the supplementals propose would, in our view, be in derogation of their statutory function.

With respect to the guaranteed charter proposal, the NACA carriers state that the principal drawback to implementation of split charter authority has always been (and absent revision of the rules will continue to be) the threat of cancellation of the flight if other splits are either not obtained or are subsequently canceled. The supplementals note that in December 1969 the Board ruled that under the charter definition in Part 208, a split charter cannot be performed unless the entire aircraft is under charter.[56] The NACA carriers believe that the rules should be amended to permit the supplementals to offer split charters on the basis of guaranteed departures at a guaranteed price, even if the entire aircraft is not under charter. They add that an amendment of this kind would benefit small charterers and would not, in their view, do violence to the charter concept so long as the minimum group size of 40 is maintained. Moreover, they assert, the ability of supplemental carriers to offer guaranteed split charter departures would negate one of the "decisive competitive advantages" that the scheduled carriers possess under CBIT and GIT fares.

We are not persuaded by the NACA proposal. Instead of a time, mile, or trip basis, as presently required, charters could be sold on a seat basis and the amount charged to and received from the charterer would depend on the load factor. For example, a supplemental could charge $10 a seat on a 250-seat aircraft for 200 seats or 190 seats, leaving 50 or 60 seats unsold. Even if these amounts were prorated among charter participants, as between the charterer and the supplementals, the arrangement would smack of individually ticketed service. Finally, as pointed out previously, we are taking other steps to ameliorate the cancellation problem.

(d) *Additional intermingling authority.* We shall adopt the proposal to add a new §208.36 to permit intermingling of passengers on the return leg of pro rata charters under prescribed circumstances. We are also amending §208.32(f) (Tariffs and terms of service) to provide additional intermingling authority.

Section 208.32(f) presently provides that in the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported in each direction. In the case of a charter contract calling for two or more round trips, the section provides that there shall be no intermingling of passengers and each planeload group or less than planeload group shall move as a unit in both directions.[57]

In our view, this rule is unduly restrictive and unnecessary to maintain the distinction between charter and individually ticketed services, and we are amending it to permit intermingling on charter programs not exceeding three round trips per calendar year. Thus §208.32(f) will read as follows: "In the case of a charter contract calling for four or more round trips per calendar year, one-way passengers shall not be carried, there shall be no intermingling of passengers, and each planeload group, or less than planeload group (see §208.6 (c)), shall move as a unit in both directions, except as provided in §208.36."

Since the pro rata charter rules prohibit solicitation of the general public, limit ticket agent activities, and restrict charter participation, we do not consider that the present rule is necessary to vindicate the charter concept. Moreover, by precluding intermingling where a charter contract calls for four or more round trips, we are persuaded that the new rule will not invite abuse by unauthorized indirect air carriers. We further point out that the intermingling will be confined to members of the chartering organization who are on the list of prospective passengers. Since, however, the rule was not proposed in EDR-183, we shall allow petitions for reconsideration of this amendment to § 208.32

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[49] H.R. Rep. 1639, 90th Cong., second session, p. 3.

[50] The trunkline carriers also cite some occasional statements in the Committee reports to the effect that an inclusive tour charter is the charter of "an" aircraft by "a" tour operator. But, as the supplemental carriers point out, these statements were all made in the context of an explanation as to how ITC's differ from other charters, and were not directed at all to the question of whether split ITC's should be permitted.

[51] Since the supplementals hold no transatlantic cargo authority the cargo proposals would only affect domestic and transpacific service.

[52] They refer to the fact that 52.3 percent of American's cargo shipments in the first half of 1969 weighed 100 pounds or less.

[53] Citing initial decision in the Minimum-Charges Case, Docket 20398, July 27, 1970, p. 12.

[54] Oral argument, transcript, pp. 90–91.

[55] Oral argument, transcript, p. 99.

[56] Order 69–12–113, Dec. 29, 1969.

[57] See editorial change made in ER–649, p. 7, footnote 8.

(p), and its counterparts in Parts 207, 212, and 214.[58]

4. *Miscellaneous matters.* The Department of Defense (DOD) notes that in EDR–173, December 1, 1969, the Board proposed amendments to Parts 208, 214, and 295 which, inter alia, would establish a class of charter for overseas military personnel and their immediate families. DOD is desirous that the general subject of pro rata charters and the special subject of overseas military charters be kept separate. Although EDR–173 is presently pending before the Board, the Board intends to take separate action on the subject of overseas military personnel charters.

DOD also seeks clarification as to whether the proposed pro rata charter regulations apply to charter services provided by carriers under contract with MAC and the procurement of charter airlift by MTMTS under arrangements with ATA and NACA. DOD charters, being single entity, are not covered by the pro rata charter regulations except to the very minimal extent described in Subpart D of Part 208, as well as Subpart C of Part 207.

In connection with DOD charters, Part 208 alone includes a definition of "charter flight" as "air transportation of persons and/or property pursuant to contracts with the Department of Defense * * *." United has noted the omission in proposed Part 207,[59] and states that this raises an implication that the scheduled carriers are not authorized to provide such DOD charters. We have accordingly added this definition to Part 207.

New § 208.6(b) restricts "charter flights," inter alia, to "air transportation on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and property (or of persons and their personal baggage in the case of supplemental air transportation as defined in § 208.3(c)(2)."[60] United notes that the comparable provision in proposed § 207.21 (now § 207.11) refers to "the movement of persons and their baggage or for the movement of property." United requests that the word "or" be changed to "and."

Instead of adopting United's suggestion, we shall amend the pertinent provisions in Parts 207, 212, and 214 by substituting the words "and/or" for the present language. This will make clear that single entity charterers may put passengers and/or property on aircraft where the entire capacity is engaged by one charterer.

The definition of "bona fide members" reads, inter alia, "members of a charter organization who have not joined the organization to participate in the charter as a result of solicitation directed to the general public." United suggests substitution of the phrase "solicitation of the general public" to make clear that the definition of the latter which appears in the regulation is applicable.

We agree and have made this change. In addition we have removed the definitions of "bona fide members," "immediate family," and "solicitation of the general public" from the definitions section to "Requirements Relating to the Chartering Organization" under Subpart C.[61] These terms are not used generally in the part, but only relate to chartering organizations. The present format in which one must refer back to the definitions section for the meaning of terms which, in the case of "bona fide members" and "solicitation of the general public" are quite lengthy, has proved confusing and cumbersome.

The definition of "bona fide" members excludes from certain membership restrictions charters composed inter alia of "Students and educational staff of a single school, and immediate families thereof." United believes that all employees of a school are in the same position as all employees of an industrial plant or mercantile establishment, which are in the exclusionary provision. We believe that United's point is well taken that charters of students and employees of a single school and their immediate families should be excluded from the specified membership requirements.

Proposed § 207.21(b) (Charter flight limitations) retained language from § 207.1 emphasizing the distinction between charter trips and individually ticketed services.[62] United notes that a similar provision is not included in § 208.6. Its omission in Part 208 is owing to the fact that it does not presently appear in Part 208 (or 214). However, in the interests of uniformity and because the language now appears superfluous in view of our adding pro rata regulations to Part 207, we are dropping the language from Part 207, as well as comparable language from Part 212.[63] Insofar as route air carriers are concerned, any permissive transportation service offered to individual members of the public pursuant to section 401(e)(6) will continue to fall within the category of special services.

Section 207.9 (Records and record retention) provides that each air carrier shall retain the following in accordance with Part 249: (a) A record of the names and addresses of all passengers transported on each pro rata trip; (b) a copy of every charter contract. United states that proposed § 207.25 (Passenger names and addresses)[64] is duplicative. It is duplicative so far as the records to be maintained are concerned, but proposed § 207.25 contained a new element concerning where records may be maintained. However, we find that the provision permitting record maintenance at either the principal office or the principal operations base is unnecessary as to Part 207 or foreign air carriers.[65] Under these circumstances we shall eliminate the section on passenger names and addresses from Parts 207, 212, and 214.[66]

United also requests clarification as to certain matters. First, it says that the proposed Part 207 regulations fail to indicate that definitions of "off-route," "special services," "transatlantic charter trips," and "transpacific charter trips" are retained. Since these definitions have not been deleted, they perforce are retained. Regarding the definition of "mixed charter,"[67] United also says that it is not clear whether the charterer may pay the entire share of some of the participants or whether it must contribute part of the share of all of the participants so that each participant pays something. Either alternative is permissible.

Proposed § 207.27 (Solicitation and formation of a chartering group) is addressed to air carriers and was added to conform to Part 208. It provides (a) that a carrier shall not engage in solicitation of individuals as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed and (b) that a carrier shall not employ any person for the purpose of organizing and assembling members of any organization into a group to make the charter flight, except after a charter contract is signed. United states that the activities permissible in this section can reach substantial proportions and involve substantial expense. It adds that it is not clear whether the Board considers such activities to be a service in connection with air transportation for which an appropriate tariff charge should be made. Further, it states that if the administrative expense limitations proposed do not apply to such carrier activity, it is probable that the carriers will find themselves under

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[58] §§207.13(c), 212.10, and 214.9.

[59] It is also omitted in present Part 207.

[60] Section 208.3(c)(2) defines transatlantic transportation, and the supplementals have no authority to carry property in this area.

[61] "Bona fide members" and "solicitation of the general public" appear in § 208.210 (Solicitation of charter participants) and "immediate families" appears in § 208.212 (Participation of immediate families in charter flights).

[62] "Within the meaning of this part, a charter trip shall not be deemed to include transportation services offered by an air carrier to individual members of the general public * * *."

[63] See present § 212.1(b).

[64] "Each air carrier shall maintain a record of the names and addresses of all passengers transported on each pro rata charter trip. Such record shall be retained in accordance with Part 249 of this subchapter except that it may be maintained at either the principal office or the principal operations base of the carrier."

[65] It appears in Part 208 only because § 249.8 requires retention at the supplemental carrier's principal office.

[66] JAL appears to believe that existing § 212.7(a) (Records and record retention) requires foreign air carriers to maintain a list of passenger names and addresses only for U.S. originating charters. Such an interpretation is obviously incorrect as the section refers to charter trips "originating or terminating in the United States."

[67] "A charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer."

pressure to provide promotional assistance so that charterers may avoid the strictures of the expense limitations.

We are not at this time adopting the proposed new administrative expense limitations. Instead Part 207 will contain the present provisions on administrative expenses appearing in § 208.213(c). Apparently, in the past, the supplemental carriers have regarded whatever services they perform for a chartering organization as ancillary services included in the charter price. Whether services performed for a chartering organization should be included in tariffs cannot be determined without precise information as to the nature and extent of the services.

KLM states that §§ 212.21 (Charter flight limitations), 212.22 (Unused space), 212.23 (Terms of service) and 212.24 (Substitute transportation) apply to all passenger charters and therefore should appear in the introductory part of the regulation and not Subpart A (Pro rata charters).[66] We agree that these sections, as well as proposed § 212.25 (Payments, gratuities and donations) should be put in an introductory Subpart which will be designated "A—General Provisions" in both Parts 207 and 212 to conform to Parts 208 and 214.

Finally, we shall grant two requests concerning the contents of the Statement of Supporting Information adapted from Part 295. Part I of the statement, to be executed by the air carrier, requires carriers to state "Technical stops required by carrier" and "Planned routing." (Items 3 (d) and (e).) Pan American states that it is unlikely in its experience that routings, temporary NOTAMS, crew patterns and other developments that affect these matters will be known at the time of completion of Part I. It says that it is not aware of any substantial purpose that would be served by requiring an advance statement of these matters, particularly when it cannot be made with any assurance of accuracy. It adds that the actual record of how an operation is conducted is, of course, available from aircraft-log entries. The items referred to are being deleted from the statement. In addition we are granting a request of American to the extent that it asks that "Purpose of trip" (item 8 of section B of part II) be deleted.

Except to the extent granted herein, all other requests, suggestions, and proproposals submitted in the comments relating to the regulations now being adopted are denied.

5. *Proposals beyond the scope of the proceeding.* A number of proposals have been submitted in comments which are beyond the scope of this rule making proceeding and cannot therefore be entertained. Included in this category are the following: (1) TWA's proposal for volume limitations on the operations of the supplemental carriers;[69] (2) Pan American's proposal for regulation of supplemental carrier's advertising of charter rates; (3) proposal of ASTA and Pan American for study group regulation;[70] (4) ASTA's proposal for bonding of chartering organizations;[71] (5) ASTA's proposal for regulation of travel agents; (6) AITS proposal for "affinity inclusive tour charters";[72] (7) Club Mediterranee's proposal for "travel available charters";[73] and (8) proposals by ARTA and David Travels for revision of Part 378.

While none of these proposals can be considered herein, we believe some comment is in order concerning the last four referred to.

The AITS and Club Mediterranee proposals, as well as the ARTA and Davis proposals, essentially would expand ITC authority and/or liberalize present restrictions on ITC's under Part 378. The question of renewal of ITC authority will come up shortly. Under these circumstances, whatever merit these proposals may have should only be considered in connection with renewal, and it would be neither appropriate nor feasible to institute rule making proceedings concerning any of them, as AITS suggests, at this time.

As indicated previously, we are permitting petitions for reconsideration of the amendment to § 208.32(e) concerning full payment in the case of split charters 30 days prior to commencement of the transportation and of the amendment to § 208.32(f) concerning additional intermingling authority. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712 Universal Building, Washington, DC 20428, on or before February 19, 1971. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208) effective April 6, 1971, as follows:

1. Amend the Table of Contents by adding titles to new §§ 208.6, 208.7, 208.36, 208.202a, 208.204, 208.216, and 208.217 and revising the titles of §§ 208.101, 208.201, and 208.215. As amended, the Table of Contents will read in pertinent part:

Sec.
208.6 Charter flight limitations.
208.7 Unused space.
208.36 Substitute transportation in emergencies.
208.101 Minimum rates and compensation for air transportation performed for the Department of Defense.
208.201 Pretrip notifications and charter contract.
208.202a Statement of Supporting Information.
208.204 Statement of Supporting Information.
208.215 Passenger lists.
208.216 Application for a charter.
208.217 Statement of Supporting Information.

2. Amend § 208.1 to read as follows:

§ 208.1 Applicability.

This part contains terms, conditions, and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), and (3) of section 401(n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 or to exemptions issued under section 416 of the Act.

3. Amend § 208.3 by deleting and reserving paragraphs (o), (p), and (q) and amending paragraphs (b), (c), (s), and (t) to read as follows:

§ 208.3 Definitions.

For the purposes of this part:

* * * * *

(b) "Supplemental air carrier" means an air carrier holding a certificate issued under section 401(d)(3) of the Act, or a special operating authorization issued under section 417 of the Act.

(c) "Supplemental air transportation" means charter flights in air transportation performed pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act (1) authorizing the holder to engage in supplemental air transportation of persons and property, between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental transportation or (2) authorizing the holder to engage in supplemental air transportation of persons and

[66] Southern and United make the same point with respect to "charter flight limitations."

[69] It is not entirely clear that TWA is proposing volume limitations in this proceeding. Its comment in this regard may be interpreted as merely calling the Board's attention to the fact that it has urged the imposition of such conditions in its brief to the examiner in the Transatlantic Supplemental Charter Authority Renewal Case, Docket 20564.

[70] By SPDR-20, EDR-191, Nov. 3, 1970, the Board issued a notice of rule making for promulgation of a new Part 373 to authorize, subject to conditions provided therein, study group charters by study group charterers and related amendments to Parts 207, 208, 212, 214, and 295.

[71] ASTA's request is, in part, encompassed in SPDR-20, EDR-191, supra. See also SPDR-19, Nov. 3, 1970, proposing to modify surety bond requirements in Parts 378 and 378a.

[72] AITS asks, alternatively, that its proposal be considered as a separate petition for rule making. For reasons hereafter appearing, the Board finds that the petition does not disclose sufficient reasons to justify the institution of public rule making proceedings and it is therefore denied.

[73] The proposal was advanced at oral argument (Tr. 166-167).

their personal baggage between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.

* * * * *

(o) [Reserved]
(p) [Reserved]
(q) [Reserved]

* * * * *

(s) "Charter flight" means air transportation performed by supplemental air carriers in accordance with § 208.6.

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligations to perform such air transportation for the Department of Defense.

* * * * *

4. Add new §§ 208.6 and 208.7 to read as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

(a) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;

(b) Air transportation performed on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and/or property (or of persons and their personal baggage in the case of supplemental air transportation as defined in § 208.3(c)(2));

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation, or by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or

(4) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter.

(c) Air transportation performed on a time, mileage, or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(3) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter.

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) shall not be construed to apply to movements of property.

5. Amend paragraph (b) of § 208.12 to read as follows:

§ 208.12 Terms and conditions of insurance coverage.

* * * * *

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or of any applicable safety or economic rule, regulation, order or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board, respectively.

* * * * *

6. Amend paragraphs (e) and (f) of § 208.32 to read as follows:

§ 208.32 Tariffs and terms of service.

* * * * *

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 208.6(c) the carrier shall require full and nonrefundable payment of the total charter price not less than 30 days prior to the commencement of the transportation.

(f) In the case of a charter contract calling for four or more round trips per calendar year, one-way passengers shall not be carried, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 208.6(c)), shall move as a unit in both directions, except as provided in § 208.36.

7. Amend paragraph (b)(1) of § 208.32a to read as follows:

§ 208.32a Flight delays and substitute air transportation (foreign).

* * * * *

(b) *Incidental expenses.*[74] (1) On the return leg of a charter flight bound from a point outside the country where the charter originated and is to terminate, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares. In the case of charter flights bound to or from the United States on the return leg, "country" as used in this paragraph means the 48 contiguous States of the United States.

* * * * *

8. Add new § 208.36 to read as follows:

§ 208.36 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the

[74] Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In all cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

9. Amend the title and the text of § 208.101 to read as follows:

§ 208.101 Minimum rates and compensation for air transportation performed for the Department of Defense.

The authority conferred upon a supplemental air carrier pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act, insofar as it encompasses the right to provide air transportation pursuant to contract with the Department of Defense or any branch thereof in foreign or overseas air transportation, air transportation between the 48 contiguous States on the one hand and the State of Alaska or Hawaii on the other hand, or between military installations within the 48 contiguous States, shall be subject to the condition that the rate or compensation received by the carrier for any such air transportation is not less than that set forth in § 288.7 of this subchapter.

10. Amend § 208.150 to read as follows:

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Act to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

11. Amend § 208.200 to read as follows:

§ 208.200 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters.

12. Amend the title and text of § 208.201 to read as follows:

§ 208.201 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent the carrier shall provide the prospective charterer with a copy of this Part 208.[75] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 208.215. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 208.217 and 208.211, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[76] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 208.215) of the outbound charter shall be attached to the charter contract.

13. Add new § 208.202a to read as follows:

§ 208.202a Statement of Supporting Information.

Prior to performing a charter flight the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof.[77] If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however*, That separate financial data (see item 13 of statement) shall be filed for each one-way or round trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

14. Add new § 208.204 to read as follows:

§ 208.204 Statement of Supporting Information.

Travel agents shall execute, and furnish to air carriers, section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof,[77] at such time as required by the carrier to afford it due time for review thereof.

15. Amend §§ 208.210 and 208.211 to read as follows:

§ 208.210 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertisings states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease the admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of six months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to

(i) Students and employees of a single school, and immediate families thereof;

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof or

(iii) Participants in a study group charter.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however*, That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 208.212), may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[78] When four or more round trips are contracted for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted, and each group must move as a unit in both directions, except as provided in § 208.36.

16. Amend § 208.212 by adding a new paragraph (b) and designating the present text as paragraph (a). As amended § 208.212 will read as follows:

§ 208.212 Participation of immediate families on charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however*, That this section shall not apply to study group charters as defined herein (§ 208.3(r)).

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

17. Amend § 208.214 to read as follows:

§ 208.214 Statements of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

18. Amend § 208.215 and add new §§ 208.216 and 208.217 to read as follows:

§ 208.215 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or students and employees of a school, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger lists as "(3) special" or "(3) member" (where participants are from a study or school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.[79]
>
> ---
> (Signature)

§ 208.216 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, and the dates of departure for each one-way or round-trip flight.

§ 208.217 Statement of Supporting Information.

Charterers shall execute and file with the air carrier section B of part II of the statement of Supporting Information attached hereto and made a part hereof[80] at such time as required by the carrier to afford it due time for review thereof.

19. Amend § 208.300 to read as follows:

§ 208.300 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

20. Amend § 208.400 to read as follows:

§ 208.400 Applicable rules.

The rules set forth in Subpart C of this part shall apply in the case of mixed charters.

(Secs. 204(a), 401, 407, Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143), 766; 49 U.S.C. 1324, 1371, and 1377))

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[75] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[76] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

[77] Statement filed as part of the original document.

[78] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

[79] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both. Title 18, U.S.C., § 1001.

[80] Statement filed as part of the original document.

NOTE: The record-retention and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1563 Filed 2-4-71;8:45 am]

[Reg. ER-661]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Extension of Charter Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

In a Notice of Rule Making EDR-183, PSDR-24,[1] the Board, inter alia, gave notice that it had under consideration amendment of Part 212 for the purpose of establishing uniform charter regulations applicable to all types of charters (except inclusive tour charters) performed by all classes of carriers and applicable to on-route as well as off-route charters. To this end it proposed that existing charter regulations set forth in Part 208 of this subchapter, together with amendments to Part 208 proposed therein, should be extended to Part 212, to the extent applicable. For the reasons set forth in ER-659, issued simultaneously herewith, the Board has decided to adopt the proposals to the extent indicated therein. However, as there indicated, the Board in permitting petitions for reconsideration of the amendment to § 212.10(b) concerning full payment in case of split charters 30 days prior to commencement of the transportation and of the amendment to § 212.10(c) concerning additional intermingling authority. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712 Universal Building, Washington, DC 20428, on or before February 19, 1971. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the economic regulations (14 CFR Part 212), effective April 6, 1971, as follows:

1. Amend the Table of Contents by (a) placing §§ 212.1 through 212.7 under a new Subpart A; (b) adding titles to new §§ 212.8 through 212.13 under Subpart A; and (c) adding new Subparts B, C, and D. As amended, the Table of Contents will read as follows:

Subpart A—General Provisions

Sec.
212.1 Definitions.
212.2 Scope of authorization.
212.3 Tariffs to be filed for charter trips.
212.3a Written contracts with charterers.
212.4 Limitation on the operation of off-route charter trips.
212.5 Statements of Authorization; application.
212.6 Issuance of Statement of Authorization.
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212.40 Solicitation of charter participants.
212.41 Passengers on charter flights.
212.42 Participation of immediate families in charter flights.
212.43 Charter costs.
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212.45 Passenger lists.
212.46 Application for a charter.
212.47 Statement of Supporting Information.

Subpart C—Provisions Relating to Single Entity Charters

212.50 Applicability of subpart.
212.51 Terms of service.
212.52 Commissions paid to travel agents.
212.53 Statement of Supporting Information.

Subpart D—Provisions Relating to Mixed Charters

212.60 Applicable rules.

AUTHORITY: The provisions of this Part 212 issued under secs. 204(a), 402, 403, 404(b), and 416(a) of the Federal Aviation Act of 1958 (72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 771; 49 U.S.C. 1324, 1372, 1373, 1374, and 1386.

2. Amend § 212.1 by revising the definitions of "charter trip" and "off-route charter trip"; adding new definitions of "charter flight", "charter group", "charter organization", "mixed charter", "on-route charter trip", "pro rata charter", "single entity charter", "study group" and "travel agent"; deleting definition (b); and deleting the alphabetical designations of definitions (a) and (c). As amended § 212.1 will read as follows:

§ 212.1 Definitions.

For the purposes of this part:

"Charter flight" means air transportation performed pursuant to § 212.21.

"Charter group" means that body of individuals who actually participate in the charter flight.

"Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

"Charter trip" means air transportation performed pursuant to § 212.21 of this part.

"Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

"Off-route charter trip" means any charter trip which is not an "on-route charter trip."

"On-route charter trip" means a charter trip in foreign air transportation performed by a foreign air carrier between points between which it holds authority under a foreign air carrier permit to engage in foreign air transportation on an individually ticketed or individually waybilled basis: *Provided*, That for the purposes of this part a charter trip between a point in the United States named in the foreign air carrier permit of the carrier performing such charter trip and a point outside the United States which is not so named if such charter trip is operated via, and lands at, the homeland terminal point named in the foreign air carrier permit of such foreign air carrier, shall also be considered an "on-route charter trip."

"Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

"Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

"Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

"Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

3. Amend paragraph (a) of § 212.3 to read as follows:

§ 212.3 Tariffs to be filed for charter trips.

(a) No foreign air carrier shall perform any charter trips unless such foreign air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips, and showing the rules, regulations, practices, and services in connection with such transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

* * * * * *

4. Add a new subparagraph (4) to § 212.7(a) to read as follows:

§ 212.7 Records and record retention.

(a) * * *

(4) Every Statement of Supporting Information and proof of the commission paid to any travel agency by the carrier for each pro rata charter trip.

* * * * * *

5. Add new §§ 212.8 through 212.13 to read as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) Where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or for the movement of property, on a time, mileage or trip basis—

(1) By a person for his own use;

(2) By a person (no part of whose business is the formation of groups for transportation or solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(3) By an international air freight forwarder holding a currently effective operating authorization issued under Part 297 of this subchapter for the carriage of property in foreign air transportation, by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense or by a foreign indirect air carrier, whether or not the property to be carried is the result of a previous consolidation;

(4) By a direct air carrier, direct foreign air carrier, or surface carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic.

(b) Where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage, on a time, mileage or trip basis by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft—

(1) By a person for his own use;

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided, further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

§ 212.9 Unused space.

An air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

§ 212.10 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity, or for less than the entire capacity (see § 207.11 (c) of this subchapter) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 212.8(c) the carrier shall require full and nonrefundable payment of the total charter price not less than 30 days prior to the commencement of the transportation.

(c) In the case of a charter contract calling for four or more round trips per calendar year, one-way passengers shall not be carried, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 212.8(c)), shall move as a unit in both directions, except as provided in § 212.11.

§ 212.11 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

§ 212.12 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 212.23 and 212.52) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

§ 212.13 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

6. Adopt new Subparts B, C, and D as follows:

[1] May 8, 1970 (35 F.R. 7587).

Subpart B—Provisions Relating to Pro Rata Charters

§ 212.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, both on-route and off-route.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 212.21 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 212.22 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent the carrier shall provide the prospective charterer with a copy of this Part 212.[2] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 212.45. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 212.47 and 212.31, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[3] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 212.45) of the outbound charter shall be attached to the charter contract.

§ 212.23 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 212.24 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof. If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however,* That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 212.30 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 212.31 Statement of Supporting Information.

Travel agents shall execute, and furnish to air carriers, section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof,[3a] at such time as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 212.40 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that—

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided,* That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to

(i) Students and employees of a single school, and immediate families thereof;

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof; or

(iii) Participants in a study group charter.

[2] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[3] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

[3a] Statement filed as part of original document.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however,* That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 212.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 212.42), may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[4] When four or more round trips are contracted for, intermingling between flights or reforming of planeload or less than planeload charter groups shall not be permitted, and each group must move as a unit in both directions, except as provided in § 212.11.

§ 212.42 Participation of immediate families on charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however,* That this section shall not apply to study group charters as defined herein (§ 212.1).

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

§ 212.43 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers, and no charter passenger shall be allowed free transportation except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; and (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 212.23), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 212.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 212.45 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or students and employees of a school, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger list as "(3) special" or "(3) member" (where participants are from a study or school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.[5]
>
> ---
> (Signature)

§ 212.46 Application for a charter.

A chartering organization shall make written application to the air carrier,

[4] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency, or school will suffice to meet the requirements.

[5] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

setting forth the number of seats desired, points to be included in the proposed flight or flights, and the dates of departure for each one-way or round-trip flight.

§ 212.47 Statement of Supporting Information.

Charterers shall execute and file with the air carrier section B of part II of the Statement of Supporting Information attached hereto and made a part hereof [3] at such time as required by the carrier to afford it due time for review thereof.

Subpart C—Provisions Relating to Single Entity Charters

§ 212.50 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 212.51 Terms of service.

The provisions of § 212.10 shall apply to charters under this subpart except that paragraphs (b) and (c) of such section shall not be applicable and the second sentence of paragraph (a) of such section shall not be applicable.

§ 212.52 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 212.53 Statement of Supporting Information.

The Statement of Supporting Information prescribed in §§ 212.24 and 212.47 shall be applicable in the case of single entity charters.

Subpart D—Provisions Relating to Mixed Charters

§ 212.60 Applicable rules.

The rules set forth in Subpart B of this part shall apply in the case of mixed charters.

(Secs. 204(a), 402, 403, 404(b), 416(a), Federal Aviation Act of 1958, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 771; 49 U.S.C. 1324, 1372, 1373, 1374, 1386)

NOTE: The record-retention and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1564 Filed 2-4-71;8:45 am]

[Reg. ER-662]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Extension of Charter Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

[3] Statement filed as part of original document.

In a Notice of Rule Making EDR-183, PSDR-24,[1] the Board, inter alia, gave notice that it had under consideration amendment of Part 214 for the purpose of establishing uniform charter regulations applicable to all types of charters (except ITC charters) performed by all classes of carriers. To this end it proposed that existing charter regulations set forth in Part 208 of this subchapter, together with amendments to Part 208 proposed therein, should be extended to Part 214, to the extent applicable. For the reasons set forth in ER-659, issued simultaneously herewith, the Board has decided to adopt the proposals to the extent indicated therein. As indicated therein, we are permitting petitions for reconsideration of the amendment to § 214.14 (b) concerning full payment in the case of split charters 30 days prior to commencement of the transportation and of the amendment to § 214.14(c) concerning additional intermingling authority. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712, Universal Building, Washington, DC 20428, on or before February 19, 1971. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the economic regulations (14 CFR 214), effective April 6, 1971, as follows:

1. Amend the Table of Contents by (a) revising the titles of §§ 214.12 and 214.35; (b) adding titles for new §§ 214.7, 214.8, 214.9, 214.17, 214.22, 214.36, and 214.37; deleting Subpart D and § 214.60. As amended, the Table of Contents will read in pertinent part:

Sec.
214.7 Charter flight limitations.
214.8 Unused space.
214.9 Substitute transportation in emergencies.
214.12 Pre-trip notification and charter contract.
214.17 Statement of Supporting Information.
214.22 Statement of Supporting Information.
214.35 Passenger lists.
214.36 Application for a charter.
214.37 Statement of Supporting Information.

2. Amend § 214.2 by (a) deleting and reserving paragraphs (j), (k), and (l) and amending the definition of "charter flight" as follows:

§ 214.2 Definitions.

* * * * * *

(b) "Charter flight" means air transportation performed pursuant to § 214.7.

* * * * * *

(j) [Reserved]
(k) [Reserved]
(l) [Reserved]

* * * * * *

3. Amend § 214.3 to read as follows:

§ 214.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

4. Add a new subparagraph (4) to § 214.6(a) to read as follows:

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents at its principal or general office for the following periods:

* * * * * *

(4) Every statement of supporting information: Two years.

* * * * * *

5. Add new §§ 214.7, 214.8, and 214.9 to read as follows:

§ 214.7 Charter flight limitations.

Charter flights shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(a) The entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage:

(1) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage or, in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 214.5);

(2) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services); or

(b) Less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial passenger traffic shall be reported in accordance with § 214.5):

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of

[1] May 8, 1970 (35 F.R. 7587).

transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group:

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided, further*, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of the aircraft shall contract and pay for 40 or more seats.

§ 214.8 Unused space.

A direct foreign air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (1) the carrier's own personnel and property and/or (2) the directors, officers, and employees, of an air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

§ 214.9 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

6. Amend § 214.12 by revising the title and content to read as follows:

§ 214.12 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 214.[2] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 214.35. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 214.37 and 214.22, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.[3] If the carrier executes a charter contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board, within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 214.35) of the outbound charter shall be attached to the charter contract.

[2] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[3] Not applicable where the charter is based on employment in one entity or employee or student status at a school.

7. Amend paragraphs (b) and (c) of § 214.14 to read as follows:

§ 214.14 Terms of service.

* * * * * *

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 214.7(b) the carrier shall require full and nonrefundable payment of the total charter price not less than 30 days prior to the commencement of the transportation.

(c) In the case of a charter contract calling for four or more round trips per calendar year, one-way passengers shall not be carried, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 214.7(b)), shall move as a unit in both directions, except as provided in § 214.9.

8. Add new § 214.17 to read as follows:

§ 214.17 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof.[3a] If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however*, That separate financial data (see item 13 of statement), shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

9. Add new § 214.22 to read as follows:

§ 214.22 Statement of Supporting Information.

Travel agents shall execute, and furnish to foreign air carriers, section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof,[3a] at such time as required by the carrier to afford it due time for review thereof.

10. Amend § 214.30 to read as follows:

§ 214.30 Solicitation of charter participants.

(a) As used in this section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of

[3a] Statement filed as part of original document.

who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to—

(i) Students and employees of a single school, and immediate families thereof;

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof; or

(iii) Participants in a study group charter.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however*, That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

11. Amend § 214.31 to read as follows:

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 214.32), may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[4] When four or more round trips are contracted for, intermingling between flights or reforming of planeload or less than planeload charter groups shall not be permitted, and each group must move as a unit in both directions, except as provided in § 214.9.

12. Amend § 214.32 by adding a new paragraph (b) to read as follows:

§ 214.32 Participation of immediate families on charter flights.

• • • • • •

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

13. Amend § 214.34 to read as follows:

§ 214.34 Statements of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

14. Amend the title and content of § 214.35 to read as follows:

§ 214.35 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported, including stand-bys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended as passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or students and employees of a school, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger list as "(3) special" or "(3) member" (where participants are from a study or school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives at such person's household, or (5) is a bona fide participant in a study group charter.[5]

(Signature)

15. Add new §§ 214.36 and 214.37 to read as follows:

§ 214.36 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, and the dates of departure for each one-way or round-trip flight.

§ 214.37 Statement of Supporting Information.

Charterers shall execute and file with the air carrier section B of Part II of the Statement of Supporting Information attached hereto and made a part hereof 3a at such time as required by the carrier to afford it due time for review thereof.

§ 214.60 [Deleted]

16. Delete Subpart D and § 214.60.

(Secs. 204(a), 402, 403, 404(b), 416(a), Federal Aviation Act, as amended (72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760, 771; 49 U.S.C. 1324, 1372, 1373, 1374, 1386)

NOTE: The record-retention and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1565 Filed 2-4-71;8:45 am]

[Reg. ER-663]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

In a Notice of Rule Making EDR-183, PSDR-24,[1] the Board proposed to amend Part 249 to implement certain other proposals therein. Specifically, it was noted that Category 14(b) of § 249.8 presently requires a transatlantic supplemental carrier to retain for 2 years proof of the commission paid to travel agents.[2] It was proposed to extend this requirement to all supplemental carriers in order to assure compliance with §§ 208.202 and 208.203. It was further proposed to conform the record retention requirements of all classes of carriers.[3] In ER-659, issued simultaneously, the Board adopted these proposals.

Accordingly, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249), effective April 6, 1971 as follows:

1. Delete Special Economic Regulation, ER-363, in its entirety, immediately following the Table of Contents.

2. Revise the definition of "Supplemental air carrier" in § 249.2 to read as follows:

§ 219.2 Definitions.

• • • • • •

"Supplemental air carrier" means an air carrier holding a certificate issued under section 401(d)(3) of the Act, or a special operating authorization issued under section 417 of the Act.

• • • • • •

3. Amend § 249.8 by adding category 15 in the "Category of Records" table to read as follows:

§ 249.8 Period of preservation of records by supplemental air carriers.

• • • • • •

Category of records	Period to be retained
• • •	• • •
15. The following documents pertaining to Part 208 of the Economic Regulations:	
(a) Every Statement of Supporting Information.	2 years.
(b) Proof of the commission paid to any travel agent by the carrier.	Do.
• • •	• • •

4. Amend § 249.12 by adding a new subparagraph (4) to paragraph (c) as follows:

§ 219.12 Period of preservation of records by foreign air carriers.

Each foreign air carrier, other than those foreign air carriers which are authorized to engage in charter transportation only,[4] shall retain its records in accordance with the provisions of this section.

• • • • • •

(c) • • •

(4) Every Statement of Supporting Information and proof of the commission paid to any travel agent by the carrier for each pro rata charter trip originating or terminating in the United States: Two years.

5. Amend § 249.13(f) by revising category 302 in the "Category of Records" table to read as follows:

§ 249.13 Period of preservation of records by certificated route air carriers.

• • • • • •

Category of records	Period to be retained
• • •	• • •
302 Reservations reports and records:	
(a) Cards and charts constituting original source of passengers' names, telephone numbers, etc.	2 months.
(b) Telegrams and radio messages relating to the clearance of space, passenger dispatching, etc.	1 month.
(c) Names and addresses of all passengers transported on each pro rata charter trip.	6 months.
(d) Every Statement of Supporting Information required by Part 207 of this subchapter and proof of the commission paid to any travel agent by the carrier for each pro rata charter trip.	2 years.
• • •	• • •

(Secs. 204, 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1566 Filed 2-4-71;8:45 am]

[Reg. ER-664]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

In a Notice of Rule Making EDR-183, PSDR-24,[1] the Board proposed, inter alia, to consolidate Part 295 into Part 208 of its economic regulations and to repeal Part 295. In ER-659 issued simultaneously, the Board determined to adopt this proposal.

Accordingly, the Civil Aeronautics Board hereby deletes Part 295 (14 CFR Part 295) from the economic regulations.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1567 Filed 2-4-71;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-42]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Split Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

In a notice of rule making EDR-183, PSDR-24,[1a] the Board, inter alia, gave notice that it had under consideration amendment of Part 378 to permit split charters for inclusive tour charters when the entire capacity of an aircraft is used for this type of charter. For the reasons set forth in ER-659, issued simultaneously herewith, the Board has determined to permit split inclusive tour charters and further to permit inclusive tour charters to be combined with all other types of passenger charters on one aircraft.

Accordingly, the Civil Aeronautics Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378), effective April 6, 1971, as follows:

Amend paragraph (a) of § 378.2 to as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

[1] May 8, 1970 (35 F.R. 7587).

[1a] May 8, 1970 (35 F.R. 7587).

[2] The same requirement is in § 214.6(a)(3).

[3] An editorial amendment to § 249.2 was also proposed.

[4] The record-retention requirements governing foreign air carriers authorized to engage in charter transportation only are set forth in Part 214 of the Board's economic regulations.

[4] Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

[5] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

(a) "Inclusive tour charter" means the charter of the entire capacity of an aircraft or of less than the entire capacity of an aircraft (provided that the remaining capacity of the aircraft is under charter by a person or persons authorized to charter aircraft under § 208.6(c) of this chapter) by a tour operator or, with respect to tours which originate in a foreign country, by a foreign tour operator for the carriage by a supplemental air carrier of persons traveling in air transportation on inclusive tours.

• • • • • •

(Secs. 204, 401, 402, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 757; 49 U.S.C. 1324, 1371, 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1568 Filed 2-4-71;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-42]

PART 399—STATEMENTS OF GENERAL POLICY

Deletion of Certain Charter Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

In a Notice of Proposed Rule Making EDR-183, PSDR-24,[1] the Board, inter alia, proposed to amend Part 212 of the economic regulations to provide that the carriers subject thereto be under the same charter regulations as other classes of carriers with respect to on-route and off-route charters. In view of this proposal the Board noted that there would be no need for § 399.15 (processing of applications of foreign air carriers, pursuant to Part 212 of this chapter, for statements of authorization to conduct off-route charter trips). It therefore proposed to delete this section.[2] In ER-659, issued simultaneously, the Board determined to adopt these proposals.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 (14 CFR 399), effective April 6, 1971, as follows:

1. Amend the table of contents by deleting the titles of §§ 399.15 and 399.17. As amended, the table of contents will read in pertinent part:

Sec.
399.15 [Reserved]
399.17 [Reserved]

2. Delete the titles and text of §§ 399.15 and 399.17.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1569 Filed 2-4-71;8:45 am]

[1] May 8, 1970 (35 F.R. 7587).

[2] In addition it was proposed to delete § 399.17 as obsolete.

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 302—IMPORTATION AND EXPORTATION OF NARCOTIC DRUGS

Opium Import Permits Pursuant to Single Convention

Pursuant to the provisions of section 2 of the Narcotic Drugs Import and Export Act, 35 Stat. 614, as amended (21 U.S.C. 173); and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, § 302.1 of Subpart A of Part 302 of Chapter II of Title 21 of the Code of Federal Regulations is hereby amended as set forth below.

The last sentence of § 302.1 is deleted and replaced by a sentence which reads as follows:

§ 302.1 Importation.

• • • No permit shall be granted for the importation of opium; unless such opium has been produced in a country permitted such production by, and which has become a party to, the 1953 Opium Protocol; or unless such opium is to be exported from a country permitted such exportation by, and which has become a party to, the Single Convention on Narcotic Drugs, 1961.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (2-5-71).

Dated: February 2, 1971.

JOHN E. INGERSOLL, *Director, Bureau of Narcotics and Dangerous Drugs.*

[FR Doc.71-1626 Filed 2-4-71;8:50 am]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Procedure After Failure of Conciliation

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission), hereby amends paragraph (c) of § 1601.25a issued February 19, 1970 (35 F.R. 3163), and paragraph (d) of § 1601.25b issued June 18, 1970 (35 F.R. 10005), of the Code of Federal Regulations.

Section 1601.25a(c) states in its pertinent part that, "• • • the charging party or the respondent may demand in writing that a notice issue pursuant to 1601.25."

Section 1601.25b(d) states in its pertinent part that, "• • • any member of the class aggrieved by the practices alleged in the charge or any respondent named in the charge, may demand in writing that a Notice-of-Right-to-Sue issue."

It has been the experience of the Commission that the privileges granted to respondents by these provisions have adversely affected the implementation of the Congressional Policy embodied in title VII, that disputes be settled voluntarily and upon failure of voluntary settlement that such disputes should be resolved in the Federal Courts. In most instances in which respondents have requested notice of right to sue, respondents have refused to enter into voluntary settlement negotiations, maintaining that such disputes shall be resolved in court. However, except where the charging parties request a notice, or the Commission's investigatory procedures have culminated in a decision, it is the Commission's experience that they are frequently unable to locate and secure adequate legal representation within the 30-day period provided by statute for the purpose of filing a timely complaint. Thus such requests for issuance of notice have been effectively used by some respondents to prevent both administrative and judicial resolution of the issues in dispute. Since, therefore, the privilege granted by §§ 1601.25a(c) and 1601.25b (d) has been exercised by respondents in a manner which subverts the remedial scheme provided by title VII, the Commission finds it necessary to withdraw the privilege so granted.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective upon publication in the FEDERAL REGISTER, and shall be applicable with respect to all requests for notices of right to sue made after such date.

Accordingly, the Commission hereby amends § 1601.25a(c) by deleting the phrase, "or the respondent" and amends § 1601.25b(d) by deleting the phrase, "or any respondent named in the charge." As amended, the sections read as follows:

§ 1601.25a Processing of cases; when notice issues under § 1601.25.

• • • • •

(c) At any time after the expiration of sixty (60) days from the date of the filing of a charge, or upon dismissal of the charge at any stage of the proceedings, or upon the expiration of the time for filing objections to dismissal by the Field Director pursuant to § 1601.19, the charging party may demand in writing that a notice issue pursuant to § 1601.25, and the Commission shall promptly issue such notice, with copies to all parties.

• • • • •

§ 1601.25b Issuance of notice in cases involving Commissioner Charges.

• • • • •

(d) At any time after 60 days have expired since the charge was filed, any member of the class aggrieved by the practices alleged in the charge may demand in writing that a notice-of-right-to-sue issue, and the Commission shall promptly issue such notice of right to sue, pursuant to paragraph (c) of this section.

• • • • •

(Sec. 713(a), 78 Stat. 265, 42 U.S.C. 20003-12(a))

This amendment is effective upon publication in the FEDERAL REGISTER (2-5-71).

Signed at Washington, D.C., this 29th day of January 1971.

WILLIAM H. BROWN III, *Chairman.*

[FR Doc.71-1518 Filed 2-4-71;8:52 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 225—ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Conversion of Book-Entry Treasury Securities

The Department of the Treasury finds it necessary to amend, pursuant to 6 U.S.C. 15, its regulations at 31 CFR 225 (also appearing as Treasury Department Circular No. 154 (Revised)), which govern the acceptance of Treasury securities in lieu of surety or sureties on penal bonds, in order to reflect the revision of Subpart O (Book-Entry Procedures) of Part 306 of this chapter which appeared at 35 F.R. 20001. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendment involves a rule of agency procedure.

Accordingly, Part 225, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended by deleting the word "Transferable" from the text of § 225.22.

(6 U.S.C. 15)

Effective date. This amendment shall be effective on February 1, 1971.

Dated: January 29, 1971.

[SEAL] JOHN K. CARLOCK, *Fiscal Assistant Secretary.*

[FR Doc.71-1609 Filed 2-4-71;8:48 am]

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

Application by States

The Department of the Treasury finds that it is necessary to amend the existing regulations governing payment on account of deposits in the Postal Savings System at 31 CFR Part 257, by postponing for 2 years the date on which System accounts, transferred by the Post Office Department as active and remaining unpaid or unclaimed, will be deemed by the Treasury Department to be unclaimed, and on and after which the Treasury Department will furnish to State representatives lists and account cards pertaining to those accounts.

The Department finds such amendments necessary in view of the introduction in the 92d Congress of H.R. 135 on January 22, 1971, to provide for five, annual, pro-rata distributions by the Secretary of the Treasury among the states and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits. The proposed distributions would be inconsistent with the present provisions of 31 CFR 257.3 under which the Secretary will furnish to the States as of May 1, 1971, the records necessary for the States to initiate court escheat proceedings to serve as the basis for payments by the Secretary of the Treasury to the States of unclaimed deposits. Further, the continuing number of claims by or on behalf of depositors for deposits classified as active by the Post Office Department, presented to the Treasury Department since August 12, 1969, when 31 CFR 257.3 was promulgated, has demonstrated the need to revise the determination then made as to the date on which the Treasury will deem such deposits to be unclaimed.

The Department also finds in accord with 5 U.S.C. 553 that notice and public procedure are not necessary since the amendments involve interpretative rules and rules of agency procedure, and are impracticable since the subject of payments of unclaimed accounts to the states is now under consideration by the Congress.

Accordingly, Part 257, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended in the following ways:

1. By revising § 257.3(b)(2) and the introductory text of (d) to read:

§ 257.3 Application by States.

• • • • •

(b) *Accounts considered unclaimed.*

• • •

(2) The acounts transferred by the Post Office Department as active accounts and remaining unpaid or unclaimed as of May 1, 1973, being 7 years subsequent to the closing date of the Postal Savings System, will be deemed on that date to be unclaimed in the hands of the Treasury Department.

• • • • •

(d) *Information and records on active accounts.* On or after May 1, 1973, the Bureau of Accounts will furnish, without charge, to the designated State representative:

• • • • •

(5 U.S.C. 301; 31 U.S.C. 725p)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (2-5-71).

Dated: February 1, 1971.

[SEAL] JOHN K. CARLOCK, *Fiscal Assistant Secretary.*

[FR Doc.71-1655 Filed 2-4-71;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Tampa Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.175 establishing and governing the use of a seaplane restricted area in Tampa Bay, Fla., is hereby revoked, effective on publication in the FEDERAL REGISTER (2-5-71), as follows:

§ 207.175 St. Petersburg Harbor and Tampa Bay, Fla.; seaplane restricted area operating areas. [Revoked]

[Regs., Jan. 18, 1971, 1522-01 (Tampa Bay, Fla.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP, *Special Advisor to TAG.*

[FR Doc.71-1625 Filed 2-4-71;8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Miscellaneous Amendments

Part 21 of Chapter I of Title 38 is amended as follows:

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. In § 21.131, paragraph (b) is amended to read as follows:

§ 21.131 Commencing dates.

• • • • •

(b) *Increase for dependent.* Latest of the following dates:

(1) Date of claim: This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his child, or his adoption of a child, if the evidence of the event is received within 1 year of the event.

(ii) Date notice is received of dependent's existence, if evidence is received within 1 year of the Veterans Administration's request.

(2) Date dependency arises.

(3) Date the law permits benefits for dependents generally.

(4) Date of entrance or reentrance into the program. (38 U.S.C. 3010 (f), (n); Public Law 91–584, 84 Stat. 1575)

(See § 3.667 of this chapter as to effective dates with regard to children 18 years of age and older who are attending school.)

• • • • •

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

2. In § 21.1040, paragraph (e) is amended to read as follows:

§ 21.1040 Basic eligibility.

• • • • •

(e) *Persons on active duty.* Educational assistance may be afforded a person while on active duty if he:

(1) Meets the requirements applicable to a discharged veteran under paragraphs (a), (b), and (d) of this section, or

(2) Meets the requirements of paragraphs (a) and (b) of this section, and has served a total of 181 days or more on active duty, any part of which occurred on or after February 1, 1955, excluding periods of time specified in § 3.15 of this chapter. Educational assistance otherwise payable may be provided under this subparagraph so long as he continues on active duty, or

(3) Has completed 181 consecutive days or more of active duty, any part of which was on or after February 1, 1955, while such assistance is provided under § 21.4235(a)(1). (38 U.S.C. 1652, 1695(b); Public Law 91–219, 84 Stat. 76; Public Law 91–584, 84 Stat. 1575)

Subpart C—War Orphans' and Widows' Educational Assistance Under 38 U.S.C. Chapter 35

3. Section 21.3021 is revised to read as follows:

§ 21.3021 Definitions.

(a) "Eligible person" means:

(1) A child of a:

(i) Veteran who died of a service-connected disability.

(ii) Veteran who died while having a disability evaluated as total and permanent in nature resulting from a service-connected disability.

(iii) Veteran who has a total disability permanent in nature resulting from a service-connected disability.

(iv) Person who is on active duty as a member of the Armed Forces and who now is, and, for a period of more than 90 days, has been, listed by the Secretary concerned as missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(2) The widow of a:

(i) Veteran who died of a service-connected disability.

(ii) Veteran who died while having a disability evaluated as total and permanent in nature resulting from a service-connected disability, arising out of active military, naval or air service after the beginning of the Spanish-American War. (See §§ 3.6(a) and 3.807 of this chapter.)

(3) The wife of a:

(i) Veteran who has a total disability permanent in nature resulting from a service-connected disability.

(ii) Person who is on active duty as a member of the Armed Forces and who now is, and, for a period of more than 90 days, has been, listed by the Secretary concerned as missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power. (Although the Republic of the Philippines is not included in the definition of a State, eligible persons may pursue courses of training in that country.)

(b) "Child" means a son or daughter of a veteran as defined in § 3.807(d) of this chapter. The term includes a child of a Philippine Commonwealth Army veteran and a Philippine Scout (designated as a "New" Philippine Scout under 38 U.S.C. 1766(b)), as defined in § 3.8 (b), (c), or (d) of this chapter, but educational assistance allowance may not be authorized based on such service for any period before September 30, 1966.

(c) "Wife" and "widow" means an individual as defined in § 3.807(d) of this chapter. Educational assistance allowance may not be authorized for a wife or widow for any period before December 1, 1968.

(d) "Parent or guardian" means a natural or adoptive parent, a fiduciary legally appointed by a court of competent jurisdiction or any person who is determined to be otherwise legally vested with the care of the eligible person (38 U.S.C. 1701(a)(4)) or it may be the eligible person himself if he has attained his majority under laws applicable in his State of residence as shown on his application and is under no known legal disability. (38 U.S.C. 1701(b).) The eligible person may be designated as the person by whom required actions may be taken even though he has not attained his majority, or having attained his majority, is under a legal disability, when it is determined that to do otherwise would not be in his best interest, would result in undue delay or would not be administratively feasible. Where necessary to protect his interest and there is reason why the eligible person should not act for himself, some other individual may be designated as the person by whom required actions should be taken. (38 U.S.C. 1701(c).)

(e) "Armed Forces", as to service by the eligible person, means the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, including the Reserve components of each, the National Guard of the United States and the Air National Guard of the United States. (38 U.S.C. 1701 (a)(3) and (d) and 1712(a)). Effective December 31, 1970, the term includes the National Oceanic and Atmospheric Administration, the Environmental Science Services Administration and the Coast and Geodetic Survey, as to full-time duty of officers commissioned therein. (38 U.S.C. 101(21)(C); Public Law 91–621, 84 Stat. 1863)

(f) "Duty with the Armed Forces", as to service by the eligible person, means active duty, active duty for training for a period of 6 or more consecutive months, or an initial period of active duty for training of not less than 3 months or more than 6 months in the Ready Reserve. (38 U.S.C. 1701 (a)(3) and (d), 1712(a)) See §§ 21.3041 and 21.3042.

(g) "State" means each of the several States, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and the Canal Zone. (38 U.S.C. 101(20))

4. In § 21.3040, paragraph (c) is amended to read as follows:

§ 21.3040 Eligibility; child.

• • • • •

(c) *Age limitation for commencement.* No person is eligible for educational assistance who reached his 26th birthday on or before the effective date of a finding of permanent total service-connected disability, or on or before the date the veteran's death occurred, or on or before the 91st day of listing by the Secretary concerned of the member of the Armed Forces on whose service eligibility is claimed as being in one of the missing status categories of § 21.3021(a)(1)(iv) and (3)(ii).

• • • • •

5. In § 21.3041(e), subparagraph (5) is added to read as follows:

§ 21.3041 Periods of eligibility; child.

• • • • •

(e) *Extensions to ending dates.* • • •

(5) Child is enrolled and eligibility ceases because the member of the Armed Forces upon whose service eligibility is based is no longer listed by the Secretary concerned in any of the categories specified in § 21.3021(a)(1)(iv); extended to date specified in subparagraph (3) of this paragraph without regard to whether the midpoint of the quarter, semester or term has been reached. See § 21.4135(o).

6. In § 21.3042, paragraph (a) is amended to read as follows:

§ 21.3042 Service with Armed Forces.

(a) No educational assistance under chapter 35 may be provided an otherwise eligible person during any period he is on duty with the Armed Forces. See § 21.3021 (e) and (f). This does not apply to brief periods of active duty for training. See § 21.4135(n). (38 U.S.C. 1701 (d)). For chapter 34 benefits see § 21.4235.

• • • • •

7. In § 21.3046, subparagraph (3) is added to paragraph (a) and paragraph (c) is amended so that the added and amended material reads as follows:

§ 21.3046 Periods of eligibility; wives and widows.

• • • • •

(a) *Wives.* • • •

(3) If eligibility arises under § 21.3021 (a)(3)(ii) the beginning date of the 8-year period is December 24, 1970, or the date the member of the Armed Forces on whose service eligibility is based was so listed by the Secretary concerned, whichever last occurs.

• • • • •

(c) *Extension to ending date.* Wife is enrolled and eligibility ceases for a reason specified in subparagraph (1), (2), or (3) of this paragraph: Extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 9 weeks, whichever is earlier, but not to exceed maximum entitlement or beyond the 8-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached.

(1) Veteran is no longer rated permanently and totally disabled.

(2) Wife is divorced from veteran without fault on her part.

(3) Spouse no longer is listed in any of the categories of § 21.3021(a)(3)(ii), (38 U.S.C. 1711(b), 1712(b); sec. 2(f), Public Law 90–631, 82 Stat. 1331; Public Law 91–584, 84 Stat. 1575).

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

8. In § 21.4130, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 21.4130 Educational assistance allowance.

Educational assistance allowance will be paid at the rate specified in § 21.4136 or § 21.4137 while the veteran or eligible person is pursuing a course of education. Except for apprenticeship and on-the-job training programs, no payment will be made based on a course not leading to a standard college degree for excessive absences as determined under § 21.4205(b). (See § 21.4136(i) for proportionate reduction where less than 120 hours are completed during month in apprenticeship and on-job training programs.)

• • • • •

9. In § 21.4131, paragraph (e) is amended to read as follows:

§ 21.4131 Commencing dates.

• • • • •

(e) *Increase for dependent; chapter 34.* Latest of the following dates:

(1) Date of claim: This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his child, or his adoption of a child, if the evidence of the event is received within 1 year of the event.

(ii) Date notice is received of dependent's existence if evidence is received within 1 year of the Veterans' Administration's request.

(2) Date dependency arises.

(3) Date the law permits benefits for dependents generally.

(4) Date of entrance or reentrance into the program. (38 U.S.C. 3010 (f), (n); Public Law 91–584, 84 Stat. 1575)

(See § 3.667 of this chapter as to effective dates with regard to children 18 years of age and older who are attending school.)

• • • • •

10. In § 21.4135, paragraph (o) is amended to read as follows:

§ 21.4135 Discontinuance dates.

• • • • •

(o) *Veteran no longer rated permanent total disabled; or wife (trainee) divorced from veteran without fault on her part, or serviceman removed from "missing status" listing; chapter 35* (§§ *21.3041 and 21.3046*). (1) End of quarter or semester if school is operated on quarter or semester system.

(2) End of course or a 9-week period whichever is earlier, if school is not operated on quarter or semester system.

• • • • •

11. In § 21.4136, paragraphs (a) and (e) are amended and paragraph (i) is added so that the added and amended material reads as follows:

§ 21.4136 Rates: educational assistance allowance: 38 U.S.C. Chapter 34.

(a) *Rates.* Educational assistance allowance is payable for periods commencing on or after February 1, 1970, at the following monthly rates.

Type of courses	Monthly rate: No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional				
Full time	$175	$205	$230	$13
¾ time	128	152	177	10
½ time	88	100	114	7
Less than ½, but more than ¼ time	[1]88			
¼ time or less	[1]41			
Cooperative, other than farm cooperative (full time only)	141	167	192	10
Apprentice or on-job (full time only but see footnote 2 below):				
Payment designated training assistance allowance:				
1st 6 months	108	129	133	None
2d 6 months	81	92	105	None
3d 6 months	54	66	79	None
4th 6 months and succeeding periods	27	39	52	None
Correspondence	Established charge for number of lessons completed by veteran and serviced by school[3]—Allowance paid quarterly.			
Flight training	80 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time	$141	$165	$190	$10
¾ time	101	119	138	7
½ time	67	79	92	4

(38 U.S.C. 1677, 1682, 1683; Public Law 91–219, 84 Stat. 76; Public Law 91–584, 84 Stat. 1575)

[1] See paragraph (b) of this section.

[2] See footnote 3 of § 21.4270(c) for measurement of full time and paragraph (i) of this section for proportionate reduction in award for completion of less than 120 hours per month.

[3] Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible veteran whichever is the lesser.

• • • • •

(e) *Excessive absences.* Other than apprenticeships and on-job training, when enrollment is in a course which does not lead to a standard college degree absences in excess of the maximum number allowable will cause a reduction in the educational assistance allowance payable for the month in which such absences occurred. The rate of reduction will be determined by the following table:

Days of scheduled attendance per week:	Rate of reduction for each day of excessive absence
5 or more	1/25
4	1/20
3	1/15
2	1/10
1	1/5

• • • • •

(i) *Proportionate reduction in monthly training assistance allowance less than 120 hours.* For any month in which an an eligible veteran pursuing an apprenticeship or on-job training program fails to complete 120 hours of training the rate specified in paragraph (a) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to 120 hours. This 120-hour requirement is for training hours worked and may not include hours of related training also required as part of the program. In this computation the number of hours worked is to be rounded to the nearest multiple of eight. (See footnote 5 to § 21.4270 as to the requirements for full-time training.)

12. In § 21.4230, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 21.4230 Requirements.

A program of education will consist of a combination of subjects or unit courses pursued at a school which is generally acceptable to meet requirements for a predetermined educational, professional, or vocational objective. Under chapter 34 it may also consist of such subjects or courses which are generally acceptable

to meet requirements for more than one such objective if all the objectives pursued are generally recognized as being related to a single career field. It also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)). (38 U.S.C. 1652(b), 1670, 1691(a); Public Law 91-219, 84 Stat. 76; Public Law 91-584, 84 Stat. 1575).

• • • • •

13. In § 21.4270, footnotes 3 and 5 are amended to read as follows:

§ 21.4270 Measurement of courses.

• • • • •

[3] Cooperative courses may be pursued on full-time basis only.

Where the institution certifies that all undergraduate students enrolled for a minimum of 12 or 13 semester hours or the equivalent are (1) charged full-time tuition, or (2) considered full time for other administrative purposes, such minimum hours will establish the criteria for full-time measurement. The minimum for full time in either instance is 12 such hours. When 12 hours is properly certified as full time, 9 through 11 hours will be measured as ¾ time, 6 through 8 hours will be measured as ½ time, 4 through 5 hours will be measured as less than ½ and more than ¼ time, and 1 through 3 hours will be measured as ¼ time or less. All other undergraduate courses of less than full time will continue to be measured under paragraph (c) or (f) of this section, as appropriate, but where 13 credit hours or the equivalent is certified as full time, ¾ time will be 10 through 12 hours.

Upon request of a beneficiary, an increase in rates warranted under this criteria may be authorized to him effective March 26, 1970, if he was enrolled prior to that date and effective the date of enrollment if he was enrolled on or after March 26, 1970. The request of the beneficiary will not be required for other payments under this criteria.

To meet criteria for full-time measurement under 38 U.S.C. chapters 34 and 35 in standard collegiate courses which include required noncredit deficiency courses, in the absence of a certification under § 21.4272(f) the noncredit deficiency courses will be converted on the basis of the applicable measurement criteria, that is 25 or 30 clock hours, 4 "Carnegie Units", or 12, 13, or 14 (as appropriate) semester hours equal full time. The credit hour equivalent of such noncredit courses may constitute any portion of the required hours for full-time measurement.

• • • • •

[5] Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 30 hours, unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 24, 1970, except § 21.3021(e) which is effective December 31, 1970, and §§ 21.4130 and 21.4136 (e) and (i) which are effective January 1, 1971.

Approved: February 1, 1971.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.71-1584 Filed 2-4-71;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Sexually Oriented Advertisements; Correction

In the daily issue of Saturday, January 30, 1971 (36 F.R. 1468), the Department promulgated regulations, to be effective February 1, 1971, in implementation of 39 U.S.C. 3010, as enacted by Public Law 91-375. A new § 124.9 was added to Part 124 of Title 39. In paragraph (d)(1) thereof, in the fourth sentence, the word "check" should have been preceded by the word "certified". The amendment which follows will correct the error.

Accordingly, in § 124.9 *Sexually oriented advertisements*, amend paragraph (d)(1) to read as follows:

§ 124.9 Sexually oriented advertisements.

• • • • •

(d) *Availability of Postal Service List.* (1) Copies of the List or portions thereof and periodic amendments thereto shall be available to any person by annual subscription. A subscription year runs from January 1 through December 31, except that in 1971 the subscription year will be deemed to be from February 1, 1971, through December 31, 1971. Requests for information on subscriptions and requests for subscriptions should be submitted to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260. Requests for subscriptions must be accompanied by a certified check for $5,000 payable to the U.S. Postal Service. This money will be applied to the subscription price at the end of the year, and any excess will be refunded to the subscriber. The annual subscription price will be established following each subscription year, and will represent the cost, prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription price exceed $10,000. The List will be in the form of a reduced reproduction of computer print-outs. For an additional fee of $30 a computer tape of the listings can also be secured in conjunction with subscriptions to the List. Details of the List format may be obtained from the Director, Office of Mail Classification. A computer tape of the Listing may not be purchased without a purchase of the subscription computer print-out List.

• • • • •

(5 U.S.C. 301, 39 U.S.C. 501; 39 U.S.C. 3010 (Public Law 91-375; 84 Stat. 749))

DAVID A. NELSON,
General Counsel.

[FR Doc.71-1637 Filed 2-4-71;8:51 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA-Sig 3]

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM

Additional Required Information; Prints

The purpose of this amendment is to correct § 235.12(d) of Part 235 "Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System" to Title 49 of the Code of Federal Regulations which was published in the FEDERAL REGISTER, Vol. 35, No. 151, Wednesday, August 5, 1970, on pages 12463-5.

The Association of American Railroads in its letter of August 24, 1970, objected to subparagraphs (3) and (4) of § 235.12(d) as requiring information that is inordinately difficult to calculate and not subject to the accuracy and precision contemplated by use of the word "computation." The letter was considered as a petition for reconsideration and was submitted to the Railroad Safety Board for disposition. The Board has reviewed the Docket in this matter and the petitioner's objections and finds that the subparagraphs in question do present unnecessary burdens on the carriers at this time. The Board also noted that these two subparagraphs were added to the paragraph after it had been presented to the Association and to the representatives of railway labor organizations.

In consideration of the foregoing, § 235.12(d) of Part 235 of the Code of Federal Regulations is amended by deleting subparagraphs numbered (3) and (4) and changing the number of present subparagraph (5) to subparagraph (3) as set forth below. This amendment shall be effective 30 days after this publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 29, 1971.

THE RAILROAD SAFETY BOARD,
ROBERT LEE KESSLER,
Chairman.

MAC E. ROGERS,
Member.

JAMES H. MACANANNY,
Member.

Paragraph (d) of § 235.12 is hereby deleted and the following paragraph is substituted therefor:

§ 235.12 Additional required information—prints.

• • • • •

(d) If stopping distances are involved, the following information shall also be shown:

(1) Curvature and grade.

(2) Maximum authorized speeds of trains.

(3) Length of signal control circuits for each signal indication displayed.

• • • • •

[FR Doc.71-1587 Filed 2-4-71;8:46 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 553—RULEMAKING PROCEDURES, MOTOR VEHICLE SAFETY STANDARDS

Subpart B—Procedures for Adoption of Rules Under Sections 103 and 119 of the Act

PETITIONS FOR EXTENSION OF TIME TO COMMENT

Section 553.19, rulemaking procedures, in Chapter 5 of Title 49, Code of Federal Regulations, currently requires that a petition for extension of time to comment on a rulemaking notice be received not later than 3 days before the expiration of the comment period specified in the notice. The 3-day requirement has proven unsatisfactory in situations where the petition is received close to the deadline, and the agency determines that it should be denied. The 3-day period does not allow sufficient time for the agency to process the petition, notify the petitioner of its determination, and leave time in the comment period for the petitioner to submit comments.

To remedy this problem, § 553.19 is hereby amended to require that petitions for extensions of time be submitted not later than 10 days before the expiration of the comment period. This will provide time for agency action within the comment period, and for petitioners whose petitions are denied to submit comments, if they wish, before the comment period expires.

In light of the foregoing, § 553.19 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 553.19 Petitions for extension of time to comment.

A petition for extension of the time to submit comments must be received not later than 10 days before expiration of the time stated in the notice. It is requested, but not required, that 10 copies be submitted. The filing of the petition does not automatically extend the time for petitioner's comments. Such a petition is granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it is granted to all persons, and it is published in the FEDERAL REGISTER.

Since this amendment concerns agency procedure, notice and public procedure thereon are unnecessary, and it is effective upon publication in the FEDERAL REGISTER (2-5-71), with respect to all rulemaking notices issued subsequent to its publication.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51, 35 F.R. 4955)

Issued on February 2, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-1623 Filed 2-4-71;8:49 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definitions and Drafting Usage

The purpose of this notice is to amend Subpart A, General, of Part 571, Federal Motor Vehicle Safety Standards, in Title 49, Code of Federal Regulations, by adding certain definitions and an explanatory section with respect to drafting usage in the standards and regulations issued under the National Traffic and Motor Vehicle Safety Act.

1. A problem that arises frequently in the drafting and interpretation of standards is expression of the concept that a vehicle or item of equipment must meet specified requirements within a range of values, or in connection with all the items in a set, not simultaneously, but at whatever point within the range or with whatever item in the set the Administration selects for testing. Normal English usage describes this concept by use of the word "any", as in the following examples: "The vehicle must meet the requirements of S4.1 when tested at any point between 18 and 22 inches above the ground." "Each tire shall be capable of meeting the requirements of this standard when mounted on any rim specified by the manufacturer as suitable for use with that tire."

The interpretive difficulty arises because, although the requirements of the standards are drafted as descriptions of the limits within which the Administration will test the vehicles and equipment to which the standards apply, some members of the public fail to recognize this, and tend to view the standards (erroneously) as descriptions of the tests that manufacturers must perform. Thus, in the above examples, persons may mistakenly consider the requirement as requiring only that the vehicle must meet the requirements at some one point between 18 and 22 inches from the ground, or that a tire need only meet the requirements when mounted on a particular one of the rims recommended by the manufacturer. To correct any such misconceptions, and to simplify the drafting and interpretation of standards and regulations, an explanatory section is hereby added to the "General" subpart of Part 571.

2. To simplify the drafting and organization of standards and regulations, definitions are hereby added to the list in 49 CFR 571.3 for the terms "longitudinal" or "longitudinally," "gross vehicle weight rating" or "GVWR," "gross axle weight rating" or "GAWR," "gross combination weight rating" or "GCWR," and "unloaded vehicle weight."

Since these amendments are clarifying and interpretative in nature, notice and public procedure thereon are unnecessary, and they are effective upon publication in the FEDERAL REGISTER (2-5-71).

In consideration of the foregoing, Subpart A, General, of Part 571, Federal Motor Vehicle Safety Standards, in Title 49, Code of Federal Regulations, is amended as follows:

1. The following definitions are added to § 571.3, *Definitions*, in the proper alphabetical position:

§ 571.3 Definitions.

• • • • •

"Gross axle weight rating" or "GAWR" means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces.

"Gross combination weight rating" or "GCWR" means the value specified by the maufacturer as the loaded weight of a combination vehicle.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle.

• • • • •

"Longitudinal" or "longitudinally" means parallel to the longitudinal centerline of the vehicle.

• • • • •

"Unloaded vehicle weight" means the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle, but without cargo or occupants.

• • • • •

2. A new section is added to Part 571:

§ 571.4 Explanation of usage.

The word "any," used in connection with a range of values or set of items in the requirements, conditions, and procedures of the standards or regulations in this chapter, means generally the totality of the items or values, any one of which may be selected by the Administration for testing, except where clearly specified otherwise.

Examples: "The vehicle shall meet the requirements of S4.1 when tested at any point between 18 and 22 inches above the ground." This means that the vehicle must be capable of meeting the specified requirements at every point between 18 and 22 inches above the ground. The test in question for a given vehicle may call for a single test (a single impact, for example), but the vehicle must meet the requirement at whatever point the Administration selects, within the specified range.

"Each tire shall be capable of meeting the requirements of this standard when mounted on any rim specified by the manufacturer as suitable for use with that tire." This means that, where the manufacturer specifies more than one rim as suitable for use with a tire, the tire must meet the requirements with whatever rim the Administration selects from the specified group.

"Any one of the items listed below may, at the option of the manufacturer, be substituted for the hardware specified in S4.1." Here the wording clearly indicates that the selection of items is at the manufacturer's option.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on February 2, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-1622 Filed 2-4-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 914]

ORANGES GROWN IN INTERIOR DISTRICT IN FLORIDA

Method of Allocating Fixed Quantity

Notice is hereby given that the Department is considering proposed rules and regulations (§ 914.130) pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914; 35 F.R. 17169) regulating the handling of oranges grown in the Interior District in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The aforesaid rules and regulations were proposed by the Interior Orange Marketing Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof. The rules and regulations would provide a method to implement allocation of the total quantity of oranges that may be handled during any week between early and midseason type oranges and late type oranges when both types of oranges are being shipped. The proposed rules and regulations are based on the applicable weekly shipments of both types during the preceding three fiscal periods and will reflect the respective proportions as estimated by the committee of the two types of oranges shipped by all handlers in the applicable week preceding the week for which the committee recommends the Secretary fix such total quantity of oranges.

The proposal is as follows:

§ 914.130 Method of allocating fixed quantity.

(a) Whenever the Secretary has fixed the total quantity of oranges which may be handled during a particular week, the committee shall determine the allocation between early and midseason type oranges and late type oranges, if both types are being shipped, by matching the percentage of early and midseason type oranges in shipments of both types made during the first or second week (as provided in § 914.45(a)) preceding the week in which the committee meets to consider the need for regulation with the corresponding percentage in the left-hand column of the Table in paragraph (b) of this section, and then multiplying the percentage of such oranges in shipments made 2 or 3 weeks later, as applicable, by the quantity fixed for the particular week: *Provided*, That during the weeks of the period beginning with the first full week in January and ending with the first full week in May, allocation to either type of oranges shall not be less than 5 percent of the total quantity of oranges fixed by the Secretary for a particular week.

(b) The following Table shows the respective average decreases in the percentage of early and midseason type oranges in shipments of both types after 2 and 3 weeks based on shipments of such oranges during the previous 3 fiscal periods as prescribed in § 914.45:

TABLE

Early and midseason type oranges in shipments for a given week	Two weeks later	Three weeks later
Percent	*Percent*	*Percent*
99	76	48
98	70	42
97	66	38
96	62	35
95	58	33
94	54	31
93	50	29
92	48	27
91	46	26
90	44	25
89	43	24
88	41	23
87	39	22
86	38	21
85	36	20
84	35	19
83	34	18
82	33	17
81	31	17
80	30	16
79	30	15
78	29	14
77	28	14
76	28	13
75	27	13
74	26	13
73	26	12
72	25	12
71	24	11
70	23	11
69	23	11
68	22	10
67	22	10
66	21	9
65	21	9
64	20	9
63	20	8
62	19	8
61	19	8
60	18	8
59	18	7
58	18	7
57	17	7
56	17	6
55	16	6
54	16	6
53	15	6
52	15	5
51	15	5
50	14	5
49	14	5
48	14	4
47	13	4
46	13	4
45	13	4
44	12	4
43	12	4
42	11	4
41	11	4
40	10	4
39	10	3
38	9	3
37	9	3
36	8	3
35	8	3
34	7	3
33	7	3
32	6	2
31	6	2
30	5	2
29	5	2
28	5	2
27	4	2
26	4	2

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed rules and regulations shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 5th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 2, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1640 Filed 2-4-71;8:51 am]

[7 CFR Part 980]

[980.109, Amdt. 4]

ONIONS

Importation

Notice is hereby given of a proposed amendment of § 980.109 *Onion import regulation* (35 F.R. 11225, 12530, 14539, 18955), applicable to the importation of onions into the United States to become effective March 28, 1971, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e–1 of the act (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.109 (35 F.R. 11225), became effective July 18, 1970, and sets forth similar grade, size, quality, and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Eastern Oregon. Grade, size, quality, and maturity requirements become effective for the period March 1, through May 29, 1971, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. It is anticipated that imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 28 and the proposed changes will be necessary to bring import regulations into line with domestic regulations covering these South Texas onions.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the

Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 17, 1971. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

Section 980.109 *Onion import regulation* (35 F.R. 11225, 12530, 14539, 18955), is hereby amended to read as follows:

§ 980.109 Onion import regulation.

Pursuant to section 608e–1 of the Act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 28, 1971, and continuing through May 29, 1971, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements:

(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) Condition: Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity: Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine: Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service: The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) Inspection and official inspection certificates:

(1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give at least 1 day advance notice, except the requirement for "All California points" and "All other points" is at least 3 days advance notice, to the applicable office listed below prior to the time the onions will be imported.

All Texas points:
W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone 512–385–5385).
All Arizona points:
B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone 602–287–2902).
All California points:
D. P. Thompson, 294 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles, CA 90021 (Phone 213–622–8756).
All Hawaii points:
Stevenson Ching, 1428 South King Street, Honolulu, HI 96814 (Phone 808–941–3071).
New York City:
Edward J. Beller, Room 28A, Hunts Point Market, Bronx, NY 10474 (Phone 212–991–7669).
New Orleans:
Pascal J. Lamarca, 5027 Federal Office Building, 701 Loyola Avenue, New Orleans, LA 70113 (Phone 504–527–6741).
All other points:
D. S. Matheson, Fruit and Vegetable Division, C&MS, USDA, Washington, DC 20250 (Phone 202–388–5870).

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: "Meets import requirements of 7 U.S.C. 608e–1."

(g) Reconditioning prior to importation: Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in south Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity being made effective for onions grown in south Texas.

(i) Definitions: For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title) or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: February 2, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1641 Filed 2-4-71;8:51 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

EMPLOYMENT OF CERTAIN NONIMMIGRANTS

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rule pertaining to the employment of certain nonimmigrants. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

Section 214.1 is amended by adding paragraph (c) to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

• • • • •

(c) *Employment.* A nonimmigrant in the United States in a class defined in section 101(a)(15)(B) of the Act as a temporary visitor for pleasure, or section 101(a)(15)(C) of the Act as an alien in transit through this country, may not engage in any employment. Any other nonimmigrant in the United States may not engage in any employment unless he has been accorded a nonimmigrant classification which authorizes employment or he has been granted permission to engage in employment in accordance with the provisions of this chapter. A nonimmigrant who is permitted to engage in employment may engage in such employment as has been authorized. Any unauthorized employment by a nonimmigrant constitutes a failure to maintain status within the meaning of section 241(a)(9) of the Act.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: January 29, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-1608 Filed 2-4-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 71-SW-4]

BELL MODEL 206A HELICOPTERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding a new airworthiness directive applicable to Bell Model 206A helicopters. There has been one report of a crack possibly caused by corrosion and two reports of corrosion in the main rotor blade spar lower surface adjacent to the inboard screws which secure the tip inertia weight to the blade. Failure of the blade and resulting loss of tip inertia weight would result in loss of control of the Model 206A helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would impose a periodic inspection for cracks or corrosion in the spar lower surface from blade station 170 to 180 for certain main rotor blades, P/N 206-010-200-29 on Bell Model 206A helicopters.

It is anticipated that repair procedures for the blade corrosion will be developed by Bell and incorporated in the final amendment prior to adoption of the rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before March 6, 1971 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX 76101.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 206A helicopters certificated in all categories, equipped with main rotor blades, P/N 206-010-200-29, having blade serial numbers, TKK-0001 through TKK-0867 and TKK-1012 through TKK-1030 or having blade serial numbers with the prefix TJK.

Compliance required as indicated. To detect possible corrosion and fatigue cracks in the main rotor blade spar lower surface adjacent to the tip inertia weight attachment screws, accomplish the following:

a. Inspect those main rotor blades having 600 or more hours time in service on the effective date of this AD within 25 hours time in service therefrom, unless already accomplished in accordance with procedures listed below.

b. Inspect those main rotor blades having less than 600 hours time in service before reaching 625 hours time in service in accordance with the procedures listed below.

c. Accomplish repetitive inspections of the main rotor blades in accordance with the procedures listed below at intervals of not more than 25 hours time in service from the last inspection.

d. Visually inspect the lower surface of the spar from blade station 170 to 180 in the area of the screw heads for paint blisters, raised areas, paint cracks and for exposed metal. (Blade station 0 is the center of the main rotor yoke.)

e. If any of the conditions in subparagraph d are found, remove the finish in accordance with the instructions of Item 5 of Bell Helicopter Company Service Bulletin No. 206A-19 dated December 18, 1970, or later revision, and inspect for corrosion and cracks in the spar adjacent to the screw heads using a dye penetrant or equivalent inspection method.

f. If no corrosion or cracks are found, treat and refinish the unpainted area in accordance with the instructions of Item 4.c. of Bell Helicopter Company Service Bulletin No. 206A-19 dated December 18, 1970 or later revision.

g. If corrosion or cracks are found, remove and replace the blade before further flight.

h. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Co., Post Office Box 482, Fort Worth, TX 76101.

i. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, TX, and at FAA Headquarters, 800 Independence Avenue SW., Washington, DC. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Tex.

Issued in Fort Worth, Tex., on January 26, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-1610 Filed 2-4-71;8:48 am]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 23055; SPDR-22]

NONAFFINITY CHARTERS

Advance Notice of Proposed Rule Making

JANUARY 29, 1971.

Notice is hereby given that the Civil Aeronautics Board is considering issuing a notice of proposed rule making to establish by special regulation a new category of charter tentatively denominated as "Non-Affinity Charter." The new class of charter is described and discussed in the Explanatory Statement below. This notice is issued pursuant to the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.

Interested persons may participate in the rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before May 1, 1971, will be considered before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

On July 30, 1970, the Member Carriers of the National Air Carrier Association (NACA) filed in Docket 22409, a petition for rule making which, inter alia, essentially calls for elimination of the affinity requirements for pro rata charters in Parts 208 and 295 of the Board's economic regulations. On October 28, 1970, the Board heard oral argument on the proposal, as well as proposals for revision and extension of the charter regulations set forth in EDR-183/PSDR-24, dated May 8, 1970.

By ER-659 and related regulations issued concurrently, the Board is adopting

certain of the EDR-183 proposals for effectiveness for the forthcoming 1971 summer season, and is deferring action on the remaining proposals. This advance notice concerns the NACA carriers' proposal referred to above.

In their petition, the NACA carriers assert that the affinity concept embodied in Parts 208 and 295 is inherently discriminatory, unduly restrictive, and almost impossible to define or enforce; that it has deprived thousands of potential travelers of the benefits of low cost charter transportation; and that it is not believed essential to the preservation of the charter concept and the distinction between group and individual travel. The NACA carriers therefore propose that Parts 208 and 295 be revised to permit any group of 40 or more individuals to charter an aircraft or a portion thereof, subject to the following restrictions: (1) The group must have been formed at least 6 months prior to departure, and (2) the group may not be brought together by means of mass media advertising. In addition, the proposal would permit any organization to charter, so long as (1) the participants on the organizations' charter flights have been members for at least 6 months prior to departure, and (2) the organization does not in any mass media solicitation of membership hold out specific charter transportation as an inducement. The NACA carriers believe that these rules are sufficient to provide sharp distinction between charter and individually ticketed transportation, and that there is no danger that the liberalized charter regulations proposed would impair scheduled services or divert large numbers of passengers from individually ticketed services.

In their answer to the petition, as augmented at oral argument, the trunkline carriers[1] contend that the affinity concept may not, and should not, be abandoned; that its abolition would be catastrophic for the scheduled carriers; and that the restrictions proposed would not mitigate the catastrophe.

The Board is of the opinion that consideration should be given to the establishment of a class of nonaffinity charter, in addition to inclusive tour charters under Part 378. The infirmities of the affinity charter concept are well known. The concept raises questions of discrimination against persons who are not members of affinity groups, and against persons who are members of small affinity groups unable to mount as extensive and attractive charter programs as large groups. In addition the concept has posed difficult enforcement problems. It is possible that these enforcement problems could be brought under control by clearer and more restrictive charter regulations aimed at greater adherence to the affinity concept. However, comment received in EDR-183 tends to show that adoption of such regulations, while reducing enforcement problems, may also serve to increase discrimination and inhibit the opportunities of many members of the traveling public to avail themselves of low cost charter transportation.

It also appears that the affinity concept is in essence but a means to maintain the distinction between charter and individually ticketed services. This concept is not itself a statutory requirement. It may be that this objective can be realized through other more appropriate means without departing from statutory requirements.

This brings us to the NACA carriers' proposal. While we tentatively favor the objectives of this proposal, it provides no means to identify the charter participants as a group and is otherwise too lacking in specificity to justify the institution of public rule making proceedings. Furthermore, the proposal would apply only to supplemental air carriers. In this respect, it is inconsistent with our objective of securing uniform charter regulations applicable to all types of carriers. In addition, the proposal would eliminate affinity charters entirely. Although any long-term solution of the pro rata charter problem may well involve elimination of the affinity concept entirely, we believe it preferable at this juncture not to eliminate affinity charters even though the Board adopts the nonaffinity charter concept in some form. For these reasons the NACA carriers' proposal in the form submitted will not be submitted for public comment in rule making proceedings, and the petition is denied to this extent.

However, we are considering issuing a Notice of Proposed Rule Making to establish by Special Regulation a new class of charter tentatively denominated as "Non-Affinity Charter" which would be applicable to all direct air carriers and foreign air carriers, as an alternative to affinity charters under Parts 207, 208, 212, and 214 of the economic regulations and to inclusive tour charters under Part 378. And we are tentatively of the view that this new type of charter, if authorized, should be available to any group of 50 or more provided that the following conditions are met:

(1) Six months prior to scheduled departure the carrier must file with the Board a charter contract setting forth the date(s) of the flight(s), the price, origin, and destination, and the names, addresses, and telephone numbers of the charter participants. The carrier may also file a standby list which is no larger than three times the size of the main list, and must file a statement that it has received a deposit of 25 percent of the total charter price from the main list participants. In the event a main list participant cancels, this deposit will ordinarily be refundable only if a replacement participant is obtained.

(2) The charter participants must be on the main list or from the standby list. At least 80 percent must be from the main list, with the remainder filling in from the standby list. No one may participate who is not either on the main or standby list.

(3) Within 7 days after flight departure, the carrier must file with the Board a manifest containing the names, addresses, and telephone numbers of the charter participants.

(4) Intermingling of charter participants would be subject to the same rules as provided in ER-659.[2]

(5) Solicitation materials shall separately state the cost of ground arrangements, if any, the cost of air transportation, the service charges, and the total cost of the entire trip.[3]

(6) There will be no fixed limit on service charges, but they must be broken out separately and prorated equally among the participants.

(7) There will be no commissions.

(8) There will be no mass media advertising.

(9) Split charters would be permitted, and nonaffinity charters could be combined with other types of passenger charters.[4]

The above proposal is designed to preserve the distinction between charter and individually ticketed services, and would preclude any substantial impairment of scheduled services. The distinction would be preserved by the 6-month requirement, together with the participant list and payment requirement.

The rule against commissions is predicated on the view that intermediaries who will form the groups and make the arrangements for nonaffinity charter flights are essentially agents for the group and not the carrier and should receive compensation from the group as service charges, and not in the form of commissions from the carriers. Comments are particularly invited as to the limitations and safeguards which should be imposed on the intermediaries and the extent, if any, as to which they should be allowed to serve as indirect air carriers.

Ordinarily, of course, the Board in rule making proceedings issues a notice containing proposed rules in regulatory format and issues final rules after receiving comments. In this case, we are issuing an advance notice containing rules in outline form which we are considering proposing in a notice of rule making. We have chosen this additional preliminary step in view of the fact that these rules would involve a marked departure from the concept which has governed pro rata charters from their inception. Under these circumstances we desire to have the benefit of the views of interested persons before formulating precise rules.

[FR Doc.71-1561 Filed 2-4-71;8:45 am]

[1] American, Braniff, Continental, Delta, Eastern, National, Northwest, Pan American, Trans Caribbean, TWA, United, and Western.

[2] I.e. in the case of a charter contract calling for four or more round trips, one-way passengers shall not be carried, there shall be no intermingling of passengers and each planeload group, or less than planeload group, shall move together as a unit in both directions, except under emergency circumstances. (See §§ 208.32(f) and 208.36.)

[3] Cf. ER-659, § 208.214.

[4] See ER-659, p. 17 et. seq.

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 615]

STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSE OR PERMIT

Notice of Proposed Rule Making

Notice is hereby given that the Administrator, Environmental Protection Agency, pursuant to the authority in section 103, 84 Stat. 91, proposes the addition of a new Part 615 to Title 18, Chapter V of the Code of Federal Regulations, as set forth below.

The Federal Water Pollution Control Act vests certain authorities in the Secretary of the Interior. On December 2, 1970, those authorities were transferred to the Administrator, Environmental Protection Agency, by Reorganization Plan No. 3 of 1970.

Section 21(b) of the Federal Water Pollution Control Act, 33 U.S.C.A. 1171 (b), requires any applicant for a Federal license or permit to conduct any activity, including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States to obtain a certification from the State in which the discharge originates, or, if appropriate, from the interstate agency having jurisdiction or, under certain circumstances, from the Administrator, that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards. In any case where actual construction of a facility from which a discharge is made has been lawfully commenced before April 3, 1970, no certification is required for the issuance of a license or permit after April 3, 1970, except that any such license or permit shall terminate on April 3, 1973, unless a certification is submitted to the licensing or permitting agency prior to April 3, 1973. Where any license or permit application was pending on April 3, 1970, and such license or permit is issued before April 3, 1971, no certification is required for 1 year following the issuance of such license or permit, except that any such license or permit shall terminate at the end of 1 year unless a certification is submitted to the licensing or permitting agency prior to that time:

The proposed Subpart A would provide definitions of general applicability for the regulations and would provide for the uniform content and form of certification.

The proposed Subpart B would establish procedures for determination by the Administrator whether a discharge which will result from an activity for which certification is required by section 21(b) may affect the quality of the waters of any State other than the State in which the discharge originates.

The proposed Subpart C would establish procedures for obtaining certifications from the Administrator in certain cases where standards have been promulgated by the Administrator, and in cases where no State or interstate agency has authority to certify that there is reasonable assurance that an activity requiring a Federal license or permit and which may result in a discharge into navigable waters will be conducted in a manner which will not violate applicable water quality standards.

The proposed Subpart D would provide for consultation between the Administrator and Federal licensing and permitting agencies with respect to the meaning, content, and application of water quality standards and related matters.

A form suitable for use by certifying agencies is being prepared and will be published in the FEDERAL REGISTER in the immediate future.

Interested persons may submit, in triplicate, written data or arguments in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. All relevant material received not later than 30 days after publication of this notice will be considered.

(Secs. 21 (b), (c) Federal Water Pollution Control Act, (Public Law 91-224); sec. 103, 84 Stat. 91, 33 U.S.C.A. 1171(b) (1970); Reorganization Plan No. 3 of 1970)

Subpart A—General

§ 615.1 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) "License or permit" means any license or permit, including leases for livestock grazing or oil, mineral, or other exploitation, granted by an agency of the Federal government to conduct any activity which may result in any discharge into the navigable waters of the United States.

(b) "Licensing or permitting agency" means any agency of the Federal Government to which application is made for a license or permit.

(c) "Administrator" means the Administrator, Environmental Protection Agency.

(d) "Certifying agency" means the person or agency designated by the Governor of a State to certify compliance with applicable water quality standards. If an interstate agency has sole authority to so certify, such interstate agency shall be the certifying agency. Where a Governor's designee and an interstate agency have concurrent authority to certify, the Governor's designee shall be the certifying agency. Where water quality standards have been promulgated by the Administrator pursuant to section 10(c)(2) of the Act, or where no State or interstate agency has authority to certify, the Administrator shall be the certifying agency.

(e) "Act" means the Federal Water Pollution Control Act, 33 U.S.C.A. 1151 et seq.

(f) "Discharge" means any direct or indirect addition of matter to receiving waters.

(g) "Water quality standards" means standards established pursuant to section 10(c) of the Act, and State-adopted water quality standards for navigable waters which are not interstate waters.

§ 615.2 Form of certification.

A certification made by a certifying agency shall include the following:

(a) The name and address of the applicant;

(b) A description of the facility or activity, and of any discharge into navigable waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal, and other characteristics of the discharge, and the location or locations at which such discharge may enter navigable waters;

(c) A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained;

(d) The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place;

(e) A statement of the probable effects of the discharge on the quality of the receiving water;

(f) An identification of applicable water quality standards;

(g) A statement of the probable effects of the discharge on the quality of waters of a State other than the State in which the discharge occurs or will occur;

(h) A statement that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards;

(i) A statement of the conditions applicable to the discharge, reliance upon which provided the basis for the statement described in paragraph (h) of this section; and

(j) Such other information as the certifying agency may determine is appropriate.

Subpart B—Determination of Effect on Other States

§ 615.11 Notification.

Upon receipt of an application for a license or permit and a certification, the licensing or permitting agency shall immediately notify the Administrator of such application and certification.

§ 615.12 Copies of documents.

Immediately after certification has been granted, an applicant shall provide the Administrator with three copies of (a) the application for a license or permit, (b) the application for certification, and (c) any certification received or notification that certification has been waived. The applicant may provide the Administrator with copies of the applications as soon as the applications are made to the relevant State, interstate, or Federal agencies.

§ 615.13 Review by Administrator and notification.

The Administrator shall review the applications and certification, provided

in accordance with § 615.12, and if the Administrator determines there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge occurs, the Administrator shall, no later than 30 days of the date of notice of application and certification from the licensing or permitting agency provided in § 615.11, so notify each affected State, the licensing or permitting agency, and the applicant.

§ 615.14 Forwarding to affected State.

The Administrator shall forward to each affected State a copy of the material provided in accordance with § 615.12.

§ 615.15 Hearing on objection of affected State.

When a licensing or permitting agency holds a public hearing on the objection of an affected State, such objection shall be forwarded to the Administrator by the licensing or permitting agency, and the Administrator shall at such hearing submit his evaluation with respect to such objection and his recommendations as to whether and under what conditions the license or permit should be issued.

§ 615.16 Waiver.

If the certification requirement with respect to an application for a license or permit is waived due to the failure or refusal of a State or interstate agency to act on a request for certification within a reasonable time as determined by the licensing or permitting agency (which period shall not exceed 1 year) after receipt of such request, the Administrator shall consider such waiver as a substitute for a certification and, as appropriate, shall conduct the review, provide the notices, and perform the other functions identified in §§ 615.13, 615.14, and 615.15. The notices required by § 615.13 shall be provided not later than 30 days after the date on which the waiver becomes effective.

Subpart C—Certification by the Administrator

§ 615.21 When Administrator certifies.

Certification by the Administrator that the discharge resulting from an activity requiring a license or permit will not violate applicable water quality standards will be required where:

(a) Standards have been promulgated by the Administrator pursuant to section 10(c)(2) of the Act; or

(b) Water quality standards have been established, but no State or interstate agency has authority to give such a certification.

§ 615.22 Applications.

An applicant for certification from the Administrator shall submit to the Administrator a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such description shall include the following:

(a) The name and address of the applicant;

(b) A description of the facility or activity, and of any discharge into navigable waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal, and other characteristics of the discharge, and the location or locations at which such discharge may enter navigable waters;

(c) A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained;

(d) The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place;

(e) A statement of the probable effects of the discharge on the quality of the receiving water;

(f) An identification of applicable water quality standards, together with a statement as to whether, in the applicant's opinion, discharge resulting from the activity will or will not violate applicable water quality standards; and

(g) A statement of the probable effects of the discharge on the quality of waters of a State other than the State in which the discharge occurs or will occur.

§ 615.23 Notice and hearing.

The Administrator will provide public notice of each request for certification by publication in the FEDERAL REGISTER, and may provide such notice in a newspaper of general circulation in the area in which the activity is proposed to be conducted and by such other means as the Administrator deems appropriate. Interested parties shall be provided an opportunity to comment on such request as the Administrator deems appropriate. All interested and affected parties will be given reasonable opportunity to present evidence and testimony at a public hearing on the question whether to grant or deny certification if the Administrator determines that such a hearing is necessary or appropriate.

§ 615.24 Certification.

If, after considering the complete description, the record of a hearing, if any, held pursuant to § 615.23, and such other information and data as the Administrator deems relevant, the Administrator determines that there is reasonable assurance that the proposed activity will not result in a violation of applicable water quality standards, he shall so certify. If the Administrator determines that no water quality standards are applicable to the waters which might be affected by the proposed activity, he shall so notify the applicant and the licensing or permitting agency in writing and shall provide the licensing or permitting agency with advice, suggestions and recommendations with respect to conditions to be incorporated in any license or permit to achieve compliance with the purposes of this Act. In such case, no certification shall be required.

§ 615.25 Adoption of new water quality standards.

(a) In any case where:

(1) A license or permit was issued without certification due to the absence of applicable water quality standards; and

(2) Water quality standards applicable to the waters into which the licensed or permitted activity may discharge are subsequently established; and

(3) The Administrator is the certifying agency because:

(i) No State or interstate agency has authority to certify; or

(ii) Such new standards were promulgated by the Administrator pursuant to section 10(c)(2) of the Act; and

(4) The Administrator determines that such uncertified activity is violating water quality standards;

then the Administrator shall notify the licensee or permittee of such violation, including his recommendations as to actions necessary for compliance. If the licensee or permittee fails within 6 months of the date of such notice to take action which in the opinion of the Administrator will result in compliance with applicable water quality standards, the Administrator shall notify the licensing or permitting agency that the licensee or permittee has failed, after reasonable notice, to comply with such standards and that suspension of the applicable license or permit is required by section 21(b)(9)(B) of the Act.

(b) Where a license or permit is suspended pursuant to paragraph (a) of this section, and where the licensee or permittee subsequently takes action which in the Administrator's opinion will result in compliance with applicable water quality standards, the Administrator shall then notify the licensing or permitting agency that there is reasonable assurance that the licensed or permitted activity will comply with applicable water quality standards.

§ 615.26 Inspection of facility or activity before operation.

Where any facility or activity has received certification pursuant to § 615.24 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Administrator or his representative, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

§ 615.27 Notification to licensing or permitting agency.

If the Administrator, after an inspection pursuant to § 615.26, determines that operation of the proposed facility or activity will violate applicable water quality standards, he shall so notify the applicant and the licensing or permitting agency, including his recommendations as to remedial measures necessary to bring the operation of the proposed

facility into compliance with such standards.

§ 615.28 Termination of suspension.

Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Administrator's notice and recommendation pursuant to § 615.27, the applicant may submit evidence to the Administrator that the facility or activity or the operation or conduct thereof has been modified so as not to violate water quality standards. If the Administrator determines that water quality standards will not be violated, he shall so notify the licensing or permitting agency.

Subpart D—Consultations

§ 615.30 Review and advice.

The Administrator may and upon request shall provide licensing and permitting agencies with determinations, definitions and interpretations with respect to the meaning and content of water quality standards where they have been federally approved under section 10 of the Act, and findings with respect to the application of all applicable water quality standards in particular cases and in specific circumstances relative to an activity for which a license or permit is sought. The Administrator shall also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards. In cases where an activity for which a license or permit is sought will affect water quality, but for which there are no applicable water quality standards, the Administrator shall advise licensing or permitting agencies with respect to conditions of such license or permit to achieve compliance with the purposes of the Act.

Dated: February 2, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc.71-1638 Filed 2-4-71;8:51 am]

[42 CFR Part 481]

EASTERN IDAHO INTRASTATE AIR QUALITY CONTROL REGION

Proposed Designation; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate an Intrastate Air Quality Control Region in the State of Idaho as set forth in the following new § 481.190 which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make this designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All revelant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Idaho and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designation. Such consultation will take place at 1 p.m., on February 17, 1971, in Room 409, Student Union Building, 741 South Seventh Avenue, Idaho State University, Pocatello, ID 83201.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new section is proposed to be added to read as follows:

§ 481.190 Eastern Idaho Intrastate Air Quality Control Region.

The Eastern Idaho Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Idaho:

Bannock County.	Caribou County.
Bingham County.	Power County.
Bonneville County.	

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604.)

Dated: February 2, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1616 Filed 2-4-71;8:49 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Notice of Proposed Rule Making

Notice is hereby given that the St. Lawrence Seaway Development Corporation acting jointly with the St. Lawrence Seaway Authority of Canada, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), proposes to adopt miscellaneous amendments to the rules in Subpart B of 33 CFR Part 401.

Interested parties may submit written data, views, or arguments in regard to the amendments proposed herein to the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, NY 13662 (Attention: General Counsel). Comments received not later than 30 days after publication of this notice will be considered. Formal adoption of these amendments by the Corporation is contemplated during the 1971 navigation season of the St. Lawrence Seaway.

I. It is proposed to amend § 401.102–10 by deleting the words "in excess of 40 feet in overall length", and inserting the word "self-propelled" after the word "All". This would require all self-propelled vessels other than pleasure craft of less than 65 feet to be equipped with VHF (very high frequency) radiotelephone equipment. The revised section would read as follows:

§ 401.102–10 Radiotelephone equipment.

All self-propelled vessels, other than pleasure craft of less than 65 feet, must be equipped with VHF (very high frequency) radiotelephone equipment. The radio transmitters must have sufficient power output to enable the vessel to communicate with Authority stations from a distance of 30 miles and must be fitted to operate from the wheelhouse and to communicate on 156.55, 156.6, 156.7, and 156.8 MHz.

II. It is proposed to amend the rules on Radio Communications to provide more readable and workable procedures and to require communications necessary to implement the new positive system of traffic control. Under this proposal, a new section would be added after § 401.103–3 and present §§ 401.103–4 and 401.103–5 would be renumbered and revised, as follows:

§ 401.103–4 VHF Radio coverage and procedure.

(a) Vessels must use the channels of communication in each Control Sector as listed below:

Station	Control sector No. and limits	Call in	Work	Listening watch
Seaway Beauharnois	1 C.I.P. No. 2 to C.I.P. No. 6–7	Ch. 14	Ch. 14	Ch. 14.
Seaway Eisenhower	2 C.I.P. No. 6–7 to C.I.P. No. 10–11	Ch. 12	Ch. 12	Ch. 12.
Seaway Iroquois	3 C.I.P. No. 10–11 to Whaleback Shoal	Ch. 14	Ch. 14	Ch. 14.
W.A.G Clayton	4 Whaleback Shoal to Tibletts Point	Ch. 16	Ch. 12	Ch. 16.
Seaway Picton	5 Tibletts Point to Mid Lake Ontario	Ch. 11	Ch. 11	Ch. 16.
Seaway Oshawa	5 Mid Lake Ontario C.I.P. No. 15	Ch. 11	Ch. 11	Ch. 16.
Seaway Welland	6 C.I.P. No. 15 to C.I.P. No. 16	Ch. 14	Ch. 14	Ch. 14.
Seaway Long Point	7 C.I.P. No. 16 to Long Point	Ch. 11	Ch. 11	Ch. 16.
Seaway Sault	8 C.I.P. No. 17 to C.I.P. No. 18	Ch. 14	Ch. 14	Ch. 16.

(b) Initial calls originating from Seaway Stations to vessels in Sectors 4, 5, 7, and 8 will be on Channel 16, switching to the working channel for conversation.

(c) Vessels arriving at either Call-in-Point 15 or 16 should call "Seaway Welland" on Channel 14. If the vessel is called directly into the canal, it will remain on Channel 14. If the vessel is not to come directly into the canal, it will be sent to anchorage and instructed to guard Channel 16 until called in.

§ 401.103–5 Calling-in.

(a) • • •

C.I.P. and check point	Station to call	Message content
	UPBOUND VESSELS	
• • •	• • •	• • •
C.I.P. 7—Entering Sector 2.	Seaway Eisenhower Ch. 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell Lock (if pilot required).
C.I.P. 8—(Order of passing through established).	....do.....	1. Name of Vessel. 2. Location.
C.I.P. 8A	....do.....	1. Name of Vessel. 2. Location.
• • •	• • •	• • •
Whaleback Shoal—Entering Sector 4.	W.A.G Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. ETA Cape Vincent. 4. Confirmation pilot requirement—Lake Ontario.
Tibbetts Point—Leaving Sector 4.	....do.....	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 5.	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. ETA Point Petre. 4. ETA Port Weller. (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Port Weller.
• • •	• • •	• • •
Newcaster	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15). 4. Confirmation pilot requirement—Port Weller.
• • •	• • •	• • •
Long Point—Leaving Sector 7.	Seaway Long Point Ch. 11.	1. Name of Vessel. 2. Location.
• • •	• • •	• • •
	DOWNBOUND VESSELS	
• • •	• • •	• • •
Long Point—Entering Sector 7.	Seaway Long Point Ch. 11.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16.
• • •	• • •	• • •
Point Petre	Seaway Picton Ch. 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Tibletts Point or Lake Ontario Port. 4. Confirmation pilot requirement—Cape Vincent.
• • •	• • •	• • •
Tibletts Point Entering Sector 4.	W.A.G Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
Whaleback Shoal Leaving Sector 4.	.....do.....	1. Name of Vessel. 2. Location.
Whaleback Shoal Entering Sector 3.	Seaway Iroquois Ch. 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	.....do.....	1. Name of Vessel. 2. Location.
• • •	• • •	• • •
C.I.P. 10—Entering Sector 2.	Seaway Eisenhower Ch. 12.	1. Name of Vessel. 2. Location.
C.I.P. 9	.....do.....	1. Name of Vessel. 2. Location. 3. ETA Snell Lock (if pilot required).
• • •	• • •	• • •
St. Lambert to C.I.P. 2—Leaving Sector 1.	Seaway Beauharnois Ch. 14.	1. Name of Vessel. 2. Location. 3. See paragraph (b) of this section.

(b) A downbound vessel in St. Lambert Lock wishing to communicate with Montreal Marine Control will switch to Channel 13 (156.65 MHz) for a Montreal Harbor situation report. After completing the call, the vessel will return to guarding Channel 14 (156.7 MHz) before exiting the lock. When the vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot will call "Seaway Beauharnois" and request permission to switch to Channel 13 (156.65 MHz). Seaway Beauharnois will concur and advise the vessel of any upbound traffic cleared for Seaway entry but not yet at C.I.P. 2. In the event of expected vessel meeting(s) between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel will be told to remain on Channel 14 (156.7 MHz) until the meet has been completed. After the meeting, the downbound vessel will call back before going to Channel 13 (156.65 MHz).

• • • • •

(d) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway Station.

§ 401.103–6 Communication—ports, docks, and anchorages.

• • • • •

(b) Vessels entering or leaving a lake port, shall report to the appropriate Seaway Station as follows:

Toronto and Hamilton—One mile outside of harbor limits.
Other lake ports—When crossing the harbor entrance.

III. It is proposed to amend the rules on Transit Instructions as follows:

§ 401.104–1 [Amended]

1. Section 401.104–1 would be amended by striking the date "December 15" and inserting the date "December 22" in place thereof, and by striking the date "April 15" and inserting the date "April 1" in place thereof. These changes are made to reflect the present agreement as to the duration of the navigation season.

2. Section 401.104–12 would be amended to clarify the restriction on the speed at which a vessel may travel when passing a moored vessel or equipment working in a canal. The revised section would read as follows:

§ 401.104–12 Speed passing moored vessel or working equipment.

A vessel passing a moored vessel or equipment working in a canal shall proceed at such a speed so as not to endanger the vessel or the occupants thereof.

§ 401.104–25 [Amended]

3. The Mooring Table in § 401.104–25 would be amended under Lock 8 of the Welland Canal by striking the letter "S" for the upbound tie-up walls and inserting the letters "P or S" in the place thereof. This would permit an upbound vessel to tie up to either starboard or port side in that lock.

§ 401.104–32 [Amended]

4. Section 401.104–32 would be amended by striking the word "Prescott" and inserting the words "Prescott and Union Park" in place thereof to reflect the present designation of Union Park as an anchorage area.

§ 401.104–34 [Amended]

5. Section 401.104–34 would be amended by striking the words "one thousand, six hundred feet" and inserting the words "two thousand, two hundred feet" to properly state the existing distances for the "Whistle" signs.

6. A new § 401.104–50 would be added to require reporting of certain deficiencies to navigation aids in order to provide more timely information on such problems. The new section would read as follows:

§ 401.104–50 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position, or missing shall be reported to the nearest Seaway Station.

IV. It is proposed to amend the rules on Dangerous Cargo as follows:

1. Section 401.105–7 would be amended to provide an exception to the requirement that a vessel carrying hazardous cargo shall be equipped with nonmetallic fenders. The exception results from a recent study and would apply to a vessel that is carrying Bunker C oil or its equivalent and is equipped with gas free ballast wing tanks. The revised section would read as follows:

§ 401.105–7 Nonmetallic fenders.

An explosive vessel and a hazardous cargo vessel, other than one carrying the equivalent of Bunker C oil in the center tanks and which is equipped with gas free ballast wing tanks, must be equipped with a sufficient number of nonmetallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

2. Section 401.105–10 would be amended to require the reporting of flashpoint for hazardous cargo when calling-in and to renumber the references to §§ 401.103–3 and 401.103–4 § 401.103–5. This will provide information which will facilitate the handling of vessels while transiting the locks. The revised section would read as follows:

§ 401.105–10 Calling-in.

An explosive vessel shall report the Seaway Explosives Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo and its flashpoint (hazardous cargo), in addition to the other required information, when calling-in as provided by § 401.103–5.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.71–1523 Filed 2–4–71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

BRASS KEY BLANKS FROM CANADA

Withholding of Appraisement Notice

Information was received on July 18, 1969, that brass key blanks from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of February 7, 1970, on page 2731. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such brass key blanks from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of brass key blanks from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.57, Customs regulations (19 CFR 153.32(b), 153.37) interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views or arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (2–5–71). It shall cease to be effective at the expiration of 3 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 29, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–1652 Filed 2–4–71;8:52 am]

TEMPERED SHEET GLASS FROM JAPAN

Withholding of Appraisement Notice

Information was received on June 20, 1969, that tempered sheet glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER on September 9, 1969, on page 14177. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such tempered sheet glass from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. One exporter was found to be exporting tempered sheet glass to the United States.

Sales to the United States appear to be made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Insufficient quantities of such or similar merchandise are sold in the Japanese home market to furnish a basis for fair value comparisons.

Accordingly, purchase price was compared with the adjusted third country price of such or similar merchandise sold to Canada.

Purchase price will probably be computed by deducting from the delivered duty-paid price for exportation to the United States the included freight charges, commissions, discounts, marine insurance, packing, and U.S. duty charges applicable.

The adjusted third country price will probably be calculated on the basis of a c.i.f. Vancouver, duty-included price, less freight charges, commissions, discounts, marine insurance, packing and the applicable Canadian duty charges.

The comparisons indicate that purchase price is probably lower than the adjusted third country price of such or similar merchandise sold to Canada.

Customs officers are being directed to withhold appraisement of tempered sheet glass from Japan in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (2–5–71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 29, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–1654 Filed 2–4–71;8:52 am]

Internal Revenue Service

RONALD W. ACKERMAN

Notice of Granting of Relief

Notice is hereby given that Ronald W. Ackerman, 3795 Maid Marion Lane, Memphis, TN 38111, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 5, 1960, in the Criminal Court of Shelby County, Tenn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ronald W. Ackerman because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ronald W. Ackerman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ronald W. Ackerman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances re-

garding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Ronald W. Ackerman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1642 Filed 2-4-71;8:51 am]

OSWALD A. BROWER

Notice of Granting of Relief

Notice is hereby given that Oswald A. Brower, 303 East Second Street, Cosmopolis, WA 98537, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction during the month of November 1927 (indicted on Feb. 19, 1927), in the Federal District Court in Tacoma, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Oswald A. Brower because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Oswald A. Brower to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Oswald A. Brower's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Oswald A. Brower be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reasons of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1643 Filed 2-4-71;8:51 am]

GERARD HENRY EXLEY, SR.

Notice of Granting of Relief

Notice is hereby given that Gerard Henry Exley, Sr., 428 King Street, East Stroudsburg, PA 18301, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 2, 1961, in Monroe County Court, East Stroudsburg, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gerard Henry Exley, Sr. because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such convictions, it would be unlawful for Eddie Harkness to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Eddie Harkness' application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Eddie Harkness be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc. 71-1645 Filed 2-4-71;8:51 am]

PAUL G. HEDGE

Notice of Granting of Relief

Notice is hereby given that Mr. Paul G. Hedge, 12276 Meyers, Detroit, MI 48227, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 27, 1956, in the Recorder's Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul G. Hedge because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul G. Hedge to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul G. Hedge's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Paul G. Hedge be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1646 Filed 2-4-71;8:51 am]

PAUL WILLIAM PEARSON

Notice of Granting of Relief

Notice is hereby given that Mr. Paul William Pearson, R. Route No. 2, Versailles, OH 45380, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 27, 1959, in the U.S. District Court for the Southern District of Ohio, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul William Pearson because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul William Pearson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul William Pearson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Paul William Pearson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-1647 Filed 2-4-71;8:51 am]

HENRY PRUITT, JR.

Notice of Granting of Relief

Notice is hereby given that Henry Pruitt, Jr., 2339 Hanley Street, Gary, IN, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on January 10, 1958, in the U.S. District Court, Hammond, Ind., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Henry Pruitt, Jr., because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Henry Pruitt, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Henry Pruitt, Jr.'s, application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Henry Pruitt, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 27th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1648 Filed 2-4-71;8:51 am]

PAUL CLINTON THOMPSON

Notice of Granting of Relief

Notice is hereby given that Paul Clinton Thompson, Route 1, Box 130, Alexander, AR, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 4, 1960, in the U.S. District Court for the Eastern District of Arkansas of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul C. Thompson because of such conviction, to ship, transport, or receive interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul C. Thompson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul C. Thompson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Paul C. Thompson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1649 Filed 2-4-71;8:51 am]

STEVEN ALLEN TRAINOR

Notice of Granting of Relief

Notice is hereby given that Steven Allen Trainor, Route 1, Menomonie, WI 54751, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 26, 1969 in the Pepin County Court, Durand, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Steven Allen Trainor because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Steven Allen Trainor to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Steven Allen Trainor's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Steven Allen Trainor be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of January 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1650 Filed 2-4-71; 8:51 am]

HARRY EDWARD WARD

Notice of Granting of Relief

Notice is hereby given that Harry Edward Ward, 4143 Branch Road, Flint, MI 48506, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 19, 1961, in the Genesee County, Michigan, Circuit Court of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry Edward Ward because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harry Edward Ward to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry Edward Ward's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Harry Edward Ward be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-1651 Filed 2-4-71;8:51 am]

Office of the Secretary

BRASS KEY BLANKS FROM CANADA

Determination of Sales at Less Than Fair Value

JANUARY 29, 1971.

Information was received on July 18, 1969, that brass key blanks from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that brass key blanks from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons. One manufacturer was found to be exporting brass key blanks to the United States. Sales in the home market were sufficient to afford a basis for comparison.

None of the parties involved in these sales was related within the meaning of section 207 of the Act.

Purchase price was compared to home market price for fair value purposes.

Purchase price was based on the delivered price to purchasers in the United States. Deductions were made for discounts, Customs brokerage charges, freight, insurance and U.S. duty. The Canadian Federal Sales Tax was added in to arrive at a net purchase price.

Home market price was based on both ex-factory and delivered to customer prices in Canada. Applicable discounts were deducted. A deduction for freight and insurance was also made when delivered price was used as a basis for comparison.

Comparison between purchase price and home market price revealed that purchase price was lower than home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-1653 Filed 2-4-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CERTAIN STATES AND COMMONWEALTH OF PUERTO RICO

Notice of Intended Designation Under Federal Meat Inspection Act

Paragraph 301(c) of the Federal Meat Inspection Act, as amended (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State[1] as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements. There was reason to believe that the Commonwealth of Puerto Rico, Hawaii, Indiana, Kentucky, Louisiana, Minnesota, Montana, North Carolina, Ohio, Oregon, Texas, and West Virginia would activate such requirements if they were allowed an additional year in which to do so and accordingly the Secretary allowed each of these jurisdictions such additional time.

However, the Secretary has now determined that the Commonwealth of Puerto Rico, Hawaii, Indiana, Kentucky, Louisiana, Minnesota, Montana, North Carolina, Ohio, Oregon, Texas, and West Virginia have not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary will designate said jurisdictions under paragraph 301(c) of the Act as soon as necessary arrangements can be made for determining which establishments in these jurisdictions are eligible for Federal inspection, for providing inspection at the eligible establishments, and for otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in such jurisdictions when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the final designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions and to persons, firms, and corporations engaged therein, in said jurisdictions, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, except as otherwise provided in subparagraph 301(c)(2) of the Act, and any establishment in the Commonwealth of Puerto Rico, Hawaii, Indiana, Kentucky, Louisiana, Minnesota, Montana, North Carolina, Ohio, Oregon, Texas, and West Virginia which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the jurisdiction becomes effective should immediately communicate with the appropriate Regional Director listed below for information concerning the requirements and exemptions under the Act and application for inspection and a survey of the establishment.

For Commonwealth of Puerto Rico—
Dr. M. J. Hatter, Director, 1718 Peachtree Street NW., Room 216, Atlanta, GA 30309 (Telephone: Area Code 404-526-3911).

For Hawaii, Oregon—
Dr. E. M. Christopherson, Director, Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111 (Telephone: Area Code 415-556-8622).

For Louisiana, Texas—
Dr. W. H. Irvin, Director, Room 376, Merchandise Mart Building, 500 South Ervay Street, Dallas, TX 75201 (Telephone: Area Code 214-749-3747).

For Minnesota, Montana—
Dr. L. H. Burkert, Director, Room 638, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, MN 55101 (Telephone: Area Code 612-725-7835).

For Indiana, Ohio—
Dr. L. J. Rafoth, Director, Room 984, 536 South Clark, Chicago, IL 60605 (Telephone: Area Code 312-353-5802).

For Kentucky, North Carolina, West Virginia—
Dr. G. Harner, Director, 310 New Bern Avenue, Federal Bul IndiagR,el 1 Avenue, Federal Building, Raleigh, NC 27611 (Telephone: Area Code 919-755-4180).

Done at Washington, D.C., on February 2, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-1639 Filed 2-4-71;8:51 am]

[1] The term "State" is defined by the Act, for purposes of paragraph 301(c), to mean any State, the Commonwealth of Puerto Rico, or any organized Territory of the United States.

Office of the Secretary

TENNESSEE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) it has been determined that in the following counties in the State of Tennessee natural disasters have caused a general need for agricultural credit:

TENNESSEE

Fayette.	McNairy.
Henderson.	Shelby.
Henry.	Tipton.
Humphreys.	

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 29th day of January 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-1602 Filed 2-4-71;8:48 am]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) it has been determined that in the following counties in the State of Texas, natural disasters have caused a general need for agricultural credit:

TEXAS

Cochran.	Yoakum.
Victoria.	

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 29th day of January 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-1603 Filed 2-4-71;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

ARMED FORCES INSTITUTE OF PATHOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following notice of decision published in Volume 36, No. 7 of the FEDERAL REGISTER (Tuesday, Jan. 12, 1971) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read Docket No. 70-00815-33-46040 instead of 71-00815-33-46040.

Docket No. 70-00815-33-46040. Applicant: Armed Forces Institute of Pathology, Washington, DC 20305. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for research on ocular and other body tissues that have been especially prepared and sectioned for ultrastructural studies. In addition, cell suspensions, tissue fragments, cytoplasmic organelles, chromosomes, bacteria, viruses, and fungi will constitute the material under investigation. The Ophthalmic Pathology Branch conducts a comprehensive training program for physicians in ophthalmic pathology, including

the use of all modern methods of tissue examination.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We find that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1589 Filed 2-4-71;8:47 am]

BATTELLE-NORTHWEST

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00719-75-14200. Applicant: Battelle-Northwest, Post Office Box 999, Richland, WA 99352. Article: Quantimet 720 image analyzing system for analyzing photomicrographs. Manufacturer: Metals Research, Ltd., United Kingdom.

Intended use of article: The article will be used in nuclear research programs studying unirradiated and irradiated metals and ceramics for nuclear applications, principally mixed uranium and plutonium oxide fuels, stainless steel cladding and structural materials, and absorber materials being studied for LMFBR and FFTF applications.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to interface with the applicant's computer. We are advised by the National Bureau of Standards (NBS) in its memorandum dated October 13, 1970, that the capability to be interfaced with the applicant's computer is a pertinent characteristic to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no scientifically equivalent domestic instrument which provides the pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1590 Filed 2-4-71;8:47 am]

BETH ISRAEL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00023-33-46040. Applicant: Beth Israel Hospital, 330 Brookline Avenue, Boston, MA 02215. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic NVD, The Netherlands.

Intended use of article: The article will be used in scientific investigations including cytochemical localization of several hydrolytic enzymes in smooth muscle cells; cytochemical study of lysosomal enzymes in platelets during aggregation; ionic movements in the turtle bladder preparation, including the effects of enzymatic poisons; studies of experimental injury to the gastrointestinal mucosa; and composition of tubular casts encountered in experimental renal failure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4B requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 13, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs a low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1591 Filed 2-4-71;8:47 am]

CLEMSON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00019-65-46040. Applicant: Clemson University, Clemson, SC 29631. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used in research programs concerning studies of the surface structure of pure metal films on their catalytic activity; the fine structure of cells and tissues which are components of the neuroendocrine system of invertebrates; ecological studies of mixed bacteriophage populations in natural ecosystems; a study of the plastic deformation of intermetallic compounds as applied to metallic dental materials; and studies of ceramics, textiles and crystal growth.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4B requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 13, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs a low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1592 Filed 2-4-71;8:47 am]

DUKE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Deparment of Commerce, Washington, D.C.

Docket No. 70-00818-01-77030. Applicant: Duke University, Durham, NC 27706. Article: HFX nuclear induction/Fourier Transform spectrometer system. Manufacturer: Bruker Scientific Inc., West Germany.

Intended use of article: The article will be used for graduate level education in the chemistry department conducted by members of the faculty of that department together with their graduate students. Typical examples of the intended use include structural determinations on newly synthesized compounds and the measurement of important physiochemical parameters of new and already known compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant institution without excessive delay.

Reasons: The foreign article is of the category that is customarily produced on order. Section 602.1(f)(2) of the above-cited regulations provide:

Produced on order. An instrument, apparatus or accessory shall be considered to be produced on order if a domestic manufacturer lists it in a current catalog and is able and willing to produce the instrument, apparatus or accessory within the United States and have it available without unreasonable delay to the applicant. In determining whether a U.S. manufacturer is able and willing to produce such instrument, apparatus, or accessory and have it so available, the Administrator shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category.

The matter of availability without unreasonable delay is associated with the issue of excessive delivery time which is explained in § 602.1(g) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus or accessory of equivalent scientific value for the purposes described in response to Question 7, if the delay in obtaining such domestic instrument, apparatus or accessory (as indicated in the difference between the delivery times quoted respectively by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Administrator shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 4, 1970, that the Model XL-100 nuclear magnetic resonance (nmr) spectrometer manufactured by Varian Associates (Varian) is the only domestically manufactured scientifically equivalent instrument. However, the cited memorandum states in pertinent part, "The delivery time quoted by Varian was 180 to 210 days. The normal delivery time for an available domestic nmr spectrometer in the United States is 90 to 120 days." We find that the difference between the normal 90 to 120 days delivery time and the 180 to 210 days quoted by the domestic company to be excessive within the purview of the intended uses of the foreign article.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1593 Filed 2-4-71;8:47 am]

MICHIGAN STATE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice [of

denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above; therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

• • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70–00002–88–23600. Applicant: Michigan State University, Glaciological Institute, East Lansing, MI 48823. Article: Ice drill for measuring depth of glacier. Date of denial without prejudice to resubmission: January 29, 1970.

Docket No. 70–00006–05–01200. Applicant: University of Hawaii, Department of Linguistics, 1733 Donaggho Road, Kuykendell Hall 326, Honolulu, HI 96822. Article: Pitchmeter. Date of denial without prejudice to resubmission: February 9, 1970.

Docket No. 70–00007–33–11000. Applicant: St. Elizabeth Hospital, National Institute of Mental Health, William A. White Building, Washington, DC 20032. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Date of denial without prejudice to resubmission: February 10, 1970.

Docket No. 70–00011–65–46040. Applicant: Cornell University, Materials Science and Engineering, Ithaca, NY 14850. Article: Electron microscope JEM–200. Date of denial without prejudice to resubmission: September 4, 1969.

Docket No. 70–00013–00–61800. Applicant: Science Center of Pinellas County, Inc., 7701 22d Avenue North, St. Petersburg, FL 33710. Article: Hemispherical assembly for planetarium. Date of denial without prejudice to resubmission: February 17, 1970.

Docket No. 70–00014–00–61800. Applicant: Lindenhurst Public School, 141 School Street, Lindenhurst, NY 11757. Article: Hemispherical assembly for planetarium. Date of denial without prejudice to resubmission: February 18, 1970.

Docket No. 70–00017–00–77045. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, CT 06520. Article: Quartz plate. Date of denial without prejudice to resubmission: February 17, 1970.

Docket No. 70–00023–99–78050. Applicant: Cornell University, Department of Food Science, 12 Stocking Hall, Ithaca, NY 14850. Article: Dual beam, Model 402. Date of denial without prejudice to resubmission: February 17, 1970.

Docket No. 70–00025–33–46040. Applicant: The Forsyth Dental Center, 140 The Fenway, Boston, MA 02115. Article: Electron microscope, JEM–100B and JEM–AS. Date of denial without prejudice to resubmission: February 18, 1970.

Docket No. 70–00027–33–46500. Applicant: Veterans Administration Hospital, 1400 VFW Parkway, West Roxbury, MA 02132. Article: Ultramicrotome, LKB 8800A. Denial without prejudice to resubmission: February 24, 1970.

Docket No. 70–00036–33–46500. Applicant: University of California, San Francisco Medical Center, 1438 South 10th Street, Richmond, CA 94804. Article: Ultramicrotome, LKB 8800A with microscope. Date of denial without prejudice to resubmission: January 30, 1970.

Docket No. 70–00038–33–46500. Applicant: Yale University School of Medicine, 333 Cedar Street, New Haven, CT 06510. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: January 28, 1970.

Docket No. 70–00042–33–46040. Applicant: Louisiana State University Medical Center, 1542 Tulane Avenue, New Orleans, LA 70112. Article: Electron Microscope, EM–300. Date of denial without prejudice to resubmission: February 18, 1970.

Docket No. 70–00062–88–46070. Applicant: Louisiana State University, Department of Geology, Baton Rouge, LA 70803. Article: Scanning electron microscope, JSM–2. Date of denial without prejudice to resubmission: May 20, 1970.

Docket No. 70–00065–88–75000. Applicant: New York State Museum and Science Service, Geological Survey, Room 973, State Education Building Annex, Albany, NY 12224. Article: Soiltest equipment. Date of denial without prejudice to resubmission: February 25, 1970.

Docket No. 70–00086–33–46040. Applicant: Veterans Administration Hospital, 1400 VFW Parkway, West Roxbury, MA 02132. Article: Electron microscope Model EM–300. Date of denial without prejudice to resubmission: February 25, 1970.

Docket No. 70–00096–01–77030. Applicant: DePauw University, Chemistry Department, Box 37, Greencastle, IN 46135. Article: NMR spectrometer, Model R–20. Date of denial without prejudice to resubmission: July 29, 1970.

Docket No. 70–00114–00–61800. Applicant: Middletown City Schools, 1515 Girard Avenue, Middletown, OH 45042. Article: Hemispherical assembly. Date of denial without prejudice to resubmission: March 4, 1970.

Docket No. 70–00115–00–61800. Applicant: Tulare County Department of Education, Educational Resources Center, 202 County Civic Center, Room 1, Visalia, CA 93277. Article: Hemispherical Assembly, Type 16. Date of denial without prejudice to resubmission: March 4, 1970.

Docket No. 70–00121–00–61800. Applicant: Huntington Union Free School District No. 3, 300 Broadway, Box 1500, Huntington, NY 11743. Article: Hemispherical assembly, Type 14. Date of denial without prejudice to resubmission: March 5, 1970.

Docket No. 70–00125–33–43400. Applicant: State University of New York, Upstate Medical Center, 766 Irving Avenue, Syracuse, NY 13210. Article: Micromanipulator. Date of denial without prejudice to resubmission: March 9, 1970.

Docket No. 70–00137–90–17800. Applicant: University of Hawaii, Food Science and Technology Department, 1920 Edmondson Road, Honolulu, HI 96822. Article: Silent cutter, Model SCP–2. Date of denial without prejudice to resubmission: March 13, 1970.

Docket No. 70–00140–33–60000. Applicant: Boston University, School of Medicine, 15 Stoughton Street, Boston, MA 02118. Article: Helium glow photometer. Date of denial without prejudice to resubmission: March 20, 1970.

Docket No. 70–00146–33–01110. Applicant: Children's Hospital Medical Center, Director of Purchases, 300 Longwood Avenue, Boston, MA 02115. Article: Amino acid analyzer, Model JLC–5AH. Date of denial without prejudice to resubmission: November 20, 1969.

Docket No. 70–00149–33–11000. Applicant: National Communicable Disease Center, 255 East Paces Ferry Road NE., Atlanta, GA 30305. Article: Gas Chromatograph-mass spectrometer, Model 9000. Date of denial without prejudice to resubmission: May 26, 1970.

Docket No. 70–00156–33–46500. Applicant: Washington University School of Medicine, 499 South Euclid, St. Louis, MO 63110. Article: Ultramicrotome, LKB 4800A. Date of denial without prejudice to resubmission: May 15, 1970.

Docket No. 70–00165–33–46500. Applicant: Jersey City State College, Department of Biology, 2039 Kennedy Boulevard, Jersey City, NJ 07305. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: March 18, 1970.

Docket No. 70–00171–63–46500. Applicant: Herbert H. Lehman College, Bedford Park Boulevard West, Bronx, NY 10468. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: May 15, 1970.

Docket No. 70–00181–33–46070. Applicant: The University of Texas at Austin, Department of Engineering Mechanics, Box 7306 University Station, Austin, TX 78712. Article: Scanning electron microscope, JSM–2. Date of denial without prejudice to resubmission: August 20, 1970.

Docket No. 70–00183–33–46500. Applicant: Armed Forces Institute of Pathology, American Registry of Pathology, Washington, DC 20305. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: May 15, 1970.

Docket No. 70–00184–65–28200. Applicant: University of Rochester Medical Center, Purchasing Department, Rochester, NY 14620. Article: electron spin spectrometer, JES–3BX. Date of denial without prejudice to resubmission: March 24, 1970.

Docket No. 70–00186–33–43400. Applicant: University of Hawaii, Department of Physiology, 2538 The Mall, Snyder Hall 407, Honolulu, HI 96822. Article: Six micromanipulators, two magnetic stands and two pillar stands. Date of denial without prejudice to resubmission: March 25, 1970.

Docket No. 70–00191–65–74600. Applicant: Duke University Medical Center, 117 South Buchanan Boulevard, Durham, NC 27706. Article: Signal averager. Date of denial without prejudice to resubmission: January 27, 1970.

Docket No. 70–00197–33–00530. Applicant: University of Minnesota, Minneapolis, MN 55455. Article: Linear accelerator, treatment couch and accessories. Date of denial without prejudice to resubmission: March 27, 1970.

Docket No. 70–00201–01–77040. Applicant: Yale University, Purchasing Division, 20 Ashmun Street, New Haven, CT 06520. Article: Mass spectrometer RMU–6. Date of denial without prejudice to resubmission: April 9, 1970.

Docket No. 70–00218–65–74600. Applicant: Hines Veterans Administration Hospital, Supply Division, Hines, IL 60141. Article: Signal averaging computer. Date of denial without prejudice to resubmission: February 18, 1970.

Docket No. 70–00226–33–46070. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, CA 94720. Article: Scanning electron microscope, JSM–U3. Date of denial without prejudice to resubmission: May 12, 1970.

Docket No. 70–00239–16–61800. Applicant: Richmond Public Schools, Department of Special Services, 2907 North Boulevard, Richmond, VA 23230. Article: Planetariums and auxiliary projectors, Model Eros. Date of denial without prejudice to resubmission: April 14, 1970.

Docket No. 70–00249–33–46040. Applicant: Institute for Medical Research, Copewood Street, Camden, NJ 08103. Article: Electron microscope, Elmiskop 101. Date of denial without prejudice to resubmission: March 3, 1970.

Docket No. 70–00253–33–07700. Applicant: The University of Texas at Austin, Department of Zoology, Box 7306, University Station, Austin, TX 78712. Article: Oscillographic camera. Date of denial without prejudice to resubmission: April 17, 1970.

Docket No. 70–00200–01–70700. Applicant: University of Wisconsin, Room 211, Chemical Engineering Department, 750 University Avenue, Madison, WI 53706. Article: Ultraviolet recorder. Date of denial without prejudice to resubmission: April 13, 1970.

Docket No. 70–00215–33–46500. Applicant: Indiana State University, 217 North Sixth Street, Terre Haute, IN 47809. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70–00228–33–43400. Applicant: Washington University, Department of Biology, Lindell and Skinker, St. Louis, MO 63130. Article: Miniature micromanipulator, Model MM–3. Date of denial without prejudice to resubmission: April 17, 1970.

Docket No. 70–00233–00–61800. Applicant: Greenwood School District No. 50, Post Office Box 248, Magnolia Street, Greenwood, SC 29646. Article: Hemispherical assembly, Type 16. Date of denial without prejudice to resubmission: April 9, 1970.

Docket No. 70–00257–16–61800. Applicant: Suffolk County Community College, 533 College Road, Selden, NY 11901. Article: Planetariums and auxiliary projectors, Model Eros. Date of denial without prejudice to resubmission: April 21, 1970.

Docket No. 70–00256–91–46500. Applicant: Southern Illinois University, Department of Botany, Carbondale, IL 62901. Article: Ultramicrotome, "OM U2". Date of denial without prejudice to resubmission: April 17, 1970.

Docket No. 70–00259–33–46070. Applicant: U.S. Department of Agriculture, U.S.D.A., ARS, Southern Administration Division, Post Office Box 53326, New Orleans, LA 70150. Article: Scanning electron microscope, stereoscan. Date of denial without prejudice to resubmission: June 19, 1970.

Docket No. 70–00290–65–07730. Applicant: University of Connecticut, Institute of Materials Science, Storrs, CT 06268. Article: Focusing X-ray diffraction camera. Date of denial without prejudice to resubmission: April 27, 1970.

Docket No. 70–00293–33–43400. Applicant: University of Arizona College of Medicine, Department of Physiology, College of Medicine, Tucson, AZ 85721. Article: Micromanipulators, MP2 and MM3. Date of denial without prejudice to resubmission: April 27, 1970.

Docket No. 70–00299–33–46020. Applicant: University of Louisville, School of Medicine, 511 South Floyd Street, Louisville, KY 40202. Article: Stereomicroscope. Date of denial without prejudice to resubmission: April 28, 1970.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71–1594 Filed 2–4–71;8:47 am]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00069–33–46040. Applicant: The Ohio State University, Department of Pharmacology, 190 North Oval Drive, Columbus, OH 43210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used as a research tool in the elucidation of the mechanism of action of drugs at the subcellular level. Studies include observations of the cellular fine structure changes that are induced by drug interaction that is known to have produced a specific recorded pharmacological response and an attempt to localize drug accumulation at the fine structure and macromolecular level by autoradiographic and immunochemical methods.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 250 to 550,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU–4B, which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU–4B requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 20, 1970, that the applicant requires the capability of taking

high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that beaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 250 to 550,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71–1595 Filed 2–4–71;8:47 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00821–33–77040. Applicant: University of California, Los Angeles, School of Medicine, Center for the Health Science, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Mass spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for structural studies of products and intermediates in chemical reactions, products, and intermediates of enzymic reactions, and of natural products. These include sterols, steroids and terpenes; hormones; amino acids and polypeptides (sequencing); oligo- and poly-saccharides; lipids of all classes, particularly those found in brain under normal and abnormal metabolites in body fluids, tissues and cells particularly in metabolic disorders associated with mental retardation and abnormal functions of the central nervous system.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolution of 70,000, at a 10 percent valley definition. The most closely comparable domestic instrument is the Model 21–110B mass spectrometer that is manufactured by the Consolidated Electrodynamics Corp. (CEC). The CEC Model 21–110B provides a guaranteed resolution of 40,000 at a 10 percent valley definition. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of October 30, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the CEC Model 21–110B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71–1596 Filed 2–4–71;8:47 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00822–33–46040. Applicant: University of California at Davis, School of Medicine, Department of Pathology, Davis, CA 95616. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used to study the general ultrastructure of normal and abnormal specimens of human mammary tissue. Considerable emphasis will be placed on relatively low magnification medium resolution microscopy of the mammary tissue in order to determine the pathological, physiological, and morphological characteristics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 0 to 60,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU–4B requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 23, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 0 to 60,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs a low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71–1597 Filed 2–4–71;8:47 am]

UNIVERSITY OF SOUTHWESTERN LOUISIANA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00084–33–46040. Applicant: University of Southwestern Louisiana, Lafayette, LA 70501. Article: Electron microscope, Model EM 6B, and camera. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for student training in electron microscopy and for microbiological research. One project concerns the electron microscopic and autoradiographic study of fungal hyphal tip growth and hyphal tip fusion. Emphasis will be placed on ultrastructural changes in hyphal wall and cell membrane during tip fusion.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 200 to 250,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU–4B requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 20, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 200 to 250,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs a low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71–1598 Filed 2–4–71;8:47 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00155–60–46040. Applicant: University of Washington, College of Forest Resources, Seattle, WA 98105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electron Instruments, Inc., The Netherlands.

Intended use of article: The article will be used for the following scheduled and projected investigations:

1. Cytological comparison of Pseudotsuga menziesii cambia forming compression wood with those forming normal wood;

2. Cytological comparison of Pseudotsuga menziesii cambial tissue grown in vitro with normal Douglas fir cambia.

3. Study of the crystalline structure of cellulose microfibrils in Pseudotsuga menziesii xylem cell walls;

4. Examination of machined and fractured wood surfaces;

5. Investigation of the interaction of adhesives and synthetic polymers with wood and cellulose fibers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU–4B requires a break in the vacuum of the column. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 17, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

NBS further advises that breaking the vacuum in the column in order to change the magnification would tend to prevent the applicant from using the electron microscope fully for his purposes. Therefore, the capability of moving from 220 to 550,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71–1599 Filed 2–4–71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–196; NADA No. 11–264V]

CHAS. PFIZER & CO., INC.

Ataraxoid Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of the NADA (new animal drug application) for Ataraxoid Tablets was published in the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11651).

Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, NY 10017, holder of NADA No. 11–264V covering said drug, did not file within the 30-day period provided a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing. This is construed as an election by the firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in and the response to the notice, the Commissioner of Food and Drugs concludes that approval of the new animal drug application should be withdrawn. Therefore,

pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 11-264V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: January 26, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-1577 Filed 2-4-71;8:46 am]

Office of the Secretary

PUBLIC PARTICIPATION IN RULE MAKING

Statement of Policy

Notice is hereby given of a statement of policy on public participation in rule making issued by the Secretary. As a matter of policy, the Department will use notice of proposed rule making procedures in certain cases where not required by law. The Secretary's statement reads as follows:

Generally, before rules and regulations are issued by Government agencies, the Administrative Procedure Act (APA) provides that notice of the proposed rule making must be published in the FEDERAL REGISTER and interested persons must be given an opportunity to participate in the rule making through submission of data, views, or arguments.

The APA exempts from this requirement matters relating to public property, loans, grants, benefits, or contracts. Legislation has been introduced to repeal this exemption. The Administrative Conference of the United States has recommended, however, that Government agencies require public participation in accordance with the APA provisions when formulating rules in the five exempt categories listed above, without waiting for the statute to be amended.

Our implementation of the Conference's recommendation should result in greater participation by the public in the formulation of this Department's rules and regulations. The public benefit from such participation should outweigh any administrative inconvenience or delay which may result from use of the APA procedures in the five exempt categories.

Effective immediately, all agencies and offices of the Department which issue rules and regulations relating to public property, loans, grants, benefits, or contracts are directed to utilize the public participation procedures of the APA, 5 U.S.C. 553. Although the APA permits exceptions from these procedures when an agency for good cause finds that such procedures would be impracticable, unnecessary or contrary to the public interest, such exceptions should be used sparingly, as for example in emergences and in instances where public participation would be useless or wasteful because proposed amendments to regulations cover minor technical matters.

Dated: January 28, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration.

[FR Doc.71-1604 Filed 2-4-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, CA.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 15, 1971.

The proposed nuclear powerplants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 13th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-648 Filed 1-14-71;8:51 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Schedule for Hearing

In the matter of the Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station).

The hearing in the captioned matter will be continued on Monday, February 8, 1971, at 10 a.m., local time, in the Conference Room of the Trinity Methodist Church, Adams and Second Street, Port Clinton, OH.

Dated: February 2, 1971.

ATOMIC SAFETY AND LICENSING BOARD,
WALTER T. SKALLERUP, Jr.,
Chairman.

[FR Doc.71-1624 Filed 2-4-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22578, 22579; Order 71-2-6]

ALLEGHENY AIRLINES, INC.

Order Regarding Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1971.

On September 21, 1970, Allegheny Airlines, Inc. (Allegheny), filed an application requesting amendment of its certificate of public convenience and necessity for route 97 to permit nonstop service between Toledo, Ohio, and Grand Rapids, Mich.[1] Allegheny concurrently filed an exemption application requesting the same authority.

In support of its exemption application, Allegheny asserts, interalia, that the Toledo-Grand Rapids market presently receives no direct air service; and that grant of the requested authority will enable Allegheny to provide new service benefits to Grand Rapids and strengthen its existing Toledo service to the east. Allegheny proposes to extend one existing Convair 580 round trip presently operated between Baltimore and Toledo via Pittsburgh, beyond Toledo to Grand Rapids, and to institute an additional Pittsburgh-Toledo-Grand Rapids round trip. The carrier asserts that its Grand Rapids-east services will result in a subsidy need reduction of $148,714 for the first full year of operation and provide additional route strengthening benefits to Allegheny.

Answers in support of Allegheny's exemption application were filed by the county of Allegheny, Pa., and the Grand Rapids parties.[2] United Air Lines, Inc. (United), filed an answer in opposition to Allegheny's exemption request to which Allegheny subsequently filed a reply.

In the circumstances herein presented, we do not believe that the Board's exemption procedure is the appropriate vehicle by which to proceed. Allegheny's exemption application falls within the class of cases which Subpart M of the Board's rules of practice was specifically designed to accommodate, and for reasons set forth in Order 70-10-127, dated October 28, 1970, the instant application should have been filed under Subpart M procedures.[3]

Upon consideration of the pleadings and all the relevant facts, we have concluded that Allegheny's application would have been permitted to go forward had it been filed under Subpart M procedures. Allegheny's proposed service holds promise of resulting in a subsidy need reduction for the first full year of operations without substantial adverse impact on any other air carrier. In these circumstances, we will not require Allegheny to refile under Subpart M, but instead, its exemption and related certificate applications will be treated, in effect, as a Subpart M application, thus avoiding further delay and needless proliferation of filings.[4]

Accordingly, we intend to go forward with Allegheny's certificate application, Docket 22578. Allegheny will be given 10 days from the service date of this order to file in Docket 22578, copies of its exemption application presently on file in Docket 22579. Allegheny will also be expected to supplement its application by supplying a second-year financial forecast in accordance with the requirements of Rule 1304. All interested persons will be given 25 days to answer pursuant to Rules 1306 and 1307.

Based on our analysis of the pleadings, it is our tentative intention to grant the application if no adverse answer requiring a hearing is filed, and otherwise to direct that the application be heard on an expedited basis.

Accordingly, it is ordered, That:

1. Allegheny's application for an exemption, Docket 22579, be and it hereby is denied;

2. Within 10 days of the date of this order, Allegheny may file in Docket 22578 copies of the exemption application presently on file in Docket 22579, together with a supplement to its application setting forth a second-year forecast for Allegheny's proposal, such application and supplement to comply fully with Rule 1307(a) of the Board's rules of practice;

3. Within 25 days after the filing by Allegheny of its supplemented application, any interested persons may file with the Board an answer to said application pursuant to Rules 1306 and 1307 of the Board's rules of practice;

4. If answers opposing the application and requesting a hearing are filed pursuant to paragraph 3 above, and the Board determines that a hearing is required, Allegheny's application will be considered by the Board under the expedited procedures of Subpart M of its rules of practice, Rules 1308–1315.

5. In the event no such answers are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

6. A copy of this order shall be served upon the following, who are hereby made parties to the proceeding: All carriers certificated to serve Toledo, Ohio; Grand Rapids, Mich.; Pittsburgh, Pa.; the cities of Pittsburgh, Pa.; Grand Rapids, Mich.; and Toledo, Ohio; the county of Allegheny, Pa.; the county of Kent, Mich.; and the Chamber of Commerce of Grand Rapids.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1631 Filed 2-4-71;8:50 am]

[1] Grand Rapids is a terminal point on segment 8 and Toledo is an intermediate point on segments 11 and 12. Allegheny's most direct routing between the two points requires a stop at the junction point Cincinnati, a highly circuitous routing.

[2] The city of Grand Rapids, the Greater Grand Rapids Chamber of Commerce and the county of Kent.

[3] In the cited order the Board stated: "Applicants can expect neither more expeditious nor more favorable action by departing from the procedures specifically designed by the Board for use in particular classes of cases."

[4] In light of the responsive pleadings to date, no provision will be made for the filing of statements requesting dismissal pursuant to Rule 1305(c).

[Docket No. 23041]

CAYMAN AIRWAYS, LTD.

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 16, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Greer M. Murphy.

Notice is given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement before February 12, 1971.

Dated at Washington, D.C., February 2, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1628 Filed 2-4-71;8:50 am]

[Docket Nos. 22859, 23052; Order 71-1-139]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

By tariff revisions variously bearing posting and issue dates of December 22, 1970, and December 28, 1970, and marked for effectiveness on February 1, 1971, Eastern Air Lines, Inc. (Eastern), proposes to increase its general commodity rates, and most specific commodity rates as follows:

(A) All general commodity rates except eastbound and northbound would be increased by 6 percent,

(B) Eastbound and northbound general commodity rates would be increased by 10 percent.

(C) Specific commodity rates (except on printed matter, floral and nursery products, and seafood), would be increased by the same dollar amount as the general commodity rates applicable between the same points, but not to exceed 10 percent, and

(D) The minimum weight for premium point-to-point specific commodity rates would be increased to 200 pounds.

Complaints requesting suspension and investigation have been filed by the Aquarium Supply Co., a division of Sternco Industries and by United Pet Dealers, Inc. The complaints variously assert, inter alia, that Eastern has not adequately justified its proposal, that the proposal will further compound inequalities in rates for live animals recognized by the Board, that increasing the minimum weight to 200 pounds for specific commodity rates on dogs and cats is excessive since the average shipment of such commodities is under 100 pounds, that the proposal will result in traffic being diverted from Eastern, and that if permitted to become effective Eastern's proposed rates would cause irreparable harm to the pet industry.

In justification of its proposal and in answer to the complaints, Eastern points to operating losses of more than $2 million annually in its all-cargo operation since its introduction in 1968. The carrier further points out that for the 12 months ending June 30, 1970, operating losses in its all-cargo operation were approximately $3 million, representing a 50-percent increase in loss over the comparable period for 1968. According to Eastern, its proposed rates will result in a 6.6-percent increase in its freight revenues or approximately $2.2 million based on total domestic freight revenue for the year ending September 30, 1970. Eastern claims, however, that the expected increases will not be enough to put its freight operation on a profitable basis.

In its answer to complaints filed January 7, 1971, Eastern stated that it would file further tariff revisions which will result in no increases over the current levels in rates applicable to exception rated traffic and to traffic under premium specific commodity rates.[1]

The Board, by Orders 70-12-143 and 71-1-63, recently permitted American Airlines, Inc. (American), and Braniff Airways, Inc. (Braniff), to put into effect, pending investigation, percentage increases in general commodity rates that are the same as those in the instant proposal. The Board, however, suspended American's and Braniff's proposals to the extent that such general commodity rates would be used to determine rates and minimum charges in conjunction with premium rates, chiefly applicable to live animals.

Consistent with the foregoing orders and after consideration of the complaints and other matters, the Board has determined to permit Eastern's proposed rates to become effective except as the proposed general commodity rates apply to the determination of exception rates and except for the specific commodity rates that are premium rates, and higher than

[1] The Board, however, received no timely tariff filing to cancel such proposed increases.

the applicable general commodity rate. The Board finds that the proposed increases in the basic general commodity rates do not appear unreasonably large and should not adversely affect most shippers to a significant degree. With regard to the remaining specific commodity rates we believe, as we stated in Order 70-12-143, that adjustments to such rates aimed at improving the economics of air transportation lie to a substantial degree within the discretion of the carriers. Furthermore, the proposed tariff revisions are already under investigation in Docket 22859, Domestic Air Freight Rate Investigation, and the premium rates and similar specific commodity rates are under investigation in Docket 21474, In the Matter of Air Freight Rates on Live Animals and Birds.

Eastern has not come forth with any cost data justifying increased rates for transporting premium-rated commodities whether moving under exception ratings or specific commodity rates in excess of the general commodity rates. Neither has the carrier attempted to justify the differences in rate levels between those premium rates and the general commodity rates. In these circumstances the Board will suspend the application of the increased rates on premium traffic and those specific commodity rate increases that essentially represent premium rates.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the rates and charges described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such rates and charges, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and charges, and rules, regulations, or practices affecting such rates and charges;

2. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto[2] are suspended and their use deferred to and including May 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints filed by the Aquarium Supply Co., Division of Sternco Industries in Docket 22980 and by the United Pet Dealers, Inc., in Docket 22976 are dismissed except to the extent granted herein; and

4. A copy of this order shall be filed with the tariffs and served upon Eastern Air Lines, Inc., Aquarium Supply Co., Division of Sternco Industries, and the United Pet Dealers, Inc., which are hereby made parties to Docket 23052.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1632 Filed 2-4-71;8:50 am]

[Docket No. 22106; Order 71-1-134]

EVANSVILLE-INDIANAPOLIS PROCEEDING

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of January 1971.

By Order 70-10-127, dated October 28, 1970, the Board set the application of Allegheny Airlines, Inc. (Allegheny), in Docket 22106, requesting Evansville-Indianapolis nonstop authority without subsidy-eligibility, for further proceedings pursuant to the provisions of Subpart M.

Eastern Air Lines, Inc. (Eastern), filed an answer in opposition to Allegheny's application, and Allegheny filed a reply to Eastern's answer.

Upon consideration of the pleadings and the relevant facts, the Board has determined that there is a sufficient basis for setting Allegheny's application, Docket 22106, for hearing.

Accordingly, it is ordered, That the application of Allegheny Airlines, Inc., Docket 22106, be and it hereby is set for hearing before an examiner of the Board at a time and place to be hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 71-1633 Filed 2-4-71;8:50 am]

[Docket No. 22830]

GOLDEN WEST AIRLINES, INC., ET AL.

Notice of Proposed Approval

Application of Golden West Airlines, Inc., Commerce Reinsurance Co., and Airways Leasing, Inc., for approval under or exemption from section 408 of the Federal Aviation Act of 1958, Docket 22830.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 1, 1971.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Application of Golden West Airlines, Inc., Commerce Reinsurance Co. and Airways Leasing, Inc. for approval under or exemption from section 408 of the Federal Aviation Act of 1958.

By joint application filed November 30, 1970, Golden West Airlines, Inc. (GWA), Commerce Reinsurance Co. (Commerce) and Airways Leasing, Inc. (Leasing) request approval without hearing under or exemption from section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the sale by GWA of certain aircraft surplus to its requirements.

GWA is authorized by the Federal Aviation Administration to conduct air taxi operations and is registered with the Board in accordance with § 298.50 of the economic regulations. Commerce and Leasing are engaged in the purchase, sale and/or leasing of aircraft and are considered persons engaged in a phase of aeronautics within the meaning of the Act. Both of these companies are subsidiaries of Westgate-California Corp. which allegedly controls Air California, an intrastate air carrier.

The terms of the purchase agreements provide that (a) Leasing will buy five aircraft,[1] on which there are no outstanding liens, for $1,556,823; and (b) that Commerce will purchase nine aircraft[2] for $2,738,650 assume liens on the aircraft of $1,507,178. The cash price of the nine aircraft payable to GWA therefore is $1,231,472. The agreements provide that if Leasing or Commerce sell any of the aircraft for less than the purchase price, GWA will reimburse the two companies for the difference.

In support of the request for approval of the transaction GWA states that, as a result of the consolidation of five air taxi operations, it was left with a large and varied fleet of aircraft, most of which were encumbered by debt obligations. GWA needs 11 Twin Otters and five Grumman amphibians to perform its services and the transactions herein would dispose of aircraft surplus to its needs. The disposition of these aircraft will have several important benefits for GWA such as enabling it to concentrate on the service it is providing to the public, improving its cash flow, reducing its total indebtedness and improving its prospects for further financing, if necessary. GWA recognizes that it has assumed an unknown obligation to the extent that Commerce and Leasing are unable to sell the aircraft at their purchase price. GWA does not believe this is likely and in any event will have had the use of the money during the interim. GWA submits that effectuation of the agreements is clearly in the public interest; that it does not affect the control of GWA in any way; that there are no conditions of sale which might adversely influence the management of GWA and that there are no elements of monopoly or restraint of competition presented by the transaction.

By letter filed December 14, 1970, Western Air Lines, Inc., advised the Board that it would take no position on the application on the belief and understanding that action on the application would in no way affect the issues raised in the enforcement complaint in Pacific Southwest Airlines v. United States Holding Company, et al., Docket 22465 and that the Board should make this clear if it decides to approve the instant application.

Pacific Southwest Airlines (PSA) on December 14, 1970, filed an answer[3] in opposition to approval of the instant transactions or any other transaction between any of the parties named in Docket 22465 and GWA until final resolution of the control issues raised in that Docket.[4] PSA submits that the transactions reinforce its basic conclusion, as expressed in the complaint filed in Docket 22465, that Smith and Westgate through subsidiaries and related persons unlawfully control GWA and Air California. In this regard PSA points out that under the purchase agreements, GWA has incurred a contingent liability of unknown dimensions by agreeing to reimburse Commerce and Leasing for any difference between the purchase cost and the price at which the aircraft are actually sold. In addition, PSA contends that Smith and Westgate should be the applicants in this case and not their subsidiaries; that Board approval of these purchase agreements could be construed as indirect approval of the control of GWA by Westgate which had previously abandoned its direct request for such approval in Docket 22371;[5] and that only a full Board enforcement investigation can untangle the web of corporate conglomeration involving the applicants and their affiliated and subsidiary companies.

Other than the foregoing, no comments or requests for a hearing have been received.

It is concluded that GWA is an air carrier and both Commerce and Leasing are persons engaged in a phase of aeronautics; that the acquisition of more than one-half of GWA's fleet of aircraft by Commerce and Leasing is subject to section 408(a)(2) of the Act; and that the requested exemption from section 408 pursuant to section 416 cannot be granted since Commerce and Leasing are not air carriers.

On consideration of the foregoing and other facts of record it has been concluded that the application should be approved. There is nothing in the application or the purchase agreements to indicate that either Commerce or Leasing, as a part of these transactions are presently acquiring a control interest in GWA.[6] Insofar as GWA is subject to a contingent liability as noted heretofore, a condition will be imposed requiring that GWA report the acquisition by Commerce or Leasing or any of their affiliated persons or corporations of any stock or debt interest in GWA as a result of this contingent liability.[7] For present purposes it does not appear that the transactions of themselves conclusively demonstrate that GWA and Air California are under the common control of Smith and Westgate. PSA has filed similar allegations in its complaint in Docket 22465 and it is concluded that that proceeding is the proper forum for determination of those issues. Thus, it is concluded that the transactions do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. GWA, as an air taxi operator, is not required by any certificate of public convenience and necessity to operate any required level or frequency of service and the determination of the number of aircraft it needs to perform its services is not a decision with which the Board is disposed to interfere.[8] Therefore it is not found that the transactions will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the provisions of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing transactions should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered, That:

1. The purchase of the aircraft, as described herein, by Commerce and Leasing be and it hereby is approved;

2. The approval granted herein is not to be considered a determination in any manner of the issues raised by PSA in its complaint in Docket 22465;

3. GWA will report to the Board's Bureau of Operating Rights any acquisition, by Commerce or Leasing or by any other person or corporation with which they are affiliated, of any stock, or other interest in GWA arising as a result of these transactions;

4. Jurisdiction in this proceeding will be retained for the purpose of taking such further action as may be required in the public interest; and

5. Except to the extent granted herein all outstanding requests be and they hereby are denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 15 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1627 Filed 2-4-71;8:50 am]

[Docket No. 23042]

INEX ADRIA AIRWAYS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 12, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Dated at Washington, D.C., February 2, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1629 Filed 2-4-71;8:50 am]

[Docket No. 22628; Order 71-2-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares

Issued under delegated authority February 1, 1971.

By Order 71-1-67, dated January 14, 1971, action was deferred on a resolution adopted by Joint Conference 1-2-3 of the International Air Transport Association (IATA) and incorporated in agreements adopted at meetings in Geneva subsequent to the recessed Honolulu Worldwide Passenger Fare Conference. This resolution, for round-the-world application, encompasses an amendment to rules governing the construction of passenger fares which has previously been approved by the Board for application in certain other areas of the world.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-1-67 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22050, R-20, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1634 Filed 2-4-71;8:50 am]

[Dockets Nos. 21866; 22784; Order 71-1-142]

NORTHWEST AIRLINES, INC.

Order of Suspension and Investigation.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

By tariff revisions[1] marked to become effective February 1, 1971, Northwest Airlines, Inc. (Northwest), proposes to increase fares in 16 markets involving the Chicago, New York, and Washington hubs. The proposed coach fares reflect increases of 93 cents to $1.85. First-class and discount fares are adjusted to maintain present relationships. The markets involve distances of 489 miles or less.

In support of its filing, Northwest alleges that the costs of operations into hub cities are peculiar to such cities and are not typical of the industry as a whole due to airway and airport congestion. Northwest alleges that delays at Chicago, New York, and Washington resulted in costs totaling $4.6 million in 1969, up 17.8 percent over 1968, and that the delays at those 3 hubs accounted for 49 percent of its total system delays. Northwest alleges that the delays are not carrier controlled, and that its proposed increases would produce $2.8 million additional revenue (based on 1969 traffic) or about 60 percent of the costs attributable to airway and airport delays at the three hubs.

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 136.

[1] Comprised of two Beechcraft 99's, one Cessman 402 and two DeHavilland Twin Otters.

[2] One Tradewinds, two Beechcraft 99's, six and Twin Otters.

[3] The applicants subsequently filed a reply to the answer.

[4] The issues include, inter alia, the relationships between C. Arnholt Smith, Westgate-California Corp., Air California and GWA. Commerce and Leasing are subsidiaries of Westgate-California Corp.

[5] Westgate-California Corp., Acquisition of Golden West Airlines, Inc., Order 70-12-22, Dec. 4, 1970.

[6] The approval of the application herein is predicated upon the statement of the applicants that the transactions in no way affect the control of GWA, and that the aircraft are surplus to GWA's needs.

[7] These reports do not relieve any person acquiring a controlling interest in GWA, as a result of the ripening of the contingent liability of GWA or otherwise, from receiving prior Board approval or exemption under section 408.

[8] Cf. Loftleidir, H.F. and Seaboard World Airlines, Inc., Order 70-5-111, May 21, 1970.

[2] Filed as part of the original document.

No complaints were filed.

The proposals here to increase certain coach fares come within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

Northwest's filing regarding congestion-related increases involves only 16 markets out of its entire domestic system and purports to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, these fares do not involve an evaluation of basic costs of service, including load factors, now underway in the passenger-fare investigation to the same degree as the earlier tariff proposals to increase all or most coach fares which were suspended pending investigation.

In nine of the markets,[2] the Board has previously permitted the major carriers in those markets fare increases to compensate for demonstrated additional costs associated with airport and airway congestion. We believe it reasonable to conclude that costs attributable to congestion are common to all carriers operating in a market and would similarly affect all carriers' ability to achieve profitable operations in markets affected by congestion. Accordingly, we will permit Northwest's proposed increases in these nine markets to become effective.

The Board has decided to suspend the remaining fare increases proposed by Northwest in the absence of a showing of losses sustained as a result of airport and airway congestion. As we have previously indicated, we distinguish between a "terminal" versus a "market" approach and believe that trunkline carriers should be permitted increases only when it is reasonably demonstrated that particular markets have characteristics which, but for severe congestion, could be expected to result in profitable operations. To do otherwise could lead to a general erosion of the concept of a fare override solely to compensate for atypical operating conditions, and lead to fare increases of a general nature inconsistent with our action in Order 70-9-123.

Upon consideration of the tariff filing, the justification thereto, and all other relevant matters, the Board finds that the proposed military fare increases which stem from higher basic fares as we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that these fares should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the YM class fares and provisions described in Appendix A attached hereto,[3] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including May 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1635 Filed 2-4-71;8:50 am]

[Docket No. 23054; Order 71-1-145]

SOUTHERN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1971.

By tariff revisions effective February 1, 1971, Southern Airways, Inc. (Southern), proposes to increase fares by $1.85 in 10 Atlanta high-density, short-haul markets. Southern also proposes a $2.78 increase in the New York-Washington market previously approved for American Airlines by Order 70-11-134. In addition, effective February 15, 1971, Southern proposes to establish adult standby fares in 43 long-haul markets.[1] These fares are set at a level of 66⅔ percent of the applicable standard class fare, and are valid only on flights making two or more intermediate stops. The fares apply at all times and standby passengers may not be disembarked en route.

In justification of its Atlanta hub increases, Southern alleges that the Atlanta airport is one of the most congested facilities in the country, resulting in higher cost levels than Southern incurred on the remainder of its system. Southern also provided data showing substantial increases in scheduled block times in its congested markets, and showing block times in a number of the Atlanta markets in excess of those times in noncongested markets of similar distance. Southern estimates that the proposed increases will result in additional revenues of $376,772 in 1971.

In support of its proposed standby fares, Southern alleges that the fares are identical in all major respects with similar adult standby fares presently in effect for American, Continental, TWA, United, and Frontier except for the fact that Southern's standby fares are valid only on flights making two or more intermediate stops, while the other carriers' fares are valid on flights making one or more intermediate stops. Southern estimates that the revenues derived from this proposal will total $531,617 in 1971, assuming Southern will achieve participation in the 43 markets at varying rates from 0.01 percent up to 1.5 percent. Southern also alleges that it has an immediate and critical need for the increased revenues which it estimates would be generated.

Delta, Eastern, National, and Northwest have filed complaints against Southern's proposed adult standby fares requesting that the fares be suspended and investigated. The complainants allege that Southern's proposed "Adult Standby" fares or rules will divert substantial passenger revenues from trunk carriers operating in markets where these fares are proposed by injecting Southern into markets it was not certificated to serve. In addition, the complainants allege that passengers will experience little difficulty in obtaining standby accommodations on most Southern flights because of Southern's current low load factors; such passengers will "bump" down-line confirmed passengers; and finally passengers will abuse the intent of the tariff through protective bookings causing dilution of present Southern passenger revenues.

In answer to the complaints and in further justification of its proposal, Southern states that the issues now being raised are the same as voiced by parties adverse to Frontier Airlines, Inc. (Frontier), adult standby fares proposed in 1965, and which were approved by the Board. Southern submits the Board's finding as applied to the Frontier proposal is equally applicable to Southern's.

Southern also alleges that the three complainants' concern over diversion from their nonstop services is ill-founded because the principal reason a passenger uses air transportation today is to travel as quickly and expeditiously as possible between two points, and that seldom will a passenger elect to use multistop and/or connecting service when nonstop service is available at the preferred time of departure. Southern believes, however, there is a substantial untapped market of persons desiring to go between two points, but who, because of economic factors, are precluded from doing so.

Southern's proposal to increase certain regular fares comes within the scope of the Domestic Passenger-Fare Investigation now actively in process, and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend those proposed fares pending a final determination of their lawfulness in that investigation.

Southern's fare filing involves only 11 markets out of its entire system and purports to be justified on facts and circumstances peculiar to operations at and between these particular points. As such, this filing does not involve an evaluation of basic costs of service, including load factors, now underway in the passenger-fare investigation to the same degree as earlier tariff proposals to increase all or most fares which were suspended pending investigation.[5]

In view of the continuing deterioration of Southern's financial position, the limited nature of this proposal, and the acknowledged fact that airport and airway congestion at Atlanta is among the worst in the country, we believe a valid basis exists to permit the increases proposed by Southern. We believe that the carrier has adequately demonstrated that its costs in the Atlanta markets are higher than costs over noncongested segments of comparable distance.

With regard to the adult standby fares, it appears that the proposal is more likely to cause a diversion of traffic and revenues from the other carriers in these markets than to generate new business, and on this ground the proposed fares may be unlawful and should be investigated. Moreover, in view of Southern's limited participation in the markets in which it desires to establish these fares, the other carriers now serving these markets would bear the risk of Southern's experiment.[4] In these circumstances, we find it necessary to suspend the proposal pending investigation of its lawfulness.

Upon consideration of the tariff filing, the complaints and answer thereto, and all relevant matters, the Board finds that the proposed adult standby fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that these fares should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the SU class (Adult Standby) fares described in Appendix A hereto,[1] and rules, regulations, and practices affecting such fares, are or will be unjust, unreasonable, unjustly discriminatory, unduly perferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[1] are suspended and their use deferred to and including May 15, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the periods of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Delta Air Lines, Inc., in Docket 22999, Eastern Air Lines, Inc., in Docket 23036, National Airlines, Inc., in Docket 22998, and Northwest Airlines, Inc., in Docket 23002 are hereby dismissed;

4. The investigation of adult standby fares ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Air Lines, Inc., Northwest Air Lines, Inc., and Southern Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1636 Filed 2-4-71;8:50 am]

[Docket No. 22901]

TRANS-MEDITERRANEAN AIRWAYS, S.A.L.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 2, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 1, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 1, 1971.

[SEAL] HARRY H. SCHNEIDER,
Hearing Examiner.

[FR Doc.71-1630 Filed 2-4-71;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND JOHNSON LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9927 is a transshipment agreement between the two carriers listed above, whereby cargo lifted by American Mail Line in Oregon, Washington, and Alaska under its through bills of lading is delivered in Malaysia and the Republic of Singapore by Johnson Line after transshipment in Hong Kong or ports in Japan.

Dated: February 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1619 Filed 2-4-71;8:49 am]

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[1] Chicago-Cleveland, Chicago-Detroit, Chicago-Milwaukee, Chicago-Madison, Chicago-Pittsburgh, New York-Washington, New York-Pittsburgh, New York-Philadelphia, Washington-Philadelphia.

[2] Filed as part of the original document.

[3] Concurring and dissenting statements of Vice Chairman Gillilland and member Minetti filed as part of the original document.

[4] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 136 and 142.

[1] Order 70-9-123.

[2] Southern's fares and rules of applicability are very similar to adult standby fares of Frontier which the Board permitted to become effective. However, Frontier operated through service, albeit multistop service, in each of the 20 markets originally involved and Frontier had a significant participation in most of the markets, a dominant share in several of them.

[3] Filed as part of the original document.

[4] Dissenting statements of members Minetti and Murphy filed as part of the original document.

AMERICAN MAIL LINE, LTD., AND JOHNSON LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9928 is a transhipment agreement between the two carriers listed above, whereby cargo lifted in Malaysia and the Republic of Singapore by Johnson Line under its through bills of lading is delivered by American Mail Line in Oregon, Washington, and Alaska after transshipment in Hong Kong or ports in Japan.

Dated: February 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1620 Filed 2-4-71;8:49 am]

CARIBBEAN CRUISE ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. William J. Armstrong, Secretary, Caribbean Cruise Association, 17 Battery Place, Suite 631, New York, NY 10004.

Agreement No. 9823-2, filed on behalf of the Member Lines of the Caribbean Cruise Association, modifies Articles 4A and 4C which are concerned with Passage Fares and Rates of Commission by adding language intended to clarify the application of the 21-day notice provision contained in each of these two Articles.

Dated: February 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1618 Filed 2-4-71;8:49 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood Wright White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9548-2 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1621 Filed 2-4-71;8:49 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by The First National Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The National State Bank of Boulder, Boulder, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, January 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1585 Filed 2-4-71;8:46 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CLINCHFIELD COAL CO. AND VALLEY CAMP COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 m.g/m.^{3}) have been received as follows:

(1) ICP Docket No. 10422, Clinchfield Coal Co., Campbranch No. 1 Mine, USMB ID No. 44 00280 0, near Carrie, Dickenson County, Va., Section ID No. 001 (5 Lt. W. Mains), Section ID No. 003 (7 Lt. W. Mains), Section ID No. 004 (West Mains).

(2) ICP Docket No. 10425, Clinchfield Coal Co., Moss No. 2 Mine, USBM ID No. 44 00281 0, Dante, Russell County, Va., Section ID No. 001 (3 Lt. 3 South), Section ID No. 002 (4 Lt. 3 South), Section ID No. 003 (5 Lt. 3 South), Section ID No. 004 (7 Lt. 3 North), Section ID No. 005 (7 Rt. 3 North), Section ID No. 008 (8 Lt. 3 North).

(3) ICP Docket No. 10427, Clinchfield Coal Co., Splashdam Mine, USBM ID No. 44 00269 0, Haysi, Dickenson County, Va., Section ID No. 001 (Lt. Main Hdgs.), Section ID No. 2 (Rt. Main Hdgs.), Section ID No. 003 (1 lt. off Mains).

(4) ICP Docket No. 10428, Clinchfield Coal Co., Hagy No. 1 Mine, USBM ID No. 44 01514 0, Dante, Russell County, Va., Section ID No. 001 (1 Rt.), Section ID No. 002 (1 Lt. Mains), Section ID No. 003 (1 Rt. Mains).

(5) ICP Docket No. 10429, Clinchfield Coal Co., Smith Gap Mine, USBM ID No. 44 00270 0, Dante, Russell County, Va., Section ID No. 002 (2 Rt. 1 South).

(6) ICP Docket No. 10446, the Valley Camp Coal Co., Mine No. 3, USBM ID No. 46 01482 0, Triadelphia, Ohio County, W. Va., Section ID No. 014 (2 Left off P North), Section ID No. 011 (10 North off 2 East), Section ID No. 001 (Main East).

(7) ICP Docket No. 11723, Clinchfield Coal Co., Moss 3 Portal A, USBM ID No. 44 01642 0, Duty, Dickenson County, Va., Section ID No. 001 (A Mains), Section ID No 002 (14 Rt.), Section ID No. 003 (5¼ Lt. 9 Rt.), Section ID No. 006 (1 Right).

(8) ICP Docket No. 11724, Clinchfield Coal Co., Moss Portal D USBM ID No. 44 01644 0, Duty Dickenson County, Va. Section ID No. 007 (C Mains), Section ID No. 008 (10 Right), Section ID No. 009 (1½ A Right).

(9) ICP Docket No. 11725, Clinchfield Coal Co., Moss 3 Portal D USBM ID No. 44 01644 0, Duty, Dickenson County, Va., Section ID No. 011 (10 East), Section ID No. 012 (11 East), Section ID No. 013 (14 East), Section ID No. 014 (3 South), Section ID No. 015 (1 Rt. 3 South).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 29, 1971.

[FR Doc.71-1605 Filed 2-4-71;8:48 am]

NORTH AMERICAN COAL CORP. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10108, the North American Coal Corp., Conemaugh No. 1 Mine, USBM ID No. 36 00928 0, Seward, Indiana County, Pa., Section ID No. 003 (New Mains), Section ID No. 004 (New Mains).

(2) ICP Docket No. 10445, the Valley Camp Coal Co., Mine No. 1, USBM ID No. 46 01483 0, Short Creek, Ohio County, W. Va., Section ID No. 013 (East Mains), Section ID No. 001 (2 North Off West Mains), Section ID No. 002 (2 Right Off 2 North).

(3) ICP Docket No. 10843, Eastern Coal Corp., Stone Mine, USBM ID No. 15 02098 0, Stone, Pike County, Ky., Section ID No. 002 (Section 16), Section ID No. 011 (Section 34).

(4) ICP Docket No. 11108, Freeman Coal Mining Corp., Orient No. 3 Mine, USBM ID No. 11 00600 0, Waltonville, Jefferson County, Ill., Section ID No. 001 (27 North West North), Section ID No. 015 (8 North East North), Section ID No. 017 (Main North), Section ID No. 018 (10 North East North), Section ID No. 019 (9 North East North), Section ID No. 012 (Main South West North), Section ID No. 013 (7 North East North), Section ID No. 014 (28 North West North), Section ID No. 016 (8 West Main South West North).

(5) ICP Docket No. 10649, Westmoreland Coal Co., Prescott No. 1 Mine, USBM ID No. 44 00303 0, Osaka, Wise County, Va., Section ID No. 001 (3 Main East Headings), Section ID No. 003 (2 Main North Headings).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 1, 1971.

[FR Doc.71-1606 Filed 2-4-71;8:48 am]

OLD BEN COAL CORP. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10217, Old Ben Coal Corp., Mine No. 24, USBM ID No. 11 00589 0, Benton, Franklin County, Ill., Section ID No. 011 (28th, 29th, 30th North Panel Off 9th West South), Section ID No. 016 (10th, 11th, 12th, North Panel Off 9th East South).

(2) ICP Docket No. 10218, Old Ben Coal Corp., Mine No. 21, USBM ID No. 11 00588 0, Sesser, Franklin County, Ill., Section ID No. 002 (1st through 8th East South Entries), Section ID No. 006 (1st through 7th West North Entry Pillars), Section ID No. 009 (42d, 43d, 44th North Panel Off 8th East North).

(3) ICP Docket No. 10220, Clinchfield Coal Co., Open Fork No. 2 Mine, USBM ID No. 44 00267 0, Herald, Dickenson County, Va., Section ID No. 002 (5 Lt. 1 North), Section ID No. 004 (2 Lt. 2 North), Section ID No. 005 (1 Lt. 2 North).

(4) ICP Docket No. 10420, Clinchfield Coal Co., Chaney Creek No. 2 Mine, USBM ID No. 44 00279 0, Clinchfield, Russell County, Va., Section ID No. 001 (7 Rt.), Section ID No. 002 (North Mains), Section ID No. 003 (8 Rt.), Section ID No. 004 (9 Rt.).

(5) ICP Docket No. 10421, Clinchfield Coal Co., Lambert Fork Mine, USBM ID No. 44 00241 0, near Duty, Buchanan County, Va., Section ID No. 001 (4 Rt. 3 East), Section ID No. 002 (Lt. South Mains), Section ID No. 003 (2 Rt. 3 East), Section ID No. 004 (1 Rt. 3 East), Section ID No. 005 (Rt. South Mains).

(6) ICP Docket No. 10426, Clinchfield Coal Co., Hurricane Creek Mine, USBM ID No. 44 01773 0, Clinchfield, Russel County, Va., Section ID No. 001 (Hurricane Creek Mains).

(7) ICP Docket No. 10647, Westmoreland Coal Co., Wentz No. 1 Mine, USBM ID No. 44 00302 0, Stonega, Wise County, Va., Section ID No. 001 (2 Main North, No. 1 Right), Section ID No. 003 (No. 2 Main East Headings), Section ID No. 006 (No. 3 Main East

Headings, No. 3 Right), Section ID No. 008 (No. 2 Main East Headings, 10 Right).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 2, 1971.

[FR Doc.71-1607 Filed 2-4-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.3-1 for Disaster No. 783]

MANAGER, DISASTER BRANCH OFFICE, CORPUS CHRISTI, TEX.

Delegation of Authority Relating to Financial Assistance Functions

1. Pursuant to the authority delegated to the Disaster Coordinator, Hurricane Celia Disaster Area, by Delegation of Authority No. 4.3, 36 F.R. 1296, the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Corpus Christi Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

W. BRYAN SHOEMAKER,
Disaster Coordinator,
Hurricane Celia Disaster Area.

[FR Doc.71-1580 Filed 2-4-71;8:46 am]

[Delegation of Authority No. 4.3-1 for Disaster No. 783]

MANAGER, DISASTER BRANCH OFFICE, ARANSAS PASS, TEX.

Delegation of Authority Relating to Financial Assistance Functions

1. Pursuant to the authority delegated to the Disaster Coordinator, Hurricane Celia Disaster Area, by Delegation of Authority No. 4.3, 36 F.R. 1296, the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Aransas Pass Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

W. BRYAN SHOEMAKER,
Disaster Coordinator,
Hurricane Celia Disaster Area.

[FR Doc.71-1582 Filed 2-4-71;8:46 am]

[Delegation of Authority No. 4.3-1 for Disaster No. 783]

MANAGER, DISASTER BRANCH OFFICE, ROBSTOWN, TEX.

Delegation of Authority Relating to Financial Assistance Functions

1. Pursuant to the authority delegated to the Disaster Coordinator, Hurricane Celia Disaster Area, by Delegation of Authority No. 4.3, 36 F.R. 1295, the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Robstown Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

W. BRYAN SHOEMAKER,
Disaster Coordinator,
Hurricane Celia Disaster Area.

[FR Doc.71-1583 Filed 2-4-71;8:46 am]

[Delegation of Authority No. 4.3-1 for for Disaster No. 783]

MANAGER, DISASTER BRANCH OFFICE, SINTON, TEX.

Delegation of Authority Relating to Financial Assistance Functions

1. Pursuant to the authority delegated to the Disaster Coordinator, Hurricane Celia Disaster Area, by Delegation of Authority No. 4.3, 36 F.R. 1296, the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Sinton Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

W. BRYAN SHOEMAKER,
Disaster Coordinator,
Hurricane Celia Disaster Area.

[FR Doc.71-1581 Filed 2-4-71;8:46 am]

[License 03/03-5065]

PROGRESS VENTURE CAPITAL CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Progress Venture Capital Corp. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326).

The officers and directors of the applicant are as follows:

Reverend Leon H. Sullivan, 6825 Milton Street, Philadelphia, PA 19119, Chairman of the Board.

Ira J. K. Wells, Jr., 1126 East Cliveden Street, Philadelphia, PA 19119, President and Director.

Carl L. Hairston, 1956 Georgian Road, Philadelphia, PA 19138, Vice President and Director.

Alfonso C. Jackson, 2526 West York Street, Philadelphia, PA 19132, Secretary and Director.

William V. Downes, 407 Hartford Drive, Cinnaminson, NJ 08077, Treasurer and Director.

Alphonso Whitfield, Jr., 37 South Syracuse Drive, Cherry Hill, NJ 08084, General Manager.

The applicant, a Delaware corporation and having its principal place of business located at 1501 North Broad Street, Philadelphia, PA 19122, will begin operations with $300,000 of paid-in capital and paid-in surplus, consisting of 18,150 shares of Class A common stock, having voting rights, and 11,850 shares of Class B common stock, having no voting rights.

Zion Investment Associates, Inc., a real estate and financial investment company, located at 1501 North Broad Street, Philadelphia, PA 19122, and owned by approximately 5,500 individuals, is the owner of 3,150 shares (18 percent) of applicant's Class A common stock.

The remainder of applicant's Class A common stock (15,000 shares, constituting 82 percent) is owned by Zion Non-Profit Charitable Trust, located at 1501 North Broad Street, Philadelphia, PA 19122, and established for the purpose of training, developing, and assisting minority entrepreneurs.

Applicant's Class B common stock is owned by 19 stockholders, including six major banks and banking institutions, nine large industrial companies, two insurance companies, and two oil companies, all located or having offices in the vicinity of Philadelphia, Pa.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Philadelphia, Pa.

A. H. SINGER,
Associate Administrator
for Investment.

JANUARY 27, 1971.

[FR Doc.71-1710 Filed 2-4-71;9:55 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 2, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42122—*Chlorine to Middletown, Pa.* Filed by O. W. South, Jr., agent (No. A6223), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Acme, N.C., to Middletown, Pa.

Grounds for relief—Market competition.

Tariff—Supplement 105 to Southern Freight Association, agent, tariff ICC S-804.

FSA No. 42123—*Liquid caustic soda to Enka, N.C.* Filed by O. W. South, Jr., agent (No. A6224), for and on behalf of Southern Railway Co. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from Evans City, Ala., to Enka, N.C.

Grounds for relief—Rate relationship.

Tariff—Supplement 20 to Southern Freight Association, agent, tariff ICC S-938.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1658 Filed 2-4-71; 8:52 am]

[Notice 241]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the

Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13087 (Sub-No. 32 TA), filed January 29, 1971. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, IA 50401. Applicant's representative: William L. Fairbank, 900 Hubell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and those points in Wisconsin on and south of a line beginning at La Crosse, Wis., thence running east over Interstate Highway 90 from La Crosse to Mauston, thence over Wisconsin Highway 82 to junction with U.S. Highway 51, and thence over Wisconsin Highway 23 to Sheboygan, for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 14702 (Sub-No. 33 TA), filed January 29, 1971. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, 300 Liberty Road, Warren, OH 44482. Applicant's representative: Paul Beery, Columbus, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum products, building materials, alloys, refractories, glass containers, glass bottles, glass jars, and sodium silicate* (except commodities in bulk), from Lemoyne, Ohio, to points in Indiana, those in Michigan on and south of Michigan Highway 46, and Chicago, Ill., commercial zone; (2) *Aluminum, aluminum products, building materials, glass containers, glass bottles, and glass jars* (except commodities in bulk), from points in Indiana, those in Michigan on and south of Michigan Highway 46, and the Chicago commercial zone to Lemoyne, Ohio. Applicant would tack the authority requested herein with its authority set forth in certificate MC 14702 and MC 14702 (Sub. 16) at Lemoyne, Ohio, that is attached hereto. By tacking it can serve between the States requested herein and the Eastern States it presently may serve such as Pennsylvania, New Jersey, Virginia, West Virginia, Maryland, a portion of New York, and the District of Columbia, for 180 days. Supporting shippers: Armstrong Cork Co., Lancaster, PA 17604; Fabral Corp., 3449 Hempland Road, Lancaster, PA 17601; Alcan Aluminum Corp., 100 Erieview Plaza, Cleveland, OH; Howmet Corp., Lancaster, PA 17604; C-E Minerals, 443 South Gulph Road, King of Prussia, PA 19406; Keene Corp., U.S. Route No. 1, Princeton, NJ 08540; Harvey Aluminum, Adrian, MI. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, OH 44199.

No. MC 100449 (Sub-No. 18 TA) filed January 29, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, IA 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and those points in Wisconsin on and south of a line beginning at La Crosse, Wis., thence running east over Interstate Highway 90 from La Crosse to Mauston, thence over Wisconsin Highway 82 to junction with U.S. Highway 51, and thence over Wisconsin Highway 23 to Sheboygan, for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, IA 50309.

No. MC 113535 (Sub-No. 17 TA), filed January 29, 1971. Applicant: A & W TRUCKING CO., INC., Box 370, Rural Route 2, Mosinee, WI 54455. Applicant's representative: John Altenburg, Route 5, Box 900, Mosinee, WI 54455. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. and 766, from Dubuque, Iowa, to points in Wisconsin (except Milwaukee, Wis.), for 180 days. Supporting shipper: Dubuque Packing Co., Dubuque, IA 52001. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 119777 (Sub-No. 200 TA), filed January 27, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal stampings, castings, parts, attachments, and accessories* used in the assembly and/or manufacture of laundry equipment; (1) from Madisonville, Ky., to Marietta, Ga., Lufkin, Tex., Bakersfield, Calif., Pleasantville, N.J., Milwaukee, Wis., and Chattanooga, Tenn.; and (2) from Chattanooga, Tenn., to Madisonville, Ky. Restriction: restricted to traffic originating at or destined to the plantsites or other facilities, of Huebsch Originators, American Laundry & Machine Industries, Division of McGraw Edison at Madisonville, Ky., Lufkin, Tex., Bakersfield, Calif., Pleasantville, N.J., Milwaukee, Wis., and Chattanooga, Tenn., and the plantsite of Damar, Inc., Marietta, Ga., for 180 days. Supporting shipper: Karl Heyse, Plant Manager, Huebsch Originators, American Laundry & Machine Industries, Division of McGraw Edison, Madisonville, KY. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 133240 (Sub-No. 13 TA), filed January 29, 1971. Applicant: CAROLINA TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by discount or department stores, between the facilities of Unishops, Inc., their divisions and subsidiaries located in Jersey City, N.J., on the one hand, and, on the other, Richmond, Va., for 150 days. Supporting shipper: Saul Goldstein T/M, Unishops, Inc., 21 Gaven Point Avenue, Jersey City, NJ 07305. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133937 (Sub-No. 6 TA), filed January 29, 1971. Applicant: CAROLINA CARTAGE COMPANY, INC., Airport Road, Box 1075, 651 Keith Drive, Greenville, SC 29607. Applicant's representative: Henry P. Willimon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between points in South Carolina and the Charlotte, N.C., Airport, for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 135256 TA, filed January 27, 1971. Applicant: JOHN ALLEN BRUSH, doing business as DATA TRANSPORT, 18 Stuyvesant Street, Huntington, NY 11743. Applicant's representative: Toaz, Buck, Myers, Grower, Bernst & Meservey, 381 New York Avenue, Huntington, NY 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and documents*, from Abraham & Straus, Brooklyn store, Fulton Street at Hoyt Street, Brooklyn, NY, to Abraham & Straus, Woodbridge Store, near intersection of Routes 1 and 9, Woodbridge Center, Woodbridge, NJ (Woodbridge Township, Middlesex County) for 180 days. Supporting shipper: Abraham & Straus, Fulton Street, Brooklyn, N.Y. 11201. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135260 TA, filed January 29, 1971. Applicant: GENERAL TRANSFER, INC., doing business as GENERAL TRANSFER & STORAGE, Hiway 8 at 70th Street, La Mesa, CA 92041. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles, Orange, Riverside, San Bernadino, and San Diego Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Red Ball Internation (a division of American Red Ball Transit Co., Inc.) 200 Illinois Building, Indianapolis, IN 46204. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135261 TA, filed January 29, 1971. Applicant: ROBERT C. MORRIS, doing business as MORRIS MOVING & STORAGE, 211 Barwise, Wichita Falls, TX 76307. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wichita, Clay, Archer, Baylor, Foard, Hardeman, Knox, Montague, Throckmorton, Willbarger, Young, Cameron, Willacy, Hidalgo, Starr, Zapata, Jim Hogg, Brooks, and Kenedy Counties, Tex., and points in Cotton, Jefferson, and Tillman Counties, Okla., Restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, CA 90502; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle WA 98133; Davidson Forwarding Co. 3180 V Street NE., Washington, DC 20018. Send protests to: H. C. Morrison, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135262 TA, filed January 29, 1971. Applicant: VERNON E. RADATZ, Box No. 16, Rural Route No. 1, Byron, IL. 61010. Applicant's representative: William C. Jackson, 611 Illinois National Bank Building, 228 South Main Street, Rockford, IL 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed for livestock*, from Janesville, Wis., to Stillman Valley, Ill. The most direct route between Janesville, Wis., and Stillman Valley, Ill., for 180 days. Supporting shipper: Griffith Lumber Co., Stillman Valley, IL 61084. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1657 Filed 2-4-71;8:52 am]

[Notice 642]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 2, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72514. By order of January 18, 1971, the Motor Carrier Board approved the transfer to R. H. Gibson, doing business as Gibson Motor Freight, Tahoka, Tex., of a portion of certificate of registration No. MC-112651 (Sub-No. 4) issued to Roy W. Gibson, doing business as Gibson Motor Freight, O'Donnell, Tex. (and leased to transferee herein) covering the transportation of general commodities, between specified points in Texas, Harold Green, Post Office Box 416, Tahoka TX 79373, attorney for applicants.

No. MC-FC-72576. By order of January 27, 1971, the Motor Carrier Board approved the transfer to Edward Boeve, doing business as Boeve Truck Service, Steen, Minn., of the operating rights in certificate No. MC-95330 issued December 14, 1966, to John Boeve, Steen, Minn., authorizing the transportation of livestock and grain from Steen, Minn., and points in Minnesota and Iowa within 15 miles of Steen, Minn., other than incorporated cities or towns, to Sioux Falls, S. Dak., from Steen, Minn., and points in Minnesota within 15 miles of Steen, Minn., other than incorporated cities or towns, to Rock Springs, Iowa; agricultural implements and machinery and other related agricultural commodities from Sioux Falls, S. Dak., to Steen, Minn., and points in Minnesota and Iowa within 15 miles of Steen, Minn., other than incorporated cities and towns, from Rock Rapids, Iowa, to Steen, Minn., and points in Minnesota within 15 miles of Steen, Minn., other than incorporated cities or towns; water, in bulk, in tank vehicles from Rock Springs, Iowa, to Steen, Minn., and points in Minnesota and South Dakota within 15 miles of Steen, Minn.; and emigrant movables between Steen, Minn., and points in Minnesota within 15 miles of Steen, Minn., except incorporated cities or towns, on the one hand, and, on the other, points in Iowa and South Dakota within 200 miles of Steen, Minn. Walter A. Tofteland, 109 North Cedar, Luverne, MN 56156, attorney for applicants.

No. MC-FC-72584. By order of January 27, 1971, the Motor Carrier Board approved the transfer to Hoffman Transfer Co., a corporation, Denver, Colo., of certificate of registration No. MC-57232 (Sub-No. 1) issued April 17, 1970, to Charles F. Reynolds and H. Lee Bryant, a partnership, doing business as Hoffman Transfer Co., Denver, Colo., evidencing a right to engage in transportation in interstate commerce as described in that portion of Certificate of Public Convenience and Necessity, PUC No. 453, as was embraced in predecessor's certificate of registration, extended by Decision No. 46271, dated August 9, 1956, and transferred by Decisions Nos. 68069 and 72650, dated August 24, 1966, and March 11, 1969, respectively, by the Public Utilities Commission of the State of Colorado. Robert S. Stauffer, 3539 Boaton Road, Cheyenne, WY 82001, attorney for applicants.

No. MC-FC-72594. By order of January 27, 1971, the Motor Carrier Board approved the transfer to Curtis Trucking Inc., Greenville, Pa., of the operating rights in certificate No. MC-117086, issued July 14, 1958, to Howard L. Curtis, doing business as Howard L. Curtis Trucking, Greenville, Pa., authorizing the transportation of paper tubing and other specified commodities from specified points in Pennsylvania to points in Ohio, Indiana, New York, West Virginia, and Kentucky and box-board paper on return. Archie O. Wallace, 47 Clinton Street, Greenville, PA 16125, attorney for applicants.

No. MC-FC-72618. By order of January 27, 1971, the Motor Carrier Board approved the transfer to Domenic Cristinzio, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC-84135 issued June 29, 1961, to Murray S. Close, Jr., doing business as M. Close Moving & Storage, Philadelphia, Pa., authorizing the transportation of household goods as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and the District of Columbia. Michael J. Rutenberg, 1320 Two Penn Center Plaza, Philadelphia,

PA 19102, attorney for transferee. Raymond A. Thistle, Jr., Four Penn Center Plaza, Philadelphia, PA, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.77-1658 Filed 2-4-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-645 etc.]

UNION PACIFIC RAILROAD CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 27, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 19, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R168-326..	Union Pacific Railroad Co. et al.	4	6	Colorado Interstate Gas Co. (Patrick Draw, Table Rock, Wamsutter, and Point of Rocks Fields, Sweetwater County, Wyo.).	$6,995	12-31-70	12-31-70	[2] Accepted	[3] 17.00	[4] 17.1700	R168-326.
	do	5	5	do	5,119	12-31-70	12-31-70	[2] Accepted	[3] 17.00	[4] 17.2550	R168-326.
	do	6	4	do	1,865	12-31-70	12-31-70	[2] Accepted	[3] 16.00	[4] 16.24	R168-326.
	do	7	3	do	16,007	12-31-70	12-31-70	[2] Accepted	[3] 15.50	[4] 15.7325	R168-326.
R168-334	do	9	2	do	432	12-31-70	12-31-70	[2] Accepted	16.00	[4] 16.24	R168-334.
R169-27	do	10	3	do	1,896	12-31-70	12-31-70	[2] Accepted	[3] 18.20	[4] [5] 18.4730	R169-27.
R168-334	do	11	2	do	2,017	12-31-70	12-31-70	[2] Accepted	17.00	[4] 17.2550	R168-334.
R168-326	do	[6] 12	4	do	737	12-31-70	12-31-70	[2] Accepted	[3] 17.00	[4] 17.1700	R168-326.
R170-943	do	13	4	Mountain Fuel Supply Co. (Nitchie Gulch Field, Sweetwater County, Wyo.).	108	12-31-70	12-31-70	[2] Accepted	[3] 16.00	[4] [5] 16.24	R170-943.
R171-645..	Chevron Oil Co.	1	9	El Paso Natural Gas Co. (Rutherford Field, Aneth Area, San Juan County, Utah).	688	12-28-70	1-28-71	6-28-71	[2] 17.70	[2] 22.00	
	do	17	11	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin).	1,203	12-28-70	1-28-71	6-28-71	[3] 17.3908	[3] 17.9023	R170-1310.
	do	18	12	El Paso Natural Gas Co. (Pecos Valley, Pusselman Field, Pecos County, Tex. (Permian Basin).	896	12-28-70	1-28-71	6-28-71	17.0	17.8049	R170-1310.
	do	23	13	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin).	184	12-28-70	12-28-70	6-28-71	[3] 16.880	[3] 17.9023	R169-681.
	do	24	23	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin).	37,698	12-28-70	1-28-71	6-28-71	[3] 16.88	[3] 17.9023	R169-681.
	do	[9] 21		do	1,535	12-28-70	1-28-71	6-28-71	[7] 15.86	[7] 16.8793	R169-681.
	do	26	7	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin).	56,427	12-28-70	1-28-71	6-28-71	18.0	21.1011	R169-748.
	do	27	7	Transwestern Pipeline Co. (Lovett Unit No. 1, Kermit and South Kermit Fields, Winkler County, Tex.) (Permian Basin).	26,540	12-28-70	1-28-71	6-28-71	18.0	21.0919	R169-748.
	do	28	7	Transwestern Pipeline Co. (Lovett Unit No. 2) (Kermit and South Kermit Fields, Winkler County, Tex.) (Permian Basin).	10,040	12-28-70	1-28-71	6-28-71	18.0	21.0919	R169-748.
	do	29	7	do	371,028	12-28-70	1-28-71	6-28-71	18.0	21.0919	R169-748.
R168-618..	U.S. Natural Resources, Inc.	4	5	Colorado Interstate Gas Co. (Desert Springs, Sweetwater County, Wyo.).	300	1-4-71	1-4-71	[2] Accepted	[10] [11] 18.25	[12] 18.5237	R168-618.
	do	4	5	do	305	1-4-71	1-4-71	[2] Accepted	[10] [13] 18.186	[11] [13] 18.4586	R168-618.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-646..	Atlantic Richfield Co.	577	[14] 4	Transcontinental Gas Pipe Line Corp. (Thomaston et al. Fields, De Witt and Victoria Counties, Tex., RR. District No. 2).		1-4-71	2-4-71	[24] [25] Accepted			
	do		5	do	87,407	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	do	578	[14] 3	Transcontinental Gas Pipe Line Corp. (Clayton et al. Fields, Live Oak County, Tex., RR. District No. 2).		1-4-71	2-4-71	[24] Accepted			
	do		4	do	205,083	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	do	494	[14] 13	Transcontinental Gas Pipe Line Corp. (Ray Field, Bee County, Tex., RR. District No. 2).		1-4-71	2-4-71	[24] [25] Accepted			
	do		14	do	11,195	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	do	495	[14] 13	Transcontinental Gas Pipe Line Corp. (Mineral Field, Bee County, Tex., RR. District No. 2).		1-4-71	2-4-71	[24] [25] Accepted			
	do	495	14	do	1,075	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	do	504	16	Transcontinental Gas Pipe Line Corp. (West Tuleta Field, Bee County, Tex., RR. District No. 2).		1-4-71	2-4-71	[24] [25] Accepted			
	do		17	do	134,334	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	Atlantic Richfield Co. et al.	41	16	Transcontinental Gas Pipe Line Corp. (Greta Field, Refugio County, Tex., RR. District No. 2).		1-4-71	2-4-71	[24] [25] Accepted			
	do		17	do	429,869	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	Atlantic Richfield Co.	5	11	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Mustang Island Field, Nueces County, Tex., RR. District No. 4).	481,124	1-4-71	2-4-71	7-4-71	[16] [18] 15.6585	24.25	R168-90.
	do	6	12	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (North Minnie Beck Field, Nueces County, Tex., RR. District No. 4).	244,761	1-4-71	2-4-71	7-4-71	[15] 14.83612	24.25	R170-700.
	do	330	12	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Mustang Island Field, Nueces County, Tex., RR. District No. 4).	56,547	1-4-71	2-4-71	7-4-71	15.0555	24.25	R170-700.
	Atlantic Richfield Co. et al.	491	8	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (San Salvador Field, Hidalgo County, Tex., RR. District No. 4).	20,141	1-4-71	2-4-71	7-4-71	15.0534	24.25	R170-698.
	do	545	18	Transcontinental Gas Pipe Line Corp. (Longhorn et al. Fields, DuVal County, Tex., RR. District No. 4).		1-4-71	2-4-71	[24] [26] Accepted			
	do		19	do	57,139	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
	do	42	18	Transcontinental Gas Pipe Line Corp. (Arneckeville et al. Fields, De Witt et al. Counties, Tex. RR. District No. 2).		1-4-71	2-4-71	[24] [26] Accepted			
	do		19	do	146,603	1-4-71	2-4-71	7-4-71	[15] [16] [18] 13.0481	[15] 21.0	
RI71-647..	Chevron Oil Co.	32	4	Lone Star Gas Co. (East Durant Field, Bryan County, Okla., Other Area).	539	12-28-71	1-28-71	6-28-71	17.9	19.0	R168-712.
RI71-648..	Kerr-McGee Corp. et al.	15	[21] 7	Southern Natural Gas Co. (Spider Field, De Soto Parish, Northern Louisiana).	23,116	12-31-71	1-31-71	5-31-71	[22] [24] 14.4855	[22] [23] 17.3750	
RI71-649..	Edwin L. Cox et al.	47	3	Lone Star Gas Co. (Northwest Marlowe Field, Stephens County, Okla., Other Area).	8,558	1-4-71	2-4-71	7-4-71	[23] 16.81	[23] 19.01	R168-130.
RI71-650..	Wichita Resources, Inc.	(28)	(28)	El Paso Natural Gas Co. (North Branch Field, Sutton County, Tex.) (RR. District 7-C) (Permian Basin).	60,225	12-30-70	1-30-71	6-30-71	16.5	22.0	
RI71-651..	A. R. Eppenauer	(27)	(27)	El Paso Natural Gas Co. (Jalmat Field, Lea County) (New Mexico, Permian Basin).	1,469	12-31-70	2-1-71	7-1-71	14.44	17.5	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

[1] Includes double severance tax reimbursement with 50 percent applicable to gas delivered on and after Jan. 1, 1971, and the remainder levied for recoupment of such paid during prior years.

[2] Not used.

[3] Includes 2.2 cents per Mcf maximum B.t.u. adjustment limited by order issued Mar. 19, 1968, in Docket No. CI67-1238.

[4] Formerly: St. Helens Petroleum Corp. FPC Gas Rate Schedule No. 1.

[5] Subject to compression charge of 0.4467 cent per Mcf if delivery pressure falls below 600 p.s.i.g.

[6] Subject to reduction of 0.4467 cent per Mcf for gas delivered at pressure below 600 p.s.i.g. or that lower pressure sufficient to deliver in Buyer's pipeline.

[7] Subject to 0.5-cent compression charge.

[8] Supplement No. 24 applies to acreage in Warren's Monument Plant, Lea County, N. Mex.

[9] Previously reported as 18.15 cents per Mcf inclusive of 2.15 cents B.t.u. adjustment.

[10] Includes 2.25 cents per Mcf upward B.t.u. adjustment.

[11] Includes 2.186 cents per Mcf upward B.t.u. adjustment.

[12] Applicable to Government No. 1-2 (T. 21 N., R. 98 W., 6th P.M., section 2).

[13] Applicable to well Unit No. 1 (T. 21 N., R. 98 W., 6th P.M., section 12).

[14] For gas which does not require compression or for gas compressed by buyer. (Less 2 cents per Mcf.)

[15] For gas compressed by buyer, the facilities for which seller may elect to take over. (Less 1 cent per Mcf.)

[16] For gas requiring compression, the facilities for which seller elects to maintain and operate.

[17] Amendment, dated either Dec. 14, 1970, Dec. 15, 1970, or Dec. 17, 1970, provides, among other things, for renegotiated rates of 19 cents for gas from reservoirs discovered prior to Sept. 28, 1960, 21 cents for all gas from reservoirs discovered from Sept. 28, 1960, to June 17, 1970, and 25 cents for gas from reservoirs discovered on or after June 17, 1970, also extends contract term to Apr. 1 1981.

[18] For gas discovered between Sept. 28, 1960, and June 17, 1970, 19 cents for gas discovered prior to Sept. 28, 1960, and 25 cents for gas discovered on or after June 17, 1970.

[19] Not used.

[20] Includes letter from buyer dated Dec. 3, 1970, advising seller of its contractual entitlement to proposed rate pursuant to Favored-Nations provisions of contract.

[21] Includes 1.125-cent tax reimbursement.

[22] Includes 0.01-cent tax reimbursement.

[23] Accepted, to become effective Feb. 4, 1971, consistent with the provisions of section 154.93(b-1).

[24] Accepted, for filing only insofar as they pertain to reserves specified therein.

[25] Pertains to contract dated Dec. 23, 1970. Sale covered by small producer certificate in CS71-13.

[26] Pertains to contract dated May 24, 1954. Sale covered by small producer certificate in CS67-83.

[27] Accepted for filing, subject to refund in the indicated suspension proceeding as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed increases of Union Pacific Railroad Co. et al. (Union), and U.S. Natural Resources, Inc., include a double amount of the contractually due reimbursement of the Wyoming severance tax, thus providing for reimbursement of taxes applicable to future production as well as reimbursement for taxes applicable to past production, back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, the producers shall file a rate decrease reducing the proposed rate so as to provide for tax reimbursement for future production only. The applicants will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review. The proposed increases are accepted for filing as of the date of filing subject to the existing suspension proceedings. Union's buyer may withhold payment of the tax reimbursement in accordance with Union's request.

The amendments filed by Atlantic Richfield Co., in addition to providing for the proposed increased rates also provides for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Accordingly, the agreements are accepted for filing upon expiration of statutory notice subject to the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage. Atlantic is also advised that the acceptance of such amendments does not constitute any authorization to abandon any acreage covered by the original contracts which is not covered by these agreements.

U.S. Natural Resources, Inc.; Atlantic Richfield Co.; Kerr McGee Corp.; Edwin L. Cox and Wichita Resources, Inc., request effective dates for which adequate notice has not been given and Atlantic requests waiver of notice. Good cause has not been shown for granting any of these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-1435 Filed 2-4-71;8:45 am]

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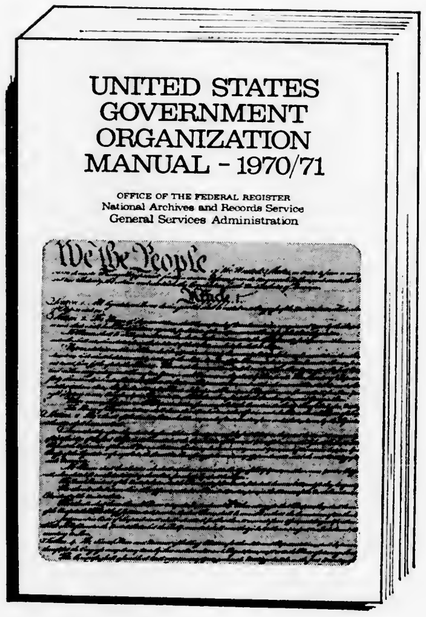

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 466]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.766 Lemon regulation 466.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 2, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 7, 1971, through February 13, 1971, are hereby fixed as follows:

(i) District 1: 37,000 Cartons;
(ii) District 2: 118,000 Cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 4, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1762 Filed 2-5-71;8:48 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Paragraph (a) of § 214.3 is amended to read as follows:

§ 214.3 Petitions for approval of schools.

(a) *Filing of petition.* A school or school system seeking approval for the attendance by nonimmigrant students under section 101(a)(15)(F) of the Act shall file petition Form I–17 with the district director having jurisdiction over the place in which the school or school system is located. Separate petitions are required for school-system schools located within the jurisdiction of different district directors. A petition by a school system shall specifically identify by name and location those schools included in the petition.

• • • • • •

Paragraph (b) *Authority of special inquiry officers; appeals* of § 242.2 *Apprehension, custody, and detention* is amended by inserting the following two sentences after the existing first sentence reading as follows:

§ 242.2 Apprehension, custody, and detention.

• • • • • •

(b) • • • Application for the exercise of such authority may be made to any available special inquiry officer who is stationed at the Service office which has administrative jurisdiction over the proceeding under the order to show cause or who conducts hearings there. If no such special inquiry officer is available, application may be made to any available special inquiry officer stationed in the region wherein said Service office is located. • • •

• • • • • •

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2–6–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments prescribed by the order are clarifying in nature.

Dated: February 2, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-1660 Filed 2-5-71;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-510]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable

swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(3) relating to the State of Florida is amended to read:

(3) *Florida.* (i) That portion of Escambia County bounded by a line beginning at the junction of U.S. Highway 29, State Highway 95 and State Highway 10, U.S. Highway 90A; thence, following U.S. Highway 29, State Highway 95 in a northwesterly direction to State Highway 196; thence, following State Highway 196 in a westerly direction to State Highway 99; thence, following State Highway 99 in a northwesterly direction to the Perdido River; thence, following the east bank of the Perdido River in a generally southerly direction to State Highway 10, U.S. Highway 90A; thence, following State Highway 10, U.S. Highway 90A in a northeasterly direction to its junction with U.S. Highway 29, State Highway 95.

(ii) That portion of Alachua County bounded by a line beginning at the junction of State Highway 236 and U.S. Highway 41, State Highway 45; thence, following State Highway 236 in a northeasterly direction to State Highway 121; thence, following State Highway 121 in a southeasterly direction to U.S. Highway 441, State Highways 20 and 25; thence, following U.S. Highway 441, State Highways 20 and 25 in a southeasterly direction to State Highway 23; thence, following State Highway 23 in a southwesterly direction to State Highway 232; thence, following State Highway 232 in a generally northwesterly direction to U.S. Highway 41, State Highway 45; thence, following U.S. Highway 41, State Highway 45 in a northeasterly direction to its junction with State Highway 236.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Alachua County, Fla., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-1691 Filed 2-5-71; 8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Fruit Cocktail Identity Standard; Order Listing Slightly Sweetened Water as Optional Packing Medium

In the matter of amending the identity standard for canned fruit cocktail (21 CFR 27.40) to list slightly sweetened water as an optional packing medium:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of September 17, 1970 (35 F.R. 14557), and based on a petition filed by the California Canners and Growers, 3100 Ferry Building, San Francisco, CA 94106.

Having considered the information submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 27.40(c)(1) and (2) and (e)(1) be revised to read as follows:

§ 27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.

* * * * *

(c)(1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.
(ii) Fruit juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Light fruit juice sirup.
(viii) Heavy fruit juice sirup.
(ix) Extra heavy fruit juice sirup.

(2) Each of packing media in subparagraph (1)(iii), (iv), (v), and (vi) of this paragraph is prepared with water as its liquid ingredient, and each packing media in subparagraph (1)(vii), (viii), and (ix) of this paragraph is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d)(3) of this section, each of the packing media in subparagraph (1)(iii) to (ix) in this paragraph, inclusive, is prepared with any one of the following saccharine ingredients: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three, is not more than the weight of the solids of the sugar or invert sugar sirup used. The respective densities of packing media in subparagraph (1)(iii) to (ix) of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1)(iii)	Less than 14°.
(1)(iv) and (vii)	14° or more but less than 18°.
(1)(v) and (viii)	18° or more but less than 22°.
(1)(vi) and (ix)	22° or more but not more than 35°.

* * * * *

(e)(1) The optional ingredients specified in paragraphs (b)(5)(ii) and (iii) and (c)(1)(i) to (ix), inclusive, of this section, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 29, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-1679 Filed 2-5-71; 8:47 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Chlordiazepoxide and Its Salts and Diazepam; Findings of Fact and Conclusions of Law

In the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965:

Proposed findings of fact and conclusions of law and a tentative order in this matter were published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968). Hoffmann-La Roche, Inc., of Nutley, N.J. (Respondent), submitted exceptions to the findings of fact and conclusions of law and the tentative order, and oral argument on these exceptions was heard on November 5, 1969, before the Director of the Bureau of Narcotics and Dangerous Drugs. At that time, the Director decided that the record should be updated in the areas of diversion and illegal use of these drugs.

Accordingly, an order was published in the FEDERAL REGISTER of April 8, 1970 (35 F.R. 5695), calling for a supplemental hearing. Under the terms of the order establishing the supplemental hearing and in accordance with a joint recommendation of counsel, the scope of the supplemental hearing was limited to evidence bearing on the use of Librium or Valium in conjunction with, or related to, the abuse of other drugs, including rebuttal evidence from Respondent bearing on whether such abuse occurred, its nature, frequency, relevancy, and significance. Mr. Edgar A. Buttle was appointed as hearing examiner by the U.S. Civil Service Commission.

As indicated in the joint recommendation, the presentation by the Government of other evidence of abuse, together with Respondent's rebuttal evidence, would have inordinately protracted the hearings. Additionally, for the most part, such evidence would have been cumulative; that is, showing a continuation of circumstances existing at the time of the prior hearing in 1966. As a consequence, evidence relating to international overdoses and attempted suicides; evidence concerning suicides and other deaths in which the drugs played a significant role; reports of audits of retail drugstores detailing significant shortages which could not be legitimately accounted for; and police reports showing instances in which the drugs were discovered by police during their investigation of drug and other criminal offenses suggesting use and distribution outside of the legitimate channels, were neither to be presented nor rebutted by either side inasmuch as essentially the same type of evidence had already been adduced at the prior hearing.

Proposed supplemental findings, based upon the evidence adduced at the supplemental hearing, were published in the FEDERAL REGISTER of November 24, 1970 (35 F.R. 17998) with any interested person permitted 30 days from the date of publication to file written exceptions. By a letter dated December 2, 1970, Respondent requested an extension of time for filing exceptions until January 21, 1971. On December 4, 1970, the Director, by letter, granted an extension to January 6, 1971, upon which date Respondent filed its exceptions accompanied by a brief, which included a request for oral argument on its exceptions before the Director. By letter of January 13, 1971, the request was denied on the grounds that the lengthy supplemental hearing, the size of the record developed and its written exceptions and brief presented Respondent's position with such comprehensiveness that oral argument would result in unjustified delay not in the public interest.

Upon due consideration of the exceptions to the proposed supplemental findings of fact, published November 24, 1970, the supplemental findings of fact, as amended to reflect any meritorious exceptions, are hereby incorporated with the proposed findings of fact and conclusions and tentative order, published May 21, 1969, also amended to reflect meritorious exceptions, to comprise the following final findings of fact and conclusions and final order.

FINDINGS OF FACT

THE NATURE, EFFECTS, AND USES OF LIBRIUM AND VALIUM

1. The benzodiazepines, of which chlordiazepoxide (Librium) was the first synthesized, are a new class of drugs, different chemically from the barbiturates or any other drugs known at the time of their syntheses (Zbinden, Tr. 2080–84; R–142C; R–119; Lofft, Tr. 531).

2. Chlordiazepoxide (Librium) is a benzodiazepine compound with the following chemical formula:

7 - chloro-2-methylamino-5-phenyl-3H-1-, 4-benzodiazepine, 4-oxide hydrochloride.

It is a colorless crystalline substance; is soluble in water and its molecular weight is 336.22 (R–119).

3. Diazepam (Valium) is a benzodiazepine derivative with the following chemical formula:

7-chloro-1, 3-dihydro-1-methyl-5-phenyl-2H-1, 4-benzodiazepine-2-one.

It is a colorless crystalline compound insoluble in water and its molecular weight is 284.74 (R–120).

4. Experimental studies of their effects in animals were conducted by the Respondent. These tests indicated that Librium and Valium are depressant drugs having a marked calming action on the central nervous system at lower doses. An increase in dose resulted in more pronounced effects on the central nervous system, i.e., drowsiness, motor incoordination or ataxia, and sleep. On the basis of specially designed experiments whereby excitation was induced by surgical or chemical means, or by putting the animals under stressful conditioned behavior situations, the benzodiazepines produced an antiexcitatory effect at dose levels below those that cause nerotoxicity or oversedation, thus suggesting a usefulness in the treatment of anxiety and tension. The benzodiazepines are not generally recognized as effective sedative-hypnotic agents within the normal dosage range (Zbinden, Tr. 2199–2204; R–142; Lang (1963), R–145; Heise (1961), R–146).

5. The Respondent also presented evidence concerning the results of experimental tests on animals, designed to determine the primary site of action of the benzodiazepines. Primary site of action is defined to mean the location in the brain where a drug at the lowest dose will produce an effect. It is believed that the primary site of action of these drugs is in the subcortical structures of the brain. The precise site of action cannot be determined with certitude. Dr. Gerhard Zbinden of Roche Laboratories stated that their tests showed it to be in the hippocampus (Tr. 2187–88). However, Dr. Harold Himwich, another Respondent witness, testified that his tests showed that the area most sensitive to low doses of Librium and Valium, was in the transmission from the amygdala to the hippocampus (Tr. 2677). Moreover a doubling of the dose in these tests done at Roche Laboratories resulted in the drug effect spreading to the cortex, the area of the brain associated with judgmental functions. (Zbinden, Tr. 2187; R–142S.) When the dose was further increased the whole brain was involved (Tr. 2188).

6. Librium and Valium are widely used in the treatment of anxiety and tension, as muscle relaxants, as anticonvulsants, and as antidepressants.

7. Librium has been in general medical use since 1960. More than 6 billion capsules of the drug have been commercially distributed, and millions of patients have taken Librium since its approval by the Food and Drug Administration (Bennett, Tr. 4135–36; R–222).

8. Librium is indicated whenever fear, anxiety and tension are significant components of the clincial profile.

In low oral doses, the drug is effective in mild to moderate anxiety and tension, tension headache, preoperative and postoperative apprehension, premenstrual tension and menstrual stress, chronic alcoholism, behavior disorders in children, and whenever anxiety and tension are concomitants of gastrointestinal, cardiovascular, gynecologic or dermatologic disorders.

Skeletal muscle spasticity (resulting from spinal cord injury, congenital or acquired brain damage) and other debilitating neuromuscular disorders such as dystonia and athetosis frequently respond to Librium. Painful muscle spasm

associated with myositis, fibrositis, bursitis, tenosynovitis, arthritis, fractures, intervertebral disc syndrome, whiplash injury, low back pain or postural strains is often benefited when emotional factors are present.

In higher oral doses, Librium is of value in the more severe anxiety and tension states, agitated depression and ambulatory psychoneuroses (e.g., acute and chronic anxiety states, phobias, obsessive-compulsive reactions and schizoid behavior disorders). In addition, it may be useful in certain types of acute agitation due to chroinc alcoholism or alcoholic withdrawal (including delirium tremens), hysterical or panic states, paranoid states and acute stages of schizophrenia (R–119).

9. Diazepam (Valium) is of use in dealing with anxiety reactions stemming from stressful circumstances or whenever somatic complaints are concomitants of emotional fators. It is useful in psychoneurotic states manifested by anxiety, tension, fear, and fatigue.

Valium may also be useful in acute agitation due to alcohol withdrawal.

Valium may be of use to alleviate muscle spasm associated with cerebral palsy and athetosis (R–119).

10. Librium and Valium have also been used in the treatment of epilepsy (Gibbs, Tr. 2241–42). Dr. Fredrick E. Gibbs, a renowned expert in the field of electroencephalography, testified that he found Valium most effective in the treatment of petit mal variance, a condition usually associated with very severe convulsions with neurological signs and symptoms (Gibbs, Tr. 2252). Valium has also been used in the management of status epilepticus (Gibbs, Tr. 2142–45).

11. Librium is considered by many physicians to be the drug of choice in the treatment of acute alcoholism (Chambers, Tr. 1625; Kissen (1961), R–91; Armour (1963), R–51). Librium given intramuscularly at sufficient doses suppresses and prevents a number of the symptoms of alcohol withdrawal, i.e., tremor, hallucinations, delerium tremens, and convulsive seizures. (Lofft, Tr. 532, 558; Chambers, Tr. 1625; D'Agostino, Tr. 3812–15; Armour (1963), R–51, p. 369–70; Hoff (1963), R–85, p. 152; Kissen (1961), R–91, p. 106; Morrison (1963), R–99, p. 431; Lawrence (1960), R–93). Librium does not prevent al symptoms of alcohol withdrawal but rather "makes the withdrawal from alcohol less painful" (Kendis, Tr. 2874); "makes [hallucinations] less terrifying" (Kendis, Tr. 2885; also Short and Moore (1965), R–227, p. 1204); and "calms the patient markedly, [and] diminishes anxiety and restlessness" (Rosenfield & Brizzoco (1964), R–228, p. 83).

PSYCHIC AND PHYSICAL DEPENDENCE, TOLERANCE, WITHDRAWAL SYMPTOMS, AND OTHER HAZARDS TO HEALTH AS FACTORS IN DETERMINING POTENTIALITY FOR ABUSE

12. The existence of psychic dependence is one of the elements in assessing abuse liability. Psychic dependence on a drug (habituation) has developed when "the effects produced by a drug, or the conditions associated with its use, are necessary to maintain an optimal state of well-being" (Jaffe (1965), R–133, p. 285). It involves "a belief on the part of the subject that he must experience the effect of a drug" (Deneau, Tr. 1028). It is "a situation in which getting the drug, taking the drug, safeguarding his supply, becomes one of his major motivations in life" (Isbell, Tr. 1546).

13. The World Health Organization Expert Committee on Addiction Producing Drugs has described the problem of psychic dependence in these terms: "[Individuals] may become dependent upon a wide variety of chemical substances that produce central nervous system effects ranging from stimulation to depression. All of these drugs have one effect in common: They are capable of creating, in certain individuals, a particular state of mind that is termed 'psychic dependence'. In this situation, there is a feeling of satisfaction and a psychic drive that require periodic or continuous administration of the drug to produce pleasure or to avod discomfort. Indeed, this mental state is the most powerful of all the factors involved in chronic intoxication with psychotropic drugs, and with certain types of drugs it may be the only factor involved, even in the case of most intense craving and perpetuation of compulsive abuse" (Eddy, et al. (1965), G–81, p. 723; Tr. 1104–05).

14. The habitual use of a substance, per se, does not necessarily imply psychic dependence. Chronic diseases such as diabetes require continual drug treatment, and this does not imply psychic dependence. (Seevers (1962), R–131, p. 94; Deneau, Tr. 1035.) In sum, psychic dependence is "something more than simply symptomatic relief" (Eddy, Tr. 1105–06).

15. Substantial evidence of record establishes that individuals have developed psychic dependence to Librium and Valium. The uncontested testimony of physicians was that patients find the two drugs pleasant to take (Murray, Tr. 364; Barten, Tr. 454; Evans, Tr. 813–15, 829–30). They provide an inner sensorial feeling that is gratifying to the patient (Uzee, Tr. 907). Patients were reported to have been apprehensive about being without their supply of the medication and expressed to their physicians a reluctance to come off the drugs. Individuals have attempted unsuccessfully to discontinue taking Librium and Valium when a dependency has developed. Still other patients have gone to excessive lengths to maintain their supply of the two drugs. (Lofft, Tr. 1560; Evans, Tr. 817, 825; Uzee, Tr. 905–06; Galen, Tr. 1443–48; Chelton, Tr. 1672; Williams, Tr. 1757–59; Gulle (1963), G–14; Lingjerde (1965), G–55; Wenkstetten (1965), G–91, Table 3; Kranz (1965), G–94 pp. 8–9.) This experience confirms the opinion expressed by experts that Librium and Valium are drugs to which individuals can and do develop psychic dependence. (Eddy, Tr. 1077; Isabell, Tr. 1552–54; Eddy, et al. (1965), G–81, 727.)

16. Respondent has adduced evidence by the testimony of practicing physicians and reports from the medical literature that psychic dependence to Librium and Valium has not been encountered in extensive clinical use over many years (Cohen, Tr. 324; Feldman, Tr. 3683; D'Agostino, Tr. 3819; Stanfield, Tr. 3814; Schiele, Tr. 4933; Harris & Cohen (1960), R–81; Farb (1961), R–78; Cohen and Harris (1961), R–63; Moore (1962), R–98; Reiser (1962), R–86; Bragan (1963), R–58; Levy (1963), R–95; Burnett & Holman (1965, R–61). This does not rebut the evidence introduced by the Government. The doctors appearing on behalf of the respondent were administering Librium and Valium generally at conservative therapeutic levels, not in excess of recommended doses, and were closely supervising the drug therapy of their patients.

Such evidence tends to confirm the following estimation set forth in the final report of the President's Advisory Commission on Narcotics and Drug Abuse of 1963:

> Drug abuse is not a uniform problem throughout the country, and even in the areas of the highest incidence few medical practitioners come into contact with the afflicted. It is estimated that most medical practitioners never see a habitual drug abuser [G. Ex. 331, p. 57].

17. Drugs which are capable of producing euphoria are particularly susceptible to being abused. Euphoria is defined as "an exaggerated sense of well being." (21 CFR 166.2(c)(2).) The evidence establishes that euphoria has been reported following use of Librium and Valium. (Barten, Tr. 454; Chambers, Tr. 1628; Domino, Tr. 4617; Zbinden et al. (1961), R–118, pp. 627, 634; Gulle (1963), G–14, p. 57; Towler et al. (1962), R–73, p. 833; Darling (1963), G–48, p. 502.)

18. The Respondent introduced the results of two experimental studies designed to explore the capacity of Librium and Valium to produce psychic dependence. The experimental procedures used in these studies are in the early stages of their development and, although promising, have produced inconclusive results.

The study reported by Gerald A. Deneau involved the self-administration of Librium to five Rhesus monkeys. He has developed equipment which permits the animal to self-administer the drug but which still restrains the animal sufficiently for the purpose of the experiment. The number of injections of a drug which an animal self-administers is electronically recorded on a strip chart, from which it is possible to compute the total doses taken by the animal during a given period of time. Of the five monkeys tested, one took essentially no drugs at all. The other four self-administered Librium to some extent on an erratic basis (Deneau, Tr. 2300). Two of the four monkeys failed to take pentobarbital—a drug with a proven abuse liability and which was used as a control in the test—in any consistent way (Tr. 2306, 2308). The remaining two monkeys showed an erratic pattern of self-administration, sometimes taking no Librium or pentobarbital for a period of several days and then spontaneously self-administering as much as they could physically withstand (Tr. 2309–10). The experiments, which were complicated by several technical failures (Tr. 2305–07), were very difficult to interpret by Dr. Deneau (Tr. 2311).

The study reported by Alberto Di Mascio, Ph. D., involved the observation of behavior effects in humans following administration of various central nervous system drugs, including d-amphetamine, secobarbital, meprobamate, Librium, and Valium. The essential method of these studies is to administer a battery of standard tests to a group of subjects, then to administer the drug being tested to one group and placebo to another, and then to repeat the same tests, in order to compare the changes in the scores following administration of the drug, with the changes occurring after administration of the placebo. (Di Mascio et al. (1963), R–167.) The test subjects were given mild, tranquilizing doses of Librium (5 mg. t.i.d./10 mg. t.i.d.) and Valium (2 mg. t.i.d./5 mg. t.i.d.). They received high, sleep-promoting doses of secobarbital (100 mg./200 mg.) (R–170 (F) (1) and (2)). At these low dosages, Dr. Di Mascio's subjects did not report that they had experienced a euphoric-like effect (Di Mascio, Tr. 4458).

19. "Tolerance" is an adaptive process which contributes to abuse because, where it exists, a person tends continually to increase the amount of drug being taken. Tolerance has developed when, after repeated administration, a given dose of a drug produces a decreasing effect or conversely when increasingly larger doses must be administered to obtain the effects observed with the original dose (Jaffe (1965), R–113, p. 285; Deneau, Tr. 1009).

20. Tolerance occurs with a great many drugs which, on the basis of clinical experience, have been found to be both addicting and nonaddicting in character, and therefore, "the phenomenon of tolerance by itself is not a reliable index of abuse liability" (Deneau, Tr. 1010). However, "Tolerance enables the central nervous system to bear exposure to larger and larger concentrations of the drug, and it permits the optimal development of those adaptive processes, probably of a biochemical nature, which lead to physical dependence." (Seevers (1962), R–131, p. 95).

21. There was evidence of reports from the medical literature that drowsiness and ataxia in patients on given doses of Librium and Valium have disappeared within a few days with no reduction in dose (Grayson (1962), G–66, p. 10; Youngblood (1964), G–75, p. 2107; Scherbel (1961), G–29, p. 280; Domino, Tr. 4698–4701).

22. There was also evidence that patients have increased their dosage in order to maintain relief of anxiety (Uzee, Tr. 913, 919; Mr. E., Tr. 494–95; Lingjerde (1965), G–55, p. 3). To date, however, there have been few such reports in the medical literature and Respondent's witnesses have testified that tolerance to Librium and Valium has not been encountered in extensive use over many years (Gibbs, Tr. 2263–64; D. Feldman, Tr. 2532–33; Bercel, Tr. 2653–54, 2657; Scherbel, Tr. 2821; Goldman, Tr. 2914; Friend, Tr. 2937; Cohen, Tr. 3218, 3220; Schwab, Tr. 3383–84; D. Feldman, Tr. 3682; Knott, Tr. 3716; D'Agostino, Tr. 3817; Stanfield, Tr. 3844; Snell, Tr. 3884; Smith, Tr. 3924; Schiele, Tr. 4033; Greenberg, Tr. 4060). The evidence establishes that it is possible to develop tolerance to Librium and Valium but that it has not been frequently observed or reported.

23. The evidence shows that Librium has been used widely and with satisfactory results in the treatment and rehabilitation of alcoholic patients (Kendis, Tr. 2867; Rosenfeld, Tr. 3422; Hoff (1963), R–85, p. 152). There is some evidence that Valium has also been used with alcoholic patients without encountering abuse (Hoff (1963), R–85, pp. 150, 152; Burdine (1964), R–59, p. 591).

24. Although expert medical witnesses testified that they had not observed Librium or Valium to produce any sensorial effect that could be characterized as a "kick" or "high," there was substantial evidence adduced by the Government to the effect that patients with alcoholic problems had abused the two drugs either alone or in combination with alcohol to the point of intoxication. (Lofft, Tr. 536, 555, 557; Uzee, Tr. 907–08; Chambers, Tr. 1629; Chelton, Tr. 1669–70, 1673; Williams, Tr. 1741, 1747, 1749; Kjolstad (1964), R–92, p. 7.)

25. Physical dependence is a major factor in causing drug abuse. The World Health Organization Expert Committee on Addiction-Producing Drugs has defined physical dependence as "an adaptive state that manifests itself by intense physical disturbances when the administration of the drug is suspended * * *. These disturbances, i.e., the withdrawal or abstinence syndrome, are made up of specific arrays of symptoms and signs of psychic and physical nature that are characteristic for each drug type. These conditions are relieved by readministration of the same drug or of another drug of similar pharmacological action within the same generic type." (Eddy et al. (1965), G–81, p. 723). The production of a withdrawal syndrome or a withdrawal illness upon discontinuation of the drug "is the only way one can demonstrate that physical dependence exists." (Deneau, Tr. 1011–12).

26. Discussing physical dependence, Dr. Martin Seevers states "Among depressant drugs, the order of magnitude of abuse is: (1) Alcohol, (2) the morphine-like analgesics, and (3) the barbiturate-like sedatives. With these drugs, abuse is enhanced by the development of physical dependence, and the compulsion to continue taking the drug is reinforced by fear of the mental and physical agonies of withdrawal. However, although physical dependence is only rarely a primary factor leading to compulsive abuse, in those drugs that induce it, it is a potent factor favoring continuance of abusive use." (R–131, p. 95.)

27. Nonnarcotic drugs, such as the barbiturates, which produce demonstrable physical dependence usually do so only on extremely high doses continued over a long period of time. To produce physical dependence maximally, one must administer the drug frequently enough so that the subject is under continuous drug effect, and in doses such that the effect is rather pronounced, and for prolonged periods of time. (Deneau, Tr. 1014.)

28. The demonstration of physical dependence, either experimentally or spontaneously, does not mean that the drug involved will necessarily produce psychic dependence. (Eddy, et al. (1965), G–81, p. 723.) Morphine, for example, has been administered to patients in hospitals thousands of times even over prolonged periods of time without the development of psychic dependence. This occurs because the patient accepts the drug for symptomatic relief and does not become personally involved in its administration (Eddy, Tr. 1106–07.) However, it is now generally accepted that physical dependence to a drug is a strong reinforcing factor for the development of psychic dependence (Isbell, Tr. 1555, 1565, 1569–71, 1581).

29. Dr. Leo E. Hollister directed the only controlled study to determine whether it is possible to produce withdrawal reaction from Librium. In this study large doses of Librium, several times the customary therapeutic dosage levels, were administered to 38 patients, most of whom were schizophrenics, over a 6-month period. In 11 of these patients, treatment with the drug was abruptly terminated by substituting a placebo, in a conscious attempt to determine whether they would experience withdrawal symptoms. The dosage used in these 11 patients ranged from 300 to 600 mgs. daily; six patients received the latter dose. Duration of treatment varied from 2 to 6 months, 10 patients having been treated for 5 months or longer (G–16A, p. 64).

30. Dr. Hollister has summarized his observations as follows: "When they were withdrawn we found that 10 out of 11 patients experienced new symptoms or signs which could have been due to drug withdrawal. I emphasize 'could have been' because many of the symptoms of drug withdrawal are similar to those one ordinarily treats with these drugs, and there is also a problem in determining which is which." (Tr. 301–02.) "Although differentiating withdrawal reactions from recrudescent psychiatric symptoms after drug withdrawal is always difficult, a number of factors favored the former interpretation of the newly appearing symptoms and signs. First, the frequency (10 of 11 patients) of new symptoms or signs soon after withdrawal. Second, their coincidence with decreasing plasma levels of drug. Third, postwithdrawal seizures in two patients. Fourth, a slower onset and subtler development of this syndrome

than that from meprobamate or barbiturates. This difference is consonant with the slower decline in plasma levels of chlordiazepoxide, whose half-life is 48 hours as compared with 24 hours for meprobamate (Hollister and Glazener, 1960b)." (Hollister (1961), G–16A, p. 67.)

31. Dr. Hollister stated that the withdrawal reactions "in general • • • would resemble withdrawal to alcohol, barbiturates or meprobamate, with the major distinguishing feature being the timing. The withdrawal syndrome here was attenuated and delayed. Instead of getting all symptoms early, as you usually get with the other drugs, within 24 to 48 hours, you did not begin to develop symptoms until after 48 hours. Then they appeared somewhat subtly and insidiously." (Tr. 307).

32. Dr. J. L. Bennett conducted a study in which Valium was administered to groups of schizophrenic patients for a period of 6 weeks (Hollister, Bennett, et al. (1963), G–69). The purpose of the study was "to test the effect after the completion of 6 weeks • • • of abrupt withdrawal of the drug from the patient, by the substitution of an inert placebo medication so that the patient was not aware the drug was being withdrawn." (Bennett, Tr. 229). These patients were given 30 mg. of Valium per day for the first week, with the dosage being progressively increased to 60 mg. per day, 80 mg. per day, and finally reaching 120 mg. per day in the fourth week of the study. In 13 patients the drug was abruptly stopped. Dr. Bennett described symptoms in six of the 13 patients which he attributed to the abrupt withdrawal of the drug, including one who had preconvulsive symptoms of tenseness, rigidity, and loss of consciousness and another who had a grand mal seizure on the 8th day after withdrawal. Defining physical dependence as a state in which such physical symptomatology is manifested upon withdrawal, he concluded that such physical dependence could develop with Valium "at the dosage that was used" (Tr. 234).

33. Librium and Valium have been taken in excessive amounts for extended periods of time by individuals to the point that they have become physically dependent on the drug. When use of the drugs has been abruptly discontinued, some of these persons have experienced symptoms associated with the barbiturate abstinence syndrome (see Lofft, Tr. 534–35, 541; Eddy, Tr. 1096–97; Isbell, Tr. 1547–48; G–81, pp. 725–26; R–133, p. 297). These symptoms as evidenced include:

(a) Increased tension and anxiety (Mr. E., Tr. 501–02; Lofft, Tr. 546; Uzee, Tr. 919; Williams, Tr. 1747, 1749, 1750–51);

(b) Insomnia (Lofft, Tr. 544, 548–49; Williams, Tr. 1749);

(c) Restlessness (Barten, Tr. 448; Lofft, Tr. 543; Chelton, Tr. 1673; Williams, Tr. 1747, 1748, 1754);

(d) Tremulousness (Lofft, Tr. 543; Uzee, Tr. 908–09, 921);

(e) Muscle spasms (Mr E., Tr. 502; Lofft, Tr. 544, 546);

(f) Hallucinations (Barten, Tr. 447–48; Lofft, Tr. 540–41; Uzee, Tr. 915; Williams, Tr. 1744);

(g) Grand mal seizures (Bennett, Tr. 241; Hollister, Tr. 305; Barten, Tr. 448; Lofft, Tr. 540, 611; Williams, Tr. 1751–52); and

(h) Confusion and disorientation (Barten, Tr. 447–48; Lofft, Tr. 540–43; Uzee, Tr. 907–08, 921).

34. Dr. John G. Lofft, a psychiatrist and specialist in the treatment of alcoholism and allied addictions, testified that the abstinence syndrome associated with Librium and Valium withdrawal compares to that experienced after abrupt withdrawal from barbiturates (Tr. 550). It is characterized in its mildest form by insomnia and increased anxiety (Tr. 548–49). When the patient has been taking elevated doses for long periods of time the withdrawal syndrome is marked by restlessness, tremulousness, muscle pains, perspiration, hallucinations, and sometimes, although not frequently, convulsive seizures (Tr. 540, 543, 547). The severity of the withdrawal is dependent upon the degree of dependence, and the amount of drug the person has been taking (Tr. 551–52; Jaffe (1965), R–133, p. 289). Librium-Valium withdrawal differs from the barbiturate withdrawal syndrome in that it persists over a longer period of time (Lofft, Tr. 550–51).

35. The evidence also indicates that those individuals who showed signs of Librium or Valium dependence usually had experienced difficulty with similar drugs before—most often alcohol (Lofft, Tr. 553; Evans, Tr. 820; Uzee, Tr. 905; Chambers, Tr. 1626–29; Chelton, Tr. 1670, 1674). These "dependent personalities", as they have been characterized, look for chemical solutions to a variety of problems. They will reduce a dependency on alcohol by moving to a different but related dependency (Lofft, Tr. 552–53). Sometimes the pattern of dependency is multiple in nature, e.g., Librium and alcohol together, Librium and a barbiturate, etc. (Lofft, Tr. 536; Evans, Tr. 819–20; Uzee, Tr. 907; Isbell, Tr. 1558; Chambers, Tr. 1632; Chelton, Tr. 1671; Williams, Tr. 1741).

36. Substantial evidence of record demonstrates that Librium and Valium taken in excessive doses produce intoxication which is manifested by staggering gait, drowsiness, slurred speech, and poor coordination (Bennett, Tr. 241–42; Barten, Tr. 447; Lofft, Tr. 539–40, 555; Evans, Tr. 812, 823–24; Galen, Tr. 1434–37; Chelton, Tr. 1669–70, 1673–75; Lemere (1960), G–20; J. Miller (1962), G–22; Murray (1960), G–23; Barten (1965), G–42).

37. There was further evidence that Librium at moderate doses has some effect upon judgment and that at elevated doses it may reasonably be expected to impair a person's ability to operate an automobile with normal alertness required to insure safety (Bennett, Tr. 242; Murray, Tr. 329–45; Lofft, Tr. 554; Eddy, Tr. 1097; Chelton, Tr. 1675; J. Miller, Tr. 3349–54, 3374–75; J. Miller (1962), G–22; Murray (1960), G–23).

38. There was some evidence indicating that Librium may produce a paradoxical rage reaction, i.e., an excitable and exhilarated state whereby the individual may become a danger to himself and to others. This reaction has been manifested in isolated instances by a hostile and irritable mood to a point where the person taking Librium has become violent and has physically threatened the lives of others (Murray, Tr. 355–56, 357–59, 360–63; Barten, Tr. 447; Lofft, Tr. 558; Gibbs, Tr. 2254–55; Stanfield, Tr. 3860–61; Murray (1962), G–24; Bowes (1965), G–44, p. 338; Krakowski (1963), G–51, p. 49; Dean (1962), R–70, p. 4).

39. Some physicians have prescribed Librium and Valium extensively for a wide variety of patients and have never encountered any difficulty in discontinuing the drugs or observed any withdrawal reaction. (Gibbs, Tr. 2258; D. Feldman, Tr. 2531; Rothman, Tr. 2586, 2622; Bercel, Tr. 2661–63; Scherbel, Tr. 2803; Goldman, Tr. 2912; Friend, Tr. 2936; Cohen, Tr. 3217, 3219–20, 3228; Meyerson, Tr. 3653–54; P. Feldman, Tr. 3683, 3690; Knott, Tr. 3717; Stanfield, Tr. 3849; Snell, Tr. 3888; Smith, Tr. 3925; Schiele, Tr. 4033; Greenberg, Tr. 4060; Bitman (1966), G–62). But this is not surprising since overt evidence of physical dependence to any of the sedative drugs is not seen unless the individual has maintained a concentration in his organism well above the therapeutic level (Eddy, Tr. 112–13). Also see Finding No. 16.

DIVERSION FROM LEGITIMATE DRUG CHANNELS

40. The evidence indicates that some pharmacists are distributing amounts of Librium without authorization from physicians. During a 5-year period extending from 1961 through 1965, U.S. Food and Drug Administration records show that there were 35 completed prosecutions involving the drug chlordiazepoxide, all of which were terminated in convictions. These 35 cases involved 132 illegal buys of the drug, made either without a prescription or as requests for a refill when no refill was authorized. Investigation in three of these cases was initiated following complaints that a druggist had illegally dispensed Librium. (Clevenger, Tr. 1846.) At the close of the investigations in 14 of these cases, Food and Drug Inspectors checked the records, invoices, and prescription files of the drugstores involved. On the basis of investigation it was estimated that in each case between 47 percent and 100 percent of the pharmacies' supply of chlordiazepoxide had been dispensed without authorization of a physician. An average of 75 percent of the total amount of the drug dispensed by the pharmacists involved in these instances could not be accounted for. This amounted to over 54,000 capsules (Clevenger, Tr. 1799–1807, 1815, 1834–36; G–268). See also Ashcraft, Tr. 1158, 1519; Witness X, Tr. 1895–97 for other evidence to the same effect.

41. In the foregoing connection, Agent "X", a regular employee of the Bureau of Drug Abuse Control, testified to illegal purchases made by him of five 25 mg. capsules of Librium from one "S.H." on August 19, 1966 (Tr. 1891) and another of thirty 25 mg. Librium capsules on August 23, 1966 (Tr. 1896) from a pharmacist.

42. Another FDA employee, Agent "Y", stated that he purchased one hundred 10 mg. capsules of Librium from a heroin addict on August 30, 1966, 2 days before he testified in this case (Tr. 1907).

43. Also, Mr. "B", a "part-time employee of the Food and Drug Administration and part-time hotel clerk, in Kansas City" (Tr. 1210), testified concerning six sales of Librium observed by him at various bars and on the street in Kansas City, Mo. These cases are pending and there have been no convictions. (Tr. 1217–1232; Ashcraft, Tr. 1166–69.)

44. Respondent, on the other hand, adduced evidence on the subject of illicit traffic through witnesses: Alfred J. Murphy, Senior Inspector, Drug Control Section, Division of Food and Drugs, Massachusetts Department of Mental Health (Tr. 3749); Lt. James Hitchcock, Commanding Officer, Intelligence Unit, Kansas City Police Department (Tr. 3625); John E. Storer, Chief, California Bureau of Narcotic Enforcement (Tr. 3601); Willis A. Roose, Chief, Drug Section, Food and Drug Division of the Indiana State Board of Health (Tr. 3528) and Robert Merritt, Supervisor, Division of Investigation, California Department of Professional and Vocational Standards (Tr. 3463). These investigators testified that they had not encountered a significant illicit traffic in Librium in their communities. However, some diversion of the drug had been encountered. (Murphy, Tr. 3760–67; Hitchcock, Tr. 3637–38, 3643; Roose, Tr. 3539–40.)

45. There is evidence that individuals have obtained chlordiazepoxide in excess of the amounts prescribed and without authorization of a physician by:

(a) Returning for a renewal of a prescription before the supply of the drug would normally have run out (Mr. E., Tr. 496; Perras, Tr. 690–91; Lash, Tr. 723–24);

(b) Obtaining concurrent prescriptions for the drug from several physicians (Perras, Tr. 691; Lash, Tr. 722–23; Sagansky, Tr. 987–89; Galen, Tr. 1433, 1440; Williams, Tr. 1749, 1759);

(c) Receiving it from relatives and friends (Williams, Tr. 1748, 1750, 1759; Rothman, Tr. 2607; G–101, G–193);

(d) Illegal purchases of the drug (Cohen, Tr. 833–96; Mr. B., Tr. 1219, 1223, 1227–28; Fenton, Tr. 1395; Chambers, Tr. 1630); and

(e) Stealing the drug (G–112; G–113; G–178).

46. Patients have increased the prescribed dosage of Librium on their own initiative for the relief of anxiety (Murray, Tr. 360; Mr. E., Tr. 494–95; Uzee, Tr. 908; Galen, Tr. 1434–38; Chelton, Tr. 1670, 1671, 1673; Williams, Tr. 1748, 1749, 1751; Gulle (1963), G–14; Lingjerde (1965), G–55; G–112; G–113).

INDIVIDUALS TAKING DRUG ON THEIR OWN INITIATIVE RATHER THAN ON THE BASIS OF MEDICAL ADVICE

47. The evidence herein indicates that Librium and Valium have been taken in large amounts in what appeared to be suicide attempts (Spellman, Tr. 649–51; Lash, Tr. 714–15, 719; Galen, Tr. 1440–42; Verhulst, Tr. 1488–1505; Chambers, Tr. 1633–36; Bercel, Tr. 2666; Stanfield, Tr. 3857–60; Clarke, et al. (1961), G–6; Ehlers (1963), G–9; Gilbert (1961), G–13; Smith (1961), G–32; Bowers (1965), G–44; Kranz (1965), G–94, p. 11; G–99; G–225(B); G–226(B); G–227(B); G–261; G–262; G–282; G–288; G–289; G–290; Stanfield (1961), R–111; Zbinden (1961), R–118; Boxall (1966), 198).

48. Studies of suicide and attempted suicide, and their general patterns, have been reported in the medical literature and were introduced into evidence (Hirsch, Zauder and Drolette, "Suicide Attempts with Ingestants", Archives of Environmental Health, Vol. 3, July–December 1961, p. 212 (G–93); Grahan, J. D. P., "The Diagnosis and the Treatment of Acute Poisoning" (extracts), Oxford Medical Publications, 1962 (R–219); ibid. (Ch. 19), "Attempted Suicide by Poisoning" (R–219A)). These studies were supplemented in the evidence in this proceeding by the testimony of Dr. James A. Knight, Professor of Psychiatry and Assistant Dean of the Tulane University School of Medicine (Tr. 4351). Rather definite patterns exist across the spectrum of population, and what may be expected can be predetermined within these patterns regardless of the agent employed. There are demonstrable differences in age, sex, and occupation groups. The pattern of unsuccessful attempts is different from that where the attempt was successful (R–226). The distribution of the cases of attempted suicide with Librium and Valium both by age and sex, conforms to the distribution shown in these studies, and that generally encountered in medical practice (Knight, Tr. 4346–47).

49. The testimony produced at the hearing dealing with cases in which Librium or Valium have been taken in a suicidal attempt or gesture, including that of the Government's witnesses, shows that these drugs appear sometimes as an agent used in suicidal attempts for the very reason of their known safety for the use with a patient population in which there is a high incidence of such attempts (Lash, Tr. 739; Knight, Tr. 4354; Snell, Tr. 3887).

50. The Government has not contended that either Librium or Valium caused a patient to attempt suicide.

51. Numerous reports from the medical literature indicate that individuals have recovered following large overdoses of Librium and Valium (Clark (1961), G–6; Gilbert (1961), G–13, p. 309; Schaefer (1962), G–28, p. 164; Smith (1961), G–32; Ehlers (1963), G–9). However, this does not minimize the evidence that intentional overdosages of either Librium or Valium taken alone or together with other sedative drugs (including alcohol), have depressed the central nervous system to the point of causing stupor, semicoma, coma, and in some instances, death. (Spellman, Tr. 649–51; Lash, Tr. 720; Snoddy, Tr. 1132–40; Galen, Tr. 1441; Chambers, Tr. 1633–38; Gilbert (1961), G–13; Schaefer (1962), G–28; G–99 (b) through (k); G–121; G–129; G–136; G–139; G–150; G–154; G–156; G–157; G–158; G–197; G–221 (a) through (i); G–225(B) (40), (48), (49), (54), (61), (63), (71), (74), (78), (81), (87), (88), (91), (97); G–226 (b) (6), (7), (9), (11), (15); G–227(B), (1), (5), (10); G–241; G–259; G–261 (1), (4), (5), (7), (10), (12), (13), (15), (20), (21), (22), (23), (25), (28), (29), (30), (32), (36), (37), (40), (50), (52), (54), (55), (58); 262 (3), (4), (7), (8), (9), (12), (23), (24); G–288; G–289; G–290.)

52. The evidence indicates that individuals who abuse or misuse drugs sometimes use Librium or Valium in what are apparently self-medication efforts to "crash"[1] from amphetamine intoxication (Lonergan Tr. SL–8[2] through SL–12, SL–17; "Mr. X" Tr. SX–8–9, SX–12, SX–21–23; Beckett Tr. S–123, S–125–126, S–129–130; Ungerleider Tr. S–155; D. Smith Tr. S–384–385, S–391–392, S–401; Strong Tr. S–479, S–488–489; Rosenfeld Tr. S–863–864), to alleviate the untoward effects of LSD and other hallucinogens (Lonergan Tr. SL–8, SL–10–14, SL–16–17, SL–24; "Mr. X" Tr. SX–12, SX–21–23, SX–47; Berson Tr. S–34, S–36–37; Atwell Tr. S–61; L. Smith Tr. S–76–79, S–81–82, S–84–85; Beckett Tr. S–124, S–128; Ungerleider Tr. S–155; D. Smith Tr. S–400–401; Rosenfeld Tr. S–857, S–860–861, S–863–864).

53. The evidence also indicates that some individuals within the illicit drug scene, who are not professional medically trained personnel, administer or give Librium to friends and acquaintances to aid them in recovering from the unpleasant effects of drug abuse ("Mr. X" Tr. SX–13, SX–30–32; Berson Tr. S–34, S–36–37; Atwell Tr. S–61–64, S–69).

54. The evidence indicates that sometimes this self-medication and nonprofessional administration of Librium and Valium is done without proper medical supervision and not pursuant to sound medical advice (Berson Tr. S–34; Atwell Tr. S–61–64; L. Smith Tr. S–77; Beckett Tr. S–123, S–127; Ungerleider Tr. S–155; D. Smith Tr. S–391).

55. Within the medical community, self-medication with Librium, Valium,

[1] The term "crash" has the connotation among the members of the drug scene of mitigating either the effects of symptoms of certain hallucinogens or central nervous system stimulants, most notably LSD and the various amphetamine derivatives. (See Tr. S–79–80 for a drug abuser's definition.)

[2] The transcript of the supplemental hearing which began on Apr. 22, 1970 was numbered consecutively from 1 through 879, with two exceptions: Testimony of Government witness Thomas Lonergan, taken on Apr. 28, 1970, was numbered 1 through 59, and the testimony of Government witness "Mr. X," taken on May 7, 1970, was numbered 1 through 48. Accordingly, references to the testimony of witness Lonergan and "Mr. X," will be prefixed by the letters "SL" and "SX", respectively.

and other prescription drugs is generally considered an unsafe and undesirable practice (Ungerleider Tr. S–180; Greenberg Tr. S–228, S–230–231; Miller Tr. S–343–347; Myerson Tr. S–369; D. Smith Tr. S–404; Kiev Tr. S–437; Strong Tr. S–487; Cahn Tr. S–588; Jones Tr. S–756–757; Rosenfeld Tr. S–867).

56. The evidence does not establish that Librium and Valium are preponderantly the drugs of choice for self-medication purposes by drug abusers. The medical experts generally attribute this to the drugs' ineffectiveness for this purpose relative to other drugs or other methods of treatment (Ungerleider Tr. S–149, S–160–161; Hollister Tr. S–264, S–281–283; Miller Tr. S–328–329, S–331; Myerson Tr. S–357–359; Kiev Tr. S–418; Cahn Tr. S–573–575; Jones Tr. S–724, S–726–727), even though some medical experts are of the opinion that in some instances the drugs are effective in the treatment of drug crisis (Ungerleider Ex. R–82; Hollister Tr. S–264–265; Miller Tr. S–328–329; Myerson S–359–361; D. Smith Tr. S–386–387; Strong Tr. S–477–478; Cahn Tr. S–578–579; Jones Tr. S–757–758), and to the fact that the drugs are not as pleasurable to take as the more popular drugs such as heroin or the barbiturates. (Miller Tr. S–330, S–334–335; Myerson Tr. S–359, S–361; Kiev Tr. S–417, S–428; Strong Tr. S–477; Cahn Tr. S–559–562, S–572–573, S–580; Jones Tr. S–735–736; Rosenfeld Tr. S–863–864.)

57. The evidence also indicates, however, that the patterns of drug abuse in the United States, including the misuse of drugs for self-medication, while generally falling into definable patterns (Ungerleider Tr. S–142, S–145–147, S–151; Greenberg Tr. S–220–221; Hollister, Tr. S–286–287, S–327, S–353; D. Smith Tr. S–381–383; Kiev Tr. S–415–416; Kirkland Tr. S–452–454; Strong Tr. S–475–476; Cahn Tr. S–555; Bellizzi Tr. S–559–600; Roose Tr. S–652–653; Moss Tr. S–673–674; Jones Tr. S–722–723; Dole Tr. S–833) are cyclical and changing (Ungerleider Tr. S–149–151; Greenberg Tr. S–220; Hollister Tr. S–286; D. Smith Tr. S–383; Kiev Tr. S–415–416; Strong Tr. S–476; Jones Tr. S–722–723).

58. The evidence indicates that the sources of Librium and Valium for the purposes of self-medication or nonprofessional administration are from (1) legitimate prescriptions, either prescribed for the individual or for someone else (Lonergan Tr. SL–21; Berson Tr. S–24, S–43; L. Smith Tr. S–82; Beckett Tr. S–123–124, S–130–131; D. Smith Tr. S–388), (2) forged prescriptions (Beckett Tr. S–125; D. Smith, Tr. S–388), or (3) suppliers of illicit drugs (Lonergan Tr. SL–9–11, SL–23–24; "Mr. X" Tr. SX–14, SX–16, SX–29; L. Smith Tr. S–78–82, S–87), and other sources ("Mr. X" Tr. SX–9, SX–14, SX–45; Berson Tr. S–23, S–26; Atwell Tr. S–61, S–63, S–68; Beckett Tr. S–126; D. Smith Tr. S–389, S–397). The evidence further indicates that Librium and Valium are transferred among individuals within the drug-abusing subculture (Lonergan Tr. SL–16, SL–25; "Mr. X" Tr. SX–9, SX–11, SX–14–16, SX–24, SX–45; Berson Tr. S–24, S–26, S–43; Atwell Tr. S–61–63; L. Smith Tr. S–81; Beckett Tr. S–126; D. Smith Tr. S–388, S–397).

EVIDENCE OF SIMILARITY IN ACTION OF VALIUM TO LIBRIUM

59. The evidence is conclusive that Valium, a more recently marketed drug, is similar in its effect on the central nervous system to that of Librium. Valium is a chemical analog of Librium which shows some quantitative but no significant qualitative differences from Librium (Hollister, Tr. 316; Shideman, Tr. 1301; Zbinden, Tr. 2214–15; Scherbel, Tr. 2796–2803; Schwab, Tr. 3381–88; Darling (1963), G–48; R–119; R–120). Those differences that were noted are not qualitative in nature and at best are of clinical significance only (Chambers, Tr. 1652–53; Gibbs, Tr. 2242, 2245; P. Feldman, Tr. 3678–79; Bowes (1965), G–44, p. 336; Darling (1963), G–48, p. 503).

60. The World Health Organization Expert Committee on Addiction-Producing Drugs has classified drug dependence according to drug types, i.e., drug dependence of the morphine type, of the barbiturate-alcohol type, of the cocaine type, etc. (Eddy, et al. (1965), G–81). This classification is based partly on the ability of drugs within the group to substitute one for another (Isbell, Tr. 1549). Substitution in the context refers to the ability of one drug to suppress partially if not completely the withdrawal symptoms of another drug (Isbell, Tr. 1549). This same phenomenon has been referred to as cross-dependence (Jaffe (1965), R–133, p. 289). Relying on this theory, physicians, as a matter of course, treat patients who show physical dependence on a certain drug by substituting in gradually tapered doses a more manageable drug of the same group (Jaffe (1965), R–133, p. 289). In explanation there was expert medical testimony that drugs which depress the central nervous system act upon different neurons in the brain but that certain drugs have their effect within the same neuronal system (Domino, Tr. 4550–55).

61. The substantial evidence of record establishes that Librium and Valium are among those sedative drugs which substitute for the barbiturates and alcohol. Animal studies demonstrated that Librium effectively suppresses the barbiturate withdrawal syndrome. Further, considerable clinical experience in the treatment of acute alcoholism shows that the benzodiazepines, particularly Librium, effectively suppress the symptoms of the abstinence syndrome in alcoholic withdrawal. (Lofft, Tr. 532; Deneau, Tr. 998–1007; Isbell, Tr. 1586–87; Chambers, Tr. 1624–25; Thomas and Freedman (1964), G–295; D'Agostino, Tr. 3812–15; Domino, Tr. 4648–52, 4717–70; Deneau, G–235; Armour (1963), R–51; Burdine (1964), R–59, p. 591; Kissen (1961), R–91; Morrison (1963), R–99; Jaffe (1965), R–133.)

62. There was expert medical testimony to the effect that individuals who abuse barbiturates or alcohol can be expected to turn to Librium and Valium whenever their drugs of choice are not readily available because the benzodiazepines are known to produce similar effects, to sustain physical dependence of the barbiturate-alcohol type and to prevent barbiturate-alcohol withdrawal. Likewise it is reasonable to assume that they will use Librium and Valium to reinforce the effects of barbiturates and alcohol (Isbell, Tr. 1556–58, 1577–79).

63. The legislative history of the amendments reflects the expectation of Congress, in enacting this legislation, that Librium and similar tranquilizing drugs, would be expeditiously brought under the control of the amendments because of their potential for abuse. Testimony taken before the House Committee on Interstate and Foreign Commerce demonstrated the need for bringing Librium under these controls. (House Report No. 130, 89th Congress.) This committee considered the advisability of listing chlordiazepoxide (Librium) among others by name, but decided not to single out this or any other drug. The committee, however, stated that it expected the Secretary of Health, Education, and Welfare to take early action with respect to the consideration of bringing Librium and other drugs within the controls of the amendments. A similar expectation was expressed by the Senate Committee on Labor and Public Welfare. (Senate Report No. 337, 89th Congress.) (G–228, pp. 2–3; G–229, p. 13; G–230, pp. 24, 33, 38, 43–53, 54–56, 91–92, 101–105, 115–121.)

CONCLUSIONS OF LAW

1. The Drug Abuse Control Amendments of 1965 were intended to protect the public health and safety by establishing special controls for depressant and stimulant drugs. This protection was to be accomplished through increased recordkeeping and inspection requirements, through providing for control over intrastate traffic in these drugs because of its effect on interstate traffic, and through making possession of these drugs, other than by the user, illegal outside of the legitimate channels of commerce.

2. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs with a depressant effect on the central nervous system. They may be legitimately dispensed only upon the prescription of a practitioner licensed by law to administer such drugs, and in full comformity with section 503(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 353(b).

3. The substantial, probative, and reliable evidence of record establishes that chlordiazepoxide (Librium) due to its depressant effect on the central nervous system has been abused in the past in the following ways:

(a) There has been significant use of chlordiazepoxide (Librium) in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant diversion of chlordiazepoxide (Librium) from legitimate channels.

(c) There has been significant use of Librium by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

4. Due to the past history of abuse of chlordiazepoxide (Librium), because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to increased controls of the amendments, it is reasonable to conclude that the abuse of chlordiazepoxide (Librium) will continue to increase unless this drug is similarly brought under the control of the amendments.

5. The substantial, probative, and reliable evidence of record establishes that diazepam (Valium) due to its depressant effect upon the central nervous system has been abused in the past in the following manner:

(a) There has been significant use of diazepam in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

(b) There has been significant use of diazepam (Valium) by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

6. Diazepam (Valium), the newer drug, is so related to chlordiazepoxide (Librium), a drug for which there is considerable evidence of continuing abuse as to make it likely that it will have the same potentiality for abuse.

7. Due to past history of abuse of diazepam (Valium), because of its close relation to chlordiazepoxide (Librium), and because of its established capacity to substitute for other sedative drugs which are known to be abused and which are now subject to controls under the provisions of the Drug Abuse Control Amendments of 1965, it is reasonable to conclude that the abuse of diazepam (Valium) will continue to increase.

8. Chlordiazepoxide (Librium) and diazepam (Valium) are drugs which because of their depressant effect on the central nervous system, have a substantial potential for significant abuse within the meaning of the Amendments, 21 U.S.C. 321(v)(3).

9. Chlordiazepoxide (Librium) and diazepam (Valium) are "depressant or stimulant drugs" within the meaning of 21 U.S.C. 321(v), and are therefore subject to the provisions of 21 U.S.C. 360a. Any drug which contains any quantity of chlordiazepoxide or diazepam is a "depressant or stimulant drug" within the meaning of 21 U.S.C. 321(v)(3) and is also subject to the provisions of 21 U.S.C. 360a.

Therefore, it is ordered, That the stay of effectiveness announced May 17, 1966 (31 F.R. 7174), on the listing of chlordiazepoxide and its salts and diazepam in § 166.3(c)(1) [redesignated § 320.3(c)(1)] as a drug subject to control under the Amendments by the order of March 19, 1966 (31 F.R. 4679), be ended.

It is further ordered, That upon the date on which this order takes effect the applicable provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513) shall apply. Chlordiazepoxide and its salts and diazepam shall be designated as drugs subject to control under schedule IV (21 U.S.C. 812(c)) of the Act and the applicable regulations shall be amended accordingly.

This order shall become effective 90 days from the date of publication in the FEDERAL REGISTER.

Dated: January 30, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71–1664 Filed 2–5–71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71–102]

PART 0—COMMISSION ORGANIZATION

Establishment of a Spectrum Management Task Force

Order. 1. In recent years, the nongovernment radio communication services have grown tremendously, placing heavy demands on the radio spectrum and resulting in frequency congestion, particularly in heavily populated areas. Several years ago, the Commission began a program to alleviate this situation by first increasing the number of communications channels through channel splitting or shared use and, second, by studies to devise methods of more effective spectrum utilization.

2. The results of a major study for the Commission by Stanford Research Institute concerning Land Mobile Spectrum Utilization (supported by conclusions and recommendations of the President's Task Force on Telecommunications Policy and a report by the Joint Technical Advisory Committee on Spectrum Engineering) indicate that more effective utilization of the spectrum can be obtained by introducing systems engineering concepts and by decentralized or regional frequency management, which recognizes that each area has unique economic, social, demographic and other factors which must be considered in making frequency assignments. Under this approach, regional spectrum management centers will have the capability of monitoring actual channel occupancy and, through a computerized system with a comprehensive data base, assigning the most useful frequencies to Commission licensees. The feasibility of the system has been indicated by the aforementioned studies. The Commission must now organize its resources to design, test and implement this new Spectrum Management Program.

3. In view of the transitional and developmental nature of this program, and the need for flexibility and a concerted effort, we have established a Spectrum Management Task Force, located within the Office of Chief Engineer. This Task Force is responsible for developing policies, plans, systems, and procedures for the Spectrum Management Program and for establishing regional spectrum management centers. After the developmental and testing phases of this program have been completed, the functions and activities of the Task Force and the regional centers will be incorporated into the Commission's permanent organizational structure for continued operation and implementation of such additional regional centers as may be desirable.

4. The amendments set forth below relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply, and the amendments can be made effective immediately. Authority for the promulgation of those amendments is contained in sections 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), and 303(r).

Accordingly, it is ordered, Effective February 10, 1971, that the rules and regulations of the Commission are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 1, 1971.

Released: February 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 0.31, a new paragraph (m) is added, to read as follows:

§ 0.31 Functions of the Office.

* * * * *

(m) To develop and initially implement a system of decentralized frequency management.

2. In § 0.32, a new paragraph (f) is added, to read as follows:

§ 0.32 Units in the Office.

* * * * *

(f) Spectrum Management Task Force.

3. A new § 0.38 is added, to read as follows:

§ 0.38 Spectrum Management Task Force.

The Spectrum Management Task Force is responsible, in coordination with the respective bureaus which have primary responsibility for the radio services involved, for development of a Spectrum Management Program designed to provide more effective and efficient use of the radio spectrum through the introduction of system engineering concepts and decentralized frequency assignment techniques; makes recommendations to

[1] Commissioner Johnson concurring in the result.

the Chairman and Commission on policies, rules and regulations concerning decentralized frequency management; carries out research and development projects and systems engineering projects required to implement the Spectrum Management Program; develops data banks and data processing systems for decentralized frequency managment; and establishes and operates regional spectrum management centers.

[FR Doc.71-1666 Filed 2-5-71;8:46 am]

[No. 58468]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

PART 25—SATELLITE COMMUNICATIONS

Miscellaneous Amendments

Order. 1. Preparatory to the reprinting of the revised edition of Volume VII of the Commission's rules and regulations, numerous editorial changes were made in Parts 21, 23, and 25. The majority of the changes involve substituting the term "hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 539) are not applicable. The changes below are included in the revised edition of Volume VII currently on sale at the Superintendent of Documents, U.S. Government Printing Office.

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules and regulations, that effective February 10, 1971, Parts 21, 23, and 25 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: January 28, 1971.

Released: January 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 21, 23, and 25. The terms listed below are substituted throughout:

GHz for Gc/s gigahertz for gigacycles.
Hz for c/s hertz for cycles per second.
kHz for kc/s kilohertz for kilocycles.
MHz for Mc/s megahertz for megacycles.

The following additional changes are also made:

A. In Part 21—Domestic Public Radio Services (Other than Maritime Mobile):

1. In § 21.14 (i) and (j), the address "Director, Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, Canada," is corrected to read "Director, Telecommunications Regulations Branch, Department of Communications, Ottawa, Ontario, Canada."

2. Section 21.101(a) is amended by substituting "2,110 to 2,200" for "2,110 to 2,220" in the first column of the chart under the heading "Frequency range (MHz)".

3. In § 21.109, the parenthetical reference at the end of paragraph (b) is amended to read, "(c.f. §§ 21.15(g) and 21.121(c))".

4. In § 21.120(b), "Part C" is deleted at the end of the second sentence.

5. In § 21.121 ,the parenthetical reference at the end of paragraph (d) is amended to read, "(c.f. §§ 21.15 and 21.121(c))".

6. In § 21.509, the parenthetical reference at the end of paragraph (h) is amended to read, "(See § 21.14 (i) and (j))".

7. In § 21.519(a) reference to § 17.3 in the first sentence is corrected to read "§ 17.7".

B. In Part 23—International Fixed Public Radiocommunication Services:

1. In § 23.53, the following proviso is added at the end of introductory paragraph (a): "* * * *Provided, however,* That the licensee, upon institution of addressed press service to any point, shall promptly notify the Commission of the following:".

[FR Doc.71-1667 Filed 2-5-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10822; Amdt. 39-1154]

SUBCHAPTER C—AIRCRAFT

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Viscount Models 744, 745D, and 810 Series Airplanes

A failure of the left elevator servo tab system has occurred on a British Aircraft Corp. Viscount Model airplane. The failure was caused by a complete fracture of the shank of spigot bracket, P/N 70120-367, which attaches the elevator spring service tab system bellcrank to the left elevator torque tube. In view of the serious consequences of such a failure and since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued to require repetitive inspections of the bracket and replacement of defective brackets.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BRITISH AIRCRAFT CORP. Applies to Viscount Model 744, 745D, and 810 Series airplanes

Compliance required as indicated.

To prevent failure of the elevator spring servo tab control mechanism accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,000 hours' time in service before the effective date of this AD, visually inspect the shank of spigot bracket, P/N 70120-367, which attaches the elevator spring service tab system bellcrank to the left elevator torque tube, for evidence of corrosion.

(b) Before the accumulation of 12,000 hours' time in service on spigot bracket, P/N 70120-367, or within the next 100 hours' time in service after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 12,000 hours' time in service from the last inspection or replacement, remove spigot bracket, P/N 70120-367 from the airplane, and either (1) replace the spigot bracket with a new bracket of the same part number, or (2) visually inspect the shank of the spigot bracket for evidence of corrosion, and if no evidence of corrosion is found inspect the shank for cracks using the magnetic flow detection saturation method in accordance with British Aircraft Corp. wire SS922V dated January 25, 1970, or an FAA-approved equivalent.

(c) If evidence of corrosion is found during the inspections required by paragraph (a) and subparagraph (b)(2) of this AD, or cracks are found during the inspections required by subparagraph (b)(2) of this AD, before further flight, replace the spigot bracket with a new bracket of the same part number.

(d) Operators who have not kept records of hours' time in service on individual spigot brackets, P/N 70120-367, shall substitute airplane hours' time in service in lieu thereof.

NOTE. It is requested that the results, positive and negative, of the inspection required by this AD be reported, in writing, to the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, NY 09667.

(Reporting approved by the Bureau of the Budget, BOB No. 04-R-174)

This amendment becomes effective February 6, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 5, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.71-1776 Filed 2-5-71;10:07 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10803; Amdt. 95-203]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 4, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.638 *Blue Federal airway 38* is amended to read in part:

From, to, and MEA

Sisters Island, Alaska, LF/RBN; Chilkat INT, Alaska; 7,300.
Chilkat INT, Alaska; Haines, Alaska, LF/RBN; 9,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Biscayne Bay, Fla., VOR; INT, 008° M rad, Bimini, Nassau, VOR and 036° M rad, Biscayne Bay, Fla., VOR (via Control 1150), *9,000. *1,300—MOCA.
Orlando, Fla., VORTAC; Tico INT, Fla.; 18,000. MAA—45,000.
Squid INT, Fla.; Barracuda INT, Fla. (via Control 1386); *15,000. *1,000—MOCA.
Conifer INT, Colo.; Webster DME Fix, Colo.; *16,000. *14,500—MOCA. MAA—37,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Greater Southwest, Tex., VOR; McAlester, Okla., VOR; *4,000. *2,500—MOCA.
Glenwood Springs INT, Colo.; *Basalt INT, Colo.; 13,600. *14,500—MCA Basalt INT, eastbound. MAA—25,000.
*Basalt INT, Colo.; Holy Cross INT, Colo.; **15,500. *14,500—MCA Basalt INT, eastbound. **14,100—MOCA. MAA—25,000.
Webster INT, Colo.; Conifer INT, Colo.; *16,000. *14,500—MOCA. MAA—37,000.
San Jose, Calif., VOR; *College INT, Calif.; 4,000. *4,000—MCA College INT, southeastbound.
College INT, Calif.; Napa, Calif., VORTAC; 3,500.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Browntown INT, Ga.; Brunswick, Ga., VOR; *1,500. *1,400—MOCA.
Cox INT Ga.; Browntown INT Ga.; *2,500. *1,300—MOCA.
Gateway INT Fla.; Carolina Beach, N.C., LF/RBN (via Control 1150); *2,000. *1,200—MOCA.
Greenhead INT, Fla.; Marianna, Fla., VOR; *2,000. *1,600—MOCA.
Carp INT, Fla.; Abaco INT, Bahamas; *2,000. *1,300—MOCA.
Austin, Tex., VOR; College Station, Tex., VOR; *2,400. *2,100—MOCA.
Austin, Tex., VOR; Eagle Lake, Tex., VOR; *2,400. *2,100—MOCA.
INT, 166° M rad, Austin VOR and 065° M rad, San Antonio VOR; Bergstrom INT, Tex.; *2,500. *1,800—MOCA.

Johnson City INT, Tex.; Capitol INT, Tex.; *3,400. *3,000—MOCA.
Lafayette, La., VOR; Rich INT, La.; 1,600.
Lafayette, La., VOR; White Lake, La., VOR; 1,500.
Lake Charles, La., VOR; Sugar INT, La.; *2,000. *1,500—MOCA.
Tibby, La., VOR; Welcome INT, La.; 1,500.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Seal Beach, Calif., VOR; Anaheim INT, Calif.; eastbound, *3,500; westbound, *2,500. *2,500—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Capital, Ill., VOR; Gilbert INT, Ill.; *2,100. *2,000—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Hermann INT, Mo.; New Melle INT, Mo.; *2,700. *2,200—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Cypress INT, Tex.; Navasota, Tex., VOR; *1,900. *1,600—MOCA.
Navasota, Tex., VOR; College Station, Tex., VOR; *1,900. *1,600—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Hope INT, Ark.; Bunn INT, Ark.; *7,000. *1,800—MOCA.
Bunn INT, Ark.; Sulphur INT, Ark.; *6,000. *1,600—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Austin, Tex., VOR; *Georgetown INT, Tex.; **2,500. *4,000—MRA. **2,100—MOCA.
Walberg INT, Tex.; Belton INT, Tex.; *2,500. *1,900—MOCA.
Pendleton INT, Tex.; Waco, Tex., VOR; *2,400. *2,000—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Monroe, La., VOR; *Signal INT, Miss.; **2,000. *3,800—MRA. **1,900—MOCA.
Signal INT, Miss.; *Black INT, Miss.; *2,000. *3,600—MRA. **1,400—MOCA.

Section 95.2020 *VOR Federal airway 20* is amended to read in part:

Lafayette, La., VOR; Rond Lake INT, La.; 1,500.
Lafayette, La., VOR via S alter.; Helen INT, La., via S alter.; 1,500.
Helen INT, La., via S alter.; Tibby, La., VOR via S alter.; *1,500. *1,400—MOCA.
*Jones Creek INT, Tex., via S alter.; Manvel INT, Tex., via S alter.; **1,800. *2,500—MRA. **1,300—MOCA.
Manvel INT, Tex., via S alter.; Houston, Tex., VOR via S alter.; *1,800. *1,400—MOCA.
China INT, Tex., via N alter.; Beaumont, Tex., VOR via N alter.; *1,600. *1,500—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Seal Beach, Calif., VOR; Anaheim INT, Calif.; eastbound, *3,500. Westbound, *2,500. *2,500—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; *3,800. *3,400—MOCA.
Doss INT, Tex.; *Comfort INT, Tex.; **4,000. *4,000—MRA. **3,600—MOCA.
Comfort INT, Tex.; *Bandera INT, Tex.; **3,500. *4,300—MRA. **3,200—MOCA.
Bandera INT, Tex.; San Antonio, Tex., VOR; *3,500. *3,200—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

Capital, Ill., VOR; Gilbert INT., Ill.; *2,100. *2,000—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

*Scranton INT, Ark., via W alter.; Cass INT, Ark., via W alter.; **6,500. *3,300—MRA. **3,500—MOCA.
Cass INT, Ark., via W alter.; Fayetteville, Ark., VOR via W alter.; *4,000. *3,500—MOCA.

Section 95.6074 *VOR Fedcral airway 74* is amended to read in part:

*Magazine INT, Ark.; Maumelle INT, Ark.; 3,000. *3,600—MCA Magazine INT, eastbound.
Maumelle INT, Ark.; Little Rock, Ark., VOR; 3,200.
Scranton INT, Ark., via N alter.; Bigelow INT, Ark., via N alter.; *4,500. *3,000—MOCA.
Bigelow INT, Ark., via N alter.; Little Rock Ark., VOR; via N alter.; 3,200.
Fort Smith, Ark., VOR, via S alter.; *Blue Mountain INT, Ark., via S alter.; **2,700. *4,000—MCA Blue Mountain INT, southeastbound. **2,200—MOCA.
Blue Mountain INT, Ark., via S alter.; *Paron INT, Ark., via S alter.; **4,500. *3,500—MRA. **3,600—MOCA.
Mazie INT, Okla.; Fort Smith, Ark., VOR; 3,000.
*Pryor INT, Okla., via N alter.; Stillwell INT, Okla., via N alter.; **5,500. *2,900—MRA. **2,600—MOCA.
Stillwell INT, Okla., via N alter.; Short INT, Okla., via N alter.; *3,300. *3,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Austin, Tex., VOR; *Butler INT, La.; **2,400. *3,000—MRA. **2,100—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

*Bunkie INT, La.; **Dupont INT, La.; ***1,600. *3,000—MRA. **2,000—MRA. ***1,500—MOCA.
*Woodville INT, La., via N alter.; Clinton INT, La., via N alter.; **5,000. *3,000—MRA. **1,400—MOCA.
Clinton INT, La., via N alter.; Carroll INT, La., via N alter.; *2,500. *1,400—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Johnson City INT, Tex.; Granite INT, Tex.; *4,000. *3,000—MOCA.
Granite INT, Tex.; Lometa, Tex., VOR; *3,200. *2,800—MOCA.
Fredericksburg INT, Tex., via W alter.; Llano, Tex., VOR via W alter.; *4,000. *3,200—MOCA.

Section 95.6173 *VOR Federal airway 173* is amended to read in part:

Capital, Ill., VOR; Kenney INT, Ill.; *2,300. *2,000—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

Farmington, Mo., VOR; via S alter.; Cache INT, Ill., via S alter.; *3,000. *2,400—MOCA.
Cache INT, Ill., via S alter.; Paducah, Ky., VOR via S alter.; 2,400.

Section 95.6198 *VOR Fedcral airway 198* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; *3,800. *3,400—MOCA.

From, to, and MEA

Doss INT, Tex.; *Comfort INT, Tex.; **4,000. *4,000—MRA. **3,600—MOCA.
Comfort INT, Tex.; *Bandera INT, Tex.; **3,500. *4,300—MRA. **3,200—MOCA.
Bandera INT, Tex.; San Antonio, Tex., VOR; *3,500. *3,200—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

China INT, Tex.; Beaumont, Tex., VOR; *1,600. *1,500—MOCA.
Lockhart INT, Tex.; Industry, Tex., VOR; *2,200. *1,800—MOCA.
Prairie INT, Tex.; Waller INT, Tex.; *1,800. *1,500—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Yatesville INT, Ga.; Griffin INT, Ga.; *2,600. *2,200—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Great Falls, Mont., VOR; Havre, Mont., VOR; *6,000. *5,800—MOCA.

Section 95.6303 *VOR Federal airway 303* is amended to read in part:

*Avant INT, Ark.; **Blue Mountain INT, Ark.; ***4,500. *2,900—MRA. **4,000—MCA Blue Mountain INT, southeastbound. ***3,600—MOCA.
Blue Mountain INT, Ark.; Fort Smith, Ark., VOR; *2,700. *2,200—MOCA.

Section 95.6347 *VOR Federal airway 347* is amended to read in part:

*Tatalina INT, Alaska; Chandalar Lake, Alaska, LF/RBN; ±**11,000. *14,000—MRA. **6,900—MOCA. ±MEA is established with a gap in navigation signal coverage.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended to delete:

Hibiscus INT, Hawaii; Lobster INT, Hawaii; *6,000. *1,000—MOCA.

Section 95.6419 *Hawaii VOR Federal airway 19* is amended by adding:

Hibiscus INT, Hawaii; INT, 075° M rad, Maui VOR and 002° M rad, Hilo VOR; *6,000. *1,000—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

Amboy INT, N.J.; LaGuardia, N.Y., VOR; 2,700.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

*Copper INT, Alaska; Tux Bay INT, Alaska; **13,000. *12,000—MCA Copper INT, northeastbound. **12,000—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

Dacus INT, Tex.; Leona, Tex., VOR; *2,000. *1,600—MOCA.
Cypress INT, Tex., via W alter.; Navasota, Tex., VOR via W alter.; *1,900. *1,600—MOCA.

Section 95.7501 *Jet route No. 501* is amended to read in part:

From, to, MEA, and MAA

Yakutat, Alaska, VORTAC; Katalla INT, Alaska; 18,000; 45,000.
Katalla INT, Alaska; Johnstone Point, Alaska, VOR; 18,000; 45,000.
Anchorage, Alaska, VORTAC; Sparrevohn, Alaska, LF/RBD; 18,000; 45,000.
Sparrevohn, Alaska, LF/RBN; Bethel, Alaska, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From: to—Changeover point:Distance; From V–347 is amended to read in part:

Fairbanks, Alaska, VOR; Chandalar Lake, Alaska, LF/RBN; 103; Fairbanks.

Section 95.8005 *Jet Routes Changeover Points:*

J–501 is amended to read in part:

Biorka Island, Alaska, VORTAC; Yakutat, Alaska, VORTAC; 98; Biorka Island.
Anchorage, Alaska, VORTAC; Bethel, Alaska, VORTAC; 130; Anchorage.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on January 26, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71–1571 Filed 2–5–71;8:45 am]

[Docket No. 10804; Amdt. No. 741]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective March 4, 1971.

Kenai, Alaska—Kenai Municipal Airport; LFR–A, Amdt. 15; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective March 4, 1971.

Chicago (Wheeling), Ill.—Chicagoland Airport; VOR Runway 22, Amdt. 2; Revised.
Chicago, Ill.—Chicago-O'Hare International Airport; VOR Runway 4, Original; Established.
Chicago, Ill.—Chicago-O'Hare International Airport; VOR Runway 22, Amdt. 10; Revised.
Columbia, Mo.—Municipal Airport; VOR Runway 17, Amdt. 8; Revised.
Columbia, Mo.—Columbia Regional Airport; VOR Runway 20, Amdt. 4; Revised.
Gainesville, Fla.—Gainesville Municipal Airport; VOR–A, Amdt. 3; Revised.
Kamuela, Hawaii—Waimea-Kohala Airport; VOR–A, Amdt. 2; Revised.
Kamuela, Hawaii—Waimea-Kohala Airport; VOR Runway 4, Amdt. 4; Revised.
Kansas City, Mo.—Kansas City International Airport; VOR Runway 9, Amdt. 2; Revised.
Kansas City, Mo.—Kansas City International Airport; VOR Runway 27, Amdt. 2; Revised.
Kenai, Alaska—Kenai Municipal Airport; VOR Runway 19, Amdt. 6; Revised.
Kennett, Mo.—Kennett Memorial Airport; VOR Runway 35, Original; Established.
La Crosse, Wis.—La Crosse Municipal Airport; VOR Runway 13, Amdt. 13; Revised.
La Crosse, Wis.—La Crosse Municipal Airport; VOR Runway 36, Amdt. 15; Revised.
Lawrence, Mass.—Lawrence Municipal Airport; VOR Runway 23, Amdt. 1; Revised.
Martha's Vineyard, Mass.—Martha's Vineyard Airport; VOR Runway 24, Amdt. 4; Revised.
Newberry, Mich.—Luce County Airport; VOR Runway 11, Original; Established.
Newberry, Mich.—Luce County Airport; VOR Runway 29, Original; Established.
New Hudson, Mich.—New Hudson Airport; VOR–A, Amdt. 1; Revised.
New Iberia, La.—Acadiana Regional Airport; VOR Runway 16, Amdt. 4; Revised.
Pellston, Mich.—Emmett County Airport; VOR Runway 23, Amdt. 4; Revised.
Plymouth, Mich.—Mettetal Airport; VOR–A, Amdt. 1; Revised.
Salina, Kans.—Municipal Airport; VOR Runway 17, Amdt. 6; Revised.
Three Rivers, Mich.—Dr. Haines Airport; VOR–A, Amdt. 1; Revised.
Winona, Minn.—Winona Municipal Max Conrad Field; VOR–A, Amdt. 5; Revised.
Winona, Minn.—Winona Municipal Max Conrad Field; VOR Runway 29, Amdt. 5, Revised.
Bartow, Fla.—Bartow Municipal Airport; VOR/DME Runway 9R, Original; Established.
Gainesville, Fla.—Gainesville Municipal Airport; VOR/DME Runway 24, Original; Established.
McPherson, Kans.—McPherson Airport; VOR/DME Runway 36, Amdt. 1; Revised.
Mexico, Mo.—Mexico Memorial Airport; VOR/DME–A, Amdt. 2; Revised.
Potsdam, N.Y.—Potsdam Municipal/Damon Field; VOR/DME Runway 24, Original; Established.

3. Section 97.25 is amended by establishing, revising or canceling the following LOC–LDA SIAPs, effective March 4, 1971.

Austin, Tex.—Robert Mueller Municipal Airport; LOC (BC) Runway 12R, Amdt. 9; Revised.

Chicago, Ill.—Chicago-O'Hare International Airport; LOC (BC) Runway 22, Amdt. 4; Revised.
Kansas City, Mo.—Kansas City International Airport; LOC (BC) Runway 19, Original; Established.
Kansas City, Mo.—Kansas City International Airport; LOC (BC) Runway 27, Amdt. 1; Revised.
Sacramento, Calif.—Sacramento Executive Airport; LOC (BC) Runway 20, Amdt. 2; Revised.

4. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective January 28, 1971.

Alton, Ill.—Civic Memorial Airport; NDB (ADF) Runway 29, Amdt. 3; Canceled.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 4, 1971.

Baytown, Tex.—Humphrey Airport; NDB Runway 31L, Amdt. 1; Revised.
Clinton, Okla.—Clinton Municipal Airport; NDB Runway 35, Original; Established.
Daytona Beach, Fla.—Daytona Beach Regional Airport; NDB Runway 6L, Amdt. 12; Revised.
Freeport, Ill.—The Albertus Airport; NDB Runway 24, Amdt. 2; Revised.
Greeneville, Tenn.—Greeneville Municipal Airport; NDB Runway 5, Original; Established.
Greeneville, Tenn.—Greeneville Municipal Airport; NDB Runway 23, Original; Established.
Helena-West Helena, Ark.—Thompson-Robbins Field; NDB Runway 17, Amdt. 1; Revised.
International Falls, Minn.—Falls International Airport; NDB Runway 31, Original; Established.
Kansas City, Mo.—Kansas City International Airport; NDB Runway 1, Amdt. 7; Revised.
Kansas City, Mo.—Kansas City International Airport; NDB Runway 9, Amdt. 1; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; NDB Runway 14, Amdt. 2; Revised.
La Crosse, Wis.—La Crosse Municipal Airport; NDB Runway 13, Amdt. 7; Revised.
Lawrence, Mass.—Lawrence Municipal Airport; NDB–A, Amdt. 8; Revised.
Lewisburg, W. Va.—Greenbrier Valley Airport; NDB Runway 4, Original; Established.
Marshfield, Wis.—Marshfield Municipal Airport; NDB Runway 4, Amdt. 5; Revised.
Marshfield, Wis.—Marshfield Municipal Airport; NDB Runway 16, Amdt. 2; Revised.
Martha's Vineyard, Mass.—Martha's Vineyard Airport; NDB Runway 24, Amdt. 13; Revised.
McPherson, Kans.—McPherson Airport; NDB–A, Original; Established.
Michigan City, Ind.—Michigan City Airport; NDB Runway 20, Amdt. 5; Revised.
Osceola, Wis.—Osceola Municipal Airport; NDB Runway 28, Amdt. 2; Revised.
Pellston, Mich.—Emmett County Airport; NDB Runway 32, Amdt. 10; Revised.
Salina, Kans.—Municipal Airport; NDB Runway 35, Amdt. 4; Revised.
Sault Ste. Marie, Mich.—Sault Ste. Marie Municipal Airport; NDB Runway 32, Amdt. 4; Revised.
Three Rivers, Mich.—Dr. Haines Airport; NDB Runway 23, Amdt. 2; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 25, 1971.

Lancaster, Pa.—Lancaster Airport; ILS Runway 8, Original; Established.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 4, 1971.

Daytona Beach, Fla.—Daytona Beach Regional Airport; ILS Runway 6L, Amdt. 13; Revised.
Decatur, Ill.—Decatur Airport; ILS Runway 6, Amdt. 1; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; ILS Runway 9L, Amdt. 1; Revised.
International Falls, Minn.—Falls International Airport; ILS Runway 31, Original; Established.
Kansas City, Mo.—Kansas City International Airport; ILS Runway 1, Original; Established.
Kansas City, Mo.—Kansas City International Airport; ILS Runway 9, Amdt. 2; Revised.
Salina, Kans.—Municipal Airport; ILS Runway 35, Amdt. 5; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 4, 1971.

Tulsa, Okla.—Tulsa International Airport; Radar–1, Amdt. 9; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 28, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 F.R. 5610).

[FR Doc.71–1572 Filed 2–5–71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–665 Amdt. 3]

PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: SPECIAL AUTHORIZATIONS

Transportation of Newsmen by All-Cargo Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

In Notice of Proposed Rule Making EDR–189[1] the Board proposed to amend Part 206 to permit all-cargo carriers to provide transportation to accredited newsmen at the lowest fare in effect by carriers authorized to transport persons in regularly scheduled passenger service. In addition, the proposed amendment would provide that the transportation be limited to the writer, journalist or photographer engaged in the preparation of data for use in feature news, pictorial, or like articles which will publicize the regularly scheduled cargo operations of the carrier. Finally, it was proposed to include a requirement that the all-cargo carrier file with the Bureau of Economics, at least 10 days before the commencement of the transportation, a notice setting forth the name and affiliation of the writer, journalist or photographer, the routing to be followed, and the amount of the fare to be collected.

Comments on the proposal have been received from Airlift International, Seaboard World Airlines, and the Flying Tiger Line. Airlift endorses the proposal. In its comment, Seaboard states that it does not believe that publications media in which news items or like articles are to appear should be limited to "trade" magazines, but should cover magazines which have a circulation among the general public as well. In addition, Seaboard feels that to be effective the proposed rule should be expanded to include television and radio. Flying Tiger also requests that the rule be made applicable to broadcast media.

The Board finds that the rule should be adopted with the revisions suggested by Seaboard and Flying Tiger.[2] In view of the purpose of the rule and the significant impact of broadcast media on the public, we believe that television and radio should be included within its purview. Furthermore, since there is no limitation on the type of newspaper under the proposed rule, it would appear that a limitation to trade magazines would be inconsistent, and this is particularly true since we are expanding the rule to include broadcast media.

With these revisions the Board therefore adopts by reference and incorporates herein the tentative findings and conclusions reached in EDR–189.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 206 of the economic regulations (14 CFR Part 206) effective March 8, 1971, as follows:

1. Amend the Table of Contents to add a section heading for new § 206.3 as follows:

Sec.
206.3 Transportation of newsmen by all-cargo carriers.

2. Add a new § 206.3 to read as follows:

§ 206.3 Transportation of newsmen by all-cargo carriers.

Notwithstanding the provisions of sections 401(a) and 403 of the Act and Part 221 of the Board's economic regulations, an air carrier holding a certificate of public convenience and necessity for the transportation of property and mail only may provide transportation to persons between points in its certificate on regularly scheduled cargo flights for the purpose of collecting data for preparation of feature news, pictorial or like articles provided that:

(a) The transportation is limited to the writer, journalist, or photographer engaged in the preparation of data for use in feature news, pictorial, or like articles which are to appear in newspapers or magazines, or on radio or television programs and which will publicize the

[1] Dated Oct. 6, 1970, Docket 22627 (35 F.R. 15938, Oct. 9, 1970).

[2] We are also clarifying the rule with respect to the fare to be charged.

regularly scheduled cargo operations of the carrier;

(b) The air carrier shall collect from each person transported the lowest individual adult fare in effect by any carrier authorized to transport persons in regularly scheduled passenger service between the points involved;

(c) The air carrier shall file with the Board's Bureau of Economics, at least 10 days before commencement of the transportation, a notice setting forth the name and affiliation of the writer, journalist or photographer, the routing to be followed, and the amount of fare to be collected.

(Secs. 204(a) and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386)

Effective: March 8, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1685 Filed 2-5-71;8:47 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-52 Amdt. 19]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Deletion of Delegation of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 385.15(i) of Part 385 delegates to the Chief, Tariffs Section, Passenger and Cargo Rates Division, Bureau of Economics, the authority to grant or deny to a certificated all-cargo carrier an exemption to permit such carrier to provide transportation for the purpose of collecting data for preparation of feature news, pictorial, or like articles under certain conditions. In Notice of Proposed Rule Making EDR-189[1] the Board proposed to amend Part 206 of the economic regulations by granting a blanket exemption to the same effect and noted that the delegation referred to would be deleted upon finalization of the proposed rule.[2] The proposed rule is being adopted with certain revisions in ER-665, issued concurrently.

Accordingly, the Civil Aeronautics Board hereby amends, effective March 8, 1971, Part 385 of the Organization Regulations (14 CFR Part 385) by deleting and reserving § 385.15(i).

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

Effective: March 8, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1686 Filed 2-5-71;8:45 am]

[1] Dated Oct. 6, 1970, Docket 22627 (35 F.R. 15938, Oct. 9, 1970).

[2] P. 3, footnote 1.

Proposed Rule Making

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[33 CFR Part 209]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS

Proposed Policy, Practice and Procedure

Proposed regulations prescribing the policy, practice and procedure to be followed by all Corps of Engineers' installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment on the proposed regulations was invited within a period of 45 days from December 31, 1970.

A proposed Memorandum of Understanding relating to the Corps of Engineers' proposed regulations and to Executive Order 11574 (35 F.R. 19627) was published in the FEDERAL REGISTER of January 21, 1971 (36 F.R. 983). Public comment on the proposed Memorandum of Understanding was invited within a period of 30 days from January 21, 1971.

Notice is hereby given that the period within which comments, suggestions, or objections to either the proposed regulations or to the proposed Memorandum of Understanding will be considered is extended to February 28, 1971.

Dated: February 3, 1971.

R. H. GROVES,
Brigadier General, U.S. Army, Acting Director of Civil Works.

[FR Doc.71-1697 Filed 2-5-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Dependent Children of Unemployed Fathers

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations modify the Federal definition of unemployed father.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this Notice in the FEDERAL REGISTER.

Authority: These regulations are to be issued under section 1102 of the Social Security Act, 49 Stat. 647, 42 U.S.C. 1302.

Dated: October 15, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: February 4, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Section 233.100 (a)(1) and (c)(1)(iii) of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 233.100 Dependent children of unemployed fathers.

(a) *Requirements for State plans.* • • •

(1) Include a definition of an unemployed father which shall apply only to families determined to be needy in accordance with the provisions in § 233.20, and shall include any father who:

(i) Is employed less than 100 hours a month; or,

(ii) Exceeds that standard for a particular month, if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for the 2 prior months and is expected to be under the standard during the next month.

• • • • • •

(c) *Federal financial participation.* (1) Federal financial participation is available in payments authorized in accordance with the State plan approved under section 402 of the Act as aid to families with dependent children with respect to a child • • •

(iii) Who has been deprived of parental support or care by reason of the fact that his father is employed less than 100 hours a month; or, exceeds that standard for a particular month if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for 2 prior months and is expected to be under the standard during the next month.

• • • • • •

[FR Doc.71-1754 Filed 2-5-71;8:48 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 40, 150]

LICENSING OF SOURCE MATERIAL; EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

Safeguards Reporting Requirements for Source Material

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 40, "Licensing of Source Material" and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under Section 274," to extend the requirement for reporting thefts or attempted thefts or diversions of source material to additional licensees who possess such material and to delete the requirement for reporting exports and imports of source material by persons who do not actually receive or transfer the material.

Under regulations published in the FEDERAL REGISTER on July 30, 1970 (35 F.R. 12195), source material licensees who are authorized to possess more than 1,000 kilograms of uranium or thorium must report any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of source material. The Commission believes that the requirement should now be extended to other licensees who possess source material pursuant to a specific AEC or Agreement State license and changed to provide an exemption from reporting of certain incidents involving small quantities of source material.

Under existing regulations, licensees are required to report the transfer, receipt, import, or export at any one time of 1,000 kilograms or more of certain source material. The Commission now believes that sufficient knowledge of export and import shipments will be provided in reports submitted by persons who actually receive and transfer such source material.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 40 and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments

on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Paragraphs (a) and (c) of § 40.64 of 10 CFR Part 40 are amended to read as follows:

§ 40.64 Reports.

(a) Except as specified in paragraph (d) of this section, and except for exports of unimportant quantities of source material specified in § 40.13 (b), (c), and (d), each licensee who transfers or receives at any one time 1,000 kilograms or more of uranium or thorium, or any combination thereof, shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each licensee who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

• • • • •

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess uranium or thorium pursuant to a specific license shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, the licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of source material.

(Secs. 65, 161b, 68 Stat. 933, 948; 42 U.S.C. 2095, 2201(b))

2. Paragraphs (a) and (c) of § 150.17 of 10 CFR Part 150 are amended to read as follows:

§ 150.17 Submission to Commission of source material transfer reports.

(a) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, transfers or receives at any one time 1,000 kilograms or more of uranium or thorium, or any combination thereof, shall complete a distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each person who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each person who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

• • • • •

(c) Except as specified in paragraph (d) of this section, each person who is authorized to possess uranium or thorium pursuant to a specific license from an Agreement State shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph, shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of source material.

(Secs. 161b, 274m, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201(b), 2021(m))

Dated at Germantown, Md., this 22d day of January 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-1661 Filed 2-5-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229; FCC 71-92]

FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS

Eighth Report and Order Terminating Proceeding

1. In Docket No. 14229, a notice of proposed rule making, entitled "Fostering Expanded Use of UHF Television Channels", was adopted by the Commission on July 27, 1961. The proceeding was initiated in order to encourage, advance and develop the use of the UHF band by broadcasters and prospective broadcasters to bring additional service in amount and variety to the nation. The first notice of proposed rule making contained a series of proposed actions aimed at facilitating broadcasting to the general public on this relatively new and valuable spectrum space. Subsequent notices proposed additional actions looking toward the same end. In an accumulation of 22 volumes the docket sets out the industry, public and Commission examination of the proposals the proceeding contains, along with their advantages, disadvantages, and public interest considerations.

2. In the years that have passed during the pendency of this proceeding, each of the various proposals we set out or which were a result of comments in Docket 14229 have been evaluated and disposed of either in this proceeding or in more appropriate allied proceedings except for the one question of what television use of the spectrum space contained in Channels 70–83 would be most in the public interest, convenience, and necessity.

3. The record in Docket 14229 indicates that there are three proposed uses for Channels 70–83 still pending: first, a development of Low Power Community Television stations which would differ from the present television stations in that the rules governing them would be specifically designed to form a broadcast service to serve small rural towns and communities bordering large metropolises; second, the initiation and development of normal high powered stations; and third, the expansion and development of the translator service so as to give the broadcast industry the use of that valuable subservice to reach underserved or unserved segments of station's broadcast public.

4. The use of Channels 70–83 has also been under careful consideration in Docket 18262 in which we concluded that it would be in the public interest to meet the burgeoning needs of the land mobile service by designating, inter alia, the frequency space on Channels 70–83 for land mobile communications. That decision (First Report and Order and Second Notice of Inquiry, Docket 18262, adopted May 20, 1970, FCC 70–519) of course makes the proposals set out in paragraph three above moot.

5. At this time we find no need, particularly in light of the arguments and policy decisions set qut in Docket 18262, to reiterate the factors which led us to the conclusion arrived at in respect to the land mobile service's use of Channels 70–83. However, we wish to make brief comment in respect to the three proposals for the frequency space use set out in this docket. First, the concept of the low power community television stations is being set aside not only because the present lack of frequency space for such a service but in addition because of an apparent lack of interest in the proposed service by the industry, educators, and the public. It is our belief that the lack of interest probably, in substantial part, is due to the economics of the operation of a limited facility with its restricted ability to serve a large enough population notwithstanding the significant expenditures required to establish and operate a low power television station. Second, high power or normal power UHF services have been in increasing numbers filling Channels 14–69. An expanded table of assignments has made provision for many new commercial and educational stations. On balance between the needs of the land mobile service and the general public's need for additional UHF service it is our view that the public, in light of all the factors involved, can receive sufficient television service from stations located on the established VHF band (Channels 2–13) or UHF band (Channels 14–69). In respect to specific UHF high powered assignments proposed in Docket 14229 we note that they have been evaluated and resolved except for 2: Gastonia, N.C. (RM–853)[1]; and Monroe, N.C. (RM–877). These two proposals have been spun-off from this proceeding and will be evaluated in Docket 19046 (see Notice of Proposed Rule Making, adopted Oct. 7, 1970, FCC 70–1102). Third, the concept of using Channels 70–83 for the expansion of the important adjunct television service provided by translators was initiated in view of a petition for rule making (RM–917) filed by the Association of Maximum Service Telecasters, Inc. (MST).[1] Although we are not continuing the consideration of the use of Channels 70–83 for translators we consider the service translators provide important, practical, and pertinent. Therefore, as we stated in our first report and order and second notice of inquiry in Docket 18262 we are shifting translators located on Channels 70–83 to Channels 69 and below. The matter of providing an adequate translator service is being dealt with by amendment of Part 74, Subpart G of the rules in Docket 18861, notice of proposed rule making adopted May 20, 1970. The segments of the petition of MST concerning the translator service which have been under consideration in this docket and do not conflict with the action we took in Docket 18262 will now be considered as pertinent in the new proceeding.[2]

6. In concluding this proceeding we wish to simply and concisely observe that it is our continuing intention to advance, encourage, and foster the full use of the present UHF television band (Channels 14–69) by commercial and educational interests. The full use of this valuable asset can with imagination, thought and determination bring our society a fuller and richer variety of educational and entertainment programing which can both serve private and public needs and aspirations to the general advancement of our culture.

[1] The petition pertained to a variety of needs a number of which were dealt with in dockets other than 14229.

[2] See pages 7–9 and 11–15 of the MST comment (RM–917).

7. Accordingly, in accordance with the authority set out in the Communications Act of 1934, as amended: *It is ordered*, That all proposals contained in Docket 14229 which have not specifically been adopted or are not under consideration as pertinent segments of other proceedings are withdrawn or denied.

8. *It is further ordered*, That this proceeding, Fostering Expanded Use of UHF Television Channels (Docket 14229) commenced by notice of proposed rule making on July 27, 1961, is terminated.

Adopted: January 27, 1971.

Released: February 1, 1971.

Federal Communications Commission,[3]

[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-1668 Filed 2-5-71;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CONSOLIDATED RETURN REGULATIONS

Notice of Hearing

The proposed amendment to the regulations under section 1502 of the Internal Revenue Code, relating to consolidated returns, appears in this issue of the Federal Register (Saturday, February 6, 1971).

A public hearing on the provisions of this proposed amendment to the regulations will be held on Monday, March 1, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

Persons who plan to attend the hearing and persons who desire a copy (furnished only at the above address) of written comments or suggestions submitted by interested persons regarding the proposed amendment to the regulations should notify the Commissioner at the above address or telephone 202-964-3935 by February 22, 1971.

James F. Dring,
Director, Legislation and Regulations Division.

[FR Doc.71-1767 Filed 2-5-71;9:43 am]

[26 CFR Part 1]

CONSOLIDATED RETURN REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 15 days from the date of publication of this notice in the Federal Register. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at the public hearing which will be held on these proposed regulations should submit his request, in writing, to the Commissioner within the 15-day period. Notice of the time, place, and date of the public hearing is published simultaneously herewith. The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

[SEAL] Randolph W. Thrower,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 are amended as follows to provide rules for computation of the income tax surcharge in cases where a corporation is a member of an affiliated group of corporations for less than the entire year:

§ 1.1502-2 [Amended]

Paragraph 1. There is inserted at the end of § 1.1502-2 the following sentence: "For amount of tax surcharge, see section 51 and § 1.1502-7."

Par. 2. There is inserted after § 1.1502-6 the following:

§ 1.1502-7 Tax surcharge.

(a) *Part-year affiliate.* If—

(1) A group files a consolidated return for any taxable year which includes any portion of the period beginning January 1, 1970, and ending June 30, 1970, and

(2) Any corporation (referred to in paragraph (b) of this section as a "part-year affiliate") which joins in the filing of such return is not a member of the group for each day during any such taxable year, the surcharge liability of the group under section 51 shall be determined under paragraph (b) of this section.

(b) *Amount of surcharge.* If paragraph (a) of this section applies, the surcharge liability imposed by section 51 on consolidated taxable income shall be the sum of—

(1) The surcharge which would be imposed under section 51 (a) (1) (B) or (2) if that portion of the consolidated tax liability allocable to any part-year affiliate were excluded from the consolidated tax liability of the group, and

(2) The surcharge which would be imposed under section 51(a) (2) on any part-year affiliate if such part-year affiliate filed a separate return for the period

[3] Commissioner Houser not participating.

for which its income was included in the consolidated return and if the tax imposed by this chapter for such period was the portion of consolidated tax liability allocable to such corporation.

Consolidated tax liability under subparagraphs (1) and (2) shall be determined under § 1.1502–2 without regard to the tax surcharge imposed by section 51, the minimum tax imposed by section 56, any increase in tax under section 47(a), relating to early dispositions of investment credit property, or under section 614(c)(4)(C), relating to an election to aggregate certain mineral interests.

(c) *Allocation of tax liability.* For purposes of this section, the portion of consolidated tax liability allocable to a member shall be determined under the method used in allocating the tax liability of the group under the provisions of section 1552(a).

§§ 1.1502–8 to 1.1502–10 [Reserved]

[FR Doc. 71–1768 Filed 2–5–71;9:43 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 38; Amdt.]

ASSISTANT ADMINISTRATOR FOR THE NEAR EAST-SOUTH ASIA ET AL.

Delegation of Authority Relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State dated November 3, 1961 (25 F.R. 10608), and in accordance with the provisions of section 635(b) of the Foreign Assistance Act of 1961, Delegation of Authority No. 38, dated April 10, 1964 (29 F.R. 5280), is hereby amended as follows:

1. The title thereof is amended to read: "Assistant Administrator for the Near East-South Asia Et Al.—Delegation of Authority Relating to Project Agreements, Trust Fund Agreements, and Grant Agreements";

2. Delete paragraph 1 and substitute the following therefor:

1. I hereby delegate authority to the Assistant Administrator for the Near East-South Asia, the Deputy U.S. Coordinator for the Alliance for Progress, the Assistant Administrator for Africa, the Assistant Administrator for East Asia, and the Assistant Administrator for Vietnam, to sign project agreements, trust fund agreements and grant agreements with foreign governments, foreign government agencies and international organizations for projects, programs and activities primarily for the benefit of countries within the responsibility of the Assistant Administrator.

This amendment to Delegation of Authority No. 38 shall be effective immediately and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this delegation of authority.

Dated January 28, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71–1672 Filed 2–5–71;8:46 am]

POST OFFICE DEPARTMENT

POSTAGE RATES AND FEES

Proposed Changes

1. On February 1, 1971, the Post Office Department requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of postage and in fees for postal services pursuant to chapter 36 of title 39, United States Code, as enacted by the Postal Reorganization Act (Public Law 91–375). In addition, the Post Office Department submitted suggestions for specific rate adjustments.

2. The specific changes in postage rates and fees suggested by the Department are shown in columns (3) and (4) of the tables set out in paragraph 5 below.

3. If the Postal Rate Commission transmits to the Governors of the Postal Service a recommended decision incorporating the changes in postage rates and fees suggested by the Department, and if the Governors approve the recommended decision and order the decision placed in effect, the Post Office Department would expect to adopt separate schedules of rates and fees for the first 12 months following the effective date of the new rates and fees, pursuant to 39 U.S.C. section 3626, as shown in column (5) of the tables set out in paragraph 5 below.

4. If the Postal Rate Commission should not transmit its recommended decision to the Governors of the Postal Service within 90 days after the submission of the request (February 1, 1971), the Department would expect to place into effect temporary changes in rates of postage and fees for postal services as shown in column (6) of the tables set out in paragraph 5 below, on or shortly after the 10th day after the end of the 90-day period, under the authority of 39 U.S.C. section 3641.

5. The following tables show the Department's suggested changes in rates and fees; the anticipated first step of those rate and fee increases that are subject to phasing under 39 U.S.C. § 3626; and the temporary rates and fees anticipated if temporary changes are made under 39 U.S.C. section 3641. No changes in rates and fees have been suggested for the mail classes and the postal services not shown.

TABLE A–I—FIRST CLASS MAIL AND AIRMAIL

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
First class:					
Letters	Ounce	[1] 6	[1] 8	[1] 8	[1] 8
Cards	Each	5	7	7	6
Airmail:					
Letters	Ounce	[1] 10	[1] 11	[1] 11	[1] 11
Cards	Each	8	9	9	9

[1] Currently applies up to 13 ounces. Proposed rate would apply to 12 ounces. Heavier pieces are subject to priority mail rates.

[2] Currently applies up to 7 ounces. Proposed rate would apply up to 8 ounces. Heavier pieces are subject to priority mail rates.

TABLE A–II—PRIORITY MAIL

Mail class	Postage rate unit (pounds)	Current rates [1] (dollars) (3) Zones					Full proposed rates [1]—See paragraph 2 above (dollars) (4) Zones					First step rates [1]—See paragraph 3 above (5)	Temporary rates [1]—see paragraph 4 above (6)
		Local, 1, 2, and 3	4	5	6	7	8	Local 1, 2, and 3	4	5	6	7	8		
(1)	(2)														
Priority	1	0.80	0.80	0.80	0.80	0.80	0.80	1.00	1.00	1.00	1.00	1.00	1.00	Same as column 4.	Same as column 4.
	1¼	.98	1.02	1.07	1.14	1.18	1.24	1.20	1.22	1.25	1.30	1.40	1.50		
	2	1.16	1.23	1.34	1.47	1.55	1.68	1.40	1.43	1.51	1.60	1.68	1.77		
	2¼	1.40	1.48	1.62	1.79	1.91	2.08	1.60	1.65	1.76	1.90	2.02	2.16		
	3	1.64	1.73	1.90	2.11	2.27	2.48	1.80	1.86	2.01	2.20	2.36	2.54		
	3¼	1.88	1.98	2.18	2.43	2.63	2.88	2.00	2.08	2.26	2.49	2.69	2.93		
	4	2.12	2.22	2.46	2.75	2.99	3.28	2.20	2.30	2.52	2.79	3.03	3.31		
	4¼	2.36	2.48	2.74	3.07	3.35	3.68	2.40	2.51	2.77	3.09	3.37	3.70		
	5	2.60	2.73	3.02	3.39	3.71	4.08	2.60	2.73	3.02	3.39	3.71	4.08		
	Each additional pound.	.48	.50	.56	.64	.72	.80	.48	.50	.56	.64	.72	.80		

[1] Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

TABLE B-IV—SECOND CLASS MAIL
(Regular-Rate Publications—Outside County)

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Nonadvertising portion	Pound	3.4	7.2	4.2	4.0
Advertising portion:					
Zones 1 and 2 (science of agriculture)	do	4.2	7.8	4.6	4.6
Zones 1 and 2	do	5.2	9.1	6.0	6.0
Zone 3	do	6.4	10.3	7.2	7.2
Zone 4	do	7.8	12.7	9.6	9.6
Zone 5	do	11.1	13.6	14.4	14.4
Zone 6	do	12.5	18.4	15.3	15.3
Zone 7	do	14.5	20.9	17.8	17.8
Zone 8	do	17.0	24.1	21.3	21.3
Minimum (50,000 or more pieces)	Minimum per piece	1.3	1.3	1.3	1.3
Per piece charge [1]	Per piece charge	1.9	0.4	0.2	0.2
Exceptions:					
Minimum (fewer than 5,000 copies)	Minimum per piece	0.8	0.8	0.8	0.8
Per piece charge (fewer than 5,000 copies when minimum charge is less than 1.3 cents)	Per piece charge	0.9	0.1	0.1	0.1

[1] Subject to the exception stated, this charge is in addition to the pound rate or minimum per piece charge, whichever is applicable.

TABLE C
Controlled circulation and third class mail

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Controlled	Pound	15	15	15	15
Controlled	Minimum per piece	3.8	5	4	4
Third class single piece	First 2 ounces	6	8	8	8
	Each additional ounce	2	4	2	2
Keys and identification devices	First 2 ounces	14	14	14	14
	Each additional 2 ounces	7	8	8	8
Regular bulk rate circulars, etc	Pound	22	28	23	23
	Minimum per piece	[2] 5.4	5	[2] 4.2	[2] 4.2
Books, catalogs, etc	Pound	[2] 14.0	22	[2] 14.2	[2] 14.2
	Minimum per piece	[2] 5.4	5	[2] 4.2	[2] 4.2
Nonprofit bulk rate circulars, etc	Pound	11	14	11	11
	Minimum per piece	1.6	[2] 1	1.7	1.7
Books, catalogs, etc	Pound	8.6	11	8.7	8.7
	Minimum per piece	1.6	[2] 1	1.7	1.7

[1] The lower minimum rate is applicable to the first 250,000 pieces mailed each year.

TABLE D—FOURTH CLASS MAIL

Mail class	Postage rate unit	Current rates [1] (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Special rate	First pound	12	22	14	14
	Each additional pound	6	11	7	7
Library rate	First pound	5	10	6	6
	Each additional pound	2	5	2	2

TABLE B-I—SECOND CLASS MAIL
(In-County and Transient Rates)

Mail class	Postage rate unit	Current rates (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
In-County:					
Pound-rate matter	Pound	1.5	1.6	1.5	1.5
	Minimum per piece	0.2	0.2	0.2	0.2
	Per piece charge		1	0.1	0.06
Per-copy rate matter	Per copy	1 or 2	2.1 or 3.2	1.1 or 2.1	1.1 or 2.1
Transient rate	First 2 oz	5	6	4	4
	Each additional oz	1	2	2	1

TABLE B-II—SECOND CLASS MAIL
Publications of authorized nonprofit organizations—Outside county

Mail class	Postage rate unit	Current rates (cents) Beginning			Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
		1-1-71	1-1-72	1-1-73			
(1)	(2)	(3)			(4)	(5)	(6)
Nonadvertising Portion	Pound	2.1	2.1		5.0	2.4	2.4
Advertising portion: [2]							
Zones 1 and 2	do	4.0	4.55	5.1	7.8	4.4	4.4
Zone 3	do	4.8	5.55	6.3	9.0	5.2	5.2
Zone 4	do	6.4	7.55	8.7	13.4	8.6	8.6
Zone 5	do	8.4	9.55	10.7	16.2	9.4	9.4
Zone 6	do	8.6	10.3	12.0	17.1	9.5	9.5
Zone 7	do	8.6	10.3	12.0	19.6	9.7	9.7
Zone 8	do	8.6	10.3	12.0	20.2	9.7	9.7
Minimum	Minimum per piece	0.2	0.2	0.2	0.2	0.2	0.2
Per piece charge	Per piece charge				1.5	0.2	0.04

[1] Annual increases established by Sec. 103, P.L. 90-206.
[2] Not applicable to publications containing 10 percent or less advertising content.

TABLE B-III—SECOND CLASS MAIL
(Publications for Classroom Use—Outside County)

Mail class	Postage rate unit	Current rates [1] (cents)	Full proposed rates—See paragraph 2 above (cents)	First step rates—See paragraph 3 above (cents)	Temporary rates—See paragraph 4 above (cents)
(1)	(2)	(3)	(4)	(5)	(6)
Nonadvertising portion	Pound	2.04	5.0	2.3	2.3
Advertising portion:					
Zones 1 and 2	Pound	3.12	7.8	3.6	3.6
Zone 3	do	3.84	9.0	4.4	4.4
Zone 4	do	5.28	13.4	5.9	5.9
Zone 5	do	6.68	16.2	7.4	7.4
Zone 6	do	8.16	16.2	9.0	9.0
Zone 7	do	8.70	17.1	9.5	9.5
Zone 8	do	10.20	19.6	11.1	11.1
Minimum	Minimum per piece	0.24	0.5	0.3	0.3
Per piece charge	Per piece charge		0.78	1.3	0.1

[1] 60% of regular rates. See column (3) of Table B-IV.

TABLE E I REGISTERED MAIL

Value	Current fees	Full proposed fees—See paragraph 2 above	First step fees—See paragraph 3 above	Temporary fees—See paragraph 4 above
(1) and (2)	(3)	(4)	(5)	(6)
$0.00 to $100	$0.80	$0.95	Same as column (1).	Same as column (1) except as indicated by footnote [3]
$100.01 to $200	$1.05	$1.25		
$200.01 to $400	$1.30	$1.55		
$400.01 to $600	$1.55	$1.85		
$600.01 to $800	$1.80	$2.15		
$800.01 to $1,000	$2.05	$2.45		
$1,000.01 to $2,000	$2.35 [1]	$2.75 [2]		
$2,000.01 to $3,000	$2.60	$3.05		
$3,000.01 to $4,000	$2.85	$3.35		
$4,000.01 to $5,000	$3.10	$3.65		
$5,000.01 to $6,000	$3.40	$3.95		
$6,000.01 to $7,000	$3.65	$4.25		
$7,000.01 to $8,000	$3.90	$4.55		
$8,000.01 to $9,000	$4.20	$4.85		
$9,000.01 to $10,000	$4.45	$5.15		
$10,000 to $1,000,000	$4.15 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	$5.15 plus handling charge of 20 cents per $1,000 or fraction over first $10,000.		
$1,000,000.01 to $15,000,000.	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$205.15 plus handling charge of 15 cents per $1,000 or fraction over first $1,000,000.		
Over $15,000,000.	Additional charges may be made based on consideration of weight, space, and value.			

[1] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.05 plus 15 cent per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $151.90 plus 10 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.
[2] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.45 plus 20 cents per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $202.25 plus 15 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.
[3] For values over $1,000,000 the "temporary" handling charge would be 13 cents rather than 15 cents.

TABLE E II SPECIAL DELIVERY

Class of mail	Weight	Current fees (cents)	Full proposed fees—See paragraph 2 above (cents)	First step fees—See paragraph 3 above	Temporary fees—See paragraph 4 above
(1)	(2)	(3)	(4)	(5)	(6)
First class, airmail and priority mail.	Up to 2 pounds	45	60	Same as column (1).	No change from column (4).
	Over 2 up to 10 pounds	60	75		
	Over 10 pounds	75	90		
All other classes	Up to 2 pounds	55	80		
	Over 2 up to 10 pounds	75	90		
	Over 10 pounds	90	105		

6. Postage rates and fees on international mail are established pursuant to 39 U.S.C. § 505 (cf. 39 U.S.C. § 407, as contained in the Postal Reorganization Act), and not pursuant to chapter 36 of title 39, United States Code. In the event the Postal Rate Commission transmits to the Governors of the Postal Service a recommended decision incorporating the changes in domestic rates of postage and fees shown in columns (3) and (4) of the tables set out in paragraph 5 above, corresponding changes in rates of postage and fees would be made effective as shown in columns (3) and (4) of tables F–I and F–II for the international mail classes and services shown in column (1) thereof. Similarly, if temporary rates and fees are placed into effect as described in paragraphs 4 and 5 above, the rates and fees shown in column (4) of tables F–I and F–II would be placed into effect at the same time except that the surface rate would be 6 cents for cards to Canada and Mexico.

TABLE F–I—INTERNATIONAL POSTAGE RATES TO BE AFFECTED BY DOMESTIC RATE PROPOSALS [1]

Mail class	Postage rate unit	Current rates (cents)	Anticipated rates (cents)
(1)	(2)	(3)	(4)
Canada and Mexico.			
Surface:			
Letters	Ounce	6	8
Cards	Each	5	7
Printed matter, regular	First 2 ozs	6	8
	Each additional ounce	2	2
Books and sheet music	First 10 ozs	11	18
	First 12 ozs		
	Each additional 2 ozs	1	1
Samples of merchandise	First 2 ozs	6	8
	Each additional ounce	2	2
Merchandise packages	(Canada only, 8-ounce maximum).		
	First 5 ozs	12	14
	Each additional ounce	4	2
Airmail:			
Letters	Ounce	10	11
Cards	Each	8	9

TABLE F–I—INTERNATIONAL POSTAGE RATES TO BE AFFECTED BY DOMESTIC RATE PROPOSALS [1]

Mail class	Postage rate unit	Current rates (cents)	Anticipated rates (cents)
(1)	(2)	(3)	(4)
Other countries:			
Surface:			
Printed matter, regular	First 2 oz	6	8
	Each additional 2 oz	4	5
Books and sheet music:			
PUAS [2] countries	First 10 oz	11	
	First 12 oz		18
	Each additional 2 oz	1	1
Other countries	First 10 oz	11	
	First 12 oz		23
	Each additional 2 oz	13½	14½
Samples of merchandise	First 2 ounces	6	8
	Each additional 2 ounces	4	5
	Minimum charge	13	13

[1] Increases to avoid lower international postage rates than domestic rates for corresponding mail categories.
[2] Subsequent revisions attributable to phased rate approach to full rates and provisions of the Universal Postal Union (UPU) Convention will be announced at later dates.
[3] Postal Union of the Americas and Spain.

TABLE F–II—FEES FOR INTERNATIONAL SERVICES AFFECTED BY DOMESTIC FEE PROPOSALS [1]

Service class	Fee basis	Current fees	Anticipated fees
(1)	(2)	(3)	(4)
Registered mail	Per piece	[2] $0.80	[2] $1.05
Special delivery letters, letter packages, post cards and airmail, other articles up to 2 pounds.	Per piece	.15	.60
Over 2 up to 10 lbs	Per piece	.60	.75
Over 10 lbs	Per piece	.75	.90
Surface other articles:			
Up to 2 lbs	Per piece	.65	.80
Over 2 up to 10 lbs	Per piece	.75	.90
Over 10 lbs	Per piece	.90	1.05

[1] Increases to avoid lower charges in international service than in domestic service.
[2] To Canada only the current fees are $0.80 for indemnity up to $100 and $1.05 for indemnity up to $200. The anticipated fees are $0.95 and $1.25, respectively.

(39 U.S.C. 505; 74 Stat. 581; 39 U.S.C. 3621-3641; 84 Stat. 719)

DAVID A. NELSON,
General Counsel.

FEBRUARY 1, 1971

[FR Doc.71-1556 Filed 2-5-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 12322]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 1, 1971.

The Bureau of Indian Affairs, U.S. Department of the Interior, has filed an

application, Serial No. New Mexico 12322, for the withdrawal of the land described below, from all forms of entry, including the mineral leasing and the general mining laws. The applicant desires the lands for the expansion of the sewage lagoon facilities in connection with the Dzilth nah oh dithli school, located 1 mile southeast of the Huerfano Trading Post in San Juan County, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 9 W.,
Sec. 30, S½ of lot 3.

The land described aggregates 20.37 acres more or less.

MICHAEL T. SOLAN,
Land Office Manager.

[FR Doc. 71-1678 Filed 2-5-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CARROLL COUNTY LIVESTOCK SALES BARN, INC. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Carroll County Livestock Sales Barn, Inc., Carrollton, Ga., May 18, 1959.
Ivel Livestock Market, Ivel, Ky., Apr. 16, 1964.
Owen County Stock Yard, Owenton, Ky., Apr. 6, 1970.
Edgeley Sales Barn, Inc., Edgeley, N.Dak., May 14, 1959.
Producers Livestock Association, Columbus, Ohio, Feb. 27, 1935.
Farmers Live Stock Assoc., Wooster, Ohio, May 29, 1959.
Waurika Auction Sale, Waurika, Okla., Dec. 8, 1949.
Auction Center, Hood River, Oreg., Nov. 26, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 1st day of February 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-1674 Filed 2-5-71;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF TANKERS OF ABOUT 75,000 DWT COMPUTATION OF FOREIGN COST

Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign costs of the construction of tankers of about 75,000 DWT pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on February 16, 1971, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Street NW., Washington, DC 20230.

Dated: February 5, 1971.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 71-1774 Filed 2-5 71;10:07 am]

FIRST TRUST COMPANY OF SAINT PAUL

Notice of Approval of Applicant as Trustee

Notice is hereby given that on April 8, 1970, the First Trust Company of Saint Paul, a Minnesota corporation, with offices at W-555 First National Bank Building, St. Paul, Minn., was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: February 4, 1971.

BURT KYLE,
Acting Chief, Office of Ship Operations.

[FR Doc.71-1775 Filed 2-5-71;10:07 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22690]

CARIBBEAN-ATLANTIC AIRLINES, INC.-EASTERN AIR LINES, INC. ACQUISITION CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on February 23, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 23, 1970, the Supplemental Prehearing Conference Report served on January 8, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 2, 1971.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.71-1687 Filed 2-5-71; 8:48 am]

[Docket No. 22106]

EVANSVILLE-INDIANAPOLIS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 23, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner James S. Keith.

Dated at Washington, D.C., February 2, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-1688 Filed 2-5-71;8:48 am]

[Docket No. 21790]

WESTERN ALASKA AIRLINES, INC. AND ALASKA AIRCRAFT LEASING CO.

Notice of Supplementary Prehearing Conference

Notice is hereby given that a supplementary prehearing conference is assigned to be held on the above-entitled proceeding on February 10, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Revised requests for evidence, proposed statements of issues, and proposed procedural dates shall be filed with the Examiner and interested parties on or before February 8, 1971.

Dated at Washington, D.C., February 2, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71-1689 Filed 2-5-71;8:48 am]

[Docket 22467; Order 71-2-11]

EASTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Application of Eastern Air Lines, Inc., for amendment of its certificate for route 131 and for issuance of an order to show cause.

On December 18, 1970, Eastern Air Lines, Inc. (Eastern), filed a motion for issuance of an order to show cause why its certificate for route 131 should not be amended to grant it authority between "Washington, Atlanta, New Orleans-Mexico City, Acapulco."[1]

The United States and Mexico by an exchange of notes, amended and extended the present bilateral Air Transport Agreement between the two countries. One of the amendments revised U.S. Route B by adding Atlanta and Acapulco, to read as follows:

Washington, Atlanta, New Orleans-Mexico City, Acapulco.

Upon consideration of Eastern's request and the relevant facts, we have decided to issue an order to show cause, proposing to award Eastern the requested authority.[2] We tentatively find and conclude that the public convenience and necessity require the amendment of segment 1 of Eastern's certificate for Route 131 to conform to the revised designation of its Route B.

In support of our ultimate conclusion, we tentatively find and conclude as follows:

Eastern presently operates between all points on the proposed route, although it does not provide nonstop or through-plane service between each point, in part because of limitations in its authority. It is currently authorized to provide New York/Mexico City/Acapulco service on segment 2 of Route 131 and Washington/New Orleans/Mexico City service on segment 1, and provides Atlanta-Mexico City one-stop service by tacking domestic authority at New Orleans, a junction point. Grant of Eastern's application would add Atlanta and Acapulco to segment 1. No U.S. carrier or other party has opposed the requested amendment or has sought to consolidate a competing application for the authority at issue. The new bilateral route involves the addition of the new points, Atlanta and Acapulco, which would logically be granted to the current designee of U.S. Route B, absent objection. The carrier estimates that the new service would be profitable and this estimate appears to be reasonable.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

During the same 20-day period prescribed above, we will expect Eastern to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations resulting from the amended authority proposed herein. This data is requested for the purpose of computing the appropriate licensing fee pursuant to § 389.25(e)(2)(i) of the Board's organization regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Eastern Air Lines, Inc.'s, certificate for route 131 so as to amend segment 1 thereof to read as follows:

Between the coterminal points Washington, D.C., Atlanta, Ga., and New Orleans, La., and the coterminal points Mexico City and Acapulco, Mexico.

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[3]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. To the extent that the application of Eastern Air Lines, Inc., in Docket 22467, seeks authority other than between the coterminal points Washington, Atlanta, New Orleans-Mexico City, Acapulco, it shall be and hereby is dismissed without prejudice; and

6. A copy of this order shall be served upon Hughes Air Corp., doing business as Air West; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; mayor, city of Atlanta, Ga.; mayor, city of Boston, Mass.; mayor, city of Washington, D.C.; mayor city of New Orleans, La.; mayor, city of Newark, N.J.

This order will be published in the FEDERAL REGISTER (2-6-71).

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1690 Filed 2-5-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19131-19137; FCC 71-59]

LEON COUNTY COMMUNICATIONS CORP. ET AL.

Applications for Extension of Time to Complete Construction and for Reinstatement of Construction Permit

Order. In regard applications of Leon County Communications Corp. (WNFA-TV), Tallahassee, Fla., Docket No. 19131, File No. BMPCT-6800; Mississippi Broadcasting Co. (WCOC-TV), Meridian, Miss., Docket No. 19132, File No. BMPCT-7027; Rault Petroleum Corp. (WGNO-TV), New Orleans, La., Docket

[1] On Aug. 12, 1970, Eastern filed an application, Docket 22467, seeking authority to operate, inter alia, Route B as set forth in the recently amended Air Transport Services Agreement governing United States-Mexico air services.

[2] No objections have been filed to Eastern's motion.

[3] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

No. 19133, File No. BMPCT-7103; Tele-Americas Corp., of Fla. (WTML), Miami, Fla., Docket No. 19134, File No. BMPCT-7136; Mid-Continent Television Corp. (WKTO-TV), Nashville, Tenn., Docket No. 19135, File No. BMPCT-7176; John J. Tibiletti (KAVU), Victoria, Tex., Docket No. 19136, File No. BMPCT-7249; for extension of time to complete construction. Charles Bresler, General Partner; Stanley A. Marks, Cerpoohie R. Ellian, Robert N. Thomas, and Robert Daly, limited partners trading as Reading TV Broadcasters, a limited partnership (WRPA-TV), Reading, Pa., Docket No. 19137, File No. BMPCT-4381; for construction permit to replace an expired construction permit.

1. The Commission has before it for consideration six requests for reinstatement of construction permits, call signs and applications for extension of time within which to complete construction of the following television broadcast stations: WNFA-TV, Channel 40, Tallahassee, Fla.; KAVU, Channel 25, Victoria, Tex.; WTML, Channel 39, Miami, Fla.; WGNO-TV, Channel 38, New Orleans, La.; WCOC-TV, Channel 30, Meridian, Miss.; WKTO-TV, Channel 30, Nashville, Tenn.; and a request for reinstatement of an application for a construction permit to replace the expired construction permit of WRPA-TV, Channel 51, Reading, Pa.

2. After the lapse of more than 18 months from the date of the issuance of their construction permits, each of the above-listed permittees failed to demonstrate that it had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under its control within the meaning of section 319(b) of the Communications Act of 1934, as amended, and accordingly, the Chief, Broadcast Bureau, acting pursuant to delegated authority under § 0.281(z) of the rules, dismissed the extension applications, canceled the construction permits and deleted the call signs. In accordance with the provisions of this delegated authority, each applicant was advised that it could request reinstatement within thirty days and thereby obtain a hearing on the question of dismissal. Subsequently, each filed a request for reinstatement of its permit, call sign, and application for an extension of time within which to complete construction of its station.

3. *Accordingly, it is ordered,* That the construction permits, call signs and extension applications of television broadcast Stations WNFA-TV, Tallahasse, Fla.; KAVU, Victoria, Tex.; WTML, Miami, Fla.; WGNO-TV, New Orleans, La.; WCOC-TV, Meridian, Miss.; WKTO-TV, Nashville, Tenn., are reinstated, and the construction permit, call sign and application for a construction permit to replace the expired construction permit of Station WRPA-TV are reinstated.

4. *It is further ordered,* That each of the above-captioned applications is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, upon the following issue:

To determine whether the reasons advanced by the permittee in support of its request for an extension of its completion date, constitute a showing that failure to complete construction was due to causes not under the control of the permittee, or constitute a showing of other matters sufficient to warrant a further extension of time within the meaning of section 319(b) of the Communications Act of 1934, as amended, and accordingly, the Chief, Broadcast Bureau, acting pursuant to delegated authority under § 0.281(z) of the Commission's rules.

5. *It is further ordered,* That to avail themselves of the opportunity to be heard, each of the applicants, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until _____ 1971,[1] to file briefs or memoranda of law.

Adopted: January 20, 1971.

Released: January 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-1680 Filed 2-5-71;8:47 am]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND CARGILL, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Wade Thompson, Assistant Manager, Property Department, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2161-3, between the Port of Seattle and Cargill, Inc., modifies the basic agreement which provides for the construction and lease of a grain elevator and terminal facilities at Seattle. The purpose of the modification is to reduce the construction payment retainage from 10 percent to 5 percent.

Dated: February 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-1576 Filed 2-5-71;8:45 am]

[Docket No. 70-40]

[Independent Ocean Freight Forwarder License No. 878]

SORRENTINO SHIPPING, INC.

Order of Discontinuance

This proceeding was instituted by Commission order requiring respondent, Sorrentino Shipping, Inc., 920 Bergen Avenue, Jersey City, NJ 07306, to show cause why its ocean freight forwarder license should not be suspended for 60 days because of convictions for violations of section 16 of the Shipping Act. The proceeding was limited to affidavits of fact and memoranda of law, and replies by Hearing Counsel.

Respondent and Hearing Counsel are in complete accord that the proceeding should be discontinued with no suspension of respondent's license. We agree.

It has been shown that none of the persons responsible for or benefitting from the prior violations of respondent are currently associated with respondent. It is also shown that respondent's present managerial personnel have, since their takeover, operated in full compliance with the law. We see no reason why respondent should be further penalized for acts engaged in while under control of persons with whom it is no longer associated, and equally see no reason to penalize its present owners, managerial personnel, and employees whose qualifications are unchallenged.

Therefore, it is ordered that this proceeding is hereby discontinued.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-1677 Filed 2-5-71;8:47 am]

[1] Date will be announced in a subsequent order.

[2] Commissioner Houser not participating.

FEDERAL POWER COMMISSION

[Docket No. CS71-180 etc.]

O. C. HOLT ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JANUARY 28, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given, under the procedure hereln provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No.	Date filed	Name of applicant
CS71-180	1-4-71	O. C. Holt, Route 1, Box 57, Spearman, TX 79081.
CS71-181	1-6-71	L & B Oil & Gas Co., 1540 West 11th, Liberal, KS 67901.
CS71-182	1-11-71	D.D.L., Inc., 5050 Edgewood Ct., Jacksonville, FL 32205.
CS71-183	1-8-71	ProClemco Oil & Gas, Inc., 2415 First National Bank Bldg., Dallas, TX 75202.
CS71-184	1-11-71	Mack Oil Co., Post Office Box 400, Duncan, OK 73533.
CS71-185	1-12-71	Klinberlin & Dunn, Post Office Box 2746, Amarillo, TX 79105.
CS71-186	1-14-71	J. Keith Somerville, 306 Midland National Bank Bldg., Post Office Box 82, Midland, TX 79701.
CS71-187	1-11-71	Chas. W. Scott et al., Box 463, Duncan, OK 73533.
CS71-188	1-14-71	B. Baldridge, 308 Combs-Worley Bldg., Post Office Box 379 Pampa, TX 79065.
CS71-189	1-15-71	J. N. Gifford, 1007 Midland Savings Bldg., Midland, TX 79701.
CS71-190	1-18-71	Gifford & Mitchell, 1007 Midland Savings Bldg., Midland, TX 79701.
CS71-191	1-18-71	L. R. Spradling and/or Spradling Drilling Co., Post Office Box 3429, Borger, TX 79007.

[FR Doc.71-1537 Filed 2-5-71;8:45 am]

[Docket Nos. RI71-655 etc.]

L. H. PUCKETT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 28, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 22, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-655	L.H. Puckett & R. E. Wertz	1	24	Phillips Petroleum Co. (Hugoton Field, Hansford and Sherman Counties) (Texas RR. District No. 10).	$2,337	1-4-71	10-1-70	10-2-70	[3] [1] 11.0589 [3] [2] 11.7961	[3] [1] 11.4484 [3] [2] 12.1339	
RI71-656	Amerex, Inc. et al	1	12	Phillips Petroleum Co. (Hugoton Field (Riffe Well) (Sherman County) (Texas RR. District No. 10).	151	12-30-70	10-1-70	10-2-70	[3] [1] 11.7961	[3] [4] 12.1339	

* The pressure base is 14.65 p.s.i.a.
[1] Subject to downward B.t.u. adjustment.
[2] Sour gas.
[3] Sweet gas. (Filing reflects that there is no current sweet gas production.)
[4] Includes 0.1941-cent tax reimbursement (sour gas-line 1) and 0.2068-cent tax reimbursement (sweet gas-lines 2 and 3). Phillips has previously protested tax reimbursement filed pursuant to similar tax provisions as included under seller's basic contract.
[5] Date filing completed by notice of change which corrects filing submitted on Dec. 28 1970.

The producers involved here submitted notices of change which proposed revenue-sharing increased rates, including tax reimbursement, for wellhead sales of sour gas and sweet gas to Phillips Petroleum Co. Phillips gathers the gas and processes it in its Sherman Plant and resells the residue gas under its FPC Rate Schedule No. 4 to Michigan-Wisconsin Pipe Line Co.

Phillips has previously argued with respect to another producer sale involving the same contractual provision involved here that the producer, as a contractual matter is not entitled to any tax reimbursement. Inasmuch as Phillips' argument is equally applicable here we shall suspend these proposed increased rates. The tax reimbursement included in such rates upon compliance with the provisions of this order shall be collected, subject to refund, pending resolution of this contract issue.

The subject filings were made in lieu of filings made prior to November 2, 1970, the filing deadline under Opinion No. 586 for receiving an October 1, 1970 effective date for rate increases filed pursuant to that opinion. The original filings reflected the producers' formula for determining the rates but did not reflect its lower rate to which Phillips was limited under Opinion No. 586, but which Phillips had not yet filed. As a result the original filings were rejected. In view of the fact that Phillips had not yet filed its rate reduction at the time of the original filings by these producers, we believe it appropriate to treat the subject filings as substitute filings to be effective as of October 1, 1970, subject to the 1 day suspension period provided herein.

[FR Doc.71-1529 Filed 2-5-71;8:45 am]

[Docket No. G-11181 etc.]

GAS GATHERING CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 28, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-11181 C 12-14-70	Gas Gathering Corp., Post Office Box 519, Hammon, LA 70401.	Transcontinental Gas Pipe Line Corp., acreage in Pointe Coupee Parish, La.	27.0	15.025
G-11959 [1] (C171-515) E 1-4-71	John R. Crain and Malcolm Deisenroth, Jr. (successor to Mobil Oil Corp.), 1004 Petroleum Bldg., Tulsa, OK 74103.	Cities Service Gas Co., northeast Norman Area, Oklahoma County, Okla.	[2] 18.0	14.65
G-19019 E 1-13-71	Petroleum Equipment Leasing Co. (successor to Omega Oil Corp.), 8200 South Harvard, Tulsa, OK 74135.	South Texas Natural Gas Gathering Co., Henne-Winch-Farris Field, Jim Hogg and Webb Counties, Tex.	14.5	14.65
C162-1154 C 1-13-71	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221.	Arkansas Louisiana Gas Co., Peden Unit, Arkoma Area, Pittsburg County, Okla.	[2] 15.0	14.65
C163-1239 E 1-8-71	Sun Oil Co. (successor to Southern Minerals Corp. (Operator) et al.), Post Office Box 2880, Dallas, TX 75221.	Northern Natural Gas Co., North Puckett Ellenburger Field, Pecos County, Tex.	[2] 16.0525 [4] 14.4485	14.65
C164-1103 E 1-8-71	Sun Oil Co. (successor to Southern Minerals Corp.).	Florida Gas Transmission Co., Edna Field, Jefferson Davis Parish, La.	16.0	15.025
C166-410 C 12-10-70	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX, 75221.	Northern Natural Gas Co., Eldorado Gas Plant, Schleicher County, Tex.	20.0563	14.65
C167-6965 B 11-23-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Florida Gas Transmission Co., Skipper Field, Brooks County, Tex.	Depleted	-------
C168-112 B 1-11-71 [3]	C. C. Winn, 600 Northeast Military Dr., San Antonio, TX.	Oil Field Transportation Inc., and Hydroco Gas Supply Corp., Orange Grove Field, Jim Wells County, Tex.	Depleted	-------
C168-276 C 1-18-71	Jerome P. McHugh (Operator) et al., 930 Petroleum Club Bldg., Denver, CO 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	14.0	15.025
C168-580 D 9-3-70 [4]	Jerome P. McHugh et al	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Blanco Mesa Verde, Gallup, and Basin Dakota Fields, Rio Arriba County, N. Mex.	[5]	-------
C168-1362 C 12-24-70	B. J. Brown, 701 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	15.0	14.65
C170-51 C 12-14-70 [7]	Logue and Patterson 625 Meadows Bldg., Dallas, TX 75206.	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	[2] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C170-468 E 1-8-71	Sun Oil Co. (successor to Southern Minerals Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Zim Field, Zapata County, Tex.	[4] 17.8	14.65
C170-691 I 1-14-71 [10]	Cities Service Oil Co. (Operator) et al, Box 300, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Robstown Plant, Nueces County, Tex.	16.0	14.65
C171-183 [11] A 8-31-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[12] 19.6944	14.65
C171-193 A 12-28-71	Bruce L. Wilson (Operator) et al., 1111 Judson Rd., Longview, TX 75601	Southern Natural Gas Co., Carthage-Travis Peak Field, Panola County, Tex.	[12] 15.0	14.65
C171-505 A 1-4-71 [10]	Nabob Production Co., Post Office Box 448, Amarillo, TX 79105.	Transwestern Pipeline Co., Topeka Lime Formation Texas County, Okla.	[12] 18.5	14.65
C171-568 (C163-1486) A 12-29-70 [13]	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Cities Service Gas Co., Winchester Field, Woods County, Okla.	14.0	14.65
C171-569 H 1-6-71	William Herbert Hunt Trust Estate, 1401 Elm St., Dallas, TX 75202.	Texas Eastern Transmission Corp., North Cottonwood Field, Liberty County, Tex.	Depleted	-------
C171-511 B 1-4-71	Getty Oil Co. (Operator) et al., Post Office Box 1404, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Northwest Gueydan Field, Acadia Parish, La.	Depleted	-------
C171-512 A 1-4-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	United Gas Pipe Line Co., Hainesville Dome Field, Wood County, Tex.	[14] 15.0	14.65
C171-513 A 1-11-71	Great Southern Oil & Gas Co., Inc. (Operator) et al., Post Office Box 51436, OCS, Lafayette, LA 70501.	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Parish, La.	[12] 26.0	15.025
C171-514 A 1-11-71	Clark Canadian Exploration Co. et al., 1100 Hamilton Bldg., Wichita Falls, TX 76301.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	[12] 20.0	14.65
C171-516 A 1-8-71	Shell Oil Co., One Shell Plaza, Houston, TX 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kings Bayou Field, Cameron Parish, La.	21.5	15.02
C171-517 B 1-11-71	Roy L. Cook, Trustee et al., 1116 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.	Piedra Corp., Ignacio-Blanco Field, La Plata and Archuleta Counties, Colo.	Uneconomical	-------
C171-518 B 1-11-71	Piedra Corp., 1116 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata and Archuleta Counties, Colo.	Uneconomical	-------
C171-519 A 1-13-71	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102	Natural Gas Pipeline Co. of America, Mermentau River Field, Acadia Parish, La.	[12] 20.0	15.025
C171-520 A 1-15-71	Varn Petroleum Co. (Operator) et al., 502 Century Plaza, Wichita, KS 67202.	United Gas Pipe Line Co., Wade City Field, Jim Wells County, Tex.	24.25	14.65
C171-521 A 1-18-71	Phillcon Development Co. (Operator) et al., Post Office Box 2242, Amarillo, TX 79105.	Northern Natural Gas Co., Bradford-West Tonkawa Field, Lipscomb County, Tex.	[12] 23.0	14.65
C171-522 A 1-14-71	Commonwealth Gas Corp., 801 Union Bldg., Charleston, WV 25325.	United Fuel Gas Co., Union District, Jackson County, W. Va.	32.0	15.325
C171-523 B 1-14-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	United Gas Pipe Line Co., Mexia-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	[15]	-
C171-524 B 1-15-71	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Phillips Petroleum Co., acreage in Gray County, Tex.	Depleted	-------
C171-525 A 1-15-71	H. A. Pearce and A. E. Perkins, 226 East Main St., Post Office Box 329, Sedan, KS 67361.	Cities Service Gas Co., acreage in Chautauqua County, Kans.	16.0	14.65

[1] Application was erroneously assigned Docket No. C171-515 as a partial succession. Further review of the Commission files reveals that application is a complete succession and will be processed under Docket No. G-11959 as a complete succession. Docket No. C171-515 is canceled.
[2] Rate in effect subject to refund in Docket No. RI71-56.
[3] Subject to reduction for compression charge.
[4] Gas-well gas.
[5] Casinghead gas. Rate in effect subject to refund in Docket No. RI70-679.
[6] Original application sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[7] By order issued June 26, 1970, the certificate was amended to add acreage was added pursuant to a Mar. 11, 1970 Farmout Agreement from Northwest Production Corp. McHugh now requests that the certificate be amended to show only the acreage actually earned under the Farmout Agreement and delete that acreage not earned by said agreement.
[8] Adds acreage and amends pricing provisions for new acreage.
[9] Contracts provides for rate of 24.25 cents per Mcf; however, Applicant agrees to accept certificate at 17 cents including all adjustments.
[10] Rate in effect subject to refund in Docket No. RI70-1655.
[11] Amendment to certificate filed to add interest of co-owners and to redesignate rate schedule as "Operator, et al".
[12] Application previously noticed Sept. 11, 1970 in Docket No. C171-146 et al., at a rate of 18.5 cents per Mcf.
[13] By letter filed Jan. 18, 1971, Applicant amended its application to reflect a total rate of 19.6944 cents per Mcf (including 1.1944 cents total state and local tax).
[14] Includes 1 cent per Mcf reimbursement of transportation cost.
[15] Casinghead gas.
[16] Subject to upward and downward B.t.u. adjustment.
[17] Applicant is filing for certificate to cover its interest acquired from Van-Grisso Oil Co., which was previously covered by the Operator's certificate in Docket No. C163-986.
[18] Applicant states its willingness to accept certificate at 15 cents per Mcf.
[19] Subject to upward B.t.u. adjustment.
[20] Includes 2.5 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[21] Acreage released to Joseph Fritz.

[FR Doc.71-1538 Filed 2-5-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Temporary Reg. F-83]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a gas and electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the excutive agencies of the Federal Government before the Arizona Corporation Commission in a proceeding (Docket No. U-1933) involving gas and electric service rate increases by the Tucson Gas and Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 1, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-1663 Filed 2-5-71;8:46 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

KENTLAND-ELKHORN COAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) has been accepted for consideration as follows:

(1) ICP Docket No. 10865, Kentland-Elkhorn Coal Corp., Peter Creek Mine, USBM ID No. 15 02103 0, Mouthcard, Pike County, Ky., Section ID No. 002 ("B" Panel Rt. off 1st. Rt.).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 2, 1971.

[FR Doc.71-1676 Filed 2-5-71;8:47 am]

OLD GAULEY COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10082, Old Gauley Coal Co., Lick Fork No. 1 Mine, USBM ID No. 46 00309 0, Ansted, Fayette County, W. Va., Section ID No. 001 (First Right Section).

(2) ICP Docket No. 10143, Black Diamond Fuel Co., Mine No. 6, USBM ID No. 44 00382 0, Conaway, Buchanan County, Va., Section ID No. 001 (West Main).

(3) ICP Docket No. 10784, Peabody Coal Co., River King Underground No. 1 Mine, USBM ID No. 11 00725 0, Freeburg, St. Clair County, Ill., Section ID No. 001 (Main Bottom).

(4) ICP Docket No. 10145, Black Diamond Fuel Co., Mine No. 8, USBM ID No. 44 00948 0, Conaway, Buchanan County, Va., Section ID No. 001 (West Main).

(5) ICP Docket No. 10146, Black Diamond Fuel Co., Mine No. 9, USBM ID No. 44 01534 0, Conaway, Buchanan County, Va., Section ID No. 001 (S. East Main).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

FEBRUARY 2, 1971.

[FR Doc.71-1675 Filed 2-5-71;8:47 am]

OFFICE OF MANAGEMENT AND BUDGET

ORGANIZATION AND INFORMATION

Pursuant to and in conformity with section 552 of title 5, United States Code, the following notice is published:

ORGANIZATION

Sec.
1 General.
2 Authority and functions.
3 Organization.

PROCEDURES

10 Methods of operation.
11 Procedural information.
12 Substantive rules, policies, and interpretation.

AVAILABILITY OF INFORMATION

20 Opinions, orders, manuals, etc.
21 Identifiable records.
22 Agency proceedings; voting records.

EXCEPTIONS

30 Exceptions.

ORGANIZATION

SECTION 1. *General.* This information is furnished for the guidance of the public, in compliance with the requirements of section 552 of title 5, United States Code, as amended, and in the interest of making available to the public all of the information in the possession of the Office of Management and Budget which may be divulged without jeopardizing the welfare of the Government or the rights of individuals.

SEC. 2. *Authority and functions.* (a) The Office of Management and Budget was established in the Executive Office of the President pursuant to Part I of Reorganization Plan No. 2 of 1970 (35 F.R. 7959), effective July 1, 1970. That Plan transferred to the President all functions vested by law in the Bureau of the Budget, or its Director, and designated the Bureau of the Budget as the Office of Management and Budget. By Executive Order No. 11541 of July 1, 1970 (35 F.R. 10737), the President delegated all functions transferred to him by Part I of the Plan to the Director of the Office of Management and Budget.

(b) The principal statutory functions of the Office of Management and Budget are contained in the Budget and Accounting Act of 1921 (42 Stat. 20, 31 U.S.C. 1-25); the Federal Reports Act of 1942 (44 U.S.C. 3501-3511); the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841-869); and the Budget and Accounting Procedures Act of 1950 (64 Stat. 832).

(c) The functions of the Office of Management and Budget are carried out pursuant to the provisions of the statutes cited above and the provisions of various Executive orders—principally, Executive Order No. 8248 of September 8, 1939 (3 CFR Cum. Supp., p. 576), outlining certain functions to be performed by the Bureau of the Budget for the President, and Executive Order No. 11230 of June 28, 1965 (3 CFR 1965 Supp., p. 146), as amended, delegating certain functions of the President to the Director of the Bureau of the Budget. Under the terms of Executive Order No. 11541 of July 1, 1970, the assignments and delegations made in the earlier orders are to be considered as assignments to the Office of Management and Budget and its Director.

SEC. 3. *Organization.* The central organization of the Office of Management and Budget consists of—

(a) The Office of the Director, which includes the Director, the Deputy Director, the Associate Director, and the Assistant Directors.

(b) Five divisions with Government-wide management responsibilities in specialized areas, as follows:

Executive Development and Labor Relations Division.
Legislative Reference Division.
Organization and Management Systems Division.
Program Coordination Division.
Statistical Policy and Management Information Systems Division.

(c) Eight program and budget divisions, as follows:

Budget Review Division.
Economics, Science, and Technology Programs Division.
Evaluation Division.
General Government Programs Division.
Human Resources Programs Division.
International Programs Division.
National Security Programs Division.
Natural Resources Programs Division.

(d) The Office has no field organization.

(e) The public may obtain information, make submittals or requests, or obtain decisions at—

(1) Office of Management and Budget, Executive Office of the President, Washington, D.C. 20503, Telephone: 395-3000 (area code 202).

(2) Units of the Office of Management and Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue NW., and in the New Executive Office Building, 17th and H Streets NW., Washington, DC 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday.

(3) The Executive Office Building is under the security control of the U.S. Secret Service, and admission to the building is by appointment. The New Executive Office Building is also under the security control of the U.S. Secret Service but admission to the building does not require an appointment. Persons desiring to visit officers or employees of the Office of Management and Budget in either building will usually find it easier to do so if they write or telephone in advance for an appointment.

(f) No formal methods are prescribed for handling Office of Management and Budget functions which may concern a private party. Requests, using the address or telephone number listed above, may be made to the Director of the Office of Management and Budget concerning any function or activity of the Office, or to the following employees in the circumstances indicated—

Assistant to the Director for Public Affairs (inquiries from information media).
Records Officer (for examination of records).
Assistant to the Director for Administration (matters relating to internal administration).
Assistant Director or Division Chief in charge of division (matters relating to substantive functions of the particular division).
Personnel Officer (matters relating to employment).
Administrative Services Officer (matters relating to contracts for supplies or services to be furnished to the Office).

PROCEDURES

SEC. 10. *Methods of operation.*

(a) No formal procedures are prescribed for dealing with the public. The general course and method of channeling and determining Office functions is through the program divisions (with guidance from the management divisions in their specialized fields) to the Deputy Director (or Associate Director) and the Director.

(b) Matters covered by this section may be dealt with upon the basis of a written presentation or, in the discretion of the Director or other Office employee concerned, upon the basis of an informal oral presentation.

SEC. 11. *Procedural information.* (a) Information as to the procedure to be followed by a private party with respect to any substantive function of the Office may be obtained from the officials, and at the address or telephone number, listed in section 3.

(b) No particular forms are prescribed for use by a private party in connection with substantive functions of the Office. Forms prescribed for Government-wide use in connection with administrative matters may be obtained from the Assistant to the Director for Administration or the Administrative Services Officer at the address shown in paragraph (e) of section 3.

SEC. 12. *Substantive rules, policies, and interpretations.* The Office has not adopted or formulated any substantive rules or statements of general policy or interpretations of general applicability regarding substantive functions of the Office which may directly affect a private party. Matters coming before the Office which are of concern to particular members or groups of the public are handled informally in the manner best suited to the particular situation.

AVAILABILITY OF INFORMATION

SEC. 20. *Opinions, orders, manuals; etc.* (a) The Office of Management and Budget has few direct dealings with the public and has not developed a body of case law such as would constitute precedential material for resolving particular matters affecting private parties. Specifically—

(1) *Opinions and orders.* The Office is not directly involved in the adjudication of cases involving private parties and does not render final opinions or orders in such matters.

(2) *Statements of policy and interpretation.* The Office has not adopted statements of policy or interpretation which are relied upon in the handling of substantive functions of the Office which may indirectly affect the public.

(3) *Manuals and instructions—indexes.* The materials indexed below are available for inspection and copying, and those marked with an asterisk are also for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402—

*The Budget of the United States.
*The Budget of the United States—Appendix.
*The Budget of the United States—The District of Columbia.
*The Budget in Brief.
*Special Analyses, Budget of the United States.
Office of Management and Budget Manual (except those sections relating solely to internal administration of the Office).
Office of Management and Budget Circulars and Index.
Office of Management and Budget Bulletins and Index.
*Federal Statistical Directory.
*Catalog of Federal Domestic Assistance.
*Standard Industrial Classification Manual.
*Standard Metropolitan Statistical Areas.
*Statistical Services of the U.S. Government.
*Statistical Reporter.

(b) Appointments for inspection or copying of materials listed in subsection (a) during regular business hours may be made by writing or telephoning the Records Officer at the address or telephone number listed in paragraph (e) of section 3. Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraph (2) of section 21(a); however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner when copies also are offered for sale by the Superintendent of Documents.

SEC. 21. *Identifiable records.* (a) Except with respect to records made available under prior sections of this notice, copies of identifiable records of the Office will be furnished upon written application to the Records Officer at the address shown in paragraph (e) of section 3, subject to the following:

(1) The request must describe the desired record with sufficient particularity to permit identification.

(2) A charge of 25 cents per page will be made for each copy furnished; the minimum charge will be $1. A charge of $5 per person per hour will be made for time spent in searching for records, regardless of whether the search is successful; the minimum charge will be $2. Where the estimated total cost for searching and copying is less than $5, the records will be furnished with appropriate billing instructions; where the estimated total cost is $5 or more, the person requesting the record will be informed of the estimated cost and will be required to make payment of not less than 75 percent of the estimated cost in advance of receiving the materials.

(3) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, nonprofit educational organizations, or other applicants whenever the Records Officer determines that such action would further the performance of the functions of the Office of Management and Budget.

SEC. 22. *Agency proceedings; voting records.* The Office of Management and Budget does not conduct agency proceedings which are settled by vote and has no records of that nature.

EXCEPTIONS

SEC. 30. *Exceptions.* Except to the extent that the Director in his sole discretion, upon request for review initiated in writing by an applicant, determines that a record which falls within one of the following categories may be made available, this section shall not apply to matters that are—

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the Office;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Office;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

Effective date. The provisions of this notice shall be effective on publication in the FEDERAL REGISTER (2-6-71).

GEORGE P. SHULTZ,
Director of the Office of Management and Budget.

[FR Doc.71-1662 Filed 2-5-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3603]

ATLANTIC RICHFIELD CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 1, 1971.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Atlantic Richfield Co. Warrants (Expiring Sept. 1, 1972) File No. 7-3603.

Upon receipt of a request, on or before February 16, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1665 Filed 2-5-71;8:46 am]

[Files Nos. 7-3604—7-3609]

DEVON APPAREL, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 1, 1971.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Devon Apparel, Inc	7-3604.
Salem Corp	7-3605.
Tropicana Products, Inc	7-3606.
Tyco Laboratories, Inc	7-3607.
Venice Industries, Inc	7-3608.
Viewlex, Inc	7-3609.

Upon receipt of a request, on or before February 16, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1670 Filed 2-5-71;8:46 am]

[811-1184]

INVESTORS TRADING CO.

Notice of Proposal To Terminate Registration

FEBRUARY 1, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Investors Trading Co. (Investors), 460 Denver Club Building, Denver, CO, which registered as an open-end, diversified management investment company under the Act has ceased to be an investment company.

Investors has no shareholders and has not nor does it propose to make a public offering of its securities. Section 3(c)(1) of the Act provides in pertinent part, that any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than February 25, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Emerging at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1671 Filed 2-5-71;8:46 am]

TARIFF COMMISSION

[TEA-W-70]

WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers at the RCA Corp. plant in Memphis, Tenn., the U.S. Tariff Commission, on February 2, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the television receivers produced at the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-1693 Filed 2-5-71;8:48 am]

[TEA-F-17]

PETITION OF LONE STAR TEXTILES, INC., FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Lone Star Textiles, Inc., Hallettsville, Tex., the U.S. Tariff Commission, on February 2, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with cotton yarns and plain woven fabrics wholly of cotton of the kinds produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-1694 Filed 2-5-71;8:48 am]

[TEA-W-69]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Reliable Footwear Co., New York, N.Y., the U.S. Tariff Commission, on the 1st day of February 1971, instituted an investigation under 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 3, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-1695 Filed 2-5-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 3, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42124—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 645), for interested rail carriers. Rates on aluminum beer cans, monoglycerides, diglycerides, or triglycerides, and salt, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 114 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42125—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 646), for interested rail carriers. Rates on scrap lead, zinc, spelter and anodes, aluminum beer cans, monoglycerides, diglycerides, or triglycerides, and salt, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 114 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1681 Filed 2-5-71;8:47 am]

[Notice 242]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 78277 (Sub-No. 11 TA), filed January 29, 1971. Applicant: McCABE MOVING & STORAGE CO., 5623 Southeast Center Avenue, Portland OR 97206. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, 806 Southwest Broadway, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Albany, Oreg., to points in Washington, Idaho, and Montana; for 150 days. Supporting shipper: R. Veal & Son, 553 South Main, Albany, OR 97321. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operation, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 106022 (Sub-No. 8 TA), filed January 29, 1971. Applicant: V. B. MORGAN CO, a corporation, 6106 Paramount Boulevard, Long Beach, CA 90805. Applicant's representative: Phil Jacobson, Five Ten West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in transfer dump vehicles, from Amboy, Calif., to Mohave Steam Generating Station located in Clark County, Nev., approximately 38 miles south of Searchlight, Nev., for 180 days. Supporting shipper: Bechtel Corp., 4550 Seville Avenue, Vernon, CA. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 111956 (Sub-No. 24 TA), filed January 29, 1971. Applicant: SUWAK TRUCKING COMPANY, Pennsylvania Corporation, 1105–1115 Fayette Street, Washington, PA 15301. Applicant's representative: Henry Wick, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious, or contaminating to other lading, between Bedford, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. Restricted to operations over the Pennsylvania Turnpike between Bedford, Pa., and New Stanton, Pa. Applicant seeks the right to tack this authority at Bedford, Pa., and New Stanton, Pa., with its present authorities so as to provide a through service between Bedford and points within 50 miles thereof, on the one hand, and, on the other, applicant's presently authorized service area, for 60 days. Supporting shipper: Application is supported by applicant's own statement. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 120800 (Sub-No. 33 TA), filed January 29, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, from Decatur, Ala., to points in South Carolina and Tennessee, for 150 days. Supporting shipper: American Cryogenics, Inc., No. 1 Embarcadero Center, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 124078 (Sub-No. 470 TA), filed January 29, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, from Lima, Ohio; to South Charleston, W. Va., for 180 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, OH 44115 (L. W. Petersen, Motor Carrier Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 126899 (Sub-No. 41 TA), filed January 29, 1971. Applicant: USHER TRANSPORT, INC., Post Office Box 3051, 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: Harry Ross, 848 Warner Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured tobacco products*, from Louisville, Ky., to Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Albany, North Tonawanda, Buffalo, Syracuse, and Rochester, N.Y.; Atlanta, Ga.; Birmingham and Montgomery, Ala.; Boston, Westwood and Springfield, Mass.; Butte, Mont.; Chicago and East Peoria, Ill.; Dallas, Farmers Branch, El Paso, Houston, San Antonio, and Lubbock, Tex.; Denver, Colo.; Des Moines, Iowa; Detroit, Melvindale, and Grand Rapids, Mich.; East Hartford, Conn.; Fargo, N. Dak.; Green Bay and Milwaukee, Wis.; Harrisburg, Pittsburgh, and Scranton, Pa.; Jacksonville, Miami, and Tampa, Fla.; Jersey City, N.J.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Los Angeles, Wilmington, National City, Oakland, San Diego, Sacramento, and San Francisco, Calif.; Memphis and Nashville, Tenn.; Milwaukee, Oreg.; Minneapolis, Minn.; New Orleans and Shreveport, La.; Oklahoma City, and Tulsa, Okla.; Omaha, Nebr.; Richmond, Va.; Phoenix, Ariz.; Portland, Maine; Providence, R.I.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Sioux Falls, S. Dak.; Wichita, Kans.; and Greensboro, N.C.; for 180 days. Supporting shipper: Lorillard Corp., 2525 East Market Street, Greensboro, NC. Attention: Mr. Frank Krause, Jr., General Traffic Manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 167 North Main Street, Memphis, TN 38103.

No. MC 135198 (Sub-No. 1 TA), filed January 29, 1971. Applicant: AFFILIATED VAN LINES, INC., 2124 Washington, Lawton, OK 73501. Applicant's representative: Terry Bell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage*, between points in Comanche County, Okla., and points in Comanche, Kiowa, Caddo, McLain, Carter, Grady, Garvin, Murray, and Stephens Counties, Okla., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Hq. U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135263 (Sub-No. 1 TA), filed January 29, 1971. Applicant: QUALITY CONCRETE PRODUCTS, INC., 108 East Ninth Street, Tifton, GA 31792. Applicant's representative: Bob Reinhardt, 209 East Fourth Street, Tifton, GA 31794. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste gypsum*, in bulk, in dump type vehicles, from Occidental, Columbia County, Fla., to points in Tift County, Ga., for 150 days. Supporting shipper: Georgia Gypsum Co., Tifton, Ga. 31794. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135265 TA, filed January 29, 1971. Applicant: JOSEPH M. STORMS AND GWENDOLYN L. STORMS, a partnership, doing business as PETE'S AND PURCELL'S TRANSFER & STORAGE, 312 West Seventh Street, Bloomington, IN 47401. Applicant's representatives: Smith, Minton, and Balch, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Bloomington, Ind., and points in Vigo, Clay, Owen, Monroe, Greene, Sullivan, Lawrence, Orange, Martin, Daviess, and Knox Counties, Ind., and Crawford, Jasper, Richland, Lawrence, and Wabash Counties, Ill. Restriction: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army and Department of Defense, Office of the Judge Advocate General, Washington, D.C. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135266 TA, filed January 29, 1971. Applicant: VOGEL VAN & STORAGE, INC., 700 South Pearl Street, Albany, NY 12202. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in Albany, Schenectady, Rensselaer, Saratoga, Warren, Hamilton, Washington, Oneida, Montgomery, Herkimer, Fulton, Scholarie, Greene, Columbia, Dutchess, Putnam, Orange, Sullivan, Ulster, Delaware, and Otsego Counties, N.Y.; Hamden, Worcester, Franklin, Hampshire, and Berkshire Counties, Mass.; Litchfield, Hartford, New Haven, and Fairfield Counties, Conn.; and Rutland, Bennington, Addison, Windsor, and Windham Counties, Vt.; for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, CA; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA; HC & D & Storage Co., Inc., 321 Valencia Street, San Francisco, CA; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, NY; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA; Columbia Export Packers, 19000 South Vermont Avenue, Torrance, CA. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207.

No. MC 135267 TA, filed January 29, 1971. Applicant: LA MESA ENTERPRISES INC., 472 East 22d Street, Paterson, NJ 07514. Applicant's representative: Thomas Lanier (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Paterson, N.J., to points in Florida; for 180 days. Supporting shippers: There are approximately 26 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71 1682 Filed 2-5-71;8:47 am]

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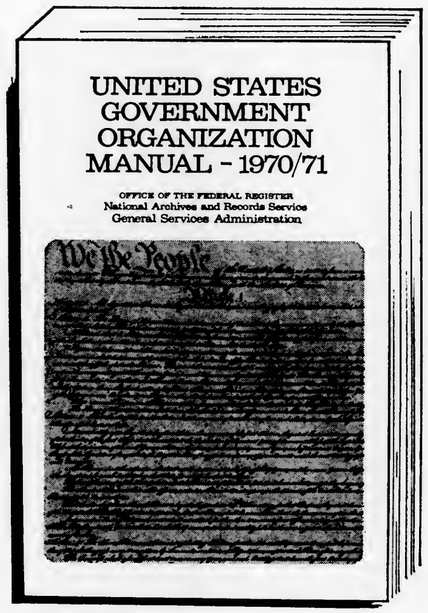

UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

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VOLUME 36 • NUMBER 27
Tuesday, February 9, 1971 • Washington, D.C.
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(Revised as of January 1, 1971)

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FEDERAL REGISTER

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Executive Office of the President

Section 213.3303 is amended to show that one additional position of Secretary to the Director, Office of Management and Budget, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2-9-71), subparagraph (3) of paragraph (h) under § 213.3303 is amended as set out below.

§ 213.3303 Executive Office of the President.

• • • • • •

(h) *Office of Management and Budget.* • • •

(3) Five Secretaries to the Director.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1738 Filed 2-8-71;8:48 am]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1972 crop year.

ARIZONA

Maricopa.
Pinal.
Yuma.

CALIFORNIA

Modoc.

COLORADO

Boulder.
Larimer.
Logan.
Morgan.
Sedgwick.
Washington.
Weld.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

MARYLAND

Caroline.
Kent.
Queen Annes.

MINNESOTA

Becker.
Chippewa.
Clay.
Grant.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Pope.
Red Lake.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.

MONTANA

Big Horn.
Blaine.
Carbon.
Cascade.
Chouteau.
Daniels.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
Musselshell.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Wheatland.
Yellowstone.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McKenzie.
McLean.
Mercer.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OREGON

Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Brookings.
Brown.
Clark.
Codington.
Day.
Deuel.
Edmunds.
Faulk.
Grant.
Hamlin.
Kingsbury.
McPherson.
Marshall.
Miner.
Roberts.
Spink.

UTAH

Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Big Horn.
Goshen.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corp.

[FR Doc.71-1733 Filed 2-8-71;8:48 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1972 crop year.

ARKANSAS

Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Mississippi.
Phillips.
Poinsett.
St. Francis.

CALIFORNIA

Modoc.

COLORADO

Adams.
Arapahoe.
Boulder.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.

IDAHO—Continued

Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

ILLINOIS

Adams.
Bond.
Brown.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Fulton.
Greene.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
Kankakee.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Wayne.

INDIANA

Adams.
Allen.
Bartholomew.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Elkhart.
Fayette.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Knox.
Kosciusko.
Lagrange.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Comanche.
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.

KANSAS—Continued

Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.
Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Caroline.
Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Chippewa.
Clay.
Dakota.
Douglas.
Faribault.
Freeborn.
Grant.
Kandiyohi.
Kittson.
Lac Qui Parle.
Le Sueur.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Red Lake.
Redwood.
Renville.
Roseau.
Stevens.
Swift.
Traverse.
Waseca.
Wilkin.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Coahoma.
De Soto.
Humphreys.
Issaquena.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Charlton.
Clark.
Clinton.
Cooper.
Dade.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.

MISSOURI—Continued

Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.

MONTANA

Blaine.
Big Horn.
Carbon.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
McCone.
Musselshell.
Petroleum.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Treasure.
Valley.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dodge.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hall.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Keith.
Kimball.
Lancaster.
Lincoln.
Merrick.
Morrill.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Perkins.
Phelps.
Polk.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Sheridan.
Thayer.
Washington.
Webster.
York.

NEW MEXICO

Curry.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.

NORTH DAKOTA—Continued

Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OHIO

Allen.
Ashland.
Auglaize.
Butler.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Mayes.
Noble.
Nowata.
Osage.
Ottawa.
Pawnee.
Payne.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
Perry.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bennett.
Bon Homme.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Dewey.
Douglas.
Edmunds.
Faulk.
Grant.
Haakon.
Hamlin.
Hand.
Hughes.
Hutchinson.
Hyde.
Jones.
Kingsbury.
Lyman.
McPherson.
Marshall.
Mellette.
Miner.
Perkins.
Potter.
Roberts.
Spink.
Stanley.
Sully.
Tripp.
Walworth.

TENNESSEE

Dyer.
Lake.
Lauderdale.
Obion.
Robertson.

TEXAS

Baylor.
Carson.
Castro.
Collin.
Cooke.
Dallam.
Deaf Smith.
Denton.
Fannin.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Hansford.
Hartley.
Hutchinson.
Jones.
Knox.
Lipscomb.
Moore.
Ochiltree.
Oldham.
Parmer.
Randall.
Sherman.
Swisher.
Wilbarger.

UTAH

Box Elder.
Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Okanogan.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Crop Insurance Corporation.

[FR Doc.71-1734 Filed 2-8-71;8:48 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rye Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rye Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 10355, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of rye are amended as follows:

Section 1421.342 is revised to delete all references in paragraph (a) relating to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (c) which relates to warehouses operated by eastern common carriers. The revised section reads as follows:

§ 1421.342 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the rye represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the rye is deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the rye when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of rye stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on rye stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the rye was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (2-9-71).

Signed at Washington, D.C., on February 2, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-1736 Filed 2-8-71;8:48 am]

[CCC Grain Price Support Regs., 1970 Crop Rye Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Rye Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 10842 containing provisions for price support loans and purchases applicable to the 1970 crop of rye are amended as follows:

Section 1421.353 is amended to delete in the introductory sentence of § 1421.353 all references to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (b) which relates to warehouses operated by eastern common carriers. The amended section reads as follows:

§ 1421.353 Warehouse charges.

Subject to the provisions of § 1421.342, the schedules of deductions set forth in this section shall apply to rye stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF APRIL 30, 1971

Storage start date: [1]	Deduction (cents per bushel)
Prior to May 16, 1970	13
May 16–June 12	12
June 13–July 10	11
July 11–Aug. 7	10
Aug. 8–Sept. 4	9
Sept. 5–Oct. 2	8
Oct. 3–Oct. 30	7
Oct. 31–Nov. 27	6
Nov. 28–Dec. 25	5
Dec. 26, 1970–Jan. 22, 1971	4
Jan. 23–Feb. 19	3
Feb. 20–Mar. 19	2
Mar. 20–Apr. 30, 1971	1

[1] All dates inclusive.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (2-9-71).

Signed at Washington, D.C., on February 2, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-1760 Filed 2-8-71;8:50 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Wheat Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Wheat Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 8204, 9106, and 11690, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of wheat are amended as follows:

Section 1421.466 is revised to delete all references in paragraph (a) relating to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (c) which relates to warehouses operated by eastern common carriers. The revised section reads as follows:

§ 1421.466 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the wheat represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the wheat is deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the wheat when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on wheat stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the wheat was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (2-9-71).

Signed at Washington, D.C., on February 2, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-1737 Filed 2-8-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-511]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivisions (ii) relating to Bosque and McLennan Counties, (xiv) relating to Hill and McLennan Counties, and (xv) relating to McLennan County are deleted; and a new subdivision (xxi) relating to McLennan County is added to read:

(13) *Texas.* (xxi) That portion of McLennan County bounded by a line beginning at the junction of the McLennan-Coryell County line and Farm-to-Market Road 185; thence, following Farm-to-Market Road 185 in a generally northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to the McLennan-Bosque County line; thence, following the McLennan-Bosque County line in a southwesterly direction to the McLennan-Coryell County line; thence, following the McLennan-Coryell County line in a southeasterly direction to its junction with Farm-to-Market Road 185.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of McLennan County, Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude portions of Bosque, Hill, and McLennan Counties in Texas, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of February 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-1761 Filed 2-8-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to Part 1 of Title 12:

Sec.
1.288 Washington Hospital Authority (California).
1.289 Los Angeles County-Torrance Civic Center Authority.
1.290 City of Atlanta and Fulton County Recreation Authority (Georgia).
1.291 Penn Central Transportation Co. Trustees' certificates.
1.292 Parking Authority of the County of Los Angeles.
1.293 Los Angeles County-Frank G. Bonelli Regional Park and Recreation Area Authority.
1.294 East Los Angeles County Facilities Authority.

AUTHORITY: Sections 1.288–1.294 issued under R.S. 324, et seq., as amended, paragraph Seventh of R.S. 5136, as amended; 12 U.S.C. 1, et seq., 24(7), unless otherwise noted.

§ 1.288 Washington Hospital Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $9,700,000 Washington Hospital Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Washington Hospital Authority is a public entity created pursuant to the laws of California by an agreement between the Washington Township Hospital District and the County of Alameda to construct and finance additional hospital facilities to be leased to and operated by the District. The Authority is issuing these bonds for that purpose.

(2) The Washington Township Hospital District is a municipal corporation created pursuant to the laws of California to provide hospital services within a district in southern Alameda County which includes most of the populated portions of the Cities of Fremont, Newark, and Union City. Under the law, the District is managed by elected directors and may be financed by assessment on real and personal property within the District. The District operates a 156-bed hospital which was opened in 1958 and on which a debt of $805,000 remains outstanding. The new facilities will add 118 beds and more than double the available space.

(3) Under the lease rental agreement between the District and the Authority, the District has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on the bonds. The District, which possesses powers of general property taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $9,700,000 Washington Hospital Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Dec. 22, 1970.)

§ 1.289 Los Angeles County-Torrance Civic Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,990,000 Los Angeles County-Torrance Civic Center Authority, City Hall Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-Torrance Civic Center Authority is a public entity created under the laws of California by an agreement between the City of Torrance and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire, construct and lease public buildings, and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of financing the construction of a City Hall addition, improvements to the existing City Hall and Police Building, and related facilities, all of which will be leased to the City.

(2) The City has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,990,000 Los Angeles County-Torrance Civic Center Authority, City Hall Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Jan. 11, 1971.)

§ 1.290 City of Atlanta and Fulton County Recreation Authority (Georgia).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $17 million City of Atlanta and Fulton County Recreation Authority Revenue Bonds, Series 1970, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The proceeds from the sale of these bonds will be used to construct an indoor coliseum in the downtown section of the City of Atlanta, Ga. The Authority, a body corporate and politic, was created for this and related purposes in 1960 by a special act of the General Assembly of the State of Georgia. Pursuant to the authorization contained in the State Constitution and the special act, the City of Atlanta and the County of Fulton have entered into a contract with the Auhority. Under this contract, the City has unconditionally undertaken to pay the Authority sums sufficient to pay the principal of and interest on these bonds as they mature. Payments so made by the City are to be used solely for the payment of the principal of and interest on these bonds. The City has also undertaken to levy such taxes as may be required to enable it to fulfill its agreement. The County, in turn, has agreed to reimburse the City to the extent of one-third of each payment made by the City pursuant to the contract.

(2) The City of Atlanta, a political subdivision of the State of Georgia, possessing general powers of taxation, has, as authorized by the Constitution and laws of Georgia, thus pledged its full faith and credit to make payments to the Authority of amounts which will be sufficient to provide for all required payments in connection with these bonds.

(c) *Ruling.* It is our conclusion that the $17 million City of Atlanta and Fulton County Recreation Authority Revenue Bonds, Series 1970, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Secretary of Transportation is authorized by the Emergency Rail Services Act of 1970 to guarantee certificates issued by the trustees of a railroad undergoing reorganization. In an opinion of January 12, 1971, addressed to the Secretary of Transportation, the Attorney General of the United States ruled that the Secretary's guarantee of a certificate pursuant to the Act brings into being a general obligation of the United States backed by its full faith and credit, and that the holders of certificates so guaranteed hold valid general obligations of the United States and are in a position to look to the United States for payment, if necessary.

§ 1.291 Penn Central Transportation Co. Trustees' certificates.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $100 million certificates issued by the Trustees of Penn Central Transportation Co. and guaranteed by the Secretary of Transportation for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(2) The Act provides that any guarantee made by the Secretary under the Act shall be conclusive evidence that such guarantee complies fully with the provisions of the Act and shall be valid and incontestable in the hands of a holder of a guaranteed certificate except for fraud or material misrepresentation on the part of such holder. The Act also makes appropriate provision to enable the Secretary of Transportation to borrow from the Secretary of the Treasury the funds which he needs to carry out his responsibilities under the guarantee.

(3) Penn Central Transportation Co. is a railroad undergoing reorganization. The court has approved the issuance of the certificates, and the Secretary of Transportation will guarantee the timely payment of the principal thereof and the interest thereon.

(c) *Ruling.* It is our conclusion that the $100 million certificates issued by the Trustees of Penn Central Transportation Co. and guaranteed by the Secretary of Transportation are obligations of the United States and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Comptroller's letter dated Jan. 21, 1971.)

§ 1.292 Parking authority of the County of Los Angeles.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,060,000 1971 Revenue Bonds of the Parking Authority of the County of Los Angeles for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the County of Los Angeles is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The Board of Supervisors of the County of Los Angeles has made the appropriate finding and, in accordance with the law, has declared itself to be the Parking Authority. Under the law a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the county where the bonds are issued to finance a project which is to be leased to the county and where the principal of and interest on the bonds are to be payable from rentals paid by the county under such lease. The Authority is issuing these bonds to finance the acquisition and construction at the Los Angeles County-University of Southern California Medical Center, a county-owned general and teaching hospital, of two parking structures which will be leased to and operated by the County.

(2) Under the lease rental agreement the County has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,060,000 1971 Revenue Bonds of the Parking Authority of the County of Los Angeles are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 1, 1971.)

§ 1.293 Los Angeles County-Frank G. Bonelli Regional Park and Recreation Area Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $4 million Los Angeles County-Frank G. Bonelli Regional County Park and Recreation Area Authority, Bonelli Regional Park North Shore Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-Frank G. Bonelli Regional County Park and Recreation Area Authority originally called the Los Angeles County-Puddingstone Regional Park Authority, is a public entity created under the laws of California by an agreement between the County of Los Angeles and the Cities of Covina, Glendora, La Verne, Pomona, San Dimas, and Walnut. Under this agreement the Authority is authorized to acquire, construct, in whole or in part, and lease, in whole or in part, a regional public recreational area project and to finance such a project through the issuance of revenue bonds.

(2) The Authority is issuing these bonds to finance the second phase of construction of a regional park facility at the Puddingstone Reservoir State and County Recreation Area near the City of San Dimas. A 69-acre recreational area adjacent to the north shore of Puddingstone Dam Lake will be developed through the construction of a small lake and stream, parking lots, walks, paths, boat launching ramps, beaches, piers, comfort stations, picnic shelters, landscaping, and related facilities. The completed facilities will be leased to the County for operation.

(3) Under the lease rental agreement the County has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on the bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $4 million Los Angeles County-Frank G. Bonelli Regional County Park and Recreation Area Authority, Bonelli Regional Park North Shore Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 1, 1971.)

§ 1.294 East Los Angeles County Facilities Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $980,000 East Los Angeles County Facilities Authority Public Safety Facilities Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The East Los Angeles County Facilities Authority is a public entity created under the laws of California by an agreement between the City of Commerce, the City of Bell Gardens, and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire, construct, maintain, operate, and lease public safety buildings and related facilities to be leased to and operated by the County, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of an addition to the East Los Angeles County Sheriff's Station.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $980,000 East Los Angeles County Facilities Authority Public Safety Facilities Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 1, 1971.)

Dated: February 3, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-1732 Filed 2-8-71;8:48 am]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Price Test in Absence of Comparable Sale at Time of Purchase

Title 22, Chapter II, Part 201 (A.I.D. Reg. 1) is amended as follows:

In § 201.63 paragraph (e)(1) is revised to read as follows:

§ 201.63 Maximum prices for commodities.

• • • • • •

(e) *Price test in the absence of comparable sales at time of purchase—U.S. and non-U.S. sources.*—(1) *Sale by supplier who is not the producer.* The purchase price shall not exceed the sum of—

(i) The lower of the following: The price paid by the supplier for the commodity or the price charged by the producer in the original sale of that specific commodity; and

(ii) A markup over the amount allowed in subdivision (i) of this subparagraph, which may not exceed the lower of the following: The markup over direct cost that is usual and customary in sales by the supplier of the same commodity, if any, or the most similar commodity, or, the markup over direct cost that is usual and customary in such sales by the competitors of the supplier; and

(iii) To the extent not included in subdivision (i) of this subparagraph, an amount not to exceed the cost at prevailing rates of those expenses recognized in paragraph (a) of § 201.64 and actually incurred in moving the commodities supplied from the point of purchase to a position alongside or on board the vessel or other export conveyance at point of export.

• • • • • •

The price test under § 201.63(e)(2) "Sale by a supplier who is the producer" is unchanged.

Effective date. The foregoing amendments shall enter into effect upon publication in the FEDERAL REGISTER (2-9-71).

Dated: January 29, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-1752 Filed 2-8-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter V—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

PART 1700—INTRODUCTION

Subpart A—Authority and Organization

PUBLIC INFORMATION

The following amendment to Part 1700 of Title 24, Chapter V of the Code of Federal Regulations establishes a fixed fee of $2.50 each for copies of property Reports filed with the Office of Interstate Land Sales Registration. This change from a fixed fee of 25 cents a page relieves the Department and the public from the delay and burden inherent in determining the number of pages for which a charge is to be assessed. Accordingly, we find that notice and publication prior to becoming an effective issuance are impracticable and the rule is made effective immediately.

Accordingly, § 1700.30 is amended by adding a new paragraph (d) as follows:

§ 1700.30 Public information.

• • • • • •

(d) *Duplication fee—property report.* Notwithstanding the provisions of § 15.14 *Schedule of Fees* of this title, copies of a Property Report on file with the Office of Interstate Land Sales Registration will be provided upon request for a fixed fee of $2.50 per copy regardless of the number of pages duplicated.

(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718; sec. 501, 65 Stat. 290, 31 U.S.C. 483a)

Effective date: February 9, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-1763 Filed 2-8-71;8:50 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry read as follows:

§ 1914.4 List of designated areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Alameda	Fremont	E 06 001 1364 01 through E 06 001 1364 11	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of Director of Public Works, City Government Bldg., Fremont Civic Center, Fremont, CA 94538.	Jan. 29, 1971.
Do.	do.	Hayward	E 06 001 1560 01 through E 06 001 1560 09	do.	Office of the City Clerk, City Center Bldg., 10th Floor, 22300 Foothill Blvd., Hayward, CA 94541.	Do.
Do.	Contra Costa	Walnut Creek	E 06 013 4070 01 through E 06 013 4070 15	do.	Public Works Department, 1501 North California Blvd., Walnut Creek, CA 94596.	Do.
Do.	Los Angeles	Palos Verdes Estates.	E 06 037 2670 01 E 06 037 2670 02	do.	City Engineer's Office, City Hall, 340 Palos Verdes Dr. West, Palos Verdes Estates, CA 90274.	Do.
Do.	Napa	Unincorporated areas.	E 06 055 0000 01 through E 06 055 0000 04	do.	Flood Control and Water Conservation District, 1436 Polk St., Post Office Box 690, Napa, CA 94558.	Do.
Do.	San Bernardino	do.	E 06 071 0000 01 through E 06 071 0000 06	do.	Office of the San Bernardino County Recorder, 172 West Third St., San Bernardino, CA 92401.	Do.
Do.	San Diego	Chula Vista	E 06 073 0710 01 through E 06 073 0710 05	do.	Engineering Department, City of Chula Vista, Chula Vista, Calif. 92012.	Do.
Do.	do.	San Diego	E 06 073 3260 01 through E 06 073 3260 17	do.	Office of the City Engineer, City of San Diego, City Administration Bldg., 202 C St., San Diego, CA 92101.	Do.
Do.	Tulare	Unincorporated areas.	E 06 107 0000 01	do.	Tulare County Planning Department, County Civic Center, Room 107 Courthouse, Visalia, CA 93277.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for are
Florida	Volusia	Daytona Beach Shores.	E 12 127 0782 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	City Hall, 3050 South Atlantic Ave., Daytona Beach Shores, FL 32016.	Jan. 23, 1971.
Maryland	Worcester	Unincorporated areas.	E 24 047 0000 01 E 24 047 0000 02	Department of Water Resources, State Office Bldg., Annapolis, MD 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	County Planning and Zoning Office, Courthouse Annex, Snow Hill, MD 21863.	Do.
New Jersey	Cape May	Upper	E 34 009 3382 01	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Township Hall, Tuckahoe, Township of Upper, Upper, NJ 08226.	Do.
Do	Ocean	Point Pleasant	E 34 029 2650 01	do	Office of the Borough Clerk, Borough Hall, 2233 Bridge Ave., Point Pleasant, NJ 08742.	Do.
Ohio	Cuyahoga	Rocky River	E 39 035 7040 01 through E 39 035 7040 06	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, OH 43215.	Office of the Building Commissioner, City of Rocky River, 21012 Hilliard Blvd., Rocky River, OH 44116.	Do.
Pennsylvania	Schuylkill	Tamaqua	E 42 107 8350 01 E 42 107 8350 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., State Capitol, Harrisburg, PA 17120.	Municipal Bldg. 320 East Broad St., Tamaqua, PA 18252.	Do.
South Carolina	Charleston	Mount Pleasant	E 45 019 1710 01	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Clerk/Treasurer, The Town of Mount Pleasant, 305 church St., Mount Pleasant, SC 29464.	Do.
Texas	Jackson	Edna	E 48 239 2120 01	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Edna City Hall, 105 North Allen, Edna, TX 77957.	Do.
West Virginia	Logan	Unincorporated areas.	E 54 045 0000 01 through E 54 045 0000 04	Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, WV 25601.	Do.
Do	do	Chapmanville	E 54 045 0470 01	do	Office of the Recorder, Town of Chapmanville, Chapmanville, WV 25508.	Do.
Do	do	Logan	E 54 045 1500 01	do	Office of the Recorder, City Hall, Logan, WV 25601.	Do.
Do	do	Man	E 54 045 1620 01	do	Office of the Recorder, City Bldg., Town of Man, Man, WV 25635.	Do.
Do	do	Mitchell Heights	E 54 045 1780 01	do	Office of the Recorder, Town of Mitchell Heights, Logan, WV 25601.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 9, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-1683 Filed 2-8-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Alameda	Fremont	T 06 001 1364 01 through T 06 001 1364 11	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of Director of Public Works, City Government Bldg., Fremont Civic Center, Fremont, CA 94538.	Feb. 9, 1971.
Do	do	Hayward	T 06 001 1560 01 through T 06 001 1560 09	do	Office of the City Clerk, City Center Bldg., 10th Floor, 22300 Foothill Blvd., Hayward, CA 94541.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Contra Costa	Walnut Creek	T 06 013 4070 01 through T 06 013 4070 15	California Insurance Dept.—Con.	Public Works Department, 1501 North California Blvd., Walnut Creek, CA 94596.	Feb. 9, 1971.
Do	Los Angeles	Palos Verdes Estates.	T 06 037 2670 01 T 06 037 2670 02	do	City Engineer's Office, City Hall, 340 Palos Verdes Dr. West, Palos Verdes Estates, CA 90274.	Do.
Do	Napa	Unincorporated areas.	T 06 055 0000 01 through T 06 055 0000 04	do	Flood Control and Water Conservation District, 1436 Polk St., Post Office Box 630, Napa, CA 94558.	Do.
Do	San Bernardino	do	T 06 071 0000 01 through T 06 071 0000 06	do	Office of the San Bernardino County Recorder, 172 West Third St., San Bernardino, CA 92401.	Do.
Do	San Diego	Chula Vista	T 06 073 0710 01 through T 06 073 0710 05	do	Engineering Department, City of Chula Vista, Chula Vista, Calif. 92012.	Do.
Do	do	San Diego	T 06 073 3260 01 through T 06 073 3260 17	do	Office of the City Engineer, City of San Diego, City Administration Bldg., 202 C St., San Diego, CA 92101.	Do
Do	Tulare	Unincorporated areas.	T 06 107 0000 01	do	Tulare County Planning Department, County Civic Center, Room 107 Courthouse, Visalia, CA 93277.	Do.
Florida	Volusia	Daytona Beach Shores.	T 12 127 0782 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	City Hall, 3.50 South Atlantic Ave., Daytona Beach Shores, FL 32016.	Do.
Maryland	Worcester	Unincorporated areas.	T 24 047 0000 01 T 24 047 0000 02	Department of Water Resources, State Office Bldg., Annapolis, MD. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, MD 21201.	County Planning and Zoning Office, Courthouse Annex, Snow Hill, MD 21863.	Do.
New Jersey	Cape May	Upper	T 34 009 3382 01	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Township Hall, Tuckahoe, Township of Upper, Upper, NJ 08226.	Do.
Do	Ocean	Point Pleasant	T 34 029 2650 01	do	Office of the Borough Clerk, Borough Hall, 2233 Bridge Ave., Point Pleasant, NJ 08742.	Do.
Ohio	Cuyahoga	Rocky River	T 39 035 7040 01 through T 39 035 7040 06	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, OH 43215.	Office of the Building Commissioner, City of Rocky River, 21012 Hilliard Blvd., Rocky River, OH 44116.	Do.
Pennsylvania	Schuylkill	Tamaqua	T 42 107 8350 01 T 42 107 8350 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., State Capitol, Harrisburg, PA 17120.	Municipal Building, 320 East Broad St., Tamaqua, PA 18252.	Do.
South Carolina	Charleston	Mount Pleasant	T 45 019 1710 01	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Clerk/Treasurer, The Town of Mount Pleasant, 305 Church St., Mount Pleasant, SC 29464.	Do.
Texas	Jackson	Edna	T 48 239 2120 01	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin TX 78701.	Edna City Hall, 105 North Allen, Edna, TX 77957.	Do.
West Virginia	Logan	Unincorporated areas.	T 54 045 0000 01 through T 54 045 0000 04	Department of Insurance, State of West Virginia, State Capitol, Charleston, WV 25305. Department of Insurance, State of West Virginia, State Capitol Charleston, WV 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, WV 25601.	Do.
Do	do	Chapmanville	T 51 045 0470 01	do	Office of the Recorder, Town of Chapmanville, Chapmanville, W.Va. 25508.	Do.
Do	do	Logan	T 54 045 1500 01	do	Office of the Recorder, City Hall, Logan, WV 25601.	Do.
Do	do	Man	T 54 045 1620 01	do	Office of the Recorder, City Bldg., Town of Man, Man WV 25635.	Do.
Do	do	Mitchell Heights	T 54 045 1780 01	do	Office of the Recorder, Town of Mitchell Heights, Logan, W. Va. 25601.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 9, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-1684 Filed 2-8-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5127, 34-9065, 35-16972, 39-289, IC-6330, IAA-281]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 261—INTERPRETATIVE RELEASES RELATING TO THE TRUST INDENTURE ACT OF 1939 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Procedure Applicable to Requests for No Action or Interpretative Letters

The Commission in Securities Act Release 5098 (35 F.R. 17779) announced the adoption, effective December 1, 1970, of a rule (17 CFR 200.81) providing for the public availability of requests for no action and interpretative letters and the responses thereto. The purpose of this release is to indicate more specifically the procedures to be followed by persons submitting such requests in order to facilitate their processing and so that the letter containing the request and the response thereto will be conveniently available for public use in the Public Reference Room in the principal office of the Commission in Washington. To meet these needs the following procedure should be followed:

1. An original and two copies of each letter requesting a no action position or interpretation should be submitted. If the inquiry involves more than one subsection of a statute, or subsections of more than one statute, an additional copy of the letter should be submited for each subsection involved.

2. The specific subsection of the particular statute to which the letter pertains should be indicated in the upper righthand corner of the original and each copy of the letter submitted pursuant to paragraph 1 above. Thus, for example, a letter requesting an interpretation of the intrastate exemption would be captioned "1933 Act/3(a)(11)," and a letter requesting an interpretation of Rule 10b-6 under the Securities Exchange Act of 1934 would be captioned "1934 Act/Rule 10b-6."

3. The names of the company or companies and all other persons involved should be stated. Letters relating to unnamed companies or persons, or to hypothetical situations, will not be answered.

4. Letters should be limited to the particular situation involving the problem at hand, and should not attempt to include every possible type of situation which may arise in the future.

5. While it is essential that letters contain all of the facts necessary to reach a conclusion in the matter, they should be concise and to the point.

6. The writer should indicate why he thinks a problem exists, his own opinion in the matter and the basis for such opinion.

7. If a request for confidential treatment is made, this request and the basis therefor should be included in a separate letter and submitted with the no action request letter.

Because of the volume of letters received, letters which are not prepared in accordance with the procedures set forth above may be returned to the sender for compliance with such procedures.

By the Commission, January 25, 1971.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1720 Filed 2-8-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Procedures for Ordering Security Cabinets

This amendment deletes the requirement for obtaining a letter of authorization to procure security cabinets.

The table of contents for Part 101-26 is amended to revise the caption of § 101-26.407 as follows:

Sec.
101-26.407 Procurement of security cabinets by Government fixed-price price contractors and subcontractors.

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

The caption to § 101-26.407 is revised to read as follows:

§ 101-26.407 Procurement of security cabinets by Government fixed-price prime contractors and subcontractors.

Section 101-26.407-3 is amended as follows:

§ 101-26.407-3 Procedure for ordering security cabinets.

* * * * *

(b) Purchase orders for security cabinets under Federal Supply Schedule contracts submitted by fixed-price prime contractors or subcontractors under any type of contract shall contain a statement that such cabinets are needed for housing Government security classified information and that the purchase of such cabinets is required to comply with the security provision of a Government contract.

(c) A statement substantially as follows shall be placed on orders for security cabinets placed with Federal Supply Schedule contractors:

In the event of any inconsistency between the terms and conditions of this order and those of your Federal Supply Schedule contract, the latter will govern.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2-9-71).

Dated: February 2, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-1715 Filed 2-8-71;8:46 am]

Chapter 114—Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), §§ 114-1.109-50, 114-43.102-52, and 114-47.203-1(c) are amended as set forth below. These revised sections shall become effective on the date of publication in the FEDERAL REGISTER (2-9-71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

FEBRUARY 2, 1971.

PART 114-1—INTRODUCTION

Subpart 114-1.1—Regulation System

I. The following amends 41 CFR Part 114-1 as previously published at 34 F.R. 439:

Section 114-1.109-50 is amended to read as follows:

§ 114-1.109-50 Bureau and Office codification.

Bureau regulations codified into the FPMR System will be identified by alphabetical designation immediately following the Department Code (114), as specified below:

114A—Office of the Secretary.
114B—Office of Management Operations.
114C—Reserved.
114D—Bureau of Sport Fisheries and Wildlife.
114E—Bureau of Mines.
114F—Geological Survey.
114G—Office of Coal Research.
114H—Bureau of Indian Affairs.
114J—Bureau of Land Management.
114K—National Park Service.
114L—Office of Territories.
114M—The Alaska Power Administration.
114N—Bureau of Outdoor Recreation.
114P—Reserved.
114R—Office of Saline Water.
114S—Bureau of Reclamation.
114T—Bonneville Power Administration.
114U—Southeastern Power Administration.
114W—Southwestern Power Administration.
114Z—Defense Electric Power Administration.

PART 114-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114-43.1—General Provisions

II. The following amends 41 CFR Part 114-43 as previously published at 34 F.R. 1020:

Paragraphs (a) through (r) of § 114-43.102-52 are deleted in their entirety and § 114-43.102-52 is revised to read as follows:

§ 114-43.102-52 Screening reportable available property.

Reportable available personal property shall be circularized to the offices listed in AMO-U&D Memorandum No. 169, except where its nature, location or condition virtually precludes further utilization by such offices. Property not transferred as a result of the screening prescribed in AMO-U&D Memorandum No. 169 should be determined to be excess to the needs of the Department of the Interior and promptly reported to the appropriate GSA regional office in accordance with FPMR 101-43.311. The excess determination should be evidenced in writing and made a part of the disposal file.

PART 114-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 114-47.2—Utilization of Excess Real Property

III. The following amends 41 CFR Part 114-47 as previously published at 35 F.R. 295:

Subparagraphs (1) through (14) of paragraph (c) of § 114-47.203-1 are deleted in their entirety and § 114-47.203-1(c) is revised to read as follows:

§ 114-47.203-1 Reassignment of real property by the agencies.

* * * * *

(c) *Circularization of real property $1,000 and over.* Available real property having an estimated fair market value of $1,000 or over shall be offered to bureaus and offices of the Department of the Interior as provided in AMO-RPM Memorandum No. 29 before it is determined to be excess: *Provided,* That where the head of the regional, area or State office responsible for the property determines that its nature or location virtually precludes further Departmental utilization, and such determination is made a part of the disposal record, then the property shall be subject to such circularization as he may direct. (See also IPMR 114-47.203-1(f).)

* * * * *

[FR Doc.71-1753 Filed 2-8-71;8:50 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 452-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Certain Certifications Under Organized Crime Control Act of 1970

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, and 18 U.S.C. 3331, 3503, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new sections:

§ 0.52 Certifications under 18 U.S.C. 3503.

The Assistant Attorney General in charge of the Civil Rights Division and his Deputy Assistant Attorney Generals are each authorized to exercie or perform the functions or duties conferred upon the Attorney General by section 3503 of title 18, United States Code, to certify that the legal proceeding, in which a motion to take testimony by deposition is made, is against a person who is believed to have participated in an organized criminal activity, where the subject matter of the case or proceeding in which the motion is sought is within the cognizance of the Civil Rights Division pursuant to § 0.50.

§ 0.59 Certain certifications under 18 U.S.C. 3331 and 3503.

(a) The Assistant Attorney General in charge of the Criminal Division is authorized to exercise or perform the functions or duties conferred upon the Attorney General by section 3331 of title 18, United States Code, to certify that in his judgment a special grand jury is necessary in any judicial district of the United States because of criminal activity within such district.

(b) The Assistant Attorney General in charge of the Criminal Division and his Deputy Assistant Attorney Generals are each authorized to exercise or perform the functions or duties conferred upon the Attorney General by section 3503 of title 18, United States Code, to certify that the legal proceeding, in which a motion to take testimony by deposition is made, is against a person who is believed to have participated in an organized criminal activity, where the subject matter of the case or proceeding in which the motion is sought is within the cognizance of the Criminal Division pursuant to § 0.55, or is not within the cognizance of the Civil Rights Division or the Internal Security Division.

§ 0.64 Certifications under 18 U.S.C. 3503.

The Assistant Attorney General in charge of the Internal Security Division and his Deputy Assistant Attorney Generals are each authorized to exercise or perform the functions or duties conferred upon the Attorney General by section 3503 of title 18, United States Code, to certify that the legal proceeding, in which a motion to take testimony by deposition is made, is against a person who is believed to have participated in an organized criminal activity, where the subject matter of the case or proceeding in which the motion is sought is within the cognizance of the Internal Security Division pursuant to § 0.61.

This order shall become effective upon publication (2-9-71).

Dated: January 30, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-1714 Filed 2-8-71;8:46 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Eastern Washington-Northern Idaho Interstate Air Quality Control Region

On September 12, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14406) to amend Part 481 by designating the Lewiston (Idaho)-Clarkston (Washington) and Spokane (Washington)-Coeur d'Alene (Idaho) Interstate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on September 24, 1970, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that the areas included in the two regions, as originally proposed, and five additional counties in the State of Washington—Adams, Columbia, Garfield, Grant, and Lincoln be placed into a single interstate region, and be renamed the Eastern Washington-Northern Idaho Interstate Air Quality Control Region. This action combines §§ 481.100 and 481.103 of the notice of proposed rule making.

FEDERAL REGISTER, VOL. 36, NO. 27—TUESDAY, FEBRUARY 9, 1971

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.100, as set forth below, designating the Eastern Washington-Northern Idaho Interstate Air Quality Control Region, is adopted effective on publication (2-9-71).

§ 481.100 Eastern Washington-Northern Idaho Interstate Air Quality Control Region.

The Eastern Washington-Northern Idaho Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857 h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Idaho:

Benewah County.	Nez Perce County.
Kootenai County.	Shoshone County.
Latah County.	

In the State of Washington:

Adams County.	Grant County.
Asotin County.	Lincoln County.
Columbia County.	Spokane County.
Garfield County.	Whitman County.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: February 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1765 Filed 2-8-71;8:51 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Four Corners Interstate Air Quality Control Region

On November 11, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17342) to amend Part 481 by designating the Four Corners Interstate Air Quality Control Region (Arizona-Colorado-New Mexico-Utah).

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on November 19, 1970, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that Delta, Mesa, Montrose, and San Miguel Counties, Colo., be deleted from the Four Corners Interstate Air Quality Control Region. These four counties are being proposed as part of the Grand Mesa (Colorado) Intrastate Air Quality Control Region (§ 481.173). Additionally, it is recommended that the portions of the Jicarilla Apache Indian Reservation lying east of the Continental Divide in Rio Arriba and Sandoval Counties, N. Mex.; and the portions of the Zuni and Ramah Navajo Indian Reservation in Valencia County, N. Mex., also be included in the Four Corners Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.121, as set forth below, designating the Four Corners Interstate Air Quality Control Region (Arizona-Colorado-New Mexico-Utah) is adopted effective on publication (2-9-71).

§ 481.121 Four Corners Interstate Air Quality Control Region.

The Four Corners Interstate Air Quality Control Region (Arizona-Colorado-New Mexico-Utah) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona:

Apache County.	Navajo County.
Coconino County.	Yavapai County.

In the State of Colorado:

Archuleta County.	Montezuma County.
Dolores County.	San Juan County.
La Plata County.	

In the State of New Mexico:

San Juan County, in its entirety.

Portion of Rio Arriba County lying west (Pacific slope) of the Continental Divide, and all portions of the Jicarilla Apache Indian Reservation lying east (Atlantic slope) of the Continental Divide.

Portion of Sandoval County lying west (Pacific slope) of the Continental Divide, and all portions of the Jicarilla Apache Indian Reservation lying east (Atlantic slope) of the Continental Divide.

Portion of McKinley County lying west (Pacific slope) of the Continental Divide.

Portion of Valencia County lying within the Zuni and Ramah Navajo Indian Reservations.

In the State of Utah:

Emery County.	Kane County.
Garfield County.	San Juan County.
Grand County.	Washington County.
Iron County.	Wayne County.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: February 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1764 Filed 2-8-71;8:51 am]

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Certain Regions in Louisiana, New Mexico, and Texas

On December 1, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18293) to amend Part 481 by designating the Abilene-Wichita Falls, Amarillo-Lubbock, Austin-Waco, Brownsville-Laredo, Corpus Christi-Victoria, and the Midland-Odessa-San Angelo Intrastate Air Quality Control Regions, and by revising the Houston-Galveston, Dallas-Fort Worth, and San Antonio Intrastate Air Quality Control Regions, and by revising the Southern Louisiana-Southeast Texas and El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on December 14, 1970, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that Runnels County, Tex., originally proposed in the Midland-Odessa-San Angelo Intrastate Air Quality Control Region, now be added to the Abilene-Wichita Falls Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.132, as set forth below, designating the Abilene-Wichita Falls Intrastate Air Quality Control Region; § 481.133, as set forth below, designating the Amarillo-Lubbock Intrastate Air Quality Control Region; § 481.134, as set forth below, designating the Austin-Waco Intrastate Air Quality Control Region; § 481.135, as set forth below, designating the Brownsville-Laredo Intrastate Air Quality Control Region; § 481.136, as set forth below, designating the Corpus Christi-Victoria Intrastate Air Quality Control Region; § 481.137, as set forth below, designating the Midland-Odessa-San Angelo Intrastate Air Quality Control Region; and § 481.38, as set forth below, revising the boundaries of the Metropolitan Houston-Galveston Intrastate Air Quality Control Region; § 481.39 as set forth below, revising the boundaries of the Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region; § 481.40 as set forth below, revising the boundaries of the Metropolitan San Antonio Intrastate Air Quality Control Region; § 481.53 as set forth below, revising the boundaries of the Southern Louisiana-Southeast Texas Interstate Air Quality Control Region; and § 481.82 as set forth below, revising the boundaries of the El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region are adopted effective on publication (2-9-71).

§ 481.132 Abilene-Wichita Falls Intrastate Air Quality Control Region.

The Abilene-Wichita Falls Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Archer County.	Kent County.
Baylor County.	Know County.
Brown County.	Mitchell County.
Callahan County.	Montague County.
Childress County.	Nolan County.
Clay County.	Runnels County.
Coleman County.	Scurry County.
Comanche County.	Shackelford County.
Cottle County.	Stephens County.
Eastland County.	Stonewall County.
Fisher County.	Taylor County.
Foard County.	Throckmorton County.
Hardeman County.	Wichita County.
Haskell County.	Wilbarger County.
Jack County.	Young County.
Jones County.	

§ 481.133 Amarillo-Lubbock Intrastate Air Quality Control Region.

The Amarillo-Lubbock Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Armstrong County.	Hockley County.
Bailey County.	Hutchinson County.
Briscoe County.	King County.
Carson County.	Lamb County.
Castro County.	Lipscomb County.
Cochran County.	Lubbock County.
Collingsworth County.	Lynn County.
Crosby County.	Moore County.
Dallam County.	Motley County.
Deaf Smith County.	Ochiltree County.
Dickens County.	Oldham County.
Donley County.	Parmer County.
Floyd County.	Potter County.
Garza County.	Randall County.
Gray County.	Roberts County.
Hale County.	Sherman County.
Hall County.	Swisher County.
Hansford County.	Terry County.
Hartley County.	Wheeler County.
Hemphill County.	Yoakum County.

§ 481.134 Austin-Waco Intrastate Air Quality Control Region.

The Austin-Waco Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Bastrop County.	Hill County.
Bell County.	Lampasas County.
Blanco County.	Lee County.
Bosque County.	Leon County.
Brazos County.	Limestone County.
Burleston County.	Llano County.
Burnet County.	McLennan County.
Caldwell County.	Madison County.
Coryell County.	Milam County.
Falls County.	Mills County.
Fayette County.	Robertson County.
Freestone County.	Travis County.
Grimes County.	Washington County.
Hamilton County.	Williamson County.
Hays County.	

In the State of Texas:

Archer County.	Kent County.
Baylor County.	Know County.
Brown County.	Mitchell County.
Callahan County.	Montague County.
Childress County.	Nolan County.
Clay County.	Runnels County.
Coleman County.	Scurry County.
Comanche County.	Shackelford County.
Cottle County.	Stephens County.
Eastland County.	Stonewall County.
Fisher County.	Taylor County.
Foard County.	Throckmorton County.
Hardeman County.	Wichita County.
Haskell County.	Wilbarger County.
Jack County.	Young County.
Jones County.	

§ 481.133 Amarillo-Lubbock Intrastate Air Quality Control Region.

The Amarillo-Lubbock Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Armstrong County.	Hockley County.
Bailey County.	Hutchinson County.
Briscoe County.	King County.
Carson County.	Lamb County.
Castro County.	Lipscomb County.
Cochran County.	Lubbock County.
Collingsworth County.	Lynn County.
Crosby County.	Moore County.
Dallam County.	Motley County.
Deaf Smith County.	Ochiltree County.
Dickens County.	Oldham County.
Donley County.	Parmer County.
Floyd County.	Potter County.
Garza County.	Randall County.
Gray County.	Roberts County.
Hale County.	Sherman County.
Hall County.	Swisher County.
Hansford County.	Terry County.
Hartley County.	Wheeler County.
Hemphill County.	Yoakum County.

§ 481.134 Austin-Waco Intrastate Air Quality Control Region.

The Austin-Waco Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Bastrop County.	Hill County.
Bell County.	Lampasas County.
Blanco County.	Lee County.
Bosque County.	Leon County.
Brazos County.	Limestone County.
Burleston County.	Llano County.
Burnet County.	McLennan County.
Caldwell County.	Madison County.
Coryell County.	Milam County.
Falls County.	Mills County.
Fayette County.	Robertson County.
Freestone County.	Travis County.
Grimes County.	Washington County.
Hamilton County.	Williamson County.
Hays County.	

§ 481.135 Brownsville-Laredo Intrastate Air Quality Control Region.

The Brownsville-Laredo Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area aso delimited):

In the State of Texas:

Cameron County.	Webb County.
Hidalgo County.	Willacy County.
Jim Hogg County.	Zapata County.
Starr County.	

§ 481.136 Corpus Christi-Victoria Intrastate Air Quality Control Region.

The Corpus Christi-Victoria Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Aransas County.	Kenedy County.
Bee County.	Kleberg County.
Brooks County.	Lavaca County.
Calhoun County.	Live Oak County.
De Witt County.	McMullen County.
Duval County.	Nueces County.
Goliad County.	Refugio County.
Jackson County.	San Patricio County.
Jim Wells County.	Victoria County.

§ 481.137 Midland-Odessa-San Angelo Intrastate Air Quality Control Region.

The Midland-Odessa-San Angelo Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(e)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Andrews County.	Menard County.
Borden County.	Midland County.
Coke County.	Pecos County.
Concho County.	Reagan County.
Crane County.	Reeves County.
Crockett County.	San Saba County.
Dawson County.	Schleicher County.
Ector County.	Sterling County.
Gaines County.	Sutton County.
Glasscock County.	Terrell County.
Howard County.	Tom Green County.
Irion County.	Upton County.
Loving County.	Ward County.
Martin County.	Winkler County.
McCulloch County.	

§ 481.38 Metropolitan Houston-Galveston Intrastate Air Quality Control Region.

The Metropolitan Houston-Galveston Intrastate Air Quality Control Region (Texas) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Austin County.	Liberty County.
Brazoria County.	Matagorda County.
Chambers County.	Montgomery County.
Colorado County.	Walker County.
Fort Bend County.	Waller County.
Galveston County.	Wharton County.
Harris County.	

§ 481.39 Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region.

The Metropolitan Dallas-Fort Worth Intrastate Air Quality Control Region (Texas) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Collin County.	Johnson County.
Cooke County.	Kaufman County.
Dallas County.	Navarro County.
Denton County.	Palo Pinto County.
Ellis County.	Parker County.
Erath County.	Rockwall County.
Fannin County.	Somervell County.
Grayson County.	Tarrant County.
Hood County.	Wise County.
Hunt County.	

§ 481.40 Metropolitan San Antonio Intrastate Air Quality Control Region.

The Metropolitan San Antonio Intrastate Air Quality Control Region (Texas) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Atascosa County.	Kerr County.
Bandera County.	Kimble County.
Bexar County.	Kinney County.
Comal County.	La Salle County.
Dimmit County.	Mason County.
Edwards County.	Maverick County.
Frio County.	Medina County.
Gillespie County.	Real County.
Gonzales County.	Uvalde County.
Guadalupe County.	Val Verde County.
Karnes County.	Wilson County.
Kendall County.	Zavala County.

§ 481.53 Southern Louisiana-Southeast Texas Interstate Air Quality Control Region.

The Southern Louisiana-Southwest Texas Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air

Act, 42 U.S.C. 1857(h)(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Louisiana:

Acadia Parish.	Plaquemines Parish.
Allen Parish.	Pointe Coupee Parish
Ascension Parish.	Rapides Parish.
Assumption Parish.	St. Bernard Parish.
Avoyelles Parish.	St. Charles Parish.
Beauregard Parish.	St. Helena Parish.
Calcasieu Parish.	St. James Parish.
Cameron Parish.	St. John the Baptist Parish.
East Baton Rouge Parish.	St. Landry Parish.
East Feliciana Parish.	St. Martin Parish.
Evangeline Parish.	St. Mary Parish.
Grant Parish.	St. Tammany Parish.
Iberia Parish.	Tangipahoa Parish.
Iberville Parish.	Terrebonne Parish.
Jefferson Parish.	Vermilion Parish.
Jefferson Davis Parish.	Vernon Parish.
Lafayette Parish.	Washington Parish.
Lafourche Parish.	West Baton Rouge Parish.
Livingston Parish.	West Feliciana Parish.
Orleans Parish.	

In the State of Texas:

Angelina County.	Polk County.
Hardin County.	Sabine County.
Houston County.	San Augustine County.
Jasper County.	San Jacinto County.
Jefferson County.	Shelby County.
Nacogdoches County.	Trinity County.
Newton County.	Tyler County.
Orange County.	

§ 481.82 El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region.

The El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (Texas-New Mexico) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Brewster County.	Hudspeth County.
Culberson County.	Jeff Davis County.
El Paso County.	Presidio County.

In the State of New Mexico:

Dona Ana County.	Otero County.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g (a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: February 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1766 Filed 2-8-71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1698 Filed 2-8-71;8:45 am]

PART 33—SPORT FISHING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Prime Hook National Wildlife Refuge, Milton, Del. The refuge is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations and the following special condition: Boats, with or without motors, are permitted for fishing freshwater streams and ponds. Boats may be launched from designated access points or public roads.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1699 Filed 2-8-71;8:45 am]

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine, is permitted on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats without motors is permitted on Bearce, Conic, and Cranberry Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1700 Filed 2-8-71;8:45 am]

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and entrance on foot for this purpose are permitted on the Great Meadows National Wildlife Refuge, Concord, Mass.

These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1701 Filed 2-8-71;8:45 am]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters is permitted from the shores of Monomoy National Wildlife Refuge, Chatham, Mass.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, MA 01742, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1702 Filed 2-8-71;8:45 am]

PART 33—SPORT FISHING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the Parker River National Wildlife Refuge, Mass., is permitted from May 1 through October 15, 1971, and at other times by special permit from the Refuge Manager, in the Public Use Area on the ocean side of Plum Island consisting of 218 acres extending from the south boundary of the Swimming and Bathing Area to the south boundary of the Refuge. This area is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State and town regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1703 Filed 2-8-71;8:45 am]

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Mo., is permitted in all waters on the refuge. The waters comprise about 4,300 acres. Maps and information are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: March 15, 1971, through September 30, 1971 daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1971.

JOHN E. TOLL,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

JANUARY 20, 1971.

[FR Doc.71-1704 Filed 2-8-71;8:46 am]

PART 33—SPORT FISHING

Elizabeth Alexandra Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE

Sport fishing from the shore in tidal waters and access thereto by walking is permitted on the Elizabeth Morton National Wildlife Refuge, Sag Harbor, N.Y., through December 31, 1971. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1705 Filed 2-8-71;8:46 am]

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted on the areas designated by signs as open to fishing. These open areas, comprising 26 acres, are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1706 Filed 2-8-71;8:46 am]

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in State waters in compliance with State regulations is permitted from refuge lands from January 1 to December 31, 1971. The three areas open to access to fishing are designated by signs and delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1707 Filed 2-8-71;8:46 am]

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pa., is permitted on areas designated by signs as open to fishing. Boats are permitted in Lake Creek above Sugar Lake where designated by signs. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1708 Filed 2-8-71;8:46 am]

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-9-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vt. The refuge is delineated on a map available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) Taking of fish by use of firearms is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 1, 1971.

[FR Doc.71-1709 Filed 2-8-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13, 301]

65-DAY RULE; ACCUMULATION TRUSTS; CREDIT FOR TAXES PAID BY THE TRUST

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC : LR : T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1), and the Regulations on Procedure and Administration (26 CFR Part 301), to the amendments of the Internal Revenue Code made by section 331 of the Tax Reform Act of 1969 (83 Stat. 592), such regulations are amended as follows Temporary Treasury Regulations § 13.6, 35 F.R. 3030, as amended, 35 F.R. 3995, is superseded.

INCOME TAX REGULATIONS (26 CFR PART 1)

PARAGRAPH 1. Section 1.643(a)-4 is amended to read as follows:

§ 1.643(a)-4 Extraordinary dividends and taxable stock dividends.

In the case solely of a trust which qualifies under Subpart B (section 651 and following) as a "simple trust", there are excluded from distributable net income extraordinary dividends (whether paid in cash or in kind) or taxable stock dividends which are not distributed or credited to a beneficiary because the fiduciary in good faith determines that under the terms of the governing instrument and applicable local law such dividends are allocable to corpus. See section 665(e), paragraph (b) of § 1.665(e)-1 and paragraph (b) of § 1.665(e)-1A for the treatment of such dividends upon subsequent distribution.

PAR. 2. Section 1.643(b)-2 is amended to read as follows:

§ 1.643(b)-2 Dividends allocated to corpus.

Extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law are not considered "income" for purposes of subpart A, B, C, or D, part I, subchapter J, chapter 1 of the Code. See section 643(a)(4), § 1.643(a)-4, § 1.643(d)-2, section 665(e), paragraph (b) of § 1.665(e)-1 and paragraph (b) of § 1.665(e)-1A for the treatment of such items in the computation of distributable net income.

PAR. 3. Section 1.652(b)-1 is amended to read as follows:

§ 1.652(b)-1 Character of amounts.

In determining the gross income of a beneficiary, the amounts includible under § 1.652(a)-1 have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652(a)-1 consist of income exempt from tax under section 103, such amounts are not included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 (for dividends received on or before Dec. 31, 1964) and the dividend exclusion under section 116. Also, to the extent that the amounts specified in § 1.652(a)-1 consist of "earned income" in the hands of the trust under the provisions of section 1348 (see § 1.1348-2(a)(6)), such amount shall be treated under section 1348 as "earned income" in the hands of the beneficiary. Similarly, to the extent such amounts consist of an amount to which the provisions of section 72(n) would apply in the hands of the trust, such amount shall be treated as subject to such section in the hands of the beneficiary except where such amount is deemed under section 666(a) to have been distributed in a preceding taxable year of the trust and the partial tax described in section 668(a)(2) is determined under section 668(b)(1)(B). The tax treatment of amounts determined under § 1.652(a)-1 depends upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income depends upon his taxable status with respect to that income.

PAR. 4. Sections 1.663(b), 1.663(b)-1, and 1.663(b)-2 are amended to read as follows:

§ 1.663(b) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; distributions in first 65 days of taxable year.

SEC. 663. *Special rules applicable to sections 661 and 662.* • • •

(b) *Distributions in first 65 days of taxable year*—(1) *General rule.* If within the first 65 days of any taxable year of a trust, an amount is properly paid or credited, such amount shall be considered paid or credited on the last day of the preceding taxable year.

(2) *Limitation.* Paragraph (1) shall apply with respect to any taxable year of a trust only if the fiduciary of such trust elects, in such manner and at such time as the Secretary or his delegate prescribes by regulations, to have paragraph (1) apply for such taxable year.

[Sec. 693(b) as amended by sec. 331(b), Tax Reform Act 1969 (83 Stat. 598)]

§ 1.663(b)-1 Distributions in first 65 days of taxable year; scope.

(a) *Taxable years beginning after December 31, 1968*—(1) *General rule.* With respect to taxable years beginning after December 31, 1968, the fiduciary of a trust may elect (as provided in § 1.663(b)-2) to treat any distribution or a portion of any distribution to a beneficiary within the first 65 days following the taxable year as an amount which was paid or credited on the last day of such taxable year.

(2) *Effect of election.* (i) An election is effective only with respect to the taxable year for which the election is made. An election shall be made for each taxable year for which the treatment is desired.

(ii) If an election is made with respect to a taxable year of a trust, this section shall apply only to those amounts which are properly paid or credited within the first 65 days following such year and which are so designated by the fiduciary in his election. Any amount considered under section 663(b) as having been distributed in the preceding taxable year shall be so treated for all purposes. For example, in determining the beneficiary's tax liability, such amount shall be considered as having been received by the beneficiary in his taxable year in which or with which the last day of the preceding taxable year of the trust ends.

(b) *Taxable years beginning before January 1, 1969.* With respect to taxable years of a trust beginning before January 1, 1969, the fiduciary of the trust may

elect under section 663(b) to treat distributions within the first 65 days following such taxable year as amounts which were paid or credited on the last day of such taxable year, if:

(1) The trust was in existence prior to January 1, 1954;

(2) An amount in excess of the income of the immediately preceding taxable year may not (under the terms of the governing instrument) be distributed in any taxable year; and

(3) The fiduciary elects (as provided in § 1.663(b)–2) to have section 663(b) apply.

§ 1.663(b)–2 Election.

(a) *Manner and time of election; revocations.* The election shall be made in a statement attached to the return of the trust for the taxable year for which the election is made. The election shall be made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). An election shall become irrevocable after the last day prescribed for making the election.

(b) *Elections under prior law.* Elections made pursuant to section 663(b) prior to its amendment by section 331(b) of the Tax Reform Act of 1969 (83 Stat. 598), which, under prior law, were irrevocable for the taxable year for which the election was made and all subsequent years, are not effective for taxable years beginning after December 31, 1968. In the case of a trust for which an election was made under prior law, the fiduciary shall make the election for each taxable year beginning after December 31, 1968, for which the treatment provided by section 663(b) is desired.

PAR. 5. The following sections are inserted immediately before § 1.665(a):

§ 1.665(a)A Statutory provisions: excess distributions by trusts: definitions applicable to subpart D; undistributed net income.

SEC. 665. *Definitions applicable to subpart D*—(a) *Undistributed net income.* For purposes of this subpart, the term "undistributed net income" for any taxable year means the amount by which the distributable net income of the trust for such taxable year exceeds the sum of—

(1) The amounts for such taxable year specified in paragraphs (1) and (2) of section 661(a), and

(2) The amount of taxes imposed on the trust attributable to such distributable net income.

[Sec. 665(a) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.663(a)–0A Excess distributions by trusts; scope of subpart D.

(a) *In general.* (1) Subpart D (section 665 and following), part I, subchapter J, chapter 1 of the Code, as amended by the Tax Reform Act of 1969, is designed to tax the beneficiary of a trust which accumulates, rather than distributes, all or part of its income currently (i.e., an accumulation trust), in most cases, as if the income had been currently distributed to the beneficiary instead of accumulated by the trust. Accordingly, subpart D provides special rules for the treatment of amounts paid, credited, or required to be distributed by a complex trust (one that is subject to subpart C (section 661 and following) of such part I) in any year in excess of distributable net income (as defined in section 643(a)) for that year. Such an excess distribution is defined as an "accumulation distribution".

(2) An accumulation distribution is deemed to consist of, first, "undistributed net income" of the trust from preceding taxable years, and, after all the undistributed net income for all preceding taxable years has been deemed distributed, "undistributed capital gain" of the trust. To the extent of the undistributed capital gain, the distribution is defined as a "capital gain distribution".

(3) The accumulation distribution is "thrown back" to the earliest "preceding taxable year" of the trust, which, in the case of distributions made for a taxable year beginning after December 31, 1973, from a trust (other than a foreign trust created by a U.S. person), is any taxable year beginning after December 31, 1968. Special transitional rules apply for distributions made in taxable years beginning before January 1, 1974. In the case of a foreign trust created by a U.S. person, a "preceding taxable year" is any year of the trust to which the Code applies.

(4) A distribution of undistributed net income (included in an accmulation distribution) and a capital gain distribution will be included in the income of the beneficiary in the year they are actually paid, credited, or required to be distributed to him. The tax on the distribution will be approximately the amount of tax the beneficiary would have paid with respect to the distribution had the income and capital gain been distributed to the beneficiary in the year earned by the trust. An additional amount equal to the "taxes imposed on the trust" for the preceding year is also deemed distributed. To prevent double taxation, however, the beneficiary receives a credit for such taxes.

(b) *Effective dates.* All regulations sections under subpart D (sections 665 through 669) which have an "A" suffix (such as §§ 1.665(a)A and 1.666(b)–1A) are applicable to taxable years beginning on or after January 1, 1969, and all references therein to sections 665 through 669 are references to such sections as amended by the Tax Reform Act of 1969. Sections without the "A" suffix (such as §§ 1.665(a) and 1.666(b)–1) are applicable only to taxable years beginning before January 1, 1969, and all references therein to sections 665 through 669 are references to such sections before amendment by the Tax Reform Act of 1969.

(c) *Examples.* Where examples contained in the regulations under subpart D refer to tax rates for years after 1968, such tax rates are not necessarily the actual rates for such years, but are only used for example purposes.

(d) *Applicability to estates.* Subpart D does not apply to any estate.

(e) *Multiple trusts.* Multiple trusts that—

(1) Have no substantially independent purposes (such as independent dispositive purposes), or

(2) Have substantially the same beneficiary and the same grantor and have as their principal purpose the avoidance or mitigation of the progressive rates of tax (including mitigation as a result of deferral of tax), or of the minimum tax for tax preferences imposed by section 56,

shall be consolidated and treated as one trust for the purposes of subchapter J.

§ 1.665(a)–1A Undistributed net income.

(a) *Domestic trusts.* The term "undistributed net income", in the case of a trust (other than a foreign trust created by a U.S. person) means, for any taxable year beginning after December 31, 1968, the distributable net income of the trust for that year (as determined under section 643(a)), less:

(1) The amount of income required to be distributed currently and any other amounts properly paid or credited or required to be distributed to beneficiaries in the taxable year as specified in section 661(a), and

(2) The amount of taxes imposed on the trust allocable to such distributable net income, as defined in § 1.665(d)–1A.

The application of the rule in this paragraph to a taxable year of a trust in which income is accumlated may be illustrated by the following example:

Example. Under the terms of the trust, $10,000 of income is required to be distributed currently to A and the trustee has discretion to make additional distributions to A. During the taxable year 1971 the trust had distributable net income of $30,100 derived from royalties and the trustee made distributions of $20,000 to A. The taxable income of the trust is $10,000 on which a tax of $2,190 is paid. The undistributed net income of the trust for the taxable year 1971 is $7,910, computed as follows:

Distributable net income	$30,100
Less:	
Income currently distributable to A	10,000
Other amounts distributed to A	10,000
Taxes imposed on the trust attributable to the undistributed net income (see § 1.665(d)–1A)	2,190
Total	22,190
Undistributed net income	7,910

(b) *Foreign trusts.* The undistributed net income of a foreign trust created by a U.S. person for any taxable year is the distributable net income of such trust (see § 1.643(a)–6 and the examples set forth in paragraph (b) thereof), less:

(1) The amount of income required to be distributed currently and any other amounts properly paid or credited or required to be distributed to beneficiaries in the taxable year as specified in section 661(a), and

(2) The amount of taxes imposed on such trust by chapter 1 of the Internal Revenue Code, which are attributable to items of income which are required to be

included in such distributable net income.

For purposes of subparagraph (2) of this paragraph, the amount of taxes imposed on the trust for any taxable year by chapter 1 of the Internal Revenue Code is the amount of taxes imposed pursuant to section 871 (relating to tax on nonresident alien individuals) which is properly allocable to the undistributed portion of the distributable net income. See § 1.665(d)–1A. The amount of taxes imposed pursuant to section 871 is the difference between the total tax imposed pursuant to that section on the foreign trust created by a U.S. person for the year and the amount which would have been imposed on such trust had all the distributable net income, as determined under section 643(a), been distributed. The application of the rule in this paragraph may be illustrated by the following examples:

Example (1). A trust was created in 1952 under the laws of Country X by the transfer to a trustee in Country X of property by a U.S. person. The entire trust constitutes a foreign trust created by a U.S. person. The governing instrument of the trust provides that $7,000 of income is required to be distributed currently to a U.S. beneficiary and gives the trustee discretion to make additional distributions to the beneficiary. During the taxable year 1973 the trust had income of $10,000 from dividends of a U.S. corporation (on which Federal income taxes of $3,000 were imposed pursuant to section 871 and withheld under section 1441, resulting in the receipt by the trust of cash in the amount of $7,000), $20,000 in capital gains from the sale of stock of a Country Y corporation and $30,000 from dividends of a Country X corporation, none of the gross income of which was derived from sources within the United States. No income taxes were required to be paid to Country X or Country Y in 1973. The trustee did not file a U.S. income tax return for the taxable year 1973. The distributable net income of the trust before distributions to the beneficiary for 1973 is $60,000 ($57,000 of which is cash). During 1973 the trustee made distributions to the U.S. beneficiary equaling one-half of the trust's distributable net income. Thus, the U.S. beneficiary is treated as having had distributed to him $5,000 (composed of $3,500 as a cash distribution and $1,500 as the tax imposed pursuant to section 871 and withheld under section 1441), representing one-half of the income from U.S. sources; $10,000 in cash, representing one-half of the capital gains from the sale of stock of the Country Y corporation; and $15,000 in cash, representing one-half of the income from Country X sources for a total of $30,000. The undistributed net income of the trust at the close of taxable year 1973 is $28,500 computed as follows:

Distributable net income		$60,000
Less:		
(1) Amounts distributed to the beneficiary:		
Income currently distributed to the beneficiary	$7,000	
Other amounts distributed to the beneficiary	21,500	
Taxes under sec. 871 deemed distributed to the beneficiary	1,500	
Total amounts distributed to the beneficiary	30,000	
(2) Amount of taxes imposed on the trust under chapter 1 of the Code attributable to the undistributed net income (See § 1.665(d)–1A) $3,000 less $1,500)	1,500	
Total		31,500
Undistributed net income		28,500

Example (2). The facts are the same as in example (1) except that property has been transferred to the trust by a person other than a U.S. person, and during 1973 the foreign trust created by a U.S. person was 60 percent of the entire foreign trust. The trustee paid no income taxes to Country X or Country Y in 1973.

(1) The undistributed net income of the portion of the entire trust which is a foreign trust created by a U.S. person for 1973 is $17,100, computed as follows:

Distributable net income (60% of each item of gross income of entire trust):		
60% of $10,000 U.S. dividends		$6,000
60% of $20,000 Country X capital gains		12,000
60% of $30,000 Country X dividends		18,000
Total		36,000
Less:		
(i) Amounts distributed to the beneficiary—		
Income currently distributed to the beneficiary (60% of $7,000)	$4,200	
Other amounts distributed to the beneficiary (60% of $21,500)	12,900	
Taxes under sec. 871 deemed distributed to the beneficiary (60% of $1,500)	900	
Total amounts distributed to the beneficiary	18,000	
(ii) Amount of taxes imposed on the trust under chapter 1 of the Code attributable to the undistributed net income (see § 1.665(d)–1A) (60% of $1,500)	900	
Total		$18,900
Undistributed net income		17,100

(2) The undistributed net income of the portion of the entire trust which is not a foreign trust created by a U.S. person for 1973 is $11,400, computed as follows:

Distributable net income (40% of each item of gross income of entire trust)		
40% of $10,000 U.S. dividends		$4,000
40% of $20,000 Country X capital gains		8,000
40% of $30,000 Country X dividends		12,000
Total		24,000
Less:		
(i) Amounts distributed to the beneficiary—		
Income currently distributed to the beneficiary (40% of $7,000)	$2,800	
Other amounts distributed to the beneficiary (40% of $21,500)	8,600	
Taxes under sec. 871 deemed distributed to the beneficiary (40% of $1,500)	600	
Total amounts distributed to the beneficiary	12,000	
(ii) Amount of taxes imposed on the trust under chapter 1 of the Code attributable to the undistributed net income (Sec § 1.665(d)–1A) (40% of $1,500)	600	
Total		12,600
Undistributed net income		11,400

(c) *Effect of prior distributions.* The undistributed net income for any year to which an accumulation distribution for a later year may be thrown back will be reduced by accumulation distributions in intervening years which are required to be thrown back to such year. For example, if a trust has undistributed net income for 1975, and an accumulation distribution is made in 1980, there must be taken into account the effect on undistributed net income for 1975 of any accumulation distribution made in 1976, 1977, 1978, and 1979. However, undistributed net income for any year will not be reduced by any distributions in an intervening year which are excluded under section 663(a)(1), relating to gifts, bequests, etc. See paragraph (d) of § 1.666(a)–1A for an illustration of the reduction of undistributed net income for any year by a subsequent accumulation distribution.

(d) *Distributions made in taxable years beginning before January 1, 1974.* For special rules relating to accumulation distributions of undistributed net income made in taxable years of the trust beginning before January 1, 1974, see § 1.665(b)–2A.

§ 1.665(b)A Statutory provisions: excess distributions by trusts: definitions applicable to Subpart D; accumulation distribution.

SEC. 665. *Definitions applicable to subpart D.* • • •

(b) *Accumulation distribution.* For purposes of this subpart, the term "accumulation distribution" means, for any taxable year of the trust, the amount by which—

(1) The amounts specified in paragraph (2) of section 661(a) for such taxable year, exceed

(2) Distributable net income for such year reduced (but not below zero) by the amounts specified in paragraph (1) of section 661(a).

[Sec. 665(b) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.665(b)–1A Accumulation distributions.

(a) *In general.* (1) The term "accumulation distribution," for any taxable year of a trust, means an amount by which the amounts properly paid, credited, or required to be distributed within the meaning of section 61(a)(2) for that year exceed the distributable net income (determined under section 643(a)) of the trust, reduced (but not below

zero) by the amount of income required to be distributed currently. Distributions made within the first 65 days following a taxable year may be treated as having been distributed on the last day of such taxable year. See section 663 (b) and the regulations thereunder.

(2) An accumulation distribution also includes, for a taxable year of the trust, that portion of the trust of which the grantor or any other person is treated as owner under subpart E (section 671 and following), part I, subchapter J, Chapter 1 of the Code by reason of a power acquired during such year to affect the beneficial enjoyment of the corpus or income of the trust accumulated in prior taxable years. No accumulation distribution will occur merely because of the inception of a power which can only affect the beneficial enjoyment of income of the trust received after such taxable year.

(3) Although amounts properly paid, credited, or required to be distributed under section 661(a)(2) do not exceed the income of the trust during the taxable year, an accumulation distribution may result if such amounts exceed distributable net income reduced (but not below zero) by the amount required to be distributed currently. This may occur, for example, when expenses allocable to corpus are taken into account in determining taxable income and hence distributable net income.

(b) *Payments which are accumulation distributions.* The following are some instances in which an accumulation distribution may arise:

(1) *One trust to another.* A distribution from one trust to another trust is generally an accumulation distribution, assuming that all the other necessary requirements are met. For example, assume that a testamentary trust accumulated income during the life of the decedent's widow. Upon her death, the trust terminates and "pours over" into three trusts, one for the benefit of each of her children. Such a pourover is an accumulation distribution. However if—

(i) A distribution is made from one trust to a second trust, and by the second trust to the ultimate beneficiary,

(ii) The second trust is serving as a conduit for distribution to the ultimate beneficiary, and

(iii) The purpose of such distribution is (*a*) to avoid the capital gain distribution provisions (see section 669 and the regulations thereunder), or (*b*) to avoid or mitigate the progressive rates of tax or the minimum tax by bunching income accumulated in several taxable years of the first trust into 1 taxable year of the second trust,

the distribution shall be deemed to be an accumulation distribution by the first trust to the ultimate beneficiary. An amount passing from one separate share of a trust to another separate share of the same trust is not an accumulation distribution. See § 1.665(g)–2A.

(2) *Trust for minor.* A distribution of income accumulated during the minority of the beneficiary is generally an accumulation distribution. For example if a trust accumulates income until the beneficiary's 21st birthday, and then distributes the income to the beneficiary, such a distribution is an accumulation distribution. However, see § 1.665(b)–2A for rules governing income accumulated in taxable years beginning before January 1, 1969.

(3) *Power of withdrawal.* An accumulation distribution will be deemed to have been made in any taxable year of the trust to the extent of the portion of the trust that any beneficiary becomes treated as owner under section 678(a)(1) by reason of a power arising in such year and exercisable solely by himself to withdraw corpus of the trust or income accumulated in prior taxable years. The amount of the accumulation distribution shall be determined without regard to whether or not the power of withdrawal was in fact exercised during such year. For example, a décedent in his will gave his widow a power, exercisable solely by her, to require the trustee of a residuary trust to pay her during each taxable year of the trust $5,000 from corpus. The widow's right to exercise such power was not cumulative, so that, upon her failure to exercise it before the end of any taxable year of the trust, her right as to that year lapsed. An accumulation distribution will be deemed to have been made to the widow in each taxable year of the trust to the extent of the amount that could be withdrawn from corpus during such taxable year by reason of an exercise of such power.

(4) *Amounts paid for support.* An accumulation distribution will arise in the case of amounts applied or distributed for the support of a dependent under the circumstances specified in section 677(b) or section 678(c) out of corpus or out of other than income for the taxable year and amounts used to discharge or satisfy any person's legal obligation as that term is used in § 1.662(a)–4.

(c) *Payments which are not accumulation distributions—(1) Gifts, bequests, etc., described in section 663(a)(1).* A gift or bequest of a specific sum of money or of specific property described in section 663(a)(1) is not an accumulation distribution.

(2) *Charitable payments.* Any amount paid, permanently set aside, or used for the purposes specified in section 642(c) is not an accumulation distribution, even though no charitable deduction is allowed under such section with respect to such payment.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A trustee properly makes a distribution to a beneficiary of $20,000 during the taxable year 1976, of which $10,000 is income required to be distributed currently to the beneficiary. The distributable net income of the trust is $15,000. There is an accumulation distribution of $5,000 computed as follows.

Total distribution	$20,000
Less: Income required to be distributed currently (section 661(a)(1))	10,000
Other amounts distributed (section 661(a)(2))	10,000
Distributable net income $15,000	
Less: Income required to be distributed currently 10,000	
Balance of distributable net income	5,000
Accumulation distribution	5,000

Example (2). Under the terms of the trust instrument, an annuity of $15,000 is required to be paid to A out of income each year and the trustee may in his discretion make distributions out of income or corpus to B. During the taxable year the trust had income of $18,000, as defined in section 643(b), and expenses allocable to corpus of $5,000. Distributable net income amounted to $13,000. The trustee distributed $15,000 of income to A and, in the exercise of his discretion, paid $5,000 to B. There is an accumulation distribution of $5,000 computed as follows:

Total distribution	$20,000
Less: Income required to be distributed currently to A (section 661(a)(1))	15,000
Other amounts distributed (section 661(a)(2))	5,000
Distributable net income $13,000	
Less: Income required to be distributed currently to A 15,000	
Balance of distributable net income	0
Accumulation distribution to B	5,000

Example (3). Under the terms of a trust instrument, the trustee may either accumulate the trust income or make distributions to A and B. The trustee may also invade corpus for the benefit of A and B. During the taxable year, the trust had income as defined in section 643(b) of $22,000 and expenses of $5,000 allocable to corpus. Distributable net income amounts to $17,000. The trustee distributed $10,000 each to A and B during the taxable year. There is an accumulation distribution of $3,000 computed as follows:

Total distribution	$20,000
Less: Income required to be distributed currently	0
Other amounts distributed (section 661(a)(2))	20,000
Distributable net income $17,000	
Less: Income required to be distributed currently 0	
Balance of distributable net income	17,000
Accumulation distribution	3,000

§ 1.665(b)–2A Special rules for accumulation distributions made in taxable years beginning before January 1, 1974.

(a) *General rule.* Section 331(d)(2)(A) of the Tax Reform Act of 1969 excludes certain accumulated income from the tax imposed by section 668(a)(2) by providing certain exceptions from the definition of an "accumulation distribution." Any amount paid, credited, or required to be distributed by a trust (other than a foreign trust created by a U.S. person) during a taxable year of the trust beginning after December 31, 1968, and before January 1, 1974, shall not be subject to the tax imposed by section 668(a)(2) to the extent of the portion of such amount that (1) would be allocated under section 666(a) to a preceding taxable year of the trust beginning before January 1, 1969, and (2) would not have been deemed an accumulation distribution because of the provisions of paragraphs (1), (2), (3), or (4) of section 665(b) as in effect on December 31, 1968, had the trust distributed such amounts on the last day of its last taxable year beginning before January 1, 1969. However, the $2,000 de minimis exception formerly in section 665(b) does not apply in the case of any distribution made in a taxable year of a trust beginning after December 31, 1968. Amounts to which this exclusion applies shall reduce the undistributed net income of the trust for the preceding taxable year or years to which such amounts would be allocated under section 666(a). However, since section 668(a)(2) does not apply to such amounts, no amount of taxes imposed on the trust allocable to such undistributed net income is deemed distributed under section 666 (b) and (c).

(b) *Application of general rule.* The rule expressed in paragraph (a) of this section is applied to the exceptions formerly in section 665(b) as follows:

(1) *Distributions from amounts accumulated while beneficiary is under 21.* (i) Paragraph (1) of section 665(b) as in effect on December 31, 1968, provided that amounts paid, credited, or required to be distributed to a beneficiary as income accumulated before the birth of such beneficiary or before such beneficiary attains the age of 21 were not to be considered to be accumulation distributions. If an accumulation distribution is made in a taxable year of the trust beginning after December 31, 1968, and before January 1, 1974, and under section 666(a) such accumulation distribution would be allocated to a preceding taxable year beginning before January 1, 1969, no tax shall be imposed under section 668(a)(2) to the extent the income earned by the trust for such preceding taxable year would be deemed under § 1.665(b)–2(b)(1) to have been accumulated before the beneficiary's birth or before his 21st birthday. The provisions of this subparagraph may be illustrated by the following example:

Example. A trust on the calendar year basis was established on January 1, 1965, to accumulate the income during the minority of B, and to pay the accumulated income over to B upon his attaining the age of 21. B's 21st birthday is January 1, 1973. On January 2, 1973, the trustee pays over to B all the accumulated income of the trust. The distribution is an accumulation distribution that may be allocated under section 666(a) to 1968, 1969, 1970, 1971, and 1972 (the 5 preceding taxable years as defined in § 1.665(e)–1A). To the extent the distribution is allocated to 1968, no tax is imposed under section 668(a)(2).

(ii) As indicated in paragraph (a) of this section, a distribution of an amount excepted from the tax otherwise imposed under section 668(a)(2) will reduce undistributed net income for the purpose of determining the effect of a future distribution. Thus, under the facts of the example in subdivision (i) of this subparagraph, the undistributed net income for the trust's taxable year 1968 would be reduced by the amount of the distribution allocated to that year under section 666(a).

(2) *Emergency distributions.* Paragraph (2) of section 665(b) as in effect on December 31, 1968, provided an exclusion from the definition of an accumulation distribution for amounts properly paid or credited to a beneficiary to meet his emergency needs. Therefore, if an accumulation distribution is made from a trust in a taxable year beginning before January 1, 1974, and under section 666(a) such accumulation distribution would be allocated to a preceding taxable year of the trust beginning before January 1, 1969, no tax shall be imposed under section 668(a)(2) if such distribution would have been considered an emergency distribution under § 1.665(b)–2(b)(2) had it been made in a taxable year of the trust beginning before January 1, 1969. For example, assume a trust on a calendar year basis in 1972 makes an accumulation distribution which under § 1.665(b)–2(b)(2) would be considered an emergency distribution and under section 666(a) the distribution would be allocated to the years 1967, 1968, and 1969. To the extent such amount is allocated to 1967 and 1968, no tax would be imposed under section 668(a)(2).

(3) *Certain distributions at specified ages.* Paragraph (3) of section 665(b) as in effect on December 31, 1968, provided an exclusion (in the case of certain trusts created before January 1, 1954) from the definition of an accumulation distribution for amounts properly paid or credited to a beneficiary upon his attaining a specified age or ages, subject to certain restrictions (see § 1.665(b)–2(b)(3)). Therefore, a distribution from a trust in a taxable year beginning after December 31, 1968, will not be subject to the tax imposed under section 668(a)(2) to the extent such distribution would be allocated to a preceding taxable year of the trust beginning before January 1, 1969, if such distribution would have qualified under the provisions of § 1.665(b)–2(b)(3) had it been made in a taxable year of the trust to which such section was applicable.

(4) *Certain final distributions.* Paragraph (4) of section 665(b) as in effect on December 31, 1968, provided an exclusion from the definition of an accumulation distribution for amounts properly paid or credited to a beneficiary as a final distribution of the trust if such final distribution was made more than 9 years after the date of the last transfer to such trust. Therefore, amounts properly paid or credited to a beneficiary as a final distribution of a trust in a taxable year of the trust beginning after December 31, 1968, will not be subject to the tax imposed under section 668(a)(2) to the extent such distribution would be allocated to a preceding taxable year of the trust beginning before January 1, 1969, if the last day of the last taxable year of the trust beginning before January 1, 1969, was more than 9 years after the date of the last transfer to such trust. If the last day of such last taxable year is not more than 9 years after such last transfer, however, then the exclusion provided by this section does not apply and the distribution shall be taxed according to the general rules applicable under subpart D. The provisions of this paragraph may be illustrated by the following examples:

Example (1). A trust on a calendar year basis was established on January 1, 1958, and no additional transfers were made to it. On January 1, 1973, the trustee terminates the trust and makes a final distribution to the beneficiary, B. Because more than 9 years elapsed between the last transfer to the trust and the last day of the last taxable year beginning before January 1, 1969 (i.e., Dec. 31, 1968), the distribution is not taxed under section 668(a)(2) to the extent it would be allocated to 1968 under section 666(a).

Example (2). Assume the same facts as in example (1), except that the grantor made an additional transfer to the trust on December 31, 1963. Inasmuch as more than 9 years had not elapsed between that transfer and December 31, 1968, the distribution in 1973 is an accumulation distribution to which no exception applies.

§ 1.665(c)A Statutory provisions; excess distributions by trusts; definitions applicable to subpart D; special rule applicable to distributions by certain foreign trusts.

SEC. 665. *Definitions applicable to subpart D.* * * *

(c) *Special rule applicable to distributions by certain foreign trusts.* For purposes of this subpart, any amount paid to a U.S. person which is from a payor who is not a U.S. person and which is derived directly or indirectly from a foreign trust created by a U.S. person shall be deemed in the year of payment to have been directly paid by the foreign trust.

[Sec. 665(c) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.665(c)–1A Special rule applicable to distributions by certain foreign trusts.

(a) *In general.* Except as provided in paragraph (b) of this section, for purposes of section 665 any amount paid to a U.S. person which is from a payor who is not a U.S. person and which is derived directly or indirectly from a foreign trust created by a U.S. person shall be deemed in the year of payment to the U.S. person to have been directly paid to the U.S. person by the trust. For example, if a nonresident alien receives a distribution from a foreign trust created by a U.S. person and then pays the amount of the distribution over to a U.S. person, the payment of such amount to the U.S. person represents an accumulation distribution to the U.S. person from the trust to the extent that the amount received would have been an accumulation distribution had the trust paid the amount directly to the U.S. person in the year in which the payment was received by the U.S. person. This section also applies in a case where a nonresident alien receives indirectly an accumulation

distribution from a foreign trust created by a U.S. person and then pays it over to a U.S. person. An example of such a transaction is one where the foreign trust created by a U.S. person makes the distribution to an intervening foreign trust created by either a U.S. person or a person other than a U.S. person and the intervening trust distributes the amount received to a nonresident alien who in turn pays it over to a U.S. person. Under these circumstances, it is deemed that the payment received by the U.S. person was received directly from a foreign trust created by a U.S. person.

(b) *Limitation.* In the case of a distribution to a beneficiary who is a U.S. person, paragraph (a) of this section does not apply if the distribution is received by such beneficiary under circumstances indicating lack of intent on the part of the parties to circumvent the purposes for which section 7 of the Revenue Act of 1962 (76 Stat. 985) was enacted.

§ 1.665(d)A Statutory provisions; excess distribution by trusts; definitions applicable to subpart D; taxes imposed on the trust.

SEC. 665. *Definitions applicable to subpart D.* • • •

(d) *Taxes imposed on the trust.* For purposes of this subpart, the term "taxes imposed on the trust" means the amount of the taxes which are imposed for any taxable year of the trust under this chapter (without regard to this subpart) and which, under regulations prescribed by the Secretary or his delegate, are properly allocable to the undistributed portions of distributable net income and gains in excess of losses from sales or exchanges of capital assets. The amount determined in the preceding sentence shall be reduced by any amount of such taxes deemed distributed under section 666 (b) and (c) or 669 (d) and (e) to any beneficiary.

[Sec. 665(d) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.665(d)–1A Taxes imposed on the trust.

(a) *In general.* For the purpose of subpart D, the term "taxes imposed on the trust" means the amount of Federal income taxes, other than the minimum tax for tax preferences imposed by section 56 (except as provided in paragraph (c)(2) of this section), properly imposed for any taxable year on the trust which are attributable to the undistributed portions of distributable net income and gains in excess of losses from sales or exchanges of capital assets.

(b) *Taxes imposed on the trust attributable to undistributed net income.* (1) For the purpose of subpart D, the term "taxes imposed on the trust attributable to the undistributed net income" means the amount of Federal income taxes for the taxable year which is properly allocable to the undistributed portion of the distributable net income for such taxable year. This amount is an amount which bears the same relationship to the total taxes of the trust for the year (other than the minimum tax for tax preferences imposed by section 56), computed after the allowance of credits under section 643(a), as (i) the taxable income of the trust, other than capital gains not included in distributable net income less their share of the section 1202 deduction, bears to (ii) the total taxable income of the trust for such year. Thus, for the purposes of subpart D, in determining the amount of taxes imposed on the trust attributable to the undistributed net income, that portion of the taxes paid by the trust which is attributable to capital gain allocable to corpus is excluded. The rule stated in this subparagraph may be illustrated by the following example:

Example. (1) Under the terms of a trust, which reports on the calendar year basis, the income may be accumulated or distributed to A in the discretion of the trustee and capital gains are allocable to corpus. During the taxable year 1974, the trust had income of $20,000 from royalties, long-term capital gains of $10,000, and expenses of $2,000. The trustee in his discretion made a distribution of $10,000 to A. The taxes imposed on the trust for such year attributable to the undistributed net income are $2,319, determined as shown below.

(2) The distributable net income of the trust computed under section 643(a) is $18,000 (royalties of $20,000 less expenses of $2,000). The total taxes paid by the trust are $3,787, computed as follows:

Royalties		$20,000
Capital gain allocable to corpus		10,000
Gross income		30,000
Deductions:		
Expenses	$2,000	
Distributions to A	10,000	
Capital gain deduction	5,000	
Personal exemption	100	
		17,100
Taxable income		12,900
Total income taxes		3,787

(3) Taxable income other than capital gains less the section 1202 deduction is $7,900 ($12,900−($10,000−$5,000)). Therefore, the amount of taxes imposed on the trust attributable to the undistributed net income is $2,319, computed as follows:

$3,787 (total taxes) × $7,900 (taxable income other than capital gains not included in d.n.i. less the 1202 deduction) divided by $12,900 (taxable income) ---------- $2,319

(2) If in any taxable year an accumulation distribution is made by the trust which results in a throwback to a prior year, the taxes of the prior year imposed on the trust attributable to any remaining undistributed net income of such prior year are the taxes prescribed in subparagraph (1) of this paragraph reduced by the taxes of the prior year deemed distributed under section 666 (b) or (c). The provisions of this subparagraph may be illustrated by the following example:

Example. Assume the same facts as in the example in subparagraph (1) of this paragraph. In 1975 the trust makes an accumulation distribution, of which an amount of undistributed net income is deemed distributed in 1974. Taxes imposed on the trust (in the amount of $1,000) attributable to the undistributed net income are therefore deemed distributed in such year. Consequently, the taxes imposed on the trust subsequent to the 1975 distribution attributable to the remaining undistributed net income are $1,319 ($2,319 less $1,000).

(c) *Taxes imposed on the trust attributable to undistributed capital gain—*(1) *Regular tax.* For the purpose of subpart D, the term "taxes imposed on the trust attributable to undistributed capital gain" means the amount of Federal income taxes for the taxable year which is properly attributable to that portion of the excess of capital gains over capital losses of the trust which is allocable to corpus for such taxable year. Such amount is the total of—

(i) The amount computed under subparagraph (2) of this paragraph (the minimum tax), plus

(ii) The amount which bears the same relationship to the total taxes of the trust for the year (other than the minimum tax), computed after the allowance of credits under section 642(a), as (*a*) the excess of capital gains over capital losses for such year which are not included in distributable net income, computed after its share of the deduction under section 1202 (relating to the deduction for capital gains) has been taken into account, bears to the greater of (*b*) the total taxable income of the trust for such year, or (*c*) the amount of capital gains computed under (*a*) of this subdivision.

The application of this subparagraph may be illustrated by the following example:

Example. Assume the same facts as in the example in paragraph (b)(1). The capital gains not included in d.n.i are $10,000, and the deduction under section 1202 is $5,000. The amount of taxes imposed on the trust attributable to undistributed capital gain is $1,468, computed as follows:

$3,787 total taxes) × $5,000 (capital gains not included in d.n.i. less sec. 1202 deductions) divided by $12,900 (taxable income) ---------- $1,468

(2) *Minimum tax.* The term "taxes imposed on the trust attributable to the undistributed capital gain" also includes the minimum tax for tax preferences imposed on the trust by section 56 with respect to the undistributed capital gain. The amount of such minimum tax so included bears the same relation to the total amount of minimum tax imposed on the trust by section 56 for the taxable year as one-half the net section 1201 gain (as defined in section 1222(11)) from such taxable year bears to the sum of the items of tax preference of the trust for such taxable year which are apportioned to the trust in accordance with § 1.58–3(a)(1).

(3) *Reduction for prior distribution.* If in any taxable year a capital gain distribution is made by the trust which results in a throwback to a prior year, the taxes of the prior year imposed on the trust attributable to any remaining undistributed capital gain of the prior year are the taxes prescribed in subparagraph (1) of this paragraph reduced by the taxes of the prior year deemed distributed under section 669 (d) or (e). The provisions of this subparagraph may be illustrated by the following example:

Example. Assume the same facts as in the example in subparagraph (1) of this paragraph. In 1976, the trust makes a capital gain distribution, of which an amount of undistributed capital gain is deemed distributed in 1974. Taxes imposed on the trust (in the amount of $500) attributable to the undistributed capital gain are therefore deemed distributed in such year. Consequently, the taxes imposed on the trust attributable to the remaining undistributed capital gain are $968 ($1,468 less $500).

§ 1.665(e)A Statutory provisions; excess distributions; definitions applicable to subpart D; preceding taxable year.

SEC. 665. *Definitions applicable to subpart D.* • • •

(e) *Preceding taxable year.* For purposes of this subpart—

(1) In the case of a trust (other than a foreign trust created by a U.S. person), the term "preceding taxable year" does not include any taxable year of the trust—

(A) Which precedes by more than 5 years the taxable year of the trust in which an accumulation distribution is made, if it is made in a taxable year beginning before January 1, 1974,

(B) Which begins before January 1, 1969, in the case of an accumulation distribution made during a taxable year beginning after December 31, 1973, or

(C) Which begins before January 1, 1969, in the case of a capital gain distribution made during a taxable year beginning after December 31, 1968; and

(2) In the case of a foreign trust created by a U.S. person, such term does not include any taxable year of the trust to which this part does not apply.

In the case of a preceding taxable year with respect to which a trust qualifies (without regard to this subpart) under the provisions of subpart B, for purposes of the application of this subpart to such trust for such taxable year, such trust shall, in accordance with regulations prescribed by the Secretary or his delegate, be treated as a trust to which subpart C applies.

[Sec. 665(e) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.665(e)–1A Preceding taxable year.

(a) *Definition—*(1) *Domestic trusts—*(i) *In general.* For purposes of subpart D, in the case of a trust other than a foreign trust created by a U.S. person, the term "preceding taxable year" serves to identify and limit the taxable years of a trust to which an accumulation distribution and a capital gain distribution may be allocated (or "thrown back") under section 666(a) and 669(a). An accumulation distribution or a capital gain distribution may not be allocated or "thrown back" to a taxable year of a trust if such year is not a "preceding taxable year."

(ii) *Accumulation distributions.* In the case of an accumulation distribution made in a taxable year beginning before January 1, 1974, any taxable year of the trust which precedes by more than 5 years the taxable year of the trust in which such accumulation distribution was made is not a "preceding taxable year." Thus, for a domestic trust on a calendar year basis, calendar year 1967 is not a "preceding taxable year" with respect to an accumulation distribution made in calendar year 1973, whereas calendar year 1968 is a "preceding taxable year." In the case of an accumulation distribution made during a taxable year beginning after December 31, 1973, any taxable year of the trust which begins before January 1, 1969, is not a "preceding taxable year." Thus, for a domestic trust on a calendar year basis, calendar year 1968 is not a "preceding taxable year" with respect to an accumulation distribution made in calendar year 1975, whereas calendar year 1969 is a "preceding taxable year."

(iii) *Capital gain distributions.* In the case of a capital gain distribution, any taxable year of the trust which (*a*) begins before January 1, 1969, or (*b*) is prior to the first year in which income is accumulated, whichever occurs later, is not a "preceding taxable year." Thus, for the purpose of capital gain distributions and section 669, only taxable years beginning after December 31, 1968, can be "preceding taxable years."

(2) *Foreign trusts created by U.S. persons.* For purposes of subpart D, in the case of a foreign trust created by a U.S. person, the term "preceding taxable year" does not include any taxable year to which part of I subchapter J does not apply. See section 683 and regulations thereunder. Accordingly, the provisions of subpart D may not, in the case of a foreign trust created by a U.S. person, be applied to any taxable year which begins before 1954 or ends before August 17, 1954. For example, if a foreign trust created by a U.S. person (reporting on the calendar year basis) makes a distribution during the calendar year 1970 of income accumulated during prior years, the earliest year of the trust to which the accumulation distribution may be allocated under such subpart D is 1954, but it may not be allocated to 1953 and prior years, since the Internal Revenue Code of 1939 applies to those years.

(b) *Simple trusts treated as complex trusts.* An accumulation distribution may be properly allocated to a preceding taxable year in which the trust qualified as a simple trust (that is, qualified for treatment under subpart B (section 651 and following) of such part I). In such event, the trust is treated for such preceding taxable year in all respects as if it were a trust to which subpart C (section 661 and following) of such part I applies. An example of such a circumstance would be in the case of a trust (required under the trust instrument to distribute all of its income currently) which received in the preceding taxable year extraordinary dividends or taxable stock dividends which the trustee in good faith allocated to corpus, but which are subsequently determined to be currently distributable to the beneficiary. See section 643(a)(4) and § 1.643(a)–4. The trust would qualify for treatment under such subpart C for the year of distribution of the extraordinary dividends or taxable stock dividends, because the distribution is not out of income of the current taxable year and would be treated as other amounts properly paid or credited or required to be distributed for such taxable year within the meaning of section 661(a)(2). Also, the distribution would qualify as an accumulation distribution for the purposes of such subpart D. For purposes only of such subpart D, the trust would be treated as subject to the provisions of such subpart C for the preceding taxable year in which the extraordinary or taxable stock dividends were received and in computing undistributed net income for such preceding year, the extraordinary or taxable stock dividends would be included in distributable net income under section 643(a). The rule stated in the preceding sentence would also apply if the distribution in the later year were made out of corpus without regard to a determination that the extraordinary dividends or taxable stock dividends in question were currently distributable to the beneficiary.

§ 1.665(f)A Statutory provisions; excess distributions by trusts; definitions applicable to subpart D; undistributed capital gain.

SEC. 665. *Definitions applicable to subpart D.* • • •

(f) *Undistributed capital gain.* For purposes of this subpart, the term "undistributed capital gain" means, for any taxable year of the trust beginning after December 31, 1968, the amount by which—

(1) Gains in excess of losses from the sale or exchange of capital assets, to the extent that such gains are allocated to corpus and are not (A) paid, credited, or required to be distributed to any beneficiary during such taxable year, or (B) paid, permanently set aside, or used for the purposes specified in section 642(c), exceed

(2) The amount of taxes imposed on the trust attributable to such gains.

For purposes of paragraph (1), the deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

[Sec. 665(f) as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.665(f)–1A Undistributed capital gain.

(a) *Domestic trusts.* The term "undistributed capital gain" means (in the case of a trust other than a foreign trust created by a U.S. person), for any taxable year of the trust beginning after December 31, 1968, the gains in excess of losses from the sale or exchange of capital assets of the trust for that year, less:

(1) The amount of such gains that are not allocated to corpus and are (i) paid, credited, or required to be distributed to any beneficiary during such year, or (ii) paid, permanently set aside, or otherwise qualified for the deduction provided in section 642(c), and

(2) The amount of taxes imposed on the trust for such year attributable to such gains, as defined in § 1.665(d)–1A.

For purposes of computing the amount of capital gain under this paragraph, no deduction under section 1202, relating to deduction for excess of capital gains over capital losses, shall be taken into account. The application of this paragraph may be illustrated by the following example:

Example. Under the terms of the trust, the trustee must distribute all income currently and has discretion to distribute capital gain to A or to allocate it to corpus. During the taxable year 1971 the trust recognized capital gain in the amount of $15,000, and capital

losses of $5,000, and had interest income (after expenses) of $6,000. The trustee distributed $3,000 to A, consisting of $6,000 of interest and $2,000 of capital gain. Inasmuch as the trustee allocated the $2,000 to be distributed to A, it is included in the computation of distributable net income under § 1.643(a)-3. The balance of the capital gain he allocated to corpus. The trust paid taxes of $671, all of which are attributable under § 1.665(d)-1A to the undistributed capital gain. The amount of undistributed capital gain of the trust for 1971 is therefore $7,329, computed as follows:

Total capital gains	$15,000	
Less: Capital losses	5,000	
Gains in excess of losses		$10,000
Less: Amount of capital gain included in distributable net income and not allocated to corpus	2,000	
Taxes imposed on the trust attributed to the undistributed capital gain (see § 1.665(d)-1A)	671	
		2,671
Undistributed capital gain		7,329

(b) *Foreign trusts.* Distributable net income for a taxable year of a foreign trust created by a U.S. person includes capital gains in excess of capital losses for such year (see § 1.643(a)-6(a)(3)). Thus, a foreign trust created by a U.S. person can never have any undistributed capital gain.

§ 1.665(g)A Statutory provisions; excess distributions by trusts; definitions applicable to subpart D; capital gain distribution.

SEC. 665. *Definitions applicable to subpart D.* * * *

(g) *Capital gain distribution.* For purposes of this subpart, the term "capital gain distribution" for any taxable year of the trust means, to the extent of undistributed capital gain for such taxable year, the portion of—

(1) The excess of the amounts specified in paragraph (2) of section 661(a) for such taxable year over distributable net income for such year reduced (but not below zero) by the amounts specified in paragraph (1) of section 661(a), over

(2) The undistributed net income of the trust for all preceding taxable years.

[Sec. 665 as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.665(g)-1A Capital gain distribution.

For any taxable year of a trust, the term "capital gain distribution" means, to the extent of the undistributed capital gain of the trust, that portion of an accumulation distribution which exceeds the amount of such accumulation distribution deemed under section 666(a) to be undistributed net income of the trust for all preceding taxable years. See § 1.665(b)-1A for the definition of "accumulation distribution". For any such taxable year the undistributed capital gain includes the total undistributed capital gain for all years of the trust beginning with the first taxable year beginning after December 31, 1968, in which income (as determined under section 643(b)) is accumulated, and ending before such taxable year. See §1.665(g)-2A for application of the separate share rule.

The application of this section may be illustrated by the following example:

Example. A trust on the calendar year basis made the following accumulations. For purposes of this example, the undistributed net income is the same as income under applicable local law. No income was accumulated prior to 1970.

Year	Undistributed net income	Undistributed capital gain
1969	none	$10,000
1970	$1,000	3,000
1971	none	4,000

The trust has distributable net income in 1972 of $2,000, and recognizes capital gains of $4,500 that are allocable to corpus. On December 31, 1972, the trustee makes a distribution of $10,000 to the beneficiary. There is an accumulation distribution of $8,000 ($10,000 distribution less $2,000 d.n.i.) which consists of undistributed net income of $1,000 (see § 1.666(a)-1A) and a capital gain distribution of $7,000. The capital gain distributon is computed as follows:

Accumulation distribution	$8,000
Less: Undistributed net income	1,000
Balance	7,000
Capital gain distribution (undistributed capital gain of the trust for 1972 ($3,000 from 1970 and $4,000 from 1971))	7,000
Balance (corpus)	0

No undistributed capital gain is deemed distributed from 1969 because 1969 is a year prior to the first year in which income is accumulated (1970).

§ 1.665(g)-2A Application of separate share rule.

(a) *Accumulation distributions.* If the separate share rule of section 663(c) is applicable for any taxable year of a trust, subpart. D is applied as if each share were a separate trust except as provided in paragraph (c) of this section and in § 1.668(a)-1A(c). Thus, "undistributed net income" and the amount of an "accumulation distribution" are computed separately for each share. The "taxes imposed on the trust attributable to the undistributed net income" are allocated as follows:

(1) There is first allocated to each separate share that portion of the "taxes imposed on the trust attributable to the undistributed net income", computed before the allowance of any credits under section 642(a), which bears the same relation to the total of such taxes that the distributable net income of the separate share bears to the distributable net income of the trust, adjusted for this purpose as follows:

(i) There is excluded from distributable net income of the trust and of each separate share any tax-exempt interest, foreign income of a foreign trust, and excluded dividends, to the extent such amounts are included in distributable net income pursuant to section 643(a)(5), (6), and (7); and

(ii) The distributable net income of the trust is reduced by any deductions allowable under section 661 for amounts paid, credited, or required to be distributed during the taxable year, and the distributable net income of each separate share is reduced by any such deduction allocable to that share.

(2) The taxes so determined for each separate share are then reduced by that portion of the credits against tax allowable to the trust under section 642(a) in computing the "taxes imposed on the trust" which bear the same relation to the total of such taxes that the items of distributable net income allocable to the separate share with respect to which the credit is allowed bear to the total of such items of the trust.

(b) *Capital gain distributions.* If the separate share rule of section 663(c) is applicable for any taxable year of a trust, subpart D is applied as if each share were a separate trust. Thus, "undistributed capital gain" and the amount of a "capital gain distribution" are computed separately for each share. The "taxes imposed on the trust attributable to undistributed capital gain" are allocated as follows:

(1) There is first allocated to each separate share that portion of the "taxes imposed on the trust attributable to undistributed capital gain" computed before the allowance of any credits under section 642(a), which bears the same relation to the total of such taxes that the undistributed capital gain (prior to the deduction of taxes under section 665(c)(2)) of the separate share bears to the total such undistributed capital gain of the trust.

(2) The taxes so determined for each separate share are then reduced by that portion of the credits against tax allowable to the trust under section 642(a) in computing the "taxes imposed on the trust" which bear the same relation to the total of such taxes that the capital gain allocable to the separate share with respect to which the credit is allowed bear to the total of such capital gain of the trust.

(c) *Termination of a separate share.* If upon termination of a separate share, an amount is properly paid, credited or required to be distributed by the trust to a beneficiary from such share, an accumulation distribution will be deemed to have been made to the extent such amount exceeds the distributable net income of such share reduced (but not below zero) by the amount of income required to be distributed currently from such share. In determining the distributable net income of such share, only those items of income and deduction for the taxable year of the trust in which such share terminates, properly allocable to such share, shall be taken into consideration. No accumulation distribution will be deemed to have been made upon termination of a separate share to the extent that such share, or a portion thereof, is held by the trust for a successive interest or is added to the share or shares of other beneficiaries and is not distributed by the trust. The undistributed net income, undistributed capital gain and the taxes imposed on the trust attributable to such items, if any, for the taxable year in which termination occurs and all preceding taxable years (reduced by any such amounts deemed distributed under

sections 666(a) and 669(a) by reason of any accumulation distribution or capital gain distribution in prior years or the current taxable year), which were allocable to the terminating share, shall be carried over to the share or shares to which the terminating share is added. Such amounts will be treated as if accumulated by such share or shares in the years in which such items were accumulated by the terminating shares. However, no adjustment will be made to the amounts deemed distributed under sections 666 and 669 by reason of accumulation distributions or capital gain distributions from such share or shares made in years prior to the year in which the terminating share was added to such share or shares. The provisions of this subparagraph may be illustrated by the following example:

Example. A trust was established under the will of X for the benefit of his wife, and upon her death the balance was to be split into two equal separate shares, one for each of his two sons, Y and Z. The trustee had discretion to pay or accumulate the income to the wife, and after her death was to pay each son's share to him upon his attaining the age of 25. When the wife died, Y was 23 and Z was 28.

(1) Upon the death of X's widow, there is no accumulation distribution. The entire trust is split into two equal shares, and therefore the undistributed net income and the undistributed capital gain of the trust are split into two shares.

(2) The distribution to Z of his share after his mother's death is an accumulation distribution of his separate share.

§ 1.666(a)A Statutory provisions; excess distributions by trusts; accumulation distribution allocated to preceding years; amount allocated.

SEC. 666. *Accumulation distribution allocated to preceding years—(a) Amount allocated.* In the case of a trust which is subject to subpart C, the amount of the accumulation distribution of such trust for a taxable year shall be deemed to be an amount within the meaning of paragraph (2) of section 661(a) distributed on the last day of each of the preceding taxable years, commencing with the earliest of such years to the extent that such amount exceeds the total of any undistributed net income for all earlier preceding taxable years. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed net income for such preceding taxable year. For purposes of this subsection, undistributed net income for each of such preceding taxable years shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

[Sec. 666(a) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.666(a)-1A Amount allocated.

(a) *In general.* In the case of a trust that is subject to subpart C of part I of subchapter J of chapter 1 of the Code (relating to estates and trusts which may accumulate income or which distribute corpus), section 666(a) prescribes rules for determining the taxable years from which an accumulation distribution will be deemed to have been made and the extent to which the accumulation distribution is considered to consist of undistributed net income. In general, as accumulation distribution made in taxable years beginning after December 31, 1969, is deemed to have been made first from the earliest preceding taxable year of the trust for which there is undistributed net income and an accumulation distribution made in a taxable year beginning before January 1, 1970, is deemed to have been made first from the most recent preceding taxable year of the trust for which there is undistributed net income. See § 1.665(e)-1A for the definition of "preceding taxable year."

(b) *Distributions by domestic trusts—(1) Taxable years beginning after December 31, 1973.* An accumulation distribution made by a trust (other than a foreign trust created by a U.S. person) in any taxable year beginning after December 31, 1973, is allocated to the preceding taxable years of the trust (defined in § 1.665(e)-1A(a)(1)(i) as those beginning after Dec. 31, 1968) according to the amount of undistributed net income of the trust for such years. For this purpose, an accumulation distribution is first allocated to the earliest such preceding taxable year in which there is undistributed net income and shall then be allocated in turn, beginning with the next earliest, to any remaining preceding taxable years of the trust. The portion of the accumulation distribution allocated to the earliest preceding taxable year is the amount of the undistributed net income for that preceding taxable year. The portion of the accumulation distribution allocated to any preceding taxable year subsequent to the earliest such preceding taxable year is the excess of the accumulation distribution over the aggregate of the undistributed net income for all earlier preceding taxable years. See paragraph (d) of this section for adjustments to undistributed net income for prior distributions. The provisions of this subparagraph may be illustrated by the following example:

Example. In 1977, a domestic trust reporting on the calendar year basis makes an accumulation distribution of $33,000. Therefore, years before 1969 are ignored. In 1969, the trust had $6,000 of undistributed net income; in 1970, $4,000; in 1971, none; in 1972, $7,000; in 1973, $5,000; in 1974, $8,000; in 1975, $6,000; and $4,000 in 1976. The accumulation distribution is deemed distributed $6,000 in 1969, $4,000 in 1970, none in 1971, $7,000 in 1972, $5,000 in 1973, $8,000 in 1974, and $3,000 in 1975.

(2) *Taxable years beginning after December 31, 1969, and before January 1, 1974.* If a trust (other than a foreign trust created by a U.S. person) makes an accumulation distribution in a taxable year beginning after December 31, 1969, and before January 1, 1974, the distribution will be deemed distributed in the same manner as accumulation distributions qualifying under subparagraph (1) of this paragraph, except that the first year to which the distribution may be thrown back cannot be earlier than the fifth taxable year of the trust preceding the year in which the accumulation distribution is made. Thus, for example, in the case of an accumulation distribution made in the taxable year of a domestic trust which begins on January 1, 1972, the taxable year of the trust beginning on January 1, 1967, would be the first year in which the distribution was deemed made, assuming that there was undistributed net income for 1967. See also § 1.665(e)-1A(a)(1). The provisions of this subparagraph may be illustrated by the following example:

Example. In 1973, a domestic trust reporting on the calendar year basis, makes an accumulation distribution of $25,000. In 1968, the fifth year preceding 1973, the trust had $7,000 of undistributed net income; in 1969, none; in 1970, $12,000; in 1971, $4,000; in 1972, $4,000. The accumulation distribution is deemed distributed in the amounts of $7,000 in 1968, none in 1969, $12,000 in 1970, $4,000 in 1971, and $2,000 in 1972.

(3) *Taxable years beginning after December 31, 1968, and before January 1, 1970.* Accumulation distributions made in taxable years of the trust beginning after December 31, 1968, and before January 1, 1970, are allocated to prior years according to § 1.666(a)-1.

(c) *Distributions by foreign trusts—(1) Foreign trusts created solely by U.S. persons—(i) Taxable years beginning after December 31, 1969.* If a foreign trust created by a U.S. person makes an accumulation distribution in any taxable year beginning after December 31, 1969, the distribution is allocated to the trust's preceding taxable years (defined in § 1.665(e)-1A(a)(2) as those beginning after Dec. 31, 1953, and ending after Aug. 16, 1954) according to the amount of undistributed net income of the trust for such years. For this purpose, an accumulation distribution is first allocated to the earliest such preceding taxable year in which there is undistributed net income and shall then be allocated in turn, beginning with the next earliest, to any remaining preceding taxable years of the trust. The portion of the accumulation distribution allocated to the earliest preceding taxable year is the amount of the undistributed net income for that preceding taxable year. The portion of the accumulation distribution allocated to any preceding taxable year subsequent to the earliest such preceding taxable year is the excess of the accumulation distribution over the aggregate of the undistributed net income for all earlier preceding taxable years. See paragraph (d) of this section for adjustments to undistributed net income for prior distributions. The provisions of this subdivision may be illustrated by the following example:

Example. In 1971, a foreign trust created by a U.S. person, reporting on the calendar year basis, makes an accumulation distribution of $50,000. In 1961, the trust had $12,000 of undistributed net income; in 1962, none; in 1963, $10,000; in 1964, $8,000; in 1965, $5,000; in 1966, $14,000; in 1967, none; in 1968, $3,000; in 1969, $2,000; and in 1970, $1,000. The accumulation distribution is deemed distributed in the amounts of $12,000 in 1961, none in 1962, $10,000 in 1963, $8,000 in 1964, $5,000 in 1965, $14,000 in 1966, none in 1967, and $1,000 in 1968.

(ii) *Taxable years beginning after December 31, 1968, and before January 1,*

1970. Accumulation distributions made in taxable years of the trust beginning after December 31, 1968, and before January 1, 1970, are allocated to prior years according to § 1.666(a)–1.

(2) *Foreign trusts created partly by U.S. persons*—(i) *Taxable years beginning after December 31, 1969.* If a trust that is in part a foreign trust created by a U.S. person and in part a foreign trust created by a person other than a U.S. person makes an accumulation distribution in any year after December 31, 1969, the distribution is deemed made from the undistributed net income of the foreign trust created by a U.S. person in the proportion that the total undistributed net income for all preceding years of the foreign trust created by the U.S. person bears to the total undistributed net income for all years of the entire foreign trust. In addition, such distribution is deemed made from the undistributed net income of the foreign trust created by a person other than a U.S. person in the proportion that the total undistributed net income for all preceding years of the foreign trust created by a person other than a U.S. person bears to the total undistributed net income for all years of the entire foreign trust. Accordingly, an accumulation distribution of such a trust is composed of two portions with one portion relating to the undistributed net income of the foreign trust created by the U.S. person and the other portion relating to the undistributed net income of the foreign trust created by the person other than a U.S. person. For these purposes, each portion of an accumulation distribution made in any taxable year is first allocated to each of such preceding taxable years in turn, beginning with the earliest preceding taxable year, as defined in § 1.665(e)–1A(a), of the applicable foreign trusts, to the extent of the undistributed net income for the such trust for each of those years. Thus, each portion of an accumulation distribution is deemed to have been made from the earliest accumulated income of the applicable trust. If the foreign trust created by a U.S. person makes an accumulation distribution in any year beginning after December 31, 1969, the distribution is included in the beneficiary's income for that year to the extent of the undistributed net income of the trust for the trust's preceding taxable years which began after December 31, 1953, and ended after August 16, 1954. The provisions of this subdivision may be illustrated by the following example:

Example. A trust is created in 1962 under the laws of Country X by the transfer to a trustee in Country X of property by both a U.S. person and a person other than a U.S. person. Both the trust and the only beneficiary of the trust (who is a U.S. person) report their taxable income on a calendar year basis. On March 31, 1974, the trust makes an accumulation distribution of $150,000 to the beneficiary. The distributable net income of both the portion of the trust which is a foreign trust created by a U.S. person and the portion of the trust which is a foreign trust created by a person other than a U.S. person for each year is computed in accordance with the provisions of paragraph (b)(3) of § 1.643(d)–1 and the undistributed net income for each portion of the trust for each year is computed as described in paragraph (b) of § 1.665(a)–1A. For taxable years 1962 through 1973, the portion of the trust which is a foreign trust created by a U.S. person and the portion of the trust which is a foreign trust created by a person other than a U.S. person had the following amounts of undistributed net income:

Year	Undistributed net income-portion of the trust created by a U.S. person	Undistributed net income-portion of the trust created by a person other than a U.S. person
1962	$7,000	$4,000
1963	12,000	7,000
1964	None	None
1965	11,000	5,000
1966	8,000	5,000
1967	None	None
1968	4,000	2,000
1969	17,000	8,000
1970	16,000	9,000
1971	None	None
1972	25,000	12,000
1973	20,000	10,000
Totals	120,000	60,000

The accumulation distribution in the amount of $150,000 is deemed to have been distributed in the amount of $100,000 (120,000/180,000×$150,000) from the portion of the trust which is a foreign trust created by a U.S. person and in the amount of $39,000, which is less than $50,000 (60,000/180,000×$150,000), from the portion of the trust which is a foreign trust created by a person other than a U.S. person computed as follows:

Years	Throwback to preceding years of foreign trust created by a U.S. person	Throwback to preceding years of portion of the entire foreign trust which is not a foreign trust created by a U.S. person
1962	$7,000	None
1963	12,000	None
1964	None	None
1965	11,000	None
1966	8,000	None
1967	None	None
1968	4,000	None
1969	17,000	$8,000
1970	16,000	9,000
1971	None	None
1972	25,000	12,000
1973	None	10,000
Totals	100,000	39,000

Pursuant to this paragraph, the accumulation distribution in the amount of $100,000 from the portion of the trust which is a foreign trust created by a U.S. person is included in the beneficiary's income for 1974, as the amount represents undistributed net income of the trust for the trust's preceding taxable years which began after December 31, 1953, and ended after August 16, 1954. The accumulation distribution in the amount of $50,000 from the portion of the trust which is a foreign trust created by a person other than a U.S. person is included in the beneficiary's income for 1974 to the extent of the undistributed net income of the trust for the preceding years beginning after December 31, 1968. Accordingly, with respect to the portion of the trust which is a foreign trust created by a person other than a U.S. person, only the undistributed net income for the years 1969 through 1973, which totals $39,000, is includible in the beneficiary's income for 1974. Thus, of the $150,000 distribution made in 1974, the beneficiary is required to include a total of $139,000 in his income for 1974. The balance of $11,000 is deemed to represent a distribution of corpus.

(ii) *Taxable years beginning after December 13, 1968 and before January 1, 1970.* Accumulation distributions made in taxable years of the trust beginning after December 31, 1968, and before January 1, 1970, are allocated to prior years according to § 1.666(a)–1.

(3) *Foreign trusts created by non-U.S. persons.* To the extent that a foreign trust is a foreign trust created by a person other than a U.S. person, an accumulation distribution is included in the beneficiary's income for the year paid, credited, or required to be distributed to the extent provided under paragraph (b) of this section.

(d) *Reduction of undistributed net income for prior distributions.* For the purposes of allocating to any preceding taxable year an accumulation distribution of the taxable year, the undistributed net income of such preceding taxable year is computed without regard to the accumulation distribution of the taxable year or of taxable years following the taxable year. However, accumulation distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account, and undistributed net income for a preceding taxable year is reduced by the amount from such year deemed distributed in the intervening accumulation distribution. Accordingly, for example, if a trust has undistributed net income for 1974, and makes an accumulation distribution during the taxable year 1978, the undistributed net income for 1974 is computed without regard to the accumulation distribution for 1978 or any subsequent year. If the trust makes a further accumulation distribution for 1979, the undistributed net income for 1974 is computed without regard to the accumulation distribution for 1979 or subsequent years. However, for purposes of the 1979 accumulation distribution, the undistributed net income for 1974 is reduced by the amount of such undistributed net income from 1974 deemed distributed in the 1978 accumulation distribution.

(e) *Rule when no undistributed net income.* If, before the application of the provisions of subpart D to an accumulation distribution for the taxable year, there is no undistributed net income for a preceding taxable year, then no portion of the accumulation distribution is deemed distributed on the last day of such preceding taxable year. Thus, if an accumulation distribution is made during the taxable year 1975 from a trust whose earliest preceding taxable year is taxable year 1970, and the trust had no undistributed net income for 1970, then no portion of the 1975 accumulation distribution is deemed distributed on the last day of 1970.

§ 1.666(b)–1A Statutory provisions; excess distributions by trusts; accumulation distribution allocated to preceding years; total taxes deemed distributed.

SEC. 666. *Accumulation distribution allocated to preceding years.* • • •

(b) *Total taxes deemed distributed.* If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2) of section 661(a) distributed on the last day of any preceding taxable year, and such portion of such distribution is not less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661(a). Such additional amount shall be equal to the taxes imposed on the trust for such preceding taxable year attributable to the undistributed net income. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed net income shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

[Sec. 666(b) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.666(b)–1A Total taxes deemed distributed.

(a) If an accumulation distribution is deemed under § 1.666(a)–1A to be distributed on the last day of a preceding taxable year and the amount is not less than the undistributed net income for such preceding taxable year, then an additional amount equal to the "taxes imposed on the trust attributable to the undistributed net income" (as defined in § 1.665(d)–1A(b)) for such preceding taxable year is also deemed distributed under section 661(a)(2). For example, a trust has undistributed net income of $8,000 for the taxable year 1974. The taxes imposed on the trust attributable to the undistributed net income are $3,032. During the taxable year 1977, an accumulation distribution of $8,000 is made to the beneficiary, which is deemed under § 1.666(a)–1A to have been distributed on the last day of 1974. The 1977 accumulation distribution is not less than the 1974 undistributed net income. Accordingly, the taxes of $3,032 imposed on the trust attributable to the undistributed net income for 1974 are also deemed to have been distributed on the last day of 1974. Thus, a total of $11,032 will be deemed to have been distributed on the last day of 1974.

(b) For the purpose of paragraph (a) of this section, the undistributed net income of any preceding taxable year and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed net income are computed without regard to the accumulation distribution of the taxable year or any taxable year following such taxable year. However, any accumulation distributions of taxable years intervening between such preceding taxable year and the taxable year are taken into account. See paragraph (d) of § 1.666(a)–1A, paragraph (c) of example (1) and paragraphs (e) and (h) of example (2) in § 1.666(c)–2A.

§ 1.666(c)–1A Pro rata portion of taxes deemed distributed.

(a) If an accumulation distribution is deemed under § 1.666(a)–1A to be distributed on the last day of a preceding taxable year and the amount is less than the undistributed net income for such preceding taxable year, then an additional amount is also deemed distributed under section 661(a)(2). The additional amount is equal to the "taxes imposed on the trust attributable to the the undistributed net income" (as defined in § 1.665(a)–1A(b)) for such preceding taxable year, multiplied by a fraction, the numerator of which is the amount of the accumulation distribution allocated to such preceding taxable year and the denominator of which is the undistributed net income for such preceding taxable year. See paragraph (b) of example (1) and paragraphs (c) and (f) of example (2) in § 1.666(c)–2A for illustrations of this paragraph.

(b) For the purpose of paragraph (a) of this section, the undistributed net income of any preceding taxable year and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed net income are computed without regard to the accumulation distribution of the taxable year or any taxable year following the taxable year. However, accumulation distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account. See paragraph (d) of § 1.666(a)–1A, paragraph (c) of example (1) and paragraphs (e) and (h) of example (2) in § 1.666(c)–2A.

§ 1.666(c)–2A Illustration of the provisions of section 666 (a), (b), and (c).

The application of the provisions of §§ 1.666(a)–1A, 1.666(b)–1A, and 1.666(c)–1A may be illustrated by the following examples:

Example (1). (a) A trust created on January 1, 1974, makes accumulation distributions as follows:

1979	$7,000
1980	26,000

For 1974 through 1978, the undistributed portion of distributable net income, taxes imposed on the trust attributable to the undistributed net income, and undistributed net income are as follows:

Year	Undistributed portion of distributable net income	Taxes imposed on the trust attributable to the undistributed net income	Undistributed net income
1974	$12,100	$3,400	$8,700
1975	16,100	5,200	10,900
1976	6,100	1,360	4,740
1977	None	None	None
1978	10,100	2,640	7,460

The trust has no undistributed capital gain.

(b) Since the entire amount of the accumulation distribution for 1979 ($7,000), determined without regard to the accumulation distribution for 1980, is less than the undistributed net income for 1974 ($8,700), an additional amount of $2,736 (7,000/8,700 ×$3,400) is deemed distributed under section 666(c).

(c) In allocating the accumulation distribution for 1980, the amount of undistributed net income for 1974 will reflect the accumulation distribution for 1979. The undistributed net income for 1974 will then be $1,700 and the taxes imposed on the trust for 1974 will be $664, determined as follows:

Undistributed net income as of the close of 1974	$8,700
Less: Accumulation distribution (1979)	7,000
Balance (undistributed net income as of the close of 1979)	1,700
Taxes imposed on the trust attributable to the undistributed net income as of the close of 1979 (1,700/8,700×$3,400)	664

(d) The accumulation distribution of $26,000 for 1980 is deemed to have been made on the last day of the preceding taxable years of the trust to the extent of $24,800, the total of the undistributed net income for such years, as shown in the tabulation below. In addition, $9,864, the total taxes imposed on the trust attributable to the undisputed net income for such years is also deemed to have been distributed on the last day of such years, as shown below:

Year	Undistributed net income	Taxes imposed on the trust
1974	$1,700	$664
1975	10,900	5,500
1976	4,740	1,360
1977	None	None
1978	7,460	2,640
1979	None	None

Example (2). (a) Under the terms of a trust instrument, the trustee has discretion to accumulate or distribute the income to X and to invade corpus for the benefit of X. The entire income of the trust is from royalties. Both X and the trust report on the calendar year basis. All of the income for 1974 was accumulated. The distributable net income of the trust for the taxable year 1974 is $20,100 and the income taxes paid by the trust for 1974 attributable to the undistributed net income are $7,260. All of the income for 1975 and 1976 was distributed and in addition the trustee made accumulation distributions within the meaning of section 665(b) of $5,420 for each year.

(b) The undistributed net income of the trust determined under section 665(a) as of the close of 1974, is $12,840, computed as follows:

Distributable net income	$20,100
Less: Taxes imposed on the trust attributable to the undistributed net income	7,260
Undistributed net income as of the close of 1974	12,840

(c) The accumulation distribution of $5,420 made during the taxable year 1975 is deemed under section 666(a) to have been made on December 31, 1974. Since this accumulation distribution is less than the 1974 undistributed net income of $12,840, a portion of the taxes imposed on the trust for 1974 is also deemed under section 666(c) to have been distributed on December 31, 1974. The total amount deemed to have been distributed to X on December 31, 1974 is $8,484, computed as follows:

Accumulation distribution	$5,420
Taxes deemed distributed (5,420/12,840×$7,260)	3,064
Total	8,484

(d) After the application of the provisions of subpart D to the accumulation distribution of 1975, the undistributed net income of the trust for 1974 is $7,420, computed as follows:

Undistributed net income as of the close of 1974	$12,840
Less: 1975 accumulation distribution deemed distributed on December 31, 1974 (paragraph (c) of this example)	5,420
Undistributed net income for 1974 as of the close of 1975	7,420

(e) The taxes imposed on the trust attributable to the undistributed net income for the taxable year 1974, as adjusted to give effect to the 1975 accumulation distribution, amount to $4,196, computed as follows:

Taxes imposed on the trust attributable to undistributed net income as of the close of 1974	$7,260
Less: Taxes deemed distributed in 1974	3,064
Taxes attributable to the undistributed net income determined as of the close of 1975	4,196

(5) The accumulation distribution of $5,420 made during the taxable year 1976 is, under section 666(a), deemed a distribution to X on December 31, 1974, within the meaning of section 661(a)(2). Since the accumulation distribution is less than the 1974 adjusted undistributed net income of $7,420, the trust is deemed under section 666(c) also to have distributed on December 31, 1974, a portion of the taxes imposed on the trust for 1974. The total amount deemed to be distributed on December 31, 1974, with respect to the accumulation distribution made in 1976, is $8,484, computed as follows:

Accumulation distribution	$5,420
Taxes deemed distributed (5,420/7,420×$4,196)	3,064
Total	8,484

(g) After the application of the provisions of subpart D to the accumulation distribution of 1976, the undistributed net income of the trust for 1974 is $2,000, computed as follows:

Undistributed net income for 1974 as of the close of 1975	$7,420
Less: 1976 accumulation distribution deemed distributed on December 31, 1974 (paragraph (f) of this example)	5,420
Undistributed net income for 1974 as of the close of 1976	2,000

(h) The taxes imposed on the trust attributable to the undistributed net income of the trust for the taxable year 1974, determined as of the close of the taxable year 1976, amount to $1,132 ($4,196 less $3,064).

§ 1.666(d)A Statutory provisions; excess distributions by trusts; accumulation distribution allocated to preceding years; rule when information is not available.

SEC. 666. *Accumulation distribution allocated to preceding years.* • • •

(d) *Rule when information is not available.* If adequate records are not available to determine the proper application of this subpart to an amount distributed by the trust, such amount shall be deemed to be an accumulation distribution consisting of undistributed net income earned during the earliest preceding taxable year of the trust in which it can be established that the trust was in existence.

[Sec. 666(d) as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.666(d)-1A Information required from trusts.

(a) *Adequate records required.* For all taxable years of a trust, the trustee must retain copies of the trust's income tax return, plus information showing events affecting such years, such as any adjustments resulting from an audit or a court action regarding the tax. The trustee shall also keep the records required to be kept pursuant to section 6001.

(b) *Rule when information is not available*—(1) *Accumulation distributions.* If adequate records (as required by paragraph (a) of this section) are not available to determine the proper application of subpart D to an accumulation distribution made in a taxable year by a trust, such accumulation distribution shall be deemed to consist of undistributed net income earned during the earliest preceding taxable year (as defined in § 1.665(e)-1A) of the trust in which it can be established that the trust was in existence. If adequate records are available for some years, but not for others, and it can be established that the failure to produce adequate records was due to circumstances beyond the control of the trustee or any predecessor trustee, then the accumulation distribution shall be allocated first to the earliest preceding taxable year of the trust for which there are adequate records and then to each subsequent taxable year for which there are adequate records. To the extent that the distribution is not allocated in such manner to years for which adequate records are available, it will be deemed distributed on the last day of the earliest preceding taxable year of the trust in which it is established that the trust was in existence and for which the trust has no records. The provisions of this subparagraph may be illustrated by the following example:

Example. A trust makes a distribution in 1975 of $100,000. The trustee has adequate records for 1973, 1974, and 1975. The records show that the trust is on the calendar year basis, had distributable net income in 1975 of $20,000, and undistributed net income in 1974 of $15,000, and in 1973 of $16,000. The trustee has no other records of the trust except for a copy of the trust instrument showing that the trust was established on January 1, 1965. He establishes that the loss of the records was due to circumstances beyond his control. Since the distribution is made in 1975, the earliest "preceding taxable year", as defined in § 1.665(e)-1A, is 1969. Since $80,000 of the distribution is an accumulation distribution, and $31,000 thereof is allocated to 1974 and 1973, $49,000 is deemed to have been distributed on the last day of 1969.

(2) *Taxes.* If an amount is deemed under this paragraph to be undistributed net income allocated to a preceding taxable year for which no records are available, there shall be deemed to have been no taxes imposed on the trust for such year. Consequently, no taxes are deemed distributed for such year pursuant to section 666 (b) or (c) or 669 (d) or (e).

§ 1.667(a)A Statutory provisions; excess distributions by trusts; denial of refund to trusts.

SEC. 667. *Denial of refund to trusts; authorization of credit to beneficiaries*—(a) *Denial of refund to trusts.* No refund or credit shall be allowed to a trust for any preceding taxable year by reason of a distribution deemed to have been made by such trust in such year under section 666 or 669.

[Sec. 667(a) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.667(a)-1A Denial of refund to trusts.

If an amount is deemed under section 666 or 669 to be an amount paid, credited, or required to be distributed on the last day of a preceding taxable year, the trust is not allowed a refund or credit of the amount of "taxes imposed on the trust", as defined in § 1.665(d)-1A. However, such taxes imposed on the trust are allowed as a credit under section 667(b) against the tax of certain beneficiaries who are treated as having received the distributions in the preceding taxable year.

§ 1.667(b)A Statutory provisions; excess distributions by trusts; authorization of credit to beneficiary.

SEC. 667. *Denial of refund to trusts; authorization of credit to beneficiaries.* • • •

(b) *Authorization of credit to beneficiary.* There shall be allowed as a credit (without interest) against the tax imposed by this subtitle on the beneficiary an amount equal to the amount of the taxes deemed distributed to such beneficiary by the trust under sections 666 (b) and (c) and 669 (d) and (e) during preceding taxable years of the trust on the last day of which the beneficiary was in being, reduced by the amount of the taxes deemed distributed to such beneficiary for such preceding taxable years to the extent that such taxes are taken into account under section 668(b)(1) and 669(b) in determining the amount of the tax imposed by section 668.

[Sec. 667(b) as added by sec. 331(a) Tax Reform Act 1969 (83 Stat. 592)]

§ 1.667(b)-1A Authorization of credit to beneficiary for taxes paid by the trust.

(a) *Determination of credit*—(1) *In general.* Section 667(b) allows a credit (without interest) against the tax imposed by subtitle A of the Code on the beneficiary. In the case of an accumulation distribution consisting of undistributed net income, the amount of such credit is the total of the taxes deemed distributed to such beneficiary under section 666 (b) and (c) for preceding taxable years of the trust on the last day of which such beneficiary was in being, less the amount of such taxes for such preceding taxable years taken into account in reducing the amount of tax determined under § 1.668(b)-1A. In the case of a capital gain distribution, the amount of such credit is the total of the taxes deemed distributed to such beneficiary under section 669 (d) and (e) for preceding taxable years of the trust on the last day of which such beneficiary was in being, less the amount of such taxes for such preceding taxable years taken into account in reducing the amount of tax determined under § 1.669(b)-1A. A credit is not allowed for any taxable year of the trust before the beneficiary was born or, if another trust or a person other than a natural person, before the beneficiary was created.

(2) *Exact method.* In the case of the tax computed under the exact method provided in §§ 1.668(b)-1A(b) and 1.669(b)-1A(b), the credit allowed by this section is computed as follows:

(i) Compute the total taxes deemed distributed under §§ 1.666(b)-1A and 1.666(c)-1A or §§ 1.669(d)-1A and 1.669(e)-1A, whichever are appropriate, for the preceding taxable years of the trust on the last day of which the beneficiary was in being.

(ii) Compute the total of the amounts of tax determined under § 1.668(b)-1A(b)(1) or § 1.669(b)-1A(b)(1), whichever is appropriate, for the prior taxable years of the beneficiary in which he was in being.

The lesser of:

(iii) The amount, if any, by which the amount computed under subdivision (i) of this subparagraph exceeds the amount computed under subdivision (ii) of this subparagraph, or

(iv) The amount of taxes deemed distributed to the beneficiary for all preceding taxable years to the extent that such taxes are not used in § 1.668(b)-1A(b)(2) or § 1.669(b)-1A(b)(2) in determining the amount of tax computed under the exact method.

Is the credit allowable under this section when the exact method of computation is used. The application of this subparagraph may be illustrated by the following example:

Example. An accumulation distribution made in 1975 is deemed distributed in 1973 and 1974. The taxes deemed distributed in such years are $4,000 and $2,000, respectively, totaling $6,000. The amounts of tax computed under § 1.668(b)-1A(b)(1) attributable to the amounts thrown back are $3,000 and $2,000, respectively, totaling $5,000. The amount used in § 1.668(b)-1A(b)(2) is $5,000. The amount computed under subdivision (iii) is $1,000 ($6,000 less $5,000). The amount computed under subdivision (iv) is also $1,000 ($6,000 less $5,000). Therefore, the credit allowable is $1,000.

(3) *Short-cut method.* In the case of the tax computed under the short-cut method provided in § 1.668(b)-1A(c) or 1.669(b)-1A(c), the credit allowed by this section is computed as follows:

(i) Compute the excess of the taxes deemed distributed in all preceding taxable years of the trust under §§ 1.666(b)-1A and 1.666(c)-1A or §§ 1.669(d)-1A and 1.669(e)-1A, whichever are appropriate, over the amount determined under either § 1.668(b)-1A(c)(1)(v) or § 1.669(b)-1A(c)(1)(v), whichever is appropriate.

(ii) Compute the total taxes deemed distributed under §§ 1.666(b)-1A and 1.666(c)-1A or §§ 1.669(d)-1A and 1.669(e)-1A, whichever are appropriate, for the preceding taxable years of the trust on the last day of which the beneficiary was in being.

(iii) Multiply the amount determined under subdivision (i) of this subparagraph by a fraction, the numerator of which is the amount determined under subdivision (ii) of this subparagraph, and the denominator of which is the total amount of taxes deemed distributed under §§ 1.666(b)-1A and 1.666(c)-1A or §§ 1.669(d)-1A and 1.669(e)-1A, whichever are appropriate.

The result, if any, is the credit allowable under this section when the short-cut method of computation is used. The application of this subparagraph may be illustrated by the following example:

Example. An accumulation distribution is made in 1975. The taxes deemed distributed in the preceding years under §§ 1.666(b)-1A and 1.666(c)-1A are $15,000. The amount determined under § 1.668(b)-1A(c)(1)(v) is $12,000. The beneficiary was in being on the last day of all but one preceding taxable year in which the accumulation distribution was deemed made, and the taxes deemed distributed in those years were $10,000. Therefore, the subdivision (i) amount of $3,000 is multiplied by 10,000/15,000, resulting in an answer of $2,000, which is the credit allowable when computed under the short-cut method.

(b) *Year of credit.* The credit to which a beneficiary is entitled under this section is allowed for the taxable year in which the accumulation distribution (to which the credit relates) is required to be included in the income of the beneficiary under section 668(a). Any excess over the total tax liability of the beneficiary for such year is treated as an overpayment of tax by the beneficiary. See section 6401 (b) and the regulations thereunder.

§ 1.668(a)A Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding years; general rule.

SEC. 668. *Treatment of amounts deemed distributed in preceding years*—(a) *General rule.* The total of the amounts which are treated under sections 666 and 669 as having been distributed by the trust in a preceding taxable year shall be included in the income of a beneficiary of the trust when paid, credited, or required to be distributed to the extent that such total would have been included in the income of such beneficiary under section 662 (a)(2) and (b) if such total had been paid to such beneficiary on the last day of such preceding taxable year. The tax imposed by this subtitle on a beneficiary for a taxable year in which any such amount is included in his income shall be determined only as provided in this section and shall consist of the sum of—

(1) A partial tax computed on the taxable income reduced by an amount equal to the total of such amounts, at the rate and in the manner as if this section had not been enacted,

(2) A partial tax determined as provided in subsection (b) of this section, and

(3) In the case of a beneficiary of a trust which is not required to distribute all of its income currently, a partial tax determined as provided in section 669.

For purposes of this subpart, a trust shall not be considered to be a trust which is not required to distribute all of its income currently for any taxable year prior to the first taxable year in which income is accumulated.

[Sec. 668(a) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.668(a)-1A Amounts treated as received in prior taxable years; inclusion in gross income.

(a) Section 668(a) provides that the total of the amounts treated under sections 666 and 669 as having been distributed by the trust on the last day of a preceding taxable year of the trust shall be included in the income of the beneficiary or beneficiaries receiving them. The total of such amounts is includable in the income of each beneficiary to the extent the amounts would have been included under section 662(a)(2) and (b) as if the total had actually been an amount properly paid by the trust under section 661(a)(2) on the last day of such preceding taxable year. The total is included in the income of the beneficiary for the taxable year of the beneficiary in which such amounts are in fact paid, credited, or required to be distributed unless the taxable year of the beneficiary differs from the taxable year of the trust (see section 662(c) and the regulations thereunder). The character of the amounts treated as received by a beneficiary in prior taxable years, including taxes deemed distributed, in the hands of the beneficiary is determined by the rules set forth in section 662(b) and the regulations thereunder.

(b) Any deduction allowed to the trust in computing distributable net income for a preceding taxable year (such as depreciation, depletion, etc.) is not deemed allocable to a beneficiary because of amounts included in a beneficiary's gross income under this section since the deduction has already been utilized in reducing the amount included in the beneficiary's income.

(c) For purposes of applying section 668(a)(3), a trust shall be considered to be other than a "trust which is not required to distribute all of its income currently" for any taxable year prior to the first taxable year beginning after December 31, 1968, in which income is accumulated. The term "income", as used in the preceding sentence, is defined in §§ 1.643(b)-1 and 1.643(b)-2. Since, under such definitions, certain items may be included in distributable net income but are not under applicable local law

"income" (as, for example, certain extraordinary dividends), a trust which has undistributed net income from such sources might still qualify as a trust which has not accumulated income. Also, for example, if a trust establishes a reserve for depreciation or depletion and applicable local law permits the deduction for such reserve in the computation of "income," such reserve is not an accumulation of income. If a trust has separate shares, and any share accumulates income, all shares of the trust will be considered to have accumulated income for purposes of section 668(a)(3).

(d) See section 1302(a)(2)(B) to the effect that amounts included in the income of a beneficiary of a trust under section 668(a) are not eligible for income averaging.

§ 1.668(a)–2 Allocation among beneficiaries, in general.

The portion of the total amount includible in income under § 1.668(a)–1A which is includible in the income of a particular beneficiary is based upon the ratio determined under the second sentence of section 662(a)(2) for the taxable year (and not for the preceding taxable year). This section may be illustrated by the following example:

Example. (a) Under the terms of a trust instrument, the trustee may accumulate the income or make distributions to A and B. The trustee may also invade corpus for the benefit of A and B. The distributable net income of the trust for the taxable year 1975 is $10,000. The trust had undistributed net income for the taxable year 1973, the first year of the trust, of $5,000, to which a tax of $1,100 was allocable. During the taxable year 1975, the trustee distributes $10,000 to A and $5,000 to B. Thus, of the total distribution of $15,000, A received two-thirds and B received one-third.

(b) For the purposes of determining the amounts includible in the beneficiaries' gross income for 1975, the trust is deemed to have made the following distributions:

Amount distributed out of 1975 income (distributable net income)	$10,000
Accumulation distribution deemed distributed by the trust on the last day of 1973 under section 666(a)	5,000
Taxes imposed on the trust attributable to the undistributed net income deemed distributed under section 666(b)	1,100

(c) A will include in his income for 1975 two-thirds of each item shown in paragraph (b) of this example. Thus, he will include in gross income $6,666.67 (10,000/15,000 · $10,000) of the 1975 distributable net income of the trust as provided in section 662(a)(2) (which is not an amount includable in his income under § 1.668(a)–1A(a)). He will include in his income $3,333.33 (10,000/15,000 × $5,000) of the accumulation distribution and $733.33 (10,000/15,000 · $1,100) of the taxes imposed on the trust, as provided in section 668(a).

(d) B will include in his income for 1975 one-third of each item shown in paragraph (b) of this example, computed in the manner shown in paragraph (c) of this example.

§ 1.668(a)–3A Determination of tax.

In a taxable year in which an amount is included in a beneficiary's income under § 1.668(a)–1A(a), the tax on the beneficiary for such taxable year is determined only as provided in section 668 and consists of the sum of—

(a) A partial tax computed on (1) the beneficiary's taxable income reduced by (2) an amount equal to the total amounts includible in his income under § 1.668(a)–1A(a), at the rate and in the manner as if section 668 had not been enacted.

(b) A partial tax determined as provided in § 1.668(b)–1A, and

(c) In the case of a beneficiary of a trust which is not required to distribute all of its income currently, a partial tax determined as provided in § 1.669(b)–1A.

§ 1.665(b)A Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding years; tax on distribution.

SEC. 668. *Treatment of amounts distributed in preceding years.* * * *

(b) *Tax on distribution*—(1) *Alternative methods.* Except as provided in paragraph (2), the partial tax imposed by subsection (a)(2) shall be the lesser of—

(A) The aggregate of the taxes attributable to the amounts deemed distributed under section 666 had they been included in the gross income of the beneficiary on the last day of each respective preceding taxable year, or

(B) The tax determined by multiplying, by the number of preceding taxable years of the trust, on the last day of which an amount is deemed under section 666(a) to have been distributed, the average of the increase in tax attributable to recomputing the beneficiary's gross income for each of the beneficiary's 3 taxable years immediately preceding the year of the accumulation distribution by adding to the income of each of such years an amount determined by dividing the amount deemed distributed under section 666 and required to be included in income under subsection (a) by such number of preceding taxable years of the trust,

less an amount equal to the amount of taxes deemed distributed to the beneficiary under sections 666 (b) and (c).

(2) *Special rules.* (A) If a beneficiary was not in existence on the last day of a preceding taxable year of the trust with respect to which a distribution is deemed made under section 666(a), the partial tax under either paragraph (1)(A) or (1)(B) shall be computed as if the beneficiary were in existence on the last day of such year on the basis that the beneficiary had no gross income (other than amounts deemed distributed to him under sections 666 and 669 by the same or other trusts) and no deductions for such year.

(B) The partial tax shall not be computed under the provisions of subparagraph (B) of paragraph (1) if, in the same prior taxable year of the beneficiary in which any part of the accumulation distribution is deemed under section 666(a) to have been distributed to such beneficiary, some part of prior accumulation distributions by each of two or more other trusts is deemed under section 666(a) to have been distributed to such beneficiary.

(C) If the partial tax is computed under paragraph (1)(B), and the amount of the undistributed net income deemed distributed in any preceding taxable year of the trust is less than 25 percent of the amount of the accumulation distribution divided by the number of preceding taxable years to which the accumulation distribution is allocated under section 666(a), the number of preceding taxable years of the trust with respect to which an amount is deemed distributed to a beneficiary under section 666 (a) shall be determined without regard to such year.

(3) *Effect of other accumulation distributions and capital gain distributions.* In computing the partial tax under paragraph (1) for any beneficiary, the income of such beneficiary for each of his prior taxable years—

(A) Shall include amounts previously deemed distributed to such beneficiary in such year under section 666 or 669 as a result of prior accumulation distributions or capital gain distributions (whether from the same or another trust), and

(B) Shall not include amounts deemed distributed to such beneficiary in such year under section 669 as a result of a capital gain distribution from the same trust in the current year.

(4) *Multiple distributions in the same taxable year.* In the case of accumulation distributions made from more than one trust which are includible in the income of a beneficiary in the same taxable year, the distributions shall be deemed to have been made consecutively in whichever order the beneficiary shall determine.

(5) *Information requirements with respect to beneficiary.* (A) Except as provided in subparagraph (B), the partial tax shall not be computed under the provisions of paragraph (1)(A) unless the beneficiary supplies such information with respect to his income, for each taxable year with which or in which ends a taxable year of the trust on the last day of which an amount is deemed distributed under section 666(a), as the Secretary or his delegate prescribes by regulations.

(B) If by reason of paragraph (2)(B) the provisions or paragraph (1)(B) do not apply, the determination of the amount of the beneficiary's income for a taxable year for which the beneficiary has not supplied the information required under subparagraph (A) shall be made by the Secretary or his delegate on the basis of information available to him.

[Sec. 668(b) as amended by sec. 331(a) Tax Reform Act 1969 (83 Stat. 592)]

§ 1.668(b)–1A Tax on distribution.

(a) *In general.* The partial tax imposed on the beneficiary by section 668(a)(2) shall be the lesser of—

(1) The tax computed under paragraph (b) of this section (the "exact" method), or

(2) The tax computed under paragraph (c) of this section (the "short-cut" method),

except as provided in § 1.668(b)–4A (relating to failure to furnish proper information) and paragraph (d) of this section (relating to disallowance of short-cut method). For purposes of this paragraph, the method used in the return shall be accepted as the method which produces the lesser tax.

(b) *Computation of partial tax by the exact method.* The partial tax referred to in paragraph (a)(1) of this section is computed as follows:

(1) First, compute the tax attributable to the section 666 amounts for each of the preceding taxable years. For purposes of this paragraph, the "section 666 amounts" for a preceding taxable year are the amounts deemed distributed under section 666(a) on the last day of the preceding taxable year, plus the amount of taxes deemed distributed on

such day under section 666 (b) or (c). The tax attributable to such amounts in each prior taxable year of the beneficiary is the difference between the tax for such year computed with the inclusion of the section 666 amounts in the beneficiary's gross income and the tax for such year computed without including them in such gross income. Tax computations for each such year shall reflect a taxpayer's marital, dependency, exemption, and filing status for such year.

(2) From the sum of the taxes for the prior taxable years attributable to the section 666 amounts (computed in accordance with subparagraph (1) of this paragraph), subtract so much of the amount of taxes deemed distributed to the beneficiary under §§ 1.666(b)–1A and 1.666(c)–1A as does not exceed such sum. The resulting amount, if any, is the partial tax, computed under the exact method, for the taxable year in which the accumulation distribution is paid, credited, or required to be distributed to the beneficiary.

(3) The provisions of this paragraph may be illustrated by the following example:

Example. (i) Assume that in 1979 a trust makes an accumulation distribution of $15,000 to A. The accumulation distribution is allocated under section 666(a) in the amounts of $5,000 to 1971, $4,000 to 1972, and $6,000 to 1973. Under section 666 (b) and (c), taxes in the amounts of $935, $715, and $1,155 (totaling $2,805) are deemed distributed in 1971, 1972, and 1973, respectively.

(ii) A, the beneficiary, had taxable income and paid income tax in 1971–73 as follows:

Year	Taxable income	Tax
1971	$10,000	$2,150
1972	12,000	2,980
1973	14,000	3,350

(iii) Taxes attributable to the section 666 amounts (paragraph (i) of this example) are $6,979, computed as follows:

1971

Taxable income including section 666 amounts ($10,000 + $5,000 + $935)	$15,935	
Tax on $15,935		$4,305
Less: Tax paid by A in 1971		2,190
Tax attributable to 1971 section 666 amounts		2,115

1972

Taxable income including section 666 amounts ($12,000 + $4,000 + $715)	$16,715	
Tax on $16,715		$4,620
Less: Tax paid by A in 1972		2,830
Tax attributable to 1972 section 666 amounts		1,790

1973

Taxable income including section 666 amounts ($14,000 + $6,000 + $1,155)	$21,155	
Tax on $21,155		$6,624
Less: Tax paid by A in 1973		3,550
Tax attributable to 1973 section 666 amounts		3,074

Total tax attributable to section 666 amounts:

1971	$2,115
1972	1,790
1973	3,074
Total	6,979

(iv) The partial tax computed under the exact method is $4,174, computed by subtracting the taxes deemed distributed ($2,805) from the tax attributable to the section 666 amounts ($6,979).

(c) *Computation of tax by the short-cut method.* (1) The tax referred to in paragraph (a)(2) of this section is computed as follows:

(i) First, determine the number of preceding taxable years of the trust on the last day of which an amount is deemed under section 666(a) to have been distributed. For purposes of this subparagraph, such number of preceding taxable years of the trust shall not include any preceding taxable year of the trust in which the undistributed net income deemed distributed is less than 25 percent of (*a*) the total amounts deemed under section 666(a) to be undistributed net income from preceding taxable years divided by (*b*) the number of such preceding taxable years of the trust on the last day of which an amount is deemed under section 666(a) to have been distributed without application of this sentence. For example, assume that an accumulation distribution of $90,000 made to a beneficiary in 1979 is deemed distributed in the amounts of $29,000 in each of the years 1972, 1973, and 1974, and $3,000 in 1975. The number of preceding taxable years on the last day of which an amount was deemed distributed without reference to the second sentence of this subparagraph is four. However, the distribution deemed made in 1975 ($3,000) is less than $5,625, which is 25 percent of (*a*) the total undistributed net income deemed distributed under section 666(a) ($90,000) divided by (*b*) the number of such preceding taxable years (4), or $22,500. Therefore, for purposes of this subparagraph the accumulation distribution is deemed distributed in only 3 preceding taxable years (1972, 1973, and 1974).

(ii) Second, divide the amount (representing the accumulation distribution and taxes deemed distributed) required under section 668(a) to be included in the income of the beneficiary for the taxable year by the number of preceding taxable years of the trust on the last day of which an amount is deemed under section 666(a) to have been distributed (determined as provided in subdivision (i) of this paragraph). The amount determined under this subdivision, including taxes deemed distributed, consists of the same proportion of each class of income as the total of each class of income deemed distributed in the accumulation distribution bears to the total undistributed net income from such preceding taxable years deemed distributed in the accumulation distribution. For example, assume that an amount of $50,000 is deemed distributed under section 666(a) from undistributed net income of 5 preceding taxable years of the trust, and consists of $25,000 of interest, $15,000 of dividends, and $10,000 of net rental income. Taxes attributable to such amounts in the amount of $10,000 are also deemed distributed. The amount determined under this subdivision, $12,000 ($50,000 income plus $10,000 tax divided by 5 years), is deemed to consist of $6,000 in interest, $3,600 in dividends, and $2,400 in net rental income.

(iii) Third, compute the tax of the beneficiary for each of the 3 taxable years immediately preceding the year in which the accumulation distribution is paid, credited, or required to be distributed to him,

(*a*) With the inclusion in gross income of the beneficiary for each of such 3 years of the amount determined under subdivision (ii) of this subparagraph, and

(*b*) Without such inclusion.

The difference between the amount of tax computed under (*a*) of this subdivision for each year and the amount computed under (*b*) of this subdivision for that year is the additional tax resulting from the inclusion in gross income for that year of the amount determined under subdivision (ii) of this subparagraph. For example, assume that a distribution of $12,000, is includable in the income of each of the beneficiary's 3 preceding taxable years when his income (without the inclusion of the accumulation distribution) was $20,000, $30,000, and $40,000. The inclusion of $12,000 in income would produce taxable income of $32,000, $42,000, and $52,000, and the tax attributable to such increases would be $4,000, $5,000, and $6,000, respectively.

(iv) Fourth, add the additional taxes resulting from the application of subdivision (iii) of this subparagraph for the 3 taxable years immediately preceding the year in which the accumulation distribution is paid, credited, or required to be distributed and then divide this amount by 3. For example, if these additional taxes are $4,000, $5,000, and $6,000 for the 3 preceding taxable years, this amount would be $5,000 ($4,000 + $5,000 + $6,000 divided by 3).

(v) Fifth, the resulting amount is then multiplied by the number of preceding taxable years of the trust on the last day of which an amount is deemed under section 666(a) to have been distributed (previously determined under subdivision (i) of this subparagraph). For example, if an amount is deemed distributed for 5 preceding taxable years, the resulting amount would be five times the $5,000 amount.

(vi) Sixth, the resulting amount, less so much of the amount of taxes deemed distributed to the beneficiary under §§ 1.666(b)–1A and 1.666(c)–1A as does not exceed such resulting amount, is the tax under the short-cut method provided in section 668(b)(1)(B).

(2) The computation of the tax by the short-cut method may be illustrated by the following example:

Example: In 1971, X creates a trust which is to accumulate its income and pay the income to Y when Y reaches 30. Y is 19. Over the 11 years of the trust, the trust earns $1,200 of interest income annually and has expenses each year of $100 allocable to the

production of income. The trust pays a total tax of $1,450 on the accumulated income. In 1981, when Y reaches 30, the $9,550 of accumulated undistributed net income and the $1,100 of current net income are distributed to Y. Y is treated as having received a total distribution of $11,000 (the $9,550 accumulation distribution plus the taxes paid by the trust which are deemed to have been distributed to Y). The income of the current year (1981) is taxed directly to Y. The computation is as follows: $11,000 (accumulation distribution plus taxes) divided by 10 (number of years out of which distribution was made) equals $1,100. The $1,100 added to the income of the beneficiary's preceding 3 years produces increases in tax as follows:

1980	$350
1979	300
1978	250
Total	900

$900 (total additional tax) divided by 3 equals $300 (average annual increase in tax).

$300 (average annual increase in tax) times 10 equals $3,000, from which is deducted the amount of taxes ($1,450) paid by the trust attributable to the undistributed net income deemed distributed. The amount of tax to be paid currently under the shortcut method is therefore $1,550.

(d) *Disallowance of short-cut method.* If, in any prior taxable year of the beneficiary in which any part of the accumulation distribution is deemed to have been distributed under section 666(a) to such beneficiary, any part of prior accumulation distributions by each of two or more other trusts is deemed under section 666(a) to have been distributed to such beneficiary, then the short-cut method under paragraph (c) of this section may not be used and the partial tax imposed by section 668(a)(2) shall be computed only under the exact method under paragraph (b) of this section. For example, assume that, in 1978, trust X makes an accumulation distribution to A, who is on the calendar year basis, and part of the accumulation distribution is deemed under section 666(a) to have been distributed on March 31, 1974. In 1977, A had received an accumulation distribution from both trust Y and Z. Part of the accumulation distribution from trust Y was deemed under section 666(a) to have been distributed to A on June 30, 1974, and part of the accumulation distribution from trust Z was deemed under section 666(a) to have been distributed to A on December 31, 1974. Because there were portions of accumulation distributions from two other trusts deemed distributed within the same prior taxable year of A (1974), the 1978 accumulation distribution from trust X may not be computed under the short-cut method provided in paragraph (c) of this section. Therefore the exact method under paragraph (b) of this section must be used to compute the tax imposed by section 668(a)(2).

§ 1.668(b)–2A Special rules applicable to section 668.

(a) Rule when beneficiary not in existence on the last day of a taxable year: If a beneficiary was not in existence on the last day of a preceding taxable year of the trust with respect to which a distribution is deemed made under section 666(a), it shall be assumed, for purposes of the computations under paragraphs (b) and (c) of § 1.668(b)–1A, that the beneficiary—

(1) Was in existence on such last day,

(2) Was a calendar year taxpayer,

(3) Had no gross income other than the amounts deemed distributed to him from such trust in his calendar year in which such last day occurred and from all other trusts from which amounts are deemed to have been distributed to him in such calendar year,

(4) If an individual, was unmarried and had no dependents,

(5) Had no deductions other than the standard deduction, if applicable, under section 141 for such calendar year, and

(6) Was entitled to the personal exemption under section 151 or 642(b).

For example, assume that part of an accumulation distribution made in 1980 is deemed under section 666(a) to have been distributed to the beneficiary, A, in 1973; $10,000 of a prior accumulation distribution was deemed distributed in 1973. A was born on October 9, 1975. It will be assumed for purposes of § 1.668(b)–1A that A was alive in 1973, was on the calendar year basis, had no income other than (1) the $10,000 from the earlier accumulation distribution deemed distributed in 1973, and (2) the part of the 1980 distribution deemed distributed in 1973, and had no deductions other than the personal exemption provided in section 151. If A were a trust or estate created after 1973, the same assumptions would apply, except that the trust or estate would not be entitled to the standard deduction and would receive the personal exemption provided under section 642(b) in the same manner as allowed under such section for A's first actual taxable year.

(b) Effect of other distributions: The income of the beneficiary, for any of his prior taxable years for which a tax is being recomputed under § 1.668(b)–1A, shall include any amounts of prior accumulation distributions (including prior capital gain distributions) deemed distributed under sections 666 and 669 in such prior taxable year. For purposes of the preceding sentence, a "prior accumulation distribution" is a distribution from the same or another trust which was paid, credited, or required to be distributed in a prior taxable year of the beneficiary. The term "prior accumulation distribution" also includes accumulation distributions of other trusts which were paid, credited, or required to be distributed to the beneficiary in the same taxable year and which the beneficiary has determined under paragraph (c) of this section to treat as having been distributed before the accumulation distribution for which tax is being computed under § 1.668(b)–1A. Any capital gain distribution from the same trust paid, credited, or required to be distributed in the same taxable year of the beneficiary shall not be considered under this paragraph to be a "prior capital gain distribution."

(c) Multiple distributions in the same taxable year: For purposes of paragraph (b) of this section, accumulation distributions made from more than one trust in the same taxable year of the beneficiary, regardless of when in the taxable year they were actually made, shall be treated as having been made consecutively, in whichever order the beneficiary may determine. However, the beneficiary must treat them as having been made in the same order for the purpose of computing the partial tax on the several accumulation distributions. The beneficiary shall indicate the order he has determined to deem the accumulation distributions to have been received by him on his return for the taxable year. A failure by him so to indicate, however, shall not affect his right to make such determination. The purpose of this rule is to assure that the tax resulting from the later (as so deemed under this paragraph) distribution is computed with the inclusion of the earlier distribution in the taxable base and that the tax resulting from the earlier (as so deemed under this paragraph) distribution is computed with the later distribution excluded from the taxable base.

(d) The provisions of this section may be illustrated by the following examples:

Example (1). In 1978, trust X made an accumulation distribution to A, a calendar year taxpayer, of which $3,000 was deemed to have been distributed in 1974. In 1980, trust X makes another accumulation distribution to A, $10,000 of which is deemed under section 666 to have been distributed in 1974. Also, in 1980, trust Y makes an accumulation distribution to A, of which $5,000 is deemed under section 666 to have been distributed in 1974. A determines to treat the 1980 distribution from trust Y as having been made prior to the 1980 distribution from trust X. In computing the tax on the 1980 Trust Y distribution, A's gross income for 1974 includes (i) the $3,000 deemed distributed from the 1978 distribution, and (ii) the $5,000 deemed distributed in 1974 from the 1980 Trust Y accumulation distribution. To compute A's tax under the exact method for 1974 on the $10,000 from the 1980 trust X accumulation distribution deemed distributed in 1974, A's gross income for 1974 includes (i) the $10,000, (ii) the $3,000 previously deemed distributed in 1974 from the 1978 trust X accumulation distribution, and (iii) the $5,000 deemed distributed in 1974 from the 1980 trust Y accumulation distribution.

Example (2). In 1978, trust T makes an accumulation distribution to B, a calendar year taxpayer. Determination of the tax on the accumulation distribution under the short-cut method requires the use of B's gross income for 1975, 1976, and 1977. In 1977, B received an accumulation distribution from trust U, of which $2,000 was deemed to have been distributed in 1975, and $3,000 in 1976. B's gross income for 1975, for purposes of using the short-cut method to determine the tax from the trust T accumulation distribution, will be deemed to include the $2,000 deemed distributed in 1975 by trust U, and his gross income for 1976 will be deemed to include the $3,000 deemed distributed by trust U in 1976.

§ 1.668(b)–3A Computation of the beneficiary's income and tax for a prior taxable year.

(a) *Basis for computation.* (1) The beneficiary's income and tax paid for any prior taxable year for which a recomputation is involved under either the exact method or the short-cut method shall be determined by reference to the information required to be furnished by him under § 1.668(b)–4A(a). The gross income, related deductions, and taxes paid for a prior taxable year of the beneficiary as finally determined shall be used for computation purposes. The term "as finally determined" has reference to the final status of the gross income, deductions, credits, and taxes of the taxable year after the expiration of the period of limitations or after completion of any court action regarding the tax for the taxable year.

(2) If any computations rely on the beneficiary's return for a prior taxable year for which the applicable period of limitations on assessment under section 6501 has expired, and such return shows a mathematical error on its face which resulted in the wrong amount of tax being paid for such year, the determination of both the tax for such year computed with the inclusion of the section 666 amounts in the beneficiary's gross income and the tax for such year computed without including such amounts in such gross income shall be based upon the return after the correction of such mathematical errors.

(b) *Effect of allocation of undistributed net income on items based on amount of income and with respect to a net operating loss, a charitable contributions carryover, or a capital loss carryover.* (1) In computing the tax for any taxable year under either the exact method or the short-cut method, any item which depends upon the amount of gross income, adjusted gross income, or taxable income shall be recomputed to take into consideration the amount of undistributed net income allocated to such year. For example, if $1,000 of undistributed net income is allocated to 1970, adjusted gross income for 1970 is increased from $5,000 to $6,000. The allowable 50 percent charitable deduction under section 170(b)(1)(A) is then increased and the amount of the nondeductible medical expenses under section 213 (3 percent of adjusted gross income) is also increased.

(2) In computing the tax attributable to the undistributed net income deemed distributed to the beneficiary in any of his prior taxable years under either the exact method or the shortcut method, the effect of amounts of undistributed net income on a net operating loss carryback or carryover, a charitable contributions carryover, or a capital loss carryback or carryover, shall be taken into account. In determining the amount of tax attributable to such deemed distribution, a computation shall also be made for any taxable year which is affected by a net operating loss carryback or carryover, by a charitable contributions carryover, or by a capital loss carryback or carryover determined by reference to the taxable year to which amounts are allocated under either method and which carryback or carryover is reduced or increased by such amounts so allocated. The provisions of this subparagraph may be illustrated by the following example:

Example. In 1978, a trust makes an accumulation distribution to X of $50,000 which is deemed under section 666(a) to have been distributed in 1972. X had income in 1972, 1973, and 1974, and had a net operating loss in 1975 which offset his income for those years, as follows:

Year	Actual income (or loss)	Income after net operating loss carryback
1972	$10,000	0
1973	50,000	0
1974	50,000	$10,000
1975	(100,000)	0

As a result of the allocation of the 1978 accumulation distribution to 1972, X's income for 1972, 1973, 1974, and 1975, after taking into account the 1975 n.o.l., is deemed to be as follows:

Year	*Income deemd to have been earned after consideration of n.o.l., and accumulation distribution*
1972	0 ($10,000 + $50,000 − 30,000 n.o.l.).
1973	$10,000 ($50,000 − $40,000 balance of n.o.l.).
1974	$50,000.
1975	0.

Therefore, the tax on the 1978 accumulation distribution to X is the tax X would have paid in 1973 and 1974 had he had the above income in such years.

§ 1.668(b)–4A Information requirements with respect to beneficiary.

(a) *Information to be supplied by beneficiary*—(1) *In general.* The beneficiary must supply the information required by subparagraph (3) of this paragraph for any prior taxable year for which a recomputation is required under either the exact method or the short-cut method. Such information shall be filed with the beneficiary's return for the year in which the tax under section 668(a)(2) is imposed.

(2) *Failure to furnish.* If the beneficiary fails to furnish the information required by this paragraph for any prior year involved in the exact method, he may not use such method and the tax computed under paragraph (c) of § 1.668(b)–1A (the short-cut method) shall be deemed to be the amount of partial tax imposed by section 668(a)(2). See, however, paragraph (b) of this section for an exception to this rule where the short-cut method is not permitted. If he cannot furnish the information required for a prior year involved in the short-cut method, such year will be recomputed on the basis of the best information available.

(3) *Information required.* The beneficiary shall file the following items with his income tax return for the taxable year in which the accumulation distribution is included in income:

(i) A statement showing the gross income, adjustments, deductions, credits, taxes paid, and computations for each of his taxable years for which a computation is required under the method by which he computes his partial tax imposed by section 668(a)(2). Such statement shall include such amounts for the taxable year as adjusted by any events subsequent to such year, such as any adjustment resulting from the determination of a deficiency or an overpayment, or from a court action regarding the tax.

(ii) A copy of the statement required by this subparagraph to be furnished by the beneficiary for any prior taxable year in which an accumulation distribution was received by him which was also deemed distributed in whole or in part in the prior taxable year for which the statement under subdivision (i) of this subparagraph is required.

(iii) A copy of any statements furnished the beneficiary by the trustee with regard to the current taxable year or any prior taxable year for which a statement is furnished under subdivision (i) of this subparagraph.

(b) *Exception.* If by reason of § 1.668(b)–1A(e) the beneficiary may not compute the partial tax on the accumulation distribution under § 1.668(b)–1A(c) (the short-cut method), the provisions of subparagraph (2) of paragraph (a) of this section shall not apply. In such case, if the beneficiary fails to provide the information required by subparagraph (3) of paragraph (a) for any prior taxable year, the district director shall, by utilizing whatever information is available to him (including information supplied by the beneficiary), determine the beneficiary's income and related expenses for such prior taxable year.

(c) *Records to be supplied by the beneficiary*—(1) *Year when return was filed.* If the beneficiary filed an income tax return for a taxable year for which a recomputation is necessary, and the period of limitations on assessment under section 6501 for such year has expired as of the filing of the return for the year in which the accumulation distribution was made, then such return, plus proof of any charges of liability for such year due to the determination of a deficiency or an overpayment, court action, etc., shall, to the extent they verify the statements required under paragraph (a) of this section, serve as conclusive proof of such statements. If the period of limitations on assessment under section 6501 for a prior taxable year has not expired as of the filing of the beneficiary's return for the year in which the accumulation distribution was received, then the records required by section 6001 to be retained by the beneficiary for such prior taxable year shall serve as the basis of proof of the statements required to be filed under paragraph (a) of this section.

(2) *Year for which no return was filed.* If the beneficiary did not file a return for a taxable year for which a recomputation is necessary, and it is reasonable to assume that he had gross income in such year, he shall retain as proof of the

statement required under paragraph (a) of this section copies of a memorandum return made in such year or other contemporaneously prepared records (such as diaries). Such records shall show either the exact amount of income received in such year and from what source, or that there was no income for such taxable year.

§ 1.669(a)A Statutory provisions; excess distributions by trusts; treatment of capital gain deemed distributed in preceding years; amount allocated.

SEC. 669. *Treatment of capital gain deemed distributed in preceding years*—(a) *Amount allocated.* In the case of a trust which is not required to distribute all of its income currently, the amount of a capital gain distribution of such trust for a taxable year shall be deemed to be an amount properly paid, credited, or required to be distributed on the last day of each of the preceding taxable years, commencing with the earliest of such years, to the extent that such amount exceeds the total of any undistributed capital gain for all earlier preceding taxable years. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed capital gain for such preceding taxable year. For purposes of this subsection, undistributed capital gain for each of such preceding taxable years shall be computed without regard to such capital gain distribution and without regard to any capital gain distribution determined for any succeeding taxable year.

[Sec. 669(a) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.669(a)–1A Amount allocated.

(a) *In general.* After a trust has distributed all of its undistributed net income, the rules concerning the treatment of capital gain distributions (prescribed under section 669) may become applicable to an accumulation distribution. This section prescribes rules to determine from which years capital gain distributions are considered to be made. For the definition of "capital gain distribution", see § 1.665(g)–1A. Section 669 does not apply to a trust that is required to distribute all its income currently. See § 1.668(a)–1A(d). Capital gain retains its character in the hands of the beneficiary. See § 1.669(f)–1A. A capital gain distribution to more than one beneficiary will be allocated among them. See § 1.668(a)–2A.

(b) *First-in, first-out rule.* A capital gain distribution is allocated to the preceding taxable years of the trust (as defined in § 1.665(e)–1A(a)(1)(iii)), according to the undistributed capital gain of the trust for such years. For this purpose, a capital gain distribution is first allocated to the earliest such preceding taxable year in which there is undistributed capital gain and shall then be allocated in turn, beginning with the next earliest, to any remaining preceding taxable years of the trust. The portion of the capital gain distribution allocated to the earliest preceding taxable year is the amount of undistributed capital gain for that preceding taxable year. The portion of the capital gain distribution allocated to any preceding taxable year subsequent to the earliest such preceding taxable year is the excess of the capital gain distribution over the aggregate of the undistributed capital gain for all earlier preceding taxable years. See paragraph (c) of this section for adjustments to undistributed capital gain for prior distributions.

(c) *Reduction of undistributed capital gain for prior distributions.* For the purposes of allocating a capital gain distribution of the taxable year to any preceding taxable year, the undistributed capital gain of such preceding taxable year is computed without regard to the capital gain distribution of the taxable year or of taxable years following the taxable year. However, capital gain distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account, and undistributed capital gain for a preceding taxable year is reduced by the amount from such year deemed distributed in the intervening capital gain distribution. Accordingly, for example, if a trust has undistributed capital gain for 1974, and makes a capital gain distribution during the taxable year 1978, the undistributed capital gain for 1974 is computed without regard to the capital gain distribution for 1978 or any subsequent year. If the trust makes a further capital gain distribution in 1979, the undistributed capital gain for 1974 is computed without regard to the capital gain distribution for 1979 or subsequent years. However for purposes of the 1979 capital gain distribution, the undistributed capital gain for 1974 is reduced by the amount of such undistributed capital gain for 1974 deemed distributed in the 1978 capital gain distribution.

(d) *Rule when no undistributed capital gain.* If, before the application of the provisions of subpart D to a capital gain distribution for the taxable year, there is no undistributed capital gain for a preceding taxable year, then no portion of the capital gain distribution is deemed distributed on the last day of such preceding taxable year. Thus, for example, if a capital gain distribution is made during the taxable year 1975 from a trust whose earliest preceding taxable year is taxable year 1970, and the trust had no undistributed capital gain for 1970, then no portion of the 1975 capital gain distribution is deemed distributed on the last day of 1970.

(e) *Example.* The provisions of this section may be illustrated by the following example:

Example. In 1977, a trust reporting on the calendar year basis makes a capital gain distribution of $33,000. In 1969, the trust had $6,000 of undistributed capital gain; in 1970, $4,000; in 1971, none; in 1972, $7,000; in 1973, $5,000; in 1974, $8,000; in 1975, $6,000; in 1976, $4,000; and $6,000 in 1977. The capital gain distribution is deemed distributed $6,000 in 1969, $4,000 in 1970, none in 1971, $7,000 in 1972, $5,000 in 1973, $8,000 in 1974, and $3,000 in 1975.

§ 1.669(b)A Statutory provisions; excess distributions by trusts; treatment of capital gain deemed distributed in preceding years; tax on distribution.

SEC. 669. *Treatment of capital gain deemed distributed in preceding years.* • • •

(b) *Tax on distribution.* The partial tax imposed by section 668(a)(3) shall be the lesser of—

(1) The aggregate of the taxes attributable to the amounts deemed distributed under this section, had such amounts been included in the gross income of the beneficiary on the last day of each respective preceding taxable year, or

(2) The tax determined by multiplying by the number of preceding taxable years of the trust, on the last day of which net gains from the sale or exchange of capital assets are deemed under subsection (a) to have been distributed, the average of the increase in tax attributable to recomputing the beneficiary's 3 taxable years immediately preceding the year of the capital gain distribution by adding to the income of each of such years an amount determined by dividing the total of the amounts deemed distributed under this section and required to be included in income under section 668(a) by such number of preceding taxable years of the trust,

less an amount equal to the amount of taxes deemed distributed to the beneficiary under subsections (d) and (e) which are attributable to the capital gain distribution.

[Sec. 669(b) as amended by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.669(b)–1A Tax on distribution.

(a) *In general.* The partial tax imposed on the beneficiary by section 668(a)(3) shall be the lesser of—

(1) The tax computed under paragraph (b) of this section (the "exact" method), or

(2) The tax computed under paragraph (c) of this section (the "short-cut" method),

except as provided in § 1.669(c)–3A (relating to failure to furnish proper information) and paragraph (d) of this section (relating to disallowance of short-cut method). For purposes of this paragraph, the method used in the return shall be accepted as the method which produces the lesser tax.

(b) *Computation of partial tax by the exact method.* The partial tax referred to in paragraph (a)(1) of this section is computed as follows:

(1) First, compute the tax attributable to the section 669 amounts for each of the preceding taxable years. For purposes of this paragraph, the "section 669 amounts" for a preceding taxable year are the amounts deemed distributed under section 669(a) on the last day of such preceding taxable year, plus the amount of taxes deemed distributed on such day under section 669 (d) or (e). The tax attributable to such amounts in each prior taxable year of the beneficiary is the difference between the tax for such year computed with the inclusion of the section 669 amounts in the beneficiary's gross income and the tax for such year computed without including them in such gross income. Tax computations for each such year shall reflect a taxpayer's marital, dependency, exemption, and filing status for such year.

(2) From the sum of the taxes for the prior taxable years attributable to the section 669(a) amounts (computed in accordance with subparagraph (1) of this paragraph), subtract so much of the amount of taxes deemed distributed to the beneficiary under §§ 1.669(d)–1A and 1.669(e)–1A as does not exceed such sum. The resulting amount, if any, is the partial tax on the beneficiary, computed under the exact method, for the taxable year in which the capital gain distribution is paid, credited, or required to be distributed to the beneficiary.

(c) *Computation of tax by the short-cut method.* (1) The tax referred to in paragraph (a)(2) of this section is computed as follows:

(i) First, determine the number of preceding taxable years of the trust on the last day of which an amount is deemed under section 669(a) to have been distributed. For purposes of this subparagraph, such number of preceding taxable years of the trust shall not include any preceding taxable year of the trust in which the undistributed capital gain deemed distributed is less than 25 percent of (*a*) the total amounts deemed under section 669(a) to be undistributed capital gain from preceding taxable years, divided by (*b*) the number of such preceding taxable years of the trust on the last day of which an amount is deemed under section 669(a) to have been distributed without application of this sentence. For example, assume that a capital gain distribution of $90,000 made to a beneficiary in 1979 is deemed distributed in the amounts of $29,000 in each of the years 1972, 1973, and 1974, and $3,000 in 1975. The number of preceding taxable years on the last day of which an amount was deemed distributed without reference to the second sentence of this subparagraph is four. However, the distribution deemed made in 1975 ($3,000) is less than $5,625, which is 25 percent of (*a*) the total undistributed capital gain deemed distributed under section 669(a) ($90,000) divided by (*b*) the number of such preceding taxable years (4), or $22,500. Therefore, for purposes of this subparagraph, the capital gain distribution is deemed distributed in only three preceding taxable years (1972, 1973, and 1974).

(ii) Second, divide the amount (representing the capital gain distribution and taxes deemed distributed) required under section 668(a) to be included in the income of the beneficiary for the taxable year by the number of preceding taxable years of the trust on the last day of which an amount is deemed under section 669(a) to have been distributed (determined as provided in subdivision (i) of this paragraph). The amount determined under this subdivision, including taxes deemed distributed, consists of the same proportion of long-term and short-term capital gain as the total of each type of capital gain deemed distributed in the capital gain distribution bears to the total undistributed capital gain from such preceding taxable years deemed distributed in the capital gain distribution. For example, assume that an amount of $50,000 is deemed distributed under section 669(a) from undistributed capital gain of 5 preceding taxable years of the trust, and consists of $30,000 of long-term capital gain and $20,000 of short-term capital gain. Taxes attributable to such amounts in the amount of $10,000 are also deemed distributed. The amount determined under this subdivision, $12,000 ($50,000 income plus $10,000 tax, divided by 5 years), is deemed to consist of $7,200 of long-term capital gain and $4,800 in short-term capital gain.

(iii) Third, compute the tax of the beneficiary for each of the 3 taxable years immediately preceding the year in which the capital gain distribution is paid, credited, or required to be distributed to him,

(*a*) With the inclusion in gross income of the beneficiary for each of such 3 years of the amount determined under subdivision (ii) of this subparagraph, and

(*b*) Without such inclusion.

The difference between the amount of tax computed under (*a*) of this subdivision for each year and the amount computed under (*b*) of this subdivision for that year is the additional tax resulting from the inclusion in gross income for that year of the amount determined under subdivision (ii) of this subparagraph.

(iv) Fourth, add the additional taxes resulting from the application of subdivision (iii) of this subparagraph for the 3 taxable years immediately preceding the year in which the capital gain distribution is paid, credited, or required to be distributed and then divide this amount by 3.

(v) Fifth, the resulting amount is then multiplied by the number of preceding taxable years of the trust on the last day of which an amount is deemed under section 669(a) to have been distributed (previously determined under subdivision (i) of this subparagraph).

(vi) The resulting amount, less so much of the amount of taxes deemed distributed to the beneficiary under §§ 1.669(d)–1A and 1.669(e)–1A as does not exceed such resulting amount, is the tax under the short-cut method provided in section 669(b)(1)(B).

See § 1.668(b)–1A(c) for examples of the shortcut method in the context of an accumulation distribution.

(d) *Disallowance of short-cut method.* If, in any prior taxable year of the beneficiary in which any part of the capital gain distribution is deemed to have been distributed under section 669(a) to such beneficiary, any part of prior capital gain distributions by each of two or more other trusts is deemed under section 669(a) to have been distributed to such beneficiary, then the short-cut method under paragraph (c) of this section may not be used and the partial tax imposed by section 668(a)(3) shall be computed only under the exact method under paragraph (b) of this section. For example, assume that, in 1978, trust X makes a capital gain distribution to A, who is on the calendar year basis, and part of the distribution is deemed under section 669(a) to have been distributed on March 31, 1974. In 1977, A had received a capital gain distribution from both trust Y and trust Z. Part of the capital gain distribution from trust Y was deemed under section 669(a) to have been distributed to A on June 30, 1974, and part of the capital gain distribution from trust Z was deemed under section 669(a) to have been distributed to A on December 31, 1974. Because there were portions of capital gain distributions from two other trusts deemed distributed within the same prior taxable year of A (1974), the 1978 capital gain distribution from trust X may not be computed under the short-cut method provided in paragraph (c) of this section. Therefore the exact method under paragraph (b) of this section must be used to compute the tax imposed by section 668(a)(3).

§ 1.669(c)A Statutory provisions: excess distributions by trusts; treatment of capital gain deemed distributed in preceding years; effect of other distributions; special rules, etc.

SEC. 669. *Treatment of capital gain deemed distributed in preceding years.* • • •

(c) *Effect of other distributions; special rules, etc.* In computing the partial tax under subsection (b) for any beneficiary, the income of such beneficiary for each of his prior taxable years—

(1) Shall include amounts previously deemed distributed to such beneficiary in such year under section 666 or 669 as a result of prior accumulation distributions or capital gain distributions (whether from the same or another trust), and

(2) Shall include amounts deemed distributed to such beneficiary in such year under section 666 as a result of an accumulation distribution from the same trust in the current year.

Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by paragraphs (2), (4), and (5) of section 668(b) shall be applied for purposes of this section.

[Sec. 669(c) as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.669(c)–1A Special rules applicable to section 669.

(a) *Effect of other distributions.* The income of the beneficiary, for any of his prior taxable years for which a tax is being recomputed under § 1.669(b)–1A, shall include any amounts of prior accumulation distributions (including prior capital gain distributions) deemed distributed under sections 666 and 669 in such prior taxable year. For purposes of the preceding sentence, a "prior accumulation distribution" is a distribution from the same or another trust which was paid, credited, or required to be distributed in a prior taxable year of the beneficiary. The term "prior accumulation distribution" also includes accumulation distributions of the same or other trusts which were distributed to the beneficiary in the same taxable year. The term "prior capital gain distribution" also includes capital gain distributions of other

trusts which were paid, credited, or required to be distributed to the beneficiary in the same taxable year and which the beneficiary has determined under paragraph (b) of this section to treat as having been distributed before the capital gain distribution for which tax is being computed under § 1.669(b)–1A.

(b) *Multiple distributions in the same taxable year.* For purposes of paragraph (a) of this section, capital gain distributions made from more than one trust in the same taxable year of the beneficiary, regardless of when in the taxable year they were actually made, shall be treated as having been made consecutively, in whichever order the beneficiary may determine. However, the beneficiary must treat them as having been made in the same order for the purpose of computing the partial tax on the several capital gain distributions. The beneficiary shall indicate the order he has determined to deem the capital gain distributions to have been received by him on his return for the taxable year. A failure by him so to indicate, however, shall not affect his right to make such determination. The purpose of this rule is to assure that the tax resulting from the later (as so deemed under this paragraph) distribution is computed with the inclusion of the earlier distribution in the taxable base and that the tax resulting from the earlier (as so deemed under this paragraph) distribution is computed with the later distribution excluded from the taxable base.

(c) *Rule when beneficiary not in existence on the last day of a taxable year.* If a beneficiary was not in existence on the last day of a preceding taxable year of the trust with respect to which a distribution is deemed made under section 669(a), it shall be assumed, for purposes of the computations under paragraphs (b) and (c) of § 1.669(b)–1A, that the beneficiary—

(1) Was in existence on such last day,

(2) Was a calendar year taxpayer,

(3) Had no gross income other than the amounts deemed distributed to him from such trust in his calendar year in which such last day occurred and from all other trusts from which amounts are deemed to have been distributed to him in such calendar year,

(4) If an individual, was unmarried and had no dependents,

(5) Had no deductions other than the standard deduction, if applicable, under section 141 for such calendar year, and

(6) Was entitled to the personal exemption under section 151 or 642(b).

For example, assume that part of a capital gain distribution made in 1980 is deemed under section 669(a) to have been distributed to the beneficiary, A, in 1973. $10,000 of a prior accumulation distribution was deemed distributed in 1973. A was born on October 9, 1975. It will be assumed for purposes of § 1.669(b)–1A that A was alive in 1973, was on the calendar year basis, had no income other than (1) the $10,000 from the accumulation distribution deemed distributed in 1973 and (2) the part of the 1980 distribution deemed distributed in 1973, and had no deductions other than the personal exemption provided in section 151. If A were a trust or estate created after 1973, the same assumptions would apply, except that the trust or estate would not be entitled to the standard deduction and would receive the personal exemption provided under section 642(b) in the same manner as allowed under such section for A's first actual taxable year.

(d) *Examples.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). In 1978, trust X made a capital gain distribution to A, a calendar year taxpayer, of which $3,000 was deemed to have been distributed in 1974. In 1980, trust X makes another capital gain distribution to A, $10,000 of which is deemed under section 669(a) to have been distributed in 1974. Also in 1980, trust Y makes a capital gain distribution to A, of which $5,000 is deemed under section 669(a) to have been distributed in 1974. A determines to treat the 1980 distribution from trust Y as having been made prior to the 1980 distribution from trust X. In computing the tax on the 1980 Trust Y distribution, A's gross income for 1974 includes (i) the $3,000 deemed distributed from the 1978 distribution, and (ii) the $5,000 deemed distributed in 1974 from the 1980 Trust Y capital gain distribution. To compute A's tax under the exact method for 1974 on the $10,000 from the 1980 trust X capital gain distribution deemed distributed in 1974, A's gross income for 1974 includes (i) the $10,000, (ii) the $3,000 previously deemed distributed in 1974 from the 1978 trust X capital gain distribution, and (iii) the $5,000 deemed distributed in 1974 from the 1980 trust Y capital gain distribution.

Example (2). In 1978, trust T makes a capital gain distribution to B, a calendar year taxpayer. Determination of the tax on the distribution under the short-cut method requires the use of B's gross income for 1975, 1976, and 1977. In 1977, B received an accumulation distribution from trust U, of which $2,000 was deemed to have been distributed in 1975, and $3,000 in 1976. B's gross income for 1975, for purposes of using the short-cut method to determine the tax from the trust T capital gain distribution, will be deemed to include the $2,000 deemed distributed in 1975 by trust U, and his gross income for 1976 will be deemed to include the $3,000 deemed distributed by trust U in 1976.

§ 1.669(c)–2A Computation of the beneficiary's income and tax for a prior taxable year.

(a) *Basis for computation.* (1). The beneficiary's income and tax paid for any prior taxable year for which a recomputation is involved under either the exact method or the short-cut method shall be determined by reference to the information required to be furnished by him under § 1.669(c)–3A(a). The gross income, related deductions, and taxes paid for a prior taxable year of the beneficiary as finally determined shall be used for recomputation purposes. The term "as finally determined" shall have the same meaning for purposes of this section as in § 1.668(b)–3A(a).

(2) If any computations rely on the beneficiary's return for a prior taxable year for which the applicable period of limitations on assessment under section 6501 has expired, and such return shows a mathematical error on its face which resulted in the wrong amount of tax being paid for such year, the determination of both the tax for such year computed with the inclusion of the section 669 amounts in the beneficiary's gross income, and the tax for such year computed without including such amounts in such gross income, shall be based upon the return after the correction of such mathematical errors.

(b) *Effect of allocation of undistributed capital gain on items based on amount of income and with respect to a net operating loss, a charitable contributions carryover, or a capital loss carryover.* (1) In computing the tax for any taxable year under either the exact method or the short-cut method, any item which depends upon the amount of gross income, adjusted gross income, or taxable income shall be recomputed to take into consideration the amount of undistributed capital gain allocated to such year. For example, if $2,000 of undistributed long-term capital gain is allocated to 1970, adjusted gross income for 1970 is increased from $5,000 to $6,000. The allowable 50-percent charitable deduction under section 170(b)(1)(A) is then increased and the amount of the nondeductible medical expenses under section 213 (3 percent of adjusted gross income) is also increased.

(2) In computing the tax attributable to the undistributed capital gain deemed distributed to the beneficiary in any of his prior taxable years under either the exact method or the short-cut method, the effect of amounts of undistributed capital gain on a net operating loss carryback or carryover, a charitable contributions carryover, or a capital loss carryback or carryover, shall be taken into account. In determining the amount of tax attributable to such deemed distribution, a computation shall also be made for any taxable year which is affected by a net operating loss carryback or carryover, by a charitable contributions carryover, or by a capital loss carryback or carryover determined by reference to the taxable year to which amounts are allocated under either method and which carryback or carryover is reduced or increased by such amounts so allocated.

§ 1.669(c)–3A Information requirements with respect to beneficiary.

(a) *Information to be supplied by beneficiary.*—(1) *Use of exact method.* The beneficiary must supply the information required by subparagraph (3) of § 1.668(b)–4A(a) for any prior taxable year for which a recomputation is required under either the exact method or the short-cut method. Such information shall be filed with the beneficiary's return for the year in which the tax under section 668(a)(3) is imposed.

(2) *Failure to furnish.* If the beneficiary fails to furnish the information required by this paragraph for any prior year involved in the exact method, he may not use such method and the tax computed under paragraph (c) of § 1.669(b)–1A (the short-cut method) shall be deemed to be the amount of partial tax imposed by section 668(a)(3). See, however, paragraph (b) of this section for an exception to this rule where the short-cut method is not permitted. If he cannot furnish the information required for a prior year involved in the short-cut method, such year will be recomputed on the basis of the best information available.

(b) *Exception.* If, by reason of § 1.669(b)–1A(e), the beneficiary may not compute the partial tax on the capital gain distribution under § 1.669(b)–1A(c) (the short-cut method), the provisions of subparagraph (2) of paragraph (a) of this section shall not apply. In such case, if the beneficiary fails to provide the information required by § 1.668(b)–4A(a)(3) for any prior taxable year, the district director shall, by utilizing whatever information is available to him (including information supplied by the beneficiary), determine the beneficiary's income and related expenses for such prior taxable year.

§ 1.669(d)A Statutory provisions; excess distributions by trusts; treatment of capital gain deemed distributed in preceding years; total taxes deemed distributed.

SEC. 669. *Treatment of capital gain deemed distributed in preceding years.* * * *

(d) *Total taxes deemed distributed.* If any portion of a capital gain distribution for any taxable year is deemed under subsection (a) to be an amount properly paid, credited or required to be distributed on the last day of any preceding taxable year, and such portion of such capital distribution is not less than the undistributed capital gain for such preceding taxable year, the trust shall be deemed to have properly distributed on the last day of such preceding taxable year an additional amount. Such additional amount shall be equal to the taxes imposed on the trust for such preceding taxable year attributable to such undistributed capital gain. For purposes of this subsection, the undistributed capital gain and the taxes imposed on the trust for such preceding taxable year attributable to such gain shall be computed without regard to any capital gain distribution and without regard to any capital gain distribution determined for any succeeding taxable year.

[Sec. 669(d) as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.669(d)–1A Total taxes deemed distributed.

(a) If a capital gain distribution is deemed under § 1.669(a)–1A to be distributed on the last day of a preceding taxable year and the amount is not less than the undistributed capital gain for such preceding taxable year, then an additional amount equal to the "taxes imposed on the trust attributable to the undistributed capital gain" (as defined in § 1.665(d)–1A(c)) for such preceding taxable year is also deemed to have been properly distributed. For example, assume a trust has no distributable net income and has undistributed capital gain of $18,010 for the taxable year 1974. The taxes imposed on the trust attributable to the undistributed capital gain are $2,190. During the taxable year 1977, a capital gain distribution of $18,010 is made to the beneficiary which is deemed under § 1.669(a)–1A to have been distributed on the last day of 1974. The 1977 capital gain distribution is not less than the 1974 undistributed capital gain. Accordingly, taxes of $2,190 imposed on the trust attributable to the undistributed capital gain for 1974 are also deemed to have been distributed on the last day of 1974. Thus, a total of $20,200 will be deemed to have been distributed on the last day of 1974.

(b) For the purpose of paragraph (a) of this section, the undistributed capital gain of any preceding taxable year and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed capital gain are computed without regard to the captial gain distribution of the taxable year or any taxable year following such taxable year. However, any capital gain distributions of taxable years intervening between such preceding taxable year and the taxable year are taken into account. See paragraph (c) of § 1.669(a)–1A.

§ 1.669(e)A Statutory provisions; excess distributions by trusts; treatment of capital gain deemed distributed in preceding years; pro rata portion of taxes deemed distributed.

SEC. 669. *Treatment of capital gain deemed distributed in preceding years.* * * *

(e) *Pro rata portion of taxes deemed distributed.* If any portion of a capital gain distribution for any taxable year is deemed under subsection (a) to be an amount properly paid, credited, or required to be distributed on the last day of any preceding taxable year and such portion of the capital gain distribution is less than the undistributed capital gain for such preceding taxable year, the trust shall be deemed to have properly distributed on the last day of such preceding taxable year an additional amount. Such additional amount shall be equal to the taxes imposed on the trust for such taxable year attributable to such undistributed capital gain multiplied by the ratio of the portion of the capital gain distribution to the undistributed capital gain of the trust for such year. For purposes of this subsection, the undistributed capital gain and the taxes imposed on the trust for such preceding taxable year attributable to such gain shall be computed without regard to the capital gain distribution and without regard to any capital gain distribution determined for any succeeding taxable year.

[Sec. 669(e) as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.669(e)–1A Pro rata portion of taxes deemed distributed.

(a) If a capital gain distribution is deemed under § 1.669(a)–1A to be distributed on the last day of a preceding taxable year and the amount is less than the undistributed capital gain for such preceding taxable year, then an additional amount is also deemed to have been properly distributed. The additional amount is equal to the "taxes imposed on the trust attributable to the undistributed capital gain" (as defined in § 1.665(d)–1A(c)) for such preceding taxable year, multiplied by a fraction, the numerator of which is the amount of the capital gain distribution allocated to such preceding taxable year and the denominator of which is the undistributed capital gain for such preceding taxable year. See paragraph (b) of example (1) and paragraphs (c) and (f) of example (2) in § 1.669(e)–2A for illustrations of this paragraph.

(b) For the purpose of paragraph (a) of this section, the undistributed capital gain of any preceding taxable year and the taxes imposed on the trust for such preceding taxable year attributable to such undistributed capital gain are computed without regard to the captial gain distribution of the taxable year or any taxable year following the taxable year. However, capital gain distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account. See paragraph (c) of § 1.669(a)–1A, paragraph (c) of example (1) and paragraphs (e) and (h) of example (2) in § 1.669(e)–2A.

§ 1.669(e)–2A Illustration of the provisions of section 669.

The application of the provisions of §§ 1.669(a)–1A, 1.669(d)–1A, and 1.669(e)–1A may be illustrated by the following examples:

Example (1). (a) A trust created on January 1, 1974, makes capital gain distributions as follows:

1979	$14,000
1980	60,000

The trust had accumulated income in 1974. For 1974 through 1978, the undistributed portion of capital gain, taxes imposed on the trust attributable to the undistributed capital gain, and undistributed capital gain are as follows:

Year	Undistributed portion of capital gain	Taxes imposed on the trust attributable to the undistributed capital gain	Undistributed capital gain
1974	$24,200	$2,830	$21,370
1975	32,200	4,330	27,870
1976	12,300	1,130	11,070
1977	None	None	None
1978	10,200	910	9,290

(b) Since the entire amount of the capital gain distribution for 1979 ($14,000), determined without regard to the capital gain distribution for 1980, is less than the undistributed capital gain for 1974 ($21,370), an additional amount of $1,854 (14,000/21,370 × $2,830) is deemed distributed under section 669(e).

(c) In allocating the capital gain distribution for 1980, the amount of undistributed capital gain for 1974 will reflect the capital gain distribution for 1979. The undistributed capital gain for 1974 will then be $7,370 and the taxes imposed on the trust for 1974 will be $976, determined as follows:

Undistributed capital gain as of the close of 1974	$21,370
Less: Capital gain distribution (1979)	14,000
Balance (undistributed capital gain as of the close of 1979)	7,370
Taxes imposed on the trust attributable to the undistributed capital gain as of the close of 1979 (7,370/21,370 × 2,830)	976

(d) The capital gain distribution of $60,000 for 1980 is deemed to have been made on the last day of the preceding taxable years of the trust to the extent of $55,600, the total of the undistributed capital gain for such years, as shown in the tabulation below. In addition, $7,346, the total taxes imposed on the trust attributable to the undistributed capital gain for such years is also deemed to have been distributed on the last day of such years, as shown below:

Year	Undistributed capital gain	Taxes imposed on the trust attributable to the undistributed capital gain
1974	$7,370	$876
1975	27,870	4,330
1976	11,070	1,130
1977	None	None
1978	9,290	910
1979	None	None
Total	55,600	7,346

Example (2). (a) Under the terms of a trust instrument, the trustee has discretion to accumulate or distribute the income to X and to invade corpus for the benefit of X. The trust is subject to capital gain throwback. Both X and the trust report on the calendar year basis. All of the income for 1974 was distributed and the capital gain was accumulated. The capital gain of the trust for the taxable year 1974 is $40,200 and the income taxes paid by the trust for 1974 attributable to the undistributed capital gain are $6,070. All of the income and capital gains for 1975 and 1976 were distributed and in addition the trustee made capital gain distributions within the meaning of section 665(g) of $8,000 for each year.

(b) The undistributed capital gain of the trust determined under section 665(f) as of the close of 1974 is $34,130, computed as follows:

Capital gain	$40,200
Less: Taxes imposed on the trust attributable to the undistributed capital gain	6,070
Undistributed capital gain as of the close of 1974	34,130

(c) The capital gain distribution of $8,000 made during the taxable year 1975 is deemed under section 669(a) to have been made on December 31, 1974. Since this capital gain distribution is less than the 1974 undistributed capital gain of $34,130, a portion of the taxes imposed on the trust for 1974 is also deemed under section 669(e) to have been distributed on December 31, 1974. The total amount deemed to have been distributed to X on December 31, 1974, is $9,486, computed as follows:

Capital gain distribution	$8,000
Taxes deemed distributed (8,000/34,130×$6,070)	1,423
Total	9,423

(d) After the application of the provisions of subpart D to the capital gain distribution of 1975, the undistributed capital gain of the trust for 1974 is $26,130, computed as follows:

Undistributed capital gain as of the close of 1974	$34,132
Less: 1975 capital gain distribution deemed distributed on December 31, 1974 (paragraph (c) of this example)	8,000
Undistributed capital gain for 1974 as of the close of 1975	26,130

(e) The taxes imposed on the trust attributable to the undistributed capital gain for the taxable year 1974, as adjusted to give effective to the 1975 capital gain distribution, amount to $4,647, computed as follows:

Taxes imposed on the trust attributable to undistributed capital gain as of the close of 1974	$6,070
Less: Taxes deemed distributed in 1974	1,423
Taxes attributable to the undistributed capital gain determined as of the close of 1975	4,647

(f) The capital gain distribution of $8,000 made during the taxable year 1976 is, under section 669(a), deemed an amount properly distributed to X on December 31, 1974. Since the capital gain distribution is less than the 1974 adjusted undistributed capital gain of $26,130, the trust is deemed under section 669(e) also to have distributed on December 31, 1974, a portion of the taxes imposed on the trust for 1974. The total amount deemed to be distributed on December 31, 1974, with respect to the capital gain distribution made in 1976, is $9,423, computed as follows:

Capital gain distribution	$8,000
Taxes deemed distributed (8,000/26,130×$4,647)	1,423
Total	9,423

(g) After the application of the provisions of subpart D to the capital gain distribution of 1976, the undistributed capital gain of the trust for 1974 is $18,130, computed as follows:

Undistributed capital gain for 1974 as of the close of 1975	$26,130
Less: 1967 capital gain distribution deemed distributed on December 31, 1974 (paragraph (f) of this example)	8,000
Undistributed capital gains for 1974 as of the close of 1976	18,130

(h) The taxes imposed on the trust attributable to the undistributed capital gain of the trust for the taxable year 1974, determined as of the close of the taxable year 1976, amount to $3,224 ($4,647 less $1,423).

§ 1.669(f)-1A Statutory provisions; excess distributions by trusts; treatment of capital gain deemed distributed in preceding years; character of capital gain.

SEC. 669. *Treatment of capital gain deemed distributed in preceding years.* • • •

(f) *Character of capital gain.* For purposes of this section, the character of the capital gain of a trust for any taxable year with respect to a beneficiary shall be the same as it was with respect to the trust.

[Sec. 669(f) as added by sec. 331(a), Tax Reform Act 1969 (83 Stat. 592)]

§ 1.669(f)-1A Character of capital gain.

Amounts distributed as a capital gain distribution and the taxes attributable thereto retain the character that the gain had with respect to the trust. Thus, a capital gain that was taxed to the trust as a "long-term" capital gain and the pro rata amount of taxes attributable to such long-term gain shall be treated to the beneficiary as a "long-term" capital gain when they are deemed distributed as part of a capital gain distribution. If a trust has different types of capital gain for the same taxable year, and all of the capital gains are not deemed distributed for such year under section 669(a), the amount deemed distributed from such year (including taxes deemed distributed) shall be treated as consisting of the different types of gains in the ratio that the total of each such type of gains of the trust bears to the total of all such gains for the taxable year. For example, assume that in 1975 a trust had net long-term capital gains of $4,000 and net short-term capital gains of $2,000. Taxes attributable to such undistributed capital gain were $700. Therefore, undistributed capital gain for 1975 is $5,300. In 1980, the trust distributes $2,650 that is deemed to be undistributed capital gain from 1975. Such distribution is deemed to consist of long-term gain of $1,766.67 and short-term gain of $883.33. The taxes deemed distributed of $350 consist of long-term gain of $233.33 and short-term gain of $116.67.

§ 1.669(f)-2A Exception for capital gain distributions from certain trusts.

(a) *General rule.* If a capital gain distribution is paid, credited, or required to be distributed before January 1, 1972, from a trust which was in existence on December 31, 1969, section 669 shall not apply and no tax shall be imposed on such capital gain distribution under section 668(a)(3). If capital gain distributions from more than one such trust (other than a "marital deduction trust" described in paragraph (b) of this section) are paid, credited, or required to be distributed to a beneficiary before January 1, 1972, the exception under the preceding sentence shall apply only to the capital gain distributions from one of the trusts. The beneficiary shall indicate on his income tax return for the taxable year in which the distribution would otherwise be included in income under section 668(a) the trust to which the exception provided by this section shall apply.

(b) *Special rule for section 2056(b)(5) trust.* A capital gain distribution paid, credited, or required to be distributed before December 31, 1972, by a trust which qualifies under section 2056(b)(5) of the Code (commonly known as a "marital deduction trust") to a surviving spouse who is the beneficiary of only one such trust shall not be taxed under section 668(a)(3). If such spouse is the beneficiary of two or more marital deduction trusts, the preceding sentence shall not apply.

(c) *Effect of exception.* If this section applies to a capital gain distribution from a trust, such distribution shall reduce the undistributed capital gain of the trust. Since section 669 does not apply to such capital gain distribution, no amount of taxes paid by the trust attributable to such capital gain distribution are deemed distributed under section 669 (d) and (e).

REGULATIONS ON PROCEDURE AND ADMINISTRATION (26 CFR PART 301)

Sections 301.6401 and 301.6401-1 are amended to read as follows:

§ 301.6401 Statutory provisions; amounts treated as overpayments.

SEC. 6401. *Amounts treated as overpayments*—(a) *Assessment and collection after limitation period.* The term "overpayment" includes that part of the amount of the payment of any internal revenue tax which is assessed or collected after the expiration of the period of limitation properly applicable thereto.

(b) *Excessive credits.* If the amount allowable as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline, special fuels, and lubricating oil) and 667(b) (relating to taxes paid by certain trusts) exceeds the tax imposed by subtitle A (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1, other than the credits allowable under sections 31 and 39), the amount of such excess shall be considered an overpayment.

(c) *Rule where no tax liability.* An amount paid as tax shall not be considered not to constitute an overpayment solely by reason of the fact that there was no tax liability in respect of which such amount was paid.

[Sec. 6401 as amended by sec. 809(d)(6), Excise Tax Reduction Act 1965 (79 Stat. 165); sec. 331(c), Tax Reform Act 1969 (83 Stat. 598)]

§ 301.6401-1 Amounts treated as overpayments.

(a) The term "overpayment" includes:

(1) Any payment of any internal revenue tax which is assessed or collected after the expiration of the period of limitation applicable thereto.

(2) Any amount allowable for a taxable year as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline, special fuels, and, lubricating oil), and 667 (b) (relating to taxes paid by certain trusts) which exceeds the tax imposed by subtitle A of the Code (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1 of the Code, other than the credits allowable under sections 31 and 39) for such year.

(b) An amount paid as tax shall not be considered not to constitute an overpayment solely by reason of the fact that there was no tax liability in respect of which such amount was paid.

[FR Doc.71-1659 Filed 2-8-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1076]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Notice of Proposed Termination of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Eastern South Dakota marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

1. In paragraph (b) of § 1076.72, delete the words "known as the 'weighted average price,' and except for the months of March through June and September through October, shall be".

With such termination, § 1076.72(b) would read as follows:

§ 1076.72 Computation of uniform price.

* * * * *

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The result shall be the uniform price for milk received from producers.

2. In § 1076.72, delete paragraphs (c), (d), (e), (f), and (g) in their entirety.

Statement of consideration. The proposed termination would discontinue the "takeout-payback" plan of paying producers. The plan provides for withholding from the pool 15 cents per hundredweight of producer deliveries in the months of March through June for distribution to producers in September, October, and November according to their deliveries in these latter months.

Termination of the takeout-payback plan was requested by Land O'Lakes, Inc., a cooperative association representing the producers supplying the market. The basis of the request is that the termination of this plan of paying producers will result in a better seasonal alignment of uniform prices paid to producers in this and in adjacent Federal order markets, where no takeout-payback plans are provided. Without such price alignment the cooperative association anticipates an uneconomic shifting of producers between other Federal orders in this area and the Eastern South Dakota order. Also, unless it is terminated, the takeout-payback plan may result in a relationship of uniform prices to pay prices of nearby manufacturing plants that could be disruptive to milk procurement at regulated plants.

The proposed termination will affect neither total returns to producers nor the total cost of milk to handlers.

Signed at Washington, D.C., on February 3, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1735 Filed 2-8-71;8:48 am]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-406]

PURCHASED GAS COST ADJUSTMENT PROVISIONS IN NATURAL GAS PIPELINE COMPANIES' FPC GAS TARIFF

Notice of Conference

FEBRUARY 2, 1971.

Take notice that on February 24, 1971, a conference will be held pursuant to the notice of proposed rule making in Docket No. R-406 (35 F.R. 19641), in response to the request of certain parties. The conference will be held at 10 a.m., e.s.t., in a Hearing Room (to be posted) at the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1727 Filed 2-8-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of "Affiliates"

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of the term "affiliates" as used in Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding the following provision: "Where a concern is a subcontractor pursuant to section 8(a)(2) of the Small Business Act and, in connection therewith, is the subject of a Divestiture Agreement approved by SBA for the benefit of socially or economically disadvantaged individuals, the receipts, employment and other factors of the concern attributable to the section 8(a)(2) subcontract shall not be included in determining the size of the sponsoring concern during the term of such divestiture agreement. Other contracts and business of such subcontractor may also be excluded in determining the size of the concern if, in the judgment of SBA, substantial beneficiaries of such other contracts and business will be the socially or economically disadvantaged individuals in question."

The purpose of the proposed amendment is to prevent an otherwise small business which has sponsored such a subcontractor, from losing its small business status solely because of the 8(a) subcontract or of other contracts or business of such subcontractor if the substantial beneficiaries of such other contracts and/or business will be the socially or economically disadvantaged individuals in question.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416. Attention: Size Standards Staff.

Dated: February 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-1712 Filed 2-8-71;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

SECTION 1. *Purpose of the list.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 3 of a printed or published list has been placed theron for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the list as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the list, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the list and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the list.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the list are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

A-Dong Industrial Co., Ltd., Box 1613, Seoul, Korea, March 31, 1967, April 26, 1968–April 26, 1971.

Ando, Mr. Hitachi (a.k.a. Chang, Chung Kyun), President, Osaka Koeki Co., Ltd., Dojima Building, 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, March 31, 1967, April 26, 1968–April 26, 1971.

Cerco, Inc., 1124 Ashford Avenue, Santurce, PR 00907, August 5, 1969, September 12, 1969–September 12, 1971.

Chao, Mr. L. Yuan, President-Manager, Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, March 4, 1968, March 29, 1968–March 29, 1971.

Chin Ui Sae Tan, Mr. (a.k.a. Thao Chue), 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

China Electrode Manufacturing Co., Ltd., 79–4 Chung Hwa Road, Taipei, Taiwan, January 29, 1968, February 26, 1968–February 26, 1971.

Chung Kum Products, Ltd., Tai-Yang Building, 28 Sokong Dong, Chung-Ku, Seoul, Korea, March 31, 1967, April 26, 1968–April 26, 1971.

DAI Industrial Co., Ltd., Room No. 303–306, Tai-Yang Building, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, March 31, 1967, April 26, 1968–April 26, 1971.

Eagan, Mr. Edward, 101 Maiden Lane, New York, NY 10038, February 14, 1968, February 13, 1969–February 13, 1972.

Eam-Hung, Mr., 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Eastern Tinplate Distributors, 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969–February 13, 1972.

Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, December 8, 1967, January 20, 1969–January 20, 1972.

Fox, Mr. Arnold M., 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969–February 13, 1972.

Han Gook Organ Needle Co., Ltd. (a.k.a. Korean Organ Needle Co., Ltd.), Ohch'on-dong Tongnae-go, Pusan City, Korea, March 31, 1967, April 26, 1968–April 26, 1971.

Hourcade, Mr. Jean, President, Marocaine D'Appareils de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco, March 8, 1968, April 5, 1968–April 5, 1971.

International Tinplate Sales Co., 101 Maiden Lane, New York NY 10038, February 14, 1968, February 13, 1969–February 13, 1972.

Kao Hsing Iron and Steel Co., Ltd., 31 Lih Hsing Road, Koahsiung, Taiwan, March 4, 1968, March 29, 1968–March 29, 1971.

K.B.S. Trading Co., Ltd., 1334 Young Street, Honolulu, HI, March 31, 1967, April 26, 1968–April 26, 1971.

Khotpanya, Mr. Thao, No. 513 Sam Sene Tkai Road, Vientiane, Laos, December 30, 1968, February 1, 1969–February 1, 1972.

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT—Continued

Kim, Mr. B. H. (a.k.a. Kim, Byong Hwan), DAI Industrial Co., Ltd., Room 303–306, Tai-Yang Building, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, March 31, 1967, April 26, 1968–April 26, 1971.

Kwak, Mr. William [a.k.a. Kwak, Byong Soo], K.B.S. Trading Co., Ltd., 1334 Young Street, Honolulu, HI, March 31, 1967, April 26, 1968–April 26, 1971.

Ly, Mr. Kouang Sae, No. 513 Sam Sene Tkai Road, Vientiane, Laos, December 30, 1968, February 1, 1969–February 1, 1972.

Mane Fils, Inc., 250 Park Avenue South, New York, NY, January 7, 1969, February 6, 1970–February 6, 1973.

Marine Leasing, Ltd., 1624 Central Building, Pedder Street, Hong Kong, British Crown Colony, September 1, 1967, November 1, 1968–November 1, 1971.

Marocaine D'Appareils de Mesure, 90 Rue Pierre Parent, Casablanca, Morocco. June 30, 1967, April 5, 1968–April 5, 1971.

Mutual International, Inc., 420–444 Market Street, San Francisco, CA 94111, September 23, 1968, December 1, 1969–December 1, 1972.

Navarra, Mr. Guy, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, September 23, 1968–September 23, 1971.

Navarra, Mr. Sauveur, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, September 23, 1968–September 23, 1971.

Nederlandse Radiateuren Fabriek au Maroc, 215–217 Avenue Ambassadeur, Ben Aicha Chtouka, Casablanca, Morocco, June 9, 1967, September 23, 1968–September 23, 1971.

North American Inspection Agency, 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969–February 13, 1972.

Osaka Koeki Co., Ltd., Dojima Building, 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, March 31, 1967, April 26, 1968–April 26, 1971.

Palmetto Industry Co., 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969–October 26, 1972.

Priyathanaphong, Mr. Boonsak, Proprictor, Roong Riang Registered Ordinary Partnership, 535–537 Suntipaph Road, Bangkok, Thailand, December 30, 1968, February 1, 1969–February 1, 1972.

Richoux Co., Inc., 1133 Broadway, New York, NY 10010, December 8, 1967, January 20, 1969–January 20, 1972.

Rodman, Mr. Norman, 1624 Central Building, Pedder Street, Hong Kong, British Crown Colony, September 1, 1967, November 1, 1968–November 1, 1971.

Roong Riang Registered Ordinary Partnership, 535–537 Suntipaph Road, Bangkok, Thailand, December 30, 1968, February 1, 1969–February 1, 1972.

Saharojn Weaving Factory Limited Partnership (a.k.a. Hah Heng Weaving Factory), No. 65 Buntuttong Road, Trogput Lane, Bangkok, Thailand, December 30, 1968, February 1, 1969–February 1, 1972.

Steel Factories Co., 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969–February 13, 1972.

Teck Yoo Industry, Ltd., Partnership, 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Tinmili Products Co., 101 Maiden Lane, New York, NY 10038, February 14, 1968, February 13, 1969–February 13, 1972.

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT—Continued

Tinplate Association, Inc., 101 Malden Lane, New York, NY 10038, February 14, 1968, February 13, 1969–February 13, 1972.
Tumay, Mr. Francis, President, 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969–October 26, 1972.
Unico, J. E., Ltd., 3, Jalad Muang Road, Bangkok, Thailand, July 31, 1967, August 22, 1968–August 22, 1971.
Wewerka, Mr. Victor, President, Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, December 8, 1967, January 20, 1969–January 20, 1972.
Wong, P. C. & Co., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969–December 1, 1972.
Wong, Mr. Peter C., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969–December 1, 1972.
Yuan Feng Trading Co., 824 Cheng An, West, Taipei, Taiwan, March 4, 1968, March 29, 1968–March 29, 1971.
Yuan Ta Sheung Hong Co., Ltd., 324 Cheng An, West, Taipei, Taiwan, March 4, 1968, March 29, 1968–March 29, 1971.

SEC. 4. *Suppliers suspended from A.I.D. financing.* The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Apollo International Corp., 55 Northern Boulevard, Greenvale, NY, March 20, 1969.
Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Bershad, Mrs. Carolyn, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.
Bershad, Mr. Irving, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.
Bottone, Dr. Caesar, 1209 Anderson Avenue, Fort Lee, NJ 07025, November 9, 1966.
Cathay Steel Export Corp., 160 Broadway, New York, NY 10038, September 26, 1967.
Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.
Chusid, Mr. Gerald, 55 Northern Boulevard, Greenvale, NY, March 20, 1969.
Colony Steel Co., 122 East 42d Street, New York, NY, March 26, 1968.
Commercial Plastics & Supply Corp., 630 Broadway, New York, NY, June 26, 1970.
Concepcion, Mr. Segismundo, 160 Broadway, New York, NY 10038, April 22, 1969.
Concrete Pipe Machinery Co., Post Office Box 1708, Sioux City IA 51102, August 7, 1970.
Corrigan-Gonzalez-Export Corp., 4001 Northwest 25th Street, Miami, FL, November 17, 1970.
Corrigan & Sons, Post Office Box 218, San Antonio, FL, November 17, 1970.
Dixie Chick Co., 510 Davis Street SW., Gainesville, GA 30501, March 5, 1969.
Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.
Eisler Engineering Co., Inc., 750 South 13th Street, Newark, NJ 07103, March 26, 1968.
Evans Chemetics, Inc., 250 East 43d Street, New York, NY 10007, July 27, 1970.
Farber, Dr. John J., International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.
Fertig, Capt. Arthur H., 19 West Street, New York, NY 10011, April 30, 1970.
Flat Steel Products, Inc., 430 East 86th Street, New York, NY, April 8, 1969.
Gubbay, Mr. Clement, 20 Exchange Place, New York, NY 10005, November 9, 1966.

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION—Continued

Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Higgins, Mrs. Mabel, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Higgins, Mr. Thomas Edison, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Interasia, Inc., 55 Northern Boulevard, Greenvale, NY, June 16, 1969.
International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.
International Enterprises, 160 Broadway, New York, NY 10038, April 22, 1969.
International Farm Products, 720 Fifth Avenue, New York, NY 10019, July 31, 1969.
Kim, Mr. Peter, Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.
Kleyman, Leslie, Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.
Lesh, Mr. George B., Vice President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10002, April 30, 1970.
Liao, Mr. J. Y. (a.k.a. Liao, Chi-Yo), President, Sunmid Corp., 7–2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970.
Long, Mr. Sumner A., President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.
Lowens, Mr. Ernest, 20 Exchange Place, New York, NY 10005, November 9, 1966.
Marclem, S. A., c/o Buffete Tapia, Calle 31 3–80 Panama City, Republic of Panama, October 25, 1967.
Meoni, Mr. A., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Monarch Industrial Corp., 430 East 86th Street, New York, NY 10023, August 16, 1968.
Nadler, Mr. Ira, Proprietor, Flat Steel Products, Inc., 430 East 86th Street, New York, NY 10023, August 16, 1968.
Napco Industries, Inc., Post Office Box 570, Minneapolis, MN 55440, August 7, 1969.
Navarro, Mr. Ben, 20 Exchange Place, New York, NY 10005, November 9, 1966.
North Georgia Feed & Poultry, Inc., 514 Davis Street SW., Gainesville, GA 30501, March 5, 1969.
Omaha Manufacturing & Engineering Co., 3900 Dahlman Avenue, Omaha, NE 68107, June 20, 1969.
Panmed Pharmaceuticals, Inc., 1209 Anderson Avenue, Fort Lee, NJ 07025, November 9, 1966.
Pharma Scienta, 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, December 19, 1966.
R & Z Co., Inc., 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.
Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Rogers, Mr. Henry, 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.
Schuco Industries, Inc., 110 Fifth Avenue, New York, NY 10011, June 26, 1968.
Schuco International Corp., 110 Fifth Avenue, New York, NY 10011, June 26, 1968.
Schuco Laboratories, Inc., 110 Fifth Avenue, New York, NY 10011, June 26, 1968.
Schuco Sales, Inc., 110 Fifth Avenue, New York, NY 10011, June 26, 1968.
Schueler and Co., 110 Fifth Avenue, New York, NY 10011, March 15, 1968.
Schueler, Jr., Mr. Hassan E., 110 Fifth Avenue, New York, NY 10011, March 15, 1968.
Shalom, Mr. Raleigh, 20 Exchange Place, New York, NY 10005, November 9, 1966.
Societe des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, December 19, 1966.
Societe Tunisienne Compto, Rue Es Sadikia, Tunis, Tunisia, June 24, 1968.
Spe-D-Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 15, 1967.
Stuhr-Kennedy Shipping Co., 1320 Peralta Street, Berkeley, CA, March 21, 1968.

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION—Continued

Stuhr, Mr. Raymond H., 1320 Peralta Street, Berkeley, CA, March 21, 1068.
Summid Corp, 7–2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970.
Surplus Steel Exchange, Inc., 227 Fulton Street, New York, NY 10007, January 16, 1968.
Tricon International, Inc., 160 Broadway, New York, NY 10038, April 22, 1969.
United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayaguez, PR, December 19, 1966.
White Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.
Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, MA, October 23, 1969.
World Acme Corp., 110 Fifth Avenue, New York, NY 10011, October 3, 1969.
Zubof, Mr. Samuel, 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

LANE DWINELL,
Assistant Administrator for Administration.

JANUARY 27, 1971.

[FR Doc.71-1719 Filed 2-8-71;8:47 am]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

PAINT BRUSHES

Importations Directly From Israel; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Government of Israel, under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations, are now available with respect to the importation into the United States directly, or on a through bill of lading, from Israel of the following commodity:

Paint brushes made with hog bristles.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[FR Doc.71-1819 Filed 2-8-71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

ALBERT EINSTEIN COLLEGE OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00008–33–46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to study the central nervous system of both vertebrates and invertebrates in relation to understanding nervous function. A study of the developing brain in terms of changes which take place in the ultramicroscopic range, i.e., the fine structure of the neurons and the development of their processes is planned.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 6, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1744 Filed 2-8-71;8:49 am]

BOSTON BIOMEDICAL RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00825–33–46040. Applicant: Boston Biomedical Research Institute, 20 Staniford Street, Boston, MA 02114. Article: Electron microscope Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used to study such tissues as the cornea and retina of the eye, muscle proteins, collagen and mucopolysaccharides in normal and regenerating connective tissue, and nerves. Postdoctoral research fellows as well as trainees will be taught to operate and maintain an electron microscope in preparation of a multidisciplinary approach to biomedical studies on aging and disease.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 6, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1745 Filed 2-8-71;8:49 am]

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00127–33–46040. Applicant: Cornell University, Veterinary Virus Research Institute, Snyder Hill, Ithaca, NY 14850. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for investigations of demyelination in dogs and dog brain organ cultures after canine distemper virus infection; of encephalitis in pigs and pig brain cultures after infection with hemagglutinating encephalomyelitis virus; of hip dysplasia and arthritis in dogs; and for research on the fine structure of equine infectious anaemia virus and viral development in tissue culture and in horse tissues.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 22, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1746 Filed 2-8-71;8:49 am]

GEORGETOWN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00129-33-46040. Applicant: Georgetown University, 37th and O Streets NW., Washington, DC 20007. Article: Electron microscope, Model AEI EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for fine structural studies of the uterine and ovarian vessels during normal gestation, as well as under certain pathologic conditions. A large number of specimens will be surveyed to differentiate between the various vascular channels. The nature and significance of the changes in the intracytoplasmic membranes, microtubules, and filaments will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 1,000 to 160,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4C, manufactured by the Forgflo Corp. The Model EMU-4C, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 22, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 1,000 to 160,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs a low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1747 Filed 2-8-71;8:49 am]

SMITHSONIAN INSTITUTION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00513-33-46040. Applicant: Smithsonian Institution, Radiation Biology Laboratory, 12441 Parklawn Drive, Rockville, MD 20852. Article: Electron miscroscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for biological research and for teaching postdoctoral fellows and graduate students. Studies concern the micromorphology of the photosynthetic accessory pigment aggregates, and the crystals they form in vitro; the chloroplast-nuclear complex of cryptophyceaen algae with its associated tubule elements; and membrane structure of plant and animal cells will be probed with agglutinins labeled with electron dense markers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 6, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1748 Filed 2-8-71;8:49 am]

ST. LUKE'S EPISCOPAL HOSPITAL, HOUSTON, TEX.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 70-00827-33-46040. Applicant: St. Luke's Episcopal Hospital, 6720 Bertner Avenue, Houston, TX 77025. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for investigations of the ultrastructural pathology of the transplanted human heart after rejection; the ultrastructure of the nephron in kidney specimens taken in biopsy; immunohematological disorders by observations of bone marrow aspirates; and of virus infected human tissue taken by biopsy or at autopsy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 6, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1749 Filed 2-8-71;8:49 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00018-33-46040. Applicant: University of California, Riverside, Department of Plant Pathology (and others), Post Office Box 112, Riverside, CA 92502. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research on nucleic acid from various components of citrus infectious variegation virus and cowpea mosaic virus will be compared with the replicative forms of the nucleic acid of the two viruses; high resolution studies of tissues infected with strains of tobacco mosaic virus; and for a comparative study of the nucleic acid from the various components of alfalfa mosaic virus. Courses in plant pathology will use the article for training and research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 13, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1750 Filed 2-8-71;8:49 am]

WARREN STATE HOSPITAL, WARREN, PA., ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(c) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> • • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the Issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 69-00505-33-46040. Applicant: Warren State Hospital, State Research Institute for Geriatrice, Box 249, Warren, PA 16365. Article: Electron microscope, EM-300. Date of denial without prejudice to resubmission: September 30, 1969.

Docket No. 69-00506-33-43780. Applicant: Jefferson Medical College, 11th and Walnut Streets, Philadelphia, PA 19107. Article: Colonic lavage unit. Date of denial without prejudice to resubmission: September 30, 1969.

Docket No. 69-00519-67-04030. Applicant: University of Massachusetts, 100 Arlington Street, Boston, MA 02116. Article: Temperature couy balance. Date of denial without prejudice to resubmission: September 30, 1969.

Docket No. 69-00540-01-77040. Applicant: State University of New York at Albany, 1400 Washington Avenue, Albany, NY 12203. Article: Scanning mass spectrometer, Model MS 902. Date of denial without prejudice to resubmission: October 13, 1969.

Docket No. 69-00559-01-77040. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, NY 14214. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: November 17, 1969.

Docket No. 69-00566-33-46500. Applicant: Adelphi University, Department of Biology, South Street, Garden City, NY 11530. Article: Ultramicrotome LKB 8800, table and knifemaker. Date of denial without prejudice to resubmission; December 22, 1969.

Docket No. 69-00577-50-02000. Applicant: University of Washington, Department of Atmospheric Sciences, Seattle, WA 98105. Article: Anemometer, Model Sumner Mark II. Date of denial without prejudice to resubmission: January 14, 1970.

Docket No. 69-00586-01-77030. Applicant: Florida State University, Department of Chemistry, Tallahassee, FL 32306. Article: NMR spectrometer Model

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HF-90-S. Date of denial without prejudice to resubmission: May 29, 1969.

Docket No. 69-00602-28-34010. Applicant: University of Colorado, Department of Electrical Engineering, Boulder, CO 80302. Article: Electrostatic generator. Date of denial without prejudice to resubmission: June 2, 1969.

Docket No. 69-00608-83-25100. Applicant: New York Institute of Technology, 268 Wheatley Road, Old Westbury, NY 11568. Article: Perspective drawing device. Date of denial without prejudice to resubmission: June 2, 1969.

Docket No. 69-00643-01-78000. Applicant: State University of New York at Stony Brook, Stony Brook, NY 11790. Article: Spectrophotometer, Model PMQ-II. Date of denial without prejudice to resubmission: June 20, 1969.

Docket No. 69-00651-33-46500. Applicant: U.S. Army Medical Research Center, Purchasing and Contracting Division, Building T-2, Fort Knox, KY 40121. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: June 20, 1969.

Docket No. 69-00657-01-77030. Applicant: Wellesley College, Department of Chemistry, Wellesley, MA 02181. Article: NMR spectrometer, R-12. Date of denial without prejudice to resubmission: January 30, 1970.

Docket No. 69-00659-99-46500. Applicant: California State College, Department of Biology, 25800. Hillary Street, Hayward, CA 94542. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: October 13, 1969.

Docket No. 69-00673-33-46040. Applicant: The Hospital of the Good Samaritan Medical Center, 1212 Shatto Street, Los Angeles, CA 90017. Article: Electron microscope, HS-8. Date of denial without prejudice to resubmission: October 13, 1969.

Docket No. 69-00675-33-46040. Applicant: Creighton University Medical School, Department of Pathology, 2305 South 10th Street, Omaha, NE 68108. Article: Electron microscope, EM9S. Date of denial without prejudice to resubmission: January 22, 1970.

Docket No. 69-00676-99-80045. Applicant: Bridgeport Board of Education, 45 Lyon Terrace, Bridgeport, CT 06604. Article: Telescope and accessories. Date of denial without prejudice to resubmission: February 3, 1970.

Docket No. 69-00688-33-46500. Applicant: University of Oregon, Department of Biology, Eugene, OR 97403. Article: Ultramicrotome "Om U2" with accessories. Date of denial without prejudice to resubmission: January 26, 1970.

Docket No. 69-00691-33-46040. Applicant: Medical College of South Carolina, Department of Pharmacology, 80 Barre Street, Charleston, SC 29401. Article: Electron microscope, HS-8. Date of denial without prejudice to resubmission: October 13, 1969.

Docket No. 69-00696-33-46500. Applicant: Hartford Hospital, Department of Pathology, Hartford, CT 06115. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: February 3, 1970.

Docket No. 69-00697-33-46500. Applicant: Veterans Administration Hospital, Supply Division, 50 Irving Street NW., Washington, DC 20422. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: January 19, 1970.

Docket No. 69-00698-33-46500. Applicant: Department of Health, Education, and Welfare PHS-CPE, National Air Pollution Control Administration, 411 West Chapel Hill Street, Durham, NC 27701. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 28, 1970.

Docket No. 69-00705-33-46500. Applicant: University of the Pacific, School of Pharmacy, 3601 Pacific Avenue, Stockton, CA 95204. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: October 16, 1969.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-1751 Filed 2-8-71;8:49 am]

National Oceanic and Atmospheric Administration

[Docket No. S-538]

LEONARD OLSON

Notice of Loan Application

FEBRUARY 2, 1971.

Leonard Olson, Route 1, Box 186, Olalla, WA 98359, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 46-foot registered length wood vessel to engage in the fishery for halibut and sablefish in Oregon, Washington, and Alaska, and albacore and salmon in Oregon and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-1718 Filed 2-8-71;8:47 am]

ATOMIC ENERGY COMMISSION

NATIONAL ACCELERATOR LABORATORY

Notice of Availability of General Manager's Draft Environmental Statement

Notice is hereby given that a draft document entitled Environmental Statement for the National Accelerator Laboratory, Batavia, Ill., issued pursuant to the Atomic Energy Commission's implementation of the National Environmental Policy Act section 102(2)(C) is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This draft statement describes the National Accelerator Laboratory and other considerations as these relate to potential effects on the human environment.

The Commission requests, within 60 days of publication of this notice in the FEDERAL REGISTER, comments on the Draft Environmental Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Copies of the Draft Environmental Statement and the comments thereon of Federal agencies whose comments have been requested by the Commission will be supplied upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 2d day of February 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-1713 Filed 2-8-71;8:46 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Packers and Stockyards Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1740 Filed 2-8-71;8:48 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Economic Affairs and Program Coordination, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1742 Filed 2-8-71;8:49 am]

DEPARTMENT OF THE TREASURY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Chief Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1743 Filed 2-8-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Deputy Chief, Broadcast Bureau.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1741 Filed 2-8-71;8:49 am]

HISTORIAN, NATIONAL PORTRAIT GALLERY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 21, 1971, for the single position of Historian, GS-170-15, National Portrait Gallery, Smithsonian Institution, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1739 Filed 2-8-71;8:48 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9766-1 modifies the basic transshipment agreement between the two carriers listed above by reapportioning the percentage of the through rates to which each carrier is entitled and the share of transshipment expenses for which each carrier is liable. It is proposed that the through rates and expenses be apportioned on the basis of two-thirds to American Mail Line and one-third to Everett Orient Line.

Dated: February 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1756 Filed 2-8-71;8:50 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9214-4 modifies the Conference's self-policing procedures to include the mandatory provisions required by the Commission's General Order 7 as revised October 27, 1970, and restates Article XVIII in its entirety.

Dated: February 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1757 Filed 2-8-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 529]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 1, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3735-C2-AL-71—RI-AN Enterprises, Inc., consent to assignment of license from RI-AN Enterprises, Inc., Assignor, to Contact-Colorado Springs, Inc., Assignment. Station KAF241, Colorado Springs, Colo.

3736-C2-MP-71—The Chesapeake and Potomac Telephone Co. (KGC405), Modification of C.P. to add an auxiliary test transmitter to operate on frequency 459.950 MHz to be located at 45 L Street NE., Washington, DC.

3825-C2-P-71—New England Telephone & Telegraph Co. (KCC267), C.P. to change the antenna system operating on 152.63 MHz located on summit of South Uncanoonuc Mountain, 2.6 miles south-southwest of village of Goffstown, N.H.

3826-C2-P-71—ComEx, Inc. (KCC797), C.P. for additional facilities to operate on frequency 454.20 MHz at a new site described as location No. 2: Swenson's Quarry, Rattlesnake Hill, Concord, N.H.

3864-C2-P-71—Tel-Car, Inc. (New), C.P. for a new 1-way station to be located at 1.9 miles west of Pocatello, Idaho, to operate on frequency 152.24 MHz.

3865-C2-P-71—Anserphone, Inc. (KQK773), C.P. to replace transmitter operating on 454.20 MHz, change the antenna system and relocate same to 3390 Youngstown Road, Warren, OH.

3866-C2-P/ML-71—Bell Telephone Co. of Pennsylvania (KC7944), C.P. and modification license for (Mobile Developmental Station) additional frequencies in the 450 MHz band to operate (74 units) within the territory of the grantee.

3873-C2-P-71—Delta Valley Radiotelephone Co., Inc. (New), C.P. for a new 1-way station to be located at 211 Bulen Street, Roseville, CA, to operate on frequency 454.025 MHz.

3874-C2-MP-(2)71—South Central Bell Telephone Co. (KIB389), Modification of C.P. to change the proposed location to location No. 3: Approximately 1 mile east of Signal Mountain, Tenn., to operate on frequencies 454.375 and 454.525 MHz.

3878-C2-P-71—Answering Service, Inc. (New), C.P. for a new 2-way station to be located at 5767 Mayfield Road, Cleveland, Ohio, to operate on frequency 454.025 MHz.

3880-C2-P-(3)71—Oregon Mobile Radio (KOP311), C.P. to replace the base transmitter operating on 152.03 MHz and repeater transmitter operating on 459.25 MHz at location No. 1: 1 mile north of Gold Hill on Nugget Butte, Medford, Oreg., and replace the repeater transmitter on 454.25 MHz at location No. 2: Medford Airport, Hangar No. 4, Medford, Oreg.

Major Amendments

2547-C2-P-70—Southern Communications, Inc., doing business as Mobilfone of Tyler (New), Amend to read: To operate on 158.70 MHz. All other particulars remain same as Report No. 466, dated Nov. 17, 1969.

1518-C2-P-(2)71—Orange County Radiotelephone (KMB304), Amend to read: To change location No. 1 to: 401 South Santa Fee, Santa Ana, CA, operating on 152.21 MHz base and to relocate proposed 2123 MHz control facilities to same location. All other particulars remain same as Report No. 510, dated Sept. 21, 1970.

725-C2-P-71—All City Telephone Answering Service, Inc. (KSC373), Amend to read: For additional 1-way facilities to operate on frequency 35.58 MHz at a new site described as location No. 2: 20695 West National Avenue, Berlin, WI. All other particulars to remain same as Report No. 504, dated Aug. 10, 1970.

RURAL RADIO SERVICE

3827-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPV99), C.P. to replace transmitter operating on 157.77 MHz communicating with Station KOE511, Worland, Wyo. Station location: Federal Aviation Agency, Medicine Mountain, 23.8 miles east of Lovell, Wyo.

3867-C1-P-71—The Mountain States Telephone & Telegraph Co. (KZS33), C.P. to replace transmitter operating on 459.40 MHz communicating with Station KSV88, Casper, Wyo. Station location: 26.6 miles west of Casper, Wyo.

3875-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at approximately 13.5 miles southwest of Cocodrie, La., to operate on frequency 157.95 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3734-C1-P-71—Southwestern Bell Telephone Co. (KTQ98), C.P. to add frequency 3990 MHz toward Lubbock, Tex. Station location: 5.4 miles northeast of Slaton, Tex.

3868-C1-P/ML-71—Bell Telephone Co. of Nevada (KPF80), C.P. and modification of license to add frequencies 2110–2130 MHz and 2160–2180 MHz and two additional transmitters at a temporary developmental station.

3869-C1-P-71—The Bell Telephone Co. of Pennsylvania (KYJ36), C.P. to add frequencies 11,365 and 11,605 MHz toward Manada, Pa. Station location: 210 Pine Street, Harrisburg, PA.

3870-C1-P-71—The Bell Telephone Co. of Pennsylvania (KYJ37), C.P. to add frequencies 10,915 and 11,155 MHz toward Harrisburg, Pa., and 6108.3 and 11,015 MHz toward Applebee, Pa., a new point of communication. Station location: 2.7 miles northwest of Grantville, Pa. (Manada).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3898-C1-P-71—American Telephone & Telegraph Co. (KMJ89), Add frequencies 6197.2 and 6315.9 MHz toward Strawberry Peak and Sandy, Calif. Station location: Cline Springs, 16.5 miles south-southeast of Barstow, Calif.

3899-C1-P-71—American Telephone & Telegraph Co. (KMJ90), Add frequencies 5945.2 and 6063.8 MHz toward Cline Springs and Turquoise, Calif. Station location: Sandy, 10.5 miles northwest of Afton, Calif.

3900-C1-P-71—American Telephone & Telegraph Co. (KMJ91), Add frequencies 6197.2 and 6315.9 MHz toward Sandy and Mountain Pass, Calif. Station location: Turquoise, 15 miles northeast of Baker, Calif.

3901-C1-P-71—American Telephone & Telegraph Co. (KML66), Add frequencies 5945.2 and 6063.8 MHz toward Turquoise, Calif., and Searchlight, Nev. Station location: Mountain Pass, 16 miles west of Nipton, Calif.

3902-C1-P-71—American Telephone & Telegraph Co. (KOR48), Add frequencies 6197.2 and 6315.9 MHz toward Mountain Pass, Calif., and Santa Claus, Ariz. Station location: 11.5 miles west-northwest of Searchlight, Nev.

3903-C1-P-71—American Telephone & Telegraph Co. (KOR47), Add frequencies 5945.2 and 6063.8 MHz toward Searchlight, Nev., and Kingman, Ariz. Station location: Santa Claus, 12.5 miles southwest of Chloride, Ariz.

3904-C1-P-71—American Telephone & Telegraph Co. (KOP64), Add frequencies 6197.2 and 6315.9 MHz toward Santa Claus and Seligman, Ariz. Station location: 11 miles southeast of Kingman, Ariz.

3905-C1-P-71—American Telephone & Telegraph Co. (KOP63), Add frequencies 5945.2 and 6063.8 MHz toward Kingman and Crookton, Ariz. Station location: 14.5 miles southwest of Seligman, Ariz.

3906-C1-P-71—American Telephone & Telegraph Co. (KOP62), Add frequencies 6197.2 and 6315.9 MHz toward Seligman and Williams, Ariz. Station location: 1 mile south of Crookton, Ariz.

3907-C1-P-71—American Telephone & Telegraph Co. (KOP61), Add frequencies 5945.2 and 6063.8 MHz toward Crookton and Flagstaff, Ariz. Station location: 8.5 miles southeast of Williams, Ariz.

3908-C1-P-71—American Telephone & Telegraph Co. (KOP60), Add frequencies 6197.2 and 6315.9 MHz toward Williams and Sunshine, Ariz. Station location: 4.5 miles westnorthwest of Flagstaff, Ariz.

3909-C1-P-71—American Telephone & Telegraph Co. (KOP59), Add frequencies 5945.2 and 6063.8 MHz toward Flagstaff and Winslow, Ariz. Station location: 0.5 mile southwest of Sunshine, Ariz.

3910-C1-P-71—American Telephone & Telegraph Co. (KOP58), Add frequencies 6197.2 and 6315.9 MHz toward Sunshine and Holbrook Junction, Ariz. Station location: 14 miles northeast of Winslow, Ariz.

3911-C1-P-71—American Telephone & Telegraph Co. (KOP57), Add frequencies 5945.2 and 6063.8 MHz toward Winslow and Painted Desert, Ariz. Station location: Holbrook Junction, 4.5 miles southwest of Holbrook, Ariz.

3912-C1-P-71—American Telephone & Telegraph Co. (KOP56), Add frequencies 6197.2 and 6315.9 MHz toward Holbrook Junction and Sanders, Ariz. Station location: 7 miles northwest of Adamana, Ariz.

3913-C1-P-71—American Telephone & Telegraph Co. (KOP55), Add frequencies 5945.2 and 6063.8 MHz toward Painted Desert, Ariz., and Black Rock, N. Mex. Station location: 10.5 miles southeast of Sanders, Ariz.

3914-C1-P-71—American Telephone & Telegraph Co. (KKT55), Add frequencies 6197.2 and 6315.9 MHz toward Sanders, Ariz., and Paxton Springs, N. Mex. Station location: 4.5 miles north of Black Rock, N. Mex.

3915-C1-P-71—American Telephone & Telegraph Co. (KKT54), Add frequencies 5945.2 and 6063.8 MHz toward Black Rock and San Fidel, N. Mex. Station location: 3 miles west of Paxton Springs, N. Mex.

3916-C1-P-71—American Telephone & Telegraph Co. (KKT53), Add frequencies 6197.2 and 6315.9 MHz toward Paxton Springs and Albuquerque Junction, N. Mex. Station location: 7 miles north of San Fidel, N. Mex.

3917-C1-P-71—American Telephone & Telegraph Co. (KKP86), Add frequencies 5945.2 and 6063.8 MHz toward San Fidel and Tijeras, N. Mex. Station location: Albuquerque Junction, 10.4 miles west-southwest of Albuquerque, N. Mex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3871-C1-P-71—The Bell Telephone Co. of Pennsylvania (New), C.P. for a new station to be located at Applebee, 3.8 miles north-northwest of Bethel, Pa. Frequencies: 6360.3 and 11,425 MHz toward Manada, Pa., and 11,405 and 11,645 MHz toward Pottsville, Pa., via passive reflector.

3872-C1-P-71—The Bell Telephone Co. of Pennsylvania (New), C.P. for a new station to be located at 318 West Norwegian Street, Pottsville, PA. Frequencies: 10,715 and 10,955 MHz toward Applebee, Pa., via passive reflector.

American Telephone & Telegraph Co., 45 C.P. applications to provide two pairs of Type TD-2 telephone channels between Apache Junction, Ariz., and Los Angeles, Calif., and two pairs of Type TH telephone channels between Los Angeles and Vega, Tex.

3881-C1-P-71—American Telephone & Telegraph Co. (KPV21), Add 3910 and 3990 MHz toward Cave Creek, Ariz. Station location: 7.5 miles northwest of Apache, Ariz.

3882-C1-P-71—American Telephone & Telegraph Co. (KPW98), Add 3870 and 3950 MHz toward Apache Junction, and Morristown, Ariz. Station location: 6.2 miles east of Cave Creek, Ariz.

3883-C1-P-71—American Telephone & Telegraph Co. (KPW97), Add frequencies 3910 and 3990 MHz toward Cave Creek and Aguila, Ariz. Station location: 11 miles northeast of Morristown, Ariz.

3884-C1-P-71—American Telephone & Telegraph Co. (KPW96), Add frequencies 3870 and 3950 MHz toward Morristown and Salome, Ariz. Station location: 18 miles south-southeast of Aguila, Ariz.

3885-C1-P-71—American Telephone & Telegraph Co. (KPW95), Add frequencies 3910 and 3990 MHz toward Aguila and Quartzsite, Ariz. Station location: 17 miles south-southeast of Salome, Ariz.

3886-C1-P-71—American Telephone & Telegraph Co. (KPW94), Add frequencies 3870 and 3950 MHz toward Salome and Castle Dome Mountains, Ariz. Station location: 15.2 miles southeast of Quartzsite, Ariz.

3887-C1-P-71—American Telephone & Telegraph Co. (KPW93), Add frequencies 3910 and 3990 MHz toward Quartzsite, Ariz., and Glamis, Calif. Station location: 29 miles south of Quartzsite, Ariz.

3888-C1-P-71—American Telephone & Telegraph Co. (KNL30), Add frequencies 3870 and 3950 MHz toward Castle Dome Mountains, Ariz., and Brawley, Calif. Station location: 14.8 miles east-northeast of Glamis, Calif.

3889-C1-P-71—American Telephone & Telegraph Co. (KNL29), Add frequencies 3910 and 3990 MHz toward Glamis and Salton, Calif. Station location: 1.4 miles west-southwest of center of Brawley, Calif.

3890-C1-P-71—American Telephone & Telegraph Co. (KNL28), Add frequencies 3870 and 3950 MHz toward Brawley and Julian RS, Calif. Station location: 9.5 miles north-northeast of Ocotillo, Calif.

3891-C1-P-71—American Telephone & Telegraph Co. (KTQ86), Add frequencies 3910 and 3990 MHz toward Salton, Calif., and 3830 and 3910 MHz toward San Marcos, Calif. Station location: 5.6 miles north of Julian, Calif.

3892-C1-P-71—American Telephone & Telegraph Co. (KNL26), Add frequencies 3790 and 3870 MHz toward Julian RS and San Clemente, Calif. Station location: 3.5 miles northeast of San Marcos, Calif.

3893-C1-P-71—American Telephone & Telegraph Co. (KNL25), Add frequencies 3830 and 3910 MHz toward San Marcos and Corona Del Mar, Calif. Station location: 2 miles northeast of San Clemente, Calif.

3894-C1-P-71—American Telephone & Telegraph Co. (KNL24), Add frequencies 3790 and 3870 MHz toward San Clemente and Los Angeles, Calif. Station location: 3.5 miles east of Corona Del Mar, Calif.

3895-C1-P-71—American Telephone & Telegraph Co. (KMJ86), Add frequencies 3830 and 3910 MHz toward Corona Del Mar and 5945.2 and 6063.8 MHz toward Padua Hills, Calif. Station location: 434 South Grand Avenue, Los Angeles, Calif.

3896-C1-P-71—American Telephone & Telegraph Co. (KMJ87), Add frequencies 6197.2 and 6315.9 MHz toward Los Angeles and Strawberry Peak, Calif. Station location: Padua Hills, 3 miles north of Claremont, Calif.

3897-C1-P-71—American Telephone & Telegraph Co. (KMJ88), Add frequencies 5945.2 and 6063.8 MHz toward Padua Hills and Cline Springs, Calif. Station location: Strawberry Peak, Calif., 9 miles north of San Bernardino.

Correction from Public Notice dated Jan. 4, 1971, to read:

3330–C1–AL–(2)–71—American Telephone & Telegraph Co. Consent to assignment of license from American Telephone & Telegraph Co., Assignor to The Mountain States Telephone & Telegraph Co., Assignee. Stations: KOV56, Great Falls, Mont.; KOV57, Southwest of Vaughn, Mont.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3877–C1–TC–(5)–71—Telephone Utilities Services Corp. Consent to transfer of control from existing stockholders of Mid-Texas Communications Systems, Inc., Transferor to: proposed stockholders of Mid-Texas Communications Systems, Inc., Transferee. (Norr: 350,000 additional shares of Mid-Texas to be issued.) Stations: KLV63, Jonesboro, Tex.; KLV64, Copperas Cove, Tex.; KLV65, Walnut Springs, Tex.; KRW84, Nix, Tex.; KRW85, Belton, Tex.

3926–C1–P–71—United Video, Inc. (New), C.P. for a new station 4.75 miles southeast of Smithville, Mo., at latitude 39°19'46'' N., longitude 94°32'54'' W. Frequency 11,135 MHz on azimuth 339°19'.

3927–C1–P–71—United Video, Inc. (New), C.P. for a new station 2.5 miles east of St. Joseph, Mo. at latitude 39°44'42'' N., longitude 94°45'06'' W. Frequency 11,345 MHz on azimuth 345°04'.

3928–C1–P–71—United Video, Inc. (New), C.P. for a new station 4 miles west of Barnard, Mo., at latitude 40°10'00'' N., longitude 94°53'54'' W. Frequency 11,135 MHz on azimuth 340°06'.

3929–C1–P–71—United Video, Inc. (New), C.P. for a new station 4 miles west of Braddyville, Iowa, at latitude 40°35'18'' N., longitude 95°05'55'' W. Frequency 11,345 MHz on azimuth 318°03'.

3930–C1–P–71—United Video, Inc. (New), C.P. for a new station 1.5 miles west of Imogene, Iowa, at latitude 40°53'00'' N., longitude 95°26'55'' W. Frequency 11,135 MHz on azimuth 268°31'.

3931–C1–P–71—United Video, Inc. (New), C.P. for a new station 1.5 miles northeast of Nehawka, Nebr., at latitude 40°52'19'' N., longitude 95°58'09'' W. Frequency 11,345 MHz on azimuth 249°08'.

3932–C1–P–71—United Video, Inc. (New), C.P. for a new station 2.5 miles southeast of Cheney, Nebr., at latitude 40°41'56'' N., longitude 96°33'38'' W. Frequency 11,135 MHz on azimuth 276°20'.

3933–C1–P–71—United Video, Inc. (New), C.P. for a new station 4.5 miles southwest of Milford, Nebr., at latitude 40°44'53'' N., longitude 97°09'42'' W. Frequency 11,345 MHz on azimuth 257°47'.

3934–C1–P–71—United Video, Inc. (New), C.P. for a new station 3 miles northwest of Fairmont, Nebr., at latitude 40°40'12'' N., longitude 97°37'45'' W. Frequency 11,135 MHz on azimuth 283°47'.

3935–C1–P–71—United Video, Inc. (New), C.P. for a new station 1 mile southwest of Giltner, Nebr., at latitude 40°46'19'' N., longitude 98°10'59'' W. Frequency 11,345 MHz on azimuths 217°16', 273°11', and 316°05' via power split.

3936–C1–P–71—United Video, Inc. (New), C.P. for a new station 2 miles west-southwest of Shelton, Nebr., at latitude 40°47'43'' N., longitude 98°46'08'' W. Frequency 11,135 MHz on azimuth 252°34'.

(Informative: Applicant proposes to provide the television signal of Station WGN-TV of Chicago, Ill., to Telesis Corp. in Grand Island, Kearney, and Hastings, Nebr.)

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Texas Telephone & Telegraph Co.	Western TV Relay, Inc.
KKK58—North of Dodge, Tex.	KLT80—Elk City, Okla.
KLR49—Crockett, Tex.	KLF95—Weatherford, Okla.

[FR Doc.71-1669 Filed 2-8-71;8:45 am]

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3918–C1–P–71—American Telephone & Telegraph Co. (KKP85), Add frequencies 6197.2 and 6315.9 MHz toward Albuquerque Junction and Clines Corners, N. Mex. Station location: 2.75 miles southeast of Tijeras, N. Mex.

3919–C1–P–71—American Telephone & Telegraph Co. (KKP84), Add frequencies 5945.2 and 6063.8 MHz toward Tijeras and Santa Rosa, N. Mex. 7 miles north-northeast of Clines Corners, N. Mex.

3920–C1–P–71—American Telephone & Telegraph Co. (KKP83), Add frequencies 6197.2 and 6315.9 MHz toward Clines Corners and Cuervo, N. Mex. Station location: 16 miles northwest of Santa Rosa, N. Mex.

3921–C1–P–71—American Telephone & Telegraph Co. (KKP82), Add frequencies 5945.2 and 6063.8 MHz toward Santa Rosa and Tucumcari, N. Mex. Station location: 2.5 miles southsoutheast of Cuervo, N. Mex.

3922–C1–P–71—American Telephone & Telegraph Co. (KKP81), Add frequencies 6197.2 and 6315.9 MHz toward Cuervo and Wheatland, N. Mex. Station location: 12 miles west-southwest of Tucumcari, N. Mex.

3923–C1–P–71—American Telephone & Telegraph Co. (KKP80), Add frequencies 5945.2 and 6063.8 MHz toward Tucumcari, N. Mex., and Adrian, Tex. Station location: 5 miles north of Wheatland, N. Mex.

3924–C1–P–71—American Telephone & Telegraph Co. (KKO39), Add frequencies 6197.2 and 6315.9 MHz toward Wheatland, N. Mex., and Vega, Tex. Station location: 5 miles southwest of Adrian, Tex.

3925–C1–P–71—American Telephone & Telegraph Co. (KKO38), Add frequencies 5945.2 and 6063.8 MHz toward Adrian, Tex. Station location: 12 miles southeast of Vega, Tex.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

California-Pacific Utilities Co.	Idaho Telephone Co.
KYJ80—Montello, Nev.	KPQ35—McCall, Idaho.
KYJ81—Northwest of Wells, Nev.	KPQ36—No Business Mountain, Idaho.
KYJ82—East of Wells, Nev.	KPY78—Brundage Mountain, Idaho.
WAN83—Carlin, Nev.	KPO68—Northwest of Elk City, Idaho.
WAN86—Elko, Nev.	KYO99—Elk City, Idaho.
Central Telephone Co., Inc.	Missouri Telephone Co.
KRR53—Alvord, Tex.	KPP76—Forsyth, Mo.
KRR54—Boyd, Tex.	KPP77—North of Blue Eye, Mo.
KRR55—Chico, Tex.	KPP78—South of Ozark, Mo.
KRR56—Decatur, Tex.	KPP79—Rockaway Beach, Mo.
KRR57—Krum, Tex.	KPP80—North-northwest of Branson, Mo.
KRR58—Sanger, Tex.	WAY56—West of Branson, Mo.
KRR59—Sildell, Tex.	Pioneer Telephone Cooperative, Inc.
Churchill County Telephone & Telegraph System	KLS67—Kingfisher, Okla.
KPS90—Near Fallon, Nev.	KLS68—Watonga, Okla.
KZA99—Frenchmans Station, Nev.	Twin Lakes Telephone Cooperative, Corp.
Communications Satellite Corp.	KKU41—Byrdstown, Tenn.
KXR37—4 miles southeast of Brewster, Wash.	KKU42—Fairview, Tenn.
KXR42—5 miles northeast of Brewster, Wash.	KKU43—Jamestown, Tenn.
KXR43—1 mile east of Sunset Beach, Hawaii.	KKU49—Livingston, Tenn.
KXR44—Mount Kaala, Hawaii.	Union Telephone Co., Inc.
Delta County Coop. Telephone Co., Inc.	KQN88—Dutch John Mountain, Utah.
KAS80—Delta, Colo.	KPV44—Hickey Mountain, Wyo.
KAS81—Cedaredge, Colo.	KSV50—Manila, Utah.
KAS82—Hotchkiss, Colo.	Western Wahkiakum County Telephone Co.
	KYH94—Deep River, Wash.

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 87]

WESTERN AND SOUTHERN LIFE INSURANCE CO.

Notice of Receipt of Application for Approval of Acquisition of Control of Mason Building, Loan and Savings Co.

FEBRUARY 4, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from The Western and Southern Life Insurance Co., Cincinnati, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of the Mason Building, Loan and Savings Co., Mason, Ohio, an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the merger of Mason Building, Loan and Savings Co. into Eagle Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board. Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-1755 Filed 2-8-71;8:50 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI63-178, RI61-178]

ALL STAR GAS CO. AND GEORGE R. BROWN

Notice Accepting Agreements and Undertakings in Lieu of Surety Bonds

FEBRUARY 1, 1971.

On July 22, 1970 H. A. Ells and C. P. Burton, doing business as All Star Gas Co., submitted financial data relating to Docket No. RI63-178 and requested that the agreement and undertaking filed in this proceeding on May 22, 1963 be accepted for filing as the appropriate refund assurance in lieu of the surety bond which was filed herein on February 27, 1967 in response to the Commission's "Notice of Effectiveness of Proposed Rate Changes Under Bond to Assure Refund of Excess Charges."

On December 28, 1970, George R. Brown filed a motion in Docket No. RI61-178 requesting that the agreement and undertaking he filed in this proceeding on April 3, 1961 be accepted for filing as the appropriate refund assurance in lieu of the surety bond which he herein filed on May 25, 1961 in response to the Commission's "Notice of Effectiveness of Proposed Rate Changes and Requiring Filing of Bonds to Assure Refund of Excess Charges." In support of his request, Brown states that the Commission has accepted agreements and undertakings as the appropriate refund assurance in other increased rate suspension proceedings in which he is involved and requests similar treatment in this proceeding.

Good cause exists for accepting the agreements and undertakings filed by H. A. Ells and C. P. Burton, doing business as All Star Gas Co. and George R. Broyn in these proceedings in lieu of the surety bonds previously filed.

Take notice that: The agreement and undertaking filed in Docket No. RI63-178 on May 22, 1963 is accepted for filing in lieu of the surety bond heretofore filed. The surety bond underwritten by The Travelers Indemnity Co. and filed in Docket No. RI63-178 on February 27, 1967, is discharged.

The agreement and undertaking filed in Docket No. RI61-178 on April 3, 1961, is accepted for filing in lieu of the surety bond heretofore filed. The surety bond underwritten by American General Insurance Co. and filed in Docket No. RI61-178 on May 25, 1961, is discharged.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1730 Filed 2-8-71;8:48 am]

[Docket No. E-7592]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

FEBRUARY 2, 1971.

Take notice that on January 8, 1971, Arizona Public Service Co. (applicant) filed an application pursuant to section 203 of the Federal Power Act seeking authority to dispose of certain electric facilities and real estate located in the State of Arizona by sale to the Salt River Project Agricultural Improvement and Power District (District).

The sales price of the facilities applicant proposes to dispose of is $108,886 which represents the estimated original cost of the facilities as of June 30, 1970.

The facilities to be disposed of constitute the following items:

(1) A plot of land approximately 0.7 acre in area.

(2) One complete 115-kv./22-kv. substation constructed on the above plot and consisting of one 9,300-kv.-a. three-phase transformer, with 115-kv. transmission line; and 22-kv. metering equipment and tap to 22-kv. bus structure owned by applicant.

(3) Fencing, yard lights, wiring and fittings which are a part of the facilities.

Applicant represents that the facilities are presently used to receive electricity from District's transmission lines and step it down for distribution to the town of Kearny, Ariz., and they will continue to be used for this purpose after the sale.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1728 Filed 2-8-71;8:47 am]

[Docket No. RP71-91]

GRANITE STATE TRANSMISSION, INC.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 2, 1971.

Take notice that Granite State Transmission, Inc. (Granite State) on January 26, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on March 17, 1971. The proposed rate changes would increase jurisdictional revenues by $432,958 annually, based on volumes, for the 12-month period ended September 30, 1970, as adjusted.

Granite State in its filing claims the need for a rate of return of 7.72 percent and states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Tennessee Gas Pipeline Co. (Tennessee) resulting from the latter's rate filing in Docket No. RP71-6. The Commission by its order issued October 13, 1970, suspended Tennessee's rate increase until March 17, 1971. Granite State requests that the proposed rate changes become effective, without suspension, on March 17, 1971, the same day as Tennessee's rate increase is to be made effective.

Copies of this filing were served on Granite State's jurisdictional customer and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1729 Filed 2-8-71;8:47 am]

[1] First Revised Sheets Nos. 2, 3, 18, 21, and 51; Second Revised Sheets Nos. 5 and 6; Third Revised Sheets Nos. 4, 7, 8, and 9.

[Docket No. CP71-191]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 1, 1971.

Take notice that on January 27, 1971, Montana-Dakota Utilities Co. (applicant), 400 North Fourth Street, Bismarck, ND 58501, filed in Docket No. CP71-191 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period beginning April 1, 1971, and operation of certain natural gas sales and transportation facilities to enable applicant to make sales of gas to existing distributors, to make direct sales of natural gas to consumers located outside franchise areas and to make miscellaneous rearrangements of existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the certificate requested herein is to augment applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas and of small direct sales customers located in areas outside the franchise areas of natural gas distributors. Applicant states that the deliveries to any one distributor or consumer through the facilities proposed herein will not exceed 100,000 Mcf of natural gas annually and this gas will not be used by the distributor or consumer for boiler fuel purposes.

The total cost of the natural gas facilities proposed herein is not to exceed $300,000, which cost, applicant states, will be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1731 Filed 2-8-71;8:48 am]

[Docket No. CP70-69, etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Reopening Proceedings and Denying Motion To Sever

FEBRUARY 1, 1971.

These proceedings have been held in abeyance since November 27, 1970, pursuant to our order of that date. In his initial decision of October 26, 1970, in these proceedings, Presiding Examiner Howell Purdue had concluded that the Northern applications, and other applications related to them, all of which relate to the importation of gas from Canada, should be denied. Shortly before that date, the decision of the National Energy Board of Canada, denying without prejudice related export applications, had been made known. Thereafter, Northern stated that it would file updated applications with the NEB and that it would offer further testimony to supplement the FPC record. In the circumstances, we concluded that the filing of exceptions to the October 26 decision, within our usual time frame, would be untimely and unproductive and we accordingly ordered that the proceedings be held in abeyance.

On January 4, 1971, Northern moved to reopen the proceedings. In its motion, Northern states that it has filed its updated applications with the NEB, and it outlines the further testimony which it proposes to offer in these proceedings. Northern asks that we order the proceedings reopened; that we limit their scope; that early procedural dates be established; and that the initial decision procedure be omitted.

Answers have been filed by the Montana-Dakota Utilities Co., Trans-Canada, Montana Power, High Crest Oils, and Staff. While none opposes reopening, Trans-Canada, Montana Power, and the Staff all argue that the proceedings need not and should not be expedited to the extent that Northern urges. They contend that such expedition would foreclose the development of an adequate record, and that it is furthermore unnecessary because Northern's project awaits not only FPC approval but NEB approval as well. NEB proceedings have not yet commenced. Staff, endorsed by Trans-Canada, thus presents alternative and later dates, and strongly urges that we not omit an initial decision. Montana Power asks for oral argument.

We regard Northern's proposal as one of major importance, and we earlier observed that "we thus share the desire to proceed with it with particular expedition". But precisely because the proposal is of such importance, we believe it would be unwise to adopt short cuts to our usual procedures, unless it is clearly essential. We think it is not now essential. The proceedings should be reopened, and the earliest reasonable dates for the submission of Northern's testimony and for the resumption of hearings should be fixed. We leave to the Examiner the fixing of such dates, following such conferences, if any, with the parties as he may deem appropriate. An opportunity must be afforded the parties to submit rebuttal testimony, if they choose, and that matter too we leave to the Examiner. Furthermore, in light of his decision of October 26, 1970, we consider that a further initial decision, based on the record in the reopened proceedings and supplementing the earlier decision, would be of particular assistance both to the parties and to us. Accordingly, we decline to omit the initial decision procedure.

As to the scope of the reopened proceeding, we believe that Northern, High Crest Oils, Inc., and Montana-Dakota Utilities Co. should be permitted to present testimony on any developments pertinent to the proceeding which have occurred since June 5, 1970, on which date the earlier hearings were concluded. We agree with the suggestions of the Staff and of Montana Power that Northern should be asked to present testimony (1) showing the incremental unit cost of service for the Canadian project, assuming no Montana facilities, (2) concerning the current availability of Canadian gas for Northern's project, and (3) concerning Northern's Montana Purchase and Resale Agreement of October 21, 1970.

On January 11, 1971, Montana Power moved that we sever from these proceedings the High Crest application and so much of the Northern application as proposes the purchase, transportation, export, import, and resale of Montana gas. Montana Power argues that the Montana issues are ripe for decision now, because Northern proposes to rest on the present record as to Montana gas, and its position has been that the Canadian proposal can stand alone, without Montana gas. The motion is opposed by all who have answered it—Northern, High Crest Oils, and Staff. Each points out, and we agree, that the Montana portion of Northern's project is an integral part of Northern's overall plan. We cannot hope to decide any portion of this complex case intelligently unless all of its aspects are before us at once. Moreover, we doubt that the severence, which Montana Power seeks in the interest of expedition, would result in a significant gain in time.

We think it premature for us to decide now whether oral argument should be granted. We deny Montana Power's request, without prejudice to its renewal by any party at a later date.

The Commission finds: Further hearings in these proceedings would be in the public interest.

The Commission orders:

(A) These proceedings are hereby reopened, and a further public hearing before the Presiding Examiner shall be held in Washington, D.C., at such early date as may, in his discretion, be feasible. At such reopened hearings, evidence may be presented by Northern, by High Crest Oils, Inc., and by Montana-Dakota Utilities Co. on any developments pertinent to the proceedings which have occurred since June 5, 1970. At such hearings, Northern shall present evidence showing the incremental unit cost of service for the Canadian project assuming no Montana facilities, concerning the current availability of Canadian gas for Northern's project, and concerning Nothern's Montana Purchase and Resale Agreement of October 21, 1970. Upon the completion of such hearings, the Examiner shall issue an initial decision, supplementing his initial decision of October 26, 1970, in these proceedings. All parties will be entitled to file exceptions and replies thereto in accordance with the provisions of § 1.31 of our rules of practice and procedure.

(B) Except to the extent herein granted, Northern's motion of January 4, 1971, is denied.

(C) The motion of the Montana Power Co. of January 11, 1971, to sever proceedings, is denied.

(D) Oral argument is denied, without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1723 Filed 2-8-71;8:47 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by BancOhio Corp., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Citizens Banking Co., Perrysburg, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose affect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, February 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1717 Filed 2-8-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4975]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

FEBRUARY 3, 1971.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 120 East 41st Street, New York, NY 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $75 million principal amount of ------ percent Debentures, Series due March 1996. The interest rate of the debentures (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which will be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture between Columbia and Morgan Guaranty Trust Company of New York, trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 16th supplemental indenture to be dated as of March 1, 1971. Columbia will not have the right to redeem any of the debentures prior to March 1, 1976, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and together with funds then available and funds to be

COLORADO CNB BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Colorado CNB Bankshares, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of First National Bank of Sterling, Sterling, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors, February 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1716 Filed 2-8-71;8:47 am]

generated from operations, will be used by Columbia to finance, among other things, part of the cost of its subsidiary companies' 1971 construction program, estimated at $200 million.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than February 23, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 therof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1721 Filed 2-8-71;8:47 am]

[37-67]

EASTERN UTILITIES ASSOCIATES ET AL.

Notice of Proposed Organization and Conduct of Business of Subsidiary Service Company and Related Transactions

FEBRUARY 3, 1971.

In the matter of Eastern Utilities Associates, Post Office Box 2333, Boston, MA 02107; Blackstone Valley Electric Co., Post Office Box 1111, Lincoln, RI 02865; Brockton Edison Co., 36 Main Street, Brockton, MA 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, MA 02722; and Montaup Electric Co., Post Office Box 391, Fall River, MA 02722.

Notice is hereby given that Eastern Utilities Associates (EUA), a registered holding company, and its electric utility subsidiary companies, Blackstone Valley Electric Co. (Blackstone), Brockton Edison Co. (Brockton), Fall River Electric Light Co. (Fall River), and Montaup Electric Co. (Montaup), have filed a joint application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10, 12 (c) and (f), and 13(b) of the Act and Rules 40(b), 42(b)(2), 50(a)(4), and 86 to 94, inclusive, promulgated thereunder as being applicable to the proposed transactions. All interested persons are referred to the said joint application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

EUA owns all of the outstanding common stocks of Blackstone, Brockton, and Fall River, and the latter three companies together own all of the outstanding permanent securities of Montaup. Most of the electric power required by the EUA System is supplied by Montaup. The electric utility companies in the EUA System operate in Massachusetts and Rhode Island, and for 1969 the system reported consolidated gross operating revenues of $48,354,868. The system management, planning, coordinating, and operating services required by EUA and its subsidiaries, in addition to the functions performed by their respective employees, presently are performed by officers and other employees of EUA and Stone & Webster Management Consultants, Inc. (S&WMC).

The personnel of EUA consist of its president, who devotes half of his working time to EUA System matters and the balance to a law firm, which serves principally nonaffiliate clients but one of whose partners does some local tax work for one EUA subsidiary; two vice presidents, one of whom spends three-fourths of his time on the business of Montaup and receives three-fourths of his total compensation from Montaup and the balance from EUA; its secretary-treasurer, who spends half of his working time on financial work for EUA, a small amount of his time as chairman of the board of Fall River, and the balance on outside investment counseling; a full-time engineering assistant; and the secretary to the president, who performs only minimal functions for EUA companies. The current costs of operation of EUA, annualized on the basis of present expenditure levels, are estimated at $933,000, as follows, and none of such expenses has heretofore been charged to EUA's subsidiary companies:

Officers' and employees' salaries and related expenses	$114,000
Office rentals—paid to S&WMC	4,000
Advisory services from S&WMC—	
Fees	12,000
Out-of-pocket expenses	1,500
Corporate maintenance expenses, transfer agent fees, taxes, etc.	101,500
Interest and other fixed charges	700,000
Total expenses	933,000

Personnel in the Boston, Mass., and New York, N.Y., offices of S&WMC ("S&W(Boston)" and "S&W(New York)", respectively) perform a broad range of advisory services including capacity planning and other engineering, business and technical advisory services for EUA System companies. S&W(Boston) has nine employees who perform services solely for EUA System companies, and S&W(New York) has approximately 212 employees, who serve EUA companies, and many other clients. EUA companies pay S&WMC fixed fees plus out-of-pocket expenses for these services. On an annual basis, EUA presently is paying S&WMC fees of $12,000 and expenses of $1,500 and operating subsidiary companies pay S&WMC aggregate fees of $180,000 and expenses of $4,000. The application-declaration states that the amounts of such fees and expenses which may be separately attributed to S&W(Boston) and S&W(New York) cannot be determined from EUA System records. However, in 1969 S&W(Boston) expended 6,696 man-hours of professional and technical labor on EUA System matters, and S&W(New York) expanded 5,271 man-hours of such labor on EUA System business.

The applicants-declarants propose to centralize the services heretofore performed by personnel of EUA and S&W(Boston) in a new corporation, EUA Service Corp. (Service Corp.), organized under the laws of Massachusetts as a wholly owned subsidiary company of EUA. Service Corp. would take over all of the officers and other employees of EUA and S&W(Boston), together with related office space, furnishings and equipment. Existing contracts for services with S&WMC would be terminated, and Service Corp. would enter into a new contract with S&WMC pursuant to which S&W(New York) would furnish EUA companies with services relating principally to special and nonrecurring problems, which would supplement the services to be performed for such companies on a continuing basis by Service Corp. All services to be procured from S&WMC would be purchased by Service Corp. and thereafter billed out to associate companies in accordance with cost allocation procedures set forth hereinafter.

As a consequence of these changes, there would be transferred to Service Corp.: (1) Salaries and other operating expenses of EUA approximating $119,500 per annum, (2) all of the costs of operation of S&W(Boston) of approximately $110,000 per annum, and salaries and related expenses of Montaup totaling $36,000. As a result of the absorption by Service Corp. of the functions of S&W(Boston), the aggregate service fees to be charged by S&WMC to Service Corp. for services rendered to EUA System companies under the proposed new contract would be reduced from an annual rate of $192,000 to $102,000, and the out-of-pocket expenses relating to such services are estimated at $5,500 per annum.

It is estimated that the expenses of Service Corp. for its first full year of operation would amount to approximately $380,000 as follows:

Salaries and related expenses	$237,000
Office and other rentals	21,000
Depreciation and amortization	2,500
Service fees and expenses—S&WMC	107,500
Interest on long-term notes payable to EUA	7,000
Miscellaneous expenses	5,000
Total operating costs	380,000

The application-declaration states that all services would be performed by Service Corp. for associate companies at cost and that Service Corp.'s costs of operation would be allocated among associate companies on the basis of benefits conferred and in a fair and equitable manner. Personnel of Service Corp. would maintain time reports showing the amounts of time each officer and other nonclerical employee devotes to performing services for particular associate companies or Service Corp., and for groups of associate companies. Direct labor charges would be allocated on the basis of such time reports. Other direct expenses, such as traveling and living-out expenses, which can be identified with particular servicing transactions, or which are incurred for particular associate companies or Service Corp. and for groups of associate companies would be charged directly to such companies. Any portion of the advisory fees paid by Service Corp to S&WMC, which would be identified by S&WMC as relating to particular servicing transactions, would similarly be charged directly to associate companies, or to Service Corp. if applicable. Other expenses of Service Corp., including any portion of the fees of S&WMC not so identified and the charges to Service Corp. for maintenance of its corporate existence, would be treated as overhead expenses and allocated among associate companies in proportion to direct labor charges.

Service Corp.'s authorized capital will consist of 5,000 shares of common stock of $10 par value per share and $500,000 aggregate principal amount of long-term, unsecured notes. In order to provide its initial capital requirement of $101,000, it is proposed that Service Corp. issue and sell to EUA for cash, and EUA acquire, 100 shares of its authorized but unissued capital stock at the aggregate par value thereof of $1,000 and $100,000 principal amount of notes at the aggregate principal amount thereof. The notes will mature 20 years from the date the first of such notes is issued, will be prepayable at any time without premium and will bear interest at the commercial bank prime rate of interest in effect from time to time at The First National Bank of Boston, Boston, Mass., adjusted as of the effective date of any change in such rate. This capital will be expended to purchase office furniture and equipment for not more than $25,000, to pay organization expenses estimated at $10,000, and to provide working capital of approximately $66,000.

It is further proposed that Service Corp. issue and sell to EUA for cash and EUA acquire, during the 5-year period commencing with the effective date of the Commission's order herein, additional amounts of long-term unsecured notes, carrying the same terms and provisions as the notes to be initially issued: *Provided*, That the maximum principal amount of all such notes to be at any one time outstanding, including the notes to be initially issued, shall not exceed $500,000: *And provided further*, That Service Corp. will at all times maintain its aggregate capital, including the notes, at not exceeding an amount equal to the sum of its depreciated fixed assets, plus 2 months' operating expenses, plus prepayments and petty-cash working funds.

The future course of Service Corp.'s organization and operations will depend upon the outcome of a proceeding, now pending before this Commission, in which it is proposed that the electric utility subsidiary companies of EUA and New England Electric System (NEES), another registered holding company, and New England Power Service Co. (NEPSCO), the subsidiary service company of NEES, and Boston Edison Co., a nonaffiliated electric utility company, become the subsidiary companies of a new registered holding company, Eastern Electric Energy System (EEES), pursuant to an amended agreement dated June 11, 1968 (Plan) (Holding Company Act Release 16245, dated Dec. 16, 1968). Under the terms of the Plan, EUA and NEES would cease to exist, and the servicing organization and functions of Service Corp. would be absorbed by NEPSCO which would service all companies in the EEES System. The services performed for the EUA companies by S&W (New York), would be phased out within a year. If the Plan is not approved by this Commission, the organization and operations of Service Corp. will be expanded so as to take over as many of the services now performed by S&W (New York) as is feasible, with the ultimate objective of making the EUA System, as soon as practicable, as self-sufficient and independent as is practicable. In such an event, EUA would also take steps to assure that any future commitments by EUA System companies (including Service Corp.) for service, sales or construction contracts with outside suppliers will be entered into under competitive conditions to the extent practicable.

The applicants-declarants propose that officers and other employees of Service Corp. may serve as officers and directors of associate companies and that the directors and officers of Service Corp. may be selected without regard to whether interlocking positions between Service Corp. and associate companies result: *Provided, however*, That none of such officers or other employees of Service Corp. would receive compensation from any system company other than Service Corp. It is further proposed that at least one officer of each EUA System company and of Service Corp. become a director of Service Corp.

The applicants-declarants represent that the proposed organization and conduct of business of Service Corp. will not of themselves be the cause of any application to any Federal or State regulatory body for an increase in the rates charged to utility consumers by any associate company. However, Service Corp.'s charges to associate operating companies for services rendered will be included in the cost of utility service or in plant accounts of such companies as appropriate in any future rate proceeding.

The application-declaration states that the Department of Public Utilities of Massachusetts has general supervision over transactions between electric utility companies and their affiliated companies. The proposed service contract between Service Corp. and Blackstone is required to be filed with the Division of Public Utilities and Carriers of the Department of Public Regulation of Rhode Island, which also has jurisdiction over any payments made under such contract. However, no prior consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions. The expenses incurred, or to be incurred, in connection with the proposed transactions will be paid by Service Corp. in an amount estimated at $10,000.

The applicants-declarants further request that the said joint application-declaration, as amended or as it may be further amended, be granted and permitted to become effective as of January 1, 1971, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act and to the following additional terms and conditions to which the applicants-declarants have expressly consented.

1. No change in the organization of Service Corp., the type and character of the companies to be serviced, the method of allocating costs among the system companies, or the scope or character of services to be rendered, shall be made unless and until Service Corp. shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Service Corp. that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation, or order thereunder, the proposed change shall not become effective unless and until Service Corp. shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. In the event that the operation of Service Corp.'s cost allocation method does not result in a fair and equitable allocation of its costs among associate companies, the Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

3. Jurisdiction is reserved by the Commission to take such further action as may be necessary or appropriate to carry

out the provisions of section 13 of the Act and the rules, regulations, and orders thereunder.

Notice is further given that any interested person may, not later than March 4, 1971, request in writing that a hearing be held on the above-entitled matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the said joint application-declaration, as filed and amended, or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1722 Filed 2-8-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 07/15-5025]

POOLED RESOURCES INVESTING IN MINORITY ENTERPRISES, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), has been filed by Pooled Resources Investing in Minority Enterprises, Inc. (PRIME), (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326).

The officers and directors of the applicant are as follows:

James F. Hill, 11421 Coyle Road, Detroit, MI 48227, President, General Manager.
George T. Etheridge, 15102 Fox Road, Detroit, MI 48239, Secretary, Director.
John W. Bingham, 19443 Stoepel Avenue, Detroit, MI 48221, Director.
C. Dwight Brooks, 3930 West Orchard Hill Drive, Bloomfield Hills, MI 48013, Director.
Walter E. Douglas, Sr., 20035 Lichfield, Detroit, MI 48221, Director.
Samuel C. Gardner, 18466 Woodingham Road, Detroit, MI 48221, Director.
Don K. Harrison, 17410 Mendota, Detroit, MI 48221, Director.
Thomas M. Higginbothan, 18975 Lauder, Detroit, MI 48235, Director.
John F. McCormick, 1700 Severn Road, Grosse Pointe Woods, MI 48236, Director.
John W. Paynter, 1672 North Renaud Road, Grosse Pointe Woods, MI 48236, Director.
Howard F. Sims, 1317 Jollet Place, Detroit, MI 48211, Director.
Robert C. White, 32742 Friar Tuck Lane, Birmingham, MI 48010, Director.

The applicant, a Michigan corporation with its principal place of business located at 2990 West Grand Boulevard, Detroit, MI 48202, will begin operations with $302,500 of paid-in capital and surplus, consisting of 11,250 shares of common stock, issued at $10 per share to four stockholders, and a contribution to capital in the amount of $190,000 made by the Economic Development Corporation of Greater Detroit, 6560 Cass Avenue, Detroit, MI 48202.

The only stockholders owning 10 percent or more of applicant's common stock are Ford Motor Co., Dearborn, Mich., and Burroughs Corp., Milwaukee at Third Avenue, Detroit, MI.

Applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises. According to the company's stated investment policy, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under such management, including adequate profitability and financial soundness, in accordance with the Act and SBA Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Detroit, Mich.

A. H. SINGER, *Associate Administrator for Investment.*

JANUARY 27, 1971.

[FR Doc.71-1711 Filed 2-8-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 4, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42126—*Potatoes from Parma, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2636), for interested rail carriers. Rates on potatoes, fresh frozen or cooked frozen, with or without meat ingredients, in carloads, as described in the application, from Parma, Colo., to points in western trunkline territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 57 to Western Trunk Line Committee, agent, tariff ICC A-4674.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 71-1758 Filed 2-8-71;8:50 am]

[Notice 643]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 4, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72609. By order of January 28, 1971, the Motor Carrier Board approved the transfer to R.V.J., Inc., Leominster, Mass., of certificate of registration No. MC-96727 (Sub-No. 1) issued October 17, 1963, to William E. Connors, doing business as Connors Motorfrate, Fitchburg, Mass., evidencing a right to engage in transportation in interstate commerce as described in irregular route common carrier certificate No. 1767 dated January 1, 1962, issued by the Massachusetts Department of Public Utilities. Jeanne M. Hession, 5 Potosi Street, Dorchester, MA 02122, attorney for transferee. Robert B. Bowman, 280 Main Street, Fitchburg, MA, attorney for transferor.

No. MC-FC-72611. By order of January 28, 1971, the Motor Carrier Board approved the transfer to Alabama-Georgia Express, Inc., Birmingham, Ala., of the operating rights in certificate No. MC-127038 issued October 29, 1969, to Sam N. Cole, doing business as Alabama-Georgia Express, Birmingham, Ala., authorizing the transportation of general commodities, except explosives and commodities requiring special equipment, between Birmingham, Ala., and a specified portion of Georgia; and cast iron articles from Gadsden and Anniston, Ala., to a specified portion of Georgia. John W. Cooper, 1301 City Federal Building., Birmingham, AL 35203, attorney for applicants.

No. MC-FC-72614. By order of January 28, 1971, the Motor Carrier Board approved the transfer to Donald L. Brannock, Box 183, Mayview, MO 64071 of the operating rights in certificate No. MC-92183 issued October 17, 1949, to Donald H. Horton, Box 183, Mayview, MO 64071, authorizing the transportation of livestock from points within 6 miles of Mayview, Mo., to Kansas City, Kans.; feed and tankage from Kansas City, Kans., to Mayview, Mo.; and household goods from Mayview, Mo., and points within 6 miles thereof, to points in Kansas.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1759 Filed 2-8-71;8:50 am]

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FEDERAL REGISTER

VOLUME 36 • NUMBER 27

Tuesday, February 9, 1971 • Washington, D.C.

PART II

DEPARTMENT OF THE INTERIOR

National Park Service

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APPALACHIAN NATIONAL SCENIC TRAIL

Proposed Route

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF THE INTERIOR

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL

Proposed Route

Notice is hereby given, in accordance with section 7(a) of the Act of October 2, 1968 (82 Stat. 919; 16 U.S.C. 1241) of selection of the proposed route of the Appalachian National Scenic Trail. The route has been selected with full consideration to minimizing the adverse effects on adjacent landowners or users and their operations.

It is the purpose of this notice to apprise the Federal, State and local governmental agencies, private organizations and any landowners and land users directly involved in or affected by the trail route location, of the proposed selection and to afford them the opportunity to provide advice and assistance in selection of the route as provided in section 7 of the Act. Accordingly, during a period of 60 days following publication of this notice in the FEDERAL REGISTER all such affected parties who wish to offer comments or recommendations with respect to the proposed route may do so by submitting them to the Director, National Park Service, Washington, D.C. 20240.

Upon expiration of the above 60-day waiting period, and after evaluation of any comments and recommendations received, a further notice will be published in the FEDERAL REGISTER which will declare the official trail route selection.

EDWARD A. HUMMEL,
Acting Director,
National Park Service.

JANUARY 27, 1971.

An agreement has been negotiated with the Forest Service, U.S. Department of Agriculture, which provides guidelines or criteria for determining the width of the right-of-way for approximately 780 miles of Appalachian Trail route within national forests. In addition, the Federal and State agencies administering lands traversed by the route have concurred in the proposed locations, as have the private trail organizations which assist in the operation, development and maintenance of portions of the trail. The Executive Committee of the Advisory Council for the trail, too, has endorsed the proposed route selection.

A press release has been prepared and distributed to newspapers having general and local distribution in communities and areas adjacent to the trail in order to give further notice to all concerned that selection of the proposed trail is being published in the FEDERAL REGISTER. To enable the affected agencies and other interested parties to identify the route selection, a copy of this notice and detailed maps of the proposed route location have been placed on file in the Washington Office of the National Park Service, Interior Building, 18th and C Streets NW., Washington, DC, Room 1210; in the Northeast Regional Office of the National Park Service at 143 South Third Street, Philadelphia, PA (from the south boundary of Maryland northward); and in the Southeast Regional Office of that Service at the Federal Building, 400 North Eighth Street, Richmond, VA (from the north boundary of Virginia southward). The detailed maps have also been furnished each State traversed by the trail and they are available for review at the locations shown below:

Mr. Joseph E. Hickey, Jr., State Planner, Department of Agriculture and Natural Resources, State Office Building, Room 129, Hartford, CT 06115.

State of Georgia, Department of State Parks, 270 Washington Street SW., Atlanta, GA 30334.

Mr. Austin H. Wilkins, Forest Commissioner, Forestry Department, State House, Augusta, ME 04330.

Mr. Spencer P. Ellis, Director, Department of Forests and Parks, State Office Building, Annapolis, MD 21401.

Mr. Arthur W. Brownell, Commissioner, Department of Natural Resources, Leverett Saltonstall Building, 19th Floor, 100 Cambridge Street, Boston, MA 02202.

Director's Office, Office of State Planning, State House Annex, Concord, NH 03301.

Labor and Industry Building, Room 806, Trenton, NJ 08625.

Mr. Harold J. Dyer, Deputy Commissioner of Parks and Recreation, The Campus, Albany, NY 12226.

Division of State Parks, Department of Conservation and Development, Administration Building, Room 200, Raleigh, NC 27611.

Mr. Conrad B. Lickel, Director, Bureau of State Parks, 601 Feller Building, 301 Market Street, Harrisburg, PA 17101.

State of Tennessee, Division of Planning and Development, 2611 West End Avenue, Nashville, TN 37203.

The Hillside Block, Agency of Environmental Conservation, Court Street, Montpelier, VT 05602.

Division of Parks, Southern States Building, Room 501, Seventh and Main Streets, Richmond, VA 23219.

Office of the Director, Department of Natural Resources, 1800 Washington Street East, Charleston, WV 25305.

The description of the proposed Appalachian National Scenic Trail route and maps depicting that route follow:

The Appalachian Trail

MAINE

From the summit cairn on Baxter Peak of Mount Katahdin in Baxter State Park, the Appalachian Trail leads west across the Tableland, descends the Hunt Spur, crosses Katahdin Stream, passes Daicey Pond, descends to the Penobscot West Branch, and leaves Baxter State Park at 9.65 miles from the start. It then proceeds east for a short distance along the river, crosses the Abol Bridge, continues west and southwest across Hurd Brook, passes over Rainbow Ledges, and proceeds past Rainbow, Nahmakanta, and Lower Joe Mary Lakes. The Trail follows Cooper Brook to Crawford Pond, turns south to the East Branch of Pleasant River, follows the river west some 6 miles, then crosses and continues southwest. Before reaching Third West Branch Pond it turns south, traverses White Cap Mountain, turns west, crosses the West Branch of Pleasant River near The Hermitage and continues south. After skirting the east end of Long Pond it ascends the Barren-Chairback Range.

The Trail then follows Bodfish Valley south, crosses Little Wilson Stream, turns west, crosses the stream again, and then goes south to Monson. Here it turns west, through Blanchard, over Breakneck Ridge, by Bald Mountain Pond, over Moxie Bald, skirts Moxie Pond via Joe's Hole, continues west over Pleasant Pond Mountain, and reaches the Kennebec River at Caratunk.

Across the Kennebec, the Trail continues west to Pierce Pond, then south around East Carry Pond and leads west, skirting West Carry Pond and the south end of Flagstaff Lake. Ascending Little Bigelow Mountain, it continues across the crest and over Mount Bigelow. At Horns Pond the Trail turns south and descends to the highway which is followed south for a short distance. The Trail then ascends over Mount Sugarloaf and continues southwestward across Spaulding and Saddleback Jr. Mountains.

Coming off Saddleback, the Trail crosses Maine Highway 4 approximately 5 miles south of Rangeley Village, skirts Long Ponds leads southwesterly by Sabbath Day Pond. Four Ponds Stream, follows the summit of Bemis Mountain.

After passing along the lower slope of Elephant Mountain it follows the East Branch of Black Brook, goes through Sawyer Notch, passes C Pond, follows Mountain Brook by Surplus Pond, crosses the West Branch of Ellis River and continues to Frye Brook.

The Trail then ascends over Little Baldpate Mountain, continues over East and West Peaks of Baldpate, enters the Grafton Notch State Park, and descends into Grafton Notch. The Trail follows the highway south for 0.5 mile, where it again turns west, ascending steeply Old Speck Mountain.

From the summit of Old Speck there is a steep descent to Speck Pond. The Trail then continues southwesterly through Mahoosuc Notch and along the Mahoosuc Range over Fulling Mill and Goose Eye Mountains to Carlo Col, at the Maine-New Hampshire line, 276.79 miles from the summit cairn on Katahdin.

NEW HAMPSHIRE

From the Maine-New Hampshire border in the Mahoosuc Mountain Range west of Carlo Col the Appalachian Trail continues southwesterly over the summit of Mount Success, passes Gentian Pond and Moss Ponds, and at Dream Lake leaves the ridge. The trail then descends southerly along Peabody Brook to the Androscoggin Valley crossing the Androscoggin River on a highway bridge and immediately crosses the Canadian National Railroad and U.S. Route 2. Here it begins the ascent out of the Valley southerly along Rattle River entering the White Mountain National Forest to reach the ridge of the Carter-Moriah

Mountain Range. It follows southwesterly over the summits of Mount Moriah, North Carter Mountain, Mount Lethe, Middle and South Carter Mountains to Zeta Pass. It then ascends and crosses Mount Hight and Carter Dome, drops to Carter Notch and ascends steeply to Wildcat Mountain, crosses its several summits and descends westerly to Pinkham Notch crossing New Hampshire Highway 16. The Trail then goes northerly crossing the Mount Washington Carriage Road, and traverses through and along the perimeter of the Great Gulf Wilderness to the summit of Mount Madison of the Presidential Range. Turning south and continuing generally along the west boundary of the Wilderness the Trail descends to Madison Hut, ascends and crosses the western flank of Mount Adams, descends to Edmands Col, ascends and crosses the eastern flank of Mount Jefferson, the western flank of Mount Clay and leaves the Wilderness southern boundary at the edge of the Great Gulf. The Trail continues south, crosses the Cog Railway, ascends the cone near the summit of Mount Washington and descends southerly to the Lakes-of-the-Clouds. Continuing generally along the ridge of the Presidential Range the Trail goes southerly passing close to or over the summits of Mount Monroe, Mount Franklin, Mount Eisenhower, Mount Pierce, Mount Jackson, and Mount Webster to the eastern edge of Crawford Notch, and leaves the White Mountain National Forest to enter Crawford Notch State Park. It follows and then descends from the Webster Cliffs, crosses the Saco River on a footbridge, crosses the U.S. Route 302 and ascends uphill to Willey House Station. Then going northwesterly, the Trail ascends the western face of the Notch leaves the State Park and reenters the National Forest as it passes south of Mount Willey to Ethan Pond.

It then continues in a generally westerly direction through Zealand Notch, over Zealand Mountain, along Zealand Ridge, over Mount Guyot, along the ridge to South Twin Mountain, down to Galehead, along the ridge to Mount Garfield, down to Garfield Pond and along the ridge up to the North Peak, and then southerly to Mount Lafayette. The Trail continues south along the Franconia Ridge, over Mount Lincoln and Little Haystack Mountain, and just north of Mount Liberty; turns west; and descends past Liberty Spring; enters Franconia Notch State Park; and descends to and crosses U.S. Route 3. The Trail then bears northwesterly and follows Cascade Brook up to Lonesome Lake where it bears west, reenters the National Forest and ascends to North Kinsman Mountain. Here the Trail turns south, going over South Kinsman Mountain, descends to a powerline and passes Mount Wolf, then descends steeply to Kinsman Notch where it passes through the Society for the Protection of New Hampshire Forests Lost River Reservation, and crosses New Hampshire Highway 112. Steeply ascending southwesterly along Beaver Brook the Trail enters the National Forest passes near the summits of Mount Blue and Mount Moosilauke and then descends the southwest side of Moosilauke, leaves the National Forest, descends a paved road and reaches New Hampshire Highway 25 in the village of Glencliff. Turning northwesterly the Trail follows the abandoned Boston and Maine Railroad, turns southwesterly, reenters the National Forest, passes Wachipauka Pond, leaves the National Forest (last time) at its western boundary and crosses New Hampshire Highway 25C. Continuing southwesterly the Trail passes Lake Armington and Upper Baker Pond, crosses New Hampshire Highway 25A, ascends to the summit of Mount Cube passes abandoned Quintown, ascends along Mousley Brook to the summit of Smarts Mountain and descends southwesterly to Lyme-Dorchester Road, continuing westerly on road. Ascends Holts Ledge continuing southwesterly in valley between Bear Hill and Holts Ledge to and crossing Hewes Brook Road. Continues up north face of Moose Mountain and drops along west side of Moose Mountain ridge to Trail junction then westerly crosses farm country and dirt roads. Crosses a ridge and then follows hard-surface Wheelock Street through Hanover, New Hampshire.

VERMONT

The Trail crosses the Connecticut River on New Hampshire Highway 120, entering Vermont where a hard-surface road is followed westerly until the Trail reenters the woods. The Trail then crosses a ridge, drops to Dothan Brook, ascends to Griggs Mountain, descends to and follows down along Podunk Brook to Vermont Highway 14 to West Hartford. The Trail then goes westerly over Bunker Hill through the woods to Thistle Hill, descends to cross a ravine, ascends again passing through field and forest to cross the Pomfret-South Pomfret Road, passes the southern flank of Topman Hill, descends to cross Barnard Brook, ascends and crosses the ridge of Frazier Hill and descends to Vermont Highway 12. Continuing westerly the Trail leaves the rolling Connecticut Valley farmland to enter dense mature forest, ascends Woods Road around Cobb Hill, passes near the Lookout, traverses several ridges and descends to the old Chatauguay Road which it follows down to and crosses the North Branch of the Ottauquechee River. Then ascends to the ridge and descends Stony Brook, crosses a ridge and descends to River Road. Continuing westerly, the Trail crosses the Ottauquechee River on bridge and ascends over a ridge to Kent Pond and up to Vermont Highway 100. Crossing the highway the Trail passes through the Gifford Woods State Park camping area, enters the Green Mountain National Forest, ascends westerly to the east flank of Deer Leap Mountain, turns south, descends and leaves the National Forest and crosses U.S. Route 4 at Sherburne Pass.

The Trail then begins its southerly route following the contour of the ridges of the Green Mountains; Ascending the north flank of Pico Peak, it follows the ridge, passes on the west flank of Killington Peak, and the east flank of Little Killington Peak; descends to, crosses and follows Cold River to the North Clarendon-North Shrewsbury Road. It crosses over a ridge to Beacon Hill and descends to and crosses Vermont Highway 103 and the Green Mountain Railroad. The Trail then crosses the Clarendon Gorge of the Mill River on a foot bridge, follows a ridge, passes between Bear Mountain and Button Hill and descends to and crosses Vermont Route 140 where the Trail reenters the National Forest. Continuing south the Trail crosses two dirt roads, ascends to White Rocks Mountain, descends and crosses Homer Stone Brook, ascends to Little Rock Pond, and descends to and crosses Forest Service Road No. 10. Continuing southerly the Trail descends to and crosses Big Branch on a foot bridge, ascends to Baker Peak, descends to Griffith Lake, ascends to and follows the ridge over Peru Peak and Styles Peak, drops to Mad Tom Notch, ascends to Bromley Mountain, and descends to and crosses Vermont Highways 11 and 30. Continuing south along the ridge east of Spruce Peak to Prospect Rock it follows along a plateau area past Bourne Pond and Stratton Pond to descend gradually to the Arlington-West Wardsboro Road. Crossing the Road and then southerly along the ridge the Trail passes Story Spring and South Alder Brook passing over the summit of Glastenbury Mountain and descending along Bolles Brook to the crossing of Vermont Highway 9. Ascending to the ridge over Harmon Hill, descending to Stamford Stream, ascending along the stream, passing east of Sucker Pond, traversing the ridge, crossing County Road and continuing along the flat ridge to the Vermont-Massachusetts Border, the Trail leaves the National Forest.

MASSACHUSETTS

The Trail enters the Clarksburg State Forest, continues south along the ridge of East Mountain, then descends into the Hoosic Valley leaving the State Forest and entering Blackington, Mass. The Trail crosses the Boston and Maine Railroad and Hoosic River on a foot bridge, crosses Massachusetts Highway 2, ascends from the Valley to the Mount Williams Reservoir which it skirts to the west, then enters the Mount Greylock State Reservation ascending southerly to the north flank of Prospect Mountain where it turns east to descend and cross Notch Road, and ascends to the summit of Mount Williams. The Trail then goes southerly along the ridge passing over Mount Fitch, Mount Greylock, Saddle Ball Mountain, and Jones Nose where it descends to and follows along Kitchen Brook, leaves the Reservation by a "woods road" which turns easterly to cross Massachusetts Highway 8 at Cheshire, Mass. Continuing easterly on town roads the Trail crosses the Penn Central Railroad and then heads southerly, skirts west of the Cobbles, passes Gore and Anthony Ponds on North

Mountain, and descends into Dalton, Mass. Town roads are followed through the town crossing Massachusetts Highway 8, passing under the Penn Central Railroad, ascending Grange Hall Road to turn southerly and ascends on to a plateau. The Trail passes over Tully Mountain and Warner Hill; enters the Pittsfield Watershed Area; crosses Blotz Road; traverses upland country; leaves the Watershed Area; and then turns west on Beach Road, south on Pittsfield Road to Washington Town Hall and west on Branch Road into the October Mountain State Forest. The Trail continues southerly through the Forest going over Bald Top, crosses County Road, skirts Finerty Pond, ascends to a ridge, passes over Walling and Beckett Mountains, and then descends, to and crossing U.S. Route 20, Greenwater Brook and the Massachusetts Turnpike Toll Road.

The Trail then bears southwesterly, crosses a ridge, passes around the east end of Upper Goose Pond, ascends to, follows, and descends from a ridge to the south end of Goose Pond. Thence following old dirt roads traverses another ridge, descends to the Tyringham Valley, follows paved roads through Tyringham, crosses the valley to its west side, follows an old dirt road over another ridge, enters Beartown State Forest, and crosses Beartown Mountain Road. Going westerly the trail crosses East Brook, traverses a ridge, crosses Mount Wilcox Road and ascends to Mount Wilcox. The Trail then turns south, recrosses Mount Wilcox Road, passes around the east end of Benedict Pond, leaves the State Forest, crosses Blue Hill Road, and descends to and follows Massachusetts Highway 23 to the west to Monument Valley Road. The Trail then begins the ascent of East Mountain, enters East Mountain State Forest, traverses upland, leaves the Forest, descends to and crosses Homes Road, ascends and crosses a ridge south of June Mountain, and descends into the Housatonic Valley. A series of roads are followed across the Valley as the Trail goes westerly following Boarman Street, Kellogg Road (cross Housatonic River), U.S. Route 7, Limekiln Road (cross Penn Central Railroad), Bow Wow Road, Curtis Road, Massachusetts Highway 41, and Jug End Road. Here the Trail turns south, ascends Jug End and gains and follows a ridge south over Mount Bushnell entering Mount Everett Reservation. Skirts to the east of Mount Undine and Guilder Pond, passes over Mount Everett, leaves the Reservation, goes over Mount Race, and then descends to Plantain Pond. The Trail descends south past Bear Rock Falls, turns west into Sages Ravine Brook, then turns south to begin the ascent of Bear Mountain, crosses the Massachusetts-Connecticut line and ascends to the summit of Bear Mountain.

Connecticut

From summit of Bear Mountain the Trail descends south along the ridge, ascends Lion Head, and crosses pasture to Cobble Road. The Trail follows Cobble Road and U.S. Route 44 east, enters Salisbury Town Forest, continuing east, crosses abandoned pasture to wooded col on slope of Prospect Mountain. The Trail now descends southeast to Amesville where town roads are followed through the village, where Housatonic River, Penn Central Railroad, and U.S. Route 7 are crossed. The Trail ascends over Barrack Mountain to Music Mountain Road, jogs east along road then ascends through Dean Ravine. The Trail recrosses Music Mountain Road, enters Housatonic State Forest, crosses West Yelping Hill Road, continues southeast through State Forest, crosses Yelping Hill Road, descends to Connecticut Highway 4, traversing ridge to ski area in the State Forest and descends, leaving the forest, to town roads southeast of Cornwall. It then follows a local road south, then turns west and ascends slope of Coltsfoot Mountain, descends through Dark Entry Ravine to U.S. Route 7, recrosses the Housatonic River, follows Connecticut Highway 4 and a local dirt road on south side of Breadloaf Mountain, turns south, crosses a ravine and Connecticut Highway 4. Trail continues south along abandoned roads sometimes close to the Housatonic River. The Trail turns west, ascends Caleb Peak, crosses Skiff Mountain Road, continues west, enters Macedonia Brook State Park, crosses Fuller Mountain Road, continues west and southwest, ascends Cobble Mountain, turns south traversing hills of the State Park, and leaving the park descends to Macedonia Brook Road. Then the Trail jogs right along the road, turns left, crosses ridge, descends to and follows Connecticut Highway 341 to the right for a short distance, turns left on a local improved road, and then right, traversing Mount Algo. Trail crosses Thayer Ravine Brook, and ascends Schaghticoke Mountain. On westerly slope of the mountain, the Trail crosses the Connecticut-New York State line.

New York

The Trail enters New York on Schaghticoke Mountain, descends to Dogtail Corners, and continues south southwest over an outlet from Ellis Pond. It crosses Ten Mile River at Webatuck, crosses New York Highway 55, and proceeds in a southwesterly direction just to the west of a marsh on the west shoulder of Leather Hill. The Trail then climbs a peak in Hammersly Ridge, alternate 1053, just west of Quaker Lake and turns sharply west northwest. Crossing State Highway 55 and 22 the Trail follows a county road northwesterly for about a mile then turns west to a point about a mile north of Nuclear Lake where it turns south over a hill 923 feet high to West Pawling. It continues southwesterly along the east shoulder of Depot Hill then swings west across N.Y. Highway 52 and over Stormville Mountain. Turning southwest again the Trail proceeds just west of the height of land of the Hosner Mountains, crosses the Taconic State Parkway at the junction with Miller Hill Road, and goes south on Shenandoah Mountain. The Trail enters Fahnestock State Park from the north, 0.3 mile from the Taconic Parkway, continues west of Canopus Lake, then goes south along Canopus Creek to a point south of Sunken Mine Pond where it turns southwest and proceeds to Moneyhole Mountain. The Trail crosses Moneyhold Mountain, leaves the Park and descends to Nelson's Corners. It then proceeds southwesterly to the Catskill Aqueduct, follows this south to Phillipse Brook Road, goes west on this for about 0.6 mile, then goes south over Fort Hill. The Trail picks up a secondary road to Cat Rock Road, follows Cat Rock Road for about 0.4 mile, turns sharp west, then continues southwesterly over Canada Hill, north of Anthony's Nose, and then crosses the Hudson on the Bear Mountain Bridge. The Trail enters Bear Mountain-Harriman Park right after it crosses the Hudson. It passes the Bear Mountain Inn, goes over Bear Mountain and West Mountain crossing Palisades Parkway, continues to Seven Lakes Drive at the north end of Lake Tiorati. It then goes southwest along Fingerboard Mountain, then west over Surebridge Mountain and passes north of Island Pond. It then goes over Green Pond Mountain, descends, and crosses over the New York State Thruway at Arden and climbs Arden Mountain, where it leaves Bear Mountain-Harriman Park. The Trail then continues westerly, crosses Orange Turnpike, goes north of Little Dam Pond, over Buchanan Mountain, and climbs Mombasha High Point. It then crosses New York Highway 17A, slabs the east side of Bellvale Mountain, with Greenwood Lake to the east, and then continues southwest entering New Jersey on Bearfort Mountain.

New Jersey

The Trail enters New Jersey at Abram S. Hewitt State Forest and passes above Upper Greenwood Lake. Proceeding westerly, the Trail crosses the Warwick Turnpike north of Parker Lake and enters Wawayanda State Park. It slabs the east side of Wawayanda Mountain descending westerly, reaching Vernon Valley and continuing west on Maple Grange Road. It then goes northwesterly over Pochuck Mountain, descends and enters New York State at Liberty Corners, and continues northwesterly on the road to Unionville. It continues west on roads, reenters New Jersey near Rockport continuing through Mount Salem and crossing New Jersey Highway 519 where it climbs to top of the Kittatinny Ridge at the High Point Memorial State Park. The Trail stays on the highest part of the ridge and passes the following points of importance: New Jersey Highway 23, Lake Rutherford, Sunrise Mountain, U.S. Route 206 at Culvers Gap and Culvers Lake, Lake Kittatinny, Brink Road, Rattlesnake Hill (now called Paradise Hill) and Mount Mohican. It passes Sunfish Pond and reaches the Delaware River at Dunnfield Creek.

Pennsylvania

The Appalachian Trail crosses the Delaware River on the Interstate 80 highway bridge entering Pennsylvania and turning left following a Delaware Water Gap Village street passing Lake Lenape, reaching the crest of the Blue Mountain on Mount Minsi. The Trail follows the crest of the ridge traveling west crossing Totts, Fox, and Wind Gaps, passes through Pennsylvania Game Lands across Smith and Little Gaps, leaves the Game Lands, dips down into the Lehigh Gap, and crosses the Lehigh River on the Pennsylvania Highway 873 bridge. At the west end of the bridge the Trail ascends the Blue Mountain (crossing Lehigh Furnace Gap, Bake Oven Knob, and Pennsylvania Highway 309) following the crest for 9 miles where the Trail turns sharp left (south) descending just east of Hawk Mountain Sanctuary and goes through the village of Eckville where the Trail ascends the mountain. At the top of Blue Mountain it turns east, crosses the Pinnacle Rocks, then turns south around the Valley Rim, descends into a hollow, passes the Hamburg Reservoir, again ascends the Blue Mountain, crosses over to the north side, and descends to the Schuylkill Gap in the village of Port Clinton. After passing through the village and crossing the Schuylkill River it turns left, and ascends very steeply to the crest of the Blue Mountain where it enters State Game Lands, follows Trail and Game feeding roads to Pennsylvania Highway 183, which is followed for 0.5 mile and dips into Schubert Gap, and after 2 miles more leaves Pennsylvania Game Lands going around the Kessel and reaching Pennsylvania Highway 501. It follows the ridge, crossing Pennsylvania Highway 645, continues on ridge crest, and descends into the Swatara Gap leaving Game Lands at bottom of the mountain. Crossing the Swatara Creek on iron bridge, it then crosses under Interstate 81 while following Pennsylvania Highway 72, and turns left following secondary roads across the valley to Ditzlers Farm.

It enters the woods of Pennsylvania Game Lands from Raush Gap, it then continues northwest through St. Anthony's Wilderness reaching the crest of Stony Mountain, descends to Clarks Valley, and crosses Pennsylvania Highway 325 at end of Game Lands. After ascending Peters Mountain the Trail turns left (west) following the ridgecrest, crosses Pennsylvania Highway 225, then follows ridge to end and descends to the Susquehanna River at Clarks Ferry. The Trail crosses the river at bridge on U.S. Routes 22 and 322 and on west bank follows High Street through village of Duncannon, crosses Sherman Creek, and ascends Cove Mountain passing Hawk Rocks. It then follows crest of Cove Mountain to Grier Point crossing Pennsylvania Highway 850. Then it ascends north side of Blue Mountain to Deans Gap. After descending south side of Blue Mountain it crosses Pennsylvania Highway 994 just east of Donnellytown and crosses Conodoquinet Creek and the Cumberland Valley using secondary roads and trails. It crosses under Interstate 81, U.S. Route 11 west of New Kingstown and over Pennsylvania Turnpike. Following Old Stone House Road, it passes through Churchtown, crosses the railroad at Leidighs, and crosses Yellow Breeches Creek. From here it follows the first ridge of South Mountain and goes around the boundary of York Y.M.C.A. Camp. It crosses Whisky Spring Road, Rocky Ridge, and Old Town Road before descending the ridge to cross Pennsylvania Highway 94. Trail crosses Trent's Hill, Pennsylvania Highway 34, the railroad, and Hunters Run Road. It ascends to Ridge of Piney Mountain, passing Tag Run Shelters, then follows ridge southwest passes Pole Steeple Trail, descends to Fuller Lake, and reaches Pennsylvania Highway 233 in Pine Grove Furnace State Park. The Trail leaves the State Park crossing Pennsylvania Highway 233 and reenters Michaux State Forest. It crosses Camp Michaux on the abandoned Old Shippensburg Road. It ascends to the ridge of South Mountain and passing through the Tumbling Run Game Preserve and Caledonia State Park and crosses U.S. Route 30 in this park. It skirts Old Forge State Picnic Grounds to the south and crosses Pennsylvania Highway 16, northeast of Penmar.

Maryland

In Maryland the Trail skirts the edge of Penmar through the Western Maryland Railway abandoned park and traverses the Fort Ritchie Military Installation on the road to the High Rock. It follows the ridge of South Mountain continuously passing through Greenbrier State Park (at U.S. Route 40 and Interstate 70), Washington Monument State Park, Turners Gap at U.S. Route 40A, and Gathland State Park. At Weverton Bluff the Trail bears west along the towpath of the Chesapeake and Ohio Canal National Monument and crosses the Potomac River over the Sandy Hook Bridge of U.S. Route 340.

West Virginia

In West Virginia the Trail crosses the Harpers Ferry National Historical Park on Loudoun Heights above U.S. Route 340 and follows the ridge along the West Virginia-Virginia State line to Keys Gap.

Virginia

The Trail follows the ridge crest and crosses Virginia Highway 7 at Snickers Gap just west of Bluemont. Most of the section from Virginia Highway 7 to U.S. Route 50 follows Virginia Highway 601 passing through the Mount Weather Military Installation on this road. South of U.S. Route 50 at Ashby Gap the Trail is generally just west of the Fauquier County line, crossing Virginia Highway 55 in Linden and U.S. Route 522 at Chester Gap. From Chester Gap the Trail goes southwest to enter Shenandoah National Park and ascends to the ridge crossing Skyline Drive at Compton Gap. For 96 miles the Trail follows the ridge in the Park, crossing U.S. Route 211 and Virginia Highway 33 at their intersections with Skyline Drive and with occasional additional crossing of Skyline Drive. South of Shenandoah Park the Trail remains on the ridge and then descends to the Blue Ridge Parkway crossing Interstate 64 and U.S. Route 250 at Rockfish Gap. The Trail then ascends Elk Mountain, follows along a ridge crest to the Rocks and Humpback Mountain, and then descends to Laurel Springs Gap where it touches the Blue Ridge Parkway. After passing Devils Knob the Trail descends to Reeds Gap, ascends to Three Ridges where it goes over the First Knob south of Second and over Third Knob, and descends Harpers Creek to the Tye River. After crossing Tye River on a bridge the Trail follows woods steadily ascending Cripple Creek and crosses the north slope of the Priest. Then it follows ridge crest past Maintop Mountain, Porters Ridge, Elk Pond Mountain and Rocky Mountain where Trail descends to Tar Jacket Ridge, passes over Cole Mountain and Bald Knob, and descends Brown Mountain Creek to Lynchburg Reservoir. Passing south of the Reservoir up Little Irish Creek it goes over Rice Mountain and cross Blue Ridge Parkway to Punch Bowl Mountain, continues over Bluff Mountain following ridge crest past Saltlog and Saddle Gaps.

It then crosses on the south side of Big Rocky Row, Little Rocky Row, descends Johns Hollow to the Confluence of Coshan Creek and James River, and crosses the James River on U.S. Route 501. The Trail turns right ascending the slope of the west side of the James River gradually curving south to Marble Springs on the ascent to Highcock Knob. In a short distance the Trail descends into Petites Gap then crosses and recrosses the Blue Ridge Parkway after which it circles the peak of Orchard Mountain, the highest peak in the area. It then circles the headwaters of Cornelius Creek, leads across Floyd Mountain and follows the crest of Bryant Ridge until it drops off into Jennings Creek, then ascends to the crest of Cove Mountain toward the town of Buchanan, Virginia. A steady ascent around the headwaters of Bearwallow Creek brings the Trail near the Blue Ridge Parkway where the Trail and the Parkway run parallel for a few miles due to the extremely narrow ridge. The Trail then crosses Fullhardt Knob and descends to the valley where U.S. Route 11 and U.S. Route 220 are followed for a short distance and underpassed Interstate 81 prior to climbing to the crest of Tinker Mountain which it follows around Carvin Cove Lake to the crest of Catawba Mountain and over McAfee Knob. Descending it crosses Catawba Creek, it ascends Cove Mountain to the northwest, descends northwest along Trout Creek and crosses Craig Creek at Webbs Mills. Then it ascends along Turnpike Creek to the crest of Sinking Creek Mountain which is followed for about 10 miles. After crossing Virginia Highway 42 the Trail ascends Johns Creek Mountain at Kelly Knob and follows the ridgecrest north to Rocky Gap descending and crossing Johns Creek. Then it ascends to Lone Pike Peak, turns west and follows the crest of Potts Mountain and Big Mountain. At Bailey

Gap it descends to Interior. After crossing White Rock Mountain the Trail descends into the Stony Creek Valley before ascending to Peters Mountain. The Trail then follows along the Virginia-West Virginia border for nine miles. Before reaching New River it turns south and follows Hemlock Ridge to U.S. Route 460 bridge over New River.

This highway is followed for about 1¼ miles before turning right into a street at the edge of Pearisburg, after 100 yards turn right into Virginia Highway 635 and then ½ mile left into woods and start steep climb up Pearis Mountain. From Angels Rest following southwest along the crest of Pearis Mountain the Trail crosses Sugar Run Gap and Sugar Run Mountain before descending into Dismal Creek Valley and Kimberling Creek Valley. It crosses through Lick Skillet Gap to the village of Crandon, Va. Here the Trail crosses Virginia Highway 42 and Walker Creek Valley then ascends steeply to the crest of Walker Mountain which is followed southwest for about 30 miles. At Redding Gap beyond Big Walker Firetower the Trail turns left and descends steeply to Reed Creek. Then it ascends and follows Little Brushy Mountain, and descends Davis Hollow to Interstate 81, and then U.S. Route 11. The Trail after crossing valley of Holston River then climbs Glade Mountain crossing Locust Mountain to Brushy Mountain which is followed southwest to Teas. After crossing Rye Valley the Trail then circles summit of High Point and descends to Virginia Highway 16. Then it traverses the north slope of Hurricane Mountain. Shortly after reaching crest of Hurricane Mountain, the Trail descends to the southeast and crosses Virginia Highway 603. It then ascends the north slope of Pine Mountain to Wilburn Ridge. The Trail then ascends to the summit of Mount Rogers and follows Elk Garden Ridge. From Elk Garden it ascends over Whitetop Mountain, passes Buzzard Rock and skirts Beech Mountain. It crosses Green Cove, Whitetop and Laurel Creeks, passing by Taylor Valley. After crossing U.S. Route 58 it ascends to Feathercamp Ridge, before dropping into the town of Damascus, Va. From the intersection of U.S. Route 58 and Virginia Highway 91 the Trail follows the streets through Damascus and ascends the northeast end of Holston Mountain. About 2.5 miles from the junction of U.S. Route 58 and Virginia Highway 91 the Trail enters the Purchase Area of the Jefferson National Forest. After another 1.5 miles the Trail leaves the State of Virginia and enters Tennessee.

TENNESSEE

Continuing into Tennessee, the Trail follows the crest of Holston Mountain sometimes crossing to one side or another of the crest and summits. About 8 miles from the Virginia-Tennessee State line the Trail crosses through McQueen Gap. Continuing along the crest of Holston Mountain, it passes by McQueen Knob Firetower, passes through Double Spring Gap, goes over Locust Pole Knob, and then gradually descends to Low Gap where U.S. Route 421 crosses Holston Mountain. Here the Trail continues southwest generally along the crest of Holston Mountain for another 3 miles crossing Locust Knob and circling north and east of Rich Knob. In the gap northwest of Rich Knob the Appalachian Trail leaves the crest of Holston Mountain and proceeds south to southeasterly along Cross Mountain. At the lowest point on Cross Mountain the Trail crosses Tennessee Highway 91, continues southeasterly 1 mile, then turns abruptly southwest, and follows the crest of Iron Mountain for about 15 miles. The Trail passes through Turkeypen Gap, then continues in a southwesterly direction. About 15 Trail miles from Tennessee Highway 91 the Trail begins a steady descent along the southwest end of Iron Mountain. One mile farther it reaches a paved access road which leads to the Watauga Dam Visitor's Center. Beyond the Watauga Dam Road, the Trail ascends southwesterly to a summit, descends steeply in a northwesterly direction, and follows the Watauga Dam access road to the highway bridge across Wilbur Lake. Immediately beyond Wilbur Lake the Trail turns left and ascends steeply for about 2 miles to the summit of Iron Mountain. It continues southwesterly along the crest of Iron Mountain for another 2.3 miles, descends the south slope to Tennessee Highway 67. The Trail crosses the highway and follows Laurel Fork upstream. For the next 2.5 miles the Trail follows close by the stream bed passing by the so-called "Buckled Rock." Approximately 2.5 miles from Tennessee Highway 67 the Trail reaches Laurel Falls where it climbs away from the stream until it reaches what was formerly a logging railroad bed. Following the railroad bed the Trail enters Dennis Cove about 3.5 miles from Tennessee Highway 67. Then it ascends southwesterly along Coon Den Branch to the crest of the northwest spur of White Rocks Mountain which is followed to White Rocks Mountain Firetower. Beyond the firetower the Trail continues southeast, but gradually more easterly along the crest of White Rocks Mountain. Passing through Moreland Gap it enters the Walnut Mountain Road and continues southeasterly still following the crest of White Rocks Mountain. After 2 miles the Trail turns sharp right from the Walnut Mountain Road and follows lesser roads and trails in a south to southeasterly direction to U.S. Route 19E just east of the Tennessee-North Carolina State line.

TENNESSEE-NORTH CAROLINA

The Tennessee-North Carolina State line is followed in general all the way to Doe Knob in the Smokies. The Trail ascends to the summit of the northern spur of Hump Mountain and then descends southwesterly to Bradley Gap. Beyond Bradley Gap it ascends along the east slope of Little Hump Mountain, and climbs to the summit of Yellow Mountain (shown on some maps as Little Hump Mountain). The Trail continues southwest to the junction of Big Yellow Mountain (sometimes locally known as Big Yellow Bald). Here the Trail turns northwest and follows along the crest and the Tennessee-North Carolina State line to Yellow Mountain Gap. From Yellow Mountain Gap the Trail ascends westerly, then descends in a south to southwesterly direction. After passing through Buckeye Gap the Trail ascends to the summit of Elk Hollow Ridge and continues westerly along the main ridgecrest still following the Tennessee-North Carolina State line. After ascending about 1 mile it goes around the northern slope of Grassy Ridge Bald; passes over Jane Bald, through Engine Gap, over Round Bald; and descends to Carver Gap through which passes Tennessee Highway 143 or North Carolina Highway 261. From Carvers Gap the Trail zigzags up the slope of Roan High Knob passing to the north of the summit. Beyond Coltens Cliff the Trail leaves the summit of Roan Mountain and descends northward along the state line passing through Ash Gap and over Beartown Mountain and Hughes Gap. From Hughes Gap the Trail ascends north to the summit of Little Rock Knob where the Trail turns westward and generally descends following the ridge crest and the State line. At 7 miles from Hughes Gap the Trail swings southwesterly and descends to Iron Mountain Gap through which Highway 107-North Carolina Highway 226 passes. From Iron Mountain Gap the Trail ascends to the southwest along the State line ridge crest passing over the summit of Little Bald Knob.

It then descends to the northwest passing south of Piney Ball and descends to Cherry Gap. From Cherry Gap the Trail follows the main State line ridgecrest southwesterly and then goes west to Low Gap. Beyond Low Gap the Trail ascends on the north slope of Unaka Mountain until it reaches and follows Forest Service Unaka Mountain Road. At Pleasant Garden it begins a descent to the southwest to Deep Gap (shown as Beauty Spot Gap on Geodetic Survey Maps), passes over Beauty Spot, descends to Indian Grave Gap and 2 miles beyond Indian Grave Gap leaves the crest and begins its descent to the Nolichucky River via Curley Maple Gap and Jones Branch. The Nolichucky River is crossed on an old concrete highway bridge. From the west side of the bridge the Trail ascends to the west and then south along Cliff Ridge. Cliff Ridge merges with Temple Ridge which the Trail follows to the southwest to a point a short distance below Temple Hill Firetower. From this point the Trail descends southeasterly to Temple Hill Gap. Beyond Temple Hill Gap the Trail proceeds to the east and southeast maintaining a nearly constant elevation around the north and east side of No Business Knob. At Devils Creek Gap the Trail crosses the State line from Tennessee into North Carolina and ascends to the east and then descends to the south to reach U.S. Route 19W east of Spivey Gap. At Spivey Gap the Trail crosses U.S. Route 19W traversing Bald Mountain. Reaching and climbing Little Bald Mountain the Trail passes through a treeless sag known as "Big Stamp." Beyond the summit of Big Bald it descends westward to Low Gap, Street Gap and Sams Gap crossing U.S. Route 23. After crossing U.S. Route 23 the Trail turns right and ascends High Rock Knob continuing to Rice Creek Gap.

Then ascending the Ridgecrest is followed to Sugarloaf Gap where the Trail descends to Laural Branch, Boone Cove Gap, and Devil Fork Gap. From Devil Fork Gap the Trail skirts the left side of Flint Mountain, crosses the ridgeline into Tennessee, and reenters North Carolina at Flint Gap. Ascending northward the Trail crosses briefly again into Tennessee as it skirts right of the summit of Green Ridge Knob and then stays in North Carolina close to the crest passing left of Gravel Knob and over Big Butt. Here the Trail turns southwestward along the Tennessee side to Chestnut Log Gap, follows closely the State line crest over Bald Mountain to the Phillips Hollow Trail, and goes along the Tennessee side into Bearwallow Gap. From this Gap the Trail skirts the North Carolina slope below the State line crest at Jones Meadow, circles the south side of Camp Creek Bald summit and rejoins the State line just beyond on Seng Ridge. The Trail descends close to the State line and crosses Allen Gap at the junction of North Carolina Highway 208-Tennessee Highway 70. Continuing along the State line the Trail ascends to Buzzard Roost Ridge, passes through Deep Gap and over Spring Mountain into Hurricane Gap where a Forest Service road from both States joins. Proceeding to Rich Mountain, the Trail leaves the State line for 16 miles descending Roundtop Ridge to the French Broad River and Hot Springs, N.C. Here the Trail follows U.S. Routes 70 and 25 through Hot Springs for 0.25 mile and ascends the west bank of North Carolina Highway 209 to the French Broad Ranger Headquarters of the National Forest in North Carolina. The Trail ascends Deer Park Mountain through Taylor Hollow Gap and into Garenflo Gap. Ascending from Garenflo Gap the Trail passes over Bluff Mountain and around the south slope of Tennessee Bluff, rejoins the State line and crosses briefly into Cocke County, Tenn., just before coming into Kale Gap and crossing back to North Carolina. A 0.5 mile further the Trail loops into Tennessee over the summit of Walnut Mountain and returns to the State line at Lemon Gap.

Here the Trail crosses a gravel road (from Del Rio, Tenn., to Waynesville, N.C.), follows Rich Mountain, then passes to the north of Max Patch summit. Generally following the State line crest the Trail passes through Brown Gap, ascends Harmon Den Mountain, drops into Deep (Ground Hog Creek) Gap, and crosses Wildcat Top and the West Peak of Snowbird Mountain. At Spanish Oak Gap the Trail turns sharp left from the State line, descends by a wide loop near the head of Painter Creek in North Carolina, then swings westward to cross into Tennessee, and descend into the Waterville School Road, crossing the road and following 300 yards above it. The Trail rejoins the road to pass under Interstate 40 and then over the Big Pigeon River on the road bridge 1 mile downstream from the North Carolina State line at Waterville. From south end of Browns Bridge across Big Pigeon River, 1 mile west of Tennessee-North Carolina line, the Trail traverses privately owned land for 1.5 miles, going south along the right (east) bank of Tobes Creek. Crossing State Line Branch the Trail turns east along State Line Branch for 0.5 mile, and goes north to ridge crest which it follows east and then south to Davenport Gap. After crossing North Carolina Highway 284 in Davenport Gap the Trail traverses the Great Smoky Mountains National Park for some 68 miles. For the first 60 miles the Trail closely follows the crest of the Great Smoky Mountains in a southwesterly direction (which is the State line between Tennessee and North Carolina) sometimes in one State or the other and often directly on the State line. From Davenport Gap the Trail reaches the crest at a point 0.5 mile west of Mount Cammerer, then crosses a spur on Tennessee side of Sunup Knob, crosses crest of Rocky Face Mountain, and traverses Low Gap. From Low Gap the Trail traverses North Carolina slope of Cosby Knob and Tennessee side of Ross Knob, goes through Camel Gap and around Tennessee side of Camel Hump Knob, traverses North Carolina side of Inadu Knob, goes through Yellow Creek Gap and Deer Creek Gap, crosses Pinnacle Lead (a spur off Old Black), traverses Tennessee slope of Mount Guyot and crosses Guyot Spur entering on the Tennessee side of the Research Reservation (Wilderness Area).

The Trail continues around Tennessee side of Tri-Corner Knob (North Carolina side of Research Reservation begins here), goes through Big Cove Gap, traverses North Carolina slope of Mount Chapman, goes through Chapman Gap, crosses summit of Mount Sequoyah, goes through Copper Gap, crosses Eagle Rocks, goes around North Carolina side of Pecks Corner (intersection of Hughes Ridge and State line—North Carolina side of Research Reservation ends here). It crosses Woolly Tops Lead (Tennessee side of Research Reservation ends here), passes around Tennessee side of Laurel Top, and goes through False Gap. The Trail then crosses crest of Porters Mountain on Tennessee side, passes through Porters Gap, continues along the Sawteeth, goes around Tennessee end of Richland Mountain, goes through Dry Sluice Gap, goes around Tennessee side of Charlies Bunion, traverses North Carolina slope of Mount Kephart, and continues to Newfound Gap, where U.S. Route 441 is crossed. From Newfound Gap the Trail crosses Mount Mingus Ridge, passes through Indian Gap and Little Indian Gap, crosses summit of Mount Collins, passes through Collins Gap, and crosses summits of Mount Love and Clingmans Dome. From Clingmans Dome the Trail crosses Mount Buckley, passes through Double Springs Gap, crosses Jenkins Knob, continues along "The Narrows" and reaches the summit of Silers Bald From Silers Bald the Trail passes through Buckeye Gap, crosses North Carolina side of Cold Spring Knob, crosses Hemlock Knob, traverses slope of Mount Davis, passes through Sams Gap, crosses Derrick Knob and Chestnut Bald, goes through Sugar Tree Gap and Starkey Gap, traverses North Carolina slope of Brier Knob near the summit, passes through Mineral Gap and Beechnut Gap, and crosses summit of Thunderhead. From Thunderhead the Trail crosses Rocky Top, Spence Field and Mount Squires; passes through Maple Sugar Gap and McCampbell Gap traverses North Carolina side of McCampbell Knob and Russell Field, and passes through Little Abrams Gap and Big Abrams Gap after reaching the crest of Locust Knob it crosses Devils Tater Patch, passes through Ekaneetlee Gap, goes around North Carolina side of Powell Knob; passes through Mud Gap and reaches summit of Doe Knob

NORTH CAROLINA

At Doe Knob the Trail leaves crest of Great Smokies and turns south into North Carolina. From Doe Knob the Trail traverses west slope of Greer Knob and passes through Birch Spring Gap, Red Ridge Gap, and Sassafras Gap From Sassafras Gap the Trail follows a jeep road south for about 0.3 mile to a point 0.1 mile southwest of Shuckstack where it leaves the road and continues south down the ridge. It then turns east and passes through gap between Shuckstack and Little Shuckstack, goes around west side of Little Shuckstack, and descends along ridge reaching road 0.6 mile north of Fontana Dam. The Trail follows this road to Fontana Dam on Little Tennessee River, where the Trail exits Great Smoky Mountains National Park. The Trail crosses Little Tennessee River on walkway along top of Fontana Dam and goes into the Nantahala National Forest. After following a curving ridge crest for about a mile the Trail exits Forest Service land, passes by east side of Fontana swimming pool, immediately crosses road leading to Fontana boat dock, turns east along North Carolina Highway 28 to Bee Cove, turns south and almost immediately leaves road and follows stream southeast. From this point to the Nantahala River the Trail lies within the purchase boundary of the Nantahala National Forest. The Trail reaches crest of Yellow Creek Mountain at Black Gum Gap, continues east along ridge crest, traverses south slope of High Top, passes through Cable Gap, traverses south slope of Tommy Knob, and continues to Yellow Creek Gap. From Yellow Creek Gap the Trail goes south to Cody Branch

and continues southeast to Cody Gap. In Cody Gap the Trail turns south and crosses the crest of Cheoah Mountain, continues along ridge crest, in a east-southeast direction, and passes through Brown Fork Gap, Sweetwater Gap, and Stekoah Gap. From Stekoah Gap the Trail continues southeast through Simp Gap and Locust Cove Gap and crosses summit of Cheoah Bald. From Cheoah Bald the Trail continues northeast through Sassafras Gap, crosses summit of Swim Bald, traverses "The Jump-Up," passes through Grassy Gap, traverses south slope of Tyre Knob, follows the crest of ridge running south of Tyre Knob for about a mile, then leaves ridge crest and goes east to dirt road in gap in Flint Ridge.

From this gap the Trail descends south into headwaters of Morris Branch and, in general, follows this stream to the Southern Railway alongside the Nantahala River. Following the railroad tracks downstream for 0.5 mile to Wesser Station, the Trail turns south onto a dirt road and crosses the Nantahala River on a bridge. From east end of bridge across Nantahala River at Wesser Station the Trail follows U.S. Route 19 east about 1 mile, then follows gravel road south along Wesser Creek enters the Nantahala National Forest, and continues to the summit of Wesser Bald. From Wesser Bald the Trail follows the crest of the Nantahala Mountains southward passing through Tellico Gap and traversing the western spurs of Rocky Bald, Black Bald, Tellico Bald, and Copper Bald. From Copper Bald the Trail traverses Burningtown Gap, Licklog Gap, and the summit of Wayah Bald. The Trail follows a dirt road southwest from Wayah Bald then goes southward along the east slope of Siler Bald continues southeast traversing west slope of Sheep Knob before turning south to Panther Gap. From Panther Gap the Trail traverses east slope of Panther Knob, continues south to Swinging Lick Gap, turns east to Winding Stair Gap, traverses west slope of Rocky Cove Knob and west shoulder of Buck Knob, and crosses U.S. Route 64 in Wallace Gap. From Wallace Gap the Trail follows White Oak Bottoms Road south to Rock Gap, traverses west slope of Little Bald Mountain, goes through Glassmine Gap, and regains the main ridge crest on north side of Big Pinnacle. The Trail continues south through Big Spring Gap, crosses the summit of Albert Mountain onto Bear Pen Gap traverses the east side of Big Butt, Mooney Gap, and Bettys Creek Gap, and continues along crest of Little Ridgepole Mountain to Ridgepole Mountain where the Nantahala Mountains end. From Ridgepole Mountain the Trail continues along the Blue Ridge traversing Carter Gap turns west to Coleman Gap, traverses north slope of Little Bald Mountain, goes through Beech Gap, turns north to crest of Standing Indian range, and traverses Deep Gap. From Deep Gap the Trail goes west along south end of Yellow Mountain to Wateroak Gap, turns southwest, crosses Chunky Gal Mountain, passes through Whiteoak Stamp, traverses west side of Big Kitchens Knob, crosses Little Mountain, and traverses Sassafras Gap. It then goes around shoulder near top of Court House Bald and through Court House Bald Gap, traverses west side of Sharp Top, and continues to Bly Gap on the North Carolina-Georgia Line, where the Trail exits the Nantahala National Forest.

GEORGIA

The Appalachian Trail enters Georgia and the Chattahoochee National Forest at Bly Gap and runs generally south passing to the east of Rich Knob, over Rocky Knob, Wheeler Knob, through Blue Ridge Gap, Plum Orchard Gap, and Cowart Gap. Crosses U.S. Route 76 and Dicks Creek east of Dicks Creek Gap, continues on through Parks Gap and crosses York Ridge at Mule Mountain. Crosses Moccasin Creek and climbs Bramlet Ridge at Hellhole Mountain then runs west along the crest of Bramlet Ridge to Dismal Mountain. From Dismal Mountain the Trail swings in a southwesterly arc traversing the swag of the Blueridge, Steeltrap Gap, Wolfpen Gap, and over the top of Tray Mountain. Through Tray Gap where it crosses Forest Service Road 79, continues on to Indian Grave Gap, crosses Forest Service Road 283, ascends Rocky Mountain where it runs along the crest of the ridge, and then drops down to Unicoi Gap and Georgia Highway 75. Ascending Blue Mountain the Trail continues through Henson Gap to Red Clay Gap where it again changes to a southerly course, crosses the headwaters of the Chattahoochee River, and follows generally the course of the river to Low Gap Creek where it leaves the river and ascends to the summit of Poe Knob and there changes to a southwesterly course. It passes through Cool Springs Gap, crosses Richard B. Russell Scenic Highway (Georgia Highway 348) near Piney Mountain, passes Raven Cliffs and to the south of Wildcat Mountain, descends into the deep gorge of Town Creek, ascends and crosses Bid Ridge at the south end of Cowrock Mountain, goes over Turkeypen Mountain and Levelland Mountain and crosses U.S. Routes 19 and 129 in the vicinity of Neels Gap.

From Neels Gap it is 2 miles by the Trail to the top of Blue Mountain, highest elevation on the Georgia section of the Trail. At the top of Blood Mountain the Trail assumes a northwesterly direction to follow Duncan Ridge, crossing Slaughter Mountain and through Wolfpen Gap where it crosses Georgia Highway 180, and goes over Wildcat Knob and Coosa Bald. Then in westerly direction it goes over Buckeye Knob, Wildcat Knob to Mulky Gap where it crosses Forest Service Road 4 and continues west crossing Akin Mountain, Fish Knob, Gregory Knob, and Rhodes Mountain. At this point the Trail again assumes a southerly course over Licklog Mountain, Wallalah Mountain and crosses Georgia Highway 60 at Little Skeenah Creek. Following the crest of Toonowee Mountain, it crosses the Toccoa River and passes through Sapling Gap, goes over John Dick Mountain and on to Three Forks and Forest Service Road 58 where three streams join to form Noontootla Creek. Here the Trail crosses the stream and Forest Service Road 58, then ascends Rich Mountain, follows the length of the ridge, drops down to cross Forest Service Road 42, and ascends to the summit of Springer Mountain southern terminus of the Appalachian Trail.

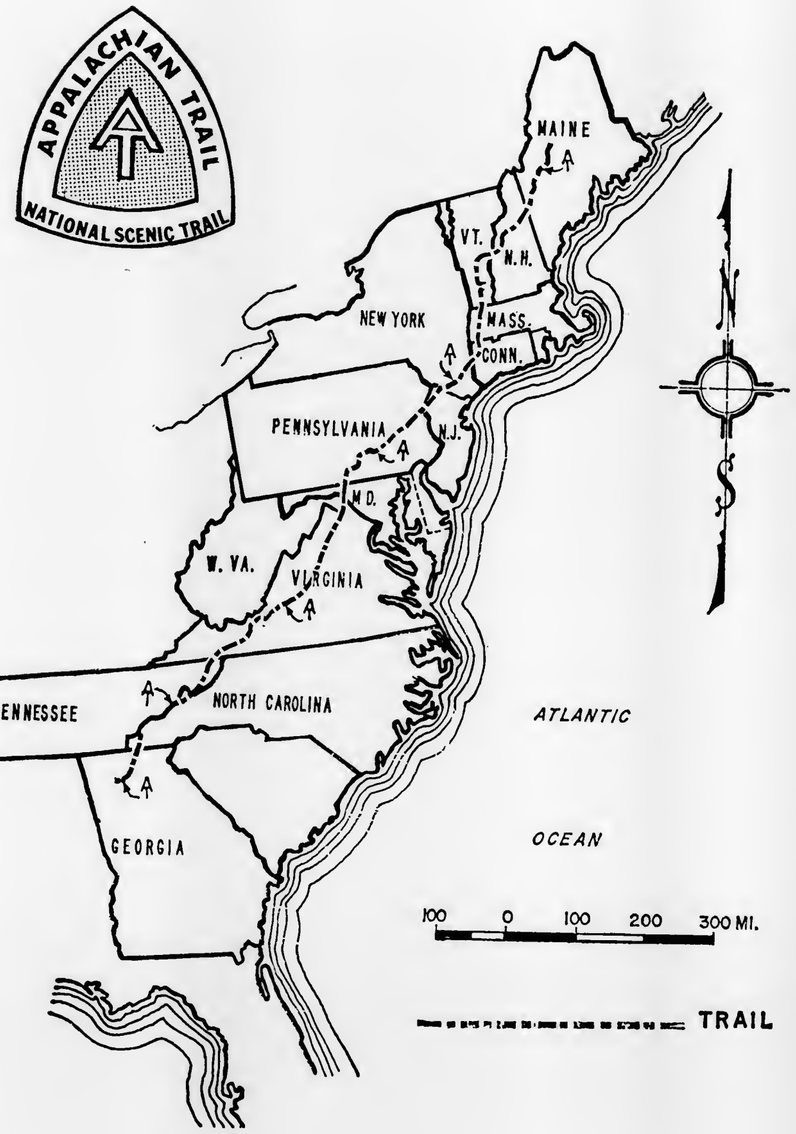

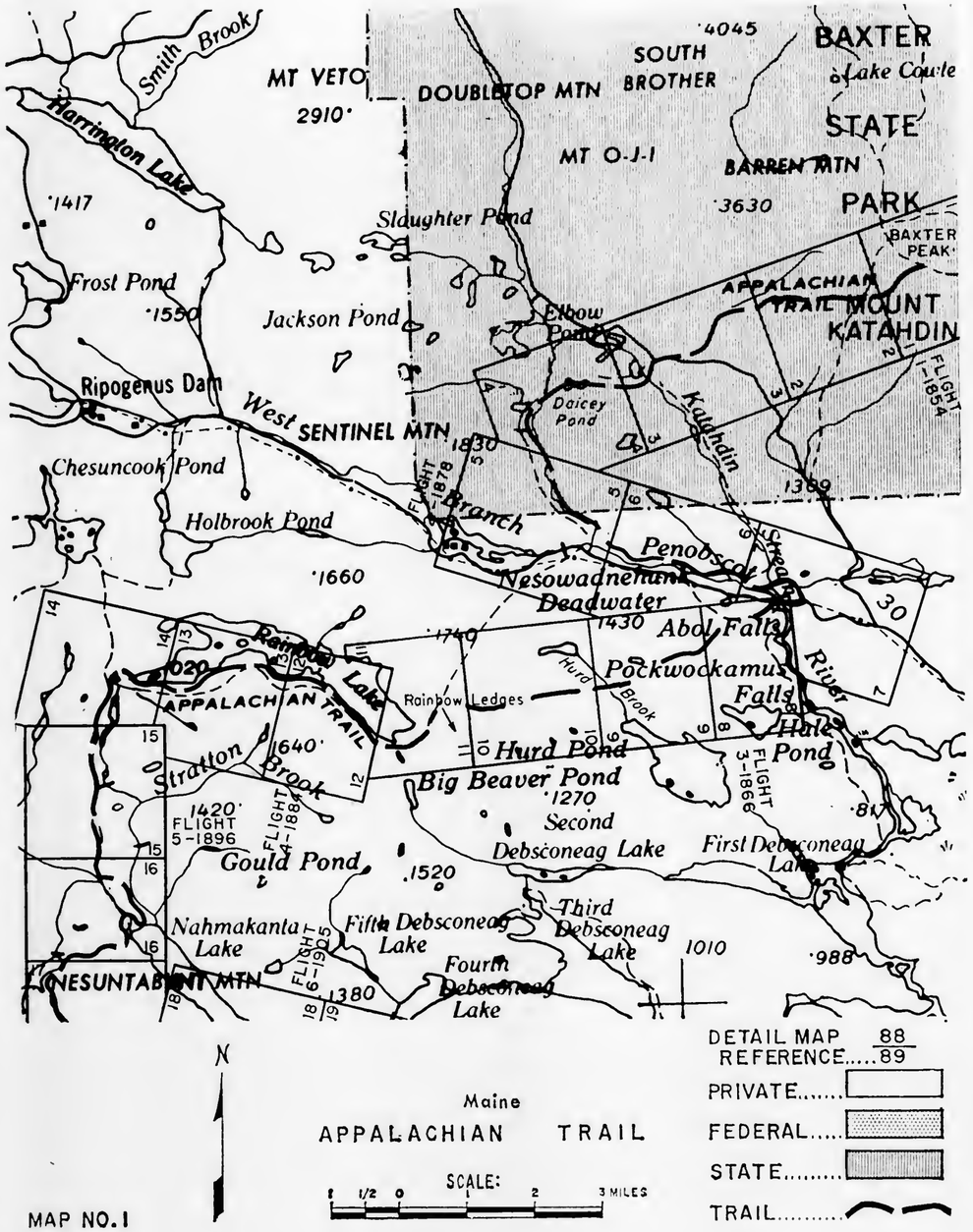
Smith Brook
Harrington Lake
MT VETO
2910
DOUBLETOP MTN
SOUTH BROTHER
4045
BAXTER STATE PARK
Lake Coulee
MT O-J-I
BARREN MTN
3630
BAXTER PEAK
APPALACHIAN TRAIL
MOUNT KATAHDIN
1417
Frost Pond
1550
Sloughter Pond
Jackson Pond
Elbow Ponds
Daicey Pond
Kaubhin
FLIGHT 1-1854
Ripogenus Dam
West SENTINEL MTN
1830
FLIGHT 1-1854
1359
Chesuncook Pond
Holbrook Pond
1660
Penobscot River
Nesowadnehunk Deadwater
1430
Abol Falls
Pockwockamus Falls
Hale Pond
Rainbow Lake
1020
APPALACHIAN TRAIL
Rainbow Ledges
1740
Hurd Brook
Hurd Pond
Big Beaver Pond
1270
Stratton Brook
1640
1420
FLIGHT 5-1896
FLIGHT 4-1889
FLIGHT 3-1866
Second Debsconeag Lake
First Debsconeag Lake
Gould Pond
1520
Nahmakanta Lake
Fifth Debsconeag Lake
Third Debsconeag Lake
1010
988
Fourth Debsconeag Lake
NESUNTABUNT MTN
FLIGHT 6-1905
1380
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FEDERAL
STATE
TRAIL
N
Maine
APPALACHIAN TRAIL
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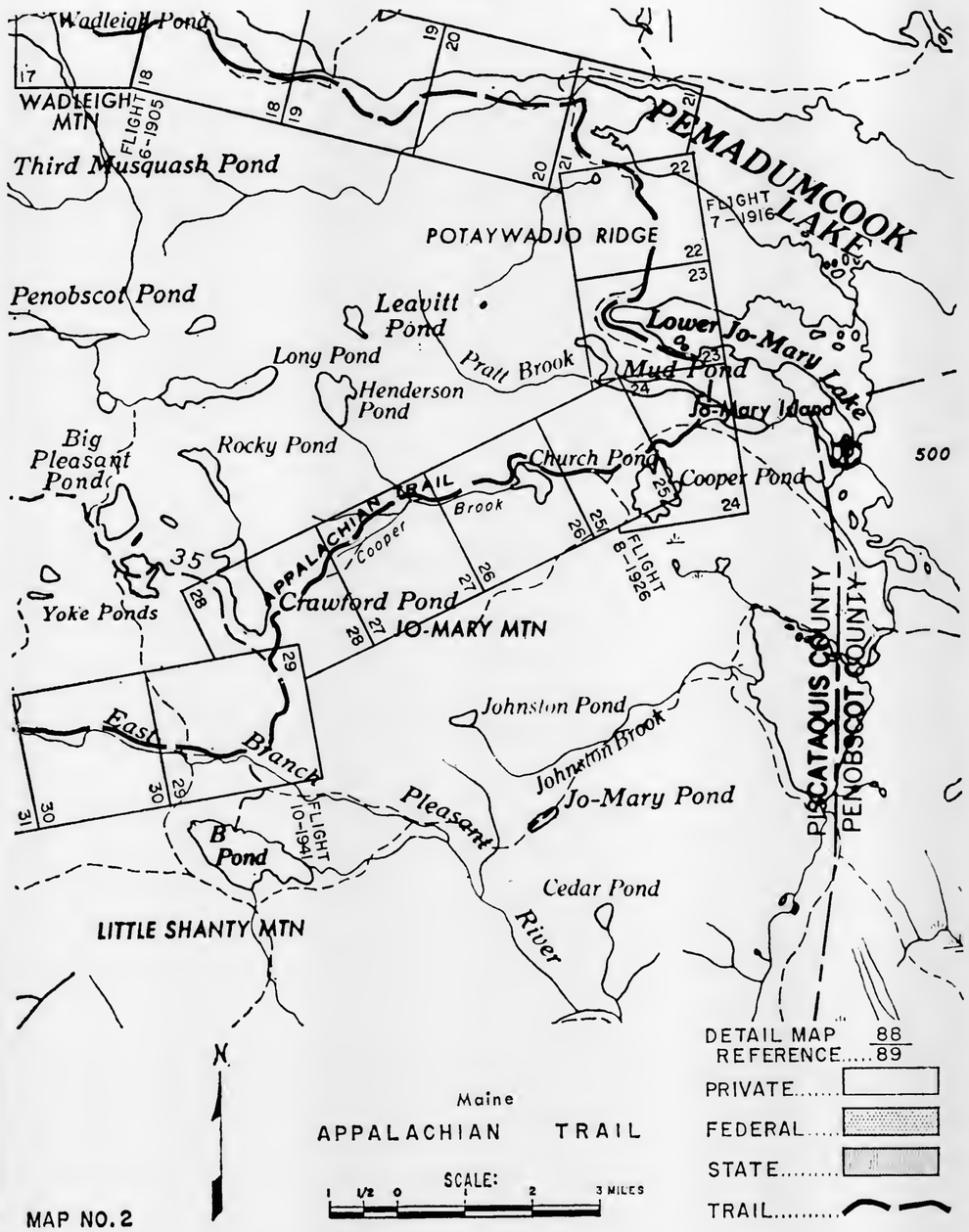
Wadleigh Pond
WADLEIGH MTN
FLIGHT 6-1905
Third Musquash Pond
PEMADUMCOOK LAKE
POTAYWADJO RIDGE
FLIGHT 7-1916
Penobscot Pond
Leavitt Pond
Lower Jo-Mary Lake
Long Pond
Pratt Brook
Mud Pond
Henderson Pond
Jo-Mary Island
Big Pleasant Pond
Rocky Pond
Church Pond
Cooper Pond
500
APPALACHIAN TRAIL
Cooper Brook
FLIGHT 8-1926
Yoke Ponds
Crawford Pond
JO-MARY MTN
Johnston Pond
East Branch
Johnston Brook
Jo-Mary Pond
FLIGHT 10-1941
Pleasant
B Pond
Cedar Pond
River
LITTLE SHANTY MTN
PISCATAQUIS COUNTY
PENOBSCOT COUNTY
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STATE
TRAIL
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Maine
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES
MAP NO. 2

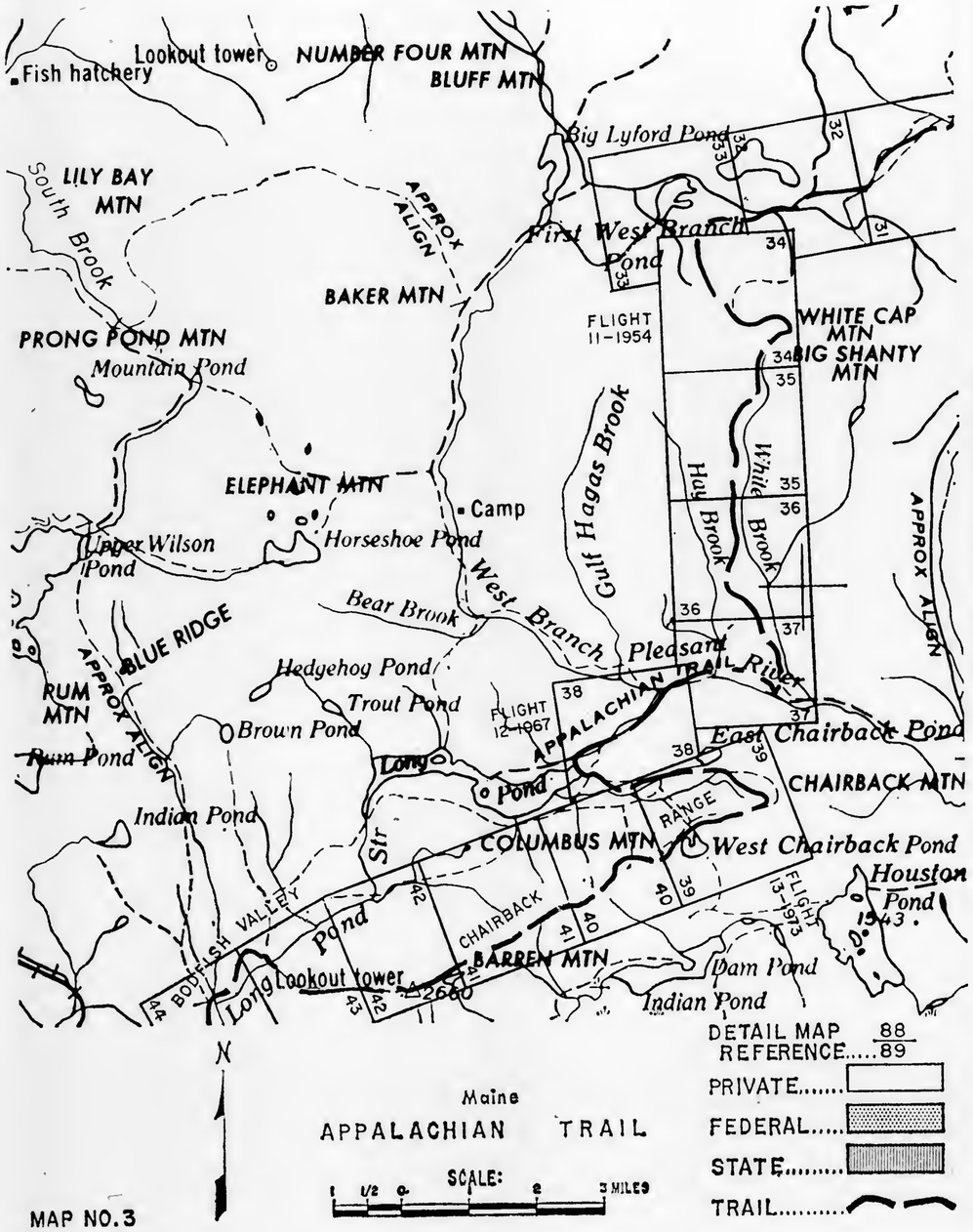

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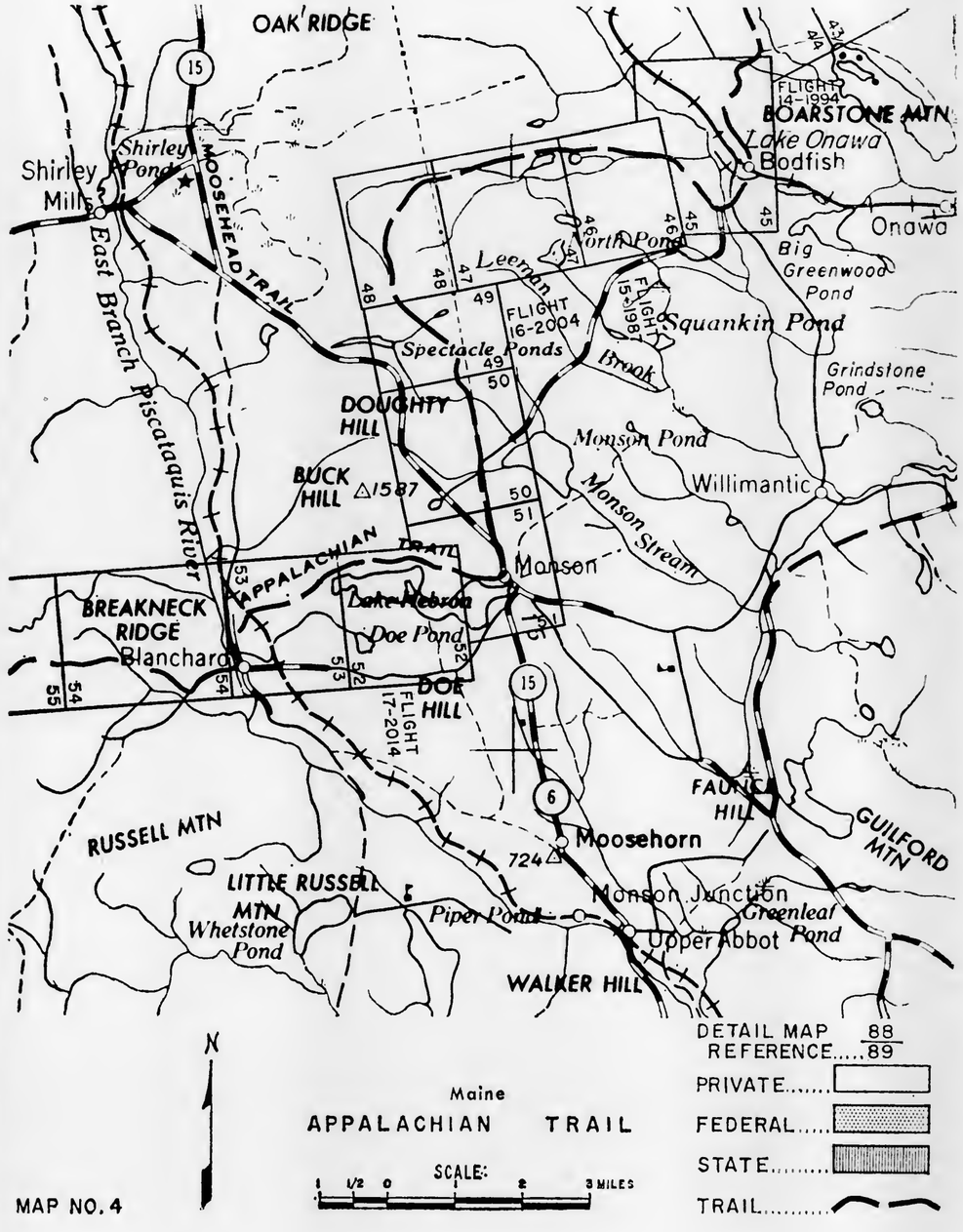

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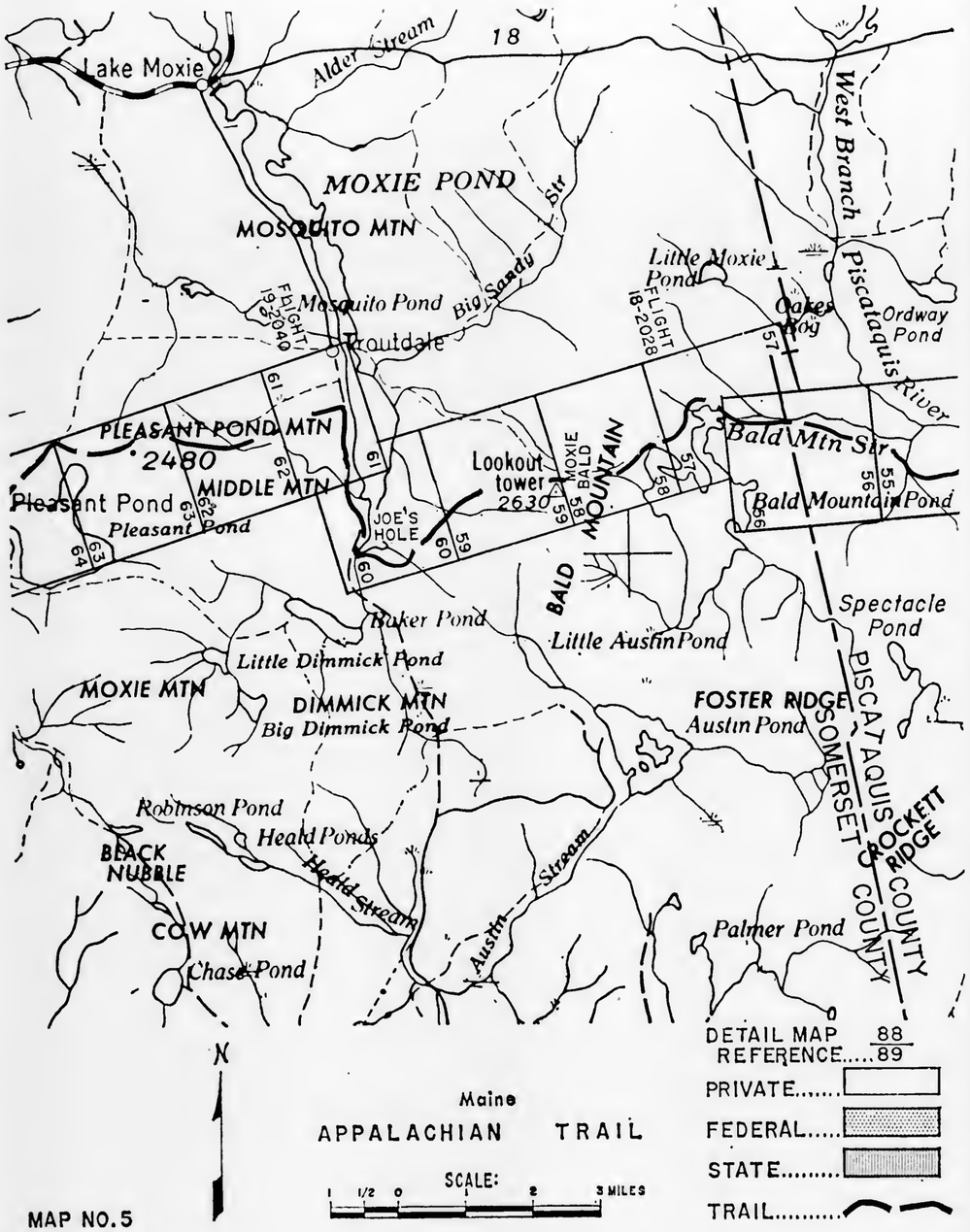

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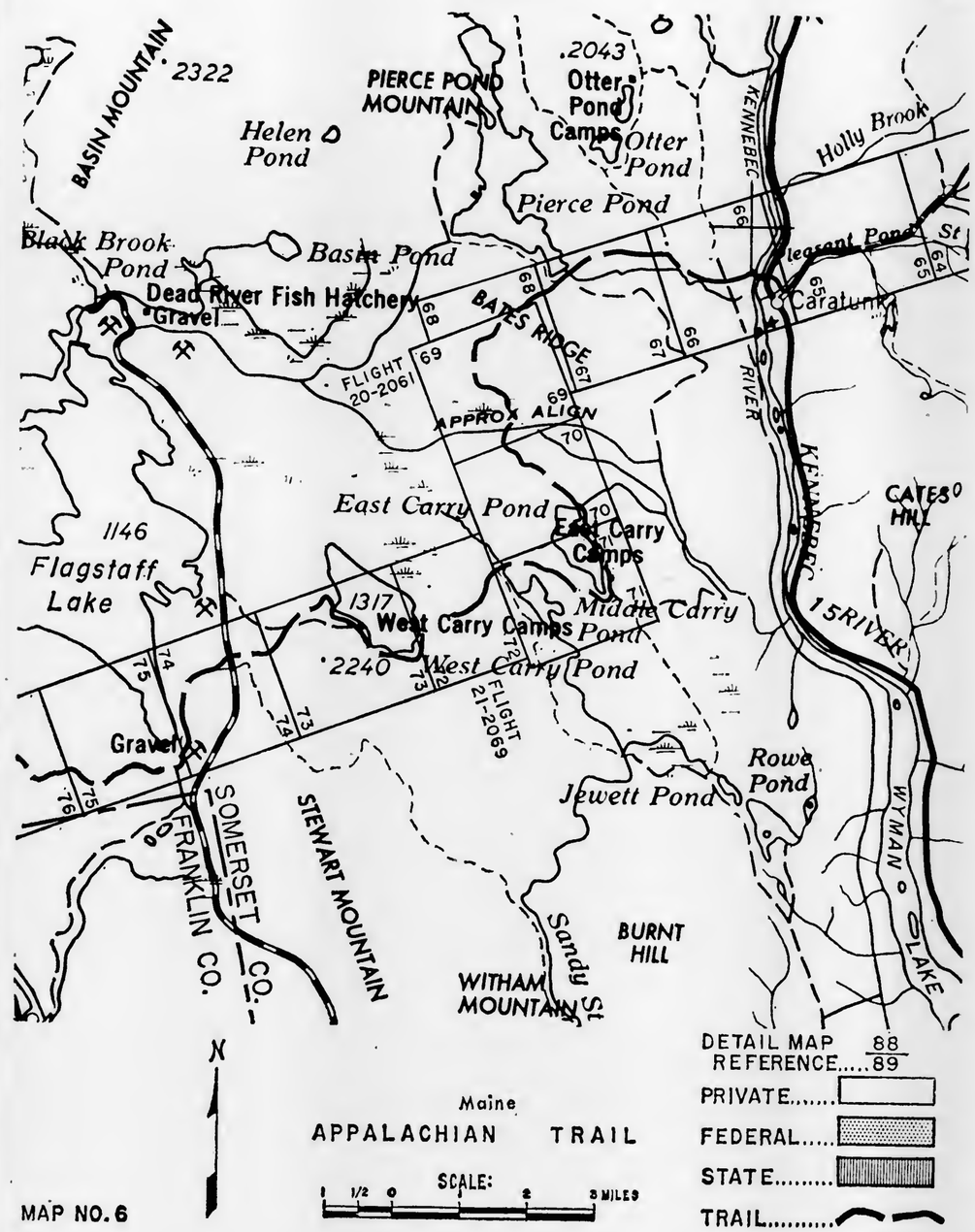

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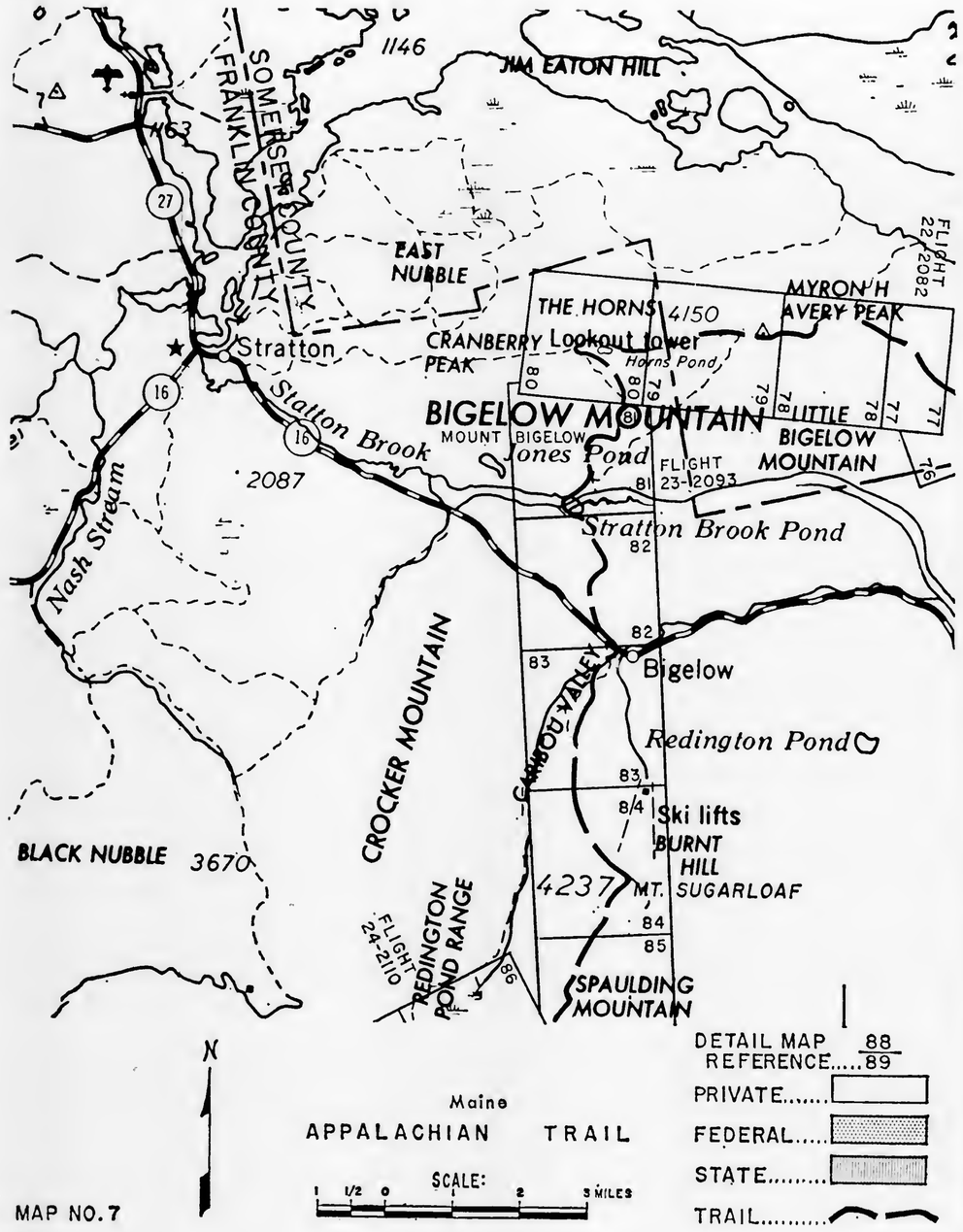

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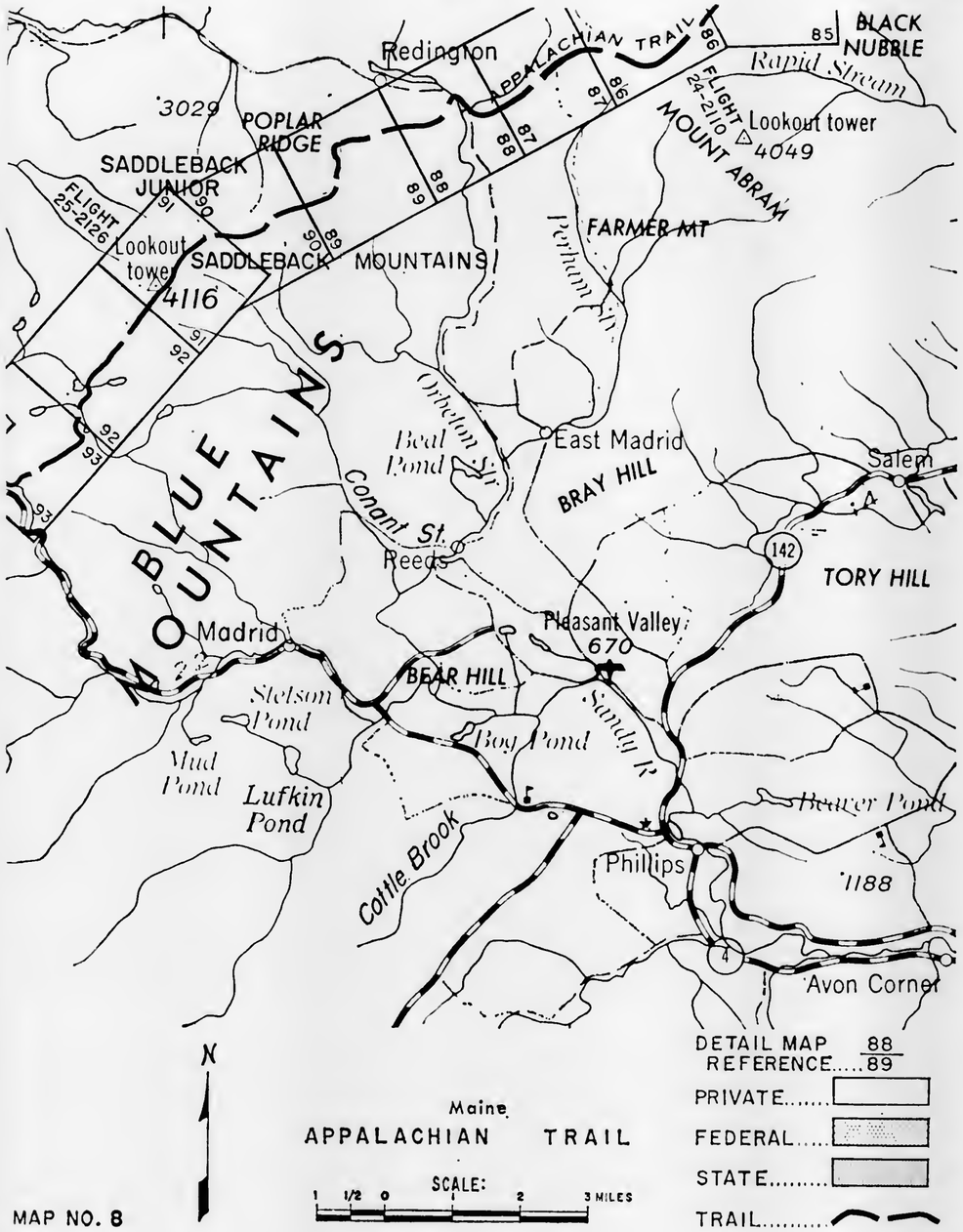

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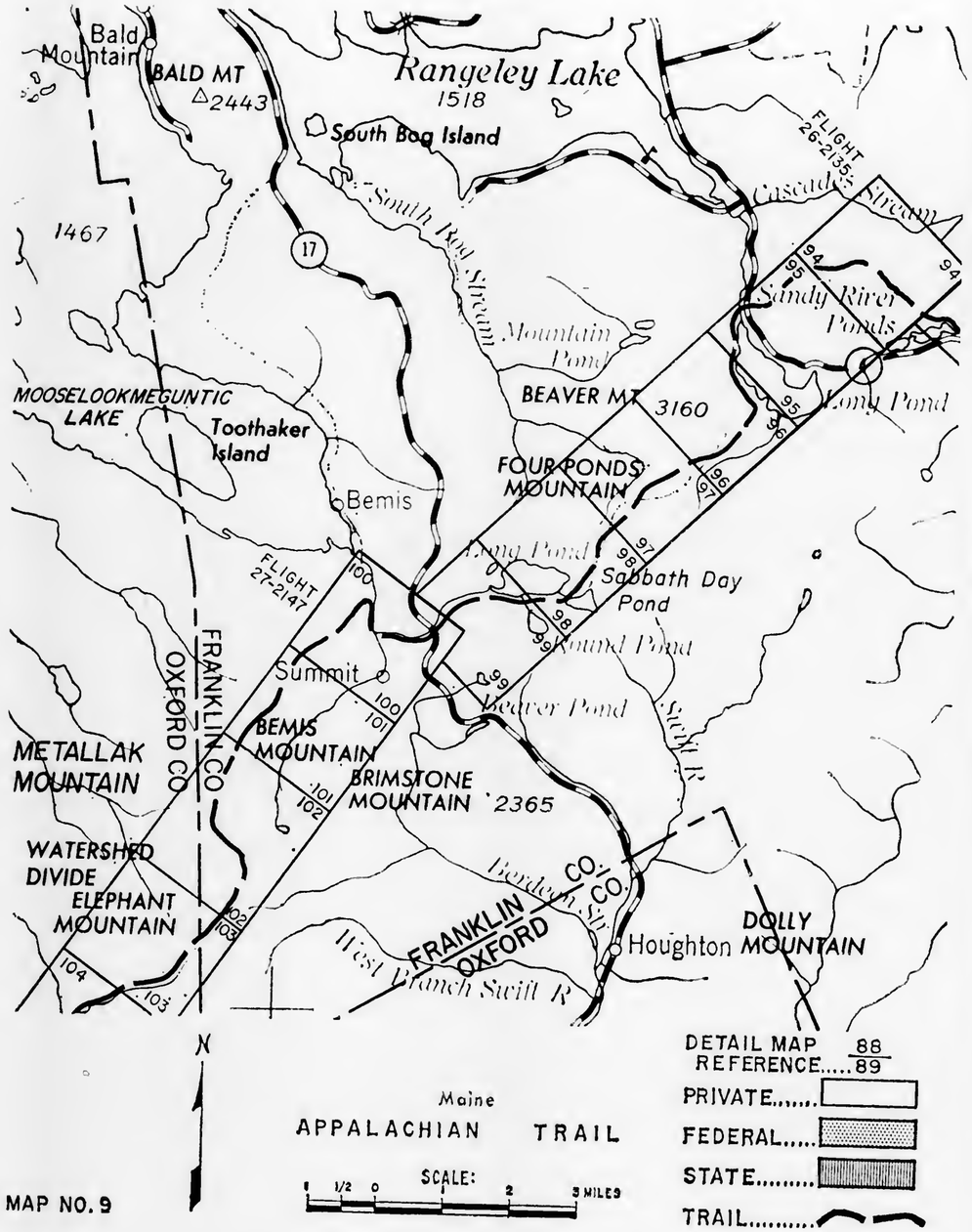

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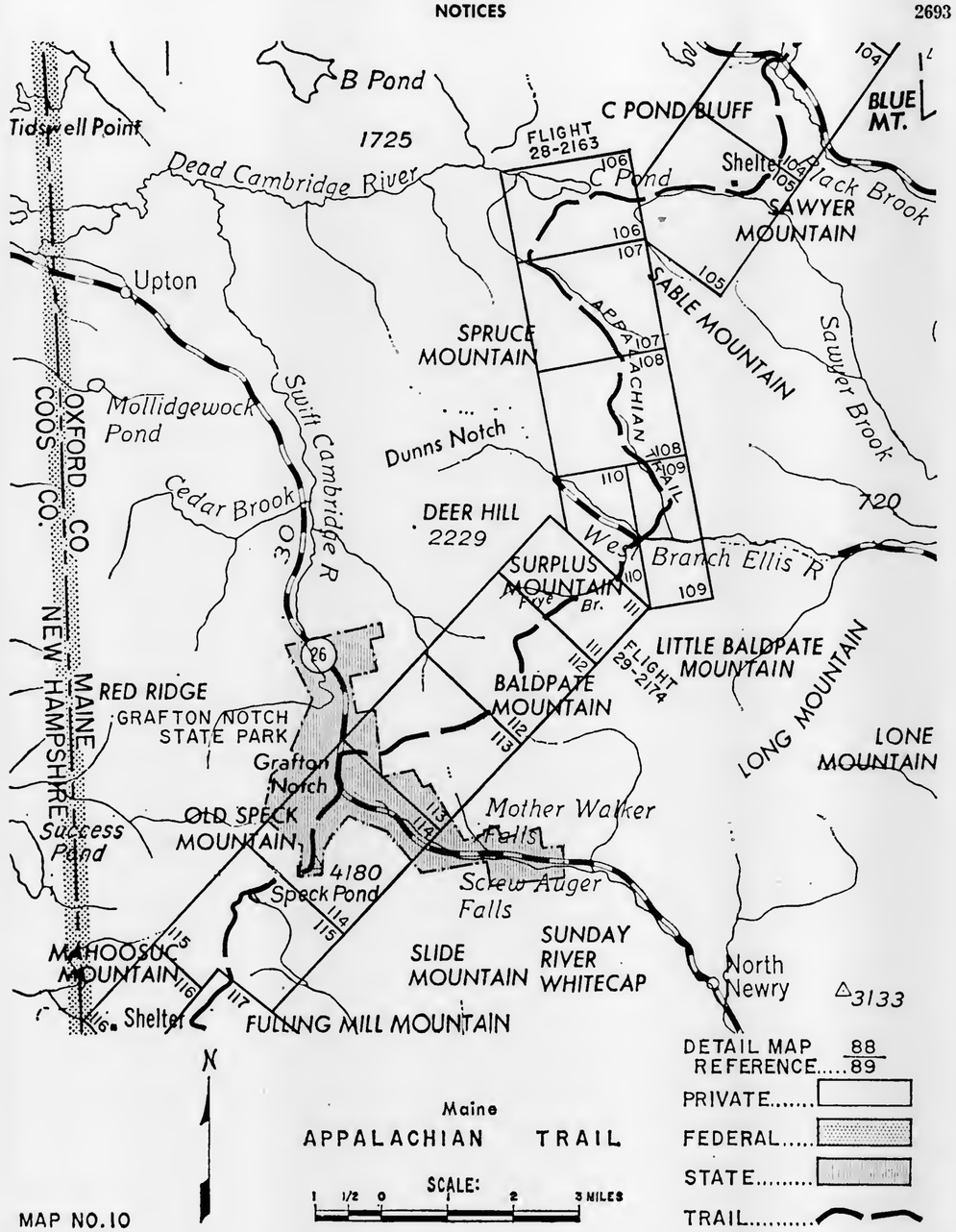

MAP NO. 10

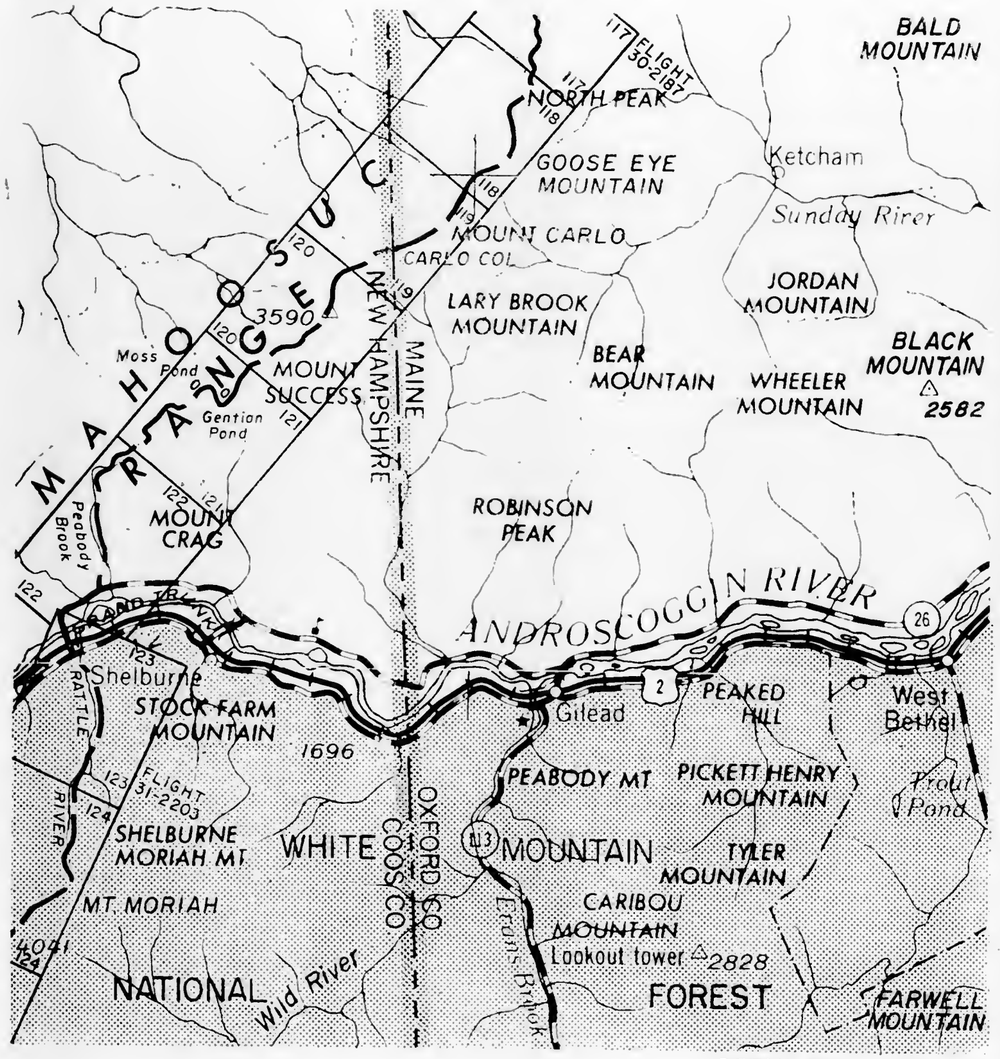

N

Maine - New Hampshire
APPALACHIAN TRAIL
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FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 11

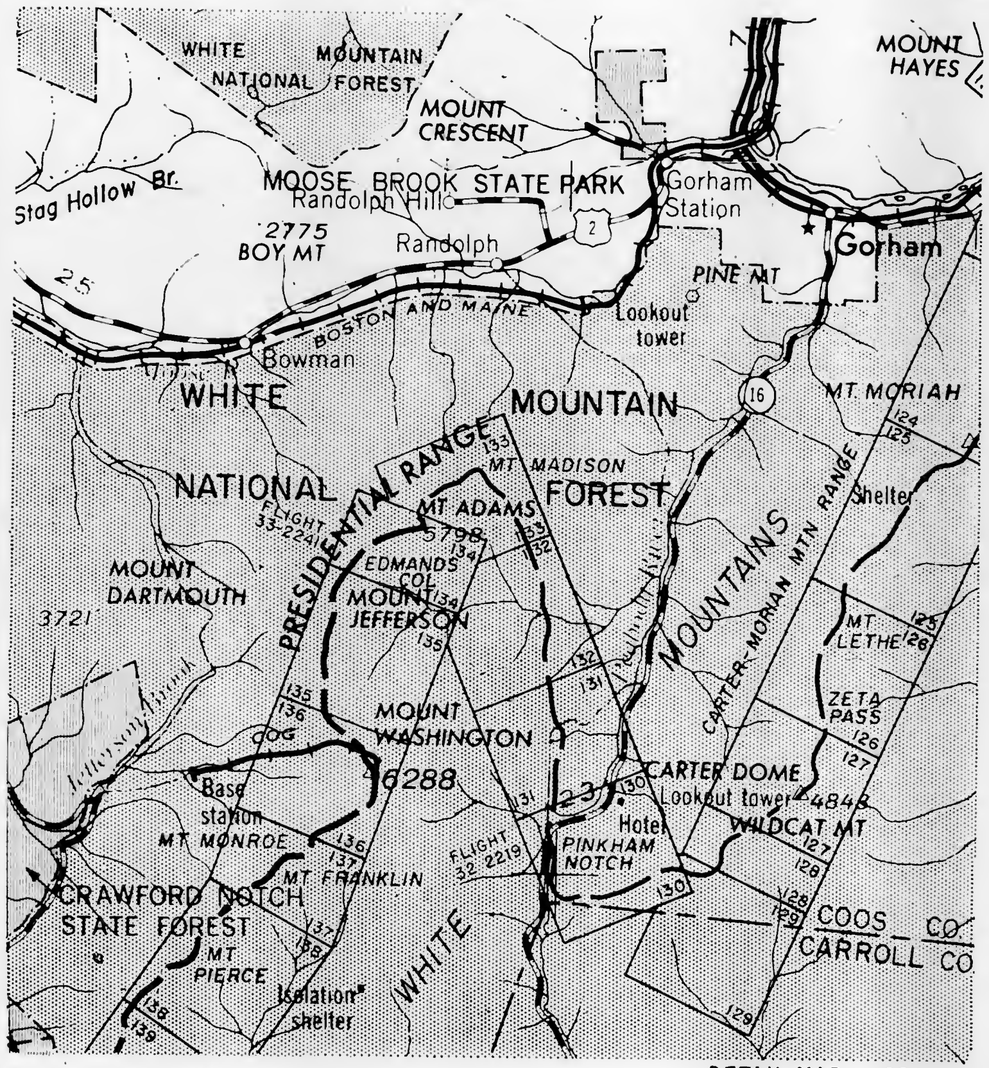

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New Hampshire
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MAP NO. 12

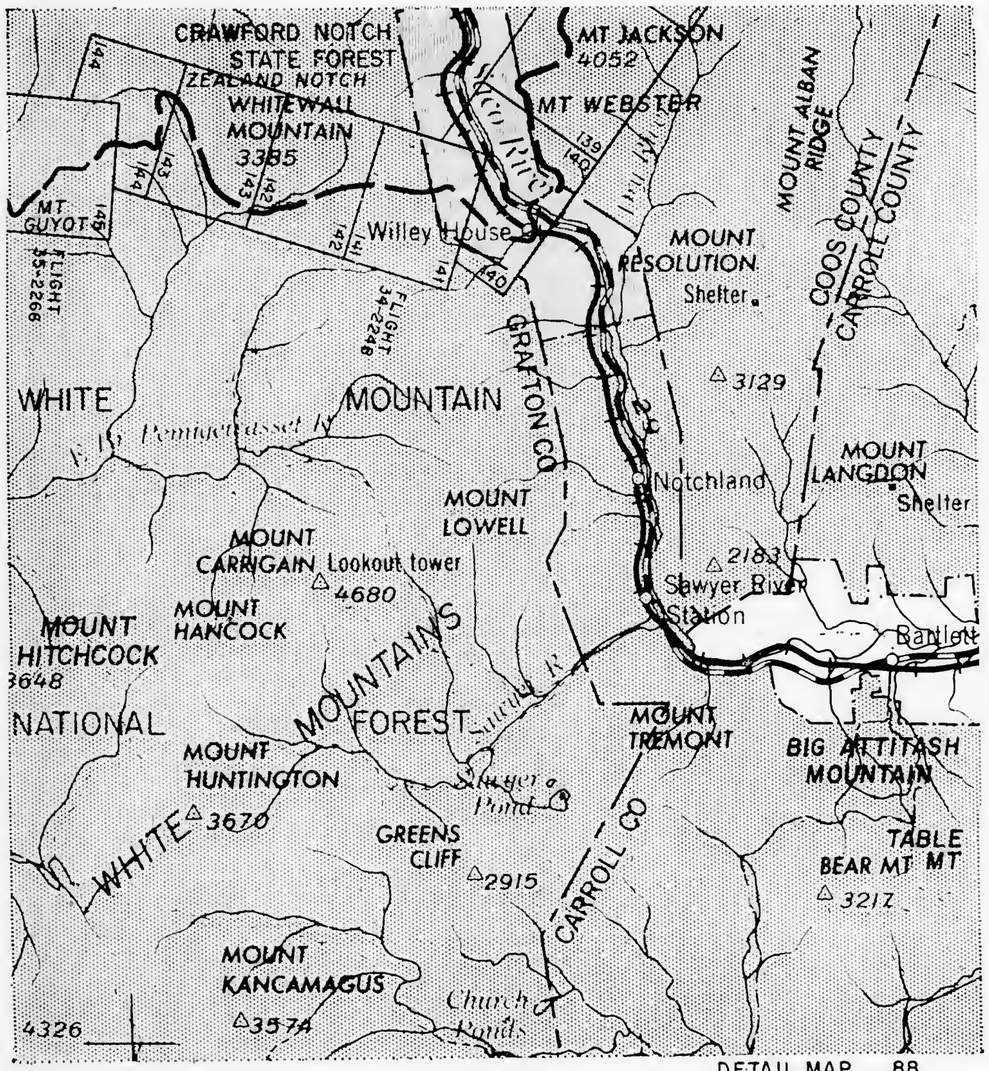

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New Hampshire
APPALACHIAN TRAIL

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FEDERAL.....
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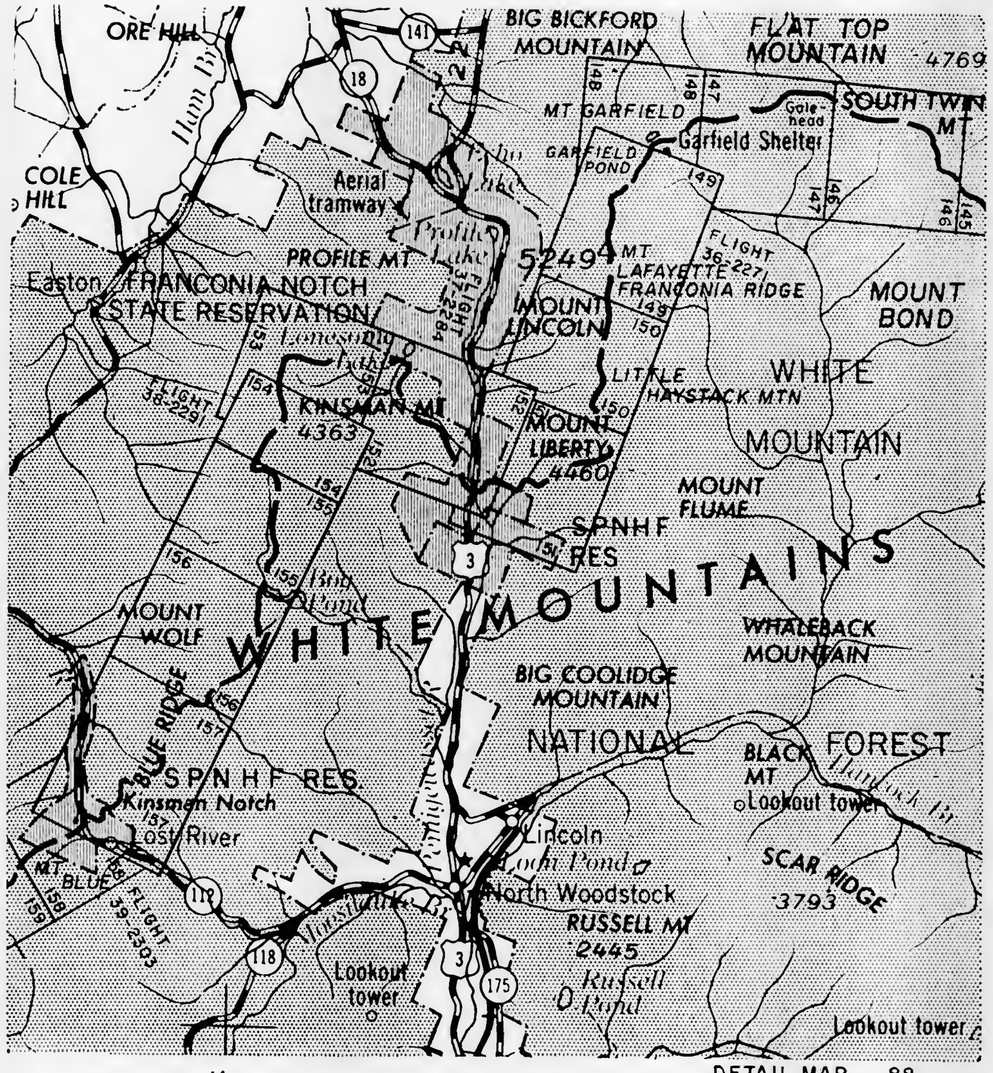

N

New Hampshire
APPALACHIAN TRAIL

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MAP NO. 14

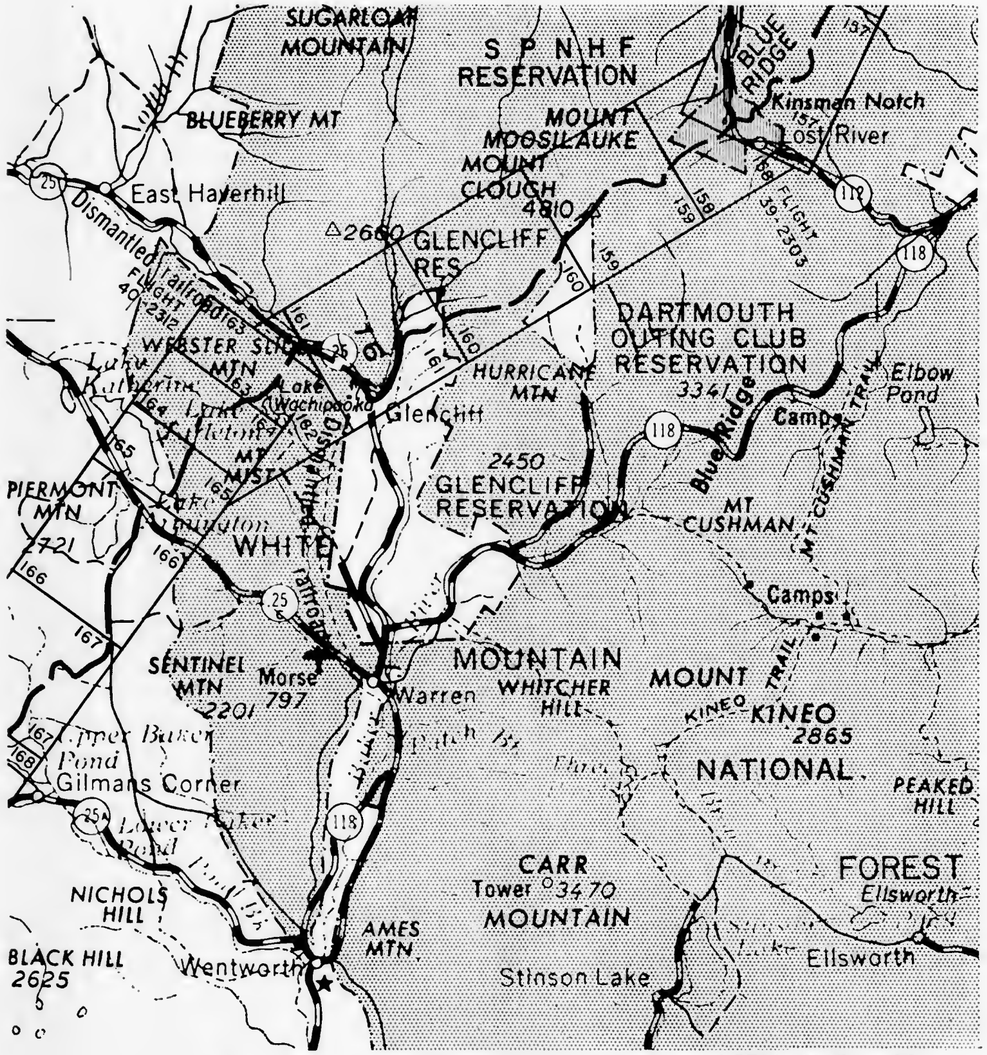

N

New Hampshire

APPALACHIAN TRAIL

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DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....

FEDERAL.....

STATE.....

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MAP NO. 15

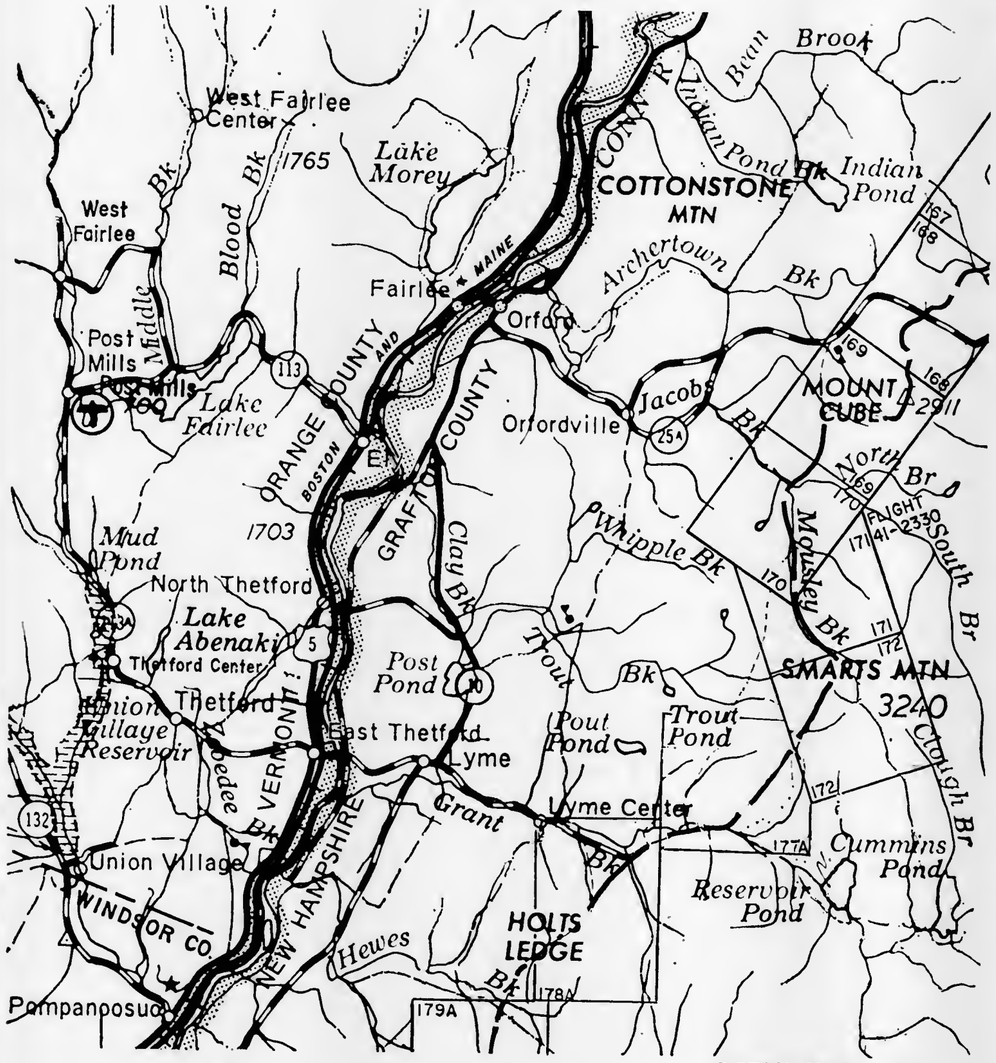

N

New Hampshire - Vermont

APPALACHIAN TRAIL

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DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

MAP NO. 16

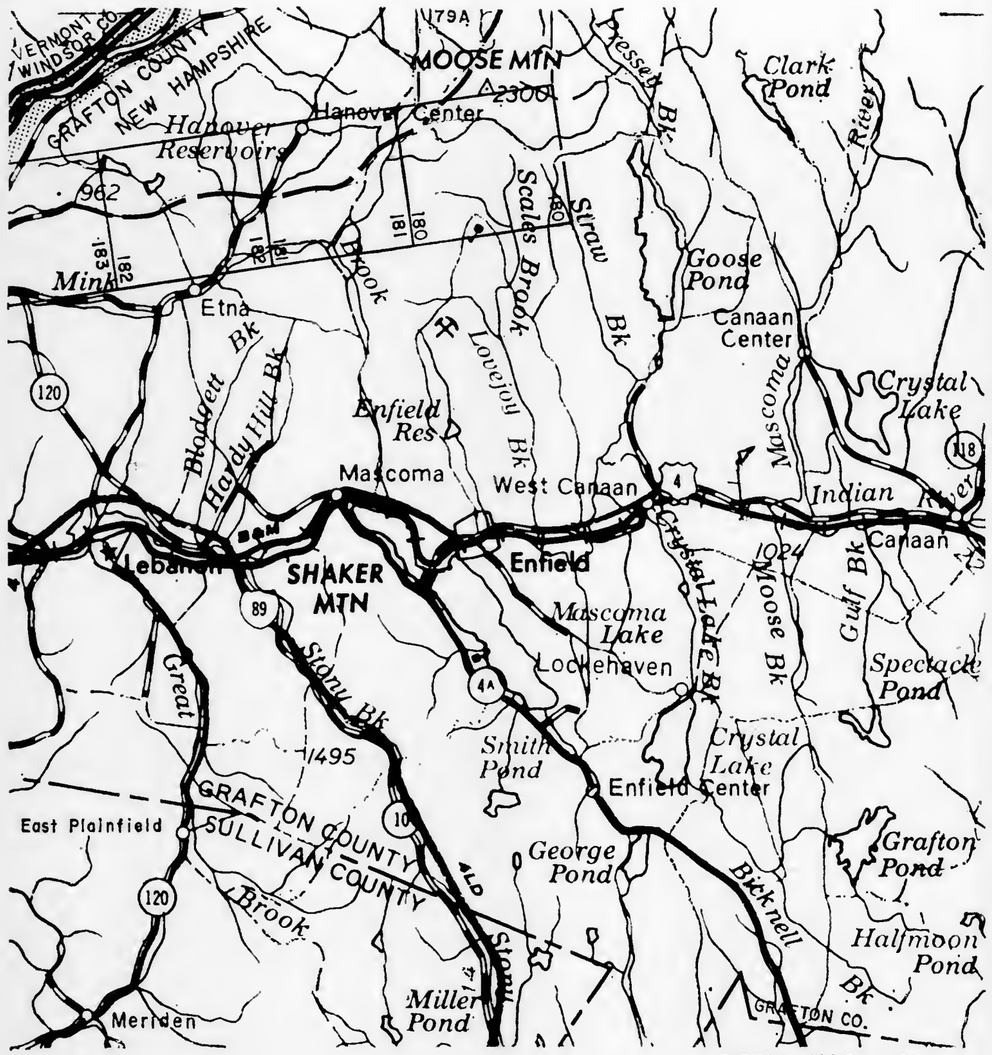
VERMONT
WINDSOR CO.
GRAFTON COUNTY
NEW HAMPSHIRE
MOOSE MTN
△2300
Hanover Center
Hanover Reservoirs
962
Dresser Bk
Clark Pond
River
Scales Brook
Straw Bk
Goose Pond
Mink
Etna
Blodgett Bk
Hardy Hill Bk
Brook
Enfield Res
Lovejoy Bk
Canaan Center
Mascoma
Crystal Lake
Indian River
West Canaan
Canaan
Lebanon
SHAKER MTN
Enfield
Mascoma Lake
Lockehaven
Great
Stony Bk
1495
Smith Pond
Enfield Center
Crystal Lake Bk
Moose Bk
Gulf Bk
Spectacle Pond
East Plainfield
GRAFTON COUNTY
SULLIVAN COUNTY
George Pond
Grafton Pond
Halfmoon Pond
Bicknell Bk
Meriden
Miller Pond
GRAFTON CO.
DETAIL MAP REFERENCE 88/89
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STATE
TRAIL
Vermont
APPALACHIAN TRAIL
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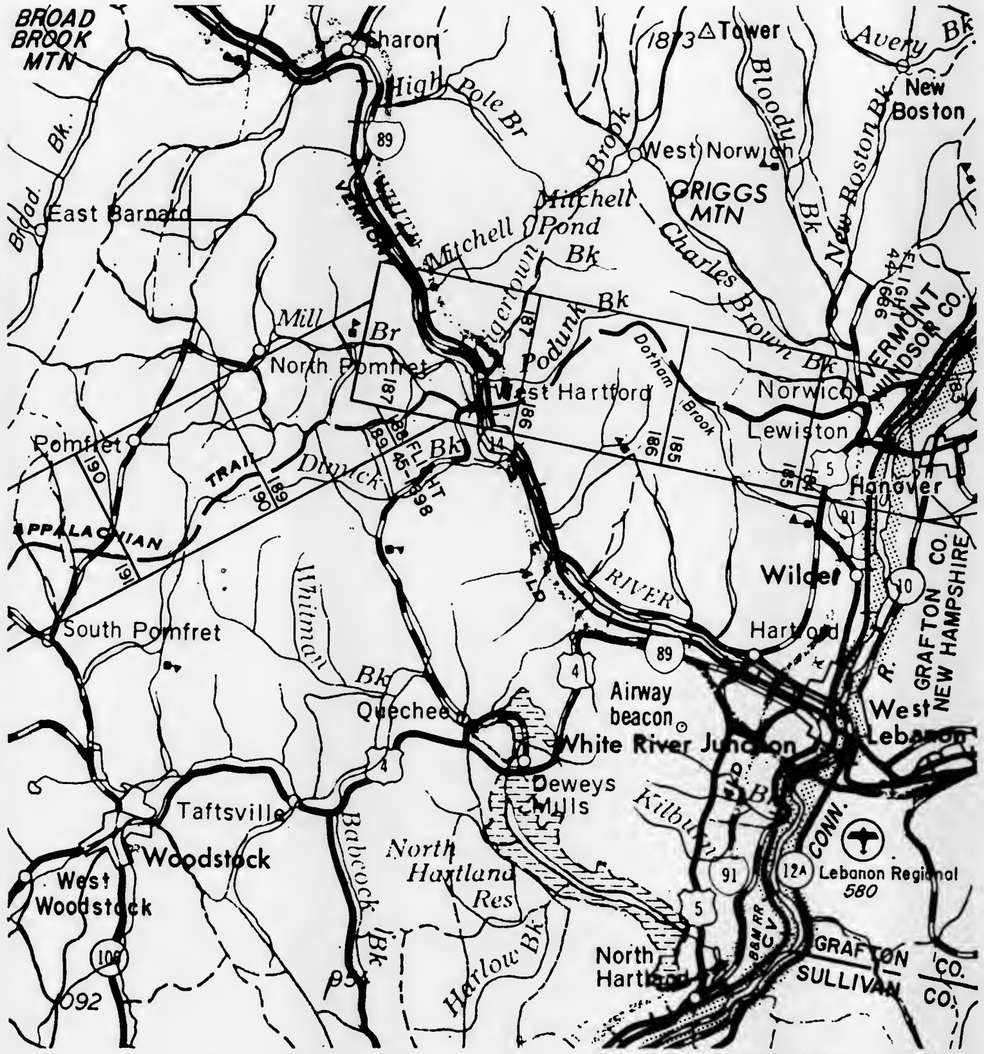
BROAD BROOK MTN
Sharon
1873 △Tower
Avery Bk
New Boston
High Pole Br
West Norwich
Bloodys Brook
New Boston Bk
Bigad Bk.
East Barnard
Mitchell Pond
GRIGGS MTN
Charles Brown Bk
Tigertown Bk
Podunk Bk
Mill Br
North Pomfret
West Hartford
Dothan Brook
Norwich
Lewiston
Hanover
Pomfret
Dorrick Bk
TRAIL
APPALACHIAN
RIVER
Wilder
South Pomfret
Hartford
Quechee
Airway beacon
White River Junction
West Lebanon
Deweys Mills
Taftsville
Woodstock
West Woodstock
Babcock Bk
North Hartland Res
Harlow Bk
North Hartland
Lebanon Regional
580
CONN.
GRAFTON
SULLIVAN
CO.
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Vermont
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES
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MAP NO. 18

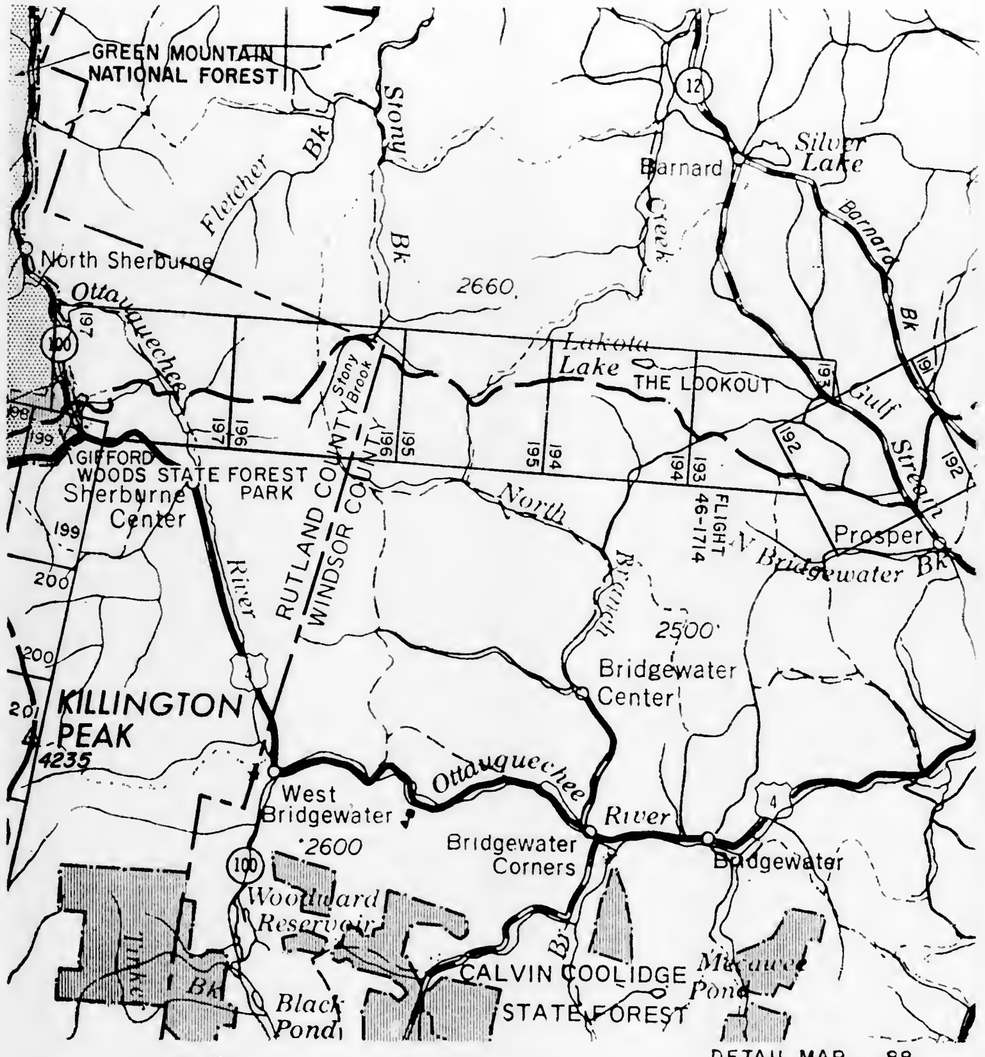

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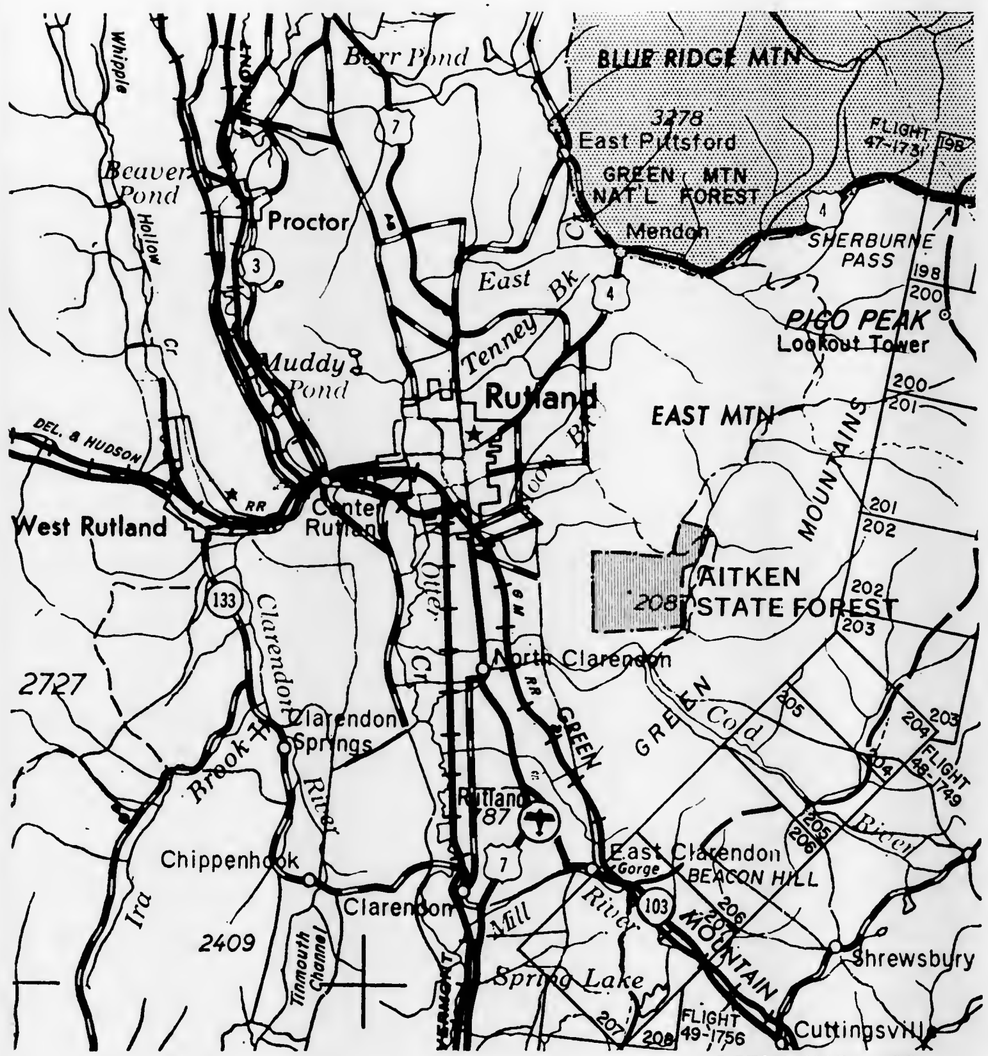

MAP NO.20

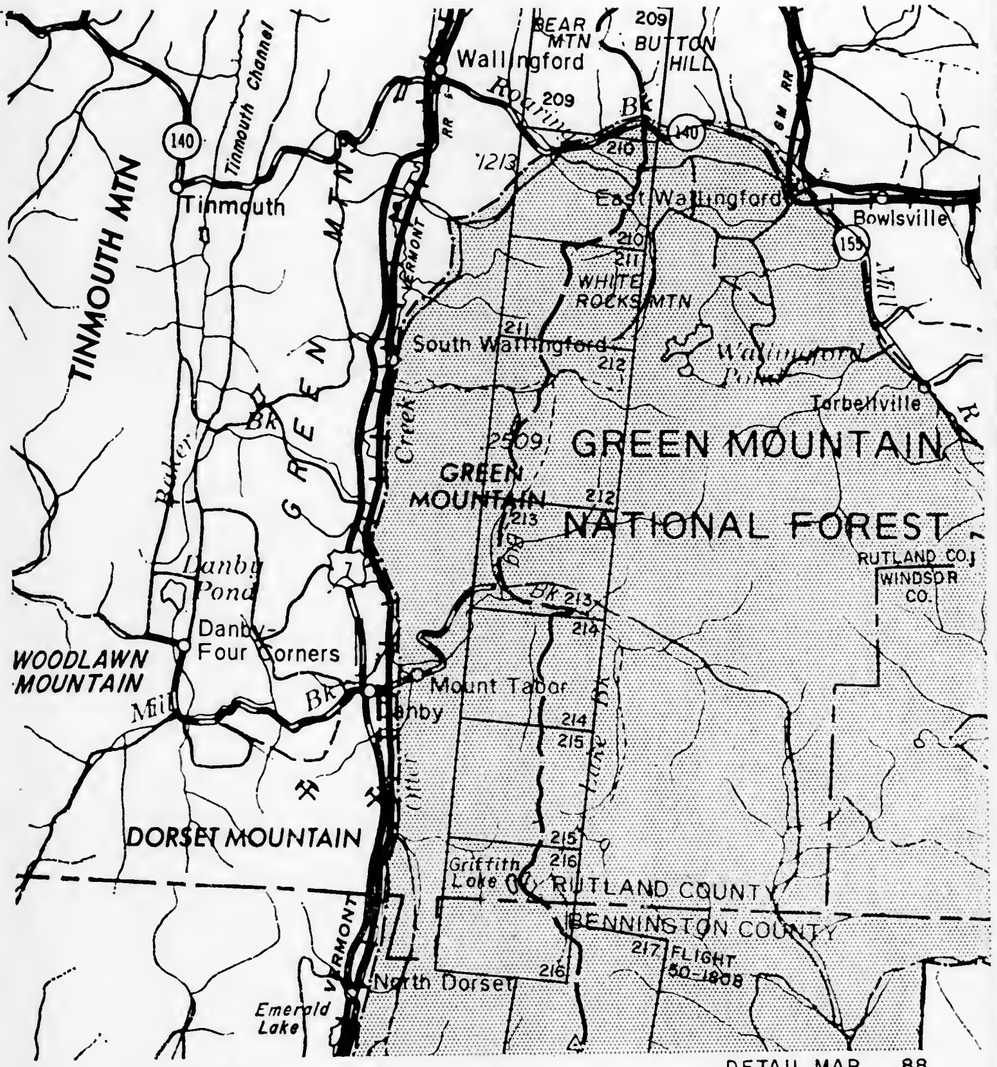

Vermont
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE 88 / 89
PRIVATE
FEDERAL
STATE
TRAIL

MAP NO. 21

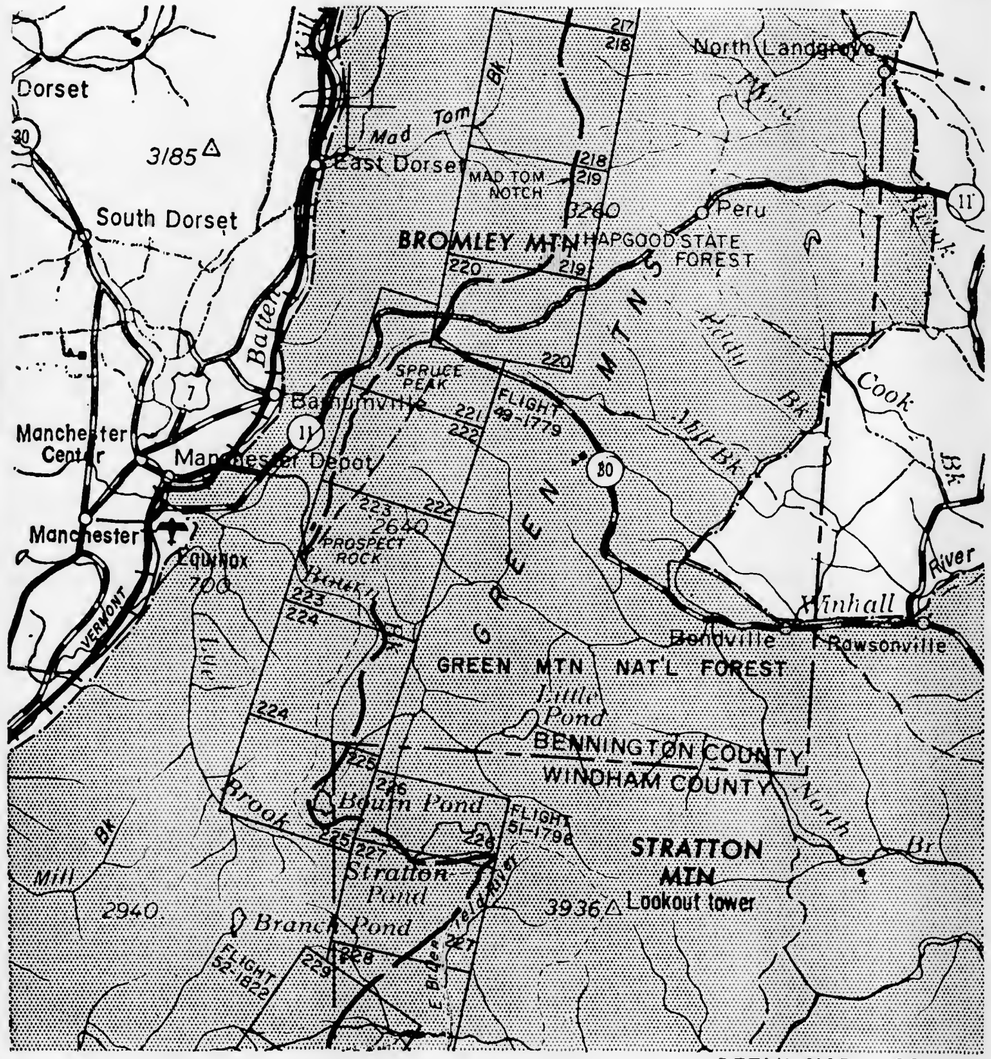

Vermont
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE 88 / 89
PRIVATE
FEDERAL
STATE
TRAIL

MAP NO. 22

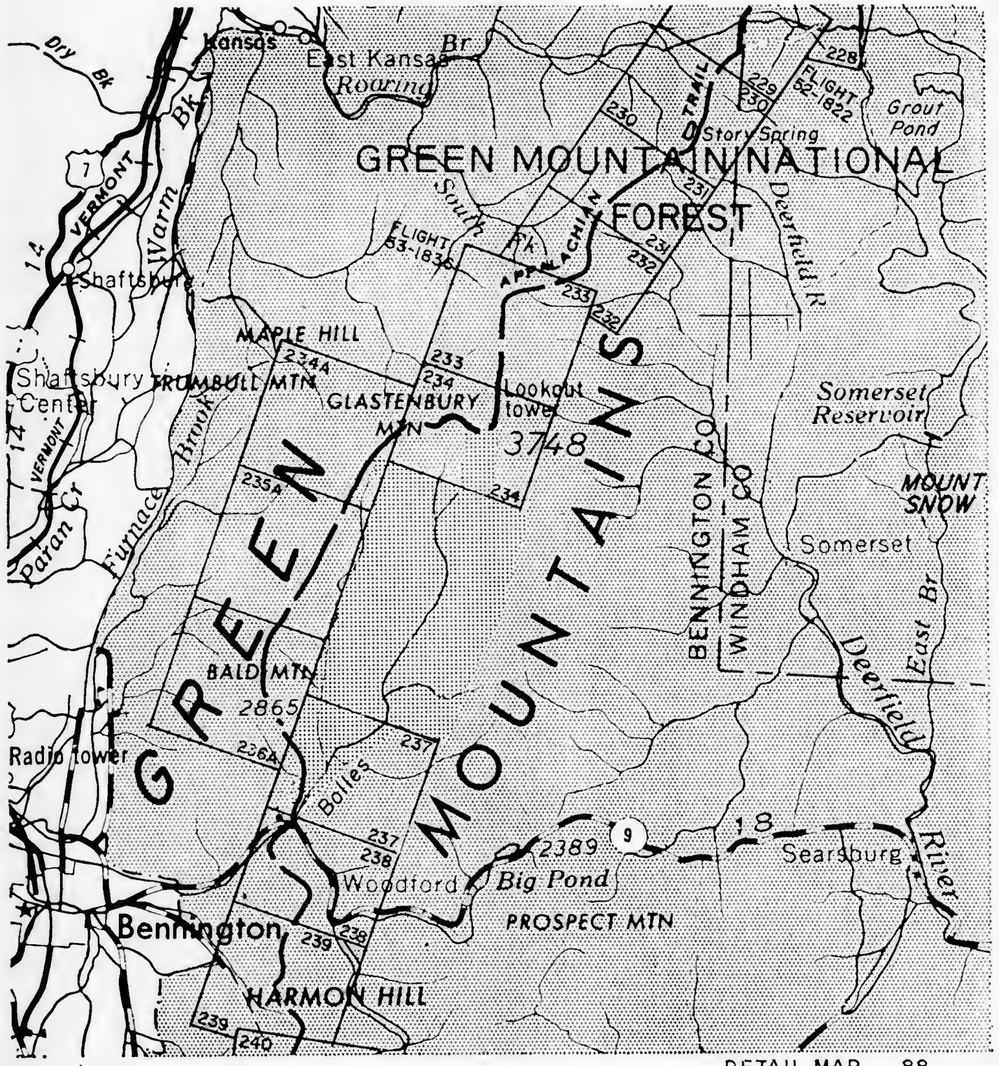

N

Vermont
APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

MAP NO. 23

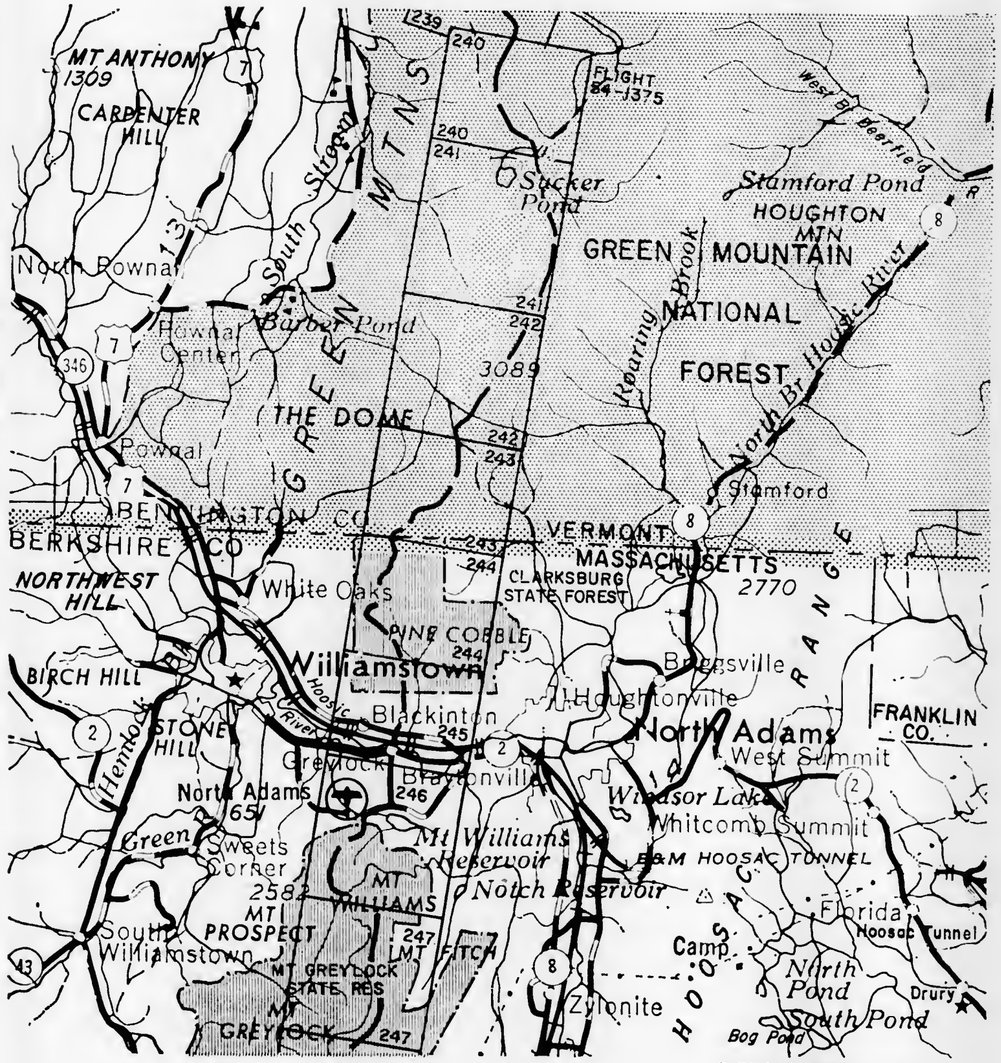

N

Vermont - Massachusetts
APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

MAP NO. 24

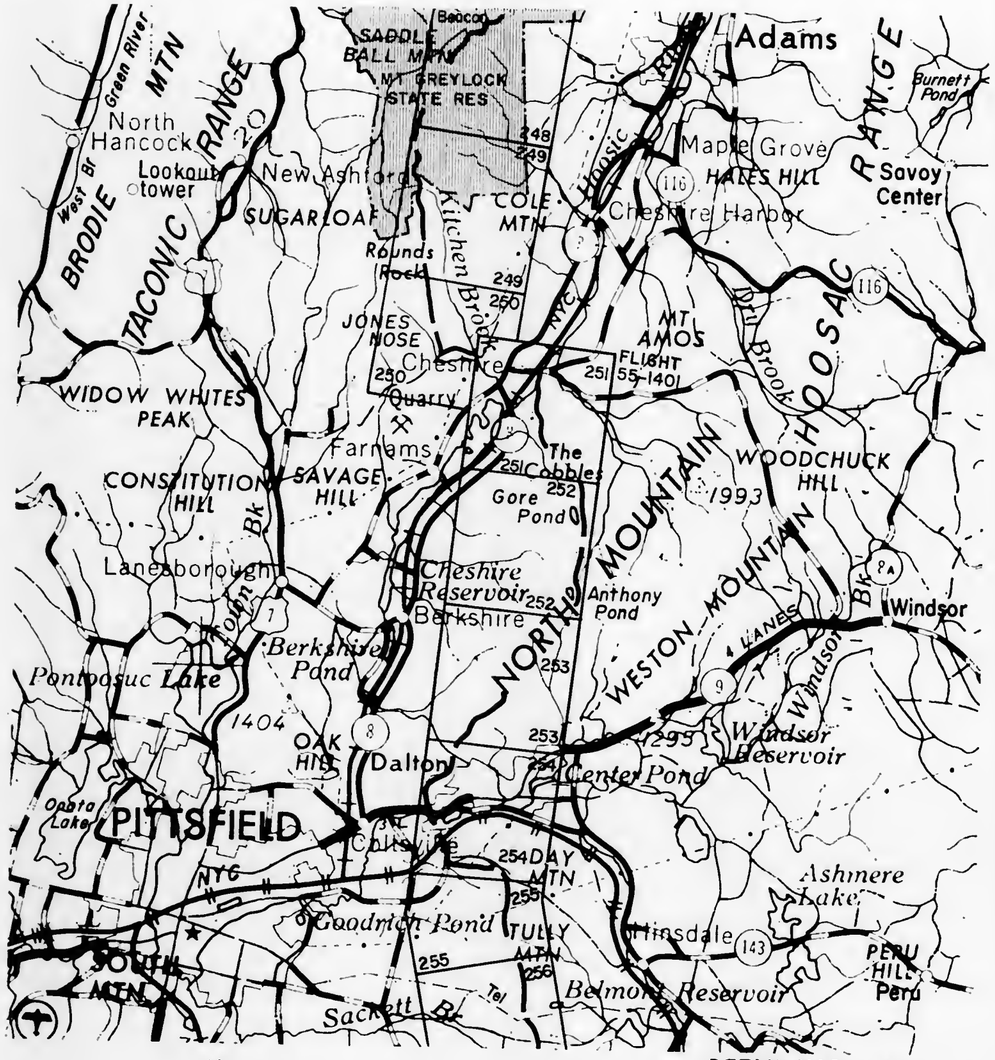

DETAIL MAP REFERENCE..... 88/89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

Massachusetts

APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

MAP NO. 25

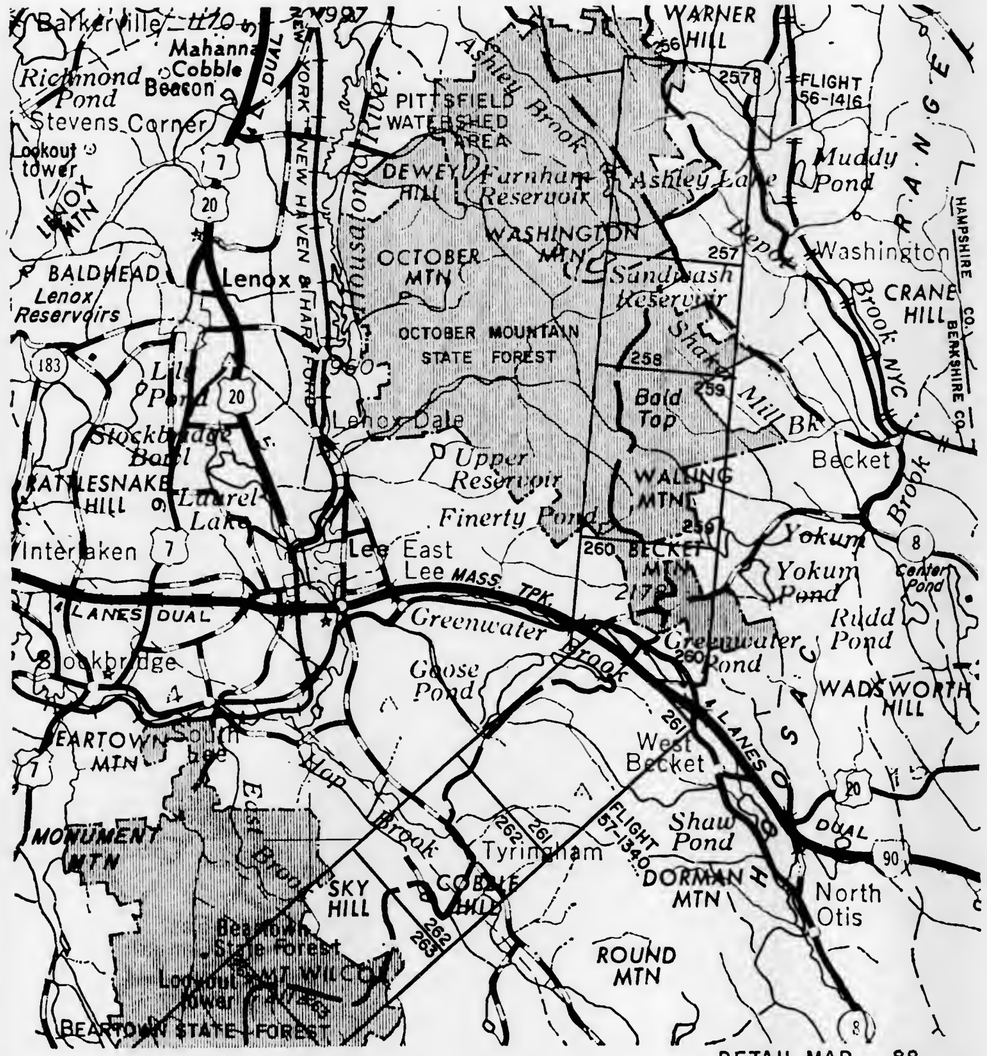

DETAIL MAP REFERENCE..... 88/89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

Massachusetts

APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

MAP NO. 26

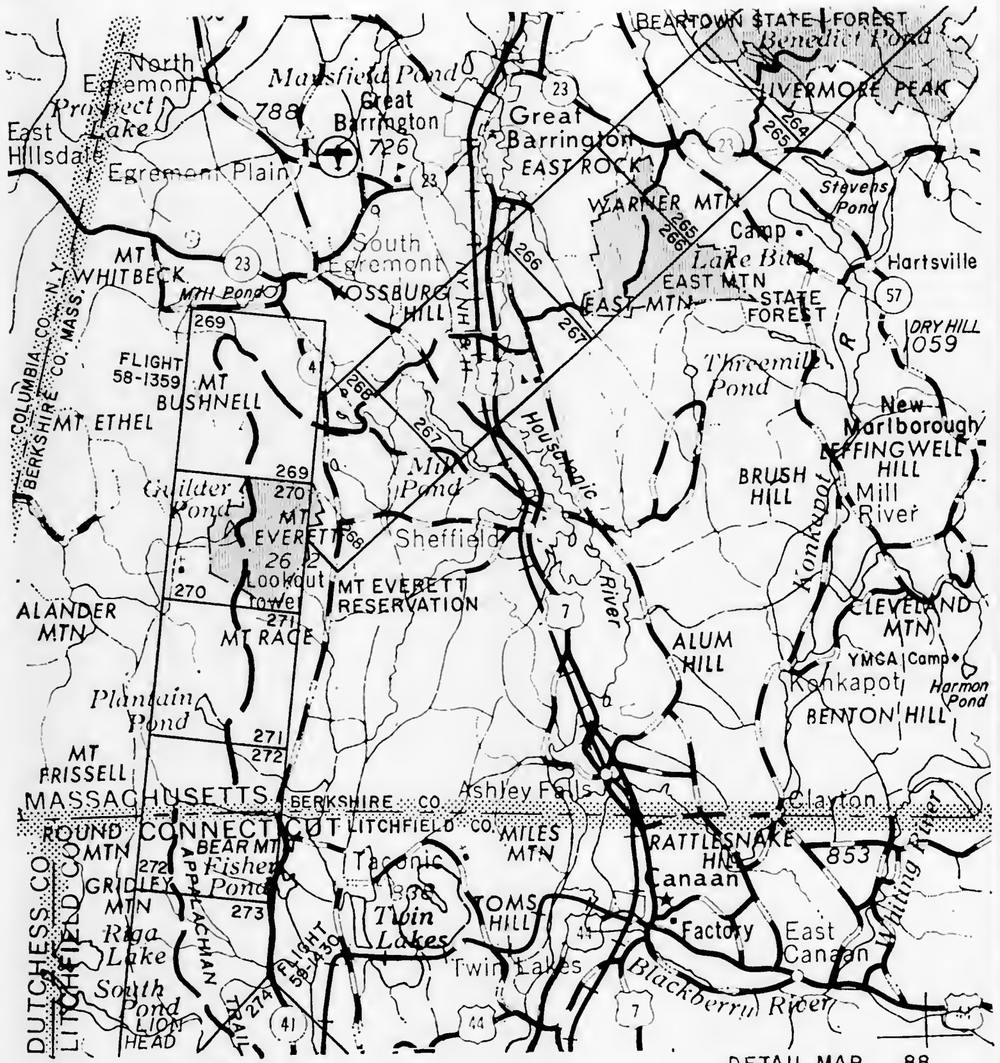

MAP NO. 27

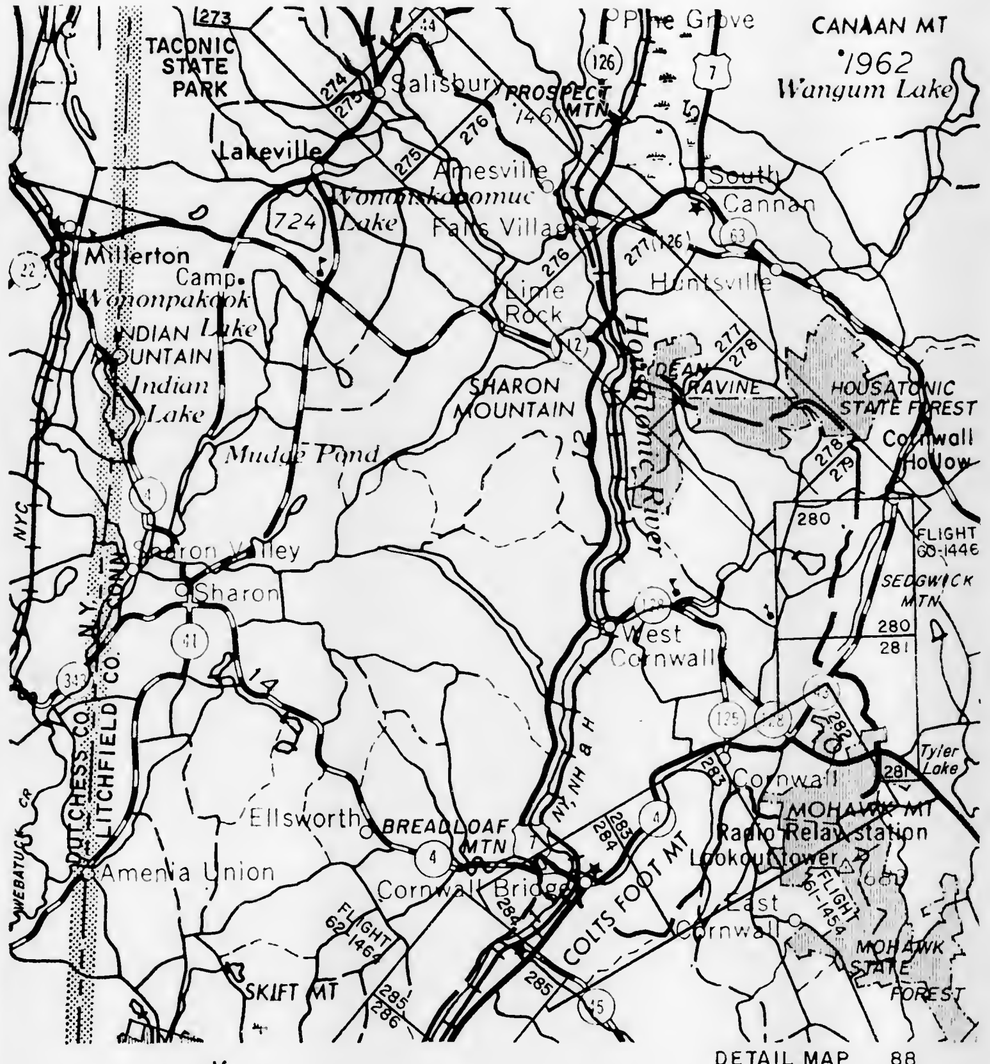

MAP NO. 28

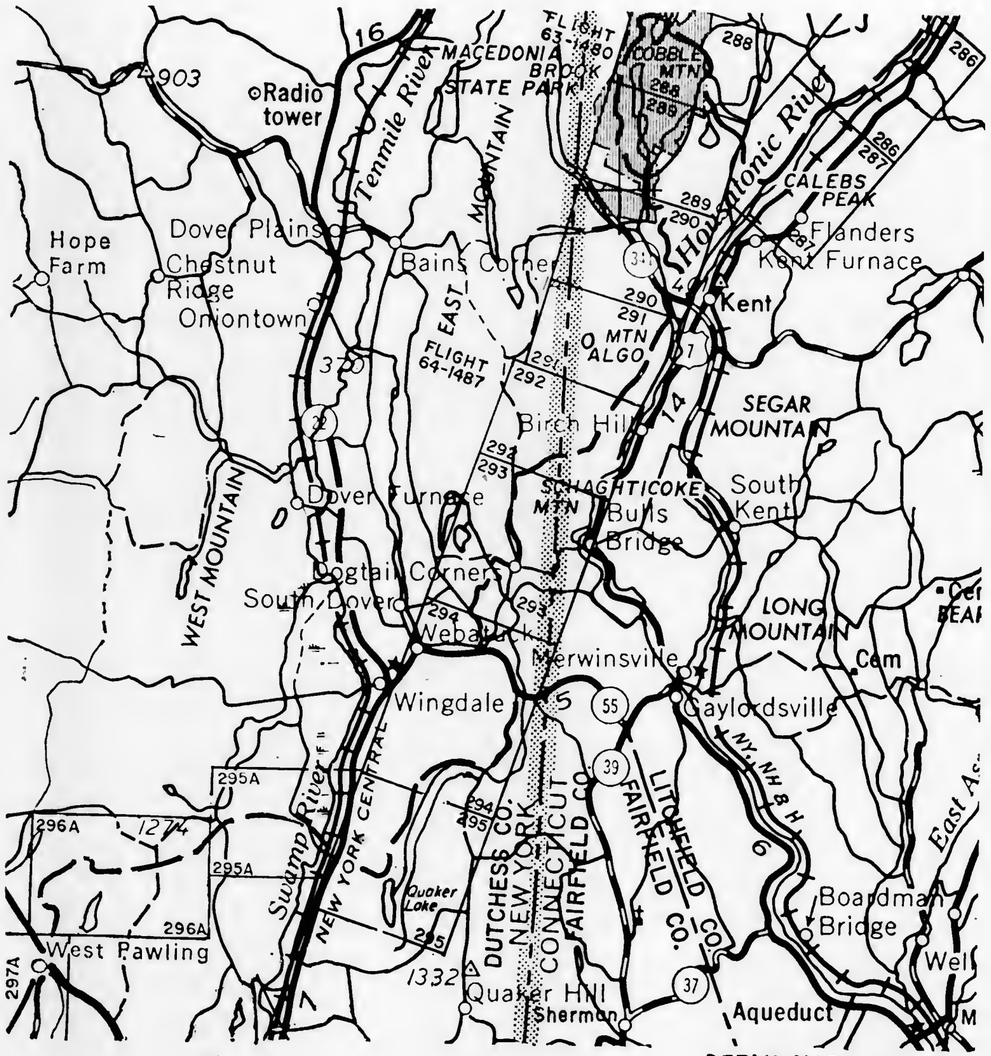

MAP NO.29

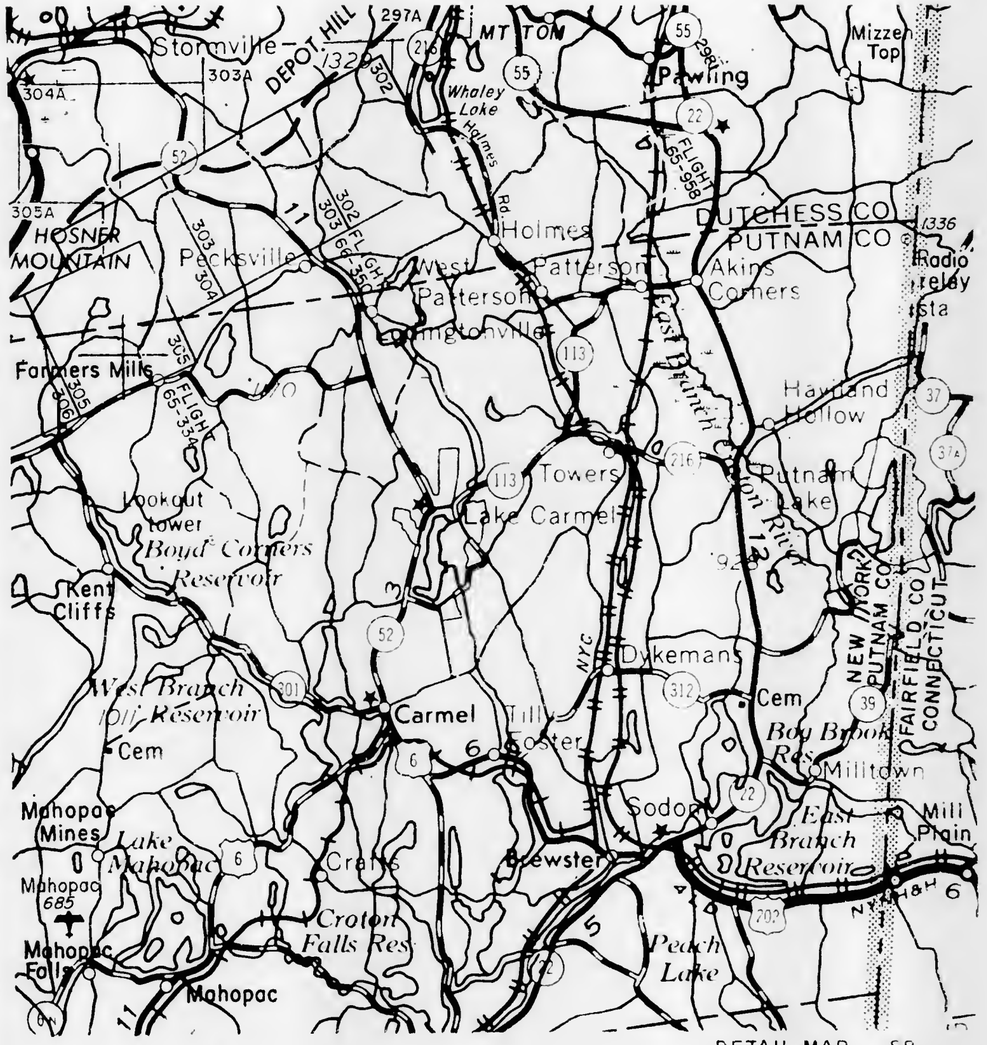

MAP NO.30

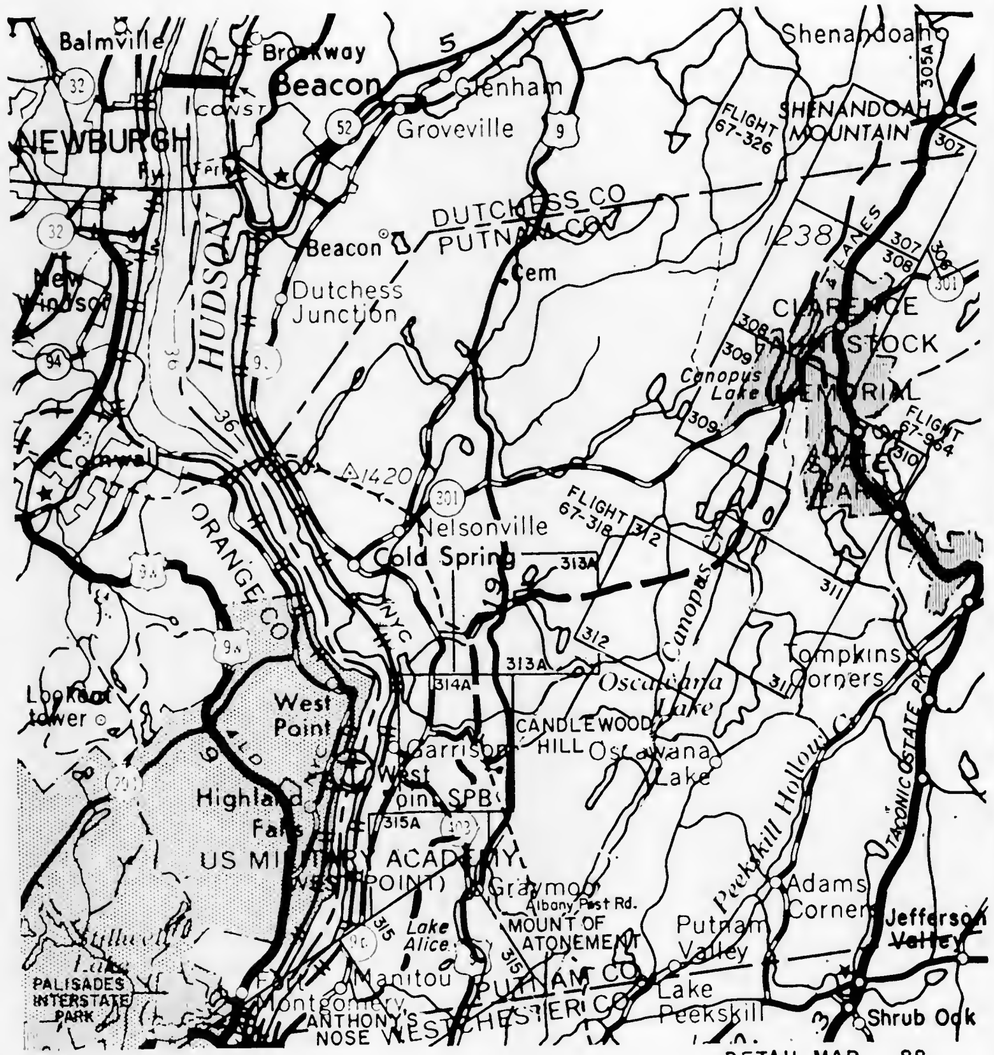

MAP NO. 31

MAP NO. 32

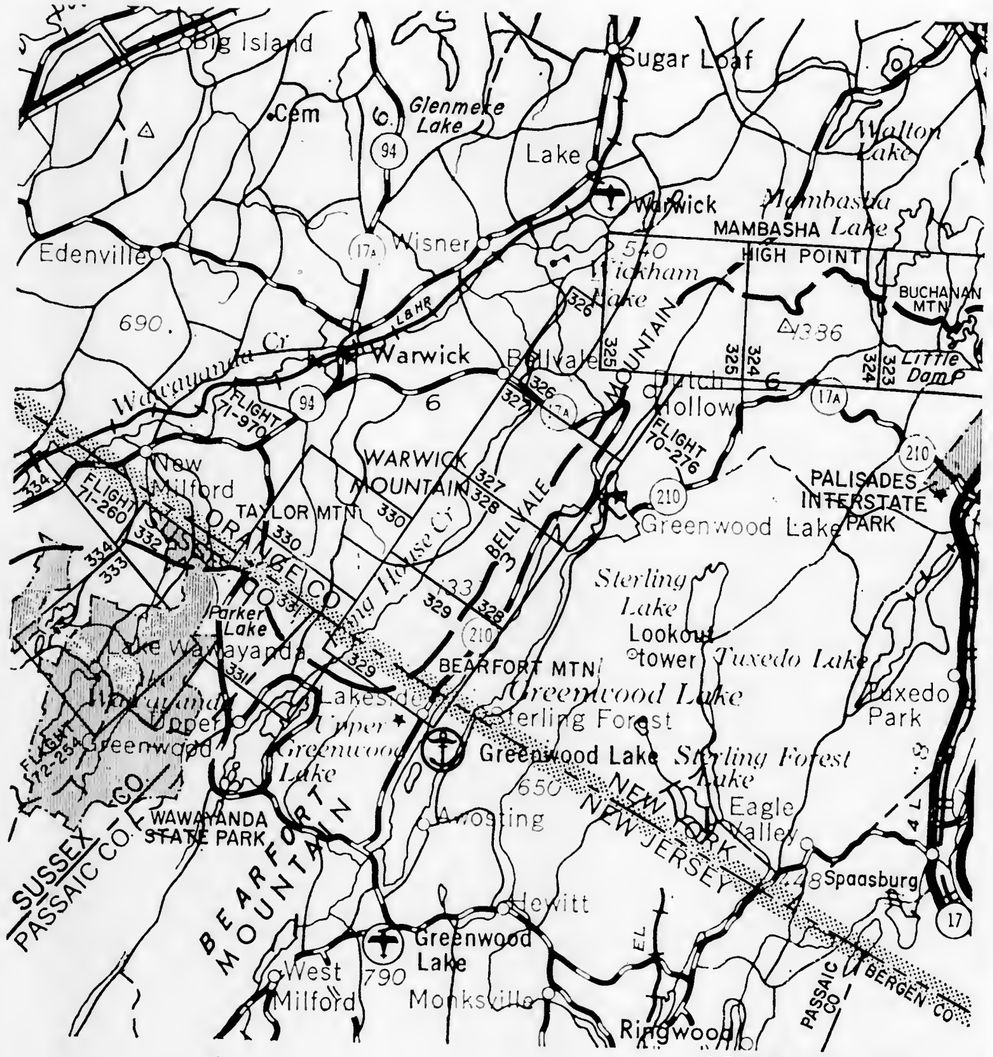

DETAIL MAP REFERENCE..... 88 / 89

New York - New Jersey
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 33

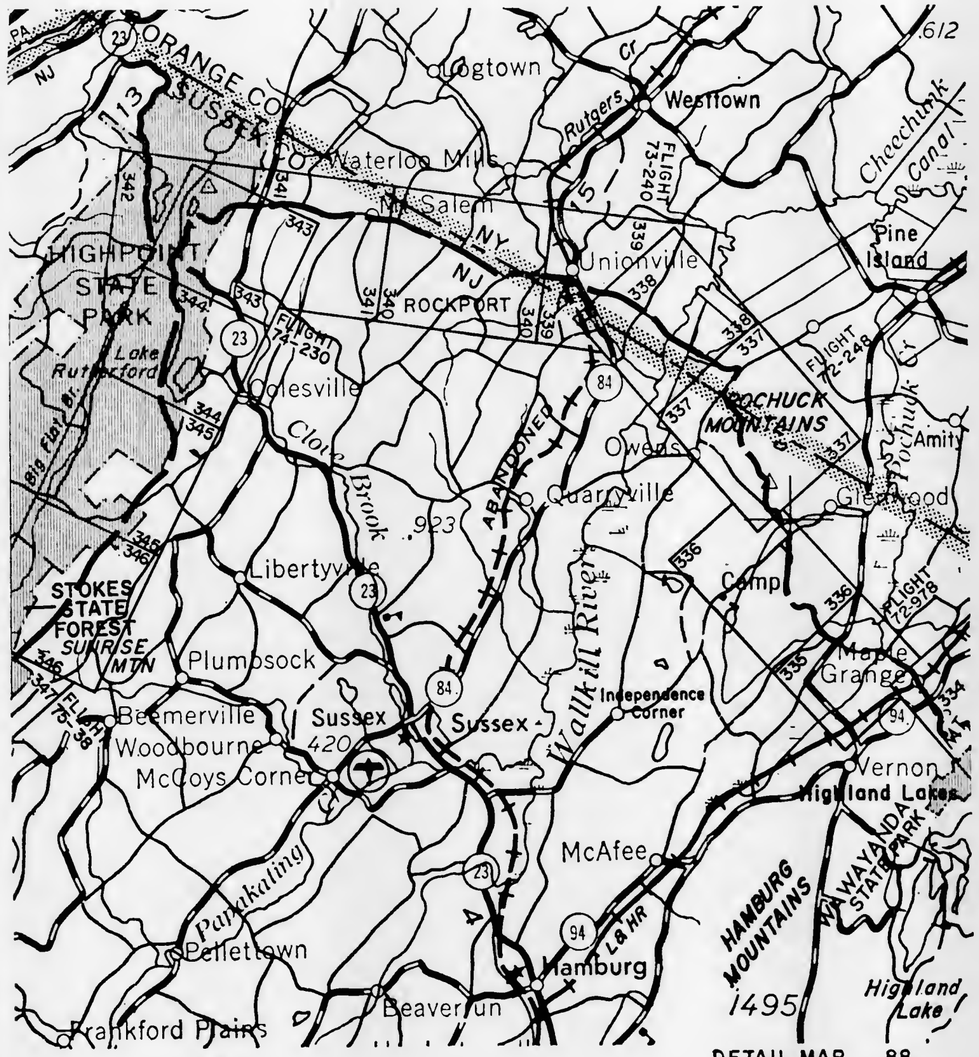

DETAIL MAP REFERENCE..... 88 / 89

New York - New Jersey
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 34

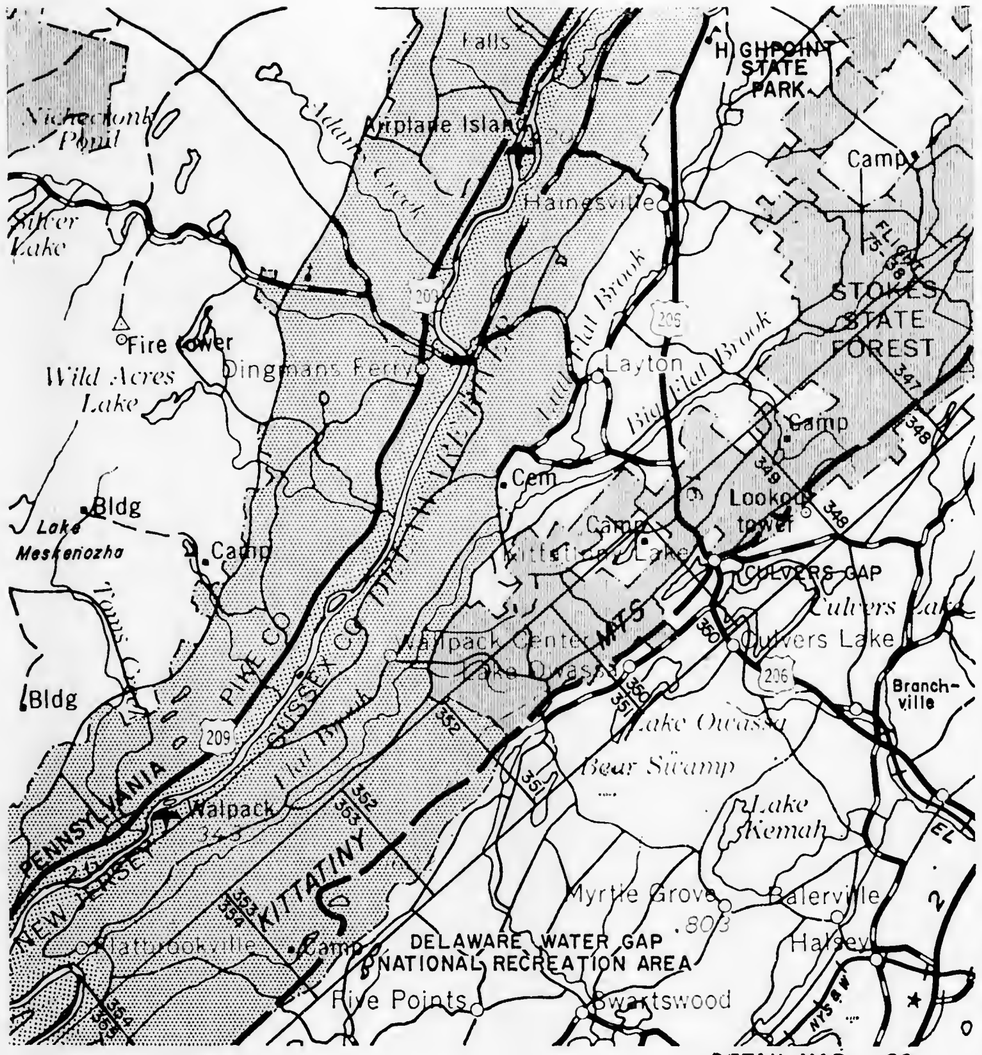
Falls
HIGHPOINT STATE PARK
Nicholson Pond
Silver Lake
Airplane Island
Camp
Hainesville
Fire Tower
Wild Acres Lake
Dingmans Ferry
Layton
STOKES STATE FOREST
Camp
Cem
Lookout tower
Bldg
Lake Meskenozha
Camp
Kittatiny Lake
CULVERS GAP
Culvers Lake
Walpack Center
Lake Owassa
Branch-ville
Bldg
PIKE CO
SUSSEX CO
PENNSYLVANIA
NEW JERSEY
Walpack
Bear Swamp
Lake Kemah
KITTATINY MTS
Myrtle Grove
Balerville
Harsey
Flatbrookville
Camp
DELAWARE WATER GAP NATIONAL RECREATION AREA
Five Points
Swartswood
Delaware Water Gap
Wild Acres Lake
Lake Meskenozha
Kittatiny Lake
Lake Owassa
Lake Kemah
Culvers Lake
Bear Swamp
Myrtle Grove
Balerville
Harsey
Swartswood
Five Points
Flatbrookville
Walpack
Walpack Center
Dingmans Ferry
Hainesville
Layton
Airplane Island
Falls
Nicholson Pond
Silver Lake
Lake Meskenozha
Bldg
Camp
Fire Tower
Lookout tower
Cem
Camp
Camp
Camp
Camp
Bldg
Branch-ville
Camp
DETAIL MAP 88
REFERENCE 89
PRIVATE
FEDERAL
STATE
TRAIL
N
New Jersey
APPALACHIAN TRAIL
SCALE:
1 1/2 0 2 3 MILES
MAP NO. 35

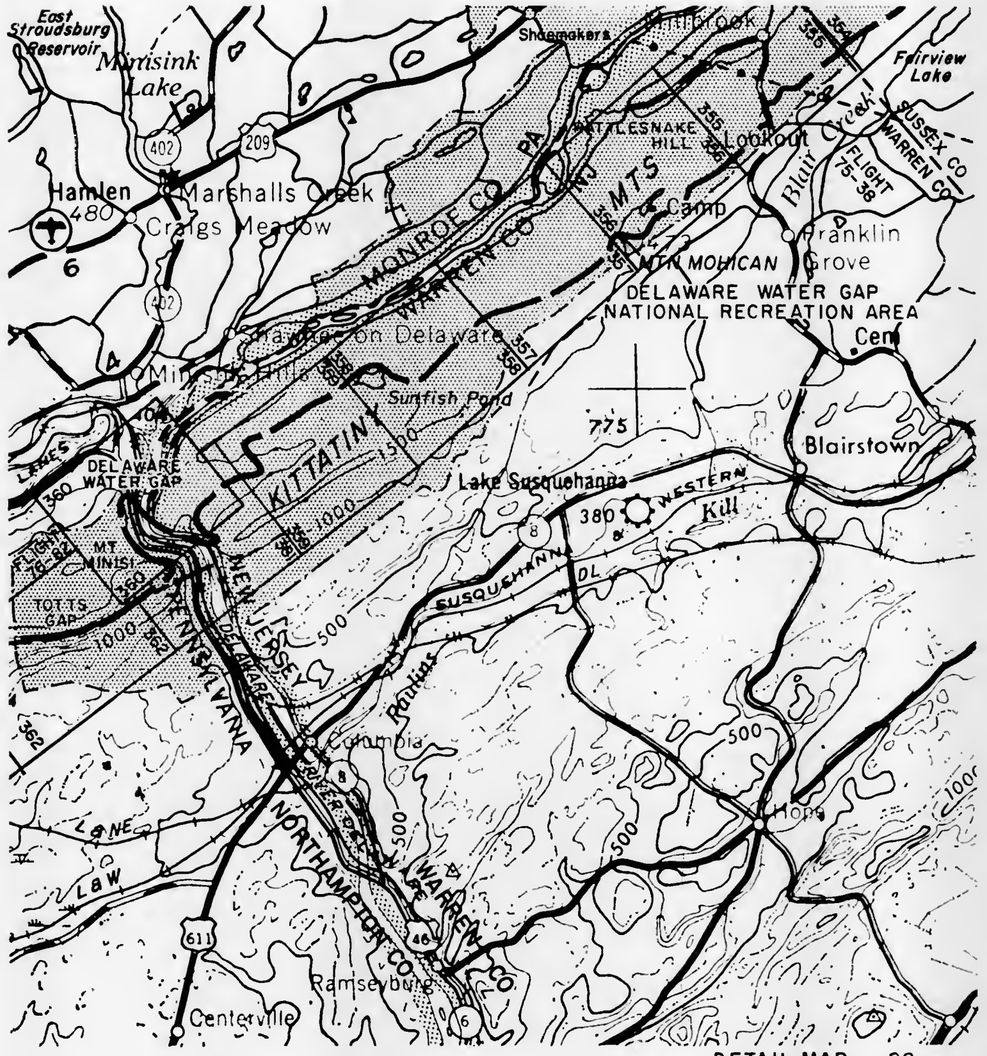
East Stroudsburg Reservoir
Minisink Lake
Shoemakers
Fairview Lake
Hamlen
Marshalls Creek
Craigs Meadow
MONROE CO
PA
NJ
WARREN CO
SUSSEX CO
WARREN CO
RATTLESNAKE HILL
Lookout
Blair Creek
FLIGHT 75-38
MTS
Camp
Franklin Grove
MT MOHICAN
DELAWARE WATER GAP NATIONAL RECREATION AREA
Cem
Shawnee on Delaware
Mt Minsi
Sunfish Pond
KITTATINY MTS
Blairstown
DELAWARE WATER GAP
LAKES
Lake Susquehanna
WESTERN Kill
FLIGHT 76-82
MT MINSI
TOT TS GAP
PENNSYLVANIA
NEW JERSEY
SUSQUEHANNA
DL
Columbia
Hope
LANE
LAW
NORTHAMPTON CO
WARREN CO
Ramseyburg
Centerville
DETAIL MAP 88
REFERENCE 89
PRIVATE
FEDERAL
STATE
TRAIL
N
New Jersey - Pennsylvania
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
MAP NO. 36

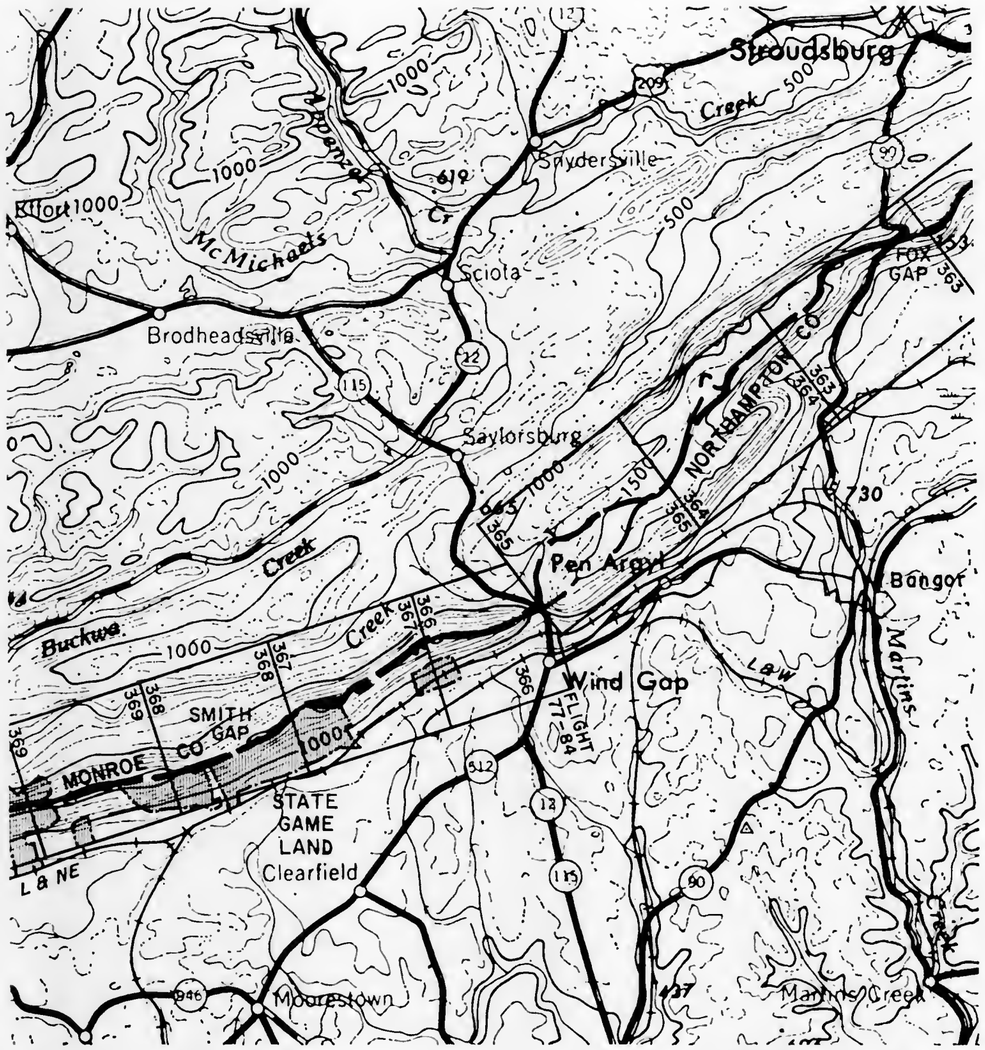

DETAIL MAP REFERENCE..... 88/89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

Pennsylvania
APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

MAP NO. 37

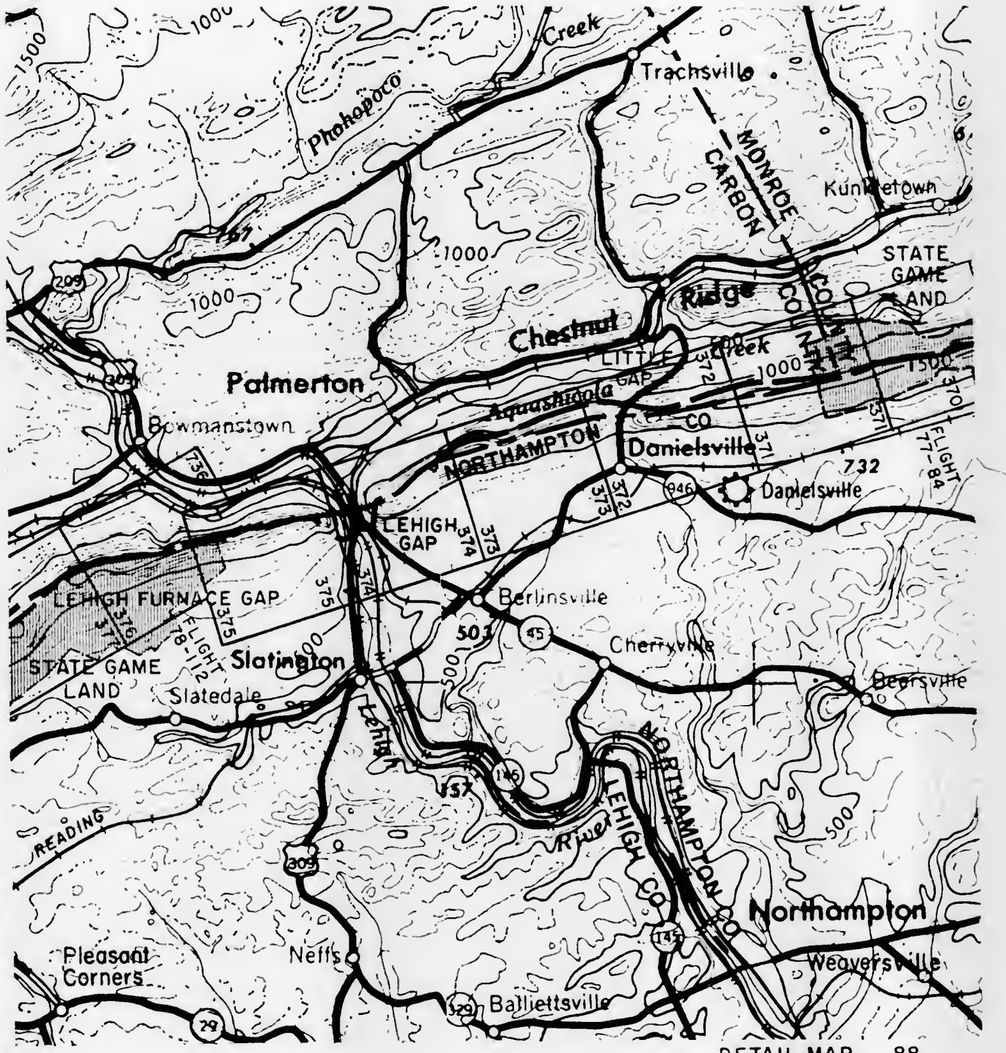

DETAIL MAP REFERENCE..... 88/89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

Pennsylvania
APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

MAP NO. 38

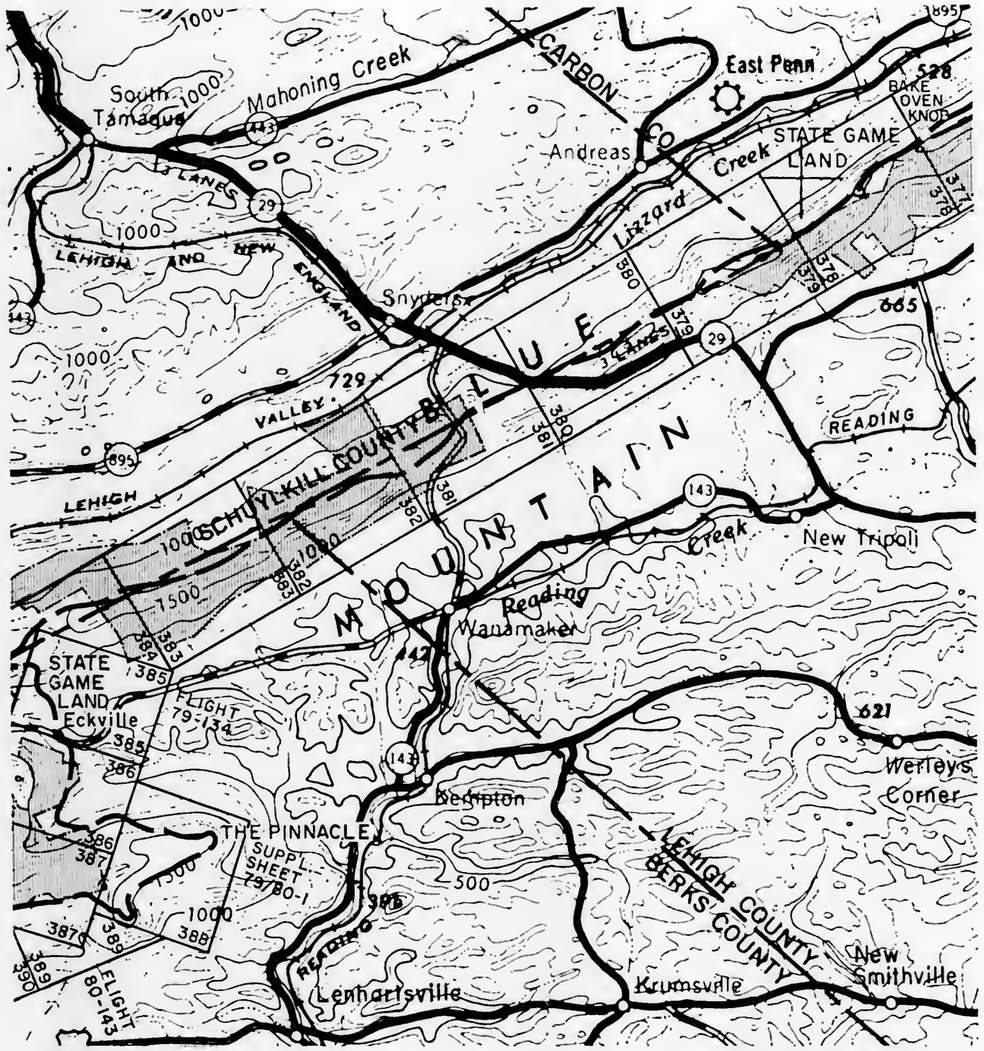

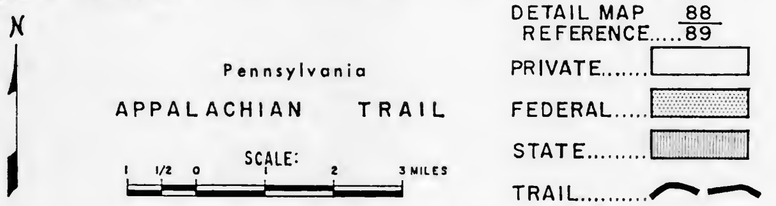

Pennsylvania
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE 88/89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 39

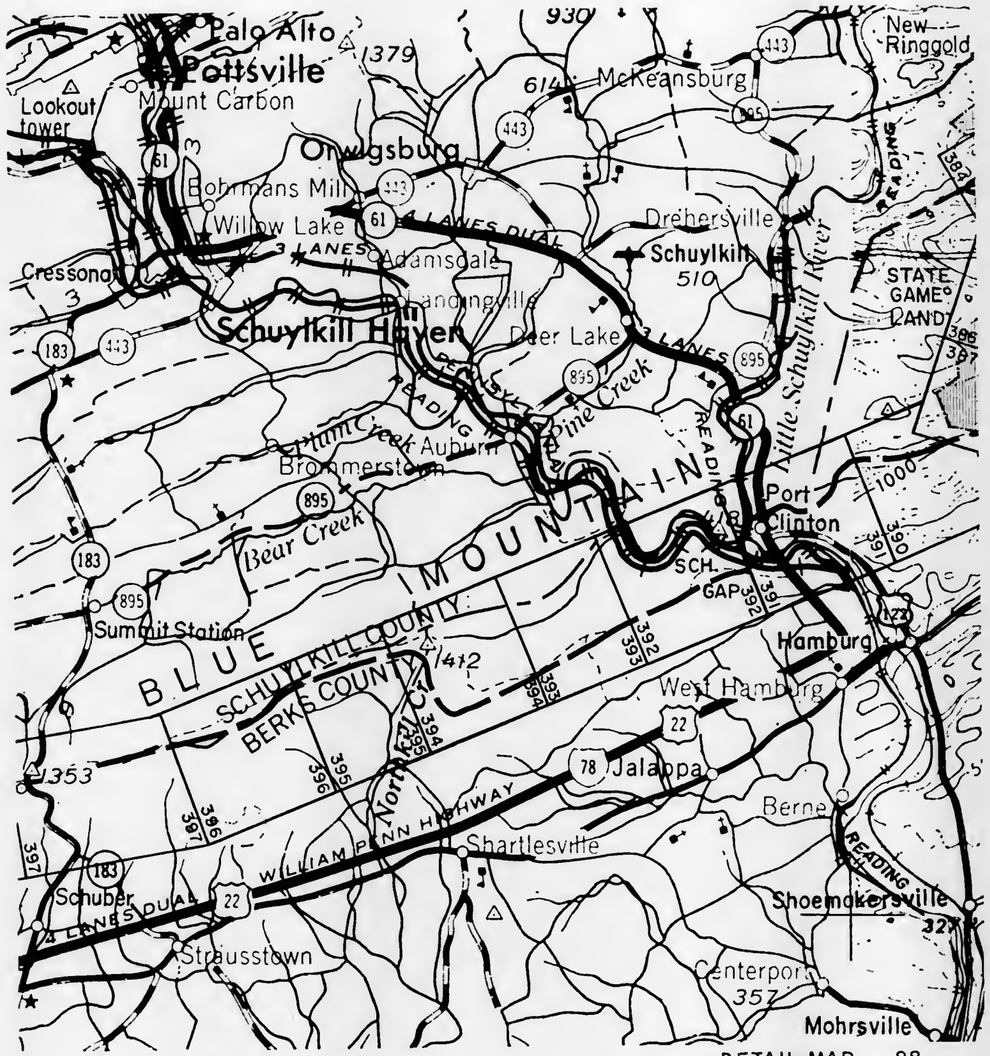

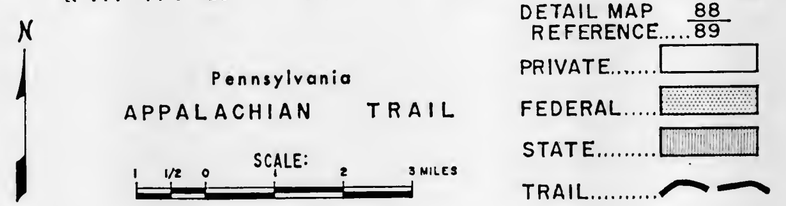

Pennsylvania
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE 88/89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 40

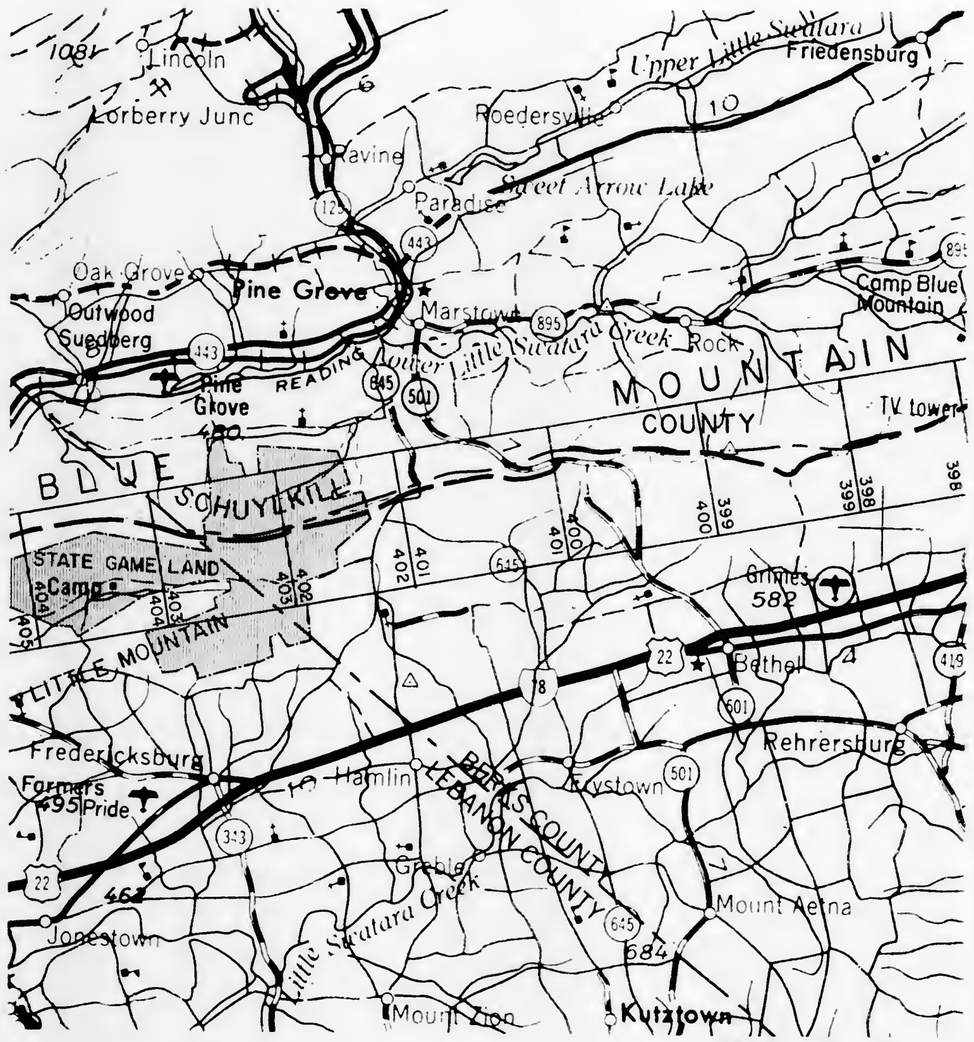
Lincoln
Lorberry Junc
Ravine
Roedersville
Upper Little Swatara
Friedensburg
Paradise
Sweet Arrow Lake
Oak Grove
Outwood
Suedberg
Pine Grove
Pine Grove 420
Marstown
Camp Blue Mountain
Lower Little Swatara Creek
Rock
READING
BLUE MOUNTAIN
SCHUYLKILL COUNTY
TV tower
STATE GAME LAND
Camp
LITTLE MOUNTAIN
Grimes 582
Bethel
Fredericksburg
Farmers
Pride
Hamlin
LEBANON COUNTY
BERKS COUNTY
Krystown
Rehrersburg
Grebla
Little Swatara Creek
Mount Aetna
Jonestown
Mount Zion
Kutztown
684
N
Pennsylvania
APPALACHIAN TRAIL
SCALE
MAP NO. 41
DETAIL MAP REFERENCE..... 86 89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

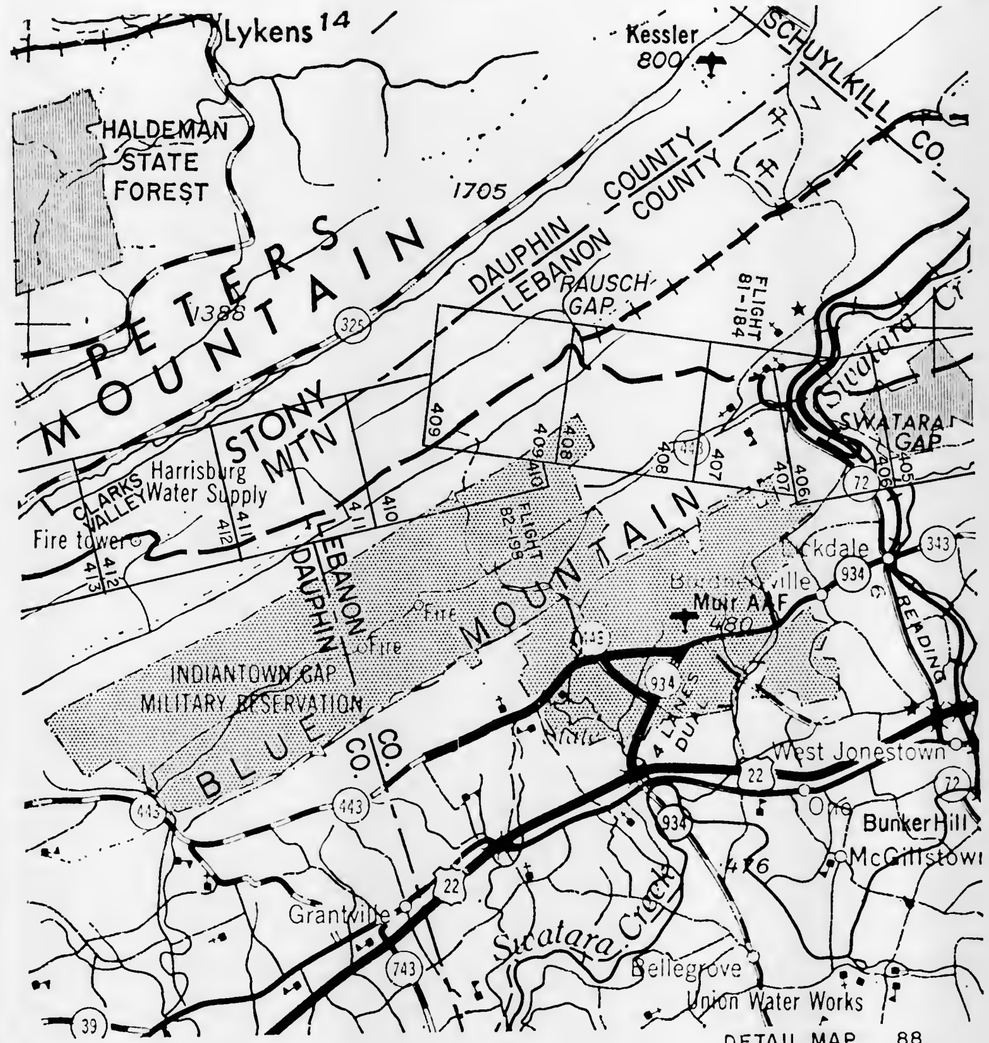
Lykens
Kessler
800
SCHUYLKILL CO.
HALDEMAN STATE FOREST
1705
PETERS MOUNTAIN
DAUPHIN COUNTY
LEBANON COUNTY
RAUSCH GAP
FLIGHT 81-184
1388
STONY MTN
CLARKS VALLEY
Harrisburg Water Supply
Fire tower
SWATARA GAP
Tkdale
Muir AAF
480
INDIANTOWN GAP MILITARY RESERVATION
BLUE MOUNTAIN
West Jonestown
Bunker Hill
McGillstown
Grantville
Swatara Creek
Bellegrove
Union Water Works
N
Pennsylvania
APPALACHIAN TRAIL
SCALE:
MAP NO. 42
DETAIL MAP REFERENCE..... 88 89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

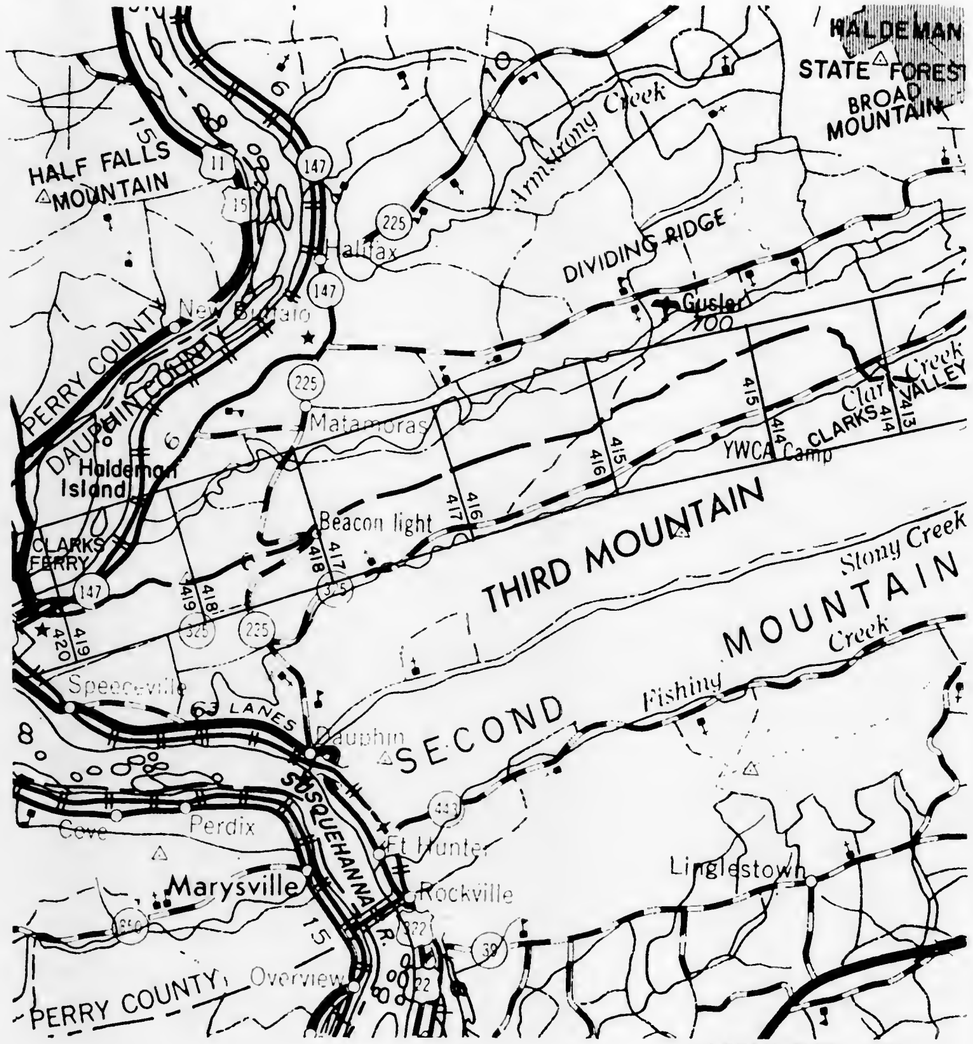
HALDEMAN
STATE FOREST
BROAD MOUNTAIN
HALF FALLS MOUNTAIN
Armstrong Creek
DIVIDING RIDGE
Halifax
New Bloomfield
Gusler
PERRY COUNTY
DAUPHIN COUNTY
Matamoras
Holderman Island
CLARKS FERRY
YWCA Camp
CLARKS VALLEY
Clair
Beacon light
THIRD MOUNTAIN
Stony Creek
MOUNTAIN
Creek
Speeceville
LANES
Dauphin
SECOND
Fishing
SUSQUEHANNA R.
Cove
Perdix
Ft Hunter
Rockville
Marysville
Linglestown
Overview
PERRY COUNTY
N
Pennsylvania
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
DETAIL MAP REFERENCE.....88
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....
MAP NO. 43

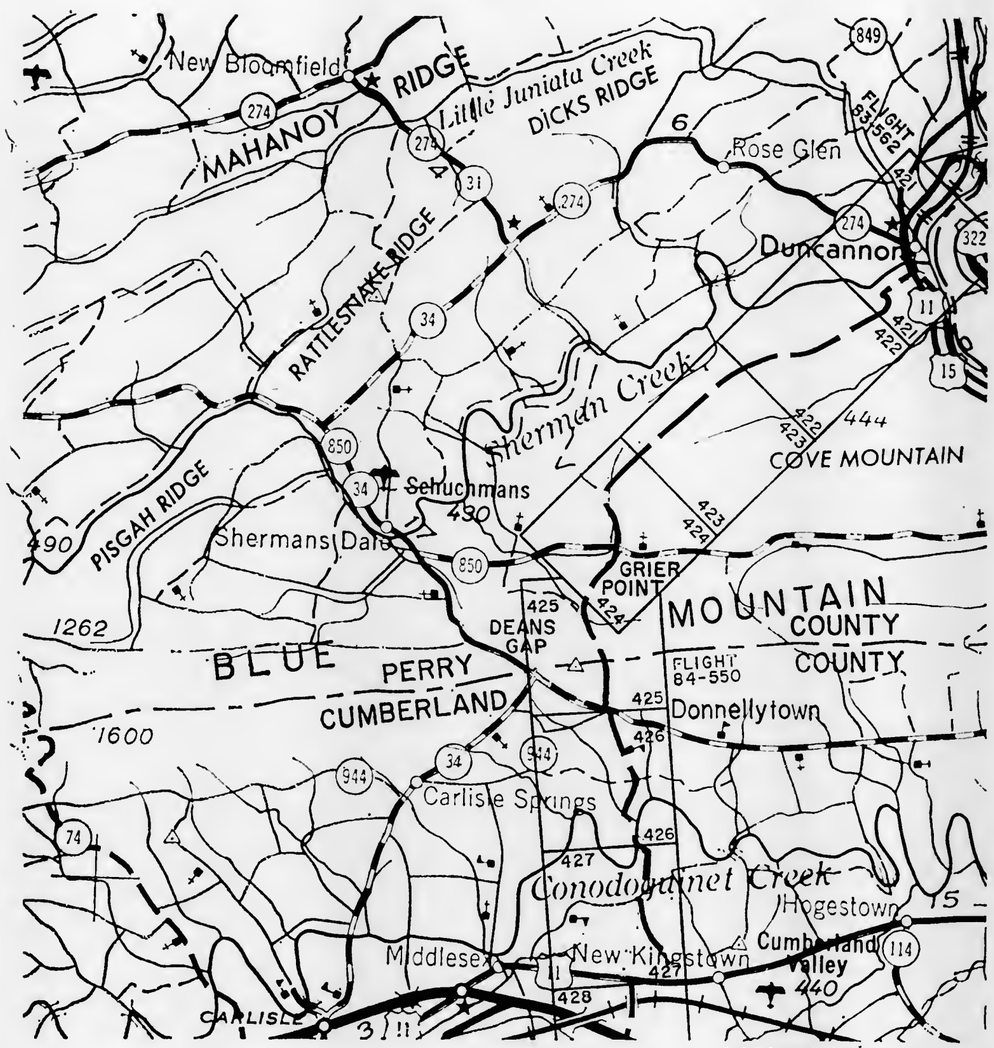
New Bloomfield
RIDGE
Little Juniata Creek
DICKS RIDGE
MAHANOY
Rose Glen
FLIGHT 84-562
Duncannon
RATTLESNAKE RIDGE
Sherman Creek
444
COVE MOUNTAIN
PISGAH RIDGE
Selinsgrove
Shermans Dale
GRIER POINT
DEANS GAP
MOUNTAIN
COUNTY
COUNTY
FLIGHT 84-550
BLUE
PERRY
CUMBERLAND
Donnellytown
Carlisle Springs
Conodoguinet Creek
Hogestown
Middlesex
New Kingstown
Cumberland Valley
CARLISLE
N
Pennsylvania
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
DETAIL MAP REFERENCE.....88
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....
MAP NO. 44

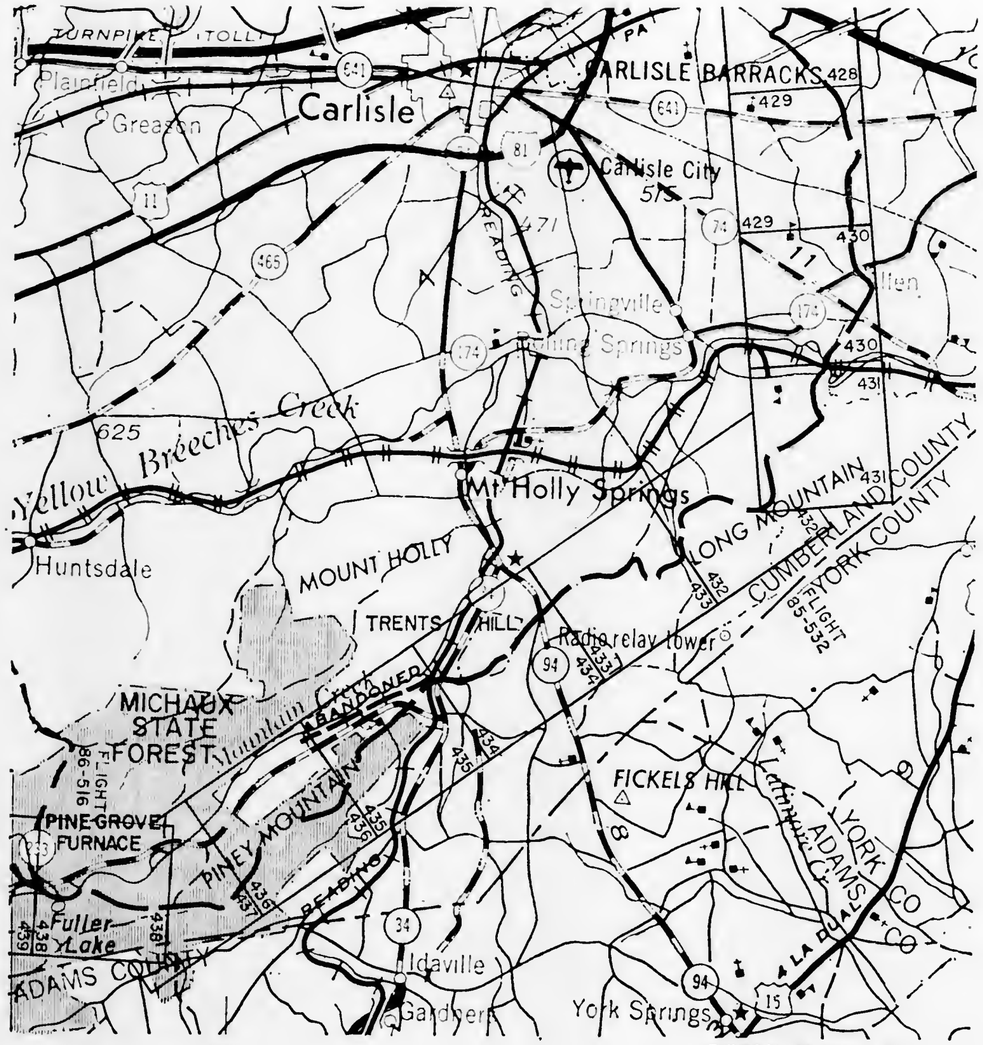

N

Pennsylvania
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 45

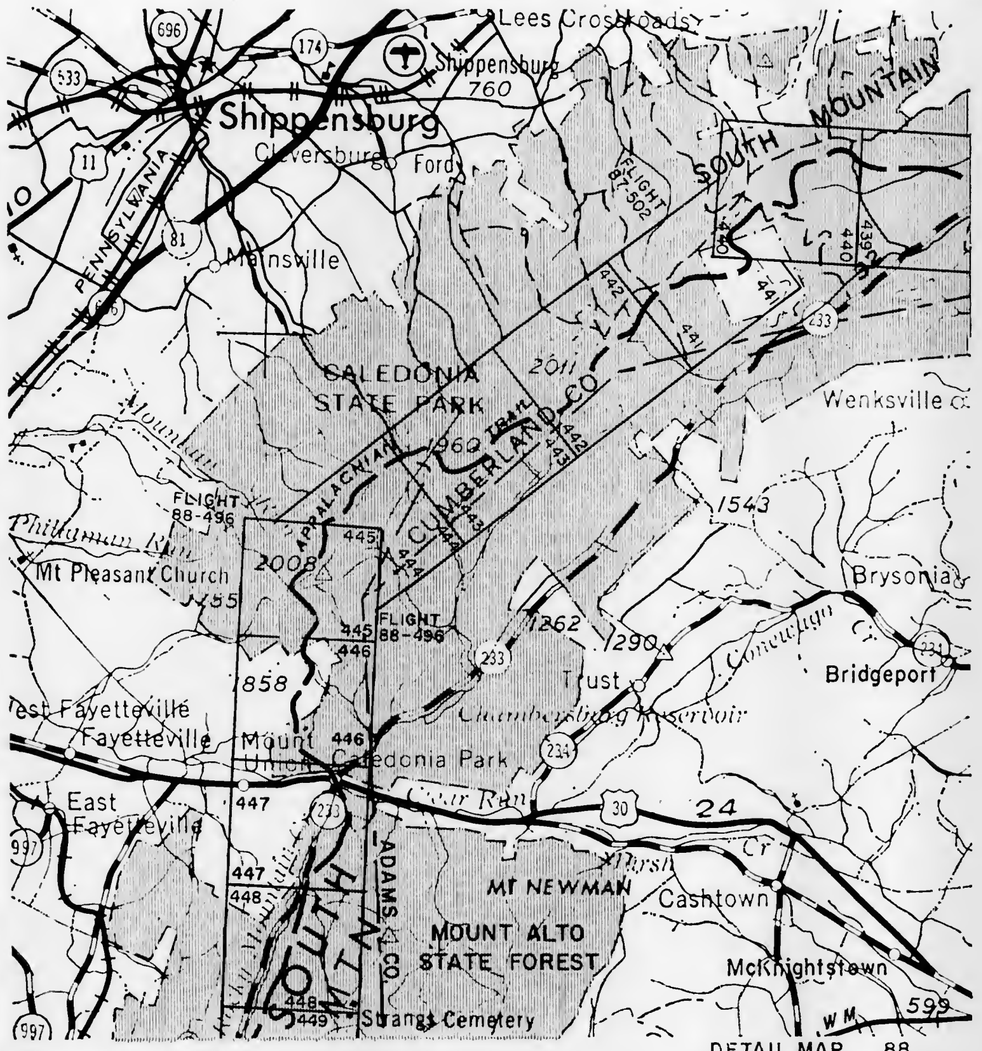

N

Pennsylvania
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 46

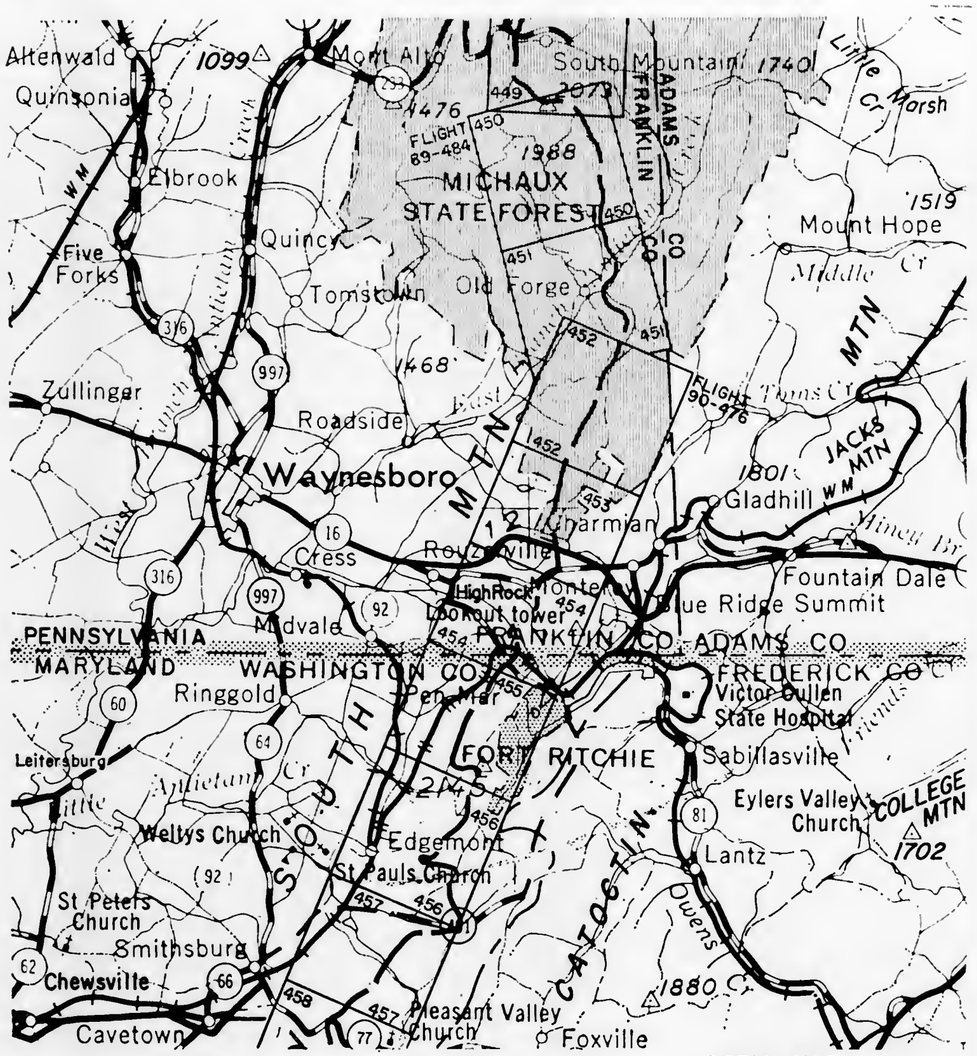

N

Pennsylvania - Maryland
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 47

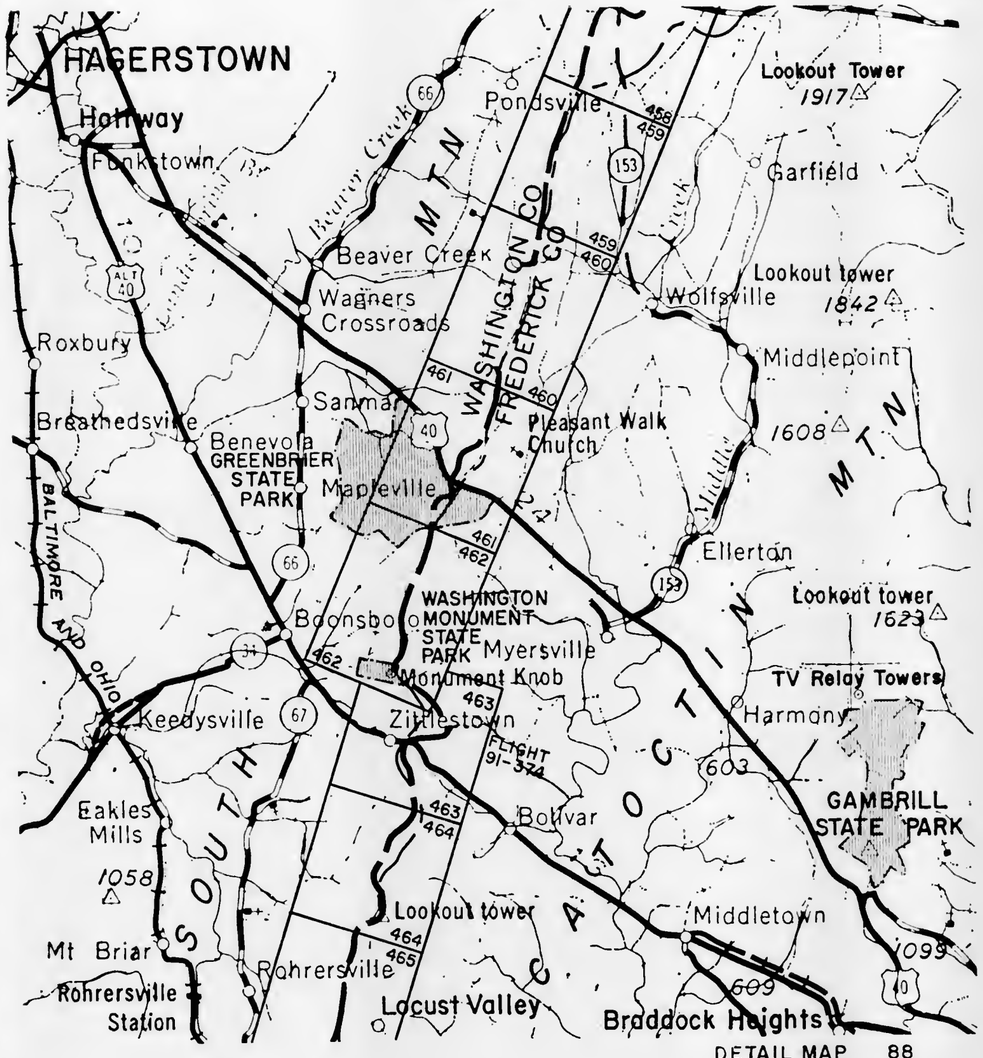

N

Maryland
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 48

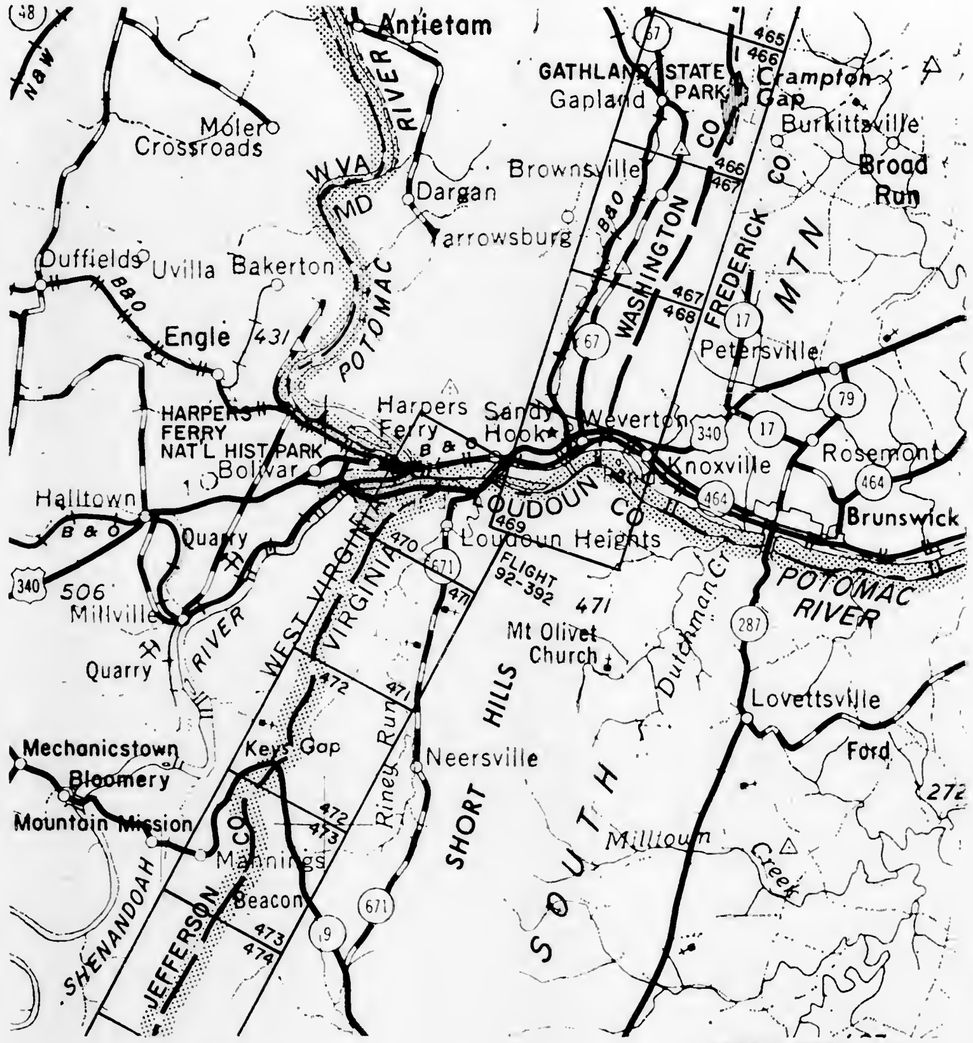
Antietam
GATHLAND STATE PARK
Gapland
Crampton Gap
Burkittsville
Broad Run
Molers Crossroads
WVA
MD
RIVER
Dargan
Brownsville
Tarrowsburg
Duffields
Uvilla
Bakerton
Engle
POTOMAC
WASHINGTON CO
FREDERICK CO
MTN
Petersville
HARPERS FERRY NAT'L HIST PARK
Harpers Ferry
Sandy Hook
Weverton
Knoxville
Rosemont
Brunswick
Bolivar
Halltown
Quarry
LOUDOUN CO
Loudoun Heights
FLIGHT 92-392
Mt Olivet Church
Dutchman Cr
Millville
WEST VIRGINIA
VIRGINIA
Lovettsville
Ford
Mechanicstown
Bloomery
Mountain Mission
Kerns Gap
Neersville
Riney Run
SHORT HILLS
SOUTH
Milltown Creek
Manning
Beacon
SHENANDOAH
JEFFERSON CO
N
Maryland - Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES
DETAIL MAP REFERENCE 88 89
PRIVATE
FEDERAL
STATE
TRAIL
MAP NO. 49

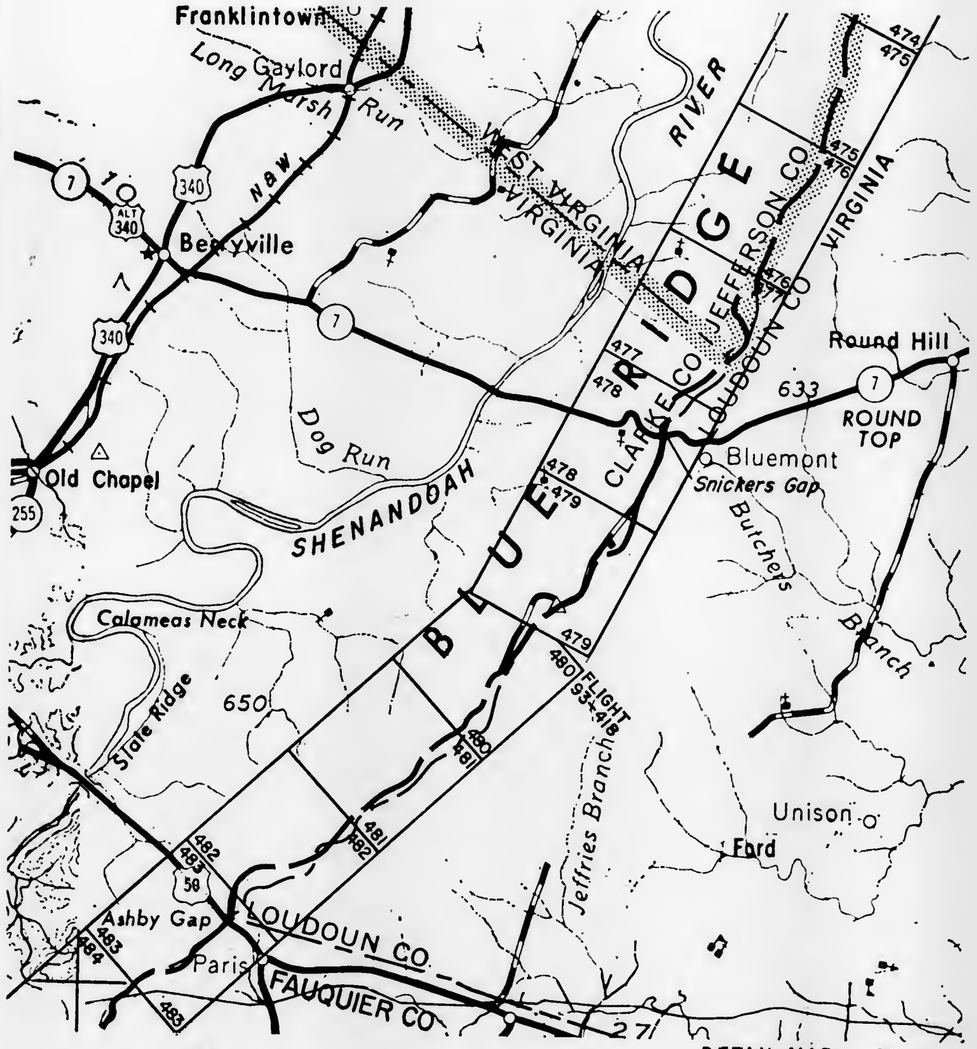
Franklintown
Long Gaylord
Marsh Run
Berryville
WEST VIRGINIA
VIRGINIA
RIVER
BLUE RIDGE
JEFFERSON CO
LOUDOUN CO
CLARKE CO
Round Hill
ROUND TOP
Bluemont
Snickers Gap
Butchers Branch
Old Chapel
Dog Run
SHENANDOAH
Calmeas Neck
State Ridge
650
FLIGHT 93-418
Jeffries Branch
Unison
Ford
Ashby Gap
Paris
LOUDOUN CO
FAUQUIER CO
N
Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES
DETAIL MAP REFERENCE 88 89
PRIVATE
FEDERAL
STATE
TRAIL
MAP NO.50

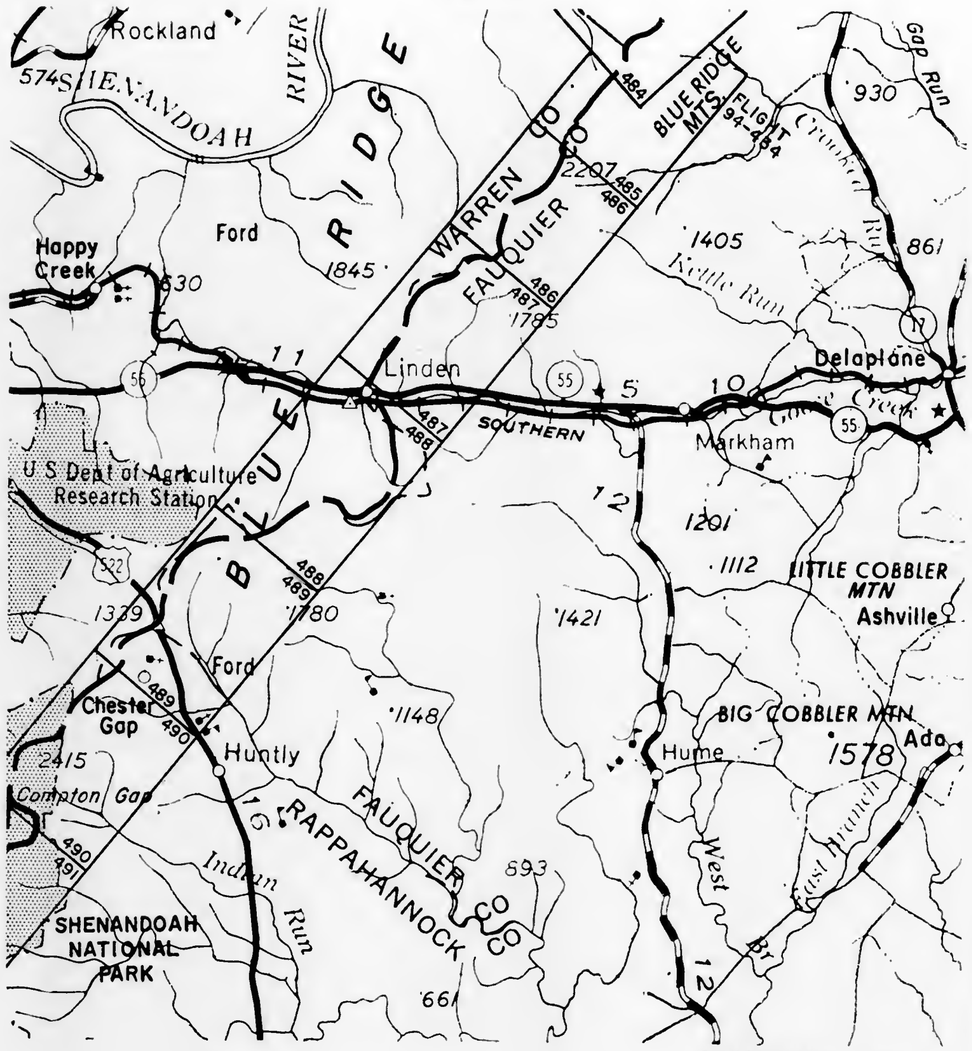
Rockland
574
SHENANDOAH
RIVER
BLUE RIDGE
Happy Creek
830
Ford
1845
WARREN CO
FAUQUIER CO
484
BLUE RIDGE MTS.
FLIGHT 94-484
930
Gap Run
2207
485
496
1405
Kettle Run
Crooked Run
861
11
Linden
55
5
10
Delaplane
487
486
SOUTHERN
Markham
U S Dept of Agriculture Research Station
522
12
1201
1112
LITTLE COBBLER MTN
Ashville
1421
489
488
1339
1780
Ford
Chester Gap
490
1148
Huntly
BIG COBBLER MTN
Hume
1578
Ado
2415
Compton Gap
16
RAPPAHANNOCK CO
FAUQUIER CO
West Br
First Branch
893
Indian Run
SHENANDOAH NATIONAL PARK
661
12
DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....
N
Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES
MAP NO. 51

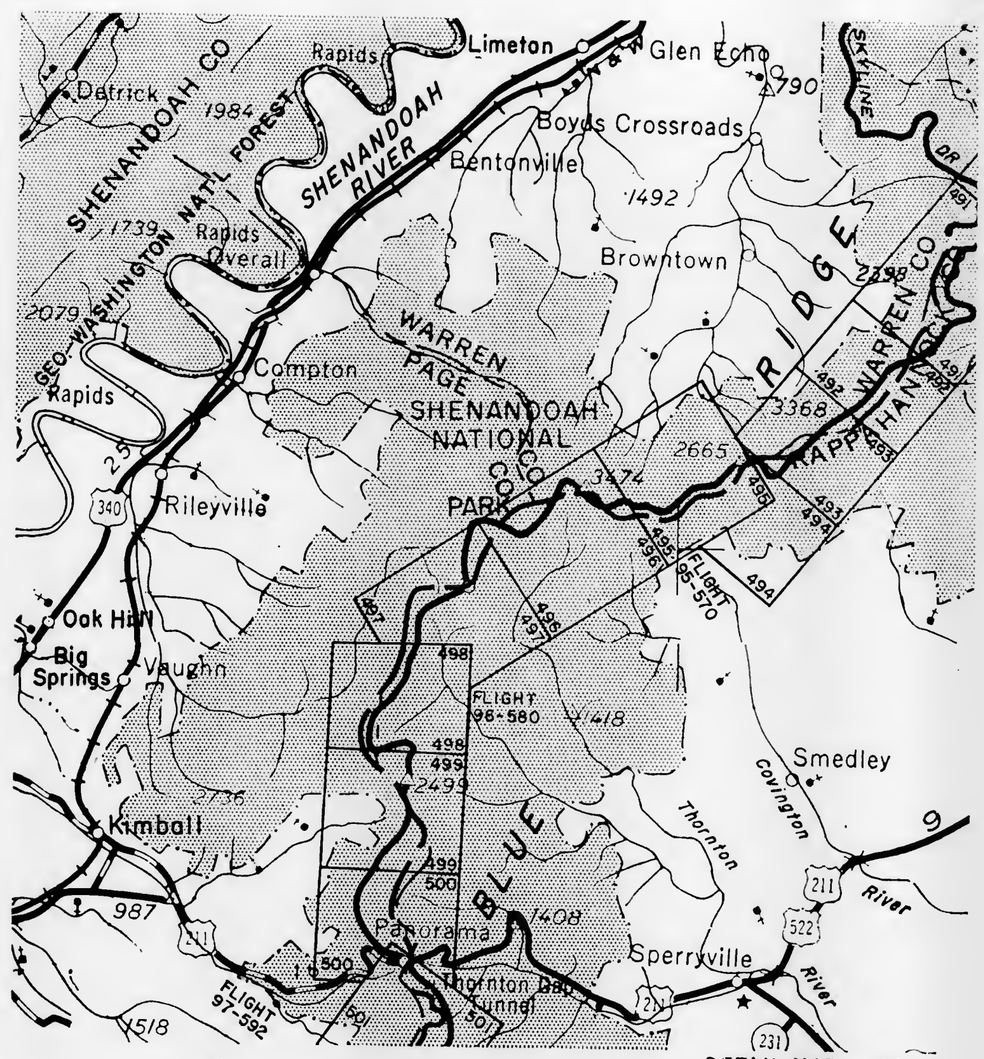
Rapids
Limeton
Glen Echo
2790
Detrick
1984
SHENANDOAH CO
SHENANDOAH NATL FOREST
SHENANDOAH RIVER
Boyds Crossroads
Bentonville
1492
1739
Rapids
Overall
Browntown
2079
GEO-WASHINGTON
WARREN
PAGE
SHENANDOAH NATIONAL PARK
Compton
Rapids
25
340
Rileyville
3368
2665
3474
WARREN CO
RAPPAHANNOCK CO
Oak Hill
Big Springs
Vaughn
FLIGHT 95-570
FLIGHT 96-580
1418
Smedley
Kimball
2499
Thornton
Covington
211
522
River
987
Panorama
1408
Sperryville
Thornton Gap Tunnel
FLIGHT 97-592
1518
231
DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....
N
Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES
MAP NO. 52

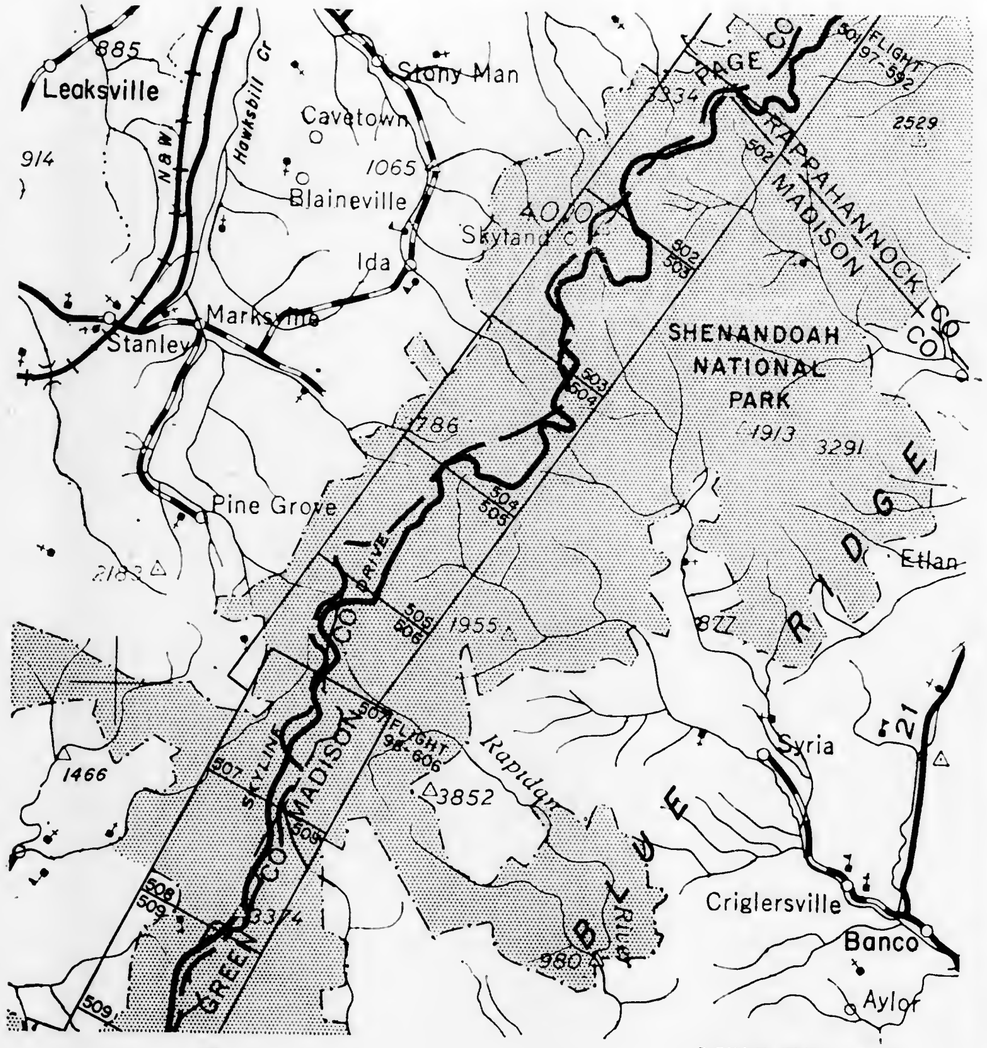

MAP NO. 53

Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

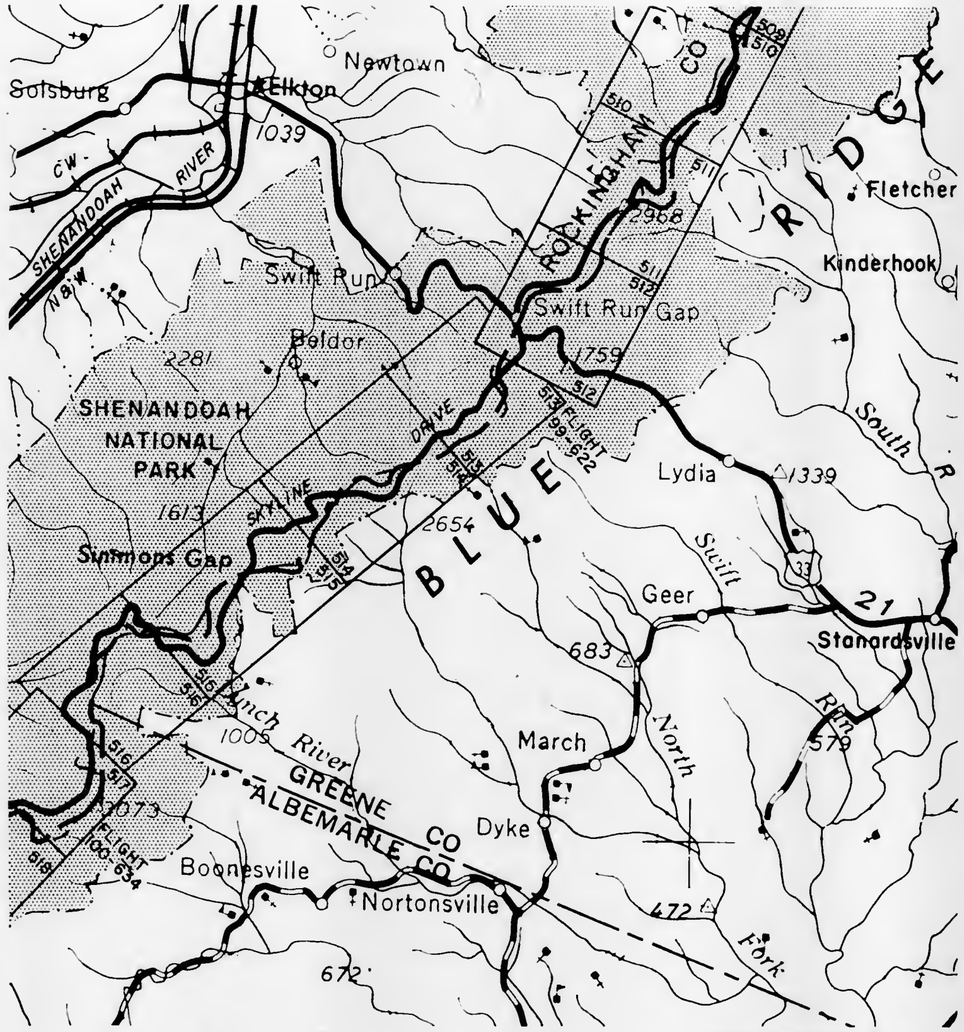

MAP NO. 54

Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

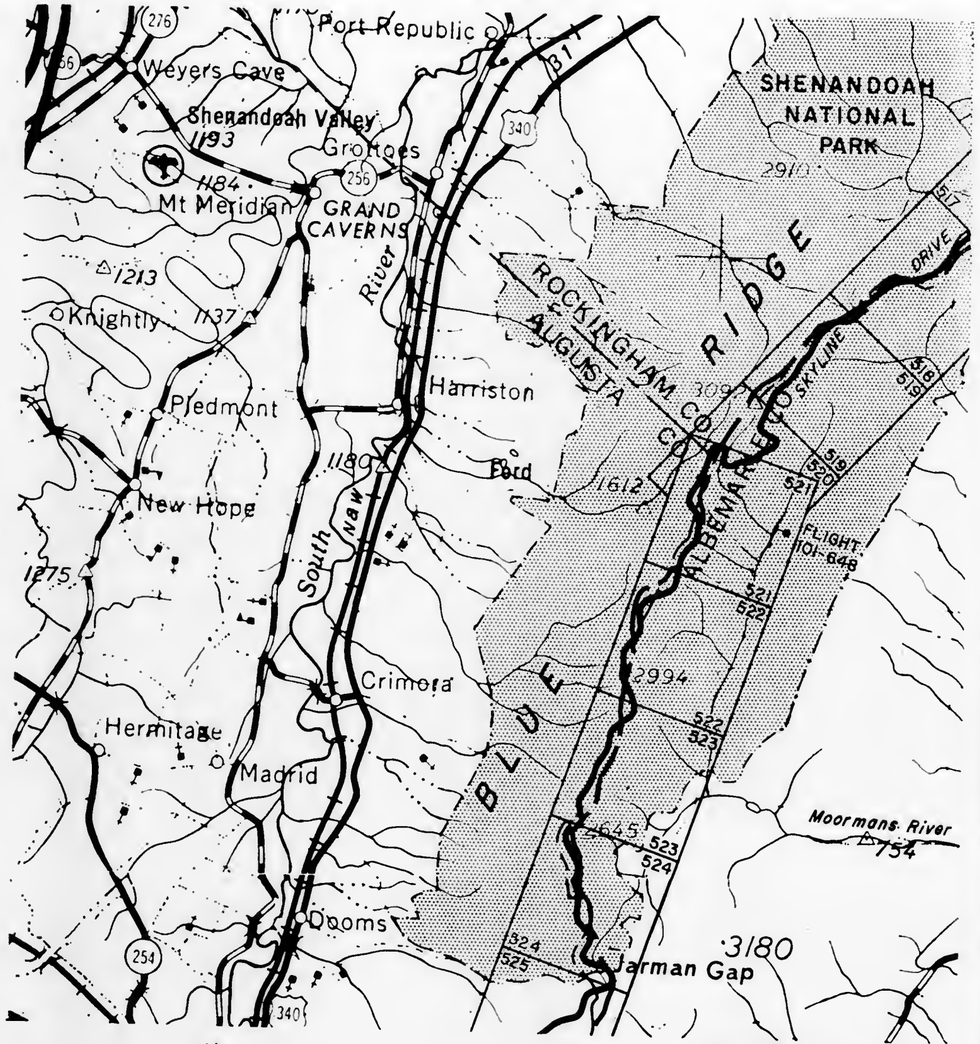

MAP NO. 55

Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE.... 88/89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

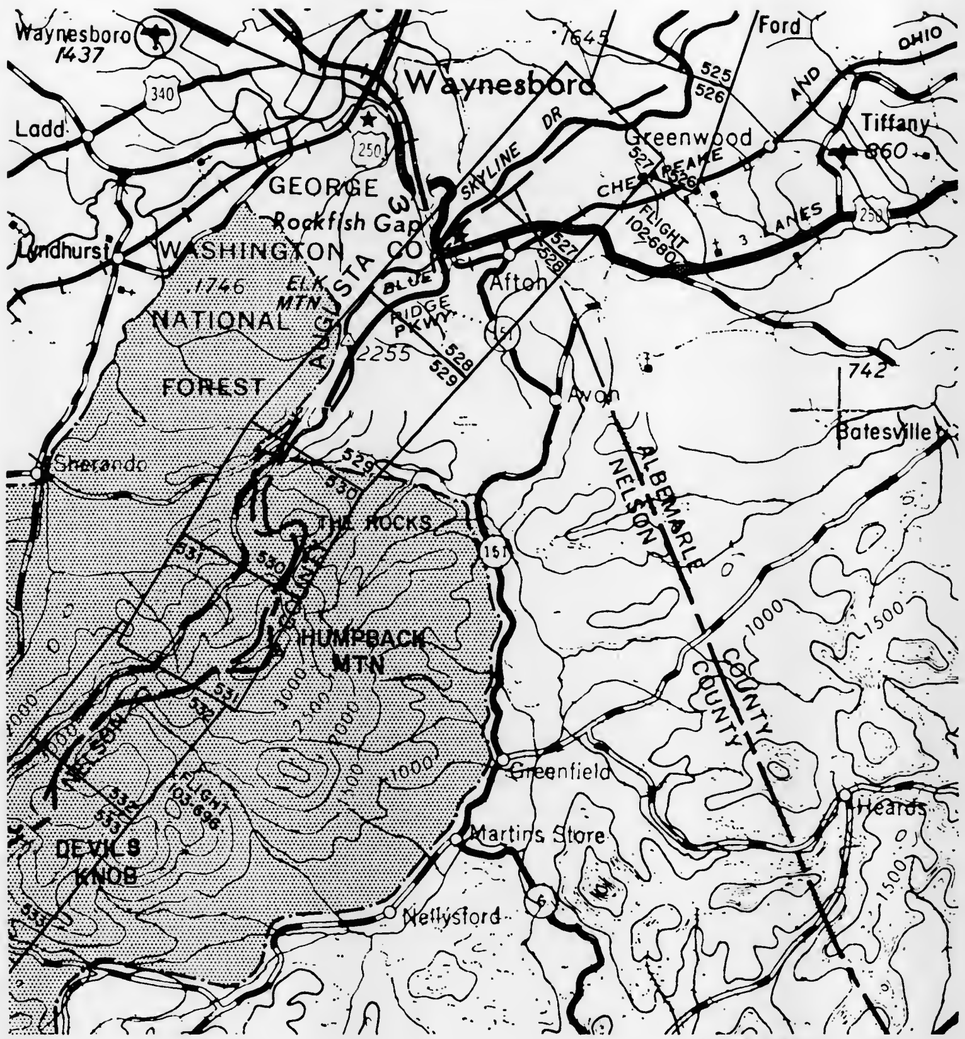

MAP NO. 56

Virginia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE.... 88/89

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

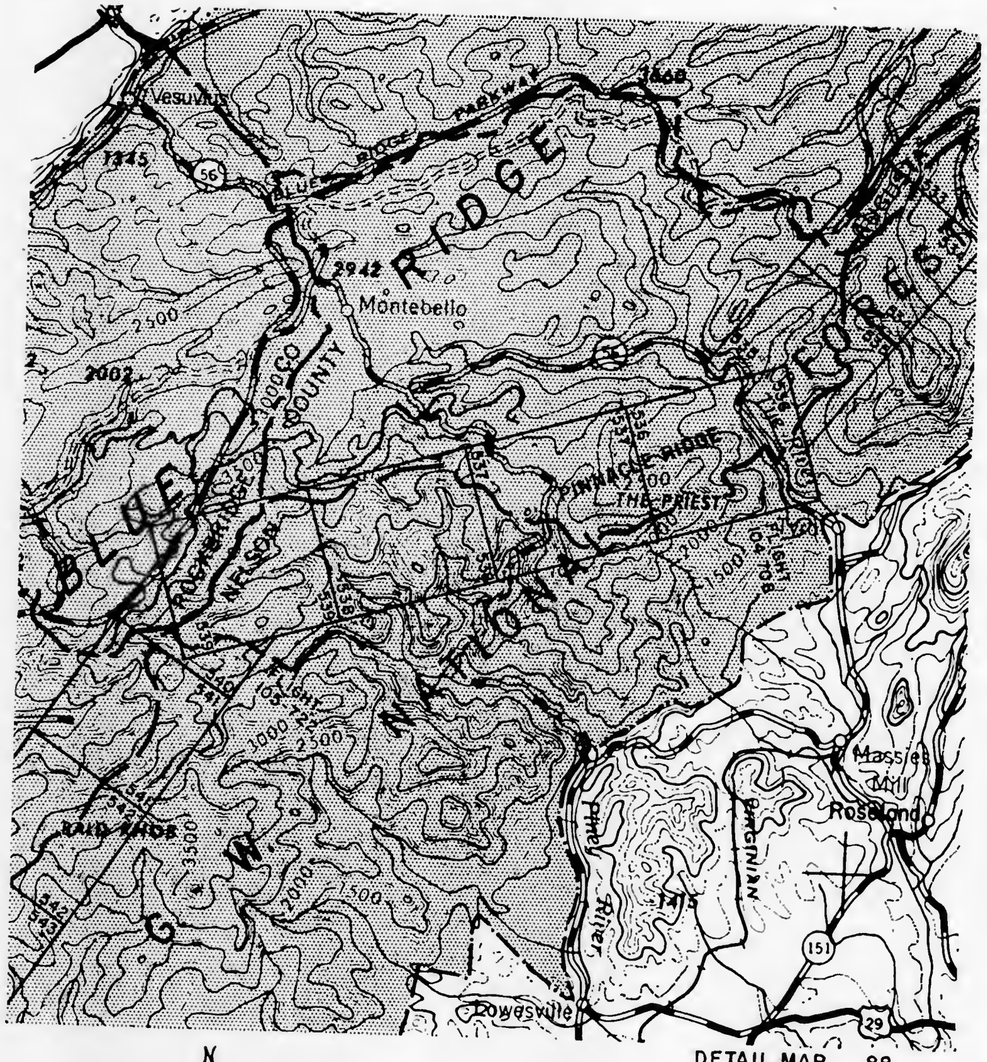

MAP NO. 57

N

Virginia
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88/89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

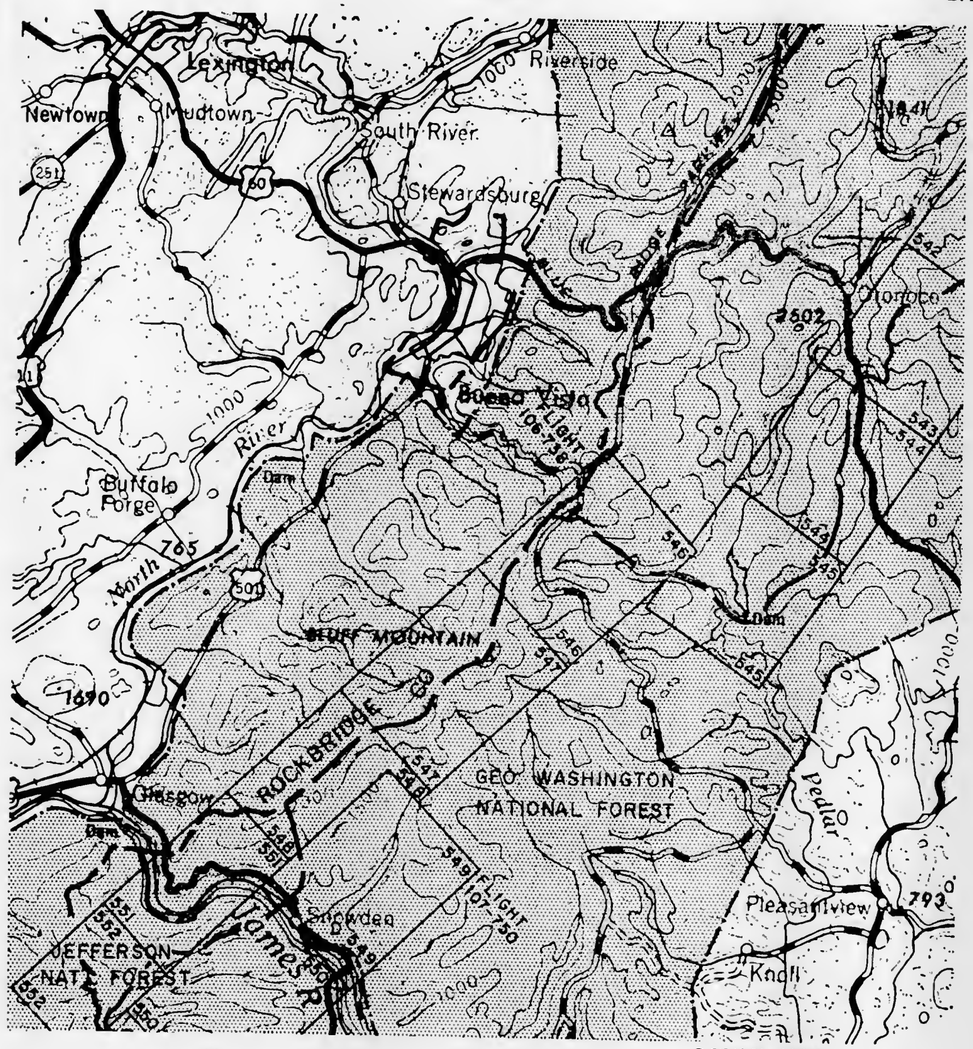

MAP NO. 58

N

Virginia
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88/89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

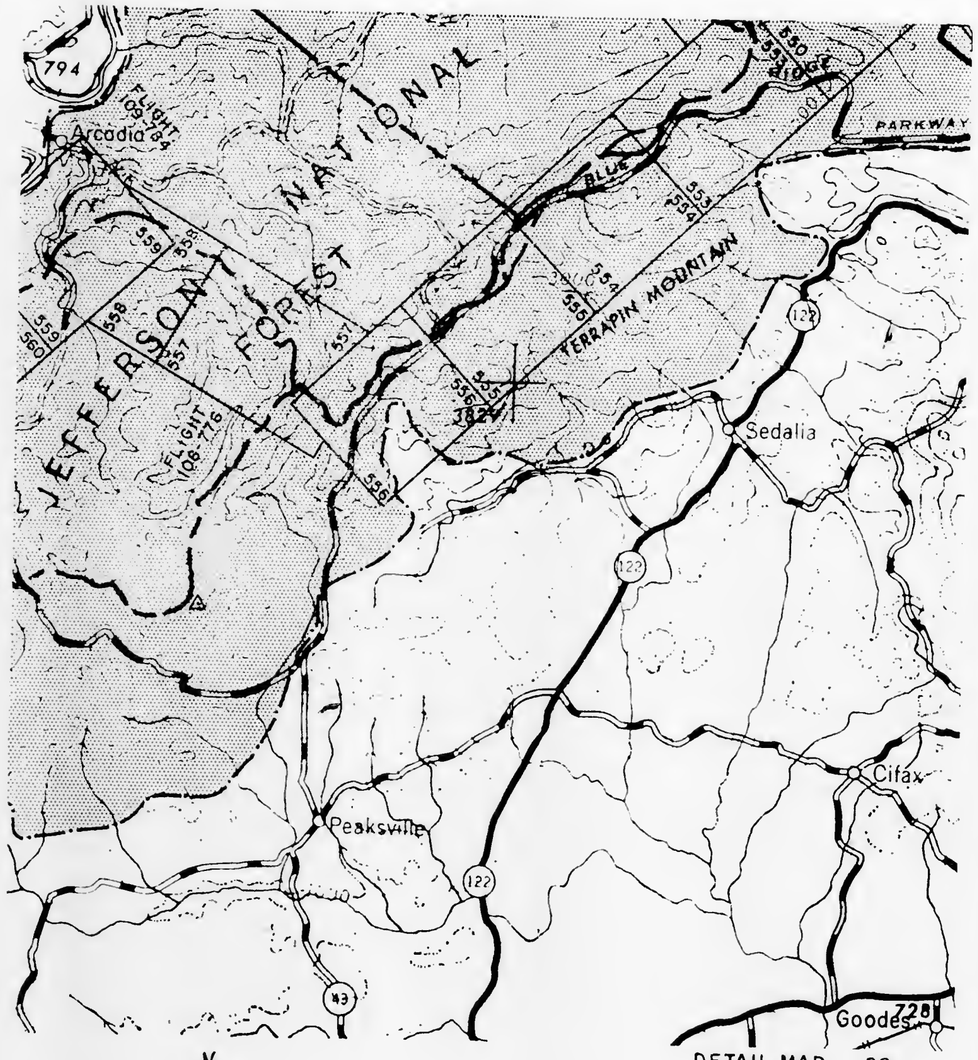

MAP NO. 59

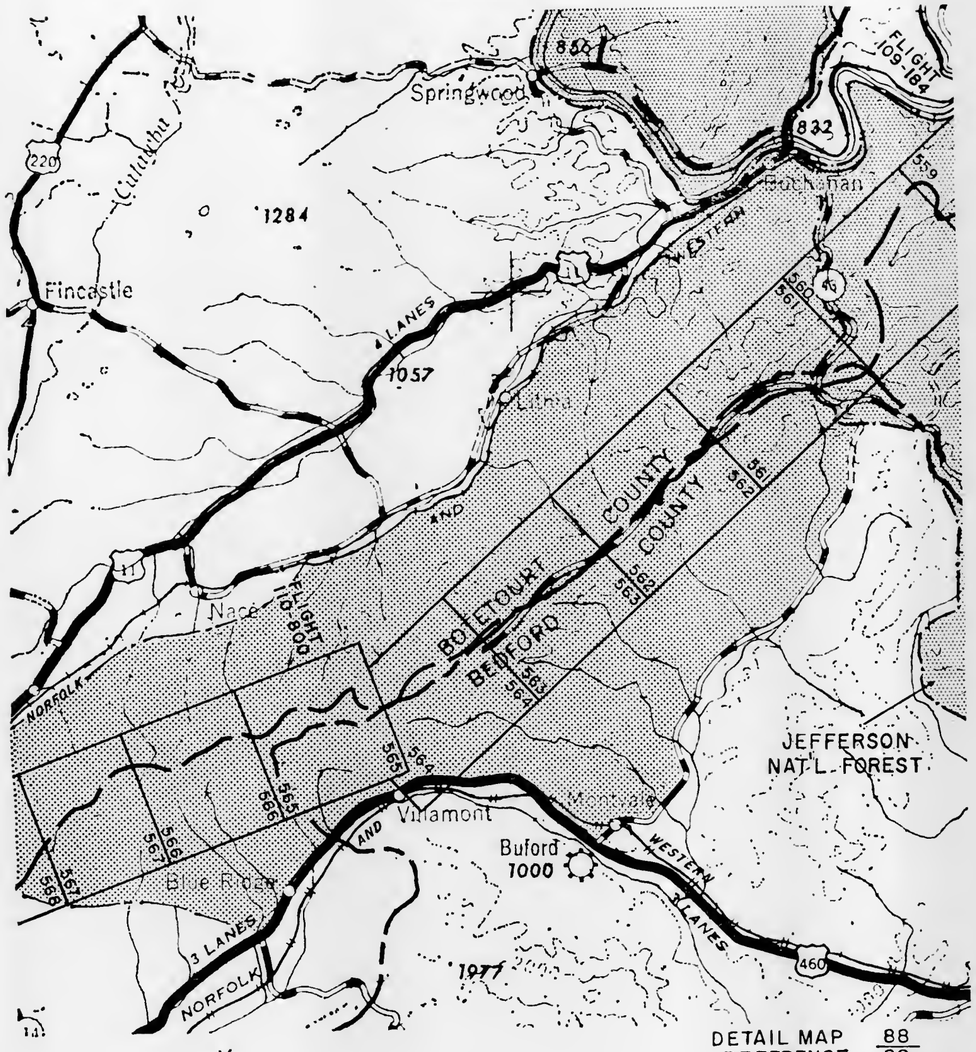

MAP NO. 60

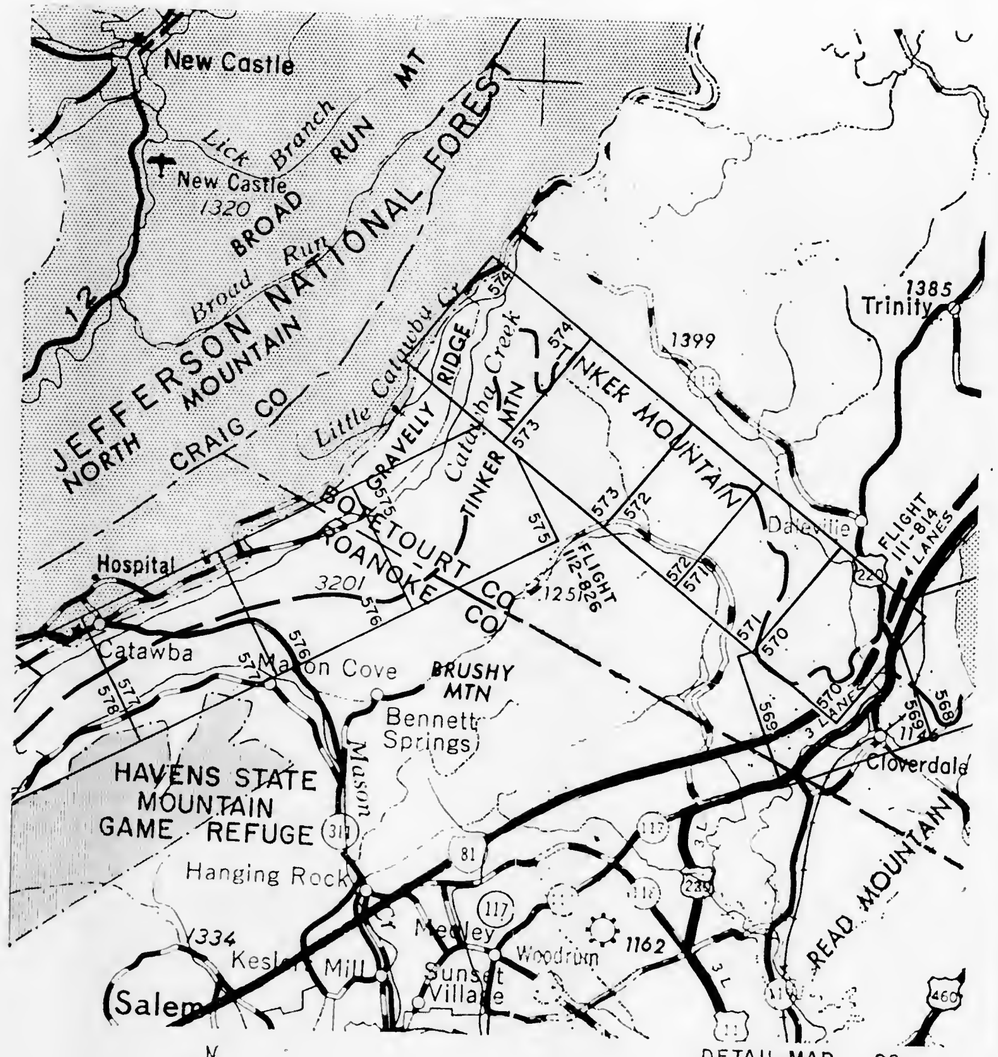
New Castle
Lick Branch
New Castle
1320
BROAD RUN
Broad Run
MT
JEFFERSON NATIONAL FOREST
NORTH MOUNTAIN
CRAIG CO
Little Catawba Cr
GRAVELLY RIDGE
Catawba Creek
574
TINKER MTN
573
TINKER MOUNTAIN
1399
1385
Trinity
575
572
571
570
569
568
ROANOKE CO
BOTETOURT CO
Dalevillle
FLIGHT 111-814 4 LANES
FLIGHT 112-826
Hospital
3201
Catawba
Mason Cove
BRUSHY MTN
Bennett Springs
HAVENS STATE MOUNTAIN GAME REFUGE
Mason
311
81
Hanging Rock
V334
Keslers Mill
Salem
117
Medley
Woodrum
Sunset Village
1162
3 L
READ MOUNTAIN
460
Cloverdale
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
N
VIRGINIA
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
MAP NO. 61

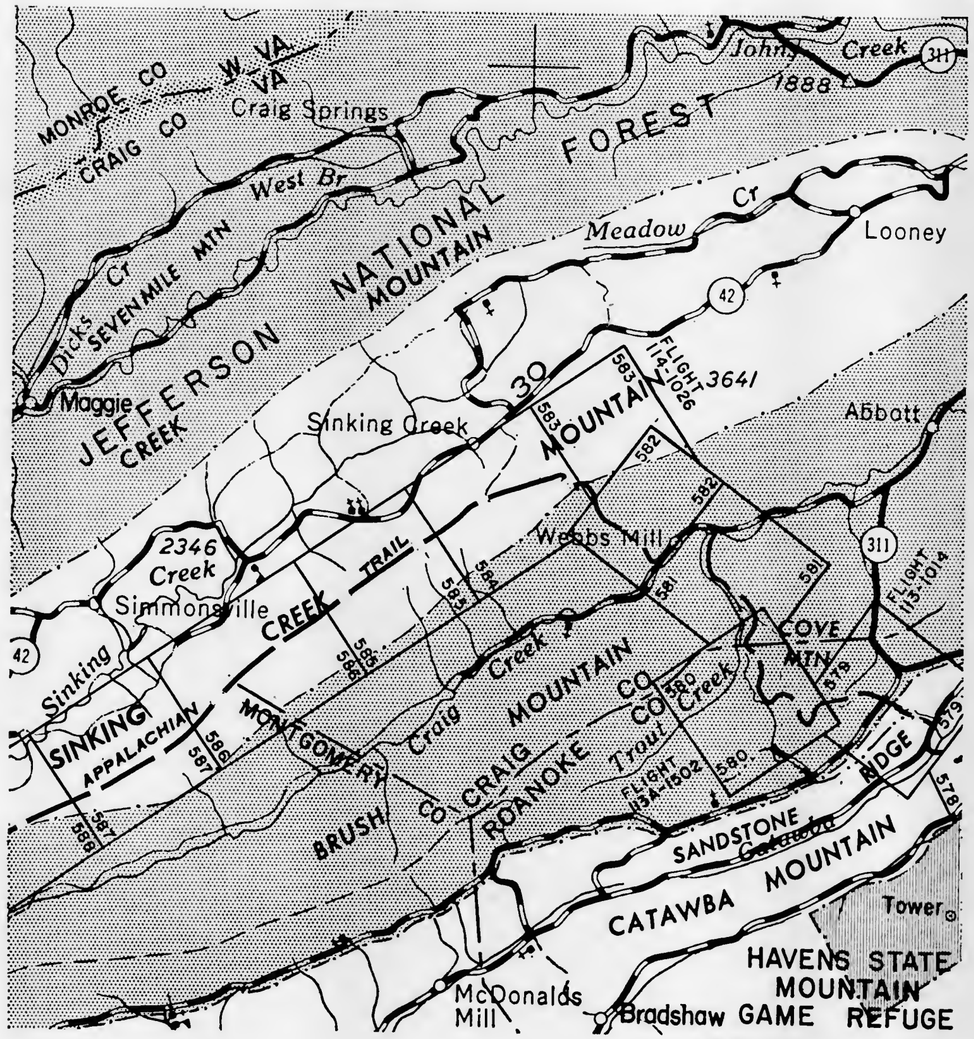
MONROE CO
W VA
VA
CRAIG CO
Craig Springs
Johns Creek
311
1888
West Br
Meadow Cr
Looney
Dicks Cr
SEVENMILE MTN
JEFFERSON NATIONAL FOREST
MOUNTAIN
42
Maggie
CREEK
Sinking Creek
30
583
582
581
FLIGHT 112-1026
3641
Abbott
2346
Creek
Simmonsville
TRAIL
Webbs Mill
311
COVE MTN
315
Sinking
SINKING
APPALACHIAN
MONTGOMERY
Craig Creek
MOUNTAIN
CO
CRAIG
ROANOKE
Trout Creek
FLIGHT 93A-1602
580
587
586
579
578
BRUSH
SANDSTONE RIDGE
CATAWBA MOUNTAIN
Tower
McDonalds Mill
HAVENS STATE MOUNTAIN
Bradshaw GAME REFUGE
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
N
Virginia
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
MAP NO. 62

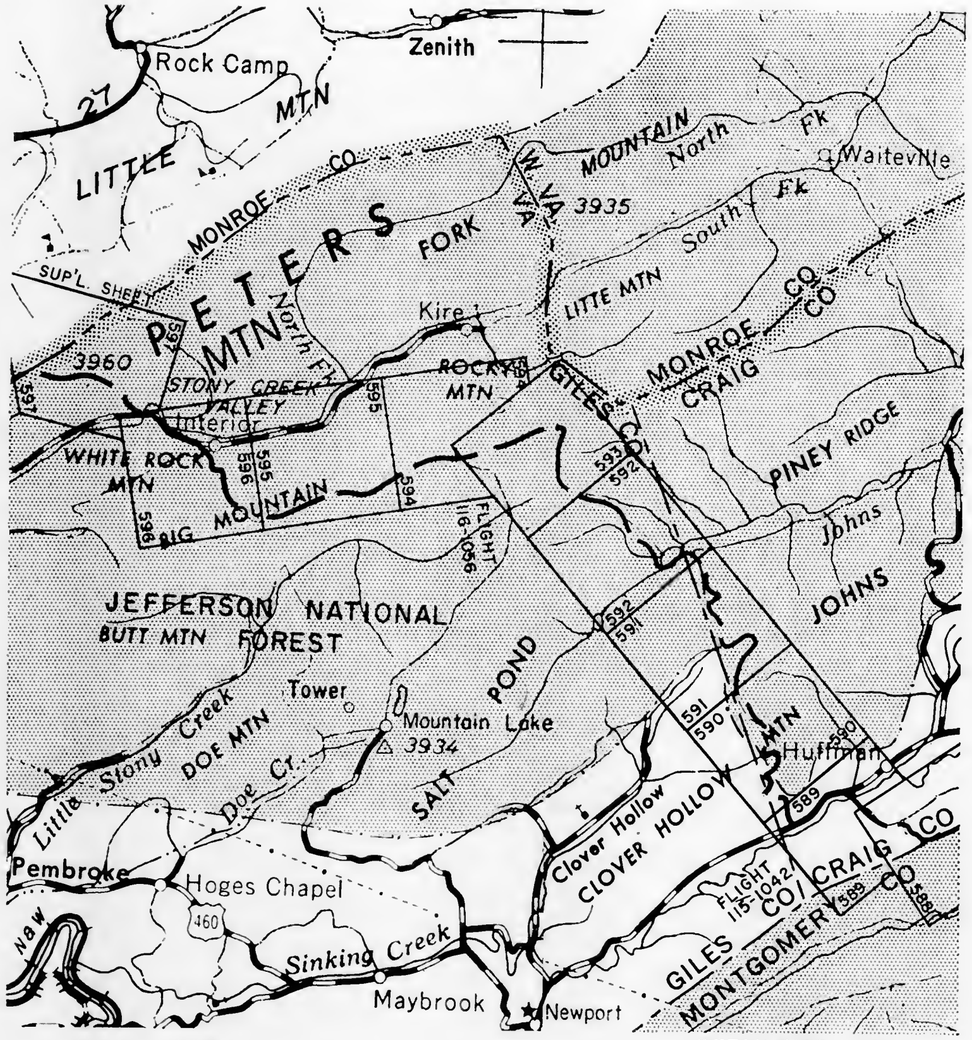

MAP NO. 63

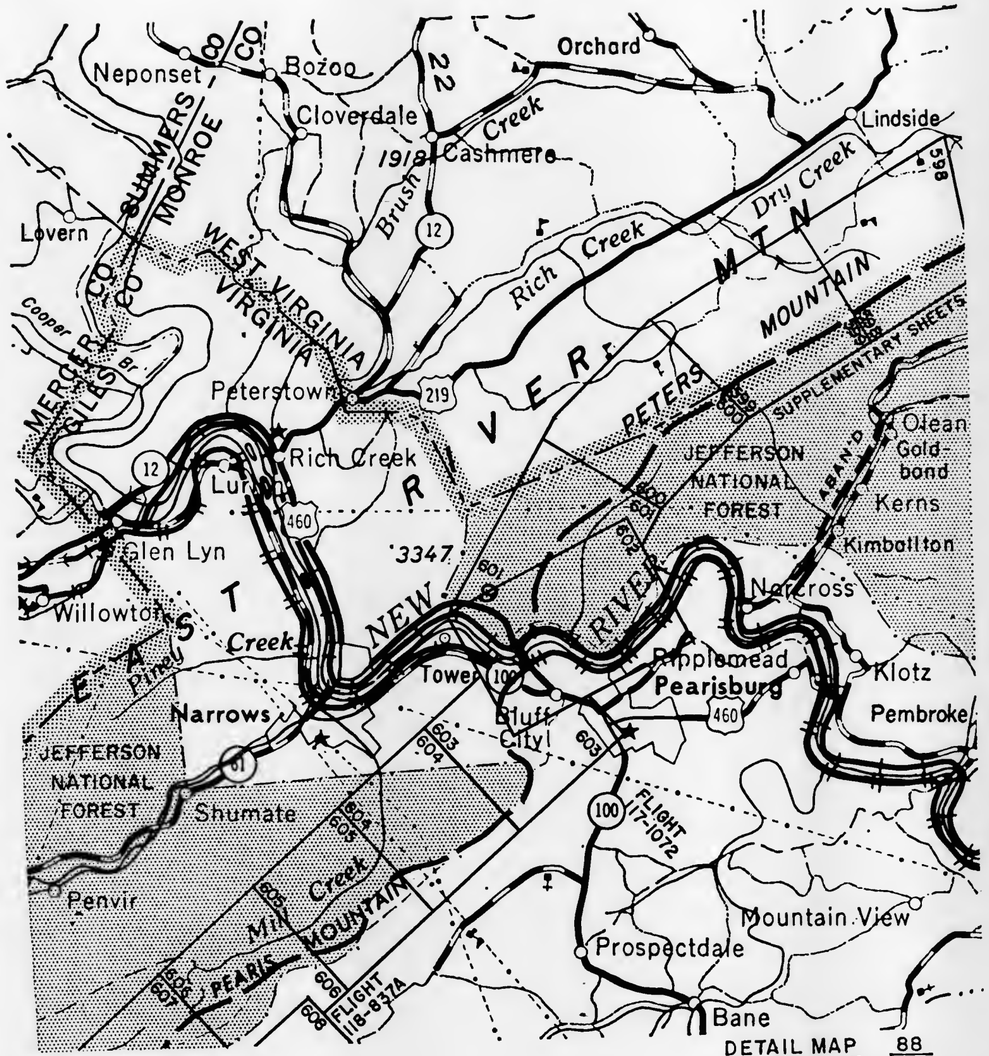

MAP NO. 64

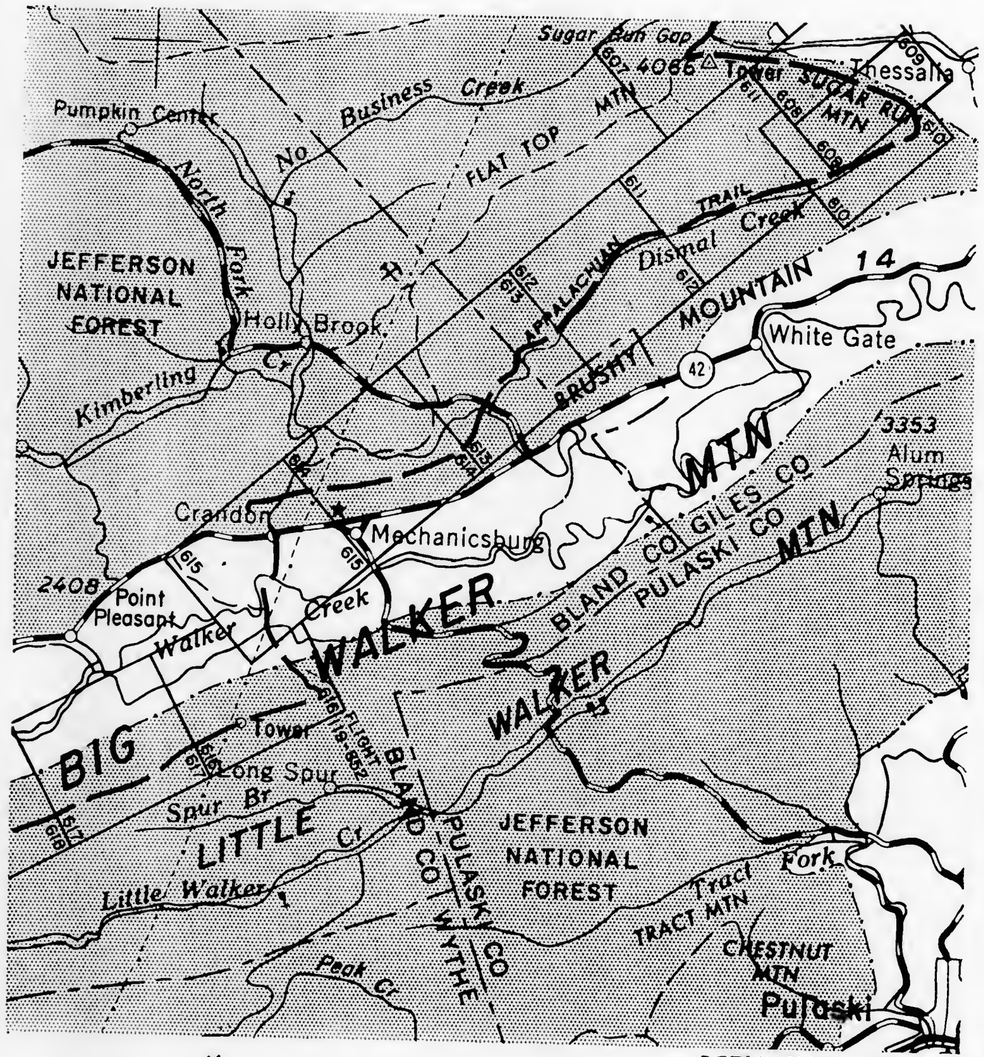

MAP NO. 65

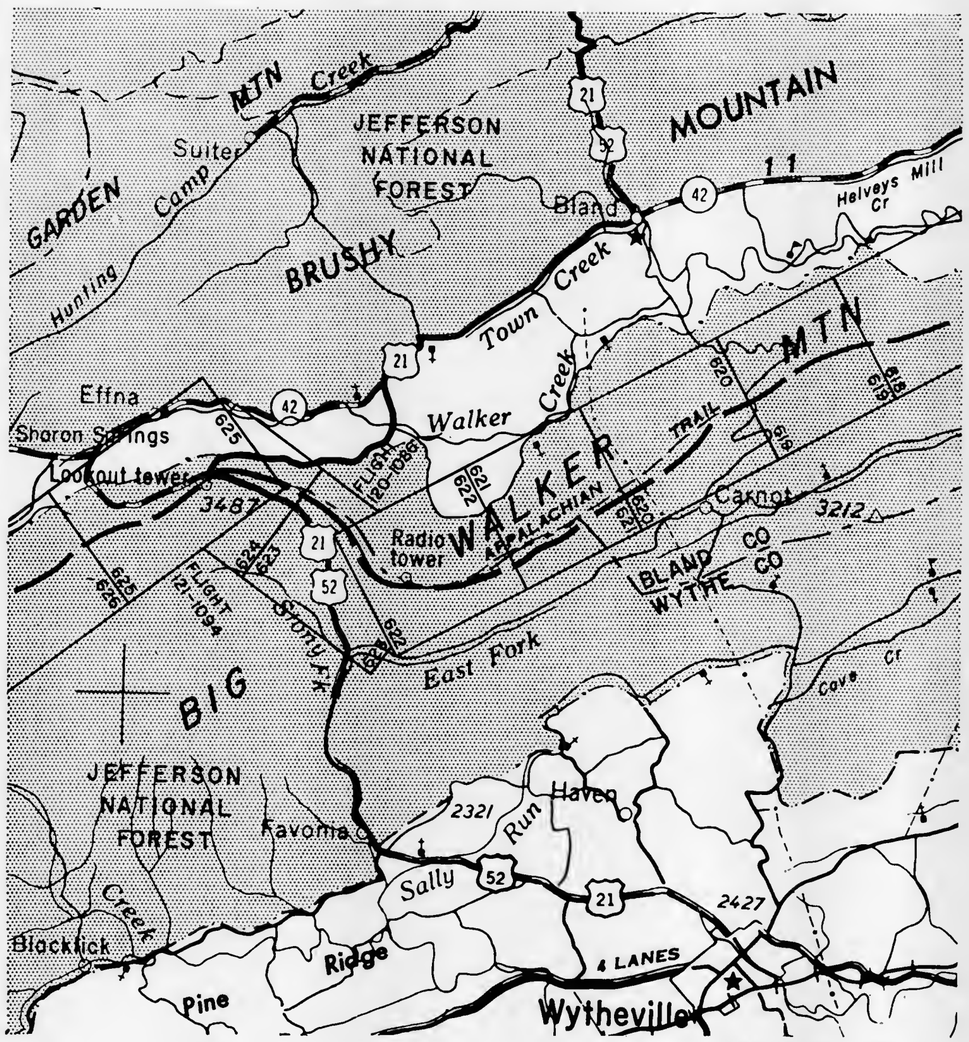

MAP NO. 66

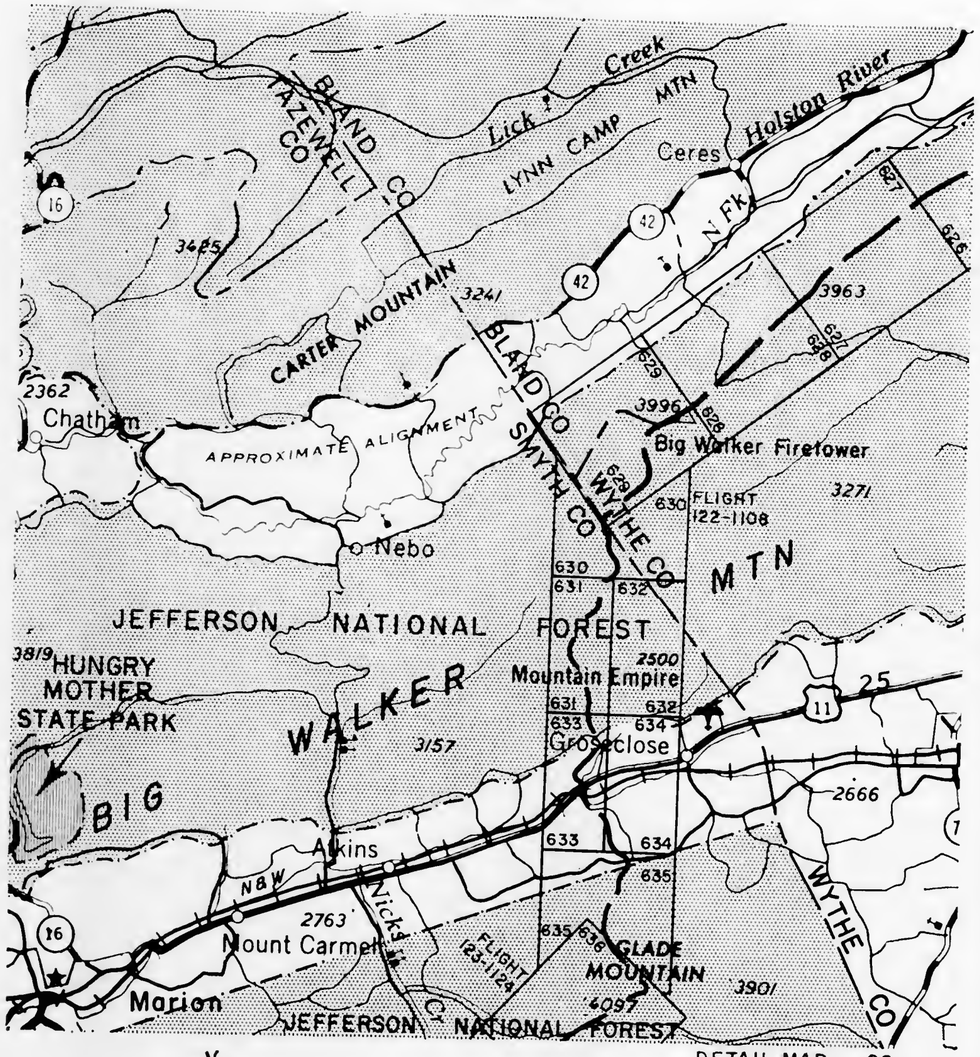

MAP NO. 67

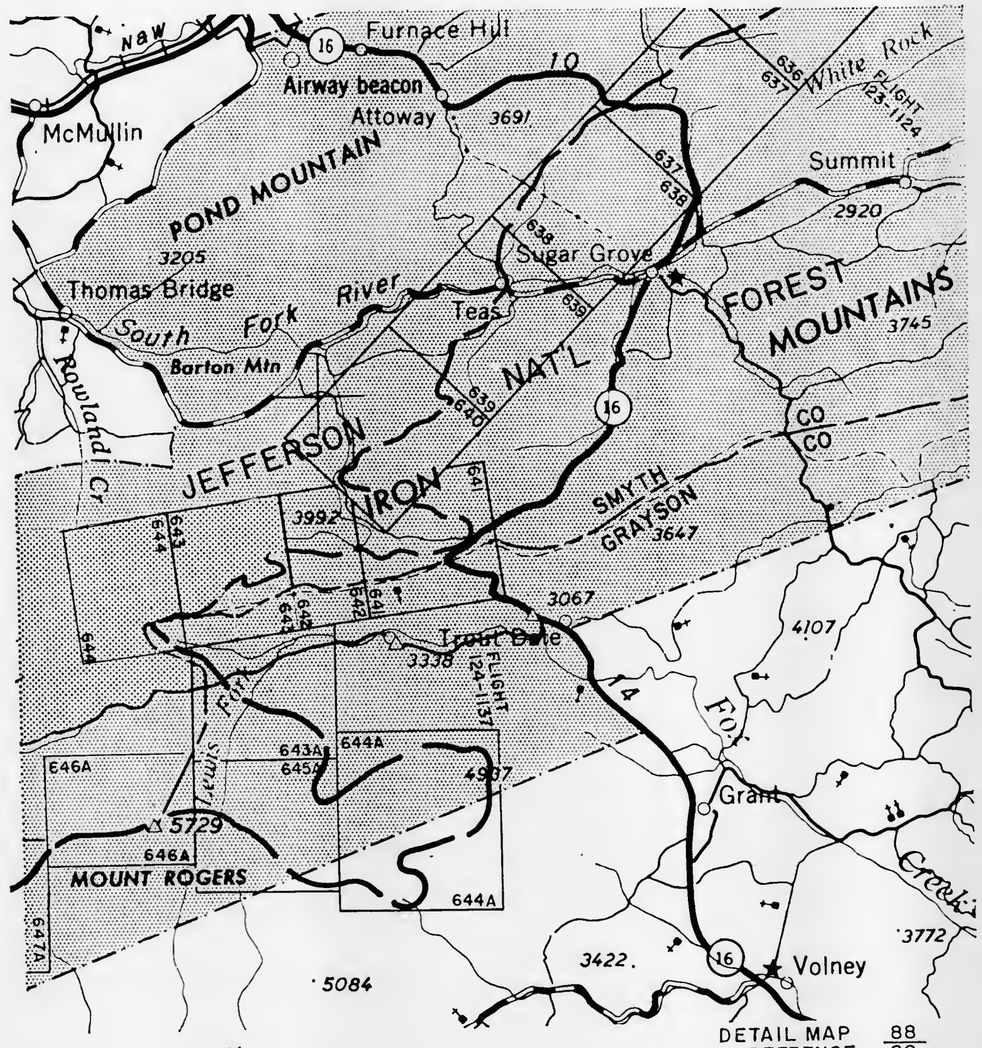

MAP NO. 68

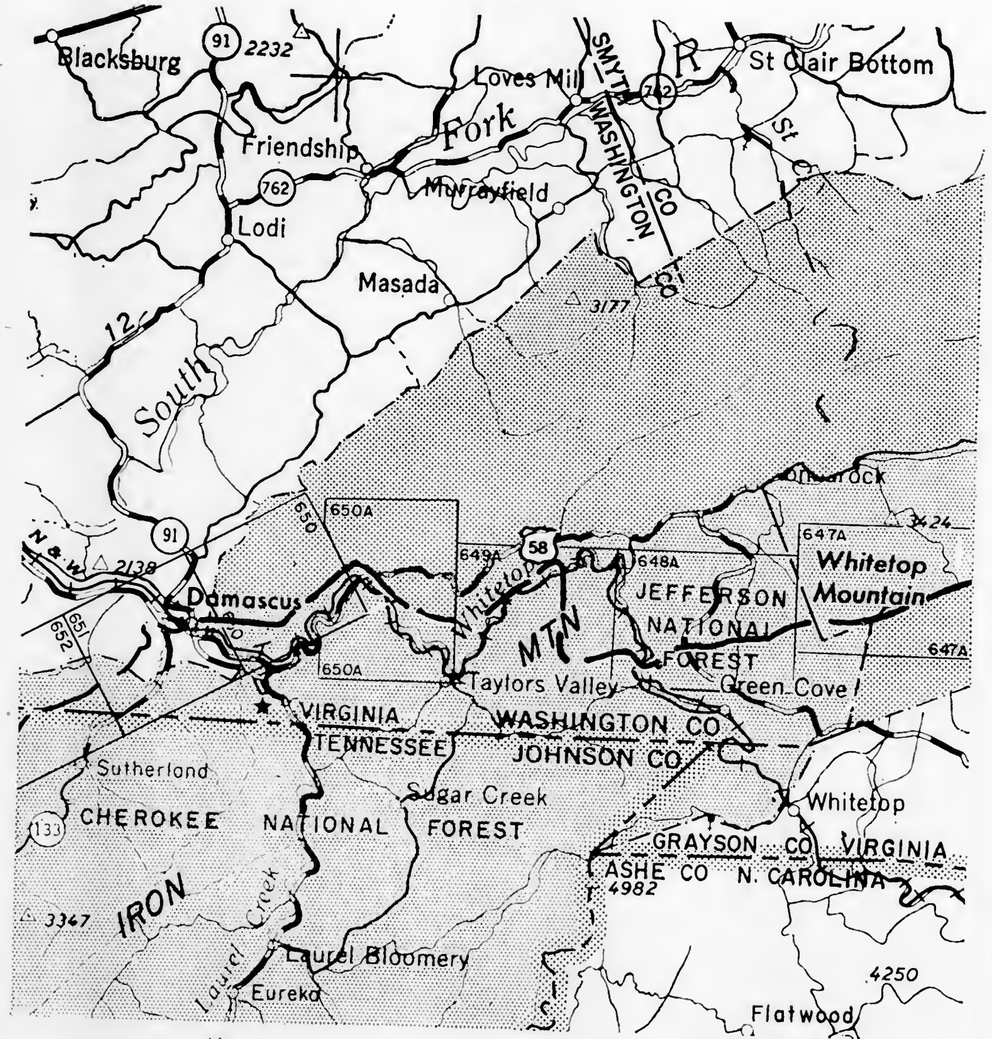

DETAIL MAP REFERENCE..... 88/89

Virginia - Tennessee
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 69

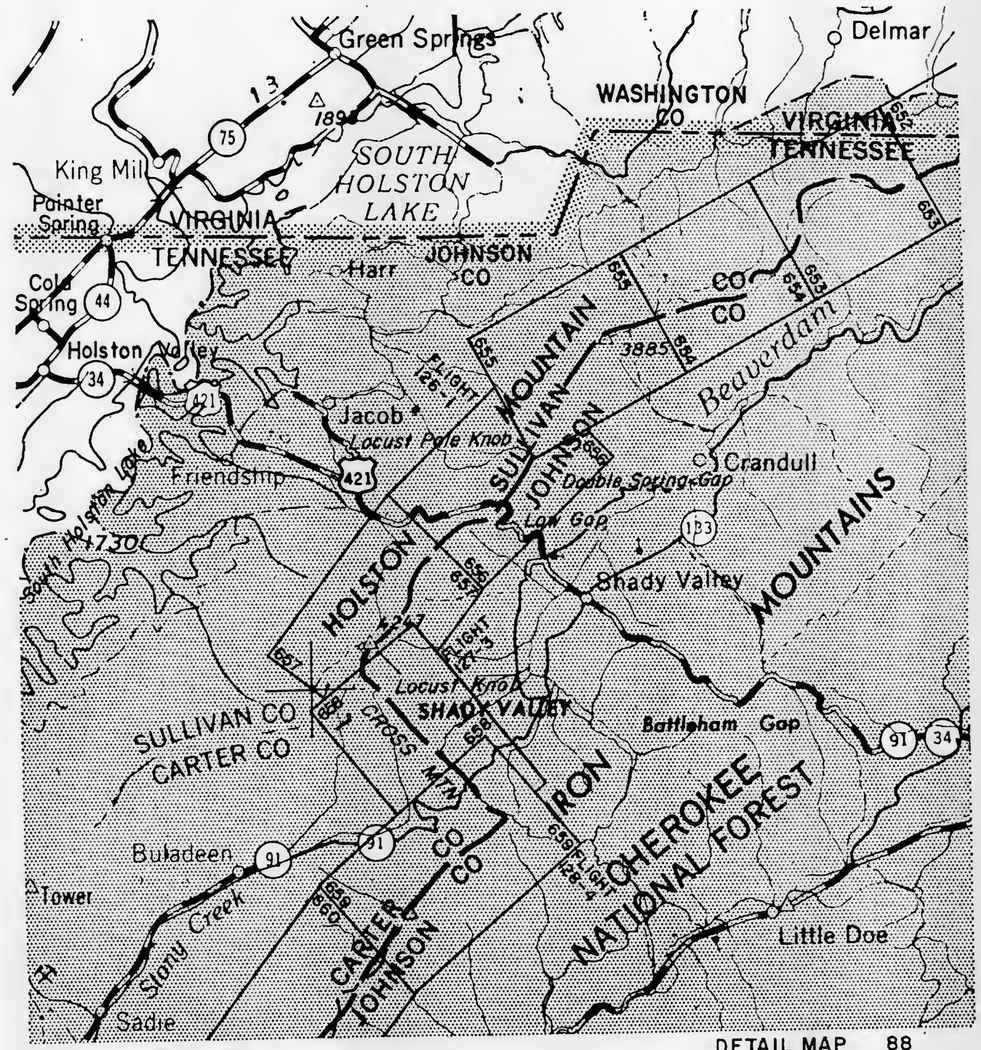

DETAIL MAP REFERENCE..... 88/89

Virginia - Tennessee
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 70

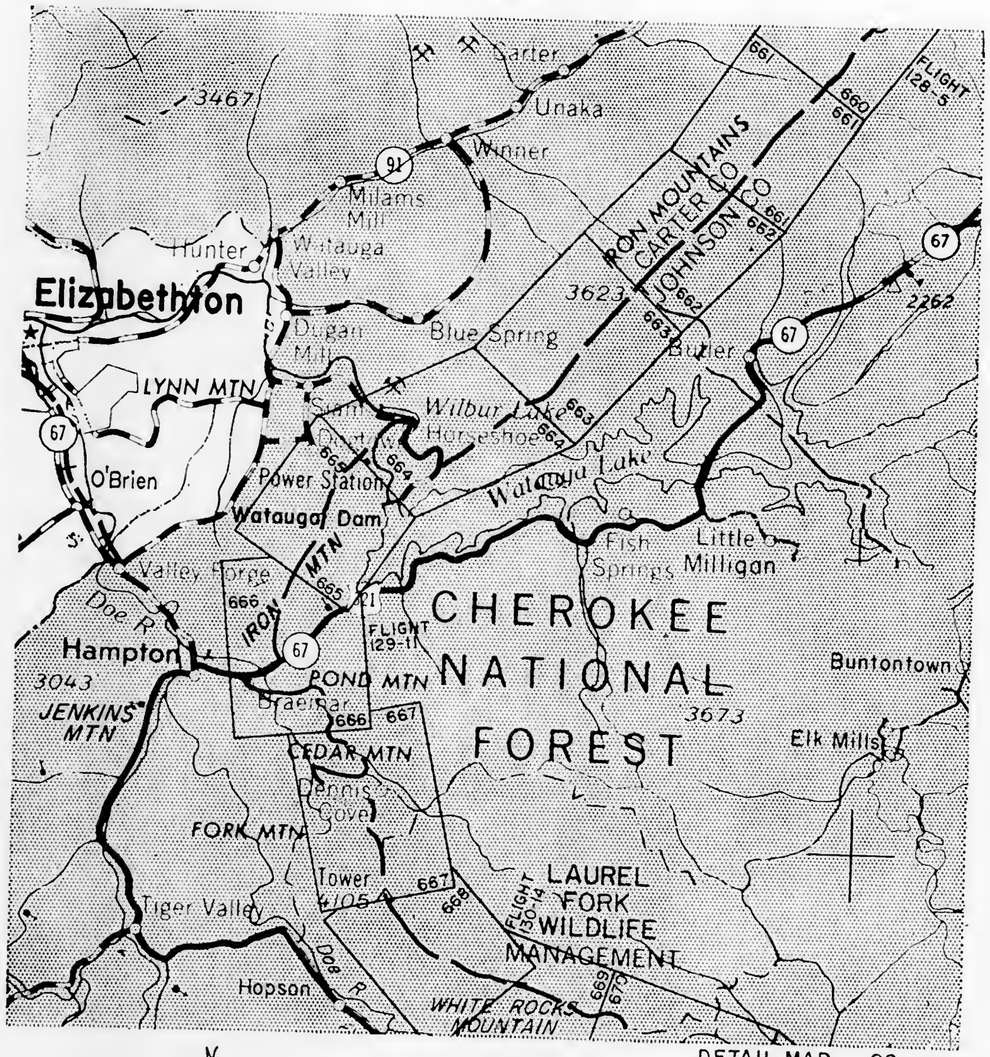

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

Tennessee

APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

MAP NO. 71

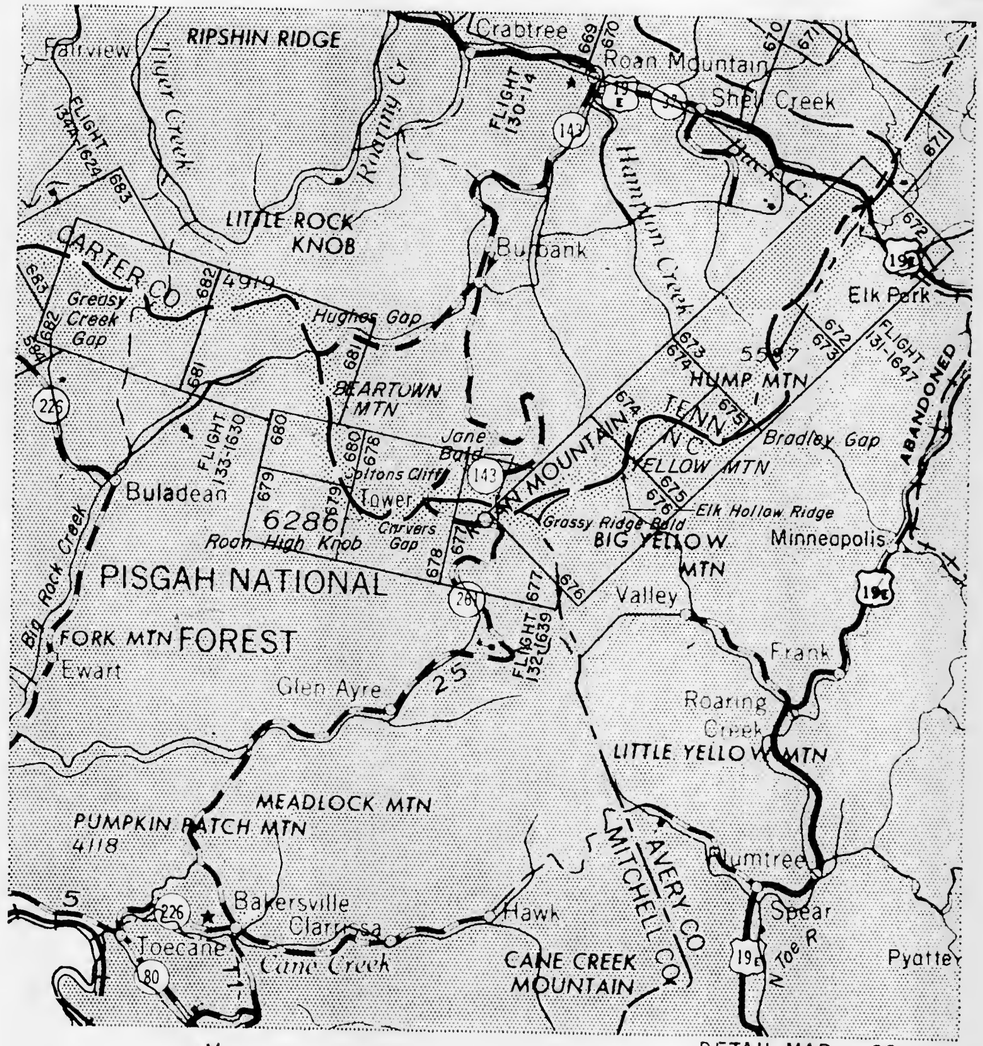

DETAIL MAP REFERENCE..... 88 / 89

PRIVATE.....

FEDERAL.....

STATE.....

TRAIL.....

Tennessee - North Carolina

APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

MAP NO. 72

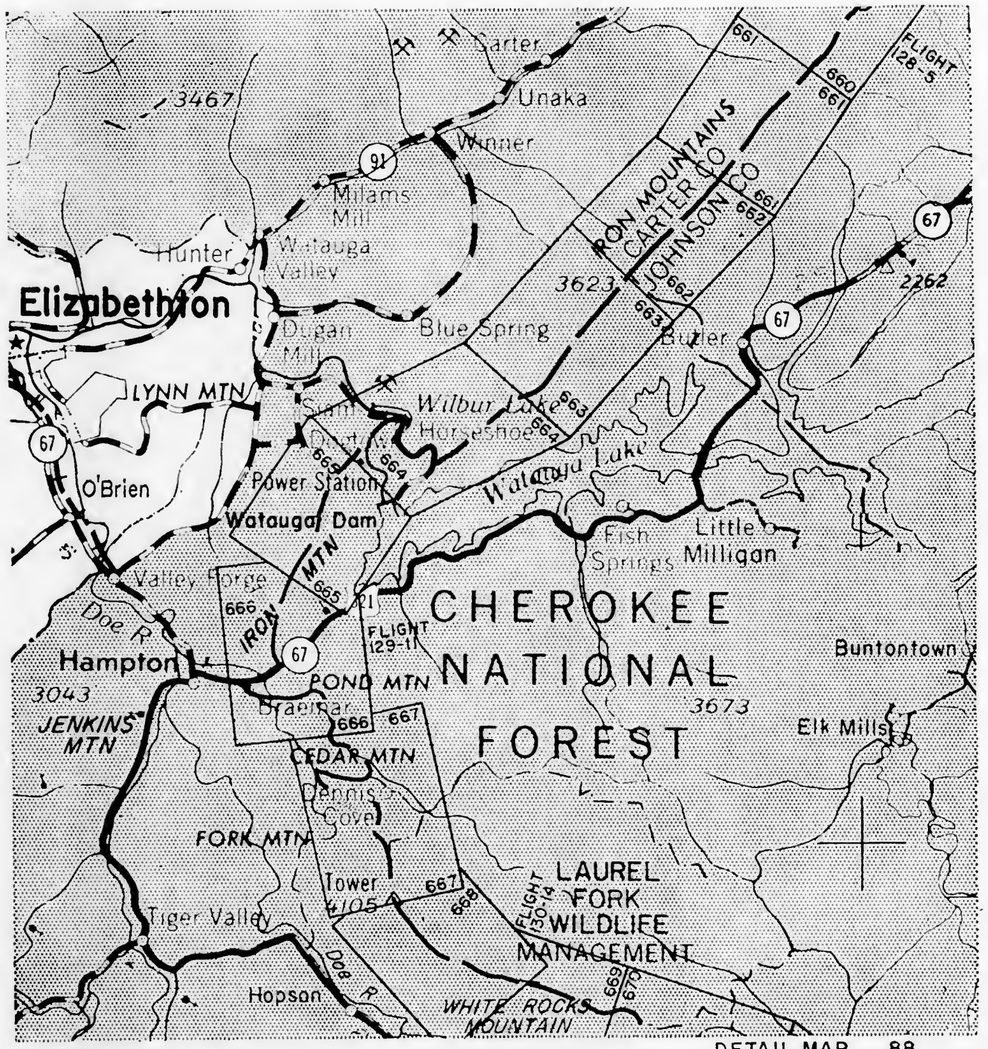

MAP NO. 71

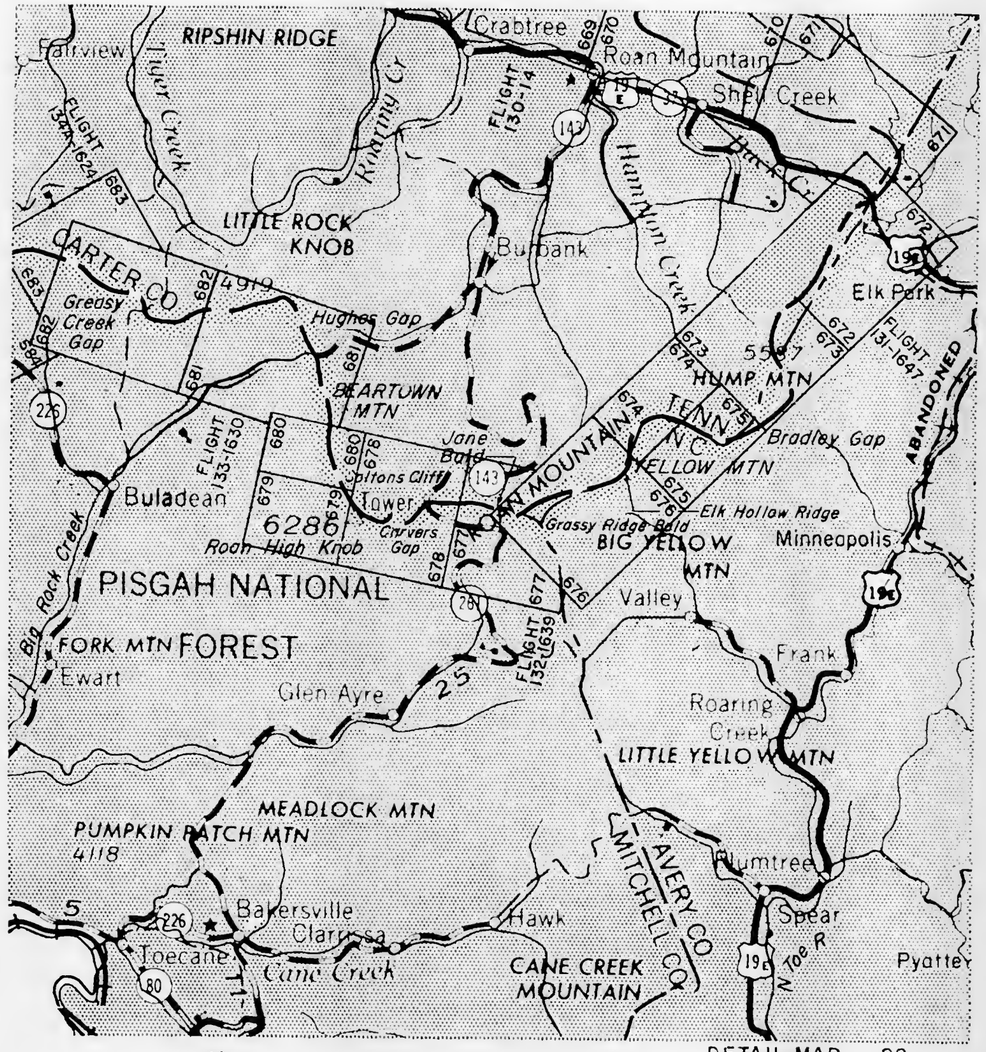

MAP NO. 72

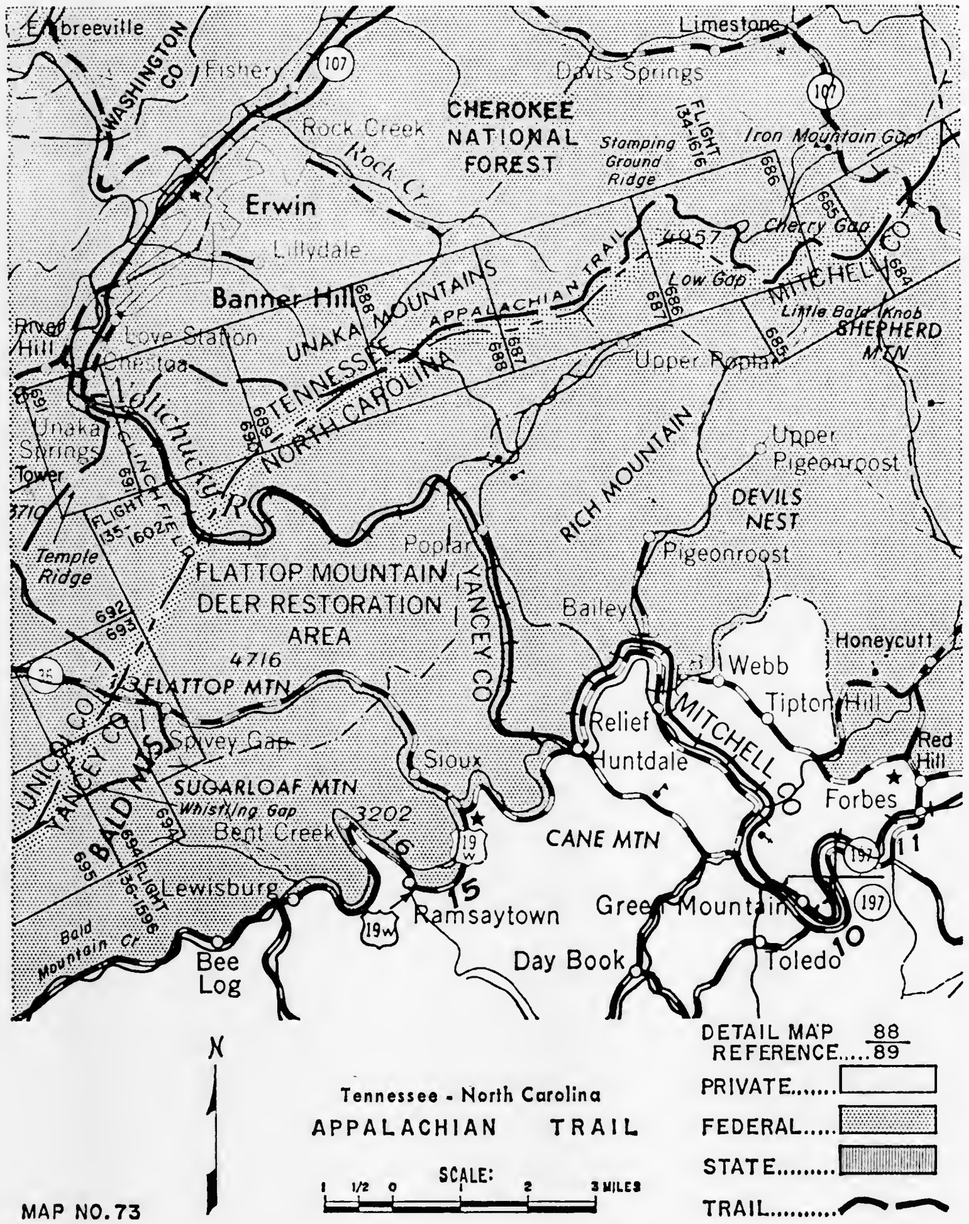

MAP NO. 73

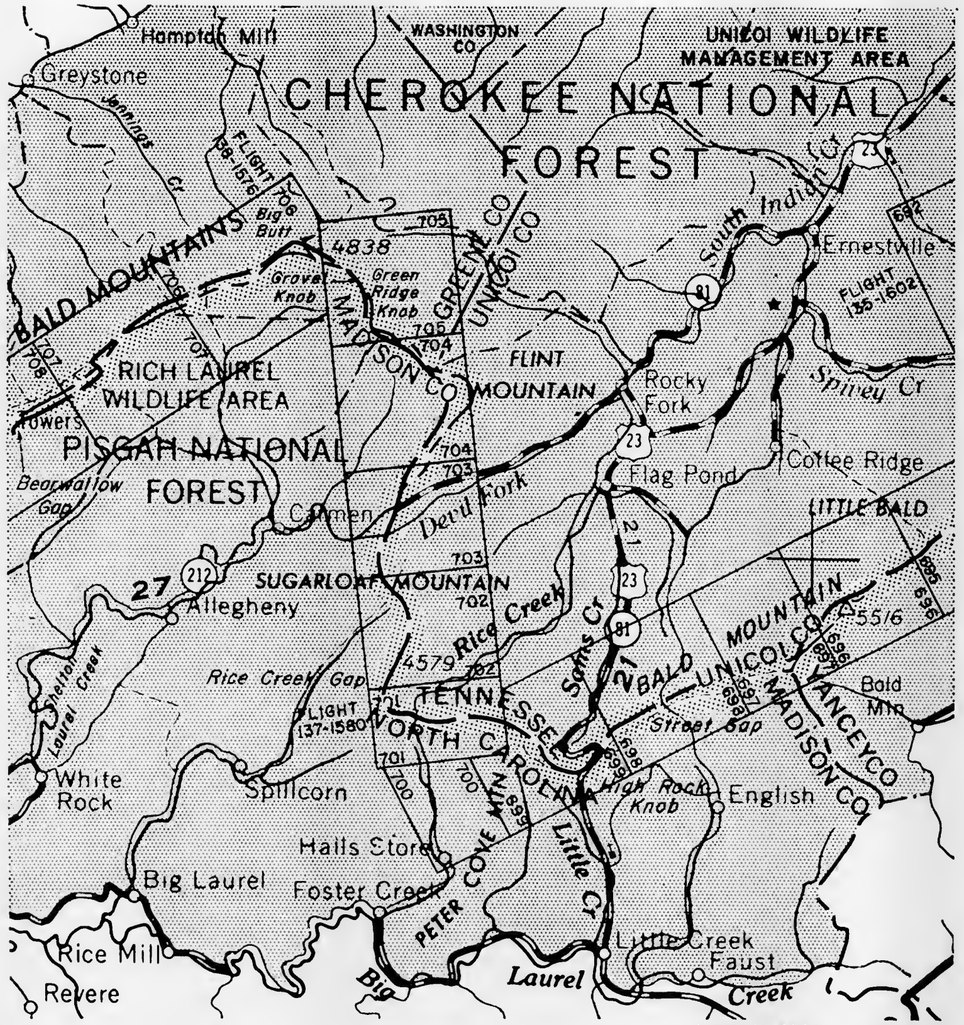

MAP NO. 74

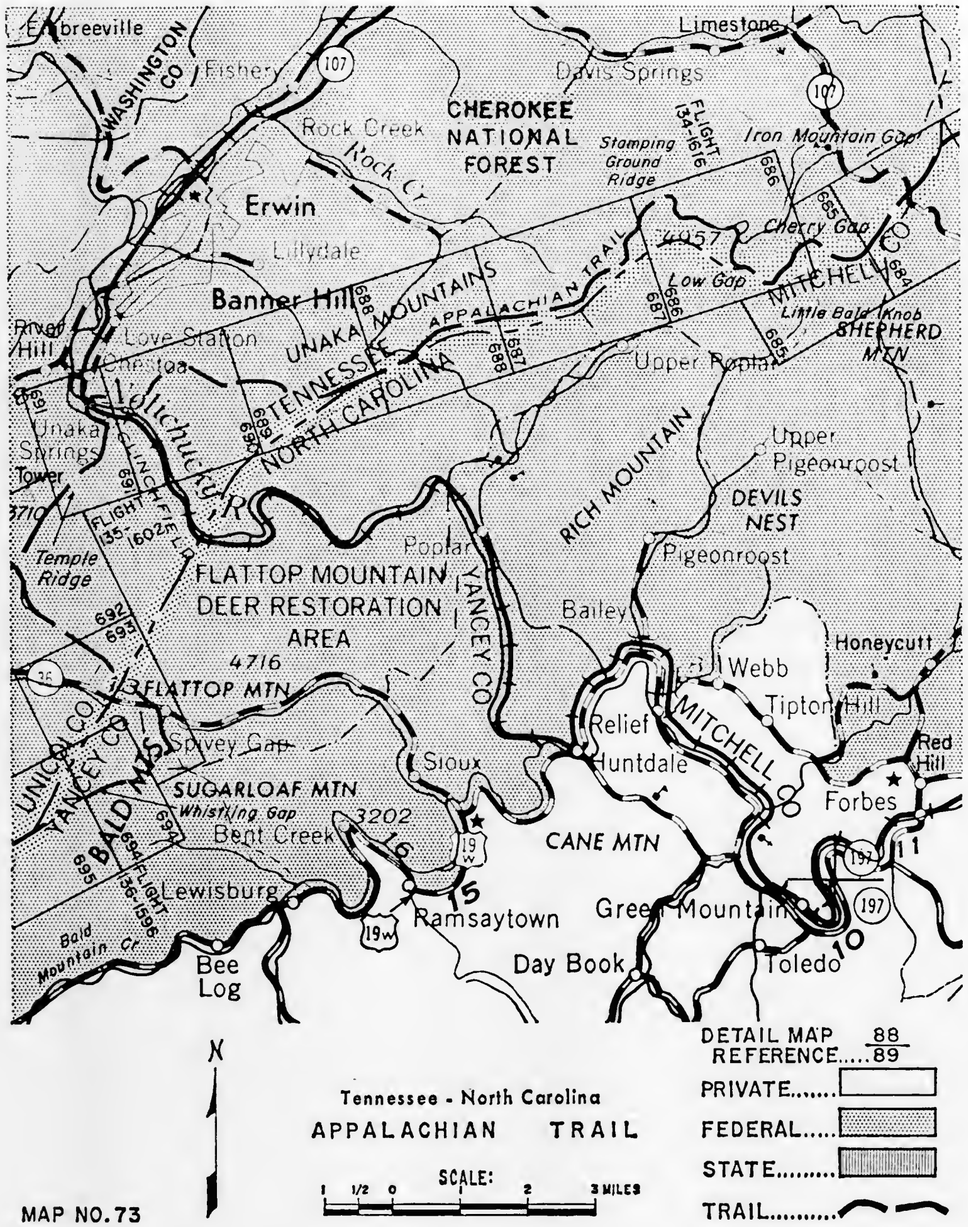

MAP NO. 73

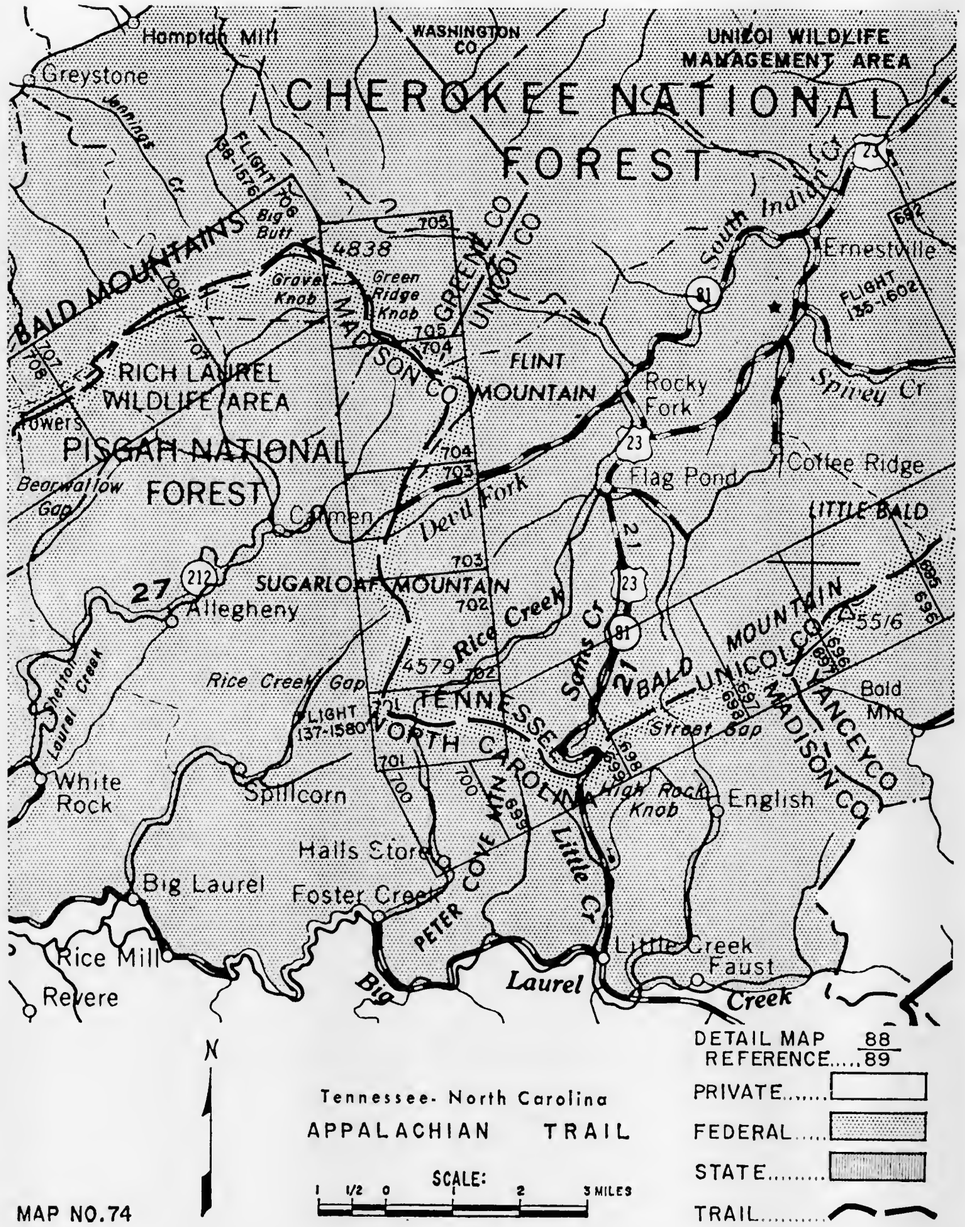

MAP NO. 74

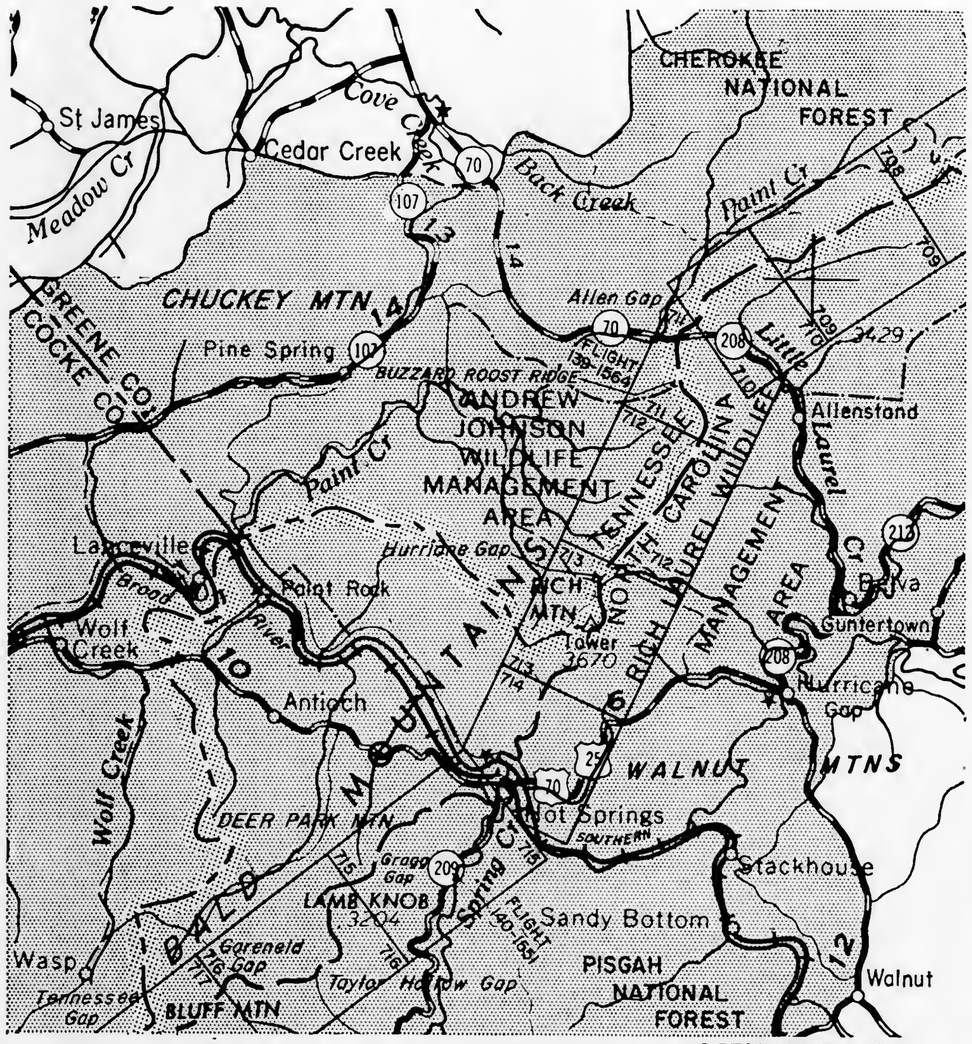

MAP NO. 75

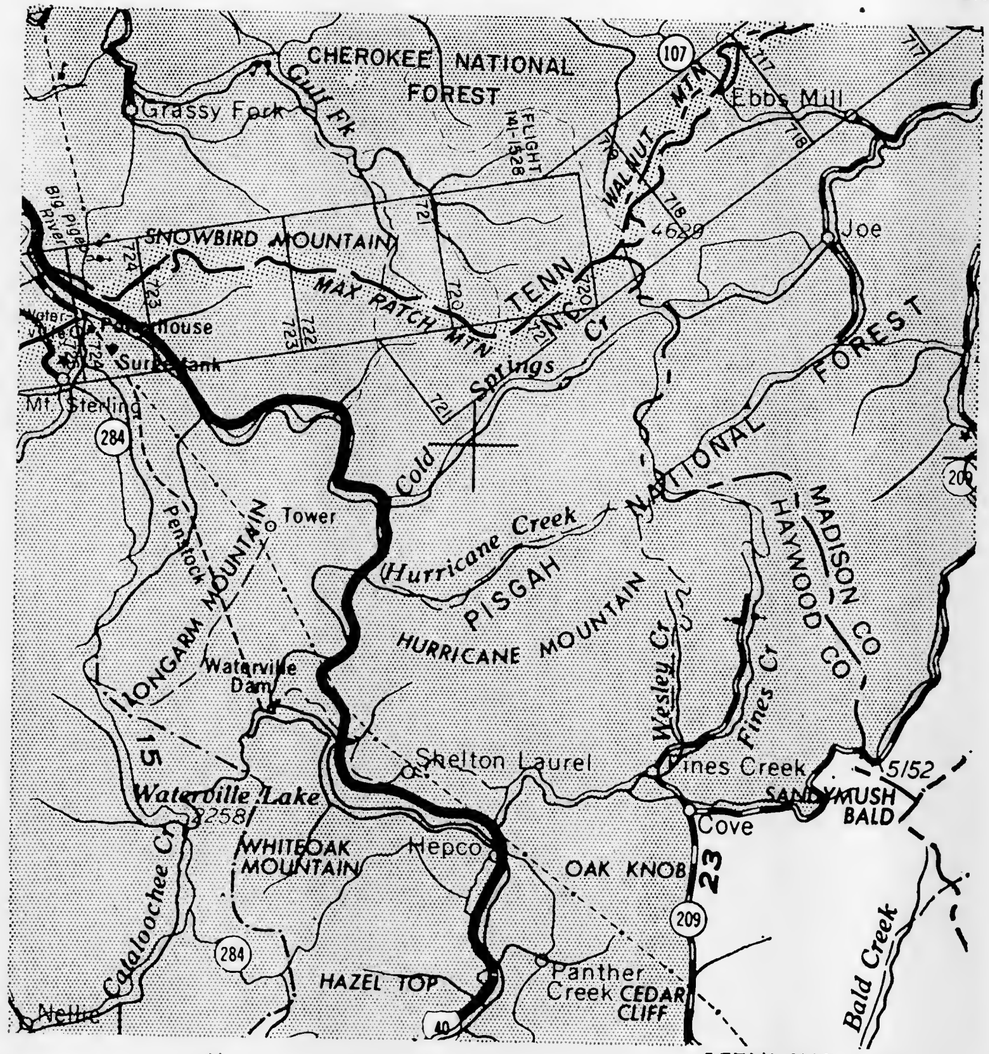

MAP NO. 76

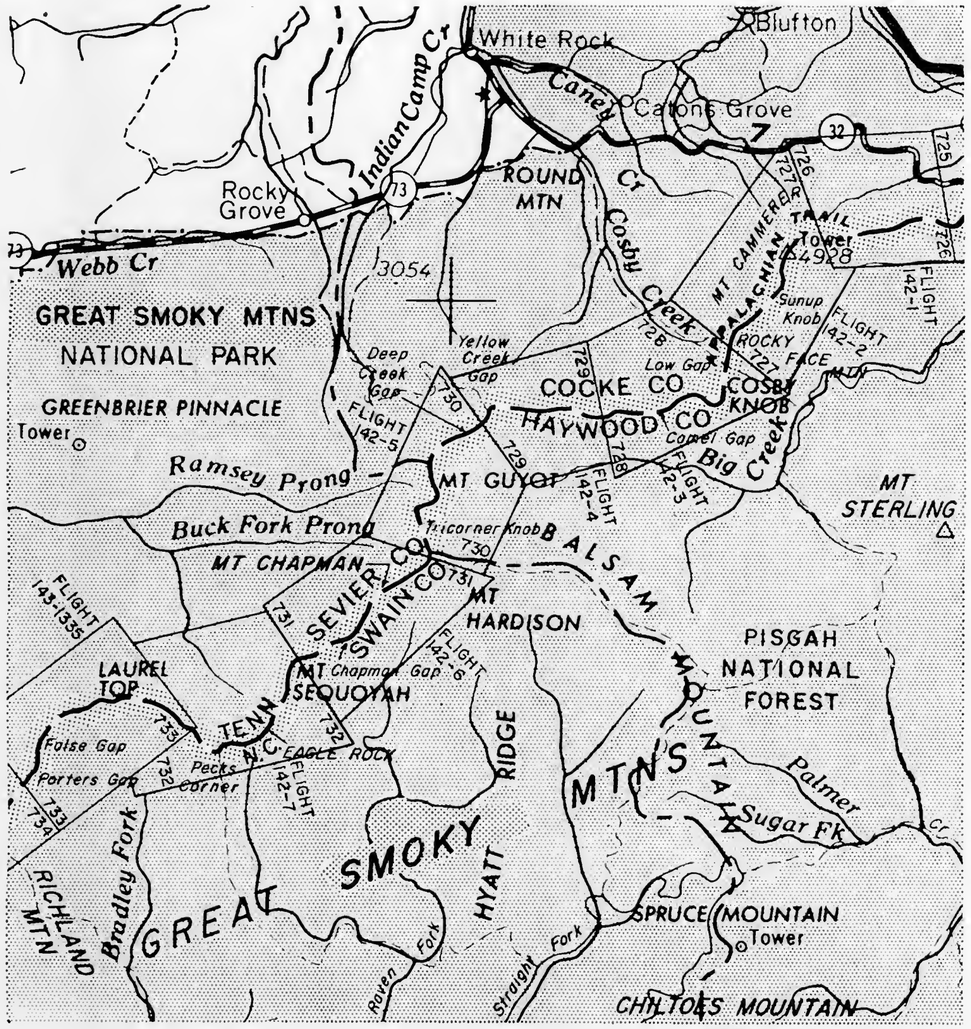

MAP NO. 77

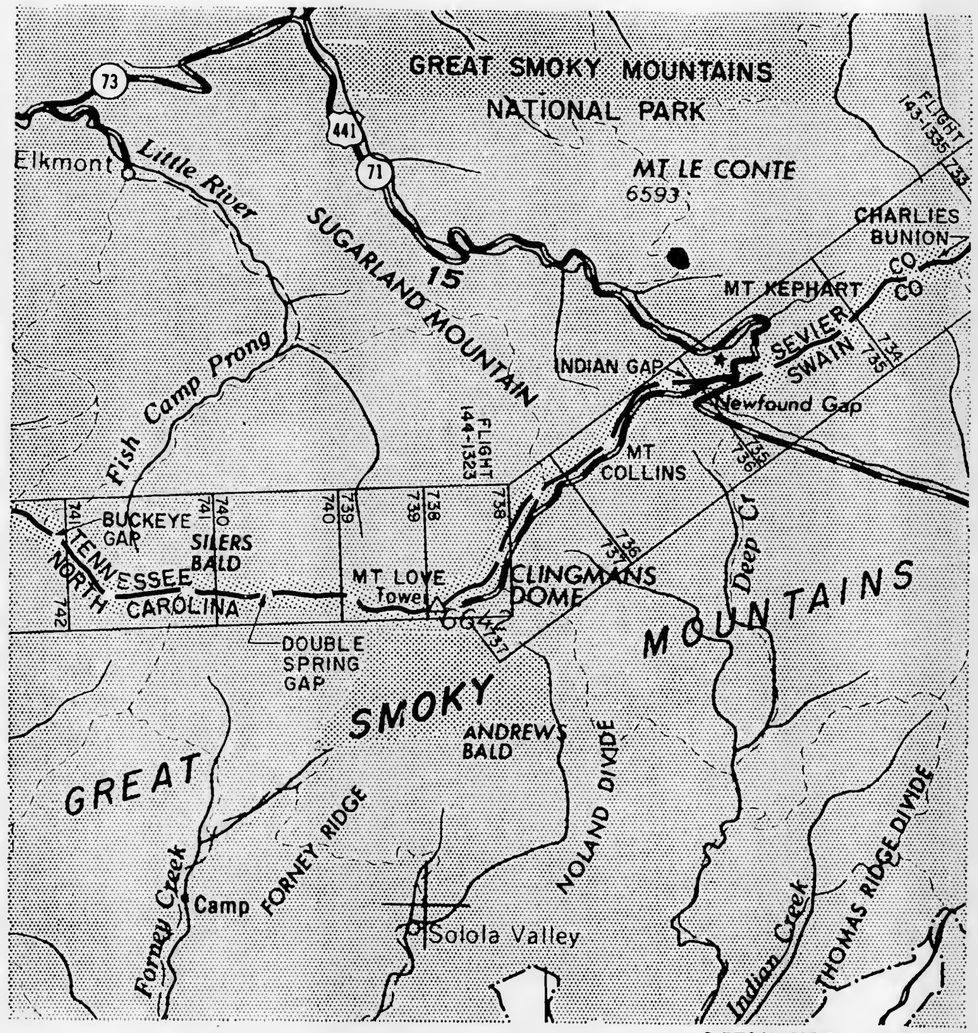

MAP NO. 78

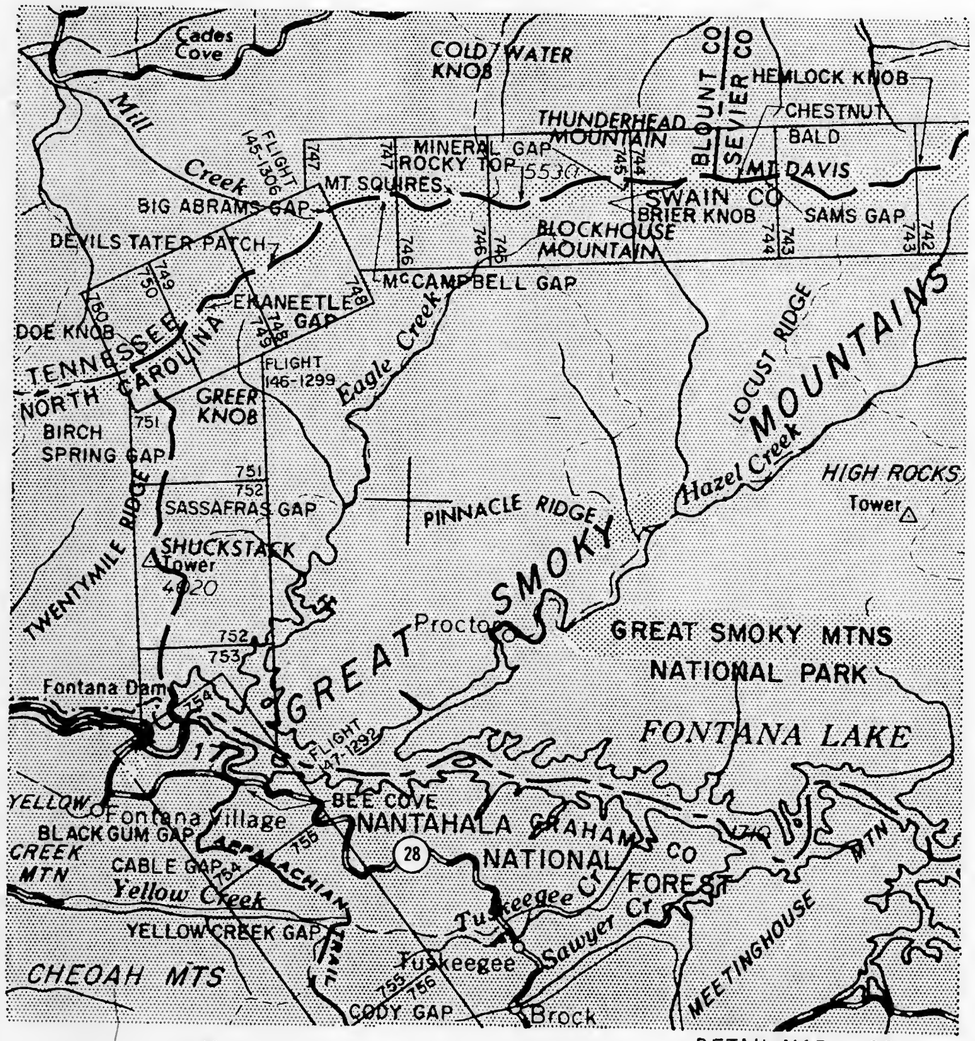

MAP NO. 79

TENNESSEE-NORTH CAROLINA
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE 88/89

PRIVATE

FEDERAL

STATE

TRAIL

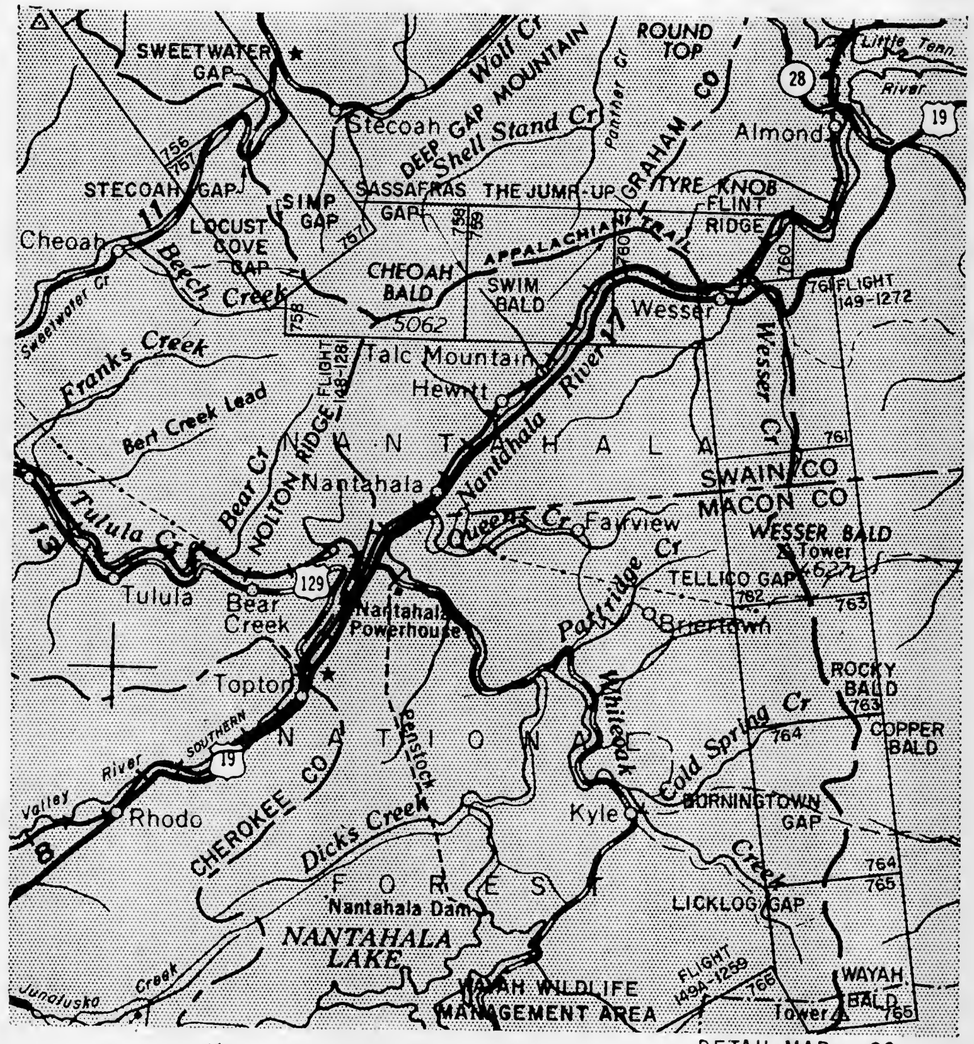

MAP NO. 80

North Carolina
APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE 88/89

PRIVATE

FEDERAL

STATE

TRAIL

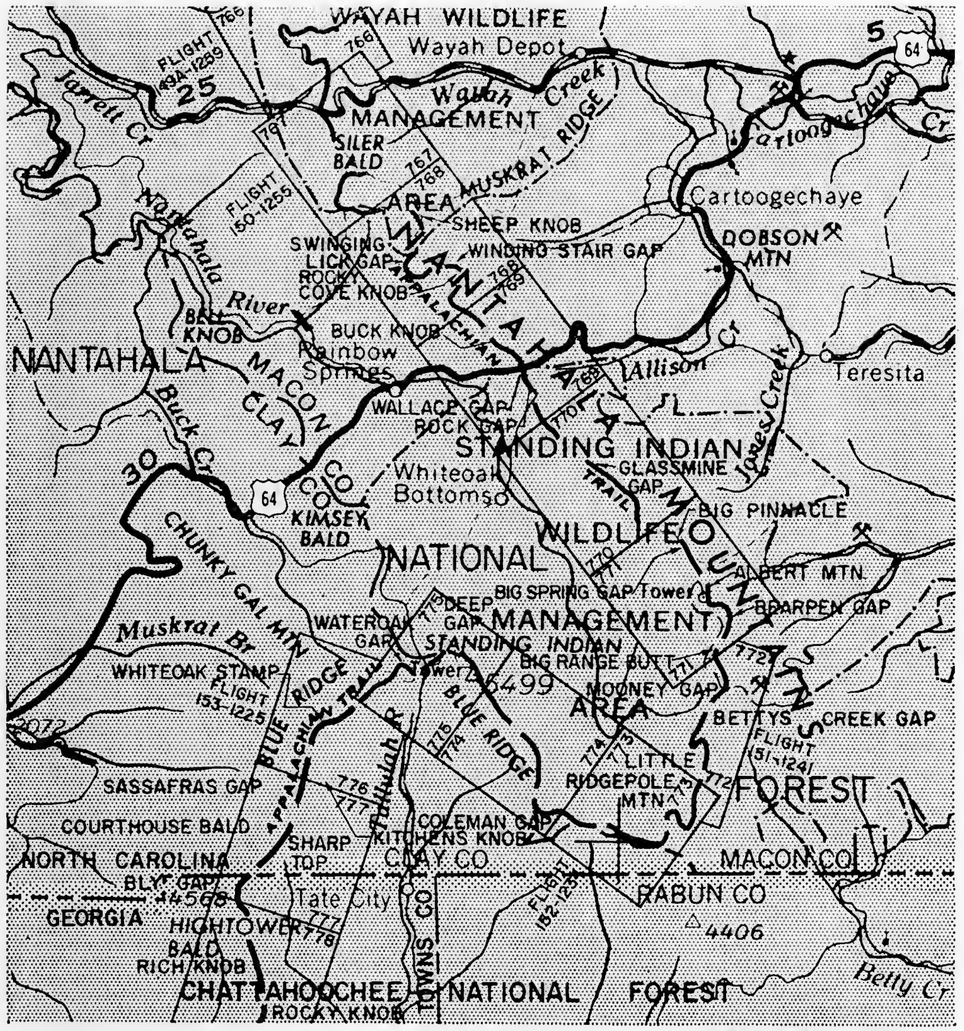

N

North Carolina - Georgia
APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 81

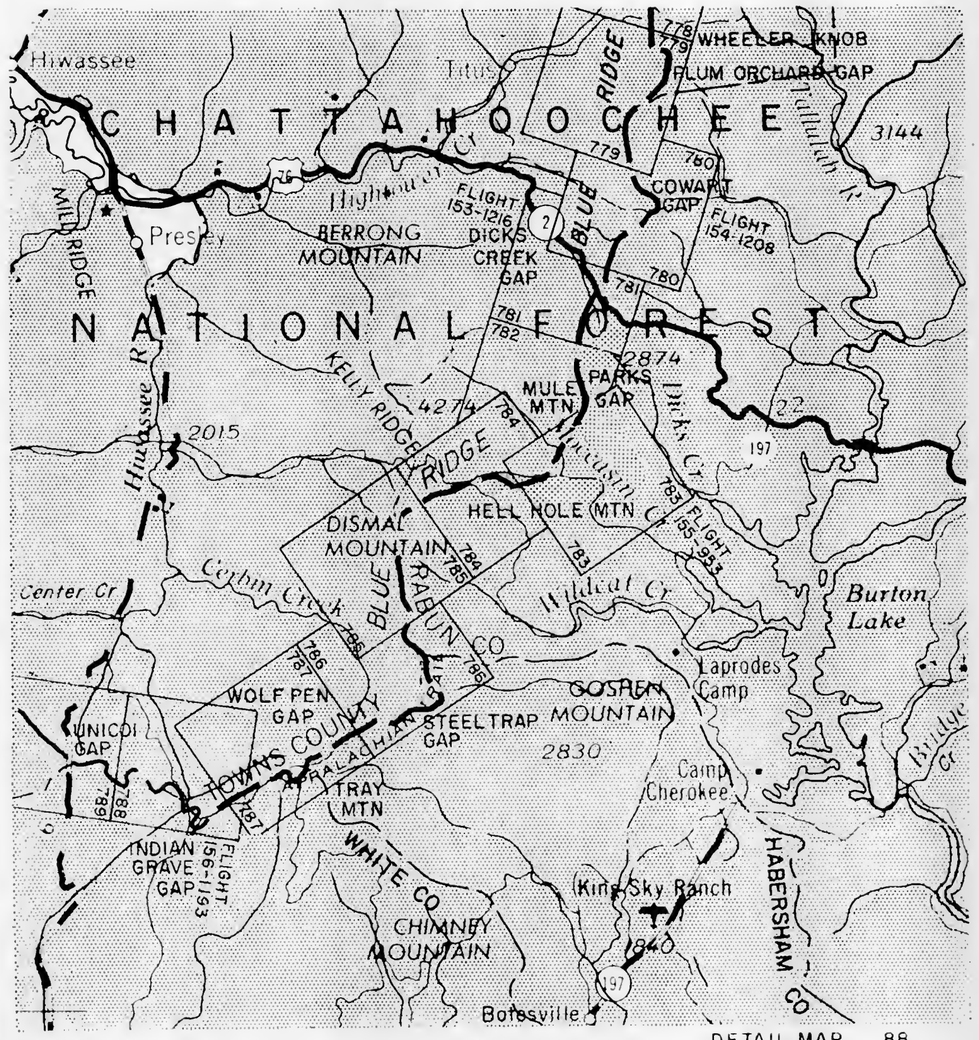

N

Georgia
APPALACHIAN TRAIL

SCALE: 1 1/2 0 2 3 MILES

DETAIL MAP REFERENCE.... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 82

N

Georgia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 83

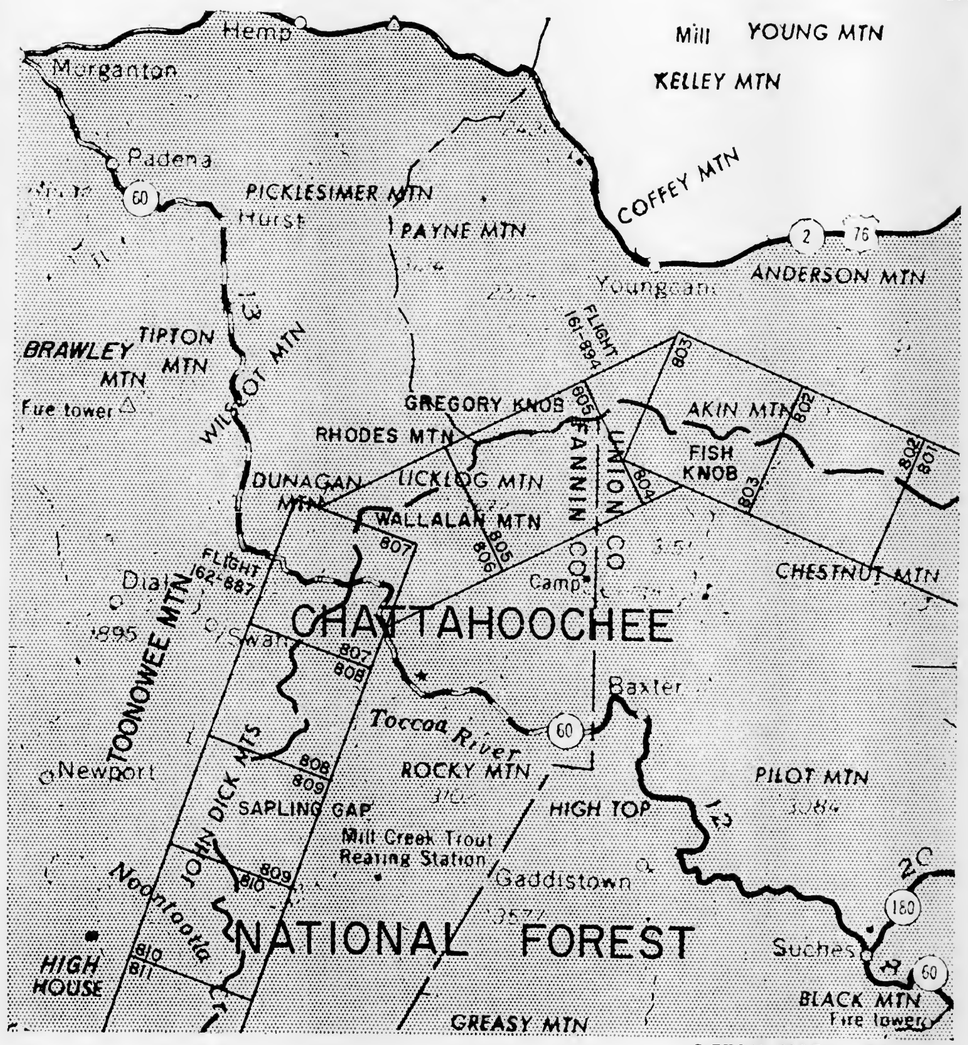

N

Georgia
APPALACHIAN TRAIL
SCALE: 1 1/2 0 1 2 3 MILES

DETAIL MAP REFERENCE..... 88/89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....

MAP NO. 84

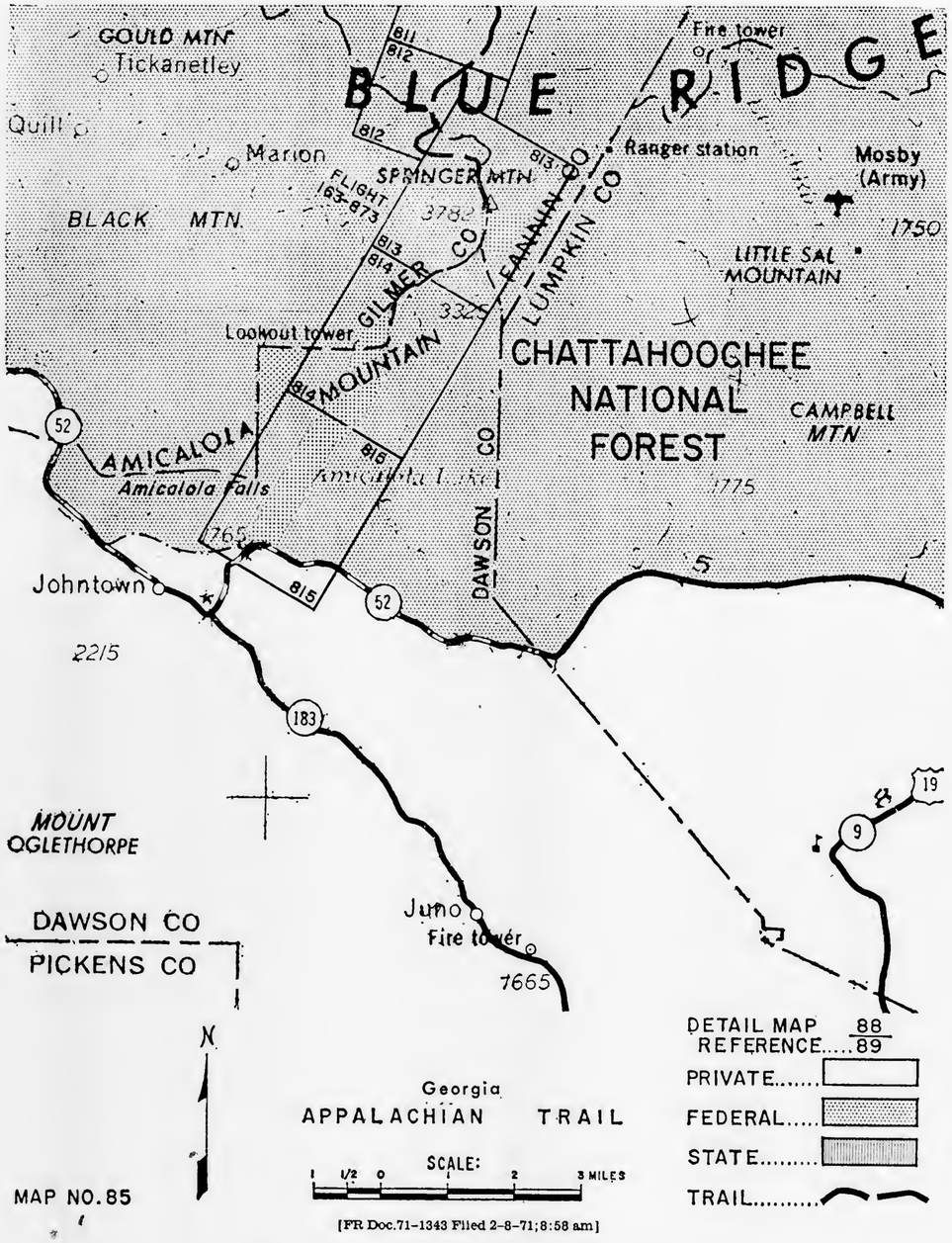

[FR Doc.71-1343 Filed 2-8-71;8:58 am]

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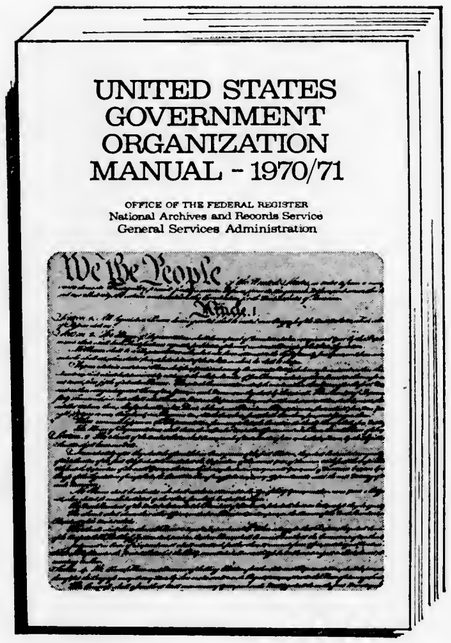

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FEDERAL REGISTER

VOLUME 36 • NUMBER 28
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Pages 2769–2853

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Civil Aeronautics Board
Civil Service Commission
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Education Office
Environmental Protection Agency
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
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Land Management Bureau
National Bureau of Standards
National Highway Traffic Safety Administration
National Park Service
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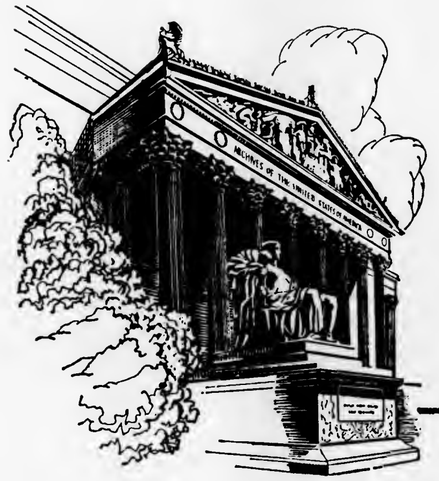

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Title 3—The President

PROCLAMATION 4030

National Poison Prevention Week, 1971

By the President of the United States of America

A Proclamation

Although the number of children who die from poisoning has been declining, approximately 75,000 accidental poisonings and some 300 deaths among children under the age of five are still reported every year. Young children cannot differentiate between things that are meant to be swallowed and those that are not meant to be swallowed. We adults must make this distinction, and we must be constantly on the alert to avoid a poisoning incident.

The Poison Prevention Packaging Act, which I recently signed into law, will provide for child-resistant containers for toxic or harmful household substances, and will help to end the tragedy of childhood poisonings.

To focus attention on the dangers of accidental poisoning, the Congress in a joint resolution of September 26, 1961 (75 Stat. 681), requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 21, 1971, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and voluntary organizations to participate actively in programs designed to promote better protection against accidental poisonings, particularly as they relate to young children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc. 71-1952 Filed 2-8-71; 4:01 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 465, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.765 (Lemon Regulation 465, 36 F.R. 1466) are hereby amended to read as follows:

§ 910.765 Lemon Regulation 465.

• • • • • •

(b) • • •

(1) • • •

(i) District 1: 47,000 cartons.

(ii) District 2: 103,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 5, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–1873 Filed 2–9–71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Payment and Accounting for Livestock and Live Poultry

On May 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8368) that the Packers and Stockyards Administration was considering an amendment to § 201.43 of the regulations which would clarify the requirements with respect to disclosure of deferred payment agreements in the records of market agencies or dealers selling livestock.

Interested persons were given 60 days within which to submit written data, views, or arguments concerning the proposed amendment. In response to the request of interested persons, the time for filing such written data, views, or arguments was extended to and including August 20, 1970 (35 F.R. 12769). After consideration of all relevant matters submitted by interested persons, paragraphs (b) and (c) of § 201.43, Part 201, Chapter II, Title 9, Code of Federal Regulations are hereby amended to read as follows:

§ 201.43 Payment and accounting for livestock and live poultry.

• • • • • •

(b) *Purchasers to pay promptly for livestock.* Each packer, market agency, or dealer purchasing livestock shall, before the close of the next business day following the purchase of livestock and the determination of the amount of the purchase price, transmit or deliver to the seller or his duly authorized agent the full amount of the purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the records of any market agency or dealer selling the livestock, and in the purchaser's records and on the accounts or other documents issued by the purchaser relating to the transaction. The provisions of this section shall not be construed to permit any transaction prohibited by § 201.61(a) relating to financing by market agencies selling on a commission basis.

(c) *Purchasers to promptly reimburse agents.* Each packer, market agency, or dealer who utilizes or employs an agent to purchase livestock for him, shall, in transactions where such agent uses his own funds to pay for livestock purchased on order, transmit, or deliver to such agent the full amount of the purchase price before the close of the next business day following receipt of notification of the payment of such purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the records of the principal and in the records of any market agency or dealer acting as such agent.

The proposed amendment to paragraph (b) did not contain the reference to § 201.61(a) when originally published. However, since the prohibition contained in that section may affect deferred payment agreements it is deemed advisable to call attention to such prohibition. Section 201.61(a) was published in the FEDERAL REGISTER (19 F.R. 4530) and has been in effect since 1954, therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further public participation in rule making procedures concerning this amendment is impracticable and unnecessary.

This amendment shall become effective on March 15, 1971.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies sections 202, 307, 312, 401, 42 Stat. 161 et seq., as amended; 7 U.S.C. 192, 208, 213, 221; 29 F.R. 16210, as amended, 32 F.R. 7186, 35 F.R. 18262)

Done at Washington, D.C., this 3d day of February 1971.

ODIN LANGEN,
Administrator, Packers and Stockyards Administration.

[FR Doc.71–1874 Filed 2–9–71;8:53 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Partial Delayed Issue Contracts

§ 220.123 Partial delayed issue contracts covering nonconvertible bonds.

(a) During recent years, it has become customary for portions of new issues of nonconvertible bonds and preferred stocks to be sold subject to partial delayed issue contracts, which have customarily been referred to in the industry as "delayed delivery" contracts, and the Board of Governors has been asked for its views as to whether such transactions involve any violations of the Board's margin regulations.

(b) The practice of issuing a portion of a debt (or equivalent) security issue at a date subsequent to the main underwriting has arisen where market conditions made it difficult or impossible, in a number of instances, to place an entire issue simultaneously. In instances of this kind, institutional investors (e.g., insurance companies or pension funds) whose cash flow is such that they expect to have funds available some months in the future, have been willing to subscribe to a portion, to be issued to them at a future date. The issuer has been willing to agree to issue the securities in two or more stages because it did not immediately need the proceeds to be realized from the deferred portion, because it could not raise funds on better terms, or because it preferred to have a certain portion of the issue taken down by an investor of this type.

(c) In the case of such a delayed issue contract, the underwriter is authorized to solicit from institutional customers offers to purchase from the issuer, pursuant to contracts of the kind described above, and the agreement becomes binding at the underwriters' closing, subject to specified conditions. When securities are issued pursuant to the agreement, the purchase price includes accrued interest or dividends, and until they are issued to it, the purchaser does not, in the case of bonds, have rights under the trust indenture, or, in the case of preferred stocks, voting rights.

(d) Securities sold pursuant to such arrangements are high quality debt issues (or their equivalent). The purchasers buy with a view to investment and do not resell or otherwise dispose of the contract prior to its completion. Delayed issue arrangements are not acceptable to issuers unless a substantial portion of an issue, not less than 10 percent, is involved.

(e) Sections 3(a) (13) and (14) of the Securities Exchange Act of 1934 provide that an agreement to purchase is equivalent to a purchase, and an agreement to sell to a sale. The Board has hitherto expressed the view that credit is extended at the time when there is a firm agreement to extend such credit (1968 Federal Reserve Bulletin 328; 12 CFR 207.101; ¶ 6800 Published Interpretations of the Board of Governors). Accordingly, in instances of the kind described above, the issuer may be regarded as extending credit to the institutional purchaser at the time of the underwriters' closing, when the obligations of both become fixed.

(f) Section 220.7(a) of the Board's regulation T (12 CFR § 220.7(a)), with an exception not applicable here, forbids a creditor subject to that regulation to arrange for credit on terms on which the creditor could not itself extend the credit. Sections 220.4(c) (1) and (2) (12 CFR §§ 220.4(c) (1) and (2)) provide that a creditor may not sell securities to a customer except in good faith reliance upon an agreement that the customer will promptly, and in no event in more than 7 full business days, make full cash payment for the securities. Since the underwriters in question are creditors subject to the regulation, unless some specific exception applies, they are forbidden to arrange for the credit described above. This result follows because payment is not made until more than 7 full business days have passed from the time the credit is extended.

(g) However, § 220.4(c)(3) provides that:

> If the security when so purchased is an unissued security, the period applicable to the transaction under subparagraph (2) of this paragraph shall be 7 days after the date on which the security is made available by the issuer for delivery to purchasers.

(h) In interpreting § 220.4(c)(3), the Board has stated that the purpose of the provision:

> • • • is to recognize the fact that, when an issue of securities is to be issued at some future fixed date, a security that is part of such issue can be purchased on a "when-issued" basis and that payment may reasonably be delayed until after such date of issue, subject to other basic conditions for transactions in a special cash account. (1962 Federal Reserve Bulletin 1427; 12 CFR 220.118; ¶ 5996, Published Interpretations of the Board of Governors.)

In that situation, the Board distinguished the case of mutual fund shares, which technically are not issued until the certificate can be delivered by the transfer agent. The Board held that mutual fund shares must be regarded as issued at the time of purchase because they are:

> • • • essentially available upon purchase to the same extent as outstanding securities. The mechanics of their issuance and of the delivery of certificates are not significantly different from the mechanics of transfer and delivery of certificates for shares of outstanding securities, and the issuance of mutual fund shares is not a future event in the sense that would warrant the extension of the time for payment beyond that afforded in the case of outstanding securities. (Ibid.)

The issuance of debt securities subject to delayed issue contracts, by contrast with that of mutual fund shares, which are in a status of continual underwriting, is a specific single event taking place at a future date fixed by the issuer with a view to its need for funds and the availability of those funds under current market conditions.

(i) For the reasons stated above the Board concluded that the nonconvertible debt and preferred stock subject to delayed issue contracts of the kind described above should not be regarded as having been issued until delivered, pursuant to the agreement, to the institutional purchaser. This interpretation does not apply, of course, to fact situations different from that described in this section.

(Interprets and applies 15 U.S.C. 78g)

By order of the Board of Governors, February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1770 Filed 2-9-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 22, 1970, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (35 F.R. 19363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Willows, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete the FEDERAL REGISTER citation "• • • § 71.181 (35 F.R. 2134) • • •" and substitute "• • • § 71.181 (36 F.R. 2140) • • •" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 1, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 27, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the following transition area is added:

WILLOWS, CALIF.

> That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 to 19.5 miles north of the VORTAC.

[FR Doc.71-1823 Filed 2-9-71;8:49 am]

[Airspace Docket No. 70-AL-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Delta, Alaska, control zone (35 FR 2054).

The Big Delta, Alaska, control zone is designated on a continuous basis. However, the weather observation and reporting requirements to support the control zone are not available continuously. Weather observations are available continuous Monday through Saturday; 0600 to 2000 hours local time Sunday. Alteration, therefore, of the Big Delta control zone designation is required. In addition, the few aircraft instrument operations at the Allen AAF, Fort Greely, Alaska, occurring between 2000 and 0600 hours local time do not justify designation of the control zone on a continuous basis during that period. However, should special military exercises occur at Big Delta, as they have in the past from time to time, and there is need for the control zone between 0600 and 2000 hours local time, the effective times of the control zone designation may be amended by a Notice to Airmen in order to protect instrument operations conducted during those hours.

Since the amendment is less restrictive, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration having reviewed these requirements in the terminal area of Big Delta, Alaska, the amendment is herewith made effective upon publication in the FEDERAL REGISTER (2-10-71) as follows:

1. Amend § 71.171 of the Federal Aviation Regulations so as to add the following to the description of the Big Delta, Alaska, control zone: "This control zone is effective from 0600 to 2200 hours local time daily or as established in advance by a Notice to Airmen and continuously published in the Flight Information Publication, Supplement Alaska."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on January 29, 1971.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.71-1830 Filed 2-9-71;8:50 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-666]

PART 202—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS ROUTE AIR TRANSPORTATION

Service of Applications on Airport Commissions or Boards

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 4 of Part 202 (14 CFR Part 202) requires that applications for change in service pattern be served upon certain persons. However, under the heretofore existing rule, airport commissions, boards, or similar bodies—if they be distinct from the city or State—are not required to be served. In the interest of assuring prompt notification to airport governing bodies of pleadings affecting their interests, the Board is hereby amending its regulations to require service upon such bodies.

These amendments are purely procedural, and will not impose a significant burden upon any person. Therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendment shall become effective 10 days after adoption.

Accordingly, the Board hereby amends Part 202 of the Economic Regulations (14 CFR Part 202), effective February 12, 1971, as follows:

Amend § 202.4(c) by adding subparagraph (4) to read as follows:

§ 202.4 Service pattern change.

• • • • • •

(c) • • •

(4) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1876 Filed 2-9-71;8:53 am]

[Reg. ER-667]

PART 203—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION [1]

Service of Notice or Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 7 of Part 203 (14 CFR Part 203) requires that notices and applications under the part be served upon certain persons. However, the chief executives of the affected cities and States, and the managements of the affected airports, are not required to be served. In the interest of assuring prompt notification to city and State governments and airport managements of pleadings affecting their interests, the Board is hereby amending its regulations to require service upon city and State chief executives, and upon airport governing bodies.

These amendments are purely procedural, and will not impose a significant burden upon any person. Therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendments shall become effective 10 days after adoption.

Accordingly, the Board hereby amends Part 203 of the Economic Regulations (14 CFR Part 203), effective February 12, 1971, as follows:

1. Amend § 203.7 by adding paragraphs (b-1), (b-2), and (b-3) to read as follows:

[1] 27 F.R. 559, Jan. 19, 1962.

§ 203.7 Persons upon whom notice must be served.

• • • • • •

(b-1) The chief executive of any State, territory, or possession of the United States in which is located any point with respect to which an application or notice pursuant to this part has been filed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application or notice shall be served on such commission or agency rather than on the chief executive of the State;

(b-2) The chief executive of the city, town, or other unit of local government at any such point located in the United States;

(b-3) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point;

• • • • • •

2. Amend the Certificate of Service in appendix A, Recommended Airport Notice—Foreign Air Transportation, to read as follows:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General, marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations (If the holder's certificate authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation, Bureau of Economic Affairs; the Mayor or Chief Executive of the cities ---------- (address), and the Governor of the State of ---------- (address), (or the State Commission or agency having jurisdiction of transporation by air within the State of ---------- (address)); the airport managers of the following airports ---------- (airport name and address); the Federal Aviation Administration, for the attention of the Director, Airport Services; and the following scheduled air carriers:

---------- (name and address).

(Signature)

(Title)

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1877 Filed 2-9-71;8:53 am]

[Reg. ER-668]

PART 213—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

Service of Notice or Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

For the reasons set forth in ER–667 (Part 203), published simultaneously herewith, the Board hereby amends Part 213 of the economic regulations (14 CFR Part 213), effective February 12, 1971, as follows:

1. Amend § 213.4(c) by revising subparagraphs (4) and (5) and adding subparagraph (6), (7), and (8). As amended § 213.4(c) will read in part as follows:

§ 213.4 Airport authorization.

. . . . . .

(c) • • •

(4) Each scheduled foreign air carrier or scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(5) The Federal Aviation Administration, marked for attention of Director of Airport Services;

(6) The chief executive of any State, territory, or possession of the United States in which is located any point with respect to which an application or notice pursuant to this part has been filed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application or notice shall be served on such commission or agency rather than on the chief executive of the State;

(7) The chief executive of the city, town, or other unit of local government at any such point located in the United States; and

(8) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point.

2. Amend the Certificate of Service in Appendix B, Recommended Airport Notice—Foreign Air Transportation, to read as follows:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations (if the holder's permit authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation, Bureau of Economic Affairs; the Secretary of the Treasury, marked for the attention of Commissioner of Customs, Bureau of Customs; the Federal Aviation Administration for the attention of the Director, Airport Services; the Mayor or Chief Executive of the cities of ---------- (address), and the Governor of the State of ---------- (address), (or the State commission or agency having jurisdiction of transportation by air within the State of ---------- (address)); the airport managers of the following airports ---------- (airport name and address); and the following scheduled foreign air carriers and scheduled air carriers: ---------- (name and address).

(Signature)

(Title)

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Adopted: February 2, 1971.

Effective: February 12, 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1878 Filed 2-9-71;8:53 am]

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-116]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Service of Applications and Answers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

For the reasons set forth in ER–666 (Part 202),[1] published simultaneously herewith, the Board hereby amends Part 302 of the procedural regulations (14 CFR Part 302) effective February 12, 1971, as follows:

1. Amend § 302.403(b) by modifying subparagraph (4) and adding subparagraph (5). As amended § 302.403 will read as follows:

§ 302.403 Service of application.

. . . . . .

(b) *Persons to be served.* Except in the case of an application for an exemption from sections 403 and 404 of the Act or an application for exemption which will permit the applicant to render irregular services only other than between specified points, a copy of an application shall be served on the following parties who shall be presumed to have an interest in the subject matter of the application:

(1) Any air carrier which is authorized to render regular service to any point involved in the application;

(2) Any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with, and has not finally been disposed of by the Board;

(3) The chief executive of any State, territory, or possession of the United States in which any such point is located;

(4) The chief executive of the city, town, or other unit of local government at any such point located in the United States; and

(5) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States and which is being used to serve such point at the time the application is filed.

2. Amend § 302.1307(a) by amending subparagraphs (2) and (3) and adding subparagraph (4). As amended, § 302.1307(a) will read as follows:

§ 302.1307 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on

(1) Any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at one or both of the points with respect to which the applicant seeks nonstop authority;

(2) The chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application shall be served on such commission or agency rather than on the chief executive of the State;

(3) The chief executive of the city, town, or other unit of local government at each of the points located in the United States, between which the applicant seeks authority, as well as each certificated point intermediate thereto; and

(4) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States and which is being used to serve such point at the time the application is filed.

. . . . . .

3. Amend § 302.1407(a) by amending subparagraphs (2) and (3) and adding subparagraph (4). As amended, § 302.1407(a) will read as follows:

§ 302.1407 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on

(1) Any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at each of the points with respect to which the applicant seeks improved authority;

(2) The chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application shall be served on such commission or agency rather than the chief executive of the State;

(3) The chief executive of the city, town, or other unit of local government at each of the points located in the United States with respect to which the applicant seeks improved authority, as well as each certificated point which has during the 12-month period preceding the filing of an application received regularly scheduled service on a flight subject to the restriction sought to be removed or modified; and

(4) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport located in the United States and which is being used to serve such point at the time the application is filed.

. . . . . .

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1879 Filed 2-9-71;8:53 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-43]

PART 376—AMENDMENT OF FLIGHT PATTERNS OF HELICOPTER OPERATORS

Service of Notice of Applications for Flight Pattern Amendments Which Propose Suspension of Passenger Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

Section 4 of Part 376 (14 CFR Part 376) requires that notice of an application for flight pattern amendments which proposes suspension of passenger service be served upon certain persons. However, the chief executives of the affected States, and the managers of the affected airports, are not required to be served. In the interest of assuring prompt notification to State governments and airport managements of pleadings affecting their interests, the Board is hereby amending its regulations to require service upon the chief executives of States, and upon airport governing bodies.

These amendments are purely procedural, and will not impose a significant burden upon any person; therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendments shall become effective 10 days after adoption.

Accordingly, the Board hereby amends Part 376 of the Special Regulations (14 CFR Part 376), effective February 12, 1971, as follows:

Amend § 376.4 by adding paragraphs (a) and (c). As amended the section will read as follows:

§ 376.4 Filing and service.

Applications for flight pattern amendments shall be filed with the Docket Section of the Board not later than 20 days prior to the desired effective date. Prior to or coincident with the filing of an amended flight pattern application which proposes suspension of passenger service to any point, the carrier shall serve a notice of such filing together with a copy of the proposed amended flight pattern upon

(a) The chief executive of any State, territory, or possession of the United States in which is located any point which is regularly receiving passenger service, at which suspension of such service is proposed: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, service shall be made on such commission or agency, rather than the chief executive of the State;

(b) The chief executive of the city, town, or other unit of local government at each such point, and

(c) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport or heliport being used to serve such point.

Such service shall also be made upon any local service air carrier which serves any point at which it is proposed to terminate, suspend or inaugurate passenger service. If proposed flight patterns involve property and mail carriage, such service shall be made upon the Postmaster General, marked for the attention of the Deputy Assistant Postmaster General for Logistics, Bureau of Operations. Any such person may within 10 days after such service, file with the Board, and serve upon the carrier, a statement of position with respect to the proposed service pattern: *Provided,* That any person entitled to notice under the provisions of this part may, in writing, waive such notice and recommend that the Board approve the amended flight pattern as proposed.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Effective: February 12, 1971.

Adopted: February 2, 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-1875 Filed 2-9-71;8:53 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER B—HOUSING RENOVATION AND MOBILE HOME FINANCING

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart B—Mobile Home Loans

MOBILE HOMES COMPOSED OF TWO OR MORE MODULES

The following amendments to Part 201 increase the maximum insurable mobile home loan to $15,000 and the maximum term to 15 years and 32 days for mobile homes composed of two or more modules, as provided in the Housing and Urban Development Act of 1970. The annual percentage rate governing financing charges is also amended to reflect the change in term.

1. Section 201.530(a) is amended to read:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of $10,000 ($15,000 where the mobile home is composed of two or more modules) or 115 percent of the total price for such home, as stated in the manufacturer's invoice (115 percent of the wholesale blue book price, if a previously financed used mobile home is involved). The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $10,000 ($15,000 where the mobile home is composed of two or more modules).

. . . . . .

2. Section 201.540(a) is amended to read:

§ 201.540 Financing charges.

(a) *Annual percentage rate.* The maximum permissible financing charge which may be paid or collected by the insured for interest discount and fees of all kinds in connection with the loan transaction expressed as an annual percentage rate varies from 7.63 percent to 10.57 percent depending upon the amount and term of the loan.

. . . . . .

3. Section 201.560 is amended to read:

§ 201.560 Maturity provisions.

The obligation shall have a term of not less than 1 year or more than 12 years and 32 days from the date it is made, except that an obligation for a mobile home composed of two or more modules shall have a term of not more than 15 years and 32 days.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

Issued at Washington, D.C. February 5, 1971.

EUGENE A. GULLEDGE, *Federal Housing Commissioner.*

[FR Doc.71-1843 Filed 2-9-71;8:51 am]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 463—REPORTING REQUIREMENTS FOR PLANS COVERING LESS THAN 100 PARTICIPANTS

Rescission of Part

Section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000; 29 U.S.C. 306), as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 36), requires the administrator of any welfare or pension benefit plan, a description of which is required to be published under section 6, to publish also an annual financial report with respect to such plan if it covers 100 or more participants. Section 7 further provides that the Secretary, after investigation, may require

[1] Additionally, § 302.403(b)(4) is being amended to remove certain redundant language.

the administrator of any plan otherwise covered by the Act to publish such report when necessary and appropriate to carry out the purposes of the Act. Pursuant to the authority of section 5 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304) section 7 of the Act was implemented by amending Chapter IV of 29 CFR to add new Part 463. Part 463 requires administrators of plans which cover fewer than 100 participants to submit one copy of U.S. Department of Labor Form D–3 (Revised), properly executed, within 150 days after the end of each calendar, policy, or other fiscal year during which the plan covers fewer than 100 participants.

It has come to the attention of this Office and experience indicates that the requirement for submitting Form D–3 creates an unnecessary burden. Therefore, this requirement has been reconsidered and it has been decided that henceforth administrators of plans covering fewer than 100 participants need not submit a copy of U.S. Department of Labor Form D–3 (Revised).

Rescission of 29 CFR Part 463 will not affect other requirements of the Welfare and Pension Plans Disclosure Act, as amended, and the regulations thereunder applicable to plans covering more than 25 participants. Therefore, administrators of such plans are cautioned that:

1. Plan description amendments must still be submitted, as required by 29 CFR 460.5, when the plan is amended. For this purpose, the term "amended" includes a plan termination or a merger with another plan or plans. Plan terminations or mergers must be reported on Employee Welfare or Pension Benefit Plan Amendment Form D–1A.

2. Annual financial reports must still be submitted, as required by 29 CFR 460.6, if the plan coverage rises to 100 or more participants at any time during the plan's calendar, policy, or other fiscal year.

3. As provided by 29 CFR 460.1, the Director, Office of Labor-Management and Welfare-Pension Reports, after investigation, may require the administrator of any plan, which is otherwise covered by the Welfare and Pension Plans Disclosure Act, to publish an annual financial report (U.S. Department of Labor Form D–2) when necessary and appropriate to carry out the purposes of the Act.

Accordingly, pursuant to section 5(a) of the Welfare and Pension Plans Disclosure Act, as amended (29 U.S.C. 304 (a)), and Secretary's Order No. 16–68 (33 F.R. 15574), Chapter IV of 29 CFR is hereby amended by rescinding Part 463.

Because the present requirement to file U.S. Department of Labor Form D–3 (Revised) is a burden which should be relieved immediately and the amendment of 29 CFR Chapter IV is necessary to relieve this burden, I find for good cause that notice and public procedure thereon and delay in the effective date are unnecessary. This amendment should be effective upon publication in the FEDERAL REGISTER (2–10–71).

Signed at Washington, D.C., this 29th day of January 1971.

W. J. USERY, JR.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.71–1773 Filed 2–9–71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to the AEC Procurement Regulations implement and supplement Amendment 29 to the Federal Procurement Regulations. The principal change is the addition of a new Subpart 9–4.4, Public Utilities, which prescribes policies and procedures for the economic and efficient procurement of public utility services by the Atomic Energy Commission. Subcontracts for utility services currently in existence under cost-type prime contracts for the operation and management of AEC facilities are not affected by this issuance until such time as those subcontracts are to be considered for renewal. Changes in other parts related to this addition are also included.

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The following subpart is added:

Subpart 9–4.4—Public Utilities

Sec.
9–4.400 Scope of subpart.
9–4.401 Definitions.
9–4.402 Applicability.
9–4.406 Policy.
9–4.411 Prior review of certain proposed procurements.

AUTHORITY: The provisions of this Subpart 9–4.4 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, U.S.C. 486.

Subpart 9–4.4—Public Utilities

§ 9–4.400 Scope of subpart.

This subpart implements and supplements FPR Subpart 1–4.4, Public Utilities, which prescribes policies and procedures for the economic and efficient procurement of public utility services by executive agencies.

§ 9–4.401 Definitions.

As used in this Subpart 9–4.4, "utility services" include all utility services (except telecommunications services), such as electricity, gas, steam, water, and sewerage, including facilities on both sides of the delivery point for the supply of such services.

§ 9–4.402 Applicability.

(a) The provisions of this subpart apply to the procurement by the AEC of utility services, including the modification and extension of existing utility contracts.

(b) The requirements of FPR 1–4.4 and this subpart shall be applied to cost-type contractors that manage and operate Government-owned facilities for AEC when such contractors are authorized pursuant to § 9–4.406(b) to procure utility services.

§ 9–4.406 Policy.

(a) All utility services that are required for Government-owned and contractor-operated facilities shall be procured directly by the AEC and not by the cost-type contractors that manage and operate these facilities for the AEC.

(b) However, when it is economically advantageous or otherwise in the best interest of the Government, and subject to the provisions of § 9–4.411(b), Managers of Field Offices may authorize a cost-type contractor that manages and operates an AEC facility to procure utility services on a subcontract basis. When a manager does authorize an operating contractor to subcontract for utility services, under the authority of this paragraph (b), a copy of the authorization, together with a statement of justification, should be sent to the Director, Division of Construction, Headquarters, for informational purposes. Managers of Field Offices shall require cost-type contractors which they authorize to subcontract for utility services to comply with the requirements of § 9–4.411, dealing with the prior review of certain proposed procurements.

§ 9–4.411 Prior review of certain proposed procurements.

(a) In accordance with the provisions of FPR 1–4.411–3, GSA has authorized AEC to accomplish its own prior review of the proposed utility procurements specified in FPR 1–4.411–1(a). FPR 1–4.411–4 requires that this prior review be conducted in accordance with the guidelines set forth therein.

(b) Managers of Field Offices shall submit for headquarters review and approval, proposed contracts for utility services, including proposed authorizations under applicable GSA area-wide contracts, and proposed memorandums of understanding for consolidated purchase, joint use, or cross-service by the AEC with other government agencies, when one or more of the following circumstances applies:

(1) The annual cost of the service to be procured is estimated to exceed $50,000;

(2) A proposed connection charge, termination liability, or any other facilities charge (whether or not refundable) is estimated to exceed a total of $5,000; or

(3) The proposed term of the contract or agreement is in excess of 1 year.

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Subpart 9–51.1—Headquarters Review and Approval of Field Office Actions

2. In § 9–51.102, *Contract actions requiring Headquarters review and approval*, a new paragraph (g) is added to read as follows:

§ 9–51.102 Contract actions requiring Headquarters review and approval.

* * * * *

(g) Contracts and subcontracts for public utility services (except telecommunication services) shall be reviewed and approved in accordance with the provisions of AECPR Subpart 9–4.4, Public Utilities.

Subpart 9–51.5—Contracts or Subcontracts Requiring Advance Notice

§ 9–51.50 [Deleted]

3. In Subpart 9–51.5, Contracts or Subcontracts Requiring Advance Notice § 9–51.501, *Contracts for electric power* is deleted.

§ 9–51.502 [Deleted]

4. In Subpart 9–51.5, Contracts or Subcontracts Requiring Advance Notice, § 9–51.502, *Contracts for gas* is deleted.

PART 9–59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

5. Section 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement*, is amended as follows:

§ 9–59.004 AECPR–FPR provisions pertaining to cost-type contractor procurement.

* * * * *

Subject	*Reference*
Federal Paper Specifications.	9–1.305–1(b).
Contingent Fees	9–1.501.
Small Business and Labor Surplus Area Concerns.	1–1.710–1(a) and (c), 9–1.702(b)(2), 1–1.805–1.
Qualified Products	9–1.11.
Organizational Conflicts of Interest.	9–1.5403.
Price Negotiation Policies and Techniques.	1–3.8, 9–3.800.
Subcontracting Policies and Procedures.	1–3.9, 9–3.901.
Public Utilities	9–4.402(b).
Livestock Products	9–4.601.
Indemnity Representation.	9–4.5008.
Measurement Differences, SSNM Transfers.	9–4.5300.
Enriched Uranium Agreements.	9–4.5400.
Multiyear Procurement.	9–4.5500.
Special and Directed Sources.	1–1.319, 9–5.000.
Foreign Purchases	9–6.100, 9–6.800, 9–18.600.
Clauses	9–7.000–50, 9–14.–5002, 9–7.5003(c).
Termination	9–8.000.
Patents and Copyrights.	9–9.5001, 9–9.5101.
Bonds and Insurance	9–10.000.
Taxes	9–11.203, 9–11.350, 9–11.4.
Labor	9–12.000, 1–12.8.
Cost Principles	9–15.50.
Construction	9–18.150, 1–18.305 (b), 9–18.305, 9–18.50, 9–18.108.
Contract Finance	1–30.4, 1–30.5, 9–30.4, 9–30.5, 9–30.7.
Approval of Contracts	9–51.200, 9–51.400, 9–51.500, 9–51.600.
Procedures for handling mistakes under cost-type contractor procurement.	9–59.005.
Contractor-controlled sources.	
Subcontractor Selection.	9–56.002, 9–56.–405.
Records and Reports	
Small Business and Labor Surplus Reports.	9–1.709, 9–1.807.
Possible Antitrust Violations.	9–1.901.
Identical Bids	9–1.1603.
Dissemination of Procurement Information.	9–3.103.
Contract Reporting	9–54.
Justifications	9–55.102–3, 9–55.–204.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER, but may be observed sooner.

Dated at Germantown, Md., this 2d day of February 1971.

For the U.S. Atomic Energy Commission.

ROBERT A. KOHLER,
Acting Director, Division of Contracts.

[FR Doc.71–1840 Filed 2–9–71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5014]

[Oregon 6843]

OREGON

Partial Revocation of Public Land Order No. 3379

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 3379 of April 8, 1964, withdrawing lands for national forest administrative sites and recreation areas is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

MALHEUR NATIONAL FOREST

Burnt Mountain Lookout

T. 19 S., R. 30 E.,
Sec. 36, SW¼NW¼NW¼.

Core Springs Work Center

T. 18 S., R. 33 E.,
Sec. 13, W½NW¼SE¼.

The areas described aggregate 30 acres in Harney County.

2. At 10 a.m. on March 10, 1971, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71–1811 Filed 2–9–71;8:48 am]

[Public Land Order 5015]

[Arizona 033154]

ARIZONA

Revocation of Air Navigation Site Withdrawals No. 11 and No. 23

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 43 Stat. 729, 49 U.S.C. § 214 (1964), it is ordered as follows:

1. The departmental orders of October 18, 1928, and February 20, 1929, withdrawing the following described land as Air Navigation Sites No. 11 and No. 23, respectively, are hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 10 E.,
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½.

The areas described aggregate 455.68 acres in Pinal County.

2. Of the lands described above the NE¼ sec. 19, is patented land, the remainder being public lands. At 10 a.m. on March 10, 1971, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 10, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The public lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, AZ 85025.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71–1812 Filed 2–9–71;8:48 am]

[Public Land Order 5016]

[Sacramento 3811]

CALIFORNIA

Revocation of Executive Order No. 3373 of December 22, 1920

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 3373 of December 22, 1920, which withdrew the following described land in California for use by the United States Forest Service as a ranger station, is hereby revoked:

MOUNT DIABLO MERIDIAN

CONFIDENCE ADMINISTRATIVE SITE

T. 2 N., R. 16 E.,
Sec. 10, lots 3 and 4.

The area described contains approximately 63.24 acres of public domain land in Tuolumne County.

2. At 10 a.m. on March 10, 1971, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, including certain power transmission line withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 10, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land shall be open to location for nonmetalliferous minerals at 10 a.m. on March 10, 1971. The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1813 Filed 2-9-71;8:48 am]

[Public Land Order 5017]

[Oregon 6093 (Wash.)]

WASHINGTON

Powersite Restoration No. 701, Powersite Cancellation No. 294, Partial Revocation of Powersite Reserve Nos. 72, 384, 532 and 639, and Cancellation of Powersite Classification Nos. 109, 328 and 408

By virtue of the authority vested in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. § 818 (1964), and pursuant to an order of the Federal Power Commission dated December 30, 1968, appearing in 34 F.R. 284 of January 8, 1969, it is ordered as follows:

1. The unnumbered Executive Orders of July 2, 1910, July 10, 1913, June 30, 1916, July 30, 1917, creating Powersite Reserve Nos. 72, 384, 532, and 639, and the Departmental Orders of June 22, 1925, October 17, 1941, and May 19, 1950, creating Powersite Classification Nos. 109, 328, and 408, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

POWERSITE RESERVE NO. 72

T. 38 N., R. 43 E.,
Sec. 7, SE¼SE½ (now lot 5).
T. 39 N., R. 43 E.,
Sec. 2, lots 3, 4, 7;
Sec. 3, lot 5;
Sec. 10, lots 3, 6, 7;
Sec. 15, lots 2 and 5;
Sec. 16, lots 1 and 2;
Sec. 21, lots 1, 2, 6, 7;
Sec. 22, lot 2;
Sec. 28, lots 2, 3 (now lot 8), and 6 (now lot 9);
Sec. 29, lots 6 (now lots 15 and 16), and 13 (now lot 17);
Sec. 32, lots 5, 9, 11, 12.
T. 40 N., R. 43 E.,
Sec. 3, lots 2 (now lot 9), 4, 7;
Sec. 10, lots 2, 3, 4, 5;
Sec. 14, lots 2, 5, 6;
Sec. 15, lots 1, 2;
Sec. 23, lots 2, 3, 6, 7;
Sec. 26, lots 2, 3, 6 (now lot 9), and 7 (now lot 11);
Sec. 35, lots 2, 3, 6, 7.

POWERSITE RESERVE NO. 384

T. 39 N., R. 43 E.,
Sec. 2, lots 2, 5, 6, 8;
Sec. 10, lots 1, 4, 5, 8;
Sec. 15, lots 1, 3, 4, 6;
Sec. 21, lots 3, 4, 8;
Sec. 22, lots 1 and W½ lot 3 (now lot 10);
Sec. 28, lots 5, 7, 10 (part of old lot 4), and 11 (part of old lot 4);
Sec. 32, lot 6;
Sec. 33, lots 1, 2, 3, 4, 5.
T. 40 N., R. 43 E.,
Sec. 3, lots 1 (now lot 8), 5, 6;
Sec. 10, lots 1, 6;
Sec. 11, lots 1, 2, 3;
Sec. 14, lots 1, 3, 4, 7;
Sec. 23, lots 1, 4, 5, 8 (now lot 9);
Sec. 26, lots 1, 4, 5, 8;
Sec. 35, lots 1, 4, 5, 8.

POWERSITE RESERVE NO. 532

T. 39 N., R. 43 E.,
Sec. 29, SE¼SE¼NE¼.

POWERSITE RESERVE NO. 639

T. 38 N., R. 43 E.,
Sec. 4, lots 1 (now lot 7), 3, 4, 5, and NE¼NW¼ (now lot 14);
Sec. 17, NW¼SW¼.

POWERSITE CLASSIFICATION NO. 109

T. 39 N., R. 43 E.,
Sec. 32, lots 11* and 12.*
T. 40 N., R. 43 E.,
Sec. 2, lot 8, W½SW¼;
Sec. 11, NW¼NW¼;
Sec. 14, NE¼NW¼, NW¼SE¼;
Sec. 23, NE¼NE¼.

*Also withdrawn in Powersite Reserve No. 72.

POWERSITE CLASSIFICATION NO. 328

T. 39 N., R. 43 E.,
Sec. 3, lot 6;
Sec. 21, lot 5.

POWERSITE CLASSIFICATION NO. 408

T. 39 N., R. 43 E.,
Sec. 16, NE¼NE¼ (now lot 5), W½SE¼, SE¼SE¼;
Sec. 21, lot 9.
T. 40 N., R. 43 E.,
Sec. 35, NW¼SW¼.

The areas described aggregate approximately 3,898 acres of private, public, and national forest lands in Pend Oreille County.

2. In its order of December 30, 1968, the Federal Power Commission vacated the withdrawal of lands under section 24 of the Federal Power Act of June 10, 1920, supra, outside of the project No. 2144, Pend Oreille River, Wash., and found that it would be appropriate to revoke any power withdrawals made under other statute which affect public lands not included within the boundary of Project No. 2144.

The larger portion of the lands described in paragraph 1 are located within the Colville National Forest, some of which are patented. The remainder are public and patented lands lying outside of said national forest.

The State of Washington failed to exercise its preference right of application for highway rights-of-way and material sites afforded it by section 24 of the Act of June 10, 1920, supra, when notified of the proposed restoration of the public and national forest lands from the powersite withdrawals.

3. At 10 a.m. on March 10, 1971, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 10, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on March 10, 1971, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of such lands.

The public and national forest lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1814 Filed 2-9-71;8:48 am]

[Public Land Order 5018]

[Montana 1786-SD]

SOUTH DAKOTA

Withdrawal for National Forest Roadside Zones and a Highway Interchange

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

Keystone "Y" and U.S. Highway 16 Roadside Zone

T. 1 S., R. 6 E.,
Sec. 30, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 31, N½NE¼, NE¼NE¼NW¼, SE¼NE¼;
Sec. 32, NW¼NE¼NW¼, NW¼NW¼.

Except the land in mineral patents identified as M.S. 1257 Oregon and Colorado Lodes, and portion of M.S. 1198 Golden Lode and M.S. 1895 Yankton Lode, containing 22.3 acres, more or less.

The net area described aggregates 187.7 acres.

A strip of land 350 feet on each side of the centerline on undivided portions of U.S. Highway 16 through the following legal subdivisions:

T. 1 S., R. 6 E.,
Sec. 12, lot 8;
Sec. 13, lot 1, SW¼NE¼;
Sec. 21, SE¼SE¼;
Sec. 28, N½NE¼, N½NW¼, SW¼NW¼;
Sec. 29, SE¼NE¼, N½SE¼, SW¼SE¼, S½SW¼, NE¼SW¼;
Sec. 30, lot 7, SE¼SW¼;
Sec. 31, lot 1, NW¼NE¼NW¼.

These described undivided highway areas aggregate 212 acres.

A strip of land including 350 feet outside of the centerline of each of the roadways and the interspace between divided portions of U.S. Highway 16 through the following legal subdivisions:

T. 1 S., R. 6 E.,
Sec. 13, SW¼NE¼;
Sec. 14, SW¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 27, NW¼NE¼;
Sec. 28, NE¼NE¼.

Except the land in H.E.S. 279, containing 23.18 acres in the SW¼ of section 23.

The net areas described aggregate 202 acres.

The total net areas described aggregate 601.7 acres in Pennington County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1815 Filed 2-9-71;8:49 am]

[Public Land Order 5019]

[Colorado 10820]

COLORADO

Withdrawal for Public Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the protection of public recreation values:

SIXTH PRINCIPAL MERIDIAN

T. 22 S., R. 73 W.,
Sec. 19, lots 4, 6, 7, 8, 9, and E½SW¼;
Sec. 30, lots 1, 2, S½NE¼, E½NW¼.

The area described aggregates 476.42 acres in Custer County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1816 Filed 2-9-71;8:49 am]

[Public Land Order 5020]

[Arizona 5300]

ARIZONA

Powersite Cancellation No. 297, Cancellation of Powersite Classification No. 55 of Unsurveyed Lands

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. § 818 (1964), and pursuant to the findings of the Federal Power Commission in DA-145-Arizona, California, Nevada, it is ordered as follows:

The Departmental Order of June 22, 1923, creating Powersite Classification No. 55, is hereby canceled so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

Tps. 18 and 19 N., R. 22 W.

Every smallest legal subdivision of unsurveyed land in these townships any portion of which, when surveyed, shall be less than 700 feet in elevation above sea level.

The estimated areas when withdrawn described approximately 7,000 acres in Mohave County, within the Fort Mohave Indian Reservation.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1971.

[FR Doc.71-1817 Filed 2-9-71;8:49 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 181—EMERGENCY SCHOOL ASSISTANCE PROGRAM

Appeal From, or Review of, Initial Decisions

Part 181 of Title 45 CFR is hereby amended by adding at the end thereof a new § 181.15 reading as follows:

§ 181.15 Appeal from, or review of, initial decisions.

The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt of the initial decision of the hearing examiner. A request for appeal from the initial decision of a hearing examiner under this section shall be accompanied by the exceptions to such decision upon which the appealing party relies, accompanied by supporting reasons and briefs. Upon the filing of such exceptions and supporting materials (and any responsive briefs), the Commissioner shall review the decision of the hearing examiner and issue his own decision thereon.

(20 U.S.C. 2, 5 U.S.C. 557)

Effective date. This regulation will not become effective before 30 days after publication in the FEDERAL REGISTER.

Dated: February 1, 1971.

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

Approved: February 3, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc 71-1890 Filed 2-9-71;8:54 am]

Proposed Rule Making

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 71]

FAIR HOUSING

Proposed Complaint Procedures

It is proposed to amend Part 71 to revise the procedures for filing complaints under section 810, title VIII (Fair Housing) of the Civil Rights Act of 1968, 42 U.S.C. 3610. These revisions would reflect the delegation of authority with respect to Fair Housing by the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity (35 F.R. 6877) and embody at the same time changes which the Department considers will promote the expeditious and just enforcement of title VIII. The principal revisions are as follows:

Section 71.12 is changed to provide for filing of complaints "no later than 180 days" after an alleged discriminatory practice, thereby permitting a complainant to file in anticipation of, as well as after, the fact.

Section 71.13 permits complaints to be mailed to any HUD facility. Previously, personal presentation was required except at Headquarters.

Section 71.15 clarifies the requirements for verification of complaint documents.

Section 71.16 explains the computation of the 30-day period within which a complainant may file suit under section 810(d) of the statute. The section also permits both complainant and respondent to demand notification that a right-to-sue letter has been issued by the Department.

Section 71.17 reduces the time for filing of answers to complaints.

Section 71.20 clarifies the basis upon which the Department may reactivate proceedings suspended pursuant to §71.19.

Section 71.21 omits paragraph (e) which permitted requests for reconsideration of suspended proceeding reactivations.

Section 71.22 states, in conformance with the delegation of authority to the Assistant Secretary, 35 F.R. 6877, that the General Counsel shall approve the legality of subpoena and interrogatory issuances.

Section 71.34 explains the computation of the 30-day period for instituting a civil action, consistent with § 71.16.

The appendix revises the list of HUD Regional Offices and their jurisdictions in accordance with the Department's recent Regional Reorganization.

Although this amendment to Part 71 is procedural in nature, the Assistant Secretary desires to have the views of all interested persons wishing to submit comments or suggestions with respect to the revisions. Comments should be filed on or before April 9, 1971, and addressed to the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. A copy of each submittal will be available for public inspection during business hours in the HUD Information Center at the above address.

These amendments are proposed under section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d), and the delegation of authority to the Assistant Secretary for Equal Opportunity, 35 F.R. 6877, April 30, 1970. The proposed amendments are set out in full below.

Subpart A—Purpose and Definitions

Sec.
71.1 Purpose.
71.2 Definitions.

Subpart B—Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

71.11 Submission of information.
71.12 Complaints to be filed by persons aggrieved.
71.13 Where to file complaints.
71.14 Contents of complaint.
71.15 Form of complaint; amendments.
71.16 Date of filing of complaint; when notice issues.
71.17 Service of complaint; filing of answers.
71.18 Referrals to State or local fair housing agencies.
71.19 Suspension of proceedings.
71.20 Reactivation of referred complaints.
71.21 Investigation and decision to resolve.
71.22 Subpenas, interrogatories, and investigative powers.

Subpart C—Procedures To Rectify Discriminatory Housing Practices

71.31 Conference, conciliation, and persuasion.
71.32 Conciliation agreements.
71.33 Inability to obtain voluntary compliance.
71.34 Notification where voluntary compliance is not obtained.
71.35 Confidentiality of conciliation conferences.
71.36 Other action by the Assistant Secretary.

APPENDIX—LIST OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGIONAL OFFICES AND JURISDICTIONAL AREAS

Subpart A—Purpose and Definitions

§ 71.1 Purpose.

(a) The regulations set forth in this part contain the procedures established by the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development for carrying out his responsibility with respect to any complaint filed with him under section 810 of title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3610.

(b) Where a person charged with a discriminatory housing practice in a complaint filed under section 810 of title VIII is also prohibited from engaging in similar practices under title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d—2000d–5, or Executive Order 11063 of November 20, 1962, on Equal Opportunity in Housing (27 F.R. 11527–30, Nov. 24, 1962) or other applicable law, such person may also be subject to action by the Department of Housing and Urban Development or other Federal agency under the rules, regulations, and procedures prescribed from time to time pursuant to title VI or Executive Order 11063 or other applicable law.

§ 71.2 Definitions.

As used in this part,

(a) "Department" means Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under sections 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(f) "Assistant Secretary" means the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Title VIII" means title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601—3619.

(i) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Subpart B—Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

§ 71.11 Submission of information.

The Assistant Secretary will receive information concerning alleged violations of title VIII from any person. Where the information constitutes a complaint within the meaning of title VIII and this part, it shall be so recorded under § 71.16. Where additional information is required for purposes of perfecting a complaint under title VIII, the Department will promptly advise what additional information is needed and will provide appropriate assistance in the filing of such complaint. At the same time, if the information disclosed so warrants, appropriate enforcement procedures may be initiated by the Department under E.O. 11063 on Equal Opportunity in Housing or title VI of the Civil Rights Act of 1964, and the information may also be referred to any other Federal, State, or local agency having an interest in the matter.

§ 71.12 Complaints to be filed by persons aggrieved.

Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (in this part called "person aggrieved") may file a complaint no later than 180 days after the alleged discriminatory housing practice occurred. Such complaint may be filed with the assistance of an authorized representative of the person aggrieved, including any organization acting on behalf of the person aggrieved.

§ 71.13 Where to file complaints.

Complaints may be filed with the Assistant Secretary by mailing them to Fair Housing, Department of Housing and Urban Development, Washington, DC 20410, or by mailing them to any regional, area, or FHA Insuring office of the Department. Complaints will be processed through the Department's Regional Administrator having jurisdiction in the State in which the alleged discriminatory housing practice occurred or is about to occur. A list of Department Regional Offices with their addresses and areas of jurisdiction appears as an appendix to this part.

§ 71.14 Contents of complaint.

Each complaint should contain substantially the following information:

(a) The name and address of the person aggrieved.

(b) The name and address of the person against whom the complaint is filed (in this part called "respondent").

(c) A description and the address of the dwelling, if any, which is the subject of the alleged discriminatory housing practice.

(d) A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.

§ 71.15 Form of complaint; amendments.

Each complaint shall be in writing and signed, and shall be sworn to before a notary public; or sworn to before a duly authorized representative of the Assistant Secretary. The Assistant Secretary may also require complaints to be made on prescribed forms. Complaint forms shall be available to all persons in any regional, area, or FHA Insuring Office of the Department. Appropriate assistance in filling out forms and in filing a complaint will be rendered by personnel in any of such offices. Complaints may be reasonably and fairly amended at any time.

§ 71.16 Date of filing of complaint; when notice issues.

(a) For purposes of section 810(d) of title VIII, a complaint shall be considered to be filed when it is received in such form as is found reasonably to meet the standards of §§ 71.14 and 71.15. The person aggrieved shall be notified of the date of filing and of his right to bring court action under sections 810 and 812. The thirty (30) days provided in section 810(d) of title VIII shall be deemed to begin with the receipt by the complainant of a notice from the Assistant Secretary that he does not intend to resolve the complaint or he is terminating his efforts to conciliate the matter.

(b) At any time after the expiration of thirty (30) days from the date of the filing of a complaint, or upon dismissal of the complaint at any stage of the proceedings, the complainant or the respondent may demand in writing that a notice issue pursuant to section 810(d) of title VIII, and the Assistant Secretary shall promptly issue such notice, with copies to all parties. The parties shall be advised by certified mail of the right to request such notice of the expiration of the 30-day period.

(c) In the case of a complaint referred to a State or local agency and subsequently reactivated by the Assistant Secretary pursuant to § 71.20, the person aggrieved and the respondent shall each be notified of the date of reactivation and his right to request a notice under paragraph (b) of this section.

(d) Issuance of notice pursuant to paragraph (b) of this section shall suspend further proceedings by the Department unless the Assistant Secretary determines that it is in the public interest to continue such proceedings, or unless, within twenty (20) days after receipt of such notice, a party requests the Assistant Secretary in writing to continue the case.

(e) Notwithstanding paragraph (a) of this section, a complaint may be deemed filed, for purposes of the 180-day period of section 810(b) of title VIII, upon the receipt of written information sufficiently precise to identify the parties and describe generally the action or practice complained of. Such a complaint may be amended, as provided in § 71.15, to cure technical defects or omissions, including failure to verify the complaint, or to clarify and amplify allegations made therein, and any amendment shall be deemed to be made as of the original filing date.

§ 71.17 Service of complaint; filing of answers.

Upon the filing of a complaint within the meaning of § 71.16(a), and upon any amendment of such a complaint, a copy thereof shall be furnished the respondent by certified mail or through personal service. The respondent may file an answer to the complaint at any time prior to the expiration of 7 days after the date the complaint is received by him. The answer shall be sworn to before a notary public or sworn to before a duly authorized representative of the Assistant Secretary. With leave of the Assistant Secretary an answer may be amended at any time and sworn to as provided in this section. The Assistant Secretary will permit answers to be amended whenever he believes it would be reasonable and fair to do so.

§ 71.18 Referrals to State or local fair housing agencies.

Whenever the Assistant Secretary determines that a State or local fair housing law provides rights and remedies substantially equivalent to those provided by title VIII for a person aggrieved by a discriminatory housing practice alleged in a complaint filed with the Assistant Secretary hereunder, the Assistant Secretary shall notify the appropriate State or local agency of such complaint. The Assistant Secretary shall give the complainant and the respondent notice in writing of such referral.

§ 71.19 Suspension of proceedings.

When a fair housing complaint has been referred to a State or local fair housing agency pursuant to § 71.18, then proceedings under the regulations in this part for title VIII shall be suspended and no further action shall be taken by the Assistant Secretary hereunder except as provided in § 71.20.

§ 71.20 Reactivation of referred complaints.

(a) Whenever proceedings have been suspended pursuant to § 71.19, the Assistant Secretary may reactivate the case if he certifies that in his judgment the protection of the rights of the parties or the interests of justice require such action.

(b) Such certification shall not be made prior to thirty (30) days following the referral of the complaint to the State or local agency, except when the State or local agency voluntarily tenders the return of the complaint to the Assistant Secretary.

(c) As a matter of policy, such certification shall be made when the State or local agency has not commenced proceedings within thirty (30) days following the referral of the complaint to it, or having commenced action has not carried forth such proceedings with reasonable promptness within the judgment of the Assistant Secretary.

§ 71.21 Investigation and decision to resolve.

(a) Within thirty (30) days after a complaint is filed or within thirty (30) days after reactivation by the Assistant Secretary in the case of a complaint referred to a State or local agency and subsequently reactivated pursuant to § 71.20, the Assistant Secretary shall investigate the complaint and give notice in writing to the person aggrieved and to the respondent if the Assistant Secretary intends to take further action with respect to the complaint.

(b) Notwithstanding paragraph (a) of this section, where the allegations of

a complaint on their face, or as amplified by the statements of the complainant, disclose that the complaint is not timely filed or otherwise fails to state a valid claim for relief under title VIII, the Assistant Secretary may dismiss the complaint without further action.

(c) If the Assistant Secretary decides not to resolve a complaint, or to dismiss it under paragraph (b) of this section, he shall advise the person aggrieved in writing of the disposition of the case. Respondent shall also be notified in any case where he has been served with a copy of the complaint.

(d) The Assistant Secretary may, in the processing of a case, utilize, with their consent, the services of State or local agencies charged with the administration of fair housing laws or of appropriate Federal agencies.

§ 71.22 Subpoenas, interrogatories, and investigative powers.

The Assistant Secretary encourages voluntary cooperation in his investigations but will resort to the compulsory processes authorized by section 811 of title VIII when, in his judgment, such resort becomes appropriate in order reasonably to expedite handling of complaints. The provisions of section 811 of title VIII shall apply, in such cases, to the issuance and use of subpoenas by the Assistant Secretary on his own behalf or on behalf of a respondent, and to the issuance and use by the Assistant Secretary of interrogatories to a respondent; however, the legality of each such issuance shall be approved by the General Counsel. Payment of witness and mileage fees shall be made as provided for in section 811(c) in an amount allowed under the rules governing such payment by the United States district courts. Fees payable to a witness summoned by subpoena issued at the request of a respondent shall be paid by respondent.

Subpart C—Procedures To Rectify Discriminatory Housing Practices

§ 71.31 Conference, conciliation, and persuasion.

If the Assistant Secretary has decided to resolve a complaint, he shall endeavor to eliminate or correct the discriminatory housing practice alleged therein by informal methods of conference, conciliation, and persuasion. These endeavors need not be terminated even if the person aggrieved has commenced a civil action in an appropriate court under title VIII, but all efforts to obtain voluntary compliance shall immediately terminate when such civil action comes to trial, unless the court specifically requests assistance from the Assistant Secretary, or directs otherwise.

§ 71.32 Conciliation agreements.

In conciliating or taking other action pursuant to § 71.31, the Assistant Secretary shall attempt to achieve a just resolution of the complaint and to obtain assurances, where appropriate, that the respondent will satisfactorily remedy any violations of the rights of the person aggrieved and will take such action as will assure the elimination of discriminatory housing practices or the prevention of their occurrence in the future. The terms of such settlement shall be reduced to a written conciliation agreement, signed by both parties, and by the Assistant Secretary or his representative. Such conciliation agreement shall seek to protect the interests of the complainant, his group, and the public interest. Written notice of disposition of a case pursuant to § 71.31 and of the terms of settlement shall be given to the parties by the Assistant Secretary or his representative. The Assistant Secretary may, from time to time, review compliance with the terms of any settlement agreement and may, upon a finding of noncompliance, take such enforcement action as is provided for under the settlement agreement or as may otherwise be appropriate.

§ 71.33 Inability to obtain voluntary compliance.

Should a respondent fail or refuse to confer with the Assistant Secretary or his representative, or fail or refuse to make a good faith effort to resolve any dispute, or should the Assistant Secretary find for any other reason that voluntary agreement is not likely to result, the Assistant Secretary may terminate his efforts to conciliate the dispute. In such event, the parties shall be notified promptly in writing that such efforts have been unsuccessful, and the complainant will be notified of his legal rights in regard to his complaint.

§ 71.34 Notification where voluntary compliance is not obtained.

The person aggrieved shall be notified in writing by registered or certified mail when the Assistant Secretary has determined that he is unable to obtain voluntary compliance through informal methods of conference, conciliation, or persuasion. The thirty (30) days provided in section 810 of title VIII for the commencement of a civil action shall be deemed to commence upon the receipt of such notice.

§ 71.35 Confidentiality of conciliation conferences.

Once the Assistant Secretary has decided to resolve a complaint under title VIII and respondent has agreed to participate in informal endeavors by the Assistant Secretary for such purposes, nothing that is said or done thereafter, during and as a part of the Assistant Secretary's endeavors to resolve the complaint by informal methods of conference, conciliation, and persuasion, may be made public, or used as evidence in a subsequent proceeding under title VIII, without the written consent of the persons concerned.

§ 71.36 Other action by the Assistant Secretary.

If voluntary compliance has not been obtained and the Assistant Secretary has terminated efforts at conciliation in a case where after evaluation of the investigation the evidence on balance indicates there has been a discriminatory housing practice, the Assistant Secretary may pursue one or more of the following courses of action:

(a) Recommend to the Attorney General of the United States that he institute a civil action under section 813 of title VIII for relief against a pattern or practice of resistance to the full enjoyment of any of the rights granted by said title or a denial of rights under the title to a group of persons raising an issue of general public importance.

(b) Refer the matter to the Attorney General for such other action as he may deem appropriate.

(c) Institute enforcement proceedings under E.O. 11063 or title VI of the Civil Rights Act of 1964, in accordance with regulations and procedures prescribed therefor.

(d) Inform any other Federal agency appearing to have an interest in the enforcement of respondent's obligations with respect to discrimination in housing.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

APPENDIX LIST OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGIONAL OFFICES AND JURISDICTIONAL AREAS

Region	Address	Jurisdictional area
I	405 John F. Kennedy Federal Bldg., Boston, MA 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	26 Federal Plaza, New York, NY 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
III	Curtis Bldg., Sixth and Walnut Sts., Philadelphia, PA 19106.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	Peachtree-Seventh Bldg., Atlanta, GA 30323.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	360 North Michigan Ave., Chicago, IL 60601.	Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin.
VI	Federal Office Bldg., 819 Taylor St., Fort Worth, TX 76102.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII	300 Federal Office Bldg., 911 Walnut St., Kansas City, MO 64106.	Iowa, Kansas, Missouri, Nebraska.
VIII	Samsonite Bldg., 1050 South Broadway, Denver, CO 80209.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	450 Golden Gate Ave., Post Office Box 36003, San Francisco, CA 94102.	Arizona, California, Hawaii, Nevada, Guam, American Samoa.
X	Arcade Plaza Bldg., 1321 Second Avg., Seattle, WA 98101.	Alaska, Idaho, Oregon, Washington.

[FR Doc.71-1896 Filed 2-9-71;8:55 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-100]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Corvallis, Oreg., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

Two new instrument approach procedures (VOR-A, VOR/DME Rwy 35) and a revision to the current VOR Rwy 17 approach are proposed for Corvallis Municipal Airport. The two new approaches will utilize the 090° T (069° M) and 180° T (159° M) radials of the Corvallis VOR as final approach radials. The VOR Rwy 17 approach will be modified to provide for the procedure turn within 10 miles of the Fischer fan marker.

The airspace requirements have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPs) and additional control zone and 700-foot transition area will be required.

The 700-foot transition area will provide controlled airspace protection for aircraft operating between 1,500 feet and 700 feet above the surface. The additional control zone will provide controlled airspace protection for aircraft executing the prescribed instrument procedures when operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the description of the Corvallis, Oregon, control zone is amended to read as follows:

CORVALLIS, OREG.

Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.), within 3 miles each side of the Corvallis VOR 090° radial, extending from the 5-mile-radius zone to 8 miles east of the VOR and within 3.5 miles each side of the Corvallis VOR 180° radial extending from the 5-mile-radius zone to 10 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Corvallis, Oreg., transition area is amended to read as follows:

CORVALLIS, OREG.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile-radius area to 14 miles northeast of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile-radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., transition area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 29, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-1825 Filed 2-9-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-120]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Potsdam, N.Y., Transition Area.

A new VOR/DME Runway 24 instrument approach procedure for Potsdam Municipal (Damon Field) Airport, Potsdam, N.Y., will require designation of a 700-foot floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Potsdam, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Potsdam, N.Y., transition area described as follows:

POTSDAM, N.Y.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center of Potsdam Municipal (Damon Field) Airport 44°40'30" N., 74°57'00" W.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-1828 Filed 2-9-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-111]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Massena, N.Y., Transition Area (35 F.R. 2219).

Two new instrument approach procedures for Richards Field, Massena, N.Y., require the alteration of the transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in

triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Massena, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Massena, N.Y., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the center, 44°56'10" N., 74°50'50" W. of Richards Field, Massena, N.Y.; within 3 miles each side of the Massena VORTAC 104° radial extending from the 6.5-mile-radius area to 8 miles east of the VORTAC, excluding the airspace within Canada.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Eastern Region, Acting Director.

[FR Doc.71-1827 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-115]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bangor, Maine (35 F.R. 2059) and Old Town, Maine (35 F.R. 2108), control zones and Bangor, Maine, transition area (35 F.R. 2144).

The revised instrument approach procedures for Bangor International Airport, Bangor, Maine, and De Witt Field—Old Town Municipal Airport, Old Town, Maine, require alteration of the control zones, and transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bangor, Maine, and Old Town, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Bangor, Maine control zone, and insert the following in lieu thereof:

Within a 5-mile radius of the center, 44°48'28" N., 68°49'41" W. of Bangor International Airport, Bangor, Maine; within 2.5 miles each side of the Bangor, Maine, VOR TAC 318° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC; within a 1-mile radius of the center, 44°53'56" N., 69°01'12" W. of Levant Private Landing Area, West Levant, Maine; within 3.5 miles each side of the Bangor ILS localizer southeast course, extending from the 5-mile-radius zone to 11.5 miles southeast of the OM.

(b) Delete the description of the Old Town, Maine, control zone, and insert the following in lieu thereof:

Within a 5-mile radius of the center, 44°57'15" N., 68°40'30" W. of De Witt Field—Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor, Maine, VORTAC 052° radial, extending from the 5-mile-radius zone to the VORTAC; within 3.5 miles each side of the Bangor VORTAC 050° radial, extending from the 5-mile-radius zone to 23.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN, 45°00'24" N., 68°38'02" W., extending from the 5-mile-radius zone to 10.5 miles northeast of the RBN, excluding the portion which coincides with the Bangor, Maine control zone.

2. Delete the description of the Bangor, Maine 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius arc of the center, 44°48'28" N., 68°49'41" W. of Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile-radius arc of Bangor International Airport, extending clockwise from 093° to 245°; within 3 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the VORTAC to 9 miles northwest of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Bangor International Airport ILS localizer southeast course, extending from the OM to 18.5 miles southeast of the OM; within a 5-mile radius of the center, 44°57'15" N., 68°40'30" W. of De Witt Field—Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor VORTAC 052° radial extending from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to the VORTAC; within 4 miles each side of the Bangor VORTAC 050° radial, extending from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 25.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN 45°00'24" N., 68°38'02" W., extending from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 10.5 miles northeast of the RBN; within 2 miles each side of the De Witt Field—Old Town Municipal Airport runway 22 centerline extended from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 6 miles south of the end of the runway; within 2 miles each side of the De Witt Field—Old Town Municipal Airport runway 33 centerline extended from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the De Witt Field—Old Town Municipal Airport runway 15 centerline extended from the De Witt Field—Old Town Municipal Airport 5-mile-radius area to 5 miles southeast of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-1828 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-121]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a New Castle, Pa., transition area.

New VOR instrument approach procedures have been developed for New Castle Municipal Airport, New Castle, Pa. We will require designation of a 700-foot floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of New Castle, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a New Castle, Pa., transition area described as follows:

NEW CASTLE, PA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (41°01'34" N., 80°24'49" W.) of New Castle Municipal Airport, New Castle, Pa.; within 3 miles each side of the Castle VOR (41°01'32" N., 80°24'58" W.) 043° radial, extending from the VOR to 8.5 miles northeast and within 3 miles each side of the Castle VOR 217° radial, extending from the VOR to 8.5 miles southwest.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 25, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-1829 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No.71-SO-6]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bay St. Louis, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Bay St. Louis transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gulf Central-Stennis Field (lat. 32°22'15" N., long. 89°27'16" W.). This transition area is effective from sunrise to sunset daily.

The proposed designation is required to provide controlled airspace protection for IFR operations at Gulf Central-Stennis Field. A prescribed instrument approach procedure to this airport, utilizing Gulfport, Miss., VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 29, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-1831 Filed 2-9-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Fayetteville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Fayetteville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayetteville Municipal Airport (lat. 35°03'28" N., long. 86°33'53" W.); within 3 miles each side of the 188° bearing from Highland RBN (lat. 35°03'32" N., long. 86°33'58" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Fayetteville Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Highland (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-1832 Filed 2-9-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Illinois as set forth in the following new §§ 481.206–481.212 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the designated Burlington-Keokuk Interstate Air Quality Control

Region and the Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Illinois, Wisconsin, Iowa, Kentucky, and Missouri, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., on February 11, 1971, in the Training Room, Fourth Floor, 325 West Adams Street, Springfield, IL 62704.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.206 Bloomington-Champaign-Danville-Kankakee Intrastate Air Quality Control Region.

The Bloomington - Champaign - Danville-Kankakee Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Champaign County.	Kankakee County.
De Witt County.	Livingston County.
Douglas County.	McLean County.
Ford County.	Piatt County.
Iroquois County.	Vermilion County.

§ 481.207 Illinois River Valley Intrastate Air Quality Control Region.

The Illinois River Valley Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Bureau County.	Lee County.
Grundy County.	Marshall County.
Kendall County.	Putnam County.
La Salle County.	Stark County.

§ 481.208 Metropolitan Peoria Intrastate Air Quality Control Region.

The Metropolitan Peoria Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Fulton County.	Peoria County.
Knox County.	Tazewell County.
Mason County.	Woodford County.

§ 481.209 Southeastern Illinois Intrastate Air Quality Control Region.

The Southeastern Illinois Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Clark County.	Hardin County.
Clay County.	Jasper County.
Coles County.	Lawrence County.
Crawford County.	Moultrie County.
Cumberland County.	Richland County.
Edgar County.	Shelby County.
Edwards County.	Wabash County.
Effingham County.	Wayne County.
Gallatin County.	White County.
Hamilton County.	

§ 481.210 Southern Illinois Intrastate Air Quality Control Region.

The Southern Illinois Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Bond County.	Marion County.
Clinton County.	Perry County.
Fayette County.	Randolph County.
Franklin County.	Saline County.
Jackson County.	Washington County.
Jefferson County.	Williamson County.

§ 481.211 Springfield-Decatur Intrastate Air Quality Control Region.

The Springfield-Decatur Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Cass County.	Menard County.
Christian County.	Montgomery County.
Logan County.	Morgan County.
Macon County.	Sangamon County.
Macoupin County.	

§ 481.212 Western Illinois Intrastate Air Quality Control Region.

The Western Illinois Intrastate Air Quality Control Region (Illinois) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Brown County.	Pike County.
Calhoun County.	Schuyler County.
Greene County.	Scott County.
Jersey County.	Warren County.
McDonough County.	

§ 481.98 [Amended]

The Burlington-Keokuk Interstate Air Quality Control Region (Illinois-Iowa) (§ 481.98) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Illinois:

Hancock County.	Henderson County.

In the State of Iowa:

Des Moines County.	Lee County.

It is proposed to add Adams County in the State of Illinois to the designated Burlington-Keokuk Interstate Air Quality Control Region (Illinois-Iowa).

§ 481.69 [Amended]

The Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region (§ 481.69) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Ballard County.	Marshall County.
McCracken County.	

In the State of Illinois:

Alexander County.	Pope County.
Massac County.	Pulaski County.

It is proposed to add Johnson and Union Counties in the State of Illinois to the designated Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

This action is proposed under the authority of (Section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: February 6, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1950 Filed 2-9-71;8:55 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 2, 21, 74, 89, 91, 93, 95]

[Docket No. 19150; FCC 71-122]

ESTABLISHMENT OF FIRST REGIONAL SPECTRUM MANAGEMENT CENTER IN CHICAGO, ILL.

Notice of Proposed Rule Making

INTRODUCTION

1. This proceeding is concerned with the establishment of new systems, techniques, and methodologies for the more efficient management of the non-Government portion of the radio spectrum. It is directed primarily to that portion of the spectrum allocated for Land Mobile purposes—as reflected in Part 2 of the Commission's rules—and is geographically confined in its applicability to an area of approximately 96,000 square miles which has Chicago, Ill., at its approximate center.

2. This notice consists of two parts: Part I relates primarily to problem definition and is intended to serve as background or introduction to the rules changes proposed; Part II contains the substance of the proposed amendments to the various rules parts noted in the caption. Comments are to be directed to the proposals contained in Part II. Notice of proposed rule making in these matters is hereby given.

PART I

NATIONAL SPECTRUM MANAGEMENT

3. The Commission has, since its inception, been concerned with the efficient management of the non-Government portion of the radio spectrum. Considerable work has been undertaken over the years in providing for new, improved and increased use of the spectrum with a view to use-optimization. This work has been accomplished over a period of time by various bureaus and offices within the Commission. Although these collective efforts have never been described in any formal manner, they have constituted what is now being referred to as the National Spectrum Management Program.

4. Several major studies, completed in recent years, have concluded that more effective and efficient use can and must be made of the radio frequency spectrum, particularly in view of the rapidly increasing demand for spectrum space. The development of sophisticated monitoring techniques and the application of computer technology in the frequency assignment process have now introduced important new techniques for spectrum management which have not been available heretofore. Although these studies have thus far been directed primarily toward the Land Mobile use of the spectrum, all uses of the spectrum have been studied and require equal consideration, with Land Mobile being the most urgent from a timing standpoint.

5. The Commission has carefully reviewed these studies, including those conducted by the Commission's staff, and has concluded that it must move forward with its National Spectrum Management Program. An essential element of this program is to implement more efficient and effective techniques for managing this vital resource. In this context, we are beginning implementation of a regional spectrum management concept; and it is with respect to this regional spectrum management concept that this proceeding is vitally concerned. Our initial efforts, therefore, are directed to resolution of the critical problems afflicting the Land Mobile portion of the spectrum.

LAND MOBILE SPECTRUM MANAGEMENT PROGRAM

6. During the past 25 years and particularly during the past decade, the private Land Mobile radio communication services have grown tremendously and have placed heavy demands on the radio spectrum. These services are continuing their rapid growth rate of some 20 to 30 thousand new systems per year. At the close of fiscal 1970, over 300,000 such systems were authorized. The systems vary in size from a few to upward of one thousand radio transmitters each. These systems are not uniformly distributed over the country but rather tend to concentrate in the larger metropolitan areas. This has produced a generally recognized problem of frequency shortage in these areas. Some of these areas are at or beyond the critical point, and the continued and haphazard addition of new systems serves to generally degrade the quality of service which can be obtained by all users.

7. Several years ago, the Commission began a two-pronged effort to alleviate this situation. First, the provision of more frequency space [1] and second, the more effective utilization of existing frequency space. Present frequency management in the Land Mobile Services is generally nationally oriented and administered under national standards. While there are some exceptions, this policy does not provide the flexibility nor technical details necessary to obtain maximum utilization of the allocated frequency space in the larger frequency crowded urban areas. Growth projections of these areas indicate that even more intensive use of the radio spectrum can be expected in the future. The continued growth of the Land Mobile Services in urban areas and the frequent complaints of channel and spectrum congestion have necessitated consideration of improved frequency assignment processes, taking into account the existing radio spectrum environment of each urban region.

8. Increased utilization of private Land Mobile frequency space has been the sole or partial subject of many frequency management studies over the past few years. All of the studies place an emphasis on the use of increased engineering in the assignment process and several of the "in depth" studies such as those prepared by the President's Task Force on Communications Policy, the Joint Technical Advisory Committee (JTAC), and the contract studies performed for the Commission by the Stanford Research Institute (SRI) indicate that the problem is regionally oriented and must be solved and administered in the future on a regional basis. Such regional administration would modify considerably the service-block frequency allocation technique now used for frequency management on a national basis in the Land Mobile Services.

9. An important problem in the present frequency management system is its inability (because of a lack of pertinent data) to describe channel and spectrum congestion quantitatively. Thus, the points at which channels become unacceptable and congested to their users—whether Police, Fire, Business, Petroleum, Power, or other Services—are not known. By virtue of its direct interface with users at the regional level and its resource of adequate data bases, a regional management system would be able to establish levels of unacceptable performance, based on quantitative measures. Given these levels, the capability would then exist to control channel usage to stay within these levels for any user category. A regional system under national guidance would thus have the capability of optimizing the use of the Land Mobile channels for each user category.

10. The design of a regional management facility for the Land Mobile Radio Services was completed in the summer of 1969 by Stanford Research Institute. Under this concept, there will be established in 1972 a regional spectrum engineering and management center in Chicago, Illinois, for the Land Mobile allocation, to operate in accordance with policy guidelines furnished by the Commission's Washington Office. The area to be served by the Chicago Center is described elsewhere in this document (paragraph 55).

11. The initial operation of the Chicago Center will be primarily concerned with accumulation of data on present usage of the Land Mobile portion of the spectrum, the development of channel loading statistics and criteria, and development and implementation of frequency assignment and licensing procedures for more efficient and effective use of the spectrum. The experience gained and the assignment system developed will be indispensible to the optimum utilization of any additional spectrum space which may be made available to the Land Mobile Services in the future. Further, the Center will be flexible enough and equipped to handle services

[1] See Report and Order in Docket No. 18261, June 4, 1970, 35 F.R. 8634; and Docket No. 18262, June 4, 1970, 35 F.R. 8644.

other than Land Mobile, including cooperative ventures with the Federal Government should such operations become desirable.

12. If the regional management technique is to be applied to all metropolitan areas in the country where Land Mobile frequency problems now exist, or will probably exist within the next several years, under present frequency supply and management procedures, some 10 to 12 regional centers may be required. The ultimate number of centers can best be projected after experience with the operation of a smaller number in the more critical geographical locations has been obtained. Such operation will, moreover, provide the data necessary for factual cost/benefit analyses.

13. The major functions of a Regional Spectrum Management Center insofar as they relate, at this time, to the Land Mobile allocation, will be monitoring, spectrum engineering and data generation and maintenance. To assist in the performance of these functions, a computer of a high order of sophistication is being acquired.

14. The monitoring function to be performed in Chicago and elsewhere will be accomplished with high-speed automatic spectrum scanning apparatus which can be mounted in a mobile van or operated at fixed locations such as the Regional Center. The use of this monitoring station will enable a spectrum data base to be established which will describe the signal population on each Land Mobile channel. In addition, content monitoring, and specialized measurements relative to radio frequency noise levels, transmitter-receiver density effects and terrain or structural factors affecting propagation may be conducted. From the spectrum data base established with the monitoring station, vital statistics can be obtained on the use of individual channels and of the entire spectrum space allocated for Land Mobile purposes.

15. Spectrum Engineering will involve the conduct of engineering surveys to determine methods to reduce or eliminate problems resulting from intermodulation, cochannel, and propagation factors affecting spectrum use within the Region. Initially, however, spectrum engineering will be directed to the establishment of the new regional user data base. Most of the existing users in the Region will be required to renew their licenses on a new license application form supplying certain technical and other information not heretofore required.[2] These forms will then be converted into punched cards and entered into the user data base. It is proposed to coordinate the process of completing new forms with user groups, through their existing coordinating committees, since these committees can be expected to be called upon by many users for assistance. The user groups can also aid in resolving many special case situations and can serve as a valuable interface between the Regional Center and users.

[2] See paragraph 45 below.

INITIAL POLICY CONSIDERATIONS FOR IMPLEMENTATION

16. The design parameters of the system to be employed in obtaining use-optimization in the Land Mobile category have been briefly outlined in the preceding paragraphs. It should be understood, however, that use-optimization is an ultimate goal; and that the system to be used in obtaining it will evolve. The entire system cannot realistically be implemented immediately. An orderly transition from present methods to new methods and techniques must be effected over a reasonable period of time. Full conversion to the new system must necessarily be geared to the time factors involved in accumulating data and, most importantly, administrative experience. This does not mean, however, "* * * that evolution must continue at the snail's pace of the past."[3]

17. Pending, and indeed critical to, the accumulation of data and experience, certain changes in the administrative techniques of regulation and management of the subject Land Mobile portion of the spectrum are postulated as being necessary. Thus, for example, JTAC, and others who have studied the problem in depth, note clear evidence that on a regional and local basis there is ample warrant for revising or liberalizing the block allocation concept in order to respond more expeditiously to user needs. The administrative method, system, or technique of making frequencies available for assignment on a fair, efficient, and equitable basis is regarded as critical to, or the keystone of, the system that has been designed.

18. The present block method or technique of subdividing or apportioning the frequencies from the Land Mobile inventory demands that the current and projected needs of a variety of users in 20 or more radio services or categories be determined on a nationwide basis; and that these needs be balanced in an almost infinite variety of combinations. The paradoxes, inequities, and inefficiencies that result from this method of apportioning, experience shows, must be of considerable scale before rectification is initiated. The rectification procedure, like that of the initiating procedure, is ordinarily rule making, in compliance with legal strictures, and is both time-consuming and administratively burdensome in nature. Moreover, because present procedures are necessarily aimed at broad or national rather than local needs with little or no meaningful accommodation provided for unique local or regional needs and conditions, a serious underutilization of the spectrum in some categories and areas, and gross overutilization in other areas and categories often results.

19. A major departure from the rigidity of the present block allocation method is thus postulated as being both desirable and necessary. A major departure is feasible on a regional basis at least, in light of today's sophisticated automatic data and information retrieval systems; and because of today's advanced engineering and monitoring techniques which complement the automatic data processing tools.

[3] JTAC Report, Spectrum Engineering—The Key to Progress, March 1968, page 20.

20. The departure from the block allocation scheme proposed in this proceeding has as its proximate goal the maximum order of frequency assignment flexibility—consistent with an orderly administration or regulation of Land Mobile users on a regional basis. Our proposal in this proceeding is essentially that the total Land Mobile allocation be divided into two parcels or blocks. The first of these parcels would accommodate the present and near term needs of Police and Fire agencies, while the second parcel would be disposed to the needs of all other categories of present and potential users of the Land Mobile spectrum. A frequency reservoir is also included. In Part II, below, this proposal is defined in detail.

21. Before proceeding with the precise details of the proposal, however, we feel that an articulation of some few of the major factors that have influenced or guided our decision to propose as we have should be made. The proposal in this proceeding has been formulated in acknowledgment and due consideration of the following:

A. Use-optimization of Land Mobile radio is both desirable and necessary; and is feasible in light of today's technology and management techniques.

B. Any management system or technique that evolves must be premised on acknowledgment of and accommodation for the highly time-critical emergency communications needs of Police and Fire agencies.

C. No constriction or curtailment of eligibility in the Land Mobile category is foreseen as being necessary in the immediate future. Thus, for the present at least, persons eligible for licensing in the Land Mobile Radio Services will continue to be eligible.

D. The embedded capital investment of users in equipment and facilities must and will be considered to the extent practicable.

E. Initial implementing measures, and the results that flow therefrom, must not foreclose or pose substantial impediments to the implementation and the efficiency of the ultimate system.

F. The system that evolves must be highly compatible with automatic data processing (ADP) techniques.

PART II

TWO-CATEGORY LAND MOBILE ALLOCATION

22. While it is generally agreed that the present system can and should be improved, it is difficult to find agreement on what form the improvement should take and to whom it should apply. The best form would be a combination of the block system and the so-called pool system which would permit adoption of the desirable features of both. Thus, the number of pools should be kept to a minimum in order to afford the maximum flexibility in assigning frequencies, while at the same time maintaining some system of priorities.

23. With the above considerations in mind, it is believed that the desired objectives of initial implementation of the regional management concept and improved spectrum management can best be achieved by a two-category Land Mobile allocation.

24. Category I of this allocation would consist of the Police and Fire Radio Services and their present frequencies. Category II would consist of other Services and their frequencies presently contained in Parts 89 (Public Safety Radio Services),[4] 91 (Industrial Radio Services),[5] and 93 (Land Transportation Radio Services), Part 74 (Remote Pickup), Part 21 (Domestic Public Land Mobile Radio Service), and Part 95 (the Citizens Radio Service).

25. Unlike Category I, the Category II allocation would be subdivided into five groups: Group A would consist of the Local Government, Highway Maintenance, Forestry-Conservation and Special Emergency Radio Services; Group B would consist of the Power, Railroad, and Telephone Maintenance Radio Services; Group C would consist of the Petroleum, Manufacturers, Forest Products, Special Industrial, Motor Carrier, Automobile Emergency, Business, Taxicab, Motion Picture and Relay Press Radio Services, and Broadcast Remote Pickup (Part 74); Group D to consist of the Domestic Public Land Mobile Radio Service (Part 21); and Group E, Citizens Radio Service (Part 95). Thus, the entire Land Mobile allocation will be found in the two categories noted.

CATEGORY I FREQUENCIES

26. The Police and Fire Radio Services would contribute to the Category I allocation or pool all the exclusive frequencies now allocated to these services. In addition, 10 channels (20 frequencies) in the 470–476 MHz band would be allocated to Category I. All Category I frequencies would to the extent practicable be dedicated channels and would be protected from cochannel and adjacent channel interference to the extent practicable. The 11 frequencies in the band 25–50 MHz now shared by the Police and Local Government Services will be placed in Category I. No new local government assignments will be made on these channels, but existing systems may continue to operate and expand thereon. The Police and Fire Radio Services would also be eligible for any frequency in Category II—with the express understanding that these frequencies are shared with Category II licensees and the Police and Fire licensees assigned on any of the Category II frequencies will not be protected.

[4] The State Guard Radio Service will be placed in Category II for administrative purposes, but it will not participate in the pool. This is a static Service with only five licensees. No new systems have been authorized in several years. The Service has one basic frequency—2726 kHz—which is already shared with the Special Emergency Radio Service. No new frequencies will be available to the State Guard.

[5] Land Mobile Frequencies are not presently allocated to the Industrial Radiolocation Service, thus that Service is not considered herein.

CATEGORY II FREQUENCIES

27. Each individual Service in Category II will contribute its exclusive frequencies to the Group in which it is listed. A number of 470–476 MHz channels will be assigned to each group as indicated in Appendix A. All frequencies now shared by the Public Safety Services will remain in Group A with the exception of the 11 low band frequencies (mentioned above in paragraph 26) which go into Category I. Frequencies presently in the Industrial and Railroad-Motor Carrier pools in the band 450–470 MHz would either be divided between Groups B and C or made available only within Group C. (In Appendix A, the frequencies are included in the total for Group C.) Comments are solicited as to how best to utilize these pool frequencies.

28. Category II licensees will be eligible only for Category II frequencies. However, all Category II licensees will not be treated alike. Initially, we will make assignments only within the respective Groups. This procedure will continue until sufficient monitoring and other data base information on loading, waiting times, hours of operation, etc., give us the data necessary to make intergroup assignments.

29. Group A licensees will receive discrete frequencies for their operations to the extent possible, subject to sharing with other Group A users where the nature of the operation, congestion and loading factors dictate such action is desirable for efficient spectrum management. If possible, assignments will be made from an applicant's own service frequencies in the pool. If none are available, then a search will be made of frequencies in the pool which were contributed by the other service(s).

30. Group B and Group C applicants will be treated as having equal access to all frequencies in their respective pools, with new assignments being made on the least used channels.

31. Group D in Category II will consist of those Land Mobile frequencies presently allocated to the Domestic Public Land Mobile Radio Service (Part 21). The Domestic Public Land Mobile Service frequencies are discussed in paragraph 39 below.

32. Group E will consist of the Citizens Radio Service. The Citizens Radio Service is discussed in paragraph 41 below.

33. Initially, access to the frequencies of another Group would be permitted only on a case-by-case basis and only when no suitable frequency is available in the Group in which the applicant is eligible. Where services which presently share frequencies are in different categories or groups, the frequencies will be placed in the pool of the lower priority group.[6] Those licensees in the higher priority group who presently operate on such frequencies will be permitted to continue their operations on the frequencies even though the frequencies do not appear in their eligibility pool. In determining the feasibility and scope of cross-service sharing, matters relating to acceptable channel loading, provisions for future expansion of various uses and services, standards for service and interference, safeguards against preemption of frequency space by fast growing services and other public interest factors will be considered.

[6] The 11 low-band frequencies shared by Police and Local Government will, however, go to Category I (see paragraph 26).

FREQUENCY RESERVOIR

34. In addition to the frequencies contained in Categories I and II, there will be a "Frequency Reservoir". This reservoir will contain, initially, a portion of those UHF TV frequencies made available as a result of Commission action taken in Docket No. 18261. In addition to these frequencies, the reservoir will contain some of the unshared Broadcast Remote Pickup Frequencies.[7] A "Reservoir" of frequencies is being established to afford the measure of flexibility deemed necessary in order to respond to unique or unusual conditions that exist or may arise, either on a temporary or continuing basis. In addition, experience may indicate a need for more frequencies in a particular group or groups. Frequencies from within the reservoir may be disposed to satisfaction of these needs. It should be noted, however, that the initial number of frequencies to be lodged in the reservoir while high, will not remain so. Thus, it is anticipated that after the data base has been established and experience with the system has been gained, most of the reservoir frequencies will be committed to those groups or areas where they will do the most good. Ultimately, the reservoir is envisioned as containing but very few frequencies.

ELIGIBILITY

35. The present basic eligibility criteria governing entry into the various Services that use the Land Mobile allocation are not proposed to be changed at this time. Maintenance of these criteria will allow retention of those provisions of the rules concerning permissible communications, station limitations, etc., all of which provisions are generally tied to eligibility. An orderly transition to the new system dictates that these provisions be retained. Thus, for example, frequencies reserved for paging, zone and interzone, low power, etc., will continue to have these limitations. However, the "general reference" limitations in the Business and Special Industrial Services frequency tables will be abolished.[8] "Station limitations" for the Service in which eligibility was established will continue to govern, even though the fre-

[7] See paragraph 42 for discussion of Broadcast Remote Pickup frequencies.

[8] Itinerant or "gypsy" licensees will be required to make application for a frequency assignment when their business operations are to be conducted within the boundaries of the region proposed to be established in this proceeding.

quency assigned is not from the Service in which eligibility was established.

36. In establishing the categories and groups, we have to the extent possible attempted to keep in mind not only the relative priorities of the various users but also their compatability and operating practices. Also taken into consideration were a number of basic principles enumerated in the Report and Order in Docket No. 6651 (1949) and related Dockets. Two of those principles which we regard as warranting reaffirmation are as follows:

A. "* * * all radio services should not be evaluated alike. Radio services which are necessary for the safety of life and property deserve more consideration than those services which are more in the nature of convenience or luxury; and

B. The Commission considered the total number of people who would probably receive benefits from a particular service. Where other factors were equal, the Commission attempted to meet the requests of those services which proposed to render benefits to large groups of the population rather than of those services which would aid relatively small groups."

DOMESTIC PUBLIC LAND MOBILE—CITIZENS—BROADCAST REMOTE PICKUP

37. There are within the Land Mobile allocation of frequencies reflected in Part 2 of the rules, radio services and uses other than those traditional or essentially Land Mobile services falling within the Safety and Special Radio Service category. Thus, for example, radio and miscellaneous common carriers (in reality their subscribers) and persons licensed in the Citizens Radio Service use Land Mobile radio frequencies for purposes essentially akin to the purposes of users from within the Safety and Special Services. Broadcast stations, too, are deeply involved in the Land Mobile allocation—their use of frequencies from within the allocation being for the transmission of audio matter intended for broadcast or for cueing, reporter instructions, etc.

38. The Land Mobile use-optimization goal for which the Commission is striving logically requires that all uses and users of the Land Mobile allocation be considered, and if feasible and practicable, all uses and users be encompassed by the system proposed.

39. Unique and rather complex problems are posed, however, in any attempt to administer or regulate Domestic Public Land Mobile Radio licensees and applicants on a regional or local basis. The complexity stems not so much from the technical or engineering aspects of carriers' operations but rather from the legal, financial, and competitive factors that are required to be considered. This is not to say that these factors could not or should not be handled on a local or regional basis. It is to say, however, that for the immediate future no major decentralization of the Commission's regulatory functions in regard to common carriers is proposed. But this absence of the physical presence of carrier regulation on a local or regional level need not, and in fact, will not militate against frequency use-optimization on the local or regional level. The Domestic Public Land Mobile allocation of frequencies is proposed to be included in Category II of the overall allocation proposed herein as Group D.

40. Should experience with common carriers in the Chicago Region so warrant, it is conceivable that some type of sharing between carriers and private systems could be arranged. In the absence of data at this time, it is practically impossible to conjecture on what types of arrangements, if any, would prove workable. In the meantime, however, we desire not to foreclose the option of examining sharing between various types of systems and allowing sharing if conditions so warrant. Thus, Domestic Public Land Mobile frequencies are proposed to be included in Category II. Paragraph 51 (to follow) enumerates the procedures to be followed by Domestic Public Land Mobile licensees and applicants who propose operations within the region defined in this notice.

41. Group E of Category II contains the Citizens Radio Service and its Land Mobile frequencies. No new frequencies are proposed to be made available to the Citizens Radio Service, nor will the reservoir frequencies discussed previously be made available to the Citizens Service. It is proposed, however, that all Citizens applications specifying facilities to be operated within the boundaries of the Chicago Region be handled or administered from the Regional Office to be established in Chicago. In addition to mitigating the heavy administrative burden presently carried by the Commission's Washington ADP facilities, this transferral of the Citizens band licensing functions to the regional level will prove convenient and advantageous to the Commission's field enforcement activities which are conducted on a local or regional basis.

42. Broadcast Remote Pickup frequencies are proposed to be included within the body of frequencies to be managed by the Chicago Regional Office. Commission records indicate relatively light loading of these frequencies in the Chicago area, indeed, on many if not most of the frequencies in the 25 and 26 MHz bands, for example, no assignments whatever are noted.[9] The majority of the Broadcast Remote Pickup frequencies are proposed to be lodged in the frequency reservoir. There they will remain for a period of time pending the accumulation of monitoring data as to their occupancy, frequency of use, and other factors (see paragraph 33). Those frequencies that are presently shared with the Industrial Services, however, are included in Group C.

DATA BASE REQUIREMENTS

43. Throughout this document and in other works that have focused on the so-called Land Mobile problem, great stress has been placed on the necessity of establishing an adequate data base. We regard it as axiomatic that an adequate data base must be developed or established before any meaningful system of frequency management can become truly viable. Correlative to establishment of the base is the time within which the establishment can or should be accomplished and the frequency with which the base can and should be updated.

44. Many of the essential elements of information that are needed to establish an adequate data base are presently and uniquely within the ken or knowledge of existing licensees. Thus, for example, the type of equipment that a licensee uses (to include receivers), effective radiated power, the exact number of vehicles actually equipped with radio, hours of operation, types of communications involved, and other similar items of information are presently known only to licensees.

45. In order to facilitate the establishment of an adequate data base, a new application form which is ADP-oriented is being developed and will be available for use by July 1, 1971. This new application form will seek to elicit from applicants those data elements that are regarded as being critical to the efficient functioning of the system outlined in this proceeding. Answers to the following items, among others, will be elicited by the new form:

A. Service contours of the system applied for.

B. Effective radiated power, antenna height, etc.

C. Description of receiver.

D. Hours of operation.

E. The exact number of mobile units to be employed (transmitters and receivers).

F. Nature of operations, i.e., dispatch, paging, combinations, etc.

46. In addition to these elements, more precise information as to the nature or character of an applicant's major activity, whether it be commercial, governmental, or whatever, will be required. Applicants will be required to identify their activities with the numerical designators specified in the Standard Industrial Classification Manual (1967 edition) published by the Executive Office of the President/Bureau of the Budget. Reference to this publication will reveal that the classifications contained therein will cover the entire field of economic (and governmental) activities: Agriculture, forestry, and fisheries; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; wholesale and retail trade; finance, insurance, and real estate; services; and government—to include Federal, State, and local.

47. As noted above, the time within which the necessary data base may be established is of critical importance to the effective and efficient functioning of the spectrum management system that has been designed. Under current projections, the first Regional Spectrum Management Center is to open its doors for business in mid-1972. This means that a substantial portion of the data base must have been established by that time. In order to meet that goal, most licensees within the area[10] to be served by the Chicago Regional Center will be required to renew their licenses using the new ADP-oriented form over a period of 1 year commencing on July 1, 1971, and terminating on June 30, 1972.

48. To make this as administratively convenient as possible, Industrial, Public Safety, and Land Transportation licensees whose licenses will expire during the months of July, August, or September in any of the years 1971, 1972, 1973, 1974, or 1975 may file their renewals any time during July, August, or September 1971 but no later than September 30, 1971; and licensees whose licenses expire during any of the months of October, November, or December of 1971, 1972, 1973, 1974, or 1975 may file their renewals at any time during October, November, or December of 1971 but no later than December 31, 1971; and licensees whose licenses expire during any of the months of January, February, or March of any of the years 1972, 1973, 1974, 1975, or 1976 may renew at any time in January, February, or March of 1972 but no later than March 31, 1972; and licensees whose licenses will expire at any time during the months of April, May, or June of the years 1972, 1973, 1974, 1975, or 1976 may file for renewal at any time during April, May, or June of 1972, but no later than June 30, 1972.

49. Because it will be necessary to maintain a current data base, licenses in the Services noted above will not, as in the past, be granted for a 5-year term. They will, instead, be granted for a term of 1 year with a commensurate reduction in the fee.

In those cases where a licensee may have a number of years remaining on the authorization in being at the time these rules become effective, an equitable amortization of the fee originally paid will be allowed. Thus, for example, a license or renewal granted for a 5-year term in June of 1971 will be required to be renewed at yearly intervals but without fees until the renewal filed in June of 1976. Applications for new facilities, however, will still be required to be accompanied by the fee specified in the rules.

50. In order that the establishment of a nationwide data base may be facilitated, all Industrial, Public Safety, and Land Transportation applicants for Land Mobile facilities using frequencies in the band 470–512 MHz—not just those specifying operation within the Chicago Region—will be required to use the new form beginning on July 1, 1971,[11] or at such time as frequencies in this band are made available as a result of the further proceedings in Docket No. 18261.

51. Domestic Public Land Mobile Radio Service applicants will also be required to use the new ADP form when facilities in the area to be served by the Chicago Regional Office are specified. Domestic Public applicants, however, will file this form in addition to the form 401 currently used. Both of these applications, i.e., the new form and the form 401 will be filed in Washington, D.C., not in Chicago. Appropriate coordination procedures between the Commission's common Carrier Bureau and the Chicago Regional Office will be adopted whereby a carrier's engineering data may be appropriately entered into the data base of the Chicago Region. Thus, insofar as a carrier's technical proposal is concerned, the new form must be used, while legal, accounting, tariff, etc., information will still be required to be furnished on the present Form 401 used in the Domestic Public Land Mobile Service.

52. Unlike the Industrial, Public Safety, and Land Transportation Services, no changes in the license terms of Domestic Public Land Mobile licensees are being proposed. In order that a current data base may be maintained on these licensees, however, it is proposed that a copy of the new form be submitted as a supplement to a carrier's required annual report. Thus, commencing July 1, 1971, Domestic Pubic Land Mobile Radio Service licensees would be required to submit on an annual basis a copy of the new ADP-oriented form which will portray the information necessary to update the Commission's data base.

53. Broadcast Remote Pickup station licensees and applicants will also be required to use the new ADP-oriented application form—both in applying for new facilities and renewing existing facilities. In order to establish an adequate and consistent data base, Broadcast Remote Pick-Up licensees will be required—along with their sister licensees in the Industrial, Public Safety, etc., Services—to obtain renewals of their existing licenses between July 1, 1971, and June 30, 1972. Remote Pick-Up renewal applications are proposed to be filed pursuant to the following schedule:

A. Indiana stations no later than September 30, 1971.

B. Michigan and Ohio stations no later than November 30, 1971.

C. Illinois and Wisconsin stations no later than January 31, 1972.

D. Iowa stations no later than April 30, 1972.

Licenses for remote pickup stations in the Chicago Region will no longer be granted for a 3-year term. They will instead be granted for a term of 1 year. We will, of course, coordinate action on renewal of licenses for remote pickup stations with action on the renewal of licenses of the broadcast stations with which the remote pickup stations are associated.

54. In the Citizens Radio Service, no changes in the current rules relating to license terms or the fee schedule are proposed. Classes B, C, and D applicants will continue to use the current FCC Form 505. Class A applicants, however, will be required to use the new ADP oriented form. This will apply to Citizens applications that specify operations within the region defined in Paragraph 55. Citizens licenses will not be required to comply with the renewal schedule outlined in paragraph 48. All categories of applications, i.e., renewals, modifications, new facilities, etc., are within the ambit of these requirements.

AREA DEFINITION

55. The area to be served by the Regional Center to be established in Chicago consists of the States and counties listed in Appendix B to this document. Loosely defined, the area is a rough circle described by a 175-mile radius extending from a point in the approximate center of downtown Chicago. This area will be identified as the Chicago Region. Within the Chicago Region there will be an area described by a radius of approximately 100 miles extending from a point in the approximate center of downtown Chicago which will be identified as the Chicago District. Appendix C[12] enumerates the counties which fall within the District. The two-category allocation and pooling arrangements proposed in this proceeding will be applicable to all persons operating or proposing to operate a land station (i.e., a base station) in the Chicago District. For purposes of establishing a data base, however, all applications specifying Land Mobile facilities operating or to be operated in the Chicago Region (which includes the District) will be required to be filed in Washington on the new ADP oriented form pursuant to the schedules enumerated in paragraph 43, et seq. Beginning on July 1, 1972, however, applications will be required to be filed with the Chicago Regional Office[13]—the location and address of which will be announced at a later date.

COORDINATION PROCEDURES

56. There will be no change in the present coordination requirements until July 1, 1972. After that date, applicants proposing base station locations within the Chicago District will not be required to comply with the frequency coordination requirements of the rules because frequency selection and assignments will

[9] Seven of these frequencies between 25.6 and 26.1 MHz are, however, not within the Land Mobile allocation and are as a consequence excluded from consideration or inclusion in this proceeding. The frequencies 166.25 and 170.15 MHz are also excluded—see footnote 4 to the frequency list contained in § 74.402(a)(5). Also excluded are those frequencies in the 161 MHz band—because of Emergency Broadcast System considerations; and frequencies in the 450 and 455 MHz bands. The 450 and 455 MHz band frequencies are currently the subject of a petition for rule making (RM 1735) filed by the National Association of Broadcasters (NAB) on Jan. 8, 1971.

[10] See paragraphs 54 and 55 and Appendix B for contours of region.

[11] No change in the fee structure or the 5-year license term is being proposed at this time for persons operating outside the Chicago region.

[12] The map portion of Appendix C filed as part of the original document.

[13] With the exception of Domestic Public Land Mobile Radio Service applicants (part 21) see paragraph 51 supra.

be made by the Chicago Regional Office. All other applications from within the Region will continue to comply with the usual coordination requirements.

SUMMARY

57. We propose to establish, initially in the Chicago, Ill., area a regional approach to spectrum management and employ a frequency assignment methodology based on factors heretofore not considered by the Commission in authorizing the use of Land Mobile frequencies. In order to accomplish more interservice sharing and to provide a firm and orderly foundation for our spectrum engineering, the following initial frequency pooling plan for the Chicago District is proposed.

58. The Land Mobile frequency spectrum is to be divided into two parts (see Appendix A for Table). The first part consists of the spectrum space allocated to the Police and Fire Radio Services. These Services are designated Category I eligibles. The remaining services are Category II services and share the remainder of the frequencies presently allocated to Land Mobile. A portion of the spectrum would be maintained as a frequency reservoir for the District.

59. The Police and Fire Radio Services would contribute to the Category I pool all the exclusive frequencies now allocated to their services. In addition, ten channels (20 frequencies) in the 470–476 MHz band would be allocated to Category I. All the above frequencies are to be dedicated channels to the extent practicable. The 11 frequencies in the band 25–50 MHz now shared by the Police and Local Government Services will be placed in Category I. No new Local Government assignments will be made on these channels, but existing systems may continue to operate and expand thereon. The Police and Fire Radio Services would also be eligible for any frequency in Category II with the understanding that they are shared frequencies and would not be protected to the extent that Police and Fire Systems are protected on Category I frequencies.

60. Initially, Category II would be divided into five subgroups with an informal priority setup—Groups A, B, C, D, and E. Group A would consist of the other public safety services—Special Emergency, Highway Maintenance, Forestry-Conservation and Local Government. Group B would include the Power, Telephone Maintenance and Railroad Services. The remaining Safety and Special Services—Petroleum, Manufacturers, Forest Products, Special Industrial, Motor Carrier, Auto Emergency, Business, Taxicab, Motion Picture, and Relay Press plus Remote Pickup Broadcast which share certain industrial frequencies—would make up Group C. Group D would contain only the Domestic Public Land Mobile Service. Group E would consist of the Citizens Radio Service.

61. Each individual service in Category II will contribute its exclusive frequencies to the subgroup in which it is listed. A number of 470–476 MHz channels will be allocated to each subgroup as indicated in the chart. All frequencies now shared by the Public Safety Services will remain in Group A with the exception of the above-mentioned eleven lowband frequencies which go into Category I. Frequencies in the "Industrial Pool" and "Railroad-Motor Carrier Pool" in the band 450–470 MHz would either be divided between Groups B and C or made available only within Group C. (In Appendix A, these frequencies are included in the total for Group C.)

62. The frequency reservoir will initially contain a minimum of 188 pairs of frequencies from the band 470–482 MHz. It is not anticipated that a majority of the reservoir frequencies in the 470–476 MHz band will remain in the reservoir for an extended period of time. They will be assigned as experience and need dictate; however, a small number of channels will be held in reserve for unusual cases and special temporary uses. Due to the relative closeness of Channel 15 and Channel 16 TV assignments, frequencies in the 476–482 MHz band will be available only for low power or local area operations and restricted to or near the Chicago urbanized area. The reservoir will also contain some broadcast remote pickup frequencies.

63. The channel count in Appendix A includes those two-way voice channels (and one-way paging frequencies) now listed in the rules as available for assignment. Generally, each assigned frequency was counted as one channel with the following exceptions. Each pair of frequencies in the 450–482 MHz band was counted as one channel while unpaired frequencies in this band were considered individual channels. Paired frequencies in other bands in the Land Transportation and Domestic Public Services were also considered to be one channel. The count excludes those channels now available only on a developmental basis. (The Citizens Radio Service is not included in the total for Category II since the group does not participate in the Frequency Reservoir Pool.) Tertiary frequencies in the Public Safety and Land Transportation Services were counted as separate channels. Although manufacturers are permitted use of frequencies in the band 72–76 MHz for low power mobiles, these frequencies were not included in the appendix because this band is not primarily a Land Mobile allocation. Manufacturers, of course, may continue to use these frequencies in the Chicago region.

64. It should be made clear that our approach to spectrum management in the Chicago region, as proposed herein, is to consider the subgroup pooling plan in Category II as only a starting point and an informal arrangement. The plan may be subject to adjustment dependent on monitoring and engineering experience obtained in the regional operation.

65. Implementation of a spectrum management program, as contemplated herein, will involve decisions regarding assignment of facilities which are quite dissimilar in nature. There will be conflicts regarding frequency, time, areas to be covered, paths of transmission, etc. With services which have varied requirements and needs, it is necessary that the spectrum management program establish criteria and priorities which will clearly consider the needs and merits of conflicting proposals together with adequate means to implement decisions reached in a timely and meaningful way. As an example, a broadcast station may develop a requirement to use remote pickup facilities to broadcast, live, a newsworthy event which has developed on a completely unscheduled basis. Recognizing the value of this request for the listening public it may be necessary to consider conflicting requests from a dissimilar service, such as the taxi service, and make a determination of which should operate and with what facilities. Or it may be necessary to remove from the air, or modify the operation of a station which has a lesser priority than a station from another service which requires spectrum space. Therefore, comments are requested regarding the establishment of criteria and priorities, together with suggestions regarding means whereby the Regional Center can implement decisions made regarding conflicting requests or operations. Comments should also be directed to the merits of reserving certain frequencies to accommodate requests for short time, emergency, or unscheduled types of operations.

66. The proposed amendments and additions to the rules are issued pursuant to authority contained in sections 4(i), 303, 307, and 308 of the Communications Act of 1934, as amended.

67. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 16, 1971, and reply comments on or before April 30, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

68. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 3, 1971.

Released: February 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

Category I	Category II				
	Group A	Group B	Group C	Group D	Group E
Police Fire	Special Emergency Hiway Maintenance. Forest Conservation. Local Government	Power Telephone Maintenance. Railroad	Petroleum Forest Products Manufacturers, Special Industrial. Motor Carrier Automobile Emergency Business, Taxicab Motion Picture Relay Press Remote Pickup Broadcast.	Domestic Public Land Mobile	Citizens Radio
MHz: Channels	MHz: Channels	MHz: Channels	MHz: Channels	MHz: Channels	MHz: Channels
25–50: 206	25–50: 96	25–50: 66	25–50: 240	25–50: 14	
150–170: 94	150–170: 147	150–170: 112	150–170: 120	150–170: 22	
450–470: 25	450–470: 35	450–470: 17	450–470: 232	450–470: 40	
470–476: 10	470–476: 10	470–476: 5	470–476: 15	470–476: 12	
Total: 335	Total: 288	Total: 200	Total: 607	Total: 88	

Total Category II: 1183 Channels.

FREQUENCY RESERVOIR

Unshared Remote Pickup Broadcast	19 channels.
470–482 MHz	188 channels minimum initially.
Total	207.

APPENDIX B

CHICAGO REGION

ILLINOIS

1. Boone.
2. Bureau.
3. Carroll.
4. Champaign.
5. Christian.
6. Clark.
7. Coles.
8. Cook.
9. Cumberland.
10. De Kalb.
11. De Witt.
12. Douglas.
13. Du Page.
14. Edgar.
15. Ford.
16. Fulton.
17. Grundy.
18. Henry.
19. Iroquois.
20. Jo Daviess.
21. Kane.
22. Kankakee.
23. Kendall.
24. Knox.
25. Lake.
26. La Salle.
27. Lee.
28. Livingston.
29. Macon.
30. Marshall.
31. Mason.
32. McHenry.
33. McLean.
34. Menard.
35. Mercer.
36. Moultrie.
37. Ogan.
38. Ogle.
39. Peoria.
40. Platt.
41. Putnam.
42. Rock Island.
43. Sangamon.
44. Shelby.
45. Stark.
46. Stephenson.
47. Tazewell.
48. Vermillion.
49. Warren.
50. Whiteside.
51. Will.
52. Winnebago.
53. Woodford.

INDIANA

1. Adams.
2. Allen.
3. Benton.
4. Blackford.
5. Boone.
6. Carroll.
7. Cass.
8. Clay.
9. Clinton.
10. De Kalb.
11. Delaware.
12. Elkhart.
13. Fountain.
14. Fulton.
15. Grant.
16. Hamilton.
17. Hancock.
18. Hendricks.
19. Henry.
20. Howard.
21. Huntington.
22. Jasper.
23. Jay.
24. Kosciusko.
25. Lake.
26. Lagrange.
27. La Porte.
28. Madison.
29. Marion.
30. Marshall.
31. Miami.
32. Montgomery.
33. Morgan.
34. Newton.
35. Noble.
36. Owen.
37. Parke.
38. Porter.
39. Pulaski.
40. Putnam.
41. Randolph.
42. St. Joseph.
43. Starke.
44. Steuben.
45. Tippecanoe.
46. Tipton.
47. Vermillion.
48. Vigo.
49. Wabash.
50. Warren.
51. Wells.
52. Whitby.
53. White.

IOWA

1. Cedar.
2. Clinton.
3. Dubuque.
4. Jackson.
5. Jones.
6. Muscatine.
7. Scott.

MICHIGAN

1. Allegan.
2. Barry.
3. Berrien.
4. Branch.
5. Calhoun.
6. Cass.
7. Clinton.
8. Eaton.
9. Hillsdale.
10. Ingham.
11. Ionia.
12. Jackson.
13. Kalamazoo.
14. Kent.
15. Lake.
16. Mason.
17. Mecosta.
18. Montcalm.
19. Muskegon.
20. Newaygo.
21. Oceana.
22. Ottawa.
23. Saginaw.
24. St. Joseph.
25. Van Buren.
26. Washtenaw.

OHIO

1. Defiance.
2. Mercer.
3. Paulding.
4. Van Wert.
5. Williams.

WISCONSIN

1. Adams.
2. Brown.
3. Calumet.
4. Columbia.
5. Dane.
6. Dodge.
7. Door.
8. Fond du Lac.
9. Grant.
10. Green.
11. Green Lake.
12. Iowa.
13. Jefferson.
14. Juneau.
15. Kenosha.
16. Kewaunee.
17. Lafayette.
18. Manitowoc.
19. Marquette.
20. Milwaukee.
21. Outagamie.
22. Ozaukee.
23. Racine.
24. Richland.
25. Rock.
26. Sauk.
27. Sheboygan.
28. Walworth.
29. Washington.
30. Waukesha.
31. Waupaca.
32. Waushara.
33. Winnebago.

APPENDIX C

CHICAGO DISTRICT

ILLINOIS

1. Boone.
2. Bureau.
3. Cook.
4. De Kalb.
5. Du Page.
6. Ford.
7. Grundy.
8. Iroquois.
9. Kane.
10. Kankakee.
11. Kendall.
12. Lake.
13. La Salle.
14. Lee.
15. Livingston.
16. McHenry.
17. Ogle.
18. Putnam.
19. Will.
20. Winnebago.

INDIANA

1. Benton.
2. Carroll.
3. Cass.
4. Elkhart.
5. Fulton.
6. Jasper.
7. Kosciusko.
8. Lake.
9. La Porte.
10. Marshall.
11. Newton.
12. Porter.
13. Pulaski.
14. St. Joseph.
15. Starke.
16. White.

MICHIGAN

1. Allegan.
2. Berrien.
3. Cass.
4. Van Buren.

WISCONSIN

1. Jefferson.
2. Kenosha.
3. Milwaukee.
4. Racine.
5. Rock.
6. Walworth.
7. Waukesha.

[FR Doc.71-1834 Filed 2-9-71;8:50 am]

[47 CFR Part 1]

[Docket No. 19141; FCC 71-105]

SUMMARY DECISION PROCEDURES

Notice of Proposed Rule Making

1. Summary decision procedures. Notice is hereby given that the Commission is considering the adoption of new procedures providing for the summary decision of adjudicatory hearing cases. The proposed rule is very much like a model rule adopted (as Recommendation 20) at the Fourth Plenary Session of the Administrative Conference of the United States, held June 2 and 3, 1970.[1] Similar procedures have been used with much success in the Federal District Courts since 1938.

2. The purpose of summary decision procedures is to simplify and expedite the conduct of hearing proceedings by resolving some or all of the issues, without a formal hearing, on the basis of evidentiary materials obtained after the case is designated for hearing. Such materials include affidavits submitted with a motion for summary decision (or with an opposition or countermotion), materials obtained by discovery or otherwise, admissions, and matters officially noticed. Affidavits shall be made on personal

[1] Persons desiring to comment on the proposed rules will find it useful to consult a memorandum on "Summary-Judgment in Agency Adjudication" prepared by Prof. Ernest Gellhorn of Duke University in his capacity as consultant to the Administrative Conference. Copies of the memorandum can be obtained from the Commission's Office of Information.

knowledge, shall set forth facts admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Summary decision is granted if such materials, with the pleadings, show as to any or all of the issues that there is "no genuine issue as to any material fact and that a party is entitled to summary decision." Before issuing his ruling on the motion the presiding officer may set the matter for argument and may call for the submission of proposed findings of fact, conclusions of law, briefs, or memoranda of law. If all of the issues are determined on a motion for summary decision, no hearing is held; the presiding officer issues his decision, which is subject to appeal or review in the same manner as an initial decision. If some (but not all) of the issues are determined on a motion for summary decision, or if the motion is denied, the presiding officer will issue a Memorandum Opinion and Order, interlocutory in character, and the hearing will proceed on the remaining issues. The appeal of such orders is governed by § 1.301 of the rules of practice and procedure. In some instances, it should be noted, the disposition of one issue on a motion for summary decision may dispose of the case as a whole, as where it is found that the applicant is not financially qualified. The use of summary decision procedures can expedite and simplify hearing proceedings, save the parties considerable expense and inconvenience, and permit those concerned to concentrate on those matters (if any) upon which a full hearing is required.

3. Section 1.251 provides that a motion for summary decision may be filed at least 20 days before the date set for hearing. Normally, but not necessarily, the motion would be filed after discovery and pre-hearing procedures, whereby the parties have obtained materials and information used in support of the motion. In requiring that the motion be filed at least 20 days prior to hearing, our purpose is to avoid the undue disruption of arrangements made for the attendance of parties and witnesses at the hearing which would result from submission of a "last-minute" motion.

4. Within 14 days after a motion for summary decision is filed, any other party may file an opposition or a countermotion for summary decision. The opposition or countermotion must be supported by affidavit or by other evidentiary materials, in the same manner as the motion, and shall not rely upon mere allegations or denials. An opposition may show that there is a genuine issue of fact for determination at the hearing. In the alternative, however, a party opposing summary decision may show, in the same manner, that he is unable, within the 14 days or without further proceedings, to make the required showing; and in such circumstances the presiding officer may "deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or make such other order as is just."

5. Collateral provisions. If summary decision procedures are adopted, they will replace present procedures providing for reconsideration and grant without hearing. Under such procedures (now set out in § 1.111 of the rules), an applicant may petition for reconsideration of an order designating his application for hearing and ask that the application be granted without further proceedings. Under the proposed procedures, he would instead move for summary decision. The motion would be acted on by the presiding officer, who could take into consideration evidentiary materials other than affidavits and is generally better able than the Commission to cope with voluminous factual materials which may be adduced in support or in opposition to such a motion.[2] This change would involve the revocation of § 1.111 and the amendment of § 1.106(a), which deals generally with petitions for reconsideration. Provision for reconsideration of a designation order would be retained (in § 1.106(a)) insofar as the petition for reconsideration related to an adverse ruling with respect to petitioner's participation in the hearing. Other provisions of § 1.106(a) have been rewritten in the interest of clarity and accuracy. Section 1.267(a), as set forth below, merely contains a cross-reference to the proposed summary decision procedures.

6. Authority for adoption of the rules set forth in the attached appendix is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

7. Pursuant to procedures set forth in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments in this proceeding on or before March 16, 1971, and reply comments on or before March 26, 1971. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this notice. In particular, we would note that members of the Commission's Procedure Review Committee will be pleased to discuss summary decision procedures with any interested person. In accordance with § 1.419 of the rules and regulations, 47 CFR 1.419, an original and 14 copies of all comments and reply comments shall be furnished the Commission.

Adopted: February 3, 1971.

Released: February 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The section heading of § 1.106 and the text of § 1.106(a) are revised to read as follows:

§ 1.106 Petitions for reconsideration.

(a) Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of a final decision of the Review Board will be acted on by the Board or certified to the Commission (see § 0.361 (b) and (c) of this chapter). Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained.

* * * * *

§ 1.111 [Revoked]

2. Section 1.111 is revoked.

3. Section 1.251 is added to read as follows:

§ 1.251 Summary decision.

(a) Any party to an adjudicatory proceeding may move, with or without supporting affidavits, for a summary decision in his favor upon all or any of the issues set for hearing. The motion for summary decision shall be filed at least 20 days prior to commencement of the hearing. Within 14 days after the motion is filed, any other party may file opposing affidavits or countermove for summary decision. The presiding officer may, in his discretion, set the matter for argument and call for the submission of proposed findings, conclusions, briefs or memoranda of law.

(b) The presiding officer may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise, admissions, or matters officially noticed show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.

(c) Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) When a motion for summary decision is made and supported, as provided in this section, a party opposing the motion may not rest upon mere allegations or denials, but must show, by affidavit or as otherwise provided in this section, that there is a genuine issue of fact for determination at the hearing. However, if it appears from the affidavits of a party opposing the motion for summary decision that he cannot, for good cause shown, present by affidavit facts essential to justify his opposition, the presiding officer may deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or may make such other order as is just.

4. Section 1.267(a) is revised to read as follows:

§ 1.267 Initial and recommended decision.

(a) Except as provided in §§ 1.251 and 1.274, the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. The Secretary will make the decision public immediately and file it in the docket of the case.

* * * * *

[FR Doc.71-1835 Filed 2-9-71;8:50 am]

[2] However, comments are requested as to whether petitions for reconsideration of a designation order should be allowed where matters of basic policy are presented.

[47 CFR Part 73]

[Docket No. 19144; FCC 71-110]

CERTAIN FM BROADCAST STATIONS IN SOUTH CAROLINA

Table of Assignments

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the rules) with respect to a proposal to assign Channel 244A to Cayce, S.C. (RM-1376), and another proposal to allocate Channel 261A to Burnettown, S.C. (RM-1452). The proposal for the Cayce assignment was included in the Notice of Proposed Rule Making in Docket No.18476, adopted March 5, 1969 (FCC 69-207; 34 F.R. 5120), but we are withdrawing the proposal from that docket for further consideration in this proceeding because of intervening events.

2. The Cayce rule making was instituted by petition of Lexington County Broadcasters, licensee of daytime-only Station WCAY, Cayce. Cayce, population 9,967 (8,517), is located in Lexington County with a population of 89,012 (60,726).[1] The petitioner indicated the intention to apply for the channel, if assigned, in order to provide a first local full-time service. The petitioner also stated Lexington County Broadcaster's intention to serve West Columbia, population 7,838 (6,410) and to provide a full-time service to the Columbia urbanized area (1960 Census population 162,601), all within the 1 mv./m. contour which is possible with a Class A FM channel because of the geographical proximity of Columbia, Cayce, and West Columbia (see para. 4, below). In response to the Notice in Docket No. 18476, those filing comments and/or reply comments were: Lexington County Broadcasters: World Broadcasters for Christ; Statesville Broadcasting Co., Inc.; Cosmos Broadcasting Corp. (Cosmos); and Palmetto Radio Corp. Because Channel 244A allegedly could create second harmonic interference to Channel 10, Station WIS-TV, Columbia, licensed to Cosmos, the petitioner counterproposed the assignment of Channel 228A to Cayce.[2] However, Channel 228A was assigned to Columbia, S.C., by the Second Report and Order in Docket No. 18125 (RM-1264), adopted May 21, 1969, 17 FCC 2d 952, 955-7 (1969).[3]

3. The Burnettown proposal is based on the petition for rule making of Midland Valley Investment Co., Inc., filed May 14, 1969, and supplemented June 24, 1969. Burnettown, population 454 (510), is located in Aiken County, population 91,023 (81,038). Aiken County and Richland County, Ga., population 160,851 (145,601), constitute the Augusta (Georgia) Standard Metropolitan Statistical Area; the city of Augusta's population is 70,626 (58,483). Augusta has four FM channels, all operative—two Class C channels and two Class A channels—and eight AM stations. In Aiken County, there are four radio broadcast stations—two daytime-only stations and two Class A FM stations, all assigned to Aiken. The Midland Valley proposal, as amended, is as follows:

City	Channel No.	
	Present	Proposed
Burnettown, S.C.		261A
Louisville, Ga.	221A	296A
Washington, Ga.	261A	221A
Claxton, Ga.	296A	280A

Station WLOV-FM, licensed to Better Broadcasting, Inc., operates on Channel 261A at Washington. Peach Broadcasting Co., licensee of Station WPEH there, has applied for Louisville's channel 221A (BPH-7110).[4]

4. Cayce is in the Columbia SMSA, which includes Lexington and Richmond Counties; population of the latter is 233,868 (200,102). The SMSA population is 322,800 (260,828), of which the city of Columbia has a population of 113,542 (97,433). In fact, Cayce and West Columbia (both in Lexington County) appear to be large suburbs of Columbia separated from the main city by the Congaree River, which also separates the counties at this juncture. This circumstance and the fact that a Class A FM channel would serve all three communities raises a fundamental question, whether the more appropriate allocation should be to Columbia rather than Cayce (see Statesville Broadcasting's comments). The Burnettown proposal is involved because when Channel 228A was allocated to Columbia we noted that Channel 261A would be an appropriate substitute for Channel 228A for the Cayce-Columbia area. On the basis of population criteria, another channel could be assigned to Columbia: see para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962, incorporated by reference in the Third Report, Memorandum Opinion and Order, 23 R.R. 1859, 1871 (1963).

5. As to the "conflicting" proposal for Channel 261A at Burnettown, Midland Valley (perhaps recognizing that a place with as small a population as Burnettown is not entitled to an FM channel) urges that the entire Langley Division, population 14,423 (9,846), constitutes a single community.[5] This contention does not seem very persuasive. Another factor which must be considered is the effect on the Washington, Ga., channel assignment; at the time of the petition, Midland Valley stated that the permittee for that channel had indicated willingness to support the proposed change; since that time Station WLOV-FM became operative and there has been a transfer of control. Under our cases, there may be a right to reimbursement if WLOV-FM has to change its channel; see, e.g., Second Report and Order in Docket No. 18476, adopted October 28, 1970 (FCC 70-1161), p. 5.

6. In view of the foregoing, it appears that a sufficient showing has been made by Lexington County Broadcasters and Midland Valley County Broadcasters that the proposals should be considered in a rule making proceeding. However, each proposal raises a number of questions, and together there is a "conflict" between a substitute for the Cayce proposal (because the original proposal allegedly would cause second harmonic interference to an existing TV station's audience) and the proposal for Burnettown. As already noted, the proposed Cayce assignment raises the question of whether an allocation should be made to a "bedroom" community which can serve the main community (see and compare Policy Statement, 2 FCC 2d 190 (1965)) and when another allocation to the principal community would accord with the criteria for the number of FM allocations on a population basis. As to the Burnettown proposal, the issues inter alia include (1) what constitutes a community, and (2) whether a small "community" within a large SMSA with a substantial aural service should be allocated an FM channel. As to the Burnettown proposal, there also is the question of possible reimbursement to Station WLOV-FM, with respect to which Better Broadcasting should have opportunity to express its views.

7. In accordance with the foregoing, comments are invited as to the following changes in the Table of Assignments:

[1] The population figures are from the 1970 U.S. Census; the parenthetical figures show the 1960 census population.

[2] This problem was recognized in the petition and supporting engineering report.

[3] Frank D. Ward was granted a construction permit for this channel on Oct. 26, 1970. In making the assignment to Columbia, note was made that those interested in a station for Cayce could apply for that channel under the "10 mile" rule (§ 73.203(b)).

[4] Midland Valley's original proposal did not include Claxton, but its supplement suggested a mileage separation shortage between the transmitter sites of the AM stations at Louisville and Claxton, and Peach Broadcasting's application for the Louisville channel specifies Station WPEH's transmitter (AM) as its site.

[5] The other three communities in the Langley Division—Bath, Gloverville, and Warrenville—are unincorporated.

PLAN I

City	Channel No. Present	Channel No. Proposed
Cayce, S.C., or		244A [1] or 261A
Columbia, S.C.	228A, 250, 284	228A, 250, 284, 244A or 261A

PLAN II

Burnettown, S.C.		261A
Louisville, Ga.	221A	296A
Washington, Ga.	261A	221A
Claxton, Ga.	296A	280A

[1] While the petitioner and Cosmos assumed that the second harmonic problem required a change in the proposed channel, this may not be an obstacle depending on the extent of the interference and what other steps may be taken to cure it. See public notices, entitled "Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception" and "FM Interference to TV Reception", FCC 66-106 and FCC 67-1012, respectively issued in Feb. 1966, and Sept. 1967; see also notice of proposed rule making in Docket No. 18116, adopted Jan. 6, 1971 (FCC 71-20), paragraph 10(b), pp. 6-7.

8. The following "cut-off" procedure will govern here:

(a) Counterproposals advanced in this proceeding will be considered, if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) Petitions for rule making which conflict with any of the proposals in this notice will be considered as comments, and public notice to this effect will be given, as long as filed before the date for filing initial comments. If filed later than that, they will not be considered in connection with the decision herein.

See Notice of Proposed Rule Making, Docket No. 19074, adopted October 28, 1970 (FCC 70-1162), paragraph 17, page 7.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 16, 1971, and reply comments on or before March 26, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 3, 1971.

Released: February 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1836 Filed 2-9-71;8:50 am]

[2] Commissioner Houser not participating.

[47 CFR Part 73]

[Docket No. 18930; RM-1576, RM-1627]

OPERATOR REQUIREMENTS FOR STANDARD (AM) AND FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. As extended, the dates for filing comments and reply comments in this proceeding, which was initiated by a Notice of Inquiry and Notice of Proposed Rule Making (FCC 70-825) on July 29, 1970, are February 2, 1971, and March 1, 1971, respectively.

2. Elkins Institute Inc., on February 1, 1971, filed a request that an additional 90-day period be afforded in which comments in this proceeding may be filed. In support of its request, Elkins states that since its original comments were filed "in accordance with the originally specified due dates, certain data has been brought to our attention which appears to be of significance and relevance to this matter". It requests the further extension "to insure that far reaching matters in question under this Docket may be accurately resolved. Only by granting of this requested filing extension can our most recent information be analyzed, evaluated and made available to the Commission".

3. In its showing, Elkins fails to indicate, even in the most general terms, the nature of the data which it states is now available to it, the relevance of the data to this proceeding, why the data has not been available previously, and the reasons why a further extensive period should be required in which to analyze the data and supply it to the Commission. We therefore find Elkins has not adequately supported its request for additional time and we will not grant an extension of the length requested.

4. However, we have no desire to interdict arbitrarily any source of information which may be of assistance to the Commission in reaching a decision in this proceeding. We will therefore grant a short extension of the filing time, to give Elkins an opportunity either to file additional comments, or to renew its request for a further extension, supported by an adequate showing that such extension can be expected to contribute to a more adequately based decision in this proceeding.

5. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended to February 23, 1971, and the time for filing reply comments is extended to March 22, 1971.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: February 1, 1971.

Released: February 3, 1971.

[SEAL] ROBERT J. RAWSON,
Deputy Chief, Broadcast Bureau.

[FR Doc.71-1837 Filed 2-9-71;8:50 am]

[47 CFR Part 74]

[Docket No. 18397-A, etc.; FCC 71-103]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Scheduling Oral Argument Before the Commission En Banc

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Community Antenna Television Systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397-A; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of Community Antenna Television Systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18891; amendment of Part 74, subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the Community Antenna Television Systems Fields; and/or formulation of legislative proposals in this respect, Docket No. 18892; amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for Community Antenna Television Systems, Docket No. 18894.

1. The Commission has indicated that it plans to be briefed by its staff regarding comments filed in the above-captioned proceedings, and that, thereafter, it plans to conduct an en banc hearing dealing with cable policy in accordance with procedures to be announced subsequently. Order in Docket No. 18397-A, FCC 70-1076, 26 FCC 2d 4 (released Oct. 7, 1970). We believe it now timely to announce the hearing dates and procedures to be followed for en banc hearing.

2. To begin with, it is appropriate to note that these proceedings have already attracted both voluminous and diverse comment from numerous sources. While we are assured that our staff will be able to summarize the varied pleadings and place them in useful form, we are concerned, nonetheless, that care be spent in fashioning procedures for the en banc hearing to assure that it yields maximum return to the Commission and to the various participants. We have decided to use a two-part approach—(i) the usual oral presentation by interested persons or their representatives, and (ii) a new approach of panels of contending experts or industry spokesmen, directed to some of the important issues. The first approach needs no explanation and simply assures coverage of all matters and an opportunity to all interested persons. The second is innovative and experimental, and we shall therefore discuss it briefly.

3. We are mindful of a substantial objection to large multiparty proceedings which contain a variety of controversies: No convenient, really effective mechanism exists for assuring a sharpening of issues between parties contending for different viewpoints. As a result, it is frequent experience that the records of such hearings contain numerous inconsistent claims and arguments which have never been subjected to the discipline of informed criticism or the test of hostile advocacy. We wish to avoid this possibility in the present proceeding. Consequently, we are embarking on the above noted experimental approach for conducting the en banc proceeding.

4. Our objective can, we suspect, be best achieved by selecting particularly knowledgeable persons and inviting them to direct presentations to specific selected issues. In order to achieve the interplay of informed views which we seek, we propose to organize panels of recognized spokesmen for different contending viewpoints and to create circumstances in which issue can be joined on specific matters. To launch this experiment, we wish to organize panels to discuss the following topics:

(a) Possible benefits and detriments of CATV operation in markets below the top 100, including particularly the economic impact of CATV operation or television broadcast stations;

(b) Possible benefits and detriments of CATV operation in the top-100 markets, its need to utilize out-of-market signals, and the potential economic impact of CATV operation in these circumstances on television broadcast stations;

(c) Directions in which cable systems should be headed by the Commission in order to improve their potential for service to the public including, for example, such matters as minimum channel specifications, two-way communication, "local access" channels (including all the possibilities noted in par. 16, Docket 18397-A), program origination, and the consequences of any such new directions on the regulation, ownership, or manner of operation of CATV; and whether separation of ownership of hardware and control over content should be encouraged, i.e., the assertion of common carrier jurisdiction;

(d) Whether the proposals made in Docket 18397-A for commercial switching and for payments to the Corporation for Public Broadcasting are feasible and, if so, whether they are a desirable approach to the distant signal problem; and the appropriate form of an accompanying copyright settlement; and

(e) Whether CATV systems should be owned by public or educational entities (as, for example, proposed by the Ford Foundation) and, if such ownership is considered desirable, whether such organizations should receive preference in obtaining CATV facilities.

(f) Appropriate regulations between Federal, State, and local regulatory bodies in dealing with CATV.

5. Persons desiring to participate in these panels are requested to give written notice of their willingness to appear and participate within 5 days of the release date of this order. In addition, the Commission reserves the right to invite other parties to participate if it appears that volunteers do not give an adequate balance to a proposed panel.

6. As stated, in addition to these panels, the Commission also will receive oral presentations from interested parties who have filed either comments or reply comments in these proceedings. Persons wishing to be heard in this portion of the hearings should file within 5 days after the release date of this order a written notice of intention to appear and participate which will also give sufficient indication of the nature of interest to permit appropriate grouping. The Commission will by further order designate the persons included in each group and the amount of time allocated to the group. Within each designated group, the parties may specify the time allotted each for oral presentation.

7. If agreement as to the allocation of time within each group is reached, the Commission shall be advised of the provisions thereof at least 5 calendar days prior to the date of oral presentation. If agreement as to the allocation of time within any group cannot be reached, the Commission shall be notified at least 5 calendar days prior to the date of oral argument; the Commission will itself allot a period of time to each of the parties within such group. We urge the interested persons, however, to make every effort to reach an understanding as to the allocation of time.

Accordingly, it is ordered, That oral argument is scheduled before the Commission en banc, beginning March 11, 1971 at 9:30 a.m. and continuing on the following days in March: 12, 15, 16 (half day), 18, 19, 25, and 26. Persons desiring to make oral presentations shall file within 5 days after the release date of this order, a written notice of intention to appear and participate, which shall also give sufficient indication of the nature of the interest to permit the Commission to divide the participating parties into groups.

Adopted: February 3, 1971.

Released: February 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1838 Filed 2-9-71;8:50 am]

[1] Concurring statement of Commissioner Johnson filed as part of the original document.

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R-412]

UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN ANNUAL REPORTS

Accounting Treatment to Account for Gains and Losses on Disposition of Utility Property That Had Been Classified in Utility Service and Consolidation of Certain Depreciation Accounts

FEBRUARY 4, 1971.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1971:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licenses prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed in Part 104, Chapter I, Title 18, CFR.

C. Certain accounts for the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Certain accounts for the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

E. Certain accounts for the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

F. Certain accounts for the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

G. Certain schedule pages of FPC Form No. 1, Annual Report for Public Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter I, Title 18, CFR.

H. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Chapter I, Title 18, CFR.

These modifications of the Uniform Systems of Accounts are proposed to establish consistent and uniform accounting treatment for application to utility property upon its final disposition so that the resultant gains and losses relating thereto will be accounted for on an equitable basis. Upon the dedication of facilities as utility plant in service, the consumers are charged with a reasonable return plus taxes on the return for the unamortized balances in the plant accounts. Premature abandonment of such plant is charged against the accumulated provisions for depreciation with no resultant decrease in the rate base upon which the return and taxes are calculated. In some instances, losses on the sale of utility plant made for the overall benefit of the company and consumers have been charged to the cost of service borne by the consumers by amortization of such losses over a period of time. It is deemed equitable that the dedication of utility plant in service carries with it an obligation on the part of consumers to reimburse the corporation for all reasonable losses. Equitably, therefore, any gains from the sale on such property should also accrue to the consumers.

Essentially, the Commission is proposing that the gains and losses from the disposition of utility plant which has been devoted to utility service shall be recorded as utility operating income, above the line. Provisions are included in the proposal herein allowing for amortization of significant gains or losses to be amortized over a period of 5 years.

Also, included in this proposed rulemaking is the establishment of one control account, each for recording depreciation charges and amortization charges. The accounts involved will continue to be subdivided allowing for the same detail as is presently prescribed.

The proposed treatment of any balances of accumulated deferred income taxes attributable to property included in this rulemaking is covered in Docket No. R–409 (35 F.R. 18627, Dec. 8, 1970).

The proposed amendments to the Commission's Uniform Systems of Accounts under the Federal Power Act and to FPC Form No. 1 would be issued under authority granted to the Federal Power Commission by the Federal Power Act, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h).

The proposed amendments to the Commission's Uniform Systems of Accounts under the Natural Gas Act and FPC Form No. 2 would be issued under authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 9, 10 and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 22, 1971, data, views, comments, or suggestions in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of the Federal Reports Act of 1942 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, address and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revisions in the report form and regulations. The Commission will consider all such written submissions before acting on the matters herein proposed.

A. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Electric Plant Instructions are amended as follows:

(a) In instruction 5, amend paragraph F.

(b) In instruction 7, amend paragraph E.

(c) In instruction 10, amend the second sentence of paragraph E.

Electric Plant Instructions

* * * * *

5. *Electric Plant Purchased or Sold.*

* * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Electric Plant Purchased or Sold.)

* * * * *

7. *Land and Land Rights.*

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or land rights, shall be included in account 411.6, Gains from Disposition of Utility Plant, or account 411.7, Losses from Disposition of Utility Plant, provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property, but had previously been recorded in one of the aforementioned utility plant accounts, gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, unless a reserve therefor has been authorized and provided. * * *

* * * * *

10. *Additions and Retirements of Electric Plant.*

* * * * *

E. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, when such property is included in either accounts 101–107, 118 or 120.1–120.4. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of accounts "108, Accumulated Provision for Depreciation of Electric Plant in Service" to "108, Accumulated Provision for Depreciation of Electric Utility Plant" and "111, Accumulated Provision for Amortization of Electric Plant in Service," to "111, Accumulated Provision for Amortization of Electric Utility Plant" and deleting accounts "109, Accumulated Provision for Depreciation of Electric Plant Leased to Others, 110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use, 112, Accumulated Provision for Amortization of Electric Plant Leased to Others" and "113, Accumulated Provision for Amortization of Electric Plant Held for Future Use," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of electric utility plant.

111 Accumulated provision for amortization of electric utility plant.

* * * * *

3. The text of the Balance Sheet Accounts are amended as follows:

(a) Amend the first sentence of paragraph D to Account "105, Electric Plant Held for Future Use."

(b) Change the title of account "108, Accumulated Provision for Depreciation of Electric Plant in Service," to "108, Accumulated Provision for Depreciation of Electric Utility Plant" and amend the account text.

(c) Change the title of account "111, Accumulated Provision for Amortization of Electric Plant in Service" to "111, Accumulated Provision for Amortization of Electric Utility Plant," and amend the account text.

(d) Amend accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

(e) Delete accounts "109, Accumulated Provision for Depreciation of Electric Plant Leased to Others, 110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use, 112, Accumulated Provision for Amortization of Electric Plant Leased to Others" and "113, Accumulated Provision for Amortization of Electric Plant Held for Future Use."

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Electric plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

103 Accumulated provision for depreciation of electric utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, for Electric Plant in Service.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Electric Plant Held for Future Use. Include, also, the balance of accumulated provision for depreciation on property when transferred to account 105, Electric Plant Held for Future Use, from other property accounts.

NOTE: Normally this account will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in electric plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

(3) Amounts charged to account 413, Expenses of Electric Plant Leased to Others, for electric plant included in account 104, Electric Plant Leased to Others.

(4) Amounts charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for current depreciation expense.

(5) Amounts of depreciation applicable to electric properties acquired as operating units or systems. (See electric plant instruction 5.)

(6) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(7) Amounts of depreciation applicable to electric plant donated to the utility.

(The utility shall maintain separate subaccounts for depreciation applicable to utility plant included in each of the separate utility plant accounts.)

B. At the time of retirement of depreciable electric utility plant, this account shall be charged with the book cost of the property retired and the cost of removal and shall be credited with the salvage value and any other amounts recovered, such as insurance. * * *

* * * * *

111 Accumulated provision for amortization of electric utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 404, Amortization of Limited Term Electric Plant, for the current amortization of Other Electric Plant.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Electric Plant Held for Future Use. Include also the balance of accumulated provision for amortization on property when transferred to account 105, Electric Plant Held for Future Use, from other property accounts.

NOTE: See also note to paragraph A(2), account 108, Accumulated Provision for Depreciation of Electric Utility Plant.

(3) Amounts charged to account 405, Amortization of Other Electric Plant.

(4) Amounts charged to account 413, Expenses of Electric Plant Leased to Others, for the current amortization of limited-term or other investments subject to amortization included in account 104, Electric Plant Leased to Others.

(5) Amounts charged to account 425, Miscellaneous Amortization, for the amortization of intangible or other electric plant which does not have a definite or terminable life and is not subject to charges for depreciation expense, with Commission approval.

(The utility shall maintain subaccounts of this account for the amortization of utility plant included in the separate utility plant accounts, being amortized herein. The subaccounts shall be maintained so as to show separately the balance applicable to each class of property being amortized.)

B. When any property to which this account applies is sold, relinquished, or retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate.

C. * * * (See electric plant instruction 12.)

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of five years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * *

4. In the text of the Income Accounts amend accounts "405, Amortization of Other Electric Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electric utility plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. * * * (See account 111, Accumulated Provision for Amortization of Electric Utility Plant.)

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in accounts 101–107, 118, 120.1–120.4 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This acount shall be credited with the gain on the sale, conveyance, exchange or transfer of property other than that included in the utility plant accounts. (See electric plant instructions 5F, 7E,

and 10E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

121.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange or transfer of property other than that recorded in the utility plant accounts. (See electric plant instruction 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

* * * * * *

B. The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Electric Plant Instructions are amended as follows:

(a) In instruction 4, amend paragraph F.

(b) In instruction 6, amend paragraph E.

(c) In instruction 9, amend the second sentence of paragraph E.

Electric Plant Instructions

* * * * * *

4. *Electric Plant Purchased or Sold.*

* * * * * *

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Electric Plant Purchased or Sold.)

* * * * * *

6. *Land and Land Rights.*

* * * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or land rights, shall be included in account 411.6, Gains from Disposition of Utility Plant, or account 411.7, Losses from Disposition of Utility Plant, provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property, but had previously been recorded in one of the aforementioned utility plant accounts gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property, or account 421.2, Loss on Disposition of Property, unless a reserve therefor has been authorized and provided. * * *

* * * * * *

9. *Additions and Retirements of Electric Plant.*

* * * * * *

E. * * * If the land is sold, the difference between the book costs, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 101–107, or 118. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * * *

3. In the text of the Balance Sheet Accounts, amend the first sentence of paragraph D of account "105, Electric Plant Held for Future Use," change the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant," and amend accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * * *

105 Electric plant held for future use.

* * * * * *

D. Gains or losses from the sale, or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * * *

4. DEFERRED DEBITS

* * * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * * *

LIABILITIES AND OTHER CREDITS

* * * * * *

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded accounts 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of five years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Electric Plant Held for Future Use.)

* * * * * *

4. In the texts of the Income Accounts, amend accounts "405, Amortization of Other Electric Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * * *

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electirc utility plant which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. * * * (See account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant.)

* * * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant included in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. (See electric plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See electric plant instruction 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

* * * * * *

C. The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Public Utilities and Licensees prescribed by Part 105, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Electric Plant Instructions, amend the second sentence of paragraph B of Electric Plant Instruction 6 as follows:

Electric Plant Instructions

* * * * * *

6. *Additions and Retirements of Electric Plant.*

* * * * * *

B. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, when such property is included in either account 100, 118, or 394. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7 as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant," to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant" as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

* * * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * * *

3. The text of the Balance Sheet Accounts are amended by changing the title of account "110, Accumulated Provision for Depreciation and Amortization of Electric Plant" to "110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant" and by amending paragraph C of the account text and by amending accounts "187, Deferred Losses on Disposition of Utility Plant" and "256, Deferred Gains on Disposition of Utility Plant," as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * * *

110 Accumulated provision for depreciation and amortization of electric utility plant.

* * * * * *

C. For general ledger and balance sheet purposes this account shall be regarded and treated as a single composite provision for depreciation and amortization. This account shall be subdivided to show the amount applicable to Electric Plant in Service, Electric Plant Leased to Others and Electric Plant Held for Future Use. These subsidiary records shall show the current credits and debits to this account in sufficient detail to show separately for each subdivision, (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage and (5) other items, including recoveries from insurance.

* * * * * *

4. DEFERRED DEBITS

* * * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * * *

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Electric Plant Held for Future Use.)

* * * * * *

4. In the text of the Electric Plant Accounts, amend paragraph D of account "394, Electric Plant Held for Future Use," as follows:

Electric Plant Accounts

* * * * * *

5. OTHER ELECTRIC PLANT

* * * * * *

394 Electric plant held for future use.

* * * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service, shall be recorded directly in account 411.6 or 411.7,

as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

5. In the text of the Income Accounts, amend accounts "411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. (See electric plant instruction 6B.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains on Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See electric plant instruction 6B.) The reduction in income taxes attributable to lossess recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses on Disposition of Utility Plant.)

* * * * *

D. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended as follows:

(a) In instruction 5, amend paragraph F.

(b) In instruction 7, amend paragraph E, and the last sentence of paragraph H.

(c) In instruction 10, amend the second sentence of paragraph E, and paragraph G.

Gas Plant Instructions

* * * * *

5. *Gas Plant Purchased or Sold.*

* * * * *

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Gas Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Gas Plant Purchased or Sold.)

* * * * *

7. *Land and Land Rights.*

* * * * *

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or land rights, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property, but had previously been recorded in one of the aforementioned utility plant accounts, gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless a reserve has been authorized and provided therefor. * * *

* * * * *

H. * * * (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 405, Amortization of Other Gas Plant.

* * * * *

10. *Additions and Retirements of Gas Plant.*

* * * * *

E. * * * If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 101–107 or 118. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7 as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. * * *

* * * * *

G. The accounting for the retirement of amounts included in account 302, Franchises and Consents, and account 303, Miscellaneous Intangible Plant, and the items of limited-term interest in land included in the accounts for land and land rights, shall be as provided for in the text of account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 405, Amortization of Other Gas Plant.

* * * * *

2. The Chart of Balance Sheet Accounts is amended by changing the title of accounts "108, Accumulated Provision for Depreciation of Gas Plant in Service" to "108, Accumulated Provision for Depreciation of Gas Utility Plant" and "111.3, Accumulated Provision for Amortization of Other Gas Plant in Service" to "111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant" and by deleting accounts "109, Accumulated Provision for Depreciation of Gas Plant Leased to Others, 110, Accumulated Provision for Depreciation of Gas Plant Held for Future Use, 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, 111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights, 112, Accumulated Provision for Amortization and Depletion of Gas Plant Leased to Others, 113.1, Accumulated Provision for Abandonment of Leases" and "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use," as follows:

Balance Sheet Accounts
(Chart of Accounts)

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of gas utility plant.

111 Accumulated provision for amortization and depletion of gas utility plant.

* * * * *

3. The texts of the Balance Sheet Accounts are amended as follows:

(a) Amend the first sentence of paragraph D of account "105, Gas Plant Held for Future Use."

(b) Change the title of account "108, Accumulated Provisions for Depreciation of Gas Plant in Service" to "108, Accumulated Provision for Depreciation of Gas Utility Plant" and amend the account text.

(c) Change the title of account "111.3, Accumulated Provision for Amortization of Other Gas Plant in Service," to "111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant" and amend the account text.

(d) Amend accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant."

(e) Delete Accounts "109, Accumulated Provisions for Depreciation of Gas Plant Leased to Others, 110, Accumulated Provisions for Depreciation of Gas Plant Held for Future Use, 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, 111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights, 112, Accumulated Provision for Amortization and Depletion of Gas Plant Leased to Others, 113.1, Accumulated Provision for Abandonment of Leases" and "113.2, Accumulated Provision for Amortization of Other Gas Plant Held for Future Use."

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

105 Gas plant held for future use.

* * * * *

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

* * * * *

108 Accumulated provision for depreciation of gas utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, for gas plant in service.

(2) Amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use. Include also, the balance of accumulated provision for depreciation on property when transferred to account 105 or 105.1, from other property accounts.

NOTE: Normally, this account will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in electric plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

(3) Amounts charged to account 413, Expenses of Gas Plant Leased to Others, for gas plant included in account 104, Gas Plant Leased to Others.

(4) Amounts charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or to clearing accounts for current depreciation expense.

(5) Amounts of depreciation applicable to gas properties acquired as operating units or systems. (See gas plant instruction 5.)

(6) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(7) Amounts of depreciation applicable to gas plant donated to the utility.

(The utility shall maintain separate subaccounts for depreciation applicable to utility plant included in each of the separate utility plant accounts.)

B. At the time of retirement of depreciable gas utility plant, this account shall be charged with the book cost of the property retired and the cost of removal and shall be credited with the salvage value and any other amounts recovered, such as insurance. * * *

* * * * *

111 Accumulated provision for amortization and depletion of gas utility plant.

A. This account shall be credited with the following:

(1) Amounts charged to account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, for current amortization and depletion of such land and land rights.

(2) Amounts charged to account 404.2, Amortization of Underground Storage Land and Land Rights, for current amortization.

(3) Amounts charged to account 404.3, Amortization of Other Limited-Term Gas Plant, for the current amortization of limited-term gas plant.

(4) Amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use. Include also, the balance of accumulated provision for amortization on property when transferred to account 105 or 105.1 from other property accounts.

NOTE: See also note to account 108, Accumulated Provision for Depreciation of Gas Utility Plant.

(5) Amounts charged to account 405, Amortization of Other Gas Plant.

(6) Amounts charged to account 413, Expenses of Gas Plant Leased to Others, for current amortization thereof.

(7) Amounts charged to account 797, Abandoned Leases, to provide for the abandonment of nonproductive natural gas leases.

(8) Amounts charged to account 425, Miscellaneous Amortization, for the amortization of intangible or other gas plant which does not have a definite or terminable life and is not subject to charges for depreciation expense, with Commission approval.

(The utility shall maintain subaccounts of this account for the amortization of utility plant included in the separate utility plant accounts, being amortized herein. The subaccounts shall be maintained so as to show separately the balance applicable to each class of property being amortized.)

B. When any property to which this account applies is sold, relinquished, or retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate.

C. * * * (See gas plant instruction 12.)

* * * * *

4. DEFERRED DEBITS

* * * * *

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use, and 105.1, Production Properties Held for Future Use.)

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale of other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The

amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See accounts 105, Gas Plant Held for Future Use, and 105.1, Production on Properties Held for Future Use.)

• • • • • •

4. In the text of the Income Accounts, amend accounts "404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, 404.2, Amortization of Underground Storage Land and Land Rights, 404.3, Amortization of Other Limited-Term Gas Plant, 405, Amortization of Other Gas Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • • •

404.1 Amortization and depletion of producing natural gas land and land rights.

A. • • • (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

• • • • • •

404.2 Amortization of underground storage land and land rights.

A. • • • (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

• • • • • •

404.3 Amortization of other limited-term gas plant.

A. • • • (See account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant.)

• • • • • •

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas utility plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. • • • (See account 111, Accumulated Provision for Amortization and Depletion of Utility Plant.)

• • • • • •

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

• • • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange or transfer of property other than that included in the utility plant accounts. (See gas plant instructions 5F, 7E, and 10E.) Income taxes on gains recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See gas plant instructions 5F, 7E, and 10E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

• • • • • •

5. The text of the Operation and Maintenance Expense Accounts is amended by amending account "797, Abandoned Leases," as follows:

Operating and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

• • • • • •

C. EXPLORATION AND DEVELOPMENT EXPENSES

• • • • • •

797 Abandoned leases.

A. This account shall be charged with amounts credited to account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant to cover the probable loss on abandonment of natural gas leases included in account 105, Gas Plant Held for Future Use or 105.1, Production Properties Held for Future Use, which have never been productive.

B. When natural gas leaseholds which have never been productive are abandoned, and the amounts provided in account 111 are not sufficient to cover the cost thereof, the deficiency shall be charged to this account, unless otherwise authorized or directed by the Commission. (See account 182.)

• • • • • •

E. The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. The Gas Plant Instructions are amended as follows:

(a) In instruction 4, amend paragraph F.

(b) In instruction 6, amend paragraph E.

(c) In instruction 9, amend the second sentence of paragraph E.

Gas Plant Instructions

• • • • • •

4. *Gas Plant Purchased or Sold.*

• • • • • •

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments. The amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and in the contra entries made to account 102, Gas Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant, as appropriate. (See account 102, Gas Plant Purchased or Sold.)

• • • • • •

6. *Land and Land Rights.*

• • • • • •

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 411.6, Gains from Disposition of Utility Plant or account 411.7, Losses from Disposition of Utility Plant provided such property is recorded in accounts 101–107 or 118. If the property being disposed of is recorded in account 121, Nonutility Property but had previously been recorded in one of the aforementioned utility plant accounts gains or losses on its sale shall be credited or charged to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless a reserve has been authorized and provided for. • • •

• • • • • •

9. *Additions and Retirements of Gas Plant.*

• • • • • •

E. • • • If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of

Utility Plant or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 101–107, or 118. If at the time of sale such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. • • •

• • • • • •

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant" as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

• • • • • •

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

• • • • • •

3. The text of the Balance Sheet Accounts are amended by amending the first sentence of paragraph D of account "105, Gas Plant Held for Future Use," by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant" and by amending accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant," as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

• • • • • •

105 Gas plant held for future use.

• • • • • •

D. Gains or losses from the sale or other disposition of utility plant held for future use, recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7 as appropriate, except when determined to be significant by the Commission. • • •

• • • • • •

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

• • • • • •

4. DEFERRED DEBITS

• • • • • •

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

• • • • • •

LIABILITIES AND OTHER CREDITS

• • • • • •

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 105, Gas Plant Held for Future Use.)

• • • • • •

4. In the text of the Income Accounts amend accounts "405, Amortization of Other Gas Plant, 411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • • •

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas plant, which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. • • • (See account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant.)

• • • • • •

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 101–107, 118, or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 101–107, 118 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

• • • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • • •

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. (See gas plant instructions 4F, 6E, and 9E.) Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. (See gas plant instruction 4F, 6E, and 9E.) The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Plant.)

• • • • • •

F. The following are proposed amendments to the Uniform System of Accounts for Class D Natural Gas Companies prescribed by Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Gas Plant Instructions, amend the second sentence of paragraph B of instruction 6, as follows:

6. *Gas Plant Retired.*

• • • • • •

B. • • • If the land is sold, the difference between the book cost, less any accumulated provision for amortization therefor which has been authorized and provided, and the sale price of the land, less commissions and other expenses of making the sale, shall be included in account 411.6, Gains from Disposition of Utility Plant, or account 411.7, Losses from Disposition of Utility Plant when such property is included in either account 100, 118 or 394. If at the time of sale, such property is classified in account 121, Nonutility Property, but had previously been classified in the aforementioned utility plant accounts, gains or losses on its sale or other disposition shall be charged or credited to account 411.6 or 411.7, as appropriate, otherwise to account 421.1, Gain on Disposition of Property or account 421.2, Loss on Disposition of Property, unless otherwise authorized by the Commission. • • •

• • • • • •

2. The Chart of Balance Sheet Accounts is amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant," as follows:

Balance Sheet Accounts

(Chart of Accounts)

1. UTILITY PLANT

. . . . . .

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

. . . . . .

3. The text of the Balance Sheet Accounts are amended by changing the title of account "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant" to "110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant" and by amending paragraph C of the account and by amending accounts "187, Deferred Losses from Disposition of Utility Plant" and "256, Deferred Gains from Disposition of Utility Plant" as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

. . . . . .

110 Accumulated provision for depreciation, depletion and amortization of gas utility plant.

. . . . . .

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for depreciation, depletion and amortization. The account shall be subdivided to show the amount applicable to Gas Plant in Service, Gas Plant Leased to Others and Gas Plant Held for Future Use. These subsidiary records shall show the current credits and debits to this account in sufficient detail to show separately for each subdivision (1) the amount of accrual for depreciation or amortization, (2) the book cost of property retired, (3) cost of removal, (4) salvage and (5) other items, including recoveries from insurance.

. . . . . .

4. DEFERRED DEBITS

. . . . . .

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property which had previously been classified in the aforementioned utility plant accounts, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Gas Plant Held for Future Use.)

. . . . . .

LIABILITIES AND OTHER CREDITS

. . . . . .

8. DEFERRED CREDITS

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in accounts 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned plant accounts, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. Amounts recorded in this account shall be net of related income taxes. (See account 394, Gas Plant Held for Future Use.)

. . . . . .

4. In the text of the Gas Plant Accounts, amend account 394, Gas Plant Held for Future Use, as follows:

Gas Plant Accounts

. . . . . .

6. OTHER GAS PLANT

. . . . . .

394 Gas plant held for future use.

. . . . . .

D. Gains or losses from the sale or other disposition of utility plant held for future use recorded in this account and not placed in utility service shall be recorded directly in accounts 411.6 or 411.7, as appropriate, except when determined to be significant by the Commission. * * *

. . . . . .

5. In the text of the Income Accounts amend accounts "411.6, Gains from Disposition of Utility Plant, 411.7, Losses from Disposition of Utility Plant, 421.1, Gain on Disposition of Property" and "421.2, Loss on Disposition of Property," as follows:

Income Accounts

1. UTILITY OPERATING INCOME

. . . . . .

411.6 Gains from disposition of utility plant.

This account shall include amounts relating to gains from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record income taxes on gains recorded in this account in account 409, Income Taxes.

411.7 Losses from disposition of utility plant.

This account shall include amounts relating to losses from the sale or other disposition of utility plant recorded in account 100, 118, 394 or property recorded in account 121, Nonutility Property, which had previously been classified in the aforementioned utility plant accounts. Record the reductions in income taxes attributable to losses recorded in this account in account 409, Income Taxes.

. . . . . .

2. OTHER INCOME AND DEDUCTIONS

. . . . . .

421.1 Gain on disposition of property.

This account shall be credited with the gain on the sale, conveyance, exchange, or transfer of property other than that included in the utility plant accounts. Income taxes on gains recorded in this account shall be recorded in account 409, Income Taxes. See account 411.6, Gains from Disposition of Utility Plant.)

421.2 Loss on disposition of property.

This account shall be charged with the loss on the sale, conveyance, exchange, or transfer of property other than that recorded in the utility plant accounts. The reduction in income taxes attributable to losses recorded in this account shall be recorded in account 409, Income Taxes. (See account 411.7, Losses from Disposition of Utility Property.)

. . . . . .

G. Effective for the reporting year 1971, it is proposed to revise certain pages of FPC Form No. 1, Annual Report for Public Utilities and Licensees, and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

H. Effective for the reporting year 1971, it is proposed to revise certain pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1889 Filed 2-9-71;8:54 am]

[1] Attachments A and B filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-41]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

FEBRUARY 1, 1971.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 7, 1971.

Installation	*Biweekly excess cost*
Montreal, Canada	$3,049
Toronto, Canada	6,144
Kindley Field, Bermuda	1,128
Nassau, Bahama Islands	3,367
Vancouver, Canada	1,774
Winnipeg, Canada	324

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-1820 Filed 2-9-71;8:49 am]

DEPARTMENT OF STATE

Agency for International Development

AMERICAN NEAR EAST REFUGEE AID, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

American Near East Refugee Aid, Inc. (AMER—A Division of ANERA), 900 Woodward Building, 733 15th Street NW., Washington, DC 20005.

Dated: February 2, 1971.

HARRIETT S. CROWLEY,
Director, Office for Private Overseas Programs.

[FR Doc.71-1842 Filed 2-9-71;8:51 am]

HOLT ADOPTION PROGRAM, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Holt Adoption Program, Inc., 82630 North Howe Lane, Post Office Box 95, Creswell, OR 97426.

Dated: January 28, 1971.

HARRIET S. CROWLEY,
Director, Office for Private Overseas Programs.

[FR Doc.71-1841 Filed 2-9-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-257-B etc.]

NEVADA

Notice of Proposed Classification of Public Land for Multiple-Use Management; Corrections

FEBRUARY 1, 1971.

[Serial No. N-257-B]

In F.R. Doc. 70-12814 appearing on pages 14948 and 14949 in the issue for Friday, September 25, 1970, legal description under paragraph 5 should be corrected to read:

T. 17 S., R. 58 E.,
Sec. 15, NW¼NE¼, S½NE¼, NW¼, S½;

[Serial No. N-257-C]

In F.R. Doc. 70-16581 appearing on pages 18754 and 18755 in the issue for Thursday, December 10, 1970, legal description under paragraph 3 should be corrected to read:

T. 17 S., R. 50 E.,
Sec. 35, SW¼NE¼, S½NE¼SE¼, NW¼SE¼, SE¼SE¼;

[Serial No. N-1885-C]

In F.R. Doc. 70-14204 appearing on pages 16485 and 16486 in the issue for Thursday, October 22, 1970, legal description under paragraph 5 should be corrected to read:

T. 14 N., R. 20 E.,
Sec. 6, SW¼NE¼SW¼NE¼, N½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, E½NE¼SE¼NE¼, NW¼NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, NW¼SW¼SE¼NE¼, SE¼SW¼SE¼NE¼, SE¼SE¼NE¼, E½E½SE¼, NW¼NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, N½N½NW¼SE¼, SW¼NE¼NW¼SE¼, S½NW¼NW¼SE¼, S½NW¼SE¼, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼;

NOLAN F. KEIL,
State Director, Nevada.

[FR Doc.71-1772 Filed 2-9-71;8:45 am]

National Park Service

[Order 1]

CARL SANDBURG HOME NATIONAL HISTORIC SITE, NORTH CAROLINA

Delegation of Authority to Historian

Delegation of Authority Regarding Approval and Administration of Contracts for Construction, Supplies, Equipment, and Services; Approval of Revocable Special Use Permits.

1. *Historian.* The Historian may approve and administer contracts not in excess of $2,000 for construction, supplies, equipment and services, in conformity with applicable regulations and statutory authority and subject to availability of allotted funds; and may execute and approve revocable special use permits for use of Government-owned lands and facilities.

2. *Redelegation.* The authority delegated herein shall not be redelegated.

(National Park Service Order No. 34 (31 F.R. 4255) as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

GRANVILLE B. LILES,
Superintendent, Blue Ridge Parkway.

[FR Doc.71-1771 Filed 2-9-71;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Intent To Withdraw Certain Standards

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the Department's intent to withdraw the 111 Voluntary Product Standards identified below. Each of these standards has been tentatively found to be obsolete, technically inadequate, no longer acceptable to, or used by the industry, or otherwise not in the public interest.

Copies of this notice will be transmitted to the trade associations previously represented on the standing committees for these standards and to other interested industry groups, particularly those who participated in the review of these standards.

Any comments or objections concerning the intended withdrawal of any of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, within 45 days of the publication of this notice. Such objections will receive full consideration before a final

decision is reached regarding withdrawal. The effective date of withdrawal, where appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under Department of Commerce procedures, from the effective date of the withdrawal.

Of the 111 Voluntary Product Standards being noticed for withdrawal, 78 have previously been identified as "Simplified Practice Recommendations" (R), while the remaining 33 have previously been identified as "Commercial Standards" (CS).

R 4-36_____ Asphalt.
R 8-50_____ Ferrous range boilers, expansion tanks, and solar tanks.
R 9-47_____ Galvanized woven-wire fencing and barbed wire.
R 19-37_____ Asbestos paper and asbestos millboard.
R 21-46_____ Lavatory and sink traps.
R 23-54_____ Plow bolts.
R 26-50_____ Steel reinforcing bars.
R 35-44_____ Steel lockers.
R 38-37_____ Sand-lime brick.
R 49-26_____ Sidewalk, floor, and roof lights.
R 59-27_____ Rotary-cut lumber stock for wire-bound boxes.
R 63-28_____ Metal spools (for annealing, handling, and shipping wire).
R 65-31_____ Packaging of overhead electric railway material.
R 67-36_____ Taper roller bearings.
R 68-41_____ Metal and nonconducting flashlight cases.
R 69-27_____ Packaging of razor blades.
R 71-28_____ Turnbuckles.
R 74-49_____ Hospital and institutional cotton textiles.
R 75-29_____ Composition blackboard.
R 80-28_____ Folding and portable wooden chairs.
R 82-28_____ Hollow metal single-acting swing doors, frames, and trim.
R 83-28_____ Kalamein single acting swing doors, frames, and trim.
R 88-37_____ Floor sweeps.
R 89-55_____ Coated abrasive products.
R 92-38_____ Hard fiber twine and lath yarn (ply and yarn goods).
R 93-39_____ Paper shipping tags.
R 94-53_____ Open-web steel joists and open-web nailer steel joists.
R 95-30_____ Skid platforms.
R 97-47_____ Bell-bottom screw jacks.
R 101-40____ Metal partitions for toilets and showers.
R 102-33____ Granite curbstone.
R 105-32____ Wheelbarrows.
R 107-31____ Glassine bags.
R 110-29____ Soft fiber (jute) twine.
R 112-29____ Elastic shoe goring.
R 115-30____ Full-disk buffing wheels.
R 119-31____ Fast-selvage terry towels.
R 122-31____ Wire insect-screen cloth.
R 123-43____ Carbonated beverage bottles.
R 124-31____ Polished cotton twine.
R 126-41____ Set-up paper boxes (used by department and specialty stores).
R 127-41____ Folding paper boxes (used by department and specialty stores).
R 128-41____ Corrugated fiber boxes (used by department and specialty stores).
R 131-35____ Glass containers for mayonnaise.
R 138-32____ Dental rubber (base and veneering).
R 145-33____ Packaging of electric railway motor and controller parts.
R 154-38____ Cupola refractories.
R 156-41____ Extracted honey packages.
R 158-42____ Forged axes.
R 159-42____ Forged hammers.
R 160-42____ Forged hatchets.
R 161-35____ Packaging of automotive (bus) engine parts.
R 166-37____ Color code for marking steel bars.
R 169-45____ Bolts and nuts (stock production sizes).
R 171-38____ Wooden boxes for canned fruits and vegetables.
R 172-54____ Stock folding boxes for garments and dry cleaning.
R 177-41____ Single-faced corrugated-board rolls (used by department and specialty stores).
R 178-41____ First-aid unit dressings and treatments (packaging of).
R 181-41____ Nonferrous range boilers.
R 188-54____ Spring and slotted clothespins (sizes and packaging).
R 189-42____ Round and flat hardwood toothpicks (sizes and packaging).
R 196-42____ Glass containers for green olives.
R 199-43____ Cloth window shades.
R 201-43____ Iron and steel pop safety valves.
R 202-48____ Tank mounted air compressors (¼ to 10 horsepower).
R 203-44____ Containers and packages for household insecticides (liquid spray type).
R 204-44____ Bronze pop safety valves, and bronze, iron, and steel relief valves.
R 205-44____ Iron and steel relief valves for petroleum, chemical, and general industrial services.
R 209-45____ Peanut butter packages and containers.
R 212-45____ Cast brass solder-joint fittings.
R 215-46____ Luggage (trunks and suitcases).
R 219-46____ Automatic regulating valves.
R 232-48____ Low pressure lubricating devices.
R 233-48____ Rotary files and burs.
R 234-48____ Welded-wire fabric reinforcement concrete pipe.
R 249-52____ Plastic tableware.
R 253-54____ Retail container sizes for frozen fruits and vegetables.
R 266-63____ Gypsum board products.
CS 3-40_____ Stoddard solvents (dry cleaning).
CS 7-29_____ Standard weights malleable iron or steel screwed unions.
CS 19-32____ Foundry patterns of wood.
CS 32-31____ Cotton cloth for rubber and pyroxylin coating.
CS 36-33____ Fourdrinier wire cloth.
CS 48-40____ Domestic burners for Pennsylvania anthracite (underfed type).
CS 56E-41__ Oak flooring (exports).
CS 59-44__ Textiles-testing and reporting.
CS 62-38__ Colors for kitchen accessories.
CS 63-38__ Colors for bathroom accessories.
CS 68-38__ Liquid phyochlorite disinfectant, deodorant, and germicide.
CS 93-50__ Portable electric drills (exclusive of high frequency).
CS 94-41__ Calking lead.
CS 95-41__ Lead pipe.
CS 96-41__ Lead traps and bends.
CS 102E-42__ Diesel and fuel-oil engines (export classifications).
CS 108-43__ Treading automobile and truck tires.
CS 110-43__ Tire repairs—vulcanized (passenger, truck, and bus tires).
CS 112-43__ Homogeneous fiber wallboard.
CS E124-45__ Master disks.
CS 126-56__ Tank-mounted air compressors (classification and testing).
CS 139-47__ Work gloves.
CS 154E-49__ Wire rope (export classifications).
CS 164E-50__ Concrete mixers (export classifications).
CS 170-50__ Cotton flour-bag (sack) towels.
CS 175-51__ Circular-knitted gloves and mittens.
CS 179-51__ Installation of attic ventilation fans in residences.
CS 181-52__ Water-resistant organic adhesives for installation of clay tile.
CS 212-57__ Steel sliding closet door and frame units.
CS 213-57__ Steel knockdown sliding closet door units (for wood frame installation).
CS 221-59__ Gel-coated glass-fiber-reinforced polyester resin bathtubs.
CS 222-59__ Gel-coated glass-fiber-reinforced polyester resin shower receptors.
CS 229-60__ Copper drainage tube (DWV).

Issued: February 5, 1971.

LEWIS M. BRANSCOMB,
Director.

Approved:

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.71-1818 Filed 2-9-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

UNITED TRANSPORTATION UNION

Petition for Reconsideration of Decision and Orders of the Hearing Examiner

FEBRUARY 3, 1971.

A petition for reconsideration of the decisions and orders of the hearing examiner in the above-captioned matter was filed by the United Transportation Union on December 15, 1970. The Railroad Safety Board has reviewed the entire decision including but not limiting itself to the points brought forth by the petition for reconsideration.

After timely notices, full hearing was held in Washington, D.C., on December 1, 1970. At the time, the hearing examiner indicated that he was agreeable (1) to further hearings after December 26, 1970, and (2) to provide that orders issued in this case be subject to further orders at any time and subject to review not merely annually, as directed by the Congress, but more often should conditions so warrant. Pursuant to the requirements of section 5(e) of the recently amended Hours of Service Act (83 Stat. 463), exemption was granted by the examiner only after he had found that: the individual carrier had fewer than 15 employees, the exemption would be in the public interest, and the exemption would not adversely affect safety. In his decision the examiner considered each of the individual carriers' circumstances separately and his findings and orders were made as to each carrier. In addition, the examiner considered the individual carrier's safety record and whether or not the concerned employees concurred in seeking the involved exemption.

After fully considering the petition for reconsideration, as well as all of the matter contained in the files of the above-entitled petition for relief, the board has concluded that the decisions and orders of the examiners are proper and correct in all material respects and should be affirmed. Accordingly, the petition for reconsideration is hereby denied.

ROBERT LEE KESSLER,
Chairman,
Federal Railroad Safety Board.

JAMES MACANANNY,
Member.

MAC E. ROGERS,
Member.

[FR Doc.71-1810 Filed 2-9-71;8:48 am]

National Highway Traffic Safety Administration

OCCUPANT CRASH PROTECTION

Notice of 1972 Requirements

This notice is issued as advance public information, for the purpose of informing motor vehicle manufacturers of the main highlights of the Occupant Crash Protection standard (No. 208) that will apply to passenger cars beginning January 1, 1972, to enable them to initiate preparation for production with minimum loss of the remaining leadtime. The features of the standard set forth herein represent final decisions with respect to the standard, which is presently being prepared for issuance in the near future.

Passenger cars, at each designated seating position, must meet at least one of three sets of requirements; or options, as follows:

FIRST OPTION—COMPLETE PASSIVE PROTECTION SYSTEM

1. The vehicle shall provide passive protection in frontal fixed barrier crash tests up to 30 m.p.h., and up to 30° to either side of the perpendicular, and in lateral and rollover crash tests. Seat belts are not required, and except for the completely passive type belt system, may not be used for testing.

2. The test dummy is as described in SAE J963, with instrumentation as described in SAE J211.

3. The injury criteria are (a) a maximum head severity index of 1,000, calculated according to SAE J885a, (b) a maximum chest acceleration of 60g, except for periods with cumulative duration of not more than 3 milliseconds, and (c) a maximum upper leg force of 1,400 pounds.

SECOND OPTION—LAP BELT PROTECTION SYSTEM WITH BELT WARNING

1. The vehicle shall have lap belts at each seating position, releasable by a pushbutton action.

2. Automatic-locking or emergency-locking retractors are required for the lap belts at all outboard seats, front and rear.

3. The driver belts must fit occupants ranging from 5th-percentile adult females through 95th-percentile males. Other belts must fit occupants ranging from 50th-percentile 6-year-old children through 95th-percentile adult males.

4. For front outboard seats, the vehicles shall meet a perpendicular 30-m.p.h. fixed barrier crash test with instrumented test dummies and injury criteria as described in the first option, but with the dummies lap-belted. No shoulder belt is required, and even if furnished is not used for testing under this option.

5. A belt warning system is required for the lap belts in the front outboard seating positions.

BELT WARNING SYSTEMS

1. The belt warning systems required under the second and third options shall provide a continuous or intermittent audible signal and a continuous or flashing "Fasten Seat Belts" warning light, which activate when all of the following conditions exist:

a. The ignition switch is in the "on" position;

b. The transmission gear selector is in any forward or reverse position;

c. The driver does not have his lap belt extended at least to the degree necessary to fit a 5th-percentile adult female; and

d. If a person is seated in the right front seating position, he does not have his lap belt extended at least to the degree necessary to fit a 50th-percentile 6-year-old child.

2. The required warning signals must not activate when the transmission gear selector is in a "park" or "neutral" position. There will not be other restrictions on systems to increase belt usage, so that, for example, a system that prevents starting the vehicle until belts are fastened will be permitted at the manufacturer's option.

THIRD OPTION—LAP AND SHOULDER BELT PROTECTION SYSTEM WITH BELT WARNING

1. The vehicle shall provide a lap and shoulder belt assembly for the front outboard seats, and lap belts at the other seating positions.

2. A belt warning system as described above is required for the lap-belt portions of the front outboard seating positions. Requirements for lap-belt retractors, method of release, and for ranges of adjustment are the same as in the second option.

3. The lap and shoulder belts in the front outboard positions are tested with dummies in a perpendicular 30-m.p.h. fixed barrier crash, with the requirement that there be no structural failures of the restraint system.

4. Shoulder belts may be either integral or detachable, with manual adjustment or emergency-locking retractors.

5. The shoulder belt must intersect the lap belt at least 6 inches from the front vertical centerline of a 50th-percentile adult male occupant.

6. Shoulder belts that require unlatching for release of the occupant must release simultaneously with the lap belt, at a single point, by a pushbutton action.

Issued on February 8, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-1925 Filed 2-9-71;8:55 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22328, 23073; Order 71-2-17]

EXPRESS CO., INC., ET AL.
Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of February 1971.

Application of the Express Co., Inc., for international air freight forwarder authority. Application of Rea Express, Inc., Rea Holding Corp., the Express Co., Inc., and Robert A. Burman for a disclaimer of jurisdiction or exemption or approval under section 408, and approval under section 409 with respect to control and interlocking relationships, Docket 22328. REA Air Freight forwarding, control, and interlocking relationships investigation, Docket 23073.

On June 30, 1970, REA Holding Corp. (Holding) filed an application in Docket 22328 requesting that the Board disclaim jurisdiction over, or, in the alternative, grant an exemption or approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the control by Holding of the Express Co., Inc. (Express).[1] Approval is also sought under section 409 of the Act of an interlocking relationship wherein Mr. Robert A. Burman would serve as assistant secretary of REA Express, Inc. (REA),[2] and secretary of Express. Concurrently with the filing of the application in Docket 22328, Express filed an application with the Board seeking operating authorization as an international air freight forwarder under Part 297 of the Board's economic regulations.

On September 3, 1970, members of the Air Freight Forwarders Association (AFFA) filed a motion to file an otherwise unauthorized document in Docket 22328—such document being in opposition to

[1] On Feb. 20, 1970, Express was formed as a wholly owned subsidiary of Holding.

[2] REA is an indirect air carrier providing air express service pursuant to an agreement with various air carriers and foreign air carriers. In addition, REA offers surface express service over other surface carriers and its own motor carrier routes. REA is also a customs broker and an IATA cargo agent.

the application of Express for international air freight forwarder authority and the approval of the common control of REA and Express.[3]

We have decided to set the applications for hearing. In our view, the factual, legal, and policy questions which must be resolved before the applications can be granted are sufficiently numerous and complex as to warrant their development in an evidentiary proceeding.

The last time the Board considered a request for issuance of international air freight forwarder authority by an REA entity, it determined, after a lengthy investigation, to deny the application. Railway Express Air Freight Forwarder Application Case, 27 CAB 500 (1958). The applicants allege that significant changes in the facts, policy, and law pertaining to that investigation have occurred which warrant grant of the present application through the nonformal procedures contemplated in Part 297 of our economic regulations. Arguendo, it may well be that such changes have occurred, and that REA's present air and surface express activities do not present insurmountable obstacles to grant of the requested authority. But we do not feel that such conclusions can be reached without a full exploration of the matter through the hearing process.

Similarly, determination of the applications in Docket 22328 can be more properly reached on the basis of a formal record.

By Order 70-7-142, July 30, 1970, the Board granted an exemption under section 408(a)(5) of the Act with respect to the acquisition of REA by Holding, a management group, and the investment Firms of Allen and Co. and Bessemer Securities Corp. (Bessemer).[4] The Board therein noted that Allen and Co. had offered to assist Holding in finding a lending institution to furnish REA with a line of credit provided that, subject to statutory provisions, Allen and Co. would have the right to designate two members to the board of Holding. The same order also noted that Allen and Co. had not yet made such designations and that it appeared that Board approval under section 409 of the Act may be required with respect to interlocking relationships involving those persons designated by Allen and Co.[5] in light of Lehman Brothers Interlocking Relationships Case, 15 CAB 656 (1952).

It has come to our attention that Messrs. Irwin Kramer, the husband of one of the Allen and Co. partners and an associate of Allen and Co., Inc., and Lee W. Meyer, a vice president of Allen and Co., Inc., are serving as directors of Holding, and therefore that certain interlocking relationships may have been created which require Board action contemporaneously with action on the section 408 and 409 and Part 297 questions presented in Docket 22328.[6] In this connection, the Board notes that Allen and Co. and Allen and Co., Inc., appear to be related; and that certain partners, officers, directors, employees and associates of the two firms may act as representatives of each other, thereby creating possible Lehman type interlocking relationships raising, inter alia, the following questions: (a) Whether Allen and Co. and Allen and Co., Inc., should be treated as one and the same; (b) whether Allen and Co., or the partners therein, control Allen and Co., Inc.; and (c) whether Lehman type interlocking relationships exist or would exist through the Allen interests between Holding, as the alter ego of REA and/or Express, and various section 409 enterprises,[7] and if so, what action should be taken with regard thereto. In this light, it appears that the complexity, both legal and factual, of the foregoing relationships requires a hearing to determine the existence and proper disposition of such relationships.

The Board does not consider a disclaimer of jurisdiction warranted with respect to the section 408 matters in that if the Board granted Part 297 authority to Express then Holding would be acquiring control of an air carrier within the meaning of section 408 of the Act.

AFFA's motion to file an otherwise unauthorized document will be denied, in that it appears that both the motion and the document itself were filed almost 2 months after receipt of the application. Accordingly, the motion of Express and REA to strike AFFA's pleadings will be dismissed as moot.

Accordingly, it is ordered, That:

1. The application in Docket 22328 for a disclaimer of jurisdiction; exemption or approval without a hearing be and it hereby is denied;

2. The application in Docket 22328 for approval of control and interlocking relationships, the request of Express for international air freight forwarder authority, and the questions pertaining to the interlocking relationships described in the appendix hereto, be and they hereby are set for hearing in the proceeding hereafter to be known as the REA Air Freight Forwarding, Control, and Interlocking Relationships Investigation, Docket 23073, before an examiner of the Board at a time and place to be hereafter designated;

3. Allen and Co. and its individual partners, and Allen and Co., Inc., and its officers and directors, be and they hereby are made parties to the Investigation in Docket 23073; and

4. The motion of AFFA to file an otherwise unauthorized document and the motion to strike filed by REA and Express in Docket 22328, be and they hereby are denied and dismissed, respectively.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

Lehman type relationships which may have been created, or which may be created by the designation of Messrs. Kramer and Meyer as directors of holding.[1]

Interlocking relationships involving REA and apparently already in effect.

It appears that Holding, as the alter ego of REA, may at the present be interlocked on a representative basis with certain 409 enterprises as follows: [2]

(1) Military Purchase System, Inc. (Military), as the alter ego of Columbia Export Packers, Inc. (Columbia)

Mr. Stanley S. Shuman, a director, vice president and member of the executive committee of Allen and Co., Inc. is a director of Military which controls Columbia, a domestic and international air freight forwarder of household goods and an applicant for domestic and international air freight forwarded authority in Docket 20812.[3]

(2) *Airborne Freight Corp. (Airborne).*

Mr. F. W. Harder, a director, vice president and chairman of the executive committee of Allen and Co., Inc., and an employee of Allen and Co., is a director of Airborne a domestic and international air freight forwarder;

(3) *Pepsico, Inc. (Pepsico) as the alter ego of North American Van Lines, Inc. (North American).*

Mr. Charles Allen, Jr., a general partner of Allen and Co., is a director and member of the executive and finance committees of Pepsico. Among other enterprises, Pepsico controls North American which, in addition to being a motor common carrier of household goods, is an applicant for domestic and international air freight forwarder authority in Docket 20812.[4]

(4) *British West Indies Airlines (BWIA).*

Mr. H. A. Allen, Jr., a president and director of Allen and Co., Inc. (also a general partner of Allen and Co.), apparently is a director of BWIA—a foreign air carrier.

Interlocking relationships which might involve Express if Part 297 authority were issued to Express and the Board approved the control of Express by Holding.

If the Board granted international air freight forwarder authority to Express and approved the control of Express by Holding then it appears that *Lehman* type relationships might exist between Holding, as the alter ego of Express, and the same companies with whom Holding as the alter ego of REA, appears interlocked at the present, i.e. Military, Airborne, Pepsico, and BWIA.[5]

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[3] On Sept. 17, 1970, Express and REA filed a motion to strike AFFA's answer to the application in Docket 22328. By letter dated Sept. 24, 1970, counsel for AFFA filed a response opposing Express' motion to strike.

[4] At the time the exemption was granted, Holding controlled 97 percent of the stock of REA and the management group, Allen and Co. and Bessemer controlled approximately 60, 25, and 10 percent of Holding respectively. However, subsequent acquisitions of Holding stock by Allen and Co. appear to give the latter control of between 30.4 and 32 percent of Holding.

[5] The Board understands that Allen and Co. is an investment banking partnership with seven partners. Five of such partners and Mr. Irwin Kramer own 50.5 percent of Allen and Co., Inc. It is also understood that Allen and Co., Inc., is the underwriting and private placement arm of Allen and Co. Three partners of Allen and Co. are directors of Allen and Co., Inc. There are 14 directors of Allen and Co., Inc.

[6] See Lehman Bros. Interlocking Relationships Case, 15 CAB 656 (1952). There is attached hereto as an appendix a description of the various categories of Lehman type interlocking relationships which may result from the serving by Messrs. Kramer and Meyer as directors of Holding.

[7] Section 409 prohibits interlocking relationships between such enterprises as air carriers (direct and indirect), persons engaged in a phase of aeronautics, and other common carriers.

[1] The possible interlocking relationships appear to fall into two categories: (1) Those created immediately between Holding on the one hand and various 409 enterprises on the other; and (2) those which would be created if the Board were to issue a Part 297 authorization to Express and approve the control of Express by Holding.

[2] Certain of the interlocking relationships require piercing the corporate veil. In this regard, in the Studebaker Corp. Disclaimer Case, 37 CAB 738 (1962), the Board indicated that in order for the Board to require approval of certain interlocking relationships between Studebaker which controlled Trans International Airlines, Inc. (TIA), on the one hand and certain section 409 companies on the other, it would be necessary to disregard the corporate entity and treat Studebaker as TIA's alter ego, by virtue of the fact that it controlled TIA, and thus as an air carrier for section 409 purposes. The Board further indicated that, while such a situation did not in fact exist in the Studebaker Case due to a lack of substantial conflicts of interest, regulatory agencies can properly pierce the corporate veil where failure to do so would defeat the legislative purpose or when the parties to a particular relationship have used the corporate device to circumvent the law. Whether any of these factors is present in this case and whether the possible conflicts of interest are substantial are matters best resolved by the Board through the hearing process.

[3] By Order 69-11-83, Docket 21463, the Board granted an exemption with respect to the acquisition of Columbia by Military.

[Dockets Nos. 22214, 22285; Order 71-2-24]

INTERAMERICAN AIRFREIGHT CO. ET AL.

Order of Consolidation and Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1971.

Application of Willy Peter Daetwyler doing business as Interamerican Airfreight Co. under section 402 of the Federal Aviation Act of 1958, as amended, Docket 22214. Application of Interamerican Air Freight Corp. for international air freight forwarder authority. Application of Interamerican Air Freight Corp. and Willy Peter Daetwyler for approval of control relationship under section 408 of the Federal Aviation Act of 1958, as amended, Docket 22285.

By application filed May 20, 1970, Willy Peter Daetwyler doing business as Interamerican Airfreight Co. (Interamerican), requested renewal of its foreign air carrier permit authority authorizing indirect air transportation of property between any point or points in the United States and any point or points outside the United States.[1] Thereafter, Interamerican's application was set for prehearing conference, with hearing immediately thereafter, on June 16, 1970. Subsequently, at the request of the applicant, the prehearing conference was postponed indefinitely.

On June 12, 1970, Interamerican Air Freight Corp. (IAF), a newly formed corporation, filed an application pursuant to Part 297 of the Board's economic regulations for international air freight forwarder authority. Subsequently, by application filed June 17, 1970, as amended September 2, 1970, IAF and Willy Peter Daetwyler requested approval pursuant to section 408 of the Act, or, alternatively, exemption pursuant thereto, with respect to control relationships which will exist upon issuance to IAF of an operating authorization as an international air freight forwarder as a result of Mr. Daetwyler's ownership in IAF and certain other companies.

IAF is a California corporation created in May 1970 for the purpose of operating as an international air freight forwarder. Its issued and outstanding stock is held as follows:

Stockholder	Citizenship	Percentage
F. G. Stapleton	United States	30
Willy P. Daetwyler	Swiss	25
Fred E. Sayer	United States	20
H. John Wintsch	United States	15
Larry L. Pittman	United States	5
Werner A. Schmid	United States	5

[1] By Order E-21914, served March 18, 1965, Interamerican was granted similar authority for a period for 5 years from Apr. 15, 1965.

Mr. Daetwyler is president of Star Truck and Warehouse Corp. (Star) and is beneficial owner of 60 percent of the stock in that company.[2] It operates a public warehouse, licensed by the California Public Utilities Commission (CPUC), located in Los Angeles, and, pursuant to licenses issued by CPUC and the Interstate Commerce Commission, operates as a common carrier by highway of general commodities within the Los Angeles basin area. During 1969, Star carried approximately 65,000 tons of freight in these operations.

Mr. Daetwyler is also president and owner of a 60-percent beneficial interest in Interamerican Forwarding Corporation (Forwarding),[3] an international freight forwarding agent licensed by the Federal Maritime Commission and an International Air Transport Association (IATA) cargo agent.

Interlocking relationships involving the aforesaid individuals and companies which fall within the meaning of section 409 of the Act are as follows:

Individual	IAF	STAR	Forwarding
Fred E. Sayer	President		Executive Vice President.
F. G. Stapleton	Secretary-Treasurer, Director.	President	Secretary-Treasurer, President.
W. P. Daetwyler	Director	President	President.
Werner P. Schmid	Vice President and Assistant Secretary.		Assistant Secretary.
H. John Wintsch	Vice President		Vice President.
Larry L. Pittman	Director	Executive Vice President	

[4] There are certain companies affiliated with North American who may be considered competitive with the various indirect air carriers described herein. Such companies include: NAVPAC, Inc., an Interstate Commerce Commission (ICC) exempt surface forwarder and a Federal Maritime Commission (FMC) nonvessel ocean carrier, and North American International, Inc. an applicant for ICC surface freight forwarding authority.

[5] It also appears that the directorship in the Ogden Corp. held by Mr. Charles Allen, Jr., may create relationships requiring further scrutiny by the Board.

In addition, Mr. Stapleton is Assistant Secretary of Ansett Industries Australia, Ltd., which is a wholly owned subsidiary of Ansett Airlines, a domestic Australian airline.

On July 28, 1970, on behalf of certain of its members,[4] the Air Freight Forwarders Association (AFFA) filed an answer in opposition to grant of IAF's application for issuance of an air freight forwarder authorization and the application of IAF and Mr. Daetwyler for approval of common control relationships pursuant to section 408.[5] AFFA alleges that the organization which comprises IAF is and would be exactly the same as has comprised Interamerican, the section 402 carrier; that by the device of converting its authorization from a section 402 permit into a Part 297 authorization, the heretofore foreign organization would seek to gain entry as a U.S. National into the air freight forwarding business pursuant to Part 296 at some later stage; that although the applicant purportedly has met the citizenship requirements of section 101(13) of the Act, the apparent inconsistency of converting a foreign air carrier authorization into a domestic U.S. authorization with no change in substance in the individuals involved casts serious doubt on the issue; and that it would be a travesty to accept the allegations here where the circumstances are on their face abnormal—that is, where they follow so closely an aborted section 402 application in which the allegations were the opposite. At an absolute minimum, AFFA requests that a hearing be held to explore whether the citizenship requirements of the Act are being met.

[2] He owns 100 percent of the stock of Macla A.G., a Swiss corporation which holds 60 percent of the stock of Star. The remaining stock is held by a Swiss foundation which takes no active part in the management of the company.

[3] Mr. Daetwyler owns 100 percent of the stock of Zuercher Lagerhaus A.G., a Swiss corporation which owns 60 percent of the common stock of Forwarding. The remaining 40 percent is held by a Swiss foundation which takes no active part in the management of the company.

[4] Powers of Attorney have been filed on behalf of Airborne Freight Corp.; Air-Sea Forwarders, Inc.; Cal-Air Forwarders, Inc.; Circle Airfreight Corp.; International Customs Service, Inc.; Novo Airfreight; Profit By Air, Inc.; and Shulman Air Freight. Our references herein to "AFFA" therefore relate to these members of the organization.

[5] AFFA's answer was accompanied by a motion for leave to file an otherwise unauthorized document supported by an allegation that neither AFFA nor any of its members received timely service of the application.

Thereafter, IAF and Mr. Daetwyler filed a reply[4] stating, inter alia, that AFFA has raised no substantial issue of law or policy that could give grounds for denial of the applications, and has alleged no facts that require a hearing. Dismissal or denial of AFFA's opposition and request for a hearing is therefore requested.

Subsequent to the amendment to the application, filed on September 2, 1970, AFFA filed further opposition to the application alleging that the amendment confirms its earlier view that IAF is in fact controlled by non-U.S. citizens since Mr. Daetwyler exercises a measure of control over IAF's other stockholders, and again requesting that the applications be denied, or, at a minimum, that a hearing be held on the applications to explore the questions of citizenship raised by the pleadings.

The applicants thereafter filed an answer stating that the old and new companies are substantially different entities; that the officers, directors, and stockholders of IAF will not be controlled by Mr. Daetwyler; and that any delay in approving the applications will penalize United States citizens and will not result in any discernible public benefit.

Upon consideration of the foregoing and all of the facts of record, we have decided to set the matter for public hearing. We are concerned over the interlocking relationships involving officers, directors and stockholders of IAF with other companies controlled by Mr. Daetwyler (e.g., Star and Forwarding) and the possibility of the latter's domination and control of IAF through these relationships which exist presumably at his sufferance. This question is sufficiently complex as to warrant its development in an evidentiary proceeding.

We have decided to consolidate the proceeding in Docket 22285 and the undocketed airfreight forwarder application with the proceeding in Docket 22214, since the issues are so closely related and interdependent that contemporaneous consideration will simplify and clarify the Board's handling of the issues.

Finally, for good cause shown, the Board has decided to grant the motions of AFFA and the applicants herein for leave to file otherwise unauthorized documents. We shall deny the applicants' request that AFFA's request for a hearing be dismissed or denied.

Accordingly, it is ordered, That:

1. The application of Interamerican Air Freight Corp. and Willy Peter Daetwyler in Docket 22285, and the undocketed application of Interamerican Air Freight Corp. for international air freight forwarder authority, be and they hereby are consolidated with the application of Willy Peter Daetwyler, doing business as Interamerican Airfreight Co. in Docket 22214, and they hereby are set for hearing before an Examiner of the Board at a time and place to be hereafter designated;

2. The motions of the Air Freight Forwarder Association and the applicants herein for leave to file otherwise unauthorized documents be and they hereby are granted; and

3. The request of Interamerican Air Freight Corp. and Willy Peter Daetwyler that the Board dismiss or deny the Air Freight Forwarder Association's request for a hearing be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1883 Filed 2-9-71;8:53 am]

[Docket No. 19933, etc.; Order 71-2-12]

NORTH CENTRAL ROUTE REALIGNMENT PROCEEDING AND CITY OF BROOKINGS, S. DAK.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1971.

By Order E-26868 interested persons were directed to show cause why the Board should not make final its tentative findings and conclusions and amend the certificate of public convenience and necessity of North Central Airlines, Inc. (North Central), so as to realign the carrier's route structure into five segments which would enable the carrier to offer improved and more economic service while at the same time increasing service convenience to the public.[1]

Responses to the order to show cause were filed by Western Air Lines, Inc. (Western); Ozark Air Lines, Inc. (Ozark); Northwest Airlines, Inc. (Northwest); American Airlines, Inc. (American); North Central Airlines, Inc.; United Air Lines, Inc. (United); Frontier Airlines, Inc. (Frontier); The State of Wisconsin; and the city of Brookings, S. Dak. Petitions for leave to intervene were filed by the cities of Fort Wayne, Ind., and Worthington, Minn. United moved to strike the pleadings of North Central. In addition to the filing of its objections, the city of Brookings, S. Dak., filed a petition for leave to intervene and an application in Docket 20364 for inclusion of Brookings on proposed segment 3 of North Central's route 36. Brookings also filed a motion to consolidate its application in Docket 20364 with Dockets 20123 and 19933.

North Central also filed an application in Docket 20123 requesting a certificate with five segments identical to those in the proposed certificate attached to Order E-26868, with the exception of proposed segment 2 to which North Central has added Milwaukee between Beloit/Janesville and Madison, and Eau Claire between Winona and Minneapolis/St. Paul.

Upon consideration of the pleadings and the other relevant facts, we have concluded that the proposals in Order E-26868 are basically sound and should be made final. However, it appears desirable to modify some of the proposals in Order E-26868 so as to take account of matters raised by objecting parties, and so as to take account of authority recently awarded to North Central. In view of the lapse of time since the issuance of Order E-26868, and changes in the route authorizations of both North Central and objecting parties, we have decided to take no final action at this time, but to issue a new order to show cause, proposing amendments in North Central's certificate. We tentatively find and conclude that the public convenience and necessity require these amendments of North Central's certificate, and in support of our conclusion we affirm the tentative findings in Order E-26868, except as modified below.

Western in responding to Order E-26868 objected to the modification of the restriction governing North Central's services between Minneapolis/St. Paul and Rapid City. North Central's current certificate provides that services by North Central between Rapid City and Minneapolis/St. Paul must stop at one intermediate point exclusive of Pierre, S. Dak. Condition 4(e) of the proposed certificate attached to Order E-26863 provided simply for a one-stop restriction in the Rapid City-Minneapolis/St. Paul market without excluding Pierre as such a stop. As Western points out, the Board denied the petition of North Central seeking the termination of Western's authority at Pierre in Order E-26786.[1a] Western, therefore, continues to hold authority and provides service in the Rapid City-Pierre-Minneapolis/St. Paul market. To comport with that determination we shall require in Condition 5 of the proposed certificate attached hereto that the mandatory stop by North Central between Rapid City and Minneapolis/St. Paul continue to be at one intermediate point exclusive of Pierre.

Ozark, United, and American note an ambiguity in proposed Condition 6 of the certificate attached to Order E-26868 which provided that flights between "Chicago, on the one hand, and Sioux City, Iowa, and Omaha, Nebr., on the other hand, shall also serve Minneapolis/St. Paul." As the carriers point out, the condition does not specify that the Twin Cities be served between the terminal points, and thus, according to the carriers, could be construed as allowing North Central to operate service nonstop between Chicago and Omaha or Sioux City and thereafter serve the Twin Cities. In drafting this condition we did not intend that result. Chicago-Omaha nonstop authority was the subject of the recently concluded proceeding in Docket 18401 and is not properly the subject of this proceeding. Accordingly, we have redrafted this condition (now Condition 6(b)) to accord with our original intention that flights scheduled to serve Chicago, on the one hand, and Sioux City, Iowa, or Omaha, Nebr., on the other, shall serve Minneapolis/St. Paul as an intermediate point.[2]

Ozark also requests that Condition 4(a) of the certificate attached to Order E-26868 specifically make Rochester, Minn., the intermediate point which North Central must serve on flights between Chicago and Sioux Falls. As drafted, proposed Condition 4(a) did require that North Central's Chicago-Sioux Falls service make an intermediate stop, but did not specify the point at which the stop must be made. Since we have found in Docket 16766 et al., Order E-26786, dated May 10, 1968, that North Central's service between Sioux Falls and Chicago via the specific point Rochester is required by the public convenience and necessity, we shall incorporate that finding in the new certificate as Condition 6(a) to require a mandatory stop at Rochester between Sioux Falls and Chicago.

Northwest objects to the use of the show cause procedures to place North Central in direct competition with Northwest in eight specific markets: Minneapolis/St. Paul-Chicago; Minneapolis/St. Paul-Milwaukee; Minneapolis/St. Paul-Cleveland; Madison-Cleveland; Madison-Grand Forks; Chicago-Cleveland; Chicago-Grand Forks; and Milwaukee-Cleveland. Northwest's objection is well-taken with respect to the Madison-Cleveland, Madison-Grand Forks, and Chicago-Cleveland markets, and we shall modify the authority proposed in that order to provide for noncompetitive multistop authority in these three markets.

In the remaining five markets, North Central has recently been awarded improved authority and in the present case we will limit North Central to essentially the same authority it now holds. Thus, in Order 68-9-127, dated September 25, 1968, North Central was awarded nonstop authority in the Milwaukee-Detroit and Milwaukee-Minneapolis/St. Paul markets. As a result of the authority awarded by Order 68-9-127, North Central, by tacking, could operate two-stop service between Cleveland and Minneapolis/St. Paul and one-stop service between Milwaukee and Cleveland. In addition, North Central was awarded nonstop authority in the Chicago-Minneapolis market subject to a long-haul restriction by Orders 69-8-23 and 69-8-24 dated August 4, 1969. These orders also gave North Central one-stop authority in the Chicago-Grand Forks market.

In its objections[3] North Central points out the inadvertent omission of Eau Claire, Wis., from proposed segment 2. Currently Eau Claire is included on segment 5 as an intermediate point between Winona and Minneapolis/St. Paul, and we did not intend to depart from that designation. We have amended our description of new segment 2 to include Eau Claire. By so doing we are proposing to make permanent North Central's current exemption authority to operate noncompetitive nonstop service between Eau Claire and Duluth-Superior as authorized in Order 70-4-35, dated April 8, 1970. The proposed certificate will make permanent the deletion of Conditions 4 and 8, and that portion of Condition 5 requiring two stops between Duluth and Madison, from North Central's current certificate as accomplished by exemption in Order 70-4-35.

North Central also notes that La Crosse, Wis., is the only Wisconsin point not included on the realigned segment 1, and points out that the failure to so include La Crosse isolates that point from nonstop service to most other points in Wisconsin, which are on the segment. To avoid that result in the proposed certificate attached hereto, we have adopted the solution proposed by the State of Wisconsin which simply is to include La Crosse as an additional intermediate point on realigned segment 1 between Madison and Minneapolis/St. Paul. North Central's solution, to add Milwaukee to segment 2 between Beloit/Janesville and Madison, would greatly expand North Central's Milwaukee authority and is beyond the scope of this proceeding.

North Central also seeks additional authority in various markets currently served by trunkline carriers and not included in the proposed certificate attached to Order E-26868. We are denying North Central's request, having concluded that this is not the proper proceeding in which to inject questions of new competitive authority. North Central has available to it the procedures in Subpart M of the Board's rules of practice for obtaining new improved authority in competitive markets which can support such authority.

Frontier objected to the proposed nonstop authority of North Central between Rapid City and Chicago as authorized in realigned segment 2. Frontier alleges that the diversion of revenue by North Central would reduce Frontier's operating profit on its Rapid City-Omaha route by $137,000. In addition, Frontier indicated that it was proposing through-plane service from Rapid City to Chicago via Omaha in the pending Service to Omaha and Des Moines Case, Docket 18401. In view of the numerous beyond-Omaha points which Frontier can use to support its Omaha-Chicago route, we do not at this time see any need to impose a restriction on North Central's Rapid City-Chicago authority. However, Frontier will have an opportunity to file any objection it may have based on the new circumstances created by the Service to Omaha award.[4]

United objects generally to the use of the show-cause procedure to accomplish the realignment of North Central's system and specifically objects to the authority competitive with United which North Central allegedly would be receiving in the following nonstop markets: Flint-Grand Rapids; Saginaw-Grand Rapids; and Minneapolis/St. Paul-South Bend. United also objects to the improved one-stop authority which North Central allegedly would be receiving in various other markets served by United, some of which we have already dealt with, supra. United's objections appear to be based largely on a misreading of the proposed certificate attached to Order E-26868.

Thus, the objection of United to nonstop authority in the Flint-Grand Rapids and Saginaw-Grand Rapids markets is unfounded; the proposed certificate permitted one-stop service as the best operating authority. Similarly, United objects to one-stop authority in the following markets: Minneapolis/St. Paul, on the one hand, and Flint, Grand Rapids, Lansing, and Muskegon, on the other hand; and between Cleveland and Muskegon. Two-stop authority is the best that the proposed certificate provides in the Flint-Minneapolis/St. Paul market. In the other four markets, no change has been made in the number of intermediate stops required to be served by North Central at present; the only change withdraws the mandatory designation of the intermediate stops in favor of the carrier's own choice of intermediates.

United's objection to nonstop Minneapolis/St. Paul-South Bend authority for North Central comes in the face of the present failure of United to provide any single-plane service in that market. Nevertheless, since United is certificated in that market, the attached certificate maintains the requirement that flights by North Central in that market serve a minimum of one intermediate point.[5]

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[4] Such reply was accompanied by a motion to file an otherwise unauthorized document.

[1] This proceeding has been deferred pending the resolution of various subsidy matters.

[1a] May 10, 1968.

[2] We note that as a result of our recent award of Omaha-Minneapolis/St. Paul nonstop authority to North Central in the Service to Omaha and Des Moines Case, Order 70-7-24, dated July 6, 1970, that carrier will now have one-stop authority in the Omaha-Chicago market via Minneapolis/St. Paul.

[3] United has objected to the pleading filed by North Central which North Central denominated "Comments," and United moves to strike that pleading both as unauthorized and untimely. We shall deny United's motion. We did not intend to preclude the carrier whose authority is the subject of the order to show cause from stating its views on the findings in that order. Nor is there a valid objection to its being filed on July 15, 1968, even though objections were due on July 3, 1968, since North Central was granted permission by the Chief Examiner in his letter of July 1, 1968, to late-file its objections. Similarly, the "answer and petition for reconsideration" of the State of Wisconsin in substance is an "objection" to Order E-26868, and, notwithstanding its denomination and late filing, will be accepted.

[4] In Order 70-7-24, dated July 6, 1970, the Board awarded Omaha-Chicago nonstop authority to Frontier. Pursuant to this authority Frontier now operates one-stop service in the Rapid City-Chicago market via Omaha. OAG, Nov. 15, 1970.

[5] At the time Order E-26868 was issued North Central's best authority in the Minneapolis-South Bend market required three stops. As a result of a subsequent award of Minneapolis-Chicago nonstop authority to North Central in Orders 69-8-23 and 69-8-24, the carrier presently possesses one-stop authority between Minneapolis and South Bend via Chicago.

The crux of the several pleadings filed by the city of Brookings, S. Dak., is the request by that community to be reinstated as an intermediate point on current segment 10(b)—proposed segment 3—between Grand Forks and Omaha. Brookings was deleted from that segment following a hearing in the North Central Airlines "Use It Or Lose It" Investigation, 36 C.A.B. 535 (1962), and has shown no basis in this proceeding to overturn that decision. Brookings remains on current segment 10(a) (new segment 2) as an intermediate point between Rapid City and Minneapolis/St. Paul. North Central's authority to serve Brookings on new segment 2 will permit all of the service that can be provided under North Central's present certificate plus improved service to Chicago and Omaha. Consequently, Brookings' motion to consolidate its application will be denied. We shall, however, grant its petition for leave to intervene, as well as those filed by the cities of Worthington, Minn., and Fort Wayne, Ind.

North Central has objected to the wholesale listing of subsidy-ineligible markets contained in Appendix B to Order E–26868. The carrier points out that such blanket subsidy ineligibility of weak pairs of points diminishes the incentive of the carrier to implement the very improvements in service found desirable in this proceeding. There appears to be little justification for making markets of this magnitude ineligible for subsidy. Accordingly, we will not add them to North Central's subsidy ineligible list.[6]

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending North Central's certificate in the manner set forth below;

2. Any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [7]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. The petitions for leave to intervene filed by the cities of Brookings, S. Dak., Fort Wayne, Ind., and Worthington, Minn., be and they hereby are granted;

6. The application of North Central Airlines, Inc. for amendment of its certificate of public convenience and necessity in Docket 20123, be and it hereby is consolidated into this proceeding for disposition herein;

7. The motion to consolidate of the city of Brookings, S. Dak., be and it hereby is denied; and

8. The motion of United Air Lines, Inc., to strike the "Comments" of North Central Airlines, Inc., be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

SPECIMEN CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 86

North Central Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Cleveland, Ohio, the intermediate points Detroit, Ann Arbor, Jackson, Lansing, Battle Creek, Kalamazoo, Grand Rapids, Muskegon, and Benton Harbor-St. Joseph, Mich., South Bend, Ind., Chicago, Ill., Beloit-Janesville, Milwaukee, Madison, Oshkosh-Appleton, Manitowoc-Sheboygan (to be served through Manitowoc Municipal Airport), and Green Bay-Clintonville, Wis., Marinette, Wis.-Menominee, Mich., and Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis., and (a) beyond Wausau-Stevens Point-Wisconsin Rapids-Marshfield, the intermediate points La Crosse and Eau Claire, Wis., and the terminal point Minneapolis-St. Paul., Minn., and (b) beyond Wausau-Stevens Point-Wisconsin Rapids-Marshfield, the intermediate points Rhinelander and Land O'Lakes, Wis., Iron Mountain-Kingsford, Escanaba, Marquette, and Hancock-Houghton, Mich., Ironwood, Mich.-Ashland, Wis., and the terminal point Duluth, Minn.-Superior, Wis.;

2. Between the terminal point Chicago, Ill., the intermediate points Beloit-Janesville, Madison, and La Crosse, Wis., Winona, Minn., Eau Claire, Wis., and Minneapolis-St. Paul, Minn., and (a) beyond Minneapolis-St. Paul, the intermediate points Brainerd, Minn., Duluth, Minn.-Superior, Wis., Chisholm-Hibbing, International Falls, Bemidji, and Thief River Falls, Minn., Grand Forks and Devils Lake, N. Dak., and the terminal point Minot, N. Dak., and (b) beyond Minneapolis-St. Paul, the intermediate points Mankato, Fairmont, and Worthington, Minn., Sioux Falls, S. Dak., and (i) beyond Sioux Falls, the intermediate points Brookings, Watertown, Mitchell, Huron, Aberdeen, and Pierre, S. Dak., and the terminal point Rapid City, S. Dak., and (ii) beyond Sioux Falls, the intermediate points Yankton, S. Dak., Sioux City, Iowa, and Norfolk, Nebr., and the terminal point Omaha, Nebr.;

3. Between the terminal point Omaha, Nebr., the intermediate points Norfolk, Nebr., Sioux City, Iowa, Yankton and Sioux Falls, S. Dak., and (a) beyond Sioux Falls, the intermediate points Mitchell, Huron, and Aberdeen, S. Dak., and Bismarck-Mandan, N. Dak., and the terminal point Minot, N. Dak., and (b) beyond Sioux Falls, the intermediate points Watertown, S. Dak., and Fargo, N. Dak.-Moorhead, Minn., and the terminal point Grand Forks, N. Dak.;

4. Between the terminal Sault Sainte Marie, Mich., the intermediate points Pellston and Traverse City, Mich., and (a) beyond Traverse City, the intermediate points Manistee-Ludington, Grand Rapids, and Benton Harbor-St. Joseph, Mich., and the terminal point Chicago, Ill., and (b) beyond Traverse City, the intermediate points Alpena, Saginaw-Bay City-Midland, Flint, and Detroit, Mich., and the terminal point Cleveland, Ohio;

5. Between the terminal point Sioux Falls, S. Dak., the intermediate point Rochester, Minn., and the terminal point Chicago, Ill.;

6. Between the terminal point Denver, Colo., and the terminal point Minneapolis-St. Paul, Minn.;

7. Between the terminal point Kansas City, Mo., and the terminal point Sioux City, Iowa;

8. Between the terminal point Milwaukee, Wis., the intermediate point Dayton, Ohio, and (a) beyond Dayton, the terminal point Columbus, Ohio, and (b) beyond Dayton, the terminal point Cincinnati, Ohio;

9. Between the terminal point Milwaukee, Wis., and the terminal point New York, N.Y.-Newark, N.J.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport or an airport named herein, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the nine numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the conditions in paragraphs (4) through (8) below.

(4) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

Chicago, Ill., and Cleveland, Ohio.
Cleveland, Ohio, and Madison, Wis., or Minneapolis-St. Paul, Minn.
Grand Forks, N. Dak., and Madison, Wis.
Kansas City, Mo., and Minneapolis-St. Paul, Minn.

(5) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Chicago, Ill., and Ann Arbor, Detroit, Lansing, or Muskegon, Mich. or Grand Forks, N. Dak.
Cleveland, Ohio, and Flint, Saginaw-Bay City-Midland, Lansing, Grand Rapids, or Muskegon, Mich., South Bend, Ind., or Milwaukee, Wis.
Detroit or Ann Arbor, Mich., on the one hand, and Madison, Wis., or Minneapolis-St. Paul, Minn., on the other.
Madison, Wis., and Minneapolis-St. Paul, Minn., Sioux City, Iowa, Omaha, Nebr., or Sioux Falls, S. Dak.
Milwaukee, Wis., and South Bend, Ind.
Minneapolis-St. Paul, Minn., and South Bend, Ind., Grand Rapids, Lansing, or Muskegon, Mich., Omaha, Nebr. (except pursuant to paragraph (14)), or Rapid City, S. Dak. (exclusive of Pierre, S. Dak.).
Rapid City and Sioux Falls, S. Dak.

(6) The holder shall schedule an intermediate stop (a) at Rochester, Minn., on flights scheduled between Chicago, Ill., and Sioux Falls, S. Dak., and (b) at Minneapolis-St. Paul, Minn., on flights scheduled between Chicago, Ill., on the one hand, and Sioux City, Iowa, or Omaha, Nebr., on the other hand.

(7) If the holder has scheduled one daily round trip to Alpena or Manistee-Ludington, Mich., the holder may omit service to such point on any additional trips scheduled over all or part of segment 4.

(8) Notwithstanding the provisions of paragraph (3) above, the holder may schedule nonstop service between Traverse City and Detroit, Mich.

(9) Flights serving Cleveland, Ohio, shall originate or terminate at a point north or west of Detroit, Mich., and nonstop flights between Minneapolis-St. Paul, Minn., and Chicago, Ill., shall originate or terminate at a point west of Minneapolis-St. Paul.

(10) No single-plane service shall be provided between Denver, Colo., and any point beyond Minneapolis-St. Paul, Minn.

(11) All flights operated over segment 8 shall serve Milwaukee, Wis.

(12) The authorization to serve Land O'Lakes, Wis., on segment 1 shall be effective only between June 1 and September 30 (both dates inclusive) of each year.

(13) Green Bay-Clintonville, Wis., Oshkosh-Appleton, Wis., Ironwood, Mich.-Ashland, Wis., Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis., and Fargo, N. Dak.-Moorhead, Minn., shall each be served through a single airport.

(14) Notwithstanding paragraphs (3) and (5) hereof, the holder is authorized to schedule nonstop flights carrying persons and mail between Minneapolis-St. Paul, Minn., and Omaha, Nebr.: *Provided,* That on such flights scheduled for the purpose of carrying passengers, the holder may also carry property in those portions of the aircraft not usable for the carriage of passengers.

(15) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to Order 69–10–57, as amended by Orders 70–6–36, 70–7–24 and is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service o fthe character described above.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendeed solely in connection with the operations specified in condition (15) hereof, and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

This certificate shall be effective on ------

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board and the seal of the Board to be affixed hereto, on the

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–1880 Filed 2–9–71;8:53 am]

[Dockets Nos. 21866, 22784; Order 71–2–21]

TRANS WORLD AIRLINES INC.

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1971.

By Order 71–1–46 dated January 8, 1971, the Board suspended increases proposed by Trans World Airlines, Inc. (TWA) in selected short-haul and long-haul markets [1] since the proposal was not accompanied by individual market data showing characteristics which, but for severe airport and airway congestion, could be expected to result in profitable operations. On January 18, 1971, TWA filed a petition for reconsideration, requesting the Board to vacate or lift the suspension of increases which had been proposed in eight of the short-haul markets: Chicago-Dayton, Chicago-Columbus, New York - Columbus, Philadelphia-Columbus, Philadelphia-Pittsburgh, Washington - Columbus, Washington-Dayton, and Washington-Indianapolis.

In support of its petition, TWA alleges that the Board has failed to consider certain relevant information furnished by it to the Board or otherwise available regarding the qualifications of Philadelphia as a congested terminal; that on the basis of recent actions with respect to similar proposals the Board has improperly suspended TWA's congestion-related fare increases in the eight markets; and that the foregoing constitutes an arbitrary exercise and abuse of the Board's suspension powers under the Federal Aviation Act.

TWA alleges that a showing by market of characteristics which, but for congestion, could be expected to result in profitable operations is not legally required; and that the Board has permitted congestion-related increases to become effective in numerous markets without a market by market showing. Nevertheless, TWA has now submitted such data, and alleges the Board should receive it since it had no prior notice that such information was needed.

No answers to the petition were filed.

Upon consideration of the petition and all relevant matters, the Board has concluded to vacate the suspension previously ordered in the eight markets described above. These fares will remain under investigation in the Domestic Passenger-Fare Investigation, Docket 21866.

TWA has now supplied information showing that it operated at a loss in seven of the markets during the year ended November 1970, and achieved only a small profit in the eighth. These losses occurred in spite of load-factor levels generally well above its system average, and appear to be attributable in substantial part to atypical costs occasioned by inflight and ground delays stemming from airport and airway congestion. Accordingly, we conclude that TWA has adequately demonstrated that the fare increases in these eight markets are warranted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The suspension of increased fares and provisions published in CAB No. 136 issued by Airline Tariff Publishers, Inc., Agent, between Chicago and Dayton; Chicago and Columbus, Ohio; Columbus, Ohio, and New York/Newark; Columbus, Ohio, and Philadelphia; Columbus, Ohio, and Washington; Dayton and Washington; Indianapolis and Washington, and Philadelphia and Pittsburgh, directed in Order 71–1–46 is vacated.[2]

2. A copy of this order will be filed with the aforesaid tariff and be served on Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–1882 Filed 2–9–71;8:53 am]

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[6] However, we propose to add Madison-Minneapolis/St. Paul authority to North Central's subsidy-ineligible list (Appendix A to Order 69–10–57) thereby making permanent subsidy-ineligible authority awarded the carrier by temporary exemption in Order E–25648, Sept. 7, 1967.

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] The fares and provisions will become effective in accordance with the filing of appropriate tariffs.

[3] Dissenting statement of Member Minetti filed as part of the original document.

CIVIL SERVICE COMMISSION

DENTAL OFFICER SERIES

Notice of Revision of Prescribed Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Dental Officer Series, GS-680, should be superseded by revised requirements. The revised requirements and the reason for the Commission decision that these requirements are necessary are set forth below.

The Dental Officer Series, GS-680 (All positions, GS-11 through GS-15).

Minimum educational requirements. The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by successfully completing one of the following requirements (A or B):

A. Graduation with a degree in dental surgery (D.D.S.) or dental medicine (D.M.D.) from a United States or Canadian school approved by the Council on Dental Education, American Dental Association.

B. Graduation with a degree in dental surgery (D.D.S.) or dental medicine (D.M.D.) or equivalent degree from a dental school (other than those covered in A above): *Provided*, The education and knowledge acquired are substantially equivalent to that of graduates of dental schools described in A above. Such comparability may be evidenced by a current license to practice dentistry in a State, Territory or Commonwealth of the United States, or in the District of Columbia provided the licensure requirements include a written examination measuring science achievement and a performance examination measuring clinical competence.

Reason for the change in the requirement. In the past only graduates of accredited United States and Canadian schools of dentistry who have been licensed to practice in a State, Territory or Commonwealth of the United States, or in the District of Columbia have been eligible for Dental Officer positions in the competitive Federal civil service. There is no regularly established and nationally recognized system for evaluating the quality of the education and training provided by foreign schools of dentistry. Until recently the licensing jurisdictions would not license graduates of foreign schools of dentistry. That pattern is now changing and some States are issuing licenses to graduates of foreign schools of dentistry who pass the same written examination measuring science achievement and the same performance examination measuring clinical competence that are given to graduates of accredited United States and Canadian schools of dentistry. This measure of professional preparation for dentistry is generally considered an adequate method of quality control.

Therefore, the requirement is being changed to insure that citizens who have completed their dental education in foreign schools which is essentially equivalent to that gained in accredited United States and Canadian schools may be considered for Federal civil service dental positions.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-1808 Filed 2-9-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

Pesticides Office

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1054) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing that § 120.283 (21 CFR Part 420) of the pesticide regulations be amended to provide for use of the dimethylamine salt of the herbicide 2,3,6-trichlorophenylacetic acid as well as the presently regulated sodium salt on sugarcane.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure. After extraction and hydrolysis, the methyl ester is prepared and determined by a gas microcoulometric chromatographic technique.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1845 Filed 2-9-71;8:51 am]

BASF CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1076) has been filed by the BASF Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, NJ 07054, proposing the establishment of tolerances (21 CFR Part 420) for residues of the herbicide pyrazon in or on the raw agricultural commodities sugarbeet tops at 1 part per million and the roots of beets and sugarbeets at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a microcoulometric gas chromatographic procedure using a halide detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1846 Filed 2-9-71;8:51 am]

CHEMAGRO CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1063) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, proposing the establishment of tolerances (21 CFR Part 420) for residues of the fungicide and insecticide 6-methyl-2,3-quinoxalinedithiol cyclic *S,S*-dithiocarbonate in or on the following raw agricultural commodities:

Almond hulls at 10 parts per million; strawberries at 6 parts per million; papayas at 5 parts per million; apricots, nectarines, and peaches from preharvest and postharvest application at 4 parts per million; cherries at 3 parts per million; citrus fruits and grapes at 2.5 parts per million; apples, cantaloups, honeydew melons, muskmelons, pears, and summer squash at 1.5 parts per million; plus at 1 part per million; cucumbers, watermelons, and winter squash at 0.75 part per million; almonds, avocados, macadamia nuts, and walnuts at 0.1 part per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2622) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 9 parts per million in or on raisins and 4 parts per million in or on dried prunes for residues of the fungicide and insecticide resulting from carryover and concentration after application to the growing grapes and plums.

The analytical method proposed in the pesticide petition for determining the pesticide residues is a gas chromatographic procedure utilizing an electron-capture detection system.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1847 Filed 2-9-71;8:51 am]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1078) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing the establishment of tolerances (21 CFR Part 420) for combined residues of the insecticide naled and its conversion product 2,2-dichlorovinyl dimethyl phosphate in or on the raw agricultural commodities pea vines at 1 part per million; and beans, peas and soybeans (each in succulent form), hops and safflower seed at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a thermionic detector.

Dated February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1848 Filed 2-9-71;8:51 am]

3M CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1071) has been filed by 3M Company, 3M Center, St. Paul, MN 55101, proposing the establishment of an exemption from the requirement of a tolerance for residues of the aquatic herbicide basic copper carbonate (malachite) in nonmoving water in lakes, ponds, and stagnant canals and waterways.

The analytical method proposed in the petition for determining residues of basic copper carbonate is a procedure where residues of copper are determined using atomic absorption techniques.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1844 Filed 2-9-71;8:51am]

DESOWAG-BAYER HOLZSCHULTZ GMBH

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2606) has been filed by Desowag-Bayer Holzschultz GMBH, 4 Dusseldorf 1, Postfach 2409, Federal Republic of Germany, proposing an amendment to § 121.2556 *Preservatives for Wood* of the food additive regulations to provide for the safe use of a mixture containing pentachlorophenol, tetrachlorophenol, tributyltin oxide, aldrin, lindane and other components generally recognized as safe as a preservative for plywood components of containers.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1849 Filed 2-9-71;8:51 am]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1085) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, MI 48640 proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide dalapon sodium salt calculated as dalapon (2,2-dichloropropionic acid) in or on the raw agricultural commodity sugarcane at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with electron-capture detection.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1850 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1065) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14104, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the insecticide endosulfan and its metabolite endosulfan sulfate in or on the raw agricultural commodity soybeans at 2 parts per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2616) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 4 parts per million in crude soybean oil for residues resulting from application of the insecticide to the growing soybeans.

The analytical method proposed in the pesticide petition for determining residues of the insecticide and its metabolite is a microcoulometric gas chromatographic procedure.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1851 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1068) has been filed by the Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for combined residues of the insecticide ethion and its oxygen analog in or on the raw agricultural commodity blueberries at 5 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector with a phosphorous filter at 526 nanometers.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.1852 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1029) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate), including its oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl] *O,O*-diethyl phosphorothioate), in or on the raw agricultural commodity peanuts at 0.1 part per million.

The analytical method proposed in the petition for determining total residues of ethion, including its oxygen analog, is a microcoulometric-gas chromatographic procedure with a sulfur-specific detection system.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1853 Filed 2-9-71;8:51 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1058) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide endosulfan and its metabolite endosulfan sulfate at 0.2 part per million in or on the raw agricultural commodity sugar beet roots.

The analytical method proposed in the petition for determining residues of the

insecticide is a microcoulometric gas chromatographic procedure.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1854 Filed 2-9-71;8:52 am]

GULF OIL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1069) has been filed by Gulf Oil Corp., 439 Seventh Avenue, Pittsburgh, PA 15230, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide 2-chloro-4-cyclopropylamino-6-isopropylamino-*s*-triazine in or on fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), corn fodder and forage (including field corn, popcorn, and sweet corn), sorghum, and sorghum forage at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-chromatographic technique with electron-capture detection.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1855 Filed 2-9-71;8:52 am]

MILLER CHEMICAL AND FERTILIZER CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1086) has been filed by the Miller Chemical and Fertilizer Corp., Box 333, Hanover, PA 17331, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticide tetraethylpyrophosphate in or on the raw agricultural commodities apples, cabbage, cauliflower, hops, oranges, peaches, and potatoes at 0.01 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a cesium bromide thermionic detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1856 Filed 2-9-71;8:52 am]

MONSANTO CO.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1036) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing the establishment of tolerances (21 CFR Part 420) for combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as the parent compound) in or on the raw agricultural commodities rice straw at 75 parts per million; rice grain at 2 parts per million; eggs and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.1 part per million (negligible residue); and milk at 0.05 part per million (negligible residue).

Notice is also given that the same firm has filed a related petition (FAP 1H2592) proposing the establishment of food additive tolerances (21 CFR Part 121) for combined residues of the herbicide and its metabolites (calculated as the parent compound) in or on rice bran at 10 parts per million and rice hulls at 6 parts per million resulting from carryover and concentration after application of the herbicide to growing rice.

The analytical method proposed in the pesticide petition involves refluxing of the sample with sodium hydroxide to convert the herbicide residue to dichloroaniline, conversion of the latter to its diazonium salt and then to dichloroiodobenzene. The latter is determined by a gas chromatographic procedure with an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1857 Filed 2-9-71;8:52 am]

OLIN CHEMICALS

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2621) has been filed by Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904, proposing an amendment to § 121.2520 *Adhesives* of the food additive regulations by adding sodium 2-pyridinethiol-1-oxide as a preservative to the list of components of adhesives in paragraph (c).

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1858 Filed 2-9-71;8:52 am]

RHODIA, INC.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903 has withdrawn its petition (FAP 1H2598), notice of which was published in the FEDERAL REGISTER of October 21, 1970 (35 F.R. 16421), proposing the issuance of a tolerance of 12 parts per million for residues of the insectide phosalone in or on dried citrus pulp resulting from application of the insecticide to the raw citrus fruit.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1859 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1062) has been filed by The Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*, *N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorous-sensitive thermionic detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1860 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1070) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticides aldrin and dieldrin in or on the raw agricultural commodities beans (green, lima, and snap), peas, and cottonseed at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticides is a gas chromatographic procedure using an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1861 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1059) has been filed by the Shell Chemical Co., a division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in eggs, and the meat, fat, and meat byproducts of poultry at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure with thermionic detection.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1862 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1090) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodity milk at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a phosphorus-sensitive alkali-flame ionization detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1863 Filed 2-9-71;8:52 am]

SHELL CHEMICAL CO. AND VELSICOL CHEMICAL CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1060) has been filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, DC 20006 and the Velsicol Chemical Corp., 1725 K Street NW., Washington, DC 20006, proposing the establishment of tolerances (21 CFR Part 420) for residues of the insecticide endrin in or on the raw agricultural commodities soybeans at 0.2 part per million; cottonseed at 0.1 part per million; eggs, and the fat of cattle, goats, hogs, horses, milk, poultry, and sheep at 0.05 part per million; and apples, sugarcane and the grain of barley, oats, rye, and wheat at 0.02 part per million.

Notice is also given that the same firms have filed a related food additive petition (FAP 1H2614) proposing the establishment of a food additive tolerance of 0.5 part per million for residues of endrin in crude soybean oil resulting from carryover and concentration after application of the insecticide to growing soybeans.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1864 Filed 2-9-71;8:52 am]

STAUFFER CHEMICAL CO.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of September 30, 1970 (32 F.R. 15254), that a petition (PP 1F1027) had been filed by the Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804 proposing the establishment of tolerances for combined residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorothioate) in or on the raw agricultural commodities plums and prunes at 7 parts per million and in or on apricots and nectarines at 5 parts per million.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that said petition has been amended by adding cherries at 7 parts per million.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1865 Filed 2-9-71;8:52 am]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2613) has been filed by Syracuse University Research Corp. on behalf of Betz Laboratories, Inc., Somerton Road, Trevose, PA 19047, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of β-bromo-β-nitrostyrene as a slimicide in the manufacture of paper and paperboard intended for food-contact use.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1866 Filed 2-9-71;8:52 am]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1074) has been filed by Thompson-Hayward Chemical Co., 5200 Speaker Rd., Post Office Box 2383, Kansas City, KS 66110 proposing the establishment of a tolerance (21 CFR Part 420) for combined residues of the herbicide dichlobenil and its metabolite 2,6-dichlorobenzoic acid in or on the raw agricultural commodity fish at 5 parts per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with an electron capture detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1867 Filed 2-9-71;8:52 am]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petitions for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2633) has been filed by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110, proposing a tolerance of 0.4 part per million for residues of the fungicide triphenyltin hydroxide in peanut hulls resulting from application of the fungicide to the raw agricultural commodity peanuts.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1868 Filed 2-9-71;8:52 am]

WEST CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0748) has been filed by West Chemical Products, Inc., 42-16 West Street, Long Island City, NY 11101, proposing the establishment of a tolerance

(21 CFR Part 420) for negligible residues of the insecticide phenothiazine in or on the raw agricultural commodity beef at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a flame photometric detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1869 Filed 2-9-71;8:52 am]

WITCO CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1079) has been filed by the Witco Chemical Corp., 400 North Michigan Avenue, Chicago, IL 60611, proposing the establishment of an exemption from requirement of a tolerance (21 CFR Part 420) for residues of butoxytriethyleneglycol ester of phosphoric acid when used as an inert ingredient of arsenical herbicide formulations.

The analytical method proposed in the petition for determing residues of the ester is a procedure in which the residue is reacted with hydriodic acid and the resulting alkyl iodides are determined gas chromatographically using a thermoconductivity detector.

Dated: February 5, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-1870 Filed 2-9-71;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-106]

COMMON CARRIER SERVICES RENDERED TO THE UNITED STATES GOVERNMENT

FEBRUARY 4, 1971.

It has come to the attention of the Commission that there is uncertainty among common carriers as to the applicability of titles II and III of the Communications Act to certain specialized services rendered to an agency of the U.S. Government. All carriers are reminded that common carrier services rendered to the Government are subject to the provisions of the Act to the same extent as services provided to any other customer. Even if special facilities are to be constructed solely for service to the Government, prior authorization pursuant to section 214 and/or section 309 as may be applicable must be obtained, and such service can be provided only under appropriately filed tariffs. These requirements are applicable to radio facilities even though Government frequencies are to be used. (While portions of the radio spectrum are allocated for exclusive Government use, section 305 of the Communications Act specifically provides that only those radio stations "belonging to and operated by the United States" are exempt from the licensing authority of the Commission. Of course, before the Commission will license any person to use a Government frequency, the matter will be cleared according to established procedure with the Interdepartment Radio Advisory Committee.)

In light of the uncertainties existing before the clarification given by this notice, the Commission will permit carriers to continue to provide services now being rendered contrary to the foregoing: *Provided*, That applications for appropriate authority are filed within 90 days of this notice and, where necessary, tariffs are filed within the same period. In the absence of such filing, continued unauthorized operation will render a carrier subject to penalties under the Communications Act.

Action by the Commission February 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION [1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc 71-1839 Filed 2-9-71;8:51 am]

FEDERAL MARITIME COMMISSION

NIPPON YUSEN KAISHA AND SHOWA SHIPPING CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9731-3, between the two carriers listed above, modifies Article 11 of the basic agreement to provide that their joint transpacific containerships service between Japan and California "shall continue in effect until canceled by the mutual" consent of the parties. As originally approved, Article 11 specified that the Agreement No. 9731 was to continue in effect for a period of 3 years after the first containership entered service. That event occurred on August 26, 1968, and Agreement No. 9731, absent the proposed modification, would expire by its terms on August 27, 1971.

Dated: February 5, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1833 Filed 2-9-71;8:50 am]

HOLLAND AMERICA LINE AND HAPAG-LLOYD AKTIENGESELLSCHAFT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Ralph Rugan, Jr., Blehl & Company, Inc., General Agents, 416 Common Street, New Orleans, La. 70130.

Agreement No. 9929 between the above listed carriers provides for the establishment of a joint service to operate both LASH and conventional type ships between ports on the South Atlantic and Gulf coasts of the United States, and inland U.S. points on rivers and waterways tributary thereto, on the one hand, and ports in the United Kingdom, Eire, and Continental Europe, excluding the Mediterranean, and points on inland waterways tributary to such ports, on the other hand, including transshipment services.

Dated: February 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-1954 Filed 2-9-71;9:29 am]

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee and Wells, with Commissioner Houser not participating.

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of State Bank and Trust Company of Poplar Bluff, Poplar Bluff, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of State Bank and Trust Company of Poplar Bluff, Poplar Bluff, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. His office indicated that this acquisition was a progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 19, 1970 (35 F.R. 19291), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the second largest bank holding company and second largest banking organization in Missouri, has 16 subsidiary banks with aggregate deposits of $776 million, representing 7.6 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon consummation of the proposal herein, Applicant would control 7.8 percent of deposits in the State, and its position relative to the State's other banking organizations would remain unchanged.

Bank ($15.6 million deposits) is the largest of four banks in Butler County, which approximates the relevant market, and holds 37.3 percent of the aggregate commercial bank deposits therein. Bank does not occupy a dominant position in the market: the second largest bank holds $15.2 million in deposits and is a strong competitor in the market; the third largest bank (deposits $8.3 million) was chartered in 1964 and has experienced satisfactory growth in the face of competition from the larger banks. Applicant's closest subsidiary is located 95 miles north of Bank, and neither it nor any other of Applicant's present subsidiaries compete with Bank to a significant extent. Consummation of the proposal herein would not eliminate significant potential competition. Applicant's entry into the Butler County market de novo or by acquisition of one of the other banks in the area appears unlikely: Butler County's low population to bank ratio mitigates against de novo entry and the other Poplar Bluff banks have rejected holding company affiliation.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. Considerations relating to financial and managerial resources and prospects, as they relate to Applicant, its subsidiaries and Bank, are regarded as consistent with approval of the application. Affiliation with Applicant would increase Bank's effective lending capacity, and would enable Applicant to broaden Bank's lending policies. In light of the industrial growth taking place in Bank's area, these considerations lend weight in support of approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1769 Filed 2-9-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2885]

MONY FUND, INC.

Notice of Filing of Application for Temporary Order of Exemption

FEBRUARY 2, 1971.

Notice is hereby given that The Mony Fund, Inc. (applicant), 1740 Broadway, New York, NY 10019, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 10(e) of the Act for an order suspending the operation of the provisions of section 10(b)(2) of the Act with respect to it to the extent described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Mutual Life Insurance Company of New York holds substantially more than a majority of the outstanding shares of The Mony Fund, Inc., the principal underwriter for which is Mony Sales, Inc. Mony Sales, Inc., is a wholly owned subsidiary of The Mutual Life Insurance Company of New York.

Section 10(b)(2) provides, as here pertinent, that a registered investment company may not use as a principal underwriter of securities issued by it any company as to which a director of the investment company is an affiliated person, unless a majority of the board of directors of the investment company are persons who are not affiliated persons of such principal underwriter.

Section 10(e) provides among other things, for the automatic suspension of the operation of section 10(b)(2) for a period of 30 days where the provisions of the latter section cannot be met by reason of death, disqualification, or bona fide resignation of a director if the vacancy can be filled by action of the board of directors, and authorizes the Commission to suspend the operation of section 10(b)(2) for such longer period as it may prescribe as not inconsistent with the protection of investors.

Prior to December 18, 1970, the applicant's Board of Directors consisted of five members, two of whom were affiliated with Mony Sales, Inc., its principal underwriter, and three of whom were not so affiliated. On or about December 23, 1970, applicant received a letter of resignation dated December 18, 1970, from

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

one of the three unaffiliated members. Applicant requests pursuant to section 10(c) that the operation of section 10(b)(2) be suspended with respect to it through February 25, 1971, so long as at least 50 percent of the members of its board of directors are not affiliated with Mony Sales, Inc.

Applicant represents that efforts have been undertaken and are continuing to obtain a third unaffiliated member, but that it now appears that the vacancy will not be filled until a regular meeting of applicant's board of directors scheduled for February 25, 1971. Applicant further represents that the granting of the application is consistent with the protection of investors and will avoid disruption of its normal functioning.

Notice is further given that any interested person may, not later than February 22, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1809 Filed 2-9-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, San Diego Disaster 1]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN DISASTER BRANCH OFFICE, SANTEE, CALIF.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, 35 F.R. 16494, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

DONALD E. MCLARNAN,
Regional Director, Region IX, San Francisco, Calif.

[FR Doc.71-1796 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30, Jackson, Miss., Disaster 5]

MANAGER OF DISASTER BRANCH OFFICE, GULFPORT, MISS.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 5, 34 F.R. 15324, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director, Region IV, Atlanta, Ga.

[FR Doc 71-1789 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-C, Oklahoma City Disaster No. 790]

MANAGER OF DISASTER BRANCH OFFICE, SHAWNEE, OKLA.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 790, 35 F.R. 16759, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc 71-1807 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN ARANSAS PASS DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15033, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1800 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C, Lubbock, Tex., Disaster 760]

MANAGER OF DISASTER BRANCH OFFICE, CLARENDON, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C—Lubbock, Tex., Disaster 760, 35 F.R. 7522, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1797 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C; Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN CORPUS CHRISTI DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15033, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc 71-1801 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C, Lubbock, Tex., Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, LUBBOCK, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C—Lubbock, Tex., Disaster 1, 35 F.R. 8518, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1806 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C; Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN MATHIS DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15034, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1798 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C, Lubbock, Tex., Disaster 760]

MANAGER OF DISASTER BRANCH OFFICE, PLAINVIEW, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C—Lubbock, Tex., Disaster 760, 35 F.R. 7476, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1799 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN ROBSTOWN DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15034, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1802 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN ROCKPORT DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15034, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1804 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, San Antonio, Tex., Disaster 768]

MANAGER, SAN MARCOS, TEX., DISASTER BRANCH OFFICE

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C—San Antonio, Tex., Disaster 768, 35 F.R. 9954, is hereby rescinded in its entirely.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1805 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30-C, Region VI Disaster 763]

MANAGER AND SUPERVISORY LOAN OFFICER IN SINTON DISASTER BRANCH OFFICE, TEX.

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 763, 35 F.R. 15035, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1803 Filed 2-9-71;8:48 am]

[Delegation of Authority No. 30; Region II-NY, Disaster 1]

MANAGER OF AND SUPERVISORY LOAN OFFICER IN DISASTER BRANCH OFFICE, VIRGIN ISLANDS

Delegation of Authority; Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, 35 F.R. 18701, is hereby rescinded in its entirety.

Effective date: January 11, 1971.

CARLOS A. VILLAMIL,
Regional Director, Region II, New York City.

[FR Doc.71-1785 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-2 (Region IX) For Disaster No. 789]

MANAGER, DISASTER BRANCH OFFICE, SAN DIEGO, CALIF.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, San Diego, Calif., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

DONALD E. MCLARNAN,
Regional Director, Region IX, San Francisco, Calif.

[FR Doc.71-1788 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-2 (Region VI) For Disaster No. 795]

MANAGER, DISASTER BRANCH OFFICE, NEW ORLEANS, LA.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the positions as indicated herein:

A. *Manager, New Orleans, La., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director, Region VI, Dallas, Tex.

[FR Doc.71-1782 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-2 (Region IV) For Disaster No. 734]

MANAGER, DISASTER BRANCH OFFICE, GULFPORT, MISS.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Gulfport, Miss., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director, Region IV,
Atlanta, Ga.

[FR Doc.71-1778 Filed 2-9-71;8:45 am]

[Delegation of Authority No. 4.4-2 (Region VI) for Disaster No. 767]

MANAGER, DISASTER BRANCH OFFICE, LUBBOCK, TEX.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Lubbock, Tex., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI, Dallas, Tex.

[FR Doc.71-1781 Filed 2-9-71;8:46 am]

[Delegation of Authority 4.4-1 (Region II) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health, and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. District Director and Chief, District Financing Division, Syracuse, N.Y., for the following disasters.

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

c. District Director and Chief, District Financing Division, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Finahcing Division, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. District Director, Syracuse, N.Y., for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

c. District Director, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

in any amount and to approve such loans

3. To decline disaster guaranteed loans up to $350,000:

a. Chief, District Financing Division, Syracuse, N.Y., for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

b. Chief, District Financing Division, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health, and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

(2) Puerto Rico, San Juan, Disaster No. 776.

(3) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

b. District Director, Syracuse, N.Y., for the following disasters:

(1) New York, Broome, Delaware, Tompkins, and Schuyler, Disaster No. 779.

c. District Director, Hato Rey, P.R., for the following disasters:

(1) Puerto Rico, San Juan, Disaster No. 776.

(2) Puerto Rico, Island of Puerto Rico, Disaster No. 791.

Effective date: January 11, 1971.

CARLOS A. VILLAMIL,
Regional Director, Region II.

[FR Doc.71-1777 Filed 2-9-71;8:45 am]

[Delegation of Authority No. 30-H (Region II), Amdt. 4]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region II

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-H, 35 F.R. 11603, as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority 30-H (Region II) 35 F.R. 12805, as amended (35 F.R. 18351, 36 F.R. 131, and 36 F.R. 1298), is hereby further amended by revising Item I.A, Item I.B, Item II.A, Item III.A.2, and Item IV.1, to read as follows:

1. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. Supervisory Loan Officers (Financing Division): 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share).

II. *District Directors*—A. *Financing Program*—1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ----------
(Name)
District Director
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* • • •

2. To approve or decline displaced business and coal mine health and safety loans up to $350,000 (SBA share).

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IV. *Branch Manager—Buffalo, N.Y.* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not in excess of $50,000 (SBA share).

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Effective date: January 11, 1971.

CARLOS A. VILLAMIL,
Regional Director, Region II.

[FR Doc.71-1787 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 4.4-1 (Region IV) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated.

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Alabama, all areas affected, Disaster No. 734.

(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

b. District Director and Chief, District Financing Division, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

c. District Director and Chief, District Financing Division, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

d. District Director and Chief, District Financing Division, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

b. District Director, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

c. District Director, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

d. District Director, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

b. Chief, District Financing Division, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

c. Chief, District Financing Division, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division) for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.
(2) Florida, all areas affected, Disaster No. 734.
(3) Florida, Santa Rosa, Escambia, Disaster No. 773.
(4) Florida, Bay, Disaster No. 793.
(5) Georgia, Chatham, Disaster No. 784.
(6) Mississippi, all areas affected, Disaster No. 734.

b. District Director, Birmingham, Ala., for the following disasters:
(1) Alabama, all areas affected, Disaster No. 734.

c. District Director, Jacksonville, Fla., for the following disasters:
(1) Florida, all areas affected, Disaster No. 734.
(2) Florida, Santa Rosa, Escambia, Disaster No. 773.
(3) Florida, Bay, Disaster No. 793.

d. District Director, Jackson, Miss., for the following disasters:
(1) Mississippi, all areas affected, Disaster No. 734.

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director,
Region IV, Atlanta, Ga.

[FR Doc.71-1779 Filed 2-9-71;8:45 am]

[Delegation of Authority No. 30-G
(Region IV) Amdt. 3]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region IV

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-G, 35 F.R. 9955, as amended (35 F.R. 12630, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-G (Region IV) 35 F.R. 12434, as amended (36 F.R. 651 and 36 F.R. 1933), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, Item III.A.2, and Item IV.A.1, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

IV. *Branch Manager*—A. *Gulfport, Mississippi*—1. *Financing Program.* a. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

b. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

c. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

d. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Branch Manager.
(City)

e. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

f. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

g. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

h. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

Effective date: January 11, 1971.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.71-1790 Filed 2-9-71;8:46 am]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declaration made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:
(1) Arkansas, Washington, Disaster No. 775.
(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.
(3) New Mexico, Bernalillo, Disaster No. 781.
(4) Oklahoma, Oklahoma, Disaster No. 770.
(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.
(6) Oklahoma, Murray, Disaster No. 792.
(7) Texas, Lubbock, Disaster No. 767.

b. District Director and Chief, District Financing Division, Little Rock, Ark., for the following disasters:
(1) Arkansas, Washington, Disaster No. 775.

c. District Director and Chief, District Financing Division, New Orleans, La., for the following disasters:
(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

d. District Director and Chief, District Financing Division, Albuquerque, N. Mex., for the following disasters:
(1) New Mexico, Bernalillo, Disaster No. 781.

e. District Director and Chief, District Financing Division, Oklahoma City, Oka., for the following disasters:
(1) Oklahoma, Oklahoma, Disaster No. 770.
(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.
(3) Oklahoma, Murray, Disaster No. 792.

f. District Director and Chief, District Financing Division, Lubbock, Tex., for the following disasters:
(1) Texas, Lubbock, Disaster No. 767.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:
(1) Arkansas, Washington, Disaster No. 775.
(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.
(3) New Mexico, Bernalillo, Disaster No. 781.
(4) Oklahoma, Oklahoma, Disaster No. 770.
(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.
(6) Oklahoma, Murray, Disaster No. 792.
(7) Texas, Lubbock, Disaster No. 767.

b. District Director and Chief, District Financing Division, Little Rock, Ark., for the following disasters:
(1) Arkansas, Washington, Disaster No. 775.

c. District Director, New Orleans, La., for the following disasters:
(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

d. District Director, Albuquerque, N. Mex., for the following disasters:
(1) New Mexico, Bernalillo, Disaster No. 781.

e. District Director, Oklahoma City, Okla., for the following disasters:
(1) Oklahoma, Oklahoma, Disaster No. 770.
(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.
(3) Oklahoma, Murray, Disaster No. 792.

f. District Director, Lubbock, Tex., for the following disasters:
(1) Texas, Lubbock, Disaster No. 767.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Little Rock, Ark., for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

b. Chief, District Financing Division, New Orleans, La., for the following disasters:

(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

c. Chief, District Financing Division, Albuquerque, N. Mex., for the following disasters:

(1) New Mexico, Bernalillo, Disaster No. 781.

d. Chief, District Financing Division, Oklahoma City, Okla., for the following disasters:

(1) Oklahoma, Oklahoma, Disaster No. 770.

(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(3) Oklahoma, Murray, Disaster No. 792.

e. Chief, District Financing Division, Lubbock, Tex., for the following disasters:

(1) Texas, Lubbock, Disaster No. 767.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

(2) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

(3) New Mexico, Bernalillo, Disaster No. 781.

(4) Oklahoma, Oklahoma, Disaster No. 770.

(5) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(6) Oklahoma, Murray, Disaster No. 792.

(7) Texas, Lubbock, Disaster No. 767.

b. District Director, Little Rock, Ark., for the following disasters:

(1) Arkansas, Washington, Disaster No. 775.

c. District Director, New Orleans, La., for the following disasters:

(1) Louisiana, Beauregard, Calcasieu, Jefferson Davis, Allen, Disaster No. 795.

d. District Director, Albuquerque, N. Mex., for the following disasters:

(1) New Mexico, Bernalillo, Disaster No. 781.

e. District Director, Oklahoma City, Okla., for the following disasters:

(1) Oklahoma, Oklahoma, Disaster No. 770.

(2) Oklahoma, Lincoln Pottawatomie, Disaster No. 790.

(3) Oklahoma, Murray, Disaster No. 792.

f. District Director, Lubbock, Tex., for the following disasters:

(1) Texas, Lubbock, Disaster No. 767.

Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region IV, Dallas, Tex.

[FR Doc.71-1780 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-C (Region VI), Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VI

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C (35 F.R. 2840), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-C (Region VI) (35 F.R. 5440), as amended (36 F.R. 1445), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend, authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursment period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make inital size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $25,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By ----------
(Name)
District Director,
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* • • •

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

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Effective date: January 11, 1971.

L. H. HUDSPETH,
Acting Regional Director,
Region VI.

[FR Doc. 71-1791 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 4.4-1 (Region VII) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

b. District Director and Chief, District Financing Division, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

b. District Director, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

b. District Director, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

Effective date: January 11, 1971.

C. I. MOYER,
Regional Director,
Region VII, Kansas City, Mo.

[FR Doc.71-1783 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-C (Region VII), Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VII

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C, 35 F.R. 2840, as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-C (Region VII), 35 F.R. 4789, as amended (36 F.R. 653), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division*—1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved

loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*

By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* • • •

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

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Effective date: January 11, 1971.

C. I. MOYER,
Regional Director, Region VII.

[FR Doc.71-1792 Filed 2-9-71;8:47 am]

[Delegation of Authority 4.4-1 (Region VIII) for Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

b. District Director and Chief, District Financing Division, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

c. District Director, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

b. District Director, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

c. District Director, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

b. Chief, District Financing Division, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Colorado, La Plata, Disaster No. 794.

(2) North Dakota, Ransom, Disaster No. 771.

(3) Utah, Davis, Disaster No. 772.

(4) Utah, Sevier, Disaster No. 785.

b. District Director, Fargo, N. Dak., for the following disasters:

(1) North Dakota, Ransom, Disaster No. 771.

c. District Director, Salt Lake City, Utah, for the following disasters:

(1) Utah, Davis, Disaster No. 772.

(2) Utah, Sevier, Disaster No. 785.

Effective date: January 11, 1971.

EDWIN JENISON,
Regional Director,
Region VIII, Denver, Colo.

[FR Doc.71-1784 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-D (Region VIII) Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VIII

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-D (35 F.R. 5144), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-D (Region VIII) as amended (36 F.R. 1299), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*

By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*

By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

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III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* • • •

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

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Effective date: January 11, 1971.

EDWIN JENISON,
Regional Director, Region VIII.

[FR Doc.71-1793 Filed 2-9-71;8:47 am]

[Delegation of Authority 4.4-1 (Region IX) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

b. District Director and Chief, District Financing Division, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

c. District Director and Chief, District Financing Division, Los Angeles, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

d. District Director and Chief, District Financing Division, San Diego, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

b. District Director, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

c. District Director, Los Angeles, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

d. District Director, San Diego, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

b. Chief, District Financing Division, Los Angeles, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

c. Chief, District Financing Division, San Diego, Calif., for the following disasters:

(1) California, all areas, Disaster No. 789.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

(2) California, Alameda, Disaster No. 788.

(3) California, all areas, Disaster No. 789.

b. District Director, Phoenix, Ariz., for the following disasters:

(1) Arizona, Maricopa and adjacent areas; also Navajo, Disaster No. 786.

c. District Director, Los Angeles, California, for the following disasters:

(1) California, all areas, Disaster No. 789.

d. District Director, San Diego, California, for the following disasters:

(1) California, all areas, Disaster No. 789.

Effective date: January 11, 1971.

DONALD E. MCLARNAN,
Regional Director, Region IX,
San Francisco, Calif.

[FR Doc.71-1786 Filed 2-9-71;8:46 am]

[Delegation of Authority No. 30-A (Region IX), Amdt. 5]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-A (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-A (Region IX) (35 F.R. 3133), as amended (35 F.R. 4794, 35 F.R. 15033, 35 F.R. 18351, and 36 F.R. 653), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* • • •

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

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Effective date: January 11, 1971.

DONALD MCLARNAN,
Regional Director, Region IX.

[FR Doc.71-1794 Filed 2-9-71;8:47 am]

[Delegation of Authority No. 30-C (Region X), Amdt. 5]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-C (35 F.R. 2840), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-C (Region X) (35 F.R. 4574), as amended (35 F.R. 13809, 35 F.R. 18766, 35 F.R. 19725, and 36 F.R. 812), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, Item III.A.2, and Item IV.A, to read as follows:

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I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

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II. *District Directors*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portion of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

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III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* • • •

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

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IV. *Branch Manager and Staff—Fairbanks, Alaska*—A. *Branch Manager.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

9. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation," and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to classify an account in liquidation or to remove the "in liquidation" classification.

10. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

11. To take all actions necessary to mitigate losses from lease guarantees.

12. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

13. To (a) purchase office supplies and equipment including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

14. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

15. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

16. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Community Economic Development Programs, in accordance with Small Business Administration standards and policies.

17. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

18. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

19. To close approved EDA loans, as authorized.

20. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents, and certify to the participating bank that such documents are in compliance with the participation authorization..

21. To conduct all litigation activities, including SBIC matters, as assigned, and to take all actions necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of the lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan and a (4) the cancellation of authority to liquidate.

22. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

* * * * *

Effective date: January 11, 1971.

FORBES M. BRUCE,
Regional Director, Region X.

[FR Doc.71-1795 Filed 2-9-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

WORKER REQUEST FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on February 2, 1971, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Piano and Musical Instrument Workers Union Local No. 2553 AFL-CIO on behalf of workers of the De Kalb, Ill., piano plant Division of the Wurlitzer Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, DC 20210, on or before February 22, 1971.

Signed at Washington, D.C., this 2d day of February 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-1897 Filed 2-9-71;8:55 am]

TARIFF COMMISSION

[AA1921-71]

BRASS KEY BLANKS FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 3, 1971, that brass key blanks from Canada are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 16, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: February 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1871 Filed 2-9-71;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-673]

BEL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 2, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 24, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-673..	Bel Oil Corp	4	9	Trunkline Gas Co. (Clear Creek Field, Beauregard and Allen Parishes)(Southern Louisiana).	$59	[1] 1-5-71		[4] 2-18-71	[3] 18.4	[3] 18.7	
	Bel Oil Corp., et al	5	10	Texas Gas Transmission Corp. (Oberlin and North Elton Fields, Allen Parish Southern Louisiana).	1,800	[1] 1-5-71		[4] 2 18-71	18.75	[3] 19.75	
	Bel Oil Corp	7	4	Texas Gas Transmission Corp. (Thornwell Field, Jefferson and Cameron Parishes)(Southern Louisiana).	1,330	1-4-71		[4] 2 17 71	20.625	[3] 22.375	
	Bel Oil Corp., et al	9	8	United Gas Pipe Line Co. (West Pilgrim Church Field, Allen Parish) (Southern Louisiana).	870	[1] 1-4-71		[4] 2 17-71	20.25	[3] 21.25	
	do	10	7	United Gas Pipe Line Co. (Northwest Oberlin Field, Allen Parish, Southern Louisiana).	450	[1] 1-8-71		[4] 2-21 71	20.25	[3] 21.25	
	do	11	[6]	Tennessee Gas Pipeline Co. (South Crowley Field, Acadia Parish, Southern Louisiana).		1-4-71	2- 4-71	[7] Accepted			
	do	7		do	8,970	1-4-71		[4] 2 17-71	19.5	[3] 22.375	

* The pressure base is 15.025 p.s.i.a.
[1] Previously reported as 18.5 cents per Mcf.
[2] Rate increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413.
[3] Area ceiling rate prescribed in Opinion No. 546.
[4] The date from Jan. 10, 1971, corresponding to the number of days filed after Nov. 27, 1970.
[5] Amendatory agreement dated Dec. 7, 1970 provides, among other things, for a RN rate of 23 cents per Mcf for the period Dec. 4, 1970 thru Dec. 4, 1974, with 1 cent per Mcf increases each 4 years thereafter and extends the contract term until Dec. 4, 1990.
[6] Proposed increases corrected by filings submitted on Jan. 19, 1971.
[7] Accepted, to be effective on the date shown in the "Effective Date" column.

Under the provisions of the Commission's order issued October 27, 1970 in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970 order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970 deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971 that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[FR Doc.71-1724 Filed 2-9-71;8:45 am]

[Docket Nos. RI71-658, etc.]

PLACID OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 2, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file

[1] Does not consolidate for hearing or dispose of the several matters herein.

under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-658..	Placid Oil Co	47	1	Southern Natural Gas Co. (Bully Camp Field, Lafourche Parish) (Southern Louisiana).	$3,600	1-11-71		[7] 2-24-71	[1] 18.5	25.0	
						1-11-71		[6] 2-24-71	[2] 20.0	25.0	
	do	39	5	Michigan Wisconsin Pipeline Co. (Eugene Island Area, Offshore Southern Louisiana).	30,000 [5] 5,000	1-11-71 1-11-71		[6] 2-24-71 [6] 2-24-71	[8] 18.0 [6] 17.0	[8] 19.0 [6] 18.0	
R171-659..	Getty Oil Co	56	[4] 29	Tennessee Gas Pipe Line Co., a division of Tenneco, Inc. (Grand Isle Block 43 Field) (Offshore Southern Louisiana).	4,133	1-12-71		[6] 2-25-71	21.375	22.78333	R171-428.
R171-660..	Crown Central Petroleum Corp.	7	7	United Gas Pipe Line Co., North Leroy Field, Vermilion Parish, (Southern Louisiana).	4,395	1-11-71		[6] 2-24-71	20.625	22.375	
R171-661..	Hassle Hunt Trust	35	6	Michigan Wisconsin Pipe Line Co. (Block 198 Eugene Island Area) (Offshore Louisiana).	42,000 2,500	1-11-71 1-11-71		2-24-71 [6] 2-24-71	[7] 18.0 [6] 17.0	[7] [10] 19.0 [2] [10] 18.0	
R171-662..	Hunt Oil Co	63	6	Michigan Wisconsin Pipe Line Co. (Block 77, Eugene Island, Offshore Louisiana).	36,000	1-11-71		[6] 2-24-71	[7] 18.0 [9] 17.0	[7] 19.0 [9] [10] 18.0	
R171-663..	Mobile Oil Corp	467	1	Texas Eastern Transmission Corp. (Main Pass Block 103, Offshore Louisiana).	[3]						
					100,500	1-14-71		[6] 2-27-71	18.5 17.0	26.0 26.6	
R171-664..	Chaparral Oil & Gas Co. et al.	1	3	Southern Union Gathering Co. (Fulcher Kutz-Pictured Cliffs Pool, San Juan County, N. Mex., San Juan Basin).	25	1-13-71	1-13-71	[11] 1-14-71	13.0	13.0551	
	do	2	4	do	99	1-13-71	1-13-71	[11] 1-14-71	13.0	13.0551	
	do	3	3	do	115	1-13-71	1-13-71	[11] 1-14-71	13.0	13.0551	
R171-232..	Texaco, Inc. et al	324	[12] 1-9	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	188	1-7-71	[14] 1-7-71	[13] Accepted	15.0636	[15] 15.2869	R171-232.

*The pressure base is 15.025 p.s.i.a.
[1] Area base rate for all onshore casinghead and pre-1961 gas well gas pursuant to Opinion No. 546.
[2] Area base rate for third vintage onshore gas well gas pursuant to Opinion No. 546.
[3] Gas well gas.
[4] Casinghead gas.
[5] Includes document establishing new reservoirs pursuant to Opinion No. 567.
[6] The date from Jan. 10, 1971 corresponding to the number of days filed after Nov. 27, 1970.
[7] For gas well gas.
[8] For casinghead gas.
[9] No present deliveries of casinghead gas.
[10] Increase to contractually due rate pursuant to Order No. 413 issued Oct. 27, 1970.
[11] In accordance with certificate order issued Dec. 11, 1970, in Docket No. CI71-232.
[12] Applicable to acreage added by Supplement No. 7.
[13] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[14] In accordance with certificate order issued July 28, 1970 in Docket No. CI64-824.
[15] Accepted, subject to the existing suspension proceeding in Docket No. R171-232 to be effective on the date shown in the "Effective Date" column.

Under the provisions of the Commission's order issued October 27, 1970 in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970 order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970 deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971 that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

Commission orders granting certificates for the sales by Texaco and Chaparral advised the producers that they could file up to their respective contract rates and collect such rates after a 1-day suspension period from the date of filing. Texaco's increase reflects partial reimbursement for the full 2.55% New Mexico Emergency School Tax. Texaco has previously filed for tax reimbursement at the 0.565 percent level which is being collected subject to refund in Docket No. RI71-232. The proposed increases of Chaparral are suspended for 1 day from the date of filing and the proposed increase of Texaco, Inc., et al. is accepted subject to the existing suspension proceeding in Docket No. RI71-232.

Placid, Crown, and Texaco request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

The producers' proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56).

[FR Doc.71-1725 Filed 2-9-71;8:45 am]

[Docket Nos. RI71-665, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 2, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-665..	Tenneco Oil Co	149	12	Florida Gas Transmission Co. (Cortez and South MCallen Fields, Starr et al. Counties, Tex., RR. Distribution No. 4).	$484	1-8-71	2-8-71	7-8-71	17.0	18.0	R162-513.
R171-666..	Pan American Petroleum Corp.	2	20	Transcontinental Gas Pipe Line Corp. (Greta Field, Refugio County, Tex., RR. Distribution No. 2).	[3] 119,690	1-8-71	2-8-71	7-8-71	[1] 14.0	[1] [2] [8] 19.0	R171-515.
	do	81	17	Transcontinental Gas Pipe Line Corp. (Latby Petronilla Field, Nueces County, Tex., RR. District No. 4).	[3] 40,852	1-8-71	2-8-71	7-8-71	[1] 14.0	[1] [2] [8] 19.0	R171 515.
	do	92	22	Transcontinental Gas Pipe Line Corp. (Harris et al. Fields, Live Oak County, Tex., RR. District No. 2).	50,475	1-6-71	2-6-71	7-6-71	[1] 14.0	[1] [8] 19.0	R171-515.
R171-667..	Anadarko Production Co. et al.	102	2	Arkansas Louisiana Gas Co. (Wilburton Field, Latimer County, Okla., Other Area.)	12,350	1-12-71	2-12-71	7-8-71	15.0	16.0	
R171-668..	Frank J. Hall et al	3	20	United Gas P/L Co. (Sibley Field, Webster Parish, Northern Louisiana).		1-15-71	2-15-71	[16] Accepted	(9)	(9)	
	do		21	do	2,449	1-15-71	2-15-71	7-15-71	[2] [8] 13.5508	[7] 16.0	
R171-669..	Warren Petroleum Corp	59	1	United Gas P/L Co. (Gladewater Plant, Gregg County, Tex.) (RR. District No. 6).	48,000	1-15-71	2-15-71	7-15-71	[8] 15.0	[8] [10] 19.0	
R171-670..	Atlantic Richfield Co	615	4	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex., RR. District No. 8) (Permian Basin).	42,637	1-11-71	2-11-71	7-11-71	18.09	20.6025	R170-671.
R171-671..	Explor Co	(13)	(14)	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin).	7,519	1-13-71	2-13-71	7-13-71	16.58	[14] 19.51	
R171-672..	J. G. McMillan	(13)	(15)	do	501	1-13-71	2-13-71	7-13-71	16.58	[14] 19.51	

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Subject to B.t.u. adjustment and to a reduction of 0.21931 cent for all gas dehydrated by buyer.
[2] For gas produced from reservoirs prior to Sept. 28, 1960.
[3] Increases to 21 cents for gas discovered from Sept. 28, 1960 to June 17, 1970, and 25 cents for gas discovered after June 17, 1970, also filed but not applicable at present.
[4] Increase from fractured rate to contractually provided for renegotiated rate.
[5] The pressure base is 15.025 p.s.i.a.
[6] Not used.
[7] Buyer deducts compression charge of 0.75 cent from rate shown.
[8] Includes 1.5-cent tax reimbursement.
[9] Subject to downward B.t.u. adjustment.
[10] Applicant filing from permanent initial certificated rate to initial contract rate.
[11] Not used.
[12] Not used.
[13] Small producer certificate holder. No rate schedule on file.
[14] Increase to contract rate of 17.58-cent base rate plus 1.93-cent upward B.t.u. adjustment.
[15] Pertains to contract dated May 6, 1970.
[16] Accepted to be effective on the date shown in the "Effective Date" column.

Frank J. Hall requests an effective date for which adequate notice was not given and, also, requests waiver of the notice requirements. Good cause has not been shown for granting these requests and they are denied.

The producers' proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2, § 2.56).

[FR Doc.71-1726 Filed 2-9-71;8:45 am]

[Docket No. CP71-193]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

FEBRUARY 3, 1971.

Take notice that on January 28, 1971, McCulloch Interstate Gas Corp. (applicant), 6151 West Century Boulevard, Los Angeles, CA 90045, filed in Docket No. CP71-193 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of certain natural gas sales and transportation facilities to enable applicant to make sales of gas to existing distributors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the certificate herein requested is to augment applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas. Applicant states that the deliveries to any one distributor through the facilities proposed herein will not exceed 100,000 Mcf of natural gas annually and this gas will not be used by the distributor or consumer for boiler fuel purposes.

The total cost of the natural gas facilities proposed herein is not to exceed $50,000, which cost, applicant states, will be financed with internally generated working funds and short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1884 Filed 2-9-71;8:54 am]

[Docket No. E-7601]

NORTHERN STATES POWER CO.

Notice of Proposed Rate Schedule Changes

FEBRUARY 3, 1971.

Take notice that on January 25, 1971, Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin), filed rate schedule changes constituting a "Coordinating Agreement" between the applicants. Subject to Commission approval, the applicants proposed that the changes become effective on January 1, 1971.

The new Coordinating Agreement supersedes the Interchange Agreement dated April 15, 1960, which was designated as Northern States Power Co. (Minnesota) Rate Schedule FPC No. 138, and Northern States Power Co. (Wisconsin) Rate Schedule FPC No. 18.

According to the company the purpose of the agreement is to provide for an allocation between Northern States Power Co. (Minnesota) and its wholly owned subsidiary Northern States Power Co. (Wisconsin), of the cost of ownership of production, extra high voltage transmission, and related dispatching facilities; and their operation and maintenance. The present rates for demand and energy are no longer considered adequate by the applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1885 Filed 2-9-71;8:54 am]

[Docket No. E-7598]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

FEBRUARY 3, 1971.

Take notice that on January 25, 1971, Orange and Rockland Utilities, Inc. (applicant), filed an application pursuant to section 203 of the Federal Power Act seeking authority to acquire 40,000 shares of capital stock of Rockland Electric Co., a public utility.

Applicant was incorporated under the laws of the State of New York and is domesticated in the States of New York and New Jersey. Applicant owns and operates facilities for the generation of electricity by steam and hydro power, exchanges electrical energy at wholesale and distributes electrical energy in Rockland, Orange, and Sullivan Counties, all in the State of New York in addition to furnishing and transmitting electrical energy to its wholly owned subsidiary companies in New Jersey and Pennsylvania. Applicant presently supplies electricity to 120,407 residential, commercial and industrial customers.

Rockland Electric Co. is incorporated under the laws of the State of New Jersey and is a wholly owned subsidiary of the applicant. Rockland Electric Co. is engaged in the transmission, distribution and sale of electricity in Bergen, Passaic, and Sussex Counties, N.J.

Applicant proposes to acquire 40,000 shares of Capital Stock of Rockland Electric Co. at the price of $100 par value per share, a total aggregate amount of $4 million to be paid in cash. Applicant proposed to purchase the Capital Stock from a portion of the proceeds of the sale of first mortgage bonds to be issued by them upon approval of the Public Service Commission of the State of New York.

Rockland Electric Co. proposes to use the proceeds of the sale of capital stock for payment of a portion of the short term notes issued by them. It is estimated that an aggregate amount of $4,650,000 or short term notes will be outstanding at the time of the sale of the capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1886 Filed 2-9-71;8:54 am]

[Docket No. E-7596]

PACIFIC POWER AND LIGHT CO. AND THE WASHINGTON WATER POWER CO.

Notice of Application

FEBRUARY 4, 1971.

Take notice that on January 20, 1971, Pacific Power and Light Co. (Pacific) and The Washington Water Power Co. (Washington), filed a joint application pursuant to section 203 of the Federal Power Act seeking authority to exchange certain electric transmission facilities all of which are located in the State of Washington.

Pacific proposes to transfer to Washington the following facilities and associated easements and other property rights relating thereto:

(1) Approximately 25.4 miles of 69-kv. transmission line from Pacific's Lind Substation to, but not including, Structure No. 667 south of the Kahlotus Substation being a portion of Pacific's Lind-Pasco kv. transmission line;

(2) The Taunton 115-kv. switching station and all related facilities; and

(3) Approximately 17.3 miles of 115-kv. transmission line from Taunton to Hanford.

In addition, Pacific seeks authority to remove the Lind Substation.

Washington proposes to transfer to Pacific the following facilities and associated easement and other property rights relating thereto:

(1) Approximately 27.7 miles of 69-kv. transmission line from Clarkston to Pomeroy. Washington will retain its ownership of and the right to operate and maintain its 3-phase, 13-kv. circuit underbuild on the transmission line for a distance of 7.88 miles west from Clarkston substation to about 0.8 mile east of the Alpowa Creek crossing.

(2) Lease space to Pacific in a relocated Clarkston Substation.

Applicants represent that the transmission facilities to be exchanged are currently owned by one of the parties but operated for the exclusive benefit of the other party and the exchange will transfer properties to the system actually using them and will permit more economic operation by each of the companies. The joint applicants further represent that in their judgment the replacement value of the facilities being exchanged is approximately equivalent.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a etition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1887 Filed 2-9-71;8:54 am]

[Docket No. CP71-192]

WISCONSIN PUBLIC SERVICE CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

FEBRUARY 3, 1971.

Take notice that on January 28, 1971, Wisconsin Public Service Corp. (applicant), Post Office Box 700, Green Bay, WI 54305, filed in Docket No. CP71-192 an application pursuant to section 7(a) of the Natural Gas Act requesting that Michigan Wisconsin Pipe Line Co. (respondent) be required to furnish a new delivery point on its present facilities to enable applicant to render initial natural gas service in Suring, Wis., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests that respondent provide a new delivery point where its transmission line crosses Wisconsin State Highway No. 32, approximately 1 mile east of Suring, Wis. Applicant then proposes to build the necessary regulating, odorizing and distributing facilities to introduce natural gas service to the village of Suring. Applicant states that the distribution facilities it will construct are expected to cost $121,000, which cost is to be financed with funds on hand and short-term debt.

The natural gas supply for Suring will be provided under Applicant's existing maximum day and annual entitlement with Respondent under Service Agreements executed on September 8 and 9, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein

INTERSTATE COMMERCE COMMISSION

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 5, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-52110 (Deviation No. 6), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312, filed January 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to Toledo, Ohio, thence over U.S. Highway 24 to Fort Wayne, Ind., thence over Interstate Highway 69 to Indianapolis, Ind., thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to South Bend, Ind.; (2) from South Bend, Ind., over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind.; (3) from Elkhart, Ind., over Indiana Highway 19, to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 12, thence over U.S. Highway 12 via Mottville, Mich., to Ypsilanti, Mich. (also from Elkhart over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 to Mottville); (4) from Detroit, Mich., over U.S. Highway 12 via Dearborn to Ypsilanti, Mich., thence over Michigan Highway 17 to Ann Arbor, Mich., and (5) from St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill., and return over the same routes.

No. MC-110191 (Deviation No. 3), TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Street, Norfolk, VA 23502, filed January 13, 1971, amended January 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, D.C., over U.S. Highway 50 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 13 at Odessa, Del., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Norfolk, Va., over U.S. Highway 17 to Fredericksburg, Va., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13 (also from Norfolk, over U.S. Highway 13 to junction U.S. Highway 40), thence over U.S. Highway 13 to Trenton, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1892 Filed 2-9-71;8:54 am]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 5, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 29886 (Sub-No. 265) (Republication), filed September 30, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished this

issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). The modified procedure has been followed in this proceeding and an Order of the Commission, Operating Rights Board, dated January 22, 1971, and served February 2, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of motor vehicles, in initial movements, in truckaway and driveaway service, (1) from those points in that part of Schenectady County, N.Y., east of Interstate Highway 90, to points in the United States (except Hawaii) and (a) from Charlotte, N.C. (except the plantsite of Fruehauf Corp.), to points in the United States (except Hawaii). That the grant of authority in the order, and applicant's existing authority that it duplicates, shall be construed as conferring only a single operating right. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 52657 (Sub-No. 669) (Republication), filed June 8, 1970, published in the FEDERAL REGISTER issue of July 9, 1970, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. The modified procedure has been followed in this proceeding and a Supplemental Order of the Commission, Operating Rights Board, dated January 20, 1971, and served February 3, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) trailers and trailer chassis (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, shelters (except mobile homes, prefabricated buildings, and component parts of such buildings), removable undercarriages, mobilizers, pallets, and accessories and parts of the above-described commodities, from points in York Township, Windsor Township, and East Manchester Township, Pa., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia and (2) shelters (except mobile homes, prefabricated buildings, and component parts of such buildings), removable undercarriages, trailer pallets, and accessories and parts of the above-described commodities, from York, Pa., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134303 (Sub-No. 2) (Republication), filed April 6, 1970, published in the FEDERAL REGISTER issue of May 14, 1970, and republished this issue. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 South Michigan Avenue, Chicago, IL 60605. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. The modified procedure has been followed in this proceding, and a Report and Order of the Commission, Review Board Number 3, decided January 19, 1971, and served January 27, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular route of passengers and their baggage, as follows: *Route 1*, between O'Hare International Airport, Chicago, Ill., and Delavan, Wis., from O'Hare International Airport over Interstate Highway 90 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction U.S. Highway 14, thence over U.S. Highway 14 to Walworth, Wis., thence over Wisconsin Highway 67 to junction Wisconsin County Road F, thence over Wisconsin County Road F to junction Wisconsin Highway 50, thence over Wisconsin Highway 50 to Delavan; *Route 2*, between O'Hare International Airport, Chicago, Ill., and junction Wisconsin County Road F and Wisconsin Highway 50, from O'Hare International Airport over U.S. Highway 45 to junction U.S. Highway 12, thence over U.S. Highway 12 to Lake Geneva, Wis., and thence over Wisconsin Highway 50 to junction Wisconsin County Road F and Wisconsin Highway 50;

Route 3, between junction Wisconsin Highway 67 and Wisconsin County Road F and junction Wisconsin Highway 67 and Wisconsin Highway 50, over Wisconsin Highway 67. In each instance with return over the same route, serving all intermediate points in Wisconsin only. That applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing operation should be granted; subject to the conditions: (1) That any other carrier operating in interstate or foreign commerce, shall, consonant with the condition imposed in (2) below, regarding publication in the FEDERAL REGISTER of the actual authority granted herein, first obtain approval of such common control under the provisions of section 5(2) of the Interstate Commerce Act or, if such approval is not needed, shall so inform the Commission by affidavit why such approval is not needed; and (2) because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interstate may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 34349 (Republication), filed February 12, 1970, published in the FEDERAL REGISTER issue of March 12, 1970, and republished this issue. Applicant: B.L.T. CORPORATION, 189 Bridge Street, Brooklyn, NY 11201. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights Board, dated January 7, 1971, and served February 2, 1971, finds; that operation by applicant, in interstate of foreign commerce as a contract carrier, by motor vehicle, over irregular routes, of such commodities as are dealt in by women's and children's ready-to-wear retail stores, and, in connection therewith, supplies and equipment used in the conduct of such businesses, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in North Carolina, Georgia, Florida, Louisiana, Mississippi, Alabama, Ohio, Illinois, and Wisconsin, under continuing contract with Gaylords National Corp., of New York, N.Y. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in the interest may file an appropriate petition for leave to intervene in

this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 87720 (Subs 8, 58, 62, 71, 74, 75, 83, and 89) (Notice of Filing of Petition for Amendment of Permits To Change Name of Contracting Shippers), filed January 22, 1971. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Petitioner holds Permits MC 87720 Subs 8, 58, 62, 71, 74, 75, 83, and 89 as pertinent herein, all of which contain a restriction as to the persons with whom petitioner may contract. Sub Nos. 8 through 83 are under contract with Tenneco Chemicals, Inc., and Sub 89 is under contract with Packaging Corp. of America. By the instant petition, petitioner requests that the operations authorized be limited to a transportation service to be performed under a continuing contract or contracts with Tenneco, Inc., and its affiliates or subsidiaries. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 105902 (Sub-No. 16), filed January 4, 1971. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Post Office Box 396, Penn Yan, NY 14527. Applicant's representatives: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Over regular routes: (A) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Utica, N.Y., and Binghamton, N.Y.: From Utica over New York Highway 8 to junction New York Highway 7, thence over New York Highway 7 to Binghamton and return over the same route. And over the following alternate routes: (2) between Bridgewater and Sidney, N.Y.: From Bridgewater over U.S. Highway 20 to West Winfield, thence over New York Highway 51 to Morris, thence over New York Highway 23 to Oneonta, N.Y.; thence over New York Highway 7 to junction New York Highway 8; thence over New York Highway 8 to Sidney, N.Y. and return over the same route; (3) between West Burlington, N.Y., and New Berlin, N.Y. over New York Highway 80; (4) between Morris, and Mount Upton, N.Y., over New York Highway 51. Service is authorized to, from, and between all intermediate points on said route and alternate routes and the following off-route points: Bennettsville, Columbus, Endicott, Endwell, Franklin, Guilford, Johnson City, Langdon, Laurens, Masonville, New Lisbon, North Franklin, North Treadwell, Port Crane, Port Dickinson, Sanitaria Spring, South Edmeston, Treadwell, Union, Vestal, West Edmeston, and Willow Point, N.Y.; (5) between Utica, N.Y., and Binghamton, N.Y., over New York Highway 12 and return over the same route. And over the following alternate route: (6) Between New Hartford and Sherburne, N.Y., over New York Highway 12B. Service is authorized to, from and between all intermediate points on said route and alternate route and the following off-route points: Sherburne Four Corners, Smyrna, and South Plymouth, N.Y.

NOTE: Commercial zones for Utica, and Binghamton, N.Y., to be served through this application and as defined by the New York Public Service Commission in 16 N.Y.C.R.R. 850.1 are: The city of Utica. The city of Utica and the towns of Schuyler, Frankfort, New Hartford, Marcy, Whitestown, and Deerfield. The city of Binghamton: The city of Binghamton. The towns of Binghamton, Conklin, Kirkwood, Union, Vestal, and Dickinson. That portion of the town of Fenton lying just north of the village of Port Dickinson bounded by the Chenango river on the west, Everett street of the hamlet of Hillcrest, extended, on the north, the Delaware and Hudson railroad on the east and the northerly line of the village of Port Dickinson on the south. (B) Over irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; (1) between points in Onondaga County, N.Y., on the one hand, and on the other, points in Herkimer, Madison, Oneida, and Otsego Counties, N.Y.; (2) between points in Oneida County, N.Y., on the one hand, and, on the other points in Fulton, Herkimer, Montgomery, Oneida, Otsego, and Schoharie Counties, N.Y.; (3) between points in Otsego County, N.Y., on the one hand, and, on the other, points in Herkimer, Otsego, and Schoharie Counties, N.Y.; (4) from points in Oneida County, N.Y., to points in Madison County, N.Y.; (5) from points in Fulton County, N.Y., to points in Herkimer and Montgomery Counties, N.Y.; (6) between points in Fulton County, N.Y., and (7) between points in Montgomery County, N.Y. NOTE: Applicant states it intends to combine and join the various parts of the above-described authorities by tacking at common service points as previously authorized under New York Public Service Commission Regulations in 16 N.Y.C.R.R. 831.1. NOTE: The authority to be granted herein to the extent that it duplicates any authority heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right. This is a matter directly related to MC-F-11060 published in the FEDERAL REGISTER issue of January 13, 1971, wherein applicant seeks to purchase the rights of Frank's-Van Namee's Express Corp. under its certificate of registration MC 109308 (Sub-No. 3). If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11075. Authority sought for purchase by CLAREMONT MOTOR LINES, INC., Post Office Box 296 (U.S. Highway 64-70 East), Claremont, NC 28610, a portion of the operating rights of EXPRESS INCORPORATED, Post Office Box 15, Stephenson, VA 22656, and for acquisition by LOY THOMAS MILLER, also of Claremont, N.C., of control of such rights through the purchase. Applicants' attorney: Bill R. Davis, Suite 1208 Gas Light Tower, Atlanta, GA 30303. Operating rights sought to be transferred: *Canned goods and preserves, and vinegar*, in bottles and barrels as a common carrier over regular routes, between Inwood, W. Va., and Biglerville, Pa., serving no intermediate points; *carbonated beverages*, from Newville, Pa., to Winchester, Va., returning with *empty containers* and serving the intermediate point of Martinsburg, W. Va.; *apples and peaches*, as a *common carrier* over irregular routes, from certain specified points in Virginia and West Virginia to points in North Carolina and Philadelphia, and Pittsburgh, Pa.; *fruit products, canned goods, sauerkraut, and pickles*, from certain specified points in Virginia and West Virginia to points in North Carolina and specified points in Pennsylvania and West Virginia; *container caps, covers and labels and frozen fruit*, from Long Island City and New York, N.Y., to Front Royal, Va.; *dehydrated fruit*, from Front Royal, Va., to Pittsburgh, Pa.; *frozen fruit*, from Erie and Pittsburgh, Pa., to Front Royal, Va.; *glass bottles*, from Fairmont, W. Va., to certain specified points in Virginia and Hagerstown, Md.; *glass containers*, from Connellsville and Washington, Pa., and Huntington, W. Va., to Front Royal, Va.; *glassware and jar and glass tops*, from Washington, Pa., and Huntington, Fairmont, and Grafton, W. Va., to Winchester, Va.; *wooded and metal containers, spices, sugar, sulphur, muriatic acid, alcohol, wine, liquor, rum, corn syrup, beef suet, frozen fruit, container caps, and covers, paste, glue, labels, machinery parts*, from Baltimore, Md., to Front Royal, Va.; *empty drums and carboys*, from Front Royal, Va., to Baltimore, Md. Vendee is authorized to operate as a *common carrier* in North Carolina, Ohio, Virginia, West Virginia, Maryland, Michigan, Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee. Application has not been filed for

temporary authority under section 210a(b).

No. MC-F-11076. Authority sought for control by SCOTT TRUCK LINE, INC., 2950 Blake Street, Denver, CO 80205, of (1) NEBRASKA TRANSPORT COMPANY, INC., Post Office Box 621, Scottsbluff, NE 69321, and (2) MERSCHEIM TRANSFER, INC., 3879 Blake Street, Denver, CO 80205, and for acquisition by F. S. HILLIKER, 3131 East Alameda Avenue, Denver, CO 80209, of control of NEBRASKA TRANSPORT COMPANY, INC., and MERSCHEIM TRANSFER, INC., through the acquisition by SCOTT TRUCK LINE, INC. Applicants' attorney: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Operating rights sought to be controlled: (1) Under a certificate of registration, in Docket No. MC-121066 Sub-1, covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Nebraska, and (2) *household goods* as defined by the Commission, *emigrant movables, and general commodities*, except those of unusual value, classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between certain specified points in Nebraska, on the one hand, and, on the other, points in that part of Colorado east and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Denver, Colo., thence along U.S. Highway 40 to Strasburg, Colo., and thence along U.S. Highway 36 to the Colorado-Kansas State line, including points on the indicated portions of the highways specified: *oils and greases*, in containers, *lumber, coal, iron and steel articles, seeds, farm machinery, salt, grain, and livestock*, from Laramie and Cheyenne, Wyo., and Colorado Springs and Pueblo, Colo., and points in Kansas, to certain specified points in Nebraska; *emigrant movables*, between certain specified points in Nebraska, on the one hand, and, on the other, points in Wyoming and Kansas. SCOTT TRUCK LINE, INC., is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Nebraska, Wisconsin, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11077. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, CA 94604 (MC-730), WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, NE 69361 (MC-85465), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Denver, Colo., and Omaha, Nebr., and points in Bayard, Bridgeport, Broadwater, Bushnell, Dalton, Dix, Gering, Kimball, Kewellen, McGrew, Minatare, Mitchell, Morrill, Oshkosh, Potter, Scottsbluff, and Sidney, Nebr. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. NOTE: PACIFIC INTERMOUNTAIN EXPRESS CO., holds authority from this Commission to operate from coast to coast.

No. MC-F-11078. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, CA 94604 (MC-730), ROSS TRANSFER INC., 345 Oak Street, Chadron, NE 69337, (MC-28951), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Omaha, Nebr., and points in Ainsworth, Atkinson, Bassett, Crookston, Long Pine, Newport, O'Neil, Stuart, Valentine, and Wood Lake, Nebr. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Note: PACIFIC INTERMOUNTAIN EXPRESS CO., holds authority from this Commission to operate from coast to coast.

No. MC-F-11079. Authority sought for purchase by WOOTEN TRANSPORT, INC., 153 Gaston Avenue, Memphis, TN 38106, of a portion of the operating rights of WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, TN 38113, and for acquisition by W. H. WOOTEN, Box 28, Covington, TN, of control of such rights through the purchase. Applicants' attorney: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. Operating rights sought to be transferred: *Fertilizer and fertilizer ingredients*, dry, in bulk, in tank or hopper type vehicles, as a *common carrier* over irregular routes from Memphis, Tenn., to points in Alabama, Arkansas, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission), Kentucky, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), and Mississippi; and from North Little Rock, Ark., to points in Alabama, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Kentucky, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Mississippi and Tennessee. Vendee is authorized to operate as a *common carrier* in Oklahoma, Arkansas, Alabama, Kentucky, Mississippi, Tennessee, Missouri, Illinois, North Carolina, Louisiana, Michigan, Ohio, Wisconsin, Indiana, Iowa, Kansas, Georgia, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-11081. Authority sought for purchase by SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701, of the operating rights of JOHN SEPHTON, doing business as JOHN SEPHTON PRODUCE CO. (WESLEY M. HOLSTON, EXECUTOR OF THE ESTATE), 403 Marine Street, Mobile AL 36601, and for acquisition by SAMUEL TANKSLEY and DAMON STOVER, both of Cape Girardeau, Mo., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from Mobile, Ala., to certain specified points in Tennessee; Indianapolis, and Terre Haute, Ind., Cincinnati, Ohio, Louisville, Ky., and Decatur, Ill., from New Orleans, La., to Indianapolis, Ind.: *bananas and coconuts and pineapples* when transported in mixed loads with bananas, from Gulfport, Miss., to Chicago, Ill., and Indianapolis, Ind. Vendee is authorized to operate as a *common carrier* in Tennessee, New Jersey, Illinois, North Carolina, Alabama, Louisiana, Missouri, Nevada, Arizona, California, Oregon, Washington, Idaho, Wyoming, Colorado, Utah, Indiana, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11082. Authority sought for control and merger by ARROW MOTOR FREIGHT LINE, INC., 661 South La Salle Street, St. Paul, MN 55987, of the operating rights of RITE-WAY TRUCKING COMPANY, INC., 901 East 13th Avenue, Kansas City, MO; ARROW MOTOR FREIGHT LINE, INC., purchase AMBURN FREIGHT LINE, INC., Eldora, Iowa, and for acquisition by ALLEN E. KROBLIN, 2125 Commercial Street, Waterloo, IA 50704, of control of such rights through the transaction. Applicants' representative: Allen E. Kroblin, 2125 Commercial Street, Waterloo, IA 50704. Operating rights sought to be controlled and merged: *General commodities*, except money and jewelry, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes, between Leon, Iowa, and St. Joseph, Mo., serving the intermediate points of Bethany, Mo., and those between Bethany, Mo., and Leon, Iowa, and the off-route point of Ridgeway, Mo., without restriction; and intermediate points between Bethany and St. Joseph, Mo., restricted to southbound traffic only, between Leon and Des Moines, Iowa, serving all intermediate points and the off-route points of Van Wert and Weldon, Iowa; also serving all intermediate and off-route points within 12 miles of the central post office at Des Moines (except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, Iowa); *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Eagleville, Mo., and Kansas City, Kans., serving the intermediate points of Bethany, Pattonsburg, and Kansas City, Mo., and the off-route points of Ridgeway, New Hampton, and Civil Bend, Mo., without restriction; and intermediate and off-route points within 10 miles of Bethany (except Ridgeway, Mo.), restricted to pickup of livestock, between Eagleville, Mo., and St. Joseph, Mo., serving the intermediate points of Bethany, Pattonsburg, and Winston, Mo., and the off-route points of Ridgeway and New Hampton, Mo., in RITE-WAY TRUCKING CO., INC., MC-127321; operating rights sought to be transferred: Under certificates of registration, in Docket No. MC-120980 Sub-1, Sub-2, and Sub-3, covering the transportation of general commodities as a common carrier in interstate commerce, within the State of Iowa. ARROW MOTOR FREIGHT LINE, INC., is authorized to operate as a *common carrier* in Minnesota, Wisconsin, Iowa, and Illinois. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-87909 Sub-12, is a matter directly related.

No. MC-F-11083. Authority sought for purchase by ARIZONA-WESTERN EXPRESS, INC., 420 Oriental Avenue, Redlands, CA 92373, of the operating rights of G. E. CROSSMAN, doing business as CROSSMAN TRUCKING COMPANY, 310 South Fourth Street, Phoenix, AZ 85004, through the purchase. Applicants' attorney: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Operating rights sought to be transferred: *Frozen vegetables and frozen berries*, as a *common carrier* over irregular routes, from points in Los Angeles County, Calif., to Phoenix, Ariz.; *frozen berries*, from Santa Clara, Calif., to Phoenix, Ariz.; *bananas* in mixed loads with fresh fruits and vegetables, and *fresh fruits and vegetables* when moving at the same time and in the same vehicle with bananas, from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, the Los Angeles, Calif., Harbor Commercial Zone, as defined by the Commission, Wilmington and Long Beach, Calif., to Phoenix and Tucson, Ariz. Vendee is authorized to operate as a *common carrier* in Arizona and California. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC-F-11080. Authority sought for purchase by CENTRAL WEST MOTOR STAGES, INC., Post Office Box 66, Mundelein, IL 60060, of the operating rights and property of LaGRANGE-LaGRANGE PARK TRANSIT COMPANY, INC., 10 West Burlington Avenue, LaGrange, IL, and for acquisition by NATIONAL STUDENT MARKETING CORP., and in turn by CAMERON BROWN, both of 175 Jackson Boulevard, Chicago, IL 60604, of control of such rights and property through the purchase. Applicants' attorney S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicles with passengers, as a common carrier over regular routes, between junction Wisconsin Highways 50 and 36, and Williams Bay, Wis., between Williams Bay, Wis., and junction Walworth County Highway H and Wisconsin Highway 50, between Delavan, Wis., and junction Wisconsin Highways 50 and 83 (north of Salem, Wis.), serving all intermediate points between Delavan and Lake Geneva, Wis., inclusive, restricted to traffic originating at or destined to joints beyond Delavan or Lake Geneva, between Woodstock, Ill., and Chicago, Ill., between Lake Geneva, Wis., and Woodstock, Ill., between Slades Corners, Wis., and junction Wisconsin Highways 50 and 83 (at a point north of Salem, Wis.), between Chicago, Ill., and a point near Salem, Wis., serving all intermediate points. Vendee is authorized to operate as a common carrier in District of Columbia, Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, South Carolina, North Carolina, Washington, Pennsylvania, Tennessee, and West Virginia. Application has not been filed for temporary authority under section 210 a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1893 Filed 2-9-71;8:54 am]

[Notice 243]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 95473 (Sub-No. 15 TA), filed February 2, 1971. Applicant: H. A. DAUB, INC., Reinerton, Pa. 17980. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Wiconisco Township, Dauphin County, Pa., to Bronx, N.Y., for 150 days. Supporting shipper: J. Paul Sieber, Inc., Forest Hills, Pottsville, Pa. 17901. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 107515 (Sub-No. 730 TA) (Correction), filed January 22, 1971, published FEDERAL REGISTER of January 30, 1971, and republished as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix 1 *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Plainview, Tex., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, for 180 days. The purpose of this republication is to show applicant's correct docket number, as shown above, in lieu of No. MC 109689 (Sub-No. 220 TA). Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 731 TA), filed February 1, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human plasma*, from Houston, Tex., New Orleans, La., Jacksonville and Miami, Fla., to points in New Jersey, New York, Ohio, Michigan, Indiana, and Illinois, for 180 days. Supporting shipper: Metabolic, Inc., 4520 Yoakum Boulevard, Post Office Box 66788, Houston, TX 77006. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 108461 (Sub-No. 117 TA), filed February 1, 1971. Applicant: WHITFIELD TRANSPORTATION, INC., 300-316 North Clark Road 79946, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and El Paso, Tex., serving no intermediate points, from Dallas over U.S. Highway 180 from Dallas to Snyder, Tex.; thence over U.S. Highway 84 to Post, Tex.; thence over

U.S. Highway 380 to Roswell, N. Mex.; thence over U.S. Highway 70 to Tularosa, N. Mex.; thence over U.S. Highway 54 to El Paso, and return over the same route, for 180 days. Supporting shippers: There are approximately 35 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 109689 (Sub-No. 220 TA) (Correction), filed January 22, 1971, published FEDERAL REGISTER issue January 30, 1971 and republished as corrected this issue. Applicant: W. S. HATCH CO., 643 South 800 West Street, Office: Woods Cross, Utah 84087, Mail: Post Office Box 1825, Salt Lake City, UT 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, from railroad siding at Pittsburg, Calif., to points in California north of Interstate 15 and California Highways 58, 119, and 166, for 180 days. NOTE: The purpose of this republication is to show applicant's correct docket number, as shown above, in lieu of No. Mc 107515 (Sub 730 TA). Supporting shipper: CPC International Inc., International Plaza, Englewood Cliffs, NJ 07632 (R. V. Haugen, Assistant Transportation Manager, Motor Transportation). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 110252 (Sub-No. 61 TA), filed February 2, 1971. Applicant: JAMES J. WILLIAMS, INC., East 5711 Third Avenue, Spokane, WA 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sulphuric acid*, from Kellogg, Idaho, and points within 10 miles of Kellogg, to Ford, Wash., *rejected products on return*, for 180 days. Supporting shipper: Dawn Mining Co., Post Office Box 25, Ford, WA 99013. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 111302 (Sub-No. 64 TA), filed February 2, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 588, Knoxville, TN 37901 and Brickyard Road, Powell, TN 37901. Applicant's representative: George C. Clapp, Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from the plantsite of Foote Mineral Co., at or near Asbury, Tenn., to Huntington, W. Va., for 150 days. Supporting shipper: Foote Mineral Co., Route 100, Exton, PA 19341. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operatons, Interstate Commerce Commission, 803–1808 West End Building, Nashville, TN 37203.

No. MC 116457 (Sub-No. 8 TA), filed February 1, 1971. Applicant: GENERAL TRANSPORTATION, INCORPORATED, Post Office Box K, Show Low, AZ 85901. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products*, from Dallas, and Houston, Tex., to points in Arizona and New Mexico, for 180 days. Supporting shipper: Roofing Wholesale Co., Inc., 1918 West Grant Street, Phoenix, AZ 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, AZ 85025.

No. MC 118178 (Sub-No. 7 TA), filed February 2, 1971. Applicant: BILL MEEKER, 1733 North Washington, Post Office Box 1184, Wichita, KS 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), from the plantsite and storage facilities of National Beef Packing Co., at or near Liberal, Kans., to points in California for 150 days. Supporting shipper: National Beef Packing Co., Liberal, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 124236 (Sub-No. 36 TA), filed February 2, 1971. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Julius Leisering (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Fort Worth, Tex., to points in Oklahoma and New Mexico, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: International Minerals & Chemical Corp., 5401 Old Orchard Road, Skokie, IL 60076. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 127903 (Sub-No. 5 TA), filed February 2, 1971. Applicant: H & M TRANSPORT CO., INC., Box 37, Rudd, IA 50471. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and those points in Wisconsin on and south of a line beginning at La Crosse, Wis., thence running east over Interstate Highway 90 from La Crosse, Wis., to Mauston, thence over Wisconsin Highway 82 to junction with U.S. Highway 51, and thence over Wisconsin Highway 23 to Sheboygan, for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 133819 (Sub-No. 3 TA), filed February 2, 1971. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Post Office Box 384, Crossett, AR 71635. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood sawdust, chips and shavings*, from Roxie, Miss., to Lillie, La., for 180 days. Supporting shipper: Olinkraft, Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor, William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135181 (Sub-No. 1 TA), filed February 2, 1971. Applicant: MAIER-HOFER BROS., INC., 8253 North Lincoln Avenue, Skokie, IL 60076. Applicant's representative: Gregory Scheurich, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from South Bend, Ind., to Skokie, Ill., and Lockport, Ill., for 150 days. Supporting shippers: Mondrella & Sons Inc., Airport Road, Box 206A, Lockport, IL 60441; Jas. P. Paulus Co., 8230 Lincoln Avenue, Skokie, IL. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135276 TA, filed February 2, 1971. Applicant: GENE ROMSBURG ENTERPRISES, INC., South Water Street, Frederick, MD 21701. Applicant's representative: Frank Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous asphalt hot mix and stone*, from points in Frederick and Washington Counties, Md., to points in Fulton, Franklin, Adams, and York Counties, Pa., Morgan, Berkeley, and Jefferson Counties, W. Va., and Frederick, Loudoun, and Clarke Counties, Va., for 180 days. Supporting shippers: Frederick Asphalt Products Inc., Post Office Box 665, Frederick, MD 21701; The Kline Paving Co., Boonsboro, Md.; Richard F. Kline, Inc., Post Office Box 665, Frederick, MD 21701. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 135277 TA, filed February 2, 1971. Applicant: ARNOLD BOLDT AND GEORGE BOLDT, a partnership, doing business as BOLDT TRUCKING, Isabel, SD 57633. Applicant's representative: Andrew Alberle, Timber Lake, SD 57656. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Lignite coat*, from Haynes and New Leipzig, N. Dak., to Isabel, S. Dak., for 180 days. Supporting shipper: Resident Customers in Isabel, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1894 Filed 2-9-71;8:54 am]

[Notice 643A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72672. By application filed February 3, 1971, WILLIAM C. BONNER, INC., 4754 James Street, Philadelphia, PA 19137, seeks temporary authority to lease the operating rights of ALBERT B. WRIGHT, 3612–16 Fairmount Avenue, Philadelphia, PA. 19104, under section 210a(b). The transfer to WILLIAM C. BONNER, INC., of the operating rights of ALBERT B. WRIGHT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1895 Filed 2-9-71;8:54 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 5, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4479 (Sub-No. 10) filed January 22, 1971. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, TN 37921. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, household goods, commodities in bulk, and those requiring special equipment; (1) between Madisonville, Tenn., and Chattanooga, Tenn., as follows: From Madisonville via U.S. Highway 411 to its junction with U.S. Highway 64; thence via U.S. Highway 64 to its junction with U.S. Highway 11; thence via U.S. Highway 11 to Chattanooga and return over same route, serving all intermediate points; (2) between Loudon, Tenn., and Chattanooga, via U.S. Highway 11, serving all intermediate points; and (3) between Knoxville, Tenn., and Chattanooga, Tenn., via I–75, as an alternate route for operating convenience only, and all connecting roads and highways between U.S. Highway 11 and I–75 located between Knoxville and Chattanooga, Tenn. All of said authority to be used in conjunction with applicant's existing authority. Both intrastate and interstate authority sought.

HEARING: April 14, 1971, at 9:30 a.m. at C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC–5203 (Sub-No. 1), filed January 27, 1971. Applicant: MILAN EXPRESS, INC., U.S. Highway 45S, Milan, TN 38358. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, commodities in bulk, and articles requiring special equipment because of their size or weight; (1) Applicant seeks removal of restriction in its present certificate which restricts applicant against the transportation of shipments originating at or destined to the Milan Arsenal, Milan, Tenn.; (2) between Jackson, Tenn., and Milan, Tenn., as follows: From Milan over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., and return over same route, serving all intermediate points. All of said authority to be used in conjunction with all of applicant's certificates. Applicant does propose to handle interstate and foreign traffic. Both intrastate and interstate authority sought.

HEARING: March 4, 1971, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10,733 M; Route No. 354, filed January 11, 1971. Applicant: DIFFLEY TRUCK LINE, INC., 617 North Kansas Avenue, Topeka, KS 66608. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Topeka, Kans., and Emporia, Kans., from Topeka southwesterly over Kansas Highway No. 4 to its intersection with Kansas Highway No. 31; thence east over said Kansas Highway 31 to its intersection with U.S. Highway No. 56; thence south over said U.S. Highway No. 56 to Osage City; thence east on Kansas Highway No. 170 to its intersection with U.S. Highway No. 75; thence south on said U.S. Highway No. 75 to Lyndon; thence back north on said U.S. Highway No. 75 to its intersection with Kansas Highway No. 170; thence west over said Kansas Highway No. 170 through Osage City; thence following said Kansas Highway No. 170 through Reading to its intersection with Kansas Highway No. 4; and thence over said Kansas Highway No. 4 to Emporia, and return over the same route, serving all intermediate points, including but not limited to Dover, Keene, Eskridge, Harveyville, Burlingame, Osage City, Lyndon, and Reading and return over the same route, also serving the off-route points of Bradford, Wilmington, and Americus. Also; over the Kansas Turnpike between Topeka and Emporia as an alternate route for the convenience of the carrier, with no points of service on said Turnpike. Also as an additional alternate route for the convenience of the carrier between Topeka and Emporia, from Topeka south over U.S. Highway No. 75 to its intersection with U.S. Highway 50; thence west over said U.S. Highway 50 to Emporia, serving only the points of Topeka and Emporia and the intermediate point of Lyndon. Both intrastate and interstate authority sought.

HEARING: March 11, 1971, at the State Office Building, Fourth Floor, Topeka, KS, time not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, KS 66612 and should not be directed to the Interstate Commerce Commission.

State Docket No. P–14533, filed November 17, 1970. Applicant: MID-STATE

METRO LIMOUSINE SERVICE, 210 State Street, Mason, MI 49454. Applicant's representative: Roger E. Massman, 122 East Northrup Street, Lansing, MI 48910. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Passengers and their baggage* transported in the same vehicle, between the cities of Lansing and East Lansing and townships of Meridian, Lansing, Delhi, and De Witt, on the one hand, and Detroit Metropolitan Airport, Wayne County, Mich., on the other. Both intrastate and interstate authority sought.

HEARING: March 15, 1971, at 9:30 a.m. Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Michigan Public Service Commission, Seven Story State Office Building, Lansing, MI 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1891 Filed 2-9-71;8:54 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

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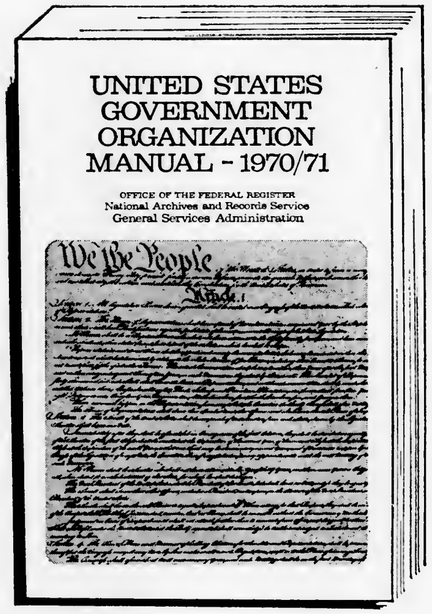

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Federal Communications Commission
Federal Power Commission
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Apple Juice [1]

MISCELLANEOUS AMENDMENTS

On October 7, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15760) regarding a proposed revision of the U.S. Standards for Grades of Canned Apple Juice.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such service.

Statement of consideration leading to the revision. Interested persons were given until November 7 to study and comment on the proposed amendment of the grade standards for canned apple juice. The proposal would lower the acid requirements as follows:

In Grade A:

From a maximum of 0.70 to 0.55 g./100 ml. of juice;

From a minimum of 0.35 to 0.25 g./100 ml. of juice.

In Grade C:

From a maximum of 0.80 to 0.60 g./100 ml. of juice;

From a minimum of 0.30 to 0.20 g./100 ml. of juice.

The following comments, objections, and suggestions were received from members of the apple juice canning industry, apple associations, and certain members of Congress:

Objections to the entire proposal. Members of the California apple juice canning industry, along with individual apple growers, apple grower organizations, California Apple Advisory Board, and a Senator and Congressman from that State objected to any change in the acid requirements. Three members of the apple juice canning industry in Michigan also objected to any change. The reasons for the objections were:

(1) The public is accustomed to a high acid juice.

(2) Apple juice manufacturers in California use the Delicious variety (naturally low in acid) only to a limited extent for blending with other varieties.

(3) Apple juice consumption is rising dramatically which attests to need for retaining higher acid requirements than those proposed.

(4) Higher acid juices give a fuller, richer flavor.

(5) The proposal would permit high acid juices to be watered down.

Data acquired from inspection records of the Department representing the principal apple juice producing areas indicate a substantial quantity of low acid apple juice is produced in California as well as in other areas.

Acid and sweetness are not the only factors considered in the evaluation of flavor of apple juice. Consideration is also given to the presence or absence of the apple essences which contribute to the "fruity" flavor of the juice, an important requirement in Grade A flavor. When these essences are not noticeable, the juice is not considered as desirable as juice with a good "fruity" flavor.

Lowering the acidity requirements is neither an incentive nor justification for adulterating the product with water. In the current apple juice standard the paragraph dealing with "product description" requires that the product be prepared without dilution and without sweetening ingredients. Any addition of water and/or sweeteners would be contrary to the standard and not in accordance with recognized commercial practice in producing canned apple juice.

Objections to proposed maximum limits. Comments received from certain apple juice canners in Michigan suggest that the maximum limits for acid in Grades A and C not be changed. However, no objection was voiced to lowering the minimum levels. Comments from others in that State suggest the maximum limits should be set at 0.65 g./100ml. of juice in Grade A and 0.70 for Grade C. No exception was expressed to the proposed lower limits.

Still other apple juice canners in Pennsylvania and Virginia suggest that the maximum and minimum for acid should be set at 0.60 and 0.30, respectively, in Grade A, and 0.70 and 0.20, respectively, in Grade C. It was suggested that any lowering of the maximum acid levels below these suggested maximum levels would discriminate against apple juice produced in these States since certain varieties are naturally high in acid and produce an acceptable apple juice.

The International Apple Institute, Washington, D.C., has expressed support of the proposed lower limits for acid but suggest the maximum limits not be changed.

Supported entire proposal. Apple juice canners in the State of Washington as well as the Washington State Horticultural Association supported the proposed amendment in its entirety.

Other comments and suggestions. Comments from certain apple juice canners from the State of Washington suggest that the grade nomenclature for U.S. Grade C and U.S. Grade D be changed to U.S. Grade B and Substandard, respectively.

The reason given was this change would make these grade designations comparable to those in the recently revised canned applesauce grade standards.

On the basis of all the comments and suggestions received, as well as available data, the Department has concluded that it will be in the best interest of the apple juice canning industry as well as the consumers to adopt that portion of the proposed amendment to lower the minimum acid requirements. The maximum acid requirements remain unchanged.

The suggested change in grade nomenclature is also adopted. The minimum score points for Grades A and B are also adjusted to properly reflect the applicable grade designation. These changes will not alter the quality requirements in any way and will not require any adjustment in the method of manufacture of apple juice. This is also in line with the Department's attempt to make grade nomenclature as uniform as possible.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the U.S. Standards for Grades of Canned Apple Juice are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) as follows:

1. Section 52.303 is amended to read as follows:

§ 52.303 Grades of canned apple juice.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of canned apple juice that possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned apple juice that possesses a good color; is fairly free from defects; possesses a good flavor; and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(c) "Substandard" is the quality of canned apple juice that fails to meet the requirements of U.S. Grade B.

2. Section 52.306 is amended to read as follows:

§ 52.306 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

3. Section 52.307 is amended to read as follows:

§ 52.307 Color.

(a) *(A) classification.* Canned apple juice that possesses a very good color may be given a score of 18 to 20 points. "Very good color" means that the color is bright and typical of freshly pressed juice and may vary from characteristic light non-amber shades to medium amber shades; that the canned apple juice of Style I, Clear, is sparkling clear and transparent; and that canned apple juice of Style II, Cloudy, may range from a slight translucent appearance to a definitely hazy appearance.

(b) *(B) classification.* If the canned apple juice possesses a good color, a score of 16 or 17 points may be given. Canned apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is typical of canned apple juice, which color may be deep amber or other typical color but is not off color for the respective style.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

4. Section 52.308 is amended as follows:

§ 52.308 Absence of defects.

* * * * * *

(a) *(A) classification.* Canned apple juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the canned apple juice may possess a slight amount of sediment or residue of an amorphous nature; may possess not more than a trace of dark specks or of sediment or residue of a nonamorphous nature; and shall be free from particles of seed, coarse particles of pulp, or other defects.

(b) *(B) classification.* If the canned apple juice is fairly free from defects, a score of 16 or 17 points may be given. Canned apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned apple juice may possess a slight amount of sediment or residue of an amorphous or nonamorphous nature, of dark specks, of particles of seed, of coarse particles of pulp, or of any other defects, provided such defects do not seriously affect the appearance or palatability of the product.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

5. Section 52.309 is amended to read as follows:

§ 52.309 Flavor.

The factor of flavor refers to the degree of excellence and palatability of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(a) *(A) classification.* Canned apple juice that possesses a very good flavor may be given a score of 54 to 60 points. "Very good flavor" means that the apple juice has a fine, distinct fruity flavor that is free from astringent flavors, flavors due to overripe apples, oxidation, caramelization, ground or musty flavors, or any other undesirable flavor; and in addition shall meet the following requirements:

Brix. Not less than 11.5°.

Acid. Not less than 0.25 g. nor more than 0.70 g., calculated as malic acid, per 100 ml. of juice.

(b) *(B) classification.* Canned apple juice that possesses a good flavor may be given a score of 48 to 53 points. Canned apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the canned apple juice has a normal flavor which may be slightly astringent or slightly affected by overripe apples, caramelization, or ground or musty flavors, but is free from objectionable flavors or objectionable odors of any kind, and in addition meets the following requirements:

Brix. Not less than 10.5°.

Acid. Not less than 0.20 g. nor more than 0.80 g., calculated as malic acid, per 100 ml. of juice.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

5. Section 52.312 is amended to read as follows:

§ 52.312 Score sheet for canned apple juice.

Factors		Score points	
Color	20	(A)	18-20
		(B)	[1]16-17
		(SStd.)	10-15
Absence of defects	20	(A)	18-20
		(B)	[1]16-17
		(SStd.)	10-15
Flavor	60	(A)	54-60
		(B)	[1]48-53
		(SStd.)	10-47
Total score	100		
Grade			

[1] Indicates limiting rule.

Effective date. These amendments shall become effective on July 1, 1971.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: February 5, 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-1922 Filed 2-10-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 67, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522), the provisions of paragraph (a)(2) (v) and (vii) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) * * *

(2) * * *

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period February 15, 1971, through September 12, 1971, Temple oranges may be shipped if they grade at least U.S. No. 1 Golden;

* * * * * *

(vii) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period February 8, 1971, through September 12, 1971, Murcott Honey oranges may be shipped if they grade at least U.S. No. 1 Golden; and

* * * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 8, 1971.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-1953 Filed 2-10-71;8:50 am]

[Navel Orange Reg. 225]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.525 Navel Orange Regulation 225.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handing of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 9, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 12, 1971, through February 18, 1971, are hereby fixed as follows:

(i) District 1: 787,000 cartons;

(ii) District 2: 263,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 10, 1971.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2033 Filed 2-10-71;12:27 pm]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Subparagraph (1) of paragraph (a) and paragraph (b) of § 204.5 are amended to read as follows:

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A Currently valid petition shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries, if that petition had been approved previously to classify the child of a U.S. citizen as an immediate relative under section 201(b) of the Act and the beneficiary is not a native of an independent country of the Western Hemisphere or the Canal Zone, or if that petition had been approved previously to classify the beneficiary as the unmarried son or daughter of a U.S. citizen under section 203(a)(1) of the Act.

* * * * * *

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition, classifying the child of a U.S. citizen as an immediate relative under section 201(b) of the Act shall, if the beneficiary is still unmarried and is not a native of an independent country of the Western Hemisphere or the Canal Zone, be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his 21st birthday.

* * * * * *

Subparagraphs (4) and (5) of paragraph (a) of § 205.1 are amended to read as follows:

§ 205.1 Automatic revocation.

* * * * * *

(a) *Relative petitions.* * * *

(4) Upon a child beneficiary reaching the age of 21, when he has been accorded immediate relative status under section 201(b); however, except for a native of an independent country of the Western Hemisphere or the Canal Zone, such petition is valid to accord status under section 203(a)(1) of the Act if the beneficiary remains unmarried or if he marries, such petition is valid to accord status under section 203(a)(4) of the Act for the duration of the relationship.

(5) Upon the marriage of a beneficiary accorded status as the child of a U.S. citizen under section 201(b) of the Act or status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act; however, except for a native of an independent country of the Western Hemisphere or the Canal Zone who had been accorded status under section 201(b), the petition is valid to accord status under section 203(a)(4) of the Act for the duration of the relationship.

* * * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2-11-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the rules prescribed by the order are clarifying in nature.

Dated: February 5, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-1924 Filed 2-10-71;8:47 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Tender Offers and Other Stock Acquisitions

1. Effective immediately, § 206.4(g)(2) is amended as set forth below:

§ 206.4 **Registration statements and reports.**

• • • • •

(g) *Current reports.* • • •

(2) (i) Any person who, after acquiring, directly or indirectly, the beneficial ownership of any equity security of a member State bank, of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Board a statement containing the information required by Form F–11. Eight copies of the statement shall be filed with the Board.

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of subdivision (i) of this subparagraph if the following conditions are met: (*a*) The acquisition is made pursuant to preemptive subscription rights in an offering made to all holders of securities of the class to which the preemptive subscription rights pertain; (*b*) the purchaser does not, through the exercise of such preemptive subscription rights, acquire more than his or its pro rata share of the securities offered; and (*c*) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of § 206.6 promulgated thereunder.

• • • • •

2. Effective immediately, § 206.5(l) is amended as set forth below:

§ 206.5 **Proxy statements and other solicitations under section 14 of the Act.**

• • • • •

(l) *Invitations for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a member State bank if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Board a statement containing the information and exhibits required by Form F–11.

• • • • •

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to subparagraph (1) of this paragraph, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) Eight copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Board.

• • • • •

3a. The foregoing amendments implement the provisions of Public Law 91–567, which became effective December 22, 1970, as they apply to member State banks.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date were not followed in connection with these amendments because the Board finds it necessary in the public interest and for the protection of investors that regulations implementing Public Law 91–567 be adopted effective immediately and that such procedures, with respect to these amendments, would serve no useful purpose inasmuch as the amendments primarily implement statutory provisions without significant exercise of administrative discretion or interpretation and are otherwise of a procedural nature.

By order of the Board of Governors, February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–1921 Filed 2–10–71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10405; Amdt. 23–10]

PART 23—AIRWORTHINESS STANDARDS: UTILITY AND ACROBATIC CATEGORY AIRPLANES

Airworthiness Standards

The purpose of these amendments is to limit the applicability of Part 23 of the Federal Aviation Regulations to small airplanes which have a passenger seating configuration, excluding pilot seats, of nine seats or less.

These amendments are based on a notice of proposed rule making (Notice 70–25) published in the FEDERAL REGISTER on July 7, 1970 (35 F.R. 10911). Except as modified by the following discussion, the reasons for the amendments are those in the notice. Changes from the notice and the disposition of comments on the notice are set forth below.

A number of the commentators objected to the proposal because they considered it to be beyond the planned third step of the three-step program previously announced by the FAA to upgrade the level of airworthiness of small airplanes intended for operations under Part 135. However, as explained in Notice 70–25, based upon the comments received in response to Notice 68–37, and after further consideration, it was determined that rather than adding additional airworthiness requirements to Part 23, it would be more appropriate to limit the applicability to small airplanes that are certificated with not more than nine passenger seats, excluding pilot seats. At the time that the 12,500 pounds weight limitation on small airplanes was established in 1953, civil airplanes were well below or well above that weight. In recent years, it has become apparent that the significance of that weight limitation as a line of demarcation between Parts 23 and 25 has changed. Many small airplanes with weights of, or close to, 12,500 pounds have been produced by manufacturers for private, executive, and air taxi use. Some of these airplanes have turbine engines and must carry large fuel loads to achieve a practical range at high speeds and altitudes. They make extensive use of modern communication and navigation equipment, and of complex aircraft systems. More important, however, is the sudden trend toward an increase in the number and types of small airplanes designed to carry relatively large numbers of passengers. The FAA considers that continued applicability of Part 23 to to small airplanes designed to carry 10 or more passengers is no longer in the interest of safety. Future generations of these small airplanes should adhere to the level of safety afforded by the requirements of Part 25 irrespective of whether operations are conducted under Part 135 or Part 91.

Comments were received expressing concern over the effect that the Civil Aeronautics Board's (CAB) pending decision on its investigation of air taxi weight limitations under Part 289 of the Board's economic regulations would have on the proposed amendments to Part 23, and suggested deferring action on Notice 70–25 until after the CAB reached a decision. The FAA does not agree that the CAB's pending investigation of air taxi weight limitations justifies deferring the adoption of this amendment. The issues involved in the CAB's investigation are concerned with large airplanes (airplanes with maximum takeoff weights of more than 12,500 pounds). Such airplanes would not be affected by any action on Notice 70–25 since, under the present rules, all large airplanes have to be certificated under Part 25.

Several comments objected to the proposal on the basis that the cost of certificating small airplanes under Part 25 would be prohibitive. One commentator indicated that design studies showed the costs to be prohibitive while another commentator stated that the major certification cost is in substantiating compliance with Part 25 rather than in designing to these standards. However, the commentators did not furnish information or data to support their objections and the FAA does not believe that the cost of certificating small airplanes under Part 25 would be prohibitive. In any event, the recent rapid increase in the number of small airplanes carrying 10 or more passengers emphasizes the need for a single level of airworthiness for airplanes carrying 10 or more passengers.

In response to several comments, the title of proposed § 23.1583(l) has been changed to read "Maximum passenger seating configuration" in order to make it clear that the operating limitation on passenger seats is intended to implement the change to the applicability provisions of § 23.1. In establishing the seating capacity as a limitation it was not intended to include the pilot's seat and, in the case of airplanes having dual flight controls, the second pilot's seat. Furthermore, it was not intended to prevent the present practice of two small children "doubling up" on a seat or an adult holding an infant.

In Notice 70–25 the FAA stated that it was not aware of any requirements in Part 25 that could not or should not be applied to small airplanes having a passenger seating configuration of 10 or more seats, and solicited comments concerning any requirements of Part 25 that are considered inappropriate for these small airplanes. A number of comments were received concerning this question and the FAA's disposition of these comments follows.

One comment suggested that the definition of stalling speed in Part 25 is inappropriate for any type of aircraft and especially for "light aircraft". The FAA does not agree. It appears that the commentator is concerned that the stalling speed determined under the provisions of Part 25; namely, that the airplane is considered stalled at an angle of attack measurably greater than that for maximum lift, is less conservative than the stalling speed determined under Part 23 which states that a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane. It should be noted, however, that the flight requirements, including the stalling speeds, of Parts 23 and 25 are appropriate for the type certification of an airplane under the respective parts. To this end, the flight requirements of Part 25 are more refined and incorporate considerably more margin, accountability, and failure considerations than those of Part 23. Incorporating the stalling speed requirements of Part 23 into Part 25 for application to small airplanes is not appropriate in view of the differences in the related requirements of those parts.

Another comment recommended that § 23.629(b) be incorporated into § 25.629 to permit, for small airplanes, the applicant to show freedom from flutter by appropriate flight tests. The recommended change is not necessary because the general provision of § 25.629(a) permits flight tests as a means of showing freedom from flutter.

One comment suggested that § 25.671 (c)(1) be amended, for small airplanes, to exclude from consideration the failure of mechanical elements and structural failure of hydraulic components of the control system. The commentator contends that there is no need to require fail-safe design for the control system because the high reliability of mechanical elements has been proven by known aircraft in service. The commentator, however, did not submit any data in support of his contention, and the FAA considers that the requirements of § 25.671(c)(1) are appropriate for small airplanes.

Comments were received recommending changes to § 25.807 to permit the use of exits of the size of Type IV exists on small airplanes. The FAA in Notice 69–33 proposed amendments to § 25.807 and these comments will be considered in connection with that notice.

One comment recommended that § 25.815 be amended to allow, for small airplanes, a minimum passenger aisle width of nine inches, less than 25 inches from the floor, and 15 inches, more than 25 inches from the floor. While the FAA agrees with the commentator's position that emergency evacuation problems should be approached on a systems concept, the effectiveness of the system, however, is determined to a large extent by the individual components; namely, exit sizes, aisle width, exit markings, etc., which have been proven through experience to be critical in the system. Aisle width requirements were relaxed several years ago. The new width requirements established at that time have not been found to be overly burdensome or restrictive through service experience. Moreover, there is no evidence to justify a further reduction of aisle width for small airplanes.

One comment stated that the requirement of § 25.831(e) for separate environmental controls and supply systems for crew compartments is not necessary or practical for small airplanes. Section 25.831(e) is applicable only if the passenger and crew components can be separated. The requirement would not apply to most small airplanes since they are not usually designed for cabin separation. If the crew compartment can be separated from the passenger compartments, the requirement is necessary to assure that the temperature and quantity of ventilating air is adequate.

One comment stated that the burn rates and self-extinguishing requirements of § 25.853 for cabin interior materials are not necessary for small airplanes because they can be evacuated before the cabin becomes inhospitable. The requirements for materials with fire resistance properties are not related solely to the time required for evacuation. Rapid evacuation may not be possible or the fire might occur in-flight. The objective of the flammability standards is to reduce the growth and intensity of cabin fires, and the requirement is applicable to all Part 25 airplanes regardless of size.

Another comment recommended amending § 25.1195(a) to exclude certain compartments of reciprocating engines from the requirement for a fire extinguishing system on the basis that this system is not necessary in zones where the amount of flammable fluids can be controlled to a harmless quantity by the shutoff means. The FAA does not agree. Experience has shown that a hazardous quantity of engine oil can be released into an engine compartment as a result of failure of an engine cylinder. A means to extinguish a fire which can occur during such failure is essential for all airplanes type certificated under Part 25.

One comment contended that § 25.1305 (a)(1), which requires a fuel pressure warning means, should not be applied to small airplanes. The commentator contends that, since there are only a few flight controls in a small airplane, the pilot is capable of observing the pressure gauge as often as necessary for flight safety without depending on an additional warning means. The FAA does not agree. The fuel pressure warning means is important to the pilot of a turbine engine powered airplane because there is no requirement for a fuel pressure gauge for airplanes equipped with this engine type. Furthermore, experience has shown that the overall pilot workload during flight prevents the continuous surveillance of instruments, including the fuel pressure gauge of a reciprocating engine airplane. The fuel pressure warning means serves to alert the pilot of an impending engine power interruption or failure so that corrective action may be taken immediately.

Another comment contended that the requirement in § 25.1435(a)(3) for fluid quantity indicators in continuously operating systems should not apply to small airplanes, and that small airplanes need only be equipped with means to visually check the quantity of fluid in the hydraulic system. The commentator states that the hydraulic systems on small airplanes are quite simple, usually providing for landing gear and brakes which incorporate backup means for operation in an emergency, and that items such as flaps and spoilers are not essential for continued safe operation after the depletion of the hydraulic fluid supply and, therefore, the importance of fluid quantity indication is lessened. The FAA does not agree that fluid quantity indicators in a continuously operating system are not necessary if the hydraulic system is not complicated. Furthermore, the proposed change would permit the use of a sight gauge located at a point other than at a flight crew station. It is necessary that means be provided at a flight

crew station to indicate the quantity of fluid in each continuously operating system to alert the flight crew to an impending depletion of the hydraulic fluid in order that corrective action may be taken or the use of emergency systems planned.

Finally, § 23.807 is being amended to delete those requirements for emergency exits for airplanes with seating capacities greater than the maximum passenger seating configuration which will be permitted under this Amendment to Part 23.

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations is amended as follows, effective March 13, 1971:

1. Paragraph (a) of § 23.1 is amended to read as follows:

§ 23.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for small airplanes in the normal, utility, and acrobatic categories that have a passenger seating configuration, excluding pilot seats, of nine seats or less.

* * * * *

2. Paragraph (a) of § 23.807 is amended to read as follows:

§ 23.807 Emergency exits.

(a) *Number and location.* Emergency exits must be located to allow escape without crowding in any probable crash attitude. The airplane must have at least the following emergency exits:

(1) For all airplanes, except airplanes with all engines mounted on the approximate centerline of the fuselage that have a seating capacity of five or less, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.783.

(2) [Reserved]

(3) If the pilot compartment is separated from the cabin by a door that is likely to block the pilot's escape in a minor crash, there must be an exit in the pilot's compartment. The number of exits required by subparagraph (1) of this paragraph must then be separately determined for the passenger compartment, using the seating capacity of that compartment.

* * * * *

3. A new § 23.1524 is added to read as follows:

§ 23.1524 Maximum passenger seating configuration.

The maximum passenger seating configuration must be established.

4. A new paragraph (l) is added to § 23.1583 to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(l) *Maximum passenger seating configuration.* The maximum passenger seating configuration must be furnished.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 5, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1935 Filed 2-10-71;8:48 am]

[Airworthiness Docket No. 70-SW-77; Amdt. 39-1153]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 205A and 205A-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of forward cross tubes having 1,000 or more hours time in service with specified operational time limits on Bell Models 205A and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 205-706-050-1 was published in 35 F.R. 19791.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received. The manufacturer requested the complete identification of the float kit installation be made in the applicability statement of the adopted rule. The complete kit part number, 205-706-050-1, has now been included.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 205A and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 205-706-050-1.

Compliance required as indicated.

To prevent possible failure of the forward cross tube, Part No. 205-050-114-3 or -9, due to fatigue cracks, accomplish the following:

(a) Remove and replace forward cross tubes with 900 or more hours time in service on the effective date of this AD within the next 100 hours time in service.

(b) Remove and replace forward cross tubes with less than 900 hours time in service on the effective date of this AD, prior to accumulating 1,000 hours time in service.

(c) Remove and replace all subsequent replacement forward cross tubes prior to accumulating 1,000 hours time in service.

(d) Operators not having kept time in service records on individual cross tubes should use float kit hours time in service for the purpose of paragraphs (a), (b), and (c) above.

(Bell Helicopter Co. Service Bulletin No. 204B-5, 205A-3, Revision B dated Aug. 3, 1970, pertains to this subject.)

This amendment becomes effective March 16, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 2, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-1932 Filed 2-10-71;8:48 am]

[Docket No. 10467; Amdts. 61-52; 63-13; 65-17; 143-4]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to (1) require certain additional information in an application for a lost or destroyed airman or ground instructor certificate; and (2) provide a 60-day limitation on a telegram from the FAA confirming that the lost certificate was issued.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 70-30) issued on July 23, 1970, and published in the FEDERAL REGISTER on July 31, 1970 (35 F.R. 12284). Due consideration has been given to all comments presented in response to that notice.

Five of the seven public comments received on the notice concurred in the proposals. Of the other two public comments, one opposed the proposals as an invasion of privacy because they require the inclusion of social security number in an application for replacement of a lost or destroyed certificate. However, as stated in the notice, it is considered that requiring the applicant to state, in addition to the items previously required, his permanent mailing address (including zip code), social security number (if any), and date and place of his birth, will reduce the number of instances in which a duplicate certificate is issued to a person who is not entitled to it. The remaining commentator, although not specifically opposing the proposals, sought assurance against any possible delays in the issuance of telegraphic confirmations.

One commentator concurring in the proposals suggested the use of a standard application form, with confirmation of identity thereon through an FAA office before application. This suggestion is beyond the scope of the notice, and in any event its net effect would be to impose an undue burden on the applicant for a duplicate certicate and to render the use of confirming telegrams unnecessary. Another commentator concurring in the proposals suggested that the request for telegraphic confirmation should also be an automatic request for a duplicate certificate. However, the relevant existing provisions already provide for this effect if the applicant chooses to use that method of application.

In consideration of the foregoing, and for the reasons stated in Notice 70-30, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended, effective April 12, 1971, as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

2. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 63.16 to read as follows:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

3. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 65.16 to read as follows:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

PART 143—GROUND INSTRUCTORS

4. By amending paragraph (b)(1) and the second sentence in paragraph (c) of § 143.8 to read as follows:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(c) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

(Secs. 313(a), 601, 602, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1427; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 5, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1936 Filed 2-10-71;8:48 am]

[Airspace Docket No. 70-SO-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19794), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bay Minette, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

BAY MINETTE, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay Minette Municipal Airport (lat. 30°52'20" N., long. 87°49'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 3, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-1933 Filed 2-10-71;8:48 am]

[Airspace Docket No. 70-SO-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19793), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Liberty, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the final approach radial for VOR RWY-2 Instrument Approach Procedure was refined to the 358° radial. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

, LIBERTY, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VOR 358° radial, extending from the 5-mile radius area to the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 3, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc. 71-1934 Filed 2-10-71;8:48 am]

[Airspace Docket No. 70-SO-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 71-1614 appearing on page 2480 in the issue for Friday, February 5, 1971, the eighth line, now reading "ville, NAS Cecil Field), and Mayport." should read, "ville, Fla. (Craig Municipal Airport)".

[Docket No. 10823, Amdt. 742]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and make a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; NDB (ADF)-1, Amdt. 3; Canceled.
Bridgeport, N.J.—Bridgeport Airport; ADF 1, Amdt. 5; Canceled.
Philadelphia, Pa.—International Airport; ADF 1, Amdt. 17; Canceled.
Atlantic City, N.J.—NAFEC/Atlantic City (Pomona) Airport; VOR Runway 4, Amdt. 8; Revised.
Atlantic City, N.J.—NAFEC/Atlantic City (Pomona) Airport; VOR Runway 31, Amdt. 8; Revised.
Elko, Nevada—Elko Municipal Airport; VOR 1, Amdt. 7; Canceled.
Willows, Calif.—Willows-Glenn County Airport; VOR 1, Amdt. 1; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAPs, effective March 11, 1971.

Lovelock, Nevada—Derby Field; VOR (R-005), Amdt. 1; Canceled.

3. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; VOR DME-1, original; Canceled.
Elko, Nev.—Elko Municipal Airport; VOR DME No. 1, Amdt. 3; Canceled.

4. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective March 11, 1971.

Cold Bay, Alaska—Cold Bay Airport; LFR-A, Amdt. 3; Revised.

5. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective March 4, 1971.

Ormond Beach, Fla.—Ormond Beach Municipal Airport; VOR Runway 8, Amdt. 3; Revised.

6. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective March 11, 1971.

Casper, Wyo.—Casper Air Terminal Airport; VOR Runway 21, Amdt. 11; Revised.
Cold Bay, Alaska—Cold Bay Airport; VOR Runway 14, Amdt. 6; Revised.
Elkins, W. Va.—Elkins-Randolph County Airport; VOR-A, Amdt. 5; Revised.
Elko, Nev.—Elko Municipal Airport; VOR-A, Original; Established.
Idaho Falls, Idaho—Fanning Field; VOR Runway 2, Amdt. 12; Canceled.
Idaho Falls, Idaho—Fanning Field; VOR Runway 3, Original; Established.
Idaho Falls, Idaho—Fanning Field; VOR Runway 20, Amdt. 8; Canceled.
Idaho Falls, Idaho—Fanning Field; VOR Runway 21, Original; Established.
Lovelock, Nev.—Derby Field; VOR-A, Original; Established.
Mansfield, Mass.—Mansfield Municipal Airport; VOR-A, Amdt. 6; Revised.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 10L, Original; Established.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 11L, Amdt. 3; Canceled.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 28R, Original; Established.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 29R, Amdt. 5; Canceled.
Rock Hill, S.C.—Rock Hill Municipal Airport; VOR-A, Amdt. 2; Revised.
Willows, Calif.—Willows-Glenn County Airport; VOR Runway 34, Original; Established.
Arcata-Eureka, Calif.—Arcata Airport; VOR/DME A, Original; Established.
Casper, Wyo.—Casper Air Terminal Airport; VOR/DME Runway 21, Amdt. 1; Revised.
Cold Bay, Alaska—Cold Bay Airport; VORTAC-A, Amdt. 1; Revised.
Willows, Calif.—Willows-Glenn County Airport; VOR DME Runway 34, Original; Established.

7. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective March 11, 1971.

Casper, Wyo.—Casper Air Terminal Airport; LOC (BC) Runway 25, Amdt. 10; Revised.
Cold Bay, Alaska—Cold Bay Airport; LOC/DME (BC) Runway 32, Original; Established.

8. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; NDB-A, Original; Established.
Casper, Wyo.—Casper Air Terminal Airport; NDB Runway 7, Amdt. 7; Revised.
Cold Bay, Alaska—Cold Bay Airport; NDB Runway 14, Amdt. 5; Revised.
Elkins, W. Va.—Elkins-Randolph County Airport; NDB-A, Original; Established.
Idaho Falls, Ida.—Fanning Field; NDB (ADF) Runway 20, Amdt. 6; Canceled.
Idaho Falls, Ida.—Fanning Field; NDB Runway 21, Original; Established.
Las Cruces, N. Mex.—Las Cruces Municipal Airport; NDB-A, Original; Established.
Saipan Island, Mariana Islands—Kobler Airport; NDB-A, Original; Established.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; ILS Runway 31, Amdt. 14; Revised.
Casper, Wyo.—Casper Air Terminal Airport; ILS Runway 7, Amdt. 16; Revised.
Cold Bay, Alas.—Cold Bay Airport; ILS Runway 14, Amdt. 8; Revised.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; ILS/DME Runway 7, Original; Established.

10. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 11, 1971.

Fort Smith, Ark.—Fort Smith Municipal Airport; RNAV Runway 7, Original; Established.
Oklahoma City, Okla.—Will Rogers World Airport; RNAV Runway 12, Original; Established.
Oklahoma City, Okla.—Will Rogers World Airport; RNAV Runway 17L, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 12, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 30, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 2, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-1824 Filed 2-10-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6336]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Approval of Investment Advisory Contracts and Other Matters Which Should Be Considered by Registrants in Connection With 1971 Annual Meetings

The Securities and Exchange Commission today called the attention of all registered investment companies and their counsel to certain changes made in the Investment Company Act of 1940 by the Investment Company Amendments Act of 1970, Public Law 91-547 (1970 Act), enacted December 14, 1970, which they should consider in connection with preparations for their 1971 annual meetings.

Definition of new term "interested person" and approval of investment advisory and underwriting contracts and of independent public accountants. Section 2(a)(3) of the 1970 Act inserts a new paragraph (19) in section 2(a) of the Investment Company Act which defines the new term "interested person."[1] Other sections of the 1970 Act, effective December 14, 1971, will substitute this new term for the present term "affiliated person" in the following sections of the Investment Company Act:

(1) Section 10, relating to the composition of the board of directors of a registered investment company (amended by section 5 of the 1970 Act);

(2) Section 15, relating to the approval of advisory and underwriting contracts (amended by section 8(c) of the 1970 Act); and

(3) Section 32(a), relating to the selection of independent public accountants (amended by section 8(c) of the 1970 Act).

Although these amendments do not become effective until December 14, 1971, it may be necessary, unless certain steps are taken at the 1971 annual meetings, typically held in March and April, for registered investment companies to hold special shareholder's meetings to comply with the new requirements prior to December 14, 1971. The Commission believes that investment company managements should make all possible reasonable efforts to avoid the expense of special shareholder meetings in 1971 held solely to comply with the 1970 Act. Therefore, the boards of directors of registered companies and their counsel should consider ways most advantageous to their companies and their shareholders to accomplish the following objectives as part of their regular annual meetings:

(1) Section 10(a) of the Investment Company Act, on and after December 14, 1971, will prohibit a registered investment company from having a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered company. Management of registered companies should determine whether the composition of their proposed slate of directors to be elected at their 1971 annual meetings will comply with section 10(a), as amended. If the slate will not comply, this fact should be disclosed in the proxy statement along with an explanation of how management proposes to effect compliance by December 14, 1971. The same considerations apply to sections 10(b) and 10(d) of the Investment Company Act, as amended.

(2) In addition to the requirements of sections 15(a) and 15(b) of the Investment Company Act, section 15(c) of that Act will, on and after December 14, 1971, make it unlawful for any registered investment company having a board of directors to perform, as well as enter into or renew, any contract whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract and any renewal thereof have been approved by the vote of a majority of directors who are not parties to the contract or interested persons of any such party ("disinterested directors"),[2] cast in person[3] at a meeting called for the purpose of voting on such approval.

If a registered investment company presently has a board of directors the composition of which complies with section 10 of the Investment Company Act, as amended, or if a board complying with amended section 10 is elected at the company's 1971 annual meeting, then the company may be able to obtain the requisite approval of the disinterested directors to comply with section 15(c) of the Act, as amended, without holding a special shareholders' meeting.

If, however, a company's board of directors, which does not comply with amended section 10, approves the terms of a new contract or a renewal at its 1971 annual meeting, the Commission will regard the requirements of section 15(c), as amended, as met with respect to approval of a renewal, as well as respect to approval of the terms of a new contract, provided that a majority of the disinterested directors of a board complying with amended section 10 approve the terms of the contract prior to December 14, 1971.[4] This might require that a special shareholders' meeting[5] be held to elect a board qualifying under section 10, as amended, prior to December 14, 1971.[6] As indicated above, the Commission believes managements of registered companies should make all reasonable efforts to avoid the necessity of holding such a meeting.

Section 15(c) of the Investment Company Act, as amended, also provides that it shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms

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[1] Under section 2(a)(19) of the Investment Company Act, as amended, the new term "interested person" includes affiliated persons of an investment company, its investment adviser and principal underwriter, as well as members of the immediate family of such affiliated persons and persons who have beneficial interests or legal interests as fiduciaries in securities issued by the investment adviser, principal underwriter and their controlling persons. The term also includes any broker-dealer registered under the Securities Exchange Act of 1934, and any affiliated persons of any such broker-dealer, and legal counsel for an investment company, its investment adviser and principal underwriter and partners, and employees of such legal counsel. In addition, the definition includes any natural person whom the Commission by order shall have determined to be an interested person by reason of having or having had a material business or professional relationship with an investment company, or another investment company having the same investment adviser or principal underwriter, or certain of their affiliates.

[2] It should be noted that section 15(c) of the Investment Company Act, both before and after amended by the 1970 Act, must be read in conjunction with section 10 of the Act, as amended, so that the directors whose votes are necessary to approve an advisory or underwriting contract must be members of a board of directors the composition of which complies with section 10 of the Act, as amended.

[3] This is also a new requirement imposed by the 1970 Act which cannot be complied with by voting over the telephone, through the use of a closed-circuit television conference, by proxy or otherwise than by personal appearance.

[4] If the language of section 15(c), as amended, is taken literally, it might be read as requiring that any renewal of an investment advisory or underwriting contract at the 1971 annual meeting must be approved by a majority of the disinterested directors of a board complying with amended section 10.

[5] Of course, if the terms of an investment advisory contract considered by the board of directors in connection with section 15(c), as amended, vary from the terms approved at the 1971 annual meeting, shareholder approval will be necessary.

[6] Other means may be available to a registered investment company to comply with amended section 10 before December 14, 1971. For example, a director who is an interested person by reason of owning stock in a broker-dealer may sell or otherwise dispose of his stock.

of any investment advisory contract. This amendment is not applicable for any period prior to December 14, 1971. However, while the amendment clarifies the adviser's obligation to furnish such information, it merely codifies present law with respect to the directors' duties.[6a] Therefore, to the extent possible, the directors of all registered investment companies and investment advisers thereto should make every reasonable effort to comply with the amendment with respect to any advisory contract entered into or renewed during 1971 and which is to be performed for any period on and after December 14, 1971.

(3) Section 32(a) of the Investment Company Act, as amended, makes it unlawful on and after December 14, 1971, for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent accountant unless such accountant shall have been selected at a meeting held within 30 days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person,[7] of a majority of those members of the board of directors who are not interested persons of such registered company. The same considerations discussed above in connection with sections 15(c) and 10 of the Investment Company Act, as amended, are applicable to section 32(a), as amended.

There is an additional interpretive problem with respect to independent accountants. As indicated above, many registered investment companies may not have a board of directors complying with amended section 10 before their 1971 annual meetings or within 30 days before or after the beginning of their present fiscal years, and, therefore, may be unable to meet the requirements of amended section 32(a) with respect to financial statements filed on and after December 14, 1971. In such cases, the Commission will deem the requirements of amended section 32(a) as met with respect to financial statements filed on and after December 14, 1971, if a majority of the disinterested directors of a board complying with section 10, as amended, of such registered companies also approve the selection of an independent public accountant prior to December 14, 1971.

Advisory contracts providing for performance fees. In connection with the amendment to section 15(c) of the Investment Company Act relating to the approval of investment advisory contracts, registered investment companies and their counsel should also consider section 25 of the 1970 Act which amends section 205 of the Investment Advisers Act of 1940. This amendment, on and after December 14, 1971, will make it unlawful for a registered investment adviser[8] to a registered investment company to perform, as well as to enter into, extend or renew, any investment advisory contract if such contract provides for a performance fee (i.e., compensation on the basis of a share of capital gains or capital appreciation of the funds or any portion of the funds of the company). However, this amendment makes a limited exception for a performance fee contract which provides for compensation based on the asset value of the investment company averaged over a specified period and increasing and decreasing[9] proportionately with the investment performance of such company over a specified period in relation to the investment record of an appropriate index of securities prices[10] or such other measure of investment performance as the Commission by rule, regulation or order may specify.

In enacting this amendment to the Investment Advisers Act, the Congress determined that performance fee arrangements not meeting the requirements of this exception are unfair to investment companies and to their shareholders, but, in order to afford registered companies and their investment advisers a reasonable opportunity to make the adjustments necessary to comply with this amendment, Congress delayed the effective date until December 14, 1971. Therefore, the managements of registered investment companies and their advisers which have contracts providing performance fee arrangements which will be unlawful to perform on and after December 14, 1971, should in connection with their 1971 annual meetings consider changing the advisory contract to conform with the amendment as to the part of the contract to be performed before, as well as after, December 14, 1971.

However, the Commission will not raise any objection if a new advisory contract or a contract up for renewal, which does not presently meet the requirements of the amendment to section 205 of the Advisers Act, is revised to provide that the fee arrangement will change to so comply for any period on or after December 14, 1971.[11] Any proxy solicitation material should precisely describe the two methods of compensation, including the differences, and should explain the basis for management's decision to recommend that shareholders approve these two methods of compensation.

This is the first of a proposed series of releases on problems arising under the 1970 Act. The Commission expects to issue further releases dealing with other matters under the Act of interest and importance to registered investment companies, their counsel and other interested persons.

By the Commission, February 2, 1971.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1904 Filed 2-10-71;8:46 am]

[6a] Cf. Brown v. Bullock, 194 F. Supp. 207 (SDNY, 1961), aff'd., 294 F. 2d 415 (C.A. 2, 1961).

[7] See footnote 3, supra.

[8] Section 24 of the 1970 Act deletes the exemption formerly provided by section 203 (b)(2) of the Advisers Act for investment advisers whose only clients are registered investment companies. Therefore, effective Dec. 14, 1971, all investment advisers which theretofore had been relying upon this exemption will be required to register under the Advisers Act.

[9] The amendment to section 205 of the Advisers Act provides that the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance.

[10] The amendment to section 205 of the Advisers Act provides that an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise.

[11] Of course, if the Commission at some future date specifies some measure of investment performance other than an index of securities prices, further changes in such a contract will be required.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-3—PROCUREMENT BY NEGOTIATION

Subpart 4-3.51—Negotiated Research Agreements With Educational Institutions

DOCUMENTATION

The following miscellaneous amendments are made in the Agriculture Procurement Regulations:

Section 4-3.5106 is amended by adding paragraph (d) which reads:

§ 4-3.5106 Documenting the agreement.

• • • • • •

(d) *Awards.* The date of the grant and accordingly the date of obligation of funds for research agreements under grant authorities shall be the date the agreement is signed by the authorized Departmental officer. See 7 AR 6 for requirements for documenting obligation of funds for research agreements under other than grant authority.

Done at Washington, D.C., this 5th day of February 1971.

ELMER MOSTOW,
Director,
Office of Plant and Operations.

[FR Doc.71-1923 Filed 2-10-71;8:47 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES AND THE CLOSING OF POST OFFICE BOXES

Presiding Officers; Correction

The two parenthetical citations appearing in § 958.7 of the captioned rules of practice published in the daily issue of January 23, 1971 (36 F.R. 1142) require correction in order to conform to current law. Accordingly, the first sentence of § 958.7 is amended to read as follows:

§ 958.7 Presiding officers.

The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 3105) or the Judicial Officer (39 U.S.C. 204, as enacted by Public Law 91-375). • • •

(5 U.S.C. 301, 39 U.S.C. 501, 74 Stat. 580, 39 U.S.C. 204, 84 Stat. 721)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-1916 Filed 2-10-71;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 142—LOANS TO PRIVATE NONPROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS

Miscellaneous Amendments

Part 142 of Title 45 of the Code of Federal Regulations is amended to reflect (1) the amendments made by Public Laws 90-575 and 91-230, (2) a broadened definition of laboratory and other special equipment, and (3) the fact that language no longer appears in the appropriations acts for the Department of Health, Education, and Welfare prohibiting the purchase of equipment from a Communist country.

1. The title of Part 142 is revised to read as set forth above.

(Sec. 807, Public Law 91-230)

2. In the table of contents, Subpart G—The Humanities and The Arts is deleted.

(Sec. 807, Public Law 91-230)

3. Section 142.1 is revised to read as follows:

§ 142.1 Purpose of loan program.

The Federal Government makes loans available under the provisions of section 305 of the Act to eligible private nonprofit elementary secondary schools for the acquisition of laboratory and other special equipment suitable for use in providing education in academic subjects as defined in § 142.2(a), and for minor remodeling of laboratory or other space used for such equipment.

(20 U.S.C. 445)

4. In § 142.2, paragraphs (a), (b), (c), (d), (e), (i), (j), (k)(1), and (q) are amended to read as follows:

§ 142.2 Definitions.

As used in this part:

(a) "Academic subjects" means the following elementary and secondary school subjects: the arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

(b) "Act" means the National Defense Education Act of 1958, 20 U.S.C. Ch. 17.

(c) "Application" means a request to borrow funds from the United States under section 305 of the Act, submitted to the Commissioner in such form as he may require.

(d) "Audiovisual library" means a facility for the collection, custody, cataloging, maintenance, and distribution of audiovisual materials for education in academic subjects in elementary or secondary schools, and controlled and operated by a school or a group of schools under a school system.

(e) "Commissioner" means the United States Commisioner of Education.

• • • • • •

(i) "Laboratory and other special equipment" means (1) fixed or movable articles, which are particularly appropriate for use in providing education in academic subjects in an elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning in such subjects; (2) audiovisual equipment (including projectors, recorders, television cameras, television receivers, closed-circuit television distribution systems, and ancillary television projection and reception equipment to be used primarily for nonbroadcast purposes, except where broadcast takes the place of closed-circuit cable systems), to be used, either by teachers in connection with teaching or by students in connection with learning, primarily in providing education in academic subjects in an elementary or secondary school; (3) "materials" as defined in paragraph (j) of this section and devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and instructional materials for academic subjects; (4) storage equipment to be used solely for the care and protection of the foregoing items when used in laboratories or classrooms; (5) testgrading equipment to be used primarily in providing education in academic subjects in an elementary or secondary school; and (6) specialized equipment for audiovisual libraries serving elementary or secondary schools when such equipment is to be used primarily in providing education in academic subjects. (The term excludes such items as general-purpose furniture, radio or television broadcasting apparatus, school public address systems, or items for the maintenance and repair of equipment. However, the term does include equipment for maintenance and repair of materials in audiovisual libraries.)

(j) "Materials" means those items which with reasonable care and use may be expected to last for more than 1 year and are suitable for and are to be used in providing education in academic subjects in an elementary or secondary school. The term includes such items as tapes and discs; slides and transparencies; films and filmstrips; books, pamphlets, and periodicals; and other printed and published materials such as maps, globes, and charts. The term does not include such items as textbooks (as defined in paragraph (r) of this section) or chemicals and other supplies which are consumed in use.

(k) (1) "Minor remodeling" means those minor alterations in a previously completed building in space used or to be used as a laboratory or classroom for education in academic subjects which are needed to make effective use of equipment in providing education in such subjects. The term also includes minor alterations in a previously completed building which are needed to make effective use of the items referred to in subparagraphs (5) and (6) of paragraph (i) of this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation.

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(q) "State" means a State of the Union, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

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(20 U.S.C. 403, 445)

5. In § 142.3, subparagraphs (8) and (9) of paragraph (b) are revised to read as follows:

§ 142.3 Application for loan.

• • • • • •

(b) • • •

(8) A certification that the equipment is to be used primarily for providing education in academic subjects, except that in the case of storage equipment it will be used solely for the care and protection of equipment, including materials for providing education in academic subjects, and a certification that the minor remodeling, if any, is to be performed to make more effective use of equipment in providing education in academic subjects;

(9) A description showing the direct relationship of the proposed expenditures to the overall design for enriching the planned educational program and the achievement of desired curriculum goals in academic subjects; and

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(20 U.S.C. 445)

6. In § 142.5, paragraph (a) is revised to read as follows:

§ 142.5 Action on approved application.

(a) *Execution of note.* After the Commissioner approves an application for a loan, he will so notify the applicant and will require the execution of a promissory note, which will include a schedule of payments of the principal, with interest accruing on the unpaid principal

of the loan to the dates of such payments. If the note is not executed by the last day of the fiscal year following the fiscal year in which the application was approved, the Commissioner may cancel the loan approval.

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(20 U.S.C. 445)

7. In § 142.6, paragraphs (d), (f), and (g) are revised to read as follows, paragraph (h) is deleted, and a new paragraph (i) is added:

§ 142.6 Loan conditions.

• • • • •

(d) *Unused and unreported funds.* Loan funds that are not used by the last day of the fiscal year following the fiscal year in which the application was approved for the purposes set out in paragraph (c) of this section, and loan funds used but not reported as required in § 142.9, shall immediately become due and payable, with interest accrued thereon unless the Commissioner extends the period upon the written request of the applicant. This paragraph shall not apply if the total amount not used for the acquisition of equipment, or for the performance of minor remodeling, and not reported does not exceed two percent of the amount lent or $200, whichever is smaller.

• • • • •

(f) *Disposal or unauthorized use of equipment acquired.* If during the period of the loan the applicant disposes of equipment or uses it for a purpose not authorized under the loan conditions, the regulations, or the Act, the balance of the loan shall, at the option of the Commissioner, become immediately due and payable, with interest accrued thereon. Any such unauthorized use and any such disposal shall be reported to the Commissioner. Equipment acquired under an approved project for academic subjects may be used when available and suitable in providing education in other subjects, if there exists a critical need therefor in the judgment of the borrower. Equipment shall be deemed available only when it is not needed for the time being for use in academic subjects.

(g) *Time of acquisition.* Loan funds shall not be used for the acquisition of equipment, including minor remodeling, for which firm commitments have been made prior to the time when the application is received by the Commissioner in substantially approvable form.

(h) [Deleted]

(i) *Requirement with respect to minor remodeling.* In a case of a project involving minor remodeling, the application for a loan shall provide assurances that all laborers and mechanics employed by contractors or subcontractors on such minor remodeling will be paid wages at rates not less than those prevailing on similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretations of the Fringe Benefits Provisions of the Davis-Bacon Act—published at 29 F.R. 13465); and that the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for minor remodeling as defined in said Executive order.

(20 U.S.C. 445, 1232b)

8. In § 142.7, paragraph (a) is amended to read as follows:

§ 142.7 Interest.

(a) *Determination of interest rate.* Loans will bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of such loans as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result obtained to the nearest one-eighth of 1 per centum.

• • • • •

(20 U.S.C. 445)

9. In § 142.9, paragraph (a) is amended to read as follows:

§ 142.9 Reports and records.

(a) *Reports.* Each applicant receiving a loan shall furnish a completion report upon completing the approved project, and shall furnish such progress or other reports as the Commissioner may from time to time require regarding the use of loan funds. The completion report shall be submitted by the last day of the fiscal year following the fiscal year in which the application was approved unless the Commissioner extends the period upon the written request of the applicant.

• • • • •

(20 U.S.C. 445)

§§ 142.20, 142.21 [Deleted]

10. Subpart G—The Humanities and the Arts is deleted.

(Sec. 807, Public Law 91-230)

In accordance with section 421(b) of the General Education Provisions Act (20 U.S.C. 1232(b)), these regulations shall become effective 30 days after they are published in the FEDERAL REGISTER.

(20 U.S.C. 445. Interpret or apply 20 U.S.C. 441-445, 581-588)

Dated: January 21, 1971.

S. P. MARLAND, JR.,
Commissioner of Education.

Approved: February 5, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-1927 Filed 2-10-71;8:48 am]

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Time Limitations for Federal Financial Participation in Medical Assistance Payments

Part 249 is amended by adding a new § 249.81 as set forth below to prescribe time limitations for Federal financial participation in medical assistance program payments under title XIX of the Social Security Act. This material is being transferred from the Handbook of Public Assistance Administration, Supplement D-5810, and includes a new provision for exception to the time limitations in certain retroactive adjustment cases.

This amendment shall be effective on date of publication in the FEDERAL REGISTER and shall apply to all claims in open audits. Notice of proposed rule making has been dispensed with, since the new provision is in the interest of State agencies administering the medical assistance program and the regulations are urgently needed to resolve pending audit problems. For these reasons notice and public procedure thereon are impracticable.

Section 249.81 reads as follows:

§ 249.81 Time limitations for Federal financial participation in medical assistance payments.

Vendor payments for medical care and services are eligible for Federal financial participation for the month in which they are paid, regardless of the eligibility status of the individual in the month of payment, provided:

(a) He was found eligible for medical assistance for the month during which the medical care and services were rendered, and was alive at the time the application was made;

(b) he received such medical care and services in or after the third month before the month in which he made application; and

(c) not more than 24 months have elapsed since the month of the latest services for which the particular payment is being made with respect to the individual, except that this time limitation does not apply with respect to retroactive adjustment payments where services are reimbursed on the same basis as under title XVIII.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (2-11-71) and shall apply to all claims in open audits.

Dated: January 6, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: February 5, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1926 Filed 2-10-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3100]

OIL AND GAS LEASING

Exceptions to Automatic Terminations and Reinstatement of Terminated Leases

The purpose of this amendment is to implement the Act of May 12, 1970 (84 Stat. 206).

The Act modifies the automatic oil and gas lease termination provisions of section 31 of the Mineral Leasing Act, as amended (30 U.S.C. section 188), by providing (1) that the automatic termination provisions do not operate under certain circumstances, and (2) for the reinstatements of terminated leases under certain conditions.

It is the policy of this Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 3108.2-1 of Subpart 3108, Chapter II of Title 43 of the Code of Federal Regulations is amended to read as follows:

§ 3108.2-1 Automatic terminations and reinstatement.

(a) *Automatic terminations.* Except as provided in paragraph (b) of this section, any lease issued after July 29, 1954, or any lease which is extended after that date pursuant to § 3107.1 on which there is no well capable of producing oil or gas in paying quantities shall automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the appropriate Land Office. Upon such notation the lands included in such lease will become subject to the filing of new lease offers only as provided for in Subpart 3112.

(b) *Exceptions.* If the rental payment due under a lease is paid on or before its anniversary date but either the amount of the payment has been or is hereafter deficient and the deficiency is nominal as defined in this section, or the amount of payment made was determined in accordance with the rental or acreage figure stated in the lease or stated in a bill or decision rendered by an authorized officer and such figure is found to be in error, such lease shall not have automatically terminated unless (1) a new lease had been issued prior to May 12, 1970, or (2) the lessee fails to pay the deficiency within the period prescribed in the Notice of Deficiency provided for in this section. A deficiency will be considered nominal if it is not more than $10 or five per centum (5%) of the total payment due, whichever is more.[1] The authorized officer will send a Notice of Deficiency to the lessee on a form approved by the Director. The notice will be sent by certified mail, return receipt requested, and will allow the lessee 15 days from the date of receipt to submit the full balance due to the appropriate office. If the payment called for in the notice is not paid within the time allowed, the lease will have terminated by operation of law as of its anniversary date.

(c) *Reinstatements.* (1) Except as hereinafter provided, the authorized officer may reinstate a terminated lease which has been or is hereafter terminated automatically by operation of law for failure to pay on or before the anniversary date the full amount of rental due, provided that (i) such rental was paid or tendered within 20 days thereafter, and (ii) it is shown to the satisfaction of the authorized officer that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, and (iii) a petition for reinstatement, together with the required rental, including any back rental which has accrued from the date of termination of the lease, is filed with the appropriate office within 15 days after receipt of Notice of Termination of Lease due to late payment of rental. The Notice of Termination will be sent by certified mail, return receipt requested.

(2) The burden of showing that the failure to pay on or before the anniversary date was justifiable or not due to lack of reasonable diligence will be on the lessee. Reasonable diligence requires sending or delivering payments sufficiently in advance of the anniversary date to account for normal delays in the collection, transmittal, and delivery of the payment. The authorized officer may require evidence, such as post office receipts, of the time of sending or delivery of payments.

(3) Under no conditions will a terminated lease be reinstated if (i) a valid oil and gas lease has been issued prior to the filing of petition for reinstatement affecting any of the lands covered by that terminated lease, or (ii) the Federal oil and gas interests in the lands have been withdrawn or disposed of, or have otherwise become unavailable for oil and gas leasing.

(d) *Extension of term of reinstated leases.* In any case where a reinstatement of a terminated lease is granted under this section and the authorized officer finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the authorized officer may, at his discretion, extend the term of such lease for such period as he believes will give the lessee such an opportunity. Such extensions shall be subject to the following conditions:

(1) No extension shall exceed a period equivalent to the time (i) beginning when the lessee knew or should have known of the termination, and (ii) ending on the date on which the authorized officer grants such petition.

(2) No extension shall exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination.

(3) When the reinstatement occurs after the expiration of the term or extension thereof, the lease may be extended from the date the authorized officer grants the petition.

(e) *Service of documents.* The rules governing filing and service of documents set out in § 1840.0-6(e) of this chapter shall apply to notices of deficiency and termination issued under the provisions of this section.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 4, 1971.

[FR Doc.71-1898 Filed 2-10 71;8 45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Glasgow, Ky., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL

[1] However, nothing in this subpart shall bar a secretarial officer or the Board of Land Appeals from recognizing as nominal a greater deficiency where equity or the rule of de minimis so warrants.

REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Glasgow transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow Municipal Airport (lat. 37°01'54" N., long. 85°57'10" W.); within 3 miles each side of the 252° bearing from Glasgow RBN (lat. 37°01'03" N., long. 86°00'33" W.), extending from the 9-mile-radius area to 8.5 miles west of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Glasgow Municipal Airport. An NDB(ADF) RWY-7 Instrument Approach Procedure to this airport, utilizing the Glasgow (private) Nondirectional Radio Beacon, is currently in effect.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 3, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-1931 Filed 2-10-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS IN OREGON AND WASHINGTON

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Washington as set forth in the following new §§ 481.185–481.189 inclusive and in the State of Oregon as set forth in the following new §§ 481.219–481.221 inclusive all of which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Portland Interstate Air Quality Control Region (Oregon-Washington) and also to rename the Region.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Washington and Oregon and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revision are hereby given notice of opportunities to consult with representatives of the Administrator concerning the proposed designations and the proposed revision. Due to the interstate and intrastate nature of these proposals, two consultations will be held. One consultation will be held in Washington to discuss the proposed Washington intrastate air quality control regions and the proposed revision of the Portland Interstate Air Quality Control Region. Such consultation will take place at 1 p.m., February 18, 1971, in Room 5061, Arcade Plaza, 1321 Second Avenue, Seattle, WA 98101. Another consultation will be held in Oregon to discuss the proposed Oregon intrastate air quality control regions and the proposed revision of the Portland Interstate Air Quality Control Region. This consultation will take place at 1 p.m., February 19, 1971, in the U.S. Court of Appeals, Seventh Floor, U.S. Courthouse, 620 Southwest Main Street, Portland, OR.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultations. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in either or both consultations should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.185 North Central Washington Intrastate Air Quality Control Region.

The North Central Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:

Chelan County.	Okanogan County.
Douglas County.	

§ 481.186 Northeast Washington Intrastate Air Quality Control Region.

The Northeast Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:

Ferry County.	Stevens County.
Pend Oreille County.	

§ 481.187 Northwest Washington Intrastate Air Quality Control Region.

The Northwest Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:

Island County.	Skagit County.
San Juan County.	Whatcom County.

§ 481.188 Olympic Intrastate Air Quality Control Region.

The Olympic Intrastate Air Quality Control Region (Washington) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:

Clallam County.	Mason County.
Grays Harbor County.	Pacific County.
Jefferson County.	Thurston County.

§ 481.189 South Central Washington Intrastate Air Quality Control Region.

The South Central Washington Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:

Benton County.	Walla Walla County.
Franklin County.	Yakima County.
Kittitas County.	

§ 481.219 Central Oregon Intrastate Air Quality Control Region.

The Central Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Crook County.	Klamath County.
Deschutes County.	Lake County.
Hood River County.	Sherman County.
Jefferson County.	Wasco County.

§ 481.220 Eastern Oregon Intrastate Air Quality Control Region.

The Eastern Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Baker County.	Morrow County.
Gilliam County.	Umatilla County.
Grant County.	Union County.
Harney County.	Wallowa County.
Malheur County.	Wheeler County.

§ 481.221 Southwest Oregon Intrastate Air Quality Control Region.

The Southwest Oregon Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Coos County.	Jackson County.
Curry County.	Josephine County.
Douglas County.	

§ 481.51 [Amended]

The Portland Interstate Air Quality Control Region (Oregon-Washington) (§ 481.51) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

Benton County.	Marion County.
Clackamas County.	Multnomah County.
Columbia County.	Polk County.
Lane County.	Washington County.
Linn County.	Yamhill County.

In the State of Washington:

Clark County.	Cowlitz County.

It is now proposed to: (1) Add Klickitat, Lewis, Skamania, and Wahkiakum Counties, in the State of Washington, and Clatsop, Lincoln, and Tillamook Counties, in the State of Oregon, to the region; and (2) rename the region the Portland (Oregon)-Southwest Washington Interstate Air Quality Control Region.

This action is proposed under the authority of (sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604).

Dated: February 6, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1951 Filed 2-10-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGERS, ARIZONA

Redelegation of Authority To Issue Special Land Use Permits

Under the provision of Bureau Order No. 701, as amended, authority is hereby redelegated to the District Managers, Arizona, to issue Special Land Use Permits for lands outside established grazing and forest districts (B.O. 701, Part III, sec. 3.9(o)(3)).

JOE T. FALLINI,
State Director.

FEBRUARY 5, 1971.

[FR Doc.71-1915 Filed 2-10-71;8:47 am]

AREA MANAGERS, COEUR D'ALENE DISTRICT, IDAHO

Redelegation of Authority

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Emerald Empire and Chief Joseph Areas of the Coeur d'Alene District, Idaho, are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended, together with any limitations specified below.

(1) Sec. 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

(2) Sec. 3.7(a)(1): Licenses to graze or trail livestock.

(3) Sec. 3.7(a)(2): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Sec. 3.7(b): Grazing leases.

(5) Sec. 3.7(d): Soil and moisture conservation.

(6) Sec. 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.

(7) Sec. 3.8(a): Disposition of forest products except that sales of timber in excess of 1 million feet board measure must be approved by the District Manager or his delegate prior to advertisement.

(8) Sec. 3.9(g): Material other than forest products not exceeding $100 in value.

(9) Sec. 3.9(m): Grant temporary rights-of-way over public land and acquired land pursuant to 43 CFR Subpart 2811.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213-1, Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER (2-11-71).

RICHARD W. TINDALL,
District Manager.

Approved:

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-1899 Filed 2-10-71;8:45 am]

[BLM 054548]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land; Correction

FEBRUARY 4, 1971.

In F.R. Doc. 71-1148, filed January 27, 1971, appearing on pages 1361 and 1362 of the issue for Thursday, January 28, 1971, a correction should be made in the first paragraph. The name of the applicant agency should read: "The Forest Service, Department of Agriculture."

DORIS A. KOIVULA,
Manager.

FEBRUARY 4, 1971.

[FR Doc.71-1900 Filed 2-10-71;8:45 am]

[New Mexico 929, Amdt. 1]

NEW MEXICO

Notice of Classification of Public Lands for Multiple Use Management

FEBRUARY 4, 1971.

In F.R. Doc. 70-4898, appearing on page 6444 of the FEDERAL REGISTER of the issue for April 22, 1970, the following modification is hereby made:

In paragraph 4, the following words are hereby deleted, "and the mineral leasing."

HAROLD A. BERENDS,
Acting State Director.

[FR Doc.71-1901 Filed 2-10-71;8:45 am]

OUTER CONTINENTAL SHELF OFF EASTERN LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3300, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana as shown upon Ship Shoal Area, and Ship Shoal Area, South Addition, official leasing maps, and all other mapped areas to the east awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in the United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than March 29, 1971. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, LA 70002, and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70150. Envelopes should be marked, "Nominations of Leasing in the Outer Continental Shelf—Eastern Louisiana."

Official leasing maps in a set of 25 maps, and a cover sheet showing leasing blocks off Louisiana, may be purchased at $5 per set from the Manager, New Orleans Outer Continental Shelf Office at the above address, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910. Whole blocks, or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

BOYD L. RASMUSSEN,
Director,
Bureau of Land Management.

Approved: February 5, 1971.

ROG MORTON,
Secretary of the Interior.

[FR Doc.71-1929 Filed 2-10-71;8:48 am]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Adjustment of Salary

Pursuant to the provisions of Executive Order 11576 the salary of the Administrator, Southwestern Power Administration, is adjusted to $36,000 per annum effective on the first day of the first pay period which begins on or after January 1, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

FEBRUARY 4, 1971.

[FR Doc.71-1913 Filed 2-10-71;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-504]

LELAND R. OSGOOD

Notice of Loan Application

FEBRUARY 4, 1971.

Leland R. Osgood, Vinalhaven, Maine 04863, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 32-foot length overall wood vessel to engage in the fishery for lobsters and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[FR Doc.71-1914 Filed 2-10-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

STATEMENT OF ORGANIZATIONS, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Part 5, formerly Part 7 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 F.R. 1279, Jan. 25, 1969, as amended), is hereby further amended with regard to section 5-B, formerly 7-B, Organization and Functions, for the purpose of transferring the Division of Data Processing from the Office of the Assistant Administrator for Administration to the Office of the Assistant Administrator for Program Statistics and Data Systems. Therefore, section 5-B of the Statement is amended as follows:

1. Under the Office of the Assistant Administrator for Administration, strike out the heading "Division of Data Processing" and the paragraph that follows thereunder.

2. Under the Office of the Assistant Administrator for Program Statistics and Data Systems, add directly after the paragraph headed "Division of Forecasting and Trend Analysis" the following:

Division of Data Processing. Provides internal SRS planning, policy, direction, and technical services in the field of automatic data processing. Conducts studies to determine the method of application of data processing systems to existing SRS internal systems. Promotes utilization of data processing as a support for other management and program services. Provides data processing facilities for SRS (operations, contracts or arrangement with other HEW data processing installations). Monitors data processing utilization by all SRS activities.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2-11-71).

Dated: February 1, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration.

By RONALD BRAND,
Deputy Assistant Secretary for Management Systems.

[FR Doc.71-1928 Filed 2-10-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ASSISTANT ADMINISTRATOR FOR INTERNATIONAL AVIATION AFFAIRS AND GENERAL COUNSEL

Delegation and Revocation of Authority

Pursuant to the delegation of authority from the Secretary of Transportation to the Federal Aviation Administrator for administration of the Aviation War Risk Insurance Program (§ 1.47(b) of the Regulations of the Office of the Secretary of Transportation; 35 F.R. 4959), authority is hereby delegated to the Assistant Administrator for International Aviation Affairs to exercise the powers under Title XIII—War Risk Insurance, of the Federal Aviation Act of 1958, 49 U.S.C. 1531 et seq., except that the Administrator retains the authority to issue final rules and regulations under section 1307(a), 49 U.S.C. 1537(a).

The delegation of authority to the General Counsel issued February 6, 1968, and published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3654), is hereby revoked.

Issued in Washington, D.C., on February 4, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1930 Filed 2-10-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 850 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 4, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of January 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-1543 Filed 2-3-71;8:49 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such

views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1141 Filed 1-27-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-2-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority February 4, 1971.

By Order 71-1-93, dated January 19, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-1-93 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-9 through R-11, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1941 Filed 2-10-71;8:49 am]

[Docket No. 23076; Order 71-2-36]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of February 1971.

By tariff revision[1] filed January 11, 1971, and marked to become effective February 11, 1971, Overseas National Airways, Inc. (ONA), proposes a rule which would limit the carrier's liability for charter cargo to its actual value, but not in excess of 50 cents per pound or $50 per aircraft load, whichever is greater. No provision is made for a greater carrier liability, at the charterer's option, at an additional charge.

No complaints have been received by the Board.

ONA's tariff rules presently limit the carrier's liability to $500 per aircraft load, with greater carrier liability available to the shipper at the rate of 10 cents per $100 of declared value in excess of $500. A choice of rates and liability is considered essential to the validity of a carrier's limitations on its common carrier responsibilities. In these circumstances, the Board will not permit the proposal to become effective without investigation.

Upon consideration of all relevant matters, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposed rule should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 25 on 13th Revised Page 5 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series), and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 25 on 13th Revised Page 5 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series) is suspended and its use deferred to and including May 11, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation instituted herein, assigned Docket 23076, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Overseas National Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1942 Filed 2-10-71;8:49 am]

[1] Revision to Overseas National Airways, Inc., Tariff CAB No. 22.

[Docket No. 22374]

PIEDMONT AVIATION, INC.

Notice of Postponement of Prehearing Conference Regarding Deletion of Elizabeth City, N.C.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held on February 5, 1971, is hereby postponed to February 11, 1971. The prehearing conference will be held in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, beginning at 10 a.m., e.s.t.

Dated at Washington, D.C., February 4, 1971.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.71-1940 Filed 2-10-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19080-19085; FCC 71 R-44]

NIAGARA COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In the matter of application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at Bay Shore, N.Y., Docket No. 19080, File No. 750-M-P-89; application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at East Hampton, N.Y., Docket No. 19081, File No. 807-M-P-99; application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at Providence, R.I., Docket No. 19082, File No. 876-M-L-109; application of Great Eastern Communications Co. for license modification to authorize an additional working frequency at its Groton, Conn., station, Docket No. 19083, File No. 856-M-ML-70; applications of Great Eastern Communications Co. for license modification to authorize an additional working frequency at its New Bedford, Mass., station, Docket No. 19084, File No. 857-M-ML-70; and application of Radio Telephone Answering Service, Inc., for a construction permit for a new public Class III-B coast station to be located at Richmond (Staten Island), N.Y., Docket No. 19085, File No. 744-M-L-40.

1. This proceeding involves the applications of Niagara Communications, Inc. (Niagara), for authorization to construct public coast class III-B stations at Bay Shore and East Hampton, N.Y., and Providence, R.I.; of Great Eastern Communications Co. (Great Eastern), for modification of its existing station license to provide additional working frequencies for its New Bedford, Mass. (Station KJC737), and Groton, Conn. (Station KWB437), stations;[1] and of Radio Telephone Answering Service, Inc. for a new public coast class III-B station at Richmond (Staten Island), N.Y.[2] The applications were designated for hearing by memorandum opinion and order of the Commission (FCC 70-1023, 35 F.R. 18089, published November 25, 1970) on, inter alia, issues to determine the economic impact of the grant of Niagara's applications on Great Eastern's stations and to determine the need for all of the proposed facilities. Presently before the Review Board is a petition to enlarge issues,[3] filed December 10, 1970, by Great Eastern, requesting the addition of three issues inquiring into Niagara's qualifications. The requests will be treated seriatim.

Section 1.918(b) issue. 2. In support of its first requested issue, Great Eastern contends that Niagara has violated § 1.918(b) of the Commission's rules by failing to serve copies of amendments to its applications on petitioner, even though the applicant had actual notice of the filing of petitions to deny by the predecessor in interest to Great Eastern, Advanced Communications Co. Petitioner points to two letters sent by Niagara to the Safety and Special Radio Services Bureau on March 7, 1970, and April 28, 1970, respectively, in response to requests for additional information concerning Niagara's applications. The first letter, which Niagara describes as an amendment, informed the Commission that transmitters would be acquired from a different equipment supplier than the application had initially stated, and enclosed a letter from the Liberty National Bank and Trust Company of Buffalo as proof of a commitment by the bank to lend Niagara up to $30,000 for construction of its proposed stations. The second letter contained further information on the proposed $30,000 loan from the Liberty National Bank. Great Eastern argues that both letters constitute amendments to Niagara's application and that the applicant's consequent failure to comply with Commission rules demonstrates that it cannot be expected to exercise the diligence and responsibility required of a licensee.

3. In opposition, Niagara argues that the letters referred to were not amendments of its applications; that the Commission did not notify other interested parties of its request for information and it was, therefore, appropriate to simply respond to the Commission's letters; and that "copies of papers were served in accordance with the Commission rules." In reply, Great Eastern contends that "[i]t is clear folly to assume * * * that applicants make a practice of informing the Commission of proposed changes in their applications without desiring the Commission to consider these changes as amendments to those applications," and that Niagara's denial that its letters constituted amendments raises "grave questions" about Niagara's good faith and reliability. Petitioner further suggests that it might be appropriate to specify a general misrepresentation issue in light both of Niagara's statements when confronted with its failure to serve copies of the March 7 and April 28 letters, and other statements on which Great Eastern bases its request for a deception issue. (See paragraph 8, infra. Moreover, petitioner argues that whether or not it has been prejudiced by the failure of service is beside the point, since the Commission adopted its rules of service because it felt that it was desirable for "interested parties to be fully and immediately informed of all changes in pending applications" and Niagara has offered no justification for its failures.

4. Section 1.918(b) of the Commission's rules requires that "if a petition to deny (or to designate for hearing) has been filed" any amendment filed by an applicant "shall be served on the petitioner". The letters sent by Niagara in response to Commission inquiries unquestionably constitute amendments of the applicant's equipment and financial proposals and, thus, should have been served on petitioner. The applicant, in its opposition, does not specifically dispute the allegation that such service did not take place. However, the procedural failures here are not, in the Review Board's opinion, sufficiently serious to warrant the addition of a disqualifying issue. Cf. Martin Lake Broadcasting Company, 23 FCC 2d 199, 19 RR 2d 24 (1970). The letters were filed in response to Commission inquiries, they were not labeled amendments, and we therefore have no reason to doubt Niagara's explanation that it did not regard these letters as amendments.[4] As the Safety and Special Radio Services Bureau points out, in its comments, there is no indication that Great Eastern has been prejudiced in any substantial or material manner, and Niagara's failure to serve copies of the letters in question does not reveal a pattern of deliberate disregard or gross negligence in regard to Commission rules and procedures. Compare Marvin C. Hanz, 22 FCC 2d 147, 18 RR 2d 830 (1970). The request for an issue in this regard will therefore be denied.

Financial qualifications issue. 5. In support of its requested financial qualifications issue, petitioner generally contends that Niagara's most recent construction "costs estimates are unreasonable and its financial showing is incapable of supporting a realistic estimate." Specifically, Great Eastern argues that: (a) Although Niagara has amended its proposals, so that it now seeks 10 frequencies rather than six, it has not amended its cost estimates to reflect the undoubtedly higher construction costs; (b) the transmitters proposed by the applicant are not capable of the type of service proposed by Niagara and the proper transmitters will cost $15,000; (c) Niagara will need ten antennas with diplexors and transmission lines, for $20,000 more in costs; (d) assuming, arguendo, that the applicant has technicians in its Buffalo office skilled enough to install its equipment, it has not provided for the cost of their living expenses during the process of installation; (e) $20,000 will be needed to purchase and install terminal equipment for interconnection between the proposed radio facilities and the land line telephone companies; and (f) additional funds will be needed for the lease of lines between transmitter sites and control points, filing and bookkeeping costs, maintenance on equipment, rental costs for transmitter sites, etc. Petitioner contends that its "conservative estimates" add up to a figure beyond Niagara's financial capability "even if credence is given to the proposed $30,000 bank loan, of which $6,000 plus interest must be repaid in the first year after taking the loan." Moreover, Great Eastern points out that Niagara also has applications pending for facilities in four other cities and has just been granted a construction permit in an Initial Decision for a new station at Miami, Fla. (FCC 70D-51, released Nov. 30, 1970). Finally, petitioner alleges that Niagara plans to finance all of these facilities with the same $30,000 bank loan. The Bureau, in its comments, asserts that if the cost figures cited by Great Eastern are accurate, a substantial and material question of fact would exist concerning the financial ability of Niagara, and states that it has no objection to the addition of the requested financial issue.

6. In opposition, Niagara states that it "does not propose to try its case in opposition to a Petition to Enlarge and simply submits that its cost figures are totally in line and will be so demonstrated at the hearing." In reply, petitioner suggests that, in light of Niagara's failure to submit any data in opposition, the Review Board should specify, on its own motion, a thorough investigation into the reasonableness of the costs set forth in Niagara's application and "non-amendments". Great Eastern argues that this would not constitute a further enlargement of the issues, but that the already requested issue is sufficiently broad to encompass the investigation.

7. The request for a financial qualifications issue will be granted. Petitioner has raised substantial questions concerning the realism of Niagara's cost figures and its consequent ability to construct, and possibly to operate, its proposed station. Particularly serious questions are raised as to Niagara's failure to amend

[1] Great Eastern is also the licensee of Station KLU785 at Monroe (Bridgeport), Conn.

[2] New York Telephone Co., licensee of Station KEA693 at New York, N.Y., and of Station KLU786 at Riverhead, N.Y., is also a party to this proceeding.

[3] Also before the Review Board are: (a) Comments of the Safety and Special Radio Services Bureau, filed Dec. 18, 1970; (b) opposition of Niagara, filed Dec. 22, 1970; and (c) reply to opposition, filed Jan. 7, 1971, by Great Eastern.

[4] It should be noted in this regard that Niagara is represented by local Buffalo counsel, who may not be fully familiar with Commission procedures.

its cost estimates despite the fact that it now seeks 10 frequencies rather than the original six, and the fact that it appears to plan to finance its pending applications for facilities in four other cities and its newly granted station at Miami, Fla., with the same $30,000 bank loan involved in the instant proceeding. No enlightenment on these specific matters or, generally, on the great disparity between Niagara's cost figures and the petitioner's estimates is provided by the applicant's opposition. Therefore, the questions raised by Great Eastern will have to be the subject of an evidentiary inquiry under an appropriate issue to be added herein.

Deception issue. 8. In support of its final request, Great Eastern points to § 81.303 of the Commission's rules, which provides that no new public coast station will be authorized to serve an area served by an existing station unless "the applicant shall make an affirmative showing that the public interest, convenience and necessity would be served by such a grant, and among other things, that there is such a need for additional facilities in the area involved * * *." Petitioner then notes the statement in Niagara's East Hampton application that it will serve "many thousands of pleasure boaters, sport fishermen, commercial fishermen, and many transient crafts," and statements of a similar nature in its Bay Shore application.[5] Great Eastern contends that talk of "thousands" of boats in the "fairly short stretch of coastline and inland waterways" which Niagara seeks to serve is "speciously inflated", since in the past 40 years only 100,000 boatowners throughout the entire country have purchased and installed facilities giving them the capability of receiving public coast signals; and argues that the inflated figures were designed to mislead the Commission into finding compliance with § 81.303. Great Eastern maintains that Niagara's statements do not constitute mere "puffing", but raise serious questions concerning the applicant's reliability as a Commission licensee.

9. The requested deception issue will be denied. As the Bureau states, in its comments, petitioner essentially merely disagrees with Niagara as to the need for the proposed facilities. More important, petitioner's contention that the applicant's estimate as to how many boats it will serve is "grossly inflated" and constitutes an attempt to deceive the Commission, as noted, is not supported by a thorough reading of the applications involved. Great Eastern states that there are only 100,000 boat owners throughout the United States equipped to receive public coast station signals, but, even if this undocumented figure is accepted as accurate, it does not follow that the waters in the areas involved are not used by "thousands" of watercraft. At worst, Niagara's statements, as to the usage of the waters can be considered examples of the type of "puffing" which is endemic to the pleadings of parties attempting to make their case. Moreover, the question of the actual need for the proposed facilities will be determined by the Examiner under the existing issues, with the burden of proof on the applicant. In short, while the Board does not condone the type of "puffing" which may have been engaged in by Niagara, neither do we believe that such conduct necessarily constitutes an attempt to deceive the Commission, or that under the circumstances here it constitutes an adequate basis for the addition of a character issue.

10. *Accordingly, it is ordered,* That the petition to enlarge issues, filed December 10, 1970, by Great Eastern Communications Co., is granted to the extent indicated below, and is denied in all other respects; and

11. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine whether Niagara Communications, Inc., is financially qualified to construct and operate its proposed stations at Bay Shore, N.Y., East Hampton, N.Y., and Providence, R.I.; and

12. *It is further ordered,* That the burdens of proceeding and of proof under the issue added herein shall be upon Niagara Communications, Inc.

Adopted: February 4, 1971.

Released: February 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1948 Filed 2-10-71;8:50 am]

[5] The contention that Niagara states that it would serve "many thousands" does not accurately reflect the statements in Niagara's applications. Niagara's East Hampton application, inter alia, states that, "The East Hampton area and immediate waters are used by many thousands of pleasure boaters, sport fishermen, commercial fishermen and transient craft." Similarly, Niagara's Bay Shore application states that: "The Bay Shore area serves several ferries * * *. It also serves many thousands of transient craft that visit the Long Island area."

FEDERAL POWER COMMISSION

[Docket No. AR61-1, etc.]

AREA RATE PROCEEDING (PERMIAN BASIN SHOW CAUSE)

Notice of Further Interim Extension of Time

FEBRUARY 4, 1971.

A number of producers have filed motions requesting the Commission to reconsider the November 2, 1970, letter orders in which the Commission denied a previous motion filed by the producers on September 14, 1970, requesting, inter alia, that refunds be deferred pending formulation of a Commission policy on refunds. Movants request that a conference be convened concerning refunds in those proceedings and that the time within which to make refunds be extended. An interim extension of time to and including February 8, 1971, was granted by notice issued January 5, 1971.

In order to provide time for the Commission to consider the motions which have been filed herein, notice is hereby given that the time is further extended to and including June 17, 1971, within which refund reports shall be filed in the above-designated proceedings, pursuant to the November 2, 1970, letter orders.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1945 Filed 2-10-71;8:49 am]

[Projects Nos. 746, 2598]

CITY OF AUGUSTA AND GEORGIA POWER CO.

Notice of Application for Withdrawal of Order Issuing Major License and Accepting Surrender of Minor Part License

FEBRUARY 5, 1971.

Public notice is hereby given that a joint application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the city of Augusta, Ga., and Georgia Power Co. (correspondence to: I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., Post Office Box 4545, Atlanta, GA 30302) for vacation of the Commission's order of December 22, 1969, accepting surrender of the minor part license for existing Project No. 746, known as the Augusta Canal Project, located on and adjacent to the Savannah River in and near the city of Augusta in Richmond and Columbia Counties, Ga., and Edgefield County, S.C. and authorizing redevelopment of the site under a joint license as Project No. 2598.

The vacation of the order of December 22, 1969, as proposed would accept surrender of the joint license in Project No. 2598 for redevelopment and reinstate the minor part license to the city of Augusta for its Project No. 746. The joint application states that the redevelopment authorized by the license for Project No. 2598 is no longer economically feasible.

The existing Augusta Canal Project, owned and operated by the city of Augusta, consists of: (1) A rubble masonry dam 14 feet high and about 1,700 feet long; (2) a reservoir of about 200 acres at full pool elevation of 156.3 feet; (3) a 170-foot long intake structure with 17 hand operated gates; (4) an inoperative 125-foot long intake and lock structure; (5) a hand operated lock; (6) a 26,000-foot long canal 150 feet wide and 11 feet deep with a gated spillway near the proposed powerhouse.

The proposed redevelopment would have added: (1) An outdoor powerhouse containing a 16,000 hp. turbine direct connected to a 12,000 kw. generator; (2) a substation with one 4.2/13.8 kv. transformer; and (3) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1971, file with the Federal Power Commission, Washington, D.C. 20426,

petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1947 Filed 2-10-71;8:49 am]

[Docket No. E-7578, etc.]

COMMONWEALTH EDISON CO. ET AL.

Order Suspending Proposed Revised Tariff Sheets, Providing for Hearing, Denying Motion for Rejection of Rate Filing, Consolidating Proceedings, Granting Intervention and Prescribing Procedures

JANUARY 28, 1971.

This order suspends the operation of tendered rate schedule changes, orders a public hearing to be held on the lawfulness of and denies a motion to reject those changes, consolidates proceedings for purposes of hearing and decision, permits intervention in this proceeding, and provides for a procedure under which certain issues may be tried in an initial phase of the hearings.

Commonwealth Edison Co. (Commonwealth), a public utility subject to the jurisdiction of this Commission, filed on November 3, 1970, as first revised sheets Nos. 1A, 2, and 12 and third revised sheet No. 1 to its FPC electric Tariff Rate 78,[1] changes in rates for sales and the terms and conditions under which service is provided to its six municipal customers.[2] The filings are proposed to become effective February 1, 1971.

Commonwealth's proposed changes in Tariff Rate 78 would (1) effect an increase in its demand and energy charges and delete the present $50 minimum demand charge (third revised sheet No. 1); (2) revise the terms and conditions dealing with its liability for interruptions in service (first revised sheet No. 2);[3] and (3) change the time base and method of calculation in its fuel adjustment clause (first revised sheet No. 12). First revised sheet No. 1A accommodates a change in the continuation of the text resulting from the proposed change in demand and energy charges.

It is anticipated that these changes would provide increased revenues of approximately $410,106 (9.95 percent) for the year ending January 1971 and $454,285 (9.27 percent) for the year ending January 1972.[4] Approximately 27 percent of this increase would be due to the change in the fuel adjustment clause.

According to data submitted by Commonwealth based on a study utilizing a test year beginning July 1, 1969, and ending June 30, 1970, under the proposed rates it would have earned a 5.85 percent rate of return based on the "annual system peak" demand responsibility method, or a 6.08 percent rate of return based on the "average monthly system peak" demand responsibility method.

Commonwealth contends, inter alia, that the changes proposed would provide a more adequate rate of return on its jurisdictional business and restore a more appropriate relationship between charges to its municipal and industrial customers; provide specific protection against liability in the interruption of service to prevent disruption of its system or systems with which it is interconnected; and conform the terms of the fuel adjustment clause in its Tariff Rate 78 to those now applicable in its intrastate tariff.

Notice of the filings was given by publication in the FEDERAL REGISTER on December 29, 1970 (35 F.R. 19719), stating that any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure.

The Commission received on January 5, 1971, a joint "Protest, Motion to Reject, and Petition to Intervene" from Commonwealth's six municipal customers (Petitioners). The petitioners, inter alia, (1) protest the tendered rate schedule changes as being unjust, unreasonable, and unduly discriminatory; (2) move that the filing be rejected as not being in accordance with the Commission's rules and as being violative of due process; (3) in the event the filing is not rejected, request suspension of the tendered changes for the full 5-month statutory period and scheduling of the matter for hearing; (4) assert that the proposed change relating to Commonwealth's liability for interruptions in service raises an issue of fundamental importance which might best be handled by this Commission in a general rulemaking proceeding, or which at least should be severed and made the subject of a full hearing during a 5-month suspension period and disposed of prior to the effective date of the tendered filing; and (5) request permission to intervene in these proceedings.

In support of their contention that the tendered change in Commonwealth's demand and energy charges involves a discriminatory differential between the rates charged Commonwealth's large industrial customers and those charged municipal systems under Tariff Rate 78, Petitioners cite a settlement agreement with Commonwealth executed September 24, 1968. In this connection we note that our files contain informal complaints filed by the cities of Geneva and Batavia, Ill., in Dockets Nos. IN-989 and IN-991 on August 9, and August 29, 1966, respectively, which are still pending. In light of the recent amendment to our rules of practice and procedure eliminating the distinction between formal and informal complaints (Order No. 359; 39 FPC 138), and the similarity between the issues concerning rate discrimination raised in the complaint proceedings and those raised herein, all three proceedings will be consolidated, as hereinafter provided.

In its answer to Petitioners' contentions, Commonwealth alleges that it has fully complied with the Commission's regulations and that no grounds to justify the suspension of its filing have been demonstrated or exist. No specific response is offered as to petitioners' request that the issue pertaining to the tendered rate change dealing with Commonwealth's liability for interruptions in service be severed for hearing and decision.

Examination of petitioners' joint petition and motion and Commonwealth's answer thereto indicates that certain issues raised therein should be determined on the basis an evidentiary hearing record. However, our examination of the data filed by Commonwealth in support of its proposed increased rates and charges indicates that suspension of those tendered changes for the full 5-month statutory period is not warranted. Accordingly, we shall suspend for 1 day the proposed changes as set forth in Commonwealth's third revised sheet No. 1 and first revised sheets Nos. 1A and 12 to its electric Tariff Rate 78 and

[1] These revised sheets were filed to supersede Commonwealth's presently effective original sheets Nos. 1A, 2, and 12, and second revised sheet No. 1, respectively.

[2] The municipal customers are Batavia, Geneva, Naperville, Rock Falls, St. Charles, and Rochelle, Ill. Service to Rochelle is the subject of an initial service agreement filed by Commonwealth on Oct. 1, and supplemented Oct. 29, 1970.

[3] Specifically, this proposed change would be made by adding a phrase to the "Continuous Service" clause of the tariff, as indicated:

The Company shall not be responsible in damages for any failure to supply electricity, or for interruption, or reversal of the supply, if such failure, interruption, or reversal is without willful default or negligence on its part, "nor for interruptions, by underfrequency relays or otherwise, to preserve the integrity of the Company's system or interconnected systems."

[4] Because service to Rochelle, Ill., had not commenced at the time the subject filing was made, these figures do not reflect data with respect to that municipality.

direct that a public hearing be held on the lawfulness thereof. However, as to the changes relating to liability for interruptions in service as set forth in Commonwealth's first revised sheet No. 2, we will suspend that proposed change for the full 5-month period and provide a procedure which will allow for an expeditious hearing on that part of Commonwealth's filing.

Insofar as the joint petition requests rejection of these filings, it is without merit and will be denied. We find Commonwealth's filing to be in substantial compliance with our rules and regulations and would point out that petitioners retain the right to contest the propriety of any of the provisions in Commonwealth's proposed tariff sheets during the hearings in this proceeding.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, and 309 thereof that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Commonwealth's FPC electric Tariff Rate 78, as proposed to be amended herein, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

(2) Good cause exists to consolidate the proceedings in Dockets Nos. E–7578, IN–989, and IN–991 for purposes of hearing and decision.

(3) It is necessary and appropriate for purposes of the Federal Power Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(4) Participation by the aforementioned petitioners for intervention in the proceeding in Docket No. E–7578 may be in the public interest.

(5) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Commonwealth's FPC electric Tariff Rate 78, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Commonwealth's' first revised sheets Nos. 1A, 2 and 12 and third revised sheet No. 1 to its FPC electric Tariff Rate 78 are suspended and the use of such third revised sheet No. 1 and first revised sheets Nos. 1A and 12 is deferred until February 2, 1971, and the use of such first revised sheet No. 2 is deferred until July 1, 1971. On those dates, those filings shall take effect in the manner prescribed by the Federal Power Act, and Commonwealth, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those filings for all power sold and delivered thereunder.

(C) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, the proceedings in Dockets Nos. E–7578, IN–989, and IN–991 are consolidated for hearing and decision.

(D) Commonwealth shall file with the Commission and serve on all parties, on or before March 11, 1971, its case-in-chief in support of the subject rate changes, including testimony of witnesses and exhibits.

(E) At a prehearing conference to be held on March 23, 1971, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of the staff's and petitioners' evidence on such issues and service of Commonwealth's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(F) The Chief Examiner or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings and shall prescribe relevant procedural matters not herein provided.

(G) Commonwealth shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on February 2, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of February 2, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate changes, and the revenues resulting therefrom as computed under the rates in effect immediately prior to February 2, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(H) Each of the aforementioned petitioners for intervention is hereby permitted to intervene in the proceeding in Docket No. E–7578 subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(I) Petitioners motion to reject Commonwealth's rate filing herein is denied; and the alternative motion to suspend the proposed tariff sheets for the full 5-month statutory period is also denied, except as herein provided with respect to the proposed change reflected in Commonwealth's first revised sheet No. 2 to electric Tariff Rate 78.

(J) Unless otherwise ordered by the Commission, Commonwealth shall not change the terms or provisions of the subject rate changes or of its presently effective tariff sheets until this proceeding has been terminated or until the period of suspension has expired.

(K) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 22, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1530 Filed 2-10-71;8:45 am]

[Docket No. RP70-15]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Extension of Time

FEBRUARY 5, 1971.

On January 28, 1971, Natural Gas Pipeline Company of America filed a motion for an extension of time within which to comply with paragraph (B)(11) of the Commission's order issued December 9, 1969, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 1, 1971, within which to comply with paragraph (B)(11) of the Commission's order issued December 9, 1969, in the above-designated matter. Paragraph (B)(11) is amended accordingly.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1946 Filed 2-10-71;8:49 am]

[Docket No. R171-675]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 5, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R171-675..	Shell Oil Co.....	382	2	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kings Bayou Field, Cameron Parish, Southern Louisiana.	$4,860	1-7-71	3-20-71	[3] 3-21-71	[1] 20.0	21.5	

*The pressure base is 15.025 p.s.i.a.
[1] For gas well gas sales.
[3] Or, 1 day from the date of initial delivery, whichever is later.

Shell's proposed rate exceeds the applicable area increased rate ceiling set forth in the Commission's statement of general policy No. 61–1, as amended. Shortened suspension periods have been permitted for Southern Louisiana filings made after November 27, 1970, the deadline set for filings to which the special procedures prescribed in the order issued October 27, 1970, in Docket No. AR69–1 relating to the lifting of the southern Louisiana moratorium would apply. In view of the effective date proposed here, we believe a 1 day suspension period is adequate.

[FR Doc.71-1943 Filed 2-10-71;8:49 am]

[Docket Nos. RI67-44, RI67-402]

TEXACO, INC., ET AL.

Order Severing Respondents and Redesignating Proceedings

FEBRUARY 4, 1971.

Texaco, Inc., and the estate of W. G. Rogers and BeeKay Co., Docket No. RI67–44; Champlin Petroleum Co. (Operator) et al., and John H. Hill (Operator), et al., Docket No. RI67–402.

By order issued January 8, 1971, in Docket No. G–13324 et al., the Commission issued certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to John H. Hill (Operator) et al., in Docket No. CI71–188 authorizing him to continue in part the sale of natural gas heretofore authorized in Docket No. G–10202 which was previously made pursuant to Texaco, Inc., FPC Gas Rate Schedule No. 148 at a rate effective subject to refund in Docket No. RI67–44 and to A. W. Moursund in Docket No. CI71–189 authorizing him to continue the sale of natural gas from his own interests heretofore authorized in Docket No. CI69–1000 which was previously made pursuant to John H. Hill (Operator) et al., FPC Gas Rate Schedule No. 10 at a rate effective subject to refund in Docket No. RI67–402. The contracts comprising Texaco's FPC Gas Rate Schedule No. 148 and Hill's FPC Gas Rate Schedule No. 10 were also accepted for filing as Hill's FPC Gas Rate Schedule No. 14 and Moursund's FPC Gas Rate Schedule No. 1, respectively; and Hill and Moursund were made co-respondents in the proceedings pending in Dockets Nos. RI67–44 and RI67–402, respectively.

Hill and Moursund propose to continue the subject sales from the Mocane Field, Beaver County, Okla., at a rate of 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Inasmuch as this rate is less than the area ceiling rate established in Docket No. AR64–1 et al., in which proceeding Dockets Nos. RI67–44 and RI67–402 are consolidated, the sales may be continued without any refund obligation.

The Commission orders: John H. Hill (Operator) et al., and A. W. Moursund are severed as respondents in the proceedings pending in Dockets Nos. RI67–44 and RI67–402, respectively, and said proceedings are redesignated accordingly.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1944 Filed 2-10-71;8:49 am]

FEDERAL RESERVE SYSTEM

CENTRAL AND STATE NATIONAL CORPORATION OF ALABAMA

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Central and State National Corp. of Alabama, Birmingham, Ala., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the shares of Central Bank and Trust Co., Birmingham, and State National Bank of Alabama, Decatur, both in Alabama.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the

probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, February 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1918 Filed 2-10-71;8:47 am]

SOUTHWEST BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Southwest Bancshares, Inc., which is a bank holding company located in Houston, Tex., for prior approval by the Board of Governors of the acquisition by applicant of more than 51 percent of the voting shares of The First National Bank of Longview, Longview, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, February 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1919 Filed 2-10-71;8:47 am]

TENNESSEE NATIONAL BANCSHARES, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Tennessee National Bancshares, Inc., Maryville, Tenn., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, Tenn., and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, Tenn.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Tennessee National Bancshares, Inc., Maryville, Tenn., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, Tenn., and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, Tenn.

This application represents an amended version of an earlier application, approved by the Board of Governors on March 19, 1970, whereby Tennessee National Bancshares, Inc., sought approval to become a bank holding company through the acquisition of the aforedescribed voting shares and in addition 80 percent or more of the voting shares of The First National Bank of Oneida, Oneida, Tenn.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the amendment of the application to the Comptroller of the Currency and the Tennessee Superintendent of Banks, and requested their views and recommendations. The Comptroller recommended, and the Superintendent offered no objection to, approval of the application.

The Board's order approving applicant's original proposal was published in the FEDERAL REGISTER on March 26, 1970 (35 F.R. 5137). Notice of receipt of the amendment of the application was published in the FEDERAL REGISTER on January 7, 1971 (36 F.R. 236), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Written advice of the amendment of the application was sent to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

Upon consideration of the amended proposal, the Board finds that the amended application involves no significant changes, except for exclusion of all reference to The First National Bank of Oneida, Oneida, Tenn., that would alter the conclusion reached by the Board in its order and statement of March 19, 1970, approving applicant's original proposal.

It is hereby ordered, For the reasons set forth above and in the Board's statement of March 19, 1970, with respect to applicant's original proposal, that the application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1917 Filed 2-10-71;8:47 am]

[Regs. G, T, and U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective February 8, 1971, in the List of OTC Margin Stocks, as of July 20, 1970, published in the FEDERAL REGISTER on July 24, 1970.

1. Deletions: (stocks now registered on national securities exchanges) CMI Investment Corp., $2.50 par common; Crocker National Corp., $10 par common; First National Bank of Boston, The, $12.50 par capital; Hawaiian Airlines, Inc., common; Hillhaven Inc., $0.16⅔ par common; Hospital Corporation of America, $1 par common; Indiana Gas Co., Inc., no par common; Public Service Company of New Hampshire, $5 par common; Tropicana Products, Inc., common; and Virginia Commonwealth Bankshares, $5 par common.

2. Changes: Liberty Equities Corp., $1 par common is changed to Smithfield Foods, Inc., $1 par common.

Board of Governors of the Federal Reserve System, acting by its Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), February 8, 1971).

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1920 Filed 2-10-71;8:47 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 5, 1971.

On January 29, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Haiti to enter into consultations concerning exports to the United States of cotton textile products in Category 62 (consisting of other knit or crocheted cotton clothing) produced or manufactured in Haiti. In that request the U.S. Government stated its view that exports in this category from Haiti should be restrained for the 12-month period beginning January 29, 1971, and extending through January 28, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 62 produced or manufactured in Haiti and exported from Haiti on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-1902 Filed 2-10-71;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 5, 1971.

On May 5, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7094) a letter dated April 27, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Mexico and exported to the United States during the 12-month period beginning May 1, 1970. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, which provides that within the aggregate limit, the group limit on Group III and specific limits on categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Mexico and pursuant to the bilateral agreement referred to above, there is published below a letter of February 5, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adusting the level of restraint applicable to cotton textile products in Group III by increasing the amounts of cotton textile products in Categories 53 and 64 which may be entered or withdrawn from warehouse for consumption during the 12-month period which began on May 1, 1970.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 5, 1971.

DEAR MR. COMMISSIONER: On April 27, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, and exported to the United States on or after May 1, 1970, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 27, 1970, you are directed to permit, effective as soon as possible, and for the period extending through April 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of additional cotton textile products in the following categories, notwithstanding the fact that the overall level of restraint for Categories 28 through 64 established by the aforementioned directive of April 27, 1970, has been filled.

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico which provide in part that within the aggregate the group limit on Group III and specific limits on certain categories may be exceeded by not more than five (5) percent; and for administrative arrangements.

Category:	*Amount to be entered or withdrawn from warehouse*
53	dozen.. 1,406
64	pounds.. 13,841

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-1903 Filed 2-10-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4967]

AMERICAN NATURAL GAS CO.

Notice of Proposed Amendment of Articles of Incorporation To Increase Authorized Shares of Common Stock and Solicitation of Proxies in Connection Therewith

FEBRUARY 4, 1971.

Notice is hereby given that American Natural Gas Co. (American Natural), 30 Rockefeller Plaza, Suite 4950, New York, NY 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

American Natural proposes to submit to its stockholders at its annual meeting to be held April 28, 1971, a proposal to amend its certificate of incorporation to increase from 17 million to 19 million the aggregate number of authorized shares of common stock, par value $10 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the American Natural holding company system. The proposed amendment will require the affirmative vote of the holders of the majority of the 16,732,032 outstanding shares of common stock. American Natural intends to solicit proxies by mail, in person, or by telephone by not more than three of the officers.

It is stated that the fees and expenses of American Natural to be paid in connection with the proposed amendment will not exceed $2,000, including legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1905 Filed 2-10-71;8:46 am]

[70-4971]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

FEBRUARY 4, 1971.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, AR 72203, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 6(b) of the Act and Rules 23, 24, and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $30 million principal amount of its first mortgage bonds, ------ percent Series due 2001. The interest rate on the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Arkansas (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Arkansas' Mortgage and Deed of Trust dated as of October 1, 1944, to Morgan Guaranty Trust Company of New York and Grainger S. Greene, as successor trustees, as heretofore supplemented and as to be further supplemented by a 20th supplemental indenture to be dated as of March 1, 1971, and includes a prohibition until March 1, 1976, against refunding the issue with the proceeds of funds borrowed at lower interest cost. The net proceeds from the sale of the bonds are to be used by Arkansas for its current construction program (estimated for 1971 at $124,050,000) and for other corporate purposes, including the repayment of short-term bank loans and commercial paper indebtedness approximating $6 million.

The fees and expenses incident to the proposed issuance and sale of the bonds are estimated at $90,000, including auditors' fees of $5,500, and counsel fees of $38,500. Fees of counsel for the underwriters in the amount of $11,000, together with out-of-pocket expenses, are to be paid by the successful bidders.

The filing states that the Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business, has authorized the issuance and sale of the bonds. The filing further states that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, has also authorized the proposed transaction. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1906 Filed 2-10-71;8:46 am]

[811-1104, 811-1105]

INTERNATIONAL AFRICAN AMERICAN CORP. AND INTERNATIONAL AFRICAN AMERICAN CORP. VOTING TRUST

Notice of Proposal To Terminate Registration

FEBRUARY 4, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that International African American Corp. (Corporation) and International African American Corp. Voting Trust (Trust), c/o 52 Wall Street, New York, NY 10005, each registered under the Act as closed-end, nondiversified, management investment companies, have ceased to be investment companies.

Commission records disclose that Corporation, pursuant to a resolution for dissolution and liquidation adopted by its board of directors and approved by its shareholders, affected a dissolution under the laws of the State of Delaware and distributed its assets directly to its shareholders, including those beneficial shareholders who had deposited their shares with Trust. Trust, whose only investment was the stock of Corporation, surrendered to Corporation the certificate of capital stock it held and ceased engagement in any business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 25, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his

interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pacific at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1909 Filed 2-10-71;8:46 am]

[70-4970]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Commercial Paper and Notes to Banks and Exception From Competitive Bidding

FEBRUARY 4, 1971.

Notice is hereby given that Mississippi Power & Light Co. (Mississippi), Post Office Box 1640, Jackson, MS 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell short-term promissory notes (including commercial paper) in an aggregate principal amount not to exceed $24 million outstanding at any one time to banks and/or to a dealer in commercial paper. The type of each issue will be determined by market conditions so as to achieve the lowest cost of money. The funds to be derived from the issuance and sale of the bank notes and commercial paper will be used, together with other funds available to the company, for construction and for other corporate purposes. Mississippi's construction program contemplates gross expenditures of approximately $37 million during 1971 and $44 million during 1972. Mississippi intends to retire all of the proposed bank notes and commercial paper prior to February 28, 1973, from the net proceeds of the sale of first mortgage bonds and/or preferred stock and/or common stock. Such sale or sales of securities will be the subject of a future filing with the Commission.

The proposed bank notes will be in the form of unsecured promissory notes due not more than 9 months from the date of issue, bearing interest at the prime rate in effect at the lending bank at the date of issue or from time to time depending upon the requirements of the lender, and subject to prepayment, at the company's option, without premium or penalty. While no commitments have been made, it is expected that borrowings will be made from one or more of the following banks up to the maximum amounts listed:

Deposit Guaranty National Bank, Jackson, Miss	$2,500,000
First National Bank of Jackson, Miss	2,500,000
The Chase Manhattan Bank, N.A., New York, N.Y	5,000,000
Manufacturers Hanover Bank, New York, N.Y	5,000,000
Total	15,000,000

The proposed commercial paper will be in the form of unsecured promissory notes issued in denominations of not less than $50,000, maturing not in excess of 270 days, and sold by Mississippi directly to A. G. Becker & Co. (Becker) at the discount rate prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. Becker, as principal, will reoffer the commercial paper to not more than 200 institutional investors identified on a list (nonpublic) at a discount of one eighth of 1 percent per annum less than the prevailing discount rate to the company. No commission or fee will be payable to Becker in connection with the issuance and sale of the commercial paper, and the commercial paper will not be prepayable prior to maturity. The rate for commercial paper shall not exceed the commercial bank rate which Mississippi could obtain on the date of issue on notes to banks of equal principal amounts, except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper, if, in the judgment of the company, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

Mississippi asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Mississippi are published daily in financial publications, and it is not practical to invite bids for commercial paper.

Mississippi's fees, commissions, and expenses to be incurred in connection with the proposed issue and sale of the bank notes and commercial paper are estimated to be less than $2,000. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1907 Filed 2-10-71;8:46 am]

[812-2888]

MUNICIPAL INVESTMENT TRUST FUNDS ET AL.

Notice of Filing of Application for Order Granting Confidential Treatment

FEBRUARY 4, 1971.

In the matter of Municipal Investment Trust Funds, Tax Exempt Income Funds, Michigan Tax Exempt Bond Funds (and Subsequent Funds), c/o Bache & Co., Inc., 36 Wall Street, New York, NY 10005, c/o Goodbody & Co., Inc., 55 Broad Street, New York, NY 10004, c/o Walston & Co., Inc., 77 Water Street, New York, NY 10005, c/o First of Michigan Corp., 2 Wall Street, New York, NY 10005.

Notice is hereby given that Municipal Investment Trust Funds, Tax Exempt Income Funds, and Michigan Tax Exempt Bond Fund (and Subsequent Funds) (Applicants), unit investment trusts registered under the Investment Company Act of 1940 (Act), have filed an application pursuant to section 45(a) of the Act for an order of the Commission granting confidential treatment to the profit and loss statements of Bache & Co., Inc., Goodbody & Co., Inc., Walston & Co., Inc., First of Michigan Corp., and their Cosponsors, successors, and assigns (Sponsors), the Sponsors of the Municipal Investment Trust Funds, the Tax Exempt Income Funds, the Michigan Tax Exempt Bond Funds and Subsequent Bond Funds, submitted in connection with registration statements filed with the Commission from time to time. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are set forth below.

Once the determination has been made by the Sponsors to offer a new Fund, the Sponsors prepare and file with the Commission registration statements under the Act and the Securities Act of 1933. A period of accumulation of the underlying municipal bonds follows. When the portfolio is completed, a closing is held where the municipal bonds are deposited with the trustee (United States Trust Company of New York) in exchange for a temporary certificate evidencing units of undivided interest in the deposited bonds. Applicants allege that at that point the Trust is in existence and the Sponsors cease to have significant power over the underlying portfolio. The units are then offered to the public. The Sponsors, acting as principals, normally maintain a secondary market for the units.

Applicants contemplate that the profit and loss statements of the Sponsors will be filed as a part of the registration statement of each new fund. The application requests confidential treatment for such statements and subsequent profit and loss statements which Applicants may be required to file with the Commission from time to time.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicants submit that public disclosure of the profit and loss statements is neither necessary nor appropriate in the public interest, or for the protection of investors. Investors in the Funds are not offered an opportunity to acquire any interest whatsoever in the Sponsors. Apart from the lead Sponsor's minimal obligation under the trust agreement to direct the disposition of municipal bonds which are, or are likely to be, defaulted upon by the Issuers thereof (which obligation may be performed by the current lead Sponsor), Applicants state that the Sponsors will function solely as underwriters of the Funds. Applicants also assert that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the underwriters from whom the units are purchased.

In addition, Applicants submit that to the extent the Sponsors' solvency may conceivably be thought relevant to the maintenance of the secondary market in the units of the Funds, the Sponsors' statements of financial condition, which are filed with the Commission and various stock exchanges, and which are readily available to the public, contain fully adequate information. Further, the prospectuses disclose the Sponsors' right to terminate secondary market activities in a particular Fund. Should the Sponsors exercise this right, for whatever reason, the unitholders would be fully protected by their right under the trust agreements to redeem their units upon presentation of such units properly endorsed to the trustee, and to receive the redemption value of the units computed on the underlying assets of the particular Fund.

In addition, Applicants state that the soundness of the investors' interest in the Funds is solely a function of the fiscal conditions of the issuing municipalities. Applicants thus represent that the financial operations of the Sponsors will in no way enhance or diminish the prospect for an orderly payment of the underlying bonds.

Notice is further given that any interested person may, not later than February 19, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of the Applicants at the addresses stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] 'ORVAL L. DUBOIS,
Secretary.

[FR Doc.71–1908 Filed 2–10–71;8:46 am]

[812–2886]

MUTUAL LIFE INSURANCE COMPANY OF NEW YORK AND MONY VARIABLE ACCOUNT A

Notice of Filing of Application for Temporary Order of Exemption

FEBRUARY 4, 1971.

Notice is hereby given that the Mutual Life Insurance Company of New York (MONY), a mutual life insurance company organized under the laws of the State of New York, and The MONY Variable Account A (Account A), 1740 Broadway, New York, NY 10019, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act) (herein collectively called Applicants) have filed an application pursuant to section 10(e) of the Act for an order suspending the operation of the provisions of section 10(b)(2) of the Act with respect to Applicants to the extent described below. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein, which are summarized below.

MONY established Account A on July 31, 1968, pursuant to the provisions of section 227 of the New York Insurance Law for the purpose of providing an investment medium for certain variable annuity contracts to be issued by MONY and Account A.

Section 10(b)(2) provides, as here pertinent, that a registered investment company may not use as a principal underwriter of securities issued by it any company as to which a director of the investment company is an affiliated person, unless a majority of the board of directors of the investment company are persons who are not affiliated persons of such principal underwriter.

Section 10(e) provides among other things, for the automatic suspension of the operation of section 10(b)(2) for a period of 30 days where the provisions of the latter section cannot be met by reason of death, disqualification, or bona fide resignation of a director if the vacancy can be filled by action of the board of directors, and authorizes the Commission to suspend the operation of section 10(b)(2) for such longer period as it may prescribe as not inconsistent with the protection of investors.

Account A is managed by the Account A committee. Prior to December 18, 1970, the Account A Committee consisted of five members, two of whom were affiliated with MONY, which acts as the principal underwriter for Account A and three of whom were not so affiliated. On or about December 23, 1970, Account A received a letter of resignation dated December 18, 1970, from one of the three unaffiliated members. Applicants request pursuant to section 10(e) that the operation of section 10(b)(2) be suspended through February 25, 1971, so long as at least 50 percent of the members of the Account A Committee are not affiliated with MONY.

Applicants represent that efforts have been undertaken and are continuing to obtain a third unaffiliated member, but that it now appears that the vacancy will not be filled until a regular meeting of the Account A Committee scheduled for February 25, 1971. Applicants further represent that the granting of the application is consistent with the protection of investors and will avoid disruption of the normal functioning of Account A.

Notice is further given that any interested person may, not later than February 22, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71–1910 Filed 2–10–71;8:46 am]

[70–4906]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks and to Dealer in Commercial Paper

FEBRUARY 4, 1971.

Notice is hereby given that Western Massachusetts Electric Co. (WMECO), 174 Brush Hill Avenue, West Springfield, MA 01089, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder regarding the following proposed transactions.

By order dated September 15, 1970 (Holding Company Act Release No. 16930), the Commission authorized WMECO from time to time but not later than December 31, 1971, to issue and sell short-term notes (including commercial paper), in an aggregate principal amount outstanding at any one time of not more than $20,100,000. WMECO in another filing (Holding Company Act Release No. 16959) proposes to amend its bylaws to permit the issuance of short-term unsecured indebtedness in excess of the present 10 percent limitation thereon. This increase in the permitted amount of such indebtedness requires (1) Commission approval and (2) the favorable vote of the holders of a majority of the total number of shares of preferred stock of all series voting as one class.

WMECO now seeks authorization in this proceeding to increase the aggregate amount of short-term notes that may be outstanding from $20,100,000 to $40,500,000. In all other respects the transactions as heretofore authorized remain unchanged.

It is represented that no additional fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with this post-effective amendment to the declaration. It is further represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71–1911 Filed 2–10–71;8:46 am]

SMALL BUSINESS ADMINISTRATION

MIDLAND CAPITAL CORP.

Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 CFR Part 107, 33 F.R. 326), a notice of filing of an application for transfer of control of Midland Capital Corp., License No. 02/02–0040, 110 William Street, New York, NY 10038, was published in the FEDERAL REGISTER on January 22, 1971 (36 F.R. 1075).

Interested persons were given until February 1, 1971, to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Midland Capital Corp.

A. H. SINGER,
Associate Administrator for Investment.

FEBRUARY 2, 1971.

[FR Doc.71–1912 Filed 2–10–71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 10]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 5, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 26739 (Sub-No. 66), filed January 12, 1971. Applicant: CROUCH BROS., INC., Highway 36 West, Post Office Box 1059, St. Joseph, MO 64502. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments* for, and *equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas, restricted to traffic originating at Eau Claire, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 28478 (Sub-No. 36), filed January 13, 1971. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, MI 48602. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Erie, Pa., and junction Interstate Highway 80 and U.S. Highway 422 at or near Youngstown, Ohio: From Erie over Interstate Highway 79 to junction Interstate Highway 80, thence westerly over Interstate Highway 80 to its junction with U.S. Highway 422 and return over the same route, as an alternate route for operating convenience only, in connection with its presently authorized route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 29886 (Sub-No. 269), filed January 14, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air pollution control equipment*, including but not limited to dust collecting machinery and parts thereof, and (2) *scrubbers and pneumatic conveying systems and related parts*, from Essex, Mass., to points in the United States (excluding Alaska and Hawaii). NOTE: Common control may be involved. Applicant states tacking possibilities at Essex, Mass., with its Sub-No. 208. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 40270 (Sub-No. 9), filed December 7, 1970. Applicant: CRABBS TRANSPORT, INC., Rural Route 2, Enid, OK 73701. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, (1) from Chickasha and Enid, Okla., to points in New Mexico: and (2) from Chickasha, Okla., to Amarillo and Hereford, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 42487 (Sub-No. 770), filed January 11, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except liquid petroleum products, in bulk, in tank vehicles), serving the plantsite of J. R. Simplot Co., at or near Orchard, Idaho, as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 61396 (Sub-No. 225), filed January 14, 1971. Applicant: HERMAN BROS., INC., Box 189, 2501 North 11 Street, Omaha, NE 68101. Applicant's representative: D. G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Anhydrous ammonia and fertilizer solutions*, from plantsite of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 66900 (Sub-No. 37), filed January 18, 1971. Applicant: HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, VA 24486. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool*, from Norfolk, Va., to Glasgow, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 81), filed January 11, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts*, from Valley, Nebr., to points in Colorado and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 309), filed January 18, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1932 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pallet racks*, from Lodi, Calif., to points in Washington, Oregon, Nevada, Idaho, Montana, North Dakota, South Dakota, Colorado, Nebraska, Wyoming, and Utah. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 310), filed January 18, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flotation units, classifiers, dupurators, pumps, antipollution systems, and parts and accessories therefor*, from Sacramento, Calif., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 96098 (Sub-No. 53), filed January 12, 1971. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 209, Rural Delivery No. 1, Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Milton, Pa., to points in Ohio, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, District of Columbia, under contract with American Foods, Division of American Home Products Corp. NOTE: Applicant states it holds authority for the same commodities from the same origin point to an area of 350 miles of Milton. The purpose of this application is to obtain full states in the 350 miles area. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 97275 (Sub-No. 24), filed January 15, 1971. Applicant: ESTES EXPRESS LINES, a corporation, 1405 Gordon Avenue, Richmond, VA 23224. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, dangerous explosives, household goods, commodities in bulk, and commodities requiring special equipment and those injurious or contaminating to other lading), between Fredericksburg and Winchester, Va., (1) from Fredericksburg over U.S. Highway 17 to and over U.S. Highway 50 to Winchester and (2) from the junction of Interstate Highway 495 and Virginia Highway 236 over Virginia Highway 236 to and over U.S. Highway 50 to Winchester, and return over the same routes, as an alternate route for operating convenience only, in connection with applicant's regular route authority, restricted against service at intermediate points between Fredericksburg and Winchester, Va., and intermediate points between junction Interstate Highway 495 with Virginia Highway 236 and Winchester, Va. NOTE: Applicant holds authority to serve the above terminal points over other routes in MC 97275. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 97974 (Sub-No. 8) (Amendment), filed November 13, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended this issue. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, TN 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), as follows: *Routes presently held under certificates of registration to be converted to Certificates of Public Convenience and Necessity.* Route 1: Between Manchester and Chattanooga, Tenn., over U.S. Highway 41, serving the following points southbound: Manchester to Jasper (including Jasper) with closed doors for intermediate points between Jasper and Chattanooga; northbound: Closed doors from Chattanooga to Monteagle, serving all intermediate points between Monteagle and Manchester, Tenn. Route 2: (a) From Columbia, Tenn., over Tennessee Highway 50 and/or Tennessee Highway 50A to Lewisburg, Tenn.; thence over Tennessee Highway 11 to Farmington, Tenn., thence over Tennessee Highway 64 to Shelbyville, Tenn.; thence over U.S. Highway 41A and Tennessee Highway 16 to Tullahoma, Tenn.; thence over U.S. 41A and Tennessee Highway 16 to Winchester, Tenn.; thence over U.S. Highways 41A and 64 and Tennessee Highway 15 to Monteagle, Tenn.; thence over U.S. Highways 41 and 64 and Tennessee Highway 2 to Chattanooga, Tenn., and return over same route serving all intermediate points except closed doors between Monteagle, Tenn., and Chattanooga, Tenn.;

(b) from Shelbyville, Tenn., over Tennessee Highway 82 to junction Tennessee Highway 55; thence over Tennessee Highway 55 to junction Tennessee Highway 50, at or near Lynchburg, Tenn.; thence over Tennessee Highway 50 to Winchester, Tenn., and return over same routes serving all intermediate points. Routes 2(a) and 2(b) are limited and restricted so as not to authorize the transportation of property originating at Chattanooga, Tenn., destined to Nashville, Tenn., nor property originating at Nashville, Tenn., destined to Chattanooga, Tenn.; and further limited and restricted so as not to authorize the transportation of property originating at Lewisburg, Winchester, Shelbyville, Fayetteville, and Tullahoma, Tenn., destined to Nashville, Tenn., nor property originating at Nashville, Tenn., destined to Lewisburg, Fayetteville, Winchester, Shelbyville, and Tullahoma, Tenn., Huntland, Tenn., to be served as an off-route point in connection with Routes 2(a) and 2(b). Route 3: (a) Between Tullahoma and Manchester, Tenn., over Tennessee Highway 55, serving all intermediate points. (b) between Winchester and Pelham, Tenn., over Tennessee Highway 50, serving all intermediate points. (c) between Hillsboro (Coffee County) and a point 5 miles west of McMinnville over unnumbered county road and Tennessee Highway 108, serving all intermediate points. Route 4: Between Manchester and Smartt, Tenn., from Manchester over Tennessee Highway 55 to Smartt and return over same route serving all intermediate points. Route 5: (a) Between Manchester, Tenn., and Murfreesboro, Tenn., from Manchester over U.S. Highway 41 and Tennessee Highway 2 to Murfreesboro and return over the route serving all intermediate points. (b) between Shelbyville, Tenn., and Murfreesboro, Tenn., from Shelbyville over U.S. Highway 231 and Tennessee Highway 10 to Murfreesboro and return over the same route serving all intermediate points. Routes 5 (a) and 5(b) are restricted against the transportation of property originating at, destined to, or interlined at Nashville, Tenn., and points in its commercial zone.

Route 6—(New Interstate Route): Between Chattanooga, Tenn., and Kimball, Tenn., from Chattanooga over U.S. Interstate Highway No. 24 to Kimball, Tenn., and return over the same route, serving no intermediate points. NOTE: Applicant states that the principal purposes of this application are: (1) To use Interstate Highway No. I24 between Kimball, Tenn., and Chattanooga, Tenn., which highway passes through a portion of the State of Georgia resulting in transportation by this route being interstate. (Described hercin above as Route 6). (2) To serve that portion of the commercial zone of Chattanooga, Tenn., that is in the State of Georgia. A further result would be to convert present certificates of Registration to Certificates of Public Convenience and Necessity. The only new points for service would be those in Georgia that are within the commercial zone of Chattanooga, Tenn., which would be those within 5 miles of the Georgia-Tennessee State line which defines the city limits of the city of Chattanooga. The application narrows somewhat the commodity descriptions in certificates of registration but the route descriptions retain all present restrictions. Applicant also states it has a certificate of registration pending in MC

97974 (Sub-No. 7). Applicant states it is willing to surrender its certificates of registration simultaneously with issuance of a certificate of public convenience and necessity for the requested authority. Applicant further states all of the above described routes will be tacked and joined together for through transportation and be joined at common points with its interstate certificate MC 97974 Sub 5. NOTE: The purpose of this republication is to include part 2(b) in route description and redescribe the territory sought in route No. (5). If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Knoxville, or Nashville, Tenn.

No. MC 100666 (Sub-No. 180), filed January 15, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials* (except commodities in bulk), from the plantsite and warehouse of the National Gypsum Co. near Rotan, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma. NOTE: Applicant states that though technically possible, no feasible tacking operations would exist. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Fort Worth, Tex.

No. MC 100666 (Sub-No. 181), filed January 25, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, and boiler tubes*, from points in Milwaukee County, Wis., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Oklahoma City, Okla.

No. MC 102567 (Sub-No. 140), filed January 25, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo. E. Shaw, 816 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid bromine*, in bulk, in tank vehicles, from points in Columbia County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 104004 (Sub-No. 183), filed December 31, 1970. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, likestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Indianapolis, Ind., and Champaign, Ill., over Interstate Highway 74, serving no intermediate points, as an operating convenience route for purposes of interchange with its wholly owned subsidiary, Scherer Freight Lines, Inc., only, restricted against the transportation of shipments originating at or destined to points in Indiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 105045 (Sub-No. 28), filed January 18, 1971. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks, II, 1020 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, silo loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems and related parts and accessories*, from Kankakee, Ill.; Elkhorn, Wis.; Eureka, Ill.; to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106398 (Sub-No. 522), filed January 18, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and buildings and sections of buildings and frames and undercarriages, from points in Lea County, N. Mex., to points in the United States (except Hawaii). NOTE: Common control may be involved. Applicant states application could be tacked with its Sub 341 at points in Lea County, N. Mex. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 106644 (Sub-No. 110), filed January 18, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: K. Edward Wolcott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, indicator posts, floor stands, service or valve boxes and parts and accessories thereto*, from Anniston, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority under MC 104724, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 106775 (Sub-No. 28), filed January 11, 1971. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, TX 77015. Applicant's representative: James W. Hightower, 136 Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.-Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would join its authority to transport earth drilling pipe at Lone Star, Tex., to perform a through service if that would be feasible. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 107295 (Sub-No. 481), filed January 15, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Picnic tables, barbecue pits and accessories and other playground equipment*, from Waco, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 107541 (Sub-No. 32) (Amendment), filed January 8, 1971, published in the FEDERAL REGISTER issued of February 4, 1971, and republished as amended,

this issue. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, OR 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Urea*, from Cheyenne, Wyo., to points in Utah, Idaho, Oregon, and Washington; (b) *spent grain* (dried brewer's grain) from Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; (c) *brewers yeast*, from Denver and Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; (d) *meat meal and blood meal*, from points in Colorado to points in Idaho, Utah, Oregon, and Washington; and (e) *dehydrated alfalfa pellets*, from Silt, Colo., to points in Idaho, Utah, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include paragraph (e) to the previous publication. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 108449 (Sub-No. 320), filed January 18, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53702, and W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, (1) from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, and (2) from Winona, Minn., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 109478 (Sub-No. 116) (Amendment), filed July 27, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished as amended this issue. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, PA 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic jars, jugs, and enclosures, containers, and sheet liners*, from Nashua, N.H., and East Pepperell, Mass., to points in New York, except those in New York City, and points in the counties of Nashua, Suffolk, Westchester, Orange, and Rockland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 109637 (Sub-No. 376), filed January 15, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109891 (Sub-No. 20), filed January 20, 1971. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, SC 29405. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from East Point, Ga., on the one hand, and, on the other, points in South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110563 (Sub-No. 56), filed January 22, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), (1) from points in Chester County, Pa., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Oklahoma, Nebraska, North Dakota, and South Dakota, (2) from Wilmington and Hockessin, Del., to points in Oklahoma, Kansas, Minnesota, Chicago, Ill., and Milwaukee, Wis., and (3) from Kelton, Pa., to points in Illinois (except Chicago, Peoria, and Waukegan) and points in Missouri (except St. Louis) and points in Wisconsin (except Milwaukee). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at West Chester and Philadelphia, Pa., or Wilmington, Del.

No. MC 110817 (Sub-No. 15), filed January 11, 1971. Applicant: E. L. FARMER & COMPANY, a corporation, Post Office Box 3512, Odessa, TX 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it would join the commodities contained in its Sub 10 and 11 at Lone Star, Tex., to perform through service, where feasible, to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 111401 (Sub-No. 314), filed January 21, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, fom the storage facilities of Allied Chemical Corp. located at or near Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 112184 (Sub-No. 33), filed January 20, 1971. Applicant: THE MANFREDI MOTOR TRANSPORTATION COMPANY, a corporation, Route 87, Newburg, OH 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins, core compounds, formaldehyde, acetone, methanol, phenol, ethanol, and nitrogen fertilizer solutions* in bulk, in tank vehicles, between the plantsite of Georgia Pacific Corp., located in Franklin County, Ohio, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin, under contract with Georgia Pacific Corp. NOTE: Applicant holds common carrier authority under MC 128302 and subs thereunder, therefore, dual operations may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112822 (Sub-No. 182), filed January 15, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from points in Kansas City, Kans.-Mo., commercial zone to points in Texas, south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380 to Post, Tex., and thence along U.S. Highway 84 to junction U.S. Highway 281 to Evant, Tex., and on and west of a line beginning at Evant and extending along U.S. Highway 281 to the United States-Mexico international boundary line at or near Hidalgo, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 113267 (Sub-No. 254), filed January 14, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, fresh fruits and vegetables*, from Galveston, Tex.; New Orleans, La.; and Charleston, S.C., to points in the United States (except Pensacola, Fla.; Montgomery, Ala.; Atlanta, Ga., and points in New Hampshire, Rhode Island, Alaska, Hawaii, Pennsylvania, Maine, Vermont, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 113459 (Sub-No. 62), filed January 11, 1971. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.—Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would tack with its presently held authority at Lone Star, Tex., to perform a through service to transport earth drilling pipe to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 113646 (Sub-No. 9), filed January 15, 1971. Applicant: JEFFERSON TRUCKING COMPANY, a corporation, Box 17, National City, MI 48748. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, building materials, and materials, supplies and equipment*, used in the manufacture and distribution of such commodities, restricted against the transportation of commodities in bulk, between the plantsite and warehouse of the National Gypsum Co. near Shoals, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and South Carolina, under contract with National Gypsum Co. of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Buffalo, N.Y., or Detroit or Lansing, Mich.

No. MC 113855 (Sub-No. 233), filed January 12, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mixers, pumping units, commercial laundry tumblers, hide processors, dump trailers, and parts and attachments* for the commodities described above, from Industry, Calif., and Bryan, Ohio, to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113855 (Sub-No. 234), filed January 12, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, MN. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for, and equipment* designed for use with the articles described in (1) above and parts for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and Alaska. Restriction: Restricted to traffic originating at Eau Claire, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No 236), filed January 22, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and parts and attachments* for lift trucks, from El Monte, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113908 (Sub-No. 211), filed January 13, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springdale, MO 65804. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114004 (Sub-No. 93), filed January 25, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Tippah County, Miss., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114004 (Sub-No. 94), filed January 25, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Lamar County, Ala., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 114457 (Sub-No. 101), filed January 14, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except dairy products and meat), and *food dispensing and merchandising equipment and supplies*, from Minneapolis, Minn., to points in Illinois, Indiana, Wisconsin, Ohio, Michigan, Kentucky, Tennessee, Pennsylvania, and West Virginia. NOTE: Applicant states it could tack with its Sub 2 with instant authority to carry canned goods from North Dakota, South Dakota, and Montana, however applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115331 (Sub-No. 296), filed January 13, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 320 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrups, sweeteners, and blends* thereof, in bulk, from the Tri-City Regional Port Complex located in Madison County, Ill., to points in Arkansas, Indiana, Iowa, Illinois, Kansas, Kentucky, Missouri, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115841 (Sub-No. 395), filed January 18, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from Luverne, Minn.; West Point, Nebr.; Emporia, Kans.; and Sioux City, Denison, Fort Dodge, Le Mars, and Mason City, Iowa, to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, Kentucky, Alabama, Arkansas, Mississippi, and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 396), filed January 18, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from Luverne, Minn.; West Point, Nebr.; Emporia, Kans.; and Sioux City, Denison, Fort Dodge, Le Mars, and Mason City, Iowa; to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub-No. 154), filed January 18, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegal Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* complete or in sections, from points in Washington County, Minn., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 116935 (Sub-No. 11), filed January 12, 1971. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 1000 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in containers, between the facilities of Commercial Furniture Distributors, Inc., Kearny, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester Counties, N.Y., and points in New York and New Jersey, restricted to shipments having prior movement via rail or motor carrier. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 117344 (Sub-No. 211), filed January 18, 1971. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Post Office Box 15010, Cincinnati, OH 45215. Applicant's representative: James R. Stiverson, E. H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in California and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117574 (Sub-No. 197), filed January 12, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant), and James W. Hager, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile offices, mobile shops, mobile storage units, and mobile display facilities* (except, in each case, trailers designed to be drawn by passenger automobiles, electrical and scientific laboratory units and buildings in sections mounted on wheeled undercarriages with hitchball connectors), and (2) *removable steps and porches;* installation accessories; incidental fixtures and furnishings; and general commodities only when transported in the items described in (1) above when moving at the same time and by the same vehicle transporting the items in (1) above, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking possibilities, however, it has no present intention to tack, therefore, the tackable authorities are not identified herein. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 148), filed January 18, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising equipment, materials and supplies* when shipped therewith (except commodities in bulk), from the plantsite and/or storage facilities utilized by Ocean Spray Cranberries, Inc., at or near Kenosha, Wis., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118127 (Sub-No. 20), filed November 16, 1970. Applicant: HALE DISTRIBUTING CO., INC., 914 South Vail Avenue, Montebello, CA 90640. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meat and meat products;* and (2) *frozen commodities*, the transportation of which is otherwise exempt from economic regulations under section 203(b)(6) of the Act, when moving in the same vehicle and at the same time with commodities authorized in (1)

above, from Manchester, N.H., and Lawrence, Mass., to Fort Carson and Denver, Colo., Chicago, Ill., Fort Leonard Wood and Kansas City, Mo., Fort Riley, Kans., El Paso, Fort Worth, and San Antonio, Tex., Fort Campbell and Fort Knox, Ky., and Nashville, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118159 (Sub-No. 108) (Correction), filed January 4, 1971, published in the FEDERAL REGISTER issue of January 28, 1971, and republished in part as corrected this issue. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street., Oklahoma City, OK 73102. NOTE: The sole purpose of this partial republication is to show the correct docket number as MC 118159 (Sub-No. 108) in lieu of MC 11859 (Sub-No. 108) which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 118178 (Sub-No. 6), filed January 15, 1971. Applicant: BILL MEEKER, an individual, 1733 North Washington, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts*, from Wellington, Kans., to points in Texas. NOTE: Applicant holds contract carrier authority in MC 110064, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 119441 (Sub-No. 23), filed January 14, 1971. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* (except in bulk) from the plantsite of the General Wadsworth Brick Corp. in Wadsworth Township, Medina County, Ohio, to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, the District of Columbia, Virginia, and West Virginia; and (2) *materials and supplies* (except in bulk) used in the manufacture of clay products, from points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, the District of Columbia, Virginia, and West Virginia to the plantsites of General Wadsworth Brick Corp. at Baltic, Ohio, and in Wadsworth Township, Medina County, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119604 (Sub-No. 4), filed January 18, 1971. Applicant: SEARS TRUCK LINE, INC., Post Office Box 6016, Jasper, TX 75951. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood shavings*, from the plantsite of Georgia-Pacific Corp., at or near Jasper, Tex., to the plantsite of Georgia-Pacific Corp., at or near Urania, La., (2) *Lumber, plywood, particleboard, and composition lumber*, from the plantsites of Georgia-Pacific Corp. at or near Jasper, Corrigan, and New Waverly, Tex., to all points in Louisiana and (3) *Lumber, plywood, particleboard, and composition lumber*, from the plantsite of Georgia-Pacific Corp. at or near Urania, La., to all points in Texas, under contract with Georgia-Pacific Corp., Crossett Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 20), filed January 11, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, Executrix), and JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, orver irregular routes, transporting: *Iron and steel* articles (except oilfield pipe as described in *Mercer Ext.—Oilfield commodities*, 74 M.C.C. 459) from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would tack the requested authority with its existing authority at Lone Star, Tex., to perform a through service to numerous States in the transportation of pipe used in earth drilling. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 119778 (Sub-No. 126), filed January 18, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, AL 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, from New Orleans, La., to points in Alabama and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119789 (Sub-No. 56), filed January 18, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Hereford, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Ohio, Pennsylvania, New York, New Jersey, Maryland, and Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 57), filed January 18, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged foodstuffs*, from Plymouth, Ind., and Hamilton, Mich., to points in Oklahoma, Texas, Arkansas, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Indianapolis, Ind., or Washington, D.C.

No. MC 123293 (Sub-No. 11), filed January 18, 1971. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Post Office Box 120, Mercersburg, PA 17236. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Preston County, W. Va., and Westmoreland County, Pa., to Hagerstown, Washington County, Md., restricted to transportation to be performed under a continuing contract with PBS Coals, Inc., of Mercersburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 124078 (Sub-No. 471), filed January 18, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Andalusia, Ala., to points in Florida and Georgia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 125433 (Sub-No. 23), filed January 11, 1971. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, and David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit pipe containing asbestos and cement, with accessories, couplings, fittings, and related parts made of plastic and rubber*, when traveling as part of the same shipment, from Stockton, Calif., to points in Wyoming and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 126118 (Sub-No. 11) (Amendment), filed August 4, 1970, pubilshed in the FEDERAL REGISTER issue of August 27, 1970, and republished as amended this issue. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 8, Johnson City, TN 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, TN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Latrobe, Pa., to points in Tennessee and Kentucky, and (b) from the Pabst plant in Houston County, Ga., to Johnson City and Knoxville, Tenn., and Bristol and Norton, Va., and (2) *bananas*, from Charleston, S.C., to Johnson City, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the Pabst plant in Houston County, Ga., as the origin point in (1)((b) above in lieu of Perry, Ga. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 127042 (Sub-No. 72), filed January 12, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *gift packages*, (3) *articles* dealt in by wholesale and retail stores, and (3) *commodities* defined in section 203(b)(6) of the Act, as amended, when shipped in mixed loads with commodities named in (1), (2), and (3) above: (Except commodities in bulk), from points in Wisconsin, to points in the United States (except Hawaii and Alaska). NOTE: Applicant states tacking possibilities with its pending Subs 64 and 70 at Pekin, Ill., or Green Bay, Wis., respectively, but indicates it has no present intention of doing so. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 127215 (Sub-No. 54), filed January 12, 1971. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, IL 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, from Mount Carmel, Ill., to points in Illinois, Indiana, Kentucky, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127635 (Sub-No. 1), filed January 20, 1971. Applicant: HIGHWAY TRANSPORTATION COMPANY, INC., Terminal Way, Box 2188, South Portland, ME 04106. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, and fuel oil*, in bulk, in tank vehicles, from the storage facilities of the American Oil Co. at South Portland, Maine to points in New Hampshire, under contract with T–M Oil Co., Inc., of Lewiston, Maine. NOTE: Applicant holds common carrier authority under MC 30164 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland or Augusta, Maine.

No. MC 127834 (Sub-No. 61), filed January 15, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 32703. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Henderson, Tex., to points in Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota and all points east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128007 (Sub-No. 29), filed January 11, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Lawrence, Kans., to points in Arkansas and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128021 (Sub-No. 6), filed January 11, 1971. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk in tank vehicles and hides), (1) from points in Iowa, Kansas, Missouri, Nebraska, and Texas to the plantsite and warehouse facilities of the Frosty Morn Meats, Inc., at Quincy, Fla., and (2) from points in Illinois, Indiana, Minnesota, Wisconsin, and Ohio to the plantsite and warehouse facilities of Frosty Morn Meats, Inc., at Montgomery, Ala., and Quincy, Fla., under contract with Frosty Morn Meats, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128089 (Sub-No. 3), filed December 21, 1970. Applicant: GUENTHER TUCKEY TRANSPORTS LIMITED, 165 Main Street North, Exeter, ON, Canada. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and parts and accessories* including snow removal equipment, when moving with road construction machinery, from the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich., to points in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 59, with the return of *refused, rejected* or *traded-in road construction machinery*, and (2) *materials and supplies* used in the manufacture of road construction machinery, from points in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 59 to the international boundary line between the United States and Canada at Port Huron and Detroit, Mich. Restriction: The above authority shall

be limited to the transportation of commodities originating at, or destined to, the plantsite of the Dominion Road Machinery Co. Limited at Goderich, Ontario, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 128273 (Sub-No. 85), filed January 14, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers or converters of paper and paper products, and equipment, materials, and supplies* used in the manufacture and distribution of paper products (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), between points in Menominee, Mich.; Green Bay, Neenah, Menasha, and Ashland, Wis.; and those in Marathon County, Wis., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Washington, Oregon, California, Nevada, Montana, Wyoming, Colorado, Utah, Arizona, and New Mexico). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128381 (Sub-No. 5), filed January 18, 1971. Applicant: BLUE EAGLE TRUCK LINES, INC., Post Office Box 446, Highland Park, IL 60035. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Suite 2100, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and carpeting*, between Chicago, Ill., on the one hand, and, on the other, Dalton, Cartersville, and Calhoun, Ga., restricted to a transportation service to be performed under a continuing contract, or contracts, with A. S. Cohen, Inc., Chicago, Ill., and Value Rug Mart, Norridge, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128497 (Sub-No. 6), filed January 14, 1971. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, IA 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles* distributed by meat packinghouses (except hides and commodities in bulk), as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa, to points in Illinois and Wisconsin, restricted to the transportation of traffic originating at the plantsite and warehouse facilities utilized by Rath Packing Co. at Waterloo, Iowa, and destined to points in Illinois and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 124807, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128866 (Sub-No. 17), filed January 12, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Suite 512, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, for the account of Penny Plate, Inc., from the plantsite of Revere Copper and Brass Co. at Newport, Ark., to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and (2) *Scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets, and aluminum cores*, from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to the plantsite of Revere Copper and Brass Co. at Newport, Ark., under contract with Penny Plate, Inc., Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133409 (Sub-No. 2), filed January 15, 1971. Applicant: LOUIS H. FOLTZ, doing business as AIR FREIGHT DELIVERY SERVICE, 1031 Orchard Avenue, Winchester, VA 22601. Applicant's representative: Daniel B. Johnson, 716 Peretual Building, 111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in Shenandoah, Page, and Warren Counties, Va., on the one hand, and, on the other, Friendship International Airport at Baltimore, Md., Dulles International Airport at Chantilly, Va., and Washington National Airport at Alexandria, Va. Restriction: The operations sought herein are restricted to the transportation of shipments having an immediately prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133437 (Sub-No. 2), filed January 25, 1971. Applicant: DAVIS CARTAGE CO., a corporation, 1957 Findley, Saginaw, MI 48601. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Bay City, Caro, and Sebewaing, Mich., to storage facilities of Industrial Molasses Corp. at Presque Isle site, Port District, Toledo, Ohio, under a continuing contract or contracts with Industrial Molasses Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 133673 (Sub-No. 1), filed January 15, 1971. Applicant: GEORGE T. MASON, doing business as MASON WRECKER SERVICE, 544 North Beverly Street, Casper, WY 82601. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks, truck tractors, truck trailers, and busses*, between points in Colorado, Montana, Nebraska, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., Denver, Colo., or Billings, Mont.

No. MC 133646 (Sub-No. 8), filed January 14, 1971. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, between Torrington, Wyo., Hereford, Tex., and Delta, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133741 (Sub-No. 8), filed January 12, 1971. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton and Evanston, Wyo., to points in Iowa, Illinois, and Missouri, under contract with Star Studs, Inc. NOTE: Applicant holds common carrier authority under MC 134370 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.; Casper or Cheyenne, Wyo.

No. MC 133966 (Sub-No. 6), filed November 30, 1970. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladders and scaffolding*, from Newark Valley, N.Y., to Baltimore, Md., Paterson and Newark, N.J.; Philadelphia, Pittsburgh, and Uniontown, Pa.; Charlotte, N.C., and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its exlsting authority. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 134082 (Sub-No. 5), filed January 21, 1971. Applicant: K. H. TRANSPORT, INC., 3330 Rosemary Lane, Ellicott City, MD 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Suite 634, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Salisbury, Md., and Downington, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Michigan, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant holds contract carrier authority in MC 128763 and subs thereunder. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134232 (Sub-No. 12), filed January 20, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners, and conditioners, humidifiers, dehumidifiers, and related items, and materials, parts, and supplies* used in the manufacture, production, and distribution thereof, between points in Middlesex County, N.J., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Colorado, Louisiana, Oklahoma, Texas, and New Mexico, under continuing contract with the Fedders Corp., its divisions, and subsidiaries. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Kansas City, Mo., or Omaha, Nebr.

No. MC 134286 (Sub-No. 6) (Amendment), filed December 4, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended this issue. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and storage facilities utilized by Sioux Beef Co., and Wilson Certified Foods, Inc., both located at Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: The purpose of this republication is to broaden the origin of the application by adding Wilson Certified Foods, Inc., plantsite and storage facilities located at Omaha, Nebr. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134375 (Sub-No. 2), filed January 18, 1971. Applicant: ELDON GRAVES, doing business as GRAVES TRUCKING, Post Office Box 3067, Yakima, WA 98903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat cracklings*, in bulk, from points in Kittitas and Yakima Counties, Wash., to Portland, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134477 (Sub-No. 9), filed January 14, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and foodstuffs in mixed truckloads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., at Austin, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Vermont, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul, Minn., or Chicago, Ill.

No. MC 134497 (Sub-No. 1), filed January 8, 1971. Applicant: HI QUALITY TRANSPORTATION, INC., Post Office Box 458, Sumner, WA 98101. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* in vehicles equipped with mechanical refrigeration, between points in King and Pierce Counties, Wash., on the one hand, and, on the other, points in Idaho, Montana, Utah, Oregon, Nevada, Arizona, and California, under contract with Sterile Food Products, Inc., and Darigold Dairy Products, Inc., NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134518 (Sub-No. 4), filed January 12, 1971. Applicant: CHEESE HAULING, INC., Post Office Box 138, Stitzer, WI 53825. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, (1) from Dubuque, Iowa, to points in North Dakota and South Dakota; and (2) *rejected shipments of the above commodities*, from points in North Dakota and South Dakota to Dubuque, Iowa, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa, or Madison, Wis.

No. MC 134599 (Sub-No. 12), filed January 11, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Acklie & Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, advertising material, equipment materials, and supplies* used in the manufacture of the above items, between Muskegon, Mich., and its commercial zone, on the one hand, and, Florida, Georgia, Alabama, Mississippi, Tennessee, North Carolina, South Carolina, Louisiana, Arkansas, Texas, and Oklahoma, on the other, under continuing contract with Scott Paper Co. and its subsidiaries and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134776 (Sub-No. 5) (Amendment), filed December 31, 1970, published in the FEDERAL REGISTER issue of February 4, 1971, and republished in part, as amended, this issue. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The purpose of this partial republication is to add the State of New York to the destination States. The rest of the application remains as previously published.

No. MC 135068 (Sub-No. 1), filed January 8, 1971. Applicant: NORVIE E. PAULK, doing business as PAULK MOVING & STORAGE CO., 3107 East Highway 98 Business, Panama City, FL 32401. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Bay, Gulf, Washington, Jackson, Gadsden, Leon, Liberty, Wakulla, Franklin, and Calhoun Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Panama City, Fla.

No. MC 135142 (Sub-No. 2), filed January 15, 1971. Applicant: K & R TRANSPORTATION, INC., 253 East 21st South Street, Salt Lake City, UT 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gourmet foodstuffs*, (1) from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio to San Francisco, Calif., and points in Salt Lake County, Utah, (2) from points in Salt Lake County, Utah, to San Francisco, Calif., and (3) from points in California to points in Salt Lake County, Utah, under contract with Holly World Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City Utah, or Denver, Colo.

No. MC 135190 (Sub-No. 2), filed January 18, 1971. Applicant: C. H. JONES MOTOR COMPANY, INC., 3648 Hulmeville Road, Cornwells Heights, PA 19020. Applicant's representative: Norma Dillon, 2355 Brownsville Road, Langhorne, PA 19047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, loose, in special van type trailers, from points in New York east of U.S. Highway 15 to points in Pennsylvania, New Jersey, West Virginia, Delaware, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 135216 (Sub-No. 1), filed January 11, 1971. Applicant: LEROY DENEAU, Route 1, Chana, Ill. 61015. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Oregon, Ill., on the one hand, and, on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135235, filed January 11, 1971. Applicant: LOMA CARTAGE, INC., 10353 Franklin Avenue, Franklin Park, IL 60131. Applicant's representative: Frank J. Belline, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and related supplies and materials*, from points in Cook County, Ill., to points in Lake County, Ind., and Racine, Kenosha, and Milwaukee, Wis., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135249, filed January 20, 1971. Applicant: CLEMENTS MARCINKOWSKI, doing business as MARC TRUCKING, 601 Pavonia Avenue, Jersey City, NJ 07306. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and meat products*, in refrigerated equipment, (1) from Wilmington, Del., to points in Mercer, Middlesex, Union, Essex, and Hudson Counties, N.J., *New York, N.Y. commercial zone*, points in Nassau, Suffolk, and Westchester Counties, N.Y., and (2) from New York, N.Y. commercial zone, to points in Hudson, Essex, Union, Middlesex, Mercer, Ocean, and Salem Counties, N.J., *New York, N.Y. commercial zone*, Nassau, Suffolk, and Westchester Counties, N.Y.; points in Lackawanna, Lehigh, Luzerne, and Northampton Counties, Pa. Restriction: The proposed service is to be restricted to (1) shipments moving from piers only at the described origin points (2) having had a prior movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135255, filed January 20, 1971. Applicant: HARLAN OPPERMAN, 302 East Eighth Street, Gregory, SD 57533. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, both bulk and packaged, from Sioux City, Iowa, to Dante, Fairfax, and Gregory, S. Dak., under contract with Big Soo Terminal, Fairfax Farmer Union Oil Co., Farmers Union Oil Co., Roseland Farmer Union and Farmers Union Central Exchange, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Pierre, S. Dak.

No. MC 135258, filed January 18, 1971. Applicant: EARTH INDUSTRIES, INC., Rural Delivery 2, Box 300, Farmingdale, NJ. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregates*, in bulk, in dump trucks, from Martins Creek, Pa., to points in Ocean and Monmouth Counties, N.J., and (2) *sand*, in bulk, in dump trucks, from points in Ocean and Monmouth Counties, N.J., to Martins Creek, Pa., under contract with Alpha Aggregates of Martins Creek, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135259, filed January 18, 1971. Applicant: G. M. BROWN & SONS, INC., Route No. 3, Caldwell, Idaho 83605. Applicant's representative: Dorsey Campbell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes*, from Nampa, Idaho, to points in Malheur County, Oreg., and *scrap wastepaper and empty wooden pallets*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 135270, filed January 11, 1971. Applicant: WALTER LEMMONS, doing business as W. L. LEASING, Rural Route No. 1, Fort Branch, Ind. 47533. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, from Evansville, Ind., to points in Kentucky and Illinois, under contract with Kosmos Portland Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

MOTOR CARRIERS OF PASSENGERS

No. MC 2832 (Sub-No. 7), filed January 14, 1971. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, CT 06790. Applicant's representative: Thomas A. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special operations, in round-trip service, from Danbury and Brookfield, Conn., and points in Litchfield County, Conn., to (1) Yonkers Raceway, Yonkers, N.Y., (2) to Aqueduct Race Track, at or near South Ozone Park, N.Y., (3) to Roosevelt Raceway, at or near Westbury, N.Y., and (4) to Belmont Park Race Track, at or near Elmont, N.Y.; and return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York City, N.Y., or Springfield, Mass.

No. MC 3647 (Sub-No. 429), filed January 18, 1971. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during the authorized racing season at said race tracks, beginning and ending at Brooklyn and Staten Island, N.Y., and extending to Bowie Race Track, Bowie, Md. NOTE: Applicant holds Broker License authority under MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 84728 (Sub-No. 58), filed November 13, 1970. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, DC 20005. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, (1) between Baltimore, Md., and junction of Interstate Highway 95 and Interstate Highway 495, from Baltimore over Interstate Highway 95 to junction of Interstate Highway 95 and Interstate Highway 495, (2) between junction U.S. Highway 29 and Maryland Highway 108 and Waterloo, Md., from junction U.S. Highway 29 over Maryland Highway 108 to Jonestown; thence over Maryland Highway 175 to Waterloo, (3) between Simpsonville, Md., and junction Maryland Highway 32 and U.S. Highway 1, from Simpsonville, over Maryland Highway 32 to junction U.S. Highway 1; and (4) between Scaggsville and Laurel, Md., from Scaggsville over Maryland Highway 216 to Laurel and return over the same routes, serving all intermediate points in (1) thru (4) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100853 (Sub-No. 14), filed January 8, 1971. Applicant: W. HOWARD PINKETT, 217 Gay Street, Denton, MD 21629. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between points in Delaware and those in Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Somerset, Wicomico, and Worcester Counties, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Easton, Md., or Washington, D.C.

No. MC 135254, filed January 18, 1971. Applicant: FERNANDO MIRELES, doing business as TRANSPORTES "AZTECA", LTD., 1037 South Racine Avenue, Chicago, IL 60607. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in 13 passenger (inclusive of drivers) buses, in special operations, between Chicago, Ill., and Laredo, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATION OF WATER CARRIER

No. W-536 (Sub-No. 12) (HENNEPIN TOWING COMPANY—Extension—Upper Mississippi River), filed February 1, 1971. Applicant: HENNEPIN TOWING COMPANY, a corporation, 7703 Normandale Road, Minneapolis, MN 55435. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. By application filed February 1, 1971, Applicant seeks a revision of its present Sixth Amended Certificate of Public Convenience and Necessity No. W-536, so as to add to its present operating authority, the authority to perform operations as a common carrier, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *commodities generally*, and by towing vessels in the performance of general towage: Between ports and points along the Mississippi River below and including Minneapolis, Minn.; the Minnesota River below and including Shakopee, Minn.; the St. Croix River below and including Stillwater, Minn.; the Illinois Waterway below and including the Lake Michigan ports between and including Waukegan, Ill., and Michigan City, Ind.; the Ohio River below and including Pittsburgh, Pa.; the Allegheny River below and including East Brady, Pa.; the Monongahela River below and including Fairmont, W. Va.; the Kanawha River below and including Gauley Bridge, W. Va.; and the Licking River below and including Ryland Lakes, Ky. Applicant desires to give notice that it intends to "tack" or join the above requested authority with its existing authority to the fullest extent permissible for the purpose of providing a through service. All of the above authority is sought in addition to the ports and points which applicant is presently authorized to serve pursuant to its Sixth Amended Certificate and Order in No. W-536, dated October 10, 1969.

APPLICATION OF FREIGHT FORWARDERS

No. FF-302 (Sub-No. 2) (ALL TRANSPORT INCORPORATED—Extension—Export) filed January 27, 1971. Applicant: ALL TRANSPORT INCORPORATED, 17 Battery Place, New York, NY 10004. Applicant's representative: Harold E. Mesirow, 1001 Connecticut Avenue NW., Washington, DC 20036. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle in the transportation of: *General commodities*, restricted to export traffic having a subsequent movement by water in foreign commerce, from points in Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan (insofar as such transportation takes place within the United States) to Montreal, Quebec, Canada, and Halifax, Nova Scotia, Canada.

No. FF-341 (Sub-No. 2) (INTERMOUNTAIN FAST FREIGHT—EXTENSION—Wyoming), filed January 28, 1971. Applicant: INTERMOUNTAIN FAST FREIGHT, 1426 East Fourth Street, Los Angeles, CA. Applicant's representative: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles, CA 90013. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad and motor vehicle in the transportation of: *General commodities*, from points in California to points in Wyoming and Colorado.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 165), filed January 12, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, 10 South Riverside Plaza, Cleveland, OH 44113, Chicago, IL 60606. Applicant's representative: L. C. Major, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) From Interchange No. 76 of the Connecticut Turnpike (Connecticut Highway 52) over the Connecticut Turnpike to Interchange No. 81, thence over Connecticut Highways 2 and 32 to Norwich, Conn., thence over Connecticut Highways 2 and 32 to junction with Town Street, just north of Norwich, thence over Town Street to its junction with West Town Street, thence over West Town Street to its junction with the Connecticut Turnpike at Interchange No. 82, thence over the Connecticut Turnpike to its eastern terminus at the Connecticut-Rhode Island State line, at the junction of the Connecticut Turnpike and U.S. Highway 6 near South Killingly, Conn., and return over the same route, serving the intermediate points located on West Town Street, Town Street, the city of Norwich, Conn., and Connecticut Highways 2 and 32; and also serving Interchange No. 78 of the Connecticut Turnpike for the purpose of joinder only; (2) from Interchange No. 82 of the Connecticut Turnpike over the Connecticut Turnpike (Connecticut Highway 52) to its Interchange No. 81, and return over the same route, serving no intermediate points; and (3) from New London, Conn., over Connecticut Highway 32 to its junction with access road leading to Interchange No. 78 of the Connecticut Turnpike, thence over said access road to its junction with the Connecticut Turnpike at Interchange No. 78, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, serving no intermediate points. NOTE: Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1872 Filed 2-10-71;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 8, 1971.

Protests to the granting of an application must be prepared in accordance with §1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42127—*Vinyl chloride to specified points in New England*. Filed by Southwestern Freight Bureau, agent (No. B-213), for interested rail carriers. Rates on vinyl chloride, in tank carloads, as described in the application, from specified points in Texas and Louisiana, to specified points in Massachusetts and Rhode Island.

Grounds for relief—Market competition.

Tariff—Supplement 5 to Southwestern Freight Bureau, agent, tariff ICC 4922.

FSA No. 42128—*Gravel from Attica, Ind.* Filed by Illinois Freight Association, agent, (No. 363), for and on behalf of Norfolk and Western Railway Co. Rates on traffic bound gravel, road surfacing, passing through a 1 inch screen (not suitable for concrete construction), in carloads, as described in the application, from Attica, Ind., to specified points in Illinois.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 103 to Norfolk and Western Railway Co. tariff ICC 8115 (Wabash series).

FSA No. 42129—*Ethylene dichloride from points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-207), for interested rail carriers. Rates on ethylene dichloride, in tank carloads, as described in the application, from Nadeau and Texas City, Tex. to Chicago, Ill., and points taking same rates, also Lemont, Ill.

Grounds for relief—Related commodity relationship.

Tariff—Supplement 41 to Southwestern Freight Bureau, agent, tariff ICC 4899.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1937 Filed 2-10-71;8:49 am]

[Notice 244]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 8, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 53 TA), filed February 3, 1971. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and not frozen, in vehicles equipped with mechanical refrigeration, between the plantsite and warehouses of the Great Atlantic & Pacific Tea Co. at Salem, Ohio, as an off-route points in connection with carrier's regular route operations, between Youngstown, Ohio, and Cleveland, Ohio, for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., National Traffic and Transportation Department, 90 Delaware Avenue, Paterson, NJ 07503. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 227 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 87909 (Sub-No. 13 TA), filed February 3, 1971. Applicant: ARROW MOTOR FREIGHT LINE, INC., 661 South La Salle Street, Post Office Box 500, Waterloo, IA 50704, St. Paul, MN 55114. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Waterloo and Des Moines, Iowa, from Waterloo over Iowa Highway 57 to the junction of Iowa Highway 14 thence over Iowa Highway 14 to the junction of Iowa Highway 175 thence over Iowa Highway 175 to junction U.S. Highway 69 thence over U.S. Highway 69 to Des Moines, Iowa, and return over the same route, serving all intermediate points on the above routes and the off-route points of Reinbeck, Morrison, Stout, Fern, Holland, Wellsburg, McCallsburg, Garden City, and Roland, Iowa. Applicant seeks authorization to tack this authority to that contained in MC-87909 at Waterloo and Des Moines, Iowa, for 180 days. Supporting shippers: There are approximately 35 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 106743 (Sub-No. 10 TA) (Amendment), filed January 20, 1971, and published FEDERAL REGISTER issue January 29, 1971, and republished as amended this issue. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, 4081 Ross Clark Circle NW., Dothan, AL 36301. Applicant's representative: Richard S. Richard, 57 Adams Avenue, Montgomery, AL 36104. NOTE: The purpose of this republication is to show the application has been amended to add service to points in Clayton and Walker Counties, Ga. The rest of the application remains the same.

No. MC 109689 (Sub-No. 221 TA) filed February 3, 1971. Applicant: W. S. HATCH CO., Office: 643 South 800 West Street, Mail: Post Office Box 1825, Salt Lake City, Utah 84110, Woods Cross, Utah 84087 (Utah Corp.). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric sulfate*, in bulk, from points in California, to the Mohave Steam Electric Generating Plant, Clark County, Nev., located approximately 25 miles north of Needles, Calif., for 180 days. Supporting shipper: Southern California Edison Co., Post Office Box 351, Los Angeles, Calif. 90053 (James W. Harris). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 114328 (Sub-No. 4 TA), filed February 3, 1971. Applicant: CLACKAMAS TRUCKING CO., Post Office Box 127, Clackamas, OR 97015 (Oreg. Corp.). Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, supplies and materials used in connection therewith*, from Atlas, Mo., and magazines at Baxer Springs, Kans., to points in California, Nevada, Idaho, and Montana, for 180 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 125785 (Sub-No. 10 TA), filed February 3, 1971. Applicant: SATURN EXPRESS, INC., The Plaza 90 Building, Room 206, 90th and L Streets, Omaha, NE. Applicant's representative: Charles J. Kimball, 300 NSEA Building, 14th and J Streets, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, from Florence, Ala., and Jackson, Miss., to Wisconsin, Michigan, Ohio, Illinois, Indiana, Colorado, Texas, Oklahoma, Kansas, South Dakota, Wyoming, Missouri, Minnesota, Nebraska, and Iowa, for 150 days. Supporting shipper: Mosaic Tile Co., Florence, Ala. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 128383 (Sub-No. 7 TA) (Correction), filed January 26, 1971, and published in the FEDERAL REGISTER notice No. 239, and republished as corrected this issue. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. NOTE: The purpose of this republication is to show that in (2) applicant proposes service between Wilkes-Barre-Scranton Airport located in Luzerne and

Lackawanna Counties, Pa., and does not seek to serve points in Luzerne and Lackawanna Counties, Pa., as set forth in error. The rest of notice remains as previously published.

No. MC 134400 (Sub-No. 4 TA), filed February 3, 1971. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 345 South Main Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shelters, dock or vehicle, dock enclosures, canopies, awnings, protective shields, screens or garments, kits partitions, protective blankets, visibility belts, cable and hose protectors, and related commodities*, from Dubuque, Iowa, to points in Connecticut, Maryland, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Frommelt Industries Inc., 465 Huff Street, Dubuque, IA 52001. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 134754 (Sub-No. 1 TA), filed February 3, 1971. Applicant: JACK HICKMAN, 404 Hill Street, Summersville, WV 26651. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Summersville, W. Va., to Ashland and Greenup, Ky., Oak Hill, Portsmouth, and Columbus, Ohio, and Indianapolis, Ind., for 180 days. Supporting shipper: Peerless Eagle Coal Co., Farmers and Merchants Bank Building, Summersville, WV 26651 (Attention: Edward M. Williams, Chief Engineer). Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1939 Filed 2-10-71;8:49 am]

[No. 35350]

NORTH CAROLINA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of January 1971.

Upon petition filed November 20, 1970, the Carolina, Clinchfield and Ohio Railway, Louisville and Nashville Railroad Co., Norfolk and Western Railway Co., Norfolk Southern Railway Co., Seaboard Coast Line Railroad Co., Southern Railway Co., and their shortline connections operating in North Carolina, aver that the North Carolina Utilities Commission has not authorized petitioners to increase their intrastate rates and charges within the State of North Carolina in amounts corresponding to increases maintained by the carriers on interstate commerce as authorized by this Commission on an interim basis in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971 (pending final decision); and

It appearing, that petitioners allege that the interstate rates and charges, as increased, are just and reasonable; that conditions incident to the transportation of commodities within the State of North Carolina are not more favorable than the commodities to, from, and through points in the State of North Carolina; that increases in intrastate rates and charges comparable to those authorized in Ex Parte No. 265 and Ex Parte No. 267 would not result in rates or charges that are unreasonable; that the failure of the North Carolina intrastate rates to include the increases referred to causes and results in the petitioners being required to maintain abnormally low rates on such traffic, depriving them of needed revenue to improve earnings and cash flow and to offset increased operating costs, thus causing an undue burden on interstate commerce, causing undue, unreasonable, and unjust discrimination against interstate commerce, and giving undue and unreasonable advantage to intrastate shippers and subjecting interstate shippers of the same commodities to undue and unreasonable prejudice and disadvantage;

It further appearing, that the petitioners request that the matter be set for early hearing and that an examiner's report and recommended order be omitted;

It further appearing, that the North Carolina Utilities Commission filed a combined answer and motion to dismiss the petition on December 2, 1970, alleging that the lack of authority to increase the intrastate rates and charges, as sought in the petition, results from the petitioners' voluntary withdrawal or failure to file an application with the North Carolina Utilities Commission seeking the increases, and is an attempt to bypass the State regulatory authority which violates the traditional doctrine of Federal-State sovereignty; that the justness and reasonableness of the interstate increases are not based on formal findings of this Commission; that the intrastate rates are just and reasonable under State law and not abnormally low; that it has not been established that the increase is vitally needed or that failure to increase intrastate rates as requested will impair earnings and cash flow and help offset increased operating expenses or cause undue, unreasonable, or unjust discrimination against, or undue burden on interstate commerce; that in numerous instances conditions in regard to transportation in intrastate commerce are more favorable than in regard to interstate transportation; and that the petition does not establish that "special expedition" is required to be given to a proceeding of this magnitude, but if the petition is not denied or dismissed, the proceeding should be set for hearing at Raleigh, N.C.;

And it further appearing, that there have been brought in issue by the carriers' petition matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of North Carolina, which investigation, according to the proviso in section 13(4) of the act, the Commission must institute whether or not the issues were theretofore considered by the State agency or authority, and that the Commission must give special expedition to the decision, including early hearing therein;

Wherefore, and good cause appearing therefor:

It is ordered, That the motion of the North Carolina Utilities Commission to dismiss the carriers' petition be, and it is hereby, denied.

It is further ordered, That the carriers' petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under sections 13 and 15 of the act to determine whether the said rates and charges of the carriers by railroad, operating in the State of North Carolina, imposed by authority of the State of North Carolina, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission on the same commodities for interstate transportation in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971, any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges should be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of North Carolina, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents, and that the State of North Carolina be notified of the proceeding by sending copies of this order and of the carriers' petition by certified mail to the Governor of the said State and to the North Carolina Utilities Commission at Raleigh, N.C.

It is further ordered, That all persons, except the petitioners and the North Carolina Utilities Commission, who wish to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying this Commission in writing on or before March 5, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests shall endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of

those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices and orders entered herein will be served solely on the persons responding to this order and on the present parties.

And it is further ordered, That this proceeding be assigned for hearing as may hereinafter be designated, and that the request for elimination of a report and recommended order be denied as premature, without prejudice to the renewal of the request at a later date.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1938 Filed 2-10-71;8:49 am]

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know your government

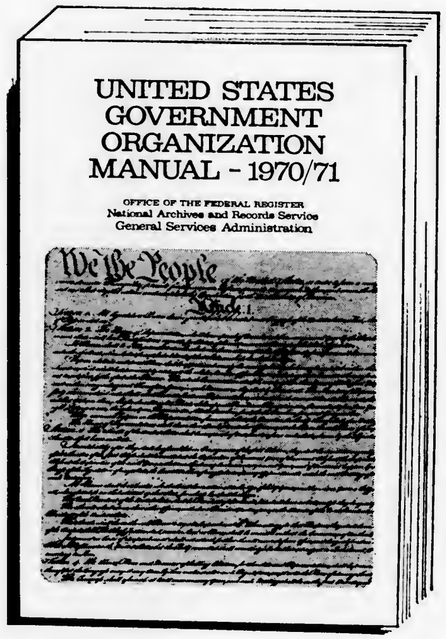

UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

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FEDERAL REGISTER

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Pages 2905–2951

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Consumer and Marketing Service
Emergency Preparedness Office
Federal Communications Commission
Federal Highway Administration
Federal Home Loan Bank Board
Federal Labor Relations Council and Federal Service Impasses Panel
Federal Maritime Commission
Federal Power Commission
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Volume 83

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91st Congress, 1st Session
1969

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PART 2412—NATIONAL CONSULTATION RIGHTS AND TERMINATION OF FORMAL RECOGNITION

On September 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15161) a notice of the proposed adoption of rules governing national consultation rights and the termination of formal recognition by the Council. Interested persons were invited to submit their views and suggestions in writing within 20 days after publication of the notice of proposed rule making. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed rules, with changes as set forth below.

Accordingly, the Council hereby amends Title 5 of the Code of Federal Regulations by adding to Chapter XIV, a new Part 2412 to read as follows:

Subpart A—National Consultation Rights and Termination of Formal Recognition at the National Level

Sec.
2412.1 Definitions.
2412.2 Requesting; granting; criteria.
2412.3 Obligation to consult.
2412.4 Review; termination of national consultation rights.
2412.5 Requests; questions.
2412.6 Appeals.
2412.7 Termination of formal recognition at the national level.

Subpart B—Termination of Formal Recognition Other Than Formal Recognition at the National Level

2412.8 Termination date.

AUTHORITY: The provisions of this Part 2412 issued under 5 U.S.C. 552; E.O. 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

Subpart A—National Consultation Rights and Termination of Formal Recognition at the National Level

§ 2412.1 Definitions.

In this part:

The terms agency, employee, labor organization and Assistant Secretary have the meanings set forth in section 2 of Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service."

Employment means the total number of civilian personnel employed by an agency or the nonappropriated fund Federal instrumentalities under its jurisdiction but does not include foreign nationals.

Primary national subdivision of an agency means a first-level organizational segment which has functions national in scope that are implemented in field activities.

Substantive personnel policy means a standard or rule which (a) creates and defines rights of employees or labor organizations, including conditions relating to such rights; (b) sets a definite course or method of action to guide and determine procedures and decisions of subordinate organizational units on a personnel or labor relations matter; and (c) is formulated within the discretionary authority of the issuing organization and is not merely a restatement of a course or method of action prescribed by higher authority.

Substantive change in personnel policy means a change in the established rights of employees or labor organizations or the conditions relating to such rights.

§ 2412.2 Requesting; granting; criteria.

(a) An agency shall accord national consultation rights, as provided in section 9 of Executive Order 11491, to a labor organization that:

(1) Requests national consultation rights at the agency level; and

(2) Holds exclusive recognition for either:

(i) 10 percent or more of the employment of the agency; or

(ii) 5,000 or more employees of the agency.

(b) An agency's primary national subdivision which has authority to formulate substantive personnel policy shall accord national consultation rights, as provided in section 9 of Executive Order 11491, to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for either:

(i) 10 percent or more of the employment of the primary national subdivision; or

(ii) 5,000 or more employees of the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the agency level, employees represented by the labor organization under exclusive recognition granted at the agency level.

(2) At the primary national subdivision level, employees represented by the labor organization under exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An agency or a primary national subdivision of an agency shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b), and (c) of this section; however, this does not preclude an agency or a primary national subdivision of an agency from appropriate dealings with other organizations, including labor organizations that do not qualify for national consultation rights, on matters affecting their members.

§ 2412.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the agency or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of proposed new substantive personnel policies and of proposed substantive changes in personnel policies which affect the employees it represents under exclusive recognition;

(2) Opportunity to comment on such proposals;

(3) Opportunity to suggest changes in personnel policies that are of interest to employees it represents under exclusive recognition and to have its suggestions receive careful consideration;

(4) Opportunity to confer in person upon request, at reasonable times, on personnel policy matters; and

(5) Opportunity to submit its views in writing on personnel policy matters at any time.

(b) An agency or a primary national subdivision of an agency is not required to consult with a labor organization on any matter on which it would not be required to meet and confer if the organization were entitled to exclusive recognition.

(c) National consultation rights do not include the right to negotiate.

(d) A labor organization which holds national consultation rights may exercise those rights in behalf of all the employees it represents under exclusive recognition in the agency or in the primary national subdivision which has granted those rights except:

(1) At the agency level, the labor organization may not exercise those rights in behalf of employees represented under exclusive recognition granted at the agency level.

(2) At the primary national subdivision level, the labor organization may not exercise those rights in behalf of employees represented under exclusive recognition granted at the agency level or at the primary national subdivision level.

§ 2412.4 Review; termination of national consultation rights.

An agency or a primary national subdivision which has granted national consultation rights shall make a periodic

review to determine if the labor organization continues to qualify for those rights. The agency or the primary national subdivision shall terminate national consultation rights when the labor organization ceases to meet the requirements in § 2412.2.

§ 2412.5 Requests; questions.

Requests of labor organizations for national consultation rights shall be submitted to the headquarters of the agency or the agency's primary national subdivision, as appropriate. Questions concerning the eligibility of labor organizations for national consultation rights may be referred to the Assistant Secretary for decision as set forth in 29 CFR 202.2(d).

§ 2412.6 Appeals.

Appeals from decisions of the Assistant Secretary concerning the eligibility of labor organizations for national consultation rights may be taken to the Council as provided for in Part 2411 of this chapter.

§ 2412.7 Termination of formal recognition at the national level.

(a) In accordance with the provisions of section 8(b)(3) of Executive Order 11491, a grant of formal recognition to a labor organization at the national level shall terminate:

(1) In an agency:

(i) When that labor organization which holds national formal recognition is granted national consultation rights by that agency; or

(ii) On July 1, 1971, whichever is sooner.

(2) In a primary national subdivision:

(i) When that labor organization which holds national formal recognition in the primary national subdivision is granted national consultation rights by that primary national subdivision; or

(ii) On July 1, 1971, whichever is sooner.

(b) When an agency and labor organization have an established dues withholding agreement on the basis of formal recognition at the national level, and the agreement would be terminated automatically as a result of the termination of formal recognition under this section, the national dues withholding agreement shall be maintained in effect insofar as it applies to members of the labor organization in units for which the organization holds exclusive recognition for the duration of existing negotiated agreements in such exclusive units unless representatives of the agency and the labor organization have negotiated dues withholding arrangements for members in the exclusive units.

Subpart B—Termination of Formal Recognition Other Than Formal Recognition at the National Level

§ 2412.8 Termination date.

Agencies shall terminate on July 1, 1971, all existing grants of formal recognition under Executive Order 10988.

For the Council.

ROBERT E. HAMPTON,
Chairman.

[FR Doc.71-1986 Filed 2-11-71;8:48 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

FEES FOR INSPECTION, GRADING AND SAMPLING

The Agricultural Marketing Act of 1946 authorizes official inspection and grading service of dairy products. Such inspection and grading service is voluntary and is made available only upon request of financially interested parties upon payment of a fee. The Act requires such fees to be reasonable and, nearly as possible, to cover the cost of performing the services. Recent salary increases for Federal employees and other rising costs of maintaining the inspection and grading service have made it necessary to reevaluate and increase fees charged for inspection and grading services in order to more nearly recover costs of rendering the service.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–27) the provisions of "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products" 7 CFR 58.43, are hereby amended to read as follows:

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.39, 58.44, 58.45, and 58.46, charges shall be made for inspection, grading and sampling service at the hourly rate of $10 for service performed between 6 a.m. and 6 p.m., and $11 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

The need for the increase in fees and the amount thereof are dependent upon the facts within the knowledge of the Consumer and Marketing Service. Therefore, pursuant to the Administrative Procedure Act (5 U.S.C. 553) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1971, with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 9th day of February, 1970.

JOHN C. BLUM,
Acting Deputy Administrator,
Marketing Services.

[FR Doc.71-1979 Filed 2-11-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for the 1970–71 Crop Year

Pursuant to §§ 989.54(b) and 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, the preliminary free tonnage percentage and reserve tonnage percentage applicable to standard natural Thompson Seedless raisins acquired by handlers during the 1970–71 crop year were designated 65 percent and 35 percent, respectively (§ 989.228; 35 F.R. 16240). Such preliminary free tonnage percentage was recommended by the Raisin Administrative Committee, established pursuant to the amended marketing agreement and order, as tending to release 109,850 tons, or about 89 percent of the desirable free tonnage (§ 989.222; 35 F.R. 15631) of 122,750 tons for such raisins. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The Committee is required by § 989.54 (b) to recommend, no later than February 15, a free tonnage percentage which will tend to release the full desirable free tonnage of 122,750 tons of standard natural Thompson Seedless raisins. The 1970–71 crop year production of standard raisins of such varietal type was estimated by the Committee to be approximately 176,000 tons, and the Committee, on that basis, recommended at its meeting on February 2, 1971, a final free tonnage percentage of 70 percent and a reserve tonnage percentage of 30 percent. The designation, pursuant to § 989.55, of 70 percent as the final free tonnage percentage would tend to release the full desirable free tonnage of 122,750 tons. As provided in § 989.54(b), the difference between the free tonnage percentage and 100 percent is the reserve percentage.

After consideration of the recommendation and supporting information submitted by the Committee, and other available information, it is hereby found that the designation of the final free tonnage percentage and the reserve tonnage percentage, as hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, § 989.228 is revised to read as follows:

§ 989.228 Free and reserve percentages for the 1970–71 crop year.

The percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1970, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Free tonnage percentage, 70 percent; and reserve tonnage percentage, 30 percent.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice of this action and engage in public rule making procedure, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions as to the amount of standard raisins available immediately to handlers for use in free tonnage outlets; (2) under this part the respective free tonnage and reserve tonnage percentages, designated for a particular varietal type and crop year, apply to all standard raisins of such varietal type acquired by handlers from the beginning of the crop year; (3) the current crop year began September 1, 1970, and the percentages designated herein will automatically apply to such raisins acquired by handlers on or after that date; and (4) handlers are aware of this action as recommended by the Committee and require no additional time to comply therewith.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 8, 1971.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.71-2000 Filed 2-11-71;8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-127]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Amendments Relating to Loans by Federal Savings and Loan Associations

FEBRUARY 4, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 18924) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the following purposes: (1) Reducing the required term of a leasehold as security for a loan in all cases to 10 years beyond the maturity of the loan, (2) increasing the maximum term of construction loans on the security of "other dwelling units" and "other improved real estate" from 24 to 36 months, (3) increasing the loan-to-value ratio for loans on "other improved real estate" from 70 to 75 percent and increasing the maturity on such loans from 20 to 25 years; and (4) permitting the combining into a single loan of a construction loan and a permanent loan to avoid the necessity of making separate loans in order to achieve the maximum loan term permissible for "other dwelling units" and "other improved real estate." Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 541 and 545 to read as follows, effective February 12, 1971:

1. Amend Part 541 by revising paragraph (a) of § 541.9 thereof to read as follows:

§ 541.9 Loans on the security of first liens.

* * * * *

(a) The term "loans on the security of first liens" means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold or subleasehold extending or renewable automatically or at the option of the holder (or at the option of the Federal association) for a period of at least 10 years beyond the maturity of the loan) specific security for the payment of the obligation secured by such instrument: *Provided*, The instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjected to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

* * * * *

2. Amend Part 545 by revoking § 545.6–19 thereof and by revising subparagraphs (1) and (3) of paragraph (b) and subparagraphs (1), (2), and (5) of paragraph (c) of § 545.6–1 to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use*—(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 75 percent) of the value thereof, repayable monthly within 25 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency. Such installment loan may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (3)(ii) of this paragraph, and the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction.

* * * * *

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years; and

(ii) If such loan is made for the purpose of construction, 75 percent of the value and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

* * * * *

(c) *Other improved real estate.* Subject to the limitations of § 545.6–7, a Federal association may, if permitted by the term of its charter, make loans on other improved real estate, as defined in paragraph (a) of § 541.12 of this chapter, to the extent authorized by this paragraph (c):

(1) Any monthly installment loan may be made in an amount not exceeding 75 percent, and any loan repayable on any other plan may be made in an amount not exceeding 60 percent, of the value of such real estate, except that the maximum loan-to-value ratios for loans made under §§ 545.6–16 and 545.6–18 shall be the ratios provided in those sections;

(2) Any monthly installment loan shall be repayable in not more than 25 years and any loan repayable on any other plan shall be repayable in not more than 5 years but with interest payable at least semiannually, except that the maximum loan terms for monthly installment loans made under §§ 545.6–16 and 545.6–18, shall be the terms provided in those sections, and such a monthly installment loan, other than a loan made under §§ 545.6–16 and 545.6–18, may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (5) of this paragraph, and the term of the

monthly installment loan shall be considered to begin at the end of the term allowed for construction;

* * * * *

(5) A loan made for the purpose of construction may be made in an amount not exceeding 75 percent of the value of such real estate and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term but with interest payable at least semiannually.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71–2002 Filed 2–11–71;8:49 am]

[No. 71–118]

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Investment in Insured Loans by Federal Associations, Regular Lending Area of Such Associations, and Location of Branch Offices of Such Associations

FEBRUARY 4, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 17360) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 545 and 556 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545, 556) for the following purposes:

(1) Permit a Federal savings and loan association to invest in "insured loans" on a statewide basis within the State in which such association's home office is located;

(2) Enlarge the "regular lending area" of certain Federal savings and loan associations; and

(3) Liberalize the Board's statement of policy regarding applications for permission to maintain, as a branch office, an existing office of an institution to be acquired by merger or other approved acquisition.

Accordingly, said Parts 545 and 556 are hereby amended as follows, effective February 12, 1971:

1. Part 545 is amended by revising paragraph (a) of § 545.6–5 thereof to read as follows:

§ 545.6–5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located at an investment not exceeding the sum of (1) $45,000 for each single-family dwelling, (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. No loan may be purchased by a Federal association from an affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney at law. If a Federal association increases its savings accounts as a part of the purchase of any loan, it shall obtain such approval as is required by the Rules and Regulations for Insurance of Accounts.

* * * * *

2. Part 545 is amended by revising § 545.6–6 thereof to read as follows:

§ 545.6–6 Lending area.

The regular lending area of a Federal association consists of the area: (a) Within a radius of 100 miles from such association's home office; (b) within a radius of 100 miles from each branch office of such association or other place of business approved by the Board as an agency of such association, to the extent that such area is also within the State in which such association's home office is located; and (c) in the case of a Federal association which is converted from a State-chartered institution, beyond 100 miles from its home office but within which area such association made loans while operating under State charter. Any Federal association may (1) make loans in its regular lending area, (2) made insured loans secured by improved real estate located within the State in which such association's home office is located, and (3) within the 20-percent-of-assets limitation as defined in § 545.6–7, make loans in areas outside its regular lending area; but it shall comply with the provisions of the Rules and Regulations for Insurance of Accounts with respect to loans on the security of real estate located more than 50 miles from the association's home office. Each converted association that desires to continue to make loans beyond 100 miles from its home office in the areas in which it made loans while operating under State charter shall file with the Board a map showing the areas within which such association made loans while operating under State charter. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "area" in which a converted association made loans beyond a radius of 100 miles from its home office while operating under State charter.

3. Part 545 is amended by revising paragraph (d) of § 545.6–7 thereof to read as follows:

§ 545.6–7 Real estate loans and investments subject to 20-percent-of-assets limitation.

No Federal association may make or invest its funds in any loan of any of the types enumerated in paragraphs (a) through (d) of this section, except a guaranteed loan at least 20 percent of which is guaranteed and except a loan which is subject to the 5-percent-of-assets limitation of § 545.6–18, if the resulting aggregate amount of such loan and of the following investments would exceed 20 percent of the association's assets:

* * * * *

(d) Loans on improved real estate located beyond the association's regular lending area, except insured loans secured by improved real estate located within the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located and insured loans purchased pursuant to § 545.6–5;

* * * * *

4. Part 556 is amended by revising subparagraph (3) of paragraph (b) of § 556.5 thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch offices and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.*

* * * * *

(3) It is the Board's policy to consider applications by such an association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, or Puerto Rico or (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71–2001 Filed 2–11–71;8:49 am]

[No. 71–119]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

PART 563—OPERATIONS

Investment in Insured Loans by Insured Institutions and Normal Lending Territory of Such Institutions

FEBRUARY 4, 1971.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 17361) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563) for the following purposes:

(1) To enlarge the "normal lending territory" of certain "insured institutions"; and

(2) To permit an "insured institution" to invest in "insured loans" on a statewide basis within the State in which such institution's principal office is located.

Accordingly, said Parts 561 and 563 are hereby amended as follows, effective February 12, 1971:

1. Part 561 is amended by revising § 561.22 thereof to read as follows:

§ 561.22 Normal lending territory.

The term "normal lending territory" means the territory: (a) Within a radius of 50 miles from the institution's principal office; (b) within a radius of 50 miles from each place of business which has been approved in writing by the institution's appropriate supervisory authority as a branch office, agency office, or similar place of business for such institution, to the extent that such territory is also within the State in which such institution's principal office is located; and (c) beyond 50 miles from the institution's principal office but within which territory the institution was operating on June 27, 1934. In the case of an insured institution which, at the close of its most recent semiannual period, had scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not in excess of 4 percent of its specified assets, the figure "100" shall be substituted for the figure "50" the first two times it appears in the preceding sentence. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of territory in which the institution was operating on June 27, 1934.

2. Part 563 is amended by revising the portion of paragraph (a) of § 563.9 thereof which precedes subparagraph (4) of said paragraph (a) to read as follows:

§ 563.9 Loans and investments.

(a) *General provisions.* Except as provided herein, no insured institution may make, or invest its funds in, loans on the security of real estate located outside its normal lending territory without the prior approval of the Corporation. For the purpose of this paragraph, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(1) Any insured institution may, to the extent that it has legal power to do so, make, or invest its funds in, loans in an aggregate amount not exceeding 20 percent of such institution's assets on the security of real estate located outside its normal lending territory but within (i) 100 miles from such institution's principal office or (ii) 100 miles from each place of business which has been approved in writing by the institution's appropriate supervisory authority as a branch office, agency office, or similar place of business for such institution to the extent that such territory is also within the State in which such institution's principal office is located.

(2) Any insured institution may, to the extent it has legal power to do so, make, or invest its funds in, any guaranteed loan at least 20 percent of which is guaranteed.

(3) Any insured institution may, to the extent it has legal power to do so, (i) make, or invest its funds in, any insured loan secured by a first lien on improved real estate located within the State in which such institution's principal office is located or (ii) purchase any insured loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for residence purposes for not more than four families located outside such State.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71–2003 Filed 2–11–71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

General Counsel

In § 2.6, paragraphs (d) and (e) are amended and paragraph (f) is added so that the added and amended material reads as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(d) *Department and staff office heads.* Authority is delegated to the head of each department and staff office, and to any officer or board designated by them, to take appropriate action (other than provided for in paragraph (e)(4) of this section) in connection with the collection of civil claims by the Veterans Administration for money or property, as authorized in § 1.900, et seq. of this chapter.

(e) *General Counsel.* (1) Under the Federal Tort Claims Act, pursuant to the provisions of 28 U.S.C. 2672, authority is delegated to the General Counsel, Associate General Counsel and Assistant General Counsel, or those authorized to act for them, to:

(i) Consider, ascertain, adjust, determine, compromise, and settle any claim accruing on and after January 18, 1967, and asserted under the Federal Tort Claims Act, as amended by Public Law 89–506 (80 Stat. 306): *Provided*, That any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

(ii) Execute an appropriate voucher and other necessary instruments in connection with final disposition of claims within their settlement authority, and to execute an appropriate voucher in connection with claims compromised by the Attorney General pursuant to 28 U.S.C. 2677, and to determine whether such claims meet the criteria, "potentially subject to the offset provisions of 38 U.S.C. 351," for the purpose of the last clause under the heading, Veterans Administration "Compensation and Pensions," in the Independent Offices Appropriation Act.

(2) Under the provisions of 38 U.S.C. 236, the General Counsel, Associate General Counsel and Assistant General Counsel, or those authorized to act for them, are authorized to consider, ascertain, adjust, determine, and settle tort claims cognizable thereunder and to execute an appropriate voucher and other necessary instruments in connection with the final disposition of such claims.

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651, et seq. (as implemented by

Part 43, Title 28, Code of Federal Regulations), authority is delegated to the General Counsel, Associate General Counsel, Assistant General Counsel, and Deputy Assistant General Counsel, or those authorized to act for them, to collect in full, compromise, settle, or waive any claim and execute the release thereof; however, claims in excess of $20,000 may be compromised, settled, or waived only with the prior approval of the Department of Justice.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951, et seq., authority is delegated to the General Counsel, Associate General Counsel, Assistant General Counsel, and Deputy Assistant General Counsel, or those authorized to act for them, to:

(i) Make appropriate determinations with respect to the litigative probabilities of a claim (§ 1.932 of this chapter), the legal merits of a claim (§ 1.942(e) of this chapter), and any other legal considerations of a claim.

(ii) Collect in full a claim involving damage to or loss of Government property under the jurisdiction of the Veterans Administration resulting from negligence or other legal wrong of a person (other than an employee of the Government while acting within the scope of his employment) and to compromise, suspend or terminate any such claim not exceeding $20,000.

(iii) Collect a claim in full from a third party or legal entity who is liable for the cost of hospital, medical, surgical, or dental care and treatment of a person, and to compromise, suspend, or terminate any such claim not exceeding $20,000.

(iv) The delegations of authority set forth in subdivisions (ii) and (iii) of this subparagraph do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Such cases will be considered by the General Counsel, who will make the determination in all instances as to whether the case warrants referral to the Department of Justice. The delegations of authority are applicable to those claims where the Department of Justice determines that action based upon the alleged fraud, false claim, or misrepresentation is not warranted.

(5) Pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, the General Counsel, Associate General Counsel, Assistant General Counsel and Deputy Assistant General Counsel, or those authorized to act for them, are authorized to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his service occurring subsequent to August 31, 1964.

(6) Authority is delegated to the General Counsel or his designee to make the final decision on complaints of discrimination on grounds of race, color, religion, sex, or national origin brought by an aggrieved employee or qualified applicant for employment in the Veterans Administration.

(f) *Chief Attorneys.* The Chief Attorney, or those authorized to act for him, shall exercise the following delegations under the professional guidance of the General Counsel and communication with the General Counsel shall be direct.

(1) Under the Federal Tort Claims Act, authority similar to that delegated to the General Counsel in paragraph (e)(1)(i) of this section is delegated to the Chief Attorney, or those authorized to act for him, in any and all claims not exceeding $2,500 and he is authorized to execute an appropriate voucher and other necessary instruments in connection with the final disposition thereof.

(2) [Reserved]

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651 et seq. (as implemented by Part 43, Title 28, Code of Federal Regulations), authority similar to that delegated to the General Counsel in paragraph (e)(3) of this section is delegated to the Chief Attorney, or those authorized to act for him: *Provided*, That any claim in excess of $2,500 will be compromised, settled or waived only with the prior approval of the office of the General Counsel.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951 et seq., authority similar to that delegated to the General Counsel is delegated to the Chief Attorney, or those authorized to act for him, in any and all claims not exceeding $2,500, except in cases coming within the exceptions of paragraph (e)(4)(iv) of this section which will be referred to the General Counsel.

(5) Under the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, authority is delegated to the Chief Attorney, or those authorized to act for him, to act on any and all claims not exceeding $100, in accordance with instructions issued by the General Counsel.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective upon publication in the FEDERAL REGISTER (February 12, 1971).

Approved: February 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-1995 Filed 2-11-71;8:48 am]

PART 17—MEDICAL

Board on Collections and Compromises

1. In § 17.300, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 17.300 Establishment and jurisdiction.

There is established in the Department of Medicine and Surgery, under the supervision and administrative control of the Director, Management Control Staff, a Board on Collections and Compromises. The Board shall consider and determine, except for determinations as to litigative probabilities and other legal considerations for which authority has been delegated to the General Counsel under § 2.6 (e)(4)(i) of this chapter, questions involving any offer to settle for less than liquidated value, and proposals to terminate collection action or to suspend collection action for 1 year or more, which are properly referred to the Board under §§ 17.64 and 17.65, in any claim asserted by the Veterans Administration on a debt or obligation owed the Veterans Administration, if:

* * * * *

2. Section 17.302 is revised to read as follows:

§ 17.302 Selection of members.

The members of the Board on Collections and Compromises, and their alternates, shall be selected so that each organizational element headed by an Assistant Chief Medical Director and the Office of Administration is represented on the Board. The Chairman and his alternate shall be selected from the staff of the Director, Management Control Staff.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: February 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-1993 Filed 2-11-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5021]

[Oregon 3896]

OREGON

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

UMATILLA NATIONAL FOREST
WILLAMETTE MERIDIAN
Desolation Meadows Guard Station

T. 9 S., R. 34 E.,
Sec. 5, lots 2 and 3.

The area described aggregates 81.70 acres in Grant County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 8, 1971.

[FR Doc.71-1983 Filed 2-11-71;8:47 am]

[Public Land Order 5022]

[Colorado 11433]

COLORADO

Withdrawal for Test Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for a high speed ground test site and wheel rail laboratory for research and development by the Department of Transportation of fixed guideway vehicles of advance design:

SIXTH PRINCIPAL MERIDIAN

T. 19 S., R. 62 W.,
Sec. 2, W½SW¼.

The area described aggregates 80 acres in Pueblo County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of Transportation finds that the proposed use of the lands will not interfere with the proper operation of its research facilities on the lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 8, 1971.

[FR Doc.71-1984 Filed 2-11-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; recreation; for the individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public access, during daylight hours, for the purpose of nature study, wildlife observation, photography, picnicking, hiking, swimming, and sunbathing is permitted. Access on foot is permitted except in areas posted as closed, and by motor vehicle on designated travel routes. Pets are allowed if on a leash not exceeding 10 feet in length. Hunting and fishing are permitted under special regulations.

Refuge public use areas, comprising more than 19,385 acres, and respective permissible activities, are designated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 5, 1971.

[FR Doc.71-1962 Filed 2-11-71;8:45 am]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the sand beach on Holgate Peninsula and Little Beach Island on the Brigantine National Wildlife Refuge through December 31, 1971, except from those areas posted as closed.

Freshwater sport fishing from the South Dike of the West Pool is permitted during daylight hours from July 20 through September 21, 1971. The possession of fish or minnows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and South Tower parking areas.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing, comprising 7.5 miles of tidal shoreline and 1 mile of freshwater shoreline, are delineated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, MA 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 5, 1971.

[FR Doc.71-1961 Filed 2-11-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Revision 5)]

QUANTITIES OF IMPORTS UNDER LICENSES

Notice of Proposed Rule Making

In the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), notice was given by the Oil Import Administration of a proposal to promote an orderly method of importation of overseas crude and unfinished oils into Districts I–IV and V. Comments were received, were reviewed, and are part of the public record. The comments received have not been conclusive with respect to licenses for 1971.

Interim measures comparable to the measures proposed in that FEDERAL REGISTER notice of November 28, 1970, have heretofore been instituted with respect to licenses issued under allocations for 1971. (Amendment 26, 36 F.R. 52) (36 F.R. 320); (Amendment 29, 36 F.R. 1476) (36 F.R. 1898).

It has been suggested that there be added to section 7 of Oil Import Regulation 1 (Revision 5) a new paragraph (c), reading as follows:

(c) (1) If an allocation made pursuant to section 9, 10, or 11, of this regulation for the allocation period January 1, 1971, through December 31, 1971, is in excess of 1,300,000 barrels of imports, the Administrator shall first issue a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is greater. If the allocation is 1,300,000 barrels of imports or less, the Administrator shall issue a license for the full amount of the allocation. Licenses issued under this subparagraph (1) will be valid from January 1, 1971, to December 31, 1971.

(2) The Administrator shall, not later than March 1, 1971, issue a license, effective the same date, for the remaining balance of any allocation. Licenses issued under this subparagraph (2) will expire on August 31, 1971.

Final action on this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness. Interested persons are invited to submit written comments on the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240 not later than February 24, 1971.

Each person who submits comments is asked to provide fifteen (15) copies.

T. C. SNEDEKER,
Acting Administrator,
Oil Import Administration.

FEBRUARY 10, 1971.

[FR Doc.71-2023 Filed 2-11-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130]

[Docket No. AO-364-A3, etc.]

MILK IN THE SOUTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Market	Docket No.
1120	Lubbock-Plainview	AO-328-A11.
1121	South Texas	AO-364-A3.
1126	North Texas	AO-231-A35.
1127	San Antonio	AO-252-A21.
1128	Central West Texas	AO-238-A24.
1129	Austin-Waco	AO-256-A17.
1130	Corpus Christi	AO-259-A21.

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in six copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Dallas, Tex., June 23, 24, and 25, 1970, pursuant to notice thereof which was issued June 12, 1970 (35 F.R. 10022).

An earlier partial recommended decision (35 F.R. 16000) on the record of this hearing dealt with issues No. 1 and No. 2 relating to Class I prices and location adjustments, respectively, in both the North Texas and South Texas orders; issue No. 5, relating to a request for emergency action to change a location differential pursuant to the South Texas order; and issue No. 16 relating to the location at which diverted milk should be priced pursuant to the North Texas order. This recommended decision deals with the remaining issues. Issue No. 9 concerning the limitation on location adjustments applied to the value of Class I milk in the obligation for receipts of unregulated milk at a pool plant and in the computation of the obligation of a partially regulated plant, was reserved as an issue separate from the consideration of rates of location adjustments in issue No. 2.

The material issues on the record of the hearing relate to:

ISSUES AFFECTING NORTH TEXAS AND SOUTH TEXAS ORDERS

1. Class I price levels.
2. Location adjustments.
3. Method of paying producers through the market administrator.
4. Interest on overdue obligations.
5. Request for emergency action with respect to issue No. 2.
6. Applicable order to regulate a plant qualified as a fully regulated plant under more than one order.

ISSUES AFFECTING SEVERAL ORDERS

7. Class I prices and basic formula price (Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco and Corpus Christi orders).
8. Cheese price to be used in establishing certain class prices (Central West Texas, North Texas, Austin-Waco and San Antonio).
9. An appropriate limit on location adjustments applied to the Class I price in computing the obligation of a pool plant for receipts of unregulated milk, and in computing the obligation of a partially regulated plant (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).
10. Appropriate application of the order to milk received at a pool plant from an unregulated supply plant which in turn receives milk from a fully regulated plant where such milk has been priced and pooled (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).
11. Criteria for excluding a handler's milk from computation of the uniform price (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).

OTHER ISSUES AFFECTING ONLY NORTH TEXAS ORDER

12. Definitions of "producer" and "producer milk."
13. Definition of pool plant.

14. Classification of transfers from pool plants to other plants.
15. Shrinkage, including that occurring in the fortification of fluid milk products.
16. Location at which diverted milk should be priced.

ISSUE AFFECTING THE SAN ANTONIO ORDER ONLY

17. Classification of dumped milk.

NORTH TEXAS AND SOUTH TEXAS ORDERS

3. *Method of paying producers.* The proposal that in the North Texas and South Texas markets the respective market administrator make all payments to producers and cooperative associations should not be adopted.

The proposal made by a cooperative would require handlers to pay the market administrator all money for producer milk received. The market administrator would then pay to producers, or to any cooperative association which receives payment for milk of producer members, the uniform price for milk delivered. The partial payment now made for producer milk received during the first 15 days of the month would also be paid through the market administrator.

Proponent cooperative supported its proposal on the claim of greater efficiency and better compliance with the order, and better understanding of the procedures, than is provided by the present plan under which payments are made into and out of the producer-settlement fund. The cooperative witness stated also that the proposal would tend to relieve pressure on cooperatives from handlers to grant them credit by agreeing to delayed payments.

Several handlers in these markets objected to the proposal on ground that the established method of payment is of considerable value to them as a method of maintaining favorable relationships with producers. These handlers also questioned that cost reduction and better compliance would result under the proposed method.

With respect to comparison of costs under the proposed method and the present method of payment, the necessary information is not available to judge which method is more economical. Within the market administrators' functions there would be both increases and decreases in cost. It is possible that more equipment and personnel would be required for handling the greater number of payments. While some reduction in cost might be achieved in payroll auditing, there would still be the need for the market administrator to verify quantities, butterfat tests and authorized deductions by examining original records of handlers.

Claimed reductions in cost for handlers because they would write one check to the market administrator instead of individual checks to many producers would tend to be offset by some increase in cost to the market administrator. There is therefore a question of whether there would be any net saving in cost to them.

Handlers in these markets are generally purchasing milk from producers at prices above the minimum order prices. Payments in excess of the order price may not be handled through the market administrator and in such circumstance there would be no significant cost reduction for handlers. To the contrary the fact that both the market administrator and handlers would be making payments to producers could increase the cost of paying producers.

Further, the proposal would not provide for significant saving in the cost of handling payments for the milk received by handlers from cooperatives where the handler is now paying with a single check for all member milk delivered by the cooperative.

In the absence of specific data of prospective changes in cost to handlers and the market administrator, no real judgement can be made as to whether the proposed method is more economical than the present method.

With respect to the possibility of better enforcement of payments under the proposed payment plan, the cooperative stressed that the market administrator would know immediately of any default of a payment owed him by a handler, while failure of a handler to pay a cooperative or producer might not come to the market administrator's knowledge until sometime later.

This does not appear to be an important element in the enforcement of payments in these markets since relatively few instances of failure to pay individual producers have occurred, and in the case of any delinquency of payment to a cooperative, the latter is in a position to inform the market administrator at once of such delinquency. Also, in the case of a cooperative granting credit to a handler, certainly the option not to do this rests with the cooperative.

There was no showing of a significant problem in these markets which the new plan would remedy. Delays in payment were not shown to be a general problem. In a particular instance cited failure to pay could not be attributed to the existing system of payment. The established system which has been in effect in this area for 19 years is functioning satisfactorily and unquestionably is well understood by handlers and producers. Any change from an established system which is working satisfactorily should be supported with substantial reasons that it is a necessary provision to effectuate the main aspects of regulation. The testimony on this record does not support such a conclusion.

4. *Interest on overdue accounts.* The interest charges on overdue accounts under the North Texas and South Texas orders should be changed to three-quarters of 1 percent per month. Such interest charge should apply beginning on the day following the date on which the payment is due.

The order provision for interest charges on overdue obligations was established for the purpose of discouraging delinquency by handlers in their payments. The charge made on unpaid obligations is not a substitute for prompt payment as required by the Act and the order.

A producer cooperative association proposed that under these orders the rate of interest charged on overdue obligations be increased to reflect the current relatively high level of interest rates on commercial loans.

The rate in these orders is now one-half of 1 percent per month. The proposal noticed in the hearing call would increase the charge on overdue obligations to 1 percent per month. The present rate, proponent stated, is only about half the going interest rate on secured commercial loans in this area and therefore is insufficient to insure prompt payment since it, in effect, permits borrowing money from producers at a rate much less than the interest the handler would have to pay for money borrowed from a bank.

The reasoning of proponent was based mainly on the apparent opportunity of handlers to take advantage of the current disparity between the interest rate under the order as compared to the rate at which borrowed money may be obtained from conventional sources. It was not claimed by proponent in testimony that delays of payments by handlers in these markets is a general problem.

The cooperative witness requested that the interest charge apply not later than the third day following the date the money is due. It was pointed out that the money owed by the handler is for milk delivered in a preceding period beginning more than a month earlier. Thus, the handler has had the use of the farmer's product for a considerable time even before the specified date for payment.

Several handlers also supported an increase in the interest charged on overdue accounts to a rate more nearly commensurate with the cost of borrowed money under current conditions. They considered a rate of 1 percent per month to be representative of commercial interest cost at the time of the hearing. Their desire was that no handler should gain advantage by delaying payment of his obligations to the market administrator.

The purpose of encouraging prompt settlement of accounts will be served by a reasonable interest charge in line with the rates at which money may be borrowed from conventional sources. This rate need not be as high as that requested by proponent. Testimony at the hearing was based on experience during an extended period of generally rising interest rates applicable to all types of credit. This trend has not continued, and it is a matter of common knowledge that, more recently, interest rates on short-term credit have receded from the highest levels reached in 1970. Accordingly, the interest rate on overdue obligations should be increased to three-quarters of 1 percent per month (annual rate, 9 percent).

The interest charges should continue to apply to the same types of obligations of handlers to the market administrator as now in each of these two orders. Interest charges apply to payments due to the producer-settlement fund, marketing service payments and payments for administrative expense. Also, unpaid interest accrued under this provision would be an additional obligation to which the interest charge would apply. Obligations due the market administrator include also audit adjustments arising out of verification by the market administrator of receipts and utilization of a handler. Payment of obligations discovered by such verification are due on the next date for making payments applying to the provision under which the error occurred. In the case of delay in determination of a handler's obligation due to the handler's failure to submit a report when due, the interest charge would begin to apply on the day following the date on which the obligation would have been due if the report had been submitted on time.

Partially regulated handlers should also be subject to interest charges on money due the producer-settlement fund if not received by the date on which due.

In each of these two orders interest charges also apply to, overdue money owed by the market administrator to handlers. Such interest charges serve no useful purpose. There is no reason for the market administrator to withhold money which he has on hand and which is due from him to a handler except for offset against a charge owed by the handler. It is true that at times it may be necessary that the market administrator reduce payments to handlers if the money in the producer-settlement fund is insufficient for such payments. Such circumstances are specifically provided for in the orders which state that the market administrator shall reduce uniformly the required payments and shall complete the payments as soon as the necessary funds are available. In such circumstance, the order permits the handler, in turn, to reduce his payments to producers by an equivalent amount until he receives full payment from the market administrator.

The initial interest charge should apply to any overdue obligation on the first day following due date. Prompt application of the interest is necessary to discourage further delay. In this respect the present provision lacks effectiveness in failing to apply interest until the first day of the next month following due date. This allows the handler to retain the money free of charge for the interim period.

6. *Plants subject to other Federal orders.* The South Texas order should be modified to specify the applicable order of regulation in the case of a plant which has route distribution in both the South Texas and another marketing area, while at the same time acting as a supply plant for a pool plant under the South Texas order.

A handler operates a plant which has route disposition in both the North Texas and South Texas marketing areas and which also ships bulk milk to a South Texas pool plant. The plant has been continuously qualified under the North Texas order as a fully regulated fluid milk distributing plant. At times, however, the quantity of bulk milk shipped from the plant to a South Texas pool plant has approached the 50 percent of receipts which would qualify it as a pool supply plant under the South Texas order.

To avoid a conflict as to which order should regulate the plant, the handler proposed that the applicable order be that governing the marketing area where the plant has its greatest route disposition.

The plant in question has greater route disposition in the North Texas marketing area than in the South Texas marketing area. At the same time it regularly ships milk to a South Texas pool plant. It could ship enough milk to the South Texas market to qualify there as a pool supply plant and still qualify as a North Texas pool plant under the "system" pooling provision of that order.

The North Texas order allows a handler to pool several distributing plants as a unit if each plant has Class I route disposition in the marketing area amounting to 10 percent or more of its Grade A receipts and the entire system has combined Class I route disposition of at least 50 percent of the combined Grade A milk receipts of all the plants.

To prevent a conflict in regulations the South Texas order should provide that such a plant will be regulated as a pool distributing plant under the order governing the marketing area where the plant has the greatest route disposition if the plant qualifies as a pool plant under such order. Provisions now in the two orders determine the applicable order for a distributing plant based on the relative quantities of Class I milk disposed of on routes in the two marketing areas.

This new provision would be an exception to the present provision with respect to supply plants which specifies that a supply plant shall be regulated under the order applicable where it makes the greatest qualifying shipments.

The proposal was presented on the record without objection or any suggested modification by other parties.

ISSUES AFFECTING SEVERAL ORDERS

7. *Class I and basic formula prices.* The Class I price formula should be stated individually in the Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco, and Corpus Christi orders.

In each of these orders the Class I price is determined by adding a differential to the North Texas order Class I price. In the Lubbock-Plainview order, for instance, the Class I price is the North Texas order Class I price plus 10 cents per hundredweight.

The Class I price for the Lubbock-Plainview order could be stated, however, in the same manner as the North Texas Class I price, by adding a certain dollar and cents figure (per hundredweight) to the basic formula price. The North Texas order price is the sum of the basic formula price of the preceding month plus $2.12, plus 20 cents. Thus, in effect, the Lubbock-Plainview price is in each month, $2.22, plus 20 cents, over the basic formula price of the preceding month. Such basic formula price is the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota adjusted to a 3.5 percent butterfat content.

Each of these five orders which now have Class I prices based on the North Texas order should have its own price formula in which the Class I prices are determined by adding the following stated differentials to the basic formula price of the preceding month:

Market	Differential over basic formula
Lubbock-Plainview	$2.22 plus 20 cents
Central West Texas	2.37 plus 20 cents
San Antonio	2.54 plus 20 cents
Austin-Waco	2.50 plus 20 cents
Corpus Christi	2.87 plus 20 cents

The resulting pricing formulas would preserve the same price levels and uniformity of price changes as now exist among these markets and with North Texas, since each order would use the same basic formula price as used in the North Texas order.

If in any case, however, on the basis of a public hearing it was found that the relationship among these markets should be changed, change could be made in the individual market where conditions require such action.

8. *Cheese price quotation.* The price for "barrel" Cheddar cheese, f.o.b. Wisconsin assembling points as reported by Dairy and Poultry Market News, Consumer and Marketing Service, USDA, should be used instead of the "Cheddars" price described in the present price formulas of the North Texas, San Antonio, Central West Texas, and Austin-Waco orders.

Because the price reported for the "Cheddars" style of cheese at Wisconsin assembling points is being discontinued by the Dairy and Poultry Market News, it is necessary to consider a substitute price to be used in these four milk orders.

Of the several styles in which Cheddar cheese is manufactured and sold, the largest volumes are put up in 40-pound blocks, 60-pound blocks and barrels. The style which is known simply as "Cheddars" has become less important volumewise, and now constitutes a very minor part of cheese production. While Dairy and Poultry Market News currently reports prices for all of these styles, that agency has indicated that the price quotation for "Cheddars" will be discontinued in the near future. Price quotations will be furnished for barrels, 40-pound blocks and 60-pound blocks.

A producer cooperative proposed that the barrel price for cheese be substituted in the order pricing formulas where the "Cheddars" price is now used. All cheese production under these Texas orders, it

was stated, is sold in barrels. The price for barrel cheese would be that published by Dairy and Poultry Market News, f.o.b. Wisconsin assembling points, carlot and trucklots.

The purpose of the proponent in this matter was to provide an available price quotation related to the main type of cheese made in Texas plants. Proponent stated no change was intended, however, in the returns for milk under these orders as a result of substituting the barrel price for the "Cheddars" price.

In the San Antonio and Central West Texas orders, a cheese price formula based on the price per pound of cheese at Wisconsin primary markets ("Cheddars" f.o.b. Wisconsin assembly points, cars or truckloads) establishes the price for producer milk under these orders used to produce Cheddar cheese. For other manufacturing milk uses there is a pricing formula based on butter and nonfat dry milk prices reported by the Department. In the San Antonio order, however, if the cheese price formula is higher, it applies to the other milk product uses as well as to cheese use.

In the North Texas and Austin-Waco orders, there is no separate cheese class, but the Class II price in each order depends on alternative computations, one based on the Cheddar cheese price and the other based on prices for butter and nonfat dry milk.

A comparison of the prices for "Cheddars" and for barrel cheese since May 1968 (the earliest month in which a barrel price was published) shows that the latter price has been consistently lower than the "Cheddars" price. A mere substitution of the barrel price therefore would reduce the returns for milk priced by the cheese formulas.

Accordingly an adjustment must be added to the barrel price to maintain the same level of returns for producers' milk under the formulas now using the "Cheddar" price. A recent representative difference is the most appropriate basis for the adjustment. During the 12 months of 1970 the "Cheddar" price averaged about 2 cents higher than the barrel price.[1] An adjustment of 2 cents per pound therefore should be added to the barrel price for use in the pricing formulas in these orders to replace the "Cheddar" price.

9. *Limitation on location adjustment in obligation for unregulated milk.* In the case of handler obligations for receipts of unregulated milk, location adjustments should not reduce either the Class I or uniform price below the specified manufacturing class price of the respective order.

A payment is required by a pool plant operator with respect to unregulated supply plant milk allocated to Class I use in the handler's plant. The handler's payment is determined under the North Texas order, for instance, by charging him at the Class I price pursuant to § 1126.70(e) and crediting him at the uniform price pursuant to § 1126.93(b)(2). These prices are adjusted to the location of the unregulated plant from which the fluid milk products are received, but the order states that the location adjustment to the uniform price may not result in a price less than the Class II price.

The adjustment to the Class I price for location of the nonpool plant should be similarly limited. If the nonpool plant from which the milk is received is at a great distance, the location adjustment could reduce the Class I price to less than the Class II price. In these circumstances the computation would indicate a payment out of the producer-settlement fund to the handler, tending to subsidize the receipt of unregulated milk.

The same problem exists with respect to the obligation of a partially regulated distributing plant pursuant to § 1126.62(b)(5) of the North Texas order. The obligation of the partially regulated distributing plant is based on the Class I price less the uniform price both adjusted to the location of the plant. The order states that the uniform price after adjustment may not be less than the Class II price. The Class I price, similarly, after adjustment for location should not be less than the Class II price. The corresponding changes should be made in the Lubbock-Plainview, South Texas, San Antonio, Central West Texas, and Corpus Christi orders. In the Corpus Christi order the Class III price would be the lower limit to which the Class I price could be adjusted.

In another provision a payment is required from a handler regulated under a handler pool order when disposing of filled milk containing reconstituted skim milk on routes in any of these marketing areas where a market pool applies. The location adjustment applied to the Class I price at the handler's plant should be limited so that it will not reduce the price below the Class II price (Class III price in Corpus Christi).

10. *Receipts of priced milk from an unregulated plant.* The Lubbock-Plainview, North Texas, South Texas, Central West Texas, San Antonio, and Corpus Christi orders should be amended to specify that there will be no obligation required of a pool plant operator for milk received from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such unregulated plant by handlers fully regulated under the same or another order has been priced as Class I milk and is not used as an offset on any other payment obligation under this or another order.

Without such provision a charge at the Class I price less the uniform price would apply as explained in discussion of the preceding issue. It is necessary to prevent a double charge on milk which, having been priced by one order, then passes through an unregulated plant fully regulated under the same or another order.

A similar problem exists in computing the obligation of a partially regulated distributing plant. It should be made clear that no charge applies to Class I transfers to a pool plant if such transfer is assigned to milk received at the partially regulated distributing plant from a fully regulated plant at which it has been priced as Class I. The language revisions in this provision are designed only to clarify that there is not to be any duplication of charges on any of the milk handled by the partially regulated plant. The modifications are not intended to increase or decrease the amount of obligation of a partially regulated handler except insofar as duplication of charges might have been considered to apply under existing language.

In the South Texas order in § 1121.61 *Obligation of handler operating a partially regulated distributing plant*, the reference in paragraph (a)(1)(ii) to § 1121.9 should be changed to § 1121.10 (b), since the latter provision describes the requirements for a supply plant as such requirements would apply to a plant shipping milk to a partially regulated distributing plant.

11. *Computation of Uniform Price (Exclusion of a Handler's Report).* In each of these orders with market pooling, the market administrator should not include a handler's report in the uniform price computation if in the preceding month the handler has failed to pay money owed for equalization to the producer-settlement fund.

The uniform price is computed by combining into one total the producer milk values, as classified, based on the reports received from fully regulated handlers. This total is the principal sum used to arrive at the average value per hundredweight of producer milk. The entire computation includes certain adjustments such as additions or subtractions in relation to reserve money in the producer-settlement fund.

The order specifies a date by which the market administrator must announce the uniform price. If a handler's report has not been submitted to the market administrator, the producer milk the handler has received cannot be included in the uniform price computation.

The market administrator notifies each handler of his total obligation for milk received, and the amount, if any, which the handler owes to the producer-settlement fund.

The producer-settlement fund of the order is an equalization account into which some handlers pay and from which other handlers receive money in amounts so that all handlers can pay the uniform price to producers. Handlers who pay into the fund are those whose producer milk utilization under the classification scheme has a higher value per hundredweight than the average of producer milk received by all handlers included in the pool. Conversely, handlers receiving money from the fund are those whose producer milk utilization has a value less than the average.

If in this equalization operation a handler fails to pay his obligation, funds are not available to pay to other handlers who under the plan should receive payments. In effect, the value of some producer milk which has been included in

[1] Official notice is taken of the June through December 1970 monthly average prices published by the Dairy and Poultry Market News.

the price computation is not available for the pooling operation. In these circumstances reserve money in the producer-settlement fund may be used by the market administrator to pay handlers to whom money is due.

To guard against continuation of such withdrawals from the reserve fund the market administrator in the month following should exclude from the uniform price computation the producer milk of the handler who did not make his equalization payment in the prior month. Continuing to include a defaulting handler until the reserve money in the producer-settlement fund is depleted would render the market pool inoperable.

The exclusion of the handler's producer milk from the uniform price computation does not in any sense excuse his obligation to pay to the producer-settlement fund the money owed. The handler's failure to pay makes him subject to the enforcement procedures which apply in such cases.

Some of these orders exclude a handler's report from the uniform price computation if he has not paid money owed to producers. This requirement is impractical since knowledge of actual payment for prior periods may not be available by the date of the uniform price computation. The objective of the pooling operation is to include the value of all producer milk on the market. Thus every handler's producer milk should be included if he has submitted a report of receipts and utilization and is not in default on equalization payment for the prior month.

12. *Definition of "producer" and "producer milk" (North Texas).* In the North Texas order the definition of "producer" should be modified to delete provisions relating to diverted milk which should appear, instead, in the definition of "producer milk." The definition of "producer milk" should be modified, also, in relation to receipts of milk by cooperative associations as handlers. The provisions for diverting producer milk to nonpool plants should be modified with respect to the quantity which may be diverted.

As mentioned previously, in a prior action on this record the point of pricing of diverted producer milk was modified by amending the pertinent order language in the definition of "producer." Such amendment was made effective December 1, 1970 (35 F.R. 18448). In dealing with the remaining proposals on this record, the order provisions relating to the diversion of producer milk, including the point of pricing, are transferred to the definition of "producer milk."

The definition of "producer milk" should be modified to allow more specific description throughout the order of the respective responsibilities of both proprietary handlers and cooperatives acting as handlers. The order now defines "producer milk" to mean "skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 1126.13."

The provision should also define as "producer milk" that milk received from producers by a cooperative association in the role of a handler assembling milk from producers' farms in tank trucks for delivery to pool plants. A cooperative may be a handler performing such function under § 1126.12 (c) or (d). Other producer milk for which a cooperative association would be responsible would include milk of a producer received directly at a pool plant operated by the cooperative and milk of a producer diverted by the cooperative association for its account from a pool plant (whether or not operated by the cooperative) to a nonpool plant, in accordance with the rules for diversion.

The operator of a pool plant would be responsible for producer milk received by him directly from producers at the pool plant and milk of producers diverted by him from the pool plant to a nonpool plant in compliance with the rules of diversion. With respect to milk received by the pool plant operator from a cooperative in its capacity as a handler pursuant to § 1126.12 (c) or (d), such milk would be considered as a transfer from the cooperative and not as a receipt of producer milk by the pool plant operator.

Corresponding changes are necessary in the reporting provisions of the order. These provisions should state separately the reports to be required from a proprietary handler and from a cooperative in its various functions as a handler.

A further conforming change would eliminate superfluous language in § 1126.12 (c) and (d) under which a cooperative is a handler delivering milk to another handler's pool plant. The superfluous language relates to the treatment of such milk under other order provisions dealing with shrinkage, location differentials and expense of administration. The appropriate treatment of such milk delivered by the cooperative is specified in the related provisions throughout the order.

The provision in the order for diverting producer milk to a nonpool plant serves an essential purpose in the efficient handling of reserve milk of the market. When supplies of milk from qualified producers are not needed for use in pool plants, the order allows the diversion of such milk directly from producers' farms to nonpool plants while yet maintaining the "producer" status of the dairy farmers whose milk is so handled. The diversion of producer milk to nonpool plants, primarily to be used in manufactured dairy products, therefore is an essential part of an orderly marketing system designed to maintain an adequate supply at all times for the fluid market.

A very large part of the reserve milk in the North Texas market is handled by cooperative associations, but both proprietary handlers and cooperatives need to use diversion as a method of handling such milk. Although the testimony for modifying the diversion provisions was offered by a proprietary handler, the changes made herein are designed to serve equally for diversion of producer milk by both types of handlers. No objection was made by cooperative association representatives to the type of revisions proposed in this connection.

The milk of a producer may now be diverted to a nonpool plant on any day during the months of January through July and on not more than half of the days of delivery during any other month. The order should specify instead the total quantity of producer milk which a handler or cooperative may divert.

This change will promote the more efficient handling of reserve milk which is diverted to nonpool plants. For instance, in moving reserve milk to manufacturing plants, it is more efficient to divert for a continuous period the milk of producers on the same truck pickup route rather than alternately diverting the milk on two pickup routes to stay within a daily limit for each producer. Also, certain producers may be better located for diversion to a particular plant, and savings in transportation can be achieved if their milk is selected for diversion during the month. The proposed method will also reduce the burden of bookkeeping needed to check the number of days each farmer's milk is diverted.

An appropriate limit for the quantity of milk which may be diverted by a handler may be established in proportion to the quantity of producer milk the handler physically receives at his plant. The handler proposed a diversion allowance equal in quantity to one-third of the milk a handler receives at his pool plants. This would be 25 percent of total producer milk reported by the handler, including both milk diverted and that received at the pool plant. Although such a diversion allowance is a lesser proportion of a handler's milk than the presently possible diversion of a producer's milk (on half of the days of delivery during August through December) the greater flexibility in handling operations made possible when the limit is in terms of total quantity will enhance efficiency. The new diversion limitation here adopted should apply in all months as proposed at the hearing.

The same limitations should apply to diversions by cooperative associations. A cooperative should be permitted to divert a quantity of member producer milk equal to one-third of the quantity of member producer milk physically received at pool plants.

It is possible that a handler (whether proprietary or a cooperative association) will divert during a month more milk than allowed under the proposed limitation. In this case it would be necessary that such handler designate the dairy farmers whose diverted milk is not to be included as producer milk. If the handler fails to designate such producers, the entire quantity of milk diverted by the handler should be excluded from producer milk status.

It should be provided also that a producer's milk will be considered as diverted producer milk only after qualification of the dairy farmer as a producer

by delivery of his milk to a pool plant and in the period following while he maintains continuing status as a producer under this order. Without such requirement milk of dairy farmers could be reported by a handler as producer milk although not in any way associated with the market.

No provision should be made for diverting milk between pool plants. Such interplant diversion was proposed by a handler wishing to divert producers from one of his pool plants to any other of the pool plants he operates.

The reason given was that reporting a producer's deliveries at two plants complicates the handler's bookkeeping for producer payrolls. If diversion between pool plants were allowed, the handler could continue the producer on the payroll at the same plant while his milk deliveries are temporarily shifted to another plant.

There is no essential need for diversion between pool plants in this market. The proponent handler, as an operator of several pool plants, should be able generally to arrange the deliveries from his various producer sources so that any need for shifting deliveries of a producer from one pool plant to another during a month would be minimized. Further, since much of the market supply is from cooperative members, cooperative associations also are in a position to allocate deliveries closely tailored to any handler's needs at each pool plant. In these circumstances the proposed diversion between pool plants is not needed to serve the general purpose of achieving a regular and adequate supply at each pool plant.

Without any essential need shown for such a diversion provision, it is undesirable to add it to the order since it complicates the provisions for pool plant qualification and the application of location differentials.

In this connection it is noted that the introductory text of § 1126.44(a) dealing with interplant transfers contains a reference to diversion between pool plants which should be deleted since such diversion is not provided. Also, there should be deleted from this introductory text the words "other than a producer-handler", since the provision applies only to transfers to pool plants and thus could not apply to transfers to producer-handlers. Transfers to producer-handlers are treated in paragraph (b) of the same section.

13. *Definition of pool plant.* The North Texas order should not provide for pooling a plant as part of a handler's "system" if the plant disposes of less than 10 percent of the receipts of Grade A milk at such plant as route disposition in the marketing area.

The proposal made by a handler would pool as part of his system a plant with only minor disposition of fluid milk products in the marketing area. The products would be disposed of in packaged form in Federal order markets throughout the southwest by delivery to plants regulated under the respective orders.

Under the North Texas order deliveries of packaged fluid milk products to pool plants are within the definition of "route" disposition. The quantity proponent's plant would so dispose of in the North Texas marketing area, however, would be substantially less than 10 percent of the Grade A milk received at the plant. The plant, therefore, could not qualify as a pool distributing plant based on only its shipments to pool plants.

The proponent handler described the alternative situation which would occur if his plant were not pooled. In such case the plant would be supplied with milk pooled under the North Texas order and delivered to his plant as diverted milk. Under these circumstances, however, he feared there would be a double charge on some of its Class I disposition, first as milk priced under the North Texas order and secondly when products of the plant are delivered to pool plants or to plants regulated under other orders. At such regulated plants proponent presumed the respective orders would treat the receipts as being from an unregulated plant subject to a compensatory charge. The handler witness stated that his primary purpose in securing pool status for his plant was to avoid such double charges.

With respect to the question of pooling the plant, it must be observed that the plant would serve only in a minor degree to furnish Class I milk supplies to the North Texas marketing area. Similarly, only small percentages of the milk handled in the plant would be disposed of as Class I items in the marketing areas of other orders. The larger part of the milk received by the plant would be processed into manufactured products such as ice cream mix. The operation, therefore, may not be characterized as that of a plant primarily engaged in supplying the Class I market.

The proposal to pool this type of plant should not be adopted. There are other methods for avoiding a second payment for a Class I product which has already been priced and paid for as producer milk under a Federal order. In this decision it is proposed that the several orders at issue here not require payment on milk received from an unregulated plant if the milk can be allocated to a receipt at the unregulated plant from a Federal order source where the milk has been priced and paid for as Class I milk. Six orders, North Texas, Central West Texas, San Antonio, South Texas, Corpus Christi, and Lubbock-Plainview, which have market pools, would be amended in this manner. Since the Austin-Waco market has individual handler pooling, the problem of payment on unregulated milk does not arise. Official notice is taken also that similar provisions have been adopted effective July 1, 1970, in the New Orleans and Mississippi Federal orders (35 F.R. 10665) and effective October 1, 1970, in the Rio Grande Valley Federal order (35 F.R. 13826).

14. *Classification of milk transferred or diverted from a pool plant to other plants.* In the North Texas order, the specified areas to which milk may be transferred or diverted to a nonpool plant for other than Class I use should be eliminated.

The order now provides that for milk transferred or diverted from a pool plant to a nonpool plant located in the marketing area or in certain counties in Texas, Missouri, Oklahoma, and Arkansas the diverting handler may request classification according to utilization in the nonpool plant. On the other hand, if the milk is moved to a nonpool plant outside of the named areas, the order requires Class I classification.

A North Texas handler requested deletion of such provisions which require Class I classification unless the transfers or diversions are to plants in certain areas. He stated that these provisions are obsolete and unnecessary in view of the verification procedures available to the market administrator.

The establishment of additional Federal orders throughout the several southwest States since the North Texas order was issued in 1951 and the changes in transportation and marketing practices make the aforementioned area restrictions unnecessary. When first issued the order required Class I classification for milk if transferred more than 200 miles from the transferor plant. In the decision (16 F.R. 7029) issued July 17, 1951, it was found as follows:

"Transfers in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant should be Class I milk. Milk and skim milk ordinarily do not move long distances for manufacturing purposes. There are ample manufacturing facilities within 200 miles of each approved plant to dispose of any prospective surplus of producer milk. Accordingly, it is not necessary to provide classification as other than Class I milk for such transfers. To do so would be administratively impracticable in view of the distances at which the market administrator would have to verify any claimed utilization as Class II milk."

Such conditions no longer apply. Milk is at times moved long distances for manufacturing uses if local facilities are not available or are insufficient for handling reserve milk. Also, milk originating from distant sources may be diverted to manufacturing plants close to the farms of origin. The best outlets for such reserve milk often would be outside the areas now designated in this order.

Classification now can be based in all instances on verification of the utilization in the nonpool plant. Such verification can be made by the North Texas market administrator or by the administrator of another Federal order.

The order, consequently, should provide that milk transferred or diverted to a nonpool plant may be classified according to utilization in the nonpool plant if the handler so requests and the operator of the nonpool plant maintains books and records showing the utilization of the milk received and such records are made available to the market administrator. This is the procedure which now applies in the order to milk transferred to a nonpool plant within the designated areas.

Cream transferred to a nonpool plant should be classified in the same manner as transfers of other fluid milk products. In view of the changes described above with respect to classification of transfers to nonpool plants, the special provision in the order for classifying transfers of cream is no longer necesasry.

There was no contention on the record that proper classification of fluid milk products transferred to any nonpool plant could not be established through verification by the market administrator providing satisfactory records are made available by the plant operator.

15. *Shrinkage.* The shrinkage provision of the North Texas order should be restated to conform with the revised definition of "producer milk" and to be made more explicit in application to transfers between handlers. A separate shrinkage allowance should be provided under certain conditions for loss of nonfat milk solids added in the modification of fluid milk products.

The order provides that a pool plant receiving milk directly from producers is accorded a shrinkage allowance of 2 percent with respect to such milk but if the plant transfers milk to another plant the shrinkage allowance is reduced by 1½ percent for the quantity transferred to the second plant. In effect, the allowance thus is one-half of 1 percent for the milk which moved through the handler's plant to another pool plant. The same type of shrinkage calculation should apply when the pool plant transfers milk in bulk to a nonpool plant.

In the case of transfers of cream between handlers, the shrinkage allowance of the transferor handler should not be reduced for such transfer, since the principal processing would have occurred prior to the transfer.

In the case of milk received at a pool plant from a cooperative acting as a handler delivering the milk from the members' farms, the plant shrinkage allowance is 1½ percent. For the handling of such milk performed by the cooperative association an allowance of one half of 1 percent is implicit in the provision. The order should be changed to be explicit with respect to such shrinkage allowances to the cooperative and the transferee handler. The order should provide further that if the pool plant operator notifies the market administrator that he is accounting for such receipts on the basis of farm weights determined by the cooperative association, the applicable allowance to the plant operator shall be 2 percent. In the latter case, no shrinkage allowance would apply to the cooperative association delivering the milk.

In the case of fluid milk products modified by adding nonfat milk solids, a shrinkage allowance (in Class II) equal to 2 percent of the fluid equivalent of the quantity of nonfat milk solids added in this process should apply.

Fluid milk products modified by the addition of nonfat milk solids, commonly called fortified products, represent a significant Class I disposition of handlers. Under the order the modified products are accounted for as Class I in a quantity equal to the weight of an equal volume of unmodified product of the same butterfat content. There is a small increase in the volume due to the addition of the nonfat milk solids which is accounted for when the fortified product is disposed of as Class I. The remainder of the fluid equivalent of nonfat milk solids added but not represented by a volume increase in the fortified product is classified as Class II.

The market administrator in this market, by laboratory testing of milk products reported by a handler to contain added milk solids, determines the nonfat milk solids content of the modified product. This he compares with the nonfat milk solids content of milk received by the handler to determine the quantity of solids added.

Any difference between the quantity of added nonfat solids claimed by a handler and that established by the market administrator as used to fortify fluid milk products is considered to be part of overall plant loss. Plant loss, under order provisions, is classified as Class II if it does not exceed the determined allowance for shrinkage. Total plant loss in excess of the allowance i classified as Class I.

A handler of fluid milk products complained that the order makes no specific allowance for loss of dry nonfat milk solids used in fortification.

In this particular instance where the amount of the loss of nonfat milk solids used for modification of fluid products is determined by product testing, as performed by the market administrator, there is a basis for a shrinkage allowance. A 2 percent shrinkage allowance should apply based on the quantity of nonfat milk solids (fluid equivalent basis) determined by the laboratory tests to be used in the fortification process. This is the same rate of allowance as provided in the case of producer receipts and should be adequate in the circumstances described by proponent handler.

The loss of nonfat dry milk solids here associated with the fortifying process should be treated separately from the shrinkage allowance applied to receipts of fluid milk products. The shrinkage allowance in this case should be part of the classification procedure of the specific modified fluid milk product disposed of. The present classification provisions specify that in the case of a modified fluid milk product, part of the product is classified as Class II milk. The shrinkage allowance should be a quanitity of Class II milk in addition to the quantity now calculated under such provision. The shrinkage allowance to the handler in the case of the added nonfat milk solids should be equal to 2 percent (milk equivalent basis) of the quantity of solids determined by the market administrator's laboratory tests to be added nonfat milk solids. This would be the maximum loss allowed in Class II and any loss in excess of this would be Class I milk.

The shrinkage allowance in the case of nonfat dry milk solids should not be part of the proration of overall plant loss as proposed by the handler because such proration applies to fluid receipts, while the product used in the fortifying process is ordinarily dry solids.

17. *Classification of dumped milk.* The San Antonio order should be modified to classify as Class II milk any fluid milk products dumped after prior notification to the market administrator and opportunity for him to verify the dumping.

A witness for a handler operating a fluid milk plant testified that occasional quantities of fluid products become unsalable if a culturing process fails or if there is an equipment breakdown. There often is no method of disposing of the product except by dumping. While minor quantities can be disposed of as livestock feed, such disposition cannot be used on an emergency basis for any substantial quantity. Class II classification was requested by the handler for fluid milk products which must be dumped because of such circumstances. There was no objection at the hearing to provision for such classification if subject to proper verification of the dumping by the market administrator.

Class II classification of dumped fluid milk products recognizes that such disposition is of no economic value to the handler. Such dumping should be subject to reasonable requirements allowing verification by the market administrator in order to assure that producers' returns are not adversely affected by any abuse of the provision by a handler. It is apparent that the verification problem in the case of dumped products differs from verification of use of milk in a product for sale, since in the latter case the end product is either in inventory, or sales records as well as production records tend to substantiate the handler's report. It is necessary, therefore, that advance notice be given to the market administrator, allowing him opportunity to verify the dumping.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specied in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreements and Orders Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the South Texas, North Texas, San Antonio, Austin-Waco, Corpus Christi, Central West Texas, and Lubbock-Plainview marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1120.44 paragraph (d)(3)(iii) is revised as follows:

§ 1120.44 Transfers.

* * * * * * *

(d) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * * * *

2. In § 1120.46(a) subparagraphs (1) and (3)(iv) are revised, in subparagraph (4) subdivision (i) and the introduction language of subdivision (ii) are revised, and subparagraph (6) and (7)(i) are revised.

§ 1120.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1120.41(b)(6)(i) through (iii);

* * * * * * *

(3) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

(4) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * * * *

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i), (3)(iv), (4)(i) or (ii) of this paragraph;

* * * * * * *

3. Section 1120.50(a) is revised as follows:

§ 1120.50 Basic formula and class prices.

(a) Class I price. The Class I price shall be the basic formula price for the preceding month plus $2.22 and plus 20 cents. The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

4. Section 1120.61(d)(2) is revised as follows:

§ 1120.61 Plants subject to other Federal orders.

* * * * * * *

(d) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

5. In § 1120.62 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised.

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1120.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1120.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1120.70(e) and the credit specified in § 1120.82(b)(2), the obligation for such handler shall include a similar obligation

for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1120.12(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1120.30 (b) and 1120.31 similar reports for such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(ii) of this paragraph applies to such plant.

(b) • • •

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

• • • • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

6. Section 1120.70(c) is revised as follows:

§ 1120.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(c) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(7) and the corresponding step of § 1120.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

7. Section 1120.71(a) is revised as follows:

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

• • • • • •

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for the month and who have made the payments required pursuant to § 1120.82 for the preceding month;

• • • • • •

8. Section 1120.86 is revised as follows:

§ 1120.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1120.17(c)(2); (b) other source milk allocated to Class I pursuant to § 1120.46 (a) (3) and (7) and the corresponding steps of § 1120.46(b), except other source milk on which no handler obligation applies pursuant to § 1120.70(c); and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1120.62(b)(2): *Provided*, That if a handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by 2 or such lesser rates as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

1. In § 1121.44 paragraph (c)(3)(iii) is revised as follows:

§ 1121.44 Transfers.

• • • • • •

(c) • • •

(3) • • •

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

• • • • • •

2. In § 1121.46(a) subparagraphs (1) and (4)(iv) are revised, the introductory text of subparagraph (5)(i) is revised and subparagraphs (7) and (8) are revised as follows:

§ 1121.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1121.41(b)(8);

• • • • • •

(4) • • •

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

• • • • • •

(5) • • •

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (1)(i) or (4)(iv) of this paragraph;

• • • • • •

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i), (4)(iv), or (5)(i) of this paragraph;

• • • • • •

3. In § 1121.60 paragraphs (c) and (e)(2) are revised as follows:

§ 1121.60 Plants subject to other Federal orders.

• • • • • •

(c) A plant meeting the requirements of § 1121.10(b) which also meets the pooling requirements of another Federal order, and either qualifies as a fully regulated distributing plant under such other Federal order subject to paragraphs (a) and (b) of this section, or from such plant greater qualifying shipments are made as a supply plant during the month to plants regulated under such other order than are made to plants regulated under this part, except that this paragraph shall not apply during the months of January through August if such plant retains automatic pooling status under this part pursuant to § 1121.10(b)(2).

• • • • • •

(e) • • •

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

4. In § 1121.61 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised as follows:

§ 1121.61 Obligation of a handler operating a partially regulated distributing plant.

• • • • • •

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1121.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1121.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1121.70(e) and the credit specified in § 1121.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1121.10(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1121.30 and 1121.31 similar reports for such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) applies to such plant.

• • • • • •

(b) • • •

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

• • • • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

5. Section 1121.70(e) is revised as follows:

§ 1121.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(8) and the corresponding step of § 1121.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

6. Section 1121.71(a) is revised as follows:

§ 1121.71 Computation of aggregate value used to determine uniform price.

• • • • • •

(a) Combine into one total the values computed pursuant to § 1121.70 for all handlers who have made the reports prescribed in § 1121.30 for the month and who have made the payments required pursuant to § 1121.84 for the preceding month;

• • • • • •

1. Section 1121.86(b) is revised as follows:

§ 1121.86 Adjustment of accounts.

• • • • • •

(b) *Overdue accounts.* The unpaid obligation of a handler pursuant to §§ 1121.61, 1121.84, 1121.87, 1121.88, or paragraph (a)(1) of this section shall be increased three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That—

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this section; and

(2) For the purpose of this paragraph any unpaid obligation that was determined at a date later than that previously prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

8. Section 1121.88 is revised as follows:

§ 1121.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b) except other source milk on which no handler obligation applies pursuant to § 1121.70(c); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1121.61 (b)(2).

1. In § 1126.12(c) the last sentence should be revised to read as follows:

§ 1126.12 Handler.

* * * * *

(c) * * * For the purpose of location adjustments such milk shall be considered to have been received by the cooperative association at the location of the pool plant to which it is delivered.

* * * * *

2. In § 1126.12(d), the last sentence should be revised to read as follows:

§ 1126.12 Handler.

* * * * *

(d) * * * The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered for purposes of location adjustments to have been received by such cooperative association at the location of the pool plant to which it is delivered.

* * * * *

2a. In § 1126.13(a) subparagraphs (1) and (2) are revised as follows:

§ 1126.13 Producer.

(a) * * *

(1) Received at a pool plant, including milk of a dairy farmer delivered to the pool plant by a cooperative as a handler pursuant to § 1126.12 (c) or (d).

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1126.14

2b. Section 1126.14 is revised as follows:

§ 1126.14 Producer milk.

"Produced milk" of a handler operating a pool plant means only that skim milk and butterfat contained in milk described in paragraphs (a) and (b) of this section, and producer milk of a cooperative association as a handler pursuant to § 1126.12 (b), (c), and (d) means milk described in subparagraph (c) and (d) of this section:

(a) Milk received from producers at a pool plant except that for which a cooperative association is the handler pursuant to § 1126.12 (c) and (d);

(b) Milk of a produced diverted by the operator of a pool plant to a nonpool plant for his account, subject to the conditions of paragraph (e) of this section;

(c) Milk of a producer diverted by a cooperative association from the pool plant of another handler (or the pool plant of the cooperative) to a nonpool plant for the account of such cooperative association subject to the conditions of paragraph (e) of this section;

(d) Milk received from a producer by a cooperative association as a handler pursuant to § 1126.12 (c) or (d); and

(e) With respect to milk diverted to nonpool plants, milk diverted in excess of the limit specified herein shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the diverting handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler. Milk of a dairy farmer shall be considered as diverted only in that period, following qualification as a producer by delivery of his milk to a pool plant, while status as a producer under this order is maintained continuously:

(1) A cooperative association may divert for its account a total quantity of producer milk equal to not more than one-third of the total producer milk of its members physically received at all pool plants during the month.

(2) A handler, other than a cooperative association, operating a pool plant(s) may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity equal to not more than one-third of the milk physically received at such handler's pool plant(s) during the month from producers who are not members of such a cooperative association.

(3) Diverted milk shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

3. Section 1126.30 Reports of receipts and utilization is revised to read as follows:

§ 1126.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants and separately the quantities of skim milk and butterfat contained in receipts of milk from a cooperative association pursuant to § 1126.12 (c) or (d);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(6) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(7) Such other information with respect to receipts and utilization as the marketing administrator may prescribe.

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1126.12 (b), (c), or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all milk delivered to each pool plant and to each nonpool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required by paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

4. In § 1126.41(b) subparagraphs (5) and (7) are revised and new subparagraphs (9) and (10) are added as follows:

§ 1126.41 Classes of utilization.

* * * * *

(b) * * *

(5) In actual shrinkage at each pool plant and on producer milk diverted by the handler operating the pool plant, but not in excess of the following amount;

(i) Two percent of producer milk receipts; plus

(ii) 1.5 percent of receipts from a cooperative association as a handler pursuant to § 1126.12 (c) or (d), except that if the handler operating the pool

plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights determined by the cooperative association, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except that in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent.

* * * * *

(7) That portion of modified fluid milk products excluded from Class I pursuant to paragraph (a)(1) of this section, plus the fluid equivalent of loss of nonfat milk solids occurring in the process of modification in any case where determination of such loss is based upon laboratory analysis by the market administrator of the quantity of added nonfat milk solids disposed of in such products, such loss allowable pursuant to this subparagraph not to exceed 2 percent of the quantity of added nonfat milk solids so determined to be added.

* * * * *

(9) In shrinkage of producer milk received by a cooperative association as a handler pursuant to § 1126.12 (b), (c), or (d), not to exceed 0.5 percent of such receipts, exclusive of receipts for which the plant operator receiving the milk from the cooperative accounts for it on the basis of farm weights determined by the cooperative association.

(10 In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1126.42(b) (2); and

* * * * *

5. In § 1126.42(b) paragraph (1) is revised to read as follows:

§ 1126.42 Shrinkage.

* * * * *

(b) * * *

(1) Items specified in § 1126.41(b)(5); and

* * * * *

6. In § 1126.44 the introductory text of paragraph (a) is revised, paragraph (c) is deleted, in paragraph (d) the introductory text is revised and paragraph (3)(iii) is revised, paragraph (e) is revised and paragraph (f) is deleted.

§ 1126.44 Transfers.

* * * * *

(a) At the utilization indicated by the operators of both plants (or by the cooperative association and the operator of the transferee plant in the case of transfers from a cooperative association as a handler to a pool plant), otherwise as Class I milk if transferred in the form of fluid milk products from a pool plant or from a cooperative association as a handler pursuant to § 1126.12 (c) or (d) to the pool plant of another handler subject to the following conditions:

* * * * *

(c) [Reserved]

(d) As Class I milk, if transferred or diverted in the form of bulk fluid milk products to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this subparagraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to the remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

(e) In the case of bulk fluid milk products transferred from a nonpool plant described in paragraph (d) of this section to a second nonpool plant, that is neither an other order plant nor a producer-handler plant, such fluid milk products shall be classified according to the procedure described in paragraph (d) of this section;

* * * * *

(f) [Reserved]

* * * * *

7. In § 1126.46(a) subparagraph (1) is revised, in subparagraph (3) subdivision (iv) is revised, in subparagraph (4) subdivisions (i) and (ii) are revised, subparagraph (6) is revised and in subparagraph (7) subdivision (i) is revised as follows:

§ 1126.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1126.41(b)(5);

* * * * *

(3) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

* * * * *

(4) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * *

(6) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph.

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4)(i) and (ii) of this paragraph;

* * * * *

8. In § 1126.51 paragraph (b)(2) is revised as follows:

§ 1126.51 Class prices.

* * * * *

(b) * * *

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding 2 cents to the average of the daily prices per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots or trucklots, as reported by the Department during the month and multiplying the result by 8.4.

9. In § 1126.61 paragraph (e)(2) is amended as follows:

§ 1126.61 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this

marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

10. In § 1126.62 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1126.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1126.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1126.70(e) and the credit specified in § 1126.93(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1126.9 subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1126.30 and 1126.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

11. In § 1126.70 paragraphs (a) and (e) are revised as follows:

§ 1126.70 Computation of the net pool obligation of each handler.

* * * * *

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1126.46(c) by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53), and in the case of a cooperative association as a handler pursuant to § 1126.12 (b), (c), or (d) multiply the quantity of producer milk in each class as classified pursuant to § 1126.44 by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53);

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

12. Section 1126.95(b) is revised as follows:

§ 1126.95 Adjustment of accounts.

* * * * *

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to §§ 1126.62, 1126.90, 1126.93, 1126.96, 1126.97, or paragraph (a)(1) of this section shall be three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That—

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this paragraph; and

(2) For the purpose of this paragraph any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

13. Section 1126.97 is revised as follows:

§ 1126.97 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts from producers (including such handler's own production) except receipts by a cooperative association as a handler pursuant to § 1126.12 (c) and (d);

(b) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(c) Other source milk allocated to Class I pursuant to § 1126.46(a)(3) and (7) and the corresponding steps of § 1126.46(b), except other source milk on

which no handler obligation applies pursuant to § 1126.70(e); and

(d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1126.62 (b)(2).

1. In § 1127.41(b) a new subparagraph (5) is added as follows:

§ 1127.41 Classes of utilization.

* * * * *

(b) * * *

(5) In fluid milk products dumped by a handler after notification to and opportunity for verification by the market administrator.

* * * * *

2. In § 1127.44 paragraph (b)(3)(iii) is revised as follows:

§ 1127.44 Transfers.

* * * * *

(b) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

3. In § 1127.46(a) subparagraphs (2) and (4)(iv) are revised, the introductory text of subparagraph (5)(i) is revised and subparagraphs (6) and (7) are revised as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk remaining in each class:

(i) The pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1127.41(b)(3)(i);

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (2)(i) of this paragraph; and

* * * * *

(5) * * *

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (2)(i) or (4)(iv) of this paragraph;

* * * * *

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (2)(ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (2)(i), (4)(iv), or (5)(i) of this paragraph;

* * * * *

4. Section 1127.50 is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

(a) Subject to the appropriate differentials computed pursuant to §§ 1127.53 and 1127.54 each handler shall pay in the manner set forth in §§ 1127.70 through 1127.86 for milk received at his pool plant from producers at not less than the prices per hundredweight set forth in §§ 1127.51 and 1127.52.

(b) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b., plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

5. Section 1127.51 is revised as follows:

§ 1127.51 Class I milk.

The Class I milk price shall be the basic formula price for the preceding month plus $2.54 and plus 20 cents.

6. Section 1127.52(b) is revised as follows:

§ 1127.52 Class II and Class II–A milk.

* * * * *

(b) Class II–A milk. The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by adding 2 cents to the average of the daily prices per pound of cheese (f.o.b. Wisconsin assembling points for "barrel cheese", carlots, or trucklots, as reported by the Department during the month and multiplying the result by 8.4, such result to be further adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

7. Section 1127.60(d)(2) is revised as follows:

§ 1127.60 Handlers subject to other Federal orders.

* * * * *

(d) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

8. In § 1127.61 paragraph (a) and paragraphs (b) (2) and (5) are revised as follows:

§ 1127.61 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1127.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1127.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1127.70(d) and the credit specified in § 1127.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1127.7 subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1127.32 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records

showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant is subparagraph (1)(iii) of this paragraph applies to such plant.

(b) • • •

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

• • • • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

9. Section 1127.70(d) is revised as follows:

§ 1127.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(d) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such unapproved plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such unapproved plant from all pool and other order plants; and

(d) • • •

(3) • • •

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such unapproved plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such unapproved plant from all pool and other order plants; and

• • • • • •

4. In § 1128.46(a) subparagraph (1) is revised, subparagraph (3)(iv) is revised, in subparagraph (4) the introductory language, subdivision (i) and the introductory text of subdivision (ii) are revised, subparagraph (6) is revised, in subparagraph (7) subdivision (i) is revised as follows:

§ 1128.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1128.41(b)(3)(i) through (iii);

• • • • • •

(3) • • •

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

• • • • • •

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A) but not in excess of such quantity or quantities;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph, for which the handler requests Class II or Class II–A utilization;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

• • • • • •

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i), (3)(iv), (4)(i) or (ii) of this paragraph;

• • • • • •

5. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I milk price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* Subject to the provisions of §§ 1128.52 and 1128.53 the Class I milk price per hundredweight for the month shall be the basic formula price for the preceding month plus $2.37 and plus 20 cents.

6. Section 1128.51(b) is revised as follows:

§ 1128.51 Class II and Class II–A milk.

• • • • • •

(b) *Class II–A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by adding 2 cents to the average of the daily prices paid per pound of cheese (f.o.b. Wisconsin assembling points for "barrel cheese", carlots, or trucklots, as reported by the Department during the month, multiplying the result by 8.4, such result to be further adjusted by subtracting 5 times the butterfat differential computed pursuant to § 1128.52(b).

7. Section 1128.61(e)(2) is revised as follows:

§ 1128.61 Plants subject to other Federal orders.

• • • • • •

(e) • • •

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

8. In § 1128.62 paragraph (a) and paragraphs (b)(2) and (5) are revised as follows:

§ 1128.62 Obligation of a handler operating a partially regulated distributing plant.

• • • • • •

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1128.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1128.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1128.70(e) and the credit specified in § 1128.94(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1128.70(a)(2) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1128.32(b) similar reports for such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation for such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) • • •

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

• • • • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

9. Section 1128.70(e) is revised as follows:

§ 1128.70 Computation of each handler's pool obligation.

• • • • • •

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and

is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest unapproved plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

10. Section 1128.71(a) is revised as follows:

§ 1128.71 Computation of aggregate value used to determine uniform price.

• • • • •

(a) Combine into one total the values computed pursuant to § 1128.70 for all handlers who have made the reports prescribed in § 1128.30 and who have made the payments required pursuant to § 1128.94 for the preceding month;

• • • • •

11. Section 1128.98 is revised as follows:

§ 1128.98 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative in its capacity as a handler pursuant to § 1128.9(c), shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1128.9(c); (b) other source milk allocated to Class I pursuant to § 1128.46(a) (3) and (7) and the corresponding steps of § 1128.46(b), except other source milk on which no handler obligation applies pursuant to § 1128.70(e); and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1128.62(b)(2).

1. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I milk price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* Subject to the provisions of §§ 1129.52 and 1129.53 the Class I milk price per hundredweight for the month shall be the basic formula price for the preceding month plus $2.50 and plus 20 cents.

2. In § 1129.51 paragraph (b) is revised as follows:

§ 1129.51 Class II milk.

• • • • •

(b) The price per hundredweight computed by adding 2 cents to the average of the daily prices paid per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese," carlots or trucklots, as reported by the Department during the month and multiplying the result by 8.4, such result to be further adjusted by subtracting 5 times the butterfat differential computed pursuant to § 1129.52(b).

1. In § 1130.44 paragraph (c)(3)(iii) is revised as follows:

§ 1130.44 Transfers.

• • • • •

(c) • • •

(3) • • •

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants an other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool plants and other order plants; and

• • • • •

2. In § 1130.46 paragraph (a) is revised as follows: subparagraph (1) is revised, in subparagraph (4) subdivision (iv) is revised, in subparagraph (5) the introductory text of subdivision (i) is revised and subparagraphs (7) and (8) are revised.

§ 1130.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(1) Subtract from the total pounds of skim milk classified.

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

• • • • •

(4) • • •

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph:

• • • • •

(5) • • •

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraphs (1)(i) or (4)(iv) of this paragraph;

• • • • •

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (1)(i), (4)(iv) or (5)(i) of this paragraph;

• • • • •

3. A new § 1130.50 is added as follows:

§ 1130.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b., plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

4. In § 1130.51 paragraph (a) is revised as follows:

§ 1130.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.87 and plus 20 cents.

• • • • •

5. Section 1130.60(e)(2) is revised as follows:

§ 1130.60 Plants subject to other Federal orders.

• • • • •

(e) • • •

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class III price) and subtract its value at the Class III price.

6. In § 1130.61 paragraphs (a) and (b)(2) and (5) are revised as follows:

§ 1130.61 Obligation of handler operating a partially regulated distributing plant.

• • • • •

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1130.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1130.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1130.70(e) and the credit specified in § 1130.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1130.10(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1130.30 and 1130.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(ii) of this paragraph applies to such plant.

(b) • • •

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

• • • • •

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) subtract its value at the uniform price applicable at such location or the Class III price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk as the Class III price.

7. Section 1130.70(e) is revised as follows:

§ 1130.70 Computation of the net pool obligation of each pool handler.

• • • • •

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class III price.

• • • • •

8. Section 1130.71(a) is revised as follows:

§ 1130.71 Computation of aggregate value used to determine uniform price.

• • • • •

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who have made the reports prescribed in § 1130.30 for the month and who have made the payments required pursuant to § 1130.84 for the preceding month;

9. Section 1130.88 is revised as follows:

§ 1130.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including that pursuant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a) (4) and (8) and the corresponding steps of § 1130.46(b) except other source milk on which no handler obligation applies pursuant to § 1130.70(e); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1130.61(b)(2).

Signed at Washington, D.C., on February 8, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-1980 Filed 2-11-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 19117]

COMMUNICATIONS ON INTERSTATE OR FOREIGN COMMON CARRIER FACILITIES

Authorization of New or Revised Classifications; Extension of Time for Filing Comments

In the matter of establishment of rules pertaining to the authorization of new or revised classifications of communications on interstate or foreign common carrier facilities, and amendment of §§ 63.60–63.90 of the rules.

Order. Upon consideration of the "Motion for Extension of Time" filed on February 3, 1971, by American Telephone and Telegraph Co.

It is hereby ordered, Pursuant to § 0.303(c) of the Commission's rules and regulations, that the times for filing comments and reply comments in the above-entitled proceeding (36 F.R. 1064) are extended to March 22, 1971, and April 5, 1971, respectively.

Adopted: February 5, 1971.

Released: February 8, 1971.

[SEAL] ASHER H. ENDE,
Acting Chief,
Common Carrier Bureau.

[FR Doc.71-1996 Filed 2-11-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Parts 392, 393]

[Docket No. MC-23; Notice No. 71-1]

STOPPED VEHICLES AND EMERGENCY EQUIPMENT

Extension of Time for Comments

A notice of proposed rule making on Stopped Vehicles and Emergency Equipment was published on November 11, 1970 (35 F.R. 17343). Interested persons were invited to file comments on that proposal by the close of business on February 2, 1971.

The Standard Railway Fusee Corp. has petitioned the Bureau of Motor Carrier Safety for an extension of time in order to file additional data on these proposals. The Director has concluded that extending the comment closing date is warranted. Accordingly, the closing date for comments to this docket is hereby extended to May 6, 1971.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, the delegation of authority by the Secretary of Transportation in 49 CFR 1.48 and the delegation of authority by the Federal Highway Administrator in 49 CFR 389.4.

Issued on February 8, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.71-1976 Filed 2-11-71;8:47 am]

Office of Hazardous Materials

[49 CFR Parts 170–189]

[Docket No. HM-51]

CLASSIFICATION OF CERTAIN HAZARDOUS MATERIALS ON BASIS OF THEIR HEALTH HAZARDS

Second Advanced Notice of Proposed Rule Making

On June 6, 1970, the Hazardous Materials Regulations Board published an Advance Notice of Proposed Rule Making Docket No. HM-51 (35 F.R. 8831), inviting public assistance in developing regulatory principles for the classification of certain hazardous materials on the basis of their health hazards.

The comments received generally related to toxicity test procedures, classification, and degrees of toxicity.

Toxicity test procedures. Most commenters agreed that toxicity test procedures should be uniform among regulatory agencies, noting even minor variations by DOT could be confusing. Apprehension was displayed concerning the use of tests and other criteria which were not developed specifically for the transportation environment.

Classification. Many commenters contended that materials having only minor temporary and reversible irritating effects should not be regulated. The potential safety hazard of these materials during transportation, they claimed, is not considered so severe as to justify regulation. Others suggested that materials causing irreversible destruction of living tissue should be covered under a corrosive classification, such as discussed in Docket No. HM-57. Some commenters suggested that the Poison C category be retained for lachrymatory and respiratory irritation.

Degrees of toxicity. There was no common opinion expressed in this area. One group of commenters suggested retaining only one toxic category as Poison B, leaving the Poison A category for gases only, and possibly placing some quantitative benchmarks on this category. Others agreed in principle with the designation of various degrees but suggested modifications.

A second advance notice is being used to give the public ample opportunity to contribute to the development of the matter before the Board, prior to publication of a notice of proposed rule making. On the basis of comments received on this advance notice, the Board is of the opinion it will be able to prepare a more complete and meaningful notice.

The present definitions of poisonous materials only contain specific testing criteria or guidelines for Class B poisons. There are no criteria or sufficiently descriptive guidelines for Class A or Class C poisons. Consequently, the public may encounter difficulty in relying solely on those definitions to determine the applicability of the regulations. In order to improve this situation, the Board proposes to adopt testing criteria wherever possible and better descriptive guidelines for all toxic materials covered by the Department's regulations.

The National Research Council-National Academy of Sciences assisted the Department in developing these test criteria. In addition, the testing procedures and hazard degrees used by the Departments of Agriculture and Health, Education, and Welfare were considered to insure harmony among the regulatory standards of Federal agencies having jurisdiction with respect to health hazards of chemicals.

The health hazards of materials being transported are proposed to be characterized by their acute effects on human health. The hazards considered are systemic hazards and irritant hazards. Systemic or internal hazards exist when materials, if inhaled, ingested, or absorbed through the skin can have harmful effects on organs and tissues other than at the site of contact. Irritant hazards exist when materials such as gases, vapors, or mist can have local irritating effects on eyes, nose, or throat temporarily impairing the person's ability to function to the degree that he cannot take necessary emergency action.

Materials which otherwise produce reversible injury to the tissues of the skin are not proposed to be regulated. Materials which cause destruction of these tissues by chemical action would be considered under the "Corrosive" classification discussed in Docket No. HM-57, Classification of Corrosive Hazards; advance notice of proposed rule making, published September 4, 1970 (35 F.R. 14090).

Degrees of hazard would be ranked according to the potential severity of the hazard to people. The establishment of hazard degrees is necessary in order to establish packaging criteria reflecting the potential severity of the damage if a product should escape from its packaging during transportation. The major categories and criteria which would be proposed are as follows:

Extremely toxic substances. Materials would be classified as extremely toxic substances if, on short exposure, they could cause death or major residual injury to humans. In the absence of adequate data on human toxicity, a material would be presumed to be extremely toxic to humans if it fell within any one of the following categories when tested on laboratory animals, according to the U.S. Department of Agriculture test procedures described under Title 7, Chapter 3, § 362.8 of the Federal Regulations.

(1) Ingestion (oral): Any material that has a single dose LD_{50}[1] of 5 milligrams or less per kilogram of body weight when administered orally to both male and female rats (young adults).

(2) Inhalation: Any material that has an LC_{50}[1] of 50 parts per million or less by volume of a gas or vapor, or 0.50 milligrams or less of mist or dust per liter of air when administered by continuous inhalation for 1 hour to both male and female white rats (young adults). If the material is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test must have a diameter of 10 microns or less, provided the Department finds it reasonably foreseeable that such concentrations could be encountered by man.

(3) Skin absorption: Any material that has an LD_{50} of 20 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits, according to test procedures described in Title 21, § 191.10 of the Code of Federal Regulations.

Highly toxic materials. Materials would be classified as highly toxic if, on short exposure, they could cause serious temporary or residual injury to humans. In the absence of adequate data on human toxicity, a material would be presumed to be highly toxic to humans if it fell within any one of the following categories when tested on laboratory animals, according to the U.S. Department of Agriculture test procedures described under Title 7, Chapter 3, § 362.8 of the Code of Federal Regulations.

(1) Ingestion (oral): Any material that has a single dose LD_{50} of more than 5 milligrams but not more than 50 milligrams per kilogram of body weight when

[1] LD_{50}, LC_{50}: That dose (*LD*) or concentration (*LC*) which will cause death within 14 days to one half of the test animals.

orally administered to both male and female white rats (young adults).

(2) Inhalation: Any material that has an LC_{50} of more than 50 parts per million by volume of gas or vapor but not more than 200 parts per million or more than 0.50 milligram, but not more than 2 milligrams of mist or dust per liter of air when administered by continuous inhalation for 1 hour or less to both male and female white rats (young adults). If the product is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test must have a diameter of 10 microns or less provided the Department finds that it is reasonably foreseeable that such concentrations could be encountered by man.

(3) Skin absorption: Any material that has an LD_{50} of greater than 20 milligrams but not more than 200 milligrams per kilogram of body weight when administered by continuous contact for 24 hours with the bare skin of rabbits, according to the test procedures described in Title 21, § 191.10 of the Code of Federal Regulations.

Tear gas or irritating substances. Materials would be classified as tear gas or irritating substances if they cause reversible local irritant effects on eyes, nose, or throat temporarily impairing a person's ability to function to the degree that he cannot take necessary emergency action. Military and police tear gases and riot control agents would fall under this category. It is planned to include a list of materials falling under this category in the notice of proposed rule making.

If human experience or other data indicate that the hazard of a given material encountered during an accidental exposure in transportation is greater or less than indicated by the data from the specified animal tests, the classification for the specific material could be revised to reflect this data.

If these classifications are adopted, appropriate changes will be required in the labels required to be applied to packages.

Interested persons are invited to give their views on this notice. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 27, 1971, will be considered before final action is taken on this subject. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Issued in Washington, D.C., on February 5, 1971.

WILLIAM K. BYRD,
Acting Director,
Office of Hazardous Materials.

[FR Doc.71-1975 Filed 2-11-71;8:47 am]

Notices

DEPARTMENT OF COMMERCE

National Technical Information Service

FEDERALLY SPONSORED BUSINESS, ECONOMIC, AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service. The NTIS provides government and public availability of federally sponsored business, economic, and technical reports. The basic pricing schedule used by NTIS in pricing these reports is as follows:

Page count	Price
1-300	$3.00
301-600	6.00
601-900	9.00

Documents which are outside this page range or have been obtained by special agreement between NTIS and the sponsoring agency will be individually priced. Special notations of nonstandard prices are included in the NTIS announcement of the document. Two years after announcement, all documents in the $3, $6, and $9 category will be repriced at a standard price of $6.

WILLIAM T. KNOX,
Director, National Technical Information Service.

[FR Doc.71-1977 Filed 2-11-71;8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DONALD LLOYD RICHARDSON

Notice of Granting of Relief

Notice is hereby given that Donald Lloyd Richardson, Box 59-A, Rural Delivery No. 2, Williamsport, PA 17701, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 12, 1963, in the Lycoming County Criminal Court, PA, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald L. Richardson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Donald L. Richardson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald L. Richardson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of Chapter 44, Title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Donald L. Richardson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-1991 Filed 2-11-71;8:48 am]

DALE ROBERT ALLEN

Notice of Granting of Relief

Notice is hereby given that Dale Robert Allen, 17806 77th Street East, Sumner, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 15, 1954, in the El Paso County District Court, Colorado Springs, Colo., and on April 5, 1956, in the Denver County District Court, Denver, Colo., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dale Robert Allen because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Dale Robert Allen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dale Robert Allen's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act, and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dale Robert Allen be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-1989 Filed 2-11-71;8:48 am]

SAMUEL HENRY PASCHAL

Notice of Granting of Relief

Notice is hereby given that Samuel Henry Paschal, 1819 Staunton Avenue NW., Roanoke, VA 24017, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 5, 1942, in Roanoke City Hustings Court, Roanoke, Va., and on May 7, 1956, in the U.S. District Court, Roanoke, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Samuel Henry Paschal because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Samuel Henry Paschal to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Samuel Henry Paschal's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Samuel Henry Paschal be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 4th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-1989 Filed 2-11-71;8:48 am]

JAMES DONALD RAY

Notice of Granting of Relief

Notice is hereby given that James Donald Ray, 2119 Darwin SW., Grand Rapids, MI 49507, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 22, 1960, in the Decatur Circuit Court of Decatur County, Ind., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Donald Ray because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James Donald Ray to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Donald Ray's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James Donald Ray be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of January 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-1990 Filed 2-11-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF MINERALS, ET AL.

Redelegation of Authority by Land Office Manager

1. Pursuant to the provisions of section 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the authority delegated to the Eastern States Land Office Manager to take action on certain matters is hereby redelegated as follows:

a. The Chief, Branch of Minerals, is authorized to take action on the matters listed in sections 2.2, paragraphs (b), (c), and (d), 2.6, and section 4.0, paragraph (m).

b. The Chief, Branch of Records and Title Services, is authorized to take action on the matters listed in sections 2.2, paragraphs (b), (c), and (d) 2.4, 2.5, 2.9, and 4.0, paragraphs (a), (d), (e), (f), and (g). He may also, by written order, approved by the Manager, designate any qualified employee in his Branch to certify as to the authenticity of copies of official records.

c. The Chief, Branch of Cadastral Surveys, is authorized to take action for the Manager on the matters listed in section 4.2.

2. The authority delegated in paragraph 1 above may not be redelegated except as provided in subparagraph b.

3. This redelegation of authority supersedes the redelgations of September 25, 1967.

DORIS A. KOIVULA,
Land Office Manager.

Approved: February 8, 1971.

JOHN O. CROW,
Associate Director.

[FR Doc.71-1985 Filed 2-11-71;8:47 am]

Bureau of Reclamation

TAHOE NATIONAL FOREST, CALIF.

Order of Transfer of Administrative Jurisdiction of Land, Boca Reservoir, Truckee Storage Project, Calif.

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 2,475.30 acres which lie within or adjacent to Tahoe National Forest, and that were acquired by the Bureau of Reclamation in the development of the Boca Reservoir, Truckee Storage Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

MOUNT DIABLO MERIDIAN

ACQUIRED LANDS

T. 18 N., R. 17 E., MDM,
Sec. 3, W½SW¼;
Sec. 4, SE¼;
Sec. 9, all;
Sec. 10, W½NW¼NW¼, W½SE¼NW¼NW¼, NW¼NE¼SW¼NW¼, NW¼SW¼NW¼, W½SW¼SW¼NW¼, and W½W½NW¼SW¼;
Sec. 15, SE¼SW¼SW¼NW¼, S½SE¼SW¼NW¼, NE¼NW¼SW¼, E½NW¼NW¼SW¼, SW¼NW¼NW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, W½NE¼SW¼SW¼, and W½SW¼SW¼;
Sec. 16, N½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, W½NE¼, W½SE¼NE¼, NW¼, NE¼SW¼, E½NW¼SW¼, NE¼NW¼NW¼SW¼, S½SW¼NW¼SW¼, S½SW¼, E½E½NE¼SE¼, W½W½NE¼SE¼, SE¼SW¼NE¼SE¼, SW¼SE¼NE¼SE¼, W½SE¼, and SE¼SE¼;
Sec. 17, N½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NW¼NE¼NE¼, E½SE¼NE¼NE¼, NE¼NE¼SE¼NE¼, S½S½NE¼SE¼, SE¼SE¼NW¼SE¼, E½NE¼SW¼SE¼, N½SE¼SE¼, N½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, and SE¼SE¼SE¼;
Sec. 20, W½NE¼NE¼SE¼, NW¼NE¼SE¼, NE¼SW¼NE¼SE¼, NW¼SE¼NE¼SE¼, and NE¼NE¼NW¼SE¼;
NE¼NW¼SE¼;
Sec. 21, all;
Sec. 22, NW¼NW¼NW¼, NW¼SW¼NW¼NW¼, W½NW¼SW¼NW¼, and NW¼SW¼SW¼NW¼;
Sec. 28, all of the NE¼ lying north of the Truckee River, and the E½NW¼ lying north of the Truckee River, except 1.2 acres of land, more or less, in the NW¼NE¼ of said sec. 28 more particularly described as follows: Beginning at a point from which the northeast corner of said sec. 28 bears N. 65°19'11" E. 2,121.66 feet distant, and running thence S. 12°51' E. 150.24 feet, more or less, to the northerly line of the Southern Pacific Railroad right-of-way; thence along the northerly line of the Southern Pacific Railroad right-of-way as follows: S. 83°56'15" W. 69.4 feet; thence S. 82°58'45" W. 163.05 feet; thence S. 77°17'45" W. 162.70 feet; thence leaving the railroad right-of-way line N. 12°51' W. 125.08 feet; thence N. 77°09' E. 393.94 feet to the place of beginning.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National forest lands

provided that all lands and waters within the Boca Reservoir area needed or used for the operation of the Truckee Storage Project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (2-12-71).

Dated: February 8, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-1964 Filed 2-11-71;8:46 am]

TAHOE NATIONAL FOREST, CALIF.

Order of Transfer of Administrative Jurisdiction of Land, Stampede Reservoir, Washoe Project, Calif.

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 5,007.03 acres which lie within or adjacent to Tahoe National Forest, and that were acquired by the Bureau of Reclamation in the development of the Stampede Reservoir, Washoe Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

MOUNT DIABLO MERIDIAN

ACQUIRED LANDS

T. 18 N., R. 17 E., MDM,
Sec. 4, W½ lot 1 of the NW¼, W½ lot 2 of the NW¼;
Sec. 5, E½ lot 1 of the NE¼, E½ lot 2 of the NE¼.
T. 19 N., R. 16 E., MDM,
Sec. 25, all;
Sec. 26, NE¼ and E½NW¼;
Sec. 27, E½NE¼, S½N½SW¼, S½SW¼, and SE¼.
T. 19 N., R. 17 E., MDM,
Sec. 16, all;
Sec. 18, E½;
Sec. 19, S½ lot 1 of the SW¼, S½ lot 2 of the SW¼, and SE¼NW¼;
Sec. 20, E½E½;
Sec. 21, all;
Sec. 29, all;
Sec. 30, N½ lot 1 of the NW¼, lot 2 of the NW¼, NW¼NE¼, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 31, N½ lot 1 of the NW¼, N½ lot 2 of the NW¼, and N½NE¼;
Sec. 32, E½E½, NW¼NE¼, and N½NW¼;
Sec. 33, W½.

Pursuant to said section 7(c) of the aforesaid act of July 9, 1965, the above lands shall become National Forest lands provided that all lands and waters within the Stampede Reservoir area needed or used for the operation of the Washoe Project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (2-12-71).

Dated: February 8, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-1963 Filed 2-11-71;8:46 am]

Office of the Secretary

HAROLD M. McCLURE, JR.

Report of Appointment and Statement of Financial Interests

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Harold M. McClure, Jr.

Name of employing agency: Office of Oil and Gas, Emergency Petroleum and Gas Administration.

The title of the appointee's position: Alternate Deputy Administrator.

The name of the appointee's private employer or employers: Self-employed—President, McClure Oil Co.

The statement of "financial interests" for the above appointee is set forth below.

WALTER J. HICKEL,
Secretary of the Interior.

NOVEMBER 20, 1970.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on November 20, 1970, as Alternate Deputy Administrator, U.S. Department of the Interior, an officer or director:

McClure Oil Co., President-Director.
Michigan Oil Co., President-Director.
Pine River Development Co., Inc., President-Director.
Patrick Petroleum Co., Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Airport Booster, Inc.
Alma Industrial Development Co.
American Airlines, Inc.
American Beef Association.
American Mobile Products.
Bobenal Investments Corp.
Capital Hill Associates.
Cascade Data, Inc.
Central Michigan Travel.
Chemotronics, Inc.
Crystal Down Country Club.
English Motion Pictures.
Forest Hill Land Co.
Hospital Computer Center.
Isabella Country State Bank.
Total Petroleum Ltd.
McClure Oil Co.
Michigan National Bank.
North Central Airlines, Inc.
Panax Corp.
Pine River Country Club.
Reliance Electric.
Series E Bond.
Wisconsin Life Insurance.
5144 Corp.
Patrick Petroleum Co.
Crystal Mountain Club.
Crystal Lake Country Club.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

American Beef Association, limited partnership.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

HAROLD M. McCLURE, Jr.

JANUARY 18, 1971.

[FR Doc.71-1965 Filed 2-11-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ATTESTING OFFICERS

Designation; Delegation of Authority To Cause Department Seal To Be Affixed and To Authenticate Copies of Documents

The Secretary's delegation of authority to employees of the Department of Housing and Urban Development to cause the Department seal to be affixed and to authenticate copies of documents, published at 35 F.R. 5429, April 1, 1970, and amended at 35 F.R. 15860, October 8, 1970, is further amended by revising paragraph 1 to read:

1. Esther L. Ratliff, Office of General Counsel.

. . . . . .

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This amendment is effective February 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-2004 Filed 2-11-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Waiver No. 1A—Docket No. OPS-6]

NORTHERN NATURAL GAS CO.

Extension of Waiver of Gas Pipeline Safety Standards

On June 18, 1970, the Department of Transportation issued a waiver to the Northern Natural Gas Company of Omaha, Nebr., permitting the operation of a 276-mile segment of its 24 inch "B" pipeline between Mullinville, Kans., and Palmyra, Nebr., at a maximum operating pressure of 797 p.s.i.g. (see the Notice of Hearing, 35 F.R. 8247, May 26, 1970, and Grant of Waiver, 35 F.R. 10329, June 24, 1970). The justification for the waiver was fully set forth in the grant of waiver which expires on July 1, 1971.

By letter dated January 15, 1971, Northern Natural has petitioned for an amendment to that waiver to extend the expiration date to July 1, 1972. The grounds for the petition for an extension are fully set forth in the notice of hearing on the extension of the waiver (36 F.R. 1165, Jan. 23, 1971). In effect, Northern Natural has stated that anticipated governmental authority for the importation of Canadian gas has not yet been received, and it would be impossible at this late date, even with immediate certificates, to construct the necessary facilities to bring the Canadian gas in by the expiration date of the waiver.

It does not appear that there has been a change in any of the circumstances justifying the original waiver, and in consideration of those facts, I find that the requested extension is not inconsistent with gas pipeline safety.

This extension of the waiver is granted under the authority of section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), and the delegation of authority to the Acting Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468). Unless sooner suspended, amended or revoked, the waiver expires on July 1, 1972.

Issued in Washington, D.C., on February 5, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-1992 Filed 2-11-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-1-133]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 28, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers, and promulgated in an IATA letter dated January 21, 1971, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R-12:
Commodity Item No. 4702—Machines for Processing Metal, Textiles, Plastic, Wood, Stone, Leather, Hides, Food, Beverages, Tobaccos, Machines for Abrading, Grinding, Cutting, Polishing, Binding, Drilling, etc.[1]
87 cents per kg., minimum weight 100 kgs.,
77 cents per kg., minimum weight 200 kgs.,
72 cents per kg., minimum weight 500 kgs.,
Athens to New York.[2]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22096, R-12, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That, insofar as air transportation as defined by the Act is concerned, tariff filings shall not be made to implement the agreement prior to eventual approval, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1994 Filed 2-11-71;8:48 am]

[1] For complete and accurate description see applicable tariff.

[2] Upon effectiveness of these rates the present rate of 137 cents per kg., minimum weight 100 kgs., is canceled.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 355]

N. M. ALBERT CO., INC.

Order of Revocation

By letter dated January 4, 1971, N. M. Albert Co., Inc., Cargo Building No. 80, J.F.K. International Airport, Jamaica, NY 11430, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 355 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 28, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

N. M. Albert Co., Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 7.04(g) (dated September 29, 1970).

It is ordered, That the Independent Ocean Freight Forwarder License No. 355 be returned to the Commission. Revocation of License No. 355 is effective January 28, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon N. M. Albert Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-1955 Filed 2-11-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 530]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 8, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3958-C2-P-71—Answer Iowa, Inc. (New), C.P. for a new 2-way station to be located at 13th Avenue North, Clinton, IA, to operate on frequency 152.12 MHz.

3959-C2-P-71—Answer Iowa, Inc. (New), Same as above, except 1-way to operate on frequency 158.70 MHz.

3960-C2-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new 2-way station to be located at 403 Sycamore Street, Waterloo, IA, to operate on 152.60 MHz base and 157.86 MHz test.

3961-C2-P-71—Denver & Ephrata Telephone & Telegraph Co. (KGI782), C.P. for additional facilities to operate on 43.58 MHz at a new site described as location No. 2: Marietta and West End Avenues, Lancaster, PA.

3962-C2-AP/AL-71—Iowa City Answering Service. Consent to assignment of license from Iowa City Answering Service, Assignor, to Iowa City Communications Corp., Assignee. Station: KJU809, Iowa City, Iowa.

3967-C2-TC-71—Mid-Texas Telephone Co. Consent to transfer of control from Mid-Texas Communications Systems, Inc. (Stockholders), Transferors, to Mid-Texas Communications Systems, Inc. (Proposed Stockholders), Transferees. Station: KLB616, Harker Heights, Tex.

3985-C2-P-71—Travel-Phone Corp. (New), C.P. for a new 2-way station to be located at Ipswich Road on Neutaconkanut Hill, Johnston, R.I., to operate on frequency 454.025 MHz.

3986-C2-AL-71—Carford Corp. Consent to assignment of license from Carford Corp., Assignor, to Airsignal of California, Inc., Assignee. Station: KMA219, Modesto, Calif.

3987-C2-P-71—Valley Mobilecommunications Inc. (KMD690), C.P. to change the antenna system, replace transmitter operating on 152.030 MHz and relocate facilities to 5.7 miles south and 1 mile west of Pearblossom, Calif.

3988-C2-P-71—Mobilfone of Kansas (KAQ625), C.P. to add frequency 152.15 MHz at station located at 3 miles north of Manhattan, Kans.

3989-C2-P-(4)71—Northwestern Bell Telephone Co. (KAA812), C.P. to change the antenna system, replace transmitter operating on 152.75 MHz, add 152.54 and 152.69 MHz base and 157.80 and 157.95 MHz test at station located at 118 South 19th Street, Omaha, NE.

4079-C2-P-71—Milledgeville Mobilefone, Inc. (New), C.P. for a new 2-way station to be located at Highway No. 49 and Vinson-Land Road, Milledgeville, GA, to operate on frequency 152.09 MHz.

4087-C2-AP/AL-(3)71—Certified Telephone Answering Service. Consent to assignment of license from Certified Telephone Answering Service, Assignor, to Certified Communications, Inc., Assignee. Stations: KAD925, University City, Mo.; KAF240, Maplewood, Mo.; KRS635, St. Louis, Mo.

4122-C2-P-71—General Telephone Co. of Florida (KIY397), C.P. to relocate auxiliary test facilities operating on 158.01, 158.04, and 158.07 MHz to the northwest corner of Constitution Avenue and Swift Road, Sarasota, Fla.

Major Amendment

1868-C2-P-71—West Texas Rural Telephone Coop., Inc. (New), Change base frequency to 152.81 MHz. All other particulars to remain as Report No. 513, dated Oct. 12, 1970.

Correction

3873-C2-P-71—Delta Valley Radiotelephone Co., Inc. (New), Correct to read: C.P. for a new 2-way station. All other particulars to remain as Report No. 529, dated Feb. 1, 1971.

RURAL RADIO SERVICE

3964-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPK24), C.P. to replace transmitter operating on 157.92 MHz communicating with Station KOE261, Newcastle, Wyo. Subscriber and location: Dakamont Exploration Corp. 42.1 miles southwest of Newcastle, Wyo.

3990-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located approximately 12.1 miles southeast of Pilottown, at Port Eads, La., to operate on frequency 459.40 MHz communicating with Station KPP66, Venice, La.

3991-C1-P-71—Cameron Telephone Co. (WDD94), C.P. to replace transmitter operating on 157.95 MHz communicating with Station KKO357, Cameron, La. Subscriber and location: Tennessee Oil Co., Gulf of Mexico, West Cameron Block 180, approximately 31 miles southeast of Cameron, La. (Gulf of Mexico).

3992-C1-P-71—Cameron Telephone Co. (WGF89), C.P. to replace transmitter operating on 157.95 MHz communicating with Station KKO357, Cameron, La. Subscriber and location: Shell Oil Co., approximately 38 miles southeast of Cameron, La. (Gulf of Mexico).

4154-C1-P-71—Mountain States Telephone & Telegraph Co. (KXR67), C.P. to replace transmitter operating on 459.40 MHz communicating with Station KSV88, Casper, Wyo. Location: 7.3 miles south-southeast of Edgerton, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3963-C1-P-71—Michigan Bell Telephone Co. (KQI80), C.P. and modification of license to add frequencies 6130.5 and 6160.2 MHz toward Lawton, Mich., a new point of communication. Station location: 1365 Cass Avenue, Detroit, MI.

3965-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KJJ31), C.P. to add frequencies 11,305 and 11,625 MHz toward Fredericksburg, Va., a new point of communication. Station location: 0.3 mile southwest of Berea, Va.

3966-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (New), C.P. for a new station to be located at 901 Prince Edward Street, Fredericksburg, VA. Frequencies: 10,735 and 10,895 MHz toward Berea, Va.

3993-C1-P/ML-71—The Bell Telephone Co. of Pennsylvania (KYJ39), C.P. and modification of license to add frequency 6412.2 MHz toward Waggoners Gap, Pa. Station location: 14 East Chocolate Avenue, Hershey, PA.

3994-C1-P/ML-71—American Telephone & Telegraph Co. (KEF72), C.P. and modification of license to add frequencies 2110–2130 MHz and 2160–2180 MHz. A developmental station in any temporary fixed location within the continental United States.

3995-C1-P-71—American Telephone & Telegraph Co. (KVU49), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Carmel, N.J. Station location: 1.9 miles northwest of Cedar Brook, N.J.

3996-C1-P-71—American Telephone & Telegraph Co. (KVU50), C.P. to add frequencies 6226.9 and 6345.5 MHz toward Cedar Brook and Quinton, N.J. Station location: 1.8 miles north of Carmel, N.J.

3997-C1-P-71—American Telephone & Telegraph Co. (KEM73), C.P. to add frequencies 5974.8 and 6093.5 MHz toward Carmel, N.J. Station location: 2 miles southeast of Quinton, N.J.

3998-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station to be located at 2475 West Second Avenue, Denver, CO. Frequency: 11,500 MHz toward Denver, Colo.

3999-C1-P-71—Southern Bell Telephone & Telegraph Co. (KIA47), C.P. to add frequencies 6212.0 and 6271.4 MHz toward Holly Springs, N.C. Station location: 121 West Morgan Street, Raleigh, NC.

4000-C1-P-71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station to be located 0.8 mile south of Holly Springs, N.C. (on State Road No. 1395). Frequencies: 5989.7 and 6108.3 MHz toward Raleigh, N.C., and 5960.0 and 6019.3 MHz toward Sanford, N.C.

4001-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KIR29), C.P. to add frequency 3850 MHz toward Petersburg, Va. Station location: 703 East Grace Street, Richmond, VA.

4002-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KJK33), C.P. to add frequency 4130 MHz toward Richmond, Va. Station location: 101 North Union Street, Petersburg, VA.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4003-C1-P-71—Louisiana Offshore Telephone Co. (KTR42), C.P. to add frequency 2178.0 MHz toward Gulf of Mexico, Eugene Island, Area 32, Offshore Louisiana. Station location: 0.5 mile west of Burns Point Road, Salt Point, La.

4004-C1-P-71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at Gulf of Mexico, Eugene Island, Area 32, Platform A, Burns, La. Frequency: 2128.0 MHz toward Salt Point, La.

4005-C1-P-71—South Central Bell Telephone Co. (KKT87), C.P. to add frequency 6212.0 MHz toward WLOX-TV studio. Station location: 1056 West Howard Avenue, Biloxi, MS.

4080-C1-MP-71—General Telephone Co. of the Southeast (KZS68), Modification of C.P. to add frequency 10,895 MHz toward East River Mountain, Va. Station location: 201 Russell Street, Bluefield, WV.

4081-C1-P-71—General Telephone Co. of the Southeast (KZS51), C.P. to add frequency 11,595 MHz toward Bluefield, W. Va., 6264.0 and 6382.6 MHz toward Jewell Ridge, Va., and 6286.2 and 6404.8 MHz toward Barker's Ridge, W. Va. Station location: East River Mountain, 2.4 miles south-southeast of Bluefield, Va.

4082-C1-P-71—General Telephone Co. of the Southeast (KJK67), C.P. to replace transmitter. Station location: On County Road 621, 0.6 mile northeast of Jewell Ridge, Va.

2885-C1-P-71—The Mountain States Telephone & Telegraph Co. (KBD26), C.P. to change antenna system operating on frequencies 10,795 and 11,035 MHz toward Salida, Colo., via passive reflector, and 10,835 and 11,075 MHz toward Leadville, Colo., via passive reflector. Station location: 3.4 miles north of Granite, Colo.

2886-C1-P-71—The Mountain States Telephone & Telegraph Co. (KBD27), C.P. to change antenna system operating on frequencies 11,285 and 11,525 MHz toward Granite, Colo., via passive reflector. Station location: 411 Poplar Street, Leadville, CO.

4156-C1-P-71—American Telephone & Telegraph Co. (KIT28), C.P. to add frequencies 3750 and 3830 MHz toward Mableton, Ga., a new point of communication. Station location: 1.8 miles east of Villa Rica, Ga.

4157-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 3 miles north of Mableton, Ga. Frequencies: 3710 and 3790 MHz toward Villa Rica and Atlanta, Ga.

4158-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 3.3 miles east of Smyrna, Atlanta, Ga. Frequencies: 3750 and 3830 MHz toward Mableton and 3750, 3830, and 3910 MHz toward Tucker, Ga.

4159-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 2 miles southeast of Tucker, Ga. Frequencies: 3710, 3790, and 3870 MHz toward Atlanta and Jersey, Ga.

4160-C1-P-71—American Telephone & Telegraph Co. (KRS98), C.P. to add frequencies 3750, 3830, and 3910 MHz toward Tucker and Monticello, Ga., new points of communication. Station location: 2.2 miles northeast of Jersey, Ga.

4161-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 5 miles northwest of Monticello, Ga. Frequencies: 3710, 3790, and 3870 MHz toward Jersey, Ga.

4162-C1-P-71—Beaver State Telephone Co. (New), C.P. for a new station to be located at Chiloquin, Oreg. Frequency: 2115.2 MHz toward Haymaker Mountain, Oreg.

4163-C1-P-71—American Telephone & Telegraph Co. (KGH26), C.P. to add frequency 6315.9 MHz toward Marriott Hill, Md. Station location: 1.1 miles south-southwest of Waldorf, Md.

4164-C1-P-71—American Telephone & Telegraph Co. (KGH25), C.P. to add frequency 6063.8 MHz toward Waldorf and Fairlee, Md. Station location: Marriott Hill, 4 miles northwest of Galesville, Md.

4165-C1-P-71—American Telephone & Telegraph Co. (KGH24), C.P. to add frequency 6315.9 MHz toward Marriott Hill, Md., and Oxford, Pa. Station location: 0.8 mile south of Fairlee, Md.

4166-C1-P-71—American Telephone & Telegraph Co. (KGH84), C.P. to add frequency 6063.8 MHz toward Fairlee, Md., and Lionville, Pa. Station location: 3.5 miles south of Oxford, Pa.

4167-C1-P-71—American Telephone & Telegraph Co. (KGH83), C.P. to add frequency 6315.9 MHz toward Oxford, Pa. Station location: 2.5 miles east-southeast of Lionville, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3171-C1-R-71—General Telephone Co. of California (KZI31), Renewal of a temporary-fixed developmental license expiring Mar. 1, 1971. Term: Mar. 1, 1971, to Mar. 1, 1972.

Major Amendment

3556-C1-P/L-71—RCA Alaska Communications Inc. (New), Change frequency 2128 to 2178 MHz.

3708-C1-P/L-71—RCA Alaska Communications Inc. (New), Change frequency 2178 to 2128 MHz. All other particulars same as in Public Notice Report No. 527 dated Jan. 18, 1971.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

BEK Telephone Mutual Aid Corp.:
KBD29—Near McKenzie, N. Dak.
Churchill County Telephone & Telegraph System:
KPS95—Fallon, Nev.
KTF92—Lahontan Dam, Nev.
Hawaiian Telephone Co.:
KCG66—Hana, Hawaii.
KKU39—Mauna Kea, Hawaii.
KTG36—Kaena Point, Hawaii.
KTG37—Makaha Beach, Hawaii.
KUP40—Puu Mahoe, Ulupalakua, Hawaii.
KUP41—Wailuku, Hawaii.
KUQ75—Honolulu, Hawaii.
KUQ76—Mauna Kapu South, Hawaii.
KUQ80—Nanakuli, Hawaii.
KUQ83—Trig Mark, Puu Kapele, Hawaii.
KUQ84—Bonham A.F.B., Hawaii.
KUQ97—KoKo Head, Hawaii.
KUQ98—Puu Nana, Molokai, Hawaii.
KUQ99—Near Hoolehua, Hawaii.
KUR61—Kulani Cove, Hawaii.
KUR62—Naalehu, Hawaii.
KUR96—Wahiawa, Hawaii.
KUR98—Hilo, Hawaii.
KUR99—Lelelwi Point, Hawaii.
KUS20—Humuula, Hawaii.
KUS21—Huehue, Hawaii.
KUS22—Holualoa, Hawaii.
KUS23—Kamuela, Hawaii.
KUV76—Makila, Hawaii.
KUV78—Kalepa, Hawaii.
KUV79—Lihue, Hawaii.
KUV80—Tantalus, Hawaii.
KUV81—Puu Papaa, Hawaii.
KUV82—Lale, Hawaii.
KUV83—Tantalus Mountain, Hawaii.
KUV84—Near Kualapuu, Molokai, Hawaii.
KUV85—Honokaa, Hawaii.
KUV86—Ookala, Hawaii.
KUV87—Near Ninole, Hawaii.
KUV88—Haleakala, Hawaii.
KUV93—Near Kahuku, Hawaii.
KUV94—Paumalu, Hawaii.
KUV95—Mount Kaala, Hawaii.
KVH83—Temporary-fixed.
KXR48—Ewa Beach, Hawaii.
KXR49—Lanai City, Hawaii.
KXR50—Wheeler A.F.B., Hawaii.
KXR51—Hukuiolono, Hawaii.
KYN46—Volcano, Hawaii.
KZA44—Camp Smith, Hawaii.
KZA45—Hickam, Hawaii.
KZA46—Kunia, Hawaii.
KZA47—Makaha, Hawaii.
KZS32—Mauna Kapu—North, Hawaii.
KZS94—Kaunakakai, Hawaii.
KK6231—Mobile TV-pickup (Local Television Transmission Service).
Paul Bunyan Rural Telephone Coop.:
WAN59—Ponamah, Minn.
WAN60—Red Lake, Minn.
Puerto Rico Telephone Co.:
WWM30—Near Cabo Rojo, P.R.
WWR74—San Juan, P.R.
WWR75—Maravillas Peak, P.R.
WWR76—Ponce, P.R.
WWT47—Mayaguez, P.R.
WWT48—Monte del Estado, P.R.
WWT49—Jayuya, P.R.
WWT63—Fajardo, P.R.
WWT64—El Yunque, P.R.
WWY31—Santa Isabel, P.R.
WWY32—Guayama, P.R.
WWY33—Manati, P.R.
WWY34—Arecibo, P.R.
WWY35—San Sebastian, P.R.
WWY36—Aguadilla, P.R.
WWY73—Humacao, P.R.
WWY91—Rio Grande, P.R.
WWZ29—La Torrecilla, P.R.
WWZ30—Orocovis, P.R.
WWZ31—Barranquitas, P.R.
WWZ32—Comerio, P.R.
Triangle Telephone Cooperative Association, Inc.:
KPL29—Near Simpson, Mont.
KPZ76—Winifred, Mont.
KSW34—Grassy Butte, Mont.
KSW35—Inverness, Mont.
Western Carolina Telephone Co.:
KIW86—Cowee Bald, N.C.
KIX51—Murphy, N.C.
KIX52—Sylva, N.C.
KIX53—Teyahalee Bald, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3956-C1-P-71—Western Tele-Communications, Inc. (KPJ36), C.P. to power split frequency 6182.4 MHz on azimuth 286°27'. Location: 5 miles northeast of Whitehall, Mont., at latitude 45°55'20" N., longitude 112°01'24" W.

3957-C1-P-71—Western Tele-Communications, Inc. (KPS68), C.P. to add frequency 6108.3 MHz on azimuth 263°58'. Location: XL Heights, 3 miles east of Butte, Mont., at latitude 46°00'27" N., longitude 112°26'30" W.

(Informative: Applicant proposes to provide the television signal of Station KWGN-TV of Denver, Colo., to Butte Television Co. in Butte, Mont.)

4150-C1-P-71—American Microwave & Communications, Inc. (KQH75), C.P. to (a) delete Alpena, Mich., as point of communication, and (b) add frequencies 6271.4, 6390.0, and 6330.7 MHz toward new point of communication at Barton City, Mich. (latitude 44°42'15" N., longitude 83°31'17" W.), on azimuth 94°15'. Station location: Mount Tom, 4.5 miles west of Fairview, Mich.

4151-C1-P-71—American Microwave & Communications, Inc. (WGI20), C.P. for a new at Barton City, Mich. (latitude 44°42'15" N., longitude 83°31'17" W.), transmitting on frequencies 5989.7, 6049.0, and 6108.3 MHz toward proposed new location of Alpena receiving station at latitude 45°03'39" N., longitude 83°28'01" W. on azimuth 6°00'.

(Informative: Applicant proposes to change its existing route, Mount Tom (KQH75)—Alpena, to Mount Tom-Barton City-Alpena. The existing service to Alpena is unchanged by this proposal.)

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Microwave Transmission Corp.:
WAN96—Garfield, Wash.
WDD52—San Antonio Hill, Calif.
T.V. Cables of Mississippi, Inc.:
KLT74—Farrell, Miss.
KLT75—Cleveland, Miss.
KTR20—Leland, Miss.
KTR21—Alligator, Miss.
Telephone Utilities Services Corp.:
KLV63—Jonesboro, Tex.
KLV64—Copperas Cove, Tex.
KLV65—Walnut Springs, Tex.
KRW84—Nix, Tex.
KRW85—Belton, Tex.

INTERNATIONAL FIXED PUBLIC SERVICE

RCA Global Communications, Inc. Modification of license to add frequency 7520 kHz, increase the bandwidth of emission to 12A12F for frequency 18,920 kHz and add point of communication Generale Des Postes Et Telecommunications, HoaBinh, Saigon, Viet Nam at its station at Agana, Island of Guam.

[FR Doc.71-1949 Filed 2-11-71;8:45 am]

[Canadian List No. 276]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

JANUARY 29, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		580 kHz							
CKAP (correction of coordinates)	Kapuskasing, Ontario, N. 49°25'17", W. 82°23'52".	1	DA-1	U	III				
		1150 kHz							
CKX (PO: 10 kw. D/1 kw. N N-D)	Brandon, Manitoba, N. 49°50'28", W. 100°03'19".	10	DA-N N-D-187	U	III				E.I.O. 1.15.72.
		1230 kHz							
CFHR (delete assignment)	Hay River, Northwest Territory.	0.25	ND	U	IV				
		1230 kHz							
CFYT (delete assignment)	Dawson, Yukon Territory	0.25	ND	U	IV				
		1240 kHz							
CFNW (delete assignment)	Norman Wells, Northwest Territory.	0.25	ND	U	IV				
		1580 kHz							
CJSO (now in operation with increased daytime power).	Sorel, Quebec, N. 45°59'46", W. 73°10'15".	10 D/5N	DA-2	U	III				
		1580 kHz							
CKLC (change transmitter site location).	Kingston, Ontario, N. 44°12'36", W. 76°25'06".	10 D/5N	DA-2	U	III				E.I.O. 1.15.72.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[FR Doc.71-1997 Filed 2-11-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. R171-674]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 5, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*: Rate in effect	Cents per Mcf*: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171 674	Phillips Petroleum Co. et al.	175	[1] 8	Southern Natural Gas Co. (Spider Field, De Soto Parish, Northern Louisiana).	$60,217	1-8-71	2-8-71	7-8-71	[2] 14.4855	[3] 18.5	

*The pressure base is 15.025 p.s.i.a.
[1] Includes letter from buyer dated Dec. 3, 1970, advising seller of its contractual entitlement to proposed rate pursuant to favored-nations provisions of contract.
[2] Includes 1.125-cent tax reimbursement.

The producer's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[FR Doc.71-1956 Filed 2-11-71;8:45 am]

[Dockets Nos. E-7588, E-7589]

APPALACHIAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Notice of Amendment to Interconnection Agreement and Increased Rate Filing; Correction

JANUARY 19, 1971.

In the notice of amendment to interconnection agreement and increased rate filing, issued January 12, 1971, and published in the FEDERAL REGISTER January 14, 1971, 36 F.R. (573), second paragraph, first sentence, change "$0.60" to "$0.06".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1957 Filed 2-11-71;8:45 am]

[Docket No. E-7564]

CAROLINA POWER & LIGHT CO.

Order Suspending Tendered Rate Schedules, Granting Waiver of Notice Requirements, Providing for Hearings; and Granting Intervention; Correction

JANUARY 27, 1971.

In the order suspending tendered rate schedules, granting waiver of notice requirements, providing for hearings, and granting intervention, issued December 23, 1970, and published in the FEDERAL REGISTER January 6, 1971, 36 F.R. 193, first paragraph last sentence should read as follows: Such action is claimed to be contrary to the holdings in Federal Power Commission v. Sierra Pacific Power Company, 350 U.S. 348 (1956); and United Gas Pipe Line Company v. Mobile Gas Service Corporation, 350 U.S. 322 (1956).

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1958 Filed 2-11-71;8:45 am]

[Docket No. E-7587]

OHIO POWER CO.

Notice of Amendment of Interconnection Agreement, New Service, and Rate Increase; Correction

JANUARY 19, 1971.

In the notice of amendment of interconnection agreement, new service, and rate increase, issued January 12, 1971, and published in the FEDERAL REGISTER January 14, 1971, 36 F.R. 573, second paragraph, first sentence, change "$0.60" to "$0.06".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1959 Filed 2-11-71;8:45 am]

FEDERAL TRADE COMMISSION

OFFICE OF THE GENERAL COUNSEL

Statement of Organization

Notice is hereby given that the statement of organization published June 30,

1970 (35 F.R. 10627), is revised by transferring to the Office of the General Counsel the Congressional liaison function.

Section 11 is revised to read as follows:

SEC. 11. *Office of the General Counsel.* The General Counsel is the Commission's chief law officer and adviser. He renders necessary legal services to the Commission, represents the Commission in the Federal Courts, advises the Commission with respect to questions of law and policy, including advice with respect to legislative matters, assists businessmen in obtaining advice from the Commission as to the legal propriety of proposed courses of action in particular situations under the statutes which it administers, cooperates with and assists State and local officials in the efforts to eliminate local and national trade restraints, and coordinates all liaison activities with Congress.

By direction of the Commission dated February 8, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

FEBRUARY 8, 1971.

[FR Doc.71-1960 Filed 2-11-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption; Visa Requirement

FEBRUARY 5, 1971.

The purpose of this notice is to announce certain requirements governing the entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Spain.

Under the bilateral cotton textile agreement of October 13, 1967, as amended and extended, by exchange of notes of December 18, 1970, between the Governments of the United States and Spain, Spain has undertaken to limit its exports of cotton textiles and cotton textile products to the United States to certain designated levels. Pursuant to paragraph 12 of that agreement, providing for administrative arrangements, the Governments of the United States and Spain have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in Spain.

Effective upon publication of this notice in the FEDERAL REGISTER (2-12-71), entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles or cotton textile products produced or manufactured in Spain and exported from Spain on or after the date of this publication, for which Spain has not issued an appropriate export visa, fully described below, will be prohibited.

Application of this Visa system to cotton textiles and cotton textile products exported from Spian before the date of this publication shall become effective ninety (90) days following the date of this publication.

Such Visa is to appear as a stamped marking on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or the commercial invoice when that form is used). The Visa will include the signature of a Spanish Official authorized to issue export visas. The following Spanish Officials are presently authorized to sign a Visa: Mr. Bartolomé Sagrera, Mr. José Ramón Borrell, Mr. Pedro Solbes, Mr. Manuel Carreras, Mr. José Gosálvez, Mr. Luis Malagarriga, and Mr. José Ma Monrás. A facsimile of the Visa is reproduced together with this notice and is filed as part of the original document. A facsimile of the signatures of those Spanish Officials authorized to issue export Visas is also filed as part of the original document with the Office of the Federal Register.

The Chairman of the Interagency Textile Administrative Committee is authorized to request the Commissioner of Customs to allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles or cotton textile products from Spain notwithstanding the fact that the shipment or shipments do not meet the Visa requirement, whenever he is requested to do so by the Government of Spain.

Interested parties are advised to take all necessary steps to ensure that cotton textiles and cotton textile products produced or manufactured in Spain which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of February 5, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee, to the Commissioner of Customs to prohibit effective upon the publication of this notice the entry or withdrawal for consumption in the United States of cotton textiles and cotton textile products produced or manufactured in Spain which do not meet the stated Visa requirements.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 5, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangment Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 12 of the bilateral cotton textile agreement of October 13, 1967, as amended, providing for administrative arrangements, between the Governments of the United States and Spain, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit effective upon publication of notice in the FEDERAL REGISTER and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain has not issued an appropriate Visa fully described below.

Application of this Visa system to exports of cotton textiles and cotton textile products which have a date of exportation prior to publication in the FEDERAL REGISTER shall become effective ninety (90) days following the date of publication of such notice.

Such Visa is to appear on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document; or on the commercial invoice when such form is used). The Visa will include the signature of the official issuing the Visa.

Facsimiles of the Visa and of the authorized signatures are enclosed for your information.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in Spain and exported to the United States from Spain on or after the date of publication of notice in the FEDERAL REGISTER, notwithstanding the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the 64 categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain, have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-1978 Filed 2-11-71;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on February 9, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of California adversely affected by an earthquake occurring on February 9, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Ralph Burns, Regional Director, OEP Region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following area in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1971:

The county of:
Los Angeles

Dated: February 9, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-2022 Filed 2-11-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[811-157]

SUPERVISED SHARES, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

FEBRUARY 8, 1971.

Notice is hereby given that Supervised Shares, Inc. (Applicant), 518 Grand Avenue, Des Moines, IA 50309 an Iowa corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated on September 17, 1932, and registered under the Act on November 1, 1940, as an open-end, diversified management investment company. Applicant states that on December 28, 1970, at its shareholders' meeting and at a meeting of shareholders of Mutual of Omaha Income Fund, Inc. (Mutual), a merger of Applicant into Mutual was approved by both companies: Applicant further states its assets and liabilities were absorbed by Mutual, which is the surviving corporation, and shareholders of Applicant either exchanged their shares for shares of Mutual or redeemed their shares.

Applicant states that under the circumstances it should not be a registered investment company under the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 1, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1968 Filed 2-11-71;8:46 am]

[File No. 7-3611]

FLYING TIGER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

The Flying Tiger Corp., warrants to purchase common stock, File No. 7-3611.

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-1969 Filed 2-11-71;8:46 am]

[File No. 7-3610]

FLYING TIGER CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

The Flying Tiger Corp., File No. 7-3610.

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said

application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1970 Filed 2-11-71;8:46 am]

[Files Nos. 7-3612—7-3617]

BLOOMFIELD BUILDING INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Bloomfield Building Industries, Inc., class A. common stock, 10 cents par value	7-3612
Recrion Corp	7-3613
Riker-Maxson Corp	7-3614
Ronco Teleproducts, Inc	7-3615
Shelter Resources Corp	7-3616
Wabash Magnetics, Inc	7-3617

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1971 Filed 2-11-71;8:46 am]

[Files Nos. 7-3618, 7-3619]

MOBIL OIL CORP. AND NORTHWEST INDUSTRIES, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1971.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Mobil Oil Corp., warrants (expiring August 1, 1975)	7-3618
Northwest Industries, Inc., warrants (expiring March 31, 1979)	7-3619

Upon receipt of a request, on or before February 23, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1972 Filed 2-11-71;8:46 am]

[811-20 etc.]

FOUNDATION PLAN TRUST AGREEMENT ET AL.

Notice of Proposal To Terminate Registration

FEBRUARY 5, 1971.

In the matter of Foundation Plan Trust Agreement dated January 1, 1933, Foundation Plan Trust Agreement dated May 1, 1935, Foundation Trust Shares Series A % 46 Wall Street, New York, NY 10005; 811-20, 811-25, 811-26.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Foundation Plan Trust Agreement dated January 1, 1933 (Foundation A), a registered, open-end, diversified management investment company, Foundation Plan Trust Agreement dated May 1, 1935 (Foundation B) a registered, open-end, diversified, management investment company, and Foundation Trust shares Series A (Trust), a registered unit investment trust, have ceased to be investment companies.

Commission records disclose that the trust indenture under which Trust was established terminated under its own terms; the assets of Trust were liquidated; and the proceeds therefrom were distributed as cash dividends to shareholders who surrendered their certificates.

The trust indentures under which Foundation A and Foundation B were established terminated by their terms. All certificates have been surrendered except two Foundation A certificates and one Foundation B certificate. Pursuant to the trust agreements, cash is maintained in trust to satisfy their surrender as well as surrender of any of Trust's certificates.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pacific at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1973 Filed 2-11-71;8:46 am]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Modification of Mortgage Indenture

[70-4955]

FEBRUARY 8, 1971.

Notice is hereby given that Southwestern Electric Power Co. (Southwestern), 428 Travis Street, Shreveport, LA 71102, a registered holding company and public-utility subsidiary company of Central and South West Corp., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and Rules 20, 22, 23 and 24 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Southwestern proposes to execute a supplemental indenture modifying sections 3 and 5 of Article II and section 4 of Article VII of its Indenture of Mortgage or Deed of Trust dated February 1, 1940 (Mortgage), as supplemented by various supplemental indentures. The proposed modifications, generally, would (1) eliminate in the computation of net expenditures for bondable property, depreciation accruing after December 31, 1970, in respect of depreciable bondable property, as a deduction from total gross expenditures for bondable property; but would require the deduction of an amount not less than the aggregate of 2¼ percent of the arithmetical average of the depreciable bondable property of Southwestern at the beginning and end of each calendar year after 1970, as certified to the Trustee pursuant to section 4 of Article VII; (2) provide that the net earnings prescribed by section 5 of Article II for any period shall be computed before deduction of taxes on income, and that the charges or provisions for depreciation, retirement, renewals, replacements and amortization shall be not less in the aggregate than 2¼ percent of the arithmetical average of the amount of the depreciable bondable property of Southwestern at the beginning and the end of such period; and (3) provide that no bonds may be authenticated on or after January 1, 1971, unless Southwestern's earnings for 12 months preceding shall have been twice 1 year's interest on the then outstanding bonds and any indebtedness secured by equal or prior lien.

Southwestern estimates, on the basis of present expenditures for bondable property and present operating revenues, that the modifications may have the effect of increasing the amount of net expenditures for bondable property during the period beginning January 1, 1971, by approximately $2 million to $2,500,000 per year, a portion of which would be used for purposes other than the authentication of additional bonds. Southwestern represents that the proposed amendments would tend to assure the ability of Southwestern to finance additional construction expenditures through the issuance of First Mortgage Bonds.

The fees and expenses in connection with the proposed supplemental indenture are estimated at $27,050, including counsel's fees of $19,250. It is stated that the Arkansas Public Service Commission and the Corporation Commission of Oklahoma have authorized the proposed supplemental indenture and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 25, 1971, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1974 Filed 2-11-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

REGIONAL DIVISION CHIEFS ET AL.

[Delegation of Authority 30-B (Region V) Amdt. 4]

Delegation of Authority To Conduct Program Activities in Region V

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-B, 34 F.R. 19842 dated December 18, 1969, as amended (35 F.R. 1073, 35 F.R. 15033, and 35 F.R. 17156), Delegation of Authority No. 30-B (Region V), 35 F.R. 4155 dated March 5, 1970, as amended (35 F.R. 6095, 35 F.R. 10535, and 35 FR 16758) is hereby further amended by revising Item I.A.2.b., Item I.B.1., Item II.A.2.b., Item III.A.2.b., Item IV.-A.1., Item IV.-B.A.2.b., Item IV.-C.A. 2.b., and Item IV.-D.A.2.b., to read as follows:

I. *Regional Division Chiefs, Regional Counsel and Staffs*—A. *Chief and Assistant Chief, Financing Division.* * * *

2. * * *

b To approve displaced business loans and coal mine health and safety loans up to $350,000 (SBA share) and to decline them in any amount.

* * * * * *

B. *Supervisory Loan Officers, Financing Division.* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opoprtunity loans not exceeding $25,000 (SBA share).

* * * * * *

II. *District Directors*—A. *Financing Program.* * * *

2. * * *

b To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

* * * * * *

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $350,000 (SBA share).

* * * * * *

IV. *Branch Managers*—IV-A. *Marquette, Mich.* 1. To approve or decline business, disaster, displaced business, and coal mine health and safety loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * * *

IV-B. *Springfield, Illinois*—A. *Financing Program.* * * *

2. * * *

b. To approve or decline displaced business loans and coal mine health and safety loans up to $100,000 (SBA share).

* * * * * *

IV-C. *Milwaukee, Wisconsin*—A. *Financing Program.* * * *

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $50,000 (SBA share).

• • • • • •

IV–D. *Cincinnati, Ohio—A. Financing Program.* • • •

2. • • •

b. To approve or decline displaced business loans and coal mine health and safety loans up to $100,000 (SBA share).

• • • • • •

Effective date: January 4, 1971.

ROBERT DWYER,
Regional Director, Region V.

[FR Doc.71-1966 Filed 2-11-71;8:46 am]

[Delegations of Authority Nos. 30–C through 30–F and 30–H, Amdt. 4; Delegations of Authority Nos. 30–B and 30–G, Amdt. 5; Delegation of Authority No. 30–A, Amdt. 7]

REGIONAL DIRECTORS, REGIONS I THROUGH X

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegations of Authority Nos. 30–A, to Region IX (34 F.R. 18836), as amended (34 F.R. 20076, 35 F.R. 1073, 35 F.R. 12683, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–B, to Region V (34 F.R. 19842), as amended (35 F.R. 1073, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–C to Regions VI, VII, and X (35 F.R. 2840), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–D to Region VIII (35 F.R. 5144), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–E, to Region III (35 F.R. 6033), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–F, to Region I (35 F.R. 6886), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); 30–G, to Region IV (35 F.R. 9955), as amended (35 F.R. 12630, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481); and 30–H, to Region II (35 F.R. 11603), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481) are hereby further amended by revising Item I.C.1.e, to read as follows:

I. *Regional Director, Regions I Through X.* • • •

C. *Loan Administration Program.*

1. • • •

e. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

• • • • • •

Effective date: December 21, 1970.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-1967 Filed 2-11-71;8:46 am]

TARIFF COMMISSION

[TEA-W-71—TEA-W-76]

WORKERS' PETITIONS FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of—

TEA–W–71	Ornsteen Shoe Co., Inc., Haverhill, Mass.
TEA–W–72	Kleven Shoe Sales Co., Inc., North Brookfield, Mass.
TEA–W–73	Gamins, Inc., Wilkes-Barre, Pa.
TEA–W–74	Andrew Geller, Inc., Brooklyn, N.Y.
TEA–W–75	Sinclair Shoe Co., Haverhill, Mass.
TEA–W–76	International Shoe Co., Jefferson City, Mo.

the U.S. Tariff Commission, on the 8th day of February 1971, instituted investigations under 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firms are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: February 9, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1987 Filed 2-11-71;8:48 am]

[TEA-F-18]

PETITION OF LOUIS SHOE CO. FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Louis Shoe Co., Amesbury, Mass., the U.S. Tariff Commission, on February 9, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with ladies shoes of the type produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 9, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-1999 Filed 2-11-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 645]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 9, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71798. *Dual operations are involved.* By order of February 2, 1971, the Motor Carrier Board on reconsideration, approved the transfer to George V. D'Agostino, doing business as Airlin Trucking Co., Newark, N.J., of permit No. MC–127909 issued January 16, 1967, to J. Supor Trucking Co., Inc., Lodi, N.J., authorizing the transportation of iron and steel bars, rods, sheets, angles, and plates and structural steel (except those that require special handling or equipment), between Harrison, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in New York, except New York, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission in 1. MCC. 665. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, representative for applicants.

No. MC–FC–72446. By order of January 28, 1971, the Motor Carrier Board approved the transfer to Ruble Moving and Storage, Inc., Siloam Springs, Ark., of a portion of the certificate of registration No. MC–121049 (Sub-No. 2) issued May 4, 1965, to Ruble Transfer and Storage Co., Inc., Fayetteville, Ark., evidencing a right to engage in transportation in interstate commerce in the State of Arkansas. Carl Bonner, Post Office Box 710, Siloam Springs, AR 72761, attorney for applicants.

No. MC–FC–72460. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Federick B. Henderson, an individual, doing business as Frederick B. Henderson Moving and Storage, Springfield, Mass., of that portion of the operating rights in certificate No. MC–78064, issued April 23, 1956, to Elmer D. Litch, Inc., a corporation, Springfield, Mass., authorizing the transportation of household goods as defined by the Commission, between Springfield, Mass., and points in Massachusetts within 10 miles of Springfield, Mass., on the one hand, and, on the other, points in Rhode Island, Connecticut, New York, and New Jersey; and between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Arthur A. Wentzell, Post Office Box 764, Worcester, Mass. 01613, registered practitioner for applicants.

No. MC–FC–72559. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Luzerne Trucking Corp., Aldenville, Pa., of that portion of the operating rights, as modified, in certificate No. MC–44302, issued to Benny DeFazio, Jr., Moosic, Pa., and acquired by transferor herein pursuant to No. MC–FC–72454, approved October 30, 1970, and consummated December 31, 1970, authorizing the transportation of machinery, except machinery used in the manufacture of paper, over irregular routes, between Scranton, Pa., on the one hand, and, on the other, points in New York. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, registered practitioner.

No. MC–FC–72595. By order of February 3, 1971, the Motor Carrier Board approved the transfer to Zenith Van & Storage Co., Inc., Alexandria, Va., of certificates Nos. MC–45695 and MC–45695 (Sub-No. 4) issued to Interstate Van Lines, a corporation, Washington, D.C., authorizing the transportation of: Household goods, as defined by the Commission, between Washington, D.C., and between Washington, D.C., and points in Maryland and Virginia, and between New York, N.Y., and its commercial zone, all as radial bases, and points in Rhode Island, Connecticut, Vermont, New Jersey, Indiana, Massachusetts, Pennsylvania, Kansas, Missouri, Florida, Tennessee, West Virginia, South Carolina, Mississippi, Louisiana, Alabama, Georgia, Kentucky, Ohio, Maryland, Illinois, Oklahoma, Virginia, New York, Michigan, North Carolina, Wisconsin, Delaware, Maine, New Hampshire, and the District of Columbia. Paul F. Sullivan, Washington Building, Suite 701, 15th and New York Avenue NW., Washington DC 20005, attorney.

No. MC–FC–72613. By order of February 2, 1971, the Motor Carrier Board approved the transfer to Elmer L. Sims, G. Grant Sims, and Elmer L. Sims Trustee, a partnership, doing business as Salt Lake Transfer Co., Salt Lake City, Utah, of the operating rights in corrected certificates Nos. MC–109236 and MC–109236 (Sub-No. 6) and certificates Nos. MC–109236 (Sub-No. 17) and MC–109236 (Sub-No. 21) issued July 25, 1968, July 26, 1968, May 2, 1969, and April 17, 1970, respectively, to G. Grant Sims, Elmer L. Sims, and M. J. Sims (George Milton Sims, Elmer L. Sims, and Beverly Sims Candland, Executors), a partnership, doing business as Salt Lake Transfer Co., Salt Lake City, Utah, collectively authorizing the transportation of general commodities, and various specified commodities between points in Utah, Idaho, Montana, Colorado, New Mexico, Wyoming, Arizona, and Nevada. F. Robert Reeder and Keith E. Taylor, 520 Kerns Building, Salt Lake City, UT, attorneys at law, representatives of applicants.

No. MC–FC–72623. By order of February 2, 1971, the Motor Carrier Board approved the transfer to Arline Jackson Scoggins, doing business as Klondike Wrecker Service, Kannapolis, N.C., of the operating rights in certificate No. MC–123638 (Sub-No. 4) issued August 5, 1969 to Custom Towing Service, Inc., Charlotte, N.C., and acquired by White Star Sales and Service, Inc., Charlotte, N.C., pursuant to No. MC–FC–72321, authorizing the transportation of trucks and other specified vehicles as replacement for wrecked or disabled vehicles from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and wrecked and disabled vehicles from the above-named destination States to Charlotte, N.C. Peter H. Gerns, 815 American Building, Charlotte, NC 28202, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1998 Filed 2-11-71;8:49 am]

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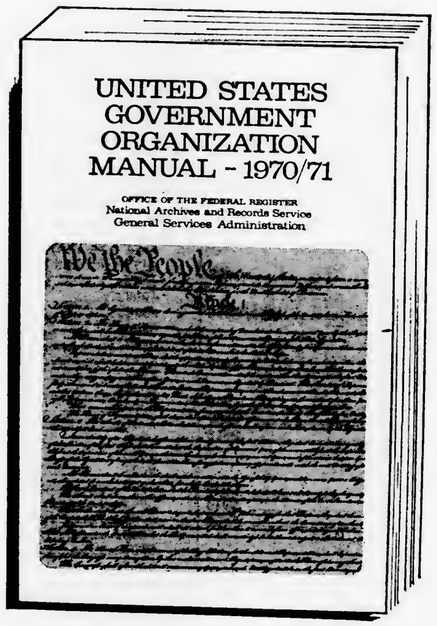

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Volume 83

UNITED STATES STATUTES AT LARGE

91st Congress, 1st Session
1969

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EXECUTIVE ORDER 11582

Observance of Holidays by Government Agencies

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in section 7, this order shall apply to all executive departments, independent agencies, and Government corporations, including their field services.

SEC. 2. As used in this order:

(a) *Holiday* means the first day of January, the third Monday of February, the last Monday of May, the fourth day of July, the first Monday of September, the second Monday of October, the fourth Monday of October, the fourth Thursday of November, the twenty-fifth day of December, or any other calendar day designated as a holiday by Federal statute or Executive order.

(b) *Workday* means those hours which comprise in sequence the employee's regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not.

SEC. 3. (a) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(b) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been administratively scheduled as his *regular* weekly nonworkday in lieu of Sunday.

SEC. 4. The holiday for a full-time employee for whom the head of a department has established the first 40 hours of duty performed within a period of not more than six days of the administrative workweek as his basic workweek because of the impracticability of prescribing a regular schedule of definite hours of duty for each workday, shall be determined as follows:

(a) If a holiday occurs on Sunday, the head of the department shall designate in advance either Sunday or Monday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on the day designated as the employee's holiday.

(b) If a holiday occurs on Saturday, the head of the department shall designate in advance either the Saturday or the preceding Friday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on the day designated as the employee's holiday.

(c) If a holiday occurs on any other day of the week, that day shall be the employee's holiday, and the employee's basic 40-hour tour of duty shall be deemed to include eight hours on that day.

(d) When a holiday is less than a full day, proportionate credit will be given under paragraph (a), (b), or (c) of this section.

SEC. 5. Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day.

SEC. 6. In administering the provisions of law relating to pay and leave of absence, the workdays referred to in sections 3, 4, and 5 shall be treated as holidays in lieu of the corresponding calendar holidays.

SEC. 7. The provisions of this order shall apply to officers and employees of the Post Office Department and the United States Postal Service (except that sections 3, 4, 5, and 6 shall not apply to the Postal Field Service) until changed by the Postal Service in accordance with the Postal Reorganization Act.

SEC. 8. Executive Order No. 10358 of June 9, 1952, entitled *Observance of Holidays by Government Agencies*, and amendatory Executive Orders No. 11226 of May 27, 1965, and No. 11272 of February 23, 1966, are revoked.

SEC. 9. This order is effective as of January 1, 1971.

Richard Nixon

THE WHITE HOUSE,
February 11, 1971.

[FR Doc.71-2133 Filed 2-11-71;1:28 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Executive Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2-13-71), subparagraph (23) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(23) One Confidential Assistant to the Executive Assistant to the Secretary.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2085 Filed 2-12-71;8:50 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that two additional positions of Special Assistant and one additional position of Secretary to the Administrator are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2-13-71), paragraphs (a) and (b) of § 213.3318 are amended as set out below.

§ 213.3318 Environmental Protection Agency.

(a) Four Special Assistants to the Administrator.

(b) Three Secretaries to the Administrator.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2086 Filed 2-12-71;8:50 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show the revocation of the Schedule C exception for the position of Chief, Governmental Relations Division, and the Schedule C exception of the successor position of a second Planning and Review Advisor to the Chairman of the Planning and Review Committee. Effective on publication in the FEDERAL REGISTER (2-13-71), subparagraph (25) of paragraph (a) is amended and subparagraph (8) of paragraph (e) of § 213.3373 is revoked as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* • • •

(25) Two Planning and Review Advisors to the Chairman of the Planning and Review Committee.

• • • • • •

(e) *Office of the Associate Director for Congressional and Governmental Relations.* • • •

(8) [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2087 Filed 2-12-71;8:50 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 202—FEDERAL SEED ACT RULES OF PRACTICE

Exceptions; Correction

On January 27, 1971, there was published in the FEDERAL REGISTER (36 F.R. 1314) a document containing revised rules of practice (7 CFR Part 202) under the Federal Seed Act (7 U.S.C. 1551 et seq.), adopted after public hearing pursuant to a notice of public hearing and rule-making published at 35 F.R. 4734.

Said rules are hereby changed pursuant to said Act, on the basis of all relevant information, including that received at the public hearing or otherwise pursuant to said notice, to correct typographical errors in §§ 202.17–2 and 202.19–8 of the rules. In §§ 202.17–2 and 202.19–8, the term "20 days" is hereby changed to "30 days".

This amendment shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of February 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-2025 Filed 2-12-71;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 32]

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

Order Suspending Certain Provision

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1273) concerning a proposed suspension of certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of January 1971 the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1032.14(b)(2), the provision "during the months of May, June and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer."

Statement of consideration. This suspension will remove for the month of January 1971 the provision which limits the quantity of producer milk that may be diverted.

Suspension was requested by a cooperative representing a substantial number of producers on the market. Nine other cooperatives indicated support of the request.

The cooperative states that suspension is necessary to accommodate disposal of reserve milk supplies. Severe weather conditions have resulted in a decline in producer milk used in Class I. Also, there were five weekends in the month of January which necessitated greater diversions of milk to manufacturing uses because plants do not bottle milk customarily on weekends.

An association of milk dealers in the Chicago market filed opposing views to

the suspension. Neither the association nor its member dealers has a direct interest in the Southern Illinois market at this time, however. The association's recommendation was that any action taken on the Southern Illinois diversion provision be as a result of public hearing.

Without suspension, some producers would lose their status under the order. Computation of the pool for January will be made on or before February 12. The suspension should be issued to avoid loss of monies to certain producers whose milk had to be diverted to manufacturing uses during January on an emergency basis. Consequently, suspension of the diversion limitation for the month of January 1971 is warranted.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that greater diversions are required to accommodate disposal of excess reserve supplies of milk on the market.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective January 1, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for January 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1971.

Signed at Washington, D.C., on February 9, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-2026 Filed 2-12-71;8:47 am]

[Milk Order 101]

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Knoxville, Tenn., marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 984) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

It is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

In § 1101.51, in the introductory text of paragraph (a), "and (2)" and all of subparagraphs (2), (3), and (4) of paragraph (a).

Statement of consideration. This termination of specified provisions will eliminate the supply-demand adjustor now provided in the order. During 1970, the amount of the adjustment ranged from zero to minus 44 cents and averaged minus 22 cents for the year.

The termination was requested by a group of handlers, some of whom are subject to full regulation under the Knoxville order, and the remainder of whom are subject to regulation under Part 1090 regulating the handling of milk in the Chattanooga marketing area. The termination will prevent erratic variations in the Class I price alignment between Knoxville and other markets, particularly the Chattanooga market.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the Knoxville and Chattanooga marketing areas in that it will prevent erratic variations in the Class I price alignment between the markets;

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER (2–13–71).

Signed at Washington, D.C., on February 9, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-2027 Filed 2-12-71;8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Farm Storage and Drying Equipment Loan Program Regs. Amdt. 6]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

MISCELLANEOUS AMENDMENTS

The subpart of Part 1474, Title 7, Code of Federal Regulations published in the FEDERAL REGISTER of July 1, 1967 (32 F.R. 9510), and amended in the FEDERAL REGISTER of December 14, 1967 (32 F.R. 17888), June 1, 1968 (33 F.R. 8221), January 24, 1969 (34 F.R. 1132), May 30, 1969 (34 F.R. 8361), and April 1, 1970 (35 F.R. 5397), is further amended as follows:

1. In § 1474.2, paragraph (a) is revised to provide that the Deputy Administrator, State and County Operations, ASCS, may approve or take action as necessary on matters involving individual loans. The revised paragraph reads as follows:

§ 1474.2 Administration.

(a) The Commodity Programs Division, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"), will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS. On matters involving individual loans which would otherwise require approval or other action by the Executive Vice President, the Deputy Administrator, State and County Operations, is authorized to give such approval or take such other action as may be necessary. The program will be carried out through Agricultural Stabilization and Conservation State and county committees (hereinafter referred to as "State committee" and "county committee", respectively).

* * * * *

2. In § 1474.4, paragraph (b) is revised regarding eligibility for price support. The revised paragraph reads as follows:

§ 1474.4 Eligible borrowers.

* * * * *

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however*, That in making this determination (1) production of a price support commodity on a farm shall not be included unless the applicant either is or indicates he will be eligible for price support on the commodity, (2) 1 year's estimated production of eligible crops shall be used in determining whether the proposed drying equipment is needed, and (3) the maximum storage space for which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for the storage of eligible commodities is less than the storage capacity necessary to store 2 year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

3. Paragraph (a) of § 1474.5 is revised to clarify the definition of "farm storage" by specifically excluding oxygen-free and silo-type structures.

4. Paragraphs (b) and (c) of § 1474.5 are amended to remove the restrictions and prohibitions on loans for certain items.

The revised § 1474.5 reads as follows:

§ 1474.5 Loans to purchase eligible storage or drying equipment.

(a) *General.* Loans will be made only for the purchase, construction, erection, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. The term "farm storage" means new or newly constructed conventional storage structures (cribs, bins, or buildings), or used storage structures (including the real estate upon which located, if any) to be purchased from CCC. The term "farm storage" shall not mean oxygen-free or silo-type structures designed for "wet" storage. The term "drying equipment" means new continuous-flow type dryers, or new drying systems with wagons or trailers as integral parts thereof, or new batch or in-store drying systems (including integral parts and equipment) using heated or unheated air, equipment which conditions or facilitates drying by aerating, circulating or stirring the commodity, or used drying equipment (including the real estate upon which located, if any) to be purchased from CCC.

(b) *Eligibility requirements.* (1) If the farm storage or drying equipment is purchased from a vendor, when the loan is approved such vendor must be approved under a supplier's agreement made on Form CCC–308.

(2) Farm storage must meet the requirements for approved farm storage under price support programs applicable to the price support commodities produced on the farm(s) to which the application for the loan relates.

(3) Farm storage or drying equipment shall not be delivered to the farm more than 30 days prior to the date of the application for the loan.

(4) Loans may be approved to cover the net cost of new materials and off-farm labor to be used in constructing new storage or drying equipment.

(5) Loans may be approved for the purchase of used farm storage or drying equipment only if it is purchased from CCC.

(6) Farm storage shall not be of a type (such as bags, snow fences, etc.) which requires the weight of the commodity stored to maintain its shape.

(7) Farm storage must, in the opinion of the county committee, have a usable life of at least 10 years.

(8) Loans on storage and drying equipment may include the conditioning, handling, and operating equipment considered essential to the practical operation of the proposed storage or drying unit. Loans may be approved to add individual items of equipment to an existing storage or drying unit when the equipment is considered necessary to make the existing unit more practical and efficient.

(9) Farm storage or drying equipment must include such ladders and simple safety devices as the county committee may require.

(c) *Loan proceeds not available.* Loan proceeds shall not be available to provide storage or drying equipment for commercial use or for the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

5. In § 1474.8, paragraph (b) is revised to remove the $5,000 loan limitation on drying equipment and to increase the maximum loan amount from $25,000 to $35,000. The revised paragraph reads as follows:

§ 1474.8 Amount of loan and loan application approvals.

* * * * *

(b) *Amount of loan.* The amount of any loan shall not result in an aggregate outstanding balance in excess of $35,000 and shall not exceed (1) 85 percent of the net cost of the applicant's needed farm storage and drying equipment, or (2) the prorated cost for the applicant's needed farm storage when a farm storage structure has a larger bushel capacity than the applicant's needed farm storage.

* * * * *

6. Section 1474.10 is revised to lower the interest rate. The revised section reads as follows:

§ 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest (at an annual percentage rate of 6 percent) on the unpaid balance from date of disbursement or date of last repayment at 50 cents for each whole unit of $100 or fraction thereof (stated to the nearest 10th) for each calendar month or fraction thereof, from and including the calendar month of disbursement, or month to which interest has been paid, but excluding the calendar month of repayment. The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, or money order, or by deduction from the amounts of any price support loans, incentive payments, reseal storage payments, or payments for purchases by CCC which may be due the borrower: *Provided, however*, That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month repayment period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms, or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage, or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instrument, the county committee shall, upon request by the borrower, release or obtain the release of such instrument. The chairman of each county committee or the county office manager is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

(Secs. 4 and 5(b), 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b, 714c(b))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2–13–71).

Signed at Washington, D.C., on February 10, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-2139 Filed 2-12-71;8:51 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-512]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2,

1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Missouri in the introductory portion of paragraph (e) and paragraph (e)(6) relating to the State of Missouri are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Lafayette and Johnson Counties in Missouri from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Missouri remain under the quarantine.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2064 Filed 2-12-71;8:50 am]

[Docket No. 71-513]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of New Mexico; paragraph (f) is amended by deleting the name of the State of New Mexico; and a new paragraph (e)(14) relating to the State of New Mexico is added to read:

(14) *New Mexico.* That portion of Dona Ana County bounded by a line beginning at the junction of County Road 110 and State Road 273; thence, following State Road 273 in a generally northerly direction to La Union; thence, following State Highway 273 in an easterly direction to State Highway 28; thence, following State Highway 28 in a generally northerly direction to the Gadsden-Anthony Highway; thence, following the Gadsden-Anthony Highway in an easterly direction to the New Mexico-Texas State line; thence, following the New Mexico-Texas State line in a generally southeasterly direction to the United States-Mexico international boundary; thence, following the United States-Mexico international boundary in a westerly direction to Range Line 2–3 East; thence, following Range Line 2–3 East in a northerly direction to County Road 110; thence, following County Road 110 in an easterly direction to its junction with State Road 273.

2. In § 76.2, in paragraph (e)(1) relating to the State of Alabama, subdivision (i) relating to Covington County is deleted.

3. In § 76.2, the reference to the State of Mississippi in the introductory portion of paragraph (e) and paragraph (e)(5) relating to the State of Mississippi are deleted, and paragraph (f) is amended by adding thereto the name of the State of Mississippi.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Dona Ana County, N. Mex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendments also exclude a portion of Covington County, Ala., and a portion of Forrest County, Miss., from the areas quarantined because of hog cholera. No areas in Covington County, Ala., or in the State of Mississippi remain under the quarantine. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The amendments also delete New Mexico from the list of hog cholera eradication States in § 76.2(f) and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to New Mexico. Further, the amendments add Mississippi to the list of hog cholera eradication States in § 76.2(f) and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Mississippi.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2065 Filed 2-12-71;8:50 am]

[Docket No. 71-514]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(8) relating to the State of North Carolina, a new subdivision (iii) relating to Beaufort County is added to read:

(8) *North Carolina.* • • •

(iii) That portion of Beaufort County bounded by a line beginning at the junction of State Highway 306 and the Beaufort-Craven County line; thence, following the Beaufort-Craven County line in a northwesterly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a northerly direction to Secondary Road 1951; thence, following Secondary Road 1951 in a northeasterly direction to Secondary Road 1950; thence, following Secondary Road 1950 in a southeasterly direction to Secondary Road 1952; thence, following Secondary Road 1952 in a northerly direction to State Highway 33; thence, following State Highway 33 in a southeasterly direction to Secondary Road 1954; thence, following Secondary Road 1954 in a northeasterly direction to Secondary Road 1932; thence, following Secondary Road 1932 in a northeasterly direction to Bonnerton Road; thence, following Bonnerton Road in an easterly direction to Secondary Road 1936; thence, following Secondary Road 1936 in a southerly direction to Secondary Road 1958; thence, following Secondary Road 1958 in an easterly direction to Secondary Road 1946; thence, following Secondary Road 1946 in a generally southeasterly direction to Secondary Road 1942; thence, following Secondary Road 1942 in an easterly direction to Secondary Road 1937; thence, following Secondary Road 1937 in a southerly direction to Secondary Road 1923; thence, following Secondary Road 1923 in an easterly direction to Secondary Road 1928; thence, following Secondary Road 1928 in a southeasterly direction to Secondary Road 1926; thence, following Secondary Road 1926 in a generally southeasterly direction to Secondary Road 1927; thence, following Secondary Road 1927 in a westerly direction to State Highway 306; thence, following State Highway 306 in a southeasterly direction to its junction with the Beaufort-Craven County line.

2. In § 76.2, the reference to the State of Arizona in the introductory portion of paragraph (e) and paragraph (e)(2) relating to the State of Arizona are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Maricopa County, Ariz., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. No areas in Arizona remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2066 Filed 2-12-71;8:50 am]

[Docket No. 71-516]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(3) relating to the State of Florida, a new subdivision (iii) relating to Columbia County is added to read:

(3) *Florida.* • • •

(iii) That portion of Columbia County bounded by a line beginning at the junction of State Highway 25 and State Highway 242; thence, following State Highway 242 in a westerly direction to State Highway 47; thence, following State Highway 47 in a southwesterly direction to Williams Road; thence, following Williams Road in an easterly direction to State Highway 349; thence, following State Highway 349 in an easterly direction to State Highway 25; thence, following State Highway 25 in a northwesterly direction to its junction with State Highway 242.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Columbia County, Fla., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2067 Filed 2-12-71;8:50 am]

[Docket No. 71-517]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Virginia and a new paragraph (e)(15) relating to the State of Virginia is added to read:

(15) *Virginia.* That portion of Isle of Wight County bounded by a line beginning at the junction of Secondary Highway 620 and the east bank of the Blackwater River; thence, following Secondary Highway 620 in a northeasterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southeasterly direction to U.S.

Highway 258; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a southeasterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southwesterly direction to Secondary Highway 606; thence, following Secondary Highway 606 in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally westerly direction to the Blackwater River; thence, following the east bank of the Blackwater River in a northeasterly direction to its junction with Secondary Highway 620.

2. In § 76.2, the reference to the State of Tennessee in the introductory portion of paragraph (e) and paragraph (e)(12) relating to the State of Tennessee are deleted, and paragraph (f) is amended by adding thereto the name of the State of Tennessee.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Isle of Wight County, Va., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude a portion of Stewart County, Tenn., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. No areas in Tennessee remain under the quarantine.

The amendments add Tennessee to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradiction States are applicable to Tennessee.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2068 Filed 2-12-71;8:50 am]

[Docket No. 71-518]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(8) relating to the State of North Carolina, a new subdivision (iv) relating to Beaufort County is added to read:

(8) *North Carolina.* * * *

(iv) That portion of Beaufort County bounded by a line beginning at the junction of Secondary Road 1158 and the Beaufort-Pitt County line; thence, following Secondary Road 1158 in a northeasterly direction to U.S. Highway 264; thence, following U.S. Highway 264 in a southeasterly direction to State Highway 33; thence, following State Highway 33 in a southeasterly direction to Secondary Road 1127; thence, following Secondary Road 1127 in a southwesterly direction to Secondary Road 1128; thence, following Secondary Road 1128 in a southwesterly direction to Secondary Road 1129; thence, following Secondary Road 1129 in a southwesterly direction to the Beaufort-Craven County line; thence, following the Beaufort-Craven County line in a northwesterly direction to the Beaufort-Pitt County line; thence, following the Beaufort-Pitt County line in a northeasterly direction to its junction with Secondary Road 1158.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Beaufort County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2069 Filed 2-12-71;8:50 am]

PART 78—BRUCELLOSIS

Interstate Movement of Certain Animals

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.3 of the regulations relating to brucellosis (9 CFR Part 78) is amended to read as follows:

§ 78.3 Certificates or shipping permits pertaining to movement of animals.

(a) Whenever the regulations in this part require a certificate or shipping permit in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate or shipping permit shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate or shipping permit in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate or shipping permit shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

(c) The person issuing a certificate or shipping permit required for the interstate movement of cattle under paragraph (a), (b), or (c) of § 78.12, or of bison under § 78.20, shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the cattle or bison.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (2–13–71).

The purpose of the foregoing amendment is to bring the requirements of 9 CFR 78.3 into conformity with recent amendments to this part.

The protection of the livestock industry of the United States requires that this amendment be made effective as soon as possible. Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of February 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-2063 Filed 2-12-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 31, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 20013), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Myers, Fla., control zone and transition area.

Interested person were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Fort Myers, Fla., control zone, is amended to read:

FORT MYERS, FLA.

Within a 5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of Fort Myers VORTAC 126°, 213°, and 318° radials, extending from the 5-mile-radius zone to 8.5 miles southeast, southwest, and northwest of the VORTAC.

In § 71.181 (36 F.R. 2140), the Fort Myers, Fla., transition area is amended to read:

FORT MYERS, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of the 219° bearing from Fort Myers RBN, extending from the 8.5-mile-radius area to 8.5 miles southwest of the RBN; within 5 miles each side of Fort Myers VORTAC 126°, 213°, and 318° radials, extending from the 8.5-mile-radius area to 8.5 miles southeast, southwest, and northwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1248(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 5, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2034 Filed 2-12-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6347]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Sales of Redeemable Securities of Investment Company at Reduced or Eliminated Sales Load to Certain Persons

On June 5, 1970, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6069) (35 F.R. 9860) that it had under consideration an amendment of paragraph (h) of Rule 22d-1 (17 CFR 270.22d-1(h)) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) (Act) and invited all interested persons to submit their views and comments upon the proposal. The Commission has considered all the comments and suggestions received and has determined to adopt an amendment of paragraph (h) of Rule 22d-1 in the form set forth below.

Section 22(d) (15 U.S.C. 80a-22(d)) of the Act prohibits a registered investment company, its principal underwriter, or a dealer in its redeemable securities from selling such securities to "any person" except "at a current public offering price described in the prospectus." The purpose of the section, as described in the congressional reports on the Act, is to prohibit investment companies from selling redeemable securities (shares) to any person other than a dealer or principal underwriter at a price less than that at which the security is sold to the public. Section 6(c) (15 U.S.C. 80a-6(c)) of the Act provides that the Commission by rule, regulation, or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) (15 U.S.C. 80a-37(a)) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

In 1958, the Commission adopted Rule 22d-1, which in most respects codified prior administrative interpretations of section 22(d) of the Act as well as exemptive orders granted under section 6(c) of the Act. The rule permits reductions in or eliminations of the sales loads charged upon the sale of shares under certain circumstances. (Investment Company Act of 1940 Release No. 2798, December 2, 1958) (23 F.R. 9603).

The categories of circumstances are in connection with: (1) Quantity purchases, (2) purchases by certain tax-favored employees' trusts, pension and profit-sharing plans and other employee benefit plans or by certain tax exempt organizations, (3) reinvestment of dividends and capital gains distributions, (4) purchases by a registered unit investment trust accumulating the investment company's shares, (5) purchases to satisfy the net worth requirements of the Act for investment companies, and (6) purchases by certain persons connected with the investment company, its investment advisor or principal underwriter. Thus, the rule presently allows reduced or eliminated sales loads to be made available to several classes of persons, both related and unrelated to the functions of the investment company, its investment advisor or principal underwriter.

Paragraph (h) under the rule provided for sales of shares either at a reduced sales load or at no sales load to the directors, officers or partners of the investment company, its investment advisor or principal underwriter, or to the bona fide, full-time employees or sales representatives of any of the foregoing who had acted as such for not less than 90 days, or to any trust, pension, profit-sharing or other benefit plan for such persons: *Provided*, That such sales were made upon the written assurance of the purchaser that the purchase

was made for investment purposes, and that the shares would not be resold except through redemption or repurchase by or on behalf of the issuer. The Commission deemed it appropriate to include paragraph (h) in the rule in response to contentions that such sales serve legitimate corporate purposes by promoting employee incentive and good will, and that, with proper safeguards, no adverse effects upon the interests of other investors result. However, the rule was adopted at a time when most investment advisors and principal underwriters for registered investment companies had relatively few employees.

Because of the way paragraph (h) was written, there were certain anomalies in its applicability. For example, it permitted a life insurance company which may have thousands of employees to offer shares of an investment company for which it acts as investment advisor or for which it is the principal underwriter at a reduced load or at no load to all directors, officers, partners, bona fide, full-time employees or sales representatives of the insurance company—even to those employees whose activities were completely unrelated to the investment advisory or underwriting functions—or to any trust, pension, profit-sharing or other benefit plan for such persons. However, where the same insurance company or its parent company conducted its investment advisory and principal underwriting functions through one or more subsidiaries, it was not able to make the same offer.

As a result of such anomalies, and because in recent years an increasing number of investment advisors and principal underwriters of investment companies have become parts of larger complexes of companies, a number of applications have been filed with the Commission pursuant to section 6(c) of the Act for exemptive orders from the provisions of section 22(d) of the Act to enable an investment company which customarily sells shares to the general public with a sales charge to sell its shares to certain classes of persons connected with such investment company or a related company at a reduced load or at no load. Typically the persons to whom the opportunity has been afforded are officers, directors, full-time employees and sales representatives of the investment company, its investment advisor or principal underwriter (as the rule allowed), and persons holding comparable position with direct and indirect parents or subsidiaries or affiliates of any of the foregoing. The Commission has issued orders granting the exemptions requested in circumstances which did not come strictly within the requirements of Rule 22d-1(h), in all recent cases on the express condition that if an amendment of Rule 22d-1 more restrictive than the order is adopted, the order would automatically terminate and the amended rule would apply. To the extent that the outstanding exemptive orders are inconsistent with the provisions of the amended rule set forth below, revocation or modification of such orders may be necessary or appropriate to assure uniformity in the application of the rule. The Commission, therefore, intends to institute appropriate proceedings looking toward such revocation or modification where the applicants have not consented in advance to such revocation or modification or do not voluntarily seek revocation or modification.

In view of the proliferation of insurance companies and conglomerate complexes in the investment company industry and the many thousands of employees and other persons who would be entitled to special treatment if the Commission continued to grant exemptive orders in this area, the Commission has reconsidered its position and believes that it is desirable at this time to restrict the class of persons eligible for reduced or eliminated sales charges under Rule 22d-1(h).

It is important to note that this rule and the present amendment are necessitated by section 22(d) of the Act, which was not changed by the recent amendments to the Act in Public Law 91-547. However, the Commission, at the request of Congress, is presently studying whether the retail price maintenance requirements of section 22(d) should be amended or deleted from the Act, and the consequences of such amendment or deletion on the investing public and investment company sales organizations. If as a result of that study the Commission recommends that section 22(d) be amended or deleted from the Act and if Congress enacts such recommendation into law, it may not be necessary to restrict the availability of reduced or eliminated sales loads to particular types of purchasers. Until such time as these broader questions are resolved, the Commission has determined to adopt an amendment of paragraph (h) of Rule 22d-1 which will continue to allow sales at a reduced or eliminated load under certain circumstances, but which will eliminate anomalies such as that described above.

The amendment to the rule proposed in Investment Company Act Release No. 6069 would have added the following condition: No natural person described in the rule who was not a director, officer, partner or fulltime employee of the investment company, nor any trust, pension or profitsharing, or other benefit plan for such person would have been entitled to exemptive treatment unless more than one-half of his working time involved (i) rendering investment advisory services to the investment company or (ii) selling the investment company's shares.

After consideration of the comments and suggestions received from interested persons, the Commission has determined to adopt an amendment of the rule which differs from that originally proposed in that:

(1) It permits certain persons connected with fund complexes to be eligible under the rule to purchase shares of any fund within the complex,

(2) It makes it clear that a dually licensed salesman of insurance and mutual fund shares is a "full-time" sales representative meeting the "more than one-half of his working time" test where he is actually offering or is prepared to offer the investment company's shares or the shares of other investment companies having the same principal underwriter full-time, even though actual sales may be completed only during some fraction of his time, and

(3) It includes as eligible under the rule persons who spend more than one-half of their working time supervising other eligible persons. Persons who spend more than one-half of the working time acting in a position necessary for other eligible persons to carry out the qualifying functions are also eligible.

Commission action. The text of the Commission action, pursuant to the authority granted to the Commission in sections 6(c), 22(d), and 38(a) of the Act (15 U.S.C. 80a-6(c); 80a-22(d); 80a-37(a)), is as follows:

Rule 22d-1(h) (§ 270.22d-1(h) of this chapter) under the Investment Company Act of 1940 is amended by adding after the words "such persons" the following: "provided that no natural person described above who is not a director, officer, partner or full-time employee of the investment company, nor any trust, pension, profit-sharing or other benefit plan for such person, shall be entitled to any reduction or elimination of sales load unless more than one-half of his working time involves (1) rendering investment advisory services to the investment company or other investment companies having the same investment adviser or (2) selling or offering for sale the investment company's shares or the shares of other investment companies having the same principal underwriter or (3) supervising persons described in subparagraphs (1) and (2) of this paragraph and entitled to exemptive treatment hereunder or acting in a position necessary for such persons to carry out the functions set forth in such clauses or in this clause, and further • • •."

As so amended, paragraph (h) of § 270.22d-1 of Chapter II of Title 17 of the Code of Federal Regulations reads as follows:

§ 270.22d-1 Variations in sales load permitted for certain sales of redeemable securities.

• • • • •

(h) Upon the sale, pursuant to a uniform offer described in the prospectus, to the directors, officers, or partners of the investment company, its investment adviser or principal underwriter, or to the bona fide, full-time employees or sales representatives of any of the foregoing who have acted as such for not less than 90 days, or to any trust, pension, profit-sharing or other benefit plan for such persons, provided that no natural person described above who is not a director, officer, partner or full-time employee of the investment company, nor any trust, pension, profit-sharing or other benefit plan for such person, shall be entitled to any reduction or elimination of sales load unless more than one-half of his working time involves (1) rendering investment advisory services to the investment company or other investment companies having the same investment adviser or (2) selling or offering for sale the investment company's shares or the shares of other investment companies having the same principal underwriter or (3) supervising persons described in subparagraphs (1) and (2) of this paragraph and entitled to exemptive treatment hereunder or acting in a position necessary for such persons to carry out the functions set forth in such clauses or in this clause, and further that the purchase is made for investment purposes, and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

In order that investment companies and their distributors may have a reasonable period of time to conform their present practices and current prospectuses to the amended rule, the amendment of Rule 22d-1(h) under the Investment Company Act of 1940 is declared effective at the commencement of business on March 8, 1971.

(Secs. 6(c), 22(d), and 38(a); 54 Stat. 800, 823, 841; 15 U.S.C. 80a-6(c), 80a-22(d); 80a-37(a))

By the Commission, February 8, 1971.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-2045 Filed 2-12-71;8:51 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C BLUE NO. 2

The Commissioner of Food and Drugs, based on a petition filed by Davis and Geck Division, American Cyanamid Co., Danbury, Conn. 06810, and other relevant material, finds that FD&C Blue No. 2 (identified below) is safe for use as a color additive in or on nylon surgical sutures for use in general surgery, under the conditions prescribed in this order, and that certification is necessary for the protection of the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 8 be amended by adding the following new section to Subpart E:

§ 8.4022 FD&C Blue No. 2.

(a) *Identity.* The color additive FD&C Blue No. 2 is principally the disodium salt of 5,5'-disulfo-3,3'-dioxo-$\Delta^{2,2'}$-biindoline with smaller amounts of the isomeric disodium salt of 5,7'-disulfo-3,3'-dioxo-$\Delta^{2,2'}$-biindoline.

(b) *Specifications.* FD&C Blue No. 2 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C.) and chlorides and sulfates (calculated as sodium salts), not more than 15.0 percent.

Water-insoluble matter, not more than 0.4 percent.

Isatin-5-sulfonic acid, not more than 0.4 percent.

Isomeric colors, not more than 18.0 percent.

Lower sulfonated subsidiary colors, not more than 5.0 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 3 parts per million.

Total color, not less than 85.0 percent.

(c) *Uses and restrictions.* FD&C Blue No. 2 may be safely used for coloring nylon (the copolymer of adipic acid and hexamethylene diamine) surgical sutures for use in general surgery subject to the following restrictions:

(1) The quantity of color additive does not exceed 1 percent by weight of the suture.

(2) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(3) When the sutures are used for the purposes specified in their labeling, the color additive does not migrate to the surrounding tissue.

(4) If the suture is a new drug, an approved new-drug application, pursuant to section 505 of the act, is in effect for it.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of FD&C Blue No. 2 shall be certified in accordance with regulations in Subpart A of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d))

Dated: February 4, 1971.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.71-2005 Filed 2-12-71;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 22—FOOD FLAVORINGS

Confirmation of Effective Date of Order Amending Vanilla Powder Identity Standard To Provide for Use of Gum Acacia

In the matter of amending the definition and standard of identity for vanilla powder (§ 22.8) to permit the optional addition of gum acacia:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 24, 1970 (35 F.R. 16586). Accordingly, the amendment promulgated by that order became effective December 23, 1970.

Dated: February 1, 1971.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.71-2006 Filed 2-12-71;8:45 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Novobiocin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-375V) filed by The Upjohn Co. regarding the safe and effective use of novobiocin in feed for use in chickens, turkeys, and mink for the purposes set forth below. The supplemental application is approved.

This order also provides for recodification of the existing regulation concerning novobiocin from Part 121 to Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

§ 121.212 [Deleted]

1. Section 121.212 *Novobiocin* is deleted.

2. Part 135e is amended by adding thereto the following new section:

§ 135e.7 Novobiocin.

(a) *Specifications.* Novobiocin is the antibiotic substance produced by growth of *Streptomyces niveus* or the same antibiotic substance produced by any other means.

(b) *Approvals.* Premix level 25 grams of novobiocin activity per pound granted to The Upjohn Co., Kalamazoo, Mich. 49001.

(c) *Assay limits.* Finished feed not less than 80 percent nor more than 120 percent of labeled amount.

(d) *Special considerations.* Finished feeds conforming to the requirements of this section are exempt from the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(e) *Related tolerances.* See § 135g.13 of this chapter.

(f) *Conditions of use.* It is used as follows:

	Amount	Limitations	Indications for use
	Mg. per lb. body weight per day		
1. Novobiocin...	6-7	For chickens; administer, as sole ration, feed which contains not less than 200 grams of novobiocin activity per ton of feed; not for laying chickens; feed 5 to 7 days; withdraw 4 days before slaughter.	Aid in the treatment of breast blisters associated with staphylococcal infections susceptible to novobiocin.
2. Novobiocin...	10-14	For chickens; administer, as sole ration, feed which contains not less than 350 grams of novobiocin activity per ton of feed; not for laying chickens; feed 5 to 7 days; withdraw 4 days before slaughter.	Treatment of staphylococcal synovitis and generalized staphylococcal infections susceptible to novobiocin.
3. Novobiocin...	4-5	For turkeys; administer, as sole ration, feed which contains not less than 200 grams of novobiocin activity per ton of feed; not for laying turkeys; feed 5 to 7 days; withdraw 4 days before slaughter.	Aid in the treatment of breast blisters associated with staphylococcal infections susceptible to novobiocin.
4. Novobiocin...	5-8	For turkeys; administer, as sole ration, feed which contains not less than 200 grams of novobiocin activity per ton of feed; feed 5 to 7 days; not for laying turkeys; withdraw 4 days before slaughter.	Aid in the control of recurring outbreaks of fowl cholera caused by strains of *Pasteurella multocida* susceptible to novobiocin following initial treatment with 7-8 mg. per pound body weight per day.
5. Novobiocin...	7-8	For turkeys; administer, as sole ration, feed which contains not less than 350 grams of novobiocin activity per ton of feed; feed 5 to 7 days; not for laying turkeys; withdraw 4 days before slaughter.	Treatment of staphylococcal synovitis and generalized staphylococcal infection susceptible to novobiocin; treatment of acute outbreaks of fowl cholera caused by strains of *Pasteurella multocida* susceptible to novobiocin.
6. Novobiocin...	20	For mink; administer, as sole ration, feed which contains not less than 200 grams of novobiocin activity per ton of feed; feed for 7 days.	For treatment of generalized infections, abscesses, or urinary infections caused by staphylococcal or other novobiocin sensitive organisms.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER (2-13-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 1, 1971.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.71-2009 Filed 2-12-71;8:45 am]

PENICILLIN, TETRACYCLINE, OR CHLORAMPHENICOL WITH VITAMINS

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6007), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding two oral preparations for human use: One containing tetracycline hydrochloride with multiple vitamins and the other containing oxytetracycline with multiple vitamins. The Food and Drug Administration concluded there is a lack of substantial evidence that each component of such combination drugs makes a contribution to the total effects the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling. In the FEDERAL REGISTER of September 3, 1970 (35 F.R. 13988), an order was published amending the antibiotic drug regulations to delete provision for certification of the drug tetracycline hydrochloride with multiple vitamins. The regulations did not provide for certification of the oxytetracycline-vitamin combinations and reference was made to the announcement of April 2, 1969, which gave notice that samples of such drugs would not be acceptable for certification.

In finding tetracycline-multiple vitamin and oxytetracycline-multiple vitamin preparations ineffective as fixed combinations, the Academy commented that no evidence indicates that vitamins are needed for the management of the patient with the usual acute infection or that their use hastens recovery. The Academy further stated that providing vitamins required for observed deficiency syndromes as individual therapy seems preferable. The Commissioner of Food and Drugs concurred and concluded that this reasoning applied to any fixed antibiotic-vitamin combinations.

Accordingly, the Commissioner published a notice September 3, 1970 (35 F.R. 13998), proposing to amend §§ 146a.27, 146a.99, 146c.205, 146c.221, 146c.222, and 146d.306 of the antibiotic drug regulations to delete provisions for certification of drugs containing penicillin, tetracycline, or chloramphenicol in combination with vitamins for use in humans and to revoke certificates of safety and effectiveness heretofore issued for such drugs. The proposal provided for comments within 30 days, and one response was received.

Lederle Laboratories requested that the amendments to § 146c.221 be modified to permit use of vitamin C (ascorbic acid) in tetracycline hydrochloride intramuscular and intravenous preparations. They stated that vitamin C is utilized in these preparations as a buffering acid and as a solubilizer and stabilizer. The pertinent amendment has been modified to permit use of suitable solubilizers and stabilizers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146a, 146c, and 146d are amended as follows and certificates previously issued for such drugs under these regulations are revoked:

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

1. In § 146a.27 *Penicillin tablets:*

a. Paragraph (a), by deleting "vitamin substances," from the first sentence.

b. By deleting paragraph (c)(1)(ii) (*b*).

c. By revising paragraph (c)(1)(ii) (*c*), (*d*), and (*e*) to read as follows:

(*c*) If a phenoxymethyl penicillin or potassium phenoxymethyl penicillin is used, 24 months.

(*d*) If a crystalline penicillin other than a phenoxymethyl penicillin is used, 36 months.

(*e*) In lieu of the expiration date prescribed in (*a*), (*c*), and (*d*) of this subdivision, if the person requesting certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 24, 36, 48, or 60 months, such date may be used for such drug.

2. In § 146a.99 *Capsules crystalline penicillin G (capsules crystalline penicillin G potassium, capsules crystalline penicillin G sodium):*

a. Paragraph (a), by deleting "vitamin substances," from the first sentence.

b. By deleting paragraph (b)(2) and (4).

c. By revising paragraph (b)(3) to read as follows:

(3) It shall be labeled with an expiration date that is 36 months after the month during which the batch was certified, except that the date may be 48 or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

3. In § 146c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder:*

a. Paragraph (a), first sentence, by changing "vitamin substances," to read "vitamin substances (if for veterinary use only),".

b. Paragraph (c)(1)(i), by deleting "except that if it contains one or more vitamin substances, the blank is filled in with the date that is 24 months after the month during which the batch was certified."

4. In § 146c.221 *Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use:*

a. Paragraph (a), first sentence, by changing "and with or without one or more suitable and harmless vitamin substances" to read "and with or without one or more suitable solubilizers and stabilizers."

"and except that the blank is filled in with the date that is 12 months after the month during which the batch was certified if it contains one or more vitamin substances."

c. By deleting paragraph (c)(1)(ii).

d. Paragraph (c)(1)(iii), by deleting "except that if it contains one or more vitamin substances it shall bear the statement 'Inject immediately after the solution is prepared from the drug.'"

5. In § 146c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension:*

a. Paragraph (a), by deleting the sentence "If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, or tetracycline phosphate complex oral suspension, it may contain one or more suitable and harmless vitamin substances."

b. Paragraph (c)(1)(i), by deleting "and except if it contains one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified."

c. By deleting paragraph (c)(1)(ii).

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

6. In § 146d.306 *Chloramphenicol palmitate oral suspension:*

a. Paragraph (a), first sentence, by deleting "with or without one or more suitable and harmless vitamin substances,".

b. Paragraph (c)(1)(i)(*b*), by deleting "or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances."

c. By deleting paragraph (c)(3).

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act. (35 F.R. 7250, May 8, 1970)

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date and how the oustanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2007 Filed 2-12-71;8:45 am]

PART 165—HABIT-FORMING DRUGS

Designation of Certain Chemical Derivatives of Barbituric Acid as Habit-Forming Drugs

In the matter of designating certain chemical derivatives of barbituric acid as habit-forming drugs under section 502(d) of the Federal Food, Drug, and Cosmetic Act:

Several comments were received in response to the notice of proposed rule making in the above-identified matter published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of September 20, 1966 (31 F.R. 12451).

The American Medical Association and a drug manufacturer stated that the name "butalbital" is obsolete for the compound 5-allyl-5-*sec*-butylbarbituric acid and that "talbutal" is the proper name. They further stated that "butalbital" is now the nonproprietary name assigned by the United States Adopted Name Council and the World Health Organization for 5-allyl-5-isobutylbarbituric acid.

Two drug manufacturers opposed the listing in Part 165 of the ultrashort-acting barbiturates on the basis that potentiality or likelihood of abuse is very limited.

The U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs, directed attention to the fact that the 5-allyl-5-(1-methylbutyl) derivative of barbituric acid (secobarbital) has never been designated in § 165.1 as habit forming and requested that it be so designated. The Food and Drug Administration wishes to cooperate fully with that agency in its efforts to control drug abuse and has no information suggesting that the habit-forming potential of this derivative is any different from or less than the designated sodium salt.

Having considered the comments received, the request by the Department of Justice, and other relevant material, the Commissioner concludes that the proposal should be adopted with the name "butalbital" replaced by "talbutal," with the item suggested by the Department of Justice added, and with certain technical changes in some of the chemical descriptions.

Therefore, pursuant to provisions of the act (secs. 502(d), 701, 52 Stat. 1050, as amended 53 Stat. 854; 52 Stat. 1055, as amended; 21 U.S.C. 352(d), 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 165.1 be amended in that portion of the table headed "Parent Substance—Barbituric Acid":

1. By deleting the final two items "Sodium-5-allyl-5-(1-methylbutyl)-barbiturate" and "All salts of the foregoing chemical derivatives formed by replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or ammonium radical."

2. By alphabetically inserting seven new items and by adding a new footnote 2, as follows:

PARENT SUBSTANCE—BARBITURIC ACID

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
5-Allyl-5-*sec*-butylbarbituric acid.[2]	Talbutal	Lotusate.
5-Allyl-5-(1-methylbutyl)barbituric acid	Secobarbital sodium	Seconal Sodium.
	Soluble secobarbital	Evronal Sodium.
	Sodium thiamylal	Surital Sodium.
5-Allyl-5-(1-methylbutyl)-2-thiobarbituric acid	Sodium methohexital	Brevital Sodium.
5-Allyl-1-methyl-5-(1-methyl-2-pentynyl)barbituric acid.		Medomin.
5-(1-Cyclohepten-1-yl)-5-ethylbarbituric acid	Heptabarbital	Gemonil.
5,5-Diethyl-1-methylbarbituric acid	Metharbital	Methioturate.
5-(1-Methylbutyl)-5-[2-(methylthio)ethyl]-2-thiobarbituric acid.	Methitural (sodium salt)	Neraval. Thiogemal.

[1] This list of trade or other names is not a complete list of the many proprietary names under which the designated habit-forming chemical derivatives are distributed.

[2] The name "butalbital" is obsolete for this compound; "butalbital" is the nonproprietary name assigned by the United States Adopted Name Council and the World Health Organization for 5-allyl-5-isobutylbarbituric acid.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 502(d), 701, 52 Stat. 1050, as amended 53 Stat. 854; 52 Stat. 1055, as amended; 21 U.S.C. 352(d), 371)

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2008 Filed 2-12-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Expanded Application of Government Rate Tenders

The Interstate Commerce Commission, in its Report and Order No. 34248 (332 I.C.C. 161), dated January 3, 1968, determined that special rates to the Government (section 22 quotations) may be made applicable to transportation for shippers and receivers of freight who are not Government departments or agencies provided the total benefit of such special rates accrues to the Government. This amendment of the Federal Property Management Regulations prescribes regulations and guidelines covering negotiation for, or adaptation of, rate tenders to be made applicable to transportation of such property. Also, the rate tender format recommended for use by carriers in tendering special rates to the Government is revised to reflect this expanded application.

The table of contents for Part 101-40 is amended by the addition of the following new entry:

Sec.
101-40.306-4 Bill of lading endorsements.

Subpart 101-40.3—Freight Rates, Routes, and Services

1. Section 101-40.306-2 is revised to read as follows:

§ 101-40.306-2 Government-wide application.

(a) Rate tenders to the Government under the provisions of section 22 of the Interstate Commerce Act, or other appropriate authority, are applicable on property shipped by or for the Government on (1) Government bills of lading; (2) commercial bills of lading endorsed to show that such bills of lading are to be exchanged for Government bills of lading at destinations or converted to Government bills of lading after delivery to the consignee; (3) commercial bills of lading showing that the Government is either the consignor or the consignee and endorsed with the following legend: "Transportation hereunder is for the _____ (name the specific agency, such as U.S. Department of Defense), and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are assignable to, and are to be reimbursed by, the Government;" or (4) commercial bills of lading endorsed with the following legend: "Transportation hereunder is for the _____ (name the specific agency, such as U.S. Department of Defense), and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are to be reimbursed by the Government, pursuant to cost-reimbursable contract No. _____. This may be confirmed by contacting such agency at _____." (See 332 I.C.C. 161.)

(b) The negotiating officer of an executive agency shall endeavor to have rate tenders made applicable, by their terms, to shipments of the U.S. Government rather than to those of a particular agency. Also, where a rate tender may be potentially applicable to transportation under cost-reimbursement type contracts (see § 1-19.109), provision should be made in the rate tender for such use.

2. Section 101-40.306-4 is added as follows:

§ 101-40.306-4 Bill of lading endorsements.

To insure application of Government rate tenders to all shipments qualifying for their use, bills of lading covering such shipments shall be endorsed with the applicable tender or quotation number and carrier identification; e.g., "Section 22 quotation ABC Transportation Company I.C.C. No. 143." In addition, where commercial bills of lading are used rather than Government bills of lading, such commercial bills of lading shall be endorsed in conformance with the provisions set forth in § 101-40.306-2(a). (For specific regulations covering transportation generated under cost-reimbursement type contracts, see § 1-19.109.)

Subpart 101-40.49—Forms, Formats, and Agreements

The format illustrated in § 101-40.4906-2, Uniform Tender of Rates and/or Charges for Transportation Services, is revised to provide for the additional application of this format in connection with cost-reimbursable contracts.

§ 101-40.4906-2 Uniform Tender of Rates and/or charges for transportation services.

NOTE: The format listed in § 101-40.4906-2 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(e))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (2-13-71).

Dated: February 5, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-2016 Filed 2-12-71;8:46 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Designation of Certain Regions in the Northeast

On November 28, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18203) to amend Part 481 by designating the Central New York, Genesee-Finger Lakes, Hudson Valley, Southern Tier East, and Southern Tier West Intrastate Air Quality Control Regions, and by revising the boundaries of the New Jersey-New York-Connecticut and Champlain Valley Interstate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on December 4, 1970, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recomendation that Tompkins County, N.Y., not included in the original proposal under §§ 481.127-481.131, now be added to the Southern Tier West Intrastate Air Quality Control Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.127, as set forth below, designating the Central New York Intrastate Air Quality Control Region; § 481.128, as set forth below, designating the Genesee-Finger Lakes Intrastate Air Quality Control Region; § 481.129, as set forth below, designating the Hudson Valley Intrastate Air Quality Control Region; § 481.130, as set forth below, designating the Southern Tier East Intrastate Air Quality Control Region; and § 481.131, designating the Southern Tier West Intrastate Air Quality Control Region; and § 481.13 as set forth below, revising the boundaries of the New Jersey-New York-Connecticut Interstate Air Quality Control Region; and § 481.48, as set forth below, revising the boundaries of Champlain Valley Interstate Air Quality Control Region, are adopted effective on publication.

§ 481.127 Central New York Intrastate Air Quality Control Region.

The Central New York Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York:

Cayuga County.	Madison County.
Cortland County.	Oneida County.
Herkimer County.	Onondaga County.
Jefferson County.	Oswego County.
Lewis County.	

§ 481.128 Genesee-Finger Lakes Intrastate Air Quality Control Region.

The Genesee-Finger Lakes Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York:

Genesee County.	Seneca County.
Livingston County.	Wayne County.
Monroe County.	Wyoming County.
Ontario County.	Yates County.
Orleans County.	

§ 481.129 Hudson Valley Intrastate Air Quality Control Region.

The Hudson Valley Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York:

Albany County.	Putnam County.
Columbia County.	Rensselaer County.
Dutchess County.	Saratoga County.
Fulton County.	Schenectady County.
Greene County.	Schoharie County.
Montgomery County.	Ulster County.
Orange County.	

§ 481.130 Southern Tier East Intrastate Air Quality Control Region.

The Southern Tier East Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York:

Broome County.	Otsego County.
Chenango County.	Sullivan County.
Delaware County.	Tioga County.

§ 481.131 Southern Tier West Intrastate Air Quality Control Region.

The Southern Tier West Intrastate Air Quality Control Region (New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New York:

Allegany County.	Schuyler County.
Cattaraugus County.	Steuben County.
Chautauqua County.	Tompkins County.
Chemung County.	

§ 481.13 New Jersey-New York-Connecticut Interstate Air Quality Control Region.

The New Jersey-New York-Connecticut Interstate Air Quality Control Region has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

Bethel Township.	Newton Township.
Bridgeport Township	Norwalk Township.
Brookfield Township.	Redding Township.
Danbury Township.	Ridgefield Township.
Darien Township.	Stamford Township.
Easton Township.	Stratford Township.
Fairfield Township.	Trumbull Township.
Greenwich Township	Weston Township.
Monroe Township.	Westport Township.
New Canaan Township.	Wilton Township.
New Fairfield Township.	

In the State of New York:

Bronx County.	Richmond County.
Kings County.	Rockland County.
Nassau County.	Suffolk County.
New York County.	Westchester County.
Queens County.	

In the State of New Jersey:

Bergen County.	Morris County.
Essex County.	Passaic County.
Hudson County.	Somerset County.
Middlesex County.	Union County.
Monmouth County.	

§ 481.48 Champlain Valley Interstate Air Quality Control Region.

The Champlain Valley Interstate Air Quality Control Region (Vermont-New York) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air

Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Vermont:

Addison County.	Grand Isle County.
Chittenden County.	Rutland County.
Franklin County.	

In the State of New York:

Clinton County.	St. Lawrence County.
Essex County.	Warren County.
Franklin County.	Washington County.
Hamilton County.	

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: February 9, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2043 Filed 2-12-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—MAKING PICTURES, TELEVISION PRODUCTIONS OR SOUND TRACKS ON CERTAIN AREAS UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service; National Park Service

Pursuant to the authority contained in the Act of September 6, 1966 (80 Stat. 379, 5 U.S.C. 301), section 10 of the Act of February 18, 1929 (45 Stat. 1224, as amended; 16 U.S.C. 715i), and section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3) § 5.1 is hereby amended.

The purpose of this amendment is to eliminate a condition in the standard application form for permission to make a moving picture, or television production or sound track on areas administered by the Fish and Wildlife Service or the National Park Service, since the condition is no longer considered necessary.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. However, since this amendment will not impose any additional restrictions on the public, comment thereon is deemed to be unnecessary and not in the public interest. This amendment will thus take effect upon its publication in the FEDERAL REGISTER (2-13-71).

§ 5.1 Areas administered by U.S. Fish and Wildlife Service or National Park Service.

* * * * *

(d) *Form of application.* * * *

(3) * * *

(iv) [Deleted]

* * * * *

Dated: February 4, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

[FR Doc.71-2020 Filed 2-12-71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Arapaho National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-13-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

COLORADO

ARAPAHO NATIONAL WILDLIFE REFUGE

Sport fishing on the Arapaho National Wildlife Refuge, Colo., is permitted from January 1 through May 31, 1971, inclusive, and from August 1 through December 31, 1971, inclusive, on the area designated by signs as open to fishing. This open area is delineated on maps available at refuge headquarters, Walden, Colo. 80480, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

V. CARROL DONNER,
Refuge Manager.

FEBRUARY 1, 1971.

[FR Doc.71-2018 Filed 2-12-71;8:46 am]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-13-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on the Pathfinder National Wildlife Refuge, Wyo., is permitted from January 1 through December 31, 1971, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 16,807 acres, are delineated on maps available at refuge headquarters, Walden, Colo. 80480, and from the Regional Director, Bureau of Sports Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

V. CARROL DONNER,
Refuge Manager.

FEBRUARY 1, 1971.

[FR Doc.71-2019 Filed 2-12-71;8:46 am]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" and the subheading "Mississippi" to show a change of location in Rankin County as set out below:

County; Place for filing; Beginning date

* * * * *

Rankin; (1) Brandon—Rankin Building, intersection of U.S. Highway 80 and State Highway 18; April 16, 1966, through August 4, 1966; (2) Brandon—Nettles Drug Store Building, East Government Street; August 5, 1966 through January 31, 1971; (3) Brandon—280 Government Street; February 1, 1971.

* * * * *

(Secs. 7, 9, Voting Rights Act of 1965, as amended; Public Law 89-110, Public Law 91-285)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2088 Filed 2-12-71;8:50 am]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

FLAMMABILITY OF CERTAIN CARPETS AND RUGS

Notice of Proposed Reasonable and Representative Tests and Related Recordkeeping Requirements for Guaranty Purposes

Notice is hereby given that the Federal Trade Commission proposes to amend Part 302, Title 16, Chapter I, Subchapter C, Code of Federal Regulations, constituting the rules and regulations under the Flammable Fabrics Act (hereinafter sometimes referred to as "Act,") (67 Stat. 111, 68 Stat. 770, 81 Stat. 568, 15 U.S.C. sec. 1191, et seq.) to add a new section [Rule], § 302.15 [Rule 15] thereto, prescribing reasonable and representative tests and recordkeeping requirements relative to certain carpets and rugs for guaranty purposes pursuant to section 8 of the Act, 15 U.S.C. sec. 1197.

On April 16, 1970, the Department of Commerce caused to be published in the FEDERAL REGISTER a "Standard for the Surface Flammability of Carpets and Rugs," DOC FF 1-70, 35 F.R. 6211, pursuant to authority granted by sec. 4 of the Act, 15 U.S.C. sec. 1193, to become effective 12 months from the above publication date.

Section 3 of the Flammable Fabrics Act, 15 U.S.C. sec. 1192, provides:

(a) The manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after a sale or shipment in commerce, of any product, fabric, or related material which fails to conform to an applicable standard or regulation issued or amended under the provisions of section 4 of this Act, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) The manufacture for sale, the sale, or the offering for sale, of any product made of fabric or related material which fails to conform to an applicable standard or regulation issued or amended under section 4 of this Act, and which has been shipped or received in commerce shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

Section 8(a) of the Act, 15 U.S.C. sec. 1197(a), provides, in pertinent part:

(a) No person shall be subject to prosecution under section 7 of this Act for a violation of section 3 of this Act if such person (1) establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the product, fabric, or related material guaranteed was manufactured or from whom it was received, to the effect that reasonable and representative tests made in accordance with standards issued or amended under the provisions of section 4 of this Act show that the fabric or related material covered by the guaranty, or used in the product covered by the guaranty, conforms with applicable flammability standards issued or amended under the provisions of section 4 of this Act, and (2) has not, by further processing, affected the flammability of the fabric, related material, or product covered by the guaranty which he received.

In view of the foregoing, the Commission proposes to prescribe reasonable and representative tests relative to those carpets and rugs to which Standard DOC FF 1-70 is applicable so that such tests may be used as bases upon which guaranties relating to such carpets and rugs may be issued pursuant to section 8 of the Act. The Commission also proposes to prescribe recordkeeping requirements applicable to such tests and guaranties.

Interested parties may participate in this proceeding by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, their views, arguments, or other data, including suggested revisions, additions, or deletions, on or before the 17th day of March 1971. Oral presentation of views, arguments, or other data may also be made on March 17, 1971, beginning at 10 a.m. at Room No. 7314, Seventh Floor, The 1101 Pennsylvania Avenue Building (NW.) (Old Star Building), entrance at 414 11th Street NW., Washington, DC. Written rebuttal may be submitted until and including March 26, 1971. Persons desiring to make oral presentations should advise the Commission's Division of Textiles and Furs, Bureau of Consumer Protection, Washington, D.C. 20580, in writing, at least 5 days before the above date provided for such oral presentation.

Proposed § 302.15 [Rule 15], to be added to Part 302, Title 16, Chapter I, Subchapter C, Code of Federal Regulations, is as follows:

§ 302.15 [Rule 15] Reasonable and representative tests and recordkeeping requirements relating to carpet guaranties.

(a) For the purposes of this section [Rule], the following definitions apply:

(1) "Standard" means the "Standard for the Surface Flammability of Carpets and Rugs," DOC FF 1-70.

(2) "Test" means a test as prescribed by the standard.

(3) "Acceptance criterion" means "acceptance criterion" as defined in the standard.

(4) "Test criterion" means "test criterion" as defined in the standard.

(5) "Carpet" and "rug" mean "carpet" and "rug" as defined in the standard.

(6) "Quality of machine made carpets or rugs" means any line of carpets or rugs, essentially machine made, which are alike in all respects, including, as applicable, constructional units (needles, pitch, rows, shot, stitches, and weight), color, gage, pile levels, pile height, average pile thickness, pile weight, pile yarn, total thickness, total weight, tufts, tuft length, tuft bind, warp yarn, filler yarn, yarn ends per needle, loop length, backing, back coating, primary backing, secondary backing, backing thickness, backing fabric count, backing warp and filler yarns, including stuffer and dead frame yarns, backing weight, fiber and/or other materials content, and fire retardant treatment received including the specifications and quantity of chemicals used.

(7) "Quality of hand made or hide carpets or rugs" means any line of carpets or rugs which are essentially hand made and/or are essentially hides and which are alike in all those respects specified in subparagraph (6) of this paragraph, where applicable, except that such carpets or rugs may vary where unavoidable and/or may vary because of natural variations in hides of the same type, so long as such variations do not affect flammability.

(b) The tests set forth in paragraphs (c), (d), (e), and (f) of this section are reasonable and representative tests with regard to any carpets or rugs or qualities thereof to which they apply, except, however, that any test of any quality whenever performed, which does not show a meeting of the acceptance criterion of the standard shall be considered the reasonable and representative test for that quality and no guaranty with respect thereto shall be issued after the performance of such test. Immediately before conditioning and testing, each carpet or rug specimen tested pursuant to this section [Rule] shall be in the form in which the carpet or rug or quality thereof which it represents is sold or offered for sale to the ultimate consumer.

(c) Reasonable and representative tests with respect to any quality of machine made carpets or rugs are (1) at least one test performed upon commencement of production, importation, or other receipt thereof, (2) at least one test performed after production, importation, or other receipt of the first 25,000 linear yards of the quality, and (3) at least one test after production, importation, or other receipt of every 50,000 linear yards of the quality thereafter. Except, however, that tests need be performed only after production, importation, or receipt of each additional 100,000 linear yards of the quality, so long as all 24 specimens required to be tested in a complete series of three required tests immediately preceding any given test (eight out of eight specimens in each of the three preceding tests) meet the test criterion, rather than seven out of eight specimens, as permitted under the acceptance criterion of the standard.

(d) Reasonable and representative tests with respect to any quality of hand made or hide carpets or rugs are at least

one test performed upon the commencement of production, importation, or other receipt thereof and at least one test after production, importation, or other receipt of every 10,000 square yards of the quality thereafter.

(e) Reasonable and representative tests of a one-of-a-kind carpet or rug, machine made, hand made, or hide, is one test thereof or one test of an identical representative sample.

(f) Guaranties for carpets or rugs in inventory upon the effective date of the standard may be issued in the same manner as other guaranties are issued. Reasonable and representative tests with respect to qualities of such carpets or rugs are at least one test performed upon approximately the first linear yard and one test thereafter for each 25,000 linear yards of a quality of machine made carpets or rugs and at least one test performed upon approximately the first square yard and thereafter for each 10,000 square yards of a category of hand made or hide carpets or rugs, in the order of the production, importation, or receipt by the guarantor of that quality.

(g) Any person issuing a guaranty for one or more carpets or rugs or qualities thereof based on reasonable and representative tests, shall maintain the following records for a period of 3 years from the date the tests were performed, or in the case of paragraph (h) of this section, the date the guaranties were furnished:

(1) All identifying numbers, symbols etc., manufacturing specifications including all other information described in paragraph (a)(6) of this section, as applicable, and source of products or raw materials used therein.

(2) A physical sample of each carpet or rug or quality thereof covered by the quaranty at least 6 inches by 6 inches in size (36 square inches).

(3) The original or a copy of the report of each test performed for purposes of the guaranty (whether or not such report shows a meeting of the acceptance criterion) which shall disclose the date of the test, the results, and sufficient information to clearly identify the carpet or rug tested.

(4) A record applicable to each test in subparagraph (3) of this paragraph showing the approximate yardage at which it was performed.

(h) Persons furnishing guaranties based on guaranties received by them shall maintain records showing the guaranty received and identification of the carpet or rug or quality thereof guaranteed in turn by them.

(i) Any person furnishing a guaranty under section 8(a) of the Act who neglects or refuses to maintain and preserve the records prescribed in this section shall be deemed to have furnished a false guaranty under the provisions of section 8(b) of the Act.

(Sec. 5(c) of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. sec. 1194(c); Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq.)

Issued: February 11, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2155 Filed 2-12-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

SALT AND IODIZED SALT

Label Statements; Proposed Statement of Policy

In its report to the President, the White House Conference on Food, Nutrition, and Health stated that the labeling of salt cartons is very frequently misleading to the consumer and recommended that iodized salt be labeled in such a manner as not to suggest that the choice of the consumer is between free flowing and iodized and that these have equal nutritional value.

For determining whether labeling is misleading, section 201(n) of the Federal Food, Drug, and Cosmetic Act directs that "there shall be taken into account * * * the extent to which the labeling fails to reveal facts material * * * with respect to consequences which may result from the use of the article * * *."

Having considered the recommendation of the White House Conference in light of section 201(n) of the act, the Commissioner of Food and Drugs recognizes that consumers may be misled by the failure of present labeling practices to reveal certain material facts with respect to salt and iodized salt. Accordingly, the Commissioner concludes that said statement and recommendation of the Conference should be implemented by proposing a statement of policy that will require consumer packages of salt and iodized salt to bear certain informative label statements. The label information will assist consumers in making the proper choice between salt and iodized salt.

Therefore, pursuant to provisions of the act (secs. 403 (a), (f), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343 (a), (f), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 3 be amended by adding to Subpart A a new section, as follows:

§ 3.___ Salt and iodized salt: label statements.

(a) For the purposes of this section, the term "iodized salt" or "iodized table salt" is designated as the name of salt for food use to which iodide has been added in the form of cuprous iodide or potassium iodide permitted by § 121.101 (d)(5) of this chapter. In the labeling of such products, all words in the name shall be equal in prominence and type size. The statement "This salt supplies iodide, a necessary nutrient" shall appear on the label immediately following the name and shall be in letters not less than one-third the height of the largest letter in the name of the food.

(b) Salt or table salt to which iodide has not been added shall bear the statement "This salt does not supply iodide. Use iodized salt for this necessary nutrient," which shall appear immediately following the name of the food and shall be in letters not less than one-third the height of the largest letter in the name of the food.

(c) Salt, table salt, iodized salt, or iodized table salt to which anticaking agents have been added may bear in addition to the ingredient statement designating the anticaking agent(s), a label statement describing the characteristics imparted by such agent(s), (for example, "free flowing"), providing such statement does not appear with greater prominence or in type size larger than any words or statements specified in this section.

(d) All salt, table salt, iodized salt, or iodized table salt in consumer packages shipped in interstate commerce 18 months after the date this section is added to Part 3 by an order published in the FEDERAL REGISTER, shall be labeled as prescribed by this section; and if not so labeled, the Food and Drug Administration will regard them as misbranded within the meaning of section 403 (a) and (f) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 8, 1971.

CHARLES C. EDWARDS, *Commissioner of Food and Drugs.*

[FR Doc.71-2024 Filed 2-12-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 9]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurement for Air Transportation; Extension of Time for Filing Comments

On January 8, 1971, there was published in the FEDERAL REGISTER (36 F.R. 294) a notice of proposal to raise the size standard for Government procurements for air transportation. The final date for filing comments on such proposal is hereby extended to March 1, 1971.

Dated: February 11, 1971.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.71-2185 Filed 2-12-71;10:17 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

EMPLOYMENT TAXES

Rates of Income Tax Withholding; Marital Status for Purposes of Withholding

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER, *Commissioner of Internal Revenue.*

In order to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3402 and 6051 of the Internal Revenue Code of 1954 to section 101 (a), (b), (c), and (d) of the Tax Adjustment Act of 1966 (80 Stat. 38, 41, 59); section 102(c) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 256); section 2(a) of the Act of June 30, 1969 (Public Law 91-36, 83 Stat. 42); section 6(a) of the Act of August 7, 1969 (Public Law 91-53, 83 Stat. 96); and section 805 (a), (b), and (c) of the Tax Reform Act of 1969 (83 Stat. 686, 704, 705), such regulations are amended as follows:

PARAGRAPH 1. Section 31.3402(a) is amended by revising section 3402(a) and the historical note to read as follows:

§ 31.3402(a) Statutory provisions: income tax collected at source: requirement of withholding.

SEC. 3402. *Income tax collected at source—*(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with the following tables. For purposes of applying such tables, the term "the amount of wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b)(1):

(1) In the case of wages paid after December 31, 1969, and before July 1, 1970:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $33	21% of excess of $21.
Over $33 but not over $52	$2.52 plus 27% of excess over $33.
Over $52 but not over $88	$7.65 plus 18% of excess over $52.
Over $88 but not over $177	$14.13 plus 21% of excess over $88.
Over $177 but not over $212	$32.82 plus 26% of excess over $177.
Over $212	$41.92 plus 31% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $48	21% of excess of $21.
Over $48 but not over $88	$5.67 plus 16% of excess over $48.
Over $88 but not over $177	$12.07 plus 18% of excess over $88.
Over $177 but not over $346	$28.09 plus 21% of excess over $177.
Over $346 but not over $423	$63.58 plus 26% of excess over $346.
Over $423	$83.60 plus 31% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $65	21% of excess over $42.
Over $65 but not over $104	$4.83 plus 27% of excess over $65.
Over $104 but not over $177	$15.36 plus 18% of excess over $104.
Over $177 but not over $354	$28.50 plus 21% of excess over $177.
Over $354 but not over $423	$65.67 plus 26% of excess over $354.
Over $423	$83.61 plus 31% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $96	21% of excess over $42.
Over $96 but not over $177	$11.34 plus 16% of excess over $96.
Over $177 but not over $354	$24.30 plus 18% of excess over $177.
Over $354 but not over $692	$56.16 plus 21% of excess over $354.
Over $692 but not over $846	$127.14 plus 26% of excess over $682.
Over $846	$167.17 plus 31% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $71	21% of excess over $46.
Over $71 but not over $113	$5.25 plus 27% of excess over $71.
Over $113 but not over $192	$16.59 plus 18% of excess over $113.
Over $192 but not over $383	$30.81 plus 21% of excess over $192.
Over $383 but not over $458	$70.92 plus 26% of excess over $383.
Over $458	$90.42 plus 31% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $104	21% of excess over $46.
Over $104 but not over $192	$12.18 plus 16% of excess over $104.
Over $192 but not over $383	$26.26 plus 18% of excess over $192.
Over $383 but not over $750	$60.64 plus 21% of excess over $383.
Over $750 but not over $917	$137.71 plus 26% of excess over $750.
Over $917	$181.13 plus 31% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $142	21% of excess over $92.
Over $142 but not over $225	$10.50 plus 27% of excess over $142.
Over $225 but not over $383	$32.91 plus 18% of excess over $225.
Over $383 but not over $767	$61.35 plus 21% of excess over $383.
Over $767 but not over $917	$141.99 plus 26% of excess over $767.
Over $917	$180.99 plus 31% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $208	21% of excess over $92.
Over $208 but not over $383	$24.36 plus 16% of excess over $208.
Over $383 but not over $767	$52.36 plus 18% of excess over $383.
Over $767 but not over $1,500	$121.48 plus 21% of excess over $767.
Over $1,500 but not over $1,833	$275.41 plus 26% of excess over $1,500.
Over $1,833	$361.99 plus 31% of excess over $1,833.

TABLE 5.—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $425	21% of excess over $275.
Over $425 but not over $675	$31.50 plus 27% of excess over $425.
Over $675 but not over $1,150	$99.00 plus 18% of excess over $675.
Over $1,150 but not over $2,300	$184.50 plus 21% of excess over $1,150.
Over $2,300 but not over $2,750	$426.00 plus 26% of excess over $2,300.
Over $2,750	$543.00 plus 31% of excess over $2,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $625	21% of excess over $275.
Over $625 but not over $1,150	$73.50 plus 18% of excess over $625.
Over $1,150 but not over $2,300	$157.50 plus 18% of excess over $1,150.
Over $2,300 but not over $4,500	$364.50 plus 21% of excess over $2,300.
Over $4,500 but not over $5,500	$826.50 plus 26% of excess over $4,500.
Over $5,500	$1,086.50 plus 31% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $850	21% of excess over $550.
Over $850 but not over $1,350	$63 plus 27% of excess over $850.
Over $1,350 but not over $2,300	$198 plus 18% of excess over $1,350.
Over $2,300 but not over $4,600	$369 plus 21% of excess over $2,300.
Over $4,600 but not over $5,500	$852 plus 26% of excess over $4,600.
Over $5,500	$1,086 plus 31% of excess over $5,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $1,250	21% of excess over $550.
Over $1,250 but not over $2,300	$147 plus 16% of excess over $1,250.
Over $2,300 but not over $4,600	$315 plus 18% of excess over $2,300.
Over $4,600 but not over $9,000	$729 plus 21% of excess over $4,600.
Over $9,000 but not over $11,000	$1,653 plus 26% of excess over $9,000.
Over $11,000	$2,173 plus 31% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $1,700	21% of excess over $1,100.
Over $1,700 but not over $2,700	$126 plus 27% of excess over $1,700.
Over $2,700 but not over $4,600	$396 plus 18% of excess over $2,700.
Over $4,600 but not over $9,200	$738 plus 21% of excess over $4,600.
Over $9,200 but not over $11,000	$1,704 plus 26% of excess over $9,200.
Over $11,000	$2,172 plus 31% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $2,500	21% of excess over $1,100.
Over $2,500 but not over $4,600	$294 plus 16% of excess over $2,500.
Over $4,600 but not over $9,200	$630 plus 18% of excess over $4,600.
Over $9,200 but not over $18,000	$1,458 plus 21% of excess over $9,200.
Over $18,000 but not over $22,000	$3,306 plus 26% of excess over $18,000.
Over $22,000	$4,346 plus 31% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $4.70	21% of excess over $3.00.
Over $4.70 but not over $7.40	$0.36 plus 27% of excess over $4.70.
Over $7.40 but not over $12.60	$1.09 plus 18% of excess over $7.40.
Over $12.60 but not over $25.20	$2.02 plus 21% of excess over $12.60.
Over $25.20 but not over $30.10	$4.67 plus 26% of excess over $25.20.
Over $30.10	$5.94 plus 31% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $6.80	21% of excess over $3.00.
Over $6.80 but not over $12.60	$0.80 plus 16% of excess over $6.80.
Over $12.60 but not over $25.20	$1.73 plus 18% of excess over $12.60.
Over $25.20 but not over $49.30	$3.99 plus 21% of excess over $25.20.
Over $49.30 but not over $60.30	$9.06 plus 26% of excess over $49.30.
Over $60.30	$11.92 plus 31% of excess over $60.30.

(2) In the case of wages paid after June 30, 1970, and before January 1, 1971:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $33	21% of excess over $21.
Over $33 but not over $52	$2.52 plus 25% of excess over $33.
Over $52 but not over $88	$7.27 plus 17% of excess over $52.
Over $88 but not over $177	$13.39 plus 21% of excess over $88.
Over $177 but not over $212	$32.08 plus 25% of excess over $177.
Over $212	$40.83 plus 30% of excess over $212.

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $48	21% of excess over $21.
Over $48 but not over $88	$5.67 plus 15% of excess over $48.
Over $88 but not over $177	$11.67 plus 17% of excess over $88.
Over $177 but not over $348	$26.80 plus 20% of excess over $177.
Over $348 but not over $423	$60.60 plus 25% of excess over $348.
Over $423	$79.85 plus 30% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYER IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $65	21% of excess over $42.
Over $65 but not over $104	$4.83 plus 25% of excess over $65.
Over $104 but not over $177	$14.58 plus 17% of excess over $104.
Over $177 but not over $354	$26.99 plus 21% of excess over $177.
Over $354 but not over $423	$64.16 plus 25% of excess over $354.
Over $423	$81.41 plus 30% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $96	21% of excess over $42.
Over $96 but not over $177	$11.34 plus 15% of excess over $96.
Over $177 but not over $354	$23.49 plus 17% of excess over $177.
Over $354 but not over $692	$53.58 plus 20% of excess over $354.
Over $692 but not over $846	$121.18 plus 25% of excess over $692.
Over $846	$159.68 plus 30% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $71	21% of excess over $46.
Over $71 but not over $113	$5.25 plus 25% of excess over $71.
Over $113 but not over $192	$15.75 plus 17% of excess over $113.
Over $192 but not over $383	$29.18 plus 21% of excess over $192.
Over $383 but not over $458	$69.29 plus 25% of excess over $383.
Over $458	$88.04 plus 30% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $104	21% of excess over $46.
Over $104 but not over $192	$12.18 plus 15% of excess over $104.
Over $192 but not over $383	$25.38 plus 17% of excess over $192.
Over $383 but not over $750	$57.85 plus 20% of excess over $383.
Over $750 but not over $917	$131.25 plus 25% of excess over $750.
Over $917	$173.00 plus 30% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $142	21% of excess over $92.
Over $142 but not over $225	$10.50 plus 25% of excess over $142.
Over $225 but not over $383	$31.25 plus 17% of excess over $225.
Over $383 but not over $767	$58.11 plus 21% of excess over $383.
Over $767 but not over $917	$138.75 plus 25% of excess over $767.
Over $917	$176.25 plus 30% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $208	21% of excess over $92.
Over $208 but not over $383	$24.36 plus 15% of excess over $208.
Over $383 but not over $767	$50.61 plus 17% of excess over $383.
Over $767 but not over $1,500	$115.89 plus 20% of excess over $767.
Over $1,500 but not over $1,833	$262.49 plus 25% of excess over $1,500.
Over $1,833	$345.74 plus 30% of excess over $1,833.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $425	21% of excess over $275.
Over $425 but not over $675	$31.50 plus 25% of excess over $425.
Over $675 but not over $1,150	$94.00 plus 17% of excess over $675.
Over $1,150 but not over $2,300	$174.75 plus 21% of excess over $1,150.
Over $2,300 but not over $2,750	$416.25 plus 25% of excess over $2,300.
Over $2,750	$528.75 plus 30% of excess over $2,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $625	21% of excess over $275.
Over $625 but not over $1,150	$73.50 plus 15% of excess over $625.
Over $1,150 but not over $2,300	$152.25 plus 17% of excess over $1,150.
Over $2,300 but not over $4,500	$347.75 plus 20% of excess over $2,300.
Over $4,500 but not over $5,500	$787.75 plus 25% of excess over $4,500.
Over $5,500	$1,037.75 plus 30% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $850	21% of excess over $550.
Over $850 but not over $1,350	$63.00 plus 25% of excess over $850.
Over $1,350 but not over $2,300	$188.00 plus 17% of excess over $1,350.
Over $2,300 but not over $4,600	$349.50 plus 21% of excess over $2,300.
Over $4,600 but not over $5,500	$832.50 plus 25% of excess over $4,600.
Over $5,500	$1,057.50 plus 30% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $1,250	21% of excess over $550.
Over $1,250 but not over $2,300	$147.00 plus 15% of excess over $1,250.
Over $2,300 but not over $4,600	$304.50 plus 17% of excess over $2,300.
Over $4,600 but not over $9,000	$695.50 plus 20% of excess over $4,600.
Over $9,000 but not over $11,000	$1,575.50 plus 25% of excess over $9,000.
Over $11,000	$2,075.50 plus 30% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $1,700	21% of excess over $1,100.
Over $1,700 but not over $2,700	$126 plus 25% of excess over $1,700.
Over $2,700 but not over $4,600	$376 plus 17% of excess over $2,700.
Over $4,600 but not over $9,200	$699 plus 21% of excess over $4,600.
Over $9,200 but not over $11,000	$1,665 plus 25% of excess over $9,200.
Over $11,000	$2,115 plus 30% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $2,500	21% of excess over $1,100.
Over $2,500 but not over $4,600	$294 plus 15% of excess over $2,500.
Over $4,600 but not over $9,200	$609 plus 17% of excess over $4,600.
Over $9,200 but not over $18,000	$1,391 plus 20% of excess over $9,200.
Over $18,000 but not over $22,000	$3,151 plus 25% of excess over $18,000.
Over $22,000	$4,151 plus 30% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $4.70	21% of excess over $3.00.
Over $4.70 but not over $7.40	$0.36 plus 25% of excess over $4.70.
Over $7.40 but not over $12.60	$1.03 plus 17% of excess over $7.40.
Over $12.60 but not over $25.20	$1.92 plus 21% of excess over $12.60.
Over $25.20 but not over $30.10	$4.56 plus 25% of excess over $25.20.
Over $30.10	$5.79 plus 30% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $6.80	21% of excess over $3.00.
Over $6.80 but not over $12.60	$0.80 plus 15% of excess over $6.80.
Over $12.60 but not over $25.20	$1.67 plus 17% of excess over $12.60.
Over $25.20 but not over $49.30	$3.81 plus 20% of excess over $25.20.
Over $49.30 but not over $60.30	$8.63 plus 25% of excess over $49.30.
Over $60.30	$11.38 plus 30% of excess over $60.30.

(3) In the case of wages paid after December 31, 1970, and before January 1, 1972:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $20	0.
Over $20 but not over $31	14% of excess over $20.
Over $31 but not over $50	$1.54 plus 17% of excess over $31.
Over $50 but not over $100	$4.77 plus 20% of excess over $50.
Over $100 but not over $135	$14.77 plus 18% of excess over $100.
Over $135 but not over $212	$21.07 plus 21% of excess over $135.
Over $212	$37.24 plus 24% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $20	0.
Over $20 but not over $42	14% of excess over $20.
Over $42 but not over $77	$3.08 plus 17% of excess over $42.
Over $77 but not over $163	$9.03 plus 16% of excess over $77.
Over $163 but not over $269	$22.79 plus 19% of excess over $163.
Over $269 but not over $385	$42.93 plus 21% of excess over $269.
Over $385	$67.29 plus 25% of excess over $385.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $40	0.
Over $40 but not over $62	14% of excess over $40.
Over $62 but not over $100	$3.08 plus 17% of excess over $62.
Over $100 but not over $200	$9.54 plus 20% of excess over $100.
Over $200 but not over $269	$29.54 plus 18% of excess over $200.
Over $269 but not over $423	$41.96 plus 21% of excess over $269.
Over $423	$74.30 plus 24% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $40	0.
Over $40 but not over $85	14% of excess over $40.
Over $85 but not over $154	$6.30 plus 17% of excess over $85.
Over $154 but not over $327	$18.03 plus 16% of excess over $154.
Over $327 but not over $538	$45.71 plus 19% of excess over $327.
Over $538 but not over $769	$85.80 plus 21% of excess over $538.
Over $769	$134.31 plus 25% of excess over $769.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $44	0.
Over $44 but not over $67	14% of excess over $44.
Over $67 but not over $108	$3.22 plus 17% of excess over $67.
Over $108 but not over $217	$10.19 plus 20% of excess over $108.
Over $217 but not over $292	$31.99 plus 18% of excess over $217.
Over $292 but not over $458	$45.49 plus 21% of excess over $292.
Over $458	$80.35 plus 24% of excess over $458.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY—Con.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $44	0.
Over $44 but not over $92	14% of excess over $44.
Over $92 but not over $167	$6.72 plus 17% of excess over $92.
Over $167 but not over $354	$19.47 plus 16% of excess over $167.
Over $354 but not over $583	$49.39 plus 19% of excess over $354.
Over $583 but not over $833	$92.90 plus 21% of excess over $583.
Over $833	$145.40 plus 25% of excess over $833.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $88	0.
Over $88 but not over $133	14% of excess over $88.
Over $133 but not over $217	$6.30 plus 17% of excess over $133.
Over $217 but not over $433	$20.58 plus 20% of excess over $217.
Over $433 but not over $583	$63.78 plus 18% of excess over $433.
Over $583 but not over $917	$90.78 plus 21% of excess over $583.
Over $917	$160.92 plus 24% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $88	0.
Over $88 but not over $183	14% of excess over $88.
Over $183 but not over $333	$13.30 plus 17% of excess over $183.
Over $333 but not over $708	$38.80 plus 18% of excess over $333.
Over $708 but not over $1,167	$93.80 plus 19% of excess over $708.
Over $1,167 but not over $1,667	$186.01 plus 21% of excess over $1,167.
Over $1,667	$291.01 plus 25% of excess over $1,667.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $263	0.
Over $263 but not over $400	14% of excess over $263.
Over $400 but not over $650	$19.18 plus 17% of excess over $400.
Over $650 but not over $1,300	$61.68 plus 20% of excess over $650.
Over $1,300 but not over $1,750	$191.68 plus 18% of excess over $1,300.
Over $1,750 but not over $2,750	$272.68 plus 21% of excess over $1,750.
Over $2,750	$482.68 plus 24% of excess over $2,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $263	0.
Over $263 but not over $550	14% of excess over $263.
Over $550 but not over $1,000	$40.18 plus 17% of excess over $550.
Over $1,000 but not over $2,125	$116.68 plus 16% of excess over $1,000.
Over $2,125 but not over $3,500	$296.68 plus 19% of excess over $2,125.
Over $3,500 but not over $5,000	$557.93 plus 21% of excess over $3,500.
Over $5,000	$872.93 plus 25% of excess over $5,000.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $525	0.
Over $525 but not over $800	14% of excess over $525.
Over $800 but not over $1,300	$38.50 plus 17% of excess over $800.
Over $1,300 but not over $2,600	$123.50 plus 20% of excess over $1,300.
Over $2,600 but not over $3,500	$383.50 plus 18% of excess over $2,600.
Over $3,500 but not over $5,500	$545.50 plus 21% of excess over $3,500.
Over $5,500	$965.50 plus 24% of excess over $5,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $525	0.
Over $525 but not over $1,100	14% of excess over $525.
Over $1,100 but not over $2,000	$80.50 plus 17% of excess over $1,100.
Over $2,000 but not over $4,250	$233.50 plus 16% of excess over $2,000.
Over $4,250 but not over $7,000	$593.50 plus 19% of excess over $4,250.
Over $7,000 but not over $10,000	$1,116.00 plus 21% of excess over $7,000.
Over $10,000	$1,746.00 plus 25% of excess over $10,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,050	0.
Over $1,050 but not over $1,600	14% of excess over $1,050.
Over $1,600 but not over $2,600	$77 plus 17% of excess over $1,600.
Over $2,600 but not over $5,200	$247 plus 20% of excess over $2,600.
Over $5,200 but not over $7,000	$767 plus 18% of excess over $5,200.
Over $7,000 but not over $11,000	$1,091 plus 21% of excess over $7,000.
Over $11,000	$1,931 plus 24% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,050	0.
Over $1,050 but not over $2,200	14% of excess over $1,050.
Over $2,200 but not over $4,000	$161 plus 17% of excess over $2,000.
Over $4,000 but not over $8,500	$467 plus 16% of excess over $4,000.
Over $8,500 but not over $14,000	$1,187 plus 19% of excess over $8,500.
Over $14,000 but not over $20,000	$2,232 plus 21% of excess over $14,000.
Over $20,000	$3,492 plus 25% of excess over $20,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.90	0.
Over $2.90 but not over $4.40	14% of excess over $2.90.
Over $4.40 but not over $7.10	$0.21 plus 17% of excess over $4.40.
Over $7.10 but not over $14.20	$0.67 plus 20% of excess over $7.10.
Over $14.20 but not over $19.20	$2.09 plus 18% of excess over $14.20.
Over $19.20 but not over $30.10	$2.99 plus 21% of excess over $19.20.
Over $30.10	$5.28 plus 24% of excess over $30.10.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD—Continued

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.90	0.
Over $2.90 but not over $6.00	14% of excess over $2.90.
Over $6.00 but not over $11.00	$0.43 plus 17% of excess over $6.00.
Over $11.00 but not over $23.30	$1.28 plus 16% of excess over $11.00.
Over $23.30 but not over $38.40	$3.25 plus 19% of excess over $23.30.
Over $38.40 but not over $54.80	$6.12 plus 21% of excess over $38.40.
Over $54.80	$9.57 plus 25% of excess over $54.80.

(4) In case of wages paid after December 31, 1971, and before January 1, 1973:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $38	14% of excess over $19.
Over $38 but not over $58	$2.66 plus 17% of excess over $38.
Over $58 but not over $87	$6.06 plus 19% of excess over $58.
Over $87 but not over $135	$11.57 plus 20% of excess over $87.
Over $135 but not over $221	$21.17 plus 21% of excess over $135.
Over $221	$39.23 plus 24% of excess over $221.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $48	14% of excess over $19.
Over $48 but not over $183	4.06 plus 16% of excess over $48.
Over $183 but not over $269	$25.66 plus 19% of excess over $183.
Over $269 but not over $365	$42.00 plus 21% of excess over $269.
Over $365 but not over $442	$62.16 plus 24% of excess over $365.
Over $442	$80.64 plus 28% of excess over $442.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $77	14% of excess over $38.
Over $77 but not over $115	$5.46 plus 17% of excess over $77.
Over $115 but not over $173	$11.92 plus 19% of excess over $115.
Over $173 but not over $269	$22.94 plus 20% of excess over $173.
Over $269 but not over $442	$42.14 plus 21% of excess over $269.
Over $442	$78.47 plus 24% of excess over $442.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $96	14% of excess over $38.
Over $96 but not over $365	$8.12 plus 16% of excess over $96.
Over $365 but not over $538	$51.16 plus 19% of excess over $365.
Over $538 but not over $731	$84.03 plus 21% of excess over $538.
Over $731 but not over $885	$124.56 plus 24% of excess over $731.
Over $885	$161.52 plus 28% of excess over $885.

TABLE 3—IF THE PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $83	14% of excess over $42.
Over $83 but not over $125	$5.74 plus 17% of excess over $83.
Over $125 but not over $188	$12.88 plus 19% of excess over $125.
Over $188 but not over $292	$24.85 plus 20% of excess over $188.
Over $292 but not over $479	$45.65 plus 21% of excess over $292.
Over $479	$84.92 plus 24% of excess over $479.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $104	14% of excess over $42.
Over $104 but not over $396	$8.68 plus 16% of excess over $104.
Over $396 but not over $583	$55.40 plus 19% of excess over $396.
Over $583 but not over $792	$90.93 plus 21% of excess over $583.
Over $792 but not over $958	$134.82 plus 24% of excess over $792.
Over $958	$174.66 plus 28% of excess over $958.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $167	14% of excess over $83.
Over $167 but not over $250	$11.76 plus 17% of excess over $167.
Over $250 but not over $375	$25.87 plus 19% of excess over $250.
Over $375 but not over $583	$49.62 plus 20% of excess over $375.
Over $583 but not over $958	$91.22 plus 21% of excess over $583.
Over $958	$169.97 plus 24% of excess over $958.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $208	14% of excess over $83.
Over $208 but not over $792	$17.50 plus 16% of excess over $208.
Over $792 but not over $1,167	$110.94 plus 19% of excess over $792.
Over $1,167 but not over $1,583	$182.19 plus 21% of excess over $1,167.
Over $1,583 but not over $1,917	$269.55 plus 24% of excess over $1,583.
Over $1,917	$349.71 plus 28% of excess over $1,917.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $500	14% of excess over $250.
Over $500 but not over $750	$35.00 plus 17% of excess over $500.
Over $750 but not over $1,125	$77.50 plus 19% of excess over $750.
Over $1,125 but not over $1,750	$148.75 plus 20% of excess over $1,125.
Over $1,750 but not over $2,875	$273.75 plus 21% of excess over $1,750.
Over $2,875	$510.00 plus 24% of excess over $2,875.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $625	14% of excess over $250.
Over $625 but not over $2,375	$52.50 plus 16% of excess over $625.
Over $2,375 but not over $3,500	$332.50 plus 19% of excess over $2,375.
Over $3,500 but not over $4,750	$546.25 plus 21% of excess over $3,500.
Over $4,750 but not over $5,750	$808.75 plus 24% of excess over $4,750.
Over $5,750	$1,048.75 plus 28% of excess over $5,750.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,000	14% of excess over $500.
Over $1,000 but not over $1,500	$70.00 plus 17% of excess over $1,000.
Over $1,500 but not over $2,250	$155.00 plus 19% of excess over $1,500.
Over $2,250 but not over $3,500	$297.50 plus 20% of excess over $2,250.
Over $3,500 but not over $5,750	$547.50 plus 21% of excess over $3,500.
Over $5,750	$1,020.00 plus 24% of excess over $5,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,250	14% of excess over $500.
Over $1,250 but not over $4,750	$105.00 plus 16% of excess over $1,250.
Over $4,750 but not over $7,000	$665.00 plus 19% of excess over $4,750.
Over $7,000 but not over $9,500	$1,092.50 plus 21% of excess over $7,000.
Over $9,500 but not over $11,500	$1,617.50 plus 24% of excess over $9,500.
Over $11,500	$2,097.50 plus 28% of excess over $11,500.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,000	14% of excess over $1,000.
Over $2,000 but not over $3,000	$140 plus 17% of excess over $2,000.
Over $3,000 but not over $4,500	$310 plus 19% of excess over $3,000.
Over $4,500 but not over $7,000	$595 plus 20% of excess over $4,500.
Over $7,000 but not over $11,500	$1,095 plus 21% of excess over $7,000.
Over $11,500	$2,040 plus 24% of excess over $11,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,500	14% of excess over $1,000.
Over $2,500 but not over $9,500	$210 plus 16% of excess over $2,500.
Over $9,500 but not over $14,000	$1,330 plus 19% of excess over $9,500.
Over $14,000 but not over $19,000	$2,185 plus 21% of excess over $14,000.
Over $19,000 but not over $23,000	$3,235 plus 24% of excess over $19,000.
Over $23,000	$4,195 plus 28% of excess over $23,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $5.50	14% of excess over $2.70.
Over $5.50 but not over $8.20	$0.39 plus 17% of excess over $5.50.
Over $8.20 but not over $12.30	$0.85 plus 19% of excess of $8.20.
Over $12.30 but not over $19.20	$1.63 plus 20% of excess over $12.30.
Over $19.20 but not over $31.50	$3.01 plus 21% of excess over $19.20.
Over $31.50	$5.59 plus 24% of excess over $31.50.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $6.80	14% of excess over $2.70.
Over $6.80 but not over $26.00	$0.57 plus 16% of excess over $6.80.
Over $26.00 but not over $38.40	$3.65 plus 19% of excess over $26.00.
Over $38.40 but not over $52.10	$6.00 plus 21% of excess over $38.40.
Over $52.10 but not over $63.00	$8.88 plus 24% of excess over $52.10.
Over $63.00	$11.50 plus 28% of excess over $63.00.

(5) In the case of wages paid after December 31, 1972:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $38	14% of excess over $19.
Over $38 but not over $58	$2.66 plus 17% of excess over $38.
Over $58 but not over $96	$6.06 plus 19% of excess over $58.
Over $96 but not over $183	$13.28 plus 20% of excess over $96.
Over $183 but not over $221	$30.68 plus 21% of excess over $183.
Over $221	$38.66 plus 23% of excess over $221.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $38	14% of excess over $19.
Over $38 but not over $96	$2.66 plus 15% of excess over $38.
Over $96 but not over $183	$11.36 plus 16% of excess over $96.
Over $183 but not over $288	$25.28 plus 19% of excess over $183.
Over $288 but not over $442	$45.23 plus 22% of excess over $288.
Over $442	$79.11 plus 27% of excess over $442.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $77	14% of excess over $38.
Over $77 but not over $115	$5.46 plus 17% of excess over $77.
Over $115 but not over $192	$11.92 plus 19% of excess over $115.
Over $192 but not over $365	$26.55 plus 20% of excess over $192.
Over $365 but not over $442	$61.15 plus 21% of excess over $365.
Over $442	$77.32 plus 23% of excess over $442.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $77	14% of excess over $38.
Over $77 but not over $192	$5.46 plus 15% of excess over $77.
Over $192 but not over $365	$22.71 plus 16% of excess over $192.
Over $365 but not over $577	$50.39 plus 19% of excess over $365.
Over $577 but not over $885	$90.67 plus 22% of excess over $577.
Over $885	$158.43 plus 27% of excess over $885.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $83	14% of excess over $42.
Over $83 but not over $125	$5.74 plus 17% of excess over $83.
Over $125 but not over $208	$12.88 plus 19% of excess over $125.
Over $208 but not over $396	$28.85 plus 20% of excess over $208.
Over $396 but not over $479	$66.25 plus 21% of excess over $396.
Over $479	$83.68 plus 23% of excess over $479.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $83	14% of excess over $42.
Over $83 but not over $208	$5.74 plus 15% of excess over $83.
Over $208 but not over $396	$24.49 plus 16% of excess over $208.
Over $396 but not over $625	$54.57 plus 19% of excess over $396.
Over $625 but not over $958	$98.08 plus 22% of excess over $625.
Over $958	$171.34 plus 27% of excess over $958.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $167	14% of excess over $83.
Over $167 but not over $250	$11.76 plus 17% of excess over $167.
Over $250 but not over $417	$25.87 plus 19% of excess over $250.
Over $417 but not over $792	$57.60 plus 20% of excess over $417.
Over $792 but not over $958	$132.60 plus 21% of excess over $792.
Over $958	$167.46 plus 23% of excess over $958.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $167	14% of excess over $83.
Over $167 but not over $417	$11.76 plus 15% of excess over $167.
Over $417 but not over $792	$49.26 plus 16% of excess over $417.
Over $792 but not over $1,250	$109.26 plus 19% of excess over $792.
Over $1,250 but not over $1,917	$196.28 plus 22% of excess over $1,250.
Over $1,917	$343.02 plus 27% of excess over $1,917.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $500	14% of excess over $250.
Over $500 but not over $750	$35.00 plus 17% of excess over $500.
Over $750 but not over $1,250	$77.50 plus 19% of excess over $750.
Over $1,250 but not over $2,375	$172.50 plus 20% of excess over $1,250.
Over $2,375 but not over $2,875	$397.50 plus 21% of excess over $2,375.
Over $2,875	$502.50 plus 23% of excess over $2,875.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $500	14% of excess over $250.
Over $500 but not over $1,250	$35.00 plus 15% of excess over $500.
Over $1,250 but not over $2,375	$147.50 plus 16% of excess over $1,250.
Over $2,375 but not over $3,750	$327.50 plus 19% of excess over $2,375.
Over $3,750 but not over $5,750	$588.75 plus 22% of excess over $3,750.
Over $5,750	$1,028.75 plus 27% of excess over $5,750.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,000	14% of excess over $250.
Over $1,000 but not over $1,500	$70.00 plus 17% of excess over $1,000.
Over $1,500 but not over $2,500	$155.00 plus 19% of excess over $1,500.
Over $2,500 but not over $4,750	$345.00 plus 20% of excess over $2,500.
Over $4,750 but not over $5,750	$795.00 plus 21% of excess over $4,750.
Over $5,750	$1,005.00 plus 23% of excess over $5,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,000	14% of excess over $5,000.
Over $1,000 but not over $2,500	$70.00 plus 15% of excess over $1,000.
Over $2,500 but not over $4,750	$295.00 plus 16% of excess over $2,500.
Over $4,750 but not over $7,500	$655.00 plus 19% of excess over $4,750.
Over $7,500 but not over $11,500	$1,177.50 plus 22% of excess over $7,500.
Over $11,500	$2,057.50 plus 27% of excess over $11,500.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,000	14% of excess over $1,000.
Over $2,000 but not over $3,000	$140 plus 17% of excess over $2,000.
Over $3,000 but not over $5,000	$310 plus 19% of excess over $3,000.
Over $5,000 but not over $9,500	$690 plus 20% of excess over $5,000.
Over $9,500 but not over $11,500	$1,590 plus 21% of excess over $9,500.
Over $11,500	$2,010 plus 23% of excess over $11,500.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,000	14% of excess over $1,000.
Over $2,000 but not over $5,000	$140 plus 15% of excess over $2,000.
Over $5,000 but not over $9,500	$590 plus 16% of excess over $5,000.
Over $9,500 but not over $15,000	$1,310 plus 19% of excess over $9,500.
Over $15,000 but not over $23,000	$2,355 plus 22% of excess over $15,000.
Over $23,000	$4,115 plus 27% of excess over $23,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $5.50	14% of excess over $2.70.
Over $5.50 but not over $8.20	$0.39 plus 17% of excess over $5.50.
Over $8.20 but not over $13.70	$0.85 plus 19% of excess over $8.20.
Over $13.70 but not over $26.00	$1.90 plus 20% of excess over $13.70.
Over $26.00 but not over $31.50	$4.36 plus 21% of excess over $26.00.
Over $31.50	$5.51 plus 23% of excess over $31.50.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $5.50	14% of excess over $2.70.
Over $5.50 but not over $13.70	$0.39 plus 15% of excess over $5.50.
Over $13.70 but not over $26.00	$1.62 plus 16% of excess over $13.70.
Over $26.00 but not over $41.10	$3.59 plus 19% of excess over $26.00.
Over $41.10 but not over $63.00	$6.46 plus 22% of excess over $41.10.
Over $63.00	$11.28 plus 27% of excess over $63.00.

[Sec. 3402(a) as amended by sec. 2(a), Act of Aug. 9, 1955 (Public Law 306, 84th Cong., 69 Stat. 605); sec. 302(a), Rev. Act 1964 (78 Stat. 140); sec. 313(d)(3), Social Security Amendments 1965 (79 Stat. 384); sec. 101(a), Tax Adjustment Act 1966 (80 Stat. 38); sec. 102(c)(1), Revenue and Expenditure Control Act 1968 (82 Stat. 256); sec. 2(a) (1) and (2), Act of June 30, 1969 (Public Law 91-36, 83 Stat. 42); sec. 6(a) (1) and (2), Act of Aug. 7, 1969 (Public Law 91-53, 83 Stat. 96); sec. 805(a), Tax Reform Act 1969 (83 Stat. 686)]

PAR. 2. Section 31.3402(a)-1 is amended by revising paragraph (a) to read as follows:

§ 31.3402(a)-1 Requirement of withholding.

(a) Section 3402 provides alternative methods, at the election of the employer, for use in computing the amount of income tax to be collected at source on wages. Under the percentage method of withholding (see § 31.3402(b)-1), the employer is required to deduct and withhold a tax computed in accordance with the provisions of section 3402(a). Under the wage bracket method of withholding (see § 31.3402(c)-1), the employer is required to deduct and withhold a tax determined in accordance with the provisions of section 3402(c). The employer may elect to use the percentage method, the wage bracket method, or certain other methods (see § 31.3402(h)(4)-1). Different methods may be used by the employer with respect to different groups of employees.

* * * * *

PAR. 3. Section 31.3402(a)-2 is amended to read as follows:

§ 31.3402(a)-2 Amount of tax to be withheld under percentage method of withholding.

(a) *Wages paid after December 31, 1969.* With respect to wages paid after December 31, 1969, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined in accordance with the tables set forth in section 3402(a). Each of the paragraphs of such section provides tables applicable to wages paid during a specified period after such date.

(b) *Wages paid after April 30, 1966, and before January 1, 1970.* With respect to wages paid after April 30, 1966, and before January 1, 1970, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined in accordance with the tables set forth in section 3402(a). For purposes of applying such tables, the term "the amount of the wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table contained in paragraph (a)(1) of § 31.3402(b)-2:

(1) In the case of wages paid after July 13, 1968, and before January 1, 1970:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $13	14% of excess over $4.
Over $13 but not over $23	$1.28 plus 15% of excess over $13.
Over $23 but not over $85	$2.78 plus 19% of excess over $23.
Over $85 but not over $169	$14.54 plus 22% of excess over $85.
Over $169 but not over $212	$33.02 plus 28% of excess over $169.
Over $212	$45.06 plus 33% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $23	14% of excess over $4.
Over $23 but not over $58	$2.66 plus 15% of excess over $23.
Over $58 but not over $169	$7.91 plus 19% of excess over $58.
Over $169 but not over $340	$29.00 plus 22% of excess over $169.
Over $340 but not over $423	$66.62 plus 28% of excess over $340.
Over $423	$89.86 plus 33% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $27	14% of excess over $8.
Over $27 but not over $46	$2.66 plus 15% of excess over $27.
Over $46 but not over $169	$5.51 plus 19% of excess over $46.
Over $169 but not over $338	$28.88 plus 22% of excess over $169.
Over $338 but not over $423	$66.06 plus 28% of excess over $338.
Over $423	$89.86 plus 33% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $46	14% of excess over $8.
Over $46 but not over $115	$5.32 plus 15% of excess over $46.
Over $115 but not over $338	$15.67 plus 19% of excess over $115.
Over $338 but not over $681	$58.04 plus 22% of excess over $338.
Over $681 but not over $846	$133.50 plus 28% of excess over $681.
Over $846	$179.70 plus 33% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $29	14% of excess over $8.
Over $29 but not over $50	$2.94 plus 15% of excess over $29.
Over $50 but not over $183	$6.09 plus 19% of excess over $50.
Over $183 but not over $367	$31.36 plus 22% of excess over $183.
Over $367 but not over $458	$71.84 plus 28% of excess over $367.
Over $458	$97.32 plus 33% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $50	14% of excess over $8.
Over $50 but not over $125	$5.88 plus 15% of excess over $50.
Over $125 but not over $367	$17.13 plus 19% of excess over $125.
Over $367 but not over $738	$63.11 plus 22% of excess over $367.
Over $738 but not over $917	$144.73 plus 28% of excess over $738.
Over $917	$194.85 plus 33% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $58	14% of excess over $17.
Over $58 but not over $100	$5.74 plus 15% of excess over $58.
Over $100 but not over $367	$12.04 plus 19% of excess over $100.
Over $367 but not over $733	$62.77 plus 22% of excess over $367.
Over $733 but not over $917	$143.29 plus 28% of excess over $733.
Over $917	$194.81 plus 33% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $100	14% of excess over $17.
Over $100 but not over $250	$11.62 plus 15% of excess over $100.
Over $250 but not over $733	$34.12 plus 19% of excess over $250.
Over $733 but not over $1,475	$125.89 plus 22% of excess over $733.
Over $1,475 but not over $1,883	$289.13 plus 28% of excess over $1,475.
Over $1,833	$389.37 plus 33% of excess over $1,833.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	0.
Over $50 but not over $175	14% of excess over $50.
Over $175 but not over $300	$17.50 plus 15% of excess over $175.
Over $300 but not over $1,100	$36.25 plus 19% of excess over $300.
Over $1,100 but not over $2,200	$188.25 plus 22% of excess over $1,100.
Over $2,200 but not over $2,750	$430.25 plus 28% of excess over $2,200.
Over $2,750	$584.25 plus 33% of excess over $2,750.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	0.
Over $50 but not over $300	14% of excess over $50.
Over $300 but not over $750	$35.00 plus 15% of excess over $300.
Over $750 but not over $2,200	$102.50 plus 19% of excess over $750.
Over $2,200 but not over $4,425	$378.00 plus 22% of excess over $2,200.
Over $4,425 but not over $5,500	$867.50 plus 28% of excess over $4,425.
Over $5,500	$1,168.50 plus 33% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	0.
Over $100 but not over $350	14% of excess over $100.
Over $350 but not over $600	$35.00 plus 15% of excess over $350.
Over $600 but not over $2,200	$72.50 plus 19% of excess over $600.
Over $2,200 but not over $4,400	$376.50 plus 22% of excess over $2,200.
Over $4,400 but not over $5,500	$860.50 plus 28% of excess over $4,400.
Over $5,500	$1,168.50 plus 33% of excess over $5,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	0.
Over $100 but not over $600	14% of excess over $100.
Over $600 but not over $1,500	$70.00 plus 15% of excess over $600.
Over $1,500 but not over $4,400	$205.00 plus 19% of excess over $1,500.
Over $4,400 but not over $8,850	$756.00 plus 22% of excess over $4,400.
Over $8,850 but not over $11,000	$1,735.00 plus 28% of excess over $8,850.
Over $11,000	$2,337.00 plus 33% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	0.
Over $200 but not over $700	14% of excess over $200.
Over $700 but not over $1,200	$70 plus $15% of excess over $700.
Over $1,200 but not over $4,400	$145 plus 19% of excess over $1,200.
Over $4,400 but not over $8,800	$753 plus 22% of excess over $4,400.
Over $8,800 but not over $11,000	$1,721 plus 28% of excess over $8,800.
Over $11,000	$2,337 plus 33% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	0.
Over $200 but not over $1,200	14% of excess over $200.
Over $1,200 but not over $3,000	$140 plus 15% of excess over $1,200.
Over $3,000 but not over $8,800	$410 plus 19% of excess over $3,000.
Over $8,800 but not over $17,700	$1,512 plus 22% of excess over $8,800.
Over $17,700 but not over $22,000	$3,470 plus 28% of excess over $17,700.
Over $22,000	$4,674 plus 33% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	0.
Over $0.50 but not over $1.90	14% of excess over $0.50.
Over $1.90 but not over $3.30	$0.20 plus 15% of excess over $1.90.
Over $3.30 but not over $12.10	$0.41 plus 19% of excess over $3.30.
Over $12.10 but not over $24.10	$2.08 plus 22% of excess over $12.10.
Over $24.10 but not over $30.10	$4.72 plus 28% of excess over $24.10.
Over $30.10	$6.40 plus 33% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	0.
Over $0.50 but not over $3.30	14% of excess over $0.50.
Over $3.30 but not over $8.20	$0.39 plus 15% of excess over $3.30.
Over $8.20 but not over $24.10	$1.13 plus 19% of excess over $8.20.
Over $24.10 but not over $48.50	$4.15 plus 22% of excess over $24.10.
Over $48.50 but not over $60.30	$9.52 plus 28% of excess over $48.50.
Over $60.30	$12.82 plus 33% of excess over $60.30.

(2) In the case of wages paid after April 30, 1966, and before July 14, 1968:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $13	14% of excess over $4.
Over $13 but not over $28	$1.26 plus 15% of excess over $13.
Over $23 but not over $85	$2.76 plus 17% of excess over $23.
Over $85 but not over $169	$13.80 plus 20% of excess over $85.
Over $169 but not over $212	$30.10 plus 25% of excess over $169
Over $212	$40.85 plus 30% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $23	14% of excess over $4.
Over $23 but not over $85	$2.66 plus 15% of excess over $23.
Over $85 but not over $169	$11.96 plus 17% of excess over $85.
Over $169 but not over $340	$26.24 plus 20% of excess over $169.
Over $340 but not over $423	$60.44 plus 25% of excess over $340.
Over $423	$81.19 plus 30% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $27	14% of excess over $8.
Over $27 but not over $46	$2.66 plus 15% of excess over $27.
Over $46 but not over $169	$5.51 plus 17% of excess over $46.
Over $169 but not over $338	$26.42 plus 20% of excess over $169.
Over $338 but not over $423	$60.22 plus 25% of excess over $338.
Over $423	$81.47 plus 30% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $46	14% of excess over $8.
Over $46 but not over $169	$5.32 plus 15% of excess over $46.
Over $169 but not over $338	$23.77 plus 17% of excess over $169.
Over $338 but not over $681	$52.50 plus 20% of excess over $338.
Over $681 but not over $846	$121.10 plus 25% of excess over $681.
Over $846	$162.35 plus 30% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $29	14% of excess over $8.
Over $29 but not over $50	$2.94 plus 15% of excess over $29.
Over $50 but not over $183	$6.09 plus 17% of excess over $50.
Over $183 but not over $367	$28.70 plus 20% of excess over $183.
Over $367 but not over $458	$65.50 plus 25% of excess over $367.
Over $458	$88.25 plus 30% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not ower $50	14% of excess over $8.
Over $50 but not over $183	$5.88 plus 15% of excess over $50.
Over $183 but not over $367	$25.83 plus 17% of excess over $183.
Over $367 but not over $738	$57.11 plus 20% of excess over $367.
Over $738 but not over $917	$131.31 plus 25% of excess over $738.
Over $917	$176.06 plus 30% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $58	14% of excess over $17.
Over $58 but not over $100	$5.74 plus 15% of excess over $58.
Over $100 but not over $367	$12.04 plus 17% of excess over $100.
Over $367 but not over $733	$57.43 plus 20% of excess over $367.
Over $733 but not over $917	$130.63 plus 25% of excess over $733.
Over $917	$176.63 plus 30% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $100	14% of excess over $17.
Over $100 but not over $367	$11.62 plus 15% of excess over $100.
Over $367 but not over $733	$51.67 plus 17% of excess over $367.
Over $733 but not over $1,475	$113.89 plus 20% of excess over $733.
Over $1,475 but not over $1,833	$262.29 plus 25% of excess over $1,475.
Over $1,833	$351.79 plus 30% of excess over $1,833.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL—Continued

(b) Married Person:	The amount of income tax to be withheld shall be:
If the amount of wages is:	
Not over $200	0.
Over $200 but not over $1,200	14% of excess over $200.
Over $1,200 but not over $4,400	$140 plus 15% of excess over $1,200.
Over $4,400 but not over $8,800	$620 plus 17% of excess over $4,400.
Over $8,800 but not over $17,700	$1,368 plus 20% of excess over $8,800.
Over $17,700 but not over $22,000	$3,148 plus 25% of excess over $17,700.
Over $22,000	$4,223 plus 30% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
If the amount of wages divided by the number of days in the payroll period is:	
Not over $0.50	0.
Over $0.50 but not over $1.90	14% of excess over $0.50.
Over $1.90 but not over $3.30	$0.20 plus 15% of excess over $1.90.
Over $3.30 but not over $12.10	$0.41 plus 17% of excess over $3.30.
Over $12.10 but not over $24.10	$1.91 plus 20% of excess over $12.10.
Over $24.10 but not over $30.10	$4.31 plus 25% of excess over $24.10.
Over $30.10	$5.81 plus 30% of excess over $30.10.
(b) Married Person:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
If the amount of wages divided by the number of days in the payroll period is:	
Not over $0.50	0.
Over $0.50 but not over $3.30	14% of excess over $0.50.
Over $3.30 but not over $12.10	$0.39 plus 15% of excess over $3.30.
Over $12.10 but not over $24.10	$1.71 plus 17% of excess over $12.10.
Over $24.10 but not over $48.50	$3.75 plus 20% of excess over $24.10.
Over $48.50 but not over $60.30	$8.63 plus 25% of excess over $48.50.
Over $60.30	$11.58 plus 30% of excess over $60.30.

(c) *Wages paid before May 1, 1966.* With respect to wages paid before May 1, 1966, instead of determining the amount of tax to be deducted and withheld in accordance with the tables set forth in section 3402(a), the amount of tax to be deducted and withheld under the percentage method of withholding shall be equal to—

(1) 14 percent with respect to wages paid after March 4, 1964, and before May 1, 1966, and

(2) 18 percent with respect to wages paid before March 5, 1964,

of the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table contained in paragraph (a)(2) of § 31.3402(b)–2.

PAR. 4. Section 31.3402(b) is amended by revising paragraph (1) of section 3402(b) and adding a historical note to read as follows:

§ 31.3402(b) Statutory provisions; income tax collected at source; percentage method of withholding.

SEC. 3402. *Income tax collected at source.* * * *

(b) *Percentage method of withholding.*

(1) The table referred to in subsection

(a) is as follows:

PERCENTAGE METHOD WITHHOLDING TABLE

[Effective with respect to wages paid after December 31, 1969, and before July 1, 1970]

Payroll period:	*Amount of one withholding exemption*
Weekly	$11.50
Biweekly	23.00
Semimonthly	25.00
Monthly	50.00
Quarterly	150.00
Semiannual	300.00
Annual	600.00
Daily or miscellaneous (per day of such period)	1.60

[Effective with respect to wages paid after June 30, 1970, and before January 1, 1972]

Payroll period:	*Amount of one withholding exemption*
Weekly	$12.50
Biweekly	25.00
Semimonthly	27.10
Monthly	54.20
Quarterly	162.50
Semiannual	325.00
Annual	650.00
Daily or miscellaneous (per day of such period)	1.80

[Effective with respect to wages paid during 1972]

Payroll period:	*Amount of one withholding exemption*
Weekly	$13.50
Biweekly	26.90
Semimonthly	29.20
Monthly	58.30
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day of each period)	1.90

[Effective with respect to wages paid after 1972]

Payroll period:	*Amount of one withholding exemption*
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of each period)	2.10

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[Sec. 3402(b) as amended by sec. 101(b), Tax Adjustment Act 1966 (80 Stat. 41); sec. 805(b), Tax Reform Act 1969 (83 Stat. 704)]

PAR. 5. Section 31.3402(b)–1 is amended by revising paragraphs (a) (1) and (2), (b), (c), and (d)(1) and the example in paragraph (d)(2) to read as follows:

§ 31.3402(b)–1 Percentage method of withholding.

(a) *In general.* (1) With respect to wages paid after December 31, 1969, the percentage method of computing the amount of tax to be withheld makes use of the percentage method withholding table contained in section 3402(b)(1). This table shows with respect to each of the designated payroll periods the amount allowable for one withholding exemption. The amount of the withholding exemption allowable with respect to a particular payroll period depends upon the number of withholding exemptions claimed. The term "payroll period" is defined in section 3401(b) (see § 31.3401(b)–1). The term "number of withholding exemptions claimed" is defined in section 3401(e) (see § 31.3401(e)–1). For tables relating to wages paid before January 1, 1970, see paragraph (a) of § 31.3402(b)–2.

(2) The steps in computing the tax under the percentage method of withholding with respect to wages paid after December 31, 1969, are summarized as follows:

Step 1. Determine the amount of one withholding exemption for the particular payroll period from the applicable percentage method withholding table in section 3402(b)(1).

Step 2. Multiply the amount determined in Step 1 by the number of exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Compute the income tax to be withheld by applying to the amount determined in Step 3 the amounts shown in the appropriate table in section 3402(a).

For steps in computing the tax on wages paid before January 1, 1970, see paragraph (b) of § 31.3402(b)–2.

Example. On May 14, 1971, an employee who has a weekly payroll period is paid $150. He has in effect a withholding exemption certificate claiming three withholding exemptions and indicating that he is married. His employer, using the percentage method, computes the tax to be withheld as follows:

Step 1. Amount of one withholding exemption	$12.50
Step 2. Multiplied by number of exemptions claimed on Form W–4	X3
Total withholding exemption	$37.50
Step 3. Total wage payment	$150.00
Less amount determined in Step 2	$37.50
Balance subject to tax	$112.50
Step 4. Tax on $77 (from table 1(b) in section 3402(a)(3))	$9.03
Tax on $35.50 (at 16 percent as determined by such table 1(b))	$5.68
Total to be withheld	$14.71

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(b) *Established payroll periods, other than daily or miscellaneous, as shown in percentage method withholding table.* The amount of one withholding exemption and the amount of tax to be withheld, with respect to each of the established payroll periods other than daily or miscellaneous, is determined, respectively, by reference to the line in the percentage method withholding table in section 3402(b)(1) (paragraph (a) of § 31.3402(b)–2, in the case of wages paid before January 1, 1970) which is applicable to the payroll period and to the applicable table set forth in section 3402(a) (paragraph (b) of § 31.3402(a)–2, in the case of wages paid after April 30, 1966, and before January 1, 1970) which is applicable to the payroll period and without reference to the time the employee is actually engaged in the performance of services during the payroll period.

Example (1). Employee A has a semimonthly payroll period. The number of withholding exemptions claimed by A is two. A's wages are determined at the rate of $2 per hour. During a certain payroll period he works only 24 hours and earns $48, which he is paid on April 30, 1971. Although A worked only 24 hours during the semimonthly payroll period, the applicable withholding exemption is $27.10, and the amount of two withholding exemptions, or $54.20, is allowable. Since the amount of the wages paid for the semimonthly payroll period is less than the amount allowed for two withholding exemptions for such period, the employer is not required to withhold any tax.

Example (2). Employee B has a weekly payroll period. He has in effect a withholding exemption certificate claiming two withholding exemptions and indicating that he is married. B's wages are determined at the rate of $3 per hour. During a certain payroll period B works 24 hours and earns $72, which he is paid on April 30, 1971. Although B worked only 24 hours during the weekly payroll period, the applicable withholding exemption is $12.50, and the amount of two withholding exemptions, or $25, is allowable. The amount of tax to be withheld on the balance of $47, determined in accordance with the applicable table 1(b) in section 3402(a)(3), is $3.93.

(c) *Periods to which the daily or miscellaneous table and withholding exemption are applicable*—(1) *In general.* The tables designated "Table 8" in section 3402(a) and paragraph (b) of § 31.3402(a)–2 show for a daily or miscellaneous payroll period for employees who are to be withheld from as single persons and for employees who are to be withheld from as married persons the amount of tax to be withheld with respect to an amount of wages subject to withholding for one day. The percentage method withholding table shows for a daily or miscellaneous payroll period the amount of one withholding exemption allowable with respect to one day. For the purpose of determining the amount of tax to be withheld with respect to wages paid for a particular miscellaneous payroll period (see paragraph (c) of § 31.3401(b)–1), the amount of one withholding exemption shown in the table for 1 day of such period and the wages paid for the period must be placed on a comparable basis. With respect to wages paid after December 31, 1969, the amount of tax to be withheld shall be determined by the following method:

Step 1. Divide the wages paid to the employee for the period by the number of days (including Sundays and holidays) in the period.

Step 2. Multiply the amount per day shown in the applicable percentage method withholding table by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the amount determined in Step 1.

Step 4. Compute the income tax to be withheld for one day on the amount determined in Step 3 from the applicable table designated Table 8 ((a) or (b), depending on the marital status of the employee indicated on the withholding exemption certificate in effect).

Step 5. Multiply the amount determined in Step 4 by the number of days (including Sundays and holidays) in the period.

See paragraph (c) of § 31.3402(b)–2 for the steps in computing the tax on wages paid before January 1, 1970.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the amount to be deducted and withheld under the percentage method shall be the amount applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. An individual performs services for a contractor in connection with a construction project. He has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. Wages have been fixed at the rate of $36 per day, to be paid upon completion of the project. The project is completed before July 1, 1971, in 12 consecutive days, at the end of which period the individual is paid wages of $360 for 10 days' services performed during the period. Under the percentage method the amount of tax to be withheld is determined as follows:

Step 1. Wages per day ($360 divided by 12)	$30.00
Step 2. Amount deducted for withholding exemptions (2 x $1.80)	3.60
Step 3. Balance per day subject to tax	26.40
Step 4. Tax per day	3.84
Step 5. Total tax to be withheld ($3.84 x 12)	46.08

(3) *Wages paid without regard to any period.* If wages are paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon consummation of a sale, the amount of tax to be deducted and withheld shall be determined in the same manner as in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to the employee by the employer in the calendar year, or

(ii) The date on which the individual's employment with the employer began in the calendar year, or

(iii) January 1 of the calendar year, and ending with (and including) the date on which the wages are paid.

Example. On April 2, 1971, C is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. C has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. On May 22, 1971, C receives a commission of $300, his first commission since April 2, 1971. Again, on June 19, 1971, C receives a commission of $420. Under the percentage method, the amount of tax to be deducted and withheld in respect of the commission paid on May 22, is $9.10, which amount is obtained by multiplying $0.182 (tax per day under table 8(a) in section 3402(a)(3) on wages per day subject to tax of $4.20) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 19 is $52.92 which amount is obtained by multiplying $1.89 (tax per day under such table 8(a) on wages per day subject to tax of $13.20) by 28 (number of days elapsed).

(d) *Period or elapsed time less than 1 week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than 1 week, the tax to be deducted and withheld under the percentage method shall be the amount computed for a daily payroll period, or for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period, or other period, for which such wages are paid. In the case of wages paid without regard to any period, if the elapsed time computed as provided in paragraph (c) of this section is less than 1 week, the same rule is applicable.

Example (1). On May 14, 1971, an employee who has a daily payroll period is paid wages of $20 per day. The employee has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. The amount of each such daily wage payment subject to withholding is $18.20 ($20 − $1.80). The amount of tax to be deducted and withheld from each such payment of wages is $2.81.

Example (2). An employee works for a certain employer on 4 consecutive days, for which he is paid wages totalling $60 on July 25, 1971. The employee has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. The amount of tax to be deducted and withheld under the percentage method is $5.38 (4 x $1.344).

(2) • • •

Example. An employee works for a certain employer on 4 consecutive days, for which he is paid wages totalling $60 on July 25, 1971. The employee has in effect a withholding exemption certificate claiming two withholding exemptions and indicating that he is married. The employer elects to use the weekly withholding exemption after securing the proper statement from the employee. In such case, the amount of the withholding exemption allowable is $25 (2 x $12.50). The amount of tax to be deducted and withheld is $2.10.

• • • •

PAR. 6. The following new section is added immediately after § 31.3402(b)–1:

§ 31.3402(b)–2 Wages paid before January 1, 1970.

With respect to wages paid before January 1, 1970—

(a) *Percentage method withholding tables—(1) Table applicable to wages paid after April 30, 1966, and before January 1, 1970.* With respect to wages paid after April 30, 1966, and before January 1, 1970, the following table shall be used instead of that set forth in section 3402(b)(1):

PERCENTAGE METHOD WITHHOLDING TABLE

Payroll period:	Amount of one withholding exemption
Weekly	$13.50
Biweekly	26.90
Semimonthly	29.20
Monthly	58.30
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day or such period)	1.90

(2) *Table applicable to wages paid before May 1, 1966.* With respect to wages paid before May 1, 1966, the following table shall be used instead of that set forth in section 3402(b)(1):

PERCENTAGE METHOD WITHHOLDING TABLE

Payroll period:	Amount of one withholding exemption
Weekly	$13.00
Biweekly	26.00
Semimonthly	28.00
Monthly	56.00
Quarterly	167.00
Semiannual	333.00
Annual	667.00
Daily or miscellaneous (per day of such period)	1.80

(b) *Steps in computing tax.* The total tax to be withheld from wages shall be determined in accordance with the method set forth in paragraph (a)(2) of § 31.3402(b)-1 except that in applying Step 1 the table set forth in paragraph (a) of this section shall be used and that in lieu of Step 4, the amount of tax to be withheld shall be determined by multiplying the amount determined in Step 3 by the applicable percentage figure set forth in paragraph (c) of § 31.3402(a)-2.

(c) *Periods to which the daily or miscellaneous table and withholding exemption are applicable.* (1) The total tax to be withheld from wages paid with respect to a period to which the daily or miscellaneous table and withholding exemption are applicable may be determined in accordance with the method set forth in paragraph (c)(1) of § 31.3402(b)–1 except that in applying Step 1 the table set forth in paragraph (a) of this section shall be used and that in lieu of Step 4 the amount of tax per day to be withheld shall be determined by multiplying the amount determined in Step 3 by the applicable percentage figure set forth in paragraph (c) of § 31.3402(a)–2.

(2) In lieu of the method described in the preceding subparagraph, the following method for determining the amount of tax to be withheld on wages paid with respect to a period to which the daily or miscellaneous table and withholding exemption are applicable may be used:

Step 1. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of days (including Sundays and holidays) in such period.

Step 2. Multiply the amount determined in Step 1 by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under paragraph (c) of § 31.3402(a)–2.

PAR. 7. Section 31.3402(c) is amended by revising paragraph (1) of section 3402(c), adding a new paragraph (6) immediately after paragraph (5) of such section, and revising the historical note. The amended and added provisions read as follows:

§ 31.3402(c) Statutory provisions; income tax collected at source; wage bracket withholding.

SEC. 3402. *Income tax collected at source.* • • •

(c) *Wage bracket withholding.* (1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax (in lieu of the tax required to be deducted and withheld under subsection (a)) determined in accordance with tables prescribed by the Secretary or his delegate in accordance with paragraph (6).

• • • • •

(6) In the case of wages paid after December 31, 1969, the amount deducted and withheld under paragraph (1) shall be determined in accordance with tables prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts set forth as amounts of wages and amounts of income tax to be deducted and withheld shall be computed on the basis of table 7 contained in paragraphs (1), (2), (3), (4), or (5) (whichever is applicable) of subsection (a).

[Sec. 3402(c) as amended by sec. 302(b), Rev. Act 1964 (78 Stat. 140); sec. 101(c), Tax Adjustment Act 1966 (80 Stat. 41); sec. 102(c)(2), Revenue and Expenditure Control Act 1968 (82 Stat. 259); sec. 2(a)(3), Act of June 30, 1969 (Public Law 91–36, 83 Stat. 42); sec. 6(a)(3), Act of Aug. 7, 1969 (Public Law 91–53, 83 Stat. 96); sec. 805(c), Tax Reform Act 1969 (83 Stat. 705)]

PAR. 8. Section 31.3402(c)–1 is amended by revising paragraphs (a)(1), (b), (c)(1) and the examples in paragraphs (c)(2) and (3) and (d)(1), to read as follows:

§ 31.3402(c)–1 Wage bracket withholding.

(a) *In general.* (1) The employer may elect to use the wage bracket method provided in section 3402(c) instead of the percentage method with respect to any employee. The tax computed under the wage bracket method shall be in lieu of the tax required to be deducted and withheld under section 3402(a). With respect to wages paid after July 13, 1968, the correct amount of withholding shall be determined under the applicable wage bracket withholding table contained in the Circular E (Employer's Tax Guide) issued for use with respect to the period in which such wages are paid. For tables relating to wages paid before July 14, 1968, see § 31.3402(c)–2.

• • • • •

(b) *Established payroll periods, other than daily or miscellaneous, covered by wage bracket withholding tables.* The wage bracket withholding tables contained in Circular E (§ 31.3402(c)–2, in the case of wages paid before July 14, 1968) for established periods other than daily or miscellaneous should be used in determining the tax to be withheld for any such period without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). On June 30, 1971, employee A is paid wages for a semimonthly payroll period. A has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. A's wages are determined at the rate of $2 per hour. During a certain payroll period he works only 24 hours and earns $48. Although A worked only 24 hours during the semimonthly payroll period, the applicable wage bracket withholding table contained in Circular E for a semimonthly payroll period for an employee who is married should be used in determining the tax to be withheld. Under this table it will be found that no tax is required to be withheld from a wage payment of $48 when two withholding exemptions are claimed.

Example (2). On May 14, 1971, employee B is paid wages for a weekly payroll period. B has in effect a withholding exemption certification indicating that he claims one withholding exemption and that he is single. B's wages are determined at the rate of $2 per hour. During a certain payroll period B works 18 hours and earns $36. Although B worked only 18 hours during the weekly payroll period the applicable wage bracket withholding table for a weekly payroll period for an employee who is single should be used in determining the tax to be withheld. Under this table it will be found that $0.50 is the amount of tax to be withheld from a wage payment of $36 when one withholding exemption is claimed.

(c) *Periods to which the tables for a daily or miscellaneous payroll period are applicable—(1) In general.* The tables applicable to a daily or miscellaneous payroll period show the tax for employees who are to be withheld from as single persons and for employees who are to be withheld from as married persons on the amount of wages for one day. Where the withholding is computed under the rules applicable to a miscellaneous payroll period, the wages and the amounts shown in the applicable table must be placed on a comparable basis. This may be accomplished by reducing the wages paid for the period to a daily basis by dividing the total wages by the number of days (including Sundays and holidays) in the period. The amount of the tax shown in the applicable table as the tax required to be withheld from the wages, as so reduced to a daily basis, should then be multiplied by the number of days (including Sundays and holidays) in the period.

(2) *Period not a payroll period.* • • •

Example. An individual performs services for a contractor in connection with a construction project. He has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. Wages have been fixed at the rate of $36 per day, to be paid upon completion of the project. The project is completed before July 1, 1971, in 12 consecutive days, at the end of which period the individual is paid wages of $360 for 10 days' services performed during the period. Under the wage bracket method the amount to be deducted and withheld from such wages is determined by dividing the amount of the wages ($360) by the number of days in the period (12), the result being $30. The amount of tax required to be withheld is determined under the appropriate table applicable to a miscellaneous payroll period for an employee who is married. Under this table the tax required to be withheld is $47.40 (12 x $3.95).

(3) *Wages paid without regard to any period.* • • •

Example. On April 2, 1971, C is employed by the X Real Estate Company to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. C has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. On May 22, 1971, C receives a commission of $300, his first commission since April 2, 1971. Again on June 19, 1971, C receives a commission of $420. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 22, is $10, which amount is obtained by multiplying $0.20 (tax per day under the appropriate wage bracket table applicable to a daily or miscellaneous payroll period for an employee who is not married where wages are at least $6 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 19 is $54.60, which amount is obtained by multipyling $1.95 (tax under the appropriate wage bracket table for a daily or miscellaneous payroll period where wages are at least $15 but less than $15.50 a day) by 28 (number of days elapsed).

(d) *Period of elapsed time less than 1 week.* (1) • • •

Example (1). On May 14, 1971, an employee who has a daily payroll period is paid wages of $15 per day. The employee has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. Under the applicable table for a daily payroll period for an employee who is not married, the amount of tax to be deducted and withheld from each such payment of wages is $1.95.

Example (2). An employee works for a certain employer on 4 consecutive days for which he is paid wages totalling $60 on July 25, 1971. The employee has in effect a withholding exemption certificate claiming two withholding exemptions and indicating that he is married. The amount of tax to be deducted and withheld under the wage bracket method is $5.60 (4 x $1.40).

• • • • •

PAR. 9. Section 31.3402(c)–2 is amended by revising so much of such section as precedes the tables to read as follows:

§ 31.3402(c)–2 Wages paid before July 14, 1968.

(a) With respect to wages paid after April 30, 1966, and before July 14, 1968, the following tables shall be used:

If the payroll period with respect to an employee is weekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$4	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$4	$5	.10	0	0	0	0	0	0	0	0	0	0
$5	$6	.20	0	0	0	0	0	0	0	0	0	0
$6	$7	.40	0	0	0	0	0	0	0	0	0	0
$7	$8	.50	0	0	0	0	0	0	0	0	0	0
$8	$9	.70	0	0	0	0	0	0	0	0	0	0
$9	$10	.80	0	0	0	0	0	0	0	0	0	0
$10	$11	.90	0	0	0	0	0	0	0	0	0	0
$11	$12	1.10	0	0	0	0	0	0	0	0	0	0
$12	$13	1.20	0	0	0	0	0	0	0	0	0	0
$13	$14	1.40	0	0	0	0	0	0	0	0	0	0
$14	$15	1.50	0	0	0	0	0	0	0	0	0	0
$15	$16	1.70	0	0	0	0	0	0	0	0	0	0
$16	$17	1.80	0	0	0	0	0	0	0	0	0	0
$17	$18	2.00	0	0	0	0	0	0	0	0	0	0
$18	$19	2.10	.20	0	0	0	0	0	0	0	0	0
$19	$20	2.30	.30	0	0	0	0	0	0	0	0	0
$20	$21	2.40	.40	0	0	0	0	0	0	0	0	0
$21	$22	2.60	.60	0	0	0	0	0	0	0	0	0
$22	$23	2.70	.70	0	0	0	0	0	0	0	0	0
$23	$24	2.90	.90	0	0	0	0	0	0	0	0	0
$24	$25	3.00	1.00	0	0	0	0	0	0	0	0	0
$25	$26	3.20	1.10	0	0	0	0	0	0	0	0	0
$26	$27	3.40	1.30	0	0	0	0	0	0	0	0	0
$27	$28	3.50	1.40	0	0	0	0	0	0	0	0	0
$28	$29	3.70	1.60	0	0	0	0	0	0	0	0	0
$29	$30	3.80	1.70	0	0	0	0	0	0	0	0	0
$30	$31	4.00	1.80	0	0	0	0	0	0	0	0	0
$31	$32	4.10	2.00	.10	0	0	0	0	0	0	0	0
$32	$33	4.30	2.10	.20	0	0	0	0	0	0	0	0
$33	$34	4.40	2.30	.30	0	0	0	0	0	0	0	0
$34	$35	4.60	2.40	.50	0	0	0	0	0	0	0	0
$35	$36	4.70	2.60	.60	0	0	0	0	0	0	0	0
$36	$37	4.90	2.70	.80	0	0	0	0	0	0	0	0
$37	$38	5.00	2.90	.90	0	0	0	0	0	0	0	0
$38	$39	5.20	3.00	1.00	0	0	0	0	0	0	0	0
$39	$40	5.30	3.20	1.10	0	0	0	0	0	0	0	0
$40	$41	5.50	3.30	1.30	0	0	0	0	0	0	0	0
$41	$42	5.60	3.40	1.40	0	0	0	0	0	0	0	0
$42	$43	5.80	3.60	1.50	0	0	0	0	0	0	0	0
$43	$44	5.90	3.70	1.70	0	0	0	0	0	0	0	0
$44	$45	6.10	3.90	1.80	0	0	0	0	0	0	0	0
$45	$46	6.20	4.00	2.00	.10	0	0	0	0	0	0	0
$46	$47	6.40	4.20	2.10	.20	0	0	0	0	0	0	0
$47	$48	6.50	4.30	2.30	.30	0	0	0	0	0	0	0
$48	$49	6.70	4.50	2.40	.50	0	0	0	0	0	0	0
$49	$50	6.80	4.60	2.60	.60	0	0	0	0	0	0	0
$50	$51	7.00	4.80	2.70	.80	0	0	0	0	0	0	0
$51	$52	7.10	4.90	2.90	.90	0	0	0	0	0	0	0
$52	$53	7.30	5.10	3.00	1.00	0	0	0	0	0	0	0
$53	$54	7.40	5.20	3.20	1.20	0	0	0	0	0	0	0
$54	$55	7.60	5.40	3.30	1.30	0	0	0	0	0	0	0
$55	$56	7.70	5.50	3.50	1.40	0	0	0	0	0	0	0
$56	$57	7.90	5.70	3.70	1.60	0	0	0	0	0	0	0
$57	$58	8.00	5.80	3.80	1.70	0	0	0	0	0	0	0
$58	$59	8.20	6.00	4.00	2.00	.10	0	0	0	0	0	0
$59	$60	8.30	6.10	4.10	2.10	.30	0	0	0	0	0	0
$60	$62	8.40	6.40	4.30	2.30	.50	0	0	0	0	0	0
$62	$64	8.70	6.70	4.60	2.60	.70	0	0	0	0	0	0
$64	$66	9.00	7.00	4.90	2.90	1.00	0	0	0	0	0	0
$66	$68	9.30	7.30	5.20	3.20	1.30	0	0	0	0	0	0
$68	$70	9.60	7.60	5.50	3.50	1.60	0	0	0	0	0	0
$70	$72	9.80	7.80	5.80	3.80	1.90	0	0	0	0	0	0
$72	$74	10.20	8.20	6.10	4.10	2.10	.30	0	0	0	0	0
$74	$76	10.50	8.50	6.40	4.40	2.40	.50	0	0	0	0	0
$76	$78	10.80	8.80	6.70	4.70	2.70	.80	0	0	0	0	0
$78	$80	11.10	9.10	7.00	5.00	3.00	1.10	0	0	0	0	0
$80	$82	11.40	9.40	7.30	5.30	3.40	1.40	0	0	0	0	0
$82	$84	11.70	9.70	7.60	5.60	3.60	1.70	0	0	0	0	0
$84	$86	12.00	10.00	7.90	5.90	3.90	1.90	.10	0	0	0	0
$86	$88	12.30	10.30	8.20	6.20	4.20	2.20	.30	0	0	0	0
$88	$90	12.70	10.60	8.50	6.50	4.50	2.50	.60	0	0	0	0
$90	$92	13.00	10.90	8.80	6.80	4.80	2.80	.80	0	0	0	0
$92	$94	13.30	11.20	9.10	7.10	5.10	3.10	1.20	0	0	0	0
$94	$96	13.70	11.50	9.40	7.40	5.40	3.40	1.50	0	0	0	0
$96	$98	14.00	11.80	9.70	7.70	5.70	3.70	1.70	0	0	0	0
$98	$100	14.40	12.10	10.00	8.00	6.00	4.00	2.00	.10	0	0	0
$100	$105	15.00	12.70	10.60	8.50	6.50	4.50	2.50	.60	0	0	0
$105	$110	15.80	13.50	11.30	9.30	7.30	5.30	3.30	1.30	0	0	0
$110	$115	16.70	14.40	12.10	10.00	8.00	6.00	4.00	2.00	.10	0	0
$115	$120	17.50	15.20	12.90	10.80	8.80	6.80	4.70	2.70	.80	0	0
$120	$125	18.40	16.10	13.80	11.50	9.50	7.50	5.50	3.50	1.50	0	0
$125	$130	19.20	16.90	14.60	12.30	10.30	8.30	6.20	4.20	2.20	.40	0
$130	$135	20.10	17.80	15.50	13.20	11.00	9.00	7.00	5.00	3.00	1.10	0
$135	$140	20.90	18.60	16.30	14.00	11.80	9.80	7.70	5.70	3.70	1.80	0
$140	$145	21.80	19.50	17.20	14.90	12.60	10.50	8.50	6.50	4.50	2.50	.60
$145	$150	22.60	20.30	18.00	15.70	13.50	11.30	9.20	7.20	5.20	3.20	1.30
$150	$160	23.90	21.60	19.30	17.00	14.70	12.40	10.40	8.30	6.30	4.30	2.30
$160	$170	25.60	23.30	21.00	18.70	16.40	14.10	11.90	9.80	7.80	5.80	3.80
$170	$180	27.50	25.00	22.70	20.40	18.10	15.80	13.60	11.30	9.30	7.30	5.30
$180	$190	29.50	26.80	24.40	22.10	19.80	17.50	15.30	13.00	10.80	8.80	6.80

If the payroll period with respect to an employee is semimonthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$92	$94	$14.90	$12.40	$10.10	$7.80	$5.50	$3.20	$1.20	$0	$0	$0	$0
$94	$96	15.30	12.70	10.40	8.20	5.90	3.60	1.50	0	0	0	0
$96	$98	15.70	13.10	10.80	8.50	6.20	3.90	1.80	0	0	0	0
$98	$100	16.10	13.40	11.10	8.80	6.50	4.30	2.10	.10	0	0	0
$100	$105	16.80	14.10	11.70	9.40	7.10	4.80	2.60	.60	0	0	0
$105	$110	17.80	15.10	12.60	10.30	8.00	5.70	3.40	1.30	0	0	0
$110	$115	18.80	16.10	13.40	11.10	8.80	6.50	4.30	2.10	.10	0	0
$115	$120	19.80	17.10	14.40	12.00	9.70	7.40	5.10	2.80	.80	0	0
$120	$125	20.80	18.10	15.40	12.80	10.50	8.20	6.00	3.70	1.50	0	0
$125	$130	21.80	19.10	16.40	13.80	11.40	9.10	6.80	4.50	2.30	.40	0
$130	$135	22.80	20.10	17.40	14.80	12.20	9.90	7.70	5.40	3.10	1.10	0
$135	$140	23.80	21.10	18.40	15.80	13.10	10.80	8.50	6.20	3.90	1.80	0
$140	$145	24.80	22.10	19.40	16.80	14.10	11.60	9.40	7.10	4.80	2.50	.60
$145	$150	25.80	23.10	20.40	17.80	15.10	12.50	10.20	7.90	5.60	3.30	1.30
$150	$160	27.30	24.60	21.90	19.30	16.60	13.90	11.50	9.20	6.90	4.60	2.40
$160	$170	29.30	26.60	23.90	21.30	18.60	15.90	13.20	10.90	8.60	6.30	4.00
$170	$180	31.60	28.60	25.90	23.30	20.60	17.90	15.20	12.60	10.30	8.00	5.70
$180	$190	34.10	30.80	27.90	25.30	22.60	19.90	17.20	14.50	12.00	9.70	7.40
$190	$200	36.60	33.30	29.90	27.30	24.60	21.90	19.20	16.50	13.80	11.40	9.10
$200	$210	39.10	35.80	32.40	29.30	26.60	23.90	21.20	18.50	15.80	13.10	10.80
$210	$220	41.80	38.30	34.90	31.50	28.60	25.90	23.20	20.50	17.80	15.10	12.50
$220	$230	44.80	40.80	37.40	34.00	30.70	27.90	25.20	22.50	19.80	17.10	14.40
$230	$240	47.80	43.80	39.40	36.50	33.20	29.90	27.20	24.50	21.80	19.10	16.40
$240	$250	50.80	46.80	42.70	39.00	35.70	32.30	29.20	26.50	23.80	21.10	18.40
$250	$260	53.80	49.80	45.70	41.70	38.20	34.80	31.40	28.50	25.80	23.10	20.40
$260	$270	56.80	52.80	48.70	44.70	40.70	37.30	33.90	30.60	27.80	25.10	22.40
$270	$280	59.80	55.80	51.70	47.70	43.60	39.80	36.40	33.10	29.80	27.10	24.40
$280	$290	62.80	58.80	54.70	50.70	46.60	42.60	38.90	35.60	32.20	29.10	26.10
$290	$300	65.80	61.80	57.70	53.70	49.60	45.60	41.60	38.10	34.70	31.30	28.40
$300	$310	68.80	64.80	60.70	56.70	52.60	48.60	44.60	40.60	37.20	33.80	30.50
$310	$320	71.80	67.80	63.70	59.70	55.60	51.60	47.60	43.50	39.70	36.30	33.00
$320	$330	74.80	70.80	66.70	62.70	58.60	54.60	50.60	46.50	42.50	38.80	35.50
$330	$340	77.80	73.80	69.70	65.70	61.60	57.60	53.60	49.50	45.50	41.40	38.00
$340	$350	80.80	76.80	72.70	68.70	64.60	60.60	56.60	52.50	48.50	44.40	40.50
$350	$360	83.80	79.80	75.70	71.70	67.60	63.60	59.60	55.50	51.50	47.40	43.40
		30 percent of the excess over $360 plus—										
$360 and over		85.30	81.30	77.20	73.20	69.10	65.10	61.10	57.00	53.00	48.90	44.90

If the payroll period with respect to an employee is weekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$4	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$4	$5	.10	0	0	0	0	0	0	0	0	0	0
$5	$6	.20	0	0	0	0	0	0	0	0	0	0
$6	$7	.40	0	0	0	0	0	0	0	0	0	0
$7	$8	.50	0	0	0	0	0	0	0	0	0	0
$8	$9	.70	0	0	0	0	0	0	0	0	0	0
$9	$10	.80	0	0	0	0	0	0	0	0	0	0
$10	$11	.90	0	0	0	0	0	0	0	0	0	0
$11	$12	1.10	0	0	0	0	0	0	0	0	0	0
$12	$13	1.20	0	0	0	0	0	0	0	0	0	0
$13	$14	1.40	0	0	0	0	0	0	0	0	0	0
$14	$15	1.50	0	0	0	0	0	0	0	0	0	0
$15	$16	1.60	0	0	0	0	0	0	0	0	0	0
$16	$17	1.80	0	0	0	0	0	0	0	0	0	0
$17	$18	1.90	0	0	0	0	0	0	0	0	0	0
$18	$19	2.10	.20	0	0	0	0	0	0	0	0	0
$19	$20	2.20	.30	0	0	0	0	0	0	0	0	0
$20	$21	2.30	.40	0	0	0	0	0	0	0	0	0
$21	$22	2.50	.60	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is semimonthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$190	$200	$31.50	$28.80	$26.10	$23.80	$21.50	$19.20	$17.00	$14.70	$12.40	$10.30	$8.30
$200	$210	33.50	30.80	28.10	25.50	23.20	20.90	18.70	16.40	14.10	11.80	9.80
$210	$220	25.50	32.80	30.10	27.40	24.90	22.60	20.40	18.10	15.80	13.50	11.30
$220	$230	37.50	34.80	32.10	29.40	26.70	24.30	22.10	19.80	17.50	15.20	12.90
$230	$240	39.50	36.80	34.10	31.40	28.70	26.00	23.80	21.50	19.20	16.90	14.60
$240	$250	41.50	38.80	36.10	33.40	30.70	28.00	25.50	23.20	20.90	18.60	16.30
$250	$260	43.50	40.80	38.10	35.40	32.70	30.00	27.30	24.90	22.60	20.30	18.00
$260	$270	45.50	42.80	40.10	37.40	34.70	32.00	29.30	26.60	24.30	22.00	19.70
$270	$280	47.50	44.80	42.10	39.40	36.70	34.00	31.30	28.60	26.00	23.70	21.40
$280	$290	49.50	46.80	44.10	41.40	38.70	36.00	33.30	30.60	27.90	25.40	23.10
$290	$300	51.50	48.80	46.10	43.40	40.70	38.00	35.30	32.60	29.90	27.20	24.80
$300	$310	53.50	50.80	48.10	45.40	42.00	40.00	37.30	34.60	31.90	29.20	26.50
$310	$320	55.50	52.80	50.10	47.40	44.70	42.00	39.30	36.60	33.90	31.20	28.50
$320	$330	57.50	54.80	52.10	49.40	46.70	44.00	41.30	38.60	35.90	33.20	30.50
$330	$340	59.50	56.80	54.10	51.40	48.70	46.00	43.30	40.60	37.90	35.20	32.50
$340	$350	61.70	58.80	56.10	53.40	50.70	48.00	45.30	42.60	39.90	37.20	34.50
$350	$360	64.20	60.80	58.10	55.40	52.70	50.00	47.30	44.60	41.90	39.20	36.50
$360	$370	66.70	63.30	60.10	57.40	54.70	52.00	49.30	46.60	43.90	41.20	38.50
$370	$380	69.20	65.80	62.50	59.40	56.70	54.00	51.30	48.60	45.90	43.20	40.50
$380	$390	71.70	68.30	65.00	61.60	58.70	56.00	53.30	50.60	47.90	45.20	42.50
$390	$400	74.20	70.80	67.50	64.10	60.70	58.00	55.30	52.60	49.90	47.20	44.50
$400	$410	76.70	73.30	70.00	66.60	63.20	60.00	57.30	54.60	51.90	49.20	46.50
$410	$420	79.20	75.80	72.50	69.10	65.70	62.40	59.30	56.60	53.90	51.20	48.50
$420	$430	81.80	78.30	75.00	71.60	68.20	64.90	61.50	58.60	55.90	53.20	50.50
$430	$440	84.80	80.80	77.50	74.10	70.70	67.40	64.00	60.60	57.90	55.20	52.50
$440	$450	87.80	83.80	80.00	76.60	73.20	69.90	66.50	63.10	59.90	57.20	54.50
$450	$460	90.80	86.80	82.70	79.10	75.70	72.40	69.00	65.60	62.30	59.20	56.50
$460	$470	93.80	89.80	85.70	81.70	78.20	74.90	71.50	68.10	64.80	61.40	58.50
$470	$480	96.80	92.80	88.70	84.70	80.70	77.40	74.00	70.60	67.30	63.90	60.50
$480	$490	99.80	95.80	91.70	87.70	83.60	79.90	76.50	73.10	69.80	66.40	63.00
$490	$500	102.80	98.80	94.70	90.70	86.60	82.60	79.00	75.60	72.30	68.90	65.50
$500	$510	105.80	101.80	97.70	93.70	89.60	85.60	81.60	78.10	74.80	71.40	68.00
$510	$520	108.80	101.80	100.70	96.70	92.60	88.60	84.60	80.60	77.30	73.90	70.50
$520	$530	111.80	107.80	103.70	99.70	95.60	91.60	87.60	83.50	79.80	76.40	73.00
$530	$540	114.80	110.80	106.70	102.70	98.60	94.60	90.60	86.50	82.50	78.90	75.50
$540	$550	117.80	113.80	109.70	105.70	101.60	97.60	93.60	89.50	85.50	81.40	78.00
$550	$560	120.80	116.80	112.70	108.70	104.60	100.60	96.60	92.50	88.50	84.40	80.50
$560	$570	123.80	119.80	115.70	111.70	107.60	103.60	99.60	95.50	91.50	87.40	83.40
		30 percent of the excess over $570 plus—										
$570 and over		125.30	121.30	117.20	113.20	109.10	105.10	101.10	97.00	93.00	88.90	84.90

If the payroll period with respect to an employee is biweekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.20	0	0	0	0	0	0	0	0	0	0
$10	$12	.50	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	1.00	0	0	0	0	0	0	0	0	0	0
$16	$18	1.30	0	0	0	0	0	0	0	0	0	0
$18	$20	1.60	0	0	0	0	0	0	0	0	0	0
$20	$22	1.90	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.40	0	0	0	0	0	0	0	0	0	0
$26	$28	2.70	0	0	0	0	0	0	0	0	0	0
$28	$30	3.00	0	0	0	0	0	0	0	0	0	0
$30	$32	3.30	0	0	0	0	0	0	0	0	0	0
$32	$34	3.60	0	0	0	0	0	0	0	0	0	0
$34	$36	3.90	.10	0	0	0	0	0	0	0	0	0
$36	$38	4.20	.30	0	0	0	0	0	0	0	0	0
$38	$40	4.50	.60	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is biweekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$40	$42	$4.80	$0.90	$0	$0	$0	$0	$0	$0	$0	$0	$0
$42	$44	5.10	1.20	0	0	0	0	0	0	0	0	0
$44	$46	5.40	1.50	0	0	0	0	0	0	0	0	0
$46	$48	5.70	1.70	0	0	0	0	0	0	0	0	0
$48	$50	6.10	2.00	0	0	0	0	0	0	0	0	0
$50	$52	6.40	2.30	0	0	0	0	0	0	0	0	0
$52	$54	6.70	2.60	0	0	0	0	0	0	0	0	0
$54	$56	7.10	2.90	0	0	0	0	0	0	0	0	0
$56	$58	7.40	3.20	0	0	0	0	0	0	0	0	0
$58	$60	7.80	3.50	0	0	0	0	0	0	0	0	0
$60	$62	8.10	3.80	0	0	0	0	0	0	0	0	0
$62	$64	8.40	4.10	.20	0	0	0	0	0	0	0	0
$64	$66	8.80	4.40	.50	0	0	0	0	0	0	0	0
$66	$68	9.10	4.70	.80	0	0	0	0	0	0	0	0
$68	$70	9.50	5.00	1.00	0	0	0	0	0	0	0	0
$70	$72	9.80	5.30	1.30	0	0	0	0	0	0	0	0
$72	$74	10.10	5.60	1.60	0	0	0	0	0	0	0	0
$74	$76	10.50	5.90	1.90	0	0	0	0	0	0	0	0
$76	$78	10.80	6.20	2.20	0	0	0	0	0	0	0	0
$78	$80	11.20	6.60	2.40	0	0	0	0	0	0	0	0
$80	$82	11.50	6.90	2.70	0	0	0	0	0	0	0	0
$82	$84	11.80	7.30	3.00	0	0	0	0	0	0	0	0
$84	$86	12.20	7.60	3.30	0	0	0	0	0	0	0	0
$86	$88	12.50	7.90	3.60	0	0	0	0	0	0	0	0
$88	$90	12.90	8.30	3.90	.10	0	0	0	0	0	0	0
$90	$92	13.20	8.60	4.20	.40	0	0	0	0	0	0	0
$92	$94	13.50	9.00	4.50	.60	0	0	0	0	0	0	0
$94	$96	13.90	9.30	4.80	.90	0	0	0	0	0	0	0
$96	$98	14.20	9.60	5.10	1.20	0	0	0	0	0	0	0
$98	$100	14.60	10.00	5.40	1.50	0	0	0	0	0	0	0
$100	$102	14.90	10.30	5.70	1.80	0	0	0	0	0	0	0
$102	$104	15.20	10.70	6.10	2.00	0	0	0	0	0	0	0
$104	$106	15.60	11.00	6.40	2.30	0	0	0	0	0	0	0
$106	$108	15.90	11.30	6.80	2.60	0	0	0	0	0	0	0
$108	$110	16.30	11.70	7.10	2.90	0	0	0	0	0	0	0
$110	$112	16.60	12.00	7.40	3.20	0	0	0	0	0	0	0
$112	$114	16.90	12.40	7.80	3.50	0	0	0	0	0	0	0
$114	$116	17.30	12.70	8.10	3.80	0	0	0	0	0	0	0
$116	$118	17.60	13.00	8.50	4.10	.20	0	0	0	0	0	0
$118	$120	18.00	13.40	8.80	4.40	.50	0	0	0	0	0	0
$120	$124	18.50	13.90	9.30	4.80	.90	0	0	0	0	0	0
$124	$128	19.20	14.60	10.00	5.40	1.50	0	0	0	0	0	0
$128	$132	19.80	15.30	10.70	6.10	2.00	0	0	0	0	0	0
$132	$136	20.50	15.90	11.40	6.80	2.60	0	0	0	0	0	0
$136	$140	21.20	16.60	12.00	7.50	3.20	0	0	0	0	0	0
$140	$144	21.90	17.30	12.70	8.10	3.80	0	0	0	0	0	0
$144	$148	22.60	18.00	13.40	8.80	4.40	.50	0	0	0	0	0
$148	$152	23.20	18.70	14.10	9.50	5.00	1.10	0	0	0	0	0
$152	$156	23.90	19.30	14.80	10.20	5.60	1.60	0	0	0	0	0
$156	$160	24.60	20.00	15.40	10.90	6.30	2.20	0	0	0	0	0
$160	$164	25.30	20.70	16.10	11.50	7.00	2.80	0	0	0	0	0
$164	$168	26.00	21.40	16.80	12.20	7.60	3.40	0	0	0	0	0
$168	$172	26.70	22.10	17.50	12.90	8.30	4.00	.10	0	0	0	0
$172	$176	27.50	22.70	18.20	13.60	9.00	4.60	.70	0	0	0	0
$176	$180	28.30	23.40	18.80	14.30	9.70	5.20	1.20	0	0	0	0
$180	$184	29.10	24.10	19.50	14.90	10.40	5.80	1.80	0	0	0	0
$184	$188	29.90	24.80	20.20	15.60	11.00	6.50	2.30	0	0	0	0
$188	$192	30.70	25.50	20.90	16.30	11.70	7.10	2.90	0	0	0	0
$192	$196	31.50	26.10	21.60	17.00	12.40	7.80	3.50	0	0	0	0
$196	$200	32.30	26.90	22.20	17.70	13.10	8.50	4.10	.30	0	0	0
$200	$210	33.70	28.30	23.40	18.90	14.30	9.70	5.20	1.20	0	0	0
$210	$220	35.70	30.30	25.10	20.60	16.00	11.40	6.80	2.60	0	0	0
$220	$230	37.70	32.30	26.90	22.30	17.70	13.10	8.50	4.10	.30	0	0
$230	$240	39.70	34.30	28.90	24.00	19.40	14.80	10.20	5.60	1.70	0	0
$240	$250	41.70	36.30	30.90	25.70	21.10	16.50	11.90	7.30	3.10	0	0
$250	$260	43.70	38.30	32.90	27.50	22.80	18.20	13.60	9.00	4.60	.70	0

If the payroll period with respect to an employee is biweekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$260	$270	$45.70	$40.30	$34.90	$29.50	$24.50	$19.90	$15.30	$10.70	$6.20	$2.10	$0
$270	$280	47.70	42.30	36.90	31.50	26.20	21.60	17.00	12.40	7.90	3.60	0
$280	$290	49.70	44.30	38.90	33.50	28.10	23.30	18.70	14.10	9.60	5.10	1.10
$290	$300	51.70	46.30	40.90	35.50	30.10	25.00	20.40	15.80	11.30	6.70	2.50
$300	$320	54.70	49.30	43.90	38.50	33.10	27.70	23.00	18.40	13.80	9.20	4.80
$320	$340	58.70	53.30	47.90	42.50	37.10	31.70	26.40	21.80	17.20	12.60	8.10
$340	$360	63.20	57.30	51.90	46.50	41.10	35.70	30.30	25.20	20.60	16.00	11.50
$360	$380	68.20	61.50	55.90	50.50	45.10	39.70	34.30	29.00	24.00	19.40	14.90
$380	$400	74.20	66.50	59.90	54.50	49.10	43.70	38.30	33.00	27.60	22.80	18.30
$400	$420	78.20	71.50	64.80	58.50	53.10	47.70	42.30	37.00	31.60	26.20	21.70
$420	$440	83.60	76.50	69.80	63.00	57.10	51.70	46.30	41.00	35.60	30.20	25.10
$440	$460	89.60	81.50	74.80	68.00	61.30	55.70	50.30	45.00	39.60	34.20	28.80
$460	$480	95.60	87.50	79.80	73.00	66.30	59.70	54.30	49.00	43.60	38.20	32.80
$480	$500	101.60	93.50	85.80	78.00	71.30	64.60	58.30	53.00	47.60	42.20	36.80
$500	$520	107.60	99.50	91.40	83.30	76.30	69.60	62.80	57.00	51.60	46.20	40.80
$520	$540	113.60	105.50	97.40	89.30	81.30	74.60	67.80	61.10	55.60	50.20	44.80
$540	$560	119.60	111.50	103.40	95.30	87.30	79.60	72.80	66.10	59.60	54.20	48.80
$560	$580	125.60	117.50	109.40	101.30	93.30	85.20	77.80	71.10	64.40	58.20	52.80
$580	$600	131.60	123.50	115.40	107.30	99.30	91.20	83.10	76.10	69.40	62.70	56.80
$600	$620	137.60	129.50	121.40	113.30	105.30	97.20	89.10	81.10	74.40	67.70	60.90
$620	$640	143.60	135.50	127.40	119.30	111.30	103.20	95.10	87.00	79.40	72.70	65.90
$640	$660	149.60	141.50	133.40	125.30	117.30	109.20	101.10	93.00	85.00	77.70	70.90
$660	$680	155.60	147.50	139.40	131.30	123.30	115.20	107.10	99.00	91.00	82.90	75.90
$680	$700	161.60	153.50	145.40	137.30	129.30	121.20	113.10	105.00	97.00	88.90	80.90
$700	$720	167.60	159.50	151.40	143.30	135.30	127.20	119.10	111.00	103.00	94.90	86.80
		30 percent of the excess over $720 plus—										
$720 and over		170.60	162.50	154.40	146.30	138.30	130.20	122.10	114.00	106.00	97.90	89.8

If the payroll period with respect to an employee is biweekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.20	0	0	0	0	0	0	0	0	0	0
$10	$12	.50	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	1.00	0	0	0	0	0	0	0	0	0	0
$16	$18	1.20	0	0	0	0	0	0	0	0	0	0
$18	$20	1.60	0	0	0	0	0	0	0	0	0	0
$20	$22	1.90	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.40	0	0	0	0	0	0	0	0	0	0
$26	$28	2.70	0	0	0	0	0	0	0	0	0	0
$28	$30	3.00	0	0	0	0	0	0	0	0	0	0
$30	$32	3.30	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.80	.10	0	0	0	0	0	0	0	0	0
$36	$38	4.10	.30	0	0	0	0	0	0	0	0	0
$38	$40	4.40	.60	0	0	0	0	0	0	0	0	0
$40	$42	4.70	.90	0	0	0	0	0	0	0	0	0
$42	$44	4.90	1.20	0	0	0	0	0	0	0	0	0
$44	$46	5.20	1.50	0	0	0	0	0	0	0	0	0
$46	$48	5.50	1.70	0	0	0	0	0	0	0	0	0
$48	$50	5.80	2.00	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is semimonthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.10	0	0	0	0	0	0	0	0	0	0
$10	$12	.40	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	.90	0	0	0	0	0	0	0	0	0	0
$16	$18	1.20	0	0	0	0	0	0	0	0	0	0
$18	$20	1.50	0	0	0	0	0	0	0	0	0	0
$20	$22	1.80	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.30	0	0	0	0	0	0	0	0	0	0
$26	$28	2.60	0	0	0	0	0	0	0	0	0	0
$28	$30	2.90	0	0	0	0	0	0	0	0	0	0
$30	$32	3.20	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.80	0	0	0	0	0	0	0	0	0	0
$36	$38	4.10	.30	0	0	0	0	0	0	0	0	0
$38	$40	4.40	.60	0	0	0	0	0	0	0	0	0
$40	$42	4.70	.90	0	0	0	0	0	0	0	0	0
$42	$44	5.00	1.10	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is biweekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$440	$460	$74.90	$69.50	$64.20	$58.80	$53.40	$48.70	$44.10	$39.50	$35.00	$30.40	$25.80
$460	$480	78.90	73.50	68.20	62.80	57.40	52.10	47.50	42.90	38.40	33.80	29.20
$480	$500	82.90	77.50	72.20	66.80	61.40	56.00	50.90	46.30	41.80	37.20	32.60
$500	$520	86.90	81.50	76.20	70.80	65.40	60.00	54.60	49.70	45.20	40.60	36.00
$520	$540	90.90	85.50	80.20	74.80	69.40	64.00	58.60	53.20	48.60	44.00	39.40
$540	$560	94.90	89.50	84.20	78.80	73.40	68.00	62.60	57.20	52.00	47.40	42.80
$560	$580	98.90	93.50	88.20	82.80	77.40	72.00	66.60	61.20	55.80	50.80	46.20
$580	$600	102.90	97.50	92.20	86.80	81.40	76.00	70.60	65.20	59.80	54.50	49.60
$600	$620	106.90	101.50	96.20	90.80	85.40	80.00	74.60	69.20	63.80	58.50	53.10
$620	$640	110.90	105.50	100.20	94.80	89.40	84.00	78.60	73.20	67.80	62.50	57.10
$640	$660	114.90	109.50	104.20	98.80	93.40	88.00	82.60	77.20	71.80	66.50	61.10
$660	$680	118.90	113.50	108.20	102.80	97.40	92.00	86.60	81.20	75.80	70.50	65.10
$680	$700	123.40	117.50	112.20	106.80	101.40	96.00	90.60	85.20	79.80	74.50	69.10
$700	$720	128.40	121.70	116.20	110.80	105.40	100.00	94.60	89.20	83.80	78.50	73.10
$720	$740	133.40	126.70	120.20	114.80	109.40	104.00	98.60	93.20	87.80	82.50	77.10
$740	$760	138.40	131.70	124.90	118.80	113.40	108.00	102.60	97.20	91.80	86.50	81.10
$760	$780	143.40	136.70	129.90	123.20	117.40	112.00	106.60	101.20	95.80	90.50	85.10
$780	$800	148.40	141.70	134.90	128.20	121.50	116.00	110.60	105.20	99.80	94.50	89.10
$800	$820	153.40	146.70	139.90	133.20	126.50	120.00	114.60	109.20	103.80	98.50	93.10
$820	$840	158.40	151.70	144.90	138.20	131.50	124.70	118.60	113.20	107.80	102.50	97.10
$840	$860	163.60	156.70	149.90	143.20	136.50	129.70	123.00	117.20	111.80	106.50	101.10
$860	$880	169.60	161.70	154.90	148.20	141.50	134.70	128.00	121.30	115.80	110.50	105.10
$880	$900	175.60	167.50	159.90	153.20	146.50	139.70	133.00	126.30	119.80	114.50	109.10
$900	$920	181.60	173.50	165.40	158.20	151.50	144.70	138.00	131.30	124.50	118.50	113.10
$920	$940	187.60	179.50	171.40	163.30	156.50	149.70	143.00	136.30	129.50	122.80	117.10
$940	$960	193.60	185.50	177.40	169.30	161.50	154.70	148.00	141.30	134.50	127.80	121.10
$960	$980	199.60	191.50	183.40	175.30	167.30	160.70	153.00	146.30	139.50	132.80	126.10
$980	$1,000	205.60	197.50	189.40	181.30	173.30	165.20	158.00	151.30	144.50	137.80	131.10
$1,000	$1,020	211.60	203.50	195.40	187.30	179.30	171.20	163.10	156.30	149.50	142.80	136.10
$1,020	$1,040	217.60	209.50	201.40	193.30	185.30	177.20	169.10	161.30	154.50	147.80	141.10
$1,040	$1,060	223.60	215.50	207.40	199.30	191.30	183.20	175.10	167.00	159.50	152.80	146.10
$1,060	$1,080	229.60	221.50	213.40	205.30	197.30	189.20	181.10	173.00	165.00	157.80	151.10
$1,080	$1,100	235.60	227.50	219.40	211.30	203.30	195.20	187.10	179.00	171.00	162.90	156.10
$1,100	$1,120	241.60	233.50	225.40	217.30	209.30	201.20	193.10	185.00	177.00	168.90	161.10
$1,120	$1,140	247.60	239.50	231.40	223.30	215.30	207.20	199.10	191.00	183.00	174.90	166.80
		30 percent of the excess over $1,140 plus—										
$1,140 and over		250.60	242.50	234.40	226.30	218.30	210.20	202.10	194.00	186.00	177.90	169.80

If the payroll period with respect to an employee is semimonthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.10	0	0	0	0	0	0	0	0	0	0
$10	$12	.40	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	.90	0	0	0	0	0	0	0	0	0	0
$16	$18	1.20	0	0	0	0	0	0	0	0	0	0
$18	$20	1.50	0	0	0	0	0	0	0	0	0	0
$20	$22	1.80	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.30	0	0	0	0	0	0	0	0	0	0
$26	$28	2.60	0	0	0	0	0	0	0	0	0	0
$28	$30	2.90	0	0	0	0	0	0	0	0	0	0
$30	$32	3.20	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.80	0	0	0	0	0	0	0	0	0	0
$36	$38	4.10	0	0	0	0	0	0	0	0	0	0
$38	$40	4.40	.20	0	0	0	0	0	0	0	0	0
$40	$42	4.70	.50	0	0	0	0	0	0	0	0	0
$42	$44	5.00	.80	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is semimonthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
*$44	$46	$5.30	$1.10	$0	$0	$0	$0	$0	$0	$0	$0	$0
*$46	$48	5.60	1.30	0	0	0	0	0	0	0	0	0
*$48	$50	5.90	1.60	0	0	0	0	0	0	0	0	0
*$50	$52	6.20	1.90	0	0	0	0	0	0	0	0	0
*$52	$54	6.60	2.20	0	0	0	0	0	0	0	0	0
*$54	$56	6.90	2.50	0	0	0	0	0	0	0	0	0
*$56	$58	7.20	2.70	0	0	0	0	0	0	0	0	0
*$58	$60	7.60	3.00	0	0	0	0	0	0	0	0	0
*$60	$62	7.90	3.30	0	0	0	0	0	0	0	0	0
*$62	$64	8.30	3.60	0	0	0	0	0	0	0	0	0
*$64	$66	8.60	3.90	0	0	0	0	0	0	0	0	0
*$66	$68	8.90	4.20	0	0	0	0	0	0	0	0	0
*$68	$70	9.30	4.50	.30	0	0	0	0	0	0	0	0
$70	$72	9.60	4.80	.60	0	0	0	0	0	0	0	0
$72	$74	10.00	5.10	.90	0	0	0	0	0	0	0	0
$74	$76	10.30	5.40	1.20	0	0	0	0	0	0	0	0
$76	$78	10.60	5.70	1.40	0	0	0	0	0	0	0	0
$78	$80	11.00	6.00	1.70	0	0	0	0	0	0	0	0
$80	$82	11.30	6.40	2.00	0	0	0	0	0	0	0	0
$82	$84	11.70	6.70	2.30	0	0	0	0	0	0	0	0
$84	$86	12.00	7.00	2.60	0	0	0	0	0	0	0	0
$86	$88	12.30	7.40	2.80	0	0	0	0	0	0	0	0
$88	$90	12.70	7.70	3.10	0	0	0	0	0	0	0	0
$90	$92	13.00	8.10	3.40	0	0	0	0	0	0	0	0
$92	$94	13.40	8.40	3.70	0	0	0	0	0	0	0	0
$94	$96	13.70	8.70	4.00	0	0	0	0	0	0	0	0
$96	$98	14.00	9.10	4.30	.20	0	0	0	0	0	0	0
$98	$100	14.40	9.40	4.60	.10	0	0	0	0	0	0	0
$100	$102	14.70	9.80	4.90	.70	0	0	0	0	0	0	0
$102	$104	15.10	10.10	5.20	1.00	0	0	0	0	0	0	0
$104	$106	15.40	10.40	5.50	1.30	0	0	0	0	0	0	0
$106	$108	15.70	10.80	5.80	1.60	0	0	0	0	0	0	0
$108	$110	16.10	11.10	6.20	1.80	0	0	0	0	0	0	0
$110	$112	16.40	11.50	6.50	2.10	0	0	0	0	0	0	0
$112	$114	16.80	11.80	6.80	2.40	0	0	0	0	0	0	0
$114	$116	17.10	12.10	7.20	2.70	0	0	0	0	0	0	0
$116	$118	17.40	12.50	7.50	3.00	0	0	0	0	0	0	0
$118	$120	17.80	12.80	7.90	3.30	0	0	0	0	0	0	0
$120	$124	18.30	13.30	8.40	3.70	0	0	0	0	0	0	0
$124	$128	19.00	14.00	9.00	4.30	.10	0	0	0	0	0	0
$128	$132	19.60	14.70	9.70	4.90	.70	0	0	0	0	0	0
$132	$136	20.30	15.40	10.40	5.50	1.30	0	0	0	0	0	0
$136	$140	21.00	16.00	11.10	6.10	1.80	0	0	0	0	0	0
$140	$144	21.70	16.70	11.80	6.80	2.40	0	0	0	0	0	0
$144	$148	22.40	17.40	12.40	7.50	2.90	0	0	0	0	0	0
$148	$152	23.00	18.10	13.10	8.20	3.50	0	0	0	0	0	0
$152	$156	23.70	18.80	13.80	8.80	4.10	0	0	0	0	0	0
$156	$160	24.40	19.40	14.50	9.50	4.70	.50	0	0	0	0	0
$160	$164	25.10	20.10	15.20	10.20	5.30	1.10	0	0	0	0	0
$164	$168	25.80	20.80	15.80	10.90	5.90	1.70	0	0	0	0	0
$168	$172	26.40	21.50	16.50	11.60	6.60	2.20	0	0	0	0	0
$172	$176	27.10	22.20	17.20	12.20	7.30	2.80	0	0	0	0	0
$176	$180	27.80	22.80	17.90	12.90	8.00	3.40	0	0	0	0	0
$180	$184	28.50	23.50	18.60	13.60	8.60	4.00	0	0	0	0	0
$184	$188	29.20	24.20	19.20	14.30	9.30	4.60	.40	0	0	0	0
$188	$192	30.00	24.90	19.90	15.00	10.00	5.20	.90	0	0	0	0
$192	$196	30.80	25.60	20.60	15.60	10.70	5.80	1.50	0	0	0	0
$196	$200	31.60	26.20	21.30	16.30	11.40	6.40	2.10	0	0	0	0
$200	$210	33.00	27.40	22.50	17.50	12.60	7.60	3.00	0	0	0	0
$210	$220	35.00	29.20	24.20	19.20	14.30	9.30	4.50	.40	0	0	0
$220	$230	37.00	31.20	25.90	20.90	16.00	11.00	6.00	1.80	0	0	0
$230	$240	39.00	33.20	27.60	22.60	17.70	12.70	7.70	3.20	0	0	0
$240	$250	41.00	35.20	29.40	24.30	19.40	14.40	9.40	4.70	.50	0	0
$250	$260	43.00	37.20	31.40	26.00	21.10	16.10	11.10	6.20	1.90	0	0
$260	$270	45.00	39.20	33.40	27.70	22.80	17.80	12.80	7.90	3.30	0	0
$270	$280	47.00	41.20	35.40	29.50	24.50	19.50	14.50	9.60	4.80	.60	0
$280	$290	49.00	43.20	37.40	31.50	26.20	21.20	16.20	11.30	6.30	1.90	0
$290	$300	51.00	45.20	39.40	33.50	27.90	22.90	17.90	13.00	8.00	3.40	0
$300	$320	54.00	48.20	42.40	36.50	30.70	25.70	20.50	15.50	10.60	5.70	1.40
$320	$340	58.00	52.20	46.40	40.50	34.70	28.90	23.90	18.90	14.00	9.00	4.30
$340	$360	62.00	56.20	50.40	44.50	38.70	32.90	27.30	22.30	17.40	12.40	7.50
$360	$380	66.20	60.20	54.40	48.50	42.70	36.90	31.00	25.70	20.80	15.80	10.90

If the payroll period with respect to an employee is semimonthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$380	$400	71.20	64.20	58.40	52.50	46.70	40.90	35.00	29.20	24.20	19.20	14.30
$400	$420	76.20	68.90	62.40	56.50	50.70	44.90	39.00	33.20	27.60	22.60	17.70
$420	$440	81.20	73.90	66.60	60.50	54.70	48.90	43.00	37.20	31.40	26.00	21.10
$440	$460	86.20	78.90	71.60	64.50	58.70	52.90	47.00	41.20	35.40	29.56	24.50
$460	$480	91.80	83.90	76.60	69.30	62.70	56.90	51.00	45.20	39.40	33.50	27.90
$480	$500	97.80	89.00	81.60	74.30	67.00	60.90	55.00	49.20	43.40	37.50	31.70
$500	$520	103.80	95.00	86.60	79.30	72.00	64.90	59.00	53.20	47.40	41.50	35.70
$520	$540	109.80	101.00	92.30	84.30	77.00	69.80	63.00	57.20	51.40	45.50	39.70
$540	$560	115.80	107.00	98.30	89.50	82.00	74.80	67.50	61.20	55.40	49.50	43.70
$560	$580	121.80	113.00	104.30	95.50	87.00	79.80	72.50	65.20	59.40	53.50	47.70
$580	$600	127.80	119.00	110.30	101.50	92.80	84.80	77.50	70.20	63.40	57.50	51.70
$600	$620	133.80	125.00	116.30	107.50	98.80	90.00	82.50	75.20	67.90	61.50	55.70
$620	$640	139.80	131.00	122.30	113.50	104.80	96.00	87.50	80.20	72.90	65.60	59.70
$640	$660	145.80	137.00	128.30	119.50	110.80	102.00	93.30	85.20	77.90	70.60	63.70
$660	$680	151.80	143.00	134.30	125.50	116.80	108.00	99.30	90.50	82.90	75.60	68.30
$680	$700	157.80	149.00	140.30	131.50	122.80	114.00	105.30	96.50	87.90	80.60	73.30
$700	$720	163.80	155.00	146.30	137.50	128.80	120.00	111.30	102.50	93.80	85.00	78.30
$720	$740	169.80	161.00	152.30	143.50	134.80	126.00	117.30	108.50	99.80	91.00	83.30
$740	$760	175.80	167.00	158.30	149.50	140.80	132.00	123.30	114.50	105.80	97.00	88.30
		30 percent of the excess over $760 plus—										
$760 and over		175.80	170.00	161.30	152.50	143.80	135.00	126.30	117.50	108.80	100.00	91.30

If the payroll period with respect to an employee is semimonthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.10	0	0	0	0	0	0	0	0	0	0
$10	$12	.40	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	.90	0	0	0	0	0	0	0	0	0	0
$16	$18	1.20	0	0	0	0	0	0	0	0	0	0
$18	$20	1.50	0	0	0	0	0	0	0	0	0	0
$20	$22	1.80	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.30	0	0	0	0	0	0	0	0	0	0
$26	$28	2.60	0	0	0	0	0	0	0	0	0	0
$28	$30	2.90	0	0	0	0	0	0	0	0	0	0
$30	$32	3.20	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.70	0	0	0	0	0	0	0	0	0	0
$36	$38	4.00	0	0	0	0	0	0	0	0	0	0
$38	$40	4.30	.20	0	0	0	0	0	0	0	0	0
$40	$42	4.60	.50	0	0	0	0	0	0	0	0	0
$42	$44	4.90	.80	0	0	0	0	0	0	0	0	0
$44	$46	5.10	1.10	0	0	0	0	0	0	0	0	0
$46	$48	5.40	1.30	0	0	0	0	0	0	0	0	0
$48	$50	5.70	1.60	0	0	0	0	0	0	0	0	0
$50	$52	6.00	1.90	0	0	0	0	0	0	0	0	0
$52	$54	6.30	2.20	0	0	0	0	0	0	0	0	0
$54	$56	6.60	2.50	0	0	0	0	0	0	0	0	0
$56	$58	6.90	2.70	0	0	0	0	0	0	0	0	0
$58	$60	7.20	3.00	0	0	0	0	0	0	0	0	0
$60	$62	7.50	3.30	0	0	0	0	0	0	0	0	0
$62	$64	7.80	3.60	0	0	0	0	0	0	0	0	0
$64	$66	8.10	3.90	0	0	0	0	0	0	0	0	0
$66	$68	8.40	4.10	0	0	0	0	0	0	0	0	0
$68	$70	8.70	4.40	.30	0	0	0	0	0	0	0	0
$70	$72	9.00	4.70	.60	0	0	0	0	0	0	0	0
$72	$74	9.30	5.00	0.90	0	0	0	0	0	0	0	0
$74	$76	9.60	5.30	1.20	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is semimonthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$700	$720	$125.70	$119.80	$114.00	$108.20	$102.30	$96.50	$90.70	$84.80	$79.00	$73.20	$67.30
$720	$740	129.70	123.80	118.00	112.20	106.30	100.50	94.70	88.80	83.00	77.20	71.30
$740	$760	134.30	127.80	122.00	116.20	110.30	104.50	98.70	92.80	87.00	81.20	75.30
$760	$780	139.30	132.00	126.00	120.20	114.30	108.50	102.70	96.80	91.00	85.20	79.30
$780	$800	144.30	137.00	130.00	124.20	118.30	112.50	106.70	100.80	95.00	89.20	83.30
$800	$820	149.30	142.00	134.70	128.20	122.30	116.50	110.70	104.80	99.00	93.20	87.30
$820	$840	154.30	147.00	139.70	132.40	126.30	120.50	114.70	108.80	103.00	97.20	91.30
$840	$860	159.30	152.00	144.70	137.40	130.30	124.50	118.70	112.80	107.00	101.20	95.30
$860	$880	164.30	157.00	149.70	142.40	135.10	128.50	122.70	116.80	111.00	105.20	99.30
$880	$900	169.30	162.00	154.70	147.40	140.10	132.80	126.70	120.80	115.00	109.20	103.30
$900	$920	174.30	167.00	159.70	152.40	145.10	137.80	130.70	124.80	119.00	113.20	107.30
$920	$940	180.00	172.00	164.70	157.40	150.10	142.80	135.50	128.80	123.00	117.20	111.30
$940	$960	186.00	177.20	169.70	162.40	155.10	147.80	140.50	133.30	127.00	121.20	115.30
$960	$980	192.00	183.20	174.70	167.40	160.10	152.80	145.50	138.30	131.00	125.20	119.30
$980	$1,000	198.00	189.20	180.50	172.40	165.10	157.80	150.50	143.30	136.00	129.20	123.30
$1,000	$1,020	204.00	195.20	186.50	177.70	170.10	162.80	155.50	148.30	141.00	133.70	127.30
$1,020	$1,040	210.00	201.20	192.50	183.70	175.10	167.80	160.50	153.30	146.00	138.70	131.40
$1,040	$1,060	216.00	207.20	198.50	189.70	181.00	172.80	165.50	158.30	151.00	143.70	136.40
$1,060	$1,080	222.00	213.20	204.50	195.70	187.00	178.20	170.50	163.30	156.00	148.70	141.40
$1,080	$1,100	228.00	219.20	210.50	201.70	193.00	184.20	175.50	168.30	161.00	153.70	146.40
$1,100	$1,120	234.00	225.20	216.50	207.70	199.00	190.20	181.50	173.30	166.00	158.70	151.40
$1,120	$1,140	240.00	231.20	222.50	213.70	205.00	196.20	187.50	178.70	171.00	163.70	156.40
$1,140	$1,160	246.00	237.20	228.50	219.70	211.00	202.20	193.50	184.70	176.00	168.70	161.40
$1,160	$1,180	252.00	243.20	234.50	225.70	217.00	208.20	199.50	190.70	182.00	173.70	166.40
$1,180	$1,200	258.00	249.20	240.50	231.70	223.00	214.20	205.50	196.70	188.00	179.20	171.40
$1,200	$1,220	264.00	255.20	246.50	237.70	229.00	220.20	211.50	202.70	194.00	185.20	176.50
		30 percent of the excess over $1,220 plus—										
$1,220 and over		267.00	258.20	249.50	240.70	232.00	223.20	214.50	205.70	197.00	188.20	179.50

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$16	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$16	$20	.20	0	0	0	0	0	0	0	0	0	0
$20	$24	.70	0	0	0	0	0	0	0	0	0	0
$24	$28	1.30	0	0	0	0	0	0	0	0	0	0
$28	$32	1.90	0	0	0	0	0	0	0	0	0	0
$32	$36	2.40	0	0	0	0	0	0	0	0	0	0
$36	$40	3.00	0	0	0	0	0	0	0	0	0	0
$40	$44	3.50	0	0	0	0	0	0	0	0	0	0
$44	$48	4.10	0	0	0	0	0	0	0	0	0	0
$48	$52	4.70	0	0	0	0	0	0	0	0	0	0
$52	$56	5.20	0	0	0	0	0	0	0	0	0	0
$56	$60	5.80	0	0	0	0	0	0	0	0	0	0
$60	$64	6.40	0	0	0	0	0	0	0	0	0	0
$64	$68	7.00	0	0	0	0	0	0	0	0	0	0
$68	$72	7.60	0	0	0	0	0	0	0	0	0	0
$72	$76	8.20	0	0	0	0	0	0	0	0	0	0
$76	$80	8.80	.40	0	0	0	0	0	0	0	0	0
$80	$84	9.40	1.00	0	0	0	0	0	0	0	0	0
$84	$88	10.00	1.50	0	0	0	0	0	0	0	0	0
$88	$92	10.60	2.10	0	0	0	0	0	0	0	0	0
$92	$96	11.20	2.70	0	0	0	0	0	0	0	0	0
$96	$100	11.80	3.20	0	0	0	0	0	0	0	0	0
$100	$104	12.40	3.80	0	0	0	0	0	0	0	0	0
$104	$108	13.10	4.30	0	0	0	0	0	0	0	0	0
$108	$112	13.80	4.90	0	0	0	0	0	0	0	0	0
$112	$116	14.50	5.50	0	0	0	0	0	0	0	0	0
$116	$120	15.10	6.00	0	0	0	0	0	0	0	0	0
$120	$124	15.80	6.60	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$124	$128	$16.50	$7.20	$0	$0	$0	$0	$0	$0	$0	$0	$0
$128	$132	17.20	7.80	0	0	0	0	0	0	0	0	0
$132	$136	17.90	8.40	.10	0	0	0	0	0	0	0	0
$136	$140	18.50	9.00	.70	0	0	0	0	0	0	0	0
$140	$144	19.20	9.60	1.20	0	0	0	0	0	0	0	0
$144	$148	19.90	10.20	1.80	0	0	0	0	0	0	0	0
$148	$152	20.60	10.80	2.30	0	0	0	0	0	0	0	0
$152	$156	21.30	11.40	2.90	0	0	0	0	0	0	0	0
$156	$160	21.90	12.00	3.50	0	0	0	0	0	0	0	0
$160	$164	22.60	12.70	4.00	0	0	0	0	0	0	0	0
$164	$168	23.30	13.40	4.60	0	0	0	0	0	0	0	0
$168	$172	24.00	14.10	5.10	0	0	0	0	0	0	0	0
$172	$176	24.70	14.70	5.70	0	0	0	0	0	0	0	0
$176	$180	25.30	15.40	6.30	0	0	0	0	0	0	0	0
$180	$184	26.00	16.10	6.90	0	0	0	0	0	0	0	0
$184	$188	26.70	16.80	7.50	0	0	0	0	0	0	0	0
$188	$192	27.40	17.50	8.10	0	0	0	0	0	0	0	0
$192	$196	28.10	18.10	8.70	.30	0	0	0	0	0	0	0
$196	$200	28.70	18.80	9.30	.90	0	0	0	0	0	0	0
$200	$204	29.40	19.50	9.90	1.40	0	0	0	0	0	0	0
$204	$208	30.10	20.20	10.50	2.00	0	0	0	0	0	0	0
$208	$212	30.80	20.90	11.10	2.60	0	0	0	0	0	0	0
$212	$216	31.50	21.50	11.70	3.10	0	0	0	0	0	0	0
$216	$220	32.10	22.20	12.30	3.70	0	0	0	0	0	0	0
$220	$224	32.80	22.90	13.00	4.20	0	0	0	0	0	0	0
$224	$228	33.50	23.60	13.70	4.80	0	0	0	0	0	0	0
$228	$232	34.20	24.30	14.40	5.40	0	0	0	0	0	0	0
$232	$236	34.90	24.90	15.00	5.90	0	0	0	0	0	0	0
$236	$240	35.50	25.60	15.70	6.50	0	0	0	0	0	0	0
$240	$244	36.60	26.60	16.70	7.40	0	0	0	0	0	0	0
$244	$248	37.90	28.00	18.10	8.60	.30	0	0	0	0	0	0
$248	$252	39.30	29.40	19.50	9.80	1.40	0	0	0	0	0	0
$252	$256	40.60	30.70	20.80	11.00	2.50	0	0	0	0	0	0
$256	$260	42.00	32.10	22.20	12.30	3.60	0	0	0	0	0	0
$260	$264	43.40	33.40	23.50	13.60	4.80	0	0	0	0	0	0
$264	$268	44.70	34.80	24.90	15.00	5.90	0	0	0	0	0	0
$268	$272	46.10	36.20	26.30	16.30	7.10	0	0	0	0	0	0
$272	$276	47.40	37.50	27.60	17.70	8.30	0	0	0	0	0	0
$276	$280	48.80	38.90	29.00	19.10	9.50	1.10	0	0	0	0	0
$280	$284	50.20	40.20	30.30	20.40	10.70	2.20	0	0	0	0	0
$284	$288	51.50	41.60	31.70	21.80	11.90	3.30	0	0	0	0	0
$288	$292	52.90	43.00	33.10	23.10	13.20	4.40	0	0	0	0	0
$292	$296	54.20	44.30	34.40	24.50	14.60	5.60	0	0	0	0	0
$296	$300	55.60	45.70	35.80	25.90	15.90	6.70	0	0	0	0	0
$300	$304	57.00	47.00	37.10	27.20	17.30	7.90	0	0	0	0	0
$304	$308	58.50	48.40	38.50	28.60	18.70	9.10	.70	0	0	0	0
$308	$312	60.10	49.80	39.90	29.90	20.00	10.30	1.90	0	0	0	0
$312	$316	61.70	51.10	41.20	31.30	21.40	11.50	3.00	0	0	0	0
$316	$320	63.30	52.50	42.60	32.70	22.70	12.80	4.10	0	0	0	0
$320	$324	66.10	54.90	45.00	35.00	25.10	15.20	6.10	0	0	0	0
$324	$328	70.10	58.40	48.40	38.40	28.50	18.60	9.10	.70	0	0	0
$328	$332	74.10	62.40	51.80	41.80	31.90	22.00	12.10	3.50	0	0	0
$332	$336	78.10	66.40	55.20	45.20	35.30	25.40	15.50	6.30	0	0	0
$336	$340	82.10	70.40	58.80	48.60	38.70	28.80	18.90	9.30	.90	0	0
$340	$344	86.10	74.40	62.80	52.00	42.10	32.20	22.30	12.40	3.70	0	0
$344	$348	90.10	78.40	66.80	55.40	45.50	35.60	25.70	15.80	6.60	0	0
$348	$352	94.10	82.40	70.80	59.10	48.90	39.00	29.10	19.20	9.60	1.20	0
$352	$356	98.10	86.40	74.80	63.10	52.30	42.40	32.50	22.60	12.70	4.00	0
$356	$360	102.10	90.40	78.80	67.10	55.70	45.80	35.90	26.00	16.10	6.80	0
$360	$364	106.10	94.40	82.80	71.10	59.70	49.20	39.30	29.40	19.50	9.60	2.80
$364	$368	110.10	98.40	86.80	75.10	63.70	53.60	42.70	32.80	22.90	12.90	4.80
$368	$372	114.10	102.40	90.80	79.10	67.70	57.60	46.70	36.80	26.30	16.30	6.90
$372	$376	118.10	106.40	94.80	83.10	71.70	61.60	50.70	40.80	30.70	20.70	10.90
$376	$380	122.10	110.40	98.80	87.10	75.70	65.60	54.70	44.80	34.70	24.70	14.90
$380	$384	126.10	114.40	102.80	91.10	79.70	69.60	58.70	48.80	38.70	28.70

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period and he is not married—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such periods—										
$9.25	$9.50	$1.45	$1.10	$.80	$.45	$.15	$0	$0	$0	$0	$0	$0
$9.50	$9.75	1.45	1.15	.80	.50	.20	0	0	0	0	0	0
$9.75	$10.00	1.50	1.20	.85	.55	.25	0	0	0	0	0	0
$10.00	$10.50	1.60	1.25	.95	.60	.30	0	0	0	0	0	0
$10.50	$11.00	1.65	1.35	1.00	.70	.35	.10	0	0	0	0	0
$11.00	$11.50	1.75	1.40	1.10	.75	.45	.15	0	0	0	0	0
$11.50	$12.00	1.85	1.50	1.20	.85	.55	.25	0	0	0	0	0
$12.00	$12.50	1.95	1.60	1.25	.95	.60	.30	.05	0	0	0	0
$12.50	$13.00	2.05	1.70	1.35	1.05	.70	.40	.10	0	0	0	0
$13.00	$13.50	2.15	1.75	1.45	1.10	.80	.45	.15	0	0	0	0
$13.50	$14.00	2.25	1.85	1.50	1.20	.85	.55	.25	0	0	0	0
$14.00	$14.50	2.35	1.95	1.60	1.30	.95	.65	.30	.05	0	0	0
$14.50	$15.00	2.45	2.05	1.70	1.35	1.05	.70	.40	.10	0	0	0
$15.00	$15.50	2.55	2.15	1.80	1.45	1.15	.80	.45	.20	0	0	0
$15.50	$16.00	2.65	2.25	1.85	1.55	1.20	.90	.55	.25	0	0	0
$16.00	$16.50	2.75	2.35	1.95	1.60	1.30	.95	.65	.35	.05	0	0
$16.50	$17.00	2.85	2.45	2.05	1.70	1.40	1.05	.75	.40	.10	0	9
$17.00	$17.50	2.95	2.55	2.15	1.80	1.45	1.15	.80	.50	.20	0	0
$17.50	$18.00	3.05	2.65	2.25	1.90	1.55	1.25	.90	.55	.25	0	0
$18.00	$18.50	3.15	2.75	2.35	2.00	1.65	1.30	1.00	.65	.35	.05	0
$18.50	$19.00	3.25	2.85	2.45	2.10	1.70	1.40	1.05	.75	.40	.15	0
$19.00	$19.50	3.35	2.95	2.55	2.20	1.80	1.50	1.15	.85	.50	.20	0
$19.50	$20.00	3.45	3.05	2.65	2.30	1.90	1.55	1.25	.90	.60	.30	0
$20.00	$21.00	3.60	3.20	2.80	2.45	2.05	1.70	1.35	1.05	.70	.40	.10
$21.00	$22.00	3.80	3.40	3.00	2.65	2.25	1.85	1.55	1.20	.90	.55	.25
$22.00	$23.00	4.00	3.60	3.20	2.85	2.45	2.05	1.70	1.40	1.05	.75	.40
$23.00	$24.00	4.20	3.80	3.40	3.05	2.65	2.25	1.90	1.55	1.25	.90	.55
$24.00	$25.00	4.40	4.00	3.60	3.25	2.85	2.45	2.10	1.70	1.40	1.05	.75
$25.00	$26.00	4.65	4.20	3.80	3.45	3.05	2.65	2.30	1.90	1.55	1.25	.90
$26.00	$27.00	4.90	4.40	4.00	3.65	3.25	2.85	2.50	2.10	1.75	1.40	1.10
$27.00	$28.00	5.15	4.65	4.20	3.85	3.45	3.05	2.70	2.30	1.90	1.60	1.25
$28.00	$29.00	5.40	4.90	4.45	4.05	3.65	3.25	2.90	2.50	2.10	1.75	1.40
$29.00	$30.00	5.65	5.15	4.70	4.25	3.85	3.45	3.10	2.70	2.30	1.90	1.60
$30.00	$31.00	5.90	5.40	4.95	4.45	4.05	3.65	3.30	2.90	2.50	2.10	1.75
$31.00	$32.00	6.20	5.65	5.20	4.70	4.25	3.85	3.50	3.10	2.70	2.30	1.95
$32.00	$33.00	6.50	5.95	5.45	4.95	4.50	4.05	3.70	3.30	2.90	2.50	2.15
$33.00	$34.00	6.80	6.25	5.70	5.20	4.75	4.25	3.90	3.50	3.10	2.70	2.35
$34.00	$35.00	7.10	6.55	5.95	5.45	5.00	4.50	4.10	3.70	3.30	2.90	2.55
$35.00	$36.00	7.40	6.85	6.25	5.70	5.25	4.75	4.30	3.90	3.50	3.10	2.75
$36.00	$37.00	7.70	7.15	6.55	6.00	5.50	5.00	4.50	4.10	3.70	3.30	2.95
$37.00	$38.00	8.00	7.45	6.85	6.30	5.75	5.25	4.75	4.30	3.90	3.50	3.15
$38.00	$39.00	8.30	7.75	7.15	6.60	6.00	5.50	5.00	4.55	4.10	3.70	3.35
$39.00	$40.00	8.60	8.05	7.45	6.90	6.30	5.75	5.25	4.80	4.30	3.90	3.55
$40.00	$41.00	8.90	8.35	7.75	7.20	6.60	6.05	5.50	5.05	4.55	4.10	3.75
$41.00	$42.00	9.20	8.65	8.05	7.50	6.90	6.35	5.75	5.30	4.80	4.35	3.95
$42.00	$43.00	9.50	8.95	8.35	7.80	7.20	6.65	6.05	5.55	5.05	4.60	4.15
$43.00	$44.00	9.80	9.25	8.65	8.10	7.50	6.95	6.35	5.80	5.30	4.85	4.35
$44.00	$45.00	10.10	9.55	8.95	8.40	7.80	7.25	6.65	6.10	5.55	5.10	4.60
$45.00	$46.00	10.40	9.85	9.25	8.70	8.10	7.55	6.95	6.40	5.80	5.35	4.85
$46.00	$47.00	10.70	10.15	9.55	9.00	8.40	7.85	7.25	6.70	6.10	5.60	5.10
$47.00	$48.00	11.00	10.45	9.85	9.30	8.70	8.15	7.55	7.00	6.40	5.85	5.35
$48.00	$49.00	11.30	10.75	10.15	9.60	9.00	8.45	7.85	7.30	6.70	6.15	5.60
$49.00	$50.00	11.60	11.05	10.45	9.90	9.30	8.75	8.15	7.60	7.00	6.45	5.85
		30 percent of the excess over $50 plus—										
$50 and over		11.75	11.20	10.60	10.05	9.45	8.90	8.30	7.75	7.15	6.60	6.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period and he is married—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such periods—										
$0	$0.75	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0.75	$1.00	.05	0	0	0	0	0	0	0	0	0	0
$1.00	$1.25	.10	0	0	0	0	0	0	0	0	0	0
$1.25	$1.50	.10	0	0	0	0	0	0	0	0	0	0
$1.50	$1.75	.15	0	0	0	0	0	0	0	0	0	0
$1.75	$2.00	.20	0	0	0	0	0	0	0	0	0	0
$2.00	$2.25	.20	0	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.25	0	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.30	0	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.35	.05	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.35	.10	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.40	.15	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.45	.15	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.45	.20	0	0	0	0	0	0	0	0	0
$4.00	$4.25	.50	.25	0	0	0	0	0	0	0	0	0
$4.25	$4.50	.55	.25	0	0	0	0	0	0	0	0	0
$4.50	$4.75	.60	.30	.05	0	0	0	0	0	0	0	0
$4.75	$5.00	.60	.35	.05	0	0	0	0	0	0	0	0
$5.00	$5.25	.65	.35	.10	0	0	0	0	0	0	0	0
$5.25	$5.50	.70	.40	.15	0	0	0	0	0	0	0	0
$5.50	$5.75	.75	.45	.15	0	0	0	0	0	0	0	0
$5.75	$6.00	.75	.50	.20	0	0	0	0	0	0	0	0
$6.00	$6.25	.80	.50	.25	0	0	0	0	0	0	0	0
$6.25	$6.50	.85	.55	.30	0	0	0	0	0	0	0	0
$6.50	$6.75	.90	.60	.30	.05	0	0	0	0	0	0	0
$6.75	$7.00	.90	.65	.35	.10	0	0	0	0	0	0	0
$7.00	$7.25	.95	.65	.40	.10	0	0	0	0	0	0	0
$7.25	$7.50	1.00	.70	.40	.15	0	0	0	0	0	0	0
$7.50	$7.75	1.05	.75	.45	.20	0	0	0	0	0	0	0
$7.75	$8.00	1.05	.80	.50	.20	0	0	0	0	0	0	0
$8.00	$8.25	1.10	.80	.55	.25	0	0	0	0	0	0	0
$8.25	$8.50	1.15	.85	.55	.30	0	0	0	0	0	0	0
$8.50	$8.75	1.20	.90	.60	.35	.05	0	0	0	0	0	0
$8.75	$9.00	1.20	.95	.65	.35	.10	0	0	0	0	0	0
$9.00	$9.25	1.25	.95	.70	.40	.15	0	0	0	0	0	0
$9.25	$9.50	1.30	1.00	.70	.45	.15	0	0	0	0	0	0
$9.50	$9.75	1.35	1.05	.75	.45	.20	0	0	0	0	0	0
$9.75	$10.00	1.35	1.10	.80	.50	.25	0	0	0	0	0	0
$10.00	$10.50	1.45	1.15	.85	.55	.30	0	0	0	0	0	0
$10.50	$11.00	1.50	1.20	.95	.65	.35	.10	0	0	0	0	0
$11.00	$11.50	1.60	1.30	1.00	.70	.45	.15	0	0	0	0	0
$11.50	$12.00	1.65	1.35	1.10	.80	.50	.25	0	0	0	0	0
$12.00	$12.50	1.75	1.45	1.15	.85	.60	.30	.05	0	0	0	0
$12.50	$13.00	1.80	1.50	1.25	.95	.65	.35	.10	0	0	0	0
$13.00	$13.50	1.90	1.60	1.30	1.00	.75	.45	.15	0	0	0	0
$13.50	$14.00	2.00	1.65	1.40	1.10	.80	.50	.25	0	0	0	0
$14.00	$14.50	2.05	1.75	1.45	1.15	0.90	0.60	0.30	0.05	0	0	0
$14.50	$15.00	2.15	1.85	1.55	1.25	.95	.65	.40	.10	0	0	0
$15.00	$15.50	2.25	1.90	1.60	1.30	1.05	.75	.45	.20	0	0	0
$15.50	$16.00	2.35	2.00	1.70	1.40	1.10	.80	.55	.25	0	0	0
$16.00	$16.50	2.40	2.10	1.75	1.45	1.20	.90	.60	.30	.05	0	0
$16.50	$17.00	2.50	2.15	1.85	1.55	1.25	.95	.70	.40	.10	0	0
$17.00	$17.50	2.60	2.25	1.95	1.60	1.35	1.05	.75	.45	.20	0	0
$17.50	$18.00	2.65	2.35	2.00	1.70	1.40	1.10	.85	.55	.25	0	0
$18.00	$18.50	2.75	2.45	2.10	1.75	1.50	1.20	.90	.60	.35	.05	0
$18.50	$19.00	2.85	2.50	2.20	1.85	1.55	1.25	1.00	.70	.40	.15	0
$19.00	$19.50	2.90	2.60	2.25	1.95	1.65	1.35	1.05	.75	.50	.20	0
$19.50	$20.00	3.00	2.70	2.35	2.05	1.70	1.40	1.15	.85	.55	.25	0
$20.00	$21.00	3.15	2.80	2.50	2.15	1.85	1.55	1.25	.95	.65	.40	.10

(b) With respect to wages paid after March 4, 1964, and before May 1, 1966, the following tables shall be used:

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be—										
		14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0	$13	$0.90	.10	0	0	0	0	0	0	0	0	0
$13	$14	2.00	.20	0	0	0	0	0	0	0	0	0
$14	$15	2.20	.40	0	0	0	0	0	0	0	0	0
$15	$16	2.30	.50	0	0	0	0	0	0	0	0	0
$16	$17	2.50	.70	0	0	0	0	0	0	0	0	0
$17	$18	2.60	.80	0	0	0	0	0	0	0	0	0
$18	$19	2.70	.90	0	0	0	0	0	0	0	0	0
$19	$20	2.90	1.10	0	0	0	0	0	0	0	0	0
$20	$21	3.00	1.20	0	0	0	0	0	0	0	0	0
$21	$22	3.20	1.40	0	0	0	0	0	0	0	0	0
$22	$23	3.30	1.50	0	0	0	0	0	0	0	0	0
$23	$24	3.40	1.60	0	0	0	0	0	0	0	0	0
$24	$25	3.60	1.80	0	0	0	0	0	0	0	0	0
$25	$26	3.70	1.90	.10	0	0	0	0	0	0	0	0
$26	$27	3.90	2.10	.30	0	0	0	0	0	0	0	0
$27	$28	4.00	2.20	.40	0	0	0	0	0	0	0	0
$28	$29	4.10	2.30	.50	0	0	0	0	0	0	0	0
$29	$30	4.30	2.50	.70	0	0	0	0	0	0	0	0
$30	$31	4.40	2.60	.80	0	0	0	0	0	0	0	0
$31	$32	4.60	2.80	1.00	0	0	0	0	0	0	0	0
$32	$33	4.70	2.90	1.10	0	0	0	0	0	0	0	0
$33	$34	4.80	3.00	1.20	0	0	0	0	0	0	0	0
$34	$35	5.00	3.20	1.40	0	0	0	0	0	0	0	0
$35	$36	5.10	3.30	1.50	0	0	0	0	0	0	0	0
$36	$37	5.30	3.50	1.70	0	0	0	0	0	0	0	0
$37	$38	5.40	3.60	1.80	0	0	0	0	0	0	0	0
$38	$39	5.50	3.70	1.90	.10	0	0	0	0	0	0	0
$39	$40	5.70	3.90	2.10	.30	0	0	0	0	0	0	0
$40	$41	5.80	4.00	2.20	.40	0	0	0	0	0	0	0
$41	$42	6.00	4.20	2.40	.60	0	0	0	0	0	0	0
$42	$43	6.10	4.30	2.50	.70	0	0	0	0	0	0	0
$43	$44	6.20	4.40	2.60	.80	0	0	0	0	0	0	0
$44	$45	6.40	4.60	2.80	1.00	0	0	0	0	0	0	0
$45	$46	6.50	4.70	2.90	1.10	0	0	0	0	0	0	0
$46	$47	6.70	4.90	3.10	1.30	0	0	0	0	0	0	0
$47	$48	6.80	5.00	3.20	1.40	0	0	0	0	0	0	0
$48	$49	6.90	5.10	3.30	1.50	0	0	0	0	0	0	0
$49	$50	7.10	5.30	3.50	1.70	0	0	0	0	0	0	0
$50	$51	7.20	5.40	3.60	1.80	0	0	0	0	0	0	0
$51	$52	7.40	5.60	3.80	2.00	.20	0	0	0	0	0	0
$52	$53	7.50	5.70	3.90	2.10	.30	0	0	0	0	0	0
$53	$54	7.60	5.80	4.00	2.20	.50	0	0	0	0	0	0
$54	$55	7.80	6.00	4.20	2.40	.60	0	0	0	0	0	0
$55	$56	7.90	6.10	4.30	2.50	.70	0	0	0	0	0	0
$56	$57	8.10	6.30	4.50	2.70	.90	0	0	0	0	0	0
$57	$58	8.20	6.40	4.60	2.80	1.00	0	0	0	0	0	0
$58	$59	8.30	6.50	4.70	2.90	1.20	0	0	0	0	0	0
$59	$60	8.50	6.70	5.00	3.20	1.40	0	0	0	0	0	0
$60	$62	8.80	7.00	5.20	3.40	1.60	0	0	0	0	0	0
$62	$64	9.10	7.30	5.50	3.70	1.90	.10	0	0	0	0	0
$64	$66	9.40	7.60	5.80	4.00	2.20	.40	0	0	0	0	0
$66	$68	9.70	7.90	6.10	4.30	2.50	.70	0	0	0	0	0
$68	$70	9.90	8.10	6.40	4.60	2.80	1.00	0	0	0	0	0
$70	$72	10.20	8.40	6.60	4.80	3.00	1.20	0	0	0	0	0
$72	$74	10.50	8.70	6.90	5.10	3.30	1.50	0	0	0	0	0
$74	$76	10.80	9.00	7.20	5.40	3.60	1.80	0	0	0	0	0
$76	$80	11.10	9.30	7.50	5.70	3.90	2.10	.30	0	0	0	0
$80	$82	11.30	9.50	7.80	6.00	4.20	2.40	.60	0	0	0	0
$82	$84	11.60	9.80	8.00	6.20	4.40	2.60	.90	0	0	0	0
$84	$86	11.90	10.10	8.30	6.50	4.70	2.90	1.10	0	0	0	0
$86	$88	12.20	10.40	8.60	6.80	5.00	3.20	1.40	0	0	0	0
$88	$90	12.50	10.70	8.90	7.10	5.30	3.50	1.70	0	0	0	0
$90	$92	12.70	10.90	9.20	7.40	5.60	3.80	2.00	.20	0	0	0

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period and he is married—

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period and he is not married—

(b) With respect to wages paid after March 4, 1964, and before May 1, 1966, the following tables shall be used:

If the payroll period with respect to an employee is weekly—

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If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$92	$94	$13.00	$11.20	$9.40	$7.60	$5.80	$4.00	$2.30	$0.50	$0	$0	$0
$94	$96	13.30	11.50	9.70	7.90	6.10	4.30	2.50	.70	0	0	0
$96	$98	13.60	11.80	10.00	8.20	6.40	4.60	2.80	1.00	0	0	0
$98	$100	13.90	12.10	10.30	8.50	6.70	4.90	3.10	1.30	0	0	0
$100	$105	14.40	12.60	10.80	9.00	7.20	5.40	3.60	1.80	0	0	0
$105	$110	15.10	13.30	11.50	9.70	7.90	6.10	4.30	2.50	.70	0	0
$110	$115	15.80	14.00	12.20	10.40	8.60	6.80	5.00	3.20	1.40	0	0
$115	$120	16.50	14.70	12.90	11.10	9.30	7.55	5.70	3.90	2.10	.30	0
$120	$125	17.20	15.40	13.60	11.80	10.00	8.20	6.40	4.60	2.80	1.00	0
$125	$130	17.90	16.10	14.30	12.50	10.70	8.90	7.10	5.30	3.50	1.70	0
$130	$135	18.60	16.80	15.00	13.20	11.40	9.60	7.80	6.00	4.20	2.40	.60
$135	$140	19.30	17.50	15.70	13.90	12.10	10.30	8.50	6.70	4.90	3.10	1.30
$140	$145	20.00	18.20	16.40	14.60	12.80	11.00	9.20	7.40	5.60	3.80	2.00
$145	$150	20.70	18.90	17.10	15.30	13.50	11.70	9.90	8.10	6.30	4.50	2.70
$150	$160	21.70	19.90	18.10	16.30	14.50	12.70	10.90	9.10	7.30	5.50	3.80
$160	$170	23.10	21.30	19.50	17.70	15.90	14.10	12.30	10.50	8.70	6.90	5.20
$170	$180	24.50	22.70	20.90	19.10	17.30	15.50	13.70	11.90	10.10	8.30	6.60
$180	$190	25.90	24.10	22.30	20.50	18.70	16.90	15.10	13.30	11.50	9.70	8.00
$190	$200	27.30	25.50	23.70	21.90	20.10	18.30	16.50	14.70	12.90	11.10	9.40
		14 percent of the excess over $200 plus—										
$200 and over		28.00	26.20	24.40	22.60	20.80	19.00	17.20	15.40	13.60	11.80	10.10

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$3.80	.20	0	0	0	0	0	0	0	0	0
$28	$30	4.10	.50	0	0	0	0	0	0	0	0	0
$30	$32	4.30	.80	0	0	0	0	0	0	0	0	0
$32	$34	4.60	1.00	0	0	0	0	0	0	0	0	0
$34	$36	4.90	1.30	0	0	0	0	0	0	0	0	0
$36	$38	5.20	1.60	0	0	0	0	0	0	0	0	0
$38	$40	5.50	1.90	0	0	0	0	0	0	0	0	0
$40	$42	5.70	2.20	0	0	0	0	0	0	0	0	0
$42	$44	6.00	2.40	0	0	0	0	0	0	0	0	0
$44	$46	6.30	2.70	0	0	0	0	0	0	0	0	0
$46	$48	6.60	3.00	0	0	0	0	0	0	0	0	0
$48	$50	6.90	3.30	0	0	0	0	0	0	0	0	0
$50	$52	7.10	3.60	0	0	0	0	0	0	0	0	0
$52	$54	7.40	3.80	.20	0	0	0	0	0	0	0	0
$54	$56	7.70	4.10	.50	0	0	0	0	0	0	0	0
$56	$58	8.00	4.40	.80	0	0	0	0	0	0	0	0
$58	$60	8.30	4.70	1.10	0	0	0	0	0	0	0	0
$60	$62	8.50	5.00	1.40	0	0	0	0	0	0	0	0
$62	$64	8.80	5.20	1.60	0	0	0	0	0	0	0	0
$64	$66	9.10	5.50	1.90	0	0	0	0	0	0	0	0
$66	$68	9.40	5.80	2.20	0	0	0	0	0	0	0	0
$68	$70	9.70	6.10	2.50	0	0	0	0	0	0	0	0
$70	$72	9.90	6.40	2.80	0	0	0	0	0	0	0	0
$72	$74	10.20	6.60	3.00	0	0	0	0	0	0	0	0
$74	$76	10.50	6.90	3.30	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$70	$78	$10.80	$7.20	$3.60	$0	$0	$0	$0	$0	$0	$0	$0
$78	$80	11.10	7.50	3.90	.30	0	0	0	0	0	0	0
$80	$82	11.30	7.80	4.20	.60	0	0	0	0	0	0	0
$82	$84	11.60	8.00	4.40	.90	0	0	0	0	0	0	0
$84	$86	11.90	8.30	4.70	1.10	0	0	0	0	0	0	0
$86	$88	12.20	8.60	5.00	1.40	0	0	0	0	0	0	0
$88	$90	12.50	8.90	5.30	1.70	0	0	0	0	0	0	0
$90	$92	12.70	9.20	5.60	2.00	0	0	0	0	0	0	0
$92	$94	13.00	9.40	5.80	2.30	0	0	0	0	0	0	0
$94	$96	13.30	9.70	6.10	2.50	0	0	0	0	0	0	0
$96	$98	13.60	10.00	6.40	2.80	0	0	0	0	0	0	0
$98	$100	13.90	10.30	6.70	3.10	0	0	0	0	0	0	0
$100	$102	14.10	10.60	7.00	3.40	0	0	0	0	0	0	0
$102	$104	14.40	10.80	7.20	3.70	.10	0	0	0	0	0	0
$104	$106	14.70	11.10	7.50	3.90	.30	0	0	0	0	0	0
$106	$108	15.00	11.40	7.80	4.20	.60	0	0	0	0	0	0
$108	$110	15.30	11.70	8.10	4.50	.90	0	0	0	0	0	0
$110	$112	15.50	12.00	8.40	4.80	1.20	0	0	0	0	0	0
$112	$114	15.80	12.20	8.60	5.10	1.50	0	0	0	0	0	0
$114	$116	16.10	12.50	8.90	5.30	1.70	0	0	0	0	0	0
$116	$118	16.40	12.80	9.20	5.60	2.00	0	0	0	0	0	0
$118	$120	16.70	13.10	9.50	5.90	2.30	0	0	0	0	0	0
$120	$124	17.10	13.50	9.90	6.30	2.70	0	0	0	0	0	0
$124	$128	17.60	14.10	10.50	6.90	3.30	0	0	0	0	0	0
$128	$132	18.20	14.60	11.00	7.40	3.80	.30	0	0	0	0	0
$132	$136	18.80	15.20	11.60	8.00	4.40	.80	0	0	0	0	0
$136	$140	19.30	15.70	12.10	8.60	5.00	1.40	0	0	0	0	0
$140	$144	19.90	16.30	12.70	9.10	5.50	1.90	0	0	0	0	0
$144	$148	20.40	16.90	13.30	9.70	6.10	2.50	0	0	0	0	0
$148	$152	21.00	17.40	13.80	10.20	6.60	3.10	0	0	0	0	0
$152	$156	21.60	18.00	14.40	10.80	7.20	3.60	0	0	0	0	0
$156	$160	22.10	18.50	14.90	11.40	7.80	4.20	.60	0	0	0	0
$160	$164	22.70	19.10	15.50	11.90	8.30	4.70	1.10	0	0	0	0
$164	$168	23.20	19.70	16.10	12.50	8.90	5.30	1.70	0	0	0	0
$168	$172	23.80	20.20	16.60	13.00	9.40	5.90	2.30	0	0	0	0
$172	$176	24.40	20.80	17.20	13.60	10.00	6.40	2.80	0	0	0	0
$176	$180	24.90	21.30	17.70	14.20	10.60	7.00	3.40	0	0	0	0
$180	$184	25.50	21.90	18.30	14.70	11.10	7.50	3.90	.40	0	0	0
$184	$188	26.00	22.50	18.90	15.30	11.70	8.10	4.50	.90	0	0	0
$188	$192	26.60	23.00	19.40	15.80	12.20	8.70	5.10	1.50	0	0	0
$192	$196	27.20	23.60	20.00	16.40	12.80	9.20	5.60	2.00	0	0	0
$196	$200	27.70	24.10	20.50	17.00	13.40	9.80	6.20	2.60	0	0	0
$200	$210	28.70	25.10	21.50	17.90	14.30	10.80	7.20	3.60	0	0	0
$210	$220	30.10	26.50	22.90	19.30	15.70	12.20	8.60	5.00	1.40	0	0
$220	$230	31.50	27.90	24.30	20.70	17.10	13.60	10.00	6.40	2.80	0	0
$230	$240	32.90	29.30	25.70	22.10	18.50	15.00	11.40	7.80	4.20	.60	0
$240	$250	34.30	30.70	27.10	23.50	19.90	16.40	12.80	9.20	5.60	2.00	0
$250	$260	35.70	32.10	28.50	24.90	21.30	17.80	14.20	10.60	7.00	3.40	0
$260	$270	37.10	33.50	29.90	26.30	22.70	19.20	15.60	12.00	8.40	4.80	1.20
$270	$280	38.50	34.90	31.30	27.70	24.10	20.60	17.00	13.40	9.80	6.20	2.60
$280	$290	39.90	36.30	32.70	29.10	25.50	22.00	18.40	14.80	11.20	7.60	4.00
$290	$300	41.30	37.70	34.10	30.50	26.90	23.40	19.80	16.20	12.60	9.00	5.40
$300	$320	43.40	39.80	36.20	32.60	29.00	25.50	21.90	18.30	14.70	11.10	7.50
$320	$340	46.20	42.60	39.00	35.40	31.80	28.30	24.70	21.10	17.50	13.90	10.30
$340	$360	49.00	45.40	41.80	38.20	34.60	31.10	27.50	23.90	20.30	16.70	13.10
$360	$380	51.80	48.20	44.60	41.00	37.40	33.90	30.30	26.70	23.10	19.50	15.90
$380	$400	54.60	51.00	47.40	43.80	40.20	36.70	33.10	29.50	25.90	22.30	18.70
		14 percent of the excess over $400 plus—										
$400 and over		56.00	52.40	48.80	45.20	41.60	38.10	34.50	30.90	27.30	23.70	20.10

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$4.10	.20	0	0	0	0	0	0	0	0	0
$30	$32	4.30	.50	0	0	0	0	0	0	0	0	0
$32	$34	4.60	.70	0	0	0	0	0	0	0	0	0
$34	$36	4.90	1.00	0	0	0	0	0	0	0	0	0
$36	$38	5.20	1.30	0	0	0	0	0	0	0	0	0
$38	$40	5.50	1.60	0	0	0	0	0	0	0	0	0
$40	$42	5.70	1.90	0	0	0	0	0	0	0	0	0
$42	$44	6.00	2.10	0	0	0	0	0	0	0	0	0
$44	$46	6.30	2.40	0	0	0	0	0	0	0	0	0
$46	$48	6.60	2.70	0	0	0	0	0	0	0	0	0
$48	$50	6.90	3.00	0	0	0	0	0	0	0	0	0
$50	$52	7.10	3.30	0	0	0	0	0	0	0	0	0
$52	$54	7.40	3.50	0	0	0	0	0	0	0	0	0
$54	$56	7.70	3.80	0	0	0	0	0	0	0	0	0
$56	$58	8.00	4.10	.20	0	0	0	0	0	0	0	0
$58	$60	8.30	4.40	.50	0	0	0	0	0	0	0	0
$60	$62	8.50	4.70	.80	0	0	0	0	0	0	0	0
$62	$64	8.80	4.90	1.00	0	0	0	0	0	0	0	0
$64	$66	9.10	5.20	1.30	0	0	0	0	0	0	0	0
$66	$68	9.40	5.50	1.60	0	0	0	0	0	0	0	0
$68	$70	9.70	5.80	1.90	0	0	0	0	0	0	0	0
$70	$72	9.90	6.10	2.20	0	0	0	0	0	0	0	0
$72	$74	10.20	6.30	2.40	0	0	0	0	0	0	0	0
$74	$76	10.50	6.60	2.70	0	0	0	0	0	0	0	0
$76	$78	10.80	6.90	3.00	0	0	0	0	0	0	0	0
$78	$80	11.10	7.20	3.30	0	0	0	0	0	0	0	0
$80	$82	11.30	7.50	3.60	0	0	0	0	0	0	0	0
$82	$84	11.60	7.70	3.80	0	0	0	0	0	0	0	0
$84	$86	11.90	8.00	4.10	.20	0	0	0	0	0	0	0
$86	$88	12.20	8.30	4.40	.50	0	0	0	0	0	0	0
$88	$90	12.50	8.60	4.70	.80	0	0	0	0	0	0	0
$90	$92	12.70	8.90	5.00	1.10	0	0	0	0	0	0	0
$92	$94	13.00	9.10	5.20	1.40	0	0	0	0	0	0	0
$94	$96	13.30	9.40	5.50	1.60	0	0	0	0	0	0	0
$96	$98	13.60	9.70	5.80	1.90	0	0	0	0	0	0	0
$98	$100	13.90	10.00	6.10	2.20	0	0	0	0	0	0	0
$100	$102	14.10	10.30	6.40	2.50	0	0	0	0	0	0	0
$102	$104	14.40	10.50	6.60	2.80	0	0	0	0	0	0	0
$104	$106	14.70	10.80	6.90	3.00	0	0	0	0	0	0	0
$106	$108	15.00	11.10	7.20	3.30	0	0	0	0	0	0	0
$108	$110	15.30	11.40	7.50	3.60	0	0	0	0	0	0	0
$110	$112	15.50	11.70	7.80	3.90	0	0	0	0	0	0	0
$112	$114	15.80	11.90	8.00	4.20	.30	0	0	0	0	0	0
$114	$116	16.10	12.20	8.30	4.40	.50	0	0	0	0	0	0
$116	$118	16.40	12.50	8.60	4.70	.80	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	+ 2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$118	$120	$16.70	$12.80	$8.90	$5.00	$1.10	$0	$0	$0	$0	$0	$0
$120	$124	17.10	13.20	9.30	5.40	1.50	0	0	0	0	0	0
$124	$128	17.60	13.80	9.90	6.00	2.10	0	0	0	0	0	0
$128	$132	18.20	14.30	10.40	6.50	2.60	0	0	0	0	0	0
$132	$136	18.80	14.90	11.00	7.10	3.20	0	0	0	0	0	0
$136	$140	19.30	15.40	11.50	7.70	3.80	0	0	0	0	0	0
$140	$144	19.90	16.00	12.10	8.20	4.30	.40	0	0	0	0	0
$144	$148	20.40	16.60	12.70	8.80	4.90	1.00	0	0	0	0	0
$148	$152	21.00	17.10	13.20	9.30	5.40	1.60	0	0	0	0	0
$152	$156	21.60	17.70	13.80	9.90	6.00	2.10	0	0	0	0	0
$156	$160	22.10	18.20	14.30	10.50	6.60	2.70	0	0	0	0	0
$160	$164	22.70	18.80	14.90	11.00	7.10	3.20	0	0	0	0	0
$164	$168	23.20	19.40	15.50	11.60	7.70	3.80	0	0	0	0	0
$168	$172	23.80	19.90	16.00	12.10	8.20	4.40	.50	0	0	0	0
$172	$176	24.40	20.50	16.60	12.70	8.80	4.90	1.00	0	0	0	0
$176	$180	24.90	21.00	17.10	13.30	9.40	5.50	1.60	0	0	0	0
$180	$184	25.50	21.60	17.70	13.80	9.90	6.00	2.10	0	0	0	0
$184	$188	26.00	22.20	18.30	14.40	10.50	6.60	2.70	0	0	0	0
$188	$192	26.60	22.70	18.80	14.90	11.00	7.20	3.30	0	0	0	0
$192	$196	27.20	23.30	19.40	15.50	11.60	7.70	3.80	0	0	0	0
$196	$200	27.70	23.80	19.90	16.10	12.20	8.30	4.40	.50	0	0	0
$200	$210	28.70	24.80	20.90	17.00	13.10	9.30	5.40	1.50	0	0	0
$210	$220	30.10	26.20	22.30	18.40	14.50	10.70	6.80	2.90	0	0	0
$220	$230	31.50	27.60	23.70	19.80	15.90	12.10	8.20	4.30	.40	0	0
$230	$240	32.90	29.00	25.10	21.20	17.30	13.50	9.60	5.70	1.80	0	0
$240	$250	34.30	30.40	26.50	22.60	18.70	14.90	11.00	7.10	3.20	0	0
$250	$260	35.70	31.80	27.90	24.00	20.10	16.30	12.40	8.50	4.60	.70	0
$260	$270	37.10	33.20	29.30	25.40	21.50	17.70	13.80	9.90	6.00	2.10	0
$270	$280	38.50	34.60	30.70	26.80	22.90	19.10	15.20	11.30	7.40	3.50	0
$280	$290	39.90	36.00	32.10	28.20	24.30	20.50	16.60	12.70	8.80	4.96	1.00
$290	$300	41.30	37.40	33.50	29.60	25.70	21.90	18.00	14.10	10.20	6.30	2.40
$300	$320	43.40	39.50	35.60	31.70	27.80	24.00	20.10	16.20	12.30	8.40	4.50
$320	$340	46.20	42.30	38.40	34.50	30.60	26.80	22.90	19.00	15.10	11.20	7.30
$340	$360	49.00	45.10	41.20	37.30	33.40	29.60	25.70	21.80	17.90	14.00	10.10
$360	$380	51.80	47.90	44.00	40.10	36.20	32.40	28.50	24.60	20.70	16.80	12.90
$380	$400	54.60	50.70	46.80	42.90	39.00	35.20	31.30	27.40	23.50	19.60	15.70
$400	$420	57.40	53.50	49.60	45.70	41.80	38.00	34.10	30.20	26.30	22.40	18.50
$420	$440	60.20	56.30	52.40	48.50	44.60	40.80	36.90	33.00	29.10	25.20	21.30
$440	$460	63.00	59.10	55.20	51.30	47.40	43.60	39.70	35.80	31.90	28.00	24.10
$460	$480	65.80	61.90	58.00	54.10	50.20	46.40	42.50	38.60	34.70	30.80	26.90
$480	$500	68.60	64.70	60.80	56.90	53.00	49.20	45.30	41.40	37.50	33.60	29.70
		14 percent of the excess over $500 plus—										
$500 and over		70.00	66.10	62.20	58.30	54.40	50.60	46.70	42.80	38.90	35.00	31.10

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
		14% of wage										
$0	$56	$8.10	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	8.70	.30	0	0	0	0	0	0	0	0	0
$60	$64	9.20	.90	0	0	0	0	0	0	0	0	0
$64	$68	9.80	1.50	0	0	0	0	0	0	0	0	0
$68	$72	10.40	2.00	0	0	0	0	0	0	0	0	0
$72	$76	10.90	2.60	0	0	0	0	0	0	0	0	0
$76	$80	11.50	3.10	0	0	0	0	0	0	0	0	0
$80	$84	12.00	3.70	0	0	0	0	0	0	0	0	0
$84	$88	12.60	4.30	0	0	0	0	0	0	0	0	0
$88	$92	13.20	4.80	0	0	0	0	0	0	0	0	0
$92	$96	13.70	5.40	0	0	0	0	0	0	0	0	0
$96	$100	14.30	5.90	0	0	0	0	0	0	0	0	0
$100	$104	14.80	6.50	0	0	0	0	0	0	0	0	0
$104	$108	15.40	7.10	0	0	0	0	0	0	0	0	0
$108	$112	16.00	7.60	0	0	0	0	0	0	0	0	0
$112	$116	16.50	8.20	.40	0	0	0	0	0	0	0	0
$116	$120	17.10	8.70	1.00	0	0	0	0	0	0	0	0
$120	$124	17.60	9.30	1.50	0	0	0	0	0	0	0	0
$124	$128	18.20	9.90	2.10	0	0	0	0	0	0	0	0
$128	$132	18.80	10.40	2.60	0	0	0	0	0	0	0	0
$132	$136	19.30	11.00	3.20	0	0	0	0	0	0	0	0
$136	$140	19.90	11.50	3.80	3	0	0	0	0	0	0	0
$140	$144	20.40	12.10	4.30	0	0	0	0	0	0	0	0
$144	$148	21.00	12.70	4.90	0	0	0	0	0	0	0	0
$148	$152	21.60	13.20	5.40	0	0	0	0	0	0	0	0
$152	$156	22.10	13.80	6.00	0	0	0	0	0	0	0	0
$156	$160	22.70	14.30	6.60	0	0	0	0	0	0	0	0
$160	$164	23.20	14.90	7.10	0	0	0	0	0	0	0	0
$164	$168	23.80	15.50	7.70	0	0	0	0	0	0	0	0
$168	$172	24.40	16.00	8.20	.50	0	0	0	0	0	0	0
$172	$176	24.90	16.60	8.80	1.00	0	0	0	0	0	0	0
$176	$180	25.50	17.10	9.40	1.60	0	0	0	0	0	0	0
$180	$184	26.00	17.70	9.90	2.10	0	0	0	0	0	0	0
$184	$188	26.60	18.30	10.50	2.70	0	0	0	0	0	0	0
$188	$192	27.20	18.80	11.00	3.30	0	0	0	0	0	0	0
$192	$196	27.70	19.40	11.60	3.80	0	0	0	0	0	0	0
$196	$200	28.30	19.90	12.20	4.40	0	0	0	0	0	0	0
$200	$204	28.80	20.50	12.70	4.90	0	0	0	0	0	0	0
$204	$208	29.40	21.10	13.30	5.50	0	0	0	0	0	0	0
$208	$212	30.00	21.60	13.80	6.10	0	0	0	0	0	0	0
$212	$216	30.50	22.20	14.40	6.60	0	0	0	0	0	0	0
$216	$220	31.10	22.70	15.00	7.20	0	0	0	0	0	0	0
$220	$224	31.60	23.30	15.50	7.70	0	0	0	0	0	0	0
$224	$228	32.20	23.90	16.10	8.30	.50	0	0	0	0	0	0
$228	$232	32.80	24.40	16.60	8.90	1.10	0	0	0	0	0	0
$232	$236		25.00	17.20	9.40	1.60	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$236	$240	$33.30	$25.50	$17.80	$10.00	$2.20	$0	$0	$0	$0	$0	$0
$240	$248	34.20	26.40	18.60	10.80	3.00	0	0	0	0	0	0
$248	$256	35.30	27.50	19.70	11.90	4.20	0	0	0	0	0	0
$256	$264	36.40	28.60	20.80	13.10	5.30	0	0	0	0	0	0
$264	$272	37.50	29.70	22.00	14.20	6.40	0	0	0	0	0	0
$272	$280	38.60	30.90	23.10	15.30	7.50	0	0	0	0	0	0
$280	$288	39.80	32.00	24.20	16.40	8.60	.90	0	0	0	0	0
$288	$296	40.90	33.10	25.30	17.50	9.80	2.00	0	0	0	0	0
$296	$304	42.00	34.20	26.40	18.70	10.90	3.10	0	0	0	0	0
$304	$312	43.10	35.30	27.60	19.80	12.00	4.20	0	0	0	0	0
$312	$320	44.20	36.50	28.70	20.90	13.10	5.40	0	0	0	0	0
$320	$328	45.40	37.60	29.80	22.00	14.20	6.50	0	0	0	0	0
$328	$336	46.50	38.70	30.90	23.10	15.40	7.60	0	0	0	0	0
$336	$344	47.60	39.80	32.00	24.30	16.50	8.70	.90	0	0	0	0
$344	$352	48.70	40.90	33.20	25.40	17.60	9.80	2.10	0	0	0	0
$352	$360	49.80	42.10	34.30	26.50	18.70	11.00	3.20	0	0	0	0
$360	$368	51.00	43.20	35.40	27.60	19.80	12.10	4.30	0	0	0	0
$368	$376	52.10	44.30	36.50	28.70	21.00	13.20	5.40	0	0	0	0
$376	$384	53.20	45.40	37.60	29.90	22.10	14.30	6.50	0	0	0	0
$384	$392	54.30	46.50	38.80	31.00	23.20	15.40	7.70	0	0	0	0
$392	$400	55.40	47.70	39.90	32.10	24.30	16.60	8.80	1.00	0	0	0
$400	$420	57.40	49.60	41.80	34.10	26.30	18.50	10.70	3.00	0	0	0
$420	$440	60.20	52.40	44.60	36.90	29.10	21.30	13.50	5.80	0	0	0
$440	$460	63.00	55.20	47.40	39.70	31.90	24.10	16.30	8.60	.80	0	0
$460	$480	65.80	58.00	50.20	42.50	34.70	26.90	19.10	11.40	3.60	0	0
$480	$500	68.60	60.80	53.00	45.30	37.50	29.70	21.90	14.20	6.40	0	0
$500	$520	71.40	63.60	55.80	48.10	40.30	32.50	24.70	17.00	9.20	1.40	0
$520	$540	74.20	66.40	58.60	50.90	43.10	35.30	27.50	19.80	12.00	4.20	0
$540	$560	77.00	69.20	61.40	53.70	45.90	38.10	30.30	22.60	14.80	7.00	0
$560	$580	79.80	72.00	64.20	56.50	48.70	40.90	33.10	25.40	17.60	9.80	2.00
$580	$600	82.60	74.80	67.00	59.30	51.50	43.70	35.90	28.20	20.40	12.60	4.80
$600	$640	86.80	79.00	71.20	63.50	55.70	47.90	40.10	32.40	24.60	16.80	9.00
$640	$680	92.40	84.60	76.80	69.10	61.30	53.50	45.70	38.00	30.20	22.40	14.60
$680	$720	98.00	90.20	82.40	74.70	66.90	59.10	51.30	43.60	35.80	28.00	20.20
$720	$760	103.60	95.80	88.00	80.30	72.50	64.70	56.90	49.20	41.40	33.60	25.80
$760	$800	109.20	109.40	93.60	85.90	78.10	70.30	62.50	54.80	47.00	39.20	31.40
$800	$840	114.80	107.00	99.20	91.50	83.70	75.90	68.10	60.40	52.60	44.80	37.00
$840	$880	120.40	112.60	104.80	97.10	89.30	81.50	73.70	66.00	58.20	50.40	42.60
$880	$920	126.00	118.20	110.40	102.70	94.90	87.10	79.30	71.60	63.80	56.00	48.20
$920	$960	131.60	123.80	116.00	108.30	100.50	92.70	84.90	77.20	69.40	61.60	53.80
$960	$1,000	137.20	129.40	121.60	113.90	106.10	98.30	90.50	82.80	75.00	67.20	59.40
		14 percent of the excess over $1,000 plus—										
$1,000 and over		140.00	132.20	124.40	116.70	108.90	101.10	93.30	85.60	77.80	70.00	62.20

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
		14% of wages										
$0	$2.00	$.30	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	.35	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.35	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.35	.10	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.40	.15	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.45	.20	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.45	.20	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.50	.25	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.55	.30	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.60	.30	.05	0	0	0	0	0	0	0	0
$4.25	$4.50	.60	.35	.10	0	0	0	0	0	0	0	0
$4.50	$4.75	.65	.40	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.70	.45	.15	0	0	0	0	0	0	0	0
$5.00	$5.25	.70	.45	.20	0	0	0	0	0	0	0	0
$5.25	$5.50	.75	.50	.25	0	0	0	0	0	0	0	0
$5.50	$5.75	.80	.55	.30	0	0	0	0	0	0	0	0
$5.75	$6.00	.80	.55	.30	.05	0	0	0	0	0	0	0
$6.00	$6.25	.85	.60	.35	.10	0	0	0	0	0	0	0
$6.25	$6.50	.90	.65	.40	.15	0	0	0	0	0	0	0
$6.50	$6.75	.95	.65	.40	.15	0	0	0	0	0	0	0
$6.75	$7.00	.95	.70	.45	.20	0	0	0	0	0	0	0
$7.00	$7.25	1.00	.75	.50	.25	0	0	0	0	0	0	0
$7.25	$7.50	1.05	.80	.50	.25	0	0	0	0	0	0	0
$7.50	$7.75	1.05	.80	.55	.30	.05	0	0	0	0	0	0
$7.75	$8.00	1.10	.85	.60	.35	.10	0	0	0	0	0	0
$8.00	$8.25	1.15	.90	.65	.35	.10	0	0	0	0	0	0
$8.25	$8.50	1.15	.90	.65	.40	.15	0	0	0	0	0	0
$8.50	$8.75	1.20	.95	.70	.45	.20	0	0	0	0	0	0
$8.75	$9.00	1.25	1.00	.75	.50	.20	0	0	0	0	0	0
$9.00	$9.25	1.30	1.00	.75	.50	.25	0	0	0	0	0	0
$9.25	$9.50	1.30	1.05	.80	.55	.30	.05	0	0	0	0	0
$9.50	$9.75	1.35	1.10	.85	.60	.30	.05	0	0	0	0	0
$9.75	$10.00	1.40	1.15	.85	.60	.35	.10	0	0	0	0	0
$10.00	$10.50	1.45	1.20	.90	.65	.40	.15	0	0	0	0	0
$10.50	$11.00	1.50	1.25	1.00	.75	.50	.25	0	0	0	0	0
$11.00	$11.50	1.60	1.30	1.05	.80	.55	.30	.05	0	0	0	0
$11.50	$12.00	1.65	1.40	1.15	.90	.60	.35	.10	0	0	0	0
$12.00	$12.50	1.70	1.45	1.20	.95	.70	.45	.20	0	0	0	0
$12.50	$13.00	1.80	1.55	1.25	1.00	.75	.50	.25	0	0	0	0
$13.00	$13.50	1.85	1.60	1.35	1.10	.85	.60	.30	.05	0	0	0
$13.50	$14.00	1.95	1.65	1.40	1.15	.90	.65	.40	.15	0	0	0
$14.00	$14.50	2.00	1.75	1.50	1.25	.95	.70	.45	.20	0	0	0
$14.50	$15.00	2.05	1.80	1.55	1.30	1.05	.80	.55	.30	0	0	0
$15.00	$15.50	2.15	1.90	1.60	1.35	1.10	.85	.60	.35	.10	0	0
$15.50	$16.00	2.20	1.95	1.70	1.45	1.20	.95	.65	.40	.15	0	0
$16.00	$16.50	2.30	2.00	1.75	1.50	1.25	1.00	.75	.50	.25	0	0
$16.50	$17.00	2.35	2.10	1.85	1.60	1.30	1.05	.80	.55	.30	.05	0
$17.00	$17.50	2.40	2.15	1.90	1.65	1.40	1.15	.90	.65	.35	.10	0
$17.50	$18.00	2.50	2.25	1.95	1.70	1.45	1.20	.95	.70	.45	.20	0
$18.00	$18.50	2.55	2.30	2.05	1.80	1.55	1.30	1.00	.75	.50	.25	0
$18.50	$19.00	2.65	2.35	2.10	1.85	1.60	1.35	1.10	.85	.60	.30	.05
$19.00	$19.50	2.70	2.45	2.20	1.95	1.65	1.40	1.15	.90	.65	.40	.15
$19.50	$20.00	2.75	2.50	2.25	2.00	1.75	1.50	1.25	1.00	.70	.45	.20
$20.00	$21.00	2.85	2.60	2.35	2.10	1.85	1.60	1.35	1.10	.80	.55	.30
$21.00	$22.00	3.00	2.75	2.50	2.25	2.00	1.75	1.50	1.20	.95	.70	.45
$22.00	$23.00	3.15	2.90	2.65	2.40	2.15	1.85	1.60	1.35	1.10	.85	.60
$23.00	$24.00	3.30	3.05	2.80	2.50	2.25	2.00	1.75	1.50	1.25	1.00	.75
$24.00	$25.00	3.45	3.15	2.90	2.65	2.40	2.15	1.90	1.65	1.40	1.15	.95
$25.00	$26.00	3.55	3.30	3.05	2.80	2.55	2.30	2.05	1.80	1.50	1.25	1.00
$26.00	$27.00	3.70	3.45	3.20	2.95	2.70	2.45	2.20	1.90	1.65	1.40	1.15
$27.00	$28.00	3.85	3.60	3.35	3.10	2.85	2.55	2.30	2.05	1.80	1.55	1.30
$28.00	$29.00	4.00	3.75	3.50	3.20	2.95	2.70	2.45	2.20	1.95	1.70	1.45
$29.00	$30.00	4.15	3.85	3.60	3.35	3.10	2.85	2.60	2.35	2.10	1.85	1.55
		14 percent of the excess over $30 plus—										
$30 and over		4.20	3.95	3.70	3.45	3.20	2.90	2.65	2.40	2.15	1.90	1.65

(c) With respect to wages paid before March 5, 1964, the following tables shall be used:

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
		18% of wages										
$0	$13	$2.40	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	2.60	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.80	.30	0	0	0	0	0	0	0	0	0
$15	$16	3.00	.50	0	0	0	0	0	0	0	0	0
$16	$17	3.20	.70	0	0	0	0	0	0	0	0	0
$17	$18	3.30	.80	0	0	0	0	0	0	0	0	0
$18	$19	3.50	1.00	0	0	0	0	0	0	0	0	0
$19	$20	3.50	1.20	0	0	0	0	0	0	0	0	0
$20	$21	3.70	1.40	0	0	0	0	0	0	0	0	0
$21	$22	3.90	1.60	0	0	0	0	0	0	0	0	0
$22	$23	4.10	1.70	0	0	0	0	0	0	0	0	0
$23	$24	4.20	1.90	0	0	0	0	0	0	0	0	0
$24	$25	4.40	2.10	0	0	0	0	0	0	0	0	0
$25	$26	4.60	2.30	0	0	0	0	0	0	0	0	0
$26	$27	4.80	2.50	.20	0	0	0	0	0	0	0	0
$27	$28	5.00	2.60	.30	0	0	0	0	0	0	0	0
$28	$29	5.10	2.80	.50	0	0	0	0	0	0	0	0
$29	$30	5.30	3.00	.70	0	0	0	0	0	0	0	0
$30	$31	5.50	3.20	.90	0	0	0	0	0	0	0	0
$31	$32	5.70	3.40	1.10	0	0	0	0	0	0	0	0
$32	$33	5.90	3.50	1.20	0	0	0	0	0	0	0	0
$33	$34	6.00	3.70	1.40	0	0	0	0	0	0	0	0
$34	$35	6.20	3.90	1.60	0	0	0	0	0	0	0	0
$35	$36	6.40	4.10	1.80	0	0	0	0	0	0	0	0
$36	$37	6.60	4.30	2.00	0	0	0	0	0	0	0	0
$37	$38	6.80	4.40	2.10	0	0	0	0	0	0	0	0
$38	$39	6.90	4.60	2.30	0	0	0	0	0	0	0	0
$39	$40	7.10	4.80	2.50	.20	0	0	0	0	0	0	0
$40	$41	7.30	5.00	2.70	.40	0	0	0	0	0	0	0
$41	$42	7.50	5.20	2.90	.50	0	0	0	0	0	0	0
$42	$43	7.70	5.30	3.00	.70	0	0	0	0	0	0	0
$43	$44	7.80	5.50	3.20	.90	0	0	0	0	0	0	0
$44	$45	8.00	5.70	3.40	1.10	0	0	0	0	0	0	0
$45	$46	8.20	5.90	3.60	1.30	0	0	0	0	0	0	0
$46	$47	8.40	6.10	3.80	1.40	0	0	0	0	0	0	0
$47	$48	8.60	6.20	3.90	1.60	0	0	0	0	0	0	0
$48	$49	8.70	6.40	4.10	1.80	0	0	0	0	0	0	0
$49	$50	8.90	6.60	4.30	2.00	0	0	0	0	0	0	0
$50	$51	9.10	6.80	4.50	2.20	0	0	0	0	0	0	0
$51	$52	9.30	7.00	4.70	2.30	0	0	0	0	0	0	0
$52	$53	9.50	7.10	4.80	2.50	.20	0	0	0	0	0	0
$53	$54	9.60	7.30	5.00	2.70	.40	0	0	0	0	0	0
$54	$55	9.80	7.50	5.20	2.90	.60	0	0	0	0	0	0
$55	$56	10.10	7.70	5.40	3.10	.80	0	0	0	0	0	0
$56	$57	10.20	7.90	5.60	3.20	.90	0	0	0	0	0	0
$57	$58	10.40	8.00	5.70	3.40	1.10	0	0	0	0	0	0
$58	$59	10.50	8.20	5.90	3.60	1.30	0	0	0	0	0	0
$59	$60	10.70	8.40	6.10	3.80	1.50	0	0	0	0	0	0
$60	$62	11.00	8.70	6.40	4.10	1.70	0	0	0	0	0	0
$62	$64	11.30	9.00	6.70	4.40	2.10	0	0	0	0	0	0
$64	$66	11.70	9.40	7.10	4.80	2.50	.20	0	0	0	0	0
$66	$68	12.10	9.80	7.40	5.10	2.80	.50	0	0	0	0	0
$68	$70	12.40	10.10	7.80	5.50	3.20	.90	0	0	0	0	0
$70	$72	12.80	10.50	8.20	5.90	3.50	1.20	0	0	0	0	0
$72	$74	13.10	10.80	8.50	6.20	3.90	1.60	0	0	0	0	0
$74	$76	13.50	11.20	8.90	6.60	4.30	2.00	0	0	0	0	0
$76	$78	13.90	11.60	9.20	6.90	4.60	2.30	0	0	0	0	0
$78	$80	14.20	11.90	9.60	7.30	5.00	2.70	.40	0	0	0	0
$80	$82	14.60	12.30	10.00	7.70	5.30	3.00	.70	0	0	0	0
$82	$84	14.90	12.60	10.30	8.00	5.70	3.40	1.10	0	0	0	0
$84	$86	15.30	13.00	10.70	8.40	6.10	3.80	1.50	0	0	0	0
$86	$88	15.70	13.40	11.00	8.70	6.40	4.10	1.80	0	0	0	0
$88	$90	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0	0	0	0
$90	$92	16.40	14.10	11.80	9.50	7.10	4.80	2.50	.20	0	0	0
$92	$94	16.70	14.40	12.10	9.80	7.50	5.20	2.90	.60	0	0	0
$94	$96	17.10	14.80	12.50	10.20	7.90	5.60	3.30	.90	0	0	0

If the payroll period with respect to an employee is **weekly**—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$96	$98	$17.50	$15.20	$12.80	$10.50	$8.20	$5.90	$3.60	$1.30	$0	$0	$0
$98	$100	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70	0	0	0
$100	$105	18.50	16.10	13.80	11.50	9.20	6.90	4.60	2.30	0	0	0
$105	$110	19.40	17.00	14.70	12.40	10.10	7.80	5.50	3.20	.90	0	0
$110	$115	20.30	17.90	15.60	13.30	11.00	8.70	6.40	4.10	1.80	0	0
$115	$120	21.20	18.80	16.50	14.20	11.90	9.60	7.30	5.00	2.70	.40	0
$120	$125	22.10	19.70	17.40	15.10	12.80	10.50	8.20	5.90	3.60	1.30	0
$125	$130	23.00	20.60	18.30	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0
$130	$135	23.90	21.50	19.20	16.90	14.60	12.30	10.00	7.70	5.40	3.10	.80
$135	$140	24.80	22.40	20.10	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70
$140	$145	25.70	23.30	21.00	18.70	16.40	14.10	11.80	9.50	7.20	4.90	2.60
$145	$150	26.60	24.20	21.90	19.60	17.30	15.00	12.70	10.40	8.10	5.80	3.50
$150	$160	27.90	25.60	23.30	21.00	18.70	16.40	14.10	11.70	9.40	7.10	4.80
$160	$170	29.70	27.40	25.10	22.80	20.50	18.20	15.90	13.50	11.20	8.90	6.60
$170	$180	31.50	29.20	26.90	24.60	22.30	20.00	17.70	15.30	13.00	10.70	8.40
$180	$190	33.30	31.00	28.70	26.40	24.10	21.80	19.50	17.10	14.80	12.50	10.20
$190	$200	35.10	32.80	30.50	28.20	25.90	23.60	21.30	18.90	16.60	14.30	12.00
		18 percent of the excess over $200 plus—										
$200 and over		36.00	33.70	31.40	29.10	26.80	24.50	22.20	19.80	17.50	15.20	12.90

If the payroll period with respect to an employee is **biweekly**—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
		18% of wages										
$0	$26	$4.90	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	5.20	.20	0	0	0	0	0	0	0	0	0
$28	$30	5.60	.60	0	0	0	0	0	0	0	0	0
$30	$32	5.90	1.00	0	0	0	0	0	0	0	0	0
$32	$34	6.30	1.30	0	0	0	0	0	0	0	0	0
$34	$36	6.70	1.70	0	0	0	0	0	0	0	0	0
$36	$38	7.00	2.00	0	0	0	0	0	0	0	0	0
$38	$40	7.40	2.40	0	0	0	0	0	0	0	0	0
$40	$42	7.70	2.70	0	0	0	0	0	0	0	0	0
$42	$44	8.10	3.10	0	0	0	0	0	0	0	0	0
$44	$46	8.50	3.50	0	0	0	0	0	0	0	0	0
$46	$48	8.80	3.80	0	0	0	0	0	0	0	0	0
$48	$50	9.20	4.20	0	0	0	0	0	0	0	0	0
$50	$52	9.50	4.50	0	0	0	0	0	0	0	0	0
$52	$54	9.90	4.90	0	0	0	0	0	0	0	0	0
$54	$56	10.30	5.30	.30	0	0	0	0	0	0	0	0
$56	$58	10.60	5.60	.60	0	0	0	0	0	0	0	0
$58	$60	11.00	6.00	1.00	0	0	0	0	0	0	0	0
$60	$62	11.30	6.30	1.30	0	0	0	0	0	0	0	0
$62	$64	11.70	6.70	1.70	0	0	0	0	0	0	0	0
$64	$66	12.10	7.10	2.10	0	0	0	0	0	0	0	0
$66	$68	12.40	7.40	2.40	0	0	0	0	0	0	0	0
$68	$70	12.80	7.80	2.80	0	0	0	0	0	0	0	0
$70	$72	13.10	8.10	3.10	0	0	0	0	0	0	0	0
$72	$74	13.50	8.50	3.50	0	0	0	0	0	0	0	0
$74	$76	13.90	8.90	3.90	0	0	0	0	0	0	0	0
$76	$78	14.20	9.20	4.20	0	0	0	0	0	0	0	0
$78	$80	14.60	9.60	4.60	0	0	0	0	0	0	0	0
$80	$82	14.90	9.90	4.90	0	0	0	0	0	0	0	0
$82	$84	15.30	10.30	5.30	.30	0	0	0	0	0	0	0
$84	$86	15.70	10.70	5.70	.70	0	0	0	0	0	0	0
$86	$88	16.00	11.00	6.00	1.10	0	0	0	0	0	0	0
$88	$90	16.40	11.40	6.40	1.40	0	0	0	0	0	0	0
$90	$92	16.70	11.70	6.70	1.70	0	0	0	0	0	0	0
$92	$94	17.10	12.10	7.10	2.10	0	0	0	0	0	0	0
$94	$96	17.50	12.50	7.50	2.50	0	0	0	0	0	0	0
$96	$98	17.80	12.80	7.80	2.80	0	0	0	0	0	0	0
$98	$100	18.20	13.20	8.20	3.20	0	0	0	0	0	0	0
$100	$102	18.50	13.50	8.50	3.50	0	0	0	0	0	0	0
$102	$104	18.90	13.90	8.90	3.90	0	0	0	0	0	0	0
$104	$106	19.30	14.30	9.30	4.30	0	0	0	0	0	0	0
$106	$108	19.60	14.60	9.60	4.60	0	0	0	0	0	0	0
$108	$110	20.00	15.00	10.00	5.00	0	0	0	0	0	0	0
$110	$112	20.30	15.30	10.30	5.30	.30	0	0	0	0	0	0
$112	$114	20.70	15.70	10.70	5.70	.70	0	0	0	0	0	0
$114	$116	21.10	16.10	11.10	6.10	1.10	0	0	0	0	0	0
$116	$118	21.40	16.80	12.20	7.60	3.00	0	0	0	0	0	0
$118	$120	22.00	17.30	12.70	8.10	3.50	0	0	0	0	0	0
$120	$124	22.70	18.10	13.40	8.80	4.20	0	0	0	0	0	0
$124	$128	23.40	18.80	14.20	9.60	4.90	.30	0	0	0	0	0
$128	$132	24.10	19.50	14.90	10.30	5.70	1.00	0	0	0	0	0
$132	$136	24.80	20.20	15.60	10.90	6.40	1.80	0	0	0	0	0
$136	$140	25.60	20.90	16.30	11.70	7.10	2.50	0	0	0	0	0
$140	$144	26.30	21.70	17.00	12.40	7.80	3.20	0	0	0	0	0
$144	$148	27.00	22.40	17.80	13.20	8.50	3.90	0	0	0	0	0
$148	$152	27.70	23.10	18.50	13.90	9.30	4.60	0	0	0	0	0
$152	$156	28.40	23.80	19.20	14.60	10.00	5.40	.70	0	0	0	0
$156	$160	29.20	24.50	19.90	15.30	10.70	6.10	1.50	0	0	0	0
$160	$164	29.90	25.30	20.60	16.00	11.40	6.80	2.20	0	0	0	0
$164	$168	30.60	26.00	21.40	16.80	12.10	7.50	2.90	0	0	0	0
$168	$172	31.30	26.70	22.10	17.50	12.90	8.20	3.60	0	0	0	0
$172	$176	32.00	27.40	22.80	18.20	13.60	9.00	4.30	0	0	0	0
$176	$180	32.80	28.10	23.50	18.90	14.30	9.70	5.10	.50	0	0	0
$180	$184	33.50	28.90	24.20	19.60	15.00	10.40	5.80	1.20	0	0	0
$184	$188	34.20	29.60	25.00	20.40	15.70	11.10	6.50	1.90	0	0	0
$188	$192	34.90	30.30	25.70	21.10	16.50	11.80	7.20	2.60	0	0	0
$192	$196	35.60	31.00	26.40	21.80	17.20	12.60	7.90	3.30	0	0	0
$196	$200	36.30	32.30	27.70	23.10	18.10	13.80	9.20	4.60	0	0	0
$200	$210	38.70	34.10	29.50	24.90	20.20	15.60	11.00	6.40	1.80	0	0
$210	$220	40.50	35.90	31.30	26.70	22.00	17.40	12.80	8.20	3.60	0	0
$220	$230	42.30	37.70	33.10	28.50	23.80	19.20	14.60	10.00	5.40	.80	0
$230	$240	44.10	39.50	34.90	30.30	25.60	21.00	16.40	11.80	7.20	2.60	0
$240	$250	45.90	41.30	36.70	32.10	27.40	22.80	18.20	13.60	9.00	4.40	0
$250	$260	47.70	43.10	38.50	33.90	29.20	24.60	20.00	15.40	10.80	6.20	1.50
$260	$270	49.50	44.90	40.30	35.70	31.00	26.40	21.80	17.20	12.60	8.00	3.30
$270	$280	51.30	46.70	42.10	37.50	32.80	28.20	23.60	19.00	14.40	9.80	5.10
$280	$290	53.10	48.50	43.90	39.30	34.60	30.00	25.40	20.80	16.20	11.60	6.90
$290	$300	55.80	51.20	46.60	42.00	37.30	32.70	28.10	23.50	18.90	14.30	9.60
$300	$320	59.40	54.80	50.20	45.60	40.90	36.30	31.70	27.10	22.50	17.90	13.20
$320	$340	63.00	58.40	53.80	49.20	44.50	39.90	35.30	30.70	26.10	21.50	16.80
$340	$360	66.60	62.00	57.40	52.80	48.10	43.50	38.90	34.30	29.70	25.10	20.40
$360	$380	70.20	65.60	61.00	56.40	51.70	47.10	42.50	37.90	33.30	28.70	24.00
$380	$400											
		18 percent of the excess over $400 plus—										
$400 and over		72.00	67.40	62.80	58.20	53.50	48.90	44.30	39.70	35.10	30.50	25.80

If the payroll period with respect to an employee is **weekly**—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
		18% of wages										
$0	$28	$5.20	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	5.60	.20	0	0	0	0	0	0	0	0	0
$30	$32	5.90	.60	0	0	0	0	0	0	0	0	0
$32	$34	6.30	.90	0	0	0	0	0	0	0	0	0
$34	$36	6.70	1.30	0	0	0	0	0	0	0	0	0
$36	$38	7.00	1.70	0	0	0	0	0	0	0	0	0
$38	$40	7.40	2.00	0	0	0	0	0	0	0	0	0
$40	$42	7.70	2.40	0	0	0	0	0	0	0	0	0
$42	$44	8.10	2.70	0	0	0	0	0	0	0	0	0
$44	$46	8.50	3.10	0	0	0	0	0	0	0	0	0
$46	$48	8.80	3.50	0	0	0	0	0	0	0	0	0
$48	$50	9.20	3.80	0	0	0	0	0	0	0	0	0
$50	$52	9.50	4.20	0	0	0	0	0	0	0	0	0
$52	$54	9.90	4.50	0	0	0	0	0	0	0	0	0
$54	$56	10.30	4.90	0	0	0	0	0	0	0	0	0
$56	$58	10.60	5.30	.30	0	0	0	0	0	0	0	0
$58	$60	11.00	5.60	.60	0	0	0	0	0	0	0	0
$60	$62	11.30	6.00	1.00	0	0	0	0	0	0	0	0
$62	$64	11.70	6.30	1.30	0	0	0	0	0	0	0	0
$64	$66	12.10	6.70	1.70	0	0	0	0	0	0	0	0
$66	$68	12.40	7.10	2.10	0	0	0	0	0	0	0	0
$68	$70	12.80	7.40	2.40	0	0	0	0	0	0	0	0
$70	$72	13.10	7.80	2.80	0	0	0	0	0	0	0	0
$72	$74	13.50	8.10	3.10	0	0	0	0	0	0	0	0
$74	$76	13.90	8.50	3.50	0	0	0	0	0	0	0	0
$76	$78	14.20	8.90	3.90	0	0	0	0	0	0	0	0
$78	$80	14.60	9.20	4.20	0	0	0	0	0	0	0	0
$80	$82	14.90	9.60	4.60	0	0	0	0	0	0	0	0
$82	$84	15.30	9.90	4.90	0	0	0	0	0	0	0	0
$84	$86	15.70	10.30	5.30	.30	0	0	0	0	0	0	0
$86	$88	16.00	10.70	5.70	.70	0	0	0	0	0	0	0
$88	$90	16.40	11.00	6.00	1.10	0	0	0	0	0	0	0
$90	$92	16.70	11.40	6.40	1.40	0	0	0	0	0	0	0
$92	$94	17.10	11.70	6.70	1.70	0	0	0	0	0	0	0
$94	$96	17.50	12.10	7.10	2.10	0	0	0	0	0	0	0
$96	$98	17.80	12.50	7.50	2.50	0	0	0	0	0	0	0
$98	$100	18.20	12.80	7.80	2.80	0	0	0	0	0	0	0
$100	$102	18.50	13.20	8.20	3.20	0	0	0	0	0	0	0
$102	$104	18.90	13.50	8.50	3.50	0	0	0	0	0	0	0
$104	$106	19.30	13.90	8.90	3.90	0	0	0	0	0	0	0
$106	$108	19.60	14.30	9.30	4.30	0	0	0	0	0	0	0
$108	$110	20.00	14.60	9.60	4.60	0	0	0	0	0	0	0
$110	$112	20.30	15.00	10.00	5.00	0	0	0	0	0	0	0
$112	$114	20.70	15.30	10.30	5.30	.30	0	0	0	0	0	0
$114	$116	21.10	15.70	10.70	5.70	.70	0	0	0	0	0	0
$116	$118	21.40	16.10	11.10	6.10	1.10	0	0	0	0	0	0

If the payroll period with respect to an employee is **monthly and he is not married**—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$118	$120	$21.40	$16.40	$11.40	$6.40	$1.40	$0	$0	$0	$0	$0	$0
$120	$124	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0	0
$124	$128	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0	0
$128	$132	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0	0
$132	$136	24.10	19.10	14.10	9.10	4.10	0	0	0	0	0	0
$136	$140	24.80	19.80	14.80	9.80	4.80	0	0	0	0	0	0
$140	$144	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0	0
$144	$148	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0	0
$148	$152	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0
$152	$156	27.70	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0
$156	$160	28.40	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0
$160	$164	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0	0
$164	$168	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0	0
$168	$172	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0
$172	$176	31.30	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0
$176	$180	32.00	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0
$180	$184	32.80	27.80	22.80	17.80	12.80	7.80	2.80	0	0	0	0
$184	$188	33.50	28.50	23.50	18.50	13.50	8.50	3.50	0	0	0	0
$188	$192	34.20	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0
$192	$196	34.90	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0
$196	$200	35.60	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0
$200	$210	36.90	31.90	26.90	21.90	16.90	11.90	6.90	1.90	0	0	0
$210	$220	38.70	33.70	28.70	23.70	18.70	13.70	8.70	3.70	0	0	0
$220	$230	40.50	35.50	30.50	25.50	20.50	15.50	10.50	5.50	.50	0	0
$230	$240	42.30	37.30	32.30	27.30	22.30	17.30	12.30	7.30	2.30	0	0
$240	$250	44.10	39.10	34.10	29.10	24.10	19.10	14.10	9.10	4.10	0	0
$250	$260	45.90	40.90	35.90	30.90	25.90	20.90	15.90	10.90	5.90	.90	0
$260	$270	47.70	42.70	37.70	32.70	27.70	22.70	17.70	12.70	7.70	2.70	0
$270	$280	49.50	44.50	39.50	34.50	29.50	24.50	19.50	14.50	9.50	4.50	0
$280	$290	51.30	46.30	41.30	36.30	31.30	26.30	21.30	16.30	11.30	6.30	1.30
$290	$300	53.10	48.10	43.10	38.10	33.10	28.10	23.10	18.10	13.10	8.10	3.10
$300	$320	55.80	50.80	45.80	40.80	35.80	30.80	25.80	20.80	15.80	10.80	5.80
$320	$340	59.40	54.40	49.40	44.40	39.40	34.40	29.40	24.40	19.40	14.40	9.40
$340	$360	63.00	58.00	53.00	48.00	43.00	38.00	33.00	28.00	23.00	18.00	13.00
$360	$380	66.60	61.60	56.60	51.60	46.60	41.60	36.60	31.60	26.60	21.60	16.60
$380	$400	70.20	65.20	60.20	55.20	50.20	45.20	40.20	35.20	30.20	25.20	20.20
$400	$420	73.80	68.80	63.80	58.80	53.80	48.80	43.80	38.80	33.80	28.80	23.80
$420	$440	77.40	72.40	67.40	62.40	57.40	52.40	47.40	42.40	37.40	32.40	27.40
$440	$460	81.00	76.00	71.00	66.00	61.00	56.00	51.00	46.00	41.00	36.00	31.00
$460	$480	84.60	79.60	74.60	69.60	64.60	59.60	54.60	49.60	44.60	39.60	34.60
$480	$500	88.20	83.20	78.20	73.20	68.20	63.20	58.20	53.20	48.20	43.20	38.20
		18 percent of the excess over $500 plus—										
$500 and over		90.00	85.00	80.00	75.00	70.00	65.00	60.00	55.00	50.00	45.00	4.00

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—									
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—									
$440	$460	$77.40	$67.40	$57.40	$51.00	$41.00	$31.00	$21.00	$11.00	$1.00	$0	$0
$460	$480	81.00	71.00	61.00	54.60	44.60	34.60	24.60	14.60	4.60	0	0
$480	$500	84.60	74.60	64.60	58.20	48.20	38.20	28.20	18.20	8.20	0	0
$500	$520	88.20	78.20	68.20	61.80	51.80	41.80	31.80	21.80	11.80	1.80	0
$520	$540	91.80	81.80	71.80	65.40	55.40	45.40	35.40	25.40	15.40	5.40	0
$540	$560	95.40	85.40	75.40	69.00	59.00	49.00	39.00	29.00	19.00	9.00	0
$560	$580	99.00	89.00	79.00	72.60	62.60	52.60	42.60	32.60	22.60	12.60	2.60
$580	$600	102.60	92.60	82.60	76.20	66.20	56.20	46.20	36.20	26.20	16.20	6.20
$600	$620	106.20	96.20	86.20	79.80	69.80	59.80	49.80	39.80	29.80	19.80	9.80
$620	$640	109.80	99.80	89.80	83.40	73.40	63.40	53.40	43.40	33.40	23.40	13.40
$640	$660	113.40	103.40	93.40	87.00	77.00	67.00	57.00	47.00	37.00	27.00	17.00
$660	$680	117.00	107.00	97.00	90.60	80.60	70.60	60.60	50.60	40.60	30.60	20.60
$680	$700	120.60	110.60	100.60	94.20	84.20	74.20	64.20	54.20	44.20	34.20	24.20
$700	$720	124.20	114.20	104.20	97.80	87.80	77.80	67.80	57.80	47.80	37.80	27.80
$720	$740	127.80	117.80	107.80	101.40	91.40	81.40	71.40	61.40	51.40	41.40	31.40
$740	$760	131.40	121.40	111.40	105.00	95.00	85.00	75.00	65.00	55.00	45.00	35.00
$760	$780	135.00	125.00	115.00	108.60	98.60	88.60	78.60	68.60	58.60	48.60	38.60
$780	$800	138.60	128.60	118.60	112.20	102.20	92.20	82.20	72.20	62.20	52.20	42.20
$800	$820	142.20	132.20	122.20	115.80	105.80	95.80	85.80	75.80	65.80	55.80	45.80
$820	$840	145.80	135.80	125.80	119.40	109.40	99.40	89.40	79.40	69.40	59.40	49.40
$840	$860	149.40	139.40	129.40	123.00	113.00	103.00	93.00	83.00	73.00	63.00	53.00
$860	$880	153.00	143.00	133.00	126.60	116.60	106.60	96.60	86.60	76.60	66.60	56.60
$880	$900	156.60	146.60	136.60	130.20	120.20	110.20	100.20	90.20	80.20	70.20	60.20
$900	$920	160.20	150.20	140.20	133.80	123.80	113.80	103.80	93.80	83.80	73.80	63.80
$920	$940	163.80	153.80	143.80	137.40	127.40	117.40	107.40	97.40	87.40	77.40	67.40
$940	$960	167.40	157.40	147.40	141.00	131.00	121.00	111.00	101.00	91.00	81.00	71.00
$960	$980	171.00	161.00	151.00	144.60	134.60	124.60	114.60	104.60	94.60	84.60	74.60
$980	$1,000	174.60	164.60	154.60	148.20	138.20	128.20	118.20	108.20	98.20	88.20	78.20
$1,000 and over		18 percent of the excess over $1,000 plus—										
		180.00	170.00	160.00	150.00	140.00	130.00	120.00	110.00	100.00	90.00	80.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—									
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—									
$2.00	$2.05	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.05	$2.10	$0.40	.05	0	0	0	0	0	0	0	0	0
$2.10	$2.15	.45	.10	0	0	0	0	0	0	0	0	0
$2.15	$2.20	.50	.15	0	0	0	0	0	0	0	0	0
$2.20	$2.25	.55	.20	0	0	0	0	0	0	0	0	0
$2.25	$2.30	.60	.25	0	0	0	0	0	0	0	0	0
$2.30	$2.35	.65	.30	.05	0	0	0	0	0	0	0	0
$2.35	$2.40	.70	.35	.10	0	0	0	0	0	0	0	0
$2.40	$2.45	.75	.40	.15	0	0	0	0	0	0	0	0
$2.45	$2.50	.80	.45	.20	0	0	0	0	0	0	0	0
$2.50	$2.55	.85	.50	.25	0	0	0	0	0	0	0	0
$2.55	$2.60	.90	.55	.30	.05	0	0	0	0	0	0	0
$2.60	$2.65	.95	.60	.35	.10	0	0	0	0	0	0	0
$2.65	$2.70	1.00	.65	.40	.15	0	0	0	0	0	0	0
$2.70	$2.75	1.05	.70	.45	.20	0	0	0	0	0	0	0
$2.75	$2.80	1.10	.75	.50	.25	0	0	0	0	0	0	0
$2.80	$2.85	1.15	.80	.55	.30	.05	0	0	0	0	0	0
$2.85	$2.90	1.20	.85	.60	.35	.10	0	0	0	0	0	0
$2.90	$2.95	1.25	.90	.65	.40	.15	0	0	0	0	0	0
$2.95	$3.00	1.30	.95	.70	.45	.20	0	0	0	0	0	0
$3.00	$3.05	1.35	1.00	.75	.50	.25	0	0	0	0	0	0
$3.05	$3.10	1.40	1.05	.80	.55	.30	.05	0	0	0	0	0
$3.10	$3.15	1.45	1.10	.85	.60	.35	.10	0	0	0	0	0
$3.15	$3.20	1.50	1.15	.90	.65	.40	.15	0	0	0	0	0
$3.20	$3.25	1.55	1.20	.95	.70	.45	.20	0	0	0	0	0
$3.25	$3.30	1.60	1.25	1.00	.75	.50	.25	0	0	0	0	0
$3.30	$3.35	1.65	1.30	1.05	.80	.55	.30	.05	0	0	0	0
$3.35	$3.40	1.70	1.35	1.10	.85	.60	.35	.10	0	0	0	0
$3.40	$3.45	1.75	1.40	1.15	.90	.65	.40	.15	0	0	0	0
$3.45	$3.50	1.80	1.45	1.20	.95	.70	.45	.20	0	0	0	0
$3.50	$3.55	1.85	1.50	1.25	1.00	.75	.50	.25	0	0	0	0
$3.55	$3.60	1.90	1.55	1.30	1.05	.80	.55	.30	.05	0	0	0
$3.60	$3.65	1.95	1.60	1.35	1.10	.85	.60	.35	.10	0	0	0
$3.65	$3.70	2.00	1.65	1.40	1.15	.90	.65	.40	.15	0	0	0
$3.70	$3.75	2.05	1.70	1.45	1.20	.95	.70	.45	.20	0	0	0
$3.75	$3.80	2.10	1.75	1.50	1.25	1.00	.75	.50	.25	0	0	0
$3.80	$3.85	2.15	1.80	1.55	1.30	1.05	.80	.55	.30	.05	0	0
$3.85	$3.90	2.20	1.85	1.60	1.35	1.10	.85	.60	.35	.10	0	0
$3.90	$3.95	2.25	1.90	1.65	1.40	1.15	.90	.65	.40	.15	0	0
$3.95	$4.00	2.30	1.95	1.70	1.45	1.20	.95	.70	.45	.20	0	0
$4.00	$4.05	2.35	2.00	1.75	1.50	1.25	1.00	.75	.50	.25	0	0
$4.05	$4.10	2.40	2.05	1.80	1.55	1.30	1.05	.80	.55	.30	.05	0
$4.10	$4.15	2.45	2.10	1.85	1.60	1.35	1.10	.85	.60	.35	.10	0
$4.15	$4.20	2.50	2.15	1.90	1.65	1.40	1.15	.90	.65	.40	.15	0
$4.20	$4.25	2.55	2.20	1.95	1.70	1.45	1.20	.95	.70	.45	.20	0
$4.25	$4.30	2.60	2.25	1.95	1.75	1.50	1.25	1.00	.75	.50	.25	0
$4.30	$4.35	2.65	2.30	2.00	1.80	1.55	1.30	1.05	.80	.55	.30	.05
$4.35	$4.40	2.70	2.35	2.05	1.85	1.60	1.35	1.10	.85	.60	.35	.10
$4.40	$4.45	2.75	2.40	2.10	1.90	1.65	1.40	1.15	.90	.65	.40	.15
$4.45	$4.50	2.80	2.45	2.15	1.95	1.70	1.45	1.20	.95	.70	.45	.20
$4.50	$4.55	2.85	2.50	2.20	1.95	1.75	1.50	1.25	1.00	.75	.50	.25
$4.55	$4.60	2.90	2.55	2.25	2.00	1.80	1.55	1.30	1.05	.80	.55	.30
$4.60	$4.65	2.95	2.60	2.30	2.05	1.85	1.60	1.35	1.10	.85	.60	.35
$4.65	$4.70	3.00	2.65	2.35	2.10	1.90	1.65	1.40	1.15	.90	.65	.40
$4.70	$4.75	3.05	2.70	2.40	2.15	1.95	1.70	1.45	1.20	.95	.70	.45
$4.75	$4.80	3.10	2.75	2.45	2.20	1.95	1.75	1.50	1.25	1.00	.75	.50
$4.80	$4.85	3.15	2.80	2.50	2.20	1.95	1.75	1.50	1.25	1.00	.75	.50
$4.85	$4.90	3.20	2.85	2.55	2.25	1.95	1.75	1.50	1.25	1.00	.75	.50
$4.90	$4.95	3.25	2.90	2.55	2.25	1.95	1.75	1.50	1.25	1.00	.75	.50
$4.95	$5.00	3.30	2.95	2.60	2.25	1.95	1.75	1.50	1.25	1.00	.75	.50
$5.00	$5.05	3.35	3.00	2.65	2.30	1.95	1.75	1.50	1.25	1.00	.75	.50
$5.05	$5.10	3.40	3.05	2.70	2.35	2.00	1.75	1.50	1.25	1.00	.75	.50
$5.10	$5.15	3.45	3.10	2.75	2.40	2.05	1.80	1.55	1.30	1.05	.80	.55
$5.15	$5.20	3.50	3.15	2.80	2.45	2.10	1.85	1.60	1.35	1.10	.85	.60
$5.20	$5.25	3.55	3.20	2.85	2.50	2.15	1.90	1.65	1.40	1.15	.90	.65
$5.25	$5.30	3.60	3.25	2.90	2.55	2.20	1.95	1.70	1.45	1.20	.95	.70
$5.30	$5.35	3.65	3.30	2.95	2.60	2.25	1.95	1.75	1.50	1.25	1.00	.75
$5.35	$5.40	3.70	3.35	3.00	2.65	2.30	1.95	1.75	1.50	1.25	1.00	.75
$5.40	$5.45	3.75	3.40	3.05	2.70	2.35	2.00	1.75	1.50	1.25	1.00	.75
$5.45	$5.50	3.80	3.45	3.10	2.75	2.40	2.05	1.80	1.55	1.30	1.05	.80
$5.50	$5.55	3.85	3.50	3.15	2.80	2.45	2.10	1.85	1.60	1.35	1.10	.85
$5.55	$5.60	3.90	3.55	3.20	2.85	2.50	2.15	1.90	1.65	1.40	1.15	.90
$5.60	$5.65	3.95	3.60	3.25	2.90	2.55	2.20	1.95	1.70	1.45	1.20	.95
$5.65	$5.70	4.00	3.65	3.30	2.95	2.60	2.25	1.95	1.75	1.50	1.25	1.00
$5.70	$5.75	4.05	3.70	3.35	3.00	2.65	2.30	1.95	1.75	1.50	1.25	1.00
$5.75	$5.80	4.10	3.75	3.40	3.05	2.70	2.35	2.00	1.75	1.50	1.25	1.00
$5.80	$5.85	4.15	3.80	3.45	3.10	2.75	2.40	2.05	1.80	1.55	1.30	1.05
$5.85	$5.90	4.20	3.85	3.50	3.15	2.80	2.45	2.10	1.85	1.60	1.35	1.10
$5.90	$5.95	4.25	3.90	3.55	3.20	2.85	2.50	2.15	1.90	1.65	1.40	1.15
$5.95	$6.00	4.30	3.95	3.60	3.25	2.90	2.55	2.20	1.95	1.70	1.45	1.20
$6.00	$6.05	4.35	4.00	3.65	3.30	2.95	2.60	2.25	1.95	1.75	1.50	1.25
$6.05	$6.10	4.40	4.05	3.70	3.35	3.00	2.65	2.30	1.95	1.75	1.50	1.25
$6.10	$6.15	4.45	4.10	3.75	3.40	3.05	2.70	2.35	2.00	1.75	1.50	1.25
$6.15	$6.20	4.50	4.15	3.80	3.45	3.10	2.75	2.40	2.05	1.80	1.55	1.30
$6.20	$6.25	4.55	4.20	3.85	3.50	3.15	2.80	2.45	2.10	1.85	1.60	1.35
$6.25	$6.30	4.60	4.25	3.90	3.55	3.20	2.85	2.50	2.15	1.90	1.65	1.40
$6.30	$6.35	4.65	4.30	3.95	3.60	3.25	2.90	2.55	2.20	1.95	1.70	1.45
$6.35	$6.40	4.70	4.35	4.00	3.65	3.30	2.95	2.60	2.25	1.95	1.75	1.50
$6.40	$6.45	4.75	4.40	4.05	3.70	3.35	3.00	2.65	2.30	1.95	1.75	1.50
$6.45	$6.50	4.80	4.45	4.10	3.75	3.40	3.05	2.70	2.35	2.00	1.75	1.50
$6.50	$6.55	4.85	4.50	4.15	3.80	3.45	3.10	2.75	2.40	2.05	1.80	1.55
$6.55	$6.60	4.90	4.55	4.20	3.85	3.50	3.15	2.80	2.45	2.10	1.85	1.60
$6.60	$6.65	4.95	4.60	4.25	3.90	3.55	3.20	2.85	2.50	2.15	1.90	1.65
$6.65	$6.70	5.00	4.65	4.30	3.95	3.60	3.25	2.90	2.55	2.20	1.95	1.70
$6.70	$6.75	5.05	4.70	4.35	4.00	3.65	3.30	2.95	2.60	2.25	1.95	1.75
$6.75	$6.80	5.10	4.75	4.40	4.05	3.70	3.35	3.00	2.65	2.30	1.95	1.75
$6.80	$6.85	5.15	4.80	4.45	4.10	3.75	3.40	3.05	2.70	2.35	2.00	1.75
$6.85	$6.90	5.20	4.85	4.50	4.15	3.80	3.45	3.10	2.75	2.40	2.05	1.80
$6.90	$6.95	5.25	4.90	4.55	4.20	3.85	3.50	3.15	2.80	2.45	2.10	1.85
$6.95	$7.00	5.30	4.95	4.60	4.25	3.90	3.55	3.20	2.85	2.50	2.15	1.85
$7.00	$7.05	5.35	5.00	4.65	4.30	3.95	3.60	3.25	2.90	2.55	2.20	1.90
$7.05	$7.10	5.40	5.05	4.70	4.35	4.00	3.65	3.30	2.95	2.60	2.25	1.95
$7.10	$7.15	5.45	5.10	4.75	4.40	4.05	3.70	3.35	3.00	2.65	2.30	1.95
$7.15	$7.20	5.50	5.15	4.80	4.45	4.10	3.75	3.40	3.05	2.70	2.35	2.00
$7.20	$7.25	5.55	5.20	4.85	4.50	4.15	3.80	3.45	3.10	2.75	2.40	2.05
$7.25	$7.30	5.60	5.25	4.90	4.55	4.20	3.85	3.50	3.15	2.80	2.45	2.10
$7.30	$7.35	5.65	5.30	4.95	4.60	4.25	3.90	3.55	3.20	2.85	2.50	2.15
$7.35	$7.40	5.70	5.35	5.00	4.65	4.30	3.95	3.60	3.25	2.90	2.55	2.20
$7.40	$7.45	5.75	5.40	5.05	4.70	4.35	4.00	3.65	3.30	2.95	2.60	2.25
$7.45	$7.50	5.80	5.45	5.10	4.75	4.40	4.05	3.70	3.35	3.00	2.65	2.30
$7.50	$7.55	5.85	5.50	5.15	4.80	4.45	4.10	3.75	3.40	3.05	2.70	2.35
$7.55	$7.60	5.90	5.55	5.20	4.85	4.50	4.15	3.80	3.45	3.10	2.75	2.40
$7.60	$7.65	5.95	5.60	5.25	4.90	4.55	4.20	3.85	3.50	3.15	2.80	2.45
$7.65	$7.70	6.00	5.65	5.30	4.95	4.60	4.25	3.90	3.55	3.20	2.85	2.50
$7.70	$7.75	6.05	5.70	5.35	5.00	4.65	4.30	3.95	3.60	3.25	2.90	2.55
$7.75	$7.80	6.10	5.75	5.40	5.05	4.70	4.35	4.00	3.65	3.30	2.95	2.60
$7.80	$7.85	6.15	5.80	5.45	5.10	4.75	4.40	4.05	3.70	3.35	3.00	2.65
$7.85	$7.90	6.20	5.85	5.50	5.15	4.80	4.45	4.10	3.75	3.40	3.05	2.70
$7.90	$7.95	6.25	5.90	5.55	5.20	4.85	4.50	4.15	3.80	3.45	3.10	2.75
$7.95	$8.00	6.30	5.95	5.60	5.25	4.90	4.55	4.20	3.85	3.50	3.15	2.80
$8.00	$8.05	6.35	6.00	5.65	5.30	4.95	4.60	4.25	3.90	3.55	3.20	2.85
$8.05	$8.10	6.40	6.05	5.70	5.35	5.00	4.65	4.30	3.95	3.60	3.25	2.90
$8.10	$8.15	6.45	6.10	5.75	5.40	5.05	4.70	4.35	4.00	3.65	3.30	2.95
$8.15	$8.20	6.50	6.15	5.80	5.45	5.10	4.75	4.40	4.05	3.70	3.35	3.00
$8.20	$8.25	6.55	6.20	5.85	5.50	5.15	4.80	4.45	4.10	3.75	3.40	3.05
$8.25	$8.30	6.60	6.25	5.90	5.55	5.20	4.85	4.50	4.15	3.80	3.45	3.10
$8.30	$8.35	6.65	6.30	5.95	5.60	5.25	4.90	4.55	4.20	3.85	3.50	3.15
$8.35	$8.40	6.70	6.35	6.00	5.65	5.30	4.95	4.60	4.25	3.90	3.55	3.20
$8.40	$8.45	6.75	6.40	6.05	5.70	5.35	5.00	4.65	4.30	3.95	3.60	3.25
$8.45	$8.50	6.80	6.45	6.10	5.75	5.40	5.05	4.70	4.35	4.00	3.65	3.30
$8.50	$8.55	6.85	6.50	6.15	5.80	5.45	5.10	4.75	4.40	4.05	3.70	3.35

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—									
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—									
$50	$60	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$60	$64	$10.40	1.20	0	0	0	0	0	0	0	0	0
$64	$68	11.20	1.60	0	0	0	0	0	0	0	0	0
$68	$72	11.90	2.00	0	0	0	0	0	0	0	0	0
$72	$76	12.60	2.40	0	0	0	0	0	0	0	0	0
$76	$80	13.30	3.00	.50	0	0	0	0	0	0	0	0
$80	$84	14.00	3.60	1.00	0	0	0	0	0	0	0	0
$84	$88	14.70	4.20	1.50	0	0	0	0	0	0	0	0
$88	$92	15.40	4.80	2.00	0	0	0	0	0	0	0	0
$92	$96	16.10	5.50	2.50	0	0	0	0	0	0	0	0
$96	$100	16.80	6.00	3.00	.50	0	0	0	0	0	0	0
$100	$104	17.50	6.60	3.50	1.00	0	0	0	0	0	0	0
$104	$108	18.20	7.20	4.00	1.50	0	0	0	0	0	0	0
$108	$112	18.90	7.80	4.50	2.00	0	0	0	0	0	0	0
$112	$116	19.60	8.40	5.00	2.50	0	0	0	0	0	0	0
$116	$120	20.30	9.00	5.50	3.00	.50	0	0	0	0	0	0
$120	$124	21.00	9.60	6.00	3.50	1.00	0	0	0	0	0	0
$124	$128	21.70	10.20	6.50	4.00	1.50	0	0	0	0	0	0
$128	$132	22.40	10.80	7.00	4.50	2.00	0	0	0	0	0	0
$132	$136	23.10	11.40	7.50	5.00	2.50	0	0	0	0	0	0
$136	$140	23.80	12.00	8.00	5.50	3.00	.50	0	0	0	0	0
$140	$144	24.50	12.60	8.50	6.00	3.50	1.00	0	0	0	0	0
$144	$148	25.20	13.20	9.00	6.50	4.00	1.50	0	0	0	0	0
$148	$152	25.90	13.80	9.50	7.00	4.50	2.00	0	0	0	0	0
$152	$156	26.60	14.40	10.00	7.50	5.00	2.50	0	0	0	0	0
$156	$160	27.30	15.00	10.50	8.00	5.50	3.00	.50	0	0	0	0
$160	$164	28.00	15.60	11.00	8.50	6.00	3.50	1.00	0	0	0	0
$164	$168	28.70	16.20	11.50	9.00	6.50	4.00	1.50	0	0	0	0
$168	$172	29.40	16.80	12.00	9.50	7.00	4.50	2.00	0	0	0	0
$172	$176	30.10	17.40	12.50	10.00	7.50	5.00	2.50	0	0	0	0
$176	$180	30.80	18.00	13.00	10.50	8.00	5.50	3.00	.50	0	0	0
$180	$184	31.50	18.60	13.50	11.00	8.50	6.00	3.50	1.00	0	0	0
$184	$188	32.20	19.20	14.00	11.50	9.00	6.50	4.00	1.50	0	0	0
$188	$192	32.90	19.80	14.50	12.00	9.50	7.00	4.50	2.00	0	0	0
$192	$196	33.60	20.40	15.00	12.50	10.00	7.50	5.00	2.50	0	0	0
$196	$200	34.30	21.00	15.50	13.00	10.50	8.00	5.50	3.00	.50	0	0
$200	$204	35.00	21.60	16.00	13.50	11.00	8.50	6.00	3.50	1.00	0	0
$204	$208	35.70	22.20	16.50	14.00	11.50	9.00	6.50	4.00	1.50	0	0
$208	$212	36.40	22.80	17.00	14.50	12.00	9.50	7.00	4.50	2.00	0	0
$212	$216	37.10	23.40	17.50	15.00	12.50	10.00	7.50	5.00	2.50	0	0
$216	$220	37.80	24.00	18.00	15.50	13.00	10.50	8.00	5.50	3.00	.50	0
$220	$224	38.50	24.60	18.50	16.00	13.50	11.00	8.50	6.00	3.50	1.00	0
$224	$228	39.20	25.20	19.00	16.50	14.00	11.50	9.00	6.50	4.00	1.50	0
$228	$232	39.90	25.80	19.50	17.00	14.50	12.00	9.50	7.00	4.50	2.00	0
$232	$236	40.60	26.40	20.00	17.50	15.00	12.50	10.00	7.50	5.00	2.50	0
$236	$240	41.30	27.00	20.50	18.00	15.50	13.00	10.50	8.00	5.50	3.00	.50
$240	$244	42.00	27.60	21.00	18.50	16.00	13.50	11.00	8.50	6.00	3.50	1.00
$244	$248	42.70	28.20	21.50	19.00	16.50	14.00	11.50	9.00	6.50	4.00	1.50
$248	$252	43.40	28.80	22.00	19.50	17.00	14.50	12.00	9.50	7.00	4.50	2.00
$252	$256	44.10	29.40	22.50	20.00	17.50	15.00	12.50	10.00	7.50	5.00	2.50
$256	$260	44.80	30.00	23.00	20.50	18.00	15.50	13.00	10.50	8.00	5.50	3.00
$260	$264	45.50	30.70	23.50	21.00	18.50	16.00	13.50	11.00	8.50	6.00	3.50
$264	$268	46.20	31.40	24.00	21.50	19.00	16.50	14.00	11.50	9.00	6.50	4.00
$268	$272	46.90	32.10	24.50	22.00	19.50	17.00	14.

paragraph (c) of this section) of an employee who has in effect a withholding exemption certificate indicating that he is a married person, changes from married to single, the employee must within 10 days after the change occurs furnish the employer with a new withholding exemption certificate indicating that the employee is a single person.

(ii) If an employee who has in effect a withholding exemption certificate indicating that he is a married person, is considered married solely because of the application of subparagraph (2)(ii) of paragraph (c) of this section, and his spouse died during the taxable year which precedes by 2 years the current taxable year, the employee must, on or before December 1 of the current taxable year, furnish the employer with a new withholding exemption certificate indicating that he is a single person. Such certificate shall not, however, become effective until the next calendar year (see paragraph (c) of § 31.3402(f)(3)-1).

(3) If, on any day during the calendar year, the marital status (as determined by application of the rules in paragraph (c) of this section) of an employee who has in effect a withholding exemption certificate indicating that he is a single person changes from single to married, the employee may furnish the employer with a new withholding exemption certificate indicating that the employee is a married person.

(c) *Determination of marital status.* For the purposes of section 3402(e)(2) and paragraph (b) of this section, the following rules shall be applied in determining whether an employee is a married person or a single person—

(1) An employee shall on any day be considered as a single person if—

(i) He is legally separated from his spouse under a decree of divorce or separate maintenance, or

(ii) Either he or his spouse is, or on any preceding day within the same calender year was, a nonresident alien.

(2) An employee shall on any day be considered as a married person if—

(i) His spouse (other than a spouse referred to in subparagraph (1) of this paragraph) died within the portion of his taxable year which precedes such day, or

(ii) His spouse died during one of the two taxable years immediately preceding the current taxable year and, on the basis of facts existing at the beginning of such day, he reasonably expects, at the close of his taxable year, to be a surviving spouse as defined in section 2 and the regulations thereunder.

PAR. 13. Section 31.6051-1 is amended by revising so much of paragraph (a)(1)(i) as precedes (*a*) to read as follows:

§ 31.6051-1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) Every employer, as defined in section 3401(d), required to deduct and withhold from an employee a tax under section 3402, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to section 3402(n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such employer to such employee during the calendar year, the tax return copy and the employee's copy of a statement on Form W-2. For example, if the wage bracket method of withholding provided in section 3402(c)(1) is used, a statement on Form W-2 must be furnished to each employee whose wages during any payroll period are equal to or in excess of the smallest wage from which tax must be withheld in the case of an employee claiming one exemption. If the percentage method is used, a statement on Form W-2 must be furnished to each employee whose wages during any payroll period, reduced by the amount of one withholding exemption, are equal to or in excess of the smallest amount of wages from which tax must be withheld. See section 3402 (a) and (b) and the regulations thereunder. Each statement on Form W-2 shall show the following:

* * * * *

[FR Doc.71-1100 Filed 2-12-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1061]

[Docket No. AO-367-A2]

MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Rochester, Minn., August 19, 1970, pursuant to notice thereof issued on August 3, 1970 (35 F.R. 12613).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 6, 1971 (36 F.R. 370), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Under heading "2. *Pool plant performance standards.*", paragraphs 15 and 16 are revised.

The material issues on the record relate to:

1. Class I price level after October 31, 1970.
2. Pool plant performance standards.
3. Basis for making producer payments.
4. Charges on overdue accounts.
5. Miscellaneous, administrative and conforming changes.

Under Issue 5, no testimony was received concerning proposals 7, 8, and 9 as published in the notice of hearing, and no other basis exists in the record for considering the changes proposed. Accordingly, no action on such proposals is taken in this decision.

A final order concerning Issue No. 1 was made effective November 1, 1970 (35 F.R. 16790). This decision deals with the remaining issues.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Pool plant performance standards.* No change should be made in the monthly shipping percentages for pooling distributing and supply type plants, or in the number of months for qualifying a supply plant for automatic pooling. The pool plant provisions should be changed to substitute the term "route disposition" for the presently provided "route", to revise the method of pooling a supply plant operated by a cooperative association, and to clarify the status of "reload" points.

Currently, the order provides that a pool distributing plant must dispose of not less than 10 percent of its Grade A receipts (excluding packaged fluid milk products) for the month as Class I milk in the marketing area either on routes or to another plant from which it then is disposed of in the marketing area on routes. The order further provides that during the months of February through August, not less than 15 percent (20 percent in all other months) of such receipts be disposed of as Class I milk either on routes or in the form of packaged fluid milk products moved to other plants.

A cooperative association proposed that performance standards for pool distributing plants be increased to provide that a minimum of 25 percent of a handler's Grade A receipts (excluding packaged fluid milk products) be distributed as Class I milk during the month (as route disposition), except during the months of September through January when such Class I distribution percentage should be one-third of the Grade A receipts in the distributing plant. No change was proposed for the 10 percent in-area requirement.

Proponent based the claim for establishing higher performance standards on the stated necessity for distributing plants and supply plants to have a greater degree of association with the market than at present. The witness pointed out that the standards presently provided by the order are below those generally provided in Federal orders.

The proposal was opposed by a cooperative association operating in the market. If adopted, the proposal would result in depooling the association's distributing plant. Another cooperative association serving the market supported this association in its opposition to the proposal, contending that no plant regularly associated with the pool should be deprived of that status.

Pool plant performance standards identify plants that are associated with the market as regular suppliers of milk needed for fluid use. The standards provided in the order were established as the minimum requirements such plants must meet to acquire pool plants status. Because pool supply plants and pool distributing plants follow different marketing practices, and because they serve different functions in the market, performance standards have been provided for each type of plant. Basically, pooling standards are intended to accommodate a sharing of the Class I sales of the regulated market among those dairy farmers who constitute its regular sources of milk supply. Otherwise, dairy farmers who have no regular affiliation could casually, or in an incidental manner, associate with the market when it is to their advantage to do so, but without intention of providing it with a dependable supply over time.

At the inception of the order there were 15 distributing plants pooled. Two additional distributing plants have been pooled since then, one of them discontinuing operations at the end of June 1970. At the time of the hearing in August there were ten remaining pool distributing plants, of which nine have been pooled since the inception of the order. The decrease in the number of pool distributing plants has resulted primarily from plant closings.

In the promulgation decision for the order, the Under Secretary concluded that the performance standards for distributing plants should be such that all plants serving the market at that time could qualify as pool plants. Some of the distributing plants in this area of heavy milk production carry on extensive manufacturing operations. In such plants, the total Grade A milk received normally exceeds substantially the quantity needed for fluid sales alone. In April 1968, before the order was established, at least one of the distributing plants serving the market had Class I route disposition only slightly more than 15 percent of the plant's Grade A milk receipts. At the time of the August 1970 hearing, the proportion was about the same.

The present pooling standards have accommodated, as intended, the pooling of all distributing plants regularly associated with the market. The testimony that was presented to change the standards did not substantiate a need to do so at this time. It is concluded that more stringent provisions for qualifying pool distributing plants should not be adopted.

Proponent proposed also that the requirements for pool supply plant qualification be increased. Specifically, it was proposed that not less than one-third of a supply plant's total Grade A producer receipts be delivered during each month to pool distributing plants. The order requires, currently, that at least 15 percent of such receipts be delivered to pool distributing plants. The qualifying period for automatic pooling status in other months now includes the months of September through November. Proponent would add the months of December and January.

The main thrust of proponent's testimony, again, was that neighboring Federal milk orders provide for higher standards for pooling supply plants than does the Dairyland order.

Originally, there were two pool supply plants serving the market. As a result of mergers and acquisitions since the inception of the order there was only one pool supply plant at the time of the hearing. The operator of the one remaining pool supply plant did not testify on the proposal to increase the performance standards for pool supply plants.

One witness, representing a large cooperative, testified in opposition to the proposed increase in pool supply plant standards because the cooperative already had organized its operation for the purpose of pooling a supply plant during the September through November 1970 qualifying period. This is additional to the supply plant previously mentioned. Prior to July 1, 1970, this cooperative received member-producer milk at its bottling plant, a pool distributing plant under the order. On July 1, 1970, this plant was closed and the cooperative entered into a custom bottling arrangement with another handler, also with a pool distributing plant under the order.

After July 1, 1970, the milk of the member-producers was received directly at the latter plant. During the 1970 fall qualifying period, however, the cooperative will have shipped such milk through its own supply plant, which it planned to add to the market September 1, 1970.

The performance standards for pool supply plants recognize the dual marketing function of supply plants in this market, which is to ship milk to distributing plants when it is needed and to manufacture the excess when it is not needed by distributing plants. Local outlets for Grade A milk have not expanded in proportion to the Grade A milk supply. When local and out-of-market sales do not absorb the excess it must be manufactured. In this respect, marketing conditions are substantially the same now as when the order was established.

If the pooling qualification standards for supply plants were revised, as proposed, one of the supply plants serving the market would be disqualified from pooling, and possibly the planned one also. The chief result would be to disqualify from pooling a substantial number of producers who were supplying the market at the inception of the order and who have remained associated with the market since. The proposed change would not be conducive to orderly marketing and cannot be justified for this market on the basis that neighboring orders have higher pooling standards for supply plants.

When the order was established, the Under Secretary determined that supply plant milk is most likely to be needed in the months of September, October, and November. These months were selected as the months during which supply plants would make the necessary shipments for pooling, after which they could retain pool status during the following months of December through August regardless of further shipments. Proponent proposed that the months of December and January be added to the qualifying months now provided. However, no testimony substantiating the need to provide 2 additional months was presented.

The months during which supply plant milk is most likely to be needed has not changed since the inception of the order. In 1969, September, October, and November were the months during which the greatest proportion of producer milk was used in Class I. The percentages were 69 percent, 70 percent, and 64 percent respectively. Prior to September, and after November, the proportion of producer milk used in Class I was substantially less. The proposal to add additional months would not be appropriate and, accordingly, is denied.

In its posthearing brief, a cooperative association proposed that when a distributing plant qualifies for pooling it should be pooled automatically in the following month. No factual data was presented to substantiate the need for such provision in the order. Accordingly, it also is denied.

Another cooperative association proposed that the reference to "route" in the pool distributing plant provision be revised so that the provision refers to "route disposition". This clarifying change should be made to comport with the definition now provided in the order. As provided, route disposition means a delivery from a plant (including delivery from a retail store at such plant and delivery through vendors or distribution points) of any fluid milk product classified as Class I under § 1061.41(a) to a retail or wholesale outlet other than a milk plant.

The order provides that in the case of a supply plant operated by a cooperative association, the milk which the association causes to be delivered to distributing pool plants directly from the farms of member producers may be considered as a receipt at the supply plant of the association for the purpose of determining the qualification of such plant as a pool supply plant. Proponent proposed that the order be amended to make this provision mandatory rather than optional as at present.

Proponent contended that any supply plant which a cooperative association qualifies for pooling under this provision should be subject to regulation under the Dairyland order for as long as such association supplies the major portion of its producer members' milk to handlers regulated by the order, and any shipments from the plant to pool plants in other order markets are only occasional

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and incidental to the handling of reserve supplies of the Dairyland market. Otherwise, proponent contended, such plant might become subject to regulation under different orders in succeeding months, possibly creating disorderly marketing conditions. With the proximity of the Dairyland order to other Federal orders in this general area, such shifting could occur readily.

The purpose of the provision currently provided is to facilitate the pooling of reserve milk handled by the "balancing plant" of any cooperative association whose member producers have their milk delivered from their farms to pool distributing plants. The supply plant of a cooperative association may be the most efficient outlet for manufacturing the reserve milk of such plants. This method of providing for the handling of reserve milk serves a purpose similar to that of diversion, and it should continue to be provided in the order as an alternate means of pooling a supply plant of a cooperative association.

Heretofore, such designation has been optional. A cooperative association that is primarily engaged in supplying milk directly from the farms of its members to pool distributing plants it does not operate should be permitted to pool a plant which it operates as an adjunct to this primary function. Such association would be performing valuable services for the market in maintaining an adequate supply of milk for the market's needs and assuming the responsibility for marketing all milk produced by its member producers that is in excess of handlers' requirements. Permitting a cooperative association, under these conditions, to pool the returns from the sale of milk that moves directly to the association's plant may contribute materially to orderly marketing. For these reasons, a cooperative association should continue to have the option of designating its plant as a balancing plant for the market.

In this connection, the order should provide further that the cooperative may designate the particular plants for which it desires pooling on this basis. The designation would remain in force so long as the requirement for pooling is met or until the cooperative requests nonpool status for the plant.

Such plant should not be prevented from shifting to regulation under another order if the cooperative develops sufficient outlets in another order market to pool the plant there. This would be especially true if it would result in better returns than may be obtained under the Dairyland order where a relatively high proportion of the milk that is pooled is utilized in Class II.

It is recognized that the regulation of such plant under different orders in succeeding months could create disorderly marketing conditions. Nevertheless, the nominal provisions for pooling a balancing plant under the Dairyland order should not lock the plant into regulation under the order. In this area of heavy production a cooperative association should not be inhibited from terminating the balancing plant function of a plant for the Dairyland market when it is advantageous to do so. When this is done, however, it should not be possible to requalify the plant immediately thereafter for pool status under the Dairyland order unless it meets the same shipping requirements as other plants for the ensuing 12 months (a full production year).

A facility used only for transferring bulk milk from one tank truck to another should not be considered a plant, or part of a plant. Such truck transfers should be regarded as in transit from the farm to the plant, at which stationary handling facilities such as holding tanks are maintained. The provision provided herein will clarify the order language in line with this intended application, set forth in the promulgation decision (34 F.R. 3812).

3. *Basis for paying producers.* A provision to limit the form of payments under the order to cash, checks, or money orders should not be adopted.

A cooperative association proposed that payments under the order be in the form of cash, checks, or money orders. The witness for the association stated that no other form of payment should be accepted to fulfill order obligations. Although no specific problem was cited under the order, proponent testified that the proposal would improve the effective administration of the producer-settlement fund and would assist the market administrator in determining whether payments under the order have been made to producers and to cooperative associations.

Basic purposes of the order are to fix minimum prices that all handlers must pay for producer milk in accordance with the manner in which it is used and to return to producers the uniform price based on the utilization of all producer milk in the market.

Money is paid into the producer-settlement fund by those handlers whose obligation for producer milk received during the month is more than the amount they are required to pay for such milk at the uniform price. A handler whose utilization is below the average for the market, and whose obligation for producer milk received during the month is less than the uniform price value, receives payment of the difference from the producer-settlement fund. This equalization process enables all handlers to pay their producers the uniform price for milk delivered.

One of the duties of the market administrator is to verify that handlers have paid producers and cooperative associations the applicable minimum price for milk received from them. If a handler fails to pay his obligation to the producer-settlement fund, or fails to pay producers or cooperative associations the full minimum uniform price value for milk received from them, by the dates provided in the order, he is in violation of the order. Should this occur, whether he receives payment from or makes payment to, the producer-settlement fund, he is subject to normal legal procedures to obtain compliance.

Since the producer-settlement fund is a clearing house for the receipt and disbursement of funds obligated under the order, it must function, necessarily, on the basis of prompt payment as prescribed. Even temporary defaults by some handlers would work "unfairness to others, encourage wider noncompliance, and effect producers adversely. Proponent's proposal could not be expected to improve the effective administration of the producer-settlement fund. Payments by handlers to the producer-settlement fund customarily are being made by check and proponent's proposal would not change this.

While payment of obligations to the producer-settlement fund is under the immediate security of the market administrator, it is not so readily apparent whether payments to producers or to cooperative associations have been made by the dates provided in the order. A complaint of nonpayment may be made to the market administrator by a producer or by a cooperative association and an investigation undertaken. In the absence of such complaint, the market administrator normally will not discover whether a handler is in violation of the payment provisions until the handler's reports have been examined and the information reported has been verified.

Proponent indicated that the proposed requirement would assist in a determination by the market administrator that payments to a producer or to a cooperative association had been accomplished. Payment by cash, check, or money order would not necessarily reflect the ultimate transaction. While payment made by any of these means might appear to discharge a particular obligation, we know of no way of ascertaining whether such payments properly have been made other than by the verification process. The market administrator must do this now, and it is not readily apparent that proponent's proposal would aid significantly in this determination.

The proposed provision would appear to apply uniformly to all handlers. It seems clear, however, from the testimony that uniform application is not intended. Instead, proponent would have the market administrator apply the provision selectively at the discretion of the cooperative association supplying the particular handler. Such a condition would be incompatible with the responsibility and authority of the Secretary in administering and enforcing order provisions. Such action, therefore, may not be authorized.

For the foregoing reasons, the proposal is denied.

4. *Charges on overdue accounts.* The present four-tenths of 1 percent per month charge prescribed under the order on overdue obligations to the producer-settlement fund should be increased to three-fourths of 1 percent per month.

A witness for a cooperative association testified that a charge of only four-tenths of 1 percent per month is unrealistic in light of present day commercial rates for carrying charges. By withholding obligations to the producer-settlement fund, handlers could obtain a source of short-term operating funds at an unduly low rate. Proponent testified that the lower rate now provided could encourage delinquency in payment of producer-settlement fund obligations.

Proponent cited varying rates currently being charged by lenders for a range of credit transactions. However, in borrowing money for guaranteeing payment to producers, proponent testified that the association currently must pay about 10 percent interest on an annual basis.

The charge made on unpaid obligations is not a substitute for prompt payment as required by the Act and the order. Its purpose is to encourage prompt settlement of accounts by counteracting any failure by handlers to make prompt payments.

It is essential that payments to the producer-settlement fund be made promptly so that the market administrator will have funds to make required payments out of the producer-settlement fund. A charge to encourage such payment should apply not only to original obligations payable to the producer-settlement fund, but also to overdue obligations to the fund stemming from audit adjustments. If a handler refuses or fails to file a report from which his obligation to the producer-settlement fund is computed, a charge for unpaid obligations should be made on any payments due the market administrator as though the report had been filed when due. Otherwise, handlers would be provided an incentive to be delinquent in filing their reports.

Also, some handlers can have an advantage over other handlers when such obligations are not paid on the due date, because they can then use such monies as an inexpensive source of operating capital. Other persons are affected also in that payments from the producer-settlement fund would have to be reduced pro rata until the obligations to such fund were paid.

A charge of three-fourths of 1 percent per month is a reasonable rate to encourage prompt settlement of accounts when due. It is in line with the prevailing annual rate of 10 percent on short-term commercial borrowings in this area.

5. *Miscellaneous provisions*—(a) *Duties.* The duties of the market administrator should provide for the announcement of the producer butterfat differential presently computed pursuant to § 1061.81. This information is available at the same time as the uniform price, and it is currently being announced with the uniform price even though its announcement is not specifically provided among the market administrator's duties at this time.

(b) *Reports.* The market administrator should report by the 20th day after the end of the month to each cooperative association, which so requests, the amount and classification of milk received by each handler from cooperative association member producers. The report should show the quantity of milk received by a handler from producer members of the association and the quantity assigned to each class in the proportion that the total producer milk in each class is to the total receipts of producer milk by such handler.

One of the chief purposes of a Federal milk order is to insure an adequate supply of Class I milk to the handlers regulated by the order. If one handler is short of milk and another handler is using relatively large quantities of milk in Class II, the cooperative associations supplying the market should be able to shift member producer milk supplies within the market. This aids in maintaining the highest possible Class I utilization for the market. The information provided by the report proposed herein will assist the cooperative associations in marketing milk more effectively.

The order also defines the obligations of a handler operating a partially regulated distributing plant. In order for the market administrator to determine the obligation of such person under the order, it is necessary that such handler file his producer payroll report with the market administrator if he elects the option provided in the order of having his order obligation computed as though his plant were a pool plant. Provision for such report is made herein.

(c) *Supply plant.* A supply plant should be defined as any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which Grade A milk is moved to a distributing plant. At present, the order provides for the movement of such milk to a "plant". The change proposed herein will designate more specifically the intent of the definition as indicated in the decision promulgating the order (34 F.R. 3812).

(d) *Other source milk.* A modification of the "other source milk" definition should be provided. Among the items included under the other source milk definition of the order are plant receipts, from any source, of manufactured dairy products (principally Class II), which are reprocessed, repackaged, or converted to another product during the month.

This provision is designed to require handlers to keep records and to account for the nonfluid products from other sources under the circumstances described in order that, to the extent that they are converted in the handler's plant to a higher valued use, the increment of increased value will be reflected in the total value of producer milk. Without such requirement, for example, a handler by failing to keep records of the nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid milk products could gain a competitive advantage over other handlers in the market. The provision should be clarified to include any disappearance of products other than fluid milk products that are in a form which may be converted into fluid milk products and for which specific use cannot be verified by the administrator.

(e) *Allocation.* The order should provide that there shall be no obligation on milk received at a pool plant from an unregulated supply plant if such milk has been priced as Class I milk under this or any other Federal order.

Bulk milk could be transferred, for example, from a pool plant under this or another order to a nonfederally regulated plant and, on the basis of its ultimate utilization, be classified and priced as Class I milk. The unregulated plant, in turn, could transfer bulk or packaged milk to a Dairyland order pool plant.

To the extent that this or an equivalent amount of milk has been priced as Class I milk under a Federal order, the Dairyland regulated handler receiving the milk should not have a further pool obligation on such milk. On any unpriced milk received from an unregulated supply plant the Dairyland handler would continue to have an obligation to the producer-settlement fund at the difference between the Class I price and the uniform price, as now provided by the order.

(f) *Computation of the uniform price.* In the computation of the uniform price, the provision instructing the market administrator to exclude the report of a handler who had not paid his producers individually the uniform price announced the previous month should be deleted.

Procedures are established to assure that all handlers comply with each provision of the order, including the requirement for the payment of the uniform price to producers by specified dates. These procedures include, among others, legal action against violations. However, the fact that some handler had not paid his producers the previous month's uniform price does not affect directly the operation of the producer-settlement fund or the ability of the market administrator to compute the uniform price.

The computation of the uniform price normally cannot await until a handler has paid producers, and, therefore, should not be a determining factor in whether the handler is performing in a manner to have his receipts of milk reflected in the current price computation.

(g) *Administrative expense.* The Act provides that the administrative cost of an order shall be borne by handlers, including cooperative associations in their capacity as handlers.

In this market, a number of cooperative associations operate plant facilities and they are handlers under the order. In this capacity they are quite similar in operation to proprietary handlers operating plants. Nevertheless, it is readily apparent, in the competitive situation existing in this market, that if the administrative assessment on bulk transfers from such a cooperative plant to a proprietary handler were levied only on the operating cooperative, this value would become a bargaining tool whereby all such cooperatives simply would outbid any bargaining cooperative for outlets with proprietary handlers. Thus, any proprietary handler could avoid the burden of administrative cost simply by purchasing milk only from a cooperative association which also happens to be a handler.

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Under such circumstances, the bargaining cooperative might be forced to absorb the administrative cost (even though levied directly on the handler), risking violation of the order as the only practical means of retaining its accounts.

For the reasons stated above, it is concluded that the administrative expense provisions should be changed to provide that a handler shall pay the administrative expense on milk received from a cooperative association in its capacity as a handler on farm bulk tank milk and on milk transferred in bulk to a pool plant from a plant owned and operated by the cooperative association. A cooperative association would pay the administrative assessment only on its receipts for which the assessment is applicable and for which such assessment is not to be paid by other handlers.

(h) *Conforming changes.* The proposed changes contained herein include certain conforming and qualifying changes, including the deletion of obsolete provisions. These changes are necessary to effectuate the findings and conclusions made herein. Except for the terms of the order previously discussed, these changes of conforming nature will not affect the scope of the order or its application to any handler subject therewith.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

November 1970 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 9, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Southeastern Minnesota-Northern Iowa (Dairyland) Marketing Area.

FINDINGS AND DETERMINATIONS

The findings and determinations hereafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on January 6, 1971, and published in the FEDERAL REGISTER on January 12, 1971 (36 F.R. 370), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to modifications in §§ 1061.44 and 1061.61.

1. Section 1061.10 is revised as follows:

§ 1061.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a distributing plant.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

2. In § 1061.11, paragraph (b)(3) is revoked, and the introductory text, paragraph (a) (1) and (2), and paragraph (b)(2) are revised as follows:

§ 1061.11 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except an exempt distributing plant, the plant of a handler exempted pursuant to § 1061.60 or the plant of a producer-handler: *Provided*, That if a portion of a plant is operated separately from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section: *And provided further*, That facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a pool plant or part of a pool plant pursuant to this section.

(a) • • •

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area either as route disposition or moved as packaged fluid milk products to other plants from which it is disposed of in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 15 percent during the months of February–August and 20 percent during the months September–January of such receipts is disposed of as Class I milk either as route disposition or moved in the form of packaged fluid milk products to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) • • •

(2) In determining the pool plant qualifications of a cooperative association's plant, member producer milk of such association which is delivered directly to plants described in paragraph (a) of this section shall be considered for purposes of this paragraph as having been first received at the cooperative's plant subject to the following conditions:

(i) Written request is made to the market administrator by the cooperative association prior to or during the month, designating the plant to be a pool plant pursuant to this subparagraph for the month, and for each month thereafter, until such request is withdrawn or terminated pursuant to subdivision (ii) of this subparagraph;

(ii) Any such plant which in a succeeding month is pooled under the provisions of another order issued pursuant to the Act shall not be pooled under this subparagraph for the ensuing 12 months.

• • • • • •

3. Section 1061.12(c) is revised as follows:

§ 1061.12 Nonpool plant.

• • • • • •

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

• • • • • •

4. Section 1061.13(e) is revised as follows:

§ 1061.13 Handler.

• • • • • •

(e) Any person in his capacity as the the operator of an other order plant from which during the month fluid milk products are either disposed of as route disposition in the marketing area or shipped to a pool plant; and

• • • • • •

5. Section 1061.14 is revised as follows:

§ 1061.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk of his own production is disposed of as route disposition in the marketing area, and who receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts by plant transfer from pool plants and who receives no nonfluid milk products from any source for use in reconstituted fluid milk products: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk and milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are wholly the personal enterprise and risk of such person.

6. In § 1061.18, paragraph (b) is revised as follows:

§ 1061.18 Other source milk.

• • • • • •

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and for which specific use cannot be verified by the market administrator.

§ 1061.22 [Amended]

7. In § 1061.22, paragraph (i) is revised as follows:

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81, and notify each handler of his obligations to the producer-settlement fund;

8. In § 1061.22, delete "and" at the end of paragraph (k), replace the period at the end of paragraph (l) with a semicolon, and add a new paragraph (m) as follows:

(m) On or before the 20th day of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler during the immediately preceding month from such cooperative association in its capacity as a handler pursuant to § 1061.13(c) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after allocation pursuant to § 1061.46(a) (1) through (10) and the corresponding steps of § 1061.46(b).

9. Section 1061.30(b) is revised as follows:

§ 1061.30 Monthly reports of receipts and utilization.

• • • • • •

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as route disposition inside and outside the marketing area that are classified as Class I; and

• • • • • •

10. In § 1061.44(d), subparagraph (3) is revised as follows:

§ 1061.44 Transfers.

• • • • • •

(d) • • •

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), shall be assigned first to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to such receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to receipts of fluid milk products from plants fully regulated by such order, and thereafter pro rata to such receipts from pool plants and other order plants not regulated by such order.

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and

other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

• • • • • •

§ 1061.46 [Amended]

11. In § 1061.46(a), subparagraphs (1), (3), (6), (7), (8), and the introductory text of (5)(i) are revised as follows:

(a) • • •

(1) Substract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

• • • • •

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

• • • • •

(5) • • •

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

• • • • •

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (5)(i) of this paragraph;

12. In subdivision (i) of paragraph (a)(9) of § 1061.46 change "1061.22(i)" to "§ 1061.22(j)".

13. Section 1061.60 is revised as follows:

§ 1061.60 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to the plant of a handler that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1061.11 and a greater volume of fluid milk products is disposed of from such plant as route disposition in this marketing area and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1061.61 [Amended]

14. In § 1061.61, paragraphs (a)(1) and (2) and (b)(1) and (2) are revised as follows:

(a) • • •

(1) Determine the obligation that would have been computed pursuant to § 1061.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the nonpool plant in the class to which allocated at the fully regulated plant;

(iii) Any transfers described in subdivision (ii) of this subparagraph that are classified as Class I milk shall be priced as follows:

(a) Such Class I transfers shall not be subject to obligation at the partially regulated distributing plant if the operator of the transferee pool plant or other order plant is not obligated under the applicable order because such transfer is treated under such order as milk received at the partially regulated distributing plant from a plant fully regulated by an order issued pursuant to the Act where it has been priced as Class I milk and not used as an offset on any other payment obligation in this or any other order; and

(b) Remaining Class I transfers, to the extent that such do not exceed Grade A receipts from dairy farmers at the partially regulated distributing plant and at a plant described pursuant to subdivision (v) of this subparagraph shall be priced at the uniform price of the respective order (or at the weighted average price if the order provides such price).

(iv) Unless subdivision (v) of this subparagraph applies, the obligation for the partially regulated distributing plant shall include the charge specified in § 1061.70(f) and the credit specified in § 1061.83(b)(2) with respect to receipts of Class I milk from another nonpool plant (not another order plant) which serves as a supply plant for such partially regulated distributing plant: *Provided*, That if Class I transfers to fully regulated plants pursuant to subdivision (iii) of this subparagraph remain after the application of subdivision (iii)(b), the charge pursuant to § 1061.70(f) and the credit pursuant to § 1061.83(b)(2) shall not apply pursuant to this paragraph to such remaining amount.

(v) If the operator of the partially regulated distributing plant so requests, the obligation for such plant shall include a similar obligation for each nonpool plant (not another order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1061.11(b), subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1061.31(c) similar reports for such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The obligation for such nonpool plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(v) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(v) of this paragraph applies to such plant.

(b) • • •

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

15. In the introductory paragraph of § 1061.61, change "§ 1061.31(c)" to "§ 1061.31(c) and (d)".

16. In § 1061.70, paragraph (f) is revised as follows:

§ 1061.70 Computation of the net pool obligation of each handler.

• • • • •

(f) Add the value at the Class I price with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

17. In § 1061.71, paragraph (a) is revised as follows:

§ 1061.71 Computation of uniform price.

• • • • •

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to §§ 1061.30 and 1061.31(b) for the month and who made payments pursuant to § 1061.83 for the preceding month;

• • • • •

18. Section 1061.90 is revised as follows:

§ 1061.90 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 14th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant of another handler) with respect to his receipts of producer milk (including such handler's own-farm production, and milk received in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1061.46(a)(4) and (8) and the corresponding steps of § 1061.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.10(b), and other order plants assigned to such disposition.

19. Section 1061.92 is revised as follows:

§ 1061.92 Adjustment of overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1061.61, 1061.83, and 1061.85 shall be increased three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That,

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

[FR Doc.71-2028 Filed 2-12-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit Lakes, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public instrument approach procedure has been developed for the Detroit Lakes Municipal Airport, Detroit Lakes, Minn. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Detroit Lakes transition area to adequately protect the aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

DETROIT LAKES, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Detroit Lakes Municipal Airport (latitude 46°49'35" N., longitude 95°53'05" W.); and within 3 miles each side of the 315° bearing from the Detroit Lakes Municipal Airport, extending from the 6½-mile-radius area to 7½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 315° and 135° bearings from the Detroit Lakes Municipal Airport, extending from 6 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 135° bearing of the Detroit Lakes Municipal Airport, extending from the airport to 12 miles southeast of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-2035 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Drew, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Drew transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Drew Airport (lat. 33°46'39" N., long. 90°31'27" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Ruleville-Drew Airport. A prescribed instrument approach to this airport, utilizing the Greenwood, Miss., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 5, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2036 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md., transition area (35 F.R. 2143).

The NDB RWY 28 instrument approach procedure for Tipton Army Airfield, Fort Meade, Md., requires alteration of the 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Baltimore, Md., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md., 700-foot floor transition area as follows:

In the description of the 700-foot floor transition area, following: "to the 035° radial", add: "; within a 6.5-mile radius of the center, 39°05'04" N., 76°45'37" W., of Tipton AAF, Fort Meade, Md., and within 3 miles each side of the 091° bearing from the Fort Meade, Md., RBN, 39°05'04" N., 76°45'37" W., extending from the 6.5-mile-radius area to 8.5 miles east of the RBN."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-2037 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-4]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Tangier, Va., transition area.

A new VOR/DME Runway 1 instrument approach procedure for Tangier Island, Virginia Airport will require the designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Tangier, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Tangier, Va., transition area described as follows:

TANGIER, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Tangier Island Airport, 37°49'30" N., 75°59'55" W.; within 3 miles each side of the Cape Charles, Va., VORTAC 360° radial extending from the 5-mile-radius area to 26 miles north of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-2038 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Pittsburgh, Pa. (Greater Pittsburgh and Allegheny County), control zones (35 F.R. 2112) and the Pittsburgh, Pa. (35 F.R. 2244), transition area.

The U.S. Standard for Terminal Instrument Procedures requires the alteration of the Greater Pittsburgh and Allegheny County Airport control zones and the Pittsburgh, Pa., 700-foot-floor transition area. The transition area modification also includes the airspace required to protect recently authorized terminal procedures at Campbell Airport, Bridgeville, Pa.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pittsburgh, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsburgh, Pa. (Greater Pittsburgh), control zone and insert the following:

Within an 8-mile radius of the center, 40°29'37" N., 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa., excluding a 1-mile-radius area of the center 40°35'30" N., 80°17'30" W. of Aliquippa-Hopewell Airport, Aliquippa, Pa.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsburgh, Pa. (Allegheny County), control zone and insert the following:

Within a 5-mile radius of the center 40°21'17" N., 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Allegheny RBN extending from the 5-mile-radius area to 8.5 miles west of the RBN.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsburgh, Pa., 700-foot transition area and inserting the following:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 40°29'37" N., 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa.; within an 8.5 mile-radius of the center, 40°21'17" N., 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Allegheny RBN extending from the 8.5-mile-radius area to 11 miles west of the RBN; and within a 7-mile-radius of the center, 40° 21'15" N., 80°11'16" W. of Campbell Airport, Bridgeville, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[F.R. Doc.71-2039 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wooster, Ohio, transition area.

contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pittsburgh, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsburgh, Pa. (Greater Pittsburgh), control zone and insert the following:

Within an 8-mile radius of the center, 40°29'37" N., 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa., excluding a 1-mile-radius area of the center 40°35'30" N., 80°17'30" W. of Aliquippa-Hopewell Airport, Aliquippa, Pa.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsburgh, Pa. (Allegheny County), control zone and insert the following:

Within a 5-mile radius of the center 40°21'17" N., 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Allegheny RBN extending from the 5-mile-radius area to 8.5 miles west of the RBN.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Pittsburgh, Pa., 700-foot transition area and inserting the following:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 40°29'37" N., 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa.; within an 8.5 mile-radius of the center, 40°21'17" N., 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Allegheny RBN extending from the 8.5-mile-radius area to 11 miles west of the RBN; and within a 7-mile-radius of the center, 40° 21'15" N., 80°11'16" W. of Campbell Airport, Bridgeville, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[F.R. Doc.71-2039 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wooster, Ohio, transition area.

The NDB (ADF) RWY 27 instrument approach procedure for Wayne County Airport, Wooster, Ohio, requires designation of a 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wooster, Ohio, proposes the airspace action hereinafter set forth.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wooster, Ohio, 700-foot-floor transition area described as follows:

WOOSTER, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°52'29" N., 81°53'14" W., of Wayne County Airport, Wooster, Ohio, and within 3.5 miles each side of the 090° bearing from the Smithville RBN, 40°52'30" N., 81°50'00" W., extending from the 7-mile-radius area to 11.5 miles east of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc 71-2040 Filed 2-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-1]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a State of Delaware transition area and revoke the Baltimore, Md. (35 F.R. 2143), Patuxent River, Md. (NAS) (35 F.R. 2241) and Chincoteague, Va., (35 F.R. 2160) 1200-foot-transition areas.

The designation of the State of Delaware transition area would consolidate the Baltimore, Md.; Patuxent River, Md.; and Chincoteague, Va., 1200-foot AGS transition areas with those portions of the Dover, Del., and the State of Pennsylvania transition areas which lie within the State of Delaware. There are two unrelated areas of uncontrolled airspace north and south of Restricted Area 2801, Bethany Beach, Del., adjoining 1200-foot AGL controlled airspace. It is proposed to include these areas within the Delaware transition area as such action would not appear to derogate VFR operations.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Baltimore, Md.; Patuxent River, Md., NAS; and Chincoteague, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

1. The Delaware transition area is added as follows:

DELAWARE

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Delaware including the offshore airspace within 3 nautical miles and parallel to the shoreline.

2. The following transition areas are altered by deleting the portions which designate airspace with a floor of 1,200 feet above the surface:

Baltimore, Md.
Patuxent River, Md., NAS.
Chincoteague, Va.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 29, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2041 Filed 2-12-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-54]

POLYVINYL CHLORIDE FIBERS

Domestic Manufacturer's Protest Regarding Classification

FEBRUARY 8, 1971.

Approval of practice of classification of certain polyvinyl chloride fibers under the provision for fibers (in noncontinuous form), not carded, not combed, and not otherwise processed, in item 309.43, Tariff Schedules of the United States (TSUS). Complaint of domestic producer of such fibers under section 516(b), Tariff Act of 1930, as amended.

In a letter of December 5, 1968, pursuant to the provisions of section 516 (b), Tariff Act of 1930, as amended, Polymers, Inc., which identified itself as a domestic manufacturer of polyvinyl chloride fibers, requested the classification and rate of duty imposed upon certain polyvinyl chloride fibers claimed to be used chiefly in the manufacture of artificial Christmas tree foliage. On April 1, 1969, the domestic manufacturer was advised the merchandise was classifiable under the provision for fibers (in noncontinuous form), not carded, not combed, and not otherwise processed, in item 309.43, TSUS, with duty at the then applicable modified rate of 12 percent ad valorem.

Subsequently, the domestic manufacturer filed a complaint against the classification and rate of duty imposed upon imports of polyvinyl chloride fibers, submitted that the merchandise should be classifiable under the provision for parts of artificial trees, wholly or almost wholly of plastics, in item 748.20, TSUS, or, alternatively, under the provision for textile fibers, of manmade fibers, combed or otherwise processed but not spun, in item 309.90, TSUS, and stated that it intended to protest the classification pursuant to section 516, Tariff Act of 1930, as amended.

The domestic manufacturer was informed that its complaint had been considered and that the Bureau remained of the opinion that the classification of the subject polyvinyl chloride fibers under item 309.43, TSUS, is correct.

In accordance with the provisions of section 516, Tariff Act of 1930, as amended, notice is hereby given that the named domestic manufacturer has given the notice contemplated by the statute that it desires to protest the classification of polyvinyl chloride fibers. However, under section 516, Tariff Act of 1930, as amended, the practice will be continued so long as no decision of the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals not in harmony with this decision is published.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-2051 Filed 2-12-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho-3874]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 8, 1971.

The Department of Agriculture has filed an application, Serial No. I-3874, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as recreation areas in the Boise, Challis, and Sawtooth National Forests.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SAWTOOTH NATIONAL FOREST

Five Points Recreation Area

T. 2 N., R. 14 E.,
Sec. 5, lot 3.

Containing 39.78 acres in Camas County.

Worswick Hot Springs Recreation Area

T. 3 N., R. 14 E.,
Sec. 28, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, NW¼SE¼, N½SW¼SE¼.

Totaling 140 acres in Camas County.

BOISE AND CHALLIS NATIONAL FORESTS

Middle Fork Salmon Scenic River Area

T. 14 N., R. 9 E.,
Sec. 24.

T. 14 N., R. 10 E. (Unsurveyed),
Secs. 19, 29 and 30, a metes and bounds survey as follows: Beginning at the east quarter section corner, sec. 24, T. 14 N., R. 9 E., Boise Meridian, Idaho (an iron post/brass-capped monument of the U.S. Public Land Survey, in place), with coordinates X=160, 973.52; Y=1,048,180.52, thence along the east-west centerline of sec. 24, T. 14 N., R. 9 E., Boise Meridian, to a point intersecting the westerly boundary of the Middle Fork Salmon Wild River area, thence in a southeasterly direction along the Wild River area boundary to an intersecting point with Dagger Creek, thence on a course approximating the alignment of Dagger Creek to the Middle Fork Salmon River, thence on a direct line to point 120 on the easterly boundary of the Middle Fork Salmon Wild River Area, thence northwesterly along the Wild River Area boundary to a point intersecting the east-west centerline of unsurveyed sec. 19, T. 14 N., R. 10 E., Boise Meridian, thence along the east-west centerline to the point of beginning, and more particularly described as follows:

Angle points		Bearing	Distance (feet)
From	To		
East ¼ sec. cor., sec. 24, T. 14 N., R. 9 E.,	A	N. 89°05′ W.	1,904
A	99	S. 60°26′ E.	3,541
99	C	S. 32°26′ E.	4,238
C	99a	N. 64°59′ E.	357
99a	99b	N. 26°15′ E.	415
99b	99c	N. 37°17′ E.	334
99c	99d	N. 62°22′ E.	364
99d	99e	N. 80°37′ E.	352
99e	120	N. 55°36′ E.	1,922
120	121	N. 43°26′ W.	3,117
121	B	N. 10°51′ W.	875
B	East ¼ sec. cor.	N. 89°05′ W.	4,013

Said quarter section corner (east), sec. 24, T. 14 N., R. 9 E., Boise Meridian, being the point of beginning.

Containing 421 acres, more or less, in Custer and Valley Counties.

The areas described aggregate 600.78 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-2017 Filed 2-12-71;8:46 am]

PROPOSED TRANS-ALASKA PIPELINE

Notice of Public Hearing; Correction

FEBRUARY 11, 1971.

On January 15, 1971, there appeared in the FEDERAL REGISTER (36 F.R. 622) a notice of public hearings on the environmental impact of granting a right-of-way for a crude oil pipeline across Federal lands in Alaska. Because of the public response and interest in these hearings, the Washington hearing will be moved to a larger auditorium and will be held in the Auditorium of the Department of Commerce, Commerce Building, 14th Street between Constitution Avenue and E Street on the same days as previously announced.

The hearings on Tuesday, February 16, will commence at 9 a.m. The hearing on Wednesday, February 17, will commence at 8:30 a.m.

ORME LEWIS, Jr.,
Deputy Assistant Secretary,
of the Interior.

[FR Doc.71-2153 Filed 2-12-71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

UNIVERSITY OF LOUISVILLE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> • • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70-00300-33-68300. Applicant: University of Louisville, School of Medicine, 511 South Floyd Street, Louisville, KY 40202. Article: Microperfusion pump and assessories. Date of denial without prejudice to resubmission: April 28, 1970.

Docket No. 70-00301-89-43000. Applicant: University of Tennessee, Knoxville, TN 37916. Article: Portable magnetometer, Model GM-102. Date of denial without prejudice to resubmission: May 5, 1970.

Docket No. 70-00306-33-46500. Applicant: Jersey City State College, 2039 Kennedy Boulevard, Jersey City, NJ 07305. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: December 23, 1969.

Docket No. 70-00304-33-46500. Applicant: Boston University Hospital, Boston University Research Building, 15 Stoughton Street, Room 312, Boston, MA 02118. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: December 23, 1969.

Docket No. 70-00312-65-51800. Applicant: University of California, Purchasing Department, Post Office Box 1500, Berkeley, CA 94701. Article: Permaran-permeability specific surface apparatus. Date of denial without prejudice to resubmission: April 28, 1970.

Docket No. 70-00321-33-46040. Applicant: University of California, San Francisco Medical Center, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Electron microscope, Elmiskop 101. Date of denial without prejudice to resubmission: August 31, 1970.

Docket No. 70-00326-62-46500. Applicant: University of Minnesota, Department of Entomology, Fisheries and Wildlife, St. Paul, MN 55101. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: December 23, 1969.

Docket No. 70-00327-33-28200. Applicant: University of California, Post Office Box 1500, Berkeley, CA 94701. Article: Electron spin resonance spectrometer, Model JES-ME-1X. Date of denial without prejudice to resubmission: July 23, 1970.

Docket No. 70-00335-33-46500. Applicant: University of Virginia Medical School, Neurosurgical Research Laboratory, Charlottesville, VA 22903. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70-00345-16-61800. Applicant: Collier County Board of Public Instruction, Building "D", Government Complex, Collier County, Naples, FL 33940. Article: Planetarium and auxiliary projectors, Model Mercury. Date of denial without prejudice to resubmission: July 8, 1970.

Docket No. 70-00349-00-61800. Applicant: New Milford School Building Committee, 40 Main Street, New Milford, CT 06776. Article: Hemispherical assembly. Date of denial without prejudice to resubmission: May 12, 1970.

Docket No. 70-00361-33-46040. Applicant: University of Southwestern Louisiana, Department of Microbiology, Lafayette, LA 70501. Article: Electron microscope, EM6B. Date of denial without prejudice to resubmission: May 12, 1970.

Docket No. 70-00364-33-02700. Applicant: The Arthritis Foundation, 654 Utica Square Medical Center, Tulsa, OK 74114. Article: Arthroscope, Type No. 21. Date of denial without prejudice to resubmission: May 14, 1970.

Docket No. 70-00365-33-46500. Applicant: Harvard University, 75 Mount Auburn Street, Purchasing Department, Cambridge, MA 02138. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70-00367-01-77030. Applicant: Eastern Washington State College, Department of Chemistry, Cheney, WA 99004. Article: NMR spectrometer Model R-20A. Date of denial without prejudice to resubmission: August 31, 1970.

Docket No. 70-00382-33-46040. Applicant: Syracuse University, 201 Marshall Street, Syracuse, N.Y. 13210. Article: Mirror-type electron microscope. Date of denial without prejudice to resubmission: May 14, 1970.

Docket No. 70-00385-33-46500. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, IL 61801. Article: Ultramicrotome "Om U2". Date of denial without prejudice to resubmission: January 8, 1970.

Docket No. 70-00399-01-77030. Applicant: University of Texas at El Paso, El Paso, TX 79999. Article: NMR spectrometer, Model MD 1, R-12. Date of denial without prejudice to resubmission: June 29, 1970.

Docket No. 70-00414-33-46500. Applicant: The Pennsylvania State University, 107 Whitmore Laboratory, University Park, PA 16802. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70-00416-01-43000. Applicant: Brown University, 68 Waterman Street, Providence, RI 02912. Article: Cryogenic equipment. Date of denial without prejudice to resubmission: May 20, 1970.

Docket No. 70-00418-99-29100. Applicant: Corning Community College, Corning NY 14830. Article: Copperwheel engraving device. Date of denial without prejudice to resubmission: May 14, 1970.

Docket No. 70-00425-01-77030. Applicant: Morehead State University, Morehead, KY 40351. Article: NMR spectrometer, JNM-C-60HL. Date of denial without prejudice to resubmission: September 18, 1970.

Docket No. 70-00440-01-86300. Applicant: Princeton University, Purchasing Department, Post Office Box 33, Princeton, NJ 08540. Article: Rheovibron viscoelastometer. Date of denial without prejudice to resubmission: April 2, 1970.

Docket No. 70-00468-99-43500. Applicant: State University of New York at Buffalo, Office of Facilities Planning, 3258 Main Street, Buffalo, NY 14214. Article: Manometer. Date of denial without prejudice to resubmission: June 17, 1970.

Docket No. 70-00477-33-46500. Applicant: Texas Technological University, Department of Biology, Lubbock, TX 79409. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70-00492-98-75000. Applicant: University of Nebraska, Department of Horticulture and Forestry, Lincoln, NE 68502. Article: Soil heat flux disk. Date of denial without prejudice to resubmission: July 10, 1970.

Docket No. 70-00511-16-19095. Applicant: Yale University, Purchasing Division, 20 Ashmun Street, New Haven, CT 06520. Article: Recording microdensitometer, Type M autodensidater. Date of denial without prejudice to resubmission: June 29, 1970.

Docket No. 70-00554-33-71200. Applicant: The University of Chicago, 950 East 59th Street, Chicago, IL 60637. Article: Freeze drying plant. Date of denial without prejudice to resubmission: July 8, 1970.

Docket No. 70-00565-33-46500. Applicant: Albert Einstein College of Medicine, Yeshiva University, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: April 9, 1970.

Docket No. 70-00587-33-46500. Applicant: The Massachusetts General Hospital, Orthopedic Research, Fruit Street, Boston, MA 02114. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: September 8, 1970.

Docket No. 70-00594-33-46500. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, CT 06520. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: July 22, 1970.

Docket No. 70-00595-33-77030. Applicant: University of Vermont, Department of Biochemistry, Given Medical Building, Burlington, VT 05401. Article: NMR spectrometer, Model R-12. Date of denial without prejudice to resubmission: August 31, 1970.

Docket No. 70-00605-01-77030. Applicant: The Colorado College, Department of Chemistry, Colorado Springs, CO 80903. Article: NMR spectrometer, R-12. Date of denial without prejudice to resubmission: September 25, 1970.

Docket No. 70-00622-33-46500. Applicant: New York University, Department of Biology, 100 Washington Square East, New York, NY 10003. Article: Cylindrical microelectrophoresis apparatus. Date of denial without prejudice to resubmission: September 25, 1970.

Docket No. 70-00622-33-46500. Applicant: University of California at Irvine, Department of Human Morphology, California College of Medicine, Irvine, CA 92664. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: September 4, 1970.

Docket No. 70-00622-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: September 4, 1970.

Docket No. 70-00627-56-61300. Applicant: Oregon State University, Department of Oceanography, Corvallis, OR 97331. Article: Micropipet and 10 tips. Date of denial without prejudice to resubmission: June 29, 1970.

Docket No. 70-00642-33-46040. Applicant: The Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, CT 06511. Article: Electron microscope, EM9S. Date of denial without prejudice to resubmission: September 8, 1970.

Docket No. 70-00645-12-07730. Applicant: National Aeronautics and Space Administration, Goddard Space Flight Center, Glenn Dale Road, Greenbelt, MD 20771. Article: Guinier camera. Date of denial without prejudice to resubmission: July 1, 1970.

Docket No. 70-00655-01-77030. Applicant: University of Illinois, Purchasing Department, 223 Administration Building, Urbana, IL 61801. Article: NMR spectrometer, Model JNM-C-60H. Date of denial without prejudice to resubmission: September 8, 1970.

Docket No. 71-00102-99-25100. Applicant: University of Hawaii, Foreign Language Laboratory, 2528 The Mall, Room 303, Honolulu, HI 96822. Article: Language learning machines. Date of denial without prejudice to resubmission: September 16, 1970.

Docket No. 71-00106-65-46070. Applicant: The Franklin Institute, 20th and Parkway, Philadelphia, PA 19103. Article: Scanning electron microscope, JSM-1. Date of denial without prejudice to resubmission: September 18, 1970.

Docket No. 71-00121-01-77030. Applicant: Kalamazoo Valley Community College, 6767 West O Avenue, Kalamazoo, MI 49001. Article: NMR spectrometer, JNM-MH-60. Date of denial without prejudice to resubmission: January 8, 1971.

CHARLEY M. DENTON,
Bureau of Domestic Commerce.

[FR Doc.71-2029 Filed 2-12-71;8:47 am]

Bureau of International Commerce

[File No. 26(69)-6]

COMP-DATA G.m.b.H.

Notice of Related Party Determination

In the matter of Comp-Data G.m.b.H., 83 Untermainkai, Frankfurt/Main, Federal Republic of Germany, Case No. 412.

An order dated October 13, 1970 was entered by the Office of Export Control, Bureau of International Commerce, against Comp-Data G.m.b.H. and Johann Nitschinger of Vienna, Austria, denying them all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for a period of 5 years. This order was published in the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16551). Said order, as stated therein, continued in effect restrictions that had been imposed against the above named parties on April 10, 1970.

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section the firm Comp-Data G.m.b.H., located at the above address, is a related party to said Comp-Data G.m.b.H. and Johann Nitschinger. Under this determination the terms and restrictions of the order of October 13, 1970, are effective against said related party.

The said related party is being notified of this determination and advised that if it contends that the ruling is not justified it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: February 8, 1971.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.71-2110 Filed 2-12-71;8:51 am]

[File No. 22(70)-10]

LOGATRONIK G.m.b.H.

Notice of Related Patty Determination

In the matter of Logatronik G.m.b.H., Felix Mottl Strasse 6, Vienna XIX, Austria. Case No. 412.

On December 14, 1970, an order temporarily denying export privileges was issued against the above firm at its former address, Andreasgasse 4, Vienna, Austria. This order was published in the FEDERAL REGISTER on December 19, 1970 (35 F.R. 19278). One of the reasons for the issuance of said orders, as stated therein, is as follows:

> • • • an individual in Vienna, Austria, who is subject to an order issued by the Director, Office of Export Control, denying all U.S. export privileges, may have a significant interest in said firm or may be in a position to direct or control its operations and policies.

The individual referred to is Johann Nitschinger of the firm Comp-Data G.m.b.H. On October 13, 1970, an order was issued against said Nitschinger and Comp-Data G.m.b.H. denying them all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for a period of 5 years. This order was published in the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16551).

Section 388.1(b) of the Export Control Regulations provides in part that, to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the above named Logatronik G.m.b.H. is a related party to said Nitschinger and Comp-Data G.m.b.H. By virtue of this determination the terms and restrictions of the denial order of October 13, 1970 are effective against and with regard to Logatronik G.m.b.H.

The above named related party is being notified of this determination and advised that if it contends that the ruling is not justified it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: February 8, 1971.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.71-2111 Filed 2-12-71;8:51 am]

National Oceanic and Atmospheric Administration

[Docket No. B-503]

CLIFFORD LEROY NORTON, JR., AND CLIFFORD LEROY NORTON, SR.

Notice of Loan Application

FEBRUARY 9, 1971.

Clifford Leroy Norton, Jr., and Clifford Leroy Norton, Sr., West Jonesport, Maine 04649, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 36-foot length overall fiber glass vessel to engage in the fishery for lobsters and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2044 Filed 2-12-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLLOIDAL PRODUCTS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2624) has been filed by Colloidal Products Corp., Post Office Box 621, Petaluma, Calif. 94952, proposing that § 121.1225 *Adjuvants for pesticide use dilutions* (21 CFR 121.1225) be amended to provide for the safe use of *α*-[*p*(1,1,3,3 - tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of *p*-(1,1,3,3-tetramethylbutyl) phenol with 1 mole of ethylene oxide as an adjuvant for making pesticide use dilutions by a grower or applicator prior to application to the growing crop.

Dated: February 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2010 Filed 2-12-71;8:45 am]

E. I. DU PONT DE NEMOURS & CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, has withdrawn its petition (FAP 9B2333), notice of which was published in the FEDERAL REGISTER of October 1, 1968 (33 F.R. 14658), proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of butadiene-acrylonitrile copolymers and butadiene-methacrylonitrile copolymers as optional components of resinous and polymeric coatings for food-contact surfaces.

Dated: February 3, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2011 Filed 2-12-71;8:46 am]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2628) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended in paragraph (b) to provide for the safe use of trisnonyl phenyl phosphite/formaldehyde polymer as a stabilizer in impact polystyrene intended for food-contact use.

Dated: February 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2012 Filed 2-12-71;8:46 am]

RATH PACKING CO.

Notice of Withdrawal of Color Additive Petition Regarding Dried Beef Blood

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that the color additive petition (CAP No. 93), notice of filing of which was published in the FEDERAL REGISTER of August 13, 1969 (34 F.R. 13120), has been withdrawn by the petitioner without prejudice to a future filing. The Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704, petitioned for the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of dried beef blood as a color for pet foods at a level not to exceed 1 percent by weight of the pet food.

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2013 Filed 2-12-71;8:46 am]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2638) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.1148 *Ion-exchange resins* (21 CFR 121.1148) be amended to provide for the safe use in the purification of foods (including potable water) of cross-linked polystyrene, first chloromethylated then aminated with dimethylamine and oxidized with hydrogen peroxide.

Dated: February 3, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2014 Filed 2-12-71;8:46 am]

STEIN, HALL & CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016, has withdrawn its petition (FAP OA 2524), notice of which was published in the FEDERAL REGISTER of April 11, 1970 (35 F.R. 6017), proposing that § 121.1174 *Arabinogalactan* (21 CFR 121.1174) be amended to provide for the safe use of arabinogalactan as a foam stabilizing agent in fermented malt beverages.

Dated: February 3, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2015 Filed 2-12-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 70-SO-3]

ATLANTA INTERNATIONAL CENTER

Notice of Public Hearing

On January 14, 1971 (36 F.R. 947; F.R. Doc. 71-769), notice was given that a public hearing concerning the above subject matter would be held on February 24, 1971, at the Airport Holiday Inn, Atlanta, Ga.

At the request of Atlanta International Center, sponsors of the proposed center, and with the concurrence of the other parties to the hearing, the hearing is hereby reset for 9 a.m., March 25, 1971. The hearing will convene in the Lindbergh Room, Airport Holiday Inn, Atlanta, Ga.

Each designated party shall by March 16, 1971, submit a brief written statement in triplicate to the Presiding Officer setting forth the evidence he intends to provide through witnesses and exhibits at the hearing. Statements should be sent to Mr. Harold B. Helstrom, Airspace and Air Traffic Rules Division, AT-200, 800 Independence Avenue SW., Washington, DC 20590.

The Presiding Officer and the Legal Officer will be available the afternoon of March 24, 1971, in the Presiding Officer's room at the Airport Holiday Inn for the purpose of discussing hearing procedures with any interested party. Contact the Presiding Officer, Telephone 426-3731, Area Code 202, to make arrangements.

Issued in Washington, D.C., on February 8, 1971.

HAROLD B. HELSTROM,
Presiding Officer.

[FR Doc.71-2042 Filed 2-12-71;8:48 am]

Federal Railroad Administration

[FRA-Pet. Nos. 17, 19]

UNITED TRANSPORTATION UNION

Petition for Reconsideration of Decision and Orders of the Hearing Examiner

Correction

In F.R. Doc. 71-1810 appearing at page 2814 in the issue of Wednesday, February 10, 1971, the headings should read as set forth above.

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

FEBRUARY 8, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new Department of Transportation Special Permits upon which Board action was completed during January 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6361	Stauffer Chemical Co. to ship sulfur trioxide, unstabilized in AAR 105W tank car complying with proposed DOT Specification 115A60W6.	Rail.
6370	Shippers registered with this Board for shipments of hypochlorite solutions containing not more than 15% available chlorine by weight in DOT-12B fiberboard box having inside one 5-gallon plastic bag.	Highway, Rail.
6372	Shippers registered with this Board for shipments of nitrogen in non-DOT specification non-refillable steel inside spherical containers charged to not over 8,000 p.s.i. at 70° F.	Highway, Rail, Cargo-only aircraft.
6377	Shippers registered with this Board for shipments of hydrogen chloride in 3AAX cylinders or modified 3AAX cylinders forming part of a tube trailer.	Highway.
6378	Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials, n.o.s. in PM-3A, Irradiated Fuel Cask.	Highway, Rail, Water.
6379	Shippers registered with this Board for shipments of compressed air in non-DOT specification seamless aluminum cylinders not exceeding 60 cubic inches volumetric capacity overpacked in wooden or fiberboard boxes.	Highway, Passenger-carrying aircraft, Cargo-only aircraft.
6384	Lif-O-Gen to ship certain non-flammable compressed gases in non-DOT specification welded steel cylinders, not over 96 cubic inches volumetric capacity, overpacked in wooden or fiberboard boxes.	Highway, Rail.
6385	Shippers registered with this Board for shipments of fissile radioactive materials, n.o.s. in the Naval Reactor SIW New Core Shipping and Installation Container.	Highway, Rail, Water.
6386	Shippers registered with this Board for shipments of fissile radioactive materials, n.o.s. in AIG, AIW-3 container.	Highway, Rail, Water, Cargo-only aircraft.
6389	McDonnell Douglas Astronautics Co. to ship pentaborane in non-DOT specification composite steel pressure vessels.	Highway.
6390	So. Cal Welding supply to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6392	Shippers registered with this Board for shipments of liquefied ethylene in tank cars having tanks complying with AAR specification 113C120W.	Rail.
6394	Shippers registered with this Board for shipments of non-flammable compressed gases in non-DOT specification stainless steel pressure vessels.	Highway, Passenger-carrying aircraft, Cargo-only aircraft.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6395	Nuclear Fuel Services to make one shipment of large quantities of fissile radioactive materials in containers prescribed in Special Permit 5061 with the polyethylene bottle storage restriction waived.	Highway.
6400	Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials, n.o.s. in composite "supertiger" overpack with inner Type A packagings.	Cargo vessel, Highway, Rail.
6401	Shippers registered with this Board for shipments of various commodities in DOT-111A100W1 tank cars made of AAR TC-128 Grade B steel or ASTM A-515, Grade 70 steel.	Rail.
6406	Shippers registered with this Board for shipments of fissile radioactive materials, n.o.s. in type Fissile Class III packaging.	Rail.

WILLIAM K. BYRD,
Chairman.

[FR Doc.71-2021 Filed 2-12-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-382, 50-383]

LOUISIANA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70114, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated December 28, 1970, for two construction permits and facility licenses to authorize construction and operation of two pressurized water reactors on the applicant's approximately 100-acre part of the 3,600-acre site on the west bank of the Mississippi River near the town of Taft, La. The site is located in St. Charles Parish, about 20 miles west of New Orleans, La.

The proposed reactors are designated by the applicant as the Waterford Steam Electric Station, Units 3 and 4. Unit No. 3 is designed for a maximum expected output of 3,580 megawatts (thermal) with a net output of about 1,165 megawatts (electrical). The final decision to construct Unit No. 4 has not been made with any supplier or engineering consultant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 13, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the President of St. Charles Parish Police Jury, Hahnsville, La.

Dated at Bethesda, Md., this 10th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2084 Filed 2-12-71;8:50 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Order Extending Provisional Operating License Expiration Date

By petition notarized January 8, 1971, the Niagara Mohawk Power Corporation of Syracuse, N.Y., requested an extension of the expiration date of Provisional Operating License No. DPR-17 which authorizes possession, use and operation of its Nine Mile Point Nuclear Power Station located in Oswego County, N.Y., at power levels up to a maximum of 1,538 megawatts (thermal).

Good cause having been shown in the petition for this extension pursuant to 10 CFR Part 50 and the provision of paragraph 5 of the license: *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-17 is extended from February 22, 1971, to August 22, 1972.

Dated at Bethesda, Md., this 2d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1822 Filed 2-12-71;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated January 28, 1971, the Director of the Division of Reactor Licensing has issued Construction Permit No. CPPR-79 to the Portland General Electric Co., the city of Eugene, Oreg., and the Pacific Power and Light Co. for construction of a pressurized water nuclear reactor at Portland General Electric Co.'s site in Columbia County, Oreg. The approximately 623-acre site is located on the west bank of the Columbia River, about 31 miles north of Portland, Oreg., 4 miles south-southwest of Rainer, Oreg., and 3 miles northwest of Kalama, Wash., in Columbia County, Oreg. The proposed reactor, known as the Trojan Nuclear Plant is designed for initial operation at approximately 3,423 thermal megawatts with a net electrical output of approximately 1,106 megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 8th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1821 Filed 2-12-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 19236, 21509, 21538; Order 71-2-43]

AERODYNE, INC., ET AL.

Order Revoking Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1971.

The following persons hold exemptions, pursuant to the Board orders indicated, from section 401 of the Federal Aviation Act and Part 298 of the Board's economic regulations, to permit the use of large aircraft in air taxi operations:

Aerodyne Inc. (Aerodyne).	69-11-103,	Nov. 24, 1969.
Amherst Airways, Inc. (Amherst)	70-3-61,	Mar. 12, 1970.
Coastal Aviation Co. (Coastal).	E-26112,	Dec. 13, 1967.

One condition of each of these exemptions is that the carrier comply with the provisions of Part 298 of the economic regulations. Section 298.50 of that part states that all air taxis engaging in air transportation are required to register and to file a copy of their currently effective certificates of insurance. None of the aforementioned carriers has complied with these requirements.

By certified letter dated December 8, 1970, the above-named persons were reminded of the requirements of Part 298 and further advised that if such requirements were not met within 30 days, proceedings would be instituted to revoke their large aircraft exemption authority. The above time has now elapsed. One letter was returned to the Board unclaimed; no other responses have been received.

On the basis of the foregoing, it appears that the above-named persons are no longer interested in holding their large aircraft exemptions. Under the circumstances, the Board concludes that it is no longer in the public interest to continue such exemption authorizations and that they should be revoked.

Accordingly, it is ordered, That the exemptions granted in Orders 69-11-103, 70-3-61, and E-26112 be and they hereby are revoked without prejudice to the filing by the holders thereof, at a later date, of appropriate applications for similar authority to use large aircraft.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2059 Filed 2-12-71;8:50 am]

[Docket No. 23027; Order 71-2-47]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority February 9, 1971.

The Postmaster General filed a notice of intent January 19, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 66 cents per great circle aircraft mile for the transportation of mail by aircraft between Cleveland, Ohio, and South Bend, Ind., via Columbus, Ohio, and Indianapolis, Ind., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft C-45 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 66 cents per great circle aircraft mile between Cleveland, Ohio, and South Bend, Ind., via Columbus, Ohio, and Indianapolis, Ind., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2060 Filed 2-12-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23041]

CAYMAN AIRWAYS, LTD.

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding, now assigned to be held on February 16, 1971, is postponed to March 1, 1971. The prehearing conference will be held in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, beginning at 10 a.m.

Dated at Washington, D.C., February 10, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71-2054 Filed 2-12-71;8:49 am]

[Docket No. 22956]

CHICAGO-ACAPULCO NONSTOP SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 3, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Robert L. Park.

Requests for information and evidence, statements of proposed issues, and proposed procedural dates shall be filed with the Examiner, and served on Bureau Counsel and the applicants on or before February 24, 1971.

Dated at Washington, D.C., February 10, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-2055 Filed 2-12-71;8:49 am]

[Dockets Nos. 19708, 20148, 21364; Order 71-2-42]

LONGHORN AIRWAYS, INC., ET AL.

Order Revoking Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1971.

The following persons hold exemptions, pursuant to the Board orders indicated, from section 401 of the Federal Aviation Act and Part 298 of the Board's economic regulations, to permit the use of large aircraft in air taxi operations:

Longhorn Airways, Inc. (Longhorn).	69-2-131,	Feb. 26, 1969.
Midwestern Airlines, Inc. (Midwestern).	69-10-31,	Oct. 7, 1969.
Sammy Davis, Jr., d.b.a. World Jet, Inc. (World Jet).	E-26852,	May 29, 1968.

By letters dated May 1, November 9, and December 17, 1970, World Jet, Midwestern, and Longhorn, respectively, informed the Board that they were no longer engaging in air taxi operations.

On the basis of the foregoing, it appears that the aforementioned carriers are not now implementing their exemption authority and have no firm plans to do so in the near future. Under the circumstances, the Board concludes that it is no longer in the public interest to continue such exemption authorizations and that they should be revoked.

Accordingly, it is ordered, That the exemptions granted in Orders 69-2-131, 69-10-31, and E-26852 be and they hereby are revoked without prejudice to the filing by the holders thereof, at a later date, of appropriate applications for similar authority to use large aircraft.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2058 Filed 2-12-71;8:50 am]

[Docket No. 23035]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is

assigned to be held on February 25, 1971, at 10 a.m. e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

Dated at Washington, D.C., February 10, 1971.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[FR Doc.71-2056 Filed 2-12-71;8:49 am]

[Docket No. 22034, etc.]

WRIGHT-TAG MERGER CASE

Notice of Prehearing Conference

The Board by Order 70-9-135 (September 24, 1970) remanded this proceeding to the undersigned Examiner for a further hearing and a Supplemental Initial Decision. In accordance with the Board's directive, notice is hereby given that a prehearing conference will be held on February 19, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., February 10, 1971.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.71-2057 Filed 2-12-71;8:49 am]

FEDERAL MARITIME COMMISSION

SUN LINE GREECE SPECIAL SHIPPING CO., INC.

Notice of Application for Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Company, Inc., 2 Karageorgi Servias Street, Athens 125, Greece.

Dated: February 10, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2052 Filed 2-12-71;8:49 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC.

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Company, Inc., 2 Karageorgi Servias Street, Athens 125, Greece.

Dated: February 10, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2053 Filed 2-12-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 9, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 10, 1971, through February 19, 1971, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2046 Filed 2-12-71;8:49 am]

[File No. 1-5948]

NEW JERSEY LIFE CO.

Notice of Application To Withdraw From Listing and Registration

FEBRUARY 8, 1971.

The above named issuer (Common Stock, $0.01 Par Value) has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the National Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Due to the limited trading activity on the Exchange. In a letter dated January 28, 1971, which is on file with the delisting application, the Exchange does not agree with the company's conclusions with respect to advisability of continued listing of the above security.

Any interested person may, on or before February 24, 1971, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2047 Filed 2-12-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

CARESSA, INC.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of January 5, 1971, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-32) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the workers of the Caressa, Inc., plant located in Miami, Fla. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the women's leather shoes produced by Caressa, Inc., are being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of that firm.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 26 F.R. 812; 29 CFR Part 90). He found that unemployment resulting in major part from increased imports began May 13, 1970. He further reported that by August 31, 1970, Caressa had ceased to produce shoes in its Miami factory and all remaining personnel were employed in support of its import and related operations. After due consideration, I make the following certification:

All hourly, piecework, and salaried workers of Caressa, Inc., Miami, Fla., who became unemployed or underemployed after May 13, 1970, and before August 31, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of February 1971.

GEORGE H. HILDEBRAND,
Deputy Under Secretary, International Affairs.

[FR Doc.71-2030 Filed 2-12-71;8:47 am]

C P ELECTRONICS, INC.

Notice of Certification of Eligibility of Former Workers To Apply for Adjustment Assistance

Under date of January 4, 1971, the U.S. Tariff Commission made its report to the President of the results of an investigation (TEA-W-31) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of former production and maintenance workers of C P Electronics, Inc., Columbus, Ind. The report contained the Commission's affirmative finding that as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the electronic transformers produced by C P Electronics, Inc., Columbus, Ind., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the Columbus plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation, following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 390; 29 CFR Part 90). In that recommendation he noted that there were some layoffs of workers in early February 1970. Soon thereafter the company, having decided to discontinue operations, proceeded with its layoffs of hourly and salaried workers. The plant was closed in early April 1970. After due consideration, I make the following certification:

All hourly and salaried workers of the C P Electronics, Inc. plant, located at Columbus, Ind., who became or will become unemployed or underemployed after February 6, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of February 1971.

GEORGE H. HILDEBRAND,
Deputy Under Secretary, International Affairs.

[FR Doc.71-2031 Filed 2-12-71;8:47 am]

WOOD & BROOKS CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of January 4, 1971, the U.S. Tariff Commission made a report of the results of an investigation (TEA-W-33) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistanee submitted on behalf of the production and maintenance workers of the Buffalo plant of the Wood & Brooks Co., Buffalo, N.Y. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with piano keyboards produced by the Buffalo plant of the Wood & Brooks Co., Buffalo, N.Y., are being imported into the United States in such increased quantities as tc cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of that plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 391; 29 CFR Part 90).

In that recommendation he noted that an announcement that the plant would close permanently was made to the employees on January 30, 1970. On the same date the company started to lay off hourly and salaried workers, and such layoffs continued until shortly after the plant was closed on May 29, 1970. After due consideration, I make the following certification:

All hourly and salaried workers of the Buffalo plant of the Wood & Brooks Co., Buffalo, N.Y., who became unemployed or underemployed after January 30, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of February 1971.

GEORGE H. HILDEBRAND,
Deputy Under Secretary, International Affairs.

[FR Doc.71-2032 Filed 2-12-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 51]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Robert D. Pfahler, agent, the Grand Trunk Western Railroad Co. is unable to transport traffic over its car ferry between Milwaukee, Wis., and Muskegon, Mich., because of ice conditions in Lake Michigan.

It is ordered, That:

(a) The Grand Trunk Western Railroad Co., being unable to transport traffic over its car ferry between Milwaukee, Wis., and Muskegon, Mich., because of ice conditions in Lake Michigan, that line and its connections are hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained. The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., February 9, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 9, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] ROBERT D. PFAHLER,
Agent.

[FR Doc.71-2050 Filed 2-12-71;8:49 am]

[Notice 245]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 10, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Sub-No. 276 TA), filed February 4, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers*, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greeley, Colo., to points in Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia for 180 days. Supporting shipper: Monfort Packing Co., Box G, Greeley, CO 80631. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 111729 (Sub-No. 308 TA), filed February 4, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040 (NHP-PO). Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers and records, audit and accounting media;* (a) between Metropolitan Airport, Detroit (Wayne County), Mich., on the one hand, and, on the other, points in Kent County, Mich., on traffic having an immediately prior or subsequent movement by air; (b) between New York, N.Y., on the one hand, and, on the other, points in Bergen and Camden Counties, N.J., and Delaware County, Pa.; and (c) between White Plains, Westchester County, N.Y., on the one hand, and, on the other, points in Massachusetts (except points in Middlesex County), N.J., and points in Bucks, Chester, Delaware, Montgomery, and Northampton Counties, Pa.; (2) *radiopharmaceuticals, radioactive drugs and medical isotopes;* (a) between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York (except New York, N.Y.), Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Washington, D.C.; and (b) between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York (except New York, N.Y.), Ohio, Pennsylvania (except Philadelphia, Pa.), Rhode Island, Virginia, West Virginia, and Washington, D.C., on traffic having an immediately prior or subsequent movement by air;

(3) *radiopharmaceuticals, radioactive materials, biological products, blood specimens and other specimens for laboratory testing, laboratory supplies used for drawing and storing specimens, and documents relating thereto;* (a) between New Orleans, La., on the one hand, and, on the other, points in Mississippi, Mobile and Baldwin Counties, Ala.; and (b) between New Orleans, La., on the one hand, and, on the other, points in Alabama, Florida, Louisiana, and Mississippi, on traffic having an immediately prior or subsequent movement by air; (4) *blood, urine and tissue specimens and documents pertaining thereto*, between Meriden, Conn., on the one hand, and, on the other, Springfield, Mass., and New York, N.Y.; and (5) *microfilm*, exposed, unexposed, and processed, *microfilm containers and spools used for storing and transporting the microfilm;* (a) between Flora, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee; and (b) between Jackson, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, and Louisiana, on traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately nine statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below: Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 114632 (Sub-No. 35 TA), filed February 4, 1971. Applicant: APPLE LINES, INC., Mailing: Post Office Box 507, 225 South Van Eps Avenue, Madison, SD 57042 (Nebraska corporation). Applicant's representative: Robert A. Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (other than in bulk), from the plantsite and/or warehouse facilities of Monsanto Co. at Muscatine, Iowa, to points in Iowa, Illinois, Indiana, Michigan, Missouri, Nebraska, Minnesota, and points in Wisconsin on and south of a line traversing Wisconsin from La Crosse over Interstate 90 to Musston, thence along Wisconsin Highway 82 to U.S. Highway 51, thence over Wisconsin Highway 23 to Sheboygan, Wis., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis MO 63166, R. E. Schrick, Senior Transportation Analyst. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 116791 (Sub-No. 22 TA) (Correction), filed January 27, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, corrected and republished in part, as corrected this issue. Applicant: FARMERS ELEVATOR OF KENSINGTON MINNESOTA, INC., Kensington, Minn. 56343. Applicant's representative: Leonard R. Green (same address as applicant). NOTE: The purpose of this partial republication is to correctly set forth the commodity description as follows: *Animal and poultry feeds and feed ingredients*. The rest of the application remains the same.

No. MC 124373 (Sub-No. 10 TA), filed February 4, 1971. Applicant: NELMAR TRUCKING CO., 735 Rahway Avenue, Union, NJ 07083. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and beverage preparations*, other than malt, and *equipment, materials, and supplies* used or useful in the sale of beverages and operations of a beverage plant, between points in Baltimore County, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, District of Columbia, Vermont, West Virginia, North Carolina, and Kentucky, for 150 days. Supporting shipper: Yoo-Hoo Chocolate Beverage Corp., Yoo-Hoo of Maryland, Inc., 600 Commercial Avenue, Carlstadt, NJ 07072. Send protests to: District Supervisor Robert E. Johnson, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 127115 (Sub-No. 2 TA) (Correction), filed January 14, 1971, and published FEDERAL REGISTER issue January 22, 1971, and republished in part as corrected this issue. Applicant: MILLER TRANSPORT, INC., 510 West Fourth North Street, Hyrum, UT 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. NOTE: The purpose of this partial republication is to show Weber County, Utah, in lieu of Wener County, shown erroneously in previous publication, the rest of the application remains the same.

No. MC 128879 (Sub-No. 14 TA), filed February 4, 1971. Applicant: C-B TRUCK LINES, INC., Post Office Box 1774, 400 South Hull, Clovis, NM 88101. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive NE., Aubuquerque, NM 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese ore*, from the General Services Administration stockpile at or near Wenden, Ariz., to El Paso, Tex., and from El Paso, Tex., to Denver, Colo., the American Potash plant at or near Henderson, Nev., and the Anaconda Copper Co. plant at or near Grants, N. Mex., for 120 days. Supporting shipper: American Minerals, Inc., 3666 Doniphan Drive, El Paso, TX 79922. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse Building, 500 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 133967 (Sub-No. 5 TA) (Correction), filed January 27, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, corrected and republished in part, as corrected this issue. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route No. 1, Catawba, WI 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. NOTE: The purpose of this partial republication is to reflect Iowa as a destination State in lieu of Louisiana in (1), and as an origin State in (2), which was shown erroneously in the previous publication. The rest of the application remains the same.

No. MC 134730 (Sub-No. 1 TA), filed February 4, 1971. Applicant: METALS TRANSPORT, INC., 2469 North 100 Street, Wauwatosa, WI 53226. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum*, from Oak Creek, Wis., to points in Illinois and Minnesota, for 180 days. Supporting Shipper: Vulcan Materials Co., A & M Division, 9100 South Fifth Avenue, Oak Creek, WI 53154. Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 134922 (Sub-No. 4 TA), filed February 4, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described in sections A and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Huron, S. Dak., to points in North Carolina, South Carolina, and Georgia, for 180 days. Supporting shipper: Armour and Co., 111 East Wacker Drive, Box 9222, Chicago, IL 60690. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135282 TA, filed February 4, 1971. Applicant: JOSEPH E. DAVIS, U.S. Route 309, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses;* as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Pittsburgh, Pa., to New York, N.Y.; Elizabeth, S. Kearney, Englewood, Westville, Hawthorne, and Woodbridge, N.J.; the District of Columbia, and Baltimore, Md., for 180 days. Supporting shipper: Western Packers, Herrs Island, Pittsburgh, Pa. 15222. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2048 Filed 2-12-71;8:49 am]

[Notice 645A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 10, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72676. By application filed February 8, 1971, SCHMIDT, INC., doing business as HOLLSTEIN TRANSFER, 1119-1133 Watson Street, Baltimore, MD 21201, seeks temporary authority to lease the operating rights of THE HOLLSTEIN TRANSFER COMPANY, 1119-1133 Watson Street, Baltimore, MD 21201, under section 210a(b). The transfer to SCHMIDT, INC., doing business as HOLLSTEIN TRANSFER, of the operating rights of THE HOLLSTEIN TRANSFER COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2049 Filed 2-12-71;8:49 am]

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Saturday, February 13, 1971 • Washington, D.C.

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

•

PUBLIC ASSISTANCE PROGRAMS

Fair Hearings

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Fair Hearings

Notice of proposed rule making for the programs administered under titles I, IV–A, X, XIV, XVI, and XIX of the Social Security Act, relating to fair hearings in public assistance programs, was published in the FEDERAL REGISTER on May 29, 1970 (35 F.R. 8448). After consideration of the views presented by interested organizations, agencies, and individuals, the following changes were made:

1. Section 205.10(a)(5) now requires that the State agency shall determine whether the issue is one of fact or judgment or of State agency policy; that assistance will continue until such determination is made, and—where the issue is one of fact or judgment—until a fair hearing decision is reached. It incorporates the substance of the proposed § 206.11 (which has been omitted) and requires a minimum advance period of 15 days rather than 7 days. It clarifies the State's option of continuing assistance regardless of the nature of the issue, and even if the request for a hearing is made after expiration of the advance notice period.

2. Section 205.10(a)(3)(v) is changed to provide that any claimant scheduled for a group hearing may withdraw and be given an individual hearing instead.

3. Clarifying changes are also made in § 205.10(a)(3), first paragraph (opportunity for a fair hearing regarding suspension of assistance), § 205.10(a)(9) (medical assessment from a source satisfactory to a claimant) and § 205.10(a)(10)(i) (opportunity to examine hearing evidence in advance).

4. The requirement for provision of legal services contained in §§ 205.10 and 220.25 was separately revoked (see 35 F.R. 10591, June 30, 1970).

Accordingly, § 205.10, Part 205, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 205.10 Fair hearings.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI or XIX of the Social Security Act must provide for a system of fair hearings under which:

(1) The single State agency responsible for the program will be responsible for fulfillment of fair hearings provisions.

(2) Every claimant will be informed in writing at the time of application and at the time of any action affecting his claim:

(i) Of his right to fair hearing;

(ii) Of the method by which he may obtain a hearing;

(iii) That he may be represented by legal counsel, or by a relative, friend, or other spokesman, or he may represent himself; and

(iv) Of any provision for payment of legal fees by the agency.

(3) An opportunity for a fair hearing before the State agency will be granted to any individual requesting a hearing because his claim for financial or medical assistance is denied, or is not acted upon with reasonable promptness, or because he is aggrieved by any other agency action affecting receipt, suspension, reduction, or termination of such assistance or by agency policy as it affects his situation. Under this requirement:

(i) A request for a hearing is defined as any clear expression (oral or written) by the claimant (or person acting for him, such as his legal representative, relative, or friend) to the effect that he wants the opportunity to present his case to higher authority.

(ii) The freedom to make such a request must not be limited or interfered with in any way, and agency emphasis must be on helping the claimant to submit and process his request, and in preparing his case, if needed.

(iii) The claimant must be provided reasonable time in which to appeal an agency action.

(iv) The fair hearing shall include consideration of:

(*a*) Any agency action, or failure to act with reasonable promptness, on a claim for financial or medical assistance, which includes undue delay in reaching a decision on eligibility or in making a payment, refusal to consider a request for or undue delay in making an adjustment in payment, and suspension or discontinuance of such assistance in whole or in part;

(*b*) The agency's interpretation of the law, and the reasonableness and equitableness of the policies promulgated under the law, if the claimant is aggrieved by their application to his situation;

(c) Agency decision regarding:

(*1*) Eligibility for financial or medical assistance in both initial and subsequent determinations,

(*2*) Amount of financial or medical assistance or change in payments,

(*3*) The manner or form of payment, including restricted or protective payments, even though no Federal financial participation is claimed, and

(*4*) Conditions of payment, including work requirements.

(v) States may respond to a series of individual requests for fair hearings by conducting a single group hearing. States may only consolidate cases in which the sole issue involved is one of an agency policy. In such a situation, each individual must be given the right to withdraw from the group hearing in favor of an individual hearing. If recipients request a group hearing on such an issue the State must grant it. In all group hearings, whether initiated by the State or by the claimants, the policies governing fair hearings must be followed. Thus, each individual claimant must be permitted to present his own case and be represented by his own lawyer.

(vi) The agency shall not deny or dismiss a request for a hearing except where it has been withdrawn by claimant in writing, or abandoned.

(4) Hearing procedures will be issued and publicized by the State agency for the guidance of all concerned.

(5) In cases of any proposed action to terminate, suspend or reduce assistance:

(i) The State or local agency will give timely and adequate advance notice detailing the reasons for the proposed action. Under this requirement:

(*a*) "Timely" means that the notice is mailed at least 15 days before the action is to be taken.

(*b*) "Adequate advance notice" means a written notice that includes details of reasons for the proposed agency action, explanation of the individual's right to conference, his right to request a fair hearing and the circumstances under which assistance is continued if a fair hearing is requested.

(ii) If, within the advance notice period, the individual responds by indicating his wish for an agency conference, an opportunity is provided for the recipient (or his representative) to discuss his situation with agency staff, obtain an explanation of the reasons for the proposed action, and present information to show that the proposed action is incorrect Under this requirement:

(*a*) During this conference, the recipient is given the opportunity to speak for himself or be represented by legal counsel or by a friend or other spokesman.

(*b*) The opportunity for a conference does not in any way diminish the recipient's right to a fair hearing.

(iii)(*a*) In cases in which there is a request for a fair hearing within the advance notice period:

(*1*) Assistance is continued until the fair hearing decision is rendered and through a period consistent with the State's established policies for issuance of payments unless a determination is made by the State agency, in accordance with criteria issued by the Social and Rehabilitation Service, that the issue is one of State agency policy and not one of fact or judgment relating to the individual case, including a question of whether the State agency rules or policies were correctly applied to the facts of the particular case.

(*2*) The agency promptly informs the claimant in writing if assistance will be discontinued, based on the State agency's determination.

(*b*) Alternatively, the State may provide for continuing assistance in all cases.

In cases in which a fair hearing is requested after expiration of the advance notice period, the State may provide for an additional period during which time the request for a hearing will result in reinstatement of assistance to be continued until the fair hearing decision.

(6) Information and referral services are provided to help claimants make use of any legal services available in the community that can provide legal representation at the hearing.

(7) The hearing will be conducted at a time, date and place convenient to the claimant, and adequate preliminary written notice will be given.

(8) The hearings will be conducted by an impartial official (or officials) of the State agency. Under this requirement, the hearing official must not have been involved in any way with the action in question.

(9) When the hearing involves medical issues such as those concerning a diagnosis, or an examining physician's report, or the medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision will be obtained at agency expense from a source satisfactory to the claimant and made part of the record if the hearing officer or the appellant considers it necessary.

(10) The claimant, or his representative, will have adequate opportunity:

(i) To examine all documents and records used at the hearing at a reasonable time before the date of the hearing as well as during the hearing;

(ii) At his option, to present his case himself or with the aid of others including legal counsel;

(iii) To bring witnesses;

(iv) To establish all pertinent facts and circumstances;

(v) To advance any arguments without undue interference;

(vi) To question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

(11) Prompt, definitive, and final administrative action will be taken within 60 days from the date of the request for a fair hearing, except where the claimant requests a delay in the hearing.

(12) The claimant will be notified of the decision, in writing, in the name of the State agency and, to the extent it is available to him, of his right to judicial review.

(13) When the hearing decision is favorable to the claimant, or when the agency decides in favor of the claimant prior to the hearing, the agency will make corrective payments retroactively to the date the incorrect action was taken or such earlier date as is provided under State policy.

(14) Recommendations of the hearing officer or panel shall be based exclusively on evidence and other material introduced at the hearing. The verbatim transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the recommendations of the hearing officer or panel will constitute the exclusive record for decision by the hearing authority and will be available to the claimant at a place accessible to him or his representative at any reasonable time.

(15) Decisions by the hearing authority, rendered in the name of the State agency, shall specify the reasons for the decision and identify the supporting evidence. They shall be binding on the State and local agency. Under this requirement:

(i) No person who participated in the local decision being appealed will participate in a final administrative decision on such a case;

(ii) The State agency is responsible for seeing that the decision is carried out promptly.

(16) The State agency will establish and maintain a method for informing, at least in summary form, all local agencies of all fair hearing decisions by the hearing authority and the decisions will be accessible to the public (subject to provisions of safeguarding public assistance information).

(17) In respect to title XIX, when the appeal has been taken on the basis of eligibility determination, the agency responsible for the determination of eligibility for medical assistance, if different from the single State agency administering the medical assistance plan, shall participate in the conduct of the fair hearing.

(b) *Federal financial participation.* Federal financial participation is available for the following items:

(1) Payments of assistance continued pending a hearing decision;

(2) Payments of assistance made to carry out hearing decisions, or to take corrective action after an appeal but prior to hearing, or to extend the benefit of a hearing decision or court order to others in the same situation as those directly affected by the decision or order. Such payments may be retroactive in accordance with applicable Federal policies on corrective payments.

(3) Payments of assistance within the scope of Federally aided public assistance programs made in accordance with a court order.

(4) Service costs incurred by the agency, at the applicable matching rates, for:

(i) Providing legal counsel to represent clients at hearings or in judicial review;

(ii) Providing transportation for the claimant, his representative and witnesses to and from the place of the hearing;

(iii) Meeting other expenditures incurred by the client in connection with the hearing.

(5) Administrative costs incurred by the agency in carrying out the hearing procedures, including expenses of obtaining an additional medical assessment.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. These regulations shall become effective 60 days from the date of their publication in the FEDERAL REGISTER.

Dated: November 23, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: February 6, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1981 Filed 2-12-71;8:45 am]

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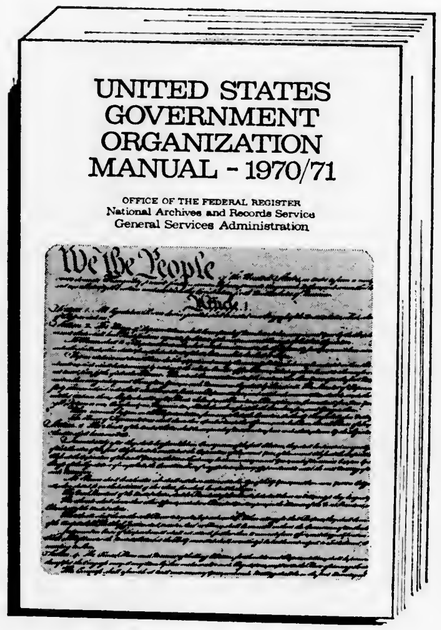

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General Services Administration
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Internal Revenue Service
Interstate Commerce Commission
Labor Department
Management and Budget Office
National Highway Traffic Safety Administration
National Oceanic and Atmospheric Administration
National Park Service
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Public Health Service
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Tariff Commission
Transportation Department

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Communications Commission

Section 213.3338 is added to show that one new position of Special Assistant to the Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2–17–71), § 213.3338 is added as set out below.

§ 213.3338 Federal Communications Commission.

(a) One Special Assistant to the Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2235 Filed 2-16-71;8:52 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 6]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Miscellaneous Amendments

Regulations for the operation of the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (32 F.R. 33, 32 F.R. 13215, 33 F.R. 14513, 33 F.R. 15631, 34 F.R. 807, and 35 F.R. 3901) are hereby amended for the purpose of incorporating applicable requirements of Public Law 91–248, approved May 14, 1970, and for other purposes.

1. References to the Consumer and Marketing Service (C&MS), to the Consumer Food Programs District Offices (CFPDO), and to the School Lunch Division (SLD), are hereby deleted and references to the Food and Nutrition Service (FNS), the Food and Nutrition Service Regional Offices (FNSRO) and the Child Nutrition Division (CND), respectively, are hereby substituted therefor.

2. In § 220.2, paragraph (a) is revised, paragraph (g–1) is added, and paragraph (o) is revised.

§ 220.2 Definitions.

• • • • • •

(a) "Act" means the Child Nutrition Act of 1966, as amended.

• • • • • •

(g–1) "Distributing agency" means a State, Federal, or private agency which enters into an agreement with the Department for the distribution of commodities pursuant to Part 250 of this chapter.

• • • • • •

(o) "Participation rate" means a number equal to the number of lunches meeting the minimum requirements prescribed for a Type A lunch in Part 210 of this chapter served in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated, by schools participating in the National School Lunch Program under Part 210 of this chapter as determined by the Secretary.

• • • • • •

3. Section 220.4 is revised to read as follows:

§ 220.4 Apportionment of funds to States.

(a) Any Federal funds made available for the School Breakfast Program shall be apportioned among the States in accordance with the provisions of section 4 of the Act.

(b) If any State cannot utilize all the funds apportioned to it under section 4 of the Act, or if additional funds are made available for apportionment among the States, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however,* That the Department may determine the minimum amount of such funds it is practicable to so apportion.

(c) A share of School Breakfast Program funds apportioned to any State shall be withheld by FNS for the nonprofit private schools of that State, if the State Agency does not administer the Program with respect to such schools. The funds so withheld by FNS shall be an amount which bears the same ratio to the School Breakfast Program funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

4. In § 220.7, paragraph (e)(10) and paragraph (f) are revised to read as follows:

§ 220.7 Requirements for school participation.

• • • • • •

(e) • • •

(10) Accept and use, in as large quantities as may be efficiently utilized in its breakfast program, such foods as may be offered as a donation by the Department;

• • • • • •

(f) Any school in which a breakfast program is operated under an agreement as provided in paragraph (e) of this section may serve children from any other school, whether or not a breakfast program is operated in such school. The school in which the breakfast program is operated may request reimbursement in connection with all the breakfasts served, except that, where such school serves children from both public and nonprofit private schools in a State where FNSRO administers the School Breakfast Progam with respect to nonprofit private schools, the public school shall file a separate claim with the State Agency and the private school shall file a separate claim with FNSRO for breakfasts served to their respective participating children.

5. In § 220.8, the opening clause of paragraph (a) is revised, and new paragraphs (d), (e) and (f) are added, as follows:

§ 220.8 Nutritional requirements for breakfasts.

(a) Except as otherwise provided in this section, a breakfast shall contain, as a minimum, the following food components in the amounts indicated:

• • • • • •

(d) The inability of a school to obtain a supply of milk on a continuing basis shall not bar it from participation in the program. In such cases the State Agency, or FNSRO where applicable, may approve the service of breakfasts without milk: *Provided, however,* That an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of the breakfast.

(e) Substitutions may be made in food listed in paragraph (a)(1) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(f) CND may approve variations in the food components of the breakfast on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic or physical needs.

6. A new § 220.11a is added, as follows:

§ 220.11a Competitive food services.

(a) The sale of extra food items at the same time and place as the breakfast program is in operation in the school

shall be restricted to those items recognized as making a contribution to, or permitted by the school to be served as part of, breakfast, and income from the sale of such food items shall be deposited to the account of the breakfast program.

(b) Food services operated for profit in the school, separate and apart from the breakfast program, shall not operate at such time or place as will constitute competition with the breakfast program.

7. Section 220.12 is revised to read as follows:

§ 220.12 Apportionment of funds to States.

(a) Fifty per centum of any Federal funds made available for nonfood assistance in accordance with section 5 of the Act shall be apportioned among the States during each fiscal year on the same basis as apportionments are made under Section 4 of the National School Lunch Act, as amended. The remaining 50 per centum of such funds shall be apportioned on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States.

(b) If any State cannot utilize all the funds apportioned to it under section 5 of the Act, or if additional funds are made available for apportionment among the States, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however,* That the Department may determine the minimum amount of such funds it is practicable to so apportion.

(c) A share of the Nonfood Assistance Program funds apportioned to any State shall be withheld by FNS for the nonprofit private schools of that State if the State Agency does not administer the Nonfood Assistance Program with respect to such schools. The funds so withheld by FNS shall be an amount which bears the same ratio to the Nonfood Assistance Program funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

8. In § 220.16, paragraph (c)(6) is revised to read as follows:

§ 220.16 Requirements for participation.

• • • • • •

(c) • • •

(6) If it is a nonprofit private school, in the event such equipment is no longer so used, it may be transferred with the approval of the State Agency, or FNSRO where applicable, to another nonprofit private school participating in any of such programs authorized by the Act or the National School Lunch Act, as amended, or to any other school participating in any of the programs authorized by such Acts or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

• • • • • •

§ 220.19 [Amended]

9. Section 220.19 is amended by deleting the amount "$3,000" and substituting in lieu thereof the amount "$4,000" and by inserting the following sentence immediately after the phrase "per annum".

"Appropriate reductions shall be made by FNS in the resulting tentative amount available to any State Agency if such State Agency does not administer the programs authorized under this Act and the National School Lunch Act, as amended, for nonprofit private schools and service institutions."

• • • • • •

10. Section 220.21 is revised to read as follows:

§ 220.21 Use of funds by State Agencies.

(a) Administrative expense funds paid to any State shall be used by State Agencies to employ additional personnel, as approved in the State Agency plan, to supervise and give technical assistance to local school districts and to service institutions in their initiation, expansion, and conduct of any program or programs for which the funds are made available. State Agencies may also use these funds, in an amount approved by CND in the State Agency plan, for their general administrative expenses in connection with any such program or programs, including travel and related expenses. Additional personnel or part-time personnel hired to give assistance to any such program or programs are expected to meet professional qualifications and to be paid at salary scales of positions of comparable difficulty and responsibility under the State Agency. Personnel may be used on a man-year equivalent basis, thus permitting new personnel and existing staff to be cross-utilized for most effective and economical operation under existing and new programs.

(b) Administrative expense funds may also be used by the State Agency to pay administrative expenses of a distributing agency (when such agency is an agency other than the State Agency) to employ additional personnel relating to supervisory and technical assistance provided by such distributing agency to schools and service institutions in the initiation, expansion, and conduct of any program or programs authorized under sections 4 and 5 of the Act and sections 11 and 13 of the National School Lunch Act, as amended.

(c) The amount of administrative expense funds paid to a distributing agency shall be based on the amount of additional funds needed to perform such supervisory and technical assistance deemed necessary by the State Agency: *Provided, however,* That the total amount paid to a distributing agency in any fiscal year shall not exceed 10 percent of the total amount of the administrative expense funds made available to the State Agency for that fiscal year, unless specific written approval is obtained from FNS. Requests for administrative expense funds for a distributing agency which exceed the 10 percent limitation shall be submitted to CND, with the State plan, for approval.

11. Section 220.24(d) is revised to read as follows:

§ 220.24 Special responsibilities of State Agencies.

• • • • • •

(d) The State Agency shall release to FNS any Federal funds made available to it under the Act which are unobligated at the end of each fiscal year. Any such funds shall remain available to FNS for the purposes of the programs authorized by the Act until expended. Release of funds by the State Agency shall be made as soon as practicable, but in any event not later than 30 days following demand by FNSRO and shall be reflected by related adjustment in the State Agency's Letter of Credit.

• • • • • •

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (2-17-71).

Approved: February 11, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-2159 Filed 2-16-71;8:52 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Quotas for Foreign Countries; Requirements and Quotas for 1971

Basis and purpose and statement of bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment is to increase the limitation on the importation of raw sugar from foreign countries for the first quarter and the first half of this year by 100,000 short tons, raw value.

Deliveries of refined sugar during January (including constructive deliveries) were at a good seasonal rate. Marketings of mainland raws early in the year will be about 25,000 less than estimated by the Department in December because of the lower Louisiana production. In addition, production of sugar from offshore domestic areas is getting off to a slower start than anticipated. Increasing the first half import limitation by permitting an additional 100,000 tons to be imported during the first quarter is expected to make adequate supplies available early in the year.

By the virtue of the authority vested in the Secretary of Agriculture by the

Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.93 is amended by amending subparagraph (1) and subdivision (ii) of subparagraph (2) to read as follows:

§ 811.93 Quotas for foreign countries.

• • • • • •

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, an amount not to exceed 2,300,000 short tons, raw value, of raw sugar, which includes quantities imported in late 1970 under bond for refining and storage, may be charged against such 1971 quotas and authorized for importation or release from bond from all such foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1971. Such charges to such 1971 quotas shall be made in the following manner: (i) The quantities imported in late 1970 under bond for refining and storage will be released from bond and charged to such quotas on January 1, 1971; (ii) In addition, 850,000 short tons, raw value, of sugar will be authorized for importation and charged to such quotas during the first quarter of the year and; (iii) that part of the 2,300,000 short tons, raw value, not charged to such 1971 quotas under subdivisions (i) and (ii) of this subparagraph will be authorized for importation and charged to such quotas during the second quarter of 1971.

(2) • • •

(ii) Applications for the importation of 750,000 short tons, raw value, of sugar during the first quarter received on or before December 15, 1970, will be considered as having been received at the same time. Applications for the importation of an additional 100,000 short tons, raw value, of sugar during the first quarter, representing an addition to the initial limitation of 750,000 short tons, raw value, received on or before February 17, 1971, will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 15, 1971, will be considered as having been received at the same time.

• • • • • •

(Secs. 202 and 403; 61 Stat. 924 as amended, 932 as amended; 7 U.S.C. 1112 and 1153)

Effective date. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar from foreign countries be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on February 11, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2154 Filed 2-11-71;3:48 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 467]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.767 Lemon Regulation 467.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded and opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 9, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 14, 1971, through February 20, 1971, are hereby fixed as follows:

(i) District 1: 35,000 cartons;

(ii) District 2: 135,000 cartons;

(iii) District 3: unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2194 Filed 2-12-71;11:18 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10052; Amdts. 91-87, 135-26]

PART 91—GENERAL OPERATING AND FLIGHT RULES

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Preflight Action

Correction

In F.R. Doc. 71-1612 appearing at page 2481 in the issue for Friday, February 5, 1971, in column 1, the first word of the ninth line of the second complete paragraph on page 2482, now reading "not", should read "no".

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Financing of Commissions and Service Payments

Title 22, Chapter II, Part 201 (A.I.D. Regulation 1), is amended as follows:

§ 201.65 [Amended]

Paragraph (a) of § 201.65 is amended as follows:

1. In the third sentence, a comma and the word "Cambodia" are added after the word "Laos".

2. In the fourth sentence the word "either" preceding the word "Laos" is deleted; and a comma and the word "Cambodia" are added after the word "Laos".

Effective date. The foregoing amendments shall enter into effect upon publication in the FEDERAL REGISTER. (2-17-71)

Dated: February 9, 1971.

MAURICE J. WILLIAMS,
Deputy Administrator.

[FR Doc.71-2183 Filed 2-16-71;8:52 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-391; Order 421]

PART 35—FILING OF RATE SCHEDULES

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Transportation Costs for Operation of Utility-Owned Carriers and Limitation on Application of the Fuel Adjustment

FEBRUARY 8, 1971.

On July 13, 1970, the Commission issued a notice of proposed rulemaking in this proceeding (35 F.R. 11592, July 18, 1970) proposing to amend certain accounts in its Uniform System of Accounts for Class A and Class B Public Utilities and Licensees and its Regulations Under the Federal Power Act. Comments were invited from interested parties to be submitted by August 27, 1970.

The changes proposed to the Commission's Uniform System of Accounts, which involved the specific addition of utilities' fuel transportation costs to Account 151, Fuel stock, and related changes to other accounts, were initiated by the Commission as a result of information received that several utilities use company-owned unit trains or other transportation to transport coal or other fuel from company-owned or privately owned coal mines or other fuel sources to their generating stations. Account 151 included the costs of fuel, freight charges, taxes, commissions, insurance and other expenses directly assignable to the cost of fuel. However, the utility's transportation costs are not included in that account. It was believed that these costs should be included therein since the cost of fuel will be more accurately reflected.

Two changes were proposed to the Commission's Regulations Under the Federal Power Act. The first revision proposed to subparagraph (2) in § 35.14 (a) was intended to keep the addition of transportation costs to Account 151 from automatically activating fuel adjustment on file with the Commission by providing that the base cost of fuel for these fuel adjustment clauses shall not include a utility's transportation costs.

The second revision proposed to subparagraph (3) in § 35.14(a) of the regulations was intended to exclude charges for fuel used in nuclear generation from the automatic monthly adjustments presently allowed for energy generated in fossil-fueled plants by restricting the fuel adjustment clause to energy supplied by fossil fuel. This revision was proposed because fuel used in nuclear power reactors remains in the reactor for several years before being replaced and its cost therefore, is not subject to the frequent fluctuations experienced by fossil fuels.

Prior to discussing the comments to the rulemaking, we will dispose of the proposed revision to subparagraph (2) in § 35.14(a) of the regulations under the Federal Power Act. Since issuance of the rulemaking, utilities having fuel adjustment clauses on file with the Commission and owning fuel transportation equipment have either filed new fuel adjustment clauses with new fuel cost bases or have rate proceedings pending before this Commission that involve, inter alia, the propriety of the existing fuel adjustment clauses so that adoption of this rulemaking proceeding will not automatically activate any of those filed clauses without making the changes subject to refund. Therefore, we are deleting the proposed revision to § 35.14 (a)(2) from this rulemaking proceeding.

Twenty-five[1] responses were received to the proposed rulemaking. The responses show general agreement with the proposed changes to the Uniform System of Accounts. Certain suggested changes were received and we are adopting those of an editorial or clarifying nature. We shall discuss certain of the more significant changes suggested in the comments.

A number of comments were received that, to have utility-transported fuel comparable in cost to fuel transported by common carriers, return and related income taxes on the investment in transportation equipment should also be included in Account 151, Fuel Stock. We recognize that fuel transported by common carrier includes in the transportation cost an element of profit and fuel transported by the utility will not be fully comparable in cost because of this factor. However, we are rejecting the suggestions because inclusion of return on the utility's investment in transportation equipment would require prognostications of future Commission rate of return determinations and would conflict with the regulatory principle of computing return and income taxes on an overall functional operations basis.

Comments were received that the costs of operating associated transportation equipment and fuel handling equipment should also be included in the fuel stock account. These costs, however, are incurred whether fuel is delivered to the utility by common carrier or the utility utilizes its own fuel transportation equipment. Inclusion of these costs in fuel stock would not serve to make utility-transported fuel more comparable in cost to fuel transported by common carrier.

The proposed revision to subparagraph 3 of § 35.14(a) of the regulations under the Federal Power Act met with considerable opposition. We, however, believe that the revision should be adopted because experience to date indicates that changes in the cost of nuclear fuel should not occur with such frequency that the cost changes can be considered along with other changes in the cost of service. If additional cost experience shows that nuclear fuel cost does not have the indicated cost stability, we will then reconsider this matter.

A few of the respondents suggested that § 35.14(a)(3) should not be tied to Account 151, Fuel Stock, because it implies that the fuel adjustment clause is applicable only to energy supplied from coal fired generators. This is not the case. The reference to Account 151 is to limit the cost components of the fuel base and does not have a bearing on the type of fossil fuel used.

A comment was received that § 35.14 should be modified to provide more flexibility in the design of fuel adjustment clauses. On the other hand, a comment was received that the section should be modified to provide more specific instructions for computation of the fuel adjustment rate. The latter comment is more appropriate as the instructions on fuel adjustment clauses are general and do not specify the manner in which the fuel adjustment rate is to be computed. The requirements are flexible and we believe should remain so. If utilities have specific problems in developing fuel adjustment clauses and computing the fuel adjustment rate, our Staff is available for consultation.

With respect to certain of the matters we have discussed herein, one respondent requested a conference and another indicated an interest in discussing the rulemaking with our Staff. These requests were not honored because the respondent's comments were well presented and we did not believe a conference for further explanation or emphasis of their views would have been helpful.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writings, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) The amendments to Part 101, Uniform System of Accounts and regulations under the Federal Power Act herein prescribed are necessary and appropriate for the administration of the Federal Power Act.

(3) Since the amendments prescribed herein which were not included in the notice in this proceeding are of a minor nature, further notice and opportunity for comment is unnecessary.

(4) Since the changes prescribed herein are for the reporting year 1971, good cause exists for making the amendments to the Commission's Uniform System of Accounts and Regulations under the Federal Power Act adopted herein effective as of January 1, 1971.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 301, 304, 309, and 311 thereof (49 Stat. 854, 855, 858, 859; 16 U.S.C. 825, 825c, 825h, 825j), orders:

(A) Effective January 1, 1971, the Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees by Part 101, Subchapter C, Chapter I, Title 18 of the Code of Federal Regulations is hereby amended as follows:

1. The list of items under account "151, Fuel Stock," is amended by adding new items 4 and 5 at the end of item 3 to read as follows:

151 Fuel stock.

• • • • • •

ITEMS

• • • • • •

4. Operating, maintenance and depreciation expenses and ad valorem taxes on utility-owned transportation equipment used to transport fuel from the point of acquisition to the unloading point.

5. Lease or rental costs of transportation equipment used to transport fuel from the point of acquisition to the unloading point.

2. In account "403, Depreciation expense," a new Note C is added immediately following Note B to read as follows:

403 Depreciation expense.

• • • • • •

NOTE C: Depreciation expense applicable to transportation equipment used for transportation of fuel from the point of acquisition to the unloading point shall be charged to Account 151, Fuel Stock.

3. The notes under account "408, Taxes other than income taxes," are amended by adding a new Note F immediately following Note E to read as follows:

408 Taxes other than income taxes.

• • • • • •

NOTE F: Ad valorem taxes on utility-owned transportation equipment used to transport fuel from the point of acquisition to the unloading point shall be charged to Account 151, Fuel Stock.

4. The list of items under account "501, Fuel," is amended by adding immediately following the heading "Materials and Expenses:" new items 7 and 8, and by renumbering items "7. Cost of fuel including freight, demurrage and other transportation charges," through item "13. Residual disposal expenses less any proceeds from sale of residuals," respectively as items 9 through 15. New items 7 and 8 to read as follows:

501 Fuel.

• • • • • •

ITEMS

• • • • • •

Materials and Expenses:

• • • • • •

7. Operating, maintenance and depreciation expenses and ad valorem taxes on utility-owned transportation equipment used to transport fuel from the point of acquisition to the unloading point.

8. Lease or rental costs of transportation equipment used to transport fuel from the point of acquisition to the unloading point.

• • • • • •

(B) Effective January 1, 1971, subparagraph (a)(3) in § 35.14 Fuel cost adjustment clauses, in Part 35 of the Commission's Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 35.14 Fuel cost adjustment clauses.

(a) • • •

• • • • • •

(3) The fuel adjustment shall apply only to that energy supplied from fossil fuel generation.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2095 Filed 2-16-71;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-39]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE

PART 111—CUSTOMHOUSE BROKERS

Permit To Unlade; Security of Cargo in Unlading Areas

To correct an administrative error, the signature line on TD 71-39 published in the FEDERAL REGISTER of February 3, 1971 (36 F.R. 1891) is hereby amended by inserting the word "Acting" before "Commissioner of Customs".

[SEAL] WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-2108 Filed 2-16-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Bristol Bay, Alaska, and Puget Sound Area, Wash.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.222a establishing and governing the use of a danger zone in Bristol Bay, Alaska, is hereby amended with respect to paragraph (a) redesignating the boundaries of the area, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.222a Bristol Bay, Alaska; air-to-air weapon range, Alaskan Air Command, U.S. Air Force.

(a) *The danger zone.* An area in Bristol Bay beginning at latitude 58° 24' N., longitude 159°10' W., thence to latitude 57°58' N., longitude 58°02' N., longitude 161°40' W.; and thence to the point of beginning.

• • • • • •

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.750 is hereby amended with respect to paragraph (h) revoking a navy seaplane restricted area in Lake Washington at Sand Point, Seattle, Wash., effective upon publication in the FEDERAL REGISTER since the area is no longer needed, as follows:

§ 207.750 Puget Sound Area, Wash.

• • • • • •

(h) *Lake Washington; seaplane restricted area, U.S. Naval Air Station, Sand Point, Seattle.* [Revoked.]

• • • • • •

[Regs., Jan. 21, 1971, 1522-01 (Bristol Bay, Alaska)—ENGCW-ON; Regs., Jan. 18, 1971, 1522-01 (Puget Sound Area, Wash.)—ENGOW-ON] (Sec. 7, 40 Stat. 226, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-2107 Filed 2-16-71;8:47 am]

[1] American Electric Power Service Corp.; Reid & Priest (Arizona Public Service Co.); Arkansas Power & Light Co.; Baltimore Gas and Electric Co.; Cincinnati Gas & Electric Co., The; Cleveland Electric Illuminating Co., The; Columbus and Southern Ohio Electric Co.; Commonwealth Edison Co.; Consumers Power Co.; Detroit Edison Co.; Duke Power Co.; Florida Power Corp.; Iowa Public Service Co.; Kansas City Power & Light Co.; Middle South Utilities Inc.; Minnesota Power & Light Co.; Northeast Utilities Service Co.; Northern States Power Co. (Minnesota); Pennsylvania Power & Light Co.; Public Service Co. of Indiana; Southern California Edison Co.; Southern Services, Inc. (Alabama Power, Georgia Power Co., Gulf Power Co., Mississippi Power Co., and Southern Electric Generating Co.); Union Electric Co.; Wisconsin Electric Co.; and Wisconsin Power and Light Co.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2516), filed by the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, and other relevant material, concludes that § 121.2566 of the food additive regulations should be amended to provide for the safe use of 1,3,5-tris(3,5-di - *tert* - butyl - 4 - hydroxybenzyl) - *s* - triazine - 2, 4, 6 (1*H*, 3*H*, 5*H*) - trione and 1,3,5 - tris(3,5 - di - *tert* - butyl - 4 - hydroxyhydrocinnamoyl) hexahydro - *s* - triazine as antioxidants and/or stabilizers in the manufacture of polypropylene, polyethylene, and ethylene-propylene-5 - ethylidine - 2 - norbornene terpolymers for use in articles intended to contact nonfatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances the new items, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • • • • •

(b) List of substances:

	Limitations
• • •	• • •
1,3,5 - Tris(3,5 - di-*tert*-butyl - 4 - hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)-trione.	For use only in contact with nonfatty foods: 1. At levels not to exceed 0.25 percent by weight of polypropylene complying with § 121.2501. 2. At levels not to exceed 0.1 percent by weight of polyethylene complying with § 121.2501. 3. At levels not to exceed 0.5 percent by weight of ethylene-propylene-5-ethylidine-2-norbornene terpolymers complying with § 121.2501. The maximum thickness of such polymers in the form in which they contact food shall not exceed 0.005 inch.
1,3,5 - Tris(3,5 - di - *tert*-butyl-4-hydroxyhydrocinnamoyl)hexahydro-*s*-triazine.	For use only in contact with nonfatty foods: 1. At levels not to exceed 0.25 percent by weight of polypropylene complying with § 121.2501. 2. At levels not to exceed 0.1 percent by weight of polyethylene complying with § 121.2501. *Limitations* 3. At levels not to exceed 0.5 percent by weight of ethylene-propylene-5-ethylidine-2-norbornene terpolymers complying with § 121.2501. The maximum thickness of such polymers in the form in which they contact food shall not exceed 0.005 inch.
• • •	

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 9, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2071 Filed 2-16-71;8:45 am]

SUBCHAPTER C—DRUGS

[DESI 10410]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 148i—NEOMYCIN SULFATE

Confirmation of Effective Date of Order Repealing Provisions for Certification of Certain Neomycin Sulfate Containing Drugs

An order was published in the FEDERAL REGISTER of October 7, 1970 (35 F.R. 15750), amending the antibiotic drug regulations to repeal provisions for certification of streptomycin-neomycin powder, dihydrostreptomycin-neomycin powder, and neomycin sulfate-polymyxin B sulfate oral solution. The order revoked §§ 141b.131, 146b.126, 148i.17, and all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 16, 1970.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: January 26, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2075 Filed 2-16-71;8:45 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-(O,O-Diisopropyl Phosphorodithioate) of N-(2-Mercaptoethyl)Benzenesulfonamide

A petition (PP 0F1006) was filed with the Food and Drug Administration, DHEW, by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a) proposing establishment of tolerances for negligible residues of the herbicide *S*-(*O*,*O*-diisopropyl phosphorodithioate) of *N*-(2 - mercaptoethyl) benzenesulfonamide including its oxygen analog in or on the raw agricultural commodity winter squash at 0.1 part per million.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of that Act (21 U.S.C. 346a(1)) were also transferred to the Administrator of the Environmental Protection Agency. Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerance is being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), § 420.241 is revised to read as follows to establish the new tolerance:

§ 420.241 *S-(O,O-Diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide; tolerances for residues.*

Tolerances are established for negligible residues of the herbicide *S*-(*O*,*O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide including its oxygen analog *S*-(*O*,*O*-diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodities cottonseed, cucumbers, fruiting vegetables, leafy vegetables, melons, pumpkins, summer squash, and winter squash at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2117 Filed 2-16-71;8:48 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Pentachloronitrobenzene

A petition (PP 9F0754) was filed with the Food and Drug Administration, DHEW, by Olin Chemicals, 745 Fifth Avenue, New York, NY 10022, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide pentachloronitrobenzene in or on various raw agricultural commodities.

Subsequently, the petitioner amended the petition by withdrawing the request for all of the proposed tolerances except the tolerance of 0.1 part per million for negligible residues in or on cottonseed.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of the Act were also transferred to the Administrator. Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerance is being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to the tolerance.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the fungicide in meat, milk, eggs, or poultry from the feed use of gin trash, meal, or hulls from treated cottonseed. This use is in the category specified in § 420.6(a)(3).

2. No residues are expected to result in refined cottonseed oil.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), Part 420 is amended by adding a new section as follows:

§ 420.291 Pentachloronitrobenzene; tolerance for residues.

A tolerance of 0.1 part per million is established for negligible residues of the fungicide pentachloronitrobenzene in or on the raw agricultural commodity cottonseed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effecive on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2118 Filed 2-16-71;8:48 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phorate

A petition (PP 0F0938) was filed with the Food and Drug Administration, DHEW, by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act

(21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide phorate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities wheat (green forage) at 1 part per million and cottonseed, wheat grain, and wheat straw at 0.05 part per million (negligible residue).

Subsequently the petitioner amended the petition by proposing tolerances of 1.5 parts per million for residues in or on wheat (green fodder) and 0.05 part per million in or on cottonseed, wheat grain, and wheat straw.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(l) of the Act were also transferred to the Administrator. Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Adequate tolerances are currently established to cover any residues that may result in meat, milk, eggs, and poultry from the proposed and established uses.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), § 420.206 is amended by inserting a new paragraph "1.5 parts per million • • •" after the paragraph "3 parts per million • • •" and by inserting a new paragraph "0.05 part per million • • •" after paragraph "0.1 part per million • • •", as follows:

§ 420.206 Phorate; tolerances for residues.

• • • • •

1.5 parts per million in or on wheat (green fodder).

• • • • •

0.05 part per million in or on cottonseed, wheat grain and wheat straw.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2119 Filed 2-16-71;8:48 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phosphamidon

A petition (PP 0F0974) was filed with the Food and Drug Administration, DHEW, by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a) proposing establishment of a tolerance for residues of the insecticide phosphamidon (2-chloro- 2 -diethylcarbamoyl- 1 -methylvinyl dimethyl phosphate) in or on the raw agricultural commodities cottonseed, potatoes, sugarcane, and tomatoes at 0.1 part per million.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of the Act were also transferred to the Administrator. Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues in meat, milk, poultry, and eggs. The uses are in the category specified in § 420.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), § 420.239 is amended to establish the new tolerances by revising the paragraph "0.1 part per million • • •" to read as follows:

§ 420.239 Phosphamidon; tolerances for residues.

• • • • •

0.1 part per million in or on cottonseed, potatoes, sugarcane, tomatoes and walnuts.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2120 Filed 2-16-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from April 1 through October 15, 1971, inclusive, only on the areas designated by signs as open to fishing. These open areas, comprising approximately 600 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The use of boats or floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1971.

LAWRENCE G. KLINE,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

FEBRUARY 3, 1971.

[FR Doc.71-2079 Filed 2-16-71;8:45 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Contra Costa	Lafayette	E 06 013 1779 01 through E 06 013 1779 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Manager, City of Lafayette, 975 Oakland St., Lafayette, CA 94549.	Feb. 12, 1971.
Do	Ventura	Camarillo	E 06 111 0538 01 through E 06 111 0538 04	do	Office of the Planning Director, 67 Palm Dr., Post Office Box 248, Camarillo, CA 93010.	Do.
Florida	Broward	Lauderdale by the Sea.	E 12 011 1780 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Lauderdale by the Sea, Town Hall, 4501 Ocean Dr., Lauderdale by the Sea, FL 33308.	Do.
Do	Escambia	Pensacola	E 12 033 2400 01 E 12 033 2400 02	do	Pensacola City Planning Department, City Hall, 330 South Jefferson St., Pensacola, FL 32502.	Do.
Tennessee	Cocke	Newport	E 47 029 1780 01	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 329 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R 111, State Office Bldg., Nashville, TN 37219.	Office of the City Recorder, Post Office Box 350, Town of Newport, Newport, TN 37821.	Do.
Texas	Harris	La Porte	1 48 201 3890 02 1 48 201 3890 03	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Clerk, City Hall, 124 South 2d St., La Porte, TX 77571.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: February 13, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-2061 Filed 1-16-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Contra Costa	Lafayette	T 06 013 1779 01 through T 06 013 1799 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Manager, City of Lafayette, 975 Oakland St., Lafayette, CA 94549.	Feb. 12, 1971.
Do	Ventura	Camarillo	T 06 111 0538 01 through T 06 111 0538 04	do	Office of the Planning Director, 67 Palm Dr., Post Office Box 248, Camarillo, CA 93010.	Do.
Florida	Broward	Lauderdale by the Sea.	T 12 011 1780 01	Department of Community Affairs, State of Florida, 360 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Lauderdale by the Sea, Town Hall, 4501 Ocean Dr., Lauderdale by the Sea, FL 33308.	Do.
Do	Escambia	Pensacola	T 12 033 2490 01 T 12 033 2490 02	do	Pensacola City Planning Department, City Hall, 330 South Jefferson St., Pensacola, FL 32502.	Do.
Tennessee	Cocke	Newport	T 47 029 1780 01	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Office of the City Recorder, Post Office Box 390, Town of Newport, Newport, TN 37821.	Do.
Texas	Harris	La Porte	H 48 201 3890 02 H 48 201 3890 03	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Clerk, City Hall, 124 South 2d St., La Porte, TX 77571.	Aug. 27, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: February 13, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-2062 Filed 2-16-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7088]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Interest and Penalties in Case of Certain Taxable Years

On August 1, 1970, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to changes made by section 946 of the Tax Reform Act of 1969 (83 Stat. 729) was published in the FEDERAL REGISTER (35 F.R. 12342). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: February 11, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 946 of the Tax Reform Act of 1969 (83 Stat. 729), such regulations are amended as follows:

PARAGRAPH 1. There are inserted immediately after § 1.9005–5 the following new sections:

TAX REFORM ACT OF 1969

§ 1.9006 Statutory provisions: Tax Reform Act of 1969.

Section 946 of the Tax Reform Act of 1969 (83 Stat. 729) provides as follows:

SEC. 946. *Interest and penalties in case of certain taxable years*—(a) *Interest on underpayment.* Notwithstanding section 6601 of the Internal Revenue Code of 1954, in the case of any taxable year ending before the date of the enactment of this Act, no interest on any underpayment of tax, to the extent such underpayment is attributable to the amendments made by this Act, shall be assessed or collected for any period before the 90th day after such date.

(b) *Declarations of estimated tax.* In the case of a taxable year beginning before the date of the enactment of this Act, if any taxpayer is required to make a declaration or amended declaration of estimated tax, or to pay any amount or additional amount of estimated tax, by reason of the amendments made by this Act, such amount or additional amount shall be paid ratably on or before each of the remaining installment dates for the taxable year beginning with the first installment date on or after the 30th day after such date of enactment. With respect to any declaration or payment of estimated tax before such first installment date, sections 6015, 6154, 6654, and 6655 of the Internal Revenue Code of 1954 shall be applied without regard to the amendments made by this Act. For purposes of this subsection, the term "installment date" means any date on which, under section 6153 or 6154 of such Code (whichever is applicable), an installment payment of estimated tax is required to be made by the taxpayer.

§ 1.9006–1 Interest and penalties in case of certain taxable years.

(a) *Interest on underpayment.* The Internal Revenue Code of 1954 was amended in many important respects by the Tax Reform Act of 1969. Certain of these amendments affect taxable years ending prior to December 30, 1969 (the date of enactment of the Act) and thereby may cause underpayments of tax by a number of taxpayers for those years. Under section 6601(a) of the Code, interest at the rate of 6 percent per annum is imposed upon the amount of any such underpayment. The effect of section 946(a) of the Act is to prevent the assessment or collection of interest on an underpayment of tax for any taxable year ending before December 30, 1969, if such underpayment is attributable to any amendment made by such Act, for the period from the due date for payment until March 30, 1970. Thus, the taxpayer is afforded an interest-free period of 90 days from the date of enactment of such Act within which to account for the changes in the law affecting him and to remit the amount of such underpayment. If, on or after March 30, 1970, the amount of any underpayment (or portion thereof) attributable to an amendment made by the Act remains unpaid, then, as of such date, such underpayment (or portion thereof) shall be subject to interest as provided by section 6601 of the Code, to be computed from such date. However, if a corporation or farmers' cooperative elects to pay its final tax in two installments under section 6152 of the Code and if the second installment is due after March 30, 1970, then, in order to escape the imposition of interest under section 6601, such corporation or cooperative need pay only one-half of the additional tax arising from an amendment made by the Act before March 30, 1970, with the remaining one-half payable as part of the second installment on the regular due date for that installment. In the case of an underpayment of tax which is only partly attributable to an amendment made by the Act, section 946(a) of such Act shall apply only to the extent that such underpayment is so attributable.

(b) *Declarations and payments of estimated tax.* (1) In the case of a taxable year beginning before December 30, 1969, section 946(b) of the Tax Reform Act of 1969 provides transitional rules with respect to the payment of estimated tax and, in the case of an individual, the filing of a declaration of estimated tax. Under such section 946(b) in the case of such a year, if any taxpayer is required to make a declaration or amended declaration of estimated tax, or to pay any amount or additional amount of estimated tax, by reason of the amendments made by the Act, such amount or additional amount shall be paid ratably on or before each of the remaining installment dates for the taxable year beginning with the first installment date on or after February 15, 1970. For purposes of section 946(b) of such Act and this section, the term "installment date" means any date on which, under section 6153 or 6154 of the Code (whichever is applicable), an installment payment of estimated tax is required to be made by the taxpayer.

(2) With respect to any declaration or payment of estimated tax before February 15, 1970, sections 6015, 6153, 6154, 6654, and 6655 of the Code shall be applied without regard to the amendments made by such Act. Therefore, any underpayment which occurs solely by reason of the amendments made by such Act shall not be treated as an underpayment in the case of installment dates before February 15, 1970. Similarly, in the case of a taxpayer all of whose installment dates occur prior to February 15, 1970, no payment of estimated tax need be made to reflect the amendments made by such Act.

(3) The following example illustrates the application of the provisions of subparagraphs (1) and (2) of this paragraph:

Example. A, a fiscal year taxpayer with a taxable year from July 1, 1969, through June 30, 1970, had, without regard to the enactment of the Tax Reform Act of 1969, a total tax liability, which would have been shown on his return, of $500. A is not a farmer or fisherman described in section 6037(b). A's tax liability is increased by $20 to $520, attributable to an amendment made by such Act. A makes an installment payment of estimated tax of $90 on each of the following four installment dates: October 15, 1969; December 15, 1969; March 15, 1970; and July 15, 1970. Assume that A is unaffected by the exceptions provided in section 6654(d). Therefore, A is underpaid by $10 on both October 15 and December 15, and by $18 on both March 15 and July 15. Such underpayments are computed as follows:

(a) October 15 and December 15 installment dates:	
(1) Tax without regard to Tax Reform Act of 1969	$500
(2) 80% of item (1)	400
(3) Minimum payment to avoid underpayment, determined without regard to Act:	
October 15, 1969 (25% of item (2))	100
December 15, 1969 (25% of item (2))	100
(4) Actual payment:	
October 15, 1969	90
December 15, 1969	90
(5) Amount of underpayment:	
October 15, 1969 ($100—$90)	10
December 15, 1969 ($100—$90)	10
(b) March 15 and July 15 installment dates:	
(1) Tax with regard to Act	520
(2) 80% of item (1)	416
(3) Less total of minimum payments to avoid underpayment, determined without regard to Act for October 15, 1969 and December 15, 1969 ($100+$100)	200
(4) Difference of items (2) and (3)	216
(5) Minimum payment to avoid underpayment, determined with regard to Act:	
March 15 (50% of $216)	108
July 15 (50% of $216)	108
(6) Actual payment:	
March 15	90
July 15	90
(7) Amount of underpayment:	
March 15 ($108—$90)	18
July 15 ($108—$90)	18

(c) *Cross references.* (1) Taxpayers affected by the following sections, among others, of the Tax Reform Act of 1969 may be subject to the provisions of section 946 (a) or (b) (whichever is applicable) of such Act:

(i) Act section 201(a), which adds section 170(f)(2) to the Code and which applies to gifts made after July 31, 1969.

(ii) Act section 201(c), which repeals section 673(b) of the Code and which applies to transfers in trust made after April 22, 1969.

(iii) Act section 212(c), which amends section 1031 of the Code and which applies to taxable years to which the 1954 Code applies.

(iv) Act section 332, which amends section 677 of the Code and which applies to property transferred in trust after October 9, 1969.

(v) Act section 411(a), which adds section 279 to the Code and which applies to interest paid or incurred on an indebtedness incurred after October 9, 1969.

(vi) Act sections 412 (a) and (b), which adds section 453(b)(3) to the Code and which apply to sales or other dispositions occurring after May 27, 1969, which are not made pursuant to a contract entered into on or before that date.

(vii) Act section 413, which amends sections 1232(a), 1232(b)(2), and 6049 of the Code and which applies to bonds and other evidences of indebtedness issued after May 27, 1969.

(viii) Act section 414, which adds section 249 to the Code and which applies to convertible bonds or other convertible evidences of indebtedness repurchased after April 22, 1969.

(ix) Act section 421(a), which amends section 305 of the Code and which applies to distributions made after January 10, 1969.

(x) Act sections 516 (a) and (d), which add section 1001(e) to the Code and which apply to sales of life estates made after October 9, 1969.

(xi) Act section 601, which amends section 103 of the Code and which applies to obligations issued after October 9, 1969.

(xii) Act section 703 which amends sections 46(b) and 47(a) of the Code and which applies to section 38 property built or acquired after April 18, 1969.

(xiii) Act section 905, which adds section 311(d) to the Code and which applies to distributions made after November 30, 1969.

(2) In addition to the references in subparagraph (1) of this paragraph, section 946(b) of the Tax Reform Act of 1969 may apply to taxpayers affected by the following sections, among others, of such Act:

(i) Act section 201(a), which adds section 170(e) to the Code and which applies to contributions paid after December 31, 1969.

(ii) Act sections 501 (a) and (b), which amend section 613 of the Code and which apply to taxable years beginning after October 9, 1969.

(iii) Act sections 516 (c) and (d) which add section 1253 to the Code and

which apply to transfers after December 31, 1969.

(iv) Act section 701(a), which amends section 51 of the Code and which applies to taxable years ending after December 31, 1969, and beginning before July 1, 1970.

[FR Doc.71-2161 Filed 2-16-71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A-74—SPECIAL PURCHASE PROGRAMS

The table of contents of Part 5A-74 is amended to delete §§ 5A-74.408-1 and 5A-74.408-2, and to add the following new entry:

Sec.
5A-74.409 GSA export packing facilities.

Subpart 5A-74.4—Overseas Supply Support Program

1. Section 5A-74.408 is revised as follows:

§ 5A-74.408 Direct delivery of stores stock items.

See HB, Supply Operations, Volume 2, Procurement, 11-7 (FSS P 2900.2).

2. Section 5A-74.409 is added as follows:

§ 5A-74.409 GSA export packing facilities.

For list of GSA export packing facilities see § 5A-76.304.

PART 5A-76—EXHIBITS

The table of contents of Part 5A-76 is amended by adding the following entry:

Sec.
5A-76.304 GSA export packing facilities.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2-17-71).

Dated: February 2, 1971.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[FR Doc. 71-2083 Filed 2-16-71;8:46 am]

Chapter 29—Department of Labor

PART 29-1—GENERAL

Pursuant to the authorities contained in 5 U.S.C. 301, Reorganization Plan No. 6 of 1950 (64 Stat. 1263), I hereby amend Chapter 29 of Subtitle A of Title 41 of the Code of Federal Regulations by adding a new Part 29-1 to read as set forth below. As these regulations relate solely to grants and public contracts and rules of agency procedure, the requirement of 5 U.S.C. 553 as to notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable. I do not believe such procedure will serve a useful purpose here. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER, February 17, 1971.

Sec.
29-1.000 Scope of part.

Subpart 29-1.0—Regulation System

29-1.001 Scope of subpart.
29-1.002 Purpose.
29-1.003 Authority.
29-1.004 Applicability.
29-1.006 Issuance.
29-1.006-1 Code arrangement.
29-1.006-2 Publication.
29-1.006-3 Copies.
29-1.006-4 Coordination.
29-1.007 Arrangement.
29-1.007-1 General plan.
29-1.007-2 Numbering.
29-1.008 Agency implementation.
29-1.008-50 Administration or office implementation.
29-1.009 Deviation.
29-1.009-2 Procedure.

Subpart 29-1.2—Definition of Terms

29-1.204 Head of the agency.

Subpart 29-1.3—General Policies

29-1.302 Procurement sources.
29-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
29-1.302-50 Contracts between the Government and former Government employees.
29-1.303 Approval signatures.
29-1.305 Specifications.
29-1.305-3 Deviations from Federal Specifications.
29-1.310 Responsible prospective contractor.
29-1.310-4 General policy.
29-1.315 Use of liquidated damages provisions in procurement contracts.
29-1.315-2 Policy.
29-1.318 Disputes clause.
29-1.318-1 Contracting officer's decision under a Disputes clause.
29-1.350 Buying in.
29-1.351 Refunds from contractors.
29-1.352 Sole source procurement.
29-1.353 Standards of conduct.
29-1.354 Violations of law.

Subpart 29-1.4—Procurement Responsibility and Authority

29-1.400 Scope of subpart.
29-1.401 Responsibility of the head of the procuring activity.
29-1.402 Authority of contracting officers.
29-1.404 Selection, designation, and termination of designation of contracting officers.
29-1.404-1 Selection.
29-1.404-2 Designation.
29-1.404-50 Modification of authority.
29-1.404-51 Continuity of responsibility.
29-1.405 Ratification of unauthorized contract awards.
29-1.450 Contracting officers representatives.
29-1.451 Regional administrative officer purchasing authority.
29-1.452 Responsibility of procurement officials to question requirements and reaffirm their validity.
29-1.454 Independence of procurement officials to carry out responsibilities.

Subpart 29-1.5—Contingent Fees

29-1.508 Enforcement.
29-1.508-1 Failure or refusal to furnish representation and agreement.
29-1.508-2 Failure or refusal to furnish Standard Form 119.
29-1.508-3 Misrepresentations or violations of the covenant against contingent fees.

Subpart 29-1.6—Debarred, Suspended, and Ineligible Bidders

29-1.600 Scope of subpart.
29-1.601 General.
29-1.601-1 Definitions.
29-1.602 Establishment and maintenance of list of concerns or individuals debarred, suspended, or declared ineligible.
29-1.604 Causes and conditions applicable to determination of debarment by an executive agency.
29-1.604-1 Procedural requirements relating to the imposition of debarment.

Subpart 29-1.7—Small Business Concerns

29-1.702 Small business policies.
29-1.706-2 Review of SBA set-aside proposals.
29-1.708 Certificate of competency program.
29-1.708-2 Applicability and procedure.
29-1.708-3 Conclusiveness of certificate of competency.
29-1.709 Records and reports.

Subpart 29-1.10—Publicizing Procurement Actions

29-1.1001 General policy.
29-1.1002 Availability of invitations for bids and requests for proposals.
29-1.1002-50 Other publicity concerning procurements.

AUTHORITY: The provisions of this Part 29-1 issued under 80 Stat. 379, 5 U.S.C. 301, 63 Stat. 389, 40 U.S.C. 486(c).

§ 29-1.000 Scope of part.

This part establishes a system of procurement regulations and procedures applicable to procurement of property and services necessary to the operations of the Department of Labor (DOL). This system is based upon the Federal Property and Administrative Services Act of 1949, as amended, and is comprised of the Federal Procurement Regulations (i.e., Chapter 1 of Title 41 of the Code of Federal Regulations and referred to herein as FPR), and Department of Labor Procurement Regulations (i.e., Chapter 29 of Title 41 of the Code of Federal Regulations and referred to herein as DOLPR), which are herein established. This part describes the method and contains the policies and

procedures by which DOL implements, supplements, and may deviate from the FPR.

Subpart 29-1.0—Regulation System

§ 29-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the DOLPR. It explains the purpose of the DOLPR, the authority under which they are issued, their relationship to the FPR, and their applicability, method of issuance, exclusions, and arrangement. This subpart also outlines procedures for implementing, supplementing, and deviating from the FPR.

§ 29-1.002 Purpose.

This subpart establishes the system for the codification and publication of uniform policies and procedures that shall constitute the DOLPR.

§ 29-1.003 Authority.

DOLPR are authorized by Federal statute and implementing administrative regulations. Specific authority is provided by 5 U.S.C. 301; section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486 (c)); the FPR; and 33 F.R. 12600, September 5, 1968 (See § 29-1.204).

§ 29-1.004 Applicability.

(a) The FPR and DOLPR apply to all DOL procurement (hereinafter referred to as "contracts") including contracts, agreements, purchases, orders, or similar instruments which obligate funds for the purposes of obtaining property and services for the Department of Labor or third parties or for the purpose of promoting Departmental programs or objectives through financial assistance. Unless otherwise specifically stated, DOLPR does not apply to grants.

(b) The DOLPR implement and supplement the FPR. Material published in the FPR, which has Government-wide applicability, becomes applicable to all DOL contracting upon the effective date of the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise restated in the DOLPR. The absence of a corresponding part, subpart, section, or subsection in the DOLPR indicates that the FPR, as written, is applicable to all DOL contracts.

(c) Implementing material is that which expands upon related FPR material. It will treat a similarly numbered portion of the FPR in greater detail or indicate the manner of compliance or deviation.

(d) Supplementing material is that for which there is no counterpart in the FPR.

§ 29-1.006 Issuance.

§ 29-1.006-1 Code arrangement.

Chapter 1 of Title 41 of the Code of Federal Regulations contains procurement regulations for general application to all agencies. Specific succeeding chapters are assigned to the various agencies for their implementing and supplementing material. DOL is exclusively assigned Chapter 29 for its contracting material.

§ 29-1.006-2 Publication.

The DOLPR appear in the Code of Federal Regulations as Chapter 29 of Title 41, Public Contracts and Property Management. The DOLPR are published, as they are issued in the daily issues of the FEDERAL REGISTER and in cumulated form in the annually published Code of Federal Regulations.

§ 29-1.006-3 Copies.

Copies of the DOLPR in both the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 29-1.006-4 Coordination.

Responsibility for the development of the DOLPR is assigned to the Assistant Secretary for Administration. In developing those regulations, the Assistant Secretary will solicit the views of the administrations and offices concerned. In addition to his responsibilities imposed by statute and regulation, the Solicitor is responsible for determining the legality of all proposed regulations and policy and for making arrangements for the publication of those regulations and any subsequent implementation thereof in the FEDERAL REGISTER.

§ 29-1.007 Arrangement.

§ 29-1.007-1 General Plan.

The DOLPR employ the same general numbering system and nomenclature used in the FPR.

§ 29-1.007-2 Numbering.

(a) A particular procurement policy or procedure is identified by the same number in both the FPR and DOLPR except that the number preceding the particular part, subpart, section, or subsection is either "1" if the reference is to FPR or "29" if the reference is to DOLPR.

(b) Where Chapter 29 implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of Chapter 29 will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where Chapter 29 supplements the FPR and thus deals with subject matter not contained in the FPR, numbers in the group 50 through 99 will be assigned to the respective supplementing part, subpart, section, or subsection.

(d) Where the subject matter contained in the part, subpart, section, or subsection of the FPR requires no implementation, the DOLPR will contain no corresponding part, subpart, section, or subsection. Thus, there may be gaps in the DOLPR of part, subpart, section, or subsection numbers. In such cases, reference must be made to the FPR for policy and procedure applicable to all DOL contracts.

§ 29-1.008 Agency implementation.

§ 29-1.008-50 Administration or office implementation.

Administrations and offices may supplement or implement the FPR or DOLPR with internal instructions whose applicability is not DOL-wide but nevertheless necessary to implement or supplement the FPR or DOLPR. Administrations and offices may even request publication in the DOLPR of procurement instructions and other procurement material considered of interest to the general public. Such instructions shall not extensively repeat, paraphrase, or otherwise restate the FPR or DOLPR and shall be numbered in accordance with § 1-1.007-2 except that the numbers prescribed there and in § 29-1.007-2 shall be suffixed by the alphabetic abbreviation or other symbol of the respective administration or office issuing such instructions. Whether the instructions are to be published as part of the DOLPR or not, such proposed instructions and material that supplement or implement the DOLPR or the FPR must be submitted, prior to their publication, for the review and concurrence of the Assistant Secretary for Administration and the Solicitor. In the case of internal procurement instructions, the purpose of such review is to ascertain that such instructions are consistent with the FPR and DOLPR and that they do not contain material which should be issued as DOLPR. In the case of instructions or other material submitted for inclusion in the DOLPR, after concurrence by interested administrations and offices, the necessary arrangements will be made for publication of such instructions or other material in the FEDERAL REGISTER.

§ 29-1.009 Deviation.

§ 29-1.009-2 Procedure.

Deviations (as described in § 1-1.009-1 of this title) shall be kept to a minimum and shall be controlled as follows:

(a) Deviations from either the FPR or the DOLPR in both individual cases and classes of cases must be approved in advance by the Assistant Secretary for Administration. Requests for approval of such deviations may be initiated by contracting officers. Requests shall be submitted, in writing, to the Assistant Secretary for Administration either directly or with such prior preliminary approvals as may be required by the internal procedures of the contracting officer's administration or office. Such requests shall be submitted as far in advance as the exigencies of the situation will permit. Each request for a deviation shall contain the following:

(1) A clear statement of the deviation desired;

(2) The reasons the deviation is considered necessary and would be in the best interest of the Government;

(3) The name of the contractor and identification of the contract affected, if applicable;

(4) A statement as to whether the deviation has been requested previously,

and, if so, the circumstances and disposition of the previous request; and

(5) Any pertinent background information which will contribute to a full understanding of the desired deviation including, but not limited to, the identification of the specific programs affected together with suitable notation that appropriate notice, including information copies of the request for deviation, has been given to the director or other chief official of the program or activity affected.

(b) If a requested deviation is considered appropriate, approval will be provided where the deviation applies to an individual case by memorandum addressed to the requesting office with copies to interested offices. The requesting office shall retain a copy of each request for approval and the disposition made thereon in its contract files.

(c) Where the deviation is from the FPR and applies to a class of cases, if time permits, necessary coordination with the General Services Administration will be effected by the Assistant Secretary for Administration. Such class deviations shall be issued as a part of the DOLPR. Where time does not permit, the Assistant Secretary for Administration may authorize a deviation, and by telephone, if need be, with later confirmation in writing. In such an instance, he will later inform GSA of the deviation and circumstances under which it was required. Whenever a requested deviation is disapproved, the notice thereof shall be in writing, by the Assistant Secretary for Administration, with copies to other interested offices.

(d) When a deviation in a contract form or provision is authorized, physical alteration or change may not be made in the printed form itself but shall be made by appropriate written notation in the schedule, specification, or elsewhere, under an appropriate title (e.g., under a part of a schedule entitled, "Alteration to General Provisions") which directs the reader's attention to the change in a manner that permanently fixes the extent of the change for a particular transaction or instrument.

(e) New FPR issuances should be carefully reviewed upon receipt so that requests for deviations can be acted upon prior to the effective date, whenever practicable.

(f) A central record of deviations, including copies of requests, approvals, and disapprovals, will be maintained by the Assistant Secretary for Administration.

Subpart 29–1.2—Definition of Terms

§ 29–1.204 Head of the agency.

Where the FPR and the DOLPR refer to the "head of the agency" or "agency head" as a level of approval, such a reference shall mean the Assistant Secretary for Administration.

Subpart 29–1.3—General Policies

§ 29–1.302 Procurement sources.

§ 29–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

§ 29–1.302–50 Contracts between the Government and former Government employees.

§ 29–1.303 Approval signatures.

§ 29–1.305 Specifications.

§ 29–1.305–3 Deviations from Federal Specifications.

§ 29–1.310 Responsible prospective contractor.

§ 29–1.310–4 General policy.

§ 29–1.315 Use of liquidated damages provisions in procurement contracts.

§ 29–1.315–2 Policy.

§ 29–1.318 Disputes clause.

§ 29–1.318–1 Contracting officer's decision under a Disputes clause.

§ 29–1.350 Buying in.

§ 29–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

(a) No contracts, including those for rental of real or personal property, shall be let under the circumstances set out in § 1–1.302–3(a) of this title, except as provided in the FPR and DOLPR. Nor shall contracts knowingly be entered into, subject to the same exception, which will result in subcontracts, regardless of tier, with employees of the Government or business concerns or organizations which are substantially owned or controlled by Government employees.

(b) Approval of a decision to grant an exception as provided from § 29–1.302–3(a) shall be obtained, in writing, from the Assistant Secretary for Administration by the head of the procuring activity.

§ 29–1.302–50 Contracts between the Government and former Government employees.

Negotiated contracts or grants or amendments to existing contracts or grants which constitute new procurement (including those for the rental of real or personal property), except for contracts or grants of the type described in Subpart 29–61.1 of this title, may be entered into with former employees of DOL or with firms in which former employees are known to have a substantial interest, within a period of 1 year subsequent to the termination of the individual's employment by DOL, only with the prior written approval of the Assistant Secretary for Administration.

§ 29–1.303 Approval signatures.

Contracting officers will personally sign all contracts and modifications thereto. Duly authorized contracting officer representatives for purposes of administering and monitoring contracts may sign contract correspondence while acting within the scope of the authority delegated to them. The signing of contractual instruments, including modifications, will not be accomplished by facsimile stamps.

§ 29–1.305 Specifications.

§ 29–1.305–3 Deviations from Federal Specifications.

Any deviation from a Federal specification contemplated under § 1–1.305–3 of this title shall be submitted, prior to its use, for approval to the head of the procuring activity who shall be the designated official within the meaning of § 1–1.305–3 of this title. The request shall include a statement describing the deviation being requested together with any justification and, where applicable, a recommendation for revision or amendment of the specification itself.

§ 29–1.310 Responsible prospective contractor.

§ 29–1.310–4 General policy.

(a) A contracting officer's duty to contract only with a responsible contractor does not preclude his disclosing to the contractor those actions the contractor might take to become "responsible" within the meaning of § 1–1.310 of this title. The contracting officer should consider the use of DOL staff in order to qualify a contractor as responsible, especially when such assistance is within the spirit of the Small Business Administration's program objectives or the only way a marginal organization, for which there is no substitute in a given geographic area, can be made eligible, such as in a program for the disadvantaged.

(b) Such DOL staff assistance can take many forms. In cases of borderline financial responsibility, the contracting officer should encourage the contractor's use of available financing techniques, whether or not provided in the FPR. These include, but are not limited to, performance guarantees, advance payments, or Small Business Administration loans. In cases where either the inadequacy of a contractor's accounting system or the contractor's inability to conform to the requirements of the Equal Opportunity Clause is a barrier to the award of a contract, the contracting officer should consider, on a case-by-case basis, the practicality of arranging for assistance to the contractor. Such assistance may take the form of either staff assistance from the Department or, in instances of an equal opportunity problem, the assistance of the applicable Compliance Agency. In this manner, the services of specialists could be made available to the contractor, when appropriate, to overcome the obstacle to award.

(c) Nothing herein, however, shall be construed, directly or indirectly, as placing on the contracting officer the burden of always finding a contractor "responsible" or, alternatively, initiating and pursuing a course of action which, with the help of the Department's staff, will lead to a finding of responsibility. Rather, only where the situation warrants it, is it the policy of DOL to encourage positive involvement of a contracting officer in assisting a contractor to become responsible. Where the circumstances clearly warrant a finding of nonresponsibility and also indicate the impracticality of the DOL's attempting to take steps to cure the contractor's deficiencies, it is the policy of DOL that the contracting officer make a finding of nonresponsibility.

§ 29–1.315 Use of liquidated damages provisions in procurement contracts.

§ 29–1.315–2 Policy.

(a) Determination as to the use of liquidated damages provisions in a contract, and of the rate of such damages, is solely the responsibility of the contracting officer. In making the determination, he shall obtain essential facts from the requisitioning office and be guided by a strict application of the criteria set forth in § 1–1.315–2 of this title and by the following general policies:

(1) Liquidated damages provisions will not be used routinely in DOL contracts, but they may be used when failure to meet the completion or delivery schedule will likely cause DOL to suffer substantial damages, the amount of which is difficult or impossible to determine or prove.

(2) Where the quantity of an item being procured includes a number of items the need for which is urgent, care shall be taken to have the liquidated damages provisions apply only to the urgently needed quantity. However, where rates are applied to quantities or groups, assessment of damages will not be prorated for delay of partial quantities.

(3) Liquidated damages provisions generally should not be used: (i) In contracts for supplies or services required for routine administrative purposes; (ii) in contracts for standard commercial or "off-the-shelf" items; (iii) in any contract where time of performance is not a primary factor; (iv) in small purchases (under $2,500); (v) in study, experimental, development, or research contracts including equipment contracts requiring developmental work; and (vi) where the delivery schedule does not reflect the date the item is actually needed but the date the item is desired.

(4) A fixed formula, based on percentage of value, shall not be used to establish the rate of damages. Consideration shall be given to the following factors in establishing the rate of damages: (i) The number of programs affected; (ii) the importance of the item in relation to the program for which it is intended; (iii) the relative importance of the program or programs in the overall mission of DOL; (iv) the reasonableness of the lead time for delivery in the contract schedule; and (v) any unusual damages that can be anticipated.

(5) Unless it is clear that partial delivery will proportionately reduce the extent of probable damages, rates shall not be applied to individual units of an item, but rather to quantities of an item or to groups of items which are required for delivery or completion at the same time. Rates should generally be expressed in terms of even dollars per day of delay per unit of the quantity of units to which the clause is applicable. When making partial or progress payments due anytime after the delivery date has passed for undelivered items covered by a liquidated damages provision, deductions for liquidated damages should be made for the actual number of days of delay that have elapsed from the time of the scheduled delivery to the time the partial or progress payment was due to the contractor.

(b) Any contract providing for liquidated damages shall contain a maximum dollar limitation on contractor's total liability as a result of the liquidated damages clause, which limit shall be appropriate for the circumstances of the particular procurement. In no event, however, shall such a dollar limit exceed the total amount of dollars the Government would have owed the contractor for full, complete, timely, and satisfactory performance.

(c) When liquidated damages provisions are used in a contract, the contracting officer is responsible for the adequacy of documentation in the file showing why delivery is critical, the nature of the damage that would be suffered by the Government if the contractor failed to make delivery and why the amount of such damages is either impossible to ascertain or prove either at the time the contract is awarded or within a reasonable time thereafter.

(d) Where liquidated damage provisions are used, they shall be strictly enforced. In such cases where the contractor's delay was clearly caused, at least in part, by the Government which contributed, substantially if not exclusively, to the contractor's delayed delivery, the contracting officer shall take such matters into consideration as well as any other legal excuse of the contractor and shall make findings appropriate to the situation. However, it shall be the contractor's responsibility to give notice of delays in connection with any request for contract time extension or request for remission of damages, in whole or in part. In either event, the request shall be amply documented by the contractor. If it is determined that the liquidated damages are applicable, the contracting officer shall have no authority to waive any Government rights in the matter. This does not preclude the contracting officer's initiating recommendations for remission of liquidated damages by the Comptroller General.

(e) A submission to the Comptroller General recommending the remission of liquidated damages in accordance with 41 U.S.C. 256a shall be prepared for the signature of the Assistant Secretary for Administration. All relevant facts and documents shall accompany the submission, e.g. (1) Conditions which prompted the assessment of damages, (2) findings and decisions of the contracting officer, and (3) the decision of the Board of Contract Appeals, if any.

(f) On a default termination of a fixed price supply contract, liquidated damages continue to accrue, even after default, until the DOL can reasonably obtain delivery of the items through reprocurement. This is in addition to any other DOL remedy under the Default provision for recovering the excess costs to DOL of reprocuring from other sources the items that were to have been obtained in the terminated contract. If, however, the DOL does not reprocure the items, liquidated damages shall not be assessed against the contractor.

§ 29–1.318 Disputes clause.

§ 29–1.318–1 Contracting officer's decision under a Disputes clause.

When a final decision of the contracting officer involves a dispute that is or may be subject to the Disputes clause, the paragraph set forth below shall be included in the decision:

> This decision is made in accordance with the Disputes clause and shall be final and conclusive as provided therein, unless within 30 days from the date of receipt of this decision, a written notice of appeal (in triplicate) addressed to the Secretary of Labor is mailed or otherwise furnished to the Contracting Officer. The notice of appeal, which is to be signed by you as the contractor, or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, shall refer to this decision, and shall identify the contract by number. The notice of appeal should include a statement of the reasons why the decision is considered to be erroneous, a concise specification of the errors complained of, and a statement of the relief sought.

§ 29–1.350 Buying in.

"Buying in" refers to the practice, in some procurements involving price competition, of a contractor's attempting to obtain a contract award by knowingly offering a price lower than the contractor's anticipated cost of performance. The usual motive is the expectation by the contractor of either (a) increasing the contract price during the period of performance through change orders or other means, or (b) receiving future "follow-on" contracts at prices high enough to recover any losses on the original "buy-in" contract. It occurs sometimes in response to requests for proposals for cost reimbursement type contracts. While the contractor's deliberately understating anticipated costs may not, in itself, result in a contract award, nevertheless it can exert a favorable influence toward that contractor's selection. Such a practice is not illegal. However, it should not be encouraged since any apparent savings offered are frequently illusory, especially where its long term effect may diminish competition or where it may lead to poor contract performance resulting from the stinting use of the contractor's resources in his attempting to minimize losses resulting from the award. Where there is reason to believe that "buying in" has occurred, contracting officers shall assure that amounts thereby excluded in the contractor's development of the original contract price are not recovered in the pricing of change orders or in follow-on procurements subject to cost analysis. In cases of suspected "buying in," the contracting officer shall attempt to eliminate the contractor's motive for "buying in." Failing that, the contracting officer shall substantially reduce the contractor's benefit from the practice. Some techniques for neutralizing a contractor's benefit from "buying in" include: analyzing future needs for recurring items to determine if either the techniques of "multiyear procurement" or the inclusion within the contract of priced options for the purchase by the Government of additional quantities is warranted; pricing out with extreme care any change orders or any noncompetitive procurement for additional quantities from the same contractor; attempting to continue competition for new quantities of the same item; insuring that direct costs incurred by the contractor

are not subsequently borne indirectly in the form of overhead or other indirect costs; and initially negotiating the specification and details of the contractor's performance as specifically as possible.

§ 29–1.351 Refunds from contractors.

(a) *General.* A refund is a payment or credit, not required by any contractual or other legal obligation, made to the Government by a contractor or subcontractor. A refund is processed either as a separate payment or as an adjustment under one or more contracts or subcontracts. Refunds can be made wholly at the initiative of the contractor or solicited by the Department. The refund could arise during or after contract performance. It could be based on compensating the Government for: an overcharge to the Government; failure by the contractor or subcontractor to adequately compensate the Government for the use of Government-owned property; proceeds from the disposition of contractor inventory; or otherwise, where retention of the money by the contractor or subcontractor would be contrary to good conscience and equity. Prior to the solicitation of a refund or the acceptance of a voluntary refund initiated by the contractor, the head of the procuring activity responsible for administering the contract shall first obtain the advice of the Solicitor to determine whether the Government's rights would be jeopardized or impaired by the contracting officer's proposed action.

(b) *Disposition of refunds.* (1) If a refund is offered prior to final payment, it is preferable that the contract price be appropriately modified to reflect the refund. In such a case, the amount of the refund shall be credited to the applicable appropriation cited in the contract.

(2) In cases where the refund is to be made by check separate from, rather than by an adjustment in, the contract price, the check shall be made payable to the Department of Labor and shall be forwarded immediately to the disbursing office, the address of which shall be supplied by the contracting officer responsible for administering the contract. When forwarded, the check shall be accompanied by a letter from the contractor identifying it as a voluntary refund, giving the number of the contract or contracts involved and, where possible, giving the account number of the appropriation to which the refund should be credited.

§ 29–1.352 Sole source procurement.

It is a basic Department of Labor procurement policy that the selection of contractors shall be based on competition between responsible suppliers. The requirement for competition exists whether the procurement is formally advertised or negotiated. Negotiated procurements must be competitive to the fullest practical extent. To insure that DOL procurements conform fully with the basic policy prescribing competitive procurement, any proposed sole source procurement must be fully justified and approved in accordance with and in the manner prescribed by the limitations on such procurements in § 1–3.210 of this title. Where follow-on contracts are anticipated, sufficient data should be obtained to permit competition on later contracts. In study or research contracts, where practical, the contractor's work papers shall be stipulated as a deliverable end product along with the final report. Work papers may supply sufficient background so that competition may be possible for future procurements of research effort based on a previously delivered final report of a study or research contract.

§ 29–1.353 Standards of conduct.

All DOL personnel engaged in activities related to procurement shall conduct such activities in a manner above reproach in every respect. See Part 0 of Title 29 CFR. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. See § 29–1.302 for requirements concerning "arms-length" dealings.

§ 29–1.354 Violations of law.

In the event DOL procurement personnel have reason to believe there is evidence of a violation of law of any nature whatsoever in bids or proposals received, including a violation of the antitrust laws, they shall prepare, for the signature of the head of the procuring activity, a complete report addressed to the Solicitor. In the case of a possible violation of antitrust laws, a report from procurement personnel through the same channels shall be prepared for the Attorney General, complying with the requirements of Subpart 1–1.9 of this title.

Subpart 29–1.4—Procurement Responsibility and Authority

§ 29–1.400 Scope of subpart.

This subpart deals with the procurement responsibility and authority of the head of the agency as defined in § 29–1.204, and also the head of the procuring activity and contracting officer, the selection of the latter, their designation and the degree and manner with which procurement authority is delegated to them and their right of redelegation.

§ 29–1.401 Responsibility of the head of the procuring activity.

(a) *First tier delegation.* In the DOL, contracting officer authority and procurement responsibility have been delegated from the Secretary of Labor through the Assistant Secretary for Administration only to the following four officials or officers acting in their behalf:

(1) The Assistant Secretary for Manpower.

(2) The Commissioner, Bureau of Labor Statistics.

(3) The Deputy Under Secretary for International Affairs.

(4) The Director, Office of Administrative Services, Office of the Assistant Secretary for Administration.

(b) *Delegation and limitations.* The exercise of the delegations noted in (a) above may be further redelegated by these officers and are described as follows:

(1) *The Assistant Secretary for Manpower,* or an officer acting in that capacity, is assigned responsibility for the procurement of program-oriented property and services, except for those excluded under subparagraphs (4) (i) and (ii), of this paragraph, required to fulfill the statutory and regulatory responsibilities delegated to the Assistant Secretary for Manpower.

(2) *The Commissioner, Bureau of Labor Statistics,* or an officer acting in that capacity, is assigned responsibility for:

(i) Procurement of statistical and economic research services, except for those excluded under subparagraphs (4) (i) and (ii) of this paragraph, required to fulfill the statutory and regulatory responsibilities delegated to the Commissioner, Bureau of Labor Statistics.

(ii) Sale of special statistics developed by the Bureau of Labor Statistics in accordance with 29 U.S.C. 9.

(3) *Deputy Under Secretary for International Affairs,* or an officer acting in that capcity, is assigned responsibility for procurement of property and services, except those excluded under subparagraphs (4) (i) and (ii) of this paragraph, required for execution of international programs, including those under the Foreign Assistance Act of 1961, as amended, required to fulfill the statutory and regulatory responsibilities delegated to the Administrator, Bureau of International Labor Affairs.

(4) The Director, Office of Administrative Services, Office of the Assistant Secretary for Administration, or an officer acting in that capacity, is assigned responsibility for:

(i) Procurement of all property and services required for the operation of the Department of Labor, except for those program-oriented, procurement actions specifically delegated to other officials in subparagraphs (1), (2), and (3), of this paragraph, including, but not limited to, imprest fund purchases, rentals, and the purchase of advertisements.

(ii) Procurement of all property and services which are obtained through formal advertising, regardless of whether or not the responsibility for the procurement of a particular item would have been delegated under subparagraphs (1), (2), and (3), of this paragraph, but for the use of the formal advertising method of procurement.

(c) *Policy responsibility reservations.* The Assistant Secretary for Administration shall remain responsible: for the development and maintenance of necessary uniform procurement policies, procedures and standards; for providing technical assistance and advice to the above-named officials in their capacity as heads of their procuring activities; for keeping the Secretary of Labor fully informed on procurement matters which should be brought to his attention; and for making recommendations necessary to achieve any of these objectives.

§ 29–1.402 Authority of contracting officers.

Contracting officers, in the DOL, within the limits of their contracting officer delegation, have the responsibility and the authorty for:

(a) Executing and administering contracts in such a manner as to safeguard the interest of the United States in contractual relationships and making necessary determinations and findings under contracts;

(b) Providing the contractor written notice as provided in § 29–1.450 of the name of the contracting officer's representative or any "on-site" or other technical representative either designated to provide technical surveillance of the work being performed at a particular site or any other service in behalf of the contracting officer and the extent of such representative's authority.

(c) Using standard contract forms, when required by the FPR and DOLPR;

(d) Obtaining all necessary approvals and otherwise complying with applicable contracting directives.

(e) Personally sigining all contracts and modifications entered into by them in accordance with § 29–1.303;

(f) Exercising care, skill, and judgment in all of their actions;

(g) Assuring that funds are available and that their actions are within the scope of their authority.

(h) Maintaining necessary review with respect to contract performance on the part of the contractor;

(i) Securing where required, the advice of legal, technical, and administrative staffs of DOL as to the sufficiency of contracts prior to their execution;

(j) Initiating any appropriate action necessary to properly assure satisfactory contract performance;

§ 29–1.404 Selection, designation, and termination of designation of contracting officers.

§ 29–1.404–1 Selection.

All selections of individuals shall be made with care and on the basis of criteria set out in § 1–1.404–1 of this title.

§ 29–1.404–2 Designation.

All designations and terminations or designations of contracting officers shall be made in writing with two copies forwarded to the Assistant Secretary for Administration, who shall maintain a file of all employees currently designated to act as contracting officers and of the instruments of their designation.

§ 29–1.404–50 Modification of authority.

To effect modification of a contracting officer's authority, his present appointment (designation) shall be revoked, and a new designation issued.

§ 29–1.404–51 Continuity of responsibility.

Designated contracting officers who relieve or succeed previously designated contracting officers will assume responsibility for the administration of contracts entered into by the previously designated contracting officers. Each contracting officer succession requires a new written designation.

§ 29–1.405 Ratification of unauthorized contract awards.

Except in compliance with the ratification limitation of §§ 1–1.405 and 29–3.450; no liability shall be incurred by the Government as a result of any individual's entry into any informal or unauthorized arrangement for the reimbursement of a contractor's precontract or anticipatory costs even if such costs were incurred by the contractor while "proceeding at the contractor's own risk," until the occurring of some contingency, e.g., "subject to the availability of funds."

§ 29–1.450 Contracting officers representatives.

(a) Contracting officers may designate other Government employees to act as their authorized representatives for certain specific purposes of contract administration. Such designation shall be in writing and shall contain specific instructions as to the extent to which the representative has been delegated authority to take action for the contracting officer. Such designation shall not contain authority to sign contractual documents. Such designation may include authority for the review and approval of all or some of the following: the preliminary approach to contract performance, a research plan, research techniques, progress reports, invoices, and final reports, and/or other functions of a technical nature not involving a change in the scope, price, terms, or conditions of the contract or order. The designation of the contracting officer's representative and the responsibilities delegated to him shall be made known to the contractor, in writing, as set forth in paragraph (c) of this section, preferably by including it in the contract at time of award. However, if the designation is not known at the time of award, it should be included, when known, in the contract by amendment. Letter notice, while permissible, is nevertheless not as desirable as notice that becomes part of the contract.

(b) A person assigned to and performing his primary duty within a procurement office, and who is under the supervision of a contracting officer, does not require written designation as a representative of the contracting officer nor designation in a contractual document to perform his assigned duties. Such a person is considered to be an employee of the contracting officer, acting in the latter's behalf and, as such, has the authority and responsibility to perform, under the terms and conditions of his employment, acts as assigned by the latter. The contracting officer, however, shall not authorize his employees, as part of their duties, to sign any contractual document or letter in those instances where the signature of a contracting officer is required.

(c) The contracting officer shall use a contract clause substantially similar to the one below to make known his designation of a representative and shall include in such designation authority to perform those administrative actions in (b) of the clause as may be applicable.

IDENTITY AND AUTHORITY OF THE CONTRACTING OFFICER'S REPRESENTATIVE

(a) The authorized representative of the contracting officer is _____, whose authority to act on behalf of the contracting officer is limited to the extent set forth in (b) below. Under no circumstances is _____ authorized to sign any contractual documents or approve any alteration to the contract involving a change in the scope, price, terms or conditions of the contract or order.

(b) _____ is authorized to review and approve:

(1) Preliminary approaches in the work scope.

(2) The research plan in a research, development or evaluation contract.

(3) Research techniques.

(4) Progress reports.

(5) Invoices.

(6) Final reports.

§ 29–1.451 Regional administrative officer purchasing authority.

Purchasing authority (see § 29–3.602–50) is the authority to perform the functions of a contracting officer on a limited basis. The authority is ordinarily implicit in any general delegation of contracting officer authority. Nevertheless, when standing alone as it does when it is delegated to the DOL's Regional Administrative Officers (RAO's), it constitutes a separate limited authority to make small purchases (i.e., not in excess of $2,500 which do not involve the solicitation and acceptance of bids or signing of agreements or contracts) and, when delegated authority, to issue purchase orders against a Federal Supply Schedule. This limited decentralization of the procurement function is intended to facilitate the procurement for DOL operations, by providing limited procurement authority as closely as practicable to the points at which the services are needed. Typically, some administrations and offices limit RAO procurement of items in order to impose national office procurement controls. Also, where there exists a blanket Departmental purchase order for a particular item, RAO's should be notified to make no further purchase of the item.

§ 29–1.452 Responsibility of procurement officials to question requirements and reaffirm their validity.

Procurement officials are responsible for questioning the need for and the validity of any contemplated procurement action particularly under any of the circumstances described below:

(a) Where requisitions for unusually large quantities of an item or requisitions for untimely or otherwise unusual purchases are received immediately prior to the end of the fiscal year in which the funds may be obligated ("June Buying");

(b) Where the request for procurement of goods and services requires development by the supplier of a special item when suitable off-the-shelf items are available;

(c) Where the specification furnished by the using activity appears to be either more or less restrictive than necessary to assure satisfactory performance for the purpose for which the item is being procured.

(d) Where sufficient quality-assurance offered by the supplier's data appears to be lacking.

(e) Where award on a proposed procurement has been prolonged to the extent of raising a question as to its ultimate need;

(f) Where during the processing of the procurement the description of the supplies or services or the delivery schedule or quantity continue to undergo change or matters are otherwise disclosed which raise a question as to the necessity for the requirement or, at least, its magnitude, in the form being procured.

(g) Where the procurement appears to delegate, to contractors and others, any of those decision-making responsibilities or prerogatives of the Government that are improper to delegate from the standpoint of "public policy."

(h) Where the procurement may result in unnecessarily isolating the supplier from future competition, thus creating an expensive, restrictive dependency on that supplier to fill future needs.

(i) Where the benefits accruing to the contractor as a result of the contract are so large that the contractor should be required to share costs and/or make other concessions to the Government.

(j) Where proposals or bids for performing the work required in the procurement appear to be solicited from an unreasonably small number of suppliers.

(k) Where the Government does not reserve the royalty-free right to publish or have published the publications and reports which are the deliverable end products of the procurement.

(l) Where the procurement would place the contractor's employees under the direct supervision and control of DOL officials and employees.

(m) Where there appears to be inadequate security to safeguard Government funds or property.

(n) Where the procurement provides no description or definition of what constitutes satisfactory performance on the part of the contractor.

(o) Where the scope of the contractor's performance includes not only research performance but evaluation of that research performance. This type of contract has as its basic characteristic a combination of functions that inherently make for a conflict of interests, e.g., when a feasibility study is combined with performance, or performance is combined with performance evaluation, as part of the same effort.

(p) Where the procurement otherwise appears to violate statutes, regulations, or the Department's policies and procedures.

§ 29–1.454 Independence of procurement officials to carry out responsibilities.

The heads of the procuring activities shall take necessary measures to insure the independence of the judgment of contracting officers. This includes the provision of a suitable location within the procuring activity so that contracting officers can fulfill objectively the responsibilities set out in § 29–1.402. In this connection, it is the policy of DOL to place procurement officials to the maximum practical extent outside the direct supervision of program operating officials.

Subpart 29–1.5—Contingent Fees

§ 29–1.508 Enforcement.

§ 29–1.508–1 Failure or refusal to furnish representation and agreement.

In all cases of negotiated procurement where the SF 119 is required, the contracting officer shall determine whether negotiations will be suspended pending receipt of the executed SF 119.

§ 29–1.508–2 Failure or refusal to furnish Standard Form 119.

The contracting officer may, on his own initiative, take any of the actions authorized in § 1–1.508–2 of this title provided he documents the contract file to justify the action taken.

§ 29–1.508–3 Misrepresentations or violations of the covenant against contingent fees.

(a) The head of a procuring activity, only with the advice and consent of the Solicitor first obtained, can take any of the actions authorized by § 1–1.508–3 (a), (b), and (c) of this title.

(b) The Solicitor will make the determination required by § 1–1.508–3(d) of this title.

Subpart 29–1.6—Debarred, Suspended, and Ineligible Bidders

§ 29–1.600 Scope of subpart.

This subpart prescribes policies and procedures concerning the establishment, maintenance and use of a list of debarred, suspended, and ineligible bidders and contractors.

§ 29–1.601 General.

§ 29–1.601–1 Definitions.

"Debarring Officer" means the Assistant Secretary for Administration who is the DOL official authorized to invoke debarment or suspension measures as authorized by § 1–1.602–1 (d), (f), and (g) of this title and to include on the "DOL Debarred, Suspended, and Ineligible Bidders' List," defined below, those concerns and individuals determined to be subject to such measures in accordance with § 1–1.602–1 (a), (b), (c), (e), and (h) of this title.

§ 29–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

The Debarring Officer shall establish and maintain a list of concerns and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited for contracts with the DOL. The list shall be designated as the "DOL Debarred, Suspended, and Ineligible Bidders' List" and compliance with its use throughout DOL is mandatory. The Debarring Officer shall keep the list current and publish and distribute it bi-monthly to heads of DOL procuring activities who shall be responsible for its redistribution. The list shall be marked "For Official Use Only" to reduce inspection of its contents by other than DOL personnel required to have access thereto. The head of an administration or office may request, in writing, on his own initiative or by endorsement of recommendations of a contracting officer under his jurisdiction, that a concern or individual be placed on the DOL Debarred, Suspended, and Ineligible Bidders' List in accordance with the procedures of this subpart. If all necessary information is not readily available, a preliminary report concerning actions that may warrant debarment may be submitted to be followed as soon thereafter as practicable by a completely documented report. The Debarring Officer, based on the preliminary report, may determine that a suspension is warranted. The Debarring Officer will also be responsible for making for DOL, the determinations, administrative and otherwise, which are permitted under § 1–1.602–1 (d), (f), and (g), and § 1–1.604 and maintaining liaison with the General Services Administration and otherwise comply with § 1–1.606 of this title. Upon a showing by the head of an administration or office that it would be in the public's best interest to make an exception for a particular procurement action and allow an award to a debarred concern or individual, the Debarring Officer may determine that an exception is warranted.

§ 29–1.604 Causes and conditions applicable to determination of debarment by an executive agency.

§ 29–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) Initiation of debarment action. The Debarring Officer shall determine if the request for debarment has sufficient merit to warrant further processing. He shall communicate his decision to the head of the Administration or office recommending debarment.

(1) *Notice to contractors.* If the Debarring Officer decides further action in the matter is warranted, he shall send a letter by registered mail, return receipt requested, to notify the concern or individual that debarment is being proposed, stating as a minimum, in addition to the items required in § 1–1.604–1 of this title, the following:

(i) The scope of the proposed debarment as to any known affiliates, if any;

(ii) The period of the proposed debarment;

(iii) The extent of the proposed debarment, e.g., whether it is Department-wide;

(iv) That the debarment determination shall become final and effective 30 days after receipt by the concern or individual of such letter, unless the concern or individual mails or otherwise furnishes written information to show why there should not be a decision to debar or furnishes to the Debarring Officer a written request for hearing addressed to the Secretary of Labor in accordance with § 29–60, prior to the scheduled effective date.

(v) Whether the concern or individual is temporarily suspended pending the disposition made of the proposed debarment.

(2) *Contractor response to notice.* The following shall apply with regard to the response of the concern or individual in question:

(i) *No reply received.* When no reply is received to the notice of proposed debarment within the time limit stated in the notification, the case shall be decided on the information available, i.e., without a hearing.

(ii) *Reply received.* Where written information is received, but no hearing requested, such written information shall be taken into consideration in the final determination of the case by the Debarring Officer.

(iii) *Reply received and hearing requested.* When a hearing is requested, the Debarring Officer shall forward the request for hearing to the Secretary of Labor.

Subpart 29–1.7—Small Business Concerns

§ 29–1.702 Small business policies.

It is DOL's policy to establish and maintain a strong and viable small business program consistent with Subpart 1–1.7 of this title, designed to further the small business policies.

§ 29–1.706–2 Review of SBA set-aside proposals.

The head of the procuring activity will furnish to SBA a copy of the justification prepared in accordance with § 1–1.706–2 (a) (1) of this title.

§ 29–1.708 Certificate of competency program.

§ 29–1.708–2 Applicability and procedure.

If a contracting officer has doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity and credit, he shall forward all pertinent data, along with his recommendations, to the head of his procuring activity for his decision.

§ 29–1.708–3 Conclusiveness of certificate of competency.

If a contracting officer has doubt as to a firm's ability to perform, notwithstanding the issuance of a Certificate of Competency he shall refer the matter, with his recommendation, to the head of the procuring activity for his decision.

§ 29–1.709 Records and reports.

A semiannual small business report shall be prepared by each procuring activity in accordance with § 1–16.804–3 of this title and shall be forwarded to the Chief, Division of Procurement, Office of Administrative Services, Office of the Assistant Secretary for Administration, not later than the 25th day following the end of the 6-month and 12-month periods covered respectively by the report.

Subpart 29–1.10—Publicizing Procurement Actions

§ 29–1.1001 General policy.

Whenever possible, it is DOL policy to increase competition by publicizing procurements which offer competitive opportunities for prospective prime contractors or subcontractors, resolving all doubts as to whether or not to publicize, in a particular procurement, in favor of publicizing. The requirements of Subpart 1–1.10 of this title and Subpart 29–1.10 shall be interpreted in a manner consistent with this policy.

§ 29–1.1002 Availability of invitations for bids and requests for proposals.

A contracting officer may limit the availability of publicized unclassified invitations for bids and requests for proposals provided he makes them available for perusal at the issuing office and provided further that he:

(a) States in the synopsis or publicizing notice required by § 1–1.1003 of this title that the number of available "bid sets" is limited, what that limited number is, and that the bid sets will be available on a "first-come-first-served" basis;

(b) States in the synopsis whether only written requests for bid sets will be honored or whether they may be requested by phone and providing, if the latter, the name and phone number of the DOL employee to be contacted; and

(c) Makes available a total of 100 bid sets over and above the number mailed initially or a cumulative total of 150 (counting initial mailing) whichever is less, to concerns and individuals on the bidders mailing list or who are otherwise known to be interested (regardless of whether or not the full bidders mailing list is used).

(d) Obtains a deviation as to the number of "bid sets" required in paragraph (c) of this section, from the head of the procuring activity based on unreasonableness of the standard in paragraph (c) of this section for the particular procurement.

§ 29–1.1002–50 Other publicity concerning procurements.

Where without cost to the Government, the procuring activity can effect the publication of procurement solicitation information, it is encouraged to do so. Such publication may result from its own initiative or in conjunction with one of the DOL information offices. The solicitation may either be current or proposed, but the publication of such information must be consistent with § 1–1.1003–1(b) of this title. The publication of other information, however, shall not relieve a procuring activity from the requirement for compliance with §§ 1–1.1003–1, 1–2.202–3(b) and 29–2.203 of this title. Paid advertisements may only be used as provided in § 29–2.203–3.

Signed at Washington, D.C., this 9th day of February 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-2128 Filed 2-16-71;8:49 am]

PART 29–2—PROCUREMENT BY FORMAL ADVERTISING

Pursuant to the authorities contained in 5 U.S.C. 301, Reorganization Plan No. 6 of 1950 (64 Stat. 1263), I hereby amend Chapter 29 of Subtitle A of Title 41 of the Code of Federal Regulations by adding a new Part 29–2 to read as set forth below. As these regulations relate solely to grants and public contracts and rules of agency procedure, the requirements of 5 U.S.C. 553 as to notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable. I do not believe such procedure will serve a useful purpose here. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

Subpart 29–2.1—Use of Formal Advertising

Sec.
29–2.101 Meaning of formal advertising.
29–2.102 Policy.
29–2.102–50 Limitation on procurement by formal advertising.
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29–2.105 Solicitation for informational or planning purposes.

Subpart 29–2.2—Solicitation of Bids

29–2.202 Miscellaneous rules for solicitation of bids.
29–2.202–1 Bidding time.
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29–2.202–3 Place and method of delivery of supplies.
29–2.202–50 Incorporation by reference.
29–2.202–51 Grouping of items to facilitate award.
29–2.202–52 Discussions with bidders prior to opening date.
29–2.202–53 Prebid conference.
29–2.202–54 Bid envelopes.
29–2.202–55 Alternate bids.
29–2.203 Methods of soliciting bids.
29–2.203–3 Publicity in newspapers and trade journals.
29–2.205 Bidders mailing lists.
29–2.205–50 Release of bidders mailing lists.

Subpart 29–2.3—Submission of Bids

29–2.301 Responsiveness of bids.
29–2.302 Time of bid submission.
29–2.303 Late bids.
29–2.303–1 General.
29–2.303–4 Telegraphic bids.
29–2.303–7 Disposition of late bids.

Subpart 29–2.4—Opening of Bids and Award of Contract

29–2.401 Receipt and safeguarding of bids.
29–2.402 Opening of bids.
29–2.402–50 Firm-bid rule.
29–2.402–51 Marketing of bids.
29–2.402–52 Postponement of bid opening before time set for opening.
29–2.402–53 Timing of acceptance and withdrawals.
29–2.404 Rejection of bids.
29–2.404–1 Cancellation of invitation after opening.
29–2.404–5 All or none qualifications.
29–2.404–50 Multiple bidding.
29–2.406 Mistakes in bids.
29–2.406–3 Other mistakes disclosed before award.
29–2.406–4 Disclosure of mistakes after award.
29–2.407 Award.
29–2.407–3 Discounts.
29–2.407–8 Protests against award.
29–2.407–50 Award when only one bid is received.

AUTHORITY: The provisions of this Part 29–2 issued under 80 Stat. 379, 5 U.S.C. 301, 63 Stat. 389, 40 U.S.C. 486(c).

Subpart 29–2.1—Use of Formal Advertising

§ 29–2.101 Meaning of formal advertising.

Formal advertising is both by statute and policy the basic and preferred method of procuring supplies and services. Contracts entered into by DOL shall be made by formal advertising in all cases in which the use of such method is feasible and practical under the existing circumstances. Formal advertising has two basic objectives. One is to gain for the Government the benefits of full and free competition. The other is to afford all qualified sources the same opportunity to bid competitively. Since the procedures of formal advertising are, in general, established by law and regulations, there is seldom, if ever, opportunity for deviation. The contracting officer is responsible for complying with such laws and regulations and for exercising sound judgment with regard to any allowable exceptions consistent with above two basic objectives of formal advertising.

§ 29–2.102 Policy.

Mere lack of time in terms of managerial or operational convenience shall not operate to exclude the use of the formal advertising method for effecting a particular procurement. There must be a compelling urgency for the supplies or services to justify the use of the negotiation exception permitted in section 302(c)(2) of the Federal Property and Administrative Services Act of 1949, as amended. The need for haste in the obligation of annual funds before the end of the fiscal year to avoid the loss of their use does not fall within the statutory exception cited in this § 29–2.102.

§ 29–2.102–50 Limitation on procurement by formal advertising.

In DOL, the authority to procure by formal advertising has not been delegated outside of the Office of the Assistant Secretary for Administration (See § 29–1.401(b)(4)(ii)). Heads of procuring activities shall forward to the Director, Office of Administrative Services, OASA, their requirements which can be fulfilled by formal advertising.

§ 29–2.102–51 Specification requirement.

The adequacy of specifications is a critical factor in the use of formal advertising procedures. If the qualitative requirements of the desired item or services are not defined well enough to permit all bidders to bid on the basis of supplying identical items, then the procurement should not have been by formal advertising. Thus, invariably, research and development effort cannot be procured through formal advertising.

Contracting officers are responsible for determining when formal advertising is impractical or otherwise unsuitable. When such a decision is made, it is documented in the form of a determination and finding and processed in accordance with Subpart 29–3.3.

§ 29–2.105 Solicitation for informational or planning purposes.

Formal solicitation of bids and competitive bid procedures shall not be used on an "exploratory" basis for the purpose of testing the market. This does not mean that bids may not be rejected on the basis of an administrative determination that rejection is in the public interest. Where technical data, information on new and improved products, or price and delivery information is required for planning and budgetary purposes, such information shall be solicited in accordance with § 1–1.314 of this title.

Subpart 29–2.2—Solicitation of Bids

§ 29–2.202 Miscellaneous rules for solicitation of bids.

§ 29–2.202–1 Bidding time.

The minimum bidding times set forth in § 1–2.202–1 of this title should not be construed also to be maximum or automatic bidding times. The bidding time permitted under each procurement shall reflect the considered judgment of the contracting officer, taking into account all of the facts surrounding the procurement, with recognition that doubts should be resolved in favor of a longer rather than a shorter bidding time. If the bidding time for any procurement is reduced below the minimum periods of 15 or 30 days, as applicable, the reduction shall be fully justified, approved in writing by the Deputy Assistant Secretary for Administration, and documented in the contract file by the contracting officer.

§ 29–2.202–2 Telegraphic bids.

Unless telegraphic bids are specifically allowed by the invitation, they shall be rejected. The contracting officer may provide for them under the circumstances indicated in § 1–2.202–2 of this title. When such bids are authorized, the schedule of the invitation will contain the following provision:

> Telegraphic bids may be submitted in response to this Invitation for Bids. Telegraphic bids must be received in this office prior to the time specified for opening of bids. If you elect to bid by telegraph, your bid shall: Specifically refer to this Invitation for Bids; include the items or subitems, quantities, and unit prices for which your bid is submitted and he time and place of delivery; and contain your statement that you agree to all the terms, conditions, and provisions of the invitation. Failure to furnish, in the telegraphic bid, the representations and information required by the Invitation for Bids may necessitate rejection of the bid. Signed copies of the Invitation for Bids in confirmation of the telegraphic bid must be furnished by the bidder to the contracting officer within 5 calendar days of the latter's request therefor.

§ 29–2.202–3 Place and method of delivery of supplies.

To the maximum extent practical, invitations for bids issued by DOL shall stipulate "f.o.b. destination." Only where the contracting officer determines it to be in the Government's best interest may he deviate from this policy.

§ 29–2.202–50 Incorporation by reference.

There should be shown on the face of the invitation for bids or, if that sheet is not the primary one provided for the bidder's signature, on the primary sheet that is so provided, a listing of attachments which are to form a part of the bid invitation and resulting contract, as follows:

> The following attachments hereto form a part of this Invitation for Bids and any resulting contract: (list attachments).

§ 29–2.202–51 Grouping of items to facilitate award.

While invitations usually stipulate "all or none" bids, if the circumstances warrant, invitations may provide that awards will be made by items or by groups of items. In such a case, care must be exercised by the contracting officer to avoid the elimination of suppliers whose capacity would be taxed by unusually large groupings. The use of reasonable groupings of inexpensive items has the following advantages:

(a) It eliminates unwarranted administrative expense by reducing the number of awards which must be made by the Government.

(b) It encourages prospective bidders to bid at prices more favorable to the Government by making larger awards possible.

§ 29–2.202–52 Discussions with bidders prior to opening date.

(a) One of the essential elements of formal advertising is that all bidders are afforded an equal opportunity to compete. For this reason, during the interval between the mailing of invitations for bids and the making of awards, discussions of the procurement with prospective bidders will be conducted only by, or with the knowledge and approval of, the contracting officer. Neither the contracting officer nor other personnel he has authorized to communicate with the bidder shall furnish any information to a potential supplier which alone, or taken together with other information, may afford that supplier an advantage over others. However, general information which would not be prejudicial to other bidders may be furnished upon request, e.g., explanation of a particular clause or provision in the invitation for bids.

(b) If discussions with prospective bidders reveal any ambiguities or inconsistencies in the invitation which, if not corrected, may result in the receipt of nonresponsive bids, such ambiguities or inconsistencies shall be corrected. Such correction shall be achieved, prior to the opening date, by issuing a timely amendment to the invitation for bids or by canceling the invitation, as appropriate.

§ 29–2.202–53 Prebid conference.

(a) *General.* A prebid conference is a procedure, generally reserved for complex procurements, whereby prospective suppliers (and their subcontractors, if known) are invited to a meeting, presided over by the contracting officer, where there is discussed unusual aspects of a particular procurement for which an invitation for bids (IFB) or an RFP has been issued. Whenever the contracting officer deems it in the DOL's best interest (but only, in the case of IFBs, after approval of the Director, Office of Administrative Services, Office of the Assistant Secretary for Administration) is a prebid conference authorized.

(b) *Format.* The typical format of a prebid conference is a formal presentation by the Government followed by a question and answer period. When held, a prebid conference shall be scheduled sufficiently in advance of the date set for bid or proposal opening as to permit suppliers to use the information obtained in the preparation of their bids or proposals.

(c) *Purpose.* There are two primary objectives of prebid conferences: (1) To impart information that removes areas of performance uncertainties which, unless removed, result in higher prices to DOL, i.e., by the supplier's inclusion of an amount for the uncertainty or contingency in the bid or proposed price or estimated cost; (2) To avoid postaward performance problems about which the supplier could have been made aware at the time of bid or proposal preparation. Changes or substantial clarifications found to be necessary as a result of the prebid conference shall be communicated to suppliers and take the form of formal written amendments to the soliciting documents. Such amendments shall contain, where warranted, an appropriate extension of the closing date for the receipt of bids or proposals.

(d) *Limited application.* An important premise for procurement by formal advertising is the need for the invitation itself and its specification to be sufficiently clear and complete to insure that all bidders are bidding on the same basis. Therefore, the need for prebid conferences in advertised procurement should be infrequent. The prebid conference shall in no event be used as a substitute for formally amending a defective or ambiguous solicitation or to disseminate additional specification requirements.

§ 29–2.202–54 Bid envelopes.

Mailing labels, tags, or envelopes, bearing "Postage and Fees Paid" indicia shall not be distributed with the invitation for bids or otherwise supplied to prospective bidders. To provide for ready identification and proper handling of bids, Optional Form 17, "Sealed Bid Label," illustrated in § 1–16.902–OF17 of this title and obtained from the General Services Administration, shall be furnished with each bid set to provide the bidder with a means of marking the envelope or other container enclosing his bid.

§ 29–2.202–55 Alternate bids.

An alternate bid is one that offers a suitable substitute for the requirements set forth in the invitation. The Government can accept an alternate bid only when the invitation specifically allows it. Contracting officer should not use this technique except where a clear benefit to DOL would result from its use and two-step formal advertising is not applicable. In deciding whether to grant such permission, the contracting officer must weigh the advantage of flexibility which the use of alternative bids offers against the difficulties in bid evaluation that result from this technique.

§ 29–2.203 Methods of soliciting bids.

§ 29–2.203–3 Publicity in newspapers and trade journals.

(a) *Paid advertisements.* Paid advertisements in newspapers and trade journals and similar advertising media may be used in conjunction with invitations for bids (or RFPs) where DOL would not otherwise obtain the full benefit of available competition. Prices paid for advertising shall not exceed commercial rates charged to private individuals. Only Standard Form SF 1143a, "Public Voucher for Advertising Order," shall be used to place these orders. In placing official advertising no favoritism shall be shown to any publication and there shall be no discrimination either for or against any publication because of its editorial attitude. The sole consideration to govern in the placing of advertising shall be whether the use of such medium is authorized and the adequacy of the medium for achieving the objective of the advertising.

§ 29–2.205 Bidders mailing lists.

§ 29–2.205–50 Release of bidders mailing lists.

Except as provided in §§ 1–1.1003–4 and 1–2.205–5(b) of this title, no information concerning the identity of the specific sources solicited in a particular procurement shall be made available to the public prior to award.

Subpart 29–2.3—Submission of Bids

§ 29–2.301 Responsiveness of bids.

Any bid which is not signed by the bidder or his authorized representative shall be disregarded, except when it is accompanied by other evidence which demonstrates the bidder's intention to be bound by the unsigned bid document. Examples of such evidence are a bid guarantee or a letter (which does not qualify or otherwise render the bid nonresponsive) signed by the bidder referring to and clearly identifying the bid itself. In such a case, the contracting officer may waive the deficiency as a minor informality or irregularity (see § 1–2.405 of this title) and shall document the file to so indicate. Under no circumstances shall a bid be rejected at bid opening merely because it bears insufficient postage.

§ 29–2.302 Time of bid submission.

In order to comply with §§ 1–2.302 and 1–2.303–4 of this title, where a telegraphic bid is otherwise authorized by § 29–2.202–2 and is received by telephone under the circumstances described in § 1–2.302 of this title, the identify of the telegraph office employee calling in the bidder's message by telephone shall be obtained and recorded in the invitation for bid file.

§ 29–2.303 Late bids.

§ 29–2.303–1 General.

The contracting officer may not alter the late bid regulations and procedures of § 1–2.303 of this title or in this § 29–2.303 in response to a bidder's argument either that his bid is only slightly late (e.g., several minutes) or that none of the other bidders has been prejudiced by his late bid.

§ 29–2.303–4 Telegraphic bids.

See § 29–2.302.

§ 29–2.303–7 Disposition of late bids.

A late bid returned to the bidder shall be accompanied by a brief statement from the contracting officer that the bid was not considered because of its late receipt. This statement is required even though the contracting officer has previously notified the bidder, in compliance with § 1–2.303–6 of this title, that the bid is not being considered. In addition, if the late bid had to be opened for identification or was opened by mistake, that fact shall be included in the statement from the contracting officer accompanying the returned bid. The envelope, in that case, shall be retained in accordance with § 29–2.401.

Subpart 29–2.4—Opening of Bids and Award of Contract

§ 29–2.401 Receipt and safeguarding of bids.

To preserve bidders' confidence in the integrity of DOL's bidding system, the contracting officer shall retain in the file the envelope, wrapper, or other container (bearing the required documentation) of a bid which was opened by mistake or which was opened for purposes of identification.

§ 29–2.402 Opening of bids.

The place selected for the opening of bids should be large enough to permit the attendance of any bidder who desires to be present at the opening. Where circumstances warrant, the contracting officer may limit contractor representation to one representative per supplier. At the bid opening, the person opening the bids shall not discuss the relative merits of any bid with the bidders, their representative, or with casual observers. The individuals designated by DOL to conduct the bid opening are discouraged from making statements at the bid opening in response to inquiries concerning the award, e.g., DOL's intent with regard to the disposition of a bid irregularity, potential readvertisement and mistake in bid. Such questions shall instead be subsequently referred to the contracting officer for his disposition. Bidders are cautioned that information obtained at bid openings from other than the contracting officer may only be relied upon by the bidder at the bidder's own risk. After the bids have been opened and read aloud to the bidders present, an announcement shall be made that the opening of bids has been completed. Where feasible, all bidders will be notified, in writing and as soon as conveniently possible, regarding the award.

§ 29–2.402–50 Firm-bid rule.

Under the "firm-bid rule," a bidder is bound by his bid after the bid opening

and may not, in the absence of the exceptions provided in the mistake in bid procedures of § 1-2.406 of this title, withdraw his bid prior to the time of award or until after the expiration of the period provided in the bid for bid acceptance. It is the Department's policy, on the other hand, that it will not be bound by its invitation for bids, except that if it does make an award based on bids submitted in response to its invitation, it must award to that responsible supplier submitting the lowest responsive bid. Aside from that, however, the Department will not be bound by any bid it receives. The Department's preferred position is justified judicially on the basis that laws concerning the advertising and award of public contracts may be construed as primarily for the Government's own benefit and protection. Therefore, no bidder acquires any enforceable rights from the Department until the valid acceptance of his bid by an official authorized to do so. The mere submission of a bid does not, in and of itself, bestow a right or grant an interest in any prospective procurement.

§ 29-2.402-51 Marking of bids.

Under no circumstances will any individual make any marks or notation on the bid or its accompanying documents, except as authorized in § 29-2.401. If, through error or for some other reason, marks are made on a bid or its accompanying documents, the markings should not be erased or eradicated; instead, the individual so marking the bid shall prepare a signed explanation of the marking for insertion in the file for future reference, showing when, how, and why the notation or markings were made. If the marked bid is accepted, explanation with regard thereto should be made on the statement of award.

§ 29-2.402-52 Postponement of bid opening before time set for opening.

(a) The contracting officer shall attempt to reach his decision of postponement sufficiently in advance of the time set for opening so as to permit at least telephone notice to bidders of the postponement and avoid their further inconvenience. Telephone notice of a changed opening date must be confirmed by written amendment in accordance with § 1-2.207 of this title.

(b) Bid openings shall be postponed when a substantial portion of prospective bidders requests additional time for filing their bids, or the contracting officer has reason to believe that the specified opening date is not appropriate or is not conductive to the maximum practicable competition.

(c) Bid openings may be considered for postponement by the contracting officer when he has reason to believe that the bids from a substantial portion of bidders have been delayed in the mails for causes beyond their control and without their fault or negligence, such as flood, fire, accident, heavy snow, or strikes.

§ 29-2.402-53 Timing of acceptance and withdrawals.

A bidder's letter withdrawing a bid is not effective until it is received by the Government whereas the Government's letter accepting the bid, when written acceptance is required, is effective when mailed. Therefore, a binding contract is effected where acceptance has been mailed by the contracting officer before the letter from the bidder advising of withdrawal of the bid is received. This applies even though the bidder can furnish evidence that the letter of withdrawal was mailed prior to the time set for bid opening as set forth in § 1-2.304 of this title.

§ 29-2.404 Rejection of bids.

§ 29-2.404-1 Cancellation of invitation after opening.

If all of the bids for any item have been rejected, the contracting officer may readvertise for that item using the same specifications or modified specifications, or he may negotiate under the circumstances discussed in §§ 1-3.210 and 1-3.214 of this title.

§ 29-2.404-5 All or none qualifications.

The invitation for bids shall stipulate that all bids are solicited on an "all or none" basis except in highly unusual cases where the contracting officer can demonstrate with appropriate file documentation that it is in the Government's best interest to do otherwise. Generally, the Government's loss in flexibility when it includes this renunciation of its right to award on less than the full quantity bid upon, is more than offset by the Government's gain from the elimination of bidder uncertainty concerning the quantity to be awarded. A consequence of the elimination of this uncertainty is the elimination of any contingency factor in the price the bidder bids.

§ 29-2.404-50 Multiple bidding.

When more than one bid is received from a person or firm, or affiliates thereof, in response to an invitation for bids, such bids shall be considered for award if responsive and otherwise acceptable. If the contracting officer determines that these bids would give such a bidder an unfair advantage over other bidders or would otherwise be prejudicial to the best interest of the Government, such bids shall be rejected. In a tie bid situation, only one of the multiple bids shall be considered in applying § 1-2.407-6 of this title.

§ 29-2.406 Mistakes in bids.

§ 29-2.406-3 Other mistakes disclosed before award.

The Deputy Assistant Secretary for Administration is delegated authority to make the administrative determinations described in § 1-2.406-3 of this title.

§ 29-2.406-4 Disclosure of mistakes after award.

The Deputy Assistant Secretary for Administration is delegated authority to make the administrative determinations described in 1-2.406-4 of this title.

§ 29-2.407 Award.

§ 29-2.407-3 Discounts.

Invitations for bids or requests for proposals involving the prospects of a trade-in, allowance, rebate, or credit due from the bidder to the Government shall provide that, when a prompt payment discount is offered, the discount will be computed on the gross purchase price, i.e., the price that obtains before reduction because of any amount due from the bidder to the Government.

§ 29-2.407-8 Protests against award.

(a) *Protests before award.* If, after bid opening but prior to award, a protest against award has been lodged and it is necessary to make an award before the matter is resolved, the contracting officer shall obtain and place in the file the written approval of the head of the agency. Prior to making an award, the head of the agency will inform the Comptroller General of the Department's intent to award and obtain his advice concerning the status of the protest in accordance with § 1-2.407-8(b) of this title.

(b) *Protests after award.* In the event of a protest after award, consideration of its merit and a determination regarding its resolution, including any required reports to the Comptroller General, shall be made by the head of the agency and, where required, he shall obtain assistance from the Solicitor.

§ 29-2.407-50 Award when only one bid is received.

When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if the contracting officer makes a written determination that (a) the specifications used in the invitation were not unduly restrictive, (b) adequate competition was solicited and it could have been reasonably assumed that more than one bid would have been submitted, (c) the price is reasonable, and (d) the bid is otherwise in accordance with the invitation for bids. Such a determination shall be placed in the file.

Signed at Washington, D.C., this 9th day of February 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-2129 Filed 2-16-71;8:49 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-31; Notice No. 2]

PART 573—DEFECT REPORTS

On December 24, 1969, a notice of proposed rulemaking entitled, "Defect Reports", was published in the FEDERAL REGISTER (34 F.R. 20212). The notice proposed requirements for reports and information regarding defects in motor vehicles, to be submitted to the National Highway Traffic Safety Administration by manufacturers of motor vehicles pursuant to sections 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1402, and 1407).

The notice requested comments on the proposed requirements. All comments received have been considered and some are discussed below.

Several comments asked whether both the fabricating manufacturer and the importer of imported vehicles were required to comply with all the proposed requirements. A similar question was asked in regard to manufacturers of incomplete vehicles and subsequent manufacturers of the same vehicles. In response to the comments, § 573.3 provides that in the case of imported vehicles, compliance by either the fabricating manufacturer or the importer of the imported vehicle with §§ 573.4 and 573.5 of this part, with respect to a particular defect, shall be considered compliance by both. In the case of vehicles manufactured in two or more stages, compliance by either the manufacturer of the incomplete vehicle or one of the subsequent manufacturers of the vehicle with §§ 573.4 and 573.5 of this part, with respect to a particular defect, shall be considered compliance by both the incomplete vehicle manufacturer and the subsequent manufacturers.

Many comments requested that the time for the initial filing of the direct information report be increased to allow opportunity for the extensive and complex testing often necessary to determine whether a defect is safety-related. As proposed, the time for initially filing the report was within 5 days after the discovery of a defect that the manufacturer subsequently determined to be safety-related. In response to these comments, § 573.4(b) provides that the report shall be submitted by the manufacturer not more than 5 days after he or the Administrator has determined that a defect in the manufacturer's vehicles relates to motor vehicle safety.

Several comments requested the deletion of one or more items of information proposed for inclusion in the defect information report. Objections to providing an evaluation of the risk of accident due to the defect, a list of all incidents related to the defect, and an analysis of the cause of the defect were based on the ground that the information would be inherently speculative. The proposed requirements for these three items of information have been deleted. In place of the list of incidents, § 573.4(c)(6) requires a chronology of all principal events that were the basis for the determination of the existence of a safety-related defect. In accordance with the deletion of the list of incidents, the provision in the proposal requiring quarterly reports to contain information concerning previously unreported incidents has also been deleted.

Several comments stated that the requirement in the proposal for the submission of a copy of all communications sent to dealers and purchasers concerning a safety-related defect would create an unreasonable burden on the manufacturers. The comments reported that the manufacturers would be required to submit to the Administration a large volume of useless correspondence between the manufacturers and individual dealers or purchasers. To mitigate this problem, § 573.4(c)(8) provides that the manufacturers shall submit to the Administration only those communications that are sent to more than one dealer or purchaser. For the same reason, the requirement in § 573.7 that a manufacturer submit a copy of all communications, other than those required under § 573.4(c)(8), regarding any defect, whether or not safety-related, in his vehicles, is also limited to communications sent to more than one person.

Many comments requested that a regular schedule for submitting quarterly reports be established. They suggested that this be accomplished by requiring that the first quarter for submitting a quarterly report with respect to a particular defect be the calendar quarter in which the defect information report for the defect is initially submitted. As proposed, the first quarter began on the date on which the defect information report was initially submitted. Several of these comments also objected to the proposed requirements for submitting both quarterly reports and annual defect summaries on the ground that the latter would be partially redundant. In response to these comments, the proposed requirement for filing a separate series of quarterly reports for each defect notification campaign has been deleted. Instead, § 573.5(a) requires that each manufacturer submit a quarterly report not more than 25 working days after the close of each calendar quarter. The information specified in § 573.5(c) is required to be provided with respect to each notification campaign, beginning with the quarter in which the campaign was initiated. Unless otherwise directed by the Administration, the information for each campaign is to be included in the quarterly reports for six consecutive quarters or until corrective action has been completed on all defective vehicles involved in the campaign, whichever occurs sooner.

The proposed requirement for filing annual summaries has been deleted. Instead, § 573.5(d) requires that the figures provided in the quarterly reports under paragraph (c) (5), (6), (7), and (8) of § 573.5 be cumulative. In addition, § 573.5(b) requires that each quarterly report contain the total number of vehicles produced during the quarter for which the report is submitted.

Several changes have been made for the purpose of clarification. § 573.4(c)(8) requires that manufacturers submit three copies of the communications specified in that section. In response to questions concerning the use of computers for maintaining owner lists, a reference to computer information storage devices and card files has been added to § 573.6 to indicate that they are suitable. A reference to first purchasers and subsequent purchasers to whom a warranty has been transferred, and any other owners known to the manufacturer, has been added to the same section to make clear that the owner list is required to include both types of purchasers as well as other known owners.

In consideration of the above, Title 49 of the Code of Federal Regulations is amended by the addition of a new Part 573—Defect Reports, as set forth below.

Effective date: August 16, 1971.

Issued on February 10, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

Sec.
573.1 Scope.
573.2 Purpose.
573.3 Application.
573.4 Defect information report.
573.5 Quarterly reports.
573.6 Owner lists.
573.7 Notices, bulletins and other communications.
573.8 Address or submitting all required reports and other information.

AUTHORITY: The provisions of this Part 573 issued under secs. 112, 113, and 119, National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. 1401, 1402, 1407; delegation of authority at 49 CFR 1.51, 35 F.R. 4955.

§ 573.1 Scope.

This part specifies manufacturer requirements for reporting safety-related defects to the National Highway Traffic Safety Administration, providing quarterly reports on defect notification campaigns and vehicle production, providing copies of communications with dealers and purchasers concerning defects, and maintaining owner lists.

§ 573.2 Purpose.

The purpose of this part is to enable the Administration to conduct a continuing analysis of the adequacy of manufacturers' defect notifications and corrective action, and the owner response, and to compare the defect incidence rate among different groups of motor vehicles.

§ 573.3 Application.

This part applies to all manufacturers of complete or incomplete motor vehicles. In the case of vehicles manufactured outside the United States, the term "vehicles" herein refers to vehicles imported into the United States, and compliance by either the fabricating manufacturer or the importer of the vehicle with §§ 573.4 and 573.5, with respect to a particular defect, shall be considered compliance by both. In the case of vehicles manufactured in two or more stages, compliance by either the manufacturer of the incomplete vehicle or one of the subsequent manufacturers of the vehicle with §§ 573.4 and 573.5, with respect to a particular defect, shall be considered compliance by both the incomplete vehicle manufacturer and the subsequent manufacturers.

§ 573.4 Defect information report.

(a) Each manufacturer shall furnish a defect information report to the Administration for each defect in his vehicles that he or the Administrator determines to be related to motor vehicle safety.

(b) Defect information reports required under paragraph (a) of this section shall be submitted not more than 5 working days after a defect in a vehicle has been determined to be safety-related. Items of information required by paragraph (c) of this section that are not available within that period shall be submitted as they become available. Each manufacturer submitting new information relative to a previously submitted report shall refer to the notification campaign number, after such number has been assigned by the Administration.

(c) Except as provided in paragraph (b) of this section, each defect information report shall contain the following information:

(1) Name of manufacturer: The full corporate or individual name of the fabricating manufacturer of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. In the case of imported vehicles the corporate or individual name of the agent designated by the fabricating manufacturer pursuant to section 110(e) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1399(e)) shall also be indicated. If the fabricating manufacturer is a corporation that is controlled by another corporation that assumes responsibility for compliance with all requirements of this part, the name of the controlling corporation may be used.

(2) Identifying classifications of the vehicles potentially affected by the defect, including make, model, model year if appropriate, any other data necessary to describe the affected vehicles, and the inclusive dates (month and year) of manufacture.

(3) Total number of vehicles potentially affected by the defect, and the number in each classification set forth under subparagraph (2) of this paragraph.

(4) Estimated percentage of the potentially affected vehicles that contains the defect.

(5) Description of defect, including both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location of the defect.

(6) Chronology of all principal events that were the basis for the determination of the existence of a safety defect, including all warranty claims, field service bulletins and other information, with their dates of receipt.

(7) Statement of measures to be taken to repair the defect.

(8) Three copies of all notices, bulletins, and other communications that are sent to more than one dealer or purchaser and relate directly to the defect. These copies shall be submitted to the Administration not later than the time at which they are initially sent to dealers or purchasers.

§ 573.5 Quarterly reports.

(a) Each manufacturer shall submit to the Administration a quarterly report not more than 25 working days after the close of each calendar quarter.

(b) Each report shall contain the total number of the manufacturer's vehicles by make, model, and model year if appropriate, produced or imported during that quarter.

(c) The following information shall be included in the quarterly reports, under the numbers and headings indicated, with respect to each notification campaign for the period of time specified in paragraph (e) of this section:

(1) Notification campaign number.

(2) Date owner notification begun, and date completed.

(3) Number of vehicles involved in notification campaign.

(4) Number of vehicles known or estimated to contain the defect.

(5) Number of vehicles inspected by or at the direction of the manufacturer.

(6) Number of inspected vehicles found to contain the defect.

(7) Number of vehicles for which corrective measures have been completed.

(8) Number of vehicles determined to be unreachable for inspection due to exportation, theft, scrapping or for other reasons (specify).

(d) If the manufacturer determines that the original answers for paragraph (c) (3) and (4) of this section are incorrect, revised figures and an explanatory note shall be submitted. If the nature of the defect prevents determination of the number of inspected vehicles that are defective, the manufacturer shall submit a brief explanation. Answers to paragraph (c) (5), (6), (7), and (8) of this section shall be cumulative totals.

(e) Unless otherwise directed by the Administration, the information specified in paragraph (c) of the section shall be included in the quarterly reports, with respect to each notification campaign, for six consecutive quarters beginning with the quarter in which the campaign was initiated, or until corrective action has been completed on all defective vehicles involved in the campaign, whichever occurs sooner.

§ 573.6 Owner lists.

Each manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, a list of the names and addresses of first purchasers or subsequent purchasers to whom a warranty has been transferred, and of any other owners known to the manufacturer, and the vehicle identification numbers for all his vehicles involved in each safety defect notification campaign initiated after the effective date of this part. The list shall show the status of inspection and defect correction with respect to each vehicle involved in each campaign, updated as of the end of each quarterly reporting period required in paragraph (e) of § 573.5. The completed list shall be retained for 5 years after the date on which the defect information report is initially submitted to the Administration.

§ 573.7 Notices, bulletins and other communications.

Each manufacturer shall furnish the Administration a copy of all notices, bulletins, and other communications, other than those required to be submitted under § 573.4(c)(8), sent to more than one dealer or purchaser of his vehicles regarding any defect, whether or not safety-related, in such vehicles. These copies shall be submitted monthly not more than 5 working days after the close of each month.

§ 573.8 Address for submitting all required reports and other information.

All required reports and other information shall be submitted to: Office of Compliance, National Highway Traffic Safety Administration, Washington, D.C. 20591.

[FR Doc. 71-2138 Filed 2-16-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS

Additional Amounts and Penalties Regarding Filing of Returns, Etc.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Additional amounts and penalties regarding the filing of returns, etc., by exempt organizations and certain trusts and penalties with respect to Chapter 42.

In order to conform the regulations on procedure and Administration (26 CFR Part 301) under sections 6652, 6684, 6685, and 7207 of the Internal Revenue Code of 1954 to sections 101 (c), (d)(4), (e)(4), and (e)(5) of the Tax Reform Act of 1969 (83 Stat. 519, 522, 524), such regulations are amended as follows:

PARAGRAPH 1. Section 301.6652 is amended by redesignating paragraph (d) of section 6652 as (e) and by adding a new paragraph (d) to section 6652 and by revising the historical note. These amended and added provisions read as follows:

§ 301.6652 Statutory provisions; failure to file certain information returns.

SEC. 6652. *Failure to file certain information returns.*

• • • • •

(d) *Returns by exempt organizations and by certain trusts*—(1) *Penalty on organization or trust.* In the case of a failure to file a return required under section 6033 (relating to returns by exempt organizations), section 6034 (relating to returns by certain trusts), or section 6043(b) (relating to exempt organizations), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the exempt organization or trust failing so to file, $10 for each day during which such failure continues, but the total amount imposed hereunder on any organization for failure to file any return shall not exceed $5,000.

(2) *Managers.* The Secretary or his delegate may make written demand upon an organization failing to file under paragraph (1) specifying therein a reasonable future date by which such filing shall be made, and if such filing is not made on or before such date, and unless it is shown that failure so to file is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file, $10 for each day after the expiration of the time specified in the written demand during which such failure continues, but the total amount imposed hereunder on all persons for such failure to file shall not exceed $5,000. If more than one person is liable under this paragraph for a failure to file, all such persons shall be jointly and severally liable with respect to such failure. The term "person" as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

(3) *Annual reports.* In the case of a failure to file a report required under section 6056 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary or his delegate and in the same manner as tax) by the person failing so to file or meet the publicity requirement, $10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure to file or comply with the requirements of section 6104(d) with regard to any one annual report shall not exceed $5,000. If more than one person is liable under this paragraph for a failure to file or comply with the requirements of section 6104(d), all such persons shall be jointly and severally liable with respect to such failure. The term "person" as used herein means any officer, director, trustee, employee, member, or other individual who is under a duty to perform the act in respect of which the violation occurs.

(e) *Alcohol and tobacco taxes.* For penalties for failure to file certain information returns with respect to alcohol and tobacco taxes, see, generally, subtitle E.

[Sec. 6652 as amended by sec. 85, Technical Amendments Act 1958 (72 Stat. 1664); sec. 19(d), Rev. Act 1962 (76 Stat. 1057); sec. 221(b)(2), Rev. Act 1964 (78 Stat. 74); sec. 313(e)(2)(B) and (3), Social Security Amendments, 1965 (79 Stat. 385); sec. 101(d)(4), Tax Reform Act of 1969 (83 Stat. 522)]

PAR. 2. Section 301.6652-1 is amended by revising paragraphs (e) and (f) to read as follows:

§ 301.6652-1 Failure to file certain information returns.

• • • • •

(e) *Manner of payment.* The amount imposed under subsection (a), (b), or (c) of section 6652 and this section on any person shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(f) *Showing of reasonable cause.* The amount imposed by subsection (a), (b), or (c) of section 6652 shall not apply with respect to a failure to file a statement within the time prescribed if it is established to the satisfaction of the district director or the director of the internal revenue service center that such failure was due to reasonable cause and not to willful neglect. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause.

• • • • •

PAR. 3. Immediately following § 301.6652-1 there is added a new § 301.6652-2 which reads as follows:

§ 301.6652-2 Failure by exempt organizations and certain trusts to file certain returns or annual reports or to comply with section 6104(d) for taxable years beginning after December 31, 1969.

(a) *Exempt organization or trust.* In the case of a failure to file a return required by—

(1) Section 6033, relating to returns by exempt organizations,

(2) Section 6034, relating to returns by certain trusts, or

(3) Section 6043(b), relating to returns regarding the liquidation, dissolution, termination, or substantial contraction of an exempt organization,

within the time and in the manner prescribed for filing such return (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid by the exempt organization or trust failing to file such return $10 for each day during which such failure continues. However, the total amount imposed on any exempt organization or trust under this paragraph for such failure with regard to any one return shall not exceed $5,000.

(b) *Managers.* If an exempt organization or trust fails to file under section 6652(d)(1), the Commissioner may, by

written demand, request that such organization or trust file the delinquent return within 90 days after the date of mailing of such demand, or within such additional period as the Commissioner shall determine is reasonable under the circumstances. If such organization or trust does not so file on or before the date specified in such demand, there shall be paid by the person or persons responsible for such failure to file $10 for each day after such date during which such failure continues, unless it is shown that such failure is due to reasonable cause. However, the total amount imposed under this paragraph on all persons responsible for such failure with regard to any one return shall not exceed $5,000.

(c) *Annual reports*—(1) *In general.* In the case of a failure—

(i) To file the annual report required under section 6056, relating to annual reports by private foundations, or

(ii) To comply with the requirements of section 6104(d), relating to public inspection of private foundations' annual reports,

within the time and in the manner prescribed for filing such report or complying with section 6104(d) (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid by the person or persons responsible for failing to file such report or to comply with section 6104(d) $10 for each day during which such failure continues. However, the total amount imposed under this subparagraph on all persons responsible for any such failure with regard to any one annual report shall not exceed $5,000.

(2) *Amount imposed.* The amount imposed under section 6652(d)(3) is $10 per day for a failure to file the annual report and $10 per day for a failure to comply with section 6104(d). For example, assume that an annual report must be filed by X private foundation on or before May 15, 1972, for calendar year 1971. Such foundation without reasonable cause does not file the report until May 29, 1972. Further, the foundation without reasonable cause does not comply with section 6104(d) by publishing notice of the availability of the annual report until July 30, 1972. In this case, the person failing to file the report and to comply with section 6104(d) within the prescribed time is required to pay $900, $140 for filing the report 14 days late, and $760 for complying with section 6104(d) 76 days late.

(3) *Cross reference.* For the penalty for willful failure to file the annual report and notice required under section 6056 or to comply with section 6104(d), see § 301.6685–1.

(d) *Special rules.* For purposes of section 6652(d) and this section—

(1) *Person.* The term "person" means any officer, director, trustee, employee, member, or other individual whose duty it is to perform the act in respect of which the violation occurs.

(2) *Liability.* If more than one person (as defined in subparagraph (1) of this paragraph) is liable for a failure to file or to comply with section 6652(d) (2) or (3), all such persons shall be jointly and severally liable with respect to such failure.

(e) *Manner of payment.* The amount imposed under section 6652(d) and this section on any exempt organization, trust, or person (as defined in paragraph (d)(1) of this section) shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(f) *Showing of reasonable cause.* No amount imposed by section 6652(d) shall apply with respect to a failure to file or comply under this section if it is established to the satisfaction of the Commissioner that such failure was due to reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration by the appropriate person (as defined in paragraph (d)(1) of this section) that it is made under the penalties of perjury, setting forth all the facts alleged as reasonable cause.

(g) *Group returns.* If a central organization is authorized to file a group return on behalf of two or more of its local organizations for the taxable year in accordance with paragraph (d) of § 1.6033–2 (Income Tax Regulations), the responsibility for timely filing of such a return is placed upon the central organization for purposes of this section. Consequently, the amount imposed by section 6652(d)(1) for failure to file the group return shall be paid by the central organization and the amount imposed by section 6652(d)(2) for failure to file the group return within the time prescribed by the Commissioner shall be paid by the person or persons responsible for filing the group return.

(h) *Effective date.* This section shall apply for taxable years beginning after December 31, 1969.

PAR. 4. A new § 301.6684 and an historical note are added immediately before new § 301.6684–1. These added provisions read as follows:

§ 301.6684 Statutory provisions; assessable penalties with respect to liability for tax under chapter 42.

SEC. 6684. *Assessable penalties with respect to liability for tax under chapter 42.* If any person becomes liable for tax under any section of chapter 42 (relating to private foundations) by reason of any act or failure to act which is not due to reasonable cause and either—

(1) Such person has theretofore been liable for tax under such chapter, or

(2) Such act or failure to act is both willful and flagrant,

then such person shall be liable for a penalty equal to the amount of such tax.

[Sec. 6684 as added by sec. 101(c), Tax Reform Act 1969 (83 Stat. 519)]

PAR. 5. A new § 301.6684–1 is added immediately before new § 301.6685 and reads as follows:

§ 301.6684–1 Assessable penalties with respect to liability for tax under chapter 42.

(a) *In general.* If any person (as defined in section 7701(a)(1)) becomes liable for tax under any section of chapter 42 (other than section 4940 or 4948(a)), relating to private foundations, by reason of any act or failure to act which is not due to reasonable cause and either—

(1) Such person has theretofore (at any time) been liable for tax under any section of such chapter (other than section 4940 or 4948(a)), or

(2) Such act or failure to act is both willful and flagrant,

then such person shall be liable for a penalty equal to the amount of such tax.

(b) *Showing of reasonable cause.* The penalty imposed by section 6684 shall not apply to any person with respect to a violation of any section of chapter 42 if it is established to the satisfaction of the Commissioner that such violation was due to reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration by such person that it is made under the penalties of perjury, setting forth all the facts alleged as reasonable cause.

(c) *Willful and flagrant.* For purposes of this section, the term "willful and flagrant" has the same meaning as such term possesses in section 507(a)(2)(A) and the regulations thereunder.

(d) *Effective date.* This section shall take effect on January 1, 1970.

PAR. 6. A new § 301.6685 and an historical note are added immediately before new § 301.6685–1. These added provisions read as follows:

§ 301.6685 Statutory provisions; assessable penalties with respect to private foundation annual reports.

SEC. 6685. *Assessable penalties with respect to private foundation annual reports.* In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to file the report and the notice required under section 6056 (relating to annual reports by private foundations) or to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual reports) and who fails so to file or comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such report or notice.

[Sec. 6685 as added by sec. 101(e)(4), Tax Reform Act 1969 (83 Stat. 524)]

PAR. 7. A new § 301.6685–1 is added immediately before § 301.6801 and reads as follows:

§ 301.6685–1 Assessable penalties with respect to private foundation annual reports.

(a) *In general.* In addition to the penalty imposed by section 7207, relating to fraudulent returns, statements, or other documents, any person (as defined in paragraph (b) of this section) who is required to file the annual report and the notice of availability of such report required under section 6056, relating to annual reports by private foundations, or to comply with the requirements of section 6104(d), relating to public inspection of private foundations' annual reports, and who fails so to file or comply, if such failure is willful, shall pay a penalty of $1,000 with respect to each such report or notice with respect to which there is a failure so to file or comply.

(b) *Person.* For purposes of this section, the term "person" means any officer, director, trustee, employee, member, or other individual whose duty it is to perform the act in respect of which the failure occurs.

(c) *Effective date.* This section shall take effect on January 1, 1970.

(d) *Cross reference.* For the amount imposed for failure to file the annual report required by section 6056 or to comply with section 6104(d), see paragraph (c) of § 301.6652–2.

PAR. 8. Section 301.7207 is amended by revising section 7207 and by revising the historical note to read as follows:

§ 301.7207 Statutory provisions; fraudulent returns, statements, or other documents.

SEC. 7207. *Fraudulent returns, statements, or other documents.* Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to sections 6047 (b) or (c), 6056, or 6104(d) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

[Sec. 7207, as amended by sec. 7(m)(3), Self Employed Individuals Tax Retirement Act 1962 (76 Stat. 831); sec. 101(e)(5), Tax Reform Act 1969 (83 Stat. 524)]

PAR. 9. Section 301.7207–1 is amended to read as follows:

§ 301.7207–1 Fraudulent returns, statements, or other documents.

Any person who willfully delivers or discloses to any officer or employee of the Internal Revenue Service any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047 (b) or (c) or, after December 31, 1969, section 6056 or 6104(d), to furnish information to any officer or employee of the Internal Revenue Service or any other person who willfully furnishes to such officer or employee of the Internal Revenue Service or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.

[FR Doc.71–2162 Filed 2–16–71;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Notice of Determinations To Be Made and Action To Be Taken With Respect to Termination of Marketing Quotas on Cigar-Binder (Types 51 and 52) Tobacco for the 1971–72 Marketing Year

Pursuant to and in accordance with section 371(a) of the Agricultural Adjustment Act of 1938, as amended (referred to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1971–72 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If, upon the basis of such investigation the Secretary finds the existence of such fact, he will proclaim the same and in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1971–72 marketing year equal to the normal supply.

The Secretary proclaimed marketing quotas to be in effect on Cigar-binder (types 51 and 52) tobacco for the 1969–70, 1970–71, and 1971–72 marketing years and announced the national marketing quota for the 1969–70 marketing year (34 F.R. 1629). The Secretary announced a referendum of farmers on marketing quotas for such 3 marketing years (34 F.R. 1699), and such marketing quotas were approved by 92 percent of the farmers voting in such referendum (34 F.R. 5903). The Secretary announced the national marketing quota for the 1970–71 marketing year (35 F.R. 2506). The Secretary terminated marketing quotas for the 1970–71 marketing year pursuant to section 371(a) of the Act (35 F.R. 7361).

The Secretary announced the national marketing quota for the 1971–72 marketing year (36 F.R. 2397). As required by existing law, the Secretary will in due course proclaim national marketing quotas for the 1972–73, 1973–74, and 1974–75 marketing years, determine and announce the amount of the national marketing quota for the 1972–73 marketing year, and hold a referendum of farmers to determine whether they favor or oppose quotas for the 3 marketing years. Present law requires that this be done regardless of (1) whether he terminates marketing quotas for the 1971–72 marketing year and (2) whether he might in due course terminate marketing quotas for the 1972–73 marketing year or subsequent years. Under present law, the termination of marketing quotas for any given marketing year would be limited in application and effect to that year only.

Under section 106 of the Agricultural Act of 1949, as amended, price support would be available on the 1971 crop of Cigar-binder (types 51 and 52) tobacco even if marketing quotas are terminated for such year since producers did not disapprove quotas for such year. Further, as authorized by section 101 of such Act, price support will be made available on all Cigar-binder (types 51 and 52) tobacco produced in 1971 if marketing quotas are terminated.

Data show that total disappearance (domestic use plus exports) of Cigar-binder (types 51 and 52) tobacco has decreased from 26 million pounds during the 1955–56 marketing year, prior to the advent of reconstituted binder sheet, to 4.2 million pounds during the 1969–70 marketing year, and to an estimated 3.8 million pounds during the 1970–71 marketing year. This has necessitated drastic adjustments in production. Producers have used the Soil Bank and the Cropland Adjustment Programs extensively in making these adjustments. In addition, the allotted acreages has been reduced from 17,643 acres in the 1955–56 marketing year to 5,954 acres in 1969.

Total disappearance (domestic use plus exports) has exceeded production materially every year since 1955, and the excessive supplies have been used up, resulting in less than normal supplies at the end of the 1969–70 marketing year. In 1968, 36.5 percent of the allotted acreage was harvested. In 1969, acreage allotments were increased 50 percent and the harvested acreage as a percent of the allotted acreage declined to 26.4. In 1970, allotments were increased 15 percent and the harvested acreage as a percent of the allotted acreage held at 26.4 with quotas being terminated. In 1971, allotments were increased 10 percent and it is doubtful that the percent harvested would equal the percent harvested in 1969 and 1970 if quotas are not terminated. If 26.4 percent of the 1971 allotted acreage should be harvested, and if a yield per acre about equal to the average of the 1968, 1969, and 1970 per acre yields were obtained, the amount produced would likely not exceed 3 million pounds. A 3-million-pound crop and a carryover (estimated) of 6.3 million pounds would provide a total supply for the 1971–72 marketing year of 9.3 million pounds. The normal supply is 16.3 million pounds.

Section 371(a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons. Accordingly, consideration will be given to data, views, and recommendations pertaining to the determinations and actions described in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions made pursuant to this notice will be made available for public inspection at such time and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 11, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2198 Filed 2-12-71;11:30 am]

Consumer and Marketing Service

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses and Rate of Assessment and Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 35 F.R. 16359) regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee during the period from November 1, 1970, through October 31, 1971, will amount to $334,700; (2) that there be fixed, at $0.013 per carton of oranges, the rate of assessment payable by each handler in accordance with § 907.41 of the aforesaid marketing agreement and order; (3) that the Secretary approve the establishment of a reserve, which reserve shall not exceed approximately one-half of a fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and (4) that unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1970, in the amount of $35,000, be carried over as a reserve in accordance with § 907.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2156 Filed 2-16-71;8:51 am]

[7 CFR Part 1065]

MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the remainder of 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1065.71, delete paragraphs (h) through (l) in their entirety.

Statement of Consideration. Suspension of the "takeout-payback" plan of paying producers was requested by the Central States Division of Mid-America Dairymen, a cooperative association representing a major portion of the producers supplying the market.

The proposed action would suspend, for 1971, the takeout-payback plan for paying producers, which provides for withholding from the pool 8 percent of the adjusted value of producer milk in each of the months of April, May, and June, for distribution to producers during September, October, and November according to their deliveries in these latter months. The purpose of the plan is to reduce seasonality of milk production for the market. The basis for the request is that seasonality of production has been reduced substantially and the operation of the takeout-payback plan for 1971 would not serve the purpose for which it was instituted in the order. Also, suspension of the plan, as requested, will assure that the relationship of uniform prices to pay prices of nearby manufacturing plants during the coming months will not disrupt milk procurement at regulated plants.

Signed at Washington, D.C., on: February 11, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-2158 Filed 2-16-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Sterility Tests and Use of Spore-Bearing Organisms

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service regulations by revising § 73.501(e)(2) Spore-bearing organisms for supplemental sterilization procedure control test and § 73.730 Sterility.

Inquiries may be addressed and data, views and arguments may be presented by interested parties in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Maryland 20014. All relevant material received not later than 30 days after publication of this notice of proposed rule making in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 73, Subpart A—General Standards as follows:

1. Revise § 73.501(e)(2) to read as follows:

§ 73.501 Physical establishment, equipment, animals, and care.

* * * * * * *

(e) * * *

(2) *Spore-bearing organisms for supplemental sterilization procedure control test.* Spore-bearing organisms used as an additional control in sterilization procedures may be introduced into areas used for the manufacture of products, only for the purposes of the test and only immediately before use for such purposes: *Provided*, That (i) the organism is not pathogenic for man or animals and does not produce pyrogens or toxins, (ii) the culture is demonstrated to be pure, (iii) test cultures are not transferred to culture media in areas used for the manufacture of products, (iv) each culture be labeled with the name of the micro-organism and the statement "Caution: microbial spores. See directions for storage, use and disposition," and (v) the container of each such culture is designed to withstand handling without breaking.

2. Revise § 73.730 to read as follows:

§ 73.730 Sterility.

Except as provided in paragraphs (f) and (g) of this section, the sterility of each lot of each product shall be demonstrated by the performance of the tests prescribed in paragraphs (a) and (b) of this section for both bulk and final container material.

(a) *The test.* Bulk material shall be tested separately from final container material and material from each final container shall be tested in individual test vessels as follows:

(1) *Using Fluid Thioglycollate Medium*—(i) *Bulk and final container material.* The volume of product, as required by paragraph (d) of this section (hereinafter referred to also as the "inoculum"), from samples of both bulk and final container material, shall be inoculated into test vessels of Fluid Thioglycollate Medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 32° C. for a test period of no less than 14 days and examined visually for evidence of growth on the third or fourth or fifth day and on the seventh or eighth day and on the last day of the test period. Results of each examination shall be recorded. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts of no less than 1.0 ml. shall be transferred on the third or fourth or fifth day of incubation, from each of the test vessels and inoculated into additional vessels of medium. The material in the additional vessels shall be incubated at a temperature of 30° to 32° C. for no less than 14 days. Notwithstanding such transfer of material, examination of the original vessels shall be continued as prescribed above. The additional test vessels shall be examined visually for evidence of growth on the third or fourth or fifth day of incubation and on the seventh or eighth day and on the last day of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

(ii) *Final container material containing a mercurial preservative.* In addition to the test prescribed in subparagraph (1)(i) of this paragraph, final container material containing a mercurial preservative shall be tested using Fluid Thioglycollate Medium following the procedures prescribed in such subparagraph, except that the incubation shall be at a temperature of 20° to 25° C.

(2) *Using Soybean-Casein Digest Medium.* Except for products containing a mercurial preservative, a test shall be made on final container material, following the procedures prescribed in subparagraph (1)(i) of this paragraph, except that the medium shall be Soybean-Casein Digest Medium and the incubation shall be at a temperature of 20° to 25° C.

(b) *Repeat tests*—(1) *Repeat bulk test.* If growth appears in the test of the bulk material, the test may be repeated to rule out faulty test procedures by testing at least the same volume of material.

(2) *First repeat final container test.* If growth appears in any test (Fluid Thioglycollate Medium or Soybean-Casein Digest Medium) of final container material, the test may be repeated to rule out faulty test procedures by testing material from a sample of at least the same number of final containers.

(3) *Second repeat final container test.* If growth appears in any first repeat final container test (Fluid Thioglycollate Medium or Soybean-Casein Digest Medium), that test may be repeated provided there was no evidence of growth in any test of the bulk material and material from a sample of twice the number of final containers used in the first test is tested by the same method used in the first test.

(c) *Interpretation of test results.* The results of all tests performed on a lot shall be considered in determining whether or not the lot meets the requirements for sterility, except that tests may be excluded when demonstrated by adequate controls to be invalid. The lot meets the test requirements if no growth appears in the tests prescribed in paragraph (a) of this section. If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b)(2) or (b)(3) of this section, whichever is applicable.

(d) *Test samples and volumes*—(1) *Bulk.* Each sample for the bulk sterility test shall be representative of the bulk material and the volume tested shall be no less than 10 ml. (Note exceptions in paragraph (g) of this section.)

(2) *Final containers.* The sample for the final container and first repeat final container test shall be no less than 20 final containers from each filling of each lot, selected to represent all stages of filling from the bulk vessel. If the amount of material in the final container is 1.0 ml. or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 ml., the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 ml., whichever is larger, but no more than 10 ml. of material or the entire contents from a single final container need be tested. If more than two filling machines, each with either single or multiple filling stations, are used for filling one lot, no less than 10 filled containers shall be tested from each filling machine, but no more than 100 containers of each lot need be tested. The items tested shall be representative of each filling assembly and shall be selected at random intervals throughout the entire filling operation. (Note exceptions in paragraph (g) of this section.)

(e) *Culture medium*—(1) *Formulae.* (i) The formula for Fluid Thioglycollate Medium is as follows:

FLUID THIOGLYCOLLATE MEDIUM	
L-cystine	0.5 Gm.
Sodium chloride	2.5 Gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	5.5 Gm.
Granular agar (less than 15% moisture by weight)	0.75 Gm.
Yeast extract (water-soluble)	5.0 Gm.
Pancreatic digest of casein	15.0 Gm.
Purified water	1,000.0 ml.
Sodium thioglycollate (or thioglycollic acid—0.3 ml.)	0.5 Gm.
Resazurin (0.10% solution, freshly prepared)	1.0 Ml.
pH after sterilization 7.1±0.2.	

(ii) The formula for Soybean-Casein Digest Medium is as follows:

SOYBEAN-CASEIN DIGEST MEDIUM	
Pancreatic Digest of Casein	17.0 Gm.
Papaic Digest of Soybean Meal	3.0 Gm.
Sodium Chloride	5.0 Gm.
Dibasic Potassium Phosphate	2.5 Gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	2.5 Gm.
Purified Water	1,000.0 ml.
pH after sterilization 7.3±0.2.	

(2) *Culture media requirements*—(i) *Growth promoting qualities.* Each lot of dehydrated medium bearing the manufacturer's identifying number, or each lot of medium prepared from basic ingredients, shall be tested for its growth-promoting qualities using not more than 100 organisms of two or more strains of microorganisms that are exacting in their nutritive and aerobic-anaerobic requirements.

(ii) *Conditions of medium and design of test vessels.* A medium shall not be used if the extent of evaporation affects its fluidity, nor shall it be reused in a sterility test. Fluid Thioglycollate Medium shall not be used if more than the upper one-third has acquired a pink color. The medium may be restored once by heating on a steam bath or in free-flowing steam until the pink color disappears. The design of the test vessel for Fluid Thioglycollate Medium shall be such as is shown to provide favorable aerobic and anaerobic growth of microorganisms throughout the test period.

(iii) *Ratio of the inoculum to culture medium.* The ratio of the inoculum to the volume of the culture medium resulting in a dilution of the preservative that is not bacteriostatic or fungistatic shall be determined for each product, except for those tested by membrane filtration. Vessels of the product-medium mixture(s) and control vessels of the medium shall be inoculated with dilutions of cultures of bacteria or fungi which are sensitive to the product being tested, and incubated at the appropriate temperature for no less than 7 days. Inhibitors or neutralizers of preservatives may be considered in determining the proper ratio.

(f) *Membrane filtration.* Bulk and final container material of products containing oil or products in water insoluble ointments shall be tested for sterility

using the membrane filtration procedure set forth in The United States Pharmacopeia[1] (18th Revision, 1970), section entitled "Membrane Filtration," pages 853–854, except that (1) the test samples shall conform with paragraph (d) of this section and (2) the temperature of incubation for tests using Fluid Thioglycollate Medium shall be 30° to 32° C. Such Membrane Filtration section is hereby incorporated by reference and deemed published herein. The United States Pharmacopeia is available at most medical and public libraries and copies of the pertinent section will be provided to any manufacturer affected by the provisions of this part upon request to the Director, Division of Biologics Standards or the appropriate Information Center Offices listed in 45 CFR Part 5. In addition, an official historic file of the material incorporated by reference is maintained in the Office of the Director, Division of Biologics Standards.

(g) *Exceptions.* Bulk and final container material shall be tested for sterility as described above in this section, except as follows:

(1) *Different sterility test prescribed.* When different sterility tests are prescribed for a product in this part.

(2) *Alternate incubation temperatures.* Two tests may be performed, in all respects as prescribed in paragraph (a)(1)(i) of this section, one test using an incubation temperature of 18° to 22° C., the other test using an incubation temperature of 35° to 37° C., in lieu of performing one test using an incubation temperature of 30° to 32° C.

(3) *Different tests equal or superior.* A different test may be performed provided that prior to the performance of such test a manufacturer submits data which the Director, National Institutes of Health, finds adequate to establish that the different test is equal or superior to the tests described in paragraphs (a) and (b) of this section in detecting contamination and makes the finding a matter of official record.

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Cryoprecipitated Antihemophilic Factor (Human), Red Blood Cells (Human), Single Donor Plasma (Human), Smallpox Vaccine and other similar products concerning which the Director, National Institutes of Health, finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

(5) *Viscid or turbid products.* Alternative Thioglycollate Medium may be used in place of Fluid Thioglycollate Medium for the testing of products that are viscid or turbid or otherwise do not lend themselves to culturing in Fluid Thioglycollate Medium, provided it has been freshly prepared or has been heated on a steam bath or in free-flowing steam and cooled just prior to use and is used in a suitable vessel that will maintain aerobic and anerobic conditions throughout the incubation period. The formula for the Alternative Thioglycollate Medium follows:

Alternative Thioglycollate Medium	
l-cystine	0.5 Gm.
Sodium chloride	2.5 Gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	5.5 Gm.
Yeast extract (water soluble)	5.0 Gm.
Pancreatic digest of casein	15.0 Gm.
Purified water	1,000.0 ml.
Sodium thioglycollate (or thioglycollic acid—0.3 ml.).	0.5 Gm.

pH after sterilization 7.1±0.2

(6) *Number of final containers more than 20, less than 200.* If the number of final containers in the filling is more than 20 or less than 200, the sample shall be no less than 10 percent of the containers.

(7) *Number of final containers—20 or less.* If the number of final containers in a filling is 20 or less, the sample shall be two final containers, or the sample need be no more than one final container, provided (i) the bulk material met the sterility test requirements and (ii) after filling, it is demonstrated by testing a simulated sample that all surfaces to which the product was exposed were free of contaminating micro-organisms. The simulated sample shall be prepared by rinsing the filling equipment with sterile 1.0 percent peptone solution, pH 7.1±0.1, which shall be discharged into a final container by the same method used for filing the final containers with the product.

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), Normal Human Plasma, Antihemophilic Plasma (Human), Plasma Protein Fraction (Human) and Fibrinogen (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided*, That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

(9) *Diagnostic products not intended for injection.* For diagnostic products not intended for injection, (1) only the Thioglycollate Medium test incubated at 30° to 32° C. is required, (2) the volume of material for the bulk test shall be no less than 2.0 ml., and (3) the sample for the final container test shall be no less than three final containers if the total number filled is 100 or less, and, if greater, one additional container for each additional 50 containers or fraction thereof, but the sample need be no more than 10 containers.

(10) *Immune globulin preparations.* For immune globulin preparations, the test samples from the bulk material and from each final container need be no more than 2.0 ml.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: February 10, 1971.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

[FR Doc 71-2132 Filed 2-16-71;8:49 am]

[1] Published by the United States Pharmacopeial Convention, Inc., 4630 Montgomery Avenue, Bethesda, Maryland 20014.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18476]

FM BROADCAST STATIONS

Table of Assignments; Certain Stations in Alabama; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallisaw, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nantucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky.; Flora, Ill.; Jasper, Arab, and Demopolis, Ala.), RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414, RM-1417, RM-1496.

1. In a further notice of proposed rule making (36 F.R. 560), adopted January 6, 1971 (FCC 71-22), the Commission invited comments on proposed FM channel changes for Fayette, Hartselle, Talladega, Jasper, Arab, and Demopolis, Ala. The time for filing comments and reply comments was designated as February 16, 1971, and February 26, 1971, respectively.

2. On February 8, 1971, counsel for Radio South, Inc., filed a request for an extension of time in which to file comments and reply comments to March 9, 1971, and March 19, 1971, respectively. Radio South, Inc., states that the requested extension is necessary because of the complexity of the technical and policy questions contained in the various alternative FM assignments presented by the Commission. It also states that counsel for each of the other parties to this proceeding has no objection to the requested extension.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in this proceeding is extended to and including March 9, 1971, and March 19, 1971, respectively.

4. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's Rules.

Adopted: February 9, 1971.

Released: February 11, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2144 Filed 2-16-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19045]

TELEVISION BROADCAST STATIONS

Table of Assignments; Clarksville, Tenn.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Clarksville, Tenn.), RM-1637.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1099), adopted October 7, 1970, and published in the FEDERAL REGISTER October 15, 1970 (35 F.R. 16181). The dates presently designated for filing comments and reply comments are January 25, 1971, and February 2, 1971, respectively.

2. On February 1, 1971, counsel for Professional Telecasting Systems, Inc. (Professional Telecasting), licensee of Station WBKO, Bowling Green, Ky., filed a request for a 2-week extension of the date for filing reply comments. Professional Telecasting states that due to the short period of time between the dates for filing comments and reply comments and the press of other business, a 2-week extension is necessary. Counsel for Tennessee Televentures, the rule making proponent, has consented to this extension.

3. It appears that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered*, That the request of Professional Telecasting Systems, Inc., is granted to and including February 19, 1971, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: February 10, 1971.

Released: February 11, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2145 Filed 2-16-71;8:50 am]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

Notice of a Memorandum of Understanding Providing for Cooperation in the Investigation of Violations of the Refuse Act

FEBRUARY 10, 1971.

Executive Order 11574 (35 F.R. 19627) announced the establishment of a permit program under the Refuse Act, 33 U.S.C. 407, Proposed Corps of Engineers regulations governing the permit program (35 F.R. 20005) and a proposed memorandum of understanding concerning the implementation of the program (36 F.R. 983) have been previously published in the FEDERAL REGISTER. The following memorandum of understanding which pertains to enforcement of and investigations under the Refuse Act rather than to the permit program itself has been executed by both the Administrator of the Environmental Protection Agency and the Secretary of the Army:

MEMORANDUM OF UNDERSTANDING BETWEEN THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY

The Administrator of the Environmental Protection Agency and the Secretary of the Army, recognizing the interrelationship between section 13 of the Act of March 3, 1899 (33 U.S.C. 407) (the "Refuse Act") administered by the Department of the Army and the statutory responsibilities of the Environmental Protection Agency under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.), and further recognizing their responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and their responsibilities under Executive Order 11574 dated December 23, 1970, which directs the Federal Government to implement a permit program under the Refuse Act to control the discharge of pollutants into navigable waters and their tributaries, have entered into this memorandum of understanding to delineate more fully the respective responsibilities of said Agency and Department for water pollution abatement and control, and to establish policies and procedures for interagency cooperation in the enforcement of the Refuse Act.

I. *Responsibilities for water pollution abatement and control.* A. At the Federal level, the Environmental Protection Agency has primary responsibility, pursuant to the Federal Water Pollution Control Act, for the abatement and control of pollution of interstate and navigable waters of the United States.

B. The Department of the Army has primary responsibility for the enforcement of the Refuse Act.

C. Under Executive Order 11574, the Secretary is directed to develop regulations and procedures in consultation with the Administrator governing the issuance of discharge permits under the Refuse Act, and, in connection with the grant, denial, conditioning, revocation and suspension of such permits, to adopt determinations and interpretations of the Administrator respecting water quality standards and compliance therewith.

D. The Department of the Army and the Environmental Protection Agency have in cooperation undertaken to implement the permit authority of the Refuse Act pursuant to a memorandum of understanding dated January, the terms of which are incorporated herein and made a part hereof.

II. *The Refuse Act.* A. The Refuse Act, 33 U.S.C. 407, provides that:

It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of the navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the U.S. officers supervising such improvement or public work: *And, provided further*, That the Secretary of the Army whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful. March 3, 1899, c. 425.

B. Criminal sanctions may be imposed against persons or corporations found guilty of violating provisions of the Refuse Act. As prescribed in 33 U.S.C. 411, the penalty upon conviction is "a fine not exceeding $2,500 nor less than $500, or * * * imprisonment (in the case of a natural person) for not less than 30 days nor more than 1 year, or both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction."

C. Civil proceedings may also be instituted to enjoin conduct which would violate provisions of the Refuse Act. United States v. Republic Steel Corp., 362 U.S. 482 (1960) and Wyandotte Transportation Co. v. United States, 389 U.S. 191 (1967).

III. *Policy with respect to enforcement of Refuse Act.* The policy of the Environmental Protection Agency and the Department of the Army is to utilize the Refuse Act and the authorities contained therein to the fullest extent possible and in a manner consistent with the provisions of the Federal Water Pollution Control Act to insure compliance with applicable water quality standards and otherwise to carry out the purposes of the Federal Water Pollution Control Act. Persons wishing to discharge into or place deposits in navigable waters or tributaries thereof will be required to apply for and obtain a permit from the Department of the Army. Persons without an appropriate permit who discharge into navigable waters or tributaries thereof or who discharge into such waters in violation of the terms of a valid permit may be subjected to legal proceedings under the Refuse Act.

IV. *Inter-agency cooperation.* A. In recognition of the expertise of the Department of the Army and the Corps of Engineers in matters pertaining to the navigability of a waterway, it is agreed that the Department of the Army, acting through the Corps of Engineers, has primary Federal responsibility for identifying and investigating violations of the Refuse Act which have an adverse impact on the navigable capacity of a waterway. Whenever a District Engineer has reason to believe that a discharge has or may have occurred having an adverse impact on water quality, he shall so notify the appropriate Regional Representative of the Environmental Protection Agency and shall provide him with all information, including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto. The said Regional Representative shall make such investigation as he deems appropriate and shall advise the District Engineer in a timely manner whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred. If the Regional Representative is of such opinion, he shall make a report to the District Engineer as to the following:

1. The nature and seriousness of the apparent violation (including, if the discharger is the holder of a Refuse Act permit, information as to the conditions of such permit which appear to have been violated).

2. The nature and seriousness of the impact on water quality.

3. The measures, if any, taken or being taken by the discharger to comply with applicable water quality standards or the conditions of a Refuse Act permit, if any.

4. The existence and adequacy of State or local pollution abatement proceedings.

5. The applicability of the Federal Water Pollution Control Act, whether any administrative or judicial proceedings are being taken or contemplated thereunder, and the status of any such proceedings.

6. His recommendations as to the action, if any, which should be taken under the Refuse Act and his reasons therefor. If the discharger is the holder of a Refuse Act permit, such recommended action may include in addition to or in lieu of prosecution under the Refuse Act for one or more of the remedies available thereunder, the suspension or revocation of the permit. A recommendation to suspend shall include a recommendation as to the period and conditions of the suspension.

B. In recognition of the expertise of the Environmental Protection Agency in matters pertaining to water quality, it is agreed that said Agency has primary Federal responsibility for identifying and investigating cases involving discharges into interstate or navigable waters which have an adverse impact on water quality. District Engineers shall assist Regional Representatives of the Environmental Protection Agency by providing them with such information as may become available concerning known or suspected discharges which may adversely affect water quality (including, if the discharger is the holder of a Refuse Act permit, a copy of said permit and all of the conditions attached thereto), and, to the extent of available resources, shall assist in the conduct of investigations concerning such discharges. Regional Representatives shall be responsible for notifying District Engineers of known or suspected violations of the Refuse Act and for providing District Engineers with timely reports of investigations conducted. Whenever in the opinion of the Regional Representative a violation of the Refuse Act having an adverse impact on water quality has or may have occurred, such report shall include all of the same information and recommendations called for in subparagraphs 1 through 6 of paragraph A with respect to reports submitted under that paragraph.

C. In connection with any remedial action recommended or taken pursuant to this memorandum of understanding, due regard shall be given to the provisions of section 21(b) of the Federal Water Pollution Control Act, and in particular the provisions of sections 21(b)(4), 21(b)(5), and 21(b)(9)(B) relating to the revocation on suspension of permits.

D. In any case in which a Refuse Act permit is suspended, if the District Engineer has reason to believe that the permittee has or may have violated the terms of the suspension, he shall notify the appropriate Regional Representative of the Environmental Protection Agency and provide him with all available information. The Regional Representative shall make such investigation as he deems appropriate and shall make a report to the District Engineer, such report to include, to the extent relevant, the information and recommendations called for in subparagraphs 1 through 6 of paragraph A with respect to reports submitted under that paragraph.

E. If upon review of all reports and information prepared pursuant to this memorandum of understanding and any other available evidence, it is determined by the District Engineer of the Corps or the Regional Representative of EPA to request legal proceedings under the Refuse Act, such District Engineer or Regional Representative shall, in consultation with each other, forward all available evidence and information, including recommendations, if any, of both the Regional Representative and the District Engineer, to the appropriate U.S. attorney. A copy of any covering letter forwarding information and evidence to the appropriate U.S. attorney should be mailed, together with a brief summary of the factual background of the case, to the Assistant Attorney General for Lands and Natural Resources, Department of Justice, Washington, D.C. 20530.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

STANLEY R. RESOR,
Secretary of the Army.

Dated: January 12, 1971.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-2134 Filed 2-16-71;8:49 am]

DEPARTMENT OF THE INTERIOR

National Park Service

MOUNT RAINIER NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Rainier National Park Co. authorizing it to provide concession facilities and services for the public at Mount Rainier National Park, for a period of 1 year from January 1, 1971 through December 31, 1971.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 26, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.71-2080 Filed 2-16-71;8:45 am]

YOSEMITE NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Yosemite National Park, proposes to issue a concession permit to Standard Oil Company of California authorizing the company to provide a service station, including all sales and services customary in the trade, at the El Portal Administrative Site, Yosemite National Park, for a period of five (5) years from April 1, 1970 through March 31, 1975.

The foregoing concessioner has performed his obligations under an existing permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Yosemite National Park, for information as to the requirements of the proposed permit.

Dated: September 11, 1970.

RUSSELL K. OLSEN,
Acting Superintendent.

[FR Doc.71-2081 Filed 2-16-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Order Directing That a Referendum Be Conducted; Designation of Referendum Agent To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 132, as amended, and Order No. 922 as amended (7 CFR Part 922), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period January 1, 1970, through December 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof, in the production of apricots for market to determine whether such producers favor the termination of said marketing agreement and order. Mr. Allan E. Henry of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland, OR 97205, is designated as the referendum agent to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

Copies of the text of the aforesaid marketing order may be examined in the office of the referendum agent or of the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agent and any appointee hereunder.

Dated: February 11, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc. 71-2157 Filed 2-16-71;8:51 am]

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Mississippi natural disasters have caused a general need for agricultural credit:

MISSISSIPPI

Bolivar.	Jefferson.
Calhoun.	Kemper.
Carroll.	Lawrence.
Chickasaw.	Quitman.
Choctaw.	Rankin.
Clay.	Sharkey.
Grenada.	Sunflower.
Humphreys.	Tallahatchie.
Hinds.	Union.
Issaquena.	Webster.
Jasper.	

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 10th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2112 Filed 2-16-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-334]

TRAMARANCIO, INC.

Notice of Loan Application

FEBRUARY 9, 1971.

Tramarancio, Incorporated, 1516 South Pacific Avenue, San Pedro, CA 90731, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 58-foot length overall steel vessel to engage in the fishery for Pacific mackerel, anchovies, squid, sardine (Pacific), bonito, and tuna.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2078 Filed 2-16-71;8:45 am]

YELLOWFIN TUNA

1971 Commission Resolutions

The resolutions adopted by the Inter-American Tropical Tuna Commission at its 23d annual meeting held in San Jose, Costa Rica, January 4 to 21, 1971, read as follows:

RESOLUTIONS

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Taking note that its 21st annual meeting at San Diego, Calif., on March 18, 19, and 22, 1969, the Commission recommended the initiation of a three year program of experimental fishing designed to test present assumptions, and

Taking note that the apparent changes in the stock during 1969 and 1970 have been within the limits set forth continuation of the experiment, and

Taking note that although the Commission's resolutions adopted at the 21st and 22d annual meetings make provisions for continuation of the experimental catch quota in 1971 certain provisions of the resolutions relating to the catch of yellowfin tuna after the season closure are limited to the years 1969 and 1970 only.

Concludes that it is desirable to continue the program of experimental fishing during 1971:

But, however, because the participating countries desire to discuss further, at a later date, provisions for regulating the catch after the closed season is in force.

Therefore recommends to the High Contracting parties that they take joint action during the interim period from January 1, 1971, to February 16, 1971, to:

(1) Establish the annual catch limit (quota) on the total catch of yellowfin tuna for the calendar year 1971 at 120,000 short tons from the regulatory area defined in the resolution adopted by the Commission on May 17, 1962: *Provided*, That this catch limit of 120,000 short tons can be increased by the Director of Investigations by 20,000 short tons and thereafter by an additional 20,000 short tons, divided into two equal increments, if he determines that such increases will not endanger the stock.

(2) Reserve a portion of the annual yellowfin tuna quota for an allowance for incidental catches of tuna fishing vessels when fishing in the regulatory area for species normally taken mingled with yellowfin tuna, after the closure of the unrestricted fishing for yellowfin tuna. The amount of this portion should be determined by scientific staff of the Commission at such time as the catch of yellowfin tuna approaches the recommended quota for the year.

(3) Open the fishing for yellowfin tuna on January 1st, 1971; during the open season vessels should be permitted to enter the regulatory area with permission to fish for yellowfin tuna without restriction on the quantity until the return of the vessels to port.

(4) Close the fishing for yellowfin tuna in 1971 at such date as the quantity already caught plus the expected catch of yellowfin tuna by vessels which are at sea with permission to fish without restriction reaches 120,000 short tons less the portion received for incidental catches in Item 2 above and for the year 1971 only, the portion reserved for vessels of 400 short tons and less capacity provided for in Item 6 below, such date to be determined by the Director of Investigations.

In order to not curtail their fisheries, those countries whose Governments accept the Commission's recommendations but whose fisheries of yellowfin tuna are not of significance will be exempted of their obligations of compliance with the restrictive measures.

Under present conditions, and according to the information available, an annual capture of 1,000 tons of yellowfin tuna is the upper limit to enjoy said exemption.

After the closure of the yellowfin tuna fishery, the Governments of the Contracting Parties and cooperating countries may permit their flag vessels to land yellowfin tuna without restriction in any country described in the preceding section which has tuna canning facilities until such time as the total amount of yellowfin tuna landed in such country during the current year reaches 1,000 short tons.

In order to avoid congestion of unloading and processing facilities around the date of the season closure and the danger the vessels may put to sea without adequate preparations, any vessel which completes its trip before the closure may sail to fish freely for yellowfin tuna within the regulatory area on any trip which is commenced within 10 days after the closure.

(5) For 1971 only, permit each vessel over 400 short tons capacity (determined from tables prepared by the Commission on the basis of existing information and additional data provided by the various governments, which relate capacity to gross and or net tonnage) fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to land an incidental catch of yellowfin tuna taken in catches of other species in the regulatory area on each trip commenced during such closed season. The amount each vessel is permitted to land as an incidental catch of yellowfin tuna shall be determined by the Government which regulates the fishing activities of such vessel: *Provided, however*, That the aggregate of the incidental catches of yellowfin tuna taken by all such vessels of a country so permitted shall not exceed 15 percent of the combined total catch taken by such vessels during the period these vessels are permitted to land incidental catches of yellowfin tuna.

(6) For 1971 only, permit the flag vessels of each country of 400 short tons capacity and less fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishing to fish freely until 6,000 short tons of yellowfin tuna are taken by such vessels or to fish for yellowfin tuna under such restrictions as may be necessary to limit the catch of yellowfin tuna by such vessels to 6,000 short tons; and thereafter to permit such vessels to land an incidental catch of yellowfin taken in catch of other species in the regulatory area on each trip commenced after 6,000 tons have been caught. The amount each vessel is permitted to land as an incidental catch shall be determined by the Government which regulates the fishing activities of such vessels; provided, however, that the aggregate of the incidental catches of yellowfin tuna taken by such vessels of each country so permitted shall not exceed 15 percent of the total catch taken by such vessels during trips commenced after 6,000 short tons of yellowfin tuna have been caught.

(7) The species referred to in Items 2, 5, and 6 are: skipjack, bigeye tuna, bluefin tuna, albacore tuna, bonito, billfishes, and sharks.

(8) Obtain by appropriate measures the cooperation of those Governments whose vessels operate in the fishery, but which are not parties to the Convention for the establishment of an Inter-American Tropical Tuna Commission, to put into effect these conservation measures.

Considering the Resolution pertaining to the conservation of yellowfin tuna in the Eastern Pacific Ocean, from the 10th Inter-Governmental meeting for the conservation of yellowfin tuna.

Instructs the Director of Investigations to close the fishery for yellowfin tuna in the Commission's regulatory area during the period from January 1 through February 16, 1971, only if the annual catch rate falls below 3 short tons per standard day's fishing, measured in purse seine units, adjusted to levels of gear efficiency previous to 1962, so as not to exceed the then current estimate of equilibrium yield.

And further resolves that the terms of the Inter-American Tropical Tuna Commission's Resolution for the regulation of the yellowfin tuna fishery in the Commission's regulatory area during 1971 shall not apply after 16 February 1971.

This Notice constitutes the announcement of the annual limitation on the quantity of yellowfin tuna permitted to be taken in the regulatory area, pursuant to the procedure established in 50 CFR 280.3. Closure of the season for yellowfin tuna will be announced in accordance with the procedure established in 50 CFR 280.5.

Issued at Washington, D.C., and dated February 10, 1971.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.71-2135 Filed 2-16-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0182 NV]

DIAMOND LABORATORIES, INC.

Drug Product Containing Chlortetracycline, Vitamins, and Minerals; Notice of Drugs Deemed Adulterated

An announcement concerning Proleen 850 Dia-Rum Brand which contains three grams of chlortetracycline hydrochloride plus a guaranteed amount of various vitamins and minerals in each pound of the premix was published in the FEDERAL REGISTER of July 17, 1970 (35 F.R. 11533). The announcement set forth the findings of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration stating that available information does not establish that the drug is effective for treatment of respiratory infections in cattle and sheep and enterotoxemia in lambs.

In their response, the manufacturer, Diamond Laboratories, Inc., Post Office Box 863, Des Moines, IA 50304, furnished no information in support of the efficacy of the premix or animal feed bearing or containing this drug. Therefore, based on information before him, the Commissioner of Food and Drugs concludes that Proleen 850 Dia-Rum Brand is adulterated within the meaning of section 501(a), (5), or (6) of the Federal Food, Drug, and Cosmetic Act. Notice is given to Diamond Laboratories, Inc., and all interested persons that all stocks of Proleen 850 Dia-Rum Brand for use in animal feed and all animal feeds bearing or containing this product within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a) (5), (6), 512, 52 Stat. 1049, as amended, 82 Stat. 343-351; 21 U.S.C. 351(a) (5) and (6), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2072 Filed 2-16-71;8:45 am]

[DESI 9757V]

CERTAIN DRUG PRODUCTS CONTAINING DIETHYLSTILBESTROL

Drugs for Veterinary Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations which contain diethylstilbestrol:

1. Stilbestrol premix containing 1 gram of diethylstilbestrol per lb. and Stimplants containing 3 milligrams of diethylstilbestrol per pellet; marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, NY 10017.

2. Dawes Destrol premix containing 0.22 percent diethylstilbestrol, Dawes Destrol premix containing 0.44 percent diethylstilbestrol, Dawes Destrol Oil Solution containing 4.4 percent diethylstilbestrol with vegetable oil, and Dawes Destrol Solution containing 4.4 percent diethylstilbestrol with polyethylene glycol 200; marketed by Dawes Laboratories, Inc., 4800 South Richmond Street, Chicago, IL 60632.

3. DiBESTrol containing 20 grams of diethylstilbestrol per lb. and DiBESTrol-C containing 15 milligrams of diethylstilbestrol per pellet; marketed by Hess and Clark, Division of Richardson-Merrell Inc., Ashland, Ohio 44805.

4. Stilbosol premix containing 1.0 gram diethylstilbestrol per pound; marketed by Elanco Products Co., Division of Eli Lilly and Co., Indianapolis, Ind. 46206.

The Academy concludes that these products are effective in promoting faster weight gains and improved feed efficiency when used under appropriate conditions. The word "sterilization" in reference to techniques of administration or equipment care in present labeling should be replaced with the word "disinfection."

The Food and Drug Administration concurs with the Academy's evaluation of "effective". The Administration further concludes that the appropriate indication for use claim on the labeling of growing and finishing rations intended for beef cattle or sheep and for implants intended for administration to beef steers, steer calves, and lambs should be "For increased rate of gain and improved feed efficiency".

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all intereseted persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, DC 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2073 Filed 2-16-71;8:45 am]

[DESI 9770V]

DIETHYLSTILBESTROL-OXYTETRACYCLINE PREMIX

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Stilbestrol-Oxytetracycline Premix; each pound contains 8 grams of oxytetracycline hydrochloride activity and 0.22 percent diethylstilbestrol; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy evaluated this product as effective for faster weight gains and improved feed efficiency under appropriate conditions with respect to this claim for diethylstilbestrol. More information is needed regarding the effectiveness of oxytetracycline hydrochloride for the claims "to increase rate of gain and improve feed efficiency in cattle, and to reduce incidence of liver abscesses in beef animals." The Academy stated that: (1) Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; and (2) data fails to show that this combination of diethylstilbestrol and oxytetracycline hydrochloride is more effective than if either agent is used alone. No additive or potentiative effect has been demonstrated.

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, as amended, 82 Stat. 343–51, 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2074 Filed 2-16-71;8:45 am]

[Docket No. FDC–D–271; NDA 1-286 etc.]

CERTAIN PREPARATIONS CONTAINING ATROPINE AND PHENOBARBITAL

Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of March 27, 1970 (35 F.R. 5190), the Food and Drug Administration announced (DESI 1286) its conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning the following preparations:

Atropine and Phenobarbital Tablets, containing ¼-grain phenobarbital and 1/500-grain atropine sulfate; Cole Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Missouri 63108 (NDA 3–452).

Siltrobarb Tablets, containing ¼-grain phenobarbital, 1/500-grain atropine sulfate, and 8 grains magnesium trisilicate; Cole Pharmacal Co. (NDA 1–286).

The announcement stated that (1) the amount of atropine sulfate in the atropine sulfate-phenobarbital tablet is not a recognized therapeutic dose and that therefore the preparation lacks substantial evidence of effectiveness and (2) the preparation containing atropine sulfate, phenobarbital, and magnesium trisilicate lacks substantial evidence of effectiveness as a fixed-combination. Data were invited pertinent to the announced intention to initiate proceedings to withdraw approval of the new-drug applications. The above-listed firm has advised that the products are no longer marketed and has waived opportunity for hearing on the proposed withdrawal of approval.

In addition to those drugs specifically reviewed by the Academy, the following preparations are affected by the March 27, 1970, announcement:

Belnesium Tablets, containing ⅛ grain phenobarbital, 0.0002 grain atropine sulfate, 0.0008-grain hyoscyamine hydrobromide, and 7 grains magnesium trisilicate; Charles C. Haskell Co., Division of Arner Stone Co., 601 East Kensington Road, Mount Prospect, Illinois 60056 (NDA 2–410).

Silaloid Tablets, containing 1/6-grain phenobarbital, 0.0002 grain atropine sulfate, 0.0008-grain hyoscyamine hydrobromide, and 7 grains magnesium trisilicate; Van Pelt & Brown, Inc., Division of Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis, Missouri 63160 (NDA 4–601).

The holders of these new-drug applications were informed by letter that their products are affected and have advised that their products are no longer marketed and have waived opportunity for hearing on the proposed withdrawal of approval.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of signature of this document. Promulgation of this order may cause any such drug for human use to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

Dated: January 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2070 Filed 2-16-71;8:45 am]

[DESI 12836]

DIPYRIDAMOLE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following coronary vasodilator drug:

Persantine Tablets, containing dipyridamole; marketed by Geigy Pharmaceuticals Division of Geigy Chemical Corp., Saw Mill River Road, Ardsley, New York 10502 (NDA 12–836).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report and concludes that dipyridamole is possibly effective for long term therapy of chronic angina pectoris.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the report by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12836, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA Number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2076 Filed 2-16-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION VI, FORT WORTH

Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90–284 (42 U.S.C. 3601–3619), except the authority to:

1. Issue a subpoena or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

2. Make studies and publish reports under section 808(e) of the Act (42 U.S.C 3608(d)).

3. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to subordinate employees the authority of the Secretary to administer oaths under section 811(a) of the Act (42 U.S.C. 3611(a)).

SEC. C. *Supersedure.* This redelegation of authority supersedes the redelegation published at 34 F.R. 6869, April 24, 1969.

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Apr. 30, 1970 (35 F.R. 6877, Apr. 30, 1970))

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER, February 17, 1971.

RICHARD MORGAN,
Regional Administrator, Region VI, Fort Worth.

[FR Doc.71-2137 Filed 2-16-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 26]

SEABOARD COAST LINE RAILROAD CO.

Petition for Relief From the Requirement of Initial Terminal Road Train Air Brake Tests

By petition filed January 22, 1971, the Seaboard Coast Line Railroad seeks relief from the requirement that an initial terminal inspection and test be required by trains received in interchange at point of interchange in respect to run-through trains interchanged with the St. Louis-San Francisco Railway Co. at Birmingham moving between Memphis, Tenn., and Hamlet, N.C.; with St. Louis-San Francisco Railway Co. interchanged at Birmingham, Ala., moving between Memphis, Tenn., and Jacksonville, Fla.; with the Clinchfield Railroad Co., interchanged at Spartanburg, S.C., moving between Erwin, Tenn., and Savannah, Ga.

Upon consideration of the record, and of the requirements of the statute as to hearings, it is hereby determined that the petition should be assigned for hearing and further proceedings thereon. Accordingly, it should be, and it is hereby, assigned for hearing in Richmond, Va., on March 11, 1971, at 9:30 a.m., eastern standard time, in conference Room 1035, Federal Building, 400 North Eighth Street.

Any party desiring a copy of the petition, or further information, should write to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C., and a copy or additional information will be furnished.

Dated this 9th day of February 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71-2131 Filed 2-16-71;8:49 am]

Office of Pipeline Safety

[Notice No. W–2; Docket No. OPS–8]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition for Waiver of Certain Requirements

The Transcontinental Gas Pipe Line Corp. (Transco) of Houston, Tex., has petitioned for a waiver of the requirements of § 192.65, Title 49, Code of Federal Regulations. § 192.65 provides that where a pipeline is to be operated at a hoop stress of 20 percent or more of SMYS, pipe having an outer diameter-to-wall thickness ratio of 70 to one, or more, transported by railroad, must be transported in accordance with API RP5L1.

Transco has ordered from Bethlehem Steel Corp. quantities of 30 inch pipe. It is considered desirable to utilize 80' lengths of pipe double submerged arc girth welded at the mill. Transco wishes to transport the pipe from the mill in Steeltown, Pa., to its destination in Texas.

However, API RP5L1 prohibits overhang loads in excess of 1½ times the diameter of the pipe being transported. Overhangs in excess of this limitation are necessary since railroad cars of sufficient length to contain 80' lengths of

pipe are not readily available. Transco proposes loading the pipe on 52' cars with a double overhang of approximately 15 feet on idler cars.

Transco states that this method of transporting such pipe has been used with success in Canada, and both Transco and Bethlehem Steel Corp. assert that the method is one which will not result in damage to the pipe.

In accordance with section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), notice is hereby given that a hearing on the matter of granting a waiver for the purpose stated above will be held at 10 a.m. on March 10, 1971, at the Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590.

Interested persons are invited to present their views at the hearing or to submit them in writing by March 3, 1971, to the Office of Pipeline Safety at the above address.

Issued in Washington, D.C. on February 12, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-2245 Filed 2-16-71;8:52 am]

Office of the Secretary

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Delegation of Authority To Apportion Funds

The National Highway Traffic Safety Administrator is hereby delegated authority to apportion the funds authorized by section 202(f)(1) of the Highway Safety Act of 1970 (Public Law 91-605; 84 Stat. 1741) for carrying out section 402 of title 23 for the fiscal year ending June 30, 1972.

The Federal Highway Administrator is hereby delegated authority to apportion the funds authorized by section 202(f)(3) of the Highway Safety Act of 1970 (Public Law 91-605; 84 Stat. 1741) for carrying out section 402 of title 23 for the fiscal year ending June 30, 1972.

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 9, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-2077 Filed 2-16-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Availability of Draft Detailed Statement and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Draft Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Construction of the Midland Plant Units 1 and 2 by the Consumers Power Co." is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room, 1717 H Street NW., Washington, DC; and the office of the Director of the Grace Dow Memorial Library, Midland, Mich.

The Commission hereby requests comments on the proposed action and the Draft Detailed Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

A copy of the Draft Detailed Statement dated February 5, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to any such State or local agency upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 10th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2082 Filed 2-16-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22815]

FLYING TIGER LINE INC.

Notice of Prehearing Conference Regarding Proposed Multi-Container Rates

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 4, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Requests for information and evidence, statements of proposed issues, and proposed procedural dates shall be filed with the Examiner and served on Bureau Counsel and Counsel for The Flying Tiger Line on or before February 24, 1971.

Dated at Washington, D.C., February 10, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-2140 Filed 2-16-71;8:50 am]

[Docket No. 21238; Order 71-2-56]

ALASKA AIRLINES, INC., AND WIEN CONSOLIDATED AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of February 1971.

By this order the Board proposes to establish new final service rates for the transportation of mail over the intra-Alaska routes of Alaska Airlines, Inc. (Alaska), and Wien Consolidated Airlines, Inc. (Wien), for the past period July 25, 1969, through September 18, 1970, and for the future period beginning September 19, 1970.

This proceeding was initiated by petition of the Postmaster General (PMG) filed July 25, 1969, requesting the Board to reopen the service mail rates for intra-Alaska services and establish new final rates based on more recent operating data. The issues raised by the PMG were set for investigation and hearing.[1] A prehearing conference was held on October 28, 1969, and thereafter the parties submitted the usual evidentiary information. Shortly before May 26, 1970, the date on which the hearing was due to commence, informal discussions began between the Postmaster General and the carriers. When the discussions indicated that the service mail rates could be determined under informal conference procedures, the Board granted the Postmaster General's request for an indefinite postponement of the hearing, after severing two carriers from the case for separate handling.[2] As a result of informal conferences between the PMG and the carriers, agreement was reached with respect to the service mail rates to be established for Alaska and Wien, and by petition filed July 24, 1970, the PMG requested that the agreed rates be established for those carriers.[3]

The final rates agreed upon by the PMG and the carriers are as follows:

1. For the past period July 25, 1969–September 18, 1970, $1.37 per mail ton-mile for Alaska and $1.4569 per mail ton-mile for Wien. As a result of these rates, Alaska and Wien will receive additional mail pay of approximately $127,000 and $720,000, respectively.

2. For the future period beginning September 19, 1970, the following rates per mail ton-mile:

	Alaska	Wien
Priority mail	$1.30	$1.35
Nonpriority mail	1.05	1.05
Combined rate per ton-mile	1.11	1.22

[1] Order 69-8-163, Aug. 29, 1969.

[2] Order 70-5-92, May 19, 1970, severed Kodiak and Western Alaska from Docket 21238.

[3] The rates for the other two carriers in this docket, Reeve Aleutian Airways, Inc., and Western Air Lines, Inc., will be disposed of in separate orders.

Alaska and Wien are presently on closed subsidy rates[4] and have been on temporary service mail rates since July 25, 1969, the date on which the rates were reopened. The carriers' present temporary rate of $1.29 per mail ton-mile is the same as the final service mail rate for intra-Alaska services which was established effective October 1, 1953.[5] This rate does not distinguish between priority and nonpriority mail.

Effective September 19, 1970, the PMG initiated a two-level service within Alaska that would apply to mail transported on and after that date. This two-level service, classified as priority and nonpriority mail on intra-Alaska routes, is explained in Appendix 3 of this order. This appendix sets forth the conditions of service applicable to the transportation of priority and nonpriority mail within the State of Alaska. The PMG's petition also lists the "bush" and "mainline" segments for Alaska Airlines and Wein. These segments, which are set forth in Appendices 1 and 2 of this order, have been identified solely on the basis of scheduled frequencies. Any segment having a frequency of five or more schedules a week has been designated as a mainline segment over which both priority and nonpriority O and D mail[6] transportation will apply.

A bush segment is one for which the mail origin or destination is a bush point. According to the PMG, all bush mail will be provided priority service for the entire transit by air, despite the fact that one of the segments transited may be a mainline segment. Thus, mail originating at or destined to a bush point will remain in continuous air carrier custody during the entire period of air transportation over intra-Alaska routes, and will not, at any time, be subject to a space-available, nonpriority movement.

The proposed rates are based primarily on cost information for the year ended June 30, 1969, with certain adjustments for assignment of additional capacity to cargo, circuitry factors, and a small inflationary factor mutually agreed to among the parties. In effect, the specific rates are the result of arm's length negotiations between the PMG and the carriers. We believe that the agreed rates, which fall well within the zone of reasonableness,[7] constitute the fair and reasonable rates of mail compensation for the past and future intra-Alaska mail services of Alaska and Wien. However, in finding that the agreed rates constitute the fair and reasonable rates for the mail services of these carriers, we have confined our determination to the particular facts of this case. Moreover, we do not pass upon the appropriateness of any particular methodology which may underlie the cost calculations used in arriving at the rates.

The proposed rates for the past period July 25, 1969, through September 18, 1970, are $1.37 per mail ton-mile for Alaska and $1.4569 per mail ton-mile for Wien, and will yield the carriers additional mail revenues of about $127,000 and $720,000, respectively. The additional mail payments are based on the differences between the agreed rates of $1.37 for Alaska and $1.4569 for Wien and the temporary rate of $1.29 per ton-mile, applied to the estimated mail ton-miles for the period July 25, 1969, to September 18, 1970.

The proposed rates for the future year beginning September 19, 1970, are based on a two-level service comprising priority and nonpriority mail. The rates for priority mail are $1.30 per ton-mile for Alaska and $1.35 per ton-mile for Wien. For nonpriority mail, the rate per ton-mile is $1.05 for both carriers. The combination of priority and nonpriority mail produces overall rates per ton-mile of $1.11 for Alaska and $1.22 for Wien. Although mail was not tendered for various classes of service during the base year, the PMG exercised his best efforts to separate priority and nonpriority mail ton-miles. The accuracy of this separation will only be determined by experience under the new two-level system. Since the rates for priority and nonpriority mail were determined on the basis of the estimated volume of each class of mail and were intended to produce the overall rates per great-circle mail ton-mile of $1.11 for Alaska and $1.22 for Wien, the parties have agreed that if the actual overall yields per ton-mile are significantly different from those agreed upon, they will jointly petition the Board to change the rates for each class of mail to produce the agreed-upon combined rates.

Because each carrier will have individual rates, at the request of the parties, the Board will include in this order the usual language authorizing election to equalize rates.

Proposed findings and conclusions. On the basis of the foregoing, the Board tentatively finds that the fair and reasonable rates of compensation to be paid the carriers named below by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of mail by aircraft over their respective intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith are:

1. For the past period July 25, 1969, through September 18, 1970, the rates per great-circle mail ton-mile of $1.37 for Alaska Airlines and $1.4569 for Wien.

2. For the future period beginning September 19, 1970, the following rates per great-circle mail ton-mile:

	Alaska	Wien
Priority mail	$1.30	$1.35
Nonpriority mail	1.05	1.05
Combined rate per ton-mile	1.11	1.22

3. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

4. Provisions for equalization of rates shall be as set forth in Appendix 4 attached hereto.

5. Effective September 19, 1970, the stations included in each of the station classes shall be as specified in Appendices 1 and 2 attached hereto.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the Regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. All interested persons and particularly Alaska Airlines, Inc., Reeve Aleutian Airways, Inc., Western Air Lines, Inc., Wien Consolidated Airlines, Inc., the State of Alaska, Alaska Transportation Commission,[8] and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Alaska Airlines, Inc., Reeve Aleutian Airways, Inc., Western Lines, Inc., Wien Consolidated Airlines, Inc., the State of Alaska, Alaska Transportation Commission, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX 1—ALASKA AIRLINES, INC.

Mail dispatched at any post office point in column A destined for delivery by any post

[4] Alaska Airlines, Inc., Order E-26720, Apr. 29, 1968, and Northern Consolidated Airlines, Inc., Order E-26790, May 14, 1968 (now Wien).

[5] 17 C.A.B. 898 (1953).

[6] O and D mail is mail tendered at origin which will be surrendered at destination for delivery through that postal facility or for rebilling to another carrier.

[7] The computations underlying the agreed rates, as submitted by the parties, are set forth in Appendices 5 and 6, attached hereto.

[8] There is pending a petition by the State of Alaska, Alaska Transportation Commission, filed May 28, 1970, for leave to intervene in this proceeding. We are not now passing on the Commission's petition pending lapse of the period for filing notice of objection and formal answer to this order.

office point in the same column shall be considered as moving over a "mainline" segment and shall be subject to the priority and nonpriority rates. All mail tendered for transport between a post office point in column A, on the one hand, and a point in column B, on the other, or between points in column B shall be subject only to the priority rate, from the point of tender.

COLUMN A—"MAINLINE" STATIONS

Anchorage.	Kotzebue.
Annette Island.	Nome.
Cordova.	Petersburg.
Craig.	Prince Rupert, B.C.
Fairbanks.	Sitka.
Gustavus.	Skagway.
Haines.	Unalakleet.
Hoonah.	Valdez.
Hydaburg.	Wrangell.
Juneau.	Yakutat.
Ketchikan.	
Klawock.	

COLUMN B "BUSH" STATIONS

Angoon.	McCarthy.
Baranof.	Middleton Island.
Bell Island.	Myers Chuck.
Boswell Bay.	Northway.
Cape Pole.	Oceanic.
Cape Yakataga.	Peak Island.
Chatham.	Pelican City.
Chisana.	Perry Island.
Chitina.	Point Baker.
Coffman Cove.	Point Knowell.
Crafton Island.	Port Alice.
Deep Bay.	Port Alexander.
Deweyville.	Port Ashton.
Dawson, Y.T.	Port Protection.
Dry Pass.	Port Walter.
Duncan Canal.	Red Bay.
Edna Bay.	Saginaw Bay.
Elfin Cove/Port Althorp.	San Juan.
	Seward.
Eliza Harbor.	Snettisham.
Excursion Inlet.	Soldotna.
Fairmont Island.	Steamboat Bay.
False Island.	Taku Harbor.
Funter Bay.	Taku Lodge.
Glacier Creek.	Tatitlek.
Gulkana.	Tebenkof Bay.
Hawk Inlet.	Tenakee.
Icy Bay.	Thorne Bay.
Kake.	Tokeen.
Kasaan.	Tuxekan.
Kendrik Bay.	Waterfall.
Kenny Cove.	Washington Bay.
Loring.	Whale Pass.
May Creek.	Yes Bay.

APPENDIX 2—WIEN CONSOLIDATED AIRLINES, INC.

Mail dispatched at any post office point in column A destined for delivery by any post office point in the same column shall be considered as moving over a "mainline" segment and shall be subject to the priority and nonpriority rates. All mail tendered for transport between a post office point in column A, on the one hand, and a point in column B, on the other, or between points in column B shall be subject only to the priority rate from point of tender.

COLUMN A—"MAINLINE" STATIONS

Anchorage.	Kenai.
Barrow.	King Salmon.
Bethel.	Kodiak.
Dillingham.	Kotzebue.
Fairbanks.	McGrath.
Fort Yukon.	Nome.
Galena.	Tanana.
Homer.	Whitehorse.
Juneau.	

COLUMN B—"BUSH" STATIONS

Aklachak.	Aniak.
Aklak.	Ambler.
Alakanuk.	Anaktuvak Pass.
Allakaket.	Anvik.

COLUMN B—"BUSH" STATIONS—continued

Arctic Village.	Kwinhagak.
Barter Island.	Lake Minchumina.
Beaver.	Livengood.
Bettles.	Lost River.
Big Mountain.	Manley Hot Springs.
Birch Creek.	Medfra.
Bornite.	Mekoryuk.
Boundary.	Minto.
Brevig/Teller Mission.	Moses Point.
	Mountain Village.
Brooks Lake.	Napakiak.
Buckland.	Napaskiak.
Candle.	Newtok.
Cape Lisburne.	Noatak.
Cape Newenham.	Nonvianuk Lake.
Cape Romanzof.	Northeast Cape.
Central.	Noorvik.
Chalkyitsik.	Nulato.
Chandalar.	Nunapitchuk.
Chena Hot Springs.	Old Crow.
Cheevak.	Ophir.
Chicken.	Pilot Station.
Chifornak.	Platinum.
Circle.	Point Hope.
Circle Hot Springs.	Porcupine Creek.
Council.	Port Clarence.
Crooked Creek.	Rampart.
Dahl Creek.	Red Devil.
Deering.	Ruby.
Eagle.	Russian Mission.
Eek.	St. Mary's.
Elim.	St. Michael.
Emmonak.	Savoonga.
Farewell.	Scammon Bay.
Flat.	Selawik.
Fortuna Ledge.	Shageluk.
Gambell.	Shaktoolik.
Golovin.	Sheldon Point.
Goodnews Bay.	Shishmaref.
Granite Mountain.	Shungnak.
Grayling.	Skwentna.
Grosvenor Lake.	Sleetmute.
Haycock.	Solomon.
Hogatza.	Stebbins.
Holy Cross.	Stevens Village.
Hooper Bay.	Stony River.
Hughes.	Takotna.
Huslia.	Tatalina.
Iliamna.	Teller.
Kalakaket.	Tin City.
Kalskag.	Toksook.
Kaltag.	Tulyksak.
Katmai Camps.	Tuntatuliak.
Kiana.	Tununak.
Kipnuk.	Umiat.
Kivalina.	Unalakleet.
Kobuk.	Utopia Creek.
Kongiganak.	Venetie.
Kotlik.	Wainwright.
Koyuk.	Wales.
Koyukuk.	White Mountain.
Kulik Lake.	Wiseman.
Kwethluk.	Woodchopper.
Kwigillingok.	

APPENDIX 3—CONDITIONS OF SERVICE FOR AIR TRANSPORT OF INTRA-ALASKA MAIL

I. INTRA-ALASKA PRIORITY MAIL SERVICE

A. *Applicability.* The rules and regulations set forth in this part apply only to air carriers engaged in the transportation of mail between points in Alaska under authority granted in their Intra-Alaska certificates as issued by the Civil Aeronautics Board.

B. *Definition of Intra-Alaska Priority Mail Service.* Air mail and first class mail are defined as priority mail and the rules and regulations governing the handling and transportation of this combined class of mail will be identical to that accorded domestic airmail (see Part 531) with the exceptions as contained in this part. Mail to be included under the Intra-Alaska Priority Mail definition include:

1. U.S. air mail.

2. All mail paid at first-class rates, including business reply mail.

3. All official U.S. Government mail endorsed "Air Mail" or "First Class."

4. Second-class publications on which the surcharge has been paid for priority service ("Air Second Class").

In addition to the above categories of mail, all mail moving over segments not designated by CAB order as "Mainline" routes will be transported as priority mail.

C. *Air carriers' responsibilities*—1. *For transporting mail.* Air carriers are required to transport and transfer mail as ordered on dispatch documents and related coding on sack and parcel labels.

2. *For giving priority.* a. Air carriers are required to give the following priority to mail: From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for transportation of mail.

b. The normal mail load for each mainline segment trip is determined, at the option of the air carrier, for each day of the week on (1) basis of the mail tendered to that trip on the same day of the week for the 5 previous weeks or (2) basis of the weight of mail tendered to the trip on Tuesday, Wednesday, Thursday, and Friday of the preceding week. When a holiday occurs on one of those days, substitute the same day of the second previous week. In either method of computing the average, exclude mail tendered under abnormal conditions. When an air carrier elects to use one of the two methods it must continue to use the selected method on Form 2760, Air Carrier's Reply—Refusal/Removal of Priority Mail.

c. For bush routes, the normal mail load for each trip is based on the load capacity of the type aircraft used and the average space available for mail on the five previous mail carrying trips with the same model aircraft. Form 2760, Air Carrier's Reply—Refusal/Removal of Mail will reflect the revenue load capacity of the aircraft and the number of passengers, and weight of baggage, mail, and freight carried.

d. No part of the mail load, either local boarding or through mail, will be displaced to accommodate local boarding passengers or when a trip requires additional fuel.

e. Mail in excess of normal mail load must be given priority over all other traffic except confirmed revenue passengers and their baggage.

f. In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representatives, mail must be given preference over all other cargo.

g. When it is not possible for the air carrier to move all available mail over a bush route because of unusual heavy mailings or peak volumes, the priority of movement is defined in this order, airmail, first class, newspapers, special handling, perishable parcels, and then bulk mail. Subsequent or special trips of a carrier will continue this priority of movement until the backlogged volume is transported.

3. *For protecting mail.* a. Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. In transporting mail between point of exchange with the post unit and aircraft ramp positions, carriers must provide adequate and suitable vehicles that will (1) prevent mail from being lost or dropped en route and (2) protect mail from depredation and weather. Take every precaution to protect mail from fire. Mail handlers must be identified by badges or distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

b. When an air carrier discovers a sack or parcel damaged so that loss or depredation could result, the air carrier will turn in the piece to the first possible postal unit for resacking and redispatch. Form 2713-B must accompany the damaged piece to the postal unit.

II. INTRA-ALASKA NONPRIORITY MAIL SERVICE

A. *Definition of Intra-Alaska Nonpriority Mail Service.* The term Intra-Alaska nonpriority mail is used to describe all classes of mail not already included under the description in Part I. It is mail other than air and first class mail which is transported by aircraft over segments or routes within the State of Alaska which have been designated as "Mainline" segments or routes, and moves on a space available nonpriority basis. The designated "Mainline" routes may change from time to time depending upon changes in the factors which were used in making the original selection.

B. *Authority, rates and service*—1. *Civil Aeronautics Board.* The Civil Aeronautics Board establishes the rates to be paid air carriers for the transportation of nonpriority mail.

2. *Service.* Mail may be tendered for interline transfer between Intra-Alaska carriers in only those instances where the originating carrier does not service the destination point. The responsibility for transfer at the interline transfer point shall be with the originating carrier.

C. *Responsibility for nonpriority mail program*—1. *Air carriers*—a. *Transportation on space available basis.* All carriers will transport nonpriority mail on a space available basis over "Mainline" segments to the destination shown on dispatch record and label and once enplaned will not be removed at an intermediate point. It will be transported on a space available basis and will move only after all other forms of traffic have been accommodated.

b. *Notification to postal units.* Air carriers must notify local postal units of any undue delay or inability to transport nonpriority mail which has been tendered. Delay will not be considered undue until the passage of 24 hours after scheduled departure to destination. When an air carrier transports this mail beyond or off-loads it short of the billed destination, the carrier must notify the postal unit and secure instructions for disposing of the mail.

c. *Requirements for transfer of nonpriority mail.* Carriers will make any necessary intraline and interline transfers to provide transportation to the destination listed on the original dispatch.

d. *Delivery requirements.* Delivery of nonpriority mail shall be made without unwarranted delay to the destination postal unit within local time limits set by the Director, Logistics Division, Seattle Region.

e. *Protection of mail.* Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation and weather. In transporting mail between point of exchange with the post office and aircraft ramp positions, carriers must provide adequate and suitable vehicles that will (1) prevent mail from being lost or dropped en route and (2) protect mail from depredation and weather. Take every precaution to protect mail from fire. Mail handlers must be identified by badges or distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request for postal employees concerned.

* * * * *

SOURCE: U.S. Post Office Department.

APPENDIX 4—EQUALIZATION OF RATES

(a) Any carrier or, pursuant to agreement, any two or more carriers providing service on an interline or interchange basis, may, by notice, elect to transport mail between stated points served by such carrier or carriers at a reduced rate equal to the rate then in effect for such service between such points by any other carrier or carriers.

(b) In the case of equalization of rates by agreement pursuant to (a) above, the agreement shall provide for the proration of the mail compensation by the participating carriers on the basis of the relative compensation which would otherwise be payable to each carrier in the absence of the provisions of paragraph (a).

(c) In the absence of an agreement among carriers, pursuant to (a) above, for equalization of rates for interline shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each such shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (nonelecting carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the nonelecting carrier or carriers shall be determined on the basis of all the provisions of this formula.

In those instances where two or more carriers elect to receive payment under this provision, the total payment due such carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each carrier in the absence of the provisions of this paragraph.

(d) In the event that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate pursuant to paragraphs (a) and (b) and elects initially to accept compensation as provided in paragraph (c), it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. In reviewing such applications, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of the electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either orally or in writing, in those cases where it deems such action appropriate the Board will by order prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers refusing to enter into an agreement to equalize compensation be required to accept less than the compensation which would have been payable if the service were performed under voluntary agreement pursuant to paragraphs (a) and (b).

(e) An original and three copies of each notice of election and agreement and an original and 19 copies of each application, under the preceding paragraph (d) shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing service between the stated points. Such notices shall contain a complete description of the reduced charge being established, the routing over which it applies, and how it is constructed and shall similarly describe the charge being equalized with. Applications filed pursuant to paragraph (d) shall not be deemed to reopen the mail rates or rate structure prescribed herein.

(f) Any rate established pursuant to paragraph (a), (b), or (c) shall be effective for the electing carrier or carriers as of the date of filing of the notice required by such paragraphs, or such later date as may be specified in the notice, until said election is terminated. Elections may be terminated by any electing carrier upon 10 days' notice filed with the Board, as aforesaid, and served upon the Postmaster General and each carrier providing service between the stated points.

Applications filed pursuant to paragraph (d) shall conform generally to the provisions of the rules of practice governing the filing of petitions in mail rate cases. Within 7 days after the application is served, any party may file an answer in support of or in opposition to the application together with any documentary material upon which it relies. Any order upon such application pursuant to paragraph (d) shall be effective no earlier than the date of filing of the application with the Board.

APPENDIX 5—SUMMARY OF MAIL VOLUMES, REVENUES, EXPENSES AND PAST AND FUTURE PERIOD RATES FOR ALASKA AND WIEN AIRLINES

Item No.	Base period (year ended 6-30-69)	Alaska	Wien
1	Mail ton-miles as flown	676,306	3,063,354
2	Mail ton-miles as paid	650,291	2,942,511
3	Mail tons originated	2,413	7,916
4	Length of haul	269	372
5	Mail revenue (as reported)	$838,877	$3,705,839
6	Mail expense	$890,903	$1,289,941
7	Revenue per ton-mile	$1.29	$1.29
	PAST PERIOD (JULY 25, 1969–SEPT. 18, 1970)		
8	Expense per ton-mile	$1.3173	$1.3094
9	Rate per ton-mile	1.3700	1.4569
10	Estimated additional mail pay	127,000	720,000
11	Estimated mail volume (lbs.)	1,587,500	4,311,950
	FUTURE PERIOD (BEGINNING SEPT. 19, 1970		
	Mail Expense:		
12	Priority mail	$200,897	$2,363,314
13	Nonpriority mail	500,716	1,373,978
14	Total priority and nonpriority.	701,613	3,737,292
	Proposed Rates per Ton-Mile:		
15	Priority mail	$1.30	$1.35
16	Nonpriority mail	1.05	1.05
17	Total priority and nonpriority.	$1.11	$1.22
18	Estimated priority and nonpriority ton-miles.	632,084	3,063,354

Source: U.S. Post Office Department

ALASKA AIRLINES, INC., COMPUTATION OF PAST AND FUTURE PERIOD RATES[1]

Item No.	Past period	Cents per mail ton-mile
1	Bureau Counsel's costing based on space	118.80
2	Correction of BC's costing to reflect assignment of capacity to cargo by ASA (17.57% of (1))	20.88
3	Corrected BC's costing (1)+(2)	139.77
4	BC costing based on weight, as computed by POD	123.20
5	Average of space and weight (3)+(4) ÷2	131.49
6	Allowance for inflation and circuity factors	5.51
7	Past period rate per mail ton-mile (5)+(6)	137.00
	FUTURE PERIOD	
8	POD's costing of priority mail based on arithmetic average of space and weight methods	125.00
9	Allowance for circuity factor 4%	5.00
10	Future period rate for priority mail (8)+(9)	130.00
11	POD's costing of nonpriority mail based on average of weight and space methods	97.00
12	Allowance for circuity 4%	4.00
13	Allowance for Juneau-Anchorage rate equalization	4.00
14	Future period rate for nonpriority mail	105.00

[1] Based on cost data for the 12-month period ended June 30, 1969, including return on investment of 10.50 percent and tax allowance of 48 percent.

WIEN CONSOLIDATED AIRLINES, INC. COMPUTATION OF PAST AND FUTURE PERIOD RATES[1]

Item No.	Past period	Cents per mail ton-mile
1	POD's costing based on space	146.63
2	POD's costing based on weight	126.32
3	Average of space and weight costing	136.48
4	Adjustment for additional capacity allocated to cargo and other factors mutually agreed between carrier and POD	9.21
5	Past period rate per mail ton-mile (3) +(4)	145.69
	FUTURE PERIOD	
6	POD's costing based on space	129.58
7	POD's costing based on weight	112.42
8	Average of space and weight costing	121.00
9	Allowance for differential in mail mix	1.00
10	Future period rate for combined priority and nonpriority mail ton-mile	122.00
11	Rate for nonpriority mail	105.00
12	Rate for priority mail, based on priority mail revenue of $2,363,314 and estimated priority mail ton-miles of 1,750,000	135.00

[1] Based on cost data for the 12-month period ended June 30, 1969, including return on investment of 10.50 percent and tax allowance of 48 percent.

[FR Doc.71-2141 Filed 2-16-71;8:50 am]

[Dockets Nos. 21866, 22784; Order 71-2-55]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of February 1971.

By tariff revisions[1] marked to become effective February 12, 1971, United Air Lines, Inc. (United), proposes to increase its fares in 22 markets involving the Chicago, New York, and Washington terminals by $0.92 or $1.85. In support of its proposal United alleges losses on all but two of the 22 segments, aggregating $12,012,000 annually. These losses include an allowance for a 10.5 percent return on investment. United asserts that congestion in the 22 markets causes an average delay of approximately 8.5 minutes as compared with noncongested airports, and that the losses were incurred despite a composite load factor on all segments of 61.1 percent, some 10.5 percentage points above its system average of 50.6 percent. United asserts that it does not consider the Board's economic regulations to require that fare increases be justified on a segment by segment basis when an overall system loss is apparent.

United estimates that its proposal will increase revenues by $2,303,000 annually, thereby reducing its losses on the segments in question to $9,700,000. The carrier alleges that it has made an extensive analysis of elasticity and estimates no significant loss of traffic due to the fare increases.

No complaints have been filed.

The proposal here to increase certain coach fares comes within the scope of the Domestic Passenger-Fare Investigation now actively in process and the lawfulness of these fares will be determined in that proceeding. It is anticipated that a decision on the fare level and directly related issues will be reached by about April 1, 1971. The issue now before us is whether to permit to become effective or suspend these proposed fares pending a final determination of their lawfulness in that investigation.

The data provided by United in support of its proposed fare increases is aggregated for all of the markets involved in the filing. There is no way to ascertain the impact of congestion on costs in any individual market. Neither can the profit or loss position of any individual market be identified.

As we have previously stated in numerous orders, trunkline carriers should be permitted interim normal fare increases at this time only where it is reasonably demonstrated that the individual markets involved have characteristics which, but for severe congestion, could be expected to result in profitable operations. Consistent with this policy, the Board has permitted such increases to American Airlines, Inc., Braniff Airways, Inc., and Trans World Airlines, Inc., upon adequate justification. United's supporting data simply does not make the required showing market by market. Moreover, in view of the interim nature of the increases, which are intended to alleviate operating losses attributable to atypical congestion costs, we do not consider it appropriate to include a return element in determining the profitability of each market. The question of proper fare level based on total economic cost is a matter to be resolved in the Domestic Passenger-Fare Investigation. Therefore, the Board has decided to suspend the instant proposal.

Upon consideration of all relevant matters, the Board finds that the proposed military fare increases, which stem from higher basic fares we are herein suspending, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that these fares should be suspended, together with the other fare increases indicated above, pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the increased YM (Military Reservation) fares and provisions described in Appendix A attached hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including May 12, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation of the military fares ordered herein is hereby consolidated into Docket 22784; and

4. A copy of this order will be filed with the aforesaid tariff and served upon United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2142 Filed 2-16-71;8:50 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Appendix A filed as part of the original document.

[3] Dissenting statement of Vice Chairman Gillilland filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Government Secretary, Virgin Islands.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2089 Filed 2-16-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2090 Filed 2-16-71;8:46 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Comprehensive Health Services Division, Office of Health Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2091 Filed 2-16-71;8:46 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Director for Program Direction.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2092 Filed 2-16-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Public Affairs, Office of the Secretary, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2093 Filed 2-16-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

INTERSTATE WATERS OF ALABAMA

Notice of Standard Setting Conference

The waters of Alabama listed in the last paragraph of this notice and all other coastal and estuarine waters, tidal and nontidal, interstate streams, and interstate tributaries and subtributaries to such waters of the State of Alabama are interstate water.

The water quality standards established by the State of Alabama in accordance with section 10(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(1)) to be applicable to these waters are determined in part not to be consistent with the protection of the public health and welfare, the enhancement of the quality of the water, and the purposes of the Federal Water Pollution Control Act, as provided by section 10(c)(3) of that Act, with particular reference to:

1. Antidegradation;
2. Water use designations;
3. Water quality criteria; and
4. Implementation plans.

Therefore, in accordance with the provisions of section 10(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 466g(c)(2)), I hereby call a conference to consider the establishment of water quality standards applicable to the interstate waters of the State of Alabama.

The conference will convene on April 5, 6, and 7, 1971, at the Midtown Holiday Inn, 924 Madison Avenue, Montgomery, AL, to consider the appropriate water quality standards for the interstate waters of Alabama. I have designated Mr. Murray Stein, Environmental Protection Agency, as Chairman of the conference.

Parties to the conference will be representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries who are contributing to, affected by, or have an interest in the water quality standards for the waters to be covered by the conference and who register their intent to be parties at the conference sessions, and such other persons whom the Chairman, upon application and good cause shown, admits as parties to the conference.

The waters of Alabama referred to in the first paragraph of this notice are: Hurricane Creek, Mill Creek, Turkey Creek, Suck Branch, Estill Fork, Burks Creek, Larkin Spring Branch, Hall Branch, Pigeon Creek, Marting Branch, Mountain Fork, Jenny River, Hester Creek, Donneby Branch, Flint River, Slate Rock Branch, Walker Creek, Fowler Creek, Copeland Creek, Huckleberry Branch, Brier Fork, Limestone Creek, Tyrone Creek, Davis Branch, Smith Branch, Little Limestone Creek, Piney Creek, Holland Creek, Ragsdale Creek, Cave Branch, Elk River, Jenkins Creek, Shoal Creek, Scarce Grease Branch, Hulsey Branch, Sugar Creek, Appleton Branch, Warren Branch, Polebridge Branch, Birch Branch, Cotts Creek, Second Creek, Crossroads Branch, L. Bluewater Creek, Hurricane Creek, Bluewater Creek, L. Bluewater Creek, Wolf Creek, Shoal Creek, Cole City Creek, Nickajack Creek, Hogjaw Creek, Big Culvert Creek, Tennessee River, Graham Branch, Jones Creek, Long Hollow Branch, Dry Creek, Willis Branch, Crow Creek, Little Crow Creek, Salt River, Kettle Branch, Little Coon Creek, Mancher Creek, Butler Creek, Sour Branch, Little Butler Creek, Little Cypress Creek, Dry Branch, Middle Cypress Creek, May Branch, Greenbrier Branch, Dulin Branch, Cypress Creek, Copper Branch, Threet Creek, Tally Branch, Second Creek, Manbone Creek, Kennedy Branch, Bumpass Creek, Dry Creek, Mill Creek, Bear Creek, Clear Creek, Pennywinkle Creek, Cripple Deer Creek, Johnson Branch, Cedar Creek, Mill Branch, Gibbs Branch, Panther Branch, Rocky Branch, Crossway Branch, Mann Branch, Harris Branch, Fowler Branch, Brumley Branch, Gee Branch, Lookout Creek, Reeves Creek, Buck Creek, Williams Spring Branch, Duncan Creek, Higdon Creek, Bullard Branch, Crawfish Creek, Allison Creek, Red River Branch, Dry Creek, Coosa River, West Fork Little River, East Fork of West Fork of Little River, Cannon Branch, Middle Fork Little River, East Fork Little River, Little River, Mills Creek, Alpine Creek, unnamed tributary to Mills Creek, Panther Creek, Chattooga River, Spring Creek, Mud Creek, Little Terrapin Creek, Terrapin Creek, Duncan Creek, Tallapoosa River, Kemp Creek, Lost Creek, Big Indian Creek, Little Tallapoosa River, Hungry Creek, unnamed tributary to Shoal Creek, Shoal Creek, Alabama River, Bull Mountain Creek, Hurricane Creek, unnamed tributary to Chubby Creek, Chubby Creek, Sipsey Creek, Buttahatchee River, Lost Reed Creek, Yellow Creek, Mud Creek, Luzapalila Creek, Magby Creek, Ellis Creek, Nash Creek, Kincaid Creek, Lindsey Branch, three (3) unnamed tributaries to Tombigbee River in Noxubee County, Miss., Woodwards Creek, Noxubee River, Bodka Creek, Scooba Creek, Hatchet Creek, Sucarnoochee Creek, Sucarnoochee River, Ponta Creek, Toomsuba Creek, Alamuchee Creek, Okatuppa Creek, unnamed tributary to Okatuppa Creek, Yantley Creek, Tuckabum Creek, Boguelichitto Creek, Tombigbee River, Mobile River, Turkey Creek, Red Creek, Bucatuuna Creek, Chickasawhay River, Pascagoula River, Brushy Creek, Pond Creek, Flat Creek, Escatawpa River, Big Creek, Nobodies Creek, Franklin Creek, Apalachicola River, Chatahoochee River, Chipola River, Marshall Creek, Choctawhatchee River, Hurricane Creek, Ten Mile Creek, Wright Creek, Holmes Creek, Yellow River, Blackwater River, Juniper Creek below Sweetwater, Sweetwater Creek, Coldwater Creek below East Fork, East Fork of Coldwater Creek, Escambia River, Perdido River, Brushy Creek, Spring Creek, Alamuchee Creek, Escatawpa River, Big Creek, Brushy Creek, Red Creek, Bear Creek, Cypress Creek, L. Cypress Creek, Butler Creek, Bluewater Creek, Second Creek, Sugar Creek, Elk River, Flint River, Crow Creek, tidal portions of Bay Minette Creek, Tensaw River, Chicasaw Creek, West Fowl River, Fowl River, tidal estuaries of Perdido Bay, Wolf Bay, Oyster Bay, Bon Secour Bay, Mobile Bay, Portersville Bay, Grand Bay, Pelican Bay.

WILLIAM D. RUCKELSHAUS,
Administrator.

FEBRUARY 10, 1971.

[FR Doc.71-2109 Filed 2-16-71;8:47 am]

CHEMAGRO CORP.

Notice of Withdrawal of Petition Regarding Pesticide

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408

(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of Petitions Without Prejudice* of the pesticide procedural regulations (21 CFR 420.8), Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, has withdrawn its petition (PP 0F0976), notice of which was published in the FEDERAL REGISTER of June 9, 1970 (35 F.R. 8896), proposing establishment of tolerances for residues of the insecticide *O,O*-dimethyl - *S* - [4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities corn forage and fodder at 5 parts per million and corn (kernel plus cob with husk removed) at 0.1 part per million.

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2114 Filed 2-16-71;8:48 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1072) has been filed by the Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the fungicide dichlone in or on the raw agricultural commodities almonds and pears at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a gas chromatographic procedure using an electron capture detector.

Dated February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2115 Filed 2-16-71;8:48 am]

HAZELTON LABORATORIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with section 420.8 *Withdrawal of Petitions Without Prejudice* of the pesticide procedural regulations (21 CFR Part 120.8), Hazelton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22046, has withdrawn its petition (PP 9F0766), notice of which was published in the FEDERAL REGISTER of December 3, 1968 (33 F.R. 17927/28), proposing the establishment of tolerances for negligible residues of the insecticide rotenone in meat, fat, and meat byproducts of cattle, goats, hogs, and sheep and in milk at 0.04 part per million.

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2116 Filed 2-16-71;8:48 am]

5,6 - DICHLORO - 1 - PHENOXYCARBONYL - 2 - TRIFLUOROMETHYLBENZIMIDAZOLE

Notice of Reextension of Temporary Tolerance

The Fisons Corp., 51 Eames Street, Wilmington, MA 01887 was granted a temporary tolerance of 0.75 part per million for residues of the insecticide 5,6-dichloro-1-phenoxycarbonyl-2-trifluoromethylbenzimidazole in or on the raw agricultural commodity apples on May 28, 1968, and the temporary tolerance was extended to May 21, 1970. The petitioner received reextension of the temporary tolerance at 1 part per million which will expire May 21, 1971.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of that Act (21 U.S.C. 346a(1)) and under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) were also transferred to the Administrator.

The firm has requested further reextension to obtain additional experimental data. The Fish and Wildlife Service, U.S. Department of Interior advise that it has no objection to reextension of this temporary tolerance. It is concluded that such a reextension will protect the public health.

A condition under which this temporary tolerance is reextended is that the insecticide will be used in accordance with the temporary permit issued by the Agency. Distribution will be under the Fisons Corp.'s name.

This temporary tolerance reextension will expire January 1, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and pursuant to Reorganization Plan No. 3 of 1970 (35 F.R. 15623) and under authority delegated to the Commissioner or Acting Commissioner, Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: February 10, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.

[FR Doc.71-2113 Filed 2-16-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

FEBRUARY 11, 1971.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on March 22, 1971, the following applications by stations KSET and KTUC for increases in daytime power of their Class IV standard broadcast stations, will be considered as ready and available for processing:

BP-18961 KSET, El Paso, Tex.
Rio Grande Broadcasting Co.
Has: 1340 kc., 250 w., U.
Req: 1340 kc., 250 w., 1 kw.-LS, U.

BP-18965 KTUC, Tucson, Ariz.
KTUC, Inc.
Has: 1400 kc., 250 w., U.
Req: 1400 kc., 250 w., 1 kw.-LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necesssity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: February 9, 1971.

Released: February 11, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2143 Filed 2-16-71;8:50 am]

[Docket No. 19148; FCC 71-119]

ALL-AMERICA CABLES AND RADIO, INC., ET AL.

Memorandum Opinion and Order Instituting Investigation

In the matter of All-America Cables and Radio, Inc., for authority pursuant to section 214 of the Communications Act to convey, on an indefeasible right of user basis, capacity in the San Juan/Cayey Microwave System for television transmission and in the matter of Cable & Wireless/Western Union International, Inc., ITT World Communications Inc., and RCA Global Communications, Inc., proposed tariff revisions providing for television transmission rates between a satellite and Puerto Rico reflecting the opening of the San Juan International television control center as the point of interconnection.

1. The Commission has before it: (a) An application filed by All-America Cables and Radio, Inc. (AACR), on September 17, 1970, for authority to convey, on an Indefeasible Right of User (IRU) basis, to Cable & Wireless/Western Union International, ITT World Communications and RCA Global Communications (Joint Carriers) capacity in the San Juan/Cayey Microwave System for television transmission and reception; (b) proposed revisions to Joint Tariff FCC No. 2 filed on August 28, 1970, now scheduled to become effective February 11, 1971,[1] providing for revised television transmission rates between a satellite and Puerto Rico and establishing San Juan as the interconnection point for television service;[2] (c) petitions filed by WAPA-TV Broadcasting Corp. (WAPA) and Ponce Television Corp. (WRIK) on September 17, 1970, and by Telemundo Inc. (WKAQ), on October 12, 1970, to suspend and investigate the proposed revisions, or in the alternative, to reject the tariff outright; and (d) applications filed by WAPA and WKAQ to be designated as an authorized user to take television service directly from Comsat at the Cayey Earth Station and related petitions in support and opposition of the requests for authorized user status.[3]

2. In our decision in Dockets 18072/18073/18074 (15 FCC 2d 1, 17) granting to AACR the authority to construct the San Juan/Cayey Microwave System, we ordered that before AACR could dispose of any circuit capacity in the system, it must first secure Commission approval. The instant application of AACR is in compliance with this order. However, the application and supportive data supplied to the Commission falls short of providing us with enough information to determine whether the conveyance of the IRU to the Joint Carriers is in the public interest, and whether the interconnection point for Puerto Rican television service should be moved from the Cayey Earth Station to the San Juan Television Control Center. We feel that a hearing is necessary to determine whether it is in the public interest to grant AACR's application and, as a result, change the interconnection point in Puerto Rico.

3. We note that the tariff provisions relating to television service from Cayey will terminate on February 11, 1971, and the Joint Carriers will not have the facilities to operate out of San Juan at the time their proposed tariff revisions are scheduled to take effect. This would act as a discontinuance of television service in Puerto Rico. The Joint Carriers do not have our authorization to discontinue television service in Puerto Rico. Therefore, the Joint Carriers' proposed revisions providing for rates for television service from San Juan are rejected for filing since they would be in violation of the Act and the Joint Carriers are granted permission to extend, without expiration date, the current Cayey rates, pending the outcome of the hearing in this matter or further authorization of the Commission.

4. In the event that we grant AACR's application and the Joint Carriers refile the proposed revisions for service from San Juan, questions have still been raised about the reasonableness of the Joint Carriers' proposed rates from San Juan concerning cost justification, projected usage, and anticipated revenue used in developing the offering. We are unable to determine, at this time, whether the charges contained in the proposed tariff revisions will then be just and reasonable and otherwise lawful within the meaning of section 201(b) of the Communications Act, and therefore, an investigation will also be instituted to determine whether these proposed rates will be lawful, if and when they are allowed to take effect. Since increased charges are involved, the Joint Carriers shall have the burden of proving the justness and reasonableness of the increased charge.

Accordingly, it is ordered, Pursuant to sections 4(i), 201, 204, 205, 214, and 403 of the Communications Act, that an investigation is hereby instituted to determine if it is in the public interest to grant AACR's application to convey by IRU to the Joint Carriers circuit capacity in the San Juan/Cayey Microwave System and thus change the point of interconnection for Puerto Rican television service and to determine the lawfulness of the tariff matter specified in footnote 2 hereinabove and any amendments, cancellations, or successive issuances, thereof, proposed during the pendancy of the investigation;

It is further ordered, That without in any way limiting the scope of the proceeding, it shall include inquiry into the following:

(1) Whether it is in the public interest: (a) to grant AACR's application to convey the IRU to the Joint Carriers and enable television service to be provided from San Juan only, (b) to allow service to be provided, at reasonable rates, from both Cayey and San Juan, or (c) to maintain television service from only Cayey;

(2) Whether the charges contained in the Joint Carriers' proposed revisions are, or will be, just and reasonable and therefore lawful under section 201(b); and, whether the rates currently in effect at Cayey are just and reasonable, and therefore lawful, under section 201(b);

(3) Whether the Commission should prescribe just and reasonable charges to be hereafter followed with respect to service at (a) San Juan, (b) San Juan and Cayey, and (c) Cayey; and, if so, what charges should be prescribed;

(4) Whether the basis of projected demand for service was reasonable;

(5) What service Comsat provides before turning the television signal over to the Joint Carriers, and what the technical specifications and quality of the signal that is turned over to the Joint Carriers are;

(6) What signal quality is required by the broadcasters at Cayey and what must be done by the Joint Carriers to condition the signal received at Cayey from Comsat to reach this required level;

(7) What equipment is necessary to provide this quality requirement;

(8) What costs would be incurred for program transmission by the broadcasters if service were taken from the joint carriers (a) at Cayey and (b) at San Juan;

(9) How many broadcasters have taken or will take service from Cayey and how many broadcasters will take service from San Juan;

(10) How was the price determined for the IRU and related expenses;

(11) Who is responsible for the quality of the signal at the interface between the microwave and the television control center at San Juan; what equipment is necessary to perform this function, what does it cost, and what is the quality level of the signal when it reaches the interface;

(12) What is the quality level of the signal when it reaches the television control center, what quality level is required by the broadcasters, what equipment is necessary to perform this service, and what is its cost;

It is further ordered, That all pleadings filed in this matter are granted to the extent that they are consistent with the above memorandum opinion and order and denied in all other respects.

It is further ordered, That a hearing be held in the proceeding at the Commission's offices in Washington, D.C., at a time to be specified in a subsequent order and that the hearing examiner designated to preside at the hearing shall prepare an initial decision, which shall be subject to the submission of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR §§ 1.276 and 1.277) after which the Commission shall issue its decision as provided in § 1.282 of the rules (47 CFR § 1.282).

It is further ordered, That All America Cables and Radio, Inc., Cable & Wireless/Western Union International, Inc., ITT World Communications, Inc., and RCA Global Communications, Inc., are made parties respondent to this proceeding; and, WAPA-TV Broadcasting Corp., Ponce Television Corp., Telemundo, Inc., and the Chief, Common Carrier Bureau are hereby made parties to this proceeding. The Communications Satellite Corp. is hereby made a party to this proceeding concerning issue No. 5 above.

Adopted: February 3, 1971.

Released: February 10, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2146 Filed 2-16-71;8:50 am]

[Dockets Nos. 18912, 18913; FCC 71R-47]

FOLKWAYS BROADCASTING CO., INC. AND HARRIMAN BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Folkways Broadcasting Co., Inc., Harriman, Tenn., Docket No. 18912, File No. BPH-5495;

[1] Originally scheduled to become effective Oct. 1, 1970, but now voluntarily extended and revised by the Joint Carriers under Special Tariff Permissions 6035, 6043, 6066, 6111, and 6118.

[2] The specific tariff pages in issue are 2d Revised Supplement page, 13th Revised page 1, 8th Revised page 10, 11th Revised page 11, and 3d Revised page 13. Also, in issue are 6th Revised page 10, 2d Revised page 11, and 1st Revised page 13.

[3] As for the petitions of WAPA and WKAQ to be designated as an authorized user capable of dealing directly with Comsat for television service and related petitions in support and opposition, they will be held temporarily in abeyance.

[4] Commissioners Burch, chairman; Johnson and Houser not participating.

F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 18913, File No. BPH-5537; for construction permits.

1. This proceeding involves the mutually exclusive applications of Folkways Broadcasting Co., Inc. (Folkways), and F. L. Crowder, trading as Harriman Broadcasting Co. (Harriman) for a permit to construct and operate a new FM broadcast station on Channel 224A in Harriman, Tenn. Folkways is presently the licensee of standard broadcast Station WHBT in Harriman. By Order, FCC 70-736, released July 14, 1970, the Commission designated the two applications for hearing on several issues, including financial qualifications issues directed against both applicants. Subsequently, the Review Board specified a limited § 1.65 issue against Folkways (FCC 70R-363, released October 28, 1970, 26 FCC 2d 175, 20 RR 2d 528 (1970).[1] Presently before the Review Board is a petition to enlarge or modify issues, filed December 4, 1970, by Harriman, seeking enlargement or modification of the § 1.65 issue.[2]

2. In support of its request, petitioner claims that information has recently come to its attention through an amendment request filed November 23, 1970, by Folkways,[3] which requires exploration at the hearing under the already specified § 1.65 issue. First, it asserts that Folkways' ownership reports for Station WHBT are untimely and inaccurate. Harriman avers that Folkways' first ownership report, submitted to the Commission in June 1966, in connection with its WHBT application, revealed no preferred stock outstanding, while the next ownership report, filed on March 21, 1967, specified three persons who had acquired preferred stock interests a full year earlier. Thus, Folkways' instant application, filed in July of 1966, referred to the June 1966 report, which was, according to the petitioner, inaccurate. A further discrepancy, insists Harriman, appears in the April 15, 1970 ownership report wherein no ownership interest is shown for Jess Pearman; yet, a June 5, 1970 amending letter indicates that Pearman had acquired 50 shares of preferred stock more than 3 years earlier. In addition, Harriman claims that Folkways' recent petition for leave to amend revealed for the first time in this proceeding that 250 shares of $100 par value preferred stock are held by five persons; it is this amendment, contends Harriman, which brought to light the heretofore undiscovered information. Thus, Harriman asserts, Folkways' "vague and contradictory" ownership reports, and its failure to keep its instant application up-to-date, warrant a full evidentiary inquiry. Next, petitioner alleges that Folkways' recent submission of additional financial information, i.e., a June 30, 1970 balance sheet, demonstrates that significant and substantial changes have occurred in Folkways' financial position. In comparing Folkways' balance sheets of April 30, 1966, and June 30, 1970, petitioner submits that the stockholders' net worth fell from $85,607.35 to $18,397; that Folkways' long term debt increased almost $60,000; and that its assets decreased by almost $5,000. Further, petitioner asserts, the disassociation from Folkways by Grant E. Roberts and William R. Carrigan (former stockholders) evidences an additional undisclosed change in Folkways' financial position since they were two of the three endorsers of the proposed bank loan. These unreported substantial and significant changes, maintains Harriman, constitute a clear violation of § 1.65. Thus, since the Review Board, in specifying the § 1.65 issue, limited its scope to "matters specifically referred to in [that] Memorandum Opinion and Order", and in light of this newly discovered information, Harriman concludes that the § 1.65 issue should be enlarged or modified in order to permit full exploration of Folkways' alleged violations of the Commission's rules.

3. Folkways opposes the instant request mainly on the ground that it is untimely—nothing, insists Folkways, contained in Harriman's petition was not available and could not be ascertained at the time of its request for the § 1.65 issue (August 3, 1970). Folkways avers that its June 1970 ownership report and a balance sheet filed April 28, 1970, is a part of WHBT's renewal application and specifically names the five individuals holding preferred stock. Further, Folkways asserts that the omissions cited by Harriman were all corrected and brought up-to-date prior to designation. As to its financial position, Folkways submits that the Board, in considering Harriman's first petition to enlarge issues, denied the request for an inquiry into Folkways alleged failure to report changes in its financial situation because it had not been shown that there had been substantial or significant changes in Folkways' financial status. Before the Board at that time, Folkways notes, were the 1966 balance sheet and a balance sheet dated March 31, 1970, filed in connection with Folkways' AM renewal application. According to Folkways, the June 30, 1970 balance sheet shows little change from the March 31st balance sheet which was considered by the Review Board; therefore, Folkways contends, Harriman's comparison of the 1966 balance sheet with the June 1970 balance sheet is simply an attempt to reargue what has already been decided by the Board. Thus, Folkways concludes, petitioner's requests should be denied. The Broadcast Bureau, in its comments, opines that Harriman has satisfactorily raised questions concerning Folkways' change in ownership picture; however, it does not agree that Folkways' financial status requires modification of the § 1.65 issue. The Bureau contends that the bank loan was also endorsed by Kenneth J. Crosthwait and that his commitment on the bank loan is still valid. The Bureau also argues that the change in the shareholders' equity would only be significant if it affects Folkways' ability to finance its proposed stations, and that this question can adequately be explored under the financial issue heretofore designated.

4. Asserting that Folkways' opposition is entirely devoid of any discussion of the substantive questions raised in its petition, Harriman, in reply, reiterates that Folkways has added a new dimension to its FM application. The fact that information concerning the preferred stockholders was included in an ownership report filed by Folkways does not cure the defect, insists petitioner, for such changes must be reported by amending the pending application or by furnishing a statement for the record containing the appropriate information. Therefore, Harriman alleges, Folkways did not properly report the stock transactions. As to the change in financial status, Harriman maintains that the question is not whether Folkways filed current information in the public files of the Commission, but whether it timely amended its instant FM application to indicate that its financial situation had substantially changed. The fact remains, submits Harriman, that 4 years had passed before Folkways revealed the "radical change" in its financial position. Finally, Harriman claims that its request is for a determination of whether Folkways failed to furnish complete and accurate information concerning its financial qualifications, not to determine whether Folkways is financially able to finance the station.

5. The Review Board is of the opinion that the scope of the existing § 1.65 issue should be broadened to include an inquiry into all of the matters brought to our attention by Harriman's petition. Folkways does not deny its failure to keep its application up-to-date regarding its ownership and financial status, but, rather, insists that because this information was on file with the Commission elsewhere and because Harriman did not bring forth this "readily available information" in its previous petition, a § 1.65 inquiry is not required. In our opinion, neither of Folkways' arguments is valid. First, as the Review Board clearly stated in its prior memorandum opinion and order, supra, specifying the § 1.65 issue:

[1] The issue, which was added at the request of Harriman, reads as follows:

To determine whether the Folkways Broadcasting Co., Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in matters specifically referred to in this memorandum opinion and order, and, if not, to determine the effect of such noncompliance on the basic and comparative qualifications of Folkways Broadcasting Co., Inc., to be a Commission permittee.

[2] Also before the Board for consideration are: (a) Opposition, filed Dec. 18, 1970, Folkways; (b) comments, filed Dec. 18, 1970, by the Broadcast Bureau; and (c) reply, filed Dec. 23, 1970, by Harriman. The Broadcast Bureau's petition to accept late filed pleading, filed Dec. 18, 1970, will be granted and the Bureau's pleading will be accepted.

[3] Folkways' petition for leave to amend was granted, and the amendment accepted, by the Hearing Examiner by Order, FCC 71M 36, released Jan. 8, 1971.

It is no defense that the application was lying dormant for over 4 years, that the changes are reported elsewhere in the Commission's files, or that the FM application incorporates by reference those files. By its terms, § 1.65 applies "from the time [the application] is accepted for filing by the Commission" (in this case, July 22, 1966), and not from the time of designation for hearing, as Folkways suggests. Dormancy, therefore, is no excuse. Furthermore, it is well established Commission policy that the requirements of § 1.65 are not met by filing information in ownership reports or license files. [26 FCC 2d at 177, 20 RR 2d at 532. See also Hartford County Broadcasting Corp., 9 FCC 2d 698, 701, 10 RR 2d 1063, 1088 (1967).]

Second, while an applicant is required to scrutinize its opponent's application to determine if there are any factors reflecting on its basic or comparative qualifications,[4] it is not obliged to scour the latter's entire history with the Commission to determine whether anything reported with the Commission should be in the now pending application. It is incumbent upon Folkways, not Harriman, to insure that its application is current. Report and Order in Docket 14867 (Reporting of Changed Circumstances), 29 FR 15516, 3 RR 2d 1622 (1964); Lawrence County Broadcasting Corp., 15 FCC 2d 910, 15 RR 2d 482 (1969). Thus, even though Harriman has previously requested a § 1.65 issue, it is not precluded from requesting further inquiry under that issue upon the discovery of facts recently brought to light. Folkways' specific objection against inquiry into its alleged failure to report its changed financial status on the ground that Harriman is "rearguing" its previous request is without merit. In our memorandum opinion and order we held that, absent facts, indicating a substantial and significant change in financial status, Folkways' 4-year old financial showing does not, standing alone, warrant the addition of a § 1.65 issue. However, there we limited our holding to the circumstance where a balance sheet is simply old without any demonstration of change in financial status; and, we did not have before us information concerning the two endorsers of the bank loan who have now left the corporation. As to the latter information, while we agree with the Broadcast Bureau that respondent still has one endorser for the loan, it is not unreasonable to believe that one endorser, when the bank originally required three, may be unacceptable. Thus, the new balance sheet, which is the only one filed in this proceeding since 1966, and the decrease in the number of endorsers, represent, in our view, significant changes in Folkways' application. Cf. Media, Inc., 23 FCC 2d 729, 19 RR 2d 268 (1970). Likewise, the reporting for the first time in its recent amendment that five individuals own preferred stock, heretofore unknown in this proceeding, warrants inquiry under the existing issue. Therefore, in view of the foregoing, Harriman's petition will be granted.[5]

6. *Accordingly, it is ordered*, That the Broadcast Bureau's petition to accept late filed pleading, filed December 18, 1970, is granted, and the accompanying pleading is accepted; and

7. *It is further ordered*, That the petition to enlarge or modify issues, filed December 4, 1970, by Harriman Broadcasting Co., is granted; and

8. *It is further ordered*, That the § 1.65 issue specified in this proceeding, is modified to read as follows:

To determine whether the Folkways Broadcasting Co., Inc., has complied with the provisions of § 1.514 and/or § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in matters specifically referred to in this memorandum opinion and order and in our previous memorandum opinion and order, 26 FCC 2d 185, 20 RR 2d 528 (1970), and, if not, to determine the effect of such noncompliance on the basic and comparative qualifications of Folkways Broadcasting Co., Inc., to be a Commission permittee.

Adopted: February 9, 1971.

Released: February 10, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2147 Filed 2-16-71;8:51 am]

[4] Cf. Section 1.229 of the Commission's rules.

[5] Although the conduct in question here is alleged to violate section 1.65 of the rules, it appears that such conduct may also involve section 1.514 of the rules (relating to the contents of applications). The issue will therefore be modified accordingly. Cf. Media, Inc., 25 FCC 2d 625, 20 RR 2d 146 (1970).

[Dockets Nos. 19145, 19146; FCC 71-112]

SOUND, INC., AND PIKEVILLE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Sound, Inc., of Livingston, Tennessee, Livingston, Tenn., requests: 1110 kc., 250 w., Day, Docket No. 19145, File No. BP-18041; Proctor Upchurch, trading as Pikeville Broadcasting Co., Pikeville, Tenn., Requests: 1110 kc., 250 w., DA-Day; Docket No. 19146, File No. BP-18170; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. According to the information in its application, Sound, Inc., would require $73,500 to construct and operate its proposed station for one year without revenue. In order to meet these costs, applicant relies on cash of $24,800 and a prospective bank loan of $50,000. The loan commitment letter, however, in addition to not being current, requires the personal endorsement of "some or all" of the stockholders. However, there has been no showing that the stockholders are willing to make themselves personally liable on the loan. Accordingly, a financial issue will be included.

3. Pikeville Broadcasting Co.'s application indicates that $60,400 would be needed to construct and operate for one year without revenue. To meet these needs the applicant relies on his own resources and a bank loan of $40,000. Although the applicant's total assets are sufficient, his personal balance sheet shows only $5,000 in available liquid assets as defined in the instructions to section III of FCC Form 301. In addition, the bank loan commitment is not current. Furthermore, funds will have to be made available for the leasing of the land and a building. Accordingly, a financial issue is also required for this applicant.

4. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1969), city of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently our proposed Primer on Ascertainment of Problems by Broadcast Applicant, 34 FR 20282, 20 FCC 2d 880, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, neither one of the applicants has made more than a cursory attempt to satisfy the Commission's requirements. Neither applicant has supplied any information concerning the composition of its town. The persons consulted either constitute an inadequate sampling or, as in the case of Pikeville Broadcasting, have not even been listed in the application. Neither applicant has conducted a general audience survey. Accordingly, Suburban issues are required as to both applicants.

5. The plot of the radiation pattern submitted by Pikeville Broadcasting Co. appears to contain errors in the values of radiated field, and the scale on the pattern is inconsistent. Accordingly, an appropriate issue in this regard will be included.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine whether the $50,000 bank loan to Sound, Inc., is available and

in light thereof whether the applicant is financially qualified to construct and operate its proposed station.

(3) To determine whether Pikeville Broadcasting Co. is financially qualified to construct and operate its proposed station.

(4) To determine the efforts made by Sound, Inc., of Livingston, Tenn., to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(5) To determine the efforts made by Pikeville Broadcasting Co. to ascertain the community needs and interests of the area to be served, and the means by which it proposes to meet those needs and interests.

(6) To determine whether the antenna radiation pattern submitted by Pikeville Broadcasting Co. accurately depicts values of radiation which would be determined from the proposed antenna parameters.

(7) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the applications should be granted.

8. *It is further ordered*, That, to avail themsleves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 3, 1971.

Released: February 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2148 Filed 2-16-71;8:51 am]

[1] Commissioner Houser not participating.

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 88]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Colonial Savings and Loan Association of the South

FEBRUARY 11, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Colonial Savings and Loan Association of the South, Los Angeles, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Colonial Savings and Loan Association of the South for stock of Imperial Corporation of America. Following the proposed acquisition, Imperial Corporation proposes to merge Colonial Savings and Loan Association of the South, into Imperial Savings and Loan Association of Newport-Pasadena, an insured subsidiary of Imperial Corporation. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-2136 Filed 2-16-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-11181 etc.]

GAS GATHERING CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 8, 1971.

Gas Gathering Corp. and other applicants listed herein, Docket No. G-11181 et al.; Bruce L. Wilson (Operator) et al., Docket No. CI71-493.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued January 28, 1971, and published in the FEDERAL REGISTER February 6, 1971, 36 F.R. 2578, column 1, Docket No. CI71-493: Change filing date to read "12-28-70" in lieu of "12-28-71".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2096 Filed 2-16-71;8:46 am]

[Docket No. G-4421 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 8, 1971.

Hassie Hunt Trust (Operator) et al. and other applicants listed herein, Docket No. G-4421 et al.; J. M. Huber Corp., Docket No. CI62-552.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued January 20, 1971, and published in the FEDERAL REGISTER January 29, 1971, 36 F.R. 1441, column 1: Change Docket No. "CI62-522" to read "CI62-552".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2097 Filed 2-16-71;8:46 am]

MOBIL OIL CORP. ET AL.

Findings and Order After Statutory Hearing; Correction

FEBRUARY 3, 1971.

Mobil Oil Corp. (Operator) et al., and other applicants listed herein, Docket No. G-13324, et al.; Ashland Oil, Inc., Docket No. CI71-404.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, dismissing application, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, requiring filing of surety bond, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing, issued January 8, 1971, and published in the FEDERAL REGISTER 36 F.R. 642, column 4: Change the date of the contract to read "10-20-70" in lieu of "11-20-70" related to Ashland Oil, Inc., FPC Gas Rate Schedule No. 202, in Docket No. CI71-404.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2098 Filed 2-16-71;8:46 am]

[Docket No. E-7602]

CENTRAL TELEPHONE & UTILITIES CORP.

Notice of Proposed Rate Schedule Changes

FEBRUARY 8, 1971.

Take notice that on January 29, 1971, Central Telephone & Utilities Corp. (Central) filed rate schedule changes with the Commission affecting the rates in its Western Power Division for service to 10 Rural Electric Cooperatives and 13 municipal wholesale customers operating in Kansas.[1]

The filings propose to increase the rates charged for electric service and change the neutral zone of the fuel adjustment clause from 17-19 cents to 24-26 cents per million B.t.u. Central proposes to make the rate changes effective April 1, 1971.

According to Central, based upon a test year ending June 30, 1970, the effect of the rate change would increase Western's revenues by $1,160,622 from the cooperatives and $173,389 from the municipalities. The average charge per kilowatt-hour would be increased from 0.89 cent per kilowatt-hour to 1.53 cents per kilowatt-hour for the cooperatives and from 1.33 cents per kilowatt-hour to 1.93 cents per kilowatt-hour for the municipalities. Central has asked for a rate of return of 8.76 percent on its capital invested in plant and 12 percent on common stock equity based on capitalization at November 30, 1970.

Central states that increases in costs of labor, fuel, taxes, and new debt and preferred stock capital have necessitated this request for rate change.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2100 Filed 2-16-71;8:47 am]

[1] Cooperatives: Ark Valley Electric Cooperative Association, Inc., The C.M.S. Electric Cooperative Association, Inc., The C & W Rural Electric Cooperative Association, Inc., Jewell-Mitchell Cooperative Electric Co., Inc., N.C.K. Electric Cooperative, Inc., The Ninnescah Rural Electric Cooperative Assn., Inc., Norton-Decatur Cooperative Electric Company, Inc., Smoky Hill Electric Cooperative Ass'n., Inc., Sumner-Cowley Electric Cooperative, Inc., Victory Electric Cooperative Ass'n., Inc. Wholesale customers: Cawker City, Cimarron, Coats, Glasco, Glen Elder, Holyrood, Isabel, Jamestown, Lucas, Luray, Mankato, Montezuma and Tipton, all in the State of Kansas.

[Docket No. CP71-194]

CITY OF MULBERRY, KANSAS ET AL.

Notice of Application

FEBRUARY 8, 1971.

Take notice that on February 1, 1971, city of Mulberry (Mulberry), Kans. 66756, and city of Liberal (Liberal), Mo. 64762 (applicants), filed in Docket No. CP71-194 an application pursuant to section 7(a) of the Natural Gas Act requesting that Cities Service Gas Co. (respondent) be directed to establish physical connection of its transmission facilities with the facilities to be constructed by applicants and to sell and deliver natural gas to applicants for resale and distribution to meet third year peak day and annual requirements of 965 Mcf and 70,169 Mcf, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicants request the respondent be directed to provide a new delivery point at the end of 4.8 miles of 4.5-inch lateral pipeline to be constructed by respondent from its 6-inch transmission line serving Girard, Kans., to a point approximately 5.4 miles due east of Mulberry, Kans. Applicant, Mulberry, then proposes to construct 9.05 miles of 4.5-inch transmission line from respondent's delivery point to the city of Mulberry and to construct the necessary regulating, odorizing and distributing facilities to introduce natural gas service to the city of Mulberry, Kans. Applicant, Liberal, proposes to construct 5.4 miles of 3.5-inch transmission line from the city of Mulberry to the city of Liberal and to construct the necessary regulating, odorizing and distributing facilities to introduce natural gas service to the city of Liberal, Mo.

Applicants state that each community will own and operate the lateral transmission line and distribution facilities which it will construct. It is further stated that the delivery of gas to Liberal will be made at a metering station to be constructed by Mulberry and that Mulberry will charge Liberal 9 cents per Mcf as a charge for transporting gas for and on behalf of Liberal from the delivery point with respondent to the junction of the Liberal transmission line outside Mulberry. Applicants propose sales of natural gas to rural customers situated along the respective transmission lines.

The estimated cost of the facilities proposed to be constructed by Mulberry is $330,000, and the estimated cost of the facilities proposed to be constructed by Liberal is $220,000. This cost is to be financed, according to the application, by means of Natural Gas Revenue Bonds to be issued by each applicant.

Applicants further state that in projecting their transmission lateral line costs they have reduced these costs in the amount of $91,483, which amount respondent, in 1968, on the basis of its then effective lateral line policy, informally agreed to contribute to construction of the aforementioned 4.8 miles of 4.5-inch lateral line. It is also stated that subsequent to these informal agreements, respondent filed a tariff change, effective October 1, 1968, which provides that it will not make contributions to sales laterals. Applicants request that respondent's present lateral line policy be waived to require construction of the aforementioned 4.8 miles of lateral line by respondent.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2101 Filed 2-16-71;8:47 am]

[Docket No. CP71-9]

LOWELL GAS CO.

Notice of Petition To Amend

FEBRUARY 9, 1971.

Take notice that on February 3, 1971, Lowell Gas Co. (petitioner), 95 East Merrimack Street, Lowell, MA 01853, filed in Docket No. CP71-9 a petition to amend the Commission's order issued pursuant to section 3 of the Natural Gas Act on August 28, 1970, authorizing the importation of liquefied natural gas (LNG) from Canada to the United States, in said docket by authorizing the importation of additional volumes of LNG, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order issued in the subject docket authorized the importation, by petitioner, of a total volume of LNG equivalent to approximately 480,000 Mcf of vaporous gas purchased from Gaz Metropolitain, Inc., in Montreal, Province of Quebec, Canada.

Petitioner proposes herein to purchase and import an additional quantity of LNG equivalent to approximately 150,000 Mcf of vaporous gas. Petitioner states that this volume of LNG will replenish its depleted supply in order to insure a continuity of service to its existing retail customers through the remainder of the 1970-71 winter heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before

March 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2102 Filed 2-16-71;8:47 am]

[Docket No. CP71-195]

MID LOUISIANA GAS CO.

Notice of Application

FEBRUARY 9, 1971.

Take notice that on February 3, 1971, Mid Louisiana Gas Co. (applicant), Post Office Box 1707, Shreveport, LA 71102, filed in Docket No. CP71-195 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $250,000 with no single project costing in excess of $50,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2103 Filed 2-16-71;8:47 am]

[Docket No. CP71-196]

SOUTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 9, 1971.

Take notice that on February 3, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-196 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale natural gas reserves and related production facilities located in the Big Point Field, St. Tammany Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell its entire interest in the production facilities located in the Big Point Field, with related leasehold interests, wells and reserves to Schaefer Oil & Gas Co., Inc. (Schaefer). Pursuant to the agreement for sale, natural gas reserves of the lease to be transferred to Schaefer will continue to be dedicated to applicant so long as production continues in commercial quantities. Applicant estimates that as of July 1, 1970, the lease hereinbefore described covered 616,666 Mcf of recoverable gas reserves. Schaefer will pay $78,500.00 for the subject facilities and interests.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2104 Filed 2-16-71;8:47 am]

[Docket No. CP68-248]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

FEBRUARY 9, 1971.

Take notice that on February 2, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Tenneco Building, Houston, Tex. 77002, filed in Docket No. CP68-248 a petition to amend the Commission's order issued on May 24, 1968 (39 FPC 862), as amended by order issued May 5, 1970 (43 FPC 698), issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, in said docket by authorizing the construction and operation of certain additional facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned orders issued in the subject docket authorized, inter alia, the sale of natural gas to Midwestern Gas Transmission Co. (Midwestern) at a maximum daily volume of 600,780 Mcf. This gas was to be delivered to Midwestern through two delivery points, one near Portland, Tenn., and the other near Potomac, Ill. In a related proceeding in Docket No. CP68-246, Trunkline Gas Co. (Trunkline) was authorized to transport and deliver natural gas to Midwestern at Potomac, Ill., for Petitioner's account. This transportation service was authorized, pending completion of additional transmission facilities by petitioner, on a decreasing scale with all deliveries by Trunkline to cease on November 1, 1972.

Petitioner states that additional compressor facilities will be necessary to enable it to transport the increased volumes of natural gas heretofore authorized for delivery to Midwestern. Specifically, petitioner proposes to construct and operate 8,000 additional horsepower compressor facilities at Stations Nos. 527 and 538 and 7,500 additional horsepower compressor facilities at Stations Nos. 542, 546, 550, and 555. The estimated cost of these facilities is $16,203,000, which cost is to be financed from general funds or from revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2105 Filed 2-16-71;8:47 am]

[Docket No. CP68-249]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

FEBRUARY 9, 1971.

Take notice that on February 2, 1971, Midwestern Gas Transmission Co. (petitioner), Chamber of Commerce Building, Houston, Tex. 77002, filed in Docket No. CP68-249 a petition to amend the Commission's order issued on May 24, 1968 (39 FPC 862), issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, in said docket by authorizing the construction and operation of certain additional compressor facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order issued in the subject docket authorized, inter alia, the purchase of natural gas by petitioner from Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), at a maximum daily volume of 600,780 Mcf. This gas was to be delivered to petitioner through two delivery points, one near Portland, Tenn., and the other near Potomac, Ill. In a related proceeding in Docket No. CP68-246, Trunkline Gas Co. (Trunkline) was authorized to transport and deliver natural gas to petitioner at Potomac, Ill., for the account of Tennessee. This transportation service was authorized, pending completion of additional transmission facilities by Petitioner and Tennessee, on a decreasing scale with all deliveries by Trunkline to cease on November 1, 1972.

Petitioner states that additional compressor facilities will be necessary to enable it to receive increased volumes of natural gas from Tennessee at the Portland, Tenn., delivery point. Specifically, petitioner proposes to construct and operate a 4,000 additional horsepower compressor facility at its existing Station No. 2115, and a new 7,500 compressor facility in Ohio County, Ky. The estimated cost of the facilities proposed herein is $4,220,600, which cost is to be financed with cash on hand, sales of temporary investments, and advances from an associated company.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2106 Filed 2-16-71;8:47 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON FEDERAL PAY

Notice of Intention To Appoint Members

Under the Federal Pay Comparability Act of 1970 (Public Law 91-656), interested parties may recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy to serve as members of the Advisory Committee on Federal Pay.

Interested parties may submit their recommendations for such membership to the Director of the Office of Management and Budget within 15 days after publication of this notice in the FEDERAL REGISTER.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.71-2130 Filed 2-16-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 799]

HAWAII

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to residences and business property located on the Islands of Oahu, Maui, and Hawaii, Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated on the aforesaid islands in the State of Hawaii suffered damage or destruction resulting from high winds and flooding occurring on January 28 and 29, 1971.

OFFICE

Small Business Administration District Office, 1149 Bethel Street, Room 402, Honolulu, HI 96813.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 9, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2124 Filed 2-16-71;8:49 am]

[Declaration of Disaster Loan Area 800]

WASHINGTON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of January and February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Lewis, Grays Harbor, Thurston, and Whatcom Counties, Wash.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid counties suffered damage or destruction resulting from flooding occurring on January 26 through February 1, 1971.

OFFICE

Small Business Administration Regional Office, 1206 Smith Tower, 508 Second Avenue, Seattle, WA 98104.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 9, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2125 Filed 2-16-71;8:49 am]

[Declaration of Disaster Loan Area 801]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Boston, Mass.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the area of Salem Street and North Margin Street in the aforesaid city suffered damage or destruction resulting from fire occurring on February 1, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 8, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2126 Filed 2-16-71;8:49 am]

[Declaration of Disaster Loan Area 802]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Los Angeles County, Calif.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county and areas adjacent thereto suffered damage or destruction resulting from earthquake occurring on February 9, 1971.

OFFICE

Small Business Administration District Office, 849 South Broadway, Los Angeles, CA 90014.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 9, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2127 Filed 2-16-71;8:49 am]

[Delegation of Authority No. 30-E (Region III), Amdt. 2]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region III

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-E (35 F.R. 6033), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-E (Region III), (35 F.R. 7151), as amended (36 F.R. 653), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of persons signing

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * * *

II. *District Directors—A. Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * * *

III. *District Division Chiefs, District Counsel and Staffs—A. Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * * *

Effective date: January 11, 1971.

RUSSELL HAMILTON, Jr.,
Regional Director, Region III.

[FR Doc.71-2121 Filed 2-16-71;8:48 am]

[Delegation of Authority No. 4.4-1 (Region III) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Pennsylvania, Cumberland, Disaster No. 780.

(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.

b. District Director and Chief, District Financing Division, Washington, D.C., for the following disasters:

(1) Virginia, Alexandria and adjacent areas, Disaster No. 778.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Pennsylvania, Cumberland, Disaster No. 780.

(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.

b. District Director, Washington, D.C., for the following disasters:

(1) Virginia, Alexandria and adjacent areas, Disaster No. 778.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Washington, D.C., for the following disasters:

(1) Virginia, Alexandria and adjacent areas, Disaster No. 778.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Pennsylvania, Cumberland, Disaster No. 780.

(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Pennsylvania, Cumberland, Disaster No. 780.

(2) Virginia, Alexandria and adjacent areas, Disaster No. 778.

b. District Director, Washington, D.C., for the following disasters:

(1) Virginia, Alexandria and adjacent areas, Disaster No. 778.

Effective date: January 11, 1971.

RUSSELL HAMILTON, Jr.,
Regional Director, Region III.

[FR Doc.71-2122 Filed 2-16-71;8:48 am]

[Delegation of Authority No. 30-F (Region I) Amdt. 3]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region I

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-F (35 F.R. 6886), as amended (35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-F (Region I) (35 F.R. 8845), as amended (35 F.R. 18351 and 36 F.R. 1298), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, and Item III.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, and coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * * *

II. *District Directors—A. Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline displaced business loans, coal mine health and safety loans and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

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III. *District Division Chiefs, District Councel, and Staffs*—A. *Chief Financing Division.* • • •

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

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Effective date: January 11, 1971.

DAVID P. HEILNER,
Regional Director, Region I.

[FR Doc.71-2123 Filed 2-16-71;8:48 am]

TARIFF COMMISSION

[TEA-W-77]

WORKER'S PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers employed at the Emerson Television and Radio Co., 14th and Cole Streets, Jersey City, NJ, the U.S. Tariff Commission, on February 11, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with television receivers, radios, and phonographs produced by said firm in its plant at said address are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 11, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-2160 Filed 2-16-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 11, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42130—*Alcohol from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-209), for interested rail carriers. Rates on allyl alcohol, octyl alcohol, and hexylene glycol, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Chicago, Ill., and points taking same rates.

Grounds for relief—Commodity relationship.

Tariff—Supplement 63 to Southwestern Freight Bureau, agent, tariff ICC 4867.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2149 Filed 2-16-71;8:51 am]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72421. By order of February 8, 1971, Division 3, acting as an Appellate Division, approved the transfer to Schreiber Freight Lines, Inc., Pittsburgh, Pa., of the operating rights in Certificate No. MC-59120 (Sub-No. 11), issued March 26, 1956, to Eazor Express, Inc., Pittsburgh, Pa., authorizing the transportation of general commodities with specified exceptions between Chicago, Ill., and Pittsburgh, Pa., over a regular route serving specified intermediate and off-route points. Gerald S. Lesher, 1018 Frick Building, Pittsburgh, PA 15219, attorney for transferee. Daniel L. Carn, Eazor Square, Pittsburgh, PA 15201, attorney for transferor.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 71-2150 Filed 2-16-71;8:51 am]

[Notice 647]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72513. By order of February 5, 1971, the Motor Carrier Board approved the transfer to Dan's Transit, Inc., Delmont, Pa., of portion of the operating rights in Certificate No. MC-36889 issued February 6, 1958, to C. Rickard & Sons, Inc., Bridgeport, Conn., authorizing the transportation of commodities, the transportation of which because of size or weight requires the use of special equipment, and related machinery parts and related contractors' materials and supplies, when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, between points in that part of Connecticut west of the Connecticut River, on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania; and scrap brass, bronze, copper, and cupronickel, loose, in bulk, between Bridgeport, Conn., on the one hand, and, on the other, New York, N.Y., points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., points in that part of Middlesex County, N.J., north of the Raritan River, and points in Westchester, Rockland, Nassau and Suffolk Counties, N.Y. Noel F. George, Columbus Center, 100 East Broad Street, Columbus, OH 43215, and Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorneys for applicants.

No. MC-FC-72548. By order of February 2, 1971, Motor Carrier Board approved the transfer to James R. Voss, Route 1, South Sioux City, NE 68776, of the certificate in No. MC-43637 issued October 16, 1950, to Tom Rooney, Hubbard, Nebr. 68741, authorizing transportation of: general commodities, except household goods, commodities in bulk and other specified commodities, between Sioux City, Iowa, on the one hand, and, on the other, Hubbard, Nebr., and points in Nebraska within 25 miles of Hubbard.

No. MC-FC-72598. By order of February 3, 1971, the Motor Carrier Board approved the transfer to Potter Transfer, Inc., Waldorf, Md., of the operating rights in certificates Nos. MC-127147 (Sub-No. 1) and MC-127147 (Sub-No. 2) issued February 14, 1968, and October 26, 1966, respectively, to John Thomas Mattingly doing business as Mattingly Motor Lines, Mechanicsville, Md., authorizing the transportation of lumber from points in Calvert, Charles, and St. Marys Counties, Md., to points in New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Virginia, and hardboard sheets and boards from Farmville, N.C., to Atlanta, Ga., Des Moines, Iowa, Wichita, Kans., Lexington and Louisville, Ky., New Orleans, La., Duluth, Minn., Jackson, Miss., Oklahoma City and Tulsa, Okla., Providence, R.I., and Cudahy and Milwaukee, Wis., and to points in Alabama, Connecticut, Florida, Illinois, Maryland, Massachusetts, Missouri, New Hampshire, New York, Pennsylvania, Texas, Vermont, Virginia, and West Virginia. Francis W. McInerny, Macdonald & McInerny, 1000 16th Street NW., Washington, DC 20036, attorney for applicants.

No. MC-FC-72599. By order of February 3, 1971, the Motor Carrier Board approved the transfer to Donald Boettcher, Kenneth Boettcher, and Richard Boettcher, a partnership, doing business as Boettcher Trucking, Spencer, Nebr. 68777, of certificate No. MC-94780 issued to James Klasna, doing business as Klasna Transfer, Spencer, Nebr. 68777, authorizing the transportation of: Commodities of a general commodity nature, including building materials, fertilizer, etc., between Atkinson, Nebr., and Sioux City, Iowa.

No. MC-FC-72633. By order of February 2, 1971, the Motor Carrier Board approved the transfer to Good-Way, Inc., York, Pa., of the operating rights in certificate No. MC-125588 issued May 22, 1964, to Good's Refrigerated Trucking Service, Inc., York, Pa., authorizing the transportation of meats, meat products, and meat byproducts and articles distributed by meat packinghouses from Broadway, Va., and points within 5 miles thereof to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, Rhode Island, South Carolina, Tennessee, and Wisconsin; frozen foods, except dressed poultry, from Staunton and Winchester, Va., and points in Rockingham County, Va., to points in the above-described destination States, with certain exceptions; and from Staunton and Winchester, Va., and points in Rockingham County, Va., except Broadway, Va., and points within 2 miles thereof to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, West Virginia, South Carolina, Kentucky, Tennessee, and the District of Columbia. Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005, attorney for applicants.

No. MC-FC-72637. By order of February 2, 1971, the Motor Carrier Board approved the transfer to Conduit Rapid Delivery Co., Inc., New York, N.Y., of the operating rights in certificate No. MC-129000 issued January 17, 1968, to R. & M. Freight, Inc., Passaic, N.J., authorizing the transportation of general commodities, with usual exceptions, between New York, N.Y., on the one hand, and, on the other, Bayonne, Clifton, East Paterson, Edgewater, Haledon, Hawthorne, Jersey City, Passaic, Paterson, Totowa, and Weehawken, N.J. Martin Werner, Werner & Alfano, 2 West 45th Street, New York, NY 10036, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2151 Filed 2-16-71;8:51 am]

[Notice 246]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 11, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43144 (Sub-No. 10 TA), filed February 5, 1971. Applicant: GUILFORD TRUCKING, INC., 123 Brook Road, Quincy, MA 02169. Applicant's representative: A. David Millmer, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, scrapped, and *parts of scrapped automobiles*, for the account of D & R Auto Parts, Inc., from Johnston, R.I., to Everett, Mass., for 150 days. Supporting shipper: D & R Auto Parts, Inc., Johnston, R.I. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Room 2211-B Government Center, Boston, MA 02203.

No. MC 107882 (Sub-No. 19 TA), filed February 5, 1971. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton NJ 08638. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, from Washington, D.C., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. 20405. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 109397 (Sub-No. 250 TA), filed February 5, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business, Route 44, Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified and sensitive materials*, requiring one or more carrier custodians holding a Secret Security Clearance issued pursuant Industrial Security Regulations moving on Government bills of lading, between points and places in the 48 contiguous States and the District of Columbia, for 150 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, DC 20310. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 111401 (Sub-No. 316 TA), filed February 5, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632,

Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk from Ponca City, Okla., to Caldwell, Idaho; and the site of Willis-Shaw Trucking at Boise, Idaho, for 180 days. Supporting shipper: Continental Oil Co., Ponca City, Okla., B. P. Thompson, Transportation Department. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, Oklahoma City, OK 73102.

No. MC 113024 (Sub-No. 108 TA), filed February 5, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery 2, South Du Pont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet articles, baby nurser kits and parts, molded products, and materials and supplies* used in the manufacture thereof, including packing and packaging materials, and displays therefor, from Watervliet, N.Y., to Dover, Del., for the account of International Playtex Corp., Dover, Del., for 180 days. Supporting shipper: J. M. Harrison, Manager, Traffic and Transportation, International Playtex Corp., Post Office Box 631, Playtex Park, Dover, DE 19901. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 115092 (Sub-No. 16 TA), filed February 5, 1971. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, UT 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Navajo, N. Mex., to points in Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Navajo Forest Products, Navajo, N. Mex. (John Emils, Sales Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 127812 (Sub-No. 10 TA), filed February 5, 1971. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, prepared, from Minneapolis-St. Paul, Minn., to Superior, Wis., for 180 days. Supporting shipper: Kraft Foods, Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135299 TA, filed February 5, 1971. Applicant: LEE'S TRUCKING INC., 1, 19th Avenue South, Minneapolis, MN 55404. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders from Chicago, Ill., to Minneapolis, Minn., for 180 days. Supporting shipper: Twin City Shippers Association, Inc., 211 Ninth Avenue South, Minneapolis, MN 54415. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135300 TA, filed February 5, 1971. Applicant: WALLY S. METREJEAN, JR., doing business as ALEXANDRIA TRANSFER & STORAGE CO., 3230 Empire Drive, Alexandria, LA 71301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, from Alexandria, La., to Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Acadia, Caldwell, East Feliciana, Franklin, Point Coupee, St. Landry, Tensas, West Feliciana and Winn Parishes, La., and from these Parishes to Alexandria, La., for 180 days. Supporting shipper: Department of the Air Force, Headquarters 4403D Combat Support Group (TAC), England Air Force Base, LA 71301. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135301 TA, filed February 5, 1971. Applicant: REPUBLIC VAN LINES OF SAN DIEGO, INC., 4909 Pacific Highway, San Diego, CA 92110. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, subject to the "Kingpak" restrictions, between points in Imperial, Orange, Riverside, and San Diego Counties, Calif., for 180 days. Supporting shipper: Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109. Send protests to: Philip Yallowtiz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2152 Filed 2-16-71;8:51 am]

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Wednesday, February 17, 1971 • Washington, D.C.

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

•

ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Periodic Medical Review and Medical Inspections in Skilled Nursing Homes and Mental Hospitals

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart A—General Administration

Periodic Medical Review and Medical Inspections in Skilled Nursing Homes and Mental Hospitals

Notice of proposed rule making for periodic medical review and medical inspections in skilled nursing homes and mental hospitals was published in the FEDERAL REGISTER on May 16, 1970 (35 F.R. 7654).

The views of interested persons were requested, received and considered, and in light thereof, certain changes in the proposed regulations were made as follows:

In § 250.23:

(1) Paragraph (a)(1)(i) is amended to make more clear the inclusion of persons who make application while inpatients in a skilled nursing home or mental hospital.

(2) Paragraph (a)(2)(i) is amended to delete the examples of appropriate health, mental health, and social service personnel (other than physicians) who may serve on teams.

(3) A requirement is added as paragraph (a)(3)(iv) that no facility is notified of the time of an inspection more than 48 hours before arrival of the medical review team. The succeeding subdivisions of paragraph (a)(3) are renumbered.

(4) Word changes are made in the redesignated paragraph (a)(3)(v) to clarify that personal contact and observation of each patient may be made by "a team member or members", not necessarily the physician.

(5) In paragraph (a)(3)(v) the words "maximum physical well-being" are changed to read "optimal physical, mental, and psychosocial functioning".

(6) In paragraph (a)(3)(v)(b), the words "at appropriate intervals" are changed to read "at appropriate times" with respect to tests or observations as indicated by patients' medication regimens.

(7) In paragraph (a)(3)(v)(c), the words "physician and nurses progress notes" are changed to read "physician, nurse, and other professional progress notes".

(8) In paragraph (a)(4)(ii) the procedures for forwarding inspection reports are amended to provide for copies to specified State agencies.

(9) A new paragraph (b) has been added to explicitly permit the use of noninstitution based utilization review committees to conduct medical review and to permit, under certain conditions, medical review inspections to satisfy the requirement for utilization review of long-stay cases.

Accordingly, a new § 250.23 is added to Part 250, Chapter II, Title 45, Code of Federal Regulations to read as follows:

§ 250.23 Periodic medical review and medical inspections in skilled nursing homes and mental hospitals.

(a) *State plan requirements; medical review.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide, with respect to patients eligible under the State plan who are admitted to a skilled nursing home or who make application while in such a home, for a medical review (including medical evaluation) of the need for care in such a home, a written plan of care and, where applicable, a plan of rehabilitation; and if the State plan includes medical assistance in behalf of individuals 65 years of age or older who are patients in institutions for mental diseases, provide, with respect to patients eligible under the State plan who are admitted to a mental hospital or who make application while in such a hospital, for a medical review (including medical evaluation) of the need for care in such a hospital, and a written plan of care. Such a review and plans would be made by the patient's attending physician with respect to care in skilled nursing homes, and by the attending physician or staff physician with respect to care in mental hospitals. Provisions required by this subparagraph shall include descriptions of methods and procedures to be followed in each case which assure that prior to admission or prior to authorization of payments, as may be appropriate:

(i) Each patient receives a complete medical evaluation which includes diagnoses, summary of present medical findings, medical history, mental and physical functional capacity, prognosis and an explicit recommendation by the physician with respect to admission to, or, in the case of persons who make application while inpatients in a skilled nursing home or mental hospital, continued care in, such skilled nursing home or mental hospital;

(ii) The plan of care includes orders for medications, treatments, restorative services, diet, special procedures recommended for the health and safety of the patient, activities, and plans for continuing care and discharge;

(iii) In the case of skilled nursing home patients, written reports of the evaluation and the written plan of care are delivered to the facility and entered in the patient's record at the time of admission or, in the case of patients already in the facility, immediately upon completion; and

(iv) In the case of patients in institutions for mental diseases, the evaluation also includes psychiatric and social evaluations;

(2) Provide for periodic inspections to be made in all skilled nursing homes (and, if the State plan includes medical assistance for individuals 65 years of age and older in institutions for mental diseases, in each such institution) caring for patients under the plan by one or more medical review teams which shall

(i) Be composed of one or more physicians and other appropriate health and social service personnel; or in the case of teams reviewing care in mental institutions, one or more psychiatrists or physicians knowledgeable about mental institutions and other appropriate mental health and social service personnel;

(ii) Function under the supervision of a physician on the team;

(iii) Have no members who are employed by or have any financial interest in any nursing home (or, in the case of teams reviewing care in mental institutions, have a financial interest in any mental institution or are employed by a mental institution reviewed by the team of which they are members);

(3) Provide for methods and procedures which assure that:

(i) A sufficient number of teams exists and they are so distributed within the State that on-site inspections can be made in all skilled nursing homes (and mental institutions) caring for patients under the plan at appropriate intervals;

(ii) No physician member of a team inspects the care of patients for whom he is the attending physician;

(iii) At least one inspection by a medical review team is made in each skilled nursing home or mental institution within 1 year from the effective date of these regulations and thereafter at intervals to be determined by the team for each facility on the basis of consideration of the quality of care being rendered in the facility and the conditions of patients in the facility receiving service under the plan, but not less often than annually;

(iv) No facility is notified of the time of an inspection more than 48 hours before the arrival of the medical review team; and

(v) The medical review team inspection includes for skilled nursing home patients personal contact with and observation of each patient receiving assistance under the plan by a team member or members, and review of each such patient's medical record, and for patients in mental institutions review of each such patient's medical record, if such record contains complete reports of periodic assessments required by section 1902(a)(20) of the Social Security Act, or if such reports are not available or are found to be inadequate, personal contact with and observation of each such patient. Such reviews and observations are to determine the adequacy of the services available to meet the current health needs and promote the optimal physical, mental, and psychosocial functioning of patients, the necessity and desirability of the continued placement of such patients in such facilities, and the feasibility of meeting their health needs through alternative institutional or noninstitutional services. Under this requirement, such determinations may be based upon consideration of such items as whether:

(a) The medical evaluation and plan of care for each patient are complete and current, the plan of care (and, where applicable, the plan of rehabilitation) is being followed and all services ordered

(including dietary orders) are being rendered and properly recorded,

(b) Prescribed medications have been reviewed by the attending physician at least every 30 days, and tests or observations of patients indicated by their medication regimen have been made at appropriate times and properly recorded,

(c) Physician, nurse, and other professional progress notes are made as required and appear to be consistent with the observed condition of the patient,

(d) Adequate services are being rendered each patient as evidenced by such observations as cleanliness, absence of decubiti, absence of signs of malnutrition or dehydration, and apparent maintenance of optimal physical, mental and psychosocial function,

(e) The patient currently requires any service not available in or actually being furnished by the particular facility or through arrangements with others, and

(f) Each patient actually needs continued placement in the facility or there is an appropriate plan to transfer the patient to an alternate method of care;

(4) Provide for methods and procedures which assure that:

(i) A full and complete report on each inspection visit is promptly submitted by the medical review team to the single State agency covering the observations, conclusions and recommendations of the team with respect to the adequacy and quality of all patient services in the facility (including physician services to medical assistance patients in the facility) as well as specific findings with respect to individual patients;

(ii) The single State agency forwards a copy of each inspection report both to the facility involved and its functioning utilization review committee, to the agency of the State responsible for "licensure, and to the agencies responsible for" certification or approval of the facilities involved for purposes of title XVIII or XIX, and to other agencies of the State which require the information in such reports in the performance of their official functions including, in the case of inspection reports on mental hospitals, the appropriate State mental health authorities, and

(iii) Reports and recommendations are followed by appropriate action on the part of the single State agency.

(b) *Coordination of utilization review and medical review.* (1) Periodic medical inspections by medical review teams as required by paragraph (a) of this section may be conducted by noninstitution based utilization review committees where the composition of such a committee meets the requirements of paragraph (a)(2) of this section, or is modified or supplemented to meet such requirements for purposes of its medical review activities, and where such committee is willing and able to undertake in addition to its regular utilization review program the on-site inspection functions required by paragraph (a)(3) of this section.

(2) In the case of a facility which is not concurrently a provider of service under title XVIII of the Act, an inspection by a medical review team conducted according to the requirements of paragraph (a) of this section, whether or not performed by a utilization review committee as provided in subparagraph (1) of this paragraph (b), may, at the discretion of the single State agency, be considered to satisfy the requirement for utilization review of long-stay cases for the next regularly scheduled meeting of the utilization review committee.

(Secs. 1102 and 1902(a)(26); 49 Stat. 647, 81 Stat. 906; 42 U.S.C. 1302 and 1396a(a)(26))

Effective date: These regulations shall become effective 75 days following the date of publication in the FEDERAL REGISTER.

Dated: December 9, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: February 5, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1982 Filed 2-16-71;8:45 am]

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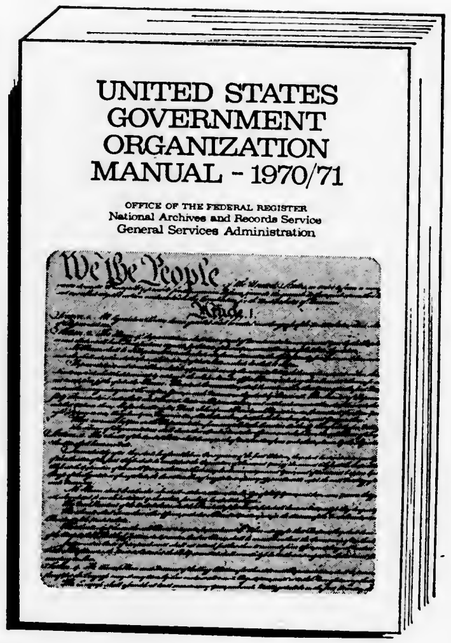

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PROPOSED RULES:
146 3128

47 CFR

1 3119
21 3119
23 3119
87 3119
PROPOSED RULES:
89 3132

49 CFR

1033 3120
PROPOSED RULES:
173 (2 documents) 3130

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 224, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 907.524 (Navel Orange Reg. 224, 36 F.R. 2398) are hereby amended to read as follows:

§ 907.524 Navel Orange Regulation 224.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 900,000 cartons;

(ii) District 2: 300,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2195 Filed 2-17-71;8:47 am]

[Navel Orange Reg. 226]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.526 Navel Orange Regulation 226.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 19, 1971, through February 25, 1971, are hereby fixed as follows:

(i) District 1: 825,000 cartons;

(ii) District 2: 275,000 cartons;

(iii) District 3: unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: Feb. 17, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2362 Filed 2-17-71;1:34 pm]

[Valencia Orange Reg. 335]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.635 Valencia Orange Regulation 335.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good

cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia orange; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 19, 1971, through February 25, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;
(ii) District 2: Unlimited;
(iii) District 3: 32,655 Cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: Feb. 17, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2361 Filed 2-17-71;1:34 pm]

[Lemon Reg. 466, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.766 (Lemon Reg. 466, 36 F.R. 2553) are hereby amended to read as follows:

§ 910.766 Lemon Regulation 466.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 43,000 cartons;
(ii) District 2: 137,000 cartons;

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 12, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2244 Filed 2-17-71;8:51 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 5—LOANS MADE BY NATIONAL BANKS SECURED BY LIENS UPON LEASEHOLDS

The contents of Part 5 being duplicative of Interpretive Ruling 2200(b) contained in the Comptroller's Manual for national banks, Part 5 is hereby rescinded in its entirety effective this date.

Dated: February 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-2255 Filed 2-17-71;8:52 am]

Chapter III—Federal Deposit Insurance Corporation

MISCELLANEOUS AMENDMENTS TO CHAPTER

Effective upon the date of publication of these amendments in the FEDERAL REGISTER (2-18-71), Parts 301, 303, 326, 327, and 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Parts 301, 303, 326, 327, and 329) are amended as follows:

PART 301—INTRODUCTORY

1. The first sentence of § 301.1 is amended by deleting the words "the Administrative Procedure Act (5 U.S.C. 551-559)" and by inserting the words "subchapter II of chapter 5 of title 5, United States Code" in lieu thereof.

2. The second sentence of § 301.1 is amended by deleting the words "3(a) of the Administrative Procedure Act" and by inserting the words "552(a)(1) of title 5, United States Code," in lieu thereof.

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

3. Footnote 2 to § 303.2 is amended by inserting the words "American Samoa," after the word "Guam,".

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INSURED NONMEMBER BANKS

4. Paragraph (a) of § 326.1 is amended by inserting the words "American Samoa," after the word "Guam,".

5. Paragraph (d) of § 326.1 is amended by inserting the words "American Samoa," after the word "Guam,".

PART 327—ASSESSMENTS

6. Subparagraph (1) of paragraph (a) of § 327.1 is amended by inserting the words "American Samoa," after the word "Guam,".

PART 329—INTEREST ON DEPOSITS

7. Footnote 16 to paragraph (a) of § 329.10 is amended by inserting the words "American Samoa," after the word "Guam,".

The purpose of these amendments is to reflect (1) the repeal of the Administrative Procedure Act and the reenactment of its provisions as a part of title 5 of the United States Code and (2) the amendment of sections 3 and 7 of the Federal Deposit Insurance Act to make banks in American Samoa eligible for Federal deposit insurance and to include branches located in American Samoa within the definition of the term "branch" for the purposes of the Federal Deposit Insurance Act. The amendments are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth").

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendments to Parts 301, 303, 326, 327, and 329 are editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred

effective date were not followed in connection with these amendments.

Dated at Washington, D.C., this 12th day of February 1971.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] HANNAH R. GARDINER,
Assistant to the Secretary.

[FR Doc.71-2253 Filed 2-17-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 31, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 20013) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Moab, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Delete the FEDERAL REGISTER citation "* * * § 71.181 (35 F.R. 2134) * * *" and substitute "* * * § 71.181 (36 F.R. 2140) * * *" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 1, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 8, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Moab, Utah transition area is amended to read as follows:

MOAB, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.); and within 7 miles northeast and 10.5 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 326° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 7 miles north and 10.5 miles south of the Moab VOR 110° radial, extending from the VOR to 18.5 miles east of the VOR.

[FR Doc.71-2193 Filed 2-17-71;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1838]

PART 13—PROHIBITED TRADE PRACTICES

Art Rich Manufacturing Co., Inc., and Martin S. Richman

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Art Rich Manufacturing Co., Inc., et al., Dalton, Ga., Docket No. C-1838, Jan. 4, 1971]

In the Matter of Art Rich Manufacturing Co., Inc., a Corporation, and Martin S. Richman, Individually and as an Officer of Said Corporation

Consent order requiring a Dalton, Ga., manufacturer and distributor of wearing apparel, including chenille robes, to cease violating the Flammable Fabrics Act by selling, importing, or delivering any fabric which fails to conform with the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Art Rich Manufacturing Co., Inc., a corporation, and its officers, and Martin S. Richman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the products which gave rise to this complaint of the flammable nature of such products, and effect recall of such products from said customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and to effect recall of such products from said customers, and of the results of such actions, (3) any disposition of such product since September 11, 1969, (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or combinations thereof, in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-2207 Filed 2-17-71;8:48 am]

[Docket No. C-1837]

PART 13—PROHIBITED TRADE PRACTICES

Hank's Auto Sales, Inc., and Henry E. Rellah

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices:

§ 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [cease and desist order, Hank's Auto Sales, Inc., et al., Cleveland, Ohio, Docket No. C–1837, Dec. 30, 1970]

In the Matter of Hank's Auto Sales, Inc., a Corporation, and Henry E. Rellah, Individually and as an Officer of Said Corporation

Consent order requiring a Cleveland, Ohio, seller of used automobiles to cease violating the Truth in Lending Act by failing to use the following terms in its customer contracts: cash price, cash down payment, unpaid balance of cash price, amount financed, finance charge, annual percentage rate, total of payments, and deferred payment price; failing to include the premium for required credit life insurance, to disclose the method of computing any default, and to clearly identify property to which any security interest relates.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Respondents Hank's Auto Sales, Inc., a Corporation, and its officers, and Henry E. Rellah, individually and as an officer of said Corporation, and Respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of automobiles or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to employ the term "Cash price", as defined in Regulation Z, to describe the price at which Respondents offer to sell for cash the goods or services which are the subject of a consumer credit transaction, as required by § 226.8 (c)(1) of Regulation Z.

(2) Failing to employ the term "Cash downpayment" to describe any downpayment in money, as required by § 226.8 (c)(2) of Regulation Z.

(3) Failing to employ the term "Unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

(4) Failing to employ the term "Amount financed" to describe the balance financed, as required by § 226.8(b)(7) of Regulation Z.

(5) Failing to disclose the "Finance charge" and the "Annual percentage rate", using those terms, in credit transactions where finance charges are imposed, in the manner and form required by §§ 226.4, 226.5, 226.6, and 226.8 of Regulation Z.

(6) Failing to employ the term "Total of payments" to describe the dollar amount of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

(7) Failing to employ the term "Deferred payment price" to describe the sum of the cash price, all other charges individually itemized, and the finance charge, as required by § 226.8(b)(8)(ii) of Regulation Z.

(8) Failing to include the premium for required credit life insurance in the finance charge, and to disclose it as part of the finance charge, as required by §§ 226.4 and 226.8, respectively, of Regulation Z.

(9) Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

(10) Failing to make a clear identification of the property to which any "security interest" relates, as required by § 226.8(b)(5) of Regulation Z.

(11) Failing, in any consumer credit transaction or advertisement, to make all disclosures in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That Respondents notify the Commission at least thirty (30) days prior to any proposed change in the Corporate Respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation of or dissolution of subsidiaries, or any other change in the Corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the Respondents shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: December 30, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2208 Filed 2-17-71;8:48 am]

[Docket No. C–1836]

PART 13—PROHIBITED TRADE PRACTICES

Lloyd Hearing Aid Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–15 Comparative; 13.155–70 Percentage savings; § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.180 Quantity. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1885 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lloyd Hearing Aid Corp. et al., Rockford, Ill., Docket No. C–1836, Dec. 28, 1970]

In the Matter of Lloyd Hearing Aid Corp., a Corporation, and Lloyd D. Kling, Individually and as an Officer of Said Corporation and Marvin Palmquist, Individually and as an Officer of Said Corporation.

Consent order requiring a Rockford, Ill., distributor of hearing aids and parts and accessories therefor to cease representing that respondent sells "America's Largest Selection of Hearing Aids," misrepresenting the number of times a hearing aid battery can be recharged, that its hearing aids are the most powerful on the market, exaggerating the savings to customers, misrepresenting that any hearing aid it sells is a new invention, failing to disclose the nature of its guarantees, and failing to disclose that diagnosis of hearing defects by mail is inadequate.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any hearing aid device or any component thereof, or any device represented as aiding defective hearing, do forthwith cease and desist from directly or indirectly:

A. Disseminating or causing the dissemination of, by means of the U.S. mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which:

(1) Represents directly or indirectly that respondents offer for sale and sell "America's Largest Selection of Hearing Aids".

(2) Misrepresents in any manner the number of times a battery for use in a hearing aid can be recharged.

(3) Misrepresents in any manner the number of years, or other period of time, that a battery or combination of batteries for use in a hearing aid will perform.

(4) Represents that any hearing aid sold by the respondents is the most powerful on the market, or otherwise represents that any hearing aid has a greater general effectiveness than is the fact, or that any hearing aid will compensate for a greater degree or extent of hearing loss than is true.

(5) Uses the words "2⅓ off Regular Dealer's Prices" or "65% to 70% Lower than regular dealer's prices", or words of similar import and meaning, to represent that by purchasing respondents' products, customers are afforded savings amounting to the difference between respondents' price and a compared price for the same merchandise in respondents' trade area, unless a substantial number of principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(6) Misrepresents, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

(7) Misrepresents that any hearing aid is a new invention or involves a new mechanical or scientific principle through use of the word "miracle" or in any other manner.

(8) Represents that a hearing aid is guaranteed, whether expressed in terms of "guarantee" or "warranty", unless in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform under the guarantee, and the identity of the guarantor, are clearly and conspicuously disclosed.

(9) Represents that any hearing aid will benefit persons suffering from any hearing disability unless in immediate conjunction with such representation a clear and conspicuous disclosure is made that in some cases of hearing loss, a hearing aid will not be beneficial.

(10) Represents, directly or by implication that respondents can determine the nature or degree of hearing loss upon written information furnished by the purchaser by mail or that the information furnished and the evaluation thereof by respondents or their agents or employees is an adequate, effective or reliable procedure or method to select a hearing aid suited to the individual's hearing loss.

B. Disseminating or causing the dissemination of, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph "A." hereof.

It is further ordered, That respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Failing to clearly and conspicuously disclose to purchasers and prospective purchasers prior to acceptance of an order to purchase a hearing aid that furnishing information by mail and the evaluation thereof by respondents or their agents or employees is not an adequate, effective or reliable procedure or method to determine the nature or degree of hearing loss or to select a hearing aid suited to the individual's hearing loss.

(2) Failing to clearly and conspicuously disclose on any questionnaire sent to a prospective purchaser or purchaser of a hearing aid to obtain information concerning the hearing ability or disability of any individual or regarding any hearing aid he or she has worn or is currently wearing, that furnishing such information by mail and the evaluation thereof by respondents is not an adequate, effective or reliable procedure or method to determine the nature or extent of hearing loss or to select a hearing aid suited to the individual's hearing loss.

It is further ordered, That respondents shall maintain full and adequate records which disclose the facts upon which any savings claims, including former price, retail price and comparable value claims are based and from which the validity of such claims can be determined.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to Cease and Desist to all subsidiaries, affiliates, offices, employees and agents which are now or hereafter created, elected, employed or appointed.

It is further ordered, That the respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporations shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with the order to cease and desist, and in addition such other reports as may thereafter be directed.

Issued: December 28, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2209 Filed 2-17-71;8:48 am]

[Docket No. C–1840]

PART 13—PROHIBITED TRADE PRACTICES

Muriel's, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Muriel's, Inc., et al, Miami Beach, Fla., Docket No. C–1840, Jan. 4, 1971]

In the Matter of Muriel's, Inc., a Corporation, Doing Business Under Its Own Name and Under the Trade Name Tropic Ties, and Paul Turner, Individually and as an Officer of Said Corporation.

Consent order requiring a Miami Beach, Fla., manufacturer and retailer of men's neckties to cease and desist from misbranding and furnishing false guaranties on its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Muriel's Inc., a corporation, doing business under its own name and under the trade name Tropic Ties, or any other name, and its officers, and Paul Turner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Muriel's, Inc., a corporation, doing business under its own name and under the trade name Tropic Ties, or any other name, and its officers, and Paul Turner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2210 Filed 2-17-71;8:48 am]

[Docket No. C-1839]

PART 13—PROHIBITED TRADE PRACTICES

Pawley Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1882-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Pawley Co. et al., Denver, Colo., Docket No. C-1839, Jan. 4, 1971]

In the Matter of The Pawley Co., a Corporation, and Max Weisbly and Ben Hailpern, Individually and as Officers of Said Corporation

Consent order requiring a Denver, Colo., wholesaler of upholstery and drapery fabrics to cease and desist from misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, The Pawley Co., a corporation and its officers, and Max Weisbly and Ben Hailpern, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using the generic names of fibers in nonrequired information on any label in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of a particular fiber, when such is not the case.

4. Failing to affix labels showing the respective fiber content and other required information to samples, swatches, and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2211 Filed 2-17-71;8:48 am]

PART 16—INDUSTRY COMMITTEE UNDER TRADE PRACTICE RULES

Rescission

Section 16.1, entitled, "Industry committee under trade practice rules", has been rescinded by the Commission.

Approved: January 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2225 Filed 2-17-71;8:50 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-60]

PART 174—PROTESTS

Applicability of Protest Procedures

Section 174.2 of the Customs Regulations details the circumstances in which protests against the decision of district directors of Customs must be filed and considered in accordance with the procedures set forth in Part 174 of Title 19, Code of Federal Regulations. Paragraph (a)(3) of § 174.2 provides that Part 174 will be applicable to a protest filed against a decision involving articles for which appraisement has become final prior to October 1, 1970, but with respect to which the entry has not been liquidated prior to that date. This provision does not permit a protest filed after liquidation in accordance with Part 174 of the Customs Regulations to raise issues as to the value of the merchandise, which could have been raised by an appeal to reappraisement. An appraisement which has become final under the law in effect prior to October 1, 1970, cannot be reopened in a protest filed after liquidation under the provisions of the Customs Administrative Act of 1970, Public Law 91-271, and the regulations thereunder (Part 174 of the Customs Regulations).

Accordingly, in order to clarify § 174.2 of the Customs Regulations, paragraph (b) of § 174.2 is amended by redesignating subparagraph (2) as subparagraph (3), and adding a new subparagraph (2) so that paragraph (b) reads as follows:

§ 174.2 **Applicability of provisions.**

• • • • • •

(b) *Limitation*—(1) *Appraisement not final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, is not final by October 1, 1970, because an appeal for reappraisement was timely filed prior to such date, the provisions of this part relating to protests shall be applicable to a protest filed after the court's decision on the appeal to reappraisement has become final. Such protest shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(2) *Appraisement final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, has become final prior to October 1, 1970, but the entry has not been liquidated by such date, a protest filed in accordance with the provisions of this part after such liquidation shall not include issues which were raised or could have been raised on an appeal to reappraisement before the appraisement became final.

(3) *Protest not disallowed.* When a protest filed prior to October 1, 1970, has not been disallowed in whole or in part before such date, the provisions of this part shall be applicable to such protests. The time within which any action must be taken under the provisions of this part with respect to such a protest shall commence on the date the protest was in fact filed.

(Sec. 203, 84 Stat. 283; 19 U.S.C. 1500 (Note)) (R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The purpose of this amendment is to clarify the Customs Regulations as they relate to the filing of protests after liquidation when the appraisement of articles became final prior to the effective date of the Customs Administrative Act of 1970, October 1, 1970. It is, therefore, found that notice of proposed rule making and public procedure under 5 U.S.C. 553 is unnecessary, and the amendment shall be effective upon publication in the FEDERAL REGISTER (2-18-71).

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: February 5, 1971.

WILLIAM L. DICKEY, *Acting Assistant Secretary of the Treasury.*

[FR Doc.71-2257 Filed 2-17-71;8:52 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 754—NAVY AFFIRMATIVE SALVAGE CLAIMS

Per Diem Rate for Salvage Ships or Fleet Tugs

In § 754.2, paragraph (a)(1) is amended to read as follows:

§ 754.2 **Per diem rates for salvage services.**

(a) • • •

(1) • • •

Salvage Ships or Fleet Tugs (ARS, ATF) (3,000 hp.)	5,000

• • • • • •

JOSEPH B. MCDEVITT, *Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.*

FEBRUARY 9, 1971.

[FR Doc.71-2234 Filed 2-17-71;8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.49(b)(2), subdivision (iii) is amended to read as follows:

§ 17.49 **Veterans Administration policy on priorities for hospital and domiciliary care.**

• • • • • •

(b) *Priorities for domiciliary care.* • • •

(2) Priority for admission to domiciliary care (except as noted in subparagraph (1) of this paragraph).

• • • • • •

(iii) Group III includes patients eligible under § 17.47(d), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

• • • • • •

2. In § 17.115b, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 17.115b **Invalid lifts for recipients of aid and attendance allowance or special monthly compensation.**

An invalid lift may be furnished if:

• • • • • •

3. In § 17.115c, the introductory portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 17.115c **Therapeutic and rehabilitative devices for recipients of aid and attendance allowance or special monthly compensation.**

Therapeutic and rehabilitative devices, including medical equipment and supplies (excluding medicines) may be furnished, if:

• • • • • •

(b) The device, equipment or item supplied is medically determined necessary and is of a type or category of devices or supplies determined to be available under this section.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: February 6, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON, *Associate Deputy Administrator.*

[FR Doc.71-2226 Filed 2-17-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

SMALL BUSINESS PROCUREMENT SOURCES AND SUBCONTRACTING PROGRAM EVALUATION

This amendment establishes policies and procedures to expand small business procurement sources, bring available Small Business Administration (SBA) assistance to the attention of small business concerns, and improve techniques relating to the review and evaluation of the small business subcontracting program.

1. Section 1-1.702 is amended by the revision of paragraph (b)(2) and the addition of paragraph (b)(14), as follows:

§ 1-1.702 **Small business policies.**

• • • • • •

(b) • • •

(2) Bidders mailing lists (see § 1-2.205 of this chapter) shall include all established and potential small business suppliers who have made acceptable application for inclusion or who appear from other information (including recommendations by the SBA representative) to be qualified for inclusion therein. Prior to the issuance of invitations for bids and within the framework of the time available, contracting officers should make every reasonable effort to find additional small business sources (including notification to SBA where there is no local SBA representative), except where bidders lists are already excessively long and not all bidders thereon will be solicited as provided in subparagraph (3) of this paragraph and § 1-2.205-4 of this chapter.

• • • • • •

(14) Small business firms seeking Government contracts, but found to lack qualifications as prime contractors, should be referred to the nearest SBA office for management assistance, counseling, financial assistance, and other programs of assistance as may be appropriate.

2. Section 1-1.710-1 is amended by the addition of a new paragraph (d), as follows:

§ 1-1.710-1 **General.**

• • • • • •

(d) To carry out more effectively the Government's policy objectives stated in paragraph (a) of this section, prime contractors and subcontractors having small business subcontracting programs must be informed of (1) the Government's evaluation of their efforts in carrying out an effective small business subcontracting program, (2) any specifically noted deficiencies in their small business subcontracting programs, and (3) any areas of outstanding achievement where

they may have exceeded contractual requirements. Any evaluation and remarks to the contractor, including areas of suggested improvement and areas where the contractor has exceeded contractual requirements, must be documented.

3. Section 1–1.710–4 is revised as follows:

§ 1–1.710–4 Review of subcontracting program.

(a) *Contractor's program.* The procuring agency concerned shall be responsible for conducting periodic reviews to determine the adequacy of the contractor's "Small Business Subcontracting Program." The reviews shall be made in accordance with paragraph (c) of this section, and the procuring agency should make arrangements concerning participation by representatives of SBA, as appropriate.

(b) *Subcontractor's program.* Promptly upon notification by the contractor of the placement of a subcontract requiring the subcontractor to establish such a program in accordance with § 1–1.710–3(b), the contracting officer shall either assume responsibility for review of the subcontractor's program or request that the review be made by an appropriate official or organization, in accordance with whatever policy may be adopted by the procuring agency.

(c) *Procedure for conducting review.* The following factors shall be considered in the periodic review to determine the adequacy of the contractor's (including subcontractor's) "Small Business Subcontracting Program":

(1) The extent to which the contractor pursues an energetic program to locate additional small business subcontract sources, including utilization of the services of the contract administration office, SBA, and appropriate media such as the Commerce Business Daily;

(2) The contractor's efforts to place with small business concerns development type work likely to result in later production opportunities;

(3) The contractor's policy and practices in providing financial, engineering, technical, or managerial assistance to small business subcontractors;

(4) The contractor's efforts to break out components of large systems in order to promote broader competition and greater opportunities for small business subcontractors;

(5) The extent to which top management supports the program by issuing oral and written policy statements and holding periodic training and discussion meetings for personnel;

(6) The extent of contractor's participation in procurement conferences, vendor open house days, and similar meetings designed to provide an "open door" to small companies seeking subcontract work;

(7) The adequacy of justification included in procurement files for decisions not to solicit small business on individual procurements;

(8) The extent to which the contractor considers small business interests in make-or-buy decisions;

(9) The extent to which the contractor has taken corrective action to remedy deficiencies in his program which were previously called to his attention;

(10) The accuracy of the contractor's records indicating the size status of subcontractors; and

(11) Any unusual efforts to promote the program whether or not they exceed contractual requirements.

(d) *Report of review.* A written report of each review shall be prepared indicating the extent of compliance with all contractual provisions pertaining to the assistance of small business. The specific areas of deficiency or superior performance of the contractor (or subcontractor), as appropriate, shall be documented. A summary of the findings and recommendations normally should be sent to the contractor's corporate office (or to the contractor's plant, if a plant was involved). Any deficiencies of the contractor's (or subcontractor's) program shall be brought to the attention of the contractor's designated liaison officer with a request for corrective action. In addition to the distribution outlined above, written reports of reviews shall be maintained in the contract administration office. These reports shall be made available to SBA, small business specialists, other contracting officers, and to other procuring agencies, upon request.

(e) *Subcontracting records.* Subcontracting records maintained by Government offices shall be made available for review by SBA upon request.

(f) *SBA recommendations.* On the basis of the foregoing records and the periodic reviews of the adequacy of the contractor's "Small Business Subcontracting Program," SBA may make recommendations to the procuring agency regarding methods for increasing small business participation in the contractor's subcontract awards. SBA and the procuring agency will freely interchange, at the operating level, information resulting from the reviews.

(g) *Use of periodic reviews by other procuring agencies.* Where a procuring agency has made a perlodic review of a contractor's "Small Business Subcontracting Program" within the preceding 12 months, that review may be used by another procuring agency in lieu of making a new and separate review of the same contractor's program.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective March 29, 1971, but may be observed earlier.

Dated: February 11, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc 71-2231 Filed 2-17-71;8:50 am]

Chapter 114—Department of the Interior

PART 114–39—INTERAGENCY MOTOR VEHICLE POOLS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114–39 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (2–18–71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

FEBRUARY 11, 1971.

Subpart 114–39.4—Establishment, Modification, and Discontinuance of Motor Pools

Sec.
114–39.404 Discontinuance or curtailment of service.
114–39.404–3 Problems involving service or cost.
114–39.404–4 Agency requests to withdraw participation.

Subpart 114–39.8—Accidents and Claims

114–39.801 General.
114–39.802 Reporting of accidents.
114–39.804 Investigation.
114–39.804–1 Investigation procedure.

AUTHORITY: The provisions of this Part 114–39 issued under 5 U.S.C. 301 (Supp. V, 1965–1969), and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114–39.4—Establishment, Modification, and Discontinuance of Motor Pools

§ 114–39.404 Discontinuance or curtailment of service.

§ 114–39.404–3 Problems involving service or cost.

In any instance where problems involving motor pool service or cost arise, the affected bureau or office should bring the matter to the attention of the Chief of the motor pool providing the vehicles for resolution. In the event a satisfactory solution does not result, full particulars should be forwarded to the Director of Management Operations for consideration and possible referral to the Administrator, General Services Administration.

§ 114–39.404–4 Agency requests to withdraw participation.

Should circumstances arise at a given interagency motor pool location which tend to justify discontinuance or curtailment of participation in such motor pool by an Interior activity, the participating bureau or office should forward complete details concerning these circumstances to the Director of Management Operations for consideration and possible referral to the Administrator, General Services Administration.

Subpart 114–39.8—Accidents and Claims

§ 114–39.801 General.

In observing the requirements of Subpart 101–39.8 of this title, the additional relevant regulations of this Department must be adverted to also, such as 395 DM 3 and 451 DM 2 on tort claims. In instances where such requirements differ, the more restrictive or comprehensive must be observed as well as the lesser. (See IPMR 114–39.804–1(b).)

§ 114–39.802 Reporting of accidents.

Where it is infeasible for the operator of a motor pool system vehicle involved in an accident to notify personally the Chief of the GSA motor pool and other authorities, he may discharge this responsibility through his supervisor or other designated official. Bureaus and offices electing to permit this arrangement must insure that its instructions are such that in any given accident both the supervisor and the operator understand clearly which one of them will furnish the required notification.

§ 114–39.804 Investigation.

§ 114–39.804–1 Investigation procedure.

(a) The supporting data submitted with Standard Form 91 shall include any reports of investigation which the using bureau or office itself may require through its own regulations.

(b) Departmental investigating procedures require that all motor vehicle accidents be investigated without regard to the $250 criteria established by FPMR 101–39.804–1(b).

[FR Doc.71-2201 Filed 2-17-71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-141]

EQUAL OPPORTUNITY REPORTS AND REPORTS OF COMPLAINTS OF DISCRIMINATORY PRACTICES IN EMPLOYMENT

Order. In regard effective date for filing equal opportunity reports and reports of complaints of discriminatory practices in employment by common carrier licensees and permittees.

1. On August 5, 1970, the Commission adopted rules which required communications common carriers to show nondiscrimination in their employment practices.[1] A new § 1.815, 47 CFR 1.815, was adopted which requires that pursuant to the newly enacted rules, all common carrier licensees and permittees will be required to file with the Commission, on FCC Form 395, annual reports showing the total number of employees that it employs, the distribution of such employees within various grades and levels of employment, and the distribution of such employees in the various levels according to minority groups and women. The Commission also provided, in a new § 21.307(d), 47 CFR 21.307(d), and 23.49(d), that all common carrier licensees and permittees submit to the Commission an annual report showing whether any complaints involving the violation of any Federal, State, Territorial, or local law have been filed against it.

2. At the time of the enacting of the above mentioned rules, we provided that the annual reports of charges of discrimination filed against each common carrier, as required by §§ 21.307(d), and 23.49(d), and the annual employment of reports required by § 1.815, were to be filed with the Commission no later than April 1 of each year. The Commission had also, in a separate proceeding, adopted similar rules to be applied to all broadcast licensees.[2] At the time of enacting the rules applicable to broadcast licensees, we did not, pending clearance of the annual employment report for broadcast licensees by the Office of Management and Budget, set a specific filing date for such reports. Subsequently, we determined that the annual employment reports for broadcast licensees would be filed on or before May 31 of each year.[3]

3. To facilitate the filing of the annual employment report, and to avoid the printing of duplicative forms, we decided that the Form 395 would be used by both broadcast and common carrier licensees. Also, in order to facilitate and simplify the filing of similar information with the Commission, and to minimize the number of times that common carrier licensees will be required to file such employment information with the Commission, we feel that the annual report of complaints of discrimination should be filed at the same time as the annual employment report.

4. *Accordingly, it is ordered,* Pursuant to sections 4(i), 214, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 214, 303, 307, 308, 309, and 310, that filing dates for the annual employment report (FCC Form 395) as provided by § 1.815, and the annual report of complaints of discrimination, as provided by §§ 21.307 and 23.49, are changed as set forth below.

5. *It is further ordered,* That the initial submission of Form 395 and of the annual report of complaints of discrimination shall be made no later than May 31, 1971.

(Secs. 4, 214, 303, 307, 308, 309, 310, 48 Stat., as amended, 1066, 1075, 1082, 1083, 1084, 1085, 1086; 47 U.S.C. 154, 214, 303, 307, 308, 309, 310)

Adopted: February 10, 1971.

Released: February 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

PART 1—PRACTICE AND PROCEDURE

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.815 is revised as follows:

§ 1.815 Reports of annual employment.

(a) Each common carrier licensee or permittee with 16 or more full time employees shall file with the Commission, on or before May 31 of each year, on FCC Form 395, an annual employment report.

• • • • •

[1] 24 FCC 2d 725 (1970)

[2] 18 FCC 2d 240 (1960); 23 FCC 2d 430 (1970)

[3] 26 FCC 2d 295 (1970)

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

In Part 21 of Chapter I of Title 47 of the Code of Federal Regulations, § 21.307(d) is revised as follows:

§ 21.307 Equal employment opportunities.

• • • • • •

(d) *Report of complaints filed against licensees and permittees.* (1) All licensees or permittees shall submit an annual report to the FCC no later than May 31 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

• • • • • •

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

In Part 23 of Chapter I of Title 47 of the Code of Federal Regulations, § 23.49(d) is revised as follows:

§ 23.49 Equal employment opportunities.

• • • • • •

(d) *Report of complaints filed against licensees and permitttees.* (1) All licensees or permittees shall submit an annual report to the FCC no later than May 31 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

• • • • • •

[FR Doc.71-2247 Filed 2-17-71;8:51 am]

[RM-1685; FCC 71-138]

PART 87—AVIATION SERVICES

Civil Air Patrol Teleprinter Operations

Order. 1. The Commission has been requested by the Civil Air Patrol (CAP), a civilian auxiliary of the U.S. Air Force, to amend its rules to permit CAP teleprinter operations on frequency 2372.5 kHz, a CAP assigned frequency.

2. In support of its request, CAP asserts the need for more reliable communications on this frequency when voice communications are affected by poor propagation and certain types of interference. CAP has already confirmed this by tests conducted under special temporary authorizations.

3. The rule change requested by the CAP appears reasonable and in the public interest. Presently, § 87.513(a)(3) of the rules restricts 2372.5 kHz to emissions A3A and A3J. This rule amendment will permit emission F1 on the frequency. The CAP is the sole non-governmental user of the frequencies listed in Part 87,

Subpart O, of our rules. To grant the requested change would not affect any other users of radio therefore compliance with the prior notice provisions of 5 U.S.C. 553 would serve no useful purpose and is therefore unnecessary.

4. This matter has been discussed with and concurred in by the Interdepartment Radio Advisory Committee (IRAC).

5. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, effective March 24, 1971, as set forth below.

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 10, 1971.

Released: February 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 87.513(a) is amended to add subparagraph (4) to read as follows:

§ 87.513 Frequencies available.

• • • • • •

(a) • • •

(4) 2372.5 kHz, 1.7F1 emission, 400 watts maximum power. When using a direct-printing telegraph system other than 60 words per minute, 5 unit (start-stop) code, station identification shall be made by means of A1, A3A or A3J emission.

• • • • • •

[FR Doc.71-2248 Filed 2-17-71;8:51 am]

[1] Commissioner Houser not participating.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1059, Amdt. 1]

PART 1033—CAR SERVICE

Pennsylvania-Reading Seashore Lines to Unload Certain Cars of Beets Held at Glassboro and Tuckahoe, N.J.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of February 1971.

Upon further consideration of Service Order No. 1059 (36 F.R. 1417), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1059 (Pennsylvania-Reading Seashore Lines shall unload certain cars of beets held at Glassboro, N.J., and at Tuckahoe, N.J.) be, and it is hereby, amended by substituting the following paragraphs (b) and (g) for paragraphs (b) and (g) thereof:

§ 1033.1059 Service Order No. 1059.

• • • • • •

(b) The Pennsylvania-Reading Seashore Lines, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 28, 1971.

• • • • • •

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1971, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 13, 1971.

(Sec. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2237 Filed 2-17-71;8:51 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

IMPORTATION OF MOTOR VEHICLES AND EQUIPMENT SUBJECT TO MOTOR VEHICLE SAFETY STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Treasury and the Secretary of Transportation propose to amend the joint regulations previously issued under section 108 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) hereinafter referred to as the Act, appearing at 19 CFR 12.80. Experience has indicated the need for deletions, additions, and clarification of language in the present regulations to better implement the purpose of the Act.

Entry of vehicles not presently subject to the regulations because they are not vehicles manufactured primarily for use on the public roads (such as mini-bikes and competition vehicles designed for closed circuit racing) would be facilitated by the addition of a provision under which an importer would declare he is not importing a "motor vehicle" under the National Traffic and Motor Vehicle Safety Act of 1966.

The entry of vehicles originally manufactured to conform to the safety standards but whose certification labels are no longer affixed, or which lack certification labels because they were sold in other than the U.S. market, would be facilitated by the entrant's declaring they are in conformity with applicable safety standards and furnishing a statement by the vehicle's original manufacturer evidencing original compliance.

Where an importer seeks entry of a vehicle, brought into conformity after its original manufacture and prior to entry into the United States, and where a statement of conformity by the person who performed the work does not accompany the vehicle, it has been decided that proper enforcement of the law requires the importer to furnish a bond for the production of the statement. Similarly, where an importer has declared that his uncertified vehicle was originally manufactured to conform with applicable safety standards, but has not obtained the manufacturer's statement required to support his declaration, entry should only be allowed under bond.

Because the National Highway Traffic Safety Administration has, in some instances, been unable to verify post-importation conformance work on vehicles where entry under bond has been permitted, and importers have sold the vehicles before the required conformance statement was delivered to the National Highway Traffic Safety Administration, it has been decided to permit such entries under bond only where the importer will declare that the vehicle will not be sold or offered for sale until the entry bond is satisfied by the submission of the said conformance statement.

It has been further tentatively decided to edit the regulations, by requiring the importer or consignee to sign "declarations", by adding to the regulation listing the types of entry requiring a bond entries covering articles to be brought into conformity postentry and entries covering vehicles lacking a certification label where the importer undertakes to produce a statement from the original manufacturer evidencing compliance, and by making minor editorial changes to clarify language and to publish correct titles.

The substantive changes proposed are as follows:

In § 12.80(b)(2)(iii) by adding the requirement that, in entries of merchandise not in conformance but to be brought into conformance under bond, the merchandise will not be sold or offered for sale until the bond is released; and by adding new paragraphs (b)(2)(viii) and (ix) which, respectively, deal with vehicles which are not manufactured primarily for use on public roads and with vehicles which were manufactured in conformity with applicable safety standards but do not bear a certification because the vehicle was not manufactured for sale in the United States, or because the certification label has become detached, and consequently require a statement of conformance from the original manufacturer, and;

In § 12.80(c) by requiring that any declaration presently to be filed under the said subsection be signed by the importer or consignee, and;

In § 12.80(c) by adding a bond requirement covering goods entered under the provisions of § 12.80(b)(2)(ii) and (ix) where a suitable "statement" under the provisions of the said subsections is not filed at the time of entry, and by requiring a duplicate copy of statements filed to satisfy bond requirements to be delivered to the National Highway Traffic Safety Administration.

Minor editorial changes to clarify the present regulations are also proposed. The proposed regulations, in tentative form, are set forth below:

§ 12.80 Federal motor vehicle safety standards.

(a) *Standards prescribed by the Department of Transportation.* Motor vehicles and motor vehicle equipment manufactured on or after January 1, 1968, offered for sale, or introduction or delivery for introduction in interstate commerce, or importation into the United States are subject to Federal Motor Vehicle Safety Standards (hereafter referred to in this section as "safety standards") prescribed by the Secretary of Transportation under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) as set forth in regulations in 49 CFR Part 571. A motor vehicle hereafter referred to in this section as "vehicle" or item of motor vehicle equipment (hereafter referred to in this section as "equipment item"), manufactured on or after January 1, 1968, is not permitted entry into the United States unless (with certain exceptions set forth in paragraph (b) of this section) it is in conformity with applicable safety standards in effect at the time the vehicle or equipment item was manufactured.

(b) *Requirements for entry and release.* (1) Any vehicle or equipment item offered for importation into the customs territory of the United States shall not be refused entry under this section if (i) it bears a certification label affixed by its original manufacturer in accordance with section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) and regulations issued thereunder by the Secretary of Transportation (49 CFR Part 567) (in the case of a vehicle, in form of a label or tag permanently affixed to such vehicle or in the case of an equipment item, in the form of a label or tag on such item or on the outside of a container in which such item is delivered), or (ii) it is intended solely for export, such vehicle or equipment item and the outside of its container, if any, to be so labeled and tagged, or (iii) (for vehicles only which have been exempted by the Secretary of Transportation from meeting certain safety standards) it bears a label or tag permanently affixed to such vehicle which meets the requirements set forth in the regulations of the Department of Transportation, 49 CFR 555.13.

(2) Any such vehicle or equipment item not bearing such certification or export label shall be refused entry unless there is filed with the entry, in duplicate, a declaration signed by the importer or consignee which states that:

• • • • • •

(ii) Such vehicle or equipment item was not manufactured in conformity with applicable safety standards but has since been brought into conformity, such declaration to be accompanied by the statement of the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity which describes the nature and extent of the work performed; or

(iii) Such vehicle or equipment item does not conform with applicable safety standards, but that the importer or consignee will bring such vehicle or equipment item into conformity with such safety standards, and that such vehicle

will not be sold or offered for sale until the bond (required by paragraph (c) of this section) shall have been released; or

• • • • •

(viii) Such vehicle which is not manufactured primarily for use on the public roads is not a "motor vehicle" as defined in section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391); or

(ix) Such vehicle was manufactured in conformity with applicable safety standards, such declaration to be accompanied by a statement of the vehicle's original manufacturer as evidence of original compliance.

(3) Any declaration given under this section (except an oral declaration accepted at the option of the district director of customs under subparagraph (2)(i) of this paragraph) shall state the name and United States address of the importer or consignee, the date and the entry number, a description of any equipment item, the make and model, engine serial, and body serial numbers of any vehicle or other identification numbers, and the city and State in which it is to be registered and principally located if known, and shall be signed by the importer or consignee. The district director of customs shall immediately forward the original of such declaration to the National Highway Traffic Safety Administration of the Department of Transportation.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(2)(iii), or under circumstances described in paragraph (b)(2) (ii) or (ix) of this section where the importer at time of entry does not submit a statement in support of his declaration of conformity the entry shall be accepted only if the importer gives a bond on Customs Forms 7551, 7553, or 7595 for the production of either a statement by the importer or consignee that the vehicle or equipment item described in the declaration filed by the importer has been brought into conformity with applicable safety standards and identifying the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity with such standards and describing the nature and extent of the work performed or a statement of the vehicle manufacturer certifying original conformity. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to both the district director of customs, and the National Highway Traffic Safety Administration a copy of the statement described in this paragraph. If such statement is not delivered to the district director of customs for the port of entry of such vehicle or equipment item within 90 days of the date of entry or such additional period as may have been allowed by the district director of customs for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those vehicles or equipment items, which were released in accordance with this paragraph. In the event that any such vehicle or equipment item is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

• • • • •

Before action is taken on the proposed amendments, consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, no later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 5, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Approved: February 8, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

[FR Doc.71-2218 Filed 2-17-71;8:49 am]

Comptroller of the Currency

[12 CFR Part 1]

INVESTMENT SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the national banking laws, 12 U.S.C. 1 et seq., and in particular, in paragraph Seventh of 12 U.S.C. 24, is considering the adoption of a revision of portions of Part 1 relating to the purchase, sale, dealing in, underwriting and holding of investment securities by national banks.

The proposed revision would reflect changes resulting from (1) a judicial interpretation of the phrase "general obligations of any State or of any political subdivision thereof" and (2) an amendment of the law authorizing the dealing in and underwriting of obligations of State and local governments issued for housing, university and dormitory purposes. The proposed revision also contains clarifying amendments to the definitions section, classifying securities into three categories based upon the extent to which a national bank may invest in or underwrite each category.

Persons desiring to comment on these changes should do so in writing no later than 30 days after the publication of this notice. Comments should be addressed to Robert Bloom, Chief Counsel, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220.

The proposed revision would amend §§ 1.3–1.7 of Part 1, Chapter I, Title 12 of the Code of Federal Regulations as follows:

1. In § 1.3 by revising paragraph (c), adding new paragraphs (d) and (e), redesignating existing paragraph (d) as paragraph (f), and by revising and redesignating existing paragraph (e) as paragraph (g); and

2. By revising §§ 1.4 through 1.7.

Changes in the text are as follows:

§ 1.3 Definitions.

• • • • •

(c) The term "Type I security" means a security which a bank may deal in, underwrite, purchase and sell for its own account without limitation. These include obligations of the United States, general obligations of any State of the United States or any political subdivision thereof and other obligations listed in paragraph Seventh of 12 U.S.C. 24.

(d) The term "Type II security" means a security which a bank may deal in, underwrite, purchase, and sell for its own account, subject to a 10 percent limitation. These include obligations of the International Bank of Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the Tennessee Valley Authority, and obligations issued by any State or political subdivision or any agency of a State or a political subdivision for housing, university or dormitory purposes.

(e) The term "Type III security" means a security which a bank may purchase and sell for its own account, subject to a 10 percent limitation, but may neither deal in nor underwrite.

• • • • •

(g) The phrase "general obligation of any State or any political subdivision thereof" means an obligation supported by the full faith and credit of an obligor possessing general powers of taxation, including property taxation. It includes an obligation payable from a special fund or by an obligor not possessing general powers of taxation when an obligor possessing general powers of taxation, including property taxation, has unconditionally promised to make payments into the fund or otherwise available for the payment of the obligation of amounts which (together with any other funds available for the purpose will be sufficient to provide for all required payments in connection with the obligation.

§ 1.4 Type I securities; standards for authorized transactions.

Type I securities are not subject to the limitations and restrictions contained in 12 U.S.C. 24 or in this part other than §§ 1.3(c) and (g), this 1.4, 1.8, 1.9, and 1.11. Consequently, a bank may deal in, underwrite, purchase and sell for its own account a security of Type I subject only to the exercise of prudent banking judgment. Prudence will require such determinations as are appropriate for the type of transaction involved. For the purpose of underwriting or investment, prudence will also require a consideration of the resources and obligations of the obligor and a determination that the obligor possesses resources sufficient to provide for all required payments in connection with the obligations.

§ 1.5 Types II and III securities; purchase standards.

(a) *Evidence of obligor's ability to perform and of marketability.* A bank may purchase a security of Type II or III for its own account when in its prudent banking judgment (which may be based in part upon estimates which it believes to be reliable), it determines that there is adequate evidence that the obligor will be able to perform all that it undertakes to perform in connection with the security, including all debt service requirements, and that the security is marketable, that is, that it may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

(b) *Judgment based predominantly upon reliable estimates.* A bank may, subject to limitations set forth in § 1.7(b), purchase a security of Types II or III for its own account although its judgment with respect to the obligor's ability to perform is based predominantly upon estimates which it believes to be reliable. Although the appraisal of the prospects of any obligor will usually be based in part upon estimates, it is the purpose of this paragraph to permit a bank to exercise a somewhat broader range of judgment with respect to a more restricted portion of its investment portfolio. It is expected that this authority may be exercised not only in the absence of a record of performance but also when there are prospects for improved performance. It is also expected that a security purchased pursuant to this paragraph may, by the establishment of a satisfactory financial record, become eligible for purchase under paragraph (a) of this section.

(c) *Securities ruled eligible by the Comptroller of the Currency.* A bank may consider as a factor in reaching its prudent banking judgment with respect to a security a ruling published by the Comptroller of the Currency on the eligibility of such security for purchase. Consideration must also be given, however, to the possibility that circumstances on which the ruling was based may have changed since the time of the ruling.

§ 1.6 Type II securities; authority to deal in and underwrite.

A bank may deal in and underwrite the obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the Tennessee Valley Authority, or obligations issued by any State or political subdivision or any agency of a State or a political subdivision for housing, university, or dormitory purposes.

§ 1.7 Types II and III securities; limitations on holdings.

(a) *Obligations of any one obligor.* A bank may not hold at any time Types II and III securities of any one obligor in a total amount in excess of 10 percent of the bank's capital and surplus. For this purpose, the amount of a security is to be determined on the basis of the par or face value of the security. In the case of Type II securities, obligations for the purpose of this limitation include obligations held as a result of underwriting, dealing in, or purchasing for its own account including obligations as to which the bank is under commitment.

(b) *Obligations purchased predominantly on the basis of reliable estimates.* A bank may not hold at any time securities which would not be eligible for purchase pursuant to paragraph (a) of § 1.5 in a total amount in excess of 5 percent of the bank's capital and surplus.

(c) *Limitations prescribed in eligibility rulings.* When a ruling published by the Comptroller of the Currency provides that a security is eligible for purchase subject to a specified limitation, a bank may not at any time thereafter purchase such security, if, after such purchase, the bank's holdings of such security would be in excess of the specified limitation.

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Dated: February 11, 1971.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

[FR Doc. 71-2219 Filed 2-17-71;8:49 am]

[12 CFR Part 5]

HEARING REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency is considering the adoption of regulations governing the conduct of administrative hearings held in connection with charter, branch and merger applications. Comments on the proposed regulations are invited and should be addressed to Robert Bloom, Chief Counsel, Room 4464, Main Treasury Building, Washington, DC 20220 not later than 25 days following the date of this notice.

The proposed regulations are as follows:

Sec.
5.1 Scope of part.
5.2 Notice of filing of application.
5.3 Public file.
5.4 Written comments and request for an opportunity to be heard.
5.5 Place of hearing.
5.6 Date of hearing.
5.7 Notice of hearing.
5.8 Attendance of hearing.
5.9 Presiding officer.
5.10 Hearing rules.
5.11 Closing of the public file.
5.12 Retained authority.
5.13 Comptroller's decision.
5.14 Computation of time.

AUTHORITY: The provisions of this Part 5 issued under 12 U.S.C. 1 et seq. and in particular 12 U.S.C. 27, 30, 36, and 1828(c).

§ 5.1 Scope of part.

This part contains procedures by which the Comptroller of the Currency may reach informed decisions with respect to applications to charter national banks, to establish branches of national banks, to merge or consolidate with or purchase the assets of another bank where the resulting bank is a national bank, or to relocate offices of national banks, and in such cases as the Comptroller in his sole discretion shall deem proper. These procedures provide a method by which all persons interested in the subject matter of such applications may present their views. Nothing contained herein shall be construed to prevent interested persons from presenting their views in a more informal manner when deemed appropriate by the Comptroller or by the Regional Administrator of National Banks, or to prevent the Comptroller or the Regional Administrator from conducting such other investigation as may be deemed appropriate.

§ 5.2 Notice of filing of application.

(a) Applications described in § 5.1 shall be filed as provided in Part 4 of this chapter.

(b) By publication: Except in the case of proposed transactions where notice by publication is governed by statute, the applicant shall, within 15 days after the Regional Administrator of National Banks shall have notified the applicant in writing that an application has been accepted for filing, publish one time in a newspaper of general circulation in the area in which the applicant is doing business and in a newspaper of general circulation in the area in which the applicant proposes to engage in business a notice containing the name of the applicant or applicants, the subject matter of the application, and the date upon which the application was filed. Immediately thereafter, the applicant shall furnish the Regional Administrator with a tear sheet or clipping evidencing such publication.

(c) By the Regional Administrator: The Regional Administrator shall give timely notice to the State official who supervises State commercial banks in the State in which the applicant is or will be located, and to any other person requesting in writing notice of the date on which an application was filed. The Regional Administrator shall notify or solicit comments from each bank which the Regional Administrator believes in his sole discretion might be affected by or have an interest in the pending application.

§ 5.3 Public file.

(a) *Contents.* The public file in each case shall consist of the application with supporting data and supplementary information, with the exception of material deemed by the Regional Administrator to be confidential, such as trade secrets normally not available through commercial publication. In addition, the public file shall contain all data and information submitted by interested persons in favor of or in opposition to such

application, excluding any material deemed by the Regional Administrator to be confidential. The Regional Administrator or his designee shall not deem information confidential for purposes of the two immediately preceding sentences unless the person submitting the information requests that such information be deemed confidential. All factual information contained in any field investigation report made by a national bank examiner shall also be made part of the public file, unless deemed confidential by the Regional Administrator.

(b) *Availability to protesting and other interested persons.* The public file shall be available for inspection in the Office of the Regional Administrator upon written request from a protesting person and to such other persons as the Regional Administrator shall deem in his discretion to have a direct interest therein during such periods of time as the Regional Administrator shall prescribe. No documents in the public file may be removed from the Regional Administrator's office by persons other than members of the Comptroller's staff. Photocopies may be made available, on request, to protesting and other interested parties. The charge for such copies shall be made in accordance with a written schedule maintained by the Regional Administrator.

§ 5.4 Written comments and requests for an opportunity to be heard.

Within 10 days after the notice by publication described in § 5.2(b), any interested person may submit to the Regional Administrator written comments concerning the application and/or a written request for an opportunity to be heard before the Regional Administrator or his designee. This time may be extended by the Regional Administrator in his sole discretion if the applicant has failed to file all required supporting data in time to permit review by interested persons or for other extenuating circumstances. In the absence of a request, the Regional Administrator or the Comptroller of the Currency, when either believes it to be in the public interest, may order a hearing to be held.

§ 5.5 Place of hearing.

Persons submitting a request described in § 5.4 shall be given an opportunity to be heard in the city where the office of the Regional Administrator is located. The Comptroller of the Currency, in any matter, reserves the right to conduct hearings at any location he deems to be appropriate.

§ 5.6 Date of hearing.

An opportunity to be heard shall be given as soon as practicable after requested or ordered.

§ 5.7 Notice of hearing.

(a) *Contents.* The Regional Administrator, when notifying interested persons of the scheduling of an opportunity to be heard, shall set forth in the notice the subject matter of the application and the date, time, and place at which the opportunity to be heard shall be afforded.

(b) *To whom sent.* The notice described in paragraph (a) of this section shall be sent to the person or persons requesting the hearing, the applicant, and to other interested persons who have sent written comments to the Regional Administrator.

§ 5.8 Attendance at hearing.

Each person who wishes to be heard shall notify the Regional Administrator within 5 days after the date of the notice described in § 5.7 of his intention to attend and shall submit the number and names of witnesses he wishes to present.

§ 5.9 Presiding officer.

When an opportunity to be heard is being afforded, the presiding officer shall be the Regional Administrator, his designee, or such other person as may be named by the Comptroller of the Currency. The presiding officer shall have the authority to appoint a panel to assist him.

§ 5.10 Hearing rules.

(a) *Order of presentation—(1) Opening statements.* The applicant and each other participant may make opening statements of a length within the discretion of the presiding officer. Such opening statements should concisely state what the participant intends to show. The applicant shall have the opportunity to present his statement first.

(2) *Applicant's presentation.* Following the opening statements, the applicant shall present his data and materials, oral or documentary.

(3) *Protestant's presentation.* Following the applicant's presentation, the persons protesting the application shall present their data and materials, oral or documentary. The protestants may agree, with the approval of the presiding officer, to have one of their number make their presentation.

(4) *Other interested persons.* Following the evidence of the applicant and the protestant, the presiding officer in his discretion may recognize other interested persons who may present their views with respect to the application under consideration.

(5) *Summary statements.* After all the above presentations have been concluded, the participants before the panel may make short and concise summary statements reviewing their position. The applicant shall present his concluding summary statement first.

(b) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by any participant, by the presiding officer, or by any member of the panel. The refusal of a witness to answer questions may be considered by the Comptroller in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(c) *Evidence.* The presiding officer shall have the authority to exclude data or materials which he deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation, and filing, and copies must be provided for each participant. While large exhibits may be used during the hearing, copies of such exhibits must be provided by the party in reduced size for submission as evidence. Two copies of all such documentary evidence shall be furnished to the Regional Administrator.

(d) *Procedural questions.* The Regional Administrator, presiding officer, or any designated member of the assisting panel shall determine all procedural questions not governed by this part. The Regional Administrator and the presiding officer shall each have the authority to limit the number of witnesses to be used by any party, and to impose such time limitations as he shall deem reasonable.

(e) *Transcript.* A transcript of each proceeding shall be arranged for by the Comptroller's office, with all expenses of such service, including the furnishing of two copies of the transcript to the Regional Administrator, being borne by the person or persons requesting the opportunity to be heard, except for hearings ordered by the Comptroller's office, where the applicant will bear the expense of furnishing transcripts of the record.

(f) *The record.* The public file described in § 5.3 shall automatically be deemed a part of the record of these proceedings as well as all evidence submitted pursuant to paragraph (c) of this section and the transcript described in paragraph (e) of this section.

§ 5.11 Closing of the public file.

If requested by any participant, the public file shall remain open for 5 days following receipt of the transcript by the Regional Administrator during which time the applicant and protestants may submit additional written statements. A copy of any statement so submitted during this period of time shall also be sent simultaneously to the other persons represented at the hearing.

§ 5.12 Retained authority.

The Comptroller may adopt such different procedures as he deems necessary and reasonable in acting upon any particular application.

§ 5.13 Comptroller's decision.

The applicant and all persons so requesting in writing shall be notified of the final disposition of the application by the Comptroller of the Currency.

§ 5.14 Computation of time.

In computing any period of days provided for in this part, the day of the act from which the period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. As used in this section, "legal holiday" means a day on which the office of the appropriate Regional Administrator remains closed.

This part shall become effective 30 days after publication in final form in the FEDERAL REGISTER.

Dated: February 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-2254 Filed 2-17-71;8:52 am]

[12 CFR Part 14]

CHANGES IN CAPITAL STRUCTURE

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency, pursuant to the authority contained in the national banking laws, 12 U.S.C. 1, 12 U.S.C. 57, has under consideration a proposed revision of § 14.2 dealing with the conditions under which national banks may have authorized but unissued stock. To aid in his consideration of this matter, interested persons are invited to submit relevant data, views, or comments. Such material should be submitted in writing to Robert Bloom, Chief Counsel, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220, to be received not later than 30 days after the date of this notice.

Part 14, Chapter I, Title 12 of the Code of Federal Regulations, would be amended by revising § 14.2 to read as follows:

§ 14.2 Authorized but unissued stock.

(a) Any national banking association, with the approval of the Comptroller and by vote of stockholders owning two-thirds of the stock of the bank entitled to vote, may authorize an increase in the common stock of the bank in the category of authorized but unissued stock, except that the approval of the Comptroller shall not be required where the resulting amount of common stock in the category of authorized but unissued stock will satisfy either of the following criteria:

(1) Where the resulting total amount of authorized but unissued stock will be free of preemptive rights of shareholders and will not exceed 25 percent of the currently issued and outstanding stock. The 25 percent limitation may be calculated without regard to authorized but unissued stock which is specifically designated as being reserved for issuance in connection with employee stock option plans, employee stock purchase plans, employee bonus plans, or other similar programs, provided that such plan has been approved by the Comptroller of the Currency, and shares held for the purpose of satisfying the requirements of convertible capital notes or convertible preferred stock subject to the Comptroller's approval of the convertible capital note or preferred stock issue as required by this Part 14, or

(2) Where the resulting total amount of authorized but unissued stock, exclusive of that amount specifically reserved for issuance in connection with employee compensation programs and for satisfying requirements of the convertible securities of the banking association as referred to in the preceding subparagraph (1) of this paragraph, will be subject to preemptive rights of shareholders and will not exceed 50 percent of the currently issued and outstanding stock.

(b) Authorized but unissued stock may be issued from time to time as stock dividends or for such other purposes and considerations as may be approved by the board of directors of the bank, and by the Comptroller. Any request for approval of the Comptroller for such issuance should be in writing and submitted to the appropriate Regional Administrator of National Banks.

(c) Authorized but unissued stock may also be issued from time to time to employees of the bank pursuant to a stock option or stock purchase plan adopted in accordance with Part 13 of this chapter, or in exchange for convertible preferred stock or convertible capital notes or debentures in accordance with the terms and provisions of such securities.

(d) Nothing contained herein shall be construed as relieving any bank of the obligation to file, with the Comptroller, pursuant to 12 U.S.C. 21a, a certified copy of every amendment to the Articles of Association adopted by the shareholders. The original certificate shall be forwarded to the Comptroller at the Washington office and a copy shall be sent to the appropriate Regional Administrator of National Banks.

Dated: February 11, 1971.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.71-2220 Filed 2-17-71;8:49 am]

[12 CFR Part 20]

INTERNATIONAL OPERATIONS

Notice of Proposed Rule Making

Notice is hereby given that in connection with a periodic review and revision of the "Comptroller's Manual for National Banks," it is proposed to rewrite in its entirety Part 20, International Operations, to reduce the total number of reports to be filed and to increase the utility of the remaining reports. The rewritten regulation will become effective 30 days after final publication in the FEDERAL REGISTER. Persons desiring to comment on the proposed revision may do so no later than March 18, 1971. Comments should be directed to Robert A. Mullin, Director of International Operations, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220.

Part 20, Chapter I, Title 12 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.
20.1 Authority and policy.
20.2 Definitions and terms.
20.3 Prior notification of international activities.
20.4 Reporting of international activities.

§ 20.1 Authority and policy.

(a) *Authority.* This part is issued under the authority of the national banking laws, 12 U.S.C. 1 et seq.

(b) *Policy.* (1) Prior notification will be required of the intention of a national bank to establish a branch in a foreign country or to directly or indirectly acquire an interest in an Edge Act corporation, agreement corporation or foreign bank.

(2) Reports on certain other international activities must be reported to the Comptroller within 30 days of the event. The required notifications and reports will provide the basis, where needed, for special examinations by this office, and for the issuance of appropriate instructions.

§ 20.2 Definitions and terms.

For the purpose of this part:

(a) "Edge Act corporation" means a corporation organized under the provisions of 12 U.S.C. 611–632.

(b) "Agreement corporation" means a corporation which has entered into an agreement or undertaking in accordance with the provisions of 12 U.S.C. 603.

(c) "Foreign bank" means a corporation or other association organized under the laws of a foreign country, or of a dependency or insular possession of the United States or a foreign country, which is principally engaged in a commercial banking business.

(d) "Control" of a bank or corporation by a national bank or by an Edge Act corporation or an agreement corporation shall be presumed where a national bank, an Edge Act corporation or an agreement corporation has acquired 25 percent or more of the voting shares of the bank or corporation.

§ 20.3 Prior notification of international activities.

(a) *Prior notification.* Before a national bank may engage in any of the following international activities, notification to the Comptroller of the Currency is required as stipulated below:

(1) Upon application to the Board of Governors of the Federal Reserve System to establish the initial branch of a national bank in any foreign country, or in any dependency or insular possession of the United States or a foreign county; and 30 days prior to the establishment of any additional branches in a foreign country, or dependency or insular possession of the United States or foreign country.

(2) Upon application to the Board of Governors of the Federal Reserve System by a national bank to directly or indirectly acquire a controlling interest in an Edge Act corporation, agreement corporation or foreign bank.

(3) At least 30 days prior to the direct or indirect acquisition of less than a controlling interest in any Edge Act corporation, agreement corporation or foreign bank, if the cost of such acquisition exceeds $1 million.

(b) *Forms.* Prior notification shall be made on forms provided by the Comptroller of the Currency.

§ 20.4 Reporting of international activities.

(a) *Reports.* A report shall be made to the Comptroller of the Currency within 30 days of the occurrence of any of the following international activities:

(1) The relocation of a branch of a national bank in a foreign country, or in a dependency or insular possession of the United States or a foreign country.

(2) The disposition by a national bank of any interest in an Edge Act corporation, agreement corporation or foreign bank.

(3) The suspension of operations or final closing of any branch of a national bank in a foreign country, or in a dependency or insular possession of the United States or a foreign country; or the suspension of operations or final closing of any foreign bank in which a national bank holds an interest.

(b) *Forms.* Reports shall be made on forms provided by the Comptroller of the Currency.

Dated: February 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-2256 Filed 2-17-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Parts 317, 320]

MEAT INSPECTION

Procedure for Obtaining Approval of Labeling, Marking Devices, and Containers, and Authorization To Manufacture Devices Bearing Official Marks of Inspection; Extension of Time for Filing Comments

On December 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19118–19121), a notice that the Department is considering proposals to amend Parts 317 and 320 of the Federal meat inspection regulations (35 F.R. 15552) under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.). The notice included proposed new §§ 317.3, 317.4, 317.15, and 320.1(c) pertaining to approval of labeling, marking devices, and containers for meat products subject to the Act, and authorizations to make devices bearing official marks, and related matters. A 60-day period was provided for interested persons to file comments concerning the proposed regulations.

The Department has received petitions for an extension of the period of time stipulated for the submission of comments on the proposal. The nature of the comments received to date indicates that the proposal will require more extensive evaluation by the affected persons than had been contemplated by the Department.

These circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Therefore, notice is hereby given that any person who wishes to submit written data, views, or arguments concerning matters in the aforesaid December 17, 1970, proposal may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of the December 17, 1970, issue of the FEDERAL REGISTER.

Done at Washington, D.C., on February 16, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[FR Doc.71-2285 Filed 2-16-71;11:30 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

COMBINATION DRUGS FOR HUMAN USE

Proposed Statement Amplifying Policy on Drugs in Fixed Combinations

The Commissioner of Food and Drugs after considering a number of reports from panels of the NAS–NRC Drug Efficacy Study, the large numbers of combination drugs available, and those proposed for marketing, is of the opinion that criteria for rational combination drugs should be published for the guidance of the regulated industry. This statement is intended as amplification of the requirement that a new drug or antibiotic drug application for a combination drug may be refused unless there is substantial evidence that each ingredient designated as active makes a contribution to the total effect which the drug combination is represented to have and purports to possess.

The problem of fixed combinations has been discussed with a number of experts; it is the subject of extensive discussion by experts in the medical literature. It is the consensus of these informed experts that a fixed dose combination drug must have an advantage to the patient over and above that obtained when one of the individual ingredients is used in the usual safe and effective dose. No drug should be present in a fixed combination unless its inclusion clearly enhances safety or efficacy and the fixed ratio of doses is safe and effective for all indications and for patients requiring such concurrent therapy. There are marketed combination drugs which meet these criteria. Many do not. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended, 507, 59 Stat. 463, as amended, sec. 701 (a), 52 Stat. 1055; 21 U.S.C. 352, 355, 357, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 3 be amended by adding thereto the following new section:

§ 3.____ Drugs for human use in fixed combinations.

(a) In implementing the provision of the 1962 Kefauver-Harris Drug Amendments to the Federal Food, Drug, and Cosmetic Act, which requires that a new drug and an antibiotic drug be shown effective for its labeled indications through adequate and well controlled clinical investigations by qualified experts, the Food and Drug Administration has found the unique problems presented by fixed combinations to require a more clearly defined position on such drugs.

(b) Fixed combinations represent a significant proportion of all marketed drugs. A 1969 survey indicated that of the 200 most widely used prescription drugs, approximately 40 percent were fixed combination dosage forms. Over-the-counter drugs are for the most part combination drugs.

(c) The Council on Drugs of the American Medical Association has consistently expressed the need for a sound medical rationale for using drugs in fixed combinations and has recently reaffirmed its longstanding position that the use of fixed-ratio combination drugs, antibiotics included, is with few exceptions neither a sound nor judicious practice. The United States Pharmacopeia has long had a policy against inclusion of combination drugs.

(d) The National Academy of Sciences-National Research Council in its reevaluation of all drugs marketed through the new-drug prcoedures between 1938 and 1962 to determine if the products were effective for all their labeled indications has clearly indicated the limitations in medical practice of fixed combination drugs. As a result of their recommendations, a number of widely used fixed antiblotic combinations have been removed from the market.

(e) The complexities of the problems were apparent to the Food and Drug Administration in evaluating several hundred fixed combination drugs in the Drug Efficacy Study; through the review of pending new drug applications and Notices of Claimed Exemption for Investigational Drugs, and in reviewing the labeling of other marketed drugs. Policies resulting from consideration of these problems would have significant impact on the pattern of medical practice. As a result, an Ad Hoc Committee was convened, consisting of outstanding experts representative of a cross section of medical disciplines, to assist in formulating the most scientifically sound guidelines for general application to determine when a fixed combination drug is rational. In addition, an Ad Hoc Committee consisting of members of the American Society of Pharmacology and Experimental Therapeutics prepared

recommendations on this problem at the request of the Food and Drug Administration.

(f) It is recognized that fixed combination drugs have or may have certain advantages, in addition to enhanced safety or efficacy, over use of the individual ingredients. These include:

(1) Better adherence to a therapeutic regimen, greater patient convenience, and greater economy than if each of the ingredients were given separately but concurrently.

(2) Availability of information on biopharmaceutic compatibility or unanticipated drug interactions.

(g) However, fixed combination drugs also present disadvantages to their use. The most common objections to these products are:

(1) Lack of flexibility to adjust the dosage of each component to the individual patient's needs.

(2) Exposure of patients to unnecessary drugs when one drug component alone would be effective.

(3) Increased possibility of adverse reactions without increased efficacy.

(h) Based on the above considerations, and in line with the recommendations of expert advisors and sound principles of medical practice, the Food and Drug Administration concludes:

(1) The concomitant administration of two or more medicinal agents may be indicated in the treatment of a patient. However, the effects of drugs are intrinsically so complex that it is generally advisable to administer therapeutic agents separately in order that the dosage and frequency of administration of the individual drugs may be varied in accordance with the patient's requirements.

(2) A combination of drugs in one product suggests and implies an added usefulness over one component alone. The implied or suggested usefulness, as well as the claims in the labeling of a drug, must be considered by the Food and Drug Administration in its evaluation of the validity of labeling claims.

(3) Fixed combinations of drugs may be approved where there is evidence of safety and substantial evidence of effectiveness showing that each active component contributes to the effect claimed for the product in the following circumstances:

(i) Where components are combined to:

(*a*) Enhance efficacy (increase potency, prolong duration of effect, etc.), or

(*b*) Enhance safety (decrease the incidence or severity of adverse reactions), or

(c) Prevent abuse or misuse.

(ii) Or where components would be given concurrently and the dosage (amount and interval of administration) of each component is such that the fixed combination is safe and effective for patients requiring such concurrent therapy. The advantage of the combination must obtain for all conditions for which it is labeled, for the various dose schedules recommended, for the duration of dosage suggested, and for most patients for which the produce is recommended.

(iii) And studies demonstrate that the pharmaceutical compounding of the fixed combination does not interfere with the bioavailability of each of the ingredients as compared with administration of the individual ingredients separately but concurrently.

(iv) In the event that a combination, presently the subject of an approved NDA or antibiotic monograph, has not been recognized as effective by the Commissioner based on his evaluation of the appropriate NAS/NRC panel report, or for which substantial evidence of effectiveness has not otherwise been presented, formulation, labeling or dosage changes may be proposed and any resulting combination may meet the appropriate criteria listed above.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2283 Filed 2-17-71;8:52 am]

[21 CFR Part 130]

ADMINISTRATIVE REVIEW OF DECISIONS ON PROBABLY AND POSSIBLY EFFECTIVE INDICATIONS FOR DRUGS

Notice of Proposed Rule Making

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that a new section be added to the new-drug regulations, Part 130, as follows:

§ 130.____ Administrative review of decisions on probably and possibly effective indications for drugs.

(a) The Food and Drug Administration is publishing announcements setting forth its conclusions as to the effectiveness of drugs in implementing the drug efficacy study participated in by the National Academy of Sciences—National Research Council. Some drugs for which there is a lack of substantial evidence of effectiveness have been classified as "possibly" or "probably" effective. Applicants are being allowed 6 months and 12 months respectively to obtain and submit data to provide the required substantial evidence for the indications so classified. Planning, executing, and evaluating these studies require time, the expertise of appropriate investigators, adequate physical facilities, and a suitable patient population. The Food and Drug Administration encourages applicants to discuss the protocols of their proposed studies on a timely basis with officials of the Bureau of Drugs to assure that any studies undertaken to develop data establishing the effectiveness of the drug are adequately planned and executed. The decisions made by the Bureau of Drugs which affect the plan and the course of study of a drug may have a significant impact on the continued availability of a number of drugs.

(b) Based on the above considerations, the Commissioner of Food and Drugs concludes that to assure a fair analysis and adequate administrative review of unfavorable decisions made during the 6 to 12 months allowed, or at the end of these periods, administrative review procedures are appropriate on the following issues:

(1) The acceptability of protocols designed to obtain evidence of effectiveness.

(2) The granting of additional time to complete studies or to analyze results of ongoing studies.

(3) The adequacy of the final results of a study undertaken to establish effectiveness of the drug.

(c) Extensions of time may be justified under the following circumstances:

(1) There is reason to believe the drug may be effective and useful and preliminary study results are encouraging in regard to establishing the effectiveness of the drug; and

(2) A practical protocol can be devised for the studies to satisfy the requirements of an adequate and well-controlled study as described in § 130.12 (a review of the proposed protocol by the appropriate Division of the Bureau of Drugs is desirable prior to initiation of the study and is required prior to granting an extension of time beyond the initial 6 or 12 months period); and

(3) It is likely that the study can be completed within a reasonable time frame; and

(4) The applicant has proceeded expeditiously in planning and conducting the studies to obtain the required data; and

(5) If the drug is a fixed combination it complies with the agency guidelines for combination drugs.

The availability of alternative drugs will be a consideration in making such a decision.

(d) Procedures for obtaining a review of adverse decisions not to accept a protocol, not to grant additional time, or not to accept the applicant's data as substantial evidence of effectiveness are as follows:

(1) After the applicant has been advised of a Bureau decision on any of the above issues, he may request (orally or in writing) a conference with appropriate experts in the Bureau or with outside consultants to the Bureau within 10 days after notification of such decision.

(2) He will be notified of the date of the scheduled conference and must submit a written well-organized statement setting forth the issues, summarizing the

background and data, and explaining his position at least 5 days prior to the date of the scheduled conference, if it is to be held by the Bureau of Drugs, or 10 days if it is scheduled with outside consultants.

(3) The conference will be promptly scheduled by the Bureau of Drugs to assure expeditious handling and final resolution. The Director of the Bureau will chair a conference held with Bureau representatives and will notify the applicant of the decision and the reasons therefor.

(4) If a conference involving outside experts is requested, and the Bureau Director believes it appropriate, he will request the chairman of the FDA committee in the subject area involved, if any, to nominate three experts (either from among the committee members or outsiders). In the event there is no FDA standing committee in the subject area, the Director will request nominations from appropriate organizations to form a committee of three. The advisory committee will be convened and chaired by one of its members to evaluate the evidence available. The applicant shall be entitled to examine and obtain a copy of the data submitted to the committee and shall be entitled to consult with it. The committee will make a written recommendation to the Director of the Bureau who will make his decision and notify the applicant in writing of the conclusions he has reached and the reasons therefor.

(5) The Commissioner will not participate in the medical decision of the Bureau, but may be asked by the applicant to review the record of the proceedings. He may at his discretion schedule a conference with the applicant prior to making his decision.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2284 Filed 2-17-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-15]

HYPOCHLORITE SOLUTION CONTAINERS

Notice of Proposed Rulemaking

The Coast Guard is considering amending the dangerous cargoes regulations to allow shipment of hypochlorite solutions, not to exceed 11 percent available chlorine, in specification 6D and 37M overpacks with either 2S or 2SL inside polyethylene liners.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71–15, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, March 30, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before April 6, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 3130 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes an amendment to Part 173 of Title 49, Code of Federal Regulations, relating to the authorization of shipments of hypochlorite solutions, not to exceed 11 percent available chlorine, in specification 6D (49 CFR 178.102) or 37M (49 CFR 178.134) overpacks with either 2S (49 CFR 178.35) or 2SL (49 CFR 178.35a) polyethylene liners. For reasons fully stated in that document, the Board has concluded that satisfactory special permit performance during the past 4 years with the specification 37M overpack for hypochlorine solutions containing up to 10.20 percent available chlorine supports that proposal.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make these container specifications available to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make these container specifications available to carriers by water.

In consideration of the foregoing, it is proposed to amend in § 146.23–100 of Title 46, Code of Federal Regulations, the column headed "Required conditions for transportation-cargo vessel" by adding the words "Authorized only for hypochlorite solutions not to exceed 11 percent available chlorine by weight: Cylindrical steel overpack (DOT–6D or 37M) NRC with inside specification 2S or 2SL polyethylene liners" for the article "Hypochlorite solutions containing more than 7 percent available chlorine by weight."

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: February 5, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-2222 Filed 2-17-71;8:49 am]

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 10849; Notice 71-3]

AIRCRAFT CLASSIFICATION

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations so as to relieve turboprop aircraft from the requirement that they operate at or above the designated floors while within the lateral limits of the terminal control area.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 19, 1971, will be considered by the Administrator before taking action on the final rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Recently § 91.90 was added to the Federal Aviation Regulations to deal with flight within a terminal control area. Section 91.90 (a)(1)(ii) and (b)(1)(ii) specified that large turbine engine powered aircraft operating to or from a primary airport must operate at or above the designated floors while within the lateral limits of the terminal control area. Experience with terminal control area operations indicates that certain large turbopropeller powered aircraft do not have the climb capability to satisfy the requirement as it presently exists. In terms of climb performance, some turbopropeller powered aircraft are not at all comparable to turbojet powered aircraft and on occasion it has been necessary for turbopropeller powered aircraft to utilize off course climbs and other maneuvers in order to reach the terminal control area floors. Because of this situation, it is felt that large turbopropeller powered aircraft should possibly be classified with reciprocating engine powered aircraft rather than with turbojet powered aircraft, and action is taken herein to reflect this proposal.

In consideration of the foregoing, it is proposed that § 91.90 (a)(1)(ii) and (b)(1)(ii) of Part 91 be amended by deleting the phrase "turbine engine powered" in each subdivision and inserting the phrase "turbojet powered" in place thereof.

This amendment is proposed under the authority of sections 301(c) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c) and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1971.

ROBERT W. MARTIN,
Acting Director, Air Traffic Service.

[FR Doc.71-2190 Filed 2-17-71;8:47 am]

[14 CFR Part 91]

[Docket No. 10850; Notice 71-4]

FLIGHTS WITHIN TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulatons to more clearly delineate the extent of permissible flight within a terminal control area by nontransponder equipped aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–34, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 19, 1971, will be considered by the Administrator before taking action on the final rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.90 of Part 91 of the Federal Aviation Regulations describes the operating rule and equipment requirements for operations within a terminal control area. Paragraphs (a)(3)(iii) and (b)(2)(iii) of § 91.90, as originally drafted, were designed to provide ATC with a limited degree of latitude and discretion in the utilization of the airspace within a terminal control area. Since the adoption of the terminal control area concept, operational experience has been such that the FAA is now able to calculate the extent of desirable operation by nontransponder equipped aircraft within a terminal control area. Also, it has come to the attention of the FAA that some persons have chosen to interpret the above-mentioned subparts in a manner that was never intended. These persons have interpreted the exclusionary provisions pertaining to "IFR flights to or from an airport other than the primary airport" as permitting IFR en route operations through a terminal control area regardless of destination and regardless of the distance beyond the terminal control area that that destination happens to be. As stated above, the interpretation was never intended nor is it desirable. What was intended by the exclusion was to permit such nontransponder equipped operations through a terminal control area only when such operations were en route to or departing from an airport wherein the commonly used approach or departure procedure involved flight within or through the terminal control area.

In consideration of the foregoing, it is proposed that the last sentence in § 91.90 (a)(3)(iii) of the Federal Aviation Regulations be amended to read as follows: "This requirement is not applicable to helicopters operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport without the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach or departure procedures to such airport, require flight within the terminal control area."

In addition, it is proposed that the last sentence of § 91.90(b)(2)(iii) be amended to read as follows: "This requirement is not applicable to helicopters operating within the terminal control area or to VFR aircraft operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport without the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport, require flight within the terminal control area."

This amendment is proposed under the authority of sections 307(c) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c) and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1971.

ROBERT W. MARTIN,
Acting Director, Air Traffic Service.

[FR Doc.71-2191 Filed 2-17-71;8:47 am]

[14 CFR Part 91]

[Docket No. 10851; Notice 71-5]

TRANSPONDER FAILURE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations. The purpose of the proposed amendment is to alter the transponder requirements applicable in terminal control areas so as to permit an aircraft to proceed to its final destination, or to an airport with suitable repair facilities, even though the aircraft transponder has become inoperable.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before April 19, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Recently, § 91.90 was added to the Federal Aviation Regulations to provide certain rules applicable to operations in terminal control areas. With certain exceptions as to helicopters and IFR satellite airport traffic, when an aircraft has experienced an inflight transponder failure and wishes to enter a Terminal Control Area, § 91.90 (a)(3)(iii) and (b)(2)(iii) authorize ATC to permit same. However, once the aircraft has landed at the primary airport, so long as the transponder remains inoperable, § 91.90 (a)(3)(iii) and (b)(2)(iii) do not authorize that aircraft to depart the Terminal Control Area. Also, in the case of a transponder becoming inoperable while the aircraft is on the ground at some intermediate point in its flight plan, § 91.90 does not authorize that aircraft to proceed to its final destination or to a location where repairs can be made if in either case that destination or location happens to be the primary airport within a Terminal Control Area.

Because an aircraft's transponder might fail early in its flight, and because it might be completely impracticable to repair or replace the equipment prior to the aircraft reaching its final destination or a suitable repair facility, the FAA believes that the requirements of § 91.90 (a)(3)(iii) and (b)(2)(iii) should be relaxed. The FAA is of this opinion even though, as more terminal control areas are implemented, this may mean that a given aircraft with an inoperable transponder may of necessity pass through one or more terminal control areas en route to a suitable repair facility.

As indicated by the following proposed amendment, this change is not intended nor is it to be construed as in anyway relaxing the requirements applicable to VOR, TACAN, or two-way radio equipment.

In consideration of the foregoing, it is proposed that that portion of the lead-in sentence of § 91.90 (a)(3) and (b)(2) of the Federal Aviation Regulations which reads "Unless otherwise authorized by ATC in the case of in-flight failure" be deleted and lead-in language

reading "Unless otherwise authorized by ATC in the case of an in-flight VOR, TACAN or two-way radio failure, or unless otherwise authorized by ATC in the case of a transponder failure occurring at any time," be inserted in place thereof.

This amendment is proposed under the authority of sections 307 (a) and (c), and 1354(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and (c), and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1971.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.71-2192 Filed 2-17-71;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-78; Notice 71-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Hypochlorite Solutions in Specification 37M Steel Overpack With 2S or 2SL Inner Container

The Hazardous Materials Regulations Board is considering amending § 173.277 by changing paragraph (a) (4) to authorize shipment of hypochlorite solutions, not to exceed 11 percent available chlorine, in specification 6D and 37M overpacks with either 2S or 2SL inside polyethylene liners.

This proposal is based on the satisfactory special permit performance during the past 4 years, of a specification 37M steel overpack with inside 2S or 2SL liners in the shipment of chlorine dioxide solution containing up to 10.2 percent available chlorine by weight. No reports of adverse experience on shipments made under special permit have been received by the Department.

Currently, § 173.277(a)(4) authorizes a specification 6D steel overpack with inside 2S or 2SL liner for not over 16 percent sodium hypochlorite solution. Specification 6D and 37M overpacks with identical liners are similar, except that the former is built from heavier steel to allow for reuse, and as experience under the regulations with other corrosive products supports this comparability, the Board concludes that good experience with the specification 37M overpack in hypochlorite solutions containing up to 10.20 percent available chlorine justifiably supports amending paragraph (a)(4) to include the specification 37M. Further, given the experience under special permit, this paragraph can be reasonably changed to cover a broader spectrum of low concentration hypochlorite solutions.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.277 paragraph (a)(4) would be amended to read as follows:

§ 173.277 Hypochlorite solutions.

(a) • • •

(4) Spec. 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside spec. 2S or 2SL (§§ 178.35, 178.35a of this chapter) polythylene liners. Authorized for solutions having not over 11 percent available chlorine by weight.

• • • • •

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on February 11, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard.
by direction of the Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[FR Doc.71-2221 Filed 2-17-71;8:49 am]

[49 CFR Part 173]

[Docket No. HM-79; Notice 71-6]

TRANSPORTATION OF HAZARDOUS MATERIALS

Transportation of Inhibited Vinyl Fluoride in Cargo Tanks

The Hazardous Materials Regulations Board is considering amending Note 11 following the Table in § 173.315(a)(1) to change the basis for the minimum filling density for inhibited vinyl fluoride from a specified quantitative limit to a limit based on performance standards for the cargo tank in which the commodity is transported.

This proposal is based on a petition to lower the present minimum filling density when loading at a lower commodity temperature of minus 5° F. The current regulation prescribes a minimum filling density of 60 percent on the basis of a 0° F. commodity loading temperature. For approximately 8 years, millions of pounds of inhibited vinyl fluoride have been allowed by special permit to be transported with a minimum filling density of 55 percent on the basis of the lower loading temperature.

The present regulation is unsatisfactory in that it does not relate loading temperature to holding time for the tank in which the commodity is loaded. This proposal would eliminate specific minimum filling densities and loading temperatures and substitute in place thereof a performance standard that would relate filling density, commodity loading temperature, and cargo tank holding time to each other. The standard proposed is identical to one described in many special permits covering the transportation of flammable cryogenic gas in cargo tanks. The standard has been in use for over 3 years. On the basis of the experience reports submitted to the Board, and the comments received by industry, it has been found adequate. In addition, the Board has not found it necessary to include in these special permits a reporting requirement as presently set forth in Note 11 to § 173.315 (a) (1). The Board proposes to delete this reporting requirement, which requires notification to the Bureau of Explosives when a cargo tank exceeds 5 days in transportation, on the basis that special permit experience has demonstrated that there is no apparent need for such a requirement.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.315 paragraph (a)(1), Note 11 following the table would be amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •

(1) • • •

NOTE 11: MC 330 or MC 331 cargo tanks must be insulated. Cargo tanks must meet all of the following requirements. Each tank must be designed for a service temperature no higher than minus 100° F. and must comply with the low temperature requirements of the ASME Code. The maximum allowable transportation distance must be that normally accomplished within the holding time of the cargo tank as loaded, with a margin of 100 percent of the normal travel time or 24 hours if less, before venting will occur. Before transportation in an empty condition, each cargo tank having previously transported inhibited vinyl fluoride must have been drained and vented or blown down sufficiently so that there will be no venting during movement of the empty tank. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

• • • • •

Interested persons are invited to give their views on this proposal. Communication should identify the docket number and be submitted in duplicate to the

Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on February 12, 1971.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-2223 Filed 2-17-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Proposed Establishment of Interim Amount of Financial Protection and Interim Indemnity Fee for General Electric Company Midwest Fuel Recovery Plant

Following a public hearing on November 28, 1967, before an atomic safety and licensing board, the Atomic Energy Commission, on December 28, 1967, issued to the General Electric Co. (GE), a provisional construction permit under section 104b of the Atomic Energy Act of 1954, as amended (the Act), for the construction of a production facility for the chemical processing of irradiated fuel elements. GE is constructing and proposes to operate the Midwest Fuel Recovery Plant (MFRP) on property it owns in Grundy County, Ill. The GE facility is the second spent fuel processing plant for which the Commission has issued a construction permit. In April 1963, the Commission issued a provisional construction permit and in April 1966 a provisional operating license, to Nuclear Fuel Services, Inc. (NFS), and the New York State Atomic and Space Development Authority for construction and operation of the NFS spent fuel reprocessing facility in Cattaraugus County, N.Y.

Section 170 of the Act provides that each license issued under section 104 shall have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission shall require to cover public liability claims; that the licensee execute and maintain an indemnification agreement with the Commission; and that the Commission collect a fee from each licensee with whom an indemnification agreement is executed.

The Act also provides that the amount of financial protection required shall be equal to the maximum amount of nuclear liability insurance available from private sources except that the Commission may establish a lesser amount on the basis of written criteria, taking into consideration such factors as (1) the cost and terms of private insurance; (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard; and (3) the nature and purpose of the licensed activity.

The indemnity fee is set by the Act (subsection 170f) at $30 per thousand kilowatts of thermal energy capacity for facilities licensed under section 103, but for facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce this fee. The Commission is directed to establish written criteria for determination of the fee, taking into consideration such factors as (1) the type, size, and location of the facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility.

The Commission's regulations in 10 CFR Part 140 prescribe criteria for determining the amounts of financial protection and indemnity fees with specific reference to reactors. No similar criteria have been prescribed for other types of facilities such as processing plants because the number and variety of such facilities, operating or under construction, has been insufficient to permit identification of relationships between different facilities at different locations significant to the establishment of corresponding financial protection requirements.

On March 2, 1965, the Commission published in the FEDERAL REGISTER a notice which established, on an interim basis, the amounts of financial protection and indemnity fee for the NFS plant for both preoperational storage of fuel at the site and for plant operations. The interim levels for NFS, which are to remain in effect pending further study and development of a formula having general applicability to spent fuel processing plants, were established at (1) $5 million in financial protection for preoperational storage of fuel and $20 million in financial protection for plant operations; (2) an annual indemnity fee of $500 for storage only of fuel and of $4,000 for plant operations.

In addition to the factors specifically designated in the Act, the Commission also took into account, in setting an interim amount of financial protection for NFS, the amounts of nuclear liability insurance carried by fabricators of unirradiated fuel and the amounts of insurance carried by a substantial number of firms engaged in nonnuclear chemical and petroleum industries.

Since NFS received an operating license for full-scale plant operation in April 1966, the operating experience for the purpose of determining a broad formula for establishing the level of financial protection for licensed spent fuel processing plants is still quite limited. The Commission's review of the MFRP license application has similarly not yielded sufficient information to assist in developing a generally applicable formula for spent fuel processing plants. Applications for construction permits are now pending for the proposed Barnwell Nuclear Fuel Plant in Barnwell County, S.C., and the proposed Atlantic-Richfield fuel reprocessing plant at Leeds, S.C. It is expected that the evaluation of these applications may produce additional information which will be useful in developing a generally applicable formula.

The Commission is considering the extension of the interim financial protection requirement to MFRP of the $5 million for preoperational storage of fuel and $20 million for plant operations established for NFS, and also the interim annual indemnity fees of $500 for storage only of fuel and $4,000 for plant operations.

The Commission is continuing to study the feasibility of establishing generally applicable criteria for determining amounts of financial protection to be required for spent fuel processing plants. Among the factors to be evaluated for this purpose are (a) types of irradiated fuel to be processed; (b) rate of processing; and (c) irradiation history of fuel in terms of reactor flux and period of irradiation. In connection with its continuing study, the Commission invites comments and suggestions from interested persons as to these and other factors that should be taken into account, and the weight that should be accorded them.

Notice is hereby given that the Commission is considering establishment on an interim basis, of the above specified amounts of financial protection and indemnity fees for the MFRP. All interested parties who desire to submit written comments and suggestions for consideration (1) in connection with the proposed interim amounts of financial protection and indemnity fees for the MFRP, and (2) with regard to the development of financial protection and indemnity fee requirements of general applicability to spent fuel processing plants, should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Washington, D.C., this 27th day of January 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-2206 Filed 2-17-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN INTRASTATE AIR QUALITY CONTROL REGIONS IN KANSAS

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Kansas as set forth in the following new §§ 481.227 to 481.229 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Kansas and Missouri and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 100 p.m., February 25, 1971, in Room 307, Post Office Building, Fifth and Kansas Avenues, Topeka, Kans.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.227 Southeastern Kansas Intrastate Air Quality Control Region.

The Southeastern Kansas Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Allen County.	Montgomery County.
Bourbon County.	Neosho County.
Cherokee County.	Wilson County.
Crawford County.	Woodson County.
Labette County.	

§ 481.228 Metropolitan Topeka Intrastate Air Quality Control Region.

The Metropolitan Topeka Intrastate Air Quality Control Region (Kansas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Douglas County.	Shawnee County.
Franklin County.	

§ 481.229 Wichita-Hutchinson-Salina Intrastate Air Quality Control Region.

The Wichita-Hutchinson-Salina Intrastate Air Quality Control Region (Kansas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857 h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kansas:

Butler County.	Reno County.
Cowley County.	Saline County.
Harvey County.	Sedgwick County.
McPherson County.	Sumner County.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604.

Dated: February 12, 1971.

William D. Ruckelshaus,
Administrator.

[FR Doc.71-2199 Filed 2-17-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 89]

[Docket No. 19149; FCC 71-139]

SINGLE SIDEBAND RADIOTELEPHONE TECHNICAL SPECIFICATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 89 of the Commission's rules to provide technical standards for the use of single sideband radiotelephone emission on frequencies below 25 MHz and convert to single sideband operation.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Recognizing the advantages of single sideband radiotelephone transmission over conventional double sideband transmission in regard to conservation of the radio frequency spectrum, more efficient transmission of intelligence at minimum power and reduction of interference, the Commission has established requirements for single sideband radiotelephone operation on frequencies below 25 MHz in the fixed, aviation and marine radio services. Recently in the proceedings in Docket No. 12221 the Commission established technical standards for single sideband radiotelephone operation below 10 MHz in the land mobile and fixed services under Part 91 of the Commission's rules (Industrial Radio Services).

3. It is the purpose of this rule making to establish technical standards for single sideband radiotelephone operations under Part 89 of the Commission's rules (Public Safety Radio Services) on frequencies below 25 MHz. The requirements proposed are similar to those adopted in the proceedings in Docket No. 12221 with the same schedule for conversion of double sideband radiotelephone operations to single sideband radiotelephony; that is, in 1 year new systems would be required to use single sideband and in an overall period of 6 years all systems would use single sideband.

4. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 23, 1971, and reply comments on or before April 2, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: February 10, 1971.

Released: February 12, 1971.

Federal Communications Commission,[1]

[SEAL] Ben F. Waple,
Secretary.

Part 89 of the Commission's rules is amended as follows:

A new § 89.123 is added to read as follows:

§ 89.123 Single sideband radiotelephone technical specifications.

(a) The use of A3J emission (single sideband radiotelephony) in these services on frequencies below 25 MHz shall be in accordance with the provisions of this section, notwithstanding any other technical provisions of this part to the contrary.

(b) The frequency coinciding with the center of the authorized frequency band of emission shall be the assigned frequency. Both the authorized carrier frequency and assigned frequency shall be specified in the authorization. The authorized carrier frequency shall be 1400 Hz lower in frequency than the assigned frequency. Only upper sideband emission shall be used.

(c) The carrier frequency shall be maintained within 50 Hz of the authorized carrier frequency.

(d) The bandwidth occupied by the emission shall not exceed 3500 Hz. The emission designator shall be 3.5A3J. Authorization to use A3J emission is construed to include the use of tone signals or signalling devices whose sole function is to establish or maintain communications between stations.

(e) The maximum audio frequency to be transmitted is 2800 Hz.

(f) Authorized power shall be in terms of peak envelope power, which is the average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation. The maximum peak envelope power for single sideband operation is 2 kW.

(g) Except for short periods necessary for tuning and testing, the carrier frequency power shall be at least 40 dB below the peak envelope power.

(h) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 1.75 Hz up to and including 5.25 kHz: At least 25 dB;

(2) On any frequency removed from the assigned frequency by more than 5.25 kHz up to and including 8.75 kHz: At least 35 dB;

(3) On any frequency removed from the assigned frequency by more that 8.75 kHz: At least 43 plus 10 $\log_{10}$ (mean output power in watts) dB.

(i) In the case of regularly available double sideband radiotelephone channels, an assigned frequency for A3J emission is available either 1.6 kHz below or 1.4 kHz above the double sideband radiotelephone assigned frequency.

(j) The transmitter shall automatically limit the peak envelope power to that shown in the Radio Equipment List, or to the manufacturer's rated peak envelope power for the particular transmitter specifically listed on the authorization.

(k) A3J emission for radiotelephone is mandatory in all new radiotelephone systems operating on frequencies below 25 MHz on or after (1 year from date of adoption of this rule) and in all systems 5 years after that date.

[FR Doc.71-2246 Filed 2-17-71;8:51 am]

[1] Commissioner Houser not participating.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 90]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN COSTA RICA

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Costa Rica with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

The authority delegated hereby may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority shall be effective as of the date entered below.

Dated: February 10, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc 71-2184 Filed 2-17-71;8:46 am]

POST OFFICE DEPARTMENT

POSTAGE RATES AND FEES

Proposed Changes

Correction

In F.R. Doc. 71-1556 appearing at page 2571 in the issue of Saturday, February 6, 1971, the following changes should be made:

1. In the first column of Table B-IV, the entry reading "Minimum (50,000 or more copies)" should read "Minimum (5,000 or more copies)".

2. The entry in column (3) of Table E-1 reading "Additional charges may be made based on consideration of weight, space, and value." should also appear as the last entry in column (4).

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of Arizona natural disasters have caused a general need for agricultural credit:

ARIZONA

Cochise.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 11th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2196 Filed 2-17-71;8:47 am]

OKLAHOMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of Oklahoma natural disasters have caused a general need for agricultural credit:

OKLAHOMA

Hughes.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 11th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2197 Filed 2-17-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-564]

ANDREW JAMES BARLOW

Notice of Loan Application

FEBRUARY 11, 1971.

Andrew James Barlow, Post Office Box 43, Wrangell, AK 99929, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 29.4-foot registered length wood vessel to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2200 Filed 2-17-71;8:47 am]

Office of the Secretary

[Department Organization Order 25-5B, Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce, effective February 4, 1971. This material amends the material appearing at 35 F.R. 16601 of October 24, 1970.

Department Organization Order 25-5B, dated October 9, 1970, is hereby amended as follows:

1. In section 7 *Special Staff Offices* add the following new paragraph .05:

.05 The Office of Ecology and Environmental Conservation shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by Section 102 of the Act; represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-2224 Filed 2-17-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-3894, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 9, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3894 1-4-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, Tex.	[1]	-------
G-4526 E 1-8-71	R. W. Stough (successor to Car-Tex Producing Co.), Post Office Box 555 Carthage, TX 75633.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-4535 1-4-71	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Ray Field, Bee County, Tex.	[1]	-------
G-4538 1-4-71	do	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	[1]	-------
G-4545 1-4-71	do	Transcontinental Gas Pipe Line Corp., Mineral Field, Bee County, Tex.	[1]	-------
G-4904 C 1-27-71	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	Cities Service Gas Co., Panoma-Council Grove Field, Hamilton et al. Counties, Kans.	17.5	14.65
G-11818 C 1-28-71 [2]	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Natural Gas Pipeline Co. of America, LaGloria Field, Jim Wells and Brooks Counties, Tex.	16.72045	14.65
G-12369 D 1-22-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001 (partial abandonment).	Southern Natural Gas Co., Main Pass Block 46 Field, Plaquemines Parish, La.	(4)	-------
G-16528 E 1-4-71 [3]	Harry D. Owen (Operator) et al. (successor to Fred LaRue (Operator) et al.), c/o John A. Bellan, Jr., Post Office Box 2599, Jackson, MS 39207.	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	20.0	15.025
G-18644 E 1-13-71	Mabee Petroleum Corp. (successor to Mabee Royalties, Inc.), 1916 First National Bldg., Tulsa, OK 74103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	18.6	14.65
G-18366 E 1-18-71	Harold D. Courson (successor to Bobby M. Burns), Box 520, Perryton, TX 79070.	Northern Natural Gas Co., Farnsworth Field, Ochiltree County, Tex.	17.565625	14.65
G-18621 D 1-27-71	J. M. Huber Corp., c/o James B. Reed, Attorney, 2300 West Loop, Houston, TX 77027.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	Decline in pressure	-------
G-20016 1-4-71 [3]	Atlantic Richfield Co.	Transcontinental Gas Pipe Line Corp., Longhorn et al. Fields, Duval County, Tex.	(5)	-------
C161-100 D 1-22-71	Mana Resources, Inc., 1216 Hartford Bldg., Dallas, TX 75201 (partial abandonment).	Transwestern Pipeline Co., Hansford Field, Ochiltree County, Tex.	Depleted	-------
C162-606 E 1-15-71 [4]	Emerald Oil Co., Agent (Operator) et al. (successor to Lamson & Bennett, Inc. (Operator) et al.), Box 51325, Lafayette, LA 70501.	Michigan Wisconsin Pipe Line Co., Lawtell Field, St. Landry Parish, La.	20.0	15.025
C164-167 E 1-21-71 [4]	Magness Petroleum Co. (Operator) et al. (successor to N. V. Duncan Drilling Co. (Operator) et al.), 300 Hightower Bldg., Oklahoma City, OK 73102.	Arkansas Louisiana Gas Co., Ames Area, Major County, Okla.	15.0	14.65
C164-232 B 1-19-71 [4]	Exchange Oil & Gas Corp., 1010 Common St., New Orleans, LA 70112.	Texas Gas Transmission Corp., Perry Field, Vermillion Parish, La.	Depleted	-------
C165-145 D 11-23-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Northern Natural Gas Co., Texas Panhandle Field, Lipscomb County, Tex.	(7)	-------
C165-1286 C 10-26-70	Rincon Oil & Gas Corp., 20 Pine St., New York, NY 10015.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[6] 13.0	15.025
C166-1060 (G-18404) C&F 1-11-71 [4]	River Corp. (successor to Callery Properties, Inc.), 9900 Clayton Rd., St. Louis, MO 63124.	Southern Natural Gas Co., Coquille Bay Field, Plaquemines Parish, La.	[10] 19.75 [11] 15.0	15.025
C167-1252 E 1-19-71	Texas Oil & Gas Corp. (successor to J. Lee Youngblood (Operator) et al.), Fidelity Union Tower, Dallas, TX 75201.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[12] 17.0	14.65
C168-970 [13] (C171-538) [14] B 1-11-71	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, TX 78205.	United Gas Pipe Line Co., West Dallas Husky Field, Bee and Goliad Counties, Tex.	Depleted	-------
C168-1166 (C167-952) C 1-26-71 [14]	Franks Petroleum Inc. (Operator) et al., Post Office Box 7665, Shreveport, LA 71107.	United Gas Pipe Line Co., West Bryceland Field, Blenville Parish, La.	18.5	15.025
C169-1053 C 1-25-71	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	[12] 17.0	14.65
C170-751 E 1-22-71	Imperial-American Management Co. (successor to King Resources Co.), 777 Main Bldg., Houston, TX 77002.	Natural Gas Pipeline Co. of America, North Custer Field, Custer County, Okla.	[12] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-510 (G-8592) F 1-4-71	Wm. C. Hulsey (successor to Sun Oil Co.), c/o John A. Bellan, Jr., Post Office Box 2509, Jackson, MS 39207.	United Gas Pipe Line Co., acreage in Forrest County, Miss.	20.0	15.025
C171-526 A 1-14-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	19.0	14.65
C171-527 (C161-1273) F 1-15-71	W. M. Galloway (successor to Tenneco Oil Co.), 101-2 Petroleum Plaza Bldg., Farmington, NM 87401.	El Paso Natural Gas Co., West Kutz Canyon Pictured Cliffs Field, San Juan County, N. Mex.	[1] 13.2534	15.025
C171-528 A 1-18-71	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Trunkline Gas Co., South Bearhead Creek Field, Beauregard Parish, La.	[2] 26.0	15.025
C171-529 B 1-19-71	Shell Oil Co., One Shell Plaza, Houston, TX 77002.	Natural Gas Pipeline Co. of America, Nile Field, Willacy County, Tex.	Depleted	- -
C171-530 A 1-18-71	Phillips Petroleum Co., Bartlesville, OK 74004.	El Paso Natural Gas Co., Goldsmith Plant, Ector County, Tex.	[3] 22.0	14.65
C171-531 A 1-29-71	Dalco Oil Co., 1210 Mercantile Bank Bldg., Dallas, TX 75201.	Kansas-Nebraska Natural Gas Co., Inc., Castle Gardens Field, Fremont County, Wyo.	18.0	14.65
C171-533 A 1-21-71	Jetgas Co., Post Office Box 1307, Sinton, TX 78387.	United Gas Pipe Line Co., Pargmann (7100) Field, Karnes County, Tex.	18.5	14.65
C171-535 (C164-425) F 1-11-71	Texaco, Inc. (successor to Cities Service Oil Co.), Post Office Box 2420, Tulsa, OK 74101.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	[4] 17.0	14.65
C171-536 A 1-21-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Cities Service Gas Co., East Niles Area, Canadian County, Okla.	[3] 22.0	14.65
C171-537 A 1-21-71	Texaco, Inc	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	15.0	14.65
C171-539 A 1-22-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	[5] 16.50	14.65
C171-540 A 1-25-71	Mana Resources, Inc	Northern Natural Gas Co., Hansford Field, Ochiltree County, Tex.	[3] 29.5	14.96
C171-541 A 1-25-71	Lance Resources, Inc	Southern Natural Gas Co., Franklin Field, St. Mary Parish, La.	[3] 26.0	15.025
C171-542 A 1-25-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Cleveland Unit, Bagley Field, Lea County, N. Mex.	[3] 17.58	14.65
C171-543 A 1-27-71	Morris Mizel, 4815 South Harvard, Room 249, Tulsa, OK 74135.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Countirs, N. Mex.	12.0	15.025
C171-544 A 1-27-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Texas Eastern Transmission Corp., Northeast Nada Field, Colorado County, Tex.	18.0	14.65
C171-545 B 1-27-71	Pan American Petroleum Corp.	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	[6]	
C171-546 A 1-27-71	William Gruenerwald (Operator) et al., Post Office Box 909, Colorado Springs, CO 80901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Adams Ranch Field, Meade County, Kans.	[2] 17.5	14.65
C171-547 A 1-28-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	United Fuel Gas Co., Erath Field, Vermilion Parish, La.	25.0	15.025
C171-548 B 1-28-71	Gulf Oil Corp. (Operator) et al	El Paso Natural Gas Co., South Penrose Skelly Unit, Eumont Field, Lea County, N. Mex.	Depleted	- -
C171-549 B 1-28-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Transcontinental Gas Pipe Line Corp., LaGloria Field, Jim Wells and Brooks Counties, Tex.	[7]	- -
C171-550 B 1-27-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Depleted	- -
C171-551 B 1-27-71	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Sullivan Field, Starr County, Tex.	Depleted	- - - -
C171-552 B 1-27-71	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Donna Field, Hidalgo County, Tex.	Depleted	- -
C171-553 B 1-29-71	Cities Service Co., Post Office Box 300, Tulsa, OK 74102.	United Gas Pipe Line Co., Bourg Field, Terrebonne Parish, La.	[8]	- - - -
C171-554 A 1-28-71	Mobil Oil Corp.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[2] 26.5	14.65

[1] Amendment to certificate filed to delete acreage, extend terms of contract and provide for rates of 19 cents, 21 cents, and 25 cents per Mcf, depending on vintage.
[2] Amendment to certificate filed to increase daily contract quantity.
[3] Acreage assigned to Penton & Penton.
[4] Change in operator.
[5] Original application in Docket No. C164-232 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[6] Successor to Consolidated Gas Supply Corp.
[7] Acreage has been released from contract.
[8] By letter dated Jan. 19, 1971, Applicant agreed to accept authorization at a rate of 13 cents per Mcf.
[9] Adds acreage acquired from Callery Properties, Inc., Docket No. G-15404.
[10] Gas well gas.
[11] Casinghead gas.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Original application in Docket No. C168-970 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[14] Application erroneously assigned Docket No. C171-538. Docket No. C171-538 is canceled and application will be processed under Docket No. C168-970.
[15] Rate in effect subject to refund in Docket No. R169-465.
[16] Includes 0.83 cent per Mcf downward B.t.u. adjustment.
[17] Includes 1.50 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment. Price also subject to deduction for compression, if required.
[18] Production from unit has ceased and leaseholds comprising said unit have been released.
[19] Termination of contract by its own terms.
[20] Expiration of leases.

[FR Doc. 71-2099 Filed 2-17-71;8:45 am]

[Docket No. E-7604]

APPALACHIAN POWER CO.

Notice of Proposed Rate Schedule Changes

FEBRUARY 10, 1971.

Take notice that on January 28, 1971, American Electric Power Corp. filed on behalf of Appalachian Power Co. (Appalachian) rate schedule changes to the interconnection agreement between Appalachian and Virginia Electric Power Co. Subject to Commission approval Appalachian proposed that the changes become effective on January 1, 1971.

The proposed changes are submitted as Modification No. 6 dated January 1, 1971, to the Interconnection Agreement dated February 1, 1948, between Appalachian and Virginia Electric Power Co., which agreement is designated Appalachian Rate Schedule FPC No. 16. The modification includes the following changes: (1) An increase in the demand charge for short-term power from 30 cents per kilowatt per week to 40 cents per kilowatt per week and (2) a change in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from 3.333 mills for each kilowatt hour of reduction to one-sixth of the total weekly demand charge for each day (except Sundays) any such reduction is in effect.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2186 Filed 2-17-71;8:47 am]

[Docket No. E-7603]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

FEBRUARY 10, 1971.

Take notice that on January 28, 1971, the Iowa Electric Light and Power Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $30 million aggregate principal amount of short-term notes.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission, and sale at retail of electric energy in 51 counties in the State of Iowa.

The notes to be issued to commercial banks and commercial paper dealers or either of such types of facilities will have a term not in excess of 1 year with a final maturity date of not later than December 31, 1972. Interest on the notes to banks will be the prime rate in effect or the prime rate in effect at the time of the borrowing. The interest rate on commercial paper will be at the rate then in effect of such commercial paper of such quality and term.

The proceeds from the issuance of the notes are to provide funds for the construction, completion, extension, and improvement of Applicant's facilities. The estimated construction program for 1971 totals $62.8 million and includes the expenditure of $47.8 million for its share of the cost of construction of a 550,000-kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative each will have a 10 percent undivided ownership in this plant and its generating capacity.

Any person desiring to be heard or to make any protest with reference to this application should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2187 Filed 2-17-71;8:47 am]

[Project 472]

UTAH POWER AND LIGHT CO.

Notice of Application for New License for Constructed Project

FEBRUARY 10, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by Utah Power and Light Co. (correspondence to: Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K Street NW., Washington, DC 20006) for its constructed Oneida Project No. 472, located on the Bear River in the vicinity of Preston, in Franklin County, Idaho. The original license for the project expired June 30, 1970, and the project is presently operating under an annual license.

The Oneida project consists of: (1) A concrete gravity dam about 110 feet high and 380 feet long containing 5 taintor gates each 15 feet wide and 12.5 feet high; (2) an earth dike about 40 feet high and 1,100 feet long; (3) a reservoir having a surface area of 480 acres at normal water surface elevation 4,882.9 feet and a usable storage capacity of 11,500 acre-feet at a drawdown of 32 feet; (4) three 16-foot-diameter steel penstocks through the earth dike and extending 2,200 feet to a 40-foot diameter, steel surge tank 117 feet high; (5) a powerhouse containing three 10,000-kw. generators; (6) appurtenant electrical facilities and transmission lines leading to a substation on the interconnected transmission system of the licensee located close to the powerhouse; and (7) all other facilities and interests necessary for operation of the project.

Recreational features include boat docking and launching facilities, immediately north of the earth dike, on the east side of the reservoir, and Applicant proposes a development here to include several picnic and camping areas together with sanitary and water supply facilities. At a second area, 2 miles further north, applicant maintains a boat dock. According to the application no further development is planned here unless there is an apparent demand for it but continued cooperation is planned with the affected Federal and State agencies.

According to the application: (1) The plant is used primarily for peaking purposes on applicant's interconnected system and as the main auxiliary power source available to start up applicant's thermal units in the event of a blackout of a major portion of its generating units; (2) the net investment in the project is estimated to be about $2,104,553 as of December 31, 1969, which is less than the estimated fair value; (3) the estimated severance damages in event of "takeover" by the United States is $7,500,000; and (4) for the year of 1969, it is estimated that the project provided $57,919 in local tax revenues.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2189 Filed 2-17-71;8:47 am]

[Docket No. R-394, etc.]

TERMINATION OF MORATORIUM PROVISIONS IN SOUTHERN LOUISIANA AND AREA RATE PROCEEDING (SOUTHERN LOUISIANA)

Order Denying Rehearing and Request for Stay

FEBRUARY 10, 1971.

Termination of moratorium provisions in southern Louisiana, Docket No. R-394; area rate proceeding (southern Louisiana), Docket No. AR61-2, etc., and Docket No. AR69-1.

Pan American Petroleum Corp. on January 11, 1971, Mobil Oil Corp. (Mobil) on January 22, 1971, and Lake Washington, Inc., and U.S. Oil of Louisiana, Inc., on January 25, 1971, filed applications for rehearing of the Commission's order on rehearing issued December 24, 1970, in the above-entitled proceedings insofar as that order modified Order No. 413 so as to prohibit any increased rate filing for a sale of natural gas in southern Louisiana in excess of the applicable ceiling prescribed therein. Concurrently with its application for rehearing, Mobil filed a request for a stay of the December 24 order pending the outcome of judicial review of the Commission's action therein.

The applications for rehearing set forth no further facts or principles of law which were not fully considered in the December 24 order, or which, having now been considered, warrant any modification of that order. Nor is there any justification for granting a stay here.

The Commission orders: The above applications for rehearing and Mobil's request for a stay of the order issued December 24, 1970 in the above-entitled proceedings are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2188 Filed 2-17-71;8:47 am]

CIVIL SERVICE COMMISSION

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 (d), the Civil Service Commission has adjusted the minimum rates and rate ranges for occupations and grade levels for which special salary rates were approved under 5 U.S.C. 5303. The following tables contain the basic special salary

rate information for each occupation and grade level for which special rates are authorized. The effective date is the first day of the first pay period beginning on or after the date shown. Only the special minimum and special maximum rate (i.e. 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum rate to produce a rate for each step up to the special maximum rate.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

GS-000 MISCELLANEOUS OCCUPATIONS GROUP

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes, Ill., and Federal installations within a 22-mile radius of the center.	GS-3	$6,444	$8,100	$184	1-1-71
		GS-4	7,030	8,893	207	
		GS-5	7,631	9,710	231	
		GS-6	8,243	10,565	258	
		GS-7	8,868	11,442	286	
GS-081 Firefighter (General)* Firefighter (Structural)* Firefighter (Airfield)* Fire protection Inspector* Fire Chief *Note: Covers both nonsupervisory and supervisory positions at applicable grade levels. Table No. 002	San Francisco and 35-mile radius extended to include Travis Air Force Base near Fairfield, Calif.	GS-3	7,180	8,836	184	1-1-71
		GS-4	8,065	9,928	207	
		GS-5	8,555	10,634	231	
		GS-6	9,017	11,339	258	
		GS-7	9,726	12,300	286	
		GS-8	10,441	13,285	316	
		GS-9	11,168	14,309	349	
		GS-10	11,901	15,357	384	
		GS-11	13,036	16,825	421	
GS-081 Fire Protection and Prevention Series Table No. 003	Washington, D.C. Standard Metropolitan Statistical Area, including Quantico Marine Base.	GS-3	6,996	8,652	184	1-1-71
		GS-4	7,444	9,307	207	
		GS-5	7,862	9,941	231	
		GS-6	8,501	10,823	258	
		GS-7	9,154	11,728	286	
		GS-8	9,809	12,653	316	
GS-081 Fire Protection and Prevention Series Table No. 004	San Diego County, Calif.	GS-3	7,180	8,836	184	1-1-71
		GS-4	8,065	9,928	207	
		GS-5	8,555	10,634	231	
		GS-6	9,017	11,339	258	
		GS-7	9,726	12,300	286	
		GS-8	10,441	13,285	316	
		GS-9	11,168	14,309	349	
		GS-10	11,901	15,357	384	
		GS-11	13,036	16,825	421	
GS-081 Fire Protection and Prevention Series Table No. 005	Ventura County, Calif.	GS-3	6,812	8,468	184	1-1-71
		GS-4	7,237	9,100	207	
		GS-5	7,862	9,941	231	
		GS-6	8,501	10,823	258	
		GS-7	9,154	11,728	286	
		GS-8	9,809	12,653	316	
GS-081 Fire Protection and Prevention Series Table No. 006	City of Stockton, Calif., including Sharpe Army Depot, and Defense Depot, Tracy, Calif.	GS-3	6,444	8,100	184	1-1-71
		GS-4	7,030	8,893	207	
		GS-5	7,631	9,710	231	
		GS-6	8,243	10,565	258	
		GS-7	8,868	11,442	286	
GS-083 Police Series Table No. 008	Washington, D.C.; Dulles International and Washington National Airports.	GS-5	8,324	10,403	231	1-1-71
		GS-6	8,759	11,081	258	
		GS-7	9,154	11,728	286	
		GS-8	9,809	12,653	316	
GS-085 Guard Series Table No. 007	Washington, D.C. Standard Metropolitan Statistical Area, including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base.	GS-2	6,364	7,831	163	1-1-71
		GS-3	7,180	8,836	184	
		GS-4	7,858	9,721	207	
		GS-5	8,324	10,403	231	
		GS-6	8,759	11,081	258	
		GS-7	9,154	11,728	286	
		GS-8	9,809	12,653	316	

GS-100 SOCIAL SCIENCE, PSYCHOLOGY AND WELFARE GROUP

GS-180 Psychology Series Table No. 050	Worldwide	GS-11	$14,299	$18,068	$421	1-1-71
		GS-12	16,841	20,060	501	

GS-300 GENERAL ADMINISTRATIVE, CLERICAL, AND OFFICE SERVICES GROUP

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-301 Police Cadet Table No. 150	District of Columbia Metropolitan Police Department.	GS-2	$5,875	$7,342	$163	1-1-71
		GS-3	6,144	8,100	184	
GS-312 Shorthand Reporter Table No. 151	New York, N.Y.	GS-9	10,819	13,960	349	1-1-71
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist Table No. 152	Cook County, Ill. (includes city of Chicago).	GS-2	5,386	6,853	163	1-1-71
		GS-3	6,076	7,732	184	
		GS-4	6,616	8,479	207	
		GS-5	7,169	9,248	231	
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist In addition to above series, coverage includes all positions in grades GS-2 through GS-5 with the following parenthetical titles: (Typing); or (Stenography); or (Dictating Machine Transcribing). Use of any of the parenthetical titles cited indicates that a substantial requirement for the skill identified exists in the position, and the requirement is of sufficient significance to warrant selective certification from an appropriate clerical register (or equivalent selectivity in noncompetitive actions). In all cases the position description must reflect those duties which necessitated the use of the parenthetical title. Table No. 900.	New York, N.Y. (includes the counties of Bronx, Kings, New York, Queens, and Richmond).	GS-2	5,549	7,016	163	1-1-71
		GS-3	6,076	7,732	184	
		GS-4	6,616	8,479	207	
		GS-5	7,169	9,248	231	
GS-343 GAO Management Auditor Table No. 250	Worldwide (except for New York, N.Y., Standard Metropolitan Statistical Area	GS-7	10,581	13,158	286	1-1-71
		GS-9	11,517	14,658	349	
GS-343 GAO Management Auditor Table No. 251	New York, N.Y., Standard Metropolitan Statistical Area	GS-7	11,156	13,730	286	1-1-71
		GS-9	12,215	15,356	349	
		GS-11	13,157	17,246	421	
GS-356 Card Punch Operation Series Table No. 155	City of Sacramento and 15-mile radius, California	GS-3	5,892	7,548	184	1-1-71
		GS-1	6,109	8,272	207	
GS-356 Card Punch Operation Series Table No. 156	San Francisco-Oakland Standard Metropolitan Statistical Area (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Santa Clara County; Solano County; Los Angeles County; Orange County; and Government Activities at Edwards AFB in Kern County, Calif.	GS-3	6,076	7,732	184	1-1-71
		GS-4	6,616	8,479	207	
		GS-5	7,169	9,248	231	
GS-356 Card Punch Operation Series, grade 3 only. GS-359 Electric Accounting Machine Operating Series, Grades 3 and 4. GS-362 Electric Accounting Machine Project Planning Series, grade 7 only. Table No. 154	Juneau Election District, Alaska	GS-3	5,708	7,364	184	1-1-71
		GS-4	6,823	8,686	207	
		GS-7	8,868	11,442	286	

GS-400 BIOLOGICAL SCIENCES GROUP

GS-403 Microbiology Series Table No. 220	Nationwide	GS-5	$7,892	$9,941	$231	1-1-71
		GS-7	8,868	11,442	286	

GS-500 ACCOUNTING AND BUDGET GROUP

GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 258	Worldwide (except for New York, N.Y., Standard Metropolitan Statistical Area).	GS-5	$9,017	$11,096	$231	1-1-71
		GS-6	9,791	12,113	258	
		GS-7	10,581	13,158	286	
		GS-8	11,073	13,917	316	
		GS-9	11,517	14,658	349	
		GS-10	11,901	15,357	384	
GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 259	New York, N.Y., Standard Metropolitan Statistical Area	GS-5	9,017	11,096	231	1-1-71
		GS-6	10,049	12,371	258	
		GS-7	11,156	13,730	286	
		GS-8	11,705	11,519	316	
		GS-9	12,215	15,356	349	
		GS-10	12,669	16,125	384	
		GS-11	13,157	17,246	421	

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-602 Medical Officer Series	Worldwide	GS-11	$16,404	$20,193	$421	1-1-71
		GS-12	19,549	24,058	501	
		GS-13	22,497	27,825	592	
		GS-14	24,285	30,531	694	
Table No. 290		GS-15	25,867	33,139	808	
GS-610 Nurse Series	Galveston, Tex.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,243	10,565	258	
Table No. 306		GS-7	8,868	11,442	286	
GS-610 Nurse Series	State of California (excluding San Francisco, California and 35-mile radius extended to include Travis Air Force Base; San Diego County; and Division of Indian Health Nurses).	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,555	10,634	231	
		GS-6	8,759	11,081	258	
		GS-7	9,154	11,738	286	
		GS-8	9,809	12,653	316	
Table No. 301						
GS-610 Nurse Series	San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base.	GS-4	8,065	9,928	207	1-1-71
		GS-5	9,017	11,096	231	
		GS-6	9,533	11,855	258	
		GS-7	10,012	12,586	286	
		GS-8	10,757	13,601	316	
		GS-9	11,517	14,658	349	
		GS-10	12,285	15,741	381	
Table No. 303		GS-11	13,036	16,825	421	
GS-610 Nurse Series	San Diego County, Calif.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
Table No. 302		GS-6	8,243	10,565	258	
GS-610 Nurse Series	State of Alaska	GS-4	7,651	9,514	207	1-1-71
GS-615 Public Health Nurse Series		GS-5	8,093	10,172	231	
		GS-6	8,243	10,565	258	
Table No. 291		GS-7	8,868	11,442	286	
GS-610 Nurse Series	Division of Indian Health, Public Health Service, Continental United States; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps center Box Elder, S. Dak.	GS-4	7,444	9,307	207	1-1-71
GS-615 Public Health Nurse Series		GS-5	7,862	9,941	231	
		GS-6	8,243	10,565	258	
Table No. 293						
GS-610 Nurse Series	Pierce County (includes Tacoma), Wash.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
Table No. 298		GS-6	8,243	10,565	258	
GS-610 Nurse Series	State of Nevada (excluding Division of Indian Health Nurses).	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,501	10,823	258	
Table No. 294		GS-7	8,868	11,442	286	
GS-610 Nurse Series	Seattle and Bremerton, Wash.	GS-4	7,237	9,100	207	1-1-71
		GS-5	7,631	9,710	231	
Table No. 299		GS-6	7,985	10,307	258	
GS-610 Nurse Series	Philadelphia, Pa.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,093	10,172	231	
Table No. 297		GS-6	8,243	10,565	258	
GS-610 Nurse Series	New Orleans, La.	GS-4	7,237	9,100	207	1-1-71
Table No. 295		GS-5	7,631	9,710	231	
GS-610 Nurse Series	Baltimore, Md., Standard Metropolitan Statistical Area	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,324	10,403	231	
		GS-6	8,501	10,823	258	
Table No. 292		GS-7	8,868	11,442	286	
GS-610 Nurse Series	Boston, Mass., Standard Metropolitan Statistical Area and Fort Devens, Mass.	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,555	10,634	231	
		GS-6	8,759	11,081	258	
		GS-7	9,154	11,738	286	
		GS-8	9,809	12,653	316	
Table No. 305						
GS-615 Public Health Nurse Series	Washington, D.C., Standard Metropolitan Statistical Area.	GS-5	8,786	10,865	231	1-1-71
Table No. 300		GS-7	9,440	12,014	286	
GS-610 Nurse Series	Washington, D.C., Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,786	10,865	231	
		GS-6	9,017	11,339	258	
		GS-7	9,154	11,728	286	
		GS-8	9,809	12,653	316	
Table No. 304						
GS-610 Nurse Series	New York, N.Y.	GS-4	8,065	9,928	207	1-1-71
		GS-5	8,786	10,865	231	
		GS-6	9,275	11,597	258	
		GS-7	9,726	12,300	286	
		GS-8	10,441	13,285	316	
		GS-9	11,168	14,309	349	
		GS-10	11,901	15,357	384	
Table No. 296						
GS-621 Nursing Assistant Series	City of Palo Alto and Federal installations within a 10-mile radius, California.	GS-2	5,549	7,016	163	1-1-71
		GS-3	6,892	7,548	184	
		GS-4	6,409	8,272	207	
Table No. 307		GS-5	7,169	9,248	231	
GS-621 Nursing Assistant Series (excluding Licensed Practical Nurse).	New York, N.Y., Standard Metropolitan Statistical Area (includes New York City; Nassau, Rockland, Suffolk, and Westchester Counties).	GS-2	5,549	7,016	163	1-1-71
		GS-3	6,076	7,732	184	
		GS-4	6,616	8,479	207	
Table No. 333		GS-5	7,169	9,248	231	

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-621 Licensed Practical Nurse	New York, N.Y., Standard Metropolitan Statistical Area	GS-3	7,180	8,836	184	1-1-71
		GS-4	7,651	9,514	207	
		GS-5	8,093	10,172	231	
Table No. 331		GS-6	8,501	10,823	258	
GS-621 Licensed Practical Nurse	Cook County, Ill. (including the city of Chicago)	GS-3	6,444	8,100	184	1-1-71
		GS-4	6,823	8,686	207	
Table No. 337		GS-5	7,169	9,248	231	
GS-621 Nursing Assistant Series (excluding Licensed Practical Nurse).	East Orange and Lyons Veterans Administration Hospitals, New Jersey.	GS-2	5,549	7,016	163	1-1-71
		GS-3	5,892	7,548	184	
Table No. 335		GS-4	6,409	8,272	207	
GS-621 Licensed Practical Nurse	East Orange and Lyons Veterans Administration Hospitals, New Jersey.	GS-3	6,444	8,100	184	1-1-71
		GS-4	6,823	8,686	207	
Table No. 336		GS-5	7,169	9,248	231	
GS-631 Occupational Therapists	Washington, D.C., Standard Metropolitan Statistical Area	GS-6	8,243	10,565	258	1-1-71
GS-633 Physical Therapists		GS-7	8,868	11,442	286	
Table No. 308						
GS-631 Occupational Therapist	Los Angeles-Long Beach Calif., Standard Metropolitan Statistical Area	GS-5	8,786	10,865	231	1-1-71
GS-633 Physical Therapist		GS-6	9,275	11,597	258	
		GS-7	9,726	12,300	286	
Table No. 309		GS-8	10,125	12,969	316	
GS-633 Physical Therapist	Cincinnati, Ohio, Standard Metropolitan Statistical Area	GS-5	8,324	10,403	231	1-1-71
		GS-6	8,501	10,823	258	
Table No. 311		GS-7	8,868	11,442	286	
GS-631 Occupational Therapist	New York City and Suffolk County, N.Y.	GS-5	9,017	11,096	231	1-1-71
GS-633 Physical Therapist		GS-6	9,275	11,597	258	
		GS-7	9,440	12,014	286	
Table No. 310		GS-8	9,809	12,653	316	
GS-644 Medical Technologist Series	Washington, D.C., Standard Metropolitan Statistical Area	GS-5	8,093	10,172	231	1-1-71
Table No. 318						
GS-644 Medical Technologist Series	Omaha, Nebr., Standard Metropolitan Statistical Area	GS-5	8,093	10,172	231	1-1-71
Table No. 317						
GS-644 Medical Technologist Series	Ann Arbor, Mich., Standard Metropolitan Statistical Area	GS-5	9,017	11,096	231	1-1-71
Table No. 316		GS-7	9,440	12,014	286	
GS-644 Medical Technologist Series	New Orleans, La.	GS-5	7,862	9,941	231	1-1-71
Table No. 315						
GS-644 Medical Technologist Series	Milwaukee, Wis.	GS-5	8,555	10,634	231	1-1-71
		GS-6	9,017	11,339	258	
		GS-7	9,440	12,014	286	
		GS-8	10,125	12,969	316	
Table No. 314		GS-9	10,819	13,960	349	
GS-644 Medical Technologist Series	Baltimore, Md., Standard Metropolitan Statistical Area	GS-5	8,093	10,172	231	1-1-71
Table No. 312		GS-6	8,243	10,565	258	
GS-644 Medical Technologist Series	State of California	GS-5	9,017	11,096	231	1-1-71
		GS-6	9,533	11,855	258	
		GS-7	10,298	12,872	286	
		GS-8	10,757	13,601	316	
		GS-9	11,168	14,309	349	
Table No. 313		GS-10	11,901	15,357	384	
GS-644 Medical Technologist Series	Chicago and Hines, Ill.	GS-5	8,093	10,172	231	1-1-71
		GS-6	8,501	10,823	258	
Table No. 319		GS-7	8,868	11,442	286	
GS-644 Medical Technologist Series	New York City, N.Y. (includes Bronx, Kings, New York, Queens, and Richmond Counties).	GS-5	8,324	10,403	231	1-1-71
Table No. 331		GS-7	8,868	11,442	286	
GS-647 Medical Radiology Technician	New York City	GS-4	7,444	9,307	207	1-1-71
		GS-5	8,093	10,172	231	
		GS-6	8,759	11,081	258	
		GS-7	9,440	12,014	286	
		GS-8	10,125	12,969	316	
Table No. 320		GS-9	10,819	13,960	349	
GS-647 Medical Radiology Technician	San Francisco, Calif., and Federal installations within a 35-mile radius.	GS-5	8,093	10,172	231	1-1-71
		GS-6	8,759	11,081	258	
		GS-7	9,440	12,014	286	
		GS-8	10,125	12,969	316	
Table No. 321		GS-9	10,819	13,960	349	
GS-649 Inhalation Therapy Technician	West Haven, Conn.	GS-4	6,616	8,479	207	1-1-71
		GS-5	7,862	9,941	231	
Table No. 330		GS-6	8,501	10,823	258	
		GS-7	9,154	11,738	286	
GS-660 Pharmacist	State of California	GS-9	12,564	15,705	349	1-1-71
		GS-10	13,437	16,803	384	
		GS-11	14,299	18,088	421	
Table No. 322		GS-12	15,541	20,050	501	
GS-660 Pharmacist	Indianapolis, Ind., Standard Metropolitan Statistical Area	GS-9	10,819	13,960	349	1-1-71
Table No. 323						
GS-665 Speech Pathology and Audiology Series	Worldwide	GS-11	14,299	18,088	421	1-1-71
Table No. 324		GS-12	15,541	20,050	501	
GS-668 Podiatrist	Washington, D.C., Standard Metropolitan Statistical Area	GS-9	12,564	15,705	349	1-1-71
		GS-10	13,821	17,277	384	
Table No. 325		GS-11	15,111	18,930	421	

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-682 Dental Hygienist Series Table No. 327	Norfolk and Newport News-Hampton, Va., Standard Metropolitan Statistical Areas.	GS-4 GS-5	8,065 9,017	9,928 11,096	207 231	1-1-71
GS-682 Dental Hygienist Series Table No. 328	States of California and Nevada	GS-4 GS-5 GS-6 GS-7	7,651 8,555 9,017 9,726	9,514 10,634 11,339 12,300	207 231 258 286	1-1-71
GS-682 Dental Hygienist Series Table No. 338	Denver, Colo., Standard Metropolitan Statistical Areas	GS-4 GS-5 GS-6 GS-7	7,858 8,324 9,017 9,726	9,721 10,403 11,339 12,300	207 231 258 286	1-1-71
GS-682 Dental Hygienist Series Table No. 332	Boston Standard Metropolitan Statistical Areas, Brockton and Fort Devens, Mass.	GS-4 GS-5	7,030 7,631	8,893 9,710	207 231	1-1-71
GS-690 Industrial Hygiene Series Table No. 329	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	8,786 9,791 10,870 11,389 12,215 13,053 13,878	10,865 12,113 13,444 14,233 15,356 16,509 17,667	231 258 286 316 349 384 421	1-1-71
GS-700 VETERINARY MEDICAL SCIENCE GROUP						
GS-701 Veterinarian Series Table No. 400	Worldwide	GS-9	$11,168	$14,309	$349	1-1-71
GS-800 ENGINEERING AND ARCHITECTURE GROUP						
GS-800—All Professional Series in the Engineering and Architecture Group. Professional Series in the GS-800 Group are: GS-801 General GS-803 Safety GS-804 Fire Prevention GS-806 Materials GS-807 Landscape Architecture GS-808 Architecture GS-810 Civil GS-819 Sanitary GS-830 Mechanical GS-840 Nuclear GS-850 Electrical GS-855 Electronic GS-861 Aerospace GS-870 Marine GS-871 Naval Architecture GS-880 Mining GS-881 Petroleum GS-890 Agriculture GS-892 Ceramic GS-893 Chemical GS-894 Welding GS-896 Industrial Table No. 410	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11 GS-12	$9,017 10,049 11,156 11,705 12,564 13,437 14,299 15,541	$11,096 12,371 13,730 14,549 15,705 16,893 18,088 20,050	$231 258 286 316 349 384 421 501	1-1-71
GS-818 Engineering Draftsman Table No. 411	Point Mugu and Point Hueneme in Ventura County, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7	6,260 7,030 7,631 8,243 8,868	7,916 8,893 9,710 10,565 11,442	184 207 231 258 286	1-1-71
GS-1100 BUSINESS AND INDUSTRY GROUP						
GS-1169 Revenue Officer Table No. 550	State of California	GS-5 GS-7	$7,862 8,868	$9,941 11,442	$231 286	1-1-71
GS-1200 COPYRIGHT, PATENT, AND TRADE-MARK GROUP						
GS-1221 Patent Adviser GS-1223 Patent Classifying GS-1224 Patent Examining Table No. 575	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11 GS-12	$9,017 10,049 11,156 11,705 12,564 13,437 14,299 15,541	$11,096 12,371 13,730 14,549 15,705 16,893 18,088 20,050	$231 258 286 316 349 384 421 501	1-1-71
GS-1300 PHYSICAL SCIENCES GROUP						
GS-1301.1 Physical Science Subseries Table No. 585	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11 GS-12	$9,017 10,049 11,156 11,705 12,564 13,437 14,299 15,541	$11,096 12,371 13,730 14,549 15,705 16,893 18,088 20,050	$231 258 286 316 349 384 421 501	1-1-71

GS-1300 PHYSICAL SCIENCES GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
Certain Series in the GS-1300 Group as follows: GS-1306 Health Physics GS-1310 Physics GS-1313 Geophysics GS-1315 Hydrology GS-1320 Chemistry GS-1321 Metallurgy GS-1330 Astronomy and Space Science GS-1340 Meteorology GS-1360 Oceanography GS-1372 Geodesy GS-1380 Forest Products Technology GS-1386 Photographic Technology Table No. 586	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	8,786 9,791 10,870 11,389 12,215 13,053 13,878	10,865 12,113 13,444 14,233 15,356 16,509 17,667	231 258 286 316 349 384 421	1-1-71
GS-1350 Geology Series Table No. 587	Worldwide	GS-5 GS-7 GS-9	9,017 10,012 11,168	11,096 12,586 14,309	231 286 349	1-1-71
GS-1370 Cartographer Series GS-1301 Physical Science Series Table No. 588	(1) Cartographer, GS-1370, in grades GS-5 through 10, in the St. Louis, Mo., Standard Metropolitan Statistical Area, and the Washington, D.C. SMSA. (2) Physical Scientists, GS-1301, in grades GS-7 through 10 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., SMSA. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10	8,093 9,017 10,012 10,441 11,168 11,991	10,172 11,339 12,586 13,285 14,309 15,357	231 258 286 316 349 384	1-1-71
GS-1500 MATHEMATICS AND STATISTICS GROUP						
GS-1510 Actuary GS-1515 Operations Research GS-1529 Mathematical Statistics Table No. 605	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	$8,555 9,275 10,298 11,073 12,215 13,053 13,878	$10,634 11,597 12,872 13,917 15,356 16,509 17,667	$231 258 286 316 349 384 421	1-1-71
GS-1520 Mathematics Series Table No. 606	Worldwide	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	8,324 9,275 10,298 11,073 12,215 13,053 13,878	10,403 11,597 12,872 13,917 14,356 16,509 17,667	231 258 286 316 349 384 421	1-1-71
GS-1600 EQUIPMENT, FACILITIES, AND SERVICE GROUP						
GS-1654 Printing Management Series (Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.) Table No. 725	Nationwide	GS-5 GS-7	$9,017 9,726	$11,096 12,300	$231 286	1-1-71
GS-1700 EDUCATION GROUP						
GS-1710 Teacher (Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.) Table No. 750	Mary G. Zeigler School, Department of Public Welfare, District of Columbia Government, Laurel, Md.	GS-5 GS-7 GS-8	$8,786 9,154 9,809	$10,865 11,728 12,653	$231 286 316	1-1-71
GS-1800 INVESTIGATION GROUP						
GS-1811 Criminal Investigator (limited to positions of Special Agent (Intelligence) in the Internal Revenue Service). Table No. 260	Nationwide (except New York, N.Y. Standard Metropolitan Statistical Area.).	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10	$9,017 9,791 10,584 11,073 11,517 11,991	$11,096 12,113 13,158 13,917 14,458 15,357	$231 258 286 316 349 384	1-1-71
GS-1811 Criminal Investigator (limited to positions of Special Agent (Intelligence) in the Internal Revenue Service). Table No. 261	New York, N.Y. Standard Metropolitan Statistical Area	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10 GS-11	9,017 10,049 11,156 11,705 12,215 12,999 13,457	11,096 12,371 13,730 14,549 15,356 16,125 17,246	231 258 286 316 349 384 421	1-1-71
GS-1825 Certain Air Carrier Operations Inspectors and Specialists.[1] Table No. 775	Worldwide	GS-13 GS-14 GS-15	19,537 22,897 25,059	24,865 29,113 32,331	592 694 808	1-1-71
GS-1825 Aviation Operations Specialist, Grade 15 only.[1] Table No. 776 [1] (Note: Eligibility for these special rates is limited to incumbents of positions cited whose duties require them to be type rated on one or more turbojet aircraft used by commercial airlines, and to maintain their proficiency by recurrent training.)	Washington, D.C.	GS-15	25,059	32,331	808	1-1-71

GS-1800 INVESTIGATION GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-1899 Customs Security Officer	New York, N.Y. Standard Metropolitan Statistical Area. Newark, N.J., Standard Metropolitan Statistical Area.	GS-4	7,651	9,514	207	1-1-71
		GS-5	8,555	10,634	231	
		GS-7	10,584	13,168	286	
		GS-9	11,168	14,309	349	

Table No. 777
(Note: The special salary rates authorized herein will be automatically terminated effective the beginning of the first pay period which commences on or after Sept. 1, 1971, unless a specific determination is made to take other appropriate action.)

Grade	Statutory range [1]									Extended range for special rates								Within grade increases	Grade
GS-1	$4,326	$4,470	$4,614	$4,758	$4,902	$5,046	$5,190	$5,334	$5,478	$5,622	$5,766	$5,910	$6,054	$6,198	$6,342	$6,486	$6,630	$6,774	$6,918	$144	GS-1
GS-2	4,897	5,060	5,223	5,386	5,549	5,712	5,875	6,038	6,201	6,364	6,527	6,690	6,853	7,016	7,179	7,342	7,505	7,668	7,831	163	GS-2
GS-3	5,524	5,708	5,892	6,076	6,260	6,444	6,628	6,812	6,996	7,180	7,364	7,548	7,732	7,916	8,100	8,284	8,468	8,652	8,836	184	GS-3
GS-4	6,202	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272	8,479	8,686	8,893	9,100	9,307	9,514	9,721	9,928	207	GS-4
GS-5	6,938	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479	9,710	9,941	10,172	10,403	10,634	10,865	11,096	231	GS-5
GS-6	7,727	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307	10,565	10,823	11,081	11,339	11,597	11,855	12,113	12,371	258	GS-6
GS-7	8,582	8,868	9,154	9,440	9,726	10,012	10,298	10,584	10,870	11,156	11,442	11,728	12,014	12,300	12,586	12,872	13,158	13,444	13,730	286	GS-7
GS-8	9,493	9,809	10,125	10,441	10,757	11,073	11,389	11,705	12,021	12,337	12,653	12,969	13,285	13,601	13,917	14,233	14,549	14,865	15,181	316	GS-8
GS-9	10,470	10,819	11,168	11,517	11,866	12,215	12,564	12,913	13,262	13,611	13,960	14,309	14,658	15,007	15,356	15,705	16,054	16,403	16,752	349	GS-9
GS-10	11,517	11,901	12,285	12,669	13,053	13,437	13,821	14,205	14,589	14,973	15,357	15,741	16,125	16,509	16,893	17,277	17,661	18,045	18,429	384	GS-10
GS-11	12,615	13,036	13,457	13,878	14,299	14,720	15,141	15,562	15,983	16,404	16,825	17,246	17,667	18,088	18,509	18,930	19,351	19,772	20,193	421	GS-11
GS-12	15,040	15,541	16,042	16,543	17,044	17,545	18,046	18,547	19,048	19,549	20,050	20,551	21,052	21,553	22,054	22,555	23,056	23,557	24,058	501	GS-12
GS-13	17,761	18,353	18,945	19,537	20,129	20,721	21,313	21,905	22,497	23,089	23,681	24,273	24,865	25,457	26,049	26,641	27,233	27,825	28,417	592	GS-13
GS-14	20,815	21,509	22,203	22,897	23,591	24,285	24,979	25,673	26,367	27,061	27,755	28,449	29,143	29,837	30,531	31,225	31,919	32,613	33,307	694	GS-14
GS-15	24,251	25,059	25,867	26,675	27,483	28,291	29,099	29,907	30,715	31,523	32,331	33,139	33,947	34,755	35,563	[2]36,371	[2]37,179	[2]37,987	[2]38,795	808	GS-15

[1] Effective as of the first day of the first pay period beginning on or after Jan. 1, 1971.

[2] Rates may not exceed the rate for Executive Level V. As of January 1971, Executive Level V rate was $36,000.

[FR Doc.71-2094 Filed 2-17-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0084 NV]

CHLORAMPHENICOL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Chloromycetin Intramuscular (Steri-Vial No. 65); each vial contains 1 gram of chloramphenicol; suspension for use is prepared by injecting 3 cubic centimeters of water for injection into the vial and suspending the contents by agitation; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

The Academy evaluated chloramphenicol as probably effective for treating infections in cats, dogs, and colts when such infections are caused by pathogens sensitive to chloramphenicol. The Academy stated that each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped.

The Food and Drug Administration concurs with the Academy's findings and, in addition, concludes that more information is needed for each claim for which the product is recommended and at the dosage recommended.

Efficacy data covering the below-listed products marketed by Parke, Davis, & Co. have also been reviewed by the Administration. The above findings apply to these products.

1. Kapseals; each containing 250 milligrams of chloramphenicol, and capsules containing 50 milligrams or 100 milligrams of chloramphenicol;

2. Palmitate Suspension; each 4 cubic centimeters is equivalent to 125 milligrams of chloramphenicol (31.25 milligrams per cubic centimeter);

3. Ophthalmic; each vial contains 25 milligrams of chloramphenicol; and

4. Ophthalmic Ointment; each gram contains 10 milligrams of chloramphenicol.

Furthermore, the Administration finds that for safe use the labeling for all noted products must be revised to comply with § 1.106(c) (21 CFR 1.106) and, in addition, the labeling must indicate that:

A. These chloramphenicol products must not be used in or on food-producing animals. The length of time that residue persists in milk or tissue has not been determined.

B. The systemic chloramphenicol products must be limited to use in dogs only.

C. Systemic chloramphenicol products should not be administered to dogs maintained for breeding purposes and should not be administered in conjunction with or 2 hours prior to the induction of general anesthesia with pentobarbital.

This announcement is published (1) to inform manufacturers of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 30 days from the date of publication hereof in the FEDERAL REGISTER to submit revised safe use labeling as needed to conform to the conditions described herein.

Holders of new animal drug applications are provided 30 days from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the recommended uses.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS/NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, as amended, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2164 Filed 2-17-71;8:45 am]

[DESI 5740]

PENICILLIN FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Penicillin G Crystalline-Potassium Ointment and Ophthalmic Ointment (4 reports); Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 60-405 and 5-740).

2. Penicillin G Crystalline-Potassium Ophthalmic Ointment; Day-Baldwin, Inc., 1460 Chestnut Avenue, Hillside, New Jersey 07205 (NDA 60-313).

3. Potassium Penicillin G Ophthalmic Ointment; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 60-364).

4. Penicillin Topical Ointment and Penicillin G Crystalline Potassium Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, New Jersey 07407 (NDA 60-311).

5. Penicillin Ointment Topical; Bryan Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, New York 10550 (NDA 60-329).

6. Penicillin Ointment and Topical Ointment (2 reports); Day-Baldwin, Inc. (NDA 60-313).

7. Crystalline Potassium Penicillin G Ointment; E. R. Squibb & Sons, Inc. (NDA 60-364).

8. Ledercillin Ointment; containing procaine Division, American Cyanamid tories Division, American Cyanamid Co., Pearl River, New York 10965 (NDA 60-416).

Preparations containing these drugs are subject to the antibiotic procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

The Academy commented that the potential hazards from topical use of antibiotics include: Systemic toxicity due to percutaneous absorption in sufficient amounts; interference with the normal bacterial flora of the skin; encouragement of antibiotic resistant strains; and contact sensitization. In the case of penicillin, contact dermatitis has been a major problem in patients and also in pharmacists, nurses, and physicians handling the drug. Resulting sensitization may contraindicate the drug's later systemic use in serious infections. The Panel felt that "there is little question that penicillin should not be used for the treatment of cutaneous infections."

The Food and Drug Administration has considered the Academy reports, as well as other available information, and concludes that there is a lack of evidence that the effectiveness of topical penicillin is sufficient to justify its use in view of the known serious hazards associated with such use.

Accordingly, the Commission of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations to delete from the list of drugs acceptable for certification or release the above-listed drugs and any similar drugs for topical administration in man.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include dat.. from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

A copy of the NAS-NRC report has been furnished to the firms referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5740 and should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 21, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2165 Filed 2-17-71;8:45 am]

ALPINE GEOPHYSICAL ASSOCIATES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9A2323) has been filed by Alpine Geophysical Associates, Inc., 65 Oak Street, Norwood, N.J. 07698, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended:

1. By deleting paragraph (d), which specifies that the additive is for use only in the household as a protein supplement in food and is limited to 20 grams a day when consumed regularly by children up to 8 years of age.

2. By deleting paragraph (e), which specifies that the additive is to be packaged in consumer-sized units not exceeding 1 pound net weight.

3. By revising paragraph (f) to read as follows:

(f) To assure safe use of the additive, the label and labeling should bear in addition to other information required by the act the name of the additive "whole fish protein concentrate."

Dated: February 9, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2167 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-278; NDA 1-726, etc.]

AMERICAN CYANAMID CO.

Certain OTC Combination Drugs for Topical Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of April 18, 1970 (35 F.R. 6333), the Food and Drug Administration announced its conclusions (DESI 1726) pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, of the following drugs:

1. Rhulitol Solution, containing 5 percent tannic acid, with chlorobutanol, phenol, camphor, alum, and isopropyl alcohol; Lederle Laboratories Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 4-875).

2. Zirnox Topical Lotion, containing phenyltoloxamine citrate and zicronium oxide, formerly marketed by Bristol Laboratories, Division of Bristol-Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 8-084).

3. Enzo-Cal Topical Cream, containing benzocaine with calamine and zinc oxide; Crookes-Barnes Laboratories, Inc., Division of Chemway Corp., Fairfield Road, Wayne, N.J. 07470 (NDA 1-726).

The announcement stated that these drugs are regarded as possibly effective for their labeled indications, i.e., Rhulitol Solution for the temporary relief of the itching and discomfort of ivy, oak, and sumac poisoning; Zirnox Topical Lotion for use in the prevention and treatment of poison ivy, oak, sumac, and for the relief of itching due to nonpoisonous insect bites, mild sunburn, and other minor skin irritations; and Enzo-Cal Topical

Cream in relieving the itching associated with minor skin irritations, poison ivy, minor burns, nonpoisonous insect bites and stings, and to soothe and protect. Holders of previously approved new-drug applications and any person marketing such drugs without approval were allowed 6 months from the date of publication of the announcement to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness of the drugs for those indications classified as possibly effective. The 6-month period has expired, and such data have not been received by the Food and Drug Administration.

Therefore, notice is given to the holders of the new-drug applications listed above, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant(s), and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application(s). Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2170 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-273; NDA 12-718]

AYERST LABORATORIES

Mesulfin Tablets; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In an announcement (DESI 10240) published in the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14907), Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, holder of new-drug application No. 12-718 for Mesulfin Tablets, containing 250 milligrams sulfamethizole and 250 milligrams methenamine mandelate per tablet, and any interested person, were invited to submit pertinent data bearing on the proposal to withdraw approval of the new-drug application for Mesulfin Tablets.

On October 27, 1969, Ayerst Laboratories submitted information concerning Mesulfin Tablets to the Food and Drug Administration. The information received, together with information previously available, does not provide substantial evidence of effectiveness of the drug for use in man for the conditions for which it is recommended in the labeling.

Therefore, notice is hereby given to Ayerst Laboratories, Inc., and any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the new-drug application No. 12-718, and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice, will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application

should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2168 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-284; NDA Nos. 758, 8-808]

CARNRICK LABORATORIES AND TAYLOR PHARMACAL CO.

Hormotone "T" Tablets and Triple Hormones Suspension; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of August 29, 1970 (35 F.R. 13802), the Commissioner of Food and Drugs announced (DESI 758) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of an oral tablet containing estradiol, estrone, and thyroid and an injectable suspension containing estradiol, progesterone, and testosterone for human use and stated his intention to initiate proceedings to withdraw approval of the new-drug applications for the preparations.

Carnrick Laboratories, Division of G. W. Carnrick Co., 65 Horse Hill Road, Cedar Knolls, N.J. 07927, holder of new-drug application No. 758 for Hormotone "T" Tablets (spelled as Hormone "T" in the announcement) containing estradiol, estrone, and thyroid, and Taylor Pharmacal Co., 1222 West Grand Avenue, Decatur, Illinois 62525, holder of new-drug application No. 8-808 for Triple Hormones Suspension containing estradiol, progesterone, and testosterone have stated that these drugs are no longer marketed and have requested withdrawal of approval of the applications, thereby waiving their opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated together with the evidence available when the applications were approved that there is a lack of substantial evidence that the above-listed drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the listed new-drug applications, and all amendments and supplements applying thereto, is withdrawn effective on the date of signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2169 Filed 2-17-71;8:45 am]

[DESI 0002]

DIAMOND LABORATORIES, INC.

Neomycin-Sulfonamide-Kaolin-Pectin With or Without Neojel (Colloidal Calcium Phosphate) or Electrolytes; Notice of Drugs Deemed Adulterated

An announcement published in the FEDERAL REGISTER of May 2, 1970 (35 F.R. 7031), concerning Keosul Suspension with Neojel, Keosul Tablets with Neojel, NM-660 Suspension, Trans-Sul-N Suspension, Keosul Boluses with Neojel, NM-660 Boluses with Electrolytes, and Trans-Sul-N Boluses with Electrolytes manufactured by Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50303, set forth the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration that there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have in the treatment and prevention of bacterial diarrhea (scours) and enteritis in large and small animals and for the treatment of other inflammatory conditions of the gastrointestinal tract of dogs and cats. Said announcement provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

Diamond Laboratories, Inc., did not submit a new animal drug application for the above-named products within the 6-month period.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above-named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Diamond Laboratories, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2163 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-166; NADA No. 8-839V, etc.]

E. I. DU PONT DE NEMOURS & CO., INC. ET AL.

Sodium Propionate; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of April 8, 1969 (34 F.R. 6260), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations which contain sodium propionate as the designated active drug ingredient:

1. Impedex; NADA (new animal drug application) No. 8-839V; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898;

2. Keenate; NADA No. 9-114V; Anchor Serum Co., Division of Phillips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502; and

3. Whit Pro; NADA No. 9-117V; by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067.

The announcement invited the above-named holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness.

No data were received in response to the announcement and available information still fails to provide substantial evidence of effectiveness of the drugs for their recommended use as an aid in the prevention and treatment of primary bovine ketosis.

Therefore, notice is given to the above-named firms, and any interested person who may be adversely affected, that the Commissioner proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing

approval of the new animal drug applications listed above and all amendments and supplements thereto held by said firms for the listed drug products on the grounds that:

Information before the Commissioner with respect to the drugs was evaluated together with the evidence available to him when the applications were approved. These data do not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the listed new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug products and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall not be more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2171 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-252; NDA 11-324]

E. R. SQUIBB & SONS, INC.

Duografin Injection; Notice of Withdrawal of Approval of New-Drug Application

A notice was published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16705), extending to E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903, holder of the subject new-drug application, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of new-drug application No. 11-324, and all amendments and supplements thereto, for Duografin Injection, containing 40 percent meglumine diatrizoate and 20 percent meglumine iodipamide, on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of that part of new-drug application No. 11-324 applying to Duografin Injection, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2178 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-215; NDA 11-339, etc.]

NORTH AMERICAN PHARMACAL, INC., AND ARMOUR PHARMACEUTICAL CO.

Styramate-Containing Drugs; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14907), the Food and Drug Administration announced (DESI 10240) its conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs.

Myospaz Tablets, containing 200 milligrams styramate, 210 milligrams salicylamide, 150 milligrams phenacetin, and 30 milligrams caffeine; North American Pharmacal, Inc., 6851 Chase Road, Dearborn, Mich. 48126 (NDA 12-844).

Strexate Tablets, containing 200 milligrams styramate, 210 milligrams salicylamide, 150 milligrams phenacetin, and 30 milligrams caffeine; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 12-466).

Sinaxar Tablets, containing 200 milligrams styramate; Armour Pharmaceutical Co. (NDA 11-339).

The announcement invited the submission of pertinent data bearing on the Commissioner's intention to initiate proceedings to withdraw approval of these new-drug applications. No pertinent data were received.

By letters of December 9, 1969, and February 9, 1970, Armour Pharmaceutical Co. voluntarily requested withdrawal of approval of their new-drug applications Nos. 12-466 and 11-339, respectively, and waived opportunity for a hearing.

In a notice published in the FEDERAL REGISTER of August 20, 1970 (35 F.R. 13323), North American Pharmacal, Inc., was given the opportunity for a hearing to show why approval of their new-drug application No. 12-844 should not be withdrawn. The firm's failure to file a written appearance in response to the notice is construed as an election not to avail itself of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (CFR 2.120), finds on the basis of new information before him with respect to the above-listed drugs, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the above-listed new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2173 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-212; NDA Nos. 10-465; 9-947]

NORTH AMERICAN PHARMACAL, INC., AND B. F. ASCHER & CO., INC.

Estrosed Tablets and Sergynol Tablets; Notice of Withdrawal of Approval of New-Drug Applications

A notice was published in the FEDERAL REGISTER of August 19, 1970 (35 F.R. 13223), extending to the North American Pharmacal, Inc., 6851 Chase Road, Detroit, Mich. 48126, and B. F. Ascher & Co., Inc., 5100 East 59th Street, Kansas City, Mo. 64130, holders of new-drug applications Nos. 10-465 and 9-947 respectively, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of the new-drug applications, and all amendments and supplements thereto, for Estrosed Tablets (NDA 10-465) containing 0.1 milligram of reserpine and 0.01 milligram ethinyl estradiol, and for Sergynol Tablets (NDA 9-947) containing 0.167 milligram reserpine and 0.02 milligram ethinyl estradiol per tablet.

Neither the applicant nor any interested person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2172 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-251; NDAs 11-383, 11-947]

ORMONT DRUG AND CHEMICAL CO., INC., AND ABBOTT LABORATORIES

Preparations Containing Bemegride; Notice of Withdrawal of Approval of New-Drug Applications

On October 27, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16645) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of new-drug application No. 11-947 for Mikedimide, containing 50 milligrams bemegride per 10 milliliters, held by Panray Division of Ormont Drug and Chemical Co., Inc., 520 South Dean Street, Englewood, N.J. 07631, on the grounds that new information, evaluated together with the evidence available when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, and suggested in its labeling. By letter of November 3, 1970, Panray Division elected not to avail themselves of the opportunity for a hearing, stating the sale of the drug had been discontinued. No other interested person responded to the notice. Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064, holder of new-drug application No. 11-383 for Megimide, containing 50 milligrams bemegride per 10 milliliters, had previous to the October 27, 1970, notice waived opportunity for hearing concerning that application and indicated that the drug had been discontinued.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2166 Filed 2-17-71;8:45 am]

[Docket No. FDC-D-267; NADA No. 8-962V]

PITMAN-MOORE, INC.

Pyrahistine With Phenylephrine; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of May 10, 1969 (34 F.R. 7584), invited the holder of NADA (new animal drug application) No. 8-962V for Pyrahistine with Phenylephrine (a drug product containing phenylephrine hydrochloride and methapyrilene hydrochloride), and any other interested person, to submit pertinent data on the drug's effectiveness. The data submitted in response to the announcement was inadequate, and available information does not provide substantial evidence of effectiveness of the drug for its recommended use as a sympathomimetic and histamine antagonist in horses, cattle, and dogs.

Therefore, notice is given to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034, and to any other interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 8-962V and all amendments and supplements thereto. This action is proposed on the grounds that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b), the Commissioner will give the applicant, and any other interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 8-962V should not be withdrawn. Promulgation of the proposed order will cause any drug of similar composition which is recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug

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then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall not be more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2174 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-149; NADA No. 2-586V, etc.]

PITMAN-MOORE, INC., ET AL.

Butyl Chloride Containing Drugs; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 274), invited Pitman-Moore, Division of the Dow Chemical Co., Zionsville, Ind. 46077, holder of NADA (new animal drug application) No. 2–586V for Buchlorin (a drug containing *n*-butyl chloride), and any other interested person, to submit pertinent data on the drug's effectiveness. Said firm subsequently transferred all rights pertaining to said application to Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034. No efficacy data were furnished in response to the announcement and available information fails to provide substantial evidence of effectiveness of the drug for its recommended use in dogs for removing whipworms.

Therefore, notice is given to Pitman-Moore, Inc., and to any other interested person who may be adversely affected by such action, including S. Pfeiffer Manufacturing Co., 3949 Laclede Avenue, St. Louis, Mo. 63108, holder of NADA 3–625V (Lynn's Dog Caps) and NADA 3–626V (Lynn's Puppy Caps), and Gabriel's Products Co., Tell City, Ind. 47586, holder of NADA 3–716V (Gabriel's Dog Capsules and Gabriel's Puppy Capsules), that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)), withdrawing approval of the listed new animal drug applications and all amendments and supplements thereto on the grounds that there is a lack of substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants, and any other interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of any new animal drug applications listed herein should not be withdrawn. Promulgation of the proposed order will cause any drug of similar composition and recommended conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications. Failure of such persons to file such a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 27, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2175 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-292; NDA 8-928]

ROCHE LABORATORIES

Combination Drug Containing Nicotinyl Alcohol and Aminophylline; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 8928) published in the FEDERAL REGISTER, September 17, 1970 (35 F.R. 14580), Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, N. J. 07110, holder of new-drug application No. 8–928 for Roniacol with Aminophylline Tablets, containing nicotinyl alcohol and aminophylline, and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the new-drug application in the absence of substantial evidence that the fixed combination is effective for its labeled indications.

No data pertinent to the proposal were received.

Therefore, notice is given to Roche Laboratories, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 8–928, and all amendments and supplements applying thereto, on the grounds that new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–65, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2177 Filed 2-17-71;8:46 am]

USP CORP.

Canned Peaches Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to USP Corp., San Jose, Calif. 95103. This permit covers limited interstate marketing tests of canned peaches deviating from their standard of identity (21 CFR 27.2) in that they will be packed in a liquid medium of clarified grape juice made from Thompson seedless grapes.

The principal display panels of the labels will bear the statement "In clear juice of white grapes".

This permit expires May 1, 1972.

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2180 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-159; NADA No. 13-375V]

UPJOHN CO.

Predef 2x Liquid; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of the NADA (new animal drug application) for Predef 2x Liquid was published in the

[Docket No. 213; NDA 5-127]

SPICER-GERHART CO.

Ethylene Disulphonate; Notice of Withdrawal of Approval of New-Drug Application

On August 25, 1970, there was published in the FEDERAL REGISTER 35 F.R. 13535, a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 5–127 for Ethylene Disulphonate (Allergosil Brand) Ampoules and all amendments and supplements thereto, on the grounds that there is a lack of substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Spicer-Gerhart Co., 23 North Sycamore Street, Pasadena, California 91107, holder of the new-drug application No. 5–127 for Ethylene Disulphonate (Allergosil Brand) Ampoules, has waived opportunity for a hearing on the proposed withdrawal of approval of said new-drug application, in that no response has been received.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e)), 52 Stat. 1053, as amended; 21 U.S.C. 355(e), and under authority delegated to him (21 CFR 2.120), finds that on the basis of the new information before him with respect to said drug, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: February 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2176 Filed 2-17-71;8:46 am]

FEDERAL REGISTER of October 2, 1970 (35 F.R. 15407).

The Upjohn Co., Kalamazoo, Mich. 49001, holder of NADA No. 13-375V covering said drug, did not file within the 30-day period provided a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing. This is construed as an election by the firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in and the response to said notice, the Commissioner of Food and Drug concludes that approval of the new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 13-375V including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71-2179 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-275; NDA 12-673]

WARNER-CHILCOTT LABORATORIES

Perithiazide SA Tablets; Notice of Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of August 29, 1970 (35 F.R. 13807), the Commissioner of Food and Drugs announced (DESI 12673) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the efficacy of Perithiazide SA Tablets (80 milligrams pentaerythritol tetranitrate and 25 milligrams hydrochlorothiazide) for human use, and stated his intention to initiate proceedings to withdraw approval of new-drug application No. 12-673 for the drug.

The Warner-Chilcott Laboratories, Division Warner Lambert Pharmaceutical Co., Morris Plains, N.J. 07950, holder of said application, by letter of October 6, 1970, waived opportunity for a hearing on the proposed withdrawal of approval of the application. No data or objections were filed by other interested persons.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120) finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2181 Filed 2-17-71;8:46 am]

[Docket No. FDC-D-285; NDA's 2-220, 11-568]

WILSON LABORATORIES AND SMITH KLINE & FRENCH LABORATORIES

Acticort and Eskay's Theranates; Notice of Withdrawal of Approval of New-Drug Applications

In notices (DESI 2220 and DESI 11568) published in the FEDERAL REGISTER of September 25, 1970 (35 F.R. 14953 and F.R. 14957, respectively), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs:

1. Eskay's Theranates, containing strychnine, sodium and calcium glycerophosphates, thiamine hydrochloride, alcohol, and phosphoric acid; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 2-220).

2. Acticort, containing corticotropin any cyanocobalamin; The Wilson Laboratories, Division of Wilson Pharmaceutical & Chemical Corp., 4221 South Western Boulevard, Chicago, Ill. 60609 (NDA 11-568).

The notices stated that there is a lack of substantial evidence that these combination drugs are effective for their labeled indications and allowed 30 days for the submission of pertinent data bearing on the Commissioner's intention to initiate proceedings to withdraw approval of the new-drug applications. No such data were received and holders of the applications have informed the Administration that the drugs are no longer marketed, have requested withdrawal of approval of the applications, and have waived their opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2182 Filed 2-17-71;8:46 am]

Social Security Administration

EL SALVADOR

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that El Salvador, beginning January 1, 1969, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of El Salvador, who leave El Salvador, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that El Salvador has in effect beginning with January 1, 1969, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding with respect to El Salvador published in the FEDERAL REGISTER of August 20, 1960 (25 F.R. 8057).

Dated: February 9, 1971.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.71-2227 Filed 2-17-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 850 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 4, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of January 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-1543 Filed 2-3-71;8:49 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1141 Filed 1-27-71;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, NJ 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic Coast, approximately 2 miles south of the community of Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 18, 1971.

The proposed nuclear power plant is designed for initial operation at approximately 3390 thermal megawatts with a net electrical output of approximately 1129 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the office of the Mayor of Lacey Township, Frog Hill Road, Forked River, N.J.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2318 Filed 2-17-71;9:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22656; Order 71-2-52]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority February 10, 1971.

In response to a petition filed October 19, 1970, on behalf of Jim Hankins Air Service, Inc. (Hankins), by the Postmaster General, the Board established a final service mail rate of 82.6 cents per great circle aircraft mile for the transportation of mail by aircraft between Thermal and Los Angeles, Calif. This final service mail rate was fixed by Order 70-11-100, issued November 19, 1970.

On December 14, 1970, Hankins filed a petition to amend the service mail rate currently in effect. While maintaining the same overall revenue per flight, Hankins requests a correction of the mileage from 262 to 260 miles and a revision of the applicable rate from 82.6 cents to 83.3 cents per great circle aircraft mile between the above points. On February 3, 1971, the Postmaster General filed a petition in support of Hankins' request.

The Board finds it is in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Hankins by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the carrier's petition, and other matters officially noticed, the Board proposes to issue an order [1] to include the following findings and conclusions:

1. On and after December 14, 1970, the fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 83.3 cents per great circle aircraft mile between Thermal and Los Angeles, Calif., based on five round trips per week.

2. The final service mail rate here fixed and determined is to be paid entirely by the Postmaster General;

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f):

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Jim Hankins Air Service, Inc., and the Postmaster General.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-2250 Filed 2-17-71;8:52 am]

[Docket No. 23096, etc.; Order 71-2-63]

NORTH CENTRAL AIRLINES, INC., AND OZARK AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of February 1971.

Increased general commodity rates proposed by North Central Airlines, Inc., Docket No. 23096; increased general commodity rates proposed by Ozark Air Lines, Inc., Docket No. 23097; domestic air freight rate investigation, Docket No. 22859.

By tariff revisions[1] bearing posting dates of January 12 and 13, and marked to become effective March 1, 1971, Ozark Air Lines, Inc. (Ozark), and North Central Airlines, Inc. (North Central), respectively, propose systemwide increases in general commodity rates, as follows: (1) Under 100-pound rates would typically be increased by 1 cent per pound; (2) rates for larger shipments would be increased by approximately 10 percent for Ozark and 8 percent for North Central.

In justification of their proposals the carriers refer, inter alia, to increasing costs and operating losses.[2]

The Board has recently determined to permit American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Eastern Air Lines, Inc. (Eastern), and Western Air Lines, Inc. (Western),[3] to place into effect, pending investigation, increases in freight rates of a similar order of magnitude to those in both of the current filings.[4] The Board, however, suspended the proposals of these carriers to the extent that they would be used in the determination of rates and minimum charges in conjunction with premium ratings, chiefly applicable to live animals.

Consistent with its prior orders and in view of other relevant matters, the Board has determined to permit the increases proposed by Ozark and North Central to become effective except as they apply to the determination of premium rates. The carriers' revenue need is clear. For the 12 months ended September 30, 1970, North Central reported a net loss after special items of over $213,000 for its total services and the carrier received over $3.9 million in subsidy. For the same period Ozark reported a net loss after special items of $4,259,000 and received subsidy of $2.5 million.

The Board finds, as it did in the noted orders, that the proposed increases applicable to general commodity traffic do not appear unreasonably large and should not adversely affect most shippers to a significant degree.[5] The tariff revisions are already under investigation in Docket 22859, Domestic Air Freight Rate Investigation, and the premium rates for live creatures are under investigation in Docket 21474, In the Matter of Air Freight Rates on Live Animals and Birds.

North Central and Ozark have provided no rationale for their proposed rate increases on premium rated traffic. Neither carrier has made any showing that existing rates on such traffic are not reasonably related to the costs of transportation, that there is any other basis for increasing those rates, or that there are any justifiable differences between premium rates and standard general commodity rates. In these circumstances, the Board will suspend the application of the increased rates on premium traffic.[6]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendices A and B attached hereto,[7] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendices A and B attached hereto[7] (except rates and provisions applying to or from Canadian points) are suspended and their use deferred to and including May 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigations herein, Dockets 23096 and 23097, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The telegraphic complaint filed by the Allied American Bird Co. in Docket 23043 is dismissed; and

5. A copy of this order shall be filed with the tariffs and served upon North Central Airlines, Inc., which is hereby made a party to Docket 23096, and upon Ozark Air Lines, Inc., which is hereby made a party to Docket 23097.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2251 Filed 2-17-71;8:52 am]

[Docket No. 17665; Order 71-2-61]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Order Denying Petition To Modify, Consolidating Applications and Granting Leave To Intervene

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1971.

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 8 (Agent J. Aniello Series).

[2] An untimely telegraphic complaint requesting suspension of Ozark's proposed rates, as they would pertain to live animal traffic, was filed by the Allied American Bird Co. The telegraphic complaint will not be considered as a request for investigation, since it was not followed up by a formal complaint as required by the Board's regulations.

[3] Orders 70-12-143, 71-1-63, 71-1-137, and 71-1-139.

[4] For shipments of 100 pounds and over, the increases of American, Eastern and Braniff amount to 6 percent for westbound general commodity rates and 10 percent for numerous eastbound and northbound rates. For smaller shipments, the general commodity rate increases are 1 or 2 cents per pound up to a maximum of 10 percent. Western's increases are of a similar order of magnitude.

[5] North Central forecasts that its proposal would result in a 4.5-percent increase in freight revenues, or about $150,000 for the last 10 months of 1971. Ozark estimates that the higher rates filed would up freight revenues by 5.9 percent, or $206,000, for the 12 months ended Nov. 30, 1970.

[6] The Board considers that it is desirable for the carriers to avoid publishing two sets of general commodity rates, one to be used with the exception percentage ratings for premium traffic and one for general application. The carriers may be able to avoid such dual publication by reducing the percentage ratings to apply to the increased general commodity rates.

[7] Filed as part of the original document.

This proceeding was reopened by Order 70-11-85 to consider, inter alia, the application of Washington Airways, Inc. (WAI), in Docket 22566 to abandon route 160 and to determine whether the area exemption issued to WAI by Order 68-11-72, as extended by subsequent orders, should be terminated. Also consolidated for disposition is the issue whether the public convenience and necessity require the certification of another carrier for route 160 in the event WAI's application for abandonment is granted.

Subsequently, by Order 71-1-75, we directed that the Reopened proceeding be conducted in accordance with the procedures outlined in our Policy Statement implementing the National Environmental Policy Act of 1969.

Triangle Airways, Inc. (Triangle), filed a petition seeking modification of Order 70-11-85 so as to include therein an issue relating to whether WAI, if granted permission to abandon route 160, should be required to provide financial support to whatever replacement carrier may be certificated to provide the service. The nub of Triangle's request rests on allegations that WAI has continuously refused to institute service over the route and should now be required to furnish subsidy assistance, of an indeterminate amount, to a replacement carrier conducting the service WAI was authorized to perform.

In answer, WAI maintains that it has never refused to provide the service for which it was certificated, but has been foreclosed from so doing by reason of the consistent refusals of the District of Columbia's zoning authorities to grant permission for a helicopter landing site in downtown Washington. WAI submits that lacking ability to serve the downtown Washington area, route 160 could not be operated without losses of a magnitude clearly not justified by the public interest. WAI also takes the position that the Board lacks legal authority under the Act to require it to provide a private subsidy to a successor carrier, as a condition for permission to abandon route 160.

Pioneer Airlines, Inc. (Pioneer), and Triangle have filed applications in Dockets 22866 and 22865, respectively, in which they seek authority to operate route 160. In the latter application Triangle also requests the same area exemption as that held by WAI, while Pioneer, in its application in Docket 22866, requests either exemption or certificate authority to operate between points within a 75-mile radius of the Washington Monument in Washington, D.C., and for similar authority between points within a 75-mile radius of the Washington Monument in Baltimore, Md. Motions to consolidate the proposals were filed contemporaneously with the applications.

A joint petition for leave to intervene has been filed by Concerned Citizens, Palisades Citizens Association, Inc., Committee Against National, and Citizens Association of Georgetown, Inc. The petitioners allege that they have a vital interest in the environmental effects that may flow from certification of helicopter service within the area involved, which interest will not be adequately protected by other parties to the proceeding.

Upon consideration of the foregoing petitions and motions, it is found that the matters alleged by Triangle in its petition seeking modification of the Board's Order 70-11-85 are insufficient to establish that this proceeding should be broadened to include the issue of whether a financial penalty should be imposed on WAI for its failure to institute service. The foregoing finding is made without regard to arguments directed to the question with respect to the legality of the Board's authority to require financial assistance in the circumstances of the case presented. In disposing of Triangle's petition the question need not be and is not decided.

It is further found that the applications of Pioneer and Triangle in Dockets 22866 and 22865, respectively, are concerned with the issues directly within the scope of the Reopened proceeding and the motions to consolidate those applications will be granted.

It is further found that in light of Order 71-1-75 directing that the proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110, the joint petition of Concerned Citizens, et al., sets forth matters sufficient to show that they are persons entitled to intervene and the said petitions will be granted.

Accordingly, it is ordered, That:

1. The petition seeking modification of Order 70-11-85, filed by Triangle Airways, Inc., be and it hereby is denied;

2. The motions to consolidate the applications of Pioneer Airlines, Inc., in Docket 22866, and Triangle Airways, Inc., in Docket 22865, be and they hereby are granted; and

3. The joint petition for leave to intervene filed by Concerned Citizens, Palisades Citizens Association, Inc., Committee Against National, and Citizens Association of Georgetown, Inc., be and it hereby is granted.

To the extent that the motion and petitions filed herein are not granted they will be and hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2252 Filed 2-17-71;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEMAGRO CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of Petitions Without Prejudice* of the pesticide regulations (21 CFR 420.8), Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, has withdrawn its petition (PP 0F0909), notice of which was published in the FEDERAL REGISTER of December 31, 1969 (34 F.R. 20442) proposing the establishment of tolerances (21 CFR 120) for negligible residues of the fungicide *p*-(dimethylamino)-benzenediazo sodium sulfonate in or on the raw agricultural commodities avocados and sugar beets (roots and tops) at 0.1 part per million.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.
Pesticides Office.

[FR Doc.71-2212 Filed 2-17-71;8:48 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1104) has been filed by Niagara Chemical Division, FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of tolerances (21 CFR Part 420) for combined residues of the insecticide ethion and its oxygen analog in or on the raw agricultural commodities corn forage and fodder at 14 parts per million and corn grain at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric-gas chromatographic procedure using a sulfur-specific detector.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.
Pesticides Office.

[FR Doc.71-2213 Filed 2-17-71;8:49 am]

RETZLOFF CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1092) has been filed by the Retzloff Chemical Co., Post Office Box 45296, Houston, TX 77045, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 420) for residues of poly(methylene-*p*-nonylphenoxy)-poly(propyleneoxy) propanol when used as an inert ingredient in pesticide formulations applied to growing crops.

The analytical method proposed in the petition for determining residues of the inert ingredient is the method of P. W. Flanagan and R. A. Greff, J. Am. Oil Chemist, Volume 40, page 118 (1963).

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner.
Pesticides Office.

[FR Doc.71-2214 Filed 2-17-71;8:49 am]

RHODIA, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1089) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide 4-(2,4-dichlorophenoxy)-butyric acid in or on the raw agricultural commodities alfalfa, barley, birdsfoot trefoil, clover, oats, peanuts and peanut hay, soybeans and soybean hay, and wheat at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a technique using gas-liquid chromatography with electron-capture detection of the methyl ester.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2215 Filed 2-17-71;8:49 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1108) has been filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the insecticide carbophenothion in or on the raw agricultural commodities beans (dried), pecans, and walnuts at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector for phosphorus.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2216 Filed 2-17-71;8:49 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 1F1084) has been filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide *S*-(*O,O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide and its oxygen analog *S*-(*O,O*-diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodities carrots and onions (dry bulbs only) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a phosphorus-sensitive thermionic detector with a cesium bromide tip.

Dated: February 11, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-2217 Filed 2-17-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-129]

OPERATING POWER OF TELEVISION TRANSMITTERS

Interpretation of Rule

FEBRUARY 12, 1971.

Section 73.689(b) of the Commission's rules, pertaining to the operating power of a television transmitter, states, in pertinent part, that, "The operating power shall be maintained as near as is practicable to the authorized power and shall not be less than 80 percent nor more than 110 percent of the authorized power at any time, except as provided in subparagraph (3) • • •" which states:

In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission: *Provided,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule (specified in § 73.651) with authorized power and shall be subsequently notified upon resumption of operation with authorized power.

In letters to television broadcast Station KGLO–TV, Channel 3, Mason City, Iowa, and the Columbia Broadcasting System the Commission on February 3, 1971, interpreted the above rule to mean that the deliberate operation of a television transmitter at other than authorized power would not be in compliance with such rule. Should a station desire to operate its transmitter at other than authorized power, it must first secure an authorization from the Commission.

Action by the Commission February 3, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2249 Filed 2-17-71;8:52 am]

[1] Commissioners Burch (Chairman), Bartley, H. Rex Lee, Wells, and Houser, with Commissioner Johnson concurring in part and dissenting in part for the reasons stated in his dissenting opinion to the letter of Feb. 3, 1971, to Lee Enterprises, Inc. (KGLO–TV).

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 793]

EAGLE, INC., AND BOND FORWARDING CO.

Order of Revocation

By letter dated January 13, 1971, Eagle, Inc., Miami, Fla., and Bond Forwarding Co.—a division of Eagle, Inc., Post Office Box 3022, Miami, FL 33101 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 793 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 8, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Eagle, Inc., Miami, Fla., and Bond Forwarding Co.—a division of Eagle, Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (Dated 9–29–70):

It is ordered, That the Independent Ocean Freight Forwarder License No. 793 be returned to the Commission. Revocation of License No. 793 is effective February 8, 1971.

It is furthered ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the above forwarder.

AARON W. REESE,
Managing Director.

[FR Doc.71-2229 Filed 2-17-71;8:50 am]

[Commission Order 1 (Revised); Supplement 1, Amdt. 1]

ORGANIZATION AND FUNCTIONS

Specific Authorities Delegated to Managing Director

Section 7.19, subsections (a) through (f), published in the FEDERAL REGISTER November 19, 1970 (35 F.R. 17799), delegates to the Managing Director specific authorities to administer the Federal Maritime Commission's oil pollution financial responsibility program as set forth in General Order 27 (35 F.R. 15216), September 30, 1970, and (35 F.R. 19635) December 25, 1970.

Subsection 7.19 of the basic order is hereby amended by deleting the word "and" immediately preceding subsection "f", and by adding a new authority, subsection "g", reading as follows: "; and (g) exercise the various grants, waivers and requests relating to the filing of financial data by self-insurers and guarantors pursuant to the provisions of § 542.5(a) of General Order 27."

HELEN DELICH BENTLEY,
Chairman.

[FR Doc.71-2228 Filed 2-17-71;8:50 am]

FEDERAL RESERVE SYSTEM

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of the acquisition of 80 percent or more of the voting shares of Bank of Springfield, Springfield, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Union, Inc., St. Louis, Mo. (applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Springfield, Springfield, Mo. (bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner advised that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19595), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant has two subsidiary banks with aggregate deposits of $721 million, representing 7.1 percent of the total commercial bank deposits in the State, and is the third largest banking organization and third largest bank holding company in Missouri. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board to date.)

Bank, with deposits of $8 million, is one of the smaller banks in Springfield, and ranks sixth among the eight banks in that city and sixth among the 12 banks in Greene County, which approximates the relevant banking market. Bank holds 3.3 percent of commercial bank deposits in the market area. Each of Applicant's present subsidiary banks is located more than 200 miles from Bank, and neither of them appears to compete with Bank to any significant extent. In the light of the facts of record, including Missouri's restrictive branching law and the distances separating Applicant's present subsidiaries from Bank, the development of such competition in the future is not considered likely. Since three of the Springfield banks (including the two largest on the basis of deposits) are subsidiaries of bank holding companies, Bank's affiliation with Applicant should foster competition by enabling Bank to become a stronger competitor to the local banks. It appears that consummation of the proposed acquisition would not eliminate any meaningful competition or foreclose significant potential competition, and would not have any undue adverse effects on other banks in the area involved.

Based upon the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval since Bank, through participations with Applicant's subsidiaries, should be able to provide an additional source for larger loans in the expanding Springfield area. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period shall be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] February 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2232 Filed 2-17-71;8:50 am]

UNION BANK

Order Approving Application for Merger of Banks Under Bank Merger Act

FEBRUARY 11, 1971.

In the matter of the application of Union Bank, Los Angeles, Calif., for approval of merger with The Stanford Bank, Palo Alto, Calif.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Union Bank, Los Angeles, Calif., a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Stanford Bank, Palo Alto, Calif., under the charter and name of Union Bank. As an incident to the merger, the sole office of The Stanford Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Union Bank (deposits $1.5 billion) is the seventh largest bank in California, having about 3.3 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1970.) It operates its main office and 16 branches in southern California; in northern California it maintains eight offices in and in close proximty to San Francisco, and one office in San Jose. The Stanford Bank (deposits $20 million) operates its sole office in Palo Alto, Calif., and it competes with 43 offices of 11 banks, including 35 offices of five of the six largest banks in the State, in a geographic area which lies between the communities of San Francisco and San Jose. The nearest offices of Union Bank to The Stanford Bank are the recently opened (September 14, 1970) office of Union Bank in San Jose, located 24 miles southeast of Palo Alto, and the offices of Union Bank in downtown San Francisco, located 30 miles north of Palo Alto. There are located in the densely populated areas intervening between the present offices of Union Bank and The Stanford Bank numerous offices of other banks. There is, therefore, no substantial existing competition between Union Bank and The Stanford Bank.

Under California law both Union Bank and The Stanford Bank could be permitted to establish de novo branch offices in the areas served by the other. The Stanford Bank is unlikely to establish such a de novo branch office. It does not appear probable that Union Bank would establish a de novo branch office in the area served by The Stanford Bank in the immediate future. The largest shares of deposits in the market area served by The Stanford Bank are held by offices of large banking institutions—Bank of America, Wells Fargo Bank, and Crocker-Citizens National Bank. The Stanford Bank is the seventh largest bank located in its market area in terms of market area deposits held by banks located therein. In these circumstances, the amount of potential competition between the merging banks which would be eliminated in this market area by the proposed transaction is not significant; at the same time, Union Bank's entry into the market by acquisition of The Stanford Bank would likely result in

[1] Voting for this action: Chairman Burns, and Governors Robertson, Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Governor Brimmer.

increased competition in the market between it and the larger banks located in the market.

Based upon the foregoing, the Board concludes that consummation of the proposal would not eliminate significant existing or potential competition. Considerations relating to the financial and managerial resources and future prospects of the banks involved are consistent with approval of the application. Customers of The Stanford Bank would benefit by the merger because Union Bank would offer to them a wider range of banking services and through its larger lending limit would be better able to meet the needs of medium-sized business customers. Convenience and needs considerations are, therefore, consistent with approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided*, That the merger so approved shall not be consummated (a) before the 30 calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1]

February 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2233 Filed 2-17-71;8:50 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Regs. G-8]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to represent the consumer interest of the Federal Government in a transportation rate proceeding.

2. *Effective date.* This regulation is effective January 25, 1971.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Housing and Urban Development to represent the interests of the civilian agencies of the Federal Government before the Interstate Commerce Commission in a proceeding involving rate increases for the transportation of modular homes, mobile homes, portable buildings, prefabricated buildings, and sectional trailers.

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 11, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-2230 Filed 2-17-71;8:50 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[811-708, 811-720]

INCOME FUND OF AMERICA UNIT PLANS AND INCOME FUND OF AMERICA, INC.

Notice of Proposal To Terminate Registration

FEBRUARY 10, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Income Fund of America, Inc. (Fund), 1 North Dean Street, Englewood, NJ 07631, an open-end, diversified, management investment company, formerly known and registered as Great Companies of America, Inc. (Company) and Income Fund of America Unit Plans (Plans), a registered unit investment trust, formerly known as Great Companies of America Unit Plans (Company Plans) have ceased to be investment companies.

Company registered under the Act on January 30, 1956. On May 17, 1956, Company filed an amendment to its Form N-8B-1 to change its name to Fund. Company did not register this change of name with the Secretary of State of Delaware, the state of Company's incorporation. On October 29, 1958, Company filed a Certificate of Dissolution pursuant to which it was dissolved according to the laws of Delaware.

Company Plans registered under the Act on April 27, 1956. Its Form N-8A listed Company as the sponsor. On May 17, 1956, Company Plans filed an amended Form N-8B-1 changing its name to Plans. Neither Company, Company Plans nor its successors ever filed or had declared effective a Registration Statement pursuant to the Securities Act of 1933.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than March 5, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Emerging at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2202 Filed 2-17-71;8:48 am]

[811-580]

JEFFERSON CUSTODIAN FUND, INC.

Notice of Proposal To Terminate Registration

FEBRUARY 10, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Jefferson Custodian Fund, Inc. (Jefferson) c/o Thomas J. Ahern, Jr. (Former Temporary Receiver) (LKA) 3 East 54th Street, New York, NY, formerly a Delaware corporation, registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Jefferson registered under the Act on April 26, 1950. A registration statement on Form S-5 under the Securities Act of 1933 was made effective on May 18, 1950.

Information available to the Commission indicates that in 1958, a temporary receiver was appointed for Jefferson after the Commission brought an injunctive action against certain officers and directors of Jefferson charging "gross misconduct" and "gross abuse of trust" within the meaning of section 36 of the Act (Litigation Release No. 1230). Pursuant to court order, a meeting of stockholders was held on September 30, 1958. At such meeting, Jefferson stockholders were asked to approve a plan proposed by the receiver to sell the assets of Jefferson to Broad Street Investing Corp. in exchange for shares of the latter and to distribute such shares to Jefferson shareholders in exchange for their shares of Jefferson, and then to dissolve Jefferson.

The Commission has been advised by counsel to the former receiver that Jefferson's shareholders approved the above plan as submitted and that the closing was held in October 16, 1958, and that Jefferson was thereafter dissolved. In June 1959, the court accepted the final report and accounting of the temporary receiver and discharged him. No person appears now available for the purpose of filing an application pursuant to section 8(f) of the Act.

Section 8(f) of the Act provides, in pertinent part; that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 3, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Jefferson at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2203 Filed 2-17-71;8:48 am]

[70-4976]

MAINE YANKEE ATOMIC POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Debentures

FEBRUARY 11, 1971.

Notice is hereby given that Maine Yankee Atomic Power Co. (Maine Yankee), 9 Green Street, Augusta, ME 04330, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Maine Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 800 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $25 million, is estimated at $200 million. Its 11 sponsor companies are committed by capital fund agreements and power contracts to provide Maine Yankee, in accordance with their stock percentages, the capital required by Maine Yankee, and to purchase a like percentage of the capacity and power output of the Maine Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

Maine Yankee presently proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of first mortgage bonds, ------ percent bonds, Series B, due May 1, 2002. The interest rate (which shall be a multiple of one-eighth of or one-tenth of 1 percent) and the price, exclusive of accrued interest, to be paid to Maine Yankee (which will be not less than 99 percent and not more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the first mortgage indenture dated as of November 1, 1970, between Maine Yankee and Old Colony Trust Co., as trustee, as supplemented by a first supplemental indenture, which includes a prohibition until March 1, 1976, against refunding the bonds with the proceeds of funds borrowed at a lower interest cost. The bonds will be secured by the physical properties of Maine Yankee and by an assignment to the indenture trustee of its interest in the power contracts and capital funds agreements with the sponsors, as specified in the indenture. The indenture further provides for a sinking fund, sufficient to retire $1,750,000 principal amount of bonds each 6 months, commencing on November 1, 1974, or 98 percent prior to maturity.

Maine Yankee also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $15 million principal amount of ------ percent debentures, Series A, due 1976. The interest rate of the debentures (which will be a multiple of one-eighth of or one-tenth of 1 percent) and the price, exclusive of accrued interest, to be paid to Maine Yankee (which will be not less than 99 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under the Indenture dated March 1, 1971, between Maine Yankee and New England Merchants National Bank, trustee, which includes a prohibition against refunding the debentures with the proceeds of funds borrowed at a lower effective interest cost. The debentures will be secured by the rights of Maine Yankee under its power contracts and capital funds agreements with the sponsors. The Indenture provides no sinking fund for retirement of the debentures prior to maturity, however, the company expects the internal cash flow will be more than adequate to retire the debentures at date of maturity.

The proceeds from the issue and sale of the bonds will be deposited with the trustee in a construction fund, as provided in the first mortgage indenture, and will be withdrawn to meet current and future construction costs. The proceeds from the issue and sale of debentures will be used to meet part of the costs of the initial fuel inventory for the plant. It is stated that the estimated requirements for the first core of fuel are approximately $22.5 million and the amounts above $15 million will be obtained through bank loans. The internal funds generated from depreciation after commencement of commercial operation and the effect of normalization of income taxes will be applied to the payment of the bank loans and debentures. It is further represented that after the retirement of the proposed $15 million issue of debentures in 1976, funds sufficient to purchase and maintain an inventory of nuclear fuel will be generated internally and no additional debt securities will be required for this purpose for the subsequent 15-year period.

The application states that the Maine Public Utilities Commission has authorized the issue and sale of the bonds and debentures. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with

the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than 12 m. February 23, 1971, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-2204 Filed 2-17-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 12, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42131—*Chlorine to Henderson, Ky.* Filed by O. W. South, Jr., agent (No. A6225), for and on behalf of Illinois Central Railroad Co. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Henderson, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 300 to Southern Freight Association, agent, tariff ICC S-484.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2243 Filed 2-17-71;8:51 am]

[Notice 11]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 12, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 97009 (Sub-No. 14) (Republication), filed September 24, 1968, published in the FEDERAL REGISTER issue of October 10, 1968, and republished this issue. Applicant: VINCENT J. HERZOG, 200 Delaware Street, Honesdale, PA 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. A decision and order of the Commission, Review Board No. 4, dated February 2, 1971, and served February 9, 1971, upon consideration of the record in this proceeding, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, motor oil, and groceries, between Carbondale, Pa., and Binghampton, N.Y., from Carbondale over U.S. Highway 106 to Kingsley, Pa., thence over U.S. Highway 11 to Binghampton, and return over the same route, restricted against service at all intermediate points except Kingsley, Pa., and limited to service at Kingsley for the purpose of joinder only with presently authorized regular and irregular route operations. The authority granted herein to the extent that it duplicates any authority now held by applicant shall be construed as conferring only a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest and would be prejudiced by the lack of proper notice of the authority described under "service authorized" in the appendix to the order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication; during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103993 (Sub-No. 487) (Republication), filed December 22, 1969, published in the FEDERAL REGISTER issue of February 5, 1970, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani, and Ralph H. Miller (same address as applicant). A decision and order of the Commission, Review Board No. 1, dated January 26, 1971, and served February 4, 1971, finds upon consideration of the application, as amended, and the record in the proceeding; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of noise silencers and noise reduction plenum panels from the plantsites of Keene Corp., at or near East Brunswick and North Brunswick, N.J., to points in the United States in and west of Michigan, Indiana, Kentucky, Tennessee, and Mississippi, except Alaska and Hawaii. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114284 (Sub-No. 44) (Republication), filed July 27, 1970, published in the FEDERAL REGISTER August 20, 1970, and republished this issue. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., Post Office Box 82307, Stockyards Station, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights Board, dated February 2, 1971, and served February 8, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Oklahoma City, Okla., to points in California, restricted to the transportation of traffic originating at the plantsite or storage facilities of Frisco Packing Co., and Wilson Certified Foods, at or near Oklahoma City, Okla., and destined to points in California. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 5944 (Notice of Filing of Petition for Modification of Certificate), filed January 22, 1971. Petitioner: C. M. GRIDLEY & SON, INC., 344 Schenectady Street, Schenectady, NY 12307. Petitioner holds authority in No. MC 5944 to operate as a motor common carrier, over irregular routes, in the transportation of: Heavy machinery, contractors equipment, and concrete pipe, between Schenectady, N.Y., and points in New York within 75 miles of Schenectady, on the one hand, and, on the other, points in Vermont on and south of U.S. Highway 4, and that part of Massachusetts and Connecticut west of the Connecticut River. By the instant petition, petitioner requests that the commodity descriptions be modified to authorize within the same territory the transportation of "Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reasons of size or weight require special equipment." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109430 (Notice of filing of petition to modify certificate), filed February 1, 1971. Petitioner: EQUIPMENT TRANSPORT, INC., Post Office Box 665, West Columbia, SC 29169. Petitioner's representative: Henry P. Willimon, Post Office Box 1075, Greenville, SC. Petitioner holds authority in No. MC 109430 to operate as a motor common carrier, over irregular routes, transporting: General commodities except tile, brick; roofing, fertilizer, dry goods, petroleum products, household goods, office furniture, tomb stones, and monuments, between points in Alabama and Georgia within 10 miles of Columbus, Ga. By the instant petition, petitioner requests that its certificate be modified to read: "Between points in Alabama and Georgia within 10 miles of Columbus, Ga., including Columbus." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111656 (Sub-No. 5) (Notice of Filing of Petition to Modify Permit), filed February 1, 1971. Petitioner: FRANK LAMBIE, INC., New York, N.Y. Petitioner's representatives: Edward M. Alfano, and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner is authorized in No. MC 111656 (Sub-No. 5), to transport, as a motor contract carrier, over irregular routes, *Yarn*, from carrier's storage facilities at New York, N.Y., to points in Union, Essex, Bergen, Passaic, and Hudson Counties, N.J., and to points in Nassau and Suffolk Counties, N.Y., under contract with National Spinning Co., Inc. By the instant petition, petitioner seeks to add the name of Blanchard Yarn Co., Inc., of Whitakers, N.C., as a contracting shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116816 (Sub-No. 10) (Notice of Filing of Petition To Modify Permit by Adding a New Shipper), filed February 1, 1971. Petitioner: MERIT TRUCKING CORP., Kearny, N.J. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, NY 10036. Petitioner holds authority in No. MC 116816 (Sub-No. 10), to conduct operations, as a contract carrier, over irregular routes, transporting: *Household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets, and parts and equipment therefor*, from site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and *Returned shipments* of the above-specified commodities, from the above-specified destination points to site of carrier's warehouse at Kearny, N.J., under contract with Apollo Distributing Co., of Newark, N.J., Warren-Connolly Co., Inc., of Long Island City, N.Y., L & P Distributors of New Jersey, of Maspeth, N.Y., Cooper Distributing Co., Inc., of Newark, N.J., and Philco Distributors, Inc., of New York, N.Y. By the instant petition, petitioner seeks to add the name of Motorola Metro, Inc., of Franklin Park, Ill., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR ORAL HEARING

No. MC-FC-72427. Authority sought by transferee, Taylor Services, Inc., Post Office Box 8088, Freehold, NJ, to acquire the operating rights of Somco Freight Lines, Inc. (Frank G. Masini, Receiver), 433 Broad Street, Newark, N.J. Transferee's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Transferor's representative: William J. Hanlon, 744 Broad Street, Newark, NJ 07102. Operating rights in certificate No. 80402 sought to be transferred: (1) Material, not including classes A and B explosives, and equipment, consigned to, or intended for, the U.S. Army or U.S. Navy, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, except Philadelphia, Rhode Island, Virginia, and the District of Columbia, and (2) general commodities, except household goods as defined by the Commission, and points in Nassau County, N.Y., other than points in the New York, N.Y., commercial zone.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceedings in MC-F-10976, MC-F-10977, and MC-F-10984 at a time and place to be fixed, for the purpose of determining, among other things, whether the subject operating rights are severable under the provisions of § 1132.5(a) (1) of the rules and regulations governing transfers of rights to operate as a motor carrier in interstate or foreign commerce, 49 CFR. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence.

No. MC-FC-72520. Authority is sought by transferee A. A. Martin Transportation Co., Inc., 19 Fair Oaks Road, Dedham, MA, to transfer to transferee a portion of the operating rights of transferor, R. S. Brine Transportation Co., 194 West First Street, South Boston, MA. Transferee's and transferor's representatives: Frank J. Weiner, Attorney at Law, 6 Beacon Street, Boston, MA 02108, Mary E. Kelley, Attorney at Law, 11 Riverside Avenue, Medford, MA 02155, Morris Fulman, Attorney at Law, 6 Pleasant Street, Malden, MA 02148. That portion of operating rights in certificate No. MC-31842 sought to be transferred: Heavy machinery, machine parts, and such commodities, requiring specialized handling or rigging because of size or weight, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Massachusetts, News Hampshire, Rhode Island, Connecticut, and that part of Maine south of a line beginning at the

Atlantic Ocean, 5 miles north of Cutler, Maine, and extending in a westerly direction through Machias, Bangor, and Wilsons Mills to the Maine-New Hampshire State line; between points in Maine; between points in Vermont.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record in the proceeding in MC-F-11032 at a time and place to be fixed, for the purpose of determining among other things, whether the proposed division of rights would be in conformity with § 1132.1(c) of the rules and regulations governing transfers of rights to operate as a motor carrier in interstate or foreign commerce. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11084. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, CA 90015, of the operating rights and certain property of CLINTON TRUCKING CO., INC., 623 Main Street, Clinton, MA 01510. Applicants' attorneys: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105, Francis E. Barrett, Sr., and Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Operating rights sought to be transferred: *General commodities*, excepting, among others, high explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Clinton, Mass., and Newark, N.J., serving all intermediate points, and the off-route point of Middletown, Conn., between Clinton, Mass., and Boston and Worcester Mass., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, California, Arizona, Texas, Arkansas, Tennessee, Alabama, Georgia, Mississippi, Ohio, Virginia, Nebraska, Iowa, Michigan, Pennsylvania, Maryland, New York, New Jersey, Delaware, and District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11085. Authority sought for purchase by ARROW TRUCK LINES, INC., 1220 Third Street West, Birmingham, AL 35207, of a portion of the operating rights of EQUIPMENT TRANSPORT, INC., Highway 378, West Columbia, SC 29169, and for acquisition by ROBERT L. RAGSDALE, also of Birmingham, Ala. 35207, of control of the operating rights through the purchase. Applicants' attorney: D. H. Markstein, 512 Massey Building, Birmingham, AL 35203. Operating rights sought to be transferred: *General commodities*, except tile, brick, roofing, fertilizer, dry goods, petroleum products, household goods, office furniture, tombstones, and monuments, as a *common carrier* over irregular routes, between points in Alabama and Georgia within 10 miles of Columbus, Ga. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Alabama. Application for corresponding permanent authority is pending in No. MC-121060 Sub-6. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11086. Authority sought for control by MENDENHALL ENTERPRISES, INC., 15045 East Salt Lake Avenue, City of Industry, CA 91747, of JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicants' attorney: Donald E. Leonard, Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled: *Plumbing fixtures and supplies and air-conditioning and heating units* (except articles which, because of size, shape or weight, require the use of special equipment or special handling), as a *contract carrier* over irregular routes, from St. Louis, Mo., Port Huron, Mich., certain specified points in Pennsylvania, Braintree, Mass., Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark., to points in Arizona, California, and Nevada; *plumbing fixtures and supplies*, from Kohler, Wis., Spartanburg, S.C., and Camden, N.J., to points in Arizona, California, and Nevada; *air-conditioning units*, from Maspeth, Long Island, N.Y., to points in Arizona, California, and Nevada, with restriction; and *electrical motors and component parts* thereof (except commodities, which because of size, weight, or length, require the use of special equipment or special handling), between Milford, Conn., Mena, Ark., St. Louis, Mo., Prescott, Ariz., Philadelphia, Miss., Chicago, Ill., and Los Angeles and Stanton, Calif., with restriction. MENDENHALL ENTERPRISES, INC., holds no authority from this Commission. However, it controls CONTINENTAL CONTRACT CARRIERS CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747, which is authorized to operate as a contract carrier under P-124796 in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11087. Authority sought for control by MILLER TRANSFER & RIGGING COMPANY, Post Office Box 6077, Akron, OH 44312, of RELIABLE MACHINERY HAULERS, INC., 1222 Waynesburg Drive SE., Canton, OH 44707, and for acquisition by JACK A. RODGERS, 2155 Ridgewood Road, Akron, OH 44313, and JOHN J. BRUTVAN, 2366 Short Hills Drive, Akron, OH 44313, of control of RELIABLE MACHINERY HAULERS, INC., through the acquisition by MILLER TRANSFER & RIGGING COMPANY. Applicants' attorneys: A. David Milner, 744 Broad Street, Newark, NJ 07102 and Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled: *Uncrated machinery* and *printer's equipment*, as a *common carrier* over irregular routes, between points in New York, New Jersey, Pennsylvania and Ohio; *undercarriage assemblies, and parts, attachments and accessories* for the named commodities, between the plantsites of The Warner & Swasey Co., at New Philadelphia, Ohio, on the one hand, and, on the other, Winona, Minn., and Fort Dodge, Iowa. MILLER TRANSFER & RIGGING COMPANY is authorized to operate as a *common carrier* in Pennsylvania, Ohio, New York, Virginia, Maryland, West Virginia, Indiana, Illinois, New Jersey, Alabama, Minnesota, Oklahoma, California, Massachusetts, Connecticut, and the District of Columbia, and as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2242 Filed 2-17-71;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 12, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 5204 (Sub-No. 1) filed January 27, 1971. Applicant: MILAN EXPRESS, INC., U.S. Highway 45, South, Milan, TN 38358. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, commodities in bulk, and articles requiring special equipment because of their size or weight (1) applicant seeks removal of restriction in its present certificate which restricts applicant against the transportation of shipments originating at or destined to the Milan Arsenal, Milan, Tenn.; and (2) between Jackson, Tenn., and Milan, Tenn., as follows: From Milan over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., and return over same route, serving all intermediate points. All of said authority to be used in conjunction with all of applicant's certificates. Applicant does propose to handle interstate and foreign traffic. Both intrastate and interstate authority sought.

HEARING: March 4, 1971, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, TN, at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219 and should not be directed to the Interstate Commerce Commission.

State Docket No. 71023-CCT, filed January 22, 1971. Applicant: SMALLEY INVESTMENTS, INC., doing business as SMALLEY TRANSPORTATION COMPANY, 2202 38th Street, Tampa, FL 33602. Applicant's representative: W. J. Smalley (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* by motor carrier, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, garments on hangers, commodities requiring refrigeration, building and construction materials and supplies in truckload lots on flatbed equipment, and commodities the transportation of which, because of size and weight, require the use of special equipment (except flatbed trailers), over regular routes and on regular schedules between all points and places in Polk County and over Interstate 4 from the Polk County line to its intersection with State Road 530, and all points and places on State Road 530 from the Polk County-Lake County line to its intersection with Interstate 4 and over Interstate 4 from its intersection with State Road 530 to Orlando, Fla., and including points and places within 10 miles of Orlando city limits. To the same extent, interstate authority is also sought. The applicant desires to tack the authority sought with the authority already held by the applicant under F.P.S.C. certificate No. 1013 and ICC certificate No. MC-121667. Both intrastate and interstate authority sought.

HEARING: (Examiner Hearing) Time and place not known. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2241 Filed 2-17-71;8:51 am]

[Notice 640]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 27, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72494. By order of January 21, 1971, the Motor Carrier Board approved the transfer to Harry Hahn, Palmerton, Pa., of the operating rights in certificate No. MC-112485 issued July 6, 1955, to Russel R. Stahler, Tamaqua, Pa., authorizing the transportation of coal, from Hazleton, Pa., points in Luzerne County within 5 miles of Hazleton, and points in Schuylkill County, Pa., to Palisades Park, N.J., and points in Bronx County, N.Y. John W. Frame, 2207 Gettsburg Road, Box 626, Camp Hill, PA 17011, representative for applicants.

No. MC-FC-72535. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Awawego Delivery, Inc., Syracuse, N.Y., of the operating rights in certificate No. MC-127282 (Sub-No. 1) issued May 22, 1967, to Robert L. Parrott, Sr., and Robert L. Parrott, Jr., a partnership, doing business as Flying Freight, Loudonville, N.Y., authorizing the transportation of general commodities, with usual exceptions, between Albany County Airport, N.Y., on the one hand, and, on the other, Bradley Airfield, Chester Airfield, and Old Saybrook, Conn., Newark Airport, N.J., Champlain, Glens Falls, Gloversville, John F. Kennedy International Airport, New York Municipal Airport (La Guardia Airfield), and Plattsburgh, N.Y., and Burlington, Vt., and between Glens Falls and Gloversville, N.Y., on the one hand, and, on the other, Newark Airport, N.J., John F. Kennedy International Airport, and New York Municipal Airport (La Guardia Airfield), N.Y., restricted to traffic having a prior or subsequent movement by air. Andrew P. Goldstein and Louis P. Haffer, 1730 Rhode Island Avenue NW., Washington, DC 20036, attorneys for applicants.

No. MC-FC-72592. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Rochester Transit Co., a corporation, Rochester, Pa., of the operating rights in certificates Nos. MC-124986 (Sub-No. 3), and MC-124986 (Sub-No. 5) issued July 6, 1964 and November 12, 1969, respectively, to Joseph T. Mignanelli (Florence M. S. Mignanelli, Executrix), doing business as Rochester Transit Co., Rochester, Pa., authorizing the transportation of passengers and their baggage, express and newspapers, between Beaver Falls, Pa., and East Liverpool, Ohio; between Ambridge, Pa., and Monaca, Pa.; between Aliquippa, Pa., and junction Pennsylvania Highways 18 and 51; between Chester, W. Va., and Waterford Park Racetrack. Brenda P. Murray, 530 Grant Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC-FC-72565. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Osborne Grain, Inc., Osborne, Kans., of the operating rights in certificate No. MC-119345 issued August 21, 1964, to Prickett and Son, Inc., Plainville, Kans., authorizing the transportation of processed mill feeds and animal and poultry feeds from St. Joseph and Kansas City, Mo., to specified portion of Kansas. James R. Martin, 115 South First Street, Osborne, KS, attorney for transferee.

No. MC-FC-72608. By order of January 20, 1971, the Motor Carrier Board approved the transfer to William R. Brees, doing business as Eaton Transfer Co., Greenfield, Ind., of certificate No. MC-81346 issued February 19, 1957, to Leonard J. Bever, doing business as Eaton Transfer Co., Greenfield, Ind., authorizing the transportation of: General commodities, with exceptions, between Greenfield and Indianapolis, Ind., and Household goods, between Greenfield, Ind., and points in Illinois, Kentucky, and Ohio. Harry J. Harmon, 1 Indiana Square, Indianapolis, IN 46227, attorney at law.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2238 Filed 2-17-71; 8:51 am]

[Notice 647A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72690. By application filed February 10, 1971, COMBS TRUCKING CO., INC., Rural Delivery No. 2, Van Dusen Road, Glens Falls, NY 12801, seeks temporary authority to lease the operating rights of HELEN BROWN KELLY, EXECUTRIX OF THE ESTATE OF JOSEPH W. BROWN, DECEASED, 63 Burgoyne Avenue, Fort Edward, NY 12828, under section 210a(b). The transfer to COMBS TRUCKING CO., INC., of the operating rights of HELEN BROWN KELLY, EXECUTRIX OF THE ESTATE OF JOSEPH W. BROWN, DECEASED, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2239 Filed 2-17-71;8:51 am]

[Notice 647B]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72144. By order of February 9, 1971, Division 3, acting as an Appellate Division, approved the transfer to Texas Tex-Pack Express, Inc., San Antonio, Tex., of certificates of registration Nos. MC-67485 (Sub-No. 2), MC-67485 (Sub-No. 5), and MC-67485 (Sub-No. 6) issued January 14, 1966, August 20, 1969, and August 11, 1970, to Texas Film Service, Inc., San Antonio, Tex., and certificates of registration Nos. MC-67691 (Sub-No. 2) and MC-67691 (Sub-No. 5) issued January 14, 1966, and August 18, 1969, respectively, to Valley Film Service, Inc., San Antonio, Tex. The first three certificates of registration evidence a right to engage in operations in interstate or foreign commerce corresponding in scope to (a) that portion of certificate of convenience and necessity No. 2674 as reissued by the Texas Railroad Commission January 1, 1965; (b) those portions of certificates of convenience and necessity Nos. 3000 and 4305 authorized by order of November 21, 1968, issued by said commission, and (c) certificate of convenience and necessity No. 3000, docket No. 3000, dated January 29, 1958, transferred and reissued November 2, 1968, by said commission. The last two certificates of registration evidence rights to conduct operations corresponding to (a) certificate of convenience and necessity No. 2697, docket No. A-1536, dated January 1, 1965, issued by the Railroad Commission of Texas and (b) that portion of certificate No. 2697 authorized by said commission's order of November 21, 1968. Austin L. Hatchell, 1102 Perry Brooks Building, Austin TX 78701, attorney for applicants.

No. MC-FC-72456. By order of February 9, 1971, Division 3, acting as an Appellate Division, approved the transfer to Liberty Express, Inc., Dallas, Tex., of the certificate and the certificates of registration in Nos. MC-96769 (Sub-No. 1), MC-96769 (Sub-No. 2), and MC-96769 (Sub-No. 3) issued January 3, 1963, November 27, 1964, and August 18, 1969, respectively, to Liberty Film Lines, Inc., Dallas, Tex., and the certificates of registration in Nos. MC-99172 (Sub-No. 1) and MC-99172 (Sub-No. 2) issued May 19, 1965, and August 15, 1969, respectively, to Bowen Express, Inc., Dallas, Tex. The certificate authorizes the transportation of magazines and periodicals, except newspapers, between Dallas, Tex., and Marshall, Tex., serving no intermediate points; between Dallas, Tex., and Tyler, Tex., serving no intermediate points, and between Dallas, Tex., and Paris, Tex., serving no intermediate points; the first two certificates of registration evidence rights to conduct operations in interstate or foreign commerce corresponding to certificate of convenience and necessity No. 2625, docket No. 4001, dated May 9, 1957, issued by the Texas Railroad Commission, and certificate No. 2625 authorized by order of November 21, 1968, issued by said commission; the last two certificates of registration evidence rights to conduct operations in interstate or foreign commerce coextensive to certificates of convenience and necessity No. 2745 issued September 22, 1962, by the Railroad Commission of Texas, and that portion of certificate of convenience and necessity No. 2745 authorized by order of November 21, 1968, issued by said Commission. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2240 Filed 2-17-71;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

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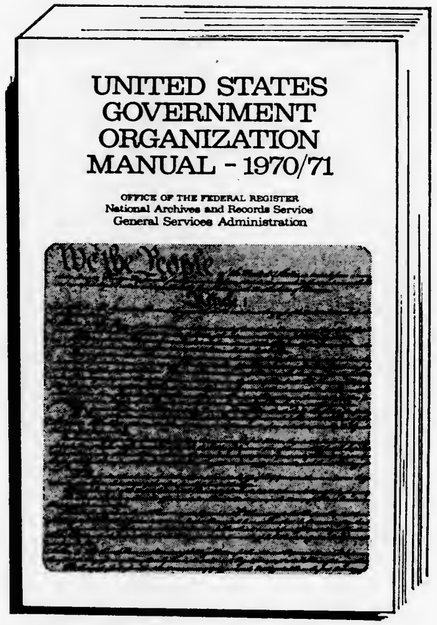

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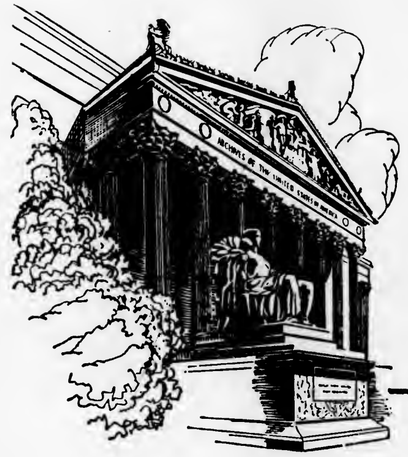

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Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 15]

PART 101—ADMINISTRATION

Organizational and Functional Statement

Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by revising sections from and including § 101.1 to 101.3–1 thereof, to read as follows:

§ 101.1 Purpose, function, general organization.

(a) *Purpose.* To aid, counsel, assist, and protect the interests of small business concerns and to help victims of disaster.

(b) *Functions*—(1) *Procurement assistance.* To insure that a fair proportion of the total Government purchases and contracts or subcontracts for property and services for the Government be placed with small business enterprises by, among other things, certifying as to the competency of small business concerns to perform such contracts, or subletting contracts to small business concerns on which the Agency is prime contractor; to insure that a fair proportion of the total sales of Government property be made to small business enterprises; and to assure that small businesses obtain the benefit of Government sponsored research and development.

(2) *Management and technical assistance.* To improve the management skills of owners, potential owners, and managers of small business concerns with direct action programs and through established channels of business relations; to provide technical and product assistance to small business concerns; and to inventory productive facilities of small business concerns.

(3) *Financial assistance.* To make loans to small business concerns and to victims of floods or other catastrophes, including loans to small business concerns suffering economic injury as a result of displacement by Federal construction, inability to process products for human consumption because of undetermined disease, and need to make changes in facilities or methods of operation because of various Federal laws imposing safety and health requirements; to make direct or bank participation loans on the basis of certifications made by the Secretary of Commerce to assist firms, large and small, to adjust to changed economic conditions resulting from increased competition from imported articles; and to make loans to State and local development companies for purpose of assisting small business concerns.

(4) *Guaranteeing leases and bonds.* To guarantee the payment of rentals under leases entered into by small business concerns, and also to guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds.

(5) *Small business investment companies.* To provide venture capital in the form of equity financing and long-term loan funds to small business concerns and provide advisory services to such concerns through small business investment companies; to license small business investment companies, regulate the operations of such companies, and purchase or guarantee the purchase of debentures from small business investment companies to supplement their capital requirements for the financing of small business concerns.

(6) *Advocacy of small business interests.* To protect the interests of small businesses as they may be adversely affected by activities of other Federal agencies.

(7) *Further functional description.* The more detailed program functions of the Agency are set forth in other sections of this part and other parts of this chapter.

(c) *General organization.* (1) Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint two associate administrators under the Small Business Act and one associate administrator under the Small Business Investment Act. The Administrator is authorized to appoint a Deptuy Administrator who shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act and the Small Business Investment Act.

(2) The headquarter's office of the Small Business Administration is located at 1441 L Street NW., Washington, DC 20416. Further information concerning the activities of SBA can be obtained by calling the Office of Public Information, 382–4901.

(d) *Applicable law.* (1) Loans made by SBA are authorized and executed pursuant to Federal programs adopted by Congress to achieve national purposes of the U.S. Government.

(2) Instruments evidencing a loan, obligation of security interest in real or personal property payable to or held by the Administration or the Administrator, such as promissory notes, bonds, guaranty agreements, mortgages, deeds of trust, and other evidences of debt or security shall be construed and enforced in accordance with applicable Federal law.

(3) In order to implement and facilitate these Federal loan programs, the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible and practicable. However, the use of local procedures shall not be deemed or construed to be any waiver by SBA of any Federal immunity from any local control, penalty, or liability.

(4) Any person, corporation, or organization that applies for and receives any benefit or assistance from SBA, or that offers any assurance or security upon which SBA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

§ 101.2 Organization and functions of the Central Office—Administrator.

All offices heading §§ 101.2 to 101.2–9 are located in Washington, D.C., and their heads report directly to the Administrator. The Administrator is responsible to the President and Congress for exercising direction, authority, and control over the Small Business Administration. Determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the Nation's small business concerns. He delegates responsibility and authority, except the authority to make or decline pool loans; applies research programs; and defense production pools, as set forth in sections 7(a)(6), 9(d), and 11 of the Small Business Act, to the Deputy Administrator, associate administrators, other Central Office officials reporting directly to him, and the regional directors. He consults with Federal, State, and local agencies in behalf of small business interests in the national economy. Reports to the President and Congress on Agency program accomplishments and problems. He directs the execution of authority delegated to the Administrator by the Secretary of Housing and Urban Development with respect to performance of SBA's responsibilities under section 312 of the Housing Act of 1964, as amended. He maintains as a responsibility of his office the activities related to equal employment opportunity and compliance within SBA, formal review of size appeals cases, Agency participation and representation in the Interagency Program, and the SBA Program Advisory Council. He periodically

evaluates the performance, accomplishments, and short-range and long-range planning goals of the Central Office officials reporting directly to him, and the regional directors.

(a) *National Advisory Council—Small Business Administration.* The National Advisory Council of the Small Business Administration is composed of representatives from each of the District Advisory Councils and Members-at-Large from each of the Agency regions. These representatives are persons actively engaged in small business or finance, or in services or professions related to small business including the fields of labor, law, accounting, insurance, education, real estate, and the news media. These members particularly qualified by their knowledge of and interest in small business are able to contribute substantially to the Agency and the small business community. All members are selected by the Administrator and serve at his pleasure without compensation. The council meets with and advises the Administrator on the development, execution, and evaluation of present or proposed SBA programs. All functions are purely advisory and all determinations of actions to be taken are made solely by the responsible SBA officials.

(b) *Office of Equal Employment Opportunity and Compliance.* Serves as a special assistant to the Administrator and plans, directs, coordinates, and administers the agencywide program to promote and insure equal employment opportunity and the compliance program of the Small Business Administration, in accordance with the applicable provisions of titles VI and VII of the Civil Rights Act and pertinent Executive orders. Develops and implements plans, procedures, and instructions governing the equal employment and equal opportunity programs and activities including the conduct of compliance and field reviews. Schedules and maintains control of activities conducted by equal opportunity compliance staff stationed in the field offices. Assigns these coordinators on a post-of-duty basis dependent on workload. Serves as fair employment officer and handles all complaints based on race, religion, color, sex, or national origin received from employees or applicants for employment, and recommends the solution to the problems involved to the Administrator. Provides advice and assistance to Central and regional office personnel with respect to the equal employment and equal opportunity programs as it affects their operations and activities. Prepares and evaluates regular and special reports on equal employment opportunity and compliance activities, taking appropriate action or submitting recommendations to the Administrator. Refers to the Office of Security and Investigations those matters revealed in the course of investigative work that appear to be violations of existing statutes or regulations applicable to the operations of SBA. Plans and conducts a major college executive recruitment effort to provide minority and nonminority candidates for professional positions, especially the recruitment of interns. Serves as a member of the Intern Advisory Council. Serves as liaison with other Federal and nonfederal agencies on matters relating to Civil Rights. Serves as Civil Rights Coordinator of the SBA. Cooperates with other responsible officials in the development of the bank relations program, a cooperative project between minority banks and other banks in strategic areas of concern, to stimulate efforts toward helping develop opportunities for the disadvantaged. Reviews and evaluates the effectiveness of the equal employment opportunity and equal opportunity compliance program.

(c) *Hearing examiner.* Presides at hearings and examinations conducted in accordance with proceedings of section 11 of the Administrative Procedures Act. These hearings and examinations involve the enforcement of compliance with the provisions of the Small Business Investment Act, policies and regulations issued by SBA under the act, in addition to compliance matters involving the SBA civil rights program and regulations pursuant to the provisions of the Civil Rights Act of 1964. Also conducts hearings relative to disputed articles in the administration of SBA contracts. Administers oaths, subpoenas witnesses; takes testimony; rules on the admissibility of evidence, offers of proof, and other disputed matters; rules upon motions and procedural requests; and takes all necessary precautions to protect the rights of all parties. Makes decisions based upon the evidence in the record, the arguments and contentions made, and the application of law and regulations to the facts.

§ 101.2–1 General Counsel.

Plans, directs, coordinates, and implements the provision of legal services in support of SBA program operations agencywide, including the execution of loan closing and litigation activities by Agency counsel. Formulates and recommends policy and directs the establishment of agencywide standards and procedures governing the legal functions and activities. Analyzes and interprets legislation, regulations, and orders relating to the operation of the Small Business Administration. Advises the Administrator and other officials as to the legal aspects of the development and execution of policies and programs. Negotiates with Government agencies as to the legal aspects of matters pertaining to responsibilities of SBA and drafts resultant agreements. Develops legal theories incorporated in requests to the Comptroller General or to other Government agencies for decisions in matters of interest to small business. Provides legal counsel, advice, and assistance to Agency officials in connection with the financial, investment, administrative, technical, procurement and management assistance, and minority enterprise programs, and in the formation of defense production and research and development pools. Also, determines eligibility of applicants for assistance from SBA. Advises with respect to servicing and liquidation of loans. Assists and participates with the Department of Justice in litigation arising from delinquent loans, criminal matters, and other SBA program activities. Prosecutes administrative proceedings pursuant to the Small Business Investment Act. Reviews legislative proposals affecting small business and develops recommendations for the Office of Management and Budget and congressional committees; prepares legislative proposals relating to SBA; and develops reports for congressional hearings or the Office of the President. Prepares documents for publication in the FEDERAL REGISTER and is responsible for interpreting the Administrative Procedure Act. Serves as legal adviser to the Size Appeals Board. Maintains liaison with governmental and other agencies having activities related to the legal and advocacy functions of the Agency.

(a) *Administrative Operations Staff.* Furnishes all administrative and logistic support to the Office of General Counsel. Formulates, develops, and executes budget submissions, including receipt and control of allotment advices, and planning, programing, and budgeting system requirements. Provides all administrative operating facilities services involving space management, procurements, communications, records, printing, and other administrative support. Provides and advises on personnel administration and staffing requirements, employee relations, training, and other related activities for Central and field offices. Analyzes work measurement and statistical reporting data; prepares analytical reports and data on manpower utilization, workload, production, staffing, and other information, as needed. Conducts or participates with other organizational elements in management type surveys and studies and organizational matters which affect or involve the operation of OGC. Reviews or prepares procedures and instructions and other guidelines as required. Establishes and directs the maintenance of a law library, which contains primarily legal publications and legislative materials and serves as a legal reference center for all SBA employees. Maintains files and records of OGC, including official litigation files of the Agency. Reviews and evaluates legal program operations and activities within the regions and recommends corrective policies, when required. Visits field offices to appraise performance. Coordinates followup actions and replies on reports of audit examinations of legal operations. Advises General Counsel on special problems and administrative matters, prepares materials and reports for submission to the Administrator or Congress, and carries out other assignments, as directed. Coordinates these functions with the administrative offices involved.

(b) *Office of Finance.* Plans, directs, coordinates, and evaluates all legal functions and activities relating to the Agency's financial assistance, economic development, and small business investment company programs, exclusive of liquidation and litigative matters. Provides legal counseling and assistance and establishes procedures for the provision of legal services in connection with the processing and servicing of SBA regular business, displaced business, disaster, economic opportunity assistance, and sections 501–502 development company loans, lease guarantees, rehabilitation loans for the Department of HUD, and EDA loans, as authorized. Formulates policy and establishes procedures governing the closing, and disbursing of SBA and HUD loans and closing of EDA approved loans, when authorized, by field legal staff. Provides legal advice and services in connection with economic development financing programs, including the formation of State and local development companies. Participates in the negotiation of and prepares reinsurance agreements with private insurance carriers under the lease guarantee program. Provides legal services, counsel, and advice in connection with licensing, regulating, and financing to SBIC's. Negotiates, prepares, and administers settlement agreements with "problem" SBIC's to facilitate their voluntary withdrawal from the program and to refinance their indebtedness to SBA. Interprets applicable acts, regulations, and policies from a legal standpoint, including determinations as to eligibility and compliance with statutory and regulatory requirements. Analyzes and comments on proposed legislation, policies, programs, and procedures relating to the financial assistance, economic development, and SBIC programs. Prepares for publication in the FEDERAL REGISTER revisions in Loan Policy Statement, official declarations of disaster areas, and official statements involving group corporation loans. Reviews all material submitted by other SBA offices for publication in the REGISTER. Maintains liaison with governmental and other agencies having activities related to the legal functions of this office. Provides advice and technical guidance to regional counsel in the processing, closing, disbursement, and servicing of loans, lease guarantees, and economic development financing. Reviews field operations to insure compliance with SBA policies and procedures and pertinent legal authorities. Makes field visits to appraise performance.

(c) *Office of Interagency Affairs.* Directs, coordinates, and administers the SBA interagency affairs program. Presents and advocates the small business point of view before Federal departments and agencies. Represents SBA at interagency conferences, hearings, and court proceedings involving the Agency's advocacy program. Provides legal counsel, assistance, and services to Agency officials in the following program and administrative areas: (1) Procurement and management assistance; sections 8(a) and 406 contracts and grants, (2) size standards; size appeals, (3) small business defense production; research and development pools, (4) administrative functions, including fiscal, personnel, property management; contracts for the procurement of supplies and services, (5) ad hoc committee matters; equal employment opportunity; advisory council; planning, research and analysis; congressional and public affairs; minority enterprise; franchising, (6) implementation of the requirements of the Civil Rights Act of 1964, and (7) employee organization-management program; negotiation of agreements. Conducts final legal review of all Boards of Survey Reports and recommendations on claims under the Federal Tort Claims Act in the denial or allowance of claims in unlimited amounts. Provides legal counsel appearing on behalf of the Agency in proceedings and hearings before Regional CSC Hearing Officers; prepares and submits appeals on behalf of the Agency before the Board of Appeals of the CSC. Provides legal counsel to small business concerns in their dealings with Government procurement officials; also, to the Agency's Size Appeals Board. Reviews and evaluates matters pertaining to security checks referred by the Office of Security and Investigations. Coordinates and maintains control over all formal and informal interagency committees, councils, task forces or other coordinating groups in which SBA participates, except Federal Executive Boards. Interprets applicable acts, regulations, and policies from a legal standpoint, including determinations as to eligibility and compliance with statutory and regulatory requirements. Prepares documents for publication in the FEDERAL REGISTER and, except with respect to the Small Business Investment Act, is responsible for interpreting the requirements of the Administrative Procedure Act. Also acts as liaison with the Office of the Federal Register. Maintains liaison with the Federal Trade Commission and the Antitrust Division of the Department of Justice.

(d) *Office of Litigation.* Plans, directs, coordinates, and evaluates litigation activities of the Small Business Administration. Formulates and recommends policies and establishes procedures to govern these activities. Advises the Administrator and other Agency officials with respect to all legal action necessary in litigative matters pending in the Agency, and provides legal services, as required. Act as liaison with the Department of Justice and field offices in all civil litigation and criminal matters. Makes recommendations to Department of Justice as to whether or not adverse decisions should be reviewed or appealed. Prepares cases for submission to the Department of Justice, with recommendations for litigation or prosecution; obtains and evaluates evidence; and assists in the trial of cases whenever necessary or requested. Conducts legal research, prepares pleadings, and conducts litigation and other legal proceedings with respect to revocation of SBIC licenses, subpoena enforcement, injunctions and receivers, removal or suspension of directors and officers of licensees, and violations of SBIC regulations, conducts all administrative hearings required to enforce compliance with the provisions of the SBI Act, policies and regulations, including preparation of necessary pleadings. Advises the Administrator, operating officials, and field offices on problems involving subpoenas served upon SBA employees and disclosure of information. Advises and assists the Office of Security and Investigations in all matters involving possible criminal activities by borrowers and others. Prepares and conducts any Agency disbarment proceedings which may be instituted as the result of improper activity by representatives of borrowers and SBIC's. Provides advice and technical guidance to regional counsel in connection with litigation activities. Reviews field operations to assure proper course of action consistent with applicable laws. Serves as member of the Central Office Claims Review Committee.

§ 101.2–2 Associate Administrator for Financial Assistance.

Plans, directs, coordinates, and implements the financial assistance programs of the Small Business Administration, including the related activities of liquidation and disposal, and promotion of financial participation by private and public sources of finance in the SBA loan programs. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities, and monitors financial assistance programs through a program of review and evaluation. Represents the Administrator in negotiations with other Government agencies whose activities relate to the financial assistance programs of SBA. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and regional offices. Approves or declines applications for lease guarantee. Serves as member of the Size Appeals Board.

(a) *Office of Portfolio Management.* Plans, directs, and executes a program for the continuous review and evaluation of the Agency's financial assistance portfolio to provide for quality control in the financing, loan administration, and community development functions of SBA. Directs and participates in the review of the complete financial assistance (FA) portfolio in selected field offices. Develops checklists for detailed loan analysis and standards governing the scope of the examination. Analyzes and evaluates the status of FA accounts, reviewing all factors involved, such as credit judgment, servicing, management and technical assistance needs, delinquency ratio, deferment and liquidation actions, etc. Makes a detailed examination of individual FA accounts, particularly those which reflect a high proportion of Agency investment or risk, including past due and delinquent accounts, deferments, and liquidation actions. Pinpoints deficiencies by individual case and evaluates contributing causes as a basis for corrective action. Submits

a report of findings and recommendations to the Associate Administrator for corrective action by Central Office, and, where applicable, Agencywide implementation of controls found to be effective in a given regional office. Where appropriate, causes corrective actions to be taken concerning specific FA account deficiencies by the appropriate regional or district director; follows up to assure that such action is accomplished within the specified period of time. Where findings warrant, recommends investigative action be taken by the Office of Security and Investigations. Participates with the Associate Administrator in periodic conferences with key Agency officials concerning development or modification of policies, procedures, standards or criteria on the basis of FA portfolio examination findings.

(b) *Special Assistant.* In cooperation with the Associate Administrator for Financial Assistance, formulates and recommends Agency policy governing promotion of financial participation by private section financial and investment institutions, States, counties, and municipalities in the SBA loan programs. Develops, fosters, and stimulates interest and participation on a nationwide scale of the banking-investment industry and State and local governments in SBA loan programs. Maintains continuing liaison and personal contact with top representatives of banking, insurance-investing, and other financial institutions to promote their participation in guaranty and participation loan programs, better small business-bank relations, and liberalized financing for minority enterprises, and to develop a market for SBA loans. Promotes with State, county, and municipal officials plans for the use of public sources of finance in SBA loan programs. In cooperation with financing and legal staff, works with such public officials to establish enabling policies and legislation. Negotiates basic agreements with financial institutions at the national level. Represents the Associate Administrator for Financial Assistance at meetings or conventions of banking, insurance, investment, or other groups constituting sources of direct financing or financial participation in loans for small business. Plans, coordinates, directs, and evaluates the efforts of field bank relations officers and other field financing personnel participating in this program. Recommends staffing, selection, and deployment of field bank relations officers, or takes final action, as authorized. Provides advice and guidance to field bank relations officers and financing personnel with respect to all aspects of the program, including training of such personnel.

(c) *Deputy Associate Administrator for Financial Assistance.* Plans, directs, coordinates, and implements the financing, loan administration, appraisal, program management and community development programs of the Small Business Administration, including the related activities of liquidation and disposal. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Participates with or acts for the Associate Administrator for Financial Assistance in negotiations with other government agencies relating to the financing, loan administration, appraisal, program management and community development programs. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Associate Administrator on accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and regional offices. Reviews financing, loan administration, appraisal, program development, and community development program operations conducted at the Central and field level and initiates corrective policies when required. Approves or declines those applications, including applications for regular business, displaced business, disaster, economic opportunity, lease guarantee, section 501, State development company, and section 502, local development company, loans which are submitted to this office. Recommends for Administrator approval or decline applications for trade adjustment loans.

(d) *Office of Financing.* Formulates and recommends Agency policy governing the financing programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs involving the processing of regular business, displaced business, and economic opportunity assistance loans; rehabilitation loans for the Department of Housing and Urban Development; trade adjustment loans; and financial aspects of Certificate of Competency applications. Cooperates in the planning, directing, and coordinating of SBA's disaster loanmaking program. Develops and recommends agencywide standards and procedures to govern the financing programs and activities. Exercises final authority on all requests from the field for deviations from established financing procedures. Makes final determinations of loan eligibility on difficult or complex cases submitted by regional directors. Processes Certificate of Competency cases referred to the Central Office with respect to applicant's financial competency to perform on the proposed contract. Serves as member of the COC Review Committee. At the request of Office of Loan Administration assists in special reviews of COC cases. Approves or declines, within delegated authority, those business and disaster loan applications which are submitted to this office. Coordinates with the Associate Administrator for PMA in providing financial support in connection with the section 8(a) contracting program. Serves as member of the Central Office Claims Review Committee which takes or recommends final action on all requests for compromise settlements of obligations due SBA. Maintains liaison with governmental and nongovernmental agencies whose activities relate to the financing programs of SBA. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the regional offices with respect to the financing programs of SBA, including training of program personnel. Participates with the Industrial Support Services Division, Office of Procurement and Management Assistance, and the General Counsel, in conducting training programs for field personnel in the processing of Certificates of Competency. Reviews operations within the regions and makes visits to appraise performance.

(e) *Office of Appraisal.* Formulates and recommends Agency policy governing the appraisal program of the Small Business Administration. Plans, directs, coordinates, and evaluates the Agency program involving appraisal, evaluation, and engineering operations in support of all SBA programs, and EDA requirements. Takes necessary action on appraisal matters referred to Central Office for decision. Maintains surveillance of approved projects for loan proceeds disbursements, and makes location studies on applications for lease guarantees. Provides advice, guidance, and technical support to the regional offices with respect to the appraisal program. Initiates technical training directives and guides. Maintains liaison with governmental and nongovernmental agencies whose activities relate to the appraisal program of SBA. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of personnel for which responsible and assures that the goals and objectives established are met.

(f) *Office of Loan Administration.* Formulates and recommends Agency policy governing the loan administration programs of the Small Business Administration, including loan servicing and liquidation and disposal activities. Plans, directs, coordinates, and evaluates the SBA programs for administration of all Agency loans, rehabilitation loans for the Department of HUD, trade adjustment loans, loans to small businesses acquired and retained by SBA as a result of liquidation of an SBIC, EDA loans for the Department of Commerce, financial aspects of Certificates of Competency, and lease guarantees, including problem and delinquent loans, and loans and SBIC's classified "in liquidation" and nonjudicial foreclosures (exclusive of litigated matters). Develops and recommends agencywide standards and procedures governing the loan administration program. Exercises final authority on all requests from regional offices for deviations from established procedures. Participates with General Counsel and other SBA offices in developing procedures for administering problem and delinquent loans; also, coordinates with General Counsel, Office of Budget and Finance, and Office of Appraisal regarding policies and procedures affecting liquidation and disposal activities. Recommends final action on all requests from field personnel regarding purchase of bank's share of participation loan; denial of Agency liability under the terms of a participation or guarantee agreement; taking legal action against a participant; decline of bank's request for funds under the "liquidity privilege" of a loan guarantee agreement, or acceptance of compromise settlement, except as permitted in the loan administration directives. Conducts, as required by Central Office officials, financial reviews of complex COC cases including plant visits or followup of delinquent and problem cases. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. For the agencywide loan administration function, develops budget estimates and cost reduction and manpower utilization plans. In cooperation with the Office of Reports, develops statistical and other reporting requirements for the loan administration program. Analyzes all data on the loan administration program for deficiencies and inadequacies and recommends or initiates corrective action. Represents the Associate Administrator and the Deputy Associate Administrator in continuing liaison with Office of the Associate Administrator for PMA regarding management assistance needs in connection with problem, delinquent, or other loan accounts. Maintains liaison with other Government agencies whose activities relate to the loan administration programs of SBA. Develops, recommends, and implements interagency agreements regarding liquidation of loan accounts in which other agencies have a financial interest. Participates with Office of General Counsel in the formulation of recommended legislation relating to the SBA loan administration program and in the preparation of data required for the submission of cases to Department of Justice for litigation. Serves as chairman of the Central Office Claims Review Committee which takes or recommends final action on all requests from field personnel on compromise settlements of obligations due SBA on loans classified "in liquidation." Serves as vice chairman and member of the SBA SBIC Liquidation Determination Board. Provides advice and guidance to the regional offices with respect to the loan administration programs of SBA, including training of program personnel. Participates with the Industrial Support Services Division, Office of Procurement and Management Assistance, and the General Counsel in conducting training programs for field personnel in the servicing of Certificates of Competency. Reviews operations within the regions and makes visits to appraise performance.

(g) *Office of Community Development.* Formulates and recommends Agency policy governing the community development programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs involving community development counseling, the processing of State development company and local development company loans, processing of applications for lease guarantee, and loan processing and disbursement activities conducted on behalf of the Economic Development Administration. Approves or declines, within delegated authority, those loan applications and applications for lease guarantee which are submitted to this office. Maintains liaison with State and local development companies, the Economic Development Administration, and other governmental and nongovernmental agencies having programs relating to these activities. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the regional offices with respect to the community development program of SBA, including training of program personnel.

(h) *Office of Program Management.* Plans, directs, coordinates and evaluates the SBA disaster planning program and SBA loanmaking programs governing physical, economic injury, product, and mine disaster loans. Develops and recommends Agency policy and procedures governing these programs and program activities. Develops and recommends plans for new special loan programs and evaluates existing programs, including the displaced business loan (DBL), rehabilitation loan (section 312, HUD), and trade adjustment loan programs. Administers all matters except credit judgments and decisions relating to such special loan programs. Provides administrative support to the Associate Administrator for Financial Assistance in the planning, budgeting, and control of financial assistance programs. provides statistical support to these officials and office heads in connection with policy development, program planning and review, and program supervision. Recommends physical and product disaster declarations to the Administrator through the Associate Administrator for Financial Assistance. Directs the continuing analyses of internal and external reports and studies covering all phases of financial assistance. Submits recommendations to program officials, or takes necessary action in relation to program responsibilities. Advises the Associate Administrator on all administrative management, personnel, and general services matters relating to the financial assistance programs. Coordinates financial assistance activities with respect to mobilization planning.

§ 101.2–3 Associate Administrator for Investment.

Plans, directs, coordinates, and administers the small business investment program, including related examinations, other than postexaminations (investigations), activities. Formulates and recommends policies and regulations and directs the establishment of agencywide standards and procedures governing the program and program activities. Takes final action on all transactions contemplated by the Small Business Investment Act or the SBA regulations. This includes the issuance of licenses to small business investment companies (SBIC's) and minority enterprise small business investment companies (MESBIC's); the purchase of debentures from SBIC's and MESBIC's; refunding and conversion of existing direct loan notes to debentures; the repurchase of subordinated debentures and direct loan notes from the holders. Determines actions required to protect SBA's credit position in connection with such transactions; also, defines courses of action to be followed in cases of noncompliance with the act or regulations. When indicated, requests investigations and appropriate legal action. Reviews program operations conducted at the Central and field level and initiates corrective policies. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Serves as an alternate member of the Size Appeals Board.

(a) *Deputy Associate Administrator for Staff Operations.* Plans, administers, coordinates, and directs the staff operations of the small business investment company program. Formulates and recommends new or revised policies, regulations, and procedures and changes in legislation governing the investment program. Establishes procedures for the staff operations program and program activities. On the basis of studies and analyses of the overall program accomplishment, determines need for new or revised program direction to improve the effectiveness of the SBIC–MESBIC program for the benefit of small business. Recommends policy or regulatory changes to achieve this objective. Directs and coordinates the development of program goals and missions and briefing documents for presentation by the Associate Administrator to the Administrator and for submission to Office of Management and Budget and congressional committees. Establishes guidelines and controls for the orderly examination of all licensed SBIC's and MESBIC's to assure that prompt corrective action is taken on alleged violations of the act and regulations. To maximize private sector participation in the provision of venture capital to small business, promotes and stimulates the involvement of key business enterprises in the investment program. Coordinates with SBA and other Government agency officials in directing these efforts toward those businesses owned, or to be owned, by the socially or economically disadvantaged. Provides for counseling with respect to and interpretations of accounting policies and regulations to Investment and other SBA offices, and to the operating licensees. Approves investment companies' selections of independent public accountants. Advises the Associate Administrator on all administrative matters relating to the program, and provides administrative support to the Investment offices. Participates with other interested SBA offices in special studies for

policy guidance based on accounting reports, financial analyses, and related matters concerning SBIC's and MESBIC's. Directs the systematic evaluation of the SBIC–MESBIC industry, to provide financial and activities data to SBA management officials, other executive and legislative officials, and the public. Also provides for dissemination of such information to licensees to enable them to evaluate their own performance against that of the industry as a whole. Serves as liaison for the Associate Administrator with other organizational segments of SBA, other Government agencies, financial and industrial organizations, trade associations, and similar groups.

(1) *Office of Program Development.* Develops and recommends policies and regulations to improve the operations of SBIC's and MESBIC's for the benefit of small business. Conducts research studies, with emphasis on the growth, stabilization, and financing of the SBIC–MESBIC industry. Also, participates with the Office of Assistant Administrator for Planning, Research, and Analysis in connection with economic studies involving the investment program. Prepares investment program goals and missions and develops the planning, programing, and budgeting data reflecting the short-range and long-range objectives of investment programs. Develops and establishes procedures and instructions to SBIC's and MESBIC's for reporting program evaluation data on portfolio small business concerns. Analyzes financial and statistical data furnished on licensees' financial reports and provides management and the public information on the operating effectiveness of the industry. Counsels with interested groups or individuals concerning the possible formation and licensing of SBIC's and MESBIC's and to promote the growth and development of the program. Participates as member of working group for implementation of the interagency program, under which SBA is charged with the advocacy of small business before other Government agencies. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations and similar groups to keep such organizations informed of the investment program and regulations. Provides technical information to the program coordinators in the field relative to the formation and licensing of SBIC's and MESBIC's. Coordinates with the Office of Public Information in the preparation of all informational material released to the public on the investment program and the preparation of the SBIC Digest.

(2) *Office of Examinations and Review.* Plans, directs, coordinates, and executes. Agencywide examination and review programs relating to SBIC's and MESBIC's licensed under the Small Business Investment Act. Develops policies and establishes standards and procedures governing the examinations and review program. Schedules and maintains control over all examinations conducted on a nationwide basis. Reviews reports of examinations for compliance with the established standards. In cooperation with the Offices of SBIC and MESBIC Operations, determines the actual or potential violations of the act and regulations resulting from the onsite examinations as a basis for regulatory action. Reports to the Deputy Associate Administrator for Staff Operations facts and evidence to support corrective action to be taken by the Associate Administrator for Investment, administrative proceedings, or recommendation for legal action. Provides supervision over the examiners stationed in the field offices and instructs them in their activities. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the field staff for which responsible and assures that the goals and objectives established are met. Advises and counsels Central and field office officials on all matters pertaining to the programs and activities of the office. Conducts special examinations as requested. In cooperation with Office of Personnel, develops and conducts training programs for investment company examiners.

(3) *Office of Administrative Operations.* Furnishes all administrative and logistic support to the Office of Investment. Formulates, develops, and executes budget submissions, including receipt and control of allotment advices, and planning, programing, and budgeting system requirements. Provides all administrative operating facilities services involving space management, procurements, communications, records, printing, and other administrative support. Provides and advises on personnel administration and staffing requirements, employee relations, training, and other related activities. Develops systems for and processes financial, statistical, and summary reports on the operations of all licensees for the use of SBA in administering the program and in counseling the management of the SBIC's and MESBIC's. Controls the receipt and distribution of all financial and program evaluation reports received from SBIC's and MESBIC's. Establishes and maintains internal controls on investigations, litigation, surrenders, receivership cases, administrative proceedings, referrals to Department of Justice, civil court actions, and licensee financing. Prepares periodic program data reports. Conducts or participates with other organizational elements in management type surveys and studies and organizational matters which affect or involve the operation of Investment. Reviews or prepares procedures and instructions and other guidelines as required. Prepares analytical reports and data on manpower utilization, workload, production, staffing, and other information, as needed. Advises Deputy Associate Administrator for Staff Operations on special problems and administrative matters, prepares materials and reports for submission to the Administrator or Congress, and carries out other assignments, as directed. Develops and coordinates investment activities with respect to the SBA emergency preparedness program. Coordinates all functions of the office with the administrative offices involved.

(b) *Deputy Associate Administrator for Program Operations.* Plans, directs, coordinates, and administers the Agency's program for licensing SBIC's and MESBIC's to operate under the provisions of the Small Business Investment Act, as amended. Recommends action on proposals and license applications filed under the SBI Act and Agency regulations, including the review of security information reports. Also, recommends final action on licensees' applications for funds. Develops and recommends policies and establishes procedures for the licensing of SBIC's and MESBIC's. Recommends changes in legislation and regulations governing the program and program activities. Provides counseling with respect to and interpretation of established regulations; also provides information relating to licensed SBIC's and MESBIC's. Takes final action on all requests and applications submitted by licensees for prior SBA approval of transactions requiring such approval under the regulations; i.e., changes in control, changes in capital structure, mergers, dissolutions, and surrenders of licenses; approval of officers, directors, and 10 percent or more stockholders in connection with actions involving changes of control. Also, determines that surviving company meets the prescribed licensing standards. Based on analyses of financial statements and examination reports, determines the financial stability and reliability of individual SBIC's and MESBIC's and compliance with the act and regulations. Determines courses of action to assure compliance and, where appropriate, refers to the Assistant Administrator for Management cases for investigation. Reviews and makes appropriate comment to the Securities and Exchange Commission on all proxy material and prospectuses of licensees filed with SEC. Establishes adequate reserves for losses in connection with outstanding loans and debentures of operating licensees. Provides documentation and testimony in administrative proceedings and court cases.

(1) *Office of SBIC Operations.* Provides licensing and operational assistance and service to the SBIC's. Plans, administers, and coordinates the program for licensing SBIC's to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the act and regulations, including the review of security information reports. Implements procedures for the licensing, funding, and regulating of SBIC's. Provides counseling with respect to and interpretation of the act and established regulations; answers specific official inquiries and provides information relating to licensed SBIC's. Reviews and recommends the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control of a licensee. Also, determines that surviving company meets the prescribed licensing standards. Conducts the analyses of all financial statements, examination and investigation reports covering the operations and practices of the individual SBIC's. Evaluates the financial stability, reliability of the companies, and compliance with the act and regulations. Recommends to the program deputy actions to assure compliance. Recommends the levels of reserves for losses in connection with outstanding loans and debentures of operating licensees. Recommends appropriate action on all requests and applications submitted by SBIC's for prior SBA approval of transactions requiring such approval under the regulations. As required, provides testimony as an expert witness in administrative proceedings or court proceedings involving SBIC's.

(2) *Office of MESBIC Operations.* Provides licensing and operational assistance and service to the MESBIC's. Plans, administers, and coordinates the program for licensing MESBIC's to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the act and regulations, including the review of security information reports. Implements procedures for the licensing, funding, and regulating of MESBIC's. Provides counseling with respect to and interpretation of the act and established regulations; answers specific official inquiries and provides information relating to licensed MESBIC's. Reviews and recommends the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control of a licensee. Also, determines that surviving company meets the prescribed licensing standards. Conducts the analyses of all financial statements, examination and investigation reports covering the operations and practices of the individual MESBIC's. Evaluates the financial stability, reliability of the companies, and compliance with the act and regulations. Recommends to the program deputy actions to assure compliance. Recommends the levels of reserves for losses in connection with outstanding loans and debentures of operating licensees. Recommends appropriate action on all requests and applications submitted by MESBIC's for prior SBA approval of transactions requiring such approval under the regulations. As required, provides testimony as an expert witness in administrative proceedings or court proceedings involving MESBIC's.

§ 101.2–4 Associate Administrator for Procurement and Management Assistance.

Plans, directs, coordinates, and implements the procurement and management assistance program of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the procurement and management assistance programs of SBA. Plans and directs the development of short-range and long-range goals and objectives for agencywide PMA programs and activities. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and field offices. Serves as member on the Size Appeals Board.

(a) *Government Liaison Staff.* Represents the Small Business Administration with the Department of Defense and civilian agencies within the Executive Branch on procurement and management assistance matters. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations applicable to small business procurement programs. Participates with these agencies in the development, modification, or changes in policies, procedures and directives to assure overall consistency with SBA policies and procedures. Develops and coordinates with the Department of Defense, General Services Administration, and other Government agencies programs, policies, goals, regulations, and procedures to insure that a fair portion of the total Government contracts, including research and development and stockpile surpluses, is placed with small business concerns (such as the prime contracting and set-aside programs). Provides for and coordinates SBA participation at procurement conferences sponsored by other Federal agencies or on behalf of congressional or local sponsors. On receipt at headquarters level of specific complaints by small business, arranges and participates in hearings with policy officials of cognizant Federal agencies to present the position of the complainants and seek amendatory action. Evaluates overall small business procurement programs of Government agencies (departmental level) and makes recommendations designed to increase awards to small business concerns and facilitate their participation in related procurement. Advises other SBA offices with respect to positions to be taken by SBA in dealings with Government procurement agencies.

(b) *Administrative Operations Staff.* Provides administrative support to the Associate Administrator for Procurement and Management Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the procurement and management assistance programs for which they have responsibility. Provides statistical support for the Associate Administrator and procurement and management assistance office heads in their reviews of program effectiveness and use in program planning, policy development, and program supervision. Coordinates and recommends procedures and other instructions for the administration of the procurement and management assistance activities. Cooperates with the Assistant Administrator for Management and his staff with respect to such activities. Develops requirements for program reporting, cost reduction, and manpower utilization. Analyzes deficiencies and inadequacies in program reports and proposes corrective actions. Advises the Associate Administrator on all administrative management, personnel, and general services matters relating to the procurement and management assistance activities with respect to mobilization planning. In cooperation with the Office of Reports develops work measurement system for Central and field office staff. Analyzes workload and work measurement data submitted by Central Office and field procurement and management assistance personnel. Coordinates and prepares planning, programming, budgeting system statements, statistics and reports for submission by the Associate Administrator and Deputy Associate Administrator to the Administrator and Assistant Administrator (Comptroller). Coordinates the development of budget estimates for the procurement and management assistance programs and develops supporting data. Cooperates with the Budget Division, Office of Budget and Finance, in budget preparation, presentation, and control. Prepares material and reports for Congress.

(c) *Size Standards Staff.* Conducts industrial studies and develops size definitions for financial assistance, procurement and management assistance, and investment programs. Recommends and promulgates size standards including establishment of procedures in connection with the size standards program. Processes inquiries received from various companies, Members of Congress, and other outside sources requesting interpretations or other information on the Small Business Administration size standards or regulations in concert with the General Counsel's office. Conducts industrial hearings on size matters, which are attended by representatives of the program areas concerned and a representative from the General Counsel's office. Processes all inquiries received from the field offices on size matters.

(d) *Technical Planning Staff.* Formulates technical projects with respect to program matters to be carried out at the preplanning and preoperational stage, and conducts such special studies and comprehensive analyses concerning matters such as, but not limited to, Government, military, and civilian procurement, surplus sales and property disposal, program requirements, contract administration, appeals, and trade expansion, special communications, management assistance, management training, and technological utilization. Directs SBA's foreign trade activities. Develops, fosters, and stimulates interest and participation of small domestic concerns in foreign trade opportunities. Responsible for the implementation and coordination of the Foreign Assistance Program, both in Washington and in the field, and for establishing and maintaining liaison with a private sector of the economy in matters relating to the Foreign Trade Program. Serves as the focal contact point

and represents the Associate Administrator or his Deputy as their representative with authority to speak on their behalf with other officials of SBA, officials of other Government agencies, and such congressional contacts as may be required through the Office of Congressional Relations. Serves as the alternate for the Associate Administrator or his Deputy on intra-agency or interagency groups, committees, etc. Reviews correspondence and documents of policy nature prepared for the signature of the Associate Administrator. Prepares correspondence and documents which are of major importance on behalf of the Associate Administrator.

(e) *Office of Procurement Assistance.* Formulates and recommends Agency policy governing the procurement assistance programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing contract services, industrial support services, subcontracting assistance, and research and technology assistance. Represents SBA at the Secretary or Administrator's staff level of the Department of Defense and civilian agencies within the Executive Branch, regarding matters involving procurement assistance activities pertaining to specific technical matters. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Participates with these agencies in the development, modification, or changes in policies, procedures, and directives to try to assure overall consistency with SBA policies and procedures. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Develops and coordinates, in conjunction with the Assistant Administrator for Planning, Research, and Analysis, procedures for making economic studies to be utilized in strengthening the SBA procurement assistance programs. Provides advice and guidance to the regional offices with respect to the procurement assistance programs of SBA.

(f) *Office of Management Assistance.* Formulates and recommends Agency policy and establishes standards and procedures governing the management assistance program of the Small Business Administration. Plans, directs, coordinates, and evaluates Agencywide the education, counseling, and management contracts programs. Within delegated authority administers section 406 contracts, grants, and agreements executed by the Associate Administrator for Procurement and Management Assistance under authority granted in section 406 of the Economic Opportunity Amendments of 1967. Maintains liaison and coordinates with other SBA organizational components and other Government agencies in relation to the management assistance program and program activities. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the regional offices with respect to the management assistance programs, including training of program personnel. Reviews operations within the regions to appraise performance.

(g) *Office of Business Development.* Formulates Agency policy and establishes standards and procedures governing the business development programs. Plans, directs, coordinates, and evaluates the Agency's program to identify, develop, and strengthen the small business potential of disadvantaged groups, including minorities, within the manufacturing, construction, and related service industries. Utilizes the authority granted under section 8(a) of the Small Business Act as a primary tool in meeting this objective. Develops policy and establishes procedures for the implementation of section 8(a), which authorizes SBA to enter into contracts with the U.S. Government and any Department, Agency, or office thereof having procurement powers, obligating the administration to furnish articles, equipment, supplies, and materials to the Government. Executes prime contracts with Government procurement agencies and subcontracts with firms selected to perform the contracts on behalf of SBA. Provides for the development of adequate controls to assure that contracts are performed as scheduled. Develops, directs, and carries out an Agencywide promotional program to encourage the involvement of industrial concerns, professional and trade associations, local governments, and community groups in the business development program, and to enlist their direct participation in providing technical, management, financial, and procurement support to the individual entrepreneur. Directs and maintains effective liaison and coordination with other SBA organizational components and other Government agencies for the provision of such assistance under SBA and other agencies' programs, including the request for management and technical assistance funded under authority granted in section 406 of the Economic Opportunity Amendments of 1967. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the field offices in carrying out the program at the local level, including training of program personnel. Reviews operations within the regions and makes visits to appraise performance.

§ 101.2–5 Assistant Administrator for Management.

Plans, directs, coordinates, and implements all personnel, organization and management, and administrative services management programs of the Small Business Administration. Directs, coordinates, and administers the Agency's investigatory, security, emergency preparedness, and external audits and inspections activities. Formulates and recommends policies and directs the establishment of standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with the General Services Administration, Federal Bureau of Investigation, Civil Service Commission, and other agencies on matters relating to office programs and activities. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and regional offices. Directs the conduct of Agency-wide cost reduction and management improvement programs, including systems, procedural and manpower utilization surveys and studies. Provides administrative support to the Office of the Administrator and to the Offices of the Assistant Administrator (Comptroller), and Assistant Administrator for Congressional and Public Affairs.

(a) *Administrative Operations Staff.* Serves as administrative support for all staff functions under the jurisdiction of the Administrator and the Assistant Administrator (Comptroller) and staff offices under the jurisdiction of the Assistant Administrator for Management. Provides direct service and assistance to staff functions and operating offices on all personnel matters including recruitment, training, reassignments, related records, and control of personnel authorizations and ceilings. Maintains funds control on travel and other administrative expenses allotted for operations of the Office of Administrator, Assistant Administrator for Management, and Assistant Administrator (Comptroller). Provides services in connection with travel for staffs of these offices. Coordinates and serves as focal point for administrative service activities including space requirements, office services, local purchases, and related functions. Prepares and coordinates administrative reports required by the Administrator, Assistant Administrator for Management, or Assistant Administrator (Comptroller), and Assistant Administrator for Congressional and Public Affairs for functional responsibilities assigned.

(b) *Office of Personnel.* Develops policies and establishes standards and procedures governing the personnel program throughout the Agency. Plans and conducts the Central Office personnel program including position classification, recruitment, selection, placement, promotion, separation, pay and wage administration, labor-management relations, performance evaluation and incentives, grievances and appeals, conduct and discipline, training and career development, personnel records management, employee services, and safety. Plans and conducts the Agency personnel management evaluation program. This includes planning and conducting inspections and

evaluations of field office personnel management programs and operations. Provides technical guidance and assistance to Central and regional offices regarding the interpretation and application of regulations and procedures pertaining to the personnel program. Reviews, processes, and controls all field office personnel actions requiring Central Office approval and reviews all personnel actions requiring the Administrator's concurrence or approval. Maintains liaison with the Civil Service Commission in matters relating to the development, interpretation, and application of personnel regulations and procedures. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Coordinates and administers the Central Office fund drives.

(c) *Office of Organization and Management.* Develops policy and establishes procedures or guidelines for the analysis and improvement of management, organization, systems, procedures, and methods within the Small Business Administration. Develops, plans, and conducts organizational and management or special project studies as requested by the Administrator or top management officials of SBA or other agencies. Proposes such studies which will improve the effectiveness of the Agency's activities or operations. Conducts followup studies or surveys of field office operations and procedures to insure the attainment of productivity standards. In addition, determines ways and means of simplifying operations, improving manpower utilization, and providing more effective work methods. Develops schedules, plans, and conducts manpower surveys and procedural analyses throughout the Agency. Plans, directs, coordinates, and administers the cost reduction and management improvement programs of the Agency, including the manpower improvement program. Directs the preparation of reports for submission to the Office of Management and Budget and congressional committees. Develops and maintains an organizational plan which describes the structure and functions of the organizational units and the geographical location and responsibilities of the field offices. Develops, prepares, and manages the delegation of authority system for the Central and field offices. Develops, coordinates, and evaluates comprehensive directives and forms control systems for the Agency. Recommends policy and establishes guidelines for Agency communications. Coordinates public availability of SBA information and records under the "Freedom of Information" law.

(d) *Office of Administrative Services.* Develops policies and establishes standards and procedures governing administrative service operations throughout the Agency. Procures and controls equipment, supplies, and printing and conducts procurement negotiations for items and services required. Plans and provides for communications and related services. Plans and directs the SBA records management program including the maintenance of a central records system and service. Plans, coordinates, and administers Agency functions under the emergency preparedness program, including relocation activities relating to the establishment and evaluation of relocation sites and communications network. Develops, directs, and controls the vital material program to assure protection of the Agency's vital records. Directs the Agency's central mail, messenger, reproduction, distribution, and graphic arts services. Plans, directs, and provides technical guidance to all offices on the utilization and acquisition of space. Operates a Central Office reproduction plant. Serves as liaison with other Federal and non-Federal agencies on matters relating to the functions of the office. Directs and coordinates the Central Office reference library activities. Reviews, analyzes, and evaluates the performance of the office and the field offices and takes appropriate action to implement improved methods of operation as they relate to administrative services. Formulates short-range and long-range administrative goals. Conducts and negotiates all administrative contracting functions of the Agency. Negotiates with the General Services Administration on acquisition and utilization of space.

(e) *Office of Security and Investigations.* Develops policies and establishes standards and procedures governing the security and investigations programs of the Agency. Plans, directs, coordinates, and executes the Agencywide security and investigations activities. Conducts investigations of or relating to: Violation or alleged violation of any criminal provision of Federal or State law, including the fraud provisions of the Small Business Act, by any applicant for or recipient of SBA assistance; activities of loan applicant representatives; violations by SBA recipients of title VI of the Civil Rights Act of 1964; compliance with size standard requirements; and other investigations as requested by the Administrator or other Agency officials. Directs and executes the personnel and physical security programs. Investigates allegations and charges against employees on such matters as misconduct, conflict of interest, bribery, and acceptance of gratuities. Conducts character investigations on officials of proposed small business investment companies, candidates for national and state advisory councils, SCORE candidates, and candidates for national awards given by the Agency. Maintains liaison with the Federal Bureau of Investigation, Civil Service Commission, other Federal agencies, and local enforcement authorities on all matters involving the programs and related activities for which responsible. Conducts joint investigations with other Government investigative agencies. Coordinates with Office of General Counsel on all matters requiring legal review and interpretation of investigative facts and findings. Assists that office in cases involving prosecution by the Department of Justice. Serves as an expert witness in support of any legal proceeding brought against an SBA recipient. Administers the execution of oaths and affirmations; takes evidence; and as authorized, requires the production of any books, papers, and documents which are relevant to inquiries or investigations. Renders advice and counsel to Central and field office officials on all matters pertaining to the programs and activities of the office. Directs the development of short-range and long-range objectives and program goals. Evaluates performance of personnel for which responsible and assures that goals and objectives established are met.

(f) *Office of External Audit and Inspections.* Plans, directs, coordinates, and executes the agencywide external audit and inspection programs relating to contracts, grants, and agreements made under section 406 of the Economic Opportunity Act Amendments of 1967; State and local development companies; small business investment companies licensed under the Small Business Investment Act; and loans made under the financial assistance programs of SBA, including the related activities of liquidation and disposal. Develops policies and establishes standards and procedures to govern the external audit and inspection programs and related activities for which responsible. Administers the execution of oaths and affirmations, subpenas witnesses, compels their attendance, takes evidence and requires the production of any books, papers, and documents which are relevant to the external audit and inspection of state and local development companies and small business investment companies. Develops and reports through the Assistant Administrator for Management to the Associate Administrators for Procurement and Management Assistance, Financial Assistance, and Investment and to the General Counsel, facts and evidence to support corrective actions to be taken, administrative proceedings, or recommendations for legal action. Advises and counsels Central and field office officials on all matters pertaining to the programs and activities of the office. Serves as adviser to the SBIC "Preliquidation Conference." Assists the Office of General Counsel in cases developed by external audit and inspections involving prosecution by the Department of Justice. Serves as an expert witness in support of any legal proceeding brought against an SBA recipient. Coordinates findings and evidence for the Department of Justice, Federal Bureau of Investigation, Internal Revenue Service, and congressional committees, when necessary. Maintains liaison with SEC, FDIC, IRS, Comptroller of the Currency, GAO, Home Loan Bank Board, and other agencies where external audit and inspection findings are of mutual interest or in matters affecting the operations of SBA.

§ 101.2–6 Assistant Administrator for Congressional and Public Affairs.

Develops, coordinates, and directs the public information, congressional relations, and advisory councils programs of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide

standards and procedures to govern these programs and activities. Provides advice and assistance to the Administrator and other Central and field office officials on the public and congressional relations aspects of their functions and in the administration of the advisory councils programs. Develops sources of candidates for membership, screens candidates, and recommends to the Administrator the selection of members to serve on the advisory councils. Develops and prepares speeches for the Administrator and key officials of the Agency. Reviews and evaluates results of the public information, congressional relations, and advisory councils programs.

(a) *Office of Public Information.* Prepares and issues news releases, statements, and speeches for the Administrator and other top SBA officials, pamphlets, and other informational materials for public dissemination. Provides material for insertion in publications of other Government agencies. Responsible for final design and editing of Agency general publications (except Management Aids). Edits reports, statements, studies, or other informational materials as requested from operating offices. Plans and directs the development of SBA program and informational films, other than management training films. Distributes these films through the PMA film library nationwide to further the understanding of SBA's policies, programs, and objectives. Plans and directs photographic activities in conjunction with presentation of SBA programs for news stories, articles, pamphlets, and conferences. Responsible for artwork in all publications (except Management Aids) and exhibits. Plans, organizes, and conducts Administrator's news conferences with representatives of newspapers, wire services, trade, and business publications, and radio and television networks. Establishes and maintains liaison with newspapers, wire services, business press, trade associations, chambers of commerce, and similar groups. Promotes their involvement in informing the public as to Agency policies, programs, and objectives. Acts for the Agency in the development and preparation of public statements and special reports. Coordinates SBA participation in public meetings. Plans, organizes, and directs preparation of the Agency's Annual Report to the President and the Congress. Maintains a central facility in the Central Office for public access to Agency records and other material. Directs a program for providing adequate public informational materials to meet the needs at the local level to advance the programs and policies of the Agency. Provides material for SBA display at local exhibits. Plans, develops, and operates orientation programs for visitors to the Central Office.

(b) *Office of Congressional Relations.* Serves a liaison with Members of Congress, congressional committees, commissions, organizations, and agencies dealing with legislative matters. Processes and coordinates with other SBA offices concerned oral inquiries and responses to Members of Congress or congressional committees and the Executive Office of the President. Obtains, assembles, prepares, and coordinates information and data requested by Members of Congress or congressional committees on the SBA programs, legislative proposals and other matters concerning the activities of the Agency. Keeps the Administrator and top officials of the Agency informed of the activities of congressional committees as they relate to the programs and activities of SBA. Interprets for Members of Congress the Agency's policies, programs, practices, and objectives. Works with other Federal agencies on matters of mutual interest.

(c) *Office of Advisory Councils.* Develops and recommends policies and procedures for the establishment and operation of the National Small Business Advisory Council and Regional Advisory Councils. Provides advice and assistance in the administration of the advisory councils programs. Develops sources of candidates for membership, screens candidates, and submits recommendations on the selection of members to serve on the advisory councils. Organizes, plans, and participates in the annual meeting of the National Advisory Council for the Small Business Administration. Participates in meetings of the Regional Advisory Councils and reviews agendas of meetings and proposed resolutions of the councils. Refers resolutions to interested Central Office officials for appropriate consideration and action. Notifies the chairman of the respective council of the Small Business Administration's position on the resolutions received. Reviews and consolidates resolutions adopted by the Regional Advisory Council for presentation to and consideration at the annual meeting of the National Advisory Council. Organizes, plans, and participates in the several meetings of the National Small Business Investment Company Advisory Council. Handles all details in preparing the summaries of those meetings. Processes reimbursement of travel claims for all members of the National Advisory Council and the National SBIC Advisory Council. Publishes a monthly newsletter, covering the activities of the National and Regional Councils and the National SBIC Council, including the preparation of and organization of material on policy programs and securing and editing of items regarding activities by council members. Keeps Central Office officials informed of the activities of the councils as they relate to their functional areas of responsibility.

§ 101.2–7 Assistant Administrator for Planning, Research, and Analysis.

Conducts planning studies and evaluations of the economic environment and relates the forecasted environment to the needs and problems of the small business community. Conducts economic and cost benefit analyses and special studies of Agency activities to provide the Administrator with alternative courses of action in the decisionmaking process. Develops program memorandums in conformance with the program category structure of the Agency as required by the Office of Management and Budget under the planning, programing, budgeting system. Provides in-house research capability and identifies and formulates economic and industry research projects to be pursued under contract and monitors such contracts approved by the Administrator. Initiates, with the approval of the Administrator, and participates in interagency studies dealing with the critical aspects of the economy and public policy affecting small business. Initiates studies and develops procedures to provide a historical and current statistical description of the small business sector to provide, in a timely manner, data for policy and program formulation. Provides the Administrator and program managers with economic counsel on the problems of small business and the programs of the Agency. Serves as a member on the Program Advisory Council and the Size Appeals Board.

§ 101.2–8 Assistant Administrator for Minority Enterprise.

Plans, develops, coordinates, and administers the minority enterprise (ME) program of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern ME programs and activities. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Represents the Administrator at interagency meetings convened by the Secretary of Commerce for the purpose of coordinating programs and activities that affect or contribute to the growth of minority business enterprise. Serves in this capacity, in cooperation with Associate Administrator for Procurement and Management Assistance (PMA), at other interagency meetings and in negotiations with Government agencies whose activities relate to the ME and business development programs. Provides information and assistance and otherwise participates with the Secretary of Commerce, when requested, in the development of national program objectives for minority business enterprise. Confers with top representatives of industry, trade associations, local governments, and community action groups to enlist their substantial participation and involvement in the SBA ME program. Promotes their cooperation in the development of minority enterprises and entrepreneurships in the disadvantaged areas. Negotiates basic agreements with industries for establishment of local outlets and franchises. Coordinates with and invites participation by Associate Administrator for PMA in meetings and conferences that include representatives of manufacturing industries or that relate to manufacturing enterprises. Encourages the establishment of and funds management and technical assistance projects and activities to furnish centralized services in the disadvantaged areas. Chairs the ad hoc ME advisory group, consisting of key representatives of the major program and staff offices of the Central Office. In cooperation with these officials formulates overall plans and procedures for provision of developmental and follow-on services vital to the viability of minority entrepreneurs. Serves as a member of the Program Advisory Council.

(a) *Office of Program Development and Supervision.* Develops overall Agency criteria and procedures for the minority enterprise (ME) program, in collaboration with ME staff and ME advisory group members. In cooperation with the Assistant Administrator for Minority Enterprise (AA/ME) and Director, Office of Minority Industry Relations, establishes approved policies, criteria, and procedures governing Agencywide program operations and activities. Develops requirements for submission of program, cost reduction, and manpower utilization reports, as required. Maintains liaison with district directors and advises regional directors concerning activities and performance of field personnel engaged in the ME program. Monitors the performance of such personnel to ensure compliance with program policies and procedures and understanding of program objectives. Assists regional directors in determining the competency and developing the potential of ME representatives in the field. Recommends for Assistant Administrator's approval selected candidates to serve as ME representatives. Advises the AA/ME on all administrative and personnel matters. Also, assists the Assistant Administrator in recruitment and training programs, in cooperation with Office of Personnel. Coordinates and prepares PPBS statements, statistics, and reports for submission by AA/ME to the Administrator and Assistant Administrator (Comptroller). In cooperation with Office of Reports, develops work measurement system for Central Office and ME staff located at field offices. Analyzes the workload and work measurement data submitted by ME staff and ME representatives. Maintains liaison with ME staff and advisory group members to assure program implementation and support on a coordinated basis. Serves as alternate for the AA/ME at interagency meetings and in negotiations with other agencies concerning related activities.

(b) *Office of Minority Industry Relations.* Formulates and recommends Agency policies governing the minority industry relations program. Plans, directs, coordinates, and evaluates the SBA program governing minority industry relations. Directs and promotes relations and effective liaison with industry, trade associations, local governments, and community action groups to stimulate their participation in the SBA ME program. Promotes involvement by such groups in developing and assisting minority enterprises and entrepreneurships in ghetto areas, particularly through: establishment of local outlets and franchises, provision of management and technical expertise, management and technical assistance projects and activities furnishing centralized services. Negotiates agreements with industries at the national level for management and other forms of support and assistance for minority owned and operated enterprises. Funds management and technical assistance projects and outreach activities designed to inform individuals in the disadvantaged areas of the programs and services available. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of personnel for which responsible and assures that the goals and objectives established are met. Develops criteria and procedures to be used by ME representatives in the field in carrying out at the local level all aspects of the program. Maintains liaison with other Federal agencies, such as OEO, Labor, HUD, HEW, for coordination of activities in specific target areas.

§ 101.2–9 Assistant Administrator (Comptroller).

Plans, directs, coordinates, and implements all budget and finance and data services programs and the reports system of the Small Business Administration. Directs the agencywide work measurement system. Plans, directs, and coordinates the Agency program planning system, integration of planning, programing, and budgeting activities, and the evaluation of program plans and activities. Provides for analytical services to permit objective evaluation of Agency goals in meeting the needs of the small business sector of the Nation. Establishes formal liaison with other agencies such as Economic Development Administration, Office of Economic Opportunity, and Department of Housing and Urban Development, for coordinating the compilation of data essential to joint studies of mutual benefit. Directs, coordinates, and administers the Agency's financial and management reporting and audit activities. Formulates and recommends policies and directs the establishment of standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with the Office of Management and Budget, congressional appropriation committees, General Accounting Office, Treasury Department, and other agencies on budgetary, accounting, and fiscal matters. Plans and directs the development of short-range and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Central and regional offices.

(a) *Office of Budget and Finance.* Plans, directs, coordinates, and executes all budget, accounting, and fiscal activities of the Small Business Administration. Maintains liaison with the Office of Management and Budget, General Accounting Office, Treasury Department, staffs of congressional committees, and other Federal agencies on budgetary, accounting, and fiscal matters. Directs the development and administration of systems for the accountability of all funds, property, and other assets for which the Agency is responsible. Directs the establishment and implementation of procedures and control systems involving the collection, deposit, and disbursement of funds, including the preparation of financial information and data, and certain statistical data covering the operational programs of the Agency. Provides advice and assistance to the Central and regional offices on all matters involving the budget, accounting, and fiscal activities. Directs the program planning system and insures the proper integration of planning, programing, and budgeting activities of the Agency. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the objectives and goals established are met.

(b) *Office of Data Management.* Develops and recommends Agency policy governing the provision and management of data processing, data communications, computer systems analysis, and management science services within SBA. Plans, develops, and conducts systems of feasibility studies of the application of automatic data processing (ADP) and data communications techniques to the programs and operations of the Agency. Develops, implements, and maintains such systems for collection, compiling, and reporting information through the use of ADP and data communications. Develops and applies management science, operations research, and statistical techniques in support of Agency program and staff office needs and the SBA planning, programing, and budgeting system. Develops and operates computerized information systems and models to support these planning and evaluation activities. Coordinates with program and staff offices using ADP systems for improving the effective utilization of ADP and data communications equipment. Plans and conducts feasibility studies for the acquisition, installation, and operation of data processing, data communications, and related peripheral equipment. Submits reports to the Office of Management and Budget and other external and internal authorities, as required. Cooperates with other Federal agencies and ADP equipment manufacturers on advanced technology for utilization, capacity, and maintenance of ADP systems and equipment. Develops and establishes systems and procedures governing the utilization of ADP and data communications equipment in the field extension located in Denver, Colo. Provides technical and operational advice and support and coordinates equipment utilization and management reporting for field extension ADP activities to insure compliance with Federal and Agency ADP management standards. Maintains liaison with other Government agencies and private sector organizations to coordinate and promote the interchange of data. Directs the development of short-range and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met.

(c) *Office of Reports.* Recommends policy on, develops, establishes procedures for, and administers the SBA Management Information System. Maintains official SBA program statistics. Prepares or authenticates all replies to external requests for data, including inquiries from Congressmen, testimonies for hearings, and White House requests. Directs the SBA Reports Control System, keeping Agency reporting at an optimum level to provide all essential data for internal management use and external requirements. Plans, develops, and administers the SBA work measurement performance standards system. Provides periodic and special reports and analyses to the Administrator, associate administrators, and Agency managers on activity performance. Coordinates in the development of automated systems to gather and retrieve financial and management information.

(d) *Office of Audit.* Plans, directs, coordinates, and executes the agencywide audit activities. Develops policies and establishes standards and procedures governing the audit program and related activities for which responsible. Schedules and maintains control over all audits conducted. Provides supervision over the auditors stationed in the field offices and instructs them in their activities. Conducts an internal audit program of SBA operations in accordance with accepted principles and standards of auditing, including the provisions of sections 111, 113, and 117 of Public Law 784, 81st Congress, Budget and Accounting Act of 1950. Conducts special audits as requested by Central or field officials. Submits reports and recommendations covering all audits to appropriate officials for correction of deficiencies disclosed by the audits. Analyzes reports of corrective action taken on reported deficiencies. Recommends to the Assistant Administrator (Comptroller) any matters which require further action by the officials concerned or the Administrator. Analyzes audit reports and recommendations submitted by auditors stationed in the field. Maintains liaison with the General Accounting Office and other agencies with respect to all audit activities pertaining to SBA. Serves as the focal point in coordinating GAO audit reports covering the Agency's operations and activities. Prepares replies and reports for submission to GAO on the position taken or actions required to correct audit deficiencies contained in the GAO reports. Confers with and maintains close working relations with the Office of Security and Investigations on all matters disclosed in the audits where it appears that investigative action is warranted as a result of possible fraud or violation of criminal statutes or regulations applicable to the operations of SBA. Renders advice and counsel to Central and field office officials on all matters pertaining to the programs and activities of the office. Formulates short-range and long-range audit goals and objectives. Evaluates performance of personnel for which responsible and assures that program goals and objectives established are met.

§ 101.3 Organization and functions of the field offices.

(a) *Regional office.* An SBA office, headed by a regional director, it is the principal field office of the Agency, responsible and responsive to the Central Office. The city location and geographical boundaries of each of the 10 regional offices were designated by the President in a statement on May 2, 1969. Such office exercises full authority and supervisory responsibility for: (1) The execution of all field activities within the region; (2) supervision of all district offices within the region; (3) execution of all field programs within a defined and limited geographical area referred to as the regional operational boundary; (4) direct supervision of those branch offices and post-of-duty stations within the regional operational boundary; and (5) providing district offices and those branch offices and post-of-duty stations within the regional operational boundary with the technical capability necessary to execute assigned programs.

(b) *District office.* An SBA office, headed by a district director, located in a city designated by the Administrator within a defined, limited, and contiguous geographical area within a region. Such office is responsible and responsive to the regional office for the region in which it is located. Except for restrictions based on delegations of authority, the district office has full authority and supervisory responsibility for: (1) The execution of all field activities within the district boundaries; (2) supervision of all branch offices and post-of-duty stations located within district boundaries; and (3) providing subordinate branch offices and post-of-duty stations with the technical capability necessary to execute assigned programs.

(c) *Branch office.* An SBA office headed by a branch manager, located in a city designated by the Administrator within a defined, limited, contiguous geographical area within a district or within the operational boundary of a regional office. Such office is directly responsible and responsive to the district office within whose boundaries it is located, or to the regional office when located in a portion of the region where field programs are performed by the regional office. It executes one or more elements of the business or disaster loan programs and has limited authority for program execution.

(d) *Post-of-duty station.* An SBA office headed by an officer-in-charge, located in a city designated by the Administrator within a district or within a regional office operational boundary. Such office is directly responsible and responsive to the district office within whose boundaries it is located, or to the regional office when located within the regional office operational boundary. It performs tasks required to promote and support the business and disaster loan programs and procurement and management assistance activities. It has no authority for program execution.

§ 101.3–1 Listing of field offices.

(a) Region I. Regional Office, John F. Kennedy Federal Building, Government Center, Boston, MA 02203. Serving Massachusetts and having jurisdiction over the following district offices and post-of-duty station:

(1) 326 Appleton Street, Holyoke,[1] MA 01040. Serving Massachusetts counties of Berkshire, Franklin, Hampden, and Hampshire.

(2) 40 Western Avenue, Augusta, ME 04330. Serving Maine.

(3)[1] 55 Pleasant Street, Concord, NH 03301. Serving New Hampshire.

(4) 450 Main Street, Hartford, CT 06103. Serving Connecticut.

(5) 87 State Street, Montpelier, VT 05601. Serving Vermont.

(6) 57 Eddy Street, Providence, RI 02903. Serving Rhode Island.

(b) Region II. Regional Office, 26 Federal Plaza, New York, NY 10007. Serving New York counties of Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester, and having jurisdiction over the following district and branch offices:

(1) 970 Broad Street, Newark, NJ 07102. Serving New Jersey.

(2) Hunter Plaza, Fayette and Salina Streets, Syracuse, NY 13202. Serving New York counties of Allegany, Albany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chennango, Clinton, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates.

(3) 121 Ellicott Street, Buffalo,[2] NY 14203. Serving New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

(4) 91 State Street, Albany,[3] NY 12207. Serving New York counties of Albany, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington.

(5) Rochester,[3] N.Y. Serving New York counties of Livingston, Monroe, Ontario, Seneca, Wayne, and Yates.

(6) 255 Ponce de Leon Avenue, Hato Rey, PR 00919. Serving the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

(c) Region III. Regional Office, 1 Decker Square, East Lobby, Bala Cynwdy, PA 19004. Serving Delaware and the Pennsylvania counties of Adams, Berks, Bradford, Bucks, Carbon, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York, and having jurisdiction over the following district and branch offices:

See footnotes at end of document.

(1) Sixth and King Streets, Wilmington,[1] DE 19801. Serving Delaware.

(2) 31 Hopkins Plaza, Baltimore, MD 21202. Serving Maryland, except the counties of Montgomery and Prince Georges.

(3) 109 North Third Street, Clarksburg, WV 26301. Serving West Virginia.

(4) 500 Quarrier Street, Charleston,[2] WV 25301. Serving West Virginia counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming.

(5) 1000 Liberty Avenue, Pittsburgh, PA 15222. Serving Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

(6) 400 North Eighth Street, Richmond, VA 23240. Serving Virginia, except the counties of Arlington, Fairfax, and Loudoun.

(7) 1310 L Street NW., Washington, DC 20417. Serving the District of Columbia; Maryland counties of Montgomery and Prince Georges; and Virginia counties of Arlington, Fairfax, and Loudoun.

(d) Region IV. Regional Office, 1401 Peachtree Street NE., Atlanta, GA 30309. Serving Georgia and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 908 South 20th Street, Birmingham, AL 35205. Serving Alabama.

(2) 222 South Church Street, Charlotte, NC 28202. Serving North Carolina.

(3) 1801 Assembly Street, Columbia, SC 29201. Serving South Carolina.

(4) Post Office Box 2351, 245 East Capitol Street, Jackson, MS 39205. Serving Mississippi.

(5) Hancock Building, Fourth Floor, Gulfport,[2] MS 39501. Serving Mississippi counties of Forrest, George, Greene, Hancock, Harrision, Jackson, Lamar, Marion, Pearl River, Perry, and Stone.

(6) 400 West Bay Street, Jacksonville, FL 32202. Serving Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

(7) 600 Federal Place, Louisville, KY 40202. Serving Kentucky.

(8) 51 Southwest First Avenue, Miami, FL 33130. Serving Florida counties of Brevard, Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Florida Keys.

(9) 500 Zack Street, Tampa,[3] FL 33602. Serving Florida counties of Hillsborough, Pinellas, Polk, and Pasco. (Circuit rider to Manatee and Hendry.)

(10) 500 Union Street, Nashville, TN 37219. Serving Tennessee.

(11) 502 Gay Street, Knoxville,[2] TN 37902. Serving Tennessee counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne; Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington.

(12) 167 North Main Street, Memphis,[3] TN 38103. Serving Tennessee counties of Fayette, Hardeman, Haywood, Lauderdale, Shelby, and Tipton.

(e) Region V. Regional Office, 219 South Dearborn Street, Chicago, IL 60604. Serving Illinois and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 502 East Monroe Street, Springfield,[4] IL 62701. Serving Illinois counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson.

(2) 1240 East Ninth Street, Cleveland, OH 44199. Serving Ohio counties of Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Huron, Jefferson, Lake, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Sandusky, Stark, Summit, Trumbull, Tuscarawas, Wayne, and Wood.

(3) 50 West Gay Street, Columbus, OH 43215. Serving Ohio counties of Adams, Allen, Ashland, Athens, Auglaize, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Guernsey, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Richland, Ross, Scioto, Seneca, Shelby, Union, Van Wert, Vinton, Warren, Washington, Williams, and Wyandot.

(4) Federal Building, Room 5524, Cincinnati,[3] OH 45202. Serving Ohio counties of Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Montgomery, Preble, and Warren.

(5) 1249 Washington Boulevard, Detroit, MI 48226. Serving Michigan.

(6) 502 West Kay Avenue, Marquette,[2] MI 49855. Serving the Upper Peninsula of Michigan.

(7) 36 South Pennsylvania Street, Indianapolis, IN 46204. Serving Indiana.

(8) 25 West Main Street, Madison, WI 53703. Serving Wisconsin counties of Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Door, Douglas, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

(9) 238 West Wisconsin Avenue, Milwaukee,[3] WI 53203. Serving Wisconsin counties of Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha.

(10) 500 South Barstow Street, Eau Claire,[3] WI 54701. Serving Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas, and Washburn.

(11) 816 Second Avenue South, Minneapolis, MN 55402. Serving Minnesota.

(f) Region VI. Regional Office, 1309 Maine Street, Dallas, TX 75202. Serving Texas counties of Anderson, Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Limestone, McLennan, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwell, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Van Zandt, Wichita, Wilbarger, Wise, and Young, and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 500 Gold Avenue SW., Albuquerque, NM 87101. Serving New Mexico.

(2) 1015 El Paso Road, Las Cruces,[3] NM 88001. Serving New Mexico counties of Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, and Sierra.

(3) 808 Travis Street, Houston, TX 77002. Serving Texas counties of Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Trinity, Tyler, Waller, Walker, Washington, and Wharton.

(4) 600 West Capitol Avenue, Little Rock, AR 72201. Serving Arkansas, except Columbia, Lafayette, and Miller counties.

See footnotes at end of document.

(5) 1616 19th Street, Lubbock, TX 79408. Serving Texas counties of Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Reagan, Roberts, Runnels, Scurry, Sherman, Sterling, Stonewall, Swisher, Taylor, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum.

(6) 219 East Jackson Street, Lower Rio Grande Valley, TX 78550. Serving Texas counties of Aransas, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, Starr, Willacy, and Zapata.

(7) 701 North Upper Broadway, Corpus Christi,[2] TX 78401. Serving Texas counties of Aransas, Brooks, Kleberg, Nueces, and San Patricio.

(8) 505 East Travis Street, Marshall, TX 75670. Serving Arkansas counties of Columbia, Lafayette, and Miller; Texas counties of Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Marion, Morris, Nacogdoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood; and Louisiana parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster.

(9) 124 Camp Street, New Orleans, LA 70130. Serving Louisiana, except Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster Parishes.

(10) 30 North Hudson Street, Oklahoma City, OK 73102. Serving Oklahoma.

(11) 301 Broadway, San Antonio, TX 78205. Serving Texas counties of Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Burnet, Cladwell, Calhoun, Comal, Concho, Crockett, Culberson, De Witt, Dimmit, Edwards, El Paso, Fayette, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hudspeth, Irion, Jackson, Jeff Davis, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Lampasas, Lavaca, Lee, Live Oak, Llano, Loving, Mason, Maverick, McCulloch, McMullen, Medina, Menard, Pecos, Presidio, Real, Reeves, Refugio, San Saba, Schleicher, Sutton, Terrell, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Williamson, Wilson, and Zavala.

(12) 109 North Oregon Street, El Paso,[2] TX 79901. Serving Texas counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Terrell.

(g) Region VII. Regional Office, 911 Walnut Street, Kansas City, MO 64106. Serving Kansas counties of Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wilson, Woodson, and Wyandotte; and Missouri counties of Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Copper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright; and having jurisdiction over the following district offices:

(1) 210 Walnut Street, Des Moines, IA 50309. Serving Iowa.

(2) 215 North 17th Street, Omaha, NE 68102. Serving Nebraska.

(3) 210 North 12th Street, St. Louis, MO 63101. Serving Missouri counties of Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, St. Louis City, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(4) 120 South Market Street, Wichita, KS 67202. Serving Kansas counties of Barber, Barton, Butler, Chase, Chautauqua, Cheyenne, Clark, Clay Cloud, Comanche, Cowley, Decatur, Dickinson, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wichita.

(h) Region VIII. Regional Office, 721 19th Street, Denver, CO 80202. Serving Colorado, and having jurisdiction over the following district offices.

(1) 100 East B Street, Casper, WY 82601. Serving Wyoming.

(2) 653 Second Avenue North, Fargo, ND 58120. Serving North Dakota.

(3) Power Block Building, Corner Main and Sixth Avenue, Helena, MT 59601. Serving Montana.

(4) 125 South State Street, Salt Lake City, UT 84111. Serving Utah.

(5) National Bank Building, Eighth and Main Avenue, Sioux Falls, SD 57102. Serving South Dakota.

(i) Region IX. Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102. Serving California, except the counties of Imperial, Inyo, Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura, and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 1130 O Street, Fresno,[1] CA 93721. Serving California counties of Fresno, Kern (W. Pt.), Kings, Madera, Merced, and Tulare.

(2) 1149 Bethel Street, Honolulu, HI 96813. Serving Hawaii and American Samoa.

(3) Ada Plaza Center Building, Agana,[2] GU 96910. Serving Guam and the Trust Territory of the Pacific Islands.

(4) 849 South Broadway, Los Angeles, CA 90014. Serving California counties of Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura.

(5) 300 Las Vegas Boulevard South, Las Vegas,[2] NE 89101. Serving Nevada and the California county of Inyo.

(6) 532 North Mountain Avenue, San Bernardino,[3] CA 92401. Serving California counties of Riverside and San Bernardino.

(7) 112 North Central Avenue, Phoenix, AZ 85004. Serving Arizona.

(8) 155 East Alameda Street, Tucson,[3] AZ 85701. Serving Arizona counties of Pima, Santa Cruz, and Cochise.

(9) 110 West C Street, San Diego, CA 92101. Serving California counties of Imperial and San Diego.

(j) Region X. Regional Office, 506 Second Avenue, Seattle, WA 98104. Serving Washington counties of Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima, and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 1016 West Sixth Avenue, Anchorage, AK 99501. Serving Alaska election districts of Ketchikan-Prince of Wales, Wrangell-Petersburg, Sitka, Juneau, Yakutat, Cordova-Valdez, Palmer, Anchorage, Seward, Kenai, Kodiak, Aleutian Islands, Bristol Bay, Bethel, Nome, and Wade Hampton.

(2) 504 Third Avenue, Fairbanks,[2] AK 99701. Serving Alaska election districts of Barrow-Kobuk, Fairbanks-Yukon, and Yukon-Kuskokwin.

(3) Federal Building, Room 423, Juneau,[2] AK 99801. Serving Alaska election districts of Ketchikan-Prince of Wales, Wrangell-Petersburg, Sitka, Juneau, and Yakutat.

(4) 216 North Eighth Street, Boise, ID 83701. Serving Idaho, except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, and serving Oregon counties of Baker, Grant, Harney, Malheur, Union, and Wallowa.

(5) 921 Southwest Washington Street, Portland, OR 97205. Serving Oregon, except Baker, Grant, Harney, Malheur, Union, and Wallowa counties; and serving Washington counties of Clark, Cowlitz, Klickitat, Skamania, and Wahliakum.

(6) Courthouse Building, Room 651, Spokane, WA 99210. Serving Washington counties of Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman; and Idaho counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

Effective date: February 10, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2282 Filed 2-18-71;8:46 am]

[Rev. 1, Amdt. 1]

PART 106—LEASE GUARANTEE

Insurance Premium, Amount of Insurance, and Insurer's Rights

Part 106 of Chapter I of Title 13 of The Code of Federal Regulations is hereby amended:

1. Paragraphs (b), (c), and (e) of § 106.7 are revised to read as follows:

§ 106.7 Insurance premium and amount of insurance.

* * * * *

(b) The minimum term of a lease which SBA will guarantee directly is 10 years; the maximum term for such insurance is 20 years. The minimum term of a lease which SBA will guarantee in participation with a qualified company is 5 years; the maximum term for such insurance is 20 years.

(c) (1) The maximum amount of contract rent (exclusive of contingent overages) under leases to any small business concern or its affiliates for which a direct guarantee is issued by SBA shall not exceed the lesser of $15,000 in any month or $2,500,000 in the aggregate over the term guaranteed.

(2) The maximum amount of contract rent (exclusive of contingent overages) under two or more leases in any single property or group of contiguous properties for which direct guarantees are issued by SBA shall not exceed the lesser of $30,000 in any month or $5 million in the aggregate over the term guaranteed.

(3) SBA's share of the obligation to pay rental in participation with a qualified participating insurance company under leases to any small business concern or its affiliates shall not exceed the lesser of $15,000 in any month or $2,500,000 in the aggregate over the term guaranteed.

(4) The limitations of this subsection shall apply to all cases in which SBA has not, prior to April 1, 1971, issued a conditional commitment on an application for such a guarantee.

* * * * *

(e) The Administrator has determined on the basis of actuarial studies that the following schedule of premiums (which exclude processing fees) for rental insurance of leases of real property constitutes the maximum reasonable premiums for direct policies and policies reinsured by SBA.

Term of Lease in Years	*Maximum reasonable premium (as percentage of total minimum rent guaranteed)*
5	6.5
6	5.9
7	5.3
8	4.8
9	4.4
10	4.0
11	3.7
12	3.4
13	3.1
14	2.9
15	2.8
16	2.8
17	2.8
18	2.8
19	2.8
20	2.8

4. Subparagraph (1) of paragraph (b) of § 106.12 is revised to read as follows:

§ 106.12 Insurer's rights.

* * * * *

(b) * * *

(1) The insurer shall become the successor to the lessor for the sole purpose of causing the premises to be rerented by the lessor for any lawful purpose at such rentals and to any lessee acceptable to the insurer. Any rentals accruing under such new lease shall be paid to, and become the property of the insurer; provided, that if at the end of any month the cumulative rentals paid to SBA under the new lease shall exceed the sum of (i) the cumulative amounts of the guaranteed rent paid on the claim by the insurer, (ii) the cumulative amounts paid to the lessor in past months under this subparagraph by reason of excess rentals under new leases, and (iii) an amount determined by SBA to be sufficient to defray the direct and administrative expenses incurred by SBA in connection with the claim, then the insurer will remit to the lessor for that month the amount of any such excess.

Effective date. Except as stated in § 106.7(c) as revised, this amendment shall become effective upon publication in the FEDERAL REGISTER (2-19-71).

Dated: February 9, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2294 Filed 2-18-71;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1841]

PART 13—PROHIBITED TRADE PRACTICES

Christian Dior-New York, Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear:*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Christian Dior-New York, Inc., New York, N.Y., Docket No. C-1841, Jan. 4, 1971]

In the Matter of Christian Dior-New York, Inc., a Corporation

Consent order requiring a New York City manufacturer and seller of women's and misses' wearing apparel, including ladies' dresses, to cease violating the Flammable Fabrics Act by selling, importing, or delivering any fabric which fails to conform with the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Christian Dior-New York, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued, or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since March 9, 1970. Such report shall further inform the Commission whether respondent has in inventory any other fabric, product or related material having a plain surface and made of silk, paper, rayon and acetate, nylon and acetate, rayon or cotton, or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface and made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be not less than 1 square yard of material.

See footnotes at end of document.

[1] Denotes post-of-duty station under regional office.
[2] Denotes branch office under district office.
[3] Denotes post-of-duty station under district office.
[4] Denotes branch office under regional office.

It is further ordered, That the respondent herein either process the fabrics which gave rise to this complaint and any wearing apparel made from said fabrics so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said fabrics or any wearing apparel made therefrom.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent shall maintain full and adequate records concerning all products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, which are sold or distributed by it.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2259 Filed 2-18-71;8:45 am]

[Docket No. C-1842]

PART 13—PROHIBITED TRADE PRACTICES

Golden-Venet, Inc., and Arthur Goldenberg

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Golden-Venet, Inc., et al., Millburn, N.J., Docket No. C-1842, Jan. 4, 1971]

In the Matter of Golden-Venet, Inc., a Corporation, and Arthur Goldenberg, Individually and as an Officer of Said Corporation

Consent order requiring a Millburn, N.J., retailer of furs to cease and desist from misbranding and deceptively invoicing any fur product.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Golden-Venet, Inc., a corporation, and its officers, and Arthur Goldenberg, individually and as an officer of said corporation, and respondents', representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Representing directly or by implication on an invoice that the fur contained in such fur product is "natural," when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2260 Filed 2-18-71;8:45 am]

[Docket No. 8763]

PART 13—PROHIBITED TRADE PRACTICES

Maremont Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, Maremont Corp., Chicago, Ill., Docket No. 8763, Jan. 26, 1971]

In the Matter of Maremont Corp., a corporation

Consent order requiring a major manufacturer and distributor of automotive parts with headquarters in Chicago, Ill., to divest itself of 28 warehouse distributors not located in California by selling them to a minimum of four different purchasers, to sell its 153 automotive parts jobber stores to at least three separate purchasers, respondent must not acquire any processor or wholesaler of automobile parts without Commission approval for the next 10 years, and not to engage in any systematic reciprocal buying and selling agreements with other manufacturer-wholesalers of automotive parts, accessories, or equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

The Commission having considered all the facts and circumstances and without adjudication of any issue of fact or law, and in settlement of the proceeding and all issues raised by the Complaint, now issues this order, in which the following words shall have the following meanings:

"Respondent" shall mean Maremont Corp., an Illinois corporation, and shall include all its subsidiaries, affiliates, officers, directors, agents, employees, and representatives, as well as any and all successors and assigns to any substantial portion of Respondent's automotive business other than any assets divested under this order.

"Divestiture" shall mean a transfer by Respondent of all the assets of a business as a going business in its historic marketing area to one other than Respondent.

"Assets" shall mean the property (whether owned or leased) used by Respondent in carrying on a business of wholesaling automotive parts, accessories and equipment and shall include, but not restrictively, all buildings and grounds, machinery, equipment, supplies, inventory, accounts receivable, trade-names and trade marks, franchises, good will, customer lists and employment and other contract rights insofar as assignable.

"Warehouse distributor" or "warehouse" shall refer to any of Respondent's 35 wholesalers of automotive parts, accessories and equipment which are listed by location in Appendix A, all of which are represented to be in operation unless therein expressly described as closed.

"Jobber store" or "store" shall refer to any of Respondent's 153 wholesalers of automotive parts, accessories and equipment which are listed by location in Appendix B, all of which are represented to be in operation unless therein expressly described as closed.

"1969 dollar sales volume" shall refer to those figures appearing in one certain letter of even date herewith from Respondent to the Commission stating the

1969 dollar sales volume of each of Respondent's 35 warehouses with aggregate 1969 sales of $81.1 million listed in Appendix A and each of Respondent's 153 stores with aggregate 1969 sales of $38.35 million listed in Appendix B, which statements are warranted there by Respondent to be true 1969 sales volumes and are accepted by the Commission for all purposes of this order. Such figures are received in camera and shall not be released for a 4-year period without Commission approval except insofar as they are revealed herein or, in the judgment of the Commission's staff, should be released to particular bona fide prospective divestiture transferees.

"Group" shall mean all warehouse distributors and/or jobber stores divested to a single transferee, whether in one or more separate transactions and whether or not at the same time. "Group" may refer to a single warehouse or store.

"West Coast" refers to the three States of California, Oregon, and Washington.

I. Divestiture of Warehouses and Stores. *It is ordered*, That:

A. *Basic divestiture.* Respondent shall as soon as possible and in any event no later than 48 months from the date of service of this Order divest itself absolutely and unconditionally, on terms and to transferees approved in advance by the Commission, of all interest, direct or indirect, in all the assets of the following warehouse distributors and jobber stores having aggregate 1969 sales of $100.37 million:

(1) All of Respondent's 28 warehouse distributors identified in Appendix A as being located elsewhere than in the State of California and having aggregate 1969 sales of $62.02 million; and

(2) All of Respondent's 153 jobber stores identified in Appendix B and having aggregate 1969 sales of $38.35 million. Divestiture of warehouses accounting for no less than 50 percent of the 1969 dollar sales volume of the warehouses to be divested hereunder and of stores accounting for no less than 30 percent of the 1969 dollar sales volume of all such stores to be divested hereunder shall be completed within 24 months of the date of service of this order. The warehouses to be divested under this order shall be divested to no less than 4 different transferees, all completely independent of each other. No such divestiture transferee shall acquire, whether by one or more transactions, more than seven warehouses or more than $20 million aggregate 1969 sales, except that Respondent may divest all nine of its West Coast warehouses to a single transferee if it so elects in accordance with Paragraph I-B below. The jobber stores to be divested under this order shall be divested to no less than three different transferees, all completely independent of each other. No such divestiture transferee shall acquire, whether by one or more transactions, jobber stores with more than $13 million aggregate 1969 sales. If all the requirements of this paragraph are otherwise satisfied, one or more warehouses and one or more jobber stores may be divested to the same transferee; notwithstanding this provision no jobber store shall be divested to a transferee of West Coast warehouses with 1969 sales in excess of $20 million. All numerical limits fixed by this paragraph are to be followed strictly and without deviation therefrom.

B. *Alternative divestiture.* If but only if, within 24 months after service of this order on Respondent, it elects to divest itself of all seven California warehouses identified in Appendix A which it would otherwise be permitted to retain under Paragraph I-A above, and within that period in good faith submits to the Commission a contract or contracts to dispose of all seven California warehouses wanting only Commission approval to be binding on Respondent, then within 48 months from the date of service of this order Respondent may elect to retain six other warehouses which had aggregate 1969 dollar sales volume not exceeding $16 million and accordingly the aggregate 1969 sales volume of the other 29 warehouses divested or to be divested shall in such case be at least $65.1 million. All numerical limits fixed by this section are to be followed strictly and without any deviation therefrom.

C. *Common ownership.* None of the assets to be divested under this Order shall be transferred, directly or indirectly, to anyone who, at the time of such divestiture, is an owner, officer, director, employee, or agent or under the control of Respondent. Nor shall any divestiture transferee at the time when any such assets are divested be related to any other divestiture transferee under any provision of this Order as parent, subsidiary or affiliate or by virtue of any interlocking ownership, direction or control, nor shall any such transferees then have any common employees, unless all divestiture assets acquired by such related parties in the aggregate could have been acquired by a single transferee without violating any rules laid down in paragraph I-A or any other provision of this order.

D. *Credit transactions.* If any sale by Respondent to effect divestiture of assets under this order is not entirely for cash, Respondent is not prohibited from retaining, accepting or enforcing a bona fide lien, mortgage or deed of trust to secure the payment of any balance due: *Provided, however*, That except with the advance approval of the Commission the Respondent shall neither extend nor guarantee credit to any divestiture transferee for a term of more than 5 years. It shall be a provision of any financing contract between Respondent and a divestiture transferee that the transferee may at any time prepay all or part of such debt without penalty. If Respondent shall reacquire any divestiture assets by virtue of such lien, mortgage or deed of trust, Respondent shall redivest itself of all such assets within 1 year or the remainder of the 4-year period provided in paragraph I-A herein (whichever is longer) in substantially the same manner as above provided.

E. *Conservation of assets.* 1. Pending divestiture, the Respondent shall make every reasonable effort to maintain all the warehouses and jobber stores to be divested in good operating condition with such replacements and additions and such effective overall organization as may be necessary to divest them as viable competitive entities: *Provided, however*, That nothing contained herein shall be deemed to require the Respondent to continue to operate any warehouse or jobber store which has become so unprofitable that sound business judgment requires its closing or which warehouse or store is rendered inoperative as a result of force majeure or other event beyond the control of the Respondent. Notwithstanding the foregoing, except for Respondent's warehouses at New Berlin, Wis., and Sioux Falls, S. Dak., no warehouse shall be closed under any circumstances on grounds of alleged unprofitability for a period of 2 years from the date of service of this order.

2. Whether the operation of a particular warehouse has become so unprofitable during the pendency of divestiture that sound business judgment requires its closing shall be determined on the basis that such operation shall have yielded an aggregate operating loss during the last previous 2 calendar years, taken together, and no acquirer of the warehouse as a going business on reasonable terms appears to be available. An "operating loss" occurs when the total operating revenues of a warehouse fail to cover its total reasonable operating costs. "Operating costs" shall not include taxes on net income or any provision for the general and administrative overhead of national headquarters. Other general and administrative expense, provision for doubtful accounts and inventory adjustments shall be deemed to be reasonable if they do not exceed by more than one-third either the industry average as a percentage of sales during the most recent available period as shown by ASIA and AWDA reports or Respondent's own nationwide experience for warehouses of similar size. Corrections to year-end statements to reflect differences between actual year-end physical inventory and interim estimated figures shall not be deemed to be "inventory adjustments" for the purposes of this paragraph; provided, however, that such adjustments shall be based on a complete physical verification of inventory of such warehouse regularly performed on an annual basis for each of the preceding 3 calendar years.

3. The judgment of Respondent that a particular warehouse should be closed shall be communicated in writing to the Commission at least 90 days before the proposed closing, together with a full statement of (1) the reasons for such closing; (2) in case unprofitability is alleged, the warehouse's sales and profitability history; (3) the unavailability of a transferee of the warehouse as a going business including the identity of all parties unsuccessfully approached by Respondent; (4) Respondent's plans, if any, for the disposition of the warehouse's assets, the consideration to be received therefor and the identity of proposed transferees so far as then known;

and (5) such other information, including production of and/or access to original accounting records, as the Commission may require for consideration of the proposed warehouse closing. Any request for supplementary information shall be made in writing within 30 days after receipt of Respondent's original submission.

Unless, within 90 days after receipt by the Commission of information on items (1) through (4) or within 45 days after receipt of any supplementary information requested within 30 days after receipt of the original submission (whichever date is later), the Commission shall notify Respondent in writing that the closing is disapproved, setting forth the reasons therefor, Respondent may then but only then proceed to effectuate such planned closing. The provisions of this paragraph I.E–3 to the contrary notwithstanding, no further notice or approval by the Commission, except insofar as required under paragraph I.E–5, shall be required if Respondent closes either or both of its warehouses in New Berlin, Wis., and/or Sioux Falls, S. Dak.

4. Whether a jobber store has become unprofitable during the pendency of divestiture so that sound business judgment requires its closing shall rest in the good faith judgment of Respondent: *Provided, however,* That the Commission must be notified in writing of any such proposed closing at least 30 days before it is to be effectuated. Such notice shall include a description of the store or stores to be closed, the reasons for such closing, including a sales and profit history of such store(s), the identity of any proposed purchaser(s) of any assets of said store(s) and the terms of any such transfer(s).

5. It shall be a condition of any closing by Respondent of either a warehouse distributor or a jobber store that:

(a) No part of the assets of such warehouse or jobber store, other than inventory to be returned to its original manufacturer, shall be transferred (except in the ordinary course of business), either before or after such closing, to anyone other than Respondent not approved in writing in advance by the Commission.

(b) Respondent shall receive no consideration for such closing other than the direct consideration in cash or its equivalent given by a transferee pursuant to section (a) of this paragraph I.E–5.

6. The identity and 1969 dollar sales of any warehouse listed on Appendix A which is closed by Respondent shall thereafter automatically be attributed to Respondent's other warehouses located within 200 miles of said closed warehouse for the purpose of determining (a) whether the number and the aggregate 1969 dollar sales of all warehouses to be retained by Respondent and/or (b) whether the number and aggregate 1969 dollar sales of any group of warehouses to be divested hereunder fall within the requirements of the order. The identity and 1969 sales of a closed warehouse shall not be attributed to more than one warehouse divested in the same group nor more than once in determining the number of warehouses or amount of dollar sales which Respondent may retain or must divest under paragraphs I–A or I–B. Notwithstanding any of the foregoing, if Respondent elects to close its warehouses at New Berlin, Wis., and/or Sioux Falls, S. Dak., the 1969 sales of such warehouses shall be attributed to Respondent's warehouse at St. Paul, Minn. For a period of 1 year from the date of Respondent's election whether to sell or keep the last warehouse located within 200 miles of a closed warehouse, no warehouse retained by Respondent shall sell or service any former customers of the closed warehouse, except a warehouse to which the 1969 sales of the closed warehouse have been attributed pursuant to the foregoing provisions.

II. *Champion Parts Rebuilders, Inc. It is further ordered:*

(a) That paragraph 4.16 of the Note Agreement between Respondent and Champion Parts Rebuilders, Inc., dated April 2, 1969, shall be cancelled effective as of the date of the service of this order; and

(b) That the Common Share Purchase Warrant issued to Respondent by Champion Parts Rebuilders, Inc., on April 2, 1969, shall be cancelled automatically on payment in full of the three notes provided for in said Note Agreement and, in any event, shall be canceled no later than April 1, 1974; except that this subparagraph (b) shall be null and void if the Respondent, within one (1) year from the date of service of this order, divests itself irrevocably of ownership of said Warrant for a fixed consideration to a purchaser approved by the Commission. Respondent represents that it now has no actual or potential equity interest in Champion Parts Rebuilders, Inc.

III. *Future Acquisitions. It is further ordered,* That Respondent, for a period of ten (10) years from the date of service of this order, shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital or assets (except merchandise purchased in the usual course of trade for consumption or resale by the Respondent) or any warrant, option or other right to acquire any share capital or other equity interest or right to participate in earnings of any concern, corporate or noncorporate, engaged in the manufacture or remanufacture or wholesale distribution of automotive replacement parts, accessories, or equipment anywhere in the United States and shall also cease and desist from entering into any agreement or understanding with any such concern whereby Respondent obtains the market share of such concern, unless and until the Commission in its sole and final discretion, on petition filed by Respondent, specifically permits such acquisition by Respondent.

IV. *Sales Through Own Warehouses. It is further ordered,* That, during the period of divestiture pursuant to paragraph 1 herein and for so long thereafter as Respondent continues to own any of the automotive parts warehouses listed in Appendix A, each year a minimum of two-thirds (⅔) of such retained warehouses' aggregate dollar purchase requirements for each and every product line, considering each product line separately and including shock absorbers as a line but excluding exhaust system parts, shall be manufactured by and purchased from manufacturers other than Respondent and shall not be sold under any of Respondent's own manufacturer brands. Dollar purchase requirements shall include internal transfers valued at Respondent's then current warehouse distributor prices.

V. *Buying and Selling Practices. It is further ordered,* That Respondent shall not engage in any systematic reciprocal buying and selling practices with any company which, itself or through a subsidiary or affiliate, engages in both the manufacturing and wholesaling of automotive parts, accessories or equipment. This special prohibition shall expire 10 years from the date of service of this order.

VI. *Compliance Reports. It is further ordered,* That Respondent within sixty (60) days from the date of service of this order, and every ninety (90) days thereafter until it has fully complied with the provisions of this order, shall submit in writing to the Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this order. All compliance reports shall include, among other things which may from time to time be required, a summary of all contacts and negotiations with all persons who are contacted by or who express to Respondent a possible interest in acquiring ownership of or control over the assets or warrant to be divested under this order, the identity of all such persons, copies of any proposed or executed sales contracts, copies of any internal corporate documents discussing such divestiture, and copies of any proposed plan of divestiture.

Issued: January 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

APPENDIX A—WAREHOUSES

ARIZONA

Phoenix, 2320 West Sherman.

CALIFORNIA

Bakersfield, 409 Sumner.
Brisbane, 380 Valley Drive.
Fresno, 311 West Amador.
Oakland, 7955 Edgewater Drive.
Sacramento, 151 Commerce Circle.
San Diego, 1341 Commercial Avenue.
Vernon, 4321 Exchange Avenue.

COLORADO

Denver, 4747 South Whipple.

ILLINOIS

Chicago, 3024 West 47th Street.

INDIANA

Evansville, 2214 Highway 41 North.
Fort Wayne, 4911 Industrial Road.
Indianapolis, 499 North Capitol Avenue.
South Bend, 805 South Fellows.

IOWA

Des Moines, 2205 Bell Avenue.

MICHIGAN

Dearborn, 4800 Stecker.
Grand Rapids, 400 Mart Street.

MINNESOTA

St. Paul, 475 North Prior Avenue.

NEBRASKA

Omaha, 7400 Pacific Street.

OHIO

Lima, 1221 Stewart Road.
Valley View, 5500 Clover Leaf Highway.

OREGON

Portland, 2805 Northwest 31st Avenue.

NEW YORK

Dewitt, Chrysler Lane.

PENNSYLVANIA

Harrisburg, 1917 North Third Street.
Pittsburgh:
Campbell's Run Road.
Parkway West, Oakdale Exit.

SOUTH DAKOTA

Sioux Falls, 400 West Ninth Street.

TEXAS

Abilene, 242 Sycamore.
Dallas, 2016 Lucas Drive.
Fort Worth, 901 Lake Street.
Houston, 4701 Calhoun Street.
Odessa, 1306 North Grant.
Waco, 1800 Franklin.
Wichita Falls, 113 Henrietta.

WASHINGTON

Seattle, 3434 Second Avenue South.

WISCONSIN

New Berlin, 2215 South 162d Street.

APPENDIX B—JOBBER STORES

ARIZONA

Apache Junction, 9622 Apache Trail.
Chandler, 151 South Arizona.
Coolidge, 466 West Central.
Douglas, 1133 G Avenue.
Mesa, 56 South Robson.
Nogales:
300 Arroyo Boulevard.
304 Arroyo Boulevard.
Phoenix:
720 South 23d Avenue.
4918 North 35th Avenue.
1813 East Indian School Road.
530 West Van Buren.
Sierra Vista, 689 Fry Boulevard.
Tucson:
530 North Stone Avenue.
1133 North Alvernon Way.
1434 South Sixth Avenue.
5028 East 22d Street.

INDIANA

Anderson, 24 West Sixth Street.
Evansville:
1015 Main Street.
10 South Weinbach.
2424 B North Governor.
Fort Wayne:
245 West Main.
4911 Industrial Road.
Greensburg, 915 East Main Street.
Indianapolis:
432 North Illinois Street.
6019 East 34th Street.
2006 South Shelby.
1621 North Tibbs.
5352 North Tacoma.
Logansport, 635 Burlington.
Mishawaka, 119 East Front Street.
New Haven, 634 Hartzell Road.
Plainfield, 1215 Main Street.
South Bend:
1149 South Main.
2214 Western Avenue.
320 Dixieway North.
Terre Haute:
207 Hulman.
1605 Wabash Avenue.

IOWA

Ames, 402 East Lincolnway.
Atlantic, 403 Elm Street.
Boone, 708 Arden Street.
Centerville, Jackson and Haynes.
Council Bluffs, 100 South 16th Street.
Des Moines:
2207 Bell Avenue.
825 Grand.
6110 Southwest Ninth Street.
Fort Dodge, 3011 Fifth Avenue South.
Garner, 230 State Street.
Indianola, 1010 North Jefferson.
Mason City, 714 South Delaware.
Missouri Valley, 206 East Erle.
New Hampton, 21 West Main Street.
Newton, 1730 First Avenue East.
Onawa, 1014 Iowa Avenue.
Perry, 1012 Second Street.
Red Oak, 211 Coolbaugh Street.
Shenandoah, 828 West Thomas.
Spirit Lake, 905 Lake Street.

KANSAS

Great Bend, 3010 10th Street.
Hoisington, 170 West Second Street.
Kinsley, 508 Marsh.
La Crosse, 601 Main Street.
Marysville, 719 Broadway Street.
Norton, 102 West Washington.
Oakley, 112 Converse.
Phillipsburg, 460 State Street.

MINNESOTA

Duluth, 416 East Superior.
Red Wing, 909 West Main Street.

NEBRASKA

Alliance, 324 West Third Street.
Alma, 606 Main Street.
Beatrice, 116 North Seventh Street.
Bellevue, 2229 Madison Street.
Broken Bow, 228 South Fifth Street.
Chadron, 820 West Third Street.
Falls City, 1801 Chase Street.
Fremont, 233 East Fifth Street.
Grand Island, 517–523 West Fourth.
Hastings, 218 North Lexington.
Holdrege, 219 Grant Street.
Kearney, 2117 Avenue A.
Lexington, Fourth and Jefferson.
Lincoln:
1621 M Street.
4830 Wilshire Boulevard.
McCook, 802 West C Street.
Norfolk, 702 Norfolk Avenue.
North Platte, 518 North Chestnut.
Omaha:
7410 Pacific Street
2413 Q Street.
4535 South 88th Street.
6919 Maple Street.
O'Neill, 121 South Fourth Street.
Plattsmouth, 526 Main Street.
Scottsbluff, 1409 First Avenue.
Superior, 325 Commercial Avenue.
Valentine, 210 South Main.
York, 128 East Eighth.

NEW YORK

Auburn, 25 Seminary Street.
Batavia, 244 West Main Street.
Elmira, William and Second Streets.
Fulton, 570 South Fourth Street.
Geneva, 611 West Washington Street.
Rochester:
2808 Dewey Avenue.
2921 West Henrietta Road.
471 Ridge Road East.
178 Charlotte Street.
Rome, 278 East Dominick Street.
Utica, 143 Hotel Street.
Watertown, 249 State Street.

OHIO

Cleveland, 1585 East 40th.
Lima:
119 North McDonel.
Route 81, Findlay Road.
2133 Elida Road.
Lyndhurst, 5125 Mayfield.
Maple Heights, 17170 Broadway.
Mentor, 8510 Mentor Avenue.
Painesville, 1440 Mentor Avenue.

PENNSYLVANIA

Altoona, 1917 Margaret Avenue.
Barnesboro, 908 Philadelphia Avenue.
Bedford, North Street.
Chambersburg, 18 North Second Street.
Clearfield, 418 West Second Avenue.
Ebensburg, 219 West High Street.
Everett, South Street.
Gettysburg, 535 York Street.
Glenshaw, 970 William Flynn Highway.
Harrisburg, 137 North 10th Street.
Hollidaysburg, 509–11 Blair Street.
Homestead, 201–03 West Eighth Avenue.
Johnstown:
945 Franklin Street.
1129 Scalp Avenue.
Lewistown, 45 Hale Street.
Lock Haven, 206–212 Bellefonte Avenue.
McKeesport, 820 Market Street.
McKees Rocks, 431 Broadway.
Philipsburg, Corner 15th and Pine.
Pittsburgh:
5803 Centre Avenue.
5033 Liberty Avenue.
2305 West Liberty Avenue.
Rochester, 351 Brighton Avenue.
Selinsgrove, 316 South Market Street.
Sharon, 39–51 South Main Street.
Shippensburg, 65 West Burd Street.
Somerset, 344 West Main Street.
State College, 616 West College.
Tyrone, 952–954 Logan Avenue.
Williamsport, 243–51 West Third Street.
York, 190 Arsenal Road.

SOUTH DAKOTA

Brookings, 411 Fourth Street.
Hot Springs, 206 South Chicago.
Madison, 218 South Van Eps.
Rapid City, 517 Third Street.

WEST VIRGINIA

Kingwood, Route 7 East.
Morgantown, 1029 University Avenue.

WISCONSIN

River Falls, 421 North Main Street.

[FR Doc.71-2261 Filed 2-18-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-413; Order No. 422]

PART 8—RECREATIONAL OPPORTUNITIES AND DEVELOPMENT AT LICENSED PROJECTS

Information Respecting Use and Development of Public Recreational Opportunities

FEBRUARY 12, 1971.

By Order No. 330, issued December 12, 1966, 36 FPC 1030 (31 F.R. 16201,

Dec. 17, 1966) the Commission amended Subchapter B, Part 8 of regulations under the Federal Power Act, and Subchapter D, Part 141—Statements and Reports, Chapter I, Title 18 of the Code of Federal Regulations by adding thereto §§ 8.11 (a) and (b) and 141.14, respectively prescribing the biennial filing by licensees of Recreation Reports, FPC Form No. 80, for hydroelectric projects licensed by the Commission pursuant to the Federal Power Act. Commission Order No. 369, issued September 20, 1968, 40 FPC 521 (33 F.R. 14592, Sept. 28, 1968), amended these regulations by providing a new § 8.11(c) and revising FPC Form No. 80.

This order amends § 8.11 of the Commission's regulations dealing with the Form No. 80 reporting program. The amendment sets November 30 of odd-numbered years as the filing date for Form No. 80. This amendment will have the effect of shifting the workload from the summer recreation season, when most Form 80 filings were previously due, to a less busy time of the year and will also provide information on a more current basis relating to recreational facilities and use. This order also amends the regulations to provide that a licensee of a project with no recreational use or potential may apply for exemption from any further filing of Form No. 80 at any time within 6 months of the next filing date.

Based upon our experience with this reporting program, we believe that these changes will be helpful to all concerned. The Commission Staff is presently working on some minor revisions in Form No. 80, which it is anticipated will be completed for use for the next report.

The Commission finds:

(1) Since the amendment of Part 8, § 8.11 of the regulations under the Federal Power Act will not increase the reporting burden on licensees, but will provide additional opportunities to apply for exemption from these requirements, and inasmuch as the amendment relates to matters of agency practice and procedure and is necessary and appropriate for the administration of the Federal Power Act, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553, is unnecessary.

(2) Since the amendment of Part 8, § 8.11 of the regulations under the Federal Power Act herein ordered is for use during the year 1971, good cause exists for making the amendments effective forthwith.

The Commission, acting pursuant to the authority granted by the Federal Power Act, and particularly sections 4 (g), 10, 304, 309, and 311 thereof (41 Stat. 1065, 1068; 49 Stat. 839, 842, 855, 858, 859; 16 U.S.C. 797, 803, 825(c), 825(h), 825(j); orders:

(A) Effective upon the issuance of this order, Part 8, § 8.11, Subchapter B of Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

In paragraph (a) at line 6, delete "June 30, 1967, and biennially thereafter" and substitute therefor "November 30 of each odd-numbered year"; and at line 11, delete "1967" and substitute "initial".

In paragraph (b) at line 6, insert after the word "file", "its initial"; and at line 7, delete "December 31, 1968, or at such time as may be required by a special license condition" and substitute therefor "November 30 of the first odd-numbered year following the year in which the plan was filed."

In paragraph (c) at line 7, delete the word "second" and substitute therefor "next".

As so amended, § 8.11 reads as follows:

§ 8.11 Information respecting use and development of public recreational opportunities.

(a) Except as provided in paragraph (b) of this section, each licensee of a project under major or minor Commission license shall prepare with respect to each such project owned and file by November 30 of each odd-numbered year, an original and two conformed copies of FPC Form No. 80 prescribed by § 141.14 of this chapter for use by licensees of projects under major and minor license. Forms filed subsequently to the initial filing need be completed only to the extent necessary to correct, supplement, update, or add to the information supplied in a previously filed form. One copy of the report should be retained by the correspondent in its file.

(b) A licensee or applicant who submits a statement that it has previously filed an acceptable recreational use plan pursuant to a special license condition or § 4.41 Exhibit R, of this chapter will not be required to file its initial Form 80 until November 30 of the first odd-numbered year following the year in which the plan was filed. Such statement shall indicate the document previously so filed and its status, i.e., whether approved as being an accepted recreational use plan submitted pursuant to a special license condition, or as an Exhibit R in a pending license application, or as the case may be.

(c) A licensee may request an exemption from any further filing of Form 80, for a project or any development thereof which has no recreational use or potential, by submitting a statement not later than 6 months prior to the due date for the next filing, stating that Form 80 has been filed previously for the project or development thereof and setting out the basis for believing that the project has no recreational use or potential.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2295 Filed 2-18-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-124a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hutchinson River, N.Y.

1. The New York State Thruway Authority requested that the special operation regulations for its bridge across the Hutchinson River, Mile 2.2 known as the Eastchester Creek Bridge be revised. A public notice dated September 17, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Third Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of November 13, 1970 (35 F.R. 17425).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. One adverse comment was received; however, after a series of meetings this objection was withdrawn. After consideration of all known factors in this case, the proposal, as submitted, is accepted.

3. Accordingly, Part 117 is amended by revising § 117.155(b) to read as follows:

§ 117.155 Hutchinson River, N.Y.; bridges.

• • • • • •

(b) All bridges, except the Eastchester Creek Bridge (I-95), shall open promptly on signal. The Eastchester Creek Bridge (I-95) shall open promptly on signal provided that at least 6 hours' advance notice has been given.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959) and 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: February 11, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-2279 Filed 2-18-71;8:46 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Maximum Interest Rate

1. In § 36.4212(a), subparagraphs (2) and (3) are amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima:

• • • • • •

(2) 7 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 7 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 10.75 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

• • • • • •

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 7 per centum per annum, effective February 18, 1971, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 7 per centum per annum on the unpaid principal balance.

• • • • • •

3. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Effective February 18, 1971, loans made by the Veterans Administration shall bear interest at the rate of 7 percent per annum.

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective February 18, 1971.

Approved: February 17, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-2373 Filed 2-18-71;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-19-71).

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. (The Hitchiti Experimental Forest is closed to turkey hunting.) The open area, comprising approximately 32,000 acres or 95 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions:

(1) Species permitted to be taken: Turkey gobblers with visible beards.

(2) Open season: April 19-24, 1971. Persons are permitted in the areas open for turkey hunting and on refuge maintained roads only between the hours of 4 a.m. and 12 noon (e.s.t.) on the above cited hunting days.

(3) Bag limit: Only one turkey gobbler per hunter during the 6-day hunt.

(4) All turkeys killed must be checked in at refuge headquarters before leaving the area.

(5) Use of vehicles of all types are restricted to State and county roads.

(6) Camping and fires are restricted to the designated camping area in Compartment 10. The camping area will be open on April 18-25, 1971.

(7) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(8) Hunt permits are nontransferable.

(9) Apprehension of a permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(10) It is unlawful to drive a nail, spike or other metal object into any tree or to hunt from any tree in which a nail, spike or other metal object has been driven.

(11) A refuge permit is required to enter the public hunting area. A maximum of 300 permits will be issued for the entire 6-day hunt. Hunters will be selected by an impartial public drawing from the applications received. Applications for this permit must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Completed permit applications must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080 by 4:30 p.m. on March 31, 1971. Submission of more than one application for each hunter shall be cause for rejection of all his applications and is a violation of hunt regulations.

The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 25, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 11, 1971.

[FR Doc.71-2271 Filed 2-18-71;8:45 am]

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Hunter Safety Program

On page 370 of the FEDERAL REGISTER, Vol. 36, No. 7, for Tuesday, January 12, 1971, there was published a notice of proposed rule making revising Part 80 of Title 50, Code of Federal Regulations.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed change and additions.

Every State fish and game department was notified of the proposed revisions by letter.

The suggestion that the first sentence in paragraph 80.1(o) end with the words "hazards associated with hunting" was worthwhile and has been incorporated in the regulation.

Therefore, since there were no objections and no other changes being deemed necessary the revisions as proposed are hereby adopted, subject to the above change and read as follows:

§ 80.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

• • • • • •

(e) *Project.* A sound and substantial undertaking with the general objective of (1) restoring or managing fish and wildlife populations now and for the future and for preserving and improving sport fishing, hunting, and related uses of these resources, or (2) providing facilities and services for conducting a hunter safety program.

. . . . . .

(k) [Deleted]

. . . . . .

(o) *Hunter Safety Program.* A program to provide instruction and practice in safe use of firearms and the avoidance of all types of accidents and hazards associated with hunting. Training in survival techniques, first aid, sporting ethics, basic principle of wildlife management, and the proper use of archery equipment may be provided incidental to the program.

(p) *Target range.* A facility, to provide for the safe discharge of rifles, shotguns, pistols, and archery equipment. In carrying out the hunter safety program, public outdoor target ranges may be constructed, operated, and maintained to provide opportunity for training and practice in the use of shotguns, rifles, pistols, and archery equipment.

These regulations are effective upon publication in the FEDERAL REGISTER (2-19-71).

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 16, 1971.

[FR Doc.71-2323 Filed 2-18-71;8:49 am]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1972 crop year.

ALABAMA

Barbour.
Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Conecuh.
Covington.
Crenshaw.
Cullman.
Dale.
Dallas.
De Kalb.
Escambia.
Etowah.
Geneva.
Hale.
Henry.
Houston.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Shelby.
Talladega.
Tuscaloosa.

ARIZONA

Maricopa.
Pinal.
Yuma.

ARKANSAS

Arkansas.
Ashley.
Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Jefferson.
Lawrence.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Prairie.
Randolph.
St. Francis.
Woodruff.

CALIFORNIA

Fresno.
Imperial.
Kern.
Kings.
Madera.
Merced.
Riverside.
Tulare.

FLORIDA

Jackson.

GEORGIA

Baker.
Ben Hill.
Brooks.
Bulloch.
Calhoun.
Candler.
Clay.
Coffee.
Colquitt.
Cook.
Crisp.
Decatur.
Dooly.
Early.
Irwin.
Lee.
Miller.
Mitchell.
Randolph.
Sumter.
Tattnall.
Terrell.
Thomas.
Tift.
Toombs.
Turner.
Worth.

KENTUCKY

Fulton.

LOUISIANA

Acadia.
Avoyelles.
Bossier.
Caddo.
Caldwell.
Catahoula.
Concordia.
East Carroll.
Evangeline.
Franklin.
Madison.
Morehouse.
Natchitoches.
Pointe Coupee.
Rapides.
Red River.
Richland.
St. Landry.
Tensas.
West Carroll.

MISSISSIPPI

Alcorn.
Benton.
Bolivar.
Calhoun.
Carroll.
Chickasaw.
Coahoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Issaquena.
Jefferson Davis.
Lee.
Leflore.
Madison.
Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Butler.
Dunklin.
Mississippi.
New Madrid.
Pemiscot.
Scott.
Stoddard.

NEW MEXICO

Chaves.
Dona Ana.
Eddy.
Lea.

NORTH CAROLINA

Anson.
Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hertford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.
Montgomery.
Moore.
Nash.
Northampton.
Pitt.
Richmond.
Robeson.
Rowan.
Rutherford.
Sampson.
Scotland.
Union.
Warren.
Wayne.
Wilson.

OKLAHOMA

Beckham.
Caddo.
Grady.
Harmon.
Jackson.
Kiowa.
Tillman.
Washita.

SOUTH CAROLINA

Aiken.
Allendale.
Anderson.
Bamberg.
Barnwell.
Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Dorchester.
Edgefield.
Florence.
Greenville.
Hampton.
Kershaw.
Laurens.
Lee.
Lexington.
Marion.
Marlboro.
Orangeburg.
Saluda.
Spartanburg.
Sumter.
Williamsburg.
York.

TENNESEE

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Haywood.
Henderson.
Lake.
Lauderdale.
Lawrence.
Lincoln.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Weakley.

TEXAS

Austin.
Bailey.
Bell.
Bosque.
Brazos.
Briscoe.
Burleson.
Calhoun.
Castro.
Cochran.
Collin.
Crosby.
Culberson.
Dawson.
Deaf Smith.
Denton.
Ellis.
El Paso.
Falls.
Fannin.
Floyd.
Fort Bend.
Garza.
Grayson.
Hale.
Haskell.
Hill.
Hockley.
Hudspeth.
Hunt.
Knox.
Lamar.
Lamb.
Limestone.
Lubbock.
Lynn.
Matagorda.
McLennan.
Milam.
Navarro.
Nueces.
Parmer.
Pecos.
Presidio.
Reeves.
Refugio.
Robertson.
San Patricio.
Swisher.
Terry.
Travis.
Victoria.
Wharton.
Wilbarger.
Williamson.

VIRGINIA

Southampton.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.71-2289 Filed 2-18-71;8:47 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—PARISHES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1972 crop year.

LOUISIANA

Ascension.
Assumption.
Iberia.
Iberville.
Lafourche.
Pointe Coupee.
St. James.
St. John the Baptist.
St. Martin.
St. Mary.
Terrebonne.
West Baton Rouge.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.71-2290 Filed 2-18-71;8:47 am]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1972 crop year.

NEW YORK

Chautauqua.
Niagara.
Ontario.
Schuyler.
Seneca.
Steuben.
Yates.

PENNSYLVANIA

Erie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.71-2291 Filed 2-18-71;8:47 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1972 crop year.

ARIZONA

Maricopa.
Pinal.
Yuma.

COLORADO

Kit Carson.

KANSAS

Allen.
Anderson.
Atchison.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Clay.
Cloud.
Coffey.
Cowley.
Crawford.
Dickinson.
Doniphan.
Douglas.
Elk.
Ellis.
Ellsworth.
Finney.
Franklin.
Geary.
Grant.
Greenwood.
Harvey.
Haskell.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Labette.
Lincoln.
Linn.
Lyon.
Marion.
Marshall.
McPherson.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Wabaunsee.
Washington.
Wichita.
Wilson.
Woodson.

MISSOURI

Atchison.
Bates.
Henry.
Vernon.

NEBRASKA

Adams.
Boone.
Butler.
Cass.
Clay.
Colfax.
Dodge.
Fillmore.
Franklin.
Gage.
Hall.
Hamilton.
Jefferson.
Johnson.
Kearney.
Lancaster.
Madison.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Platte.
Polk.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
Webster.
York.

NEW MEXICO

Curry.
Lea.

OKLAHOMA

Alfalfa.
Blaine.
Caddo.
Canadian.
Craig.
Delaware.
Garfield.
Grady.
Grant.
Jackson.
Kay.
Kiowa.
Mayes.
Nowata.
Ottawa.
Texas.
Tillman.
Washita.

SOUTH DAKOTA

Bon Homme.
Charles Mix.
Davison.
Douglas.
Hanson.
Hutchinson.
Sanborn.

TEXAS

Bailey.
Bell.
Bosque.
Briscoe.
Calhoun.
Carson.
Castro.
Collin.
Crosby.
Dallam.
Deaf Smith.
Denton.
Ellis.
Falls.
Floyd.
Fort Bend.
Grayson.
Hale.
Hansford.
Hartley.
Hill.
Hunt.
Hutchinson.
Lamb.
Lubbock.
Matagorda.
McLennan.
Milam.
Moore.
Navarro.
Nueces.
Ochiltree.
Oldham.
Parmer.
Randall.
Refugio.
San Patricio.
Sherman.
Swisher.
Travis.
Victoria.
Wharton.
Wilbarger.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.71-2292 Filed 2-18-71; 8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangelo Reg. 40, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy

of the act is insufficient; and this amendment relieves restrictions on the handling of tangelos grown in Florida.

Order. In § 905.526 (Tangelo Reg. 40; 35 F.R. 14500, 17937, 19245; 36 F.R. 40) paragraph (a)(1)(i) is amended to read as follows:

§ 905.526 Tangelo Regulation 40.

(a) • • •
(1) • • •

(i) Any Tangelos, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 12, 1971, to become effective February 15, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2286 Filed 2-18-71;8:47 am]

[Orange Reg. 67, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Early and Midseason type oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860), the provisions of paragraph (a)(2)(i) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) • • •
(2) • • •

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Grade for oranges; *Provided,* That during the period February 15, 1971, through September 12, 1971, Early and Midseason oranges and other types commonly called "round oranges", except Navel oranges and except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, may be shipped if they grade at least U.S. No. 1 Golden;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 12, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2287 Filed 2-18-71;8:47 am]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate a Plan Under the Potato Research and Promotion Act

The following new subpart establishes rules of practice and procedure governing proceedings to formulate a plan under the Potato Research and Promotion Act (Public Law 91–670, 91st Cong., approved January 11, 1971, 84 Stat. 2040).

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate a Plan Under the Potato Research and Promotion Act

Sec.
1207.1 Words in the singular form.
1207.2 Definitions.
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1207.16 Filing; extensions of time; effective date of filing; and computation of time.
1207.17 Discussion of issues, etc., of proceeding prohibited.
1207.18 Additional documents to be filed with hearing clerk.
1207.19 Hearing before Secretary.

AUTHORITY: The provisions of this subpart issued under the Potato Research and Promotion Act (Public Law 91–670, 91st Cong., approved Jan. 11, 1971, 84 Stat. 2040).

§ 1207.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1207.2 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means the Potato Research and Promotion Act, Title III of Public Law 91–670, 91st Congress, approved January 11, 1971 (84 Stat. 2041).

(b) The term "Department" means the U.S. Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "examiner" means any hearing examiner in the Office of Hearing Examiners, U.S. Department of Agriculture.

(e) The term "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(f) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "plan" means any plan or any amendment thereto which may be issued pursuant to the act.

(i) The term "proceeding" means a proceeding upon the basis of which a plan may be issued.

(j) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.

(k) The term "presiding officer" means the examiner conducting a proceeding under the act.

§ 1207.3 Proposals.

(a) A plan may be proposed by potato producers or by any other interested person or persons, including the Secretary. If any person other than the Secretary proposes a plan, he shall file with the Administrator a written application, together with a copy of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall

cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed plan will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Administrator to conclude that the proposed plan will tend to effectuate the declared policy of the act, or if the Secretary desires to propose a plan, he shall sign and cause to be served a notice of hearing, as provided herein.

§ 1207.4 Institution of proceeding.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the plan is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed plan or a description of the subjects and issues involved; and shall state the time and place of such hearing, and the place where copies of such proposed plan may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as provided herein, unless the Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Administrator may determine to be reasonable in the circumstances: *Provided,* That, in the case of hearings on amendments to a plan, the time of the hearing may be less than 15 days but shall not be less than three days after the date of publication of the notice in the FEDERAL REGISTER.

(b) *Giving notice of hearing and supplemental publicity.* (1) The Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a copy of the notice of hearing to each potato association known to the Administrator to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as, in his discretion, are best calculated to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of the 48 contiguous States of the United States.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1)(i) of this paragraph; and failure to give notice in the manner provided in subparagraph (1) (ii), (iii), and (iv) of this paragraph shall not affect the legality of the notice.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the presiding officer at the hearing an affidavit or certificate of the person giving the notice provided in paragraph (b)(1)(iii) and (iv) of this section. In regard to the provisions relating to mailing in paragraph (b)(1)(ii) of this section, a determination by the Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the presiding officer at the hearing. In the alternative, if notice is not given in the manner provided in paragraph (b)(1)(ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the presiding officer at the hearing a determination by the Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Administrator as herein provided shall be final.

§ 1207.5 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 1207.6 Presiding officers.

(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding, shall have power to:

(1) Rule upon motions and requests;
(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;
(3) Administer oaths and affirmations and take affidavits;
(4) Examine and cross-examine witnesses and receive evidence;
(5) Admit or exclude evidence;
(6) Hear oral argument on facts or law;
(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 1207.7 Motions and requests.

(a) *General.* (1) All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

(2) Except as provided in § 1207.16(b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 1207.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 1207.8 Conduct of the hearing.

(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 1207.4 (relating to the giving of notice of the hearing): *Provided,* That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct,

the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

(ii) In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The presiding officer shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record his designation as presiding officer, the notice of hearing as filed with the Office of the FEDERAL REGISTER, and the affidavit or certificate of the giving of notice or the determination provided for in § 1207.4(c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence*—(1) *In general.* (i) The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(ii) Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

(iii) When necessary in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

(iv) The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to reply.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

(ii) Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing) the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided*, That, interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 1207.9 Oral and written arguments.

(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings, and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the plan. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as provided in § 1207.8(d), he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

§ 1207.10 Certification of the transcript.

The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon the official record copy, and cause to be noted on other copies of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer. The hearing clerk shall obtain and file certifications to the effect that such corrections have been effected in copies other than the official record copy.

§ 1207.11 Copies of the transcript.

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at a rate that may be agreed upon with the reporter.

§ 1207.12 Administrator's recommended decision.

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed plan effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Administrator's proposed plan, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed plan.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 1207.13 Submission to Secretary.

Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Administrator's recommended decision, if any, and such exceptions as may have been filed.

§ 1207.14 Decision by the Secretary.

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (c) a ruling upon each exception filed by interested persons and (d) either (1) a denial of the proposal to issue a plan or (2) if the findings upon the record so warrant, a plan, the provisions of which shall be set forth and such plan shall be complete except for its effective date and any determinations to be made under § 1207.15: *Provided*, That such plan shall not be executed, issued or made effective until and unless the Secretary determines that the requirements of § 1207.15 have been met.

§ 1207.15 Issuance of plan.

(a) The Secretary shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the plan, if any, which was filed as a part of his decision pursuant to § 1207.14: *Provided*, That the issuance of such plan shall have been approved or favored by producers as required by section 314 of the act.

(b) Effective date of plan: No plan shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the plan, fixes an earlier effective date therefor.

(c) Notice of issuance: After issuance of a plan, such plan shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the FEDERAL REGISTER.

§ 1207.16 Filing; extensions of time; effective date of filing; and computation of time.

(a) *Filing, number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the foregoing provisions hereof to be filed with the hearing clerk, shall be filed in quadruplicate. Any document, or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time.* The time for filing of any document or paper required or authorized by the foregoing provisions to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 1207.17 Discussion of issues, etc., of proceeding prohibited.

Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a plan proceeding and prior to the issuance of a plan, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however*, That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U.S. Department of Agriculture," the provisions of this section shall prevail.

§ 1207.18 Additional documents to be filed with hearing clerk.

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, plans, and other documents which relate to the administration of any plan and which the Secretary is required to issue or to approve.

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§ 1207.19 Hearing before Secretary.

The Secretary may act in the place and stead of a presiding officer in any proceeding herein. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and plans, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceedings: *Provided*, That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

Effective date. This subpart shall become effective on the date of its publication in the FEDERAL REGISTER (2-19-71).

Dated: February 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-2288 Filed 2-18-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project, Wapato-Satus Unit, Yakima Indian Reservation, Wash.

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in Secretary's Order 2508 (10 BIAM 2.1, section 15(a)), and by virtue of authority delegated by the Commissioner of Indian Affairs to Area Directors by 10 BIAM 3.1, notice is hereby given of the intention to modify § 221.86 *Charges*, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wapato-Satus Unit, Yakima Indian Reservation, Wash., beginning with calendar year 1971 and for subsequent years until further notice, as follows:

By establishing under paragraph (a) subparagraph (4) the annual operation and maintenance rate for Additional Works lands at $10.25 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dale M. Baldwin, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland, OR 97208, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

[FR Doc.71-2270 Filed 2-18-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Determination To Be Made With Respect to the Supply of Valencia Type Peanuts for 1971-72 Marketing Year

At the request of interested producers, the Secretary of Agriculture is initiating a study necessary to determine whether the supply of Valencia type peanuts for the 1971-72 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. This is in accordance with section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)). This section, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding 5 years, adjusted for trends in yields and abnormal conditions of production affecting yields in such 5 years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the 3 years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1971-72 marketing year will be insufficient under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. To be considered, any such submissions must be postmarked not later than February 27, 1971.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

Signed at Washington, D.C. on February 12, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2330 Filed 2-18-71;8:50 am]

Consumer and Marketing Service

[7 CFR Part 914]

ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for the Initial (1970-71) Fiscal Period

Consideration is being given to the following proposals submitted by the Interior Orange Marketing Committee, established under the marketing agreement and Order No. 914 (7 CFR Part 914; 35 F.R. 17169), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Orange Marketing Committee, during the initial fiscal period beginning November 29, 1970, and ending July 31, 1971, will amount to $28,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 914.31, be fixed at $0.004 per standard packed box.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 16, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2328 Filed 2-18-71;8:50 am]

[7 CFR Part 932]

[Docket No. AO-352-A2]

OLIVES GROWN IN THE STATE OF CALIFORNIA

Notice of Hearing With Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Courtroom No. 2, Federal Building, 1130 O Street, Fresno, CA, beginning at 9 a.m., local time, March 3, 1971, with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of olives grown in the State of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Olive Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete § 932.10 and substitute in lieu thereof a new § 932.10 *Lot and sublot* to read as follows:

§ 932.10 Lot and sublot.

"Lot" means the total net weight of natural condition olives of any one variety delivered to a handler at any one time; and "sublot" means a quantity of olives resulting from the separation by the handler of a lot into two or more parts.

2. Add a new § 932.22 to read as follows:

§ 932.22 Belt sort-outs.

"Belt sort-outs" means any sublot of natural condition olives separated from a lot, by hand or otherwise, because of color, quantity, or size.

3. Add a new § 932.23 to read as follows:

§ 932.23 Undersize olives and limited use size olives.

"Undersize olives" means olives of a size which, pursuant to § 932.51(a)(2), shall be disposed of as other than canned ripe olives; and "limited use size olives" means processed olives of a size which, pursuant to § 932.52(a)(3), are recommended and approved as eligible for limited use.

4. Add a new § 932.23a to read as follows:

§ 923.23a Limited use.

"Limited use" means the use of processed olives in the production of packaged olives of the halved, sliced, chopped, or minced styles, as defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title), including modifications of the requirements for such styles pursuant to this part, and such additional styles (and the requirements applicable thereto) as may be recommended by the committee and approved by the Secretary.

5. Add a new § 932.24 to read as follows:

§ 932.24 Noncanning use.

"Noncanning use" means the use of olives other than in the production of canned ripe olives, and is the authorized outlet for undersize olives and the limited use size olives which, pursuant to § 932.52(b), are not permitted for limited use in any crop year in which limited use is restricted to less than the available quantity of limited use sizes.

6. Revise § 932.45 to read as follows:

§ 932.45 Production research, marketing research, and development projects.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of California olives. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 932.39 or from voluntary contributions. Voluntary contributions may be accepted by the committee only to pay the expenses of such projects: *Provided*, That the committee shall retain complete control over the use of such contributions which shall be free from any encumbrances.

(b) In recommending marketing research and development projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Food Program.

(c) In recommending production research projects pursuant to this section, the committee shall give consideration to the extent and need for assistance to, and improvement of, California olive production.

(d) If the committee should conclude that a program of production research, marketing research, or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39 or voluntary contributions;

(2) Its recommendations as to any production research or marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

7. Revise § 932.51 (a)(2) and (b) to read as follows:

§ 932.51 Incoming regulations.

(a) • • •

(2) Each handler shall, under the supervision of any such inspection service, dispose of as other than canned ripe olives an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than one-ninetieth pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties of a size which individually weigh less than one one-hundred-fortieth pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than one one-hundred-eightieth pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than one one-hundred-fortieth pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for limited use pursuant to § 932.52; and

(vi) Olives classified as culls.

(b) Whenever a handler receives a lot of natural condition olives, or makes a separation resulting in a sublot (which may be belt sort-outs), solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type, he may handle such lot or sublot without regard to the provisions of this section, and § 932.52 only if (1) he notifies the committee upon receiving such a lot or making such a separation, (2) the identity of all lots and sublots of such olives is maintained by keeping them separate and apart from other olives he receives; (3) the packaged olives produced from such olives after processing are canned ripe olives of the "tree-ripened" type or green olives; and (4) there are no outgoing regulations pursuant to § 932.52 then applicable to packaged olives that are canned ripe olives of the "tree-ripened" type or green olives.

8. Revise § 932.52 to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or as modified by the committee, with the approval of the Secretary, for purposes of this part.

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations of "single size" or of the blended sizes "Family," "King," or "Royal," as set forth in said U.S. Standards, and shall be of a size not smaller than the following applicable size requirements and tolerances: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may change such sizes or percentage tolerances, or both:

(i) With respect to variety Group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits shall each weigh not less than one seventy-fifth pound, except that (*a*) for olives of the mammoth size designation, not more than 25 percent, by count, of such olives may weigh less than one seventy-fifth pound each including not more than 10 percent, by count, of such olives that weigh less than one eighty-second pound each; and (*b*) for olives of any size designation except the mammoth size, not more than 5 percent, by count, of such olives may weigh less than one seventy-fifth pound each;

(ii) With respect to variety Group 1 olives of the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits shall each weigh not less than one eighty-eighth pound except that (*a*) for olives of the extra large size designation, not more than 25 percent, by count, of such olives that weigh less than one eighty-eighth pound each including not more than 10 percent, by count, of such olives that weigh less than one ninety-eighth pound each; and (*b*) for olives of any size designation, except the extra large size, not more than 5 percent, by count, of such olives may weigh less than one eighty-eighth pound each;

(iii) With respect to variety Group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than one one-hundred-fortieth pound except that (*a*) for olives of the small, select or standard size designation, not more than 35 percent, by count, of such olives may weigh less than one one-hundred-fortieth pound each including not more than 7 percent, by count, of such olives that weigh less than one one-hundred-sixtieth pound each; and (*b*) for olives of any size designations, except the small, select or standard size, not more than 5 percent, by count, of such olives may weigh less than one one-hundred-fortieth pound each; and

(iv) With respect to variety Group 2 olives of the Obliza variety, the individual fruits shall each weigh not less than one one-hundred-twenty-first pound except that (*a*) for olives of the medium size designation, not more than 35 percent, by count, of such olives may weigh less than one one-hundred-twenty-first pound each including not more than 7 percent, by count, of such olives that weigh less than one one-hundred-thirty-fifth pound each; and (*b*) for olives of any size designation, except the medium size, not more than 5 percent, by count, of such olives may weigh less than one one-hundred-twenty-first pound each.

(3) Subject to the provisions set forth in subparagraph (4) of this paragraph, processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as specified in subparagraph (2) of this paragraph: *Provided*, That olives smaller than those so specified, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use but any such limited use size olives so used shall be not smaller than the following applicable minimum size: *Provided further*, That each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh one-ninetieth pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, of a size which individually weigh one one-hundred-fortieth pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh one one-hundred-eightieth pound;

(iv) Variety Group 2 olives of the Obliza variety, of a size which individually weigh one one-hundred-fortieth pound.

(4) The Secretary may, upon recommendation of the committee, restrict the total quantity of limited use size olives for limited use during any crop year. Such restricted quantity shall be apportioned among the handlers by applying a percentage, established annually by the Secretary upon recommendation by the committee, to each handler's total receipts of limited use size olives during such crop year.

(5) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendations of the committee or other available information.

(6) The size designations (mammoth, extra large, medium, etc.) used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

(7) For the purposes of this part the committee may, with the approval of the Secretary, modify the applicable grade requirements for the halved, sliced, chopped, and minced styles and specify such additional styles, including the requirements with respect thereto, for olives for limited use.

(b) *Disposition requirements for limited use size olives.* (1) Each handler shall, under the supervision of the Processed Products Standardization and Inspection Branch, USDA, dispose of limited use size olives into limited use, or into noncanning use: *Provided*, That whenever a handler's use of limited use size olives is restricted pursuant to § 932.52(a)(4), he shall dispose of into noncanning use the quantity of such limited use size olives in excess of the quantity permitted for limited use.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, a handler may meet any deficit in his obligation to dispose of limited use size olives into noncanning use pursuant to this paragraph by disposing of, under supervision of the inspection service, an equivalent quantity of olives of a size larger than the limited use size and of a quality better than culls.

(3) Each handler shall hold at all times a quantity of olives eligible to meet the disposition requirements of this paragraph less any quantity previously disposed of as specified in subparagraphs (1) and (2) of this paragraph.

9. Amend § 932.54 by adding a new sentence to read as follows:

§ 932.54 Interhandler transfers.

• • • Transfers of olives from a handler within the area to a handler outside the area shall be subject to such requirements as may be established by the Secretary on the basis of recommendations by the committee or other available information.

(In connection with this proposal, consideration will be given to making such changes in the definition of the term "Handle" (§ 932.16) and elsewhere in the provisions of the marketing agreement and order as may be necessary to effectuate such proposals.)

The following proposal has been submitted by Mr. Ralph Fusano of Cristo Fusano & Sons, Inc., Sylmar, Calif.:

10. Revise § 932.25 to read as follows:

§ 932.25 Establishment and membership.

(a) An Olive Administrative Committee consisting of 16 members, with an alternate for each member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers, or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers or employees of handlers. The eight members of the Committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the Committee who are handlers or directors, officers or employees of handlers are referred to in this subpart as "handler members" of the committee.

(b) District representation of producers shall be balanced between producer members representing independent producers and producer members representing cooperative producers. There shall be two producer members each from District 1 and 3, one of whom shall be an independent producer in each district and one of whom shall be a cooperative producer in each district. There shall be four producer members from District 2 two of whom shall be independent producers and two of whom shall be cooperative producers. Producers who are affiliated with a cooperative marketing organization are herein referred to as "cooperative producers" and producers not so affiliated are herein referred to as "independent producers." The committee may, with the approval of the Secretary, provide such other allocation of producer representation as may be necessary to

assure a balanced and equitable representation of independent and cooperative producers.

(c) The allocation of handler representation shall be as follows: Four members shall represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members shall represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers." The committee may, with the approval of the Secretary, provide such other allocation of handler representation as may be necessary to assure balanced and equitable representation of independent and cooperative handlers.

The Fruit and Vegetable Division, Consumer and Marketing Service has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of the notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Mr. Joe Perrin, Fresno Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 3114 Federal Building, 1130 O Street, Fresno, CA 93721.

Dated: February 16, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-2329 Filed 2-18-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-100a]

HOQUIAM RIVER, WASH.

Proposed Drawbridge Operation Regulations

1. The Washington State Highway Commission requested that the special operation regulations for its bridge across the Hoquiam River at Simpson Avenue, Hoquiam be revised. This request was made for the purpose of reducing the need for drawtenders due to infrequent requests for draw openings. The present regulations require that the draw shall be opened promptly on signal from 5 a.m. to 9 p.m. At all other times 8 hours' advance notice is required. If adopted the proposed regulations would require 1 hours' advance notice at all times.

2. A public notice dated August 24, 1970, was issued by the Commander, Thirteenth Coast Guard District which set forth the proposed revisions. The Commandant also published a notice of proposed rule making in the FEDERAL REGISTER of August 27, 1970 (35 F.R. 13668). This proposal would have required 2 hours' advance notice at all times for this bridge. A number of objections were received to that proposed change. The Washington State Highway Commission reviewed these objections and revised its request from 2 to 1 hours' advance notice and agreed to install mooring facilities and a telephone on the downriver side of the bridge which would be connected with the Department of Highways that would be readily accessible to vessel operators. The upriver side has adequate mooring facilities and is readily accessible to telephones. This notice of proposed rule making is being published to solicit comments on this revised request and supersedes the notice of proposed rule making published on August 27, 1970 (35 F.R. 13668).

3. Accordingly, it is proposed that Part 117 be amended by revising § 117.810 (f) (6) to read as follows:

§ 117.810 **Navigable waters in the State of Washington, bridges where constant attendance of drawtenders is not required.**

• • • • •

(f) • • •

(6) *Hoquiam River.* State Department of Highways bridge at Simpson Avenue, Hoquiam. The draw need not be opened unless at least one (1) hour advance notice has been given. The State Department of Highways shall accept collect telephone calls from vessels via the local marine telephone operator. The State Department of Highways shall also provide a telephone and mooring facilities at the downriver side of the bridge for use of vessels which are otherwise unable to communicate with the bridge operators.

• • • • •

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before March 22, 1971. All submissions should be made in writing to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, WA 98104.

5. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the Office of the Commander, Thirteenth Coast Guard District.

7. After the time set for the submissions of comments by the interested parties, the Commander, Thirteenth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Chief, Office of Operations, U.S. Coast Guard, Washington, D.C. The Chief, Office of Operations will thereafter make a final determination with respect to these proposals.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: February 10, 1971.

[FR Doc.71-2280 Filed 2-18-71;8:46 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-EA-111]

TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 71-1827 appearing at page 2789 in the issue for Wednesday, February 10, 1971, the sixth line of the description of the Massena, N.Y., transition area, now reading "104° radial extending from the 6.5-mile-", should read "104° radial extending from the 8.5-mile-".

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard Chief, Office of Operations.

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR EXPLORATION AND LEASE ACQUISITION OF GAS PRODUCING PROPERTIES

Notice of Extension of Time

FEBRUARY 10, 1971.

On January 26, 1971, Associated Gas Distributors filed a motion requesting an extension of time to and including March 3, 1971, and March 21, 1971, within which to file comments, and responses to the comments, respectively, in the above-designated matter. On February 9, 1971, similar requests were filed by Tennessee Gas Pipeline Co. and United Gas Pipeline Co. The American Gas Association on February 9, 1971, filed a request for an extension of time to and including March 31, 1971, within which to file comments.

Upon consideration, notice is hereby given that the time is extended to and including March 3, 1971, within which any interested person may submit views and comments in writing to the notice of proposed rulemaking (36 F.R. 377) issued January 8, 1971, in the above-designated matter. The time is extended to and including March 31, 1971, within which responses to the comments may be filed.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2265 Filed 2-18-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

ICE CREAM SANDWICH WAFERS FROM CANADA

Antidumping Proceeding Notice

FEBRUARY 2, 1971.

On October 21, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that ice cream sandwich wafers from Canada are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-2332 Filed 2-18-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho-3460]

IDAHO

Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of section 8 of the Act of June 26, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

BOISE MERIDIAN, IDAHO

TRACT 1

T. 10 S., R. 27 E.,
Sec. 27, N½.

TRACT 2

T. 15 S., R. 28 E.,
Sec. 29, SW¼NE¼, S½NW¼;
Sec. 30, lots 1, 2, 3, 4, SE¼NE¼, SE¼SW¼, SW¼SE¼, E½SE¼;
Sec. 31, lots 1, 2, NE¼, E½NW¼.

TRACT 3

T. 13 S., R. 31 E.,
Sec. 18, lot 4, SE¼NW¼, E½SW¼;
Sec. 19, lots 1, 2, NW¼NE¼, E½NW¼, SE¼;
Sec. 20, SW¼, W½SE¼;
Sec. 29, E½W½, W½SE¼.

TRACT 4

T. 15 S., R. 30 E.,
Sec. 4, a tract of land in lot 20, described as beginning at the southeast corner of said sec. 4, thence west 14 rods; thence north 57½ rods; thence east 14 rods; thence south 57½ rods to the place of beginning.

The above tracts aggregate 2,168.13 acres in Cassia and Oneida Counties.

2. Tract 1 is located three-fourths of a mile north of Yale, Idaho. Access is by hard surfaced country road to within three-fourths of a mile which is by unimproved range road. Topography is flat to slightly rolling, bisected by a drainageway. Vegetation is some seeded ryegrass and crested wheatgrass with considerable annual weeds. Soils are shallow to moderately deep with lava outcroppings and some float rock.

3. Tract 2 lies 5½ miles north of Strevell, Idaho, and 5½ miles southeast of Bridge, Idaho. Access is by the Strevell-Gunnell Guard Station Road or the Kelsaw Canyon Road each connecting from U.S. Highway 30, 3 miles from the tract. Topography is relatively flat, except along drainageways sloping west into Clear Creek. The tract is crossed by three major drainageways which are steep-walled and from 50 to 150 feet deep. Each has some water runoff in early spring. Vegetation is big sagebrush with an understory of grasses and forbs. Soils are generally deep, well drained. There is no water for irrigation and a very short growing season.

4. Tract 3 lies 10 miles northeast of Juniper, Idaho, and 35 miles south of American Falls. Access is good during summer, but in winter about 6½ miles of road is not open. Topography is rolling to steep with several drainageways covered with sagebrush, patches of juniper, chokecherry, snowberry, wildrose, and an understory of grasses and forbs. Soils are shallow to moderate well drained. Steepness of slopes, rocky and shallow soils limit cultivation severely.

5. Tract 4 lies 2 miles east of Juniper, Idaho. The main Juniper access road crosses the tract. Access is good except for snow closures during winter months. Topography is rolling. Vegetation is big sagebrush with grass understory. Soils are moderately deep.

6. The following lands are not opened to the mining and mineral leasing laws as the United States does not have jurisdiction of the minerals in these lands:

T. 10 S., R. 27 E.,
Sec. 27, N½.
T. 15 S., R. 28 E.,
Sec. 30, lots 1, 2, 3, 4, SE¼NE¼, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 31, lots 1, 2, NE¼, E½NW¼.
T. 15 S., R. 30 E.,
Sec. 4, a tract of land in lot 20, described as beginning at the southeast corner of said sec. 4, thence west 14 rods; thence north 57½ rods; thence east 14 rods; thence south 57½ rods to the place of beginning.
T. 13 S., R. 31 E.,
Sec. 18, lot 4, SE¼NW¼, E½SW¼;
Sec. 19, lots 1, 2, NW¼NE¼, E½NW¼.

7. The mineral rights in the following described lands were previously reserved to the United States. The lands have been open to mining location and mineral leasing. Their mineral status is not affected by this order.

T. 13 S., R. 31 E.,
Sec. 19, SE¼;
Sec. 20, SW¼, W½SE¼;
Sec. 29, E½W½, W½SE¼.

8. All minerals were conveyed in the following described lands:

T. 15 S., R. 28 E.,
Sec. 29, SW¼NE¼, S½NW¼.

9. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on March 19, 1971, be open to application, petition and selection under the public land laws; with the exception that all of the lands in Tracts 1 and 2, paragraph 1, are subject to the multiple use classification I-2836 of October 28, 1970, and are not open to application under the agriculture land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. on March 19, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

10. The lands described in paragraph 8 above shall be opened to mining location under the U.S. mining laws and mineral leasing at 10 a.m. on March 19, 1971. Any offers received at or prior to this time and date will be considered as simultaneously filed.

11. Inquiries concerning the lands should be addressed to the Manager, Land Office, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-2273 Filed 2-18-71;8:46 am]

[Serial No. Idaho-3463]

IDAHO

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 13 N., R. 23 E.,
Sec. 14, SE¼.

The area described contains 160 acres.

2. The lands are located in Custer County, near Big Creek in the upper Pahsimeroi River Valley, approximately 28 miles by county roads and truck trails from Ellis, Idaho.

3. Mineral rights in the lands were not reconveyed. This order does not affect the mineral status of the lands.

4. Subject to valid, existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on March 19, 1971, be open to application, petition, and selection under the public land laws, with the exception that all the lands are subject to the multiple use classification for Custer County, I–2834, and they are not open to application under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. on March 19, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-2274 Filed 2-18-71;8:46 am]

[BLM 079348]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, Department of Agriculture, has filed application BLM 079348 for the withdrawal of the land described below. The land was conveyed to the United States pursuant to Section 8 of the Taylor Grazing Act. It lies within the exterior boundary of the Manistee National Forest, Mich. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and consolidation with other national forest lands to permit more efficient administration thereof.

MICHIGAN MERIDIAN, MICHIGAN

T. 13 N., R. 16 W., Oceana County,
Sec. 19, E½NE¼NE¼SE¼, W½SW¼NE¼SE¼, W½SW¼SW¼SE¼.
T. 17 N., R. 12 W., Lake County,
Sec. 4, Newell's Terrace Subdivision, blocks 1 to 12, inclusive, except lot 1 in block 4 (SE¼NW¼);
Sec. 8, SW¼SW¼;
Sec. 16, N½S½SE¼NE¼;
Sec. 17, W½E½SW¼NW¼, S½N½N½SE¼SE¼;
Sec. 28, W½W½W½SW¼SW¼.
T. 18 N., R. 14 W.,
Sec. 13, E½SE¼NW¼SE¼.
T. 19 N., R. 13 W.,
Sec. 16, NE¼SW¼NE¼, S½SW¼SW¼NE¼;
Sec. 17, SE¼SW¼SE¼;
Sec. 22, NW¼NW¼NW¼;
Sec. 30, W½NE¼NE¼.
T. 15 N., R. 13 W., Newaygo County,
Sec. 4, Woodland Park Acres Subdivision, lots 41, 42, 43, and 46 (E½N½SE¼NW¼, W½NE¼SW¼NW¼).

The area described aggregate 209.94 acres.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,
Manager.

FEBRUARY 12, 1971.

[FR Doc.71-2272 Filed 2-18-71;8:46 am]

Office of the Secretary

OTIS B. HOCKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Purchased and sold 9 percent subordinated debentures with associated warrants of United Banks of Colorado.
(3) None.
(4) None.

This statement is made as of January 20, 1971.

Dated: January 25, 1971.

OTIS B. HOCKER.

[FR Doc.71-2281 Filed 2-18-71;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-565]

MILTON N. STEVENS

Notice of Loan Application

FEBRUARY 11, 1971.

Milton N. Stevens, 4071 Warwick Place, Anchorage, AK 99504, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 37.5-foot length overall fiber glass vessel to engage in the fishery for herring, halibut, crab, and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2278 Filed 2-18-71;8:46 am]

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Wilson-Sinclair Co.	20Y		(*)	(*)		(*)		
Wilson Beef & Lamb Co.	20AI			(*)	(*)			
Do.	20IIF							
Swift & Co.	23							
Prairie Meat Co.	25			(*)	(*)		(*)	
Hunter Packing Co.	28							
Kronberg & Krasny, Inc.	30		(*)			(*)		
Superior's Brand Meats, Inc.	31							
Roegelein Provision Co.	32A							
Do.	32A							
Valley Packers, Inc.	34		(*)	(*)		(*)		
Kenton Packing Co.	36							
Pocomoke Provision Co.	39			(*)			(*)	
Sunnyland Packing Co.	43							
Stark Wetzel & Co., Inc.	44						(*)	
Do.	44A							
Linden Packing Co., Inc.	45							
Idaho Meat Packers	46			(*)				
Midwestern Beef, Inc.	54							
Insul-aid Insul.	56							
Sunland Packing Co. of Alabama	56A						(*)	
Do.	56A							
Glover Packing Co. of Amarillo	60							
Glover Packing Co.	60A		(*)	(*)	(*)	(*)		
Gooch Packing Co., Inc.	61							
Sioux Preferred Packers of Nebraska	62							
Sandusky Dressed Beef Co.	63							
Selkirk Realty Co.	65						(*)	
The Quaker Oats Co.	E67						(*)	
Meat Quality Laboratory	69		(*)	(*)		(*)		
Anton Hvizdak's Meat Laboratory	71					(*)		
Brown Thompson & Sons	73			(*)				
Armour & Co.	73							
The Eckert Packing Co.	73A							
Do.	73B							
The Cudahy Co.	E83					(*)		
Riviana Foods, Inc.—Hill's Division	E83							
Edgar Packing Co.	84		(*)					
Kansas Beef Industries, Inc.	86							
The E. Kahn's Sons Co.	89		(*)			(*)		
Laredo Packing Co.	91							
Sugardale Foods, Inc.	92							
Shonyo Packing, Inc.	93		(*)	(*)	(*)	(*)		
Central Packing Co., Inc.	95							
The Tai Tonkeyer Packing Co.	96							
Cudahy Packing Co., Inc.	98		(*)					
A. Koch's Sons	98A			(*)				
Armour & Co.	100							
Liberty Packing Co.	101							
J. Lynch Co.	103		(*)					
J. Lynch Provision Co., Inc.	104							
Contris Packing Co., Inc.	110						(*)	
Wilson-Sinclair Co.	111						(*)	
Morris Beef Co.	112			(*)	(*)			
Lone Morris Packing Co.	113							
Fairmont Packing Co., Inc.	114							
The Merchants Co., Inc.	116						(*)	
West Coast Meat Co., Inc.	117						(*)	
Marlboefer Packing Co., Inc.	121							
Lily Mulard Beef	125							
John Morrell & Co.	126							
Cash Brothers Packing Co., Inc.	127		(*)				(*)	
Tobin Packing Co., Inc.	130							
Ferrara Meat Co., Inc.	134						(*)	
Nebraska Beef Packers, Inc.	135							
R. B. Rice Sausage Co., Inc.	142							
Kliever Packing Co., Inc.	144						(*)	
Silver Falls Packing Co., Inc.	146							
Dallas City Packing, Inc.	156		(*)					
Cudahy Packing Co. of Texas	157							
Beefland International, Inc.	158							
Missouri Farmers Association Packing Division	159						(*)	
Carr Packing Co., Inc.	160							
Kansas Beef Industries, Inc.	164							

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the following table lists the establishments operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) which were officially reported on January 2, 1971, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Armour & Co.	3C		(*)					
Do.	21L					(*)		
Do.	2W							
Do.	2AT		(*)		(*)	(*)		
Do.	2HT							
Do.	2SA			(*)			(*)	
Do.	2SJ							
Do.	2WN							
Swift & Co.	3F		(*)	(*)		(*)		
Do.	3G							
Do.	3H		(*)				(*)	
Do.	3N							
Do.	3R							
Do.	3W							
Do.	3Y							
Do.	3Z							
Do.	3AE		(*)			(*)		
Do.	3IE							
D. E. Nebergall Meat Co.	3GL			(*)				
Swift & Co.	3GT							
Do.	3GW						(*)	
Do.	3TA							
LaRue Brothers, Inc., of Georgia	8L		(*)				(*)	
LaRue Brothers, Inc.	8U							
Daily Packing Co., Inc.	10							
The Evans Packing Co	11		(*)	(*)			(*)	
Hygrade Food Products Corp.	12A						(*)	
Do.	12G							
Do.	12T							
Do.	12FW							
Mickelberry's Food Products Co.	16							
John Morrell & Co.	17A							
Do.	17AA							
Do.	17D				(*)			
Do.	17E							
Do.	17U							
G. Finkbeiner, Inc.	18							
Wilson Certified Foods, Inc.	20H							
Wilson-Sinclair Co.	20IA							
Wilson Certified Foods, Inc.	20L							
Wilson-Sinclair Co.	20M				(*)			
Wilson Certified Foods, Inc.	20N							
Do.	20Q		(*)	(*)		(*)		
Wilson Beef & Lamb Co.	20U				(*)			

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
New York State College of Agriculture	165	(*)	(*)	(*)		(*)		
E. W. Kneip, Inc	169	(*)						
De Kalb Packing Co	170A					(*)		
Bub Davis Packing Co	171	(*)						
Lee's Sausage Co., Inc	173					(*)		
Miller Abattoir Co	179		(*)					
American Meat Packing Corp	180					(*)		
Montrose Beef Co	181	(*)						
The Rath Packing Co	186					(*)		
Do	186F					(*)		
Kent Provision Co., Inc	187	(*)						
Carl's Sausage Co	188					(*)		
Cudahy Co	191	(*)				(*)		
Krey Packing Co	192							
Hynes Packing Co	197	(*)	(*)					
United Fryer and Stillman, Inc	198	(*)		(*)				
George A. Hormel & Co	199	(*)				(*)		
Do	199A	(*)				(*)		
Do	199D							
Do	199H	(*)						
Do	199I					(*)		
Do	199L					(*)		
Do	199N	(*)						
Do	200	(*)	(*)			(*)		
Caviness Packing Co., Inc	202							
Cudahy Co	203	(*)						
Platte Valley Packing Co	205	(*)				(*)		
Enge Packing Co., Inc	208A	(*)						
National Beef Packing Co	210							
Riverside Abattoir, Inc	212					(*)		
Penn Packing Co	213	(*)						
E. W. Kneip, Inc	215	(*)						
Marshall Meat Products, Inc	217	(*)						
Lincoln Meat Co	220					(*)		
York Packing Co., Inc	221A					(*)		
ITT Gwaltney, Inc	222					(*)		
Armour & Co	223	(*)	(*)					
De Jong Packing Co	224	(*)				(*)		
Hygrade Food Products Corp	224B	(*)	(*)					
Do	232	(*)						
Loeb & Gottlieb, Inc	234	(*)						
John Morrell & Co	235	(*)						
Waiti Schilling & Co., Inc	236	(*)	(*)	(*)	(*)	(*)		
Animal Husbandry Department Texas Technological College	237	(*)						
Raskin Packing Co	240	(*)	(*)					
F. D. & J. Meats	242	(*)	(*)	(*)		(*)		
Greenwood Packing Plant	243					(*)		
I. Klayman & Co	244	(*)						
Iowa Beef Processors, Inc	245	(*)						
Do	245A	(*)						
Do	245B	(*)						
Do	245C	(*)						
Do	245D	(*)						
Do	246	(*)				(*)		
John Morrell & Co	247					(*)		
Harget Realty Corp	249	(*)	(*)					
Federal Packing Co., Inc	250	(*)				(*)		
Frosty Morn Meats, Inc	253					(*)		
Metro Meat Packing, Inc	258	(*)						
Magic Valley Packing Co	262	(*)						
Hyplains Dressed Beef, Inc	263					(*)		
The Jones Dairy Farm	264					(*)		
Farm Pac Kitchens, Inc	266	(*)				(*)		
Pacific Meat Co., Inc	267	(*)	(*)	(*)		(*)		
Golden Valley Packing Co	271	(*)						
Tog Packing Co., Inc	273	(*)						
Acme Markets, Inc	279	(*)				(*)		
Momence Pork Packers Co	282							
Parnett Packing Corp	283	(*)						
Solano Meat Co	285	(*)	(*)	(*)				
Western Packing Co	288	(*)						
Arbogast and Bastian Co	289					(*)		
The H. H. Meyer Packing Co	290							
San Jose Meat Co	291	(*)						
Armour & Co	292					(*)		
Iowa Beef Processors, Inc	292A	(*)						
Gus Juengling & Son, Inc	298	(*)						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Waldock Packing Co	299					(*)		
Great Falls Meat Co	301	(*)				(*)		
Commercial Packing Co., Inc	302	(*)						
Union Packing Co	305	(*)						
Do	305A	(*)						
Star Packing Co	306	(*)						
Kaufman Meat Packers, Inc	310	(*)	(*)					
Melton Provision Co	311	(*)		(*)	(*)	(*)		
Rudy's Farm Co	315					(*)		
Dutterer's of Manchester, Inc	316A	(*)						
Estes Packing Co	319	(*)						
Stadler Packing Co., Inc	320	(*)				(*)		
Rudnick Packing Co., Inc	325	(*)						
Frisco Packing Co., Inc	327	(*)						
C&M Meat Packing Corp	329	(*)	(*)					
Royal Packing Co	331A	(*)						
Shapiro Packing Co., Inc	332	(*)	(*)					
Great Western Packing Co., Inc	334	(*)						
Noble's Meat Co	335	(*)						
Chino Valley Meat Packing Co., Inc	336	(*)				(*)		
Green & Oliver Sausage Co	338							
Midland Empire Packing Co., Inc	339	(*)						
Des Moines Packing Co	340	(*)				(*)		
Peters Packing Co., Inc	341	(*)						
Puckett Packing Co	343	(*)						
Gold-Pac Meat Co., Inc	344	(*)						
Anza Packing Co	345	(*)						
Union Packing Co	351	(*)						
Fresno Meat Packing Co	354	(*)	(*)					
Hernando Packing Co., Inc	355	(*)						
St. Paul Dressed Beef, Inc	357	(*)				(*)		
Clougherty Packing Co	360							
Meyer's Packing Co	363	(*)		(*)		(*)		
James Allan & Sons	365	(*)				(*)		
Wilson Certified Foods, Inc	374	(*)	(*)	(*)				
Cross Brothers Meat Packers, Inc	376	(*)				(*)		
Beeville Packing Co	377	(*)	(*)	(*)		(*)		
Salinas Meat Co	378	(*)				(*)		
Enge Packing Co., Inc	380					(*)		
Smithfield Packing Co., Inc	382							
Acme Markets, Inc	384	(*)						
City Custom Packing Co., Inc	387	(*)						
Dugdale Packing Co	390	(*)				(*)		
Oldham's Farm Sausage Co., Inc	392							
Robert L. Rantz, Inc	395	(*)	(*)					
Boneless Meat Co., Inc	395B	(*)	(*)	(*)		(*)		
Dubuque Packing Co	396	(*)						
Logan Packing Co	397	(*)						
Watsonville Dressed Beef, Inc	398	(*)	(*)					
Los Banos Abattoir Co	400	(*)		(*)		(*)		
Oakridge Smokehouse	401	(*)				(*)		
Owens Country Sausage, Inc	403							
Williston Packing Co	405	(*)	(*)			(*)		
Neuhoff Brothers	406	(*)						
Endlich Packing Co., Inc	410	(*)	(*)					
Alpine Packing Co	412	(*)				(*)		
The Lundy Packing Co	413					(*)		
Do	413A					(*)		
Frosty Morn Meats	414	(*)						
Minden Beef Co	417	(*)						
S. Bonaccurso & Sons, Inc	418	(*)						
Murray Packing Co., Inc	421	(*)						
E. W. Kneip, Inc., of Iowa	422					(*)		
The Collins Packing Co	423							
Kenosha Packing Co., Inc	425	(*)						
Fineberg Packing Co	428	(*)	(*)					
Schneider Packing Co	439	(*)						
Omaha Dressed Beef Co., Inc	441	(*)						
Del Curto Meat Co	445	(*)	(*)	(*)		(*)		
A. Diello & Sons, Inc	448	(*)	(*)					
Mankato Packing Co	455	(*)						
Dewitt Packing Corp	456	(*)	(*)					
Morris Rifkin & Sons, Inc	460	(*)						
Pioneer Boneless Beef, Inc	461	(*)						
Lancaster Packing Co	462	(*)				(*)		
Beewar Packing Co	467	(*)	(*)					
Cornhusker Packing Co	468	(*)						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Kansas Beef Industries, Inc	470	(*)						
Oriskany Beef and Veal Corp	472	(*)						
Missouri Beef Packers, Inc	473	(*)						
Friona Packing Co	473A	(*)						
Mid-States Packers, Inc	476	(*)						
Armour & Co	477	(*)						
Gotham Provision Co., Inc	481	(*)	(*)					
Virgin Islands Packing Plant	482	(*)	(*)	(*)	(*)	(*)		
Robel Beef Packers	485	(*)						
East Tennessee Packing Co	487	(*)				(*)		
Memphis Butchers Association, Inc	488	(*)						
E. W. Kneip, Inc	489	(*)						
American Sheep Co	490	(*)	(*)	(*)				
Fairbank Farms, Inc	492	(*)	(*)					
Mid-State Meat Packers, Inc	494	(*)	(*)					
Roberts Packing Co	495					(*)		
Bartel's Meat Co	497	(*)	(*)	(*)		(*)		
Heim Brothers Packing Co., Inc	499	(*)				(*)		
Greenlee Packing Co	501	(*)						
The Hull & Dillon Packing Co	510	(*)				(*)		
Shen-Valley Meat Packers, Inc	511	(*)				(*)		
Snider Brothers, Inc	512	(*)	(*)					
Averich Packing Co	513	(*)						
Charles Miller & Co	517					(*)		
Pork Packers International, Inc	520					(*)		
Illinois Packing Co	521	(*)						
Pearl Packing Co., Inc	524	(*)	(*)	(*)		(*)		
Sebastopol Meat Co., Inc	527	(*)	(*)			(*)		
Armour & Co	528	(*)						
Smallwood Packing Co., Inc	529	(*)						
Marysville Meat Packing Co	533	(*)	(*)					
Pepper Packing Co	536	(*)						
Oscar Mayer & Co., Inc	537A	(*)				(*)		
Do	537B					(*)		
Do	537C					(*)		
Do	537E					(*)		
Midwest Packing Co	538	(*)						
Greendell Packing Corp	542	(*)	(*)					
Pinte Packing Co	550	(*)		(*)		(*)		
Soltz Packing Co	551	(*)						
Black Hills Packing Co	554	(*)				(*)		
Mid-South Packers, Inc	557	(*)				(*)		
The Cudahy Co	559	(*)				(*)		
D & W Packing Co	560	(*)				(*)		
Expendable Meat Packing	561	(*)	(*)					
Packerland Packing Co., Inc	562	(*)						
Texas Meat Packers, Inc	565	(*)	(*)					
Do	565C	(*)						
Elmer Bender & Son, Inc	569		(*)	(*)				
Peretta Packing Co., Inc	571	(*)						
Coli, Inc	575	(*)						
Frosty Morn Meats, Inc	576	(*)				(*)		
Kingsford Packing Co., Inc	581	(*)						
Frederick Packing Co	586					(*)		
Dawson-Baker Packing Co., Inc	588	(*)	(*)	(*)				
Elk Grove Meat Co	601	(*)						
San Antonio Packing Co	602	(*)		(*)	(*)			
Wright Packing Co	603	(*)	(*)					
I. D. Packing Co., Inc	606					(*)		
Eastern Oregon Meat Co., Inc	611	(*)		(*)		(*)		
Midtown Veal & Mutton Co., Inc	612	(*)		(*)				
National Tea Co	613	(*)				(*)		
Donner Packing Co	614	(*)						
Kummer Meat Co., Inc	617	(*)		(*)		(*)		
Dockcoil Sausage, Inc	623					(*)		
Lumberjack Meats, Inc	626					(*)		
Big Foot Packing Co., Inc	627	(*)						
E. A. Miller & Sons Packing Co	628	(*)	(*)					
H. H. Keim Co	630	(*)		(*)		(*)		
Ebner Brothers Packers	633	(*)						
United Packing Co., Inc	635	(*)						
Auburn Packing Co., Inc	636	(*)						
Carteret Abattoir, Inc	639	(*)	(*)	(*)	(*)			
Flanery Meat, Inc	643	(*)						
Coast Packing Co	645	(*)						
Trans-Continent Packing Co	E646						(*)	
Bird Provision Co	647					(*)		

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Spencer Packing Co	648	(*)						
Schluderberg-Kurdle Co., Inc	649					(*)		
John Morrell & Co	650					(*)		
Nagle Packing Co	653		(*)					
Wilson Beef & Lamb Co	655	(*)		(*)				
Baum's Bologna, Inc	657	(*)						
McCook Packing Corp	660	(*)						
Quality Meat Packing Co	661	(*)						
Globe Packing Co	663	(*)						
Webber Farms, Inc	665					(*)		
Crown Packing Co	666					(*)		
Scottsbluff Packing Co	667	(*)						
Central Coast Meats, Inc	671	(*)						
Union Packing Co., Inc	673	(*)						
S & S Packing Co., Inc	674	(*)				(*)		
Do	674A					(*)		
Caviness Packing Co., Inc	675	(*)	(*)					
Jacob Bauer's Sons, Inc	678	(*)	(*)					
Armour & Co	680	(*)	(*)	(*)		(*)		
Caldwell Packing Co., Inc	683	(*)						
The William Focke's Sons Co	685					(*)		
Callaway Packing Co., Inc	688	(*)	(*)			(*)		
Pierce Packing Co	691	(*)				(*)		
Bryan Meat Co	693	(*)						
Animal Husbandry Department Kansas State University	694	(*)	(*)	(*)		(*)		
Kramer Beef Co	695	(*)						
Gulf Packing Co	696	(*)						
Central Nebraska Packing Co	E713						(*)	
Davenport Packing Co., Inc	716	(*)						
Farmbest, Inc	717					(*)		
Do	717A					(*)		
A. Darlington Strode	718					(*)		
K-M Company	719	(*)						
The Lobery Packing Co	721					(*)		
Swift & Co	726	(*)	(*)	(*)		(*)		
Decker & Son	727					(*)		
Roode Packing Co., Inc	729	(*)						
Eller & Son, Inc	732	(*)	(*)	(*)		(*)		
Western Packers	733	(*)						
The Quaker Oats Co	E734						(*)	(*)
Ohio Packing Co	736	(*)	(*)			(*)		
Parnell's Packing Co	738	(*)	(*)	(*)		(*)		
The Jacob Schlachter's Sons Co	739	(*)	(*)					
Mid-State Meat Co	741	(*)	(*)					
Ruchti Brothers	749	(*)	(*)					
Monroe Packing Co., Inc	755	(*)						
Seitz Packing Co., Inc	756A	(*)				(*)		
The American Meat Packing Corp	760					(*)		
Schaake Packing Co., Inc	761	(*)						
Karler Packing Co	767	(*)						
Sheridan Meat Co., Inc	768	(*)	(*)	(*)		(*)		
Earl C. Gibbs, Inc	770	(*)						
Atlas Packing Co	775	(*)						
Central Packing Co	777	(*)						
The Cudahy Co	779	(*)	(*)			(*)		
Bryan Brothers Packing Co	780	(*)	(*)			(*)		
Diamond Meat Co., Inc	783	(*)						
Granite State Packing Co	785	(*)						
Aurora Packing Co., Inc	788	(*)						
Hatfield Packing Co	791					(*)		
Baum's Meat Packing	792	(*)	(*)					
Rod Barnes Packing Co	798	(*)						
Western Iowa Pork	806					(*)		
American Beef Packers, Inc	807	(*)						
Do	807A	(*)						
Amco-Pac Corp	809	(*)						
The G. Erhardt Sons, Inc	810	(*)	(*)					
Great Western Packing Co. of Nebraska	811			(*)				
United Packing of Iowa, Inc	812					(*)		
Rochester Independent Packer, Inc	817	(*)						
J. H. Routh Packing Co	818					(*)		
The Sidney Avenue Beef Co	822	(*)	(*)					
Sterling Colorado Beef Co	823	(*)						
Foremost Packing Co	824					(*)		
Superior Packing Co., Inc	825			(*)				

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Berchem's Meat Co	830	(*)						
John Morrell & Co	836	(*)						
Frederick County Products, Inc	838	(*)	(*)	(*)				
Reelfoot Packing Co	840	(*)				(*)		
G. Bartusch Packing Co	843	(*)						
The Allen Packing Co	845	(*)	(*)					
Arena Dressed Beef Co	853	(*)	(*)					
Sioux City Dressed Beef	857	(*)						
Siouxland Dressed Beef Co	857F	(*)						
Sioux Beef Co	857-0	(*)						
Jordan Meat and Livestock Co., Inc	858	(*)	(*)	(*)	(*)	(*)		
Wells and Davies, Inc	860	(*)				(*)		
Sierra Meat Co	862	(*)						
Tennessee Dressed Beef Co	865	(*)						
American Beef Packers, Inc	866	(*)						
Hardy and Co., Inc	869	(*)	(*)					
Santa Ana Packing Co	874	(*)						
Pahler Packing Corp	880	(*)						
Swanton Packing Co., Inc	883	(*)						
Alco Packing Co	885	(*)	(*)	(*)		(*)		
Walden Packing Co., Inc	886	(*)						
Sambol Packing Co	892	(*)						
Tobin Packing Co., Inc	893					(*)		
Vernon Calhoun Packing Co	897	(*)						
Meats, Inc	899	(*)						
Sigman Meat Co., Inc	901B					(*)		
Party Packing Corp	902	(*)						
Kane's Dressed Beef	907	(*)						
B. Constantino & Sons Co	918	(*)						
Alice Packing Co	921	(*)						
Valleydale Packers, Inc	922		(*)			(*)		
Wisconsin Packing Co	924	(*)						
Peoples Packing Co	925	(*)	(*)					
Tarpoff Packing Co	931	(*)						
Parsons Beef Co., Inc	932	(*)						
E. B. Manning & Son	934	(*)						
Iowa Beef Processors, Inc	935	(*)						
Veltz Packing Co	938	(*)						
Cappellino Abattoir, Inc	939	(*)						
Gentner Packing Co., Inc	941	(*)						
Diamond Meat Packers, Inc	944					(*)		
M. Brizer & Co	948	(*)						
Joe Doctorman & Son Packing Co., Inc	949	(*)	(*)	(*)		(*)		
Kennedy's Sausage Co	950					(*)		
Bob Evans Farms Michigan, Inc	952					(*)		
Armour & Co	956					(*)		
Thompson Farms Co	959					(*)		
Greater Omaha Packing Co., Inc	960	(*)						
Potter Sausage Product, Inc	961					(*)		
Virginia Packing Co., Inc	963	(*)	(*)	(*)				
Interstate Meats, Inc	965	(*)						
Lay Packing Co	967	(*)				(*)		
Monfort Packing Co	969	(*)		(*)				
Hawaii Meat Co., Ltd	970	(*)						
Longhorn Meat Packers, Inc	976	(*)						
National Food Stores, Inc	981	(*)						
Banner Beef Co	985	(*)						
Shamrock Beef Co	987	(*)						
Everett C. Horlein & Son, Inc	988	(*)						
Sunflower Packing Co., Inc	992	(*)						
Klarer of Kentucky, Inc	995	(*)				(*)		
The Home Pride Provisions, Inc	1029	(*)						
Armour & Co	1085	(*)	(*)					
Landy Packing Co	1171	(*)						
The Harris Packing Co	1175					(*)		
A. F. Moyer & Sons, Inc	1311	(*)						
McCabe Packing Plant	1312	(*)						
H & H Packing Co	1315	(*)				(*)		
Nebraska Iowa Dressed Beef Co	1318	(*)						
Associated Meat Packers, Inc	1472	(*)		(*)		(*)		
Bonanza Packing Co., Inc., of Montana	1475A	(*)				(*)		
Stevens Meat Co., Inc	1485	(*)						
Aristo Kansas Meat Packers	1528A	(*)						
James Sausage Co	1718					(*)		
Great Markwestern Packing Co	1951A	(*)						
C & C Packing Co	2033	(*)	(*)					
De Luca Packing Co	2054	(*)	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Odom Sausage Co. of Kentucky, Inc	2094					(*)		
Jesse Jones Sausage Co., Inc	2103					(*)		
Ballards Farm Sausage, Inc	2108					(*)		
P & H Packing Co., Inc	2211	(*)	(*)					
Do	2211A		(*)					
Greeley Meat Co	2212	(*)	(*)					
Hardy Packing Co., Inc	2215			(*)	(*)	(*)		
Yoakum Packing Co., Ltd	2216	(*)				(*)		
Burlison Packing Co	2224	(*)				(*)		
Pace Packing Co	2228	(*)				(*)		
Ridley Packing Co	2229	(*)				(*)		
South Texas Packers, Inc	2230	(*)						
George Braum Packing Co., Inc	2239	(*)		(*)	(*)			
Bryan Sausage Co	2249					(*)		
Department of Animal Science, Colorado State University	2253	(*)	(*)	(*)	(*)	(*)		
Thy Packing Co	2254	(*)						
G & C Packing Co	2262	(*)	(*)					
Ridley Packing Co	2265	(*)	(*)			(*)		
L. A. Frey & Sons, Inc	2266A	(*)				(*)		
Western Beef Packers, Inc	2267	(*)						
Wright Packing Co	2269	(*)	(*)			(*)		
Lamesa Meat Co	2272	(*)		(*)		(*)		
Amarillo Packing Co	2273	(*)						
Sunray Meats, Inc	2274	(*)						
Jack Agee and Co	2281	(*)		(*)		(*)		
Husband Brothers Packing Co	2284	(*)						
Rollins Packing Co	2285	(*)						
Ben Grantham Meat Packers	2290	(*)				(*)		
Dankworth Packing Co	2296	(*)				(*)		
Amana Society Meat Department	2357	(*)						
Theis Packing Co., Inc	2367	(*)				(*)		
Grote Meat Co	2369	(*)	(*)	(*)				
Wuestling Packing Co	2370	(*)						
Clayton Packing Co	2373		(*)	(*)				
Smit & Son, Inc	2376	(*)				(*)		
Schuyler Packing Co	2379	(*)						
Parfin Sausage Co	2385					(*)		
Marshall Packing Co., Inc	2386	(*)						
Clinton Packing Co	2387					(*)		
Gustav B. Nissen & Son Packing Co	2388	(*)						
United Meat Co., Inc	2396	(*)						
Pony Express Ranch	2398	(*)				(*)		
South Side Packing Co., Inc	2424	(*)						
Quality Packinghouse, Inc	2435					(*)		
John R. Daily, Inc	2450	(*)				(*)		
Cimpl Packing Co	2460	(*)						
Link Brothers Enterprises	2472	(*)				(*)		
Wenning Packing Co., Inc	2533	(*)						
Bo Packing Co	2586					(*)		
Springfield Dressed Beef, Inc	2590	(*)	(*)			(*)		
Bartlow Brothers, Inc	2595	(*)				(*)		
The Tetters Packing Co	2598					(*)		
Du Quoin Packing Co	2599	(*)				(*)		
J. W. Treuth & Sons, Inc	2612	(*)	(*)					
Manassas Frozen Foods	2621A	(*)	(*)	(*)	(*)	(*)		
H. P. Beale & Sons, Inc	2682					(*)		
Steven Brothers	2800	(*)		(*)				
Blue Mountain Meats	2825	(*)		(*)		(*)		
Lewis & McDermott	2847	(*)						
Granite Meat and Livestock Co	2856	(*)	(*)	(*)	(*)			
Zweigart Packing Corp	2863	(*)	(*)	(*)		(*)		
Fort Plain Packing Co., Inc	5074	(*)	(*)					
Double A Meat Packing, Inc	5162	(*)	(*)	(*)		(*)		
Anthony Parillo	5193	(*)	(*)	(*)				
Ralph Packing Co., Inc	5228	(*)	(*)					
Johnston Dressed Beef & Veal Co., Inc	5300	(*)	(*)	(*)				
Hayes Packing Corp	5301	(*)	(*)					
Morris Mendel & Co	5309	(*)	(*)	(*)	(*)	(*)		
Klinch & Schaller, Inc	5319	(*)						
Hershey Estates Abattoir	5368	(*)	(*)			(*)		
Amend Packing Co	5509	(*)						
Gibbon Packing, Inc	5511	(*)						
Elshimer Meat Products, Inc	5516	(*)						
Hewlett Wholesale Meat	5524	(*)						
Macon Beef Packers, Inc	5531	(*)						
Sioux-Preme Packing Co	5537					(*)		

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Jack Polen Beef Co., Inc	5548	(*)						
Bonne Terre Sausage Co	5551					(*)		
O. K. Meat Packing Co., Inc	5993	(*)	(*)	(*)	(*)	(*)		
William C. Parke & Sons Co	6003							
Hohener Meat Co., Inc	6011	(*)	(*)					
Department of Animal Science, University of California	6012	(*)	(*)	(*)		(*)		
Johnson Meat Co	6016	(*)	(*)	(*)	(*)	(*)		
Mount Vernon Meat Co., Inc	6039	(*)	(*)	(*)				
Pasco Meat Packers, Inc	6040	(*)	(*)			(*)		
Weber, Inc	6041	(*)	(*)					
McRae Pack, Inc	6042	(*)	(*)	(*)		(*)		
Florence Packing Co., Inc	6043	(*)	(*)					
Davis Meat Co	6044	(*)	(*)	(*)		(*)		
Avila Meat Co	6046	(*)						
Schenk Packing Co	6050	(*)	(*)					
Arizona Meat Packers	6062	(*)	(*)	(*)	(*)	(*)		
Tulare Meat Co	6065	(*)	(*)					
Redwood Meat Co	6066	(*)	(*)	(*)		(*)		
Klubutkin Packing Co	6071	(*)	(*)					
Grandview Packing Co	6083	(*)	(*)	(*)		(*)		
Arnopole Meat Co	6084	(*)	(*)					
Kratzig Meat Co	6109	(*)	(*)	(*)	(*)	(*)		
Atwater Meat Co	6113	(*)	(*)	(*)	(*)	(*)		
Mid-Cave Meat Packing Co	6114	(*)	(*)			(*)		
Cedar Packing Co	6118	(*)						
Cuyamaca Meat Co	6151	(*)	(*)	(*)		(*)		
Circle Bar Meat Farm	6154	(*)	(*)	(*)		(*)		
Green Hill, Inc	6513	(*)						
George H. Meyer Sons, Inc	6521	(*)	(*)	(*)		(*)		
Guard Hill Meats, Inc	6526	(*)	(*)	(*)	(*)	(*)		
Gunnoe Sausage Co., Inc	6541					(*)		
Odom Sausage Co., Inc	6544					(*)		
C. Rice Packing Co., Inc	6545	(*)						
Suffolk Packing Co	6546	(*)	(*)	(*)				
Martin's Abattoir & Wholesale Meats	6547	(*)	(*)	(*)	(*)	(*)		
Penn Haven Meats, Inc	6559	(*)	(*)			(*)		
Edwards Sausage Co., Inc	6579					(*)		
Ledford's Livestock Farm Slaughter Plant	6591A	(*)	(*)	(*)		(*)		
City Packing Co	6594	(*)	(*)					
White Packing Co	6595	(*)	(*)					
Primeat Packing Co	6758	(*)				(*)		
Star Meat Co	6760							
Cullhan & Company	6775					(*)		
Helms Slaughterhouse	6777	(*)	(*)					
Bob Evans Farms, Inc	6785	(*)						
Bergman Meat Packing Co., Inc	6788					(*)		
Bob Evans Farms, Inc	6807	(*)				(*)		
Utica Packing Co	6832					(*)		
Schwartzman Packing Co	7003					(*)		
Deming Packing Co., Inc	7005	(*)						
Jimmy Dean Meat Co	7012	(*)				(*)		
Hatch Packing Co., Inc	7021					(*)		
Joe's Packing Co	7023	(*)	(*)	(*)		(*)		
Western Meat Packers, Inc	7028	(*)	(*)	(*)	(*)	(*)		
Webb Packing Co	7029					(*)		
Crow's Meat Co	7048					(*)		
Chef Reddy Meats Co	7049	(*)		(*)		(*)		
Brown's Meat Locker	7055	(*)	(*)			(*)		
Interstate Packing Co	7056	(*)	(*)	(*)	(*)	(*)		
Brown Packing Co., Inc	7064	(*)	(*)	(*)	(*)	(*)		
Community Abattoir, Inc	7075	(*)				(*)		
Cessnun Abattoir	7082	(*)	(*)	(*)	(*)	(*)		
Heard's Sausage Co	7088	(*)	(*)	(*)	(*)	(*)		
E-Tex Packing Co	7122	(*)	(*)			(*)		

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Hancock County Foods, Inc	7137	(*)	(*)			(*)		
Duffy Boneless Beef Co	7305	(*)						
Metzger Packing Co., Inc	7306	(*)						
Coleman Sausage Co	7401							
Henry W. Stapf	7402		(*)	(*)		(*)		
Carolina Abattoir, Inc	7404	(*)						
Harrisonburg Wholesale Meat Co	7420					(*)		
Cribbs Sausage Co	7424					(*)		
Contris Packing Co	7435					(*)		
Blue Ridge Beef Plant, Inc	7445	(*)						
William Sausage Co	7455					(*)		
F. B. Purnell Sausage Co., Inc	7464	(*)				(*)		
Diamond Meat Co., Inc	7465					(*)		
Field Packing Co., Inc	7467	(*)						
Brundige Sausage Co	7475					(*)		
Danville Meat Products	7486	(*)	(*)	(*)		(*)		
T. M. Landis, Inc	7517	(*)	(*)	(*)				
Gartner-Harf Co	7576	(*)	(*)	(*)				
Dealaman Enterprise, Inc	7562	(*)	(*)	(*)				
Merwin Packing Co	7600	(*)		(*)	(*)	(*)		
Abercrombie Meat Processing Co	7601	(*)		(*)		(*)		
Millner & Swanick	7602	(*)						
Missouri Valley Meat Co	7604	(*)						
Schmaltz Meats	7605	(*)						
Goldades Butcher Shop	7606	(*)				(*)		
Cedar Ridge Meat Service	7607	(*)				(*)		
Barnes County Lockers	7608	(*)		(*)		(*)		
Hope Locker Plant	7609	(*)		(*)		(*)		
Casselton Cold Storage	7611	(*)				(*)		
Great Bend Lockers	7612	(*)		(*)		(*)		
Fairmont Lockers	7615	(*)		(*)		(*)		
Skyberg's	7616	(*)		(*)		(*)		
Monteith Meat Service	7617	(*)		(*)		(*)		
Park River Locker Plant	7618	(*)		(*)		(*)		
Niagara Lockers	7619	(*)		(*)		(*)		
Langdon Lockers	7622	(*)		(*)		(*)		
Aafedt's Locker Plant	7623	(*)		(*)		(*)		
Rocklake Locker Plant	7624	(*)				(*)		
Aneta Meats	7625	(*)				(*)		
City Meat Market	7629	(*)				(*)		
Gackle Packing Co	7631	(*)				(*)		
Davidson's Processing Plant	7633	(*)		(*)		(*)		
Lundl Processing	7634	(*)	(*)	(*)		(*)		
Dakota Meats, Inc	7636	(*)	(*)	(*)		(*)		
Bud's Food Market	7637	(*)						
Borth's Department Store	7639	(*)				(*)		
Myers Meat Processing	7641	(*)				(*)		
Hillside Meat Co	7642	(*)	(*)			(*)		
Bean's Slaughter Plant	7643	(*)		(*)		(*)		
City Meat & Locker	7644	(*)				(*)		
Dic-Kota Meat Products, Inc	7645	(*)				(*)		
Wetsch Jack & Jill	7646	(*)						
Bosch Meat Co	7647	(*)				(*)		
Fred Born	7648	(*)				(*)		
Schafers Butcher Shop	7649	(*)				(*)		
Knute's Meat Processing & Sales	7655	(*)						
Kenneth E. Baker	7845	(*)	(*)	(*)		(*)		

Done at Washington, D.C., on February 3, 1971.

KENNETH W. MCENROC,
Deputy Administrator,
Meat and Poultry Program.

[FR Doc.71-1692 Filed 2-18-71;8:50 am]

Office of the Secretary

JUDICIAL OFFICER

Delegation of Authority

Pursuant to the provisions of the Act of April 4, 1940 (7 U.S.C. 450c–450g), and Reorganization Plan No. 2 of 1953, the Judicial Officer is authorized to perform any regulatory function as defined in the said Act, which the Secretary of Agriculture is or hereafter may be authorized or required by law to perform in acting as final deciding officer in adjudication proceedings subject to 5 U.S.C. 556 and 557, in rate proceedings under the Packers and Stockyards Act, and in reparation proceedings under statutes administered by the Department.

As used herein the term "Judicial Officer" shall mean any person or persons so designated by the Secretary of Agriculture.

This delegation shall not affect the authority of the Secretary, the Under Secretary, or any Assistant Secretary to perform any such function nor shall it limit the authority of the Judicial Officer to perform any other function which may be assigned by the Secretary to him.

The orders issued November 9, 1945 (10 F.R. 13769), and May 19, 1967 (32 F.R. 7468), delegating authorities to the Judicial Officer are hereby revoked.

Done at Washington, D.C., this 12th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2324 Filed 2-18-71;8:49 am]

MISSOURI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of Missouri natural disasters have caused a general need for agricultural credit:

MISSOURI

Putnam. Randolph.

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 12th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2325 Filed 2-18-71;8:49 am]

NEW YORK

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of New York natural disasters have caused a general need for agricultural credit:

NEW YORK

Cattaraugus. Franklin.

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 12th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2326 Filed 2-18-71;8:49 am]

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following county in the State of North Dakota natural disasters have caused a general need for agricultural credit:

NORTH DAKOTA

Stutsman.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 12th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2327 Filed 2-18-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-127; NDA Nos. 1, 4-338, 4-336V]

CHATHAM PHARMACEUTICALS, INC.

Combination Drugs Containing Oxalic Acid and Malonic Acid; Notice of Withdrawal of Approval of New-Drug Applications

Chatham Pharmaceuticals, Inc., Post Office Box 39, Deal, NJ 07723 (formerly 901 Broad Street, Newark, NJ 07102), holder of new-drug applications for Koagamin Veterinary Parenteral Hemostat (NADA 4-336V) and Koagamin Parenteral Hemostat for human use (NDA 1 and NDA 4-336) was notified, by announcements in the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1611), and of March 29, 1969 (34 F.R. 5960), that there is a lack of substantial evidence that these drugs are effective for their recommended use as a hemostatic agent.

The applicant, by letter of June 5, 1969, elected to avail itself of the opportunity for hearing on Koagamin Veterinary Parenteral Hemostat, notice of which was published in the FEDERAL REGISTER of May 10, 1969 (34 F.R. 7584). In the FEDERAL REGISTER of September 12, 1969 (34 F.R. 14339), said notice of opportunity for hearing was amended to include the new-drug applications for Koagamin Parenteral Hemostat for human use. By letter of October 1, 1969, Chatham Pharmaceuticals, Inc., elected to avail themselves of the opportunity for a joint hearing on these two drugs.

By letter of November 13, 1969, the Food and Drug Administration provided Chatham Pharmaceuticals, Inc., with a reprint of § 130.14(b) of the new-drug regulations (21 CFR 130.14(b)) published in the FEDERAL REGISTER on September 19, 1969 (34 F.R. 14596). The applicant was advised to include in his request for a hearing the reason the application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data supporting opposition to the grounds for the notice of opportunity for hearing and was informed he could voluntarily request withdrawal of approval and thereby waive opportunity for hearing. A response was never received by the Food and Drug Administration. An inspection conducted on October 10, 1969, revealed that the firm had ceased operations on October 3, 1969.

In that Chatham Pharmaceuticals, Inc., failed to respond to the Food and Drug Administration's notification of November 13, 1969, that their request for a hearing should be amended to demonstrate that there was a genuine and substantial issue of fact, the Commissioner of Food and Drugs concludes, on the basis of new information before him with respect to each of the said drugs evaluated together with information received and considered with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 512, 52 Stat. 1052–53, as amended; 82 Stat. 343–51; 21 U.S.C. 355, 360(b)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new-drug applications for Koagamin Veterinary Parenteral Hemostat (NADA 4-336V) and Koagamin Parenteral Hemostat (NDA 1 and NDA 4-336) and all amendments and supplements thereto is withdrawn effective on the date of signature of this document.

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2276 Filed 2-18-71;8:46 am]

[Docket No. FDC-D-179; NADA No. 35-129V]

DIAMOND LABORATORIES

Talodex Injectable; Order Withdrawing Approval of New Animal Drug Application and Denying Request for Hearing

In the FEDERAL REGISTER of June 3, 1970 (35 F.R. 8609), the Commissioner of Food and Drugs published a notice extending an opportunity for a hearing to Diamond Laboratories, Post Office Box 863, Des Moines, IA 50304, and to any interested person who might be adversely affected, on his proposal to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b (e)) withdrawing approval of new animal drug application (NADA) No. 35-129V for Talodex Injectable (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate; fenthion), a drug for injection subcutaneously in dogs against fleas, ticks, demodectic mange, ascarids (round worms), hookworms, and heartworm microfilaria, on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide evidence that the drug will be safe and effective under the conditions of use upon the basis of which the application was approved.

Drug experience reports show that significant numbers of adverse reactions have occurred in dogs and there is a lack of substantial evidence that the drug will have the effectiveness it purports or is represented to have under the conditions of use prescribed, recommended or suggested in its labeling.

In accordance with the provisions of section 512 of the Act (21 U.S.C. 360b), the Commissioner gave the applicant and any interested party who would be adversely affected by the order 30 days within which to file a written appearance electing to avail themselves of the opportunity for a hearing. The notice provided that any person seeking a hearing must file a written appearance and give the reasons why approval of NADA 35-129V should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data available to support the claims of safety and effectiveness of the drug. On June 30, 1970, Diamond Laboratories filed its response, which included a written analysis of Talodex claims, re-evaluation of the drug experience reports, clinical and investigational data, and reasons why Diamond was entitled to a hearing.

The Commissioner concludes that it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application.

The Commissioner's evaluation, on the uncontested facts, is as follows:

A. *Composition of Talodex.* The active ingredient is the organic phosphate, fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-m-tolyl] phosphorothioate) supplied to Diamond by Chemagro Corp., Kansas City, Mo. Talodex contains 100 milligrams of fenthion per cubic centimeter (mg./cc.).

B. *Labeling claim.* Diamond has marketed and labeled Talodex as an effective drug for fleas (4 mg./lb.); ticks (7 mg./lb.); demodectic mange (7 mg./lb.); ascarids i.e., roundworms (7 mg./lb.); hookworms (7 mg./lb.) and heartworm microfilaria (7 mg./lb.). In its request for a hearing, Diamond stated that Talodex's claimed effectiveness for hookworms would be eliminated.

A revised product label, box label, and package insert were submitted. The product label states that the product is for veterinary use and the claim for effectiveness in hookworms has been removed from the box label. There have been numerous labeling changes in the package insert, but only a few are significant. The package insert now states that sanitary measures aimed at reducing reinfestation from the housing environment should be practiced in flea and tick infestations, and states that examples of contraindicated cholinesterase-inhibitor chemicals are physostigmine, neostigmine, organic phosphates, and phenothiazine derivative tranquilizers. The hookworm claim has been changed but not completely eliminated since it now states:

Hookworm. Fenthion is not recommended for treatment of hookworm infections as more effective anthelmintics (e.g. Nemanthic) are available. Fenthion is marginally effective against *Ancylostoma caninum* and *Uncinaria stenocephala* after a single subcutaneous injection of 70 mg. per 10-pound body weight. Repeated injections at 2 week intervals are more effective.

C. *A review of Diamond's submission—* I. *Introduction.* Diamond set forth the history and uses of Talodex including the fact that the Company filed a supplemental application on February 16, 1970, to reduce the concentration of fenthion, the active ingredient, from 100 mg. to 40 mg./cc. Referring to the toxicology of the organophosphate fenthion, the Company states that organophosphates are not to be administered too frequently, overdosed or used within a few days before or after other cholinesterase-inhibiting products such as some pesticides and drugs, and contends that the hookworm claim, which has been eliminated, raised the safety and efficacy questions.

In sum, Diamond contends that at the lower dosage and with the new warnings, the drug will be safe and effective for the treatment of the conditions now included in the labeling.

II. *Elimination of hookworm claim.* While Diamond states that it will delete all references made in the labeling of Talodex for use in controlling hookworms, a review of the proposed package insert shows the hookworm claim is still present. The insert says "Fenthion is marginally effective against *Ancylostoma caninum* and *Uncinaria stenocephala* [hookworms] after a single subcutaneous injection of 70 mg. per 10 pound body weight. Repeated injections at 2 week intervals were more effective." Clearly this labeling represents that the product will be effective for hookworms. There can be no genuine issue when the package insert states an effectiveness for hookworm infestations which Diamond itself says it cannot prove. The Commissioner finds that Diamond has not removed its hookworm claim from the package insert.

III. *The safety of Talodex.* Diamond discusses this problem under the heading "A Reinvestigation Of The Adverse Drug Reaction Reports: • • • Demonstrate The Product To Be Not Primarily Responsible In The Bulk Of The Cases Reporting Toxic Effect." Despite this title, the reinvestigation by Donald A. Fuller, DVM, who is employed by a wholly owned subsidiary of Diamond Labs., reinforces the Food and Drug Administration's conclusion that this product is not safe, since it lacks an adequate margin of safety. Of the reported toxicity in 94 dogs, 41 had illnesses which arose because of the additive effect of Talodex and other cholinesterase-inhibiting products such as organophosphate pesticides or drugs. Of these 41 dogs, 20 died from the combined effect of Talodex and other cholinesterase-inhibiting products. In its NADA, petitioner stated that its toxicity trials showed there was no additive effect in toxicity when other cholinesterase-inhibiting products were used concomitantly with Talodex. With the 41 toxicity reports in hand, Diamond says that Talodex and cholinesterase-inhibiting products do have an additive effect.

Diamond seeks to explain fourteen of the ninety-four reports on the ground that the dogs were improperly weighed or dosed. Seven of these dogs died. Diamond explains that the toxicity was due to the use of bathroom scales, weight estimations for the dogs and the use of syringes that were not finely calibrated. Nowhere in the original petition or the revised labeling is there any indication that very accurate weighing and finely calibrated syringes are necessary to avoid overdosage toxicity.

Diamond readily admits that Talodex was involved in the illness of 26 dogs, of which 15 died. The petitioner indicates that it believes that there may have been contributing factors. Such a statement must be dismissed as a mere guess, since the petitioner's own investigator could not find any valid contributing factor. The petitioner also states that it does not know what caused the other 14 toxicity cases, because it does not have sufficient

information on the animals either before or after the illness.

On page 15 of the petitioner's summary it argues that over 1 million doses have been sold, that it calculates about 70 percent of the Talodex sold has been used, and that each dose was used on a different dog. Based on these theoretical facts, it arrives at a mortality figure of 0.007 percent. This reasoning is fallacious and biased. There is no way of knowing to what degree adverse reactions were unreported, nor is there support for the claim that one dose equals one dog.

Forty-nine users of Talodex reported that they had treated 1,875 dogs. They reported 104 adverse reactions which included 50 deaths. Using these figures, the adverse reactions were 5.54 percent and mortality 2.67 percent. The 5.54 percent adverse reaction percentage compares favorable with the 5.6 percent found by Diamond in their clinical trials. The 2.67 percent mortality rate is significant. The lower clinical mortality figures obtained by Diamond during their clinical studies may have resulted because the practitioners involved may have more carefully selected the animals, accurately weighed the animals, measured the proper dosage, and more carefully watched the animals for toxic reactions since they knew they were using an experimental drug.

Diamond's attempt to explain away the adverse drug experience reports fails because the drug has no margin of safety. The use of this and other organophosphate compounds, such as pesticides, is very common. Almost every dog may be exposed to them. Diamond's attempt to explain a good portion of the adverse reactions as potentiation caused by cholinesterase-inhibiting products raises a serious question of toxicity, because the petitioner said it was not able to measure or prove potentiation in the simultaneous use of organophosphates and Talodex during clinical trials. In light of the general use of organophosphate flea collars and other organophosphate compounds, it would be prudent to increase the margin of safety above that required of the drug before allowing its use. This was not done with Talodex since the original clinical trials indicated that no potentiation occurred. Diamond's statement that some toxicity reactions resulted from inaccurated dosing, lack of finely calibrated syringes, and the failure to use medical or baby scales for weighing only reemphasizes the lack of an adequate margin of safety in Talodex. Because Talodex lacks an appropriate margin of safety, this drug is unsafe for use.

IV. *Additional clinical and investigational data submitted.* The new data presented by the petitioner consisted of protocols for experiments to be done in the future or efficacy studies to verify the heartworm microfilaria claim. None of the protocols can be considered because they have not been completed and all of the completed experiments (Exhibits 8, 11, 12, and 14) do not provide new evidence as to the safety of Talodex. There are also no experiments on the efficacy of Talodex in endoparastism. The exhibits that are completed studies, except Exhibit 14, lack sufficient detail to permit an in-depth evaluation of the toxicity. In Exhibit 12 where over 100 dogs were used, the report merely states that "there is little if any problem from toxicity" and goes on to say there is "no evidence of toxicity." The petitioner in its original submission indicated a 5 percent toxicity in clinical trials, and yet Exhibit 12 indicates no toxicity in 100 dogs. Exhibit 14 is the only one containing sufficient toxicity data on the dosage used, and it should be noted that the dosage was less than that recommended in the labeling so that such an experiment could not be viewed as supporting the petitioner's toxicity claims. The Commissioner finds that the exhibits containing supposedly new clinical and investigational data supplied no substantial new evidence to prove that Talodex is safe or effective.

V. *Field experience.* This material submitted by the petitioner consists in whole of testimonials from various users. Such material is not a well-controlled clinical study and cannot be used to raise a genuine and substantial issue of fact.

VI. *Elimination of hookworm claim and reduced concentration of fenthion per cc.* The hookworm claim has only been eliminated from the box label, but not from the package insert so the petitioner's statement is untrue. As for the reduction of the amount of fenthion per cc., this will not give a sufficient margin of safety. The lack of the margin of safety comes from the toxicity of the organophosphate (fenthion), not from the number of milligrams of active ingredient per cubic centimeter of drug.

VII. *Benefit risk ratio.* Talodex is a toxic drug with no proven margin of safety that is recommended for fleas, ticks, demodectic mange, ascarids (roundworms) and heartworm microfilaria. There are effective, safe products on the market for each and every one of the above named conditions. This is not a case where the product is the only available medication and must be used, even at great risk. This product is being marketed for conditions that are common and ordinarily occur in many dogs and for which the veterinarian has a number of products available. Under such a circumstance, there is no reason to have a product for which there is no adequate margin of safety.

D. *Findings.* The Commissioner, based on his review of the NADA, drug experience reports, and new information supplied by Diamond, finds that Diamond has failed to provide data and information that raises a genuine and substantial issue of fact which would entitle Diamond to a Hearing because the data and information show that Talodex lacks a margin of safety and there is no substantial evidence of efficacy to allow its continued NADA approval. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 35-129V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: February 4, 1971.

SAM D. FINE,
Associate Commissioner, for Compliance.

[FR Doc.71-2277 Filed 2-18-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT CORPORATION

Appointment of Members of Board of Directors

Pursuant to section 729(b) of the Housing and Urban Development Act of 1970 (Public Law 91-609), there are hereby appointed as members of the Board of Directors of the Community Development Corporation, James M. Beggs, Under Secretary, Department of Transportation, and Floyd H. Hyde, Assistant Secretary for Model Cities, Department of Housing and Urban Development.

The Act provides that the Secretary of Housing and Urban Development shall be Chairman of the Board.

Dated: February 12, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-2307 Filed 2-18-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 18]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO.

Petition for Immediate Exemption From Requirements

Petition of the Atchison, Topeka and Santa Fe Railway Co. for immediate exemption from requirements of 49 CFR 232.12(3) for through train movements at Streator, Ill.

The hearing in this proceeding, now assigned Chicago, Ill., February 23, 1971, is hereby postponed to a date and place to be hereafter announced.

A further notice will be published as soon as the hearing is rescheduled.

Issued this 16th day of February 1971, in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-2308 Filed 2-18-71;8:48 am]

[FRA-Petition-No. 22]

RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD CO.

Petition for Relief From Requirements

Petition of the Richmond, Fredericksburg and Potomac Railroad Co. for relief from the requirements of 49 CFR 232.12.

The hearing in this proceeding now assigned February 26, 1971, is hereby postponed to a date to be hereinafter fixed. This postponement is granted at the request of the Brotherhood of Locomotive Engineers, protestant. A further notice will be published as soon as the case is rescheduled for hearing.

Issued this 16th day of February 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings & Proceedings and Hearing Examiner.

[FR Doc.71-2309 Filed 2-18-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Detroit Edison Co., 2000 Second Avenue, Detroit, MI 84226, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated April 29, 1969, for a permit to construct and license to operate a boiling water nuclear power reactor, having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 19, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the office of Delbert J. Hoffman, Supervisor, Frenchtown Township Hall, 2664 Vivian Road, Monroe, MI.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-2205 Filed 2-18-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 19877]

AIR AFRIQUE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 2, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., February 12, 1971.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.71-2310 Filed 2-18-71;8:48 am]

[Docket No. 23042]

INEX ADRIA AIRWAYS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 1, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., February 16, 1971.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[FR Doc.71-2311 Filed 2-18-71;8:48 am]

[Docket No. 21268; Order 71-2-53]

DUNCAN AVIATION, INC.

Order To Show Cause

Issued under delegated authority February 10, 1971.

A final service mail rate established by Order 69-10-17 for the transportation of mail by aircraft is currently in effect for Duncan Aviation, Inc. (Duncan),[1] an air taxi operator under 14 CFR Part 298.

On November 19, 1970, Duncan filed a petition requesting the Board to fix a new final service mail rate for its route in the above docket. On December 3, 1970, the Postmaster General filed a reply to Duncan's petition. The Postmaster General stated that it was in agreement with Duncan that the present rate is no longer fair and reasonable because of increased costs experienced by Duncan which were not known or reasonably foreseeable at the time the rates were set.

[1] In Order 69-10-17, the air taxi operator's name is shown as Duncan Aviation Co.

The Postmaster General, however, concludes that upon thorough analysis he can support an increased rate in the amount as shown in the following table:

Route	Cents per mile		
	Present rate	Duncan's proposal	Postmaster General's proposal
Kansas City, Mo., and Lincoln, Nebr., via Grand Island, Nebr..	49.5	61.6	54.96

Duncan has agreed that the rate proposed by the Postmaster General is the fair and reasonable rate of compensation for the above service.

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

On and after November 19, 1970, the fair and reasonable final service mail rate per great circle aircraft mile to be paid entirely by the Postmaster General to Duncan Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Kansas City, Mo., and Lincoln, Nebr., via Grand Island, Nebr., shall be 54.96 cents.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's Regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.16(f),

It is ordered, That:

1. All interested persons and particularly Duncan Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and United Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Duncan Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Duncan Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and United Air Lines, Inc.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-2312 Filed 2-18-71;8:48 am]

[Docket No. 22628; [1] [2] Order 71-2-59]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares To Apply Over and Within the Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1971.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at meetings in Honolulu in the fall of 1970. Insofar as they are of significance in air transportation as defined by the Act, the agreements, which have been assigned the above-designated CAB agreement numbers, comprise the overall North/Central and South Pacific fare structures for an intended effectiveness from February 1, 1971, through March 31, 1973.[3] The effect of the agreements is to close fares which have been open in these areas since April 1, 1969.

[1] R-6, R-7, R-12, R-13, R-17 through R-27, R-30 through R-32, R-34 through R-37, R-40 through R-44, R-46, R-47, R-49, R-50, R-52, R-55 through R-57, R-60, R-61, and R-63 through R-65.

[2] R-17 and R-26.

[3] Fares agreed upon for application within the areas comprised of Asia/Australasia/South Pacific Islands are marked for an Apr. 1, 1971, effectiveness. We would also note that the duration of the transpacific agreements could be limited to about a 1-year period in the event of failure to revalidate basic construction rules beyond Mar. 31, 1972.

The fares agreed to for travel between U.S. west coast points and Tokyo would eliminate the currently applicable 5-percent round-trip discount on normal fares. In addition to the elimination of this discount, economy-class fares were altered, apparently by the simple averaging of existing peak and basic season fares, to provide for application of one fare level throughout the year. The seasonal variation in fare levels would also be eliminated for virtually all promotional fare categories. For example, the existing peak period fares would be lowered and basic season fares increased for excursion and individual inclusive tour fare travel, resulting in savings of $11 and $41, respectively, to peak season passengers and an increase of $16 for both categories of passengers traveling in the basic season. Present contract bulk inclusive tour (CBIT) fare levels were retained for use only by residents of Japan, and as an offset to the elimination of CBIT fares for U.S.-originating passengers, group inclusive tour (GIT) fare travel would be made more attractive by extending the number of days of travel validity, with a fare reduction of $30 (from $530 to $500) for westbound-originating travel in the basic period in addition to an overall reduction for all GIT passengers. The individual inclusive tour fare validity would be reduced from 90 to 35 days and existing blackout periods eliminated. The affinity group fare for 70 or more passengers would be reduced by $30.

On fares between the west coast of the United States and points beyond Tokyo, the 5-percent round-trip discounts on normal fares would also be eliminated. In addition, normal fares (first-class and economy) would be further increased, as would all promotional fares except the group inclusive tour fare; the CBIT fare would be canceled; the period of travel validity for group inclusive tour fares would be extended; and emigrant and student fares would be introduced. The greater the distance beyond Tokyo, the greater the percentage increase in fares. The table attached to this order illustrates the proposed fares versus those presently in effect.

As regards the South Pacific (West Coast-Sydney), the round-trip discounts would be eliminated, the 45-day individual inclusive tour fare would be canceled and replaced by a lower-priced 35-day inclusive tour fare with no blackout periods, and the blackout periods would be eliminated on the 14-28-day excursion fare.

Other resolutions permit lower-priced around-the-Pacific travel by enabling one-half of the North/Central Pacific individual inclusive tour (IIT) fare to be combined with one-half of the IIT fare over the South Pacific and with normal fares within TC3 to form a circle trip, and provide special fares for ships' crews.

In justification of the fare package,[4] the U.S. carriers serving the North and/or Central Pacific routes refer to the need for additional revenues occasioned by increasing costs and declining yields, and allege that there is a need to bring through fares, on a per-mile basis, to points beyond Tokyo more into balance with the existing West Coast-Tokyo fares.

We will herein approve the agreements, including both those relating to North/Central Pacific routes and those applicable on the South Pacific, except for special fares for ships' crews and student fares where they would apply in air transportation as defined by the Act. These fares have previously been found to be unjustly discriminatory and their disapproval herein is consistent with past action by the Board.

As previously indicated, many existing promotional fares have been reduced, and the terms of their availability have been somewhat liberalized. Of particular note is the fact that the GIT fares, which have apparently emerged as the most saleable fare in this area, have been reduced in all markets. This, together with the availability of a new round-the-Pacific circle-trip individual inclusive tour fare, should enhance the promotional value of the fare package. While these changes may fall somewhat short of promoting full market development, we believe they represent an improvement which can be expected to have an overall generative effect, contribute to an improvement in load factor, and produce additional revenues for the carriers.

The restructuring of transpacific fares beyond Tokyo represents a desirable step toward establishing a more realistic relationship between these fares and fares to Tokyo, and a concomitant more realistic pro-ration of revenue between carriers where travel is to a point beyond Tokyo. The elimination of the round-trip discount will result in conformity with the fare structure now in effect in other geographic areas. While the Board has previously stated that it would accept such a move provided that appropriate reductions were made in the level of one-way fares, we have concluded to permit its elimination at this time without requiring an off-set of this sort in view of the recent decline in carrier earnings from transpacific services.

In view of the fact that the tariffs governing the agreements we are approving have been on file for at least 30 days, we will permit the agreements to be implemented on not less than 10 days' notice from the date of filing, such filing to be made subsequent to the date of this order, to provide the traveling public and travel agents reasonable notice of the fare changes and a period of time within which to accommodate to them.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The following resolutions, which are incorporated in the agreement indicated, are not adverse to the public interest or in violation of the Act:

[4] Public comments were invited by Order 70-12-62. In general the comments received opposed the fare agreements insofar as they would increase fares and/or reduce maximum-stay requirements applicable to various promotional fares.

Agreement CAB	IATA No.	Title	Application
22036:			
R-6	002	Standard Revalidation Resolution	3.
R-7	002	Standard Revalidation Resolution	3.
R-12	015a	South Pacific Proportional Fares	3;1.
R-13	015b	North and Central Pacific Proportional Fares	3;1.
R-17	050	North and Central Pacific Proportional Fares to North America (New)	3;1.
R-18	053	TC3 Class Conditions of Service (Revalidating and Amending)	3;1.
R-19	056	North and Central Pacific First-Class Fares	3;3;1.
R-20	056a	TC3 First-Class Fares	3;1.
R-22	056b	South Pacific First-Class Fares	3;1.
R-23	060	Economy-Class Conditions of Service (Revalidating and Amending)	3;1.
R-25	063	Mixed-Class Aircraft (Revalidating and Amending)	3;3;1.
R-24	066	North and Central Pacific Economy-Class Fares	3;3;1.
R-26	066a	TC3 Economy-Class Fares	3;1.
R-27	066b	South Pacific Economy-Class Fares	3;1.
R-30	070	TC3 Excursion Fares (Revalidating and Amending)	3.
R-31	070b	South Pacific 28-Day Excursion Fares (Revalidating and Amending)	3.
R-32	070c	South Pacific 35-Day Excursion Fares (Revalidating and Amending)	3;1.
R-34	070d	North and Central Pacific 21-Day Excursion Fares (New)	3;1.
R-42	073d	North and Central Pacific Contract Bulk Inclusive Tour Rules (New)	3;1.
R-43	080d	South Pacific 28-Day Individual Inclusive Tour Fare (New)	3;1 (N. & C. Pacific).
R-47	080h	South Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending)	3;1.
R-49	083c	North and Central Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending)	3;1.
22068:			
R-17	002	Student Fares (Revalidating and Amending)	3.
22036:			
R-55	090(1)	TC3 90-Day Excursion Fare for U.S. Military Personnel (New)	3.
R-56	105	TC3 "Stand-By" Fares for U.S. Military Personnel from Guam to Hong Kong and Bangkok (New)	3.
R-60	150b	Excursion Passport (Revalidating, Readopting and Amending)	3;3;1.
R-61	151a	China Free Baggage Discount (Revalidating, Readopting and Amending)	3;3;1.
R-63	310	Free Baggage Allowance (Revalidating and Amending)	3;3;1.
R-64	311	Baggage Excess Weight Charges (Revalidating and Amending)	3;3;1.
22068:			
R-26	311b	Charges for Snow Skiing Equipment (Revalidating and Amending)	3;3;1.
22036:			
R-65	314	Special Rates for Personal Effects (Revalidating and Amending)	3;1.

2. The following resolutions, which are incorporated in the agreement indicated, are found to be adverse to the public interest or unjustly discriminatory and in violation of the Act insofar as air transportation is concerned:

Agreement CAB	IATA No.	Title	Application
22036:			
R-32	075a	TC3 Common Interest Group Fares (Amending)	3.
R-34	075m	TC3 Common Interest Group Fares, Japan-Okinawa (New)	3.

Provided that with respect to each of the above two resolutions,

(a) if at departure time in respect to each of the above two resolutions, that prescribed by the resolution, the balance of the group may travel at no additional cost;

(b) full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(c) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare ticket over the fare paid from point of origin to point of cancellation;

(d) the amount of the forfeiture to be imposed in the event of failure by the group or any member of the group to travel from point of origin shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(e) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(f) full refund of the group fares paid shall be made in the event of departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(g) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(h) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be drawn shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(i) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(j) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(k) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(l) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(m) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(n) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(o) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(p) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(q) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(r) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(s) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(t) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(u) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(v) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(w) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(x) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(y) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(z) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(aa) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(bb) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(cc) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(dd) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ee) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(ff) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(gg) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(hh) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ii) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(jj) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(kk) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(ll) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(mm) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(nn) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(oo) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(pp) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(qq) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(rr) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(ss) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(tt) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(uu) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(vv) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(ww) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(xx) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(yy) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(zz) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(aaa) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(bbb) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ccc) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(ddd) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(eee) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(fff) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ggg) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(hhh) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(iii) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(jjj) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(kkk) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(lll) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(mmm) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(nnn) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ooo) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(ppp) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(qqq) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(rrr) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(sss) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(ttt) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(uuu) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(vvv) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(www) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(xxx) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(yyy) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(zzz) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(aaaa) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(bbbb) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(cccc) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(dddd) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(eeee) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(ffff) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(gggg) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(hhhh) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(iiii) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(jjjj) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(kkkk) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(llll) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(mmmm) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(nnnn) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(oooo) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(pppp) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(qqqq) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(rrrr) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(ssss) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(tttt) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(uuuu) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(vvvv) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(wwww) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(xxxx) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(yyyy) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(zzzz) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(aaaaa) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(bbbbb) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ccccc) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(ddddd) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(eeeee) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not exceed 25 percent of the fare paid, applied as a fare calculated from the purchase of transportation at the applicable fare calculated from the original point of origin;

(fffff) the amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the cost of normal-fare transportation from the point of origin to the point of cancellation;

(ggggg) full refund shall be made in the event of death or illness prior to travel of the passenger or of a member of the passenger's immediate family of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the applicable fares;

(hhhhh) the provisions imposing numerical limitation and/or consolidation shall not be applicable to affinity groups from which passengers may be drawn and such affinity groups from which passengers may be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(iiiii) in the event a passenger drops out of the group prior to travel for any reason, the amount of the fare paid by such passenger as a result thereof shall not

Accordingly, it is ordered, That:

1. Those portions of Agreements CAB 22036 and CAB 22068, described in finding paragraph 1, are approved;

2. Those portions of Agreement CAB 22036, described in finding paragraph 2, are approved subject to the conditions stated therein;

3. Those portions of Agreement CAB 22036, described in finding paragraph 3, are disapproved; and

4. Insofar as air transportation as defined by the Act is concerned, tariff filings shall be marked to become effective on not less than 10 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2313 Filed 2-18-71;8:49 am]

FEDERAL MARITIME COMMISSION

[No. 71-1]

SEATRAIN LINES, INC.

Publication of Discriminatory Rates; Rescheduling of Filing Dates

At the request of respondent Seatrain Lines, Inc., time within which their response must be filed to the Commission's show cause order in this proceeding will be further enlarged.

Accordingly, it is ordered,

(1) That requests for evidentiary hearing, affidavits of fact, and memoranda of law shall be filed by respondent on or before February 22, 1971.

(2) That replies thereto by Hearing Counsel and interveners, if any, shall be filed on or before March 8, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2301 Filed 2-18-71;8:48 am]

ATLANTIC & GULF/WEST COAST OF CENTRAL AMERICA & MEXICO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, Atlantic & Gulf/West Coast of Central America & Mexico Conference, 11 Broadway, New York, NY 10004.

Agreement No. 8300-10, among the member lines of the Atlantic & Gulf/West Coast of Central America & Mexico Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 13 through 18 and substituting therefore new Articles 13 through 16.

Dated: February 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2302 Filed 2-18-71;8:48 am]

TRANS-PACIFIC AMERICAN FLAG BERTH OPERATORS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1045 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. R. Page, Secretary, Trans-Pacific American Flag Berth Operators, 7 Front Street, San Francisco, CA 94111.

Agreement No. 8493-6, among the member lines of the Trans-Pacific American Flag Berth Operators, modifies the conference self-policing provisions in paragraph 10 of the basic agreement pursuant to General Order 7 (Revised).

Dated: February 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2303 Filed 2-18-71;8:48 am]

U.S. ATLANTIC & GULF-VENEZUELA AND NETHERLANDS ANTILLES CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to, the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, 11 Broadway, New York, NY 10004.

Agreement No. 6190-25, among the member lines of the United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 19 through 24 and substituting therefore Articles 19 through 22.

Dated: February 12, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2304 Filed 2-18-71;8:48 am]

WEST COAST SOUTH AMERICA NORTHBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, NY 10004.

Agreement No. 7890-7, among the member lines of the West Coast South America Northbound Conference, modifies the conference self-policing provisions pursuant to General Order No. 7 (Revised) by canceling the existing Articles 12 through 17 and substituting therefor new Articles 12 through 15.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2305 Filed 2-18-71;8:48 am]

[5] Dissenting statement of members Minetti and Murphy filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. CP71-198]

ATLANTIC SEABOARD CORP.

Notice of Application

FEBRUARY 10, 1971.

Take notice that on February 4, 1971, Atlantic Seaboard Corp. (applicant), 1700 MacCorkle Avenue SE., Charleston, WV 25325, filed in Docket No. CP71-198 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas with Washington Gas Light Co. (Washington), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Washington has entered into an agreement with Hampshire Gas Co. (Hampshire), operator of certain gas producing properties in Hampshire County, W. Va., wherein Hampshire agrees to provide natural gas storage service. Applicant proposes to construct a new delivery point near its Lost River Compressor Station in Hardy County, W. Va., for the delivery of volumes of gas to be injected into Hampshire's storage facility. The volumes of gas delivered to Hampshire will be included as part of Washington's present total daily entitlement. It is also stated that applicant and Washington have entered into an exchange agreement whereby Washington will deliver to applicant at a point near said Lost River Compressor Station during the months of October through April volumes of gas not to exceed 35,000 Mcf per day in exchange for equivalent volumes of gas delivered by applicant to Washington at points of delivery in Washington's market area near the District of Columbia.

Applicant states that to provide adequate capacity for this exchange, it will be necessary to construct and operate 3.3 miles of 36-inch pipeline looping its existing transmission facilities in Warren County, Va. The facilities proposed herein are estimated to cost $971,000 which cost is to be financed through open account advances, promissory notes and the issuance of common stock to applicant's parent company, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2269 Filed 2-18-71;8:45 am]

[Docket No. RI71-488]

MARATHON OIL COMPANY, ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 10, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order

respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 31, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-188	Marathon Oil Co. *et al*	66	[1] 15	Marathon Oil Co. (Arkansas Louisiana Gas Co.), (Greenwood Area, Caddo Parish, Northern Louisiana).	$38,010 6,708	1-11-71 1-11-71	2-11-71 2-11-71	2-12-71 2-12-71	[2] [3] 13.55 [4] [5] 13.55	[3] 15.75 [5] [6] 15.75	

*The pressure base is 15.025 p.s.i.a.
[1] To be substituted for notice of change submitted on Nov. 9, 1970, which proposed a renegotiated rate of 16.3 cents (subject to applicable quality adjustments) and was suspended in Docket No. R171-188 until May 10, 1971.
[2] Includes 1-cent tax reimbursement and 0.5-cent gathering charge paid by buyer.
[3] High pressure gas.
[4] Low pressure gas.
[5] Buyer deducts 0.75-cent compression charge from rate shown.
[6] Buyer deducts 1.5 cents compression charge from rate shown (applicable to Woolf A-1, Oakville A-1 and S. L. Harold 1-6 wells).

[FR Doc.71-2268 Filed 2-18-71;8:45 am]

[Docket No. RI71-691]

PAN AMERICAN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 10, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 15, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf Rate in effect	Cents per Mcf Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-691	Pan American Petroleum Corp.	57	24	Phillips Petroleum Co. (Guymon Hugoton Field, Texas County, Okla., and Hugoton Field, Sherman and Hansford Counties, Tex. RR. District No. 10).	$19,597 5,772 17,161	1-11-71 1-11-71 1-11-71	1-11-71 1-11-71 1-11-71	1-12-71 1-12-71 1-12-71	[1] [2] 12.6975 [3] [5] 11.9802 [3] [6] 12.4972	[4] [6] 13.5 [4] [6] 12.7277 [4] [6] 13.25	

*The pressure base is 14.65 p.s.i.a.
[1] Applicable to Texas production (Sweet gas rate.)
[2] Applicable to Texas production (Sour gas rate.)
[3] Applicable to Oklahoma production (Sweet gas rate-filing reflects there is no sour gas production in Oklahoma.)
[4] Includes tax reimbursement of 0.2358 cent, 0.2225 cent, and 0.015 cent.
[5] Not used.
[6] Subject to downward B.t.u. adjustment.

Pan American proposes three revenue-sharing increases for wellhead sales of gas to Phillips from the Hugoton Field in Texas and Oklahoma. Phillips gathers the gas and processes it in its Sherman Plant and resells the residue gas under its FPC Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. Phillips claim that Pan American is not contractually entitled to the increased rates which it has filed here and urges rejection of the filings. Although the proposed rates do not exceed the applicable area ceiling rate prescribed in Opinion No. 586, in view of the contractual problem presented, we shall suspend Pan American's proposed rates for 1 day from the date of filing. Thereafter the proposed rates may be collected subject to refund upon compliance with the provisions of this order pending resolution of this controversy.

[FR Doc.71-2269 Filed 2-18-71;8:45 am]

[Docket No. RP71-86]

KENTUCKY WEST VIRGINIA GAS CO.

Order Permitting Rate Increase Filing To Become Effective Without Suspension and Granting Petitions To Intervene

FEBRUARY 12, 1971.

Kentucky West Virginia Gas Co. (Kentucky West), on December 29, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 to become effective February 15, 1971. The proposed changes would increase rates and charges to its two jurisdictional companies, Equitable Gas Co. (Equitable), its parent company, and United Fuel Gas Co. (United Fuel), approximately $1.8 million annually, based upon sales for the year ended August 31, 1970, as adjusted.

Kentucky West Virginia states that the principal reasons for the rate increase filing are: (1) The claimed need for an 8.5 percent rate of return; (2) the need for sufficient revenues to finance the continuing new investment in production facilities required to maintain the present level of gas deliveries; (3) its claimed need for an income tax allowance, whereas none has been claimed before, due to the amendments to the Internal Revenue Code with respect to statutory depletion; (4) increases in the cost of purchased gas reflecting the new rate levels in Appalachian Rate Order No. 411; and (5) increases in operating expense, depreciation, depletion and amortization expense.

Notice of the rate increase application was issued by the Commission December 30, 1970 (36 F.R. 126). No objections or protests to the rate filing have been received. The two jurisdictional customers, Equitable and United Fuel petitioned to intervene on January 14 and 15, 1971. Thereafter, as a result of a conference held on January 21, 1970, held with Equitable, United Fuel and the Commission Staff, Kentucky West on the same day filed a substitute tariff sheet which includes rates and charges reflecting a reduction in the proposed rate increase, in the approximate amount of $203,349.[1] United Fuel by letter dated January 28, 1971, has informed the Commission that it has reviewed Kentucky West's substitute tariff sheet containing the reduced rates and charges and that it does not oppose their acceptance.

Analysis of the cost of service and revenue data submitted by Kentucky West indicates that the substitute tariff sheet which contains the increased rates and charges tendered for filing on January 21, 1971, have been supported and are appropriate.

The Commission orders:

(A) The increased rates and charges contained in Substitute 12th Revised Sheet No. 4, as filed by Kentucky West on January 21, 1971, are permitted to become effective on February 15, 1971.

(B) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against Kentucky West or any other persons affected by the rates and charges hereby permitted to be effective.

(C) The petitioners hereinabove set forth are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to the matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene: *And provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Substitute 12th Revised Sheet No. 4 contains Rate Schedule S-1 rates: Demand $2.36 per Mcf of billing demand, and Commodity 26.34 cents per Mcf of gas delivered.

[FR Doc.71-2296 Filed 2-18-71;8:47 am]

[Docket No. E-7560]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Rate Changes

FEBRUARY 11, 1971.

Take notice that on January 22, 1971, Delmarva Power & Light Co., Delmarva Power & Light Company of Maryland, and Delmarva Power & Light Company of Virginia (collectively known as Delmarva System), tendered for filing a fuel adjustment clause proposing to change its existing electric tariffs and rate schedules; to amend the various tariff changes, rate schedule supplements, and proposed tariffs previously filed and suspended by Commission order of November 27, 1970; to supplement rate schedule FPC No. 35 applying to the city of Dover, Del.; and to supplement rate schedules FPC No. 29, FPC No. 8 and FPC No. 4, as they apply to various REA Cooperatives served by applicant. Applicant proposed that the fuel adjustment clause to become effective as of March 1, 1971, with respect to all presently effective rate schedules. The proposed changes in rates would increase charges for applicable sales by approximately $497,000 during the remainder of 1971.

Delmarva System states that its presently effective fuel adjustment clause will not reimburse the company for increased cost of fuel used to generate electricity due to the substantial lag before increased fuel costs are reflected in its adjustment figure.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2298 Filed 2-18-71;8:47 am]

[Docket No. E-7600]

OHIO POWER CO.

Notice of Proposed Rate Increase

FEBRUARY 12, 1971.

Take notice that on January 27, 1971, Ohio Power Co. (Ohio) filed an amendment dated February 1, 1971, to the interconnection agreement dated April 26, 1955, between Ohio and Monongahela Power Co. (Monongahela).

The amendment provides for (1) an increase in the demand charge for short term power from $0.30 per kilowatt per week to $0.40 per kilowatt per week and (2) a change in the reduction of demand charges in the event that the supplying party requests a reduction of the amount of short-term power from 3.333 mills for each kilowatt-hour of reduction to one-sixth (1/6) of the total weekly demand charge for each day any such reduction is in effect.

According to Ohio, the extent of use of short term power for the next 12 months is unknown at the present time as this will only be scheduled from time to time as load and capacity conditions on the systems dictate. Accordingly, it is not possible to estimate the transactions and revenues for such period.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2299 Filed 2-18-71;8:47 am]

[Docket No. E-7413]

UNION ELECTRIC CO.

Notice of Application

FEBRUARY 11, 1971.

Take notice that on January 29, 1971, Union Electric Co. (applicant) filed a supplemental application seeking authority pursuant to section 204 of the Federal Power Act to increase to $150 million the amount of short term, unsecured promissory notes authorized to be issued under the Commission's order of June 21, 1969, and its supplemental order of February 9, 1970, in Docket No. E-7413, of which aggregate amount a maximum of $75 million may be in the form of commercial paper, and to extend to not later than December 31, 1973, the final maturity date of said notes. In that order and supplemental order, the Commission authorized applicant to issue up to $125 million short-term promissory notes, of which aggregate amount up to $70 million could be in the form of commercial paper, with final maturities not later than December 31, 1971.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at St. Louis, Mo., and authorized to do business in the States of Illinois and Iowa.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect during the period they are; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The applicant contemplates the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, without further application of this Commission, at any time and from time to time, each of such notes to have a maturity date of not later than December 31, 1973.

The proceeds will be used to finance in part applicant's construction program to December 31, 1973. The increase in authorization to $150 million and the extension of 2 years to December 31, 1973, will allow applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to the application should, on or before February 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2300 Filed 2-18-71;8:47 am]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Virginia Bankshares Corp., Arlington, Va., for approval of acquisition of 30 percent or more of the voting shares of First Bank & Trust Co., Colonial Heights, Va., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Virginia Bankshares Corporation, Arlington, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of First Bank & Trust Company, Colonial Heights, Va., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Virginia and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 25, 1970 (35 F.R. 19645), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the

Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the sixth largest banking organization, and the fourth largest bank holding company in Virginia, controlling 14 banks with $446.5 million in deposits. This represents 6.1 percent of total banking deposits in the State of Virginia. (Banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board to date.) Since Bank is a proposed new bank, consummation of the proposal would not increase concentration in any market.

Bank primarily would serve the cities of Petersburg and Colonial Heights, and adjacent portions of Chesterfield County, and would be in competition with 16 offices of 11 banking institutions. The closest office of any of Applicant's subsidiaries, Richmond National Bank (deposits $23 million), is located more than 20 miles from Bank. Consummation of the proposed transaction would neither eliminate existing competition, foreclose potential competition, nor have adverse effects on the viability or competitive effectiveness of any competing banks, but might stimulate competition in the Colonial Heights-Petersburg market.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area, and might have a procompetitive effect in the Colonial Heights-Petersburg area. The banking factors, as applied to the facts of record, and considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order; and that First Bank & Trust Co. shall be opened for business not later than 6 months after the date of this order. The latter time periods may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] February 11, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2275 Filed 2-18-71;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Governor Brimmer.

FIRST MASSACHUSETTS FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

FEBRUARY 16, 1971.

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First Massachusetts Financial Corp., Westwood, Mass., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 51 percent or more of the voting shares of Massachusetts Bank and Trust Co., Brockton, Mass.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than ten (10) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors, February 16, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2322 Filed 2-18-71;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

WASHINGTON

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on February 9, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Washington adversely affected by heavy rains, melting snows and flooding beginning on or about January 8, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Washington. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970, and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), notice is hereby given that on February 9, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Washington adversely affected by heavy rains, melting snows and flooding beginning on or about January 8, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Washington. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

I do hereby determine the following areas in the State of Washington to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1971:

The Counties of:

Columbia.
Garfield.
Lewis.
Grays Harbor.
Skagit.
Whatcom.
Yakima.

Dated: February 12, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-2293 Filed 2-18-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 12]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 12, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 245), filed January 22, 1971. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Applicant's representative: Roger J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in bulk, in tank vehicles), from Holton, Kans., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 531 (Sub-No. 268) (Correction), filed November 25, 1970, published in the FEDERAL REGISTER issues of January 7, 1971, and January 28, 1971, and republished as corrected, this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. James and St. Charles Parishes, La.; except from (1) the plantsite of Monsanto Co. at or near Luling, La., in St. James Parish; (2) the plantsite of Union Carbide Corp. at or near Taft, La., in St. Charles Parish to points in Texas, California, Washington, and Oregon; (3) the plantsite of Hooker Chemical Co., at or near Taft, La., in St. Charles Parish to points in Texas; and (4) from points in St. James Parish within 15 miles of Geismar, La., to all points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking is possible but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to redescribe the authority sought, a portion of which was inadvertently omitted in the previous publication. If a hearing is deemed necesary, applicant requests it be held at New Orleans, La.

No. MC 730 (Sub-No. 325), filed February 1, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 2392 (Sub-No. 82), filed January 27, 1971. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14238, West Omaha Station, Omaha, NE 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Furfural and furfural alcohol*, in bulk, in tank vehicles, from Omaha, Nebr.; to Tuscaloosa, Ala.; Denver, Colo.; Wallingford, Conn.; Marshallton and Wilmington, Del.; Brunswick and Carrollton, Ga.; Calumet City, Chicago, and Decatur, Ill.; Bethesda, Md.; Andover, Pittsfield, Wolburn, and Worcester, Mass.; Hattiesburg, Miss.; Carteret, Newark, Paulsboro, Westville, Whippany, and Woodbury, N.J.; Bainbridge, Niagara Falls, and Norwich, N.Y.; Charlotte and Hickory, N.C.; Akron, Ironton, McDermott, and Toledo, Ohio; Ponca City, Okla.; Erie, Mertztown, Muse, Pittsburgh, and Worcester, Pa.; Lawrenceburg, Tenn.; Alvin, Beaumont, Houston, and Port Arthur, Tex.; Marshfield, Wis.; (b) *furfural*, in bulk, in tank vehicles, from Omaha, Nebr., to Bensenville, and Georgetown, Ill.; Detroit and Ferndale, Mich.; Cleveland, Ohio; and Milwaukee, Wis.; and (c) *furfural alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to Sheboygan, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 2452 (Sub-No. 13), filed January 11, 1971. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, IL 60502. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Cook County, Ill., on the one hand, and, on the other, points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states the purpose of the instant application is for elimination of circuity via the gateway points. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or, Washington, D.C.

No. MC 2473 (Sub-No. 15), filed January 22, 1971. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, NC 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, DC. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products* (except cotton products) from Lexington, N.C., and points within 40 miles of Lexington, to Washington, D.C., Baltimore, Md., Wilmington, Del., points in South Carolina and New Jersey, points in New York within 20 miles of New York, N.Y., including New York, N.Y., and points in that part of Pennsylvania on and south of a lin beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 via Easton, Allentown, Hamburg, and Strausstown, Pa.,

to Harrisburg, Pa., and thence along the east bank of the Susquehanna River to the Maryland-Pennsylvania State line. NOTE: Applicant seeks herein the right to tack the authority sought to that presently held, particularly that portion of its present authority covering the transporting general commodities (with exceptions). Applicant further states it will surrender its existing authority covering the transportation of textiles and textile products (except cotton products) upon the grant of the authority here sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Charlotte, N.C.

No. MC 2653 (Sub-No. 26), filed February 1, 1971. Applicant: MUNROE AND ARNOLD-MERRITT EXPRESS, INC., 183A Lafayette Street, Salem, MA 01970. Applicant's representatives: Francis E. Barrett and Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass rods and tubing* from Newington and Portsmouth, N.H., to Danvers, Mass.; *rejected or returned shipments of glass rods and tubing, pallets and packing materials* used in the transportation of such products from Danvers, Mass., to Newington and Portsmouth, N.H. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 2900 (Sub-No. 209), filed January 21, 1971. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts* thereof, from Waukesha, Wis., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 5101 (Sub-No. 7), filed January 26, 1971. Applicant: SREIN FURNITURE CARRIERS, INC., 924 Bent Road, Cornwells Heights, PA 19020. Applicant's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, NJ 08053. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture crated and uncrated, furniture parts and materials* used in the manufacture thereof (except materials in bulk), between Laurel, Md., Cornwells Heights, and Fleetwood, Pa., and Elizabeth, N.J., on the one hand, and, on the other, points in the States of Delaware, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Philadelphia and Soudertown, Pa., Baltimore, Md., and Highstown, N.J., when necessary for stop-off purposes. Also, to serve West Virginia when necessary. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 8989 (Sub-No. 214), filed January 25, 1971. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, MI 48904. Applicant's representative: Albert F. Beasley, 311 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled firefighting apparatus*, in initial driveaway and initial truckaway service, from the plantsite of the American LaFrance Division of A.T.O., Inc. (Automatic Sprinkler Corp.), Elmira, N.Y., to points in the United States (excluding Alaska and Hawaii), and damaged or rejected shipments of the above specified commodity, from points in the United States (excluding Alaska and Hawaii), to the place of manufacture and assembly in Elmira, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13087 (Sub-No. 33), filed January 11, 1971. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, IA 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by the Rath Packing Co. at Waterloo, Iowa, to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 14624 (Sub-No. 1), filed January 27, 1971. Applicant: CECIL O'NAN, doing business as TRI-STATE EXPRESS, Defoe, Ky. 40017. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), between points in Gallatin, Carroll, Henry, and Oldham Counties and the off-route points of Verona, Milton, and Prospect, Ky. NOTE: Applicant states that the authority sought herein can be tacked to present authority held in MC 14624. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 16672 (Sub-No. 14), filed January 29, 1971. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets and skids*, from Farmville, Va., to points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant holds contract carrier authority under MC 119182 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 20916 (Sub-No. 8), filed January 22, 1971. Applicant: JOHN T. SISK, Route 2, Box 182 B, Culpeper, VA 22701. Applicant's representative: Frank B. Hand, Jr., 740 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden posts, pallets, chips, shavings, poles, and ties;* (2) *lumber;* (3) *mulch;* (4) *bark; and* (5) *sawdust*, from points in Orange, Culpeper, Fauquier, Madison, Stafford, and Rappahannock Counties, Va., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 134427 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 67), filed January 18, 1971. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representatives: Ralph B. Matthews, Post Office Box 1918, Atlanta, GA 30316, and T. R. Buck, Post Office Box 1160, Owensboro, KY 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Chicago, Ill.: From Memphis over Interstate Highway 55 to junction Interstate Highway 57 (near Sikeston, Mo.), thence over Interstate Highway 57 to Chicago, and return over the same route and utilizing such access roads as may be necessary, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a

hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 30837 (Sub-No. 420), filed January 25, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, from Sioux City, Iowa, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 342), filed January 15, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery food business houses* and in connection therewith *materials, supplies, and products* used in or produced by the food processing industry, except commodities in bulk, from Springdale and Fayetteville, Ark., to points in Arizona, Colorado, Illinois, Kansas, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 32882 (Sub-No. 57), filed January 11, 1971. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representatives: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205, and Ellis F. Chartier, Post Office Box 17039, Portland OR 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and composition* board from Los Angeles County, Calif., on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and (2) *Plywood, composition board, molding, doors, wood cabinets, wood cabinet parts; and accessories* used in the installation thereof, from Los Angeles and Riverside Counties, Calif., on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 51146 (Sub-No. 198), filed January 28, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, materials, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between Muncie, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 199), filed February 1, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Chicago and Elk Grove Village, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; and (2) from Chicago Heights and Aurora, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with various subs of MC 51146 and will tack where feasible but has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 52704 (Sub-No. 82), filed February 1, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, Lafayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facilities of Union Camp Corp. at or near Savannah, Ga., to points in Alabama, Arkansas, Kansas Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 52861 (Sub-No. 21) (Correction), filed December 17, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, corrected and republished as corrected, this issue. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in West Virginia on the one hand, and, on the other, points in Cuyahoga, Lake, and Ashtabula Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. The purpose of this republication is to show applicant's correct name as "Wills Trucking, Inc.", in lieu of Willis Trucking, Inc., which was shown erroneously in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52861 (Sub-No. 23), filed January 13, 1971. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Huron, Ohio, to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its requested authority. Applicant now holds contract authority under No. MC 127864, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Toledo, Ohio.

No. MC 52932 (Sub-No. 23), filed January 25, 1971. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, PA 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile*, from Lansdale, Pa., to points in Connecticut, Pennsylvania, Delaware, New York, Maryland, Virginia, New Jersey, and the District of Columbia; and (2) *articles* used in the manufacture of the commodities specified above, from the above-specified destination points, to Lansdale, Pa. NOTE: Applicant states it holds the above authority under its lead docket and its sub 12. The purpose of this

application is to eliminate certain restrictions in its sub 12. Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 59292 (Sub-No. 27), filed January 13, 1971. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Avenue, Baltimore, MD 21225. Applicant's representative: Spencer T. Money, 110 Park Lane Building, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and advertising matter* used in connection with such products, in cargo containers, which will have a subsequent movement by water, from borough of Rouseville, village of Reno, and Oil City, Venango County, Pa., to Baltimore, Md., and *damaged or rejected material*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Baltimore, Md.

No. MC 59680 (Sub-No. 189), filed January 15, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Alternate routes for operating convenience only: General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Memphis, Tenn., and Greenville, Miss., in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Memphis over U.S. Highway 61 to Leland, Miss., thence over U.S. Highway 82 to Greenville, Miss., and return over the same route. Restriction: The route immediately above is restricted to the movement of traffic between Memphis, on the one hand, and, on the other, points in Arkansas and Louisiana. (2) Between Montrose, Ark., and Bastrop, La., in connection with carrier's presently authorized regular route operations, serving no intermediate points: From Montrose over U.S. Highway 165 to Bastrop, and return over the same route. (3) Between West Monroe, La., and Shreveport, La.: From West Monroe, La., over Interstate Highway 20 to Shreveport, and return over the same route. Restriction: The route immediately above is restricted against the handling of traffic having origin and destination in Louisiana. (4) Between Hope, Ark., and Shreveport, La., in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Hope, Ark., over Arkansas Highway 29 to the Arkansas-Louisiana State line, thence over Louisiana Highway 3 to Bossier City, La., thence over U.S. Highway 80 to Shreveport, La., and return over the same route;

(5) Between the site of the terminal of Strickland Transportation Co., Inc., in the village of Richfield, Ohio, and Detroit, Mich., in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Richfield over Interstate 271 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Interstate Highway 280 at or near Lemoyne, Ohio, thence over Interstate Highway 280 to junction Interstate Highway 75, thence over Interstate Highway 75 to Detroit, and return over the same route. (6) Between Little Rock, Ark., and Kinder, La., in connection with carrier's presently authorized regular route operations, serving no intermediate points; (a) from Little Rock over U.S. Highway 167 to Alexandria, La., thence over U.S. Highway 165 to Kinder, and return over the same route; (b) between Monroe, La., and junction U.S. Highways 165 and 167 at Alexandria, La., in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Monroe over U.S. Highway 165 to junction U.S. Highway 167, and return over the same route. Restriction: The routes immediately above are restricted against the transportation of traffic moving between points on carrier's routes, east of U.S. Highway 165, on the one hand, and, on the other, points in Arkansas and Memphis, Tenn., and points in the Memphis, Tenn., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 60157 (Sub-No. 14), filed January 11, 1971. Applicant: C. A. WHITE TRUCKING COMPANY, a corporation, 4641 Greenville Avenue, Dallas, TX 75202. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those oilfield pipe as described in Mercer Ext.—Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states joinder could be accomplished at Lone Star, Tex., with its existing Subs 6 and 12 to provide a through service to all states except Texas, Oklahoma, Louisiana, Kansas, Montana, Wyoming, Colorado, Illinois, New Mexico, North Dakota, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 61592 (Sub-No. 204), filed February 1, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), from West Fargo and Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 61955 (Sub-No. 11), filed February 1, 1971. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, between Springfield, Mo., on the one hand, and points in the States of Kansas, Oklahoma, and Arkansas, on the other. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 65941 (Sub-No. 33), filed January 27, 1971. Applicant: TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those which because of size or weight require the use of special equipment), from the plantsite of Wheeling-Pittsburgh Steel Corp. at or near Warren, Steubenville, Yorkville, Mingo Junction, and Martins Ferry, Ohio; Benwood, Wheeling, Beech Bottom, and Follansbee, W. Va.; and Allenport, Pa., to points in Florida and those points in Georgia south of a line beginning at Augusta, Ga., and extending along U.S. Highway 1 to Louisville, thence along Georgia Highway 24 to junction of Georgia Highway 22 and thence along Georgia Highway 22 through Macon to Columbus, Ga. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an

unrestricted grant of authority. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, or Miami, Fla.

No. MC 68078 (Sub-No. 34), filed February 1, 1971. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, TN 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Sheffield, Ala., and Memphis, Tenn., from Sheffield, Ala., over U.S. Highway 72 to Memphis, Tenn., and return over the same route serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Florence or Birmingham, Ala.

No. MC 71902 (Sub-No. 74), filed January 22, 1971. Applicant: UNITED TRANSPORTS, INC., Post Office Box 18547, 4900 North Santa Fe, Oklahoma City, OK 73118. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made motor vehicles* (except trailers and farm tractors) in secondary movements by the truckaway method, (1) from Houston, Tex., to points in Iowa, Nebraska, and South Dakota, restricted to traffic having a prior movement by water; (2) from Kansas City, Mo., to points in Iowa, Missouri (except Kansas City, Joplin, and St. Louis), Nebraska, and South Dakota, restricted to traffic having a prior movement by rail or motor carrier. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Houston, Tex.

No. MC 73688 (Sub-No. 45), filed January 11, 1971. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between Fort Smith, Ark., and points in Arkansas, Oklahoma, Missouri, Kansas, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.; Little Rock, Ark.; Kansas City, Mo.; or St. Louis, Mo.

No. MC 79999 (Sub-No. 10), filed January 18, 1971. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah Lane, Post Office Box 9776. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Extension Oil Field Commodities, 74 M.C.C. 459, from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii)). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 95473 (Sub-No. 16), filed February 1, 1971. Applicant: H. A. DAUB, INC., Reinerton, Pa. 17980. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Wisconisco Township (Dauphin County), Pa., to Bronx, N.Y. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 100449 (Sub-No. 19), filed January 22, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), and *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plant-site and facilities of Illini-Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 607), filed January 25, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani, and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Clarendon, Charleston, Marlboro, and Fairfield Counties, S.C., to points in the United States (except Alaska and Hawaii), and (2) *buildings and sections of buildings*, from points in Charleston, Marlboro, and Fairfield Counties, S.C. to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 608), filed January 25, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani, and Ralph H. Miller (same adddress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from points in Wood County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 104004 (Sub-No. 182), filed December 7, 1970. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lewistown, Pa., and the junction of U.S. Highway 22 and U.S. Highway 119 over U.S. Highway 22, serving no intermediate points and serving Lewistown for purposes of joinder only in connection with applicant's regular route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 105809 (Sub-No. 14), filed January 18, 1971. Applicant: ROBERT E. MACK, SOPHIE R. MACK, ESTELLE M. FUNK, CAROL BROWN AND THERESA R. MOLLOY, a partnership, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, PA 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by hardware stores, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, to the warehouse of Cotter & Co. at Philadelphia, Pa., under contract with Cotter & Co. NOTE: Dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Harrisburg or Philadelphia, Pa.

No. MC 105881 (Sub-No. 44), filed January 27, 1971. Applicant: M. R. & R. TRUCKING COMPANY, a corporation, Post Office Box 997, Crestview, FL 32536. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and those requiring special equipment); (1) between Jacksonville, Fla., and Americus, Ga., from Jacksonville over U.S. Highway 1 to Alma, Ga., thence over Georgia Highway 32 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cordele, Ga., thence over U.S. Highway 280 to Americus, and return over the same route, serving all intermediate points except with closed doors as to points intermediate to the junction of Georgia Highway 32 and Interstate Highway 75 and the Crisp-Sumter County line; (2) between Waycross and Atlanta, Ga., from Waycross over U.S. Highway 82 to junction Interstate Highway 75 thence over Interstate Highway 75 and 475 to Atlanta, and return over the same route, serving intermediate points between Waycross and the Berrien-Tift County line and with closed doors as to points intermediate to the Berrien-Tift County line and Atlanta, Ga.; (3) between Americus and Atlanta, Ga., over U.S. Highway 19, serving all intermediate points except with closed doors as to points intermediate to Ellaville and Atlanta, Ga.; (4) between Waycross and Douglas, Ga., from Waycross over U.S. Highway 82 to junction Georgia Highway 158, thence over Georgia Highway 158 to Douglas, and return over the same route, serving all intermediate points; (5) between Waycross and Fitzgerald, Ga., from Waycross over U.S. Highway 84 to junction Georgia Highway 37, thence over Georgia Highway 37 to Ray City, Ga., thence over U.S. Highway 129 to Fitzgerald, and return over the same route, serving all intermediate points. Serving all points in Atkinson, Bacon, Ben Hill, Berrien, Clinch, Coffee, Irwin, Lanier, Pierce, Schley, Sumter, and Ware Counties, Ga., as off-route points in connection with carrier's regular routes operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fitzgerald, Ga.

No. MC 106022 (Sub-No. 9), filed January 11, 1971. Applicant: V. B. MORGAN CO., a corporation, 6106 Paramount Boulevard, Long Beach, CA 90805. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, in special dump transfer units, between New Discovery Mine, Beatty, Nev.; Blanco Mine, Coaldale Junction, Nev.; Vanderbilt Mine (20 miles east of Las Vegas), Lovelock, Nev.; on the one hand, and, on the other, Dunn Siding at Rail Mill, located 21 miles from Baker, Calif. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 106398 (Sub-No. 523), filed January 18, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Marlboro County, S.C., to points in North Carolina, Georgia, Alabama, and Virginia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 106398 (Sub-No. 524), filed January 29, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Clarendon County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 106398 (Sub-No. 525), filed January 29, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Tippah County, Mass., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107002 (Sub-No. 398), filed February 1, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that although tacking is not contemplated, the authority sought could be combined with other authorities to perform a through service to points in Alabama, Florida and Georgia. If a hearing is deemed nccessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 107295 (Sub-No. 482), filed January 28, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, hardboard, plywood, fiberboard, composition board, wall paneling, adhesive, moldings, and accessories* used in the installation thereof, from points in Washington County, Ky., to points in the United States (except Alaska and Hawaii) and (2) *materials* used in the manufacture and distribution of wallboard, hardboard, plywood, fiberboard, composition board, wall paneling, adhesive, moldings, and accessories used in the installation thereof, from points in the United States (except Alaska and Hawaii) to points in Washington County, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 107295 (Sub-No. 475) (Amendment) filed December 11, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). NOTE: The purpose of this partial republication is to reflect the origin as Wilmington, Ohio, in lieu of New Wilmington as was previously shown. The rest of the application remains the same.

No. MC 107403 (Sub-No. 804), filed January 13, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in California and Washington. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but

indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107478 (Sub-No. 13), filed January 27, 1971. Applicant: OLD DOMINION FREIGHT LINE, a corporation, Box 1189, High Point, NC 27261. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged fresh milk, heavy cream, half and half, ice cream, yogurt, chocolate milk, 2 percent milk, skim milk, buttermilk, homogenized milk, cottage cheese, flavored, sour cream, onion cream dip, eggnog, fruit drink*, between High Point, N.C., and points in Virginia. NOTE: Applicant states that the authority sought herein will be tacked with that held under MC 107478 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at High Point, N.C., or Washington, D.C.

No. MC 107496 (Sub-No. 799), filed February 1, 1971. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic resins*, in bulk, from Minneapolis, Minn., to Moorhead, Minn.; (2) *nitric acid*, in bulk, from Pine Bend, Minn., to points in Wisconsin and Michigan, (3) *Liquid feed*, in bulk, from Muscatine to points in Illinois, Indiana, Minnesota, Missouri, and Wisconsin, (4) *Hydrofluosilicic acid*, from Fulton, Ill., to points in Milwaukee, Wis., and Omaha, Nebr., and (5) *Caustic soda*, in bulk, from St. Paul, Minn., to points in Wyoming. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107496 (Sub-No. 800), filed January 25, 1971. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel clay catalyst*, from points in Wyoming to points in Colorado, Kansas, Nebraska, Missouri, Illinois, Minnesota, North Dakota, South Dakota, Utah, Idaho, Washington, Oregon, Oklahoma, Texas, California, Arizona, New Mexico, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107515 (Sub-No. 732), filed January 28, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant), and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, from Bonne Terre, Mo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 107515 (Sub-No. 733), filed January 29, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach, Post Office Box 308, Forest Park, GA, and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid paint, varnish, and resin*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of Cook Paint and Varnish Co., located in North Kansas City, Mo., to points in Florida. NOTE: Applicant states no tacking or joinder is intended, however Sub 561 would allow service to Orlando and Miami, Fla. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or St. Louis, Mo.

No. MC 107993 (Sub-No. 17), filed February 1, 1971. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, TX 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.—Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would join its Sub 10, 11, and 12 authority to transport size and weight commodities and earth drilling pipe at Lone Star, Tex., where feasible to perform a through service. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 109006 (Sub-No. 3), filed January 29, 1971. Applicant: C. L. BIGHAM, G. W. BIGHAM, L. C. BIGHAM, AND MELVIN BIGHAM, a partnership, doing business as W. K. BIGHAM & SONS, Route 2, Box 166, Lubbock, TX 79408. Applicant's representative: James M. Gerdeman, 2321 50th Street, Lubbock, TX 79412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, other than those knocked down or in sections, excluding Mercer commodities described in 74 M.C.C. 459, between points in Colorado, Kansas, New Mexico, Oklahoma, Utah, Texas, Arizona, Arkansas, Louisiana, and in Nebraska south of the north right-of-way line of Interstate Highway 80, including Omaha. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lubbock or Amarillo, Tex.

No. MC 109397 (Sub-No. 249), filed February 1, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors and compressor parts and accessories; pulp and paper mill machinery, plastic injection molding machinery, paper mill cylinder molds, and parts and accessories* for the aforenamed commodities, from Nashua, N.H., to points in the United States (except Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 110080 (Sub-No. 5), filed January 15, 1971. Applicant: ROGER C. LENZ AND KEITH E. LENZ, a partnership, doing business as LENZ BROTHERS, Lansing IA 52151. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Milwaukee, Wis., to points in Rochester, Minn., under contract with Rollie's Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111862 (Sub-No. 22), filed January 21, 1971. Applicant: HENNES TRUCKING CO., a corporation, 338 South 17th Street, Milwaukee, WI 53233. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tranporting: *Cement and mortar*, from the plantsite of P P G Industries, Inc., at or near Newton Township, Muskingum County, Ohio, to points in Kentucky, under contract with P P G Industries, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111956 (Sub-No. 25), filed January 18, 1971. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, PA 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bedford, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. NOTE: Applicant proposes to tack the authority sought with existing authorities. Applicant further states the purpose of instant application is to seek removal of the gateways and permit service via the most direct routes. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112304 (Sub-No. 42) (Amendment), filed December 28, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, and republished as amended, this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. NOTE: The purpose of this partial republication is to reflect that application now seeks authority to operate "between" the plantsite of the Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the named plantsite. As previously published, applicant sought authority "from" the said plantsite. The rest of the application remains the same.

No. MC 112617 (Sub-No. 289), filed January 27, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representatives: Charles R. Dunford (same address as applicant), or Leonard A. Jaskiewicz, 1730 M Street NW., No. 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Daviess County, Ky., to points in Alabama, Arkansas, Georgia, Illinois (except the St. Louis, Ill., commercial zone), Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri (except the St. Louis, Mo., commercial zone), North Carolina, Ohio, Oklahoma, South Carolina, Tennessee (except Kingsport and Elizabethton), Texas (except dry chemicals to Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazeria Counties), West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Pleasants, and Wetzel Counties), Wisconsin, and Luke, Md., and points within 5 miles thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 116), filed January 13, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof, and vegetable oils*, in bulk, from Muscatine, Iowa, to points in the United States (excluding Hawaii and Alaska). NOTE: Applicant states tacking is not intended, but there is a possibility of tacking. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 117), filed January 11, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Lemont, Ill., to points in Alabama, Indiana, Iowa, Kentucky, Michigan, Missouri, Minnesota, Ohio, and Wisconsin. NOTE: Applicant states tacking is not requested, but there is a possibility of tacking with present authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 183), filed January 29, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forest products, lumber, composition board, plywood, flooring, millwork, molding, doors, wood cabinets, wood cabinet parts; and accessories used in the installation thereof*, from points in California to points in the States of Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, and (2) *forest products, lumber, composition board, plywood and millwork*, from points in Arizona and New Mexico to points in the State of California. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 113158 (Sub-No. 17), filed January 18, 1971. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers* for agricultural commodities, from Salisbury, Md., to points in Kent County, Del. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 201), filed January 22, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 3100 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of and storage facilities utilized by Aristo Kansas Meat Packers at or near Holton, Kans., to points in Illinois, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Ohio, Maine, and the District of Columbia, restricted to traffic which originates at the named plantsite and storage facilities and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 113362 (Sub-No. 202), filed January 22, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Post Office Box 562, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Dubuque Packing Co., located at Dubuque, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic which originates at the named plantsite and storage facilities, and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113362 (Sub-No. 203), filed February 1, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James R. Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in section A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C. 209 and 766 (except in hides and commodities in bulk), from the plantsite and storage facilities of Wilson Beef and Lamb Co., at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Lubbock, Tex.

No. MC 113427 (Sub-No. 5), filed January 26, 1971. Applicant: HARRY GIBSON, R.F.D. No. 1, Wellsville, KS 66092. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, KS 66067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix* and *ice milk mix, and return empty containers*, (1) from Sedalia, Mo., to points in Johnson, Wyandotte, and Leavenworth Counties, Kans., and (2) between points in Jackson County, Mo., and Johnson, Wyandotte, and Leavenworth Counties, Kans., under contract with Beatrice Foods Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114194 (Sub-No. 158) (Amendment), filed November 27, 1970, published in FEDERAL REGISTER issue of December 24, 1970, and republished as amended this issue. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Gene Kreider, 67 Carnation, Collinsville, IL 62234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain products and blends*, in bulk, from Keokuk, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *corn products and blends*, in bulk, from Muscatine, Clinton, and Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Cedar Rapids, Iowa.

No. MC 114457 (Sub-No. 102), filed January 22, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Deerfield and Chicago, Ill., to points in South Dakota, North Dakota, Minnesota, and that portion of Wisconsin west of U.S. Highway 41. Restriction: The service authorized above is restricted to the transportation of traffic originating at the plant and warehouse facilities of the Kitchens of Sara Lee, Inc., at the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114632 (Sub-No. 36), filed January 21, 1971. Applicant: APPLE LINES, INC., Post Office Box 670, Madison, SD 57042. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and/or storage facilities utilized by Ocean Spray Cranberries, Inc., at or near Kenosha, Wis., to points in Iowa, Missouri, Kansas, Nebraska, Minnesota, North Dakota, South Dakota, and Oklahoma. NOTE: Applicant holds contract carrier authority in No. MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 115215 (Sub-No. 17), filed January 22, 1971. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue., Perry, FL 32347. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Leon and Taylor Counties, Fla., to points in Florida, Georgia, Alabama, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 115322 (Sub-No. 83), filed January 22, 1971. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, FL 32771. Applicant's representatives: J. V. McCoy, Post Office Box 426, Tampa, FL 33601, and David C. Venable, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite and storage facilities of Thomas Frozen Foods, Inc., located at (1) Totowa, N.J., to points in Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida; and (2) Secaucus, N.J., to points in Maryland and Delaware. Restriction: Points in Maryland and Delaware, restricted to partial unloading of shipments destined to points beyond Maryland and Delaware. NOTE: Applicant states authority sought may be tacked; however, no tacking is presently intended. No duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115331 (Sub-No. 298), filed January 27, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Hot Spring County, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that there are tacking possibilities, but at this time, it has no intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 115331 (Sub-No. 299), filed January 27, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 320 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Keokuk, Iowa to points in the United States

(except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115331 (Sub-No. 300), filed January 27, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 320 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and starch*, in containers; (a) from Oglesby, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, West Virginia, and Wisconsin; (b) from Utica, Ill., to points in Arkansas, Illinois, Kansas, Kentucky, Michigan, Nebraska, Ohio, Oklahoma, Tennessee, and West Virginia; and (2) *lime, limestone and limestone products*, from Hannibal, Mo., and Marblehead and Quincy, Ill., to points in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Texas, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115331 (Sub-No. 301), filed January 27, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 320 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used wooden pallets*, from points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, and West Virginia to the plantsite of Chevron Chemical Company, Fort Madison, Iowa; (2) *liquid feed and feed supplements* in bulk, from Havana, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; and (3) *dry feed grade urea*, from the storage facilities utilized by Occidental Chemical Co. at or near Pekin, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115840 (Sub-No. 63), filed January 25, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic dumping equipment, dump bodies, refuse containers and related parts* used when moving in connection therewith from points in Payne County, Okla., to points in Alabama, Georgia, Florida, Louisiana, Tennessee, North Carolina, South Carolina, Kentucky, Virginia; and (2) *materials, equipment, and supplies* used in the manufacture of hydraulic dumping equipment, dump bodies and refuse containers, from points in the destination States named in (1) above, to points in Payne County, Okla. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 115841 (Sub-No. 397), filed January 28, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) and in vehicles equipped with mechanical refrigeration, (1) from Derry Township, Dauphin County, Pa., to points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, and Georgia; and (2) from Lebanon, Pa., to points in Kentucky, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Oklahoma, and Texas. NOTE: Applicant intends to tack the requested authority with its Sub 260 over Birmingham, Ala., to points in California. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub-No. 155), filed January 22, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Holmes County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117147 (Sub-No. 3), filed January 15, 1971. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, Vt. 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer and core stock*, (1) from the port of entry on the international boundary line between the United States and Canada located at or near North Troy, Vt., to Hancock, Vt.; and (2) from Presque Isle, Maine; New Freedom, Pa.; and Providence, R.I., to Hancock, Vt., under contract with Weyerhaeuser Co. of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117344 (Sub-No. 212), filed January 27, 1971. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Post Office Box 15010, Cincinnati, OH 45215. Applicant's representatives: James R. Stiverson and E. H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Daviess County, Ky., to points in Alabama, Arkansas, Georgia, Illinois (except the St. Louis, Ill., commercial zone), Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri (except the St. Louis, Mo., commercial zone), North Carolina, Ohio, Oklahoma, South Carolina, Tennessee (except Kingsport and Elizabethton), Texas, West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Pleasants, and Wetzel Counties), and Wisconsin, and Luke, Md., and points within 5 miles thereof. NOTE: Applicant states that the requested authority can be tacked with its existing authority, however, it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117589 (Sub-No. 17), filed January 22, 1971. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, WA 98139. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when moving in vehicles equipped with mechanical refrigeration, between points in Oregon, Washington, and Idaho on the one hand, and, on the other, points in Utah, Idaho, and Colorado. NOTE: Applicant states it would surrender its Sub 15, if the instant application is granted. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117686 (Sub-No. 120), filed January 29, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Applicant's representative: A. J. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I

to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Cudahy Co., at or near Wichita, Kans., to points in Alabama, Louisiana, Mississippi, Tennessee, and Texas. Restriction: Restricted to the transportation of shipments originating at the above-named origin points and destined to the above-named destination States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 117815 (Sub-No. 170), filed January 11, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by persons engaged in the manufacturing, processing, and milling of grain products, from Hillsdale, Mich., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Wisconsin, and points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicated that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 119619 (Sub-No. 42), filed February 1, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 200 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities of Dubuque Packing Co., at or near Dubuque, Iowa, to points in the States of Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Rhode Island, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119669 (Sub-No. 17), filed January 13, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment, materials, and supplies* used in the conduct of meatpacking businesses, between the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Connecticut, Delaware, New Hampshire, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119759 (Sub-No. 2), filed February 1, 1971. Applicant: O. L. HARE, doing business as GREEN COUNTY FAST FREIGHT, Monroe, WI 53566. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from Champaign, Ill., to points in the St. Louis, Mo. commercial zone, as defined by the Commission, and those in Missouri located on and east of U.S. Highway 67, restricted to traffic originating at the plantsites and facilities of Kraftco Corp. at Champaign, Ill., and destined to the specified points and territories in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119774 (Sub-No. 21), filed February 1, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, Executrix), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Modular wooden buildings, sections of modular buildings, component parts, fixtures, and accessories* from New Iberia, La., to points in Arkansas, Louisiana, Mississippi, and Texas; and (2) *material, equipment, and supplies* used in the manufacture of modular buildings from points in Arkansas, Louisiana, Mississippi, and Texas to New Iberia, La. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 119777 (Sub-No. 201), filed January 21, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beams, joists, trusses, and accessories and components, including shear panels, prenotched plate, blocking, nails, bridging, and hangers*, from Trus Joist Central at or near Delaware, Ohio, to points in Texas, Oklahoma, Nebraska, Kansas, North Dakota, South Dakota, and all States east thereof. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Louisville, Ky., Nashville, Tenn., or Frankfort, Ky.

No. MC 119789 (Sub-No. 58), filed January 22, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, and floor coverings*, from points in Alabama to points in Texas, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Dallas Tex., or Washington, D.C.

No. MC 119897 (Sub-No. 11), filed February 1, 1971. Applicant: A–1 TRANSPORTATION COMPANY, a corporation, 8826 Mississippi Street, Houston, TX 77029. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; liquid cooling and vapor condensing systems and equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems; (1) between points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii and District of Columbia). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Houston or Dallas, Tex.

No. MC 119934 (Sub-No. 169), filed January 22, 1971. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from Aurora, Ind., to points in Indiana, Kentucky, and Ohio. NOTE: Applicant holds contract carrier authority under MC 128161, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 119934 (Sub-No. 170), filed February 1, 1971. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, dry, in bulk, from Danville, Ill., to points in Indiana, Ohio, and Michigan. NOTE: Applicant holds contract carrier authority under permit No. MC 128161, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 120737 (Sub-No. 16), filed January 18, 1971. Applicant: STAR DELIVERY & TRANSFER, INC., Rural Route No. 5, Post Office Box 39, Canton, IL 61520. Applicant's representative: Chester J. Claudon, 121 West Elm Street, Canton, IL 61520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for*, and equipment designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, Tennessee, Pennsylvania, Alabama, Mississippi, North Carolina, South Carolina, Georgia, Virginia, West Virginia, and Florida, restricted to traffic originating at Eau Claire, Wis. NOTE: Applicant states that it could tack, but the primary purpose of this application is to serve the shipper. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 185), filed January 25, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Agricultural implements, trenchers, excavating, grading and loading equipment*, (b) *Attachments for (a) above*, (c) *Parts for (a) and (b) above*, from New Holstein, Wis., to points in the United States (except Alaska and Hawaii), (2) (a) *Agricultural implements and post-hole diggers*, (b) *Attachments for (a) above*, (c) *Parts for (a) and (b) above*, from Bartlesville, Okla., to United States-Canadian border crossings and (3) (a) *Tractors, lawn and garden equipment and snow throwers*, (b) *Attachments for (a) above*, (c) *Parts for (a) and (b) above*, from Port Washington, Wis., to United States-Canadian border crossings. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123075 (Sub-No. 21), filed January 12, 1971. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, Greeley, Colo. 80631. Applicant's representative: Stuart L. Poelman, Seventh Floor Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products and animal and poultry feed mixtures* when moving in mixed loads with salt and salt products, from the plantsite of Utah Salt, Inc., at Silsbee, Utah, to points in Colorado, Wyoming, and Kansas and to points in South Dakota and Nebraska located west of U.S. Highway 83, under a continuing contract with Utah Salt, Inc., of Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123634 (Sub-No. 8), filed January 21, 1971. Applicant: K. N. DISTRIBUTORS, INC., 360 Park Avenue South, New York, NY 10010. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, between the warehouse, storage facilities, and store facilities of S. Klein Department Stores, Inc., its subsidiaries and concessionaires, located at the stores and warehouse in New York, Yonkers, East Farmingdale, Commack, West Hempstead, Hicksville, New Hyde Park, Valley Stream, N.Y.; Newark, Woodbridge, Wayne Township, and Cherry Hill, N.J.; Philadelphia, York, and points in Marple Township, Pa., Greenbelt, Md.; Boston, Mass.; and Alexandria, Va. Restriction: The operations requested herein are limited to a transportation service to be performed under a continuing contract, or contracts, with S. Klein Department Stores, Inc., of New York, N.Y., its subsidiaries, affiliates, and those concessionaries operating under contract with them and their stores. NOTE: Upon the instant application, it is intended to add the new location of York, Pa. The balance of the points are granted under permit No. 123634 (Sub-No. 7), and applicant consents to the revocation of the existing authority under Docket No. MC 123634 (Sub-No. 7) upon a grant of authority as requested herein. Applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123670 (Sub-No. 11), filed January 25, 1971. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, MI 48003. Applicant's representative: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, MI. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Unfrozen pickled vegetables*, in containers, from Imlay City, Memphis, and Bridgeport, Mich., to points in New Jersey and Delaware, (b) *Empty containers* from points in Indiana, Illinois, and Pennsylvania to Imlay City, Memphis, and Bridgeport, Mich., and (c) *Capping machines and parts and supplies* from Chicago, Ill., to Imlay City, Bridgeport, and Memphis, Mich. Restriction: The above operations would be limited to a transportation service to be performed, under a continuing contract or contracts, with Vlasic Food Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 123681 (Sub-No. 20), filed January 27, 1971. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, OR 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzaldehyde*, in bulk, between Kalama, Wash., on the one hand, and, on the other, points in Alabama, Michigan, New Jersey, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No

duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 123993 (Sub-No. 17), filed February 1, 1971. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, LA 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in containers, from the plantsite of Southdown Lands, Inc., in Houma, La., to points in Alabama and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 41116, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La., or Washington, D.C.

No. MC 124154 (Sub-No. 43), filed January 13, 1971. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from Albany, Ga., to points in Alabama and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124160 (Sub-No. 4), filed January 21, 1971. Applicant: SAVAGE BROTHERS INCORPORATED, 602 East Main Street, American Fork, UT 84003. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, UT 84003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, between points in Utah, Idaho, Nevada, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124211 (Sub-No. 170), filed January 21, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Beverages*, carbonated and noncarbonated; *beverage concentrates, beverage flavoring compounds, and beverage preparations;* (1) from Lenexa, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and (2) from Granite City, Ill., to points in Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin; and (B) *advertising matter, bottles, containers, and articles* dealt in and used by beverage manufacturers and distributors, from destinations named in (A) above to Lenexa, Kans., Granite City, Ill., and Omaha, Nebr. Restriction: The authority sought herein, to the extent it duplicates authority now held by carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority can be tacked with MC 124211 and various subs but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124669 (Sub-No. 28), filed December 21, 1970. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, SD 57105. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Pipestone, Minn., to points in Iowa, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124692 (Sub-No. 76), filed February 3, 1971. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Richard Bebel, 2814 North Cleveland Avenue, St. Paul, MN 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Salt Lake City, Utah, on the one hand, and, on the other, the Henderson Mine and Mill Site-American Metals Climax Inc. (A.M.E.X.), near Parshall, Colo., and the east and west portals of the Straight Creek Tunnel in Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 125650 (Sub-No. 7), filed January 21, 1971. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, MT 59801. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, canned goods, and poultry and meat* from points in Idaho and Ontario, Oreg., to points in Montana; and (2) *canned goods* from Salt Lake City, Roy, and Clearfield, Utah, to points in Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Missoula or Billings, Mont.

No. MC 125674 (Sub-No. 7), filed January 29, 1971. Applicant: THE SENTINEL STAR EXPRESS COMPANY, a corporation, doing business as JACK RABBIT EXPRESS, 64 East Concord Street, Orlando, FL 32801. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to shipments not exceeding 1,000 pounds from one consignor to one consignee on any one day consisting of items not exceeding 125 pounds per item; (1) between Vero Beach and Miami, Fla., over U.S. Highway 1, serving all intermediate points; and (2) between Belle Glade and Miami, Fla., from Belle Glade over Florida Highway 80 to South Bay, Fla., thence over U.S. Highway 27 to Miami, and return over the same route, serving all intermediate points. NOTE: Applicant seeks authority to serve all other points in Dade, Broward, Palm Beach, Martin, and St. Lucie Counties, Fla., as off-route points in connection with the above routes in (1) and (2). Applicant also seeks authority over the following routes for operating convenience only: (a) Between Yeehaw Junction and Miami, Fla., over Florida Sunshine State Parkway and over all roads of ingress and egress to applicant's proposed service routes, as an alternate route, serving no intermediate points; and (b) between Vero Beach and Miami, Fla., over Interstate Hightway 95 and over all roads of ingress and egress to applicant's proposed service routes, as an alternate route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando or Miami, Fla.

No. MC 126844 (Sub-No. 10), filed January 27, 1971. Applicant: R. D. S. TRUCKING CO., INC., 583 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities utilized by Wilson Sinclair Co., at or near Monmouth, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. Restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126881 (Sub-No. 11), filed February 1, 1971. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, MD 21701. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used or useful in the preparation, manufacture, sale, and distribution of food, foodstuffs, dessert, and dairy products, from points in Delaware, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia to Laurel and Frederick, Md., under contract with Capitol Milk Producers Cooperative, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 73), filed January 18, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); from Omaha, Nebr., and Cherokee, Iowa, to points in Arizona, California, Nevada, Utah, Oregon, and Washington. NOTE: Applicant states that it could tack with its present authority at Cherokee, Iowa, and Omaha, Nebr., to serve the same destination territory involved herein. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 128224 (Sub-No. 1), filed January 29, 1971. Applicant: GEORGE F. JOHNSON, Rural Delivery No. 1, New Stanton, PA. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Semifinished steel* used in the manufacture of steel molds for the casting of plastics, and, materials, equipment, supplies, and parts used in the production, manufacture, or distribution of the above-named commodities, between Youngwood (Westmoreland County), Pa., and points in California. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Corporation, of Detroit, Mich. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128273 (Sub-No. 86), filed January 13, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, produced or distributed by manufacturers or converters of paper and paper products, and *equipment, materials, and supplies* used in the manufacture and distribution of paper products (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), between points in Menominee, Mich.; Green Bay, Neenah, Menasha, and Ashland, Wis.; and Marathon County, Wis., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128381 (Sub-No. 5) (Amendment), filed January 18, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished as amended this issue. Applicant: BLUE EAGLE TRUCK LINES, INC., Post Office Box 446, Highland Park, IL 60035. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Suite 2100, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and carpeting*, between Chicago, Ill., on the one hand, and, on the other, Dalton, Cartersville, Calhoun, Rome, and Eaton, Ga., restricted to a transportation service to be performed under a continuing contract, or contracts, with A. S. Cohen, Inc., Chicago, Ill., and Value Rug Mart, Norridge, Ill. NOTE: The purpose of this republication is to add Rome and Eaton, Ga., to the destination. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128497 (Sub-No. 7), filed February 1, 1971. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, IA 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and on the other, points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, North Dakota, South Dakota, Kansas, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 124807, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129537 (Sub-No. 8), filed January 29, 1971. Applicant: REEVES TRANSPORTATION COMPANY, a corporation, 5144 West Idlewild Avenue, Tampa, FL 33614. Applicant's representative: John C. Vogt, Jr., 707 Florida Avenue, Post Office Box 21, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, rugs, and related articles* used in the manufacture, distribution, and installation thereof, (1) between and to all points in Hamilton County, Tenn., and points in Georgia, North Carolina, and South Carolina on the one hand, and, on the other, points in Shelby County, Tenn., and points in Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, and all points south of U.S. Highway 80 in the States of Mississippi and Alabama, and (2) between and to all points in Georgia on the one hand, and, on the other, points in North Carolina and South Carolina. NOTE: Applicant states that due to the nature of its existing authority which states its origin territory by counties in the State of Georgia, and a portion of its destination territories by counties within the State of Florida, applicant, by its present application seeks to accomplish two things: (1) Expand its existing origin and destination territories; and (2) simplify its existing authority by changing from county-defined territories to State-defined territories. Therefore, if the application is granted in its present form there would actually be no tacking involved since application covers not only the new territories sought by applicant, but existing territories as well. However, in the event the application is amended or modified, applicant does intend to tack any authorities granted with its existing authority at Calhoun, Ga., to provide through-service throughout its entire system. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Dallas, Tex.

No. MC 129624 (Sub-No. 2), filed January 29, 1971. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 4007 Ludlow Street, Philadelphia, PA 19104. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Audit and accounting media, and business papers, reports, and records*, between the facilities of Automatic Data Processing of Pennsylvania, Inc., and Eastern Data Processing Co. in Philadelphia, Pa., on the one hand, and,

on the other, points in New Castle County, Del., and Mercer, Burlington, Camden, Cloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 25 pounds. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129951 (Sub-No. 1), filed January 27, 1971. Applicant: HARLEY I. KEETER, JR., 6379 Valmont Drive, Boulder, CO. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Boulder and Central City, Colo., from Boulder over Colorado Highway 119 to junction Colorado Highway 160; thence over Colorado Highway 160 to junction Colorado Highway 279; thence over Colorado Highway 279 to Central City, and return over the same route, serving the intermediate and off-route points of Nederland, Ward, Tungsten, Black Hawk, Rollinsville, and Caribou, Colo. NOTE: Applicant holds a pending contract carrier application under MC 134581, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133436 (Sub-No. 5) (Correction), filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished as corrected, this issue. Applicant: DUDDEN ELEVATOR, INC., 121 East Second Street, Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, Post Office Box 60, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *frozen foodstuffs*, except meat products, and return with *such commodities* as are used in the manufacture, production, and distribution of canned goods and frozen foodstuffs, from Delta, Colo., to points in the United States (except Hawaii), restricted to the account of Skyland Food Corp. NOTE: The purpose of this republication is to show that *contract* carrier authority is sought, inadvertently shown as common carrier authority in the previous publication, and to correct the commodity description. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Denver, Colo.

No. MC 133437 (Sub-No. 2) (Amendment), filed January 25, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished as amended, this issue. Applicant: DAVIS CARTAGE CO., a corporation, 1957 Findley, Saginaw, MI 48601. Applicant's representative: William B. Elmer, 22644 Gratiot, East Detroit, MI 48201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Bay City, Caro, Carrolton, Croswell, and Sebewaing, Mich., to storage facilities of Industrial Molasses Corp. at Presque Isle site, Port District, Toledo, Ohio, under a continuing contract or contracts with Industrial Molasses Corp. NOTE: The purpose of this republication is to redescribe the scope of the authority sought. If a hearing is deemed necesary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 133755 (Sub-No. 9), filed January 17, 1971. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages;* (1) From Milwaukee, Wis., to Minneapolis, Minn., and *empty cooperage*, on return; and (2) from St. Paul, Minn., to Wausau, Wis., and *empty cooperage*, on return, under contract with Beer Distributors, Inc., and Pohle Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Eau Claire, Wis.

No. MC 134247 (Sub-No. 4), filed January 11, 1971. Applicant: CHARLES SEVERANCE, doing business as SEVERANCE TRUCK LINES, Post Office Box 903, State Road No. 100, Lake City, FL 32055. Applicant's representative: Alva Duncan, 111 East Madison Street, Lake City, FL 32055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Dixie County, Fla., and points in Levy County, Fla., to Clyattville, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 134323 (Sub-No. 12) (Correction), filed January 20, 1971, published in the FEDERAL REGISTER, issue of February 11, 1971, and republished as corrected this issue. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, NE 68501. NOTE: The purpose of this republication is to show the correct docket number as shown above, in lieu of No. MC 134232 (Sub-No. 12), which was in error. The rest of the notice remains as previously published.

No. MC 134718 (Sub-No. 2), filed January 28, 1971. Applicant: EDWARD P. HOWELL, INC., Rural Delivery No. 6, Box 17, Elkton, MD 21921. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture of pyrotechnics or munitions (except classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between the plantsite of Ordnance Products, Inc., in Cecil County, Md., and the plantsite of Martin Electronics, Inc., in Taylor County, Fla., on the one hand, and, on the other, points in Ohio, Delaware, Pennsylvania, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Virginia, under contract with Ordnance Products, Inc., and Martin Electronics, Inc. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135122 (Sub-No. 1), filed January 18, 1971. Applicant: CARL C. BEESLEY, doing business as INDUSTRIAL INVESTMENT & CONSTRUCTION CO., 4220 North 38th Avenue, Post Office Box 14044, Phoenix, AZ 85019. Applicant's representative: A. Michael Bernstein, 1347 United Bank Building, 3550 North Central Avenue, Phoenix, AZ 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, supplies, and commodities* used by telephone companies in or incidental to the construction, servicing, and operation of a telephone system, and on return, *used, damaged, or defective telephone equipment, materials, and supplies and bookkeeping records and coin*, from Phoenix, Ariz., to points in New Mexico and points in El Paso County, Tex., under contract with the Mountain States Telephone & Telegraph Co. only. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Albuquerque, N. Mex.

No. MC 135167, filed January 7, 1971. Applicant: THEODORE L. CHAPPELLE, doing business as HAZEL DELL TOWING, 300 Northeast 78th Street, Vancouver, WA 98665. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, OR 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles and trucks*, between points in Clark County, Wash., on the one hand, and, on the other, points in Washington and Multnomah Counties, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 135182 (Sub-No. 1), filed January 26, 1971. Applicant: TRANS-WAYS CO., a corporation, Moscow, Pa. 18444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products* used in or produced by the food processing industry, for the account of Welch Foods, Inc., between Erie and North East, Pa.; Westfield, Dunkirk, Buffalo, and Newark, N.Y., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135243 (Sub-No. 1), filed January 28, 1971. Applicant: WISPAK TRANSPORT, INC., 4700 North 132d Street, Butler, WI 53007. Applicant's representative: Harry J. Weisfeldt, Suite 5058, Plankinton Building, 161 West Wisconsin Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I, 61 M.C.C. 209 and 766, from the plantsites, storage and freezer facilities of Wisconsin Packing Co., Inc., in Milwaukee, and Butler, Wis., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia; and (2) *meat hooks, pallets, and racks*, from points in Indiana, Iowa, Kansas, Minnesota, Pennsylvania, and Tennessee, to the plantsites of Wisconsin Packing Co., Inc., and its storage and freezer facilities, on return, under a continuing contract with Wisconsin Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 135245 (Sub-No. 1), filed January 21, 1971. Applicant: BURGER'S EXPRESS, INC., doing business as BOULDER VALLEY TRANSFER, INC., 5541 Central Street, Boulder, CO 80302. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles and premiums*, and (2) *Equipment and supplies* used in connection with the commodities described in Item 1, from Boulder, Colo., to points in Boulder, Gilpin, Larimer, and Weld Counties, Colo., all under a continuing contract with Avon Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 135257 (Sub-No. 1), filed January 21, 1971. Applicant: THE BIG E CORP., 505 North Myrtle Avenue, Jacksonville, FL 32203. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, between the plantsites and warehouses of Jones-Chambliss Co. and Henry's Hickory House at Jacksonville, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under contract with Jones-Chambliss Co. and Henry's Hickory House. NOTE: Applicant holds common carrier authority under MC 117673, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 135269, filed January 4, 1971. Applicant: A. J. C. TRANSPORTATION CORPORATION, 959 Massachusetts Avenue, Roxbury, MA 02118. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, in mechanically refrigerated equipment, from Tampa and Miami, Fla., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., Boston, Mass., and the New York, N.Y., commercial zone, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Florida, and the District of Columbia, under contract with A. J. Cunningham Packing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135271, filed January 18, 1971. Applicant: STRASSY'S SERVICE SYSTEM, INC., 229 East River Street, Momence, IL 60954. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Momence, Ill., to New York, N.Y.; North Bergen and Jersey City, N.J.; Philadelphia, Pa.; Boston, Westwood, and Lawrence, Mass.; Baltimore, Md.; Salem, Cleveland, and Canton, Ohio; Indianapolis, Ind.; and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135274, filed January 25, 1971. Applicant: BRITTON & SOUTHERN, INC., 514 Highway 43, South, Tuscumbia, AL 35674. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products and plastic and plastic products and accessories*, from the plantsite of Robbins Tire & Rubber Co., Inc., located at or near Muscle Shoals, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the production of the above-named commodities, from points in the United States (except Alaska and Hawaii) to the plantsite of Robbins Tire & Rubber Co., Inc., located at or near Muscle Shoals, Ala.; Restriction: The operations authorized herein to be limited to a transportation service to be performed, under a continuing contract or contracts, with the Textile Rubber Co., Inc., and the Robbins Tire & Rubber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 135275, filed January 22, 1971. Applicant: S. JOSEPH JULIANO, doing business as JULIANS ENTERPRISES, Route 9, South Amboy, NJ 08879. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap iron, steel, lead, copper, aluminum and zinc, and reels*, in dump trailers, from Tottenville, Staten Island, N.Y., to points in Edison, Carteret, and Kearny, N.J., Pittsburgh, Pa., and Atlanta, Ga.; (2) *reprocessed and returned scrap iron, steel, lead, copper, aluminum and zinc, and reels*, in dump trailers, from Edison, Carteret, Kearny, N.J., Pittsburgh, Pa., and Atlanta, Ga., to points in Tottenville, and Staten Island, N.Y., under continuing contract with Keystone Metal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135279, filed January 26, 1971. Applicant: JAMES R. WIGAL, 5304 Second Avenue, Vienna, WV 26101. Applicant's representative: Robert E. Keltner, 317 Market Street, Parkersburg, WV 26101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from Zanesville, Ohio, to the site of Demuth Glass Co., Vienna, W. Va., under contract with Demuth Glass Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at the Federal Building, Parkersburg, W. Va., Wheeling or Charleston, W. Va.

No. MC 135284, filed January 29, 1971. Applicant: FLEETWOOD TRANSPORTATION CORP., 6585 Kinne Road, Dewitt, NY 13214. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Fleetwood, Berks County, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia, under continuing contract or contracts with Agfoods, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135285, filed January 25, 1971. Applicant: JACKSON RAPID DELIVERY SERVICE, INC., Post Office Box 482, Jackson, MS 39205. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, and commodities requiring special equipment), having a prior or subsequent movement by air, between Jackson, Miss., on the one hand, and, on the other, points in Mississippi

bounded by a line commencing at the Arkansas-Mississippi State line at Greenville, Miss., extending along U.S. Highway 82 to its junction with U.S. Alternate Highway 45, thence along U.S. Alternate Highway 45 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with U.S. Highway 84 at Waynesboro, Miss., thence along U.S. Highway 84 to its junction with U.S. Highway 11 at Laurel, Miss., thence along U.S. Highway 11 to its junction with U.S. Highway 98 at Hattiesburg, Miss., thence along U.S. Highway 98 to the Louisiana-Mississippi State Line at Natchez, Miss., including points on the highways named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 135286, filed February 1, 1971. Applicant: JOE N. MOSELEY, BILLIE R. MOSELEY, and VIRGIE D. MANKIN, a partnership doing business as M & M TRANSPORT, Highway 50 West, Post Office Box 175, Jefferson City, MO 65101. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bark, barrel staves, heading, logs, lumber, saw dust, and wood chips*, from points in Missouri to points in the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Nebraska, Ohio, Oklahoma, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

MOTOR CARRIER OF PASSENGERS

No. MC 134929 (Sub-No. 2) (Correction), filed December 22, 1970, published FEDERAL REGISTER issue of January 28, 1971, corrected and republished as corrected, this issue. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, MD 21797. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Columbia, Md., and Washington, D.C., under contract with The Columbia Park and Recreation Association, Inc. NOTE: Dual operations may be involved. The purpose of this republication is to show the proposed operation as that of a contract carrier, in lieu of common carrier. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135268, filed January 18, 1971. Applicant: TRI-CITIES LIMO SERVICE, INC., 567 Main Street, Passaic, NJ. Applicant's representative: Sidney J. Leshin, 501 Madison, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in vehicles having a seating capacity of no more than 11 passengers excluding the driver, between points in the counties of Bergen, Passaic, Hudson, Essex, Union, and Morris, N.J., on the one hand, and, on the other, the city of New York, within the State of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 135288, filed January 26, 1971. Applicant: McGILL'S TAXI & BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Avenue, Asheboro, NC 27203. Applicant's representative: Clarence McGill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter service, beginning and ending at points in Randolph, Chatham, Stanley, Robeson, Moore, Lee, Anson, Richmond, Scotland, and Montgomery Counties, N.C., and extending to points in Florida, Georgia, South Carolina, Virginia, District of Columbia, Maryland, Pennsylvania, New Jersey, New York, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheboro, N.C., or other cities in North Carolina.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130137, filed January 15, 1971. Applicant: JUNE GREPPS AND JENNY VONTZ, a partnership, doing business as SILHOUETTE TOURS, 1585 Blue Orchard Drive, Cincinnati, OH 45230. For a license (BMC 5) to engage in operations as a *broker* at Cincinnati, Ohio, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, beginning and ending at Cincinnati, Ohio and extending to points in Ohio, Kentucky, and Indiana.

No. MC 130138, filed January 20, 1971. Applicant: CHI-AM TOURS, INC., 9 Elizabeth Street, New York, NY 10013. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in sightseeing and pleasure tours, in special and charter operations, beginning and ending at New York, N.Y., and extending to points in the United States (including transportation of passengers arranged for by applicant who have prior, subsequent, or intervening movement by some mode of transportation other than motor carrier from New York, N.Y.), restricted against student tours extending to points west of the Mississippi river.

APPLICATION OF WATER CARRIER

No. W-1256 (RAMBLER, INC., Common Carrier Application), filed February 5, 1971. Applicant: RAMBLER, INC., 708 Westerfield Road, Davenport, IA. Applicant's representative: Frederick P. Patton, First National Bank Building, Rock Island, IL 61201. By application filed February 5, 1971, applicant requests authority to operate as a common carrier, by water, in the transportation of *passengers* on the Mississippi River in Iowa and Illinois (1) regular service out of and returning to Davenport, Iowa; and (2) on charter trips out of and returning to Keokuk, Burlington, Muscatine, Fairport, Montpelier, Buffalo, Davenport, LeClaire, Princeton, Camanche, and Clinton, Iowa; and Opquawka, Keithsburg, New Boston, Andalusia, Rock Island, Moline, Albany, and Fulton, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2236 Filed 2-18-71;8:45 am]

[No. 35360]

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of February 1971.

Upon petition filed December 28, 1970, Ashley, Drew & Northern Railway Co., Chicago, Rock Island and Pacific Railroad Co., The Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., The Louisiana and North West Railroad Co., Missouri Pacific Railroad Co., The Prescott and Northwestern Railroad Co., Reader Railroad, St. Louis-San Francisco Railway Co., St. Louis Southwestern Railway Co., and Warren & Saline River Railroad Co., carriers by railroad within the State of Arkansas, aver that the Arkansas Commerce Commission has denied and that this Commission in No. 35018, Arkansas Intrastate Freight Rates and Charges (not printed), decided November 14, 1969, has not accorded increases in intrastate rates and charges on soybeans corresponding to increases maintained by the petitioners on interstate commerce as authorized by this Commission in Ex Parte No. 256, Increased Freight Rates, 1967, 329 I.C.C. 854 and 332 I.C.C. 280, and that the Arkansas Commerce Commission has not permitted increases in line-haul intrastate rates on rough rice and rice hulls, soybeans, soybean meal, fluxing stone, pulpwood, and wood chips corresponding to the final increase (as distinguished from the interim increase) maintained by the petitioners on interstate commerce as authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 714;

It appearing, that petitioners allege that the increases applicable on interstate commerce were permitted because of revenue needs, are reasonable, and result in rates which are just and reasonable; that interstate and intrastate commerce is comingled and handled in the same trains; that the revenue needs exist to as great an extent with respect to intrastate as interstate traffic; that conditions surrounding Arkansas intrastate movements are no more favorable than conditions incident to the handling of interstate movements to, from, or through Arkansas; that the rates and charges imposed by the Arkansas Commerce Commission, to the extent they fail to include increases sought herein, in addition to and applied prior to subsequent increases, on intrastate commerce within the State of Arkansas are, and for the future will be unreasonably low, and fail to produce a fair share of the revenues required by the petitioners to meet operating and maintenance costs, resulting in substantial revenue losses to the petitioners, in undue and unreasonable advantage to shippers and receivers of commodities in Arkansas intrastate commerce, in undue and unreasonable prejudice to shippers of interstate traffic to, from, and through Arkansas and in undue, unreasonable, and unjust discrimination against, and an undue burden upon, interstate commerce; thus, petitioners request an investigation, under sections 13 and 15a(2) of the Interstate Commerce Act, of the Arkansas intrastate rates on traffic as more fully described hereinabove and an order removing the alleged unlawfulness;

And it further appearing, that there have been brought in issue by the said petition matters sufficient to require an investigation of certain intrastate rates and charges made or imposed by the State of Arkansas;

Wherefore, and good cause appearing:

It is ordered, That the petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under sections 13 and 15a(2) of the act to determine whether the said rates and charges of carriers by railroad, or any of them, operating in the State of Arkansas, for the intrastate transportation of rough rice and rice hulls, soybeans, soybean meal, fluxing stone, pulpwood, and wood chips made or imposed by the State of Arkansas, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission on interstate shipments of soybeans in Ex Parte No. 256, Increased Freight Rates, 1967, supra, and on interstate shipments of all the named commodities in Ex Parte No. 259, Increased Freight Rates, 1968, supra, in addition to and applied prior to subsequently authorized general revenue increases, cause any undue or unreasonable advantage, preference, or prejudice as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and any undue, unreasonable, or unjust discrimination against or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Arkansas, subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents, and that the State of Arkansas be notified of the proceeding by sending a copy of this order by certified mail to the Governor of the State of Arkansas, Little Rock, Ark., and a copy to the Arkansas Commerce Commission, Little Rock, Ark.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying this Commission in writing on or before March 26, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests shall endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices and orders entered herein will be served solely on the persons responding to this order and on the present parties.

And it is further ordered, That this proceeding be assigned for hearing as may hereinafter be designated.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2315 Filed 2-18-71;8:49 am]

[No. 35354]

VIRGINIA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of February 1971.

Upon petition filed November 27, 1970, the Carolina and Northwestern Railway Co., Carolina, Clinchfield and Ohio Railway, Interstate Railroad Co., Louisville and Nashville Railroad Co., Norfolk Southern Railway Co., Penn Central Co., Richmond, Fredericksburg and Potomac Railroad Co., Seaboard Coast Line Railroad Co., Southern Railway Co., Virginia Blue Ridge Railway, and their short-line connections, carriers by railroad operating within the State of Virginia, aver that the State Corporation Commission of Virginia has not permitted increases in intrastate rates and charges corresponding to increases maintained by the carriers on interstate commerce subject to a refund provision if lesser increases are finally permitted, as authorized by this Commission in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971 (final reports pending); and

It appearing, that petitioners allege that the interstate rates and charges, as increased, are just and reasonable; that the conditions incident to the intrastate transportation of rail traffic in Virginia are not more favorable than those incident to interstate transportation of the same commodities from, to, or through Virginia; that an increase in the intrastate rates and charges, as sought in the petition, will not result in unreasonable rates and charges, or in rates and charges that are unreasonable in relation to interstate rates and charges, or in rates and charges that exceed maximum reasonable rates and charges; and that the present Virginia intrastate rates and charges are abnormally low and that the traffic moving thereunder fails to produce its fair share of earnings sufficient to enable the petitioners to provide adequate and efficient transportation service consistent with the Interstate Commerce Act and the National Transportation Policy;

It is further appearing, that it is alleged that consequently an undue burden is cast on interstate commerce, that undue, unreasonable, and unjust discrimination against interstate commerce exists, and that intrastate shippers are accorded undue and unreasonable advantage and preference, and interstate shippers of the same commodities are subjected to unreasonable prejudice and disadvantage;

It further appearing, that the petitioners request that the matter be set for early hearing and that an examiner's report and recommended order be omitted;

And it further appearing, that there have been brought in issue by the carriers' petition matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Virginia, which investigation, according to the proviso in section 13(4) of the act, the Commission must institute whether or not the issues were theretofore considered by the State agency or authority, and that the Commission must give special expedition to the decision, including early hearing, therein;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition for an investigation be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the intrastate rates and charges of carriers by railroad, or any of them, operating in the State of Virginia, for the intrastate transportation

of property made or imposed by authority of the State of Virginia cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate transportation in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971, any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Virginia, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying this Commission in writing on or before March 25, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests shall endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the said petitioners; and that the State of Virginia be notified of the proceeding by sending copies of this order and said petition by certified mail to the Governor of Virginia, Richmond, Va., and to the State Corporation Commission of Virginia at Richmond.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices and orders entered herein will be served solely on the persons responding to this order and on the present parties.

And it is further ordered, That this proceeding be assigned for hearing as may hereinafter be designated, and that the request for elimination of a report and recommended order be denied as premature, without prejudice to the renewal of the request at a later date.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2314 Filed 2-18-71;8:49 am]

[Notice 246]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 12, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2653 (Sub-No. 27 TA), filed February 9, 1971. Applicant: MUNROE AND ARNOLD-MERRITT EXPRESS, INC., 183A Lafayette Street, Salem, MA 01970. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass rods and tubing,* from Portsmouth and Newington, N.H., to Danvers, Mass., *rejected and returned shipments of glass rods and tubing, pallets and packing materials* used in the transportation of such products, from Danvers, MA, to Portsmouth and Newington, N.H., for 180 days. Supporting shipper: GTE Sylvania Inc., 100 Endicott Street, Danvers, MA 01923. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2211-B, John F. Kennedy Federal Building Government Center, Boston, MA 02203.

No. MC 30837 (Sub-No. 422 TA), filed February 8, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, Mailing: Post Office Box 160, 53141, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Parts,* used in the assembly of automobiles and trucks, from Twinsburg, Ohio, to the international boundary line between the United States and Mexico at Laredo, Tex., for 180 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, MI 48231 (D. C. Rae, Manager—Claims and Tariffs). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 85465 (Sub-No. 33 TA), filed February 8, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., 709 Mill Drive, Mail: Post Office Drawer 350, Scottsbluff, NE 69361. Applicant's representative: W. A. Bottom (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plantsite of Swift & Co. at Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 180 days. Supporting shipper: Swift Fresh Meats Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, NE 68508.

No. MC 107496 (Sub-No. 802 TA), filed February 8, 1971. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid,* in bulk, in tank vehicles, from Fulton, Ill., to Milwaukee, Wis., for 150 days. Supporting shipper: Agrico Chemical Co., Division of Continental Oil Co., Post Office Box 346, Memphis, TN 38101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 108119 (Sub-No. 26 TA) (Correction), filed December 31, 1970, published FEDERAL REGISTER issue January 13, 1971, and republished in part as corrected this issue. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Sibley Memorial Highway, Post Office Box 3010, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. NOTE: The purpose of this partial republication is to add the State of Virginia to the destination States, which was inadvertently omitted in the previous publication, the rest of the application remains the same.

No. MC 115331 (Sub-No. 302 TA), filed February 9, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nitro-carbo-nitrate,* other than in bulk, from Monsanto Co., at or near Bonne Terre, Mo., to points in Gallatin, Jackson, Madison, Perry, Peoria, Randolph, Saline, and St. Clair Counties, Ill.; Rogers and Craig Counties, Okla.; and Hopkins, Ohio; Muhlenberg and Daviess Counties, Ky.; for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 116254 (Sub-No. 122 TA), filed February 8, 1971. Applicant: CHEM-HAULERS, INC., Post Office Box 245, 1510 Martin Avenue, Sheffield, AL 35660. Applicant's representative: Douglas Logue (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid,* in bulk, in tank vehicles, from Hamilton, Miss., to Birmingham, Ala., and Powder Springs, Ga., for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, OK 73102. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814–2121 Building, Birmingham, AL 35203.

No. MC 119988 (Sub-No. 37 TA), filed February 8, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, 811½ North Timberland Drive, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic cups,* from Carthage, Tex. to points in Florida, Fort Wayne, Ind., Sparks, Nev., Louisville, Ky., Milwaukee, Wis., Columbia, Md., points in Alabama, Nebraska, Iowa, Minnesota, and Oklahoma, for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Carthage Cup Co., Inc. (W. H. House, President), Post Office Box 668, Carthage, TX 75633. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 123778 (Sub-No. 18 TA), filed February 8, 1971. Applicant: JOSEPH BAIO, doing business as NEWPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, NJ 07095. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Magazines,* from Newark Airport, Newark, N.J., Laguardia and John F. Kennedy Airports, New York, N.Y., to points in Connecticut and New Jersey, and points in that part of New York on, east, and south of a line beginning at the New Jersey-New York State line, and extending along New York Highway 17 to junction New York State thruway, thence along the New York State thruway to Albany, N.Y., and thence along U.S. Highway 20 to the New York-Massachusetts State line and points in Pennsylvania on and east of U.S. Highway 15, Wilmington, Del., Baltimore, Md., and Washington, D.C., for the account of U.S. News & World Report, Inc., for 180 days. Supporting shipper: U.S. News & World Report, Inc., 350 Dennison Avenue, Dayton, OH 45401. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 128866 (Sub-No. 18 TA), filed February 9, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum food containers,* from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsites of Wintergarden Freezer Co., Bells, Tenn., and Banquet Division of F. M. Stamper, Inc., Wells, Minn., for 150 days. Supporting shipper: Penny Plate, Inc., Kresson Road and New Jersey Turnpike, Cherry Hill, NJ 08034. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 133485 (Sub-No. 5 TA), filed February 8, 1971. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, RI 02909. Applicant's representative: Morris J. Levin, 839 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bullion and precious metals,* in armored motor vehicles escorted by armed guards, between points in Rhode Island, Massachusetts, Connecticut, New York, and New Jersey, for 180 days. Supporting shippers: Edward B. McAlpine, Refiners and Fabricators of Precious Metals, 85 Ellenfield Street at Virginia Avenue, Providence, RI 02905; Rhode Island Hospital Trust National Bank, 15 Westminster Street, Providence, RI 02903; Leytess Metal & Chemical Corp., 500 Fifth Avenue, New York, NY 10036. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

No. MC 134163 (Sub-No. 2 TA), filed February 9, 1971. Applicant: JOSEPH RICHARDSON, Post Office Box 146, 908 DeKalb Street, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 666 11th Street SW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mushrooms, mushroom salad, seafood cocktail sauce,* from Kennett Square, Pa., to points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Kennett Canning Co., Post Office Box K, Kennett Square, PA 19348. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 134528 (Sub-No. 2 TA), filed February 9, 1971. Applicant: C. M. PARKER and JAMES PARKER, doing business as PARKER BROTHERS, Route 2, Effingham, SC 29541. Applicant's representative: Tom Smith, Pamplico, S.C. 29583. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer,* in bags, from Acme, N.C., to points in Florence, Marion, Darlington, Georgetown, and Horry Counties, S.C., for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, Post Office Box 246, Savannah, GA 31402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 134970 (Sub-No. 1 TA), filed February 9, 1971. Applicant: UNZICKER TRUCKING, INC., Post Office Box 114, El Paso, IL 61738. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural chemicals,* other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Minnesota, Missouri, Nebraska, and points in Wisconsin on and south of a line traversing the State from La Crosse to Sheboygan over Interstate Highway 90 from La Crosse to Mauston, Wis., thence over Wisconsin Highway 82 to its junction with U.S. Highway 51, thence over Wisconsin Highway 23 to Sheboygan, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135307 TA, filed February 8, 1971. Applicant: TROPICAL DISTRIBUTION INTERNATIONAL, INC., 1201 Northeast 45th Street, Oakland Park, FL 33308. Applicant's representative: Alan J. Goldberg, 2881 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *motor vehicle parts, components, accessories, and advertising material* for General Motors

Corp. to, from and between points in Dade, Broward, and Palm Beach Counties, Fla., concerning traffic having a prior or subsequent movement in interstate commerce. Return movement shall be over same irregular routes, for 180 days. Supporting shipper: General Motors Parts Division, General Motors Corp., 6060 West Bristol Road, Flint, MI 48554. Send protests to: District Supervisor Joseph T. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 3155.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2316 Filed 2-18-71;8:49 am]

[Notice 248]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19105 (Sub-No. 30 TA), filed February 10, 1971. Applicant: FORBES TRANSFER COMPANY, INC., Office: South Goldsboro Street Extension, Mailing: Post Office Box 3544, Wilson, NC 27893. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to Fayetteville, Goldsboro, Raleigh, Wilson, Hickory, Asheville, Morganton, Charlotte, and Winston-Salem, N.C.; Columbia and Greenville, S.C.; Salem, Va.; Charleston, W. Va.; and Johnson City, Tenn.; for 180 days. Supporting shipper: Standard Fruit & Steamship Co., 425 Broadhollow Road, Melville, N.Y. 11746. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 47904 (Sub-No. 4 TA), filed February 10, 1971. Applicant: INTERCITY TRANSPORTATION COMPANY, 600 Turnpike Street, South Easton, MA 02375. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, except in bulk*, from Edison Township, N.J., to points in Massachusetts and Rhode Island, for 180 days. Supporting shipper: Certain-Teed Saint Gobain Insulation Corp., Valley Forge, Pa. 19481. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211-B, Boston, MA 02203.

No. MC 76032 (Sub-No. 277 TA), filed February 10, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, not including those requiring refrigeration, and those injurious or contaminating to other lading, between Santa Fe, N. Mex., and Espanola, N. Mex., from Santa Fe, over Interstate Highway 285 to junction U.S. Highway 285 and New Mexico Highway 76, thence over New Mexico Highway 76 to Espanola and return over the same route, for 180 days. NOTE: Carrier does intend to tack at Santa Fe, N. Mex. Supporting shippers: Becker's, Espanola, N. Mex. 87532; Hunter Motor Co., 531 Onate Street, Espanola, NM 87532; Hunter Tractor Co., Post Office Box 236, Espanola, NM 87532; The "Lure" Sportsman's Center, Box 586, Fairview Station, Espanola, NM 87532. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 116077 (Sub-No. 307 TA), filed February 10, 1971. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, 77023, Houston, TX 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, dry, in bulk, from Plaquemine, La., to Summit, Miss., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: The Dow Chemical Co. (H. W. Westerman, Traffic Manager, Southern Region), Freeport, TX 77541. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 118159 (Sub-No. 109 TA), filed February 10, 1971. Applicant: EVERETT LOWRANCE, INC., Post Office Box 10216, 4916 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: David Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spice sets*, in glass containers and/or racks, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Business Builders, Inc., 700 East First Street, Tulsa, OK 74120. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 119988 (Sub-No. 38 TA), filed February 10, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, 811½ North Timberland Drive, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dishes, plates or trays, paper, pulpboard or woodpulp*, nested, from Gladewater, Tex., to points in Oklahoma, Missouri (except St. Louis), Iowa, Minnesota, Nebraska, Nevada, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio (except Toledo), Indiana (except South Bend), Pennsylvania, New York, Maryland, North Carolina, Rhode Island, and Massachusetts, for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Holiday Plates, Inc. (W. H. House, Vice President), 803 East Glade Street, Post Office Box 1485, Gladewater, TX 75647. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 125521 (Sub-No. 12 TA), filed February 10, 1971. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, OH 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to Tiffin, Ohio; and from Milwaukee, Wis., to Tiffin, Ohio; and *empty containers* or such other incidental facilities used in transporting the above commodity, from Tiffin, Ohio, to South Bend, Ind., and to Milwaukee, Wis., for 180 days. Supporting shipper: The Tiffin Beverage Co., 114 Miami Street, Tiffin OH 44833. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 129718 (Sub-No. 2 TA), filed February 10, 1971. Applicant: ARNOLD P. BANWART, doing business as BANWART TRUCKING COMPANY, West Bend, IA 50597. Applicant's representative: Clayton L. Wornson, 824 Brick & Tile Building, Mason City, IA 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed additives* (except liquid animal and poultry feed additives, in bulk) from West Bend, Iowa, to Alpha, Ill., for 180 days. Supporting shipper: West Bend Processing Co., West Bend, IA 50597. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 135243 TA (Correction), filed January 22, 1971, published in the FEDERAL REGISTER issue of January 30, 1971, and republished in part, as corrected this issue. Applicant: WISPAK TRANSPORT, INC., 4700 North 132d Street, Butler, WI 53007. Applicant's representative: Harry J. Weisfeldt, Suite 5058, Plankinton Building, Milwaukee, WI 53203. NOTE: The purpose of this partial republication is to redescribe part (2) of the authority sought from that shown in the previous publication, as follows: (2) "*Carcass meat*, from Muncie, Ind., Dubuque, Postville, and Sioux City, Iowa; Wichita, Kans., Minneapolis, St. Cloud, and St. Paul, Minn., Pittsburgh and Philadelphia, Pa., to Wisconsin Packing Co., Inc., at Butler and Milwaukee, Wis." The rest of the application remains as previously published.

No. MC 135289 (Sub-No. 1 TA), filed February 10, 1971. Applicant: KYLE E. BURGESS, Graham Road, Croswell, Mich. 48422. Applicant's representative: William B. Elmer, 22644 Gratior Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Maumee, Ohio, to points in Huron, St. Clair, Sanilac, and Tuscola Counties, Mich., for 150 days. Supporting shipper: Russell H. Schmidt, doing business as Anderson Fertilizer of Carsonville, Mich. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Street, Detroit, MI 48226.

No. MC 135308, TA filed February 10, 1971. Applicant: PETE KOOYMAN, doing business as PETE KOOYMAN TRUCKING, 13579 De Vries Road, Lodi, Calif. 95240. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel corrugated culvert pipe, including their attachments and accessories* transported in connection therewith, for the account of Pacific Corrugated Culvert Co., between the plantsites and places of business of Pacific Corrugated Culvert Co. at Fontana and Sacramento, Calif., on the one hand, and, on the other, points in Nevada and Oregon, for 180 days. Supporting shipper: Pacific Corrugated Culvert Co., Post Office Box 7405, Sacramento, CA 95826. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 405 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 71-2317 Filed 2-18-71;8:49 am]

[Notice No. 648]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 16, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72694. By application filed February 11, 1971, NORTHWAYS, INCORPORATED, 14 March Street, Worcester, MA 01604, seeks temporary authority to lease the operating rights of CHEW EXPRESS COMPANY, 340 Main Street, Worcester, MA 01604, under section 210a(b). The transfer to NORTHWAYS, INCORPORATED, of the operating rights of CHEW EXPRESS COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2363 Filed 2-18-71;8:50 am]

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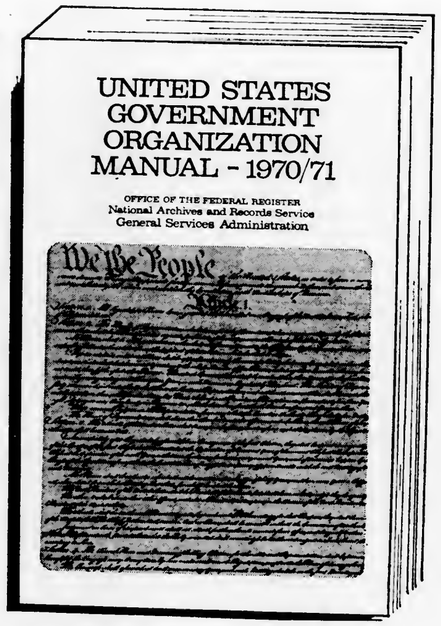

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VOLUME 36 • NUMBER 35

Saturday, February 20, 1971 • Washington, D.C.

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Agricultural Stabilization and Conservation Service
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Geological Survey
Interstate Commerce Commission
Maritime Administration
National Park Service
Packers and Stockyards Administration
Securities and Exchange Commission

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Volume 83

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91st Congress, 1st Session
1969

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Correction

In F.R. Doc. 70-16986 appearing at page 19099 in the issue of December 17, 1970, under Edgar County, Ill., the following changes should be made:

1. In the penultimate line the land description reading "T. 15 N., R. 11 W.," should read "T. 13 N., R. 11 W.,".

2. In the last line the town appearing as "Vermillion" should read "Vermilion".

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

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PART 722—COTTON

Subpart—1971 Crop of Upland Cotton; Base Acreage Allotments

COUNTY RESERVES

Section 722.468 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1971 crop of upland cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 F.R. 19798).

Since the establishment of county reserves requires immediate action by the county committees, it is essential that this section be made effective as soon as possible. Accordingly, § 722.468 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.468 County reserves for the 1971 crop of upland cotton.

(a) *County reserves.* The total county reserve for all uses established by the county committee shall not exceed 5 percent of the sum of the computed county allotment and allocations to the county from the State reserve for trends and abnormal conditions, unless the State committee approves a larger reserve not in excess of 10 percent of the sum of the computed county allotment and allocations to the county from the State reserve for trends and abnormal conditions. Such larger reserve has been approved by the Louisiana State ASC Committee for Bienville Parish. The county committee may determine that no reserve for any one or more uses, or all uses, specified under section 350(e)(1) of the act, shall be established. In addition, no part of the county reserve shall be apportioned to a farm to reflect new cropland brought into production after November 30, 1970. The following table sets forth the county reserves:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	7.1	Houston	92.7
Baldwin	7.0	Jackson	17.5
Barbour	34.9	Jefferson	1.5
Bibb	1.8	Lamar	32.4
Blount	19.1	Lauderdale	22.7
Bullock	9.2	Lawrence	13.5
Butler	32.0	Lee	9.3
Calhoun	3.3	Limestone	10.7
Chambers	15.2	Lowndes	12.5
Cherokee	2.8	Macon	30.7
Chilton	24.1	Madison	12.8
Choctaw	10.8	Marengo	30.6
Clarke	7.1	Marion	10.0
Clay	1.4	Marshall	38.3
Cleburne	6.8	Mobile	14.6
Coffee	24.3	Monroe	6.7
Colbert	5.4	Montgomery	7.5
Conecuh	8.4	Morgan	19.6
Coosa	3.0	Perry	7.7
Covington	39.8	Pickens	27.6
Crenshaw	24.2	Pike	22.6
Cullman	42.9	Randolph	20.5
Dale	8.8	Russell	11.5
Dallas	17.0	St. Clair	1.7
De Kalb	9.2	Shelby	1.8
Elmore	4.1	Sumter	49.4
Escambia	10.7	Talladega	11.0
Etowah	31.8	Tallapoosa	14.3
Fayette	13.8	Tuscaloosa	6.6
Franklin	14.1	Walker	4.6
Geneva	53.0	Washington	4.9
Greene	17.0	Wilcox	53.0
Hale	9.2	Winston	8.8
Henry	19.3		

ARIZONA

Cochise	6.7	Pima	1.1
Gila	0	Pinal	4.0
Graham	5.6	Santa Cruz	1.1
Greenlee	1.5	Yavapai	0
Maricopa	9.5	Yuma	7.5
Mohave	2.0		

ARKANSAS

Arkansas	0.3	Desha	6.8
Ashley	.6	Drew	.5
Baxter	0	Faulkner	4.5
Bradley	1.6	Franklin	.1
Calhoun	.1	Fulton	1.1
Chicot	0	Grant	.1
Clark	49.8	Greene	7.3
Clay	0	Hempstead	18.5
Cleburne	.3	Hot Spring	0
Cleveland	.7	Howard	.1
Columbia	.9	Independence	0
Conway	0	Izard	.2
Craighead	5.4	Jackson	7.1
Crawford	0	Jefferson	4.2
Crittenden	13.4	Johnson	0
Cross	.6	Lafayette	1.4
Dallas	0	Lawrence	.8

ARKANSAS—Continued

County	County reserve (acres)	County	County reserve (acres)
Lee	37.3	Pope	0
Lincoln	0	Prairie	3.6
Little River	0	Pulaski	1.7
Logan	0	Randolph	.1
Lonoke	1.5	St. Francis	7.4
Marion	0	Scott	0
Miller	22.1	Searcy	0
Mississippi	9.4	Sebastian	0
Monroe	2.4	Sevier	0
Nevada	.4	Sharp	0
Newton	0	Union	0
Ouachita	.9	Van Buren	0
Perry	.7	Washington	0
Phillips	15.0	White	7.5
Pike	.1	Woodruff	5.2
Poinsett	.2	Yell	0

CALIFORNIA

Fresno	56.8	San Benito	1.0
Imperial	17.1	San Bernardino	1.0
Kern	34.2	San Diego	.4
Kings	12.4	Stanislaus	0
Madera	38.9	Tulare	20.9
Merced	9.7		
Riverside	10.0		

FLORIDA

Alachua	0	Lafayette	6.7
Baker	0	Leon	.8
Bay	0	Levy	0
Calhoun	.8	Liberty	0
Columbia	5.0	Madison	4.3
Dixie	0	Okaloosa	14.7
Escambia	14.6	Santa Rosa	20.6
Gadsden	.9	Suwannee	5.1
Hamilton	10.9	Taylor	.1
Holmes	21.9	Union	.1
Jackson	129.0	Walton	20.0
Jefferson	1.7	Washington	9.5

GEORGIA

Appling	6.1	Colquitt	41.3
Atkinson	2.1	Columbia	2.7
Bacon	1.9	Cook	5.3
Baker	2.2	Coweta	11.1
Baldwin	2.6	Crawford	3.3
Banks	7.1	Crisp	5.9
Barrow	9.9	Dade	3.2
Bartow	26.1	Dawson	.3
Ben Hill	9.0	Decatur	21.0
Berrien	16.8	De Kalb	.9
Bibb	1.0	Dodge	6.3
Bleckley	15.6	Dooly	2.8
Brantley	.1	Dougherty	1.8
Brooks	7.8	Douglas	.1
Bryan	2.2	Early	5.2
Bulloch	19.8	Echols	0
Burke	29.2	Effingham	8.8
Butts	6.3	Elbert	57.7
Calhoun	8.9	Emanuel	30.3
Candler	14.9	Evans	16.8
Carroll	5.1	Fayette	4.8
Catoosa	.8	Floyd	31.4
Charlton	0	Forsyth	1.6
Chatham	1.1	Franklin	10.8
Chattahoochee	.1	Fulton	7.3
Chattooga	5.3	Glascock	2.7
Cherokee	.1	Gordon	200.3
Clarke	7.7	Grady	6.5
Clay	.7	Greene	3.2
Clayton	3.7	Gwinnett	14.1
Clinch	.2	Habersham	.1
Cobb	1.9	Hall	.1
Coffee	8.0	Hancock	2.5
		Haralson	4.6

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Harris	2.4	Pulaski	5.5
Hart	22.9	Putnam	2.2
Heard	4.9	Quitman	.8
Henry	9.0	Randolph	4.8
Houston	5.8	Richmond	3.5
Irwin	9.9	Rockdale	4.5
Jackson	8.5	Schley	6.6
Jasper	.8	Screven	11.9
Jeff Davis	2.9	Seminole	0
Jefferson	3.7	Spalding	27.7
Jenkins	4.2	Stephens	.3
Johnson	31.4	Stewart	5.6
Jones	0	Sumter	11.0
Lamar	5.0	Talbot	3.1
Lanier	2.2	Taliaferro	1.0
Laurens	27.6	Tattnall	19.8
Lee	2.0	Taylor	10.3
Liberty	3.0	Telfair	3.2
Lincoln	2.8	Terrell	10.1
Long	5.2	Thomas	12.2
Lowndes	4.1	Tift	14.0
Lumpkin	.5	Toombs	17.1
McDuffie	4.6	Treutlen	9.3
Macon	4.1	Troup	4.6
Madison	10.8	Turner	2.1
Marion	9.2	Twiggs	5.4
Meriwether	11.6	Unson	.9
Miller	4.7	Walker	10.2
Mitchell	3.3	Walton	14.0
Monroe	1.7	Ware	1.2
Montgomery	15.7	Warren	8.2
Morgan	5.9	Washington	16.0
Murray	5.2	Wayne	2.4
Newton	8.4	Webster	3.9
Oconee	10.5	Wheeler	10.8
Oglethorpe	26.7	White	.3
Paulding	0	Whitfield	10.4
Peach	1.8	Wilcox	6.4
Pickens	.6	Wilkes	4.2
Pierce	3.3	Wilkinson	4.9
Pike	5.9	Worth	14.7
Polk	25.8		

ILLINOIS

Alexander	1.5	Pulaski	.8
Massac	0		

KANSAS

Montgomery	0

KENTUCKY

Ballard	0	Graves	0
Calloway	0	Hickman	3.3
Carlisle	.1	McCracken	0
Fulton	3.7	Marshall	0

LOUISIANA

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Acadia	212.9	Jeff Davis	0
Allen	9.9	Lafayette	235.1
Ascension	0	La Salle	1.0
Avoyelles	61.7	Lincoln	5.2
Beauregard	0	Livingston	0
Bienville	65.6	Madison	41.2
Bossier	25.0	Morehouse	14.9
Caddo	51.9	Natchitoches	61.6
Caldwell	49.0	Ouachita	4.0
Catahoula	10.0	Pointe Coupee	55.4
Claiborne	56.0	Rapides	21.9
Concordia	6.9	Red River	23.1
De Soto	252.1	Richland	24.5
East Baton Rouge	0	Sabine	0
East Carroll	9.8	St. Helena	3.3
East Feliciana	.5	St. Landry	541.2
Evangeline	56.2	St. Martin	218.5
Franklin	36.3	St. Tammany	.1
Grant	2.5	Tangipahoa	.2
Iberia	0	Tensas	22.5
Iberville	.1	Union	8.9
Jackson	2.7	Vermilion	52.7
		Vernon	0

LOUISIANA—Continued

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Washington	6.0	West Carroll	35.0
Webster	0	West Feliciana	1.9
West Baton Rouge	5.4	Winn	2.0

MISSISSIPPI

County	County reserve (acres)	County	County reserve (acres)
Adams	4.5	Lincoln	7.3
Alcorn	18.6	Lowndes	17.8
Amite	9.1	Madison	25.8
Attala	17.1	Marion	3.6
Benton	8.2	Marshall	7.3
Bolivar	18.4	Monroe	2.3
Calhoun	12.8	Montgomery	8.3
Carroll	8.0	Neshoba	32.2
Chickasaw	5.9	Newton	9.9
Choctaw	15.4	Noxubee	10.0
Claiborne	13.4	Oktibbeha	1.8
Clarke	4.2	Panola	5.4
Clay	10.8	Pearl River	.1
Coahoma	6.7	Perry	2.4
Copiah	11.3	Pike	4.2
Covington	9.1	Pontotoc	29.4
De Soto	5.1	Prentiss	12.7
Forrest	.9	Quitman	.3
Franklin	1.9	Rankin	20.2
George	.1	Scott	19.1
Greene	3.9	Sharkey	.1
Grenada	8.4	Simpson	5.2
Hinds	15.6	Smith	8.3
Holmes	6.4	Sunflower	12.0
Humphreys	.9	Tallahatchie	8.7
Issaquena	1.3	Tate	4.6
Itawamba	27.2	Tippah	21.9
Jasper	5.7	Tishomingo	14.4
Jefferson	4.4	Tunica	13.0
Jefferson Davis	10.2	Union	27.8
Jones	14.3	Walthall	5.8
Kemper	11.1	Warren	5.3
Lafayette	11.8	Washington	60.9
Lamar	1.5	Wayne	7.6
Lauderdale	10.6	Webster	14.0
Lawrence	2.4	Wilkinson	1.3
Leake	21.8	Winston	27.8
Lee	28.4	Yalobusha	2.1
Leflore	3.6	Yazoo	3.6

MISSOURI

Bollinger	1.8	New Madrid	18.4
Butler	19.2	Pemiscot	1.4
Cape Girardeau	.1	Ripley	5.1
Dunklin	8.1	Scott	25.0
Howell	0	Stoddard	21.4
Mississippi	10.5	Vernon	0
		Wayne	0

NEVADA

Clark	0	Nye	25.0

NEW MEXICO

Chaves	2.4	Lea	29.9
Curry	.3	Luna	1.8
De Baca	2.9	Otero	.2
Dona Ana	9.7	Quay	6.4
Eddy	13.6	Roosevelt	10.7
Grant	0	Sierra	0
Harding	0	Socorro	1.0
Hidalgo	1.2		

NORTH CAROLINA

Alamance	0	Camden	0
Alexander	7.2	Carteret	.1
Anson	0	Catawba	.1
Beaufort	1.4	Chatham	.2
Bertie	20.0	Chowan	0
Bladen	11.9	Cleveland	0
Brunswick	.5	Columbus	0
Burke	0	Craven	.5
Cabarrus	.9	Cumberland	2.1
Caldwell	0	Currituck	0

NORTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
Davidson	.1	Northampton	7.9
Davie	0	Onslow	0
Duplin	4.3	Orange	.1
Durham	0	Pamlico	.1
Edgecombe	.7	Pasquotank	0
Forsyth	0	Pender	0
Franklin	1.5	Perquimans	1.0
Gaston	1.7	Person	0
Gates	1.9	Pitt	17.8
Granville	0	Polk	0
Greene	4.4	Randolph	0
Guilford	0	Richmond	0
Halifax	7.6	Robeson	47.3
Harnett	75.5	Rowan	0
Hertford	1.4	Rutherford	6.3
Hoke	.1	Sampson	.6
Hyde	0	Scotland	.7
Iredell	9.1	Stanly	1.3
Johnston	0	Tyrrell	0
Jones	.4	Union	9.3
Lee	1.6	Vance	11.6
Lenoir	2.1	Wake	0
Lincoln	.7	Warren	0
Martin	3.2	Washington	.5
Mecklenburg	1.0	Wayne	0
Montgomery	.6	Wilkes	0
Moore	1.6	Wilson	4.6
Nash	9.8	Yadkin	0
New Hanover	0		

OKLAHOMA

Adair	0	Lincoln	2.4
Atoka	10.2	Logan	11.1
Beckham	20.5	Love	3.7
Blaine	42.9	McClain	4.6
Bryan	3.9	McCurtain	58.6
Caddo	29.2	McIntosh	1.4
Canadian	10.6	Major	25.1
Carter	2.0	Marshall	1.7
Choctaw	.2	Mayes	1.1
Cimarron	0	Murray	.6
Cleveland	4.5	Muskogee	11.7
Coal	1.6	Noble	2.0
Comanche	76.6	Nowata	.9
Cotton	225.7	Okfuskee	41.1
Craig	0	Oklahoma	9.0
Creek	2.0	Okmulgee	2.2
Custer	7.8	Osage	1.7
Dewey	25.4	Pawnee	14.8
Ellis	1.0	Payne	5.0
Garfield	0	Pittsburg	10.3
Garvin	10.7	Pontotoc	1.4
Grady	27.4	Pottawatomie	1.4
Grant	0	Pushmataha	0
Greer	4.1	Roger Mills	7.3
Harmon	5.5	Rogers	0
Harper	0	Seminole	1.7
Haskell	.2	Sequoyah	.1
Hughes	74.5	Stephens	3.9
Jackson	7.8	Texas	0
Jefferson	50.1	Tillman	9.8
Johnston	14.9	Tulsa	2.0
Kay	0	Wagoner	100.3
Kingfisher	10.0	Washita	38.6
Kiowa	18.9	Woodward	1.5
Le Flore	.1		

SOUTH CAROLINA

Abbeville	13.0	Dillon	28.9
Aiken	14.0	Dorchester	19.4
Allendale	6.8	Edgefield	19.2
Anderson	21.3	Fairfield	7.0
Bamberg	10.3	Florence	47.7
Barnwell	7.6	Georgetown	5.3
Beaufort	1.9	Greenville	18.2
Berkeley	100.8	Greenwood	109.9
Calhoun	11.9	Hampton	17.5
Charleston	15.0	Horry	12.4
Cherokee	142.1	Jasper	.9
Chester	49.4	Kershaw	63.6
Chesterfield	97.1	Lancaster	28.4
Clarendon	97.8	Laurens	16.4
Colleton	51.3	Lee	101.2
Darlington	198.6	Lexington	13.5

SOUTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
McCormick	5.7	Richland	21.4
Marion	141.0	Saluda	107.8
Marlboro	50.4	Spartanburg	22.3
Newberry	22.7	Sumter	32.0
Oconee	19.5	Union	7.9
Orangeburg	45.2	Williamsburg	37.9
Pickens	10.3	York	17.6

TENNESSEE

Bedford	3.5	Lawrence	14.8
Benton	5.6	Lewis	.1
Bradley	1.1	Lincoln	18.9
Cannon	.2	Loudon	0.
Carroll	7.8	McMinn	.8
Chester	6.4	McNairy	7.8
Coffee	1.0	Madison	5.4
Crockett	58.1	Marion	0.
Decatur	4.3	Marshall	1.9
Dickson	0.	Maury	1.1
Dyer	10.3	Meigs	2.0
Fayette	12.4	Moore	1.0
Franklin	11.0	Obion	29.5
Gibson	17.3	Perry	.1
Giles	14.5	Polk	.8
Grundy	1.1	Rhea	0.
Hamilton	0.	Robertson	0.
Hardeman	4.5	Rutherford	7.2
Hardin	19.1	Shelby	18.9
Haywood	22.9	Tipton	27.1
Henderson	29.8	Warren	0.
Henry	28.4	Wayne	3.3
Humphreys	0.	Weakley	18.3
Lake	16.1	Williamson	0.
Lauderdale	14.3	Wilson	.1

TEXAS

Anderson	10.4	Crockett	0
Andrews	.1	Crosby	18.9
Angelina	5.9	Culberson	2.0
Aransas	1.1	Dallas	99.1
Archer	30.0	Dawson	11.1
Armstrong	4.3	Deaf Smith	6.2
Atascosa	21.4	Delta	48.6
Austin	8.2	Denton	9.2
Bailey	10.9	Dewitt	39.6
Bastrop	21.3	Dickens	9.6
Baylor	40.5	Dimmit	10.2
Bee	16.8	Donley	5.5
Bell	49.1	Duval	4.4
Bexar	9.3	Eastland	5.6
Blanco	0	Ector	0
Borden	3.1	Ellis	79.4
Bosque	31.4	El Paso	4.5
Bowie	13.2	Erath	10.9
Brazoria	1.6	Falls	30.3
Brazos	5.1	Fannin	27.9
Brewster	0	Fayette	228.0
Briscoe	15.5	Fisher	40.4
Brooks	.5	Floyd	14.0
Brown	5.5	Foard	15.9
Burleson	71.1	Fort Bend	13.8
Burnet	5.0	Franklin	11.1
Caldwell	2.9	Freestone	4.7
Calhoun	3.7	Frio	2.5
Callahan	10.4	Gaines	6.9
Cameron	23.4	Garza	6.3
Camp	1.0	Gillespie	5.5
Carson	1.2	Glasscock	.9
Cass	9.6	Goliad	.3
Castro	12.7	Gonzales	2.0
Cherokee	1.8	Gray	0
Childress	19.2	Grayson	77.2
Clay	10.4	Gregg	.1
Cochran	4.0	Grimes	15.8
Coke	9.8	Guadalupe	14.1
Coleman	58.9	Hale	13.1
Collin	42.5	Hall	15.8
Collingsworth	9.3	Hamilton	9.5
Colorado	9.2	Hansford	1.8
Comal	.1	Hardeman	10.2
Comanche	1.2	Harris	2.1
Concho	83.4	Harrison	7.7
Cooke	14.6	Hartley	0
Coryell	31.1	Haskell	71.7
Cottle	8.7	Hays	6.1

TEXAS—Continued

County	County reserve (acres)	County	County reserve (acres)
Hemphill	2.1	Palo Pinto	19.7
Henderson	24.6	Panola	.7
Hidalgo	214.6	Parker	20.5
Hill	48.9	Parmer	4.5
Hockley	15.3	Pecos	2.8
Hood	25.3	Polk	4.7
Hopkins	11.1	Potter	0
Houston	160.8	Presidio	.5
Howard	10.9	Rains	5.7
Hudspeth	2.8	Randall	4.9
Hunt	68.3	Reagan	3.1
Hutchinson	0	Red River	29.8
Irion	1.0	Reeves	2.6
Jack	4.9	Refugio	2.7
Jackson	4.6	Roberts	0
Jasper	0	Robertson	20.6
Jeff Davis	.2	Rockwall	31.8
Jim Hogg	.1	Runnels	100.9
Jim Wells	9.0	Rusk	250.3
Johnson	27.3	Sabine	1.3
Jones	13.0	San Augustine	5.2
Karnes	26.8	San Jacinto	1.7
Kaufman	19.5	San Patricio	4.3
Kendall	0	San Saba	34.4
Kent	3.3	Schleicher	36.9
Kimble	0	Scurry	6.0
King	.3	Shackelford	19.5
Kinney	.2	Shelby	.3
Kleberg	6.0	Smith	0
Knox	14.2	Somervell	.1
Lamar	11.2	Starr	30.4
Lamb	7.9	Stephens	1.3
Lampasas	4.8	Sterling	.2
La Salle	9.9	Stonewall	14.7
Lavaca	16.5	Swisher	11.7
Lee	3.6	Tarrant	15.6
Leon	25.5	Taylor	13.0
Liberty	14.9	Terry	5.8
Limestone	104.4	Throckmorton	15.9
Live Oak	5.5	Titus	0
Llano	2.1	Tom Green	20.7
Loving	.1	Travis	32.2
Lubbock	25.7	Trinity	9.8
Lynn	7.6	Tyler	1.9
McCulloch	30.9	Upshur	0
McLennan	77.4	Upton	2.0
McMullen	4.2	Uvalde	8.2
Madison	5.2	Val Verde	.2
Marion	0	Van Zandt	9.8
Martin	4.8	Victoria	9.9
Mason	9.7	Walker	3.2
Matagorda	1.4	Waller	5.4
Maverick	1.8	Ward	.8
Medina	3.0	Washington	23.7
Menard	5.9	Webb	0
Midland	11.0	Wharton	26.6
Milam	18.4	Wheeler	10.4
Mills	9.9	Wichita	10.5
Mitchell	31.3	Wilbarger	19.6
Montague	43.3	Willacy	31.4
Montgomery	4.0	Williamson	16.7
Moore	.1	Wilson	21.4
Morris	0	Wise	15.2
Motley	8.0	Wood	3.3
Nacogdoches	11.8	Yoakum	2.6
Navarro	40.9	Young	20.9
Newton	0	Zapata	.1
Nolan	29.3	Zavala	4.9
Nueces	12.3		
Ochiltree	.3		
Oldham	0		

VIRGINIA

Brunswick	18.8	Nansemond	5.0
Charlotte	.1	Prince Edward	0
Dinwiddie	2.2	Prince George	0
Greensville	62.8	Southampton	9.4
Henrico	0	Surry	0
Isle of Wight	1.8	Sussex	5.0
Lunenburg	5.9		
Mecklenburg	6.4		

(Secs. 350(e), 375, 84 Stat. 1373, 52 Stat. 66, as amended; 7 U.S.C. 1350(e), 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 12, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2331 Filed 2-19-71;8:45 am]

[Amdt. 7]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of amendments 1 and 3 is to delete language from the provisions requiring the furnishing of information from applicants for new producer allotments and new farm allotments to bring the provisions into agreement with the provisions of §§ 730.69(c) and 730.80(c) on eligibility requirements for new producers and new farm allotments, which were recently amended. As so amended, to be eligible for a new producer or new farm allotment the applicant must expect to obtain more than 50 percent of his income from farming generally rather than from farming operations on the farm to which the new producer allotment will be allocated or on the farm for which the new farm allotment is requested, as was in effect prior to the recent amendment.

Amendment 2 would delete the provision for the exchange of cotton and rice allotments in farm States. Authority for such exchanges was contained in section 344a(h) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344b(h)), which expired with the calendar year 1970.

Since two of the amendments are administrative in nature and the other is required by statute and since new producer and new farm allotments will be determined very shortly and farmers need to know the provisions of these amendments, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and these amendments shall become effective as provided herein.

The Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (33 F.R. 14520), as amended, is amended as follows:

1. Paragraph (b) of § 730.69 is amended by deleting the phrase "operations on the farm to which the requested allotment will be allocated" in the second sentence.

2. Section 730.79 is amended by deleting paragraph (d) thereof.

3. Paragraph (b) of § 730.80 is amended by deleting the hrase "operations on the farm for which the allotment is being requested".

(Secs. 344a, 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1344b, 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 12, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-2379 Filed 2-19-71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Soybean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Soybean Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 13971 and 14501, containing provisions for price support loans and purchases applicable to the 1970 and Subsequent crops of soybeans are amended as follows:

Section 1421.372 is revised to delete all references in paragraph (a) relating to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (c) which relates to warehouses operated by eastern common carriers. The revised section reads as follows:

§ 1421.372 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the soybeans represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the soybeans are deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual soybean crop supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of soybeans stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the loan maturity date, no storage deduction shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on soybeans stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the soybeans were received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (2-20-71).

Signed at Washington, D.C., on February 12, 1971.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-2342 Filed 2-19-71;8:46 am]

[CCC Grain Price Support Regs., 1970 Crop Soybean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Soybean Loan and Purchase Program

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 12829 containing provisions for price support loans and purchases applicable to the 1970 crop of soybeans are amended as follows:

Section 1421.391 is amended to delete in the introductory sentence of § 1421.391 all references to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission and to delete paragraph (b) which relates to warehouses operated by eastern common carriers. The amended section reads as follows:

§ 1421.391 Warehouse charges.

Subject to the provisions of § 1421.372, the schedule of deductions set forth in this section shall apply to soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JUNE 30, 1971

Storage start date: [1]	*Deduction (cents per bushel)*
Prior to Aug. 13, 1970	12
Aug. 13–Sept. 9, 1970	11
Sept. 10–Oct. 7, 1970	10
Oct. 8–Nov. 4, 1970	9
Nov. 5–Dec. 2, 1970	8
Dec. 3–Dec. 30, 1970	7
Dec. 31, 1970–Jan. 27, 1971	6
Jan. 28–Feb. 24, 1971	5
Feb. 25–Mar. 24, 1971	4
Mar. 25–Apr. 21, 1971	3
Apr. 22–May 19, 1971	2
May 20–June 30, 1971	1

[1] All dates inclusive.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (2-20-71).

Signed at Washington, D.C., on February 12, 1971.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-2343 Filed 2-19-71;8:46 am]

[Amdt. 8]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

NOMINATIONS

The regulations issued by the Commodity Credit Corporation, published in 33 F.R. 4914, 5865, 7071, 10639, 12673, 15475, and 35 F.R. 15206 and 18261, containing eligibility requirements for Cooperative Marketing Associations to obtain price support are hereby amended as follows:

Subparagraph (2) of paragraph (d) of § 1425.5 is amended to read as follows, in order to permit nomination of officers from the floor:

§ 1425.5 Charter or bylaw provisions.

* * * * *

(d) *Nominations.* Nominations shall be made as follows:

* * * * *

(2) Nominations for election of officers shall be made by secret balloting, nominating committee, or from the floor.

* * * * *

Effective date: Upon publication in the FEDERAL REGISTER (2-20-71).

Signed at Washington, D.C., on February 12, 1971.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-2341 Filed 2-19-71;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-519]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Ohio in the introductory portion of paragraph (e) and paragraph (e)(9) relating to the State of Ohio are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended.)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Clinton County, Ohio, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Ohio remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of February 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-2380 Filed 2-19-71;8:49 am]

[Docket No. 71-520]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivision (xvi) relating to Smith County is deleted, and new subdivisions (xxii) and (xxiii) relating to Bexar County are added to read:

(13) *Texas.* * * *

(xxii) That portion of Bexar County bounded by a line beginning at the junction of Interstate Highway 410 and Farm-to-Market Road 78; thence, following Farm-to-Market Road 78 in a northeasterly direction to Farm-to-Market Road 1518; thence, following Farm-to-Market Road 1518 in a southeasterly and then southwesterly direction to U.S. Highway 87; thence, following U.S. Highway 87 in a northwesterly direction to Interstate Highway 410; thence, following Interstate Highway 410 in a northwesterly direction to its junction with Farm-to-Market Road 78.

(xxiii) That portion of Bexar County bounded by a line beginning at the junction of the Bexar-Medina County line and State Highway 16; thence, following State Highway 16 in a southeasterly direction to Farm-to-Market Road 471; thence, following Farm-to-Market Road 471 in a southwesterly and then northwesterly direction to Farm-to-Market Road 1957; thence, following Farm-to-Market Road 1957 in a southeasterly and then southwesterly direction to the Bexar-Medina County line; thence, following the Bexar-Medina County line in a northerly direction to its junction with State Highway 16.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Bexar County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such county.

The amendments also exclude a portion of Smith County, Tex., from the areas quarantined because of hog cholera. No areas in Smith County, Tex., remain under the quarantine. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not comply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of February 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-2339 Filed 2-19-71;8:46 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

General Design Criteria for Nuclear Power Plants

The Atomic Energy Commission has adopted an amendment to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which adds an Appendix A, "General Design Criteria for Nuclear Power Plants."

Section 50.34(a) of Part 50 requires that each application for a construction permit include the preliminary design of the facility. The following information is specified for inclusion as part of the preliminary design of the facility:

(i) The principal design criteria for the facility

(ii) The design bases and the relation of the design bases to the principal design criteria

(iii) Information relative to materials of construction, general arrangement, and the approximate dimensions, sufficient to provide reasonable assurance that the final design will conform to the design bases with adequate margin for safety.

The "General Design Criteria for Nuclear Power Plants" added as Appendix A to Part 50 establish the minimum requirements for the principal design criteria for water-cooled nuclear power plants similar in design and location to plants

for which construction permits have been issued by the Commission. They also provide guidance in establishing the principal design criteria for other types of nuclear power plants. Principal design criteria established by an applicant and accepted by the Commission will be incorporated by reference in the construction permit. In considering the issuance of an operating license under Part 50, the Commission will require assurance that these criteria have been satisfied in the detailed design and construction of the facility and that any changes in such criteria are justified.

A proposed Appendix A, "General Design Criteria for Nuclear Power Plant Construction Permits" to 10 CFR Part 50 was published in the FEDERAL REGISTER (32 F.R. 10213) on July 11, 1967. The comments and suggestions received in response to the notice of proposed rule making and subsequent developments in the technology and in the licensing process have been considered in developing the revised criteria which follow.

The revised criteria establish minimum requirements for water-cooled nuclear power plants similar in design and location to plants for which construction permits have been issued by the Commission, whereas the previously proposed criteria would have provided guidance for applicants for construction permits for all types of nuclear power plants. The revised criteria have been reduced to 55 in number, include definitions of important terms, and have been rearranged to increase their usefulness in the licensing process. Additional criteria describing specific requirements on matters covered in more general terms in the previously proposed criteria have been added to the criteria. The Categories A and B used to characterize the amount of information needed in Safety Analysis Reports concerning each criterion have been deleted since additional guidance on the amount and detail of information required to be submitted by applicants for facility licenses at the construction permit stage is now included in § 50.34 of Part 50. The term "engineered safety features" has been eliminated from the revised criteria and the requirements for "engineered safety features" incorporated in the criteria for individual systems.

Further revisions of these General Design Criteria are to be expected. In the course of the development of the revised criteria, important safety considerations were identified, but specific requirements related to some of these considerations have not as yet been sufficiently developed and uniformly applied in the licensing process to warrant their inclusion in the criteria at this time. Their omission does not relieve any applicant from considering these matters in the design of a specific facility and satisfying the necessary safety requirements. These matters include:

(i) Consideration of the need to design against single failures of passive components in fluid systems important to safety.

(ii) Consideration of redundancy and diversity requirements for fluid systems important to safety. A "system" could consist of a number of subsystems each of which is separately capable of performing the specified system safety function. The minimum acceptable redundancy and diversity of subsystems and components within a subsystem and the required interconnection and independence of the subsystems have not yet been developed or defined.

(iii) Consideration of the type, size, and orientation of possible breaks in the components of the reactor coolant pressure boundary in determining design requirements to suitably protect against postulated loss of coolant accidents.

(iv) Consideration of the possibility of systematic, nonrandom, concurrent failures of redundant elements in the design of the protection systems and reactivity control systems.

In addition, the Commission is giving consideration to the need for development of criteria relating to protection against industrial sabotage and protection against common mode failures in systems, other than the protection and reactivity control systems, that are important to safety and have extremely high reliability requirements.

It is expected that these criteria will be augmented or changed when specific requirements related to these and other considerations are suitably identified and developed.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50 is published as a document subject to codification to be effective 90 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the amendment to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 45 days after publication of this notice in the FEDERAL REGISTER. Such submissions will be given consideration with the view to possible further amendments. Copies of comments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. Section 50.34(a)(3)(i) is amended to read as follows:

§ 50.34 Contents of applications; technical information.

(a) *Preliminary safety analysis report.* Each application for a construction permit shall include a preliminary safety analysis report. The minimum information to be included shall consist of the following:

* * * * *

(3) The preliminary design of the facility including:

(i) The principal design criteria for the facility.[2] Appendix A, General Design Criteria for Nuclear Power Plants, establishes minimum requirements for the principal design criteria for water-cooled nuclear power plants similar in design and location to plants for which construction permits have previously been issued by the Commission and provides guidance to applicants for construction permits in establishing principal design criteria for other types of nuclear power units:

* * * * *

2. A new Appendix A is added to read as follows:

APPENDIX A—GENERAL DESIGN CRITERIA FOR NUCLEAR POWER PLANTS

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INTRODUCTION

Pursuant to the provisions of § 50.34, an application for a construction permit must include the principal design criteria for a proposed facility. The principal design criteria establish the necessary design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to safety; that is, structures, systems, and components that provide reasonable assurance that the facility can be operated without undue risk to the health and safety of the public.

These General Design Criteria establish minimum requirements for the principal design criteria for water-cooled nuclear power plants similar in design and location to plants for which construction permits have been issued by the Commission. The General Design Criteria are also considered to be generally applicable to other types of nuclear power units and are intended to provide guidance in establishing the principal design criteria for such other units.

The development of these General Design Criteria is not yet complete. For example, some of the definitions need further amplification. Also, some of the specific design requirements for structures, systems, and components important to safety have not as yet been suitably defined. Their omission does not relieve any applicant from considering these matters in the design of a specific facility and satisfying the necessary safety requirements. These matters include:

(1) Consideration of the need to design against single failures of passive components in fluid systems important to safety. (See Definition of Single Failure.)

(2) Consideration of redundancy and diversity requirements for fluid systems important to safety. A "system" could consist of a number of subsystems each of which is separately capable of performing the specified system safety function. The minimum acceptable redundancy and diversity of subsystems and components within a subsystem, and the required interconnection and independence of the subsystems have not yet been developed or defined. (See Criteria 34, 35, 38, 41, and 44.)

(3) Consideration of the type, size, and orientation of possible breaks in components of the reactor coolant pressure boundary in determining design requirements to suitably protect against postulated loss-of-coolant accidents. (See Definition of Loss of Coolant Accidents.)

(4) Consideration of the possibility of systematic, nonrandom, concurrent failures of redundant elements in the design of protection systems and reactivity control systems. (See Criteria 22, 24, 26, and 29.)

It is expected that the criteria will be augmented and changed from time to time as important new requirements for these and other features are developed.

There will be some water-cooled nuclear power plants for which the General Design Criteria are not sufficient and for which additional criteria must be identified and satisfied in the interest of public safety. In particular, it is expected that additional or different criteria will be needed to take into account unusual sites and environmental conditions, and for water-cooled nuclear power units of advanced design. Also, there may be water-cooled nuclear power units for which fulfillment of some of the General Design Criteria may not be necessary or appropriate. For plants such as these, departures from the General Design Criteria must be identified and justified.

DEFINITIONS AND EXPLANATIONS

Nuclear power unit. A nuclear power unit means a nuclear power reactor and associated equipment necessary for electrical power generation and includes those structures, systems, and components required to provide reasonable assurance the facility can be operated without undue risk to the health and safety of the public.

Loss of coolant accidents. Loss of coolant accidents mean those postulated accidents that result from the loss of reactor coolant at a rate in excess of the capability of the reactor coolant makeup system from breaks in the reactor coolant pressure boundary, up to and including a break equivalent in size to the double-ended rupture of the largest pipe of the reactor coolant system.[1]

Single failure. A single failure means an occurrence which results in the loss of capability of a component to perform its intended safety functions. Multiple failures resulting from a single occurrence are considered to be a single failure. Fluid and electrical systems are considered to be designed against an assumed single failure if neither (1) a single failure of any active component (assuming passive components function properly) nor (2), a single failure of a passive component (assuming active components function properly), results in a loss of the capability of the system to perform its safety functions.[2]

Anticipated operational occurrences. Anticipated operational occurrences mean those conditions of normal operation which are expected to occur one or more times during the life of the nuclear power unit and include but are not limited to loss of power to all recirculation pumps, tripping of the turbine generator set, isolation of the main condenser, and loss of all offsite power.

CRITERIA

1. Overall Requirements

Criterion 1—Quality standards and records. Structures, systems, and components important to safety shall be designed, fabricated, erected, and tested to quality standards commensurate with the importance of the safety functions to be performed. Where generally recognized codes and standards are used, they shall be identified and evaluated to determine their applicability, adequacy, and sufficiency and shall be supplemented or modified as necessary to assure a quality product in keeping with the required safety function. A quality assurance program shall be established and implemented in order to provide adequate assurance that these structures, systems, and components will satisfactorily perform their safety functions. Appropriate records of the design, fabrication, erection, and testing of structures, systems, and components important to safety shall be maintained by or under the control of the nuclear power unit licensee throughout the life of the unit.

Criterion 2—Design bases for protection against natural phenomena. Structures, systems, and components important to safety shall be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, hurricanes, floods, tsunami, and seiches without loss of capability to perform their safety functions. The design bases for these structures, systems, and components shall reflect: (1) Appropriate consideration of the most severe of the natural phenomena that have been historically reported for the site and surrounding area, with sufficient margin for the limited accuracy, quantity, and period of time in which the historical data have been accumulated, (2) appropriate combinations of the effects of normal and accident conditions with the effects of the natural phenomena and (3) the importance of the safety functions to be performed.

Criterion 3—Fire protection. Structures, systems, and components important to safety shall be designed and located to minimize, consistent with other safety requirements, the probability and effect of fires and explosions. Noncombustible and heat resistant materials shall be used wherever practical throughout the unit, particularly in locations such as the containment and control room. Fire detection and fighting systems of appropriate capacity and capability shall be provided and designed to minimize the adverse effects of fires on structures, systems, and components important to safety. Fire-fighting systems shall be designed to assure that their rupture or inadvertent operation does not significantly impair the safety capability of these structures, systems, and components.

Criterion 4—Environmental and missile design bases. Structures, systems, and components important to safety shall be designed to accommodate the effects of and to be compatible with the envrionmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents. These structures, systems, and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, and discharging fluids, that may result from equipment failures and from events and conditions outside the nuclear power unit.

Criterion 5—Sharing of structures, systems, and components. Structures, systems, and components important to safety shall not be shared between nuclear power units unless it is shown that their ability to perform their safety functions is not significantly impaired by the sharing.

[2] General design criteria for chemical processing facilities are being developed.

[1] Further details relating to the type, size, and orientation of postulated breaks in specific components of the reactor coolant pressure boundary are under development.

[2] Single failures of passive components in electrical systems should be assumed in designing against a single failure. The conditions under which a single failure of a passive component in a fluid system should be considered in designing the system against a single failure are under development.

II. Protection by Multiple Fission Product Barriers

Criterion 10—Reactor design. The reactor core and associated coolant, control, and protection systems shall be designed with appropriate margin to assure that specified acceptable fuel design limits are not exceeded during any condition of normal operation, including the effects of anticipated operational occurrences.

Criterion 11—Reactor inherent protection. The reactor core and associated coolant systems shall be designed so that in the power operating range the net effect of the prompt inherent nuclear feedback characteristics tends to compensate for a rapid increase in reactivity.

Criterion 12—Suppression of reactor power oscillations. The reactor core and associated coolant, control, and protection systems shall be designed to assure that power oscillations which can result in conditions exceeding specified acceptable fuel design limits are not possible or can be reliably and readily detected and suppressed.

Criterion 13—Instrumentation and control. Instrumentation and control shall be provided to monitor variables and systems over their anticipated range for normal operation and accident conditions, and to maintain them within prescribed operating ranges, including those variables and systems which can affect the fission process, the integrity of the reactor core, the reactor coolant pressure boundary, and the containment and its associated systems.

Criterion 14—Reactor coolant pressure boundary. The reactor coolant pressure boundary shall be designed, fabricated, erected, and tested so as to have an extremely low probability of abnormal leakage, of rapidly propagating failure, and of gross rupture.

Criterion 15—Reactor coolant system design. The reactor coolant system and associated auxiliary, control, and protection systems shall be designed with sufficient margin to assure that the design conditions of the reactor coolant pressure boundary are not exceeded during any condition of normal operation, including anticipated operational occurrences.

Criterion 16—Containment design. Reactor containment and associated systems shall be provided to establish an essentially leaktight barrier against the uncontrolled release of radioactivity to the environment and to assure that the containment design conditions important to safety are not exceeded for as long as postulated accident conditions require.

Criterion 17—Electrical power systems. An onsite electrical power system and an offsite electrical power system shall be provided to permit functioning of structures, systems, and components important to safety. The safety function for each system (assuming the other system is not functioning) shall be to provide sufficient capacity and capability to assure that (1) specified acceptable fuel design limits and design conditions of the reactor coolant pressure boundary are not exceeded as a result of anticipated operational occurrences and (2) the core is cooled and containment integrity and other vital functions are maintained in the event of postulated accidents.

The onsite electrical power sources, including the batteries, and the onsite electrical distribution system, shall have sufficient independence, redundancy, and testability to perform their safety functions assuming a single failure.

Electrical power from the transmission network to the switchyard shall be supplied by two physically independent transmission lines (not necessarily on separate rights of way) designed and located so as to suitably minimize the likelihood of their simultaneous failure under operating and postulated accident and environmental conditions. Two physically independent circuits from the switchyard to the onsite electrical distribution system shall be provided. Each of these circuits shall be designed to be available in sufficient time following a loss of all onsite alternating current power sources and the other offsite electrical power circuit, to assure that specified acceptable fuel design limits and design conditions of the reactor coolant pressure boundary are not exceeded. One of these circuits shall be designed to be available within a few seconds following a loss-of-coolant accident to assure that core cooling, containment integrity, and other vital safety functions are maintained.

Provisions shall be included to minimize the probability of losing electrical power from any of the remaining sources as a result of, or coincident with, the loss of power generated by the nuclear power unit, the loss of power from the transmission network, or the loss of power from the onsite electrical power sources.

Criterion 18—Inspection and testing of electrical power systems. Electrical power systems important to safety shall be designed to permit periodic inspection and testing of important areas and features, such as wiring, insulation, connections, and switchboards, to assess the continuity of the systems and the condition of their components. The systems shall be designed with a capability to test periodically (1) the operability and functional performance of the components of the systems, such as onsite power sources, relays, switches, and buses, and (2) the operability of the systems as a whole and, under conditions as close to design as practical, the full operation sequence that brings the systems into operation, including operation of applicable portions of the protection system, and the transfer of power among the nuclear power unit, the offsite power system, and the onsite power system.

Criterion 19—Control room. A control room shall be provided from which actions can be taken to operate the nuclear power unit safely under normal conditions and to maintain it in a safe condition under accident conditions, including loss-of-coolant accidents. Adequate radiation protection shall be provided to permit access and occupancy of the control room under accident conditions without personnel receiving radiation exposures in excess of 5 rem whole body, or its equivalent to any part of the body, for the duration of the accident.

Equipment at appropriate locations outside the control room shall be provided (1) with a design capability for prompt hot shutdown of the reactor, including necessary instrumentation and controls to maintain the unit in a safe condition during hot shutdown, and (2) with a potential capability for subsequent cold shutdown of the reactor through the use of suitable procedures.

III. Protection and Reactivity Control Systems

Criterion 20—Protection system functions. The protection system shall be designed (1) to initiate automatically the operation of appropriate systems including the reactivity control systems, to assure that specified acceptable fuel design limits are not exceeded as a result of anticipated operational occurrences and (2) to sense accident conditions and to initiate the operation of systems and components important to safety.

Criterion 21—Protection system reliability and testability. The protection system shall be designed for high functional reliability and inservice testability commensurate with the safety functions to be performed. Redundancy and independence designed into the protection system shall be sufficient to assure that (1) no single failure results in loss of the protection function and (2) removal from service of any component or channel does not result in loss of the required minimum redundancy unless the acceptable reliability of operation of the protection system can be otherwise demonstrated. The protection system shall be designed to permit periodic testing of its functioning when the reactor is in operation, including a capability to test channels independently to determine failures and losses of redundancy that may have occurred.

Criterion 22—Protection system independence. The protection system shall be designed to assure that the effects of natural phenomena, and of normal operating, maintenance, testing, and postulated accident conditions on redundant channels do not result in loss of the protection function, or shall be demonstrated to be acceptable on some other defined basis. Design techniques, such as functional diversity or diversity in component design and principles of operation, shall be used to the extent practical to prevent loss of the protection function.

Criterion 23—Protection system failure modes. The protection system shall be designed to fail into a safe state or into a state demonstrated to be acceptable on some other defined basis if conditions such as disconnection of the system, loss of energy (e.g., electric power, instrument air), or postulated adverse environments (e.g., extreme heat or cold, fire, pressure, steam, water, and radiation) are experienced.

Criterion 24—Separation of protection and control systems. The protection system shall be separated from control systems to the extent that failure of any single control system component or channel, or failure or removal from service of any single protection system component or channel which is common to the control and protection systems leaves intact a system satisfying all reliability, redundancy, and independence requirements of the protection system. Interconnection of the protection and control systems shall be limited so as to assure that safety is not significantly impaired.

Criterion 25—Protection system requirements for reactivity control malfunctions. The protection system shall be designed to assure that specified acceptable fuel design limits are not exceeded for any single malfunction of the reactivity control systems, such as accidental withdrawal (not ejection or dropout) of control rods or unplanned dilution of soluble poison.

Criterion 26—Reactivity control system redundancy and capability. Two independent reactivity control systems of different design principles and preferably including a positive mechanical means for inserting control rods, shall be provided. Each system shall have the capability to control the rate of reactivity changes resulting from planned, normal power changes (including xenon burnout) to assure acceptable fuel design limits are not exceeded. One of the systems shall be capable of reliably controlling reactivity changes to assure that under conditions of normal operations, including anticipated operational occurrences, and with appropriate margin for malfunctions such as stuck rods, specified acceptable fuel design limits are not exceeded. One of the systems shall be capable of holding the reactor core subcritical under cold conditions.

Criterion 27—Combined reactivity control systems capability. The reactivity control systems shall be designed to have a combined capability, in conjunction with poison addition by the emergency core cooling system, of reliably controlling reactivity changes to assure that under postulated accident conditions and with appropriate margin for stuck rods the capability to cool the core is maintained.

Criterion 28—Reactivity limits. The reactivity control systems shall be designed with appropriate limits on the potential amount and rate of reactivity increase to assure that the effects of postulated reactivity accidents can neither (1) result in damage to the reactor coolant pressure boundary greater than limited local yielding nor (2) sufficiently disturb the core, its support structures or other reactor pressure vessel internals to impair significantly the capability to cool the core. These postulated reactivity accidents shall include consideration of rod ejection (unless prevented by positive means), rod dropout, steam line rupture, changes in reactor coolant temperature and pressure, and cold water addition.

Criterion 29—Protection against anticipated operational occurrences. The protection and reactivity control systems shall be designed to assure an extremely high probability of accomplishing their safety functions in the event of anticipated operational occurrences.

IV. Fluid Systems

Criterion 30—Quality of reactor coolant pressure boundary. Components which are part of the reactor coolant pressure boundary shall be designed, fabricated, erected, and tested to the highest quality standards practical. Means shall be provided for detecting and, to the extent practical, identifying the location of the source of reactor coolant leakage.

Criterion 31—Fracture prevention of reactor coolant pressure boundary. The reactor coolant pressure boundary shall be designed with sufficient margin to assure that when stressed under operating, maintenance, testing, and postulated accident conditions (1) the boundary behaves in a nonbrittle manner and (2) the probability of rapidly propagating fracture is minimized. The design shall reflect consideration of service temperatures and other conditions of the boundary material under operating, maintenance, testing, and postulated accident conditions and the uncertainties in determining (1) material properties, (2) the effects of irradiation on material properties, (3) residual, steady-state and transient stresses, and (4) size of flaws.

Criterion 32—Inspection of reactor coolant pressure boundary. Components which are part of the reactor coolant pressure boundary shall be designed to permit (1) periodic inspection and testing of important areas and features to assess their structural and leaktight integrity, and (2) an appropriate material surveillance program for the reactor pressure vessel.

Criterion 33—Reactor coolant makeup. A system to supply reactor coolant makeup for protection against small breaks in the reactor coolant pressure boundary shall be provided. The system safety function shall be to assure that specified acceptable fuel design limits are not exceeded as a result of reactor coolant loss due to leakage from the reactor coolant pressure boundary and rupture of small piping or other small components which are part of the boundary. The system shall be designed to assure that for onsite electrical power system operation (assuming offsite power is not available) and for offsite electrical power system operation (assuming onsite power is not available) the system safety function can be accomplished using the piping, pumps, and valves used to maintain coolant inventory during normal reactor operation.

Criterion 34—Residual heat removal. A system to remove residual heat shall be provided. The system safety function shall be to transfer fission product decay heat and other residual heat from the reactor core at a rate such that specified acceptable fuel design limits and the design conditions of the reactor coolant pressure boundary are not exceeded.

Suitable redundancy in components and features, and suitable interconnections, leak detection, and isolation capabilities shall be provided to assure that for onsite electrical power system operation (assuming offsite power is not available) and for offsite electrical power system operation (assuming onsite power is not available) the system safety function can be accomplished, assuming a single failure.

Criterion 35—Emergency core cooling. A system to provide abundant emergency core cooling shall be provided. The system safety function shall be to transfer heat from the reactor core following any loss of coolant accident at a rate such that (1) fuel and clad damage that could interfere with continued effective core cooling is prevented and (2) clad metal-water reaction is limited to negligible amounts.

Suitable redundancy in components and features, and suitable interconnections, leak detection, isolation, and containment capabilities shall be provided to assure that for onsite electrical power system operation (assuming offsite power is not available) and for offsite electrical power system operation (assuming onsite power is not available) the system safety function can be accomplished, assuming a single failure.

Criterion 36—Inspection of emergency core cooling system. The emergency core cooling system shall be designed to permit periodic inspection of important components, such as spray rings in the reactor pressure vessel, water injection nozzles, and piping, to assure the integrity and capability of the system.

Criterion 37—Testing of emergency core cooling system. The emergency core cooling system shall be designed to permit appropriate periodic pressure and functional testing to assure (1) the structural and leaktight integrity of its components, (2) the operability and performance of the active components of the system, and (3) the operability of the system as a whole and, under conditions as close to design as practical, the performance of the full operational sequence that brings the system into operation, including operation of applicable portions of the protection system, the transfer between normal and emergency power sources, and the operation of the associated cooling water system.

Criterion 38—Containment heat removal. A system to remove heat from the reactor containment shall be provided. The system safety function shall be to reduce rapidly, consistent with the functioning of other associated systems, the containment pressure and temperature following any loss-of-coolant accident and maintain them at acceptably low levels.

Suitable redundancy in components and features, and suitable interconnections, leak detection, isolation, and containment capabilities shall be provided to assure that for onsite electrical power system operation (assuming offsite power is not available) and for offsite electrical power system operation (assuming onsite power is not available) the system safety function can be accomplished, assuming a single failure.

Criterion 39—Inspection of containment heat removal system. The containment heat removal system shall be designed to permit periodic inspection of important components, such as the torus, sumps, spray nozzles, and piping to assure the integrity and capability of the system.

Criterion 40—Testing of containment heat removal system. The containment heat removal system shall be designed to permit appropriate periodic pressure and functional testing to assure (1) the structural and leaktight integrity of its components, (2) the operability and performance of the active components of the system, and (3) the operability of the system as a whole and, under conditions as close to design as practical, the performance of the full operational sequence that brings the systems into operation, including operation of applicable portions of the protection system, the transfer between normal and emergency power sources, and the operation of the associated cooling water system.

Criterion 41—Containment atmosphere cleanup. Systems to control fission products, hydrogen, oxygen, and other substances which may be released into the reactor containment shall be provided as necessary to reduce, consistent with the functioning of other associated systems, the concentration and quality of fission products released to the environment following postulated accidents, and to control the concentration of hydrogen or oxygen and other substances in the containment atmosphere following postulated accidents to assure that containment integrity is maintained.

Each system shall have suitable redundancy in components and features, and suitable interconnections, leak detection, isolation, and containment capabilities to assure that for onsite electrical power system operation (assuming offsite power is not available) and for offsite electrical power system operation (assuming onsite power is not available) its safety function can be accomplished, assuming a single failure.

Criterion 42—Inspection of containment atmosphere cleanup systems. The containment atmosphere cleanup systems shall be designed to permit periodic inspection of important components, such as filter frames, ducts, and piping to assure the integrity and capability of the systems.

Criterion 43—Testing of containment atmosphere cleanup systems. The containment atmosphere cleanup systems shall be designed to permit appropriate periodic pressure and functional testing to assure (1) the structural and leaktight integrity of its components, (2) the operability and performance of the active components of the systems such as fans, filters, dampers, pumps, and valves and (3) the operability of the systems as a whole and, under conditions as close to design as practical, the performance of the full operational sequence that brings the systems into operation, including operation of applicable portions of the protection system, the transfer between normal and emergency power sources, and the operation of associated systems.

Criterion 44—Cooling water. A system to transfer heat from structures, systems, and components important to safety, to an ultimate heat sink shall be provided. The system safety function shall be to transfer the combined heat load of these structures, systems, and components under normal operating and accident conditions.

Suitable redundancy in components and features, and suitable interconnections, leak detection, and isolation capabilities shall be provided to assure that for onsite electrical power system operation (assuming offsite power is not available) and for offsite electrical power system operation (assuming onsite power is not available) the system safety function can be accomplished, assuming a single failure.

Criterion 45—Inspection of cooling water system. The cooling water system shall be designed to permit periodic inspection of important components, such as heat exchangers and piping, to assure the integrity and capability of the system.

Criterion 46—Testing of cooling water system. The cooling water system shall be designed to permit appropriate periodic pressure and functional testing to assure (1) the

structural and leaktight integrity of its components, (2) the operability and the performance of the active components of the system, and (3) the operability of the system as a whole and, under conditions as close to design as practical, the performance of the full operational sequence that brings the system into operation for reactor shutdown and for loss-of-coolant accidents, including operation of applicable portions of the protection system and the transfer between normal and emergency power sources.

V. Reactor Containment

Criterion 50—Containment design basis. The reactor containment structure, including access openings, penetrations, and the containment heat removal system shall be designed so that the containment structure and its internal compartments can accommodate, without exceeding the design leakage rate and, with sufficient margin, the calculated pressure and temperature conditions resulting from any loss-of-coolant accident. This margin shall reflect consideration of (1) the effects of potential energy sources which have not been included in the determination of the peak conditions, such as energy in steam generators and energy from metal-water and other chemical reactions that may result from degraded emergency core cooling functioning, (2) the limited experience and experimental data available for defining accident phenomena and containment responses, and (3) the conservatism of the calculational model and input parameters.

Criterion 51—Fracture prevention of containment pressure boundary. The reactor containment boundary shall be designed with sufficient margin to assure that under operating, maintenance, testing, and postulated accident conditions (1) its ferritic materials behave in a nonbrittle manner and (2) the probability of rapidly propagating fracture is minimized. The design shall reflect consideration of service temperatures and other conditions of the containment boundary material during operation, maintenance, testing, and postulated accident conditions, and the uncertainties in determining (1) material properties, (2) residual, steady-state, and transient stresses, and (3) size of flaws.

Criterion 52—Capability for containment leakage rate testing. The reactor containment and other equipment which may be subjected to containment test conditions shall be designed so that periodic integrated leakage rate testing can be conducted at containment design pressure.

Criterion 53—Provisions for containment testing and inspection. The reactor containment shall be designed to permit (1) inspection of all important areas, such as penetrations, (2) an appropriate surveillance program, and (3) periodic testing at containment design pressure of the leaktightness of penetrations which have resilient seals and expansion bellows.

Criterion 54—Piping systems penetrating containment. Piping systems penetrating primary reactor containment shall be provided with leak detection, isolation, and containment capabilities having redundancy, reliability, and performance capabilities which reflect the importance to safety of isolating these piping systems. Such piping systems shall be designed with a capability to test periodically the operability of the isolation valves and associated apparatus and to determine if valve leakage is within acceptable limits.

Criterion 55—Reactor coolant pressure boundary penetrating containment. Each line that is part of the reactor coolant pressure boundary and that penetrates primary reactor containment shall be provided with containment isolation valves as follows, unless it can be demonstrated that the containment isolation provisions for a specific class of lines, such as instrument lines, are acceptable on some other defined basis:

(1) One locked closed isolation valve inside and one locked closed isolation valve outside containment; or

(2) One automatic isolation valve inside and one locked closed isolation valve outside containment; or

(3) One locked closed isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment; or

(4) One automatic isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment.

Isolation valves outside containment shall be located as close to containment as practical and upon loss of actuating power, automatic isolation valves shall be designed to take the position that provides greater safety.

Other appropriate requirements to minimize the probability or consequences of an accidental rupture of these lines or of lines connected to them shall be provided as necessary to assure adequate safety. Determination of the appropriateness of these requirements, such as higher quality in design, fabrication, and testing, additional provisions for inservice inspection, protection against more severe natural phenomena, and additional isolation valves and containment, shall include consideration of the population density, use characteristics, and physical characteristics of the site environs.

Criterion 56—Primary containment isolation. Each line that connects directly to the containment atmosphere and penetrates primary reactor containment shall be provided with containment isolation valves as follows, unless it can be demonstrated that the containment isolation provisions for a specific class of lines, such as instrument lines, are acceptable on some other defined basis:

(1) One locked closed isolation valve inside and one locked closed isolation valve outside containment; or

(2) One automatic isolation valve inside and one locked closed isolation valve outside containment; or

(3) One locked closed isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment; or

(4) One automatic isolation valve inside and one automatic isolation valve outside containment. A simple check valve may not be used as the automatic isolation valve outside containment.

Isolation valves outside containment shall be located as close to the containment as practical and upon loss of actuating power, automatic isolation valves shall be designed to take the position that provides greater safety.

Criterion 57—Closed system isolation valves. Each line that penetrates primary reactor containment and is neither part of the reactor coolant pressure boundary nor connected directly to the containment atmosphere shall have at least one containment isolation valve which shall be either automatic, or locked closed, or capable of remote manual operation. This valve shall be outside containment and located as close to the containment as practical. A simple check valve may not be used as the automatic isolation valve.

VI. Fuel and Radioactivity Control

Criterion 60—Control of releases of radioactive materials to the environment. The nuclear power unit design shall include means to control suitably the release of radioactive materials in gaseous and liquid effluents and to handle radioactive solid wastes produced during normal reactor operation, including anticipated operational occurrences. Sufficient holdup capacity shall be provided for retention of gaseous and liquid effluents containing radioactive materials, particularly where unfavorable site environmental conditions can be expected to impose unusual operational limitations upon the release of such effluents to the environment.

Criterion 61—Fuel storage and handling and radioactivity control. The fuel storage and handling, radioactive waste, and other systems which may contain radioactivity shall be designed to assure adequate safety under normal and postulated accident conditions. These systems shall be designed (1) with a capability to permit inspection and testing of components important to safety, (2) with suitable shielding for radiation protection, (3) with appropriate containment, confinement, and filtering systems, (4) with a residual heat removal capability having reliability and testability that reflects the importance to safety of decay heat and other residual heat removal, and (5) to prevent significant reduction in fuel storage coolant inventory under accident conditions.

Criterion 62—Prevention of criticality in fuel storage and handling. Criticality in the fuel storage and handling system shall be prevented by physical systems or processes, preferably by use of geometrically safe configurations.

Criterion 63—Monitoring fuel and waste storage. Appropriate systems shall be provided in fuel storage and radioactive waste systems and associated handling areas (1) to detect conditions that may result in loss of residual heat removal capability and excessive radiation levels and (2) to initiate appropriate safety actions.

Criterion 64—Monitoring radioactivity releases. Means shall be provided for monitoring the reactor containment atmosphere, spaces containing components for recirculation of loss-of-coolant accident fluids, effluent discharge paths, and the plant environs for radioactivity that may be released from normal operations, including anticipated operational occurrences, and from postulated accidents.

(Secs. 161, 182, 68 Stat. 948, 953; 42 U.S.C. 2201, 2232)

Dated at Washington, D.C., this 10th day of February 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-2370 Filed 2-19-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-13; Amdt. 39-1155]

PART 39—AIRWORTHINESS DIRECTIVES

American Aviation Corp.

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to American Aviation AA-1 type airplanes.

There have been reports of failures on the nose gear strut whereby the nose wheel and fork assembly separated from the strut assembly. As a result, an airworthiness directive is being issued which requires an inspection, test and replacement where necessary of the nose gear strut. Since it was found that immediate correction action was necessary, notice and public procedure were impractical and all known United States owners were notified by air mail dispatch under date of January 12, 1971.

The conditions of necessity still exist and, therefore, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AMERICAN AVIATION CORP. Applies to American Aviation Corp., Model AA-1, certificated in all categories S/N AA1-0001 through AA1-0432.

(a) Within the next 10 hours in service after the effective date of this AD unless already accomplished, inspect and test the nose gear strut in accordance with the procedures of American Aviation Service Bulletin No. 121A dated January 8, 1971, or with an equivalent method.

(b) Replace defective parts prior to further flight with a part received from the manufacturer after June 1, 1970, or inspected and tested in accordance with this directive.

(c) Equivalent methods and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This airworthiness directive is effective February 25, 1971, and was effective as to all recipients of the letter dated January 12, 1971, which contained this airworthiness directive.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 5, 1971.

Louis J. Cardinali,
Acting Director, Eastern Region.

[FR Doc.71-2357 Filed 2-19-71;8:47 am]

[Docket No. 70-EA-116; Amdt. 39-1156]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL-215-1A10 type airplanes.

There have been reports of failures of water door tension rods on Canadair CL-215-1A10 airplanes due to fatigue. Since this is a deficiency which can exist or develop in other aircraft of the same type design, an airworthiness directive is being issued which requires the inspection and replacement of the rods at certain time limits.

Since a situation exists which requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

CANADAIR AIRCRAFT. Applies to all CL-215-1A10 airplanes certificated in all categories.

Compliance required as indicated.

To prevent hazards in flight associated with fatigue failure of water door tension rod, P/N 215-26058-12, accomplish either (a) or (b):

(a) Before further flight, replace water door tension rods, P/N 215-26058-12, which have accumulated a maximum of 700 water drops and at each 700 water drops thereafter, with unused parts of the same part number or with equivalent unused parts approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. For the purpose of this airworthiness directive, a water drop is defined as the operation of the water door mechanism with the tanks fully or partially filled, and does not include operations performed for checking the mechanism with the water tanks empty.

(b) Before further flight, replace water door tension rods, P/N 215-26058-12, which have accumulated a maximum of 700 water drops, with water door tension rods P/N 215-26105-3 or with equivalent new parts approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) The replacement schedule specified in (a) may be decreased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

This amendment is effective February 25, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 5, 1971.

Louis J. Cardinali,
Acting Director, Eastern Region.

[FR Doc.71-2360 Filed 2-19-71;8:47 am]

[Docket No. 71-EA-6; Amdt. 39-1158]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming IO-360-A-C type aircraft engines.

There have been reports of crankshaft main bearing and bearing dowel failures. Since this deficiency can exist or develop in other engines of the same type design, an airworthiness directive is being issued which will require inspection and eventual replacement within a specified time limit.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AVCO LYCOMING. Applies to all IO-360-A-C Series engines except S/N 7100-51A and subsequent and except all engines remanufactured after January 26, 1970, except S/N 354-51, 1049-51A, 3003-51A, 3281-51A, 6526-51A.

Compliance required as follows:

(a) To detect shifting of crankshaft main bearings and excessive crankcase wear, perform the following inspection:

1. Engines that have accumulated 500 hours or more in service since new or overhaul must be inspected within the next ten (10) hours in service after the effective date of this AD, unless already accomplished within the last fifty (50) hours in service, for crankcase wear and main bearing retention in accordance with AVCO Lycoming Service Bulletin No. 327 excluding the time of compliance or later FAA-approved revision or equivalent inspection approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

2. Should the inspection indicate excessive crankcase wear or bearing shifting, the crankcase must be repaired as described in Lycoming Service Instruction No. 1112C or later FAA-approved revision and straight crankcase bearing dowels installed per Lycoming Service Bulletin No. 326 or later FAA-approved revision or equivalent repair approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) To prevent shifting and possible failures of the main crankshaft bearings, perform the following alteration:

1. Engines that have accumulated 1,200 hours or more in service since new or last overhaul or within the next 100 hours in service after the effective date of this AD, whichever is later, remove the stepped crankcase bearing dowels and install straight dowels in accordance with AVCO Lycoming Service Bulletin No. 326 excluding the time of compliance or later FAA-approved revision or equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective February 23, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 11, 1971.

Wayne Hendershot,
Acting Director, Eastern Region.

[FR Doc.71-2359 Filed 2-19-71;8:47 am]

[Docket No. 71-EA-9; Amdt. 39-1157]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue

an airworthiness directive applicable to Sikorsky S-61 type helicopters.

There have been reports of failures of the main landing gear axle due to fatigue. Since this is a deficiency which can exist or develop in helicopters of the same type design an airworthiness directive is being issued which will require inspection and replacement where necessary of the axle.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY. Applies to S-61 Type Helicopters Certified in all Categories.

Compliance required as follows:

To preclude the possibility of failure of the S-61 Main Landing Gear Axle, P/N 6125-50115-0, unless already accomplished, inspect and replace the axle in accordance with paragraph 2, Accomplishment Instructions of Sikorsky Service Bulletin 61B25-3 dated January 15, 1971, or later FAA-approved revision or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Report results of above inspection in compliance with this AD to Chief, Engineering and Manufacturing Branch, FAA, Eastern Region (Reporting Approved by Bureau of the Budget under BOB No. 04-R0174).

Replacement axle P/N S6125-50115-2 has a service life of 242,550 landings.

This amendment is effective February 23, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 11, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-2358 Filed 2-19-71;8:47 am]

[Airspace Docket No. 71-SO-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., Charleston, S.C., Meridian, Miss. (Key Field), Fort Myers, Key West, and Melbourne, Fla., control zones and the Miami, Fla., transition area.

The above-listed control zones are described in § 71.171 (36 F.R. 2055). In each description, reference is made to a navigation facility which, in compliance with agency policy, requires a name change as follows:

Control zone	Referenced navigation facility	Name changed to
Anniston, Ala....	Anniston VOR....	Talladega VOR.
Charleston, S.C..	Charleston RBN..	Ashley RBN.
Meridian, Miss. (Key Field).	Meridian RBN....	Lauderdale RBN.
Fort Myers, Fla..	Fort Myers RBN.	Tice RBN.
Key West, Fla...	Key West RBN....	Fish Hook RBN.
Melbourne, Fla..	Melbourne RBN..	Satellite RBN.

The Miami transition area is described in § 71.181 (36 F.R. 2140). In the description, reference is made to the "Fort Lauderdale RBN," which will be changed to the "Plantation RBN."

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zones are amended:

Anniston, Ala. "* * * Anniston VOR * * *" is deleted and "* * * Talladega VOR * * *" is substituted therefor.

Charleston, S.C. "* * * Charleston RBN * * *" is deleted and "* * * Ashley RBN * * *" is substituted therefor.

Meridian, Miss. (Key Field). "* * * Meridian RBN * * *" is deleted and "* * * Lauderdale RBN * * *" is substituted therefor.

Fort Myers, Fla. "* * * Fort Myers RBN * * *" is deleted and "* * * Tice RBN * * *" is substituted therefor.

Key West, Fla. "* * * Key West RBN * * *" is deleted and "Fish Hook RBN * * *" is substituted therefor.

Melbourne, Fla. "* * * Melbourne RBN * * *" is deleted and "* * * Satellite RBN * * *" is substituted therefor.

In § 71.181 (36 F.R. 2140), the Miami, Fla., transition area is amended as follows: "* * * Fort Lauderdale RBN * * *" is deleted and "* * * Plantation RBN * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 11, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-2352 Filed 2-19-71;8:47 am]

[Airspace Docket No. 71-SO-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to realign a segment of VOR Federal airway No. 49 and revoke a segment of VOR Federal airway No. 209.

The actions taken herein would revoke the segment of V-209 from Birmingham, Ala., to Bowling Green, Ky., and realign V-49 segment from the Vanleer, Tenn., Intersection to Birmingham so as to provide a replacement for V-209 segment being revoked.

These actions are taken to facilitate flight planning and the automated processing of flight data by the Memphis Air Route Traffic Control Center. The extent of airspace presently controlled will not be altered by these actions.

Since these airspace actions are taken to provide for the safe movement of air traffic, are minor in nature and will not alter the extent of controlled airspace, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V-49 "From Jacks Creek, Tenn., Bowling Green, Ky.;" is deleted and "From Birmingham, Tenn.; Decatur, Ala.; including an east alternate via INT Birmingham 013° and Decatur 130° radials and a west alternate via INT Birmingham 335° and Decatur 205° radials; Graham, Tenn.; INT Graham 006° and Bowling Green, Ky., 230° radials; Bowling Green;" is substituted therefor.

b. In V-209 all after "Birmingham, Ala." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 12, 1971.

H. B. HELSTROM,
Chief Airspace and Air Traffic Rules Division.

[FR Doc.71-2353 Filed 2-19-71;8:47 am]

[Airspace Docket No. 71-SO-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Ga., control zone.

The Athens control zone is described in § 71.171 (36 F.R. 2055). In the description, extensions predicated on Athens VORTAC 076° and 192° radials have designated widths of 4 miles and lengths of 8 miles.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by increasing the widths of the extensions predicated on the Athens VORTAC 076° and 192° radials to 6 miles in width and 8.5 miles in length.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Athens, Ga., control zone is amended to read:

ATHENS, GA.

Within a 5-mile radius of Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.); within 3 miles each side of Athens VORTAC 076° and 192° radials, extending from the 5-mile-radius zone to 8.5 miles east and south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 11, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2354 Filed 2-19-71;8:47 am]

[Airspace Docket No. 70-AL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration and Designation of Jet Routes and Federal Airways; Correction

On September 26, 1970, F.R. Doc. 70-12843 was published in the FEDERAL REGISTER (35 F.R. 14986). This document, in part, designated Alaskan VOR Federal airway No. V-427, effective 0901 G.m.t., December 10, 1970. The description of the floor of V-427 is in error. Corrective action is taken herein.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. 71-914 is amended, effective upon publication in the FEDERAL REGISTER (2-20-71), as hereinafter set forth.

Section 71.125 (36 F.R. 2042) is amended as follows: In V-427 all after the phrase "042° 103 miles," is deleted and the phrase "29 miles 135 MSL; INT King Salmon 042° and Anchorage, Alaska, 246° radials; 32 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2355 Filed 2-19-71;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Paper Table Covers, Sheets, and Pillow Cases; Confirmation of Effective Date

Notice is given that no objections were filed in the matter of § 501.5 which prescribed an exemption for paper table covers, sheets, and pillow cases from the requirements of § 500.12 of Part 500 of the Fair Packaging and Labeling Act's regulations (35 F.R. 19076). Accordingly, the effective date of § 501.5, January 16, 1971, is confirmed.

Issued: February 12, 1971.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.71-2333 Filed 2-19-71;8:45 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

MAXIMUM MORTGAGE AMOUNTS

The following amendment to Title 24 of the Code of Federal Regulations revises § 207.4(e) to subtract the value of the leased fee from the value in fee simple before multiplying by the allowable loan ratio instead of the previous system of subtracting after multiplying. This changes FHA procedures to conform to the practice in the conventional mortgage market.

Accordingly, § 207.4(e) is amended as follows:

§ 207.4 **Maximum mortgage amounts.**

* * * * *

(e) *Reduced mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 18, as amended; 12 U.S.C. 1713)

Issued at Washington, D.C., effective February 16, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-2378 Filed 2-19-71;8:49 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 27, Amdt. 2; Docket No. 71-6]

PART 542—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Methods of Establishing Financial Responsibility; Forms and Requirements

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for the denial, revocation, modification, or suspension of such Certificates.

Thereafter, and at the request of certain marine insurance underwriters, the Commission served notice in the FEDERAL REGISTER (35 F.R. 996) on January 21, 1971, that it was considering amending in a number of respects § 542.5 of General Order 27, relating to the methods of establishing financial responsibility. The stated purpose of these proposed changes was to clarify certain allegedly ambiguous provisions regarding the "rights and defenses" made available to the insurer under section 11(p)(3) of the Federal Water Pollution Control Act, as amended. Interested parties were given until February 1, 1971, within which to file their

written comments in response to the proposed changes. The deadline for the filing of comments is now past, and no comments have been received.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1), 11(p)(2), and 11(p)(3) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), § 542.5 of title 46 CFR is amended as follows:

1. Paragraph (a)(1) is amended by adding the following new proviso at the end thereof:

Provided, however the foregoing uniform endorsement may, at the discretion of the party furnishing the policy of insurance or cover note, include in Item (2) of the endorsement after the words "by the U.S. Government, and", the following words:

shall also be entitled to invoke all rights and defenses.

The uniform endorsement will be acceptable to the Commission either with or without this clarifying language. Any person who has previously filed a policy of insurance or cover note containing the uniform endorsement without this clarifying language, may if he so desires, substitute a new uniform endorsement including the clarifying language.

2. Paragraph (b) is amended by adding the following language at the end thereof:

(b) * * *. The Certificate of Insurance Form FMC-225, Surety Bond Form FMC-226 and Guarantee Form FMC-227, as incorporated in the rules of this part, may be utilized in the form as originally promulgated, or in the alternative, each of these three forms may be clarified by any parties so desiring by adding after the words "by the United States Government, and", in Form FMC-225, and after the words "by the United States, and" in Forms FMC-226 and 227, the following words:

shall also be entitled to invoke all rights and defenses.

The use of Forms FMC-225, 226, and 227 will be acceptable to the Commission as evidence of financial responsibility either with or without said clarifying language, and any party who has previously filed any of these forms without the clarifying language may, if he so desires, submit a substitute Form FMC-225, 226, or 227 with the added clarifying language.

3. Finally, paragraph (c) is amended by adding after the words "by the U.S. Government, and" the words: "shall also be entitled to invoke all rights and defenses".

Effective date. In view of the fact that the amendments of § 542.5 promulgated herein in no way substantially change any existing requirements but are merely for the purpose of making clearer the Commission's intent and to more closely relate the language of the rule to the language of the enabling statute, the Commission believes good cause exists for the amendments promulgated herein to become effective on less than 30 days notice. Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER (2-20-71).

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-2383 Filed 2-19-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19028; FCC 71-150]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Main Studio Location of FM and Television Broadcast Stations

Report and order. 1. The Commission has before it for consideration the proposed amendments to its rules governing FM and TV main studio moves, §§ 73.210(a)(2) and 73.613(b), respectively, upon which comments were invited in the notice of proposed rule making, released September 28, 1970, in this docket (FCC 70-1041, 35 F.R. 15304); and the comments received in response to the notice. These were filed by KLUC Broadcasting Co., licensee of Stations KLUC(AM) and KLUC-FM, Las Vegas, Nev.; Arizona FM, Inc., licensee of Station KRFM, Phoenix, Ariz.; and Gateway Broadcasters, Inc., licensee of Station KTIP(AM) and permittee of Station KIOO(FM), Porterville, Calif. Reply comments were received from WCMB-FM, Inc., licensee of Station WSFM, with Station WCMB(AM) under common ownership, Harrisburg, Pa.

2. As the notice informed, the principal purpose of the proposed amendments is to clarify the matter of when Commission authorization is required for FM main studio moves to points outside the community of license and to conform FM requirements in this regard with TV requirements for main studio moves, which require specific Commission authority for all main studio moves to or from a location outside the community of license. Section 73.210(a)(2), as it presently reads, allows FM stations to relocate their main studios, without prior Commission approval, at the authorized transmitter site, wherever it may be.[1] The proposed amendments would require application and specific Commission authorization for all future FM main studio moves outside the community of license (including a studio move from one location to another outside the community), but not when the move is from a location outside the community to another within the community. For the latter, as well as for main studio moves from one location to another within the community, only prompt Commission notification of the move would be required. Apart from editorial changes, the proposed amendments would change present authorization requirements for TV main studio moves only to remove the present implication that prior Commission approval is needed for a main studio move from a location outside the principal community served to one within the community. Authorization requirements for FM main studio moves would be conformed in this respect. However, as already noted, they would be expanded, to require specific Commission authority in the future for all FM main studio moves to points outside the community of license, including moves to authorized transmitter sites.

3. The main studio rules, as the notice stated, are intended to make broadcast stations readily accessible to the people in the communities which they are primarily licensed to serve, and they constitute one of the essential ways we have for insuring that stations realistically meet their obligation to serve their communities of license as outlets for local self-expression. Since location of a station's main studio within the corporate limits of the principal community it is licensed to serve can reasonably be expected to be consistent with those goals and the public interest, we consider it unnecessary in the public interest to require prior Commission approval for main studio relocation within the community, whether this involves a move from one location to another within the community or from a location outside the community to one within it. For such main studio relocation within the community of license, it is sufficient, we believe, that the Commission be notified when the move is made. We are, however, of the view that the location of a station's main studio outside the community of license does raise a question as to whether it can, in fact, meet its primary obligation to the city of license. We therefore consider it important to require prior Commission approval of main studio moves to points outside the principal community before they are made.

4. In the past, exceptions have been made to permit both AM and FM main studio relocation at a transmitter site outside the community of license without Commission approval. From our experience with main studio relocation problems over the past 10 years, particularly those concerning main studio accessibility and de facto station relocation, we now consider it desirable in the public interest to require prior Commission approval for FM main studio relocations outside the community of license, whether that be at the transmitter site or elsewhere, as presently required in the case of TV main studio relocation. The FM and TV broadcast services are very similar from a propagation standpoint, and we believe it equally important to assure that proposed FM main studio moves to points outside the community of license will be consistent with the intent and purposes of the main studio rules and the public interest before they are made. We are not, however, similarly amending the AM main studio rules to require prior Commission approval for main studio relocation at a transmitter site outside the community of license, since technical considerations governing AM transmitter site selection usually place such sites in close proximity to the community of license and not in another larger city. For this reason, AM studio relocation at the authorized transmitter site have seldom raised questions of studio accessibility or de facto station relocation.[2]

5. All of the commenting parties, except Arizona FM, Inc., have commonly owned AM and FM stations licensed to the same community, with their AM and FM studios at a common location outside the principal communities they serve. They appear concerned that the new FM main studio rules adopted herein might require them to maintain a separate main studio for their FM operation, and they request that the rules adopted contain an exemption for AM-FM combinations such as theirs, to permit consolidated studio locations. These AM-FM station owners urge that the common location of main studios for such companion AM-FM stations results in savings in such features as the use of a common staff, offices, studios and studio equipment; that for many licensees with AM-FM combination, it would be a hardship to maintain a separate main studio for their FM operation; that no benefits to the public are to be derived from maintaining separate main studios; that good cause could always be found in the case of an AM-FM combination for waiving a procedural requirement of specific Commission authority for AM main studio relocation at the main studio location of the companion AM station; and that filing for prior Commission approval would be a waste of the administrative process.

6. We are persuaded that the requested exemption for commonly owned AM-FM stations is warranted insofar as it would apply to commonly owned AM and FM stations licensed to serve the same community. Since prior Commission approval is already required for AM main studio location outside the community of license other than at the AM transmitter site and since, as noted in paragraph 4, AM main studio location at the AM transmitter site may be presumed to be consistent with the main studio rules and the public interest, it follows that FM main studio location at the AM main studio location by a commonly owned FM station in the same community would likewise be consistent with those rules and the public interest. We therefore are of the view that it is unnecessary for us to consider and approve FM main studio location at the AM main studio location in the case of commonly owned AM and FM stations licensed to serve the same principal community, before it takes place, and that only notification of such FM main studio moves should be required. However, where commonly owned AM and FM stations in the same area have different communities of license, we think it best serves the public interest for us to give prior consideration to FM main studio location in relation to the community of license. In such cases, there can be no presumption that FM main studio location at the AM main studio location will enable the FM station to serve properly as a local outlet for its different community of license.

7. In proposing to expand authorization requirements for FM main studio moves to require specific Commission authority for all studio moves outside the principal community, including those to the transmitter site, it was not our aim to require such authorization for existing FM main studio locations outside the community or to discourage or forbid such moves in the future if they do not defeat the intent and purposes of the main studio rules. The proposed new rules, we think, make this clear. They state that we "will" permit such moves "where an adequate showing is made that good cause exists" and that it "would be consistent with the operation of the station in the public interest." Arizona FM, Inc., which favors our proposed expansion of authorization requirements for FM main studio moves, suggests changes in the wording of the proposed amendments to state that the Commission "may" rather than "will" permit such FM studio moves where a "vigorous" rather than "adequate" showing is made that good cause exists and that it would "result in the betterment of the station's operation in the public interest" rather than "be consistent with the operation of the station in the public interest." It urges that its proposed changes in wording are desirable in order to incorporate the spirit of our reasons for expanding authorization requirements for FM main studio moves. We disagree, being of the view that wording proposed by the Commission, which is the same as that contained in the present TV main studio relocation rules, adequately, and more accurately, states the basis upon which the Commission will grant authorizations for FM main studio relocation. We also consider it unnecessary, as Arizona FM suggests, to include in the proposed rules, in lieu of its suggested word changes, a statement of underlying reasons for the main studio rules.

8. In consideration of the foregoing, we are of the view that the public interest would be served by amendment of the FM and TV main studio rules as proposed, with an exemption in the FM main studio rules, as discussed in paragraphs 5 and 6 above, to permit the FM main studio to be located at the location of the AM main studio without specific Commission authority in the case of commonly owned AM and FM stations licensed to serve the same community. In addition, we believe that the editorial and other rule changes proposed in the notice are needed to clarify and align their provisions with the amended FM and TV main studio location rules herein adopted and should also be adopted. These consist of editorial changes in § 1.538(a)(3) and (4) and the addition of a new subparagraph (5), plus the deletion of § 73.257(b)(5), which specifies when a formal application (FCC Form 301) must be filed for authority to change FM main studio location. This latter requirement has been placed in the newly adopted FM main studio rules themselves and in § 1.538(a)(5).

9. Authority for the rule amendments adopted herein is contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended.

10. *Accordingly, it is ordered,* Effective March 23, 1971, that Part 1 and Part 73 of the Commission's rules and regulations are amended as set forth below.

11. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 10, 1971.

Released: February 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

1. In § 1.538(a), subparagraphs (3) and (4) are amended, subparagraph (5) is redesignated as subparagraph (6), and a new subparagraph (5) is added to read as follows:

§ 1.538 Application for modification of license.

(a) * * *

(3) Change in main studio location of a television station to a location outside the principal community;

(4) Change in main studio location of an AM station to a location outside the principal community (other than to the authorized transmitter site);

(5) Change in main studio location of an FM station to a location outside the principal community (other than to the main studio location of a commonly

[1] This is misleading, for prior Commission approval must be obtained for an FM main studio move to a transmitter site if it is located in a community other than the community of license. Section 73.257(b)(5) of the rules, which provides that FM licensees must obtain specific authority for a main studio move "to a different city from that specified in the license", in effect requires, and is intended to require, specific Commission authority for a studio move to a transmitter site if it is in another city. These rules have, however, been a basis for uncertainty by some FM licensees in the past as to when prior Commission approval is required for FM studio moves outside the principal community, which the amendments adopted herein are intended to remove. All requirements for specific Commission authority for FM main studio rules are expressly stated and contained in the FM main studio location rules, as amended herein.

[2] The change in FM would deal with the following type of situation: An FM station is authorized to a community which is close to, sometimes a suburb of, a larger city. In an effort to get greater effective antenna height, the permittee or licensee seeks to locate his transmitter atop a tall building in the large city. There can be no argument with the desirability of this, as such, since it means greater coverage than might otherwise be feasible. The problem arises when the station then seeks to use the "studio located at transmitter site" approach to justify moving the studio, as well, into the large city; this raises a substantial question as to whether the station itself is being de facto moved so as to be in effect a large-city station.

The same problem does not exist in AM, since AM transmitter locations are not normally atop large structures in other cities.

owned AM station licensed to the same community).

• • • • •

2. In § 73.210, the headnote is amended, and paragraph (a) is amended to revise subparagraph (2), to redesignate subparagraph (3) as subparagraph (4), and to add a new subparagraph (3) to read as follows:

§ 73.210 Station location, main studio location, and program origination.

(a) • • •

(2) The main studio of an FM broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political subdivision. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-to-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(3) Where an adequate showing is made that good cause exists for locating a main studio outside the principal community to be served and that to do so would be consistent with the operation of the station in the public interest, the Commisison will permit the use of a main studio location other than that specified in subparagraph (2) of this paragraph. No relocation of a main studio to a point outside the principal community to be served, or from one such point outside the community to another, may be made without first securing a modification of construction permit or license, except for relocation at the AM main studio location of a commonly owned AM station licensed to the same community. FCC Form 301 shall be used to apply therefor. The main studio may, however, be relocated within the principal community to be served, or be moved from a location outside the community to one within it, without specific authority, but the Commission shall be notified promptly of any such relocation.

• • • • •

§ 73.257 [Amended]

3. In § 73.257(b), subparagraph (5) is deleted.

4. In § 73.613, paragraph (b) is amended to read as follows:

§ 73.613 Main studio location.

• • • • •

(b) Where an adequate showing is made that good cause exists for locating a main studio outside the principal community to be served and that to do so would be consistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. No relocation of a main studio to a point outside the principal community to be served, or from one such point outside construction permit or license. FCC Form 301 shall be used to apply therefor. The main studio may, however, be relocated within the principal community to be the community to another, may be made without first securing a modification of served or be moved from a location outside the community to one within it without specific authority, but the Commission shall be notified promptly of any such relocation.

[FR Doc.71-2366 Filed 2-19-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1062]

MILK IN ST. LOUIS-OZARKS MARKETING AREA

Termination of Proceedings on Proposed Suspension of Certain Provision of Order

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) of termination of proceedings on proposed suspension of a certain provision of the order regulating the handling of milk in the St. Louis-Ozarks marketing area. The notice of proposed suspension was issued January 22, 1971, (36 F.R. 1354). Interested parties were invited to submit views, data, or arguments to the Hearing Clerk not later than February 4, 1971.

The provision proposed to be suspended was in § 1062.53(d), and consisted of: "Barry, Douglas, Greene, Howell, Lawrence, Ozark, Stone, Taney, Webster, Wright." This proposed suspension would have removed the 27-cent location credit on Class I milk received at supply plants located in 10 southwestern Missouri counties. The 27-cent credit would have remained applicable at plant locations in the three counties of: Christian, Laclede, and Texas.

Suspension was requested by a cooperative association representing more than two-thirds of the producers for the market. The cooperative stated that suspension was necessary to tend to compensate for the cost of transporting milk from three supply plants located at Cabool, Lebanon, and Ozark to the St. Louis area.

A similar suspension was in effect during the October through December 1970 period. That suspension removed the Class I price location credit of minus 27 cents that would have applied at supply plants for the market in 13 southwestern Missouri counties.

A handler and two cooperative associations objected to continued suspension. All suggested that any further action taken on price alignment in the area should be as a result of public hearing.

On the basis of all facts available to the Department including written views, data, and arguments submitted by interested parties, suspension is not warranted. The amendment process resulting from public hearing is the appropriate means for obtaining proper price alignment in this market.

Signed at Washington, D.C. on February 16, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-2344 Filed 2-19-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-8]

CONTROL ZONE

Proposed Alteration and Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new control zone at Brown Field Municipal Airport, San Diego, Calif., and alter the description of the Imperial, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The Federal Aviation Administration proposes to commission an Air Traffic Control Tower at Brown Field Municipal Airport, San Diego, Calif., on or about April 19, 1971. Approximately 32,000 aircraft operations monthly are currently being conducted at this airport. Therefore, to further enhance safety to all segments of the aviation industry, a 3-mile control zone is also proposed.

The proposed 3-mile-radius control zone at Brown Field Municipal Airport and the existing Imperial Beach, Calif., airport control zone overlay. A line of demarcation is proposed along latitude 117°01'00" W., which will be in effect during the effective hours of the proposed Brown Field control zone.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (36 F.R. 2055) the following control zone is added:

SAN DIEGO, CALIF. (BROWN FIELD)

Within a 3-mile radius of Brown Field Municipal Airport (latitude 32°34'22" N., longitude 116°58'47" W.) excluding that airspace west of longitude 117°01'00" W., and south of the United States/Mexican Border. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.171 (36 F.R. 2055) the description of the Imperial Beach, Calif., control zone is amended by adding "• • •, excluding the portion east of longitude 117°01'00" W., when the San Diego, Calif. (Brown Field) control zone is effective."

These amendments are proposed under the authority of section 307(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 9, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-2349 Filed 2-19-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Washington, Pa., transition area (35 F.R. 2281).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Washington, Pa., 700-foot transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure for Washington County Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted

in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Washington, Pennsylvania proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Washington, Pa., 700-foot floor transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of 40°08'15" N., 80°17'15" W. of Washington County Airport, Washington, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 2, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-2350 Filed 2-19-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-12]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Meridian, Miss. (NAS Meridian), control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Meridian (NAS Meridian) control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of NAS Meridian (lat. 32°23'27" N., long. 88°33'33" W.); within 1.5 miles each side of NAS Meridian TACAN 069° and 359° radials, extending from the 5-mile-radius zone to 6 miles east and north of the TACAN; within 2 miles each side of NAS Meridian 194° radial, extending from the 5-mile-radius zone to 9.5 miles south of the TACAN; within 2 miles each side of Runways 18L and 27 extended centerlines, extending from the 5-mile-radius zone to 4 miles north and west of the runway ends; within 2 miles each side of Runway 36L extended centerline, extending from the 5-mile-radius zone to 5 miles south of the runway end.

The Meridian (NAS Meridian) transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of NAS Meridian (lat. 32°23'27" N., long. 88°33'33" W.); within 2.5 miles each side of the 012° bearing from NAS Meridian RBN, extending from the 10-mile-radius area to 8.5 miles north of the RBN; excluding the portion within Meridian, Miss. (Key Field), transition area.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to NAS Meridian terminal area requires the following actions:

Control zone. 1. Reduce the extensions predicated on NAS Meridian TACAN 069° and 360° radials 1 mile in width and 1 mile in length and redesignate it on the TACAN 359° radial.

2. Reduce the extensions predicated on Runways 18L and 27 extended centerlines 2 miles in length.

3. Increase the extension predicated on Runway 36L extended centerline 1 mile in width and reduce it 1 mile in length.

4. Designate an extension predicated on NAS Meridian TACAN 194° radial 4 miles in width and 9.5 miles in length.

Transition area. 1. Designate an extension predicated on the 012° bearing from NAS Meridian RBN 5 miles in width and 8.5 miles in length.

2. Add the proviso "excluding the portion within the Meridian (Key Field) transition area."

The proposed alterations are required to provide controlled airspace protection for IFR operations at NAS Meridian.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 9, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-2351 Filed 2-19-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS IN IOWA

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Iowa as set forth in the following new §§ 481.222–481.225 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities in the States of Iowa, Illinois, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 1 p.m., February 23, 1971, in Room 509, Federal Building, 201 Walnut Street, Des Moines, IA.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protective Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.222 Cedar Rapids Intrastate Air Quality Control Region.

The Cedar Rapids Intrastate Air Quality Control Region (Iowa) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Benton County.	Jones County.
Cedar County.	Linn County.
Iowa County.	Washington County.
Johnson County.	

§ 481.223 Fort Dodge Intrastate Air Quality Control Region.

The Fort Dodge Intrastate Air Quality Control Region (Iowa) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Calhoun County.	Pocahontas County.
Hamilton County.	Webster County.
Humboldt County.	Wright County.

§ 481.224 Metropolitan Des Moines Intrastate Air Quality Control Region.

The Metropolitan Des Moines Intrastate Air Quality Control Region (Iowa) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Boone County.	Marshall County.
Dallas County.	Polk County.
Jasper County.	Story County.
Madison County.	Warren County.
Marion County.	

§ 481.225 Waterloo-Mason City Intrastate Air Quality Control Region.

The Waterloo-Mason City Intrastate Air Quality Control Region (Iowa) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Black Hawk County.	Chickasaw County.
Bremer County.	Fayette County.
Buchanan County.	Floyd County.
Butler County.	Grundy County.
Cerro Gordo County.	

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91–604.

Dated: February 16, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2346 Filed 2-19-71;8:46 am]

[42 CFR Part 481]

LINCOLN-BEATRICE-FAIRBURY INTRASTATE AIR QUALITY CONTROL REGION, NEBRASKA

Proposed Designation of Region; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate an intrastate air quality control region in the State of Nebraska as set forth in the following new § 481.226 which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Nebraska, Iowa, and South Dakota, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designation. Such consultation will take place at 1 p.m., February 24, 1971, in Room Four, Federal Building and Courthouse, Ninth and P Streets, Lincoln, NE.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new section is proposed to be added to read as follows:

§ 481.226 Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region.

The Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region (Nebraska) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Nebraska:

Gage County.	Lancaster County.
Jefferson County.	Thayer County.

This action is proposed under the authority of section 301(a), 81 Stat. 504, 42 U.S.C. 1857g(a), as amended by section 15(c)(2) of Public Law 91–604.

Dated: February 16, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2345 Filed 2-19-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18877; FCC 71-152]

INCLUSION OF CODED INFORMATION IN TRANSMISSIONS OF RADIO AND TV STATIONS

Further Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules and regulations to permit the inclusion of coded information in the aural transmissions of radio and TV stations for the purpose of program identification; and possible regulations of the parties preparing or furnishing coded material for broadcast, RM–1589.

1. On June 10, 1970, the Commission adopted a notice of proposed rule making in the above entitled matter in response to a petition filed by Audicom Corp. (Audicom). As extended, the deadline for filing comments in this proceeding is February 15, 1971, for comments and March 15, 1971, for reply comments.

2. The aforementioned notice invites comments on the possible adoption of a rule that would permit the insertion of an appropriate signal in aural program material which, when intercepted and decoded, would make possible the automatic identification of the program segment which includes the signal. The proposed rule contemplates that the aural identification method employed would have technical parameters similar to those of a system developed by Audicom. As more fully described in the notice, this system utilizes a frequency modulated identification signal, placed in a "window" 60 c/s in width, cut in the program material for the duration of the

signal transmission (2 seconds) at a frequency of about 3,000 c/s. The maximum signal intensity would be limited to a level not in excess of minus 50 db with respect to 100 percent modulation. Audicom alleged that an identification signal of such characteristics would have negligible adverse effect on the quality of the transmitted program; the proposed rule requires that it "not cause significant degradation of broadcast transmission".

3. International Digisonics Corp. (IDC), on December 2, 1970, filed a petition requesting that this proceeding be expanded to permit consideration of an aural program identification system devised by IDC, utilizing a signal of characteristics substantially differing from those stipulated in the proposed rule.[1] It is IDC's contention that the Audicom system offers insufficient protection for the listener from audible effects, and that practical considerations will adversely affect the reliability of the program identification function. Its own system, claims IDC, is free from those deficiencies. It therefore requests that this system be considered as an alternative to the one proposed by Audicom, and that a further notice of proposed rule making be issued for the purpose of fully exploring the comparative advantages of the two systems. If this action is taken, states IDC, it will seek authorization from the Commission to conduct on-the-air tests, and will submit the results of such tests in this proceeding for the scrutiny of all interested parties.

4. Specifically, IDC proposes the use of a coded identification signal centered on the frequency 100 c/s, with an occupied bandwidth of 20 c/s. Information in this band would be carried by pulse duration modulation (PDM), at a level not exceeding minus 12 db with respect to the level for 100 percent modulation. The transmission time for any single identification code would not exceed 4 seconds.

5. This system allegedly does not require the excision of any program material, the identification signal being mixed with the aural program at the proper level. Because of the greatly reduced perceptibility of the human ear at the lower audiofrequencies, IDC claims that an identification signal at 100 c/s is much less likely to be perceived by the broadcast listener, under all conditions of background noise and levels of program modulation, than is a signal in the higher frequency range; this is true, even though it is proposed that the signal be inserted at a substantially higher level than is contemplated in the Audicom system. IDC further states that the type of modulation employed, with repeated sound bursts of relatively short duration (e.g., 30 milliseconds for a digital "1" and 60 milliseconds for a digital "0" at a 90 millisecond per bit rate), has a lower level of perceptibility than a continuous signal. The transmission time for the code, 4 seconds, is expected to be sufficient for the reliable transmission of 20 information bits. This should permit the encoding of approximatly one million decimal numbers. Finally, it notes that differences which occur in the speed at which program material is recorded and reproduced, while usually not sufficiently great to degrade the transmitted program, can seriously affect the reliability of an identification system which depends on the interception of a narrow band of frequencies in the upper audio range. The speed differences normally encountered would have minimal effect on the operation of an identification system at 100 c/s.

6. The IDC petition is accompanied by a detailed description of its system, and is supported by a report of an experimental study conducted by Southwest Research Institute on behalf of IDC of the perceptibility levels of signals at various discrete audiofrequencies, transmitted in pulses of various lengths.

7. In comments filed on December 7, 1970, Audicom Corp. supports IDC's petition. It agrees with IDC that a further notice of proposed rule making, enlarging the proceeding to take into account "all responsible technical methods of accomplishing an automated program identification capability for radio broadcasting" would further the public interest.

8. We believe it is in the public interest to take the action requested by IDC. Accordingly, we invite comments on whether a rule should be adopted which would permit the transmission of aural signals intended for automatic program identification, and, whether the rule, if adopted, should specify a signal of the characteristics proposed by Audicom or by IDC, or some modification thereof.

9. All matters discussed in the original notice are, of course, pertinent to the expanded proceeding, and IDC is expected to assume, in justifying its proposal, a burden identical in all respects to that imposed on Audicom. Since the IDC and Audicom systems are alleged to differ in the degree to which the identification information affects programming, and in the level of reliability at which the identificaton function will be performed under practical operating conditions, we expect both parties, in the tests we are requiring them to make, to thoroughly investigate these aspects of their respective systems, and to present the results in a form susceptible to comparative evaluation.

Possible regulation of the parties preparing or furnishing coded material for broadcast. 10. There is one other matter on which we believe comments should be invited at this time. In connection with the use of the visual identification code, the Commission has previously been urged informally to require that prior notice be given to radio stations which are being supplied with coded program material. In a comment filed on December 14, 1970, in the instant proceeding, Storer Broadcasting Co. insists that the public interest requires that the placement of codes in program material be directly regulated and proposes that each entity furnishing encoded material to broadcast stations be licensed by the Commission, pursuant to an application setting forth its legal, technical and financial qualifications, and the purposes for which the encoding authority is requested.

11. Storer would also have us require by rule that each entity so licensed furnish the Commission with the written consent of all stations who will transmit the encoded messages "as is required by the present rebroadcast rules", and require that each encoded item be identified as such, and that the licensed entity affirmatively represent that the encoded matter is in compliance with Commission rules and applicable statutes. It is Storer's contention that without such safeguards broadcast stations may unwittingly transmit codes which do not meet the technical standards, or which are used to further some illegal activity, such as gambling.

12. At this time we are not espousing Storer's proposal, which, of course, would apply to the recently authorized visual coding as well as to the aural transmissions which are the subject of this proceeding. Nor are we now persuaded that regulation of this type is desirable. Some of the arguments advanced and mentioned above appear to overstate the need for such regulation and the problems it would be designed to meet. For example, if they prescreen material furnished for TV broadcast (as they should under good operating practice) licensees will certainly know that it contains coded material, and at least in general the nature of the material. As to use for illegal purposes, all broadcast material may present this possibility, if used by persons inclined to do so and with sufficient ingenuity, and it is not readily apparent how the problem would be intensified, at least with respect to the visual material which is now authorized. Moreover, insofar as the Storer request is for licensing of entities involved in the encoding of material or furnishing of it, it might present problems in terms of the Commission's licensing authority, which in general is confined to stations and transmitter operators.[2]

13. However, as noted above the use of the encoding system authorized for television has presented some problems in practice, and it is conceivable that some regulation along the lines discussed might be desirable. Therefore, we invite and will consider comments upon possible regulation along the lines proposed by Storer and discussed above, and in particular upon the following questions:

(1) Whether such regulation is necessary or desirable;

(2) Whether and to what extent it is within the Commission's power to adopt regulations such as the licensing of entities engaged in the encoding of material for broadcast or others (such as advertisers or their agencies) furnishing such material to stations; and

(3) If it is desirable, what form such regulation should take and what types of parties should be subject to it.

Parties may also wish to discuss whether there is more or less need for such regulation in connection with aural material than with the television material involved up to now (for example, because of the greater number of radio stations).

14. Storer also urges that our rules be amended to permit coding to be used by licensees "for purposes directly related to the operation of the station". As an example it cites the use of coding in all program material, so that the broadcaster "has the opportunity, under the provisions of the rule, to enable it to encode and decode all program and commercial material transmitted on the station, thus providing the station with a complete tape or computer print-out of the entire program schedule • • • The resulting program schedule would then be available to resolve any controversy which might arise as to which commercials were or were not transmitted by the station. The schedule also could be useful for internal station purposes, such as billing and program-logging". As another use of coding by the broadcaster, Storer suggests its employment for remote control telemetering and logging of transmitter operation.

15. The present rule for visual program identification, § 73.682(a)(2), permits broadcast stations to transmit signals of specified characteristics for the purpose of "electronic identification of programs and spot announcements". The proposed rules for aural identification signals are similar in this respect. The rules do not specify who shall code the transmitted programs, or who shall monitor them. Thus, we think that no change is necessary in either rule to permit the first kind of usage Storer proposes. On the other hand, these rules would not permit the transmission of such signals for station telemetry. As we have previously emphasized, the inclusion of coded signals for program identification in that part of the broadcast emission which contains sound or picture information is justified only because the successful performance of the program identification function, which we have found to be in the public interest, requires that the identification code be an integrated part of the program material. This is not the case for signals intended for the transmission of operational data from a broadcast transmitter to a remote control point. Such signals can and should be kept separate from the normal broadcast transmission. The FM rules already provide for the use of a subcarrier for the transmission of telemetered information, and § 73.67(c) of the AM rules permits tone telemetering at frequencies below 30 c.p.s. While no comparable provision is made in the TV rules, it is undoubtedly feasible to accommodate such a function in television station emissions without infringement on program material. However, we do not think the instant proceeding is an appropriate vehicle in which to consider rules which might make this possible. Accordingly, we will not enlarge the instant proceeding to encompass this part of the Storer proposal.

16. Both parties are expected, pursuant to Commission authorization, to conduct on-the-air tests of their systems, and to file reports of the results of these tests in this proceeding. We now set June 1, 1971, as the deadline for the submission of such reports. Since we intend to afford other interested parties the opportunity to prepare their comments in the light of the test results, the times for filing comments and reply comments, as set forth below, are so chosen as to make this possible.

17. Authority for adoption of rule amendments of the nature proposed herein is found in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before July 1, 1971, and reply comments on or before August 2, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching a decision herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 10, 1971.

Released: February 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2364 Filed 2-19-71;8:48 am]

[1] IDC was the petitioner for a rule amendment which would permit the transmission by TV stations of a visual identification code. In Docket 18605 (FCC 69-765) the Commission adopted such an amendment of the rules (§ 73.682(a)(22)).

[2] Other specific areas of jurisdiction include the manufacture and sale of devices which may interfere with radio reception, certain aspects of TV receiver design, and studios which provide programs for broadcast by foreign stations whose signals are received in the United States. See sections 302(a), 303(s), and 325(b) of the Communications Act of 1934, as amended.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

ISSUE OF UNITED STATES SECURITIES BEARING FACSIMILE SIGNATURES OF FORMER SECRETARIES OF THE TREASURY

Pursuant to the provisions of 5 U.S.C. 301, in the issue of United States securities under the Second Liberty Bond Act, as amended, codified in Title 31, United States Code, Chapter 12, I hereby authorize the use of all stocks on hand, or on order, bearing the signature of any former Secretary of the Treasury, where (a) such securities are issued as an additional issue, or under a continuing offer; and (b) such securities are to be issued pursuant to a new offer hereafter made and stocks therefor bearing my signature are not available for timely delivery.

This authorization shall be effective immediately.

Dated: February 11, 1971.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-2347 Filed 2-19-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Order 5]

ALASKA

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

FAIRBANKS MERIDIAN

COAL LANDS

T. 10 S., R. 1 E., unsurveyed,
Sec. 5, S½;
Sec. 6, S½;
Secs. 7 and 8;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 to 20, inclusive;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 and 30;
Sec. 31, N½;
Sec. 32, N½NE¼, NW¼.
T. 10 S., R. 1 W., unsurveyed,
Sec. 1, SE¼;
Sec. 11, SE¼;
Secs. 12 to 14, inclusive;
Sec. 15, SE¼;
Sec. 21, SE¼;
Sec. 22, NE¼, S½;
Secs. 23 to 28, inclusive;
Sec. 29, S½;
Secs. 31 to 34, inclusive;
Sec. 35, N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 36, N½.
T. 11 S., R. 1 W., unsurveyed,
Sec. 3, N½NW¼;
Sec. 4, N½N½;
Sec. 5, N½N½;
Sec. 6, N½NE¼, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 15, SW¼;
Sec. 16, SE¼;
Sec. 21, NE¼;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, NE¼SW¼, N½SE¼;
Sec. 23, S½NW¼, N½SW¼, SE¼;
Sec. 24, S½SW¼.
T. 10 S., R. 2 W., unsurveyed,
Sec. 35, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 36.
T. 11 S., R. 2 W., unsurveyed,
Sec. 1, N½, NE¼SW¼, N½SE¼;
Sec. 2, NE¼NE¼;
Sec. 3, S½SW¼;
Sec. 4, SE¼SW¼, S½SE¼;
Sec. 7, S½S½;
Sec. 8, SE¼NE¼, S½;
Secs. 9 and 10;
Sec. 11, S½NE¼, W½, SE¼;
Sec. 12, W½SW¼, SE¼SW¼;
Secs. 13 to 15, inclusive;
Sec. 16, NE¼, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 17;
Sec. 18, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 20, N½NE¼, NE¼NW¼;
Sec. 21, NE¼, N½NW¼, NE¼SE¼;
Sec. 22, N½, N½SW¼, SE¼;
Sec. 23;
Sec. 24, NW¼NE¼, NW¼, NW¼SW¼.
T. 9 S., R. 3 W., unsurveyed,
Sec. 17, SW¼;
Secs. 18 to 20, inclusive;
Sec. 21, SW¼;
Secs. 28 to 33, inclusive.
T. 10 S., R. 3 W., unsurveyed,
Secs. 4 to 9, inclusive;
Secs. 16 to 22, inclusive;
Sec. 26, SW¼;
Secs. 27 to 30, inclusive;
Sec. 31, N½N½, SW¼NW¼;
Sec. 32, NW¼NW¼;
Sec. 33, N½N½;
Sec. 34, N½N½;
Sec. 35, N½NW¼.
T. 11 S., R. 3 W., unsurveyed,
Sec. 11, S½S½;
Sec. 12, S½SW¼, N½SE¼;
Sec. 13, N½, N½S½;
Sec. 14, NE¼, NE¼NW¼.
T. 9 S., R. 4 W., unsurveyed,
Secs. 13 to 15, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 10 S., R. 4 W., unsurveyed,
Secs. 1 to 6, inclusive;
Sec. 7, N½, N½SW¼, SE¼;
Secs. 8 to 17, inclusive;
Sec. 18, NE¼NE¼, SE¼SE¼;
Sec. 19, E½NE¼;
Sec. 20, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 21 to 26, inclusive;
Sec. 27, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 28, NE¼NE¼;
Sec. 35, N½NE¼, SE¼NE¼, N½NW¼;
Sec. 36, N½, N½SW¼, NW¼SE¼.
T. 11 S., R. 4 W., unsurveyed,
Sec. 3, SW¼SW¼;
Sec. 4, S½SW¼, SE¼;
Sec. 5, SE¼SE¼;
Sec. 7, NE¼, S½NW¼, S½;
Secs. 8 to 10, inclusive;
Sec. 11, S½NE¼, W½, SE¼;
Sec. 12, W½SW¼;
Sec. 13, W½NW¼;
Sec. 14, N½, SW¼, N½SE¼;
Secs. 15 to 19, inclusive;
Sec. 20, N½, SW¼, SW¼SE¼;
Sec. 21, N½N½, SW¼NW¼;
Sec. 22, NW¼NW¼;
Sec. 30, NW¼NE¼, N½NW¼.
T. 12 S., R. 7 W., partially surveyed,
Sec. 7;
Sec. 8, lots 1 to 3, inclusive;
Sec. 17, lots 1 to 4, inclusive, W½SW¼;
Secs. 18 and 19;
Sec. 20, lots 1 to 4, inclusive, W½NW¼, SE¼NW¼, SW¼;
Sec. 28, lot 1;
Sec. 29, lots 1 and 4, W½NE¼, SE¼NE¼, NW¼, N½SW¼;
Sec. 30;
Sec. 31, lot 1, NE¼NW¼.
T. 12 S., R. 8 W., partially surveyed,
Sec. 25;
Sec. 36, lots 1 to 4, inclusive, NE¼NE¼, S½N½, N½SW¼.

The area described aggregates about 88,901 acres.

W. A. RADLINSKI,
Acting Director.

FEBRUARY 8, 1971.

[FR Doc.71-2335 Filed 2-19-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[PPD 639]

JAPANESE BEETLE AND CERTAIN OTHER PESTS

List of Approved Laboratories Authorized To Receive Interstate Shipments of Soil Samples for Processing, Testing, or Analysis

Pursuant to the Japanese Beetle, White-Fringed Beetle, European Chafer, Soybean Cyst Nematode, Witchweed, Imported Fire Ant, and Golden Nematode Quarantines (Notices of Quarantine Nos. 48, 72, 77, 79, 80, 81, and 85; 7 CFR 301.48, 301.72, 301.77, 301.79, 301.80, 301.81, and 301.85), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of laboratories operating under a compliance agreement and approved under said quarantines to receive interstate shipments of soil samples for processing, testing, or analysis is hereby revised as follows:

LABORATORY AND ADDRESS

▲

A & H Corporation Consulting Engineers, Carbondale, Ill.

A & H Corporation Consulting Engineers, Peoria, Ill.
Abbott Laboratories, North Chicago, Ill.[3]
Ackenhell, A. C., & Associates, Inc., Pittsburgh, Pa.
Agrico Chemical Co., Washington Court House, Ohio.
Agrico Chemical Co., Baltimore, Md.[3]
Agricultural Service Laboratories, Pharr, Tex.
Allied Chemical Corp., Morristown, N.J.
Alscope Limited, Bakersfield, Calif.[3]
American Cyanamid, Princeton, N.J.
American Oil Co., Soil Laboratories, Rochelle, Ga.
American Oil Co., Soil Laboratories, Holland, Tex.
American Oil Co., Soil Testing Labtoratory, Yoder, Ind.
Ameron, South Gate, Calif.
Analysis Laboratories, Inc., Metairie, La.
Analytical Chemists & Engineers, El Paso, Tex.[3]
Anco Testing Laboratory, Inc., St. Louis, Mo.
Ansul Co. (The), Marinette, Wis.
Applied Oceanographics, Inc., San Diego, Calif.[3]
Arco Chemical Co., Fort Madison, Iowa.
Arizona, University of, Tucson, Ariz.
Arizona, University of, Department of Agricultural Chemistry and Soils, Tucson, Ariz.[3]
Arizona, University of, Department of Plant Pathology, Tucson, Ariz.[3]
Arizona State University, Tempe, Ariz.
Arizona State University, Department of Anthropology, Tempe, Ariz.[3]
Arizona State University, Department of Plant Pathology, Tempe, Ariz.[3]
Arizona Testing Laboratory, Phoenix, Ariz.
Arkansas, University of, Experiment Station, Fayetteville, Ark.
Arkansas, University of, Experiment Station, Marianna, Ark.
Asphalt Institute (The), College Park, Md.
Asphalt Technology, Bellmawr, N.J.
Associated Laboratories, Orange, Calif.
Astrotech Inc., Harrisburg, Pa.
Atlanta Testing & Engineering Co., Atlanta, Ga.
Auburn University, Soil Testing Laboratory, Auburn, Ala.

B

Babcock, Edward S., and Sons, Riverside, Calif.
Baker, Michael, Inc., Rochester, Pa.
Barbot, D. C., & Associates, Inc., Florence, S.C.
Barrow-Agee Laboratories, Inc., Memphis, Tenn.[3]
Beckman, Inc., Microbics Operations, La-Habra, Calif.
Beckman Instruments, Inc., Fullerton, Calif.[3]
Biological Testing & Research Laboratory, Lindsay, Calif.[3]
Boring Soils & Testing Co., Inc., Harrisburg, Pa.
Boswell, J. G., Co., Corcoran, Calif.[3]
Brandley, Reinard W., Sacramento, Calif.[3]
Braun, Skaggs, & Kevorkian Engineering, Inc., Fresno, Calif.
Bristol Laboratories, Syracuse, N.Y.[3]
Brookside Research Laboratories, Inc., New Knoxvil. , Ohio.[3]
Brown & Root-Northrop IRL, Houston, Tex.
Brucker & Thacker, St. Louis, Mo.

C

California, University of, Botany Department, Davis, Calif.[3]
California, University of, Department of Civil Engineering, Davis, Calif.[3]
California, University of, Department of Food Science and Technology, Davis, Calif.[3]

See footnotes at end of document.

California, University of, School of Social Sciences, Irvine, Calif.[3]
California, University of, Soils and Plant Nutrition, Riverside, Calif.[3]
California, University of, Department of Anthropology, Santa Barbara, Calif.[3]
California Institute of Technology, Pasadena, Calif.[3]
California Testing Laboratories, Los Angeles, Calif.
Campbell Soup Co., Camden, N.J.[3]
Campbell Soup Co., Riverton, N.J.
Capozzoli, Louis J., & Associates, Inc., Baton Rouge, La.
Carpenter Construction Co., Inc., Virginia Beach, Va.
Central Chemical Co. (The), Fresno, Calif.[3]
Central Michigan University, Department of Biology, Mount Pleasant, Mich.[3]
Central Valley Laboratory, Fresno, Calif.
Chemagro Corporation, Kansas City, Mo.[3]
Chembac Laboratories, Charlotte, N.C.
Chemical Service Laboratory, Inc., Jeffersonville, Ind.
Chevron Chemical Co., Fresno, Calif.
Chevron Chemical Co., Richmond, Calif.
Chevron Oil Field Research Co., La Habra, Calif.
Clarkson Laboratory & Supply, Inc., San Diego, Calif.[3]
Clemson University, Clemson, S.C.
Clinton Corn Processing Co., Clinton, Iowa.[3]
Coastal Studies Institute, Baton Rouge, La.
Coenen & Associates Engineers, Newport News, Va.
Colorado, University of, Boulder, Colo.
Colorado, University of, Department of Geological Sciences, Boulder, Colo.[3]
Colorado State University, Fort Collins, Colo.
Colorado State University, Department of Agronomy, Fort Collins, Colo.[3]
Commercial Testing & Engineering Co., Chicago, Ill.[1]
Consolidated Cigar Corp., Glastonbury, Conn.
Construction Aggregates Corp., Ferrysburg, Mich.
Contractors & Engineers Service, Inc., Fayetteville, N.C.
Contractors & Engineers Service, Inc., Goldsboro, N.C.
Converse, Davis, & Associates, Pasadena, Calif.[3]
Cook Research Laboratories, Inc., Menlo Park, Calif.
Core Laboratories, Inc., Aurora, Colo.
Core Laboratories, Inc., Houma, La.
Core Laboratories, Inc., Lafayette, La.
Core Laboratories, Inc., New Orleans, La.
Core Laboratories, Inc., Shreveport, La.
Core Laboratories, Inc., Dallas, Tex.
Core Laboratories, Inc., Casper, Wyo.
Cornell Aeronautical Laboratory, Inc., Buffalo, N.Y.[3]
Cornell University, Ithaca, N.Y.
Cornell University, Department of Agronomy, Ithaca, N.Y.[3]
Cornell University, Department of Floriculture and Ornamental Horticulture, Ithaca, N.Y.[3]
Craig Testing Laboratories, Mays Landing, N.J.
Crandall, Leroy, and Associates, Los Angeles, Calif.[3]
Custom Farm Services, Inc., East Point, Ga.[1]
Custom Farm Services, Inc., East Point, Ga.[3]

D

Dade County Soils Laboratory, Homestead, Fla.
Dames & Moore, Los Angeles, Calif.[3]
Dames & Moore, Redwood City, Calif.
Dames & Moore, San Francisco, Calif.[3]
Dames & Moore, Atlanta, Ga.[3]
Dames & Moore, New York, N.Y.[3]
Dames & Moore, Houston, Tex.[3]
D'Appolonia, E., Consulting Engineers, Inc., Pittsburgh, Pa.
Daby Three Expert Co., Kent, Ohio.
Daylin Laboratories, Inc., Los Angeles, Calif.
Del Monte Corp., San Leandro, Calif.
Del Monte Corp., Walnut Creek, Calif.
Delta Testing & Inspection, Inc., Baton Rouge, La.
Delta Testing & Inspection, Inc., Lafayette, La.
Delta Testing & Inspection, Inc., New Orleans, La.
Denver, University of, Denver, Colo.
Denver, University of, Department of Geography, Denver, Colo.[3]
Dering, David A., & Associates, City of Industry, Calif.[3]
Diamond Shamrock Corp., Painesville, Ohio.
Dickinson Laboratories, Inc., Mobile, Ala.
Dixie Laboratories, Inc., Mobile, Ala.
Dow Chemical Co., Walnut Creek, Calif.[3]
Dow Chemical Co., Midland, Mich.[3]
du Pont de Nemours, E. I. & Co., Inc., Wilmington, Del.
Duke University, Durham, N.C.
Duke University, Department of Botany, Durham, N.C.[3]
Duke University, Department of Zoology, Durham, N.C.[3]

E

Eagle Iron Works, Des Moines, Iowa.[3]
Earlham College, Richmond, Ind.
Earlham College, Department of Biology, Richmond, Ind.[3]
Ecto Engineers & Associates, Baton Rouge, La.
Elco Engineers & Associates, Houston, Tex.
Eisenhauer Laboratories (The), Los Angeles, Calif.
Ellerbe Architect, St. Paul, Minn.
Elmira College, Elmira, N.Y.
Elmira College, Department of Botany, Elmira, N.Y.[3]
Empire Soils Investigations, Groton, N.Y.
Engineers Laboratories, Inc., Jackson, Miss.
Engineers Testing Laboratories, Phoenix, Ariz.
Esso Research & Engineering Company, Linden, N.J.[3]
Etco Engineers & Associates, Houston, Tex.[3]
Eustis Engineering Co., Metairie, La.
Evans, Jay, Testing Laboratory, Albany, Ga.
Evans, L. T., Inc., Los Angeles, Calif.

F

Farm Clinic (The), West Lafayette, Ind.[3]
Farr Co., El Sequndo, Calif.[3]
FEC Fertilizer Co., Homstead, Fla.
Federal Chemical Co., Columbus, Ohio.
Federal Chemical Co., Nashville, Tenn.
Florida, University of, Gainesville, Fla.
Florida, University of, Lake Alfred, Fla.
Florida Department of Agriculture, Division of Plant Industry Laboratory, Gainesville, Fla.[3]
Florida Department of Agriculture, Tallahassee, Fla.
Florida Department of Agriculture, Pesticide Residual Program, Tallahassee, Fla.[3]
Florida State University, Tallahassee, Fla.
Florida State University, Department of Geology, Tallahassee, Fla.[3]
Florida Testing Laboratories, Inc., St. Petersburg, Fla.
Flowers Analytical Laboratories, Altamonte Springs, Fla.
Flowers Chemical Laboratories, Altamonte Springs, Fla.[3]
Foley, Hubert L., Jr., New Albany, Miss.
Food & Drug Research Laboratories, Inc., Maspeth, N.Y.[3]
Ford County Farm Bureau, Melvin, Ill.
Foundation Service Co. (The), Enola, Pa.
Fresno Field Station, Fresno, Calif.

Froehling & Robertson, Inc., Richmond, Va.[1]
Fruco & Associates, St. Louis, Mo.
Fuller Co., Allentown, Pa.[2]
Fuller Co., Catasauqua, Pa.[2]

G

Geigy Chemical Corp., Ardsley, N.Y.[2]
General Electric Research & Development Center, Schenectady, N.Y.[2]
General Foods Corp., Woodburn, Oreg.[2]
General Testing Laboratory, Kansas City, Mo.
Geo-Survey, Inc., Camp Hill, Pa.
Geo-Testing, Inc., San Rafael, Calif.[2]
Geochemical Survey, Dallas, Tex.[2]
Geologic Associates, Franklin, Tenn.
Geologic Associates, Knoxville, Tenn.
Georgia, Department of State Highways, Forest Park, Ga.[1]
Georgia, University of, Athens, Ga.
Georgia, University of, Experiment, Ga.
Georgia, University of, Tifton, Ga.
Georgia Testing Laboratory, Atlanta, Ga.
Geotechnical Consultants, Inc., Glendale, Calif.
Gillen Engineering Co., Metairie, La.
Girdler Foundation & Exploration Co., Lenexa, Va.
Glassmire, S. H., & Associates, Metairie, La.[2]
Gore Engineering, Inc., Metairie, La.
Gorrill, William R., Consulting Agency, Orington, Maine.
Grace, W. R., & Co., Fort Pierce, Fla.
Grace, W. R., & Co., Nashville, Tenn.
Green Engineering Co., Sewickley, Pa.
Growers Chemical Corp., Milan, Ohio.
Gulf Coast Testing Laboratory, Inc., Corpus Christi, Tex.
Gulf Oil Corp., Forest City, Iowa.
Gulf South Research Institute, Baton Rouge, La.
Gulf South Research Institute, New Orleans, La.
GX Laboratories, Inc., Golden, Colo.[2]

H

Hampton Roads Testing Laboratories, Newport News, Va.
Hanks, Abbot A., Testing Laboratory, San Francisco, Calif.
Harding, Miller, Lawson, & Associates, San Rafael, Calif.[2]
Harris Laboratories, Inc., Phoenix, Ariz.[1]
Harris Laboratories, Inc., Phoenix, Ariz.[2]
Harris Laboratories, Inc., Lexington, Nebr.[2]
Harris, Frederick R., Inc., Woodbridge, N.J.[2]
Harvard University, Cambridge, Mass.
Harvard University, Soil Mechanics Laboratory, Cambridge, Mass.[2]
Harza Engineering Co., Chicago, Ill.[2]
Hawley & Hawley, Assayers and Chemists, Inc., Tucson, Ariz.[2]
Haynes, John H., Consulting Engineer, Dallas, Tex.
Hazleton Laboratories, Inc., Falls Church, Va.
Hector Supply Co., Miami, Fla.
Heinrichs Geoxploration Co., Tucson, Ariz.[2]
Heinz, H. J., Bowling Green, Ohio.
Hemphill Corp., Tulsa, Okla.
Herbert & Associates, Virginia Beach, Va.
Hercules Inc., Wilmington, Del.
Hoffmann-Laroche, Inc., Nutley, N.J.
Horvitz Research Laboratories, Houston, Tex.
Hunter College, New York, N.Y.
Hunter College, Department of Anthropology, New York, N.Y.[2]
Hyster Co., Portland, Oreg.[2]

I

Idaho, University of, Department of Agriculture Biochemistry and Soils, Moscow, Idaho.[2]
IIT Research Institute, Chicago, Ill.[2]
Illinois, University of, Urbana, Ill.
Illinois, University of, Department of Agronomy, Urbana, Ill.[2]
Illinois, University of, Department of Civil Engineering, Urbana, Ill.[2]
Indiana Farm Bureau Co-op, Indianapolis, Ind.
Indiana University, Department of Geology, Bloomington, Ind.[2]
Institute for Exploratory Research, Fort Monmouth, N.J.
International Mineral & Chemical Corp, Mulberry, Fla.
International Mineral & Chemical Corp., Libertyville, Ill.[2]
International Mineral & Chemical Corp., Union, Ill.
International Mineral Engineers, Inc., Golden, Colo.[2]
Interpace Corp., Los Angeles, Calif.[2]
Iowa State University, Ames, Iowa.
Iowa State University, Department of Agronomy, Ames, Iowa.[2]
Iowa State University, Engineering Research Institute, Ames, Iowa.[2]
IRI-Research Institute, Inc., New York, N.Y.

J

Jennings Laboratories, Virginia Beach, Va.
Jersey Testing Laboratories, Atco, N.J.
Jersey Testing Laboratories, Newark, N.J.
Jewell, G. K., & Associates, Columbus, Ohio.
Johnson Soil Engineering Laboratory, Palisades Park, N.J.

K

Kaiser Agricultural Chemicals Corp., Savannah, Ga.
Kaiser Agricultural Chemicals Corp., Liberty, Ind.
Kaiser Aluminum & Chemical Corp., Permanente, Calif.[2]
Kaiser Aluminum & Chemical Corp., Pleasanton, Calif.[2]
Kansas, University of, Department of Geography, Lawrence, Kans.[2]
Kansas City Testing Laboratory, Inc., Kansas City, Mo.
Kalo Innoculant Co., Quincy, Ill.
Kentucky, University of, Lexington, Ky.
Kleinfelder, J. H., and Associates, Fresno, Calif.

L

La Salle County Farm Bureau, Soil Testing Laboratory, Ottawa, Ill.
Lake Superior State College, Sault Ste. Marie, Mich.[2]
Langford & Meredith Laboratories, New Orleans, La.
Larsen, Herluf T., Harrisburg, Pa.
Larutan Corp. (The), Anaheim, Calif.[2]
Lauratan of the South, Hiram, Ga.
Law Engineering Testing Co., Atlanta, Ga.[1]
Layne-Western Co., Kansas City, Mo.
Layne-Western Co., Kirkwood, Mo.
Lederle Laboratories, Pearl River, N.Y.[2]
Libby, McNeill, & Libby, Janesville, Wis.[2]
Lilly, Eli, & Co., Greenfield, Ind.[2]
Lilly, Eli, & Co., Lilly Research Laboratory, Indianapolis, Ind.
Louisiana Department of Highways, Baton Rouge, La.
Louisiana State University, Baton Rouge, La.
Louisiana State University, Coastal Studies Institute, Baton Rouge, La.[2]
Louisiana State University, New Orleans, New Orleans, La.

M

M & T Chemicals, Inc., Rahway, N.J.
Maine, University of, Orono, Maine.
Maine Highway Commission, Bangor, Maine.
Maine Sugar Industries, Easton, Maine.[2]
Manchester College, North Manchester, Ind.
Mapco, Inc., Indiana Point Division, Athens, Ill.
Marine Resource Consultants, Inc., Santa Monica, Calif.[2]
Maryland, University of, Department of Geography, College Park, Md.[2]
Mason-Johnston & Associates, Inc., Dallas, Tex.
Massachusetts, University of, Amherst, Mass.
Massachusetts, University of, Department of Botany, Amherst, Mass.[2]
Massachusetts Institute of Technology, Soil Mechanics Division, Cambridge, Mass.[2]
Maurseth, Howe, Lockwood, & Associates, Los Angeles, Calif.[2]
Mecom, John W., Houston, Tex.[2]
Memphis State University, Memphis, Tenn.
Merck & Co., Inc., Rahway, N.J.
Michigan, University of, Museum of Anthropology, Ann Arbor, Mich.[2]
Michigan State University, Department of Botany and Plant Pathology, East Lansing, Mich.[2]
Michigan State University, Soil Testing Laboratory, East Lansing, Mich.
Midwest Soil Testing Service, Danforth, Ill.
Mier, Ezra, Raleigh, N.C.
Miles Laboratory, Elkhart, Ind.
Miller-Warden-Western, Inc., Lincoln, Nebr.[2]
Milwaukee, City of, Sewage Commission, Milwaukee, Wis.
Minnesota, University of, St. Paul, Minn.
Minnesota, University of, Department of Soil Science, St. Paul, Minn.[2]
Mississippi, University of, University, Miss.
Mississippi State University, State College, Miss.
Missouri, University of, Columbia, Mo.
Missouri, University of, Department of Agronomy, Columbia, Mo.[2]
Missouri, University of, Department of Botany, Columbia, Mo.[2]
Missouri, University of, Department of Food Science and Nutrition, Columbia, Mo.[2]
Mobile Chemical Co., Ashland, Va.[2]
Mobile Testing Co., Corpus Christi, Tex.
Morse Laboratories, Sacramento, Calif.
Muesser, Rutledge, Wentworth, & Johnston, New York, N.Y.[2]

MC

McCallum Inspection Co., Chesapeake, Va.[1]
National Soil Services, Inc., Houston, Tex.[2]
McGauthy, Marshall, and McMillian, Norfolk, Va.
McKee, Arthur G., & Co., San Francisco, Calif.[2]

N

Na-Churs Plant Food Co., Marion, Ohio.[2]
Nalo Chemical Co., Chicago, Ill.[2]
National Bulk Carriers, Inc., New York, N.Y.
National Laboratories, Evansville, Ind.
National Soil Services, Inc., Dallas, Tex.
National Soil Services, Inc., Houston, Tex.[2]
Nebraska, University of, Department of Agronomy, Lincoln, Nebr.[2]
Nelson Laboratories, Stockton, Calif.[2]
Nevada, University of, Agricultural Mechanics Department, Reno, Nev.[2]
New Mexico State University, Soil Testing Laboratory, Las Cruces, N. Mex.[2]
New York, State University of, Department of Geological Sciences, Buffalo, N.Y.[2]
New York, State University of, College of Forestry, Syracuse, N.Y.
New York State University College, Geneseo, N.Y.
New York State University College, Biology Department, Geneseo, N.Y.[2]
New York University, Geological Laboratory, Tuxedo Park, N.Y.[2]
Niagara Chemical Division of FMC Corp., Middleport, N.Y.[1]

See footnotes at end of document.

North Carolina, University of, Chapel Hill, N.C.
North Carolina Department of Agriculture, Raleigh, N.C.
North Carolina Department of Geology, Raleigh, N.C.
North Carolina Highway and Public Works Commission, Fayetteville, N.C.
North Carolina State University, Raleigh, N.C.
Nu-ag Inc., Rochelle, Ill.
Nutting, H. C., Co., Cincinnati, Ohio.

O

Ohio Florist Association, Columbus, Ohio.
Ohio State University, Columbus, Ohio.
Ohio State University, Department of Agronomy, Columbus, Ohio.[2]
Ohio State University, Institute of Polar Studies, Columbus, Ohio.[2]
Ohio State University, Organismic and Developmental Biology, Columbus, Ohio.[2]
Oklahoma State University, Stillwater, Okla.
Oklahoma State University, School of Civil Engineering, Stillwater, Okla.[2]
Oklahoma Soil Testing Laboratories, Oklahoma City, Okla.
Old Dominion University, Norfolk, Va.
Olson Management Service, Freeport, Ill.
O'Neal, Carl, & Associates, Dallas, Tex.
Oregon State University, Oceanography Department, Corvallis, Oreg.[2]
Oregon State University, Soils Department, Corvallis, Oreg.[2]
Osborne Laboratories, Inc., Los Angeles, Calif.
Owens-Corning Fiberglas Corp., Granville, Ohio.[2]

P

Pacific Clay Products, Santa Fe Springs, Calif.[2]
Pan American Laboratories, Brownsville, Tex.[2]
Parke, Davis, and Co., Detroit, Mich.[2]
Pattison's Laboratories, Inc., Harlingen, Tex.
Pennsylvania, University of, Department of Geology, Philadelphia, Pa.[2]
Pennsylvania State University, Department of Agronomy, University Park, Pa.[2]
Perry Laboratory, Los Gatos, Calif.[2]
Peters, Robert B., Co., Allentown, Pa.
Pfizer, Charles, & Co., Inc., Groton, Conn.[2]
Pfizer, Charles, & Co., Inc., Maywood, N.J.[2]
Pittsburgh Testing Laboratory, Pittsburgh, Pa.[1]
Plains Laboratory, Lubbock, Tex.
Plant Science Associates, Inc., Winter Haven, Fla.
Plantation Field Laboratory, Fort Lauderdale, Fla.
Pope, W. I., Mobile, Ala.
Portland State College, Portland, Oreg.
Portland State College, Department of Biology, Portland, Oreg.[2]
Princeton University, Princeton, N.J.
Princeton University, Department of Geology, Princeton, N.J.[2]
Princeton University, Soil Mechanics Department, Princeton, N.J.[2]
Purdue University, Department of Agronomy, Lafayette, Ind.[2]
Purdue University, Department of Entomology Residue Laboratory, Lafayette, Ind.

Q

Queens College, Flushing, N.Y.

R

Rabe, Fred N., Engineering, Inc., Fresno, Calif.
Reitz & Jens, Clayton, Mo.
Reynolds, Smith, & Hills, Hollywood, Fla.
Rice University, Department of Geology, Houston, Tex.[2]
Richfield Oil Corp., Long Beach, Calif.
Rocky Mountain Geochemical, Prescott, Ariz.[2]
Rocky Mountain Technology, Inc., Golden, Colo.
Royster Co., Norfolk, Va.[1]
Rutgers—The State University, New Brunswick, N.J.
Rutgers—The State University, Department of Soils and Crops, New Brunswick, N.J.[2]
Rutgers—The State University, International Agricultural Programs, New Brunswick, N.J.[2]

S

San Diego State College, Department of Geology, San Diego, Calif.[2]
Schering Corp., Bloomfield, N.J.[2]
Scientific Associates, St. Louis, Mo.
Scottland Soil Laboratory, Chrisman, Ill.
Scott, O. M., & Sons Seed Co., Marysville, Ohio.
Seabrook Farms, Seabrook, N.J.
Shannon & Wilson Co., Seattle, Wash.[2]
Shilstone Testing Laboratory, Inc., Baton Rouge, La.
Shilstone Testing Laboratory, Inc., Lafayette, La.
Shilstone Testing Laboratory, Inc., Monroe, La.
Shilstone Testing Laboratory, Inc., New Orleans, La.
Shilstone Testing Laboratory, Inc., Houston, Tex.
Signal Oil & Gas Co., Los Angeles, Calif.[2]
Skyline Laboratories, Inc., Wheatridge, Colo.[2]
Smith-Douglas, Chesapeake, Va.
Snohomish Farm Veterinary Service, Snohomish, Wash.
Soil Consultants, Inc., Charleston, S.C.
Soil & Plant Laboratory, Inc., Orange, Calif.[2]
Soil & Plant Laboratory, Inc., Santa Clara, Calif.[2]
Soil Mechanics Services, Mount Vernon, N.Y.[2]
Soil Mechanics & Foundation Engineers, Inc., Palo Alto, Calif.[2]
Soil Testing Services, Northbrook, Ill.[2]
South Carolina, University of, Columbia, S.C.
South Dakota, University of, Department of Zoology, Vermillion, S. Dak.[2]
Southwestern Materials Laboratory, Phoenix, Ariz.
Southern California Testing Laboratory, Inc., San Diego, Calif.[2]
Southern Illinois Farm Foundation, Vienna, Ill.
Southern Laboratories, Mobile, Ala.
Southern Technical Services, Inc., Jackson, Miss.
Southern Testing and Research Laboratories, Wilson, N.C.
Southwestern Agricultural Testing Co., Fabens, Tex.[2]
Southwestern Irrigation Field Station, Brawley, Calif.
Southwestern Laboratories, Inc., Houston, Tex.[1]
Southwestern Laboratories of Louisiana, Inc., Alexandria, La.
Southwestern Laboratories of Louisiana, Inc., Baton Rouge, La.
Southwestern Laboratories of Louisiana, Inc., Monroe, La.
Southwestern Laboratories of Louisiana, Inc., Shreveport, La.
St. Louis Testing Laboratories, Inc., St. Louis, Mo.
Standard Fruit Co., New Orleans, La.[2]
Standard Laboratories, Goodfield, Ill.
Standard Testing & Engineering Co., Oklahomas City, Okla.[2]
Stanford Research Institute, Irvine, Calif.
Stanford Research Institute, Menlo Park, Calif.
Stauffer Chemical Co., Richmond, Calif.
Stillwell & Gladding, Inc., New York, N.Y.
Strawinski Laboratory, Long Beach, Calif.
Suerdrup and Parcel & Associates, Inc., St. Louis, Mo.
Sullivan County Farm Bureau Co-op, Sullivan, Ind.
Syracuse University Research Corp., Syracuse, N.Y.

T

Taylor, John, Fertilizers, Sacramento, Calif.[2]
Techlab, Inc., Cincinnati, Ohio.
Tenneco Chemicals, Inc., Piscataway, N.J.[2]
Tennessee, University of, Nashville, Tenn.
Test, Inc., Memphis, Tenn.
Testing Engineers, Inc., San Diego, Calif.[2]
Tetco Engineering Testing, Corpus Christi, Tex.
Texas, University of, Department of Botany, Austin, Tex.[2]
Texas A. & M. University, College Station, Tex.
Texas A. & M. University, Soil and Crop Science Department, College, Station, Tex.[2]
Texas A. & M. University, Soil Testing Laboratory, College Station, Tex.[2]
Texas Industries, Inc., Midlothian, Tex.[2]
Texas Soil Laboratory, McAllen, Tex.[2]
Texas Technological University, Department of Agronomy, Lubbock, Tex.[2]
Texas Testing Laboratories, Dallas, Tex.
Thompson, Vester, J., Jr., Inc., Mobile, Ala.
Thornton & Co., Tampa, Fla.
Three Gee Dee, Pembroke, Fla.
Tippetts-Abbett-McCarthy-Stratton, New York, N.Y.[2]
T–M–T Chemical Co., Inc., Five Points, Calif.
Triple S Laboratory, Inc., Loveland, Colo.[2]
Tri-State Soil Laboratory, Toledo, Ohio.
Trinity Testing Laboratories, Inc., Corpus Christi, Tex.
Twin City Testing & Engineering Laboratory, Inc., St. Paul, Minn.
Twin County Service Co., Murphysboro, Ill.
Twining Laboratories, Inc. (The), Fresno, Calif.[2]
Twining Laboratory of Southern California, Long Beach, Calif.

U

U.S. Borax Research Corp., Anaheim, Calif.
U.S. Laboratories, Inc., Oakland, Calif.
U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, N.Y.
U.S. Terrestrial Plants Laboratory, Hanover, N.H.
U.S. Testing Co., Inc., Hoboken, N.J.
U.S. Testing Co., Inc., Memphis, Tenn.[2]
U.S. Testing Laboratory, Richland, Wash.
Union Carbide Corp., Grand Junction, Colo.[2]
Union Carbide Corp., Niagara Falls, N.Y.[2]
Union Carbide Corp., South Charleston, W. Va.[2]
Union Oil Company of California, Brea, Calif.
Upjohn Co., Kalamazoo, Mich.[2]
USS Agri-Chemicals, Decatur, Ga.
USS Agri-Chemicals, Belmond, Iowa.
USS Agri-Chemicals, Nashville, Tenn.
Utah, University of, Department of Geography, Salt Lake City, Utah.[2]
Utah State University, Logan, Utah.

U.S. GOVERNMENT

National Aeronautics and Space Administration, Moffett Field, Calif.[2]
U.S. Department of Agriculture, ARS, Entomology Research Division, Beltsville, Md.[1]
U.S. Department of Agriculture, ARS, Plant Protection Division, Gypsy Moth Laboratory, Otis AFB, Mass.
U.S. Department of Agriculture, ARS, Plant Protection Division, Pesticide Monitoring Laboratory, Gulfport, Miss.
U.S. Department of Agriculture, ARS, Plant Protection Division, Golden Nematode Laboratory, Hicksville, N.Y.

See footnotes at end of document.

U.S. Department of Agriculture, ARS, Plant Protection Division, Cyst Nematode Laboratory, Franklin, Va.
U.S. Department of Agriculture, ARS, Plant Science Research Division,[4] Beltsville, Md.[1]
U.S. Department of Agriculture, ARS, Plant Science Research Division,[4] Weslaco, Tex.[2]
U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Beltsville, Md.[1]
U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Salinity Laboratory, Riverside, Calif.[2]
U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Fort Collins, Colo.[2]
U.S. Department of Agriculture, Forest Service, Washington, D.C.[1]
U.S. Department of Agriculture, SCS, Engineering Division, Washington, D.C.[1]
U.S. Department of Agriculture, SCS, Engineering & Watershed Planning Unit, Portland, Oreg.[2]
U.S. Department of Agriculture, SCS, Soil Survey, Washington, D.C.[1]
U.S. Department of Agriculture, SCS, Soil Survey, Riverside, Calif.[2]
U.S. Department of Commerce, National Bureau of Standards, Health Physics Section, Gaithersburg, Md.[2]
U.S. Department of Defense, U.S. Army Construction Engineering Research Laboratory, Champaign, Ill.[2]
U.S. Department of Defense, U.S. Army, Corps of Engineers, Washington, D.C.[1]
U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Sausalito, Calif.[2]
U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Marietta, Ga.[2]
U.S. Department of Defense, U.S. Army, Corps of Engineers, Vicksburg, Miss.[2]
U.S. Department of Defense, U.S. Army, Department of Surgical Microbiology, WRAMC, Washington, D.C.[2]
U.S. Department of Defense, U.S. Army, Electronics Command, Institute for Exploratory Research, Fort Monmouth, N.J.[2]
U.S. Department of Defense, U.S. Army, Terrestrial Sciences Center, Hanover, N.H.[2]
U.S. Department of Defense, U.S. Air Force, Air Force Weapons Laboratory, Albuquerque, N. Mex.[2]
U.S. Department of Defense, U.S. Navy, Naval Weapons Center, China Lake, Calif.[2]
U.S. Department of Health, Education, and Welfare, Health Services and Mental Health Administration, National Communicable Disease Center, Atlanta, Ga.[2]
U.S. Department of the Interior, Geological Survey, Washington, D.C.[1]
U.S. Department of the Interior, Geological Survey, Water Resources Division, Denver, Colo.[2]
U.S. Department of the Interior, Bureau of Indian Affairs, Soil Testing Laboratory, Gallup, N. Mex.
U.S. Department of the Interior, Bureau of Mines Research Center, College Park, Md.[2]
U.S. Department of the Interior, Bureau of Reclamation, Division of Research, Denver, Colo.[2]
U.S. Department of Transportation, Federal Highway Administration, Washington, D.C.[1]

V

Velsicol Chemical Corp., Chicago, Ill.[2]
Vermont, University of, Burlington, Vt.
Virginia Department of Highways, Richmond, Va.
Virginia Polytechnic Institute, Blacksburg, Va.[2]
Virginia Truck Experiment Station, Painter, Va.
Virginia Truck Experiment Station, Virginia Beach, Va.
Vistron Company, Lima, Ohio.

W

Wahler, W. A., & Associates, Palo Alto, Calif.
Walker Laboratories, Columbia, S.C.
Walker Laboratories, Florence, S.C.
Ward, Joseph S., Caldwell, N.J.
Ward Lind Engineers, Inc., Jackson, Miss.
Warf Institute, Inc., Madison, Wis.
Washington, University of, College of Forest Resources, Seattle, Wash.[2]
Washington, University of, Department of Geological Sciences, Seattle, Wash.[2]
Washington, University of, Department of Geology, Seattle, Wash.[2]
Washington, University of, Department of Microbiology, Seattle, Wash.[2]
Washington State University, Department of Agronomy, Pullman, Wash.[2]
Washington State University, Department of Botany, Pullman, Wash.[2]
Washington State University, Soil Testing Laboratory, Pullman, Wash.
Weber State College, Ogden, Utah.
Weber State College, Department of Microbiology, Ogden, Utah.[2]
West Virginia Department of Highways, Charleston, W. Va.
Western Ag Laboratory, Redlands, Calif.[2]
Western Research Laboratories, Niagara Chemical Division FMC, Richmond, Calif.
Wharton County Junior College, Wharton, Tex.
William and Mary, College of, Williamsburg, Va.
Winthrop College, Department of Biology, Rock Hill, S.C.[2]
Wisconsin, University of, Madison, Wis.
Wisconsin, University of, Department of Botany, Madison Wis.[2]
Wisconsin, University of, Soils Department, Madison, Wis.[2]
Wolf's, Dr. Agricultural Laboratories, Fort Lauderdale, Fla.[2]
Woodward Research Corp., Herndon, Va.
Woodson-Tenent Laboratories, Memphis, Tenn.
Woodville Lime Products, Woodville, Ohio.
Woodward, Clyde, & Associates, Kansas City, Mo.
Woodward, Clyde, & Associates, Clifton, N.J.[2]
Woodward, Clyde, Sherard, & Associates, Denver, Colo.[2]
Woodward, Clyde, Sherard & Associates, St. Louis, Mo.
Wyoming, University of, Laramie, Wyo.
Wyoming, University of, Botany Department, Laramie, Wyo.[2]
Wyoming, University of, Soils Section, Laramie, Wyo.[2]

Y

Yakima Testing Laboratory, Yakima, Wash.
Yale University, New Haven, Conn.
Yale University, Greeley Laboratories, New Haven, Conn.[2]
Yeshiva University, New York, N.Y.[2]

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This document shall become effective upon publication in the FEDERAL REGISTER (2-20-71) when it shall supersede PPD 639 dated September 5, 1970, and amendment thereto dated October 3, 1970.

Under the provisions of the regulations supplemental to the notices of quarantine cited herein, soil samples for processing, testing, or analysis may be moved interstate from any regulated area specified in the regulations to laboratories approved by the Director and so listed by him. A laboratory may be approved if a compliance agreement is signed: samples are packaged to prevent spilling of soil; and soil residues, hazardous water residues, and shipping containers are treated in accordance with specified procedures.

The Director of the Plant Protection Division has approved the above-listed laboratories as establishments which meet the qualifications required under the regulations. The listed establishments are, therefore, authorized to receive soil samples from the regulated areas specified in the regulations without certificates or permits attached.

This action relieves certain restrictions presently imposed. Therefore, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions that are being relieved. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of February 1971.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[FR Doc.71-2340 Filed 2-19-71;8:46 am]

Packers and Stockyards Administration

LOS ANGELES PRODUCERS STOCKYARDS ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

CALIFORNIA

Los Angeles Producers Stockyards, Ontario, Dec. 31, 1970.

GEORGIA

Carroll County Livestock Sales Barn, Inc., Carrollton, Dec. 28, 1970.
Southeastern Livestock Market, Inc., Covington, Feb. 2, 1971.

KENTUCKY

Green Valley Pig Market, Inc., Glasgow, Jan. 12, 1971.

MISSOURI

Fruitland Livestock Auction, Inc., Fruitland, Dec. 30, 1970.

Done at Washington, D.C., this 16th day of February 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-2382 Filed 2-19-71;8:49 am]

MICHIGAN AGRICULTURAL COOPERATIVE MARKETING ASSN. FEEDER PIG DIVISION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Michigan Agricultural Cooperative Marketing Assn., Feeder Pig Division, Lake City, Mich.
Rushford Sale Barn, Rushford, Minn.
Weddles Sale Barn, Bethany, Mo.
Edgeley Livestock Sales, Inc., Edgeley, N. Dak.
Producers Livestock Association, Marysville, Ohio.
Waurika Livestock Market, Waurika, Okla.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 16th day of February 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-2381 Filed 2-19-71;8:49 am]

[1] See footnotes at end of document.

[1] National Compliance Agreement—applies to all branch laboratories in conterminous United States.
[2] Authorized to receive foreign samples only.
[3] Authorized to receive foreign samples also.
[4] Formerly known as the Crops Research Division.

DEPARTMENT OF COMMERCE

Maritime Administration

FIRST NATIONAL BANK OF BOSTON

Notice of Approval of Applicant as Trustee

In F.R. Doc. 66-5463 (31 F.R. 7256, May 18, 1966), notice was given that Old Colony Trust Co. had been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

As of close of business on December 31, 1970, Old Colony Trust Co. was converted from a State banking corporation to a National banking association under the name "Old Colony Trust, National Association," as approved by the Comptroller of the Currency.

As of the opening of business on January 4, 1971, the merger approved by the Comptroller of the Currency became effective, whereby Old Colony Trust, National Association, and The First National Bank of Boston were merged into The Massachusetts Bank, National Association, under the charter of The Massachusetts Bank, National Association, under the title "The First National Bank of Boston."

Notice is hereby given that the new bank; namely, The First National Bank of Boston, 67 Milk Street, Boston, MA, was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: February 16, 1971.

BURT KYLE,
Acting Chief,
Office of Ship Operations.

[FR Doc.71-2403 Filed 2-19-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-175; NDA Nos. 3-409, 4-382]

McNEIL LABORATORIES, INC., AND NOVOCOL CHEMICAL MANUFACTURING CO., INC.

Sulfathiazole-Containing Drugs for Systemic Use in Humans; Notice of Withdrawal of Approval of New-Drug Applications

In an announcement (DESI 2853) published in the FEDERAL REGISTER on September 11, 1969 (34 F.R. 14299), holders of new-drug applications for certain sulfathiazole-containing drugs for systemic use, and all other holders of new-drug applications for drugs containing sulfathiazole for systemic use in man, as well as other interested persons, were invited by the Commissioner of Food and Drugs to submit data bearing on his intention to initiate proceedings to withdraw approval of these new-drug applications.

McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034, holder of new-drug application No. 3-409 for Sulfathiazole tablets and Novocol Chemical Manufacturing Co., Inc., 2911 Atlantic Avenue, Brooklyn, New York 11207, holder of new-drug application No. 4-382 for Sulfathiazole tablets have waived opportunity for a hearing on the proposed withdrawal of their new-drug applications by indicating in writing their intentions not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds with respect to each of said drugs: (1) New evidence of clinical experience not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveal that the drug is not shown to be safe for use upon the basis of which the applications were approved; (2) in view of the known serious hazards associated with such use and the imbalance between benefit and risk of serious untoward effects from such drugs, their continued use systematically is not warranted as other available sulfonamides have equivalent benefit and involve much less risk; and (3) new information, evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing findings, approval of NDA No. 3-409 for Sulfathiazole tablets and NDA No. 4-382 for Sulfathiazole tablets, and all amendments and supplements thereto, are withdrawn effective on the date of the signature of this document.

Dated: February 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2348 Filed 2-19-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Alabama Power Co., 600 North 18th Street, Birmingham, AL 35203, pursuant to the Atomic Energy Act of 1954, as

amended, filed an application dated October 10, 1969, and an application Amendment No. 1 dated June 26, 1970, for authorization to construct first one then a second, pressurized water nuclear reactor, designated as the Joseph M. Farley Nuclear Plant, Units No. 1 and No. 2, respectively, on the applicant's site in Houston County, Ala.

The site is located on the west side of the Chattahoochee River located about 16½ miles east of Dothan, Ala.

The proposed nuclear plant will be comprised of two pressurized water nuclear reactors, which are each to have a net electrical capacity of about 829 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

A copy of the application and Amendment No. 1 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the Honorable A. A. Middleton, Chairman, Houston County Commission, City of Dothan, Houston County, Ala.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2262 Filed 2-19-71;8:45 am]

[Dockets Nos. 50-382, 50-383]

LOUISIANA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70114, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated December 28, 1970, for two construction permits and facility licenses to authorize construction and operation of two pressurized water reactors on the applicant's approximately 100-acre part of the 3,600-acre site on the west bank of the Mississippi River near the town of Taft, La. The site is located in St. Charles Parish, about 20 miles west of New Orleans, La.

The proposed reactors are designated by the applicant as the Waterford Steam Electric Station, Units 3 and 4. Unit No. 3 is designed for a maximum expected output of 3,580 megawatts (thermal) with a net output of about 1,165 megawatts (electrical). The final decision to construct Unit No. 4 has not been made with any supplier or engineering consultant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 13, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the President of St. Charles Parish Police Jury, Hahnsville, La.

Dated at Bethesda, Md., this 10th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2084 Filed 2-12-71;8:50 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, Calif.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 12th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2263 Filed 2-19-71;8:45 am]

[Docket No. 50-59]

TEXAS A & M UNIVERSITY

Notice of Issuance of Construction Permit and Proposed Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued Construction Permit No. CPRR-112, effective as of the date of issuance, to the Texas A & M University. The University presently possesses and operates an AGN-201 type training reactor at power levels up to 100 milliwatts (thermal) under Facility License No. R-23 issued by the Commission on August 26, 1957. The permit authorizes the University to dismantle the reactor which is located in the Mechanical Engineering Shops Building and to relocate and reconstruct the reactor in the new Engineering Center Building on the campus at College Station, Tex., in accordance with the procedures described in the application dated November 3, 1970, and the permit. The new location is approximately 1,400 feet from its present location.

The Commission has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the construction permit, and has concluded that the issuance of the construction permit will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of the construction permit is not required since the dismantlement, relocation, and reconstruction do not involve significant hazards considerations different from those previously evaluated.

Upon completion of the reconstruction of the AGN-201 reactor in the new location in compliance with the terms and conditions of the application and the construction permit, and in the absence of good cause to the contrary, the Commission will issue to the Texas A & M University (without prior notice) an amendment to Facility License No. R-23 authorizing operation of the AGN reactor at the new location at the presently authorized power level of up to 100 milliwatts (thermal) since the application is sufficiently complete to permit evaluation of the safety of the proposed operation in the Engineering Center Building.

Prior to the issuance of the amendment to the license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application and the provisions of Construction Permit No. CPRR-112. The license amendment will be issued after the Commission makes the findings related to its review of the application, which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

In addition, the University will be required to execute an amended indemnity agreement as required by section 170 of the Act and by 10 CFR Part 140.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of the permit or the proposed license amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these actions, see (1) the application dated November 3, 1970, (2) the construction permit and proposed facility license amendment, and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (2) and (3) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of February 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-2319 Filed 2-19-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22931, 23080; Order 71-2-67]

APACHE AIRLINES, INC.

Amended Order To Show Cause [1]

Issued under delegated authority February 12, 1971.

The Postmaster General (PMG) filed a petition December 23, 1970, pursuant to 14 CFR Part 298, requesting the Board to establish for Apache Airlines, Inc. (Apache), an air taxi operator, final service mail rates for the transportation of mail by aircraft between Kingman and Prescott, Ariz. By Show Cause Order 71-1-99, issued January 21, 1971, the Board proposed to establish the service rates as requested by the PMG. On January 29, 1971, the PMG filed an amendment to his petition stating that the service rates he previously requested should be for the transportation of mail by Apache between Kingman, Prescott, and Phoenix, Ariz. Accordingly, this amended show cause order includes Phoenix, Ariz., among the points covered by the proposed rates.

No service mail rates are currently in effect for this transportation by Apache. The Postmaster General requests on behalf of Apache that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[2] He states that the Postal Service and Apache agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, which instituted an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Apache of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Apache will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, as amended, and other matters officially noticed, it is proposed to issue an order [3] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Apache Airlines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Kingman, Prescott, and Phoenix, Ariz., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Apache Airlines, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Docket 23080 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(f):

It is ordered, That:

1. Apache Airlines, Inc., the Postmaster General, Hughes Air Corp., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Apache Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the service connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below;

3. Apache Airlines, Inc., is hereby made a party in Docket 23080; and

4. This order shall be served upon Apache Airlines, Inc., the Postmaster General, and Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc.71-2374 Filed 2-19-71;8:48 am]

[1] This order supersedes Order 71-1-99, Jan. 21, 1971, in Dockets 22931, 22671, and 22731. On Feb. 8, 1971, Dockets 22671 and 22731 were consolidated into Docket 23080.

[2] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at Phoenix and 9.36 cents at Kingman and at Prescott, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[3] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23110; Order 71-2-80]

CHINA NATIONAL AVIATION CORP.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of February 1971.

By Order E-815, dated September 5, 1947, and approved by the President September 20, 1947, the Board issued a foreign air carrier permit to China National Aviation Corp. (CNAC) which authorized it to engage in foreign air transportation with respect to persons, property, and mail between the terminal point Shanghai, Republic of China, the intermediate point Honolulu, Hawaii, and the terminal point San Francisco, Calif.

The Board has been advised that the Government of the Republic of China ordered CNAC dissolved in 1949 and requests cancellation of the foreign air carrier permit granted to CNAC in 1947.

Based upon the foregoing, the Board tentatively finds that the foreign air carrier permit now held by CNAC should be canceled and that, unless objections are received within 20 days of the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by China National Aviation Corp;

2. Any interested person having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order;[1]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. China National Aviation Corp. and the Ambassador of the Republic of China shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2375 Filed 2-19-71;8:48 am]

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 21866; Order 71-2-70]

FRONTIER AIRLINES, INC.

Order Regarding Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of February 1971.

By Order 71-1-45, dated January 8, 1971, the Board suspended a proposal of Frontier Airlines, Inc. (Frontier), to increase numerous regular fares. On January 22, 1971, Frontier filed a petition for reconsideration of Order 71-1-145 insofar as it suspended:

1. The proposed increase in deluxe jet coach fares from 110 percent to 115 percent of regular jet coach fares and;

2. The proposed increases in jet coach and deluxe jet coach fares in 33 markets.

Frontier asserts that its proposal to increase deluxe coach fares was intended to conform with the Board's decision to permit an increase in first-class fares from 125 percent to 130 percent of regular coach fares, since its deluxe coach service is a substitute for first-class on its B-737 aircraft. The carrier further asserts that the differential between its regular coach fares and its deluxe coach fares should be at least 15 percent since the space occupied by five-abreast seats (deluxe coach) compared to six-abreast seats (regular coach) increases the unit cost by 20 percent.

With respect to proposed fares in 33 markets Frontier alleges that the Board has recognized the need for increased fares in hub markets on the basis of extra costs created by air traffic congestion; that equal recognition should be given to the more serious problems involved in serving markets which can support only minimal frequencies and which produce relatively modest loads on jet aircraft; and that the charge of excess capacity and overscheduling cannot be sustained in these markets since they are served with minimal frequency. The carrier alleges that all of these markets are affected by special circumstances which result in atypical costs. These special circumstances are: (a) Low density markets having low frequency and/or low average loads on jet aircraft, (b) very short haul markets (200 miles or less) involving high costs, and (c) some markets which are both short haul and low in traffic density.

Frontier alleges that the Board has permitted local service carriers to establish higher jet fares in noncompetitive, low density markets because these services are more costly to provide than service over dense trunkline routes upon which the present jet coach formula is based and that, although it designates its jet service as coach, the same principles should be applied to its proposed increases in low density markets as were applied to Air West's recent across-the-board increases in standard class fares in that carrier's noncompetitive jet markets. No answers to the petition were filed.

Upon consideration of the petition and all relevant matters, the Board has concluded to vacate the suspension of deluxe coach fares previously ordered. These fares will remain under investigation in the Domestic Passenger-Fare Investigation, Docket 21866.

In view of our recent decision to permit an increase in jet first-class fares from 125 percent to 130 percent of normal coach fares, we believe a valid basis exists for permitting Frontier a similar increase in its deluxe coach fares. The seating arrangement (five-abreast) and other amenities provided in this service would appear to indicate a fare level midway between normal coach and first-class.

We are not persuaded that the proposed increases in normal coach fares in 33 markets[1] are warranted at this time. Frontier attempts to place its proposal in the same context as situations involving congested hubs and asserts that operations (and costs) in these markets are similarly atypical of those prevailing generally in the air transport system. The hub concept involves extraordinary costs, clearly atypical of a carrier's system as a whole or of the air transport industry in general. On the other hand, the operational and economic characteristics of the 33 markets in question are found in many markets served by the local service industry, and the question of the appropriate fare level in such markets is squarely in issue in the ongoing passenger-fare case. Finally, we distinguish between the increases sought here and those previously permitted other local carriers for standard class service, since Frontier operates its coach service in six-abreast configuration, whereas standard class service is generally provided with five-abreast seating at a somewhat greater seat pitch. For these reasons, we will deny the carrier's request that suspension of these fares be vacated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The suspension of the J fares (Jet Deluxe Coach Fares) and provisions described in Appendix A[2] directed in Order 71-1-45 is vacated; [3]

2. Except to the extent granted in paragraph 1 above, the petition for reconsideration filed herein is hereby denied; and

3. A copy of this order will be filed with the aforesaid tariff and be served upon Frontier Airlines, Inc.

[1] We will permit Frontier to increase its deluxe coach fares in these markets to 115 percent of the existing regular coach fare.

[2] Appendix A filed as part of the original document.

[3] The fares and provisions will become effective in accordance with the filing of appropriate tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2376 Filed 2-19-71;8:49 am]

[Docket No. 11278; Order 71-2-81]

NEW YORK-SAN JUAN MARKET

Order Regarding Container Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1971.

By Order 70-8-82 dated August 20, 1970, the Board requested interested parties to advise within 30 days why the Board's minimum cargo rate order in the New York-San Juan market should not be further amended to permit additional container discounts. Previously, by amending Order 70-2-97 dated February 24, 1970, the Board authorized the implementation of certain domestic containerization incentives for Types A, B, B-2, and D containers. Subsequently, by Order 70-4-138 and 70-7-23 dated April 28 and July 6, 1970, respectively, the Board authorized the implementation of different international containerization incentives for Types LD-3 and pallet/igloo (LD-7) containers. Reconsideration of Order 70-7-23 was requested, but denied by the Board by Order 70-8-82, supra. Accompanying such denial, however, was a proposed further modification of the minimum rate order whereby the international concepts would also be permitted on the Type A, B, B-2, and D containers, and the domestic concepts permitted on the LD-3 and LD-7 units. By this means, competitive rates could be established for all containerized traffic, and all carriers could offer competitive rates, irrespective of the aircraft or container-type utilized.

Pan American World Airways, Inc. (Pan American) and Trans Caribbean Airways, Inc. (Trans Caribbean) have supported such further modification. In addition, in the interests of simplicity, both Pan American and Trans Caribbean have urged standardization of excess-weight rates at 10 cents per pound which has not been opposed.[1] The carriers state that this adjustment would have negligible effect on the container rates and charges and would simplify the tariffs.

In opposition to the Board's proposed modification, however, Airlift International, Inc. (Airlift) has proposed a new schedule of container rates,[2] wherein the cubic capacity of each container at a minimum density of 7 pounds per cubic foot (lb/cft) is rated at 13 cents per pound, a density incentive created at 12 lb/cft wherein the rate would be 10 cents per pound, and the payload-density and rate stages in between 7 and 12 lb/cft would be equally incremented, as follows:

Payload density (lb cu. ft.)	Rate in cents per pound
7	13.9
8	12.4
9	11.8
10	11.2
11	10.6
12	10.0

Thus each container, irrespective of type and capacity, would offer the same rate per pound at the same payload density. In practice and in tariff form, Airlift proposes that this formula be expressed as a series of specific minimum weight plateaus, with a total dollar charge for each, that such charges be constant as between such density plateaus, and that an excess-weight rate (10 cents per pound) would apply only above the maximum density level (12 lb/cft), as shown in the examples noted below.[3]

Container Type	Container Cube (cu-ft.)	Payload density (lb./cu-ft.)	Minimum weight (lb.)	Rate per (lb.)	Charge per container
A-2	426 to 450	7	3,150	13.0	$410.00
		8	3,600	12.4	446.40
		9	4,050	11.8	477.90
		10	4,500	11.2	504.00
		11	4,950	10.6	524.70
		12	5,400	10.0	540.00
D	63.44	7	444	13.0	57.72
		8	507	12.4	62.87
		9	571	11.8	67.38
		10	634	11.2	71.01
		11	698	10.6	73.99
		12	761	10.0	76.10

By a response filed January 7, 1971, Pan American opposes Airlift's counterproposal as being technically deficient in not recognizing that a charge computed within one weight range should not exceed the average charge for the next higher weight range.[4]

Present Type D container charges, or as proposed by the Board in Order 70-8-82, supra, would range from $72 to $76, from $403 to $568 for the Type A-2 container. Thus Airlift states that the proposed charges would approximate the existing and/or Board proposed range of charges.

The Mayor and City Council of Baltimore, the Chamber of Commerce of Metropolitan Baltimore, and the Chairman, State Aviation Committee, in a joint answer have also responded to Order 70-8-82. While not commenting on the existing or proposed container rates, charges, or formulas, per se, the Baltimore and Maryland parties request that the Board's modifications of its minimum rate order permitting such container rates be made equally applicable from and to Baltimore.[5]

The initial modifications to permit discounts for the LD-3 and LD-7 containers were based on cubic capacities for these units of 158 and 350 cubic feet, respectively. Pan American's response to Order 70-8-82 specifically focuses on the Board's proposed use of outside dimensions, and advocates 160 cft for the LD-3 unit, instead of 158 cft as previously employed. In addition, while conceding a range of 355 to 400 cft for the LD-7 unit, they advocate 350 cft as the basis for pricing, thus insuring continuation of existing LD-7 rates in this market. Pan American also suggests certain minor adjustments in the existing container rates on Type A-1 and A-2 pallet/igloos to simplify the rates on such units.

Upon consideration of the responses to Order 70-8-82 and other relevant matters, and in consideration of the power the Board has reserved in Order E-23840 to make modifications in the minimum rates without hearing, and of the fact that no hearing has been requested by any party, the outstanding minimum rates will be further modified by the order herein so as to permit additional discounts on containerized traffic, essentially as proposed in Order 70-8-82. The only exceptions thereto which we now introduce will consist of (1) a standard excess-weight rate of 10 cents per pound, and (2) cube capacities on the LD-3 and LD-7 containers of 160-166, and 373 cubic feet, respectively. The change in excess-weight rates will simplify the tariff publication and use of these rates.

The change in cube for the LD-3 unit from 158 to 160 cu. ft. is minor and will not materially affect the charges on this unit. We are establishing, however, an appropriate level of charges for this unit

[4] Concurring and dissenting statement of Vice Chairman Gillilland filed as part of the original document.

[1] As shown in Attachment A to Order 70-8-82, the referenced domestic formula produces an excess-weight rate of 9.5 cents per pound, and the international formula produces a rate of 10 cents per pound.

[2] Airlift's response was not timely with respect to the 30-day period set forth in Order 70-8-82 (answers due September 21, 1970). Accordingly, their reply of October 7, 1970, to the Pan American and Trans Caribbean responses was accompanied by a motion for leave to file such reply. Airlift states that counter-proposals to the Board's order were introduced by the other carriers, and that although Airlift did not intend to note any objections to the Board's order, the modifications suggested by the other carriers now necessitate a response by Airlift. The Board will grant Airlift's motion.

[3] See the following table:

[4] Pan American's response was accompanied by a motion for leave to file an unauthorized document which the Board will grant.

[5] The Board's original minimum rate Order E-23431 dated March 28, 1966, and as amended, applies equally to Baltimore, Philadelphia, and Washington, as well as New York and Newark, and no further condition upon the Board's outstanding orders is necessary in order to permit common rating of the above cities in the Puerto Rico market. The Board notes, however, that only New York and Newark have been accorded container rates to San Juan by the carriers.

when it consists of the larger 166 cu. ft. version.

We have concluded to use 373 cu. ft. as the premise for construction of LD–7 rates. This figure is the product of the useable base dimensions of 122" x 84", which Pan American concedes, times a height of 63", as opposed to Pan American's stated practice of limiting pallet build-up to 60". To avoid such change in these rates without adequate notice, however, we will not require upward revision of existing tariffs on the LD–7 unit until April 1, 1971.

The Board will not adopt Airlift's proposed new schedule of rates for the reason that it is believed to be technically deficient with respect to payloads at any point between any of the various specified minimum weights and fixed container charges.[6] While we recognize that such a fixed-charge schedule of rates would indeed simplify the application of charges, the resulting anomalies and conflicts are considered to preclude the concept as now presented.

Neither will we adopt Pan American's suggestions for the revision of Type A rates. Although their objective is worthwhile and would simplify such rates, it would also distort the balance between Type A units of varying cube. The existing provisions reflect the earlier-approved domestic container agreement wherein the carriers fashioned the relationship of these units, and we do not believe that this should be disturbed at this time.

In order to prescribe in one order the minimum rates, charges, and other relevant provisions applicable to containerized traffic, which have previously been set forth in a series of orders amending the basic rate orders, we will by this order withdraw the series of previous modifications and specifications prescribed in such orders, and will prescribe herein the complete schedule of modifications to the basic orders as related to container traffic.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The motions of Airlift International, Inc., and Pan American World Airways, Inc., dated October 7, 1970, and January 5, 1971, respectively, for leave to file documents in Docket 11278 are granted;

2. The specifications establishing the minimum rates, charges, provisions, and other conditions for the carriage of containerized traffic as set forth in Order 69–4–32 dated April 4, 1969, and Orders 70–2–97, 70–4–138, and 70–7–23 dated February 24, April 28, and July 6, 1970, respectively, are hereby withdrawn;[8]

3. Order E–23431 dated March 28, 1966 (as amended by Order E–23840 dated June 21, 1966) is hereby further amended to establish minimum rates, charges and other terms and conditions applicable to the carriage of containerized traffic as follows:[9]

(A) The airport-to-airport transportation of shipper-loaded/consignee-unloaded Type A, B, B–2, and D containers, as defined in Agreement CAB 21225 may be performed:

(1) Without charging for the empty (tare) weight of such containers, as provided in said agreement;

(2) A minimum payload for such containers shall be imposed, as provided in said agreement;

(3) Unitization discounts may be applied to such containers, as provided in said agreement, and a density incentive at 10 cents per pound may be applied, applicable to all poundage in the respective containers in excess of the minimum weights imposed;

(4) Detention charges shall be assessed on such containers, as provided in said agreement; and

(5) An additional density incentive based on 11.97 pounds per cubic foot may be applied, times a rate of 10 cents per pound, and all poundage in excess of such minimum weight shall be charged at 10 cents per pound;

(B) The airport-to-airport transportation of carrier-owned shipper-loaded/consignee-unloaded Type LD–3 and Type LD–7 containers (designed for carriage in the lower cargo compartment of B–747 aircraft, but not restricted to carriage in such aircraft), may be performed:[10]

(1) Without charging for the empty (tare) weight of such containers;

(2) A minimum charge shall be assessed based on the cubic capacity of the unit type offered by the carrier (either 160 or 166 cubic feet for the LD–3 container and 373 cubic feet for the LD–7 container), times:

(a) A density of 7.0 pounds per cubic foot times a rate of 13 cents per pound, and all poundage in excess of such minimum weight shall be charged at 10 cents per pound; and

(b) A density of 11.97 pounds per cubic foot times a rate of 10 cents per pound, and all poundage in excess of such minimum weight shall be charged at 10 cents per pound;

(3) When an LD–3 container is furnished by the shipper the carrier may refund $15;

(4) Unloading of an LD container may be performed by the carrier, providing a reasonable charge for such service is assessed in addition to all other charges;

(5) Detention charges shall be assessed of not less than 2 cents per cubic foot per 24-hour period or fraction thereof for shipper/consignee detention time in excess of free loading/unloading time periods of not less than 36 hours; and

(C) Direct air carriers which elect to transport containers in accordance with the above shall publish appropriate tariff provisions therefor, and shall report such container traffic to the Board on a monthly basis in such form as may be authorized.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–2377 Filed 2–19–71;8:49 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 744]

DEPUTY GOVERNOR ET AL.

Order of Precedence To Act as Governor

FEBRUARY 16, 1971.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor;
(2) Deputy Governor and Director, Land Bank Services;
(3) Deputy Governor and Director, Production Credit Services;
(4) Deputy Governor and Director, Cooperative Bank Services;
(5) General Counsel;
(6) Chief Examiner;
(7) Director, Accounting, Budget and Data Management;
(8) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective February 16, 1971, and supersedes Farm Credit Administration Order No. 729, dated July 29, 1969 (34 F.R. 12604).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.71–2338 Filed 2–19–71;8:46 am]

[6] Referring to the Type D previously described in footnote [4], if the proposed charge at 8 lb./cu. ft. (507 lbs. x 12.4 cents per lb.) of $62.87 were applied to the weight range immediately above (508 to 570 lbs., inclusive) the resulting rate per lb. at 570 lbs. would be 11.03 cents, or below the rate at 1 lb. more (9 lb./cu. ft.=571 lbs.) of 11.8 cents. Similarly, if the foregoing 8 lb./cu. ft. charge of $62.87 were applied to the weight range immediately below (445 to 506 lbs.), the resulting rate per lb. at 445 lbs. would be 14.13 cents, as compared to the 13-cent rate at 1 lb. less (7 lb./cu. ft.=444 lbs.).

[7] Future changes in the domestic and international containerization agreements will not be construed automatically to modify the minimum rate order.

[8] Order 70–7–23 with respect to the LD–7 unit is withdrawn effective April 1, 1971.

[9] See Appendix A (filed as part of the original document) for container minimum weights, rates, and charges which may be filed as a result of these modifications.

[10] The modification prescribed herein with respect to the LD–7 unit shall be effective Apr. 1, 1971.

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18912, 18913; FCC 71R–55]

FOLKWAYS BROADCASTING CO., INC., AND HARRIMAN BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Folkways Broadcasting Co., Inc., Harriman, Tenn., Docket No. 18912, Filed No. BPH–5495, and F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 18913, File No. BPH–5537; for construction permits.

1. This proceeding involves the mutually exclusive applications of Folkways Broadcasting Co., Inc. (Folkways), and F. L. Crowder trading as Harriman Broadcasting Co. (Harriman) for a permit to construct and operate a new FM broadcast station on Channel 224A at Harriman, Tenn. By order, FCC 70–736, released July 14, 1970 (35 F.R. 11597, published July 18, 1970), the Commission designated the two applications for hearing on several issues, including the standard comparative issue. Presently before the Review Board is a petition to enlarge issues, filed September 30, 1970, by Harriman,[1] requesting the addition of false logging and lottery issues against Folkways.

Falsc logging issue. 2. In support of its request for a false logging issue, Harriman submits the affidavit of Patrick M. O'Shea, a former employee of Folkways' standard broadcast station (WHBT–AM) in Harriman. In his affidavit, O'Shea states that he was employed by Folkways from April 1, 1968, until August 1, 1968, and that during this period he recorded "spot" commercials up to 105 seconds in length which were logged as 60-second spots. He avers that he did this for the Harriman Motor Co. spots at the insistence of the station's "saleslady" and "Station Manager," and that when he protested about this practice, he was threatened with a discharge. O'Shea further alleges that after he left Folkways in August, 1968, he tape recorded, off the air, WHBT's broadcasts, revealing up to 25 minutes per hour of commercial messages. O'Shea contends that Folkways' 1967 renewal application for WHBT represented an 18-minute per hour limit on commercials. O'Shea alleges, therefore, that Folkways has been guilty of overcommercialization. Petitioner further argues that WHBT's renewal application also stated a limit of up to 22 minutes per hour commercial time in special circumstances, such as holiday seasons, but continues Harriman, Folkways' 25-minute practice exceeds even that limit, as well as the 18½-minute limit contained in WHBT's composite week for the 1969 renewal application. Harriman concedes that its petition is untimely, but contends that good cause exists for filing at this time. In this regard, petitioner avers that the underlying basis for the petition is the affidavit of O'Shea, and that O'Shea is currently serving in the U.S. Navy at Great Lakes Naval Training Center in Illinois. Harriman assets that O'Shea was contacted during the third week in August in connection with a petition to enlarge issues filed by Folkways on August 3, 1970,[2] relating to another matter, and that, in the course of that meeting, information pertinent to the instant petition was uncovered. Harriman further states that O'Shea's affidavits regarding the present issues were not received by counsel until September 17, 1970; the instant petition was filed on September 30, 1970. The Broadcast Bureau, in its comments, supports Harriman's request for a false logging issue.

3. In opposition, Folkways contends that Harriman's petition is both procedurally and substantively deficient. Folkways argues that the petition is untimely because it is more than 2 months late and refers to matters more than 2 years old; moreover, Folkways urges, good cause for the late filing has not been shown. Folkways also attacks the credibility and reliability of O'Shea, the sole support for Harriman's request for a false logging issue. According to Folkways, O'Shea is unreliable, irresponsible and has a personal interest in Harriman. This is allegedly evidenced by the fact that O'Shea was employed by Harriman subsequent to his employment at WHBT. Folkways also avers that O'Shea has in the past written letters to the President of the United States and the Commission on Harriman's behalf.[3] Folkways has attached copies of two of these letters to its opposition pleading and suggests that O'Shea's interest, which is totally unmentioned by Harriman in its petition, colors the probative value of O'Shea's affidavit. On the merits of Harriman's request, Folkways submits the affidavits of the saleslady and station manager referred to in O'Shea's affidavit, attesting that no false logging ever took place and that no one threatened O'Shea with discharge. The secretary who kept the log for Station WHBT avers that no copy for Harriman Motor Co. exceeded the limits within the last 2 years. Finally, Folkways argues that the allegations are vague and confusing; that nowhere does O'Shea allege with specificity the day, date, or times involved in the charges; that, as a result, Folkways has no way of knowing exactly what O'Shea is referring to; and that the allegations are not substantial enough to outweigh the public interest benefit in the orderly administration of Commission business.

4. In reply, Harriman contends that Folkways' opposition is nothing but a personal attack upon O'Shea, and that the only important question is whether O'Shea's affidavit constitutes a prima facie showing which requires the addition of the requested issue. Harriman suggests that questions concerning O'Shea's motives and interests are matters which may be explored at the evidentiary hearing but are not proper subjects for pleadings.

5. Harriman's request for a false logging issue will be granted. Concededly, the petition is late filed by 2 months (Rule 1.229(b)); however, in our opinion, Harriman has shown good cause for the late filing by demonstrating the previous unavailability of O'Shea's allegations. In any event, Harriman has raised a serious and substantial public interest question which requires exploration at the evidentiary hearing. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). O'Shea's allegations are, in our view, sufficiently specific and are based on an affidavit of a person with first-hand knowledge, as required by Rule 1.229(c).[4] Although Folkways denies the allegations, the Review Board is confronted with conflicting affidavits,[5] and, in our view, the serious questions raised are best resolved on the basis of an evidentiary inquiry.[6] See Christian Voice of Central Ohio, 26 FCC 2d 76, 20 RR 2d 389 (1970); Sumiton Broadcasting Co., Inc., 15 FCC 2d 400, 14 RR 2d 1000 (1968). An appropriate issue will therefore be specified to inquire into this matter.

Lottery issue. 6. Petitioner's request for the addition of a lottery issue stems from a promotion broadcast by Station WHBT in 1969, and attested to by O'Shea in another affidavit attached to Harriman's petition. The promotion is known as the Community Club Awards (CCA) and is conducted in the following manner: The station broadcasts information about participating local merchants as to how many club "points" can be earned by the purchase of specified goods at specified times; members of civic clubs registered with the station who listen to the broadcast can earn "points" for their clubs by making appropriate purchases; at the

[1] Also before the Board are the following related pleadings: (a) Comments, filed Oct 19 19, 1970, by the Broadcast Bureau; (b) opposition, filed Oct. 20, 1970, by Folkways; and (c) reply, filed Oct. 28, 1970, by Harriman.

[2] In a supplement to the opposition to Folkways' petition, Harriman submitted an affidavit of O'Shea pertaining to the matters raised in the petition.

[3] The letters were written in connection with the proceeding in Docket No. 17255 in which the Commission denied Harriman's application for a construction permit to operate an AM radio station in Harriman, Tennessee, on the ground that Harriman had trafficked in broadcast authorizations. See Crowder v. FCC, 130 U.S. App. D.C. 198, 399 F. 2d 569, 13 RR 2d 2073, cert. denied 393 U.S. 962 (1968).

[4] See Emerald Broadcasting Corp. (KPIR), 1 FCC 2d 1143, 6 RR 2d 262 (1965). Compare WTAR Radio–TV Corp. (WTAR–TV), FCC 70R–247, 19 RR 2d 661, 681.

[5] The attacks on O'Shea's credibility in Folkway's opposition do not go to the admissibility, but to the weight of the evidence. The weight it is to be given is a matter of fact for the Hearing Examiner who will have an opportunity to evaluate O'Shea's testimony and make a determination as to credibility. The Prattville Broadcasting Co., FCC 65R–83, 4 RR 2d 728, 729, n. 4.

[6] Harriman's request for an inquiry into Folkways' commercial practices will be denied since its allegations in this regard are not sufficient to support the request. See § 1.229 of the rules.

end of each promotion, WHBT counts up the total points members had earned for their respective clubs and awards a cash prize to the club with the most points.[7] The promotion was further implemented, asserts petitioner, by a "hear your name" game in which listeners would send in their names and the station, selecting the name at random, would read them back over the air. Any member of the listening public hearing his name read over the air could call the station within a specified time to inform the station that he heard his name. In this manner, more points were earned for the member's club. Petitioner argues that the elements of prize and consideration are evident on the face of the scheme and that the element of chance is demonstrated by a showing that WHBT alone determined the winner, and that it is not "clear" that the club with the highest point total always won the prize. Further, petitioner suggests, the element of chance is present in that no participant was assured of winning, no one knew which club had the most points until the end of the promotion, and each club's chance of winning was dependent on the highest point total. Therefore, argues petitioner, each of the three elements of a lottery is present and an appropriate issue is required.

7. Folkways, in opposition, submits that the request for a lottery issue is also untimely because the information relied upon was available long before the petition was filed. With regard to the merits, Folkways insists that the promotion is not a lottery, but a nationwide franchise, and, as such, has been applauded by civic and political leaders all over the country. Folkways submits the affidavit of John Gilmore, president of CCA, in which the affiant details how, since the promotions' inception in 1955, after conference with the FCC and the Post Office Department, not one inquiry has been made into CCA. Folkways also argues that the element of consideration is lacking in the "hear your name" game. Noting that it has already requested a lottery issue against Harriman in this proceeding, Folkways suggests that the instant request is retaliatory, as well as specious. The Broadcast Bureau opposes Harriman's request, and agrees with Folkways that in the "hear your name" game and the awarding of points by purchase of merchandise, all three elements of a lottery are not present. The Bureau contends that the points game has no element of chance and that the name game requires no consideration.

8. In reply, Harriman maintains that, since the name game and the points game, considered together, involve all three elements of a lottery, the Review Board should view the entire promotion as a single scheme. Petitioner also submits that since only club members could submit their names for the name game, a requisite for the name game was participation in the "purchasing for points" promotion, and such participation was consideration for the name game.

9. Harriman's request for a lottery issue will be denied. It does not appear from the facts alleged by Harriman and admitted by Folkways that the CCA scheme constituted a lottery. The Commission's recent public notice concerning lotteries (Applicability of Lottery Statutes to Contests and Sales Promotions, 18 FCC 2d 52, 16 RR 2d 1559 (1969)), sets out the three "necessary" elements of a lottery, namely: (1) The awarding of a prize; (2) upon a contingency determined by chance; (3) to a person who has paid or agreed to pay a valuable consideration for a chance to win a prize. See also FCC v. American Broadcasting Company, Inc., 347 U.S. 284, 10 RR 2030 (1954); Keith L. Reising, 3 FCC 2d 904, 8 RR 2d 62 (1966). As petitioner suggests, the promotion can be divided into two distinct games, the name game and the purchase for points game. It does not appear that the element of chance was present in the points game; apparently, the civic club earning the most points won the prize and the winner was not determined by lot or chance. Cf. KTOK Radio, Inc., 2 FCC 2d 697 (1966); The Noble Broadcasting Corp., 1 FCC 2d 154, 5 RR 2d 915 (1965). Regarding the name game, we cannot accept petitioner's argument that consideration was present; a member of a civic club who sent his name in to the station and won the contest could win points for his club without being obligated to make any purchase whatsoever. See FCC v. American Broadcasting Company, Inc., supra, 347 U.S. at 293–294, 10 RR at 2036. Compare Glenn West, FCC 70R–387, 20 RR 2d 697. While it is true that the entire promotion must be viewed as a whole, nonetheless the two parts of this promotion were completely independent in their operation, there being no requirement to participate in one to be eligible for the other. Consequently, as the Broadcast Bureau notes, all three elements of a lottery were not present in either of the unconnected schemes. The Review Board has also very carefully considered petitioner's argument that since at any time during the campaign no club knew where it stood in the points race (i.e., no running scores were announced), each club took a chance on being the eventual winner. While not a classic example of chance, the uncertainty in each club's position at any time during the promotion might make the final winner "incapable of ascertainment or accomplishment by means of human foresight or ingenuity." U.S. v. Rich, 90 F. Supp. 624, 627 (1950). While we do not perceive how this promotion encourages the type of pernicious gambling the lottery statutes are designed to prevent, FCC v. American Broadcasting Company, Inc., supra, the undisclosed standings of the clubs during the promotion inject into the scheme an element of uncertainty that might induce participants to make purchases. Although, we are of the view that a lottery issue is not warranted on this basis alone, we do think this a very close question. Folkways is reminded of its "responsibility to exercise diligence to make sure that promotions advertised over [its] facilities are not lotteries," and Folkways must "take all reasonable steps to learn whether the promotion, in its actual operations, is being conducted as a lottery." Applicability of Lottery Statutes, supra, 18 FCC 2d at 53, 16 RR 2d at 1560.

11. *Accordingly, it is ordered,* That the petition to enlarge issues, filed September 30, 1970, by Harriman Broadcasting Co. is granted to the extent indicated herein, and is denied in all other respects; and

12. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine whether Folkways Broadcasting Co., Inc. has falsified the program logs of standard broadcast Station WHBT, and, if so, whether such conduct reflects on the applicant's basic and/or comparative qualifications.

13. *It is further ordered,* That the burden of proceeding under the issue added herein shall be on F. L. Crowder, trading as Harriman Broadcasting Co., and that the burden of proof shall be on Folkways Broadcasting Co.

Adopted: February 12, 1971.

Released: February 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2367 Filed 2-19-71;8:48 am]

[Docket No. 18825; FCC 71-135]

TOUCHET VALLEY TELEVISION, INC.

Memorandum Opinion and Order Reopening Proceeding

In regard cease and desist order to be directed against Touchet Valley Television, Inc., owner and operator of a CATV System at Dayton, Wash., Docket No. 18825, File No. SR–76910–N.

1. Before us are: (1) An Initial Decision of Hearing Examiner Isadore A. Honig, FCC 70D–39, released September 8, 1970, directing that Touchet Valley Television, Inc. (Touchet Valley), cease and desist from violation of § 74.1103 (a) and (e) of the rules; (2) exceptions, and brief in support thereof, filed October 8, 1970, by Touchet Valley; (3) a reply filed October 21, 1970, by Columbia Empire Broadcasting Co.; and (4) a reply filed October 21, 1970, by the Chief, Broadcast Bureau.

2. This proceeding was instituted by an Order to Show Cause, FCC 70–324, 22 FCC 2d 389, released April 8, 1970. Therein it was stated that Touchet Valley Television, Inc. (Touchet Valley), operator of a CATV system in Dayton, Wash., appeared to be in violation of § 74.1103 (a) and (e) of the Commission's rules by reason of its failure to accord requested carriage and nonduplication protection to television Station KNDU, Richland, Wash. In a petition for reconsideration of such order, Touchet Valley alleged that material submitted with such pleading demonstrated that KNDU's signal at the CATV's headend is too weak to permit its carriage and that such signal is unavailable in the community of Dayton. Relying upon Community Service, Inc., 21 FCC 2d 719, 18 RR 2d 605 (1970), Touchet Valley alleged that, in view of the showing made, the proceeding should be dismissed or that the Order instituting the proceeding should be revised to state that evidence as to signal strength over Dayton would be admissible at the hearing. Thereafter, the cable operator filed a supplement to the petition asserting that its proffer of such evidence at the hearing had been rejected by the Examiner.

3. While the matter was under consideration by the Commission, the Hearing Examiner issued his initial decision as set forth above. In a memorandum opinion and order, 25 FCC 2d 1011, released October 1, 1970, we dismissed the petition for reconsideration, stating, inter alia, that under the circumstances the proper procedure for obtaining a determination respecting the questions raised by Touchet Valley is by way of exceptions to the initial decision.

4. Touchet Valley's exceptions to the initial decision and its brief in support thereof are now before us for consideration. Therein Touchet Valley objects to the Examiner's rejection of proffered evidence concerning the quality of KNDU's signal in the community and at the CATV headend. Citing Community Service, supra, and our recent decision in H & B American Cablevision Co., 25 FCC 2d 75, released August 3, 1970, Touchet Valley argues that such evidence is relevant and admissible in a show cause proceeding and that the Hearing Examiner erred in issuing a cease and desist order without considering the proffered evidence. It therefore requests that the Hearing Examiner's decision be reversed and that KNDU be required to provide a useable signal in the community before being accorded carriage and nonduplication protection or that, in the alternative, the proceeding be remanded for further hearing.

5. The exceptions are opposed by the Chief, Broadcast Bureau and by Columbia Empire Broadcasting Co., licensee of television station KNDU. Although the Bureau concedes that H & B American tends to support Touchet Valley's position concerning the relevance of evidence respecting signal quality in a show cause proceeding, it urges that the Examiner's ruling under the circumstances of this case was correct. The Bureau maintains that in view of the Commission's prior denial of Touchet Valley's request for a waiver of § 74.1103[1] and its directive that this show cause proceeding be conducted expeditiously, the Examiner exercised sound administrative judgment in refusing to go into the question of signal quality. Moreover, the Bureau asserts, the excluded engineering exhibit is incompetent to show that the signal is not available in the community as claimed, and it is extremely doubtful that any supplemental oral testimony by Touchet Valley's sponsoring witness would cure the exhibit's defects. Columbia also agrees that H & B American apparently broadened the scope of evidence which may be adduced in a show cause proceeding to include technical data respecting signal quality, but it asserts that the case is distinguishable from the one under consideration. Here, it states, Touchet Valley itself failed in the waiver proceeding to support the allegations of lack of signal quality; whereas in H & B American the respondent in the show cause proceeding was a successor to the owner which had failed to support the claimed lack of signal in the waiver proceeding, and the Commission appropriately could permit the "newcomer to the proceeding" to furnish additional engineering evidence. Columbia also contends that the proffered evidence is incompetent to show poor reception of Station KNDU's signal.

6. As the Bureau points out, Touchet Valley had requested a waiver of the provisions of § 74.1103 of the rules prior to the institution of the show cause proceeding, and its request was denied. In the denial order the Commission rejected as a ground for waiver the cable operator's contention that a weak signal from KNDU was received at the CATV headend not only because the assertion was unsupported by engineering data, but also because of its view that Touchet Valley's "obligation for carriage stems from the predicted signal over its CATV system rather than the strength of the signal available at its headend." In light of this decision, the Hearing Examiner's exclusion of the proffered evidence concerning the quality of KNDU's signal in the community as irrelevant is certainly understandable. However, in Community Service, which was decided after the denial of Touchet Valley's waiver request, the Commission enunciated a new policy which must be considered in connection with the disposition of this proceeding. In Community Service we stated (21 FCC 2d at 726):

> However, we do not consider it equitable or in the public interest to rely solely on CATV systems to fill in gaps in allocated service areas • • • Where, as here, there is substantial indication that a community within the station's service contours in fact lies in a pocket of poor reception, we think that the licensee should undertake to serve the community through translator facilities before being accorded the benefits of the nonduplication rule. This would serve the public interest by improving the quality of the signal available to non-CATV subscribers. Accordingly, petitioners' requests for waiver will be denied upon condition that the Lexington stations file applications for 100-watt UHF translator stations to serve Frankfort and place such facilities in operation within 6 months after a grant of the applications. Pending the activation of translator service in Frankfort, petitioners need not comply with the provisions of § 74.1103 (e), (f), and (g) of the rules. We intend to follow this as a general policy—namely generally to require the licensee, seeking the benefits of the rules in situations like this, to provide translator service. The licensee is free, of course, to make a showing there are unusual facts in his case which would warrant an exception to the application of this policy.

7. The policy thus adopted is based on significant public interest considerations, and it is applicable to this show cause proceeding. We conclude, therefore, that the proffered evidence relating to the signal quality of television station KNDU should have been admitted and considered by the Examiner. Our holding that the evidence is admissible, however, is not to be construed as any indication of the weight and sufficiency thereof. The initial determination as to those matters must be made by the Hearing Examiner. The record will therefore be reopened and remanded for the introduction of signal strength evidence as set forth herein and for the issuance of a supplemental initial decision. The burden is upon Touchet Valley to proceed with the adduction of competent evidence to establish that the community is in fact within a pocket of poor reception or that other factors exist which justify its refusal to afford carriage and nonduplication protection. However, the overall burden of proof that the public interest requires the issuance of a cease and desist order is upon the Bureau and the television station.

8. Whether such evidence will be considered in other show cause proceedings depends on the circumstances of the particular case. As we stated in H & B American (25 FCC 2d at 77), "We do not reconsider matters in a show cause proceeding which have already been raised in a former waiver proceeding." If a CATV operator believes that carriage and nonduplication protection is not possible or not warranted in a particular case, we expect him to make application for a waiver of § 74.1103 and to present all available data to support his position in the waiver proceeding. Thus, in most instances there should be no reason to retry the question of waiver in the show cause proceeding. However, if the Hearing Examiner finds that the adduction of engineering data or other evidence is necessary in order to determine whether the issuance of a cease and desist order is in the public interest, the evidence should be received and considered.

9. *Accordingly, it is ordered,* That the exceptions filed October 8, 1970, by Touchet Valley are granted to the extent indicated herein.

[7] It appears from the promotional material submitted by Folkways that all participating clubs received some prize based on the volume of their purchases, and that first prizes were calculated on a total volume and a volume per capita basis; the membership size of any club was not a limiting factor.

[8] Board Member Slone absent; Board Member Nelson dissenting in part and voting for a lottery issue.

[1] Touchet Valley Television, Inc., 18 FCC 2d 88 (1969).

10. *It is further ordered,* That the proceeding is reopened and remanded to the Examiner for further hearing and a supplemental initial decision.

Adopted: February 10, 1971.

Released: February 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc.71-2368 Filed 2-19-71;8:48 am]

[Dockets Nos. 19151, 19152; FCC 71-154]

WARRENSBURG CABLE, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Warrensburg Cable, Inc., complainant, v. United Telephone Company of Missouri, United Utilities, Inc., and United Transmission, Inc., defendants, Docket No. 19151. In regard applications of United Transmission, Inc., and United Telephone Company of Missouri, Docket No. 19152, P-C-7655, P-C-7656; for certificates of public convenience and necessity for construction and operation of CATV channel facilities in Warrensburg, Mo.

1. Before the Commission for consideration are pleadings submitted by Warrensburg Cable, Inc., the owner and operator of a CATV system in Warrensburg, Mo.,[1] as follows: (a) Complaint for damages and other relief filed on March 24, 1970;[2a] (b) an application for review of action by the Chief, Common Carrier Bureau, and request for independent consideration by the Commission filed on May 18, 1970;[3] and (c) a petition for declaratory rulings filed on May 28, 1970.[4]

2. We are here concerned with CATV operations in Warrensburg, Mo. Warrensburg Cable and United Transmission, Inc., prior to December 31, 1969, when the latter disposed of its Warrensburg facilities, were competing CATV operators in that community. United Transmission and the local telephone company, United Telephone Company of Missouri (United of Missouri) are wholly owned subsidiaries of United Utilities, Inc. On October 12, 1966, a formal complaint was filed by Warrensburg Cable which charged that lines were being constructed by United of Missouri to provide wide spectrum service to United Transmission without applying for or securing a certificate of public convenience and necessity as required by section 214 of the Communications Act (Docket No. 16931). Complainant also incorporated by reference the charges contained in its informal complaint filed on August 23, 1966, to the effect that United of Missouri had refused to enter into a pole agreement for the purpose of permitting Warrensburg Cable to erect and maintain cable on the telephone poles. It further charged that United of Missouri had engaged in other unjust and unreasonable practices which conferred an unreasonable preference and advantage on United Transmission, its affiliated company which operated a competing CATV system in the community, and subjected Warrensburg Cable to undue or unreasonable prejudice or disadvantage; and that such activities would thwart competition and violate section 202(a) of the Act.[5]

3. In a memorandum opinion and order, FCC 67-745, released June 27, 1967, the Commission dismissed the complaint "without prejudice to the complainant's right to be heard" in the Docket No. 17333 proceeding where the Commission had under consideration the applicability of section 214 of the Act to the construction by telephone companies of CATV channel distribution facilities.[6] Warrensburg Cable was a party to the Docket No. 17333 proceeding and the Commission was of the view that complainant could be heard in that proceeding on the contentions advanced in its complaint with no prejudice to its rights. The Commission denied Warrensburg Cable's request for reconsideration of its dismissal order (FCC 67-1195, released Nov. 7, 1967). Therein, the Commission rejected Warrensburg Cable's contention that such dismissal eliminated its right to relief based on the facts and circumstances as they existed on October 12, 1966, when the formal complaint was filed, on the ground that Warrensburg Cable was not precluded by the dismissal from arguing that United of Missouri was on notice as early as October 1966 that further construction of channel facilities would be illegal; and that any relief to which Warrensburg Cable was entitled in the complaint proceeding could be obtained in the Docket No. 17333 proceeding.

4. On the basis of the evidence adduced at the hearing in the Docket No. 17333 proceeding, the Commission found that at least on and after October 12, 1966, United of Missouri had clear and definite notice that a question existed as to the lawfulness of its construction, that it nevertheless continued with such construction, and that on November 7, 1966, it commenced CATV service to United Transmission without awaiting a determination by the Commission. Such conduct, the Commission held, was inexcusable[7] and a cease and desist order would be issued. Nevertheless, the Commission authorized the continued operation of previously constructed channel distribution facilities provided certification applications were filed and certain specified information was submitted within 20 days after the release of the Decision.[8] The Commission stated that upon receipt of such information "we shall be in a better position to determine precisely what remedial action should be taken." However, the requirement for these submissions was stayed pending judicial review of the Commission's decision.[9]

5. Judicial review proceedings were concluded by the Supreme Court's refusal to review the decision of the U.S. Court of Appeals for the District of Columbia Circuit which had affirmed the Commission's decision.[10] Applications for section 214 certification were submitted by United of Missouri (P-C-7656) and United Transmission (P-C-7655) on November 26, 1969, together with an affidavit which was asserted to be in response to the requirement in the Commission's decision for additional information. Warrensburg Cable, but not its counsel, was served with copies of these submissions, and no public notice of the filing was issued by the Commission.[11]

6. By letters dated December 31, 1969, United Transmission and United of Missouri advised the Commission that their facilities in Warrensburg had been sold to HarriScope Broadcasting Corp. and they requested dismissal of the section 214 applications. In a letter dated January 6, 1970, Warrensburg Cable requested the Commission to take no action looking to dismissal since it proposed to file comments with respect thereto, and on February 4, 1970, Warrensburg Cable filed a pleading entitled "Petition for Immediate and Extraordinary Relief, and for Commission Enforcement of its June 26, 1968 Decision Herein." Therein Warrensburg Cable requested principally that the Commission: (1) Prohibit the transfer of ownership or control, or operation of the Warrensburg CATV channel facilities by United or to take any action, including the furnishing of poles, which would assist the utilization by any other individual or entity of the facilities; (2) order United to reestablish ownership and control if theretofore transferred; (3) direct that all agreements and other documents regarding the transaction be filed with the Commission; (4) hold hearings on the section 214 applications and to determine what remedial action should be taken; and (5) issue a declaratory ruling that United's CATV facilities in Warrensburg could not be sold without first obtaining Commission authorization pursuant to section 214 of the Act.[12]

7. The Common Carrier Bureau treated this pleading as an informal complaint pursuant to § 1.716 of the rules and requested United of Missouri to respond. In its response, United of Missouri asserted that the sale of the CATV facilities was in compliance with the cease and desist order in Docket No. 17333, and conforms to Commission policy enunciated in the Final Report and Order in Docket No. 18509, released February 4, 1970 (21 FCC 2d 307);[13] that there has been no discontinuance, reduction, or impairment of service to the community within the contemplation of section 214 since it continues to offer wide spectrum services to any who desire such service so that section 214 certification is not required for the sale of the CATV facilities; and that, since Warrensburg urged the imposition of cease and desist orders against United of Missouri, it cannot insist upon the continued operation of such facilities by the carrier.

8. Prior to the filing of the responsive pleading by United of Missouri, and without comment on Warrensburg Cable's correspondence or pleading, the Chief, Common Carrier Bureau dismissed the pending section 214 certification applications as moot by letter dated March 5, 1970. Therein it was further stated as follows:

> • • • It is to be clearly understood, however, that such dismissal does not constitute a resolution of the question of whether United Utilities System companies are in violation of any provision of the Act or other applicable law in providing or offering to provide pole attachments to the purchaser of the facilities while apparently denying them to others. Accordingly, the applications specified in the attachment hereto are, hereby, dismissed without prejudice to such further action as the Commission may take on this question either on its own motion or upon complaint or petition.

9. On March 24, 1970, Warrensburg Cable petitioned for reconsideration of the Common Carrier Bureau's action. It urged the Bureau to reverse its decision or, in the alternative, to hold that the dismissal is without prejudice to any other action which may be deemed warranted with respect to the CATV operations in Warrensburg. By letter dated April 16, 1970, the Common Carrier Bureau denied reconsideration of its prior dismissal of the section 214 applications. The Bureau held that its action was proper since the applicants "no longer sought to construct or operate the channel facilities" and did not want section 214 authority in view of the sale of the facilities to an unaffiliated operator. It further held that its action was in harmony with the policy objectives expressed by the Commission in its Docket No. 18509 decision. With respect to the alternative request for a dismissal without prejudice, the Bureau held that a determination as to whether the dismissal might have a prejudicial effect must await action by the Commission on the formal complaint.

10. Warrensburg Cable thereafter filed its application for review of the Bureau's action, together with a request that the Bureau be precluded from performing any ex parte advisory functions in connection with the disposition of the application. The Bureau filed a responsive pleading on July 6, 1970, which was served on all parties to this proceeding, and it has not otherwise acted in an advisory capacity in the disposition of the matters now before the Commission. Consequently the issue as to the role of the Bureau in this proceeding is now moot. On the merits of its review application, Warrensburg Cable asserts that the Bureau erred in failing to give due consideration to Warrensburg Cable's contentions that prior section 214 authority was required before United of Missouri could sell its Warrensburg channel facilities; that the policy objectives of Docket No. 18509 could be accomplished by United's disposing of its interest in United Transmission without also disposing of its channel distribution facilities; and that in erroneously dismissing the section 214 applications, the Bureau may have foreclosed to the Commission the possibility of granting Warrensburg Cable's request to enjoin any utilization of the unlawfully built lines.

11. Warrensburg also filed on March 24, 1970, a formal complaint containing a request for damages and other relief. Therein, Warrensburg Cable charges that the sale of the aforementioned facilities "can only be construed as an effort by the carrier to avoid the consequences of its prior knowing, willful, unlawful, conduct and a concurrent effort to profit financially in the bargain." The sale constituted a discontinuance of service which, the complainant contends, requires: (a) Commission approval pursuant to section 214 of the Act; and (b) a revision or cancellation of its existing tariff covering CATV channel service pursuant to section 203 of the Act. Warrensburg Cable further asserts that the June 26, 1968, decision "contemplated further proceedings to determine what remedial action would be required as to United in Warrensburg" and "intended United's continued control of the facilities in question until a final disposition of Warrensburg Cable's request for relief, and a final determination of the sanctions, if any, to be applied to United." With respect to the affidavit submitted by United of Missouri pursuant to the requirement in the Commission's decision for additional information, Warrensburg Cable alleges that the contents thereof are not responsive.

12. Alleging that its request for a pole attachment agreement was denied by United of Missouri which thereafter constructed and leased CATV channel distribution facilities to its affiliate, United Transmission, Warrensburg Cable charges that such conduct was discriminatory and in violation of section 202 of the Act.[14] The sale by United of the CATV system and the distribution facilities to a third and unrelated party and the apparent grant to the purchaser of permission to use the telephone poles for its cable pursuant to an arrangement other than a channel service provided under a tariff are further indications of unjust and unreasonable discrimination. Warrensburg Cable contends. By reason

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[2] Commissioner Robert E. Lee concurring; Commissioner Houser not participating.

[1] In a memorandum opinion and order in Docket No. 17333 adopted today, we concluded that the consideration and disposition of the issues raised by these pleadings should not be undertaken in that Docket and we directed that a separate adjudicatory proceeding be set up for this purpose. The parties to this proceeding should undertake to specify what pleadings, documents, and other evidence submitted in Docket No. 17333 are pertinent here. Such evidence may be physically incorporated into this docketed proceeding or incorporated by reference. Any disagreement among the parties concerning the evidence to be included or the procedure for doing so should be resolved by the hearing examiner.

[2a] Answers to the complaint were filed on Apr. 30, 1970, by United Telephone Company of Missouri (hereinafter United of Missouri), United Utilities, Inc., and United Transmission, Inc. On May 12, 1970, Warrensburg Cable filed replies to the answers. Motions to dismiss the complaint were filed on Apr. 20, 1970, by United Transmission and United Utilities, and on Apr. 30, 1970, by United of Missouri. Oppositions to the motions to dismiss were filed by Warrensburg Cable on May 5, 1970, and May 12, 1970. Replies were filed on May 13, 1970, by United Utilities and United Transmission and on May 21, 1970, by United of Missouri. In addition United of Missouri moved to make the complaint more definite and certain on Apr. 20, 1970. An opposition was filed by Warrensburg Cable on May 5, 1970, and a reply was filed on May 13, 1970, by United of Missouri.

[3] Responsive pleadings consist of an opposition filed June 2, 1970, by United of Missouri and a reply by Warrensburg Cable filed on June 11, 1970.

[4] United of Missouri filed an opposition on June 10, 1970, and Warrensburg Cable filed a reply on June 22, 1970.

[5] In pertinent part, section 202(a) makes it "unlawful for any common carrier to make any unjust or unreasonable discrimination in—practices—for or in connection with like communication service—or to make or give any undue or unreasonable, preference or advantage to any particular person, class of persons or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage."

[6] *California Walter and Telephone Co. et al.*, 7 FCC 2d 575 (1967).

[7] See also 7 FCC 2d 575 adopted Mar. 29, 1967, in the Docket No. 17333 proceeding where the Commission stated "that any further construction or extensions of lines may be the subject of appropriate remedial action in this proceeding, including the issuance of cease and desist orders tailored to the particular factual situation."

[8] General Telephone Company of California et al., 13 FCC 2d 448, 469-470, released June 26, 1968.

[9] General Telephone Company of California, et al., 14 FCC 2d 170 (1968).

[10] General Telephone Company of California, et al., v. Federal Communications Commission, 413 F. 2d 390, cert. denied 396 U.S. 888 (1969).

[11] Pursuant to interim procedures established by the Commission, public notice is given by the Commission of the filing of a section 214 certification application and interested persons have 30 days in which to file responsive pleadings. Section 214 Interim Filing Procedures, 20 FCC 2d 752, Aug. 9, 1968. No public notice was issued in this case, however, in view of the applicants' request for withdrawal of the applications and their subsequent dismissal.

[12] This pleading was filed in the Docket No. 17333 proceeding. In a pleading filed on Feb. 17, 1970, United of Missouri contended that the Docket No. 17333 proceeding is closed and that Warrensburg Cable's pleading may not be considered in the adjudicatory proceeding. For reasons hereinafter discussed, we find this contention to be without merit.

[13] In the absence of a waiver, telephone common carriers are barred from furnishing CATV service to the viewing public in their operating territory through an affiliated CATV company. With respect to existing operations, service by the telephone company to an affiliated CATV operator must be discontinued within 4 years from the effective date of the Report and Order.

[14] Warrensburg Cable also alleges that on the basis of statements made by United of Missouri in another proceeding it appears that the telephone company and United Transmission entered into a joint use agreement for the utility poles on Oct. 28, 1969; and it asserts that such action is a further indication of discriminatory conduct by the United companies.

of the economic harm caused by the alleged illegal and discriminatory acts of United of Missouri and United Transmission. Warrensburg Cable requests compensatory damages in the sum of $660,000 and punitive damages of $500,000; enforcement of the cease and desist orders issued in the Docket No. 17333 proceeding against United and in particular, to prohibit United of Missouri from furnishing any facilities or assistance to the cable television service operating under the name of United Transmission; prohibit United of Missouri and United Transmission from transferring ownership and control of the cable operations in Warrensburg to any other entity and to reestablish the status of ownership and control which existed when the Commission issued its decision; and to afford such other and further relief as may be just and proper.

13. In addition, Warrensburg Cable filed on May 28, 1970, a pleading entitled "Petition for Declaratory Rulings." To a large extent, the allegations of the petition repeat those contained in other pleadings filed by Warrensburg Cable and the requests for relief are not significantly different from those advanced in its application for review and its complaint. Consequently, our discussions of the issues raised by the review application and the complaint will suffice to dispose of the petition for declaratory rulings.

14. A number of pleadings have been filed by the United companies directed to the allegations and requests for relief contained in Warrensburg Cable's pleadings.[15] The United companies contend that the adjudicatory proceeding in Docket No. 17333 is closed and that Warrensburg Cable's requests for relief were improperly addressed to that proceeding. They also deny any wrongdoing. In addition, the United companies argue that their applications for section 214 certification were properly dismissed by the Common Carrier Bureau in view of the sale of the facilities to HarriScope Broadcasting, that Commission authorization for the sale pursuant to section 214 was not required and, in fact, that the sale complied with the provisions of the Commission's decision in Docket No. 17333 and conformed to the policy enunciated in Docket No. 18509. With respect to the complaint, the jurisdiction of the Commission to assess punitive damages is challenged, the statute of limitations contained in section 415(b) of the Act is interposed as a bar to the collection of damages, and the charge that Warrensburg Cable suffered harm from any illegal acts by the United companies is denied. Other contentions advanced by the parties opposing Warrensburg Cable's requests for relief have been considered and they will be hereinafter discussed in connection with the disposition of the matters raised by the pleadings.

15. The first question to be resolved is whether the Docket No. 17333 proceeding remained open for consideration of any further request by Warrensburg Cable for relief against United of Missouri by reason of conduct associated with the unlawful construction of channel distribution facilities and the operation of the CATV system by its affiliated company in Warrensburg, Mo. A review of the prior proceedings and the June 26, 1968, decision in Docket No. 17333 supports an affirmative answer. While technically Warrensburg Cable's complaint in Docket No. 16931 was dismissed, the practical effect of our dismissal order was to incorporate the issues raised therein for disposition in the Docket No. 17333 action with no prejudice to the contentions advanced in the complaint or to the rights of the complainant, and with the expectation that Warrensburg Cable would receive any and all relief to which it was entitled under the complaint. In our decision in Docket No. 17333 we required as a condition precedent to temporary relief from the cease and desist order which was issued, that United of Missouri file section 214 applications for the facilities theretofore constructed and that it supply additional information concerning its Warrensburg operations; and we expressly held that upon receipt of such information "we shall be in a better position to determine precisely what remedial action should be taken" (13 FCC 2d at 470). Manifestly, we intended to retain jurisdiction of the Warrensburg, Mo., situation and to enter such further order or orders as appeared to be necessary and proper in the light of the subsequent submissions by United of Missouri and Warrensburg Cable.

16. Since the filing of the section 214 applications for the facilities unlawfully constructed and the affidavits submitted in connection therewith are so inextricably woven into the fabric of the Commission's decision in the adjudicatory proceeding, and since Warrensburg Cable's objections to dismissal and its request for affirmative relief were predicated on the cease and desist order issued by the Commission against United of Missouri in that proceeding, the action of the Common Carrier Bureau in dismissing the section 214 applications pursuant to delegated authority was inappropriate. The Bureau is a party to the Docket No. 17333 proceeding and its jurisdiction with respect to the matters now under consideration was limited to filing responsive pleadings for consideration by the Commission.[16] We conclude, therefore, that the Bureau's dismissal order must be vacated.

17. We also conclude that dismissal of the section 214 applications at this time would be premature. The certification applications relate to facilities already constructed and in operation, and the fact that no prior Commission authorization was obtained does not place the common carrier in a more favorable position than if it had complied with the statutory requirements. Section 214 requires certification not only for the construction of such facilities but also before the carrier "shall discontinue, reduce, or impair service to a community, or part of a community —". In our view, a sale of the channel distribution facilities to a noncommon carrier which will use them exclusively for its own private purpose constitutes the discontinuance of a common carrier service which is within the contemplation of section 214 and requires prior Commission authorization. Thus, the sale of the Warrensburg common carrier CATV channel distribution facilities by United of Missouri did not obviate the need to come into compliance with the express provisions of section 214 for certification of those facilities or provide a valid basis for dismissal of the pending certification applications. On the contrary, the sale provided a further reason for retaining jurisdiction in order to afford the Commission an opportunity to conduct a full inquiry to determine: (1) Whether the sale constituted an additional violation of section 214; (2) whether it was consummated to defeat the purpose and intent of the cease and desist order issued in Docket No. 17333; (3) whether the United companies would profit from discriminatory or anticompetitive conduct by the sale; (4) whether the telephone company intended thereby to deprive Warrensburg Cable of any remedial relief which the Commission might find to be warranted and which the Commission indicated to Warrensburg Cable, both in the order dismissing the cable operator's 1966 complaint and in the Commission's Docket No. 17333 decision, would be forthcoming if the unlawful conduct charged against United were established; and, finally, (5) to determine, in the light of all the relevant and material facts, what disposition would best serve the public convenience and necessity. Affirmance of the Bureau's dismissal order would at least imply a finding that the public convenience and necessity would be served by forgiving United's unlawful construction and by the sale of the uncertificated facilities; and this finding we cannot make on the basis of the hearing record in Docket No. 17333 and the pleadings now before us.

18. Moreover, the "undisputed salient facts" concerning the sale of the facilities to which the Bureau referred in its April 16, 1970, letter denying reconsideration were insufficient upon which to predicate the conclusion that dismissal of the section 214 applications was "in harmony with the policy objectives of the Commission's recent decision in Docket No. 18509." In reaching this conclusion, the Bureau failed to take into consideration Warrensburg Cable's allegations that United of Missouri engaged in anticompetitive and discriminatory conduct which conferred an unreasonable preference and advantage upon its affiliated CATV customer and subjected the independent CATV operation "to undue or unreasonable prejudice or disadvantage." While these allegations are disputed,[17] their resolution is critical to a determination of the applicability of the policy enunciated in Docket No. 18509. As we have expressly stated when like arguments were advanced in other cases, the final report in that proceeding was not intended to condone anticompetitive conduct or to justify the blanket application of the rules promulgated therein despite an affirmative showing of anticompetitive conduct which resulted in an unfair advantage to the affiliated CATV operator. Continental Telephone Corporation, et al., 24 FCC 2d 719, 721 (1970); Manatee Cablevision, Inc., 22 FCC 2d 841, 861 (1970). Also, as Warrensburg Cable points out, nothing in the Docket No. 18509 Final Report required the telephone company to sell its common carrier CATV channel distribution facilities. Compliance with the Final Order could have been achieved by the sale of the CATV system instead of the channel distribution facilities.

19. The issue of whether United of Missouri engaged in unlawful discriminatory or anticompetitive conduct in Warrensburg was not litigated in the Docket No. 17333 proceeding. However, in our decision in that proceeding, we expressed serious concern with the potential for anticompetitive conduct where the local telephone company and the CATV operator are affiliated, due in large part to the carrier's control over the utility poles (13 FCC 2d at pp. 462–463). Thereafter we initiated rulemaking proceedings in Docket No. 18509 for the purpose of exploring the problems raised by such affiliation and to resolve the significant policy and legal questions presented by section 214 applications to construct facilities in communities where such an affiliation exists. The Final Report and Order adopted after a review of the numerous comments received in the proceeding recognized that by reason of its monopoly position in the community and its control over the poles, the telephone company is in a position to favor its own or affiliated interests as against nonaffiliated interests. (Section 214 Certificates, 21 FCC 2d 307, 324, released February 4, 1970.) Even where the telephone company and the CATV operator are not affiliated, the Commission found, the difficulty in obtaining pole line attachment agreements from the telephone company is the "potential seedbed of the controversy" and therefore must be "part of the solution" (21 FCC 2d at p. 326). For this reason, the Commission has specified as a prerequisite to the issuance of a certificate for CATV channel facilities a showing by the carrier that pole attachment rights were available to the CATV customer at reasonable charges and without undue restrictions at the time it applied for a local franchise as well as at the time it applied for channel service (21 FCC 2d at 326; § 63.57 of the rules. When considered in light of our findings in Docket No. 18509, Warrensburg Cable's charges of discriminatory action on the part of United of Missouri clearly call for further inquiry in an evidentiary hearing.

20. If the unlawful conduct charged against the affiliated companies is established, the remedies available are not so limited as United of Missouri seems to argue. In order to fulfill our obligations under the public interest standard, we must take whatever steps are found to be necessary and warranted under the facts of the individual proceeding to achieve the ends of justice. Thus we held in Continental Telephone Corporation, et al., supra, as follows (p. 271):

> Manifestly, we did not intend by our Final Report in Docket No. 18509 and the rules promulgated therein to condone anticompetitive conduct or to permit a common carrier to retain the fruits of such illegal conduct. Neither did we intend that competitors or potential competitors eliminated from the market by reason of a telephone company's misuse of its control over the utility poles should be left without a remedy; or that the public should be denied any means to restore the competitive situation which was stifled by a carrier's wrongdoing.

21. In Manatee Cablevision, Inc., supra, where the telephone company and its affiliated CATV customer engaged in anticompetitive conduct which was designed to eliminate the independent CATV operator as a competitor, we held (pp. 862–863):

> GTEC and the other General System companies cannot be permitted to profit from their own wrongdoing by allowing continued operation and an opportunity for divestiture in accordance with the provisions of our "Final Report" in Docket No. 18509. Also affirmative remedial action is required in order to eliminate any incentive for General System to continue the improper practices in which it has engaged and to restore a fully competitive situation in Manatee County.

Other remedies tailored to best meet the particular factual situation in a given case are also available to the Commission to prevent unwarranted enrichment from the party's own wrongdoing, to act as a deterrent to violation of the provisions of the Act, and to meet the ends of justice.[18] Ashtabula Cable TV, Inc. et al., 17 FCC 2d 113, 118–119 (1969). See also: Ashtabula Cable TV, Inc. et al., 18 FCC 2d 193 (1969); Western Telephone System, Inc., FCC 64–974, released October 29, 1964. Thus, if it appears that the United companies were guilty of wrongdoing and the sale of the facilities would represent an unwarranted windfall, steps may be taken by the Commission to remedy the situation.

22. We do not believe that either the separate corporate structures of the United companies or the sale of the CATV system to HarriScope Broadcasting Corp., which is not affiliated with either, interposes any significant obstacle to our fashioning whatever remedy is deemed necessary in the light of the facts developed at the evidentiary hearing. The affiliated corporations operate as a unit and, for our purposes, service to the viewing public by United Transmission is considered an operation by a telephone common carrier. See Armstrong Utilities, Inc., et al., 25 FCC 2d 385, 388, released September 14, 1970, and authorities therein cited. Since 1966, United of Missouri has known that a question existed as to the lawfulness of its construction of CATV channel distribution facilities in Warrensburg and it was advised that a cease and desist order might be issued against the continued operation of its channel service.[19] HarriScope knew, or with the exercise of reasonable diligence could have ascertained, the facts pertaining to the controversy between the United companies and Warrensburg Cable and the provisions of the Commission's decision and orders with respect thereto. By its purchase of the CATV system when United had neither applied for nor obtained Commission authorization pursuant to section 214, HarriScope must be held to have assumed the risk that its operation of the unlawfully constructed facilities

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[15] See footnotes 2, 3, and 4, supra.

[16] In its comments, the Bureau now agrees that Docket No. 17333 is still open insofar as the Warrensburg Cable matter is concerned and that in any event, the pleadings filed by Warrensburg Cable relate to mattera which are so interrelated on the merits that they should be considered together and on a separated basis.

[17] United of Missouri contends that Warrensburg Cable never requested pole attachment arrangements on the terms offered to HarriScope. However, the pleadings do not disclose when the telephone company changed its policy against such arrangements and whether it advised Warrensburg Cable of such change and of the availability of a pole attachment arrangement.

[18] In our view, there is no justification for further delaying action on Warrensburg Cable's request for remedial relief from alleged anticompetitive and discriminatory conduct until the outcome of the Commission's investigation of pole attachment arrangements in Dockets Nos. 16928, 16943, and 17098 (6 FCC 2d 440, 441; 22 FCC 2d 10) as suggested by the Bureau. See General Electric Cablevision Corp., et al., 10 FCC 2d 198 (1967). The dispositive issue here is not whether pole line arrangements are a common carrier service but whether the common carrier utilized its monopoly position in the community and its control over the utility poles to discriminate against the independent CATV operator and to undermine our decision in Docket No. 17333. Garden State Co. CATV, Inc., 19 FCC 2d 927, 929–930, released October 8, 1969; Manatee Cablevision, Inc., 22 FCC 2d 841, 862, released May 1, 1970.

[19] The Bureau questions our determination in the Docket No. 17333 proceeding that the conduct of United of Missouri was "inexcusable", on the ground that such conduct was not "any more serious than continuing to construct and operate, as other carriers did, after the Commission designated a section 214 issue in Docket No. 17333." The Bureau overlooks the express statements in our decision that the "date when the carrier first was placed on notice that a question existed as to the applicability of section 214 to construction for CATV channel service is particularly significant" and that, with respect to any construction thereafter, the "carriers assumed the risk that such construction might be the subject of remedial action by the Commission" (13 FCC 2d at p. 462). In fashioning our cease and desist orders against all the carriers we took this "particularly significant" fact into consideration, and we do not see how the unlawful actions of other carriers provides United of Missouri with an "excuse" from the issuance of a cease and desist order for its unlawful conduct. It should be clearly understood, however, that we did not hold that the carrier's conduct was "willful" or that the misconduct charged therein constituted acts or omissions "willfully and knowingly" done in violation of any penal provisions of the Communications Act.

would be subject to any remedial action which the Commission might deem necessary and appropriate in the public interest. We therefore place all parties on notice that if the public interest so requires, remedial action including the issuance of cease and desist orders may be taken which will be directed to, and will affect, the operation of the unlawfully constructed channel distribution facilities.[20] In view of the foregoing, HarriScope has an interest in, and may be affected by, the outcome of this proceeding and we hold it to be a necessary party. See section 411(a) of the Communications Act.

23. Both Warrensburg Cable and the Bureau challenge the accuracy and sufficiency of the information contained in the affidavit submitted by United of Missouri in an effort to meet the conditions imposed by the Commission as a condition to the continued operation of the previously constructed facilities pending action on its section 214 application. If operation of the channel service had remained under the control of the United companies and the affidavit were deficient, a directive putting the outstanding cease and desist order into immediate effect might have been warranted. Since, however, the facilities are being operated by an entity which was not a party, and is not affiliated with a party, to the prior proceedings, we do not believe that such action which would result in the withdrawal of an existing service during the pendency of the hearing is in the public interest. Nevertheless, the contents of the affidavit, and the accuracy and sufficiency thereof, will be considered in determining what action is required in this case. In this connection, we note that the affidavits generally required from parties operating in communities where an affiliation existed between the telephone company and the CATV operator were designed to uncover information concerning anticompetitive conduct against a nonaffiliated CATV operator (13 FCC 2d at 467). The intention, of course, was to make the cease and desist order permanent in those situations where anticompetitive conduct was established.

24. The next matter to be considered is the disposition to be made of Warrensburg Cable's complaint for damages. Therein the CATV operator asserts that by reason of certain alleged unlawful activities on the part of the United companies, which are detailed in the complaint, and the sale of the Warrensburg CATV facilities to HarriScope, it has suffered substantial monetary damages. Request is therefore made for compensatory damages in the amount of $660,000, punitive damages in the amount of $500,000, and for certain injunctive and other relief along the lines previously requested in other pleadings. In motions filed by United Utilities and United Transmission the movants contend that the complaint must be dismissed as to them because they are not common carriers. In view of the interrelation of the movants with United of Missouri, which is a common carrier, they are proper parties to this proceeding, and the motions to dismiss must be denied. Armstrong Utilities, Inc., et al., 25 FCC 2d at 385.

25. United of Missouri moved to dismiss the complaint on a number of grounds. Included therein are contentions that the Commission has no jurisdiction to award punitive damages and that the claim for relief is barred by the statute of limitations contained in section 415(b) of the Act.[21] The first ground for dismissal must be rejected on the basis of our holding in Richard Johnson et al., 18 FCC 2d 679 (1969). In that case we expressed the view that a ruling on the question of our jurisdiction to award punitive damages in cases where the facts warrant such action should be deferred until after completion of the evidentiary hearing and the submission of briefs by the parties. We adhere to that view here.

26. Whether the complaint is barred by the provisions of section 415(b) presents a more significant and a more difficult question since the lapse of time "not only bars the remedy, but destroys the liability," Armstrong Utilities, Inc. et al., 25 FCC 2d at 389. In response to the contention that its action is thus barred, Warrensburg Cable asserts that the damages accrued by reason of "the entire course of United's illegal activities * * *" and that the sale of the facilities to HarriScope "represented an event which compounded and revitalized the entire sequence of United's prior activities, for statutory purposes." Pointing out that its initial formal complaint was filed on October 12, 1966, Warrensburg Cable argues that a construction of section 415(b) which would preclude its reliance on United's activities since 1966 is inconsistent with the Commission's assurances that dismissal of the complaint without prejudice would not impair the complainant's pursuit of relief.

27. In its 1966 complaint, Warrensburg Cable did not request monetary damages and in denying reconsideration of our dismissal order we stated only that complainant would not be foreclosed "from obtaining relief in Docket No. 17333 to which it might otherwise have been entitled here" (FCC 67-1195, paragraph 4, released Nov. 7, 1967). Thus, while we assured Warrensburg Cable that dismissal of the complaint would not prejudice any right which it might have to the relief requested therein, we gave no assurances that a subsequent claim for damages would be protected against the statutory bar of section 415(b). Nevertheless, we do not believe that we should attempt to determine on the basis of the pleadings alone whether Warrensburg Cable suffered monetary damages as a result of a series of interrelated illegal acts or a course of conduct which commenced in 1966 and culminated in the sale of the CATV channel distribution facilities and the CATV system to HarriScope as claimed by the complainant. When all of the facts are developed in an evidentiary hearing, we shall be in a better position to decide whether section 415(b) is a bar to the award of damages.

28. Other arguments advanced by United of Missouri in support of its motion to dismiss have been considered but we find them to be without merit. On the contrary, we conclude that an evidentiary hearing on the allegations of Warrensburg Cable's complaint is warranted.

29. By a motion filed on April 20, 1970, pursuant to § 1.731(b) of the rules,[22] United of Missouri requested that the Commission direct Warrensburg Cable to file an amended complaint containing "concise, specific allegations of fact showing how, when, and by what actions or omissions, in contravention of the Communications Act of 1934, United of Missouri caused damage to Warrensburg Cable and to show the nature of the injury or injuries claimed to have been sustained, and to show the amount of damages claimed with respect to each such claimed injury."[23] In comments filed on July 6, 1970, the Common Carrier Bureau supports the motion. Warrensburg Cable opposes the motion on grounds that its complaint and other records before the Commission relating to CATV operations in Warrensburg fully and completely discloses how and in what respects it has been damaged and that more precise information will be made available prior to and at the evidentiary hearing without requiring the cable operator "to try its case in the complaint."

[20] Thus, if unlawful conduct on the part of the United companies is established, the Commission may direct the parties to cease and desist from the operation of the unlawfully constructed facilities until United of Missouri demonstrates to the satisfaction of the Commission that the adverse effects of its unlawful conduct have been eliminated and that the United companies have not benefited from any wrongdoing. Another possible remedy is to condition approval of the sale to HarriScope on compliance with provisions and conditions which restore a fully competitive situation in the community, make Warrensburg Cable whole for any unlawful anticompetitive conduct of the United companies, and preclude the United companies from retaining the fruits of any wrongdoing.

[21] Section 415(b) provides as follows: "All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within 1 year from the time the cause of action accrues, and not after, subject to subsection (d) of this section."

Subsection (d) is not pertinent here.

[22] This section authorizes the defendant named in a complaint to file a motion requesting that the allegations of the complaint be made more definite and certain.

[23] In a letter dated Apr. 27, 1970, the Common Carrier Bureau advised United of Missouri that it would not be required to answer that portion of Warrensburg Cable's complaint which alleged monetary damages until action is taken on its motion for greater specificity. However, the telephone company was directed to answer the remaining portions of the complaint: The Bureau pointed out that, even if there were no claims for damages, "the Commission nevertheless has the duty to investigate and United Telephone of Missouri has the duty to answer, allegations of violations of the Act such as those contained in this formal complaint."

30. In view of the evidentiary hearing in Docket No. 17333 and the profusion of pleadings which have been filed, it seems almost inconceivable that the United companies do not know upon what alleged acts or omissions Warrensburg Cable predicates its claim to damages. Nevertheless, we believe that favorable action is warranted on the motion to make the complaint more definite and certain. While Warrensburg Cable's complaint sets forth a number of general allegations of unlawful activities on the part of the United companies and a number of conclusory statements of statutory violations, we believe that the complaint must state with greater specificity the facts upon which its claim to damages is based as required by § 1.722 of the rules. It should also explain in greater detail the manner in which it arrived at a figure of $660,000 for compensatory damages as required by § 1.723 of the rules. The required information should be submitted in an amended complaint within 30 days after the release of this order. The other parties to this proceeding will be accorded a period of 30 days from the filing of the amended complaint in which to submit answers thereto. In the hope of discouraging a new round of pleadings, we now hold that Warrensburg Cable's complaint is not fatally defective for lack of specificity and it is not subject to dismissal on that ground. The burden of proof as to damages is upon Warrensburg Cable and it must meet that burden at the hearing in order to be successful. Moreover, if the United companies or any of them make a proper showing that greater specificity as to the claim for damages is necessary in advance of hearing, there are prehearing procedures available for this purpose.

31. We conclude that in order to explore the issues raised, a further evidentiary hearing is required on the applications for certificates of public convenience and necessity filed by the United companies, Warrensburg Cable's complaint, and its request for other relief against the United companies and HarriScope Broadcasting, the purchaser of United's CATV facilities at Warrensburg. The determination of whether enforcement of the outstanding cease and desist orders against United of Missouri, the issuance of further cease and desist orders against HarriScope Broadcasting, the United companies, or any of them, an award of damages to Warrensburg Cable, or any other action is called for may then be made on the basis of the facts developed at the hearing.

32. *Accordingly, it is ordered*, That, pursuant to sections 4 (i) and (j), 202, 206, 207, 208, 209, 214, 218, 312 (b) and (c), 403, 409(a), and 411(a) of the Communications Act of 1934, as amended, the above-captioned matters and the matters raised by the pleadings with respect thereto are designated for hearing in the Commission's offices in Washington, D.C., on a date and before an examiner to be specified in a subsequent order on the following issues:

(1) To determine all of the facts and circumstances surrounding—

(a) The negotiations and discussions for pole attachment agreements by and between Warrensburg Cable on the one hand and United of Missouri on the other hand;

(b) The negotiations and discussions, if any, for a pole attachment agreement covering CATV facilities in Warrensburg, Mo., between United of Missouri and United Transmission, including any agreement, arrangement, or understanding, express or implied, between them;

(c) The negotiations and discussions leading up to the sale of the CATV channel distribution facilities and the CATV system in Warrensburg, Mo., from the United companies to HarriScope Broadcasting Corp. and the terms and conditions of the sale thereof, including any agreements, whether written or oral, among them relating to the sale of the said facilities;

(d) The negotiations and discussions for pole attachment agreements concerning CATV in Warrensburg, Mo., by and between United of Missouri and/or United Transmission on the one hand and HarriScope Broadcasting on the other hand, including any agreement, arrangement, or understanding, express or implied, between them.

(2) To determine whether United Utilities, United of Missouri, and United Transmission, or any of them, engaged in activities which are or were anticompetitive and monopolistic in nature vis-a-vis Warrensburg Cable in contravention of the Communications Act or otherwise contrary to the public interest.

(3) To determine whether HarriScope Broadcasting Corp. was a party to, participated in, assisted, or furthered any anticompetitive and monopolistic conduct by the United companies vis-a-vis Warrensburg Cable.

(4) To determine whether the section 214 applications filed by United Telephone Company of Missouri (P-C-7656) and by United Transmission, Inc. (P-C-7655), were subject to dismissal by reason of the sale of the CATV facilities in Warrensburg, Mo., to HarriScope Broadcasting Corp.; and if not, to determine whether the public convenience and necessity will be served by authorization of the construction and operation of the facilities covered by the said applications.

(5) To determine whether the affidavit submitted by United Telephone Company of Missouri is in substantial compliance with the requirements of the Commission's order in Docket No. 17333, 13 FCC 2d 448.

(6) To determine whether a certificate of public convenience and necessity pursuant to section 214 of the Communications Act should issue for the sale of the CATV channel distribution facilities in Warrensburg, Mo., to HarriScope Broadcasting Corp.; and if so, what conditions, if any, should be attached thereto.

(7) To determine whether the activities and course of conduct by the United companies prior to the sale of the CATV facilities in Warrensburg, Mo., to HarriScope Broadcasting Corp. and in connection with the sale of the said facilities constituted violations of sections 201, 202(a), 203, 214(a), and 416(c) of the Communications Act, or any of them, which resulted in economic harm to, and which damaged, Warrensburg Cable, Inc.

(8) To determine whether Warrensburg Cable is entitled to any compensatory or punitive damages as a result of any violations of sections 201, 202(a), 203, and 214(a) of the Act which may be found under the preceding issue to have been committed; and if so, the amounts thereof.

(9) To determine in light of the evidence adduced at the hearing pursuant to the foregoing issues, whether United Utilities, United of Missouri, United Transmission, and HarriScope Broadcasting Corp., or any of them, jointly or separately, should be directed to cease and desist from providing CATV facilities or services in Warrensburg, Mo.

(10) To determine, in light of the evidence adduced at the hearing pursuant to the foregoing issues, whether any other action should be taken by the Commission and the nature thereof.

33. *It is further ordered*, That the burden of proof on issues 1(b) and 1(c) is on United of Missouri, United Transmission, and United Utilities; the burden of proof on issue 1(d) is on the aforesaid United companies and HarriScope Broadcasting; the burden of proof on issues 1(a), (2), (3), (7), and (8) is on Warrensburg Cable; and the burden of proof on issues (4), (5), 6), (9), and (10) is on Warrensburg Cable and the Common Carrier and Cable Television Bureaus.

34. *It is further ordered*, That United of Missouri, United Transmission, United Utilities, HarriScope Broadcasting Corp., Warrensburg Cable, and the Commission's Common Carrier and Cable Television Bureaus are made parties to this proceeding.

35. *It is further ordered*, That the application for review filed by Warrensburg Cable, Inc., on May 18, 1970, is granted; and that the petition for declaratory rulings filed by Warrensburg Cable, Inc., on May 28, 1970, is granted to the extent set forth herein and in all other respects is denied.

36. *It is further ordered*, That the motion filed by United of Missouri on April 20, 1970, to make the complaint of Warrensburg Cable more definite and certain is granted; and that Warrensburg Cable, Inc., is directed to file an amended complaint within 30 days after the date of the release of this order as set forth herein; and that the other parties shall be accorded a period of 30 days from the date of filing to answer the said amended complaint.

37. *It is further ordered*, That the motions to dismiss the complaint of Warrensburg Cable filed on April 20, 1970, by United Utilities, Inc., and United Transmission, Inc., and on April 30, 1970, by United of Missouri are denied.

38. *It is further ordered*, That the petition filed on August 28, 1970, by Warrensburg Cable for leave to file a supplemental response to the Common Carrier Bureau's comments is granted, and the supplemental response tendered for filing is accepted.

39. *It is further ordered*, That the Secretary of the Commission shall send copies of this order by certified mail, return receipt requested, to United Telephone Company of Missouri, United Transmission, Inc., United Utilities, Inc., and HarriScope Broadcasting Corp., and shall cause a copy to be published in the FEDERAL REGISTER.

Adopted: February 10, 1971.

Released: February 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2369 Filed 2-19-71;8:48 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Edward F. Reardon, agent, Australia U.S. Atlantic and Gulf Conference, 17 Battery Place, New York, NY 10004.

Agreement No. 9450-4 is a modification of the Australia/U.S. Atlantic and Gulf Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2386 Filed 2-19-71;8:49 am]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

G. Ravera, Secretary, Med-Gulf Conference, Post Office Box 1070, 16100 Genoa, Italy.

Agreement No. 9522-15 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2389 Filed 2-19-71;8:49 am]

MEDITERRANEAN-NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood Wright White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 5660-15 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2387 Filed 2-19-71;8:49 am]

MED-GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

G. Ravera, Secretary, Mediterranean-North Pacific Coast Freight Conference, Post Office Box 1070, 16100 Genoa, Italy.

Agreement No. 8090-9 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2388 Filed 2-19-71;8:49 am]

PORTUGAL/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood Wright White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9616-3 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2390 Filed 2-19-71;8:49 am]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood Wright White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9615-5 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2391 Filed 2-19-71;8:50 am]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS NORTH ATLANTIC RANGE CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

G. Ravera, Secretary, The West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference, Post Office Box 1070, 16100 Genoa, Italy.

Agreement No. 2846-20 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2392 Filed 2-19-71;8:50 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Extension of Time for Owners or Operators of Certain Barges To File Applications

On December 25, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 19644) an extension of time until February 15, 1971, for owners or operators of "non-oil carrying barges" to file applications for Certificates of Financial Responsibility (Oil Pollution). The purpose of this ex-

emption was to provide temporary relief from the filing requirements to owners or operators of barges which might be exempted from the financial responsibility requirements of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970, by legislation then pending in Congress.

The pending exemption legislation was enacted into law on December 31, 1970, and provided an exemption to "* * * any barge that is not self-propelled and that does not carry oil as cargo or fuel." On January 19, 1971, the Commission published in the FEDERAL REGISTER (35 F.R. 834) a notice of proposed rule making (Docket No. 71-5) to conform the Commission's regulations to the exemption legislation.

It is intended that the final rule in Docket No. 71-5 will specify clearly which barges are exempted from the financial responsibility requirements. However, since the final rule will not be promulgated until after the present deadline date of February 15, 1971, it is the opinion of the Commission that an additional extension of time is warranted.

Accordingly, owners and operators of "non-oil carrying barges" need not file their applications for Certificates of Financial Responsibility (Oil Pollution) until 2 weeks from the date the final rules in Federal Maritime Commission Docket No. 71-5 are published in the FEDERAL REGISTER.

By order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2385 Filed 2-19-71;8:49 am]

[Docket No. 71-13]

PACIFIC INTERMOUNTAIN EXPRESS CO.

Order of Investigation and Suspension Regarding Increases in Freight Rates in U.S. Pacific Coast/Hawaii Trade

Pacific Intermountain Express Co. has filed with the Federal Maritime Commission 6th Revised Page No. 18 to its Tariff FMC-F No. 1 to become effective February 20, 1971. This page increases the rate on Freight, All Kinds, between U.S. Pacific Coast ports and Honolulu.

Upon consideration of said tariff page, the Commission is of the opinion that the above-designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 6th Revised Page 18 to Tariff FMC-F No. 1 is suspended and the use thereof be deferred to and including June 19, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Pacific Intermountain Express Co. a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until June 20, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Pacific Intermountain Express Co. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (1) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2384 Filed 2-19-71;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. G-9]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the civilian agencies of the Federal Government in a motor carrier rate increase proceeding.

2. *Effective date.* This regulation is effective February 12, 1971.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the civilian agencies of the Federal Government before the Interstate Commerce Commission in a proceeding involving rate increases proposed by motor carrier members of the Rocky Mountain Motor Tariff Bureau, Inc., in its Tariff No. 21-C.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 12, 1971.

W. L. JOHNSON, JR.,
Acting Administrator of General Services.

[FR Doc.71-2334 Filed 2-19-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-686 etc.]

BELCO PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 10, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 31, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-686..	Belco Petroleum Corp.....	16	4	Texas Gas Transmission Corp. (North Maurice Field, Lafayette Parish) (Southern Louisiana).	$12,250	1-18-71	.....	[2] 3-3-71	19.5	[3] 21.25	
RI71-687..	Three S & T Oil Co., Inc....	1	[7] 8	United Gas Pipe Line Co. (Iowa Field, Calcasieu Parish) (Southern Louisiana).	20,344	1-18-71	.....	[2] 3-3-71	18.5	[3] [4] 22.375	
RI71-688..	The California Co., a division of Chevron Oil Co.	65	1	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Bay Jaque Field, Lafourche Parish) (Southern Louisiana).	109,500	1-18-71	.....	[2] 3-3-71	[5] 20.0 [6] 18.5	[3] 26.0 [6] 26.0	
RI71-689..	Emerald Oil Co.....	20	5	Michigan Wisconsin Pipe Line Co. (Lawtell Field, St. Landry Parish) (Southern Louisiana).	3,605	1-15-71	.....	[2] 2-28-71	20.0	[3] [4] 22.375	
RI71-690..	Three S & T Oil Co., Inc....	2	8	Transcontinental Gas Pipe Line Co. (Lucy Field, St. Charles, and other parishes) (Southern Louisiana).	6,300	1-18-71	.....	[2] 3-3-71	20.625	[3] [4] [8] 22.375	

*The pressure base is 15.025 p.s.i.a.

[1] Increase per termination of moratorium pursuant to Order No. 413 issued Oct. 27, 1970.

[2] The date from Jan. 10, 1971 corresponding to the number of days filed after Nov. 27, 1970.

[3] Increase is limited to the rate level prescribed in the Dec. 24, 1970 order issued in Docket No. AR69-1.

[4] For gas well gas.

[5] For casinghead gas.

[6] Not used.

[7] Includes letter dated Jan. 12, 1970 confirming the contract rate of 24.05 cents.

[8] Proposed rate is the contract rate of 24.05 cents.

[9] Contract base rate is 22.5 cents.

[10] Proposed rate is 29.05 cents.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the southern Louisiana area were able to file for higher contractually authorized rates within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rates subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

[FR Doc.71-2266 Filed 2-19-71;8:45 am]

[Dockets Nos. RI71-701, RI64-628]

BIG MARSH OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 12, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chap-

ter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 2, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R164-628..	Big Marsh Oil Co.	1	[2] 5	United Fuel Gas Co. (Big Marsh Field, Raleigh County, W. Va.).	.....	[1] 12-9-70	1-10-71	[3] Accepted	.....	.....	R164-628.
R171-701	do	1	6	do	$33,815	[1] 12-9-70	1-10-71	1-11-71	21.0	26.0	

*The pressure base is 15.325 p.s.i.a.
[1] Refiled on Jan. 13, 1971.
[2] Supplemental agreement providing for an increase of 5 cents per Mcf in the present rate and renegotiated rate increases every 5 years hereafter.
[3] Accepted, to be effective Jan. 10, 1971.

On December 9, 1970, Big Marsh Oil Co. filed a proposed notice of change in rate from 21 cents to 26 cents per Mcf together with a related supplemental agreement providing for such increased rate for a sale to United Fuel Gas Co. in West Virginia. On January 4, 1971, the proposed filings were returned to Big Marsh with the explanation that Order No. 411 rendered the filings unnecessary because of Big Marsh's status as a small producer. On January 13, 1971, Big Marsh resubmitted the filings because of its affiliation with the purchaser, United Fuel, which precluded its qualifying as a small producer under § 157.40 of the Commission's regulations. Respondent requests that the proposed filings be made effective January 10, 1971. Due to the affiliation between buyer and seller, the proposed increased rate, which does not exceed the applicable ceiling rate, shall be suspended for 1 day from January 10, 1971, the effective date proposed in the original filing.

[FR Doc.71-2297 Filed 2-19-71;8:45 am]

[Docket No. R171-692 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 10, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

[1] Does not consolidate for hearing or dispose of the several matters herein.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 31, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-692..	Getty Oil Co.	3	[8] 15	Transcontinental Gas Pipe Line Corp. (Oakville Wilcox Field, Live Oak County) (Texas RR. District No. 2).	$1,637	1-18-71	2-18-71	[15] Accepted	[4] 11.0369	[6] 19.0	
						1-18-71	2-18-71	7-18-71	[5] 12.0399	[7] 21.0	
									[4] [6] 13.0399	[4] [6] 25.0	
	do	14	[8] 15	Transcontinental Gas Pipe Line Corp. (Ray Wilcox Field, Bee County) (Texas RR. District No. 2).	16,457	1-15-71	2-15-71	[15] Accepted	[4] 11.0399	[6] 19.0	
		14	16			1-15-71	2-15-71	7-15-71	[5] 13.0399	[7] 21.0	
										[4] [6] 25.0	
	do	16	[8] 19	Transcontinental Gas Pipe Line Corp. (West Tuleta Field, Bee County) (Texas RR. District No. 2).	[9] 7,275	1-15-71	2-15-71	[15] Accepted	[4] 11.0399	[6] 19.0	
		16	20			1-15-71	2-15-71	7-15-71		[7] 21.0	
					[7] 17,598				[4] 13.0399	[4] [6] 25.0	
		20	16	United Gas Pipe Line Co. (Branot Field, Goliad County) (Texas RR. District No. 2).	211	1-15-71	2-15-71	7-15-71	14.035	14.13525	R169-857.
R171-693..	Houston Natural Gas Production Co. et al.	7	[8] 15	Transcontinental Gas Pipe Line Corp. (South Mineral Field, Bee County) (Texas RR. District No. 2).	10,495	1-20-71	2-20-71	[15] Accepted	[10] 11.0407	[6] 19.0	
		7	16			1-20-71	2-20-71	7-20-71	[11] 12.0444	[7] 21.0	
									[5] 13.0481	[6] 25.0	
	do	9	[8] 15	Transcontinental Gas Pipe Line Corp. (Mineral Field, Bee County) (Texas RR. District No. 2).	4,773	1-20-71	2-20-71	[15] Accepted	[10] 11.0407	[6] 19.0	
		9	16			1-20-71	2-20-71	7-20-71	[11] 12.0444	[7] 21.0	
									[5] 13.0481	[6] 25.0	
	do	10	[8] 14	Transcontinental Gas Pipe Line Corp. (Hay-Field Bee County) (Texas RR. District No. 2).	48,082	1-20-71	2-20-71	[15] Accepted	[10] 11.0407	[6] 19.0	
		10	15			1-20-71	2-20-71	7-20-71	[11] 12.0444	[7] 21.0	
									[5] 13.0481	[6] 25.0	
R171-694..	R. C. Harris et al.	1	[12] 16	Transcontinental Gas Pipe Line Corp. (West Tuleta Field, Bee County) (Texas RR. District No. 2).	116,970	1-20-71	2-20-71	[15] Accepted	[10] 11.0399	[6] 19.0	
		1	17			1-20-71	2-20-71	7-20-71		[7] 21.0	
									[5] [13] 13.0399	[6] [13] 25.0	
R171-695..	Humble Oil & Refining Co.	383	4	Mountain Fuel Supply Co. (West Side Canal Area) (Carbon County, Wyo.).	3,463	1-14-71	3- 8-71	8- 8-71	[16] 15.15	[12] 16.16	
R171-696..	Mobil Oil Corp. et al.	17	23	Northern Natural Gas Co. (Blinebry and Tubb Fields) (Lea County, N. Mex.) (Permian Basin).	21,091	1-11-71	2-11-71	7-11-71	14.80	[16] 15.7543	
R171-697..	Atlantic Richfield Co.	228	4	Arkansas Louisiana Gas Co. (Vixen Field, Caldwell Parish, North Louisiana).	7,210	1-22-71	3- 1-71	8- 1-71	[17] [20] 19.5	[17] [20] 20.5	R168-90.
R171-698..	Tenneco Oil Co.	264	1	Arkansas Louisiana Gas Co. (Bonanza Field, Sebastian County, Ark.).	150	1-18-71	2-18-71	7-18-71	15.0	16.0	
R171-699..	Adobe Oil Co.	[18]	.....	El Paso Natural Gas Co. (Calvin Dean Field) (Reagan County) (Texas RR. District 7-C) (Permian Basin).	10,000	1-19-71	2-14-71	7-14-71	14.5	19.0	

[1] Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[2] For compressed gas if seller installs and operates sellers compressors.
[3] For uncompressed gas.
[4] For gas compressed by purchaser if seller maintains and operates purchaser's compressors.
[5] Subject to a 0.2193¢ dehydration charge.
[6] Agreement dated Dec. 28, 1970, provides among other things for an extension of contract term until Apr. 1, 1981 and for renegotiated rates of 19 cents for gas produced from reservoirs discovered prior to Sept. 28, 1960, 21 cents for gas from reservoirs discovered from Sept. 28, 1960, to June 17, 1970, and 25 cents for gas from reservoirs discovered on or after June 17, 1970, or any higher area ceiling price.
[7] For gas discovered prior to Sept. 28, 1960.
[8] For gas discovered from Sept. 28, 1960, to June 17, 1970.
[9] For gas discovered on or after June 17, 1970.
[10] For gas which does not require compression or requiring a single stage of compression by seller.
[11] For gas which does not require compression or which is compressed by buyer.
[12] For gas compressed by buyer the facilities which seller may elect to take over.
[13] Three amendments, two dated Dec. 31, 1970, one dated Jan. 11, 1971, provide for an extension of contract term and renegotiated rates specified therein.
[14] Subject to a 0.2193¢ dehydration charge deducted by buyer for gas requiring dehydration.
[15] Effective subject to refund in Docket No. R170-469.
[16] Includes double tax reimbursement with 50 percent applicable to sales of gas after Mar. 8, 1971, with the remainder levied for recoupment of tax paid during prior years.
[17] Converted from 15.025 p.s.i.a. pressure base. Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[18] Includes 1.5-cent tax reimbursement.
[19] Small producer certificate holder in Docket No. CS67-2. No rate schedule on file.
[20] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column subject to the conditions prescribed in this order.
[21] The pressure base is 15.025 p.s.i.a.

The agreements filed by respondents in addition to providing for the proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage. Additionally, the agreements of Getty Oil Co., Houston Natural Gas Production Co., and R. C. Harris, limit the gas reserves committed to such contracts. Neither the basic contracts nor the related certificates were previously limited in this manner. Therefore, such agreements are accepted for filing only insofar as they pertain to the reserves specified therein and the increases are limited only to gas produced from such reserves. Also, respondents are advised that the acceptance of such agreements does not constitute any authorization to abandon any acreage covered by the original contracts which is not covered by these agreements.

The proposed increase of Humble Oil & Refining Co., is a periodic increase and includes a double amount of the contractually due reimbursement of the Wyoming severance tax to provide reimbursement of taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Humble is advised that after tax reimbursement applicable to past production has been recovered, a rate decrease filing will be required to reduce the proposed rate so as to provide for tax reimbursement for future production only. Houston Natural Gas Production Co. and R. C. Harris request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied. The proposed increases are suspended for 5 months upon expiration of statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-2267 Filed 2-19-71;8:45 am]

[Docket No. CP-70-199 etc.]

CUMBERLAND NATURAL GAS CO., INC., AND NATIONAL CHEMICAL CORP.

Notice of Application and Consolidation

FEBRUARY 18, 1971.

Take notice that on January 29, 1971, National Chemical Corp. (applicant), 406 Kenyon Building, Louisville, KY 40202, filed in Docket No. CP71-205 an application pursuant to section 7(c) of the Natural Gas Act for an order certifying it as successor-in-interest to certain pipeline facilities transferred to it from

Cumberland Natural Gas Co. (Cumberland), and pursuant to section 7(b) of the Act for an order authorizing and permitting abandonment of service to Texas Gas Transmission Corp. (Texas Gas) and abandonment of the physical interconnection with the facilities of Texas Gas, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

These proceedings were initiated with the filing by Cumberland in Docket No. CP70-199 of an application under section 7(b) of the Act for permission and approval to abandon the transportation and sale of natural gas produced from Applicant's properties and the facilities used therefor. By order of November 25, 1970, applicant was made a party to the proceedings and ordered to show cause why it should not be found to be a "natural-gas company" within the meaning of the Natural Gas Act, why it should not be required to obtain a certificate pursuant to section 7(c) of the Act, as successor in interest to certain producing acreage previously dedicated to interstate commerce and, as transferee of the Cumberland facilities, why it should not be required to comply with the abandonment provisions of section 7(b) of the Act. The applications in Dockets Nos. CI71-506 and CI71-507, together with the application in Docket No. CP71-205, were filed pursuant to said show cause order.

The matters now formally presented in the application in Docket No. CP71-205 involve questions of law and fact common to and first raised in the proceedings now pending in Dockets Nos. CP70-199, CI71-506, and CI71-507. Consequently, the instant application will be heard on a consolidated basis with these previously filed applications.

In order not to unduly delay the hearings which have commenced, it is reasonable and consistant with the public interest that the time fixed for the filing of petitions to intervene and protests should be less than the 15 days prescribed by the Commissions rules of practice and procedure (18 CFR 1.19). Accordingly, any person wishing to become a party to the consolidated proceedings should on or before March 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Those already parties to the proceedings in Dockets Nos. CP70-199, CI71-506, and CI71-507 need not refile to intervene. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings or to participate as a party to any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2406 Filed 2-19-71;8:50 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Wapakoneta, Wapakoneta, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of a new national bank into which would be merged The First National Bank of Wapakoneta, Wapakoneta, Ohio (Bank). The new national bank has significance only as a means of acquiring all of the shares of the bank to be merged into it; the proposal is therefore treated herein as one to acquire shares of The First National Bank of Wapakoneta.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Board also gave notice to the Superintendent of Banks for the State of Ohio. The Comptroller recommended approval of the application, and the Superintendent advised that his office had no objection to approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 19, 1970 (35 F.R. 19291), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration the Board finds that:

Applicant, the eighth largest banking organization in Ohio, controls six banks with deposits of approximately $557 million, representing less than 3 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Bank, with deposits of less than $24 million, would increase Applicant's control of deposits in the State by only 0.1 percentage points, leaving unchanged its present ranking among banking organizations in the State.

Bank is located in the town of Wapakoneta, which has a population of less than 8,000. Bank operates a branch 6 miles north of Wapakoneta in Cridersville, and another branch 8 miles west of Wapakoneta in St. Mary's. As the largest of six banks in Auglaize County (population 40,000), which is regarded as the relevant banking market and is primarily an agricultural area, Bank holds 29 percent of deposits in the county. However, the second largest bank in the county is only slightly smaller than Bank and holds more than 26 percent of deposits in the county. Also Bank competes with two considerably larger banks in the adjoining Lima market. A significant number of Wapakoneta residents commute to Lima.

Applicant's subsidiary bank located nearest to Bank is 78 miles to the southwest and there are three counties served by 95 offices of 20 independent banks in the intervening area. It appears that no present competition exists between any of Applicant's subsidiaries and Bank. On the facts of record and in the light of Ohio's branching restrictions, it appears unlikely that consummation of the proposal herein would foreclose potential competition.

Based upon the record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effect on competition in any relevant area. The financial condition and management of Applicant and its present subsidiaries appear to be satisfactory and prospects for the group appear favorable. A strengthening of Bank's management and financial condition is desirable. Applicant's ability to provide assistance in these areas and to enhance Bank's prospects is a substantial factor in support of approval of the application. Applicant proposes to expand Bank's lending operations, to initiate various staff improvement programs at Bank, and to offer trust, travel, and other services. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some slight support to approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved; *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] February 16, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2321 Filed 2-19-71;8:45 am]

FIRST COMMUNITY BANCORPORATION

Order Approving Action To Become Bank Holding Company

In the matter of the application of First Community Bancorporation, Joplin, Mo., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Joplin, Joplin, Mo., and, as an incident to the merger, indirect control of 100 percent of the voting shares (less directors' qualifying shares) of Community National Bank of Joplin, Joplin, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Community Bancorporation, Joplin, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the merger of First National Bank of Joplin, Joplin, Mo., into a nonoperating national bank and the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger and, as an incident to the merger, indirect control of 100 percent of the voting shares (less directors' qualifying shares) of Community National Bank of Joplin, Joplin, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 18, 1970 (35 F.R. 19219), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1a] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] February 16, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2320 Filed 2-19-71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

[1a] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2859]

DELTA PACIFIC CORP.

Order Permanently Suspending Exemption

FEBRUARY 10, 1971.

I. Delta Pacific Corp. (issuer), a Nevada corporation with offices located at 325 South Third Street, Las Vegas NE, filed with this Commission on May 23, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 300,000 shares of its $1 par common stock for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The offering commenced on November 4, 1969 with officers and directors of the issuer acting as underwriters. Subsequently, the notification and offering circular was amended, and Wanderon & Co., Inc. (underwriter), Jersey City, N.J., was designated as underwriter for the issue. The offering recommenced on February 23, 1970.

II. The Commission on November 10, 1970, temporarily suspended the Regulation A exemption of Delta Pacific Corp., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. Issuer failed to disclose under Items 3 (a) and (b) of Form 1-A a change in officers and directors of the issuer during June and July 1970.

2. Issuer failed to disclose under Item (10) To determine, in light of the evi- posed offerings by the issuer in that during late April 1970 a note of the company was executed and shares of the issuer were sold in the acquisition of other companies.

3. The aggregate offering price of $300,000 under Regulation A (which was the maximum aggregate offering price available under the exemption at the time of this offering) was exceeded as a result of transactions referred to in 2, above.

4. The offering circular after April 15, 1970, failed to include proper financial statements as required by Item 11 of Schedule I.

5. The offering circular after April 15, 1970, failed accurately to state the use to which proceeds of the offering were to be applied as required by Item 6(a) of Schedule I.

6. The offering circular after June 1, 1970, failed accurately to state the names and addresses of officers and directors of issuer as required by Item 9 of Schedule I.

7. The offering circular after April 15, 1970, failed to disclose with respect to the issuer's business as required by Item 8(b) and 8(c) of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to describe adequately and accurately transactions whereby the issuer acquired a major portion of its assets, in that G. William Harrison, then president of the issuer, acquired those assets in an arm's-length transaction and thereafter assigned them to the issuer for stock, whereas the property was in fact previously owned by his mother who retained a three-sixteenths royalty interest.

2. The failure to disclose in the offering circular the fact that Mrs. Mary A. Ferris is the mother of G. William Harrison.

3. As a result of information described in paragraph 1, the offering circular fails to state that, because of a conflict of interest regarding these assets, Harrison was unable to make an independent judgment with respect to these assets.

4. The failure accurately to reflect in the offering circular subsequent to June 1, 1970, the names and addresses of the officers and directors of the issuer.

5. The failure to disclose that the underwriter had not promptly transmitted the proceeds of this offering to the issuer.

6. The failure to disclose that the underwriter has been manipulating the price of the issuer's stock by trading in the stock during the distribution of said stock.

7. The failure to disclose that on May 17, 1970, the issuer drilled a dry hole on its Louisiana lease location.

8. The failure to disclose that in late April 1970, the issuer had abandoned exploration of its copper property in Utah.

9. The failure to disclose that the issuer had acquired in April 1970 three small companies for cash, notes, and stock, thereby causing the aggregate offering price under Regulation A to be exceeded.

10. Failure to disclose that Harrison, as an officer of the issuer, executed a note of $28,000 for the acquisition of an-

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

other company without the approval of the issuer's board of directors.

11. Failure to disclose that an officer of the issuer attempted to create a spurious transaction of the issuer's stock to individuals known to him in order that he could announce the close-outs of this offering.

12. The failure to disclose that proceeds from the offering had been and were being used for purposes other than as stated.

C. The issuer and underwriter in the use of issuer's offering circular and in the distribution of these securities, have engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon purchasers of the securities in violation of sections 5 and 17(a) of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after the entry of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc. 71-2336 Filed 2-19-71;8:46 am]

[File No. 24W-2975]

HYDRO-MISER CORP.

Order Permanently Suspending Exemption

FEBRUARY 10, 1971.

I. Hydro-Miser Corp. (Hydro-Miser), 5832 Old York Road, Philadelphia, PA, incorporated in the State of Delaware on April 18, 1969, filed with the Commission on January 28, 1970, a notification on Form 1-A and an offering circular relating to an offering of 73,500 shares of its $0.10 par value common stock at $4 per share for an aggregate offering price of $294,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on October 6, 1970, temporarily suspended the Regulation A exemption of Hydro-Miser Corp., stating that on the basis of information provided by its staff, it had reasonable cause to believe that:

A. The Offering Circular of Hydro-Miser contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The loss of Hydro-Miser's franchise distributorship;

2. A law suit instituted against Hydro-Miser; and

3. Hydro-Miser's inability to refund monies held by it as refundable franchise deposits.

B. The offering, if made, would be in violation of section 17 of the Securities Act of 1933.

III. No hearing having been requested by the issuer within 30 days after the entry of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-2337 Filed 2-19-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 52]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Robert D. Pfahler, agent, The Chesapeake and Ohio Railway Co. is unable to transport traffic over its car ferry between Milwaukee, Wis., and Ludington, Mich., because of a transfer bridge at Milwaukee, Wis., being inoperable.

It is ordered, That:

(a) The Chesapeake and Ohio Railway Co., being unable to transport traffic over its car ferry between Milwaukee, Wis., and Ludington, Mich., because of a transfer bridge at Milwaukee, Wis., being inoperable, that line and its connections are hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., February 13, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 13, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] ROBERT D. PFAHLER, *Agent.*

[FR Doc.71-2396 Filed 2-19-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 17, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42132—*Newsprint paper to Chicago, Ill.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2996), for interested rail carriers. Rates on paper, newsprint, in carloads, as described in the application, from Quebec, Quebec, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariff—Supplement 77 to Canadian National Railways tariff ICC E.543.

FSA No. 42133—*Freight, all kinds between Chicago, Ill., and Southern Freight Association territory.* Filed by Illinois Freight Association, agent (No. 364), for interested rail carriers. Rates on freight, all kinds, in carloads, as described in the application, between Chicago, Ill., on the L&N on the one hand, and points in southern territory, on the other.

Grounds for relief—Carrier competition.

Tariff Supplement 33 to Illinois Freight Association, agent, tariff ICC 1209.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2393 Filed 2-19-71;8:50 am]

[Notice 249]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 17, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111 (Sub-No. 6 TA), filed February 11, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Rural Delivery No. 2, Castleton-on-Hudson, NY 12033. Applicant's representative: Julius Braun, 29 Nancy Drive, Troy, NY 12180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products*, in temperature controlled vehicles, except in bulk, from Rouses Point, N.Y., to Cleveland, Ohio, Chicago, Ill., Lenexa, Kans., Mesquite, Tex., Los Angeles, Calif., Seattle, Wash., and Chamblee, Ga., for 180 days. Supporting shipper: Ayerst Laboratories, Division of American Home Products Corp., Rouses Point, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, NY 12207.

No. MC 730 (Sub-No. 326 TA), filed February 10, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958 (94604), Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emulsified petroleum sizing*, in bulk, in tank vehicles, from Rosemead, Calif., to Courtland, Ala., for 180 days. Supporting shipper: The Larutan Corp., 1440 South Allec Street, Anaheim, CA 92805. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 30837 (Sub-No. 423 TA), filed February 10, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200—39th Avenue, Post Office Box 160 (53141), Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from Iberia, Ohio; to all points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: The Challenger Corp., Post Office Box 227, Iberia, OH 43325 (Fred W. Wagenhals, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, WI 53203.

No. MC 47142 (Sub-No. 107 TA), filed February 10, 1970. Applicant: C. I. WHITTEN TRANSFER COMPANY, 4417 Earl Court, Alitzer Addition (25702), Post Office Box 1833, Huntington, WV 25719. Applicant's representative: Clyde R. Lindamood (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Security classified and sensitive materials*, requiring one or more Carrier Custodians, holding a security clearance pursuant to the industrial security regulations, moving on Government Bills of Lading, between points in Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: Department of the Army, Office of the Advocate General, Washington, D.C. 20310. Attention: Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 61699 (Sub-No. 1 TA), filed February 11, 1971. Applicant: LEWIS FRANK McDONALD, Sunnyside Station, Winchester, VA 22601. Applicant's representative: Frank B. Hand, Jr., Post Office Box 81, Winchester, VA 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit packing supplies*, from the plant of the Inland Container Corp. at or near Newark, Del., to the plant of Fruit and Produce Packaging Co. at Winchester, Va., for 180 days. Supporting shipper: Fruit & Produce Packaging Co., Division of Inland Container Corp., Post Office Box 391, Winchester, VA 22601. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 105159 (Sub-No. 22 TA), filed February 10, 1971. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linseed oil*, in bulk, in tank vehicles, from Mankato, Minn., to Chicago, Ill., Toledo and Cleveland, Ohio; Mount Clemens, Mich., Memphis, Tenn., Wichita, Kans., Greensboro, N.C., Garland and Diboll, Tex., and Jackson, Miss., for 180 days. Supporting shipper: Archer Daniels Midland Co., Decatur, Ill. 62525. Send protests to: Allen N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 107541 (Sub-No. 33 TA), filed February 10, 1971. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, OR 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea*, from Cheyenne, Wyo.; (2) *meat meal and blood meal*, from points in Colorado; and (3) *dehydrated alfalfa pellets*, from Silt, Colo., to points in Utah, Idaho, Oregon, and Washington, for 180 days. Supporting shipper: North Pacific Trading Co., Post Office Box 3915, Portland, OR 97208. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 111545 (Sub-No. 155 TA), filed February 11, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Southeast, Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, from Madisonville, Ky., to points in Indiana, Illinois, Missouri, and Tennessee, for 180 days. Supporting shipper: Munday Homes, Inc., Post Office Box 26, Madisonville, KY 42431. Sent protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 115180 (Sub-No. 69 TA), filed February 10, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative:

George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Swift Fresh Meats Co., at Omaha, Nebr., Glenwood and Marshalltown, Iowa, to points in New York, New Hampshire, Connecticut, Vermont, Maine, New Jersey, Massachusetts, Rhode Island, Pennsylvania, West Virginia, Delaware, Maryland, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Swift Fresh Meats Co. at or near the origins shown above and destined to the above-named destination points, for 150 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Sent protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 116815 (Sub-No. 8 TA), filed February 10, 1971. Applicant: RONNIE WILLIAMS LTD., 756 Frances Road, Richmond, BC, Canada. Applicant's representative: J. Stewart Black, 7342 Government Road, Burnaby 2, BC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *stable supplies and equipment*, used in their care and exhibition, *mascotts, and personal effects of their attendants*, from points of entry on international boundary between Washington and British Columbia to points in California. Return movement—*same commodities*, from points in California to the international boundary between Washington and British Columbia, for 180 days. Supporting shippers: B.C. Standardbred Breeders' Society, Post Office Box 85, Ladner, BC; B.C. Standardbred Association, 4630, 52A Street, Delta, BC; Dave Baxter, 2733 Franklin, Vancouver, BC Canada; Dr. F. W. Arber, Suite 403—145 East 13th Street, North Vancouver, BC; Arthur Fouks, Q.C., 915 Burrard Building, 1030 West Georgia Street, Vancouver, 5, BC; Mr. J. Halkett, 22218—64 Avenue, Langley, BC; William A. Kilby, 6483—168th Street, Surrey, BC; Edward Stewart, Ladner, B.C., Canada, Velie & McPhail Stables Ltd., Station 108—815 Park Road, Richmond, BC, Canada, and Mr. T. Witts, 866 Carrick, Richmond, BC, Canada. NOTE: Applicant states that it does intend to tack authority in MC 116815. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 119917 (Sub-No. 32 TA), filed February 11, 1971. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30329. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereals and foodstuffs, including, but not limited to, meats, soups, soup mixes, desserts, fruits and nonalcoholic beverages*, in mixed shipments with bakery products, from the plantsites, branches and shipping points of National Biscuit Co. in Atlanta, Ga., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Virginia, and Washington, D.C. NOTE: The applicant holds appropriate and unrestricted common carrier authority to transport bakery products from Atlanta, Ga., to all points in the described destination territory. Accordingly, there will be no tacking or joinder of extant or sought authorities, except to the extent of authorizing mixtures of the sought commodities with bakery products moving in the same vehicle, for 180 days. Supporting shipper: National Biscuit Co., 425 Park Avenue, New York, NY. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 123061 (Sub-No. 58 TA), filed February 10, 1971. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry foods, and ingredients* used in the manufacture of both (except commodities in bulk and in tank vehicles), from points in Oregon, to points in Idaho, Nevada, Oregon, and Washington, for 180 days. Supporting shippers: Leslie Foods, Inc., 866 West 2600 South Street, Salt Lake City, UT 84119 (Tom DeRoza, Regional Manager); Albers Milling Co., Carnation Building, Los Angeles, CA 90036 (C. K. Cool); O'Connell Packing Co., Post Office Box 190, Sherwood, OR 97140 (Courtney Lasselle); Pendleton Grain Growers, Inc., Hermiston, OR 97838 (Robert Estroup, Mill Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 126489 (Sub-No. 7 TA), filed February 10, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sun-cured alfalfa meal and pellets* (bagged or bulk), from Sylvia and Pretty Prairie, Kans., to points in Oklahoma, Texas, Arkansas, and Louisiana, for 180 days. Supporting shippers: French Milling Co., Pretty Prairie, Kans. 67570; Hall Feed Co., Sylvia, Kans. 67581. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 126489 (Sub-No. 8 TA), filed February 10, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereals and foodstuffs, including, but not limited to, meats, soups, soup mixes, desserts, fruits and nonalcoholic beverages*, in mixed shipments with bakery products, from the plantsites, branches and shipping points of National Biscuit Co. in Atlanta, Ga., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Virginia, and Washington, D.C. NOTE: The applicant holds appropriate and unrestricted common carrier authority to transport bakery products from Atlanta, Ga., to all points in the described destination territory. Accordingly, there will be no tacking or joinder of extant or sought authorities, except to the extent of authorizing mixtures of the sought commodities with bakery products moving in the same vehicle, for 180 days. Supporting shipper: National Biscuit Co., 425 Park Avenue, New York, NY. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 126489 (Sub-No. 9 TA), filed February 10, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa products*, from points in Dawson County, Nebr., to points in Oklahoma, Texas, Colorado, New Mexico, Kansas, Louisiana, and Arizona, for 150 days. Supporting shippers: Gothenburg Feed Products Co., Gothenburg, Nebr. 69138; and Austin-O'Brien Co., 1721 Pech Road, Suite 307, Houston, TX 77055. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 126882 (Sub-No. 2 TA), filed February 10, 1971. Applicant: TRANSPORT DALLAIRE, LTD., 90 Quest Boulevard Tache, C.P. 218, Montmagny, Quebec. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood fencing*, from port of entry on the United States-Canada international boundary at or near Champlain, N.Y., to points is Pennsylvania, for 150 days. Supporting shipper: Berion, Inc., Notre Dame du Lac, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, 424 Federal Building, Concord, NH.

No. MC 127557 (Sub-No. 14 TA), filed February 11, 1971. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Atlanta, Ga., to Richmond, Ind., and points in Ohio and Michigan, for 120 days. Supporting shipper: Carling Brewing Co., 9400 Quincy Avenue, Cleveland, OH 44106. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW. Atlanta, GA 30309.

No. MC 127844 (Sub-No. 16 TA), filed February 10, 1971. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Route 1, Box 48–X–A, Sumter, SC 29150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from Dillon, S.C., to points in Louisiana, for 180 days. Supporting shipper: Dillon Furniture Manufacturing Co. Dillon, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 128355 (Sub-No. 6 TA), filed February 10, 1971. Applicant: HURLIMANN TRUCKING COMPANY, Post Office Box 17204, Portland, OR 97217. Applicant's representative. Earle V. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel machine parts and shot, iron or steel*, not ammunition, from Elkhart and Mishawaka, Ind., to points in California, for 180 days. Supporting shipper: The Wheelabrator Corp., Mishawaka, Ind. 46544. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 128527 (Sub-No. 17 TA), filed February 10, 1971. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe*, from Boise, Idaho; to points in Montana, for 180 days. NOTE: Carrier advises it does not intend to tack or interline the authority here applied for with other carrier. Supporting shipper: Amax Aluminum, Post Office Box 418, Boise, ID 83701. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 445 Federal Building & U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 128940 (Sub-No. 12 TA), filed February 10, 1971. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and preparations, advertising media and materials and supplies* used in the preparation and serving of foods in restaurants or commissaries, from Washington, D.C., to Orlando, Fla., and from points in Florida to Washington, D.C., for 150 days. Supporting shipper: Fairfield Farm Kitchens, 5200 Addison Road NE., Washington, DC 20027. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 129413 (Sub-No. 6 TA), filed February 10, 1971. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, Box 3072, 51102, Sioux City, IA 51107. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried beet pulp*, from Chaska, Crookston, and East Grand Forks, Minn., to points in Iowa, Nebraska, and South Dakota, for 150 days. Supporting shippers: Industrial Molasses Corp., 1601 19th Street, West Des Moines, IA, and American Crystal Sugar Co., 600 Boston Building, Denver, CO 80202. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 304, Post Office Building, Sioux City, IA 51101.

No. MC 133026 (Sub-No. 4 TA), filed February 11, 1971. Applicant: W. T. MARSHALL TRUCKING, INC., Rural Route No. 5, Box 161–D, Springfield, IL 62707. Applicant's representative: Ted Marshall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* in bags, from Chicago, Ill., to points in Fayette, Jessamine, Woodford, Franklin, Bourbon, Clark, and Henderson Counties, Ky., and Grove City, Ohio, return of *damaged or contaminated feeds and shipping containers*, from the named Kentucky counties and Grove City, Ohio, to Chicago, Ill., for 180 days. Supporting shipper: Falstaff Brewing Corp., Executive Offices, 5050 Oakland Avenue, St. Louis, MO 63166. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 134400 (Sub-No. 4 TA) (Correction), filed February 3, 1971, published FEDERAL REGISTER issue February 11, 1971, and republished in part as corrected this issue. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 345 South Main Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. NOTE: The purpose of this partial republication is to add the State of New York to the destination States, which was inadvertently omitted in previous publication, the rest of the application remains the same.

No. MC 135148 (Sub-No. 1 TA), filed February 10, 1971. Applicant: MARTIN R. NEUMANN, doing business as SWANSON FUEL, 157 South Vista Way, Kelso, WA 98626. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from Kalama, Wash., to St. Helens, Oreg., for 150 days. Supporting shipper: Forest Utilization, Inc., Post Office Box 366, Kalama, WA 98625. Send protests to: W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR.

No. MC 135277 TA (Correction), filed February 2, 1971, published in the FEDERAL REGISTER issue of February 10, 1971, corrected and republished as corrected, this issue. Applicant: ARNOLD BOLDT AND GEORGE BOLDT, a partnership, doing business as BOLDT TRUCKING, Isabel, SD 57633. Applicant's representative: Andrew Aberle, Timber Lake, SD 57656. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite coal*, from Haynes and New Leipzig, N. Dak., to Isabel, S. Dak., for 180 days. Supporting shipper: Resident Customers in Isabel, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501. NOTE: The purpose of this republication is to correctly set forth the commodity description as lignite *coal*, in lieu of lignite coat, shown erroneously in the previous publication.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2395 Filed 2-19-71;8:50 am]

[Notice 649]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 17, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72357. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Wallace A. Crowe, doing business as Tongass Sanitaton & A. Crowe Enterprises, Box 1701, 2600 Tongass Avenue, Ketchikan, AK 99901, of the operating rights in certificate No. MC–126972 issued November 1, 1966, to Robert C. Crowder, doing business as Bob's Towing Service, Route 1, Box 523A, Ketchikan, AK 99901, authorizing the transportation of trailers designed to be drawn by passenger vehicles, in secondary movements, in truckaway service, and wrecked and disabled

motor vehicles, by use of wrecker equipment only between points in that part of Alaska east and south of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line. Subject to certain conditions.

No. MC-FC-72494. By order of January 21, 1971, the Motor Carrier Board approved the transfer to Harry Hahn, Palmerton, Pa., of the operating rights in certificate No. MC-112485 issued July 6, 1955, to Russel R. Stahler, Tamaqua, Pa., authorizing the transportation of coal, from Hazleton, Pa., ponts in Luzerne County within 5 miles of Hazelton, and points in Schuylkill County, Pa., to Palisades Park, N.J., and points in Bronx County, N.Y. John W. Frame, 2207 Gettysburg Road, Box 626, Camp Hill, PA 17011, representative for applicants.

No. MC-FC-72526. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Claudis W. Allison, doing business as C. W. Allison, Checotah, Okla., of the operating rights in permit No. MC-115806 (Sub-No. 1) issued February 18, 1957, to Thomas Ritchie, Checotah, Okla., authorizing the transportation of concrete building blocks and steel wall ties, from Fort Smith, Ark., to points in Craig, Ottawa, Mayes, Delaware, Cherokee, Adair, Sequoyah, Wagoner, Muskogee, Haskell, Le Flore, Latimer, Pittsburg, McIntosh, Okmulgee, and Oktuskee Counties, Okla. Don A. Smith, Post Office Box 43, Fort Smith, AR 72901, attorney for applicants.

No. MC-FC-72535. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Awawego Delivery, Inc., Syracuse, N.Y., of the operating rights in certificate No. MC-127282 (Sub-No. 1) issued May 22, 1967, to Robert L. Parrott, Sr., and Robert L. Parrott, Jr., a partnership, doing business as Flying Freight, Loudonville, N.Y., authorizing the transportation of general commodities, with usual exceptions, between Albany County Airport, N.Y., on the one hand, and, on the other, Bradley Airfield, Chester Airfield, and Old Saybrook, Conn., Newark Airport, N.J., Champlain, Glens Falls, Gloversville, John F. Kennedy International Airport, New York Municipal Airport (La Guardia Airfield), and Plattsburgh, N.Y., and Burlington, Vt., and between Glens Falls and Gloversville, N.Y., on the one hand, and, on the other, Newark Airport, N.J., John F. Kennedy International Airport, and New York Municipal Airport (La Guardia Airfield), N.Y., restricted to traffic having a prior or subsequent movement by air. Andrew P. Goldstein and Louis P. Haffer, 1730 Rhode Island Avenue NW., Washington, DC 20036, attorneys for applicants.

No. MC-FC-72538. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Olympia Transportation Co., Inc., Revere, Mass., of the Certificate of Registration in No. MC-98854 (Sub-No. 1), issued January 16, 1964, to George E. Williams, doing business as G. & W. Transportation, acquired by Pennant Trans., Inc., Woburn, Mass., authorizing transportation corresponding in scope to common carrier Certificate No. 4857, dated September 28, 1953, issued by the Massachusetts Department of Public Utilities. Frederick O'Sullivan, 372 Granite Avenue, Milton, MA 02186, attorney for applicants.

No. MC-FC-72550. By order of January 22, 1971, the Motor Carrier Board approved the transfer to Dixon Bros., Inc., New Castle, Wyo., of the operating rights in No. MC-128344 issued November 21, 1967, to Gordon Van Offeren, doing business as Van Offeren Trucking, Upton, Wyo., collectively authorizing the transportation of feed, grain, and other specified commodities from, to, and between specified points in Wyoming, South Dakota, Nebraska, and Montana. Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001, attorney for applicants.

No. MC-FC-72565. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Osborne Grain, Inc., Osborne, Kans., of the operating rights in Certificate No. MC-119345 issued August 21, 1964, to Prickett and Son, Inc., Plainville, Kans., authorizing the transportation of processed mill feeds and animal and poultry feeds from St. Joseph and Kansas City, Mo., to specified portion of Kansas. James R. Martin, 115 South First Street, Osborne, KS, attorney for transferee.

No. MC-FC-72574. By order of January 19, 1971, the Motor Carrier Board approved the transfer to J. Derenzo Co., a corporation, doing business as Civil Equip., Needham, Mass. of the operating rights in Certificates Nos. MC-95218, MC-95218 (Sub-No. 2), MC-95218 (Sub-No. 3), and MC-95218 (Sub-No. 4) issued May 5, 1954, October 21, 1957, October 24, 1967, and March 23, 1966, respectively to Pelose, Inc., Johnston, R.I. authorizing the transportation of specified commodities from, to, and between points in Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, and New York. Martin Weiner, 6 Beacon Street, Boston, MA 02108, attorney for transferee. Hector D. Scull, 612 Highland Avenue, Needham, MA 02194, attorney for transferor.

No. MC-FC-72575. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Lynn H. Scott, Inc., Blossvale, N.Y., of the operating rights in Certificate No. MC-127905 issued February 27, 1967, to Lynn H. Scott, Blossvale, N.Y., authorizing the transportation of sand from the Town of Annsville (Oneida County), N.Y., to points in New York, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of traffic destined to points in Canada. Clarence E. Hawkes, Esq., Tuthill and Hawkes, attorneys at law, 70 Main Street, Camden, NY 13316, attorney for applicants.

No. MC-FC-72592. By order of January 20, 1971, the Motor Carrier Board approved the transfer to Rochester Transit Co., a corporation, Rochester, Pa., of the operating rights in certificates Nos. MC-124986 (Sub-No. 3), and MC-124986 (Sub-No. 5) issued July 6, 1964, and November 12, 1969, respectively, to Joseph T. Mignanelli (Florence M. S. Mignanelli, Executrix), doing business as Rochester Transit Co., Rochester, Pa., authorizing the transportation of passengers and their baggage, express and newspaper, between Beaver Falls, Pa., and East Liverpool, Ohio; between Ambridge, Pa., and Monaca, Pa., between Aliquippa, Pa., and junction Pennsylvania Highway 18 and 51; between Chester, W. Va., and Waterford Park Racetrack. Brenda P. Murray, 530 Grant Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC-FC-72608. By order of January 20, 1971, the Motor Carrier Board approved the transfer to William R. Brees, doing business as Eaton Transfer Co., Greenfield, Ind., of certificate No. MC-81346 issued February 19, 1957, to Leonard J. Bever, doing business as Eaton Transfer Co., Greenfield, Ind., authorizing the transportation of: General commodities, with exceptions, between Greenfield and Indianapolis, Ind., and household goods, between Greenfield, Ind., and points in Illinois, Kentucky, and Ohio. Harry J. Harmon, 1 Indiana Square, Indianpolis, IN 46227, attorney at law.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2394 Filed 2-19-71;8:50 am]

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Saturday, February 20, 1971 • Washington, D.C.

PART II

DEPARTMENT OF THE INTERIOR

National Park Service

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NATIONAL REGISTER OF HISTORIC PLACES

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) the Advisory Council on Historic Preservation and the National Park Service, Department of the Interior have undertaken steps to implement the purposes of that act through (1) expansion of the National Register of Historic Places, (2) initiating a program of grants-in-aid for historic preservation, and (3) adoption of procedures and criteria for furthering the Nation's historic preservation program. In addition, the role and functions of the Advisory Council on Historic Preservation have been more clearly defined.

It is the purpose of this notice, through publication of the following information and materials, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the implementing actions that have been taken in order that there will be a greater awareness of the means by which properties of State and local historical significance may be nominated for placement in the National Register, of the criteria used in evaluating the properties, and of the responsibilities exercised by the Advisory Council. The notice includes a list of the properties included in the National Register of Historic Places through January 6, 1971.

HARTHON L. BILL,
Acting Director, National Park Service, and Executive Director, Advisory Council on Historic Preservation.

THE NATIONAL HISTORIC PRESERVATION ACT

I. THE NATIONAL REGISTER OF HISTORIC PLACES AND PROCEDURES FOR REGISTRATION

A. *Introduction.* In the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470, the Congress found and declared:

(a) That the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) That the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.

(c) That, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) That, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

In order to accomplish these purposes, the National Historic Preservation Act provided for three significant innovations: An expanded National Register of Historic Places, a program of grants-in-aid for historic preservation, and an Advisory Council on Historic Preservation empowered to comment upon all undertakings licensed, assisted, or carried out by the Federal Government that have an effect upon properties in the National Register.

Official notice is hereby given to the public and government agencies of the opportunities and restrictions provided by the National Historic Preservation Act. Detailed administrative procedures for the program may be found in the manual "Grants For Historic Preservation: A Guide For State Participation" (U.S. Department of the Interior, National Park Service, Washington, D.C.).

B. *Expanding the National Register of Historic Places.* The Act authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. Previously, the National Register included only nationally significant properties that are historical or archeological units of the National Park System or that have been declared eligible for designation as National Historic Landmarks. Because they must meet exacting criteria of national significance, such properties are few in number. The National Historic Preservation Act of 1966 provides a means for States to nominate properties of State and local significance for placement in the National Register.

The following officials have been designated by their Governors to act as State Liaison Officers responsible for State activities under the National Historic Preservation Act:

STATE LIAISON OFFICERS

ALABAMA

Chairman, Alabama Historical Commission, State Department of Archives and History, 305 South Lawrence Street, Montgomery, AL 36104.

ALASKA

Chief, Parks and Recreation, Department of Natural Resources, Division of Lands, 323 East Fourth Avenue, Anchorage, AL 99501.

ARIZONA

Director, State Parks Board, 1688 West Adams, Phoenix, AZ 85007.

ARKANSAS

Chairman, State Review Committee, Arkansas History Commission, Old State House, Little Rock, AR 72201.

CALIFORNIA

Director, Department of Parks and Recreation, State Resources Agency, Post Office Box 2390, Sacramento, CA 95811.

COLORADO

State Liaison Officer, State Historical Society, Colorado State Museum, 200 14th Avenue, Denver, CO 80203.

CONNECTICUT

Chairman, Connecticut Historical Commission, 75 Elm Street, Hartford, CT 06115.

DELAWARE

State Archivist, Public Archives Commission, Post Office Box 796, Dover, DE 19901.

FLORIDA

Director, Division of Archives, History, and Records Management, Department of State, 401 East Gaines Street, Tallahassee, FL 32304.

GEORGIA

Director, Georgia Historical Commission, 116 Mitchell Street SW., Atlanta, GA 30303.

HAWAII

Chairman, Department of Land and Natural Resources, State of Hawaii, Post Office Box 621, Honolulu, HI 96809.

IDAHO

Director, Idaho Historical Society, 610 North Julia Davis Drive, Boise, ID 83706.

ILLINOIS

Director, Department of Conservation, 102 State Office Building, 400 South Spring Street, Springfield, IL 62706.

INDIANA

Director, Department of Natural Resources, State of Indiana, 615 State Office Building, Indianapolis, IN 42604.

IOWA

Superintendent, State Historical Society of Iowa, University of Iowa, Iowa City, IA 52240.

KANSAS

Secretary, Kansas State Historical Society, 120 West 10th, Topeka, KS 66612.

KENTUCKY

Administrator, Kentucky Program Development Office, Coordinator of State and Federal Activities, Office of the Governor, Room 157, Capitol Building, Frankfurt, KY 40601.

LOUISIANA

Chairman, Louisiana Historical Preservation and Cultural Commission, Post Office Box 44422, Capitol Station, Baton Rouge, LA 70804.

MAINE

Director, State Park and Recreation Commission, State Office Building, Augusta, ME 04330.

MARYLAND

Director, Maryland Historical Trust, Box 1704, Annapolis, MD 21401.

MASSACHUSETTS

Secretary of the Commonwealth, Chairman, Massachusetts Historical Commission, State House, Boston, MA 02133.

MICHIGAN

Director, Department of Natural Resources, Stevens T. Mason Building, Lansing, MI 48926.

MINNESOTA

Director, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101.

MISSISSIPPI

Director, State of Mississippi, Department of Archives and History, Post Office Box 571, Jackson, MS 39205.

MISSOURI

Director, Missouri State Park Board, Post Office Box 176, 1204 Jefferson Building, Jefferson City, MO 65101.

MONTANA

Chief of Recreation and Parks Division, Department of Fish and Game, State of Montana, Mitchell Building, Helena, MT 57601.

NEBRASKA

Director, The Nebraska State Historical Society, 1500 R Street, Lincoln, NE 68508.

NEVADA

Administrator, Division of State Parks, 201 South Fall Street, Room 221, Nye Building, Carson City, NV 89701.

NEW HAMPSHIRE

Commissioner, Department of Resources and Economic Development, 856 State House Annex, Concord, NH 03301.

NEW JERSEY

Commissioner, Department of Environmental Protection, Post Office Box 1420, Trenton, NJ 08625.

NEW MEXICO

State Planning Officer, State Capitol, 403 Capitol Building, Santa Fe, NM 87501.

NEW YORK

Chairman, New York State Historic Trust, Parks and Recreation, Building 2, State Campus, Albany, NY 12226.

NORTH CAROLINA

Director, Department of Archives and History, State of North Carolina, Post Office Box 1881, Raleigh, NC 27602.

NORTH DAKOTA

Superintendent, State Historical Society of North Dakota, Liberty Memorial Building, Bismarck, ND 58501.

OHIO

Director, The Ohio Historical Society, Ohio Historical Center, Columbus, OH 43210.

OKLAHOMA

President, Oklahoma Historical Society, 1108 Colcord Building, Oklahoma City, OK 73102.

OREGON

State Highway Engineer, State Highway Building, Salem, OR 97310.

PENNSYLVANIA

Executive Director, Pennsylvania Historical and Museum Commission, William Penn Memorial Museum and Archives Building, Harrisburg, PA 17108.

RHODE ISLAND

Director, Department of Community Affairs, C.I.C. Building, 289 Promenade Street, Providence, RI 02908.

SOUTH CAROLINA

Director, State Archives Department, 1430 Senate Street, Columbia, SC 29211.

SOUTH DAKOTA

Chief, Division of Parks and Recreation, State Office Building, Pierre, SD 57501.

TENNESSEE

Executive Secretary, Tennessee Historical Commission, State Library and Archives Building, Nashville, TN 37219.

TEXAS

Executive Director, Texas State Historical Survey Committee, Post Office Box 12276, Capitol Station, Austin, TX 78701.

UTAH

Director, Department of Development Services, 312 State Capitol Building, Salt Lake City, UT 84102.

VERMONT

State Liaison Officer, Board of Historic Sites, 7 Langdon Street, Montpelier, VT 05602.

VIRGINIA

Chairman, Virginia Historic Landmarks Commission, Room 1106, State Ninth Street Office Building, Richmond, VA 23219.

WASHINGTON

Director, Washington State Parks and Recreation Commission, Olympia, WA 98501.

WEST VIRGINIA

Chairman, Division of Social Sciences, Potomac State College of West Virginia University, Keyser, WV 26726.

WISCONSIN

Director, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706.

WYOMING

Director, Wyoming Recreation Commission, 604 East 25th Street, Box 309, Cheyenne, WY 82001.

DISTRICT OF COLUMBIA

Deputy Mayor, District of Columbia Government, Washington, DC 20004.

COMMONWEALTH OF PUERTO RICO

Executive Director, Institute of Puerto Rican Culture, Apartado 4184, San Juan, PR 00905.

GUAM

Director of Tourism, Government of Guam, Agana, GU 96910.

VIRGIN ISLANDS

Planning Director, Virgin Islands Planning Board, Charlotte Amalie, St. Thomas, VI 00810.

SAMOA

Governor, Office of the Governor, Pago Pago, American Samoa 96920.

The State Liaison Officer supervises a professional survey staff in conducting a statewide historic sites survey. From the survey findings a comprehensive statewide historic preservation plan is prepared. The plan must be reviewed and approved by a high-level professional review committee. The State Liaison Officer, in accordance with the plan, may then nominate properties for inclusion in the National Register. The nominated properties which are approved by the National Park Service are entered in the National Register of Historic Places by the Chief, Office of Archeology and Historic Preservation, National Park Service.

The following criteria shall be used by the States in evaluating properties for nomination to the National Register of Historic Places and by the National Park Service in reviewing State nominations.

National Register Criteria of Evaluation

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or

2. That are associated with the lives of persons significant in our past; or

3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. That have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance.

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

C. *Grants for historic preservation.* The National Historic Preservation Act also authorizes a program of grants-in-aid to States for comprehensive statewide historic site surveys and preservation plans. Grants are also authorized to States,

local governments, private organizations, and individuals for preservation projects in accordance with an approved statewide plan. All grants are made through the States. The State Liaison Officer may then distribute the funds to other approved public and private recipients. Funds may be used for acquisition, protection, rehabilitation, restoration, and reconstruction of properties included in the National Register of Historic Places.

II. PROTECTION OF PROPERTIES IN THE NATIONAL REGISTER OF HISTORIC PLACES

A. *Introduction.* The National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation. The Council is authorized to advise the President and the Congress on matters relating to historic preservation; to recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; to comment on undertakings carried out, licensed, or financially assisted by the Federal Government which have any effect upon properties listed in the National Register; and to secure from the appropriate Federal agencies certain information necessary to the performance of these duties.

B. *Procedures for section 106 compliance.* The Advisory Council exercises an important function by responding with comments to undertakings carried out, licensed, or financially assisted by the Federal Government, when the undertaking will affect a property listed in the National Register. This authority derives from section 106 of the National Historic Preservation Act, which provides that:

> The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under title II of this Act a reasonable opportunity to comment with regard to such undertaking.

The Advisory Council desires to provide maximum assistance in connection with section 106. Normally the Council anticipates that its comments will be required in only the most complex situations, and it requests that agencies fulfill their obligations under section 106 by the use of the following procedures:

ADVISORY COUNCIL ON HISTORIC PRESERVATION
WASHINGTON, D.C. 20240

Procedures for Compliance
Section 106
National Historic Preservation Act of 1966

At the earliest stage of planning or consideration of any undertakings carried out, licensed, or financially assisted by the Federal Government, an agency should follow these steps:

1. Consult the National Register of Historic Places to determine if a National Register property is involved in the undertaking. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service, and monthly addenda are published in the FEDERAL REGISTER.

2. Apply the "Criteria for Effect." If there is no effect, the undertaking may proceed.

3. If there is an effect, regional, or State officials of the agency[1] in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation shall:

(a) Determine if the effect is adverse—If not, the undertaking may proceed;

(b) Upon finding an adverse effect, select and agree upon a prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(c) Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council.

4. Provide written notice affording the Advisory Council an opportunity to comment upon doubtful or unresolved situations of adverse effect and upon request submit a report of the undertaking.

The Council expects to exert its advisory prerogatives by commenting to agencies in certain special situations even though written notice of effect has not been received.

Criteria for Effect

A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

Generally, adverse effect occurs under conditions which include but are not limited to:

(a) Destruction or alteration of all or part of a property;

(b) Isolation from or alteration of its surrounding environment;

(c) Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting.

C. *Advisory Council section 106 reporting procedures.* For the convenience of agencies submitting effect notices to the Council under section 106, the following standard procedures for handling such notices have been promulgated:

1. Upon receipt of a written notice of an undertaking having an effect on a National Register property, the Council shall:

(a) Acknowledge its receipt and give notice of a 14-day review period during which the Advisory Council may determine and so advise the agency of its desire to comment;

(b) Refer the notice to the Office of Archeology and Historic Preservation, National Park Service, for a preliminary verification of significance, National or otherwise, and evaluation of the effect upon the National Register property; and

(c) Determine that it will or will not comment.

[1] When the agency has no regional or State officials, the Office of Archeology and Historic Preservation will perform this service.

2. Upon determination that the Council will comment on an undertaking, the Council shall:

(a) Notify the agency of Council intent to comment and date by which it will do so;

(b) Place the matter on the agenda of the next regular meeting or in exceptional circumstances schedule the matter for consideration in an unassembled meeting; and

(c) Authorize preparation of a section 106 report.

3. The section 106 report shall be prepared by the Executive Director and shall contain:

(a) A full report of verification and evaluation of the effect prepared by the Office of Archeology and Historic Preservation;

(b) A report from the requesting agency on the undertaking with the agency evaluation of effect; and

(c) Conclusions.

The section 106 report shall contain but not be limited to information such as a full description including visual materials of the National Register property, the undertaking, agency efforts to take into account effect on National Register properties, records of hearings, statements of support or opposition, a statement from the State Liaison Officer, and answers to any specific questions voiced by Council members. The Council will not hold formal hearings on section 106 matters. The Council comments to agencies shall take the form of a three-part statement including an introduction, findings, and a conclusion.

III. THE NATIONAL REGISTER OF HISTORIC PLACES

Pursuant to the authority vested in the Director of the National Park Service under the Antiquities Act of 1906, 34 Stat. 225, 16 U.S.C. 431; the Act of August 25, 1916, 39 Stat. 535, 16 U.S.C. 1; the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. 461; and the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470; the properties listed below are included in the National Register of Historic Places. The responsibility of all Federal agencies to take cognizance of these properties is specified in section 106 of the National Historic Preservation Act.

The properties listed below which are marked by an asterisk have been designated National Historic Landmarks by the Secretary of the Interior.

NATIONAL REGISTER ENTRIES

ALABAMA

Baldwin County

Gasque vicinity, **Fort Morgan*, western terminus of Alabama 180.

Barbour County

Eufaula, *Fendall Hall*, Barbour Street.
Eufaula, *The Tavern (River Tavern)*, 105 Riverside Drive.

Calhoun County

Jacksonville, *Francis, Dr. J. C., Office*, 100 Gayle Street.

Colbert County

Florence vicinity, **Wilson Dam*, Tennessee River, on Alabama 133 (also in Lauderdale County).
Tuscumbia, *Ivy Green (Helen Keller Birthplace)*, 300 West North Common.

De Kalb County

Fort Payne, *Fort Payne Opera House*, 510 Gault Avenue, North.

Elmore County

Wetumpka vicinity, **Fort Toulouse*, 4 miles southwest of Wetumpka at confluence of the Coosa and Tallapoosa rivers.

Greene County

Eutaw, *Coleman-Banks House*, 430 Springfield Road.

Hale County

Moundville vicinity, **Moundville Site*, 1 mile west of Moundville on County Route 21.

Jackson County

Bridgeport vicinity, *Russell Cave National Monument*, 8 miles west of Bridgeport via U.S. 72 and County Routes 91 and 75.

Jefferson County

Birmingham, *Arlington (Mudd-Munger Home)*, 331 Cotton Avenue SW.

Lauderdale County

Florence, *Kennedy (Oscar) House*, 303 North Pine Street.
**Wilson Dam* (see Colbert County).

Marengo County

Demopolis, *Bluff Hall*, 405 North Commissioners Avenue.
Demopolis, *White Bluff*, Arch Street.

Macon County

Tuskegee vicinity, **Tuskegee Institute*, 1 mile northwest of Tuskegee on U.S. 80.

Mobile County

Mobile, *Barton Academy*, 504 Government Street.
Mobile, *Bishop Portier Home*, 307 Conti Street.
Mobile, *City Hall*, 111 South Royal Street.
Mobile, *Fort Condé-Charlotte*, within an area bounded roughly by Emanuel, Theater, Royal, and Church Streets, and extending slightly north of Church Street.
Mobile, *Old City Hospital*, 900–950 St. Anthony Street.
Mobile, *Semmes (Raphael) Home*, 804 Government Street.

Montgomery County

Montgomery, **First Confederate Capitol*, Goat Hill, east end of Dexter Avenue.

Russell County

Holy Trinity vicinity, **Apalachicola Fort*, 1.5 miles east of Holy Trinity on Chattahoochee River.

Talladega County

Talladega vicinity, **Curry (J. L. M.) Home*, 3 miles northeast of Talladega on Alabama 21.

Tallapoosa County

Dadeville vicinity, *Horseshoe Bend National Military Park*, Tallapoosa River, 12 miles north of Dadeville on Alabama 49.

ALASKA

Interior District

Eagle, *Eagle Historic District*, left bank of the Yukon River at the mouth of Mission Creek; secs. 24, 25, 36, T. 1 S., R. 32 E., secs. 19, 30, 31, T. 1 S., R. 33 E., sec. 1, T. 2 S., R. 32 E., secs. 4, 5, 6, T. 2 S., R. 33 E.

Northwestern District

Barrow vicinity, **Birnirk Site*, 5 miles northeast of Barrow.
Cape Denbigh Peninsula, **Iyatayet Site*, Norton Sound.
Cape Prince of Wales vicinity, **Wales Sites*, adjacent to Cape Prince of Wales on Seward Peninsula.
Nome vicinity, **Anvil Creek Gold Discovery Site*, 4.25 miles north of Nome on Seward Peninsula at Anvil Creek.
Point Hope Peninsula, **Ipiutak Site*, tip of Point Hope lat. 68°20' N., long. 167°50' W.
St. Lawrence Island, **Gambell Sites*, Northwest Cape.

South Central District

Dutch Harbor, Unalaska Island, **Church of the Holy Ascension*, Unalaska.
Kenai, **Russian Orthodox Mission Church*, east shore of Cook Inlet.
Kodiak, Kodiak Island, **Erskine House*, Main Street and Mission Street.
Kodiak vicinity, *Fort Abercrombie State Historic Site*, Kodiak Island.
Nikolski vicinity, **Chaluka Site*, Umnak Island, Aleutian Islands.
Pribilof Islands, St. Paul Island, **Fur Seal Rookeries*.
Rip Rock vicinity, Hawkins Island, **Palugvik Site*, 3.75 miles east of Rip Rock on Prince William Sound.
Yukon Island, **Yukon Island Main Site*, Kachemak Bay, Cook Inlet.

Southeastern District

Ketchikan vicinity, *Totem Bight State Historic Site*, west coast of Revillagigedo Island.
Sitka, **American Flag Raising Site*, Castle Hill.
Sitka, **Russian Mission Orphanage*, Lincoln and Monastery Streets.
Sitka, **St. Michael's Cathedral*, Lincoln and Maksoutoff Streets.
Sitka, Baranof Island, *Sitka National Monument*.
Sitka vicinity, **Old Sitka Site*, 6 miles north of Sitka on Starrigavan Bay.
Skagway and vicinity, **Skagway Historic District and White Pass*, head of Taiya Inlet on Lynn Canal.
Wrangell, *Chief Shakes State Historic Site*, Shakes Island.

ARIZONA

Apache County

Chinle, *Canyon de Chelly National Monument*, east side of Chinle.
Ganado, *Hubbell Trading Post National Historic Site*, west side of Ganadó.
Springerville vicinity, **Casa Malpais Site*, 2 miles north of Springerville.

Cochise County

Bisbee vicinity, *Coronado National Memorial*, 30 miles southwest of Bisbee via Arizona 92 and secondary road.
Bisbee vicinity, **Lehner Mammoth-Kill Site*, 10 miles west of Bisbee.
Bowie vicinity, *Fort Bowie National Historic Site*, 13 miles south of Bowie.
Douglas vicinity, **Double Adobe Site*, 12 miles northwest of Douglas on the west bank of Whitewater Creek.
Douglas vicinity, **San Bernardino Ranch*, 17 miles east of Douglas on the international boundary.
Tombstone, **Tombstone Historic District*.

Coconino County

Flagstaff vicinity, **Lowell Observatory*, 1 mile west of Flagstaff on Mars Hill.
Flagstaff vicinity, **Merriam (C. Hart) Base Camp Site*, 20 miles northwest of Flagstaff, at Little Springs private enclave in Coconino National Forest.
Flagstaff vicinity, *Walnut Canyon National Monument*, 8 miles east of Flagstaff on U.S. 66.
Flagstaff vicinity, *Wupatki National Monument*, 30 miles north of Flagstaff off U.S. 89.
Winona vicinity, **Winona Site*, 5 miles northeast of Winona on U.S. 66, Coconino National Forest.

Gila County

Globe vicinity, **Roosevelt Dam*, Salt River, 31 miles northwest of Globe on Arizona 88 (also in Maricopa County).
Globe vicinity, *Tonto National Monument*, 28 miles northwest of Globe on Arizona 88.
Whiteriver vicinity, **Kinishba Ruins*, 15 miles west of Whiteriver via Arizona 73 and secondary road.

Graham County

Bonita vicinity, **Sierra Bonita Ranch*, southwest of Bonita.
Morenci vicinity, **Point of Pines*, 30 miles northwest of Morenci, San Carlos Indian Reservation.

Maricopa County

Gila Bend vicinity, *Fortaleza*, Gila Bend Indian Reservation.
Gila Bend vicinity, **Gatlin Site*, 3 miles north of Gila Bend.
Phoenix, **Hohokam-Pima Irrigation Sites*, Park of the Four Waters (also in Pinal County).
Phoenix, **Pueblo Grande Ruin*, Washington Avenue, Pueblo Grande City Park.
**Roosevelt Dam* (see Gila County).

Mohave County

Fredonia vicinity, *Pipe Spring National Monument*, 15 miles southwest of Fredonia.

Navajo County

Kayenta vicinity, *Navajo National Monument*, 30 miles southwest of Kayenta.
Keams Canyon vicinity, **Awatovi Ruins*, 8 miles south of Keams Canyon, Hopi Indian Reservation.
Oraibi vicinity, **Old Oraibi*, 3 miles west of Oraibi on Arizona 264, Hopi Indian Reservation.

Pima County

Santa Rosa vicinity, **Ventana Cave*, 11 miles west of Santa Rosa, Papago Indian Reservation.
Tucson vicinity, **Desert Laboratory*, west of Tucson off West Anklam Road.
Tucson vicinity, **San Xavier del Bac*, 9 miles south of Tucson via Mission Road.

Pinal County

Chandler vicinity, **Snaketown*, 12 miles southwest of Chandler, Gila River Indian Reservation.
Coolidge vicinity, *Casa Grande Ruins National Monument*, 2 miles north of Coolidge on Arizona 87.
Florence vicinity, *Adamsville Ruin*, 3.5 miles southwest of Florence on Arizona 287.
Phoenix vicinity, **Hohokam-Pima Irrigation Sites* (see Maricopa County).

Santa Cruz County

Nogales vicinity, *Tumacacori National Monument*, 18 miles north of Nogales on Interstate 19.
Tubac, *Old Tubac Schoolhouse*.
Tubac, *Tubac Presidio*, Broadway and River Road.

Yavapai County

Clarkdale vicinity, *Tuzigoot National Monument*, 2 miles east of Clarkdale.
Flagstaff vicinity, *Montezuma Castle National Monument*, 40 miles south of Flagstaff on Interstate 17.
Jerome, **Jerome Historic District*.

Yuma County

Ehrenberg vicinity, *Old La Paz (Laguna de La Paz)*, northeast of Ehrenberg on the Colorado River Indian Tribes Reservation.
Yuma, **Yuma Crossing and Associated Sites*, banks of the Colorado River (also in Imperial County, Calif.).

ARKANSAS

Arkansas County

Gillett vicinity, *Arkansas Post National Memorial*, 8 miles southeast of Gillett on Arkansas 1 and 169.

Benton County

Pea Ridge, *Pea Ridge National Military Park.*

Carroll County

Eureka Springs, *Eureka Springs Historic District*, enclosed by a rectangle, the coordinates of which are on the northwest corner latitude 36°24'42" N., longitude 93°44'54" W., on the northeast corner latitude 36°24'42" N., longitude 93°43'42" W., on the southeast corner latitude 36°23'30" N., longitude 93°43'42" W., and on the southwest corner latitude 36°23'30" N., longitude 93°44'54" W.

Cleveland County

Fordyce vicinity, *Mark's Mill Battlefield Park*, intersection of Arkansas 8 and 97.

Cross County

Parkin vicinity, **Parkin Indian Mound*, north edge of Parkin.

Grant County

Leola vicinity, *Jenkin's Ferry Battleground State Park*, northeast of Leola on Arkansas 46.

Jackson County

Jacksonport, *Jacksonport State Park*, located between Avenue, Main, and Dillard Streets, and the White River.

Lawrence County

Powhatan, *Powhatan Courthouse.*

Mississippi County

Wilson, **Nodena Site*, south edge of Wilson.

Ouachita County

Chidester vicinity, *Poison Spring State Park*, E½NE¼ sec. 1, T. 13 S., R. 19 W.

Pope County

Pottsville, *Potts' Inn*, Main and Center Streets.

Pulaski County

Little Rock, *The Little Rock*, on the south bank of the Arkansas River at the foot of Rock Street.
Little Rock, *Mount Holly Cemetery*, 12th Street and Broadway.
Little Rock, *Old Statehouse*, 300 West Markham Street.
Little Rock, *The Tavern, Arkansas Territorial Restoration*, 214 East Third Street.
Little Rock, *U.S. Arsenal Building*, MacArthur Park, Ninth and Commerce Streets.
Little Rock, *Villa Marre (Angelo Marre House)*, 1321 Scott Street.
Mabelvale vicinity, *Ten Mile House (Stagecoach House)*, north of Mabelvale on Arkansas 5.

Sebastian County

Fort Smith, *Clayton, W. H. H., Home*, 514 North Sixth Street.
Fort Smith, *Fort Smith National Historic Site.*

Washington County

Fayetteville, *Old Main, University of Arkansas*, Arkansas Avenue.
Fayetteville, *Stone House*, 207 Center Street.
Prairie Grove, *Prairie Grove Battlefield Park*, within a triangle formed by North Road on the northwest and U.S. 62 on the south.

CALIFORNIA

Alameda County

Berkeley, **Room 307, Gilman Hall, University of California*, University of California campus.
Oakland, **Lake Merritt Wild Duck Refuge*, Lakeside Park, Grand Avenue.
Oakland, **Miller (Joaquin) House, The Abbey*, Joaquin Miller Road and Sanborn Drive.

Contra Costa County

Martinez, *John Muir National Historic Site*, 4440 Alhambra Avenue.

El Dorado County

Placerville vicinity, **Coloma*, 7 miles northwest of Placerville on California 49.

Humboldt County

Eureka vicinity, **Gunther Island Site 67 (Tolowot)*, northeast end of Gunther Island in Humboldt Bay north of Eureka.

Imperial County

Winterhaven, **Yuma Crossing and Associated Sites* (see Yuma County, Ariz.).

Inyo County

China Lake vicinity, **Big and Little Petroglyph Canyons*, China Lake Naval Ordnance Test Station.

Kern County

Bakersfield, **Walker Pass*, 60 miles northwest of Bakersfield on California 178.

Lake County

Lakeport, *Lake County Courthouse*, 255 North Main Street.

Los Angeles County

Long Beach, **Los Cerritos Ranch House*, 4600 Virginia Road.
Los Angeles, *Los Angeles Central Library*, 630 West 5th Street.
San Fernando vicinity, **Well No. 4, Pico Canyon Oil Field*, 9.6 miles north of San Fernando and west of U.S. 99.

Mono County

Bridgeport vicinity, **Bodie Historic District*, 7 miles south of Bridgeport on U.S. 395, then 12 miles east on secondary road.

Monterey County

Carmel, **Carmel Mission*, Rio Road.
Monterey, **Larkin House*, 464 Calle Principal.
Monterey, **Monterey Old Town Historic District*. Two districts. The southern one bounded by Dutra Street on the west, Madison Street on the east, Polk Street on the south, and Jefferson Street on the north; northern district bounded by Pacific Street on the west, Scott Street on the south, by Alvarado Street on the east, and Decatur Street on the north.
Monterey, **Old Customhouse*, Calle Principal at Decatur Street.
Monterey, **Royal Presidio Chapel*, 550 Church Street.

Nevada County

Truckee vicinity, **Donner Camp*, 2.6 miles west of Truckee on U.S. 40.

Sacramento County

Sacramento, *California Governor's Mansion*, southwest corner of 16th and H Streets.
Sacramento, **Old Sacramento Historic District*, junctions of U.S. 40, 50, 99, and California 16 and 24.
Sacramento, **Pony Express Terminal (B. F. Hastings Building)*, 1006 Second Street.
Sacramento, **Sutter's Fort*, 2701 L Street.

San Benito County

San Juan Bautista, **Anza House*, Third and Franklin Streets.
San Juan Bautista, **Castro (Jose) House*, south side of the Plaza.
San Juan Bautista, **San Juan Bautista Plaza Historic District*, beginning at the intersection of Washington Street and Second Street, northwest along Second to Mariposa Street, northeast along Mariposa to First Street, southeast on First to Washington Street, southwest on Washington to Second Street.

San Diego County

Camp Joseph H. Pendleton, **Las Flores Adobe*, Stuart Mesa Road, about 7 miles north of its junction with Vandergrift Boulevard.
Oceanside vicinity, **San Luis Rey Mission Church*, 4 miles east of Oceanside on California 76.
San Diego, **Estudillo House*, 4000 Mason Street.
San Diego, **Old Mission Dam*, north side of Mission Street-Gorge Road.
San Diego, **San Diego Presidio*, Presidio Park.
San Diego, **Star of India*, San Diego Embarcadero.
San Diego vicinity, *Cabrillo National Monument*, 10 miles from San Diego off U.S. 101, near the southern tip of Point Loma.
San Diego vicinity, **San Diego Mission Church*, 5 miles east of Old Town San Diego on Friars Road.
Spring Valley, **Bancroft (Hubert H.) Ranch House*, Bancroft Drive off California 94.
Vista vicinity, **Guajome Ranch House*, 2.5 miles northeast of Vista.
Warner Springs vicinity, **Oak Grove Butterfield Stage Station*, 13 miles northwest of Warner Springs on California 79.
Warner Springs vicinity, **Warner's Ranch*, 4 miles south of Warner Springs on secondary road.

San Francisco County

San Francisco, **C. A. Thayer*, San Francisco Maritime State Historic Park.
San Francisco, **Flood (James C.) Mansion*, California and Mason Streets.
San Francisco, **Old United States Mint*, Fifth and Mission Streets.
San Francisco, **The Presidio*, northern tip of San Francisco Peninsula on U.S. 101 and Interstate 480.
San Francisco, **San Francisco Cable Cars.*

San Mateo County

Belmont, **Ralston (William C.) Home*, College of Notre Dame campus.
San Bruno vicinity, **San Francisco Bay Discovery Site*, 4 miles west of San Bruno via Skyline Drive and Sneath Lane.

Santa Barbara County

Lompoc vicinity, **La Purisima Mission*, 4 miles east of Lompoc.
Los Alamos vicinity, **Los Alamos Ranch House*, 3 miles west of Los Alamos on old U.S. 101.
Santa Barbara, **Santa Barbara Mission*, 2201 Laguna Street.
Santa Barbara, **Vhay House*, 835 Laguna Street.

Santa Clara County

Gilroy vicinity, **Norris (Frank) Cabin*, 10 miles west of Gilroy via California 152 and secondary roads.
San Jose vicinity, **New Almaden*, 14 miles south of San Jose on County Route G8.

Siskiyou County

Dorris vicinity, **Lower Klamath National Wildlife Refuge*, Lower Klamath Lake, east of Dorris (also in Klamath County, Oreg.).

Sonoma County

Fort Ross vicinity, **Fort Ross*, north of Fort Ross on California 1, Fort Ross State Historical Monument.
Fort Ross vicinity, **Fort Ross Chapel*, north of Fort Ross on California 1, Fort Ross State Historical Monument.
Fort Ross vicinity, **Fort Ross Commander's House*, north of Fort Ross on California 1, Fort Ross State Historical Monument.
Glen Ellen vicinity, **London (Jack) Ranch*, 0.4 mile west of Glen Ellen, Jack London Historical State Park.
Petaluma vicinity, **Petaluma Adobe*, 4 miles east of Petaluma on Casa Grande Road.
Santa Rosa, **Burbank (Luther) House and Garden*, 200 block Santa Rosa Avenue.
Sonoma, **Sonoma Plaza*, center of Sonoma.

Tuolumne County

Sonora vicinity, **Columbia Historic District*, 4 miles northwest of Sonora on California 49.

Yolo County

Broderick, **First Pacific Coast Salmon Cannery Site*, on the Sacramento River, opposite the foot of K Street, in the city of Sacramento.

COLORADO

Arapahoe County

Strasburg vicinity, *Comanche Crossing of the Kansas Pacific Railroad*, on the Union Pacific Railroad tracks east of the Strasburg depot.

Archuleta County

Chimney Rock vicinity, *Chimney Rock Archeological Site*, San Juan National Forest, 2 miles east of the Piedra River and 1.5 miles north of Colorado 151.

Clear Creek County

Georgetown, *Hotel de Paris*, Alpine Street.
Georgetown, *Toll House (Julius G. Pohle House)*, south side of town adjacent to Interstate 70 right-of-way.
Georgetown and Silver Plume vicinity, *Georgetown Loop Railroad Roadbed*, between the city limits of Georgetown and Silver Plume.
Georgetown-Silver Plume vicinity, **Georgetown-Silver Plume Historic District.*

Conejos County

Sanford vicinity, **Pike's Stockade*, 4 miles east of Sanford on Colorado 136.

Costilla County

Fort Garland, *Fort Garland*, on Colorado 159, one block south of U.S. 10–160.

Denver County

Denver, *Brown Palace Hotel*, 17th Street and Tremont Place.
Denver, *Byers-Evans Home*, 1310 Bannock Street.
Denver, *Constitution Hall (First National Bank Building)*, 1507 Blake Street.
Denver, *Daniels and Fisher Tower*, 1101 16th Street.
Denver, *Emmanuel Shearith Israel Chapel (Emmanuel Episcopal Chapel)*, 1201 10th Street.
Denver, *Four Mile House*, 715 South Forest Street.
Denver, *Governor's Mansion*, 400 East Eighth Avenue.
Denver, *Grant-Humphreys House*, 770 Pennsylvania Street.
Denver, *St. Elizabeth's Church*, 1062 11th Street.
Denver, *Trinity United Methodist Church*, East 16th Avenue and Broadway.

El Paso County

Colorado Springs vicinity, **Pikes Peak*, 15 miles west of Colorado Springs, Pike National Forest.

Gilpin County

Central City, **Central City Historic District.*

Jefferson County

Golden vicinity, *Mount Vernon House (Robert W. Steele House)*, about 1 mile south of the Golden city limits at the junction of Interstate 70, Colorado 26, and Mount Vernon Canyon Road.

La Plata County

Durango, **Durango-Silverton Narrow Gauge Railroad*, right-of-way between Durango and Silverton (also in San Juan County).

Lake County

Leadville, *Dexter Cabin*, 912 Harrison Avenue.
Leadville, *Healy House*, 912 Harrison Avenue.
Leadville, **Leadville Historic District.*

Larimer County

Fort Collins vicinity, **Lindenmeier Site*, 26 miles north of Fort Collins.

Las Animas County

Trinidad, *Baca House and Outbuilding*, 300 block of Main Street.
Trinidad, *Bloom (Frank G.) House*, 300 block of Main Street.
Trinidad vicinity, **Raton Pass*, U.S. 85–87, Colorado-New Mexico border (see Colfax County, N. Mex.).

Montezuma County

Cortez vicinity, *Hovenweep National Monument*, northwest of Cortez (also in San Juan County, Utah).
Cortez vicinity, *Mesa Verde National Park*, 10 miles east of Cortez on U.S. 160.
Cortez vicinity, *Yucca House National Monument*, 12 miles south of Cortez via U.S. 666 and secondary roads.
Pleasant View vicinity, **Lowry Ruin*, 30 miles northwest of Cortez via U.S. 160 and secondary road.

Montrose County

Montrose vicinity, *Ute Memorial Site*, 2 miles south of Montrose on U.S. 550.

Otero County

La Junta vicinity, **Bent's Old Fort National Historic Site*, 8 miles east of La Junta on Colorado 104.

San Juan County

**Durango-Silverton Narrow Gauge Railroad* (see La Plata County).
Silverton, **Silverton Historic District.*

San Miguel County

Telluride, **Telluride Historic District.*

Teller County

Cripple Creek, **Cripple Creek Historic District.*

Weld County

Greeley, *Meeker Memorial Museum*, 1324 Ninth Avenue.
Platteville vicinity, *Fort Vasquez*, on U.S. 85.

CONNECTICUT

Fairfield County

Bridgeport, *Brooks, Captain John, Senior, House*, 199 Pembroke Street.
Darien, **Mather (Stephen Tyng) Home*, Stephen Mather Road.
New Canaan, **Rogers (John) Studio*, 10 Cherry Street.
Norwalk, *Lockwood-Mathews Mansion*, 295 West Avenue.
Ridgefield, **Remington (Frederic) House.*
Stamford, *Hoyt-Barnum House*, 13 Bedford Street.

Hartford County

East Granby, *Old Newgate Prison*, Newgate Road.
Farmington, **Stanley-Whitman House*, 37 High Street.
Glastonbury, *Welles, Gideon, House*, 37 Hebron Avenue.
Hartford, **Barnard (Henry) House*, 116 Main Street.
Hartford, *Bull (Amos) House*, 350 Main Street.
Hartford, *Bushnell Park*, bounded by Elm, Jewell, and Trinity Streets.
Hartford, *Cheney Building (G. Fox Building)*, 942 Main Street.
Hartford, **Colt (Samuel) Home, Armsmear*, 80 Wethersfield Avenue.
Hartford, **Old Statehouse*, Main Street at Central Row.
Hartford, *Stowe, Harriet Beecher, House*, 73 Forest Street.
Hartford, **Twain (Mark) Home*, 351 Farmington Avenue.
Hartford, *Wadsworth Atheneum*, 25 Atheneum Square North.
West Hartford, **Webster (Noah) Birthplace*, 227 South Main Street.
Wethersfield, **Buttolph-Williams House*, 249 Broad Street.
Wethersfield, *Deane, Silas, House*, 203 Main Street.
Wethersfield, **Webb (Joseph) House*, 211 Main Street.
Windsor, *Ellsworth, Oliver, Homestead (Elmwood)*, 778 Palisado Avenue.

Litchfield County

Litchfield, **Reeve (Tapping) House and Law School*, South Street.
Litchfield, **Litchfield Historic District*, east and west sides of North and South Streets (to rear property lines), Prospect Street to Gallows Lane, village green between East and West Streets, and structures on northeast side of the green.

Middlesex County

Middletown, *Alsop House (Davison Art Center)*, 301 High Street.
Middletown, *Russell House*, corner of Washington and High Streets.
Middletown, *Wetmore, Seth, House (Oak Hill)*, northwest corner of Route 66 and Camp Road.

New Haven County

Derby, *The Sterling Opera House*, northwest corner of Fourth and Elizabeth Streets.
New Haven, **Connecticut Agricultural Experiment Station*, 123 Huntington Street.
New Haven, **Connecticut Hall, Yale University*, bounded by High, Chapel, Elm, and College Streets.
New Haven, **Dana (James Dwight) House*, 24 Hillhouse Avenue.
New Haven, **First Telephone Exchange*, 741 Chapel Street.
New Haven, *Fort Nathan Hale*, at the southern end of Woodward Avenue.
New Haven, **Marsh (Othniel C.) House*, 360 Prospect Street.

New London County

East Lyme, *Lee, Thomas, House*, southeast corner of Connecticut 156 and Giant's Neck Road.
Groton, *Fort Griswold*, bounded by Baker Avenue, Smith Street, Park Avenue, Monument Avenue, and the Thames River.
Lebanon, **Trumbull (John) Birthplace*, The Common.
Lebanon, *War Office (Captain Joseph Trumble Store and Office)*, West Town Street.
Mystic, **Charles W. Morgan*, Mystic Seaport.

New London, *Deshon-Allyn House*, 613 Williams Street.
New London, *Hempsted, Nathaniel, House (Old Huguenot House)*, corner of Jay, Hempsted, Colt, and Truman Streets.
New London, *Hempsted, Joshua, House*, 11 Hempstead Street.
New London, *New London County Courthouse (State Courthouse)*, 70 Huntington Street.
New London, *New London Customhouse*, 150 Bank Street.
New London, *New London Public Library*, 63 Huntington Street.
Norwich, *Backus, Nathaniel, House*, 44 Rockwell Street.
Norwich, *Converse House and Barn*, 185 Washington Street.
Norwich, *East District School*, 365 Washington Street.
Norwich, *Little Plain Historic District*, the east and west sides of Broadway and Union Street to the rear property lines extending from Otis Street on the northwest to 161 Broadway and 71 Union Street on the south; the south side of Otis Street to the northeast boundary of the sixth property on that street; includes all residences around Little Plain Park and Huntington Place.
Norwichtown, *Bradford-Huntington House*, 16 Huntington Lane.
Norwichtown, *Carpenter House (Red House)*, 55 East Town Street.
Norwichtown, *Carpenter, Joseph, Silversmith Shop*, 71 East Town Street.
Norwichtown, *Charlton, Captain Richard, House*, 12 Mediterranean Lane.
Norwichtown, *Huntington, General Jedidiah, House*, 23 East Town Street.
Norwichtown, *Huntington, Governor Samuel, House*, 34 East Town Street.
Norwichtown, *Turner, Dr. Philip, House*, 29 West Town Street.

Tolland County

Coventry, *Hale, Nathan, Homestead (Deacon Richard Hale House)*, South Street.

Windham County

Brooklyn, *Trinity Church*, east side of Church Street.
Canterbury, *Clark, Captain John, House (Dyer-Clark House)*, east side of Route 169.
Canterbury, *Payne, Elisha, House (Prudence Crandall House)*, southwest corner of the intersection of Connecticut 14 and 169.
Chaplin, *Witter House*, Chaplin Street.
Windham Center, *Hunt, Dr. Chester, Office*, Windham Center Road.

DELAWARE

Kent County

Dover vicinity, **Dickinson (John) House*, 5 miles southeast of Dover and 3 miles east of U.S. 113 on Kitts Hummock Road.
Kenton vicinity, **Aspendale*, c. 1 mile west of Kenton on Delaware 300.

New Castle County

New Castle, **New Castle Historic District*, bordered by Harmony Street, The Strand, Third Street, and Delaware Street.
Odessa, **Corbit-Sharp House*, southwest corner of Main and Second Streets.
Wilmington, *Dingee, Jacob, House*, 105 East Seventh Street.
Wilmington, *Dingee, Obadiah, House*, 107 East Seventh Street.
Wilmington, *Ferris, Zachariah, House*, 414 West Second Street.
Wilmington, **Fort Christina*, East Seventh Street and the Christina River, Fort Christina State Park.
Wilmington, **Holy Trinity (Old Swedes) Church*, Seventh and Church Streets.
Wilmington, *Mendenhall, Captain Thomas, House*, 205 East Front Street.
Wilmington vicinity, **Eleutherian Mills*, north of Wilmington on Delaware 141 at Brandywine Creek Bridge.

Sussex County

Lewes, *Maull House*, 542 Pilottown Road.

DISTRICT OF COLUMBIA

Washington

Adas Israel Synagogue, 619 Sixth Street NW.
**Administration Building, Carnegie Institution of Washington*, 1530 P Street NW.
**American National Red Cross*, 17th and D Streets NW.
**Army Medical Museum* changed to *Medical Museum* (temporarily closed, will reopen in early 1971), Armed Forces Institute of Pathology.
Arts Club of Washington, 2017 I Street NW.
Battleground National Cemetery, 6625 Georgia Avenue NW.
Central Public Library, Mount Vernon Square, 8th and K Streets.
**Chapel Hall, Gallaudet College*, Florida Avenue and Seventh Street NE.
Chesapeake and Ohio Canal National Monument (see Allegany County, Md.).
Christ Church, 620 G Street SE.
**City Hall (District Courthouse)*, Fourth and E Streets NW.
Congressional Cemetery, 1801 E Street SE.
**Decatur House*, 748 Jackson Place NW.
Executive Office Building, southeast corner, Pennsylvania Avenue and 17th Street NW.
Folger Shakespeare Library, 201 East Capitol Street SE.
Ford's Theatre (Lincoln Museum), 10th Street NW. between E and F Streets.
Frederick Douglass Home National Memorial, 1411 W Street SE.
Freer Gallery of Art, 12th Street and Jefferson Drive SW.
**Georgetown Historic District.*
Heurich (Christian) Mansion, 1307 New Hampshire Avenue NW.
House Where Lincoln Died National Memorial, 516 10th Street NW.
Jefferson Memorial, south bank of the Tidal Basin.
**Lafayette Square Historic District*, includes those buildings fronting on H Street, Jackson Place, Madison Place, and Pennsylvania Avenue.
Lincoln Memorial, West Potomac Park.
The Lindens, 2401 Kalorama Road NW.
**Octagon House*, 1741 New York Avenue NW.
**Old Naval Observatory*, 23d and E Streets NW.
**Old Patent Office*, F Street between Seventh and Ninth Streets NW.
Pan American Union, 17th Street between C Street and Constitution Avenue NW.
Pennsylvania Avenue National Historic Site.
Pension Building, F and G Streets between Fourth and Fifth Streets.
**Philadelphia (Gundelo)*, Smithsonian Institution, Museum of History and Technology, 14th Street and Constitution Avenue NW.
Pierce Mill, Rock Creek Park, northwest corner of Tilden Street and Beach Drive NW.
Renwick Museum, northeast corner of Pennsylvania Avenue and 17th Street NW.
**Richards (Zalmon) House*, 1301 Corcoran Street NW.
Rhodes Tavern (Hotel), 601–3 14th Street and 1431 F Street NW.
**St. John's Episcopal Church*, 16th and H Streets NW.
**Smithsonian Building*, Jefferson Drive at 10th Street SW.
Tariff Commission Building, E and F Streets between Seventh and Eighth Streets NW.
**Tudor Place*, 1644 31st Street NW.
Union Station, Massachusetts and Delaware Avenues NW.
Washington Monument, The Mall between 14th and 17th Streets.
**Wilson (Woodrow) House*, 2340 S Street NW.
Winder Building, 604 17th Street NW (northwest corner 17th and F Streets).

FLORIDA

Alachua County

Cross Creek, *Rawlings, Marjorie Kinnan, House*, Florida 325, 0.25 mile south of the creek.

Citrus County

Crystal River vicinity, *Crystal River Indian Mounds*, northwest of Crystal River on U.S. 19–98.
Old Homosassa, *Yulee Sugar Mill Ruins*, Florida 480.

Collier County

Naples vicinity, *Everglades and Seminole Indian Reservations*, U.S. 41, 17 miles south of Naples.

Columbia County

Olustee vicinity, *Olustee Battlefield*, 2 miles east of Olustee on U.S. 90.

Dade County

Miami, *Vizcaya (James Deering Estate)*, 3251 South Miami Avenue.
Miami vicinity, *Cape Florida Lighthouse*, off U.S. 1 on Key Biscayne.

Duval County

Jacksonville, *Kingsley Plantation*, Florida A1A.
Jacksonville vicinity, *Fort Caroline National Memorial*, 10 miles east of Jacksonville.
New Berlin, *Yellow Bluff Fort*, Florida 105.

Escambia County

Pensacola, **Fort San Carlos de Barrancas*, U.S. Naval Air Station.
Pensacola, *Pensacola Historic District*, the historic district is within the area bounded by the following streets: beginning at the intersection of Gimble Street and Pensacola Bay, west on Gimble to Barracks; north on Barracks to Main; west on Main to a point 82.5 feet west of Palafox, then north to Zarragossa; east on Zarragossa to Palafox; north on Palafox to Government; east on Government to Jefferson; north on Jefferson to a point 172 feet north of Government; east on this line to Tarregona; north on Tarragona to Romana; east on Romana to a point 224 feet west of Alcaniz; north on this line to Garden; east on Garden to Alcaniz; north on Alcaniz to Chase; east on Chase to Florida Blanca; south on Florida Blanca to Romana; east on Romana to Ninth Avenue; south on Ninth to Pensacola Bay and along the shoreline to the starting point.
Pensacola, **Plaza Ferdinand VII*, Palafox Street between Government and Zarragossa Streets.
Pensacola Beach vicinity, *Fort Pickens*, U.S. 98 west of Pensacola Beach.

Flagler County

Bunnell vicinity, *Bulow Plantation Ruins*, southeast of Bunnell off Florida S–5A.

Indian River County

Sebastian vicinity, **Pelican Island National Wildlife Refuge*, east of Sebastian in the Indian River.
Sebastian vicinity, *Site of Salvors Camp for Spanish Wrecks (1715)*, between the town of Sebastian and Sebastian Inlet on the Atlantic Ocean.

Lee County

Fort Myers Beach vicinity, *Mound Key*, south of Fort Myers Beach in Koreshan State Park, on Estero Bay.

Leon County

Tallahassee vicinity, **San Luis de Apalache*, 2 miles west of Tallahassee on U.S. 90.
Woodville vicinity, *Natural Bridge Battlefield*, 6 miles east of Woodville on U.S. 319.

Manatee County

Bradenton vicinity, *De Soto National Memorial*, 5 miles west of Bradenton.
Ellenton, *Gamble Mansion (Judah P. Benjamin Memorial)*, U.S. 301.
Terre Ceia Island, *Madira Bickel Mound*, U.S. 19.

Monroe County

Key West, **Hemingway (Ernest) House*, 907 Whitehead Street.
Dry Tortugas Islands, *Fort Jefferson National Monument*, 68 miles west of Key West in the Gulf of Mexico.

Okaloosa County

Fort Walton Beach, **Fort Walton Mound*, U.S. 98.

Okeechobee County

Okeechobee vicinity, **Okeechobee Battlefield*, 4 miles southeast of Okeechobee on U.S. 441.

Pinellas County

Safety Harbor vicinity, **Safety Harbor Site*, Philippe Park, 1 mile northeast of Safety Harbor.

St. Johns County

St. Augustine, *Castillo de San Marcos National Monument*, 1 Castillo Drive.
St. Augustine, **Cathedral of St. Augustine*, Cathedral Street between Charlotte and St. Georges Streets.
St. Augustine, **Llambias House*, 31 St. Francis Street.
St. Augustine, **Oldest House*, 14 St. Francis Street.
St. Augustine, *St. Augustine Historic District*, bounded on the north by Orange Street east to San Marcos Avenue; thence northwest along San Marcos to the northern boundary of Castillo de San Marcos, which is the northern district boundary; bounded on the east by the Matanzas River; the southern boundary is a line parallel to and 225 feet south of St. Francis Street extending west to the intersection with Cordova Street; thence north on Cordova Street to Bridge Street; west on Bridge to Grenada Street; north on Grenada to King Street; west on King to Seville Street; north on Seville to Valencia Street; east on Valencia to Cordova, and north on Cordova to Orange.
St. Augustine vicinity, *Fort Matanzas National Monument*, 15 miles south of St. Augustine.
St. Augustine Beach, *Spanish Coquina Quarries*, Florida A1A, Anastasia State Park.

Volusia County

New Smyrna Beach, *New Smyrna Sugar Mill Ruins*, U.S. 1.
New Smyrna Beach vicinity, *Turtle Mound*, Florida A1A, 9 miles south of New Smyrna Beach.
Ormond Beach, *Ormond Garage*, 79 East Granada Avenue.

Wakulla County

St. Marks, **Fort San Marcos de Apalache*, 30 miles south of Tallahassee on U.S. 319 and Florida 363.

GEORGIA

Baldwin County

Milledgeville, *Atkinson Hall, Georgia College*, Georgia College campus.
Milledgeville, *Old Governor's Mansion*, South Clark Street.
Milledgeville, *Old State Capitol*, West Hancock and Jefferson Streets.

Barrow County

Winder vicinity, *Fort Yargo*, Fort Yargo State Park, Georgia 81.

Bartow County

Cartersville vicinity, **Etowah Mounds*, 3 miles south of Cartersville on Georgia 61.

Bibb County

Macon, *Grand Opera House (Academy of Music)*, 651 Mulberry Street.
Macon, *Ocmulgee National Monument.*

Bryan County

Richmond Hill vicinity, *Fort McAllister*, 10 miles east of U.S. 17.

Carroll County

Carrollton, *Bonner-Sharp-Gunn House*, West Georgia College campus.

Catoosa County

Chattanooga, Tenn., vicinity, *Chickamauga and Chattanooga National Military Park*, 9 miles south of Chattanooga on U.S. 27 (also in Hamilton County, Tenn.).

Chatham County

Savannah, *Central of Georgia Railway Company Shop Property*, between West Jones Street and Louisville Road.
Savannah, **Low (Juliette Gordon) Birthplace*, 10 Oglethorpe Avenue East.
Savannah, **Savannah Historic District*, bounded by East Broad, Gwinnett, West Broad Streets, and the Savannah River.
Savannah, *Scarbrough, William, House*, 41 West Broad Street.
Savannah vicinity, *Fort Jackson*, Islands Expressway, 3 miles east of Savannah on the Savannah River.
Savannah vicinity, *Fort Pulaski National Monument*, 17 miles east of Savannah, Cockspur Island.

Clarke County

Athens, *Academic Building, University of Georgia*, University of Georgia campus.
Athens, *Bishop House*, Jackson Street, University of Georgia campus.
Athens, *Chapel, University of Georgia*, University of Georgia campus.
Athens, *Demosthenian Hall, University of Georgia*, University of Georgia campus.
Athens, *Lustrat House*, University of Georgia campus.
Athens, *Moore Hall, University of Georgia*, University of Georgia campus.
Athens, *Old College, University of Georgia*, University of Georgia campus.
Athens, *Old Lucy Cobb Institute Dormitory, University of Georgia*, University of Georgia campus.
Athens, *Phi Kappa Hall, University of Georgia*, University of Georgia campus.
Athens, *President's House*, 570 Prince Street.
Athens, *Waddel Hall, University of Georgia*, University of Georgia campus.
Athens, *Wilkins House*, 387 South Milledge Avenue.
Athens, *Wilson-Lumpkin-Hall House*, University of Georgia campus.

Cobb County

Marietta vicinity, *Kennesaw Mountain National Battlefield Park*, 2 miles west of Marietta.

Columbia County

Augusta vicinity, **Stallings Island*, 8 miles northwest of Augusta in the Savannah River.

Early County

Blakely vicinity, **Kolomoki Mounds*, 8 miles north of Blakely on U.S. 27, Kolomoki Mounds State Park.

Fulton County

Atlanta, *Cyclorama of the Battle of Atlanta*, Cherokee Avenue, Grant Park.
Atlanta, **Harris (Joel Chandler) House*, 1050 Gordon Street SW.
Atlanta, *Smith, Tullie, House*, 3099 Andrews Drive NW.
Atlanta, *State Capitol*, Capitol Square.

Glynn County

Brunswick vicinity, *Fort Frederica National Monument*, 12 miles north of Brunswick.

Gordon County

Calhoun vicinity, *New Echota*, north of Calhoun on Georgia 225.

Grady County

Beachton vicinity, *Susina Plantation (Cedar Grove)*, 1.5 miles west of Beachton on Meridian Road.

Hancock County

Jewell vicinity, *Shivers-Simpson House (Rock Mill)*, Mayfield Road, on the Ogeechee River.

Jackson County

Jefferson, *Crawford W. Long Medical Museum*, U.S. 129.

Liberty County

Midway vicinity, *Fort Morris*, c. 10 miles east of Midway off Georgia 38 near the old town of Sunbury.
South Newport vicinity, **St. Catherine's Island*, 10 miles off the Georgia coast between St. Catherine's Sound and Sapelo Sound.

Lumpkin County

Dahlonega, *Dahlonega Courthouse*, U.S. 19.

McIntosh County

Darien vicinity, *Fort King George*, east of U.S. 17.

Macon County

Andersonville vicinity, **Andersonville Prison Site*, 1 mile east of Andersonville on Georgia 49 (also in Sumter County).

Murray County

Chatsworth vicinity, *Fort Mountain*, Fort Mountain State Park, U.S. 76.
Spring Place, *Vann House*, intersection of U.S. 76 and Ga. 225.

Muscogee County

Columbus, *Columbus Historic District*, bounded by Ninth Street on the north, Fourth Street on the south, Fourth Avenue on the east, and the Chattahoochee River on the west.
Columbus, *Columbus Iron Works*, 901 Front Avenue.
Columbus, *Goetchius-Wellborn House*, 405 Broadway.
Columbus, Gunboats *Muscogee* and *Chattahoochee*, Fourth Street, west of U.S. 27.
Columbus, *Joseph House*, 828 Broadway.
Columbus, *Octagon House*, 527 First Avenue.
Columbus, *Walker-Peters-Langdon House*, 716 Broadway.
Columbus, *Wells-Bagley House*, 22 Sixth Street.

Oconee County

Watkinsville, *Eagle Tavern*, intersection of U.S. 129 and 441.

Richmond County

Augusta, *Mackay House*, 1822 Broad Street.

Stephens County

Toccoa vicinity, **Traveler's Rest*, 6 miles east of Toccoa on U.S. 123.

Sumter County

•*Andersonville Prison Site* (see Macon County).

Taliaferro County

Crawfordville, *Liberty Hall*, Alexander Stephens Memorial Park, U.S. 278.

Thomas County

Thomasville, *Brandon, Dr. David, House (Hayes House)*, 329 North Broad Street.
Thomasville, *Bryan, Hardy, House (Cater House)*, 312 North Broad Street.
Thomasville, *Jeffries House (Augustine Hansell House)*, 429 South Hansell Street.
Thomasville, *Mitchell House (Munro House)*, 737 Remington Avenue.
Thomasville, *Park Front (Frances Stone House)*, 711 South Hansell Street.
Thomasville, *Ponder, Epraim, House*, 324 North Dawson Street.
Thomasville, *Scarborough House (C. W. Lapham House)*, 626 North Dawson Street.
Thomasville, *Thomas County Courthouse*, North Broad Street.
Thomasville, *Wright House*, 415 Fletcher Street.

White County

Cleveland, *Old White County Courthouse.*

Wilkes County

Washington, *Washington-Wilkes Historical Museum*, intersection of U.S. 78 and 378.

HAWAII

Hawaii County

Hilo vicinity, Island of Hawaii, •*Mauna Kea Adz Quarry*, 25 miles northwest of Hilo via mountain trail.
Hoca vicinity, Island of Hawaii, •*Mookini Heiau*, northern tip of Hawaii, 1 mile west of Upolu Point Airport.
Kailua-Kona, Island of Hawaii, •*Kamakahonu, Residence of King Kamehameha I*, on the northwest edge of Kailua Bay, north and west of Kailua Wharf.
Kailua-Kona vicinity, Island of Hawaii, *City of Refuge National Historical Park*, 20 miles south of Kailua-Kona.
Kailua-Kona vicinity, Island of Hawaii, •*Honokohau Settlement*, Honokohau Bay, just north of Kailua-Kona.
Kawaihae vicinity, Island of Hawaii, •*Puukohola Heiau*, north end of Hawaii off Hawaii 26, about 1 mile southeast of Kawaihae.
Keauhou, Island of Hawaii, •*Keauhou Holua Slide*, east of Hawaii 18.
Naalehu vicinity, Island of Hawaii, •*South Point Complex*, South Cape, southern tip of Hawaii, Kau District.

Honolulu County

Haleiwa vicinity, Island of Oahu, •*Puu o Mahuka Heiau*, 4 miles northeast of Haleiwa on Hawaii 83, overlooking Waimea Bay.
Honolulu, Island of Oahu, •*Iolani Palace*, 364 South King Street.
Honolulu, Island of Oahu, •*Kawaiahao Church and Mission Houses*, 957 Punchbowl Street and 533 South King Street.
Kaneohe vicinity, Island of Oahu, •*Huilua Fishpond*, on Kahana Bay, 13 miles north of Kaneohe on Hawaii 83, adjacent to Kahana Bay State Park.
Pearl City vicinity, Island of Oahu, •*U.S. Naval Base, Pearl Harbor*, 3 miles south of Pearl City on Hawaii 73.

Kauai County

Koloa, Island of Kauai, •*Old Sugar Mill of Koloa.*
Wailua vicinity, Island of Kauai, •*Wailua Complex of Heiaus*, east coast of Kauai at the mouth of the Wailua River, Lihue District.
Waimea, Island of Kauai, •*Cook Landing Site*, 2 miles southwest of Hawaii 50.
Waimea vicinity, Island of Kauai, *Russian Fort*, on Hawaii 50, 200 yards southwest of the bridge over the Waimea River.

Maui County

Hana vicinity, Island of Maui, •*Piilanihale Heiau*, 4 miles north of Hana, at the mouth of Honomaele Gulch near Kalahu Point.
Kaupo vicinity, Island of Maui, •*Loaloa Heiau*, southeast coast of Maui on Hawaii 31, about 0.25 mile north of Kaupo.
Lahaina, Island of Maui, •*Lahaina Historic District*, west side of Maui on Hawaii 30.
Lanai City vicinity, Island of Lanai, •*Kaunolu Village Site*, on Kaunolu Bay, on the southwest cape of the Island of Lanai.
Ualapue vicinity, Island of Molokai, •*Hokukano-Ualapue Complex*, along Hawaii 45.

IDAHO

Ada County

Boise, •*Assay Office*, 210 Main Street.
Boise, *Moore-DeLamar House*, 807 Grove Street.

Bannock County

Fort Hall vicinity, •*Fort Hall*, 11 miles west of Fort Hall, Fort Hall Indian Reservation.

Butte County

Arco vicinity, •*Experimental Breeder Reactor No. I*, National Reactor Testing Station.

Cassia County

Almo vicinity, •*City of Rocks*, City of Rocks State Park.

Clearwater County

Lolo Hot Springs vicinity, •*Lolo Trail*, parallel to U.S. 12 on ridges of Bitterroot Mountains, from Lolo Pass to Weippe (also in Idaho County and in Missoula County, Mont.).
Spalding (park headquarters), *Nez Perce National Historical Park*, within an area 90 miles south and 150 miles east of Spalding (also in Idaho, Lewis, and Nez Perce counties).
Weippe vicinity, •*Weippe Prairie*, south of Weippe and Idaho 11.

Idaho County

•*Lolo Trail* (see Clearwater County).
Nez Perce National Historical Park (see Clearwater County).

Kootenai County

Cataldo, •*Cataldo Mission*, off U.S. 10.

Lemhi County

Tendoy vicinity, •*Lemhi Pass*, 12 miles east of Tendoy off Idaho 28 (also in Beaverhead County, Mont.).

Lewis County

Nez Perce National Historical Park (see Clearwater County).

Nez Perce County

Nez Perce National Historical Park (see Clearwater County).

ILLINOIS

Adams County

Quincy, *Wood (John) Mansion*, 425 South 12th Street.

Alexander County

Cairo, *Magnolia Manor*, 2700 Washington Avenue.

Champaign County

Urbana, *Altgeld Hall, University of Illinois*, University of Illinois campus, Wright and John Streets.
Urbana, •*Morrow Plots, University of Illinois*, Gregory Drive at Matthew Avenue.

Cook County

Chicago, *Auditorium Building, Roosevelt University*, Michigan Avenue at Congress Street.
Chicago, *Carson, Pirie, Scott & Co.*, 1 South State Street.
Chicago, *Charnley (James) House*, 1365 North Astor Street.
Chicago, *Chicago Stock Exchange Building*, 30 North La Salle Street.
Chicago, *Glessner (John J.) House*, 1800 South Prairie Avenue.
Chicago, •*Hull House*, the University of Illinois, Chicago Circle, 800 South Halstead Street.
Chicago, *Leiter I Building*, 200–208 West Monroe Street.
Chicago, *McClurg Building*, 218 South Wabash Avenue.
Chicago, *Madlener, Albert F., House*, 4 West Burton.
Chicago, *Monadnock Building*, 53 West Jackson Boulevard.
Chicago, *Pullman Historic District*, bounded on the north by 103rd Street, on the east by C.S.S. and S.B. Railroad spur tracks, on the south by 115th Street, and on the west by Cottage Grove Avenue.
Chicago, *Reliance Building*, 32 North State Street.
Chicago, •*Robie (Frederick C.) House, The University of Chicago*, 5757 South Woodlawn Avenue.
Chicago, *Rookery Building*, 209 South La Salle Street.
Chicago, •*Room 405, George Herbert Jones Laboratory, The University of Chicago*, S. Ellis Avenue between East 57th and 59th Streets.
Chicago, •*Site of First Self-sustaining Nuclear Reaction, The University of Chicago*, South Ellis Avenue between East 56th and 57th Streets.
Chicago, •*Taft (Lorado) Midway Studios, The University of Chicago*, 6016 South Ingleside Avenue.
Evanston, •*Willard (Frances) House*, 1730 Chicago Avenue.
Forest View, *Chicago Portage National Historic Site*, Forest Preserve District, northwest corner of South Harlem Avenue at the Chicago Sanitary and Ship Canal.
Oak Park, *Gale (Mrs. Thomas H.) House*, 6 Elizabeth Court.
Oak Park, *Unity Temple*, 875 Lake Street.
River Forest, *Drummond (William E.) House*, 559 Edgewood Place.
River Forest, *Winslow (William H.) House and Stable*, 515 Auvergne Place.
Riverside, •*Riverside Landscape Architectural District*, bounded on the north by 26th Street, on the east by Harlem Avenue, on the south by Ogden Avenue and the south bank of the Des Plaines River, and on the west by Forbes Road.
Winnetka, •*Lloyd (Henry Demarest) Home, The Wayside*, 830 Sheridan Road.

Hancock County

Nauvoo, •*Nauvoo Historic District.*

Henry County

Bishop Hill, *Bishop Hill Historic District*, bounded on the north by the South Branch of the Edwards River, then south in a straight line along Jacobson Street to Berlang Street; west on Berlang to Erickson Street; south on Erickson to the south edge of the corporate line; westward along the corporate line to Johnson Street; north on Johnson to Knox Street; west on Knox to Kronberg Street; north on Kronberg to Hedeen Street; east of Hedeen to Olson Street; north on Olson to Front Street; east on Front Street to Park Street; north

on Park to River Street; east on River to an extension of Johnson Street, then north to the river.

Jo Daviess County

Galena, *Galena Historic District*, that part of the city of Galena recorded as the city limits on March 28, 1838, and all subdivisions added to the city prior to December 31, 1859.
Galena, •*Grant (Ulysses S.) Home*, 511 Bouthiller Street.

Knox County

Galesburg, •*Old Main, Knox College*, Knox College campus.

La Salle County

Ottawa vicinity, •*Old Kaskaskia Village*, 4 miles west of Ottawa on U.S. 6.
Ottawa vicinity, •*Starved Rock*, 6 miles from Ottawa on Illinois 71, Starved Rock State Park.

Madison County

Collinsville vicinity, •*Cahokia Mounds*, 7850 Collinsville Road, Cahokia Mounds State Park.

Massac County

Brookport vicinity, •*Kincaid Site*, east of Brookport on the Ohio River (also in Pope County).

Ogle County

Grand Detour, •*Deere (John) Home and Shop.*

Rock Island County

Rock Island, *Rock Island Arsenal*, Island of Rock Island.

Pope County

•*Kincaid Site* (see Massac County).

Randolph County

Ellis Grove vicinity, •*Menard (Pierre) House*, Fort Kaskaskia State Park.
Modoc vicinity, •*Modoc Rockshelter*, 2 miles north of Modoc.
Prairie du Rocher vicinity, •*Fort de Chartres*, terminus of Illinois 155, west of Prairie du Rocher, Fort Chartres State Park.

St. Clair County

Cahokia, •*Church of the Holy Family*, East First Street.
East St. Louis, •*Eads Bridge*, spanning the Mississippi River (see St. Louis, Mo.).

Sangamon County

Springfield, *Edwards Place*, 700 North Fourth Street.
Springfield, •*Lincoln (Abraham) Home*, Eighth and Jackson Streets, Lincoln Home State Memorial.
Springfield, •*Lincoln Tomb*, Oak Ridge Cemetery.
Springfield, •*Old State Capitol*, bounded by Fifth, Sixth, Adams, and Washington Streets.

Will County

Joliet vicinity, •*Illinois and Michigan Canal (Locks and Towpath)*, 7 miles southwest of Joliet on U.S. 6, Channahon State Park.

INDIANA

Knox County

Vincennes, *George Rogers Clark National Historical Park.*
Vincennes, •*Harrison (William Henry) Home, Grouseland*, 3 West Scott Street.

Marion County

Indianapolis, *Allison Mansion*, 3200 Cold Spring Road.
Indianapolis, •*Harrison (Benjamin) Home*, 1204 North Delaware Street.
Indianapolis, *Military Park*, bounded on the west by Blackford Street, on the north by New York Street, on the east by West Street, and on the south by the canal.
Indianapolis, •*Riley (James Whitcomb) House*, 528 Lockerbie Street.

Porter County

Porter vicinity, •*Bailly (Joseph) Homestead*, 0.5 mile west of Porter on U.S. 20.

Posey County

New Harmony, •*New Harmony Historic District*, Main Street between Granary and Church Streets.

St. Joseph County

South Bend, *Old Courthouse (Second St. Joseph County Courthouse)*, 112 South Lafayette Road.

Spencer County

Lincoln City, *Lincoln Boyhood National Memorial.*

Tippecanoe County

Lafayette vicinity, *Fort Ouiatenon*, SE¼ SE¼ sec. 28, T. 23 N., R. 5 W.
Lafayette vicinity, •*Tippecanoe Battlefield*, 7 miles northeast of Lafayette on Indiana 225.

Vanderburgh County

Evansville, *Former Vanderburgh County Sheriff's Residence*, Fourth Street between Vine and Court Streets.
Evansville, *Old Vanderburgh County Courthouse*, entire block bounded by Vine, Fourth, Court and Fifth Streets.
Evansville vicinity, •*Angel Mounds*, east of Evansville, Angel Mounds State Memorial.

Vigo County

Terre Haute, •*Debs (Eugene V.) Home*, 451 North Eighth Street.

Wayne County

Fountain City, •*Coffin (Levi) House*, 115 North Main Street.

IOWA

Allamakee County

Marquette vicinity, *Effigy Mounds National Monument*, 3 miles north of Marquette on Iowa 13 (also in Clayton County).

Cedar County

West Branch, *Herbert Hoover National Historic Site.*

Cherokee County

Cherokee vicinity, •*Phipps Site*, 3 miles north of Cherokee.

Clayton County

Effigy Mounds National Monument (see Allamakee County).

Iowa County

Middle Amana, •*Amana Villages*, northeastern Iowa County.

Louisa County

Toolesboro vicinity, •*Toolesboro Mound Group*, north of Toolesboro.

Lyon County

Sioux Falls vicinity, •*Blood Run Site*, south of Sioux Falls at the junction of Blood Run Creek and the Big Sioux River (also in Lincoln County, S. Dak.).

O'Brien County

Sutherland vicinity, •*Indian Village Site (Wittrock Area)*, 3 miles east of Sutherland.

Pottawattamie County

Council Bluffs, •*Dodge (Grenville M.) House*, 605 South Third Street.

Story County

Ames, •*Knapp-Wilson House, The Farm House*, Iowa State University campus.

Woodbury County

Sioux City, •*Sergeant Floyd Monument*, Glenn Avenue and Lewis Road.

KANSAS

Barber County

Medicine Lodge vicinity, •*Medicine Lodge Peace Treaty Site*, just south and east of Medicine Lodge.

Bourbon County

Fort Scott, •*Fort Scott.*

Doniphan County

Highland vicinity, *Iowa, Sac, and Fox Presbyterian Mission (Highland Presbyterian Mission)*, 1.5 miles east of Highland on U.S. 36 and 0.2 mile north on K–136.

Douglas County

Lawrence, •*Haskell Institute.*

Ford County

Dodge City vicinity, •*Santa Fe Trail Remains*, 9 miles west of Dodge City on U.S. 50.

Geary County

Junction City vicinity, *First Territorial Capitol*, on K–18 in Fort Riley Military Reservation.

Grant County

Ulysses vicinity, •*Wagon Bed Springs*, 12 miles south of Ulysses on U.S. 270.

Harvey County

Newton, *Warkentin House*, 211 East First Street.
Newton, *Warkentin Mill*, Third and Main Streets.

Johnson County

Fairway, •*Shawnee Mission*, 53rd Street at Mission Road.

Leavenworth County

Leavenworth, •*Fort Leavenworth.*

Morris County

Council Grove, •*Council Grove Historic District.*

Pawnee County

Larned vicinity, *Fort Larned National Historic Site*, 5 miles west of Larned.

Rice County

Geneseo vicinity, •*Tobias-Thompson Complex*, 4 miles southeast of Geneseo.

Saline County

Salina vicinity, •*Whiteford (Price) Site*, 3 miles east of Salina.

Scott County

Scott City vicinity, •*El Cuartelejo*, 12 miles north of Scott City, Scott County State Park.

Washington County

Hanover vicinity, •*Hollenberg (Cottonwood) Pony Express Station*, 1.5 miles east of Hanover on a secondary road.

KENTUCKY

Bell County

Middlesboro vicinity, *Cumberland Gap National Historical Park* (also in Claiborne County, Tenn., and Lee County, Va.).

Boyle County

Danville, •*Jacobs Hall, Kentucky School for the Deaf*, South Third Street.

Danville, *McDowell (Dr. Ephraim) House, 125–27 South Second Street.
Perryville vicinity, *Perryville Battlefield, west of Perryville on U.S. 150.

Fayette County

Lexington, *Clay (Henry) Home, Ashland, 2 miles southeast of Lexington on Richmond Road.
Lexington, *Old Morrison, Transylvania College, West Third Street between Upper Street and Broadway.
Lexington, West High Street Historic District, now consists only of the Rev. Adam Rankin House (215 West High Street), William Bowman House (125 West High Street), Dr. John C. and Samuel B. Richardson House (129 West High Street), and the John Leiby House (133 West High Street).

Jefferson County

Louisville, Old Central High School Building (Medical Institute Building, University of Louisville), southwest corner of Eighth and Chestnut Streets.
Louisville, *Taylor (Zachary) House, Springfield, 5608 Apache Road.

Kenton County

Covington, *Beard (Daniel Carter) Boyhood Home, 322 East Third Street.

Larue County

Hodgenville vicinity, Abraham Lincoln Birthplace National Historic Site, 3 miles south of Hodgenville.

Logan County

Adairville vicinity, Savage Cave Archeological Site, about 1 mile east of Adairville on Kentucky 591.

Mason County

Washington, Washington Historic District, corporate limits of the city of Washington in 1969.

Ohio County

Paradise vicinity, *Indian Knoll, 0.5 mile upstream from Paradise ferry landing on the Green River.

LOUISIANA

Avoyelles Parish

Marksville vicinity, *Marksville Prehistoric Indian Site, Marksville Prehistoric Indian Park State Monument.

Orleans Parish

New Orleans, *The Cabildo, Jackson Square, Chartres Street, and St. Peter Street.
New Orleans, *Cable (George Washington) House, 1313 Eighth Street.
New Orleans, *Girod (Nicholas) House, 500 Chartres Street.
New Orleans, *Jackson Square (Place d'Armes), bounded by Decatur, St. Peter, St. Ann, and Chartres Streets.
New Orleans, *Lafitte's Blacksmith Shop, 941 Bourbon Street.
New Orleans, *Madame John's Legacy, 632 Dumaine Street.
New Orleans, *Old Ursuline Convent, 1114 Chartres Street.
New Orleans, *The Presbytère, 713 Chartres Street.
New Orleans, *Vieux Carré Historic District, bounded by the Mississippi River, Rampart Street, Canal Street, and Esplanade Avenue.

Plaquemines Parish

Phoenix vicinity, *Fort de la Boulaye Site, near Phoenix on the Mississippi River, near Louisiana 50.
Triumph vicinity, *Fort Jackson, 2.5 miles southeast of Triumph on Louisiana 23, on the west bank of the Mississippi River.
Triumph vicinity, *Fort St. Philip, 2.5 miles southeast of Triumph on Louisiana 23, on the east bank of the Mississippi River.

Pointe Coupee Parish

Mix vicinity, *Parlange Plantation House, at junction of Louisiana 1 and 78.

Sabine Parish

Many vicinity, *Fort Jesup, 7 miles northeast of Many on Louisiana 6, Fort Jesup State Monument.

St. Bernard Parish

New Orleans vicinity, Chalmette National Historical Park, 6 miles south of New Orleans.

St. Charles Parish

Hahnville vicinity, *Homeplace Plantation House, 0.5 mile south of Hahnville Post Office on Louisiana 18.

West Carroll Parish

Delhi vicinity, *Poverty Point, 12 miles north of Delhi on Bayou Macon.

MAINE

Androscoggin County

Lewiston, Hathorn Hall, Bates College, Bates College campus.
Livermore, The Norlands, The Norlands Road.
New Gloucester, Shaker Village, on Route 26.

Aroostook County

Fort Kent vicinity, Fort Kent Memorial, c. ¾ mile southwest of Fort Kent off Maine 11.
Littleton vicinity, Watson Settlement Bridge, across the Meduxnekeag Stream, 1 mile west of United States-Canadian border.

Cumberland County

Shaker Village (see Androscoggin County).
Brunswick, First Parish Church, 207 Maine Street.
Brunswick, *Stowe (Harriet Beecher) House, 63 Federal Street.
Cape Elizabeth, Spurwink Congregational Church (South Meetinghouse), Spurwink Avenue.
Freeport, Pettengill House (Captain Greenfield Pote House), Wolf Neck Road.
Harpswell Center, *Harpswell Meetinghouse.
Harpswell vicinity, Peary (Robert E.) Home, Eagle Island.
Naples vicinity, Songo Lock (Cumberland-Oxford Canal), 1 mile off Maine 114 south of Naples.
Portland, McClellan-Sweat Mansion, 111 High Street.
Portland, Morse-Libby Mansion, 109 Danforth Street.
Portland, Spring Street Historic District, bounded on the northeast by a straight line along Forest Avenue (midway between Cumberland Avenue and Congress Street) across a flatiron block to Free Street, across Free Street and another block to Spring Street, then along Oak Street to High Street, across High Street and another block to Danforth Street; by Danforth Street on the southeast; by Brackett Street on the southwest; by a straight line along Pine Street to Longfellow Square, across the square to Vernon, Avon, and Henry Streets to Deering Place, and from Deering Place to Forest Avenue on the northwest.
Portland, Tate House, 1270 Westbrook Street.
Portland, *Wadsworth-Longfellow House, 487 Congress Street.
Scarborough, *Homer (Winslow) Studio, Winslow Homer Road, Prout's Neck.
South Casco, Hawthorne (Nathaniel) Boyhood Home, Hawthorne and Raymond Cape Roads.
South Windham vicinity, Babb's Bridge, across the Presumpscot River, 2 miles north of South Windham.

Franklin County (also in Kennebec, Sagadahoc, and Somerset counties)

Popham Beach vicinity to Coburn Gore, Arnold Trail to Quebec, along Kennebec River, through Wyman Lake and Flagstaff Lake, along Dead River and Chain of Ponds to Quebec, Canada.
Farmington vicinity, Nordica Homestead, Holly Road, 0.5 mile from Route 27.

Hancock County

Blue Hill, Jonathan Fisher Memorial, outer Main Street (Route 15).
Castine, Cate House, corner of Court and Pleasant Streets.
Castine, Fort George Memorial.
Castine, Perkins (John) House, Perkins Street.
East Sullivan vicinity, *Wickyup (Admiral Richard E. Byrd Estate), 8 miles northeast of East Sullivan.
Ellsworth, Black Mansion, West Maine Street on Route 172.
Northeast Harbor, *Gilman (Daniel Coit) Summer Home, Over Edge.

Kennebec County

Arnold Trail to Quebec (see Franklin County).
Augusta, *Blaine (James G.) House, Capitol and State Streets.
Augusta, Fort Western, Bowman Street.
Augusta, Kennebec Arsenal, Arsenal Street.
Hallowell, Elm Hill Farm (Merrick Cottage), Litchfield Road.
Hallowell, Hallowell Historic District, bounded on the west by a line running north 3,465 feet from the intersection of Litchfield Road and Middle Street to a point 93 feet north of Winthrop Street; then by a line running directly east for 1,563 feet; thence southwest from a point 120 feet west of U.S. 201 for a distance of 750 feet to a point on Water Street; thence south along Water Street to a point 62 feet north of the intersection with Winthrop Street; thence southeast toward the Kennebec River for 186 feet; thence southwest 580 feet; thence northwest along an extension of Union Street to Water Street; thence southwest on Water to Temple Street; northwest on Temple to a point 165 feet east of Second Street; then parallel to Second in a southwesterly direction for 1,600 feet to a point 90 feet east of the corner of Second and Litchfield Road; thence west 562 feet to the starting point.
Hallowell, Row House (The Gage Block), 106–114 Second Street.
Hallowell, Vaughn Homestead, Middle Street off Litchfield Road.
Winslow, *Fort Halifax.

Knox County

Camden, The Conway House, Conway Road.
Rockport, Rockport Historic Kiln Area, on Rockport harbor at the mouth of the Goose River.
Thomaston vicinity, Knox (Henry) Home, Montpelier, northeast of Thomaston on Maine 131.
Vicinity of Warren, Union, Appleton, and Searsmont, Georges River Canal, Upper Falls, Georges River in Warren to Union town line, extending to Quantabacook Pond in Searsmont (also in Waldo County)
Vinalhaven, The Vinalhaven Galamander, Bandstand Park.

Lincoln County

Alna Center, Alna Meetinghouse, Maine 218.
Damariscotta, Chapman-Hall House, Main and Vine Streets.

Damariscotta vicinity, Damariscotta Oyster Shell Heaps, Damariscotta River north of Damariscotta.
Dresden, Pownalborough Courthouse, Cedar Grove Road.
Edgecomb, Fort Edgecomb Memorial, on Davis Island in the Sheepscot River.
Pemaquid vicinity, Harrington Meetinghouse, northwest of Pemaquid on Old Harrington Road.
Pemaquid Beach vicinity, Fort William Henry, northwest of Pemaquid Beach.
Pemaquid Beach vicinity, Pemaquid Restoration and Museum, Pemaquid Point.
Waldoboro vicinity, German Church and Cemetery, Maine 32, 1 mile south of Waldoboro.
Wiscasset, U.S. Customhouse (Old Customhouse) and Post Office, Water Street.
Wiscasset, Wiscasset Jail and Museum, Maine 218.

Piscataquis County

Brownville Junction vicinity, Katahdin Iron Works, 5 miles north of Brownville Junction on Route 11, follow gravel road for 6 miles.
Guilford vicinity, Love's Bridge, across the Piscataquis River between Guilford and Sangerville.

Oxford County

Fryeburg vicinity, Hemlock Bridge, across the Saco River, 6 miles northeast of Fryeburg.
Newry vicinity, Sunday River Bridge, across the Sunday River.
South Andover, Lovejoy Bridge, across the Ellis River.
Wilson Mills vicinity, Bennett Bridge, across the Magalloway River 1.25 miles south of Wilson Mills.

Penobscot County

Bangor, Morse Bridge, Valley Avenue, across Kenduskeag River.
Kenduskeag vicinity, Robyville Bridge, across the Kenduskeag River, 2.5 miles northwest of Kenduskeag.

Sagadahoc County

Arnold Trail to Quebec (see Franklin County).
Bath, Seguin (tugboat), Bath Marine Museum.
Bath, U.S. Customhouse and Post Office, 25 Front Street.
Popham Beach vicinity, Fort Popham Memorial, north of Popham Beach on Hunnewell Point.
Popham Beach vicinity, Popham Colony Site, the mouth of the Kennebec River at the end of Maine 209.

Somerset County

Arnold Trail to Quebec (see Franklin County).
New Portland vicinity, New Portland Wire Bridge, Wire Bridge Road, over the Carrabassett River.

Waldo County

Georges River Canal (see Knox County).
Prospect vicinity, Fort Knox State Park.
Searsport, Penobscot Marine Museum, Church Street.
Stockton Springs vicinity, Fort Pownall Memorial, southeast of Stockton Springs on Fort Point.

Washington County

Columbia Falls, Ruggles House, Main Street.
Eastport, Fort Sullivan, Moose Island; barracks, 74 Washington Street.
Machiasport vicinity, Fort O'Brien (Fort Machias), south of Machiasport on secondary road.
St. Croix Junction vicinity, St. Croix Island National Monument, on the international boundary, in the St. Croix River.

York County

Kittery Point, *Pepperrell (Mary) House, Lady Pepperrell House, Maine 103.
Kittery Point vicinity, Fort McClary, off Maine 103 near Fort McClary State Park.
Porter vicinity, Porter-Parsonfield Bridge, across the Ossipee River, 0.5 mile southwest of Porter.
York, Hancock (John) Warehouse, Lindsay Road.
York, *Old York Gaol, 4 Lindsay Road.
York vicinity, *McIntire Garrison House, 5 miles west of York on Maine 91.

MARYLAND

Allegany County

Chesapeake and Ohio Canal National Monument (also in Frederick, Montgomery, and Washington counties, Md.; the District of Columbia; and Morgan County, W. Va.).

Anne Arundel County

Annapolis, *Brice House, 42 East Street.
Annapolis, *Chase-Lloyd House, 22 Maryland Avenue.
Annapolis, *Colonial Annapolis Historic District, district boundaries approximate those of the city plan of 1695.
Annapolis, *Hammond-Harwood House, Maryland Avenue and King Street.
Annapolis, *Maryland Statehouse, State Circle.
Annapolis, *U.S. Naval Academy, Maryland Avenue and Hanover Street.
Annapolis, *Whitehall, off St. Margaret's Road.
Davidsonville vicinity, All Hallows' Church, intersection of Maryland 2, All Hallows' Church Road, and South River Club Road.
Galesville vicinity, Cedar Park, 4.4 miles south of intersection of Maryland 214 and 468 and 1.5 miles north of intersection of Maryland 255 and 468.
Galesville vicinity, *Tulip Hill, c. 2.5 miles west of Galesville on Owensville Road.
Harwood vicinity, Larkin's Hill Farm, off Maryland 2 on Mill Swamp Road.
Harwood vicinity, Larkin's Hundred, on Mill Swamp Road, 1 mile east of Maryland 2 and 0.9 mile west of Maryland 468.
Harwood vicinity, Mary's Mount, 0.5 mile east of Maryland 2 and south of Mill Swamp Road.
Harwood vicinity, Obligation, west side of Maryland 2, 0.2 mile south of intersection of Maryland 2 and Mill Swamp Road.
Owensville vicinity, Evergreen, Sudley Road, 2 miles southeast of Maryland 255.
South River vicinity, The South River Club, South River Club Road, 1 mile east of Maryland 2 and 0.4 mile west of Maryland 468.
Woodland Beach vicinity, *London Town Publik House, south bank of the South River, c. 0.5 mile northeast of Woodland Beach.

Baltimore (independent city)

Baltimore and Ohio Transportation Museum and Mount Clare Station, Pratt and Poppleton Streets.
U.S.F. Constellation, Pier 1, Pratt Street.
Federal Hill Historic District, bounded on the east by Covington Street, on the north by Hughes Street, on the west by Charles Street, and on the south by Hamburg Street.
Fells Point Historic District, bounded on the north by Aliceanna Street; on the east by Wolfe Street; on the south by the harbor; and on the west by Dallas Street.
*The Flag House, 844 East Pratt Street.
Fort McHenry National Monument and Historic Shrine, Locust Point, at the eastern end of Fort Avenue.
*Mount Clare, Carroll Park.
Old Roman Catholic Cathedral, 401 Cathedral Street.
Otterbein Church, 112 West Conway Street.
Peale's Baltimore Museum (Municipal Museum of the City of Baltimore), 225 North Holliday Street.
Shot Tower, southeast corner, Fayette and Front Streets.

Baltimore County

Relay, *Thomas Viaduct, Baltimore & Ohio Railroad, across the Patapsco River between Relay and Elkridge (also in Howard County).
Towson, Hampton National Historic Site, Hampton Lane, 1 mile north of Interstate 695.

Cecil County

Chesapeake City, *Old Lock Pump House, Chesapeake and Delaware Canal, U.S. 213.

Frederick County

Chesapeake and Ohio Canal National Monument (see Allegany County).

Garrett County

Grantsville vicinity, *Casselman's Bridge, National Road, east of Grantsville on U.S. 40.

Howard County

Ellicott City, *Ellicott City Station.
*Thomas Viaduct, Baltimore & Ohio Railroad (see Baltimore County).

Kent County

Chestertown, *Chestertown Historic District, bounded roughly by the Chester River on the southeast, Cannon Street on the southwest, Cross Street on the northwest, and Maple Avenue on the northeast.

Montgomery County

Chesapeake and Ohio Canal National Monument (see Allegany County).
Glen Echo, *Barton (Clara) House, 5801 Oxford Road.

Prince Georges County

Accokeek vicinity, *Accokeek Creek Site, opposite Mount Vernon on the Potomac River, west of Piscataway Park.
Accokeek vicinity, Piscataway Park, across the Potomac River from Mount Vernon.
Laurel vicinity, *Montpelier, Maryland 197.
Rosaryville vicinity, *His Lordship's Kindness, 3.5 miles west of Rosaryville.
Washington, D.C., vicinity, Fort Washington, 5.5 miles south of District of Columbia line on Maryland 210, west on Old Fort Road.

St. Mary's County

Drayden vicinity, *West St. Mary's Manor, c. 1 mile east of Drayden on the St. Mary's River.
Hollywood vicinity, *Resurrection Manor, c. 4 miles east of Hollywood.
St. Mary's City, *St. Mary's City Historic District, bounded on the west by the St. Mary's River, on the south by St. Inigoes Creek and a branch of Broome (Hill) Creek, and on the north by Chancellor's (Fisherman or St. John's) Creek; the eastern boundary extends south and east about 2 miles across the peninsula from Chancellor's Creek to Broome Creek.

Talbot County

Easton vicinity, *Wye House, 6.9 miles northwest of Easton on Miles Neck River.

Washington County

Chesapeake and Ohio Canal National Monument (see Allegany County).
Harpers Ferry National Historical Park (see Jefferson County, W. Va.).
Sharpsburg, Antietam National Battlefield Site.

MASSACHUSETTS

Berkshire County

Pittsfield, *Melville (Herman) House, Arrowhead,* Holmes Road.
Pittsfield, *Hancock Shaker Village,* west of Pittsfield on U.S. 20.
Stockbridge, *Mission House,* Main Street.
Stockbridge vicinity, *French (Daniel Chester) Home and Studio, Chesterwood,* 2 miles west of Stockbridge.

Bristol County

Berkeley, *Dighton Rock,* 1 mile west of Bay View Avenue in Dighton Rock State Park.
New Bedford, *New Bedford Historic District,* bounded by the waterfront on the east, Elm Street on the north, Acushnet Avenue on the west, and Commercial Street on the south.

Essex County

Amesbury, *Whittier (John Greenleaf) Home,* 86 Friend Street.
Danvers, *Derby Summer House,* Glen Magna Estate, Ingersoll Street.
Gloucester, *Lane, Fitz Hugh, House,* harbor side of Rogers Street.
Ipswich, *Whipple (John) House,* 53 South Main Street.
Marblehead, *Lee (Jeremiah) House,* Washington Street.
Newbury, *Spencer-Pierce-Little House,* end of Little's Lane, east of U.S. 1A.
Salem, *Bowditch (Nathaniel) Home,* North and Essex Streets.
Salem, *Peabody Museum of Salem,* 161 Essex Street.
Salem, *Peirce-Nichols House,* 80 Federal Street.
Salem, *Salem Maritime National Historic Site,* Derby Street.
Salem, *Ward (John) House, Essex Institute,* 132 Essex Street.
Saugus, *Saugus Iron Works National Historic Site,* off U.S. 1.
Saugus, *Scotch-Boardman House,* Howard Street.
Topsfield, *Capen (Joseph) House, Parson Capen House,* Howlett Street.

Franklin County

Deerfield, *Old Deerfield Village Historic District.*

Hampden County

Springfield, *Springfield Armory,* Armory Square.

Hampshire County

Amherst, *Dickinson (Emily) Home,* 280 Main Street.
Cummington vicinity, *Bryant (William Cullen) Homestead,* 2 miles from Cummington on side road.

Middlesex County

Cambridge, *Christ Church,* Garden Street.
Cambridge, *Gray (Asa) House,* 88 Garden Street.
Cambridge, *Lowell (James Russell) Home, Elmwood,* Elmwood Avenue.
Cambridge, *Massachusetts Hall, Harvard University,* Harvard University Yard.
Cambridge, *Vassall (John) House, Craigie-Longfellow House,* 105 Brattle Street.
Concord, *Emerson (Ralph Waldo) Home,* Lexington Road and Cambridge Turnpike.
Concord, *Minute Man National Historical Park* (also in the towns of Lincoln and Lexington).
Concord, *Old Manse,* Monument Street.
Concord, *Orchard House,* Lexington Road.
Concord, *Walden Pond,* 1.5 miles south of Concord.
Concord, *Wright's Tavern,* Lexington Road, opposite the Burying Ground.
Lexington, *Buckman Tavern,* Hancock Street, on the east side of Lexington Green.
Lexington, *Lexington Green,* Massachusetts and Hancock Streets.
Medford, *Royall (Isaac) House,* 15 George Street.
Medford, *Tufts (Peter) House,* 350 Riverside Avenue.

Nantucket County

Nantucket, *Coffin (Jethro) House,* Sunset Hill.
Nantucket, *Nantucket Historic District.*

Norfolk County

Brookline, *John Fitzgerald Kennedy National Historic Site,* 83 Beals Street.
Brookline, *Olmsted (Frederick Law) House,* 99 Warren Street.
Dedham, *Fairbanks House,* Eastern Avenue and East Street.
Milton, *Forbes (Captain Robert B.) House,* 215 Adams Street.
Quincy, *Adams (John) Birthplace,* 133 Franklin Street.
Quincy, *Adams (John Quincy) Birthplace,* 141 Franklin Street.
Quincy, *Adams National Historic Site,* 135 Adams Street.
Quincy, *Moswetusset Hummock,* on Squantum Street, about 1,000 feet northeast of the intersection with Morrissey Boulevard.
Quincy, *Quincy Homestead,* 34 Butler Road.

Plymouth County

Hingham, *Old Ship Meetinghouse,* Main Street.
Plymouth, *Cole's Hill,* Carver Street.
Plymouth, *Plymouth Rock,* Water Street.

Suffolk County

Boston, *Arnold Arboretum,* 22 Divinity Avenue.
Boston, *Beacon Hill Historic District,* bounded roughly by Beacon Street on the south, the Charles River Embankment on the west, Pinckney and Revere Streets on the north, and Hancock Street on the east.
Boston, *Boston Athenaeum,* 10½ Beacon Street.
Boston, *Boston Light,* Little Brewster Island, Boston harbor.
Boston, *Boston Naval Shipyard,* east of Chelsea Street, Charlestown.
Boston, *Bunker Hill Monument,* Breed's Hill.
Boston, *U.S.S. Constitution,* Boston Naval Shipyard.
Boston, *Dorchester Heights National Historic Site,* South Boston.
Boston, *Ether Dome, Massachusetts General Hospital,* Fruit Street.
Boston, *Faneuil Hall,* Dock Square.
Boston, *Harding (Chester) House,* 16 Beacon Street.
Boston, *Headquarters House,* 55 Beacon Street.
Boston, *King's Chapel,* Tremont and School Streets.
Boston, *Long Wharf and Customhouse Block,* foot of State Street.
Boston, *Massachusetts Historical Society,* 1154 Boylston Street.
Boston, *Massachusetts Statehouse,* Beacon Hill.
Boston, *Old North Church, Christ Church,* 193 Salem Street.
Boston, *Old South Meetinghouse,* Milk and Washington Streets.
Boston, *Old Statehouse,* Washington and State Streets.
Boston, *Parkman (Francis) House,* 50 Chestnut Street.
Boston, *Pierce (Moses)-Hichborn House,* 29 North Square.
Boston, *Quincy Market,* South Market Street.
Boston, *Revere (Paul) House,* 19 North Square.
Boston, *Tremont Street Subway,* beneath Tremont, Boylston, and Washington Streets.
Boston, *Trinity Church,* Copley Square.
Boston harbor, *Fort Warren,* Georges Island.
Roxbury, *Garrison (William Lloyd) House,* 125 Highland Street.
Roxbury, *Shirley-Eustis House,* 31–37 Shirley Street.
South Boston, *Fort Independence,* Castle Island.
West Roxbury, *Brook Farm,* 670 Baker Street.

Worcester County

Auburn vicinity, *Goddard Rocket Launching Site,* ninth fairway, Pakachoag Golf Course, Pakachoag Road.
Worcester, *American Antiquarian Society,* 185 Salisbury Street.
Worcester, *Elm Park,* bounded by Elm, Russell, Highland, and Pleasant Streets and by private properties on the west and north of Federal and Marmon Places (excludes the property of Worcester High School on Highland Street).

MICHIGAN

Berrien County

Berrien Springs, *Berrien Springs Courthouse,* north side, corner of Union and Cass Streets.

Calhoun County

Marshall, *Brooks, Harold C., House (Jabez S. Fitch House),* 310 North Kalamazoo Avenue.
Marshall, *Honolulu House (Abner Pratt House),* 107 North Kalamazoo Street.

Cheboygan County

Mackinaw City, *Fort Michilimackinac,* near Mackinac Bridge, at the terminus of U.S. 31.
Mackinaw City vicinity, *Mackinac Point Lighthouse,* Michilimackinac State Park.

Chippewa County

Drummond Township, *Fort Drummond,* western end of Drummond Island.
Sault Ste. Marie, *Johnston, John, House,* 415 Park Place.
Sault Ste. Marie, *St. Mary's Falls Canal,* St. Mary's River.

Delta County

Fayette, *Fayette State Park,* on a peninsula in Big Bay de Noc, on Michigan 149.

Emmet County

Petosky, *Chesapeake and Ohio Railway Station (Chicago and West Michigan Railway Station, Pere Marquette Railway Station),* Pioneer Park, West Lake Street.
Walloon Lake, *Hemingway (Ernest) Cottage, Windemere,* Lake Grove Road.

Houghton County

Hancock vicinity, *Quincy Mine No. 2 Shaft Hoist House,* off U.S. 41.

Ingham County

East Lansing vicinity, *St. Katherine's Chapel,* 4650 Meridian Road, east of East Lansing.

Jackson County

Concord, *Mann House,* 205 Hanover Street.

Kalamazoo County

Kalamazoo, *Ladies Library Association Building,* 333 South Park Street.

Kent County

Ada vicinity, *Ada Covered Bridge,* across the Thornapple River.
Grand Rapids, *Grand Rapids Art Museum (Abram W. Pike House),* 230 Fulton Street East.

Grand Rapids, *Turner House (R. C. Allen, Inc., Employees' Clubhouse),* 731 Front Street NW.
Grand Rapids vicinity, *Norton Mound Group,* 2 miles south of Grand Rapids on Indian Mound Drive.

Keweenaw County

Copper Harbor, *Fort Wilkins,* Fort Wilkins State Park.

Mackinac County

Mackinac Island, *Mackinac Island,* northeast across the Straits of Mackinac from Mackinaw City.
St. Ignace, *St. Ignace Mission,* State and Marquette Streets, Marquette Park.

Macomb County

Romeo, *Romeo Historic District,* bounded on the north by Gates Street, running east and west 2,700 feet north of St. Clair Street; bounded on the south by Durham Drive and a line running east and west 3,180 feet south of St. Clair Street; the western boundary runs north and south 2,940 feet from Main Street; the eastern boundary is 2,400 feet from Main Street.

Muskegon County

Muskegon, *Hackley, Charles H., House,* 484 West Webster Avenue.

Oakland County

Franklin, *Village of Franklin Historic District,* bounded approximately by the Franklin River and properties fronting on Bowden Street, by Romany Way and Scenic Highway, properties fronting on Franklin Road, and a line extending about 300 feet north of and parallel to Fourteen Mile Road.
Pontiac, *Myrick-Palmer House,* 223 West Huron Street.
Pontiac, *Wisner House (Pine Grove),* 405 Oakland Avenue.

St. Clair County

Port Huron, *St. Clair River Tunnel,* St. Clair River between Port Huron, Mich., and Sarnia, Ontario.

Washtenaw County

Ann Arbor, *President's House, University of Michigan,* 815 South University, University of Michigan campus.

Wayne County

Dearborn, *Commandant's Quarters,* 21950 Michigan Avenue.
Dearborn, *Ford (Henry) Estate, Fair Lane,* 4901 Evergreen Road.
Dearborn, *Greenfield Village,* Oakwood Boulevard.

MINNESOTA

Brown County

New Ulm, *Federal Post Office Building,* Center Street and Broadway.
Cass County (also in Crow Wing and Morrison counties)
Barrows vicinity, *Crow Wing State Park,* 2 miles southwest of Barrows on U.S. 371.

Chisago County

Taylors Falls, *Munch-Roos House,* 360 Bench Street.
Taylors Falls, *Taylors Falls Public Library,* 417 Bench Street.

Cook County

Grand Marais vicinity, *Grand Portage National Monument,* 38 miles north of Grand Marais.

Cottonwood County

Jeffers vicinity, *Jeffers Petroglyph Site,* N½NW¼ sec. 9, T. 107 N., R. 35 W.

Crow Wing County

Crow Wing State Park (see Cass County).

Dakota County

Hastings, *Le Duc House,* 1629 Vermillion Street.
Mendota, *Mendota Historic District,* bounded on the west by Government Lot 2, sec. 28, T. 28 N., R. 23 W.; on the southwest by Interstate 55 to Sibley Highway; northeast along Sibley Highway to the intersection of D Street; northwest on D Street to the Chicago & Northwestern Railroad; then directly north to the Dakota-Ramsey County line and thence southwest along the line to the boundary of Government Lot 2 extended north.
St. Paul vicinity, *Fort Snelling,* bounded irregularly by Minnehaha Park and the Mississippi River (north); Government Lot 2 (east); the east-west quarterline of sec. 28, T. 28 N., R. 23 W., and the municipal airport (south); and a line parallel to and 600 feet northeast of Bloomington Road (west) (*also in Hennepin County*).

Goodhue County

Red Wing vicinity, *Bartron Site,* NW¼NW¼ sec. 9, T. 113 N., R. 15 W.
Welch vicinity, *Fort Sweney Site,* SE¼ sec. 28, T. 113 N., R. 16 W., across the Cannon River from Welch.

Hennepin County

Bloomington, *Pond, Gideon H., House,* 401 East 104th Street.
Edina, *Cahill School,* corner of Eden Avenue and Minnesota 100.
Edina, *Grange Hall,* corner of Eden Avenue and Minnesota 100.
Fort Snelling (see Dakota County).
Minneapolis, *Atwater, Isaac, House,* 1607 South Fifth Street.
Minneapolis, *Minnehaha State Park,* south of Minnehaha Parkway between Hiawatha Avenue and the Mississippi River.
Minneapolis, *Pillsbury A Mill,* Main Street and Third Avenue SE.
St. Louis Park, *St. Louis Park Station,* West 36th Street and Alabama Avenue.

Houston County

Brownsville, *Emmanuel Evangelical Lutheran Church (Methodist Episcopal Church),* Main Street.

Jefferson County

Port Townsend, *Rothschild House,* Taylor and Franklin Streets.

Lake County

Two Harbors vicinity, *Split Rock Lighthouse,* about 20 miles northeast of Two Harbors on U.S. 61.

Le Sueur County

Le Sueur, *Mayo (Dr. William W.) House,* 118 North Main Street.

Mille Lacs County

Vineland vicinity, *Cooper Site,* on the south bank of Ogechie Lake within Mille Lacs-Kathio State Park.
Vineland vicinity, *Kathio Site,* U.S. 169, Mille Lacs-Kathio State Park.
Vineland vicinity, *Petaga Point,* on the southeast shore of Ogechie Lake in Mille Lacs-Kathio State Park.
Vineland vicinity, *Sawmill Site,* on the northwest side of Lake Ogechie in Mille Lacs-Kathio State Park.
Vineland vicinity, *Vineland Bay Site (Kathio School Site),* southwest shore of Mille Lacs Lake above the Rum River outlet and within Mille Lacs-Kathio State Park.

Morrison County

Crow Wing State Park (see Cass County).
Little Falls vicinity, *Charles A. Lindbergh State Park and Lindbergh House,* southwest of Little Falls on the Mississippi River.

Nicollet County

Fairfax, *Fort Ridgely,* sec. 6, T. 113 N., R. 32 W.
St. Peter, *Cox, E. St. Julien, House,* 500 North Washington Avenue.

Olmsted County

Rochester, *1914 and 1928 Mayo Clinic Buildings,* 110–115 Second Avenue.
Stewartville vicinity, *Mayowood,* northwest of Stewartville on County Route D.

Pipestone County

Pipestone vicinity, *Pipestone National Monument,* 1 mile north of Pipestone.

Ramsey County

St. Paul, *Burbank-Livingston-Griggs House,* 432 Summit Avenue.
St. Paul, *Hill (James J.) House,* 240 Summit Avenue.
St. Paul, *Old Federal Courts Building,* 109 West Fifth Street.
St. Paul, *Ramsey (Alexander) House,* 265 South Exchange Street.

Redwood County

Redwood Falls vicinity, *Lower Sioux Agency,* 9 miles east of Redwood Falls off County Route N 2.

Rice County

Faribault, *Faribault, Alexander, House,* 12 Northeast First Avenue.
Northfield, *Nutting House,* 217 Union Street.
Northfield, *Rolvaag (O.E.) House,* 311 Manitou Street.

St. Louis County

Hibbing vicinity, *Hull-Rust-Mahoning Open Pit Iron Mine,* Third Avenue East.
Mountain Iron vicinity, *Mountain Iron Mine,* north of Mountain Iron.
Tower vicinity, *Soudan Iron Mine,* Tower-Soudan State Park.

Sherburne County

Elk River vicinity, *Kelley (Oliver H.) Homestead,* 2 miles southeast of Elk River on U.S. 10.

Stearns County

Sauk Centre, *Lewis (Sinclair) Boyhood Home,* 812 Sinclair Lewis Avenue.

Washington County

Marine on St. Croix, *Marine Mill Site,* Mill Reservation, block 47.
Scandia, *Hay Lake School,* sec. 27, T. 31 N., R. 19 W.
Stillwater vicinity, *St. Croix Boom Site,* 3 miles north of Stillwater on St. Croix River.

Winona County

Winona vicinity, *Pickwick Mill,* Hamlet of Pickwick.
Winona, *Winona County Courthouse,* Washington Street between Third and Fourth Streets.

Yellow Medicine County

Granite Falls vicinity, *Upper Sioux Agency,* secs. 29, 30, 32, T. 115 N., R. 38 W.

MISSISSIPPI

Adams County

Natchez vicinity, *Fatherland Plantation Site,* 3 miles southeast of Natchez.
Natchez vicinity, *Longwood,* 1.5 miles southeast of Natchez.
Washington, *Jefferson College,* North Street.

Alcorn County

Rienzi, *Jacinto Courthouse*, Route 1.

Hinds County

Bovina vicinity, *Floyd Mound*, NE¼SE¼ sec. 34, T. 16 N., R. 5 E.
Edwards vicinity, *Dupree Mound and Village Archeological Site*, SE¼NW¼ sec. 21, T. 5 N., R. 3 W.
Jackson, *Capitol Green*, 100 North State Street.
City Hall, 203 South President Street.
Governor's Mansion, 316 East Capitol Street.
New Capitol, Mississippi Street between North President and North West Streets.
Old Capitol, 100 North State Street.
Pocahontas, *Pocahontas Mound A*, SE¼NW¼ sec. 10, T. 7 N., R. 1 W.
Terry vicinity, *Berry Mound and Village Archeological Site*, center NE¼ sec. 12, T. 3 N., R. 1 W.

Holmes County

Richland, *Eureka Masonic College*, on Mississippi 17.

Lafayette County

Oxford, **Faulkner (William) House, Rowan Oak*, Old Taylor Road.

Lee County

Baldwyn vicinity, *Brices Cross Roads National Battlefield Site*, 6 miles west of Baldwyn on Mississippi 370.
Tupelo, *Tupelo National Battlefield*, on Mississippi 6 about a mile west of its intersection with U.S. 45.

Warren County

Vicksburg, **Old Courthouse, Warren County*, Court Square.
Vicksburg, *Pemberton House (Willis-Cowan Home)*, 1020 Crawford Street.
Vicksburg and vicinity, *Vicksburg National Military Park*, Vicksburg.

Yazoo County

Holly Bluff, **Holly Bluff Site.*

MISSOURI

Adair County

Kirksville vicinity, *Thousand Hills State Park Petroglyphs Archeological Site*, 2.5 miles west of Kirksville.

Atchison County

Tarkio, *Mule Barn Theatre (David Rankin Mule Barn)*, 10th and Park Streets.

Barton County

Lamar, *Truman (Harry S) Birthplace Memorial*, north corner, 11th Street and Truman Avenue.

Benton County

Fairfield vicinity, *Rodgers Shelter Archeological Site*, SW¼SW¼NE¼ sec. 33, T. 39 N., R. 22 W.

Boone County

Columbia, **Sanborn Field and Soil Erosion Plots*, University of Missouri campus.

Buchanan County

St. Joseph, *King's Hill Archeological Site*, west side of 5600 block, South First Street (in lots 1–8, north 20 feet of lot 9, block 12 of Bowen's Addition).
St. Joseph, **Patee (John) House*, 12th and Pennsylvania Streets.

Callaway County

Fulton, **Westminster College Gymnasium*, Westminster College campus.
Portland vicinity, **Research Cave.*

Caldwell County

Kingston vicinity, *Far West*, 5.5 miles west of Kingston via County Routes D and H.

Cape Girardeau County

Burfordville vicinity, *Burfordville Covered Bridge*, eastern edge of Burfordville on County Route HH.
Oriole vicinity, *Trail of Tears State Park Archeological Site*, north of Oriole on the Mississippi River.

Cass County

Harrisonville vicinity, *Brown, Robert A., House*, 0.7 mile north of Harrisonville on U.S. 71 Bypass, 0.5 mile west and northwest on gravel road.

Chariton County

Keytesville, *Hill Homestead*, 100 West North Street.

Clark County

Canton vicinity, *Boulware Mound Group Archeological Site*, NW¼SE¼ sec. 9, T. 63 N., R. 6 W.

Clay County

Excelsior vicinity, **Watkins Mill*, 6 miles northwest of Excelsior.

Cole County

Jefferson City, *Cole County Historical Society Building*, 109 Madison Street.
Jefferson City, *Governor's Mansion*, 100 Madison Street.
Jefferson City, *Lohman's Landing Building*, west corner, intersection of Jefferson and Water Streets.
Jefferson City, *Missouri State Capitol Building and Grounds*, High Street between Broadway and Jefferson Streets.

Cooper County

Boonville, *Harley Park Archeological Site*, SE¼NE¼ sec. 34, T. 49 N., R. 16 W.
Boonville, *Lyric Theater*, northeast corner Main (Fifth) and Vine Streets.
Lamine vicinity, *Mellor Village and Mounds Acheological Site*, W½ sec. 26, SE¼SE¼ sec. 27, T. 48 N., R. 18 W.
Wooldridge vicinity, *Wooldridge Archeological Site*, 0.5 mile northwest of Wooldridge.

Crawford County

Leasburg vicinity, *Scotia Iron Furnace Stack*, 6.3 miles southeast of Leasburg on County Route H.

Franklin County

Moselle vicinity, *Moselle Iron Furnace Stack*, 1 mile southeast of Moselle.
St. Albans vicinity, *Tavern Cave*, 2 miles northeast of St. Albans off the Chicago, Rock Island & Pacific Railroad.

Gasconade County

Bem vicinity, *Peenie Archeological Petroglyph Site*, center NE¼SE¼ sec. 36, T. 41 N., R. 5 W.
Hermann, *Old Stone Hill Historic District*, bounded by West 12th, Goethe, Jefferson Streets, and Iron Road.

Greene County

Ash Grove vicinity, *Boone (Nathan) House*, 1.75 miles north of Ash Grove on Missouri V.
Springfield vicinity, *Wilson's Creek National Battlefield Park*, southwest of Springfield on Missouri 174.

Howard County

Boonsboro vicinity, *Boonslick State Park*, SW¼NW¼ sec. 6, T. 49 N., R. 17 W.
Fayette vicinity, *Morrison (Alfred W.) House, Lilac Hill*, 1 mile southwest of Fayette on Missouri 5.
Glasgow, *Glasgow Public Library*, northwest corner, Market and Fourth Streets.

Iron County

Ironton, *St. Paul's Episcopal Church*, northwest corner, Knob and Reynolds Streets.
Pilot Knob vicinity, *Fort Davidson*, on County Route 21 south of intersection with County Route V.

Jackson County

Independence, *Jackson County Jail and Marshal's House*, 217 North Main Street.
Independence, *Temple Site*, corner of Lexington Avenue and River Boulevard.
Independence, *Vaile (Harvey M.) Mansion*, 1500 North Liberty and 1518 North Osage Streets.
Kansas City, *20 West Ninth Street Building (New York Life Building)*, 20 West Ninth Street.
Kansas City, *Wornall House*, 146 West 61st Street.
Sibley, **Fort Osage*, north edge of Sibley on the Missouri River.

Jefferson County

Hillsboro vicinity, *Sandy Creek Covered Bridge*, 5 miles north of Hillsboro on U.S. 21, east on Goldman Road, and southwest on Lemay Ferry Road.

Johnson County

Warrensburg, *Johnson County Courthouse (Old Johnson County Courthouse)*, Old Public Square.

Lafayette County

Lexington, *Anderson House and Lexington Battlefield*, bounded on the west by 10th Street, on the northwest by the Missouri Pacific Railroad, on the south by Utah and Wood Streets, and on the east by the continuation of 15th Street.
Lexington, *Lafayette County Courthouse*, Public Square.

Linn County

Laclede, *Pershing (General John J.) Boyhood Home*, State and Worlow Streets.
Laclede vicinity, *Locust Creek Covered Bridge*, 3 miles west of Laclede on U.S. 36, then north 1 mile and east 0.63 mile on a gravel road.

Marion County

Hannibal, **Twain (Mark) Boyhood Home*, 206–208 Hill Street.

Mississippi County

Crosno vicinity, *Crosno Fortified Village Archeological Site*, NW¼SW¼ sec. 25, NE¼SE¼ sec. 26, T. 25 N., R. 17 E.
Wolf Island vicinity, *Beckwith's Fort Archeological Site*, SE¼ sec. 29, T. 24 N., R. 17 E.

Moniteau County

California, *Moniteau County Courthouse Square*, Public Square.
Sandy Hook vicinity, *Geiger Archeological Site*, NW¼ sec. 11, T. 46 N., R. 14 W.

Monroe County

Florida vicinity, *Crigler Mound Group Archeological Site*, SW¼SW¼SW¼ sec. 25, NW¼NW¼NW¼ sec. 36, T. 55 N., R. 8 W.
Florida vicinity, *Twain (Mark) Birthplace Cabin*, Mark Twain State Park, 0.25 mile south of Florida on Missouri 107.
Paris vicinity, *Union Covered Bridge*, c. 6 miles southwest of Paris on the Elk Fork of the Salt River.

Montgomery County

Big Spring vicinity, *Pinnacle Lake Rockshelter*, NE¼SE¼ sec. 24, T. 47 N., R. 5 W.

Mineola vicinity, **Graham Cave*, 0.5 mile north of Mineola.

New Madrid County

New Madrid vicinity, *Lilbourn Fortified Village Archeological Site*, SE¼ Survey 28, W½ Survey 712, SW¼SW¼ Survey 711, T. 22 N., R. 14 E.

Newton County

Diamond vicinity, *George Washington Carver National Monument*, 3 miles south of Diamond.

Pemiscot County

Caruthersville vicinity, *Murphy Mound Archeological Site*, both sides of County Route D, 1.5 miles south of intersection of County Routes D and U.
Steele vicinity, *Denton Mound and Village Archeological Site*, SW¼ sec. 20, T. 17 N., R. 11 E.
Wardell vicinity, *Wallace, J. M., Archeological Site (Wardell Mounds)*, 1 mile southwest of Wardell.

Perry County

Wittenburg vicinity, *Tower Rock*, 1 mile south of Wittenburg, east 1 mile from County Route A.

Phelps County

Newburg vicinity, *Ozark Iron Furnace Stack*, SW¼NW¼ sec. 21, T. 37 N., R. 9 W. and SE¼NE¼ sec. 20, T. 37 N., R. 9 W.
St. James vicinity, *Maramec Iron Works District*, 7 miles south of St. James on Missouri 8.
Yancy Mills vicinity, *Gourd Creek Cave Archeological Site*, SE¼NW¼ sec. 19, T. 36 N., R. 8 W.

Pike County

Eolia vicinity, *St. John's Episcopal Church*, 0.25 mile north of Eolia on County Route D, 0.25 mile east on County Route H.

Platte County

Kansas City vicinity, *Deister Archeological Site*, NW¼SE¼ sec. 28, T. 51 N., R. 33 W.
Kansas City vicinity, *Renner Village Archeological Site*, within a triangle formed by U.S. 169, 71, and Missouri 45; and partly on west side of U.S. 169.

Randolph County

Cairo vicinity, *Mitchell Petroglyph Archeological Site*, SE¼SE¼ sec. 23, T. 55 N., R. 13 W.

St. Charles County

St. Charles, *First Missouri State Capitol Buildings*, 208–16 South Main Street.
St. Charles, *Stone Row*, 314–330 South Main Street.
St. Charles, *St. Charles Historic District*, bounded on the north by the south line of Madison Street; on the east by the Missouri River; on the south (east of Main Street) by the north line of Chauncey Street and (west of Main Street) by a line running along the west line of Main Street 100 feet south from the south line of the Boonslick Road and thence westward 50 feet to a point 50.5 feet south of the Boonslick Road; and on the west by an alley running north and south from Boonslick Road to Madison Street.

Ste. Genevieve County

Ste. Genevieve, **Bolduc (Louis) House*, 123 South Main Street.
Ste. Genevieve, *Guibourd (Jacques Dubreuil) House*, northwest corner, Fourth and Merchant Streets.
Ste. Genevieve, **Ste. Genevieve Historic District.*
Ste. Genevieve vicinity, *Common Field Archeological Site*, N½SW¼ sec. 35, T. 38 N., R. 9 E.
Ste. Genevieve vicinity, *The Kreilich Archeological Site*, SW¼NW¼ sec. 18, T. 37 N., R. 10 E.

St. Louis (independent city)

**Anheuser-Busch Brewery*, 721 Pestalozzi Street.
Bissell Street Water Tower, intersection of Bissell Street and Blair Avenue.
**Eads Bridge*, spanning the Mississippi River at Washington Street (also in St. Clair County, Ill.).
**Goldenrod Showboat*, 400 North Wharf Street.
Grand Avenue Water Tower, intersection of East Grand Avenue and 20th Street.
Jefferson National Expansion Memorial National Historic Site, on the Mississippi River between Washington and Poplar Streets.
Old Post Office, Eighth and Olive Streets.
St. Louis Union Station, 18th and Market Streets.
**Wainwright Building*, 709 Chestnut Street.
Wainwright Tomb, Bellefontaine Cemetery, 4947 West Florissant Avenue.

St. Louis County

Afton, *Benoist (Louis Auguste) House*, 7802 Genesta Street.
Webster Groves, *Hawken House*, 9442 Big Bend Boulevard.

Saline County

Arrow Rock, **Arrow Rock*, Arrow Rock State Park.
Arrow Rock, **Bingham (George Caleb) House*, Arrow Rock State Park.
Arrow Rock vicinity, *Sappington (William B.) House*, 3 miles southwest of Arrow Rock on County Route TT.
Grand Pass vicinity, *Gumbo Point Archeological Site*, SE¼SE¼NE¼ sec. 11, SW¼NW¼ sec. 12 T 51 N., R. 23 W.
Marshall vicinity, **Utz Site*, 12 miles north of Marshall, adjoining Van Meter State Park.
Miami vicinity, *Guthrey Archeological Site*, 1.75 miles east-northeast of Miami.

Shelby County

Bethel, *Bethel Historic District*, bounded on the north by a line parallel to and 322 feet north of Fourth Street; bounded on the east and west by lines parallel to and approximately equidistant (513 feet) from Main Street running south 1,930 feet to the southern boundary; bounded on the south by a line parallel to and 312 feet south of First Street.

Texas County

Clara vicinity, *White Rock Bluffs Archeological Pictograph Site*, SE¼NW¼SE¼ sec. 10, T. 30 N., R. 10 W.

Vernon County

Nevada vicinity, **Carrington Osage Village Site*, north of Nevada, on west edge of Green Valley Prairie.

Warren County

Marthasville vicinity, *Borgmann Mill*, 5 miles east of Marthasville on County Route D.
Marthasville vicinity, *Calloway (Flanders) House*, 1 mile south of Marthasville on Missouri 94.

Wright County

Mansfield vicinity, *Wilder, Laura Ingalls, House*, 1 mile east of Mansfield on U.S. Business 60.

MONTANA

Beaverhead County

Armstead vicinity, **Lemhi Pass* (see Lemhi County, Idaho).
Dillon vicinity, **Bannack Historic District*, 22 miles from Dillon on secondary road off Montana 278.
Wisdom vicinity, *Big Hole National Battlefield*, 12 miles west of Wisdom.

Blaine County

Chinook vicinity, *Chief Joseph Battleground of the Bear's Paw (Bearpaw Mountain Fight)*, about 15 miles south of Chinook.

Big Horn County

Hardin vicinity, *Custer Battlefield National Monument*, 15 miles south of Hardin.
Pryor vicinity, *Chief Plenty Coups Memorial*, 1 mile west of Pryor on Montana 416.

Cascade County

Great Falls, **Russell (Charles M.) House and Studio*, 1217–19 Fourth Avenue North.
Great Falls vicinity, **Great Falls Portage*, southeast of Great Falls at junction of Montana 87, 89, and 91.

Chouteau County

Fort Benton, **Fort Benton.*

Dawson County

Glendive vicinity, **Hagen Site*, 5 miles southeast of Glendive on secondary road.

Gallatin County

Logan vicinity, *Madison Buffalo Jump State Monument*, sec. 34, T. 1 N., R. 2 E.
Three Forks vicinity, **Three Forks of the Missouri*, northeast of Three Forks on the Missouri River, Missouri Headwaters State Monument.

Glacier County

Browning vicinity, **Camp Disappointment*, 12 miles northeast of Browning on the Blackfeet Reservation.

Lewis and Clark County

Helena, *Former Executive Mansion*, Sixth Avenue and Ewing Street.
Helena, *Kluge House*, 540 West Main Street.

Madison County

Dillon vicinity, *Beaverhead Rock*, NW¼ and N½SW¼ sec. 22, T. 5 S., R. 7 W.
Virginia City, **Virginia City Historic District*, Wallace Street.

Meagher County

White Sulphur Springs vicinity, *Fort Logan*, 17 miles northwest of White Sulphur Springs.

Missoula County

Lolo vicinity, **Traveler's Rest*, 1 mile south of Lolo near U.S. 93.
Lolo vicinity, **Lolo Trail* (see Clearwater County, Idaho).

Pondera County

Browning vicinity, *Two Medicine Fight Site*, about 25 miles southeast of Browning.

Powell County

Deer Lodge, **Grant-Kohrs Ranch*, edge of Deer Lodge.

Ravalli County

Hamilton vicinity, *Canyon Creek Laboratory of the U.S. Public Health Service*, 0.75 mile west of the Hamilton city limits.
Stevensville, *St. Mary's Mission Church and Pharmacy*, North Avenue.

Stevensville vicinity, *Fort Owen*, about 0.5 mile northwest of Stevensville.

Roosevelt County

Fort Union Trading Post National Historic Site (see Williams County, N. Dak.).
Poplar, *Fort Peck Agency*, parts of T. 27 N., R. 50 E. and T. 27 N., R. 51 E.

Silver Bow County

Butte, **Butte Historic District.*
Butte, *Clark, W. A., Mansion*, 219 West Granite.

Yellowstone County

Billings vicinity, **Pictograph Cave*, 7 miles southeast of Billings via U.S. 87 and secondary road, Indian Caves Park.
Pompey's Pillar vicinity, **Pompey's Pillar*, west of Pompey's Pillar on U.S. 10.

NEBRASKA

Antelope County

Neligh, *Neligh Mill*, 111 West Second Street.

Burt County

Oakland vicinity, *Logan Creek Site*, SE¼ sec. 11, SW¼ sec. 12, T. 12 N., R. 8 E.

Cass County

Murray vicinity, **Gilmore (Walker) Site (Sterns Creek Site)*, 5 miles southeast of Murray.
Nehawka vicinity, *Nehawka Flint Quarries*, 2 miles north of Nehawka.

Cuming County

Bancroft, *Neihardt, John G., Study*, northwest corner, Washington and Grove Streets.

Custer County

Broken Bow vicinity, *Haumont House*, 10 miles northeast of Broken Bow.

Dakota County

Dakota City, *Emmanuel Lutheran Church*, 1500 Hickory Street.

Dawes County (also in Sioux County.)

Crawford vicinity, **Fort Robinson and Red Cloud Agency*, 2 miles west of Crawford.

Dawson County

Gothenburg vicinity, *Midway Stage Station*, 3 miles south of Gothenburg.

Douglas County

Omaha, *Bank of Florence*, 8502 North 30th Street.
Omaha, *Crook (General George) House*, Quarters No. 1, Fort Omaha.

Deuel County

Big Springs, *Phelps Hotel*, northeast corner Second and Pine Streets.

Gage County

Beatrice vicinity, *Homestead National Monument*, 4 miles northwest of Beatrice on Nebraska 4.

Garden County

Lewellen vicinity, **Ash Hollow Cave*, 2 miles southeast of Lewellen.

Howard County

Cotesfield vicinity, **Coufal Site*, 6 miles northwest of Cotesfield on Davis Creek.
Palmer vicinity, **Palmer Site*, 4 miles north and 1 mile west of Palmer on Loup River.

Keith County

Brule vicinity, *Diamond Springs Stage Station*, 1 mile west of Brule exit on Interstate 80.

Lancaster County

Lincoln, **Bryan (William Jennings) House, Fairview*, 4900 Sumner Street.
Lincoln, *City Hall*, 920 O Street.
Lincoln, *Nebraska State Capitol*, 1445 K Street.
Lincoln, *Kennard (Thomas H.) House, Nebraska Statehood Memorial*, 1627 H Street.

Morrill County

Bayard vicinity, *Chimney Rock National Historic Site*, 3 miles southwest of Bayard off Nebraska 86.

Nemaha County

Brownville, *Brownville Historic District*, bounded on the south by Allen and Richard Streets, on the north by Nemaha and Nebraska Streets, on the west by Seventh Street, on the east by the Missouri River, and on the northwest and southwest by Second Street.

Nance County

Genoa vicinity, *Genoa Site*, 1 mile south of Genoa on Nebraska 39.

Otoe County

Nebraska City vicinity, *Morton (J. Sterling) House, Arbor Lodge*, Arbor Lodge State Park.

Red Willow County

McCook, **Norris (Senator George William) House*, 706 Norris Avenue.

Richardson County

Rulo vicinity, **Leary Site*, 4 miles southeast of Rulo.

Sarpy County

Bellevue, *Burlington Depot (Omaha & Southern Railroad Station)*, Haworth Park.
Bellevue, *Fontanelle Bank*, 2212 Main Street.
Bellevue, *Hamilton (William) House*, 2003 Bluff Street.
Bellevue, *Old Log Cabin*, 1805 Hancock Street.
Bellevue, *Presbyterian Church*, 2002 Franklin Street.

Scotts Bluff County

Gering vicinity, **Robidoux Pass*, 9 miles west of Gering.
Gering vicinity, *Scotts Bluff National Monument*, 3 miles west of Gering on Nebraska 92.
Gering vicinity, **Signal Butte*, 13 miles west of Gering.

Sioux County

**Fort Robinson and Red Cloud Agency* (see Dawes County).

Valley County

North Loup vicinity, **Schultz Site*, 3 miles northwest of North Loup.

Washington County

Blair vicinity, *Bertrand* (steamboat), De Soto National Wildlife Refuge.
Fort Calhoun vicinity, **Fort Atkinson*, 1 mile east of Fort Calhoun via secondary road.

Webster County

Red Cloud, *Cather House*, southwest corner, Third and Cedar Streets.
Guide Rock vicinity, **Pike Pawnee Village Site (Hill Site)*, 4 miles southwest of Guide Rock.

NEVADA

Lyons County

Weeks vicinity, **Fort Churchill*, U.S. 95A, 8 miles south of U.S. 50.

Pershing County

Lovelock vicinity, **Leonard Rockshelter*, 12 miles south of Lovelock off Nevada 159.

Storey County

Virginia City, **Virginia City Historic District.*

Washoe County

Reno, **Newlands (Senator Francis G.) House*, 7 Elm Court.

White Pine County

Hobson vicinity, **Fort Ruby*, near Hobson on a secondary road, west side of Ruby Lake.

NEW HAMPSHIRE

Hillsboro County

Hillsboro vicinity, **Pierce (Franklin) Homestead*, 3 miles west of Hillsboro on New Hampshire 31.
Peterborough, **MacDowell Colony*, west of U.S. 202.

Merrimack County

Concord, *Pierce (Franklin) House*, 18 Montgomery Street.

Rockingham County

Derry vicinity, **Frost (Robert) Homestead*, 2 miles southeast of Derry on New Hampshire 28.
Portsmouth, **Jackson (Richard) House*, Northwest Street.
Portsmouth, **Macpheadris-Warner House*, Chapel and Daniel Streets.
Portsmouth, **Moffatt-Ladd House*, 154 Market Street.
Portsmouth, **Wentworth-Gardner House*, 140 Mechanic Street.
Portsmouth vicinity, **Wentworth-Coolidge Mansion*, 2 miles south of Portsmouth, off U.S. 1A.

Sullivan County

Plainfield vicinity, *Saint-Gaudens National Historic Site*, south of Plainfield off New Hampshire 12A.

NEW JERSEY

Atlantic County

Somers Point, *Somers Mansion*, Shore Road and Somers Point Circle.

Bergen County

Hohokus, **The Hermitage*, 335 North Franklin Turnpike.
**Palisades Interstate Park*, west bank of Hudson River (also in Orange and Rockland counties, N.Y.).
River Edge, *Steuben House (Ackerman-Zabriskie-Steuben House)*, New Bridge Road.

Camden County

Camden, **Whitman (Walt) House*, 330 Mickle Street.
Haddonfield, *Indian King Tavern*, 233 Kings Highway East.

Essex County

Newark, *Sydenham House*, Old Road to Bloomfield.
West Orange, *Edison National Historic Site*, Main Street between Alden and Lakeside Streets.

Hudson County

Jersey City, *Hudson County Courthouse*, Newark Avenue.
Statue of Liberty National Monument (see New York County, N.Y.).

Hunterdon County

Lambertville, *Marshall, James W., House*, 60 Bridge Street.

Mercer County

Princeton, **Cleveland (Grover) Home, Westland*, 15 Hodge Road.
Princeton, **Henry (Joseph) House*, Princeton University campus.
Princeton, **Nassau Hall, Princeton University*, Princeton University campus.
Princeton, **Princeton Battlefield*, Princeton Battlefield State Park.
Trenton, *Douglass House*, John Fitch Way.
Trenton, **Trent (William) House*, 539 South Warren Street.
Washington Crossing vicinity, **Washington Crossing State Park* (see Bucks County, Pa.).

Monmouth County

Freehold vicinity, **Monmouth Battlefield*, northwest of Freehold on New Jersey 522.
Sandy Hook, **Sandy Hook Light.*
Highlands, *Twin Lights (Navesink Lighthouse)*, south of New Jersey 36 on a promontory between the Navesink River and Sandy Hook Bay.

Morris County

Morristown, *Morristown National Historical Park.*
Morristown, **Nast (Thomas) Home, Villa Fontana*, MacCulloch Avenue and Miller Road.
Morristown, *Speedwell Village*, 333 Speedwell Avenue.

Ocean County

Lakehurst vicinity, **Hangar No. 1, Lakehurst Naval Air Station*, north of Lakehurst on County Route 547.

Passaic County

Hewitt vicinity, **Ringwood Manor*, 3 miles east of Hewitt, Ringwood Manor State Park.
Paterson, *Great Falls of Paterson and Society for Useful Manufactures Historic District*, bounded on the north by West Broadway and Ryle Avenue; on the south by Grand Street; on the east by Morris, Barbour, Spruce, Market, Mill, Van Houten, Curtis, and River Streets; and on the west by the west bank of the Passaic River, crossing at Wayne and McBride Avenues, then south to Grand Street.
Wayne, *Dey Mansion*, 199 Totowa Road.

Salem County

Hancocks Bridge, *Hancock House.*

Somerset County

Kingston vicinity, *Rockingham*, north of Kingston on Old Rocky Hill Road.
Land in Somerset County has been added to Morristown National Historical Park.
Somerville, *Wallace House*, 38 Washington Place.

Sussex County

Newton, *Merriam, Henry W., House*, 131 Main Street.

Union County

Elizabeth, *Boxwood Hall (Boudinot Mansion)*, 1073 East Jersey Street.
Union, *First Presbyterian Congregation of Connecticut Farms*, Stuyvesant Avenue at Chestnut.

NEW MEXICO

Bernalillo County

Albuquerque, *San Felipe de Neri Church*, Old Town Plaza.

Catron County

Silver City vicinity, *Gila Cliff Dwellings National Monument*, 47 miles north of Silver City on New Mexico 26 and 527.

Colfax County

Abbott vicinity, *Dorsey Mansion*, c. 12 miles northeast of Abbott via U.S. 56 and an unpaved country road.
Raton vicinity, **Raton Pass*, U.S. 85 and 87 (also in Las Animas County, Colo.).
Springer, *Mills House*, 509 First Street.

Dona Ana County

Las Cruces vicinity, *Fort Selden*, 18 miles north of Las Cruces via Interstate 25 at Radium Springs Interchange.
Las Cruces vicinity, **Mesilla Plaza*, 2 miles south of Las Cruces on New Mexico 28.

Eddy County

Carlsbad vicinity, **Carlsbad Reclamation Project*, north of Carlsbad.

Grant County

Cliff vicinity, *Woodrow Ruin*, c. 5 miles northeast of Cliff off New Mexico 293.

Lincoln County

Lincoln, **Lincoln Historic District*, U.S. 380.
White Oaks, *White Oaks Historic District*, bounded on the west by the line separating secs. 25 and 26 and 35 and 36 of T. 6 S., R. 11 E.; on the south by a line running 8,977.86 feet west which intersects the southernmost boundary of Cedarvale Cemetery; thence north 8,844.28 feet; thence west 8,977.86 feet; thence south 8,844.28 feet to the beginning point.

Los Alamos County

Los Alamos, **Los Alamos Scientific Laboratory*, Central Avenue.

McKinley County

Manuelito vicinity, **Manuelito Complex*, 6 miles south of Manuelito on secondary roads.
Thoreau vicinity, *Chaco Canyon National Monument*, 64 miles north of Thoreau on New Mexico 56.

Mora County

Wagon Mound vicinity, **Wagon Mound*, east of Wagon Mound on U.S. 85.
Watrous, **Watrous (La Junta)*, U.S. 85.
Watrous vicinity, *Fort Union National Monument*, 9 miles north of Watrous on New Mexico 477.

Rio Arriba County

Blanco vicinity, *Francés Canyon Ruin*, SE¼SE¼ sec. 31, T. 30 N., R. 6 W.
Cañones vicinity, *Tsiping*, 1.8 miles south of Cañones on Pueblo Mesa.
Española vicinity, **Puyé Ruins*, 14 miles west of Española on New Mexico 30 and 5, Santa Clara Indian Reservation.
San Juan Pueblo vicinity, **San Gabriel de Yungue-ouinge*, 1 mile west of San Juan Pueblo on New Mexico 74 and secondary roads.

Roosevelt County

Clovis vicinity, **Anderson Basin (Blackwater Draw)*, 12 miles south and 6 miles east of Clovis via U.S. 70 and secondary roads.

San Juan County

Aztec vicinity, *Aztec Ruins National Monument*, 1 mile north of Aztec on secondary road.
Farmington vicinity, *Salmon Ruin*, 9 miles east of Farmington off New Mexico 17.
La Plata vicinity, **Holmes Site*, east of La Plata on the La Plata River.

San Miguel County

Bell Ranch vicinity, *Bell Ranch Headquarters*, north and east of the Conchas Reservoir.
Pecos vicinity, *Pecos National Monument*, south of Pecos on New Mexico 63.
Santa Fe vicinity, **Glorieta Pass Battlefield*, 20 miles southeast of Santa Fe on U.S. 84–85 and New Mexico 50 (also in Santa Fe County).

Sandoval County

Jemez Springs vicinity, *San Juan Mesa Ruin*, SE¼SW¼ sec. 28, T. 18 N., R. 3 E., southeast of Jemez Springs.
Los Alamos vicinity, *Bandelier National Monument*, 12 miles south of Los Alamos on New Mexico 4.
Bernalillo vicinity, **Sandia Cave*, 11 miles east of Bernalillo on New Mexico 44, Cibola National Forest.
Casa Salazar vicinity, **Big Bead Mesa*, west of Casa Salazar on secondary roads, Cibola National Forest.

Santa Fe County

Santa Fe, **Barrio de Analco Historic District*, bounded on the south by properties fronting on E. De Vargas Street, on the west by properties fronting on College Street, on the east by property lines of St. Michael's Dormitory and the San Miguel Chapel, and on the north by the San Miguel Chapel, E. De Vargas Street, the State Parks Building property, and the Santa Fe River.
Santa Fe, *Davey, Randall, House*, Upper Canyon Road.
Santa Fe, *National Park Service Southwest Regional Office*, Old Santa Fe Trail.
Santa Fe, **Palace of the Governors*, The Plaza.
Santa Fe, *Reredos of Our Lady of Light*, Cristo Rey Church, Canyon Road and Cristo Rey Street.
Santa Fe, **Santa Fe Plaza.*
Santa Fe vicinity, **Glorieta Pass Battlefield* (see San Miguel County).
Santa Fe vicinity, **San Lazaro*, 25 miles south of Santa Fe via New Mexico 10 and secondary road.
Santa Fe vicinity, **Seton Village*, 6 miles south of Santa Fe off U.S. 84–85 and secondary road.
Truchas vicinity, **El Santuario de Chimayó*, south of Truchas in Chimayo.

Socorro County

Bingham vicinity, **Trinity Site*, 25 miles south of U.S. 380 on White Sands Missile Range.
Gran Quivira vicinity, *Gran Quivira National Monument*, 1 mile east of Gran Quivira on New Mexico 10 (also in Torrance County).
Magdalena vicinity, *Gallinas Springs Ruin*, SE¼SE¼ sec. 27, T. 1 S., R. 6 W.
Socorro vicinity, *Fort Craig*, 37 miles south of Socorro.

Taos County

Las Trampas, **San Jose de Gracia Church.*
Las Trampas, **Las Trampas Historic District.*
Ranchos de Taos, **San Francisco de Assisi Mission Church*, on the Plaza.
Taos, **Blumenschein (Ernest L.) House*, Ledoux Street.
Taos, **Carson (Kit) House*, Kit Carson Avenue.
Taos vicinity, **Taos Pueblo*, 3 miles north of Taos.

Torrance County

Gran Quivira National Monument (see Socorro County).
Abó vicinity, **Abó*, 3 miles west of Abó on U.S. 60 and secondary road in Abó State Monument.
Punta de Agua vicinity, **Quarai*, 1 mile south of Punta de Agua on secondary road in Quaral State Monument.

Union County

Clayton vicinity, **Rabbit Ears (Clayton Complex)*, north and west of Clayton.
Folsom vicinity, **Folsom Site*, 8 miles west of Folsom on banks of Dead Horse Gulch.
Seneca vicinity, *McNees Crossing Site*, on the North Canadian River northeast of Seneca.

Valencia County

Acoma, *San Estevan de Rey Mission Church, on New Mexico 23.
Casa Blanca vicinity, *Ácoma, 13 miles south of Casa Blanca on New Mexico 23.
El Morro vicinity, *El Morro National Monument*, 2 miles west of El Morro on New Mexico 53.
Zuni vicinity, *Hawikuh, 12 miles southwest of Zuni, Zuni Indian Reservation.

NEW YORK

Albany County

Albany, *Schuyler (Philip) Mansion, Clinton and Schuyler Streets.
Watervliet, *Watervliet Arsenal, South Broadway.

Bronx County

The Bronx, *New York Botanical Gardens, Southern and Bedford Park Boulevards.
The Bronx, *Van Cortlandt (Frederick) House, Van Cortlandt Park at 242nd Street.

Cayuga County

Auburn, *Flatiron Building*, 1–3 Genessee Street.
Auburn *Seward (William H.) House, 33 South Street.
Poplar Ridge, *Wood (Jethro) House, New York 34B.

Chautauqua County

Chautauqua, *Miller (Lewis) Cottage, Chautauqua Institution, New York 17J.

Clinton County

*Adirondack Forest Preserve, northeastern New York State (also in Essex, Franklin, Fulton, Hamilton, Herkimer, St. Lawrence, and Warren counties).
Plattsburgh vicinity, *Plattsburgh Bay, Cumberland Bay, east of Plattsburgh.
Plattsburgh vicinity, *Valcour Bay, 7 miles south of Plattsburgh on the west shore of Lake Champlain.

Columbia County

Church Hill, *Church (Frederic E.) House, Olana, Church Hill, east end of Rip Van Winkle Bridge.
Hudson, *Front Street-Parade Hill-Lower Warren Street Historic District*, Warren Street between Second Street and Parade Hill, both sides of North Front and South Front Streets between Diamond and Allen (Ferry) Streets both sides of Prison Alley between North Front Street and the bluff, the north side of Fleet Street, and Parade Hill, and Franklin Square.
Kinderhook vicinity, *Van Alen (Luycas) House, U.S. 9H, 2.1 miles south of U.S. 9.
Kinderhook vicinity, *Van Buren (Martin) House, Lindenwald, east of Kinderhook on New York 9H.
New Lebanon, *Mount Lebanon Shaker Society, U.S. 20.

Delaware County

Roxbury vicinity, *Burroughs (John) Home, Woodchuck Lodge, 2 miles from Roxbury.

Dutchess County

Hyde Park, *Home of Franklin D. Roosevelt National Historic Site*, 2 miles south of Hyde Park on U.S. 9.
Hyde Park, *Vanderbilt Mansion National Historic Site*, north edge of Hyde Park, U.S. 9.
Poughkeepsie, *Morse (Samuel F. B.) House, Locust Grove, 370 South Street.
Poughkeepsie, *Vassar (Matthew) House, Springside, Academy and Livingston Streets.

Erie County

Buffalo, *Wilcox (Ansley) House National Historic Site*, Delaware Avenue.

Essex County

*Adirondack Forest Preserve (see Clinton County).
Crown Point, *Fort St. Frederic*, junction of New York 8 and U.S. 9N.
Crown Point vicinity, *Fort Crown Point*, Crown Point Reservation, west of the south end of Lake Champlain Bridge and New York 8.
Port Kent, *Watson (Elkanah) House, 3 miles east of U.S. 9.
Ticonderoga vicinity, *Fort Ticonderoga, 2.5 miles south of Ticonderoga on New York 22.

Franklin County

*Adirondack Forest Preserve (see Clinton County).

Fulton County

*Adirondack Forest Preserve (see Clinton County).
Johnstown, *Johnson Hall, Hall Street.

Genesee County

Batavia, *Holland Land Office, West Main Street.

Greene County

Catskill, *Cole (Thomas) House, 218 Spring Street.
Coxsackie vicinity, *Bronck (Pieter) House, 2 miles northwest of Coxsackie on the west side of U.S. 9W.

Hamilton County

*Adirondack Forest Preserve (see Clinton County).

Herkimer County

*Adirondack Forest Preserve (see Clinton County).
Little Falls, *Herkimer County Trust Co. Building*, corner of Ann and Albany Streets.

Kings County

Brooklyn, *Brooklyn Bridge (also in New York County)*, across the East River, connecting Brooklyn and Manhattan.
Brooklyn, *Brooklyn Heights Historic District*, bounded by Atlantic Avenue, Court Street, Fulton Street, and the East River.
Brooklyn, *Plymouth Church of the Pilgrims, 75 Hicks Street.
Brooklyn, *Wyckoff (Pieter) House, 5902 Canarsie Lane.

Lewis County

Lowville, *Hough (Franklin B.) House, Collins Street.

Madison County

Oneida, *Oneida Community Mansion House, Sherrill Road.

Monroe County

Rochester, *Anthony (Susan B.) House, 17 Madison Street.
Rochester, *Eastman (George) House, 900 East Avenue.

Montgomery County

Amsterdam vicinity, *Erie Canal, 6 miles west of Amsterdam on New York 53.

Nassau County

Oyster Bay, Long Island, *Sagamore Hill National Historic Site*, end of Cove Neck Road.
Port Washington, *Sousa (John Philip) House, Wildbank, 14 Hicks Lane, Sands Point.

New York County

New York, *Arthur (Chester A.) House, 123 Lexington Avenue.
New York, *Brooklyn Bridge, Boroughs of Manhattan and Brooklyn across the East River.
New York, *Carnegie Hall, Seventh Avenue, 56th to 57th Streets.
New York, *Carnegie (Andrew) Mansion, 2 East 91st Street.
New York, *Castle Clinton National Monument*, South Ferry.
New York, *Central Park, bounded by Central Park South, Fifth Avenue, Central Park West, and 110th Street.
New York, *Central Synagogue (Congregation Ahawath Chesed-Shaar Hashomayim)*, 646–652 Lexington Avenue.
New York, *City Hall, Broadway and Chambers Street.
New York, *Cooper Union, Cooper Square, Seventh Street and Fourth Avenue.
New York, *Pupin Physics Laboratories, Columbia University, Broadway and 120th Street.
New York, *Dyckman (William) House, 4881 Broadway.
New York, *Federal Hall National Memorial*, Wall and Nassau Streets.
New York, *General Grant National Memorial*, Riverside Drive and West 122nd Street.
New York, *Hamilton Grange National Memorial*, 287 Convent Avenue.
New York, *Morgan (Pierpont) Library, 33 East 36th Street.
New York, *Morris-Jumel Mansion, 160th Street and Edgecombe Avenue.
New York, *New York Public Library, Fifth Avenue and 42nd Street.
New York, *New York Shakespeare Festival Public Theater (Astor Library)*, 425 Lafayette Street.
New York, *The Players, 16 Gramercy Park.
New York, *Theodore Roosevelt Birthplace National Historic Site*, 28 East 20th Street.
New York, *St. Paul's Chapel, Broadway between Fulton and Vesey Streets.
New York, *Statue of Liberty National Monument*, Liberty Island, New York harbor (also in Hudson County, N.J.).
New York, *Tredwell (Seabury) House, Old Merchant's House, 29 East Fourth Street.
New York, *Woolworth Building, 233 Broadway.

Niagara County

Niagara Falls, *Niagara Reservation.
Youngstown vicinity, *Old Fort Niagara, north of Youngstown on New York 18.

Oneida County

Rome, *Fort Stanwix National Monument*, bounded by Dominick, Spring, Liberty, and James Streets.
Rome vicinity, *Oriskany Battlefield, 5 miles east of Rome on New York 69.

Ontario County

Victor vicinity, *Boughton Hill, 1.25 miles south of Victor.

Orange County

*Delaware and Hudson Canal (also in Sullivan and Ulster counties and Pike and Wayne counties, Pa.).
*Palisades Interstate Park (see Bergen County, N.J.).
Goshen, *Historic Track, Main Street.
Harriman, *Harriman (E. H.) Estate, Arden, New York 17.
Newburgh, *Dutch Reformed Church*, northeast corner of Grand and Third Streets.
Newburgh, *Washington's Headquarters, Liberty and Washington Streets.
West Point, *U.S. Military Academy, New York 218.

Queens County

Flushing, *Old Quaker Meetinghouse*, south side of Northern Boulevard.
Richmond Hill, *Riis (Jacob) House, 84–41 120th Street.

Rensselaer County

Rensselaer, *Fort Crailo*, south of Columbia Street on Riverside Street.
Troy, *Cannon Building*, 1 Broadway.

Troy, *Fifth Avenue-Fulton Street Historic District*, two blocks of Fifth Avenue, on the eastern edge of the downtown Troy business district, bounded on the north by Grand Street, on the south by Broadway, on the east (between Grand and Fulton Streets) by Sixth Avenue and (between Fulton Street and Broadway) by Union Street, and on the west by Williams Street.
Troy, *Ilium Building*, northeast corner of Fulton and Fourth Streets.
Troy, *McCarthy Building*, 255–257 River Street.
Troy, *W. & L. E. Gurley Co.*, 514 Fulton Street.
Walloomsac vicinity, *Bennington Battlefield*, New York 67, on Vermont line.

Richmond County

Rosebank, *Austen, Elizabeth Alice, House*, 2 Hyland Boulevard.
Staten Island, *The Voorlezer's House*, Arthur Kill Road, opposite Center Street.
Tottenville, Staten Island, *Conference House*, Hylan Boulevard.

Rockland County

*Palisades Interstate Park (see Bergen County, N.J.).
Stony Point vicinity, *Stony Point Battlefield*, north of Stony Point on U.S. 9W and U.S. 202.
Tappan, *De Wint House*, Livingston Avenue and Oak Tree Road.

St. Lawrence County

*Adirondack Forest Preserve (see Clinton County).

Saratoga County

Albany vicinity, *Saratoga National Historical Park*, 30 miles north of Albany on U.S. 4 and New York 32.

Schenectady County

Delanson vicinity, *Christman Bird and Wildlife Sanctuary*, southeast of Delanson on Schoharie Turnpike.

Schoharie County

North of Blenheim, *Old Blenheim Bridge*, New York 30.

Schuyler County

Tyrone vicinity, *Lamoka, 2 miles west of Tyrone at northern edge of Lamoka Lake.

Seneca County

Seneca Falls, *Stanton (Elizabeth Cady) House, 32 Washington Street.

Suffolk County

Cutchogue, *The Old House*, New York 25.
East Hampton, Long Island, *Moran (Thomas) House, Main Street.
Montauk vicinity, *Montauk Point Lighthouse.*
Stony Brook, *Mount (William Sydney) House, Gould Road and New York 25.

Sullivan County

*Delaware and Hudson Canal (see Orange County).

Tompkins County

Ithaca, *Morrill Hall, Cornell University*, Cornell University campus.

Ulster County

*Delaware and Hudson Canal (see Orange County).
Esopus, *Burroughs (John) Cabin, Slabsides*, west of West Park.
Esopus, *Burroughs (John) Riverby Study*, West Park.
Hurley, *Hurley Historic District*, Hurley Street, Hurley Mountain Road, and Schoonmaker Lane.
Kingston, *Clinton Avenue Historic District*, includes all of Clinton Avenue between Westbrook Lane and North Front Street, North Front Street between Clinton Avenue and Fair Street, and the east side of Fair Street between North Front and John Streets.
New Paltz, *Hasbrouck (Jean) House*, Huguenot Street, opposite its junction with North Street.
New Paltz, *Huguenot Street Historic District*, Huguenot Street.

Warren County

*Adirondack Forest Preserve (see Clinton County).

Westchester County

Croton-on-Hudson, *Van Cortlandt Manor, U.S. 9, north of intersection with U.S. 9A.
Mount Vernon, *St. Paul's Church National Historic Site*, Eastchester, Mount Vernon.
North Tarrytown, *Dutch Reformed (Sleepy Hollow) Church*, north edge of Tarrytown on U.S. 9.
Tarrytown, *Gould (Jay) Estate, Lyndhurst, 635 South Broadway.
Tarrytown vicinity, *Irving (Washington) House, Sunnyside, Sunnyside Lane.
Upper Mills, *Philipsburg Manor, 381 Bellwood Avenue.
Yonkers, *Philipse Manor, Warburton Avenue and Dock Street.

NORTH CAROLINA

Alamance County

Alamance vicinity, *Alamance Battleground State Historic Site*, 4 miles south of Alamance on N.C. 62.
Alamance vicinity, *Allen (John) House*, Alamance Battleground State Historic Site.

Beaufort County

Bath, *Bath Historic District*, bounded on the west by Bath Creek, on the north by N.C. 92, on the east by King Street, and on the south by Bath Creek.
Bath, *Bonner House*, Main and Front Streets.
Bath, *Palmer-Marsh House*, 104 Main Street.
Bath, *St. Thomas Episcopal Church*, Craven Street.

Bertie County

Windsor vicinity, *Hope Plantation*, 4 miles northwest of Windsor off North Carolina 308.

Brunswick County

Southport vicinity, *Brunswick Historic District*, bounded on the east by the Cape Fear River, on the south by County Route 1533, on the west by County Route 1529, and on the north by Orton Plantation.

Buncombe County

Asheville, *Biltmore Estate*, Biltmore Plaza.

Burke County

Morganton, *Burke County Courthouse*, Courthouse Square, bounded on the northwest by Union Street, on the northeast by Sterling Street, on the southeast by Meeting Street, and on the southwest by Green Street.

Cabarrus County

Concord vicinity, *Reed Gold Mine*, 11 miles southeast of Concord on North Carolina 601 and 200.

Caldwell County

Lenoir vicinity, *Fort Defiance*, north of Lenoir on North Carolina 268.

Carteret County

Atlantic Beach vicinity, *Fort Macon*, on Bogue Point, on Fort Macon Road 4 miles east of Atlantic Beach.

Catawba County

Claremont vicinity, *Bunker Hill Covered Bridge*, 2 miles east of Claremont off U.S. 70.

Chowan County

Edenton, *Chowan County Courthouse*, East King Street.
Edenton, *Cupola House*, 408 South Broad Street.
Edenton, *Iredell (James) House*, 107 East Church Street.

Craven County

New Bern, *Stanly (John Wright) House*, 307 George Street.
New Bern, *Stevenson House*, 611 Pollock Street.

Cumberland County

Fayetteville, *Market House*, Market Square.

Dare County

Kitty Hawk, *Wright Brothers National Memorial.*
Manteo vicinity, Roanoke Island, *Fort Raleigh National Historic Site*, 4 miles north of Manteo on U.S. 158.

Durham County

Durham vicinity, *Bennett Place State Historic Site*, intersection of Neal and Old Hillsborough roads.
Durham vicinity, *Duke Homestead and Tobacco Factory*, 0.5 mile north of Durham on Guess Road and east on County Route 1025.

Edgecombe County

Tarboro, *Tarboro Town Common*, bounded by Wilson Street, Albermarle Avenue, Park Avenue, and St. Patrick Street.

Forsyth County

Winston-Salem, *Old Salem Historic District*, Salem College campus and area near Salem Square.
Winston-Salem, *Salem Tavern*, 800 South Main Street.
Winston-Salem, *Single Brother's House*, southwest corner of South Main and Academy Streets.

Guilford County

Greensboro, *Blandwood*, 411 West Washington Street.
Greensboro vicinity, *Guilford Courthouse National Military Park*, 6 miles northwest of Greensboro near U.S. 220.

Halifax County

Halifax, *Halifax Historic District*, bounded on the southwest by St. David Street, on the northwest by the Owens House drainage ditch, on the northeast by the Roanoke River, and on the southeast by the Magazine Spring Gut.

Henderson County

Flat Rock vicinity, *Carl Sandburg Home National Historic Site*, 0.25 mile west of Flat Rock.

Hertford County

Murfreesboro, *Rea, William, Store*, East Williams Street.

Iredell County

Statesville vicinity, *Fort Dobbs*, Fort Dobbs Road.

Johnston County

Newton Grove vicinity, *Bentonville Battleground State Historic Site*, 2 miles north of Newton Grove on County Route 1008.
Newton Grove vicinity, *Harper House*, Bentonville Battleground State Historic Site.

McDowell County

Pleasant Gardens, *Carson House*, east of Pleasant Gardens on U.S. 70.

Mecklenburg County

Charlotte, *Alexander (Hezekiah) House*, 3420 Shamrock Drive.

Montgomery County

Mount Gilead vicinity, **Town Creek Indian Mound*, 4.5 miles southeast of Mount Gilead on North Carolina 73.

Moore County

Carthage vicinity, *Alston House*, 8 miles northeast of Carthage on County Route 1644.

Nash County

Rocky Mount vicinity, *Stonewall*, Falls Road Extension.

New Hanover County

Wilmington, *City Hall-Thalian Hall*, 100 North Third Street.
Wilmington vicinity, **Fort Fisher*, 18 miles south of Wilmington on U.S. 421.

Orange County

Chapel Hill, **Old East, University of North Carolina*, University of North Carolina campus.
Hillsborough, *Burwell School*, North Churton Street.

Pender County

Wilmington vicinity, *Moores Creek National Military Park*, 25 miles northwest of Wilmington on North Carolina 210.

Polk County

Tryon vicinity, *Block House Site*, 0.5 mile east of U.S. 176 on the boundary between North and South Carolina.

Rockingham County

Wentworth, *Wright Tavern*, North Carolina 65.

Rowan County

Salisbury, *Community Building, Rowan County Courthouse*, 200 North Main Street.

Wake County

Raleigh, *Christ Episcopal Church*, 120 East Edenton Street.
Raleigh, *Executive Mansion*, 210 North Blount Street.
Raleigh, *Haywood Hall*, 211 New Bern Avenue.
Raleigh, *Haywood, Richard B., House*, 127 East Edenton Street.
Raleigh, *Lane, Joel, House*, 728 West Hargett Street.
Raleigh, *Mordecai House*, Mimosa Street.
Raleigh, *St. Mary's Chapel*, 900 Hillsborough Street.
Raleigh, *State Bank of North Carolina (Christ Church Rectory)*, 11 New Bern Avenue.
Raleigh, *State Capitol Building*, Capitol Square, bounded by Wilmington, Edenton, Salisbury, and Morgan Streets.
Raleigh vicinity, *Yates Mill*, on Lake Trajan at the intersection of Lake Wheeler and Tryon Roads.
Raleigh vicinity, *Midway Plantation*, 8 miles east of Raleigh on U.S. 64.

Warren County

Vaughan vicinity, *Buck Spring Plantation (Nathaniel Macon House)*, north of Vaughan on County Route 1348.

Washington County

Creswell vicinity, *Somerset Place State Historic Site*, 9 miles south of Creswell on Lake Phelps.

Wayne County

Fremont vicinity, *Aycock (Charles B.) Birthplace*, 1 mile south of Fremont off U.S. 117.

Yadkin County

Richmond Hill vicinity, *Richmond Hill Law School*, north of Richmond Hill on County Route 1530.

NORTH DAKOTA

Billings County

Medora, *Theodore Roosevelt National Memorial Park* (also in McKenzie County).

Burleigh County

Menoken vicinity, **Menoken Indian Village Site*, 1.25 miles north of Menoken, Verendrye State Park.

McKenzie County

Theodore Roosevelt National Memorial Park (see Billings County).

Mercer County

Stanton vicinity, **Big Hidatsa Village Site*, north bank of Knife River, 1 mile north of Stanton.

Williams County

Buford vicinity, *Fort Union Trading Post National Historic Site*, west of Buford (also in Roosevelt County, Mont.).

OHIO

Adams County

Locust Grove vicinity, **Serpent Mound*, 5 miles northwest of Locust Grove on Ohio 73.

Allen County

Spencerville vicinity, **Miami and Erie Canal, Deep Cut*, 2 miles south of Spencerville on Ohio 66.

Athens County

Athens, **Manasseh Cutler Hall, Ohio University*, Ohio University campus.

Auglaize County

Wapakoneta vicinity, *Fort Amanda Site*, 9 miles northwest of Wapakoneta on Ohio 198.

Brown County

Ripley, *Rankin, John, House*.

Butler County

Oxford, **McGuffey (William H.) House*, 401 East Spring Street.

Carroll County

Carrollton, *McCook, Daniel, House*, Public Square.
Carrollton vicinity, *Petersburg Mill*, 4.3 miles south of Carrollton on Ohio 322.

Columbiana County

East Liverpool, **The Beginning Point of the U.S. Public Land Survey*, on the Ohio-Pennsylvania boundary (also in Beaver County, Pa.).

Cuyahoga County

Valley View Village, **Ohio and Erie Canal*, Ohio 631.

Darke County

Fort Jefferson, *Fort Jefferson Site*, Ohio 121.

Erie County

Milan, **Edison (Thomas Alva) Birthplace*.

Fairfield County

Lancaster, **Sherman (John) Birthplace*, 137 East Main Street.
Tarlton vicinity, *Tarlton Cross Mound*, 1 mile north of Tarlton off Ohio 159.

Franklin County

Columbus, *Campbell Mound*, McKinley Avenue, 0.5 mile south of Trabue Road.
Columbus, *Fort Hayes*, Cleveland Avenue and Interstate 71.
Columbus, *University, Hayes, and Orton Halls, The Ohio State University*, The Oval.
Westerville, *Hanby House*, 160 West Main Street.

Gallia County

Gallipolis, *Our House*, 434 First Avenue.

Guernsey County

Old Washington vicinity, **S Bridge, National Road*, 5 miles west of Old Washington on U.S. 40.

Hamilton County

Cincinnati, *Cincinnati Music Hall*, 1243 Elm Street.
Cincinnati, *Delta Queen* (steamboat), Public Landing.
Cincinnati, *Langdon House*, 3626 Eastern Avenue.
Cincinnati, **Pendleton (George Hunt) House*, 559 East Liberty Street.
Cincinnati, *Pittman (Benn) House*, 1852 Columbia Parkway.
Cincinnati, *Stowe House*, 2950 Gilbert Avenue.
Cincinnati, **Taft (William Howard) Home*, 2038 Auburn Avenue.
Cincinnati, *Wesley Chapel Methodist Church*, 320 East Fifth Street.
Montgomery, *Universalist Church Historic District*, Montgomery Road from 9433 north to Remington Avenue.
Mount Nebo, *William Henry Harrison Tomb*, Ohio 128.

Highland County

Hillsboro vicinity, *Fort Hill*, 18 miles southeast of Hillsboro on Ohio 41.

Jackson County

Coalton vicinity, *Leo Petroglyph*, 4 miles northwest of Coalton off U.S. 35.
Jackson vicinity, *Buckeye Furnace*, 10 miles east of Jackson on Township Road 167, Milton Township.

Jefferson County

Mount Pleasant, *Friends Meetinghouse*, near Ohio 150.

Lake County

Kirtland, *Kirtland Temple*, 9020 Chillicothe Road.
Mentor, **Garfield (James A.) Home, Lawnfield*, 1059 Mentor Avenue.

Licking County

Hopewell Township, *Flint Ridge*, 2 miles north of Ohio 40 on County Route 668.
Newark, **Newark Earthworks*, Mound Builders State Memorial.

Lorain County

Oberlin, **Oberlin College*, Tappan Square.

Lucas County

Maumee, *Hull-Wolcott House*, 1031 River Road.
Maumee vicinity, **Fallen Timbers Battlefield*, 2 miles west of Maumee on U.S. 24.
Waterville, *Columbian House*, River and Farnsworth Roads.

Mahoning County

Coitsville Township, **McGuffey (William H.) Boyhood Home Site*, McGuffey Road, near Ohio 616.

Marion County

Marion, **Harding (Warren G.) Home*, 380 Mount Vernon Avenue.

Meigs County

Pomeroy vicinity, *Buffington Island*, 20 miles east of Pomeroy on Ohio 124, Lebanon Township.

Medina County

Medina, *Medina County Courthouse*, Liberty Street and Broadway, Public Square.

Mercer County

Fort Recovery Site, Fort Recovery on Ohio 49.

Miami County

Lockington and vicinity, *Lockington Locks Historical Area*, T. 7 N., R. 6 E. of Washington Township (Shelby County); T. 6 N., R. 6 E. of Washington Township (Miami County).

Montgomery County

Dayton, *Dunbar (Paul Lawrence) House*, 219 North Summit Street.
Dayton, *Old Courthouse*, northwest corner of Third and Main Streets.
Miamisburg vicinity, *Miamisburg Mound*, 1 mile southeast of Miamisburg on Ohio 725.

Morgan County

Stockport vicinity, *Big Bottom*, 1 mile southeast of Stockport on Ohio 266.

Ottawa County

Gibraltar Islands, **Cooke (Jay) Home*, Put-in-Bay, Lake Erie.
Marblehead, *Marblehead Lighthouse*, Ohio 163.
Put-in-Bay, South Bass Island, *Perry's Victory and International Peace Memorial National Monument*.

Pike County

Piketon, *Friendly Grove*, Ohio 220 east of Piketon.

Preble County

Eaton vicinity, *Fort St. Clair Site*, 1 mile west of Eaton.

Richland County

Mansfield, *Oak Hill Cottage*, 310 Springmill Street.

Ross County

Bainbridge vicinity, *Seip Mound*, 3 miles east of Bainbridge on U.S. 50.
Chillicothe vicinity, *Mound City Group National Monument*, 4 miles north of Chillicothe on Ohio 104.
Hopetown vicinity, **Hopeton Earthworks*, near Mound City Group National Monument on U.S. 23.
Scioto Township, *Adena*, Allen Avenue extended.

Sandusky County

Fremont, *Hayes (Rutherford B.) Home, Spiegel Grove*, Hayes and Buckland Avenues.

Shelby County

Lockington Locks Historical Area (see Miami County).

Stark County

Canton, *William McKinley Tomb*, Seventh Street NW.

Summit County

Akron, *Fort Island Works*, approximately 600 feet west of the west end of Fort Island Drive.

Tuscarawas County

Bolivar vicinity, *Fort Laurens Site*, 0.5 mile south of Bolivar near Ohio 212.
Gnadenhutten vicinity, *Gnadenhutten Massacre Site*, 1 mile south of Gnadenhutten.
New Philadelphia, *Schoenbrunn Site*, U.S. 250.
Zoar, *Zoar Historic District*, bounded by Fifth Street on the north, Foltz Street on the east, First Street on the south, and by the rear property lines of those properties fronting on West Street on the west.

Warren County

Lebanon, *Glendower*, U.S. 42.
Lebanon vicinity, **Fort Ancient*, 7 miles southeast of Lebanon on Ohio 350, Fort Ancient State Memorial.

Washington County

Marietta, *Ohio Company Land Office*, Campus Martius Museum, corner of Second and Washington Streets.
Marietta, *Putnam, Rufus, House*, Campus Martius Museum, corner of Second and Washington Streets.
Marietta, *W. P. Snyder, Jr.* (steamboat), Sacra Via.

Wyandot County

Upper Sandusky vicinity, *Indian Mill*, 3.5 miles northeast of Upper Sandusky on Crane Township Road.

Wood County

Perrysburg, *Old Wood County Jail*, 240 West Indiana Avenue.
Perrysburg vicinity, *Fort Meigs*, 1.3 miles southwest of Perrysburg.

OKLAHOMA

Alfalfa County

Cleo Springs vicinity, *Sod House*, about 4 miles north of Cleo Springs.

Blaine County

Canton vicinity, *Cantonment*, NW¼ sec. 29, T. 19 N., R. 13 W.

Bryan County

Nida vicinity, **Fort Washita*, southwest of Nida on Oklahoma 199.

Caddo County

Hinton vicinity, *Rock Mary*, c. 4 miles west of Hinton.

Canadian County

El Reno vicinity, *Fort Reno*, 3 miles west and 2 miles north of El Reno.

Cherokee County

Park Hill, *Murrell Home (Hunter's Home)*, N½ sec. 22, T. 16 N., R. 22 E.
Tahlequah, **Cherokee National Capitol*.

Choctaw County

Fort Towson vicinity, *Fort Towson*, 1 mile northeast of Fort Towson.

Cimarron County

Wheeless vicinity, **Camp Nichols*, 3 miles northeast of Wheeless on Ranch Road.

Comanche County

Cache vicinity, *Quanah Parker's Star House*, Eagle Park.
Lawton vicinity, **Fort Sill*, north of Lawton.

Garvin County (also in Murray County)

Davis vicinity, *Initial Point*, about 7.5 miles west of Davis on Garvin-Murray County line.
Erin Springs, *Erin Springs Mansion (Frank Murray Home)*, south of the Washita River.

Kay County

Newkirk vicinity, **Deer Creek Site*, 6 miles northeast of Newkirk.

Le Flore County

Spiro vicinity, *Spiro Mound Group*, NE¼ sec. 29, W½ of NW¼ sec. 28, T. 10 N., R. 26 E.

McCurtain County

Millertown vicinity, **Wheelock Academy*, east of Millertown on U.S. 70.
McIntosh County (also in Muskogee County)

Rentiesville vicinity, *Honey Springs Battlefield*, north of Rentiesville.

Murray County

Initial Point (see Garvin County).

Muskogee County

Fort Gibson, **Fort Gibson*.
Honey Springs Battlefield (see McIntosh County).

Oklahoma County

Oklahoma City, *Overholser House*, 405 Northwest 15th Street.

Okmulgee County

Okmulgee, **Creek National Capitol*.

Pushmataha County

Tuskahoma vicinity, *Tuskahoma, Choctaw Council House*, 2 miles north of Tuskahoma.

Roger Mills County

Cheyenne vicinity, **Washita Battlefield*, northwest of Cheyenne on U.S. 283.

Rogers County

Oologah vicinity, *Will Rogers Birthplace*, about 4 miles northeast of Oologah.

Sequoyah County

Akins vicinity, **Sequoyah's Cabin*, Oklahoma 101, Sequoyah's Cabin State Park.

Texas County

Optima vicinity, **Stamper Site*, 2.5 miles south of Optima on the south bank of the North Canadian River.

Washita County

Colony vicinity, **McLemore Site*, 4 miles southeast of Colony on Oklahoma 69.

OREGON

Clackamas County

Oregon City, *McLoughlin (Dr. John) House National Historic Site*, McLoughlin Park, between Seventh and Eighth Streets.

Clatsop County

Astoria, **Elmore (Samuel) Cannery*, on the waterfront at the foot of Flaval Street.
Astoria, **Fort Astoria*, 15th and Exchange Streets.
Astoria vicinity, *Fort Clatsop National Memorial*, 4.5 miles south of Astoria.

Jackson County

Jacksonville, **Jacksonville Historic District*.

Klamath County

Worden, **Lower Klamath National Wildlife Refuge* (see Siskiyou County, Calif.).

Lake County

Fort Rock vicinity, **Fort Rock Cave*, northwest of Fort Rock on secondary roads.

PENNSYLVANIA

Adams County

Gettysburg, *Gettysburg National Military Park*.
Gettysburg vicinity, *Eisenhower National Historic Site*, southwest edge of Gettysburg National Military Park.

Allegheny County

Pittsburgh, **Forks of the Ohio*, Point Park.

Beaver County

Ambridge, **Old Economy*, northwest of Pittsburgh on Pennsylvania 65.
Glasgow vicinity, **The Beginning Point of the U.S. Public Land Survey* (see Columbiana County, Ohio).

Berks County

Morgantown vicinity *Hopewell Village National Historic Site*, 10 miles northeast of Morgantown Interchange, Pennsylvania Turnpike.
Womelsdorf vicinity, **Weiser (Conrad) House*, 2 miles east of Womelsdorf, U.S. 422.

Blair County

Altoona vicinity, **Horseshoe Curve*, 5 miles west of Altoona on Pennsylvania 193.
Johnstown vicinity, *Allegheny Portage Railroad National Historic Site*, U.S. 22 (also in Cambria County).

Bucks County

Morrisville vicinity, *Pennsbury Manor*, on Delaware River south of Bordentown Road.
New Hope vicinity, *Honey Hollow Watershed*, 2½ miles south of the Delaware River on Pennsylvania 263.
Philadelphia vicinity, **Biddle (Nicholas) Estate, Andalusia*, 1.4 miles north of Philadelphia on Pennsylvania 32.
Yardley vicinity, **Washington Crossing State Park*, between Yardley and New Hope, on the Delaware River (also in Mercer County, N.J.).

Cambria County

Allegheny Portage Railroad National Historic Site (see Blair County).
Johnstown vicinity, *Johnstown Flood National Memorial*, intersection of U.S. 219 and Pennsylvania 869.

Chester County

Norristown vicinity, **Valley Forge*, Valley Forge State Park (also in Montgomery County).

Cumberland County

Carlisle, **Carlisle Indian School*, east edge of Carlisle on U.S. 11.
Carlisle, **Old West, Dickinson College*, Dickinson College campus.

Delaware County

Broomall, *Massey, Thomas, House*, Lawrence Road, opposite Springhouse Road.
Chadd's Ford, **Brandywine Battlefield*, Brandywine Battlefield Park.
Dilworthtown vicinity, **Brinton (William) House, 1704 House*, Oakland Road, near junction of U.S. 202 and County Route 15199.
Essington, **The Printzhof*, Taylor Avenue and Second Street.
Prospect Park, *Morton Homestead*, 100 Lincoln Avenue.
Swarthmore, **West (Benjamin) Birthplace*, Swarthmore College campus.

Fayette County

Point Marion vicinity, **Gallatin (Albert) House, Friendship Hill*, 3 miles north of Point Marion on Pennsylvania 166.
Uniontown vicinity, *Fort Necessity National Battlefield*, 11 miles east of Uniontown on U.S. 40.
Uniontown vicinity, **Searights Tollhouse, National Road*, west of Uniontown near U.S. 40.

Franklin County

Chambersburg, *Brown (John) House*, 225 East King Street.
Chambersburg, *Franklin County Jail*, northwest corner of King and Second Streets.

Huntingdon County

Rockhill Furnace, **East Broad Top Railroad*, U.S. 522.

Lackawanna County

Scranton, **Powderly (Terence V.) House*, 614 North Main Street.

Lancaster County

Brickerville, **Stiegel-Coleman House*, Pennsylvania 501 and U.S. 322.
Ephrata, **Ephrata Cloister*.
Lancaster, **Buchanan (James) House, Wheatland*, 1120 Marietta Avenue.
Lancaster, *Fulton Opera House*, 12–14 North Prince Street.
Quarryville vicinity, **Fulton (Robert) Birthplace*, 8 miles south of Quarryville on U.S. 22.

Lebanon County

Cornwall, **Cornwall Iron Furnace*, 5 miles south of Lebanon on U.S. 322.

Luzerne County

Forty Fort, Denison House, 35 Denison Street.

Montgomery County

Evansburg vicinity, *Skippack Bridge*, east of Evansburg on Pennsylvania 422.
Horsham vicinity, **Graeme Park*, Keith Valley Road.
Trappe, **Augustus Lutheran Church*, Seventh Avenue East and Main Street.
**Valley Forge* (see Chester County).

Northumberland County

Northumberland, **Priestley (Joseph) House*, Priestley Avenue.

Philadelphia County

Philadelphia, **Academy of Music*, Broad and Locust Streets.
Philadelphia, **American Philosophical Society Hall*, Independence Square.
Philadelphia, **Bartram (John) House*, 54th Street and Eastwick Avenue.
Philadelphia, **Carpenters' Hall*, 320 Chestnut Street.
Philadelphia, **Chew House*, Germantown Avenue between Johnson and Cliveden Streets.
Philadelphia, **Christ Church*, Second Street between Market and Filbert Streets.
Philadelphia, **Coleman (William) House, Woodford*, East Fairmount Park.
Philadelphia, **Eakins (Thomas) House*, 1729 Mount Vernon Place.
Philadelphia, **Eastern State Penitentiary*, 21st Street and Fairmount Avenue.
Philadelphia, **Elfreth's Alley Historic District*, between Second and Front Streets.
Philadelphia, **Fort Mifflin*, Marina and Penrose Ferry Roads.
Philadelphia, *Fort Mifflin Hospital*, Marina and Penrose Ferry Roads.
Philadelphia, **Founder's Hall, Girard College*, Corinthian and Girard Avenues.
Philadelphia, **Germantown Historic District*, Germantown Avenue, between Windrim Avenue and Upsal Street.
Philadelphia, *Gloria Dei (Old Swedes') Church National Historic Site*, Swanson Street, between Christian and Water Streets.
Philadelphia, **Hamilton (William) House, The Woodlands*, 40th Street and Woodland Avenue West.
Philadelphia, *Independence National Historical Park*, bounded by Walnut, Sixth, Chestnut, and Second Streets.
Philadelphia, **Institute of the Pennsylvania Hospital*, 111 North 49th Street.
Philadelphia, **Logan (James) Home, Stenton*, 18th and Courtland Streets.
Philadelphia, **MacPherson (John) House, Mount Pleasant*, Fairmount Park.
Philadelphia, **New Market*, South Second Street between Pine and Lombard Streets.
Philadelphia, **U.S.S. Olympia*, Pier 40, at the foot of Chestnut Street.
Philadelphia, **Peale (Charles Willson) House, Belfield*, 2100 Clarkson Avenue.
Philadelphia, **The Pennsylvania Hospital*, Eighth and Spruce Streets.
Philadelphia, **Poe (Edgar Allan) House*, 530 North Seventh Street.
Philadelphia, **Reynolds-Morris House*, 225 South Eighth Street.
Philadelphia, *St. Clement's Protestant Episcopal Church*, southwest corner of 20th and Cherry Streets.
Philadelphia, **Sully (Thomas) Residence*, 530 Spruce Street.
Philadelphia, **Walnut Street Theatre*, Ninth and Walnut Streets.

Pike County

**Delaware and Hudson Canal* (see Orange County, N.Y.).
Milford, **Pinchot (Gifford) House, Grey Towers*, west edge of Milford.

Venango County

Titusville vicinity, **Drake Oil Well*, 3 miles southeast of Titusville on Pennsylvania 36, Drake Well Memorial Park.

Wayne County

**Delaware and Hudson Canal* (see Orange County, N.Y.).

Westmoreland County

Harrison City vicinity, **Bushy Run Battlefield*, 2 miles east of Harrison City on Pennsylvania 993.

York County

York, *Billmeyer House*, East Market Street.

PUERTO RICO

San Juan

**La Fortaleza*, San Juan Island, between San Juan Bay and Calle Recinto Oeste.
San Juan National Historic Site.

RHODE ISLAND

Bristol County

Bristol, *Bristol County Courthouse*, High Street.

Kent County

East Greenwich, *Armory of the Kentish Guards*, Armory and Peirce Streets.
East Greenwich, *Kent County Courthouse*, 127 Main Street.

Newport County

Middletown, *Whitehall*, Berkeley Avenue.
Newport, **Brick Market*, Thames Street and Washington Square.
Newport, *Chateau-sur-Mer*, Bellevue, Leroy, Lawrence, and Shepard Avenues.
Newport, *Fort Adams State Park*, Harrison Avenue.
Newport, **Hunter House*, 54 Washington Street.
Newport, *King, Edward, House*, Aquidneck Park, Spring Street.
Newport, *Miantonomi Memorial Park*, bounded on the south by Admiral Kalbfuss Road, on the west by Girard Avenue, on the north by property of the Newport Housing Authority, and on the east by Hillside Avenue.
Newport, *Newport Casino*, 194 Bellevue Avenue.
Newport, **Newport Historic District*, near but not including the waterfront area, within the 18th-century town limits.
Newport, **Old Statehouse*, Washington Square.
Newport, **Redwood Library*, 50 Bellevue Avenue.
Newport, **Touro Synagogue National Historic Site*, 85 Touro Street.
Newport, **Trinity Church*, 141 Church Street.
Newport, **U.S. Naval War College*, Coaster's Harbor Island.
Newport, **Vernon House*, 46 Clarke Street.
Newport, **Wanton-Lyman-Hazard House*, 17 Broadway.

Providence County

Glocester, *Glocester Town Pound*, Pound Road and Chopmist Hill Road.
Lincoln, **Arnold (Eleazer) House*, Great Road (Rhode Island 123).
Lincoln, *Arnold, Israel, House*, Great Road.
Lincoln, *Blackstone Canal (Paul Ronci Memorial Park)*, from Front Street north to Ashton Dam.
Pawtucket, **Old Slater Mill*, Roosevelt Avenue.
Providence, *Brackett (Charles) House*, 45 Prospect Street.
Providence, **Brown (John) House*, 52 Power Street.
Providence, *College Hill Historic District*, bounded on the north by Olney Street, on the south by Cohan Boulevard, on the east by Hope Street, and on the west by the Providence and Moshassuck rivers.
Providence, **First Baptist Meetinghouse*, North Main Street between Thomas and Waterman Streets.
Providence, *Hopkins (Governor Stephen) House*, 15 Hopkins Street.
Providence, *Moshassuck Square (American Screw Co. Factories)*, Stevens Street.
Providence, *Roger Williams National Memorial*, Old Town.
Providence, *Sixth District Courthouse*, 150 Benefit Street.
Providence, *State Arsenal*, 176 Benefit Street.
Providence, *Statehouse*, 90 Smith Street.
Providence, **University Hall, Brown University*, Brown University campus.

Washington County

Charlestown, *Fort Ninegret*, Fort Neck Road.
Charlestown, *Indian Burial Ground*, Narrow Lane.
Narragansett, *The Towers*, Ocean Road.
Saunderstown, **Stuart (Gilbert) Birthplace*, Gilbert Stuart Road.

SOUTH CAROLINA

Abbeville County

Abbeville, *Abbeville Opera House*, Court Square.
Abbeville, *Burt (Armistead) House*, 306 North Main Street.

Anderson County

Pendleton, *Pendleton Historic District*, the district is enclosed by a rectangle, the coordinates of which are on the northwest corner latitude 34°40′ N., longitude 82°-50′34.5″ W.; on the northeast corner latitude 34°40′ N., longitude 82°45′54″ W.; on the southeast corner latitude 34°38′15″ N., longitude 82°45′54″ W.; and on the southwest latitude 34°38′15″ N., longitude 82°50′34.5″ W.

Bamberg County

Ehrhardt vicinity, *Rivers Bridge State Park*, 8 miles southwest of Ehrhardt via U.S. 601 and South Carolina 641.

Beaufort County

Beaufort, *Beaufort Historic District*, bounded on the north by Boundary Street, on the west by Hamar and Bladen Streets, and on the south and east by the Beaufort River.
Beaufort vicinity, *Hunting Island State Park Lighthouse*, 17 miles south-southeast of Beaufort via U.S. 21.
Gardens Corner vicinity, *Sheldon Church Ruins*, northwest of Gardens Corner on U.S. 21.
Hiltonhead vicinity, *Skull Creek (Hilton Head)*, north of Hiltonhead off Hickory Bluff-Mount Calvary Church Road.
Laurel Bay vicinity, *Chester Field Site*, south of Laurel Bay on Port Royal Island.

Berkeley County

Goose Creek, **St. James' Goose Creek.*
Huger, **Pomption Hill Chapel*, .5 mile southwest of the intersection of S.C. 41 and 402.
Huger vicinity, **Middleburg Plantation*, c. 2 miles southwest of Huger, on the East Branch of the Cooper River.
Moncks Corner vicinity, **Broughton (Thomas) Plantation, Mulberry*, off U.S. 52 on the Cooper River.
Mount Holly vicinity, *Medway*, 2.1 miles east of Mount Holly.
St. Stephens, **St. Stephen's Episcopal Church*, on South Carolina 45.

Charleston County

Awendaw vicinity, *Sewee Mound (The Old Fort)*, 2.8 miles south of Awendaw.
Charleston, **Aiken (William) House and Associated Railroad Structures*, 456 King Street.
Charleston, *Blake Tenements*, 2–4 Courthouse Square.
Charleston, *Branford-Horry House*, 59 Meeting Street.
Charleston, **Brewton (Miles) House*, 27 King Street.
Charleston, **Brewton (Robert) House*, 71 Church Street.
Charleston, **Charleston Historic District* (extended), the total area corresponds to the Old and Historic District delineated in the zoning ordinance of the city of Charleston, ratified on August 16, 1966.
Charleston, *The Exchange and Provost*, East Bay and Broad Streets.
Charleston, *Fireproof Building*, 100 Meeting Street.
Charleston, *Fort Sumter National Monument*, Charleston harbor.
Charleston, **Gibbes (William) House*, 64 South Battery.
Charleston, **Heyward-Washington House*, 87 Church Street.
Charleston, **Mills (Clark) Studio*, 51 Broad Street.
Charleston, *Rose, Thomas, House*, 57–59 Church Street.
Charleston, **St. Michael's Episcopal Church*, 80 Meeting Street.
Charleston, *Site of Old Charles Towne*, Albemarle Point.
Charleston, *South Carolina State Arsenal (Old Citadel)*, 2 Tobacco Street (Marion Square).
Charleston, *Stuart, Colonel John, House*, 104–106 Tradd Street.
Charleston, *Sword Gates House*, 32 Legare Street, 111 Tradd Street.
Charleston harbor, *Castle Pinckney*, on Shute's Folly Island.
Charleston vicinity, **Drayton (John) House, Drayton Hall*, 12 miles west of Charleston off South Carolina 61.
Edisto Island, **Brick House Ruin.*
Georgetown vicinity, **St. James' Church*, 17 miles south of Georgetown, near the Santee River.
McClellanville vicinity, **Hampton Plantation*, 8 miles north of McClellanville.
Mount Pleasant vicinity, *Auld Mound*, northeast of Mount Pleasant, 1.2 miles southeast of U.S. 17.
Mount Pleasant vicinity, *Buzzard's Island Site*, northeast of Mount Pleasant 1.3 miles south of U.S. 17.
Rockville vicinity, *Fig Island Site*, 2 miles southwest of Rockville on Edisto Island on the north bank of Ocella Creek.
Rockville vicinity, *Hanckel Mound*, 2 miles northwest of Rockville on Wadmalaw Island.
Rockville vicinity, *Horse Island*, 1 mile south of Rockville on Seabrook Island.

Cherokee County

Chesnee vicinity, *Cowpens National Battlefield Site*, 2 miles east of Chesnee at junction of South Carolina 11 and South Carolina 110.

Chester County

Rowell, *Landsford Canal*, off U.S. 21, a 2-mile section parallel to the Catawba River.

Clarendon County

Summerton vicinity, *Santee Indian Mound and Fort Watson*, south of Summerton off U.S. 301.

Darlington County

Hartsville vicinity, **Coker Experimental Farms*, west of Hartsville on South Carolina 151.

Dorchester County

Summerville vicinity, *Old Dorchester*, Dorchester State Park, including the ruins of the village and fort of Dorchester and St. George's Church, on the Ashley River near the mouth of Dorchester Creek.

Fairfield County

Winnsboro, *Ketchin Building*, 231 South Congress Street.

Georgetown County

Georgetown, *Georgetown County Rice Museum, Old Market Building*, Front and Screven Streets.

Greenwood County

Cokesbury and vicinity, *Old Cokesbury Historic District and Masonic Female College Conference School*, bounded on the northeast by South Carolina 398; on the southeast by a straight line intersecting South Carolina 97 at the junction of South Carolina 254; on the south by South Carolina 97; bounded on the southwest by South Carolina 163 and a straight line running northwest to South Carolina 185; on the northwest by South Carolina 180; and on the north by a straight line running east from the intersection of South Carolina 180 and U.S. 178 to the intersection of South Carolina 95 and 398.
Ninety Six vicinity, *Old Ninety Six and Star Fort*, 2 miles south of Ninety Six between South Carolina 248 and 27.

Greenville County

Greenville, *Earle Town House*, 107 James Street.
Greenville, *Whitehall*, 310 West Earle Street.
Tigerville vicinity, *Poinsett Bridge*, about 4 miles north of Tigerville on County Route 42.

Kershaw County

Camden, *Fort Camden*, southern area of Camden, De Kalb Township.
Camden vicinity, *Adamson Mounds Site*, c. 2 miles west of Camden, along the left bank of Mound Creek.
Camden vicinity, **Camden Battlefield*, 5 miles north of Camden on U.S. 521 and 601.
Camden vicinity, *McDowell Site (Chestnut Mounds)*, 2.5 miles south of Camden, surrounding the mouth of Big Pine Tree Creek on the Wateree River.

Lexington County

Lexington, *Fox House (Classical and Theological Seminary of the Evangelical Lutheran Synod of South Carolina and Adjacent States)*, 232 Fox Street.

McCormick County

Willington vicinity, *De La Howe State School*, 3 miles southeast of Willington on South Carolina 81.

Newberry County

Newberry, *Newberry Opera House*, Boyce and Nance Streets.

Oconee County

Westminster vicinity, *Prather's Bridge*, over Tugaloo River, 10 miles southwest of West-

minster via U.S. 124, then 1 mile northwest on County Route 68, then 0.25 mile west on County Route 160.

Orangeburg County

Eutawville vicinity. *Eutaw Springs Battlegrounds Park*, 1 mile east of Eutawville on South Carolina 6.

Pickens County

Clemson, **Calhoun (John C.) House, Fort Hill*, Clemson University campus.
Clemson, *St. Julien-Ravenel House (Hanover House)*, Clemson University campus.

Richland County

Columbia, *Hall, Ainsley, House*, 1616 Blanding Street.
Columbia, *Hampton-Preston House*, 1615 Blanding Street.
Columbia, *The Lace House*, 803 Richland Street.
Columbia, *Mills Building, South Carolina State Hospital*, 2100 Bull Street.
Columbia, *Old Campus District, University of South Carolina*, bounded on the west by Sumter Street, on the south, east, and north by buildings not included in the old campus quadrangle.
Columbia, *South Carolina Governor's Mansion*, 800 Richland Street.
Columbia, *South Carolina Statehouse*, bounded on the north by Main Street, on the west by Assembly Street, on the south by Senate Street, and on the east by Sumter Street.
Columbia, *Washington Street United Methodist Church*, 1401 Washington Street.

Spartanburg County

Glenn Springs vicinity, *Camp Hill (Smith House)*, 2 miles south of Glenn Springs on South Carolina 215.
Moore vicinity, *Price's Post Office*, junction of County Routes 86, 199, and 200.
Spartanburg, *Evins-Bivings House (Dr. James Bivings House)*, 563 North Church Street.
Spartanburg, *Foster's Tavern*, 191 Cedar Spring Road.
Spartanburg vicinity, *Walnut Grove Plantation*, 8 miles southeast of Spartanburg, c. 1 mile east of the intersection of U.S. 221 and Interstate 26.

Union County

Union, *Herndon Terrace*, North Pinckney Street at the corner of Catherine Street.
Union vicinity, *Pinckneyville*, 13 miles northeast of Union on S.C. 13.
Union vicinity, *Rose Hill*, 9 miles south-southwest of Union on County Route 16.

Williamsburg County

Kingstree, *Thorntree (Witherspoon House)*, Fluitt-Nelson Memorial Park.

York County

Bethany vicinity, *Kings Mountain National Military Park*, northwest of Bethany on South Carolina 161.
Rock Hill, *The White House*, 258 East White Street.

SOUTH DAKOTA

Buffalo County

Chamberlain vicinity, **Crow Creek Site*, 15 miles north of Chamberlain on the east side of the Missouri River near South Dakota 47.
Fort Thompson vicinity, **Fort Thompson Mounds*, near Fort Thompson on South Dakota 50, Crow Creek Indian Reservation.

Davison County

Mitchell, **Mitchell Site*, municipal golf course.

Dewey County

Mobridge vicinity, **Molstad Village*, 18 miles south of Mobridge, overlooking the Oahe Reservoir.

Hanson County

Bloom vicinity, **Bloom Site*, east of Bloom on the James River.

Hughes County

Pierre vicinity, **Arzberger Site*, 7.5 miles east of Pierre on the Missouri River.

Lawrence County

Deadwood, **Deadwood Historic District*.

Lincoln County

**Blood Run Site* (see Lyon County, Iowa).

Lyman County

Lower Brule vicinity, **Langdeau Site*, north of Lower Brule on South Dakota 47W.

Pennington County

Keystone vicinity, *Mount Rushmore National Memorial*, 3 miles west of Keystone off U.S. 16A.

Shannon County

Batesland vicinity, **Wounded Knee Battlefield*, 11 miles west of Batesland, Pine Ridge Indian Reservation.

TENNESSEE

Anderson County

Oak Ridge, **X-10 Reactor, Oak Ridge National Laboratory*.

Carter County

Elizabethtown vicinity, **Sycamore Shoals*, 2 miles west of Elizabethtown on the Watauga River.

Claiborne County

Cumberland Gap National Historical Park (see Bell County, Ky.).

Davidson County

Hermitage, *Tulip Grove*, Lebanon Road.
Nashville, *First Presbyterian Church (Downtown Presbyterian Church)*, 154 Fifth Avenue North.
Nashville, *Nashville Union Station*, Broadway and 10th Avenue South.
Nashville, **Peabody (George) College for Teachers*, 21st Avenue South and Edgehill Avenue.
Nashville, *St. Mary's Catholic Church*, 330 Fifth Avenue North.
Nashville, *Tennessee State Capitol*, Capitol Hill.
Nashville, *Traveller's Rest*, Franklin Road.
Nashville vicinity, *Belle Meade*, Harding Road at Leake Avenue.
Nashville vicinity, **Jackson (Andrew) House, The Hermitage*, 12 miles east of Nashville on U.S. 70N.

Greene County

Greeneville, *Andrew Johnson National Historic Site*, Depot and College Streets.

Hamilton County

Chickamauga and Chattanooga National Military Park (see Catoosa County, Ga.).

Hardin County

Shiloh, *Shiloh National Military Park*.

Knox County

Knoxville, **Blount (William) Mansion*, 200 West Hill Avenue.
Knoxville vicinity, *Ramsey House*, Thorngrove Pike.

Loudon County

Loudon, *Carmichael Inn*, off U.S. 11.
Loudon vicinity, *Bowman House*, east of Loudon on Little River Road.
Loudon vicinity, *Cannon-Calloway House*, west of Loudon off U.S. 11.

Madison County

Pinson vicinity, **Pinson Mounds*, 3 miles east of Pinson on secondary road.

Maury County

Columbia, *Mayes-Hutton House*, 306 West Sixth Street.
Columbia, **Polk (James K.) House*, West Seventh and South High Streets.
Columbia vicinity, *Clifton Place*, southwest of Columbia on Mount Pleasant Highway.
Columbia vicinity, *St. John's Episcopal Church*, 6 miles west of Columbia.

Monroe County

Vonore vicinity, **Fort Loudoun*, U.S. 411.

Rutherford County

Murfreesboro, *Oaklands*, North Maney Avenue.
Murfreesboro vicinity, *Stones River National Battlefield*, 3 miles northwest of Murfreesboro on U.S. 41.
Smyrna, *Davis (Sam) Home*, Tennessee 102.

Shelby County

Memphis, **Beale Street Historic District*, Beale Street from Main to Fourth Streets.

Stewart County

Dover vicinity, *Fort Donelson National Military Park*, 1 mile west of Dover on U.S. 79.

Sullivan County

Kingsport, *Netherland Inn and Complex*, 2144 Netherland Inn Road.
Kingsport vicinity, **Long Island of the Holston*, south branch of the Holston River.
Piney Flats vicinity, *Rocky Mount*, southwest of Piney Flats off County Route 11E.

Sumner County

Gallatin vicinity, *Cragfont*, about 5 miles west of Gallatin off Tennessee 25.
Hendersonville vicinity, *Rock Castle*, southeast of Hendersonville on Indian Lake Road.

Washington County

Johnson City vicinity, *Tipton-Haynes House*, southeast of Johnson City on U.S. 19W.
Jonesboro, *Jonesboro Historic District*, bounded roughly by College Street, Sabin Avenue, and properties fronting on Main Street on the north; by Franklin Avenue and Depot Street on the south; by Second Avenue, Oak Grove Avenue, and private property on the west; and by private property on the east.

Williamson County

Franklin, *Rainey-Lawrence House*, 244 First Avenue South.
Franklin vicinity, **Franklin Battlefield*, south of Franklin on U.S. 31.

TEXAS

Armstrong County

Palo Duro vicinity, **JA Ranch*, Palo Duro Canyon.

Bexar County

San Antonio, **The Alamo*, Alamo Plaza.
San Antonio, *Edward H. White II Museum (Hangar Nine)*, Brooks Air Force Base.
San Antonio, **Espada Aqueduct*, Espada Road, just east of U.S. 281S.
San Antonio, **Mission Concepcion*, 807 Mission Road.
San Antonio, *San Jose Mission National Historic Site*, 6519 San Jose Drive.
San Antonio, **Spanish Governor's Palace*, 105 Military Plaza.
San Antonio, *U.S. San Antonio Arsenal*, bounded by South Flores Street on the west, East Arsenal Street on the south, the San Antonio River on the east, and private property on the north.
San Antonio, *Ursuline Academy*, 300 Augusta Street.

Blanco County

Johnson City, **Johnson (Lyndon B.) Boyhood Home*.

Cameron County

Brownsville, **Fort Brown*.
Brownsville, **Resaca de la Palma Battlefield*, north edge of Brownsville on Parades Line Road.
Brownsville vicinity, **Palo Alto Battlefield*, junction of Farm Roads 1847 and 511, 6.3 miles north of Brownsville.

Cherokee County

Alto vicinity, *George C. Davis Site*, about 6 miles southwest of Alto on Texas 21.

Comal County

New Braunfels, *Klein, Stephen, House*, 131 South Seguin Street.
New Braunfels, *Lindheimer House*, 489 Comal Avenue.

El Paso County

El Paso, *Chamizal National Memorial*.

Fayette County

Winedale, *Winedale Inn Complex*, off FM 1457.

Galveston County

Galveston, *Ashbel Smith Building*, 914–916 Avenue B (Strand Avenue).
Galveston, *Bishop's Palace (Gresham House)*, 1402 Avenue J (Broadway).
Galveston, *El Mina Shrine Temple*, 2328 Broadway.
Galveston, *Sealy (George) House*, 2424 Broadway.
Galveston, *The Strand Historic District*, bounded on the north by Avenue A, on the east by 20th Street, on the south by an alley separating Avenues C and D, and on the west by the railroad passenger depot extending north to Avenue A (including lots 5, 6, and 7 of block 685 between Avenue A and New Strand Street).
Galveston, *U.S. Customhouse (Old Galveston Customhouse)*, southeast corner of 20th and Post Office (Avenue E) Streets.

Gillespie County

Fredericksburg, *Fredericksburg Historic District*, bounded by a line running southeast six blocks from the corner of Acorn and Schubert along Schubert to Adams; northeast one block on Adams to Travis; southeast on Travis one block to Llano; southwest on Llano two blocks to Austin; southeast on Austin three blocks to Elk; southwest two blocks on Elk to San Antonio; northwest on San Antonio three blocks to Llano; southwest one block on Llano to Barons Creek; northwest along the creek one block behind Creek Street to Adams; southwest one-half block on Adams to the rear property line of lots facing Creek Street; then northwest six blocks to Acorn; northeast four and one-half blocks to the corner of Acorn and Schubert.

Goliad County

Goliad vicinity, **Presidio Nuestra Señora de Loreto de la Bahia*, 1 mile south of Goliad State Park on U.S. 183.

Guadalupe County

Seguin, *Erskine House No. 1 (Hollamon House)*, 902 North Austin Street.
Seguin, *Sebastopol (Zorn House)*, northeast corner of West Court and North Erkel Streets.

Hale County

Plainview, **Plainview Site*, 0.5 mile west of the junction of U.S. 70 and 87.

Harris County

Houston vicinity, **San Jacinto Battlefield*, 22 miles east of Houston on Texas 134.

Jack County

Jacksboro vicinity, **Fort Richardson*, south of Jacksboro on U.S. 281.

Jeff Davis County

Fort Davis, *Fort Davis National Historic Site*, junction of Texas 17 and 118.

Jefferson County

Beaumont, *French Home Trading Post*, 2995 French Road.
Beaumont vicinity, **Lucas Gusher, Spindletop Oil Field*, 3 miles south of Beaumont on Spindletop Avenue.

Kaufman County

Terrell vicinity, **Porter (Walter C.) Farm*, 2 miles north of Terrell on Farm Road 986.

Kenedy County

Kingsville vicinity, **King Ranch*, in and near Kingsville (also in Kleberg, Nueces, and Willacy counties).

Kleberg County

**King Ranch* (see Kenedy County).

Lee County

Giddings, *Schubert House*, 183 Hempstead Street.

McLennan County

Waco, *Fort House*, 503 East Fourth Street.
Waco, *Waco Suspension Bridge*, across the Brazos River at Bridge Street.

Marion County

Jefferson, *Alley-Carlson House*, 501 Walker Street.
Jefferson, *Beard House*, 212 North Vale Street.
Jefferson, *Epperson-McNutt House*, 409 South Alley Street.
Jefferson, *Excelsior Hotel*, Austin Street between Market and Vale Streets.
Jefferson, *Freeman Plantation House*, 0.8 mile west of Jefferson on Route 49.
Jefferson, *Jefferson Playhouse*, northwest corner of Market and Henderson Streets.
Jefferson, *Old U.S. Post Office and Courts Building*, 223 Austin Street.
Jefferson, *Perry, Captain William, House*, northwest corner of Walnut and Clarksville Streets.
Jefferson, *Presbyterian Manse*, northeast corner of Alley and Delta Streets.
Jefferson, *Sedberry House*, 211 North Market Street.
Jefferson, *Singleton, Captain William E., House*, 204 North Soda Street.

Medina County

Castroville, *Castroville Historic District*, bounded on the northwest by a line 45° north-northeast through the center of the Medina River and intersecting Texas 471; on the southwest by Constantinople Street to Houston Street, by Naples Street from Houston to Florence Streets, by Constantinople Street from Florence to Gentile Streets, and by Gime Street to the river; bounded on the southeast by a line 45° north-northeast through the center of the river to Texas 471; and on the northeast by Texas 471.

Nueces County

**King Ranch* (see Kenedy County).

Oldham County

Vega vicinity, **Landergin Mesa*, east side of East Alamosa Creek, Mansfield Ranch.

Potter County

Fritch vicinity, *Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument*, southwest of Fritch on the Canadian River.

Robertson County

Calvert, *Hammond House*, bounded by Burnet, China, Elm, and Hanna Streets.

Tarrant County

Fort Worth, *Gulf, Colorado & Santa Fe Railroad Passenger Station*, 1601 Jones Street.
Fort Worth, *Knights of Pythias Building*, 315 Main Street.
Fort Worth, *Tarrant County Courthouse*, bounded by Houston, Belknap, Weatherford, and Commerce Streets.

Tom Green County

San Angelo, **Fort Concho*, south edge of San Angelo.

Travis County

Austin, *Barker History Center (Old Library)*, *University of Texas*, South Mall, University of Texas campus.
Austin, *Bremond Block Historic District*, a block bounded on the northeast by West Eighth Street, on the southeast by Guadalupe Street, on the southwest by West Seventh Street, and on the northwest by San Antonio Street; also the west side of San Antonio Street between West Seventh and West Eighth Streets and the south side of West Seventh Street from No. 315 to No. 610 Guadalupe Street.
Austin, *Carrington-Covert House*, 1511 Colorado Street.
Austin, *Driskill Hotel*, 117 East 7th Street.
Austin, *French Legation*, 802 San Marcos.
Austin, *Gethsemane Lutheran Church*, 1510 Congress Avenue.
Austin, *Littlefield House*, 24th Street and Whitis Avenue.
Austin, *Neill-Cochran House*, 2310 San Gabriel.
Austin, *The Old Bakery*, 1006 Congress Avenue.
Austin, *Old Land Office Building*, 108 East 11th Street.
Austin, *Texas Governor's Mansion*, 1010 Colorado Street.
Austin, *Texas State Capitol*, Congress and 11th Streets.
Austin, *U.S. Post Office (Old Post Office) and Federal Building*, 104 East Sixth Street.
Austin, *Woodlawn (Pease Mansion)*, 6 Niles Road.

Val Verde County

Langtry vicinity, *Mile Canyon (Eagle Nest Canyon)*, northeast of Langtry off U.S. 90.

Washington County

Brenham, *Pampell-Day House*, 409 West Alamo Street.
Independence, *Houston, Mrs. Sam, Home*, FM 390, one block east of the intersection with FM 50.

Willacy County

**King Ranch* (see Kenedy County).

Williamson County

Georgetown, *Tinnen House*, 1220 Austin Street.
Old Round Rock, *Inn at Brushy Creek (Cole House)*, Taylor exit of U.S. 79, off Interstate Highway 35, west side.
Round Rock vicinity, *Merrell, Captain Nelson, House*, northeast of Round Rock on U.S. 79.

Young County

Newcastle vicinity, **Fort Belknap*, 1 mile south of junction of Texas 24 and 251.
South Bend, **Harrell Site*, 1 mile north of South Bend on the Brazos River.

UTAH

Beaver County

Beaver, *Beaver County Courthouse*, 90 East Center Street.

Box Elder County

Promontory, *Golden Spike National Historic Site.*

Carbon County

Green River, **Desolation Canyon* (also in Emery, Grand, and Uintah counties).

Emery County

**Desolation Canyon* (see Carbon County).

Grand County

**Desolation Canyon* (see Carbon County).

Millard County

Cove Fort vicinity, *Cove Fort,* 2 miles east of Interstate 15 on Utah 4.
Deseret vicinity, *Fort Deseret,* 2 miles south of Deseret on Utah 257.
Fillmore, *Utah Territorial Capitol,* Center Street between Main and First West Streets.

Salt Lake County

Salt Lake City, *Beehive House,* 67 East South Temple Street.
Salt Lake City, *Chase, Isaac, Mill,* Liberty Park, Sixth Street East.
Salt Lake City, **Emigration Canyon,* east edge of Salt Lake City on Utah 65.
Salt Lake City, *Fort Douglas,* Fort Douglas Military Reservation.
Salt Lake City, *St. Mark's Episcopal Cathedral,* 231 East First South Street.
Salt Lake City, *Salt Lake City and County Building,* 451 Washington Square.
Salt Lake City, **Temple Square.*
Salt Lake City, *Utah State Historical Society Mansion and Carriage House,* 603 East South Temple Street.
Salt Lake City, **Young (Brigham) House, Lion House,* 63 South Temple Street.
Salt Lake City, *Z.C.M.I. Cast Iron Front (Zions Cooperative Mercantile Institute),* 15 South Main Street.
Salt Lake City vicinity, **Bingham Canyon Open Pit Copper Mine,* 16 miles southwest of Salt Lake City on Utah 48.

San Juan County

Bluff vicinity, *Hovenweep National Monument* (see Montezuma County, Colo.).
Monticello vicinity, **Alkali Ridge,* 25 miles southeast of Monticello on secondary road, 10 miles east from Recapture Creek on Utah 47.

Tooele County

Wendover vicinity, **Danger Cave,* 1 mile east of Wendover on U.S. 40.

Uintah County

**Desolation Canyon* (see Carbon County).

Wasatch County

Heber City, *Wasatch Stake Tabernacle and Heber Amusement Hall,* Main Street at 100 North Street and 100 West Street corners.

Washington County

St. George, *Old Washington County Courthouse,* 85 East 100 North.

VERMONT

Addison County

Middlebury, **Willard (Emma) House,* Middlebury College campus.
Ripton vicinity **Frost (Robert) Farm, Homer Noble Farm,* 1 mile north of Vermont 125, 3 miles east of Ripton.

Bennington County

South Shaftsbury **Frost (Robert) Farm, The Gully,* 0.25 mile east of Vermont 7 on Buck Hill Road.

Chittenden County

Shelburne, **The Ticonderoga,* Shelburne Museum.

Orange County

Strafford, **Morrill (Justin Smith) Homestead,* south of the Common.

Windsor County

Plymouth, *Plymouth Historic District,* the entire village of Plymouth; bounded on the east by East Mountain, on the south by Blueberry Hill and Soltudus Mountain, on the west by Mount Tom, and on the north by Wood Peak.
Plymouth Notch, **Coolidge (Calvin) Homestead,* off Vermont 100A.
Windsor, **Robbins and Lawrence Armory and Machine Shop,* South Main Street.
Woodstock, **Marsh (George Perkins) Boyhood Home,* 54 Elm Street.

VIRGIN ISLANDS

St. Croix Island

Christiansted, *Christiansted National Historic Site.*
**Columbus Landing Site,* Salt River Bay.

St. Thomas Island

St. Thomas National Historic Site, Charlotte Amalie.

VIRGINIA

Accomack County

Accomac, *St. James Church,* east side of Daugherty Road between Back Street and Ocean Highway.
Hallwood vicinity, *Wessells Root Cellar,* 0.1 mile north of intersection of Routes 701 and 692.
Metomkin Island vicinity, *Bowman's Folly,* 2.5 miles southeast of intersection of Route 652 and Route 13.
Onancock, *Hopkins and Brother Store,* Market Street.
Onancock, *Kerr Place,* northeast corner of Crockett Avenue and Market Street.
Pungoteague, *St. George's Church,* northwest side of Route 178, 0.3 mile northeast of the intersection with Route 180.

Albemarle County

Charlottesville vincity, *Farmington,* 0.9 mile west of the intersection of Routes 250 and 29-250 Bypass.
Charlottesville vicinity, **Jefferson (Thomas) Plantation, Monticello,* 2 miles south of Charlottesville on Virginia 53.
Covesville vicinity, *Redlands,* 0.1 mile east of intersection of Routes 708 and 627.

Alexandria (independent city)

**Alexandria Historic District,* bounded roughly by the Capital Beltway on the south, Alfred and Patrick Streets on the west (with an extension westward along Prince Street), Oronoco and Princess Streets on the northwest and northeast respectively (with an extension northward along George Washington Memorial Highway to the north city limits), and by the Potomac River on the east.
Carlyle House, 123 North Fairfax Street.
**Christ Church,* southeast corner of Cameron and Columbus Streets.
**Gadsby's Tavern,* 128 North Royal Street.
The Lyceum, 201 South Washington Street

Alleghany County

Covington, *Humpback Bridge,* 0.2 mile south of U.S. 60, 0.8 mile southwest of intersection of U.S. 60 and County Route 651.

Amelia County

Chula vicinity, *Wigwam,* 8 miles northwest of Chula.

Amherst County

Sweet Briar, *Sweet Briar House,* 0.1 mile southwest of the intersection of Routes 29 and 624.

Appomattox County

Appomattox vicinity, *Appomattox Court House National Historical Park,* 3 miles northeast of Appomattox on Virginia 24.

Arlington County

Arlington vicinity, *Custis-Lee Mansion,* Arlington National Cemetery.

Augusta County (also in Nelson County)

Waynesboro, *Swannanoa,* 0.5 mile west of Route 610, 0.4 mile south of intersection of Route 610 and Route 250.

Bath County

Bacova vicinity, *Hidden Valley,* 1.1 miles north of intersection of Routes 621 and 39.

Bedford County

Bedford vicinity, *Three Otters,* 0.7 mile west of the intersection of Routes 838 and 43.
Lynchburg vicinity, *Poplar Forest,* 0.5 mile south of intersection of Routes 661 and 460.

Botetourt County

Fincastle, *Fincastle Historic District,* bounded roughly by Back and Carper Streets on the north, by properties fronting on Hancock Street on the east, by Griffin Alley, the cemetery, and a line midway between Main Street and Murray Street on the south, and Catawba Street on the west.

Buckingham County

Buckingham, *Buckingham Court House Historic District,* along Route 60 extending 0.3 mile east of intersection of Routes 60 and 631, through Buckingham Court House.

Campbell County

Long Island vicinity, *Green Hill,* 0.3 mile south of intersection of Routes 633 and 728.

Caroline County

Bowling Green vicinity, *Old Mansion,* 0.4 mile south of intersection of Routes 2 (301) and 207.
Port Royal, *Port Royal Historic District,* bounded on the north by the intersection of Route 301 and the Rappahannock River; extending 0.1 mile east of intersection of Routes T 1004 and T 1005, 0.1 mile west of intersection of Routes T 1003 and 301, and 0.2 mile south of intersection of Routes T 1003 and 301.
Port Royal vicinity, *Camden,* 0.5 mile north of intersection of Routes 686 and 17.

Charles City County

Charles City, *Charles City County Courthouse,* 0.1 mile south of intersection of Routes 628 and 5.
Charles City vicinity, **Byrd (William II) Plantation, Westover,* 7 miles west of Charles City on Virginia 5.
Charles City vicinity, *Greenway,* 0.6 mile west of intersection of Routes 5 and 155.
Charles City vicinity, **Tyler (John) House, Sherwood Forest,* 4 miles east of Charles City on Virginia 5.
Hopewell vicinity, *Eppes Island,* between Eppes Creek and the James River at the confluence of the James and Appomattox rivers.
Hopewell vicinity, **Shirley,* 0.4 mile southwest of Route 608, 1.5 miles west of intersection of Route 608 and Route 5.

Charlotte County

Brookneal vicinity, *Staunton Hill,* 0.8 mile west of Turnip Creek, 0.2 mile southeast of Route 619, 1.4 miles southwest of intersection of Route 619 and Route 693.

Charlottesville (independent city)

**Rotunda, University of Virginia,* University of Virginia campus.

University of Virginia Historic District, bounded on the north by University Avenue, on the south by Jefferson Park Avenue, on the east by Hospital Road, and on the west by McCormick Road.

Chesterfield County

Winterpock vicinity, *Eppington,* 1.6 miles south of intersection of Routes 621 and 602.

Clarke County

Berryville vicinity, *Annefield,* 0.7 mile east of intersection of Routes 633 and 652.
Berryville vicinity, *Fairfield,* 0.2 mile east of intersection of Routes 340 and 610.
Berryville vicinity, *Long Branch,* 0.1 mile north of Long Branch, 18 miles southwest of Route 626, 0.1 mile west of intersection of Route 626 and Route 624.
Boyce vicinity, *Saratoga,* 0.4 mile southeast of intersection of Routes 723 and 617.
Millwood, *Millwood Mill,* southwest side of intersection of Routes 723 and 255.
White Post vicinity, **Greenway Court,* 1 mile south of White Post on Virginia 277.

Culpeper County

Stevensburg vicinity, *Salubria,* 0.8 mile east of intersection of Routes 3 and 663.
Warrenton vicinity, *Little Fork Church,* intersection of Routes 624 and 726.

Danville (independent city)

Danville Public Library, 975 Main Street.

Dinwiddie County

Dinwiddie vicinity, *Burnt Quarter,* 0.7 mile southwest of intersection of Routes 627, 613, and 645.
Petersburg vicinity, **Five Forks Battlefield,* 12 miles west of Petersburg on County Road 627 at Church Road.
Petersburg vicinity, *Mayfield Cottage,* 0.5 mile east of intersection of Routes 1 and 460.
Petersburg vicinity, *Petersburg National Battlefield,* southeast, south, and southwest of Petersburg (also in Prince William County).
Rowanta vicinity, *Williamson Site,* 0.9 mile north of intersection of Routes 693 and 703.

Essex County

Caret vicinity, *Blandfield,* 0.7 mile east of intersection of Routes 624 and 17.
Loretto vicinity, *Elmwood,* 0.2 mile southwest of the intersection of Routes 640 and 17.

Fairfax County

Accotink vicinity, *Pope-Leighey House,* east of Accotink off U.S. 1.
Accotink vicinity, *Woodlawn Plantation,* 0.4 mile west of intersection of U.S. 1 and Route 235.
Alexandria vicinity, **Gunston Hall,* 15 miles south of Alexandria on Virginia 242.
Alexandria vicinity, **Washington (George) Plantation, Mount Vernon,* 7 miles south of Alexandria on George Washington Memorial Parkway.
Chantilly vicinity, *Sully,* 0.8 mile northeast of the intersection of Routes 28 and 50.
Lorton, *Pohick Church,* 9201 Richmond Highway.

Falls Church (independent city)

The Falls Church, 115 East Fairfax Street.

Fluvanna County

Bremo Bluff vicinity, *Bremo,* 0.9 mile north of intersection of Routes 15 and 656.
Columbia, *Point of Fork,* west bank of Rivanna River, 0.3 mile north of southeast end of Route 624, 1.3 miles southeast of intersection of Route 624 and Route 656.

Franklin County

Rocky Mount vicinity, *Booker T. Washington National Monument,* 16 miles east of Rocky Mount on Virginia 122.

Frederick County

Middletown vicinity, *Cedar Creek Battlefield and Belle Grove,* on Interstate 81 between Middletown and Strasburg.

Fredericksburg (independent city)

**Kenmore,* 1201 Washington Avenue.
**Monroe Law Office,* 908 Charles Street..
**Rising Sun Tavern,* 1306 Caroline Street.

Gloucester County

Gloucester vicinity, *Abingdon Glebe House,* 0.7 mile south of the intersection of Routes 17 and 615.
Gloucester vicinity, *Rosewell,* 0.1 mile west of Carter Creek, 15 miles southeast of Route 644, 0.3 mile south of intersection of Route 644 and Route 632.
Gloucester vicinity, *Toddsbury,* 1.1 miles east of intersection of Routes 622 and 14 (3).
White Marsh vicinity, *Abingdon Church,* 0.6 mile south of the intersection of Routes 17 and 614.

Goochland County

Goochland, *Goochland County Court Square,* east side of Route 6 (Route 522).
Manakin vicinity, *Tuckahoe,* on James River southeast of Manakin via secondary roads.
Rock Castle vicinity, *Rock Castle,* east side of the southern end of Route 600.

Greene County

Standardsville, *Greene County Courthouse,* northwest corner of Route 649, 0.1 mile south of intersection with Route 33.
Standards vicinity, *Octonia Stone,* 1.7 miles northwest of the intersection of Routes 637 and 1001.

Halifax County

South Boston vicinity, *Berry Hill,* 1.5 miles south of intersection of Routes 659 and 682.

Hampton (independent city)

**Fort Monroe,* Old Point Comfort.
Fort Wool, on island at the entrance to Hampton Roads between Willoughby Spit and Old Point Comfort.
Hampton Institute, south side of Route 60, 0.8 mile northwest of intersection of Route 60 and Hampton Roads Bridge Tunnel.
St. John's Church, northwest corner of West Queen and Court Streets.

Hanover County

Ashland vicinity, *Fork Church,* east side of Route 738 at intersection with Route 685.
Ashland vicinity, **Henry (Patrick) House, Scotchtown,* 10 miles northwest of Ashland on Virginia 685.
Hanover Court House, *Hanover County Courthouse,* east side of Route 301 at intersection of Route 1006 and Route 301.
Richmond vicinity, *Richmond National Battlefield Park* (also in Henrico County and Richmond).
Richmond vicinity, **Ruffin (Edmund) Plantation, Marlbourne,* 11 miles northeast of Richmond on U.S. 360.

Henrico County

Richmond National Battlefield Park (see Hanover County).
Richmond vicinity, *Malvern Hill,* 1.2 miles southeast of intersection of Routes 5 and 156.

Hopewell (independent city)

Appomattox Manor, at the confluence of the James and Appomattox rivers, on the south bank.

Isle of Wight County

Benn's Church, **St. Luke's Church.*
Smithfield, *Old Isle of Wight County Courthouse,* northeast corner of Main and Mason Streets.

James City County

Five Forks vicinity, *Powhatan,* 0.8 mile north of the intersection of Routes 615 and 5.
Jamestown, *Jamestown National Historic Site,* Jamestown Island.
Jamestown and vicinity, *Colonial National Historical Park* (also in Williamsburg and in York County).
Williamsburg vicinity, **Carter's Grove,* 0.2 mile southeast of intersection of Routes 60 and 667.

King George County

Comorn vicinity, *Marmion,* 0.8 mile northeast of intersection of Routes 649 and 609.
King George Court House vicinity, *Nanzatico,* 1.8 miles south of intersection of Routes 650 and 625.

King William County

King William, *King William County Courthouse,* east side of Route 619, 0.1 mile north of intersection of Route 619 and Route 30.
Tunstall vicinity, *Elsing Green,* 2.1 miles southwest of intersection of Routes 632 and 623.
West Point vicinity, *Chelsea,* 1.7 miles north of intersection of Chelsea Road and Route 30.

Lancaster County

Kilmarnock vicinity, **Christ Church,* 3 miles south of Kilmarnock on Virginia 3.
Lively vicinity, *St. Mary's Whitechapel,* 0.1 mile northwest of intersection of Routes 354 and 201.
Weems vicinity, *Corotoman,* south side of the intersection of Routes 222 and 631.

Lee County

Cumberland Gap National Historical Park (see Bell County, Ky.).

Lexington (independent city)

**Barracks, Virginia Military Institute,* north edge of Lexington on U.S. 11.
**Lee Chapel,* Washington and Lee University campus.

Loudoun County

Aldie, *Aldie Historic District,* extending 0.1 mile east of the intersection of Routes 612 and 50, 0.1 mile west of the intersection of Routes 50 and 732, and 0.2 mile north and 0.3 mile south of Route 50.
Leesburg, *Leesburg Historic District,* beginning on the east at the intersection of Loudoun and Market Streets, running northeast parallel to Church Street to the intersection of a line in projection of North Street; then northwest to and along North Street to intersection of Church Street; then northeast parallel to King Street to intersection of a line in projection of Union Street; then northwest along Union Street to the intersection of a line in extension of Liberty Street; then southwest to the intersection of Liberty and North Streets; then northwest along an extension of North Street until intersecting a line in projection of Ayr Street; then southwest along Ayr Street to a point 100 feet southwest of Ayr Street and Twin Branch Creek; then southeast along an extension of South Street to a point 200 feet west of King Street; then southwest parallel to King Street to a point 500 feet south of the railroad; then east across King Street and parallel to South Street for 1,700 feet; then northeast parallel to King Street to the intersection of Loudoun and Market Streets.
Leesburg vicinity, **Monroe (James) House, Oak Hill,* 8 miles south of Leesburg on U.S. 15.
Leesburg vicinity, *Oatlands,* 1 mile south of intersection of Routes 15 and 651.

Leesburg vicinity, *Waterford Historic District*, Virginia 665, 7 miles northwest of Leesburg. A pentagonal-shaped area following topographical features; measuring, from the intersection of Main Street and Second Street, 0.9 mile to the northeast, 1.4 miles to the southeast, 1.2 miles to the southwest, 1.2 miles to the west, and 0.9 mile to the northwest.

Sterling vicinity, *Broad Run Bridge and Tollhouse*, at intersection of Routes 7 and 28 with Broad Run.

Louisa County

Gordonsville vicinity, *Boswell's Tavern*, 0.1 mile southeast of intersection of Routes 22 and 15.

Gordonsville vicinity, *Hawkwood*, 0.5 mile west of the intersection of Routes 617 and 15.

Trevilians vicinity, *Westend*, 1.1 miles south of the intersection of Routes 638 and 22.

Lynchburg (independent city)

The Academy of Music, 522–526 Main Street.
Point of Honor, 112 Cabell Street.

Madison County

Madison, *Madison County Courthouse*, U.S. 29.

Mathews County

Hudgins vicinity, *Cricket Hill (Fort Cricket Hill)*, northeast of Hudgins, 0.2 mile east of the intersection of Routes 669 and 223.

Williams vicinity, *Poplar Grove Mill and House*, west of Williams on secondary road.

Mecklenburg County

Clarksville vicinity, *Prestwould*, 0.1 mile north of Roanoke River, 16 miles southwest of intersection of Route 15 and Route 701, 1 mile north of Clarksville city limits.

Montgomery County

Blacksburg vicinity, *Smithfield*, 1 mile west of Blacksburg city limits.

Elliston vicinity, Fotheringay, 1.4 miles south of intersection of Routes 11 and 631.

Nelson County

Waynesboro, *Swannanoa* (see Augusta County).

New Kent County

New Kent Court House, *St. Peter's Church*, north side of Route 642, 0.4 mile northeast of intersection of Route 642 and Route 609.

Newport News (independent city)

Denbigh Plantation, 0.2 mile southwest of southern end of Lukas Creek Road.

Hilton Village, bounded by the James River on the southwest, Post Street on the northwest, the Chesapeake & Ohio Railroad tracks on the northeast, and Hopkins Street on the southeast.

Jones (Matthew) House, Fort Eustis Military Reservation, intersection of MacAuliffe Avenue and James River Road.

Norfolk (independent city)

U.S. Customshouse, 101 East Main Street.
Myers (Moses) House, southwest corner of East Freemason and North Bank Streets.
Norfolk Academy Building, 420 Bank Street.

Northampton County

Bridgetown, *Hungars Church*, 0.2 mile east of the intersection of Routes 619 and 622.

Bridgetown vicinity, *Vaucluse*, 1.8 miles south of the intersection of Routes 619 and 657.

Bridgetown vicinity, *Winona*, 0.7 mile south of Route 619, 0.4 mile northwest of intersection of Route 619 and Route 622.

Cheapside vicinity, *Custis Tombs*, 1.3 miles northwest of intersection of Routes 644 and 645.

Cheriton vicinity, *Eyre Hall*, 1.6 miles north of intersection of Routes 13 and 680.

Eastville vicinity, *Caserta*, 1 mile northwest of intersection of U.S. 13 and Route 630.

Eastville vicinity, *Pear Valley*, 0.1 mile south of intersection of Routes 689 and 628.

Franktown vicinity, *Glebe of Hungar's Parish*, 1.3 miles northwest of intersection of Routes 622 and 619.

Jamesville vicinity, *Sommers House*, 0.2 mile southwest of intersection of Routes 183 and 691.

Nassawadox vicinity, *Brownsville*, 1.2 miles southeast of the intersection of Routes 608 and 600.

Orange County

Barboursville vicinity, *Barboursville*, 0.5 mile south of intersection of Routes 777 and 678.

Orange vicinity, *Mayhurst*, 0.4 mile southwest of intersection of Routes 15 and 647.

Orange vicinity, *Madison (James) House, Montpelier*, 4 miles west of Orange on Virginia 20.

Page County

Luray, *Arentine Hall*, 143 South Court Street.

Petersburg (independent city)

Battersea, 793 Appomattox Street.
City Market, Cockade Alley.
Exchange Building, 15–19 West Bank Street.

Pittsylvania County

Chatham vicinity, *Little Cherrystone*, 0.1 mile north of intersection of Routes 703 and 832.

Portsmouth (independent city)

Drydock No. 1, Norfolk Naval Shipyard.
Portsmouth Courthouse, northeast corner of Court and High Streets.
Portsmouth Olde Towne Historic District, bounded on the north by Crawford Parkway, on the south by London Street, on the east by the Elizabeth River, and extending 0.1 mile west of Washington Street.

Powhatan County

Powhatan Court House, *Powhatan Court House Historic District*, 0.2 mile north and south and 0.1 mile east and west of Routes 13 and 300.

Powhatan vicinity, *Belmead*, 0.5 mile northwest of intersection of Routes 663 and 600.

Prince Edward County

Briery vicinity, *Briery Church*, 0.3 mile north of intersection of Routes 747 and 671.

Hampden-Sydney, *Hampden-Sydney College Historic District*, bounded approximately by the campus of Hampden-Sydney College.

Prince George County

Petersburg National Battlefield (see Dinwiddie County).

Brandon vicinity, *Brandon*, west bank of the James River at end of Route 611.

Hopewell vicinity, *Merchant's Hope Church*, 0.5 mile west of intersection of Route 641 and Virginia 10.

Prince William County

Dumfries, *Old Hotel*, U.S. 1.

Manassas vicinity, *Manassas National Battlefield Park*.

Minnieville vicinity, *Bel Air*, 0.9 mile west of Route 640.

Pulaski County

Radford vicinity, *Ingles Ferry*, 0.9 mile north of intersection of Routes 611 and 624.

Richmond (independent city)

Beers (William) House, 1228 East Broad Street.
Bell Tower, Capitol Square.
Branch Building, 1015 East Main Street.
Donnan-Asher Iron Front Building, 1207–1211 East Main Street.
Egyptian Building, southwest corner of East Marshall and College Streets.
First African Baptist Church, northeast corner of College and East Broad Streets.
First Baptist Church, northwest corner of 12th and Broad Streets.
Governor's Mansion, Capitol Square.
Hancock-Wirt-Caskie House, 2 North Fifth Street.
Hollywood Cemetery, 412 Cherry Street.
James River and Kanawha Connection Locks, south of Cary Street between 10th and 13th Streets.
Jefferson Hotel, northeast corner, West Main and North Jefferson Streets.
Kent-Valentine House, 12 East Franklin Street.
Leigh (Benjamin Watkins) House, 1000 East Clay Street.
Main Street Station, 1520 East Main Street.
Marshall (John) House, Ninth and Marshall Streets.
Maupin-Maury House, 1105 East Clay Street.
Monument Avenue Historic District, bounded on the southeast by a straight line running from the center of the block on Grace Street between Ryland and Lombardy Streets to the intersection of Birch Street and Park Avenue; on the southwest by Park Avenue to Belmont Avenue and then west in a straight line to the intersection of Roseneath Road and Wythe Avenue; on the northwest by a straight line from Wythe Avenue and Roseneath Road to Grace Street and Roseneath Road; and on the northeast by Grace Street.
Monumental Church, 1224 East Broad Street.
Morson's Row, 219–223 Governor Street.
Putney Houses, 1010–1012 East Marshall Street.
Richmond City Hall, bounded by 10th, Broad, 11th, and Capitol Streets.
Richmond National Battlefield Park, East Broad Street.
St. John's Church Historic District, bounded roughly by 22nd Street on the west, Marshall Street on the north, East Franklin Street on the south, and 29th Street on the east.
St. John's Episcopal Church, East Broad Street between 24th and 25th Streets.
St. Paul's Church, 815 East Grace Street.
St. Peter's Church, 800 East Grace Street.
Sheltering Arms Hospital, 1008 East Clay Street.
Stearns Iron Front Building, 1007–1013 East Main Street.
U.S. Post Office and Customshouse, 1000 East Main Street.
Valentine Museum, 1005–1015 East Clay Street.
Virginia State Capitol (Second Confederate Capitol), Capitol Square.
White House of the Confederacy, Clay and 12th Streets.
William J. Clark Library and Barco-Stevens Hall, west side of Lombardy Street at intersection with Brook Road.

Richmond County

Ethel vicinity, *Menokin*, 0.8 mile southwest of Route 690, 1.2 miles northwest of intersection of Routes 690 and 621.

Tappahannock vicinity, *Sabine Hall*, 1.4 miles south of intersection of Routes 624 and 360.

Warsaw vicinity, *Tayloe (John) Plantation, Mount Airy*, 1 mile west of Warsaw on U.S. 360.

Rockbridge County

Lexington vicinity, *Timber Ridge Presbyterian Church*, 0.3 mile southwest of intersection of Routes 11 and 716.

Staunton vicinity, *McCormick (Cyrus) Farm and Workshop*, 18 miles south of Staunton on U.S. 11 and Rockbridge County 606 at Walnut Grove.

Shenandoah County

Middletown vicinity, *Fort Bowman*, 0.4 mile northeast of intersection of Routes 11 and 660.

New Market vicinity, *New Market Battlefield Park*, 1 mile north of the intersection of Routes 11 and 211.

Smyth County

Marion vicinity, *Preston House, Herondon*, 0.1 mile south of intersection of Routes 645 and 11.

Spotsylvania County

Fredericksburg vicinity, *Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park*, Fredericksburg and the area in Spotsylvania County to the west and southwest.

Stafford County

Brooke vicinity, *Potomac Creek Site*, north bank of Potomac Creek at confluence with Accokeek Creek.

Falmouth, *Falmouth Historic District*, extending from the intersection of Routes 1 and 17, 0.3 mile north, 0.6 mile east, 0.2 mile south, and 0.3 mile west.

Falmouth, *Melchers (Gari) Home, Belmont*.

Garrisonville vicinity, *Aquia Church*, 0.1 mile north of intersection of Routes 1 and 610.

Staunton (independent city)

Western State Hospital, Main Building, southeast corner of Greenville Avenue and Route 250.

Virginia School for the Deaf and Blind, southeast side of intersection of East Beverly Street and Pleasant Terrace.

Wilson (Woodrow) Birthplace, North Coalter Street between Beverly and Frederick Streets.

Surry County

Bacon's Castle, *Allen (Arthur) House, Bacon's Castle*.

Jamestown vicinity, *Chippokes Plantation*, south bank of James River between College Run on the west and Lower Chippokes Creek on the east, opposite Jamestown Island.

Surry vicinity, *Four Mile Tree*, 0.2 mile northeast of the intersection of Routes 610 and 618.

Surry vicinity, *Smith's Fort*, 0.8 mile northeast of the intersection of Routes 31 and 620.

Sussex County

Grizzard vicinity, *Fortsville*, 1.6 miles southeast of the intersection of Routes 612 and 611.

Homeville vicinity, *Chester*, 0.2 mile north of the intersection of Routes 625 and 35.

Tazewell County

Maiden Spring vicinity, *Indian Paintings*, 2½ miles northwest of Maiden Spring.

Virginia Beach (independent city)

Cape Henry Lighthouse, Atlantic Avenue at U.S. 60.

Pembroke Manor, 1.5 miles east of intersection of Routes 58, 627, and 647.

Thoroughgood (Adam) House, 4 miles east of Norfolk on Lynnhaven River.

Wishart-Bousch House, 0.4 mile east of intersection of Route 649 and Absalom Road.

Warren County

Cedar Creek Battlefield and Belle Grove (see Frederick County).

Millidale, *Mount Zion*, 0.7 mile northeast of intersection of Routes 624 and 639.

Washington County

Abingdon, *Abingdon Bank*, 225 East Main Street.

Abingdon, *Abingdon Historic District*, extending 0.1 mile north and south of Main Street (Route 11) and 0.3 mile northeast and southwest of intersection of Main and Cummings Streets.

Westmoreland County

Fredericksburg vicinity, *George Washington Birthplace National Monument*, 38 miles east of Fredericksburg via Virginia 218, 301, and 705.

Stratford, *Lee (Thomas) Plantation, Stratford Hall*.

Tucker Hill vicinity, *Yeocomico Church*, on Route 606, 0.5 mile southwest of Tucker Hill.

Williamsburg (independent city)

Bruton Parish Church, Duke of Gloucester Street.

Colonial National Historical Park (see James City County).

Randolph (Peyton) House, intersection of Nicholson and North England Streets.

Semple (James) House, south side of Francis Street between Blair and Waller Streets.

Williamsburg Historic District, bounded by Francis, Waller, Nicholson, North England, Lafayette, and Nassau Streets.

Wren Building, College of William and Mary, College of William and Mary campus.

Wythe House, west side of the Palace Green.

Winchester (independent city)

Handley Library, northwest corner of Braddock and Piccadilly Streets.

Jackson (Thomas J.) Headquarters, 415 North Braddock Street.

Wythe County

Max Meadows vicinity, *Shot Tower*, 0.1 mile west of intersection of Route 608 and Route 52, 2.3 miles southeast of intersection of Route 52 and Route 619.

York County

Colonial National Historical Park (see James City County).

Lackey vicinity, *Lee House, Kiskiack*, 2.4 miles northeast of intersection of Routes 238 and 168.

Yorktown, *Grace Church*, intersection of Route 1003 and Main Street.

WASHINGTON

Clark County

Vancouver, *Fort Vancouver National Historic Site*.

Franklin County

Lyons Ferry vicinity, *Marmes Rockshelter*, 1 mile north of Lyons Ferry on west side of Palouse River.

Jefferson County

Port Townsend, *Fowler, Captain Enoch S., House*, corner of Polk and Washington Streets.

Port Townsend, *James, Francis Wilcox, House*, corner of Washington and Harrison Streets.

Port Townsend, *Leader Building (Fowler Building)*, 226 Adams Street.

Port Townsend, *Manresa Hall (Eisenbeis Castle)*, Sheridan Street.

Port Townsend, *St. Paul's Episcopal Church*, corner of Jefferson and Tyler Streets.

Port Townsend, *Starrett House*, 744 Clay Street.

King County

Redmond vicinity, *Marymoor Prehistoric Indian Site*, 6046 West Lake Sammamish Parkway NE.

Seattle, *Pike Place Market Historic District*, bounded roughly by First Avenue and Stewart Street on the northeast, News Lane on the east Union Street on the southeast, Western Avenue on the west, and Virginia Street on the northwest.

Seattle, *Pioneer Hall*, 1642 43rd Avenue East.

Seattle, *Pioneer Square-Skid Road Historic District*, starting at the intersection of Alaskan Way Viaduct and Columbia Street, proceeding east to the midpoint between First and Second Avenues; then south to Cherry Street and east on Cherry to the midpoint between Second and Third Avenues; then south to a point about 75 feet north of Washington Street, then east to Third Avenue South; and south to a point about 75 feet south of Washington Street; proceeding west to Second Avenue South, then south to the midpoint between South Jackson and South King Streets; west to the midpoint between Occidental Avenue South and First Avenue South, then south to South King Street and west to First Avenue South; then south to a point about 125 feet south of South King Street, then west to the Alaskan Way Viaduct and north to the intersection with Columbia Street.

Seattle, *Wawona* (schooner), Seattle Police Harbor Patrol Dock, foot of Densmore Street.

Kitsap County

Port Gamble, *Port Gamble Historic District*.

Pacific County

Chinook vicinity, *Chinook Point*, 0.5 mile southeast of Fort Columbia Historical State Park on U.S. 101.

Pierce County

Tacoma, *Fort Nisqually Granary*, Point Defiance Park.

San Juan County

Friday Harbor vicinity, San Juan Island, *San Juan Island National Historical Park*.

Walla Walla County

Walla Walla vicinity, *Whitman Mission National Historic Site*, 8 miles west of Walla Walla off U.S. 410.

Whatcom County

Bellingham, *Whatcom Museum of History and Art*, 121 Prospect Street.

WEST VIRGINIA

Berkeley County

Martinsburg, *Boydville*, 601 South Queen Street.

Martinsburg, *Stephen, Adam, House*, 309 East John Street.

Brooke County

Bethany, *Old Main, Bethany College*, Bethany College campus.

Bethany vicinity, *Campbell, Alexander, Mansion*, east of Bethany on West Virginia 67.

Jefferson County

Harpers Ferry, *Harpers Ferry National Historical Park* (also in Washington County, Md.).

Kanawha County

Charleston, *Craik-Patton House (Elm Grove)*, 1316 Lee Street.

Dunbar, *Dutch Hollow Wine Cellars*, Dutch Hollow Road.

South Charleston, *South Charleston Mound (Criel Mound)*, in a triangle formed by Oakes, MacCorkle, and Seventh Avenues.

Marshall County

Moundsville, *Grave Creek Mound*, Tomlinson and Ninth Streets.

Mason County

Point Pleasant vicinity, *Point Pleasant Battleground*, confluence of the Ohio and Kanawha rivers.

Mineral County

Fort Ashby, *Fort Ashby*, South Street.

Monongalia County

Cheat Neck vicinity, *Henry Clay Furnace*, southeast of Cheat Neck in Cooper's Rock State Forest.

Morgantown, *Wade (Alexander) House*, 256 Prairie Street.

Monroe County

Sweet Springs, *Old Sweet Springs*, West Virginia 3, 0.5 mile from the Virginia line.

Morgan County

Chesapeake and Ohio Canal National Monument (see Allegany County, Md.).

Ohio County

Wheeling, *Independence Hall*, 16th and Market Streets.
Wheeling, *Shepherd Hall (Monument Place)*, Monument Place and Kruger Street.
Wheeling, *Wheeling Suspension Bridge*, across the Ohio River, east channel, from 10th Street to Wheeling Island.

Pocahontas County

Droop vicinity, *Droop Mountain Battlefield State Park*, west side of U.S. 219 between Droop and Hillsboro.
Hillsboro vicinity, *Buck (Pearl) House*, northeast of Hillsboro on U.S. 219.

Raleigh County

Beckley, *Wildwood (General Alfred Beckley Home)*, 117 Laurel Terrace.

Randolph County

Elkins, *Graceland (Henry Gassaway Davis Home)*, Davis and Elkins College.

Tucker County

Pierce vicinity, *Fairfax Stone Historical Monument*, northeast of Pierce.

WISCONSIN

Brown County

Green Bay, *Baird Law Office*, 2630 South Webster Avenue.
Green Bay, *Cotton House*, 2632 South Webster Avenue.
Green Bay, *Hazlewood*, 1008 South Monroe Avenue.
Green Bay, *Tank Cottage*, 10th Avenue and Fifth Street.

Columbia County

Portage vicinity, *Fort Winnebago Surgeon's Quarters*, 0.1 mile east of the corporate city limits on Wisconsin 33.

Crawford County

Prairie du Chien, **Astor Fur Warehouse*, Water Street, St. Feriole Island.
Prairie du Chien, **Brisbois (Michael) House*, Water Street, St. Feriole Island.
Prairie du Chien, **Dousman Hotel*, Water Street, St. Feriole Island.
Prairie du Chien, **Second Fort Crawford*, bank of the Mississippi River.
Prairie du Chien, **Villa Louis*, St. Feriole Island.

Dane County

Madison, **North Hall, University of Wisconsin*, University of Wisconsin campus.
Madison, *Wisconsin State Capitol*, Capitol Square.
Maple Bluff, **La Follette (Robert M.) Home*, 733 Lakewood Boulevard.

Door County

Fish Creek vicinity, *Eagle Bluff Lighthouse*, 3.5 miles north of Fish Creek on Shore Road, in Peninsula State Park.

Douglas County

Solon Springs vicinity, *Brule-St. Croix Portage*, about 3 miles northeast of Solon Springs in Brule River State Forest.

Grant County

Cassville vicinity, *Stonefield*, 2.5 miles west of Cassville, on County Route VV.

Jefferson County

Fort Atkinson, *Panther Intaglio Effigy Mound*, on Wisconsin 106 at west corporate city limits.
Lake Mills vicinity, **Aztalan*, near Lake Mills on Wisconsin 89, Aztalan State Park.

Lafayette County

Belmont vicinity, *First Capitol*, 3 miles north and 1 mile west of Belmont.

Marinette County

Peshtigo, *Peshtigo Fire Cemetery*, Oconto Avenue between Peck and Ellis Avenues.

Oconto County

Oconto, **Oconto Site*, Copper Culture State Park.

Rock County

Janesville, *Lincoln-Tallman House*, 440 North Jackson Street.

Sauk County

Baraboo, *Ringling Brothers Circus Headquarters, Ringlingville*, bounded roughly by Water Street on the north, Briar Street on the east, Lynn Street on the south, and East Street on the west.

Washington County

West Bend vicinity, *Lizard Mound State Park*, 3 miles northeast of West Bend on Wisconsin 144, then 0.33 mile east on County Route A.

WYOMING

Big Horn County

Kane vicinity, **Medicine Wheel (Indian site)*, just north of U.S. 14 alternate, about 15 miles east of Kane.

Carbon County

Elk Mountain vicinity, *Fort Halleck*, NW¼NE¼NE¼ sec. 20, T. 20 N., R. 18 W.
Rawlins vicinity, *Bridger's Pass*, SE¼NW¼ sec. 8, T. 18 N., R. 89 W.
Fort Fred Steele vicinity, *Fort Fred Steele*, on North Platte River at point of Union Pacific Railroad crossing.
Independence Rock vicinity, **Sun (Tom) Ranch*, 6 miles west of Independence Rock on Wyoming 220 (also in Natrona County).

Converse County

Glenrock vicinity, *Glenrock Buffalo Jump*, about 2 miles west of Glenrock Interchange on Int. 25.
Orpha vicinity, *Fort Fetterman*, Orpha County Road, 0.1 mile west of Orpha Road, 7 miles north of Int. 25.

Fremont County

Fort Washakie, *Fort Washakie*, on U.S. 287.
Moneta vicinity, *Castle Gardens Petroglyph Site*, c. 28 miles south of Moneta on U.S. 20–26.
South Pass City, *South Pass City*, sec. 20, T. 29 N., R. 100 W.
South Pass City vicinity, **South Pass*, 10 miles southwest of South Pass City on Wyoming 28.
Union Pass, on Continental Divide, 12 miles west-southwest of Wind River Ranger Station, Shoshone National Forest; 16 miles north-northeast of Kendall Ranger Station, Bridger National Forest; 20 miles east-southeast of Goose Wing Ranger Station, Teton National Forest.

Goshen County (also in Niobrara County)

Lusk vicinity, *Cheyenne-Black Hills Stage Route and Rawhide Buttes and Running Water Stage Stations*, 1 mile west of Lusk to c. 15 miles southwest of Lusk (includes both stage stations).
Fort Laramie vicinity, *Fort Laramie National Historic Site*, 3 miles southwest of Fort Laramie.

Hot Springs County

Thermopolis vicinity, *Woodruff Cabin Site*, 26 miles northwest of Thermopolis, 18 miles west on County Route 0900 from intersection with Wyoming 120.

Johnson County

Story vicinity, **Fort Phil Kearny*, on secondary road west of U.S. 87.
Sussex vicinity, *Fort Reno*, SE¼SE¼NW¼ sec. 33, T. 45 N., R. 78 W.

Laramie County

Cheyenne, *Governor's Mansion*, 300 East 21st Street.
Cheyenne, *St. Mark's Episcopal Church*, 1908 Central Avenue.
Cheyenne vicinity, *Francis E. Warren Air Force Base*, bounds against the west side of Cheyenne, the two are roughly separated by Interstate 25.

Lincoln County

La Barge vicinity, *Names Hill*, on the Green River, 5 miles south of La Barge, just west of U.S. 189.

Natrona County

Casper vicinity, **Independence Rock*, 60 miles southwest of Casper on Wyoming 220.
**Sun (Tom) Ranch* (see Carbon County).

Niobrara County

Cheyenne-Black Hills Stage Route and Rawhide Buttes and Running Water Stage Stations (see Goshen County).
Van Tassell, *Ferdinand Branstetter Post No. 1, American Legion*, lots 1 and 2, block 8, sec. 17, T. 31 N., R. 60 W.

Park County

Cody vicinity, **Horner Site*, 4 miles northeast of Cody on U.S. 20.
Wapiti vicinity, **Wapiti Ranger Station*, Shoshone National Forest.

Platte County

Chugwater, **Swan Land and Cattle Company Headquarters*, east side of Chugwater.
Guernsey vicinity, **Oregon Trail Ruts*, south side of the North Platte River, 0.5 mile south of Guernsey.
Guernsey vicinity, *Register Cliff*, NW¼NW¼ sec. 7, T. 26 N., R. 65 W.

Sheridan County

Sheridan, **Sheridan Inn*, Broadway and Fifth Street.
Sheridan, *Trail End*, 400 Clarendon Avenue.

Sublette County

Daniel vicinity, *Father De Smet's Prairie Mass Site*, S½SE¼ sec. 36, T. 34 N., R. 111 W.
Daniel vicinity, **Upper Green River Rendezvous Site*, on Green River above and below Daniel.
Pinedale vicinity, *Fort Bonneville*, NE¼NE¼ sec. 30, T. 34 N., R. 111 W.
Union Pass (see Fremont County).

Sweetwater County

Granger, *Granger Stage Station*, NW¼NW¼NE¼ sec. 32, T. 19 N., R. 111 W.
Green River, **Expedition Island*.
Rock Springs vicinity, *Point of Rocks Stage Station*, SW¼SW¼ sec. 27, T. 20 N., R. 101 W.

Teton County

Jackson vicinity, *Miller Cabin*, c. 3 miles east of Jackson's central square, along Main Street; follow northeast fork of road for 1 mile beyond city limits.
Moose, *Menor's Ferry*, on the Snake River.

Uinta County

Fort Bridger vicinity, *Fort Bridger*, on Black's Fork of the Green River near town of Fort Bridger.

Weston County

Newcastle vicinity, *Jenney Stockade*, NE¼NW¼ sec. 7, T. 44 N., R. 60 W.

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Federal Aviation Administration
Federal Communications Commission
Federal Insurance Administration
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Federal Power Commission
Federal Railroad Administration
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Food and Drug Administration
General Services Administration
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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 468]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.768 Lemon Regulation 468.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 21, 1971, through February 27, 1971, are hereby fixed as follows:

(i) District 1: 27,000 Cartons;

(ii) District 2: 153,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 19, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–2482 Filed 2–19–71;12:00 pm]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that two positions of Private Secretary to the Administrator and one position of Private Secretary to the Deputy Administrator of the National Oceanic and Atmospheric Administration are excepted under Schedule C. The section is also amended to show that the positions of the Secretaries to the Administrator and Deputy Administrator of the former Environmental Science Services Administration are no longer in Schedule C. Effective on publication in the FEDERAL REGISTER 2–23–71, paragraph (p) is revoked in its entirety, and paragraph (r) is added to § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(p) [Revoked]

• • • • • •

(r) *National Oceanic and Atmospheric Administration.* (1) Two Private Secretaries to the Administrator.

(2) One Private Secretary to the Deputy Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–2456 Filed 2–22–71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Confidential Assistant to the Commissioner, Social Security Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, 2–23–71 subparagraph (2) of paragraph (1) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(1) *Social Security Administration.*

• • •

(2) Two Confidential Assistants to the Commissioner.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.71–2457 Filed 2–22–71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the following positions are no longer excepted under Schedule C: one Private Secretary and one Executive Assistant to the Governor of the Virgin Islands, one Private Secretary to the Governor of Guam, and one Secretary to the Government Secretary of Guam. Effective on publication in the FEDERAL REGISTER 2–23–71, subparagraphs (4), (5), (8), and (9) of paragraph (l) of § 213.3312 are revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–2458 Filed 2–22–71;8:50 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that two positions of Confidential Secretary to the Executive Secretary (interdepartmental activities) are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER 2-23-71, subparagraph (28) of paragraph (a) of § 213.3373 is added as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* • • •

(28) Two Confidential Secretaries to the Executive Secretary (interdepartmental activities).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2459 Filed 2-22-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10857; Amdt. No. 743]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Wasington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective March 18, 1971.

Butler, Pa.—Butler-Graham Airport; VOR-A, Amdt. 1; Revised.
Del Rio, Tex.—Del Rio International Airport; VOR-A, Amdt. 5; Revised.
Gadsden, Ala.—Gadsden Municipal Airport; VOR Runway 6, Amdt. 7; Revised.
Minneapolis, Minn—Crystal Airport; VOR-A, Amdt. 4; Revised.
Peoria, Ill.—Greater Peoria Airport; VOR Runway 12, Amdt. 10; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; VOR Runway 3, Amdt. 10; Revised.
Racine, Wis.—Horlick-Racine Airport; VOR Runway 22, Original; Established.
Raliegh, N.C.—Raleigh-Durham Airport; VOR Runway 5, Amdt. 8; Revised.
Raleigh, N.C.—Raleigh-Durham Airport; VOR Runway 23, Amdt. 9; Revised.
Santa Ana, Calif.—Orange County Airport; VOR Runway 19R, Amdt. 11; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR-A, Amdt. 1; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR Runway 12, Amdt. 5; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; VOR/DME Runway 21, Amdt. 1; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective March 18, 1971.

San Antonio, Tex.—International Airport; LOC (BC) Runway 30L, Amdt. 2; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 4, 1971.

Goodland, Kans.—Renner Field/Goodland Municipal Airport; NDB Runway 12, Original, Canceled.
Goodland, Kans.—Renner Field/Goodland Municipal Airport; NDB Runway 30, Original; Canceled.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 18, 1971.

Butler, Pa.—Butler-Graham Airport; NDB Runway 36, Amdt. 9; Revised.
Cleveland, Ohio—Cuyahoga County Airport; NDB Runway 23, Amdt. 3; Revised.
Glasgow, Ky.—Glasgow Municipal Airport; NDB Runway 7, Amdt. 1; Revised.
Islip, N.Y.—Long Island-MacArthur Airport; NDB Runway 6, Amdt. 9; Revised.
Lawrenceburg, Tenn.—Lawrenceburg Municipal Airport; NDB-A, Amdt. 1; Revised.
LeMars, Iowa—LeMars Municipal Airport; NDB Runway 18, Amdt. 1; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; NDB Runway 21, Amdt. 11; Revised.
Racine, Wis.—Horlick-Racine Airport; NDB Runway 22, Amdt. 6; Revised.
San Antonio, Tex.—International Airport; NDB Runway 30L, Amdt. 2; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 18, 1971.

Islip, N.Y.—Long Island-MacArthur Airport; ILS Runway 6, Amdt. 10; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; ILS Runway 21, Amdt. 14; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 17L, Amdt. 3; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 35R, Amdt. 19; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 18, 1971.

Newport News, Va.—Patrick Henry Airport; Radar-1, Original; Established.

7. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 18, 1971.

Atlanta, Ga.—Fulton County Airport; RNAV Runway 8R, Original; Established.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; RNAV Runway 31, Original; Established.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; RNAV Runway 35, Original; Established.
San Diego, Calif.—Gillespie Airport; RNAV Runway 27R, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 30, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 12, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[FR Doc.71-2356 Filed 2-22-71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[14th Gen. Rev., Export Regs. (Amdt. 14)]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 368, 370, 371, 372, 373, 375, 376, 377, 379, and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: February 18, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION CERTIFICATE

In § 368.1(a)(2), subdivision (i) is amended to read as follows:

§ 368.1 Effect of regulations.

(a) • • •

(2) *Commodities covered and administering U.S. agencies.*—(i) *Office of Export Control.* The Office of Export Control will receive from importers in the United States the representations regarding the intended destination of commodities and will provide a certification that such representations have been made (*a*) for commodities under the export control jurisdiction of the Office of Export Control that are identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), and (*b*) by agreement with the Atomic Energy Commission, for commodities classified as "source material," "by-product material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission (see § 370.10 (e) of this subchapter).

In § 368.2(a)(8), subdivision (i) is amended to read as follows:

§ 368.2 International Import Certificate.

(a) • • •

(8) *Approval of shipment, transfer, or sale of commodities to a foreign consignee before delivery under International Import Certificate.*—(i) The written approval of the Office of Export Control is required before commodities covered by a U.S. International Import Certificate, whether or not bearing a triangle, may be shipped to a destination other than the United States or Canada or sold to a foreign purchaser, and before title to or possession of such commodities may be transferred to foreign transferee.[1] This requirement does not apply after the commodities have been delivered in accordance with the undertaking set forth in the Certificate.

• • • • • •

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

In § 370.2(a), subparagraphs (17), (21), and (22) are amended to read as follows:

§ 370.2 Definitions of terms.

(a) • • •

(17) *Export control commodity numbers.* The commodity classification numbers used in § 399.1 of the Export Control Regulations in this subchapter. The Export Control Commodity Number is composed of the first one to five digit(s) of the corresponding seven-digit Schedule B commodity classification number applicable to the commodity(ies).

• • • • • •

(21) *Periodic Requirements License* (*§ 373.5 of this subchapter*). A special license authorizing the export during a 1-year period of one or more commodities identified by the symbol "P" in the last column of the Commodity Control List (§ 399.1 of this subchapter) to one or more ultimate consignees in a named ultimate destination.

(22) *Project License* (*§ 373.2 of this subchapter*). A special license authorizing the export of commodities (and technical data where specified) required for a specified activity during a period of approximately 1 year from the issuance of the license.

• • • • • •

In § 370.3(a)(1), subdivision (iii) is amended to read as follows:

§ 370.3 Prohibited exports.

(a) • • •

(1) • • •

(iii) The following commodities: Copper bearing ash and residues (Export Control Commodity No. 28); Copper or copper base alloy waste and scrap (Export Control Commodity No. 28); Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content (Export Control Commodity No. 28); Copper-base alloy ingots (Export Control Commodity No. 682); Refined copper fragments and unwrought forms of refined copper dervied from such copper fragments (Export Control Commodity No. 682); and Walnut logs, lumber, and veneers (Export Control Commodity Nos. 24 and 63); and

• • • • • •

In § 370.6, paragraph (a) is amended to read as follows:

§ 370.6 Shipments entering foreign trade zones.

• • • • • •

(a) *Country Group W, X, Y, or Z.* Shipments to Country Group W, X, Y, or Z (see Supplement No. 1 to Part 370 for list of countries in each Country Group) require a validated license if a shipment of similar commodities or technical data of U.S. origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

• • • • • •

In § 370.7, paragraph (c) is amended to read as follows:

§ 370.7 Unauthorized disposition of foreign excess personal property purchased from the U.S. Armed Forces in foreign countries.

• • • • • •

(c) *Enforcement.* By arrangement with the Department of Defense, in enforcing the provisions of this § 370.7, the Office of Export Control will apply the prohibitions and sanctions of Parts 387 and 388 of this subchapter to:

(1) Cases involving any commodity of U.S. origin that is, or is attempted to be, transshipped, diverted, or reexported to Country Group Z; and

(2) Cases involving generally, but not exclusively, any commodity identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) that is, or is attempted to be, transshipped, diverted, or reexported to Country Group Y.

Section 370.9 is amended to read as follows:

§ 370.9 Shipments which transit Country Group Y or Z en route to any other destination.[1]

The export from the United States of commodities or technical data to be unladen from a vessel or aircraft in Country Group Y or Z, or to more in transit

[1] The attention of U.S. purchasers is directed to the Transaction Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 505.01 et seq.). These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, or any merchandise in any foreign country when the transaction involves a shipment from any foreign country to Country Group W, Y, or Z (except Cuba, for which the Cuban Assets Control Regulations mentioned below restrict shipments to Cuba), of merchandise identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List § 399.1), or of a type prohibited by any of the several regulations referred to in § 370.10. (See Supplement No. 1 to Part 370 for Country Group designations.) The attention of purchasers is also directed to the Foreign Assets Control Regulations and the Cuban Assets Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, sections 500.101 et seq. and 515.101 et seq.). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, North Vietnam, Cuba, or nationals thereof, have, or have had, any interest, direct or indirect, since Dec. 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese, North Vietnamese, or Cuban origin, or is Chinese type merchandise specified in the Regulations.

The Cuban Assets Control Regulations, which parallel the Foreign Assets Control Regulations, apply to Cuba and its nationals. (See The Cuban Assets Control Regulations of the U.S. Treasury Department, Title 31 of the Code of Federal Regulations, sections 515.101 et seq.)

The Rhodesian Sanctions Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, section 530.101 et seq.) also contain restrictions of interest to U.S. purchasers. These regulations prohibit, unless licensed, the importation of merchandise of Rhodesian origin; transfers of property which involve merchandise destined to Southern Rhodesia or to or for the account of business nationals thereof; other transfers of property to or on behalf of or for the benefit of any person in Rhodesia; and the importation of ferrochrome produced in any country from chromium ore or concentrates of Rhodesian origin.

through Country Group Y or Z en route to Canada or a destination in Country Group S, T, V, W, or X, is hereby prohibited unless a validated license specifically authorizes the transshipment or intransit shipment, or both except:

(a) An export to West Berlin which will transit East Germany (the Soviet Zone of Germany and the Soviet Sector of Berlin); or

(b) An export of technical data or of a commodity not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List, to any destination not in Country Group Y or Z, provided that shipment is exportable under a general license directly from the United States to the country of transit or unlading in Country Group Y or Z. (Transshipment authority does not relieve any person from complying with foreign laws. See § 374.9 of this subchapter.)

PART 371—GENERAL LICENSES

In § 371.6, paragraph (a) is amended to read as follows:

§ 371.6 General License baggage.

(a) *Scope.* A general license designated "Baggage" is established, authorizing subject to the provisions of this § 371.6, a person leaving the United States to take to any destination, as personal baggage, accompanied or unaccompanied, the classes of commodities listed in paragraphs (b) (1), (2), (3), and (4) of this section, provided the commodities are owned by such person or members of his immediate family; are intended for and necessary and appropriate for the use of such person or members of his immediate family; and are not intended for sale. Accompanied baggage is that taken by a person departing from the United States on the same carrier on which he departs. Unaccompanied baggage is baggage sent from the United States on a carrier other than that on which a person departs. Unaccompanied shipments under this general license shall be clearly marked "Baggage." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after departure of the consignee or owner from the United States. However, only commodities not identified by code letter "A," "B," "C," or "M," following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be taken out of the United States to Country Group S, W, Y, or Z under this general license. This general license may not be used by members of crews of vessels or aircraft (see § 371.11 for General License Crew).

• • • • • •

In § 371.9(b), subparagraph (4) is amended to read as follows:

§ 371.9 General License Ship Stores.

• • • • • •

(b) *Restrictions on petroleum and petroleum products.* • • •

(4) *Restricted commodities.* Subparagraphs (1), (2), and (3) of this paragraph apply to the following commodities:

Export Control Commodity Number and Commodity Description	
3	Petroleum crude, including shale oil.
3	Gasoline, excluding jet fuel.
3	Gasoline, blending agents, hydrocarbon compounds only, n.e.c.
3	Jet fuels, all types.
3	Kerosene.
3	Distillate fuel oils.
3	Residual fuel oils.
3	Cylinder bright stock, including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. (98.8° C.) of 95 seconds or more.
3	Lubricating oils and greases.
3	Mineral waxes.
3	Aliphatic naphtha, in containers over 4 oz.; mineral spirits, solvents and other finished light aliphatic products, n.e.c.
3	Insulating or transformer oils, cutting oils, white mineral oils (excluding medicinal grade).
3	Petroleum coke.
3	Petroleum bitumen and other petroleum and shale oil residues.
3	Bituminous mixtures, based on asphalt, petroleum, etc.

In § 371.18(b), subparagraph (1) is amended to read as follows:

§ 371.18 General License Gift: shipments of gift parcels.

• • • • • •

(b) *Commodity, value, and other limitations*—(1) *Commodity limitations.* Only those commodities that are (i) not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), and (ii) normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceutical preparations in dosage form, may be included in a gift parcel. The export of military wearing apparel to Country Group X, Y, or Z under this general license is specifically prohibited, regardless of whether all distinctive U.S. military insignia buttons and other markings are removed.

• • • • • •

In § 371.22(c), subparagraph (1) is amended to read as follows:

§ 371.22 General License GTE: temporary exports.

• • • • • •

(c) *Exceptions*—(1) *Destinations.* No commodity may be exported under the provisions of this General License to Country Group S or Z, and only commodities not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be exported to Country Group W or Y. These exceptions apply also to any vessel, aircraft, or extraterritorial point under ownership, control, lease, or charter by any of the countries mentioned in this § 371.22 (c) (1) or to any national thereof.

• • • • • •

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

In § 372.2, paragraph (b) is amended to read as follows:

§ 372.2 Types of validated licenses.

• • • • • •

(b) *Types.* The types of validated licenses are:

(1) An "individual license" is any validated license, other than those named in subparagraphs (2) through (6) of this paragraph, authorizing the export of technical data or a specified quantity of commodities during a specified period to a designated consignee.

(2) A "Project License" (§ 373.2 of this subchapter) authorizes the export of commodities (and technical data where specifically authorized) required for a specified activity for a period of approximately 1 year from the issuance of the license. Renewals may be valid for up to 2 years.

(3) A "Distribution License" (§ 373.3 of this subchapter) authorizes the export of certain commodities to approved consignees in Country Group T and certain specified countries in Country Group V during a period of 1 year. Renewals may be valid for up to 2 years. The consignees must be foreign distributors or users of the licensed commodity.

(4) A "Periodic Requirements License" (§ 373.5 of this subchapter) authorizes the export during a 1-year period of one or more commodities identified by the symbol "P" in the last column of the Commodity Control List (§ 399.1 of this subchapter) to one or more named ultimate consignees in a named ultimate destination.

(5) A "Time Limit License" (§ 373.6 of this subchapter) authorizes the export of an unlimited quantity of commodities for a period of 1 year to one or more ultimate consignees located in Country Group T.

(6) A "Service Supply (SL) License" (§ 373.7(d)(1) of this subchapter) authorizes a U.S. exporter or manufacturer to export spare and replacement parts to Country Group T, V, or X (and, in a more limited degree, only replacement parts to Country Group W or Y) to service equipment made or exported by the licensee or made by his foreign subsidiary.

In Supplement No. 1 to Part 372, Items 7(c) and 8 are amended to read as follows:

Item 7. (c). The Export Control Commodity Number, including the italicized digit(s) in parenthesis, and Processing Number must be shown in this column. Inclusion of the code letter following the Export Control Commodity Number is optional. All commodities on a single application must have the same Processing Number, unless otherwise provided in the Export Control Regulations.

Item 8. The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered. The Postal ZIP Code must be included as it is an integral part of the address. Failure to include ZIP Code on an application may result in delay in mailing of the export license. The license will be transmitted only to the applicant or to the person designated on the license application as the person entitled to receive the license on behalf of the licensee. The license will not be transmitted directly to the customs office at the port of export, except for an emergency clearance as set forth in § 372.4(h) and, under certain circumstances, as set forth in § 372.10 of the Export Control Regulations.

PART 373—SPECIAL LICENSING PROCEDURES

In § 373.3, paragraphs (c)(4), (d)(3)(ii)(*d*), (h)(3), and (m) are amended to read as follows:

§ 373.3 Distribution license.

• • • • • •

(c) • • •

(4) *Order requirement.* An applicant for a Distribution License need not hold an order, as defined in § 372.6(b) of this subchapter from the ultimate consignee(s) for the commodities subject to this procedure at the time he applies for the license.

(d) • • •

(3) • • •

(ii) • • •

(*d*) List separately on the application, or on an attachment thereto, all commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) or, if feasible, describe them in relation "A" product groups. Examples of acceptable "A" product groups are "semi-conductors, A type"; "electronic testing instruments, A type"; etc. All other commodities having Export Control Commodity Numbers with the same first digit may be combined into a single entry. The commodity description for each entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings on the Commodity Control List (see § 399.1(j) of this subchapter).

• • • • • •

(h) • • •

(3) *Limit on amount shipped.* Exports under a Distribution License of any commodity identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List are limited for each entry during the entire validity period of the license, to the amount shown on the license for that entry. This limitation does not apply to commodities not identified by the code letter "A." Exports of a commodity not identified by the code letter "A" may exceed the amount shown for that particular entry provided the total of all such shipments does not exceed the grand total authorized for all of the commodities not identified by the code letter "A" on the license.

• • • • • •

(m) *Reports.* The exporter shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the Distribution License, as well as any reexports he has specifically authorized to be made to approved consignees by his subsidiary, affiliate, or branch that is not approved under the Distribution License procedure. The report shall cite the license number indicated on the export license and, as a minimum, show, for each consignee, a separate aggregate value for each commodity group as shown on the license (i.e., for each commodity identified by the code letter "A" following the Export Control Commodity Number or related "A" product group, and for each related non-"A" product group). The report shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

• • • • • •

In § 373.4, paragraphs (a) (2) and (4), (b), and (c)(5) are amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

• • • • • •

(a) • • •

(2) *Foreign-based stock.* A "foreign-based stock" consists of U.S.-origin commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (see § 399.1 of this subchapter), which have been licensed by the Office of Export Control to be stocked outside the United States by a U.S. exporter or his subsidiary for distribution in three or more countries to customers approved by the Office of Export Control.

• • • • • •

(4) *Customer.* A person or firm in a country other than Country Group S, W, Y, or Z, who is supplied with U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

(b) *Exports to the foreign-based warehouse.* A U.S. exporter who qualifies under this procedure may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock of any commodity(ies) identified by code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List, except the following commodities:

Export Control Commodity Number and Commodity Description	
515	Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
714	Electronic computers.
71980	Electron beam equipment for the deposition of thin film, the coating of thin film, or the working thereof.
726	X-ray machines and parts therefor; and flash discharge type X-ray tubes.
7295	Vibration testing equipment.
7295	Mass spectrometers.
72970	Neutron generators and specially designed parts therefor; and neutron generator tubes.
8619	Mass spectrometers.
862	High speed photographic film and plates, sensitized, unexposed, as follows: (a) Having an intensity dynamic range of 1,000,000:1 or greater, or (b) having a speed of ASA 10,000 (or equivalent) or more.

(c) • • •

(5) *Table of Denial and Probation Orders.* The U.S. exporter shall also furnish promptly to each approved customer, other than an end-user of the commodities, current reprints of the "Table of Denial and Probation Orders Currently in Effect" and each addendum thereto (see Supplement No. 1 to Part 388 of this subchapter). Copies of these reprints, issued on or about July 1 and February 1, may be obtained without charge from the Office of Export Control.

Section 373.5(b) is amended to read as follows:

§ 373.5 Periodic Requirements (PRL) License.

• • • • • •

(b) *Commodities subject to procedure.* (1) The commodities for which the issuance of a PRL License will be considered are identified in the last column of the Commodity Control List (§ 399.1 of this subchapter) by PRL Commodity Group numbers, consisting of the symbol "P" followed by a number. However, a PRL License is not applicable to the export of any:

(i) Commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this subchapter; and

(ii) Electronic, mechanical, or other device, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

(2) An application may cover as much as 1 year's estimated requirements of the named ultimate consignee(s) for the commodities included in the application.

The PRL Commodity Groups are:

Group P-1—Rubber products.
Group P-2—Aircraft.
Group P-3—Plastics.
Group P-4—Petroleum products.
Group P-5—Refractories.
Group P-6—Electrical machinery and apparatus.
Group P-7—Metals and minerals, crude and semifinished.
Group P-8—Metals and minerals, mill products and manufactured products.
Group P-9—General industrial equipment.
Group P-10—Power generating machinery.
Group P-11—Construction equipment.
Group P-12—Petroleum equipment.
Group P-13—Industrial inorganic chemicals.
Group P-14—Organic chemicals.
Group P-15—Agricultural machinery.

• • • • • •

In § 373.7, paragraphs (d)(1)(iv)(*b*)(*4*), (*5*), and (*6*), (i)(4) and (5), and (k) are amended to read as follows:

§ 373.7 Service Supply (SL) Procedure.

• • • • • •

(d) • • •

(2) • • •

(iv) • • •

(*b*) • • •

(*4*) An estimated 1 year's supply of spare and replacement parts shall be

entered in the Commodity Description space. All commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) shall be either listed separately on the application or on an attachment, or, if feasible, described in related "A" product groups. Examples of acceptable "A" product groups are "Semi-conductors, A type"; "aircraft engines, A type"; etc.

(5) All commodities not identified by the code letter "A" having Export Control Commodity Numbers with the same first digit may be combined into a single entry. The commodity description for each such entry shall be in terms of broad descriptive categories corresponding with the commodity sections and subheadings that appear on the Commodity Control List (see § 399.1(j) of this subchapter), chapter).

(6) The estimated total value of each commodity with the code letter "A" following the Export Control Commodity Number or related "A" product group, and of each non-"A" product group to be exported during the 1-year validity period of the SL License shall be shown in the Total Selling Price space and a grand total shall be computed for all of the commodities.

. . . . .

(i) . . .

(4) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List may not be exported or reexported under this procedure to Country Group W or Y if the value of the parts included in a shipment is more than $2,000.[1]

(5) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, regardless of value, may not be exported or reexported to Country Group W or Y to service equipment also identified on the Commodity Control List by the code letter "A".[1]

. . . . .

(k) *Reports.* Each exporter who has been issued an SL License under the provisions of paragraph (f)(1) of this section shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL License. The report shall cite the license number indicated on the export license and shall show, as a minimum for each consignee, a separate aggregate value for each product group shown on his license (i.e., for each commodity identified by the code letter "A" following Export Control Commodity Number or related "A" product group, and for each non-"A" product group). Where exports are made to service vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report. If exports of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List have been made to Country Group W or Y under the SL Procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

(1) A description of the equipment serviced in Commodity Control List terms;

(2) The quantity or number and the value of such items of equipment serviced; and

(3) The country in which the equipment was serviced.

If the U.S. exporter has authorized his approved foreign-based service facility to reexport such commodities identified by the code letter "A" following the Export Control Commodity Number to Country Group W or Y, a similar monthly report shall be submitted in the same detail set forth above. In addition, the Office of Export Control may require additional reports regarding any aspect of exports or reexports under the provisions of this § 373.7. The reports shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

. . . . .

Supplement No. 1 to Part 373 is amended to read as follows:

Supplement No. 1—Commodities Excluded From Certain Special License Procedures

Export Control Commodity Number and Commodity Description
23 Carboxyl terminated polybutadiene; hydroxyl terminated polybutadiene; and cyclized 1.2-polybutadiene.
28 Copper ores and concentrates.
28 Copper matte.
28 Zirconium ores and concentrates.
28 Rhenium concentrates (salts).
28 Copper bearing ash and residues.
28 Copper or copper-base alloy waste and scrap.
3 Lubricants which contain fluoroalcohol esters or perfluoroakyl ethers as the principal ingredient.
3 Lubricants wholly made of fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22.
512 Cyclic chemical intermediates, as follows: (a) 2-dl-cyclohexyl carbodiimide; (b) di-o-tolyl carbodiimide; (c) methylbenzylate; (d) ortho chloro benzaldehyde; (e) piperidine carboxyl acid; (f) 3-quinuclidinone; and (g) 3-quinuclidinol.
512 Beta-diathylaminoethyldiphenylpropylacetate hydrochloride.
512 Cyclic chemical products, as follows: (a) ethyl centralite; (b) methyl centralite; (c) NN-diphenylurea; (d) methyl NN diphenylurea; (e) ethyl-NN-diphenylurea; (f) ethyl phenyl urethane; (g) diphenyl urethane; (h) diortho tolylurethane; and (i) 2-nitrodiphenylamine.
512 Diethylene triamine, purity 96 percent or higher.
513 Boron element (metal), all forms.
513 Calcium metal containing less than one hundredth (0.01) percent weight of impurities other than magnesium and less than 10 parts per million of boron.
513 Lithium metal.
513 Chlorine trifluoride.
513 Alumina-silica, aluminum oxide, or synthetic sapphire whiskers as defined in § 399.2, Interpretation 23.
513 Fibrous and filamentary materials made of boron, beryllium carbide, beryllium oxide, tungsten monocarbide, or zirconium oxide, as defined in § 399.2, Interpretation 23.
513 Beryllium oxides, hydroxides, peroxides, and compounds; hafnium oxides; and monocrystalline gallium compounds.
513 Zirconium oxide, as follows: (a) Containing less than one part hafnium to 500 parts zirconium by weight; (b) purity 97 percent or higher; or (c) stabilized with lime and/or magnesia.
514 Fibrous and filamentary materials materials made of aluminum nitride, boron carbide, boron nitride, beryllium carbide, beryllium oxide, silicon carbide, tungsten monocarbide, or zirconium oxide, as defined in § 399.2, Interpretation 23.
514 Boron carbides, hydrides, and nitrides.
514 Beryllium compounds; hafnium compounds; and zirconium compounds.
514 Master alloys of copper containing 8 percent or more phosphor.
514 Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride.
515 Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof.
515 Polonium metal, salts and compounds.
515 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
515 Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, (d) any other material containing lithium enriched in the 6 isotope, or (e) compounds enriched in lithium 7 isotopes.
57 Primary explosives and priming compositions containing barium styphnate, diazodinitrophenol, lead dinitroresorcinate, lead styphnate, lead and tetrazene.
581 Resin (plastic) composites, unfinished or semifinished (including molding compounds, laminates and molded shapes) as defined in § 399.2, Interpretation 23.
581 Pipe and tubing made of, lined with, or covered with polytetrafluoroethylene polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoroprylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.
59 Artificial graphite, whether or not coated or composited with other materials to improve its performance at elevated temperatures to reduce its permeability to gases, having an apparent relative density of 1.90 or greater, when compared to water at 60° F. (15.5° C.).
59 Artificial graphite having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.
59 Other artificial pyrolytic graphite.
59 Carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.
59 Hydraulic fluids formulated wholly or in part with fluorinated or chlorinated silicones, fluoro-alcohol esters, or perfluoroalkyl ethers.
62 Hose and tubing lined with or covered with polytetrafluoroethlene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride.
62 Tires, of a kind specially constructed to be bullet proof or run when deflated; and other aircraft tires and inner tubes.
651 Yarn, roving, and strand made from glass, silica, quartz, or glass-like fibers, in any form, as defined in § 399.2, Interpretation 23.
653 Broad and narrow woven fabric, including tape, made from glass, silica, quartz, or glass-like fibers, in any form, as defined in § 399.2, Interpretation 23.
655 Textile fabrics, n.e.c., made from glass, silica, quartz, or glass-like fibers, as defined in § 399.2, Interpretation 23.
655 Textile fabrics and articles, n.e.c., as follows: (a) wholly made of fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22; and (b) coated or impregnated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic ploy amides, and polyparaxylylenes where the value of such contained polymeric aubstance, either alone or in combination with fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22, is 50 percent or more of the total value of the materials used.
662 High temperature refractory brick and similar shapes, cement, mortar, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of beryllium oxide or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
663 Carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.
663 Artificial graphite products, n.e.c., including refractory, whether or not coated or composited with other materials to improve their performance at elevated temperatures or to reduce their permeability to gases having an apparent relative density of 1.90 or greater when compared to water at 60° F. (15.5° C.).
663 Artificial graphite products, n.e.c., including refractory, having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.
663 Other artificial pyrolytic graphic products, n.e.c., including refractory.
663 Refractory products wholly made of boron carbide or boron nitride.
663 Crucibles and refractory products other than refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide.
664 Glass, silica, quartz, or glass-like fibers in any form, as defined in § 399.2, Interpretation 23.
667 Sapphire whiskers as defined in § 399.2, Interpretation 23.
671 Ferrozirconium containing more than 50 percent zirconium in which the ration of hafnium content to zirconium content is less than one part to 500 parts by weight.
678 Pressure tubes and pipes, and fittings therefor, of 8 inches or more inside diameter, having a wall thickness of 6 percent or more of the inside diameter and made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.
678 Tubes, pipes, and fittings therefor, lined with or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.
682 Blister copper and other unrefined copper.
682 Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
682 Master alloys of copper.
682 Bars, rods, angles, shapes, sections, and wire of copper or copper alloy.
682 Plates, sheets, and strips (including perforated) or copper or copper alloy.
682 Copper or copper alloy foil, including paperbacked.
682 Copper or copper alloy powders and flakes.
682 Tubes, pipes, and blanks therefor, and hollow bars of copper or copper alloy.
682 Pressure tube fittings and pipe fittings, copper-nickel alloy, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.
683 Bars, rods, angles, shapes, sections, plates, sheets, strips, foil, hollow bars, tubes, pipes, blanks, and fittings of porous nickel having a purity of 99 percent or more.
683 Other bars, rods, angles, shapes, sections, and wire of nickel alloy containing 32 percent or more nickel, except nickel-copper alloys containing not more than 6 percent of other alloying elements.
683 Nickel powders with a particle size less than 200 microns.
683 Pressure tube and pipe fittings containing 32 percent or more nickel, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.
6893 Beryllium fibrous and filamentary materials as defined in § 399.2, Interpretation 23.
6893 Beryllium metal or beryllium alloys containing more than 50 percent beryllium, wrought and unwrought, and waste and scrap.
6894 Molybdenum fibrous and filamentary materials as defined in § 399.2, Interpretation 23.
6895 Boron or titanium fibrous and filamentary materials as defined in § 399.2, Interpretation 23.
6895 Hafnium metal and alloys containing more than 15 percent hafnium by weight.
6895 Lithium alloys containing 50 percent or more lithium.
6895 Rhenium metal and rhenium metal alloys, wrought or unwrought.
6895 Titanium metal and titanium alloys containing 70 percent or more titanium, wrought or unwrought, including intermediate mill shapes, and waste and scrap.
6895 Zirconium metal and zirconium alloys containing more than 50 percent zirconium in which the ration of hafnium content to zirconium content is less than one part to 500 parts by weight, wrought and unwrought, and waste and scrap.
692–6989 Containers, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), including mobile units, specially designed for (a) liquid fluorine; (b) liquid oxygen, nitrogen, or argon, with (i) multi-laminar type insulation under vacuum, or (ii) other types of insulation and (1) having a fixed storage capacity of 500 tons or more, or (2) having a mobile capacity exceeding 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight; or (c) liquefied gases boiling at temperature below minus 328° F. (minus 200° C.), with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation, having a liquid capacity of more than 250 gallons (946 liters) and an evaporation loss rate of lesa than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight.
6989 Iron whiskers as defined in § 399.2, Interpretation 23.
6989 Copper or copper alloy castings and forgings.
6989 Beryllium or beryllium alloy castings and forgings containing more than 50 percent beryllium; and articles wholly made of beryllium.
6989 Castings and forgings, as follows: (a) Hafnium metal or hafnium alloy

[1] Requests for exceptions to this restriction will be considered under the provision of § 373.7(1).

Export Control Commodity Number and Commodity Description—Continued

containing more than 15 percent hafnium by weight; (b) polonium metal; (c) rhenium or rhenium alloy; (d) lithium or lithium alloy containing 50 percent or more lithium; and (e) titanium metal or titanium alloy containing 70 percent or more titanium.

6989 Zirconium or zirconium alloy castings, forgings, and other articles, n.e.c., containing more than 50 percent zirconium in which the ration of hafnium content to zirconium content is less than one part to 500 parts by weight; and other articles wholly made of zirconium or zirconium alloys.

6989 Electrical conducting materials specially designed for operation continuously or discontinuously at ambient temperatures below minus 170° C.

6989 Wire mesh, all types, including electroformed, containing 95 percent or more nickel, with 60 or more wires per linear centimeter or the equivalent thereof.

711 Heat exchangers and heat-exchanger type condensers specially designed for nuclear reactors; and parts and accessories, n.e.c. Tubular type heat exchangers designed to operate at pressures of 1,500 p.s.i. and above and with all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium; and parts and accessories, n.e.c.

711 Heat exchangers and heat-exchanger type condensers, tubular, designed for use in steam power generation and to operate at pressures of 300 p.s.i. and over and with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, either separately or combined, and parts and accessories, n.e.c.

711 Steam turbines designed for use of saturated steam for an output of 2,000 horsepower (1,500 kilowatts) up to and including 100,000 horsepower (75,000 kilowatts); and parts and accessories, n.e.c.

711 Parts and accessories, n.e.c., specially fabricated for nuclear reactors, including mechanical devices designed to control or shut down a nuclear reactor.

714 Advanced electronic computers; i.e., those with a bus rate of 50 million bits per second or more.

714 Other electronic computers, analog or digital (including digital differential analyzers).[1]

71510 Metal-cutting machines tools and other machine tools for the working of metals, specially designed for the manufacture of arms, munitions, and implements of war.

7152 Foundry equipment specially designed for the manufacture of arms, munitions, and implements of war; and parts, n.e.c.

718 Foundry machines specially designed for the manufacture of arms, munitions, or implements of war; and parts, n.e.c.

7191 Electrolytic cells; and parts, n.e.c.

7191 Process vessels specially designed for chemically processing radioactive material; and parts and accessories, n.e.c.

7191 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and parts and accessories, n.e.c.

7191 Heat exchangers made of aluminum, copper, nickel, or alloys containing more than 60 percent nickel, or combinations of these metals as clad tubes, designed to operate at subatmospheric pressure, with a leak rate of less than 10^{-4} atmospheres per hour under a pressure differential of 1 atmosphere; and parts, n.e.c.

7191 Equipment for the production of liquid helium; and parts, n.e.c.

7191 Equipment for the production of liquid fluorine; and parts, n.e.c.

7191 Equipment specially designed for the production and/or concentration of deuterium oxide; and parts, n.e.c.

7192 Industrial pumps having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene or (d) polychlorotrifluoroethylene; and parts and attachments, n.e.c.

7192 Vertically shafted centrifugal pumps, glandless, hermetically sealed (canned) type or mechanical pressurized sealed type, having all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium and rated at 50 kilowatts or more; and parts and attachments, n.e.c.

7192 Other centrifugal pumps, glandless, hermetically-sealed (canned) type, having all flow-contact surfaces made of 10 percent or more chromium or nickel, either separately or combined; and parts and attachments, n.e.c.

7192 Pumps designed to move molten metals by electro-magnetic forces; and parts and attachments, n.e.c.

7192 Compressors and blowers (turbo, centrifugal, and axial flow types) having a designed capacity of 60 cfm or more and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts and attachments.

7192 Counter-current solvent extractors specially designed for the extraction of radioactive substances (for example, pulsed columns and mixer-settlers made of stainless steel); and parts.

7192 Equipment specially designed for the separation of isotopes of uranium and/or lithium; and parts.

7192 Equipment for filtering, purifying, separating or treating radioactive impurities from nuclear reactor collant; and parts.

7192 Gas centrifuges capable of the enrichment or separation of isotopes; and parts.

7192 Other centrifuges, power-driven, bowl type, with all product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.

7192 Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel; and parts.

71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and parts and accessories, n.e.c.

71980 Hot or cold isostatic presses; and parts and accessories, n.e.c.

71980 Assembling jigs and fixtures for military equipment; and parts and accessories, n.e.c.

71980 Ammunition hand-loading machines and parts and accessories, n.e.c.

71980 Equipment for the production of military explosives and solid propellants.

71980 Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and parts, controls, and accessories, n.e.c.

7199 Pipe valves having all of the following characteristics: A pipe size connection of 8 inches or more inside diameter, all flow contact surfaces made of or lined with alloys of 10 percent or more nickel and/or chromium and rated at 1,500 psi or more; and parts.

7199 Valves, 1 inch or more in diameter, fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel, except those having metal to metal seats; and parts.

7199 Valves, cocks, or pressure regulators with all flow contact surfaces made of or lined with polytetrafluoroethylene or polychlorotrifluoroethylene; and parts.

7199 Other valves fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloys containing 60 percent or more nickel; and parts.

722 Generators and turbine-generator sets specially designed for use with nuclear reactors; and parts and accessories, n.e.c.

722 Other turbine-generator sets specially designed for use of saturated steam; and parts and accessories, n.e.c.

723 Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.

723 Communications or coaxial cable.

723 Insulated nickel or nickel alloy wire as follows: (a) Insulated thermocouple nickel chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm. both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel, except nickel copper alloy wire containing not more than 6 percent of other alloying elements.

723 Other copper or copper alloy insulated wire and cable.

726 Flash discharge type X-ray tubes; and parts and accessories, n.e.c.

726 X-ray machines having any of the following characteristics: (a) peak power exceeding 500 MW, (b) output voltage exceeding 500 KV, or (c) output current exceeding 2,000 amperes with pulse width of 0.2 microseconds or less; and parts and accessories, n.e.c.

7291 Electro-chemical and radioactive devices for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) Fuel cells, including regenerative cells (i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells), (b) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, except those having a power output of less than 0.5 watts in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2; and parts, components, and subassemblies therefor.

72930 Image converter tubes specifically designed for light shutter applications and having shutter speeds of less than 100 nanoseconds.

72930 Triggered spark-gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more; and parts and accessories, n.e.c.

7295 Instruments designed for testing, calibrating or aligning the following equipment: (a) Compasses and gyroscopic equipment, Nos. 7295 and 9619, which are subject to the Import Certificate/Delivery Verification Procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyrostabilizers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems.

7295 Testing and inspecting machines specially designed for the examination, testing and checking of arms, munitions, and implements of war.

7295 Nuclear radiation detection and measuring instruments designed to measure neutron flux in connection with the determination of the power level of an operating nuclear reactor; and other nuclear radiation dosimeters capable of measuring dosages above 5 roentgens in one exposure.

7295 Vibration testing equipment.

7295 Control equipment specially designed for hot or cold isostatic presses (No. 71980).

7295 Mass spectrographs and mass spectrometers, except mass spectrometer type leak detectors.

72970 Neutron generators employing the electrostatic acceleration of ions; and parts.

72970 Neutron generator tubes designed for operation without external vacuum system, and utilizing electrostatic acceleration to induce a tritium deuterium nuclear reaction; and parts.

72970 Accelerators, as follows: (a) betatrons, synchrotrons, cyclotrons, synchrocyclotrons and linear accelerations, (b) electron accelerators capable of imparting energies in excess of 500,000 electron volts, and (c) other electronuclear machines capable of imparting energies in excess of 1 million electron volts to a nuclear particle or ion; and parts.

7299 Magnets specially designed for electronuclear machines capable of imparting energies in excess of 1 million electron volts to a nuclear particle or ion.

7299 Electric cold crucible vacuum induction furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 2012° F. (1100° C.).

7299 Electrical carbons made of artificial graphite having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.

7299 Electrical carbons made of artificial graphite whether or not coated or composited with other materials to give improved performance at elevated temperatures of to reduce their permeability to gases, having an apparent relative density of 1.90 and greater.

7299 Articles for electrical purposes, made of carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.

7299 Other artificial pyrolytic graphite electrodes and electrical carbons.

734 Nonmilitary helicopters, aircraft, and ground effects machines (GEMS), including surface effect machines and other air cushion vehicles.

734 Military aircraft, demilitarized (not specifically equipped or modified for military operations), the following only: (a) cargo, "C–45 through C–118," and "C–121;" (b) trainers, bearing a "T" designation and using piston engines; (c) utility, bearing a "U" designation and using piston engines; and (d) liaison, bearing an "L" designation.

8611 Lenses and prisms specially designed for high-speed cameras and streak cameras under Nos. 8614 and 8615 which are subject to the Import Certificate/Delivery Verification procedure.

86140 Streak cameras capable of recording events which are not initiated by the camera mechanism; and parts and accessories.

86140 Photographic microflash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and parts and accessories.

86140 High-speed cameras as follows: (a) Recording cameras in which the film does not move, and which are capable of recording at rates exceeding 250,000 frames per second for the full framing height of standard 35 mm. wide film, or proportionately lower rates for lesser frame heights, or proportionately lower rates for greater frame heights; or (b) cameras having shutter speeds of less than one microsecond per operation; and parts and accessories, n.e.c.

86150 High-speed recording cameras (cine) in which the film (a) is continuously advanced and which are capable of recording at rates greater than 3,000 frames per second at full framing heights of standard 35 mm. wide film or proportionately higher rates for lesser frame heights, or proportionately lower rates for greater frame heights; or (b) is intermittently advanced, being automatically locked in place for each frame, and which are capable of recording at the following rates for full frame heights: (1) Greater than 250 frames per second for 16 mm. wide film, (ii) greater than 130 frames per second for 35 mm. wide film or (iii) greater than 50 frames per second for 70 mm. wide film; and parts and accessories, n.e.c.

8619 Range finders specially designed for cameras under Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure; and parts and accessories, n.e.c.

8619 Testing and inspecting machines and equipment specially designed for the examination, testing, and checking of arms, munitions, and implements of war; and parts, n.e.c.

8619 Vibration testing equipment.

8619 Mass spectrographs and mass spectrometers, except mass spectrometer type leak detectors; and parts, n.e.c.

8619 Parts (including positive ion sources), assemblies, components, and accessories, n.e.c. for mass spectographs and mass spectrometers under No. 7295 which require a validated license to all Country Groups.

8619 Parts and accessories, n.e.c., for nuclear radiation dosimeters.

862 Film and plates, as follows: (a) Having an intensity dynamic range of 1,000,000: 1 or more, or (b) having a speed of ASA 10,000 (or equivalent) or more.

89300 Resin (plastic) composite structures or laminates (including molded shapes), containing silica, quartz, carbon, or graphite fibers as defined in § 399.2, Interpretation 23.

89300 Hose, tubing and fittings therefor, made of, lined with, or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.

899 Wire cloth sieves, all types, including electroformed, containing 95 percent or more nickel, with 60 or more sieves per linear centimeter or the equivalent thereof.

[1] Excluded from Project procedure only.

PART 375—DOCUMENTATION REQUIREMENTS

In § 375.1, paragraphs (a)(1), (e)(3), and (k)(1) are amended to read as follows:

§ 375.1 International Import Certificates and Delivery Verification Certificates.

(a) • • •

(1) *Commodities.* The International Import Certificate requirement applies only to those commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter). (See paragraph (e)(3) of this section for commodities from which the code letter "A" is deleted after the International Import Certificate has been submitted.) The Delivery Verification Certificate requirement applies to all commodities for which a validated license is required.

• • • • • •

(e) • • •

(3) When the code letter "A" following the Export Control Commodity Number is replaced by another code letter, the commodities covered by that entry are removed from the Import Certificate/Delivery Verification requirements of this § 375.1. Neither a new Import Certificate nor an Import Certificate previously submitted to the Office of Export Control will be accepted in lieu of the required consignee/purchaser statement in support of a license application which is submitted to the Office of Export Control after the change in the code letter.

• • • • • •

(k) *Delivery Verification Certificate*—(1) *Notification of requirement.* (i) Delivery Verification Certificates are required by the Office of Export Control on a selective basis. They may be required for exports of any commodities exported under a validated license to any of the destinations listed in paragraph (a)(2) of this section, including commodities not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control list (§399.1 of this subchapter) and commodities for which an exemption or exception to the Import Certificate requirement has been established in accordance with paragraph (c) or (d) of this section. Where verification of delivery is required, the words "Delivery Verification required, see attached Form IA–863" will be stamped on the face of the export license. In addition, Form IA–863, Notification of Delivery Verification Requirement (see Supplement S–20 for facsimile), will be attached to the license.[1] Where the license is sent directly to an agent or freight forwarder of the licensee, it is the responsibility of that agent or freight forwarder to notify the licensee that a Delivery Verification Certificate is required. (See Supplement No. 1 to this Part 375 for list of addresses where importers may obtain Delivery Verification Certificates issued by each of these destinations may be inspected at any U.S. Department of Commerce field office (see list on page i under Field Office Addresses) or at the Office of Export Control, Exporters' Service Branch, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC.)

(ii) The Delivery Verification Certificate requirement for a particular export transaction is cancelled automatically if, subsequent to the issuance of a license, (*a*) the code letter "A" is replaced by another code letter for the commodity involved, and (*b*) the exporter returns the original copy of Form IA–863 to the Office of Export Control with a statement that the code letter "A" has been replaced by another code letter.

• • • • • •

In § 375.2(b), subparagraphs (2)(ii)(*a*) and (3) are amended to read as follows:

[1] In certain instances, the licensee may be requested to submit a Delivery Verification Certificate under alternative procedures.

§ 375.2 Ultimate Consignee and Purchaser Statement.

• • • • • •

(b) • • •

(2) • • •

(ii) • • •

(*a*) $500 for commodities identified by the code letter "A" following the Export Control Commodity Number; or

• • • • • •

(3) *Grace period.* Whenever the requirement for a consignee/purchaser statement for any commodity is extended by reason of the addition of a country group(s) in the column on the Commodity Control List titled "Validated License Required for Country Groups Shown Below," or by replacement of the code letter "A" following the Export Control Commodity Number with another code letter, an export license need not conform to the requirements of this § 375.2 for a period of 30 days after the date that the commodity becomes subject to the new requirement. In lieu thereof, applications filed during the 30-day grace period shall be accompanied by any evidence available to the applicant that will support his representations concerning the ultimate consignee, ultimate destination, and end-use, such as copies of the order, letters of credit, correspondence between the exporter and ultimate consignee, or other documents received from the ultimate consignee.

• • • • • •

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

In § 376.2, paragraph (d) is amended to read as follows:

§ 376.2 Samples: exports and reexports to Country Groups W and Y.

• • • • • •

(d) *Decision by Office of Export Control.* The Office of Export Control will act on a request to export or reexport a sample as promptly as possible. In some cases, however, the Office of Export Control may find that it is unable to avoid extended deliberation. This is usually necessary when the sample:

(1) Is not a commodity within any of the categories set forth in paragraph (b)(2) of this section;

(2) Is valued in excess of $200;

(3) Is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter);

(4) Contains or incorporates unique or advanced extractable technical data that would make a significant contribution to the military potential of the country of destination to the detriment of the national security of the United States; or

(5) Is to be sent only upon receipt of an indication from the Office of Export Control that there is a favorable prospect a commercial quantity of the sample commodity would be approved for the same destination.

• • • • • •

In § 376.3, paragraph (b)(1)(i)(*a*)(*1*) is amended to read as follows:

§ 376.3 Agricultural commodities and manufactures thereof.

• • • • • •

(b) • • •

(1) • • •

(i) • • •

(*a*) • • •

(*1*) *Grains.* The following grains, except for seed chemically treated and colored for use as seed, but including inbred seed grain, that require a validated license for Country Group Y:

Export Control Commodity Number and Commodity Description	
0	Rice, unmilled or milled.
0	Barley, unmilled.
0	Corn, unmilled, except fresh corn.
0	Rye, unmilled.
0	Oats, unmilled.
0	Grain sorghums, unmilled.
0	Cereal grains, unmilled, n.e.c.

• • • • • •

Section 376.4 is amended to read as follows:

§ 376.4 Nickel commodities.

(a) *Special provisions*—(1) *Export order requirement.* An export license application covering any of the following commodities shall be accompanied by a copy of the export order placed, or the contract entered into, by the foreign consignee or purchaser with the U.S. exporter or with his order party (see § 372.6 (b) and (c) of this subchapter for order party provisions):

Export Control Commodity Number and Commodity Description	
28	Iron and steel scrap containing 1 percent or more nickel by weight, including scrap melted into crude forms.
28	Nickel bearing residues and dross.
28	Nickel or nickel alloy waste and scrap.
513	Nickel oxide.
514	Nickel sulfate.
671	Ferronickel containing 90 percent or less nickel.
683	Nickel based magnetic materials, unwrought.
683	Other nickel or nickel alloys, unwrought.
683	Nickel or nickel alloy electroplating anodes.

(2) *Validity period.* All licenses to export the above commodities will be valid for 90 days from the date of issuance.

(3) *Export clearance.* An extra copy of the Shipper's Export Declaration, bearing the code "862" in the upper right corner, shall be filed with the customs office for each shipment of the above commodities under a validated license.

(b) *Commodities supplied from U.S. National Stockpile*—(1) *Licensing policy.* Except in unusual circumstances, an export license application covering any of the following commodities that are supplied from the U.S. National Stockpile will be denied:

Export Control Commodity Number and Commodity Description	
513	Nickel oxide.
671	Ferronickel containing 90 percent or less nickel.
683	Nickel based magnetic materials, unwrought.
683	Other nickel or nickel alloys, unwrought.

(2) *Information required.* On a license application covering any of the above commodities, the applicant shall include the following information, as appropriate, in the "Additional Information" space or an attachment:

(i) If the commodity has not been or will not be supplied from the National Stockpile, enter the following certification:

I (We) certify that the (name of commodity) described in this application has not been, and will not be supplied from the U.S. National Stockpile.

(ii) If the commodity has been or will be supplied from the National Stockpile, so state, naming the commodity and giving the date it was or will be purchased from the National Stockpile.

(iii) If the applicant does not know or is unable to determine whether the commodity has been or will be supplied from the National Stockpile, so state, naming the commodity and giving the reason(s) why this information is not available.

(c) *Nickel alloy waste and scrap containing 50 percent or more copper.* Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content (Export Control Commodity No. 28), is considered for export control purposes to be copper scrap, and therefore is subject to the provisions of § 377.3(b) of this subchapter.

§ 376.7 [Amended]

In § 376.7, footnote 1 is amended to read as follows:

[1] Parts, accessories, and equipment that are to be scrapped are classified as scrap; e.g., Export Control Commodity No. 28. (See § 399.2 of this subchapter, Intrepretation 10.)

In § 376.9, paragraph (c)(4)(ii) is amended to read as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

• • • • • •

(c) • • •

(4) • • •

(ii) *Proposed ports of call.* Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (*a*) will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (*b*) is registered in Country Group W, Y, or Z, or (c) is under charter to, or under control of, a national of a Group W, Y, or Z country, state whether any commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), included on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter), or subject to the Atomic Energy Act (§ 370.10(e) of this subchapter) are carried on board the vessel or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

PART 377—SHORT SUPPLY CONTROLS

In § 377.3 paragraphs (a)(1), (b)(1), (d)(1), and (e)(1) are amended to read as follows:

§ 377.3 Copper and copper products.

(a) • • •

(1) *Denial policy.* Export license applications covering any of the following commodities generally are denied:

Export Control Commodity Number and Commodity Description	
28	Copper ores and concentrates.
28	Copper matte.
682	Blister copper and other unrefined copper.

• • • • • •

(b) • • •

(1) *Scope.* The following commodities are subject to the provisions of this § 377.3(b):

Export Control Commodity Number and Commodity Description	
28	Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.
28	Copper bearing ash and residues.
28	Copper or copper-base alloy waste and scrap.
28	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.
682	Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.

• • • • • •

(d) • • •

(1) *Scope.* As used in this § 377.3(d) the term "copper-base alloy ingots," means any ingots composed essentially of copper with one or more other metals; for example devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 682).

• • • • • •

(e) • • •

(1) *Scope.* As used in this § 377.3(e), the term "semifabricated copper products and master alloys of copper" includes:

Export Control Commodity Number and Commodity Description	
514	Master alloys of copper containing 8 percent or more phosphor.
682	Master alloys of copper.
682	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
682	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
682	Copper foil.
682	Copper or copper alloy powders and flakes.
682	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
6989	Copper or copper-base alloy castings and forgings.
723	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.
723	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.
723	Other communications or coaxial cable.
723	Other copper or copper-base alloy insulated wire and cable.

• • • • • •

Supplement No. 1 to Part 377 is amended to read as follows:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
28	Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.	§ 377.3(b)	Aug. 31, 1970	Dec. 1, 1970.
28	Copper ores and concentrates	§ 377.3(a)	Any time	Any time.
28	Copper matte	§ 377.3(a)	do	Do.
28	Copper metalliferous ash and residues	§ 377.3(b)	Aug. 31, 1970	Dec. 1, 1970.
28	Copper or copper-base alloy waste and scrap, including copper-base alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	§ 377.3(b)	do	Do.
28	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	§ 377.3(b)	do	Do.
514	Master alloys of copper containing 8 percent or more phosphor.	§ 377.3(e)	Any time	Any time.
682	Blister copper and other unrefined copper	§ 377.3(a)	do	Do.
682	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms other than (a) refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and (b) unwrought forms of refined copper derived from such copper fragments.	§ 377.3(c)	Aug. 31, 1970	Dec. 1, 1970.
682	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	§ 377.3(c)	do	Do.

Export control commodity No.	Commodity description	Export control regulations reference	Submission dates for license applications (no later than date shown below)	
			Nonhistorical applicants	Historical applicants
682	Refined copper fragments (made by chopping, shredding or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.	§ 377.3(b)	do	Do.
682	Master alloys of copper	§ 377.3(d)	Any time	Any time.
682	Bars, rods, angles, shapes, sections and wire of copper or copper-base alloy.	§ 377.3(e)	do	Do.
682	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.	§ 377.3(e)	do	Do.
682	Copper foil	§ 377.3(e)	do	Do.
682	Copper or copper alloy powders and flakes	§ 377.3(e)	do	Do.
682	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.	§ 377.3(e)	do	Do.
689	Copper or copper-base alloy castings and forgings	§ 377.3(e)	do	Do.
723	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.	§ 377.3(e)	do	Do.
723	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.	§ 377.3(e)	do	Do.
723	Other communications or coaxial cable	§ 377.3(e)	do	Do.
723	Other copper or copper-base alloy insulated wire and cable.	§ 377.3(e)	do	Do.

PART 379—TECHNICAL DATA

In § 379.4, paragraphs (b)(2)(i), (e)(1)(ii) through (v), (e)(2)(i), the note in (e)(2)(ii), and (e)(2)(iii) through (v) are amended to read as follows:

§ 379.4 General License GTOR: Technical data under restriction.

• • • • • •

(b) • • •

(2) • • •

(i) The commodity, plant, service or technical data, are not (and are not related to) a commodity identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), or shown on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter);

• • • • • •

(e) • • •

(1) • • •

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i)(b) of this subparagraph:

Export Control Commodity Number and Commodity Description

711 Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.

7191 Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

Export Control Commodity Number and Commodity Description—Continued

7191 Fractionating columns as follows: (a) Having or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories.

7191 Equipment, n.e.c., specially designed for use in the following units: (a) Solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulphurization, (j) thermal or catalytic cracking, reforming or platforming; and specially designed parts and accessories therefor, n.e.c.

7192 Industrial pumps as follows: (a) Specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and attachments therefor.

7192 Axial flow, mixed flow, and centrifugal air and gas compressors as follows: (a) Capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71922 Stationary positive displacement air and gas compressors, reciprocating, as follows; (a) capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions, except gas engine driven, integral angle reciprocating compressors about 500 horsepower; or (b) over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

Export Control Commodity Number and Commodity Description—Continued

7192 Separators and collectors, industrial process types, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Mixing and blending machines having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Fractionating columns as follows: (a) Having, or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Other processing vessels, nonmixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71980 Pulsation damperners having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

71992 Pipe valves as follows: (a) Specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions; or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

(iii) Technical data relating to the following materials and equipment:

(*a*) Molecular sieves (for example, crystalline calcium alumino-silicate; crystalline sodium alumino-silicate; crystalline alkali metal alumino-silicates, etc.) (Export Control Commodity Nos. 514 and 59);

(*b*) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Export Control Commodity No. 663); semifinished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Export Control Commodity Nos. 59, 663, and 7299);

(*c*) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, lining or substrates (Export Control Commodity No. 7299);

(*d*) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints; jars, backoff tools, slip or telescopic joints; pipe and casing tongs, power type; percussion or vibratory attachments for rotary drilling; and drawworks and rotary tables designed for an input of 150 hp. and over (Export Control Commodity No. 718);

(*e*) Rotary drill rigs incorporating rotary tables and with drawworks designed for an input of 150 hp. and over; and work-over rigs (Export Control Commodity Nos. 718 and 732);

(*f*) Rotary rock drill bits (cone or roller types), and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 695 and 718);

(*g*) Gravity meters (gravimeters); and specially designed parts and accessories (Export Control Commodity No. 8619);

(*h*) Casing head and Christmas tree assemblies, over 10,000 p.s.i., chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment; bottom hole pumps; and work-over rigs (Export Control Commodity Nos. 7192, 71980, 7199, and 732);

(*i*) Well logging instruments and equipment and seismograph equipment except observatory type (Export Control Commodity No. 7295);

(*j*) Ion exchange resins as follows: (*1*) Copolymers of styrene and divinyl benzene in which the predominant functional groups are either quaternary ammonium derivates (basic type), or the sulfonic radical (acidic type), (*2*) mixed bed formulations consisting principally of resins specified in (*1*) above, (*3*) ion exchange membranes (all types), and (*4*) ion exchange liquids (Export Control Commodity No. 581);

(*k*) Rhenium in all forms: concentrates, oxides and compounds, metal and alloys, and metal powders (Export Control Commodity Nos. 28, 513, 514, 6895, and 6989);

(*l*) Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts, controls, and accessories, n.e.c. (Export Control Commodity No. 71980);

(*m*) Silicon carbide, all types, 99 percent purity and over (Export Control Commodity No. 514);

(*n*) Phosphor compounds specially prepared for lasers, including but not limited to: Neodymium-doped calcium tungstate, dysprosium-doped calcium fluoride; europiumtrifluoroethenoyl acetonate, praseodymium-doped lanthanum trifluoride (Export Control Commodity No. 53);

(*o*) Voltmeters, with full scale sensitivity of 10 nanovolts or less (Export Control Commodity No. 7295);

(*p*) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980);

(*q*) Pyromellitic acid and dianhydrides (Export Control Commodity No. 512);

(*r*) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53, 581, 59, 663, and 89300);

(*s*) Bonded, brazed, or welded structural sandwich constructions, including cores, face sheets, and attachment materials, manufactured in whole or in part from precipitation hardened stainless steel, beryllium, molybdenum, niobium (columbium), tantalum, titanium, tungsten, and their alloys, or any combination of such materials (Export Control Commodity Nos. 691 and 6989);

(*t*) Silica, quartz, carbon, or graphite fibers in all forms (for example, chopped or macerated; filaments, yarns, rovings, and unwoven tapes for winding or weaving purposes; woven fabrics and tapes; non-woven mats and felts); and compounds or compositions (composites) thereof with laminating resins in crude and semifabricated forms, including molding compositions and molded shapes (Export Control Commodity Nos. 581, 59, 651, 653, 655, 663, 664, 7299, and 89300);

(*u*) Nonflexible fused fiber optical plates or bundles in which the fiber pitch (center to center spacing) is less than 30 microns, and devices containing such plates or bundles (Export Control Commodity Nos. 664, 72930, 8611, and 89300);

(*v*) Transonic (Mach 0.8 to 1.4), supersonic (Mach 1.4 to 5.5), hypersonic (Mach 5.5 to 15), and hypervelocity (above Mach 15) wind tunnels and devices (including hotshot tunnels, plasma arc tunnels, shock tunnels, gas tunnels, shock tubes, and light gas guns) for simulating environments at Mach 0.8 and above; and specially designed parts and accessories, n.e.c. (Export Control Commodity Nos. 71980, 7295, 8618, and 8619);

(*w*) Off-shore drilling platforms (except fixed, nonfloating types); and specially designed parts and components (Export Control Commodity No. 735);[1]

(*x*) Watercraft of 65 feet and over in overall length, designed to include motors or engines of 600 horsepower or over and greater than 45 displacement tons (Export Control Commodity No. 735);[1]

(*y*) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates (Export Control Commodity No. 581); and

(*z*) High speed plates, sensitized, unexposed, as follows: (*a*) Having an intensity dynamic range of 1,000,000:1 or greater, or (*b*) having a speed of ASA 10,000 (or equivalent) or more (Export Control Commodity No. 862).

(iv) The limitations set forth in this § 379.4(e)(1) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this section.

(v) The written assurance set forth in this § 379.4(e)(1) applies only to Country Groups Y and Z and to Poland, for exports of technical data relating to the following commodities:

(*a*) Catalysts usable in petroleum and chemical processing operations, except hydrocracking catalyst and catalyst usable in the ultrapurification of hydrogen (Export Control Commodity Nos. 512, 513, 514, and 59);

(*b*) Fractionating columns having, or having provisions for, 25 or more trays, and parts, n.e.c. (Export Control Commodity Nos. 7191 and 71989);

(*c*) Pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions (Export Control Commodity No. 7199); and

(*d*) Pipe valves incorporating 90 percent or more tantalum, titanium, or zirconium either separately or combined, and parts, n.e.c. (Export Control Commodity No. 7199).

(2) *Requirement of written assurance for certain additional products and destinations.* (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (1) of this paragraph, and except as provided in subdivision (v) of this subparagraph, no export of technical data relating to the commodities described below in this § 379.4(e)(2) may be made under the provisions of this General License GTDR until the U.S. exporter has received a written assurance from the foreign importer that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(*a*) Reexport, directly or indirectly, to Country Group W, Y, or Z any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below";

(*b*) Export, directly or indirectly, to Country Group Z any direct product[1] of the technical data if such direct product is identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below"; or

(*c*) Export, directly or indirectly, to any destination in Country Group W or Y any direct product[1] of the technical data if such direct product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List.

(ii) • • •

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, §§ 379.4(e)(2)(ii) (*b*) and (*c*) required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDR.

Except as to commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, and items on the U.S. Munitions

[1] The materials applicable to the flow-contact surfaces of this equipment are (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.

[1] This commodity is not listed on the Commodity Control List since it is under the export control jurisdiction of the U.S. Maritime Administration. However, technical data relating to this commodity is under the export control jurisdiction of the Office of Export Control.

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDR for export of this type of technical data is hereby deferred until further notice, subject to the following limitations:

1. The exporter shall, at least two weeks before the initial export of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by § 379.4(e)(2)(ii)(b) above, when such product is not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List and requires a validated license for export to Country Group W by the information set forth in the column titled "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirements of §§ 379.4(e)(2)(ii) (b) and (c) as to plant products that are identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exports of technical data pursuant to any type of contract or arrangment, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct[1] product[1] thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained.

(iv) In addition, this general license is not applicable to any export of technical data of the kind described in this § 379.4(e)(2), if at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product[1] to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this § 379.4(e)(2) do not apply to the export of:

(*a*) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(*b*) Technical data supporting a price quotation as described in paragraph (b)(2) of this section.

NOTE: A written assurance is not required for the export under this General License GTDR of any technical data which do not fall within the description set forth in §§ 379.4(e)(1) or (2).

In § 379.5(e), subparagraph (2) is amended to read as follows:

§ 379.5 Validated license applications.

• • • • • •

(e) • • •

(2) *Other commodities.*[2] For all license applications to export to any destination, other than Country Group W, Y, or Z, technical data relating to any of the commodities set forth below, an applicant shall attach to the license application a written statement from his foreign importer assuring that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data, directly or indirectly, to Country Group W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer, the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this § 379.5(e)(2) are applicable to technical data concerning the following:

(i) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this subchapter;

(ii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system and specially designed parts and accessories for such neutron generators (Export Control Commodity No. 72970);

(iii) Porous nickel;

(iv) Civil aircraft, civil aircraft equipment, parts, accessories, or components identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1);

(v) Electrical and electronic instruments (Export Control Commodity Nos. 7295 and 7299) specially designed for testing or calibrating the airborne direction finding, navigational, and radar equipment (Export Control Commodity Nos. 724 and 7295);

(vi) Airborne electronic transmitters, receivers, and transceivers (Export Control Commodity No. 724);

(vii) Airborne electronic direction finding equipment (Export Control Commodity No. 724);

(viii) Airborne electronic navigation and radar equipment (Export Control Commodity Nos. 724 and 7295);

(ix) Watercraft of hydrofoil and hovercraft (air bubble) design (Export Control Commodity No. 735);

(x) Submersible watercraft other than military or naval types;[2] and

(xi) Any other commodity under the export control jurisdiction of the Office of Export Control if such commodity is not covered by an entry on the Commodity Control List.

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PART 386—EXPORT CLEARANCE

In § 386.4(b) subparagraph (4) is amended to read as follows:

§ 386.4 Conformity of documents for validated license shipments.

• • • • • •

(b) • • •

(4) *Commodity numbers.* The one- to five-digit Export Control Commodity Number shown on the export license shall be the same as the initial digits of the seven-digit Schedule B number entered on the authenticated Declaration.

• • • • • •

In § 386.7(b), subparagraph (2) is amended to read as follows:

§ 386.7 Shipping tolerance.

• • • • • •

(b) • • •

(2) *Five percent tolerance.* A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license or customs office release for shipments of all commodities listed below, except 28 (fourth, sixth, and seventh items only) for which the 5 percent applies to the total amount licensed as explained more fully in paragraph (e) of this section.

Export Control Commodity Number and Commodity Description	
28	Alloy steel scrap containing 5 percent or more nickel by weight.
28	Copper ores and concentrates.
28	Copper matte.
28	Copper bearing ash and residues.
28	Nickel bearing residues and dross.
28	Copper or copper-base alloy waste and scrap.
28	Other nickel or nickel alloy waste and scrap.
513	Nickel oxide.
514	Nickel sulphate.
514	Master alloys of copper containing 8 percent or more phosphor.
671	Ferronickel containing 90 percent or less nickel.

[1] The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

[2] See § 379.8(a), which sets forth provisions prohibiting exports and reexports of certain technical data and products manufactured therefrom.

Export Control Commodity Number and Commodity Description—Continued	
682	Blister copper and other unrefined copper.
682	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
682	Copper-base alloy ingots.
682	Master alloys of copper.
682	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
682	Plates, sheets, and strips of copper or copper-base alloy.
682	Copper or copper alloy foil, including paper-backed.
682	Copper and copper alloy powders and flakes.
682	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
682	Tube and pipe fittings of copper or copper-base alloy.
683	Nickel based magnet materials, unwrought.
683	Other nickel or nickel alloys, unwrought.
683	Nickel or nickel alloy electroplating anodes.
6989	Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts).
6989	Copper or copper-base allow castings and forgings.
723	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.
723	Communications cable, as follows: (a) Submarine cable; (b) coaxial cable using a mineral insulator dielectric; or (c) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means.
723	Other communications or coaxial cable.
723	Other copper or copper-base alloy insulated wire and cable.

[FR Doc.71-2306 Filed 2-22-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1847]

PART 13—PROHIBITED TRADE PRACTICES

Crown Chinchilla Associates et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Crown Chinchilla Associates et al., Salina, Kans., Docket No. C-1847, Jan. 8, 1971]

In the Matter of Crown Chinchilla Associates, a Partnership, and James D. Herman and Jerry Skinner, Individually and as Co-partners Trading and Doing Business as Crown Chinchilla Associates.

Consent order requiring a Salina, Kans., partnership engaged in selling and distributing chinchilla breeding stock to cease making exaggerated earning claims, representing that it is feasible to breed chinchilla stock in garages and basements, that their animals are hardy and not susceptible to diseases, and misrepresenting the fertility of their stock and their services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Crown Chinchilla Associates, a partnership, and James D. Herman and Jerry Skinner, individually and as co-partners trading and doing business as Crown Chinchilla Associates, or under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in spare rooms, enclosed porches, garages, or basements unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions and that large profits can be made in this manner.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without knowledge or experience in the breeding, raising and care of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Each female chinchilla purchased from respondents and each female offspring will average at least two litters per year with an average of at least two offspring per litter.

5. The number of litters or live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

6. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

7. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $30 per pelt.

8. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless, in fact, the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

10. A purchaser starting with six females and one male of respondents' breeding stock will recover his original investment in 3 years and earn at least $5,000 per year after 5 years of operation.

11. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits, or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

B. Misrepresenting in any manner the earnings or profits to purchasers or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of respondents' products or services, and failing to secure from each such individual a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent partnership shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership such as dissolution, assignment or sale resulting in the emergence of a successor partnership, the creation or dissolution of subsidiaries or any other change in the partnership which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 8, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2419 Filed 2-22-71;8:47 am]

[Docket No. C-1850]

PART 13—PROHIBITED TRADE PRACTICES

Eximil Sales Co., Inc., and Exio Dominguez

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.-1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Eximil Sales Co., Inc., et al., Brooklyn, N.Y., Docket No. C–1850, Jan. 14, 1971]

In the Matter of Eximil Sales Co., Inc., a Corporation, and Exio Dominguez, Individually and as an Officer of Said Corporation

Consent order requiring a Brooklyn, N.Y., seller of furniture and electrical appliances to cease violating the Truth in Lending Act by failing to make required cost disclosures to customers before sales were completed, failing to identify the creditor in credit transactions, and failing to disclose to customers the annual percentage rate in credit transactions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Eximil Sales Co., Inc., a corporation, and its officers, and Exio Dominguez, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make disclosures to customers prior to consummation of the transaction, as required by § 226.8(a) of Regulation Z.

2. Failing to identify the creditor in any credit transaction, as required by § 226.8(a) of Regulation Z.

3. Failing to disclose the annual percentage rate with an accuracy at least to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: January 14, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2420 Filed 2-22-71;8:47 am]

[Docket No. C-1846]

PART 13—PROHIBITED TRADE PRACTICES

Kurt Lederer and E. K. Fashion Manufacturing Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Kurt Lederer et al., New York, N.Y., Docket No. C–1846, Jan. 6, 1971]

In the Matter of Kurt Lederer, Individually and Trading as E. K. Fashion Manufacturing Co.

Consent order requiring a New York City seller and distributor of various products, including ladies' scarves, to cease violating the Flammable Fabrics Act by manufacturing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Kurt Lederer, individually and trading as E.K. Fashion Manufacturing Co., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products and effec recall of said products from such customers.

It is further ordered, That respondent ent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of such products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect recall of said products from customers, and of the results thereof, (4) any disposition of such products since April 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission whether or not respondent has in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: January 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2421 Filed 2-22-71;8:47 am]

[Docket No. C-1845]

PART 13—PROHIBITED TRADE PRACTICES

Mannequin Originals, Inc., and Hugh S. Waltzer

Subpart—Importing, selling, or transporting flammable wear; § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mannequin Originals, Inc., et al., New York, N.Y., Docket No. C–1845, Jan. 6, 1971]

In the Matter of Mannequin Originals, Inc., a Corporation, and Hugh S. Waltzer, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer and distributor of women's wearing apparel, including ladies' dresses, to cease violating the Flammable Fabrics Act by selling or importing any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Mannequin Originals, Inc., a corporation, and its officers, and Hugh S. Waltzer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment, in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such product from said customers.

It is further ordered, That respondents herein either process the fabrics which gave rise to this complaint and any wearing apparel made from said fabrics so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said fabrics or any wearing apparel made therefrom.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the products which gave rise to the complaint and (1) the number of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and to effect the recall of such products from customers, and of the results of such actions, (3) any disposition of such products since March 5, 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of dissolution of subsidiaries or any other change in the coporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc 71-2422 Filed 2-22-71;8:47 am]

[Docket No. C-1849]

PART 13—PROHIBITED TRADE PRACTICES

Sharp Electronics Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards:* 13.85–60 Standards, specifications, or source; or § 13.230 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sharp Electronics Corp. et al., Carlstadt, N.J., Docket No C–1849, Jan. 13, 1971]

In the Matter of Sharp Electronics Corp., a Corporation, and Wisser & Sanchez Inc., a Corporation, and Lawrence Wisser, as an Officer of Wisser & Sanchez Inc.

Consent order requiring a Carlstadt, N.J., distributor of television and radio sets and other electronic appliances to cease representing that the repair rate of respondent's products is based on data of the U.S. Department of Commerce, using an asterisk to refer to a footnote stating that the size of the picture is a diagonal measurement, and using any size measurement of the picture other than the viewable picture area measured on a single plane basis. Respondent's New York City advertising agency is also ordered to cease making the above representations, provided that it shall be a defense that it did not know that the data do not sustain such representations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Sharp Electronics Corp., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radios, televisions or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any claim respecting the repair rate of respondent's products is based on data or statistics of the U.S. Department of Commerce, or that any claim respecting the repair rate or any other attribute or characteristic of respondent's products or any other product is based upon, supported, or established by data or statistics from any source, unless such data or statistics are competent to sustain and do in fact sustain such representation and unless respondent shall retain and make readily available such data or statistics for not less than 3 years following the publication or dissemination of such representation.

2. Using an asterisk referral to indicate that the measurement of the size of the picture shown by a television receiving set is a diagonal measurement.

3. Using any figure or size designation to refer to the size of the picture shown by a television receiving set or the picture tube contained therein unless such indicated size is the actual size of the viewable picture area measured on a single plane basis. If the indicated size is other than the horizontal dimension of the actual viewable picture area such size designation shall be accompanied by a statement, in close connection and conjunction therewith, clearly and conspicuously showing the manner of measurement.

It is further ordered, That respondent Wisser & Sanchez Inc., a corporation, its

officers, and respondent Lawrence Wisser, as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of radios, televisions or other products, in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any claim respecting the repair rate of "Sharp" products is based on data or statistics of the U.S. Department of Commerce, or that any claim respecting the repair rate or any other attribute or characteristic of "Sharp" products or any other product is based upon, supported or established by data or statistics from any source, unless such data or statistics are competent to sustain and do in fact sustain such representation and unless respondent shall retain and make readily available such data or statistics for not less than 3 years following the publication or dissemination of such representation: *Provided, however,* That it shall be a defense hereunder that respondents neither knew or had reason to know that the data or statistics do not sustain such representation.

2. Using an asterisk referral to indicate that the measurement of the picture shown by a television receiving set is a diagonal measurement.

3. Using any figure or size designation to refer to the size of the picture shown by a television receiving set or the picture tube contained therein unless such indicated size is the actual size of the viewable picture area measured on a single plane basis. If the indicated size is other than the horizontal dimension of the actual viewable picture area such size designation shall be accompanied by a statement, in close connection and conjunction therewith, clearly and conspicuously showing the manner of measurement: *Provided, however,* That it shall be a defense hereunder that respondents neither knew nor had reason to know that the size indicated was other than the horizontal dimension of the actual viewable picture area.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolutions of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2423 Filed 2-22-71;8:47 am]

[Docket No. C-1848]

PART 13—PROHIBITED TRADE PRACTICES

Sidlis Sales Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular customary; 13.155–100 Usual as reduced, special, etc. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sidlis Sales Corp. et al., District Heights, Md., Docket No. C-1848, Jan. 13, 1971]

In the Matter of Sidlis Sales Corp., a Corporation, and Sidney Liss and Burton Liss, Individually and as Officers of Said Corporation

Consent order requiring a District Heights, Md., seller and distributor of electronic products and household furnishings to cease using the words "Sale" and "Pre-Christmas Sale" unless the prices of merchandise so advertised constitute an actual reduction, using such words in conjunction with nonsale items, using the words "Regular" and "Reg." for any price in excess of prices realized in earlier sales, representing that purchasers will be afforded savings between present and earlier prices, failing to maintain records adequate to disclose the basis of savings claims, and failing to disclose the nature, conditions and extent of its guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sidlis Sales Corp., a corporation, and its officers, and Sidney Liss and Burton Liss, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of television sets, radios, stereos, radio-television-stereo combinations, stereo tape players, eight-tract cartridge tapes, or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Sale", or "Pre-Christmas Sale", or any other word or words of similar import or meaning unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. Using the words "Sale", or "Pre-Christmas Sale", or any other word or words of similar import or meaning, in advertising or other promotional material containing nonsale items, without clearly and conspicuously revealing in immediate conjunction with said representations that nonsale items are contained therein, and distinctly identifying said nonsale items.

3. Using the words "Regular," "Reg.," or any other words of similar import or meaning to refer to any price amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business, or misrepresenting, in any manner, the usual or regular selling price of respondents' merchandise.

4. (a) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said comparative prices and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

5. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–5 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1–5 of this order can be determined.

7. Representing, directly or by implication, that any article of merchandise is guaranteed, without clearly and conspicuously disclosing the nature, conditions and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their respective operating divisions or departments.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed changes in the corporate respondent such as dissolution, assignment or sale resulting in the emerging of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2424 Filed 2-22-71;6:47 am]

[Docket No. C-1843]

PART 13—PROHIBITED TRADE PRACTICES

Supermarket Broadcasting Network, Inc., and Robert E. Potter, Sr.

Subpart—Advertising falsely or misleadingly: § 13.160 *Promotional sales plans.* Subpart—Combining or conspiring: § 13.475 *To restrict competition in buying.* Subpart—Controlling, unfairly seller-suppliers: § 13.530 *Controlling, unfairly, seller-suppliers.* Subpart—Cutting off access to customers or market: § 13.560 *Interferring with distributive outlets.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Supermarket Broadcasting Network, Inc., et al., Chicago, Ill., Docket No. C-1843, Jan. 6, 1971]

In the Matter of Supermarket Broadcasting Network, Inc., a Corporation, and Robert E. Potter, Sr., Individually and as an Officer of Said Corporation.

Consent order requiring a Chicago, Ill., corporation operating a system of sound broadcasts in retail outlet stores to cease failing to offer or furnish its services to competitors of its retail store customers on a proportionally equal basis, failing to offer its services to all firms supplying its retail store customers, and acting as an intermediary between suppliers and retail stores without making all advantages offered available to all other retail customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Supermarket Broadcasting Network, Inc., a corporation, and its officers, and respondent Robert E. Potter, Sr., individually and as an officer of respondent corporation, and their representatives, agents, and employees, directly, indirectly, or through any corporate or other device, in or in connection with their business in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of anything of value from any supplier for the benefit of such supplier's customer, for the purpose of compensating such supplier's customer for display and promotional services or facilities furnished by or through said supplier's customers, or for the purpose of furnishing display or promotional services and facilities, including background music and promotional announcements to said supplier's customers, in connection with the processing, handling, sale, or offering for sale of such supplier's products by such customer, when respondents know or should know that such compensation, consideration, services, or facilities are not affirmatively offered, accorded, and otherwise made available by such supplier or respondents on proportionally equal terms to all the supplier's customers, including those who do not purchase directly from such supplier, competing with the favored customer in the sale and distribution of such supplier's products.

2. Paying or contracting for the payment of anything of value to or for the benefit of any customer of a supplier, as compensation or in consideration for any services or facilities furnished by or through such customer, or furnishing, contracting to furnish, or contributing to the furnishing of any service or facility, including background music and promotional announcements, to any customer of such supplier, in connection with the processing, handling, sale or offering for sale of any of such supplier's products, unless such payment, compensation, consideration, services or facilities are affirmatively offered, accorded, and otherwise made available to all of such supplier's customers, including those who do not purchase directly from such supplier, competing with the favored customer in the sale and distribution of such supplier's products.

3. Acting as an intermediary in transactions between suppliers and their customers as described in the complaint unless respondents affirmatively inform all such suppliers of such supplier's primary responsibility for seeing that the allowances they grant, or the services or facilities they furnish directly or indirectly in connection with the promotion of their products, to or for the benefit of some of their customers, are made available to all other customers, including those buying indirectly, who compete in the resale of their products with customers so favored.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days of the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 6, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2425 Filed 2-22-71;8:47 am]

[Docket No. C-1844]

PART 13—PROHIBITED TRADE PRACTICES

Variety Frocks et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 731; 15 U.S.C. 46. Interpret or apply sec. 5, 36 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Variety Frocks, et al., New York, N.Y., Docket No. C-1844, Jan. 6, 1971]

In the Matter of Variety Frocks, a Partnership, and Irving Edelman and Benjamin Laub, Individually and as Copartners Trading as Variety Frocks.

Consent order requiring a New York City manufacturer and importer of women's wear, including maternity dresses, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Variety Frocks, a partnership, and Irving Edelman and Benjamin Laub, individually and as copartners trading as Variety Frocks, or under any other name, and respondents' representatives, agents, and employees, directly or through any

corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material, which has been shipped or received in commerce as the terms "commerce," "product," "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which fabric, product, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Acts.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product, or related material which gave rise to complaint, (1) the amount of such fabric, product, or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product, or related material and the results thereof and (3) any disposition of such fabric, product, or related material since February 19, 1970. Such report shall further inform the Commission whether respondents have in inventory any fabric, product, or related material having a plain surface and made of paper, silk, rayon, cotton, rayon and acetate, or nylon and acetate or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, products, or related material with this report. Samples of the fabric, product, or related material shall be of not less than 1 square yard of material.

It is further ordered, That the respondents herein either process the products which gave rise to this complaint so as to bring them within the applicable standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-2426 Filed 2-22-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 28—FRUIT PIES

In the matter of establishing a definition and standard of identity and a standard of quality for frozen cherry pie:

A notice of proposed rulemaking in the above-identified matter was published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of November 1, 1967 (32 F.R. 15116). The time for filing comments was extended in stages to September 30, 1969 (33 F.R. 3076, 4587, and 16452), and numerous comments were received from members of Congress, consumers, State officials, bakers, and bakers' association, cherry processors (growers, packers, and canners), frozen pie manufacturers, ingredient suppliers, and prepared pie filling manufacturers.

Twenty-three responded favorably to the proposed standards while suggesting various changes, some of which have been adopted. Seven of 10 consumers responding favor the establishment of cherry pie standards and prefer standards that will control the ingredients that may be used. Several consumers commented that they are unable to judge from current labeling the composition of food products.

Among the adverse comments are exceptions to: (1) The method for determining the fruit content in the cherry pie; (2) the inclusion of baked and baked and frozen cherry pies; (3) the prohibition on the use of ingredients that have traditionally been used; and (4) the provision specifying the minimum weight of a pie that could be distributed in a pie pan having a certain diameter. The Commissioner concludes that the first three are reasonable and the standards are changed accordingly.

One response questions the applicability of the proposed standards to foods designed for preparation by heating in a toaster. The Commissioner concludes that these standards do not apply because such foods are limited in size by the mechanism of the electrical appliances used in their preparation and have not been represented as, nor are generally considered to be, frozen cherry pie.

Several urge that dried, dehydrated, and freeze-dried cherries, because they are articles of commerce, be permitted ingredients of cherry pie; however, they did not submit information showing that these forms of cherries have been or are used as a fruit ingredient of frozen cherry pie. If reasonable grounds are furnished showing that the use of such ingredients in frozen cherry pie will promote honesty and fair dealing in the interest of consumers, the standard can be amended accordingly.

Regarding the provision setting the minimum weight of pies according to their diameters: Two firms claiming their production and sale of frozen cherry pies account for almost 50 percent of the retail market support it; six firms claiming to represent a majority of frozen cherry pie producers in this country oppose it but fail to suggest an alternative means for regulating an abuse that has been recognized by certain members of the frozen food industry. The Commissioner of Food and Drugs concludes that this provision is in the interest of consumers and has retained it.

Having considered the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity and a standard of quality for frozen cherry pie as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That the following new Part 28 be added to title 21, chapter I:

Sec.
28.1 Frozen cherry pie; identity; label statement of optional ingredients.
28.2 Frozen cherry pie; quality; label statement of substandard quality.

AUTHORITY: The provisions of this Part 28 issued under secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371.

§ 28.1 Frozen cherry pie; identity; label statement of optional ingredients.

(a) Frozen cherry pie (excluding baked and then frozen) is the food prepared by incorporating in a filling contained in a pastry shell mature, pitted, stemmed cherries that are fresh, frozen, and/or canned. The top of the pie may be open or it may be wholly or partly covered with pastry or other suitable topping. Filling, pastry, and topping components of the food consist of optional ingredients as prescribed by paragraph (b) of this section. The finished food is frozen.

(b) The optional ingredients referred to in paragraph (a) of this section consist of suitable substances that are not food additives as defined in section 201 (s) of the Federal Food, Drug, and Cosmetic Act or color additives as defined in section 201(t) of the act; or if they are food additives or color additives as so defined, they are used in conformity with regulations established pursuant to section 409 or 706 of the act. Ingredients that perform a useful function in the formulation of the filling, pastry, and topping components, when used in amounts reasonably required to accomplish their intended effect, are regarded as suitable except that artificial sweeteners are not suitable ingredients of frozen cherry pie.

(c) The name of the food for which a definition and standard of identity is established by this section is frozen cherry pie; however, if the maximum diameter of the food (measured across opposite outside edges of the pastry shell) is not more than 4 inches, the food alternatively may be designated by the name frozen cherry tart. The word "frozen" may be omitted from the name on the label if such omission is not misleading.

(d)(1) The label of the frozen cherry pie shall name by their common names (except spices, flavorings, and colorings) the optional ingredients used as prescribed by paragraph (b) of this section. If spice or flavoring is used, the label shall bear the words "with added ------" or "------ added," the blank to be filled in with the word "spice," "flavoring," or both, or in lieu of the word "spice" or "flavoring" the name of the ingredient. If artificial flavoring or coloring or both are used, the label shall show that fact by the statement "with ------" or "------ added," the blank being filled in with the words "artificial flavoring," "artificial coloring," or both as appropriate. If a preservative is used, it shall be designated by its common name followed by the statement "added as a preservative," or by a statement showing the specific function; for example, "to retard spoilage," "to retain color," "to retard mold growth," etc.

(2) The words and statements specified in subparagraph (1) of this paragraph showing the optional ingredients present shall be listed on the principal display panel or panels, or on any appropriate information panel, without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print of type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire ingredient statement shall appear on at least one panel of the label. The label shall not bear any misleading pictorial representation of the cherries in the pie.

§ 28.2 Frozen cherry pie; quality; label statement of substandard quality.

(a) The standard of quality for frozen cherry pie is as follows:

(1) The fruit content of the pie is such that the weight of the washed and drained cherry content is not less than 25 percent of the weight of the pie when determined by the procedure prescribed by paragraph (b) of this section.

(2) The weight of the pie is not less than the weight specified for the diameter of the pie (measured across opposite outside edges of the pastry shell or of the containing pan, whichever is greater) as shown in the following table:

I. Diameter of pie in inches	*II. Minimum weight of pie in avoirdupois ounces*
3	3.75
3.5	4.50
4	5
5	7
6	10
7	15
8	22
9	31
10	44
11	60

If the diameter in question is not listed, calculate the value for column II as follows: Obtain by subtraction the difference between the listed weights in column II corresponding to the two adjacent diameters above and below the diameter in question. Multiply this difference by the fraction of an inch whereby the diameter in question exceeds the lower of the two listed diameters. Add the resulting product, neglecting fractions of an ounce (except in the case of pies having a diameter of less than 4 inches, in which case the fraction should be rounded to the nearest one-fourth ounce), to the lower of the two listed weights to give the value for column II.

(3) Not more than 15 percent by count of the cherries in the pie are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding three-sixteenths inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

(b) Compliance with the requirement for the weight of the washed and drained cherry content of the pie, as prescribed by paragraph (a)(1) of this section, is determined by the following procedure:

(1) Take at random from a lot:

(i) At least 24 containers if they bear a weight declaration of 16 ounces or less.

(ii) Enough containers to provide a total quantity of declared weight of at least 24 pounds if they bear a weight declaration of more than 16 ounces.

(2) Determine net weight of the frozen pie.

(3) Temper the pie until the top crust can be removed.

(4) Remove the filling and cherries from the pie and transfer to the surface of a previously weighed 12-inch diameter U.S. No. 8 sieve (0.094-inch openings) stacked on a U.S. No. 20 sieve (0.033-inch openings).

(5) Distribute evenly over the surface and wash with a gentle spray to free the cherries and cherry fragments from adhering material.

(6) Remove the U.S. No. 8 sieve and examine the U.S. No. 20 sieve and transfer all cherry fragments to the U.S. No. 8 sieve.

(7) Drain the cherry contents on the No. 8 sieve for 2 minutes in an inclined position (15°-30° slope). Weigh the U.S. No. 8 sieve and the washed and drained cherries to the nearest 0.01 ounce.

(8) The washed and drained cherries' weight is the weight of the sieve and the cherry material less the weight of the sieve. Calculate the percent of the cherry content of the pie as follows:

$$\text{Percent of the cherry content of the pie} = \frac{\text{Weight of washed and drained cherries}}{\text{Net weight of pie}} \times 100.$$

(c) If the quality of the frozen cherry pie falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form specified therein; but in lieu of the words prescribed for the second line inside the rectangle, the label may bear the alternative statement "Below standard in quality—------," the blank being filled in with the following words, as applicable: "too few cherries," "too shallow," or "blemished cherries." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name of the food as prescribed by § 28.1.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: February 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2413 Filed 2-22-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Mobile	Chickasaw	E 01 097 0670 01	Alabama Development Office, State Office Bldg., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Feb. 19, 1971.
California	Lake	Unincorporated areas.	E 06 033 0000 01 E 06 033 0000 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Lake County Flood Control and Water Conservation District, 255 North Forbes St., 3d Floor Courthouse, Lakeport, CA 95453.	Do.
Do	Los Angeles	Pasadena	E 06 037 2700 01 through E 06 037 2700 03	do	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 91109.	Do.
Missouri	Jefferson	De Soto	E 29 099 2200 01 E 29 099 2200 02	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Department of Business and Administration, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Manager, City of De Soto, 413 Second St., De Soto, MO 63020.	Do.
North Carolina	Macon	Franklin	I 37 113 1710 03	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Office, 70 West Main St., Franklin, NC 28734.	Do.
Texas	Brazoria	Alvin	E 48 039 0130 01 through E 48 039 0130 05	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Do.
Virginia	Russell	Cleveland	I 51 167 0530 02	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Treasurer's Office, Town Hall, Cleveland, VA 24225.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug 1, 1970)

Issued: February 20, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-2371 Filed 2-22-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Mobile	Chickasaw	T 01 097 0670 01	Alabama Development Office, State Office Bldg., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Feb. 19, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Lake	Unincorporated areas.	T 06 033 0000 01 T 06 033 0000 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Lake County Flood Control and Water Conservation District, 255 North Forbes St., 3d Floor Courthouse, Lakeport, CA 95453.	Feb. 19, 1971.
Do	Los Angeles	Pasadena	T 06 037 2700 01 through T 06 037 2700 03	do	Office of the City Clerk, City of Pasadena, Room 218, City Hall, 100 North Garfield Ave., Pasadena, CA 91109.	Do.
Missouri	Jefferson	De Soto	T 29 099 2200 01 T 29 099 2200 02	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Department of Business and Administration, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Manager, City of De Soto, 413 Second St., De Soto, MO 63020.	Do.
North Carolina	Macon	Franklin	H 37 113 1710 03	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, NC 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, NC 27602.	Town Office, 70 West Main St., Franklin, NC 28734.	Sept. 18, 1970.
Texas	Brazoria	Alvin	T 48 039 0130 01 through T 48 039 0130 05	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Feb. 19, 1971.
Virginia	Russell	Cleveland	H 51 167 0530 02	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Treasurer's Office, Town Hall, Cleveland, VA 24225.	June 27, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: February 20, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-2372 Filed 2-22-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7089]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Tax on Use of Civil Aircraft

In order to reflect section 305 of the Excise, Estate, and Gift Tax Adjustment Act of 1970 (84 Stat. 1846), the temporary regulations in connection with the Airport and Airway Revenue Act of 1970 (26 CFR Part 154) are amended as follows:

PARAGRAPH 1. Section 154.3 is amended by adding immediately after the historical note the following:

§ 154.3 Statutory provisions; imposition of tax; definitions; special rules; payment of tax by lessee.

• • • • • •

SEC. 305 OF THE EXCISE, ESTATE, AND GIFT TAX ADJUSTMENT ACT OF 1970 (84 Stat. 1846):

SEC. 305. *Change in tax on non-turbine-powered aircraft*—(a) *Exemption of first 2,500 pounds.* Section 4491(a)(2) (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

(b) *Effective date.* The amendment made by subsection (a) shall take effect on July 1, 1971.

PAR. 2. Section 154.3-1 is amended by revising paragraph (c)(1) to read as follows:

§ 154.3-1 Tax on use of civil aircraft.

• • • • • •

(c) *Rate and computation of tax*—(1) *Rate.* The tax proposed for any taxable period on each taxable civil aircraft is $25 (the "basic charge") plus, in certain instances, a tax based on weight (the "poundage charge"). The poundage charge is (i) in the case of a turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight of the aircraft, and (ii) in the case of a nonturbine engine powered aircraft with a maximum certificated takeoff weight of more than 2,500 pounds, (a) 2 cents a pound for each pound of the maximum certificated takeoff weight of the aircraft in the case of taxable periods beginning before July 1, 1971, or (b) 2 cents a pound for each pound of the maximum certificated takeoff weight of the aircraft in excess of 2,500 pounds in the case of taxable periods beginning on or after July 1, 1971.

• • • • • •

Because nothing contained in this Treasury decision will adversely affect the public, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805; of the Internal Revenue Code of 1954)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: February 18, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71-2441 Filed 2-22-71;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Guaranty of Loans to Veterans To Purchase Mobile Homes and Lots, Including Site Preparation

In Part 36, a centerhead and § 36.4251, 36.4252, 36.4253, and 36.4254 are added to read as follows:

COMBINATION LOANS

Sec.
36.4251 Loans to finance the purchase of mobile homes and the cost of necessary site preparation.
36.4252 Loans for purchase of mobile home and for the acquisition of a lot.
36.4253 Title and lien requirements.
36.4254 Fees and charges.

COMBINATION LOANS

§ 36.4251 Loans to finance the purchase of mobile homes and the cost of necessary site preparation.

(a) A loan to finance the purchase of a mobile home may include funds (or be augmented by a separate loan) to pay all or a part of the cost of the necessary site preparation of a lot on which to place such mobile home and any such loan shall be eligible for guaranty: *Provided*, That—

(1) The veteran has, or incident to the transaction will acquire, a title to the lot that conforms to § 36.4253(a),

(2) The loan is secured as required by § 36.4253(d),

(3) The lot is determined by the Administrator to be an acceptable mobile home site pursuant to § 36.4208,

(4) The cost of the necessary site preparation is determined by the Administrator to be reasonable,

(5) The amount of the loan to pay for necessary site preparation does not exceed the cost thereof and also does not exceed the reasonable value of the developed lot as determined by the Administrator, and

(6) The loan conforms otherwise to the requirements of the § 36.4200 series.

(b) Notwithstanding that the veteran-borrower's obligation for such site preparation be evidenced and secured separately from his obligation for purchase of the mobile home, the obligations together shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

(c) The cost of site preparation which will not be paid from the proceeds of the loan must be paid by the veteran in cash from his own resources.

§ 36.4252 Loans for purchase of mobile home and for the acquisition of a lot.

(a) A loan to purchase a mobile home may include funds (or be augmented by a separate loan) to finance all or part of the cost of acquisition by the veteran of a lot on which to place such mobile home and any such loan shall be eligible for guaranty: *Provided*, That—

(1) The veteran will acquire title to such lot that conforms to the requirements of § 36.4253(a),

(2) The loan is secured as required by § 36.4253(d),

(3) The lot of determined by the Administrator to be an acceptable mobile home site pursuant to § 36.4208,

(4) The portion of the loan allocated to acquisition of the lot does not exceed the reasonable value of the lot as determined by the Administrator,

(5) In the case of an undeveloped lot (a lot requiring substantial preparation to render it suitable as a site for the mobile home) the portion of the loan allocated to acquisition of the lot does not exceed $5,000,

(6) In the case of a developed lot (a lot not requiring substantial preparation to render it suitable as a site for the mobile home) the portion of the loan allocated to acquisition of the lot does not exceed $7,500, and

(7) The loan conforms otherwise to the requirements of the § 36.4200 series.

(b) Notwithstanding that the veteran-borrower's obligation for acquisition of the lot be evidenced and secured separately from his obligation for purchase of the mobile home, the obligations together (including, where appropriate, that for site preparation) shall constitute one loan for the purposes of the § 36.4200 series, including computation of the Administrator's guaranty liability.

(c) The cost of lot acquisition which will not be paid from the proceeds of the loan must be paid by the veteran in cash from his own resources.

(d) For the purpose of this section acquisition of a mobile home lot includes:

(1) The refinancing of the balance owed by the veteran as purchaser under an existing real-estate installment contract, and

(2) The refinancing of existing mortgage loans or other liens which are secured of record on a mobile home lot owned by the veteran.

§ 36.4253 Title and lien requirements.

(a) The interest in the realty constituting a mobile home lot acquired by the veteran wholly or in part with the proceeds of a guaranteed loan, or in the realty constituting a mobile home lot improved wholly or in part with the proceeds of a guaranteed loan, shall not be less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien; however, a leasehold estate which is not freely assignable and transferable will be considered an acceptable estate if it is determined by the Chief Benefits Director, or the Director, Loan Guaranty Service, (i) that such type of leasehold is customary in the area where the property is located, (ii) that a veteran or veterans will be prejudiced if the requirement for free assignability is adhered to and, (iii) that the assignability and other provisions applicable to the leasehold estate are sufficient to protect the interests of the veteran and the Government and are otherwise acceptable; or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien.

The title to such estate shall be such as is acceptable to informed buyers, title companies, and attorneys, generally, in the community in which the property is situated, except as modified by paragraph (b) of this section.

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

(1) Encroachments;

(2) Easements;

(3) Servitudes;

(4) Reservations for water, timber, or subsurface rights;

(5) Right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right by the terms thereof is exercisable only if:

(i) An owner elects to sell,

(ii) The option price is not less than the price at which the then owner is willing to sell to another, and

(iii) Exercised within 30 days after notice is mailed by certified mail to the address of optionee last known to the then owner of the then owner's election to sell, stating his price and the identity of the proposed vendee;

(6) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;

(7) Violation of a restriction based on race, color, creed, or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach;

(8) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty of the loan:

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. 1819.

(c) The following limitations on the quantum or quality of the estate or property shall be deemed for the purposes of paragraph (b) of this section to have been taken into account in the appraisal of the mobile home lot and determined by the Administrator as not materially affecting the reasonable value of such property:

(1) *Building or use restrictions.* Provided, (i) no violation exists, (ii) the proposed use by a veteran does not presage a violation of a condition affording a right of reverter, and (iii) any right of future modification contained in the building or use restrictions is not exercisable, by its own terms, until at least 10 years following the date of the loan.

(2) *Violations of racial and creed restrictions.* Violations of a restriction based on race, color, creed or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach.

(3) *Violations of building or use restrictions of record.* Violations of building or use restrictions of record which

have existed for more than 1 year, are not the subject of pending or threatened litigation, and which do not provide for a reversion or termination of title or condemnation by municipal authorities or a lien for liquidated damages which may be superior to the lien securing the guaranteed loan.

(4) *Easements.* (i) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereof do not interfere with the use of the mobile home or improvements located on the subject property.

(ii) Mutual easements for joint driveways located partly on the subject property and partly on adjoining property, provided the agreement is recorded in the public records.

(iii) Easements for underground conduits which are in place and which do not extend under any buildings in the subject property.

(5) *Encroachments.* (i) On the subject property by improvements on the adjoining property where such encroachments do not exceed .1 foot within the subjects boundaries, provided such encroachments do not touch any buildings or interfere with the use or enjoyment of any building or improvement on the subject property.

(ii) By hedges or removable fences belonging to subject or adjoining property.

(iii) Not exceeding 1 foot on adjoining property by driveways belonging to subject property, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment.

(6) *Variations of lot lines.* Variations between the length of the subject property lines as shown on the plot plan or other exhibits submitted to Veterans Administration and as shown by the record or possession lines, provided such variations do not interfere with the current use of any of the improvements on the subject property including the mobile home and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line.

(d) In a combination loan (loan to finance the purchase of a mobile home and to finance the purchase of a lot and/or necessary site preparation) the total indebtedness of the veteran arising from such combination loan transaction must be secured by a first lien or the equivalent thereof on the estate of the veteran in the mobile home lot, which real estate security interest shall be in addition to the mobile home security interest required by § 36.4234.

(e) Tax liens, special assessment liens, and ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of specified dignity. With the prior approval of the Administrator, Chief Benefits Director, or Director, Loan Guaranty Service, liens retained by nongovernmental entities to secure assessments or charges for municipal type services and facilities clearly within the public purpose doctrine may be disregarded. In determining whether a loan for the purchase or improvement of a mobile home lot is secured by a first lien the Administrator may also disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran-borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien created after June 6, 1969, the Administrator's determination must have been made prior to the recordation of the covenant.

(f) In the case of a combination loan it shall be the responsibility of the lender that the veteran initially obtains or has an estate in the land constituting the mobile home lot meeting the requirements of paragraph (a) of this section and to obtain and retain a security interest thereon meeting the requirements of paragraph (d) of this section.

§ 36.4254 Fees and charges.

(a) Except as provided in § 36.4232 fees and charges incident to origination of a combination loan which may be paid by the veteran shall be limited to reasonable and customary amounts for any of the following:

(1) Fee of the Veterans Administration appraiser and of compliance inspectors designated by the Veterans Administration, except appraisal fees incurred for the predetermination of reasonable value requested by others than veteran or lender,

(2) Recording fees and recording taxes or other charges incident to recordation,

(3) Credit report,

(4) That portion of taxes, assessments, and other similar items for the current year chargeable to the borrower and his initial deposit (lump-sum payment) for any tax and insurance account,

(5) Survey, if required by lender or veteran,

(6) Title examination and title insurance, if any,

(7) Such other items as may be authorized in advance by the Chief Benefits Director as appropriate for inclusion under this paragraph as proper local variances.

(b) A lender may charge and the veteran may pay a flat charge not exceeding one (1) percent of the amount of the loan less the portion thereof allocated to the mobile home: *Provided*, That such flat charge shall be in lieu of all other charges relating to costs of origination not expressly specified and allowed in this schedule.

(c) Fees and charges specified in this section may not be included in the loan.

(72 Stat. 1114, 84 Stat. 1110; 38 U.S.C. 210, 1819)

These VA regulations are effective upon publication in the FEDERAL REGISTER (2–23–71).

Approved: February 18, 1971.

By direction of the Administrator.

RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-2454 Filed 2-22-71;8:50 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

Correction

In F.R. Doc. 71–1371 appearing at page 1896 in the issue for Wednesday, February 3, 1971, the second entry under Column 5 of Table III, now reading "J954, February 1966", should read "J945, February 1966".

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 204, 205, 245]

IMMIGRANT LABOR

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules which conform Service regulations to the recent regulations of the Department of Labor published on February 4, 1971 (36 F.R. 2462). In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments (in duplicate) relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Subparagraph (2) of paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * * *

(e) *Regional commissioners.* * * *

(2) Decisions on third- and sixth-preference petitions, as provided in § 204.1(c), except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

2. Subparagraphs (3) and (5) of paragraph (e) *Regional commissioners* of § 103.1 *Delegations of authority* are revoked.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT

1. Paragraph (c) of § 204.1 is amended to read as follows:

§ 204.1 Petition.

* * * * * *

(c) *Petition under section 203(a) (3) or (6)—(1) General.* A petition to classify the status of an alien under section 203 (a) (3) or (6) of the Act shall be filed on Form I–140. For each beneficiary a separate Form I–140 must be submitted, accompanied by a fee of $25. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer. Before it may be accepted and considered properly filed, the petition must be accompanied by Statement of Qualifications of Alien on Form MA 7–50A and Job Offer for Alien Employment on Form MA 7–50B to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that Form MA 7–50B and such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (29 CFR Part 60), or the beneficiary is qualified as a member of a profession or has exceptional ability in the sciences or arts and will be engaged therein.

(2) *Place of filing.* A petition to classify the status of an alien under section 203(a)(3) of the Act shall be filed by such alien or by any person on his behalf in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. A petition to classify the status of an alien under section 203(a)(6) of the Act shall be filed by the person, firm, or organization desiring and intending to employ the alien within the United States in the office of the Service having jurisdiction over the place of intended employment.

(3) *Filing date.* In a case in which the Labor certification presented in support of a petition was issued on the basis of a job offer, the filing date of the petition within the meaning of section 203(c) of the Act shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. In a case in which a job offer is not required by the Labor Department in order to apply for a certification, the filing date of the petition shall be the date it was properly filed with the appropriate Service office.

(4) *Sixth-preference petition for member of the professions or person having exceptional ability in the sciences or arts.* Nothing contained in this part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person having exceptional ability in the sciences or the arts from filing a petition for a sixth-preference classification; however, any such petition shall be subject to the requirements of this part governing sixth-preference petitions.

(5) *Interview and decision.* Prior to decision by the district director, the beneficiary and the petitioner may be required as a matter of discretion to appear in person before an immigration or consular officer and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying a petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

2. Paragraph (d) *Petitions under section 203(a)(6) of the Act* of § 204.1 *Petition* is revoked.

3. Paragraph (e) of § 204.2 is amended to read as follows:

§ 204.2 Documents.

* * * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification—(1) General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a) (3) or (6) of the Act shall include Form MA 7050A, or Forms MA 7–50 A and B, as provided in § 204.1(c), and any documents required to be presented with those forms. If the alien's eligibility is based in whole or in part on higher education, a certified copy of his school record shall be submitted. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the petitioner. Such evidence may attest to the universal acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievement as judged by recognized national or international experts in a specific discipline or field of endeavor. An affidavit attesting to an alien's exceptional ability in the sciences or the arts must set forth the name and address of the affiant, state how he has acquired his knowledge of the alien's qualifications, and must describe in detail the facts on which the affiant bases his assessment of the alien's qualifications. If material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of the publication. If the alien's eligibility is based on training or experience, documentary evidence thereof, such as affidavits, must be submitted by the petitioner. Affidavits concerning training or experience must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien.

(2) *Physicians.* An alien physician shall be considered eligible for classification as a member of the professions if he establishes that he was graduated from a medical school in the United States or Canada, or that he was graduated from a foreign medical school and has successfully passed the examination given by the Educational Council for Foreign Medical Graduates, or that he was graduated from a foreign medical school and has obtained a full and unrestricted license to practice medicine in the country where he obtained his medical education. In any other case the district director may consult the Educational Council for Foreign Medical Graduates or other organizations and experts in the medical field for the purpose of obtaining an advisory opinion of the alien's qualifications as a physician.

(3) *Advisory opinion.* The district director may request the Manpower Administration to furnish an advisory opinion concerning the qualifications of the beneficiary of a petition under section 203(a) (3) or (6) of the Act.

(4) *Certification under section 212(a)(14).* An alien whose occupation is currently listed in Schedule A (29 CFR Part 60) will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a)(14) of the Act cannot now be made (29 CFR Part 60). In the case of a beneficiary who the district director finds is a member of a profession or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form MA 7–50A to the appropriate Regional Manpower Administrator for a determination as to whether an individual labor certification will be issued. In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a)(14) of the Act by submitting properly executed Forms MA 7–50A and MA 7–50B, together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in Labor Department Schedules (29 CFR Part 60) may be obtained from principal offices of the Service, from State Employment Service offices and from United States consular offices.

4. Paragraph (f) *Evidence required to accompany petition for skilled or unskilled labor* of § 204.2 *Documents* is revoked.

5. Paragraphs (b) and (c) of § 204.4 are amended to read as follows:

§ 204.4 Validity of approved petitions.

* * * * * *

(b) *Petitions under sections 203(a) (3) and (6).* The approval of a petition to classify an alien as a preference immigrant under sections 203(a) (3) or (6) of the Act shall remain valid for as long as the supporting labor certification is valid and unexpired, provided there is no change in the intention of the beneficiary to engage in the indicated profession or occupation and, where applicable, there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed in the capacity indicated in the job offer attached to the petition.

(c) *Subsequent petition by same petitioner for same beneficiary.* When a visa petition has been approved and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a reaffirmation or reinstatement of the validity of the original petition.

§ 204.6 [Amended]

6. The last sentence of § 204.6 *Effect of changed employment on priority date for sixth-preference classification* is amended to read as follows: "However, the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition, and that petition is still valid."

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Paragraph (b) of § 205.1 is amended to read as follows:

§ 205.1 Automatic revocation.

* * * * * *

(b) *Petitions under section 203(a) (3) or (6).* (1) Upon expiration pursuant to 29 CFR Part 60 of the labor certification in support of the petition unless the certification is thereafter revalidated.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon formal notice of withdrawal filed by the beneficiary with the officer who approved the petition in a third-preference case.

(4) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition in a sixth-preference case.

(5) Upon termination of the employer's business in a sixth-preference case.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. Paragraph (e) of § 245.1 is amended to read as follows:

§ 245.1 Eligibility.

* * * * * *

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212(a)(14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that he is within Schedule A (29 CFR Part 60).

* * * * * *

2. The fourth sentence of paragraph (g) *Availability of immigrant visas under section 245* of § 245.1 *Eligibility* is amended to read as follows: "The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, which ever is the earliest: (1) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which application Form I–485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that he is within the Department of Labor's Schedule A (29 CFR Part 60); (3) the date on which an approved valid third- or sixth-preference visa petition in his behalf was filed if the applicant was within the Department of Labor's Schedule A (29 CFR Part 60); or (4) the date an application for certification was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued."

3. Paragraph (b) of § 245.2 is amended to read as follows:

§ 245.2 Application.

* * * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment—(1) Alien whose occupation is included in Schedule A (29 CFR Part 60), or who is a member of the professions, or has exceptional ability in the sciences or arts.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act who is subject to the labor certification requirement of section 212(a)(14) of the Act must submit Forms MA 7–50A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A (29 CFR Part 60), or if he is a member of a profession or has exceptional ability in the sciences or arts. The Forms MA 7–50A must be executed in accordance with the instructions for

completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in paragraph (a) of this section must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a)(14) of the Act will be made in accordance with the pertinent provisions of § 204.1(e)(4) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act, who is subject to the labor certification requirement of section 212(a)(14) of the Act, must submit the certification with his application if he is not a member of a profession, is not a person with exceptional ability in the sciences or the arts, and is unqualified for a category of employment currently listed in Schedule A (29 CFR Part 60). The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 17, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-2407 Filed 2-22-71;8:46 am]

POST OFFICE DEPARTMENT

[39 CFR Parts 154, 158]

HOLDING MAIL FOR ADDRESSEES; TIME LIMIT FOR FORWARDING MAIL

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making as follows:

(1) It is proposed to reduce the time period for which ordinary mail (except first class specifying a retention period by the sender) will be retained at the office of address, at the addressee's request, from the present 60-day period to 30-days. The present period has resulted in mail accumulations and storage space problems for the Department.

(2) Present regulations allow the forwarding of mail for a period of 2 years (39 CFR 158.2 (a), (b)). Such 2-year period is unrealistic. It is therefore proposed to reduce this forwarding time limit to 1 year.

The amendments to the Department's regulations set out below will achieve the stated purposes.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed regulations to the Director, Post Office and Delivery Services Division, Operations Department, Post Office Department, Washington, DC 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following amendments to the Department's regulations are proposed:

In § 154.1 *Delivery to persons,* add new paragraph (i) to read as follows:

§ 154.1 Delivery to persons.

* * * * *

(i) *Holding mail at request of addressee.* Ordinary mail, except first class bearing return address of sender specifying a retention period, will be retained at the office of address at the request of the addressee, for a period up to 30 days. Under unusual conditions, mail may be held for a longer period if the postmaster considers it practicable.

Section 158.2 *Time limit of change of address order,* is amended to read as follows:

§ 158.2 Time limit of change of address order.

(a) Time limit specified by addressee (not to exceed 1 year). State beginning and ending dates in the change of address order. The original order should be canceled when the addressee returns to his old address or moves to another permanent address within the specified period.

(b) Time limit not specified by addressee. Records of permanent change of address order, other than those subject to paragraph (d) of this section, are held for 1 year from the end of the month of the effective date recorded on Form 3575. The order is not renewable. Mail may continue to be forwarded beyond the 1-year period if the new address is known to the forwarding employee without reference to the change of address records.

(c) Forms 3575 will be retained for administrative purposes for 2 years.

(d) Change from general delivery at city delivery office. (1) *To permanent local address.* Record of change of address orders without time limit will be kept 6 months.

(2) *To other than permanent local address.* Record of change of address orders without time limit will be kept 30 days.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-2513 Filed 2-22-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS FOR HUMAN USE

New Drugs on the Market Without Approved New-Drug Applications; Statement of Policy

The Food and Drug Administration is seriously concerned about the continued introduction into the market of new products without submission and approval through the new-drug procedures of the Federal Food, Drug, and Cosmetic Act. This appears to result from a misunderstanding of the new-drug requirements or from a deliberate effort to avoid the new drug procedures.

The Commissioner wishes to make it entirely clear that he will require strict adherence to the new-drug requirements. Anyone introducing a new product, or an old product for a new use, or a new combination of old ingredients, or any other product that is or may be a "new drug" under section 201(p) of the Act, and the interpretations provided thereunder by regulations and court decisions, must submit and obtain new-drug approval prior to marketing the preparation. Should a manufacturer or distributor undertake to decide unilaterally that any such product does not require new-drug approval, he must recognize that he risks criminal and civil regulatory action, as well as a probable recall of the product from the market. The burden will be upon such a person to establish that there was, and that he acted upon, a body of published medical data, available to experts in the medical profession generally, from which such experts could fairly and responsibly reach a conclusion that the safety and effectiveness of the particular preparation for the conditions for which it is intended have been so well documented that the composition of the product is such that it would be generally recognized as both safe and effective for the conditions for which the drug is prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 505, 701(a), 52 Stat. 1041–42, as amended, 1052–53, as amended, 1055; 21 U.S.C. 321(p), 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the following new section be added to Subpart A of Part 130:

§ 130.____ New drugs on the market without approved new-drug applications.

(a) The Food and Drug Administration published a statement of policy on May 28, 1968 (33 F.R. 7758), § 130.39 (21 CFR 130.39), revoking all opinions theretofore given that an article was "not a new drug" or was "no longer a new drug." That policy states that undisclosed or unreported side effects, as well as the emergence of new knowledge presenting questions with respect to the safety or effectiveness of a drug, may result in its being a "new drug" even though it may previously have been considered "not a new drug." The Food and Drug Administration is publishing its requirements for continued marketing of these and other drugs through the process of implementing the conclusions of the NAS/NRC Drug Efficacy Study on labeling claims made for drugs marketed under the new-drug and antibiotic drug procedures between 1938 and 1962.

(b) In implementing the conclusions of the Drug Efficacy Study and identifying all marketed drugs affected by this review, it is apparent that large numbers of drugs have been, and continue to be, introduced to the market without clearance through the new-drug procedures and without the manufacturer or distributor having reached an understanding with the Food and Drug Administration that new-drug approval is not required. These include products with new formulations, new manufacturers, new manufacturing procedures, and new or revised claims. Most, if not all, of these products are new drugs and should have been cleared through the new-drug procedures prior to marketing.

(c) The marketing of a new drug based on a conclusion by the manufacturer or distributor that the drug does not fall within the statutory definition of a "new drug" because its composition is such that the particular drug would be generally recognized among appropriately qualified experts as safe and effective for its labeled indications is a risk that may ultimately result in injury to patients or ineffective treatment, and may subject the manufacturer or distributor to civil and criminal liability and to product recall. The manufacturer or distributor must be prepared to support any such unilateral decision by the medical documentation upon which it can be concluded by qualified experts that the safety and effectiveness of the drug for the conditions for which it is intended are so well established that the product would be generally recognized as safe and effective for the conditions for which it is labeled.

(d) The determination whether a drug is generally recognized as safe and effective for any condition is complex and not an absolute or one-time determination. The judgment requires consideration of the composition of the drug in terms of its reproducibility and reliability, as well as the indications for its use. Since product reproducibility and reliability require adherence to the conditions of current good manufacturing practice, including when applicable, assurance of bioavailability, there are few if any times that an expert judgment can be reached without full knowledge of factors that affect product composition. This consideration alone means that new-drug approval will be required in essentially all cases. The judgment is affected by new knowledge pertaining to adverse effects from the drug and by new considerations applicable to the treatment of the condition or disease involved. Full information necessary to sustain an expert judgment as to safety and effectiveness of a drug may not be available to the manufacturer or distributor or to the experts upon whom he relies. The Food and Drug Administration believes that before a manufacturer or distributor introduces a product to the market, whether or not the same or a similar product is already marketed by another firm, a request for review and comment on the proposal should be submitted. Information submitted should include a complete statement of the composition (active and inactive ingredients and assurance of product reliability), the labeling, and an adequate summary of the medical documentation on which the manufacturer or distributor and his expert advisors have reached a decision that the composition of the drug is such that it is generally recognized as safe and effective for the conditions for which it is to be prescribed, recommended, or suggested in its labeling.

(e) Manufacturers and distributors of drugs on the market which have not been cleared through the new-drug procedures should undertake an immediate study of all such drugs, their composition, their labeling, and the available evidence of safety and effectiveness upon the basis of which the products have been marketed. Appropriate steps should be taken to remove from the market drugs not supported by adequate evidence of safety and effectiveness and to bring all drugs that are to remain on the market into full compliance, including compliance with the new-drug provisions. The Food and Drug Administration is prepared to give advice on all drugs upon written inquiry setting forth the compete composition, the labeling, and an adequate summary of the medical documentation supporting the safety and effectiveness of the product.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2414 Filed 2-22-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 154]

[Docket No. 10858; Notice 71-6]

ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the issue of regulations implementing section 23 (Use of Government-owned Lands) of the Airport and Airway Development Act of 1970 (Public Law 91–258, 84 Stat. 232). The determination of whether to publish a notice of proposed rule making where the matter relates to public grants, benefits, and contracts, is discretionary with the Administrator. This notice is published in consonance with a policy of soliciting public participation in rule making that is of interest to the public.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before March 25, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Airport and Airway Development Act of 1970 authorizes the Secretary of Transportation to exercise the regulatory functions set forth in Part II of the Act (sections 11 through 27). The Secretary has delegated that authority to the Administrator of the Federal Aviation Administration.

Part 153 of the Federal Aviation Regulations prescribes the policies and procedures for administering section 16 of the Federal Airport Act. Until that program is completely phased out, Part 153 will continue to apply to U.S. lands acquired for public airports under that Act.

Regulations are now proposed to presribe the policies and procedures for the acquisition of U.S. land for public airports under section 23 of the 1970 Act. The regulations in large part are the same as existing substantive provisions of Part 153 with minor changes.

Section 23 of the Airport and Airway Development Act of 1970 is in large measure patterned after section 16 of the Federal Airport Act. However, there are significant differences. Thus, under section 23 the purpose for which a conveyance of land may be requested is broadened to include lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan. This did not appear in section 16 of the Federal Airport Act. Also, section 23 provides that "at the option of the Secretary" the property interest conveyed shall revert to the United States if the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. Additionally, this section specifically provides that if only a part of the property interest conveyed is not developed for airport purposes or used in a manner consistent with the terms of the conveyance, only that particular part shall at the option of the Secretary, revert to the United States. Section 16 of the Federal Airport Act provides for automatic reversion in the event that the lands in question are not developed, or cease to be used, for airport purposes. Part 153 provides that this reversion takes place after 5 years if no airport development occurs, or the land ceases to be used for airport purposes for a period of 6 months. The proposed regulations would provide for reversion, using a 1-year time period, but at the option of the Administrator and, conformably with section 23, they would provide that reversion may also occur if

the property interest is used in a manner inconsistent with the terms of the conveyance. This would afford to the Administrator an additional basis for imposing a sanction. As to a property interest that is necessary to meet future development of an airport, the time period would be specified as one satisfactory to the Administrator, and it would be further provided that any interim use of that interest for other than airport purposes would be subject to such terms and conditions as the Administrator may prescribe.

Section 23 exempts certain lands from its substantive provisions, namely lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation. Also, the Office of Legal Counsel, Assistant Attorney General, Department of Justice, has provided to the FAA an opinion that section 23 of the Airport and Airway Development Act of 1970 is not applicable to the transfer of entire, existing Federal Airports to State and local agencies, and that such transfers may be made only pursuant to the surplus property procedure contained in section 13 (g)(1) of the Surplus Property Act of 1944, as amended, 50 U.S.C. App. § 1662 (g)(1) (1964). The proposed Part 154 would reflect these exclusions.

Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) requires that the agency of the Federal Government include in its recommendation or report on a proposal for a major action (which includes the acquisition of U.S. land for public airports), a detailed statement by the responsible official on the environmental impact of the proposed action and related information. Transportation Order 5610.1, implementing that provision, requires a sponsor of a project to submit a draft statement of the environmental statement or a negative declaration, as appropriate. Proposed § 154.7(b)(14) accordingly would require each public agency applying for a conveyance to send with its request a statement of the environmental impact of the proposed action and related information, or a negative declaration, as appropriate.

It is also proposed to provide that the Administrator requests a conveyance of land under the new part only if the land is included in or meets the entrance criteria for the national airport system plan. This provision is considered appropriate to make the part consistent with the proposed regulations covering airport development aid, that would limit grants of Federal funds for airport purposes to projects for airports listed in the national airport system plan.

These amendments are proposed under the authority of section 23 of the Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 232), and § 1.47(g) of the regulations of the Office of the Secretary of Transportation (35 F.R. 17047).

In consideration of the foregoing, it is proposed to amend Title 14, Chapter I, of the Code of Federal Regulations by adding the following new Part 154.

Issued in Washington, D.C., on February 12, 1971.

CHESTER G. BOWERS,
Director, Airport Service.

PART 154—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Sec.
154.1 Applicability and purpose.
154.3 Public agencies eligible for conveyances.
154.5 Application for conveyance.
154.7 Form and content of application for conveyance.
154.9 Determinations by the Administrator.
154.11 Determination and conveyance by head of controlling agency.
154.13 Covenants in conveyances.

§ 154.1 Applicability and purpose.

(a) *General.* This part applies to the acquiring by public agencies, under section 23 of the Airport and Airway Development Act of 1970 (Public Law 91-258, 84 Stat. 232), of property interests in land owned or controlled by the United States, the use of which is reasonably necessary to carry out a project for airport development under Part II of that Act or to operate a public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan. If the Administrator determines that such a property interest is reasonably necessary to carry out such a project or to operate a public airport, he is authorized by section 23 of the Act to request the head of the department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or corporation wholly owned by the United States (in this part called the "controlling agency") that owns or controls that property interest to convey so much of it as the Administrator considers necessary, to the public agency sponsoring the project concerned or owning or controlling the airport concerned, as the case may be. The head of that agency is then required to determine whether the conveyance is inconsistent with the needs of that agency. If he determines that it is not inconsistent with those needs, he shall make the conveyance as provided in § 154.11.

(b) *Property interests to which this part applies.* This part applies with respect to fee title or any other interest in land that is reasonably necessary to carry out a project under the Airport Development Aid Program or to operate a public airport or in lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, including leaseholds, permits, licenses, and easements, over lands adjacent to the airport that will assure freedom from interference with the intended purpose. The property interest must be in land that is included in, or currently meets the entrance criteria for the current national airport system plan.

(c) *Property interests to which this part does not apply.* This part does not apply with respect to—

(1) Property interests in lands owned or controlled by the United States within—

(i) Any national park, national monument, national recreation area, or similar area under the administration of the National Park Service;

(ii) Any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or

(iii) Any national forest or Indian reservation; or

(2) Any entire, existing Federal airport.

(d) *Definition of "airport purposes."* For the purposes of this part, "airport purposes" means uses of property interests in land that are directly related to the actual operation or the foreseeable aeronautical development of the public airport. It includes—

(1) *Operational use.* Use of property interests for aerial approaches, navaids, runways, taxiways, aprons, or other aircraft movement areas;

(2) *Future developmental use.* Reservation of property interests for foreseeable aeronautical development (for example, a planned runway extension or a planned terminal building development);

(3) *Essential support services use.* Use of property interests for activities directly supporting flight operations (for example, aircraft maintenance, fueling, and servicing; mail, passenger, and cargo processing facilities; communications, and air traffic control; crash rescue, fire fighting, and airport maintenance); and

(4) *Complementary activities use.* Use of property interests for facilities or services that enhance the utility or convenience of the aeronautical services (for example, facilities to provide food, shelter, surface transportation, or vehicular parking).

§ 154.3 Public agencies eligible for conveyances.

A State, Puerto Rico, the Virgin Islands, Guam, any agency of any of them, a municipality or other political subdivision, a tax-supported organization, or an Indian tribe or pueblo may apply for a conveyance of a property interest under this part if—

(a) It plans to use that property interest for or in connection with—

(1) Developing a public airport as a project under the Airport Development Aid Program;

(2) Improving, developing, or protecting an existing public airport, whether or not in connection with a project under the program; or

(3) Establishing or constructing a new public airport, whether or not in connection with a project under that program;

(b) It has legal authority to accept the conveyance; to engage in the kind of airport development described in § 152.___, of this chapter, improvement, or construction necessary to benefit fully from the conveyance; to establish, operate, and maintain the proposed or existing airport; and to raise funds necessary for the proposed development, improvement, or construction and for financing the operation and maintenance of the airport;

(c) It has enough funds, or will be able to get them, to pay for any development, improvement, or construction that is necessary to benefit reasonably from the conveyance, and to operate and maintain the airport; and

(d) It is not in default on any obligation to the United States in connection with developing, operating, or maintaining an airport.

§ 154.5 Application for conveyance.

A public agency that is eligible under § 154.3 may apply for a conveyance of a property interest under this part by filing an application for it in quadruplicate with the FAA office serving the area in which the property interest is located.

§ 154.7 Form and content of application for conveyance.

(a) An application for a conveyance of a property interest under this part need not be in any special form. However, the public agency applying must provide enough information to enable the Administrator to determine—

(1) That it is eligible to apply for the conveyance;

(2) That it will accept the conveyance subject to the conditions and covenants in the deed of conveyance;

(3) That the property interest applied for is reasonably necessary to carry out a project under the Airport Development Aid Program or to operate a public airport; and

(4) The extent of the property interest that is necessary to accomplish the purpose.

(b) Each public agency applying for a conveyance must send with its request, or as soon thereafter as possible, the following information, if applicable and available, together with any other information requested by the Administrator:

(1) Its name and address.

(2) The name, location, and ownership of the airport concerned, or if the airport is not in existence, the proposed name, the approved location, and the prospective owner.

(3) If the airport is being operated under a lease or agreement from the public agency, a copy of the lease or agreement.

(4) A statement of its legal authority and financial ability to develop, improve, construct, operate, and maintain the airport.

(5) The name of the department or agency of the United States that owns or controls the property interest.

(6) A legal description of the land requested, and the amount of acreage, if applicable.

(7) A list of all improvements on the land and the use or disposition to be made thereof.

(8) A statement of the specific property interest, such as fee title, leasehold, easement, permit, license, or other interest, that it needs.

(9) A complete justification of its need for the property interest, supported by any maps, charts, photographs, or other documents that may be necessary to show the need for that property interest, and if use of other land might fill the need, a statement of the particular advantage of the U.S. land over the other suitable land.

(10) A statement of the plans and commitments for the financing of or accomplishing any development, improvement, or construction requiring the use of the property interest.

(11) An estimated date on which the property interest will be needed.

(12) The status of any project for developing the airport concerened under the Airport Development Aid Program.

(13) A statement that it has the legal authority to accept a conveyance subject to the convenants and reverter clause described in § 154.13.

(14) A statement on the following or a negative declaration, as appropriate:

(i) The environmental impact of the proposed action.

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(iii) Alternatives to the proposed action; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(iv) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c) Each application for a conveyance under this part must be signed by an officer of the public agency concerned who has been authorized by it to file the application. The application must be accompanied by a certified copy of a resolution or ordinance authorizing him to file the application and indicating that the public agency is willing to accept the conveyance subject to the covenants described in § 154.13.

§ 154.9 Determinations by the Administrator.

The Administrator reviews each application for a conveyance under this Part and determines whether the public agency requesting the conveyance is eligible and a conveyance is proper, under section 23 of the Airport and Airway Development Act of 1970 and this part. If he decides that the public agency is eligible and the conveyance is proper, he requests the head of the controlling agency to convey to the public agency as much of an interest as the Administrator considers to be reasonably necessary, without consideration, other than the benefits to accrue to the public and the United States from the use of the land for airport purposes. The Administrator accompanies his request with a detailed statement of the items required by section 102(e)(4) of the National Environmental Policy Act of 1969 (Public Law 91-190), as listed in § 154.7(b)(14).

§ 154.11 Determination and conveyance by head of controlling agency.

(a) Upon receiving a request for a conveyance under this part from the Administrator, the head of the controlling agency is required, by section 23(b) of the Airport and Airway Development Act of 1970, to determine whether the conveyance is inconsistent with the needs of his agency, and to notify the Administrator of his determination within 4 months after receiving the Administrator's request.

(b) Section 23(b) of the Act provides that, if the head of the controlling agency concerned determines that the requested conveyance is not inconsistent with those needs, he shall, upon the approval of the Attorney General and the President, perform any acts and execute any instruments necessary to make the conveyance, without expense to the United States.

§ 154.13 Covenants in conveyances.

Whenever the Administrator requests the head of a controlling agency to make a conveyance under this part, he also requests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, the following provisions:

(a) That the grantee will use the property interest for airport purposes, and will develop that interest for airport purposes within 1 year after the date of this convenyance. However, if the property interest is necessary to meet future development of an airport in accordance with the national airport system plan the grantee will develop that interest for airport purposes within a period of time satisfactory to the Administrator, and any interim use of that interest for other than airport purposes will be subject to such terms and conditions as the Administrator may prescribe.

(b) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without discrimination on the basis of race, color, or national origin, as to airport employment practices, and as to accommodations, services, facilities, and other public uses of the airport.

(c) That the grantee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now owned or controlled by it.

(d) That in furtherance of the policy of the FAA under this convenant the grantee—

(1) Agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying,

air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(2) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(3) Agrees that it will terminate forthwith any other exclusive right to conduct any aeronautical activity now existing at such an airport.

(e) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance.

(f) That, if the covenant to develop the property interest (or any part thereof) for airport purposes within the time specified in paragraph (a) of this section is breached, or if the property interest (or any part thereof) is not used in a manner consistent with paragraph (a) of this section or the terms of the conveyance, the Administrator may give notice to the grantee requiring him to take specified action, within a fixed period, towards development or use as prescribed, as the case may be. These notices may be issued repeatedly, and outstanding notices may be amended or supplemented. Upon expiration of a period so fixed without completion by the grantee of the required action, the Administrator may, on behalf of the United States, enter, and take title to, the property interest conveyed or the particular part of the interest to which the breach relates.

(g) That, if any covenant or condition in the instrument of conveyance, other than the covenant contained in paragraph (f) of this section, is breached, the Administrator may, on behalf of the United States, immediately enter, and take title to, the property interest conveyed or, in his discretion, that part of that interest to which to breach relates.

(h) That a determination by the Administrator that one of the foregoing covenants has been breached is conclusive of the facts; and that, if the right of entry and possession of title stipulated in the foregoing convenants is exercised, the grantee will, upon demand of the Administrator, take any action (including prosecution of suit or executing of instruments) that may be necessary to evidence transfer to the United States of title to the property interest conveyed, or, in the Administrator's discretion, to that part of that interest to which the breach relates.

[FR Doc.71-2435 Filed 2-22-71;8:48 am]

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM-63; Notice 70-20]

TRANSPORTATION OF HAZARDOUS MATERIALS

Tank Car Specifications; Withdrawal of Notice of Proposed Rule Making

On October 29, 1970, the Hazardous Materials Regulations Board published Docket No. HM-63; Notice No. 70-20 (35 F.R. 16741), and modified that notice on November 19, 1970 (35 F.R. 17790). The Board proposed to amend § 179.102-11 of the Department's Hazardous Materials Regulations to remove the authorization for higher discharge safety relief valve settings on DOT Specifications 112A and 114A tank cars transporting liquefied petroleum gas and anhydrous ammonia. The Board also proposed to cease issuance and renewal of special permits authorizing these higher discharge safety valve settings on Specifications 112A and 114A tank cars and special permits authorizing use of Specifications 112A and 114A tank cars constructed with a welded joint efficiency of $E=1.0$, as that figure is used in the regulations to determine tank plate thickness. The proposed date for special permit withdrawals was set at June 1, 1971.

Interested persons were given an opportunity to comment on the Board's proposal. On the basis of information and data received in response to the proposal, and available for examination at the Office of the Secretary of the Hazardous Materials Regulations Board, the Board concludes that it would be inadvisable to carry through with the proposal at this time. Should research by the Government or by industry indicate a need for further action on this subject, the matter may be opened for re-examination in its entirety.

In consideration of the foregoing, Docket No. HM-63; Notice No. 70-20 is withdrawn.

This action is taken under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 19, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[FR Doc.71-2509 Filed 2-19-71;4:16 pm]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Proposed Change in Open Season Policy

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to revise §§ 890.203(b), 890.301(d), and 890.306 (c) of Chapter I of Title 5 of the Code of Federal Regulations to provide for annual open seasons to enroll or change enrollment under the Federal Employees Health Benefits Program. The proposed change would permit employees not registered to be enrolled to register to be enrolled and enrolled employees or annuitants to change their enrollment on an annual basis. In addition, the proposal would change the dates within which carriers may submit proposals to change a health benefits plan or a subscription charge to the Commission. Carriers and other interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed amendments are set out below:

1. Section 890.203(b) is amended to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

* * * * *

(b) Any proposal for change in a health benefits plan shall be in writing, specifically describe the change proposed, and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counterproposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for a change which is received less than 8 months before the expiration of the then current contract period, except that changes in subscription charges for the ensuing contract period may be proposed not less than 6 months before the expiration of the then current contract period.

2. Section 890.301(d) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* During the period November 15 through 30 of each year beginning with November 15, 1971, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annultant may change his enrollment from one plan or option to another, or from self only to self and family, or both.

* * * * *

3. Section 890.306(c) is amended to read as follows:

§ 890.306 Effective dates.

* * * * *

(c) *Open season.* (1) The effective date of a change in enrollment under section 890.301(d) is the first day of the first pay period beginning on or after January 1 of the next following year.

(2) The effective date of a new enrollment under section 890.301(d) is the first day of the first pay period beginning on or after January 1 of the next following year, which follows a pay period during any part of which the employee is in pay status.

* * * * *

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2455 Filed 2-22-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Kentucky as set forth in the following new §§ 481.191-481.194 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Metropolitan Cincinnati Interstate Air Quality Control Region, Evansville (Indiana) - Owensboro - Henderson (Kentucky) Interstate Air Quality Control Region, Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region, and Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 20 days after the publication of this notice will be considered.

Interested authorities of the States of Kentucky, Illinois, Indiana, Ohio, and West Virginia and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., on February 26, 1971, in the State Health Department Auditorium, 275 East Main Street, Frankfort, KY.

Mr. Gene B. Welsh is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Gene B. Welsh, Air Pollution Control Office, Environmental Protection Agency, 50 Seventh Street NE., Room 404, Atlanta, GA 30323.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.191 Appalachian Intrastate Air Quality Control Region.

The Appalachian Intrastate Air Quality Control Region (Kentucky) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Bell County.	Leslie County.
Breathitt County.	Letcher County.
Clay County.	Magoffin County.
Floyd County.	Martin County.
Harlan County.	Owsley County.
Jackson County.	Perry County.
Johnson County.	Pike County.
Knott County.	Rockcastle County.
Knox County.	Whitley County.
Laurel County.	Wolfe County.
Lee County.	

§ 481.192 Bluegrass Intrastate Air Quality Control Region.

The Bluegrass Intrastate Air Quality Control Region (Kentucky) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Anderson County.	Jessamine County.
Bourbon County.	Lincoln County.
Boyle County.	Madison County.
Clark County.	Mercer County.
Estill County.	Nicholas County.
Fayette County.	Powell County.
Franklin County.	Scott County.
Garrard County.	Woodford County.
Harrison County.	

§ 481.193 North Central Kentucky Intrastate Air Quality Control Region.

The North Central Kentucky Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Breckinridge County.	Meade County.
Bullitt County.	Nelson County.
Grayson County.	Oldham County.
Hardin County.	Shelby County.
Henry County.	Spencer County.
Larue County.	Trimble County.
Marion County.	Washington County.

§ 481.194 South Central Kentucky Intrastate Air Quality Control Region.

The South Central Kentucky Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited:

In the State of Kentucky:

Adair County.	Logan County.
Allen County.	McCreary County.
Barren County.	Metcalfe County.
Butler County.	Monroe County.
Casey County.	Pulaski County.
Clinton County.	Russell County.
Cumberland County.	Simpson County.
Edmonson County.	Taylor County.
Green County.	Warren County.
Hart County.	Wayne County.

§ 481.20 [Amended]

The Metropolitan Cincinnati Interstate Air Quality Control Region (Ohio-Kentucky-Indiana) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Boone County.	Kenton County.
Campbell County.	

In the State of Indiana:

Dearborn County.	Ohio County.

In the State of Ohio:

Butler County.	Hamilton County.
Clermont County.	Warren County.

It is now proposed to add Carroll, Gallatin, Grant, Pendleton, and Owen Counties, in the State of Kentucky, to the region.

§ 481.61 [Amended]

The Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Daviess County.	Henderson County.
Hancock County.	Union County.

In the State of Indiana:

Dubois County.	Spencer County.
Gibson County.	Vanderburgh County.
Perry County.	Warrick County.
Pike County.	
Posey County.	

It is now proposed to add McLean, Ohio, and Webster Counties, in the State of Kentucky, to the region.

§ 481.64 [Amended]

The Huntington (West Virginia)-Ashland (Kentucky)-Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Boyd County.	Lawrence County.
Greenup County.	

In the State of Ohio:

Gallia County.	Scioto County.
Lawrence County.	

In the State of West Virginia:

Cabell County.	Wayne County.
Mason County.	

It is now proposed to add Bath, Bracken, Carter, Elliott, Fleming, Lewis, Mason, Menifee, Montgomery, Morgan, Robertson, and Rowan Counties, in the State of Kentucky to the region.

§ 481.69 [Amended]

The Paducah (Kentucky)-Cairo (Illinois) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clear Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Kentucky:

Ballard County.	McCracken County.
Marshall County.	

In the State of Illinois:

Alexander County.	Pope County.
Massac County.	Pulaski County.

It is now proposed to add Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Muhlenberg, Todd, and Trigg Counties, in the State of Kentucky, to the region.

This action is proposed under the authority of Section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: February 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2415 Filed 2-22-71;8:47 am]

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate intrastate air quality control regions in the State of Georgia as set forth in the following new §§ 481.236–481.238 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new intrastate air quality control regions, it is proposed to revise the boundaries of the Metropolitan Atlanta Intrastate Air Quality Control Region, the Chattanooga Interstate Air Quality Control Region, the Augusta-Aiken Interstate Air Quality Control Region, the Savannah-Beaufort Interstate Air Quality Control Region, the Columbus-Phenix City Interstate Air Quality, and the Jacksonville-Brunswick Interstate Air Quality Control Region.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 20 days after the publication of this notice will be considered.

Interested authorities of the States of Georgia, Alabama, Florida, South Carolina, and Tennessee, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., February 24, 1971, in Room 315–316, Georgia Department of Public Health, 47 Trinity Avenue SW., Atlanta, GA 30334.

Mr. Gene B. Welsh is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Gene B. Welsh, Air Pollution Control Office, Environmental Protection Agency, Room 404, 50 Seventh Street NE., Atlanta, GA 30323.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.236 Central Georgia Intrastate Air Quality Control Region.

The Central Georgia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Baldwin County.	Monroe County.
Ben Hill County.	Montgomery County.
Bibb County.	Peach County.
Bleckley County.	Pulaski County.
Crawford County.	Putnam County.
Dodge County.	Telfair County.
Hancock County.	Toombs County.
Houston County.	Treutlen County.
Jasper County.	Twiggs County.
Jeff Davis County.	Washington County.
Johnson County.	Wheeler County.
Jones County.	Wilcox County.
Laurens County.	Wilkinson County.
Macon County.	

§ 481.237 Northeast Georgia Intrastate Air Quality Control Region.

The Northeast Georgia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Banks County.	Madison County.
Barrow County.	Morgan County.
Clarke County.	Newton County.
Dawson County.	Oconee County.
Elbert County.	Oglethorpe County.
Forsyth County.	Rabun County.
Franklin County.	Stephens County.
Greene County.	Taliaferro County.
Habersham County.	Towns County.
Hall County.	Union County.
Hart County.	Walton County.
Jackson County.	White County.
Lincoln County.	Wilkes County.
Lumpkin County.	

§ 481.238 Southwest Georgia Intrastate Air Quality Control Region.

The Southwest Georgia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Baker County.	Irwin County.
Berrien County.	Lanier County.
Brooks County.	Lee County.
Calhoun County.	Lowndes County.
Clay County.	Miller County.
Colquitt County.	Mitchell County.
Cook County.	Randolph County.
Crisp County.	Seminole County.
Decatur County.	Terrell County.
Dougherty County.	Thomas County.
Early County.	Tift County.
Echols County.	Turner County.
Grady County.	Worth County.

§ 481.42 [Amended]

The Chattanooga Interstate Air Quality Control Region (Tennessee-Georgia) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the areas so delimited):

In the State of Tennessee:

Hamilton County.

In the State of Georgia:

Catoosa County.	Walker County.
Dade County.	

It is now proposed to add Bartow, Chattooga, Cherokee, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, and Whitfield Counties, in the State of Georgia, to the region.

§ 481.45 [Amended]

The Metropolitan Atlanta Intrastate Air Quality Control Region (Georgia) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Clayton County.	Fulton County.
Cobb County.	Gwinnett County.
De Kalb County.	Henry County.
Douglas County.	

It is now proposed to add Butts, Carroll, Coweta, Fayette, Heard, Lamar, Meriwether, Pike, Rockdale, Spalding, Troup, and Upson Counties, in the State of Georgia, to the region.

§ 481.58 [Amended]

The Columbus (Georgia)-Phenix City (Alabama) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Chattahoochee County.	Muscogee County.
Harris County.	Stewart County.

In the State of Alabama:

Chambers County.	Russell County.
Lee County.	

It is now proposed to: (1) Add Dooly, Marion, Quitman, Schley, Sumter, Talbot, Taylor, and Webster Counties, in the State of Georgia, and Autauga, Bulloch, Butler, Crenshaw, Elmore, Lowndes, Macon, Montgomery, and Pike Counties, in the State of Alabama, to the region; and (2) delete Chambers County, in the State of Alabama, from the region.

§ 481.91 [Amended]

The Jacksonville (Florida)-Brunswick (Georgia) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Florida:

Alachua County.	Lafayette County.
Baker County.	Leon County.
Bradford County.	Liberty County.
Clay County.	Madison County.
Columbia County.	Marion County.
Dixie County.	Nassau County.
Duval County.	Putnam County.
Flagler County.	St. Johns County.
Franklin County.	Suwannee County.
Gadsden County.	Taylor County.
Gilchrist County.	Union County.
Hamilton County.	Wakulla County.
Jefferson County.	

In the State of Georgia:

Camden County.	Glynn County.

It is now proposed to add Appling, Atkinson, Bacon, Brantley, Charlton, Clinch, Coffee, Long, McIntosh, Pierce, Ware, and Wayne Counties, in the State of Georgia, to the region.

§ 481.113 [Amended]

The Savannah (Georgia)-Beaufort (South Carolina) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Bryan County.	Effingham County.
Chatham County.	Liberty County.

In the State of South Carolina:

Beaufort County.	Hampton County.
Colleton County.	Jasper County.

It is now proposed to add Bulloch, Candler, Evans, and Tattnall Counties, in the State of Georgia, to the region.

§ 481.114 [Amended]

The Augusta (Georgia)-Aiken (South Carolina) Interstate Air Quality Control Region presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Georgia:

Burke County.	Richmond County.
Columbia County.	Screven County.
McDuffie County.	

In the State of South Carolina:

Aiken County.	Barnwell County.
Allendale County.	Calhoun County.
Bamberg County.	Orangeburg County.

It is now proposed to add Emanuel, Glascock, Jefferson, Jenkins, and Warren Counties, in the State of Georgia, to the region.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604.

Dated: February 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2416 Filed 2-22-71;8:47 am]

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate intrastate air quality control regions in the State of Minnesota as set forth in the following new §§ 481.243–481.245 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new intrastate air quality control regions, it is proposed to revise the boundaries of the presently designated Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60), the Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region (§ 481.66), and the Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa-Minnesota-South Dakota) (§ 481.85).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 20 days after the publication of this notice will be considered.

Interested authorities of the States of Minnesota, Wisconsin, Iowa, South Dakota, and North Dakota, and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 1 p.m., February 22, 1971, in Room 564, Federal Building, Fort Snelling, Twin Cities, MN 55111.

Mr. Ronald J. Van Mersbergen is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Van Mersbergen, Air Pollution Control Office, Environmental Protection Agency, New Post Office Building, Room 712, 433 West Van Buren Street, Chicago, IL 60607.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.243 Central Minnesota Intrastate Air Quality Control Region.

The Central Minnesota Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Benton County.	Pine County.
Chisago County.	Sherburne County.
Isanti County.	Stearns County.
Kanabec County.	Wright County.
Mille Lacs County.	

Pine County, Minn., is at present in the designated Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60). It is now proposed to delte Pine County from the Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region and to include Pine County in the Central Minnesota Intrastate Air Quality Control Region.

§ 481.244 Northwest Minnesota Intrastate Air Quality Control Region.

The Northwest Minnesota Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Becker County.	Morrison County.
Beltrami County.	Norman County.
Cass County.	Otter Tail County.
Clearwater County.	Pennington County.
Crow Wing County.	Polk County.
Douglas County.	Pope County.
Grant County.	Red Lake County.
Hubbard County.	Roseau County.
Kittson County.	Stevens County.
Lake of the Woods County.	Todd County.
	Traverse County.
Mahnomen County.	Wadena County.
Marshall County.	Wilkin County.

§ 481.245 Southwest Minnesota Intrastate Air Quality Control Region.

The Southwest Minnesota Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Big Stone County.	Meeker County.
Chippewa County.	Murray County.
Cottonwood County.	Nobles County.
Jackson County.	Pipestone County.
Kandiyohi County.	Redwood County.
Lac qui Parle County.	Renville County.
	Rock County.
Lincoln County.	Swift County.
Lyon County.	Yellow Medicine County.
McLeod County.	

Rock County, Minn., is at present in the designated Metropolitan Sioux Falls Interstate Air Quality Control Region (§ 481.85). It is now proposed to delete Rock County from the Metropolitan Sioux Falls Interstate Air Quality Control Region and to include Rock County in the Southwest Minnesota Intrastate Air Quality Control Region.

§ 481.60 [Amended]

The Duluth (Minnesota)-Superior (Wisconsin) Interstate Air Quality Control Region (§ 481.60) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Carlton County.	Pine County.
Cook County.	St. Louis County.
Koochiching County.	Bayfield County.
Lake County.	

In the State of Wisconsin:

Burnett County.	Douglas County.

In the January 8, 1971, FEDERAL REGISTER, it was proposed to add to the region the following counties in the State of Wisconsin: Ashland, Iron, Price, Rusk, Sawyer, Taylor, and Washburn. It is now proposed to add to the region the following counties in the State of Minnesota: Atkin and Itasca. Additionally, it is proposed to delete Pine County, in the State of Minnesota, from the region.

§ 481.66 [Amended]

The Southeast Minnesota-La Crosse (Wisconsin) Interstate Air Quality Control Region (§ 481.66) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Minnesota:

Dodge County.	Mower County.
Fillmore County.	Olmsted County.
Freeborn County.	Steele County.
Goodhue County.	Wabasha County.
Houston County.	Winona County.

In the State of Wisconsin:

Buffalo County.	Trempealeau County.
La Crosse County.	Vernon County.

In the January 8, 1971, FEDERAL REGISTER, it was proposed to add to the region the following counties in the State of Wisconsin: Barron, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, Monroe, Pepin, Pierce, Polk, and St. Croix. It is now proposed to add the following counties in the State of Minnesota: Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Rice, Sibley, Waseca, and Watonwan.

§ 481.85 [Amended]

The Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa-Minnesota-South Dakota) (§ 481.85) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Iowa:

Lyon County.

In the State of Minnesota:

Rock County.

In the State of South Dakota:

Lincoln County.	Minnehaha County.
McCook County.	Turner County.

It is now proposed to delete Rock County, Minn., from the region.

This action is proposed under the authority of (section 301(a), 81 Stat. 504, 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: February 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2417 Filed 2-22-71;8:47 am]

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate intrastate air quality control regions in the State of West Virginia as set forth in the following new §§ 481.230-481.235 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new intrastate air quality control regions, it is proposed to revise the boundaries of the designated Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) (§ 481.59).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Appropriate State and local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., March 2, 1971, in Courtroom No. 1, Fifth Floor, Federal Court Building, 500 Quarrier Street, Charleston, WV.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.230 Allegheny Intrastate Air Quality Control Region.

The Allegheny Intrastate Air Quality Control Region (West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Greenbrier County.	Pocahontas County.
Hampshire County.	Randolph County.
Hardy County.	Summers County.
Monroe County.	Tucker County.
Pendleton County.	

In Grant County:

Grant Magisterial District.
Milroy Magisterial District.

In Mineral County:

Cabin Run Magisterial District.
Frankfort Magisterial District.
Welton Magisterial District.

§ 481.231 Central West Virginia Intrastate Air Quality Control Region.

The Central West Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Braxton County.	Nicholas County.
Calhoun County.	Ritchie County.
Clay County.	Roane County.
Doddridge County.	Upshur County.
Gilmer County.	Webster County.
Lewis County.	Wirt County.

§ 481.232 Eastern Panhandle Intrastate Air Quality Control Region.

The Eastern Panhandle Intrastate Air Quality Control Region (West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Berkeley County.	Morgan County.
Jefferson County.	

§ 481.233 Kanawha Valley Intrastate Air Quality Control Region.

The Kanawha Valley Intrastate Air Quality Control Region (West Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Kanawha County.	Putnam County.

In Fayette County:

Falls Magisterial District.
Kanawha Magisterial District.

§ 481.234 North Central West Virginia Intrastate Air Quality Control Region.

The North Central West Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Barbour County.	Monongalia County.
Harrison County.	Preston County.
Marion County.	Taylor County.

§ 481.235 Southern West Virginia Intrastate Air Quality Control Region.

The Southern West Virginia Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of West Virginia:

Boone County.	Mercer County.
Lincoln County.	Mingo County.
Logan County.	Raleigh County.
McDowell County.	Wyoming County.

In Fayette County:

Fayetteville Magisterial District.
Mountain Cove Magisterial District.
Nuttall Magisterial District.
Quinnimont Magisterial District.
Sewell Mountain Magisterial District.

§ 481.59 [Amended]

The Cumberland-Keyser Interstate Air Quality Control Region (Maryland-West Virginia) (§ 481.59) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Maryland:

Garrett County.	Allegany County.

In the State of West Virginia:

Grant County.	Mineral County.

It is proposed to amend the boundaries of the West Virginia portion of the Region to include the following jurisdictions:

In the State of West Virginia:

In Grant County:

Union Magisterial District.

In Mineral County:

Elk Magisterial District.
Piedmont Magisterial District.
New Creek Magisterial District.

This action is proposed under the authority of (section 301(a), 81 Stat. 504, 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604).

Dated: February 17, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2418 Filed 2-22-71;8:47 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 71-14]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27) set forth the procedures whereby the owners or operators of certain vessels using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessels could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualification required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for the denial, revocation, modification, or suspension of such Certificates.

Section 542.6(a) of General Order 27 provides for the issuance of separate Certificates to cover specific vessels of every owner or operator subject to the General Order. In order to obtain separate Certificates it is presently necessary for an applicant desiring such Certificates to file with the Commission specific information with respect to each vessel, including evidence of the applicant's financial responsibility, e.g., acceptable evidence of insurance. The time required for the applicant to obtain, prepare and file such information and evidence, and the time required by the Commission to process the data and issue

Certificates may work an unnecessary burden on those applicants who acquire vessels for purposes of construction, scrapping, or sale.

In view of the equities involved, the Commission is now of the opinion that § 542.6 of General Order 27 should be amended to permit persons, who from time to time acquire vessels for purposes of construction, scrapping or sale, to apply for master Certificates covering all such vessels up to a specified, individual vessel, maximum gross tonnage. The maximum gross tonnage which the Commission would specify on a particular master Certificate would be that number of gross tons for which the applicant has established acceptable evidence of financial responsibility.

Consistent with the provisions of the proposed new rule providing for the issuance of master Certificates, a new certificate of insurance form (Form FMC–225A) and a new guaranty form (Form FMC–227A), have been designed to be used exclusively in connection with obtaining master Certificates. Both of the proposed new forms retain all of the language of Forms FMC–225 and FMC–227 insofar as such language is compatible with the coverage required for master Certificates.[1]

For the purpose of making the other sections of General Order 27 compatible with the proposed new rule, a number of additional rule changes are being proposed.

One of these changes concerns that provision of § 542.6(a) which now requires a Certificate or copy thereof to be carried aboard the certified vessel, and would relieve a certificant from the requirement of keeping his Certificate or copy thereof aboard a vessel being scrapped, or aboard certain unmanned barges, etc. At the same time, however, it would provide an alternate method of facilitating determination of a vessel's compliance with General Order 27, i.e., by requiring that the Certificate number be marked upon such vessel's bows.

Moreover, in order to provide more flexibility concerning methods by which applicants may comply with financial responsibility requirements, the Commission is considering a new rule which would allow the Commission to accept methods of compliance, other than those now prescribed in the rules, which in its discretion it deems proper and acceptable.

In addition, the Commission is proposing to change the current definition of "Act" contained in § 542.2(a) from "the Water Quality Improvement Act of 1970" to "the Federal Water Pollution Control Act, as amended". While the Water Quality Improvement Act of 1970 is the only part of the entire statute which concerns the Commission, it is but an amendment to the Federal Water Pollution Control Act.

Finally, the Commission proposes to delete from the existing paragraph (d) of § 542.5 the requirement that all partners of a partnership be named on any evidence of financial responsibility submitted to the Commission. In view of the fact that this requirement is presently built into cerain forms that are provided for in the rules, the Commission sees no purpose to be served by retention of the requirement in § 542.5(d).

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1) and 11(p)(2) of the Federal Water Pollution Control Act, as amended (84 Stat. 97, notice is hereby given that, to accomplish the aforesaid purposes, the Federal Maritime Commission is considering amendments to Part 542 of Title 46 CFR, as follows:

1. It is proposed that current paragraph (a) of § 542.2 be changed to read as follows:

(a) "Act" means the Federal Water Pollution Control, as amended.

2. In current paragraph (a) of § 542.4, it is proposed that the colon in the second sentence of the paragraph be changed to a period, and that the following wording be deleted: "*Provided, however*, That the Certificate will be issued only upon receipt by the Commission of advice that the vessel or vessels have been acquired."

3. It is proposed that a new subparagraph (5) be added to paragraph (a) of § 542.5 to read as follows:

(5) Filing with the Commission on Certificate of Insurance Form FMC–225A evidence of insurance issued by an acceptable insurer or insurance broker for purposes of obtaining a master Certificate as provided in § 542.6(d).

4. It is proposed that a new subparagraph (6) be added to paragraph (a) of § 542.5 to read as follows:

(6) Filing with the Commission a guaranty on Form FMC–227A, issued by a guarantor acceptable to the Commission, for the purpose of obtaining a master Certificate as provided in § 542.6(d) of this part. An acceptable guarantor is defined in subparagraph (4) of this paragraph.

5. It is proposed that a new subparagraph (7) be added to paragraph (a) of § 542.5 to read as follows:

(7) Filing with the Commission such other evidence of financial responsibility as the Commission shall, in its discretion, deem proper and acceptable: *Provided, however*, That such other evidence of financial responsibility shall in no way constitute an alteration or modification of the methods of establishing financial responsibility prescribed in paragraph (a) of this section.

6. It is proposed that in the first sentence of paragraph (b) of § 542.5 the words "certificate of insurance Form FMC–225" and the words "guaranty Form FMC–227" be changed to read "certificate of insurance Forms FMC–225 and FMC–225A" and "guaranty Forms FMC–227 and FMC–227A", respectively.

7. It is also proposed that in paragraph (d) of § 542.5 the comma appearing after the word "issued" be changed to a period, and that the following words be deleted: "and in case of a partnership, all partners shall be named."

8. The first sentence of paragraph (a) of § 542.6 is proposed to be amended by adding the following words at the beginning thereof: "Except as set forth in paragraph (d) of this section,".

9. It is proposed that paragraph (a) of § 542.6 be further amended by adding at the end thereof, the following:

"Where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, it must be retained at a location in the United States and kept readily accessible for inspection by U.S. Government officials: *Provided, however*, That where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, the Federal Maritime Commission Certificate number, preceded by the letters "FMC", must be marked upon each bow of such vessel in such a manner as to be readily discernible, but in no event shall the letters and numbers used be smaller than four inches in size."

10. It is further proposed that paragraph (b) of § 542.6 be amended by adding at the beginning of the first sentence thereof the following words: "Except in the case of a master Certificate as provided for in paragraph (d) of this section,".

11. Finally, it is proposed that a new paragraph (d) be added to § 542.6 as follows:

(d) In lieu of separate Certificates for each vessel, a person owning or operating vessels as a builder, scrapper, or seller may apply for a master Certificate to cover all vessels up to a specified, individual vessel, maximum gross tonnage, which such applicant may from time to time hold for the purposes of construction, scrapping or sale. The maximum gross tonnage to be specified on a particular master Certificate shall be that number of gross tons for which the applicant has evidenced acceptable financial responsibility. For purposes of obtaining a master Certificate, acceptable evidence of financial responsibility shall be established by the methods set forth in § 542.5(a), with the exceptions of certificate of insurance Form FMC–225 and guaranty Form FMC–227. Persons who have been issued master Certificates must submit to the Secretary of the Commission, every 6 months beginning with the month in which the master Certificate is issued, reports indicating the name, previous name, or other identifying information and gross tonnage of every vessel covered by the master Certificate during the reporting period. Before any certificant, already holding a master Certificate, acquires a new vessel which is of a gross tonnage greater than the gross tonnage specified on his master Cerificate, and such new vessel is to be acquired for purposes of construction, scrapping or sale, said certificant shall submit to the Commission new or amended evidence of financial responsibility in an amount necessary to cover such new, larger vessel. Failure to do so may result in the master Certificate being suspended or revoked, which would require the certificant to apply for separate Certificates for each of his vessels in accordance with the other provisions of this part.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days of the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed changes in General Order 27. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2442 Filed 2-22-71;8:49 am]

[1] Forms FMC–225A and 227A are incorporated into and made a part of this notice.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JOHN BLAKE CHENAULT

Notice of Granting of Relief

Notice is hereby given that John Blake Chenault, 220 South 14th Street, Junction, TX, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 25, 1931, in the District Court of Kimble County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Blake Chenault because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John Blake Chenault to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Blake Chenault's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John Blake Chenault be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2408 Filed 2-22-71;8:46 am]

JAMES VIRGIL COLLINS

Notice of Granting of Relief

Notice is hereby given that James Virgil Collins, 17818 East Burnside, Portland, OR, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 9, 1968, by a General Courts-Martial, convened at Lackland Air Force Base, Tex.; May 21, 1958, in the U.S. District Court for the Eastern District of Louisiana; September 21, 1961, in the Circuit Court for Multnomah County, Oreg.; and February 5, 1963, in the California Superior Court, Fresno, Calif., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Virgil Collins because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for James Virgil Collins to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Virgil Collins' application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James Virgil Collins be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 9th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2409 Filed 2-22-71; 8:46 am]

GEORGE C. MORVAN

Notice of Granting of Relief

Notice is hereby given that George C. Morvan, 45-15 220 Place, Bayside, NY 11361, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on March 27, 1934, in Suffolk County, N.Y., and on July 27, 1937, in Queens County, N.Y., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George C. Morvan because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for George C. Morvan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George C. Morvan's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That George C. Morvan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 9th day of February 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-2410 Filed 2-22-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 71-9]

RELIABLE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (Supp. V, 1970)), notice is given that the Reliable Coal Corp. has filed a petition to modify the application of section 303(d)(1) of the Act and § 75.304 et seq. of 30 CFR to its Kanes Creek Mine (No. 46-01822-0), Preston County, W. Va.

Section 303(d)(1) provides in pertinent part as follows:

Within 3 hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary * * *.

30 CFR 75.304-3 (35 F.R. 17901) provides in part as follows:

* * * Until December 31, 1970, a permissible flame safety lamp may be used to make tests for methane required by the regulations in this part. On and after December 31, 1970, a methane detector approved by the Secretary shall be used for such tests and a permissible flame safety lamp may be used as a supplementary testing device.

Petitioner requests that it be permitted to continue to use the permissible flame safety lamp for detecting methane in lieu of the methane detector required after December 31, 1970, by the regulation. Petitioner states that this alternate method of detecting methane will at all times guarantee no less than the same measure of protection to the miners in the Kane Creek mine as the use of the methane detector.

Petitioner also requests that this proceeding be consolidated with proceedings pursuant to its petition M 71-7 notice of which was published in the FEDERAL REGISTER on February 2, 1971, 36 F.R. 1547.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at this address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 10, 1971.

[FR Doc.71-2434 Filed 2-22-71;8:48 am]

Geological Survey

EXPLORATORY DRILLING IN THE SANTA BARBARA CHANNEL

Public Notice Regarding Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of a draft report dated February 23, 1971, which discusses the potential environmental impact of the program of drilling exploratory wells on Federal oil and gas leases on the Outer Continental Shelf in the Santa Barbara Channel, off the coast of California. This program involves 72 lease tracts that were acquired in 1967 and 1968 by private entities through competitive bidding.

Comments on the exploratory drilling program and on the draft environmental statement are solicited from, and may be submitted by, State and local agencies and members of the public. Such comments should be submitted to the office of Director, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20242. All comments must be received by March 29, 1971, in order to be considered in the preparation of any final environmental statement and in the ultimate program reassessment.

Copies of the draft statement with attached colored map of the Santa Barbara Channel may be purchased (price, 2 dollars) or examined at any of the following locations:

Washington, D.C.: Office of Director of Information, Room 7208, Interior Department Building, 18th and C Streets NW.
Denver, Colo.: Geological Survey Public Inquiries Office, Room 1012 Federal Building.
Los Angeles, Calif.: Geological Survey Public Inquiries Office, 7638 Federal Building, 300 North Los Angeles Street.
Santa Barbara, Calif.: Geological Survey District Office, 214 Post Office Building, 836 Anacapa Street.
San Francisco, Calif.: Geological Survey Public Inquiries Office, Room 504 Customhouse, 555 Battery Street.

W. T. PECORA,
Director, Geological Survey.

[FR Doc.71-2514 Filed 2-22-71;10:17 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CONSUMER AND MARKETING SERVICE

Organization and Delegations

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, section 110c of Secretary's order dated December 3, 1969 (34 F.R. 19474), as amended in 35 F.R. 19701 is further amended by adding three new subparagraphs (27, 28, and 29), which read as follows:

(27) Wheat Research and Promotion Act (Public Law 91-430).

(28) Plant Variety Protection Act (Public Law 91-577).

(29) Egg Products Inspection Act (Public Law 91-597).

Done at Washington, D.C. this 17th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2412 Filed 2-22-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-214; NDA 10-240]

LAKESIDE LABORATORIES

Pediatric Piptal With Phenobarbital Drops; Order Withdrawing Approval of New-Drug Application

On August 19, 1970, there was published in the FEDERAL REGISTER, 35 F.R. 13224, a Notice of Opportunity for Hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 10-240 for Pediatric Piptal with Phenobarbital Drops, and all amendments and supplements thereto, on the ground that there is a lack of substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Lakeside Laboratories, a division of Colgate-Palmolive Co., Milwaukee, Wisconsin 53201, holder of NDA No. 10-240 for Pediatric Piptal with Phenobarbital Drops, on September 17, 1970, filed a letter requesting a hearing pursuant to the August 19, 1970, publication.

Submitted with the letter was an affidavit of William C. Janssen, M.D., the firm's Director of Clinical Research and Medical Affairs, supported by its medical documentation, and a statement of reasons why the firm contends that a hearing is in order.

This presentation has been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

REASONS FOR WITHDRAWAL OF APPROVAL

1. *The Drug.* Pediatric Piptal with Phenobarbital is a fixed combination liquid preparation containing, in each milliliter, 6 milligrams of phenobarbital (a sedative), 4 milligrams of piptal (pipenzolate bromide, an anticholinergic), and 20 percent of alcohol.

It is recommended for use to alleviate "discomfort and restlessness in a broad range of gastrointestinal disorders"; to provide "rapid relief of pain and spasm in pylorospasm, spitting, regurgitation, cardiospasm and colic."

The recommended dose for colic is 0.5 to 1 cc. (16 drops) on a 15-minute

"self-demand schedule" and for functional disorders 0.5 to 1 cc. four times daily.

The rationale for the preparation is that it provides sedative relief accompanied by anticholinergic action to calm the gastrointestinal tract.

2. *The Clinical Evidence To Support The Claims Of Effectiveness.* Because the labeling indications for use are extremely vague, it is not possible to determine exactly what the Company considers to be scientifically supportable indications. This is admitted in the Lakeside submission. Spitting and regurgitation in infancy are usually painless and effortless due to overfeeding and require no medication. No evidence has been offered to support the claim for relief of pain of cardiospasm, for which this drug would not be helpful.

The medical documentation offered concentrates primarily on the treatment of colic and gastrointestinal upset, with a variety of causes.

The literature references offered by Lakeside for consideration by the NAS–NRC panel were evaluated by the panel as wholly insufficient.

When notified of the NAS–NRC evaluation, and FDA's concurrence in it, Lakeside submitted, on October 23, 1969, references to six papers in the literature. These were found to be uncontrolled, nonblind, studies, none of which was scientifically conducted.

The procedural and interpretive rules of the Agency came under attack in October 1969, and the legal issues involved were not resolved until May 8, 1970. The Notice of Opportunity for Hearing in this proceeding issued August 19, 1970.

The notice required a full-factual analysis of the medical data on which Lakeside relies to support its claims of effectiveness. This is presented in Dr. Janssen's affidavit and exhibits. Twelve published and unpublished reports (including the six previously submitted) are reviewed. They are described as "relating to the clinical experience with Pediatric Piptal with Phenobarbital", and the firm acknowledges that none of the studies was adequate or controlled under the Agency's criteria set out in 21 CFR 130.12. They were offered only to corroborate two studies then underway, under Lakeside's sponsorship, to satisfy the requirements for evidence derived from adequate and well-controlled clinical investigations.

The six reported studies, all but one conducted abroad, are clinical summaries with little relevance to the issue of this drug's effectiveness for the conditions for which it is labeled. One study involved a German product, apparently similar to this drug, used for a poorly defined symptom complex, unbilical colic, and for vomiting. Another was a study of the effect of Pediatric Piptal in vomiting in infants and children. The U.S. paper includes only brief clinical summaries from which no valid conclusions can be drawn. Three studies were unpublished reports of the "clinical experience of university professors in Yugoslavia to support registration for Pediatric Piptal with Phenobarbital in Yugoslavia." Vomiting again was the condition studied, but the drug is not offered for anti-emetic effectiveness in the United States.

This clear lack of substantial evidence of efficacy led to the current U.S. studies which appear to have been initiated early in 1970 to satisfy the criteria for adequate and well-controlled clinical investigations. Protocols were submitted September 3, 1970, and interim reports and statistical analyses were submitted September 17, 1970. Neither study meets the criteria for adequate and well-controlled clinical trials.

The aim of these studies was to evaluate the contribution made by each component to the claimed effectiveness of the combination. One [Nathan] involves a comparison of the combination with phenobarbital alone; the other [Grossman] involves a comparison of the combination with piptal liquid and with placebo. Lakeside acknowledges that neither study is complete. Dr. Grossman reported that insufficient case reports are available, in his study, to evaluate possible drug efficacy on a statistical basis. The Nathan study has produced interim reports on 63 cases, with claimed effectiveness in only 53 percent of the patients on the combination. Further, no comparison is being made in that study to determine whether this low response is any better than placebo.

The protocols for these studies do not clearly state the objectives in a manner which facilitates evaluation of the results. The diagnostic criterion for selection of subjects is stated as those "• • • who are experiencing gastrointestinal upsets which in the experienced judgment of the investigator would be benefited • • •" This vague description provides no meaningful parameters within which results can be appraised, and injects a highly subjective element into the process of subject selection. The protocols mention certain conditions which would "presumably" be included within this nonspecific category. Included are a variety of conditions, such as sleep disturbances, spitting, regurgitation, feeding disturbances, flatulence, and frequent stools. These conditions are nonspecific for gastrointestinal disturbances, and are often the harmless result of overfeeding, and suggest a need for correction of external factors rather than the administration of medication.

The method of observing and recording results, as reflected in the protocols and interim reports, is grossly defective, and precludes meaningful analysis. The use of parents as observers and reporters of results raises serious questions about the uniformity and reliability of the observations. The "Mothers Report Form" asks evaluation of symptoms in vague terms, subject to varying interpretation, such as "a lot, some, or none" for crying and vomiting, "good, bad, or too much" for sleeping. Lay parents having been used as observers, and only very general guidance appearing in the report forms, it is essential that more information be available concerning what training or preparation, if any, was given these parent-observers. Without this information, questions of possible observer bias and reporting errors cannot be answered, the level and nature of blinding actually achieved cannot be determined, and these studies are without predictive value for possible results in other infants.

The investigators reports on each subject provide no information on precise diagnosis, but, rather, list primary symptoms such as "fussy," "gassy," and "excessive spitting." Particularly in infants, further information and more detailed diagnosis is essential to an evaluation of possible drug efficacy. Without this information, there is no assurance of comparability between test and control groups, in terms of the nature, severity, or duration of the conditions involved. Although both protocols indicate dosage amounts and frequency per day, no information is given concerning the timing of the doses in relationship to each other, nor in relationship to other pertinent factors such as feeding or vomiting. This further limits the ability to evaluate possible drug effects.

Because of these defects in protocol, incomplete diagnostic criteria for subject selection, unreliable methods of observing and reporting results, and the omission of essential information concerning the subjects and their treatment regimen, these studies, even if completed, cannot be expected to yield any valid clinical data.

The legal objections urged by Lakeside have been resolved in Upjohn Co. v. Finch, 422 F. 2d 944 (C.A. 6, 1970); Pharmaceutical Manufacturers Assn. v. Richardson, Civ. Action 3946 D. Del., and Pfizer v. Richardson, C.A. 2 Docket No. 35177. The contention that this drug is not subject to efficacy review because of a 1958 letter in which FDA's Bureau of Medicine expressed the opinion that the drug was not a new drug when labeled in accord with the effective new-drug application is insubstantial. All such letters have been revoked, the issuance of such a letter did not nullify the then existing new-drug application, and all drugs that were covered by new-drug applications filed at any time between 1938 and 1962 are subject to efficacy review under the 1962 Drug Amendments.

Therefore, the Commissioner, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that, on the basis of new information before him with respect to Pediatric Piptal with Phenobarbital Drops, NDA No. 10–240, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence, that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

For the foregoing reasons, approval of new-drug application No. 10–240, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: February 8, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-2399 Filed 2-22-71;8:45 am]

[DESI 4A]

HYDROXYAMPHETAMINE HYDROBROMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Paredrine Tablets, containing hydroxyamphetamine hydrobromide; marketed by Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pennsylvania 19101 (NDA 0–004).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available information, and concludes that:

1. Hydroxyamphetamine hydrobromide for oral administration is probably effective for the indications listed in the labeling "Indications" section below.

2. The drug is possibly effective for other claimed indications, such as use in carotid sinus syndrome.

B. *Marketing status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months, and the indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

3. Within 60 days after publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

1. Postural hypotension.
2. Heart block.

4. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 4A, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2400 Filed 2-22-71;8:45 am]

[DESI 5504]

[Docket No. FDC–D–260; NDA No. 5–504 et al.]

CERTAIN SYMPATHOMIMETIC DRUGS FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Levophed Bitartrate 0.02 percent and 0.2 percent Injections containing levarterenol bitartrate; marketed by Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Avenue, New York, New York 10016 (NDA 7–513).

2. Vasoxyl Injection containing methoxamine hydrochloride; marketed by Burroughs Wellcome and Co. (USA) Inc., 1 Scarsdale Road, Tuckahoe, New York 10707 (NDA 6–772).

3. Vasoxyl in 1 percent Procaine Hydrochloride Solution containing methoxamine hydrochloride and procaine hydrochloride; marketed by Burroughs Wellcome and Co. (USA) Inc. (NDA 7–238).

4. Wyamine Sulfate Injection containing mephentermine sulfate; marketed by Wyeth Laboratories, Division, American Home Products Corp., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 8–248).

5. Methedrine Injection containing methamphetamine hydrochloride; marketed by Burroughs Wellcome and Co. (USA) Inc. (NDA 5–504).

6. Desoxyn Sterile Solution containing methamphetamine hydrochloride; marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Illinois 60064 (NDA 6–017).

7. Aramine Injection containing metaraminol bitartrate; marketed by Merck Sharp and Dohme, Division of Merck and Co., West Point, Pennsylvania 19101 (NDA 9–509).

8. Drinalfa Injection containing methamphetamine hydrochloride; marketed by E. R. Squibb and Sons, Georges Road, New Brunswick, New Jersey 08903 (NDA 5–757).

The drugs are regarded as new drugs (21 U.S.C. 321 (p)), Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

LEVARTERENOL BITARTRATE; METHOXAMINE HYDROCHLORIDE WITH OR WITHOUT PROCAINE HYDROCHLORIDE; MEPHENTERMINE SULFATE; METHAMPHETAMINE HYDROCHLORIDE; AND METARAMINOL BITARTRATE INJECTIONS.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. These drugs are effective or probably effective for the indications listed in the labeling indications section.

2. Levarterenol bitartrate 0.2 percent solution is probably effective for use in controlling "shock-like states" resulting from surgery, trauma, hemorrhage, pheochromocytomectomy, sympathectomy, poliomyelitis, spinal anesthesia, myocardial infarction, septicemia, blood transfusions, and drug reactions by restoration and maintenance of blood pressure.

3. Mephentermine sulfate is probably effective for the treatment of hypotension occurring during surgical and obstetrical procedures and the treatment of shock accompanying myocardial infarction.

4. Methamphetamine hydrochloride is probably effective for supporting, restoring, or maintaining blood pressure during operative procedures and in treating postoperative vascular collapse.

5. Metaraminol bitartrate is probably effective for use as adjunctive treatment of hypotension due to cardiogenic shock and septicemia.

6. Methoxamine hydrochloride with or without procaine hydrochloride lacks substantial evidence of effectiveness for the treatment of shock due to myocardial infarction and as a vasopressor for use in poor risk candidates for emergency surgery.

7. Methamphetamine hydrochloride lacks substantial evidence of effectiveness as a vasopressor for use in respiratory stimulation in comatose patients; and postoperatively to relieve nausea, vomiting, and vertigo.

8. The drugs listed in this announcement are possibly effective for their labeled indications other than those evaluated above (paragraphs 1 through 7).

B. *Form of drug.* These sympathomimetic preparations are in sterile aqueous solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

Levarterenol bitartrate 0.02 percent injection. As an adjunct in the treatment of cardiac arrest and profound hypotension.

Levarterenol bitartrate 0.2 percent injection. For the restoration of blood pressure in controlling certain acute hypotensive states (e.g., pheochromocytomectomy, sympathectomy, poliomyelitis, spinal anesthesia, myocardial infarction, septicemia, blood transfusions, and drug reactions) and may be useful for this same purpose in controlling "shock-like states" resulting from surgery, trauma, hemorrhage, pheochromocytomectomy, sympathectomy, poliomyelitis, spinal anesthesia, myocardial infarction, septicemia, blood transfusions, and drug reactions.

Methoxamine hydrochloride injection. A vasopressor for supporting, restoring, or maintaining blood pressure during anesthesia (including cyclopropane anesthesia) and for terminating some episodes of paroxysmal supraventricular tachycardia.

Methoxamine hydrochloride with 1 percent procaine hydrochloride injection. For supporting, restoring, or maintaining blood pressure during anesthesia (including cyclopropane anesthesia).

Mephentermine sulfate injection. Treatment of hypotension secondary to ganglionic blockade and that occurring with spinal anesthesia.

The drug may be used as an emergency measure in the treatment of shock or hypotension in the presence of hemorrhage to maintain blood pressure until blood or blood substitutes become available.

It may also be useful in the treatmcnt of hypotension occurring during surgical and obstetrical procedures and shock accompanying myocardial infarction.

Methamphetamine hydrochloride injection. Indicated for supporting, restoring, or maintaining blood pressure during spinal, regional block, or intravenous barbiturate anesthesia. It may also be useful for this purpose during operative procedures when other types of anesthetics (except cyclopropane) are used and in treating postoperative vascular collapse.

Metaraminol bitartrate injection. Indicated for prevention and treatment of the acute hypotensive state occuring with spinal anesthesia. Adjunctive treatment of hypotension due to hemorrhage; reactions to medications; surgical complications; and shock associated with brain damage due to trauma or tumor. It may also be useful as an adjunct in the treatment of hypotension due to cardiogenic shock and septicemia.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drugs are referenced in paragraph A above as probably effective are included in the labeling conditions in paragraph C and may continue to be used for 12-months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

Those indications for which the drugs are referenced in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6-months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Marketing status.* Marketing of the drugs may continue under the conditions described in F and G of this announcement except that those indications referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drugs is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform with the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of section 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of this preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as referenced under paragraph A above, should submit a new-drug application containing full information required by the new-drug application form FD–356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

H. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any such drug for human use offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

I. *Unapproved use or form of drug.* If the article is marketed in any other form or is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such form or use is approved in a new-drug application, or is otherwise in accord with this announcement.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5504, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Council (GC–1), Room 6–62, Parklawn.
Requests for NAS–NRC report: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120).

Dated: January 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2401 Filed 2–22–71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING AREA DIRECTORS

Designation and Delegation of Authority

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided,* That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Production Division.
3. The Director, Housing Services and Property Management Division.
4. The Area Counsel.

SEC. B. *Delegations of authority.* 1. Each Area Director is authorized to designate by publication in the FEDERAL REGISTER, and in lieu hereof, any other order of Area Office officials, including officials in positions not named herein, to act as Area Director during his absence.

2. Each Regional Administrator is authorized to designate by publication in the FEDERAL REGISTER, and in lieu hereof, any other order of Area Office officials, including officials in positions not named herein, to act as Area Director during a vacancy in that position.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation and delegation shall be effective as of October 1, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71–2453 Filed 2–22–71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA–Petition–No. 24]

SOUTHERN RAILWAY SYSTEM

Petition for Relief From the Requirement of Initial Terminal Road Train Air Brake Tests

By petition filed January 18, 1971, the Southern Railway System seeks relief from 49 C.F.R. § 232.12 so as to omit the interchange, inspection and test, presently required when trains are received in interchange, in respect to a run-through train moving over the lines of the Southern, and the Baltimore and Ohio Railroad Co. between Atlanta, Ga. and Toledo, Ohio, with interchange at Cincinnati. The trains are operated intact over the entire route with no change in consist, motive power or ca-

boose. The movements are on the lines of the Southern between Cincinnati and Atlanta, and on the lines of the B&O between Cincinnati and Toledo.

The petitioner contends that a reasonable and practicable interpretation of § 232.12 would not require an interchange inspection and test in Cincinnati. It seeks to be interpreted to this effect but in the alternative it asks that the special rule for run-through trains recently enacted, applicable only to certain carriers and certain movements in docket FRA-Petition-No. 1. et al. be made applicable to the run-through train involved in the instant petition.

Upon consideration of the record and of the requirements of the statute pertaining to the granting of a hearing, it is hereby determined that this petition should be set down for hearing and further proceedings thereon. Accordingly, it should be, and it is hereby, assigned for hearing on March 16, 1971, at 9:30 a.m., eastern standard time, in conference room 353, 57th Street (corner of Peachtree Street and Seventh Street), Atlanta, GA, and for appropriate proceedings thereon.

Any party desiring a copy of the petition, or further information, should write to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C., and a copy or additional information will be furnished.

Dated this 17th day of February 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71-2402 Filed 2-22-71;8:46 am]

CIVIL AERONAUTICS BOARD

TRANS INTERNATIONAL AIRLINES, INC., AND AERONAVES DE MEXICO, S.A.

Notice of Proposed Approval

Joint application of Trans International Airlines, Inc., and Aeronaves de Mexico, S.A. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 23074.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 18, 1971.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Joint application of Trans International Airlines, Inc., and Aeronaves de Mexico, S.A. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended.

By application filed February 4, 1971, as amended February 9, 1971, Trans International Airlines, Inc. (TIA), and Aeronaves de Mexico, S.A. (Aeronaves), request that the Board disclaim jurisdiction over, or in the alternative, approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) an agreement whereby TIA will dry-lease to Aeronaves two DC-8-63F aircraft.

TIA is a U.S. supplemental air carrier. Aeronaves holds Board authority as a foreign air carrier and engages in foreign air transportation of persons, property and mail between points in Mexico and points in the United States, points in Mexico and points in Europe, via points in the United States, and between points in Mexico and points in the Canada, via points in the United States.[1]

According to the applicants, the two aircraft are needed to fulfill Aeronaves' increased route requirements. It is contemplated that one of the aircraft will be utilized on a scheduled route run from Mexico City to Montreal, via Miami and New York, and return; and the other, on a routing from Mexico City to Paris, via Miami and Madrid, and return.

The agreement involves the lease of two DC-8-63 aircraft, including inflight passenger servicing equipment and related spare parts, including two Quick Engine Changes, for a term commencing on March 10, 1971, and terminating on March 31, 1974. Rental will be at the rate of $150,000 per month for each aircraft, $6,500 for each QEC, and 1.8 percent of TIA's cost for the spare parts selected by Aeronaves.

The applicants state that the amounts paid under the lease are not in any way contingent upon the revenues generated by the leased aircraft; that Aeronaves will have complete and exclusive control over the aircraft; that the aircraft will be flown by Aeronaves' crews; and that all costs of operation, including fuel, and hull and liability insurance will be borne by Aeronaves.

The applicants further state that TIA's lease of the subject aircraft to Aeronaves will not interefere with any of TIA's current or projected air transportation service commitments under its military or commercial contracts; that the lease agreement will not result in control of an air carrier engaged in air transportation, nor will it result in creating a monopoly or tend to restrain competition; that the rental will be of benefit to TIA by materially assisting TIA in improving its financial condition; and that the transaction will benefit the United States with respect to its balance of payments problem.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that the lease involves a substantial part of the properties of TIA[2] and, therefore, is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that the lease will enable Aeronaves to expand its present services without depriving TIA of aircraft necessary to meet its own commitments. In addition, the subject lease is similar to other leases approved by the Board and raises no new issues not previously considered by the Board.[3] Under all of the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing; and that the request for disclaimer should be dismissed.[4]

Accordingly, it is ordered, That:

1. The subject lease by Aeronaves of two DC-8-63 aircraft and related parts and spare engines from TIA be and it hereby is approved; and

2. To the extent not granted, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Boards regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective upon issuance and the filing of such petitions shall not stay its effectiveness.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2436 Filed 2-22-71;8:48 am]

[Docket No. 9977]

AIRLINES MUTUAL AID PACT

Notice of Prehearing Conference

Order 70-11-110, November 23, 1970, remanded the above-entitled case to the Examiner for further evidentiary hearing in accordance with the views expressed therein. In light of that order, notice is hereby given that a prehearing conference in the matter is assigned to be held on March 23, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

In order to facilitate the conduct of the conference the Bureau of Operating Rights is asked to submit to the Examiner and all parties, on or before March 11, 1971, (1) a proposed statement of issues; (2) proposed stipulations; (3) requests for information; (4) a statement of position; and (5) proposed procedural dates.

It is requested that the statements of position of all other parties be circulated on or before March 17, 1971, and be accompanied by any suggested changes considered necessary to the material submitted by the Bureau.

Dated at Washington, D.C., February 17, 1971.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[FR Doc.71-2437 Filed 2-22-71;8:48 am]

[Docket No. 22634]

LEP TRANSPORT, LTD. (UNITED KINGDOM)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 16, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served January 18, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 17, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-2438 Filed 2-22-71;8:48 am]

[Docket No. 22982]

TRANSPORTE AEREO RIOPLATENSE, S.A.C. e I.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 9, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., February 16, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-2439 Filed 2-22-71;8:48 am]

[Order 71-2-82]

UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Temporary Relief Regarding Household Goods Services for the Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of February 1971.

At the request of the Department of Defense (DOD), the Board, by Orders 69-10-60, October 13, 1969, and 70-10-45, October 8, 1970, granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 17 unauthorized indirect air carriers[1] to transport by air used household goods[2] of Department of Defense personnel. The relief granted will expire October 14, 1971.

By letters, dated November 6, 1970, the Department of the Army (acting on behalf of DOD) states that, in addition to the 17 already exempted carriers, it now has a requirement for the services of eight additional unauthorized indirect air carriers and requests that those eight carriers be similarly relieved from the requirements of the Act, such relief to terminate no later than October 14, 1971. The carriers whose services are requested by DOD are listed in Appendix A below.

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act those carriers whose services have been requested by DOD to transport by air used household goods of personnel of DOD.[3]

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of title IV and section 610(a) (4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall expire October 14, 1971, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX A

Air Van Lines, Inc., 135 Post Road, Anchorage, AK 99501.
Burnham Van Service, Inc., 1636 Second Avenue, Box 1125, Columbus, GA 31902.
Suddath Van Lines, Inc., 525 Stevens Street, Post Office Box 6699, Jacksonville, FL 32205.
United Van Lines, Inc., No. 1 United Drive, Fenton Street, St. Louis County, MO 63026.
Von der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, MO 63026.
Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115.
Republic Van & Storage Co., Inc., Post Office Box 8615, 9219 Harford Road, Baltimore, MD 21234.
Trans-American Van Service, Inc., 7540 South Western Avenue, Chicago, IL 60620.

[FR Doc.71-2440 Filed 2-22-71;8:49 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Administrator, Oil Import Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2462 Filed 2-22-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

[1] Order 69-2-47, Jan. 10, 1969.

[2] The application reveals that the two aircraft constitute in excess of 21 percent of the market value of TIA's aircraft. Thus, on the basis of existing policy, we shall dismiss the application to the extent that it requests a disclaimer of jurisdiction. (Cf. Braniff Airways, Inc.—Qantas Airways, Ltd., Order 70-11-140, Nov. 27, 1970, et al.)

[3] See e.g., World Airways, Inc.—Pakistan International Airlines Corp., Order 70-9-62, Sept. 11, 1970.

[4] In light of the early delivery date of the aircraft and the fact that the action herein is governed by prior Board precedent and policy, this order will be made effective upon date of issuance and the filing of any petition for review shall not preclude such action from becoming effective. (14 CFR 385.6)

[1] American Ensign Van Service, Inc., Asiatic Forwarders, Inc., CTI—Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., International Sea Van, Inc., North American Van Lines, Inc., Aero Mayflower Transit Co., Inc., Allied Van Lines, Inc., Astron Forwarding Co., Davidson Forwarding Co., Fernstrom Storage and Van Co., Home-Pack Transport, Inc., King Van Lines, Inc., Richardson Transfer & Storage Co., Inc., and Smyth Worldwide Movers, Inc.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[3] Five of the eight carriers relieved herein are applicant parties to the Household Goods Airfreight Forwarder Investigation, Docket 20812. The Board's action herein should not be construed as a determination of the final disposition to be made of the applications for air freight forwarded authority filed by the carriers relieved by this order or as an approval of control and interlocking relationships or agreements involving the carriers relieved by this order, or their affiliates.

Service Commission authorizes the Department of Transportation, Federal Aviation Administration, to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for General Aviation Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2464 Filed 2-22-71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Congressional Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2460 Filed 2-22-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignments in the excepted service the positions of Deputy General Counsel, Office of the Administrator; and Legislative Counsel, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2461 Filed 2-22-71;8:50 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Human Rights Division, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2463 Filed 2-22-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 531]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 16, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

194-C2-P-(4)71—Allegheny Mobile Communications (KGA252), C.P. for additional facilities to operate on frequencies 454.025, 454.075, 454.125, and 454.175 MHz at a new location described as location No. 4: 1411 Grandview Avenue, Pittsburgh, PA.

4182-C2-P-71—Susquehanna Mobile Communications, Inc. (New), C.P. for a new 2-way station to be located at 916 Cumberland Street, Lebanon, PA, to operate on frequency 152.18 MHz.

4183-C2-P-71—The Ohio Telephone Co. (KQA768), C.P. to relocate facilities operating on frequency 454.40 MHz at location No. 2 to: 100 Erieview Plaza, Cleveland, OH, and replace transmitter for same.

4229-C2-P-(2)71—Southwestern Bell Telephone Co. (KKD291), C.P. for additional facilities to operate on frequencies 454.475 and 454.525 MHz at station located at Keightly Drive and State Highway No. 10, Little Rock, AR.

4230-C2-P-(6)71—Southwestern Bell Telephone Co. (KKE967), C.P. to change the antenna system and relocate facilities operating on frequencies 152.51, 152.63, 152.72, 152.75, 152.78, and 152.81 MHz to 2.5 miles south of Sinton, Tex.

4231-C2-MP-71—Airsignal International, Inc. (KIF650), Modification of C.P. to relocate facilities operating on frequency 35.58 MHz to the top of Red Mountain, approximately 2.5 miles south of Birmingham, Ala.

4244-C2-P-71—Loomis Electronic Protection, Inc. (New), C.P. for a new 1-way station to be located at Fourth and Denali Street, Anchorage, AK, to operate on frequency 152.24 MHz.

4245-C2-P-71—Professional Answering Service (New), C.P. for a new 2-way station to be located at Butchers Mill Road, Warren, PA, to operate on frequency 152.060 MHz.

4246-C2-MP-71—RCC of Virginia, Inc. (KRS676), Modification of C.P. to change the antenna system, change base frequency to 152.12 MHz and replace transmitter. Station location: 2215 Jefferson Davis Boulevard, Fredericksburg, VA.

4247-C2-P-(4)71—Electronic Engineering Co. (KAF242), C.P. for additional facilities on frequencies 454.100, 454.150, 454.200, and 454.325 MHz at location No. 2: Ninth and Pleasant, Des Moines, IA.

4256-C2-P-(4)71—Contact of New Mexico (New), C.P. for a new 2-way station to operate on 152.12 MHz base and 459.25 MHz repeater at location No. 1: Davis Peak, 7.6 miles southwest of Cloudcroft, N. Mex.; to operate on 454.25 MHz control at location No. 2: 722 New York Avenue, Alamogordo, NM, and to operate on 454.25 MHz control at location No. 3: Comanche Peak, El Paso, Tex.

4257-C2-P-71—General Communications, Inc. (KEC516), C.P. to replace transmitter operating on 43.58 MHz and change the transmission line located at Sentinel Heights Road, Lafayette, NY.

4258-C2-P-(4)71—Hawaiian Telephone Co. (KUA216), C.P. to change the antenna system operating on 152.51, 152.63, 152.69, and 152.81 MHz located at Puu Papaa Ridge, 2 miles northwest of Kailua, Hawaii.

4270-C2-P-(2)71—The Mountain States Telephone & Telegraph Co. (KAD934), C.P. to replace transmitters operating on 152.69 and 152.75 MHz located at 4 miles east-southeast of Sterling, Colo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

a new point of communication. Station location: 2 miles south-southeast of Meridian, Miss.

4250-C1-P-71—South Central Bell Telephone Co. (KLJ77), C.P. to add frequencies 5989.7 and 6108.3 MHz toward Prairie Point, Miss., and 5960.0 and 6078.6 MHz toward Meridian, Miss. Station location: 2 miles south-southeast of De Kalb, Miss.

4251-C1-P-71—South Central Bell Telephone Co. (KLK81), C.P. to add frequencies 6212.0 and 6330.7 MHz toward De Kalb, Miss., and 6241.7 and 6360.3 MHz toward Macon, Miss., a new point of communication. Station location: 7.8 miles east-northeast of Macon, Miss.

4252-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at Washington Street, Macon, Miss. Frequencies: 5960.0 and 6078.8 MHz toward Prairie Point, Miss., and 5989.7 and 6108.3 MHz toward Fearns Spring, Miss.

4253-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 209 South Columbus Avenue, Louisville, MS. Frequencies: 5960.0 and 6078.6 MHz toward Fearns Spring, Miss.

4254-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 3½ miles northwest of Fearns Springs, Miss. Frequencies: 6241.7 and 6360.3 MHz toward Louisville, Miss., and 6212.0 and 6330.7 MHz toward Macon, Miss.

4274-C1-P-71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at Gulf of Mexico, Vermilion Area, Block 67, Platform A, latitude 29°17'51" N., longitude 92°22'21" W. Frequency: 2128.0 MHz toward Vermilion Area, Louisiana.

4275-C1-P-71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Vermilion Area, Block Platform 1, latitude 28°53'15" N., longitude 92°29'09" W. Frequency: 2120.0 MHz toward Vermillion Area, Block 119 and 2128.0 MHz toward East Cameron Area, Block 195.

4276-C1-P-71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Vermilion Area, Block 119, latitude 29°05'42" N., longitude 92°31'02" W. Frequency: 2178.0 MHz toward Vermilion Area, Block 67 and 2170.0 MHz toward Vermilion Area, Block 164.

4277-C1-P-71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Block 195, East Cameron Area, latitude 28°45'23" N., longitude 92°48'10" W. Frequency: 2178.0 MHz toward Vermilion Area Block 164, and 2170.0 MHz toward East Cameron Area, Block 265.

4278-C1-P-71—Louisiana Offshore Telephone Co. (New), C.P. for a new station to be located at the Gulf of Mexico, Block 265, East Cameron Area, Platform A. Frequency: 2120.0 MHz toward East Cameron Area, Block 195, Platform A.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Beaver Island Telephone Co.
KOB50—Beaver Island, Mich.

Dell Telephone Cooperative, Inc.
KTR47—Dell City, Tex.
KTR48—Near Pine Spring, Tex.
KTR49—2.6 miles southwest of Pine Spring, Tex.
KTR50—Salt Flat, Tex.

Major Amendments

2145-C1-P-70—MCI Pacific Coast, Inc. (New), Site 1: Change frequencies to 6256.5 and 6375.2 MHz and radio path azimuth to 96°09' toward Jamul, Calif. Station location: Ninth Avenue and C Street, San Diego, CA.

2446-C1-P-70—MCI Pacific Coast, Inc. (New). Site 2: Change frequencies to 5974.8 and 6093.5 MHz and radio path azimuth to 276°16' toward San Diego, Calif.; change frequencies to 5960.0 and 6078.6 MHz toward Silverado East, Calif. Station location: 3.6 miles west-southwest of Jamul, Calif.

2147-C1-P-70—MCI Pacific Coast, Inc. (New), Site 3: Change frequencies to 6241.7 and 6360.3 MHz toward Jamul, Calif. Station location: 6.5 miles east-southeast of Silverado, Calif.

2448-C1-P-70—MCI Pacific Coast, Inc. (New), Site 4: Change proposed station location to 6.4 miles east-southeast of Silverado, Calif. (latitude 33°42'39" N., longitude 117°32'02" W.); change frequencies to 11,075 and 10,835 MHz and radio path azimuth to 278°30' toward Santa Ana, Calif.; change frequencies to 10,975 and 10,735 MHz and radio path azimuth to 7°41' toward Home Gardens, Calif.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

4271-C2-P-71—Chicago Communication Service, Inc. (KSD310), C.P. for additional facilities to operate on 454.200 MHz at a new site described as location No. 2: Intersection of Arlington Heights Road and Highway No. 12, Arlington Heights, IL.

4272-C2-P-71—Polar Rural Telephone Mutual Aid Corp. (KAH671), C.P. to add frequency 152.60 MHz at station located at 2.5 miles northwest of Lankin, N. Dak.

4285-C2-TC-(2)71—Tribune Publishing Co. Consent to transfer of control from Bank of California N.A., Tacoma, Wash., Executor and Trustee of Estate of Frank S. Baker, deceased, Transferors, to: Elbert H. Baker II, Mary B. Russell, and Elizabeth B. Kelley, Transferees. Stations: KOP258, Tacoma, Wash. (1-way); KOP299, Tacoma, Wash.

RURAL RADIO SERVICE

4184-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 26 miles southwest of Lamont, Wyo. to operate on 158.07 MHz communicating with Station KOK330, Rawlins, Wyo.

4232-C1-P/L-71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 19.9 miles south-southwest of Green River, Wyo., to operate on 157.95 MHz communicating with Station KOK341, Rock Springs, Wyo.

4273-C1-P-71—Louisiana Offshore Telephone Co., Inc. (New), C.P. for a new central office station to be located in the East Cameron Area, Block 265, Platform A, Gulf of Mexico, to operate on 454.550 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

4185-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequencies 4190 and 6152.8 MHz toward Farmington, Calif., a new point of communication. Station location: 1.2 miles west-northwest of Lodi, Calif.

4350-C1-R-71—The Bell Telephone Co. of Pennsylvania (KOC47), Renewal of developmental license expiring Mar. 11, 1971. Term: Mar. 11, 1971, to Mar. 11, 1972.

4233-C1-MP-71—The Mountain States Telephone & Telegraph Co. (KBC97), Modification of C.P. to delete frequency 11,485 MHz and add 11,075 MHz toward Northfield, Colo., and delete frequency 11,035 MHz and reuse frequency 11,685 MHz toward Denver, Colo. Station location: 5 miles northwest of Elizabeth, Colo.

4234-C1-MP-71—The Mountain States Telephone & Telegraph Co. (KZA51), Modification of C.P. delete frequency 10,795 MHz and add 11,445 MHz toward Hilltop, Colo., and add 11,285 MHz toward Hilltop, Colo.; change polarity of 11,325 MHz from horizontal to vertical toward Colorado Springs and delete 10,795, 11,245, 11,445, and 11,605 MHz and add 11,485, 11,565, and 11,645 MHz toward Colorado Springs, Colo.

4235-C1-MP-71—The Mountain States Telephone & Telegraph Co. (KZA53), Modification of C.P. to delete frequencies 10,835, 10,995, and 11,565 MHz and add 11,035, 10,795, and 10,715 MHz and change polarity from vertical to horizontal on frequency 11,115 MHz all toward Northfield, Colo.

4236-C1-MP-71—General Telephone Co. of Wisconsin (WBP54), Modification of C.P. to add frequencies 11,245 and 11,485 MHz toward Spencer, Wis., a new point of communication. Station location: 201 South Cedar Avenue, Marshfield, WI.

4237-C1-P-71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at northeast corner of Clark and Pacific Streets, Spencer, WI. Frequencies: 10,715 and 10,955 MHz toward Marshfield, Wis.

4238-C1-P-71—South Central Bell Telephone Co. (KJA21), C.P. to add frequency 3850 MHz toward Dutch Bend, Ala. Station location: 1316 Adams Avenue, Montgomery, AL (Houston Hills).

4239-C1-P-71—South Central Bell Telephone Co. (KYO22), C.P. to add frequency 3810 MHz toward Houston Hills, Ala., and toward Selma, Ala. Station location: Approximately 4 miles south of Autaugaville, Ala.

4240-C1-P-71—South Central Bell Telephone Co. (KIX66), C.P. to add frequency 3850 MHz toward Dutch Bend, Ala. Station location: 212 Washington Street, Selma, AL.

4248-C1-P-71—South Central Bell Telephone Co. (New), C.P. for a new station to be located 701 23d Avenue, Meridian, MS. Frequencies: 10,955 and 11,115 MHz toward Meridian Radio Tower, Miss.

4249-C1-P-71—South Central Bell Telephone Co. (KLJ76), C.P. to add frequencies 6241.7 and 6360.3 MHz toward De Kalb, Miss., and 11,405 and 11,565 MHz toward Meridian, Miss.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2449–C1–P–70—MCI Pacific Coast, Inc. (New), Site 5: Change frequencies to 11,625 and 11,305 MHz and radio path azimuth to 187°42' toward Silverado West, Calif.; change frequencies to 10,895 and 11,135 MHz and radio path azimuth to 60°52' toward Edgemont, Calif. Station location: 1.2 miles south-southeast of Home Gardens, Calif.

2450–C1–P–70—MCI Pacific Coast, Inc. (New), Site 6: Change frequencies to 11,585 and 11,345 MHz and radio path azimuth to 241°01' toward Home Gardens, Calif.; change frequencies to 11,305 and 11,545 MHz toward San Bernardino, Calif. Station location: 2.8 miles north of Edgemont, Calif.

2451–C1–P–70—MCI Pacific Coast, Inc. (New), Site 7: Change frequencies to 11,175 and 10,935 MHz toward Edgemont, Calif. Station location: 501 E Street, San Bernardino, CA.

2452–C1–P–70—MCI Pacific Coast, Inc. (New), Site 8: Change proposed station location to 401 Civic Center Drive West, Santa Ana, Calif. (latitude 33°45'09" N., longitude 117°52'17" W.); delete Buena Park, Calif., as a point of communication and add frequencies 11,625 and 11,305 MHz toward new point of communication at Ocean View, Calif.; change frequencies to 11,225 and 11,465 MHz and radio path azimuth to 98°19' toward Silverado West, Calif.

2155–C1–P–70—MCI Pacific Coast, Inc. (New), Site 12: Change proposed station location to Atlantic Richfield Plaza, Hollywood, Calif. (latitude 34°03'05" N., longitude 118°15'23" W.); delete Downey, Calif., as a point of communication and change frequencies to 11,505 and 11,265 MHz and radio path azimuth to 225°43' toward Inglewood, Calif.; change frequencies to 11,345 and 11,505 MHz and radio path azimuth to 4°22' toward La Crescenta, Calif.

2456–C1–P–70—MCI Pacific Coast, Inc. (New), Site 11: Change frequencies to 11,095 and 10,855 MHz and radio path azimuth to 45°39' toward Hollywood, Calif.; change frequencies to 10,895 and 11,135 MHz toward Long Beach, Calif. Station location: Tishman Building, Century Boulevard, Inglewood, CA.

2457–C1–P–70—MCI Pacific Coast, Inc. (New), Site 10: Add frequencies 11,545 and 11,225 MHz toward new point of communication at Ocean View, Calif.; change frequencies to 11,545 and 11,225 MHz toward Inglewood, Calif. Station location: 110 Pine Avenue, Long Beach, CA.

2458–C1–P–70—MCI Pacific Coast, Inc. (New), Site 13: Change frequencies to 11,075 and 10,835 MHz and radio path azimuth to 184°23' toward Hollywood, Calif.; change frequencies to 3910 and 4070 MHz toward Frazier Park, Calif.; change radio path azimuth to 254°19' toward Sepulveda, Calif. Station location: 5.3 miles north of La Crescenta, Calif.

2459–C1–P–70—MCI Pacific Coast, Inc. (New), Site 14: Change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 74°12' toward La Crescenta, Calif. Station location: 8155 Van Nuys Boulevard, Sepulveda, CA.

2460–C1–P–70—MCI Pacific Coast, Inc. (New), Site 15: Change frequencies to 3890 and 4050 MHz and radio path azimuth to 9°20' toward Glennville, Calif.; change frequencies to 3730 and 3970 MHz toward La Crescenta, Calif. Station location: 3.4 miles south of Frazier Park, Calif.

2461–C1–P–70—MCI Pacific Coast, Inc. Site 16: Change frequencies to 3830 and 3990 MHz and radio path azimuth to 189°27' toward Frazier Park, Calif.; change frequencies to 3750 and 3910 MHz and radio path azimuth to 208°08' toward Bakersfield, Calif.; change radio path azimuth to 354°57' toward Milo, Calif. Station location: 4.3 miles northwest of Glennville, Calif.

2462–C1–P–70—MCI Pacific Coast, Inc. Site 17: Change proposed station location to 1813 H Street, Bakersfield, CA (latitude 35°22'32" N., longitude 119°01'15" W.); change frequencies to 3970 and 4130 MHz and radio path azimuth to 27°59' toward Glennville, Calif.

2463–C1–P–70—MCI Pacific Coast, Inc. Site 18: Delete Shaver Lake, Calif., as a point of communication and add frequencies 6241.7 and 6360.3 MHz toward new point of communication at Pine Ridge, Calif.; change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 174°55' toward Glennville, Calif. Station location: 4.8 miles north-northwest of Milo, Calif.

2465–C1–P–70—MCI Pacific Coast, Inc. Site 20: Change proposed station location to 1058 Fulton Mall, Fresno, CA (latitude 36°44'08" N., longitude 119°47'24" W.); delete Shaver Lake, Calif., as a point of communication and add frequencies 5960.0 and 6078.6 MHz toward new point of communication at Pine Ridge, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2466–C1–P–70—MCI Pacific Coast, Inc. Site 21: Delete Shaver Lake, Calif., as a point of communication and add frequencies 6271.4 and 6390.3 MHz toward new point of communication at Pine Ridge, Calif.; change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 344°33' toward Twain Harte, Calif. Station location: 23 miles northwest of Mount Bullion, Calif.

2467–C1–P–70—MCI Pacific Coast, Inc. Site 22: Change frequencies to 6019.3 and 6137.9 MHz and radio path azimuth to 164°26' toward Mount Bullion, Calif.; change frequencies to 6049.0 and 6167.6 MHz toward Pioneer, Calif. Station location: 2 miles northwest of Twain Harte, Calif.

2468–C1–P–70—MCI Pacific Coast, Inc. Site 23: Change radio path azimuth to 143°33' toward Twain Harte, Calif., and to 294°31' toward Latrobe, Calif. Station location: 1.4 miles west of Pioneer, Calif.

2469–C1–P–70—MCI Pacific Coast, Inc. Site 24: Change frequencies to 5989.7 and 6108.3 MHz and radio path azimuth to 48°38' toward Pioneer, Calif. Station location: 345 East Main Street, Stockton, Calif.

2470–C1–P–70—MCI Pacific Coast, Inc. Site 25: Change proposed station location to 2.9 miles northwest of Latrobe, Calif. (latitude 38°35'06" N., longitude 121°01'11" W.); delete Sacramento, Calif., as a point of communication and add frequencies 11,505 and 11,265 MHz toward new point of communication at Sloughhouse, Calif.; change radio path azimuth to 114°15' toward Pioneer, Calif., and to 37°41' toward Georgetown, Calif.

2471–C1–P–70—MCI Pacific Coast, Inc. Site 27: Change proposed station location to 910 15th Street, Sacramento, Calif. (latitude 38°34'57" N., longitude 121°30'03" W.); delete Latrobe, Calif., as a point of communication and add frequencies 11,385 and 11,625 MHz to new point of communication at Sloughhouse, Calif.; change frequencies to 6212.0 and 6330.7 MHz toward Vacaville, Calif.

2472–C1–P–70—MCI Pacific Coast, Inc. Site 28: Change radio path azimuth to 227°36' toward Ignacio, Calif. Station location: 5.6 miles west-northwest of Vacaville, Calif.

2473–C1–P–70—MCI Pacific Coast, Inc. Site 29: Change frequencies to 11,625 and 11,305 MHz and radio path azimuth to 151°50' toward San Francisco, Calif.; change radio path azimuth to 47°18' toward Vacaville, Calif. Station location: 2.5 miles southwest of Ignacio, Calif.

2474–C1–P–70—MCI Pacific Coast, Inc. Site 30: Change proposed station location to 555 California Street, San Francisco, CA (latitude 37°47'31" N., longitude 122°24'07" W.); change frequencies to 11,175 and 10,935 MHz and radio path azimuth to 331°56' toward Ignacio, Calif.; change frequencies to 10,815 and 11,055 MHz and radio path azimuth to 83°11' toward Oakland, Calif.; change frequencies to 6049.0 and 6167.6 MHz and radio path azimuth to 150°21' toward Palo Alto, Calif.

2475–C1–P–70—MCI Pacific Coast, Inc. Site 31: Change frequencies to 11,505 and 11,265 MHz and radio path azimuth to 263°16' toward San Francisco, Calif. Station location: 436 14th Street, Oakland, Calif.

2476–C1–P–70—MCI Pacific Coast, Inc. Site 32: Change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 118°05' toward San Jose, Calif.; change radio path azimuth to 330°30' toward San Francisco, Calif. Station location: Corner of Foster and Cooper Street, Palo Alto, Calif.

2477–C1–P–70—MCI Pacific Coast, Inc. Site 33: Change proposed station location to Park Center Plaza, San Jose, Calif. (latitude 37°19'59" N., longitude 121°53'23" W.); change radio path azimuth to 298°15' toward Palo Alto, Calif.

2478–C1–P–70—MCI Pacific Coast, Inc. Site 34: Change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 326°0' toward Challenge, Calif.; change radio path azimuth to 217°53' toward Latrobe, Calif. Station location: 7.1 miles east of Georgetown, Calif.

2479–C1–P–70—MCI Pacific Coast, Inc. Site 35: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 145°42' toward Georgetown, Calif.; change radio path azimuth to 320°27' toward Cohasset, Calif. Station location: 1.4 miles southeast of Challenge, Calif.

2480–C1–P–70—MCI Pacific Coast, Inc. Site 36: Change proposed station location to 2.4 miles north-northeast of Cohasset, Calif. (latitude 39°57'20" N., longitude 121°43'05" W.); change radio path azimuth to 140°08' toward Challenge, Calif., and to 330°01' toward Lakehead, Calif.

2481–C1–P–70—MCI Pacific Coast, Inc. Site 37: Change proposed station location to 3.1 miles west-northwest of Lakehead, Calif. (latitude 40°54'29" N., longitude 122°26'38" W.);

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

change frequencies to 6049.0 and 6167.6 MHz and radio path azimuth to 149°33' toward Cohasset, Calif.; change frequencies to 5989.7 and 6108.3 MHz and radio path azimuth to 18°08' toward Dunsmuir, Calif.

2482–C1–P–70—MCI Pacific Coast, Inc. Site 38: Change frequencies to 6197.2 and 6315.9 MHz and radio path azimuth to 198°13' toward Lakehead, Calif. Station location: 1.7 miles west-northwest of Dunsmuir, Calif.

2483–C1–P–70—MCI Pacific Coast, Inc. Site 39: Change frequencies to 5960.0 and 6078.6 MHz toward Dunsmuir, Calif., and to 5974.8 and 6093.5 MHz toward Placer, Oreg.; change radio path azimuth to 332°33' toward Medford, Oreg. Station location: 3.2 miles northwest of Colestin, Oreg. (latitude 42°04'57" N., longitude 122°42'02" W.).

2484–C1–P–70—MCI Pacific Coast, Inc. Site 40: Change frequencies to 6197.2 and 6315.9 MHz and radio path azimuth to 152°26' toward Colestin, Oreg. Station location: 126 East Main Street, Medford, OR.

2485–C1–P–70—MCI Pacific Coast, Inc. Site 41: Change frequencies to 6226.9 and 6345.5 MHz toward Colestin, Oreg., and to 6286.2 and 6404.8 MHz toward Black Butte, Oreg. Station location: 5.8 miles north of Placer, Oreg.

2486–C1–P–70—MCI Pacific Coast, Inc. Site 42: Change frequencies to 5960.0 and 6108.3 MHz toward Placer, Oreg., and to 5989.7 and 6108.3 MHz toward Black Butte, Oreg. Station location: 3.1 miles south-southwest of Black Butte, Oreg.

2487–C1–P–70—MCI Pacific Coast, Inc. Site 43: Change frequencies to 6286.2 and 6404.8 MHz toward Black Butte, Oreg., and to 6212.0 and 6330.7 MHz toward Mill City, Oreg., and to 6212.0 and 6330.7 MHz toward Eugene, Oreg. Station location: 6.8 miles northwest of Blachly, Oreg.

2488–C1–P–70—MCI Pacific Coast, Inc. Site 44: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 300°52' toward Blachly, Oreg. Station location: 350 Pearl Street, Eugene, OR.

2489–C1–P–70—MCI Pacific Coast, Inc. Site 45: Change frequencies to 5974.8 and 6093.5 MHz toward Blachly, Oreg., and to 6049.0 and 6167.6 MHz toward Salem, Oreg. Station location: 5.9 miles north of Mill City, Oreg.

2490–C1–P–70—MCI Pacific Coast, Inc. Site 46: Change frequencies to 6241.7 and 6360.3 MHz toward Mill City, Oreg. Station location: 495 State Street, Salem, OR.

2491–C1–P–70—MCI Pacific Coast, Inc. Site 47: Add frequencies 6271.4 and 6390.0 MHz toward new point of communication at Ariel, Wash.; change frequencies to 11,665 and 11,425 MHz and radio path azimuth to 304°45' toward Portland, Oreg. Station location: 3 miles north-northeast of Clackamas, Oreg.

2492–C1–P–70—MCI Pacific Coast, Inc. Site 48: Change proposed station location to corner of Southeast Grand and Southeast Morrison Streets, Portland, Oreg. (latitude 45°31'02" N., longitude 122°39'33" W.); delete Ariel, Wash., as a point of communication; change frequencies to 10,975 and 10,735 MHz and radio path azimuth to 124°39' toward Clackamas, Oreg.

2493–C1–P–70—MCI Pacific Coast, Inc. Site 49: Delete Portland, Oreg., as a point of communication and add frequencies 5989.7 and 6108.3 MHz toward new point of communication at Clackamas, Oreg.; change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 319°18' toward Wildwood, Wash. Station location: 2.8 miles northwest of Ariel, Wash.

2494–C1–P–70—MCI Pacific Coast, Inc. Site 50: Change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 138°51' toward Ariel, Wash.; change frequencies to 6226.9 and 6345.5 MHz and radio path azimuth to 46°13' toward Rainier, Wash. Station location: 6.2 miles west-northwest of Wildwood, Wash.

2495–C1–P–70—MCI Pacific Coast, Inc. Site 51: Change proposed station location to 3.7 miles south of Rainier, Wash. (latitude 46°50'04" N., longitude 122°41'10" W.); change frequencies to 5974.8 and 6093.5 MHz and radio path azimuth to 226°36' toward Wildwood, Wash.; change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 22°00' toward Tacoma, Wash.

2496–C1–P–70—MCI Pacific Coast, Inc. Site 52: Change proposed station location to 1201 Pacific Avenue, Tacoma, WA (latitude 47°15'13" N., longitude 122°26'14" W.); change frequencies to 6212.0 and 6330.7 MHz and radio path azimuth to 202°11' toward Rainier, Wash.; change frequencies to 6226.9 and 6345.5 MHz and radio path azimuth to 342°14' toward Harper, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2497–C1–P–70—MCI Pacific Coast, Inc. Site 53: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 162°09' toward Tacoma, Wash.; change frequencies to 5989.7 and 6108.3 MHz toward Seattle, Wash. Station location: 3.2 miles south-southwest of Harper, Wash.

2498–C1–P–70—MCI Pacific Coast, Inc. Site 54: Change frequencies to 6241.7 and 6360.3 MHz and radio path azimuth to 227°42' toward Harper, Wash.; change frequencies to 6212.0 and 6330.7 MHz toward Monroe, Wash. Station location: Third Avenue and University Street, Seattle, WA.

2499–C1–P–70—MCI Pacific Coast, Inc. Site 55: Change frequencies to 5960.0 and 6078.6 MHz and radio path azimuth to 307°39' toward Everett, Wash.; change frequencies to 5989.7 and 6108.3 MHz toward Seattle, Wash. Station location: 5.7 miles southeast of Monroe, Wash.

2500–C1–P–70—MCI Pacific Coast, Inc. Site 56: Change frequencies to 6271.4 and 6390.0 MHz and radio path azimuth to 127°24' toward Monroe, Wash. Station location: 1719 Hewitt Street, Everett, WA.

4279–C1–P–71—MCI Pacific Coast, Inc. (New), Site 9: C.P. for a new fixed station at Holland Drive and Beach Boulevard, Ocean View, CA, at latitude 33°42'39" N., longitude 117°59'17" W. Frequencies 11,015 and 10,735 MHz at radio path azimuth 66°50' toward Santa Ana, Calif., and 11,135 and 10,815 MHz at radio path azimuth 288°47' toward Long Beach Calif.

4280–C1–P–71—MCI Pacific Coast, Inc. (New), Site 19: C.P. for a new fixed station 3 miles west of Pine Ridge, Calif., at latitude 37°03'53" N., longitude 119°24'52" W. Frequencies 6019.3 and 6137.9 MHz at radio path azimuth 148°21' toward Milo, Calif., and 6019.3 and 6137.9 MHz at radio path azimuth 312°36' toward Mount Bullion, Calif., and 6212.0 and 6330.7 MHz at radio path azimuth 222°37' toward Fresno, Calif.

4281–C1–P–71—MCI Pacific Coast, Inc. (New), Site 26: C.P. for a new fixed station 4.3 miles north-northeast of Sloughhouse, Calif., at latitude 38°33'06" N., longitude 121°08'48" W. Frequencies 10,815 and 11,055 MHz at radio path azimuth 71°28' toward Latrobe, Calif., and 10,775 and 11,015 MHz at radio path azimuth 276°26' toward Sacramento, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

4241–C1–P–71—Paul E. Taft doing business as Taft Broadcasting Co. (New), C.P. for a new station to be located at One Shell Plaza Building, intersection of Smith Street and Walker Avenue, Houston, TX. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) both toward various receiving points of system.

4242–C1–P–71—Paul E. Taft doing business as Taft Broadcasting Co. (New), C.P. for a new station to be located at the Preston Tower Building, 6211 West Northwest Highway, Dallas, TX. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) both toward various receiving points of system.

4243–C1–P–71—Chicago Communication Service, Inc. (New), C.P. for a new station to be located at John Hancock Center, 875 North Michigan Avenue, Chicago, IL. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) both toward various receiving points of system.

4286–C1–P–71—American Television Relay, Inc. (KGC90), C.P. to change location of point of communications in El Paso, Tex. Frequencies: 5960.0, 6019.3, 6078.6, and 6137.9 MHz on azimuth 126°58', and frequency 6301.7 MHz on azimuth 127°14'. Location: Aden Hills, 19.3 miles southwest of Las Cruces, N. Mex., at latitude 32°11'15" N., longitude 107°05' 33" W.

4287–C1–P–71—American Television Relay, Inc. (KVH73), C.P. to change location of station to 0.9 mile northwest of El Paso, Tex., at latitude 31°47'31" N., longitude 106°28'46" W. Frequencies: 6212.0, 6271.3, 6330.7, 6390.0, and 6241.7 MHz on azimuth 104°30'.

4288–C1–P–71—American Television Relay, Inc. (New), C.P. for a new station on Mount Bigelow, 18 miles northeast of Tucson, Ariz., at latitude 32°24'56" N., longitude 110°42' 48.5" W. Frequency 11,505 MHz on azimuth of 72°03'.

4289–C1–P–71—American Television Relay, Inc. (KOS83), C.P. to add frequency 10,815 MHz on azimuth 168°53'. Location: Heliograph Peak, 13.9 miles southwest of Safford, Ariz., at latitude 32°38'59" N., longitude 109°50'53" W.

(NONTELEPHONE)—continued

(Informative: Applicant proposes to provide the television signal of Station KZAZ-TV of Nogales, Ariz., to Douglas Television Co., Inc., in Douglas, Ariz.)

4290-C1-P-71—Garden State Micro Relay, Inc. (KEM56), C.P. to power split frequencies 6019.3, 6078.6, and 6137.9 MHz on azimuth 168°00' toward a new point of communication in Swainton, N.J. Location: 0.55 miles west of Milmay, N.J., at latitude 39°26'20.5" N., longitude 74°52'03" W.

(Informative: Applicant proposes to provide the television signals of Stations WNEW-TV, WOR-TV, and WPIX of New York City to National Cable TV Systems in the area of Upper Township, Cape May, N.J., known as Strathmere.)

4291-C1-P-71—Mountain Microwave Corp. (KOB37), C.P. to power split frequency 11,345 MHz on azimuth 02°46'. Location: Colorow Hill, 2 miles southwest of Golden, Colo., at latitude 39°43'54" N., longitude 105°14'58" W.

(Informative: Applicant proposes to relay the signal of KWGN-TV of Denver, Colo., to a receive point at Soderburg, Colo., in order to upgrade the signal pickup which is presently at Soderburg.)

4292-C1-MP-71—New York-Penn Microwave Corp. (WDD67), Modification of C.P. to change location to latitude 40°02'30" N., longitude 75°14'24" W. in Roxborough, Pa. Frequency 5974.8 MHz on azimuth 346°13' and frequency 11,265 MHz on azimuth 165°34'.

4293-C1-AL-71—Teleview Networks (KOS62), Consent to assignment from: Teleview Networks Assignor, to: Wyoming Microwave Corp. Assignee.

4269-C1-TC-(11)-71—Minnesota Microwave, Inc. Involuntary transfer of control from Dynasonics, Inc. Transferor to: Paul J. Schmitt, et al. Transferee. Stations: KAY61, Willmar, Minn.; KYC43, Brainerd, Minn.; KYC44, Ben Draper, Minn.; KYC45, Beauty Lake, Minn.; KCM71, East Rockford, Minn.; KCM72, Cold Springs, Minn.; KCM73, Little Falls, Minn.; KC74, Benson, Minn.; KCM75, Montevideo, Minn.; KZS97, Morris, Minn.; KOC70, Elbow Lake, Minn.

Major Amendment

7183-C1-P-68—Western Tele-Communications, Inc. (New), Application amended to change frequencies to 5945.2 MHz and 6004.5 MHz toward Nelson Peak, Utah, on azimuth 165°25'. Other particulars unchanged.

580-C1-P-67—Sierra Microwave, Inc. (New), Application amended to (a) change station coordinates to latitude 38°24'55" N., longitude 122°06'36" W.; and (b) change azimuth toward Newtown, Calif., to 63°30'. Station location: Mount Vaca, 8 miles northwest of Vacanville, Calif.

(Informative: Applicant correcting station coordinates to agree with those of existing Station KNM54, Mount Vaca, licensed to Microwave Communications Corp.)

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Superior Communications Co., Inc.
KAQ73—Virginia, Minn.
KAQ74—Kabetogama, Minn.
KAQ75—Gheen, Minn.

Teleview Networks
KOS62—Red Cloud's Lookout, Wyo.

COMMUNICATION SATELLITE SERVICE

81-CSG-R-71—Communications Satellite Corp. (WA24), Renewal of developmental license expiring Feb. 17, 1971, for a fixed developmental earth station at Washington, D.C. Term: Feb. 17, 1971 to Feb. 17, 1972.

71-CSB-R-71—Hughes Aircraft Co. (KA26), Renewal of developmental license expiring Mar. 1, 1971 for a fixed developmental earth station at Hopper, Ark. Term: Mar. 1, 1971 to Mar. 1, 1972.

[FR Doc.71-2365 Filed 2-22-71;8:45 am]

FEDERAL MARITIME COMMISSION

MITSUI O.S.K. LINES (PASSENGER) LTD. ET AL.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Mitsui O.S.K. Lines (Passenger), Ltd.,
and
Mitsui OSK Lines, Ltd.,
and/or
Japan Industrial Floating Fair Association,
3-3, 5-chome, Akasaka, Minatoku, Tokyo, Japan.

Dated: February 18, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2443 Filed 2-22-71;8:49 am]

MITSUI O.S.K. LINES (PASSENGER), LTD. ET AL.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Mitsui O.S.K. Lines (Passenger), Ltd.,
and
Mitsui OSK Lines, Ltd.,
and/or
Japan Industrial Floating Fair Association,
3-3, 5-chome, Akasaka, Minatoku, Tokyo, Japan.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2444 Filed 2-22-71;8:49 am]

[Docket No. 71-15]

[Independent Ocean Freight Forwarder License No. 35]

INTERNATIONAL SHIPPING CO. OF NEW YORK ET AL.

Order of Investigation and Hearing

Harry Kaufman doing business as International Shipping Co. of New York was issued Independent Ocean Freight Forwarder License No. 35 by the Federal Maritime Commission on August 19, 1964. It has come to the attention of the Commission that Harry Kaufman on or about January 1, 1969, entered into a contract selling the forwarding business of Harry Kaufman doing business as International Shipping Co. of New York (Independent Ocean Freight Forwarder License No. 35) to Mr. Irving Betheil. It further appears that on or after January 1, 1969, the freight forwarding business of Mr. Kaufman was transferred to Mr. Irving Betheil and/or his son, Stephen M. Betheil, without notification to the Commission as required by § 510.5(c) of Commission General Order 4 and without prior approval of the Commission as required by § 510.8 (d) of Commission General Order 4.

It further appears that Harry Kaufman permitted his license or name to be used by Mr. Irving Betheil and/or Stephen M. Betheil, persons not employed by him, for the performance of freight forwarding services in violation of § 510.23(a) of Commission General Order 4. It further appears that Harry Kaufman accepted employment with and performed forwarding services on export shipments in association with Irving Betheil, whose grandfather rights as an independent ocean freight forwarder were revoked by the Federal Maritime Commission on June 9, 1964, and that he further permitted Irving Betheil to participate in the control or direction of his freight forwarder business, in violation of § 510.23(b) of Commission General Order 4.

It further appears that Irving Betheil and Stephen M. Betheil, in carrying on the business of forwarding since January 1, 1969, without a license issued by the Federal Maritime Commission, violated § 510.3(a) of Commission General Order 4 and Section 44 of the Shipping Act, 1916.

Now therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether:

1. Harry Kaufman, in failing to notify the Commission of the change in ownership of Harry Kaufman doing business as International Shipping Co. of New York (Independent Ocean Freight Forwarder License No. 35), and transferring such business and license without securing prior approval of the Commission, violated §§ 510.5(c) and 510.8(d) of Commission General Order 4.

2. Harry Kaufman, in permitting Irving and/or Stephen M. Betheil to use International's name and License No. 35 after January 1, 1969, violated § 510.23(a) of the Commission's General Order 4.

3. Harry Kaufman, in accepting employment with Irving Betheil, and permitting Irving Betheil to control and direct the business of International, after the freight forwarder rights of Irving Betheil had been revoked, has violated § 510.23(b) of General Order 4.

It is further ordered, That this proceeding determine whether because of the foregoing violations Federal Maritime Commission Independent Ocean Freight Forwarder License No. 35, issued to Harry Kaufman, doing business is International Shippers Co. of New York, should be revoked.

It is further ordered, That this proceeding determine whether Irving Betheil, in carrying on the business of forwarding without a license from the Federal Maritime Commission after January 1, 1969, has violated § 510.3(a) of General Order 4 and section 44 of the Shipping Act, 1916.

It is further ordered. That this proceeding determine whether Stephen M. Betheil, in carrying on the business of forwarding without a license from the Federal Maritime Commission after January 1, 1969, has violated § 510.3(a) of General Order 4 and section 44 of the Shipping Act, 1916.

It is further ordered, That Harry Kaufman, doing business as International Shippers Co. of New York, Irving Betheil, and Stephen M. Betheil be named respondents in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy of the order and Notice of Hearing be served upon respondents.

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2445 Filed 2-22-71;8:49 am]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, The India, Pakistan, Ceylon and Burma Outward Frieght Conference, 25 Broadway, New York, NY 10004.

Agreement No. 7690-13, among the member lines of the India, Pakistan, Ceylon and Burma Outward Freight Conference, will modify the basic conference agreement by adding a new paragraph (j) to Clause 12 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2446 Filed 2-22-71;8:49 am]

CALCUTTA, EAST COAST OF INDIA AND EAST PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8650-6, among the member lines of the Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, will modify the basic conference agreement by adding a new paragraph to Clause 4 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C HURNEY,
Secretary.

[FR Doc.71-2447 Filed 2-22-71;8:49 am]

NEW YORK FREIGHT BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 5700–11 is a modification of the New York Freight Bureau's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2448 Filed 2–22–71;8:49 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC, 20036.

Agreement No. 14–31 is a modification of the Trans-Pacific Freight Conference's (Hong Kong) basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2449 Filed 2–22–71;8:49 am]

U.S. ATLANTIC AND GULF-HAITI CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic and Gulf-Haiti Conference, 11 Broadway, New York, NY 10004.

Agreement No. 8120–11, among the member lines of the United States Atlantic and Gulf-Haiti Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 15 through 18 and substituting therefore new Articles 15 through 19.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2450 Filed 2–22–71;8:49 am]

U.S. ATLANTIC & GULF-SANTO DOMINGO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. T. Schoonebeek, Vice Chairman, United States Atlantic & Gulf-Santo Domingo Conference, 11 Broadway, New York, NY 10004.

Agreement No. 6080–18, among the member lines of the United States Atlantic & Gulf-Santo Domingo Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 18 through 23 and substituting therefor new Articles 18 through 21.

Dated: February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2451 Filed 2–22–71;8:50 am]

WEST COAST OF INDIA AND PAKISTAN/U.S.A. CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, General Secretary, West Coast of India and Pakistan/U.S.A. Conference, 25 Broadway, New York, NY 10004.

Agreement No. 8040–8, among the member lines of the West Coast of India and Pakistan/U.S.A. Conference, will modify the basic conference agreement by adding a new paragraph to Clause 9 thereof which provides that every application for conference membership shall be accompanied by agreement to pay into the conference funds a nonreimbursable admission fee of $5,000.

Dated. February 18, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–2452 Filed 2–22–71;8:50 am]

FEDERAL POWER COMMISSION

[Project No. 2179]

CALIFORNIA

Notice of Additional Land Withdrawal

FEBRUARY 17, 1971.

In the matter of Merced Irrigation District.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission by formal notice of land withdrawal dated June 27, 1963, gave notice of the reservation of approximately 5,862.80 acres of U.S. lands pursuant to the filing on February 21, 1963, of a completed application for license (major) by Merced Irrigation District of Merced, Calif., for Project No. 2179.

On July 24, 1970, and December 7, 1970, Merced Irrigation District filed an application for amendment of license (major) and a supplemental revision, respectively, in compliance with Article 35 of its license (major). This application modifies the project boundary to embrace additional U.S. lands.

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in power Project No. 2179 and are from the date of the filing of said application and supplemental revision, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

Those portions of the following described subdivisions lying within the project boundary as shown upon map Exhibit K, sheets 2, 4, 5, 7, 8, 10, 12, and 12A through 16 of 17 (FPC Nos. 2179–99, –101, –102, –104, –105, –107, –109, and –110 through –114, respectively) filed July 24, 1970, and map Exhibit K, sheets 1, 3, 6, 9, 11, and 17 of 17 (FPC Nos. 2179–116 through –121, respectively) filed December 7, 1970.

T. 3 S., R. 15 E.,
Sec. 15, NW¼NE¼, SE¼NE¼;
Sec. 24, SE¼SW¼NE¼, SE¼NE¼, SW¼NW¼;
Sec. 25, NE¼NE¼NE¼.
T. 5 S., R. 15 E.,
Sec. 2, lot 1;
Sec. 3, lot 2.
T. 3 S., R. 16 E.,
Sec. 5, NW¼NW¼, NW¼SW¼, SW¼SE¼;
Sec. 6, lots 1 and 2, S½NE¼, E½SW¼SW¼, NE¼SE¼;
Sec. 17, NE¼NW¼;
Sec. 19, SW¼SE¼;
Sec. 20, NW¼SW¼NE¼, NE¼NW¼;
Sec. 21, lot 1;
Sec. 22, S½NE¼SW¼, S½SE¼SE¼;
Sec. 23, SW¼SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 30, NW¼NW¼NW¼;
Sec. 35, NE¼NE¼SE¼;
Sec. 36, unpatented portion of S½ of lot 7.
T. 4 S., R. 17 E.,
Sec. 4, W½SE¼SE¼;
Sec. 5, SW¼NE¼SW¼, SE¼SE¼;
Sec. 6, lot 11, E½ of lot 15, lot 17, lot 21;
Sec. 9, mineral lot No. 38;
Sec. 11, SE¼NW¼.

The area of U.S. lands reserved pursuant to the filing of this application is approximately 350.75 acres, of which approximately 214.38 acres have heretofore been reserved for power purposes under Projects Nos. 88 or 802, Power Site Reserves Nos. 204, 328, 472, 752, or Power Site Classifications Nos. 267 or 426.

Copies of the aforementioned project map exhibits have been transmitted to the Bureau of Land Management, Geological Survey and the Fish and Wildlife Service.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–2411 Filed 2–22–71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temporary Regulation F–85]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission in a proceeding (Docket No. 70532–EU) involving the application of Tampa Electric Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–2397 Filed 2–22–71;8:45 am]

[Federal Property Management Regulations; Temporary Regulation F–86]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the

Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Louisiana Public Service Commission in a proceeding (Docket No. 10810) involving the application of Central Louisiana Electric Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[R Doc.71-2398 Filed 2-22-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 18, 1971.

On March 15, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles from Poland to the United States. Under this agreement the Polish People's Republic has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. On February 25, 1970, the two Governments exchanged notes amending the bilateral agreement of March 15, 1967. Among the provisions of the amended agreement are those applying specific export limitations to Categories 19, 26 (including a sublimit on duck fabric), 28, 42, 43, 46, 53, 60, and 62, for the second amended agreement year beginning March 1, 1971.

There is published below a letter of February 17, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on March 1, 1971, and extending through February 29, 1972, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

FEBRUARY 17, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, as amended, between the Governments of the United States and Poland, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 1, 1971, and for the 12-month period extending through February 29, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Poland in excess of the following 12-month levels of restraint:

Category		12-month level of restraint
19	square yards	1,050,000
26	do [1]	1,260,000
28	pieces	288,750
42	dozen	31,500
43	do	63,000
46	do	5,250
53	do	3,150
60	do	16,409
62	pounds	178,500

[1] Of this amount, not more than 157,500 square yards may be in duck, T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland and which have been exported to the United States from Poland prior to March 1, 1971, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1970, through February 28, 1971. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, as amended, between the Governments of the United States and Poland which provides in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-2477 Filed 2-22-71;8:51 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-B (Region V) Amdt. 5]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Authority To Conduct Program Activities in Region V

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 30-B, 34 F.R. 19842, as amended (35 F.R. 1073, 35 F.R. 15033, 35 F.R. 17156, and 36 F.R. 481), Delegation of Authority No. 30-B (Region V) (35 F.R. 4155), as amended (35 F.R. 6095, 35 F.R. 10535, 35 F.R. 16758, and 36 F.R. 2947), is hereby further amended by revising Item I.A, Item I.B.1, Item II.A, Item III.A.2, Item IV-A.1, Item IV-B.A.2, Item IV-C.A.2, and Item IV-D.A.2, to read as follows:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by Secretary of Agriculture for natural disasters up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

* * * * *

III. *District Division Chiefs, District Counsel, and Staffs*—A. *Chief, Financing Division.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $350,000 (SBA share).

* * * * *

IV. *Branch Managers*—IV-A. *Marquette, Mich.* 1. To approve or decline business loans, displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

* * * * *

IV-B. *Springfield, Ill.*—A. *Financing Program.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $100,000 (SBA share).

* * * * *

IV-C. *Milwaukee, Wis.*—A. *Financing Program.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $50,000 (SBA share).

* * * * *

IV-D. *Cincinnati, Ohio.*—A. *Financing Program.* * * *

2. To approve or decline displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to $100,000 (SBA share).

* * * * *

Effective date: January 11, 1971.

ROBERT A. DWYER,
Regional Director, Region V.

[FR Doc.71-2427 Filed 2-22-71;8:48 am]

[Delegation of Authority 4.4-1 (Region V) For Designated Disasters]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Pursuant to the authority delegated to the regional director by Delegation of Authority No. 4.4 (36 F.R. 1297), the following authority is hereby redelegated:

1. To approve or decline disasater direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgage, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agricultural for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

b. District Director and Chief, District Financing Division, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

2. To decline disaster guaranteed loans in any amount and to approve such loans up to $500,000:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

b. District Director, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to $350,000:

a. Chief, District Financing Division, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

4. To approve or decline disaster loans (excluding displaced business loans, coal mine health and safety loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) not exceeding $50,000 (SBA share):

a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

5. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices:

a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Illinois, Crescent City, Disaster No. 777.

(2) Minnesota, St. Louis, Disaster No. 774.

(3) Minnesota, Douglas, Disaster No. 782.

b. District Director, Minneapolis, Minn., for the following disasters:

(1) Minnesota, St. Louis, Disaster No. 774.

(2) Minnesota, Douglas, Disaster No. 782.

Effective date: January 11, 1971.

ROBERT A. DWYER,
Regional Director, Region V, Chicago, Ill.

[FR Doc.71-2428 Filed 2-22-71;8:48 am]

[Declaration of Disaster Loan Area 803]

FLORIDA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Santa Rosa County, Fla.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid County and areas adjacent thereto suffered damage or destruction resulting from tornado occurring on February 7, 1971.

OFFICE

Small Business Administration District Office, 400 West Bay Street, Post Office Box 35067, Jacksonville, FL 32202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 16, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2429 Filed 2-22-71;8:48 am]

[Declaration of Disaster Loan Area 804]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of December 1970, and January 1971, because of the effects of certain disasters, damage resulted to residences and business property located in areas of Malone, N.Y.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city of Malone, N.Y., suffered damage or destruction resulting from fires occurring on December 14, 1970, and January 6, 1971.

OFFICE

Small Business Administration District Office, Fayette and Salina Streets, Syracuse, NY 13202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 16, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2430 Filed 2-22-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 18, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42134—*Roofing and building material from Port Arthur, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-212), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from Port Arthur, Tex., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 33 to Southwestern Freight Bureau, agent, tariff ICC 4791.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2432 Filed 2-22-71;8:48 am]

[Revised S.O. 994, ICC Order 51-A]

GRAND TRUNK WESTERN RAILROAD CO.

Car Distribution

Upon further consideration of ICC Order No. 51 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 51 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., February 17, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 17, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-2431 Filed 2-22-71;8:48 am]

[Notice 650]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 18, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72558. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Graves Trucking, Inc., Fort Wayne, Ind., a portion of certificate No. MC-15859 (Sub-No. 6), issued February 5, 1971, to The Hine Line, Newark, N.J., authorizing the transportation of: Salt, from Detroit, Mich., to points in Indiana on and north of U.S. Highway 40, with no transportation for compensation on return except as otherwise authorized. Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204, attorney for applicants.

No. MC-FC-72600. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Transport, Inc., Kilgore, Tex., of the operating rights in certificates Nos. MC-104684 (Sub-No. 5), MC-104683 (Sub-No. 24), and MC-104683 (Sub-No. 25) issued October 24, 1958, February 17, 1960, and June 17, 1960 respectively to L. L. Majure Transport Co., a corporation, Meridian, Miss., authorizing the transportation of various petroleum products from and to specified points and areas in Mississippi, Florida, Alabama, and Louisiana. R. J. Reynolds, Jr., Suite 604 Healey Building, Atlanta, GA 30303, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2433 Filed 2-22-71;8:48 am]

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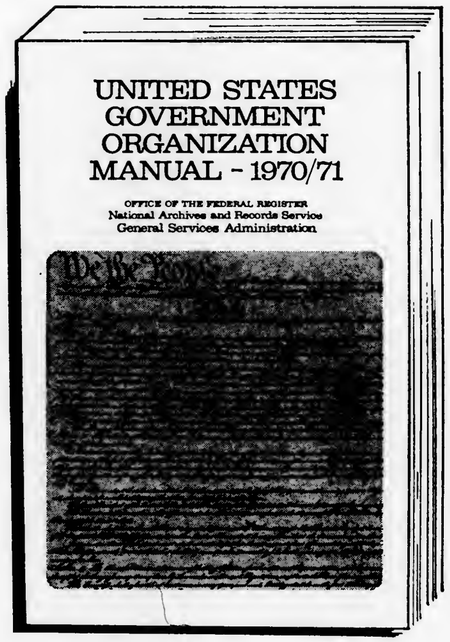

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Wednesday, February 24, 1971 • Washington, D.C.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Deputy Administrator, Federal Railroad Administration is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2-24-71), subparagraph (3) is added to paragraph (e) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

• • • • • •

(e) *Federal Railroad Administration.* • • •

(3) Deputy Administrator.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2551 Filed 2-23-71;8:49 am]

PART 531—PAY UNDER THE GENERAL SCHEDULE

Superior Qualifications Appointments

Section 531.203(b)(2) is amended to permit certain new exceptions to the requirement of a 90-day break in service after previous Government employment before a superior qualifications appointment under 5 U.S.C. 5333(a).

§ 531.203 General provisions.

• • • • • •

(b) *Superior qualifications appointments.* • • •

(2) An agency may make a superior qualifications appointment by new appointment or by reemployment except that when made by reemployment, the candidate must have a break in service of at least 90 calendar days from his last period of Federal employment or employment with the Government of the District of Columbia (other than (i) employment under an appointment as an expert or consultant under section 3109 of title 5, United States Code, (ii) employment under a temporary appointment effected primarily in furtherance of a postdoctoral research program, or effected as a part of a predoctoral or postdoctoral training program during which the employee receives a stipend, or employment under a temporary appointment of a graduate student when the work performed by the student is the basis for completing certain academic requirements for an advanced degree, (iii) employment as a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service, or (iv) employment which is not both full-time employment and the principal employment of the candidate).

• • • • • •

(5 U.S.C. 5115, 5338)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2550 Filed 2-23-71;8:49 am]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

Subpart A — Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

DEFINITION OF AGENCY

7 CFR, Subtitle A, Part 15, Subpart A, § 15.2(b), is hereby amended to read as follows:

§ 15.2 Definitions.

• • • • • •

(b) "Agency" means any service, bureau, agency, office, administration, instrumentality of or corporation within the U.S. Department of Agriculture extending Federal financial assistance to any program or activity, or any officer or employee of the Department to whom the Secretary delegates authority to carry out any of the functions or responsibilities of an agency under this part.

• • • • • •

Dated: December 22, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Approved: February 16, 1971.

RICHARD NIXON,
President of the United States.

[FR Doc.71-2504 Filed 2-23-71;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 225, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.525 (Navel Orange Reg. 225, 36 F.R. 2861) are hereby amended to read as follows:

§ 907.525 Navel Orange Regulation 225.

• • • • • •

(b) *Order.* (1) • • •

(i) District 1: 937,000 cartons;

(ii) District 2: 313,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[FR Doc.71-2481 Filed 2-23-71;8:46 am]

[Lemon Reg. 467, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committeee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.767 (Lemon Reg. 467, 36 F.R. 3045) are hereby amended to read as follows:

§ 910.767 Lemon Regulation 467.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 40,000 cartons;

(ii) District 2: 155,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 19, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2505 Filed 2-23-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-521]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivision (vii) relating to El Paso County is amended to read:

(13) *Texas.* * * *

(vii) That portion of El Paso County bounded by a line beginning at the junction of U.S. Highway 62, 180 and the El Paso-Hudspeth County line; thence, following the El Paso-Hudspeth County line in a generally southerly direction to the Rio Grande River; thence, following the east bank of the Rio Grande River in a northwesterly direction to State Highway 16, 54; thence, following State Highway 16, 54 in a generally northeasterly direction to U.S. Highway 62, 180; thence, following U.S. Highway 62, 180 in a northeasterly direction to its junction with the El Paso-Hudspeth County line.

2. In § 76.2, in paragraph (e)(8) relating to the State of North Carolina, subdivisions (i) relating to Gates, Chowan, and Perquimans Counties, and (ii) relating to Pitt County are deleted.

3. In § 76.2, the reference to the State of Alabama in the introductory portion of paragraph (e) and paragraph (e)(1) relating to the State of Alabama are deleted, and paragraph (f) is amended by adding thereto the name of the State of Alabama.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of El Paso County, Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such County.

The amendments also exclude portions of Gates, Chowan, Perquimans, and Pitt Counties in North Carolina, and a portion of Dallas County, Ala., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Gates, Chowan, Perquimans, and Pitt Counties in North Carolina or in the State of Alabama remain under the quarantine.

The amendments add Alabama to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Alabama.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of February 1971.

GEORGE W. IRVING, JR.,
Administrator, Agricultural Research Service.

[FR Doc.71-2484 Filed 2-23-71;8:46 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Public Hearing Procedures

Questions have been raised concerning the meaning of 23 U.S.C., section 128, which contains a requirement for a public hearing on certain types of Federal-aid highway projects. In its consideration of the Federal-Aid Highway Act of 1970 (Public Law 91–605) the House Committee on Public Works published a report (H. Rept. 91–1554, Oct. 2, 1970) which, in part, contained a statement pertaining to this public hearing requirement. This report reflects this agency's interpretation of that section of law and states at page 6:

In order to provide a formal means of documenting, ascertaining, testing and filtering all possible environmental, community, and transportation elements, two public hearings are now required in most cases under Federal-aid highway procedures. The first public hearing, appropriately advertised, conducted, and documented with an official record, must be held prior to seeking approval for a location within the general service corridor. The second hearing is held prior to approving a preliminary design of the highway at that location.

It should be remembered that the two hearing procedure was promulgated pursuant to section 128 of title 23 and it was our intent in that provision and amendments hereof to make the "public hearing" a part of the public informational process. These quasi-legislative type hearings are particularly useful as a means of focusing public attention upon the land use planning objectives and commitments, as well as upon the highway project itself. The hearings thus constitute an important interface between the State highway departments and the public affording both an opportunity to receive and exchange information on proposed highway projects.

Neither Congress, in the adoption of section 128 nor the Federal Highway Administration in the promulgation of PPM 20–8, intended that the final decision as to the location or design of the highways should be made by the participants in the public hearings. Such decision in the final analysis can only be made by the governmental agencies designated by Congress and the respective State Legislatures to execute and implement the highway program.

The highway departments who have the responsibility for conducting the hearings and making certification will consider the views brought out at the public hearing, and will make the final decisions subject to the approval of the Federal Highway Administration regarding the location and design of the project. The hearing itself was meant to be a "town hall" type meeting in which people are free to express their views. The hearing was not intended to be a quasi-judicial or adversary legal type hearing.

In addition to these required corridor and design hearings. [sic] States frequently hold additional hearings and meetings with interested groups, as deemed desirable, during the project planning and development process. One further clarification of the two hearing procedures is needed. Since its purpose is to encourage public comment and discussion of the location and design alternatives; obviously a final determination of such matters should not be made until after each of the respective hearings, otherwise the hearings would be a useless formality.

A highway project evolves from a series of complex considerations and these considerations must be handled in stages. Design is a continuous process. Design approval, for the purpose of the two hearing procedure, comes after the design hearing, but long before the determination of construction details which are necessary to prepare the plans, specifications, and estimates. This design approval is given when the major design features are known, including things that would have major effects on the community. It involves a consideration of the factors that would need to be known in order to give engineers instructions to develop the blueprint plan. The design approval does not mean approval of detailed plans, specifications and estimates. Such an interpretation may cause a State to dissipate all of its funds working on PS&E before it ever found a plan that was finally acceptable. PS&E approval in the final stages of the project is tantamount to approval of a detailed blueprint of the project and is not part of the two hearing procedure.

Issued: February 18, 1971.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.71-2501 Filed 2-23-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Penicillin, Tetracycline, or Chloramphenicol With Vitamins

Correction

In F.R. Doc. 71–2007 appearing at page 2968 in the issue of Saturday, February 13, 1971, on page 2969 paragraphs a. and b. of amendment 4. (§ 146c.221) should read as follows:

a. Paragraph (a), first sentence, by changing "and with or without one or more suitable and harmless vitamin substances" to read "and with or without one or more suitable solubilizers and stabilizers."

b. Paragraph (c)(1)(i), by deleting "and except that the blank is filled in with the date that is 12 months after the month during which the batch was certified if it contains one or more vitamin substances."

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

PERIOD WITHIN WHICH TO FILE FINANCIAL STATEMENTS

Part 203 is being amended to provide a specific time period within which annual audits and financial statements must be filed by nonsupervised and investing mortgagees, respectively. Failure to observe such requirements will be cause for withdrawal of approval, unless the Commissioner authorizes a longer time period.

1. In § 203.4 paragraphs (c), in part, and (e)(3)(iii) are amended to read as follows:

§ 203.4 Approval of other institutions.

* * * * *

(c) *Special requirements—nonsupervised institutions.* A mortgagee not subject to inspection and supervision of a governmental agency as provided in the preceding paragraph shall have as its principal activity the lending or investment of funds under its own control in real estate mortgages; shall have sound capital funds of a value of not less than $100,000; shall submit a detailed audit report of its books made by an independent accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him; shall file with the Commissioner similar annual audits within 75 days of the close of its fiscal year so long as its approval as mortgagee continues; shall submit at any time to such examination of its books and affairs as the Commissioner may require; and shall comply with any other conditions that the Commissioner may impose. Prior to the approval of any such mortgagee, it shall submit an agreement in writing:

* * * * *

(e) *Special requirements—investing mortgagees.* * * *

(3) * * *

(iii) To submit to the Commissioner annual independent audit reports of its financial condition within 75 days of the close of its fiscal year so long as it is an approved investing mortgagee.

* * * * *

2. In § 203.7 paragraph (a) is amended by adding new subparagraph (5a) to read as follows:

§ 203.7 Withdrawal of approval.

(a) * * *

(5a) The failure of a nonsupervised mortgagee or an investing mortgagee to submit the required annual audit report of its financial condition within 75 days of the close of its fiscal year or such longer period as the Commissioner may determine.

* * * * *

(Secs. 203 and 211 of National Housing Act, 52 Stat. 10, as amended, 23; 12 U.S.C. 1709, 1715b)

Issued at Washington, D.C., February 18, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-2479 Filed 2-23-71;8:46 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter to reduce from 7½ percent to 7 percent

the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

3. In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

4. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

5. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

6. In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

7. In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

8. In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

9. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

10. Section 235.540 is amended to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508, 12 U.S.C. 1715z–b)

SUBCHAPTER N—PROJECTS FOR LOWER INCOME FAMILIES

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS

Subpart A—Eligibility Requirements for Mortgage Insurance

11. Section 236.15 is amended to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

SUBCHAPTER Q—SUPPLEMENTARY PROJECT LOAN INSURANCE

PART 241 — SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

12. Section 241.75 is amended to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z–7)

SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Subpart A—Eligibility Requirements

13. Section 242.33 is amended to read as follows:

§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

14. Section 1000.50 is amended to read as follows:

§ 1000.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

15. In § 1100.45 paragraph (a) is amended to read as follows:

§ 1100.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 7 percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before February 18, 1971, or an application for commitment was received by the Secretary before February 18, 1971, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

* * * * *

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa–3)

Issued at Washington, D.C., February 17, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71–2480 Filed 2–23–71;8:46 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 453–71]

PART 9a—CONFISCATION OF PROPERTY, INCLUDING MONEY, USED IN AN ILLEGAL GAMBLING BUSINESS

By virtue of the authority vested in me by sections 509 and 510 of title 28,

section 301 of title 5, and section 1955(d) of title 18, United States Code, Chapter I of Title 28 of the Code of Federal Regulations is amended by inserting after Part 9 a new Part 9a as follows:

Sec.

9a.1 Designation of officials having seizure authority.
9a.2 Designation of officials having custodial and disposition authority.
9a.3 Custody of seized property, inventory, and receipt.
9a.4 Appraisement of property subject to forfeiture.
9a.5 Notice of seizure and sale when value does not exceed $2,500; advertisement.
9a.6 Transfer of forfeited property to other districts for sale; destruction of forfeited property.
9a.7 Remission or mitigation of forfeitures.
9a.8 Compromise of claims.
9a.9 Award of compensation to informers.

AUTHORITY: The provisions of this Part 9a issued under secs. 509 and 510 of Title 28, sec. 301 of Title 5, and sec. 1955(d) of Title 18, United States Code.

§ 9a.1 Designation of officials having seizure authority.

The Director, Associate Director, Assistants to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General by section 1955(d) of title 18, United States Code, to make seizures of any property, including money used in an illegal gambling business.

§ 9a.2 Designation of officials having custodial and disposition authority.

Except for the power and authority conferred by § 9a.1, the powers described in the last sentence of this section, or as otherwise expressly provided herein, U.S. Marshals are, in accordance with section 1955(d) of title 18, United States Code, authorized and designated as the officers to perform the various duties with respect to seizures and forfeitures of money and other property under section 1955(d) of title 18, United States Code, which are comparable to the duties performed by collectors of customs or other persons with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws. The Assistant Attorney General in charge of the Criminal Division is designated as the officer authorized to take final action under section 1955(d) of title 18, United States Code, on claims for award of compensation to informers, offers in compromise, and matters relating to bonds or other security.

§ 9a.3 Custody of seized property, inventory, and receipt.

All money and other property seized pursuant to section 1955(d) of title 18, United States Code, shall be held for or turned over to the U.S. Marshal for the district in which the seizure was made when not held as evidence. An inventory shall be prepared of the property seized and a receipt given for it at the time of seizure or as soon thereafter as practicable.

§ 9a.4 Appraisement of property subject to forfeiture.

Seized property shall be appraised. The appraisement shall be the function of the U.S. Marshal having custody of the property. The value of an article seized shall be the price at which it or a similar article is fairly offered for sale at the time and place of appraisement.

§ 9a.5 Notice of seizure and sale when value does not exceed $2,500; advertisement.

The notice required by section 607, Tariff Act of 1930, as amended (19 U.S.C. 1607), of seizure and intention to forfeit and sell or otherwise dispose of property not exceeding $2,500 in value seized pursuant to section 1955(d) of title 18, United States Code, shall describe the property seized; state the time, cause, and place of seizure; and state that any person desiring to claim the property must file with the U.S. Marshal within 20 days from the date of the first publication of the notice a claim to such property and a bond in the sum of $250, in default of which the property will be disposed of in accordance with law. The notice shall be published once each week for at least 3 successive weeks in a newspaper of general circulation in the judicial district in which the property was seized.

§ 9a.6 Transfer of forfeited property to other districts for sale; destruction of forfeited property.

(a) If the laws of a State in which an article of forfeited property is located prohibit the sale of such property or if the U.S. Marshal having custody thereof is of the opinion that the sale of forfeited property may be made more advantageously in another district, the property shall be moved to and sold in such other district as the Director, U.S. Marshals Service, may direct.

(b) If, after the summary forfeiture of property is completed, it appears that the proceeds of sale will not be sufficient to pay the costs of sale, the U.S. Marshal may order the destruction of the property. Similarly, property forfeited under a decree of any court may be destroyed if it is provided in the decree of forfeiture that the property shall be delivered to the Attorney General for disposition in accordance with section 611, Tariff Act of 1930 (19 U.S.C. 1611). Also if the sale or use of any article is prohibited under any law of the United States or of any State, the Director, U.S. Marshals Service, may order it destroyed or remanufactured into an article that is not prohibited.

§ 9a.7 Remission or mitigation of forfeitures.

(a) The provisions of Part 9 of this chapter are applicable, insofar as practicable and appropriate, to petitions for the remission or mitigation of forfeitures resulting from the application of section 1955(d) of title 18, United States Code.

(b) The duties imposed under § 9.4 of this chapter with respect to petitions for the remission or mitigation of administrative forfeiture of property of an appraised value of $2,500 or less shall, with respect to petitions for the remission or mitigation of forfeitures resulting from the application of section 1955(d) of title 18, United States Code, be performed as follows:

Duties comparable to those of—	Will be performed by—
Director of the Bureau of Narcotics and Dangerous Drugs.	Assistant Attorney General in charge of the Criminal Division.
Regional Director of the Bureau of Narcotics and Dangerous Drugs.	U.S. Marshal in whose district the property was seized unless otherwise directed by the Director, U.S. Marshals Service.
Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs.	Narcotics and Dangerous Drug Section, Criminal Division, Department of Justice.
Chief Counsel or Deputy Chief Counsel, Bureau of Narcotics and Dangerous Drugs.	Chief or Deputy Chief, Narcotics and Dangerous Drug Section, Criminal Division, Department of Justice.

The petition shall be addressed to the Assistant Attorney General in charge of the Criminal Division and be filed in triplicate with the U.S. Marshal in whose district the property was seized.

§ 9a.8 Compromise of claims.

No offer pursuant to section 617, Tariff Act of 1930, as amended (19 U.S.C. 1617), in which a specific sum of money is tendered in compromise of a Government claim arising under section 1955(d) of title 18, United States Code, will be considered by the Attorney General or his designee unless accompanied by a bank draft, certified check, or money order in the amount of the offer.

§ 9a.9 Award of compensation to informers.

A petition for the award of compensation to an informer under section 619, Tariff Act of 1930 (19 U.S.C. 1619), as amended, and section 1955(d) of title 18, United States Code, will be forwarded to the Attorney General for action by his designee. The petition should be filed with or by the agent or official to whom the information was furnished. The petition will clearly identify the transaction to which it relates, contain evidence of the net amount recovered, and includes sufficient information and corroboration to permit a determination to be made concerning an award.

Dated: February 12, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-2487 Filed 2-23-71;8:46 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1023—STANDARDS FOR REGISTRATION OF CERTIFICATES AND PERMITS WITH STATES

Motor Carrier Standards; Evidencing Lawfulness of Interstate Operation

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of February 1971.

Pursuant to section 202(b) of the Interstate Commerce Act, the Commission promulgated standards for registering with the various States, certificates and permits issued by the Commission. These standards are contained in Part 1023 of Title 49 of the Code of Federal Regulations.

The National Association of Regulatory Utility Commissioners has certified to the Commission the following resolution amending these standards:

Whereas, the Congress of the United States has amended subsection (b) of section 202 of the Interstate Commerce Act (49 U.S.C., sec. 302(b)(2)) so as to authorize the "national organization of the State commissions" to determine and officially certify standards to the Interstate Commerce Commission evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate such standards into law; and

Whereas, the National Association of Regulatory Utility Commissioners, hereinafter sometimes referred to as the "NARUC", constitutes the "national organization of the State commissions" within the meaning of the Interstate Commerce Act, as amended; and

Whereas, the NARUC, assembled in its 78th Annual Convention on November 17, 1966, determined such standards for evidencing the lawfulness of interstate operations of motor carriers (Convention Proceedings, p. 371; NARUC Bulletin No. 63–1966, p. 2), and the Interstate Commerce Commission, pursuant to NARUC certification, promulgated them into law by publication in the FEDERAL REGISTER of December 28, 1966, 31 F.R. 16587–16575 (49 CFR Part 1023); and

Whereas, the Congress, in so amending subsection (b) of section 202 of the Interstate Commerce Act, has authorized the NARUC to amend from time to time the standards determined by it to evidence the lawfulness of interstate operations of motor carriers; and

Whereas, such standards have been so amended pursuant to certification of amendments by the NARUC and promulgation thereof into law by the Interstate Commerce Commission (80th NARUC Annual Convention Proceedings, pp. 263–265 (1988); NARUC Bulletin No. 49–1968, pp. 9–10; FEDERAL REGISTER of December 25, 1968, 33 F.R. 19250; 81st NARUC Annual Convention Proceedings, pp. 375–376 (1969); NARUC Bulletin No. 43–1969, pp. 12–13; FEDERAL REGISTER of February 4, 1970, 35 F.R. 2524); and

Whereas, since the primary purpose of such standards is to establish procedures for evidencing the lawfulness of interstate operations of motor carriers and not to affect the collection or method of collection of taxes or fees by a State from motor carriers, the NARUC has determined that such standards should be further amended so as to provide that the prescription of a maximum fee for the issuance of an identification stamp or number shall not preclude a State from imposing an additional fee to be paid to a State commission prior to the issuance of such stamp or number if such additional fee shall be used solely for defraying the cost of the regulation of carriers by highway and the enforcement of laws pertaining thereto; now, therefore, be it

Resolved, that the National Association of Regulatory Utility Commissioners, assembled in its 82nd Annual Convention in Las Vegas, Nev., hereby amends the said standards for evidencing the lawfulness of interstate operations of motor carriers, adopted November 17, 1966, as amended, by:

(1) Adding at the end of section 4.3, codified as 49 CFR 1023.33, a new sentence to read as follows: "The prescription of the maximum fee of five dollars for the issuance of such identification stamp or number shall not preclude a State from imposing an additional fee in a reasonable amount to be paid to a State commission prior to the issuance of such stamp or number if such additional fee shall be used solely for defraying the cost of the regulation of carriers by highway operating within the borders of such State and the enforcement of laws pertaining thereto."

(2) Striking the period at the end of subsection (f) of section 4.2, codified as 49 CFR 1023.32(f), and inserting in lieu of such period the following: ", and shall enter the appropriate expiration date in the space provided below the certificate. Such expiration date shall be within a period of fifteen months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp or number placed on the back thereof.";

(3) Inserting a new sentence between the first and second sentences of section 4.5, codified as 49 CFR 1023.35, to read as follows: "In addition, such stamp shall bear an expiration date of the '1st day of February in the succeeding calendar year' as provided in subsection (g) of sectoin 4.2 of this chapter." (such section 4.2 being codified as 49 CFR 1023.32); and

(4) Striking section 4.10, codified as 49 CFR 1023.40, and inserting a new section in lieu thereof.

Resolved, that the President of the NARUC and the Chairman of the NARUC Committee on Motor and Air Transportation are hereby directed to officially certify, for and on behalf and in the name of the NARUC, a copy of this resolution to the Interstate Commerce Commission within the next 15 days.

In accordance with the provisions of section 202(b) of the Interstate Commerce Act (49 U.S.C. 302(b)), and upon consideration of the above resolution:

It is ordered, That Part 1023 of Chapter X of Title 49 of the Code of Federal Regulations be amended as follows:

1. Strike the period at the end of paragraph (f) of § 1023.32 and insert in lieu of such period the following:

§ 1023.32 Registration and identification.

* * * * * *

(f) * * *, and shall enter the appropriate expiration date in the space provided below the certificate. Such expiration date shall be within a period of 15 months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp or number placed on the back thereof.

* * * * * *

2. A new last sentence of § 1023.33 shall be added and shall read as follows:

§ 1023.33 Form and execution of application for identification stamps or number.

* * * The prescription of the maximum fee of $5 for the issuance of such identification stamp or number shall not preclude a State from imposing an additional fee in a reasonable amount to be paid to a State commission prior to the issuance of such stamp or number if such additional fee shall be used solely for defraying the cost of the regulation of carriers by highway operating within the borders of such State and the enforcement of laws pertaining thereto.

3. Insert a new sentence between the first and second sentences of § 1023.35 to read as follows:

§ 1023.35 Form of identification stamp or number.

* * * In addition, such stamp shall bear an expiration date of the "1st day of February in the succeeding calendar year" as provided in § 1023.32(g). * * *

4. Strike § 1023.40 and insert new text in lieu thereof to read as follows:

§ 1023.40 Destruction of cab cards; transfer.

(a) Each motor carrier shall destroy a cab card immediately upon its expiration, except as otherwise provided in the proviso to paragraph (b) of this section.

(b) A motor carrier permanently discontinuing the use of a vehicle, for which a cab card has been prepared, shall nullify the cab card at the time of such discontinuance: *Provided, however,* That if such discontinuance results from destruction, loss or transfer of ownership of a vehicle owned by such carrier and such carrier provides a newly acquired vehicle in substitution therefor within 30 days of the date of such discontinuance, each identification stamp and number placed on the cab card prepared for such discontinued vehicle, if such card is still in the possession of the carrier, may be transferred to the substitute vehicle by compliance with the following procedure:

(1) Such motor carrier shall duly complete and execute the form of certificate printed on the front of a new cab card, so as to identify itself and the substitute vehicle and shall enter the appropriate expiration date in the space provided below such certificate;

(2) Such motor carrier shall indicate the date it terminated use of the discontinued vehicle by entering same in the space provided for an early expiration date which appears below the certificate of the cab card prepared for such vehicle; and

(3) Such motor carrier shall affix the cab card prepared for the substitute vehicle to the front of the cab card prepared for the discontinued vehicle, by permanently attaching the upper left-hand corners of both cards together in

such a manner as to permit inspection of the contents of both cards and, thereupon, each identification stamp or number appearing on the back of the card prepared for the discontinued vehicle shall be deemed to apply to the operation of the substitute vehicle.

(Sec. 1, 49 Stat. 543, as amended, 546, as amended, 49 U.S.C. 302, 304)

It is further ordered, That since these amendments do not materially effect the substance of the standards, they shall be effective concurrently with the original standards promulgated by the Commission which is 5 years from the 14th day of December 1966.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. Notice shall also be served upon the Governors and Chairmen of the Public Utility Commissions of the several States.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2493 Filed 2-23-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 37]

CANNED PACIFIC SALMON

Proposed Standards of Identity and Fill of Container

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes to establish standards of identity and fill of container for canned Pacific salmon. Accordingly it is proposed that two new sections be added to Part 37, as follows:

§ 37.10 Canned Pacific salmon; definition and standard of identity.

(a) Canned Pacific salmon is the food prepared from one of the species of fish enumerated in paragraph (b) of this section, prepared in one of the forms of pack specified in paragraph (c) of this section, and to which may be added one or more of the optional ingredients specified in paragraph (d) of this section. The food is packed in hermetically sealed containers and so processed by heat as to prevent spoilage, destroy pathogenic organisms, and soften bones. The food is labeled in accordance with paragraph (e) of this section.

(b)(1) The species of fish which may be used in this food are:

Oncorhynchus tshawytscha	Chinook, king, and spring.
Oncorhynchus nerka	Blueback, red, and sockeye.
Oncorhynchus kisutch	Coho, medium red, and silver.
Oncorhynchus gorbuscha	Pink.
Oncorhynchus keta	Chum and keta.
Oncorhynchus masou	Cherry.

(2) For the purpose of paragraph (e)(1) of this section, the common or usual name or names of each species of fish enumerated in subparagraph (1) of this paragraph is (are) the name(s) immediately following the scientific name of each species.

(c) The optional forms of canned Pacific salmon are processed from fish prepared by removing the head, gills, viscera, blood, fins, tail, and damaged or discolored flesh and then washing. Canned Pacific salmon is prepared in one of the following forms of pack:

(1) "Regular" consists of sections which are cut transversely from the fish and which are filled vertically into the can in a single layer. In containers of more than 1 pound net contents, such sections may be cut in lengths suitable for packing in two layers of equal thickness. The sections shall be packed so that the cut surfaces approximately parallel the ends of the container. A portion of salmon may be added if necessary to fill the container.

(2) "Skinless and backbone removed" consists of the regular form of canned salmon set forth in subparagraph (1) of this paragraph from which the skin and vertebrae have been removed in accordance with good manufacturing practices.

(d) The food may contain one or more of the following optional ingredients:

(1) Salt.

(2) Edible salmon oil comparable in color, viscosity, and flavor to the oil which would occur naturally in the species of salmon canned.

(e)(1) The specified names of the canned salmon for which the definitions and standard of identity are prescribed by this section are formed by combining the word "salmon" and the common or usual name of the species of salmon used, as specified in paragraph (b)(2) of this section, for example "red salmon," with the words descriptive of the form of pack designated in paragraph (c)(2) of this section when such form is packed, for example "red salmon skinless and backbone removed."

(2) Wherever the word "salmon" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements used to form the name of the food, as provided in subparagraph (1) of this paragraph, shall immediately and conspicuously precede or follow such word "salmon" without intervening written, printed, or graphic matter and be in letters of the same style of type and not less in height than those used for such word.

(3)(i) When any of the optional ingredients provided for in paragraph (d) of the section are used, they shall be declared on the principal display panel of the label in conspicuous and easily legible letters of boldface print or type, the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth inch in height. Statements of optional ingredients shall appear on the label without obscuring design, vignettes, or crowding, and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

(ii) When salmon oil is added as provided for in paragraph (d)(2) of this section, it shall be declared by the words "salmon oil added" or "with added salmon oil," and in accordance with subdivision (i) of this subparagraph.

§ 37.12 Canned Pacific salmon, fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned salmon is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.6(b) of this chapter.

(b) If canned salmon falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1971.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.71-2467 Filed 2-23-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

LAND REGISTRATION

Notice of Proposed Rule Making

It is proposed to amend Part 1710 of Chapter V, Title 24 of the Code of Federal Regulations with respect to registration requirements under the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701). The amendment reflects various procedural and editorial changes designed to clarify and reorganize these regulations in a manner which the Department considers will promote better enforcement of the Act. In addition, a substantive change is proposed by § 1710.14 to permit a new class of exemptions with respect to offerings of a "small number of lots" or offerings limited in nature. The principal revisions are set forth below.

In Subpart A, "General Requirements":

In § 1710.1, definitions of "sale" and "property report" are being incorporated.

A new § 1710.3 is being added to clarify determination of the filing date.

Section 1710.5 revises explanation of the chapter's scope.

A new § 1710.6 is being included to explain the terms "exemption opinion" and "exemption determination".

Section 1710.10 on exemptions, is being divided into five separate sections, 1710.10 through 1710.14, which distinguish respectively between statutory exemptions which do not require approval, those which do, regulatory exemptions which do not require approval, those which do, and a special category of exemptions with respect to limited offerings.

Section 1710.15 explains in more detail the procedure for requesting an "Exemption Advisory Opinion".

Section 1710.20 has been simplified to cover only the form and filing requirements for the Statement of Record and Property Report; a new § 1710.21 has been added to prescribe the rules under which the effective dates of Statements of Record are established, and a new § 1710.22 added to provide for the filing of consolidated Statements of Record.

Section 1710.25 has been revised to describe, in general, acceptance by the Office of Interstate Land Sales Registration of material filed with agencies of certain States; § 1710.26 lists the State agencies or authorities concerned, and § 1710.27 provides for consolidation and amendment of materials filed with those agencies.

Section 1710.30, which requires the Statement of Record to be amended if a material change occurs in any representation of fact, is being simplified.

Section 1710.35 has been revised in tabular form to avoid confusion in computing filing fees.

In Subpart B, "Reporting Requirements":

Section 1710.102, indicating format for the Statement of Reservations, Restrictions, Taxes, and Assessments, has been partially revised to provide under paragraph 1, "Reservations and restrictions", that developer furnish specific recording information whenever he refers to instruments of record.

Section 1710.105, indicating format for the Statement of Record, has been revised to clarify certain terms, as, for example, water quality and purity, and to reflect changes with respect to the filing of Statements of Record as outlined above.

Section 1710.110 provides more complete instructions for preparation of the Property Report and lease addendum.

Section 1710.115 adds a new paragraph to inform recipients of the State Property Report Disclaimer that the Office of Interstate Land Sales Registration has relied upon and accepted State determinations.

Finally, § 1710.125 has been revised to require that information shown in the heading of a full Statement of Record filed under § 1710.105 be shown in the same format in partial Statements of Records filed under § 1710.125.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411. All communications received on or before March 26, 1971, will be considered before taking action on the proposal. The proposals contained in this notice may be changed in light of comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing date set forth above, in the HUD Information Center at the above address.

The proposed amendment is issued pursuant to section 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Amendment to Part 1710 is proposed as follows:

1. In the Table of Contents, new section headings for §§ 1710.2, 1710.3, 1710.6, 1710.11, 1710.12, 1710.13, 1710.14, 1710.21, 1710.22, 1710.26, and 1710.27 are added, the headings of §§ 1710.5, 1710.10, 1710.20, 1710.25, and 1710.30 are revised, and the heading of § 1710.40 is revoked. As amended, the Table of Contents reads as follows:

Subpart A—General Requirements

Sec.
1710.1 Definitions.
1710.2 Official address.
1710.3 Date of filing.
1710.5 Scope of chapter.
1710.6 Exemption opinions and exemption determinations.
1710.10 Statutory exemptions—no approval required.
1710.11 Statutory exemptions—approval required.
1710.12 Regulatory exemptions—no approval required.
1710.13 Regulatory exemptions—approval required—primarily intrastate.
1710.14 Regulatory exemptions—approval required—limited offering.
1710.15 Exemption advisory opinions.
1710.20 Statement of Record and Property Report—form and filing.
1710.21 Statement of Record—effective date.
1710.22 Consolidated Statements of Record.
1710.25 State filings—in general.
1710.26 State filings—acceptable filings.
1710.27 State filings—consolidations and amendments.
1710.30 Amendments—Statement of Record and Property Report.
1710.35 Payment of Fees.
1710.40 [Revoked].
1710.45 Suspensions.

Subpart B—Reporting Requirements

1710.101 Claim of exemption—affirmation.
1710.105 Statement of Record—Format and instructions.
1710.110 Property Report and lease addendum.
1710.115 State property report disclaimer.
1710.120 Statement of Record—State filing.
1710.125 Partial Statement of Record—Request for exemption.

Subpart A—General Requirements

2. In § 1710.1, paragraph (a) is amended and new paragraphs (m) and (n) are added to read as follows:

§ 1710.1 Definitions.

(a) "Act" means the Interstate Land Sales Full Disclosure Act. The Act, approved August 1, 1968, became effective in its original form April 28, 1969, as Title XIV of Public Law 90-448, and may be cited as 15 U.S.C. 1701.

* * * * *

(m) Unless otherwise indicated in the context of this part, the words "sale" and "seller" include the words "lease" and "lessor," respectively.

(n) The term "Property Report," as used in this part, means the Property Report prescribed by the Secretary and approved by him as to content.

3. A new § 1710.2 is added to read as follows:

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Office of Interstate Land Sales Registration, 2108 HUD Building, 451 Seventh Street SW., Washington, DC, 20411.

4. A new § 1710.3 is added to read as follows:

§ 1710.3 Date of filing.

The date of filing for the purposes of this chapter shall be considered to be the date upon which statements, material, documents, or information in form required by the Secretary (and accompanied by a fee if required) are received by him.

5. Section 1710.5 is amended to read as follows:

§ 1710.5 Scope of chapter.

The Act and the regulations in this chapter cover the offer, sale or lease of lots in a subdivision located in any State or in a foreign country, and provide that the offer, sale or lease shall not be made where the direct or indirect use of any means or instruments of transportation or communication in interstate commerce or of the U.S. mails have been used unless a Statement of Record is in effect and each purchaser has been furnished with a printed Property Report. The Statement of Record and the Property Report shall shall meet the requirements of this part. The Property Report shall be delivered to the purchaser in advance of or at the time the purchaser signs any contract or agreement for sale or lease in a subdivision.

6. A new § 1710.6 is added to read as follows:

§ 1710.6 Exemption opinions and exemption determinations.

(a) Where the term "exemption opinion" is used, it shall be considered to mean the formal written finding of the Secretary stating whether or not in his opinion a particular subdivision or method of disposition of lots in a subdivision is exempt from the requirements of the Act. Such findings shall be considered an opinion binding only on the Secretary and not binding upon any court in a judicial finding with regard to the question of exemption.

(b) Where the term "exemption determination" is used, it shall be considered to mean the formal written decision of the Secretary to exempt a subdivision or lots within a subdivision from such provisions of the Act as he may consider appropriate. Such determination shall operate to exempt sales under the conditions prescribed by the Secretary.

7. In § 1710.10, the section heading and the introductory text are amended; paragraphs (j), (k), (l), and (m) are revoked; and a new paragraph (n) is added to read as follows:

§ 1710.10 Statutory exemptions—no approval required.

Unless a method of sale, lease, or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act, the requirements of this chapter shall not apply to:

* * * * *

(j) [Revoked]
(k) [Revoked]
(l) [Revoked]
(m) [Revoked]

(n) The sale or lease of lots where there is no direct or indirect use of any instruments of transportation or communication in interstate commerce or of the U.S. mails.

8. A new § 1710.11 is added to read as follows:

§ 1710.11 Statutory exemptions—approval required.

The sale of real estate which, at the time of such sale, is free and clear of all liens, encumbrances and adverse claims shall be exempt from the requirements of this chapter. The definitions of terms in paragraphs (a) and (b) of this section shall be applicable for the purpose of exemptions under this section. To obtain the Secretary's approval of the exemption of a subdivision under this section the conditions of paragraph (c) of this section shall be met and the developer shall agree to comply with the provisions of paragraphs (d), (e), and (f) of this section.

(a) The meaning of "liens, encumbrances and adverse claims" shall not include:

(1) Property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed.

(2) Taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners' association, which under applicable State or local law constitute liens before they are due and payable.

(3) Beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision.

(b) The "time of sale" shall be deemed to be the date the sales contract is signed by the purchaser except that the time of sale shall be deemed to be the effective date of the conveyance if both of the following conditions are met:

(1) The contract of sale requires delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(2) Any earnest money deposit or other payment on account of the purchase price, made by the purchaser prior to the effective date of the conveyance, is placed in an escrow account, fully protecting the interests of the purchaser. Such account shall be with an institution or organization which has trust powers or in an established bank, title insurance or abstract company, or an escrow company which is doing business in the jurisdiction in which the property is located.

(c) The developer has filed with the Secretary a claim of exemption in the form of affirmation set forth in § 1710.101 and paid the required fee.

(d) Each and every purchaser or his or her spouse shall have personally made an on-the-lot inspection of the real estate which he has purchased or leased prior to the signing of a contract to purchase or lease.

(e) The developer shall obtain the Secretary's approval of a Statement of Reservations, Restrictions, Taxes, and Assessments, prepared in accordance with the instructions in § 1710.102. Such Statement shall be furnished to each purchaser prior to the time of sale, and the receipt thereof acknowledged by the purchaser in writing prior to the time of such sale.

(f) The developer shall file with the Secretary, within 31 days after the expiration of the calendar year in which a sale is made, a copy signed by the purchaser of each such Statement furnished a purchaser pursuant to paragraph (e) of this section. The developer shall file, with the copy of the acknowledged Statement, a copy of the contract of sale if the developer has relied on the provisions of paragraph (b)(1) of this section to establish the time of sale for purposes of this section. Such copies shall be bound in alphabetical order and indexed by purchaser surname. Each bound volume shall contain only such copies as are applicable to a single subdivision and shall be identified on the outer cover by the name and location of the subdivision and the number assigned by OILSR to such subdivision. Upon demand by the Secretary made at any time during the calendar year, the developer shall, without delay, file such copies of acknowledged Statements as the Secretary shall request.

(g) An offer or sale made before the Secretary has approved the Statement of Reservations, Restrictions, Taxes, and Assessments is in violation of the Act unless otherwise exempt and may be voidable at the option of the purchaser.

9. A new § 1710.12 is added to read as follows:

§ 1710.12 Regulatory exemptions—no approval required.

Certain transactions have been approved by the Secretary as exempt from the requirements of this chapter, as follows:

(a) The sale or lease of lots each of which exceeds 10,000 square feet and each of which will be sold for less than $100, including closing costs.

(b) The lease of lots for a term not to exceed 5 years, provided the terms of the lease do not obligate the lessee to renew.

10. A new § 1710.13 is added to read as follows:

§ 1710.13 Regulatory exemptions—approval required—primarily intrastate.

(a) The Secretary may exempt from the provisions of this chapter a subdivision where he has made a determination in writing that the offering to sell or lease and the sale or lease of lots in the subdivision is almost entirely intrastate.

(b) To obtain a decision by the Secretary under paragraph (a) of this section, the developer shall:

(1) File a Partial Statement of Record—request for exemption (§ 1710.125).

(2) Pay the required filing fees (§ 1710.35).

(3) Submit a comprehensive statement describing the advertising and promotional media used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision. The statement shall describe the area and States in which newspapers and periodicals are distributed, or in which broadcasts of radio or television stations are received, or to which mailings or other promotional materials are directed.

(4) Submit such additional information as the Secretary may require in order to make his decision.

(c) An offer or sale made before the Secretary has determined that a subdivision shall be exempted under this section may be in violation of the Act and voidable at the option of the purchaser.

11. A new § 1710.14 is added to read as follows:

§ 1710.14 Regulatory exemptions—approval required—limited offering.

(a) The Secretary may exempt from the provisions of this chapter any lots, within a subdivision which otherwise would be covered by the Act, where he has determined in writing that the enforcement of this chapter with respect to such lots is not necessary in the public interest and for the protection of purchasers by reason of the small number of lots involved or the limited character of the public offering.

(b) To obtain a decision by the Secretary under paragraph (a) of this section, the developer shall:

(1) File a Partial Statement of Record—request for exemption (§ 1710.125).

(2) Pay the required filing fee (§ 1710.35).

(3) Submit a comprehensive statement listing the lots which he wishes to be exempt and the reasons why he believes such exemption should be granted.

(4) Submit such additional information as the Secretary may require in order to make his decision.

(c) An offer or sale made before the Secretary has determined that the sale of certain lots in a subdivision shall be exempted under this section may be in violation of the Act and voidable at the option of the purchaser.

12. Section 1710.15 is amended to read as follows:

§ 1710.15 Exemption advisory opinions.

(a) *In general.* A developer of a subdivision may obtain an exemption advisory opinion from the Secretary stating whether or not, in the opinion of the Secretary, the sale or offer to sell lots in that subdivision is subject to the registration and disclosure provisions of the Act and regulations in this chapter. An exemption advisory opinion is issued solely in connection with those methods of sale or lease exempted by §§ 1710.10 and 1710.12. An exemption advisory opinion may be obtained in the manner described in paragraph (b) or (c) of this section.

(b) *Opinion request—full Statement of Record.* (1) A developer who wishes to begin promptly to offer or to sell lots in a subdivision may submit in connection with a request for an exemption advisory opinion a full Statement of Record (§ 1710.20). The request for such opinion shall not affect the date upon which the Statement of Record shall become effective.

(2) If a Statement of Record has become effective prior to the issuance of an advisory opinion of the Secretary to the effect that the method of disposition is exempt, the developer shall elect within 30 days of the issuance of such opinion whether he intends to rely upon such opinion or intends for the Statement of Record registration to remain in effect. Unless the developer informs the Secretary to the contrary, it will be presumed that he intends to rely upon the opinion of the Secretary and thereafter he shall not represent to a purchaser that:

(i) The subdivision has been registered with the Secretary,

(ii) The Statement of Record is in effect, or

(iii) The Secretary has approved any Property Report or similar information given to a purchaser.

If he does not intend to rely on the exemption advisory opinion, he shall so inform the Secretary and shall not thereafter represent to a purchaser that the method of disposition is exempt from the Act.

(c) *Opinion request—partial Statement of Record.* A developer who, for any reason, prefers not to file a complete Statement of Record may file a partial Statement of Record in connection with a request for an exemption advisory opinion. The partial Statement of Record shall be in the form required by this part (§ 1710.125). The partial Statement of Record shall not operate as registration under the Act.

(d) *Supporting statement and fees.* Any opinion request shall be accompanied by the required fee together with a statement of facts and applicable law under which the developer believes the method of disposition to be exempt. The fee required is set forth in § 1710.35.

13. Section 1710.20 is amended to read as follows:

§ 1710.20 Statement of Record and Property Report—form and filing.

The general requirements for registering a subdivision, by filing a Statement of Record with the Secretary and obtaining the Secretary's approval of a date when such filing becomes effective, are as follows:

(a) *Filing.* A Statement of Record and a Property Report relating to a subdivision shall be filed with the Secretary by personal delivery or by certified mail, return receipt requested, addressed as shown in § 1710.2.

(b) *Form of Statement of Record.* The Statement of Record shall be filed in the form, and shall be supported by the documentation, required by § 1710.105 under the centered heading, "Instructions for completion of Statement of Record." The Statement of Record shall also include such other information as the Secretary may require as being reasonably necessary or appropriate for the protection of purchasers.

(c) *Form of Property Report.* The Property Report is a summary of information disclosed in the Statement of Record and is to be given to purchasers. It shall be in the form set forth in § 1710.110.

(d) *State filings.* Instead of the forms required by paragraphs (b) and (c) of this section, a Statement of Record and Property Report may be in the form required by State authorities if filed in accordance with the provisions of §§ 1710.25, 1710.115, and 1710.120.

14. A new § 1710.21 is added to read as follows:

§ 1710.21 Statement of Record—effective date.

(a) *Original filing.* The effective date of a Statement of Record shall be the 30th day after the date of filing, unless the Secretary shall notify the developer in writing prior to such 30th day either that:

(1) The effective date has been suspended in accordance with § 1710.45, or

(2) An earlier effective date has been approved by the Secretary.

(b) *Consolidated filing.* The effective date of a consolidated Statement of Record shall be governed by the provisions of paragraph (a) of this section except that the date of filing shall be the date the required fee and the material, which is to be consolidated with the original filing is received by the Secretary.

(c) *Amendments.* Amended Statements of Record shall become effective as follows:

(1) If a Statement of Record has been filed but is not yet effective, the effective date of the Statement, as amended, shall be governed by the provisions of paragraph (a) of this section except that the Statement of Record as originally filed shall not become effective and the date of filing shall be deemed to be the date the amendatory material is received by the Secretary.

(2) If a Statement of Record has been filed with the Secretary and is in effect, the effective date of the Statement, as amended, shall be governed by the provisions of paragraph (a) of this section except that the date of filing shall be deemed to be the date the amendatory material is received by the Secretary.

(3) When, as a result of an amendment to the Statement of Record, a change is required in the Property Report, the Report in use prior to filing of the amendatory material shall continue to be used by the developer until the Statement of Record, as amended, becomes effective.

15. A new § 1710.22 is added to read as follows:

§ 1710.22 Consolidated Statements of Record.

If in connection with lots previously offered for sale and covered by an effective Statement of Record, the developer intends to offer additional lots as part of a common promotional plan, either a new or a consolidated Statement of Record may be filed. A consolidated Statement of Record shall incorporate by reference the prior Statement of Record except for material changes which have occurred since the date of the original filing. Material changes shall be specifically described and shall be supported by such documentation as would be required in connection with an original filing. A consolidated Statement of Record shall otherwise conform to the format requirements of an original Statement of Record.

16. Section 1710.25 is amended to read as follows:

§ 1710.25 State filings—in general.

(a) Material filed with and found acceptable by State authorities charged with the responsibility of regulating the sale of lots in subdivisions may be accepted for filing by the Secretary as meeting the requirements of this part if the Secretary determines such action to be appropriate. Material filed with the Secretary under this section shall be certified by such State authorities. The certification shall:

(1) State that the material is a complete duplicate of all materials which were the basis for the finding of acceptability under applicable State law and regulations.

(2) Specifically cite the State law under which the material was found acceptable.

(3) State the date when the finding was determined to be acceptable.

(4) State that the finding of acceptability is effective as of the date of the certification.

(b) Where duplicate material has been accepted for filing by the Secretary under paragraph (a) of this section and such material or any part thereof, for any reason, is no longer acceptable to the State authorities or effective in that State, the filing with the Secretary shall be considered ineffective unless amended pursuant to § 1710.27.

17. A new § 1710.26 is added to read as follows:

§ 1710.26 State filings—acceptable filings.

The Secretary has determined that material filed with and certified by authorities in the several States listed below shall be accepted pursuant to § 1710.25:

(a) California.

(b) Florida, except as to material filed with State authorities prior to enactment of section 478, Florida Statutes, as effective August 1, 1967.

(c) Hawaii, except as to material filed with State authorities prior to enactment of Act 223, Session Laws of Hawaii 1967.

(d) New York.

18. A new § 1710.27 is added to read as follows:

§ 1710.27 State filings—consolidations and amendments.

Where material filed with State authorities also has been filed with the Secretary pursuant to § 1710.25, and subsequent thereto, the State authorities approve amendments or consolidations to such material, copies of the amended or consolidated material as approved shall be filed with the Secretary. Such a filing shall be made with the Secretary within five (5) days after it becomes effective under the applicable State laws and shall include the following information:

(a) A letter or other document from the State authorities stating that the amendment or additional material has been allowed to become effective.

(b) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment or consolidation and referring to that part of the Statement of Record which is being amended.

(c) The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted.

19. Section 1710.30 is amended to read as follows:

§ 1710.30 Amendments—Statement of Record and Property Report.

(a) An amendment to an effective Statement of Record or to a Property Report shall be filed with the Secretary if any material change occurs in any representation of fact made in such Statement or Report. An amendment shall be filed within 30 days of the date on which the developer knows or should have known that there has been a material change.

(b) An amendment to a Statement of Record shall incorporate by reference the prior Statement of Record except for any material change which may have occurred. A material change shall be specifically described and shall be supported by such documentation as would be required in connection with an original filing and shall include the following information:

(1) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that part of the Statement of Record which is being amended.

(2) The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted.

(3) A copy of a Property Report revised to reflect the change made by amendment of the Statement of Record.

20. Section 1710.35 is amended to read as follows:

§ 1710.35 Payment of fees.

(a) *Method of payment.* Fees shall be paid by certified check or cashier's check or postal money order. Such check or money order shall be payable to the Treasurer of the United States.

(b) *Initial filing.* The fee, not to exceed $1,000, for the initial filing of a Statement of Record shall be $250 plus an additional amount, as shown in column 1 of paragraph (f) of this section, based on the number of lots in the offering.

(c) *Consolidated filing.* The fee, not to exceed $1,000, for filing a consolidated Statement of Record shall be $200 plus an additional amount as shown in column 1 of paragraph (f) of this section, based on the number of lots being added to the number which were offered in the initial Statement of Record.

(d) *Initial State filing.* The fee, not to exceed $1,000, for an initial filing of a duplicate of material filed with a State (§ 1710.25) shall be $200 plus an additional amount, as shown in column 2 of paragraph (f) of this section, based on the number of lots in the offering.

(e) *Consolidated State filing.* The fee, not to exceed $1,000, for the filing of a duplicate of material filed with a State covering a number of lots in addition to the number contained in the initial offering approved by the State (§ 1710.27), shall be $100 plus an additional amount, as shown in column 2 of paragraph (f) of this section, based on the number of lots being added to the number in the initial offering. This paragraph applies only in those instances where the State has permitted the consolidation of the additional number of lots with those included in the initial offering.

(f) *Fee schedule.* The following chart shall be used in computing the additional fee to be added to the basic fees required to be paid under paragraphs (b), (c), (d), and (e) of this section.

Number of lots	Column 1 Additional fee	Column 2 Additional fee
1-50	$50	$25
51-100	100	50
101-150	150	75
151-200	200	100
201-250	250	125
251-300	300	150
301-350	350	175
351-400	400	200
401-450	450	225
451-500	500	250
501-550	550	275
551-600	600	300
601-650	650	325
651-700	700	350
701-750	750	375
751-800	800	400
801-850	800	425
851-900	800	450
901-950	800	475
951-1,000	800	500
1,001-1,050	800	525
1,051-1,100	800	550
1,101-1,150	800	575
1,151-1,200	800	600
1,201-1,250	800	625
1,251-1,300	800	650
1,301-1,350	800	675
1,351-1,400	800	700
1,401-1,450	800	725
1,451-1,500	800	750
1,501-1,550	800	775
1,551-1,600	800	800
1,601-1,650	800	825
1,651-1,700	800	850
1,701-1,750	800	875
1,751 or more	800	900

(g) *Exemption determination or advisory opinion.* The fee for an exemption determination or an exemption advisory opinion (§§ 1710.10–1710.15) shall be $100 to be collected as follows:

(1) When the developer files a complete Statement of Record, the fee required by paragraphs (b) through (e) of this section shall be submitted and if the Secretary advises that the offering is exempt under §§ 1710.10–1710.14, the Secretary will refund the submitted fee except for $100.

(2) Where the developer files a request for an exemption advisory opinion or exemption determination not accompanied by a complete Statement of Record, the fee of $100 shall be submitted. If the Secretary finds that the filing of a complete Statement of Record is required, the fee shall be retained and the $100 shall be applied as a credit toward the fee required for the filing of the complete Statement of Record.

21. Section 1710.40 is revoked as follows:

§ 1710.40 Early effective date for sales in progress. [Revoked]

Subpart B—Reporting Requirements

22. In § 1710.102, paragraph 1 of the format of the Statement of Reservations, Restrictions, Taxes, and Assessments is amended to read as follows:

§ 1710.102 Statement of Reservations, Restrictions, Taxes, and Assessments—format and instructions.

* * * * *

1. *Reservations and restrictions.*

(The developer shall set forth, in descriptive and concise terms, a complete statement

of all reservations and restrictions affecting the property within the above-named subdivision. Where reservations or restrictions are not applicable to all lots within a subdivision the statement shall identify the lots affected. State whether such reservations and restrictions are enforceable by other lot owners or lessees of lots in the subdivision. Reference to instruments of record shall include a specific citation to the public record in which such instruments are recorded or filed by book, page, and place of record.)

23. In § 1710.105, under the centered heading "Statement of Record," a new line C is added to Part XI; and, under the centered heading "Instructions for completion of Statement of Record," item A.8.d of Part VIII, item A.4 of Part IX and paragraph A. of Part XI are amended, and a new paragraph C, is added to Part XI, as follows:

§ 1710.105 Statement of Record—format and instructions.

• • • • •

STATEMENT OF RECORD

• • • • •

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

• • • • •

C. ----------

• • • • •

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

• • • • •

PART VIII. UTILITIES

A. Water.

• • • • •

8. Supporting documentation.

• • • • •

d. Copy of letter or report from cognizant health officer which includes an analysis of the chemical quality and bacteriological purity of water.

• • • • •

PART IX. RECREATIONAL AND COMMON FACILITIES

• • • • •

A. (Name of facility.)

• • • • •

4. Supporting documentation. Include copy of the contract for construction of the facilities, if any, and describe any bond or escrow arrangements to assure completion of the facilities. If a property owners' association, or similar organization, owns or will own the facility, state whether the association has been formed as a legal entity or is to be formed. If it has been formed, attach as exhibits copies or articles of association and by-laws and a statement, from the appropriate State authority, confirming that the charter is in effect. If the association has not been formed, state when it is expected to be formed and the conditions under which the association will take title to the facility.

• • • • •

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. Will the buyer or lessee be required to pay any property taxes or special assessments to any municipal, governmental or public body after signing the contract to purchase or to lease and prior to delivery of an executed deed or lease? Will the buyer or lessee be required to pay any assessments, dues or other payments to a property owners' association or similar organization for the maintenance of common facilities or other purposes after signing the contract to purchase or lease and prior to delivery of an executed deed or lease? If the answer to either of the foregoing questions is affirmative, itemize the amounts and rates to be paid and to whom they must be paid.

• • • • •

C. If a property owners' association exercises or will exercise any control over or provides or will provide any services or maintenance on any lots or common areas in or adjacent to the development, include:

1. A statement that the association has been formed or the steps to be taken to form such association;

2. A statement setting forth the requirements for membership in the association;

3. A listing of the assets or contemplated assets of the association;

4. A statement as to who may use the facilities of the association;

5. A statement of the degree and duration of control of the developer in the association.

6. If the association has been formed as a legal entity, attach as exhibits copies of articles of association and bylaws and a statement from the appropriate State authority, confirming that the charter is in effect. If not formed, attach proposed articles of association and bylaws if available.

24. In § 1710.110, the introductory text is amended; and under the centered heading "Instructions for Completing the Property Report and Lease Addendum," paragraph c is revoked, and a new centered heading "Special Instructions" is added following the text of paragraph e. The following changes also are made under the new centered heading "Special Instructions" which correspond to numbered paragraphs in the Property Report: Paragraph 2a and paragraph 2b are added; paragraph 4 is amended; paragraph 5 is amended; and a new paragraph 11 is added. Additional instructions under a new centered heading "Additional Requirements for Property Report" are added immediately preceding the centered heading "Property Report." Under the centered heading "Property Report," two new paragraphs are added following paragraph 2 and are designated as paragraph 2a and paragraph 2b and a new subparagraph (d) is added under paragraph 8.

§ 1710.110 Property Report and lease addendum.

The Property Report, and if applicable the lease addendum, to be filed as a part of the Statement of Record shall be prepared as follows:

INSTRUCTIONS FOR COMPLETING PROPERTY REPORT AND LEASE ADDENDUM

• • • • •

c. [Revoked].

• • • • •

SPECIAL INSTRUCTIONS

The instructions below correspond to the numbered paragraph in the Property Report:

Paragraph 2a. The effective date of registration is the date the Statement of Record becomes effective under § 1710.21. This date should be shown as the thirtieth day after the date of anticipated filing. If this date is not correct, the developer will be informed. If the Statement of Record has been amended or consolidated, the date the most recent amendment to the Statement of Record or consolidation became effective should be used.

Paragraph 2b. The legal description of the land offered for sale shall include a list of all of the individual lots in the offering. The list shall describe the lots adequately to permit identification from the public records of the county where located.

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Paragraph 4. If the buyer or lessee is exposed to the risk of losing his investment in the event of the developer's failure or bankruptcy, this fact must be made unmistakably clear in this paragraph. Explanations should include any measures designed to protect the buyer's interests, and they must disclose any circumstances under which the buyer would lose his investment either because of his own default or the developer's inability to perform under the sales contract. If there is any prohibition or penalty against the buyer recording the sales contract or lease, so state. Describe also any potential adverse effect on the buyer's interests which may arise from not having his contract recorded. ("Potential adverse effect" includes subordination of the buyer's interest to after recorded liens on the property.) A statement may be included by the developer describing his past performance in conveying free and clear titles to buyers upon their payment of the full purchase price.

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Paragraph 11. If the statement that the water supply will be adequate to serve the anticipated population of the area is based upon the use of private wells, such statement must be supported by an engineer's report or hydrological survey accessible to buyers and lessees. The Property Report must state that such reports are available and when and where they may be inspected by prospective buyers or lessees.

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ADDITIONAL REQUIREMENTS FOR PROPERTY REPORT

a. The Property Report, as filed with the Statement of Record and in final form to be given to prospective purchasers, shall be on good quality, unglazed, white paper, approximately 8½ by 13 inches in size, with a 2 inch margin at the top and a 1½ inch margin on each side. It shall be in black ink and the type size shall not be smaller than 10 point leaded type of uniform size and in an easily read style.

b. No portion of the Property Report shall be underscored, italicized or printed in larger or bolder type than the balance of the report, except where the Secretary requires or permits it as being necessary or appropriate in the public interest or for the protection of purchasers.

c. The Secretary may require or permit such additional information to be included in a Property Report or such change in the sequence or position of information required by this section as he may consider necessary or appropriate in the public interest or for the protection of purchasers.

d. The developer shall attach to and file with the Property Report submitted as part of the Statement of Record a statement in the following form:

"The Property Report attached hereto is in the form in which it will be duplicated for delivery to prospective purchasers of lots in the (insert identification of subdivision).

e. When the Property Report, as submitted, is reproduced or duplicated by other than photocopy or similar facsimile copying methods, a copy of the Property Report as printed shall be filed with the Secretary within 10 days of the receipt by the developer of the printed property reports from the printer. A copy of each subsequent reprint shall also be filed with the Secretary whether or not there has been a material change from the Property Report previously submitted.

PROPERTY REPORT

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2a. State the date the registration with the Office of Interstate Land Sales Registration became effective.

2b. Legal description of lots in the offering.

• • • • •

8. (a) • • •

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(d) List all existing or proposed unusual conditions relating to noise or safety which affect or may affect the subdivision.

25. Section 1710.115 is amended by adding to the form of "State Property Report Disclaimer" shown therein a new paragraph as follows:

§ 1710.115 State property report disclaimer.

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STATE PROPERTY REPORT DISCLAIMER

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The Office of Interstate Land Sales Registration has relied on determination made by the State of ---------- in connection with the filing by the developer and has accepted such determination as meeting the requirements for disclosure under the Interstate Land Sales Full Disclosure Act.

26. In § 1710.125 the introductory text and the instructions under the centered heading "Instructions for completion of Partial Statement of Record—request for exemption" are amended as follows:

§ 1710.125 Partial Statement of Record—request for exemption.

Requests for an exemption determination, or exemption advisory opinion pursuant to § 1710.13, § 1710.14 or § 1710.15 (c) shall be prepared in accordance with the following instructions:

INSTRUCTIONS FOR COMPLETION OF PARTIAL STATEMENT OF RECORD—REQUEST FOR EXEMPTION

The Partial Statement of Record shall be prepared in the manner shown below and shall contain the information requested, as follows:

Employer's IRS No.:----------
Developer:----------
Owner:----------

STATEMENT OF RECORD

Name of subdivision:----------
Location: ----------
Name of developer:----------
Developer's address:----------
Authorized agent:----------
Authorized agent's address:----------

PART I, Administrative Information, shall be filed in the form set forth in § 1710.105 followed by the Affirmation and Agreement as set forth below:

The filing of this information does not preclude a developer from filing a complete Statement of Record. If the developer files the material necessary to complete the Statement of Record, the date of filing shall be the date the complete Statement of Record is received by the Secretary.

AFFIRMATION AND AGREEMENT

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(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718, and delegation of authority 35 F.R. 2749, February 7, 1970)

Issued at Washington, D.C., February 18, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.71-2488 Filed 2-23-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10, 12, 30, 31, 32, 33, 35, 50, 52, 54, 56, 58, 75, 93, 94, 98, 110, 111, 112, 113, 137, 151, 157, 160, 162, 177, 182, 183, 192]

[CGFR 71-11]

NAVIGATION AND VESSEL INSPECTION

Notice of Proposed Rule Making

FEBRUARY 19, 1971.

1. The Merchant Marine Council will hold a public hearing on Monday, March 29, 1971, commencing at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, for the purpose of receiving comments, views, and data on the proposed changes in the navigation and vessel inspection regulations, as set forth in Items PH 1-71 to PH 9-71, inclusive, of the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 29, 1971. This agenda contains the complete text of the changes being proposed to the navigation and vessel inspection regulations, and for certain items the present and proposed regulations are set forth in comparison form, with the reason for the change. Each item in the agenda has been given a general title to encompass the specific proposals presented thereunder.

2. This document contains only general descriptions of the proposed changes in the navigation and vessel inspection regulations in each item, with appropriate references to the statutory authorities. For full particulars of the items being considered at the public hearing, the complete text of the proposed changes and the additions to the regulations as set forth in the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 29, 1971, should be consulted. Copies of this agenda will be mailed to persons and organizations who have previously requested that they be furnished with copies of proposed changes in the regulations. Copies will be forwarded upon request to the Commandant (CMC) and will be available for examination at that office, Room 8234, Coast Guard Headquarters, as well as the offices of the Coast Guard District Commanders.

3. Interested persons are invited to submit written data, views, arguments or comments regarding these proposals to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before March 29, 1971, will be considered before final action is taken on the proposal. To facilitate the Coast Guard's checking and recording of the received comments, it is requested that each communication regarding a section or paragraph of the proposed regulation be submitted, preferably in triplicate, on Form CG-3287. All communications should identify the section number to which it is directed; the specific wording recommended; the reason for the recommended change; and the name and address of the firm, if any, making the submission. A few copies of Form CG-3287 are attached to the agenda and additional copies may be reproduced.

4. The public hearing on the proposed changes will be an informal one. It will not be a judicial or evidentiary type of hearing and there will be no cross-examination of persons presenting statements. Interested persons are invited to attend the hearing and present oral or written statements on these proposals.

5. Each communication received within the time specified, whether or not at the public hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in room 8234, U.S. Coast Guard Headquarters, Washington, D.C., both before and after the closing date for the receipt of comments. The proposals considered at this public hearing may be changed in the light of the communications received. All action on the proposed changes will be published in the FEDERAL REGISTER.

PH 1-71—PERSONNEL AND MANNING OF VESSELS

1a—AUTHORIZATION TO SERVE AS PILOT OF VESSELS

The purpose of the proposed change is to clarify the authority of a licensed officer to serve as pilot on vessels of not more than 1,000 gross tons. The proposed change, § 157.30-40(a), will authorize the holder of a license as master or mate of steam and/or motor vessels to serve as pilot on vessels of not more than 1,000 gross tons, to which he is assigned as master or mate. Currently this authority is found in Part 10 of Title 46 CFR under a special license as master or mate of freight and towing vessels of not more than 1,000 gross tons. This special license become redundant with the above change and is to be deleted.

1b—APPRENTICE ENGINEER TRAINING FOR LICENSE AS THIRD ASSISTANT ENGINEER

A proposed amendment to 46 CFR Part 10 will permit satisfactory completion of a 3-year apprentice engineer training program as qualifying service for a

regular license as third assistant engineer (motor). Present regulations authorize apprentice engineer training programs for applicants for a license as engineer of steam vessels.

1c—FEE FOR DUPLICATE MERCHANT MARINERS DOCUMENTS

46 U.S.C. 643(h) provides that seamen will pay the government the cost required to supply duplicate documents. The present regulations require payment of the fee at the time of issuance. Statistics indicate that 18 percent of the duplicate documents prepared are never claimed. The proposed amendment to 46 CFR 12.02-23(c) will require the collection of the fee for duplicate merchant mariners documents at the time of submission of an application for such documents.

1d—ABLE SEAMEN

With the recent expansion of the offshore industry a demand has arisen for personnel to fulfill the manning requirements for able seaman on mineral and oil vessels equipped with and without lifeboats. The Subcommittee on Manning, Licensing, and Stability of the Coast Guard's National Offshore Operations Advisory Panel recommended the establishment of a limited able seaman endorsement to meet these increased manning requirements. The proposed amendments to 46 CFR Parts 12 and 157 will establish a special category of able seamen that recognizes the particular requirements of the mineral and oil industry. It will include experience level categories of 18 months and 12 months. Holders of certification under the 18 months' provision may comprise the required number of able seamen required on mineral and oil vessels while holders of certification under the 12 months' provision will be limited to one-fourth of the number of able seamen required on vessels of this type. Since many of these vessels now carry liferafts in lieu of lifeboats, able seamen without qualification as lifeboatman could adequately meet the manning requirements for such vessels without a sacrifice in safety and be endorsed as "Able Seaman, Mineral and Oil—any waters (liferaft)" until such time as all the requirements for lifeboatman have been satisfied.

1e—SUSPENSION AND REVOCATION PROCEDURE

The purpose of the proposed amendments to 46 CFR 137 is to achieve more flexible revocation and suspension procedures in the case of mental or physical incompetency. The Examiner will be given the authority to issue an order of indefinite suspension when it appears in such cases that the respondent is not permanently incapacitated. The amendments also provide for a new procedure to be followed in the issuance of new documents or licenses when revocation or indefinite suspension has been ordered, or there has been a voluntary surrender, because of medical incompetency. The respondent will be able to file his first application any time he is able to furnish sufficient evidence to substantiate that he is no longer suffering from the disability. The proposed regulations will also provide that in a hearing in which the physical, mental or psychiatric condition, including alcoholism, of a seaman is in controversy, the Examiner may enter an Interlocutory Order requiring the respondent to submit to medical examination, observation and tests by the U.S. Public Health Service or any other stipulated medical authority. If the seaman refuses or fails to submit to a physical examination, the charge shall be taken to be established, and the Examiner may suspend or revoke the seaman's document and license.

PH 2-71—MARINE ENGINEERING

2a—MISCELLANEOUS CHANGES

The proposals in this Item pertain to 46 CFR Subchapters F, Q, and T. Many amendments concern editorial changes and corrections of the regulations in these subchapters. An amendment to Table 52.01-1(a) will provide that PG-2 of the ASME Code is replaced by Table 54.01-5(a) of chapter I. Table 56.60-1(a) will be amended by deleting the sixth category and clarifying footnotes 10 and 11. Sections 50.15-20, 56.01-7, 56.05-1, 58.10-15(e), and Table 56.60-1(b) will be amended by the adoption of additional standards which involve, as appropriate, pressure rating of steam traps, ball valve construction, silver brazing joints for wrought and cast fittings, nuclear power piping, and noise level for gas turbine installations. Current regulations will be brought up to date by the inclusion of technological advances and changes in philosophy based on histories of successful performance. The areas include safety valves for auxiliary steam generating equipment, joint requirements for Class I pressure vessels, the relaxation of the restrictions of low temperature piping, nondestructive testing for piping, copper-nickel alloys in piping systems, vents for fresh water tanks, fuel level gage penetrations in independent fuel tanks and thermal protection of vertical exhaust piping. Finally, amendments will be made which concern interpretations of current regulations. The areas concerned include the following: Exemptions from providing a corrosion allowance for certain pressure vessels; piping systems requiring plan review; permissible locations for flexible pipe couplings; high-temperature hot water systems; steam and exhaust piping overpressure protection; threaded joints in fuel systems; overboard discharges of sanitary systems; and isolation valve materials for keel cooler installations.

2b—ALUMINUM FUEL TANKS

This proposed amendment accepts aluminum as a material for the fabrication of independent fuel tanks for gasoline and diesel fuel service. A long history of successful performance of aluminum tanks, attested to by designers, builders, owners, and Coast Guard Inspectors, in conjunction with the results of recent tests, prompts the proposals that aluminum, with appropriate limitations, be included in Tables 58.50-5(a), 182.15-25(a)(1), and 182.20-25(a)(1) of Title 46 CFR.

PH 3-71—SUBDIVISION AND STABILITY

Cargo and tank vessel regulations do not contain subdivision requirements, except for assignment of freeboard under Subchapter E, Load Lines. The proposed regulations concerning subdivision and stability would set minimum safety and pollution standards intended to increase safety and thereby reduce the likelihood of pollution from loss of vessel and of cargo and fuel in the event of a casualty. Cargo vessels are not required by regulation to be designed to remain afloat in the event of flooding even a single compartment. In Subchapter I of Title 46 CFR, the proposal would require that cargo and miscellaneous vessels over 328 feet in length withstand gradual flooding of any one compartment between transverse bulkheads to a final stable condition. Vessels 328 feet or less in length would not be required to comply fully with the above, but submission of calculations for review by the Commandant, indicating the degree of subdivision obtained, would be required. Tank vessels under 738 feet in length are not required by regulation to be designed to remain afloat in the event of engine room aft flooding. In Subchapter D, Title 46 CFR, tank vessels over 328 feet in length would be required to withstand gradual flooding of any two adjacent spaces to a final stable condition. Vessels 328 feet or less in length would be required to survive flooding of the machinery space alone, any two adjacent spaces excluding the machinery space, and where reasonable and practicable, any two spaces including the machinery space.

PH 4-71—PORTABLE TANKS FOR COMBUSTIBLE LIQUIDS ON CARGO AND MISCELLANEOUS VESSELS

The proposed amendment to the regulations applicable to transporting combustible liquids in portable tanks is designed to simplify administrative procedures by eliminating the requirement in 46 CFR 98.35-3 for the Commandant to authorize each separate non-paraffinic hydrocarbon. Also, it is proposed to revise venting requirements in 46 CFR 98.35-13 by adding a new paragraph (e) to provide a safeguard for the hazard created by exposure of a portable tank to fire or other unexpected sources of external heat.

PH 5-71—ELECTRICAL

5a—DEFINITIONS, CLARIFICATIONS AND MANUALS

The proposed amendment will provide a definition in 46 CFR 110.15-175 of the term "non-sparking fan" and will modify 46 CFR 111.15-10 by providing a more consistent use of standard terms in the area of battery room ventilation. The amendment provides a revision of the definition in 46 CFR 110.15-175 of "waterproof machine" to agree with industry standards. Miscellaneous changes have been proposed by Subparts 111.05 and 111.10 as a result of comments received following the Public Hearing of March 30, 1970. Finally, a proposed editorial change to Table 112.05-5(a) would restate requirements of Subpart 112.20 concerning emergency lighting and power systems.

5b—INSULATION MATERIALS

The proposed amendment revises the definition of insulation materials in 46 CFR 111.05-30 by deleting Class O, and revising Class A, Class B, and Class H to conform to National Electrical Manufacturers Association Publication No. MG1.

5c—REQUIREMENTS FOR UNDERWRITERS' LABORATORIES, INC., LISTING OR LABELING

The proposed amendment to 46 CFR 111.65-15 would eliminate the general connotation of "approved equipment" and insert the explicit requirement for Underwriters' Laboratories, Inc. listing or labeling for projectors and enclosures for arc or incandescent lamps and associated equipment.

5d—IMPRESSED CATHODIC PROTECTION SYSTEMS ON TANK VESSELS

These proposed amendments to 46 CFR 111.70-10 would permit the installation of impressed cathodic protection systems in grade E cargo tanks.

5e—EXPLOSIONPROOF EQUIPMENT ON TANK VESSELS

The proposed amendments to §§ 32.45-1 and 111.85-10 will increase the safety requirements of tank vessels constructed after July 1, 1971 by making the entire cargo deck a hazardous area. Flammable vapors may be present outside the current "10-foot rule" in sufficient quantities to produce explosive or ignitable mixtures.

5f—GENERAL ALARM SYSTEMS FOR BARGES

In an effort to clarify the present requirements in 46 CFR 113.25-30(a) for "a suitable alarm bell" as applied to the increasing number, size, and complexity of barges in service, it is proposed to require that barges have general alarm systems as similar to that of ships as their design permits.

5g—WIRING ON SMALL PASSENGER VESSELS

As a result of many trial installations, it has been shown that marine type armored cable is not necessary for a safe electrical system on small passenger vessels. A relaxation of existing requirements in 46 CFR Subpart 183.10 has been proposed to permit specially suitable commercial cable for electrical systems of more than 50 volts on these vessels. The capacity of the cable will be modified by assuming an ambient temperature of 40° C. in lieu of 50° C.

PH 6-71—BULK DANGEROUS CARGOES

This amendment proposes editorial corrections to 46 CFR Subchapter O. It also adds additional cargoes to Subchapter O including: Ethylene dibromide; methyl acetylene propadiene mixture (minimum 32 percent stabilizer); aldehydes C_4 (distilled croton oil); benzene, toluene xylene crude; butyraldehydes (crude); dichloroethyl ether; diethylamine; diisopropylamine; ethylamine (50 percent); ethylhexyl acrylate (inhibited); isodecyl acrylate; isopropylamine (70 percent); 2-methyl-5-ethylpyridine; phthalic anhydride; polyethylene amines; propylene dichloride; tetraethylene pentamine; and triethylamine. Finally changes to Subchapter D, concomitant to the proposed changes to Subchapter O, are also included.

PH 7-71—LIFESAVING EQUIPMENT

7a—RING LIFEBUOYS AND WATERLIGHTS

This proposal will establish in 46 CFR Subchapters D, H, I, and U a service use life of 3 years from date of manufacture for the Floating Orange Smoke Distress Signal (15 min.).

7b—ADDITIONAL LIFE PRESERVERS ON PASSENGER VESSELS

The proposed amendment to 46 CFR 75.40-15 will require additional life preservers for personnel on watch in the engineroom, pilothouse, and bow lookout and the stowage of the additional life preservers will be such that they will be readily accessible to these personnel.

7c—ILLUMINATION OF LIFESAVING LAUNCHING AREAS

A conflict exists in the regulations between electrical regulations and vessel regulations regarding illumination for lifeboats and liferafts. Whereas the electrical regulations apply to all vessels, the vessel regulations only apply to international voyages and to certain other vessels whose embarkation deck is more than 30 feet above the light load line. As the problems of embarkation and loading of lifeboats/liferafts in the dark are similar regardless of vessel route, the proposed amendments to 46 CFR 33.20-1, 75.50-10, 75.50-15, 94.50-10, and 94.50-15 will amend the vessel regulations to agree with the electrical regulations and make lifeboat/liferaft emergency illumination generally applicable.

Also included in this Item is a proposed amendment to 46 CFR Subpart 112.15 which will bring the regulations into proper accord with SOLAS-60. The governing SOLAS regulations require that all emergency lighting be from the temporary source and that emergency lighting be provided at the lifeboat and liferaft embarkation and launching areas. The present regulations permit these loads to be split between the temporary and final emergency sources.

PH 8-71—SPECIFICATIONS

8a—LIFEBOAT WINCHES

Two foundry errors involving a mix-up between cast iron and ductile iron have necessitated the proposal to delete these two metals entirely from lifeboat winches in 46 CFR 160.015-3. Two proposals are made in this Item for improving the shipboard maintenance of lifeboat winches. The first of these would require the elimination of inaccessible areas on the exterior which have the potential to become pockets of corrosion (46 CFR 160.015-2). The second concerns the arrangement of internal bearings so that they can be lubricated independently and will not be dependent on an internal splash system that will be inoperative during long periods when a winch is secured at sea (46 CFR 160.015-3). Safety features relating to the use of portable air or electric motor hoisting rigs are proposed for § 160.015-3 which will make them comparable to permanently installed electric winch motors. To facilitate the practice of subcontracting, it is proposed to amend § 160.015-5 to permit a winch manufacturer to use a test tower located outside of the shop where a winch is manufactured. In addition, the necessity for excessive hand cranking when testing a gravity davit with a winch will be reduced.

8b—LIFEBOATS

The amendments to 46 CFR Subpart 160.035 are proposed in order to update current references to A.S.T.M. Standards, to include the hydraulic cranking system contained in the newly revised Marine Engineering Regulations (Subchapter F), to include current practices as to the use of other materials, methods and tests, and to update and clarify the fibrous glass reinforced plastic (FRP) requirements in accordance with recognized industry standards of construction.

8c—LINE THROWING APPLIANCES

The proposed amendments to 46 CFR Subpart 160.040 will bring the Coast Guard's specifications and MIL-L-45505, MIL-R-23139, MIL-C-83125 into conformity and permit the manufacturer flexibility in design and material.

8d—INFLATABLE LIFEBOATS

Many of the amendments proposed in this Item are editorial in nature. In addition, as an amendment to 46 CFR Subpart 160.051, a method of CO_2 inflation is proposed as a rigorous method of determining deterioration as may exist in rafts because of their age. The D.O.T. test regulations that apply to the inflation cylinders of these rafts are also proposed so that they will not be overlooked at 5-year intervals. Rescue and survival instructions recommended by the Inter-Governmental Maritime Consultative Organization are proposed to be included in the instructions accompanying each raft. A physical standard is proposed for evaluating the 2-mile distance now required for the outside canopy light of the rafts. Finally, the National Transportation Safety Board has recommended stronger sea painters for these rafts. A method is proposed to permit a raft a stronger sea painter while still providing the float-free capability that is currently required.

PH 9-71—FIBROUS GLASS REINFORCED PLASTIC CONSTRUCTION OF SMALL PASSENGER VESSELS

An amendment to 46 CFR 177.01-5 is proposed to provide uniformity in approval of materials for fibrous glass reinforced plastic construction. Particular concern has arisen over use of non-fire-resistant type resins in general construction and the proposed regulation would

require the use of fire resistant type resins.

6. These proposals are made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: February 19, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-2554 Filed 2-23-71;8:49 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-68; Notice 70-24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Portable Tank Specification; Notice of Extension of Time To File Comments

On December 12, 1970, the Hazardous Materials Regulations Board published Docket No. HM-68; Notice No. 70-24 (35 F.R. 18919), Portable Tank Specification. In response to petitions filed in accordance with 49 CFR 170.25, the Board has extended the period for comments on this notice of proposed rule making from February 23, 1971, to March 23, 1971.

This extension is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 18, 1971.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.71-2475 Filed 2-23-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate four new Intrastate Air Quality Control Regions in the State of New Mexico as set forth in the following new §§ 481.239-481.242 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise boundaries of the existing El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (New Mexico-Texas) (§ 481.82), the Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region (§ 481.83), and the Arizona-New Mexico Southern Border Interstate Air Quality Control Region (Arizona-New Mexico) (§ 481.99).

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 20 days after the publication of this notice will be considered.

Appropriate State and local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revisions are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations and revisions. Such consultation will take place at 10 a.m., February 26, 1971, in the Second Floor Auditorium, Public Employees Retirement Association Building, Corner of College and West Manhatten, Santa Fe, NM.

Mr. Doyle J. Borchers is hereby designated Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.239 Upper Rio Grande Valley Intrastate Air Quality Control Region.

The Upper Rio Grande Valley Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Los Alamos County.	Taos County.
Santa Fe County.	
Those portions of Rio Arriba County lying east of the Continental Divide.	

§ 481.240 Northeastern Plains Intrastate Air Quality Control Region.

The Northeastern Plains Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Colfax County.	San Miguel County.
Guadalupe County.	Torrance County.
Harding County.	Union County.
Mora County.	

§ 481.241 Southwestern Mountains-Augustine Pass Intrastate Air Quality Control Region.

The Southwestern Mountains-Augustine Pass Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Catron County.	Socorro County.
Those portions of McKinley County lying east of the Continental Divide.	
Those portions of Valencia County, excluding the Zuni and Ramah Navajo Indian Reservations, lying west of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.	

§ 481.242 Pecos-Permian Intrastate Air Quality Control Region.

The Pecos-Permian Intrastate Air Quality Control Region (New Mexico) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Chaves County.	Lea County.
Curry County.	Quay County.
De Baca County.	Roosevelt County.
Eddy County.	

§ 481.82 [Amended]

The El Paso-Las Cruces-Alamogordo Interstate Air Quality Control Region (New Mexico-Texas) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:

Brewster County.	Hudspeth County.
Culberson County.	Jeff Davis County.
El Paso County.	Presidio County.

In the State of New Mexico:

Dona Ana County.	Otero County.

It is proposed to amend the boundaries of the New Mexico portion of the Region to include the following jurisdictions:

In the State of New Mexico:

Dona Ana County.	Otero County.
Lincoln County.	Sierra County.

§ 481.83 [Amended]

The Albuquerque-Mid Rio Grande Intrastate Air Quality Control Region (New Mexico) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857h (f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico:

Bernalillo County in its entirety.	
Those portions of Sandoval, Santa Fe, Socorro, and Valencia Counties included within the Middle Rio Grande Air Shed as defined in Air Shed Regulation No. 1 adopted by the New Mexico Board of Public Health, December 29, 1967.	

It is proposed to revise the Region to consist of the territorial area encompassed by the boundaries of the following jurisdictions:

In the State of New Mexico:

Bernalillo County.	
Those portions of Sandoval County lying east of the Continental Divide.	
Those portions of Valencia County lying east of a line described as follows: Starting at the point at which the south boundary of Bernalillo County intersects with the section line between secs. 1 and 2 T. 7 N., R. 2 W.; thence south to the southern boundary of the Laguna Indian Reservation between secs. 35 and 36 T. 7 N., R. 2 W.; then southerly on section lines to the Socorro-Valencia County line at secs. 11, 12, 13, and 14, T. 5 N., R. 2 W.	

§ 481.99 [Amended]

The Arizona-New Mexico Southern Border Interstate Air Quality Control Region (Arizona-New Mexico) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona:

Cochise County.	Greenlee County.
Graham County.	

In the State of New Mexico:

Grant County.	Hidalgo County.

It is proposed to amend the boundaries of the New Mexico portion of the Region to include the following jurisdictions:

In the State of New Mexico:

Grant County.	Luna County.
Hidalgo County.	

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604.

Dated: February 19, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2512 Filed 2-23-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 16495]

ESTABLISHMENT OF DOMESTIC COMMUNICATION-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Order Granting Extension of Time for Filing Applications

1. On February 12, 1971, LVO Cable, Inc., filed a motion for an extension of time until March 30, 1971, to file applications for earth stations to be operated in conjunction with domestic communications satellite systems proposed by others. In view of the similar extension previously granted to the network Affiliates Associations and Western-Telecommunications, Inc. and the April 26, 1971, due date for reply comments on the applications and rule making issues to be considered herein (Memorandum Opinion and Order released on December 2, 1970, FCC 70-1238), it appears that a grant of this request would not unduly delay a resolution of this proceeding.

2. *Accordingly, it is ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, that LVO Cable, Inc., and its affiliated companies are granted an extension of time until March 30, 1971, to file applications for earth stations to be operated with domestic communications satellite systems proposed by other applicants for consideration in this proceeding.

Adopted: February 17, 1971.

Released: February 18, 1971.

[SEAL] ASHER H. ENDE,
Acting Chief, Common Carrier Bureau.

[FR Doc.71-2507 Filed 2-23-71;8:48 am]

[47 CFR Part 73]

[Docket No. 19116]

FM BROADCAST STATIONS

Table of Assignments, Skowhegan, Maine, etc.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; and Waterbury, Vt.), RM-1422, RM-1464.

1. This proceeding was begun by a notice of proposed rule making (FCC 71-23), adopted January 6, 1971, and published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 557). The time for filing comments and reply comments was specified as February 16, 1971, and February 26, 1971, respectively.

2. On February 12, 1971, counsel for Lakes Region Broadcasting Corp., Inc. (Lakes Region), one of the petitioners involved herein, filed a request for an extension of 10 days in which to file initial comments. Lakes Region states that although it has had meetings with legal and engineering counsel, the additional time is necessary in order to complete meaningful comments which will be of value to the Commission. A copy of the request was served on counsel for the other petitioner involved, and no responsive pleading has been received.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments is extended to and including February 26, 1971, and for reply comments to and including March 8, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 17, 1971.

Released: February 19, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2508 Filed 2-23-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release 33-5130]

REPORTS BY FIRST-TIME REGISTRANTS OF SALES OF REGISTERED SECURITIES AND USE OF PROCEEDS THEREFROM

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to require issuers filing a registration statement under the Securities Act of 1933 for the first time to file with the Commission reports of sales of securities registered under the Act and the application of the proceeds from such sales. Reports would be made at 6-month intervals during the period of the offering and thereafter until the proceeds have been applied by the registrant. Upon the completion or termination of the offering and application of the proceeds a final report would be made and the duty to file such reports would thereupon cease.

At the present time, after a registration statement becomes effective there is

no provision for the furnishing of information as to the progress of the offering to the Commission or to security holders, unless the registrant is required to file periodic reports pursuant to one of the other statutes administered by the Commission. Consequently, in many instances neither the Commission nor security holders know whether an offering is continuing or has been completed or terminated.

Information as to the progress of an offering of registered securities would enable the Commission to know whether or not the registrant is required to file and use an up-to-date prospectus pursuant to section 10(a)(3) of the Act. It would also enable the Commission to know whether dealers effecting transactions in the registered security must furnish a copy of the prospectus to purchasers.

If issuers have used the proceeds from registered securities for purposes different from those stated in the prospectus, investors may have been misled as to the purposes for which the funds supplied by them would be applied. Information as to the actual use of the proceeds would indicate whether the statements in the prospectus with respect to such use are borne out by the registrant's subsequent actions.

The proposed requirements would consist of a new rule requiring the filing of the reports and a form specifying the information to be included therein. The text of the proposed rule follows:

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder a new § 230.463 reading as follows:

§ 230.463 Report of sales of securities and use of proceeds therefrom.

(a) Except as hereinafter provided in this section, within 10 days after the end of each 6-month period following the effective date of the first registration statement filed under the Act by an issuer, such issuer shall file with the Commission four copies of a report on Form SR (§ 239.61 of this chapter) containing the information required by that form. A final report shall be filed within 10 days after completion or termination of the offering and application of the proceeds therefrom.

(b) No report need be filed pursuant to this section with respect to any offering of securities issued by any investment company registered under the Investment Company Act of 1940, or any public utility company or public utility holding company required to file reports with any State or Federal authority.

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by reserving §§ 239.27 through 239.60 inclusive for future purposes, and by adding thereunder a new § 239.61, and as so amended, would read as follows:

§§ 239.27–239.60 [Reserved]

§ 239.61 Form SR, for report by first-time registrants under the Act of sales of registered securities and use of proceeds therefrom.

(a) Except as indicated in paragraph (b) of this section, this form shall be filed, pursuant to § 230.463 of this chapter, by each issuer which files a registration statement under this Act for the first time, as a report of the sales of securities so registered under this Act and of the application of the proceeds from such sales. Four copies of such report shall be filed by such issuer during the period of the offering within 10 days after the end of each 6-month period following the effective date of the first registration filed under the Act, and also within 10 days after the completion or termination of the offering and application of the proceeds therefrom.

(b) No report on this form need be filed with respect to any offering of securities issued by any investment company which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), or by any public utility company or public utility holding company which is required to file reports with any State or Federal authority.

NOTE: Copies of Form SR are attached to Release No. 33–5130 and have been filed with the Office of the Federal Register. Additional copies are available on request from the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

The new rule and form would be adopted pursuant to sections 19(a) and 20(a) of the Act which, among other things, authorize the Commission to make rules and regulations necessary to carry out the provisions of the Act.

All interested persons are invited to submit their views and comments on the foregoing proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before March 12, 1971. All such communications will be considered available for public inspection.

By the Commission, February 8, 1971.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-2472 Filed 2-23-71;8:45 am]

[17 CFR Part 240]

[Release 34-9076]

TIMELY ADVANCE NOTICE OF RECORD DATES FOR PUBLICLY TRADED SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 10b–17 (17 CFR 240.10b–17) under the Securities Exchange Act of 1934 to require companies whose securities are publicly traded to furnish public investors with timely advance notice of the right to receive dividend and other rights which accrue to holders of record of a specified class of securities as of a specialized date ("the record date").

The proposed rule would require issuers of publicly traded securities to furnish specified advance information concerning such rights to the National Association of Securities Dealers, Inc. (NASD) or an exchange on which the securities are registered and which has substantially comparable procedures to those proposed herein.[1] These reports would be required at least 10 days prior to the record date set by the issuer for determining the identity of the security holders to whom rights accrue. In the case of a rights offering or other subscription offering, the information would be required on or before the record date and in no event later than the day on which the registration statement, to which the offering relates, becomes or is declared effective by the Commission. In those situations where the issuer would report to the NASD, the proposed rule would also provide that exemptions from these requirements could be granted by the Commission. It is contemplated, however, that such an exemption would be granted only in special circumstances where the purposes of the rule are not applicable and where the NASD does not need the report to enable it to adequately disseminate the information to its members and the investing public.

It has been the experience of the Commission and the securities industry that the failure of a publicly held company to provide a timely announcement of the record date with respect to these types of rights has had a misleading and deceptive effect on both the broker-dealer community and the investing public. As a direct result of such failure, purchasers and their brokers may have entered into and settled securities transactions without knowledge of the accrual of such rights and were thus unable to take necessary steps to protect their interests. Further, sellers who have received the benefits of such rights as recordholders on the specified record date after having disposed of their securities, have also disposed of the cash or stock dividends or other rights received as such recordholders without knowledge of possible claims of purchasers of the underlying security to those rights. In some instances, the broker-dealers who have acted for such buyers or sellers have settled resulting disputes at their own expense, while, in others, the disputes have led to arbitration and to litigation. In many instances, innocent buyers and sellers have suffered losses. In addition, some issuers have made belated declarations of stock splits or dividends with the apparent knowledge that this action would have a manipulative effect on the market for their securities. In these cases, "buy-in" transactions effected by purchasers to liquidate the sellers' obligations have had the effect of raising the price of the security. This effect has been particularly significant when the existing floating supply of the security is limited.

When an issuer establishes a record date it is, in general, obligated to furnish the cash, securities, or other property or property rights that are the subject of the distribution only to those persons owning the underlying security as reflected in the issuer's records. However, not all transactions occurring prior to

[1] The New York, American, Philadelphia-Baltimore-Washington, Midwest, Pacific Coast, Boston, Cincinnati, Detroit, and National Stock Exchanges appear to have substantially comparable requirements.

that cut-off date can be settled and appropriate changes effected on the issuer's records to provide assurance that the distributions of the rights will actually be made by the issuer to purchasers. Since during this period purchasers pay a price for the underlying security which indicates the value of the asset to be distributed, it has therefore been the practice and custom of the trade for brokers and dealers to render the purchaser as the person entitled to the distribution which is made by the issuer to the seller as record owner. If the participating brokers have notice of the cut-off date, they can take necessary steps at settlement (e.g. by use of a "due bill" procedure[2]) to protect the right of the purchaser to the distribution and at the same time alert the seller to his obligation to turn over the distributed property to the purchaser. In addition, in order to minimize the amount of additional cost and paperwork that results from clearing up purchasers' claims to distributions made to record-holder sellers, the securities industry has developed the "ex-date" procedure. Under this procedure, the cut-off date for entitlement to most kinds of distributions is moved back in time by the usual settlement period (generally 4 or 5 business days) to allow a period for more ownership transfers to take place on the issuer's records prior to the record date. In this way, fewer post-settlement adjustments have to be made by securities brokers, thus alleviating costs and paperwork substantially. On that "ex-date", securities firms begin to trade the underlying securities at prices adjusted downward (e.g. "ex-dividend" by the value (if any) of the right to be distributed. Accordingly, in transactions on and after the ex-date, the seller retains the right to receive the distribution.

The NASD and securities exchanges have long had procedures for obtaining and disseminating information of the character called for by the proposed rule. Based on this information, these organizations are then able to disseminate news of impending distributions and to set "ex" dates for trading purposes through various media, including the standard financial services and membership bulletins, to the brokerage community and investing public. The advance publication of an ex-date is thus designed to provide an appropriate cut-off date which will not only enable the broker-dealer community to settle transactions in the normal course of business with a minimum of additional paperwork but will also provide adequate notice of the steps that must be taken by their members at settlement (e.g. request settlement with due-bills) so as to protect public customers. It has been the experience of the securities industry that 10 days advance notice of a record date is needed by self-regulatory organizations to reasonably accomplish these objectives. However, in the case of issuance of rights and warrants pursuant to a registration statement under the Securities Act of 1933, 10 days advance notice is not practicable in most cases because the issuer must await affirmative Commission action before the distribution can occur. Thus, notice of the latter types of distribution must be given by the issuer on or before the record date and in no event later than the date the registration statement becomes effective.

The proposed § 240.10b–17 of Chapter II of Title 17 of the Code of Federal Regulations would be adopted pursuant to sections 10(b) and 23(a) of the Securities Exchange Act of 1934. The text is as follows:

§ 240.10b–17 Untimely announcements of record dates.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to fail to give notice in accordance with paragraph (b) of this section of the following:

(1) A dividend or other distribution in cash or in kind, including a dividend or distribution of any security of the same issuer;

(2) A stock split or reverse split; or

(3) A rights or other subscription offering.

(b) Notice shall be deemed to have been given in accordance with this section only if:

(1) Given to the National Association of Securities Dealers, Inc. no later than 10 days prior to the record date involved or, in case of a rights or other subscription offering, on or before the record date and in no event later than the effective date of the registration statement to which the offering relates, and such notice includes:

(i) Title of the security to which the declaration relates;

(ii) Date of declaration;

(iii) Date of record for determining holders entitled to receive the dividend or other distribution or to participate in the stock or reverse split;

(iv) Date of payment or distribution or, in the case of a stock or reverse split or rights or other subscription offering, the date of delivery;

(v) For a dividend or other distribution including a stock or reverse split or rights or other subscription offering:

(*a*) In cash, the amount of cash to be paid or distributed per share,

(*b*) In the same security, the amount of the security outstanding immediately prior to and immediately following the dividend or distribution and the rate of the dividend or distribution,

(*c*) In any other security of the same issuer, the amount to be paid or distributed and the rate of the dividend or distribution,

(*d*) In any security of another issuer, the name of the issuer and title of that security, the amount to be paid or distributed, and the rate of the dividend or distribution and if that security is a right or a warrant, the subscription price,

(*e*) In any other property (including securities not covered under (*b*) through (*d*) of this subdivision) the identity of the property and its value and basis for assigning that value;

(vi) Method of settlement of fractional interests;

(vii) Details of any condition which must be satisfied or government approval which must be secured to enable payment or distribution; and in

(viii) The case of stock or reverse split in addition to the aforementioned information;

(*a*) The name and address of the transfer or exchange agent;

(2) The Commission, upon written request or upon its own motion, exempts the issuer from compliance with subparagraph (1) of this paragraph either unconditionally or on specified terms or conditions, as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this rule or;

(3) Given in accordance with substantially comparable rules and listing agreements of the national securities exchange or exchanges upon which a security of such issuer is registered pursuant to section 12 of the Act which contain requirements substantially comparable to those set forth in subparagraph (1) of this paragraph.

All interested persons are invited to submit their views and comments on proposed Rule 10b–17, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before March 19, 1971. All such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 17, 1971.

[FR Doc.71-2473 Filed 2-23-71;8:45 am]

[17 CFR Parts 240, 249]

[Release 34-9077]

REPORT OF CHANGES IN OUTSTANDING SECURITIES QUOTED ON NASDAQ INTERDEALER QUOTATION SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its general rules and regulations, and the adoption of a new reporting form (Form 10–C) under the Securities Exchange Act of 1934 (the Act).

The amendments and related forms would provide in substance that any issuer of securities registered under section 12(g) or subject to section 15(d) of the

[2] The due-bill is an instrument assigning the rights to the distribution which is delivered to the purchaser with the securities covered by the transaction, in settlement thereof. The due-bill is thereafter redeemed by delivery of the distribution, upon its receipt by the seller, to the holder of the due-bill.

Act, upon being notified that a class of its securities is to be quoted on the National Association of Securities Dealers, Inc. (NASD), NASDAQ interdealer quotation system, shall thereafter report on Form 10–C any aggregate net change with respect to the amount of securities of the class outstanding which exceeds 5 percent. These proposals would also provide that a report on Form 10–C be made by any issuer of securities quoted on the NASDAQ system if it changes its corporate name. In either event a report on Form 10–C would be required to be filed no later than 10 days after the change is effected. Provision has also been made in the form for filing a copy of the report directly with the NASD. Comparable information is already required by the major securities exchanges.

These proposals would not require the reporting of any new information or events by issuers of publicly traded securities. The corporate events covered by the new rules normally are and would continue to be required to be reported on a more detailed basis with the Commission under existing reporting rules. By requiring this initial report, however, the NASD will be provided with more timely notice of information which it needs for administration of the NASDAQ system and in its program for publication of daily price indexes for over-the-counter securities quoted on the system.

The NASDAQ system, which is expected to become operational early this year, provides for the first time a real-time automated quotation service for approximately 2,500 over-the-counter securities to offices of brokers, retail traders, and market makers throughout the country. It is expected that this system and its indexes will provide new sources of important information to both broker-dealers and the investing public concerning the over-the-counter markets.

I. The text of the proposed §§ 240.13a–17 and 240.15d–17 of Chapter II of Title 17 of the Code of Federal Regulations, which sections are being proposed pursuant to the Securities Exchange Act of 1934, and more particularly sections 13 (a), 15(d), and 23(a) thereof, is set forth below.

§ 240.13a–17 Reports on Form 10–C by issuers of securities quoted on the NASDAQ interdealer quotation system.

(a) Every issuer having securities registered pursuant to section 12(g) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act that any class of its securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter report within the time and in the manner specified in Form 10–C, any aggregate increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of the class outstanding as last reported. The obligation of an issuer to report pursuant to this paragraph with respect to a class of its securities shall continue until notification is received from such association that the security will no longer be quoted on such an interdealer quotation system.

(b) Issuers having a class of securities quoted on such an interdealer quotation system shall also report in the manner and time specified in Form 10–C changes in their corporate name. The obligation to report pursuant to this paragraph shall continue until notification is received from the national securities association that the security is no longer quoted on such an interdealer quotation system.

(c) Nothing in paragraph (a) or (b) of this section shall be construed, however, to relieve issuers of the duty to file any other report required under the Act or rules promulgated thereunder with respect to such changes.

§ 240.15d–17 Reports on Form 10–C by issuers of securities quoted on the NASDAQ interdealer quotation system.

(a) Every issuer subject to section 15(d) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act that any class of its securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter report within the time and in the manner specified in Form 10–C any aggregate increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of the class outstanding as last reported. The obligation of an issuer to report pursuant to this paragraph with respect to a class of its securities shall continue until notification is received from such association that the security will no longer be quoted on such an interdealer quotation system.

(b) Issuers having a class of securities quoted on such an interdealer quotation system shall also report in the manner and time specified in Form 10–C changes in their corporate name. The obligation to report pursuant to this paragraph shall continue until notification is received from the national securities association that the security is no longer quoted on such an interdealer quotation system.

(c) Nothing in paragraph (a) or (b) of this section shall be construed, however, to relieve issuers of the duty to file any other report required under the Act or rules promulgated thereunder with respect to such changes.

II. Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is to be amended by reserving for future use §§ 249.310a and 249.310b respectively, and by adding a new § 249.310c, all to follow present § 249.310, and as so amended, would read as follows:

§ 249.310a [Reserved]

§ 249.310b [Reserved]

§ 249.310c Form 10–C for report by issuers of securities quoted on NASDAQ interdealer quotation system, pursuant to section 13 or 15(d) of the Act.

This form shall be filed, as required by § 240.13a–17 or § 240.15d–17 of this chapter, by any issuer of securities which are registered under section 12(g) of the Act or which are subject to section 15(d) of the Act, after such issuer has been notified that any class of its securities is to be quoted on the NASDAQ interdealer quotation system, reporting thereon any aggregate increase or decrease in the amount of its securities which change exceeds 5 percent of the amount of the class outstanding as last reported. This report shall be filed not later than 10 days after the first date on which such change in outstanding securities has occurred and also not later than 10 days after any change in its corporate name, and such obligation to file reports shall continue until notification is received by the issuer from the NASDAQ interdealer quotation system that the securities in question will no longer be quoted on such system. The obligation to file this report shall not relieve any issuer of the duty to file any other report required under the Act or the rules and regulations promulgated thereunder.

Copies of Form 10–C are included in Release No. 34–9077 dated February 17, 1971, which release has been filed with the Office of the Federal Register. Copies of such Form and Release may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the proposed rules and attached form. Written statements of views and comments should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549 on or before March 19, 1971. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 17, 1971.

[FR Doc.71-2474 Filed 2-23-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 14)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Reweighing of Shipments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of February 1971.

Section 1056.6(d) of Title 49 of the Code of Federal Regulations presently requires, among other things, that a shipper of household goods must pay a carrier's published charge for a reweigh requested by him regardless of the variance between the weight obtained on the initial weighing and the reweighing of the shipment. This rule making proceeding is being initiated here, on our own motion, to determine whether it would be in the public interest to revise this regulation so as to allow a carrier charge for the reweighing of shipments of household goods only in certain circumstances.

Set forth in the appendix [1] to this notice and order are the present regulations pertaining to the reweighing of shipments of household goods which became effective June 1, 1970, in Ex Parte No. MC–19 (Sub-No. 8), "Practices of Motor Common Carriers of Household Goods", 111 M.C.C. 427, and former § 1056.10(f) which was the regulation in effect prior to that time. The background of the present proceeding follows.

The notice and order instituting the Sub-No. 8 proceeding proposed the modification of § 1056.10(f) of the then-existing regulations to read as follows:

> The carrier, upon request of shipper, owner, or consignee made prior to delivery of a shipment, will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight or if the difference between the initial net scale weight and the reweight net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or 2 percent or less of the lower net scale weight on shipments in excess of 5,000 pounds, a reasonable reweigh charge may be established. The person paying the freight charges, or his representative, shall be permitted to observe the gross and tare reweighing.

In our discussion leading to the rejection of the proposed change and to the modification of the former regulation, we attempted to place the need for the availability to shippers of a publicized procedure for the reweighing in their presence of their shipments of household goods within the context of the comprehensive revisions of the former regulations, particularly the adoption of more stringent record-keeping requirements for carriers with respect to the weights of shipments and the transportation of household goods shipments with reasonable dispatch. Thus, at 111 M.C.C. 475, we stated:

> • • • It is incongruous to our theme of full disclosure to fail to inform the shipper of his right to request and to observe the reweighing of his shipment. On the other hand, reweighing, with or without the presence of the shipper, must not be allowed to interfere unduly with carrier operations and the ability of the carrier to serve other shippers with reasonable dispatch.

We there rejected the modifications advanced by two parties which would have required weights obtained on reweigh (whether lower or higher) to prevail and we also modified the formerly required contingent method of determining whether a shipper was responsible to the carrier for a reasonable reweigh charge if the initial weight was reasonably accurate. It is to the appropriateness of this latter modification that the instant proceeding is directed.

In Ex Parte No. MC–19, "Practices of Motor Common Carriers of Household Goods," 47 M.C.C. 119 (1947), former Division 5 first allowed carriers to make a charge for reweighing a shipment when performed at the request of the shipper and then only when the difference between the two net scale weights did not exceed 2 percent, minimum 100 pounds, which the Division there found to be a reasonable tolerance for the variations in scales, grades of scale approaches, and weighing techniques employed by carriers.

These regulations were thereafter modified to allow carriers to assess a reasonable charge for reweighing a shipment whenever the reweigh weight exceeded the initial weight, but it was not until the Sub-No. 8 proceeding that reweighing became mandatory upon request of the householder. At the same time, the principle of contingent charges for reweighing was abandoned.

Since the adoption of the revised regulation in § 1056.6(b), which retains the provision that the lower of the two net scale weights shall apply, complaints have nevertheless been received by this Commission questioning the fairness of a rule that requires a shipper always to bear the expense of a requested reweigh even when it results in the disclosure of a substantial variance between the initial and reweigh net weights.

In light of the developments set forth above, and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (49 U.S.C. 301, et seq.), including more specifically sections 204(a) (1) and (6), 208(a), 212(a), 216, 217, 219, 220, 222, and 223, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant (1) the modification of the last sentence of 49 CFR 1056.6(d), which presently requires the carrier to publish in its tariff a reasonable charge for reweigh to be paid by the shipper, to read as follows: "The carrier may publish in its tariff a reasonable charge for reweigh when the reweigh net weight exceeds exceeds or is less than 150 pounds lower than the billed net weight;" and (2) the revision of the Summary of Information for Shippers of Household Goods, 49 CFR 1056.7, the chapter entitled "How Do I Know the Weight of My Shipment?", by striking the words "at your expense" from the next-to-the-last sentence and adding a sentence at the end of the last paragraph reading: "The carrier may charge for reweighing only if the reweigh net weight exceeds, or is less than 150 pounds lower than, the billed net weight;" or (3) such other revisions of similar purport of the provisions mentioned as may be appropriate and necessary in the public interest; and to determine the need for such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate by submitting statements of verified facts, and views and arguments and replies thereto, concerning the issues in this proceeding.

It is further ordered, That all persons (including any respondent) who wish to participate actively in this proceeding by submitting initial statements or reply statements shall notify this Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 10, 1971, the original and one copy of a statement of his intention to participate; that this Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list this Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2561 Filed 2-23-71; 8:49 am]

[1] Appendix filed as part of original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4143]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 16, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for development of a picnic site to be completed within the next 5 years. The site is located 2½ miles east of Cecilville on Forest Highway No. 93 at the confluence of the East Fork and the South Fork of the Salmon River. This site is directly across the South Fork Road from the East Fork Campground and the use of this portion of the river frontage for a picnic site would be complementary to the the campground use across the road.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

KLAMATH NATIONAL FOREST

MOUNT DIABLO BASE AND MERIDIAN

East Fork Addition

T. 38 N., R. 11 W. (unsurveyed),
Sec. 21, A portion thereof described as follows: Beginning at a point on the centerline of the Callahan-Cecilville Road No. 40N18, also known as Forest Highway No. 93, said point of beginning being Engineer's Station 1472+62; thence S. 80° W., 800 feet; thence due south 400 feet; thence N. 65° E., 600 feet; thence N. 15° E., 570 feet to the point of beginning.

The area described aggregates 6.2 acres in Siskiyou County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[FR Doc.71-2468 Filed 2-23-71;8:45 am]

CHIEF, DIVISION OF RESOURCES, ET AL., ALASKA

Redelegation of Authority

1. Pursuant to section 1.1 of Bureau Order No. 701, of July 23, 1964, as amended, the following authority is hereby delegated to the Chief, Division of Resources, et al., irrespective of land district boundaries in Alaska.

a. Chief, Division of Resources, authority to take all actions listed in sections 1.2 (b), (c), (e), and (k); 1.3 (a) and (c); 1.5 (b) and (c); 1.6 and 1.9 of Bureau Order No. 701, supra.

b. Manager, Anchorage Land Office and Chief Adjudicator, authority to take action in matters listed in sections 1.2 (b) and (e); 1.3 (a)(1) and (c); 1.6; and 1.9 except 1.9 (d), (g), (o), and (v) of Bureau Order No. 701, supra. The authority for the following sections is subject to conditions as follows:

Sections 1.5 (b) and (c): Subject to the receipt of a report from the State Director.

Section 1.9: Subject to classification action by the State Director where necessary.

Section 1.9(c): Subject to approval of color-of-title or claims of right by the Field Solicitor.

Section 1.9(r): Except designation of townsite trustees.

2. a. The Manager or Chief Adjudicator may, by written order, designate any qualified employee of his office to perform the functions of the Manager or Chief Adjudicator in his absence.

b. Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the Division Office showing the date and hour of the commencement and termination of each period of service in that capacity.

3. The authority delegated may not be redelegated except as provided in paragraph 2.

4. Redelegation of authority approved April 20, 1970 (35 F.R. 6666), is hereby canceled.

CURTIS V. MCVEE,
Acting State Director.

Approved: February 18, 1971.

JOHN O. CROW,
Associate Director.

[FR Doc.71-2486 Filed 2-23-71;8:46 am]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands; Correction

FEBRUARY 17, 1971.

In F.R. Doc. 71-1460, appearing on page 1917 of the issue for February 3, 1971, the following change should be made:

Line 14 of the document should read: "Sec. 14, Lot 5, except that portion therein described".

PHILIP C. HAMILTON,
Acting State Director.

[FR Doc.71-2491 Filed 2-23-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of New York natural disasters have caused a general need for agricultural credit:

NEW YORK

Chautauqua.

Emergency loans will not be made in the above-named county under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 17th day of February 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-2483 Filed 2-23-71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

UNIVERSITY OF LOUISVILLE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-2029 appearing at page 3020 in the issue for Saturday, February 13, 1971, the following changes should be made in the center column on page 3021:

1. In the fourth paragraph the docket number for New York University, now reading "Docket No. 70-00622-33-46500", should read "Docket No. 70-00619-33-28500".

2. In the sixth paragraph the docket number for Albert Einstein College of Medicine, now reading "Docket No. 70-00622-33-46500", should read "Docket No. 70-00624-33-46500".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11853]

TRIMETHOBENZAMIDE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Tigan Solution for injection, containing trimethobenzamide hydrochloride; marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc., 340 Kingsland Ave., Nutley, New Jersey 07110 (NDA 11-853).

2. Tigan Capsules, containing trimethobenzamide hydrochloride; marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc. (NDA 11-854).

3. Tigan Suppositories, containing trimethobenzamide hydrochloride and benzocaine; marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc. (NDA 11-855).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Trimethobenzamide hydrochloride is probably effective for the conditions described in the labeling "Indications" section which follows.

2. There is a lack of substantial evidence that trimethobenzamide hydrochloride is effective for the treatment of nausea and vomiting due to infections, underlying disease processes, or drug administration.

3. Except for those indications referred to above, the drug is regarded as possibly effective for the labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug described in paragraph A above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified as lacking substantial evidence of effectiveness and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes any claim for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Indications for a drug described in paragraph A above as probably effective may continue to be used for 12 months, and indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

5. Labeling revised pursuant to this notice should take into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommend use of the drug (for the probably effective indications) as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Nausea and vomiting due to radiation therapy or travel sickness. Emesis associated with operative procedures, labyrinthitis, or Meniere's syndrome.

The cited holder of the new-drug applications for these drugs has been mailed a copy of the Academy's report. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11853, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplement (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2466 Filed 2-23-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269]

DUKE POWER CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, related to the proposed operation of Oconee Nuclear Station, Unit No. 1 by the Duke Power Company," is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the County Supervisor of Oconee County, Walhalla, S.C., where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal, State, and local agencies. A notice of proposed issuance of an operating license for the Oconee Nuclear Station Unit No. 1 was published in the FEDERAL REGISTER on January 8, 1971 (36 F.R. 296).

Single copies of the Statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 12th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2485 Filed 2-23-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20890; Order 71-2-86]

EUREKA AERO INDUSTRIES

Order To Show Cause

Issued under delegated authority, February 18, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 69-5-71, dated May 16, 1969, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Santa Maria and San Francisco, Calif.

The Postmaster General filed a petition on February 2, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 49.82 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 2, 1971, to Eureka Aero Industries, pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.82 cents per great circle aircraft mile between Santa Maria and San Francisco, Calif.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Cessna 310I aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Eureka Aero Industries, the Postmaster General, Hughes Air Corp., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eureka Industries, the Postmaster General, and Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2502 Filed 2-23-71;8:48 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in 385.16(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070; FCC 71-155]

COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Order Enlarging Issues

In the matter of charges, practices, classifications, rates, and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications satellite in connection with the establishment of communications paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals.

1. The Commission has before it for consideration a Motion to Terminate Proceedings filed January 14, 1969, by the Communications Satellite Corp. (Comsat) in this matter. Comsat observed that no formal hearings have been held in Docket No. 16070 and stated that "no purpose would be served by continuing the proceeding". It pointed out the tremendous changes in the scope and character of the satellite service offering since the proceeding was instituted in June 1965. Dispositions have been made of such issues as authorized user,[1] interface,[2] and earth station ownership and operation.[3] Comsat submits that its earnings experience since it commenced operations demonstrates the reasonableness of its rates and charges and provides some insight into the reasonableness of permitting it to continue in effect its present rates for the foreseeable future. Comsat additionally maintains that, even if the motion to terminate is granted, its rates and earnings should be evaluated in light of a 5-year cumulative rate of return.

2. On February 10, 1969, the American Broadcasting Co., Canadian Broadcasting Corp., Columbia Broadcasting System, Inc., European Broadcasting Union, and National Broadcasting Co., Inc., filed a joint statement noting that Comsat had filed rate reductions for television service to become effective February 1, 1969. These television broadcasters advised that they would be pleased if such rate reductions were allowed to remain in effect and that such rate schedule would satisfy their interest at this time in this rate proceeding. The broadcasters concluded with the statement that they have no objection to the granting of Comsat's motion with regard to the present proceeding.

3. The National Aeronautics and Space Administration (NASA), in its comments dated February 10, 1969, offered no objection to the Comsat motion to terminate this proceeding, with the understanding that any new proceeding involving Comsat's charges for services in the Apollo program would include consideration of the reasonableness of these charges since the commencement of the services in January 1967. Comsat responded saying that it had no objection to this position if it were construed as a preservation of NASA's right to raise whatever issues it believes are relevant in any future proceeding with a concomitant right in Comsat to object to the inclusion of any issue so raised by NASA. In an additional pleading of February 20, 1969, as supplemented and clarified by its statement dated September 8, 1969, NASA does not object to termination of this proceeding "on the assumption that the Commission will reflect in its order that it has reasonably been able to satisfy itself from the data submitted by the parties that there is no basis for a determination that the rates and charges set forth in Comsat's Tariff FCC No. 3 for the period January 19, 1967, to the effective date of the Commission's order [terminating this proceeding] are unreasonable or against the public interest".[4] NASA does not, however, make its withdrawal of objection to termination conditional on the Commission's making a legal finding as to the reasonableness of the rates contained in Comsat's Tariff FCC No. 3.

4. No party to the proceeding, other than the broadcasters and NASA filed a response to the Comsat motion.

5. This proceeding was instituted in June 1965 (Comsat Tariff FCC No. 1, 38 FCC 1286) as Comsat was about to undertake the first commercial provision of communications satellite services on a very limited scale. The proceeding was commenced, in part, because the initial rates of Comsat were based on estimates of costs and traffic volumes which, in the totally new field of satellites, involved more than the usual uncertainties as to their realization in fact. These uncertainties were recognized in another way by an unusual requirement that operating revenues be accounted for, until otherwise ordered or authorized by the Commission, by placement in a deferred credit account.[5] With the passage of time the scope of the proceeding was broadened [6] so that now all of Comsat's tariffed services, including the provision of service to NASA in conjunction with the Apollo program, are embraced within the proceeding.

6. The investigation of Comsat's rates has remained dormant for 5 years, without any formal hearings.[7] During these formative years of its existence, Comsat has gained a considerable amount of operational and rate-making experience, and at various times throughout this period, financial and operating data have been filed by Comsat relating to projections of operating results to be achieved in rendering various classes of communication service. Among such data supplied to the Commission in the investigation of Comsat's rates was a study titled, "Report on Rates and Revenue Requirements, 1967-1971", dated July 5, 1966. This report was subsequently revised on November 7, 1966, and August 8, 1967. The study undertook to determine, for the period 1967-71 (which Comsat urged as a period to be used for evaluating its rates), revenues needed, under present rates, to meet its evaluation of revenue requirements over the entire period. The results of the last revised study (dated Aug. 8, 1967), which was presented by Comsat as a part of Docket No. 16070, indicate that the annual earnings on net investment varied from a low of 0.6 percent in 1968 to a projected 23.0 percent in 1971. The cumulative rate of earnings through 1971 was estimated at 11.3 percent which included a net operating loss for the 8-month period of 1967. Comsat's earnings on net investment for the 12-month period ending November 30, 1970, is approximately 9.5 percent according to current data filed with the Commission. We estimate the earnings for calendar year 1970 to be approximately 10 percent. Estimated earnings on net investment for 1971 will be substantially in excess of 10 percent. This estimated level of overall earnings indicates the desirability of a thorough examination by the Commission of Comsat's charges to the public and the rate levels for its services, to determine whether they are just and reasonable.

7. Comsat's public offerings of service fall into three groups. These are (a) the television program transmission services sold to the authorized user carriers for resale to the broadcasters, (b) the leased channel circuits (both voice grade and wideband) sold to the authorized user carriers for resale to the general public, and (c) the communications Apollo program "package" (both the original package and the one effective October 1, 1969) sold directly to NASA as an authorized user in its own right. We have no direct evidence as to the operating results realized or projected on any of the sub-groups separately.

8. Any determination of the lawfulness of existing rate levels and adjustments that should be made to such rate levels requires an ascertainment of total revenue requirements for Comsat's total operations. Since the communication plant is used in common for all services, the investment in such plant and the costs associated with its operation must be apportioned on some fair and equitable basis between geographical areas, and among the services, in order that we may prescribe just and reasonable charges, classifications, regulations, and practices with respect to each of the services offered by Comsat. Heretofore, the basis of assignments, allocations, and apportionment of plant investment, related cost and expenses has never been formally evaluated, approved or adopted by this Commission. Thus, in the determination of the revenue requirements applicable to such services, the rates of which may be in issue, we will consider the propriety of the principles and procedures used for this purpose. In determining the revenue requirements for its services, Comsat will be expected to justify its plant investment included in the rate base, as well as the reasonableness of all other items of rate base, expenses, taxes and reserves upon which it relies in determining its operating results.

9. Turning now to a procedural question, we are of the opinion that it would be desirable to provide for the submission of an Initial Decision by a hearing examiner and we have done so below. Moreover, we believe it would be desirable for the trial staff of the Common Carrier Bureau to be separated both from the Commission and from the Examiner. We will therefore follow the procedures recommended by the Administrative Conference which we have heretofore adopted in Docket No. 19129. See Selected Reports of the Administrative Conference of the United States, 88th Cong., first session, S. Doc. 24 at pp. 109-110.

Accordingly, it is ordered, That the motion to terminate proceedings filed by Comsat is hereby denied;

It is further ordered, That, without limiting the matters to be investigated herein, the issues in this proceeding are supplemented by the addition of the following issues:

4. The amounts properly includable in rate base, including the net investment of Comsat in property used and useful in the provision of communications services;

5. The amounts properly includable as expenses and taxes incurred by Comsat in the provision of communications services;

6. The reasonableness of the prices paid by Comsat for property, supplies

[1] Authorized Entities and Users—Comsat, 4 FCC 2d 421 (1966).

[2] Amendment of Part 25 of the Commission's rules and regulations with respect to Ownership and Operation of Initial Earth Stations in the United States, 2 FCC 2d 658 (1966).

[3] Amendment of Part 25 of the Commission's rules and regulations with respect to Ownership and Operation of Initial Earth Stations in the United States, 5 FCC 2d 812 (1966).

[4] Comsat Tariff FCC No. 3 covers a particular package offering tailored to NASA's needs for the Apollo program. The original rates published for this package were allowed to expire Sept. 30, 1969, and, effective the next day, a new, smaller and changed-composition package offering became effective by amendment of the existing tariff. The rate structure for the new package was also changed considerably. This was subsequently further changed.

[5] Comsat has been periodically relieved of this restriction on condition that it follow specified accounting procedures.

[6] In the Matter of Comsat, 1 FCC 2d 533 (1965); and FCC 67-57 (1967).

[7] The postponement of hearings were granted in view of the low level of the then current earnings and to afford an opportunity to gain operating experience which would be valuable in assessing the reasonableness of the current rate schedules.

and services purchased for providing such services;

7. The reasonableness and propriety of the procedures employed for assigning, allocating or apportioning plant investment, operating expenses, taxes, and reserves to communications services;

8. The fair rate of return required by Comsat on its allowable rate base determined pursuant to the foregoing as well as upon any other alternative approaches that may be appropriate;

9. The amount of current operating revenues and earnings and those which may reasonably be expected in the next 5 years to accrue to Comsat under present rates, and various alternative rate schedules, from communications services rendered by use of such plant and facilities, the costs of which are included in the net investment to be determined here;

10. From the foregoing issues 4 through 9, what revenues are required to give Comsat a fair rate of return (as determined in issue 8 above).

It is further ordered, That the portions of our memorandum opinion and order, adopted June 22, 1965, 38 FCC 1286, 1296 requiring that the Hearing Examiner certify the record to the Commission without preparing an initial or recommended decision and that the Chief, Common Carrier Bureau shall prepare and issue a recommended decision are hereby set aside;

It is further ordered, That the Hearing Examiner shall prepare an initial decision, which shall be subject to the submission of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277) after which the Commission shall issue its decision as provided in § 1.282 of the rules (47 CFR 1.282);

It is further ordered, That, subject to the procedures referred to in paragraph 9 above, the Common Carrier Bureau is named a party hereto;

It is further ordered, That the hearing which is to be held in this proceeding shall be reconvened promptly at a time to be hereafter specified by a subsequent order of the Hearing Examiner.

Adopted: February 10, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

FEBRUARY 18, 1971.

[FR Doc.71-2506 Filed 2-23-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. E-7606]

IDAHO POWER CO.

Notice of Proposed Rate Schedule Change

FEBRUARY 19, 1971.

Take notice that on February 8, 1971, Idaho Power Co. (applicant) filed a rate schedule change, including an amendatory agreement dated January 19, 1971, proposing to change the existing rate schedule for service to the city of Weiser, Idaho. The date on which the rate change is proposed to become effective is March 15, 1971.

According to billing information submitted by applicant, the rate change proposed would increase the city of Weiser's rate by approximately $9,900 for the year ending February, 1971, and approximately $10,500 for the year ending February, 1972.

As justification for the new rate, applicant contends that the existing contract rate has remained in effect since January 2, 1963, notwithstanding a material increase in the cost of labor, materials and supplies, taxes, purchased power, and interest. According to Applicant, additional new facilities will be needed in the very near future.

Applicant does not have a similar wholesale service rate providing for deliveries of power at distribution voltage.

Any person desiring to be heard or to make any protest with reference to this application should on or before March 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2540 Filed 2-23-71;8:48 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on November 17, 1970.[1]

The information reviewed at this meeting suggests that real output of goods and services is changing little in the current quarter and that unemployment has increased. Part but not all of the weakness in overall activity is attributable to the strike in the automobile industry which apparently is now coming to an end. Wage rates generally are continuing to rise at a rapid pace, but gains in productivity appear to be slowing the increase in unit labor costs. Recent movements in major price measures have been erratic but the general pace of advance in these measures has tended to slow. Most interest rates declined considerably in the past few weeks, and Federal Reserve discount rates were reduced by one-quarter of a percentage point in the week of November 9. Demands for funds in capital markets have continued heavy, but business loan demands at banks have weakened. The money supply changed little on average in October for the second consecutive month; bank credit also was about unchanged, following a slowing of growth in September. The balance of payments deficit on the liquidity basis was at a lower rate in the third quarter and in October than the very high second-quarter rate, but the deficit on the official settlements basis remained high as banks repaid Eurodollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of substainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote some easing of conditions in credit markets and moderate growth in money and attendant bank credit expansion over the months ahead, with allowance for temporary shifts in money and credit demands related to the auto strike. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining bank reserves and money market conditions consistent with those objectives.

By order of the Federal Open Market Committee, February 12, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-2490 Filed 2-23-71;8:46 am]

[1] The Record of Policy Actions of the Committee for the meeting of Nov. 17, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on December 15, 1970.[1]

The information reviewed at this meeting suggests that real output of goods and services has declined since the third quarter, largely as a consequence of the recent strike in the automobile industry, and that unemployment has increased. Resumption of higher automobile production is expected to result in a bulge in activity in early 1971. Wage rates generally are continuing to rise at a rapid pace, but gains in productivity appear to be slowing the increase in unit labor costs. Movements in major price measures have been diverse; most recently, wholesale prices have shown little change while consumer prices have advanced substantially. Market interest rates declined considerably further in the past few weeks, and Federal Reserve discount rates were reduced by an additional one-quarter of a percentage point. Demands for funds in capital markets have continued heavy, but business loan demands at banks have been weak. Growth in the money supply was somewhat more rapid on average in November than in October, although it remained below the rate prevailing in the first three quarters of the year. Banks acquired a substantial volume of securities in November, and bank credit increased moderately after changing little in October. The foreign trade balance in September and October was smaller than in any other 2-month period this year. The overall balance of payments deficit on the liquidity basis remained in October and November at about its third-quarter rate. The deficit on the official settlements basis was very large as banks continued to repay Euro-dollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations shall be conducted with a view to maintaining the recently attained money market conditions until the next meeting of the Committee, provided that the expected rates of growth in money and bank credit will at least be achieved.

By order of the Federal Open Market Committee, February 12, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-2489 Filed 2-23-71;8:46 am]

[1] The Record of Policy Actions of the Committee for the meeting of Dec. 15, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-87]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding (Application No. 52336) involving the electric service rates of the Southern California Edison Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 17, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2465 Filed 2-23-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[31-707]

FIRST CHICAGO CORP. ET AL.

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies or Holding Companies

FEBRUARY 12, 1971.

In the matter of First Chicago Corp., 1 First National Plaza, Chicago, IL 60670; First Chicago Leasing Corp., 1 First National Plaza, Chicago, IL 60670; BancOhio Corp., 51 North High Street, Columbus, OH 43216; and The Ohio National Bank of Columbus, 51 North High Street, Columbus, OH 43216.

Notice is hereby given that First Chicago Corp. (First Chicago), First Chicago Leasing Corp. (Leasing), BancOhio Corp. (BancOhio) and The Ohio National Bank of Columbus (Ohio National) have filed an application and an amendment thereto for an order declaring that neither First Chicago nor BancOhio will become a holding company and neither Leasing nor Ohio National will become an electric utility company within the meaning of sections 2(a)(7) and 2(a)(3), respectively, of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application and amendment thereto.

First Chicago, a Delaware corporation, owns all of the outstanding stock of The First National Bank of Chicago, a commercial bank organized under the laws of the United States, and also owns all of the outstanding stock of Leasing, a Delaware corporation, organized to engage in the business of equipment leasing and financing. Neither First Chicago nor Leasing is presently a holding company or a subsidiary company of a holding company, each as defined in the Act.

BancOhio, an Ohio corporation and a registered bank holding company, owns substantially all of the capital stock of Ohio National, a banking association organized under the laws of the United States with its main office in Columbus, Ohio, and also owns substantially all of the capital stocks of 25 other national and State banks located in Ohio. Neither BancOhio nor Ohio National is presently a holding company or a subsidiary company of a holding company, each as defined in the Act.

Columbus and Southern Ohio Electric Co. (Columbus) is an electric utility company organized under the laws of the State of Ohio and states that it is not a holding company or a subsidiary company of a holding company.

Columbus has entered into purchase agreements with a manufacturer to supply to Columbus two gas turbine generating units and accessory equipment (the Generators) for an aggregate purchase price of approximately $11,700,000. Columbus proposes to assign its right to buy the Generators to Ohio National as Trustee for the benefit of Leasing and the institutional investors referred to below. The Trustee will purchase the Generators directly from the manufacturer and lease them to Columbus under a lease (the Lease) having a term of approximately 25 years. The Trustee will pay Columbus an amount equal to progress payments previously made by Columbus to the manufacturer. Columbus will have the right to buy the Generators at the end of the term of the Lease for their then market value.

The Trustee proposes to borrow approximately 80 percent of the funds to purchase the Generators from institutional investors and will issue therefor interest bearing securities which will be obligations of the Trustee, payable solely out of the proceeds of the Lease and will be secured by a security interest in the Generators and the Lease. The remaining 20 percent of the purchase price will be advanced to the Trustee by Leasing as an investment in 100 percent of the beneficial ownership of the Generators.

The Lease will be a net lease under which Columbus will be responsible for maintaining, repairing and insuring the Generators and for paying all taxes, assessments and other costs arising from its possession and use thereof. The rentals to be paid by Columbus to the Trustee during the term of the Lease will be calculated to provide funds sufficient to pay the principal of and interest on the securities and a return on Leasing's equity investment. After the term has expired, Leasing will be entitled to receive any proceeds realized from selling the Generators to Columbus or to others. It is stated that neither Leasing nor the Trustee will receive any revenue from the sale of electric energy generated by the Generators, that the Trustee's only financial interest in the transaction will be to receive fees for its services as Trustee and lessor under the Lease, and that neither Leasing nor Ohio National will be an electric utility company and that neither First Chicago nor BancOhio will be a holding company, as defined in sections 2(a)(3) and 2(a)(7) of the Act, respectively.

Notice is further given that any interested person may, not later than March 1, 1971, request in writing that a hearing be held in respect of the requests for exemptions, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemptions requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2469 Filed 2-23-71;8:45 am]

[70-4977]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

FEBRUARY 12, 1971.

Notice is hereby given that Utah Power & Light Co. (Utah), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $35 million principal amount of first mortgage bonds, ------ percent series due ----------. The bonds will mature either on March 1, 1976, or on March 1, 2001. The maturity date will be designated by Utah by notice to prospective bidders not less than 5 days prior to the time designated for the presentation of bids. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Utah (which shall be not less than 99 percent and not more than 102 percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds are to be dated as of March 1, 1971, and will be issued under a mortgage and deed of trust dated as of December 1, 1943, between Utah and Morgan Guaranty Trust Company of New York, as trustee, and indentures of supplemental thereto including a 19th Supplemental Indenture to be dated as of March 1, 1971, which includes a prohibition until March 1, 1976, against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost.

Utah also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 520,000 shares of its $------ cumulative preferred stock, Series E, par value $25 per share. The dividend rate of the preferred stock (which shall be a multiple of $0.02) and the price, exclusive of accrued dividends, to be paid to Utah (which shall be not less than $25 nor more than $25.70 per share) will be determined by the competitive bidding. The terms of the preferred stock will include a prohibition until April 1, 1976, against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stocks at a lower effective dividend cost.

The proceeds from the sale of the bonds and preferred stock will be applied to the payment of outstanding short-term notes (estimated at $38 million) evidencing borrowings made for construction purposes. The construction program for Utah and its subsidiary company, The Western Colorado Power Co., for the years 1971–73, inclusive, is estimated at $191 million of which $69 million is expected to be used in 1971.

The declaration states that the fees and expenses to be incurred by Utah in connection with the issue and sale of the bonds and preferred stock are estimated at $70,000 and $26,500 respectively, including fees of company counsel of $13,000 for the bonds and $6,000 for the preferred stock. The fees of counsel for the underwriters, which are to be paid by the successful bidders, are to be filed by amendment. Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transactions. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 3, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificte) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2470 Filed 2-23-71;8:45 am]

[812-2873]

W, S & W FUND, INC., AND W, S & W SPECIAL FUND, INC.

Notice of Application for Order Exempting Proposed Transactions

FEBRUARY 12, 1971.

Notice is hereby given that W, S & W Fund, Inc. (W, S & W) and W, S & W Special Fund, Inc. (Special), 20 Exchange Place, New York, N.Y. 10005, each of which is registered as an open-end, nondiversified management investment company under the Investment Company Act of 1940 (Act) (herein referred to collectively as the "applicants"), have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act to the extent necessary the proposed sale by Special and the acquisition by W, S & W of substantially all of the former's assets in exchange for shares of common stock of W, S & W as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The same individuals who serve W, S & W as directors also serve Special as directors and the officers of W, S & W hold the identical offices with Special. Three of the seven directors of W, S & W and of Special are officers and voting stockholders of Wood, Struthers & Winthrop Inc., the investment adviser of both W, S & W and Special. Accordingly, each of the applicants may be deemed to be under common control, and therefore are affiliated persons of the other within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company to sell to or purchase from such investment company any security or property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are fair and reasonable and do not involve any overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Pursuant to an agreement between the applicants, substantially all of the assets (cash and securities) of Special at the closing date, with a net value of approximately $894,878 at October 31, 1970, will be transferred to W, S & W in exchange for shares of common stock of W, S & W. The total number of shares of common stock of W, S & W to be issued to Special will have an aggregate net asset value equal to the aggregate net asset value of the assets of Special to be transferred to W, S & W as of the "Computation Time," as defined in the agreement.

Following the acquisition by Special of shares of W, S & W, Special will be liquidated and dissolved and, in that connection, the W, S & W shares acquired by Special will be distributed by Special to its stockholders upon surrender of Special stock. Each stockholder of Special will be entitled to receive such number of full shares of W, S & W stock as shall be most nearly equal to, but not in excess of his proportionate share of the total number of W, S & W shares acquired by Special. Fractional shares of W, S & W stock will not be distributed. In lieu thereof any fractional interest in a share of W, S & W stock which any Special stockholder may be entitled to receive will be redeemed at the redemption price in effect at the "Computation Time" and the proceeds will be paid to the Special stockholders when he receives his certificate for full shares of W, S & W stock.

If the closing had occurred on November 30, 1970, after giving effect to the dividends and distributions and expenses of each applicant, mentioned below, the net asset value per share of Special stock and W, S & W stock would have been $7.86 and $7.55, respectively; and the holder of each share of Special stock would have been entitled to receive 1.0409 shares of stock of W, S & W (subject to the provisions for fractional shares) upon the liquidation and dissolution of Special.

Since the exchange is expected to be tax free for Special and its security holders, W, S & W's cost-basis for tax purposes of the assets to be acquired will be the same as Special's, rather than the price actually paid. No adjustment will be made on account of realized capital gains or losses or on account of unrealized appreciation or depreciation.

The terms of the agreement provide that, prior to the closing, each applicant will declare and pay to its respective stockholders dividends and distributions substantially equal to the amounts, if any, of its net investment income and net realized capital gains. As of October 31, 1970, unrealized depreciation of W, S & W amounting to approximately 24.4 percent of its net assets compares with unrealized depreciation of Special amounting to approximately 23.7 percent of its net assets. At the same date, net realized losses on sales of securities of each of the applicants were equal to approximately 3 percent of each's respective net assets. As of October 31, 1970, W, S & W and Special each held substantially the same portfolio securities in approximately the same proportions of their respective total net assets.

W, S & W and Special each have substantially the same investment objectives, policies and restrictions, the only difference relating to capital gains tax considerations. Special may disregard the effect of assessments on its stockholders of Federal income taxes at ordinary rates on realized short-term capital gains, whereas W, S & W ordinarily holds portfolio securities for at least 6 months in order to obtain long-term capital gains treatment for taxes on investment profits. To date this difference has not had any material effect on the holding periods of any portfolio securities of either W, S & W or Special.

The expenses of Special in connection with the proposed transaction are estimated to be approximately $6,700 or $0.06 per share, and the expenses of W, S & W in connection with the proposed transaction are estimated to be approximately $2,300 or $0.04 per share, in each case after giving effect to the anticipated payment by Wood, Struthers, & Winthrop, Inc., of approximately $6,700 to Special and $2,300 to W, S & W as contributions toward the expenses incurred by them in connection with the proposed transaction.

W, S & W and Special state that the consummation of the proposed transaction will eliminate the current duplication of certain expenses borne by the applicants such as accountants' fees and legal fees, and that the anticipated benefit to stockholders of both applicants of a reduction in applicable ratios of operating expenses to average net assets warrants incurring the expenses incident to the proposed transaction. The proposed sale by Special has been approved by the holders of two-thirds of Special's outstanding shares of common stock at a special meeting of the company's shareholders.

Notice is further given that any interested person may, not later than March 5, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2471 Filed 2-23-71;8:45 am]

TARIFF COMMISSION

[AA1921–71]

BRASS KEY BLANKS FROM CANADA

Postponement of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921–71, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 16, 1971, has been postponed until 10 a.m., e.s.t., on March 23, 1971.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of brass key blanks from Canada which the Assistant Secretary of the Treasury has determined are being, and are likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of February 10, 1971 (36 F.R. 2840).

The postponement of the hearing is being made at the request of one of the interested parties who had a prior commitment for the date originally set for the hearing.

Issued: February 19, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-2503 Filed 2-23-71;8:48 am]

PIANOS (EXCEPT GRAND PIANOS)

Report to the President

FEBRUARY 19, 1971.

The U.S. Tariff Commission, in a report sent to the President today on recent developments in the trade in pianos (except grands), reported that both domestic shipments and imports of upright pianos declined in 1970. U.S. producers' shipments during the period January–October 1970 were 6 percent smaller in volume than in the corresponding period of 1969, continuing a downward trend in output that had started in 1967. U.S. imports were 26 percent smaller in January–October 1970 than in the first 10 months of 1969—reversing a long-term upward trend. It is estimated that imports of upright pianos in 1970 will equal about 9 percent of U.S. consumption of such pianos, compared with about 14 percent in 1969.

The Commission report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Pianos (except grands) are currently dutiable at the escape-clause rate of 13.5 percent ad valorem; this rate is presently scheduled to remain in effect until February 21, 1973, at which time the staging of duty reductions to carry out a U.S. trade-agreement concession granted at the Kennedy Round negotiations will be reinstituted.

Copies of the public report (TC Publication 363) will be available on request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-2478 Filed 2-23-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 19, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42135—*Chlorine from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6227), for and on behalf of the Southern Railway Co. Rates on chlorine, in tank carloads, as described in the application, from Evans City, Ala., to Camp Croft, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 22 to Southern Freight Association, agent, tariff ICC S-938.

FSA No. 42136—*Phosphate rock from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A6226), for interested rail carriers. Rates on phosphate rock, crude (other than ground phosphate rock), in carloads, as described in the application, from Occidental, Fla., to Courtright, Ontario, Canada.

Grounds for relief—Market competition.

Tariff—Supplement 135 to Southern Freight Association, agent, tariff ICC S-658.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2494 Filed 2-23-71;8:47 am]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 19, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 577), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed February 9, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55 (also designated U.S. Highway 66), thence over Interstate Highway 55 to junction U.S. Highway 66 at Gardner, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) at a point approximately 10 miles northeast of Joliet, Ill., thence over Illinois Highway 53 via Joliet to junction U.S. Highway 66 at or near Gardner, Ill.; and (2) from junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66, north of Joliet, Ill., over U.S. Highway 66 to junction Ohio Highway 126 (formerly portion U.S. Highway 66), thence over Illinois Highway 126 to Plainfield, Ill., thence over Illinois Highway 59 (formerly portion U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 129 (formerly portion U.S. Highway 66), thence over Illinois Highway 129 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66 near Gardner, Ill., and return over the same routes.

No. MC-1515 (Deviation No. 578), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed February 9, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 66 and Illinois Highway 126 with Interstate Highway 55 near Plainfield, Ill., over Interstate Highway 55 to junction with U.S. Highway 66 and Illinois Highway 59 (formerly U.S. Highway 66); and (2) from junction U.S. Highway 66 and Illinois Highway 129 (formerly U.S. Highway 66) with Interstate Highway 55, over Interstate Highway 55 to junction U.S. Highway 66 near Gardner, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) at a point approximately 10 miles northeast of Joliet, Ill., thence over Illinois Highway 53 via Joliet to junction U.S. Highway 66 at or near Gardner, Ill.; and (2) from junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66, north of Joliet, Ill., over U.S. Highway 66 to junction Ohio Highway 126 (formerly portion U.S. Highway 66), thence over Illinois Highway 126 to Plainfield, Ill., thence over Illinois Highway 59 (formerly portion U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 129 (formerly portion U.S. Highway 66), thence over Illinois Highway 129 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) and U.S. Highway 66 near Gardner, Ill., and return over the same routes.

No. MC-13300 (Deviation No. 17), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed February 10, 1971. Carrier's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Durham, N.C., over North Carolina Highway 55 to junction North Carolina Highway 1121, thence over North Carolina Highway 1121 to Few, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Durham, N.C., over North Carolina Highway 1945 to Few, N.C., thence over North Carolina Highway 1121 via Research Triangle Park to junction North Carolina Highway 1959, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2497 Filed 2-23-71;8:47 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 19, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 115), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed February 10, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Interstate Highway 57 (near Chicago Heights, Ill.), over Interstate Highway 57 to junction Interstate Highway 55 (near Sikeston, Mo.), thence over Interstate Highway 55 to Memphis, Tenn. (including any direct existing access highway located immediately adjacent to unfinished portions of Interstate Highways 57 and 55), thence over U.S. Highway 79 to junction U.S. Highway 167 (near Fordyce, Ark.), thence over U.S. Highway 167 to junction Louisiana Highway 9, thence over Louisiana Highway 9 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction Texas Highway 315, thence over Texas Highway 315 to junction U.S. Highway 259, thence over U.S. Highway 259 to junction U.S. Highway 59, thence over U.S. Highway 59 to Lufkin, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from junction U.S. Highway 30 and Interstate Highway 57 over U.S. Highway 30 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to Lufkin, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2498 Filed 2-23-71;8:47 am]

[Notice 13]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 19, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 117574 (Sub-No. 184) (Republication) filed August 7, 1969, published in the FEDERAL REGISTER issues of September 11, 1969, and October 2, 1969, respectively, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 2, decided February 5, 1971, and served February 11, 1971, finds that the application as amended, and the record in the proceeding; that the present and future public convenience and necessity require operation by applicant; (1) in foreign commerce only, of general commodities (except classes A and B explosives), in cargo containers, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York (except Voorheesville), North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, and the District of Columbia, on the one hand, and, on the other, points in the United States (except Escanaba, Mich.; Lincoln and Wahoo, Nebr.; Clintonville and Oshkosh, Wis., and points in Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming), restricted to the transportation of shipments having a prior or subsequent movement by water; and (2) in interstate or foreign commerce, of cargo containers, between points in the United States, except those points in Alaska, Hawaii, Washington, Oregon, Idaho, California, Nevada, Utah, Colorado, Wyoming, Montana, North Dakota, and South Dakota; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the grant of authority as originally published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126514 (Sub-No. 23) (Republication), filed June 9, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished in this issue. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The modified procedure has been followed in this proceeding and a report of the Commission, Review Board No. 3, decided February 4, 1971, and served February 12, 1971 finds; that the present and future public convenience and necessity require operation by applicants in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes; (1) of frozen cocktail mixes; and (2) of agricultural commodities, otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with frozen cocktail mixes, from Los Angeles, Calif., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin, and the District of Columbia; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 87909 (Sub-No. 12), filed February 2, 1971. Applicant: ARROW MOTOR FREIGHT LINE, INC., 661 South La Salle Street, St. Paul, MN 55987. Applicant's representative: Allen E. Kroblin, 2125 Commercial Street, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Waterloo and Des Moines, Iowa, from

Waterloo over Iowa Highway 57 to junction of Iowa Highway 14, thence over Iowa Highway 14 to junction of Iowa Highway 175, thence over Iowa Highway 175 to junction U.S. Highway 69, thence over U.S. Highway 69 to Des Moines, and return over the same routes, serving all intermediate points, and the off-route points of Reinbeck, Morrison, Stout, Fern, Holland, Wellsburg, McCallsburg, Garden City, and Roland, Iowa. NOTE: The instant application is a matter directly related to No. MC-F-11082 published in the FEDERAL REGISTER issue of February 10, 1971. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11073. (Correction) (REFRIGERATED TRANSPORT CO., INC.—Purchase (Portion)—CARAVAN REFRIGERATED CARGO, INC.), published in the February 3, 1971, issue of the FEDERAL REGISTER, on page 1941. The operating rights sought to be transferred should include: *Bananas*, from New Orleans, La., and Gulfport, Miss., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

No. MC-F-11088. Authority sought for purchase by THE AETNA FREIGHT LINES, INCORPORATED, Post Office Box 350, 2507 Youngstown Road SE., Warren, OH 44482, of the operating rights of S. R. T. MOTOR FREIGHT, INC., 1552 South Pennsylvania Avenue, Morrisville, PA 19067, and for acquisition by J. PHIL FELBURN, Post Office Box 427, Middletown, OH, of control of such rights through the purchase. Applicants' attorneys: Edward G. Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004, and Alan Kahn, Two Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, PA 19102. Operating rights sought to be transferred: *Heavy machinery and such commodities* as require special equipment by reason of size or weight, as a *common carrier* over irregular routes, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Connecticut and Massachusetts. Vendee is authorized to operate as a *common carrier* in Michigan, Pennsylvania, West Virginia, Ohio, New York, Indiana, Illinois, Kentucky, Iowa, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Delaware, District of Columbia, Maryland, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11089. Authority sought for purchase by PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704, of a portion of the operating rights and property of O. L. HARE, doing business as GREEN COUNTY FAST FREIGHT, 1013 Fifth Avenue, Monroe, WI 53566, and for acquisition by HENRY PREDOLIN and HAROLD EUGENE OLSON, both of Post Office Box 3358, Madison, WI 53704, of control of such rights and property through the purchase. Applicants' attorneys: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602 and Edward Solie, 4513 Vernon Building, Madison, WI 53705. Operating rights sought to be transferred: *Casein, feed, casein equipment, and empty containers for casein*, as a *common carrier*, over irregular routes, between points in that part of Wisconsin bounded by a line beginning at Wisconsin Dells, and extending along Wisconsin Highway 23 to Reedsburg, thence along Wisconsin Highway 33 to Union Center, thence along Wisconsin Highway 80 to Elroy, thence along Wisconsin Highway 71 to junction Wisconsin Highway 131 (formerly Wisconsin Highway 142), thence along Wisconsin Highway 132 to Tomah, and thence along U.S. Highway 12 to point of beginning, including points on the indicated portions of the highways specified (except those on U.S. Highway 12), on the one hand, and, on the other, Chicago, Ill.; *farm machinery and farm supplies*, from Chicago, Ill., and points in Illinois in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in that part of Wisconsin within 200 miles of Madison, Wis., located south and west of U.S. Highway 12, not including points on the indicated portion of U.S. Highway 12; *such merchandise*, as is dealt in by both food manufacturing establishments, the business of which is the processing, manufacture, and sale of prepared food products, and wholesale food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving to or from warehouses, plants or other facilities of such establishments, between Chicago, Ill., on the one hand, and, on the other, points in that part of Wisconsin south and west of U.S. Highway 12 (not including points located on U.S. Highway 12); fertilizer, from Bloom Township (Cook County), Ill., to certain specified points in Wisconsin located on, south, and west of U.S. Highway 12. Vendee is authorized to operate as a *common carrier* in Wisconsin, California, Arizona, Nevada, Wyoming, New Mexico, Utah, Idaho, Illinois, Indiana, Ohio, New York, Oregon, Washington, Montana, Minnesota, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11090. Authority sought for purchase by RINGSBY-PACIFIC LTD., 3201 Ringsby Court, Denver, CO 80205, of the operating rights of TACOMA MOVING & STORAGE CO., 2136 Pacific Avenue, Tacoma, WA 98402, and for acquisition by D. W. RINGSBY, also of Denver, Colo. 80205, of control of such rights through the purchase. Applicants' attorney: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, as a *common carrier*, over regular routes, between Tacoma and Seattle, Wash.; *general commodities*, with exceptions as specified above, over irregular routes, between Tacoma, Wash., on the one hand, and, on the other, points and places in Pierce, Thurston, Lewis, Mason, and Grays Harbor Counties, Wash. Vendee is authorized to operate as a *common carrier* in California, Oregon, Nevada, Idaho, Washington, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11091. Authority sought for purchase by LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Box 433, Lynden, WA 98264, of the operating rights of VERNON DALE MILLER, doing business as HUSKY PARCEL DELIVERY, Box 1886, Ketchikan, AK 99901, and for acquisition by HENRY JANSEN, also of Lynden, WA 98264, of control of such rights through the purchase. Applicants' attorney: John M. Stern, Jr., Box 1672, Anchorage, AK 99501. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points on Revillagigedo Island, Alaska. Vendee is authorized to operate as a *common carrier* in Washington, Alaska, and Idaho. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-2496 Filed 2-23-71;8:47 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 19, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 71066-CCT, filed February 8, 1971. Applicant: FLORIDA FAST FREIGHT, INC., Post Office Box 6718, Jacksonville, FL 32205. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except commodities in bulk, household goods and articles requiring specialized equipment over regular routes: (1) Between Jacksonville and Florida City over U.S. Highway 1; (2) between Jacksonville and Yankeetown over U.S. Highway 90 to Baldwin, thence over U.S. Highway 301 to Ocala and thence over Florida Highway 200 to its intersection with Florida Highway 484 to Dunnellon and thence over Florida Highway 40 to Yankeetown; (3) between Jacksonville and Maxville over Florida Highway 228 as an alternate route; (4) between Jacksonville and Baldwin over Interstate Highway 10 as an alternate route; (5) between Dunnellon and Tampa over U.S. Highway 41; (6) between Ocala and Tampa over U.S. Highway 301; (7) between Ocala and Tampa over Interstate 75 for operating convenience; (8) between Wildwood and Miami over the Florida Turnpike for operating convenience; (9) between Daytona Beach and Tampa over U.S. Highway 92; (10) between Daytona Beach and Tampa over Interstate 4 for operating convenience; (11) between Tampa and Miami over Florida Highway 60 to Lake Wales and thence over U.S. Highway 27 to Miami; (12) between Tampa and Miami over U.S. Highway 41; (13) between Jacksonville and Miami over Interstate 95 and U.S. Highway A1A as operating convenience; (14) between Naples and Fort Lauderdale over Everglades Parkway as operating convenience; (15) between Orlando and Miami over U.S. Highway 441 for operating convenience; (16) all points in Florida not on a regular route to be served as off-route points which are south of Route No. 2 and north of U.S. Highway 41 between Naples and Miami and (17) service is to be authorized to all intermediate points that are on regular routes. Both intrastate and interstate authority sought.

HEARING: Time and place of hearing not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

State Docket No. 71069-CCT, filed February 4, 1971. Applicant: FLORIDA TERMINALS & TRUCKING COMPANY, Post Office Box 13607, Orlando, FL 32809. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, FL 32802. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except items of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, restricted to traffic having a prior or subsequent movement by rail, between points in Orange, Brevard, Lake, Osceola, Polk, Seminole, Marion, Volusia, Indian River, and St. Lucie Counties, and that portion of Martin County north of the St. Lucie River, Fla. Both intrastate and interstate authority sought.

HEARING: Time and place of hearing not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-2495 Filed 2-23-71;8:47 am]

[Notice 250]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 62499 (Sub-No. 10 TA), filed February 12, 1971. Applicant: HAGERSTOWN MOTOR EXPRESS CO., INC., Post Office Box 1946, Middleburg Pike, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except household goods as defined by the Commission, explosives and blasting supplies, commodities requiring special equipment and commodities requiring refrigeration), from points in Maryland, Virginia, and West Virginia, within 40 miles of Hagerstown, Md., to Hagerstown, Md., for 150 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 109994 (Sub-No. 41 TA), filed February 12, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juices, sauces and concentrates thereof; and fresh and frozen cranberries*, when moving in mixed loads with cranberry juices, sauces and concentrates from (1) Kenosha, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Mississippi, and Alabama and (2) from Hanson, Onset and Middleborough, Mass., to Kenosha, Wis., for 180 days. Supporting shipper: Ocean Spray Cranberries, Inc., Hanson, Mass. 02341. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 109994 (Sub-No. 41 TA), filed February 12, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber and molded products*, from Bridgeport, Pa., to points of Chicago, Ill., Noblesville, Ind., Milwaukee, Wis., Minneapolis and St. Paul, Minn., and the commercial zones of the named cities, for 180 days. Supporting shipper: The Budd Co., Polychem Division, Bridgeport, Pa. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 111401 (Sub-No. 317 TA), filed February 12, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard., Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Dimethyl sulfoxide*, (DMSO) in bulk, from Bogalusa, La., to Brownsville, Tex., for export into Mexico, for 180 days. Supporting shipper: Joseph T. Lazo, Assistant Manager, Southern District Transportation Office, Crown Zellerbach Centennial, Post Office Box 1060, Bogalusa, LA 70427. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 318 TA), filed February 12, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enis, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Sylacauga, Ala., for 180 days. Supporting shipper: Sun Chemical Corp., J. Bolzak, Director, Traffic, 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112668 (Sub-No. 53 TA), filed February 12, 1971. Applicant: HARVEY R. SHIPLEY & SONS, INC., U.S. Route 140, Finksburg, MD 21048. Applicant's representative: Norman E. Shipley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone products*, in bulk, in dump vehicles or pneumatic tanks, from Millville, W. Va., to Bridgeport, Conn., for 180 days. Supporting shipper: Ronald F. Heemann, Standard Lime and Refractories Co., 1900 First National Bank Building, Baltimore, MD 21203. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 113784 (Sub-No. 40 TA), filed February 12, 1971. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton 21, ON Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Regenerator oxide*, in bulk, in pneumatic tank vehicles, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to Kane, Pa., and *returned shipments* on return, for 150 days. Supporting shipper: Stackpole Carbon Co., St. Marys, Pa. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 118989 (Sub-No. 60 TA), filed February 12, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and covers and lids therefor*, from the plantsite of Inland Steel Co. at Alsip, Ill., to Menominee, Mich., for 180 days. Supporting shipper: Inland Steel Container Co., Division of Inland Steel Co., 4300 West 130 Street, Chicago, IL 60658 (H. H. Taus, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53703.

No. MC 123391 (Sub-No. 6 TA), filed February 9, 1971. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., 500 North Egg Harbor Road, Hammonton, NJ 08037. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, from Jacksonville, N.J., to Willow Grove, Pa., for 150 days. Supporting shippers: Interstate Storage & Pipe Line Corp., Post Office Box 582, Burlington, NJ 08016; Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 128383 (Sub-No. 8 TA), filed February 12, 1971. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 10109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk; (a) between Logan International Airport, Boston, Mass., Bradley International Airport, Hartford County, Conn., Broom County Airport, Broom County, N.Y., Clearance E. Hancock Airport, Onondaga County, N.Y., Greater Buffalo International Airport, Erie County, N.Y., Rochester-Monroe County Airport, Monroe County N.Y., Oneida Airport, Oneida County, N.Y., Albany County Airport, Albany County, N.Y., Mercer County Airport, Mercer County, N.J., McGuire Air Force Base, Burlington and Ocean Counties, N.J., Wilkes-Barre-Scranton Airport, Luzerne and Lackawanna Counties, Pa., Allentown-Bethlehem-Easton Airport, Lehigh County, Pa., General Carl A. Spaatz Field, Berks County, Pa., Harrisburg-York Airport and Olmsted Airport Dauphin County, Pa., Lancaster Airport, Lancaster County, Pa., and the Greater Pittsburgh Airport, Allegheny County, Pa., Greater Wilmington Airport, New Castle County, Del., Hagerstown Municipal Airport, Washington County, Md., Kanawha Airport, Kanawha County, W. Va., Richard E. Byrd Flying Field, Richmond, Va., Shannon Airport, Fredericksburg, Va., Portsmouth, Va., Patrick Henry Airport, Newport News, Va., Norfolk Municipal Airport, Norfolk Va., Greensboro-High Point Airport, Guilford County N.C., Douglas Municipal Airport, Meklenburg County, N.C., Hickory Municipal Airport, Burke and Catawba Counties, N.C., Smith Reynolds Airport, Forsyth County N.C., Raleigh-Durham Airport, Wake County, N.C., Greenville Municipal Airport, Greenville County, S.C., Greenville-Spartanburg Airport, Greenville County, S.C., Charleston Air Force Base—Municipal Airport, Berkeley County, S.C., Columbia Airport, Lexington County, S.C., Atlanta Airport, Fulton County, Ga., Herndon Airport, Orlando, Orange County, Fla., Tampa International Airport, Tampa, Fla., Miami International Airport, Dade County, Fla., Thomas Cole Imeson Airport, Jacksonville, Fla., James M. Cox—Dayton Municipal Airport, Montgomery County, Ohio; Columbus Municipal Airport, Franklin County, Ohio; Greater Cincinnati Airport, Boone County Ky., Cleveland-Hopkins International Airport, Cuyahoga County, Ohio; Youngstown Municipal Airport, Trumbull County, Ohio; Akron-Canton Airport, Summit County, Ohio; Detroit Metropolitan Airport, Detroit, Mich., Willow Run Airport, Wayne County, Mich., Detroit City Airport, Detroit, Mich., and Chicago-O'Hara International Airport, Chicago, Ill., and

(b) Between the above-named airports on the one hand, and on the other, Dulles International Airport, Fairfax and Loudoun Counties, Va., Washington National Airport, Gravelly Point, Va., Friendship International Airport, Anne Arundel County, Md., Philadelphia International Airport, Philadelphia, Pa., Newark Airport, Newark, N.J., John F. Kennedy International Airport, New York, N.Y., and LaGuardia Airport, New York, N.Y., for 180 days. Supporting shippers: Aero Special Air Freight, Inc., 150–36 182d Street, Jamaica, NY 11413; Airwork Service Division, Millville, N.J. 08332; Astro Air Express, Inc., Post Office Box 66290, O'Hara Field, Chicago, IL 60666; Bor-Air Freight Co., Inc., 351 West 38th Street, New York, NY 10018; Medallion Air Freight Corp., 344 West 37th Street, New York, NY 10018; Pan American World Air-Ways, John F. Kennedy International Airport, Jamaica, NY 11430. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135212 (Sub-No. 1 TA), filed February 12, 1971. Applicant: ACADIAN EXPRESS SERVICE LIMITED, 1950 Ellesmere Road, Unit 21, Scarborough, ON Canada. Applicant's representative: Robert D. Gunderman, 1708 Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts for electronic communication, computation, navigation, and control systems, machinery parts, films and video tapes, photographic transparencies, negative separations and color samples, sales samples, electronic connectors, insurance forms, and related advertising material and sporting goods*, between the port of entry at or near Buffalo, N.Y., on the international boundary line between the United States and Canada, on the one hand, and, on the other, the city of Buffalo and the Greater Buffalo International Airport, Cheektowaga, N.Y. Restricted to shipments weighing no more than 100 pounds, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 135309 TA, filed February 10, 1971. Applicant: ZEP'S FRIGID XPRESS, INC., 99 Rome Street, Newark, NJ 07100. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, NJ 07719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Commodities named in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, Appendix 1, *meats, meat products and meat byproducts and dairy products*, between Elizabeth, Jersey City, Linden, and Newark, N.J., and New York, N.Y., on the one hand, and, on the other, Altantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Middlesex, Monmouth, Ocean, and Union Counties, New Jersey; and (2) *food, cooked, cured, preserved, or prepared frozen*, between Elizabeth, Linden, Newark, and Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y., Bohemia (Suffolk County), N.Y., and Central Islip (Suffolk County), N.Y., for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135314 TA, filed February 12, 1971. Applicant: KENNETH D. MURPHY AND FLOYD P. DINES, a partnership, doing business as D & M TRUCKING, Post Office Box 718, La Madera, NM 87539. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mica ore*, in bulk, from La Madera, N. Mex., to Buckeye, Ariz.; and (2) *milled mica*, from La Madera, N. Mex., to Antonito, Colo., for 150 days. Supporting shipper: Moore Mica Co., Inc., Post Office Box 717, La Madera, NM 87539. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 500 Gold Avenue SW., Albuquerque, NM 87101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-2499 Filed 2-23-71;8:47 am]

[Notice 651]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 22, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72348. By order of February 1, 1971, the Motor Carrier Board approved the transfer to G. E. & W. Trucking Co., Inc., Woodside, N.Y., of the operating rights in permit No. MC–101362 issued May 24, 1949, to Gus Frask, Edward Rzonca, and Walter Voytus, a partnership, doing business as G. E. & W. Trucking Co., New York, N.Y., authorizing the transportation of new furniture, uncrated, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 35 miles of New York, N.Y. Alvin Altman, Esquire, 1776 Broadway, New York, NY 10019, attorney for applicants.

No. MC–FC–72473. By order of January 29, 1971, the Motor Carrier Board approved the transfer to The Mercer County Improvement Authority, doing business as Mercer Metro, Trenton, N.J., of the operating rights in certificate No. MC–8504 issued January 26, 1960, to Capital Transit, a corporation, Trenton, N.J., authorizing the transportation, over regular routes, of passengers and their baggage between specified points in New Jersey and the Fairless Works, United States Steel Co., Falls Township, Pa., and between Trenton, N.J., and Fort Dix, N.J., serving the intermediate point of Bordentown, N.J., and over irregular routes, of passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, (1) from points in Mercer County, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; (2) from Bordentown, N.J., to New York, N.Y., and points in that part of Pennsylvania east of the Susquehanna River, and return, and (3) from New Hope, Pa., and points in that part of Bucks County, Pa., on and east of Pennsylvania Highway 232, to New York, N.Y., and points in New Jersey, and return. Frank V. Walsh, Jr., 28 West State Street, Trenton, NJ 08608, attorney for applicants.

No. MC–FC–72518. By order of January 28, 1971, the Motor Carrier Board approved the transfer to Berry Transportation, Inc., a corporation, Post Office Box 1824, Longview, TX 75601, of the operating rights in certificate No. MC–129282 (Sub-No. 5), issued April 16, 1970, to Fred S. Berry, doing business as Berry Transportation Co., Post Office Box 1824, Longview, TX 75601, authorizing the transportation of malt beverages, (1) from Fort Worth, Tex., and named Texas points, to Texarkana, Ark., and points in Louisiana, and returned shipments thereof; (2) malt beverages, from the plantsite and storage facilities of The Jackson Brewing Co., at New Orleans, La., to Fort Worth, San Antonio, and Longview, Tex., restricted to shipments originating at the above-named plantsite; and returned shipments thereof.

No. MC–FC–72573. By order of January 29, 1971, the Motor Carrier Board approved the transfer to Henderson Transfer Co., Inc., Vincennes, Ind., of the operating rights in certificate No. MC–46612 issued June 9, 1945, to Maurice H. Boles, doing business as Henderson Transfer Co., Vincennes, Ind., authorizing the transportation of household goods between specified points in Indiana on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Missouri, and Ohio. Horace A. Foncannon, 132 Forty Seventh Street, Vincennes, IN 47591, attorney for applicants.

No. MC–FC–72612. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Wallace O. Whaley, Roanoke, Ala., of the operating rights in certificate No. MC–103271 issued August 8, 1968, to Joe H. Allen doing business as Allen Transfer, Roanoke, Ala., authorizing the transportation of household goods, as defined by the Commission, between Roanoke, Ala., and points within 15 miles of Roanoke, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 41. R. S. Richard, Post Office Box 2069, Montgomery, Ala. 36103, attorney for applicants.

No. MC–FC–72629. By order of February 1, 1971, the Motor Carrier Board approved the transfer to Mix Transfer Co., a corporation, 701 North Fourth Street, Minneapolis, MN 55401, of the operating rights in certificate No. MC–45876 (Sub-No. 1) issued December 23, 1966, to Roy W. Mix, Minneapolis, Minn., authorizing the transportation of motion picture films, theater supplies, equipment, and advertising materials, between Minneapolis, St. Paul, Chemolite, Northfield, and Kenyon, Minn., on the one hand, and, on the other, specified points and portions of Wisconsin.

No. MC-FC-72681. *DUAL OPERATIONS ARE INVOLVED.* The Motor Carrier Board approved the transfer to Lloyd Wilson Porsborg, doing business as Porsborg Truck Line, Great Falls, Mont., of permit No. MC-127319 (Sub-No. 3) issued November 17, 1969, to Vernon C. Tintinger, doing business as Vernon Tintinger Trucking, Frenchtown, Mont., authorizing the transportation of: Malt beverages, from Portland, Oreg., to Cour d'Alene, Idaho, and specified points in Montana. Karl R. Karlberg, 101 East Front Street, Missoula, MT 59801, attorney at Law.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2500 Filed 2-23-71;8:47 am]

NON-FEDERAL ORGANIZATIONS AND INDIVIDUALS

Guidelines and Conditions for Assignment of Space and Facilities

1. Assignment of desk or office space, including any related privileges, such as installing telephones or office equipment, will be made only upon demonstration by the applicant that he has a legitimate need therefor; that the work of the Commission will be facilitated thereby; and that such assignment is in the public interest. Applications for assignment of desk space and related privileges shall be submitted in writing to the Commission's Managing Director through the head of the bureau or office in which the facility is located.

2. The assignment of space in public reference rooms or other areas and any related privileges are subject to withdrawal or modification at any time by the Commission.

3. Assigned desk or office space and related privileges shall be used solely by the assignee (or his agents) and for the purpose(s) for which approved. Such assignments and/or related privileges are not to be transferred to or used by others for any reason without prior approval by the Commission's Managing Director.

4. Assignees using the Commission's public reference rooms shall observe the decorum normally required in libraries or public reference rooms. Assignees shall adhere strictly to the rules applicable to the area in which they are located concerning such matters as smoking, eating of food, storage of supplies, silence, etc. Under no circumstances will the interference of the work of others be permitted.

5. No incoming or outgoing telephone calls, local or long distance, shall be placed or received on the Commission's official telephones, except by authorized Commission personnel for official purposes.

6. Assignees shall make no alterations to the physical facilities assigned by the Commission. Advance approval of any change in authorized space allocations, telephone service, placement of office equipment, etc., must be requested from the Managing Director through the appropriate bureau or office head having immediate supervision over the facility.

7. Assignees, their agents or employees, shall acquaint themselves with the Commission's Canons of Conduct for Practitioners (49 CFR 1100.247, App. A) and for Employees and the statutory provisions in Appendix II thereto (49 CFR 1000.735-11 et seq.) which relate to ethical and other conduct. Particularly pertinent are the provisions of the Criminal Code, 18 U.S.C. 209, which make it a crime to compensate Commission employees in any way for services performed as part of their officially assigned duties; Practitioner Canon 5 and Employee Canon 14 which prohibit the giving or accepting of gifts or any form of entertainment; and Employee Canon 16 which prohibits employment of any Commission employee for part time work outside the Commission without specific written approval by the Commission's Director of Personnel.

8. Each assignee will be required to certify that he has read and understands the foregoing conditions and agrees to abide thereby. Failure to do so will result in the immediate revocation of all privileges previously extended pertaining to the assignment of space and facilities for the assignee's exclusive use.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2476 Filed 2-23-71;8:45 am]

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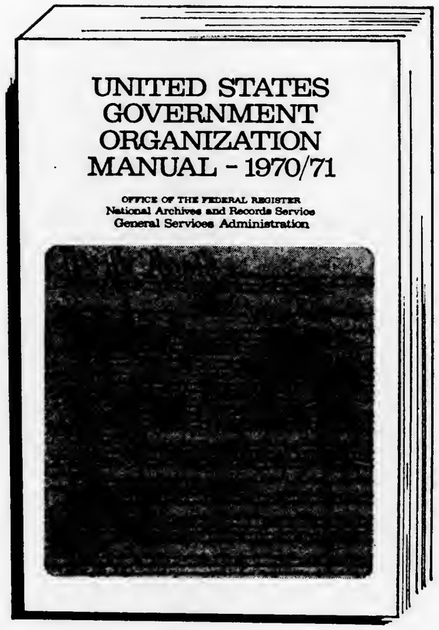

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VOLUME 36 • NUMBER 38

Thursday, February 25, 1971 • Washington, D.C.

Pages 3453–3502

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Title 3—The President

PROCLAMATION 4031

Proclaiming the Suspension of the Davis-Bacon Act of March 3, 1931

By the President of the United States of America

A Proclamation

Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a), provides:

". . . every contract in excess of $2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union, or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there . . .";

Various other acts provide for the payment of wages, with these provisions dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

The Nation is now confronted by a set of conditions involving the construction industry which, taken together, create an emergency situation:

—Construction industry collective bargaining settlements are excessive and show no signs of decelerating.

—Increased unemployment and more frequent and longer work stoppages in the construction industry have accompanied the excessive and accelerating wage demands and settlements in the construction industry.

—The excessive and accelerating wage settlements in the construction industry have affected collective bargaining in other industries, thus contributing to inflation in the overall economy.

—This combination of factors in the construction industry has threatened the basic economic stability of the construction industry and thus the Nation's economy.

—Construction industry employers and employee representatives have been unable voluntarily to agree upon any arrangement which would ameliorate these conditions.

—The Federal Government is planning to expand its direct and financially-assisted construction, in part to reduce unemployment in the construction industry and in the national economy.

—The Federal Government anticipates that a larger portion of total resources will be devoted to construction activity as the economy expands.

—The Davis-Bacon Act and other acts dependent upon it frequently require contractors working on federally involved projects to pay the high negotiated wage settlements to mechanics and laborers, thereby sanctioning and spreading the high rates and thus inducing further acceleration contributing to the threat to the Nation's economy.

Section 6 of the Davis-Bacon Act provides:

"In the event of a national emergency the President is authorized to suspend the provisions of this Act."

WHEREAS I find that a national emergency exists within the meaning of section 6 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a).

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do by this proclamation suspend, as to all contracts entered into on or subsequent to the date of this proclamation and until otherwise provided, the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

And I do hereby suspend until otherwise provided the provisions of any Executive Order, proclamation, rule, regulation or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-2708 Filed 2-24-71;11:17 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary to the Principal Deputy Assistant Secretary of Defense (Systems Analysis) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (2-25-71), subparagraph (39) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(39) One Private Secretary to the Principal Deputy Assistant Secretary (Systems Analysis).

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2552 Filed 2-24-71;8:48 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to reflect in Schedule C the following title changes: From Private Secretary to the Vice President for Planning and Export Expansion to Private Secretary to the Senior Vice President for Planning and Export Expansion and from Assistant and Confidential Secretary to the Vice President and Special Assistant to the Board to Confidential Assistant to the Vice President for Export Expansion. Effective on publication in the FEDERAL REGISTER (2-25-71), paragraphs (e) and (f) of § 213.3342 are amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(e) One Private Secretary to the Senior Vice President for Planning and Export Expansion.

(f) One Confidential Assistant to the Vice President for Export Expansion.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2553 Filed 2-24-71;8:48 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show the change in title of Bureau of the Budget to Office of Management and Budget and place all of the affected positions under paragraph (a). Paragraph (a) is amended as set out below and paragraph (h) is revoked.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.*

(1) Five Secretaries to the Director.

(2) One Special Assistant to the Deputy Director.

(3) One Private Secretary to the Deputy Director.

(4) Associate Director.

(5) One Special Assistant to the Associate Director.

(6) One Secretary to the Associate Director.

(7) Four Assistant Directors.

(8) One Private Secretary to each of the four Assistant Directors.

• • • • • •

(h) [Revoked]

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2669 Filed 2-24-71;8:51 am]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3111 is amended to show that positions in locations authorized by the Civil Service Commission are excepted under Schedule A when filled after February 28, 1971, through new, experimental, examining and rating techniques and procedures. Effective on publication in the FEDERAL REGISTER (2-25-71), subparagraph (16) is added to paragraph (a) of § 213.3111 as set out below.

§ 213.3111 Post Office Department.

(a) *General.* • • •

(16) Positions in locations authorized by the Commission when filled after February 28, 1971, through new, experimental, examining and rating techniques and procedures.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2670 Filed 2-24-71;8:51 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of considerations leading to amendment of regulations. The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for major categories of inspections. The current fees for small lots (such as for export to Canada or delivery to institutions), the base fee for peanuts, pecans or other nuts, and the additional hourly charge for inspections made outside of the inspector's regularly scheduled workweek will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $18 to $19 when more than a half-carlot equivalent is involved, from $15 to $16 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $36 to $38.

2. For condition only inspections: Fees are raised from $15 to $16 when more than a half-carlot equivalent is involved, from $13 to $14 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $30 to $32.

3. The hourly rate, where applicable, is increased from $8 to $9.

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 *Basis for charges* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $19 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $16 for each half-carlot equivalent or less of an individual product.

(iii) $38 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $16 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $14 for each half-carlot equivalent or less of an individual product.

(iii) $32 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $9 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to one-half customary carlot equivalent	9.00

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

(e) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays, or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection service shall be $4 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than March 1, 1971 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated February 22, 1971, to become effective at 12:01 a.m., March 1, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-2581 Filed 2-24-71;8:51 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 67, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of varieties of oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194,) the provisions of paragraph (a)(2)(i) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) • • •

(2) • • •

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That Early and Midseason oranges and other types commonly called "round oranges", except Navel oranges and except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, may be shipped if they grade at least U.S. No. 1 Golden;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 19, 1971, to become effective February 22, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2543 Filed 2-24-71;8:48 am]

[Navel Orange Reg. 227]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.527 Naval Orange Regulations 227.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 26, 1971, through March 4, 1971, are hereby fixed as follows:

(i) District 1: 876,000 Cartons;

(ii) District 2: 325,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2709 Filed 2-24-71;11:30 am]

[Valencia Orange Reg. 336]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.636 Valencia Orange Regulation 336.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 26, 1971, through March 4, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 89,762 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1971.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2710 Filed 2-24-71;11:30 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—FEDERAL RESERVE BANK INTEREST RATES

Change in Rates

1. Effective immediately the heading of Part 224 is amended to read as set forth above.

2. Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

a. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Feb. 13, 1971
New York	4½	Feb. 19, 1971
Philadelphia	4½	Feb. 13, 1971
Cleveland	4½	Do.
Richmond	4½	Do.
Atlanta	4½	Do.
Chicago	4½	Do.
St. Louis	4½	Do.
Minneapolis	4½	Do.
Kansas City	4½	Do.
Dallas	4½	Do.
San Francisco	4½	Do.

b. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5½	Feb. 13, 1971
New York	5½	Feb. 19, 1971
Philadelphia	5½	Feb. 13, 1971
Cleveland	5½	Do.
Richmond	5½	Do.
Atlanta	5½	Do.
Chicago	6½	Do.
St. Louis	5½	Do.
Minneapolis	5½	Do.
Kansas City	5½	Do.
Dallas	5½	Do.
San Francisco	5½	Do.

c. Section 224.4 is amended to read as follows:

§ 224.4 **Advances to persons other than member banks.**

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	6¾	Feb. 13, 1971
New York	6¾	Feb. 19, 1971
Philadelphia	6¾	Feb. 13, 1971
Cleveland	6¾	Do.
Richmond	7	Jan. 29, 1971
Atlanta	6¾	Feb. 13, 1971
Chicago	6¾	Do.
St. Louis	6¾	Do.
Minneapolis	6¾	Do.
Kansas City	6¾	Do.
Dallas	6¾	Do.
San Francisco	6¾	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, February 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2531 Filed 2-24-71;8:47 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-192]

PART 523—MEMBERS OF BANKS

Deposits in Bank for Savings and Loan Associations, Chicago, Ill.

FEBRUARY 19, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 523.10 of the regulations for the Federal Home Loan Bank System (12 CFR 523.10) for the purpose of conforming the provisions of said § 523.10 to the provisions of section 916 of the Housing and Urban Development Act of 1970 (section 916, Public Law 91-609, approved Dec. 31, 1970), regarding the consideration of unpledged deposits in the Bank for Savings and Loan Associations, Chicago, Ill., as assets for purposes of meeting the liquidity requirements of section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)). Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.10 as follows, effective February 25, 1971:

Paragraphs (a) and (g)(1) of said § 523.10 are revised to read as follows:

§ 523.10 **Definitions.**

For the purposes of this section, §§ 523.11, and 523.12:

(a) The term "cash" means the amount of cash on hand and unpledged demand deposits in a Federal Home Loan Bank, an insured bank, or the Bank for Savings and Loan Associations, Chicago, Ill.

• • • • •

(g) Prior to January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of unpledged assets specified in subparagraphs (1) through (6) of this paragraph, without regard to the proviso contained in subparagraph (2) of this paragraph. Beginning on January 1, 1972, the term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets:

(1) Time deposits in a Federal Home Loan Bank or the Bank for Savings and Loan Associations, Chicago, Ill.;

• • • • •

(Sec. 916, Public Law 91-609, 84 Stat. 1816; sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that the Board hereby finds that notice and public procedure under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) are not necessary regarding the above amendments for the reason that said amendments conform the regulations for the Federal Home Loan Bank System to the provisions of the above-mentioned section 916 of the Housing and Urban Development Act of 1970; and, for the same reason, the Board also finds that publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is likewise unnecessary; and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-2546 Filed 2-24-71;8:48 am]

[No. 71-191]

PART 523—MEMBERS OF BANKS

Liquidity Requirements

FEBRUARY 19, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purpose of increasing the overall liquidity requirement of each Federal Home Loan Bank member from 5½ percent to 6½ percent of its liquidity base and the short-term liquidity requirement from 2 percent to 2½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective April 1, 1971:

§ 523.11 **Liquidity requirements.**

(a) *General.* For each calendar month, each member shall maintain an average daily balance of liquid assets in an amount not less than 6½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month beginning with January 1972, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

• • • • • •

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, that since affording notice and public procedure on the above amendment and publishing said amendment in the FEDERAL REGISTER at least 30 days prior to the effective date of said amendment would delay said amendment from becoming effective as of the beginning of the second calendar quarter of 1971, the Board hereby finds that notice and public procedure on said amendment are impracticable under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-2545 Filed 2-24-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10866; Amdt. 11-11]

PART 11—GENERAL RULE-MAKING PROCEDURES

Grant or Denial of Medical Exemptions

The purpose of these amendments to Part 11 of the Federal Aviation Regulations is to state the general course and method by which petitions for exemption from provisions of Part 67 (Medical Standards and Certification) are granted or denied. This function will now be performed by the Federal Air Surgeon, with the assistance of consultant medical specialists where appropriate, and the services of an advisory panel of medical specialists, as previously provided for in § 11.55, will no longer be required.

Under the procedural rules of § 11.55, each petition for an exemption from any provision of Part 67 has been referred to a panel of medical specialists for its recommendation. The panel's function has been to examine the petitioner's medical condition by thorough review of all pertinent medical documents and to advise the Administrator whether the specific nature the applicant's medical defect that made him unable to meet the standards of Part 67 was such that he could be exempted from those standards without endangering public safety during the period the medical exemption would be in effect. Based on the public interest and in the light of the specific situation involved, the Administrator has granted or denied the petition after receiving the panel's recommendation.

The Federal Air Surgeon has not had explicit authority to recommend to the Administrator the disposition of petitions for exemption or to actually dispose of them himself. However, under § 67.19 he may, in certain cases, authorize special medical flight or practical tests, or special medical evaluations, to determine whether the applicant can perform his duties under his airman certificate in a manner that will not endanger public safety. Upon the required showing, the Federal Air Surgeon may issue specially to the applicant a medical certificate of the appropriate class, with any operational limitation or limit on the duration thereof that the Federal Air Surgeon determines is needed for safety. Thus, the Federal Air Surgeon has in fact had a substantial area of authority in dealing with applicants who do not meet the specific standards of Part 67.

Under the system previously in effect, a petition for exemption referred to the panel may not have been considered for up to 2 months (the frequency of panel meetings), and the per-case cost of considering matters has been substantial. By delegating to the Federal Air Surgeon the authority to grant or deny petitions for exemption from any section of Part 67, the disposition of petitions in many cases will be accelerated and some savings in the overall cost of review can be made. The Federal Air Surgeon will consider all petitions and grant those where he finds an exemption would be in the public interest and deny those where he does not so find. The Federal Air Surgeon will obtain the opinions of consultant medical specialists in case where this appears to be appropriate in attaining the continuance of full objectivity and expertise in the review of petitions for exemption.

The delegation of authority to the Federal Air Surgeon is consistent with delegations made to the heads of the other Services or Offices. Similarly, if the Federal Air Surgeon finds that a grant or denial involves a policy determination that should be made by the Administrator, he will refer the petition and any recommendations, including those of the General Counsel, to the Administrator for final action.

These amendments therefore revoke § 11.55 (Exemptions from Part 67) and make appropriate changes in §§ 11.15 and 11.53 to reflect the authority of the Federal Air Surgeon to grant or deny petitions for medical exemptions.

Since these amendments are procedural in nature, notice and public procedure thereon are not required.

In consideration of the foregoing, Part 11 of the Federal Aviation Regulations is amended, effective March 29, 1971, as follows:

§ 11.15 [Amended]

a. By striking out the term "11.55," in the second sentence of § 11.15.

b. By amending the section heading and paragraph (a) of § 11.53 to read as follows:

§ 11.53 **Grant or denial of exemption.**

(a) The head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition for an exemption. However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the General Counsel to the Administrator for final action.

• • • • • •

§ 11.55 [Revoked]

c. By revoking § 11.55.

(Secs. 313(a), 601(c), Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421(c), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 19, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-2563 Filed 2-24-71;8:49 am]

[Airspace Docket No. 71-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Snapper, Hawaii, Reporting Point.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1971, as hereinafter set forth.

Section 71.215 (36 F.R. 2315) is amended by deleting: "Snapper INT: INT Maui, 331° and Malokai, Hawaii, 262° radials."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-2565 Filed 2-24-71;8:49 am]

[Airspace Docket No. 70-WE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On January 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 325) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Ephrata and Grant County, Wash., control zones and Moses Lake, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

Beginning in the sixth line of the text of the proposed amendment to the Moses Lake, Wash., transition area delete "• • • Moses Lake VOR 144° radial • • •" and substitute "• • •, within 5 miles each side of the Moses Lake VOR 144° radial • • •" therefor.

Delete the FEDERAL REGISTER citations "§ 71.171 (35 F.R. 2054) • • •" for the Ephrata and Grant County, Wash., control zones and "• • • § 71.181 (35 F.R. 2134) • • •" for the amendment to the Moses Lake, Wash., transition area and substitute "• • • § 71.171 (36 F.R. 2055) • • •" for the control zones and "• • • § 71.181 (36 F.R. 2140) • • •" for the transition area.

Effective date. These amendments shall be effective 0901 G.m.t., April 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 17, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Ephrata, Wash., control zone is amended to read as follows:

EPHRATA, WASH.

Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles

each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile-radius zone to 8 miles northeast of the VORTAC.

In § 71.171 (36 F.R. 2055) the description of the Grant County, Wash., control zone is amended to read as follows:

GRANT COUNTY, WASH.

Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°-12'35" N., longitude 119°18'50" W.); within 2 miles each side of the Ephrata VORTAC 156° radial, extending from the 5-mile-radius zone to 3 miles southeast of the VORTAC and within 2 miles each side of the Moses Lake ILS localizer south course, extending from the 5-mile-radius zone to the Moses Lake VOR, excluding the portion within the Ephrata, Wash., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Moses Lake, Wash. transition area is amended by beginning in the second line and deleting all between "• • • longitude 119°18'50" • • •" and substituting therefor "• • • within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile-radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials, extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the ARC of a 21-mile-radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC • • •"

[FR Doc.71-2566 Filed 2-24-71;8:49 am]

[Airspace Docket No. 70-SO-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Control Zones and Transition Area

On February 5, 1971, F.R. Doc. No. 71-1614 was published in the FEDERAL REGISTER (36 F.R. 2480), amending Part 71 of the Federal Aviation Regulations by designating and altering controlled airspace in the Jacksonville, Fla., terminal complex.

In the amendment, references were made to NAS Cecil VOR "260°" radial and the "260°" bearing from NAS Cecil RBN in lieu of "285." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71-1614 is amended as follows:

In line 32 of the third paragraph and in line 4 of the Jacksonville, Fla. (NAS Cecil Field), control zone description "• • • 260° • • •" is deleted and "• • • 285° • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 16, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-2567 Filed 2-24-71;8:49 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Chamois

Notice is given that no objections were filed in the matter of section 501.4 which prescribed an exemption for packaged and labeled chamois from the requirements of section 500.13 of Part 500 of the Fair Packaging and Labeling Act's regulations (35 F.R. 19572). Accordingly, the effective date of section 501.4, January 23, 1971, is confirmed.

Issued: February 16, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-2544 Filed 2-24-71;8:48 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-407; Order 423]

PART 2—GENERAL POLICY AND INTERPRETATIONS

One-Day Suspension Period

FEBRUARY 18, 1971.

The Commission on November 6, 1970, issued a notice of proposed rulemaking in this proceeding (35 F.R. 17427, November 13, 1970) proposing to amend § 2.56, in Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations, to establish as a matter of general policy that the Commission will suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the Commission decides to suspend such rate change under section 4(e) of the Act (15 U.S.C. 717c(e)). The Commission, however, would reserve the right to impose a longer suspension period if such action is deemed necessary in a particular case.

In response to the notice comments have been filed by a number of independent producers and pipeline purchasers, by the Independent Natural Gas Association of America (INGAA), by Associated Gas Distributors (AGD), by the Public Service Commission of New York (New York), by Memphis Light, Gas and Water Division (Memphis) and by American Public Power Association (APPA). The producers favor the proposed policy, and, with one proposed modification, INGAA and the pipelines also favor such policy. AGD, New York, Memphis, and APPA oppose the proposed action.

INGAA and a number of pipelines recommend that the proposed amendment be modified so as to provide that the 1-day suspension policy shall apply only if a producer files its notice of change in rate at least 75 days prior to the proposed effective date for such change. Such modification was proposed to assure pipeline purchasers that they will be able to properly track, without delay, producer increases covered by the 1-day suspension policy. However, Columbia Gas System Service Corp. (Columbia) indicates that 60 days should be sufficient.

We agree that the notice period in this situation should be longer than the 30-day notice period required under section 4(e) of the Natural Gas Act. A 60-day notice period should give pipeline purchasers adequate time to track producer increases. The adoption of this modification will also necessitate other changes, minor in nature, in the amendment proposed in the November 6 notice.

Memphis and New York argue that adoption of a general policy of suspending producer filings for only 1 day is unjustified. AGD also opposes the proposed rule claiming that the suspension period should depend on a number of factors, including the size of the sale in question, the increased price to be charged, the vintage of the contract and others.

The Commission under section 4(e) of the Natural Gas Act has the power to suspend a proposed rate change "but not for a longer period than 5 months". This language in our view indicates a Congressional intent to give the Commission discretionary authority as to the length of a suspension period. The 5-month suspension period is thus discretionary not mandatory.

While consideration of the factors mentioned by AGD may justify in a particular case a longer suspension period than 1 day, we believe, as a general rule, that a 1-day suspension period is sufficient. A producer is at a disadvantage when its increase is suspended for 5 months because it is also limited by contract as to when it may make an increase effective. Consequently, a producer cannot anticipate a 5-month suspension by an early filing because the suspension period does not commence until the expiration of the 30-day statutory notice period or until the proposed effective date, whichever is later, and because the contract provides a limitation as to when the producer may propose to make its increase effective. A 5-month suspenison period also deprives a producer of revenues to which it would otherwise be entitled in the event the proposed rate is found to be just and reasonable.

Edward H. Forgotson argues that where contracts have periodic price escalation provisions, third parties should not be allowed to intervene with respect to rate filings. This proposal is outside the scope of the subject rulemaking proceeding, and, therefore, we shall deny the request.

We do not believe there is adequate justification at this time for adopting Mobil Oil Corp.'s suggestion that the Commission issue guidelines with respect to those situations where the Commission will suspend rate changes for longer than 1 day. We prefer to remain flexible in these matters and shall make ad hoc determinations based on the various factors involved in each case.

The Commission finds:

(1) The notice and the opportunity to participate in this rulemaking proceeding through the submission, in writing, of data, views, comments and suggestions are in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code. Since the action taken herein constitutes a statement of policy and relieves a restriction previously imposed on producers, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications adopted herein to the amendment proposed in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the proposed rulemaking herein, further notice thereof is unnecessary.

The Commission acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4 and 16 (52 Stat. 882, 830; 76 Stat. 72; 15 U.S.C. 717c, 717o orders:

(A) Section 2.56, in Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (g) to read as follows:

§ 2.56 Area price levels for natural gas sales by independent producers.

• • • • • •

(g) If the Commission decides to suspend a rate change filing made by an independent producer under section 4(d) of the Natural Gas Act, and such rate change is filed at least 60 days prior to its proposed effective date, the suspension period will be 1 day from the proposed effective date, or 1 day from the date of initial delivery, whichever is later, unless the Commission waives the notice period required herein or imposes a longer suspension period.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(C) The amendment adopted herein shall be effective upon issuance of this order.

By the direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2528 Filed 2-24-71;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11577, 36 F.R. 349, providing increased pay and allowances for members of the uniformed services pursuant to Public Law 91-231, 84 Stat. 195, and Public Law 90-207, 81 Stat. 649, makes it necessary to amend § 614.19 of Title 20 of the Code of Federal Regulations, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by subchapter II of chapter 85 of title 5 of the United States Code (5 U.S.C. 8521-8525).

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because the regulations relate solely to public benefits and are not addressed primarily to members of the public but rather to the several States which administer such programs, and further, notice, public participation, and delay is found not to be in the public interest which in this instance makes desirable the prompt implementation of the amended schedule of remuneration by the several State agencies administering such programs.

1. Section 614.19 of Title 20, Code of Federal Regulations, is revised to read:

§ 614.19 Schedule of remuneration.

(a) The schedule provided in this paragraph applies to first claims under the UCX program filed on or after April 4, 1971.

Pay grades	*Monthly rate*
1. Commissioned officer:	
O-10	$3,291
O-9	2,941
O-8	2,684
O-7	2,376
O-6	2,057
O-5	1,657
O-4	1,397
O-3	1,158
O-2	895
O-1	704
2. Warrant officer:	
W-4	$1,360
W-3	1,126
W-2	971
W-1	800
3. Enlisted personnel:	
E-9	$1,147
E-8	1,000
E-7	873
E-6	762
E-5	627
E-4	502
E-3	380
E-2	333
E-1	319

(b) The deletion from paragraph (a) of this section of schedules of remuneration applicable to periods of time prior to April 4, 1971, and heretofore published in 35 F.R. 9000; 34 F.R. 12434; 33 F.R. 10086; 33 F.R. 3635; 32 F.R. 20974; 30 F.R. 13120; 29 F.R. 13102; and 23 F.R. 8699, does not revoke such schedules.

(5 U.S.C. 8508 and 8521(a)(2); Secretary's Order No. 14-69, Mar. 14, 1969, 34 F.R. 6502)

Signed at Washington, D.C., this 16th day of February 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71-2538 Filed 2-24-71;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 123]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

Part 1690—Determination of Availability of Members of The Standby Reserve Of The Armed Forces For Order To Active Duty is amended to read as follows:

Sec.	
1690.1	Authority of local boards.
1690.2	Local board which has jurisdiction.
1690.3	Quorum, meetings, and disqualification of local board and its members.
1690.4	Minutes of meetings of local board.
1690.5	Standby reserve folder (SSS Form 90).
1690.6	Standby reserve questionnaire (SSS Form 80).
1690.7	Assignment of standby reserve number.
1690.8	Duty of local board to determine reservist's availability promptly.
1690.9	Category I-R: Reservist available for order to active duty.

Sec.
1690.10 Category II-R: Reservist not available for order to active duty because of civilian occupation.
1690.11 Category III-R: Reservist not available for order to active duty by reason of extreme hardship to dependents.
1690.12 Category IV-R: Reservist not found available for order to active duty who is not eligible for another category.
1690.13 Reconsideration and redetermination by local board of reservist's availability and category.
1690.14 Government appeal agent.
1690.15 Determination of availability and category by Director of Selective Service.
1690.16 Notification and recording of availability and category.
1690.17 Notifying armed force of availability of reservist.
1690.18 Records which are confidential.
1690.19 Availability and use of confidential records and information.
1690.20 Identification of records of reservists.

AUTHORITY: The provisions of this Part 1690 issued under 10 U.S.C. 672(a).

§ 1690.1 Authority of local boards.

(a) Local boards are authorized to determine the availability of members of the Standby Reserve of the armed forces, male or female, for involuntary order to active duty under section 672(a) of title 10 of the United States Code, as amended, in time of war or national emergency declared by the Congress or whenever otherwise authorized by law, except when it is determined by the Director as provided in § 1690.15.

(b) Hereafter in this part a member of the Standby Reserve is referred to as a "reservist" which term shall include both male and female members of the Standby Reserve.

§ 1690.2 Local board which has jurisdiction.

(a) Whenever a member of the Standby Reserve of the armed force is to be ordered involuntarily to active duty, in time of war or national emergency declared by the Congress or whenever otherwise authorized by law, the reservist will be ordered by his armed force to report immediately to any selective service local board convenient to him for a determination of his availability for active duty. Copies of such orders should be provided to the Director of Selective Service.

(b) Notification shall be fully and sufficiently accomplished by the Reserve Component concerned through the mailing of the orders addressed to the reservist concerned at the mailing address which records of the activity mailing the orders indicate as the most recent one furnished by that individual as an address at or from which official mail will be received by or forwarded to him.

(c) Absence of indication of delivery, or return as undeliverable, of orders addressed as above is alike immaterial as respects its efficacy as notice to or notification of the reservist concerned.

(d) It is the responsibility of each member of a Reserve Component to assure that the military records pertaining to him accurately and currently reflect a mailing address at which he can be reached.

(e) Notwithstanding the provisions of paragraph (a) of this section, the Director of Selective Service may, at any time, designate the local board which shall have jurisdiction to determine the availability for order to active duty of any reservist.

§ 1690.3 Quorum, meetings, and disqualification of local board and its members.

The provisions of §§ 1604.52a, 1604.55, and 1604.56 of this chapter and the provisions of paragraphs (b) and (c) of § 1623.9 of this chapter concerning the quorum, meetings, and disqualification of a local board and the disqualification of members of a local board with respect to the classification of a registrant shall be applicable to a local board and its members when determining the availability of a reservist for order to active duty under this part.

§ 1690.4 Minutes of meetings of local board.

A record of each meeting of the local board held for the purpose of determining the availability of a reservist for order to active duty shall be kept by the board on Minutes of Local Board Meeting—Standby Reserve (SSS Form 82) which shall be completed in duplicate. The original shall be filed in the local board office as minutes of such meetings and the copy shall be forwarded to the State Director of Selective Service.

§ 1690.5 Standby reserve folder (SSS Form 90).

The local board shall open an individual file for each reservist who reports to the local board as prescribed in § 1690.2 by preparing a Standby Reserve Folder (SSS Form 90) which file hereafter in this part is referred to as the "standby reserve folder." Every paper and document pertaining to the determination of the availability of the reservist for order to active duty, except such papers and documents as may be designated by the Director of Selective Service, shall be filed in his standby reserve folder.

§ 1690.6 Standby reserve questionnaire (SSS Form 80).

(a) The local board shall furnish a Standby Reserve Questionnaire (SSS Form 80) to each reservist for immediate completion by the reservist at the local board.

(b) When appropriate, the reservist shall be given the opportunity to submit additional written information, including information from dependents and employers, within 5 working days after he has completed the Standby Reserve Questionnaire.

§ 1690.7 Assignment of standby reserve number.

(a) After a reservist who is not required to be registered under the Military Selective Service Act of 1967, has completed the Standby Reserve Questionnaire (SSS Form 80), the local board shall assign the reservist a standby reserve number, if he has not previously been assigned a standby reserve number by this local board. The first element of the standby reserve number, reading from left to right, shall be the number of the State in which the local board is located as shown on the list of States, Territories, and possessions in paragraph (b) of § 1621.2 of this chapter. The second element of the number shall be the number of the reservist's local board within the State. The third element of the number shall be assigned in numerical sequence, beginning with the numeral 1, according to the sequence in which the local board assigns standby reserve numbers to nonregistrant reservists. The fourth element of the number shall be the one of the following symbols which identifies the Standby Reserve of which the reservist is a member: "A" for Army Reserve, "AF" for Air Force Reserve, "N" for Naval Reserve, "MC" for Marine Corps Reserve, or "CG" for Coast Guard Reserve.

(b) The local board shall keep a record of all standby reserve numbers it assigns to reservists on the Standby Reserve Register (SSS Form 81). Once a standby reserve number has been assigned to a reservist, the same number shall never be used again.

§ 1690.8 Duty of local board to determine reservist's availability promptly.

(a) Notwithstanding any previous determinations of availability, local boards shall determine the reservist's availability promptly by holding a special local board meeting if necessary, or, if a meeting cannot be held, by telephone poll with the Executive Secretary or clerk. In determining the availability of a reservist for order to active duty and his category consideration shall be given to (1) the information contained in his Standby Reserve Questionnaire (SSS Form 80), (2) such other written information as may be contained in his standby reserve folder and, if he is a registrant, in his Cover Sheet (SSS Form 101), and (3) current instructions issued by the Director of the Selective Service.

(b) Standby reservists determined by the local board to be available for military service shall promptly proceed to station of initial assignment as prescribed in the orders issued by the Reserve Component concerned; those Standby reservists determined by the local board to be not available for military service will proceed back to their home and so notify the Reserve Component who issued orders with the least practicable delay.

§ 1690.9 Category I-R: Reservist available for order to active duty.

In Category I-R shall be placed every reservist who is found to be available for order to active duty.

§ 1690.10—Category II-R: Reservist not available for order to active duty because of civilian occupation.

In Category II-R shall be placed any reservists whose continuance in his civilian employment, occupation, activity, or other endeavors in time of war or national emergency declared by the Congress is found to be more essential to the maintenance of the national health, safety, or interest than the performance by him of active duty in the Armed Forces.

§ 1690.11 Category III-R: Reservist not available for order to active duty by reason of extreme hardship to dependents.

(a) In Category III-R shall be placed any reservist who is found to be not available for order to active duty solely because his performance of active duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship (1) to the reservist's husband, wife, divorced wife, child, parent, grandparent, brother or sister who is dependent upon the reservist for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the reservist has assumed in good faith: *Provided*, That a person shall be considered to be a dependent of a reservist under this paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

(b) The term "child" as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the reservist in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

§ 1690.12 Category IV-R: Reservist not found available for order to active duty who is not eligible for another category.

In Category IV-R shall be placed any reservist who is not found to be available for order to active duty and who is not eligible for either Category II-R or Category III-R.

§ 1690.13 Reconsideration and redetermination by local board of reservist's availability and category.

(a) The local board shall reconsider and redetermine a reservist's availability for order to active duty and his category upon request of the Director of Selective Service or the State Director of Selective Service.

(b) The local board may reconsider and redetermine a reservist's availability for order to active duty upon request of the reservist if such request is received by the local board within 5 days after the reservist receives notice of his category and if such request is accompanied by written information presenting facts not considered when the reservist's category was determined, which, if true, would justify a change in the reservist's category. If the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the original determination was made, or even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in the reservist's category it shall not reconsider and redetermine the reservist's availability.

§ 1690.14 Government appeal agent.

In accordance with the provisions of § 1604.71 of this chapter, it shall be the duty of the Government Appeal Agent and, in his absence or inability to act or at his direction, the duty of the associate Government Appeal Agent:

(a) To recommend to the local board a reconsideration and redetermination of a reservist's category where the interest of justice, in his opinion, requires such action and to submit to the local board, any additional information which has caused him to arrive at his decision that the case should be reconsidered;

(b) To forward recommendation to the Director for resolution of the reservist's availability under the provisions of § 1690.15 when, in the opinion of the Government Appeal Agent, local action under paragraph (a) of this section, requires further consideration and resolution at the Director level.

§ 1690.15 Determination of availability and category by Director of Selective Service.

Notwithstanding any other provisions of this part, the Director of Selective Service may at any time determine whether any reservist is available or not available for order to active duty and place the reservist in any category he may deem appropriate. Such action under this section by the Director of Selective Service shall be final unless he thereafter requests the local board to reconsider and redetermine the reservist's category.

§ 1690.16 Notification and recording of availability and category.

As soon as practicable after the local board has determined or redetermined the reservist's availability and category and also after the local board receives notice of the determination of a reservist's case by the Director of Selective Service, the local board shall:

(a) Enter on the Standby Reserve Questionnaire (SSS Form 80) a notation of the determination of the reservist's availability and category.

(b) Inform his original local board of jurisdiction by letter of the determination of availability if he is a registrant or a standby reservist of that local board.

(c) Inform the reservist as to determination of his availability as soon as possible.

§ 1690.17 Notifying armed force of availability of reservist.

The local board shall notify the armed force of which a reservist is a member of his availability for order to active duty in accordance with the instructions in his military orders.

§ 1690.18 Records which are confidential.

The records in a reservist's standby reserve folder and the information contained in such records shall be confidential.

§ 1690.19 Availability and use of confidential records and information.

(a) Information contained in records in a reservist's standby reserve folder may be disclosed or furnished to, or examined by, the following persons:

(1) The reservist, or any person having written authorization signed by the reservist.

(2) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System or the functions conferred by this part.

(3) Any person having specific written authority from the Director of Selective Service.

(b) In the prosecution of a reservist for a violation of the Military Selective Service Act of 1967, the regulations in this chapter, any orders or directions made pursuant to such act or regulations, or for perjury, any records in the reservist's standby reserve folder shall be produced in response to the subpena of the court in which the prosecution is pending.

(c) Except as provided in paragraph (b) of this section, no officer or employee of the Selective Service System shall produce a reservist's standby reserve folder, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpena of any court without the consent, in writing, of the reservist concerned, or of the Director of Selective Service.

(d) Whenever, under the provisions of this section, a reservist's standby reserve folder, or any part thereof, is produced as evidence in the proceedings of any court, such folder shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original folder, to substitute a copy of the folder with the court.

§ 1690.20 Identification of records of reservists.

All forms in the titles of which the words "Standby Reserve" do not appear and all other records used by the Selective Service System in carrying out the functions conferred by this part shall be identified by stamping or otherwise placing thereon the words "Standby Reserve."

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] CURTIS W. TARR,
Director.

FEBRUARY 22, 1971.

[FR Doc.71-2572 Filed 2-24-71;8:50 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 18—RECREATION FEES

User Fees

Part 18 of Title 43 of the Code of Federal Regulations entitled "Recreation Fees" is amended as follows:

1. The words "mechanical or hydraulic" are inserted before the phrase "boat launching facilities" in § 18.8(a), and

2. The entry "Boat launching ramps or facilities" in the table which is part of § 18.8(c) is revised to read "Mechanical or hydraulic facilities."

Since these revisions are not substantive, and are made to clarify the present regulations, they are effective as of the date of publication in the FEDERAL REGISTER (2-25-71).

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 18, 1971.

[FR Doc.71-2522 Filed 2-24-71;8:46 am]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5023]

[Arizona 2831]

ARIZONA

Withdrawal for Department of the Air Force

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Department of the Air Force, as a buffer zone and azimuth marker site:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 11 E.,
Sec. 19, lot 4;
Sec. 30, lots 2 and 5.

The areas described aggregate 140.46 acres in Pima County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Department of the Air Force finds that the proposed use of the lands will not interfere with the purposes of this withdrawal.

Grazing use will continue to be administered by the Bureau of Land Management with the concurrence of the Department of the Air Force.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 19, 1971.

[FR Doc.71-2519 Filed 2-24-71;8:45 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Appendix D—Federal Highway Administration

The purpose of this amendment to Appendix D of Part 7 of Subtitle A of Title 49, Code of Federal Regulations, is to reflect a number of recent internal organizational changes that have taken place in the Federal Highway Administration and also the deletion of material pertaining to certain National Highway Traffic Safety Administration records as a result of the establishment of the National Highway Traffic Safety Administration (formerly the National Highway Safety Bureau) as a separate operating administration within the Department of Transportation. Previously, these National Highway Traffic Safety Administration records were available at Federal Highway Administration document inspection centers.

Since this amendment relates to internal organization, procedures and practices of the Federal Highway Administration, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Appendix D of Part 7 of Subtitle A of Title 49, Code of Federal Regulations, is amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

APPENDIX D—FEDERAL HIGHWAY ADMINISTRATION

1. *General.* This appendix describes the document inspection facilities of the Federal Highway Administration (FHWA), the kinds of records that are available for public inspection and copying at these facilities, and the procedures by which members of the public may make requests for identifiable records.

2. *Documents inspection facilities.* Document inspection facilities are maintained for FHWA Headquarters, and each FHWA Regional and Division Office. These facilities are open to the public during regular working hours at the following addresses:

WASHINGTON HEADQUARTERS

Federal Highway Administration, Office of the Records Officer, 400 Seventh Street SW., Room 4426, Washington, DC 20591.

REGIONAL OFFICES

Regional Federal Highway Administrator, Region 1, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, NY 12054.

Regional Federal Highway Administrator, Region 2, Federal Highway Administration, 31 Hopkins Plaza, Baltimore, MD 21201.

Regional Federal Highway Administrator, Region 3, Federal Highway Administration, Suite 200, 1720 Peachtree Road NW., Atlanta, GA 30309.

Regional Federal Highway Administrator, Region 4, Federal Highway Administration, 18209 Dixie Highway, Homewood, IL 60430.

Regional Federal Highway Administrator, Region 5, Federal Highway Administration, 6301 Rockhill Road, Kansas City, MO 64131.

Regional Federal Highway Administrator, Region 6, Federal Highway Administration, 819 Taylor Street, Fort Worth, TX 76102.

Regional Federal Highway Administrator, Region 7, Federal Highway Administration, 450 Golden Gate Avenue, Box 36096, San Francisco, CA 94102.

Regional Federal Highway Administrator, Region 8, Federal Highway Administration, 222 Southwest Morrison Street, Portland, OR 97204.

Regional Federal Highway Administrator, Region 9, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, CO 80225.

Regional Engineer, Region 15, Federal Highway Administration, 1000 North Glebe Road, Arlington, VA 22201.

DIVISION OFFICES

Division Engineer, FHWA, 441 High Street, Montgomery, AL 36104.

Division Engineer, FHWA, 709 West Ninth Street, Juneau, AK 99801.

Division Engineer, FHWA, 230 North First Avenue, Room 5404, Phoenix, AZ 85025.

Division Engineer, FHWA, 700 West Capitol Avenue, Little Rock, AR 72201.

Division Engineer, FHWA, Eighth and I Streets, Sacramento, CA 95809.

Division Engineer, FHWA, Room 267, Building 40, Denver Federal Center, Denver, CO 80225.

Division Engineer, FHWA, 990 Wethersfield Avenue, Hartford, CT 06114.

Division Engineer, FHWA, Arden Building, 11 North Street, Dover, DE 19901.

Division Engineer, FHWA, 425 13th Street NW., Room 1248, Washington, DC 20004.

Division Engineer, FHWA, Post Office Box 1079, 222 West Pensacola Street, Tallahassee, FL 32302.

Division Engineer, FHWA, 900 Peachtree Street NE., Atlanta, GA 30309.

Division Engineer, FHWA, 336 Federal Building, Post Office Box 120, Honolulu, HI 96810.

Division Engineer, FHWA, 3010 West State Street, Post Office Box 7527, Boise, ID 83707.

Division Engineer, FHWA, 200 West Washington Street, Springfield, IL 62705.

Division Engineer, FHWA, Room 707, I.S.T.A. Center, 150 West Market Street, Indianapolis, IN 46204.

Division Engineer, FHWA, Sixth and Kellogg Streets, Ames, IA 50010.

Division Engineer, FHWA, 512 West Sixth Street, Topeka, KS 66603.

Division Engineer, FHWA, 151 Elkhorn Court, Post Office Box 536, Frankfort, KY 40601.

Division Engineer, FHWA, Room 239, Federal Office Building, 750 Florida Boulevard, Baton Rouge, LA 70801.

Division Engineer, FHWA, 40 Western Avenue, Augusta, ME 04330.

Division Engineer, FHWA, Room 206, 31 Hopkins Plaza, Baltimore, MD 21201.

Division Engineer, FHWA, Room 612, John F. Kennedy Federal Building, Boston, MA 02203.

Division Engineer, FHWA, Room 211, Federal Building, Post Office Box 147, Lansing, MI 48901.

Division Engineer, FHWA, 461 Rice Street, St. Paul, MN 55103.

Division Engineer, FHWA, 301 Building, 301 North Lamar Street, Jackson, MS 39202.

Division Engineer, FHWA, 209 Adams Street, Jefferson City, MO 65101.

Division Engineer, FHWA, 11th and Fee Streets, Helena, MT 59601.

Division Engineer, FHWA, 1701 South 17th Street, Lincoln, NE 68502.

Division Engineer, FHWA, 106 East Adams Street, Carson City, NV 89701.

Division Engineer, FHWA, Federal Building, 55 Pleasant Street, Concord, NH 03301.

Division Engineer, FHWA, 25 Scotch Road, Post Office Box 211, Trenton, NJ 08628.

Division Engineer, FHWA, 117 U.S. Courthouse, Santa Fe, NM 87501.

Division Engineer, FHWA, 12-14 Russell Road, Albany, NY 12206.

Division Engineer, FHWA, 310 New Bern Avenue, Post Office Box 26806, Raleigh, NC 27611.

Division Engineer, FHWA, New Federal Building, Post Office Box 1755, Bismarck, ND 58501.

Division Engineer, FHWA, 700 Bryden Road, Columbus, OH 43215.

Division Engineer, FHWA, 2409 North Broadway Street, Oklahoma City, OK 73103.

Division Engineer, FHWA, 477 Cottage Street NE., Salem, OR 97308.

Division Engineer, FHWA, 228 Walnut Street, Post Office Box 1086, Harrisburg, PA 17108.

Division Engineer, FHWA, 407 Del Parque, Santurce, PR 00912.

Division Engineer, FHWA, 40 Fountain Street, Providence, RI 02903.

Division Engineer, FHWA, 1813 Main Street, Room 303, Columbia, SC 29201.

Division Engineer, FHWA, Federal Office Building, Post Office Box 700, Pierre, SD 57501.

Division Engineer, FHWA, 226 Capitol Boulevard Building, Room 414, Nashville, TN 37219.

Division Engineer, FHWA, 300 East Eighth Street, Austin, TX 78701.

Division Engineer, FHWA, 125 South State Street, Salt Lake City, UT 84111.

Division Engineer, FHWA, Federal Building, Post Office Box 568, Montpelier, VT 05602.

Division Engineer, FHWA, 400 North Eighth Street, Richmond, VA 23219.

Division Engineer, FHWA, 1007 South Washington Street, Olympia, WA 98501.

Division Engineer, FHWA, 500 Quarrier Street, Charleston, WV 25301.

Division Engineer, FHWA, 4502 Vernon Boulevard, Madison, WI 53705.

Division Engineer, FHWA, 2120 Capitol, Post Office Box 1127, Cheyenne, WY 82001.

3. *Records available at document inspection facilities.* (a) The following records are available at the FHWA headquarters document inspection facility:

(1) Final opinions and orders made in the adjudication of cases and issued from within the Federal Highway Administration.

(2) Any policy or interpretation issued within the Federal Highway Administration, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(b) The following records are available at all FHWA document inspection facilities:

FHWA Orders. These orders are issued by Federal Highway Administration and contain policy, instructions, and general procedures.

FHWA Policy and Procedure Memorandums (PPM's). PPM's state official policies and provide procedural direction.

FHWA Instructional Memorandums (IM's). IM's are temporary in nature. They are used to state official policies and procedures, until such time as they can be converted to a permanent type directive series, such as a PPM.

FHWA Manuals. These Manuals are issued by Federal Highway Administration and contain more detailed procedures relating to policies and program responsibilities, and include the following:

(1) Administrative Manual.
(2) Audit Manual.
(3) Labor Compliance Manual.
(4) Highway Planning Program Manual.
(5) Construction Manual.
(6) Emergency Planning and Operations Manual.
(7) Highway Safety Program Manual.
(8) Motor Carrier Safety Operations Manuals.

FHWA Notices. These Notices are issued by Federal Highway Administration and transmit one-time or short-term announcements or temporary directives (usually 90 days or less).

Motor Carrier Safety Administrative Rulings.

Motor Carrier Safety Waivers from Regulations.

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, may submit his request, in writing, to any FHWA document inspection facility. If that facility does not have custody of the record, it will forward the request to the appropriate office. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Associate Administrator for Administration, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20591, for reconsideration of his request. The decision of the Associate Administrator for Administration is administratively final. (5 U.S.C. 552; section 9, Department of Transportation Act, 49 U.S.C. 1657; 49 CFR 7.1(c).)

Issued in Washington, D.C., on February 19, 1971.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.71-2539 Filed 2-24-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Notice of Proposed Rule Making

In accordance with the provisions of section 311(e) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 301(d) of the Act, it is proposed that Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended by adding the following §§ 75.1107-1 through 75.-1107-16, as set forth below, which prescribe the specifications for fire suppression devices required to be installed on underground equipment and designate suitable fire-resistant hydraulic fluids approved by the Secretary for use in the hydraulic systems of such equipment.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 18, 1971.

Part 75 of Chapter I, Subchapter O, Title 30, Code of Federal Regulations will be amended by adding the following:

§ 75.1107–1 Unattended underground equipment; approved fire suppression devices; approved fire-resistant hydraulic fluids; requirements.

(a) On and after March 30, 1971, approved fire-resistant hydraulic fluids shall be used in the hydraulic system of (1) all unattended underground equipment using hydraulic fluid, which employs an electric current supplied by either a power conductor or battery and consumes more than 2,250 watts of electricity and which is mounted in a fixed location, or to be mounted in a fixed location, for a period of 3 months, or more, and (2) all other underground equipment which uses hydraulic fluid and is not equipped with an approved fire suppression device.

(b) On and after March 30, 1971, fire suppression devices shall be installed on (1) all unattended underground equipment that employs an electric current supplied by either a power conductor or battery and consumes more than 2,250 watts of electricity and is mounted in a fixed location, or to be mounted in a fixed location, for a period of 3 months, or more, and (2) all other underground equipment which uses hydraulic fluid and does not employ approved fire-resistant hydraulic fluid in its hydraulic system.

(c) For purposes of this section, the following underground equipment shall be considered attended equipment:

(1) Any machine or device operated by a miner regularly assigned to operate such equipment;

(2) Any machine or device which is mounted in the direct line of sight of a jobsite located within 500 feet of such equipment which is regularly occupied by a miner assigned to perform job duties at such jobsite during each production shift.

§ 75.1107–2 Approved fire-resistant hydraulic fluids; minimum requirements.

On and after March 30, 1971, fire-resistant hydraulic fluids and concentrates required to be employed in the hydraulic system of underground equipment in accordance with the provisions of § 75.1107–1 shall be considered suitable only if they have been produced under an approval, or any extension thereof, issued pursuant to Bureau of Mines Schedule 30 (Part 35, Subchapter E of Chapter I, Title 30, Code of Federal Regulations).

§ 75.1107–3 Fire suppression devices; approved components; installation requirements.

(a) The components of each fire suppression device required to be installed in accordance with the provisions of § 75.1107–1 shall where appropriate be approved by Underwriters Laboratories, Inc., or Factory Mutual Research Corp. and carry appropriate labels as to type and purpose.

(b) Fire suppression devices required to be installed in accordance with the provisions of § 75.1107–1 shall meet the manufacturer's specifications for installation.

§ 75.1107–4 Fire suppression devices; minimum requirements; general.

(a) Fire suppression devices installed on underground equipment on and after March 30, 1971, shall be assembled from components which meet the minimum requirements set forth in §§ 75.1107–5 through 75.1107–11.

(b) Any other fire suppression device, the components of which have been approved by the Secretary, which provides no less effective means of suppressing fires on underground equipment shall meet the requirements of § 75.1107–3.

§ 75.1107–5 Automatic fire sensors and manual actuators; installation; minimum requirements.

(a) (1) Where fire suppression devices are installed on unattended underground equipment, one or more sensors shall be installed for each 150 square feet over the top surface area, or fraction thereof, covered by such equipment, and each sensor shall be designed to disconnect the electrical power source to the equipment protected when the sensor is activated; in addition, a manual control shall be installed to operate the system.

(2) Where manually activated fire suppression devices are installed on other equipment, two or more manual controls shall be provided at different locations on the equipment which shall actuate the fire control system.

(i) Where manual actuators are installed on equipment regularly operated by a miner, at least one of the manual controls shall be located within easy reach of the operator's normal operating position.

(ii) Where manual controls are installed on equipment not regularly operated by a miner, manual controls shall be located within easy reach of any person approaching the equipment to extinguish a fire.

(b) Sensors shall, where practicable, be installed in accordance with the recommendations set forth in Local Protective Signaling Systems, National Fire Protection Association, Code No. 72A.

(c) If operated by the power source to the equipment protected, each fire suppression device installed on unattended equipment shall be provided with a standby power source which will remain operative for a minimum of 4 hours after the primary source of power has been deenergized.

(d) Sensors located in ventilated passageways which have preset temperature actuators shall, where practicable, be installed downwind from the equipment protected to take advantage of the ventilation current.

(e) Sensor systems and manual controls installed to actuate fire suppression devices shall include a warning indicator, test arrangement, or other suitable method for showing the operative condition of the fire control actuator.

§ 75.1107–6 Sensor systems; manual backup devices; requirements.

Each sensor system installed in accordance with § 75.1107–5(a)(1), shall be equipped with a system designed to actuate the fire suppression device manually.

§ 75.1107–7 Electrical components of fire suppression devices; permissibility requirements.

On and after March 30, 1971, the electrical components of each fire suppression device used or intended to be used on permissible equipment in by the last open cross-cut or in the return airways of any coal mine shall be permissible and such components shall be maintained in permissible condition.

§ 75.1107–8 Capacity of fire suppression devices; location and direction of nozzles.

(a) Each fire suppression device shall be:

(1) Adequate in size and capacity and equipped with sufficient nozzles to extinguish the quantity of combustible present in the equipment protected;

(2) Adapted to the potential class of fire(s) which may be encountered;

(3) Adapted to the atmospheric conditions surrounding the equipment protected (e.g., air velocity, type and proximity of adjacent combustible material); and,

(4) When installed on mining equipment, compatible with the rough usage and vibration to which such machines are subjected during operation.

(b) The extinguishant-discharge nozzles of each fire suppression device shall, where practicable, be located to take advantage of existing mine ventilation air currents and installed to direct the extinguishing agent toward the hazardous locations on the equipment protected as follows:

(1) Onto all hydraulic tanks, transmissions, pumps, motors, and other hydraulic components subject to leakage hazards;

(2) Onto cable reel components and electrical cables on the equipment which are subject to flexing or to external damage.

§ 75.1107–9 Water sprays; capacity; water supply; minimum requirements.

(a) Where water is employed as an extinguishing agent on unattended underground equipment or on equipment not regularly operated by a miner, the rate of flow from the system shall be equivalent to 0.25 gallon per square foot per minute over the top surface area of the equipment and the supply of water shall be adequate to provide a constant flow of water for 10 minutes.

(b) Where water is employed as an extinguishing agent on other underground equipment regularly operated by a miner, the rate of flow from the system shall be equivalent to 0.1875 gallon per square foot per minute over the top surface area of the equipment, excluding conveyors, cutters and gathering heads, and the supply of water shall be adequate to provide a flow of water for 10 minutes.

(c) The amount of water discharged into the cable reel compartments of underground equipment regularly operated by a miner shall be approximately 25 percent of the amount required to be discharged by the system, however, the quantity of water discharged need not exceed 8 gallons per minute.

(d) Water systems supplying fire suppression devices for all underground equipment shall:

(1) Be maintained at a water pressure consistent with the pipe, fittings, valves, and nozzles contained in the system;

(2) Employ water which is free from excessive sediment and non-corrosive to the system;

(3) Include strainers equipped with flush-out connections and a rising stem or other visual indicator-type shutoff valve.

(4) Water supplies for fire suppression devices installed on underground equipment may be maintained in mounted water tanks or by connection to water mains: *Provided, however,* That when employed, connections to water mains shall be maintained whenever such equipment is connected to a power source.

§ 75.1107–10 Dry powder devices; capacity; minimum requirements.

(a) Where multipurpose dry powder is employed as an extinguishing agent on underground equipment:

(1) The dry powder system including all hose and nozzles shall provide protection against the entrance of moisture, dust or dirt into the system;

(2) The system shall be located so as to protect the piping and hose of the system against damage during operation of the equipment protected;

(3) Hose, if used, shall be protected by wire braid or its equivalent;

(4) Hose and pipe shall be as short as possible, and the maximum distance between the reservoir and each discharge nozzle shall not exceed 50 feet; and,

(5) The metal hose and piping between the control valve and nozzle shall have a bursting pressure of 500 pounds per square inch (gage) or higher.

(b) Where multipurpose dry powder is employed as an extinguishing agent on underground equipment not regularly operated by a miner, the following amounts of multipurpose dry powder shall be discharged through the nozzles of the system in 1 minute or less:

Equipment surface area (square feet)	*Dry powder, pounds*
0– 50	50
51–150	120
151–300	240
301–400	360
401–500	480

(c) Where multipurpose dry powder is employed as an extinguishing agent on underground equipment regularly operated by a miner, the number of pounds of multipurpose dry powder employed by the system shall equal 5 times the total number of hazardous locations. The amount of dry powder discharged into the cable reel compartments of all such equipment shall be approximately 25 percent of the amount required to be discharged by the system; however, the quantity of dry powder discharged need not exceed 10 pounds.

§ 75.1107–11 High expansion foam devices; minimum capacity.

(a) Where high expansion foam is employed as an extinguishing agent on underground equipment not regularly operated by a miner, the following amounts of water shall be delivered as high expansion foam for a period of approximately 20 minutes:

Equipment surface area (square feet)	*Water discharged as high expansion foam, gallons per minute*
0– 50	3.2
51–150	8
151–300	16
301–400	24
401–500	32

(b) Where high expansion foam is used as an extinguishing agent on underground equipment regularly operated by a miner, fire may be suppressed by internal injection or by inundation of the entire machine, provided however, that each such foam system shall deliver water at the following rates for 10 minutes:

Hazardous locations (number)	Water discharged as high expansion foam, gallons per minute-internal injection	Inundation
2	1.5	5
4	1.5	6
6	3.0	7.5
8	4.5	12
10	6.0	15

(c) Where internal injection is employed, the amount of water discharged as high expansion foam into the cable reel compartments of underground equipment regularly operated by a miner shall be approximately 25 percent of the total amount required to be discharged by the system; however, the quantity of foam discharged as water need not exceed 1.5 gallons per minute.

§ 75.1107–12 Extinguishing agents; requirements on mining equipment employed in low coal.

Where fire suppression devices are installed on mining equipment operating in coal seams no more than 32 inches high, the quantity of extinguishing agent required under the provisions of §§ 75.1107–9, 75.1107–10, and 75.1107–11 may be reduced by one-fourth if space limitations on the equipment require such reduction.

§ 75.1107–13 Inerting of mine atmosphere prohibited.

No fire suppression device designed to control fire by total flooding shall be installed to protect unattended underground equipment except in enclosed dead-end entries or enclosed rooms as defined in National Fire Protection Association Code No. 17.

§ 75.1107–14 Guards and handrails; requirements where fire suppression devices are employed.

All underground equipment provided with fire suppression devices which are mounted in dead-end entries, enclosed rooms or other hazardous location designated by the District Manager, shall be equipped with adequate guards over all moving or rotating components and handrails shall be installed at such locations to facilitate rapid egress from the area surrounding such equipment.

§ 75.1107–15 Fire suppression devices; hazards; training of miners.

Each operator shall instruct all miners normally assigned to the active workings of the mine with respect to the hazards inherent in the operation of all fire suppression devices installed in accordance with § 75.1107–1 and, where appropriate, the safeguards available at each such installation.

§ 75.1107–16 Inspection of fire suppression devices.

(a) All fire suppression devices shall be visually inspected at least once each week by a person qualified to make such inspections and each fire suppression system shall be subjected to a functional maintenance test at least once each year following installation.

(b) A record of inspections conducted in accordance with paragraph (a) of this section shall be maintained by the operator.

[FR Doc.71-2523 Filed 2-24-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130]

[Docket No. AO–364–A3, etc.]

MILK IN SOUTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Partial Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Market	Docket No.
1121	South Texas	AO–364–A3.
1126	North Texas	AO–231–A35.
1127	San Antonio	AO–232–A21.
1128	Central West Texas	AO–238–A24.
1129	Austin-Waco	AO–256–A17.
1130	Corpus Christi	AO–251–A21.
1130	Lubbock-Plainview	AO–328–A11.

Notice is hereby given that the time for filing exceptions to the partial recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the marketing areas heretofore specified which was issued on February 8, 1971 (36 F.R. 2916) is hereby extended to March 5, 1971.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on February 19, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-2541 Filed 2-24-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 5]

NURSING HOME CONTRACTS WITH VETERANS ADMINISTRATION FOR CARE OF VETERAN-PATIENTS

Proposed Variation From Certain Labor Standards

Notice is hereby given that, pursuant to section 105 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 331), the Department of Labor is considering the granting of a variation from the overtime requirements of the Act with respect to employees of nursing homes performing under Veterans Administration contracts for the care of veteran-patients. The purpose of the variation as proposed below is to correct any misunderstandings which may exist regarding potential liabilities for overtime pay to the employees of nursing homes performing on such contracts. The conflict between the 48 hour overtime provisions of the Fair Labor Standards Act and the more stringent overtime provisions of the Contract Work Hours and Safety Standards Act, which would become applicable to any such contract in excess of $2,500 with the U.S. Government for the care of patients, has created confusion within the nursing home industry and led to a reluctance on the part of nursing homes to accept Veterans Administration contracts to a degree which could seriously impair the proper functioning of the nation's veteran-care program. To overcome this difficulty, the Veterans Administration has requested a variation under section 105 of the Contract Work Hours and Safety Standards Act to permit nursing homes performing on such contracts to pay overtime only after 48 hours a week as provided under the Fair Labor Standards Act.

In actuality, the 8 hour a day, 40 hour a week overtime pay standards of the Contract Work Hours and Safety Standards Act have little or no practical effect on employees working in nursing homes with Veterans Administration contracts because the relatively small number of veteran-patients to be cared for under each contract make it improbable that any nursing home employee will spend more than 8 hours in a day or 40 in a week on contract work. Overtime pay to such employees would thus generally be governed by the 48 hour standard of the Fair Labor Standards Act rather than the 8 or 40 standard of the Contract Work Hours and Safety Standards Act, notwithstanding the inclusion of the required Contract Work Hours and Safety Standards Act stipulations in such contracts.

Therefore, pursuant to the authority contained in section 105 of the Contract Work Hours and Safety Standards Act, I propose to find that a variation from the overtime provisions of the Act should be granted for certain Veterans Administration contracts with nursing homes for veteran-patient care, as being necessary and proper in the public interest to avoid the serious impairment of the conduct of Government business.

Part 5 of Title 29, Code of Federal Regulations, would be amended by adding a new subparagraph (3) of § 5.14(d), reading as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * * *

(d) *Variations* * * *

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, if such individual receives compensation for employment in excess of 48 hours in any workweek at a rate not less than 1½ times the regular rate at which he is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended. This variance is found necessary and proper and in the public interest to avoid serious impairment of the conduct of Government business.

(Sec. 105, 76 Stat. 359; 40 U.S.C. 331, S.O. Order No. 20–70, 36 F.R. 305)

Interested persons may, within 30 days of publication of this notice in the FEDERAL REGISTER, submit written data, views or arguments relative to this proposal to the Office of the Administrator of Workplace Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, D.C., this 16th day of February 1971.

ROBERT D. MORAN,
Administrator of Workplace Standards.

[FR Doc.71-2537 Filed 2-24-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–WE–5]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Wenatchee, Wash., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Region Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

Two new proposed instrument approach procedures have been developed for Pangborn Field, Wenatchee, Wash. (VOR A and VOR B). Both procedures utilize the Wenatchee 124° T (102° M) radial for the final approach and procedure turn radial.

The VOR A approach authorizes the procedure turn within 10 nautical miles of the Malaga fan marker; the VOR B authorizes the procedure turn within 10 nautical miles of the Wenatchee, Wash., VOR and is intended to replace the current VOR Runway 29 instrument approach.

The two proposed instrument approach procedures were developed in accordance with criteria contained in U.S. Standard for Terminal Instrument Procedures (TERPs). As a result, it has been determined that the descriptions of the Wenatchee, Wash., control zone and transition area must be amended to provide controlled airspace protection for aircraft executing the prescribed instrument procedures.

The 1,200-foot portion of the transition area is required for holding and for the procedure turn areas, the 700-foot portion of the transition area is required for aircraft executing the portions of the approach procedures between 1,500 and 700 feet above the surface. The control zone will provide controlled airspace protection for aircraft executing the proposed instrument approach procedures while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the description of the Wenatchee, Wash., control zone is amended to read as follows:

WENATCHEE, WASH.

Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (latitude 47°24'00" N., longitude 120°12'30" W.) and within 3 miles each side of the Wenatchee VOR 124° radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).

In § 71.181 (36 F.R. 2140) the description of the Wenatchee, Wash., transition area is amended to read as follows:

WENATCHEE, WASH.

That airspace extending upward from 700 feet above the surface within 4 miles each side of the Wenatchee VOR 124° radial, extending from the VOR to 12.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the Wenatchee VOR 092° and 272° radials, extending from 7 miles west to 14 miles east of the VOR and within 5 miles southwest and 9.5 miles northeast of the 124° radial, extending from the VOR to 23 miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-2568 Filed 2-24-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Baxley, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Baxley transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baxley Municipal Airport (lat. 31°42'50" N., long. 82°23'25" W.); within 2 miles each side of Alma VORTAC 028° radial, extending from the 5-mile-radius area to 8 miles north of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Baxley Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Alma VORTAC, is proposed in conjunction with this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 12, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2569 Filed 2-24-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Madison, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Madison transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile

radius of Madison Municipal Airport (lat. 33°36'46" N., long. 83°27'41" W.).

The application of current airspace criteria to Madison terminal requires an increase in the basic radius circle from 5 to 6.5 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 16, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-2570 Filed 2-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jefferson, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Jefferson transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (lat. 34°10'29" N., long. 83°33'37" W.).

The application of current airspace criteria to Jefferson terminal requires an increase in the basic radius circle from 6 to 6.5 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 12, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-2571 Filed 2-24-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS IN ALASKA

Proposed Designation of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Alaska as set forth in the following new §§ 481.246–481.248 inclusive which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 20 days after the publication of this notice will be considered.

Interested authorities of the State of Alaska and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Administrator concerning such designations. Such consultation will take place at 9 a.m., March 10, 1971, in Room 117, Federal Building, U.S. Post Office and Courthouse, 709 West Ninth Street, Juneau, AK 99801.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.246 Northern Alaska Intrastate Air Quality Control Region.

The Northern Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:

1956 Election Districts 18–23, inclusive, as described in Article XIV, § 3 of the Constitution of the State of Alaska.

§ 481.247 South Central Alaska Intrastate Air Quality Control Region.

The South Central Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:

Those portions of the 1956 Election Districts 7–17, inclusive, and Election District 24 as described in Article XIV, § 3 of the Constitution of the State of Alaska, which are not included in the designated Cook Inlet Intrastate Air Quality Control Region as designated August 12, 1970 (35 F.R. 12757).

§ 481.248 Southeastern Alaska Intrastate Air Quality Control Region.

The Southeastern Alaska Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alaska:

1956 Election Districts 1–6, inclusive, as described in Article XIV, § 3 of the Constitution of the State of Alaska.

This action is proposed under the authority of section 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604.

Dated: February 19, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-2511 Filed 2-24-71;8:45 am]

Notices

POST OFFICE DEPARTMENT

EXECUTIVE ASSISTANT TO POSTMASTER GENERAL

Delegation of Authority

The following is the text of an order issued by the Postmaster General on February 17, 1971:

Effective immediately in every case in which the Chief Hearing Examiner has rendered the initial decision in a proceeding conducted pursuant to the requirements of the Administrative Procedure Act, Mr. Holman Head, Executive Assistant to the Postmaster General, is authorized to act upon, and sign in his own name, orders relating to motions and requests for continuances and extensions of time.

(5 U.S.C. 301, 39 U.S.C. 308a, 501)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-2534 Filed 2-24-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6087]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial No. A 6087, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, subject to existing valid claims. The lands were originally withdrawn under first form withdrawal as authorized by section 3 of the Act of June 17, 1902 (32 Stat. 388) for the Salt River Project by Orders of March 2, 1903, July 20, 1905, and January 19, 1933. Secretary's Orders of July 29, 1939, and December 29, 1939, opened the land to location, entry and patent under the general mining laws, as provided by the Act of April 23, 1932 (47 Stat. 136).

The closure of these lands to mining location, entry, and patent is again necessary because the land will be used for facilities proposed for the Central Arizona Project. The Bureau of Reclamation desires the withdrawal of these lands to prevent any increased acquisition costs for the Central Arizona Project which might occur if use or disposition of the lands is made under the mining laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, AZ 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 7 E.,
Sec. 4, S½ of lot 9, lots 10, 11, 12, and E½SW¼, W½NW¼SE¼ and SW¼SE¼;
Sec. 5, lot 9 and E½SE¼.

The area described aggregates approximately 368.94 acres within the Tonto National Forest.

Dated: February 17, 1971.

GLENDON E. COLLINS,
Acting State Director.

[FR Doc.71-2520 Filed 2-24-71;8:46 am]

[New Mexico 12322]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

FEBRUARY 18, 1971.

In F.R. Doc. 71-1678, appearing at pages 2573-2574 of the issue for Saturday, February 6, 1971, the following correction is made in the land description: Change "Sec. 30" to "Sec. 19."

W. J. EGAN,
Acting Land Office Manager.

[FR Doc.71-2521 Filed 2-24-71;8:46 am]

[OR 6409-A]

OREGON

Notice of Termination of Classification of Public Lands

FEBRUARY 18, 1971.

Notice of a classification of public lands for disposal by exchange was published as F.R. Doc. 70-16936 on pages 19194 and 19195 of the issue for December 18, 1970. The classification has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.1-2(e)(3)(ii), such lands will be at 10 a.m., March 26, 1971, relieved of any segregative effect the above-mentioned classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

GRANT COUNTY

T. 8 S., R. 28 E.,
Sec. 19, NW¼SE¼.
T. 9 S., R. 28 E.,
Sec. 6, lots 3 and 6.
T. 8 S., R. 31 E.,
Sec. 32, NE¼NW¼, NW¼SW¼.

ARTHUR W. ZIMMERMAN,
Acting State Director.

[FR Doc.71-2549 Filed 2-24-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 9]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. Section 7 entitled "Credit Interest Rates" is revised to reflect a reduction in the rates of interest, reading as follows:

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) are 6⅛ percent for U.S. bank obligations and 7⅛ percent for foreign bank obligations.

Effective date. This revision shall become effective with respect to the financing of sales made under the CCC Export Credit Sales Program on February 16, 1971.

Signed at Washington, D.C., on February 19, 1971.

KENNETH E. FRICK,
Executive Vice President,
Community Credit Corporation.

[FR Doc.71-2580 Filed 2-24-71;8:50 am]

Consumer and Marketing Service

GRAIN STANDARDS

Texas Grain Inspection Point

Statement of considerations. On November 20, 1970, there was published in the FEDERAL REGISTER (35 F.R. 17863) a notice to consider requests from three parties interested in operating an official inspection agency as defined in section 3(a) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) at Tulia, Tex.

Inspection agencies, members of the grain trade, and other interested parties were given until December 21, 1970, to submit written data, views, or arguments with respect to who should be designated to operate an official inspection agency at Tulia, Tex.

In response to the notice published in the FEDERAL REGISTER, three additional parties applied for designation to operate an official inspection agency at Tulia, Tex. Comments were received from members of the grain trade recommending three of the six applicants. Under the U.S. Grain Standards Act, only one of-

ficial inspection agency can be operative at any one time for any city, town, or other area except under certain circumstances not present in this case.

It is the Department's policy, in designating a party to operate an official inspection agency, to cooperate with State agencies and then with existing agencies, if feasible and if in the public interest. None of the applicants is a State agency. One applicant, the Plainview Grain Exchange, Plainview, Tex., is currently operating an official inspection agency and has been providing temporary inspection services at Tulia, Tex.

After due consideration of all submissions made pursuant to the notice of November 20, 1970, and all other relevant matters, and pursuant to the authority contained in sections 7(f) and 16 of the U.S. Grain Standards Act (7 U.S.C. 79(f) and 87e), the Plainview Grain Exchange, Plainview, Tex., is hereby designated as the official inspection agency at Tulia, Tex.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER (2-25-71).

Done in Washington, D.C., this 22d day of February 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-2542 Filed 2-24-71;8:48 am]

Foreign Agricultural Service

IMPORT QUOTAS

Submission of Information To Establish Eligibility for Licenses

In accordance with Part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202), hereinafter referred to as TSUS, as amended by Proclamation 4026 of December 31, 1970, articles subject to the import quotas provided for in TSUS items 950.10E and 950.16 may be entered, on and after July 1, 1971, only pursuant to a license issued under the authority of the Secretary of Agriculture. With respect to the quota provided for in TSUS item 950.10E, it should be noted that it covers only cheese containing 0.5 percent or less of butterfat having a purchase price under 47 cents per pound or shipped otherwise than in pursuance to a purchase.

Notice is hereby given that, in order for a person to establish eligibility on a historical basis for a license to import such articles, evidence satisfactory to the licensing authority must be submitted on or before March 15, 1971, showing the quantity of such articles as described below which was imported by such person during the 12 months July 1969 through June 1970 and the purchase price thereof in the case of cheese.

For license to improve the commodity covered by TSUS item:	Submit evidence of imports of:
950.10E -----	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in part 3 of the appendix to the TSUS.
950.16 -------	Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, schedule 1, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection).

Records as to the entire quantity imported, regardless of price or whether imported pursuant to a purchase, must be submitted for the cheese described above. Copies of duty paid Customs Entry Forms No. 7501 or Customs Warehouse Withdrawal Forms No. 7505 provide the most acceptable evidence. If these forms are not available, other records may be submitted for a determination of their acceptability as evidencing the quantity of such articles imported during said period and, in the case of cheese, the purchase price. The records should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, and postmarked not later than March 25, 1971.

Issued at Washington, D.C., this 23d day of February 1971.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[FR Doc.71-2663 Filed 2-24-71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

SOUTHERN ILLINOIS UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 71-1389 appearing at page 1922 in the issue for Wednesday, February 3, 1971, the following paragraphs should be inserted immediately following the first complete paragraph in the third column on page 1923:

Docket No. 69-00293-33-46500. Applicant: Albany Medical College, Medical Genetics Division, 47 New Scotland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: February 19, 1969.

Docket No. 69-00323-33-46095. Applicant: New York State Department of Mental Hygiene, Institute for Basic Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Photo microscope II. Date of denial without prejudice to resubmission: March 27, 1969.

Docket No. 69-00329-01-10100. Applicant: University of Illinois, 223 Administration Building, Urbana, IL 61801. Article: Temperature-jump relaxation spectrometer. Date of denial without prejudice to resubmission: June 23, 1969.

Docket No. 69-00340-33-46040. Applicant: Temple University School of Medicine, 3420 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Elmiskop IA. Date of denial without prejudice to resubmission: July 18, 1969.

Docket No. 69-00347-99-29800. Applicant: WGBH Educational Foundation, 125 Western Avenue, Boston, MA 02134. Article: Film editing machine. Date of denial without prejudice to resubmission: March 4, 1969.

Docket No. 69-00384-40-30600. Applicant: University of Maryland, Department of Civil Engineering, College Park, MD 20742. Article: Fluid friction apparatus. Date of denial without prejudice to resubmission: August 28, 1969.

Bureau of International Commerce

[File 26(70)-8]

HERTZ RESEARCH LABORATORY AND D. K. CHAN

Order Denying Export Privileges for an Indefinite Period

In the matter of Hertz Research Laboratory and D. K. Chan, Sincere Insurance Building, 17th Floor, West Wing, 4 Hennessy Road, Hong Kong, B.C.C., respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control regulations. (Title 15, Chapter III, Subchapter B, Code of Federal Regulations.)

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Hertz Research Laboratory has a place of business in Hong Kong; Mrs. Eckila S. Chan, wife of the respondent D. K. Chan, is the registered proprietor of the firm; the respondent D. K. Chan is the active manager of the firm; the firm is engaged as an importer and distributor of electronic and scientific instruments and components. The evidence presented further shows that during the years 1969 and 1970 the respondent firm, acting through the respondent Chan, ordered strategic equipment from U.S. suppliers having an aggregate value of approximately $45,000; four exportations of such commodities, having an approximate value of $17,000 were made to respondents between July 1969 and March 1970. The Investigations Division is conducting an investigation to ascertain the disposition of the commodities exported to respondents and also to ascertain the intended disposition of other commodities that were ordered.

It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to section 388.15 of the Export Control Regulations. The respondents, also pursuant to said section, were requested to furnish certain specific documents relating to this transaction. Said respondents have failed to respond to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.[1]

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their assigns, representatives, agents and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. This order is also applicable to Eckila S. Chan, registered proprietor of the respondent Hertz Research Laboratory.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of section 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: February 19, 1971.

This order shall become effective February 25, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-2510 Filed 2-24-71;8:45 am]

[1] This Act is the successor to the Export Control Act of 1949. The new Act (50 U.S.C. App. sec. 2412(b)), provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

National Oceanic and Atmospheric Administration

[Docket No. C-336]

GERALD WILLIAM SAWYER

Notice of Loan Application

FEBRUARY 17, 1971.

Gerald William Sawyer, 321 McCormick Avenue, Capitola, CA 95010, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 56-foot length overall steel vessel to enage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2535 Filed 2-24-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., Apr. 16, 1968) is hereby amended as follows:

8–B *Assistant Bureau Director, Intermediary Operations, Division of Intermediary Operations* (BHI) through the *Office of the Regional Representative, Health Insurance* (BHI) is superseded by the following:

Deputy Bureau Director, Program Policy (BHI). Provides national leadership and executive direction in initiating, developing, promulgating and interpreting Medicare program policies, standards and directives. This includes: Substantive policies relating to services provided by hospitals, extended care facilities, home health agencies, physicians (including provider-based and teaching physicians), and other suppliers of services; policies for reimbursement under the medical insurance program; provider reimbursement and accounting policies and procedures and technical policies on eligibility requirements for beneficiaries, nonmedical coverage exclusions, hearings and appeals, deductibles and coinsurance, etc. Sets standards for and coordinates the issuance of HI program-related manuals, policy directives and other instructional issuances. Ensures that interrelated policy areas are meshed into well-coordinated overall policies for the Medicare program. Provides Bureau leadership in developing legislative proposals and considering and making recommendations to the Bureau Director on issues concerning national health care administration and financing.

Division of Provider and Medical Services Policy (BHI). Develops, evaluates and maintains policies for the coverage of Medicare services; policies for reimbursing physicians (including provider-based and teaching physicians) and other suppliers of services under the medical insurance program; and standards and criteria for use by intermediary personnel in adjudicating claims submitted for payment. Studies and evaluates existing policies to determine their effectiveness and develops new or revised policies where necessary. Prepares guidelines for regional office review of intermediary performance in applying reasonable charge criteria.

Division of Provider Reimbursement and Accounting Policy (BHI). Develops, evaluates and maintains policies for reimbursement of reasonable costs of Medicare providers and related accounting policies and procedures. Maintains liaison on reimbursement policy and accounting with the American Institute of Certified Public Accountants, intermediary advisory groups, the American Hospital Association and others. Develops and maintains a provider cost analysis program. Determines the nature and extent of deviations by intermediaries from the reasonable cost concept of provider reimbursement and recommends appropriate corrective action. Evaluates the propriety of intermediaries' interpretations of reimbursement principles.

Division of Technical Policy (BHI). Develops, evaluates and maintains policies pertaining to technical and nonmedical program issues such as beneficiary eligibility, deductibles and coinsurance, overpayments, nonmedical exclusions from coverage, etc.; and policies and procedures for reconsiderations, hearing and appeals. Coordinates the development of specifications for health insurance regulations. Develops standards, coordinates and arranges for the issuance of all HI program-related manual and instructional issuances. Prepares the Bureau's case and represents it at hearings involving determinations on provider participation and other administrative determinations.

Deputy Bureau Director, Program Operations (BHI). Provides national leadership and executive direction for Medicare operating systems and program operations involving contractual relationships with intermediaries and carriers and the certification of Medicare providers through State agencies. Develops and monitors systems, methods and procedures for Medicare program operations, including systems involving intermediaries, carriers, providers, and other suppliers of services, enrollment and collection of premiums from beneficiaries, State buy-in and group premium operations. Develops and maintains conditions of participation for providers of services. Directs negotiation of agreements with State agencies for certifying providers and directs the administrative and fiscal relationships with these agencies. Directs the Bureau central and regional administrative and fiscal relationships with intermediaries and carriers including the development of administrative and fiscal policies, procedures and controls relating to contractor operations; preparing the national contractor budget and developing the contents of national subcontracts. Maintains relations with national contractors (Blue Cross Association, Travelers Insurance Co., Railroad Retirement Board, etc.). Provides Bureau leadership in considering and making recommendations to the Bureau Director on issues concerning national health care administration and financing. Takes part in development of legislative proposals.

Division of Contractor Operations (BHI). Develops regulations, policies and procedures for the selection of intermediaries and carriers. Develops and evaluates the terms of intermediary and carrier contracts; policies and procedures regarding contract renewals; and criteria for the approval of subcontracts. Develops, evaluates and maintains fiscal and operating policies, standards and instructions for contractor performance, and guidelines for regional office administrative and financial management relationships with contractors. Conducts the Bureau's relations with the Blue Cross Association and other national contractors. Formulates the national budget for contractor operations. Develops a program for analysis of contractor operations and analyzes the effectiveness of contractor operations on a national basis.

Division of State Operations (BHI). Develops and evaluates the contents of State agency agreements. Develops, evaluates and maintains policies, standards and instructions for State agency administrative and fiscal activities, and guidelines for the regional office relationships with State agencies and regional office review of State agency operations. Formulates the national budget for State agencies. Develops the conditions of participation for providers of services; develops and maintains policies and procedures for provider certification. Reviews and evaluates the provider certification process. Coordinates Bureau activities related to title XIX. Controls the processing of emergency services claims. Reviews regional office decisions on HEW Audit Agency audit exceptions of State agencies and aproves sensitive audit exceptions.

Division of Systems (BHL). Directs the development and issuance of specifications, procedures, and other instructional material to implement and maintain operational systems for intermediaries, carriers, providers and other suppliers of services; the enrollment and eligibility of beneficiaries, their notification as to utilization of services, and the collection of premiums. Within the framework of overall SSA systems planning, prepares general systems plans and develops requirements for the detailed design and programing for model systems used by intermediaries and carriers. Plans, conducts, and evaluates studies aimed at long-range improvements in systems, methods, and procedures.

Assistant Bureau Director, Program Review (BHI). Provides national leadership and executive direction for the review and evaluation of the Medicare program. Is responsible for assessing the extent to which program objectives are being met and how they might be better met. Evaluates the performance of all Bureau components, including regional office surveillance of contractor and State agency operations. Develops and manages a national program to prevent, detect, and document fraud and program abuse situations and assure appropriate follow-through actions, and to validate the effectiveness of Bureau policies, procedures, and screening techniques. Identifies patterns and trends of aberrant payments for health services and appropriately refers identified problems. Develops and negotiates techniques for determining the amount of and means to recover overpayments to institutional providers, physicians, and other suppliers of services. Appraises the provider audit

program, as to resources, costs, effectiveness, etc., and the responsiveness of the program to the Bureau's requirements. Considers and evaluates alternatives to the existing audit program.

Advisory Groups Staff (BHI). Provides technical program support and staff services for the Health Insurance Benefits Advisory Council, its subcommittees and other health insurance advisory bodies. Coordinates BHI legislative activity in connection with Congressional ity and other activities in connection with Congressional hearings in which the Bureau is involved. Drafts the annual report on Medicare. Obtains information for special projects from components throughout BHI, SSA and DHEW and prepares necessary presentations.

Appraisal Staff (BHI). Appraises the Medicare program. Examines the extent to which program objectives are being met and how they might be better met. Evaluates the quality and effectiveness of program administration, program regulations, policies, procedures and operating systems. Serves as Bureau focal point for audit liaison with the Office of Administration and is responsible for coordinating the preparation and assuring the appropriateness of the Bureau's replies to GAO and HEW Audit Agency reports.

Program Evaluation Staff (BHI). Develops policies and procedures for ensuring the integrity of the health insurance program, including the detection of potential fraud and program abuse situations and improving contractor and regional office program integrity activities. Coordinates the Bureau's program integrity activities, including the review of and referral to the Office of Administration and/or the Office of General Counsel of fraud and program abuse cases referred by the regional offices. Develops a program to validate the effectiveness of Bureau policies, procedures, screening techniques, etc., including a system for the acquisition and analysis of operational data to identify aberrant providers. Provides leadership and technical direction to and develops guidelines for the use of regional offices in conducting on-site validation reviews. Conducts selected on-site validation reviews of critical or sensitive cases, to evaluate regional office performance and to maintain the expertise necessary to direct Medicare validation activities.

Provider Audit Program Appraisal Staff (BHI). Evaluates the provider audit program (including postreview of completed cost settlements) in terms of resources employed, costs incurred, degree of effectiveness and the responsiveness of the program to Bureau requirements. Considers and evaluates provider audit program alternatives.

Recovery Staff (BHI). In unusually sensitive or complex cases, develops the amount of overpayment to providers, physicians and other suppliers of services. Negotiates with providers, physicians and other suppliers as to the acceptability of the statistical and sampling techniques used to determine the amount of the overpayment and negotiates the method of repayment. Provides consultation to other governmental components (including Department of Justice) where resort to the courts is necessary to recover an overpayment.

Assistant Bureau Director, Central Operations (BHI). Provides national leadership and executive direction for a variety of the Bureau's centralized staff and operating functions. Directs SSA's function as the intermediary for a nationwide mix of direct-dealing providers and group practice prepayment plans. Directs the Bureau's experimentation and demonstration projects programs, including the incentive reimbursement experimentation program. Makes determinations on intermediaries' decisions for all Part A claims where the beneficiary or his representative has requested reconsideration. Reviews overpayment cases involving beneficiaries to determine the amount of overpayment and completeness of documentation. Plans, directs and coordinates the BHI health insurance inquiries program. Plans, develops, coordinates and conducts a comprehensive program to establish and maintain effective professional relations with individuals and organizations in the health community. Develops, coordinates and implements a total management program for the Bureau, including Bureau-wide organization planning, operational planning and other management analysis functions; internal Bureau financial management; manpower selection and placement; employee development; manpower utilization and administrative services.

Division of Direct Reimbursement (BHI). Plans, directs, coordinates and performs the examination, review, authorization or disallowance, and determination on payments of bills submitted by direct-dealing providers and group practice prepayment plans. Develops methods and procedures for processing the bills of direct-dealers. Directs and coordinates liaison and communication as needed by direct-dealers on all aspects of the health insurance program. Collaborates and follows up with other BHI and SSA components, as necessary, on problems involving direct-dealing providers determines the methods, procedures, policies and reimbursement formulas for current payments to direct-dealing providers, and the amounts, methods and frequency of retroactive adjustments. Analyzes cost reports from direct-dealing entities to validate aggregate costs previously reimbursed and, as part of a continuing aduit program, to determine final program liability for specific accounting periods.

Division of Management (BHI). Develops, coordinates, and implements a total management program for the Bureau, including Bureau-wide organization planning and other management analysis functions, internal Bureau financial management, manpower selection and placement, employee development, position control and manpower utilization. Develops and issues Bureau-wide administrative directives. Provides Bureau-wide project control, problem area reporting, coordination of Bureau operational planning activities, management information and a variety of administrative support services.

Division of Special Operations (BHI). Makes determinations to affirm or reverse intermediaries' decisions on all Part A claims on which a beneficiary or his representative has requested reconsideration. Reviews liability and the amount of overpayment in individual beneficiary overpayment cases, and refers case files to the proper components for appropriate action. Plans, directs and coordinates the BHI inquiries analysis program, including responses to complex health insurance inquiries and analysis of inquiries to determine trends in Congressional and public thinking. Reports trends to top management. Directs the Bureau's experimentation and demonstration projects programs, including the incentive reimbursement experimentation program. Coordinates with related experimentation activities of other DHEW components, e.g., Public Health Service. Conducts studies of nongovernmental reimbursement programs and management controls which show promise of cost containment.

Professional Relations Staff (BHI). Plans, develops, coordinates, and conducts a comprehensive program to establish and maintain effective professional relations with individuals and organizations in the health community. Participates with the Office of Public Affairs in the preparation of information for professional organizations and professional media covering the administration, operations and provisions of the health insurance program.

Office of the Regional Representative, Health Insurance (BHI). Represents the Bureau on a regional level. Assures effective administration of the Medicare program through day-to-day liaison, coordination, and continuing appraisal of Medicare contractors, State agencies, direct-dealing providers, State buy-in agencies, district offices, providers of services and other organizations and individuals involved in Medicare operations. Insures that SSA policies and procedures are implemented, initiates action to resolve problems and reports problems and trends needing national attention to central office. Conducts in-depth surveys to evaluate the health insurance program including contractor performance appraisals, program validation studies, and participation in State agency and district office comprehensive reviews. Directs and participates in program integrity activities in the region. Develops and implements a professional relations program for the region. Reviews, evaluates and approves (within limits of delegated authority) a variety of actions such as full renewal of intermediary and carrier contracts, certain subcontracts, budget actions and annual settlements, State

agency agreements, provider agreements and terminations, State agency budgets, and State buy-in agreements.

(Sec. 6 Reorganization Plan No. 1 of 1953)

Dated: February 17, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

By: RONALD BRAND,
Deputy Assistant Secretary for Management Systems.

[FR Doc.71-2560 Filed 2-24-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 14]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 19, 1971.

The following applications are governed by special rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 2, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 340 (Sub-No. 17), filed January 29, 1971. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides); (a) from the plantsites and storage facilities of Caviness Packing Co., located at or near Hereford and Dalhart, Tex., to points in Illinois, Wisconsin, Michigan, Ohio, and Indiana, and (b) from the plantsite storage facilities of Wilson Beef and Lamb Co., located at or near Hereford, Tex., to points in Massachusetts, Connecticut, New York, New Jersey, Maryland, Pennsylvania, Ohio, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 1824 (Sub-No. 54), filed January 28, 1971. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs*, frozen or not frozen, in vehicles equipped with mechanical refrigeration, serving the plantsite and warehouses of The Great Atlantic and Pacific Tea Co. at Salem, Ohio, as an off-route point in connection with carrier's regular route operation between Youngstown, Ohio, and Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 16672 (Sub-No. 15), filed January 29, 1971. Applicant: MCGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets and skids*, from Chase City, Va., to the District of Columbia, and points in Maryland, Delaware, Pennsylvania, New Jersey, New York, and Connecticut. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 119182 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 17037 (Sub-No. 1), filed January 25, 1971. Applicant: JOHN CURRY, INC., 401 North Broad Street, Philadelphia, PA 19108. Applicant's representative: Alvin S. Moses, 5920 North Broad Street, Philadelphia, PA 19141. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and other products sold by Lindenmeyr-Ward Co., and by Whiting Patterson Co., Inc.*, limited to a service wherein motor vehicles, operated by drivers employed by applicant are leased to the respective shippers and used exclusively by them in the transport of their respective property, (1) from the warehouse of Lindenmeyr-Ward Co., located at Philadelphia, Pa., to points in New Jersey and New York, N.Y., and points in Nassau County, N.Y.; (2) from warehouses and supplies in New York, N.Y., to points in New Jersey, and the commercial zone of Philadelphia, Pa.; and (3) from the warehouse of Whiting Patterson Co., Inc., located at Philadelphia, Pa., to points within New Jersey, New York, N.Y., points in Nassau and Suffolk Counties, N.Y., and return of rejected items to the point of origin, under contract with Lindenmeyr-Ward Co., in (1) and (2) above, and Whiting Patterson Co., Inc., in (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 19105 (Sub-No. 31), filed February 3, 1971. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 346, 301A Highway South, Wilson, NC 27894. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to points in North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30837 (Sub-No. 421), filed December 7, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles* (not designed for highway use and excluding farm and industrial tractors and vehicles weighing 15,000 pounds or more), and parts and accessories therefor when moving therewith, (1) from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Ohio, Pennsylvania, Tennessee, and Wisconsin to points in the United States, including Alaska but excepting Hawaii; and (2) *returned all terrain vehicles*, as described above, from the destination States described above to the origin States named in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30884 (Sub-No. 15) (Amendment), filed January 11, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, amended and republished as amended, this issue. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, from places of manufacture and assembly located in Kansas City, Mo., except those portions of the Kansas City, Mo., commercial zone, which lie within the State of Kansas, to points in the States of Alabama and Wisconsin, under contract with General Motors Corp. NOTE: Common control may be involved. The purpose of this republication is (1) to reflect proposed operations as that of a *contract carrier* in lieu of common carrier, which was shown erroneously in the previous publication, and (2) to reflect restriction and add Alabama and Wisconsin as destination States. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 37578 (Sub-No. 21) (Correction), filed January 11, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished in part, as corrected, this issue. Applicant: JOSEPH W. TREHAN, INCORPORATED, Box 332, North Lima, OH 44452. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, OH 43215. NOTE: The purpose of this partial republication is to include the restriction as follows: "*Restricted* against the transportation of clay products, from Canfield, Ohio, to Ashland, Ky., and points in Kentucky located within the Cincinnati, Ohio, commercial zone as defined by the Commission", which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 41404 (Sub-No. 94), filed February 4, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and bakery goods*, from Jackson, Tenn., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 43144 (Sub-No. 9), filed January 29, 1971. Applicant: GUILFORD TRUCKING, INC., 123 Brook Road, Quincy, MA 02169. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, scrapped and parts of scrapped automobiles*, for the account of D. & R. Auto Parts, Inc., from Johnston, R.I., to Everett, Mass. NOTE: Applicant states no duplication is involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 59640 (Sub-No. 21), filed January 29, 1971. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Parkersburg, Pa., to Woodbridge Township, N.J. Restriction: The authority sought herein is limited to a transportation service to be performed under a continuing contract, or contracts, with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61231 (Sub-No. 55), filed January 25, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies and accessories incidental thereto*, from the plantsite of the Celotex Corp. at Dubuque, Iowa, to points in Indiana and Wisconsin. NOTE: Applicant states it could tack with authority from Iowa, Minnesota, North Dakota, and South Dakota, however no tacking is intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 64932 (Sub-No. 489), filed February 2, 1971. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Muscatine and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 77), filed February 1, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6168, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems; and, parts and accessories* for the above, from Kankakee, Eureka, and Elkhorn, Ill., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, Arizona, Oklahoma, Arkansas, Texas, Louisiana, New Mexico, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 97357 (Sub-No. 37), filed January 22, 1971. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda* (sodium hydroxide), liquid, in bulk, in tank vehicles, from points in Los Angeles County, Calif., to points in California located on the international boundary between the United States and the Republic of Mexico, and to points in Maricopa and Prima Counties, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 100666 (Sub-No. 182), filed February 3, 1971. Applicant: MELTON

TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and materials* used in the installation thereof, from Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Shreveport, La.

No. MC 103993 (Sub-No. 609), filed January 25, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk) from the plantsites and warehouses facilities of Fingerle Lumber Co., in Washtenaw County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 106398 (Sub-No. 526), filed January 25, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections*, (2) *building sections* (3) *building panels*, (4) *parts and accessories* used in the installation and completion of commodities described in (1), (2), and (3) above, from points in Fayette County, Ohio, to points in the United States (except Hawaii and Alaska). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Dayton, Ohio.

No. MC 106509 (Sub-No. 21), filed January 28, 1971. Applicant: YOUNGER TRANSPORTATION, INC., 4904 Griggs Road, Post Office Box 14066, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems, equipment and parts, liquid cooling and vapor condensing systems equipment and parts, environmental control and protective systems equipment and parts, and equipment, materials, and supplies* used in the construction or installation of antipollution and environment control and protective systems and liquid cooling and vapor condensing systems, (1) between points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and (2) between points described in (1) above, on the one hand, and, on the other all points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Houston or Dallas, Tex.

No. MC 107496 (Sub-No. 801), filed January 29, 1971. Applicant: RAUN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, (1) from Keokuk, Iowa, to points in the United States (except Alaska and Hawaii), (2) from Clinton, Iowa, to points in the United States (except Alaska and Hawaii) and (3) from Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 107515 (Sub-No. 727) (Correction), filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished in part, as corrected, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. NOTE: The purpose of this partial republication is to include the State of New York as a destination point which was inadvertently omitted from previous publication. The rest of the application remains as previously published.

No. MC 107515 (Sub-No. 728) (Correction), filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished, in part, as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. NOTE: The purpose of this partial republication is to include the State of Tennessee as a destination point which was inadvertently omitted from previous publication. destination point which was inadvertently omitted from previous publication.

No. MC 107515 (Sub-No. 734), filed January 29, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Human plasma*, in vehicles equipped with mechanical refrigeration, from Houston, Tex., New Orleans, La., Jacksonville and Miami, Fla., to New Jersey, New York, Ohio, Michigan, Indiana, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 108207 (Sub-No. 313), filed February 8, 1971. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods and bakery goods*, from Jackson, Tenn., to points in Arkansas, Illinois, Iowa, Indiana, Kansas, Mississippi, Missouri, Minnesota, Michigan, Nebraska, Texas, Wisconsin, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Chicago, Ill.

No. MC 108341 (Sub-No. 27), filed January 28, 1971. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cargo freight handling equipment;* and (2) *equipment, materials, and supplies* used in the manufacture and assembly thereof, between Charlotte, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 109397 (Sub-No. 248), filed February 1, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, MO 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric controllers and instruments* requiring special equipment or special handling by reason of size or weight, and *parts and attachments* therefor when moving therewith, from points in Roanoke County, Va., to points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Idaho, Nevada, Washington, Oregon, California, Utah, and Arizona. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its Sub-No. 195, which is size or weight authority, which can serve from Virginia to the 26 States, but applicant has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 110393 (Sub-No. 30), filed January 25, 1971. Applicant: GEM TRANSPORT, INC., 1559 East 10th Street, Jeffersonville, IN 47130. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, KY 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from Louisville, Ky., to points in West Virginia, Virginia, Illinois, Kentucky, Indiana, and Ohio, under a continuing contract with Beatrice Foods Co., Blue Valley Division, in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles), and (2) *Cheese, cheese foods and cheese spreads*, from Marshfield, Wis., to points in Georgia, Illinois, North Carolina, South Carolina, Virginia, Tennessee, and Mississippi, under a continuing contract with Central Cheese Co., Inc., in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles). NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110468 (Sub-No. 3), filed February 1, 1971. Applicant: JOSEPH HERR, doing business as HERR TRUCKING COMPANY, 820 Lime Street, Fremont, OH 43420. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products* (except commodities in bulk), from the plantsite of National Gypsum Co., in Sandusky County, Ohio, to points in Kentucky, West Virginia, Pennsylvania, Michigan, and Indiana, and (2) *materials, supplies, equipment, and machinery* used in the manufacture of lime and limestone products (except commodities in bulk), from points in Kentucky, West Virginia, Pennsylvania, Michigan, and Indiana, to the plantsite of National Gypsum Co., in Sandusky County, Ohio, under contract with National Gypsum Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110563 (Sub-No. 57), filed January 29, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, North Ohio Avenue, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh-frozen meat and precooked meat* in portion sizes, from Thorofare, N.J., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Nebraska, and Kentucky. Restriction. Restricted to traffic originating at Thorofare, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 110683 (Sub-No. 78) (Clarification), filed December 18, 1970, published in the FEDERAL REGISTER issue of January 28, 1971, and republished as clarified, this issue. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box No. 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives (household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville and Knoxville, Tenn., (1) from Nashville over U.S. Highway 70N to Knoxville and return over the same route; and (2) from Nashville over Interstate Highway 40 and Interstate Highway 40–75 to Knoxville and return over the same route, serving no intermediate points in (1) and (2) above, as alternate routes for operating convenience only in connection with its existing authority authorizing service at the terminal points of Nashville and Knoxville, Tenn. Restriction: The service authorized above is restricted to the transportation of traffic moving to, from or through Staunton, Va. NOTE: Common control may be involved. The purpose of this republication is to show the operations sought as regular alternate route authority in lieu of irregular which was inadvertently shown in the previous application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111170 (Sub-No. 159), filed January 29, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, from the storage facilities of Allied Chemical Corp. and from the storage facilities of Mississippi Chemical Corp. and/or Coastal Chemical Corp., located at or near Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111401 (Sub-No. 315), filed January 21, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Washington, D.C.

No. MC 111785 (Sub-No. 50), filed January 21, 1971. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wooden pallets*, from the plantsite of Hinchcliff Products Co., at or near Cambridge, Ohio, to the plantsite of Hinchcliff Lumber Co., at or near Hendricks (Tucker County), W. Va.; and (2) *lumber*, from points in West Virginia to points in North Carolina on and west of U.S. Highway 301 (except to points in Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, and Transylvania Counties, N.C.). NOTE: Applicant states by tacking portions of existing authority, it may provide service to all points in North Carolina, to that extent applicant states it seeks to eliminate the need to observe gateways to North Carolina. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 111812 (Sub-No. 415), filed February 3, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Caribou, Maine, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Kansas, Nebraska, Colorado, North Dakota, South Dakota, California, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority

but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112595 (Sub-No. 44), filed February 3, 1971. Applicant: FORD BROTHERS, INC., Post Office Box 727 (Coal Grove), 510 Riverside Drive, Ironton, OH 45638. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, from the plantsite of United States Steel Corporation at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112713 (Sub-No. 130), filed January 25, 1971. Applicant: YELLOW FREIGHT SYSTEMS, INC., Box 8462, 92d at State Line, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), serving Spring Park, Minn., as an offroute point in connection with applicant's authorized regular routes to and from Minneapolis and St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113267 (Sub-No. 257), filed January 21, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Charles, Ill., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 51), filed January 29, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *urea and ammonium nitrate* in bags, from ports of entry on the international boundary line between the United States and Canada at Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *calcium carbide*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada at Ogdensburg, Alexandria Bay, Rooseveltown, Champlain, and Rouses Point, N.Y., to points in Maryland and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 165), filed February 3, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Swift & Co. at or near St. Charles, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 223), filed January 28, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Oak Brook, Ill., on the one hand, and, on the other, Goshen, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority in MC 128616. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 115840 (Sub-No. 64), filed January 25, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, and accessories*, in full or mixed loads, from Holt, Ala., to points in Georgia, Florida, and Tennessee; and (2) *scrap metals* from Georgia, Florida, and Tennessee, to Holt, Ala. Restriction: Restricted to traffic originating or destined to the plantsite of Central Foundry Co. at Holt, Ala., and the States named above. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearings is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115840 (Sub-No. 65), filed January 29, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202). Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Gadsden, Ala., to Birmingham and Guntersville, Ala., for joinder purposes only. Restriction: The above authority is restricted to traffic originating at the facilities of Republic Steel Corp., Gadsden, Ala. NOTE: Common control may be involved. Applicant states that it can and intends to tack to serve traffic destined to points in Georgia, Florida, Mississippi, Tennessee, Arkansas, Oklahoma, and Louisiana on and east of the Mississippi River. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 115841 (Sub-No. 398), filed January 28, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Kentucky. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 115841 (Sub-No. 399), filed January 28, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in New Hanover County, N.C., to points in Alabama, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, West Virginia, Iowa, Nebraska and Missouri. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116110 (Sub-No. 9), filed February 1, 1971. Applicant: P. C. WHITE TRUCK LINE, INC., Post Office Box 1488, Dothan, AL 36301. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, perishables, livestock, naval stores, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham and Montgomery, Ala., from Birmingham over U.S. Highway 31 to Montgomery, serving no intermediate points. NOTE: The purpose of this application is to remove the restriction that applies to applicant's existing regular route general commodity authority over U.S. Highway 31 between Birmingham and Montgomery, Ala., and which reads as follows: "Between Birmingham and Montgomery, Ala., serving no intermediate points, and with service at the termini restricted to traffic moving in carrier's vehicles from or to points south of Montgomery, Ala., which carrier is authorized to serve: From Birmingham over U.S. Highway 31 to Montgomery, and return over the same route." If this application is granted, the described restricted authority will be offered by applicant for cancellation. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 116474 (Sub-No. 22), filed February 3, 1971. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, OR 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vat or pressure treated poles and piling*, from points in Lane County, Oreg., to points in Idaho, Washington, and points in California south of Humboldt, Trinity, Tehama, Butte, Sutter, and Placer Counties, under contract with J. H. Baxter & Co. and L. D. McFarland Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116626 (Sub-No. 6), filed February 4, 1971. Applicant: C. W. EANES, Route 1, Box 5, Gretna, VA. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except plywood and veneer) (a) between points in Ohio, on the one hand, and, on the other, points in Virginia and (b) from points in Virginia to Norfolk and Hampton Roads, Va.; and (2) *Hardwood flooring and articles* used in the installation thereof, and *lumber* between Johnson City, Tenn., and Roanoke, Va. NOTE: Applicant states it has no present intention of tacking but it is possible on lumber at common points of service in Virginia with its lead and Sub 3 certificates. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 117119 (Sub-No. 429), filed January 25, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Shawnee, Okla., to points in the United States (except Alaska and Hawaii) and the Distict of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Memphis, Tenn.

No. MC 117068 (Sub-No. 13), filed January 29, 1971. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos, loading and unloading devices, waste storage tanks, livestock scales and feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems and parts and accessories therefor;* (a) from Kankakee and Eureka, Ill., and Elkhorn, Wis., to points in Iowa, Minnesota, North Dakota, and South Dakota; and (b) from Elkhorn, Wis., to Kankakee and Eureka, Ill. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 38), filed January 25, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats and packinghouse products*, from the storage facilities of Robel Beef Packers, Inc., at South St. Paul, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 118039 (Sub-No. 12) (Clarification), filed January 14, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished as clarified this issue. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, fiberboard*, other than corrugated, and *bakery trays*, from the plantsite and warehouse of the Food Packaging Corp., De Kalb County, Ga., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and

Texas; and (2) *bores, fiberboard, and beverage cartons*, from the plansite and warehouse of Mead Packaging Division of Mead Corp. in Fulton County, Ga., to points in Tennessee on and west of Tennessee Highway 13, beginning at the Alabama State line to the Kentucky State line. NOTE: Applicant states that the requested authority will be tacked from Mead Packaging Division of Mead Corp. to its existing authority under Sub 10, wherein applicant is authorized to serve points in Georgia, Mississippi, Arkansas, Oklahoma, Louisiana, and Texas. The purpose of this republication is to show the operation as "beginning at the Alabama State line" in lieu of Atlanta State line as was previously published. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118263 (Sub-No. 42), filed February 3, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicants representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuff*, from Salisbury, Md., and Downingtown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Michigan, Vermont, Virginia, West Virginia, and the District of Columbia: NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119669 (Sub-No. 18), filed January 25, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, pineapples, and coconuts*, from Galveston, Tex., and New Orleans, La., to points in Wisconsin, Illinois, Alabama, Tennessee, Kentucky, Indiana, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Ohio, Nebraska, Minnesota, North Dakota, South Dakota, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 260), filed January 29, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 188, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hancock County, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and to Kansas City, Kans. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 261), filed February 8, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides) and *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 202), filed January 24, 1971. Applicant: LIGON SPECIALIZED HAULERS, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, moulding, materials, supplies and accessories* (except commodities in bulk), used in the installation of plywood, paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling, and moulding from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant holds contract carrier authority under MC-129670 and subs thereunder, therefore, dual operations and common control may be involved. Applicant states that the authority cannot be tacked with its existing authority. Applicant also states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 119778 (Sub-No. 128), filed January 25, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, AL 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 120257 (Sub-No. 10), filed February 2, 1971. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Fort Collins, Colo., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant has pending application to purchase portion of J H Marks Trucking Co., Inc. In MC 109101, which includes origin point and various States; applicant has earth drilling authority out of Lone Star Texas which could be joined to perform through service. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., Dallas, Tex., or Denver, Colo.

No. MC 123405 (Sub-No. 26), filed February 1, 1971. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, PA 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and related advertising materials*, from the plant and storage facilities of H. J. Heinz Co., located at Allegheny County, Pa., to the Distribution Center for H. J. Heinz Co. at Hapeville, Ga. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 124121 (Sub.-No. 8), filed January 25, 1971. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 1109 Railroad Street, Prentice, WI 54556. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic loading equipment*, for trucks, trailers, or tractors, and *component parts thereof*, from Prentice, Wis., and Zebulon, N.C., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies*, used in the manufacture of hydraulic loading equipment, for trucks, trailers, or tractors, and *component parts therefor*, from points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan, to Prentice, Wis., and Zebulon, N.C.,

under contract with Omark Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 124211 (Sub-No. 171), filed January 29, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities used by Banner Beef Co., at or near Hospers, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, Rhode Island, Vermont, and the District of Columbia. Restriction: The authority sought herein is restricted to the transportation of traffic originating at the above-named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 172), filed February 2, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Caps and closures for glass bottles and containers*, from points in Jefferson County, Ala., and Cook County, Ill., to points in the United States (except Alaska and Hawaii) and (2) *Caps and closures for glass bottles and containers* when moving in mixed shipments with containers (presently authorized), between points in the United States (except Alaska and Hawaii). Restriction: The authority sought herein, to the extent it duplicates authority presently held by applicant, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124679 (Sub-No. 40), filed January 29, 1971. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, UT 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blood plasma* and (2) *commodities* which are exempt from economic regulation under section 203(b)(8) of the Interstate Commerce Act when transported at the same time and in the same vehicle with the commodities in (1) above, from points in Wisconsin, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Virginia, New York, New Jersey, Delaware, Maryland, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, Kentucky, and Utah, to points in Berkeley, Calif. NOTE: Applicant holds contract carrier authority in MC 128813 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 124783 (Sub-No. 14), filed January 25, 1971. Applicant: KATO EXPRESS, INCORPORATED, Post Office Box 291, Elizabethtown, KY 42701. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), restricted to the transportation of shipments having a prior or subsequent movement by air, (1) between Standiford Field, and Louisville, Ky., on the one hand, and, on the other, points in Green, Taylor, Adair, and Clinton Counties, Ky., and (2) between Berry Field and Nashville, Tenn., on the one hand, and, on the other, points in Green, Taylor, Adair, and Clinton Counties, Ky. NOTE: Applicant states it will tack with its existing authority at common points. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 125474 (Sub-No. 28), filed February 2, 1971. Applicant: BULK HAULERS, INC., Post Office Box 3601, Wilmington, NC 28401. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, from Norfolk, Va., and Savannah, Ga., to points in North Carolina. NOTE: Common control and dual operations may be involved. Applicant holds authority in MC-125474 to transport molten sulphur from the Wilmington (N.C.) area to Virginia and South Carolina. Tacking is thus technically possible, but applicant does not anticipate that the traffic offered will involve tacking. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 125996 (Sub-No. 16), filed February 3, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Millard, NE 68137. Applicant's representative: George Bacon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Cerificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., and Dakota City, Nebr., to points in New Jersey and New York, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127844 (Sub-No. 15), filed January 25, 1971. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership doing business as B & J TRANSPORTATION, Post Office Box 48 X-A, Route No. 1, Sumter, SC 29150. Applicant's representative: Henry P. Willimon, Esq., Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, materials and veneer stock* used in the manufacture of new furniture, between points in Nichols, S.C., and the plantsites of Unagusta Manufacturing Corp., Inc., located at Hickory, Waynesville, and Claremont, N.C., Memphis, Tenn., and Nichols, S.C., and (2) *new furniture*, from Nichols, S.C., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 128497 (Sub-No. 8), filed January 25, 1971. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, IA 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities utilized by Wilson Sinclair Co., at or near Monmouth, Ill., to points in Michigan, Indiana, and Ohio, restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations. NOTE: Applicant holds contract carrier authority under MC 124807, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128698 (Sub-No. 4), filed January 21, 1971. Applicant: ERDNER

BROS., INC., Fow and Leahy Avenues, Swedesboro, NJ 08085. Applicant's representative: Chester A. Zyblut, 1522 U Street NW., Suite 634, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Salisbury, Md., and Downingtown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Michigan, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of the instant application is to convert its contract carrier authority to that of a common carrier. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128735 (Sub-No. 8), filed January 25, 1971. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, 731 Second Avenue, Koppel, PA 16136. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper tubing and coils, precharged tubing, air cool coils, ingot bars, copper cathodes, copper scrap, and cooling towers*, from points in Illinois, Michigan, Indiana, New Jersey, New York, Ohio, Massachusetts, Rhode Island, Connecticut, Vermont, and Arkansas to the plantsite of Halstead & Mitchell Co., and Halstead Metal Products, Inc., at Zelienople, Pa., and (2) *copper tubing and coils, precharged tubing, air cool coils, ingot bars, copper cathodes, copper scrap, and cooling towers*, from the plantsite of Halstead & Mitchell Co., and Halstead Metal Products, Inc., at Wynne, Ark., to points in Ohio, Michigan, New York, and New Jersey, under a continuing contract, or contracts, with Halstead & Mitchell Co., and Halstead Metal Products, Inc., of Zelienople, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128917 (Sub-No. 2), filed February 3, 1971. Applicant: HANDY TRUCK LINE, INC., Heyburn, Idaho 83336. Applicant's representative: Leo J. Handy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in bags, from Inkom, Idaho, to points in Box Elder, Cache, Davis, Rich, Salt Lake, Tooele, Morgan, Utah, and Weber Counties, Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 133788 (Sub-No. 2), filed February 2, 1971. Applicant: E Z MESSENGER SERVICE, INC., 98-17 Horace Harding Expressway, Rego Park, NY 11368. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile accessories and parts*, between Rahway, N.J., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, and Hudson Counties, N.J., under contract with Ford Motor Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 133840 (Sub-No. 4), filed Febuary 4, 1971. Applicant: TROY L. SMITH, doing business as TROY L. SMITH TRUCKING COMPANY, 2228 South Santa Fe (Post Office Box 94788), Oklahoma City, OK 73109. Applicant's representative: Rufus H. Lawson, 106 Bixler Building (Post Office Box 75124), Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Creamery butter* (not frozen), from Cushing, Okla., to San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., and points in Arizona and New Mexico, under contract with Burkey Creamery, Cushing, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 133992 (Sub-No. 1), filed October 28, 1970. Applicant: CAPITAL TRANSPORT LTD., Corner of 144 Avenue and 140 Street, Post Office Box 3931, Station D, Edmonton, AB Canada. Applicant's representative: Gerald J. VanHoomissen, 912 Barnnette Street, Fairbanks, AK 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and construction materials*, from ports of entry on the international boundary line between the United States and Canada, located on the Alcan Highway of Alaska and the Yukon Territory, to points within the State of Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 134073 (Sub-No. 9), filed February 2, 1971. Applicant: GENOVA TRANSPORT, INC., Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Glassboro, N.J., to points in Massachusetts, Connecticut, Rhode Island, Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, under a continuing contract with Crown Zellerbach Corp. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134286 (Sub-No. 8), filed February 3, 1971. Applicant: ARTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134933 (Sub-No. 2), filed January 11, 1971. Applicant: IDLEWOOD TRUCKING COMPANY LIMITED, Post Office Box 100, 350 Fruitland Road, Fruitland, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in New York and Pennsylvania, to ports of entry on the international boundary line between the United States and Canada located on the Niagara River, under contract with International Iron and Metal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134978 (Sub-No. 3), filed February 3, 1971. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Greer, S.C. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (1) from Athens, Ga., to points in South Carolina, (2) from Augusta, Ga., to points in North Carolina, South Carolina, and Tennessee, (3) from Waynesboro, Ga., to points in South Carolina, (4) from Charlotte, N.C., to points in South Carolina, (5) from points in Charleston County, S.C., to points in North Carolina, (6) from points in Darlington County, S.C., to points in North Carolina; and (7) from points in Spartanburg County, S.C., to points in Tennessee, Virginia, North Carolina (except Jackson, Macon, Swain, and Graham Counties, N.C.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 135098 (Sub-No. 1), filed February 4, 1971. Applicant: GULF COAST MOLASSES COMPANY, INC., 560 Fairhope Avenue, Fairhope, AL 36532. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cattle feed supplement*, in bulk, in tank vehicles, from Mobile, Ala., to points in Florida, under contract with Rico Liquids, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Birmingham, Ala.

No. MC 135227, filed December 29, 1970. Applicant: CHARLES CLARK, doing business as SPECIAL DISPATCH, 240 West Ohio, Post Office Box 460, Indianapolis, ID 46206. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, body parts, and materials and supplies* dealt in by automobile dealers, between Indianapolis, Ind., on the one hand, and, on the other, Cincinnati, Ohio, and points in the Cincinnati commercial zone as defined by the Interstate Commerce Commission. Restriction: The operations authorized herein are subject to the following conditions. No service shall be rendered in the transportation of any package or article weighing more than 300 pounds, and each package or article shall be considered as a separate and distinct shipment. No service shall be provided in the transportation of packages or articles weighing in the aggregate of more than 300 pounds, from one consignor at one location to one consignee at one location on any one day, under a continuing contract with the Chrysler Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135289, filed February 1, 1971. Applicant: KYLE E. BURGESS, Graham Road, Croswell, Mich. 48422. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Maumee, Ohio, to points in Huron, St. Clair, Sanilac, and Tuscola, Counties, Mich., under contract or contracts with Russell H. Schmidt, doing business as Anderson Fertilizer of Carsonville, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 135290, filed January 22, 1971. Applicant: GERALD C. PHELPS, LOREN PHELPS, AND RAY W. PHELPS, a partnership, doing business as PHELPS COAL COMPANY, 502 East 18th Street, Erie, PA 16503. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, and materials, equipment and supplies* used in the manufacture, installation, or application of roofing and materials (except roofing, tar roofing paper, shingles, and building paper), (1) between Erie, Pa., on the one hand, and, on the other, points in Ohio; and (2) from Erie, Pa., to points in Ohio (except Cincinnati, Ohio), south and west of a line beginning at the Michigan-Ohio State line approximately 1 mile north of Sylvania, Ohio, and extending along unnumbered highway to Sylvania, thence along Ohio Highway 120 to Junction U.S. Highway 20, thence along U.S. Highway 20 to Norwalk, Ohio, thence along U.S. Highway 250 to the Ohio-West Virginia State line. NOTE: Applicant now holds contract property authority under No. MC 89765 and Sub-No. 2. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 135292, filed January 25, 1971. Applicant: GUY MORRAL, 39 West Avenue, Wellsboro, PA 16901. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Tioga and Lycoming Counties, Pa., to points in Monroe, Orleans, Genesee, Wyoming, Allegany, Livingston, Steuben, Yates, Ontario, Wayne, Schuyler, Chemung, Seneca, Cayuga, Tompkins, Tioga, Oswego, Onondaga, Broome, Chenango, Madison, Oneida, Otsego Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135293, filed January 25, 1971. Applicant: DON C. LAVELY, 2323 North Road, Galloway, OH 43119. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between the plantsite of Supersweet Feed, Division, International Multifoods Co., Columbus, Ohio, on the one hand, and, on the other, points in Indiana, under contract with Supersweet Food Division, International Multifoods Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135303, filed January 13, 1971. Applicant: G. D. T. AND S. T. COLEMAN, a partnership, doing business as SOUTH EAST TRANSFER, Box 218, Steinbach, MB Canada. Applicant's representative: S. T. Coleman, Box 218, Steinbach, MB Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Septic tanks, sidewalk blocks, steps, curbing, bar slabs, ornamental plant pots*, all made of concrete, and requiring special unloading equipment, from ports of entry on the United States-Canada boundary at Pine Creek, Minn., and Pembina, N. Dak., to points in Minnesota and North Dakota, on traffic originating in Steinbach, Manitoba, under contract with Barkman Concrete Co. and Barkman Manufacturing Ltd. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 135310, filed February 8, 1971. Applicant: BERKELEY MOVING & STORAGE CO., a corporation, 4900 Allison, Arvada, CO 80002. Applicant's representative: Jack R. Smith, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods in containers*, restricted to providing a local service for a forwarder of household goods, said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic between points in Adams, Arapahoe, Morgan, Summit, Denver, Larimer, Jefferson, Weld, Boulder, and Logan Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

APPLICATION OF FREIGHT FORWARDER

No. FF-398 (BOR-AIR FREIGHT CO., INC. FREIGHT FORWARDER APPLICATION), filed February 12, 1971. Applicant: BOR-AIR FREIGHT CO., INC., 351 West 38th Street, New York, NY 10018. Applicant's representative: Paul Reiber, 1625 Eye Street NW., Washington, DC 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, or motor vehicle in the transportation of: *General commodities*, between all points in the United States, restricted to shipments having a prior or subsequent movement by air.

No. FF-209 (Sub-No. 2) (Correction) (LYONS TRANSPORT, INC., EXTENSION—EXPORT), filed December 31, 1970, published in the FEDERAL REGISTER issue of January 14, 1971, and republished as corrected, this issue. Applicant: LYONS TRANSPORT, INC., 2800 West 38th Street, Chicago, IL 60632. Applicant's representative: H. Neil Garson, 417 West Broad Street, Suite 203, Falls Church, VA 22046. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by rail, motor carrier, and water carrier in the transportation of: *General commodities*, from points in Indiana and Illinois (except those points in Indiana and Illinois in the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin to points in Alabama, California, Florida, Louisiana, Oregon, Virginia, and Washington when consigned for export. NOTE: No duplicating authority is sought by this application.

The purpose of this republication is to include the State of Nebraska in the origin territory, which State was inadvertently omitted in the previous publication.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2492 Filed 2-24-71;8:45 am]

[Notice 251]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 22, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 96860 (Sub-No. 2 TA), filed February 16, 1971. Applicant: CAREY TRUCK LINE, INC., 2222 East 38th Street, Post Office Box 58371, Los Angeles, CA 90058. Applicant's representative: Donald Murchison, Suite 400, Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or useful in the modernization and refurbishing of existing storage and production facilities of petroleum products, in shipments weighing less than 15,000 pounds, having an immediate prior or subsequent movement by motor carrier, between Los Angeles, Calif., and the designated commercial zone thereof, on the one hand, and, on the other points in Monterey County south of Salinas, and San Benito County, south of Hollister, Calif., for 150 days. NOTE: Applicant intends to interline with multiple state carriers at Los Angeles, Calif. Supporting shipper: Mobil Oil Corp., 612 South Flower Street, Los Angeles, CA 90054. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 114301 (Sub-No. 65 TA), filed February 16, 1971. Applicant: DELAWARE EXPRESS CO., Post Office Box 97, Elkton, MD 21921. Applicant's representative: James E. Spry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Lewes, Del., to points in Pennsylvania, Maryland, New Jersey, and that part of Virginia on and east of the Chesapeake Bay, for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, Memphis, TN 38101. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 227 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 124078 (Sub-No. 472 TA), filed February 16, 1971. Applicant: SCHWERMAN TRUCKING CO. (Wis. Corp.), 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Louisville, Ky., to the construction site of Farley Nuclear Plant near Columbia, Ala., for 180 days. Supporting shipper: Walter H. Handy Co., Inc., 1988 South Glenstone, Springfield, MO 65804 (John V. Tinen, President). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125000 (Sub-No. 5 TA), filed February 16, 1971. Applicant: LEON LEDBETTER, Post Office Box 277, Vega, TX 79092. Applicant's representative: Maston C. Courtney, 118 West Seventh Amarillo, TX 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water well gravel*, from points in Pueblo County, Colo., to points in Texas, for 180 days. Supporting shipper: W. D. Jones Drilling Co., Inc., Post Office Box 817, Dumas, TX 79029. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 126276 (Sub-No. 43 TA), filed February 16, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, flavored or phosphated, in bottles or cans, from Munster, Ind., to points in Illinois, Kentucky, and St. Louis, Mo., and from Danville, Ill., to points in Indiana, Kentucky, and St. Louis, Mo., for 180 days. Supporting shipper: Kolmar Products Corp., 1745 North Kolmar Avenue, Chicago, IL 60619. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 126472 (Sub-No. 17 TA), filed February 16, 1971. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, IA 52537. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed, ground, or pulverized clay*, in bulk, from Oran, Mo., to El Paso, Ill., and Council Bluffs, Iowa, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, IA 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 128201 (Sub-No. 5 TA), filed February 16, 1971. Applicant: SCHUSTER GRAIN COMPANY, INC., Seventh Avenue SE., Le Mars, IA 51031. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa products*, (1) from points in Nebraska and Iowa to the plantsite and storage facilities of Sioux Alfalfa Meal Co. at or near Vermillion, S. Dak., and Meckling, S. Dak., and (2) from the plantsite and storage facilities of Sioux Alfalfa Meal Co. at or near Vermillion and Meckling, S. Dak., to points in Nebraska, Iowa, Minnesota, Wisconsin, and Illinois, for 150 days. Supporting shipper: Sioux Alfalfa Meal Co., Vermillion, S. Dak. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 304 Federal Building, Bureau of Operations, Sioux City, IA 51101.

No. MC 135117 (Sub-No. 2 TA), filed February 16, 1971. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City IA 51103. Applicant's representative: Wallace W. Huff, 314 Security Bank Building, Sioux City, IA 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pelts, green*, (1) from the plantsite of Hormel & Co., Fremont, Nebr., to the plantsite of Needham Hide Division, Sergeant Bluff, Iowa; (2) from the plantsite of Midwestern Beef, Norfolk, Nebr., the plantsite of Platt Valley Packing, Darr, Nebr., the plantsite of Caldwell Packing Co., Windom, Minn., to the plantsite of Phillips Pre-Tanning, Inc., Sioux City, Iowa; (3) from the plantsite of Phillips Pre-Tanning, Inc., Sioux City, Iowa; to the plantsite of S. B. Foot Tanning Co., Red Wing, Minn., for 150 days. Supporting shipper: Needham Packing Co., Inc., 1911 Cunningham Drive, Sioux City, IA 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 133240 (Sub-No. 13 TA) (Correction), filed January 29, 1971, published in the FEDERAL REGISTER issue of February 5, 1971, and republished in part, as corrected, this issue. Applicant: WEST END TRUCKING CO., INC., 530 Ducan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The purpose of this partial republication is to reflect Applicant's correct name as WEST END TRUCKING CO., INC., in lieu of Carolina Trucking Co., Inc., which was shown erroneously in previous publication. The rest of the application remains the same.

No. MC 135316 TA, filed February 16, 1971. Applicant: AIR-TRUCK SERVICE, INC., doing business as KANAWHA VALLEY AIR FREIGHT, 302 L & S Building, Charleston, WV 25301. Applicant's representative: David L. Caruthers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, having a prior or subsequent movement by air, between the airports serving Charleston and Huntington, W.Va., on the one hand, and on the other, points in Boone, Braxton, Cabell, Clay, Calhoun, Gilmer, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Pocahontas, Roane, Summers, Wayne, and Webster Counties, W. Va., points in Greenup and Boyd Counties, Ky., points in Lawrence, Scioto, and Gallia Counties, Ohio, for 180 days. Supporting shippers: Allegheny Airlines, Inc., Kanawha Airport, Charleston, W. Va. 25311, Attention: Ed Boyer, Manager; American Airlines, Inc., Kanawha Airport, Charleston, W. Va. 25311, Attention: Nelson Downes, Manager; Eastern Airlines, Inc., Kanawha Airport, Charleston, W. Va. 25311, Attention: Charles M. Ashby, Manager; Piedmont Airlines, Inc., Kanawha Airport, Charleston, W. Va. 25311, Attention: David Smith, Manager; United Airlines, Inc., Kanawha Airport, Charleston, W. Va. 25311, Attention: George W. Jackson, Manager of Sales and Service, Shulman Air Freight, 20 Olney Avenue, Cherry Hill, NJ 08034, Attention: Joseph W. Watson, Vice President. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2562 Filed 2-24-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL.

Redelegations of Authority With Respect to Specific Programs and Matters, Region VIII (Denver)

SECTION A. *Authority redelegated with respect to renewal assistance programs.* The officials listed below are authorized to exercise the following powers and authorities of the Secretary of Housing and Urban Development with respect to Renewal Assistance Programs:

1. The Assistant Regional Administrator for Renewal Assistance is authorized to exercise the power and authority described in section D of the redelegations with respect to Renewal Assistance Programs, 35 F.R. 16102, October 14, 1970.

2. The Assistant Regional Administrator for Renewal Assistance and the Rehabilitation Loan and Grant Specialist, each is authorized to exercise the power and authority described in section F of the redelegations with respect to Renewal Assistance Programs, 35 F.R. 16102, October 14, 1970.

3. The Assistant Regional Administrator for Housing Management and Community Services and the Relocation Advisor, each is authorized to exercise the power and authority described in section G of the redelegations with respect to Renewal Assistance Programs, 35 F.R. 16102, October 14, 1970.

SEC. B. *Authority redelegated with respect to housing management.* The officials listed below are authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to Housing Management:

1. The Assistant Regional Administrator for Housing Management and Community Services is authorized to exercise the power and authority described in section E of the redelegations with respect to Housing Management, 35 F.R. 16105, October 14, 1970.

2. The Housing Management Officer is authorized to exercise the power and authority described in section F of the redelegations with respect to Housing Management, 35 F.R. 16105, October 14, 1970.

3. The Regional Economist is authorized to exercise the power and authority described in section G of the redelegations with respect to Housing Management, 35 F.R. 16105, October 14, 1970.

SEC. C. *Authority redelegated with respect to loan and contract servicing.* The Assistant Regional Administrator for Housing Management and Community Services is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to Loan and Contract Servicing described in sections A, 2; B; and C; 35 F.R. 16104, October 14, 1970.

SEC. D. *Authority redelegated with respect to property disposition.* The Assistant Regional Administrator for Housing Management and Community Services is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to Property Disposition described in section A, 35 F.R. 16106, October 14, 1970.

SEC. E. *Exercise of redelegated authority.* Redelegations of authority made under sections A through D shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator or Assistant Regional Administrators, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 35 F.R. 15025, Sept. 26, 1970, and other authorities set forth therein)

Effective date. This redelegation of authority is effective as of September 1, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

[FR Doc.71-2579 Filed 2-24-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-116]

GULF INTRACOASTAL WATERWAY, FLORIDA

Notice of Proposal To Establish Guide Clearances

The Commandant has under consideration a request by the Department of Natural Resources, State of Florida, to revise the existing guide (standard) clearances for bridges over the section of the Gulf Intracoastal Waterway between Pensacola Bay and Apalachee Bay, Fla., to conform with the greater guide clearances established for the Atlantic Intracoastal Waterway in Florida. The existing guide clearances are 50 feet vertical above mean high water and 125 feet horizontal. The proposed revision will increase these clearances to 65 feet vertical above mean high water and 150 feet horizontal.

The Commandant also is considering the establishment of guide clearances for those sections of the Gulf Intracoastal Waterway authorized for construction from Apalachee Bay to Tampa, Fla., including adjacent or connecting waterways as appropriate. It is proposed to establish the same guide clearance of 65 feet vertical above mean high water and 150 feet horizontal and thereby promote uniformity within the system east of Pensacola Bay to Tampa.

The intent of the establishment of these guide clearances is to inform bridge builders and navigation interests prospectively of the manner in which the Coast Guard proposes to act with respect to future bridge applications on a particular waterway viewed as an integral navigation system. These guide clearances will be applied to future bridges to be constructed within the designated waters, unless reasonable and substantial reasons for deviating therefrom are found to exist. In evaluating each application for a permit for construction of a bridge across these waterways, additional matters, such as the precise location of the bridge, its design and details concerning its operation and maintenance, also will be considered to determine the effect of the proposed structure on navigation and the environment. Authority for this action is set forth in section 9, 30 Stat. 1151, as amended (33 U.S.C. 401); section 1, 34 Stat. 84, as amended (33 U.S.C. 491); section 502 et seq. (except sections 502(c) and 503), 60 Stat. 847; as amended (33 U.S.C. 525 et seq.); sections 6(g)(A), (B), and (C), 80 Stat. 937 (49 U.S.C. 1655(g)(6)(A), (B), and (C)); 49 CFR 1.46(c)(8), (9), and (10) (35 F.R. 4959).

Interested persons may participate in the formulation of these guide clearances by submitting written data, views, arguments, or comments as they may desire on or before March 29, 1971. Submissions should be made in writing. Submissions pertaining to the proposed revision of the guide clearances between Apalachee Bay and Pensacola Bay should be made to the Commander, Eighth Coast Guard District (oan), Customhouse, New Orleans, LA 70130. Submissions pertaining to the proposed new guide clearances between Apalachee Bay and Tampa should be made to the Commander, Seventh Coast Guard District (oan), Room 1018, Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.

It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address, and firm or organization, if any, making the submission. Each submission received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. These proposals may be changed in light of the comments received. Copies of all written submissions will be available for examination by interested persons at the office of the district commander who has jurisdiction over that portion of the Gulf Intracoastal Waterway concerned. After the time set for submission of comments by interested parties the Commanders of the Seventh and Eighth Coast Guard Districts will forward the record, including all written submissions and their recommendations with respect to the proposals and submissions to the Commandant, United States Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: February 12, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-2532 Filed 2-24-71;8:47 am]

[CGFR 70-117]

KISSIMMEE RIVER BASIN AND UPPER ST. JOHNS RIVER, FLA.

Notice of Proposal To Establish Guide Clearances

The Commandant has under consideration the establishment of guide (standard) clearances for bridges across the Kissimmee River and the proposed Small Boat Navigation Projects of the U.S. Corps of Engineers for the Kissimmee River Basin and the upper St. Johns River Basin. Maps of the areas under consideration may be obtained on request from the Commander, Seventh Coast Guard District (oan), Federal Building, 51 Southwest First Avenue, Miami, FL 33130.

The guide clearances proposed for the Kissimmee River, from Lake Okeechobee to Cypress Lake, are 12 feet vertical above design water elevation and a horizontal clearance of 30 feet.

The guide clearances proposed for the Small Boat Navigation Project, Kissimmee River Basin are 6 feet vertical above design water elevation and a horizontal clearance of 30 feet. The waterways concerned consist of a complete loop of locks and canals in the headwaters which start at Cypress Lake proceeding upstream in a clockwise direction through Lakes Tohopekaliga, East Tohopekaliga, Hart, Mary Jane, Myrtle, Lizzie, Alligator, Gentry, and thence to Cypress Lake.

The guide clearances proposed for the Small Boat Navigation Project, upper St. Johns River Basin, are 12 feet vertical clearance above design water elevation and a horizontal clearance of 30 feet on the section between Lake Harney and U.S. Highway 192 above Lake Washington; and 6 feet vertical clearance above design water elevation and a horizontal clearance of 30 feet for the section between U.S. Highway 192 above Lake Washington and State Route 60 including the Sebastian Canal Outlet to Indian River.

The intent of the establishment of these guide clearances is to inform bridge builders and navigation interests prospectively of the manner in which the Coast Guard proposes to act with respect to future bridge applications on a particular waterway viewed as an integral navigation system. These guide clearances will be applied to future bridges to be constructed within the designated waters, unless reasonable and substantial reasons for deviating therefrom are found to exist. In evaluating each application for a permit for construction of a bridge across these waterways, additional matters, such as the precise location of the bridge, its design and details concerning its operation and maintenance, also will be considered to determine the effect of the proposed structure on navigation and the environment.

Authority for this action is set forth in section 9, 30 Stat. 1151, as amended (33 U.S.C. 401); section 1, 34 Stat. 84, as amended (33 U.S.C. 491); section 502, et seq. (except sections 502(c) and 503), 60 Stat. 847, as amended (33 U.S.C. 525, et seq.); sections 6(g)(6) (A), (B), and (C), 80 Stat. 937 (49 U.S.C. 1655(6) (A), (B), and (C)); 49 CFR 1.46(c) (8), (9), and (10) (35 F.R. 4959).

Interested persons may participate in the formulation of these guide clearances by submitting written data, views, arguments, or comments as they desire on or before March 29, 1971. Submissions should be made in writing to the Commander, Seventh Coast Guard District (oan), Federal Building, 51 Southwest First Avenue, Miami, FL 33130. It is requested that each submission state the subject to which it is directed, the specific recommended change and the name, address, and firm or organization, if any, making the submission. Each submission will be fully considered and evaluated before final action is taken on the proposals in this document. These proposals may be changed in light of the comments received. Copies of all written submissions will be available for examination by interested persons at the Office of the Commander, Seventh Coast Guard District (oan).

After the time for submission of comments by interested parties, the Commander, Seventh Coast Guard District will forward the record, including all written submissions and his recommendations with regard to the proposals and submissions to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: February 12, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-2533 Filed 2-24-71;8:47 am]

Federal Railroad Administration

[FRA-Petition-No. 26]

SEABOARD COAST LINE RAILROAD CO.

Petition for Relief From the Requirement of Initial Terminal Road Train Air Brake Tests

The notice issued in this proceeding dated February 9, 1971, should be corrected to show that relief is also sought pertaining to a run-through train interchanged at Atlanta, Ga., between the Seaboard Coast Line Railroad Co. and the Louisville and Nashville Railroad Co. The prior notice failed to mention this particular train and the purpose of this notice is to correct the omission in the earlier notice.

Dated this 19th day of February 1971 in Washington, D.C.

ROBERT R. BOYD,
Director Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-2524 Filed 2-24-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 850 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 4, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of January 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-1543 Filed 2-3-71;8:49 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1141 Filed 1-27-71;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, NJ 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic Coast, approximately 2 miles south of the community of Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 18, 1971.

The proposed nuclear power plant is designed for initial operation at approximately 3390 thermal megawatts with a net electrical output of approximately 1129 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the office of the Mayor of Lacey Township, Frog Hill Road, Forked River, N.J.

Dated at Bethesda, Md., this 16th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2318 Filed 2-17-71;9:52 am]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Co., 1000 Chestnut Street, Philadelphia, PA 19105, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 587 acres located on the Schuylkill River about 1.7 miles southeast of Pottstown, in Limerick Township, Montgomery County, Pa.

The proposed nuclear reactors, designated by the applicant as the Limerick Generating Station Units 1 and 2, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Public Library, 500 High Street, Pottstown, PA.

Dated at Bethesda, Md., this 17th day of February, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2404 Filed 2-24-71;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE AND GAS CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Co., 80 Park Place, Newark, NJ 07101, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated February 26, 1970, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors on the applicant's site of approximately 530 acres

located in Bordentown Township, Burlington County, N.J. The proposed site is situated on Newbold Island, which is in the Delaware River approximately 5 miles south of the city limits of Trenton, N.J., and approximately 11 miles northeast of the Philadelphia city limits.

The proposed nuclear reactors, designated by the applicant as the Newbold Island Nuclear Generating Station, are each designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,088 megawatts per unit.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 25, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the offices of the Public Service Electric and Gas Co. located at 222 East State Street, Trenton, NJ, and at 437 High Street, Burlington, NJ.

Dated at Bethesda, Md., this 17th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2405 Filed 2-24-71;8:45 am]

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

Order Authorizing Dismantling of Facility

By application dated December 18, 1970, the Westinghouse Electric Corp. at Pittsburgh, PA, requested authorization to dismantle and dispos of the Critical Experiment Station (CES) Facility and its fuel under Facility License No. CX-11. The CES Facility is located at Waltz Mill, PA, and has been operating since 1958 at very low power levels.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantlement, decontamination, and disposal of the component parts and fuel in accordance with the regulations in 10 CFR Chapter I and the application will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that the Westinghouse Electric Corp. may dismantle the CES Facility covered by Facility License No. CX-11, as amended, in accordance with its application dated December 18, 1970.

Upon completion of the dismantlement of the CES Facility, decontamination of the facility site, disposal of the component parts and the reactor fuel, and an inspection by representatives of the Atomic Energy Commission, consideration will be given to the issuance of an order terminating Facility License No. CX-11.

Date of issuance: February 12, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2516 Filed 2-24-71;8:45 am]

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

FEBRUARY 19, 1971.

Notice is hereby given that the Civil Aeronautics Board on February 18, 1971, received an application, Docket 23119, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for Route 97 to authorize it to provide nonstop service between Chicago, Ill., and Indianapolis, Ind. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of part 302 (14 CFR Part 302).

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-2573 Filed 2-24-71;8:50 am]

[Docket No. 20273; Order 71-2-89]

EUREKA AERO INDUSTRIES

Order To Show Cause

Issued under delegated authority February 19, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 68-10-164, dated October 29, 1968, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Eureka and San Francisco, Calif.

The Postmaster General filed a petition on February 2, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 68.17 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 2, 1971, to Eureka Aero Industries, pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 68.17 cents per great circle aircraft mile between Eureka and San Francisco, Calif.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Cessna 402A aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Eureka Aero Industries, the Postmaster General, Hughes Air Corp., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

5. This order shall be served upon Eureka Aero Industries, the Postmaster General, and Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2577 Filed 2-24-71;8:50 am]

OZARK AIR LINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

FEBRUARY 19, 1971.

Notice is hereby given that the Civil Aeronautics Board on February 18, 1971, received an application, Docket 23117, from Ozark Air Lines, Inc., for amendment of its certificate of public convenience and necessity for Route 107 to provide nonstop service between Denver, Colo., on the one hand, and Des Moines, Iowa, Cedar Rapids-Iowa City, Iowa, Davenport, Iowa-Moline, Ill., Peoria, and Champaign-Urbana, Ill., on the other hand; further, that United Air Lines be proscribed from providing nonstop service between Denver on the one hand, and Cedar Rapids and Moline, on the other hand, while Ozark is authorized to provide nonstop service. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-2574 Filed 2-24-71;8:50 am]

[Docket No. 23040]

TAMPA-MEXICO CITY NONSTOP SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 15, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Information and evidence requests, statements of proposed issues, and proposed procedural dates of the Bureau of Air Operations should be filed with the examiner and served upon the applicants on or before March 5, 1971. Similar requests of the applicants shall be filed on or before March 11, 1971.

Dated at Washington, D.C., February 22, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-2575 Filed 2-24-71;8:50 am]

[Docket No. 20569]

TRANSATLANTIC SUPPLEMENTAL CHARTER AUTHORITY RENEWAL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on March 17, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW, Washington, DC, before the Board.

Dated at Washington, D.C., February 19, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-2576 Filed 2-24-71;8:50 am]

FEDERAL MARITIME COMMISSION

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary General, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England

Agreement No. 7840-78, filed by authority of and on behalf of Members of the Atlantic Passenger Steamship Conference, modifies Agreement No. 7840, as amended, to comply with General Order 7 (Revised) published in the FEDERAL REGISTER on October 28, 1970, concerned with self-policing systems.

Dated: February 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2555 Filed 2-24-71;8:48 am]

OUTWARD CONTINENTAL NORTH PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 93-6 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7 as revised on October 27, 1970, and restates Article 9 in its entirety.

Dated: February 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2556 Filed 2-24-71;8:48 am]

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. T. P. McCutchan, Manager, Property Management, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2185-3, between the Port of Seattle (Port) and Alaska Steamship Co. (Company), modifies the basic agreement which provides for the lease of certain premises at Seattle, Wash. The purpose of the modification is to phase out certain portions of the leased premises.

Dated: February 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2557 Filed 2-24-71;8:48 am]

UNITED KINGDOM/UNITED STATES PACIFIC FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 3357-6 amends the basic agreement to (1) delete Honolulu from the geographic scope and (2) include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: February 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2558 Filed 2-24-71;8:48 am]

FEDERAL POWER COMMISSION

OUTSTANDING SUSPENSION PROCEEDINGS AND TEMPORARY CERTIFICATES INVOLVING INDEPENDENT PRODUCERS

Order Shortening Suspension Periods and Eliminating Conditions Precluding Increased Rate Filings in Temporary Certificates

FEBRUARY 18, 1971.

By separate order issued in Docket No. R-407 concurrently with the issuance of this order, the Commission has provided that if it decides to suspend a rate change filing made by an independent producer under section 4(d) of the Natural Gas Act and such rate change is filed at least 60 days prior to its proposed effective date, the suspension period will be for 1 day unless the Commission waives the 60-day notice period or imposes a longer suspension period.

In the notice of proposed rulemaking issued November 6, 1970, in Docket No. R-407, we indicated that if an order were issued adopting the 1-day suspension period proposed in such rulemaking we would also by separate order modify outstanding suspension orders so that the suspension periods provided therein will expire as of the effective date of a Commission order adopting such policy or as of 1 day from the date a proposed change would otherwise become effective in the absence of suspension, whichever is later. We further indicated that we would waive conditions in temporary certificates prohibiting any contractually authorized increased rate filing above the initial rates authorized therein.[1]

None of the parties who filed comments in opposition to the 1-day suspension period proposed in Docket No. R-407 specifically objected to the modification of outstanding suspension orders. The various comments with respect to the 1-day suspension policy are discussed in the order issued concurrently herewith in Docket No. R-407 and need not be repeated here. Suffice it to say that the same reasons justifying a 1-day suspension policy also warrant modification of existing suspension orders so as to afford the producers involved some measure of relief.[2] Pipeline purchasers, however, should receive in these circumstances at least 30 days' notice of our action. We therefore modify existing suspension orders so that the suspension periods shall expire after 30 days from the date of issuance of this order or as of 1 day from the date a proposed change would otherwise become effective in the absence of suspension whichever is later.[3] We shall also provide that the proposed rate changes affected by such modification shall be collected, subject to refund, as of the expiration of the shortened suspension period provided herein.

The Public Service Commission of New York (New York) in its comments filed in Docket No. R-407 specifically objected to the proposed waiver of conditions in temporary certificate precluding producers from filing for contractually authorized rate increases. The rate conditions involved here are no longer justified in our view because they have the effect of precluding a producer from collecting a just and reasonable rate for such sale if the just and reasonable rate is determined at the conclusion of an area rate proceeding to be higher than the initial rate authorized under the temporary certificate. We shall therefore waive these conditions in existing temporary certificates.

The Commission finds: Good cause exists for modifying outstanding suspension orders and for waiving any conditions in a temporary certificate prohibiting a producer from filing for a contractually authorized rate increase, as hereinafter provided.

The Commission orders:

(A) All outstanding suspension orders, except to the extent that they involve sales in the Southern Louisiana area and except in those situations where the primary suspension period ordered by the Commission will expire prior to the expiration of the shortened suspension period provided herein, are hereby modified so that the suspension periods provided therein shall expire after 30 days from the date of issuance of this order or as of 1 day from the date a proposed change would otherwise become effective in the absence of suspension, whichever is later. Any proposed rate change affected by this modification shall become effective, subject to refund, as of the expiration of the shortened suspension period provided herein, without any further action by the producer involved or by the Commission.

(B) Notwithstanding any condition to the contrary in any temporary authorization for a sale by a producer, except for sales by producers in the Hugoton-Anadarko area, the Appalachian and Illinois Basin areas and the Southern Louisiana area, the producer thereunder may file any contractually authorized rate.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2527 Filed 2-24-71;8:46 am]

[Dockets Nos. RP70-7, RP70-17]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Extension of Time

FEBRUARY 18, 1971.

On February 10, 1971, South Georgia Natural Gas Co. filed a request for an extension of time to and including February 26, 1971, within which to file briefs on exceptions to the Presiding Examiner's Initial Decision issued on November 10, 1970. The request states that the other parties have no objection to the requested extension.

Upon consideration, notice is hereby given that the time is extended to and including February 26, 1971, within which briefs on exceptions may be filed by all participants.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2525 Filed 2-24-71;8:46 am]

[1] The Commission has previously waived conditions in temporary certificates with respect to producer sales in the Hugoton-Anadarko area so as to permit them to file for rates not in excess of the ceilings prescribed in Opinion No. 586. The Commission has also established just and reasonable rates for sales in the Appalachian and Illinois Basin areas and imposed a moratorium on filings in excess of the rates established there. The Commission has also waived conditions in temporary certificates with respect to producer sales in Southern Louisiana, thus permitting producers there to file for any contractually authorized rate increase within certain limits. Consequently, as indicated in the November 6 notice, any action taken herein would not include the Hugoton-Anadarko area, the Appalachian and Illinois Basin areas, or the Southern Louisiana area.

[2] In view of the special procedures set up for rate filings made on or before Nov. 27, 1970, in connection with the lifting of the Southern Louisiana moratorium in the order issued Oct. 27, 1970, in Docket No. AR69-1 concurrently with the issuance of Order No. 413, and the shortened suspension period permitted for Southern Louisiana filings made after Nov. 27, 1970 (see, for instance, Texas Gas Exploration Corp., et al., Docket No. RI171-562, et al., order issued Jan. 8, 1971), the action taken herein will not apply to Southern Louisiana sales.

[3] This modification, of course, shall have no applicability to those situations where the primary suspension period ordered by the Commission will expire prior to the expiration of the shortened suspension period provided by this order.

FEDERAL RESERVE SYSTEM

FIRST UNION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Union, Inc., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The National Bank in North Kansas City, North Kansas City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, February 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2530 Filed 2-24-71;8:46 am]

OVERSEAS PRIVATE INVESTMENT CORPORATION

ORGANIZATION AND FUNCTIONS

Bylaws

ARTICLE I—BOARD OF DIRECTORS

SECTION 1. All powers of the Corporation shall vest in and be exercised by the Board of Directors. These powers may be delegated herein or by Resolution duly adopted by the Board of Directors.

SEC. 2 The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio, as provided by the legislation creating the Corporation.

SEC. 3. Without prejudice to the general powers of the Board of Directors it is hereby expressly declared that the Board of Directors shall perform the following functions:

(a) The Board of Directors shall prescribe, amend and repeal rules and regulations governing the manner in which the business of the Corporation may be conducted and in which the powers granted it by law may be exercised and enjoyed.

(b) The Board of Directors shall from time to time provide for the allocation of such funds to the Insurance and Guaranty Reserves as it deems appropriate.

(c) The Board of Directors shall, after the end of each fiscal year, approve and authorize for transmission to the Congress a complete and detailed report of the Corporation's operations during such fiscal year as required by the legislation creating the Corporation and to the Office of Management and Budget a budget as required by section 102 of the Government Corporation Control Act.

ARTICLE II—THE PRESIDENT

SECTION 1. The President shall be the chief executive officer of the Corporation, responsible to and under the general direction of the Board of Directors. He shall have general supervision, direction and control of the business and officers of the Corporation in accordance with policies established by the Board of Directors and shall exercise all powers and authorities of the Corporation except as the Board of Directors may otherwise provide. He shall represent the Corporation generally in its relations with the Congress of the United States, with agencies and departments of the Government, and with all others having business with the Corporation. Wherever any statute or regulation provides for the exercise of any functions or authorities by a head of agency, such functions or authorities shall be exercised by the President. Except as limited by action of the Board of Directors, the President may make rules and regulations with respect to the Corporation and its business and may delegate all or any part of his authority, including authority to obligate the Corporation.

SEC. 2. Except as may be otherwise provided by law or action of the Board, the President may appoint such officers, employees, attorneys, and agents as, from time to time, may be deemed necessary and may prescribe their duties and may fix their salaries or other compensation. Any such officer, employee, attorney, or agent of the Corporation may be removed at any time by the President. The appointment or removal of any Vice President of the Corporation, the Treasurer of the Corporation, and such other

officers as the Board may from time to time determine shall be subject to approval by the Board. The powers herein confirmed relating to the appointment and removal of officers, employees, attorneys, and agents shall be in conformity with basic policy decisions developed by the Board of Directors and subject to the provisions of law and of rules and regulations of the Civil Service Commission to the extent made applicable by law.

ARTICLE III—BOARD PROCEDURE

SECTION 1. The Board of Directors shall meet monthly in regular meeting at such times and places as may be specified by the Board.

SEC. 2. Special meetings of the Board of Directors may be held at any time upon call of the Chairman or the President and shall be called upon request of any three members of the Board of Directors. The Secretary shall give notice of the time, place, and purpose of each special meeting by mailing the same at least 10 days before the meeting, or by telegraphing the same at least 7 days before the meeting to each Director. Any special meeting at which a quorum is present shall be a legal meeting without regard to the foregoing notice provisions if each Director not present gives written consent to the meeting within 10 days thereafter.

SEC. 3. Six members of the Board of Directors shall constitute a quorum for the transaction of business at any meeting. Except as otherwise provided herein, the act of a majority of the Directors present at a meeting shall constitute action of the Board of Directors. The vote of a majority present and voting on a particular question shall be sufficient to constitute action of the Board of Directors under the circumstances specified in section 5 of this Article. No Director may vote at any meeting by proxy or by any other method than in person, except that written approval of a resolution by each Director shall constitute action of the Board of Directors.

SEC. 4. Except as otherwise provided herein, any and all business of the Board of Directors may be transacted at any regular or special meeting of the Board of Directors. The Chairman of the Board shall preside at all meetings thereof. The President of the Corporation, in the absence of the Chairman, may call and shall prescribe over meetings of the Board of Directors. The Chairman may designate a member of the Board of Directors who, in the absence of the Chairman and the President, shall act as Chairman of the Board for purposes of calling and presiding over meetings of the Board of Directors.

SEC. 5. Any Director who deems it necessary or prudent to disqualify himself from participation in Board action on any matter in which he may have or may appear to have a conflict of interest shall advise the Chairman of his disqualification. A Director who is so disqualified shall be counted as present at the Board meeting for quorum purposes. A majority of the Directors present and voting shall be sufficient to constitute Board action on any question on which one or more Directors shall have disqualified himself by reason of conflict of interest.

SEC. 6. Amendments. The Bylaws may be amended at any regular or special meeting of the Board of Directors by the affirmative vote of at least six Directors provided that notice of the general nature of any proposed amendment has been given in the manner prescribed in section 2 of Article III. *And provided, further*, That such notice may be waived by the written consent of each Director.

ARTICLE IV—CORPORATE SEAL

SECTION 1. Seal. The seal of the Corporation shall be in such form as may be approved, from time to time, by the Board of Directors.

SEC. 2. Affixing and Attesting. The seal of the Corporation shall be in the custody of the Secretary, who shall have power to affix it to the proper corporate instruments and documents, and who shall attest it. In his absence, it may be affixed and attested by an Assistant Secretary, if any, or by the Treasurer or an Assistant Treasurer, if any, or by any other person or persons as may be designated by the Board of Directors.

CERTIFICATE: I, James R. Lowe, Jr., Secretary (Acting) of the Overseas Private Investment Corporation, do hereby certify that this is a true and correct copy of the Bylaws of the Corporation, which Bylaws were duly adopted by the Board of Directors of the Corporation at their first meeting held on January 19, 1971, which are in full force and effect on the date hereof.

In witness whereof I have hereunto set my hand this 8th day of February, 1971.

JAMES R. LOWE, Jr.,
Acting Secretary.

[FR Doc.71-2536 Filed 2-24-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4979]

ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Surety Bond by Holding Company

FEBRUARY 16, 1971.

Notice is hereby given that Allegheny Power System, Inc. (Allegheny), 320 Park Avenue, New York, NY 10022, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 12 (b) and (f) thereof and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Allegheny proposes as surety to become bound to the State of West Virginia in an amount not to exceed $8,600,000 as determined by the West Virginia Public Service Commission to ensure the prompt refund by its wholly owned subsidiary company Monongahela Power Co. (Monongahela) of all amounts Monongahela, under certain tariffs filed with said Public Service Commission on November 4, 1970, may collect or receive in excess of such rates and charges as may be finally fixed by said Public Service Commission, plus interest at the rate of 6 percent per annum. The purpose of the proposed transaction is to enable Monongahela to begin using the new rates prior to completion of the Public Service Commission's investigation, hearing, and decision with respect thereto.

The declaration states that no fees or expenses are to be incurred in connection with the proposed transaction and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 5, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2515 Filed 2-24-71;8:45 am]

[70-4972]

NARRAGANSETT ELECTRIC CO.

Notice of Proposed Issue and Sale of Preferred Stock at Competitive Bidding and Amendment of Preferred Stock Preference Provisions

FEBRUARY 16, 1971.

Notice is hereby given that the Narragansett Electric Co. (Narragansett), 280 Melrose Street, Providence, RI 02901, an electric utility subsidiary company of New England Electric System (NEES), a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Narragansett proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 200,000 shares of its cumulative preferred stock, ------ percent series, $50 par value. The dividend rate of the preferred stock (which will be a multiple of 0.04 of 1 percent) and the price, exclusive of accrued dividends, to be paid to Narragansett (which will be not less than $50 nor more than $51.375 per share) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition until March 1, 1976, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost of preferred stock at a lower effective dividend cost.

Prior to the issuance of said preferred stock, Narragansett will submit to its directors and to NEES, its sole common stockholder, a proposal to amend existing preferences of the preferred stock in order to conform with the Commission's Statement of Policy regarding preferred stock (Holding Company Act Release Nos. 13106 and 16758) and to allow the issuance of new preferred stock with a provision prohibiting, for a period of not more than 5 years, the refunding thereof by the issuance of debt securities at lower interest costs or other preferred stock at lower dividend costs.

The proceeds from the sale of the preferred stock will be applied toward the payment of outstanding short-term notes (estimated at $13,300,000) incurred to temporarily finance construction expenditures pending permanent financing.

The fees and expenses to be incurred by Narragansett in connection with the preferred stock are estimated at $65,000, including charges of $27,000 for services of the system service company, at cost, accountants' fees of $3,500, and legal fees of $1,000. The fees of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The only costs to be incurred by Narragansett in connection with proposed amendment to the votes consists of charges, at cost, for services of the system service company, estimated not to exceed $1,000: Narragansett has applied to the Division of Public Utilities and Carriers, Department of Business Regulation of the State of Rhode Island for approval of the proposed issue and sale of the preferred stock, the use of the proceeds therefrom and the proposed amendments to the votes. A copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 3, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2516 Filed 2-24-71; 8:45 am]

[811-1765]

SCIENCE CAPITAL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 18, 1971.

Notice is hereby given that Science Capital Fund, Inc., 26 Broadway, New York, NY 10004 (Applicant), a management closed-end, nondiversified investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant represents that subsequent to registering under the Act on December 11, 1968, it has issued no securities; it has not engaged in any business activities and does not intend to engage in any business activities. A proposed public offering of Applicant's securities has now been abandoned. Pursuant to Applicant's request, a registration statement filed under the Securities Act of 1933 regarding a proposed public offering of Applicant's shares was withdrawn on January 21, 1971.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 11, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

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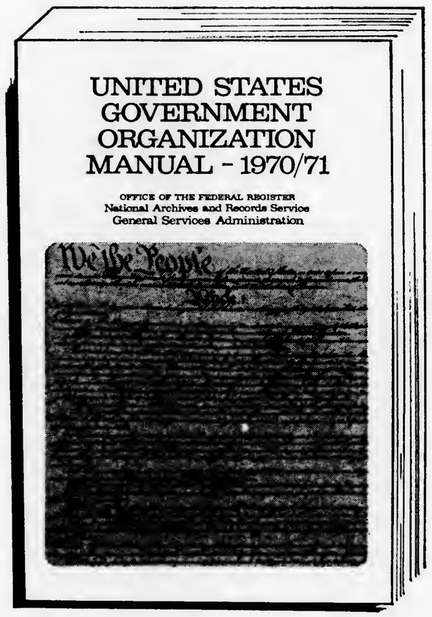

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EXECUTIVE ORDER 11583

Office of Consumer Affairs

Consumer protection fosters a market place in which our competitive economic system flourishes best. It is good for businessmen because it gives the consumer greater confidence in the goods and services provided by business. It is good for consumers because it reinforces the concept of buyers' rights:

—the right to make an intelligent choice among products and services;

—the right to accurate information on which to make a free choice;

—the right to expect that the health and safety of the buyer is taken into account by those who seek his patronage;

—the right to register dissatisfaction, and have a complaint heard and weighed, when a buyer's interests are badly served.

The Special Assistant to the President for Consumer Affairs is performing an important role in representing consumer interests in the Federal Government. It is important that the role of the office of the Special Assistant be reinforced by increasing its responsibilities and reemphasizing its importance.

There is need for a consumer office within the Executive Office of the President, which not only advises and represents the President on matters of consumer interest, but also analyzes and coordinates the implementation of all Federal activities in the field of consumer protection, helping to establish priorities and resolve conflicts, and recommending ways in which governmental consumer programs can be made more effective.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Office of Consumer Affairs.* The Office of Consumer Affairs (hereinafter referred to as the "Office") is hereby established in the Executive Office of the President. The Office shall be headed by a Director who shall be appointed by the President, and there shall be in the Office a Deputy Director who shall also be appointed by the President. The Deputy Director shall perform such duties as the Director may designate, and in case of a vacancy in the office of Director or during the absence or incapacity of the Director, the Deputy Director shall act as Director. The Director and Deputy Director shall receive compensation at such rates as the President, consonant with law, may hereafter determine.

SEC. 2. *Powers and duties of the Director.* (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof. The Director shall take all actions as may be necessary to organize the Office so as to carry out the functions and to achieve the purposes set forth in this order.

(b) In addition to any other authority conferred upon him by this order, the Director is authorized, in carrying out his functions hereunder, to—

(1) appoint one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions. Members of such committees (including the Consumer Advisory Council established in section 5 of this order) other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as authorized by law for persons serving intermittently;

(2) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(3) utilize, with their consent, the services, personnel, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement thereof except as reimbursement may be required by law; and

(c) The Director shall report periodically to the President on significant developments affecting the interests of consumers together with such recommendations including legislative recommendations as he deems appropriate.

SEC. 3. *Functions.* (a) The Office shall advise the President as to all matters affecting the interest of consumers.

(b) The Office shall—

(1) with respect to consumer interests in Federal policies and programs, encourage and assist in development and implementation of consumer programs; coordinate and review policies and programs; seek resolution of conflicts; advise and make recommendations to Federal agencies with respect to policy matters, the effectiveness of their programs and operations, and the elimination of duplications;

(2) assure that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that affect the consumer interest;

(3) conduct investigations, conferences, and surveys concerning the needs, interests and problems of consumers, except that it shall, where feasible, avoid duplicating activities conducted by other Federal agencies;

(4) submit recommendations to the President on how Federal programs and activities affecting consumers can be improved;

(5) take action with respect to consumer complaints to the extent authorized by section 4 of this order;

(6) perform the functions assigned to the President's Committee on Consumer Interests in Executive Order No. 11566 of October 26, 1970;

(7) encourage and coordinate the development of information of interest to consumers by Federal agencies and the publication and distribution of materials which will inform consumers of matters of interest to them in language which is readily understandable by the layman;

(8) encourage and coordinate research conducted by Federal agencies leading to improved consumer products, services, and consumer information;

(9) encourage, initiate, coordinate, evaluate, and participate in consumer education programs and consumer counseling programs;

(10) encourage, cooperate with, and assist State and local governments in the promotion and protection of consumer interests; and

(11) cooperate with and encourage private enterprise in the promotion and protection of consumer interests.

SEC. 4. *Consumer complaints.* (a) Whenever the Office receives from any source complaints or other information disclosing a possible violation of (1) any law of the United States or (2) any rule or order of any Federal agency concerning consumer interests, the Office shall promptly transmit such complaint or other information to the Federal agency charged with the duty of enforcing such law, rule, or order, for appropriate action.

(b) Whenever the Office receives complaints or other information disclosing any commercial or trade practice which it deems detrimental to the general interests of consumers within the United States, and which is not included within the category specified in subsection (a) of this section, the Office may transmit such complaint or other information promptly to the Federal, State, or local agency whose regulatory or other authority provides the most effective means to act upon them; the Office may in its discretion also refer such complaint or other information to the private persons or industry against whom the complaint is made.

SEC. 5. *Consumer Advisory Council.* (a) There is hereby established in the Office a Consumer Advisory Council to be composed of not more than 12 members appointed by the President. Members shall be appointed on the basis of their knowledge and experience in areas of interest to consumers and their demonstrated ability to exercise independent, informed, and critical judgment.

(b) (1) Members shall be appointed for two-year terms. Members of the Consumer Advisory Council, established pursuant to Executive Order No. 11136 of January 3, 1964, as amended, shall continue in office in accordance with the terms of their original appointments.

(2) Any member chosen to fill a vacancy shall be appointed for the unexpired term of the member he succeeds.

(3) A vacancy in the Council shall not affect its authority to act, and a majority of the members thereof shall constitute a quorum.

(c) The President shall designate the Chairman from among the members composing the Council. The Council shall meet at the call of the Director. The Director shall be an ex-officio member of the Council and its Executive Secretary.

(d) The Council shall advise the Director with respect to—

(1) policy matters relating to consumer interests; and

(2) the effectiveness of Federal programs and operations, which affect the interests of consumers; and

(3) problems of primary importance to consumers, and ways in which unmet consumer needs can appropriately be met through Federal Government action.

SEC. 6. *Consideration of the consumer interest in Federal agency determinations.* Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services, including, but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of written policy decisions, or (3) the issuance of orders, decrees, or standards, shall, in taking such action, give due consideration to the valid interests of consumers.

SEC. 7. *Abolition of Committee and Council.* Except as otherwise provided herein, the President's Committee on Consumer Interests and the Consumer Advisory Council established under Executive Order No. 11136 of January 3, 1964, as amended by Executive Order No. 11349 of May 1, 1967, are abolished.

SEC. 8. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

SEC. 9. *Orders superseded.* Executive Order No. 11136 of January 3, 1964, and Executive Order No. 11349 of May 1, 1967, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
February 24, 1971.

[FR Doc.71-2715 Filed 2-24-71;1:30 pm]

Rules and Regulations

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1062]

PART 1033—CAR SERVICE

Distribution of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of February 1971.

It appearing that an acute shortage of plain unequipped general service gondola cars exists on the railroads named in paragraph (a)(1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that certain gondola cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of certain gondola cars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1062 Service Order No. 1062.

(a) *Distribution of gondola cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty all plain unequipped general service gondola cars which are listed in the Official Railway Equipment Register ICC R.E.R. 378 issued by E. J. McFarland, or reissues thereof, as having mechanical designations "GB" or "GT" with inside length 52 feet or longer owned by the following railroads:

Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees.
Reporting marks: PC, PRR, NYC, and NH.
The Pittsburgh and Lake Erie Railroad Co.
Reporting marks: P&LE.
Reading Co.
Reporting marks: RDG.

(2) Commencing twenty (20) calendar days from the effective date of this order, carriers named as beneficiaries in this order shall restrict the loading of plain unequipped gondola cars, as described herein and owned by railroads not listed in subparagraph (1) of this paragraph, to destinations on, via, or in the direction of the car owner. In the absence of any such loading, cars must be returned empty to the car owner. Backhauling of empties to obtain a load is prohibited.

(3) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under present Association of American Railroads Car Service Rules 1 and 2 to move the car, shall be used.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded gondola car, described in this order, contrary to the provisions of this order.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., February 13, 1971.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4) and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71 2649 Filed 2-25-71;8:51 am]

[S.O. 1063]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of February 1971.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1063 Service Order No. 1063.

(a) *Railroad operating regulations for freight car movement.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all loaded cars.

(iii) This order shall apply to all empty cars listed in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof, as having mechanical designations XL, XM, XP, RB, RBL, RP, RPL, RS, RSB, GA, GB, GD, GE, GH, GRA,

GS, GT, HD, HE, HF, HFA, HFB, HK, HM, HMA, HT, HTA, FM, LC, LO, or LP, including all such cars to which the suffix H, I, R, or S has been added to the mechanical designation to denote the addition of heaters, insulation, roofs, or other special modifications. Exception: Cars described in subdivisions (iv), (v), and (vi) of this subparagraph.

(iv) Empty cars with inside length 69 feet 0 inches and over, and empty flat cars having mechanical designation FM, with a carrying capacity of 200,000 pounds or more, are exempt from the provisions of this order.

(v) Empty cars of private ownership held pursuant to instructions of the car owner, or held awaiting instructions from the car owner, are exempt from the provisions of this order.

(vi) Empty cars, described in subdivision (iii) of this subparagraph, which are in general service and are not assigned to the exclusive use of a specified shipper, owned by and bearing the registered reporting marks assigned to the line holding the car, are subject to the provisions of this order only during periods that the car owner is the specifically named beneficiary of a service order or car distribution direction, issued by this Commission, applicable to the kind of car held.

(vii) This order shall apply to all empty cars, described in subdivision (iii) of this subparagraph, which are assigned to the exclusive use of a specified shipper.

(viii) Freight cars assigned to the exclusive use of a specified shipper may be removed from the provisions of subparagraph (2)(ii) of this paragraph: *Provided*, That assignee notifies, in writing, the originating railroad and the car owner (if different from originating railroad) one day in advance of his desire to release such cars from assignment on a permanent or temporary basis of not less than 15 days' duration. The carrier must remove cars from assignment in accordance with assignee's request.

(ix) (*a*) Cars assigned to the exclusive use of a specific shipper must be listed on assignment lists posted in the office of the Chief Transportation Officer of the serving carrier, the office of the Chief Transportation Officer of the car owner, and in the office designated to issue waybills and other shipping documents for loaded movements from the points of assignment. Assignment lists must specify initial and number of each assigned car, the shipper to whom assigned, and the date car assignment became effective.

(*b*) Requests for assignments of cars must be secured in writing, or confirmed in writing, by the carrier on whose lines the cars are assigned, not less than 10 days before the effective date of the car assignment. Freight cars in assigned service on February 28, 1971, shall be considered as having been in such assignments for 10 days or longer: *Provided*, That the assignment lists are prepared and posted, as required herein, not later than March 21, 1971.

(x) The mechanical designations of existing freight cars in subdivision (iii) of this subparagraph may not be changed to any mechanical designation other than those listed in subdivision (iii) of this subparagraph.

(xi) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(xii) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff ICC H–36, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Sundays and holidays, following arrival at destination.

(ii) Empty cars which are in general service and are not assigned to the exclusive use of a specified shipper, described in subparagraph (1) (iii) and (iv) of this paragraph, which after placement will be subject to demurrage rules applicable to cars for loading, shall be actually or constructively placed within 48 hours, exclusive of Sundays and holidays, after arrival at the loading point.

(iii) (*a*) Empty cars described in subparagraph (1) (iii) and (vii) of this paragraph which are assigned to the exclusive use of a specified shipper shall be subject to a storage charge of $5 per car per day or fraction thereof from date placed in storage empty to date ordered placed for loading or date appropriated for loading, without free time allowance and without allowance for Saturdays, Sundays, or holidays.

(*b*) Carriers will place empty assigned cars on other-than-public-delivery tracks serving the assignee within 48 hours of arrival at the point of assignment, exclusive of Saturdays, Sundays, and holidays. If placement on other-than-public-delivery tracks serving assignee cannot be made because of any condition attributable to the assignee or if assignee normally loads such cars on public-delivery tracks a written notice of arrival shall be sent or given assignee within 24 hours of arrival of the empty car at the point of assignment, exclusive of Saturdays, Sundays, and holidays. Such notice shall contain the initial and numbers of each car held and shall state that each car is being held, subject to a car rental charge of $5 per car per day or fraction of a day, until ordered placed for loading or ordered released, in writing, from assignment.

(c) In computing car rental charges on cars subject to this part, detention shall begin at the first 7:00 a.m., exclusive of Saturdays, Sundays, and holidays, following either placement of the empty cars on the other-than-public-delivery tracks serving the assignee or following the sending or giving of written notice that the cars are being held, whichever occurs first.

(*d*) Empty cars released from car rental status by order or appropriation for loading shall be subject to all demurrage or detention charges published in tariffs applicable to cars held for loading, from time released from car rental charges.

(iv) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at any available hold point; and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point, except that notice on cars subject to subdivision (ii) of this subparagraph shall be sent or given within 48 hours, exclusive of Sundays and holidays, following arrival of car at destination or hold point.

(v) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(vi) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at destination. On cars set off and held short of billed destination, or on cars held at destination for any cause attributable to the consignor or consignee, a written notice shall be sent or given to consignee or other party entitled to receive such notice, within 24 hours of arrival, exclusive of Saturdays, Sundays, and holidays, at the hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded, set aside for cleaning or repairs, or delivered to connecting lines within 24 hours, following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded, set aside for repairs, or delivered to connecting lines within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in subdivision (ii), (iii), or (iv) of this subparagraph, or cars described in subparagraph (2)(ii) of this paragraph.

(ii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariff charges.

(iii) Cars held for repairs or cleaning. (See subparagraph (5) of this paragraph.)

(iv) Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays, after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished on same calendar day, exclusive of Sundays and holidays, that cars are placed on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed prior to 11:59 p.m., of the calendar day which includes the first 7 a.m., inclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(6) *Railroad operating regulations for the movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergencies.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, for the movement of cars over its line, of any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-2650 Filed 2-25-71;8:51 am]

[Ex Parte Nos. MC–81, MC–37 (Sub-No. 4A)]

PART 1048—COMMERCIAL ZONES

Nashville and Davidson County, Tenn.

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of February 1971.

Ex Parte No. MC–81, interpretation of operating authorities—Nashville and Davidson County, Tenn.; Ex Parte No. MC–37 (Sub-No. 4A), commercial zones and terminal areas (Metropolitan Government of Nashville and Davidson County, Tenn., commercial zones); No. MC–C–6310, Marvin Hayes Lines, Inc., et al. v. Gateway Transportation Co., Inc.

It appearing, that in No. MC–C–6310, Hayes, Inc. v. Gateway Transportation Co., Inc., 111 M.C.C. 778, this Commission instituted the above-cited interpretation and rulemaking proceedings (1) to inquire into the present status of Nashville, Tenn., as a city; Davidson County, Tenn., as a county; and Metropolitan Government of Nashville and Davidson County, Tenn., as a municipality; (2) to interpret certificates, permits, and licenses authorizing service at Nashville and Davidson County, Tenn.; (3) to interpret certificates, permits, and licenses authorizing service within specified mileages of Nashville or Davidson County, Tenn.; (4) to define the limits of the commercial zone of the Metropolitan Government of Nashville and Davidson County, Tenn.; and (5) to take such other and further action as the facts and circumstances may justify or require;

It further appearing, that by joint petition filed June 4, 1970, Columbia Motor Express, Gallatin-Portland Freight Lines, Inc., and a Murfreesboro Freight Line Co. seek redefinition and extension in certain respects of the Nashville, Tenn., commercial zone limits;

It further appearing, that the proceeding in No. MC–C–6310 was held open pending the determinations in the above-cited Ex Parte proceedings;

And it further appearing, that investigation of the matters and things involved in these proceedings having been made, and the Commission having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That Part 1048 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1048.39, reading as follows:

§ 1048.39 Metropolitan Government of Nashville and Davidson County, Tenn.

The zone adjacent to and commercially a part of the Metropolitan Government of Nashville and Davidson County, Tenn., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The Metropolitan Government of Nashville and Davidson County itself.

(b) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the Metropolitan Government of Nashville and Davidson County. (49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That defendant, Gateway Transportation Co., Inc., of La Crosse, Wis., be, and it is hereby, notified and required to cease and desist forthwith, and hereafter refrain and abstain from all operations, in interstate or foreign commerce, of the character found in said report to be unlawful, unless and until appropriate authority therefor is obtained.

It is further ordered, That the statutory compliance date, after which defendant will be held to be in willful violation of this order shall be the 30th day following the service of a notice that this order has become effective.

It is further ordered, That this order shall become effective on April 8, 1971, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2648 Filed 2-25-71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Reference to U.S. Tariff Schedules

In the FEDERAL REGISTER of Tuesday, June 2, 1970 (35 F.R. 8491), there was published a new Part 17 to Title 50, Code of Federal Regulations. Section 17.2 of that part is a section of definitions. Paragraph (j) of § 17.2 refers to the Tariff Schedules of the United States annotated as published in the U.S. Tariff Commission publication 304. That publication (TC publication 304) was for the year 1970. Schedules for 1971 are published in TC publication 344.

The purpose of this amendment is to remove from § 17.2(j) the reference to the TC publication number in order to avoid the necessity of amending this paragraph each time the publication is issued.

Accordingly, the first paragraph of § 17.2(j) is amended to read:

§ 17.2 Definitions.

• • • • • •

(j) Except insofar as such items include any species or subspecies which appears on the Endangered Species List, "shellfish or fishery products imported for commercial purposes" shall mean the following items as further defined in the "Tariff Schedules of the United States Annotated," the most recent annual U.S. Tariff Commission Publication, under the TSUS numbers shown in parenthesis below.

• • • • • •

Since this amendment makes no substantive changes, it is determined that notice and public procedure thereon are impracticable, unnecessary and contrary to the public interest and that this amendment will become effective on publication.

(16 U.S.C. 668cc-4 (d) and (e))

Effective date: Upon publication (2-26-71).

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 22, 1971.

[FR Doc.71-2603 Filed 2-25-71;8:47 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 37, Amdt. 2]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of the grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. This amendment relaxes the requirements so as to provide access to a larger quantity of marketable grapefruit due to freeze damage encountered in the production area.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an assembled meeting on February 11, 1971, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such assembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received February 16, 1971; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.337 (Grapefruit Reg. 37; 35 F.R. 15980; 36 F.R. 1087), the provisions of paragraph (a)(1) preceding subdivision are amended to read as follows:

§ 909.337 Grapefruit Regulation 37.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period February 23, 1971, through September 30, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that, as a part of the fairly well formed requirement, the fruit shall be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the 10 percent tolerance provided for in the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(*a*) 40 percent for grapefruit which fail to meet the requirements of the grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

(*1*) 10 percent for grapefruit which are not at least slightly colored;

(2) 10 percent for defects other than not being at least slightly colored; including therein not more than one-half of 1 percent for decay, and not more than 5 percent for any single defect caused by broken skins, sunburn, scars, peel that is more than 1 inch in thickness at the stem end, or very serious damage caused by dryness or mushy condition when it affects 40 percent or more of the pulp; except that in addition to the tolerances provided in this (2) the following shall be allowed:

(*i*) 15 percent for scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the individual fruit surface; and

(*ii*) 5 percent for serious damage caused by dryness or mushy condition: *Provided*, That the total tolerance for very serious damage due to dryness or mushy condition, when it affects 40 percent or more of the pulp, does not exceed 5 percent; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2665 Filed 2-25-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-1-AD; Amdt. 39-1159]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models A60, 99 and 99A Airplanes

It has been determined that the stall warning transducer installed on Beech Models A60, 99, and 99A airplanes approved for flight into known icing conditions is of such configuration that it does not meet the certification requirements of FAR 23.1301(a) and consequently these model airplanes are not in compliance with FAR 23.207. Specifically, the presently installed transducer utilizes a heated mounting plate but has no heating element installed in the movable vane that activates the aural stall warning device. When icing conditions are encountered, the unheated vane may become frozen in a fixed position thereby causing the stall warning system to become inoperative. To correct this condition, the manufacturer has obtained replacement transducer units that meet the certification requirements and are installing these units on current production aircraft. In order to assure that Beech models A60, 99, and 99A airplanes approved for flight into known icing conditions are equipped with the required stall warning system, an airworthiness directive is being issued requiring installation of the replacement transducer units. Until such time as these replacement units are installed, the AD will prohibit these model airplanes from being flown into known icing conditions and will require changing the operational placard to read:

This Airplane Not Approved for Flight Into Known Icing Conditions.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models A60 (Serial Nos. P123, P127 through P167), and 99, 99A (Serial Nos. U-1 through U-136) airplanes approved for flight into known icing conditions.

Compliance: Required as indicated, unless already accomplished.

To prevent operation under unsafe environmental conditions, accomplish the following:

(A) Effective immediately, operation of the airplane in known icing conditions is prohibited.

(B) Prior to further flight, modify the existing operating limitations placard located on the righthand side wall adjacent to the co-pilot oxygen outlet on Beech Model A60 airplanes and located on the overhead panel on Beech Models 99 and 99A airplanes to read as follows:

This Airplane is Not Approved for Flight in Known Icing Conditions.

(c) On Beech Model A60 airplanes, install transducer unit P/N 3E1793 in accordance with applicable manufacturer's instructions, or by the accomplishment of any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(D) On Beech Model 99 and 99A airplanes, install transducer unit P/N 795-1 in accordance with Beechcraft Service Instructions No. 0378-355, or by the accomplishment of any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

(E) Upon accomplishment of the modifications provided in paragraphs C or D, compliance with the provisions of paragraphs A and B is no longer required.

NOTE: The Airplane Flight Manuals and Type Certificate Data Sheets for these model airplanes will be amended to reflect these changes.

This amendment becomes effective March 2, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-2631 Filed 2-25-71;8:50 am]

[Airspace Docket No. 71-AL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct an inadvertent error of omission in Airspace Docket No. 70-AL-8 as published in the FEDERAL REGISTER, Volume 35, No. 219, Tuesday, November 10, 1970.

Airspace Docket No. 70-AL-8 altered the controlled airspace in the vicinity of Deadhorse, Alaska, by revoking the Prudhoe Bay control zone and transition area and designating the Deadhorse, Alaska, control zone and transition area.

The Prudhoe Bay transition area was described in Airspace Docket No. 70-AL-8 as follows:

PRUDHOE BAY, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prudhoe Bay, Alaska, RBN (latitude 70°14'55'' N., longitude 148°23'28'' W.) 076° bearing, extending from the RBN to 16 miles northeast, and within 2 miles northwest and 4 miles southwest of the Prudhoe Bay RBN 256° bearing extending from the RBN to 24 miles southwest, and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00'' N., longitude 153°00'00'' W.; to latitude 70°33'00'' N., longitude 150°45'00'' W.; thence east via 3 nautical miles offshore to latitude 70°14'00'' N., longitude 146°00'00'' W.; to latitude 69°-35'00'' N., longitude 146°00'00'' W.; to latitude 69°00'00'' N., longitude 148°00'00'' W.; to latitude 69°00'00'' N., longitude 153°00'00'' W.; thence to point of beginning.

The Deadhorse, Alaska, transition area was designated in Airspace Docket No. 70-AL-8 as follows:

DEADHORSE, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles south and 10 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49'' N., longitude 148°27'53'' W.) extending from the RBN to 24 miles northeast; within 5 miles south and 10 miles north and parallel to the 250° True (218° Magnetic) bearing of the RBN extending from the RBN to 25 miles southwest.

The 1,200-foot transition area was inadvertently omitted in the above designation of the Deadhorse, Alaska, transition area.

Since this amendment corrects an inadvertent error of omission by restoring previously designated controlled airspace in which certain air traffic control procedures are applicable and is in the interest of safety of aircraft flight operations, it has been determined that notice and public procedure hereon is impracticable and unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (2-26-71), as hereinafter set forth.

Section 71.181 (36 F.R. 2140) Deadhorse, Alaska, is amended by adding:

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00'' N., longitude 153°00'00'' W.; to latitude 70°-33'00'' N., longitude 150°45'00'' W.; thence east via 3 nautical miles offshore to latitude 70°14'00'' N., longitude 146°00'00'' W.; to latitude 69°35'00'' N., longitude 146°00'00'' W.; to latitude 69°00'00'' N., longitude 148°-00'00'' W.; to latitude 69°00'00'' N., longitude 153°00'00'' W.; thence to point of beginning.

Issued in Anchorage, Alaska, on February 11, 1971.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.71-2632 Filed 2-25-71;8:50 am]

[Airspace Docket No. 71-SO-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Campbellsville, Ky., transition area.

The Campbellsville transition area is described in §71.181 (36 F.R. 2140). The controlled airspace protection at Taylor County Airport is no longer required since the instrument approach procedure, utilizing Campbellsville NDB, was cancelled effective June 18, 1970. It is necessary to revoke the transition area which was established to provide required controlled airspace protection for IFR operations executing this approach. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to revoke the transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In §71.181 (36 F.R. 2140), the Campbellsville, Ky., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 18, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2633 Filed 2-25-71;8:50 am]

[Airspace Docket No. 71-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Paducah, Ky., transition area.

The Paducah transition area is described in § 71.181 (36 F.R. 2140). In the description, reference is made to the "Paducah VORTAC." Since the name of the Paducah VORTAC will be changed to the "Cunningham VORTAC," effective May 27, 1971, it is necessary to alter the transition area description to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Paducah, Ky., transition area is amended as follows: "• • • Paducah VORTAC • • •" is deleted and "• • • Cunningham VORTAC • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 18, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2634 Filed 2-25-71;8:50 am]

[Airspace Docket No. 70-SW-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waco, Tex., transition area.

On January 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 324) stating the Federal Aviation Administration proposed to alter this transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Waco, Tex., transition area is amended in part by deleting "lat. 31°39'30" N., long. 96°43'50" W., to lat. 31°28'20" N., long. 96°55'40" W., to lat. 31°17'00" N., long. 96°56'00" W., to lat. 31°17'00" N., long. 97°13'00" W." and substituting "lat. 31°39'30" N., long. 96°43'50" W., to lat. 31°17'00" N., long. 96°47'00" W., to lat. 31°17'00" N., long. 97°13'00" W." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 18, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-2635 Filed 2-25-71;8:50 am]

[Airspace Docket No. 70-SW-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Hobbs, N. Mex., terminal area.

On January 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 324) stating the Federal Aviation Administration proposed to alter controlled airspace in the Hobbs, N. Mex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. In response to the notice, a comment was received from the Air Transport Association of America (ATA) which stated that the proposed missed approach procedure, which specifies a climbing left turn and a return to the Hobbs VOR, would cause delays to other aircraft which might be holding at the Hobbs VOR awaiting an approach clearance into either Crossroads Intercontinental Airport or Lea County Airport. To permit greater flexibility in handling and sequencing of approaches in the Hobbs, N. Mex., terminal area, an alternate missed approach procedure for Crossroads Intercontinental Airport has been developed and will be utilized when traffic volume so dictates and as specified by air traffic control. The alternate missed approach procedure will provide for a climb to 5,700 feet on the Hobbs VOR 004° radial within 20 nautical miles. It will be indicated on the approach plate by the addition of the notation "or as directed by ATC."

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Hobbs, N. Mex., control zone is amended to read:

HOBBS, N. MEX.

That airspace within a 5-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 5-mile radius of Crossroads Intercontinental Airport (lat. 32°-46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile-radius zone of the Lea County Airport to 10.5 miles southwest of the VOR.

In § 71.181 (36 F.R. 2140), the Hobbs, N. Mex., 700-foot transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 9-mile radius of Crossroads Intercontinental Airport (lat. 32°-46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial extending from the 9-mile-radius area of the Lea County Airport to 11.5 miles southwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 18, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-2636 Filed 2-25-71;8:50 am]

[Airspace Docket No. 70-SW-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Artesia, N. Mex., 700-foot transition area.

On January 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 323) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Artesia, N. Mex., to provide controlled airspace for the proposed NDB instrument approach procedure to serve Artesia Municipal Airport.

The notice also stated that a reciprocal NDB approach procedure was being considered which would thus provide opposite direction approach capability for the airport. The reciprocal approach procedure would necessitate a northwesterly extension of the transition area similar to the southeasterly extension. Comments on this additional approach procedure were specifically solicited.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

ARTESIA, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 104°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB; within 3.5 miles each side of the Artesia, N. Mex., NDB 296° bearing extending from the 9.5-mile radius area to 12 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 18, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-2637 Filed 2-25-71;8:50 am]

[Airspace Docket No. 70-SW-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dallas-Fort Worth, Tex., transition area.

On January 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 324) stating the Federal Aviation Administration proposed to alter the Dallas-Fort Worth, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Dallas-Fort Worth, Tex., transition area is amended in part by deleting "lat. 32°32'00" N., long. 96°40'00" W.; to lat. 32°25'00" N., long. 97°29'00" W." and substituting "lat. 32°32'00" N., long. 96°40'00" W., to lat. 32°29'00" N., long. 97°01'00" W., to lat. 32°23'00" N., long. 97°05'00" W., to lat. 32°25'00" N., long. 97°29'00" W." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 18, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-2638 Filed 2-25-71;8:50 am]

[Docket No. 10864; Amdt. 744]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulation is amended as follows, effective on the dates specified:

1. Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 25, 1971:

Philadelphia, Pa.—Philadelphia International Airport; ILS-9, Amdt. 19; Revised.

2. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective March 25, 1971:

Delta Junction, Alaska—Allen AAF; LFR-A, Amdt. 10; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective March 25, 1971:

Fayetteville, Ark.—Drake Field; VOR-A, Amdt. 10; Revised.
Delta Junction, Alaska—Allen AAF; VOR Runway 18, Amdt. 2; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 27R, Amdt. 5; Revised.
Hilo, Hawaii—General Lyman Field; VOR Runway 26, Amdt. 1; Revised.
Jackson, Wyo.—Jackson's Hole Airport; VOR-1, Amdt. 4; Revised.
Las Vegas, Nev.—McCarran International Airport; VOR Runway 25, Amdt. 4; Revised.
Memphis, Tenn.—Memphis International Airport; VOR Runway 35R, Amdt. 24; Revised.
Monroe, La.—Monroe Municipal Airport; VOR Runway 4, Amdt. 12; Revised.
Riverton, Wyo.—Riverton Municipal Airport; VOR Runway 10, Amdt. 5; Revised.
Riverton, Wyo.—Riverton Municipal Airport; VOR Runway 28, Amdt. 5; Revised.
Winner, S. Dak.—Bob Wiley Field; VOR-A, Amdt. 1; Revised.
Hilo, Hawaii—General Lyman Field; VOR-TAC Runway 26, Amdt. 2; Revised.
Monroe, La.—Monroe Municipal Airport; VOR/DME Runway 22, Amdt. 3; Revised.
Winder, Ga.—Winder Airport; VOR/DME-A, Amdt. 3; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective February 25, 1971:

San Diego, Calif.—San Diego International/Lindbergh Field; LOC/DME (BC) Runway 27, Original; Canceled.

5. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective March 25, 1971:

Memphis, Tenn.—Memphis International Airport; LOC (BC) Runway 17L, Amdt. 3; Revised.
Memphis, Tenn.—Memphis International Airport; LOC (BC) Runway 27, Amdt. 14; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 25, 1971:

Chicago, Ill.—Chicago O'Hara International Airport; NDB Runway 32R, Amdt. 8; Revised.

Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; NDB Runway 13, Amdt. 9; Revised.
Johnson City, Tex.—Johnson City Airport; NDB-A, Amdt. 9; Revised.
Kerrville, Tex.—Louis Schreiner Field/Kerrville Muncipal Airport; NDB-A, Amdt. 1; Revised.
Memphis, Tenn.—Memphis International Airport; NDB Runway 9, Amdt. 17; Revised.
Memphis, Tenn.—Memphis International Airport; NDB Runway 35R, Amdt. 10; Revised.
Monroe, La.—Monroe Municipal Airport; NDB Runway 4, Amdt. 8; Revised.
Newark, N.J.—Newark Airport; NDB Runway 4L, Amdt. 2; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 25, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 32L, Amdt. 3; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 32R, Amdt. 6; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 32R, Amdt. 1; Revised.
Hilo, Hawaii—General Lyman Field; ILS Runway 26, Amdt. 1; Revised.
Medford, Oreg.—Medford-Jackson County Airport; ILS Runway 14, Amdt. 2; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 9, Amdt. 14; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 35R, Amdt. 12; Revised.
Monroe, La.—Monroe Municipal Airport; ILS Runway 4, Amdt. 10; Revised.
Newark, N.J.—Newark Airport; ILS Runway 4L, Amdt. 2; Revised.
Newark, N.J.—Newark Airport; ILS Runway 22R, Amdt. 2; Revised.

8. Section 97.31 is amended by establishing, revising or canceling the following Radar SIAPs, effective March 25, 1971:

Memphis, Tenn.—Memphis International Airport; Radar-1, Amdt. 19; Revised.
Miami, Fla.—Miami International Airport; Radar-1, Amdt. 11; Revised.
Portland, Oreg.—Portland International Airport; Radar-1, Amdt. 16; Revised.

9. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 25, 1971:

Buffalo, N.Y.—Greater Buffalo International Airport; RNAV Runway 31, Original; Established.
Cleveland, Ohio—Cuyahoga County Airport; RNAV Runway 23, Original; Established.
Detroit, Mich.—Detroit Metropolitan-Wayne County Airport; RNAV Runway 9, Original; Established.
Erie, Pa.—Erie International Airport; RNAV Runway 24, Original; Established.
Leesburg, Va.—Leesburg Municipal/Godfrey Field; RNAV Runway 17, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; RNAV Runway 10, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; RNAV Runway 22, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 18, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-2564 Filed 2-25-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

A petition (PP 0F0886) was filed with the Food and Drug Administration, DHEW, by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a) proposing establishment of tolerances for negligible residues of the insecticide methomyl, (*S*-methyl N-[(methylcarbomoyl)oxy] thioacetimidate) in or on the raw agricultural commodity group root crop vegetables at 0.2 part per million.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under section 408(1) of that Act (21 U.S.C. 346a(1)) were also transferred to the Administrator of the Environmental Protection Agency. Part 120, Chapter I, Title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), § 420.253 is amended to establish the new tolerance by revising the paragraph "0.2 part per million • • •" to read as follows:

§ 420.253 Methomyl; tolerances for residues.

• • • • •

0.2 part per million (negligible residue) in or on the commodity groups fruiting vegetables, leafy vegetables (except cabbage), and root crop vegetables.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-26-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 22, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner, Pesticides.

[FR Doc.71-2619 Filed 2-25-71;8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

• • • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Marin	Novato	E 06 041 2469 01 through E 06 041 2469 11	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, Sherman and Delong Aves., Post Office Box 578, Novato, CA 94947.	Feb. 26, 1971.
Do	Orange	Sunnyvale	E 06 059 3791 01 through E 06 059 3791 06	...do	Office of the Director of Public Works, City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.	Do.
Colorado	Arapahoe	Englewood	E 08 005 0740 01 E 08 005 0740 02	Colorado Water Conservation Board, 1845 Sherman St., Denver, CO 80203. Colorado Insurance Department, 106 State Office Bldg., Denver, CO 80203.	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Do.
Indiana	Lake	Griffith	E 18 089 1970 01 E 18 089 1970 02	Department of Natural Resources, 608 State Office Bldg., Indianapolis, IN 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, IN 46204.	Office of the Clerk Treasurer, Town of Griffith, 111 North Broad St., Griffith, IN 46319.	Do.
Kentucky	Perry	Hazard	E 21 193 1470 01 E 21 193 1470 02	Division of Water, Kentucky Department of Natural Resources, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Hall, City of Hazard, High St., Hazard, Ky. 41701.	Do.
New Jersey	Cape May	Cape May City	I 34 009 0530 05 through I 34 009 0530 08	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Building Inspector, Cape May City Hall, Cape May, N.J. 08240	Do.
Do	do	Wildwood Crest	I 34 009 3680 03 I 34 009 3680 04	...do	Borough Hall, 6101 Pacific Ave., Wildwood Crest, NJ 08260.	Do.
New York	Suffolk	Westhampton Beach.	E 36 103 6610 01	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Village Office, Municipal Bldg., Sunset Ave., Westhampton Beach, N.Y. 11978.	Do.
South Carolina	Georgetown	Unincorporated areas.	E 45 043 0000 01 through E 45 043 0000 04	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	County Court House, Prince and Screven Sts., Georgetown, SC 29440.	Do.
Tennessee	Anderson	Lake City	I 47 001 1340 05 I 47 001 1340 06	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	City Hall, 1st St., Lake City, TN 37769.	Do.
Do	Claiborne	Tazewell	I 47 025 2375 03	...do	City Hall, Town of Tazewell, Tazewell, Tenn. 37879.	Do.
Do	Roane	Harriman	I 47 145 1060 04 through I 47 145 1060 11	...do	Office of the City Treasurer, Post Office Box 305, Harriman, TN 37748.	Do.
Texas	Kleberg	Kingsville	I 48 273 3700 04 through I 48 273 3700 06	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Box 1458, City Hall, 6th St., Kingsville, TX 78363.	Do.
Virginia	Dickenson	Haysi	E 51 051 1210 01	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Town Hall, Town of Haysi, Haysi, Va. 24256.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 26, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–2547 Filed 2–25–71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Marin	Novato	T 06 041 2460 01 through T 06 041 2460 11	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, Sherman and Delong Aves., Post Office Box 578, Novato, CA 94947.	Feb. 26, 1971.
Do.	Orange	Sunnyvale	T 06 059 3791 01 through T 06 059 3791 06	do	Office of the Director of Public Works, City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.	Do.
Colorado	Arapahoe	Englewood	T 08 005 0740 01 T 08 005 0740 02	Colorado Water Conservation Board, 1845 Sherman St., Denver, CO 80203. Colorado Insurance Department, 106 State Office Bldg., Denver, CO 80203.	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Do.
Indiana	Lake	Griffith	T 18 089 1970 01 T 18 089 1970 02	Department of Natural Resources, 608 State Office Bldg., Indianapolis, IN 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, IN 46204.	Office of the Clerk Treasurer, Town of Griffith, 111 North Broad St., Griffith, IN 46319.	Do.
Kentucky	Perry	Hazard	T 21 193 1470 01 T 21 193 1470 02	Division of Water, Kentucky Department of Natural Resources, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Hall, City of Hazard, High St., Hazard, Ky. 41701.	Do.
New Jersey	Cape May	Cape May City	H 34 009 0530 05 through H 34 009 0530 08	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Building Inspector, Cape May City Hall, Cape May, N.J. 08210.	July 10, 1970.
Do.	do	Wildwood Crest	H 34 009 3680 03 H 34 009 3680 04	do	Borough Hall, 6101 Pacific Ave., Wildwood Crest, NJ 08260.	Aug. 6, 1970.
New York	Suffolk	Westhampton Beach.	T 36 103 6610 01	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Municipal Bldg., Sunset Ave., Westhampton Beach, NY 11978.	Feb. 26, 1971.
South Carolina	Georgetown	Unincorporated areas.	T 45 043 0000 01 through T 45 043 0000 04	South Carolina Water Resources Planning and Coordinating Committee, 1401 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	County Court House, Prince and Screven Sts., Georgetown, SC 29440.	Do.
Tennessee	Anderson	Lake City	H 47 001 1340 05 H 47 001 1340 06	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2–208, Central Services Bldg., Nashville, Tenn. 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R–114, State Office Bldg., Nashville, Tenn. 37219.	City Hall, 1st St., Lake City, Tenn. 37769.	Oct. 23, 1970.
Do.	Claiborne	Tazewell	H 47 025 2375 03	do	City Hall, Town of Tazewell, Tazewell, Tenn. 37879.	Oct. 30, 1970.
Do.	Roane	Harriman	H 47 145 1060 04 through H 47 145 1060 11	do	Office of the City Treasurer, Post Office Box 305, Harriman, TN 37748.	Sept. 18, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Kleberg	Kingsville	H 48 273 3700 04 through H 48 273 3700 06	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Box 1458, City Hall, 6th St., Kingsville, TX 78363.	Oct. 9, 1970.
Virginia	Dickenson	Haysi	T 51 051 1210 01	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Town Hall, Town of Haysi, Haysi, Va 24256	Feb. 26, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 26, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–2548 Filed 2–25–71;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Subpart C—On-the-Job Training

WAIVER OF UNION AGREEMENT FOR ON-THE-JOB TRAINING PROGRAMS

On December 17, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19121) with regard to waiver of union agreement for on-the-job training programs established pursuant to affirmative action plans approved as meeting the requirements of Executive Order 11246 (30 F.R. 12319) or title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)). It is intended that the Secretary will normally exercise his judgment in favor of such a waiver in those instances where the effectiveness of an affirmative action plan imposed by any government would otherwise be substantially reduced by the refusal or failure of the collective bargaining agent to agree to any reasonable training program or wage scale. A waiver may also be given under similar circumstances in regard to any privately developed affirmative action plan. In either instance it is intended that the Secretary shall give due consideration to the effect of such a waiver upon the existing collective bargaining relationship.

Interested persons were given 30 days in which to submit written comments regarding the proposed amendment. After consideration of all relevant material submitted, the proposed amendment is hereby adopted without change and is set forth below.

Effective date. This amendment shall become effective immediately.

Signed at Washington, D.C., this 22d day of February 1971.

J. D. HODGSON,
Secretary of Labor.

Section 20.21(a) is amended to read as follows:

§ 20.21 Requirements for agreements for on-the-job training.

Prior to entering into an agreement with a training facility it shall first be determined that there is:

(a) Joint agreement to the training program and the wage scale by the training facility and the bargaining agent where there is a collective bargaining agreement applicable to the establishment and the occupation; provided, that the Secretary may waive the requirements of this paragraph when, in his judgment, such a waiver is reasonably necessary for the establishment of a training program pursuant to an affirmative action plan approved as meeting the requirements of Executive Order 11246 (30 F.R. 12319) or Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)).

* * * * * *

(Sec. 207, 76 Stat. 29; 42 U.S.C. 2587)

[FR Doc.71–2618 Filed 2–25–71;8:48 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 91—REGULATIONS GOVERNING CONDUCT IN OR ON THE BUREAU OF THE MINT BUILDINGS AND GROUNDS

Miscellaneous Amendments

These amendments revise §§ 91.7 and 91.8 of Part 91 regarding (1) gambling and (2) intoxicating beverages, narcotics, hallucinogenic or dangerous drugs, or marihuana, respectively. Section 91.7 is revised to conform with recent amendments to the Standards of Conduct for Treasury Employees (35 F.R. 16244) to make possession on Government property of certain gambling records prima facie evidence of participating in an illegal form of gambling on such property. Section 91.8 is revised to make the section applicable to marihuana. In accordance with 5 U.S.C. 553(a), notice and public procedure thereon are found to be impractical, unnecessary and not required since the amendments pertain to the management of public property.

1. Section 91.7 is redesignated paragraph (a) of the section and a new paragraph (b) is added to read as follows:

§ 91.7 Gambling.

* * * * * *

(b) Possession in or on the property of any numbers slip or ticket, record, notation, receipt, or other writing of a type ordinarily used in any illegal form of gambling such as a tip sheet or dream book, unless explained to the satisfaction of the head of the bureau or his delegate, shall be prima facie evidence that there is participation in an illegal form of gambling in or on such property.

2. Section 91.8 is revised to read as follows:

§ 91.8 Intoxicating beverages, narcotics, hallucinogenic and dangerous drugs.

Entering or being on the property, or operating a motor vehicle thereon, by a person under the influence of intoxicating beverages, narcotics, hallucinogenic or dangerous drugs, or marihuana, or the consumption of such beverages or the use of such drugs or marihuana in or on the property is prohibited.

(5 U.S.C. 301)

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (2–26–71).

Dated: February 22, 1971.

[SEAL] MARY BROOKS,
Director of the Mint.

[FR Doc.71–2668 Filed 2–25–71;8:53 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT

PART 1001—GENERAL PROVISIONS

Waiver of Qualification Requirement

Part 1001 of Subchapter W of Title 32 of the Code of Federal Regulations is amended by adding Subparts J and K to read as follows:

Subpart J [Reserved]

Subpart K—Qualified Products

§ 1001.1108 Waiver of qualification requirement.

Where products have been approved for inclusion on a Qualified Product List, waivers of the qualification requirement will be according to § 1.1108 of this title with an information copy to The Directorate of Engineering and Material Safety (MME), AFLC, and the Directorate of Systems Policy (SDM), Hq AFSC.

(10 U.S.C. Ch. 137, 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-2584 Filed 2-25-71;8:45 am]

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

AUTHORITY TO NEGOTIATE

Part 1003 of Subchapter W of Title 32 of the Code of Federal Regulations is amended by adding a new section to Subpart D to read as follows:

§ 1003.410-1 Authority to negotiate.

(a) [Reserved]
(b) [Reserved]
(c) [Reserved]
(d) [Reserved]

(e) *Authority to negotiate.* Contracting Officers of AFSC ASD (PPI) are authorized to negotiate, write, and execute basic agreements, except with educational institutions. Contracting Officers of AFSC (PPFN) are authorized to negotiate, write and execute basic agreements with respect to educational institutions only. AF activities are encouraged to submit suggestions and recommendations to ASD (PPI) and/or AFSC (PPFN), as appropriate, for consideration in negotiating basic agreements.

(f) *List of approved basic agreements.* (1) AFSC ASD (PPP) will publish quarterly a list of all approved basic agreements and supplements issued by AFSC, ASD, and PPFN. Changes to the quarterly list will be published monthly until the succeeding quarterly list is issued.

(2) The quarterly list will indicate in alphabetical order, by contractor's name, the following information: (i) Contract or supplement number; (ii) date contract or supplement number assigned; (iii) type of contract covered by the basic agreement; (iv) date distributed; (v) procurement activity which negotiated the latest basic agreement.

(3) Request for copies of the list will be addressed to AFSC ASD (PPP).

(g) *Distribution of AFSC (PPFN) Basic Agreement.* Basic Agreements and supplements executed by PPFN with educational institutions will be distributed by PPFN. Request for copies will be addressed to PPFN.

(10 U.S.C. Ch. 137, 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-2585 Filed 2-25-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 101-32.4—Procurement and Contracting

PROCUREMENT OF ADPE AND RELATED ITEMS

This amendment provides policy on the use of GSA requirements type contracts for selected ADPE and dollar limitations applicable to the procurement of ADPE, software, and maintenance services.

Section 101-32.403-1 is amended and §§ 101-32.403-2 and 101-32.403-3 are revised to read as follows:

§ 101-32.403-1 Automatic data processing equipment.

GSA makes selected ADPE available to agencies through requirements type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements type contracts, this source shall be used by all agencies as the primary source to satisfy needs in accordance with the provisions of such contracts. However, when such contract provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (FTP), Washington, D.C. 20406. This will permit GSA to allocate the distribution of available ADPE on such contracts. Copies of the contracts (not contractors' price lists) are distributed to recipients of the schedule FSC Group 74, Part VI. Additional copies are available from GSA regional offices or from the address shown above. Except for use of GSA requirements type contracts and as indicated in § 101-32.403-4 with respect to the potential use of the ADP Fund, agencies may procure ADPE without prior GSA approval provided:

(a) The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply Schedule contract under the terms of the contract; or

• • • • •

(c) The value of the procurement does not exceed $50,000. This shall exclude attendant maintenance costs if purchase is the method of acquisition. If the equipment is to be leased, the annual basic rental costs will be used to determine the dollar limitation set forth.

NOTE: When telecommunications aspects are involved, irrespective of the authority to procure ADPE as indicated in (a), (b), or (c) of this section, agencies shall submit appropriate documentation as prescribed in Part 101-35.

§ 101-32.403-2 Software.

Agencies may procure software for use with ADPE without prior approval of GSA when:

(a) The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply Schedule contract under the terms of the contract; or

(b) The procurement is from other sources provided the composition and structure of the software is such that the potential for substantial use elsewhere in the Government is not readily identifiable; or

(c) The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost.

§ 101-32.403-3 Maintenance services.

(a) Agencies may procure maintenance services without prior approval of GSA when:

(1) Such services are available from a Federal Supply Schedule contract under the terms of the contract; or

(2) The procurement does not exceed $25,000 annually.

(b) When approved by GSA, the ADP Fund may be used by agencies to obtain maintenance services for ADPE leased from GSA through the ADP Fund.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2-26-71).

Dated: February 17, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2586 Filed 2-25-71;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-165]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Designation for Hearing of Mutually Exclusive Aeronautical Advisory Station Applications

Order. In the matter of amendment of Parts 0 and 1 of the Commission's rules to authorize the staff to designate for hearing mutually exclusive aeronautical advisory station applications filed pursuant to Part 87.

1. During the past several years a number of mutually exclusive applications for aeronautical advisory stations filed pursuant to Part 87 have been designated for hearing. For safety reasons, only one aeronautical advisory station may be authorized at a landing area. The issues specified in the orders designating applications for these stations for hearing have become relatively standard. The Commission has concluded that it would be conducive to the orderly and expeditious handling of its business and would serve the public interest to authorize appropriate staff members to act in these matters, as reflected in the rules set forth below.

2. These amendments relate to internal Commission organization and practice, and hence, the prior notice, procedure, and effective date provisions of 5 U.S.C., section 553 are not applicable, authority for the promulgation of these amendments is contained in sections 4 (i), (j), 5(d), and 303(r) of the Communications Act of 1934, as amended.

3. *Accordingly, it is ordered,* Effective March 10, 1971, that Parts 0 and 1 of the rules and regulations are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 18, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 0, Commission Organization, is amended as follows:

In paragraph (b) of § 0.331, a new subparagraph (21) is added to read as follows:

§ 0.331 Authority delegated.

• • • • •

(b) • • •

(21) To designate for hearing all mutually exclusive applications for Aeronautical Advisory radio facilities filed pursuant to Part 87 of this chapter.

• • • • •

[1] Commissioner Bartley absent.

B. Part 1, Practice and Procedure, is amended as follows:

In § 1.953, subparagraph (5) of paragraph (b) is amended to read as follows:

§ 1.953 How applications are processed.

• • • • •

(b) • • •

(5) A petition has been filed to deny an application of the categories listed in § 1.962 except where the application has been designated for hearing pursuant to delegated authority.

[FR Doc.71-2640 Filed 2-25-71;8:50 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 30]

OI REG. 1—OIL IMPORT REGULATION

Canadian Imports, Districts I–IV

There appeared in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18208), a proposal to establish an allocation system for imports of Canadian crude oil and unfinished oils for the allocation period January 1, 1971, through December 31, 1971. The amendment of section 23 of Oil Import Regulation 1 (Revision 5) set forth below adopts such a system. In formulating this amendment careful consideration was given to all of the comments on the proposal which were received. A number of points made in the comments are reflected in the amendment of section 23. All persons receiving allocations of Canadian imports under this section will be permitted to exchange up to 50 percent of their allocations (paragraph (1)). Persons who hold allocations under section 23 may utilize their allocations under section 9, 10, or 25 to obtain licenses for the importation of Canadian imports (paragraph (m)). As pointed out in paragraph (n) entries for consumption of crude oil and unfinished oils transported by pipeline may be made until midnight of January 15, 1972. Provision has been made for allocations with respect to new facilities coming on stream (subparagraph (e)(2)). In recognition of the needs, as pointed out in a number of the comments, of newcomers for access to Canadian imports, subparagraph (e)(1) of section 23 as amended provides for allocations on the basis of inputs to particular facilities. However, it has been determined that the provision made in paragraph (d) of section 23 for allocations is necessary to avoid disruption of operations which would result from major changes in patterns of supply and the lack of alternative supply sources. Some objections were made to the deduction of natural gas liquids imported from Canada in computing allocations provided in paragraph (d). This feature has been retained because natural gas liquids which may now be imported without restriction should not be a base for allocations.

Companies substantially dependent upon Canadian imports are faced with the cessation of their operations unless applications are promptly received and allocations made and licenses issued as quickly as possible. Therefore, it would not be in the public interest to delay the effective date of this amendment. Accordingly, this Amendment 30 shall become effective immediately.

Oil Import Regulation 1 (Revision 5) is amended as set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

I concur: February 24, 1971.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

1. Section 23 of Oil Import Regulation 1 (Revision 5) (35 F.R. 5259) is amended to read as follows:

Sec. 23 Canadian imports—Districts I–IV.

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under paragraph (d) or (e) of this section, a person must have in Districts I–IV a facility capable of processing Canadian imports.

(c) The Administrator shall, in accordance with the terms of paragraphs (d) and (e) of this section, make allocations for the allocation period January 1, 1971 through December 31, 1971, of not to exceed 450,000 average barrels daily of Canadian imports into Districts I–IV. Licenses issued under such allocations shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only.

(d)(1) The Administrator shall first make allocations of Canadian imports to eligible applicants who received allocations of such imports for the period July 1, 1970 through December 31, 1970, either from the Administrator under section 29 or from the Oil Import Appeals Board under section 21, or from both. Each such applicant shall be entitled to an allocation of Canadian imports equal to twice the total of allocations expressed in barrels, which he received under section 29 or section 21, or both sections, for the period July 1, 1970 through December 31, 1970, less twice the quantity expressed in barrels, of natural gas liquids which he imported from Canada during the period April 1, 1970 through September 30, 1970. As used in this subparagraph, "natural gas liquids" means natural gas products and other hydrocarbons, such as ethane, propane, and butanes, or mixtures thereof, recovered from Canadian natural gas by means other than refining.

(2) If an applicant entitled to an allocation under subparagraph (1) of this paragraph would receive a larger allocation under paragraph (e) of this sec-

tion, he shall be given the larger allocation in lieu of an allocation under subparagraph (1) of this paragraph.

(e) (1) Each eligible applicant shall be entitled to an allocation of Canadian imports equal to the total of the facility suballocations made to such person for each facility listed by the applicant in his application. The Administrator shall make a facility suballocation for a particular facility according to the following formula:

$$\frac{\text{Eligible applicant's qualified inputs to a particular facility}}{\text{Total qualified inputs to all facilities listed in applications of all eligible applicants}} \times \text{Quantity of Canadian imports not allocated under paragraph (d)}$$

As used in the formula, "qualified inputs" means refinery inputs to refinery capacity, and petrochemical plant inputs to facilities other than refinery capacity, made during the year ending September 30, 1970.

(2) With respect to new or reactivated refinery capacity, or petrochemical plants in Districts I–IV, the Administrator may make facility suballocations in accordance with, and subject to, the provisions of section 25 of this regulation, except that the facility suballocations shall be computed according to the formula set forth in subparagraph (1) of this paragraph (e). Subparagraphs (3) and (4) of paragraph (b) of section 25 shall have no application with respect to inputs estimated for the purposes of a facility suballocation. Paragraph (d) of section 25 shall be applicable only with respect to future allocations of Canadian imports.

(3) A person who receives an allocation under this paragraph (e) shall not receive an allocation under paragraph (d) of this section.

(f) Each allocation made to a person under paragraph (d) or (e) of this section shall be reduced by the amount of licenses issued under any interim allocation or partial allocation of Canadian imports made to that person for the allocation period.

(g) A person receiving an allocation under paragraph (d) of this section must process in his facilities a quantity of Canadian imports equal to at least 50 percent of that allocation. A person receiving an allocation under paragraph (e) of this section must process in each facility for which a facility suballocation is made a quantity of Canadian imports equal to at least 50 percent of that facility suballocation. For the purposes of this paragraph, blending by mechanical means does not constitute processing.

(h) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (and domestic oil received in exchange for such imports) in his facilities before March 1, 1972, or if he fails to meet the requirement of paragraph (g) of this section, then any allocation of Canadian imports, or any allocation for Districts I–IV to which such person may otherwise be entitled under section 9, 10, or 25 of this regulation, for the first allocation period beginning after January 1, 1972, shall be reduced by the Administrator by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before March 1, 1972, or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (g), except that the Administrator need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Administrator that such failures were without such person's fault and were beyond his control, or (2) such person on or before May 1, 1971, in writing, relinquishes all or part of an allocation made under this section and returns to the Administrator licenses issued thereunder.

(i) A person to whom an allocation is made by the Administrator under this section shall report and certify in writing to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, not later than March 15, 1971, (1) the total quantity of Canadian imports which that person imported during the period July 1, 1970 through December 31, 1970, pursuant to an allocation made under section 29 of this regulation, and (2) the quantity of such imports that were processed in his facilities before March 1, 1971. The amount so reported and certified shall be subject to verification by the Administrator. If a person to whom an allocation is made under this section fails to file by March 15, 1971, the written report and certification required by this paragraph, the Administrator shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(j) If a person who received an allocation of Canadian imports under section 29 of this regulation failed to import the total quantity of imports specified in the allocation or (unless an exchange was approved) if he fails to process such imports in his facilities before March 1, 1971, then any allocation for Districts I–IV to which such person may otherwise be entitled under section 9, 10, or 25 of this regulation for the first allocation period beginning after March 1, 1971, shall be reduced by the Administrator by the amount of Canadian imports which such person failed to import or which such person has failed to process in his facilities before March 1, 1971, except that the Administrator need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Administrator that such failures were without such person's fault and were beyond his control, or (2) such person on or before August 1, 1970, in writing, relinquished all or part of the allocation made under section 29 and returned to the Administrator licenses issued thereunder.

(k) An allocation made pursuant to this section shall not be sold, assigned, or otherwise transferred. Each person who imports Canadian imports under an allocation made pursuant to this section shall process such imports (or oil received in an exchange) only in the facilities set forth in his application.

(l) A person who imports Canadian imports under an allocation made pursuant to this section may exchange not to exceed 50 percent of such imports for domestic crude oil or domestic unfinished oils. A proposed agreement for each such exchange must be reported to the Administrator before any action involved in the exchange is taken. Each such exchange must be effected on a ratio of not less than one barrel of domestic oil for each barrel of Canadian imports.

(m) If a person holds an allocation of Canadian imports under this section and if he also holds an allocation of imports under section 9, 10, or 25 for the period January 1, 1971, through December 31, 1971, he may obtain from the Administrator a license which will permit him to import Canadian imports in a quantity not exceeding two-thirds of the amount of the allocation made under section 9, 10, or 25. Such licenses shall be charged against the allocation made under section 9, 10, or 25.

(n) Under the provisions of section 1A of Proclamation 3279, as amended (35 F.R. 19392), "entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1972, under any license authorizing such imports from Canada" into Districts I–IV for the period January 1, 1971, through December 31, 1971.

(o) An application for an allocation under this section shall be made by letter or telegram to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Administrator on or before March 5, 1971. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of natural gas liquids (see subparagraph (1) of paragraph (d)) imported from Canada during the period April 1, 1970 through September 30, 1970.

(4) The total barrels of qualified inputs (as defined in subparagraph (1) of paragraph (e)) for each such facility during the year ending September 30, 1970.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before March 1, 1972.

2. Section 29 (35 F.R. 10296, 18258) and section 29A (36 F.R. 775) of Oil Import Regulation 1 (Revision 5) are revoked. Licenses issued under partial allocations made pursuant to section 29A shall remain in force.

[FR Doc.71-2762 Filed 2-25-71;11:41 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 11, 24, 133]

TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Extension of Time for Submission of Data, Views, or Arguments

FEBRUARY 18, 1971.

Notice of proposed revision of the Customs Regulations pertaining to trademarks, trade names, and copyrights, was published in the FEDERAL REGISTER of Saturday, December 19, 1970 (35 F.R. 19269). Sixty days from the date of publication of the notice were given for submission of data, views, or arguments pertinent to the proposed revision.

A number of requests have been received for extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments relating to the revision is extended to April 19, 1971.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-2617 Filed 2-25-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 225]

DISPOSAL OF GOVERNMENT ROYALTY OIL

Notice of Proposed Rule Making

Notice is hereby given that it is proposed to revise § 225.8 of Title 30, Code of Federal Regulations, as set forth below.

The purpose of the proposed revision is to permit the Regional Oil and Gas Supervisors of the Geological Survey to terminate the sale of Government royalty oil on less than 30 days notice to lessees or operators in certain instances such as when a purchaser of royalty oil fails to make timely payment.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR 225.8, to the Director, U.S. Geological Survey, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

§ 225.8 Notices.

Prior to any requirement that royalty oil be delivered in kind the Supervisor shall notify each lessee or operator under the Federal oil and gas leases involved of the requirement at least 30 days in advance of the effective date of that requirement; where it is determined to cease taking royalty oil in kind the Supervisor shall, if practicable in his opinion, give any affected lessee or operator notice of the change in requirements at least 30 days in advance of the effective date of the cessation.

Dated: February 18, 1971.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.71-2629 Filed 2-25-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 916]

FRESH NECTARINES GROWN IN CALIFORNIA

Container Marking and Pack Regulation

Consideration is being given to the following proposal submitted by the Nectarine Administrative Committee, established pursuant to the amended marketing agreement and Order No. 916, as amended (7 CFR Part 916), regulating the handling of fresh nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

It is proposed that the current container marking and pack regulation for California nectarines (§ 937.312 Nectarines Order 3; 24 F.R. 4208, 25 F.R. 4638) be replaced by a new container marking and pack regulation reading as follows:

§ 916.341 Nectarine Regulation 2.

(a) On and after May 1, 1971, no handler shall handle any package or container of any variety of nectarines except in accordance with the following terms and conditions:

(1) Such nectarines, when placepacked in packages or containers in rows, shall conform to the requirements of a standard pack: *Provided*, That whenever a regulation under this part prescribes the maximum number of nectarines of a specified variety that may be packed in a particular container, other than containers equipped with cell compartments, cardboard fillers, or molded trays, not to exceed 10 percent, by count, of such containers in any lot may contain a numerical count of such variety in excess of such maximum.

(2) Each package or container of nectarines shall bear in plain sight and in plain letters, on one outside end, the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(3) Each package or container of nectarines shall bear on one outside end, in plain sight and in plain letters, the size description of the nectarines which description shall conform to the following, as applicable:

(i) When packed in four-basket crates, the size shall be indicated in accordance with the arrangement of the nectarines in the top layer of the baskets, such as "4 x 5", "3—4 x 5", etc.

(ii) When packed or filled in any package or container other than a four-basket crate the size shall be indicated in accordance with the number of nectarines in the package or container, or by the equivalent size designation for such nectarines when packed in a No. 22D standard lug box in accordance with the requirements of standard pack as set forth in the U.S. Standards for Grades of Nectarines (§ 51.3152 of this title), e.g. "88 size", "96 size", etc.

(b) When used herein "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); the term "lot" shall mean the total number of containers of nectarines of a particular size and variety included in one shipment: "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(c) Nectarine Order 3 (24 F.R. 4208; 25 F.R. 4638) is hereby terminated at the effective time hereof.

All persons who desire to submit written data, views, or arguments, for consideration in connection with the proposed regulation shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 20th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 23, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2666 Filed 2-25-71;8:52 am]

[7 CFR Part 1011]

MILK IN APPALACHIAN MARKETING AREA

Notice of Proposed Termination of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Appalachian marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

1. Sections 1011.16 and 1011.17.
2. In § 1011.22(k)(2) ", or the uniform prices for base milk and excess milk".
3. In § 1011.30(a)(1) "and the aggregate quantities of base milk and excess milk".
4. In § 1011.32(a)(2) delete: ", including, for the months of April through July, the total pounds of base and excess milk".
5. In the preliminary text preceding paragraph (a) of § 1011.71 "for each of the months of August through March".
6. In § 1011.71(f) "in each of the months of August through March".
7. Section 1011.72.
8. In § 1011.73 paragraph (b).
9. In § 1011.73(c) "and 1011.72".
10. The subheading "Base Rating" following § 1011.73 and §§ 1011.80, 1011.81, 1011.82, and 1011.83.
11. In § 1011.90(d)(2) delete: ", including, for the months in which base and excess prices apply, the pounds of base and excess milk".
12. In § 1011.92(a) delete: "and the uniform price to be paid for base milk."
13. In § 1011.94(b)(1) "and 1011.72".

Statement of consideration. A cooperative association which represents 99 percent of the producers on the Appalachian market has requested termination of the base-excess plan of the order. The cooperative association recently adopted a base and excess method of paying producer members which differs considerably from the base and excess provisions currently in the order. It states that the order base-excess plan conflicts with the plan adopted and administered by the cooperative. The cooperative contends to keep the present base-excess plan in the order would not contribute to the orderly marketing of milk in the area.

Signed at Washington, D.C., on February 23, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-2667 Filed 2-25-71;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

RADIOACTIVE NEW DRUGS

New-Drug Application Requirements; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of January 27, 1971 (36 F.R. 1274), proposing § 130.____ *Requirements regarding certain radioactive drugs*, provided for filing comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments regarding the subject proposal is hereby extended to March 28, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 19, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-2588 Filed 2-25-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-19]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gainesville, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Gainesville transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 34°16'37" N., long. 83°49'42" W.); within 9.5 miles southeast and 4.5 miles northwest of the 216° bearing from Gainesville RBN (lat. 34°16'30" N., long. 83°49'56" W.), extending from the RBN to 18.5 miles southwest; excluding the portion within the Lawrenceville, Ga. transition area.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Gainesville terminal requires the following actions:

1. Increase the basic radius circle from 6 to 8.5 miles.
2. Increase the extension predicated on the 216° bearing from Gainesville RBN 10 miles in width and 10 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Gainesville terminal.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 16, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-2630 Filed 2-25-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

[45 CFR Part 1201]

1975 EMISSION STANDARDS FOR HYDROCARBONS AND CARBON MONOXIDE APPLICABLE TO LIGHT-DUTY VEHICLES

Notice of Proposed Rule Making

On November 10, 1970, 45 CFR Part 85 was revised to establish new hydrocarbon and carbon monoxide emission standards and test procedures for light duty vehicles, to establish new test vehicle and engine selection procedures, and to make various technical modifications. The standards and procedures so promulgated are applicable to model years beginning with 1972. Part 85 was redesignated Part 1201 on December 18, 1970 (35 F.R. 19181).

Section 202(b) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to establish emission standards, applicable to new light duty vehicles and engines, which require:

(a) With respect to 1975 and later model year vehicles and engines, at least a 90 per centum reduction in emissions of carbon monoxide and hydrocarbons from those allowable under the standards applicable to light duty vehicles and engines manufactured in model year 1970; and

(b) With respect to 1976 and later model year vehicles and engines, at least a 90 per centum reduction in emisisons of oxides of nitrogen from those actually measured from light duty vehicles manufactured during model year 1971 which are not subject to any Federal or State emission standard for oxides of nitrogen.

The Act further provides that emission standards to accomplish this reduction and the measurement techniques on which such standards are based, if such techniques were not promulgated prior to December 31, 1970, be prescribed within 180 days after such date, i.e., on or before June 29, 1971.

It is now proposed to amend the regulations in 45 CFR Part 1201 in order to establish the hydrocarbon and carbon monoxide emission standards for 1975 and later model year vehicles and engines in accordance with the Clean Air Act, as amended.

An oxides of nitrogen measurement procedure will be published shortly to implement the announced 1973 oxides of nitrogen standard (35 F.R. 2971, February 10, 1970). Proposed rule making for the 1976 oxides of nitrogen standard will be deferred pending proposal of the 1973 standard and test procedure.

The definition of a "light duty vehicle" for the purposes of this proposed rule making is that used in § 1201.1(a)(5) of the regulations applicable to 1972 and later model year new motor vehicles (35 F.R. 17288):

"Light duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at 6,000 pounds GVW or less or designed primarily for transportation of persons and having a capacity of 12 persons or less.

The present exemption for motorcycles would be retained. No standard is proposed for light duty engines which are not chassis mounted, since no acceptable engine dynamometer test procedure for such engines presently exists.

The measurement procedure proposed is the procedure in Subpart H of the regulations applicable to 1972 and later model year vehicles. This procedure uses a closed, self-weighting test cycle, a true mass-measurement (constant volume sampler) exhaust gas sampling system, a flame-ionization-detector type analyzer (FID) for the determination of hydrocarbon emissions, and a nondispersive infrared analyzer (NDIR) for the determination of carbon monoxide emissions.

The proposed standards are based on 130 tests on 1970 model year vehicles to determine the equivafency between the test procedure to be used beginning with the 1972 model year and the test procedure actually used for the 1970 model year. Based upon these tests, it was determined that the 1970 standards of 2.2 grams per vehicle mile hydrocarbons and 23 grams per vehicle mile carbon monoxide were equivalent to 4.6 grams per vehicle mile hydrocarbons and 47 grams per vehicle mile carbon monoxide using the new test procedure. Therefore, a 90 per centum reduction using the new test procedure would produce the proposed standards set forth herein. It is emphasized that the higher numerical values reflect only the change in test procedure and not any decrease in stringency.

45 CFR Part 1201 as amended by the proposed standards would be effective on republication and would be applicable to 1975 and subsequent model year vehicles. The current regulations which appear at 45 CFR Part 1201 will remain in effect and applicable to earlier model year vehicles.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Air Pollution Control Office, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 60 days after the publication of this notice will be considered.

This notice of proposed rule making is issued under the authority of section 202 of the Clean Air Act, as amended by section 6, Public Law 91-604; 84 Stat. 1690.

Dated: February 22, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart C is proposed to be revised as follows:

Subpart C—Exhaust Emissions and Fuel Evaporative Emissions (Gasoline Fueled Light Duty Vehicles)

§ 1201.20 Applicability.

The provisions of this subpart are applicable to new gasoline fueled light duty motor vehicles beginning with the 1975 model year, except motorcycles.

§ 1201.21 Standards for exhaust emissions.

(a) Exhaust emissions from new light duty vehicles shall not exceed:

(1) Hydrocarbons—0.46 grams per vehicle mile.

(2) Carbon monoxide—4.7 grams per vehicle mile.

(b) The standards set forth in paragraph (a) of this section refer to the exhaust emitted over a driving schedule as set forth in the applicable sections of "Test Procedures for Vehicle Exhaust and Fuel Evaporative Emissions (Gasoline Fueled Light Duty Vehicles)" of this part and measured and calculated in accordance with those procedures.

§ 1201.22 Standard for fuel evaporative emissions.

(a) Fuel evaporative emissions from new light duty vehicles shall not exceed:

(1) Hydrocarbons—2 grams per test.

(b) The standards set forth in paragraph (a) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in the "Test Procedures for Vehicle Exhaust and Fuel Evaporative Emissions (Gasoline Fueled Light Duty Vehicles)" of this part and measured in accordance with those procedures.

§ 1201.23 Test procedures.

Every manufacturer of new motor vehicles subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested such motor vehicles in accordance with test procedures in Subpart H of this part to ascertain that such test vehicles meet the requirements of §§ 1201.21 and 1201.22, as applicable. If, pursuant to § 1201.55(a), the Administrator issues a certificate of conformity for the class or classes of vehicles represented by such test vehicles, any new motor vehicle which is in all material respects of substantially the same construction as such test vehicles shall be deemed to be in conformity with the requirements of §§ 1201.21 and 1201.22, as applicable.

[FR Doc.71-2582 Filed 2-25-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19075]

TELEVISION BROADCAST STATIONS

Table of Assignments, Nogales and Tucson, Ariz.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Nogales and Tucson, Ariz.), RM-1645.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1164) adopted October 28, 1970, released November 2, 1970, and published in the FEDERAL REGISTER on November 6, 1970 (35 F.R. 17121). The date for filing comments has expired and the date for filing reply comments is presently designated as February 18, 1971.

2. On February 18, 1971, counsel for I.B.C., Inc., a limited partnership (I.B.C.), the proponent in this proceeding filed a request for a 10 day extension of the filing date for reply comments.

Counsel states that due to a recent absence from the city and a current illness, the requested 10 days is necessary. All other parties to this proceeding, it is stated, have no objection to the extension.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in Docket No. 19075 is extended to and including March 1, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934 as amended, and §0.281(d)(8) of the Commission's rules.

Adopted: February 18, 1971.

Released: February 22, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-2639 Filed 2-25-71;8:50 am]

Notices

POST OFFICE DEPARTMENT

BOARD OF GOVERNORS OF U.S. POSTAL SERVICE

Resolution

The Board of Governors of the U.S. Postal Service has adopted the following Resolution:

[Resolution No. 71-13]

Appointment of Officers and Employees; Effective Dates.

Resolved: Pursuant to section 15(a) of the Postal Reorganization Act (P.L. 91-375) the Board of Governors establishes effective dates of certain provisions of that Act as follows:

Provision of Postal Reorganization Act	*Effective dates*
The following provisions contained in section 2:	
39 U.S.C. §1001	Mar. 1, 1971
39 U.S.C. §1002	Mar. 1, 1971

By this resolution the Board of Governors determines that section 3311 of former title 39, United States Code, is no longer effective as of the effective date of section 1001(a) of revised title 39, United States Code, specified above.

The Secretary of the Board of Governors is directed to arrange for the publication of this resolution in the FEDERAL REGISTER. The foregoing resolution was adopted by the Board of Governors on February 23, 1971.

(39 U.S.C. section 202, as enacted by Public Law 91-375 and section 15(a) of Public Law 91-375)

DAVID A. NELSON,
General Counsel, Post Office Department, Secretary to the Board of Governors, U.S. Postal Service.

[FR Doc.71-2700 Filed 2-25-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PROPOSED COSUMNES RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIF.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft of document entitled "Environmental Statement on Consumnes River Division, Central Valley Project, California, Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969" dated January 1971, has been prepared as required by the Act and is being placed for public examination in offices of the Bureau of Reclamation in Washington, D.C., and Sacramento, Calif. Persons wishing to examine a copy of the document may do so at either of the following offices:

Office of Information, Bureau of Reclamation, Room 7646, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC 20240, telephone (202) 343-4662;

Office of the Regional Director, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 481-2571.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

FEBRUARY 19, 1971.

[FR Doc.71-2628 Filed 2-25-71;8:49 am]

TAHOE NATIONAL FOREST, CALIF.

Order of Transfer of Administrative Jurisdiction of Land, Boca Reservation, Truckee Storage Project, Calif.

Correction

In F.R. Doc. 71-1964 appearing at page 2937 in the issue of Friday, February 12, 1971, in the Mount Diablo Meridian land description, the last line under section 20 reading "NE¼NW¼SE¼;" should be deleted.

National Park Service

NATIONAL CAPITAL PARKS—CENTRAL

Notice of Intention To Extend Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—Central, proposes to extend a concession permit to Buzzard Point Boatyard Corp., authorizing it to continue to provide marina services for the public at the foot of First Street SW., Washington, DC, for a period of 2 years from September 1, 1970, through August 31, 1972.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in extension of the existing permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, National Capital Parks—Central, 1100 Ohio Drive SW., Washington, DC 20242, for information as to the requirements of the proposed permit.

Dated: February 5, 1971.

WILLIAM R. FAILOR,
Superintendent, National Capital Parks—Central.

[FR Doc.71-2599 Filed 2-25-71;8:47 am]

Office of the Secretary

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Notice of Determination

The listing of Indian tribes performing law and order functions was published on page 5341 of the March 18, 1969, issue of the FEDERAL REGISTER (34 F.R. 5341). It was subsequently amended on page 10917 of the July 7, 1970, issue of the FEDERAL REGISTER (35 F.R. 10917). The listing is further amended as follows:

Add the phrase "Nebraska: Omaha Indian Reservation" immediately preceding the phrase "Nevada."

This notice shall be effective upon publication in the FEDERAL REGISTER (2-26-71).

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 19, 1971.

[FR Doc.71-2627 Filed 2-25-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[PPD 639]

JAPANESE BEETLE AND CERTAIN OTHER PESTS

List of Approved Laboratories Authorized To Receive Interstate Shipments of Soil Samples for Processing, Testing, or Analysis

Correction

In F.R. Doc. 71-2340 appearing at page 3272 in the issue of Saturday, February 20, 1971, the second entry under the heading "MC" on page 3274 should be deleted and the following entry substituted: "McClelland Engineers, Inc., Houston, Tex."

Packers and Stockyards Administration

REED'S AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Reed's Livestock Co., Inc., Hayward, Apr. 19, 1961.	Reed's Auction, Nov. 17, 1970.
Silveira's Livestock Auction Yard, Modesto, Nov. 23, 1959.	"Silva-Haglund" Livestock Auction, Jan. 1, 1971.
GEORGIA	
Citizen Stock Yard, Arlington, May 21, 1959.	Citizens Stock Yard, Inc., Nov. 1, 1970.
Pierce County Stock Yard, Blackshear, May 16, 1959.	Pierce County Stockyard, Inc., July 1, 1970.
Seminole Hog & Cattle Co., Inc., Donalsonville, May 25, 1959.	Seminole Livestock, Inc., Jan. 1, 1971.
NEBRASKA	
Fullerton Livestock Market, Fullerton, Apr. 24, 1959.	Fullerton Livestock Market, Inc., Dec. 1, 1970.
NEW YORK	
Norwich Commission Sale, Inc., Norwich, July 12, 1960.	Lazy S Livestock Market, Dec. 28, 1970.

Done at Washington, D.C., this 22d day of February 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc. 71-2664 Filed 2-25-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5714]

AUROTHIOGLYCANIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antirheumatic drug:

Lauron Suspension for injection, containing aurothioglycanide; Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, New York 11533 (NDA 5-714).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report and concludes that aurothioglycanide is possibly effective for rheumatoid arthritis.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for the indication for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations publisied in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the Academy's report. Any interested person may obtain a copy of these reports by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 "C" Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5714, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland, 20852:

Supplements (identity with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2590 Filed 2-25-71;8:46 am]

[DESI 11560]

CERTAIN DRUGS CONTAINING CARBETAPENTANE TANNATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing carbetapentane tannate:

1. Reflexol Forte Cough Lozenges; Isodine Pharmacal Corp., Division of International Latex Corp., 350 Fifth Avenue, New York, New York 10001 (NDA 11-646).

2. Reflexol Cough Lozenges; Isodine Pharmacal Corp. (NDA 11-645).

3. Candette Cough Lozenges; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, New York 10017 (NDA 11-560).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are possibly effective for the temporary relief of coughs.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval in not in effect.

The above-named holders of the new-drug applications have been mailed a copy of the Academy's report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11560, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for NAS-NRC reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2595 Filed 2-25-71;8:46 am]

[DESI 12186]

CERTAIN GASTROINTESTINAL DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Oxaine Suspension, containing oxethazaine and aluminum hydroxide gel; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 12-186).

2. Oxaine M Suspension, containing oxethazaine, aluminum hydroxide gel, and magnesium hydroxide; Wyeth Laboratories (NDA 12-186).

Such drugs are regarded as new drugs (21 U.S.C. 321 (p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. These drugs lack substantial evidence of effectiveness in the treatment of gastritis and the irritable colon syndrome.

2. The drugs are possibly effective for the treatment of esophagitis and peptic ulcer.

B. *Marketing status.* 1. Within 60 days after the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for which a drug is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12186, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2597 Filed 2-25-71;8:46 am]

[DESI 1178]

CERTAIN OVER-THE-COUNTER LOCAL IRRITANTS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for topical use:

1. Infrarub Analgesic Cream, containing methyl nicotinate, histamine dihydrochloride, glycol salicylate, and capsicum oleoresin; Whitehall Laboratories, Inc., 685 Third Avenue, New York, New York 10017 (NDA 8-908).

2. Rubiguent Rubefacient Cream, containing methyl nicotinate, histamine dihydrochloride, glycol salicylate, and capsicum oleoresin; Ives Laboratories, Inc., 685 Third Avenue, New York, New York 10017 (NDA 8-550).

3. Imadyl Unction, containing histamine dihydrochloride, glycol acetyl salicylate, methyl salicylate, menthol, and

thymol; Roche Laboratories, Inc., Division of Hoffmann-LaRoche, Inc., 340 Kingsland Road, Nutley, New Jersey 07110 (NDA 9-416).

4. Chloro-Salicylate Ointment, containing chloral hydrate, menthol, and methyl salicylate; Kremers-Urban Co., 5600 West County Line Road, Mequon, Wisconsin 53201 (NDA 5-364).

5. Lembrose Ointment, containing methacholine chloride, menthol, thymol, eucalyptol, and methyl salicylate; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 1-176).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are possibly effective for use in relieving pain of arthritis, rheumatism, lumbago, neuralgia, neuritis, minor muscular aches, muscle injuries, sprains, strains, sore joints, stiff neck, pain due to exertion and fatigue, aches and pains associated with the common cold, and as a counterirritant or rubefacient.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or an original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective.

2. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

3. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed the appropriate copy of the Academy's reports. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1176, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug application: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for NAS-NRC reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.
All other communications concerning this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2589 Filed 2-25-71;8:46 am]

[DESI 11114]

CERTAIN RECTAL SUPPOSITORIES CONTAINING HYDROCORTISONE ACETATE, BELLADONNA EXTRACT, AND EPHEDRINE SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Wyanoids HC Rectal Suppositories, containing hydrocortisone acetate, belladonna extract, ephedrine sulfate, zinc oxide, boric acid, bismuth iodide oxide, bismuth subcarbonate, and balsam peru; Wyeth Laboratories, Inc., Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 11-114).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is possibly effective for use in the treatment of acute and chronic nonspecific proctitis; radiation proctitis; proctitis accompanying ulcerative colitis; medication proctitis; acute internal hemorrhoids; cryptitis; postoperative scar tissue with inflammatory reaction; and anal pruritus.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street, SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with a reference number DESI 11114, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2594 Filed 2-25-71;8:46 am]

[DESI 10201]

CHLORBETAMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drug:

Pontalin Tablets containing chlorbetamide; Winthrop Products, Inc., 90 Park Avenue, New York, New York 10016 (NDA 10-201).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that chlorbetamide is possibly effective for treatment of amebiasis.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for the indication for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10201, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2592 Filed 2-25-71;8:46 am]

[DESI 12568]

CHLORDANTOIN AND BENZALKONIUM CHLORIDE LOTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Sporostacin Lotion, containing chlordantoin and benzalkonium chloride; Ortho Pharmaceutical Corp., Route 202, Raritan, New Jersey 08869 (NDA 12-568).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the drug is possibly effective for fungal infections of the skin.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for the indication for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study", published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, DC 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12568, directed to the attention of the appropriate office below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended: 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2598 Filed 2-25-71;8:47 am]

[DESI 11103]

NEOMYCIN SULFATE-HYDROCORTISONE ACETATE RECTAL SUPPOSITORIES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Protef Rectal Suppositories containing neomycin sulfate and hydrocortisone acetate; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49001 (NDA 11-103).

The Food and Drug Administration concludes that rectal suppositories containing neomycin sulfate and hydrocortisone acetate are possibly effective for adjunctive treatment in cryptitis; papillitis; nonspecific localized proctitis and anusitis; radiation proctitis and sigmoiditis; and fissure in ano.

Preparations containing neomycin sulfate and hydrocortisone acetate are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of the effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing neomycin sulfate and hydrocortisone acetate which bear labeling with the possibly effective indications will be accepted for release or certification by the Food and Drug Administration for a period of six (6) months after publication of this announcement in the FEDERAL REGISTER.

At the end of the 6-month period any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drugs will no longer be acceptable for release or certification.

The Food and Drug Administration further concludes that there is a lack of substantial evidence that the drug is effective for use postoperatively following anal surgery. Batches of the drug with labeling bearing this claim will no longer be acceptable for release or certification after 40 days following the publication date of this announcement in the FEDERAL REGISTER.

Any person who would be adversely affected by deletion of the indication for which the drug lacks substantial evidence of effectiveness, as described in this announcement, may within 30 days after publication hereof in the FEDERAL REGISTER submit comments or pertinent data bearing on the effectiveness of the drug for such an indication.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11103, directed to the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Amendments (identify with NDA number): Division of Anti-Infective Drugs (BD–140), Office of Scientific Evaluation, Bureau of Drugs.
Other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2593 Filed 2–25–71;8:46 am]

[DESI 10025]

NYSTATIN VAGINAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Mycostatin Vaginal Tablets containing nystatin; marketed by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, New Jersey 08903.

The Food and Drug Administration concludes that nystatin vaginal tablets are effective for the local treatment of vulvovaginal candidiasis.

Preparations containing nystatin are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification of the drug in the dosage form described above should provide for labeling which is in accord with the reevaluation of the drug as stated in this announcement.

The above-named firm and any other holders of applications approved for a drug of the kind described above are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Such labeling should comply with all requirements of the Act and regulations, bear adequate information for safe and effective use of the drug, and be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling should be as follows:

INDICATIONS

Nystatin vaginal tablets are indicated in the local treatment of vulvovaginal candidiasis.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10025, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Amendment (identify with NDA number): Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for NAS–NRC report: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2591 Filed 2–25–71;8:46 am]

[DESI 11926]

TRICLOBISONIUM CHLORIDE VAGINAL PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs containing triclobisonium chloride and marketed by Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, New Jersey 07110.

1. Trib Vaginal Cream (NDA 11–926); and

2. Trib Vaginal Suppositories (NDA 12–523).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports and concludes that these triclobisonium chloride vaginal preparations are:

1. Probably effective as a deodorant for saprophytic infection which may occure after radiotherapy.

2. Possibly effective for trichomoniasis; vulvo-vaginal infections due to *Candida albicans, Haemophilus, vaginalis,* staphylococci, and streptococci; for preoperative use; postoperatively and after such procedures as cauterization and conization; for postpartum use; and in senile vaginitis to control secondary infections in conjunction with specific estrogen therapy.

B. *Marketing status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months and the indications described as possibly effective may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER on May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug-application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

As a deodorant for saprophytic infection which may occur after radiotherapy.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9(d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

4. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

The above-named holder of the new-drug applications for these drugs has been mailed a copy of the Academy's reports. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11926, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.
Requests for NAS–NRC reports: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–2596 Filed 2–25–71;8:46 am]

Social and Rehabilitation Service

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (34 F.R. 1279, Jan. 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Community Services Administration. For such purposes, Part 5–B is amended as follows:

By striking out all that follows under the heading "Community Services Administration" and inserting in lieu thereof the following:

OFFICE OF THE COMMISSIONER

Provides leadership in the planning, development, and coordination of those Social and Rehabilitation Service programs which provide services to improve the capability of disadvantaged families and individuals for self-support, including utilization of the WIN program (Work Incentive Program); provides services for the welfare of children; provides services to strengthen family life for disadvantaged families with children; furnishes assistance in family planning; and provides services for disadvantaged aged, blind, or permanently and totally disabled individuals to improve their social functioning. Within the authorities delegated to it, the Administration establishes program goals and objectives; develops standards, program policies, criteria and guidelines; provides professional consultation to the regional office staff and assists in the guidance and leadership of State and local agencies and groups; cooperates with the Office of Planning, Research and Training in the promotion of demonstration programs to evolve new and more effective approaches and methods in the organization and delivery of services; conducts administrative management activities, and coordinates its activities and programs with other concerned Social and Rehabilitation Service organizations, the Office of Child Development, and other Department of Health, Education, and Welfare agencies, as well as other public and private organizations.

Develops proposals for new service legislation and amendments to existing legislation in coordination with the Office of Legislative Affairs.

Develops Emergency Welfare Services policies and materials to provide capability in emergency preparedness to respond effectively to any emergency condition.

Through coordination with the Health, Education, and Welfare Migrant Project Group, develops and plans welfare services programs for migrant workers and their families.

OFFICE OF PLANNING AND EVALUATION

Responsible for program planning, analysis and evaluation of the Federal-State social services. Develops the long-range plans and a schedule for their accomplishment. Works closely with the Budget Office (Executive Office) in the development of a 5-year program and financial plan as well as the next year's program plans. Coordinates the establishment of goals and objectives, setting of program priorities and their translation (in collaboration with the executive and legislative liaison) into budget and legislative terms.

Collaborates and coordinates with other divisions, groups, and agencies dealing with planning and evaluation of social services programs and projects. Collaborates with the Office of Planning, Research and Training, the Office of Service Delivery and other appropriate units, in the development of research and demonstration strategy relating to social services and in review of all relevant social services project grants and contracts to determine their conformity with the strategy. Otherwise, promotes and cooperates in research and demonstration activities related to social services. Responsible for CSA participation in developing, implementing, and evaluating a manpower strategy for the social services. Determines needs and methods for securing information necessary for planning and evaluation of operations.

OFFICE OF SERVICE DELIVERY

Promotes and provides leadership to a nationwide development program to improve the organization and delivery of this Administration's services and related services provided by State and local agencies. Innovates, develops, and in cooperation with the Office of Planning, Research and Training tests models for the improvement of services on a comprehensive basis in different geographic and socio-economic settings, and in cooperation with other broad systems such as Model Cities, utilizing the authority and funds available under section 1115 of the Social Security Act and other sources. Coordinates with the Office of Planning and Evaluation, CSA, in the development of research strategy and in the evaluation, interpretation, and application of research findings to the service programs, and in the development and evaluation of training programs. Innovates and develops comprehensive service delivery systems and separation models.

Has responsibility for the community planning and development component of comprehensive public social services including such activities as developing collaborative strategies with other Federal departments and agencies for joint delivery of services, technical assistance to States, and maintenance of working relationships with pertinent national voluntary organizations.

OFFICE OF FIELD SUPPORT SERVICES AND STATE MANAGEMENT SERVICES

Serves as focal point of responsibility, on behalf of the Commissioner, for all Community Services Administration aspects of regional operation. Plans and participates in meetings and conferences of regional CSA staff. Acts as liaison with Office of Field Operations, SRS, and participates in the resolution of State problems. Coordinates the review of new State plans, plan amendments, policy questions, and State compliance issues.

Responsible for providing leadership and direction for formulating policies, standards, and procedures relating to efficient and effective administration of the community services programs, such as organization and management standards and practices of State agencies, fiscal accountability of State agencies, fiscal policy affecting financing of programs, administrative controls and procedures, State administrative supervision of local agencies, requirements for Federal participation in costs of administration, and technical aspects of Federal matching; and for maintaining liaison within the Department and with other organizations in these areas.

EXECUTIVE OFFICE

Assists the Commisioner in the coordination of Community Services Administration activities through work planning and management direction by preparing the budget and staffing plan and by coordinating and developing the operating plan. Participates in the development of overall program plans, PPBS, and the formulation, execution and eval-

uation of Community Services Administration policy. Plans and directs the development of projected resources for expansion or contraction of program activities. Directs administration, business management, staffing and budget, including responsibility for financial management of Community Services Administration and grants to the States for Child Welfare Services and Child Care under the WIN program.

OFFICE OF PROGRAM MANAGEMENT

Responsible for planning, directing and coordinating the activities of the three operating program divisions in carrying Community Services Administration's responsibility to provide assistance and guidance to State public welfare agencies in the development of social services programs.

Provides liaison with the Social and Rehabilitation Service, Office of Policy Coordination, as the single Community Services Administration focal point for communication clearance of all Community Services Administration regulations and policy matters.

COMMON SERVICES STAFF

Responsible for developing policy, procedures, and standards; giving consultation; writing papers and providing technical assistance to States and regional office staff within specified specialized areas of services that are common to all programs in the Community Services Administration and that cut across division lines, such as homemaker services, housing services, legal services, etc. Maintains liaison within the Department and with other organizations, public and private, in these areas of specialization.

PUBLIC AFFAIRS STAFF

Plans and conducts in coordination with the SRS Office of Public Affairs a public affairs program for social services including child welfare services, services to families receiving Aid to Families with Dependent Children (AFDC), and services to the aged and handicapped welfare recipients. Plans and supervises the Community Services Administration Public Information Program involving film production, video tapes, exhibits, pamphlets, printing, press releases, speeches, conference materials, etc. Provides liaison with national voluntary organizations, and civic, religious, professional, and other groups to further exchange of information, answers inquiries from Congress and the general public; services the press and other mass media; maintains a continuing survey of press and public welfare coverage and attitudes.

DIVISION OF CHILD AND FAMILY SERVICES

Plans, provides leadership, administers, and promotes the national program of comprehensive child and family services (title IV, parts A and B, of the Social Security Act), and formulates policies and guidelines for these services. Develops Federal regulations and policies for child and family services programs and develops and issues guidelines and program materials to assist the regional offices, States and localities in carrying out their responsibilities under the programs. Provides professional consultation and assistance to regional office staff and assists it in the guidance and leadership of State public welfare agencies and other public and voluntary agencies in development, extension, and improvement of quality programs offering social and related services for children and families. Participates in program analysis, evaluates practices and effectiveness of services, and takes action to promote improvement. Cooperates in the development of interdepartmental and intradepartmental programs relating to child and family services. Serves as Social and Rehabilitation Service liaison with the Office of Child Development on child welfare policies, regulations, and standards (except for day care standards).

DIVISION OF SERVICES TO THE AGED AND HANDICAPPED

Plans, provides leadership, administers, and promotes the national program of social services to the aged and the handicapped under the provisions of titles I, X, XIV, and XVI of the Social Security Act, and formulates policies and guidelines for these services. Develops Federal regulations and policies for aged and handicapped services and develops and issues, guidelines, and program materials to assist the regional offices, States and localities in carrying out their responsibilities under the programs. Provides professional consultation and assistance to the regional office staff in these areas, and assists it in the guidance and leadership of State agencies, and national, public and voluntary agencies in the development, implementation, extension and improvement of programs offering social services to the aged and the handicapped. Participates in program analysis including the evaluation of both its efficiency and effectiveness, and takes action to promote necessary improvements. Participates in the development of programs, both within the Department and with other governmental agencies which relate to aged and handicapped services. Maintains liaison with other Departmental offices and other governmental agencies on legislation, policy, regulations and standards.

DIVISION OF SELF-SUPPORT PROGRAMS

Plans, coordinates, directs and evaluates all related activities in carrying out departmental responsibilities in the Work Incentive Program (title IV, part C, Social Security Act), and other education and training programs authorized by the legislation. Develops Federal regulations and policies for self-support programs, and develops and issues guidelines and program materials to assist the regional offices, States and localities in carrying out their responsibilities under the programs. Maintains working relationship with Department of Labor and coordination and liaison with other agencies, public and private, in policy planning and program implementation. Provides technical assistance to other departments and agencies and to regional offices to assist them in maintaining effective Federal-State-local relationships and to encourage maximum realization of the Social and Rehabilitation Service objective to improve the capability of disadvantaged families and individuals to achieve self-support. Participates in program analysis and in development of research activities related to self-support programs. Cooperates in the development of interdepartmental and intradepartmental programs relating to individual and family services.

Approved: February 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-2616 Filed 2-25-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Detroit Edison Co., 2000 Second Avenue, Detroit, MI 84226, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated April 29, 1969, for a permit to construct and license to operate a boiling water nuclear power reactor, having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 19, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the office of Delbert J. Hoffman, Supervisor, Frenchtown Township Hall, 2664 Vivian Road, Monroe, MI.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2205 Filed 2-18-71;8:45 am]

[Docket No. 50-147]

NORTH AMERICAN ROCKWELL CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 7 to Facility License No. CX-17. The license presently authorizes the North American Rockwell Corp. (NARC), Atomics International Division of Canoga Park, Calif., to possess, use and operate the Epithermal Critical Experiment Laboratory (ECEL) facility located in Ventura County, Calif., at power levels up to 200 watts (thermal). The amendment authorizes (1) an increase in the quantity of uranium-235 and plutonium NARC may receive, possess and use in connection with operation of the ECEL facility and (2) incorporates Technical Specifications for operation of the facility which include provisions for a change in the core makeup and the use of plutonium as fuel in the test region of the facility in accordance with NARC's application dated July 30, 1970, and supplement thereto dated December 17, 1970. The amendment also restates the license in its entirety to delete the recordkeeping, reporting requirements and certain operating conditions that are now contained in the Technical Specifications, and to consolidate in current licensing form all pertinent provisions of amendments previously issued.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) NARC's application dated July 30, 1970, and supplement thereto dated December 17, 1970, and (2) the amendment to the facility license, including the Technical Specifications, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of February 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-2625 Filed 2-25-71;8:49 am]

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Issuance of Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated February 9, 1971, the Director of the Division of Reactor Licensing has issued Construction Permits Nos. CPPR-77 and CPPR-78 to Virginia Electric and Power Co. for the construction of two pressurized water nuclear reactors on the applicant's site located near Mineral, in Louisa County, Va. The reactors, known as the North Anna Power Station, Units 1 and 2, are each designed for initial operation at approximately 2,652 thermal megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Construction Permits Nos. CPPR-77 and CPPR-78 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 19th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2626 Filed 2-25-71;8:49 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Availability of Draft Detailed Statement and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Draft Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Operation of the Vermont Yankee Nuclear Power Station by the Vermont Yankee Nuclear Power Corp." is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room, 1717 H Street NW., Washington, DC; and the Brooks Memorial Library, 224 Main Street, Brattleboro, VT.

The Commission hereby requests comments on the proposed action and the Draft Detailed Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

A copy of the Draft Detailed Statement dated February 18, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to any such State or local agency upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 24th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2736 Filed 2-25-71;8:53 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-2-88]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of February 1971.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fares; Docket 22628, Agreement CAB 22051,[1] Agreement CAB 22068.[2]

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's eco-

[1] Agreement CAB 22051, R-2 through R-7; R-9; R-12 through R-14; R-18 through R-19; R-26; R-27; R-29 through R-31.
[2] Agreement CAB 22068, R-13; R-17; R-19; R-20; R-24 through R-26.

nomic regulations, among air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreements, which were adopted at the Honolulu conference during September and October of 1970 and at subsequent meetings in Geneva, have been assigned the above-designated CAB agreement numbers.

The subject agreements encompass fares and related provisions to apply between the United States and other points within the Western Hemisphere. Of primary interest to the Board are those portions of the agreement which relate to United States-Caribbean/Bermuda markets [3] and which are intended for effectiveness from April 1, 1971, through March 31, 1972. Fare revisions proposed in this area generally result in upward adjustments, and a comparison of present vs. proposed fares, based on selected markets, is set forth in the appendix.[3a]

First-class fares to the Caribbean would generally be unchanged, and economy-class fares would be increased in the range of 5 to 8 percent. The pattern of excursion fares, available for first-class or economy travel of 21 days or less (with no minimum-stay requirement), would be significantly revised. First-class excursion fares, currently established with a midweek/weekend fare differential, would be replaced by a higher level fare, which would apply all year throughout the entire week and which would generally result in increases of about 30 percent for midweek passengers and approximately 13 percent for weekend travelers. For economy-class excursion travelers, midweek/weekend fare differentials would be maintained at higher fare levels, but the structure would be further differentiated by the establishment of still higher fares for application in the winter months. This restructuring results in increases generally in the range of 3 percent and 7 percent for respective midweek and weekend passengers in the summer period May through November,[4] and 10 percent and 14 percent for midweek and weekend passengers, respectively, traveling during the remainder of the year.

Group inclusive tour (GIT) fares for 15 or more passengers would generally remain at current fare levels, with travel restricted to the summer period and with no weekend travel permitted during July and August; the carriers also propose fares, at about the level of those for GIT travel, for groups of 20 or more passengers traveling under an incentive/own use program. This corresponds to similar provisions established for application on transatlantic and transpacific routes. Fares proposed for travel to/from Bermuda, although reversed with respect to seasonal application, would generally follow the same pattern as indicated for the Caribbean area.

In support of the agreement, Pan American contends it has sustained subnormal rates of return on investment in this area in recent years. With respect to the Caribbean, the carrier estimates that the proposed revisions to the fare structure will provide a 7.4-percent increase in revenues, or about $3.8 million, based on the level of traffic carried during the 12-month period ended November 30, 1970. Eastern estimates a $900,000 increase in revenues, based upon traffic carried on its routes during the year ended in June of 1970.

The Board has tentatively decided to approve, in some instances subject to conditions as applied in the past, the resolutions now before us, but will defer final action, pending receipt of comments, on those resolutions pertaining to Caribbean/Bermuda travel. The depressed earnings' situation of the carriers indicates a need for the additional revenues which would be provided by the agreements. The Board has generally approved carrier adjustments of discounted fares designed to improve their economic results, particularly in the Western Hemisphere where earnings have been chronically submarginal. It would appear that significant economic improvement could be also achieved by the establishment of reasonable minimum-stay requirements to minimize diversion of normal-fare passengers.

Since the Caribbean/Bermuda promotional fare resolutions were filed with the Board after it established a schedule for the receipt of comments on those agreements finalized at the Honolulu Conference,[5] we will, by our deferral of final action, provide a 10-day period for interested persons to comment on the carriers' fare agreements and the Board's proposed action thereon.

We will require that tariffs implementing the subject agreements be filed on at least 30 days' notice so as to provide the traveling public and travel agents reasonable notice of the fare changes.[6]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22051:			
R-26	003	Standard Rescission Resolution	1
R-27	070tt	TC1 Excursion Fares (Amending)	1
R-29	076qll	TC1 Own Use and Incentive Group Fares (Bermuda and Caribbean) (Amending).	1
R-30	084ll	TC1 14-Day Group Inclusive Tour Fares—Caribbean and Bermuda (Amending).	1

2. It is not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22051:			
R-2	002	Standard Revalidation	1
22068:			
R-13	050	First-Class Conditions of Service (Revalidating and Amending)	1
22051:			
R-3	051	TC1 First-Class Fares	1
R-4	060	Economy-Class Conditions of Service (Revalidating and Amending)	1
R-5	069a	Mixed-Class Aircraft (Revalidating and Amending)	1
R-6	061	TC1 Economy-Class Fares	1
R-7	070	TC1 Excursion Fares (Revalidating and Amending)	1
R-9	072	TC1 Creative Fares (Revalidating and Amending)	1
R-14	080n	TC1 14-day Individual Inclusive Tours—USA/Canada and Mexico (new)	1
R-17	084l	TC1 14-Day Group Inclusive Tour Fares—Caribbean and Bermuda (Revalidating and Amending).	1
R-19	091	TC1 Family Fares (Revalidatig and Amending)	1
22068:			
R-19	150a	Fares for Round Trip (Revalidating)	1
R-20	151a	Circle-Trip Discount (Revalidating and Amending)	1
R-24	310	Free Baggage Allowance (Revalidating and Amending)	1
R-25	311	Baggage Excess Weight Charges (Revalidating and Amending)	1
R-26	311b	Charges for Snow Skiing Equipment (Revalidating and Amending)	1

3. The Board does not find that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval shall be subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
22051:			
R-12	076s	TC1 Affinity, Own Use and Incentive Group Fares (new)	1
R-13	076g	TC1 Own Use and Incentive Group Fares (Bermuda and Caribbean) (new).	1
R-16	084e	TC1 Group Inclusive Tour Fares—South America (new)	1
R-18	084j	TC1 14-Day Group Inclusive Tour Fares—Venezuela (Readopting and Amending).	1
R-31	084jll	TC1 14-Day Group Inclusive Tour Fares—Venezuela (Amending)	1
		Provided that:	
		(a) Provisions which at departure would permit a lesser number of passengers than that prescribed by the resolutions to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group, and the balance of the group may travel at no added costs.	
		(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.	
		(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.	
		(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.	
22068:			
R-17	092	Student Fares (Revalidating and Amending)	1
		Provided that fares shall continue to be inapplicable in air transportation as defined by the Act.	

Accordingly, it is ordered, That:

1. Action on those portions of Agreement CAB 22051 set forth in finding paragraph 1 be and hereby is deferred, with a view toward eventual approval;

2. Those portions of Agreements CAB 22051 and 22068 set forth in finding paragraph 2 above be and hereby are approved;

3. Those portions of Agreements CAB 22051 and 22068 set forth in finding paragraph 3 above be and hereby are approved, subject to the conditions stated therein; and

4. Insofar as air transportation as defined by the Act is concerned, tariff filings to implement the subject agreements shall be marked to become effective on not less than 30 days' notice from the date of filing.

Any air carrier party to the agreements, or any interested person, may, within 10 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action stated herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2578 Filed 2-25-71;8:45 am]

[Docket No. 22628; Order 71-2-91]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority February 22, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted pursuant to the provisions of Resolution 072 dealing with the establishment of special creative fares within the Western Hemisphere, has been assigned the above-designated CAB agreement number.

The agreement would permit the establishment of 8-day group inclusive tour (GIT) fares from points in the United States to Panama City for 15 or more passengers purchasing at least $70 in ground accommodations. Fares would initially be established from Miami, New York, and Los Angeles at the level earlier agreed for GIT travel to Barranquilla. Our proposed approval herein of the instant agreement will be subject to the Board's usual conditions relating to cancellations and refunds.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22223 be and hereby is deferred with a view toward eventual approval. *Provided*, That approval shall be subject to the following conditions:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost.

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-2659 Filed 2-25-71;8:52 am]

[Docket No. 22387]

INVESTIGATION OF AIR EXPRESS RATES

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 23, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on November 4, 1970, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 22, 1971.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[FR Doc.71-2657 Filed 2-25-71;8:52 am]

[Docket No. 23000]

MITSUILINE TRAVEL SERVICE OF AMERICA (U.S.A.), INC.

Notice of Hearing

Mitsui Air & Sea Service Co., Ltd. (Japan), doing business as Mitsuiline Travel Service of America (U.S.A.), Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 31, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut

[3] No agreement was consummated on fares to apply between the United States and Argentina / Brazil / Chile / Paraguay / Uruguay. Fares included in the instant agreements would generally be adjusted in conformity with the fare structures earlier approved by the Board in Order 71-1-54, dated Jan. 12, 1971, for early effectiveness and application on routes involving Panama/Colombia/Venezuela.

[3a] Appendix filed as part of original document.

[4] April through November in 1971 only.

[5] Order 70-12-62, dated Dec. 11, 1970.

[6] We will not preclude the filing of tariffs, subsequent to this order, which implement fares and provisions contained in the resolutions on which action is herein deferred; however, the Board reserves the right to reject such tariffs in the event action is not finalized prior to the marked effectiveness date.

Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served February 22, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 23, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-2658 Filed 2-25-71;8:52 am]

[Docket No. 23080 etc.; Order 71-2-92]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Order Reclassifying Stations

Issued under delegated authority February 22, 1971.

Priority and Nonpriority Domestic Service Mail Rates Investigation, Docket 23080; Domestic Service Mail Rate Investigation, Docket 16349; and Nonpriority Mail Rates, Docket 18381.

Order 70-6-38, dated June 5, 1970, and effective June 27, 1970, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of priority and nonpriority mail. Upon review of the originating revenue tons enplaned by stations for the year ended June 30, 1970, the Board finds that certain stations

The multielement service mail rate formulas,[1] which were designed to prolas,[1] which were designed to provide a uniform rate of pay for like service, are comprised of a line-haul rate and a terminal charge which varies by class of station.[2] The orders establishing these formulas made provision for three classes of stations (X, Y, and Z). These are applicable to both priority and nonpriority mail.

The orders fixing the multielement service mail rates provide for the reclassification of stations, without disturbing the overall rate and rate structure, when the revenue tons originated[3] at the stations in question bring such stations within a different class.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.16(c); it is found that:

(1) The present classification of stations should be amended because the volume of on-line revenue tonnage originated during the year ended June 30, 1970,[4] brings certain stations within the respective new classifications shown in the appendix hereto.[5]

(2) Such reclassifications should be made effective March 6, 1971, which date will be the first day of the next 28-day Post Office Department Postal Accounting Period.[6]

(3) In view of the foregoing, the lists of stations included in the Appendix to Order 70-6-38 for the station classes should be amended in order to reflect the new classifications designated herein.

Accordingly, pursuant to the delegated authority referred to above:

It is ordered, That:

1. Effective March 6, 1971, the stations included in each of the station classes shall be as specified in the appendix attached hereto,[6] provided that any station not listed in the appendix shall be classified as a Class Z station;

2. Effective March 6, 1971, the appendix to Order 70-6-38 shall be superseded by the appendix attached hereto; [5] and

3. This order be served upon all parties in Docket 23080.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 7 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-2660 Filed 2-25-71;8:53 am]

[1] Domestic Service Mail Rate Investigation, Order E-25610, Aug. 28, 1967; and Nonpriority Mail Rates, Orders 70-4-9 and 70-4-10, Apr. 2, 1970. The rates for both priority and nonpriority mail established by these orders are now temporary pursuant to Order 70-12-48, Dec. 8, 1970 (Dockets 22671 and 22731), reopening those rates and instituting an investigation thereof, effective Dec. 12, 1970. On Feb. 8, 1971, Dockets 22671 and 22731 were consolidated in Docket 23080, Priority & Nonpriority Domestic Service Mail Rates Investigation.

[2] The line-haul rates based on nonstop great circle distances are as follows: for priority mail 24 cents per mail ton-mile (Order E-25610); for nonpriority mail 11.33 cents per mail ton-mile (Order 70-4-9). The terminal charges for priority mail and nonpriority mail are as set forth in the appendix which is filed as part of the original document.

[3] The multielement rates are based on on-line originating revenue traffic; reclassifications likewise are based on on-line originations.

[4] Traffic data for 12 months ended June 30, 1970, cover the most recent 12-month period for which an official compilation is available.

[5] Filed as part of the original document.

[6] Domestic Service Mail Rate Investigation, Order E-25610, Aug. 28, 1967; Nonpriority Mail Rates, Orders 70-4-9 and 70-4-10, Apr. 2, 1970.

CIVIL SERVICE COMMISSION

CORRECTIONAL OFFICER POSITIONS, WASHINGTON, D.C.

Notice of Establishment of Minimum Rate and Rate Range

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rate and rate range as follows:

GS-007 CORRECTIONAL OFFICER

Geographic coverage: District of Columbia Government.
Effective date: First day of the first pay period beginning on or after February 21, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-6	$7,985	$8,243	$8,501	$8,759	$9,017	$9,275	$9,533	$9,791	$10,049	$10,307

All new employees in the specified occupational level will be hired at the new minimum rate.

As of the effective date, D.C. Government will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 71, FPM, D.C. Government may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2671 Filed 2-25-71;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

BLACK LEAF PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1107) has been filed by Black Leaf Products Co., Post Office Box 868, Highland Park, IL 60035, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the insecticide nicotine in or on the raw agricultural commodities eggs and poultry at 1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is the method of Charles L. Ettinger, Meat Inspection Division, Methods Development Laboratory, U.S. Department of Agriculture, Beltsville, Md. entitled "Detection and Estimation of Nicotine in Animal Tissue".

Dated: February 22, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner, Pesticides.

[FR Doc.71-2620 Filed 2-25-71;8:49 am]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1117) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the fungicide 1-chloro-2-nitropropane in or on the raw agricultural commodity melons at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a gas-liquid chromatographic procedure with electron-capture detection.

Dated: February 22, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner, Pesticides.

[FR Doc.71-2621 Filed 2-25-71;8:49 am]

TRICYCLOHEXYLTIN HYDROXIDE

Notice of Establishment of Temporary Tolerance

The Dow Chemical Co., Midland, Mich. 48640, submitted to the Food and Drug Administration a petition requesting a temporary tolerance for residues of the insecticide tricyclohexyltin hydroxide in or on the raw agricultural commodities apples and pears.

The Reorganization Plan No. 3 of 1970 published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348). The functions vested in the Secretary of Agriculture and the Department of Agriculture under Section 408(1) of that Act (21 U.S.C. 346a(1)), and under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) were also transferred to the Administrator.

The Fish and Wildlife Service, U.S. Department of Interior, advised that it has no objection to this temporary tolerance.

It has been determined that a temporary tolerance of 2.5 parts per million for residues of the insecticide in or on apples and pears is safe and will protect the public health. It is therefore established as requested on condition that the insecticide is used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Dow Chemical Company name. This temporary tolerance will expire February 22, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and pursuant to Reorganization Plan No. 3 of 1970 (35 F.R. 15623) and under authority delegated to the Commissioner or Acting Commissioner, Pesticides Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: February 22, 1971.

RAYMOND E. JOHNSON,
Acting Commissioner, Pesticides Office.

[FR Doc.71-2622 Filed 2-25-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-158]

NATIONAL BROADCASTING CO., INC.

Memorandum Opinion and Order; Partial Waiver of Prime Time Access Rules for NBC Affiliates

In the matter of petition of National Broadcasting Co., Inc. (NBC) for waiver of § 73.658(k)(1) of the Commission's rules.

1. The National Broadcasting Co. has petitioned the Commission for waiver of § 73.658(k)(1) of the Commission's rules to permit affiliates of the NBC television network in the top 50 markets to exhibit on Sunday evenings 3½ hours of network programing instead of 3 hours as required by the rule. Such affiliates in return would carry only 2½ hours of network programing on one evening other than Sunday during the same weeks.

2. NBC urges that its present Sunday schedule differs from other evenings (Monday through Saturday). It includes 4 instead of 3½ hours of network programing between 7 and 11 p.m. This schedule is of over 20 years duration. According to NBC, Sunday is the "all family" evening and the number of children in the audience is larger, especially in the early evening, than on other nights. NBC's Sunday evening schedule includes The Wonderful World of Disney (7:30 to 8:30 p.m.), a longstanding program, which, according to NBC, was designed for and has continuing and special appeal to children and young adults.[1] The schedule has been carefully constructed to provide a gradual transition from programing of particular interest to children to programing of progressively more adult appeal. NBC wishes to continue this practice.[2]

3. Westinghouse Broadcasting Co., Inc., an intervenor who supports the Commission's rules on the pending appeal, opposes grant of the requested waiver as premature and potentially very confusing to both affiliates and those Independent producers who will be entering the prime time market for the first time next season. Westinghouse urges that it is important to know the exact time periods to be released by the network, and that consideration of the waiver request is premature without more complete information on the scheduling plans of the three networks. NBC filed a reply comment urging that NBC's reason for seeking the waiver now is to permit the early achievement of the scheduling certainty which Westinghouse seeks and that a postponment of decision would be undesirable.

4. The purpose of our rule is to correct an "unhealthy" concentration in the sources of television prime time programing by opening up at least a half hour of prime time to programs chosen by licensees from other than network sources. We concluded, after extensive consideration, that the public interest would be benefited by multiplying and

[1] NBC's research indicates that 7:30 to 8:30 p.m. on Sunday evening is a particularly useful time for a program designed with a view to special appeal to children and young people and that the Disney program attracts about half the children ages 2-11 years viewing television in the 7:30-8:30 p.m. period on Sunday. As long ago as 1962 Hugh M. Bevelle, Vice President of NBC, testifying in the enbanc hearings (Docket No. 12782), explained that The Wonderful World of Color was scheduled at 7:30 p.m. on Sunday after careful inquiry into its probable acceptance by young audiences and its ability to reverse a marked fall off of the children's audience (from 26 million to 17 million) at 8 p.m. on Sunday evenings. It has since succeeded in filling a need for all family programing of particular appeal to young people.

[2] The current Sunday night schedule of NBC is:
7:30 Wonderful World of Disney.
8:30 The Bill Cosby Show.
9:00 Bonanza.
10:00 The Bold Ones (three series—medicine, law, and politics).

diversifying sources of television programs so as to give the licensee something more than a "nominal choice" in selecting his prime time program fare. We do not believe that grant of the waiver herein will be inconsistent with that objective, and we think it highly desirable in the public interest to encourage the presentation by networks of programs designed to serve the special interest of children. As NBC's Sunday evening prime time schedule is presently one-half hour longer than that of other evenings, Sunday is the only night in the week which will be affected, and to add a half hour on that evening to the 3 hours allowable under the rule will still free a half hour presently filled by network programing for programs from nonnetwork sources.[3] The waiver will require NBC affiliates in major markets to give up a half hour of network programing on another night if they elect to carry an extra half hour on Sunday. Hence, there will be no change in the aggregate number of prime time hours each week which would have to be programed by the stations. The essential purpose of our rule will thus be served. Our grant of waiver for Sunday evening should not be considered a precedent for similar waivers affecting other nights of the week. We do not see the confusion to other parties that Westinghouse claims, since NBC will doubtless very shortly announce its 1971 fall schedule.

5. Our grant of waiver is specifically conditioned on each affiliate exhibiting only 2½ hours of network programing in prime time on another day in the same week it carries the 3½-hour NBC Sunday evening schedule. We have limited the waiver to October 1, 1972, so that we may observe its practical effect and, if requested to do so, then determine whether it should be continued. We would entertain such an application early in 1972.

6. Therefore, for the reasons stated herein: *It is ordered,* That § 73.658(k) (1) be and it is hereby waived to the extent necessary to permit NBC's television affiliates in the top 50 market as defined in the rule to broadcast 3½ hours of network programing between 7 and 11 p.m. (6 and 10 p.m. central time) on Sunday evenings, provided that each such affiliate shall broadcast not more than 2½ hours of network programs as defined by the rule between such hours on another day in the same week.

7. *It is further ordered,* That this waiver shall expire, unless renewed, on October 1, 1972.

[3] As is said in our order of May 7, FCC 70-486 (Vol. 35, No. 93 adopted May 4, 1970, released May 7, 1970) paragraph 22: "In view of the common practice of networks of offering only 3½ hours of network programs between 7 and 11 p.m. the rule we are adopting will open up one-half hour of additional time per evening for nonnetwork programs on affiliated stations."

Also paragraph 23: "It may be hoped that the diversity of program ideas [will] be encouraged by removing the three network funnel for this half hour of programing."

Adopted: February 18, 1971.

Released: February 19, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2641 Filed 2-25-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 89]

FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION

Notice of Receipt of Application for Permission To Acquire Control of Guarantee Savings and Loan Association of Visalia

FEBRUARY 23, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fresno Guarantee Savings and Loan Association, Fresno, Calif., for approval of acquisition of control of the Guarantee Savings and Loan Association of Visalia, Visalia, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said control to be acquired by the purchase for cash of the outstanding shares of the guarantee stock of Guarantee Savings and Loan Association. Comments on the application should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-2661 Filed 2-25-71;8:52 am]

[H. C. 89]

GOLDEN WEST FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Santa Cruz Savings and Loan Association

FEBRUARY 23, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Golden West Financial Corp., Oakland, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Santa Cruz Savings and Loan Association, Santa Cruz, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by exchange of shares of Golden West Financial for the acquisition of the assets of Santa Cruz Savings and Loan Association by Golden West Savings and Loan Association, an insured subsidiary of the applicant. Golden West Savings and Loan Association will also assume the liabilities and obligations of Santa Cruz Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-2662 Filed 2-25-71;8:52 am]

FEDERAL MARITIME COMMISSION

JAPAN LINE, LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Yamashita-Shinnihon Steamship Co.

Notice of agreement filed by:

Charles Warren, Esquire, 1100 Connecticut Avenue NW., Washington, DC 20036.

Under Agreement No. 9718 as presently approved, each of the four carriers listed above has contributed one containership for the parties' four vessel service between Japan and California. Also Agreement No. 9718 is scheduled to expire by its terms on October 23, 1971, "or 3 years after the first container vessel" entered the trade.

As the four carriers intend to supplement their service with two new vessels, each to be owned by two groups of two carriers each, Agreement No. 9718-1 has been filed to reflect this development as it would affect the intraservice space chartering permitted by Article 5, and the accountings between the lines outlined in Article 6. Further, Article 10 is to be amended so that Agreement No. 9718 can continue in effect until canceled by the mutual assent of the parties.

Dated: February 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2644 Filed 2-25-71;8:51 am]

[4] Commissioner Bartley absent; Commissioners Johnson and H. Rex Lee dissenting.

RED SEA AND GULF OF ADEN/U.S. ATLANTIC AND GULF RATE AGREEMENT

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of petition to extend the termination date of a dual rate system filed by:

William L. Hamm, Secretary, Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, 25 Broadway, New York, NY 10004.

Notice is hereby given that the member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, Agreement No. 8558-4, have filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, a petition to extend the dual rate system on Coffee now scheduled to terminate on March 14, 1971, for a period of 3 months, through June 14, 1971, in the agreement trade. The trade area covered is from Red Sea and Gulf of Aden ports to U.S. Atlantic and Gulf ports.

The 3-month extension is requested in order to give the parties the time needed to prepare more detailed justification for permanent extension of the dual rate system.

Dated: February 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2645 Filed 2-25-71;8:51 am]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of petition to extend the termination date of a dual rate system filed by:

William L. Hamm, Secretary, South and East Africa Rate Agreement, 25 Broadway, New York, NY 10004.

Notice is hereby given that the member lines of the South and East Africa Rate Agreement, Agreement No. 8054-8, as amended, have filed with the Commission, pursuant to section 14(b) of the Shipping Act, 1916, a petition to extend the dual rate system on General Cargo (Except Coffee), now scheduled to terminate on March 14, 1971, for a period of 3 months, through June 14, 1971, in the agreement trade. The trade area covered is from ports in Southwest, South, Southeast and East Africa as well as islands in the Indian Ocean including Madagascar, Reunion, Mauritius, the Comores and Seychelles, and the islands of Ascension and St. Helena to U.S. Atlantic and Gulf ports.

The 3-month extension is requested in order to give the parties the time needed to prepare more detailed justification for permanent extension of the dual rate system.

Dated: February 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2646 Filed 2-25-71;8:51 am]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord, General Manager, Trans-Pacific Passenger Conference, 2 Pine Street, San Francisco, CA 94111.

Agreement No. 131-252 modifies the Conference's self-policing provisions to comply with General Order 7 (Revised) published in the FEDERAL REGISTER on October 28, 1970.

Dated: February 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2647 Filed 2-25-71;8:51 am]

[Independent Ocean Freight Forwarder License 1146]

WATSON TRANSFER & STORAGE CO., INC.

Order of Revocation

By letter dated January 29, 1971, Watson Transfer & Storage Co., Inc., 7019 Katy Road, Houston, TX 77024 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1146 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 20, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Watson Transfer & Storage Co., Inc., has failed to file the required surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1146 be returned to the Commission. Revocation of License No. 1146 is effective February 20, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Watson Transfer & Storage Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-2643 Filed 2-25-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. G-6311 etc.]

AMERADA HESS CORP. ET AL.

Findings and Order

FEBRUARY 17, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, substituting respondent, making successor co-respondent, redesignating proceedings, making rate change effective, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Robert W. O'Meara (Operator) et al., applicant in Docket No. CI60-469, proposes to continue the sale of natural gas heretofore authorized in Docket No. CI60-430 to be made pursuant to Getty Oil Co. FPC Gas Rate Schedule No. 100. Said rate schedule will be redesignated as that of applicant. Getty filed a change in rate under said rate schedule which change is suspended in Docket No. RI67-41. Therefore, applicant will be substituted in lieu of Getty as respondent in said proceeding and the proceeding will be redesignated accordingly.

Texas Oil & Gas Corp., applicant in Docket No. CI67-385, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 581. Said rate schedule will be redesignated as that of applicant. The present rate under said rate schedule is 16.5619 cents per Mcf at 14.65 p.s.i.a., effective subject to refund in Docket No. RI70-666. Concurrently with its certificate application applicant filed a motion to be made a co-respondent in said proceeding. On May 15, 1969, Atlantic Richfield filed with the Commission a notice of change in rate to 17.5 cents per Mcf at 14.65 p.s.i.a. under its FPC Gas Rate Schedule No. 581. By order issued June 5, 1969, in Docket No. RI69-786 et al., the Commission suspended the proposed change in Docket No. RI69-787 until November 15, 1969, and thereafter until made effective. The notice of change was designated as Supplement No. 2 to said rate schedule. Concurrently with its certificate application applicant filed a motion to be made a co-respondent in said proceeding and to make the rate of 17 cents per Mcf at 14.65 p.s.i.a., reflected in a letter agreement between Applicant and purchaser herein accepted as Supplement No. 5 to the subject rate schedule, effective subject to refund. By letter of December 10, 1970, Applicant modified its request to request an effective rate of 17.0638 cents per Mcf at 14.65 p.s.i.a. Therefore, applicant will be made a co-respondent in the proceedings pending in Dockets Nos. RI69-787 and RI70-666; said proceedings will be redesignated accordingly; and the change in rate suspended in Docket No. RI69-787 will be made effective subject to refund. Applicant has heretofore filed a general undertaking to assure the refunds of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, Philadelphia Gas Works Division of UGI Corp. filed a petition to intervene in Docket No. CI71-283, and indicates that it has no objection to issuance of a certificate consistent with Opinion No. 546. No other petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on February 12, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate proceedings pending in Dockets Nos. RI63-382 and RI67-223 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate proceeding pending in Docket No. RI68-443 should be terminated only with respect to sales made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 305.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Robert W. O'Meara (Operator) et al., should be substituted in lieu of Getty Oil Co. as respondent in the proceeding pending in Docket No. RI67-41 and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texas Oil & Gas Corp. should be made a co-respondent in the proceedings pending in Dockets Nos. RI69-787 and RI70-666, that said proceedings should be redesignated accordingly, and that the change in rate filed under Atlantic Richfield Co. FPC Gas Rate Schedule No. 581 and suspended in Docket No. RI69-787 should be made effective subject to refund.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. G-12260, CI70-904, CI71-147, CI71-275, CI71-283, CI71-286, CI71-292, CI71-325, CI71-330, CI71-365, CI71-385, CI71-388, CI71-425, and CI71-438 shall be the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, and Opinion No. 586, whichever are applicable, as adjusted for quality of gas, or the contract rates, whichever are lower.

(b) The authorizations granted in Dockets Nos. G-12609 and CI62-891 shall be subject to Opinion No. 586.

(c) Within 90 days from the date of initial delivery applicants in Dockets Nos. CI70-904, CI71-147, CI71-275, CI71-283, CI71-325, CI71-388, CI71-425, and CI71-438 shall file three copies of a rate schedule quality statement in the forms prescribed in Opinion No. 546 and Opinion No. 586, whichever are applicable.

(d) Within 90 days from the date of this order Applicants in Dockets Nos. G-12609, CI62-891, CI71-286, CI71-292, CI71-330, CI71-365, and CI71-385 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(e) If the quality of the gas delivered by applicants in Dockets Nos. G-12260, CI70-904, CI71-147, CI71-275, CI71-283, CI71-286, CI71-292, CI71-325, CI71-330, CI71-365, CI71-385, CI71-388, CI71-425, and CI71-438 deviates at any time from the quality standards set forth in Opinion No. 546, as modified by Opinion No. 546-A, and Opinion No. 586, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(f) In the event that any amounts are collected in excess of the applicable area rates, as adjusted for quality of the gas, applicants in Dockets Nos. CI70-904, CI71-325, CI71-425, and CI71-438 shall refund to the buyers, with interest at the rate of 7 percent per annum, all excess amounts so collected from the date of initial delivery.

(g) Issuance of the certificate in Docket No. CI71-438 shall not be construed as constituting approval of the advance payment provisions of the contract and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(h) The authorizations granted in Dockets Nos. CI71-283, CI71-388, and CI71-425 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(i) The acceptance for filing of the rate schedules for the sales authorized in Dockets Nos. CI67-822, CI68-498, CI71-283, CI71-347, CI71-388, and CI71-398 are subject to any determination which may be made in the proceeding pending in Docket No. R-400 with regard to provisions in rate schedules relating to minimum take provisions.

(j) Issuance of the certificate in Docket No. CI68-498 is subject to any Commission findings in this proceeding or any other proceeding and ultimate disposition thereof concerning the issue of a charge by the pipeline purchaser for transportation of liquids (oil or condensate) and/or liquefiable hydrocarbons, separated or removed by or for applicant, but such charge, if any, shall be part of applicant's refund obligation and not an additional refund obligation.

(k) Sales from the added acreage in Docket No. G-15424 shall be made at a rate subject to refund in Docket No. RI70-52.

(l) The rates for sales authorized in Dockets Nos. CI64-670, CI70-915, and CI71-347 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement; and the rate for the sale authorized in Docket No. CI71-398 shall be 15 cents per Mcf at 14.65 p.s.i.a. including

tax reimbursement and subject to B.t.u. adjustment.

(m) The rate for the sale authorized in Docket No. CI67–822 shall be 13 cents per Mcf at 15.025 p.s.i.a.

(n) The initial rate for the sale authorized in Docket No. CI71–120 shall be 30 cents per Mcf at 15.325.

(o) The initial rate for the sales authorized in Dockets No. CI71–330 shall be 12.5 cents per Mcf at 14.65 p.s.i.a., with respect to sales pursuant to FPC Gas Rate Schedule Nos. 3, 4, and 5.

(p) The initial rate for the sale authorized in Docket No. CI71–368 shall be 18.75 cents per Mcf at 15.025 p.s.i.a. Within 30 days from the date of this order applicant shall file three copies of a billing statement as required by the regulations under the Natural Gas Act.

(E) Within 30 days from the date of this order applicant in Docket No. CI71–349 shall file three copies of a billing statement as required by the regulations under the Natural Gas Act.

(F) The orders issuing certificates in Dockets Nos. G–6311, G–7193, G–11952, G–12004, G–12260, G–12910, G–15424, CI64–670, CI65–916, CI67–822, CI68–498, CI70–298, CI70–469, and CI70–915 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The authorization granted in Docket No. G–12910 in paragraph (F) above shall not be construed to relieve applicant of any refund obligations in the rate proceedings pending in Dockets Nos. RI65–375 and RI70–1306.

(H) The order issuing a certificate in Docket No. CI60–469 is amended to include the sale of natural gas heretofore authorized in Docket No. CI60–430 and the certificate heretofore issued in Docket No. CI60–430 is terminated.

(I) The order issuing a certificate in Docket No. CI66–536 is amended to include the interests of additional parties and the certificate and related rate schedule are redesignated from Texaco, Inc., to Texaco, Inc. (Operator), et al.

(J) The orders issuing certificates in Dockets Nos. G–12609, CI62–891, CI66–956, CI67–385, CI68–512, and CI69–678 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(K) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–3111	CI70–298
G–5362	CI71–292
G–6124	CI71–349
G–11090	CI71–385
G–12663	CI71–330
G–16224	CI71–330
CI61–1238	CI71–330
CI61–1620	CI71–275
CI62–1503	CI71–275
CI63–781	CI71–365
CI63–1040	CI71–419
CI64–157	CI71–286
CI64–1521	CI71–365
CI65–257	CI71–365
CI67–1772	CI71–420
CI68–502	CI68–498
CI69–1109	CI71–330

(L) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(M) Permission for and approval of the abandonment in Docket No. CI71–416 shall not be construed to relieve applicant of any refund obligations in the proceeding pending in Docket No. RI68–100; and applicant is not relieved of any refunds that may be ordered in the proceeding in Docket No. G–11115.

(N) Permission for and approval of the abandonment in Docket No. CI71–449 shall not be construed to relieve applicant of any refund obligations in the proceeding pending in Docket No. RI68–100.

(O) The certificates heretofore issued in Dockets Nos. G–6834, G–8825, G–11115, G–19067, CI63–524, and CI67–331 are terminated and the related rate schedules are canceled.

(P) The rate proceedings pending in Dockets Nos. RI63–382 and RI67–223 are terminated.

(Q) The rate proceeding pending in Docket No. RI68–443 is terminated only with respect to sales made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 305.

(R) Robert W. O'Meara (Operator) et al., is substituted in lieu of Getty Oil Co. as respondent in the proceeding pending in Docket No. RI67–41 and said proceeding is redesignated accordingly.

(S) Texas Oil & Gas Corp. is made a co-respondent in the proceedings pending in Dockets Nos. RI69–787 and RI70–666, and said proceedings are redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 2 to Texas Oil & Gas Corp. FPC Gas Rate Schedule No. 76) formerly Atlantic Richfield Co. FPC Gas Rate Schedule No. 581) shall be effective subject to refund in Docket No. RI69–787 as of November 12, 1970. Texas Oil & Gas Corp. shall charge and collect the rate of 16.5619 cents per Mcf at 14.65 p.s.i.a. for sales from May 1, 1970, through November 11, 1970, subject to refund in Docket No. RI70–666 and the rate of 17.0638 cents per Mcf at 14.65 p.s.i.a. for sales from November 12, 1970, subject to refund in Docket No. RI69–787. Texas Oil & Gas Corp. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–6311 D 11–19–70	Amerada Hess Corp. (Operator) et al.	Northern Natural Gas Co., Monument Field, Lea County, N. Mex.	Notice of partial cancellation 11–17–70.[1] [2]	30	28
G–7193 D 10–24–69	Union Oil Co. of California.	Mobil Oil Corp., West Gueydan Field, Vermilion Parish, La.	Notice of partial cancellation 10–21–69.[2] [3]	104	42
G–11952 D 12–2–70	Mobil Oil Corp	United Gas Pipe Line Co., Cabeza Creek Area, De Witt, Goliad, and Karnes Counties, Tex.	Notice of partial cancellation 11–30–70.[2] [4]	59	17
G–12004 D 8–19–69	Mobil Oil Corp. (Operator) et al.	Transcontinental Gas Pipe Line Corp., West Gueydan Field, Vermilion Parish, La.	Notice of partial cancellation 8–18–69.[2] [5]	16	31
G–12260 C 7–8–70	Kerr-McGee Corp	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla. (Casinghead gas).	Amendment 4–27–70	49	4
			Amendment 6–29–70	49	5
			Amendment 9–1–70.[4] [6]	49	6
G–12609 E 10–26–70	Shenandoah Oil Corp. (successor to James Davis, Jr., d.b.a. Solar Oil Co.	Northern Natural Gas Co., Harper Ranch Pool, Clark County, Kans.	James Davis, Jr., d.b.a. Solar Oil Co., FPC GRS No. 1.	14	-------
			Supplements Nos. 1–4	14	1–4
			Notice of Succession 10–21–70.	-------	-------
			Assignment 6–30–70	14	5
			Effective date: 6–1–70	(7)	-------
G–12910 D 10–19–70	Continental Oil Co. (Operator) et al.	Cities Service Gas Co., acreage in Alfalfa County, Okla.	Notice of partial cancellation 9–29–70.[1] [3]	148	7
G–15424 C 10–29–70 [8]	Sun Oil Co	West Lake Natural Gasoline Co.,[9] South Lake Trammell and Nena Lucia Fields, Nolan County, Tex.	Supplemental agreement 6–1–70.[4]	100	13

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C160–678	L. S. Benge (Operator), agent for Howard G. Nichols et al. (successor to William M. Wiseman).	Trunkline Gas Co., Maurice Field, Goliad County, Tex.	William M. Wiseman, FPC GRS No. 1.	1	-------
			Notice of succession 11–12–70.	-------	-------
			Assignment 12–27–68 [3]	1	1
			Assignment 12–27–68 [3]	1	2
			Assignment 12–27–68 [3]	1	3
			Assignment 1–31–69 [3]	1	4
			Assignment 1–28–69 [3]	1	5
			Order granting probate	1	6
			Effective date: 7–15–69		
			Assignment 5–5–69 [3]	1	7
			Assignment 4–1–70 [3]	1	8
			Effective date: 5–1–70		
			Assignment 6–1–69 [3]	9	6
C170–298	Lyons Petroleum	United Gas Pipe Line Co., Houma Field, Terrebonne Parish, La.	Notice of partial cancellation 4–30–70.[3]	245	9
(61–311) [3]					
C170–469 (61–311) [3]	Humble Oil & Refining Co.	United Gas Pipe Line Co., Houma Field, Terrebonne Parish, La.	Effective date: 6–5–70		
			Notice of partial cancellation 4–3–70.[3]	416	6
C170–469 D 4–6–70	Gulf Oil Corp. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton Mills County, Okla.	Contract 2–25–70 [3]	420	-------
			Assignment 8–26–70 [3] [5]	420	1
C170–604 A 4–6–70 as amended 2–25–71	do	Wheeler Gas Co. (formerly Wm. W. Wiley), West Boydton Field, Roger Mills County, Okla.	Amendment 11–6–70	26	4
C170–915 C 12–1–70	Eason Oil Co.[3]	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Contract 7–30–70 [3]	19	-------
C171–120 A 8–10–70	Commonwealth Gas Corp.	United Fuel Gas Co., acreage in Jackson County, W. Va.	Contract 8–12–70	24	-------
C171–147 A 8–19–70	Woods Petroleum Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Contract 5–11–62 [3]	10	------- 1
C171–275 (C161–1503) F 9–21–70 [10]	Wessely Petroleum, Ltd. (Operator) et al. (successor to Stanolind Oil Corp., et al.	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	Contract 4–1–61 [3]	10	2
			Assignment 2–6–70 [3]	10	3
			Supplement 10–6–70 [3] [12]	10	-------
			Contract 4–1–61 [3]	11	-------
C171–275 (C161–1620) F 9–21–70 [10]	Wessely Petroleum, Ltd. (Operator) et al. (successor to Cities Service Oil Co. of California).	do	Amendment 7–25–62	11	1
			Assignment 4–1–63 [3]	11	2
			Supplement 10–6–70 [3] [12]	11	3
			Supplement 10–6–70 [3] [12]	11	-------
C171–283 A 9–28–70 [10]	Ashland Oil, Inc.	Southern Natural Gas Co., Fish Island Field, Iberia Parish, La.	Contract 9–16–70 [3]	201	-------
C171–284 A 9–30–70	Commonwealth Gas Corp.	United Fuel Gas Co., acreage in Jackson County, W. Va.	Contract 8–21–70	20	-------
C171–286 (C164–157) F 9–28–70	LVO Corp. (successor to Skelly Oil Co).	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton County, Kans.	Contract 5–28–63 [3]	27	------- 1
			Amendment 4–1–64	27	2
			Supplemental agreement 11–1–65	27	-------
			Amendment 4–8–65	27	3
			Assignment 7–14–70 [3] [5]	27	4
			Assignment 8–20–70 [3] [5]	27	5
			Effective date: 7–1–70		
C171–292 (C162–1560) F 9–30–70	Amerada Hess Corp. (successor to Skelly Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Contract 6–23–54 [3]	153	-------
			Supplement 11–1–63	153	1
			Assignment 7–9–70 [3] [6]	153	2
			Effective date: 7–1–70		
C171–325 A 10–12–70	Texaco, Inc.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Contract 9–17–70 [3]	450	-------

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–19067 [13]	BTA Oil Producers (Operator) et al.	El Paso Natural Gas Co., South Andrews Devonian Field, Andrews County, Tex.	(14 a)	4	1–5
				4	-------
C160–469 (C160–430) C 10–12–70 [11]	Robert W. O'Meara (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Gallou Island Field, Terrebonne Parish, La.	Getty Oil Co., FPC GRS No. 10.	3	-------
			Supplements Nos. 1–3	3	1–3
			Assignment 7–15–69 [12]	3	4
			Ratified 10–15–69 [12]	3	5
			Effective date: 7–15–69		
C162–891 E 10–26–70	Shenandoah Oil Corp. (successor to James Davis, Jr., d.b.a. Solar Oil Co.).	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	James Davis, Jr., Solar Oil No. 3, d.b.a. FPC GRS No. 1.	15	1–3
			Supplements Nos. 1–3	15	1–3
			Notice of succession 10–22–70.	-------	-------
			Assignment 6–30–70	15	4
			Effective date: 6–1–70	(15)	-------
C163–524 [13]	Aroma Oil & Gas Co., Inc. (Operator).	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	(15)	3	-------
C164–670 C 9–8–70 [16]	Marathon Oil Co	Arkansas Louisiana Gas Co., Williamson Field, Haskell, Latimer, Le Flore, and Pittsburg Counties, Okla.	Assignment 7–21–69 [17]	88	12
			Assignment 9–4–69 [17]	88	13
			Assignment 6–1–70 [17]	88	14
			Conveyance 6–1–70 [17]	88	15
C164–670 C 9–22–70	do [18]	Arkansas Louisiana Gas Co., Williamson Field, Pittsburg County, Okla.	Amended 8–19–70 [4]	88	17
C164–670 C 10–30–70	do [18]	do	Amended 10–6–70 [4]	88	16
C168–916 (C168–1) D [19]	Amerada Hess Corp	Northern Natural Gas Co., Eumont Area, Crockett County, Tex.	Assignment 7–8–70 [3] [20]	126	9
C166–536 C 10–28–70 [20]	Texaco, Inc. (Operator) et al.	Columbia Gulf Transmission Co., West Gueydan Field, Vermilion Parish, La.	(3 20 a)	364	-------
C168–966 E 10–26–70	Clark Oil Producing Co. (successor to Clark Oil & Refining Corp.).	Mountain Fuel Supply Co., Ace Unit Area, Moffat County, Colo.	Clark Oil & Refining Corp., FPC GRS No. 2.	2	-------
			Notice of succession 10–28–70.	-------	-------
			Assignment 10–7–70	2	1
			Effective date: 10–1–70		
C167–385 E 11–12–70	Texas Oil & Gas Corp. (successor to Atlantic Richfield Co.).	El Paso Natural Gas Co., North Cox Field, Crockett County, Tex.	Atlantic Richfield Co., FPC GRS No. 581.	76	-------
			Supplements Nos. 1–3	76	1–3
			Notice of succession 11–12–70.	-------	-------
			Assignment 6–1–70	76	4
			Effective date: 5–1–70		
			Letter agreement 7–15–70	76	5
			Effective date: 7–15–70		
			Quality statement 7–15–70	76	6
			Effective date: 7–15–70		
C167–622 C 11–18–70 [21]	Texas Pacific Oil Co., Inc.	Southern Union Gathering Co., Bisti Dakota Field, San Juan County, N. Mex.	Amended 8–27–70 [21]	90	3
			Amended 9–30–70 [3] [21]	90	4
				90	5
C168–498 (C168–502) C 11–16–70 [22]	Cabot Corp.	United Gas Pipe Line Co., Block 73, Mission Bend Area, Hidalgo County, Tex.	Amended 10–22–70 [23]	94	4
			Assignment (various dates) [3]	94	5
			Effective date: 5–7–69		
C168–512 E 11–17–70	Bradley H. Keyes (successor to George E. Willett).	El Paso Natural Gas Co., Pinon Fruitland Field, San Juan County, N. Mex.	George E. Willett, FPC GRS No. 2.	7	-------
			Supplement No. 1	7	1
			Notice of succession 11–10–70.	-------	-------
			Assignment 11–1–70	7	2
			Effective date: 11–1–70		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C171-436 (CI67-339) B 11-20-70	Cabot Corp.	El Paso Natural Gas Co., Hogoton Field, Schleicher County, Tex.	Notice of cancellation 11-17-70 [1]	87	4
C171-437 (G-8825) B 11-20-70	Sun Oil Co.	Tennessee Gas Pipe Line Co., a division of Tenneco Inc., El Paso Field, Starr County, Tex.	Notice of cancellation 11-19-70 [2]	305	9
C171-438 A 11-23-70	Texaco, Inc. [3]	Natural Gas Pipeline Co. of America, Balko Field, Beaver County, Okla.	Contract 11-9-70 [4]	451	
C171-439 (G-6834) B 11-30-70	Sun Oil Co.	United Gas Pipe Line Co., East Hilltop Field, Terrebonne Parish, La.	Notice of cancellation 11-17-70 [5]	63	18

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Uneconomical to install the facilities to deliver the gas; buyer and seller has agreed to delete the Zwan RA SUA and Zwan RA SUB created by Louisiana Department of Conservation No. 52M. By letters dated Oct. 16, 1969 and Aug. 4, 1969, Union and Mobil, respectively, authorized Texaco, Inc., to sell their gas. Texaco filed for authorization to abandon sale to Transco in Docket No. CI66-586.
[4] Deletes three non-producing wells from the Ras No. 1 Unit, Sec. 7, T. 30N, R. 21W, in Kames County which have expired.
[5] Filed Sept. 8, 1970. Complies with temporary certificate issued July 22, 1970. Applicant has filed for abandonment of gas on wet basis. Applicant has filed a rate schedule quality statement in compliance with Opinion No. 586, applicable to additional acreage.
[6] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[7] By letter filed Dec. 10, 1970, applicant requests that the 0.5-cent rate be made subject to its existing rate proceeding in Docket No. R170-52.
[8] Shell Oil Co. acquired all of BTA's subject interest but was treated as a partial succesor-in-interest, leaving BTA's FPC GRS No. 4 and certificate in Docket No. G-14967 outstanding. Shell was certificated in Docket No. CI64-483 under Shell Oil Co. FPC GRS No. 305.
[9] Applicant is filing to amend his certificate in Docket No. CI60-468 to include acreage acquired from Getty Oil Co. in Docket No. CI66-486. Getty's certificate in Docket No. CI60-430 will be terminated.
[10] Acreage assigned from Humble Oil & Refining Co.
[11] O'Meara ratified contract dated Mar. 21, 1960 between Tennessee Gas Pipeline Co. (formerly Tennessee Gas Transmission Co.) and Getty Oil Co. (formerly Tidewater Oil Co.).
[12] Rate of 17-cent subject to proceedings in Docket No. R167-223; no refunds due per Opinion No. 586, therefore, the proceeding in said docket will be terminated.
[13] Effective date: Upon delivery of gas but not prior to 60 days after filing (7-16-70).
[14] Contract provides for rate of 16 cents, but by letter dated Oct. 22, 1970, applicant states willingness to accept permanent authorization at 15 cents per Mcf including tax reimbursement.
[15] Acreage assigned from Humble Oil & Refining Co., Atlantic Richfield Co., and Pan American Petroleum Corp.
[16] Contract provides for rate of 16 cents, but by letter dated Oct. 22, 1970, applicant states willingness to accept permanent authorization at 15 cents per Mcf including tax reimbursement.
[17] Contract provides for rate of 16 cents, however, applicant in its certificate application stated willingness to accept permanent authorization at 15 cents per Mcf including tax reimbursement.
[18] Contract provides for rate of 16 cents, however, the certificate in Docket No. C165-916 will be amended to reflect certificate filing made or necessary, however, the certificate in Docket No. C165-916 will be amended to reflect certificate filing made or necessary, however, the certificate will be terminated.
[19] Assigns acreage to Amini Oil Corp., formerly K. K. Amini (Operator) et al., who was issued a small producer certificate in Docket No. C168-1.
[20] Applicant to amend the certificate to include the interest of W. E. Walker, Mobil Oil Corp., Union Oil Co. of California, and Union Texas Petroleum, a division of Allied Chemical Corp. in the Zwan RA Sand Unit "A" and "B" Sand Unit. By letter filed Dec. 7, 1970, applicant requests that the proceeding in Docket No. CI71-330 be terminated to cover the interests of the "et al." parties made an exhibit to the rate schedule with a copy of an interest statement.
[21] By letter filed Dec. 9, 1970, applicant indicated only gas well gas was to be sold from additional acreage and that said authorization shall be subject to the proceeding in Docket No. R-466.
[22] Dedicates additional acreage to terms of basic contract.
[23] Extends make-up period but not the terms for sales from the additional acreage.
[24] Application to amend the certificate to include the interest acquired from Texas Gas Exploration Corp., Coastal Production Co., Greenbelter 66 Limited, Harbert Construction Corp., H. C. Price Co., and States Marine Lines, Inc. Acreage previously covered by Texas Gas Exploration Corp. (Operator) et al., FPC GRS No. 20.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C171-330 (G-12663) F 10-9-70	The Shallow Water Refining Co. (successor to Hermann Geo. Kaiser).	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Contract 5-6-57 [a] Agreement 9-2-60 Assignment 7-15-70 [a1] Effective date: 9-1-70	2 2 2	1 2
C171-330 (CI61-1236) F 10-9-70 [6]	do	do	Contract 9-2-60 [c] Supplemental agreement 1-24-61 Amended 11-14-68 Assignment 7-15-70 [c1] Effective date: 9-1-70	3 3 3 3	1 2 3
C171-330 (CI69-1166) F 10-9-70 [6]	do	do	Contract 2-4-58 [d] Amended 8-22-58 Assignment 7-15-70 [d1] Effective date: 9-1-70	4 4 4	1 2 3
C171-330 (G-7834) F 10-9-70	The Shallow Water Refining Co. (successor to Skelly Oil Co.).	do	Contract 2-25-57 [e] Amended 1-23-58 Assignment 7-15-70 [e1] Effective date: 9-1-70	5 5 5	1 2 3
C171-345 A 10-19-70	Ferguson Oil Co., Inc., et al.	Lone Star Gas Co., Cement Field, Stephens County, Okla.	Agreement 10-3-60 Assignment 9-22-70 Contract 9-22-70 [f] Compliance 12-17-70 [f1]	5 6 6	4 1 2
C1-71-349 (G-6124) A 10-14-70	Garfield Gas Gathering Co. (successor to Harper Oil Co.).	Cities Service Gas Co., acreage in Oklahoma County, Okla.	Contract 2-15-63 [g] Assignment 8-10-70 [g1] Effective date: 8-10-70	1 1 1	1 2 3
C171-365 (CI63-781) F 10-23-70	Imperial American Management Co. (successor to Pan American Petroleum Corp.).	Northern Natural Gas Co., Beaver-Sharon Sale Field, Beaver County, Okla.	Contract 11-2-64 [h] Amended 2-25-66 Assignment 6-10-70 [h1] Effective date: 9-1-70	13 13 13	1 2 3
C171-365 (CI66-957) F 10-28-70	Imperial American Management Co. (successor to Texaco, Inc.).	do	Contract 8-12-64 [i] Assignment 7-25-70 [i1] Effective date: 9-1-70	14 14 14	1 2 3
C171-365 (CI64-1321) F 10-23-70	Imperial-American Management Co. (successor to Phillips Petroleum Co.).	do	Contract 6-10-64 [j] Assignment 7-13-70 [j1] Assignment 9-1-70 [j] Effective date: 9-1-70	15 15 15	1 2 3
C171-368 A 10-26-70	Lamar Hunt [8] (Operator) et al.	Arkansas Louisiana Gas Co., Sugar Creek Field, Claiborne Parish, La.	Contract 10-15-70 [k]	13	1
C171-385 (G-11760) F 10-29-70	Appalache Production Co. (successor to Gulf Oil Corp.).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	Contract 7-26-56 [l] Assignment 9-1-70 [l1] Effective date: 9-1-70	4 4	1 2
C171-388 A 11-5-70	Anadarko Production [9] Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	Contract 9-30-70 [m]	155	1
C171-398 A 11-9-70	Gulf Oil Corp. [10] (Operator) et al.	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	Contract 9-25-70 [n]	421	1
C171-416 (G-7115) B 11-17-70	Sun Oil Co.	Tidal Fuel Gas Co., Northeast Bayou Jean Field, Acadia Parish, La.	Notice of cancellation 11-12-70 [11]	75	16
C171-419 (CI63-1040) F 11-12-70	Consolidated Production Corp. (Operator) et al. (successor to R. J. Caraway (Operator) et al.).	Arkansas Louisiana Gas Co., Manziel Field, Wood County, Tex.	Contract 2-4-63 [o] Contract 2-25-60 [o1] Amended 11-13-63 Amended 9-25-64 Assignment 2-25-70 [o2] Assignment 2-25-70 [o3] Effective date: 11-1-69	3 3 3 3 3 3	1 2 3 4 5 6
C171-420 (CI67-1779) F 11-13-70	Consolidated Production Corp. (Operator) et al. (successor to Texota Oil Co. (Operator) et al.).	Arkansas Louisiana Gas Co., acreage in Le Flore County, Okla.	Contract 3-30-64 [p] Assignment 4-9-70 [p1] Effective date: 1-1-70	4 4	1 2
C171-423 A 11-19-70	Pan American Petroleum Corp. [12]	Panhandle Eastern Pipe Line Co., Richfield Field, Morton County, Kans.	Contract 10-16-70 [q]	558	1

[a] Dedicates acquired acreage to Cabot's contract with United; all contracts are identical.
[a1] Transfers acreage to applicant.
[b] Assigns 3/16 interest in acreage from William M. Wiseman to Howard G. Nichols.
[b1] Assigns 1/8 interest in acreage from Wiseman to W. H. Sorenson.
[b2] Assigns 1/8 interest in acreage from Wiseman to Robert A. Mann.
[b3] Assigns 1/8 interest in acreage from Robert A. Mann to Robert A. Mann, Trustee.
[b4] Assigns 1/4 interest in acreage from Wiseman to B. P. Wagley.
[b5] Appoints Juanita Wagley as Executrix of The Estate of Burl P. Wagley, Deceased.
[b7] Assigns 1/20 (5%) interest in acreage from Wiseman to Earl Hooks.
[b7] Assigns 26.25% interest in acreage from Wiseman to TWC Producers, Inc.
[c] Assigns acreage from Humble Oil & Refining Co. (FPC GRS No. 245) to Lyons Petroleum.
[c1] No certificate filing made or necessary; rate filing submitted.
[d] Partially abandons sale to Kansas-Nebraska to permit the sale of a minimum of 5,000 Mcf and a maximum of 100,000 Mcf per year to Wm. W. Wiley for transportation and resale in interstate commerce.
[d1] Amendment to the application filed to add interest of co-owner, Lone Star Producing Co.
[d2] Contract is between Gulf Oil Corp. and Wm. W. Wiley.
[d3] Assignment of purchasing rights from Wm. W. Wiley to Wheeler Gas Co., filed Sept. 11, 1970.
[e] Contract rate is 16 cents, however, applicant is willing to accept permanent authorization at a rate of 15 cents.
[e1] Limited to gas produced from the Newburg Sand.
[e2] By letter dated Oct. 6, 1970, applicant states willingness to accept a permanent certificate conditioned to the applicable area rate of 18.5 cents.
[f] Currently on file as Samedan Oil Corp. et al., FPC GRS No. 14.
[f1] From Samedan Oil Corp. to applicant.
[f2] Provides for a 5-year makeup period for gas paid for but not taken.
[g] Currently on file as Union Oil Co. of California (Operator) et al., FPC GRS No. 58.
[g1] From Union Oil Co. of California to applicant.
[h] By letters filed Oct. 15, 1970, Nov. 20, 1970, and Dec. 3, 1970, applicant agreed to accept a permanent certificate conditioned to the rate levels determined in Opinion No. 546, limiting buyers take-or-pay obligation, and subject to the outcome of the proceeding in Docket No. R-338.
[h1] Currently on file as Skelly Oil Co. FPC GRS No. 190.
[h2] From Skelly to S & G Oil Co., Inc.
[h3] From S & G Oil Co., Inc., to LVO Corp.
[h4] Currently on file as Skelly Oil Co. FPC GRS No. 65.
[h5] From Skelly Oil Co. to applicant.
[i] Currently on file as Herman Geo. Kaiser (Operator) et al., FPC GRS No. 5.
[i1] From Herman Geo. Kaiser, et al., to applicant.
[i2] By letter dated Dec. 4, 1970, applicant states willingness to accept a permanent certificate conditioned to the applicable area rate of 12.5 cents with respect to sales covered by said rate schedule.
[i3] Currently on file as Herman George Kaiser FPC GRS No. 6.
[i4] From Herman George Kaiser, et al., to applicant.
[i5] Currently on file as Herman George Kaiser FPC GRS No. 11.
[i6] Currently on file as Skelly Oil Co. FPC GRS No. 132.
[i7] Complies with temporary certificate issued Dec. 3, 1970. Applicant is willing to accept a permanent certificate conditioned as the temporary certificate.
[j] Currently on file as Harper Oil Co., FPC GRS No. 31.
[j1] Conveys interest from Harper Oil Co. to applicant.
[j2] Currently on file as Pan American Petroleum Corp., FPC GRS No. 355.
[j3] From Pan American Petroleum Corp. to John H. Hill.
[j4] From John H. Hill to applicant.
[j5] Currently on file as Texaco, Inc., FPC GRS No. 312.
[j6] From Texaco, Inc., to applicant.
[j7] Currently on file as Phillips Petroleum Co. FPC GRS No. 493.
[j8] From Phillips Petroleum Co. to applicant.
[k] Contract provides for rate of 19.0 cents, however, by letter dated Dec. 7, 1970, applicant states willingness to accept a permanent certificate conditioned to 18.75 cents.
[l] Currently on file as Gulf Oil Corp. FPC GRS No. 126. Contract covers casinghead gas.
[l1] From Gulf Oil Corp. to applicant.
[l2] Contract provides for rate of 23 cents per Mcf, however, applicant requests a permanent certificate at 20 cents per Mcf, the area ceiling rate prescribed by Opinion No. 586.
[m] Contract provides for rate of 19 cents per Mcf, plus Btu adjustment, however, applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents. By letter dated Dec. 7, 1970, applicant states willingness to accept the certificate limiting buyers take-or-pay obligations.
[n] Between R. J. Caraway and buyer; also on file as R. J. Caraway (Operator) et al., FPC GRS No. 3. Adopts terms of contract dated Feb. 25, 1960.
[o] Between Shell Oil Co. and buyer.
[o1] From Caraway to applicant covering Rogers and Hudson Units (Supp. No. 5) and Noe Unit (Supp. No. 6).
[o2] Between Steve Gose and buyer; also on file as Texota Oil Co. (Operator) et al., FPC GRS No. 2.
[o3] From Texota Oil Co. to applicant.
[p] Contract provides for rate of 22 cents, however, applicant has expressed willingness to accept a permanent certificate conditioned to the area ceiling rate of 17.5 cents (casinghead gas) and conditioned to the outcome of the proceeding pending in Docket No. R-338.
[q] Rate of 17.0638 cents effective subject to refund in Docket No. R168-443. No monies have been collected since 1960, therefore, the rate proceeding pending in said docket will be terminated only with respect to sales made pursuant to applicant's FPC GRS No. 305.
[r] By letter dated Dec. 18, 1970, applicant states willingness to accept a permanent certificate with conditions as to advance payments.

[FR Doc.71-2529 Filed 2-25-71;8:45 am]

[Docket No. RI71-103 etc.]

CRYSTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 17, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 7, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-703..	Crystal Oil Co.	23	[1] 11	Transcontinental Gas Pipe Line Corp. (Oakville Field, Live Oak County, Tex., RR. District No. 2).	----------	1-22-71	2-22-71	[36] Accepted	----------	----------	
			12	do	$14,400	1-22-71	2-22-71	7-22-71	[13] 13.0	[4] 19.0	
R171-704..	Lyons Petroleum et al.	1	4	American Louisiana Pipe Line Co. (Southwest Lake Arthur Field, Cameron Parish) (Southern Louisiana).	3,270	1-25-71	----------	[11] 3-10-71	[6] 20.625	[6] 21.625	
R171-705..	William G. Darsey, III	1	1	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Deep Bayou Field, Cameron Parish, Southern Louisiana).	22,656	1-22-71	----------	[11] 3-7-71	[34] 20.0	[6] [34] 20.0	
R171-706..	Phillips Petroleum Co.	301	[1] 12	Southern Natural Gas Co. (Breton Sand Block 32) (Offshore Louisiana).	689	1-22-71	----------	[11] 3-7-71	[34] 23.675	[6] [34] 25.0	G-15590.
R171-707..	Hydrocarbon Production Co., Inc.	1	[10] [16] 20	Transcontinental Gas Pipe Line Corp. (Lacy Field, Hidalgo et al. Counties, Tex., RR. District No. 4).	9,541	1-22-71	2-22-71	7-22-71	[1] [7] [8] 13.0488	[8] 21.0	
R171-708..	Continental Oil Co.	102	[1] 19	Transcontinental Gas Pipe Line Corp. (Harris Field, Live Oak County, Tex., RR. District No. 2).	----------	1-25-71	2-25-71	[36] Accepted	----------	----------	
			[9] 20	do	247,163	1-25-71	2-25-71	7-25-71	[12] 11.0407 [14] 12.0444 [14] [15] 13.0481 18.5 [34] 20.0	[8] 19.0 [17] 21.0 [16] [18] 25.0 [7] [34] 26.0	
R171-709..	Union Oil Co. of California.	205	1	Transcontinental Gas Pipe Line Corp. (Fresh Water Bayou Field) (Vermilion Parish) (Southern Louisiana).	97,200	1-22-71	----------	[11] 3-7-71	[34] 21.25	[7] [20] [34] 22.375	
R171-710..	An-Son Corp.	4	2	Southern Natural Gas Co. (Bayou Postillion Field) (Iberia Parish) (Southern Louisiana).	8,775	1-27-71	----------	[11] 3-12-71	[34] 20.75	[7] [34] 21.75	R165-475.
R171-711..	Suburban Propane Gas Corp.	7	9	Florida Gas Transmission (Napoleonville Field) (Assumption Parish) (Southern Louisiana).	(19)	1-28-71	----------	[11] 3-13-71	[34] 20.75	[7] [34] 21.75	R165-475.
R171-712..	Austral Oil Co., Inc.	14	6	Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Jim Hogg and Webb Counties, Tex., RR. District No. 4).	278,661	1-27-71	2-27-71	7-27-71	18.06750	22.28325	R170-1420.
R171-713..	Continental Oil Co.	77	[1] 22	Transcontinental Gas Pipe Line Corp. (Driscoll Field, Duval County, Tex., RR. District No. 4).	----------	1-27-71	2-27-71	[36] Accepted	----------	----------	
			[12] 23	do	[21] 109,039	1-27-71	2-27-71	7-27-71	[12] 11.0407 [14] 12.0444 [14] [15] 13.0481	[8] 19.0 [17] 21.0 [16] [18] 25.0	
R171-714..	Jerome P. McHugh.	8	6	El Paso Natural Gas Co. (Basin Dakota Field) (San Juan County) (New Mexico) (San Juan Basin Area).	----------	1-18-71	2-18-71	[31] Accepted	----------	----------	
		8	[23] 7	do	1,136	1-25-71	2-25-71	7-25-71	[34] 14.0536	[34] 15.0	R160-460.
R171-715..	Warren Petroleum Corp.	58	3	Natural Gas Pipeline Co. of America (Bough Plant, Lea County) (New Mexico, Permian Basin).	965,124	1-25-71	2-25-71	7-25-71	[33] 17.17	[34] [22] 30.09	
R171-716..	The Superior Oil Co.	8	13	El Paso Natural Gas Co. (Levelland Plant, Hockley County, Tex., RR. District No. 8-A) (Permian Basin).	15,115	1-25-71	2-25-71	7-25-71	14.2733	25.0	R170-673.
R171-717..	Cleary Petroleum Corp. et al.	23	3	Lone Star Gas Co. (W. Velma Field, Stephens County) (Oklahoma other area).	7,070	1-27-71	2-27-71	7-27-71	15.0	16.01	
R171-718..	Anadarko Production Co.	106	4	Arkansas Louisiana Gas Co. (Gragg Field, Sebastian County, Ark.).	----------	1-22-71	2-22-71	[33] Accepted	----------	----------	
			5	do	2,370	1-22-71	2-22-71	7-22-71	[27] 15.0	[28] 16.0	
R171-719..	Midwest Oil Corp.	51	5	Arkansas Louisiana Gas Co. (Bonanza Field, Sebastian County, Ark.).	9,078	1-25-71	2-25-71	7-25-71	15.0	16.015	
R171-720..	Marathon Oil Co. et al.	66	16	Arkansas Louisiana Gas Co. (Greenwood Area, Caddo Parish, Northern Louisiana).	7,864	1-22-71	2-22-71	7-22-71	[26] [30] [34] 15.75	[26] [30] [34] 16.05	R171-488.
R171-721..	Bruce A. Wilbanks.	(32)	(32)	Transwestern Pipeline Co. (Chenot (Wolfcamp) Field) (Pecos County) (Texas) (Permian Basin).	1,388 4,643	1-22-71 1-27-71	2-22-71 2-27-71	7-22-71 7-27-71	[26] [30] [34] 15.75 14.5	[26] [30] [34] 16.05 18.0788	R171-488.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] For gas compressed by seller.
[2] Subject to a 0.21931 cent per Mcf dehydration charge by buyer.
[3] Agreements dated Dec. 17, 1970 and Dec. 31, 1970, provide among other things, for an extension of contract term until Apr. 1, 1981, and for 19 cents for gas from reservoirs discovered prior to Sept. 28, 1960, 21 cents for gas discovered from Sept. 28, 1960 to June 17, 1970, and 25 cents for gas discovered on or after June 17, 1970, or any higher area ceiling price.
[4] For gas produced from reservoirs discovered after Sept. 28, 1960, and prior to June 17, 1970.
[5] For gas discovered prior to Sept. 28, 1960.
[6] Increase resulting from termination of moratorium in Southern Louisiana issued Oct. 27, 1970, in Order No. 413.
[7] Less 1 cent for gas compressed by buyer, the facilities to be maintained and operated by seller.
[8] Less 2 cents for gas not requiring compression or which is compressed by buyer.
[9] Applies only 5600' Sand Reservoir discovered on Jan. 5, 1969.
[10] Applies only to the J-2 Sand Reservoir discovered on July 15, 1963.
[11] The date from Jan. 10, 1971, corresponding to the number of days filed after Nov. 27, 1970.
[12] As corrected.
[13] For gas not requiring compression or compressed by buyer.
[14] For gas presently compressed by buyer if seller takes over operation of buyer's compressor.
[15] For gas requiring compression if seller installs and operates compression facilities.
[16] Subject to a 0.21931 cent dehydration charge by buyer.
[17] For gas discovered from Sept. 28, 1960 to June 17, 1970.
[18] For gas discovered on or after June 17, 1970.
[19] No current production.
[20] Increased rate limited to the rate level prescribed in the Dec. 24, 1970 order issued in Docket No. R 394.

[21] Increase from 13.0481 cents to 19 cents per Mcf.
[22] Agreement dated Jan. 6, 1971, which provides for delivery into low pressure casinghead system (15 pounds) and for new schedule of rates.
[23] Pertains to sales from the Oneda No. 1 well.
[24] 24.25 cents base rate plus 5.84 cents upward B.t.u. adjustment for 1,241 B.t.u. per cubic foot.
[25] Subject to 2.4 cents per Mcf compression charge by buyer if buyer compresses the gas.
[26] Not used.
[27] Subject to a deduction of 0.75 cent for compression paid by seller to buyer.
[28] Subject to a deduction of 3.25 cents for compression paid by seller to buyer.
[29] Includes 1-cent tax reimbursement and 0.5-cent gathering charge paid by buyer.
[30] Buyer deducts 0.75-cent compression charge from rate shown.
[31] Buyer deducts 1.5 cents compression charge from rate shown. (Applicable to Woolf A-1, Oakville A-1 and S. L. Harold 1-6 Wells).
[32] No rate schedule on file.
[33] Pertains to contract dated Jan. 10, 1960.
[34] Pressure base is 15.025 p.s.i.a.
[35] Accepted to become effective on the dates shown in the "Effective Date" column.
[36] Accepted, effective as of the date set forth in the "Effective Date Unless Suspended" column, subject to the conditions prescribed herein.

The agreements filed by Crystal and Continental in addition to providing for the proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b–1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b–1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The Southern Louisiana increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69–1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971 that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

The proposed increases of Anadarko Production Co. and Midwest Oil Corp. are for sales of gas in the Arkoma Area of Arkansas where no formal rate ceilings have been established. The proposed rates exceed the 11-cent increased rate ceiling for the adjacent Oklahoma Other Area which has previously been applied to this area of Arkansas.

Certain respondents request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[FR Doc.71-2526 Filed 2-25-71;8:45 am]

[Docket No. AR61–2, etc.]

AREA RATE PROCEEDING (SOUTHERN LOUISIANA AREA)

Order Denying Motion for Reconsideration

FEBRUARY 17, 1971.

On January 22, 1971, Mobil Oil Corp. filed an application for rehearing and reconsideration of the Commission's order of December 24, 1970, reopening the proceeding in Docket No. AR61–2 et al. and consolidating it with the proceeding in Docket No. AR69–9–1).[1] The order also incorporated and made a part of the record in the consolidated proceedings the settlement proposal which was filed in these dockets on November 6, 1970, by the United Distribution Companies Group. Mobil objects to such incorporation and requests the December 24 order be modified so as to incorporate into the record all answers, comments, responses, or other pleadings filed with respect to the settlement proposal, or in the alternative to strike the settlement proposal from the record.

The order of December 24 incorporated the settlement proposal in the record in these consolidated proceedings so that all parties were aware of its filing and could develop the record in such manner as they might deem appropriate. The motion filed by the United Distribution Companies Group was not incorporated in the record nor is there any reason to incorporate the various comments or answers, filed with respect thereto. The motion, answers, and comments will be fully considered when the proceedings are before the Commission for decision.

The Commission orders: The motion of Mobil Oil Corp. for reconsideration of the order of the Commission issued herein on December 24, 1970, as amended, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-2612 Filed 2-25-71;8:48 am]

[Docket No. RI71–702]

GEORGE MITCHELL & ASSOCIATES, INC.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [2]

FEBRUARY 18, 1971.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 8, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretray.*

[1] The interlocutory order of Dec. 24 is not subject to an application for rehearing. Pursuant to Mobil's request, its filing will be considered as a motion for reconsideration.
[2] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R171-702..	George Mitchell & Associates, Inc.	38	1	Transwestern Pipeline Co. (Barstow (Fusselman) Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin).	$40,700	1-19-71	2-19-71	7-19-71	[1] 22.0	26.5	

* The pressure base is 14.65 p.s.i.a.
[1] Initial rate authorized by temporary certificate issued Jan. 14, 1971 in Docket No. CI71-268.
[2] Subject to upward and downward B.t.u. adjustment pursuant to Opinion No. 468, as amended.
[3] Subject to upward or downward B.t.u. adjustment as provided by contract.

George Mitchell & Associates, Inc. have submitted a proposed increase to the initial contract rate of 26.5 cents per Mcf for a sale to Transwestern Pipeline Co. in the Permian Basin area of Texas.

The sale was authorized by a temporary certificate issued in Docket No. CI71-268 at an initial rate of 22 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment pursuant to Opinion No. 468, as amended. The temporary certificate advised applicant that any increased rate would be subject to the outcome of the rulemaking proceeding in Dockets Nos. R-389 and R-389A and if such increased rate exceeds the rate finally determined in the rulemaking proceeding, the increased rate will be prospectively reduced to the rate determined in such proceeding with refunds not being required below the rate initially authorized by the temporary certificate. Applicant was also advised that such rate will also be subject to prospective modification at the conclusion of the Permian Basin Area Rate Proceeding in Docket No. AR70-1.

[FR Doc.71-2611 Filed 2-25-71;8:48 am]

[Docket No. CP66-179]

SECRETARY OF THE ARMY AND ATLANTIC SEABOARD CORP.

Notice of Extension of Time

FEBRUARY 18, 1971.

The Secretary of the Army, Applicant, and Atlantic Seaboard Corp., Respondent.

On February 16, 1971, applicant filed a request for an extension of time to and including February 26, 1971, within which to file briefs on exceptions to the Presiding Examiner's initial decision issued on January 20, 1971, in the above-designated matter. The applicant states that the other parties have no objection to the requested extension.

Upon consideration, notice is hereby given that the time is extended to and including February 26, 1971, within which briefs on exceptions may be filed by all participants.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2613 Filed 2-25-71;8:48 am]

[Project 67]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Extension of Time

FEBRUARY 19, 1971.

On February 3, 1971, Southern California Edison Co. filed a motion for an extension of time to and including March 1, 1971, within which to file answers to the petitions to intervene in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 1, 1971, within which to file answers to the petitions to intervene in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2614 Filed 2-25-71;8:48 am]

[Project 120]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Extension of Time

FEBRUARY 19, 1971.

On February 3, 1971, Southern California Edison Co. filed a motion for an extension of time to and including March 1, 1971, within which to file answers to the petitions to intervene in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 1, 1971, within which to file answers to the petitions to intervene in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2615 Filed 2-25-71;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-88]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective February 17, 1971.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding (Docket No. E-7595) involving an application of the New England Power Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 17, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-2587 Filed 2-25-71;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

OREGON

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on February 13, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Oregon, adversely affected by storms and flooding, beginning on or about January 14, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Oregon. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Creath A. Tooley, Regional Director, OEP Region 8, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Oregon to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 13, 1971:

The Counties of:

Clatsop. Tillamook.

Dated: February 22, 1971.

G. A. LINCOLN,
Director
Office of Emergency Preparedness.

[FR Doc.71-2600 Filed 2-25-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN ENVIRONMENTAL CONTROL CORP.

Order Suspending Trading

FEBRUARY 19, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension or trading in common stock of American Environmental Control Corp. (a New York corporation), and all other securities of American Environmental Control Corp. being traded otherwise than on a national securities exchange is required in the public interest for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 19, 1971, 2 p.m., e.s.t., through February 28, 1971, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2604 Filed 2-25-71;8:47 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 19, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 20, 1971, through March 1, 1971.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2605 Filed 2-25-71;8:47 am]

[812-2893]

EVERYMAN FUND, INC.

Notice of Application and Order Granting Temporary Relief

FEBRUARY 19, 1971.

Notice is hereby given that Everyman Fund, Inc. (Applicant), 1949 East 105th Street, Cleveland, OH 44106, a management, open-end, diversified investment company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 22(e)(3) of the Act permitting (a) suspension of the right of redemption of its outstanding redeemable securities, and (b) suspension of payment for shares already submitted for redemption for which payment has not been made as of the date and time of the requested order, until either:

(1) 10 days after Applicant gives the Commission notice of intention to resume redemptions and payments therefor, or

(2) The Commission on its own initiative rescinds the order applied for herein.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant states that on December 1, 1970, its directors authorized the liquidation of Applicant subject to shareholder approval. Management of Applicant proposes to solicit proxies to be voted in favor of the liquidation at a special meeting in lieu of annual meeting of shareholders, scheduled for March 2, 1971. Applicant states that the liquidation should be completed within a few months, and before April 30, 1971.

Applicant states that its liquidation will involve certain expenses, including legal and accounting fees, but because these expenses of liquidation have not yet been incurred, they do not yet appear on Applicant's books as a liability. Applicant therefore asserts that any shareholder who redeems his shares would not pay a pro rata portion of the expenses of liquidation, and in effect would receive a preference over the remaining shareholders. While it might be possible to establish a reserve for the expenses of liquidation as a current liability, this would be no more than a rough estimate. Applicant states that as a matter of fairness, it is essential that all shareholders be treated alike in the liquidation, and that any delay in redemption will not be substantial.

Applicant states, in addition, if the Fund is required to continue redemptions, it will result in additional expense to the Fund, and therefore a reduction of the amount to be distributed to shareholders in liquidation. Applicant has not had an investment adviser since April 6, 1969, and its distributor is in liquidation. Thus there are no clerical personnel competent to compute the daily net asset value. Applicant states that if redemptions are required, its independent public accountants will have to do the computations, and this will result in additional accounting charges.

Section 22(e)(3) of the Act provides that the Commission may by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemptions or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security to the company or its agent designed for that purpose.

This matter having been considered, it is hereby found, on the basis of the information stated in the application, that an emergency exists as a result of which it is not reasonably practicable for Applicant to determine the value of its net assets. Furthermore, it is necessary for the protection of security holders of Applicant that there be issued concurrent with the notice of the Applicant a temporary order permitting the suspension of the right of redemption and postponement of payment until a further order.

Accordingly, it is ordered, Pursuant to section 22(e)(3) of the Act, that Applicant be and is hereby permitted (1) to suspend the right of redemption of its outstanding redeemable securities, effective immediately, and (2) to suspend payment for shares already submitted for redemption and on which payment has not been made prior to this time, both suspensions to continue pending further order of the Commission.

Notice is further given that any interested person may not later than March 12, 1971, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application as described above, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2606 Filed 2-25-71;8:47 am]

[File No. 24 SF-3599]

KINGS RIVER MINERAL CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 19, 1971.

I. Kings River Mineral Co. (issuer), 243 East Fourth South Street, Salt Lake City, UT, a Utah corporation, filed with

the Commission on May 6, 1970, a notification on Form 1–A and an offering circular pursuant to Regulation A relating to a proposed offering of 7 million shares of common stock, par value $0.005 per share, at $0.03 per share for an aggregate of $210,000. Bonneville Securities, Inc., of Salt Lake City, Utah, was designated as underwriter of the offering and was to receive 15 percent of the offering price as commission. The offering commenced on May 25, 1970. A Form 2–A, dated October 16, 1970, was filed with the Commission which stated that the offering had been completed. The issuer's offering circular states in part that the issuer intends to explore certain leased unpatented mining claims which were assigned to it by the issuer's president in exchange for 1,950,000 shares of the issuer's stock.

II. The Commission has reasonable cause to believe from information reported it by the staff that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that the issuer had entered into arrangements to allocate a substantial portion of the proceeds of the offering other than as stated in the offering circular.

2. The failure to disclose that a substantial portion of the proceeds of the offering would be paid to undisclosed affiliates of the issuer as a result of a nonarm's length transaction wherein the issuer purported to acquire certain interests in unpatented mining properties.

3. The failure to disclose the identifiable cash cost basis to the above referred-to undisclosed affiliates for the interests transferred to the issuer.

4. The failure to disclose that an affiliate and control person of the issuer was the subject of injunction proceedings instituted by the Commission during the pendency of the offering and had been enjoined by a U.S. District Court prior to such time as the issuer's offering was in fact completed.

5. The failure to disclose that insiders of the issuer purchased in excess of 2 million shares of the offering in order to facilitate the offering and create a false impression that there was genuine public interest in the securities offered.

6. The failure to disclose that the market in shares of the issuer was created by insiders through the use of false or misleading press releases, newspaper advertisements, stockholder reports and other similar materials, to give insiders and others an opportunity to make substantial profits at the expense of a public unaware of the actual method of distribution.

7. The failure to disclose that 2,150,000 shares of the issuer's stock deposited pursuant to the stock escrow agreement, described on page 9 of the offering circular, had in fact been assigned to another party in breach of the provisions of that agreement.

B. The terms and conditions of Regulation A were not complied with in that:

1. The offering circular failed to disclose adequately and accurately the manner in which proceeds of the offering were to be applied as required by Item 6 of Schedule I.

2. The offering circular failed to reflect accurately the names and addresses of each officer, director, promoter and controlling person of the issuer as required by Item 9 of Schedule I.

3. The offering circular failed to describe all material transactions within the past 2 years and all material proposed transactions between the issuer and its officers, directors, promoters, controlling persons, affiliates, or predecessors as required by Item 9 of Schedule I.

4. Form 1–A failed to name accurately each officer, director, promoter, controlling person, affiliate, and predecessor of the issuer.

5. Form 1–A failed to disclose the existence of an injunctive order as specified in Rule 252(d) entered against any of the persons as specified in subparagraph (2) thereunder.

6. Form 1–A failed to disclose adequately and accurately all unregistered securities issued by the issuer or any of its predecessors or affiliated issuers within 1 year prior to the filing of the notification.

7. Terms of the stock escrow agreement pursuant to Rule 253(c), filed as an exhibit to Form 1–A, was modified in violation of specific provisions contained therein.

8. By reason of certain activities described in the above paragraphs the aggregate amount of securities offered to the public exceeded the $300,000 ceiling limitation as prescribed by Rule 254 of Regulation A.

9. Form 2–A filed on behalf of the issuer failed to respond accurately and adequately to the items of information as required by that form.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of this issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file wtih the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-2607 Filed 2-25-71;8:47 am]

[Files Nos. 2-32363 (22-5555)]

LANCASTER COLONY CORP.

Notice of Application and Opportunity for Hearing

FEBRUARY 19, 1971.

Notice is hereby given that Lancaster Colony Corp. (Lancaster) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of The Citizens and Southern National Bank, Atlanta, Ga. (the "Bank") under an indenture dated April 1, 1969 (the "1969 Indenture") which was heretofore qualified under the Act, and the trusteeship of the Bank under an indenture to be dated as of January 1, 1971 (the "1971 Indenture") which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the 1969 Indenture and under the 1971 Indenture.

Section 310(b) of the Act, provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

Lancaster alleges that:

1. The Tift County (Georgia) Development Authority (Tift) issued $2,300,000 principal amount of Revenue Bonds, Series 1969 under a trust indenture, dated as of April 1, 1969 (the 1969 Indenture) between Tift and the Bank. The 1969 Indenture was qualified under the Act.

2. In connection with the 1969 Indenture, Lancaster entered into a lease agreement with Tift which provided that Tift would construct a manufacturing plant on land owned by Tift. In order to pay for the construction, Tift issued $2,300,000 principal amount of the Tift Revenue Bonds.

3. Lancaster intends to enter into a lease agreement with the Putnam County (Georgia) Development Authority (Putnam) similar to the Tift Lease. Putnam will issue $900,000 aggregate principal amount of its Revenue Bonds pursuant to a trust indenture (the 1971 Indenture) between Putnam and the Bank. The 1971 Indenture will not be qualified under the Act. The Bank intends to purchase 50 percent of the Putnam Revenue Bonds.

4. The lease agreement between Lancaster and Putnam provides that Putnam will cause a manufacturing plant to be constructed on certain real estate owned by Putnam. Putnam will issue the revenue bonds to pay for the cost of constructing the manufacturing plant and to pay for the land.

5. Tift and Putnam, the issuers of the Tift and Putnam Revenue Bonds, respectively, are obligated on the bonds, but only to the extent of revenues produced by the respective projects.

6. Tift has assigned to the Bank, as trustee, all receipts and revenues to which it would be entitled under the Tift Lease. Further, Tift has assigned to the Bank, as trustee, its rights against Lancaster under the Tift Lease. Putnam has assigned to the Bank, as trustee, the receipts and revenues from the Putnam Lease and has assigned to the Bank, as trustee, its rights against Lancaster under the Putnam Lease.

7. Both the Tift and Putnam Revenue Bonds represent general obligations of Lancaster and are payable out of its assets. This is a result of Lancaster's obligations under the Tift and Putnam Leases, respectively.

8. Bondholders under the 1969 Indenture and under the 1971 Indenture are of equal rank with respect to the assets of Lancaster. This results from the lack of any seniority or subordination provisions in either the Tift or Putnam Leases. Bondholders under one of the indentures have no rights with respect to income or revenues from the project covered under the other indenture. Such income and revenues are specifically pledged by the development authority involved, whether it be Tift or Putnam, to the Bank, as trustee, to be used solely in satisfaction of the rights of the bondholders under such indenture.

9. Should the Bank, as trustee, have occasion to proceed against the security under one of the indentures, such action will not affect the security or use thereof by the Bank, as trustee, under the other indenture.

10. The Bank serving as trustee under both the 1969 Indenture and the 1971 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under one of these two indentures.

Lancaster waives notice of hearing and waives any and all rights to specify procedures under the rules and practices of the Securities and Exchange Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may not later than March 15, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-2608 Filed 2-25-71;8:47 am]

[70-4982]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding and Increase in Authorized Shares of Preferred Stock and Issue and Sale Thereof at Competitive Bidding

FEBRUARY 19, 1971.

Notice is hereby given that Louisiana Power & Light Co. (Louisiana), 142 Delaronde Street, New Orleans, LA 70114, a registered holding company and an electric utility subsidiary company of Middle South Utilities, Inc., also a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of first mortgage bonds, ------ percent series due 2001. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to Louisiana (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under Louisiana's Mortgage and Deed of Trust dated as of April 1, 1944, to The Chase Manhattan Bank (National Association), successor to The Chase National Bank of the City of New York and Charles F. Ruge, successor to Carl E. Buckley, as trustees, as heretofore supplemented by various indentures and as to be further supplemented by a 15th Supplemental Indenture to be dated April 1, 1971, and which contains a prohibition until April 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

Louisiana also proposes to amend its Certificate of Incorporation so as to authorize 100,000 shares of a new series of cumulative preferred stock, $100 par value, and to issue and sell such shares subject to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the preferred stock (which will be a multiple of one twenty-fifth of 1 percent) and the price to be paid to Louisiana (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The terms of the preferred stock will include a prohibition until April 1, 1976, against refunding the stock, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or from the issuance of other stock, which ranks prior to or on a parity with the preferred stock as to dividends or assets, at a lower effective dividend cost.

Louisiana will apply the net proceeds derived from the issue and sale of the bonds and preferred stock to the payment of short-term borrowings made for the purpose of temporarily financing its 1971 construction program and other corporate purposes, and expected not to exceed $25 million at the time of the issue and sale of the bonds and the preferred stock. The balance of the proceeds will be applied to the 1971 construction program, estimated to be $88,614,000, and other corporate purposes.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred by Louisiana in connection with the bonds are estimated at $77,000, including legal fees of $25,000 and auditor's fees of $4,750. Fees and expenses in connection with the preferred stock are estimated at $33,000, including legal fees of $17,000 and auditor's

fees of $1,750. The fees of counsel for the underwriters are estimated at $8,500 in connection with the bonds and at $6,000 in connection with the preferred stock and are to be paid by the successful bidders.

Notice is further given that any interested person may, not later than March 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2609 Filed 2-25-71;8:48 am]

[70-4973]

SOUTHERN CO.

Notice of Proposed Amendment of Certificate of Incorporation and Solicitation of Proxies in Connection Therewith

FEBRUARY 19, 1971.

Notice is hereby given that The Southern Co. (Southern), 3390 Peachtree Road NE., Atlanta, GA 30326, a registered holding company has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to amend its Certificate of Incorporation so as to permit it to increase the authorized shares of common stock, par value $5 per share from 60 million to 80 million. Southern presently has 55,449,500 shares outstanding. The proposed amendment requires the favorable vote of a majority of the outstanding shares of the common stock of Southern. Southern proposes to submit the proposed amendment to stockholders at its 1971 annual meeting to be held on May 26, 1971. In connection with the proposed amendment, Southern proposes to solicit proxies and such solicitation may be made by telephone, telegraph, or mail or personally by company employees.

The declaration states that during 1969 and 1970 Southern was required to issue and sell 6,800,000 shares of common stock in order to provide part of the additional capital needed by its subsidiary companies to finance their construction programs. Southern expects that the frequency and amounts of the requirements of such subsidiary companies for receipts of common stock capital from Southern will increase in the years to come and it is presently contemplated that either in late 1971 or early 1972 Southern will be required to sell additional shares of its common stock approaching, if not exceeding, the number of its authorized but unissued shares.

The fees and expenses to be incurred by Southern in connection with the proposed amendment of its Certificate of Incorporation will be supplied by amendment. It is stated that no State commission and no Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 4, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71-2610 Filed 2-25-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 805]

LOUISIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Calcasieu Parish and adjacent areas, Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid Parish and adjacent areas suffered damage or destruction resulting from tornado occurring on February 12, 1971.

OFFICE

Small Business Administration District Office, 124 Camp Street, New Orleans, LA 70103.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2601 Filed 2-25-71;8:47 am]

URBAN FUND, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) under the name of The Urban Fund, Inc., 1525 East 53d Street, Chicago, IL 60615, for a license to operate in the State of Illinois as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958 (13 U.S.C. 661 et seq.) (Act), License No. 07/07-5080.

The proposed officers and directors are as follows:

Milton Davis	Chairman of the Board and Director.	1525 East 53d St., Chicago, IL 60615.
John S. Wineman, Jr.	President, Treasurer, and Director.	513 Central Ave., Highland Park, IL 60035.
Ronald Grzywinski.	Vice President and Director.	1525 East 53d St., Chicago, IL 60615.
James Fletcher.	Vice President, Assistant Secretary, and Director.	Do.
Mary Houghton.	Secretary	Do.
Robert McKersie.	Director	5554 South Kenwood Ave., Chicago, IL 60637.
John G. Friend.	do	300 North State St., Chicago, IL 60610.
Harrison I. Steans.	do	801 Skokie Blvd., North Brook, IL 60062.

Of the above only Mr. John S. Wineman, Jr., will be salaried, and none of them will own, directly, any capital stock or other securities of the Applicant.

The First National Bank of Highland Park, 513 Central Avenue, Highland Park, IL 60035, and the Hyde Park Bank & Trust Co., 1525 East 53d Street, Chicago, IL 60635, will each own forty percent of the company's capital stock and the Marina City Bank, 300 North State Street, Chicago, IL 60610, the balance. The company proposes to commence operations with a capitalization of $325,000. As a MESBIC, the company proposes to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416. A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

A. H. SINGER,
Associate Administrator for Investment.

FEBRUARY 22, 1971.

[FR Doc.71-2602 Filed 2-25-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application 97, Amdt. 1]

ASSOCIATION OF AMERICAN RAILROADS

Per Diem and Mileage Rates of Compensation for Use of Trailers and Containers; Petition for Approval of Amendments to Agreement

FEBRUARY 18, 1971.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed February 5, 1971, by: Mr. Gregory S. Prince, Attorney-in-fact, American Railroads Building, 1920 L Street NW., Washington, DC 20036.

The amendments involve: Changes in the agreement so as to (1) reduce the membership of the General Committee from 20 to 17 members; (2) redesignate the trailer and container equipment register as "The Official Intermodal Equipment Register"; and (3) provide for the individual, Stephen Ailes, as president of the association and attorney-in-fact for the subscribed member carriers.

The petition is docketed and may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2651 Filed 2-25-71;8:51 am]

[Rev. S.O. 994; ICC Order 52, Amdt. 1]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 52 (The Chesapeake and Ohio Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 52 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 28, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 24, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-2652 Filed 2-25-71;8:51 am]

[Notice 252]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 23, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 139 TA) (Republication), filed September 29, 1970, published FEDERAL REGISTER, issue of October 9, 1970, and republished this issue. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 7600 South Central Expressway, 733 South Poydras Street (75202), Post Office Box 6187 (75222), Dallas, Tex. 75216. Applicant's representative: D. Humphrey (same address as above). NOTE: The purpose of this republication is to show that applicant proposes to tack this authority to it's presently-held authority, and to interline with other carriers. The rest of the notice remains as previously published.

No. MC 102616 (Sub-No. 858 TA), filed February 18, 1971. Applicant: COASTAL

TANK LINES, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, OH 44319. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Lewes, Del., to points in Pennsylvania, Maryland, New Jersey, and that part of Virginia on and east of Chesapeake Bay, for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, 100 North Main Street, Memphis, TN 38101. Send protests to: District Supervisor, G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 111812 (Sub-No. 417 TA), filed February 16, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cement* (except in bulk), from Freeport and Brooklyn N.Y., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Columbia Cement Co., Inc., 159 Hanse Avenue, Freeport, NY 11520. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 113678 (Sub-No. 414 TA), filed February 17, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: David Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood plasma*, from Omaha, Nebr., to Berkeley, Calif., for 180 days. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, CA 94710. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 114632 (Sub-No. 37 TA), filed February 16, 1971. Applicant: APPLE LINES, INC., Post Office Box 507, 225 South Van Esp Avenue, Madison, SD 57042. Applicant's representative: Robert A. Appelwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., and Hartley and Spencer, Iowa, to points in Illinois, for 180 days. Supporting shipper: Spencer Foods, Inc., Spencer, Iowa, John F. Hummel, Corporate Traffic Director. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, SD 57501.

No. MC 114761 (Sub-No. 6 TA), filed February 16, 1971. Applicant: GETTER TRUCKING, INCORPORATED, Post Office Box 368, Cut Bank, MT 59427. Applicant's representative: T. M. Roholt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses*, from 11 miles west of Miles City, Mont., to Gillette, Wyo., for 180 days. Supporting shipper: Campbell County School District, 103 West Third Street, Gillette, WY 82716. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 116073 (Sub-No. 156 TA), filed February 16, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite and warehouse facilities of Champion Home Builders Co. in Tulare County, Calif., to points in Washington, Oregon, Idaho, Utah, Nevada, and Arizona, for 180 days. Supporting shipper: Champion Home Builders Co., Post Office Box 429, Lindsay, CA 93247. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 120249 (Sub-No. 7 TA), filed February 16, 1971. Applicant: GEORGE A. HORTON, doing business as ASH-LAND-HARLO FREIGHT LINES, 1032 Delphinium Drive, Billings, MT 59102. Applicant's representative: Jerome Anderson, 300 First National Bank Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities injurious or contaminating to other lading, commodities in bulk, and commodities which because of their size and weight require special equipment, between White Sulphur Springs, Mont., and Helena, Mont., over U.S. Highways 12 and 287, serving the intermediate and off-route points of Townsend and East Helena, Mont., with authority to tack to its presently held authority at White Sulphur Springs, for 180 days. Supporting shippers: Vollstedt Kerr Co., Post Office Box J, White Sulphur Springs, MT 59645; Public Drug Co., White Sulphur Springs, Mont. 59645; Edwards Lumber Co., White Sulphur Springs, Mont. 59645; Berg Garage, Inc., White Sulphur Springs, Mont. 59645. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 127042 (Sub-No. 74 TA), filed February 16, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and commodities* defined in Section 203(b)(6) of the Act, as amended, when shipped in mixed loads with dairy products, from Rice Lake, Wis., to points in Tennessee, North Carolina, Georgia, Florida, Louisiana, Colorado, and Texas, for 150 days. Supporting shipper: Rice Lake Creamery Co., 21 East Messenger Street, Rice Lake, WI 54868. Send protests to: Carroll Russell, District Supervisor, 304 Post Office Building, Bureau of Operations, Sioux City, IA 51101.

No. MC 127099 (Sub-No. 11 TA), filed February 16, 1971. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Zanesville, OH 43215. Applicant's representative: Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cardboard*, from the plantsite of Greif Bros. Corp. at Zanesville, Ohio, to Baltimore and Cambridge, Md.; Edison, N.J.; Long Island City, Maspeth, and Eaton, N.Y.; Danbury, Conn.; Hanover, Pa.; and Mellis, Mass.; for 150 days. Supporting shipper: Greif Bros. Corp., Bettis Division, Zanesville, Ohio 43701. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 127410 (Sub-No. 3 TA), filed February 16, 1971. Applicant: FRANK MISHAK, 9 South 10th Street, Clear Lake, IA 50428. Applicant's representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, IA 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete bridge girders*, from Clear Lake Iowa, to the point of the Illinois terminus of the Muscatine, Iowa, Mississippi River Bridge (Rock Island County, Ill.), under a continuing contract with A & M Prestress, Inc., Clear Lake, Iowa, for 120 days. Supporting shipper: A & M Prestress, Inc., One-half mile east on Highway 18, Clear Lake, Iowa 50428. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 133240 (Sub-No. 14 TA), filed February 17, 1971. Applicant: WEST END TRUCKING CO., INC., 520 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount houses, or department stores, for the account of Unishops, Inc., between Jersey City, N.J., on the one hand, and, on the other, Milwaukee, Wis.; Wichita, Kans.; Gardena, Corona, Covina, Sacramento, San Francisco, San Diego, and Long Beach, Calif.; Pueblo, Colo.; Norfolk, Virginia Beach, Newport News, and Hampton, Va.; Baltimore, Md.; Minneapolis and Duluth, Minn.; Ashtabula and Cleveland, Ohio; Memphis, Tenn.; Santa Fe, N. Mex.; Omaha, Nebr.; Anderson and South Bend, Ind.; and Chicago, Ill., for 150 days. Supporting shipper: Unishops, Inc., 21 Gaven Point Avenue, Jersey 07305. Send protests to: District Supervisor, Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 134323 (Sub-No. 13 TA), filed February 18, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Jay Trammell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Rock Port, Mo., to points in Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, and District of Columbia, for 180 days. Supporting shipper: Norman L. Cummins, Director of Physical Distribution and Transportation, Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 134477 (Sub-No. 10 TA), filed February 12, 1970. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Medota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report and *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or storage facilities utilized by Armour at or near Worthington, Minn., and Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Armour and Co., 111 East Wacker Drive, Chicago, IL. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135065 (Sub-No. 2 TA), filed February 16, 1971. Applicant: EARL G. DUBOSE TRUCKING CO., Route 1, Box 257, Denham Springs, LA 70726. Applicant's representative: Cordell H. Hayman, Suite 301, Baton Rouge Saving & Loan Building, 101 St. Ferdinand Street, Baton Rouge, LA 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar* in packages, from Godchaux-Henderson Sugar Co., Reserve, La. and Colonial Sugars Co., Gramercy, La., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Illinois, Idaho, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Return shipments limited to *rejected sugar shipments* in whole or part and *materials and supplies necessary for the processing and packaging of refined sugar*, for 180 days. Supporting shippers: Colonial Sugars Co., Gramercy, La. 70052, Mr. Oliver G. Stine, Assistant Traffic Manager, Godchaux-Henderson Sugar Co., Inc., Post Office Drawer 1667, Mobile, Ala. 36601, Mr. Ernest O. Thublin, Traffic Manager. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135233 (Sub-No. 1 TA), filed February 18, 1971. Applicant: JOYCE H. MORTON AND ROYCE C. MORTON, a partnership, doing business as MORTON BROTHERS, Rural Route 1, Box 2000, Las Cruces, NM 88001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, cinder, stone, grain, landscaping materials*, between points in Dona Ana County, N. Mex., on the one hand, and, on the other, points in Chavez, Otero, Lincoln, Sierra, Luna, Dona Ana, Grant, Catron, Hidalgo, Lee, Curry, Roosevelt and Eddy Counties, N. Mex., El Paso, Culberson, Hudspeth, Andrews, Gaines, Yoakum, Terry, Cochran, Hockley, Bailey, Lamb, Parmer, and Castro Counties, Tex., and Apache, Greenlee, Cochise, Pinal, Pima, Maricopa, and Yavapai Counties, Ariz., for 180 days. Supporting shippers: Builders Block and Supply Co., Inc., Post Office Drawer FF, Las Cruces, NM 88001, Paso del Norte Brick Co., 4560 Ripley Drive, El Paso, TX 79922, Western Concrete Works, Post Office Box 17961, El Paso, TX 79917, El Paso Brick Co., Post Office Box 12336, El Paso, TX 79912, Woodward Lumber Co., Post Office Box 391, Las Cruces, NM 88001, Atlans Lumber Co., Post Office Box 727, Las Cruces, NM 88001. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, 10515 Federal Bldg. and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, NM 88101.

No. MC 135319 TA, filed February 18, 1971. Applicant: WILBER L. GILBERT, MAX GILBERT, LOREN GILBERT, AND RICHARD HANNAH, a partnership, doing business as GILBERT BROS., Mansfield, Ill. 61854. Applicant's representative: Robert T. Lawley, Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Warren and Fountain Counties, Ind., to points in De Witt and Piatt Counties, Ill., for 180 days. Supporting shipper: Interstate Sand and Gravel Co., Inc., Covington, Ind. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 135320 TA, filed February 18, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delaney, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media* of all kinds; (a) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma; and (b) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or subsequent movement by air. (2) *Exposed and processed film and prints, complimentary replacement film*, incidental dealer handling supplies and advertising material moving therewith (except motion picture film used primarily for commercial theater and television exhibition); (a) between Dallas and San Antonio, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or subsequent movement by air. (3) *Radiopharmaceauticals, radioactive drugs, and medical isotopes;* (a) between Dallas and Houston, Tex., on the one hand, and, on the other, points in Oklahoma; and (b) between Dallas and Houston, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: Zale Corp. (Bert Bernstein, President), 3000 Diamond Park, Box 2219, Dallas, TX 75221; Medical Information, Inc., Don Kolker, 6011 Harry Hines Boulevard, Dallas, TX; Perfect Photo, J. D. Dorough, General Manager, 425 Live Oak Street, San Antonio, TX 78206; Clear Photo, David K. Floyd, 220 Howell, Dallas, TX 75207; Hastings Radiochemical Works, Inc., John E. Pedigo, Suite 100, Locke Medical Building, 6011 Harry Hines Boulevard, Dallas, TX 75235. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135230 (Sub-No. 1 TA), filed February 18, 1971. Applicant: ARVEL HULL, 1820 Wheeler, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, Kelley Building, Post Office

Box 43, Fort Smith, AR 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Green animal hides*, from Fort Smith, Ark., to Springfield, Mo., from Fort Smith over U.S. Highway 71 to Rogers; thence over U.S. Highway 62 to Gateway; thence over Missouri Highway 37 to Monette; thence over U.S. Highway 60 to Springfield, serving no intermediate points, for 180 days. Supporting shipper: E. W. Biggs & Co., 405 Washington, Springfield, MO 65806. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-2654 Filed 2-25-71;8:52 am]

[Notice 652]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 23, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72562. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Eureka Cartage Company, Inc., Cicero, Ill., of the operating rights in permit No. MC-64819 issued May 22, 1967 to C. D. Gammon Co., a corporation, Chicago, Ill., authorizing the transportation of iron, steel, copper, and brass articles, structural steel, paints, and machinery from De Kalb, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., commercial zone to Chicago, Ill., and points in Illinois, Indiana, and Wisconsin within 150 miles of Chicago. Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602, attorney for transferee. Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602, attorney for transferor.

No. MC-FC-72625. By order of February 4, 1971, the Motor Carrier Board approved the transfer to H. A. Pierce and R. E. Schuster, a partnership, doing business as Pierce-Schuster Truck Line, Freeborn, Minn., of the operating rights in certificate No. MC-125847 (Sub-No. 2) issued May 22, 1970, to Schultz, Inc., Minneapolis, Minn., authorizing the transportation of feed and feed ingredients, with certain exceptions, from Minneapolis, Minn., to points in Minnesota, South Dakota, Wyoming, Wisconsin, and a portion of North Dakota; from Mankato, Minn., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wyoming, Wisconsin, and the Upper Peninsula of Michigan; and soybean meal from Savage, Minn., to points in North Dakota, South Dakota, and Wisconsin and from Mankato, Minn., to points in Iowa, Montana, North Dakota, South Dakota, and Wisconsin; and prestressed concrete beams and joists from Wells, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin. Clay R. Moore, 1000 First National Bank Building, Minneapolis, MN 55402, attorney for applicants.

No. MC-FC-72632. By order of February 5, 1971, the Motor Carrier Board approved the transfer to Staple Trucking Service, Inc., Lynbrook, Long Island, N.Y., of the permit in No. MC-134057 issued May 19, 1970, to Leonard Frisina, doing business as E & F Trucking Co., Lynbrook, Long Island, N.Y., authorizing the transportation of piece goods from the plantsites of Edmos Products Corp., at Plainview and Glen Cove, N.Y., to points in that part of the New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act, and to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Dual operations were approved. Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, NY 10036, attorneys for applicants.

No. MC-FC-72604. By order of February 5, 1971, the Motor Carrier Board approved the transfer to Gillis-Hood Moving & Storage, Inc., 1310 South Brazos Street, San Antonio, TX 78207, of the operating rights in certificate No. MC-121484 (Sub-No. 2) issued May 21, 1969, to Gillis-Hood Security Warehouses, Inc., 1310 South Brazos Street, San Antonio, TX 78207, authorizing the transportation of used household goods between points in Bexar County, Tex., subject to certain restrictions.

No. MC-FC-72624. By order of February 4, 1971, the Motor Carrier Board approved the transfer to Robert C. Wilhelmi, doing business as Rockford Furniture Service, 4610 Edgewood Hills Drive, Rockford, IL 61108, of certificate of registration No. MC-99376 (Sub-No. 1) issued November 4, 1963, to M. W. Wilhelmi and Robert Wilhelmi, a partnership, doing business as Rockford Furniture Service, 4610 Edgewood Hills Drive, Rockford, IL 61108, evidencing a right to engage in operations in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in certificate No. 1598MC dated September 9, 1954, issued by the Illinois Commerce Commission.

No. MC-FC-72635. By order of February 5, 1971, the Motor Carrier Board approved the transfer to Michaud Trucking, Inc., 133 Birch Street, Kingsford, MI 49801, of the operating rights in certificates Nos. MC-126198, MC-126198 (Sub-No. 3), MC-126198 (Sub-No. 4), MC-126198 (Sub-No. 7), and MC-126198 (Sub-No. 10), issued February 10, 1965, July 28, 1967, March 19, 1968, January 15, 1970, and June 3, 1970, respectively, to Earl Michaud, 133 Birch Street, Kingsford, MI 49801, collectively, authorizing the transportation of malt beverages between points in Michigan, Indiana, Wisconsin, and Missouri.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-2655 Filed 2-25-71;8:52 am]

[No. 35301]

WEST VIRGINIA INTRASTATE FREIGHT RATES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of February 1971.

It appearing, that by order dated September 14, 1970, the Commission, Division 2, granted the joint petition filed July 13, 1970, by the Baltimore and Ohio Railroad Co., Beech Mountain Railroad Co., The Chesapeake and Ohio Railway Co., The Kanawha Central Railway Co., Kelley's Creek and Northwestern Railroad Co., Norfolk and Western Railway Co., Penn Central Transportation Co., Western Maryland Railway, West Virginia Northern Railroad Co., and Winifrede Railroad Co., all of the carriers by railroad operating in the State of West Virginia, and instituted an investigation under section 13 of the Interstate Commerce Act to determine whether the failure of the intrastate freight rates and charges imposed by that State to include the increases authorized by this Commission on interstate rates and charges in Ex Parte No. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, and Ex Parte No. 265, Increased Freight Rates, 1970 (final report pending), cause or will cause any undue or unreasonable advantage, preference, or prejudice, as between persons and localities in interstate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist;

It further appearing, that by petition filed November 23, 1970, petitioners seek leave to file an amended petition, which would, if accepted for filing and granted, broaden the investigation to include an additional issue, namely, whether the intrastate rates and charges imposed by the State of West Virginia are unjustly discriminatory against or place an undue burden on interstate or foreign commerce, by reason of the failure of the State to authorize the increases in intrastate rates and charges to the extent sought by the petitioners on interstate rates and charges, in Ex Parte No. 267, Increased Freight Rates, 1971 (final report pending);

It further appearing, that on December 10, 1970, the Appalachian Power Co. filed a reply to the petition for leave to file an amended petition and to the amended petition urging that they be denied on the ground that the West Virginia Public Service Commission has or is considering each of the three increases to the intrastate rates and charges as sought in the petition, as proposed to be amended, and that section 13 of the Act is not intended to abrogate the State's authority over intrastate rates and charges;

And it further appearing, that there has been brought in issue by the petition for leave to file an amended petition additional matters sufficient to institute an investigation of the intrastate freight rates and charges sought therein and made or imposed by the State of West Virginia; that under the proviso of section 13(4) of the Act, this Commission must forthwith institute an investigation into the lawfulness of such rates and charges (whether or not theretofore considered by any State agency or authority and without regard to the pendency before any State agency or authority of any proceeding relating thereto) and shall give special expedition to the hearing and decision therein;

Wherefore and good cause appearing:

It is ordered, That the petition filed November 23, 1970, for leave to amend the petition filed July 13, 1970, to broaden the scope of the investigation instituted by order of September 14, 1970, be, and it is hereby granted, and the amended petition be, and it is hereby accepted for filing;

And it is further ordered, That the amended petition be, and it is hereby granted, and that the investigation instituted by order of the Commission, Division 2, on September 14, 1970, be, and it is hereby broadened to also determine whether the said rates and charges of the carriers by railroad, or any of them, operating in the State of West Virginia for the intrastate transportation of property made or imposed by authority of the State of West Virginia cause or will cause, by reason of the failure of said rates and charges to include increases corresponding to those permitted to be established on November 20, 1970, by this Commission for interstate transportation in Ex Parte No. 267, Increased Freight Rates, 1971, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist and that the amended petition be, and it is hereby granted to the extent it seeks broadening of the scope of the investigation as indicated above, but in all other respects it be, and it is hereby denied;

It is further ordered, That notice of the pendency of the broadened issues be given to the general public by depositing a copy of this order in the office of the Commission's Secretary in Washington, D.C., by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER, and by serving a copy upon each of the said petitioners, upon Mr. Wm. M. Maddox, Attorney for Appalachian Power Co., 730 Coal Building, Washington, DC 20036, and that the State of West Virginia be notified by sending copies of this order and of the said petition for leave to amend and of the amended petition by certified mail to the Governor of West Virginia at Charleston, W. Va., and to the Public Service Commission of West Virginia at Charleston, W. Va.;

It is further ordered, That all persons, other than those who have already notified the Commission, who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Commission on or before March 25, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. The Commission desired participation only of those who intend to take an active part in the proceeding.

It is further ordered, That, as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons (as supplemented by those parties tendering notice under the provisions of this order) upon whom service must be made. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices and orders entered herein will be served solely on the persons responding to this order;

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-2653 Filed 2-25-71;8:51 am]

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PART II

Guide to Record Retention Requirements

(Title 1, Appendix A)

GUIDE TO RECORD RETENTION REQUIREMENTS

(1 CFR, Appendix A)

REVISION AS OF JANUARY 1, 1971

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1970, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1970.

The Guide is prepared by the Office of the Federal Register, National Archives and Records Service, General Services Administration.

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

Arrangement

The digests of record-keeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1971.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.28

2. Consumer and Marketing Service

2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 906.51

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.4a Pear, plum, and peach handlers in California.

To maintain records of fruits received and disposed of as necessary to verify reports submitted to the Control Committee.

Retention period: 2 fiscal years. 7 CFR 917.50

2.5 Peach handlers.

To maintain records of peaches received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 921.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers. [Amended]

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 947.80, 948.80, 950.80, 953.75

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 [Reserved]

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.13a Celery producers and handlers in Florida.

To maintain records to substantiate the reports required by the Florida Celery Committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.71

2.14 Almond handlers. [Amended]

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, reserve disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers.

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71 (retention: 981.70)

2.16 Filbert handlers. [Amended]

To keep records of shelled and unshelled filberts received and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and unshelled walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers. [Amended]

To maintain records of the receipt, holding, handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68, 987.168

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins received, acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.174

2.21a Cranberry handlers.

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

2.21b Pear handlers.

To maintain records of pears received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 931.60

2.21c Hops handlers.

To maintain such records of hops handled or held as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

2.21d Handlers (including each subsidiary and affiliate thereof) of Type 62 Shade Tobacco.

To keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not limited to, identification of the grower of the tobacco and the field in which produced.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 951.180, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes, and potatoes).) 7 CFR 926.122, 927.125, 953.104

2.23 Commission merchants, dealers, and brokers of fruits and vegetables subject to the Perishable Agricultural Commodities Act of 1930.

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

2.24–2.27a [Reserved]

2.28 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 7 CFR 81.152

2.28a [Deleted]

2.29 Dairy plants approved for USDA inspection and grading service.

To maintain (a) records of quality tests made on raw milk and cream received from each producer, seller, or shipper and of plant and laboratory tests and analyses of raw materials and finished products, (b) pasteurization recorder charts and water supply test certificates, and (c) most recent copy of employee health certificate.

Retention period: (a) 1 year, (b) 6 months, (c) until employee no longer employed. 7 CFR 58.148, 58.322

2.30—2.37 [Reserved]

2.38 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed agricultural products warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 111.33.

2.40 Licensed agricultural products warehousemen.

To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 111.34

2.41 Licensed agricultural products warehousemen.

Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: 6 years after December 31 of the year in which created and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed agricultural products warehousemen.

Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 7 CFR 101.49

2.45 Licensed classifiers, inspectors, graders, and weighers of agricultural commodities.

To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 111.70

2.46 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce, including records necessary to disclose the name of any substance used in the treatment of such seed.

Retention period: 3 years for documents, 1 year for seed samples, including separate samples of the treated seed portion of any lot of seed. 7 CFR 201.4–201.7a

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

2.53 Cotton handlers.

To maintain books and records necessary to carry out the provisions of the Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335, 1205.531, 1205.532

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 Grain inspection agencies and licensees.

To maintain complete records of each inspection activity performed.

Retention period: 2 years after inspection. 7 CFR 26.55

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

2.57 Diverters participating in fresh Irish potatoes-livestock feed diversion program.

To keep records and accounts showing the details relative to the diversion and disposition of such potatoes.

Retention period: 3 years after date of last payment or 2 years after date of audit by USDA, whichever is later. 7 CFR 208.18

2.58–2.59 [Reserved]

2.60 Milk handlers.

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR Parts 1001–1159 (See specific milk marketing area.)

2.61 Carriers transporting meat. [Amended]

To keep original certificates delivered to a carrier separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.14

2.62 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food. [Added]

To keep records as specified in section cited.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator. 9 CFR 320.1 (retention: 320.3)

2.63 Custom slaughter operators claiming exemption. [Added]

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred or longer if directed by the Administrator. 9 CFR 303.1 (retention 320.3)

3. Agricultural Research Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed (a) production records including reports of all tests for purity, safety, and potency for each serial of biological product manufactured in or offered for importation into the United States, and (b) disposition records showing the sale, shipment, or other disposition made of the biological products handled.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Veterinary Biologics Division. 9 CFR 116.1 (retention: 116.2)

3.2 [Reserved]

3.3 Distributors of biological products marketed under special license.

To keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser when the maintenance of records of distribution of biological products marketed under special license is a condition of the issuance of the special license.

Retention period: Not specified. 9 CFR 102.6(b) (3)

3.4 Operators of approved feed lots.

To keep records of vaccination and disposition of all animals and to keep an inventory of animals showing the daily admission to and removal from the premises.

Retention period: 1 year. 9 CFR 120.9

3.5 [Reserved]

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological products. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103.2

3.7 [Reserved]

3.8 Research facilities and dealers engaged in transportation, sale, and handling of dogs, cats, and certain other animals used for research or experimentation, or for other purposes.

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits.

Retention period: 1 year or longer, as may be required by any Federal, State, or local law. 9 CFR 2.75, 2.76 (retention: 2.77)

3.9 Operators of specifically approved stockyards and livestock markets. [Added]

To maintain records of origin and destination of all swine handled through markets, and records of identification of certain classes of swine.

Retention period: 1 year after transaction. 9 CFR 76.16(b)

4. Agricultural Stabilization and Conservation Service

4.1 [Reserved]

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1969—7 CFR 706.706; 1970—7 CFR 706.806 (retention: 7 CFR 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b [Reserved]

4.2c Handlers under milk indemnity program.

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 16.17

4.3 Ginners of cotton.

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) name and address of person delivering cotton to gin; and (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.89 (retention: 722.92)

[1] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

4.4 Buyers of cotton.

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; and (e) amount of penalties to be collected, if any.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.90 (retention: 722.92)

4.5–4.6 [Reserved]

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling cotton from, for, or on behalf of the producer.

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.91 (retention: 722.92)

4.8 Producers of cotton.

To keep records of cotton marketed; and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.94

4.9 Producers and producer-manufacturers of burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco. [Amended]

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: [1] 1968–69 and succeeding marketing years—3 years after end of marketing year. 7 CFR 724.95 (retention: 724.109)

4.10 Producers of flue-cured tobacco. [Amended]

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing, (e) details of tobacco disposed of other than by sale.

Retention period: [1] 1970–71 and succeeding marketing years—3 years after end of marketing year. 7 CFR 725.98 (retention: 725.108)

[1] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

4.11 Buyers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations. [Amended]

To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: [1] 1968–69 and succeeding marketing years—3 years after end of marketing year. 7 CFR 724.101, 724.109

4.12 Truckers and persons redrying, prizing, or stemming burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [1] 1968–69 and succeeding marketing years—3 years after end of marketing year. 7 CFR 724.103 (retention: 724.109)

4.13 Truckers and persons redrying, prizing, or stemming flue-cured tobacco. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [1] 1970–71 and succeeding marketing years—3 years after end of marketing year. 7 CFR 725.102 (retention: 725.108)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 1968–69 and succeeding marketing years—3 years after end of marketing year. 7 CFR 724.96–724.98 (retention: 724.109)

4.15 Warehousemen handling flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 1970–71 and succeeding marketing years—3 years after end of marketing year. 7 CFR 725.99 (retention: 725.108)

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 1968–69 and succeeding marketing years—3 years after end of marketing year. 7 CFR 724.99 (retention: 724.109)

4.17 Dealers handling flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 1970–71 and succeeding marketing years—3 years after end of marketing year. 7 CFR 725.100 (retention: 725.108)

4.18–4.26 [Reserved]

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions (as specified in the regulations).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears.

To maintain accurate records and documents supporting information shown on Form CCC–161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears.

To maintain accurate records and documents, including Forms CCC–165 (Processor Certification) and CCC–165–1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.52 (retention: 729.66)

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.57 (retention: 729.66)

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.62 (retention: 729.66)

4.30a Driers of farmers stock peanuts.

To maintain records as specified in the regulations.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.60, 729.61 (retention: 729.66)

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.34, 730.35, 730.38

4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, inventories, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.35 [Reserved]

4.36 Employers of Virgin Islands apprentice operators of mechanical loaders and tractors in the sugar industry.

To maintain complete wage records of person employed.

Retention period: 2 years following date on which application for Sugar Act payment is filed. 7 CFR Part 868

4.37 Employers of Virgin Islands handicapped workers in the sugar industry.

To maintain complete wage records of persons employed.

Retention period: 2 years following date on which his application for Sugar Act payment is filed. 7 CFR Part 868

4.37a Producers of sugar beets and sugarcane.

To maintain complete wage records of persons employed in the production, cultivation, or harvesting of sugar beets and sugarcane.

Retention period: 2 years (sugar beets); 3 years (sugarcane). 7 CFR Parts 862, 863, 864

4.37b Farm operators participating in the Sugar Act payment program.

To maintain a record of excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown in excess of acreage in each such case.

Retention period: Until receipt of Sugar Act payment for the applicable crop year. 7 CFR Part 855

5. Commodity Credit Corporation

5.1 Warehousemen handling storage agreements for bulk oils.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1424.2

5.2 Cottonseed crushers participating in the cottonseed oil and meal purchase program. [Amended]

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 7 CFR 1443.67

5.3 Cooperative marketing associations of producers participating in the Tung Nut Price Support program.

To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

Retention period: 1963 and succeeding crop years—3 years after December 31 of the crop year to which they pertain. 7 CFR 1443.333

5.3a [Deleted]

5.4 Peanut shellers participating in the Peanut Price Support program.

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.19 (1967 and subsequent years)

5.5 Mohair producers participating in the Payment Program for Mohair, and their marketing agencies.

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.227, 1468.272

5.6 Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies. [Amended]

To maintain books, records, and accounts showing: purchases of lambs on and after April 1, 1956, and marketing of wool or lambs on which application is based.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1251

5.7 Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and persons furnishing evidence to an applicant to enable him to receive payment under the program. [Amended]

To maintain books, records, and accounts showing purchases of unshorn lambs on or after April 1, 1956, and marketing of unshorn lambs on which application for payment is based.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1251

5.8 Persons purchasing farmers stock peanuts from producers for sale to shellers. [Amended]

To keep accounts of the quality and prices paid to them for each lot of farmers stock peanuts sold to a sheller participating in the price support program.

Retention period: 1967 and subsequent years—until December 31 of the third year following date of purchase. 7 CFR 1446.19

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the Livestock Feed Program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 Dealers participating in the Puerto Rican Tobacco Purchase Program.

To keep records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC.

Retention period: 3 years after delivery of tobacco to CCC. 7 CFR 1464.60

5.11 [Reserved]

5.12 Crushers of castor beans participating in the castor oil purchase program.

To maintain books, records, and accounts including name of sellers, date of receipt, and the gross and clean weight, quality and price of each lot of castor bean purchased.

Retention period: At least 3 years. 7 CFR 1443.108

5.13—5.16 [Reserved]

5.17 Producers participating in the honey price support program.

To maintain (1) records of quantity of eligible honey for price support and (2) record of honey purchased or acquired which is ineligible for price support showing source and disposition.

Retention period: 5 years. 7 CFR 1434.50

5.18 Cotton ginners participating in the cottonseed purchase program.

To keep books, records, and accounts for all purchases of cottonseed (including name of producer, date of receipt, weight, and purchase price of each lot) and other transactions.

Retention period: 3 years from last day any cottonseed is tendered to CCC for purchase under the applicable Participating Ginner's Agreement. 7 CFR 1443.13

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program.

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

6. Commodity Exchange Authority

6.1 Futures commission merchants and clearing organizations of contract markets depositing customers' money, securities, and property.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants and clearing organizations of contract markets depositing obligations purchased with customers' funds.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of account.[1] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants and clearing organizations of contract markets.

To keep the following records of obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, identity of depositories or other places where such obligations are segregated, date disposition made and amount received therefor, name of person to or through whom sold.

Clearing organizations receiving documents from members representing investment of customers' funds shall also keep a record showing separately for each member the date on which documents were received from member, description of documents, date on which documents were returned to member, or details of disposition by other means.

Retention period: 5 years after investment liquidated or load paid.[1] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.[1] 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

6.8 [Reserved]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) a financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or floor trader executing each transaction, a symbol indicating the customer type, the opposite broker or floor trader, and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants and clearing organizations of contract markets.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, identity of depositories or other places where such securities or property are segregated, date received and returned or otherwise disposed of, including authorization therefor.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[1] 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[1] 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[1] 17 CFR 1.44 (retention: 1.31)

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.[1] 17 CFR 18.05 (retention: 1.31)

7. Farmers Home Administration

7.1 Borrowers operating under farm and home annual plans.

To maintain records of income, expenses, and operations.

Retention period: Until summarized and reflected in the agency's official records. 7 CFR 1802.3

7.2 Local organizations obtaining watershed loans and advances under the Watershed Protection and Flood Prevention Act. [Amended]

To maintain accounts and records relating to the installation, operations, and maintenance of works of improvement.

Retention period: 3 years after the year to which such records pertain. 7 CFR 1823.359

7.3 Rural communities and other associations of farmers and rural residents obtaining loans and grants for central domestic water systems, waste disposal systems, shift-in-land-use projects and related facilities, soil and water conservation practices, and recreational facilities. [Added]

To maintain records of its operation, maintenance, and management of its facility including the establishment and maintenance of financial accounts and records.

Retention period: Until summarized and reflected in the agency's official records and until the requirements of State and local laws and regulations are met. Number of years after this point not specified, 7 CFR 1823.31, 1823.59, 1823.117

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation.

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, combined crops, corn, cotton, flax, grain sorghum, oats, peanuts, potatoes, canning and freezing peas, dry peas, rice, rye, soybeans, sugar beets, sugarcane, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.111, sec. 17

8.2 [Deleted]

9. Packers and Stockyards Administration

9.1 Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.

To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

9.2 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years. 9 CFR 201.42 (retention: 201.50)

9.3 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years. 9 CFR 201.45 (retention: 201.50)

9.4 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years. 9 CFR 201.46 (retention: 201.50)

9.5 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years. 9 CFR 201.48 (retention: 201.50)

9.6 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years. 9 CFR 201.49 (retention: 201.50)

9.7 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the Area Supervisor of the Service).

Retention period: 2 years. 9 CFR 201.74 (retention: 201.50)

9.8 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[1] 9 CFR 201.89

9.9 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

9.10 Stockyard owners, market agencies, dealers and licensees subject to the provisions of the Packers and Stockyards Act. [Added]

To maintain records of items listed in section cited.

Retention period: 2 full calendar years, or longer if directed by the Administrator. 9 CFR 201.50

10. Office of the Secretary

10.1 Educational institutions having negotiated research agreements with the Department of Agriculture. [Revised]

To maintain records with respect to status of project, expenditures, separate records of expenditures for funds provided or other sources, and accounting records, all to be compatible with the Department's and institutions' administrative and fiscal processes.

Retention period: 3 years after final payment under the agreement. 41 CFR 4–3.5108, 4–7.5101–9 (retention: 4–7.5101–10)

11. Export Marketing Service

11.1 Exporters participating in the Rice Export Program. [Amended]

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 3 years after date of export. 7 CFR 1481.184

11.2 Feed grain exporters participating in the Feed Grain Export Program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 3 years after date of export. 7 CFR 1484.137

11.3 [Deleted]

11.4 Private organizations or individuals which enter the private trade agreements pursuant to title IV of Public Law 480.

Maintain books and records as well as pertinent documents, correspondence, and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

11.5 Suppliers who sell agricultural commodities under a title IV credit purchase authorization (including ocean transportation).

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

11.6 Exporters or purchasers participating in the flaxseed and linseed oil export payment-in-kind program.

To maintain records of flaxseed or linseed oil exported or to be exported and any documents relating to any transaction in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1486.137

11.7 Exporters of agricultural commodities under CCC export credit sales program.

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.18

11.8 Importers and suppliers involved in sales of agricultural commodities.

(a) Importers—to maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) Suppliers—to maintain accurate books, records, and accounts with respect to all contracts entered into hereunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

11.9 Exporters of wheat.

To maintain records (including export sales contracts or agreements, bills of lading or delivery documents, inspection and weight certificates) of all exportations of wheat.

Retention period: 3 years after date of export. 7 CFR 778.13

11.10 Exporters and purchasers participating in the Commodity Credit Corporations wheat and wheat flour export payment programs under the International Grains Arrangement.

To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with the programs.

Retention period: 3 years after final payment. 7 CFR 1483.184, 1483.284

12. Food and Nutrition Service

12.1 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch program or receiving federally donated commodities for school lunch programs. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 years and 3 months after the end of the Federal fiscal year to which they pertain. 7 CFR 225.7, 225.18

12.2 Cooperating State agencies, service institutions, and food service management companies participating in the Special Food Service Program for Children. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 years and 3 months after the end of the Federal fiscal year to which they pertain. 7 CFR 225.7, 225.18

12.3 Cooperating State agencies, school food authorities, child care institutions, and food service management companies participating in the Special Milk program. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 215.7, 215.11, 215.12

12.4 Distributing, subdistributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons.

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; also, to maintain records on all activities under the Supplemental Food Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 250.6, 250.8, 250.14, 250.15, 251.9

12.5 Cooperating State agencies, school food authorities, and food service management companies participating in the school breakfast program. [Amended]

To maintain accounts and records as specified in sections cited.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.7, 220.24, 220.25

12.6 State agencies participating in the food stamp program. [Amended]

To keep such records, or an approved list in lieu of records, and submit such reports and other information as may from time to time be required by FNS.

Retention period: (a) For unlisted records, or list in lieu of records, 3 years from the close of the Federal fiscal year to which they pertain, or longer if instructed in writing by FNS or the Department; (b) for records covered by an approved list, 1 year from the close of the Federal fiscal year to which they pertain, or longer if instructed in writing by FNS or the Department. 7 CFR 271.8

12.7 States participating in emergency food assistance for victims of major disasters. [Added]

To keep records of information as required by the Food and Nutrition Service.

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

[1] Records shall not be destroyed or disposed of without the consent in writing of the Administrator, Packers and Stockyards Administration, Department of Agriculture. 9 CFR 201.50.

Retention period: Not specified. 7 CFR 274.7

12.8 School food authorities participating in the National School Lunch program or receiving federally donated commodities for school lunch programs. [Added]

To keep records of hearings on applications which families make for free or reduced price lunches for children.

Retention period: 3 years. 7 CFR 245.7

12.9 Cooperating State agencies, school food authorities, and service institutions participating in the nonfood assistance program. [Added]

To maintain records as specified in the regulations.

Retention period: 3 years to 5 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.16, 220.24, 225.15, 225.17

II. DEPARTMENT OF COMMERCE

1. Economic Development Administration

1.1 Recipients of loans and grants—project control records.

To keep and preserve, and to require each contractor and subcontractor to keep and preserve, on account of any loan under section 201, 202, or 403, Public Law 89–136, August 26, 1965, or section 6 or 7, Public Law 87–27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89–136, August 26, 1965, or section 8, Public Law 87–27, May 1, 1961, detailed records reflecting acquisitions, work progress, expenditures and commitments, and to indicate their relationship to estimated costs and schedules.

Retention period: Until completion of all work performed or acquisitions made in connection with the project and at least 3 years thereafter. 13 CFR 301.54

1.2 Recipients of loans and grants—financial records.

To keep and preserve so long as any sum shall be due and unpaid to the Government on account of any loan under section 201, 202, or 403, Public Law 89–136, August 26, 1965, or section 6 or 7, Public Law 87–27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89–136, August 26, 1965, or section 8, Public Law 87–27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the Act or Acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: For loans, until final payment has been made to the Government, and at least 3 years thereafter; for grants, until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 301.54

2. Bureau of Domestic Commerce [Amended]

ADJUSTMENT ASSISTANCE

2.1 Recipients of adjustment assistance under Chapter 2 of title III of the Trade Expansion Act of 1962.

To keep records which fully disclose the amount and disposition of the proceeds of adjustment assistance and which will facilitate an effective audit.

Retention period: At least 3 years. 15 CFR 610.7

INDUSTRIAL MOBILIZATION

2.2 Persons in the United States participating in transactions covered by DPS Regulation 2. [Amended]

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of DPS Regulation 2 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, DPS Reg. 2, sec. 7(a)

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959.

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Regulation 1 and DMS Order 1 and DMS Order 3. [Amended]

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Reg. 1—Basic Rules of the Priorities System; DMS Order 1—Iron and Steel; and DMS Order 3—Aluminum, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Reg. 1, sec. 24(a); DMS Order 1, sec. 17(a); DMS Order 3, sec. 15(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Order 1. [Amended]

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Order 1—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Order 1, sec. 8(a)

2.6 [Deleted]

2.7 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in transactions covered by DMS Order 2—Nickel Alloys. [Amended]

To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with the provisions of DMS Order 2—Nickel Alloys.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 2, sec. 13(a)

2.8 Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials. (DMS Order 4—Copper and Copper-base Alloys). [Amended]

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of DMS Order 4—Copper and Copper-base Alloys. Such records shall include, but shall not be limited to, all authorized controlled material orders (ACM), rated orders and directives received by such persons, and copies of all authorized controlled material orders (ACM), and rated orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 4, sec. 9

2.9 [Deleted]

3. Assistant Secretary for Science and Technology [Amended]

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965.

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: 3 years after end of grant period or until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 CFR 700.11

4. Bureau of International Commerce

4.1 Holders of International Import Certificates selling or transferring commodities covered by such certificates. [Amended]

To secure and retain a written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 2 years.[1] 15 CFR 368.2 (retention: 387.11)

4.2 Executors of International Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery. [Amended]

To secure and retain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 2 years.[1] 15 CFR 368.2 (retention: 387.11)

4.3 Exporter of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing. [Amended]

To keep copies of exporter's letter of inquiry and manufacturer's reply regarding use of commodities.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 378.2 (retention: 387.11)

4.4 Applicants for export licenses. [Amended]

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 372.6 (retention: 387.11)

4.5 Applicants for export licenses. [Amended]

To keep the originals and any copies of documents submitted in support of applications.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 372.6 (retention: 387.11)

4.6 Foreign importers of aircraft or vessel repair parts. [Amended]

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 2 years from the date the commodities are supplied to a vessel or aircraft.[1] 15 CFR 373.8 (retention: 387.11)

[1] Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period; provided facilities for location and inspection are available at the place of retention. 15 CFR 387.11

4.7 Exporter to a foreign distributor. [Amended]

(a) To retain copies of validated or rejected Forms FC–143 and 243, and (b) to retain documents, correspondence, memoranda, books, and other records relating to exports under the Form FC–243 procedure.

Retention period: 2 years (a) from date of validated or rejected forms, and (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 373.4 (retention: 387.11)

4.8 Applicants for a Periodic Requirements License. [Amended]

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 2 years from, whichever is later, date of exportation, reexporation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 373.5 (retention: 387.11)

4.9 Applicants for a Time Limit License. [Amended]

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 373.6 (retention: 387.11)

4.10 Forwarding agents receiving copies of commercial invoices not containing notice of prohibition against diversion. [Amended]

To keep record of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 386.6 (retention: 387.11)

4.11 Transferors and transferees of export licenses. [Amended]

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 372.13 (retention: 387.11)

4.12 Exporters or agents. [Amended]

To keep records of export transactions, exports and reexports.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 387.11

4.13 Foreign distributors. [Amended]

To keep records of distribution, sale, or reexportation from a foreign-based stock under the Form FC–243 Procedure.

Retention period: 2 years from date of distribution.[1] 15 CFR 373.4 (retention: 387.11)

4.14 Loan or sale of commodities by airlines. [Amended]

To keep records of commodities imported from the U.S. and lent, or sold to another airline without profit.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 376.8 (retention: 387.11)

4.15 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion. [Amended]

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 386.6 (retention: 387.11)

4.16 Exporters of certain kinds of technical data. [Amended]

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 379.4 (retention: 387.11)

4.16a Exporters and distributors of commodities under distribution licenses. [Amended]

To keep (a) one copy of each validated or rejected Form FC 1143; (b) all other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license; and (c) all records regarding a sale or reexport by a distributor who is an approved consignee.

Retention period: 2 years (a) from date of validation or rejection; (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction; (c) from date of sale or reexport.[1] 15 CFR 373.3 (retention: 387.11)

4.16b U.S. exporters, foreign-based service facilities, and foreign manufacturers operating under the Service Supply Procedure. [Amended]

To keep records of all exports and reexports.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[1] 15 CFR 373.7 (retention: 387.11)

4.16c Carriers operating under alternate procedure for filing declarations. [Added]

To keep letter from Bureau of the Census acknowledging carrier's willingness to accept unauthenticated declarations under the alternate procedure.

Retention period: 2 years from date of last action taken by carrier under the alternate procedure.[4] 15 CFR 386.3 (retention: 387.11)

4.16d Exporters of commodities to be returned to the United States. [Added]

To keep records of temporary exports of commodities to be returned to the United States.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 371.22 (retention: 387.11)

Foreign Trade Zones Board

4.17 Grantees of foreign trade zones.

To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, AGE–1, sec. 2(a), General Agency Agreement, Art. 3 (g)(1) and Art. 14; sec. 2(b) Berth Agency Agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for husbanding and other compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record amounts of compensation paid in agency account books.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, INS–1, sec. 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the antqities of slop chest items delivered aboard ship and for losses sustained due to fire, water, or other damage which renders articles unsaleable.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–5

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charterers of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 [Reserved]

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of special and capital reserve funds and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

[4] Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period; provided facilities for location and inspection are available at the place of retention. 15 CFR 387.11

[5] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 292.8

5.20 Citizen applicants to purchase or charter a war-built vessel.

To keep books, records, and accounts available for examination as deemed necessary by the Maritime Administration to verify financial statements submitted.

Retention period: Purchase—10 years after completion of contract requirements; charter—5 years after settlement of company charters by the Maritime Administration. 46 CFR 299.8

5.21 Purchasers of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State maritime schools.

To keep records pertaining to the schools, its officers, instructors, crew, cadets, training vessels and shore bases. The schools shall also maintain records of cadet enrollments, reenrollments, absences with or without leave, hospitalizations, disenrollments, graduations, and other analogous data.

Retention period: Not specified. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

5.30 Operators under title VI and VII, Merchant Marine Act, 1936.

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of sections cited. 46 CFR 380.20–380.24

6. Office of Foreign Direct Investments

6.1 Persons in the United States making foreign direct investments. [Amended]

To keep within the United States a full and accurate record of each transaction subject to the provisions of 15 CFR Part 1000, whether effected pursuant to authorization or otherwise, and of every other transaction with an affiliated foreign national.

Retention period: 3 years. 15 CFR 1000.601

6.2 Persons required to make reports and persons aiding in preparing such reports.

To preserve all working papers (irrespective of by whom prepared) used in preparation of reports required under 15 CFR 1020.121(a) or 1000.602(b), all exhibits, all schedules, and all attachments to such papers, and all books and all records related to such reports or to such papers.

Retention period: 2 years. 15 CFR 1020.121(b)

7. Assistant Secretary for Domestic and International Business

7.1 Ship and aircraft owners, masters, officers, employees and agents participating in transportation.

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 and T–2 (Shipping restrictions) to Country groups X, Y, or Z (these include Soviet bloc countries (excluding Rumania and Poland), Hong Kong, Macao, China, North Korea, North Vietnam, and Cuba), as set forth in the Export Schedule (15 CFR Part 370, Supp. 1), have been carried out. No changes in the records customarily maintained are required provided such

records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

7.2 Persons transporting commodities to and from Southern Rhodesia.

To retain records of shipments in sufficient detail to permit an audit that will determine, for each transaction, that the provisions of 15 CFR Part 11 have been met. Records may be microfilmed or photographic copies made.

Retention period: At least 2 years. 15 CFR 11.5

8. National Oceanic and Atmospheric Administration [Added]

8.1 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the end of the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

8.2 Borrowers from the fisheries loan fund.

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of loan period. 50 CFR 250.13

8.3 Recipients of fishing vessel mortgage insurance.

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

8.4 State or State agencies receiving Federal funds for research and development of commercial fisheries Resources.

To maintain records of accounts, reporting and supporting documentation thereto.

Retention period: 3 years after final payment is made. 50 CFR 253.8

8.5 Commercial fishery operators receiving resource disaster loans.

To maintain all records incident to the fishing operation.

Retention period: 3 years after the note has been satisfied. 50 CFR 253.8

8.6 State agencies receiving Federal assistance under the Jellyfish Act of 1966.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years after final payment is made. 50 CFR 254.15

8.7 Masters of shipping vessels engaged in yellow-fin tuna fishing.

To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish and other marketable fish, by species, which are taken on board.

Retention period: Not specified. 50 CFR 280.10

8.8 State fishery agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years following final payment. 50 CFR 401.15

8.9 Contractors and subcontractors of demonstration plants for the production of fish protein concentrate.

To maintain books, documents, papers, and records involving transactions under such contract.

Retention period: 3 years after final payment. 16 U.S.C. 778e

8.10 Purchasers of haddock or other finfish from U.S. fishing vessels.

To keep records of each purchase of haddock or any other species of finfish taken within convention area by a U.S. fishing vessel.

Retention period: Not specified. 50 CFR 240.10

8.11 Masters or operators of fishing vessels engaged in haddock fishing.

To keep an accurate log of all fishing operations, including details of type of gear used, locality and duration of fishing, and estimated poundage of each species taken at each retrieval of gear.

Retention period: Not specified. 50 CFR 240.10

8.12 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.7

8.13 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.8

8.14 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

9. Regional Action Planning Commissions [Added]

9.1 Recipients of grants—financial records.

To keep and preserve on account of any grant under secs. 505 and 509 of the Public Works and Economic Development Act of 1965, as amended, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the act or acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: Until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 307.62(10) (d)

III. DEPARTMENT OF DEFENSE

1. [Deleted]

2. Department of the Air Force

2.1–2.2 [Reserved]

2.3 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.8

3. Department of the Army

3.1 [Reserved]

3.2 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridge.

Retention period. At least 3 years after completion of bridge. 33 U.S.C. 528

3.3 States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3.4 [Reserved]

3.5 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years. 32 CFR 1808.4

3.6 State or State agencies receiving Federal contributions for civil defense equipment.

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project. 32 CFR 1801.6

3.7 State or State agencies receiving financial contributions for personnel and administrative expenses under the Federal Civil Defense Act of 1950, as amended.

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by OCD to maintain such records for a longer period. 32 CFR 1807.6

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies receiving Federal grants for construction of minimum school facilities in areas affected by Federal activities under Public Law 81–815, as amended.

To keep all records supporting claims for Federal grants.

Retention period: (1) Until 5 years after the date of final payment under the application involved, or (2) until notified that such records are not needed for administrative review, whichever occurs earlier.* 45 CFR 114.61

1.2 Local educational agencies receiving Federal grants to cover current expenditures in areas affected by Federal activities under Public Law 81–874, as amended.

To keep all records supporting claims for Federal grants.

Retention period: (1) Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or (2) for 3 years following fiscal year to which the claim relates, whichever is earlier.* 45 CFR 115.42

1.3 State and local agencies receiving financial assistance for vocational education programs under the Vocational Education Act of 1963, as amended. [Revised]

(a) To maintain records supporting claims for Federal grants or relating to the accountability by the grantee for the expenditure of such grants and matching funds, and records supporting compliance and maintenance of effort and other requirements.

Retention period: 3 years after close of fiscal year in which expenditure was made or, if Federal audit has not occurred, 5 years after close of fiscal year in which expenditure was made or until notified of completion of Federal audit, whichever is earlier.* 45 CFR 102.129

(b) To maintain inventories of items of equipment acquired with funds under the act, and costing more than $200 per unit.

Retention period: Until depreciation of such equipment results in a fair market value of less than $200 per unit or until its disposition. Inventory records are subject to retention requirements for accountability of Federal funds. 45 CFR 102.131

1.4 [Deleted]

1.5 State and local agencies and any other entities participating in the library services and construction program, interlibrary cooperation or specialized State library services under the Library Services and Construction Act, as amended. [Amended]

(a) To keep all records identified as to individual program allotments supporting claims for Federal grants or relating to the accountability of the State agency or any participant for expenditures of such grants and of matching funds and records supporting maintenance of effort.

Retention period: Until State agency is notified that they are not needed for program administration review and that the Department's fiscal audit is completed.* 45 CFR 130.85

(b) To keep inventories and records of each item initially costing $100 or more, in which cost the Federal Government has participated, or which was purchased with State or local matching funds.

Retention period: Not specified. 45 CFR 130.80

1.6 State agencies and training facilities receiving payments for training under the Manpower Development and Training Act of 1962, as amended. [Amended]

(a) To keep all records supporting claims for Federal funds or relating to the accountability of a State agency or training facility for expenditure of such funds and relating to the expenditure of its share of the costs of providing training under the act.

Retention period: (1) For 5 years after the close of the fiscal year in which the expenditure was made by the State agency or any public or private training facility; or (2) until the State agency or training facility is notified of the completion of the Federal fiscal audit, whichever is earlier.* 45 CFR 160.16

(b) To maintain an up-to-date inventory on all equipment acquired (1) as a part of the training projects approved under the act, (2) for use in State direction and supervision of training, and (3) for use in program development by other agencies.

Retention period: Until the expiration of the useful life of such equipment, or until notified of the completion of the audit covering the disposition of such equipment. 45 CFR 160.17

1.7 Recipients of Federal financial assistance for noncommercial broadcasting facilities pursuant to part IV of title III of the Communications Act of 1934, as amended.

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: For 5 years after the close of the fiscal year in which the expenditure was made; or until the applicant is notified of the completion of the Secretary's fiscal audit, whichever is earlier.* 45 CFR 60.19

(b) To maintain adequate descriptive inventories and other records supporting accountability of all transmission apparatus acquired and installed in the project and costing, or in the case of donations, having a fair market value of $100 or more except that when depreciation of such apparatus results in a fair market value of less than $100 per unit such apparatus may be deleted from such inventory.

Retention period: 10 years after completion of the project. 45 CFR 60.19

1.8 State or local educational agencies receiving grants for education of handicapped children.

(a) To maintain all records supporting claims for Federal funds or relating to accountability of the grantee for expenditures of such funds.

Retention period: (1) 3 years after close of fiscal year in which expenditure was made, or (2) until State educational agency is notified that such records are not needed for administrative review, whichever is the later.* 45 CFR 121.32

(b) To maintain an inventory (1) of all equipment placed in temporary custody of persons in a private school and (2) of all other equipment costing $100 or more per unit.

Retention period: (1) Until the equipment is discharged from such custody and if costing $100 or more per unit, for the expected useful life of the equipment or until its disposition or (2) for expected useful life of the equipment or until its disposition. Inventory records are subject to retention requirements for accountability of Federal funds. 45 CFR 121.33

1.9 State commissions receiving financial assistance under section 105 and institutions receiving financial assistance for construction of higher education facilities under the Higher Education Facilities Act of 1963, as amended.

(a) *State commissions.* To maintain (1) accounts and documents supporting expenditures for expenses, (2) inventories and other records supporting accountability for purchase of equipment items costing $50 or more per unit, (3) records of each application received, and (4) records of all hearings on appeals and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* To maintain all accounting records relating to approved projects, including bank deposit slips, canceled checks, etc. (or microfilm copies), for audit and inspection by the Federal Government.

*The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared.

Retention period: (a) (1) Until notified of completion of Federal audits for the Federal fiscal year concerned, (2) until notified of the completion of review and audit by HEW covering disposition of such equipment, (3) at least 2 years after final action is taken, and (4) at least 3 years; (b) 3 years after the completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later. 45 CFR 170.6

1.10 Local educational agencies and public and private nonprofit agencies receiving financial assistance for adult education programs under section 309 of the Adult Education Act of 1966, as amended.

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: (1) 3 years after close of fiscal year in which expenditure was liquidated, (2) until grantee is notified that such records are no longer needed for program administrative review, or (3) until notified of completion of Federal fiscal audit, whichever is the latest.* 45 CFR 166.76

(b) To keep inventory and records of all items of equipment costing $100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 166.77

1.11 State and local educational agencies receiving financial assistance under title III of the National Defense Education Act for strengthening instruction in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, and reading.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is the latest.* 45 CFR 141.18

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program for supervision, related services or administration, and costing $50 or more per unit.

Retention period: Until notification of the completion of the review and audit covering the disposition of such equipment. No such continuing inventory is required for equipment acquired by local educational agencies under projects approved in accordance with section 303(a) of the National Defense Education Act of 1958. 45 CFR 141 18

1.12 Private nonprofit elementary and secondary schools receiving loans under title III of the National Defense Education Act for acquisition of equipment for strengthening instruction in science, mathematics, modern foreign language, other critical subjects, and the humanities and the arts.

To keep all records supporting the use of loan funds accessible and intact.

Retention period: Until the loan has been paid in full or until 3 years after receipt of loan funds, whichever is later. 45 CFR 142.9

1.13 Institutes of higher education receiving financial assistance for graduate fellowship programs under title IV of the National Defense Education Act.

To keep all records supporting claims for Federal payments.

Retention period: (1) For 3 years after the close of the fiscal year to which such records relate; or (2) until they are notified that such records are not needed for program administration review; or (3) until they are notified of the completion of the Department's fiscal audit, whichever is the latest.* 45 CFR 145.5

1.14 State and local educational agencies receiving financial assistance for guidance and counseling and testing programs under title V of the National Defense Education Act.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is the latest.* 45 CFR 143.18

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing $50.00 or more per unit.

Retention period: Until the State agency is notified of the completion of the review and audit covering the disposition of such equipment. 45 CFR 143.18

1.15 State educational agencies receiving financial assistance under section 1009 of the National Defense Education Act for improvement of statistical services.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditure of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is the latest.* 45 CFR 140.7

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing $10 or more per unit.

Retention period: Until notification of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 140.7

1.16 State and local educational agencies receiving financial assistance for the education of children of low-income families, pursuant to title I of the Elementary and Secondary Education Act of 1965, which amended Public Law 81–874, as amended. [Amended]

(a) To keep intact and accessible all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditure of such grants.

Retention period: (1) 5 years after close of fiscal year in which expenditure was made; or (2) until State educational agency is notified that such records are not needed for administrative review, whichever is the earliest.* 45 CFR 116.54

(b) To maintain inventory records on equipment acquired with Federal funds and placed in the temporary custody of persons in a private school.

Retention period: 1 year following period inventories must be kept, i.e., until the equipment is discharged from such custody and, if costing $100 or more per unit, for the expected useful life of the equipment or until its disposition. 45 CFR 116.55

1.17 State and local educational agencies receiving financial assistance for school library resources, textbooks, and other instructional materials, under title II of the Elementary and Secondary Education Act of 1965, as amended.

(a) To keep records supporting claims for Federal funds or relating to the accountability of the grantee or funded agency for expenditure of such funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the fiscal audit, whichever is the latest.* 45 CFR 117.37

(b) To keep (1) inventories and other records supporting accountability of equipment, which costs $100 or more per unit, purchased with Federal funds for use in administration of the State plan, and (2) records supporting accountability for school library resources, textbooks, and other printed and published instructional materials.

Retention period: (1) For the useful life of the equipment or until the State agency is notified of the completion of the Department's review and audit covering the disposition of such equipment, whichever is sooner; (2) for the useful life of each item by the public agency in which title to such materials is vested, which ownership is to be evidenced by appropriate, permanent marking of each item. 45 CFR 117.5, 117.37

1.18 State and local educational agencies receiving financial assistance under title III of Elementary and Secondary Education Act of 1965 for supplementary educational centers and services. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: (1) 5 years after close of fiscal year in which expenditure was made, or (2) until State agency is notified that such records are not needed for administrative review, whichever occurs first. 45 CFR 118.11, 118.64

(b) To keep inventories of all equipment acquired with funds under title III of the act and costing $100 per unit.

Retention period: 3 years following the period for which such inventories are required to be made, i.e., for the expected useful life of such equipment or until its disposition, whichever is earlier. 45 CFR 118.11, 118.64

1.19 Recipients of Federal financial assistance for research and research related activities in the field of education and for construction of national and regional research facilities under the Cooperative Research Act. [Amended]

(a) To keep all records supporting claims under Federal grants or relating to the accountability of Federal funds.

Retention period: (1) Until audit by or on behalf of the Department, or (2) 5 years after the close of the budget period, whichever is the lesser.* 45 CFR 151.18

(b) To keep inventories and other records supporting accountability of nonconsumable equipment costing $250 or more per unit purchased, in whole or in part, with Federal funds.

Retention period: Until grantee is notified of the completion of the Department's review and audit covering disposition of such equipment. 45 CFR 151.18

1.20 State educational agencies receiving financial assistance under title V of the Elementary and Secondary Education Act of 1965 to strengthen State departments of education.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants.

Retention period: (1) 5 years after the end of the period for which such grants were made available to the grantee, or (2) until the grantee is notified that such records are not needed for administrative review, whichever occurs first.* 45 CFR 119.49

(b) To keep inventories and other records supporting accountability of equipment, which costs $100 or more per unit, purchased by the grantee with Federal financial participation.

Retention period: Until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 119.49

1.21 Local educational agencies receiving financial assistance for construction of public elementary and secondary schools in areas affected by major disasters.

To keep records supporting claims for such assistance.

Retention period: 5 years following date of final payment under the application or until grantee is notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 112.16

1.22 Local educational agencies receiving financial assistance for current expenditures in areas affected by major disasters.

To keep all records supporting claims for such Federal funds.

Retention period: 5 years following the fiscal year to which the claim relates, or until grantee is notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 113.19

1.23 State commissions and institutions receiving financial assistance for acquisition of equipment to improve undergraduate instruction in institutions of higher education under the Higher Education Act of 1965. [Amended]

(a) *State commissions.* To maintain (1) records supporting expenditures for expenses of State commission, (2) a complete case file on each application received, and (3) records of all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

Retention period: (1) Until notification of completion of Federal audits for fiscal year concerned, or 5 years following such fiscal year, whichever is sooner;* (2) at least 2 years after final action on the application by the State commission; and (3) at least 2 years after closing date for receipt of such projects. 45 CFR 171.8

(b) *Institutions.* To maintain all accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, including bank deposits, canceled checks, etc.

Retention period: 3 years after completion of the project or until applicant is notified of the Government's audit, whichever is later. 45 CFR 171.8

1.24 Federal, State, and private programs of low-interest loans to vocational students and students in institutions of higher education. [Revised]

(a) *Guarantee agencies.* To keep records on status of its student loan insurance reserve fund and the operation of its loan insurance program.

(b) *Lenders.* To keep complete and accurate records on all federally insured loan accounts reflecting each transaction.

Retention period: (a) Not specified; (b) until Commissioner has no further need for such records, but for not less than 3 years from date loan either has been repaid in full or defaulted with reimbursement of the lender by the guarantee agency or the Commissioner. 45 CFR 177.8

1.25 State agencies or institutions receiving financial assistance for community service and continuing education programs under the Higher Education Act of 1965. [Amended]

(a) To maintain all records supporting claims for Federal grants or relating to accountability of State agency or participating institutions for expenditure of such grants or of matching funds.

Retention period: 5 years after close of fiscal year in which expenditure was made or until notified that such records are not needed for program administration review or of completion of Department's fiscal audit, whichever is sooner.* 45 CFR 173.29

(b) To keep inventories and records of all items of equipment initially costing $100 or more in which the Federal Government has participated.

Retention period: Not specified. 45 CFR 173.30(b)

1.26 Institutions of higher education participating in the national defense student loan program under title II of the National Defense Education Act of 1958.

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

1.27 State agencies receiving financial assistance for Adult Basic Education Programs under the Adult Education Act of 1966, as amended.

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: (1) 3 years after close of fiscal year in which expenditure was liquidated, (2) until grantee is notified that such records are no longer needed for program administrative review, or (3) until notified of completion of Federal fiscal audit, whichever is the latest.* 45 CFR 166.40

(b) To keep inventory and records of all items of equipment costing $100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 166.35

1.28 Local educational agencies and institutions of higher education receiving financial assistance for bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965. [Amended]

(a) To maintain all records pertaining to such Federal grant or to the expenditure of grant funds.

* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated or until notified that such records are not needed for program administrative review, whichever occurs first.* 45 CFR 123.26

(b) To maintain inventories and other records supporting accountability on equipment costing $100 or more per item under an approved project.

Retention period: 1 year after the end of expected useful life of equipment or disposition of the equipment. 45 CFR 123.37

1.29 Local educational agencies receiving financial assistance for demonstration projects for reducing school dropouts. [Amended]

(a) To maintain all records relating to Federal funds and to the expenditure of such funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated or until notified that such records are not needed for program administrative review, whichever is earlier.* 45 CFR 124.25

(b) To maintain records on inventories of all equipment costing $100 or more per unit acquired with Federal funds.

Retention period: 1 year after the end of the expected useful life of the equipment or after disposition of such equipment. 45 CFR 124.28

1.30 Institutions of higher education receiving financial assistance for college library resources under title II–A of the Higher Education Act of 1965, as amended.

To maintain all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of matching funds.

Retention period: 5 years after close of fiscal year or until notified of completion of fiscal audit, whichever is earlier.* 45 CFR 131.16

1.31 Public and private agencies receiving financial assistance for research and training, exemplary, and curriculum development programs in vocational education under the Vocational Education Act of 1963, as amended. [Added]

(a) To keep all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of such funds and its contribution to the cost of the program or project.

Retention period: 3 years after close of budget period in which expenditures were made by the grantee; or, if a Federal audit has not occurred, (1) 5 years after close of budget period in which expenditures were made, or (2) until the grantee is notified of completion of the Federal audit, whichever is earlier.* 45 CFR 103.48

(b) To keep records on all equipment procured or fabricated under the grant and costing more than $300 or having a residual value of more than $100.

Retention period: Not specified. 45 CFR 103.53

1.32 Institutions of higher learning receiving grants under the Upward Bound project. [Added]

To maintain all records showing progress of project in achieving objectives, and all accounting records necessary for audit.

Retention period: 3 years after completion of the project or until notification of the Federal audit, whichever is later; but in no case more than 5 years after completion of the project. 45 CFR 155.4

1.33 State educational agencies receiving Federal financial assistance for planning and evaluation under section 402 of the General Education Provisions Act. [Added]

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds.

Retention period: 3 years after the end of the period for which such funds were made available for expenditure or if there has been no audit by that time, until such audit or 5 years following the end of the budget period, whichever is earlier. 45 CFR 107.8(a)

(b) To keep records on inventories of all equipment acquired under section 402 of the act and costing $100 or more per unit.

Retention period: 3 years following the period for which such inventories are required to be made; or if there has been no audit by that time, until such audit or until 5 years following the end of the budget period, whichever is earlier. 45 CFR 107.8(b)

1.34 State or local educational agencies receiving grants under the Emergency School Assistance Program. [Added]

To maintain all records pertaining to expenditure of Federal grant.

Retention period: 3 years after end of budget period, or if Federal audit has not occurred in 3 years, 5 years following the end of the budget period. 45 CFR Part 181, App. A, Sec. 5

1.35 State and local educational agencies receiving financial assistance for educational programs on environmental quality. [Added]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. Public Law 91–516 (84 Stat. 1314)

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled food interstate and operators of establishments processing, labeling, or repacking such food, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such food from such establishment. 21 CFR 5.2

2.2 Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, or repacking such drugs and devices, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such drugs or devices will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such drugs or devices from such establishment. 21 CFR 1.107

2.3 Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled cosmetics interstate and operators of establishments processing, labeling, or repacking such cosmetics, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such cosmetics from such establishment. 21 CFR 1.204

2.4 Persons introducing shipment or delivery of unlabeled hazardous substances into interstate commerce and operators of establishments receiving and labeling such substances.

Persons shipping unlabeled household containers of hazardous substances interstate and operators of establishments receiving and labeling such hazardous substances, where the person and the operator are not the same person, shall keep written agreements containing such specifications as will insure that such hazardous substances will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 21 CFR 191.64

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

Shall keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

*The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared.

2.6 Sponsors and investigators of new drugs and antibiotic drugs for investigational use; persons shipping new drugs and antibiotic drugs for laboratory study or for clinical investigation in animals; sponsors of clinical investigations in animals.

(a) Sponsors of new drugs and antibiotic drugs for investigational use shall keep and maintain: (1) complete records of each shipment and delivery to an investigator and (2) accurate progress reports of the investigation and significant findings, together with any significant changes in the informational material supplied to investigators.

Retention period: 2 years after a new-drug application or an antibiotic form 5 is approved for the drug or, if unapproved, 2 years after shipment and delivery for investigational use is discontinued and the Food and Drug Administration is so notified. 21 CFR 130.3, 144.8

(b) Investigators of new drugs and antibiotic drugs shall maintain: (1) complete records of disposition of the drug, and (2) case histories and other data pertinent to the investigation of each individual treated with the drug.

Retention period: 2 years after a new-drug application or an antibiotic form 5 is approved for the drug or, if unapproved, 2 years after the investigation is discontinued. 21 CFR 130.3, 144.8

(c) Persons introducing a shipment or other delivery interstate of a new drug or an antibiotic drug for laboratory study or for clinical investigation in animals shall keep and maintain complete records of each shipment and delivery including the name and post office address of the expert or investigator to whom the drug is shipped and the date, quantity, and batch or code mark of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 130.3, 130.3a, 144.8

(d) Sponsors of clinical investigations in animals shall keep and maintain all reports received from investigators.

Retention period: 2 years after the termination of the investigation or approval of a new-drug application. 21 CFR 130.3, 130.3a, 144.8

2.6a Manufacturers, processors, packers, and holders of finished pharmaceuticals.

To maintain records of all written or verbal complaints for each product and the evaluation and action relating to such complaints.

Retention period: Not specified. 21 CFR 133.14

2.7 Persons requesting certification of antibiotic drugs; persons introducing shipment or delivery of antibiotic drugs into interstate commerce and operators of establishments processing, labeling, storing, repacking, and manufacturing.

(a) Persons requesting certification of antibiotic drugs shall keep complete records of all shipments and deliveries of each batch or part thereof.

(b) Persons shipping antibiotic drugs interstate for processing, labeling, storing, repacking, and manufacturing, and operators of such establishments, whether or not the shipper, shall keep complete records of all shipments and deliveries of each batch or part thereof.

(c) Persons engaged in manufacturing, compounding, processing, packing, or labeling an antibiotic drug for which a certificate or release has been issued or whose name appears on the labeling of an antibiotic drug as its manufacturer, packer, or shipper shall maintain such records and make such reports as are necessary to facilitate a determination whether any such certification or release should be rescinded or whether any regulation should be amended or repealed.

Retention period: (a) and (b) 3 years from date of shipment or delivery and/or receipt of same; (c) Not specified. (a) 21 CFR 146.5; (b) 21 CFR 144.3—144.7; (c) 21 CFR 146.14(d)

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 144.23, 146.7

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use.

Shall keep records of all laboratory tests and assays required as a condition for certification on each batch produced and of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years after date of shipment or delivery. 21 CFR 144.1

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

Shall keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.

Shall keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 290.17

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals.

Shall keep and maintain (1) batch production and control records for each batch of drugs; (2) complete records of all data concerning laboratory tests performed; and (3) complete records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary.

Retention period: At least 2 years after distribution has been completed. 21 CFR 133.7, 133.11, 133.12

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration.

Shall keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use.

Shall maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Manufacturers or distributors shipping new drug substances intended for hypersensitivity testing. [Added]

To maintain records of all shipments for this purpose.

Retention period: 2 years after shipment. 21 CFR 130.41

2.15 Persons treating food with low dose electron beam radiation.

To keep a record of the radiation intensity and power used by means of recorders coupled to the election accelerator. The record shall identify the food that has been subjected to the radiation.

Retention period: 1 year. 21 CFR 121.3007

2.16 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

Shall keep records of production, distribution, and performance.

Retention period: 2 years. 21 CFR 120.31(e)(4)

2.17 Persons holding approved new-drug applications.

Shall, upon receiving notification that an application for a new drug is approved, establish and maintain such records and make such reports as are necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 130.13(d)

2.18 Persons manufacturing, processing, packing, or holding medicated feeds.

(a) Shall keep and maintain appropriate receipt and inventory records on any drug components used and a production record of each batch or run produced.

Retention period: At least 1 year. 21 CFR 133.104, 133.105(b)

(b) Shall prepare, check, and maintain a master formula record or card for each medicated feed.

Retention period: At least 1 year after production of the last batch. 21 CFR 133.105(a)

(c) Shall provide for the maintenance of the results of any assays together with records of analyses reported by any State feed control official.

Retention period: At least 1 year after distribution of the medicated feed has been completed. 21 CFR 133.108(e)

(d) Shall maintain complete records of distribution for each shipment of medicated feed in a manner that will facilitate the recall, diversion, or destruction of the feed, if necessary.

Retention period: At least 6 months after the date of the shipment. 21 CFR 133.109

(e) Shall maintain a record of complaints and the action taken relating to such complaints.

Retention period: 2 years. 21 CFR 133.110

2.19 Manufacturers, processors, packers, and holders of smoked and smoke-flavored fish. [Added]

To maintain records providing positive identification of the process procedures used for the manufacture of hot-process smoked or hot-process smoke-flavored fish and of the distribution of the finished product.

Retention period: Not specified. 21 CFR 128a.7(e)(5)

2.20 Persons manufacturing, processing, packing, or holding medicated premixes for use in the manufacture of medicated feeds.

(a) To maintain appropriate receipt and inventory records on any drug components used.

Retention period: 2 years. 21 CFR 133.204(a)

(b) To maintain a separate batch-production and control record for each batch or run of medicated premix produced.

Retention period: At least 2 years after distribution by the manufacturer has been completed. 21 CFR 133.205(b)

(c) To maintain records of any assays required to assure that the drug components and the medicated premixes conform to appropriate standards of identity, strength, quality, and purity.

Retention period: At least 2 years after distribution by the manufacturer of the medicated premix has been completed. 21 CFR 133.208(f)

(d) To maintain complete records of distribution for each shipment of medicated premixes in a manner that will facilitate the recall, diversion, or destruction of the medicated premix, if necessary.

Retention period: At least 2 years after the date of the shipment by the manufacturer. 21 CFR 133.209

(e) To maintain a record of all written or verbal complaints concerning the safety or efficacy of each medicated premix.

Retention period: 2 years. 21 CFR 133.210

2.21 Persons manufacturing, processing, packing, or repacking human foods.

To maintain records of coding of food products.

Retention period: The shelf life of the product, except not longer than 2 years. 21 CFR 128.7(1)

2.22 Manufacturers, importers, or retailers of agricultural fireworks. [Added]

To maintain complete records of production, distribution, and receipt of all such fireworks, and the name and address of the consignee.

Retention period: 3 years after distribution is completed. 21 CFR 191.9

2.23 State and local educational agencies receiving grants for educational programs on drug abuse. [Added]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. Public Law 91-527 (84 Stat. 1387)

3. Public Health Service [7]

3.1 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.

To maintain records of funds for each authorized personnel training grant for health work under the act.

Retention period: Not specified. 42 CFR 51.11, 51.13, 51.15

3.2 Institutions receiving grants for research projects. [Amended]

To maintain such progress and fiscal records as the Surgeon General may prescribe.

Retention period: 3 years after end of budget period; or if audit on behalf of HEW has not occurred, 5 years following end of budget period, or until audit occurs, whichever is earlier; or until resolution of all audit questions. 42 CFR 52.24

3.3 State and State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.

To maintain (a) separate fiscal and accounting records of Federal and/or State funds reflecting the receipt or expenditure of such funds and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) 5 years after final payment or until completion of a Federal audit and resolution of all questions arising therefrom, whichever occurs first; (b) 3 years after completion of the contract. 42 CFR 53.128, 53.131

3.4 [Reserved]

3.5 Applicants receiving grants for initial cost of professional and technical personnel of community mental health centers.

To maintain such records, books, documents, and papers that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Retention period: Not specified. 42 CFR 54.308

3.6 State, interstate, municipal, and intermunicipal air pollution control agencies receiving Federal project grants for air pollution control programs under section 105 of the Clean Air Act, as amended.

To maintain such fiscal records of the project and overall air pollution control program as will facilitate an effective audit. This requirement pertains to non-Federal as well as Federal expenditures.

Retention period: Until grantee is notified in writing that the final audit has been completed. Public Law 90-148, 42 U.S.C. 1857 et seq.

3.7 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.8

3.8 Applicants receiving Federal grants for the construction of teaching facilities for health professions.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.106

3.9 Institutions participating in the health professions and the nursing student loan programs. [Amended]

To keep records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and Federal capital loans separately.

Retention period: Not specified. 42 CFR 57.215, 57.315

3.10 Public or nonprofit private schools of nursing receiving Federal funds for scholarship grants and for construction of nurse training facilities.

To maintain (a) records relating to the use of such scholarship grant funds, (b) accounting and fiscal records and accounts for all funds provided from any source to pay cost of construction project, and (c) payroll records and kickback statements for all laborers and mechanics working at the project site.

Retention period: (a) 5 years or until audit has been completed and any questions arising therefrom have been resolved, whichever is sooner; (b) not specified; (c) 3 years after completion of the project. 42 CFR 57.406, 57.910

[7] For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, Items 2.6, 2.11, 2.18.

3.11 Schools of medicine, dentistry, osteopathy, optometry, pharmacy, and podiatry, and training centers for allied health professions receiving Federal funds for scholarship grants and for improving quality of such schools and centers.

To maintain (a) records relating to use of such scholarship grant funds, and (b) progress and fiscal records relating to improving quality of such schools and centers.

Retention period: 5 years or until audit has been completed and any questions arising therefrom have been resolved, whichever is sooner. 42 CFR 57.511, 57.610, 57.715

3.12 Schools of public health receiving grants for provision of public health training.

To maintain records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.13 Public or private nonprofit agencies or institutions receiving Federal grants for the construction of medical library facilities.

To maintain (a) fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 59a.7

3.14 Public or private nonprofit medical libraries or related institutions receiving Federal grants for improving and expanding basic resources.

To maintain progress and fiscal records relating to the use of such grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General. 42 CFR 59a.20

3.15 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Surgeon General. 42 CFR 59a.37

3.16 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.17 Licensed domestic and foreign manufacturing establishments of biological products or trivalent organic arsenicals. [Amended]

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations; and records of tests of cultures for verification of identity and determination of freedom from extraneous organisms.

Representatives of licensed foreign establishments distributing biological products or trivalent organic arsenicals into any State or possession of the United States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 42 CFR 73.301, 73.502, 73.780

3.18 Licensed domestic and foreign manufacturing establishments processing whole blood (human) or packed red blood cells (human). [Amended]

To maintain records of the full explanation made by the physician, hospital or other medical facility, of why it is essential to allow time for transportation of whole blood (human) prior to determination of test results, to assure arrival when needed for transfusion.

Retention period: 5 years after the records of manufacture are completed or 6 months after the latest expiration date, whichever is later. 42 CFR 73.3002, 73.3004 (retention: 73.502(b))

3.19 Applicants receiving Federal grants for solid waste disposal projects. [Amended]

To maintain such records, books, documents, and papers that are pertinent to the grant received under sections 204 and 206 of the Solid Waste Disposal Act.

Retention period: Until grantee is notified in writing that the final audit has been completed. 42 CFR 479.6

3.20 Public or nonprofit institutions receiving Federal grants for regional medical programs.

To maintain all financial and other records relating to the use of the grant funds.

Retention period: Until records have been audited unless a different period is permitted or required in writing by the Surgeon General. 42 CFR 54.405

3.21 State and State agencies receiving grants from comprehensive health planning.

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State program, in addition to other records required by the regulations or which may reasonably be required by the Secretary.

Retention period: 5 years, or until audit by HEW has been completed and any questions arising therefrom have been resolved, whichever is sooner. 42 CFR 51.4

3.22 State health or mental health authorities receiving grants for comprehensive public health services.

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan, in addition to any other records required by the regulations or which may reasonably be required by the Secretary.

Retention period: 5 years, or until audit by HEW has been completed and any questions arising therefrom have been resolved, whichever is sooner. 42 CFR 51.104

3.23 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967. [Amended]

To maintain records relating to the identity of the specimen and laboratory reports, personnel, quality control procedures, and maintenance of equipment and instruments.

Retention period: At least 2 years after the date of submittal of report except as otherwise prescribed in this part or authorized by the Secretary. 42 CFR 74.50

3.24 State agencies receiving Federal grants under title V of the Social Security Act, as amended, for maternal and child health services and crippled children's services.

To maintain at the State level such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the costs of carrying out the State plan, including the disposition of all monies received and the nature and amount of all charges claimed to lie against the funds authorized for carrying out the State plan.

Retention period: Not specified. 42 CFR 200.16

3.25 State agencies receiving Federal grants under title V of the Social Security Act, as amended, for maternal and child health services and crippled children's services which have purchased items of equipment and supply to carry out the State plan for such services.

To maintain a complete equipment inventory and adequate property controls.

Retention period: Not specified. 42 CFR 200.27

3.26 State agencies receiving Federal grants under title IV, part B of the Social Security Act, as amended, for child welfare services. [Amended]

To establish and maintain such accounts, records, and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time.

Retention period: Until completion of audits (including the final resolution of any questions raised thereby) or for 3 years, whichever is later, unless the State agency is requested to retain particular accounts, records, or supporting documents for a longer period. 45 CFR 220.75

3.27 State agencies receiving Federal grants under title IV, part B of the Social Security Act, as amended, for child welfare services which have purchased items of equipment and supply in carrying out the annual budget. [Amended]

To maintain a complete equipment inventory and adequate property controls covering such items.

Retention period: Not specified. 45 CFR 220.81

3.28 Persons receiving special project grants for family planning services.

To maintain such records, including medical, fiscal, and other health records, as the Bureau may prescribe.

Retention period: Not specified. 42 CFR 208.17

3.29 State and local public agencies and public or nonprofit institutions of higher learning receiving Federal grants for research projects relating to maternal and child health and welfare services.

To maintain accounting, budgetary, and fiscal records for each grant period of the amount and disposition of Federal and cost-sharing funds and total cost of grant period; and all basic data, cards, tapes, print-outs, tables, charts, and data analysis.

Retention period: 5 years after termination of the project or until final audit, whichever occurs first. 42 CFR 205.10

3.30 Public or nonprofit private schools of nursing, or public or nonprofit private agencies, organizations, or institutions receiving Federal funds for special project and institutional grants. [Added]

To maintain progress and fiscal records relating to the use of grant funds.

Retention period: 5 years or until audit has been completed, whichever comes first, except that where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of such questions. 42 CFR 57.1011

3.31 Manufacturers of new motor vehicles or new motor vehicle engines subject to Air Pollution Control Regulations prescribed pursuant to section 202 of the Clean Air Act, as amended. [Added]

To maintain records that (1) identify and describe vehicles or engines for which testing is required under 45 CFR Part 1201; (2) describe emission control systems which are installed on or incorporated in each vehicle or engine; (3) describe procedures used to test such vehicles or engines; (4) contain test data which will show emissions at specified mileage or operating hours; (5) contain test data which will show performance of systems installed on or incorporated in vehicles or engines during extended mileage or operation, including all pertinent maintenance performed.

Retention period: Not specified. 45 CFR 1201.9

3.32 Manufacturers of certain electronic products. [Added]

To maintain (a) description of the quality control procedures with respect to electronic product radiation safety; (b) record of the results of tests for electronic product radiation safety; (c) for products that display aging effects which may increase radiation emission, records of the results of tests for durability of the product, and the basis for selecting the tests; (d) copies of all pertinent written communications; (e) records of the manufacturers distribution of products; and (f) records received from dealers or distributors pursuant to sec. 78.731.

Retention period: 5 years from the date of the record. 45 CFR 78.720, 78.721

3.33 Dealers and distributors of certain electronic products. [Added]

To maintain, for products for which the retail price is greater than $50.00, information as necessary to permit tracing of specific products to specific purchasers.

Retention period: 5 years from the date of sale, award, or lease of such product. 42 CFR 78.730, 78.731

3.34 Approved Psittacine Bird Treatment Centers. [Added]

To maintain complete records of all birds received, treated and shipped, including date of each shipment and name and address of consignee.

Retention period: Not specified. 42 CFR 71.163

3.35 Clinical laboratories (microbiology and serology, clinical chemistry, immunohemotology, pathology, and radiobiology). [Added]

Clinical laboratories with small or infrequent operations in which no more than 100 specimens are accepted during any calendar year and which hold an unrevoked or unsuspended letter of exemption are to maintain and make available such accession and other records as the Secretary may find necessary to determine initial and continuing eligibility for exemption.

Retention period: Not specified. 42 CFR 74.2

4. Social Security Administration

4.1 States under agreement for voluntary coverage of State and local government employees. [Amended]

To keep or cause to be kept records of a State and of political subdivisions of a State included under an agreement in a location accessible to and open for inspection by authorized officials of the Social Security Administration. Such records must show th eamuont of noncash remuneration paid as well as remuneration (tip and nontip) paid to each employee for services covered under the agreement and the period in which it was paid; such forms and systems of accounting as will enable the Administration to determine the amount of contributions for which the State is liable and whether they have been paid; such records as are necessary to establish the coverage status of individuals, e.g., the employees choice in a referendum on a desire for coverage basis referendum; records of claims for credit or refund and the supporting statement which is the basis for the claim for credit or refund; records of each employee's wages which are subject to the limitation of liability; where the agricultural exclusion was taken must identify in its records those employees who performed agricultural labor and each period during which such services were rendered.

Retention period: For 4 years (or longer if the State or political subdivision so desires) after the date the contributions were due or were paid, whichever is later. These records must be retained for the prescribed period even though the coverage of the entity has been terminated. Records for claims for credit and refund—for 4 years after the date the claim is filed even though the coverage of the entity involved has been terminated. 20 CFR 404.1256

4.2 Carriers under contract to assist in the administration of the supplementary medical insurance program for the aged.

To maintain such records as the Secretary finds necessary to assure the correctness and verification of the information and reports furnished him under the supplementary medical insurance program for the aged.

Retention period: Not specified. 20 CFR 405.678(f)

4.3 Hospitals, extended care facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program. [Amended]

To keep clinical and other medical records, utilization review committee reports, physicians certifications, and recertifications.

Retention period: Hospitals, in accordance with statute of limitations in the respective State; extended care facilities, in accordance with State law or for 5 years in absence of a State statute; others, not specified. 20 CFR 405.1026, 405.1035(h), 405.1132, 405.1137(h), 405.1243, 405.1241, 405.1625

4.4 Hospitals, extended care facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To maintain and provide such information as the Secretary finds necessary to determine whether payments are or were due under title XVIII of the Social Security Act, and the amounts thereof.

Retention period: Not specified. 20 CFR 405.406

4.5 Psychiatric and tuberculosis hospitals which have filed agreements to participate in the health insurance for the aged program.

To maintain such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under the hospital insurance benefits for the aged program.

Retention period: Not specified. 20 CFR 405.1036

4.6 Intermediaries who have entered into an agreement to assist in the administration of the hospital insurance benefits for the aged program.

To maintain such records as the Secretary finds necessary to assure the correctness and verification of the information and reports furnished him under the hospital insurance benefits for the aged program.

Retention period: Not specified. 20 CFR 405.660

4.7 Group Practice Prepayment Plans which have filed agreements to participate in the health insurance for the aged program.

To maintain records and furnish information to substantiate the agreements they enter into concerning reimbursement on a cost or charge basis.

Retention period: Not specified. 20 CFR 405.241

4.8 Clinical laboratories.

To maintain records of laboratory reports.

Retention period: Not specified. 20 CFR 405.1316(e)(2)

4.9 Hospitals and hospital-based physicians under agreements apportioning the physicians' compensation.

To keep records and furnish information to substantiate the agreements they enter into concerning allocation of the compensation of the physicians.

Retention period: Not specified. 20 CFR 405.487

4.10–4.11 [Transferred to XXVa.]

4.12 Suppliers of portable X-ray services for Medicare beneficiaries.

To maintain records of each patient receiving services and the name of the doctor ordering such services.

Retention period: At least 2 years or for the period of time required by State law, whichever is longer. 20 CFR 405.1414

4.13 Public health agencies, rehabilitation agencies, and clinics providing outpatient physical therapy services. [Added]

To maintain clinical records for each patient receiving physical therapy services.

Retention period: 5 years. 20 CFR 405.1723

5. Social and Rehabilitation Service

ADMINISTRATION ON AGING

5.1 State agencies receiving Federal grants under title III of the Older Americans Act of 1965, as amended, for community planning, services, and training. [Amended]

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 903.24

5.2 Public or nonprofit private agencies, organizations or institutions receiving Federal grants under title IV of the Older Americans Act of 1965, as amended, for research and development projects. [Amended]

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 904.8

5.3 Public or nonprofit private agencies, organizations or institutions receiving Federal grants under title V of the Older Americans Act of 1965, as amended, for training projects. [Amended]

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 905.8

5.4 State agencies and project grantees receiving Federal funds under title III of the Older Americans Act of 1965, as amended. [Amended]

To maintain such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of the moneys received and the nature and amount of all charges claimed to lie against the allotment to the State.

Retention period: Not specified. 45 CFR 903.17

5.5 State agencies and project grantees participating in programs and activities for the aging. [Added]

To maintain accounting records.

Retention period: 3 years after the end of the budget period (or fiscal year) if audit by or on behalf of the Department has occurred by that time. If audit has not occurred, the records must be retained until audit, or until 5 years following the end of the budget period (or fiscal year), whichever is earlier, or until resolution of all audit questions. 45 CFR 901.4

5.6 State agencies, organizations, or grantees administering a project under the Foster Grandparent program. [Added]

To maintain records to assure correctness and verification of such reports required by this section.

Retention period: Not specified. 45 CFR 907.15

5.7–5.9 [Reserved]

COMMUNITY SERVICES ADMINISTRATION

5.10 State agencies receiving Federal grants under title IV, part B of the Social Security Act, as amended, for child welfare services. [Added]

To establish and maintain such accounts, records, and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time.

Retention period: Until completion of audits (including the final resolution of any questions raised thereby) or for 3 years, whichever is later, unless the State agency is requested to retain particular accounts, records, or supporting documents for a longer period. 45 CFR 220.75

5.11 State agencies receiving Federal grants under title IV, part B of the Social Security Act, as amended, for child welfare services which have purchased items of equipment and supply in carrying out the annual budget. [Added]

To maintain a complete equipment inventory and adequate property controls covering such items.

Retention period: Not specified. 45 CFR 220.81

5.12 Public and other nonprofit agencies and organizations and public or nonprofit institutions of higher learning receiving Federal grants for research or demonstration projects in the field of child welfare. [Amended]

To maintain (a) fiscal records for each grant period of the amount and disposition of Federal and cost-sharing funds and total cost for the grant period and such other records as will facilitate an effective audit; (b) all basic data, cards, tapes, print-outs, tables, charts and data analysis; and (c) such other records as may be required.

Retention period: (a) and (b) 5 years after termination of the project or until final audit, whichever occurs first; (c) not specified. 42 CFR 205.10

5.13–5.19 [Reserved]

REHABILITATION SERVICES ADMINISTRATION

5.20 Grantees receiving Federal funds for the construction of university-affiliated facilities for the mentally retarded.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4

5.21 All grantees receiving Federal funds for the construction of community mental retardation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of construction projects; (b) adequate accounting and fiscal records to reflect receipt and expenditure of funds allotted and paid for construction projects; and (c) payroll records and kickback statements for all laborers and mechanics working at the projects.

Retention period: (a) and (b) not specified; (c) 3 years after completion of the contract. 45 CFR 416.20, 416.24

5.22 State agencies receiving Federal grants for construction of community mental retardation facilities.

To maintain separate fund accounts for all Federal and State funds allotted for construction projects, designed to show at any given time funds allotted and encumbered, and unencumbered balances; to maintain adequate records of account to assure proper accounting of all Federal funds received and disbursed and similar suitable accounts of receipt and disbursement of State, local, and other funds used for matching purposes.

Retention period: Not specified. 45 CFR 416.24

5.23 Public and nonprofit agencies and organizations receiving Federal funds for initial cost of professional and technical personnel for community mental retardation facilities.

To maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the staffing project; and such other records as the Administrator, SRS, shall prescribe.

Retention period: Not specified. 45 CFR 416.94, 416.98

5.24 Grantees receiving Federal project grants for improvement of the quality of care and treatment of the mentally retarded and for research in health-related areas of mental retardation. [Amended]

To maintain such progress and fiscal records as the Secretary of Health, Education, and Welfare may prescribe.

Retention period: 3 years after end of budget period, if audit on behalf of HEW has not occurred, 5 years following end of budget period or until audit has occurred, whichever is earlier; or until resolution of all audit questions. 45 CFR 52.24

5.25 State agencies receiving Federal grants under section 2 of the Vocational Rehabilitation Act for the provision of vocational rehabilitation services.

To maintain (a) such written personnel policies, records and other information as necessary to permit an evaluation of personnel operations in relation to the State agency's standards; and (b) such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed against such grants.

Retention period: Not specified. 45 CFR 401.12, 401.18

5.26 State agencies or other public or private nonprofit agencies receiving grants for vocational rehabilitation programs and activities. [Amended]

To keep such records and accounts as the Administrator, Social and Rehabilitation Service may require.

Retention period: Not specified. 45 CFR 403.5, 403.25, 403.39, 404.11, 404.52, 404.80, 404.103, 405.11, 406.11, 406.43, 408.5

5.27 State agencies or other public or nonprofit organizations or agencies receiving grants for the construction of workshops and rehabilitation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project; and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 404.22

5.28 Employees or organizations participating with the Social and Rehabilitation Service in contracts or jointly financed cooperative arrangements for projects with industry relating to handicapped individuals.

To keep such records and accounts as the Administrator, Social and Rehabilitation Service may require.

Retention period: Not specified. 45 CFR 403.67

5.29 [Reserved]

OFFICE FOR PLANNING, RESEARCH, AND TRAINING [AMENDED]

5.30 Institutions of higher learning and associations receiving financial assistance for expansion and development of undergraduate and graduate programs in social work.

To maintain fiscal records for each period of the amount and disposition of Federal and cost-sharing funds and total cost for the grant period and such other records as will facilitate an effective audit, and such other records as the Service may require.

Retention period: Not specified. 45 CFR 280.12

5.31–5.39 [Reserved]

YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION [AMENDED]

5.40 State, public or nonprofit private agencies or organizations receiving Federal grants for juvenile delinquency and youth development programs and activities.

To maintain (a) grant accounting records, identifiable by grant number; (b) inventories and records supporting accountability of equipment which cost $300 or more per item; and (c) to keep such records and afford such access thereto as the Administrator, Social and Rehabilitation Service may find necessary to assure the correctness and verification of reports submitted to him.

Retention period: (a) Until audit or 5 years after end of budget period, whichever is the less; (b) until completion of review and audit covering disposition of such equipment; (c) not specified. 45 CFR 270.21, 270.23, 270.40, 270.42, 270.69, 270.75, 270.90, 270.92, 270.130, 270.132, 270.150, 270.152, 270.170, 270.172, 270.187, 270.189, 270.209, 270.211

5.41 State or other public agencies receiving Federal grants for construction of juvenile delinquency rehabilitation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 270.110

5.42–5.49 [Reserved]

MEDICAL SERVICES ADMINISTRATION

5.50 Persons or institutions providing services under a State plan for medical assistance under title XIX of the Social Security Act.

To keep such records as are necessary to disclose the extent of the services provided to individuals receiving assistance under the plan.

Retention period: Not specified. 45 CFR 250.21

5.51 Institutions conducting training programs in nursing home administration under grants from Social and Rehabilitation Service. [Added]

To retain records of all costs related to courses provided, and ersons trained.

Retention period: 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time. If audit has not occurred, the records must be retained until audit or until 5 years following the end of the budget period, whichever is earlier, or until resolution of all audit questions. 45 CFR 252.44

5.52 State agencies administering plans for medical assistance under title XIX of the Social Security Act. [Added]

To maintain on file for ready access by the Department of Health, Education, and Welfare all information and reports used in determining whether a skilled nursing home meets the requirements specified in the regulation.

Retention period: 3 years. 45 CFR 249.33

6. General Administration

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes under the Federal Property and Administrative Services Act of 1949.

To maintain accurate accountability records of all donable property received, warehoused, and distributed by each State agency. Accountability records of all single items having acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

Retention period: Minimum of 5 years. 45 CFR 14.6

6.2 [Deleted]

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 Agencies making relocation payments. [Revised]

To maintain records pertaining to eligibility for relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after completion of the federally assisted activities. 24 CFR 3.104(i), 4.108(g), 6.107(g), 41.11(i); 44 CFR 710.10

1.2 Public agencies receiving assistance under Advances for Public Works Planning (First Program) administered by the Office of Assistant Secretary for Metropolitan Development.

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

1.3–1.5 [See 1.1]

1.6 Insurer, or pool, or person executing agreement under Federal riot reinsurance program. [Amended]

To maintain books, documents, papers, and records that are pertinent.

Retention period: 3 years after final adjustment. 24 CFR 1906.38

1.7 Agencies designing, constructing or altering publicly-owned residential structures.

To maintain records relating to each contract, grant, or loan involving such publicly-owned residential structures.

Retention period: Not specified. 24 CFR 40.6

1.8 Developers of new communities. [Added]

To maintain records of costs incurred for the project, including those of contractors and subcontractors.

Retention period: Not specified. 24 CFR 31.22

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement and mobile home loans. [Amended]

To keep complete credit and collection file pertaining to each eligible property improvement or mobile home loan transaction, which will accompany any claim for loss made by the insured.

(a) A property improvement loan file will include the borrower's application for a title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 201.2, 201.4, 201.8, 201.10, 201.11

(b) A mobile home loan file will include a dated credit application form executed by the borrower, a commercial credit report obtained by the insured on the borrower or evidence that the insured has made an adequate investigation of the borrower's credit. The file will also include the obligation document, a record of advance notice of intention to disburse proceeds of the loan, and a number of certificates pertaining to mobile home standards, sanitary facilities

Retention period: Not specified. 24 CFR 201.520, 201.525, 201.545, 201.570, and codes, zoning, and placement. 201.575, 201.605, 201.610, 201.665.

2.2 Lending agencies — title I. [Amended]

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.171, 201.8, 201.595

2.3 Project mortgagors under the National Housing Act.

(a) To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.630, 221.530, 221.538, 221.550, 221.552, 232.87, 233.505, 235.830, 236.1, 242.65, 242.79, 810.1, 1000.127, 1100.105

(b) Where neither mortgagor nor any of its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have any interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 207.27, 213.35, 213.37, 220.501, 221.550, 231.1, 232.83, 233.505, 234.501, 235.501, 236.1, 241.155–241.160, 810.1, 1000.110–1000.125, 1100.147–1100.155

2.4 Investors insured under yield insurance provisions under title VII of the National Housing Act.

To maintain such books, records, and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 702.255

2.5 Lending agencies for project mortgages insured under the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR Parts 207, 213, 220, 221, 231–236, 241, 242, 608, 611, 803, 810, 908, 1000, 1100

2.6 Mortgagors of new or rehabilitated multifamily housing insured under the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such rec-

ords is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. 42 U.S.C. 1434.

2.7 Mortgages of lower income family homes.

To maintain such records as the Commissioner may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Commissioner, and the biennial recertifications of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Commissioner. 24 CFR 235.365

3. Office of Assistant Secretary for Research and Technology

3.1 Contractors and subcontractors with research and development contracts.

To maintain books, records, documents and other supporting evidence relating to the contract and such other records as specified in 41 CFR 1-20.301—1-20.301-3.

Retention period: Various. 41 CFR Part 1-20

VI. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.

To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: 3 years from date permission is granted. 43 CFR 5.1

2. Fish and Wildlife Service

2.1 Operators of commercial picking establishments, cold storage or locker plants receiving, possessing, or having custody of migratory game birds.

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 10.9

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Bureau of Sport Fisheries and Wildlife for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period. 1 year following the end of the calendar year covered by the records. 50 CFR 16.9, 16.11, 16.12, 16.13, 16.14 (retention: 16.3)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.3)

2.4 [Reserved]

2.5 Persons authorized to kill depredating purple gallinules in Louisiana.

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.3)

2.6 State fish and game departments conducting fish and wildlife restoration projects with Federal aid.

To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: 3 years following final payment. 50 CFR 80.32, 80.33

2.7—2.15 [Transferred to II 8.1–8.9]

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3–3.7 [Reserved]

3.8 Mineral lessees, potash, sodium and other minerals (federally owned lands).

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

3.9 Oil and gas and sulphur lessees (outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.36

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3—4.4 [Reserved]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.16

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of oré shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. [Transferred to II 8.12–8.13]

6. [Transferred to II 8.14]

7. Bureau of Mines

7.1 Note (supplied by Bureau of Mines): [Revised]

Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173 Secs. 111 and 303(a); 83 Stat. 747; U.S.C. 813, 821).

(a) Records of the daily fan inspections and the fan pressure recording gage charts.

(b) The operator of a coal mine shall maintain at the mine a "Daily ledger: Coal-Mine Accidents" (Form 6-1498) in which shall be recorded for each accident, by date of occurrence, specified information with respect to the accident. A daily ledger shall be open for inspection by interested persons.

Retention period: (a) 1 year. 30 CFR 75.300-4(e); (b) 3 years from the date of the last accident which constitutes the last entry in the "Daily ledger: Coal-Mine Accidents." 30 CFR 80.31

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas under the Appalachian Regional Development Act of 1965.

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: 3 years after completion of each individual project. 30 CFR 42.7

7.3 Organizations or institutions (public and private) or individuals receiving Federal grants for solid waste disposal projects.

To maintain records of all property and books of account (including papers explaining and proving validity of transactions recorded) of financial transactions involving Federal grants and those financed with matching funds from other sources.

Retention period: 3 years after last disbursement of such funds. 30 CFR 51.12

7.4 States receiving grants for advancement of health and safety in coal mines.

To maintain books of accounts which reflect the financial transactions involving such grants and transactions financed with matching funds from sources other than the Federal Government.

Retention period: Until the expiration of 3 years after payment under grant. 30 CFR 53.12

7.5 Recipients of grants for support of research related to authorized Bureau of Mines programs.

To maintain books of accounts which reflect the financial transactions involving grants financed under Public Law 85-934 (72 Stat. 1793, 42 U.S.C. 1891-1893), and also transactions financed with matching funds from sources other than the Federal Government.

Retention period: Until the expiration of 3 years after the grantee's last disbursement of such funds. 30 CFR 52.12

7.6 Private helium distributors selling to Federal agencies.

To keep such helium accounting records as are necessary to assure compliance with regulations in the section cited.

Retention period: At least 1 year following the dates of their applicability, and shall be made available to any duly authorized representative of the Bureau of Mines for examination. 30 CFR 2.4

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.6, 8.8

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service.

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

9. Office of Water Resources Research

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

10. [Transferred to XIVb]

11. Oil Import Administration

11.1 Persons receiving allocations of imports of crude oil, unfinished oils, and finished products.

To maintain complete and current records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants.

Retention period: 3 years. 32A CFR Ch. X, OI Reg. 1, Sec. 6

VII. DEPARTMENT OF JUSTICE

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.

To keep all books and records relating to any activities which require registration, including correspondence, memoranda, and other written communications to and from foreign principals and other persons, names and addresses of persons to whom "political propaganda" has been sent, financial records, etc.

Retention period: 3 years following termination of registration. Upon good and sufficient cause shown in writing to the Assistant Attorney General in charge of the Internal Security Division, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.2 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices.

Retention period: 5 years. 15 U.S.C. 1173

1.3 Importers of crude opium or coca leaves.

To keep quintuplicate copy of permit to import.

Retention period: * 2 years. 21 CFR 302.10 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

1.4 Exporters of narcotic drugs.

To keep triplicate copy of export permit.

Retention period: * 2 years. 21 CFR 302.21 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

1.5 Exporters of narcotic drugs.

To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce (28.3 grams) or more in such manner as will identify the foreign consignee.

Retention period: * Permanent. 21 CFR 302.27 (retention: 26 CFR 151.132)

1.6 Importers of special coca leaves.

To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: * 2 years. 21 CFR 302.46 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

1.7 Persons surrendering narcotic drugs to the Regional Directors, Bureau of Narcotics and Dangerous Drugs.

To retain duplicate copy of inventory of drugs shipped is required only by registrants rendering returns. All other registrants use Form BND–41, Registrants Inventory of Drugs Surrendered.

Retention period: * 2 years. 26 CFR 151.474(a)

1.8 Forfeiters of narcotic drugs.

To keep triplicate copy of inventory made at time of confiscation of narcotic drugs.

Retention period: * Not less than 2 years. 21 CFR 307.112

1.9 Manufacturers of narcotic precursors.

To keep a record of the quantity of precursors manufactured or otherwise acquired, dispositions thereof, names and addresses of persons supplied, quantity supplied to each, and use for which intended.

Retention period: * Not less than 2 years. 21 CFR 307.141

1.10 Manufacturers, compounders, processors, dealers, wholesalers, retailers, jobbers, distributors, and any person otherwise disposing of depressant or stimulant drugs.

To keep complete inventory and continuing records of each such drug manufactured, compounded, processed, stored, received, sold, purchased, delivered, or otherwise disposed of.

* For record retention requirements for tax purposes, see Internal Revenue Service, XI 4.89—4.119.

Retention period: * Not less than 3 years. 21 CFR 320.16, 320.17

VIII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4; 32 CFR 18.703–1; 41 CFR 1–12.403–1

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a) (3) (i) and (6)

1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours Standards Act.

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e), 516.2(a); 32 CFR 12.303–1; 41 CFR 1–12.303

1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

1.5 Contractors or subcontractors subject to Service Contract Act of 1965.

To keep records relating to work classifications, wages, fringe benefits, hours worked, and safety and health standards.

Retention period: 3 years from completion of the work. 29 CFR 4.6(g), 4.185, 1516.3; 32 CFR 12.1004; 41 CFR 1–12.904–1

1.6 Sponsors of apprenticeship and training programs registered with the Bureau of Apprenticeship and Training.

To maintain records of the selection process which includes a brief summary of each interview, and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment. The records shall be made available to the Bureau upon request.

Retention period: 2 years. 29 CFR 30.4(a) (3)

1.7 Sponsors of Neighborhood Youth Corps projects and work training and experience programs.

To maintain such records as required by the Secretary for the purpose of the administration of the Economic Opportunity Act of 1964, as amended.

Retention period: Not specified. 29 CFR 50.41, 51.15

1.8 Contractors or subcontractors subject to equal opportunity in employment regulations. [Amended]

To keep employment or other records as required by the Director, Office of Federal Contract Compliance, the contracting agency, or an applicant for Federal assistance concerning the contract, including the development and retention of written affirmative action compliance programs to be updated annually.

Retention period: Not specified. 41 CFR 1–12.805–4, 60–1.7, 60–1.40, 60–2

2. Bureau of Employees' Compensation

2.1 Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.

To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

2.3 Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. Office of Labor-Management and Welfare-Pension Reports

3.1 Every labor organization required to file a labor organization information report under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified and checked for accuracy and completeness, and shall include vouchers worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 403.7

3.4 Employers required to report payments or agreements or arrangements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 408.10

3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws, or the secretary if no other official is designated, of labor organizations conducting election by secret ballot provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491. [Amended]

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 204.29, 452.12(d)

3.8 Officials designated in the constitution and bylaws, or the secretary if no other official is designated, of national or international labor organizations conducting elections by a convention of delegates provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491. [Amended]

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 204.29, 452.13(c)

3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act. [Amended]

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, applicable resolutions and records of any written authorization delegating authority to sign any description or report.

Retention period: 5 years. 29 CFR 460.2(c), Part 486

3.10 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

4. Division of Public Contracts

4.1 Supply contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep unexpired certificate of age of employee issued and held pursuant to regulations issued by the Secretary of Labor under the Fair Labor Standards Act, as protection against unintentional employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 50–201.105

4.2 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date

of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50-201.501(d)

(b) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50-201.501(h)

5. Wage and Hour Division

5.1 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6, 1500.86

5.2 Employers subject to the Fair Labor Standards Act making retroactive payment of wages to employees, including industrial homeworkers, under supervision of the Administrator.

To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: 3 years. 29 CFR 516.2(b), 516.5, 516.24(b)(7), 545.7(d), 695.6(d)

5.3 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages, hours, sex, occupation, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order shipping and billing records (customers bills, etc.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.8, 516.11-516.29

5.4 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable. [Amended]

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and when applicable, the apprenticeship program apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 521.8 (a) and (c)

5.5 Joint apprenticeship committees holding certificates issued by Administrator. [Amended]

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 516.5, 521.8 (b) and (c)

5.6 Employers subject to Fair Labor Standards Act employing learners under special learners certificates. [Amended]

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 516.5, 522.7

5.7 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates. [Amended]

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications filed in accordance with 520.4(a) and of any special certificates issued under which student-learners are employed.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 520.7

5.8 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.10 (retention: 516.5, 516.23)

5.9 Sheltered workshops (as defined in 29 CFR 525.2(b)).

To keep records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months; learning periods when authorized by the certificate; designation of workers who are evaluees and trainees as authorized by certificate; indication of which workers are under each certificate where more than one certificate held; indication of workers for whom individual certificates held; pricing of work and time studies made to establish prices; documents relating to State certification; and records required under applicable provisions of 29 CFR Part 516.

Retention period: 2 years. 29 CFR 525.13

5.10 Educational institutions employing student-workers as learners under certificates. [Amended]

To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 527.7

5.11 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 519.7

5.11a Retail or service establishments subject to Fair Labor Standards Act employing commission employees exempt from overtime pay requirements pursuant to section 7(i).

To keep employment records relating to wages, hours, circumstances and conditions of employment, including a symbol or letter to identify each such employee; an indication that the employee's regular rate of pay in each workweek meets requirements of the exemption and basic records demonstrating this fact; copy of the agreement or understanding or summary of its terms, including the basis of compensation, applicable representative period, and the date on which the agreement or understanding was entered into; and total compensation paid to each employee in each pay period stating separately the commission and noncommission straight time earnings.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or

additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

5.12 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained.

Retention period: Not specified. 29 CFR 530.8

5.13 Employers of industrial homeworkers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 530.9

5.14 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: Not specified. 29 CFR Part 530.12(b)(3)

5.15 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered, or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7 (a) and (e), 545.8

5.16 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7 (b) and (e)

5.17 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee handbook, 2 years. 29 CFR 545.7 (c) and (e).

5.18 Employers of homeworkers in Puerto Rico (other than needlework industries).

To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.19 Employers of homeworkers in industries in Puerto Rico (other than needlework industries).

To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.20 Employers of homeworkers in industries in the Virgin Islands.

To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

5.21 Employers of homeworkers in industries in the Virgin Islands.

To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

5.22 Employers of local delivery drivers and helpers. [Amended]

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: Not specified. 29 CFR 516.11, 551.9

5.23 Employers, employment agencies, and labor organizations subject to Age Discrimination in Employment Act of 1967.

(a) *Employers*—(1) To keep records for each employee containing name, address, date of birth, occupation, rate of pay and compensation earned each week; (2) when made in the regular course of business, to keep personnel or employment records related to job applications, promotion or discharge, job orders submitted to employment agency or labor organization for recruitment of personnel, test papers of employer-administered aptitude or other employment test, results of physical examinations considered in connection with personnel action, and advertisements; (3) to keep any employee benefit plans; (4) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 3 years, (2) 1 year, (3) 1 year after termination of plan, (4) 90 days. 29 CFR 850.3

(b) *Employment agencies*—To keep records related to placements, referrals, job orders, job applications, test papers, and advertisements.

Retention period: 1 year. 29 CFR 850.4 (a)(1)

(c) *Labor organizations*—To keep records of name, address, and date of birth of members, and any individual seeking membership in the organization.

Retention period: 1 year. 29 CFR 850.5 (a) and (b)

6. [Reserved]

7. Bureau of Labor Standards

7.1 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 1500.3

7.2 State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 515.6, 1500.86

7.3 Employers subject to minimum age standards of child-labor provisions of Fair Labor Standards Act.

To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 1500.121

7.4 Persons accredited for vessel cargo gear certification.

To maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1505.10, 1505.11

7.5 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1505.12

7.6 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

(a) To keep records as are necessary to compute and permit verification of standard work-injury frequency and severity rate and employee hours worked.

Retention period: 3 years. 29 CFR 1506.2

(b) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1504.61

(c) To keep records of the dates, times, and locations of tests for carbon monoxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1504.93

(d) To keep records relating to tests and inspections for the existence of hazardous flammable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1501.10, 1502.10, 1503.10

7.7 Employers subject to FLSA employing children in occupations in agriculture under Federal service extension exemption.

To keep the certificate showing minor has fulfilled the requirements under provisions of Federal service extension exemption.

Retention period: Not specified. 29 CFR 1500.70(f)

7.8 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep records of injury frequency rates of employees.

Retention period: 3 years after date of entry. 41 CFR 50-201.502

7.9 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50-204.32

7.10 Employers subject to FLSA employing children in agriculture under the Vocational-Agriculture Training Exemption.

To keep the certificate showing minor has fulfilled the requirements under provisions of vocational-agriculture training exemption.

Retention period: Not specified. 29 CFR 1500.70(g)

7.11 Employers subject to FLSA employing children under the Experimental School Supervised and School Administered Work-Experience Program.

To keep a copy of the written training agreement showing minor is a student participating in the work-experience and career exploration program.

Retention period: Duration of the program. 29 CFR 1500.35a(b)(vii)

IX. POST OFFICE DEPARTMENT

1.1 Postage meter licensees. [Amended]

To keep a Meter Record Book (Form 3602-A), showing register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 144.3, 144.7

1.2 [Deleted]

1.3 Apartment house managers.

To maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptable number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee.

Retention period: The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed. 39 CFR 155.6

1.4 Commercial mail receiving agencies. [Added]

To maintain a copy of Form 1583, application for delivery of mail through agent.

Retention period: During period of agency. 39 CFR 154.2

X. DEPARTMENT OF STATE

1. Office of Munitions Control

1.1 Persons required to register as manufacturers or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

2. Agency for International Development

2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance.

To maintain records and documents of all transactions pertaining to receipt, storage, inspection, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.6

2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A., sec. 11

XI. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953, as amended, and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 National banks acting as insurance agents and as brokers or agent for loans on real estate.

To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and

records as may be required by insurance companies.

Retention period: Permanent, except for copies of reports made by the agent bank to each insurance company which it represents, which copies shall be kept for a period of 5 years, and except for records of loans negotiated by the bank in acting as broker or agent in making or procuring loans on real estate, which records shall be kept for a period of 5 years. 12 CFR 2.2, 2.4

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banks' shareholder lists.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

2.5 National banks with 500 or more shareholders of record.

To retain copy of annual report, statements of beneficial ownership and changes in beneficial ownership of national bank securities.

Retention period: Not specified. 12 CFR 10.4, 12.3

3. Bureau of Customs

3.1 Importers of alumina to be used in producing aluminum.

To keep records to support blanket certificates issued to show sales of such alumina during a specific period to a specified manufacturer showing quantity and description of the alumina and identifying such alumina with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 54.4

3.2–3.4 [Reserved]

3.5 Importers of Patna rice to be used in the manufacture of canned soups.[1]

To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: 3 years from liquidation of the entry. 19 CFR 10.88

3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.[1]

To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.100

3.10 Importers of limestone to be used in the manufacture of fertilizer.[1]

To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101

3.11 [Reserved]

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.[1]

To keep such records of the operation that will show the quantities of metal-bearing materials (a) on hand at the beginning of the period and the dutiable contents thereof; (b) received during the period and the dutiable contents thereof; (c) total to be accounted for and the dutiable contents thereof; (d) on hand at the end of the period and the dutiable contents thereof; and (e) worked during the period and the dutiable contents thereof.

Retention period: 5 years from date of statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.[1]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid merchandise used or appearing in the exported articles, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is not based on the quantity of imported merchandise appearing in the exported articles, the value of the imported merchandise used in manufac-

[1] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

ture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.*

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d), Tariff Act of 1930, as amended.*

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 Licensed customhouse brokers. [Amended]

To keep current records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, powers of attorney, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 6 years after the date of revocation. 19 CFR 111.23(a)

* These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect as of January 1, 1971. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, Excise, Liquor, Tobacco, and Firearms Taxes.

Regulations issued pursuant to the Internal Revenue Code of 1939 and not entirely superseded are carried in the Code of Federal Regulations as Appendixes to Subchapters A and D of Chapter I of Title 26.

INCOME TAX

4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax but required to file an annual return shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001-1

4.1a Section 38 property; computation of investment credit and qualified investment.

(a) *Members of affiliated group.* Keep as a part of its records a copy of the consent of the common parent (or a copy of the statement containing all the required consents) to the apportionment of the $25,000 amount among such members. 26 CFR 1.46-1

(b) *Persons computing qualified investment in certain depreciable property.* Maintain sufficient records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions of section 38 property, applies with respect to any asset. 26 CFR 1.46-3

(c) *Recomputation of credit and qualified investment.* Maintain records which will establish with respect to each item of section 38 property, the following facts: (1) The date the property is disposed of or otherwise ceases to be section 38 property, (2) the estimated useful life which was assigned to the property for computing qualified investment, (3) the month and the taxable year in which property was placed in service, and (4) the basis (or cost), actually or reasonably determined, of the property.

Taxpayers who, for purposes of determining qualified investment, do not use a mortality dispersion table with respect to section 38 assets similar in kind but who consistently assign to such assets separate lives based on the estimated range of years taken into consideration in establishing the average useful life of such assets, must, in addition to the above records, maintain records which will establish to the satisfaction of the district director that such asset has not previously been considered as having been disposed of. 26 CFR 1.47-1

(d) *Disposition or cessation of section 38 property.* Any taxpayer who seeks to establish his interest in a trade or business, a former electing small business corporation, an estate or trust, or a partnership, shall maintain adequate records to demonstrate his indirect interest after any such transfer or transfers. 26 CFR 1.47-3, 1.47-4, 1.47-5, 1.47-6

(e) *Used section 38 property, $50,000 cost limitation.* Maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. Each member of an affiliated group shall maintain as part of its records a copy of the statement containing the apportionment schedule which was attached to the common parent's return. 26 CFR 1.48-3

(f) *Election of lessor of new section 38 property to treat lessee as purchaser.* The lessor and the lessee shall keep as a part of their records the statements filed with the lessee, signed by the lessor and including the written consent of the lessee. 26 CFR 1.48-4

Retention period: See Item 4.1

4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures. 26 CFR 1.162-17, 1.274-5

Retention period: See Item 4.1.

4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records of all factors entering into the computation of depreciation allowances. 26 CFR 1.167(a)-7

Retention period: See Item 4.1.

4.3a Persons changing method of depreciation of section 1245 property.

To maintain records which permit specific identification of the section 1245 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the remaining useful life of the property. 26 CFR 1.167(e)-1

Retention period: See Item 4.1.

4.3b Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable. 26 CFR 1.170-2

Retention period: See Item 4.1.

4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure. 26 CFR 1.177-1

Retention period: See Item 4.1.

4.5 Persons electing additional first-year depreciation allowance for small business.

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired. 26 CFR 1.179-4

Retention period: See Item 4.1.

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class. 26 CFR 1.265-1

Retention period: See Item 4.1.

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements. 26 CFR 1.274-1, 1.274-5

Retention period: See Item 4.1.

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption. 26 CFR 1.332-6

Retention period: See Item 4.1.

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time or the adoption of the plan of liquidation. 26 CFR 1.333-6

Retention period: See Item 4.1.

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange. 26 CFR 1.351-3

Retention period: See Item 4.1.

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.368-3

Retention period: See Item 4.1.

4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371-2

Retention period: See Item 4.1.

4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371-1

Retention period: See Item 4.1.

4.14 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374-3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)-1 of the regulations applies and to establish the basis thereof. 26 CFR 1.381(c)(6)-1

Retention period: See Item 4.1.

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed. 26 CFR 1.393-3

Retention period: See Item 4.1.

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for record-keeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code. 26 CFR 1.401-14

Retention period: See Item 4.1.

4.17 Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.

To keep records substantiating all data and information required to be filed with

respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR 1.404(a)-2

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed. 26 CFR 1.442-1

Retention period: See Item 4.1.

4.19 Persons selling by the installment method.

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample. 26 CFR 1.453-1, 1.453-2

Retention period: See Item 4.1.

4.19a Prepaid dues income.

A taxpayer who makes an election with respect to prepaid dues income shall maintain books and records in sufficient detail to enable the district director to determine upon audit that additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year. 26 CFR 1.456-7

Retention period: See Item 4.1.

4.20 Persons engaged in the production, purchase, or sale of merchandise.

To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year. 26 CFR 1.471-1, 1.471-2

Retention period: See Item 4.1.

4.20a Supplemental Unemployment Benefit Trusts.

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. 26 CFR 1.501(c)(17)-2(j)

Retention period: See Item 4.1.

4.20b Farmer's cooperative marketing and purchasing associations.

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association. 26 CFR 1.521-1

Retention period: See Item 4.1.

4.20c Controlled entities arm's length charges.

To maintain adequate books and records to permit verification of costs or deductions when a factor in determining the arm's length charge for services rendered to other members of a controlled group. 26 CFR 1.482-2(b)(3)

Retention period: See Item 4.1.

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment. 26 CFR 1.561-2

Retention period: See Item 4.1.

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained. 26 CFR 1.593-7

Retention period: See Item 4.1.

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property. 26 CFR 1.595-1

Retention period: See Item 4.1.

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered. 26 CFR 1.611-2

Retention period: See Item 4.1.

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.* In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613-3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.613-4. 26 CFR 1.611-2, 1.613-5

Retention period: See Item 4.1.

4.23a Mineral property, taxable income computation, allocation of section 1245 gain.

Taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the portion of any gain recognized under section 1245(a)(1) of the Code which is properly allocable to the mineral property in respect of which the taxable income is being computed. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property. 26 CFR 1.613-4

Retention period: See Item 4.1.

4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts. 26 CFR 1.611-3

Retention period: See Item 4.1.

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. 26 CFR 1.614-2

Retention period: See Item 4.1.

4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3) (A) or (B) of the Internal Revenue Code;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or

among) the newly formed interests and the method by which such allocation was made. 26 CFR 1.614–3

Retention period: See Item 4.1.

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation. 26 CFR 1.614–6

Retention period: See Item 4.1.

4.26b Life insurance companies, contracts with reserves based on segregated asset accounts.

Separately account for each and every income, exclusion, deduction, asset, reserve, and other liability item which is properly attributable to such segregated asset accounts and keep such permanent records and other data relating to such contracts as is necessary to enable the district director to determine the correctness of the application of the separate accounting rules and the accuracy of the computations. 26 CFR 1.801–8(c)

Retention period: See Item 4.1.

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.28 Record retention requirements for life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer. 26 CFR 1.820–2

Retention period: See Item 4.1.

4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares. 26 CFR 1.852–6, 1.852–7

Retention period: See Item 4.1.

4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856–6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code. 26 CFR 1.857–6

Retention period: See Item 4.1.

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted. 26 CFR 1.905–2

Retention period: See Item 4.1.

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information. 26 CFR 1.921–1

Retention period: See Item 4.1.

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954.

Must maintain such records and other documents as are necessary to determine the applicability of the exception. 26 CFR 1.934–1

Retention period: See Item 4.1.

4.32b United States shareholders of controlled foreign corporations.

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income and the increase in earnings invested in United States property. 26 CFR 1.964–3

Retention period: See Item 4.1.

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made. 26 CFR 1.1014–4

Retention period: See Item 4.1.

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift, to insure a fair and adequate determination of the proper basis. 26 CFR 1.1015–1.

Retention period: See Item 4.1.

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received. 26 CFR 1.1081–11

Retention period: See Item 4.1.

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution. 26 CFR 1.1101–4

Retention period: See Item 4.1.

4.36a Gain upon sale or exchange of obligations issued at an original issue discount after December 31, 1954.

Taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known or reasonably ascertainable by him). If the obligation held is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) of the Code (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligations for purposes of applying section 1.1037–1 of the regulations upon the disposition or redemption of such obligations. 26 CFR 1.1232–3(f)

Retention period: See Item 4.1.

4.37 Persons engaged in arbitrage operations in stock and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. 26 CFR 1.1233–1

Retention period: See Item 4.1.

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation. 26 CFR 1.1244(e)–1

Retention period: See Item 4.1.

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied. 26 CFR 1.1247–5

Retention period: See Item 4.1.

4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized. 26 CFR 1.1321–1, 1.1321–2

Retention period: See Item 4.1.

4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal holding company income.

(2) In the case of a partnership, separate capital accounts shall be maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits. 26 CFR 1.1361–10, 1.1361–14

Retention period: See Item 4.1.

4.41 Records by small business corporations of (1) distributions of previously taxed income and (2) undistributed taxable income.

A small business corporation must keep records of (1) distributions of the net share of the previously taxed income of each shareholder and (2) each person's share of undistributed taxable income. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and undistributed taxable income and shall make such record available to the corporation for its information. 26 CFR 1.1375–4; 1.1375–6

Retention period: See Item 4.1.

4.41a Persons required to withhold tax on nonresidential aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S. 26 CFR 1.1461–2

Retention period: See Item 4.1.

4.41b Affiliated group; (1) intercompany transactions, accounting for deferred gain or loss, and (2) allocation of Federal income tax liability.

(1) Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules. (2) If an affiliated group elects to use the method of allocating Federal income tax liability provided in section 1.1502–33(d)(2)(i) of the regulations, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of paragraphs (a)(1) and (b)(1) of such subdivision (i). In addition, allocations of tax liability may be made in accordance with any other method approved by the Commissioner, but a condition of such approval shall be that the group maintain specific records to substantiate its computations pursuant to such method. 26 CFR 1.1502–13(c)(5), 1.1502–33, 1.1552–1

Retention period: See Item 4.1.

4.42 Tax-exempt organizations.

(a) *General.* To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status. An organizations claiming an exception from the filing of an information return must maintain adequate records to substantiate such claim.

(b) *Employees' trusts.* To keep as a part of its records, written notification from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code. 26 CFR 1.6033–1

Retention period: See Item 4.1.

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee.

Must maintain such records as will permit a prompt substantiation of each payments of dividends made to the actual owner. 26 CFR 1.6042–1

Retention period: See Item 4.1.

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee.

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047–1

4.42c Persons making payments of estimated tax installments in foreign currency.

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency. 26 CFR 301.6316–6

Retention period: See Item 4.1.

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 16.13

4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 17.14

4.44a Domestic building and loan associations.

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964. 26 CFR 301.7701–13

Retention period: See Item 4.1.

ESTATE TAX

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001–1

GIFT TAX

4.46 Persons making transfers of property by gift.

To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001–1

EMPLOYMENT TAX

4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001–1

4.48 [Reserved]

4.49 Employers required to deduct and withhold income tax on wages which include sick pay.

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)–1, 31.6001–5 (retention: 1.6001–1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936; and records of all remuneration in the form of tips received by employees after 1965 and reported to him. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(3) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–2 (retention: 31.6001–1)

4.51 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–3 (retention: 31.6000–1)

4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each

day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–4 (retention: 31.6001–1)

4.53 Employers required to deduct and withhold income tax on wages paid. [Amended]

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees and tips received by employees and reported to him. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands. (See 26 CFR 31.3401(a)–1(b)(12).)

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals. (See 26 CFR 31.3401(a)(6)–1 and 31.3401(a)(7)–1.)

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country. (See 26 CFR 31.3401(a)(8)(A)–1.)

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico. (See 26 CFR 31.3401(a)(8)(C)–1.)

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept. (See 26 CFR 31.3401(a)–1(b)(8)(i).)

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Forms W–4 and W–4E) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax. (See 26 CFR 31.3402(i)–1.)

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter. (See 26 CFR 31.3401(a)(4)–1.)

(16) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees. (See 26 CFR 31.3401(a)(11)–1, 31.3401(a)(16)–1.)

(17) The employer shall keep records of the details of each adjustment or settlement of income tax withheld. (See 26 CFR 31.3402.)

(18) The written request of an employee to have the amount of tax withheld from his wages computed on the basis of his cumulative wages, and any notice of revocation thereof. (See 26 CFR 31.6001–5)

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001–5 (retention: 31.6001–1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)–2, 31.6404(a)–1 (retention: 31.6001–1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) **Before employer files return.** To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)–1 (retention: 31.6001–1)

EXCISE TAX

4.56 Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 40.4220–3, 40.4220–4, 48.4041–5—48.4041–9, 48.4071–2, 48.6416, 48.6420, 48.6421; App. D 314.62, 316.7, 316.202

4.57–4.59 [Reserved]

4.59a Persons acquiring secondhand highway motor vehicles.

To maintain as part of his records evidence showing whether there was taxable use of such vehicle at any time in the taxable period prior to the time when the vehicle was registered in his name. If evidence is not obtained showing whether there was such use, the person must keep as part of his records a written statement of the reasons why he was unable to obtain such evidence.

Retention period: At least 3 years after the date the tax becomes due or the date the tax is paid, whichever is later. 26 CFR 41.4481–2 (retention: 41.6001–1)

4.60 Persons subject to the tax on use of certain highway motor vehicles.

(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable period shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system who claims exemption from tax with respect to a transit-type bus shall keep records sufficient to show, with respect to each taxable period, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable period.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 41.6001–1

4.61 Persons required to collect taxes on amounts paid for local and toll telephone services and teletypewriter services.

To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 49.4253–11; App. D 130.71, 130.77

4.62–4.64 [Reserved]

4.65 Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.

To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) *below*, 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 42.4292–1(b), 49.4261–6(e); App. D 130.54, 130.62, 130.71, 130.77

4.65a Shippers or other persons making payment subject to tax on transportation of property by air; exportation by continuous movement. [Added]

To maintain the duplicate of Form 1363, Export Exemption Certificate, with the shipping papers or other evidence of exportation. Carrier shall maintain the original certificate.

Retention period: 3 years from the last day of the month during which shipment was made from the point of origin. 26 CFR 154.2–1

4.66 Persons required to pay excise tax on wagering.

(a) *General.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

(b) *Records of agent or employee.* Every person who is engaged in receiving for or on behalf of another person (at any place other than a registered place of business of such other person) wagers of a type subject to tax shall keep a record showing for each day (1) the gross amount of such wagers received by him, (2) the amount, if any, retained as a commission or as compensation for receiving such wagers, and (3) the amount turned over to the person on whose behalf the wagers were received, and the name and address of such person.

(c) *Records of claimants.* Any person claiming a credit or refund shall keep a complete and detailed record of each overpayment and of each laid-off wager for which credit is taken or refund is claimed, including a copy of the required certificate.

(d) *Place for keeping records.* Every person required to pay the tax on wagering shall keep or cause to be kept, at his office or principal place of business, or, if he has no office or principal place of business, at his residence or some other convenient or safe location, all such records as are required pursuant to paragraphs (a) and (c).

Retention period: All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by § 44.4403–1 and by paragraph (a) of this section shall be maintained for a period of at least 3 years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least 3 years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least 3 years from the date any credit is taken or refund is claimed. 26 CFR 44.4403–1, 44.6001–1

4.67 [Reserved]

4.68 Manufacturers of white phosphorus matches.

(a) *General.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 45.4804–10 (retention: 45.6001–1)

4.69 Persons making contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or association for such transactions.

(a) All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record (in accordance with forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of contracting person keeping record; (2) name and address of other party to contract; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis grade; (9) specified price per pound; (10) date of delivery or settlement; (11) method of actual fulfillment or settlement; and (12) amount of tax paid (or, if exempt, so state).

(b) All persons who act in the capacity of a clearinghouse or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) of the Internal Revenue Code shall keep a record (see forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of clearinghouse or clearing association keeping record; (2) name and address of person for whom contract is cleared; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis contract; (9) specified price per pound; (10) date of delivery or settlement; and (11) method of actual fulfillment or settlement.

(c) *Records to be kept in separate books and open for inspection.* All records required by the regulations in this subpart must be in writing and shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. Agents duly appointed shall have authority to examine the books and records kept in pursuance to §§ 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851 of the Internal Revenue Code.

Retention period: Not less than 3 years. 26 CFR 45.4872–1, 45.4872–2 (retention: 45.4872–4)

4.70 [Reserved]

4.71 Persons subject to certain miscellaneous stamp taxes.

(a) *General.* The records required by Part 45 of the regulations shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804–10, relating to form for daily record in the case of manufacturers of white phosphorus matches, and §§ 45.4872–1 to 45.4872–4, inclusive, relating to records regarding sales of cotton for future delivery. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) and by §§ 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place for retention of records.* All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(e) *Microfilm reproduction.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records retains such microfilmed copies for the required period, provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and makes any transcription which may be required of the information contained on the microfilm.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–1

4.72 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *General.* A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than adulterated butter, process or renovated butter, filled cheese, and the materials or ingredients used in the manufacture of each product.

Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Item.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipment.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't. of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later.

The records of claimants required by paragraph (c) of § 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–2 (retention: 45.6001–1)

4.73 Wholesale dealers in adulterated butter.

(a) *General.* A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than tax-paid and branded adulterated butter.

Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the tax-paid stamp affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6001–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't. of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties.

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals (see paragraph (c)(6) of § 45.4821–3 as to resales).

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–3 (retention: 45.6001–1)

4.74 Wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–4 (retention: 45.6001–1)

4.75 Persons liable for miscellaneous excise taxes payable by return. [Amended]

(a) *General.*—(1) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the District Director of Internal Revenue to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(2) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(3) *Records of Claimants.* Any person who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any record required of the claimant by paragraph (a)(2), and by paragraph (b) below.

(4) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(5) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (i) retains such microfilmed copies for the specified retention period, (ii) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (iii) makes any transcription which may be required of the information contained on the microfilm.

(b) *Manufactured sugar*—(1) *Manufacturing records.* Every person who manufactured sugar shall keep an accurate monthly record of the manufacturing done by him.

(2) *Content of records.* Such records shall show:

(i) The quantity of manufactured sugar and other sugar on hand at the beginning of the month;

(ii) The quantity received during the month;

(iii) The quantity of manufactured sugar produced during the month;

(iv) The quantity sold during the month;

(v) The quantity of manufactured sugar used during the month in the production of other articles for sale; and

(vi) The quantity of manufactured sugar and other sugar on hand at the end of the month.

For periods prior to August 31, 1963, the records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

For periods after August 30, 1963, the records shall show the total sugars of each grade and type of sugar and manufactured sugar.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (a)(3) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 46.6001–1, 46.6001–2 (retention: 46.6001–1)

4.76–4.78 [Reserved]

4.79 Persons required to keep records with respect to foreign insurance policies. [Amended]

(a) *Records to be kept by solicitors, brokers, etc.* Each person, solicitor, or broker, accepting, placing, soliciting, or

making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 of the Code shall keep a record of such policy or other instrument with respect to the issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) *Records to be kept by policy holder.* The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument with respect to the issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and cancelled.

(c) *Records to be kept by persons paying premiums on or after January 1, 1966.* Resident persons making premium payments to a foreign insurer, reinsurer, nonresident agent, solicitor or broker shall keep or cause to be kept accurate records of all policies or other instruments, identifying each such policy or instrument to establish (1) gross premium paid, (2) policy of casualty insurance or bond, life, sickness or accident insurance, annuity contract, or reinsurance policy, (3) identity of insured, (4) identity of foreign insurer or reinsurer, and (5) total premiums charged and if paid in installments, the amount and anniversary date of such installment.

Retention period: (a) and (b) At least 3 years from date any part of the tax was paid, 26 CFR 47.6001–2; (c) 3 years from date any part of the tax became due or date tax is paid, whichever is later, 26 CFR 46.6001–4.

4.80–4.81 [Reserved]

4.82 Sellers of tax-free sales and purchases of aircraft fuel for non-taxable purposes. [Added]

To maintain exemption certificates and proper supporting records such as invoices, orders, etc., relative to tax-free sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 154.1–1

4.83 Persons claiming exemption from tax on the sale or use of diesel fuel, special motor fuel, and lubricating oil.

(a) *Bulk purchases by users.* Persons who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and any of the credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor, or during a period the vehicle does not have the essential characteristics of a motor vehicle, is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor or during such period will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* Seller must obtain and retain a properly executed exemption certificate, maintain records of invoices, orders, etc., relative to tax-free sales.

(d) *Use on a farm for farming purposes.* Maintain adequate records to establish that the taxable liquid was used on a farm for farming purposes.

(e) *Sales to State, Territory of the United States or a political subdivision or the District of Columbia.* Vendor must retain clearly identified orders or contracts properly signed by an authorized officer that the liquid sold was purchased for the exclusive use of a State, Territory of the United States, or a political subdivision, or the District of Columbia.

(f) *Sales for export.* Vendor must maintain adequate records, such as export bill of lading, certificate of carrier or customs officer, or statement of foreign consignee, to establish that the liquid was sold for export and actual exportation.

(g) *Sales to nonprofit educational organizations.* Retailer must obtain from purchaser and retain a properly executed exemption certificate.

Retention period: 4 years from the date the tax became due or, in the case of tax-free sales, for a period of at least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4041–5, 48.4041–6, 48.4041–8, 48.4041–9, 148.1–4 (retention: App. D 314.62, 324.42)

4.83a Manufacturers, producers, or importers selling automobile tires or tread rubber.

To maintain records of tires sold with metal rims or rim bases attached which will establish what portion of the finished product represents the weight of the tire exclusive of the metal rim or base; and for tax-free sales of tread rubber, to retain exemption certificates and to keep records of invoices, orders, etc., for inspection by the district director.

Retention period: Not specified. 26 CFR 48.4071–2, 48.4073–3

4.84 Sales on or after July 1, 1966, of lubricating oil seldom used as a lubricant.

Manufacturers must obtain from the purchaser and retain in his possession a properly executed exemption certificate. The certificates and proper records of invoices, orders, etc., relative to such sales must be kept for inspection by the district director.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 48.4091–6

4.85 Claims by suppliers for credit or refund due to repeal of tax by Excise Tax Reduction Act of 1965.

(1) An inventory statement of articles held for sale on the first moment of June 22, 1965, by a retailer, and not used, must be kept in the supplier's records; (2) either evidence that the supplier has reimbursed the retailer or the written consent of the retailer to the allowance of the credit or refund to the supplier must be kept in the supplier's records.

Retention period: Not specified. 26 CFR 48.6011(c)–1

4.86 Persons claiming a credit or refund for diesel fuel, special motor fuel, lubricating oil, or gasoline used for certain nonhighway purposes, by a local transit system, or for farming purposes.

(a) *General.* To keep in accordance with the form outlined in the regulations an accurate record of the number of gallons purchased and the dates of purchases, the name and address of each vendor, the number of gallons used during the period covered by the claim and such other information as is necessary to establish the correctness of the claim.

(b) *Local transit systems.* In addition to the records required by paragraph (a), to keep records that establish for each calendar quarter: (1) the total passenger fare revenue (not including with respect to gasoline used before November 16, 1962, the tax imposed by section 4261 of the Internal Revenue Code) derived from scheduled common carrier public passenger land transportation service along regular routes, and (2) the commuter fare revenue derived from such scheduled service.

(c) *Farming purposes.* To keep a record of the gasoline purchased and used by the claimant on a farm which he is the owner, tenant, or operator, and to show, in cases where trucks or other vehicles are used both on and off the farm an allocation of the number of gallons used in such trucks or vehicles for farming purposes. Where the claimant is entitled to claim payment for gasoline used on his farm by a person other than the owner, tenant, or operator thereof, the records must show: (1) the name and address of the person who performed the farming operation, (2) a description of the type of work and the type of equipment used, (3) the date or dates on which the work was done, and (4) the number of gallons of gasoline so used.

Retention period: At least 3 years from the last date prescribed for the filing of the claim. 26 CFR 48.6416(b)–2, 48.6420(f)–1, 48.6421(g)–1

4.86a Manufacturer of tires and tubes floor stocks inventories October 1, 1966.

Maintain physical inventory of tires and inner tubes held at each retail outlet as of 12:01 a.m., on October 1, 1966.

Retention period: Not specified. 26 CFR 144.1–2(d)

4.87–4.88 [Reserved]

4.88a Persons seeking credit or refund due to tax reduction or repeal.

(a) *Floor stocks.* Every manufacturer filing a claim for credit or refund shall support the claim by keeping as a part of his records dealer's inventory statements and records showing: (1) the name and address of the dealer; (2) quantities of each article; (3) the amount of tax paid on each article held by the dealer; (4) the amount of tax computed at the new rate; (5) the total amount of reimbursement due the dealer; (6) the date the reimbursement request was received from the dealer; (7) the date and amount of each payment to the dealer or the date of receipt from the dealer of written consent to the credit or refund.

(b) *Consumer purchases.* Every manufacturer filing a claim for credit or refund shall support the claim by keeping as a part of his records: (1) the name and address of the ultimate purchaser of the article; (2) the name and address of the dealer from whom the ultimate purchaser purchased the article; (3) the date of the sale of the article to the ultimate purchaser; (4) the invoice number of the sales slip; (5) the serial or identification number of the item sold; and (6) the date and amount of reimbursement to the ultimate purchaser with a receipt or cancelled check.

(c) *Installment sales.* The vendor, either a manufacturer or retailer, shall retain sufficient evidence of reimbursement or the reimbursement obligation.

Retention period: Not specified. 26 CFR 145.2–1, 145.2–2, 145.2–4, 145.2–5

4.88b Manufacturers making tax-free sales of supplies for vessels and aircraft.

To retain in his possession properly executed exemption certificates and supporting invoices, orders, etc., relative to the tax-free sales.

Retention period: Not specified. 26 CFR 145.4–1

4.88c [Deleted]

4.88d Interest equalization tax; acquisitions of foreign stock or debt obligations. [Amended]

(a) *Exclusion of original or new Japanese issues.* A participating custodian will with respect to all debt obligations included in the original or new issue of which such debt obligation is part (and all other debt obligations with an identical description not included in such original or new issue) maintain in the United States separate records, readily available for inspection by authorized officers or employees of the Internal Revenue Service, relating to the authentication, registration, and physical replacement and conversion of all debt obligations. Such records will specifically identify each transaction involving a bond, debenture, or other written evidence of any such debt obligation. 26 CFR 147.4–7

(b) *Exemption for prior American ownership.* A nominee, member or member organization of a national securities exchange or association registered with the Securities and Exchange Commission (acting as a nominee) shall maintain records sufficient to identify the U.S. owner for whom the stock or debt obligations were held and to establish the status of such owner as a U.S. person eligible to execute a certificate of American ownership for purposes of section 4918(a) of the Code. 26 CFR 147.5–1

(c) *Participating firm withholding money.* Keep records showing: (1) the written consent of each seller to such withholding; (2) specific information concerning all sales (involving withholding) made by each seller, including daily entries denoting each amount withheld with respect to each sale; (3) specific information regarding the release of any part of the amount withheld; and (4) any document furnished by a seller to obtain a release of all or part of the amount withheld. 26 CFR 147.5–2(g)

(d) *Election to treat foreign branch office as a foreign corporation or partnership.* Foreign branch office to maintain separate books and records reasonably reflecting the asscts and liabilities properly attributable to such office. 26 CFR 147.7–3, 147.7–6

(e) *Election to treat certain domestic financing companies as foreign issuers or obligors.* The electing corporation shall maintain records relating to the acquisition and sale of debt obligations as are necessary to establish their qualification for the election as well as data to substantiate the information to be furnished with the election notice. 26 CFR 147.7–7

(f) *U.S. persons' acquisitions for own account.* Keep adequate records of acquisitions after July 18, 1963, sufficient to determine tax liability with respect to such acquisitions. Retain written confirmations which accompany any acquisitions. 26 CFR 147.8–4(c)

(g) *Members or member organizations of certain securities exchanges or associations effecting transactions as brokers.* Keep separate files of (1) certificates of American ownership or blanket certificates of American ownership; (2) copies of confirmations; and (3) documents relating to acquisitions. Arrange each file in the same order as the customer accounts and chronologically within each account. 26 CFR 147.8–4(c)

(h) *Domestic financing companies, acquiring or servicing debt obligations.* Maintain records to identify certificates representing its stock and debt obligations. 26 U.S.C. 4920

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 147.8–4(d)

4.89 Manufacturers of smoking opium.

To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Permanent. 26 CFR 150.10

4.90 Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.

To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR 151.27

4.91 Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages.

(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR 151.131

4.92 Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.

To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR 151.162, 151.201

4.93 Registrants authorized to execute and present order forms for narcotic drugs.

(a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms

which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR 151.162, 151.188, 151.201, 151.202

4.94 Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.

To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR 151.162, 151.475

4.95 Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.

To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not less than 2 years. 26 CFR 151.227

4.96 Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.

To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not less than 2 years. 26 CFR 151.243

4.97 Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.

To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Until the information is recorded on Forms 810 and 811. 26 CFR 151.262, 151.263, 151.264, 151.479

4.98 Manufacturers importing opium or medicinal coca leaves.

To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Until the information is recorded on Form 163 and its supplements. 26 CFR 151.287, 151.317

4.99 Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.

To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR 151.375

4.100 Retail dealers and other persons qualified to sell narcotic drugs at retail.

To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR 151.400

4.101 Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).

To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted. Hospitals and institutions registered in Classes III and IV may keep single set of records.

Retention period: Not less than 2 years. 26 CFR 151.412, 151.413, 151.414

4.102 Manufacturers, producers, compounders, and vendors (including dispensing physicians) of pharmaceutical preparations (containing a narcotic drug) classified as Class "X" preparations.

To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of such Class "X" preparations, the entries to be made at the time of delivery. The requirement that such records be maintained as herein provided is absolute, independent and not merely a condition precedent to securing exemption granted under section 4702(a) of the Internal Revenue Code, as amended (§ 151.423), to manufacturers, producers, compounders or vendors (including dispensing physicians), of exempt preparations. Such records shall be kept in such a way as to be readily accessible to inspection by any duly authorized officer or employee of the Treasury Department and the State, territorial, district, municipal or insular officers named in section 4773 of the Code. Separate records shall be kept of disposition to registrants and disposition to consumers. The record of disposition to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation and the date upon which delivery to the registrant, his agent or carrier is made. The record of disposition to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery. Any person required to keep records pursuant to this paragraph and failing to do so is guilty of a violation of law and liable to the penalties provided for violation of the provision of law relating to narcotic drugs.

In the case of manufacturers of or dealers in preparations classified as Class "X" products who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the requirement of this section as to records of dispositions to registrants shall be deemed to be complied with if all such dispositions are evidenced by vouchers or invoices containing all the required information. As to records required in the case of registrants supplying preparations classified as Class "X" products to consumers pursuant to prescriptions issued by registered physicians, the requirement of this paragraph as to records of disposition to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not less than 2 years. 26 CFR 151.424

4.103 Laboratories using narcotics.

To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR 151.441

4.104 Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests.

(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the writen approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 4.103 above with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR 151.443

4.105 Persons required to make statements with respect to narcotics lost or destroyed.

(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotics district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 151.472

4.106 Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.

To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 151.473

4.107 Narcotic registrants disposing of excess of undesired narcotics.

To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor and a copy of Form 142 for narcotics held in class for which returns are not required.

Retention period: 2 years. 26 CFR 151.474

4.108 Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.

To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.26

4.109 Transferors and transferees of marihuana.

(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.69

4.110 Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practitioners dispensing or administering marihuana to patients.

To keep daily records showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.73, 152.74

4.111 Dealers filling marihuana prescriptions.

To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotics Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.84

4.112 Transferors and transferees of unsterilized marihuana seeds or the plant Cannabis sativa L.

To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.88, 152.89, 152.102

4.113 Persons required to render returns with respect to marihuana.

To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.98, 152.102

4.114 Persons registered to obtain marihuana for laboratory use.

To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.100, 152.102

4.115 Persons registered to process the Cannabis sativa L plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.

To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.101, 152.102

4.116 Persons taxable under the Marihuana Tax Act.

To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.102

4.117 Persons required to make statements with respect to marihuana lost or destroyed.

(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 152.127

4.118 Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.

To retain on file with marihuana records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.128

4.119 Marihuana registrants disposing of excess, undesirable, or useless marihuana.

To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.128

4.120–4.122 [Reserved]

4.123 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR App. D 314.62

4.124–4.125 [Reserved]

4.126 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel.

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR App. D 324.42

LIQUORS

4.127 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

4.128 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15

4.129 Persons manufacturing liquor bottles.

To keep records of the receipt, manufacture, and disposition of liquor bottles.

Retention period: 3 years. 26 CFR 173.39 (retention: 173.15)

4.130 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily (or less frequent, interval if authorized) recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; and (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338.

Retention period: Not less than 2 years. (a) 26 CFR 194.231, 194.223, 194.225—194.230, 194.238; (b) 194.231, 194.234—194.238 (retention: 194.242)

4.131 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222, 194.223 (retention: 194.222, 194.242)

4.132 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received, showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all full cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.223, 194.238, 194.239 (retention: 194.242)

4.133 Liquor dealers packaging alcohol for industrial uses. [Amended]

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of quarterly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

4.134 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

4.135 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

4.136 Manufacturers of nonbeverage products claiming drawback.

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

4.137 Proprietors of volatile fruit-flavor concentrate plants.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.116, 198.117, 198.121—198.125 (retention: 198.121)

4.138 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

4.139 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

4.140 Proprietors of distilled spirits plants. [Amended]

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date thereof, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311, 201.312, 201.312c, 201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630, 201.632–201.635 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.632, 201.633, 201.633a (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years from the date thereon, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406–201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616–201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Rectification and bottling on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax liability accounts; tax payment; stamping; operational losses; disaster losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 170.60, 170.61, 170.62, 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.482–201.484, 201.487, 201.490, 201.492, 201.543, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633, 201.633a (retention: 201.612)

(g) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and of restamping operations, and to keep copies of periodic reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625, 201.634 (retention: 201.612)

(h) *Receipt, use, and disposition of liquor bottles.* To keep, as prescribed by regulations, records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

Retention period: Not less than 4 years. 26 CFR 201.630a (retention: 201.612)

4.141 Dealers in and users of completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.125, 211.261, 211.273, 211.274 (retention: 211.273)

4.142 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the production, receipts, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.125, 211.262, 211.273, 211.274 (retention: 211.273)

4.143 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any) and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

4.144 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

4.145 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265–211.267, 211.271–211.274 (retention: 211.273)

4.146 Reprocessors, repackagers, and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

4.147 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272–211.274 (retention: 211.273)

4.148 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

4.149 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110–231.114 (retention: 231.114)

4.150 Persons (other than proprietors of bonded wine cellars) producing wine for family use. [Amended]

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: While the wine produced pursuant thereto remains on hand. 26 CFR 240.542

4.151 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

4.152 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

4.153 Proprietors of bonded wine cellars. [Amended]

(a) Production of wine, nonbeverage wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and

operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit, or juice, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine, nonbeverage wine, and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 26 CFR 170.683, 170.686, 170.690, 240.359a, 240.-362, 240.363, 240.366, 240.367 240.368, 240.375–240.379, 240.382–240.385, 240.402, 240.406, 240.407, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.-527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.-636, 240.837, 240.890, 240.892, 240.900, 240.904, 240.908–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine, wine spirits, nonbeverage wine, and volatile fruit-flavor concentrates on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 170.691, 240.359a, 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine, wine spirits, and nonbeverage wine, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, tax payment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 170.687, 240.359b, 240.590–240.592, 240.600, 240.613–240.615, 240.618–240.620, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722; 240.728, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 170.690, 240.801, 240.921–240.925 (retention: 240.924)

4.154 Brewers.

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; production of wort, wort concentrate, malt sirup, and malt extract for sale or removal; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast and malt; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; removal of wort, wort concentrate, malt sirup, and malt extract; beer consumed at the brewery and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.-157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233, 245.243, 245.245 (retention: 245.232)

4.154a Operators of experimental breweries.

To keep, as required by regulations, records including information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises and the receipt (and disposition, if removed) of all brewing materials.

Retention period: Not specified. 26 CFR 245.256

4.155 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.78–250.81, 250.112 (retention: 250.276)

4.156 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

4.157 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2927, and 2928.

Retention period: Not less than 2 years. 26 CFR 250.93–250.96, 250.112 (retention: 250.276)

4.158 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2929, and 2930.

Retention period: Not less than 2 years. 26 CFR 250.102–250.105, 250.112 (retention: 250.276)

4.159 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487–B and 3039.

Retention period: Not less than 2 years. 26 CFR 250.88, 250.89, 250.116 (retention: 250.276)

4.160 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

4.161 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

4.162 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

4.162a Importers of distilled spirits receiving and storing used liquor bottles pending return to Puerto Rico or the Virgin Islands or exportation.

To keep records of the receipt and disposition of used liquor bottles.

Retention period: Not less than 2 years. 26 CFR 250.319, 251.209 (retention: 250.276, 251.137)

4.163 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

4.164 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

4.165 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code, importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

4.166 Importers of liquors.

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

4.167 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

4.168 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

4.169 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

4.170 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

4.171 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.-150f—252.150h (retention: 252.45)

4.172 [Reserved]

4.173 Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195, 252.195a (retention: 252.45)

4.174 Exporters of wine.

To keep a copy of each Form 1582–A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

4.175 Brewers.

To keep a copy of each Form 1582–B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225–252.227 (retention: 252.45)

4.176 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

Tobacco

4.177 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to engage in another business within the factory, to use alternate means for marking packages of cigars or cigarettes, to repackage cigars or cigarettes, to remove cigars or cigarettes in bond for experimental purposes, to temporarily store cigars or cigarettes outside of factory, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 270 and 295 are concluded. Not specified for authorizations granted under Part 290. 26 CFR 270.45, 270.46, 270.47, 270.212, 270.217, 270.232, 270.251, 270.253, 290.72, 290.73, 290.184, 295.21, 295.22 (retention under Part 270: 270.185)

4.178 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

4.179 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.182, 270.183, 270.184, 270.136, 275.139 (retention: 270.185, 275.22)

4.180 Manufacturers of tobacco products.

To keep a copy of each inventory, Form 3067.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

4.181 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

4.182 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281, 270.282, 270.283, 270.284, 270.286, 270.287 (retention: 270.185)

4.183 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigars, cigarettes, or cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

4.184 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of

cigars and cigarettes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.185 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of cigars and cigarettes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

4.186 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

4.187 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

4.188 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 285 and 295 are concluded. Not specified for authorizations under Part 290. 26 CFR 285.34a, 285.35, 290.73, 295.21, 295.22 (retention under Part 285: 285.31)

4.189 Manufacturers of cigarette papers and tubes.

To keep a copy of each inventory, Form 2132.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

4.190 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

4.191 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

4.192 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171, 285.172, 285.173, 285.174 (retention: 285.175)

4.193 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.194 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

4.195 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of each prepayment return, Form 3073.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.105 (retention: 275.22)

4.196 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep certified copy of notice of release, Form 3072.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.137 (retention: 275.22)

4.197 Puerto Rican manufacturer shipping cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of semimonthly tax return, Form 2988.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.112 (retention: 275.22)

4.198 Importers of cigars, cigarettes, or cigarette papers or tubes.

To keep receipted copy of each return made on customs form.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.81 (retention: 275.22)

4.199 Importers of cigars, cigarettes, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

4.200 Persons filing claims for tax assessed or paid on imported cigars, cigarettes, and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

4.201 Proprietors of bonded internal revenue tobacco export warehouses.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: Not specified. 26 CFR 290.72, 290.73

4.202 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor, and of each Form 2150 covering such articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199, 290.200, 290.201

4.203 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

4.204 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

4.204a Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each claim for remission, Form 2635, and for refund, Form 843.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.152, 290.154

4.205 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.201, 290.257, 290.266, 290.267

FIREARMS

4.206 Persons responsible for returns and payment of tax on sales of pistols and revolvers.

To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with respect to credits, 4 years from the date the credit is taken. 26 CFR (1939) 302.9, 302.12, 302.15

4.207 Persons making exports of pistols and revolvers.

(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR (1939) 302.16, 302.17, 302.18

4.208 Licensed firearms manufacturers, importers, dealers, and collectors. [Amended]

To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all firearms and ammunition produced, imported, received or disposed of in the course of licensed operations, except that no record need be kept of retail sales of shotgun ammunition, ammunition suitable for use only in rifles, or components for such shotgun and rifle ammunition.

Retention period: For ammunition 2 years from date transaction occurs. For firearms—permanent. Upon discontinuance of business, firearms and ammunition records must be delivered to successor, or, if discontinuance of the business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 178.122–178.127, Public Law 91–128 (83 Stat. 269)

4.209 Transferees of firearms. [Revised]

To maintain the application (filed by the transferor and approved by the Director, Alcohol, Tobacco and Firearms Division) for the transfer of a firearm. This includes transfers exempt from, as well as subject to, the transfer tax.

Retention period: Transferee retains approved application for duration of his ownership of the related firearm. 26 CFR 179.98–179.106

4.210 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.150

4.211 [Deleted]

4.212 Registered importers of arms, ammunition, or implements of war, shown on the Import List. [Added]

Importers who are required to register under 26 CFR Part 180 shall maintain records of articles on the U.S. Munitions Import List that are imported, their acquisition and disposition.

Retention period: 6 years. The Director, Alcohol, Tobacco and Firearms Division may prescribe a longer or shorter period in individual cases as he deems necessary. 26 CFR 180.24

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations, Cuban Assets Control Regulations, Foreign Funds Control Regulations, and Rhodesian Sanctions Regulations.

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804, 520.601, 520.804, 530.601, 530.804.

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the assay office at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 Persons delivering silver to a mint or assay office pursuant to the Coinage Act of 1965.

To maintain records of all acquisitions and dispositions of newly-mined domestic silver.

Retention period: 5 years following date of transaction to which they relate. 31 CFR 81.8, 81.10

7. [Reserved]

8. Bureau of the Public Debt

8.1 [Reserved]

8.2 Treasury savings stamp agents selling U.S. savings stamps in schools. [Revised]

To keep records concerning stamps or proceeds of stamp sales lost, stolen, or destroyed in transit, or for other reasons have not been accounted for in full.

Retention period: 1 calendar month after claim is settled. 31 CFR 338.10

XII. DEPARTMENT OF TRANSPORTATION

1. Federal Aviation Administration

1.1 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 21.125

1.2 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 21.303

1.3 Certificated air carrier and commercial operator.

To keep records pertaining to the maintenance, rebuilding, and alteration, of aircraft, airframes, aircraft engines, propellers, appliances, or parts thereof, including: (a) For major repairs, major alterations, and rebuilding—identification of the approved data under which the work was performed, the individual approving the work, and the date of approval; (b) for the last complete overhaul; (c) for all other maintenance, repairs and alterations—a description of the work, the date the work was completed, the person performing the work if performed by a person other than the certificate holder, and the individual approving the work.

Retention period: (a) Until work is repeated, superseded or until the aircraft, etc., is sold or retired; (b) until next complete overhaul; (c) until the earliest of (1) work repeated or super-

seded, (2) the aircraft, etc., on which work was performed is overhauled, (3) 1 year after work performed. Records transferred on sale—all maintenance, rebuilding, and alteration records required to be kept at time product or appliance sold (in plain language unless transferee elects to receive in coded form). 14 CFR 121.380, 121.698, 127.141, 127.308

1.4 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent).

Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Administration or the National Transportation Safety Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain (a) records of total time in service, time since last overhaul, and time since last inspection on major components of airframe, engines, propellers, and where practicable, appliances; (b) an aircraft maintenance log; (c) copies of alteration and repair reports; and (d) copies of airworthiness release forms.

Retention period: Not specified for (a), (b), and (c); 2 months for (d). 14 CFR 121.699, 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.

Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.

Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft.

To maintain at principal business office (a) a current list of aircraft used or available for use and the operations for which each is equipped and (b) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.).

Retention period: 6 months. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft.

To keep separate, current maintenance record for aircraft and each engine, including kind and extent of maintenance and alteration, and date work is done; listing of compliance with mandatory service bulletins, airworthiness directives, and method of compliance; current empty weight, empty center of gravity, and useful load; addition or removal of optional equipment, or of required equipment in exchange for optional equipment; total time in service of aircraft; and total time in service and history of each engine overhauled, repaired or reassembled to standards other than those for rebuilt engines.

Retention period: Not specified, but records must go to next owner. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep (a) maintenance records of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, engines, rotors, and appliances, and (b) a maintenance log for all data specified in (a), except time since last overhaul.

Retention period: Not specified. 14 CFR 127.309, 127.311

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.

Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and airworthiness release forms.

Retention period: At least 60 days. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3

1.17 Pilots.

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements of 14 CFR 61.47, including as to each flight such general data as points of departure and arrival, date, duration, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.39

1.18 Airline transport pilots.

To keep an accurate and legible record of flying time in a bound logbook arranged for easy reference, including specified information on each flight. Pilot must certify solo flying time entries, and his instructor must certify entries on instruction.

Retention period: Not specified. 14 CFR 61.41

1.19 Flight instructors.

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight instruction or whose student pilot certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written or flight test, under this part, the kind of test, and the date of recommendation.

Retention period: 3 years. 14 CFR 61.174

1.20 Flight navigator training course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date record is made. 14 CFR 65.131

1.22 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.21

1.24 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79

1.27 Certificated aviation maintenance technician schools. [Amended]

To keep (a) current record of each student enrolled showing his attendance, tests, and grades received on subjects required, instruction credited by reason of instruction completed at another aviation maintenance technician school (or other specified source), and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student in each subject.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep for each facility the following records on the forms named, or on an equivalent form acceptable to the Regional Director: (a) Record of meter readings and adjustments—Form FAA–198 (1 copy); (b) Radio equipment operation record—Form FAA–418 (original); and (c) VOR check error data, FAA Forms 2396 and 2397 (originals—for VOR facilities only).

Retention period: Permanent for (a); not specified for (b) and (c). 14 CFR 171.13, 171.33, 171.73

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the Appendix cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence supporting each item of project cost, such as invoices, cost estimates and payrolls. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants, and receipts for cash payments

Retention period: 3 years after final grant payment. 14 CFR 151.55

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 121.713

1.36 Commercial agricultural aircraft operators.

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the requirements of 14 CFR 137.19(c).

Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.

Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators.

To keep a record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.

Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers.

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.

Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers, and commercial operators of large aircraft.

To keep, in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of its regulations, the information recorded on cockpit voice recorders.

Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers.

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 121.371

1.42 [Deleted]

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.

Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 127.135

1.45 Air travel clubs using large airplanes.

To maintain (a) current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers as aircraft dispatchers, and (b) an aircraft maintenance log.

Retention period: At least 6 months after termination of employment. 14 CFR 123.27 (retention: 121.683)

1.46 Sponsors of airport development projects. [Added]

To keep records pertaining to the expenditure of the Federal grant, the total project cost, and the amount supplied by other sources.

Retention period: Not specified. Public Law 91-258 (84 Stat. 219)

1.47 Aircraft and related products manufacturers—production under type certificate only. [Added]

To maintain at the place of manufacture the technical data and drawing necessary for the Administrator to determine whether the product and its parts conform to the type design.

Retention period: Not specified. 14 CFR 21.123

1.48 Owners of non-Federal Simplified Directional Facilities (SDF); non-Federal Distance Measuring Equipment (DME) Facilities; and non-Federal VHF Marker Beacon Facilities. [Added]

To maintain: (a) record of meter readings and adjustments (Form FAA-198) reflecting an accurate record of facility operation and adjustment and must be revised after any major repair, modification, or retuning; (b) a facility maintenance log (Form FAA-406(c)), consisting of a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken; (c) a radio equipment operation record (Form FAA-418) containing a complete record of meter readings, recorded on each scheduled visit to the facility.

Retention period: (a) Permanent; (b) and (c) not specified. 14 CFR 171.117, 171.163, 171.213

2. Federal Highway Administration

2.1 State highway departments or their agents.

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations, and (b) toll facilities financed in part with Federal funds.

Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule, and (b) at least 3 years after facility has been operated on a free basis. 23 CFR 1.30

2.2 [Transferred to 7.1]

2.3 Class I and II motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.4 Class III motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.5 Private carriers subject to Part II of the Interstate Commerce Act.

To keep records as listed in the sections cited.

Retention period: Various. 49 CFR 391.10, 394.3, 395.8, 396.2, 396.7

2.6 Motor carriers exempt under section 203(b) of the Interstate Commerce Act.

To keep records as listed in the sections cited.

Retention period: Various. 49 CFR 391.10, 394.3, 394.6, 395.8, 395.9, 396.2, 396.7

2.7 Carriers of migratory workers by motor vehicles.

To keep records as listed in the section cited.

Retention period: Various. 49 CFR 398.3

2.8 [Transferred to 7.2]

2.9 Motor carriers reviewing drivers' records. [Added]

To maintain records of all violations of motor vehicle traffic laws of which the driver has been convicted.

Retention period: Not specified. 49 CFR 391.27

2.10 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons. [Added]

To maintain driver qualification files as listed in the section cited.

Retention period: Varies. 49 CFR 391.51

2.11 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons. [Added]

To maintain an accident register and associated documents as set out in the section cited.

Retention period: 3 years from the date of the occurrence of any accident recorded. 49 CFR 394.3(c)

2.12 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons. [Added]

To maintain drivers' daily logs as set out in the section cited.

Retention period: Approximately 1 year from the date the carrier receives the daily log from the driver. 49 CFR 395.8

2.13 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons. [Added]

To maintain records of inspection and maintenance for each motor vehicle for the period the motor vehicle is controlled by the carrier as set out in the section cited.

Retention period: Varies. 49 CFR 396.2

2.14 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons. [Added]

To maintain daily driver reports on the condition of motor vehicles as set out in the section cited.

Retention period: 3 months from date of the report. 49 CFR 396.7

3. United States Coast Guard

3.1 Certificates or documents issued by Coast Guard.

Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95-1

3.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations

shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10-16, 31.37-75, 71.25-25, 71.47-75, 91.25-25, 91.37-75 (retention: 2.95-5)

3.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.

Retention period: Shall be kept for the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10-18, 78.17-80, 97.-15-60, 196.15-60(b)

3.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37-15, 31.37-20, 71.47-15, 71.47-20, 91.37-15, 91.37-20 (retention: 2.95-5)

3.5 Masters of tank vessels or vessels towing tank barges transporting flammable or combustible cargo.

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01-10 (retention: 2.95-5)

3.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.07-5, 35.07-10, 35.10-5, 78.17-50, 78.37-3, 78.-37-5, 97.15-35, 97.35-3, 97.35-5, 196.15-35

3.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties.

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15-1, 78.07-15, 97.07-15, 136.05-15, 167.65-65, 196.07-15

3.8 Masters or senior deck officer of tank ships in charge of transfer of flammable and combustible cargo.

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35-30

3.9 Fabricators to keep welders' qualification test records and pipe welding process records. [Amended]

To maintain qualification test records with identification data.

Retention period: For period of validity of welder's certificate. 46 CFR 56.01-10, 57.02-3 (retention: 2.95-5)

3.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals." [Amended]

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 99.20-1

3.11 Masters of passenger vessels other than those making foreign or intercoastal voyages.

To have official logbook (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 78.37-3

3.12 Masters of passenger vessels where an official logbook is not required (except ferry vessels).

To keep a record of the correct count of all passengers received and delivered from day to day. This record shall be open to inspection by the Coast Guard at all times.

Retention period: 1 year after date to which the records refer. 46 CFR 78.37-10

3.13 Owners, masters, or persons in charge of vessels required to display plans.

To keep on board for guidance of officer in charge the general arrangement plans of passenger vessels of 1,000 gross tons and over, passenger vessels of any tonnage on an international voyage, cargo barges with sleeping accommodations for more than six persons, self-propelled cargo vessels and manned oceanographic vessels.

Retention period: At all times vessel is in navigation. 46 CFR 78.45-1, 97.36-1, 196.36-1

3.14 Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.

To have official logbook (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 97.35-3

3.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges, magazine vessels, and oceanographic vessels).

To keep records of temperature readings.

Retention period: 1 year for vessels; not specified for oceanographic vessels. 46 CFR 146.02-12, 196.85-1

3.16 Owners of vessels.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02-22

3.17 Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: 1 year. 46 CFR 146.02-22

3.18 Vessel operators.

To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: 1 year. 46 CFR 146.05-12, 146.05-13

3.19 Owners, charterers, agents, or masters of vessels.

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05-12

3.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo. [Amended]

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06-12, 151.45-7

3.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06-12 (retention: 146.02-22)

3.22 Contractors and subcontractors, with vessel repair, alteration, or conversion contracts.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 41 CFR 12B–7.5001–31

3.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160—164.

3.24 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the U.S. Coast Guard. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Commandant. 46 CFR Part 403

3.25 Masters or operators of vessels subject to Oil Pollution Act of 1961, as amended.

To keep on board an Oil Record Book and enter therein a descriptive statement of the circumstances of and reasons for discharge of oil or oily mixtures, the escape of oil or oily mixtures, or the discharge of residue arising from purification or clarification of fuel oil or lubricating oil, and entries regarding various activities which may result in discharging oil or oily mixtures.

Retention period: 2 years from the date of the last entry, or until surrendered to the U.S. Government. 33 CFR 151.35

3.26 Owners, operators, and/or masters of oceanographic vessels.

(a) To keep official logbook, or (b) for vessels not required to have such a logbook, to keep their own logs or records as prescribed by regulations.

Retention period: (a) 1 year or for period of validity of vessel's current certificate of inspection, whichever is longer; (b) 1 year, except for separate records of tests and inspections of firefighting equipment, which shall be maintained for the period of validity of the vessel's certificate of inspection. 46 CFR 196.35–3

3.27 Masters of ships subject to International Convention on Load Lines, 1966.

To enter in the ships logs, before departure from loading port, the data required by section 6 of the load line acts, including statements of load line marks applicable to the voyage, position of load line marks, and actual drafts of the vessel.

Retention period: Until official logbook is surrendered to Coast Guard, or 1 year for ships not required to use official logbook. 46 CFR 42.07–20

3.28 Manufacturers of marine sanitation devices. [Added]

To maintain records required to determine compliance with the act.

Retention period: Not specified. Public Law 91–224 (84 Stat. 102)

3.29 Nonprofit firms or associations designated to certify containers for international transport under Customs seal. [Added]

To maintain copy of each Certificate of Approval by design type issued, together with copy of plans and applications to which approval refers, and records of manufacturer's serial number assigned to containers manufactured under each approval.

Retention period: Not specified. 49 CFR 421.30

4. Federal Railroad Administration

4.1 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

4.2 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

4.3 [Reserved]

4.4 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

4.5 Pipeline companies.

To keep maps and records as indicated in the citation.

Retention period: Various. 49 CFR 195.404, Part 1224

5. National Transportation Safety Board

5.1 Operators of aircraft (involved in an accident or incident).

To preserve to the extent possible all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given to the Board.

Retention period: Until the Board takes custody thereof or a release is granted by an authorized representative of the Board. 14 CFR 430.10

5.2 Operators of aircraft involved in an accident or incident. [Added]

To retain all records and reports, including all internal documents and memoranda dealing with the accident or incident.

Retention period: Until authorized by the Board to the contrary. 14 CFR 430.10

6. Office of the Secretary [Added]

6.1 Welders of steel materials to be used in pipelines.

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used. 49 CFR 192.225(c)

6.2 Operators of natural gas pipelines.

Records must be retained showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected and the disposition of the rejects whenever nondestructive testing is required under § 192.241(b).

Retention period: Life of the pipeline. 49 CFR 192.243(f)

6.3 Operators of natural gas pipelines.

To keep records of safety tests required with names of those involved, methods used, and results of the tests.

Retention period: Duration of pipeline's use. 49 CFR 192.517

6.4 Operators of natural gas pipelines.

To retain records of each segment of pipeline that has been uprated showing each investigation required by the subpart, all work performed and each pressure test conducted in connection with the uprating.

Retention period: Life of the segment of pipeline. 49 CFR 192.553(b)

6.5 Operators of natural gas pipelines.

To keep records necessary to administer the operating and maintenance plan established for each segment of pipeline.

Retention period: Not specified. 49 CFR 192.603(b)

6.6 Operators of natural gas pipelines.

To establish written emergency procedures.

Retention period: Not specified. 49 CFR 192.615

6.7 Operators of natural gas transmission lines.

To keep records governing each leak discovered, repair made, transmission line break, leakage survey, line patrol and inspection.

Retention period: As long as the segment of transmission line involved remains in service. 49 CFR 192.709

6.8 Operators of liquid pipelines.

To retain records of the nondestructive testing of welds, including (if radiography is used) the developed film, with so far as practicable, the location of the weld.

Retention period: 3 years following the placement of the line in operation. 49 CFR 195.234(g)

6.9 Operators of liquid pipelines.

To maintain records showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected; the amount, location, and cover of each size of pipe installed; the location of each crossing of another pipeline; the location of each buried utility crossing; the location of each overhead crossing; the location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Retention period: Life of each facility. 49 CFR 195.266

6.10 Operators of liquid pipelines.

To retain records of each hydrostatic test including the recording gauge charts, deadweight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section must also be included.

Retention period: As long as the facility tested is in use. 49 CFR 195.310

6.11 Operators of liquid gas pipelines.

To maintain maps and records of its pipeline systems including at least the location and identification of all major facilities, all crossings of public roads, railroads, rivers, buried utilities and foreign pipelines, the maximum operating pressure of each pipeline, the diameter, grade, type and nominal wall thickness of all pipe.

Retention period: Not specified. 49 CFR 195.404(a)

6.12 Operators of liquid pipelines.

To maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility.

Retention period: At least 3 years. 49 CFR 195.404(b)

6.13 Operators of liquid pipelines.

To maintain records that indicate the date, location and description of each repair made to its pipeline systems as well as a record of each inspection and test required by the subpart.

Retention period: Useful life of the part of the pipeline system to which the record relates. 49 CFR 195.404(c)

7. National Highway Safety Bureau [Added]

7.1 Manufacturers of motor vehicles and motor vehicle equipment.

To maintain books, records, papers, and documents relating to the safety standards of motor vehicles and motor vehicle equipment.

Retention period: Not specified. 15 U.S.C. 1401(c)

7.2 States participating in the National Highway Safety Program.

To maintain records described in Highway Safety Program Standards 1, 2, 5, 10, and 14.

Retention period: Not specified. 23 CFR 204.4

7.3 Manufacturers and brand name owners of new and retread tires.

To maintain records of the names and addresses of first purchasers.

Retention period: 3 years from date of sale. 49 CFR 574.9

XIIa. APPALACHIAN REGIONAL COMMISSION

1.1 Recipients of grants.

To maintain accurate and complete records of transactions and activities financed with Federal funds under section 302 of the Appalachian Regional Development Act of 1965, as amended.

Retention period: Not specified. 40 App., U.S.C. 302(c)(2)

The Commission requires, as a condition in all grants and contracts under this section, that records be retained, usually for 3 years following last disbursement.

XIII. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors.

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 41 CFR 9–1.5203

Cost-type contractors and subcontractors are also required to retain records in accordance with the provisions of their contracts or subcontracts. AEC Manual Chapter Appendix 0230 contains established retention periods for more than 900 record items of cost-type contractors and subcontractors. 41 CFR 9–7.5006–1

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material. [Amended]

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History"; (b) showing individual exposure to radiation and to radioactive material pursuant to 10 CFR 20.401(a) and records of bio-assays, including results of whole body counting examinations under 10 CFR 20.108; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 20.102, 20.401

1.3 Holders of access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Not specified. 10 CFR 25.23, 95.34

1.4 [Reserved]

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys required under 10 CFR 34.43.

Retention period: Not specified. (a) 10 CFR 34.24; (b) 10 CFR 34.25; (c) 10 CFR 34.26; (d) 10 CFR 34.27; (e) 10 CFR 34.33; (f) 10 CFR 34.43

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Not specified. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits. [Amended]

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission and (b) records sufficient to furnish evidence of activities affecting quality.

Retention period: Not specified. (a) 10 CFR 50.71; (b) 10 CFR Part 50, App. B, sec. XVII

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material.

To keep (a) such records of receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, and transfer of special nuclear material.

Retention period: Not specified. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Not specified. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Not specified. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors.

To keep directly pertinent books, documents, papers, and records.

Retention period: The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records, provided that earlier disposal of contractor and subcontractor records is possible in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office. 41 CFR 9-7.5004-10. 42 U.S.C. 2206

1.13 Licensees packaging radioactive material for transport.

To keep records of each shipment of fissile material and of a large quantity of licensed material in a single package.

Retention period: 2 years after its generation. 10 CFR 71.62

1.14 Contractors whose contract contains the safety, health, and fire protection clause prescribed in 41 CFR 9-7.-5006-47.

To maintain individual occupational radiation exposure records generated in performance of contract work.

Retention period: Until disposal is specifically authorized by the Commission; or at the option of the contractor delivered to the Commission upon completion or termination of the contract. 41 CFR 9-7.5006-60

1.15 Licensees transporting special nuclear materials. [Amended]

To maintain records of name and dresses of all authorized personnel, results of tests and inspections of security containers and protected areas, shipments of special nuclear material and information to comply with requirements of this part and sec. 73.31, and procedures for controlling access to protected areas.

Retention period: Not specified. 10 CFR 73.41

1.16 Licensees manufacturing, distributing, or transferring exempt quantities of byproduct material. [Added]

To maintain records of name and address of each person to whom material is transferred, and kinds and quantity of byproduct material transferred.

Retention period: Not specified. 10 CFR 32.20

XIV. CIVIL AERONAUTICS BOARD

1.1 Certificated route and supplemental air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 249.8, 249.13)

(b) To keep general books of account and supporting books, records, and memorandums including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memorandums, etc.

Retention period: Various. 14 CFR 241.1-5 (retention: 249.8, 249.13)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.8, 249.13)

(d) To maintain a record of the names and addresses of all passengers transported on each pro rata charter trip operated in interstate or overseas air transportation.

Retention period: 6 months. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

(f) To preserve all passenger manifests, including those filed by charterers (supplemental air carriers only).

Retention period: 6 months. 14 CFR 208.34 (retention: 249.8)

1.2 Certificated route local service air carriers; certificated route air carriers furnishing transportation within Hawaii or Alaska; certificated route helicopter air carriers; and one certificated trunkline route air carrier receiving subsidy for services over part of its routes.

To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.3 U.S. air carriers authorized to perform transatlantic charter flights.

To preserve the "Statement of Supporting Information" with respect to each charter contract and proof of commissions paid to travel agents.

Retention period: 2 years. 14 CFR 295.5 (retention: 249.8)

1.4 Foreign route air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years. 14 CFR 221.170, 221.171 (retention: 249.12)

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.12)

(c) To preserve a copy of each contract covering on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(d) To keep available for inspection at a place in the United States true copies of all manifests, air waybills invoices, and other traffic documents covering off-route charter flights performed under a "Statement of Authorization."

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(e) To maintain a record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States.

Retention period: 6 months. 14 CFR 212.7 (retention: 249.12)

1.5 [Reserved]

1.6 Holders of permits to operate foreign aircraft in the United States.

(a) To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

(b) To keep lists of names and addresses of all passengers on charter flights originating or terminating in the United States.

Retention period: (a) 1 year; (b) 6 months. 14 CFR 249.11, 375.43

1.6a Foreign air carriers authorized to perform charter flights only.

(a) To maintain at its principal or general office (1) every charter contract and proof of commissions paid to any travel agents; (2) all passenger manifests, including those filed by charterers.

Retention period: (1) 2 years; (2) 6 months. 14 CFR 214.6

(b) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years. 14 CFR 221.170, 221.171 (retention: 214.6)

(c) To maintain records of all passes issued (and/or regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 214.6)

1.7 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 249.27)

(b) To keep other records as listed in the section cited.

Retention period: Various. 14 CFR 249.27

1.8 Air carriers (domestic and foreign).

To maintain evidence of compliance with regulations imposed under Regulation Z of the Board of Governors of the Federal Reserve System, implementing the provisions of the Truth in Lending Act and the Consumer Credit Protection Act.

Retention period: 2 years. 14 CFR 249.31

XIVa. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 National Industries.

To maintain a record of all qualifying agencies for the blind and such necessary data as will enable it to equitably allocate orders among such agencies for the blind.

Retention period: Not specified. 41 CFR 51-1.4

1.2 Agencies for the blind (employing blind to extent of 75 percent of hours of employment of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.

To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 51-1.1).

Retention period: Not specified. 41 CFR 51-1.9

XIVb. ENVIRONMENTAL PROTECTION AGENCY [Added]

1. Water Quality Office

1.1 State, municipality, interstate, or intermunicipality agencies receiving Federal grants for the construction of treatment works under the Federal Water Pollution Control Act, as amended.

To maintain (a) records reflecting the receipt and expenditure of funds and (b) payroll records and kickback statements of laborers and mechanics working at the site.

Retention period: 3 years after date of final settlement. 18 CFR 601.26, 601.27

1.2 State, municipality, interstate, or intermunicipality agencies receiving Federal grants for demonstration projects for control of discharges from stormwater or combined sewerage systems.

To maintain (a) accounting and fiscal records reflecting amount, receipt, and disposition of grant assistance, total cost of project, amount and identification of that portion of the cost of the project supplied from other sources, and (b) payroll records and kickback statements of laborers and mechanics working at the site.

Retention period: Not specified. 18 CFR 601.65

1.3 Institutions, organizations, and individuals receiving grants and contracts for basic research or applied research development and demonstration projects, and grants for training projects.

To maintain progress, accounting, and fiscal records relating to the conduct of approved projects and use of grant and contract funds.

Retention period: 3 years after date of final settlement. 18 CFR 601.84

1.4 State and interstate agencies receiving Federal grants for assistance in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

To maintain (a) records reflecting the receipt and expenditure of funds, (b) payroll records, and (c) progress records.

Retention period: Not specified. 18 CFR 601.7

1.5 State, interstate, and local agencies receiving Federal grants for planning.

To maintain (a) records reflecting the receipt and expenditure of funds, (b) payroll records, and (c) progress records.

Retention period: Not specified. 18 CFR 601.7

1.6 Contractors with WQO facilities construction, maintenance, and repair contracts.

To maintain separate accounting and fiscal records to reflect the receipt and expenditure of contract funds for the purpose of the project.

Retention period: 3 years after date of final settlement or such time periods for the particular records specified in 41 CFR 1-20, whichever expires earlier. 41 CFR 1-3.814-2, 1-7.602-5

XV. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1.1 Employers subject to title VII of the Civil Rights Act. [Amended]

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. Whenever a charge of discrimination has been filed, or an action brought by the Attorney General—until final disposition of the charge or action. 29 CFR 1602.14

1.2 Employers, labor organizations, and joint labor-management committees controlling apprenticeship programs. [Amended]

(a) To maintain a list in chronological order of names and addresses, sex, and minority group identification of all applicants in the apprenticeship program, and any other records relating to applicants for apprenticeship, such as completed test papers, and records of interviews.

(b) To maintain any other records made solely for completing Report EEO-2, or similar reports.

Retention period: (a) 2 years or period of successful applicant's apprenticeship, whichever is later; (b) 1 year from the due date of the report. Whenever a charge of discrimination has been filed, or an action brought by the Attorney General—until final disposition of the charge or action. 29 CFR 1602.20, 1602.21

1.3 Local unions. [Amended]

To maintain prescribed records concerning local union practices; and "referral unions" to maintain membership, referral, and applicant records by sex and minority group identification.

Retention period: 1 year except for other membership or referral records required of "referral unions" which are to be retained for a period of 6 months. Whenever a charge of discrimination has been filed, or an action brought by the

Attorney General—until final disposition of the charge or action. 29 CFR 1602.22, 1602.28

XVI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations.

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedure, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.63, 73.255, 73.555, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep (in the case of standard, FM, noncommercial educational FM, and television broadcast stations) program, operating and maintenance logs: and (in the case of international radio stations) program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of experimental and developmental, auxiliary, and special broadcast services, including experimental television broadcast, experimental facsimile broadcast, developmental, remote pickup, aural broadcast STL and intercity relay, television pickup, television STL, television intercity relay, television broadcast translator, television broadcast booster, instructional television fixed, and community antenna relay stations.

(a) To keep adequate records of operation.

(b) To keep operating logs.

Retention period: (a) 2 years; (b) 2 years; for licensees of instructional television fixed stations, or of community antenna relay stations, not less than 2 years, with Commission reserving the right to order, in individual cases, retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint to which information contained in the log may be pertinent, the log shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1081

1.6 Licensees of low power broadcast auxiliary stations.

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: 2 years. 47 CFR 74.437

1.7 Licensees of experimental stations.

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165, 17.49

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services.

To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime service including public and limited coast stations, marine-utility stations, marine-fixed stations, marine-receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including developmental stations and coast and fixed stations in Alaska). [Amended]

To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.115, 81.193, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.536, 85.109, 85.115

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine-fixed stations.

To keep records which reflect the cost of the service and its nonprofit, cost-sharing, cooperative arrangement or basis on which radio communication service is rendered and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radiotelegraph, radiotelephone, and radar stations on shipboard in the maritime services including public and limited ship stations, marine utility ship stations, ship-radar stations, and developmental stations, including such stations in Alaska. [Amended]

To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (d) a permanent installation and maintenance record is required to be kept at the station by the station licensee of each ship radar station. 47 CFR 83.111, 83.115, 83.184, 83.330, 83.368, 83.405, 83.456, 83.473, 83.548, 85.110, 85.115

1.14 Stations licensed in the aviation services.

All stations at fixed locations, except radionavigation land test stations (MTF), to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) that logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 87.99, 87.101, 87.103, 87.117

1.15 Public service aircraft. [Amended]

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.115, 87.117

1.16 Licensees of public safety and industrial radio services stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information of person or persons responsible for the foregoing; base and fixed stations (except such stations in the public safety services authorized to be operated at temporary locations or for unattended operation and except such stations in the industrial radio service authorized to be operated at temporary locations)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the industrial radio services; excepting base stations authorized to operate at temporary locations—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication, and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160

1.17 Licensees of public safety and industrial radio stations, land transportation radio stations, and citizens radio stations sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: The copy of the cooperative agreement shall be kept during the life of the agreement and 1 year thereafter, and the cost sharing records shall be retained for 1 year. 47 CFR 89.13, 89.14, 89.179, 91.8, 91.9, 91.160, 93.3, 93.4, 93.160, 95.87, 95.103

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, motor carrier, railroad, taxicab, and automobile emergency radio services.

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.160, 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.251, 93.351, 93.401, 93.501

1.19 Licensees of amateur radio stations.

To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided,* That, in the case of stations in the Radio Amateur Civil Emergency Service, those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 97.103, 97.105, 97.209

1.20 Radio officers of amateur civil emergency services.

To keep records of secret, tactical, or abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 97.211, 97.213

1.21 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with the requirements of 47 CFR Part 15, Subpart C.

Retention period: 5 years. 47 CFR 15.69

1.22 Licensees in land transportation radio services.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information of the person or persons responsible for the foregoing; base and fixed stations (except for such stations authorized for unattended operation)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty (except in the Railroad Radio Service); for base stations at which operators are required—identification of other base or fixed stations with which they communicate, and date, time, and nature of such communications (except in the Railroad Radio Service); and stations whose antenna structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 93.160

1.23 Licensees of citizens radio service stations.

To keep records as follows: for each station operated as a mobile station, the current authorization; for stations where the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; and for stations whose antenna structure is required to be illuminated, a record of illumination.

Retention period: 1 year. 47 CFR 17.49, 95.89, 95.101, 95.103, 95.111

1.24 Disaster communications service radio stations.

To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 99.25

1.25 Disaster communications service radio stations.

To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval

for such destruction shall have been received from the Commission. 47 CFR 99.27

1.26 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations as follows: For each station—results and dates of transmitter measurements, details of servicing and maintenance of transmitters which may affect proper station operation, and time and nature of failure or erratic operation of transmitter or automatic alarm facilities; for stations having obstruction lighted antenna structure—time of daily lighting and check of proper operation, details of obstruction light failure (if any) and repair details, and results of 3-month periodic inspection (including date, condition of obstruction painting, lighting devices, indicators, and alarms, and details of adjustments, replacements, and repairs), and date and time of notice to the Federal Aviation Agency regarding failure of obstruction lighting and any resumption thereof; for stations required to maintain one or more control points—time and signature of person operating transmitting equipment each day, including class, serial number and expiration date of license if operator is required to be licensed, and identity of station or point to which transmission is made.

Retention period: 1 year: *Provided:* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to, or involved in, any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 21.208

1.27 Communication common carriers, including Communications Satellite Corporation and certain contractors.

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the requirements and for the periods of time designated in the codified regulations. 47 CFR 25.177, 42.9

1.28 Owners or operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 Owners or operators of ultrasonic equipment, industrial heating equipment, medical diathermy equipment, RF stabilized arc welders.

To keep a copy of certificate of compliance at the equipment site.

Retention period: For life of equipment. 47 CFR 18.80, 18.117, 18.141, 18.142, 18.183

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations. [Revised]

To maintain applications for construction permits, employment records, and such other records as may be required by section cited.

Retention period: Applicant for construction permit—while application is pending before the Commission; licensees and permittees—7 years from date of tendering for filing, except engineering material pertaining to former modes of operation—3 years, or whatever longer period is necessary to comply with requirements of section cited. 47 CFR 1.526

1.31 Licensees of standard, FM, and international radio, and television broadcast stations.

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, association, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station.

Retention period: 2 years. 47 CFR 73.119, 73.289, 73.654, 73.789

1.32 Licensees of community antenna relay (CAR) stations.

To keep records showing cost of the service and its nonprofit, cost-sharing nature when CAR licensees supply television program material to CATV systems, other than CATV systems owned or operated by the CAR licensee.

Retention period: Not specified. 47 CFR 74.1030

1.33 Licensees of operational stations in the aviation services sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost sharing nature of that sharing and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.117, 87.467

1.34 Community Antenna Television Systems (CATV) Operating Cablecasting Facilities.

To keep complete records of all requests for cablecasting time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 74.1113(c)

1.35 Licensees of FM broadcast translator stations and FM broadcast booster stations. [Added]

To maintain station records of current instrument of authorization, official correspondence, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents.

Retention period: 2 years. 47 CFR 74.1281

1.36 Licensees of plurality ship stations. [Added]

To keep a current list, available for inspection, of all vessel names and registration numbers authorized by the plurality ship station license.

Retention period: Not specified. 47 CFR 83.39

1.37 Licensees of ship staitons authorized to transmit on frequencies in the band 400–535. [Added]

To maintain and post a written record of adjustments of transmitting and receiving equipment for operation on frequencies 410 and 500 kc/s and two working frequencies.

Retention period: Not specified. 47 CFR 83.331

1.38 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention. [Added]

To keep a record on board the ship of the direction finder calibrations, and check bearings made of their accuracy.

Retention period: 1 year. 47 CFR 83.459, 83.462

1.39 Common carrier licensees or permittees employment records. [Added]

To maintain a copy of all employment reports, exhibits, letters, documents and correspondence between Commission and licensee or permittee pertaining to reports after they are filed and all documents incorporated therein by reference.

Retention period: 2 years. 47 CFR 21.307, 23.49

XVII. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: No insured bank shall be required to retain such records for such purpose for a period in excess of 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1 12 CFR 304.3

XVIII. FEDERAL HOME LOAN BANK BOARD

1. Federal Savings and Loan System

1.1 Federal savings and loan associations.

To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.15, 545.20

1.2 Federal savings and loan associations.

To maintain a detailed record of the transactions made at each mobile facility operated by the association.

Retention period: Not specified. 12 CFR 545.14–4

1.3 Federal savings and loan associations.

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14–3

1.4 Federal savings and loan associations.

To keep records for each real estate loan, the security for which includes one or more dwelling units.

Retention period: Not specified. 12 CFR 545.6–1

1.5 Federal savings and loan associations.

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6–11

1.6 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.7 Federal savings and loan associations.

To keep signed statements of intention to make regular monthly payments of a specified amount to bonus accounts.

Retention period: Not specified. 12 CFR 545.2–2

1.8 [Deleted]

2. Federal Savings and Loan Insurance Corporation

2.1 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, to establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17–1

2.2 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item.

Retention period: Not specified. 12 CFR 563.17–2

2.3 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep signed appraisals of real estate loans located more than fifty miles from institution's principal office.

Retention period: Not specified. 12 CFR 563.10

2.4 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution by any one borrower exceeds $100,000.

Retention period: Not specified. 12 CFR 563.9–3

2.5 [Deleted]

2.6 Institutions insured by the Federal Savings and Loan Insurance Corporation.

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

Retention period: Not specified. 12 CFR 563.25

2.7 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To include in its account records evidence of any relationship pursuant to which the funds in an account are invested, such as trustee, agent, custodian or executor, which may provide a basis for additional insurance, together with any details concerning the relationship and the interests of other parties in the account, unless such details are ascertainable from the records of the accountholder maintained in good faith and in the regular course of business.

In connection with a trust account, to include in its account records the name of both the settlor (grantor) and the trustee of the trust and to keep an account signature card executed by the trustee.

In connection with joint accounts, to keep an account signature card personally executed by each co-owner.

Retention period: Not specified. 12 CFR 564.2, 564.9

2.8 Institutions insured by the Federal Savings and Loan Insurance Corporation.

In connection with the sale of real estate owned by an insured institution, to maintain records of the book value of such real estate at the time of sale and the price at which it was sold.

Retention period: Not specified. 12 CFR 563.23–1

2.9 Savings and loan holding companies.

To maintain such books and records as may be prescribed by the Federal Savings and Loan Insurance Corporation.

Retention period: Not specified. 12 CFR 584.1

2.10 [Deleted]

2.11 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Added]

To maintain such books and records as will support its financial statements and reports to the Corporation.

Retention period: Not specified. 12 CFR 563.23–3

3. Federal Home Loan Bank System

3.1 Federal Home Loan Bank Members.

To maintain such records as may be required to certify compliance with liquidity requirements.

Retention period: Not specified. 12 CFR 523.13

XIX. FEDERAL MARITIME COMMISSION

1.1 Independent ocean freight forwarders.

(a) To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

(b) To keep in its files a true copy, or if oral, a true and complete memorandum of every special arrangement or contract with its principal, or modification or cancellation.

Retention period: Not specified. 46 CFR 510.25

1.2 Carriers and conferences of carriers.

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

XX. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

Preservation of records.

Retention period: Specified at 18 CFR 125.1–125.3

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

1.2 Natural gas companies.

Preservation of records.

Retention period: Specified at 18 CFR 225.1–225.3

See also Regulations to Govern the Preservation of Records of Natural Gas Companies, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

XXa. FEDERAL RESERVE SYSTEM

1.1 Persons extending credit for purpose of purchasing or carrying margin securities.

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 207.3

1.2 Persons extending credit for purpose of purchasing or carrying margin securities.

To maintain statements obtained in conformity with requirements of Federal Reserve Form G–3 in connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any margin security.

Retention period: 3 years after the credit is extinguished. 12 CFR 207.1

1.3 Banks extending credit for purpose of purchasing or carrying margin stocks.

To maintain statements obtained in conformity with requirements of Federal Reserve Form U–1 in connection with any credit secured directly or indirectly, in whole or in part, by any stock.

Retention period: 3 years after the credit is extinguished. 12 CFR 221.3

1.4 Brokers and dealers extending credit.

To maintain statements obtained in conformity with requirement of Federal Reserve Form T–4 for every extension of credit on a margin security (other than an exempted security) not for the purpose of purchasing or carrying or trading in securities.

Retention period: 3 years after the credit is extinguished. 12 CFR 220.7

1.5 Creditors making disclosures under the Truth in Lending Act.

To maintain evidence of compliance with Federal Reserve Regulation Z.

Retention period: 2 years after date of each disclosure. 12 CFR 226.6

XXI. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase; if exemption on basis of cost claimed, records of cost required.

Retention period: 3 years. 16 CFR 301.39, 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

1.8 Importers of flammable textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(c)

1.9 Persons selling flammable fabrics or using such fabrics in interlinings or other exempted unexposed parts of wearing apparel.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(a)

1.10 Persons selling flammable fabrics or using such fabrics in hats, gloves, and footwear.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(b)

1.11 Persons shipping flammable fabrics or articles of wearing apparel for processing.

To maintain records which establish that the flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(b)

XXII. GENERAL ACCOUNTING OFFICE

1.1 Contractor using Government bill of lading as shipper. [Amended]

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specified period. When the shipment is made under a Government contract not having a records retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.18

1.2 Contractors having Government contracts negotiated without advertising.

To keep records pertaining to the contracted project. This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 10 U.S.C. 2313(c) or 41 U.S.C. 254(c). Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under the Peace Corps Act, 75 Stat. 612, 22 U.S.C. 2501 et seq., as implemented by Executive Order 11041, August 6, 1962, as amended by Executive Order 11250, October 10, 1965.

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952

1.3 Contractors and subcontractors having Government contracts or subcontracts under Public Law 85–804, relating to national defense. [Revised]

To keep pertinent books, documents, papers, and records related to contracts and subcontracts, and amendments or modifications thereof, entered into without regard to other provisions of law governing contracts in order to facilitate the national defense under Public Law 85–804, August 28, 1958, as amended (50 U.S.C. 1431–1436) as implemented by Executive Order No. 10789, November 14, 1958, as amended (50 U.S.C. 1431 note). This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 50 U.S.C. 1433(b).

Retention period: 3 years after final payment under contract. 50 U.S.C. 1433(b)

XXIII. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract or subcontract and to justify the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101–125) and 18 U.S.C. 443 (excluded from this provision are contractor or subcontractor records title to which is transferred to a Federal agency; war contractor or subcontractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (44 U.S.C. ch. 33), and war contractor or subcontractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or subcontractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract or subcontract, whichever applicable period is longer. 41 CFR 101–13.3

1.2 Recipients of Federal grants or allocations for collecting and publishing historical documents.

To keep such records as the Administrator of General Services shall prescribe, including records which fully disclose the amount and disposition of such funds, the total cost of the undertaking, the portion of the cost supplied by other sources, and such other records as will facilitate an effective audit.

Retention period: Not specified. 44 U.S.C. 2506

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 254(c).

To maintain books, documents, papers, and records involving transactions relating to the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2 (e), 1–7.101–10, 1–7.602–7

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: 1 year after award of the contract or subcontract. 41 CFR 1–1.710–3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: 1 year after award of the contract or subcontract. 41 CFR 1–1.805–3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause.

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract. 41 CFR 1–7.101–5

1.7 Contractors with fixed-price contracts in excess of $2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor, but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated there-

under, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.706

1.10 Contractors and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431–1435).

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment. 41 CFR 1–17.206(e)

1.11 Contractors and subcontractors under contracts and amendments or modifications of contracts made prior to July 1, 1958, when such contracts and amendments or modifications were issued under title II of the First War Powers Act, 1941 (55 Stat. 838), as amended.

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: Not specified. Public Law 81–921 (64 Stat. 1257)

1.12 Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681–689).

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101–15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program 41 CFR 101–15.109

1.13 Contractors and subcontractors required to submit cost and pricing data in conjunction with certain firm fixed-price or fixed-price with escalation negotiated contracts in excess of $100,000 or in conjunction with certain contract modifications in excess of $100,000.

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used therein, which were available to the contractor or subcontractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2 (a) and (b), 1–7.101–30, 1–7.602–5

1.14 Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts in excess of $100,000.

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier; (2) if contract or subcontract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract, litigation or the settlement of claims arising out of performance of the contract or subcontract, or costs and expenses of the contract or subcontract as to which exception has been taken by the contracting officer, shall be retained until disposition has been made of such appeals, litigation, claims, or exceptions. 41 CFR 1–3.814–2(c), 1–7.101–30, 1–7.602–5

XXIV. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.2 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.3 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

1.4 [Reserved]

1.5 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

1.6 Pipeline companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1224

1.7 Persons furnishing cars to railroads.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1225

1.8 Rate-making organizations.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1253

1.9 Motor carriers and brokers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

1.10 Water carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1227

1.11 Freight forwarders.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1228

XXV. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with negotiated fixed-price supply contracts and purchase orders or fixed-price research and development contracts, in excess of $2,500.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract. 41 CFR 18–7.104–15; 18–7.302–6

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price supply contracts and purchase orders or fixed-price prime research and development contracts, in excess of $2,500.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18–7.104–15; 18–7.302–6

1.3 Contractors with cost reimbursement type contract, including facilities contracts.

To maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed.

Retention period: 3 years after date of final payment or until settlement of litigation, whichever is longer. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.4 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of final payment or until settlement of litigation, whichever is longer. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.5 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.6 Contractors with fixed-price contracts in excess of $2,500 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.7 Contractors with fixed-price construction contracts amounting to more than $10,000.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.8 Subcontractors with fixed-price subcontracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.706

1.9 Contractors with construction and facilities contracts in excess of $2,000 (for work within the United States).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 41 CFR 18–12.403–1(d); 18–7.705–5

1.10 Industrial contractors having Government furnished property.

To maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Contractors" (Appendix B, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.702; 18–13.703

1.11 Contractors furnishing special tooling under fixed-price contracts.

To maintain property control records on all special tooling which they furnish.

Retention period: Not specified. 41 CFR 18–13.704

1.12 Nonprofit contractors having Government furnished property under research and development contracts.

To maintain records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.706, 18–13.707

1.13 All contractors and subcontractors other than those having firm fixed-price contracts. [Amended]

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.

Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18–7.104–42; 18–7.203–29; 18–7.303–29; 18–7.350–18; 18–7.402–30; 18–7.451–30; 18–7.702–48; 18–7.703–41; 18–7.704–33

1.14 Contractors with facilities contracts providing for the use of facilities.

To maintain adequate property control procedures and records and a system of identification of the facilities.

Retention period: Not specified. 41 CFR 18–7.702–17; 18–7.704–11

1.15 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.

Retention period: Not specified. 41 CFR 18–1.707–3(b)

1.16 Contractors with contracts containing an inspection clause.

To keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 18–7.103–5; 18–7.203–5; 18–7.302–4; 18–7.402–5; 18–7.451–5; 18–7.702–6; 18–7.703–6; 18–7.704–8

1.17 Contractors with contracts containing the "Data Requirements" clause.

To maintain the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–9.202–1(e)

1.18 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.104–35

1.19 Contractors and subcontractors required to furnish cost and pricing data certificates.

To maintain books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

Retention period: 3 years after final payment. 41 CFR 18–3.807–4

1.20 Contractors with fixed-price type letter contracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the work terminated (may be kept in microfilm or other photographic form to the

extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701–1

1.21 Contractors subject to the Work Hours Act of 1962.

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.

Retention period: 3 years. 41 CFR 18–12.303–1, 18–12.403–1

XXVa. NATIONAL CREDIT UNION ADMINISTRATION [Added]

1.1 Federal Credit Unions.

To keep accounting records as prescribed in section cited.

Retention period: Not specified.[19] 12 CFR 701.14

1.2 Custodians of records of Federal Credit Unions voluntarily liquidated.

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 12 CFR 710.11, 710.13

XXVI. NATIONAL SCIENCE FOUNDATION

1.1 Persons or organizations engaging in weather modification activities.

Requested to maintain records, including logs, of ground and airborne or mobile weather modification activities.

Retention period: Not less than 5 years after date of entry. 45 CFR 635.5

XXVIa. OFFICE OF ECONOMIC OPPORTUNITY

1.1 Community action agencies receiving financial assistance under title II of the Economic Opportunity Act.

To keep a copy of each Administrative Cost Report, its supporting work sheets and a written explanation to explain the basis for classifying and allocating personnel costs, as part of their financial records.

Retention period: Not specified. 45 CFR 1068.3–8

XXVII. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 133.32

XXVIII. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 5 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c)(1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXIX. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers. [Amended]

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances and records of the computation of aggregate indebtedness and net capital; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention period: 6 years and 3 years as specified in the sections cited. Records may be microfilmed immediately. 17 CFR 240.17a–3, 240.17a–4, 240.15b10–6

1.2 Exchange members, brokers, and dealers. [Amended]

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Records may be microfilmed immediately. 17 CFR 240.17a–4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a–6. 17 CFR 240.17a–6, 240.24b–3

1.4 Mutual and subsidiary service companies in registered public utility holding company systems.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: On August 12, 1966, the Commission adopted its "Regulation To Govern the Preservation and Destruction of Records of Mutual and Subsidiary Service Companies," which prescribes specific retention periods and microphotographing privileges with respect to all such books of account and other records of mutual and subsidiary service companies. 17 CFR 256.01–8 and Part 256a

1.5 Registered public utility holding companies which are not also operating companies.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: On November 24, 1959, the Commission adopted its "Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which Are Subject to the Uniform System of Accounts for Public Utility Holding Companies under the Public Utility Holding Company Act of 1935," which prescribes specific retention periods and microfilming privileges with respect to all such books of account and other records of registered holding companies. 17 CFR 257.0–3 and Appendix to Part 257

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies.

To keep such accounts, books, and other documents relating to its business which constitute the record forming the basis for financial statements required to be filed pursuant to Section 30 of the Investment Company Act of 1940, and

[19] See Accounting Manual for Federal Credit Unions (FCU–544).

of the auditor's certificate relating thereto. For registered investment companies, these records include journals (or other records of original entry) containing an itemized daily record in detail of all securities transactions (including those in its own securities); general and auxiliary ledgers (or other records) reflecting asset, liability, reserve, capital, income and expense accounts; separate ledger accounts (or other records) for each portfolio security, for each broker-dealer or other person with or through which portfolio securities transactions are effected, and for each shareholder of record; a securities record or ledger; corporate charters, certificates of incorporation or trust agreements, bylaws, and minute books; records of brokerage orders; records showing the bases for the allocation of orders for the purchase and sale of portfolio securities to named brokers or dealers and the division of brokerage commissions or other compensation on such purchase and sale orders, including the consideration given to enumerated factors; records identifying the persons authorizing the purchase or sale of portfolio securities; and all vouchers, memoranda, correspondence, and other documents.

Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934.

Every investment adviser which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940.

Retention period: Registered investment companies: journals, ledgers, corporate charters, certificates of incorporation, trust agreements, by-laws, and minute books—permanently; other records—6 years. Underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 17 of the Securities Exchange Act of 1934. Investment adviser which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 204 of the Investment Advisers Act of 1940. Notwithstanding the above, records may be destroyed pursuant to a plan approved by the Securities and Exchange Commission pursuant to Rule 31a–2. Microfilming permitted after 3 years. 17 CFR 270.31a–1, 270.31a–2

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company.

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 17 of the Securities Exchange Act of 1934, 17 CFR 240.17a–3, 240.17a–4 (digested in par. 1.1 of this chapter). 17 CFR 270.31a–1. 270.31a–2

1.8 Investment adviser not a majority-owned subsidiary of a registered investment company.

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 204 of the Investment Advisers Act of 1940, 17 CFR 275.204–2 (digested in par. 1.10 of this chapter). 17 CFR 270.31a–1, 270.31a–2

1.9 Records prepared or maintained by others than person required to maintain and preserve them.

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a–3 for requirements as to such written agreements.

Retention period: See Rule 31a–2 for periods of preservation of records. 17 CFR 270.31a–3 (retention: 270.31a–2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940).

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. 17 CFR 275.204–2

1.11 Nonmember brokers and dealers.

To maintain current records for each customer as specified in the section cited.

Retention period: 6 years. 17 CFR 240.15b10–6

XXX. SMALL BUSINESS ADMINISTRATION

1.1 Corporations licensed under the Small Business Investment Act.

To maintain current financial records; minutes of meetings of stockholders, directors, executive officials, and other officers; records of time spent and charges made for management consulting services performed; and files of other documents pertinent to all transactions.

Retention period: 6 years. 13 CFR 107.1102

XXXI. VETERANS ADMINISTRATION

1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States.

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8–11.250–2

1.2 Medical schools, hospitals, and research centers receiving grants under the Veterans Hospitalization and Medical Services Modernization Amendments of 1966.

To keep records of amount and disposition of grant, total cost of project and amount of cost of project received from other sources.

Retention period: Not specified. 38 CFR 17.266

1.3–1.6 [Reserved]

1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.8 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for

unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran or an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

1.12 State approving agencies, institutions, and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial records to support payment for each trainee, and attendance and progress records and number of inspection, approval and supervisory visits and itemized vouchers for payment, including salary and travel.

Retention period: 3 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8–95.209

1.13 Training establishments furnishing training-on-the-job courses (other than a program of apprenticeship) approved under section 1777, chapter 36, title 38, U.S. Code.

To keep in addition to records and accounts described in item 1.7 above appropriate records pertaining to such training including, but not limited to (a) payroll records, (b) records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

XXXII. WATER RESOURCES COUNCIL [Added]

1.1 State agencies receiving funds under the Water Resources Planning Act.

To maintain records relating to each allotment and grant and their allocability to the State comprehensive water and related land resources planning effort.

Retention period: 3 years after last disbursement of funds. 18 CFR 703.10

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

Supplement II—Aeronautics and Space Requirements on Availability of Credentials for Inspection in 14 CFR

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Changes Related to Voluntary Inspection Service

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), and the regulations governing the grading and inspection of poultry and edible products thereof and U.S. classes, standards, and grades with respect thereto (7 CFR Part 70) as set forth below:

Statement of considerations. Effective July 1, 1970, the voluntary programs covering the inspection of poultry and edible products thereof and domestic rabbits and edible products thereof, were transferred from the Poultry Division, C&MS, to the Meat and Poultry Inspection Program, C&MS. The grading aspects of these voluntary programs remained within the Poultry Division.

Inasmuch as there is an existing difference in the prevailing approved rates charged for such voluntary services being administered by the Poultry Division and the Meat and Poultry Inspection Program, it is necessary that the regulations relating to fees be amended to set out separately the rates to be charged by each of the programs. The amendments are as follows:

1. In § 54.101 paragraphs (b) and (c) are amended and new paragraphs (d) and (e) are added to read, respectively:

§ 54.101 On a fee basis.

* * * * *

(b) Fees for grading service will be based on the time required to perform such service for class, quality, quantity (weight test), or condition of ready-to-cook product. The hourly charge shall be $9.20 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or Government authorized holidays shall be charged for at the rate of $11.40 per hour. Information on Government authorized holidays is available from the Supervisor.

(d) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be $8.76 for base time and $8.80 for overtime or holiday work.

(e) Charges for any laboratory analysis or examination of rabbits under this part related to the inspection service shall be $9.28 per hour.

2. Section 54.107 is amended to read:

§ 54.107 Continuous inspection performed on a resident basis.

(a) Except as provided in paragraph (b) of this section, the charges for inspection of domestic rabbits and products thereof shall be those provided for in § 54.101(d) when the inspection service is performed on a continuous year-round resident basis and the services of an inspector or inspectors are required 4 or more hours per day. When the services of an inspector are required on an intermittent basis, the charges shall be at the hourly rate provided for in § 54.101 (d) plus the travel expense and other charges provided for in § 54.106.

* * * * *

1. In section 70.131 paragraphs (b) and (c) are amended and a new paragraph (d) is added to read, respectively:

§ 70.131 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether live, dressed, or ready-to-cook poultry is involved. The hourly charge shall be $9.20 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or Government authorized holidays shall be charged for at the rate of $11.40 per hour. Information on Government authorized holidays is available from the Supervisor.

(d) The charges for inspection services will be based on the time required to perform such services. The hourly rate shall be $8.76 for base time and $8.80 for overtime and holiday work.

2. Section 70.141 is amended to read:

§ 70.141 Charges for inspection service.

(a) Charges for rendering continuous inspection services on a year-round basis shall be at the hourly rates provided for in § 70.131(d) when such services are required 4 or more hours per day. When inspection services are performed on an intermittent basis, the charges shall be at the hourly rates provided for in § 70.131(d), plus the travel expense and other charges provided for in § 70.136.

(b) Surveys made pursuant to the regulations (Part 81 of this chapter) under the Poultry Products Inspection Act will be accepted for the purposes of § 70.44, otherwise the charge shall be at the rate specified in § 70.131, plus the travel expense.

* * * * *

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), shall be reasonable and shall, as nearly as possible, cover the cost of such services.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER. Therefore, these amendments will become effective March 1, 1971.

Done at Washington, D.C., on February 25, 1971.

L. V. SANDERS,
Acting Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-2757 Filed 2-26-71;8:50 am]

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Pursuant to the statutory authorities cited below, the fees relating to inspection are hereby amended to reflect increases in Federal employees salaries authorized by the Federal Pay Comparability Act of 1970 (Public Law 656), Executive Order 11576, approved January 8, 1971.

Sections 81.170, 81.171, and 81.172 are hereby amended by deleting the figure "$8.40" and substituting in lieu thereof "$8.80."

The Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), and the regulations promulgated thereunder require the cost of overtime and holiday inspection service be paid for by the applicant or user of the service. It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1971, with respect to all Federal poultry inspection services rendered on and after that date.

Done at Washington, D.C., on February 25, 1971.

L. V. SANDERS,
Acting Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-2756 Filed 2-26-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 469]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.769 Lemon Regulation 469.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the commitee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 28, 1971, through March 6, 1971, are hereby fixed as follows:

(i) District 1: 17,000 cartons;
(ii) District 2: 183,000 cartons;
(iii) District 3: Unlimitied.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 25, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2833 Filed 2-26-71;8:50 am]

[Grapefruit Reg. 77]

Limitation of Handling

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

LIMITATION OF HANDLING

§ 912.377 Grapefruit Regulation 77.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 1, 1971, through March 7, 1971, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 26, 1971.

FLOYD F. HUDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2855 Filed 2-26-71;11:44 am]

[Grapefruit Reg. 45]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.345 Grapefruit Regulation 45.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handing of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 1, 1971, through March 7, 1971, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 26, 1971.

FLOYD F. HUDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2857 Filed 2-26-71;11:44 am]

PART 914—HANDLING OF ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Method of Allocating Fixed Quantity

Notice was published in the FEDERAL REGISTER issue of February 5, 1971 (36 F.R. 2512), that the Department was giving consideration to proposed rules and regulations (§ 914.130 of this part), hereinafter designated as Subpart—Rules and Regulations, pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914; 35 F.R. 17169), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The aforesaid rules and regulations were proposed by the Interior Orange Marketing Committee established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

The rules and regulations provide a method for allocating the total quantity of oranges that may be handled during any week between early and midseason type oranges and late type oranges when both types of oranges are being shipped. The allocation as between the two types is desirable and necessary due to the different dates when the two types of oranges reach maturity. Such method is designed to enable the committee to estimate, on the basis of weekly shipments of such fruit in the previous three fiscal periods as provided in § 914.45(b), the probable proportions of the two types of oranges that will be shipped in the week for which volume regulation is recommended and also to serve as the basis for allocation during such week.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that said rules and regulations, as hereinafter set forth, are in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act. Accordingly, such rules and regulations are as follows:

§ 914.130 Method of allocating fixed quantity.

(a) Whenever the Secretary has fixed the total quantity of oranges which may be handled during a particular week, the committee shall determine the allocation between early and midseason type oranges and late type oranges, if both types are being shipped, by matching the percentage of early and midseason type oranges in shipments of both types made during the first or second week (as provided in § 914.45(a)) preceding the week in which the committee meets to consider the need for regulation with the corresponding percentage in the left-hand column of the Table in paragraph (b) of this section, and then multiplying the percentage of such oranges in shipments made 2 or 3 weeks later, as applicable, by the quantity fixed for the particular week: *Provided*, That during the weeks of the period beginning with the first full week in January and ending with the first full week in May, allocation to either type of oranges shall not be less than 5 percent of the total quantity of oranges fixed by the Secretary for a particular week.

(b) The following Table shows the respective average decreases in the percentage of early and midseason type oranges in shipments of both types after 2 and 3 weeks based on shipments of such oranges during the previous three fiscal periods as prescribed in § 914.45:

TABLE

Early and midseason type oranges in shipments for a given week	Two weeks later	Three weeks later
Percent	*Percent*	*Percent*
99	76	48
98	70	42
97	66	38
96	62	35
95	58	33
94	54	31
93	50	29
92	48	27
91	46	26
90	44	25
89	43	24
88	41	23
87	39	22
86	38	21
85	36	20
84	35	19
83	34	18
82	33	17
81	31	17
80	30	16
79	30	15
78	29	14
77	28	14
76	28	13
75	27	13
74	26	13
73	26	12
72	25	12
71	24	11
70	23	11
69	23	11
68	22	10
67	22	10
66	21	9
65	21	9
64	20	9
63	20	8
62	19	8
61	19	8
60	18	8
59	18	7
58	18	7
57	17	7
56	17	6
55	16	6
54	16	6
53	15	6
52	15	5
51	15	5
50	14	5
49	14	5
48	14	4
47	13	4
46	13	4
45	13	4
44	12	4

TABLE

Early and midseason type oranges in shipments for a given week	Two weeks later	Three weeks later
Percent	*Percent*	*Percent*
43	12	4
42	11	4
41	11	4
40	10	4
39	10	3
38	9	3
37	9	3
36	8	3
35	8	3
34	7	3
33	7	3
32	6	2
31	6	2
30	5	2
29	5	2
28	5	2
27	4	2
26	4	2

It is hereby found that good cause exists for making the rules and regulations effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of early and midseason type oranges and late type oranges are currently in progress, (2) the procedure herein prescribed is essential to implement the regulatory provisions of this part, and to be of maximum benefit during the current season such procedure should be made available as hereinafter specified; (3) notice of proposed rulemaking relative to such procedure was published in the FEDERAL REGISTER (36 F.R. 2512), and no written data, views or arguments were filed with respect thereto, and (4) such procedure will not require of handlers any preparation that cannot be completed prior thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1971, to become effective upon publication in the FEDERAL REGISTER (2–27–71).

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-2711 Filed 2-26-71;8:48 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 76]

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern South Dakota marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 2629) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In paragraph (b) of § 1076.72, the provision "except for the months of March through June and September through October,".

With such termination, § 1076.72(b) would read as follows:

§ 1076.72 Computation of uniform price.

* * * * * *

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and shall be the uniform price for milk received from producers.

* * * * * *

2. In § 1076.72, the provisions (c), (d), (e), (f), and (g) in their entirety.

Statement of consideration. The termination would discontinue the "takeout—payback" plan of paying producers. The plan provides for withholding from the pool 15 cents per hundredweight of producer deliveries in the months of March through June for distribution to producers in September, October, and November according to their deliveries in these latter months.

Termination of the takeout—payback plan was requested by Land O'Lakes, Inc., a cooperative association representing the producers supplying the market. The basis of the request is that the termination of this plan of paying producers will result in a better seasonal alignment of uniform prices paid to producers in this and in adjacent Federal order markets, where no takeout—payback plans are provided. Without such price alignment, the cooperative association anticipates an uneconomic shifting of producers between other Federal orders in this area and the Eastern South Dakota order. Also, termination of the plan will assure that the relationship of uniform prices to pay prices of nearby manufacturing plants will not disrupt milk procurement at regulated plants.

The termination will affect neither total returns to producers nor the total cost of milk to handlers.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it is the only practical means of removing the aforesaid provisions from the order prior to the date they otherwise would become effective.

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: upon publication in the FEDERAL REGISTER (2–27–71).

Signed at Washington, D.C., on February 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-2741 Filed 2-26-71;8:50 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the following positions in the Federal Aviation Administration are no longer excepted under Schedule C: Assistant Administrator for Congressional Liaison, Assistant to the Assistant Administrator for Congressional Liaison, Congressional Liaison Specialist, and Confidential Secretary (interdepartmental activities) to the Assistant Administrator for Congressional Liaison. This section is further amended to show that two additional positions of Congressional Liaison Officer in the Office of the Assistant Secretary for Public Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2), (3), (4), and (5) of paragraph (h) are revoked and subparagraph (17) of paragraph (a) under § 213.3394 is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(17) Seven Congressional Liaison Officers, Office of the Assistant Secretary for Public Affairs.

* * * * * *

(h) *Federal Aviation Administration.* * * *

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

(5) [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-2795 Filed 2-26-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subchapter D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Acadia, Allen, Ascension, Assumption, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacadoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area;
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER. (2–27–71)

The amendment adds the following additional areas to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas come within the definition of § 78.1(i): Polk County in Florida; Jackson and Montgomery Counties in Texas.

The amendment deletes the following area from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Vermilion Parish in Louisiana.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of February 1971.

R. S. SHAVMAN,
Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-2740 Filed 2-26-71;8:49 am]

Chapter III—Consumer and Marketing Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Miscellaneous Amendments

Pursuant to the statutory authorities cited below, the fees relating to inspection are hereby amended to reflect increases in Federal employees salaries authorized by the Federal Pay Comparability Act of 1970 (Public Law 91-656), Executive Order 11576, approved January 8, 1971.

Section 307.6 is amended to read as follows:

§ 307.6 Overtime work of Program inspectors.

(a) The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of a Program inspector on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $8.80 per hour per Program inspector to reimburse the Program for the cost of the inspection services so furnished. (81 Stat. 584; 46 Stat. 689; 19 U.S.C. 1306; 21 U.S.C. 621.)

* * * * *

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

The fees to be charged and collected for service under the regulations in this part shall be at the rate of $8.76 per hour for base time, $8.80 per hour for overtime including Saturdays, Sundays, and holidays, and $9.28 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative work week. (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $8.76 per hour for base time, $8.80 per hour for overtime including Saturdays, Sundays, and holidays, and $9.28 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished. (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performane of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1971, with respect to all Federal meat inspection services rendered on and after that date.

Done at Washington, D.C., on February 25, 1971.

L. V. SANDERS,
Acting Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-2755 Filed 2-26-71;8:50 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9072]

PART 240, GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Adoption of Rules Regarding Registration and Reporting by Successor Issuers

The Securities and Exchange Commission has adopted two new rules relating respectively to registration pursuant to section 12(g), and reporting pursuant to section 15(d), of the Securities Exchange Act of 1934 by certain successor issuers. Notice of the proposed action was published November 12, 1970, in Securities Exchange Act Release 9017 (35 F.R. 18208).

Where an issuer which has succeeded by merger, consolidation, exchange of securities or acquisition of assets, to another issuer which had securities registered pursuant to section 12(g) of the Act, or securities which would have been required to be so registered but for the succession, the successor is deemed to have assumed the duty to provide for such security holders a continuation of the benefits provided, or which would have been provided, by registration of the securities of the predecessor, unless upon consummation of the succession the securities are exempt from registration or all securities of the class are held of record by less than 300 persons.

Accordingly, one of the rules, Rule 12g-3 [17 CFR 240.12g-3] provides that where an issuer which has no sectrities registered pursuant to section 12 of the Act has issued equity securities to the holders of equity securities of the predecessor which were registered under section 12(g) and there are at least 300 holders of the class so issued, such class shall be deemed to be registered pursuant to that section. In such case, in lieu of filing a registration statement under section 12(g), the successor issuer is required to file a report pursuant to section 13 on Form 8-K [17 CFR 249.308] with respect to the transaction and thereafter to comply with all applicable provisions of the Act and rules and regulations thereunder.

Where the predecessor was required to register securities pursuant to that section but had not yet done so, the rule provides that the successor shall file a registration statement within the period of time the predecessor would have been required to file one, or within such extended period as the Commission may authorize.

The other rule, Rule 15d-5 [17 CFR 240.15d-5], provides that where an issuer which is not required to file reports pursuant to section 15(d) of the Act succeeds to an issuer which is required to file such reports, the successor issuer is deemed to have assumed the duty to file such reports and shall file the reports required by that section and the rules and regulations thereunder, unless it is exempt therefrom or the duty to file reports is suspended under the provisions of that section.

Commission Action: Part 240 of Chapter II of Title 17 of the Code of Federal Regulations has been amended by adding thereunder new §§ 240.12g-3 and 240.15d-5 which read as follows:

§ 240.12g-3 Registration of securities of successor issuers.

(a) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, not previously registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is registered pursuant to section 12(g), the class of securities so issued shall be deemed to be registered pursuant to section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(b) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file a registration statement pursuant to section 12(g) but has not yet done so, the duty to file such statement shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall file a registration statement pursuant to section 12(g) of the Act with respect to such class within the period of time the predecessor issuer would have been required to file such a statement, or within such extended period of time as the Commission may authorize upon application pursuant to § 240.12b-25 of this chapter, unless upon consummation of the succession such class is exempt from such registration or all securities of the class are held of record by less than 300 persons.

§ 240.15d-5 Reporting by successor issuers.

Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, which is not required to file reports pursuant to section 15(d) of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file such reports, the duty to file reports pursuant to such section shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall after the consummation of the succession file reports in accordance with such section, and the rules and regulations thereunder unless such issuer is exempt from filing such reports or the duty to file such reports is suspended under said section.

The foregoing action which was taken pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof. The Commission finds that widespread dissemination of the foregoing rules having been given through publication in the FEDERAL REGISTER since November 12, 1970, in the exact form in which they have been adopted, and good cause existing for not delaying any further the effectiveness of said rules, further notice and procedures under 5 U.S.C. 535 are impracticable and unnecessary and, therefore said rules shall become effective on March 10, 1971.

(Secs. 12, 13, 15(d), and 23(a); 48 Stat. 892, 894, 895, and 901, as amended; 15 U.S.C. 78*l*, 78m, 78o(d), and 78w(a))

By the Commission, February 10, 1971.

ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-2770 Filed 2-26-71;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-414; Order No. 424]

PART 1—RULES OF PRACTICE AND PROCEDURE

Practice With Regard to Appearance and Service

FEBRUARY 23, 1971.

Under § 1.4(a)(5) of the rules of practice and procedure, a person intending to appear in a representative capacity for a participant in a hearing is required to file with the Commission a notice of appearance in the form prescribed by § 1.50 unless the person is named in the initial filing of the participant as a person to whom communications from the Commission are to be addressed. This has resulted in multiple service lists being prepared for each proceeding based upon notices of appearance, designations in initial filings or a combination of both. The Commission is of the view that these multiple lists are confusing and require a duplication of effort. Accordingly we are eliminating the request for service through notice of appearance and shall provide for the establishment of one official service list to be compiled by the Secretary from the initial pleading filed by each participant.

Section 1.17 of the rules of practice and procedure provides that service may be effected by mailing or delivering one copy of the document either to the participant or to the participant's attorney. We believe this single service has hindered those participants who are represented by outside counsel. This disadvantage has offset any benefits achieved by a reduction in the number of copies of filings required to be served. We shall therefore amend § 1.17 to permit participants to request service on both themselves and one attorney or other qualified representative. Service by the Commission and parties shall hereafter be required upon all persons who are designated on the official service list compiled by the Secretary from the initial filings of each participant.

Under § 1.17(b) of the rules of practice and procedure, protests filed with the Commission are required to show service upon all participants to the proceeding. However, § 1.10(a) provides that persons filing a protest need not effect service upon the parties. Since the filing of a protest does not make the protestant a party to the proceeding, we shall resolve this conflict by eliminating the requirement for service of protests upon all participants.

The Commission finds:

(1) The deletion of §§ 1.4(a)(5) and 1.50 and the amendment of §§ 1.17 and 1.51 of the Commission's rules of practice and procedure, as herein ordered, is necessary and appropriate to carry out the provisions of the Federal Power and Natural Gas Acts.

(2) Since these amendments involve matters of agency procedure and practice, the notice requirements of 5 U.S.C. 553 do not apply.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h) and the Natural Gas Act, as amended, particularly sections 15 and 16, thereof (52 Stat. 829, 830; 15 U.S.C. 717u, 717o), orders:

§ 1.4 [Amended]

(A) Section 1.4, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by deleting paragraph (a)(5).

§ 1.50 [Deleted]

(B) Section 1.50, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is deleted.

(C) Sections 1.17 and 1.51, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations are amended by revising paragraphs (a), (b), and (c) of § 1.17 and by revising § 1.51. As so amended, §§ 1.17 (a), (b), (c) and 1.51 read as follows:

§ 1.17 Service.

(a) *By the Commission.* Applications, complaints, petitions other than intervening petitions, orders and all forms of Commission action shall be served by the Secretary by mail, except when service by other method shall be specifically required by the Commission, by mailing a copy thereof addressed to each person designated on the official service list compiled by the Secretary in accordance with paragraph (c) of this section. When such service on any such person is not accomplished by mail, it may be effected by any one duly authorized by the Commission (1) by delivering a copy of the document to the person to be served or (2) by leaving a copy thereof at the principal office or place of business of the person to be served. The return post office receipt for said document or other paper when served by certified or registered mail, or the verified return by the person accomplishing service, setting forth the manner of said service, shall be proof of such service.

(b) *By parties.* Applications and petitions for amendment or modification of orders, answers, intervening petitions, supplements or amendments thereto or to

applications, complaints or petitions, motions, briefs, notices, testimony and exhibits, and all other papers, except depositions and protests, when filed or tendered to the Commission for filing in proceedings pending before the Commission upon its docket, shall certify service thereof upon each person designated on the official service list compiled by the Secretary in accordance with paragraph (c) of this section. Such service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each such person.

(c) *Persons entitled to service.* The initial document, pleading or communication filed by any person in any proceeding before the Commission shall specifically designate on the first page thereof the name and post office address of the persons upon whom service of pleadings, documents, or communications shall be made. If a participant is represented by an attorney or other qualified representative, the name and address of the representative may also be designated for service, but in no event shall a participant be entitled to receive service on more than two persons in any one proceeding. There shall be one official service list for each proceeding. It shall be compiled by the Secretary from the persons specifically designated in the initial pleading, document, or communication filed by each participant in that proceeding and shall include the Commission staff counsel participating in that proceeding. Any person filing a petition to intervene under § 1.8 shall be entitled to service until the Commission issues an order denying intervention to such person. If counsel or other qualified representative is changed, the participant shall designate the name and address of the substitute by serving written notice on the Commission and all persons on the service list. Copies of the official service list may be obtained from the Secretary.

* * * * *

§ 1.51 Certificate of service.[1]

(See § 1.17 of this chapter.)

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of § 1.17 of the Rules of Practice and Procedure.

Dated at ---------- this ------ day of ----------, 19--.

---------- Signature

Of counsel for

(D) These amendments shall become effective upon the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-2701 Filed 2-26-71;8:47 am]

[1] To be shown on the original when tendered for filing with the Commission of every paper as specified in § 1.17(b) of this chapter.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Requests have been received to postpone the closing dates of provisional listings for a number of color additives because scientific investigations and regulatory review necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates is consistent with the stated objective of completing the said scientific investigations and regulatory review thereof and with the objective of protecting the public health.

The requested extensions are granted on condition that, where applicable, progress reports be supplied on or before June 30, 1971.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), Part 8 is amended as follows:

Section 8.501 *Provisional lists of color additives* is amended by changing the closing dates of all color additives listed therein to December 31, 1971.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order amending § 8.501 is effective as of January 1, 1971.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: February 22, 1971.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.71-2679 Filed 2-26-71;8:46 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2544) filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, and other relevant material, concludes that § 121.2520 of the food additive regulations should be amended by deleting the limitation on maximum molecular weight regarding polypropylene glycol as a component of food-packaging adhesives. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by revising the item "Polypropylene glycol (molecular * * *)" to read as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * *	* * *
Polypropylene glycol (minimum molecular weight 150).	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-27-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 19, 1971.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[FR Doc.71-2680 Filed 2-26-71;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENT OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2503) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that § 121.2526 of the food additive regulations should be amended to provide for the safe use of poly(oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] to improve the dry-strength of paper and paperboard and as a retention and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * *	* * *
Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] produced by reacting equimolar quantities of *N,N,N',N'*-tetramethylethylenediamine and dichloroethyl ether to yield a solution of the solid polymer in distilled water at 25° C. with a reduced viscosity of not less than 0.15 deciliter per gram as determined by ASTM Method D 1243-66. The following formula is used for determining reduced viscosity: Reduced viscosity in terms of deciliters per gram $= \frac{t - t_o}{t_o \times C}$, where: t = Solution efflux time. t_o = Water efflux time. C = Concentration of solution in terms of grams per deciliter. * * *	For use only to improve dry-strength of paper and paperboard and as a retention and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.1 percent by weight of the finished dry paper and paperboard fibers. * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-27-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 19, 1971.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[FR Doc.71-2681 Filed 2-26-71;8:46 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2574) filed by W. A. Scholten's Chemische Fabrieken N.V., Postbus 1, Foxhol, The Netherlands, and other relevant material, concludes that the food additive regulations should be amended to provide for the additional safe use of industrial starch modified by treatment with phosphoric acid, not to exceed 6 percent, and urea, not to exceed 20 percent, as surface sizing and coating for paper and paperboard. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2506(a) is amended by revising the limitations of the last item "Phosphoric acid, * * *" in the table, as follows:

§ 121.2506 Industrial starch-modified.

* * * * *

(a) * * *

List of reactants:	Limitations
* * *	* * *
Phosphoric acid, not to exceed 6 percent, and urea, not to exceed 20 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging and as surface sizing and coating for paper and paperboard that contact food only of types IV-A, V, VII, VIII, and IX described in table 1 of § 121.2526(c).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-27-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 19, 1971.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[FR Doc.71-2682 Filed 2-26-71;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1472—CONDUCT OF RENEGOTIATION

PART 1480—AVAILABILITY AND CONTROL OF RENEGOTIATION RECORDS AND INFORMATION

Miscellaneous Amendments

Part 1472 is amended by adding a new § 1472.7 to read as follows:

§ 1472.7 Performance information.

(a) Subject to the provisions of paragraphs (b) and (c) of this section, in any case in which a contractor has been invited to submit a statement under the statutory factors for the fiscal year under review (see § 1472.3), the contractor will be given a copy of each report to the Board or a Regional Board by a Department or other customer of the contractor with respect to his performance of any contract or subcontract in such fiscal year.

(b) Information pertaining to persons other than the contractor which is privileged or confidential will be deleted from the copy of the report furnished to the contractor. If a Department advises that certain information in its report, pertaining to matters other than performance, is confidential and may not be disclosed to the contractor, such information will also be deleted. A report that has been classified by the originating Department for reasons of national defense or foreign policy will not be furnished to the contractor without the consent of such Department.

(c) A report received by the Board or a Regional Board from a customer of the contractor other than a Department pursuant to request made prior to the effective date of this section, if solicited with the understanding that it would be held confidential, will not be given to the contractor without the consent of such customer.

§ 1480.5 [Amended]

Section 1480.5 *Public inspection of records; index* is amended in the following respects:

1. Paragraphs (a) and (b) are deleted in their entirety and the following is inserted in lieu thereof:

(a) *Records available for inspection.* Pursuant to 5 U.S.C. 552(a)(2), the Board will make available for public inspection and copying, the following records:

(1) Agreements determining excessive profits.

(2) Orders determining excessive profits.

(3) Statements of facts and reasons issued by the Board.

(4) Letters not to proceed.

(5) Clearances after assignment.

(6) Clearances without assignment (express Board action).

(7) Clearances without assignment (pursuant to delegation of authority).

(8) Decisions on applications for commercial exemption.

(9) Decisions on new durable productive equipment exemption.

(10) Decisions on applications for stock item exemption.

(11) Special accounting agreements.

(12) Interpretations.

(13) General Orders that affect the public.

(14) Administrative Orders that affect the public.

Without regard to the provisions of 5 U.S.C. Section 552(a)(2), the Board will also make available for public inspection and copying summaries of facts and reasons issued by the Board.

(b) [Reserved]

2. Paragraph (c) is amended by changing the heading thereof to read *"Deletion of exempt matter or identifying details"*, and adding at the end of subparagraph (1) thereof the following: "The Board will also delete from any such records any portion or portions thereof considered to be within the exemptions provided in § 1480.9."

Section 1480.9(b) *Certain records* is deleted in its entirety, and the following is inserted in lieu thereof:

§ 1480.9 Exemptions.

* * * * * *

(b) [Reserved]

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: February 24, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-2707 Filed 2-26-71;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE

Part 9 is revised to read as follows:

Sec.
9.1 Definitions.
9.2 Effective date.
9.4 Amount of insurance.
9.5 Coverage.
9.6 Waiver or reduction of coverage.
9.7 Extension of coverage based on disability.
9.8 Restoration of coverage.
9.10 Deductions from pay.
9.12 Payment for extra hazards.
9.14 Group life insurance fund.
9.16 Beneficiaries and options.
9.17 Taxation and exemption.
9.18 Payment of proceeds.
9.20 Assignments.
9.22 Administrative decisions.
9.24 Termination of coverage.
9.26 Conversion privilege.
9.27 Health standards.
9.28 Criteria for reinsurers and converters.
9.30 Reinsurance formula.
9.32 Actions on the policy.
9.34 Forfeiture.

AUTHORITY: The provisions of this Part 9 issued under 72 Stat. 1114; 79 Stat. 880, 84 Stat. 326; 38 U.S.C. 210, subchapter III, Chapter 19.

§ 9.1 Definitions.

(a) The term "member" means (1) A person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade;

(2) A member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

(3) A person whose coverage is extended after termination of duty under § 9.5(a) because of length of service or under § 9.7 (a) or (b) because of disability.

(b) The term "active duty" means (1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service; and

(3) Full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration.

(c) The term "Armed Forces" means the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard and the Reserves thereof.

(d) The term "active duty for training" means (1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

(3) Full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

(4) In the case of members of the Army National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(e) The term "inactive duty training" means (1) Duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

(2) In the case of a member of the Army National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(f) The terms "active duty for training" and "inactive duty training" do not include duty performed as a temporary member of the Coast Guard Reserve, and the term, "inactive duty training" does not include (1) work or study performed in connection with correspondence courses, or (2) attendance at an educational institution in an inactive status.

(g) The term "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, including in each instance the corresponding Reserve and Reserve Officers Training Corps, if any, and in the case of the Army, including the Army National Guard and in the case of the Air Force, the Air National Guard. Also included are the commissioned corps of the Public Health Service and its Reserve Corps and the commissioned corps of the National Oceanic and Atmospheric Administration.

(h) The term "policy" means Group Policy No. G-32000, effective September 29, 1965, purchased pursuant to subchapter III of chapter 19, title 38, United States Code, from the insurer, which was executed and attested on December 30, 1965, and amended on June 25, 1970.

(i) The term "insurer" means the commercial life insurance company or companies selected under 38 U.S.C. 766 to provide insurance coverage specified in the policy.

(j) The term "office" means the Office of Servicemen's Group Life Insurance located at 212 Washington Street, Newark, NJ 07102, which is the administrative office established pursuant to 38 U.S.C. 766(b) by the insurer.

(k) The term "reinsurer" means any life insurance company, meeting established criteria as set forth in § 9.28 which reinsures a portion of the total amount of insurance covered by the policy and issues individual life insurance policies in accordance with § 9.26.

(l) The term "converter" means any life insurance company, meeting criteria set forth in § 9.28 which issues individual life insurance policies in accordance with § 9.26.

(m) The term "coverage" means Servicemen's Group Life Insurance payable upon death occurring while the member is insured under the policy.

(n) The term "termination of duty" means: (1) In the case of active duty or active duty for training being performed under a call or order that does not specify a period of less than 31 days—discharge, release or separation from such duty.

(2) In the case of other duty—the member's release from his obligation to perform any duty in his uniformed service (active duty, or active duty for training or inactive duty training) whether arising from limitations included in a contract of enlistment or similar form of obligation or arising from resignation, retirement or other voluntary or involuntary action by which the obligation to perform such duty ceases.

(o) The term "waive" or "waiver" means an election in writing signed by a member and received by the uniformed service not to be insured under the policy.

(p) The term "break in service" means the situation(s) in which: (1) A member terminates duty or obligation to perform duty in one service and enters on duty or assumes the obligation to perform duty in another uniformed service, regardless of the length of time intervening.

(2) A member reenters on duty or resumes an obligation to perform duty as a Reserve in the same uniformed service and 1 calendar day or more has elapsed following termination of the prior period of duty or obligation to perform duty.

(q) The term "disability" means any type of injury or disease whether mental or physical.

(r) The term "total disability" means any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation. Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech shall be deemed to be total disability. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, through the normal organs of speech if such loss is caused by organic changes in such organs. Where such loss exists, the fact that some speech can be produced through the use of an artificial appliance or other organs of the body will be disregarded.

(s) The term "basic coverage" refers to the coverage of members called or ordered to active duty or active duty for training under calls or orders that do not specify a period of less than 31 days.

(t) The term "reservist coverage" refers to the coverage of members performing active duty or active duty for training under calls or orders to duty that specify a period of less than 31 days and the coverage of members performing inactive duty training scheduled in advance by competent authority to begin at a specific time and place.

§ 9.2 Effective date.

(a) The effective date of coverage for each member then on active duty, active duty for training, or inactive duty training is June 25, 1970. The date is controlled by the local standard time of the member's then physical location.

(b) The effective date of coverage for each member entering on active duty, active duty for training, or inactive duty training after June 25, 1970, is the first day of such duty unless the member has elected in writing not to be covered.

§ 9.4 Amount of insurance.

Each member on duty on or after June 25, 1970, is automatically insured against death in the amount of $15,000 unless the member elects in writing (a) not to be insured or (b) to be insured in the amount of $10,000 or $5,000 as provided for in § 9.6 (a), (b), and (c).

§ 9.5 Coverage.

(a) *Basic coverage.* For a member performing active duty or active duty for training under a call or order which does not specify a period of less than 31 days, coverage is effective during the period of such duty and without further deductions from pay for 120 days following separation or release from such duty; and, if the member is totally disabled at time of separation or release, coverage may be extended up to 1 year under § 9.7(a).

(b) *Reservist coverage.* (1) For a member performing active duty or active duty for training under a call or order that specifies a period of less than 31 days, coverage is in effect from the first day of such duty through midnight local time of the last day of such duty; and, if the member is disabled, coverage may be extended for 90 days under § 9.7(b).

(2) For a member performing inactive duty training, coverage is in effect from the beginning of the scheduled training period through the end of the scheduled training period; and, if the member is disabled, coverage may be extended for 90 days under § 9.7(b).

(3) A member who, when authorized or required by competent authority, assumes an obligation to perform (for less than 31 days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority and who is rendered uninsurable at standard premium rates according to good health standards approved by the Administrator, or dies within 90 days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training, as the case may be, shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be; and to have been insured at the time such disability was incurred or aggravated; and if death occurs within 90 days thereafter as a result of such disability, to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty and whether or not he was rendered uninsurable or died within 90 days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty, the method of travel employed, his itinerary, the manner in which the travel was performed, and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of 38 U.S.C. 767(b), the burden of proof shall be on the claimant.

(c) *Arrest or confinement.* Arrest or confinement of a member covered under paragraph (a) of this section by military or civil authority does not terminate coverage, except as specified in § 9.24(a).

§ 9.6 Waiver or reduction of coverage.

(a) A member may waive his right to group coverage or elect to reduce the amount of insurance from $15,000 to $10,000 or $5,000 by filing a written notice with his uniformed service. In any case where a member's uniformed service receives a waiver or reduction prior to the date any group coverage would become effective, no insurance shall be placed in effect on the lives of those members who waive coverage and those who elect reduced coverage shall be insured for only $10,000 or $5,000, as the case may be, from the date coverage becomes effective.

(b) Basic coverage, § 9.5(a), in effect before a waiver or reduction is filed will terminate or be reduced at midnight of the last day of the month such notice is received by a member's uniformed service. Where a waiver or reduction is filed for basic coverage, it is effective for the entire period of active duty or active duty for training and for any period of time after termination of duty during which the coverage is or would be extended. If, following termination of duty, the member reenters duty (in the same or another uniformed service) the waiver or reduction will not apply to the subsequent period of duty.

(c) Reservist coverage, § 9.5 (b) (1) or (2), will terminate or be reduced at the end of the last day of the period of duty then being performed if the member is on active duty or active duty for training when the waiver or reduction is filed; at the end of the period of inactive duty training then being performed if the member is on inactive duty training when the waiver or reduction is filed; or on the date the waiver or reduction is received by his uniformed service if the member is not on active duty, active duty for training, or inactive duty training on the date the waiver or reduction is filed.

(1) When a member insured under reservist coverage, § 9.5(b) (1) or (2), waives his right to group coverage or elects a reduced amount of insurance, such waiver or election, unless changed, is effective throughout the period of the member's continuous reserve obligation

in the same uniformed service. If, following termination of duty, the member reenters duty or resumes the obligation to perform duty (in the same or another uniformed service), the waiver or reduction will not apply to the subsequent period of duty or obligation.

(2) If a reservist insured under reservist coverage, § 9.5(b) (1) or (2), is called or ordered to active duty or active duty for training under a call or order that does not specify a period of less than 31 days and is separated or released from such duty and then resumes his reserve obligation, any waiver or election of reduced coverage made while eligible for reservist coverage, unless changed, shall be effective throughout the entire period of reservist coverage, the active duty or active duty for training period and 120 days thereafter and the period of immediately resumed reserve obligation providing the period of active duty or active duty for training is 1 year or less.

(3) If a reservist having coverage performs continuous active duty or active duty for training for more than 1 year, any waiver or election of reduced coverage made during such period of active duty or active duty for training or the prior period of reservist duty shall cease to be effective at the end of 120 days following termination of such active duty or active duty for training, except that if such member's coverage is continued beyond 120 days following termination of duty under § 9.7(a), such waiver or election shall cease to be effective at the termination of such coverage.

(4) If a member, other than a member referred to in subparagraph (2) or (3) of this paragraph, upon termination of duty qualifying him for basic coverage under § 9.5(a) assumes an obligation to perform duty as a reservist, any waiver or election previously made by him shall not apply to coverage arising from his reservist obligation. Furthermore, during the 120 days following termination of such duty the basic coverage shall not be reduced by any waiver or election made by a member as a reservist.

(d) Members reentering on duty under paragraph (b) of this section or resuming a previously terminated obligation to perform duty under paragraph (c)(1) of this section or assuming an obligation to perform duty under paragraph (c)(4) of this section begin a new period of automatic coverage for $15,000 unless on or before the date of reentrance, resumption or assumption the member waives his right to automatic coverage or elects to be covered for only $10,000 or $5,000 for the new period of duty or obligation. Members having a continuing obligation to perform duty under the circumstances in paragraph (c)(3) of this section begin a new period of automatic coverage for $15,000 on the 121st day following separation or release from continuous active duty or active duty for training of more than 1 year unless on or before such 121st day the member waives his right to automatic coverage or elects to be covered for only $10,000 or $5,000 commencing on such 121st day. Coverage automatically provided or elected in a reduced amount in the situations referred to replaces any coverage in the same or a lesser amount in effect on the day before the first day of the new period of duty or obligation in paragraphs (b) and (c) (1) and (4) of this section or on the 120th day following separation or release in paragraph (c)(3) of this section. In no event will there be coverage for more than $15,000.

§ 9.7 Extension of coverage based on disability.

(a) Coverage of any member of the uniformed services on active duty or active duty for training on or after June 25, 1970, under a call or order to duty that does not specify a period of less than 31 days who is totally disabled at separation or release from such duty shall continue for 1 year after the date of separation or release from such duty, or until and including the date the insured ceases to be totally disabled, whichever is the earlier date, without further premium payments, but in no event shall such coverage cease prior to the expiration of 120 days after such separation or release. If a member insured under the provisions of law in effect prior to June 25, 1970, was separated or released from duty on or after February 25, 1970, but before June 25, 1970, and was totally disabled on the date of separation or release from such duty and such total disability continues beyond the 120-day period after separation or release the amount of coverage in effect at the time of separation or release from duty continues for 1 year after the date of separation or release from duty or until and including the date he ceases to be totally disabled, whichever is earlier.

(1) If a member whose coverage is extended under paragraph (a) of this section converts his group insurance (§ 9.26) to an individual policy which is effective before he ceases to be totally disabled or before the end of 1 year following termination of duty, whichever is earlier, and dies while group insurance would be in effect, except for such conversion, the group insurance will be payable, provided the individual policy is surrendered for a return of premiums and without further claim. When there is no such surrender, any amount of group insurance in excess of the amount of the individual policy will be payable.

(b) Coverage of any member on active duty, or active duty for training under a call or order to duty that specifies a period of less than 31 days, or on inactive duty training on or after June 25, 1970, who, while so covered incurs a disability or aggravation of a preexisting disability, is extended to death if the member dies within 90 days thereafter as the result of such disability, or for 90 days following the end of the duty period during which the disability was incurred or aggravated if such disability renders him uninsurable at standard premium rates under good health standards referred to in § 9.27.

§ 9.8 Restoration of coverage.

(a) Coverage is automatically restored without evidence of good health when subsequent to termination of all duty in his uniformed service, a member reenters on duty (in the same or another uniformed service) even when there is no break in service.

(b) Coverage that has been terminated under § 9.24 because of (1) absence without leave, (2) confinement by civil authorities under a sentence adjudged by a civilian court, or (3) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowance shall be automatically revived, together with any beneficiary designation for such insurance as of the date the member is restored to active duty with pay or to active duty for training with pay.

(c) Subject to approval by the insurer, coverage is restored in the amount applied for ($15,000, $10,000, or $5,000) effective the date of receipt of application with evidence of good health by the uniformed service:

(1) For a member who previously waived the right to be covered or elected to be covered for only $10,000 or $5,000; or

(2) For a member who forfeited the right to be covered for one of the offenses listed in § 9.34 but who was restored to duty under conditions which, in effect, result in a remission of sentence.

§ 9.10 Deductions from pay.

(a) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than 31 days, is insured under a policy of insurance purchased under 38 U.S.C. 766 there shall be deducted each month from his basic or other pay until separation or release from such duty an amount (which shall be the same for all such members) determined as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service. The initial monthly amounts shall be $3 for $15,000 coverage, $2 for $10,000 coverage and $1 for $5,000 coverage.

(b) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than 31 days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority and is insured under a policy of insurance purchased by the Administrator under 38 U.S.C. 766, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount (which shall be the same for all such members) determined as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service. The initial annual amounts for each fiscal year shall be $1.80 for $15,000 coverage, $1.20 for $10,000 coverage and $0.60 for $5,000 coverage.

(c) Any amount not deducted from the basic or other pay of an insured member, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount or fiscal year amount to be charged for insurance as set forth in paragraph (a) or (b) of this section may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or otherwise collected from him by the Secretary concerned, to cover the cost of the insurance granted.

§ 9.12 Payment for extra hazards.

For each month for which any member is insured under Group Policy No. G-32000 there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator and certified to the Secretary concerned to be the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by insured members and former members of the uniformed services above what their mortality would have been under peacetime conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience.

§ 9.14 Group life insurance fund.

(a) All amounts deducted from the pay of insured members or otherwise paid and all contributions to cover extra hazard costs made from appropriations of the Departments of Defense; Commerce; Health, Education, and Welfare; and Transportation; together with any income derived from dividends or premium rate or extra hazard cost adjustment received from the insurer will be credited directly to a revolving fund in the Treasury of the United States, known as the Servicemen's Group Life Insurance Fund. All premium payments and extra hazard cost contributions on the policy and the administrative cost to the Veterans Administration will be paid directly from such fund.

(b) Administrative cost to the Veterans Administration properly allocable to Servicemen's Group Life Insurance will be determined from time to time and the amount representing such cost will be transferred from the Servicemen's Group Life Insurance Fund to the appropriation "General Operating Expenses," Veterans Administration.

§ 9.16 Beneficiaries and options.

(a) A member may designate any person, firm, corporation or legal entity (including the estate of the member), individually or as trustee, as beneficiary.

(b) A beneficiary designation or election of optional settlement will remain in effect, until properly changed by the member or automatically canceled, under the following rules:

(1) A designation of beneficiary or election of optional settlement made by an insured member performing full-time duty in a uniformed service (excluding a member of the Reserves, National Guard or ROTC) under a call or order to duty that does not specify a period of less than 31 days, unless changed, shall be effective throughout the period of such duty and for 120 days following release therefrom or for any period of extended coverage provided under § 9.7(a), whichever is later, whereupon it terminates. If such member assumes a Reserve obligation, a new designation of beneficiary and optional settlement must be made with respect to coverage during the Reserve obligation. Any such beneficiary designation or optional settlement submitted before the end of 120 days following separation or release from such duty shall cancel any similar designation made prior thereto.

(2) A designation of beneficiary or election of optional settlement made by a member under reservist coverage, unless changed, is effective throughout the period of the member's continuous Reserve obligation in the same uniformed service.

(3) If a reservist having coverage is called or ordered to active duty or active duty for training under a call or order that does not specify a period of less than 31 days and is separated or released from such duty and then resumes his Reserve obligation, any designation of beneficiary or election of optional settlement made during the original period of Reserve obligation shall be effective, unless changed, throughout the entire period of active duty or active duty for training period and 120 days thereafter, and the period of immediately resumed Reserve obligation, except that in the case of a reservist performing such active duty or active duty for training for more than 1 continuous year, a designation of beneficiary or election of optional settlement made prior to termination of such active duty or active duty for training shall cease to be effective at the end of 120 days following such termination or at the end of any period of extended coverage provided under § 9.7(a), whichever is later.

(4) Termination of all duty or of the Reserve obligation to perform duty and reentrance on duty or resumption of a Reserve obligation will not automatically cancel the designation or election unless there was a break in service or in the Reserve obligation to perform duty, or, there is a resumption of a Reserve obligation under the exception set forth in subparagraph (3) of this paragraph.

(c) Any designation or change of beneficiary or election of optional settlement will take effect only if it is in writing, signed by the insured, and received, prior to the death of the member, by his uniformed service; or if executed during a period of coverage following separation or release from duty under § 9.5(a) or § 9.7 (a) or (b), by the Office of Servicemen's Group Life Insurance.

(d) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary.

(e) No change or cancellation of beneficiary or election of optional settlement in a last will or testament, or in any other document shall have any force or effect unless such change is received by the appropriate uniformed service while the member is on duty or obligated to perform duty, or is received in the Office of Servicemen's Group Life Insurance during the period of coverage following separation or release from such obligation or duty under § 9.5(a) or 9.7 (a) or (b).

(f) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service in effect on June 25, 1970, will be effective with respect to the increased amount of insurance authorized on June 25, 1970, by Public Law 91-291 (84 Stat. 326) and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance theretofore in effect.

(g) Any designation of beneficiary made by any member shall automatically cease to be effective (1) if his insurance under the group policy terminates following separation or release from all duty in a uniformed service, (2) if the member enters on duty in another uniformed service, (3) if the member reenters on duty in the same uniformed service more than 1 calendar day after separation or release from all duty in that uniformed service, or (4) in the case of a member insured under basic insurance (other than one called to continuous duty for 1 year or less as a reservist) when such insurance terminates. However subparagraphs (2) and (3) of this paragraph shall not apply to the basic insurance or portion thereof continued under the group policy during the 120 days after separation or release from duty which is not replaced because the member upon entry or reentry on duty in a uniformed service during that 120-day period did not reacquire insurance or reacquired a lesser amount of insurance.

(h) In any case in which a member separated or released from all obligation to perform duty in a uniformed service reenters on duty after a break in service while covered during the period of protection afforded under §§ 9.5 (a) or 9.7 (a) or (b) after termination of duty and waives coverage or elects coverage in the amount of $10,000 or

$5,000, an existing designation of beneficiary or election of optional settlement is not canceled with respect to any amount of insurance not replaced upon such reentry on duty.

(i) The insurance proceeds will be paid to the person or persons surviving the insured member in the following order of precedence:

(1) To the beneficiary or beneficiaries designated (see paragraph (c) of this section).

(2) If there be no such beneficiary, to the widow or widower. Notwithstanding the provisions of any other law, payment of matured Servicemen's Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

(3) If none of the above, to the child or children and descendents of deceased children by representation;

(4) If none of the above, to the parents or the survivor of them;

(5) If none of the above, to the executor or administrator of the estate of the insured; or

(6) If none of the above, to other next of kin in accordance with the laws of the State wherein the insured member was domiciled at date of death.

(j) The insured member may elect in writing that settlement of the insurance proceeds be made either in a lump sum or in 36 equal monthly installments. If no election is made or the member elects that payment be made in a lump sum, the beneficiary may elect at the time of the member's death either mode of settlement. An election to be effective must be received before the member's death (1) by the appropriate uniformed service while the member is on duty or obligated to perform duty, or (2) in the Office of Servicemen's Group Life Insurance during a period of coverage as provided for under § 9.5(a) or 9.7 (a) or (b) after termination of duty.

§ 9.17 Taxation and exemption.

Section 770(g), title 38, United States Code provides that payment of benefits due or to become due under Servicemen's Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under 38 U.S.C. 769(a), (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments.

§ 9.18 Payment of proceeds.

(a) Group life insurance benefits will be paid upon receipt of satisfactory proof of death and a valid claim by the Office of Servicemen's Group Life Insurance.

(b) If a person, otherwise entitled to payment of the insurance proceeds, does not make claim therefor within 1 year following the death of the insured, or if payment to such person within such period is prohibited by Federal law or regulation, payment may be made in the order of precedence as set forth in § 9.16 (i), as if the person had predeceased the insured. Payment to such person is a bar to recovery by another person.

(c) If, within 2 years after the death of the member, no claim has been made by any person entitled and neither the Veterans Administration nor the Office of Servicemen's Group Life Insurance has received any notice that such a claim will be made, payment may be made to any claimant that may be equitably entitled thereto as determined by the Veterans Administration; and such payment will be a bar to recovery by another person.

(d) If, within 4 years after the death of the member, no payment has been made, and no claim by any person entitled is pending, the amount payable will escheat to the credit of the Servicemen's Group Life Insurance Fund.

(e) If, at the death of the insured member, there survives more than one designated beneficiary, the shares of which had not been specified by the member, such beneficiaries will share equally. All rights and interests of any designated beneficiary are automatically terminated when he predeceases the member; and what would otherwise have been the share of the deceased beneficiary will, in the absence of a contrary specification by the member in his written designation, be distributed equally among the surviving beneficiaries, or paid in whole to the last such survivor. If there is no surviving designated beneficiary, proceeds will be paid in order of precedence set forth in § 9.16(i).

(f) If proceeds are to be paid in installments, the first installment will be payable as of the date of death. The amount of each installment will be computed so as to include interest on the unpaid balance at the effective rate of 5 percent per annum. This rate may be changed at the beginning of any policy year.

(g) If, following the death of an insured member who has designated both principal and contingent beneficiaries and elected to have payment made in 36 equal monthly installments, the principal beneficiary dies before all 36 installments have been paid, the remaining installments will be paid as they fall due to the contingent beneficiary. At the death of such a contingent beneficiary, and in other instances of a beneficiary's death, where there is no contingent beneficiary, the value of any unpaid installments, discounted to the date of his death at the same rate used for inclusion of interest in the computation of installments, will be paid, without further accrual of interest, in one sum to the estate of the beneficiary or contingent beneficiary last receiving payment.

(h) In instances where payment in installments is made at the election of the beneficiary, upon his request, the value of such installments as remain unpaid will be discounted to the date of payment at the same rate used for inclusion of interest in the computation of installments and paid to him in one sum.

§ 9.20 Assignments.

Servicemen's Group Life Insurance and benefits thereunder are not assignable.

§ 9.22 Administrative decisions.

(a) Determinations of the Veterans Administration are conclusive under the policy with respect to the following:

(1) The status of any person being within the term "member" and whether or not he is covered at any point of time under the policy including "travel time" under § 9.5(b)(3), and death within 90 days thereafter from a disability incurred or aggravated while on duty under § 9.7(b).

(2) The fact and date of a member's termination of active duty or active duty for training, and the fact, date and hours of a member's performance of inactive duty training.

(3) The fact and dates with respect to a member's absence without leave, confinement by civilian authorities under a sentence adjudged by a civil court, or confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances.

(4) The operation of the forfeiture provision provided in 38 U.S.C. 773 and § 9.34 with respect to any member.

(5) The existence of total disability or insurability at standard premium rates under § 9.7 (a) and (b).

(b) When a determination is required on a claim that a member who waived coverage, or whose coverage was forfeited for one of the offenses listed in § 9.34 was in fact insured, or that a member who elected to be insured in the amount of $5,000 or $10,000 was insured for $10,000 or $15,000, as the case may be, and there is no record of an application to be insured or to increase the amount of insurance as required by § 9.8(c):

(1) The person making the claim will be required to submit all evidence available concerning the member's actions and intentions with respect to Servicemen's Group Life Insurance;

(2) Request will be made to the member's uniformed service and any other likely source of information considered necessary, for whatever evidence in the form of copies of payroll or personnel records, statements of persons having knowledge of the facts, etc., is essential to a decision in the matter.

Based on the evidence obtained, a formal determination will be made as to whether the member involved is deemed to have applied to be insured, or to be insured for $15,000 or $10,000 in lieu of $10,000 or $5,000. The determination will include a finding as to the member's health status for insurance purposes based on the evidence available.

(c) In making the determination required under paragraph (b) of this section, the following will be considered:

(1) The possibility that due to widespread geographic distribution, inadequate means of communication and the nature of the group insurance program, members may not be adequately and accurately informed, especially in time of war or military emergency, about the detailed requirements for obtaining insurance protection;

(2) Payroll deductions made without objection by a member, following waiver or termination of coverage, representing premiums for insurance or additional insurance, may, by virtue of continuity or the circumstances surrounding their initiation, be indicative that the member did apply. Such deduction without a formal application of record may be considered as evidence that the member's application was not in proper form or misplaced. They may also be considered as evidence that an application was not made solely because of erroneous or incomplete counseling or absence of counseling on the part of the responsible personnel of the uniformed service.

(d) Questions for determination under this section as well as those involving coverage of groups and classes of members and other questions are properly referable to the Director, Insurance Service. Authority to make any determinations required under this section is delegated to the Chief Benefits Director and/or Director, Insurance Service.

§ 9.24 Termination of coverage.

(a) The coverage of a member who is serving on active duty or active duty for training under a call or order that does not specify a period of less than 31 days is terminated at the end of the 31st day of absence without leave; confinement by civilian authorities under sentence adjudged by a civilian court; or confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances.

(1) A member who, on June 25, 1970, has been so absent or confined for more than 31 days is not covered until and unless he is restored to active duty or active duty for training with pay.

(2) The coverage of a member who, on June 25, 1970, has been so absent or confined for less than 31 days terminates at the end of the 31st day of such continuous absence or confinement.

(b) If a member covered following termination of duty under § 9.7(a) converts group coverage to an individual policy which is effective prior to the end of the group coverage provided under § 9.7(a), an amount of group coverage equal to the amount of the individual policy terminates at the end of the day preceding the effective date of the individual policy unless, in case of the member's death, the individual policy is surrendered as provided in § 9.7(a)(1).

(c) If a member eligible to be insured under basic coverage, § 9.5(a), on the first day of eligibility, waives in writing all or any part of the insurance, the amount of coverage so waived terminates immediately upon receipt of such written waiver by his uniformed service.

(d) In the case of a member insured under basic coverage, § 9.5(a), who after the first day of eligibility waives in writing all or any part of the insurance, such waiver shall be effective at the end of the last day of the month in which the written waiver is received by his uniformed service.

(e) In the case of a member insured under reservist coverage, § 9.5(b)(1) or (2), who waives in writing all or any part of the insurance, such waiver shall be effective as follows:

(1) If such written waiver is submitted to his uniformed service at a time of reporting for or while performing active duty or active duty for training under a call or order to duty specifying a period of less than 31 days, or at the time of reporting for or while performing inactive duty training, the coverage so waived shall terminate at the end of such period of active duty, active duty for training or inactive duty training including travel time while returning directly from such duty.

(2) If such written waiver is submitted to his uniformed service by a member at a time other than when reporting for or performing active duty or active duty for training under a call or order to duty specifying a period of less than 31 days or inactive duty training, such waived coverage terminates immediately upon receipt by the uniformed service of the member's written waiver.

(f) Coverage of any member, unless continued beyond terminaton of duty under § 9.5(a) or 9.7 (a) or (b) ceases upon termination of duty.

(g) In the case of a member whose coverage is forfeited under 38 U.S.C. 773, § 9.34, coverage terminates at the end of the day preceding the day on which the act or omission forming the basis for such forfeiture occurred.

(h) In the event of discontinuance of the group policy, coverage terminates at the end of the day preceding the date of the discontinuance of the policy.

§ 9.26 Conversion privilege.

(a) An insured member has the right to convert the group coverage to an individual policy of life insurance without disability or other supplementary benefits with one of the eligible commercial life insurance companies as follows:

(1) With respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than 31 days, effective the 121st day after separation or release from such duty, or at any time thereafter such insurance is in effect as the result of total disability under § 9.7(a).

(2) With respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, and a member insured during inactive duty training scheduled in advance by competent authority, there shall be no right of conversion unless the insurance is continued in force under § 9.7(b) for 90 days following a period of such duty, as the result of a disability incurred or aggravated during such a period of duty, in which event the insurance may be converted effective the day after the end of such 90-day period.

(b) An insured eligible to convert insurance under 38 U.S.C. chapter 19, subchapter III, upon request to the Office of Servicemen's Group Life Insurance shall be furnished a list of life insurance companies participating in the program. Upon written application for conversion of Servicemen's Group Life Insurance made by an eligible insured to the participating company he selects and payment of the required premiums the insured shall be granted life insurance on a plan as provided in paragraph (c) of this section.

(1) No medical examination may be required of a member insured under basic coverage, § 9.5(a), who applies for conversion within 120 days of termination of duty. Medical examinations and evidence of qualifying health conditions may be required in any case where a former member alleges that coverage is continued under § 9.7 (a) or (b).

(c) The individual policy to which a member converts must be on a plan currently written by the company selected by the member, except term insurance, in an amount which does not exceed the amount of the member's group coverage at time application for conversion is made, and which does not provide for the payment of any sum less than the face value of the individual policy or for the payment of an additional amount of premiums if the member engages in the military service of the United States. The premium for such individual policy shall be the premium, as detemined by the company issuing the policy, applicable to the class of risk (other than health conditions and military service) to which the member belongs and to the form and amount of the individual policy at the member's attained age at date of issue.

(d) Term insurance as excluded by paragraph (c) of this section is any policy which does not provide for cash values. Otherwise, reinsurers or converters who are group insurers may follow their usual group conversion practices in processing conversions. Other reinsurers or converters should refer questions as to the acceptability of any plan to the insurer for resolution on a consistent basis.

(e) Term riders providing level or decreasing insurance for which an additional premium is charged may be attached to an eligible basic conversion policy, but the rider will be excluded from the conversion pool agreement under the policy. Such a rider may in no way affect basic conversion privileges.

(f) The insurer will establish a conversion pool in cooperation with the reinsurers and converters in accordance with the terms of the policy. Its purpose will be to provide for the determination and maintenance of appropriate charges arising from excess mortality under individual conversion policies issued in accordance with this section and provide for the appropriate distribution of the risk of loss due to such excess mortality among the reinsurers and converters.

§ 9.27 Health standards.

For the purpose of determining if a member who incurred a disability or aggravated a preexisting disability during a period of active duty or active duty for training under a call or order to duty specifying a period of less than 31 days or during a period of inactive duty was rendered uninsurable at standard premium rates, the underwriting criteria used by the insurer in determining good health for persons applying to it for life insurance in amounts not exceeding $15,000 will be used.

§ 9.28 Criteria for reinsurers and converters.

The following criteria will control eligibility for reinsuring and converting companies:

(a) The company must be a legal reserve life insurance company as classified by the insurance supervisory authorities of the State of domicile. Qualified fraternal organizations are included.

(b) The company must have been in the life insurance business for a continuous period of 5 years prior to October 1, 1965, or the December 31 preceding any redeterminations of the allocations. In the event of a merger, the 5-year requirement may be satisfied by either the surviving company or by one of the absorbed companies. Upon joint application by a subsidiary of a participating company, together with the parent company, the 5-year requirement may be waived provided such parent company owns more than 50 percent of the outstanding stock of the subsidiary and has been a legal reserve life insurance company for a period of 10 years or more.

(c) The company must be licensed to engage in life insurance in at least one State of the United States or the District of Columbia.

(d) The company will not be one (1) Certified by the Department of Defense as being under suspension for cause for purpose of allotment or on-base solicitation privileges.

(2) That solicits life insurance applications as conversion or other replacement of Servicemen's Group Life Insurance coverage in jurisdictions in which it is not licensed.

(3) That fails to take effective action to correct an improper practice followed by it or its agents within 30 days after written receipt of notice issued by the insurer or the Director, Insurance Service. Improper practice includes:

(i) The use for solicitation purposes of lists of names and addresses of former members without obtaining reasonable assurance that such lists have not been obtained contrary to regulations of the Department of Defense or other uniformed service;

(ii) Failure to reveal sources and copies of mailing lists upon proper request or to otherwise cooperate in an authorized investigation of a reported improper practice;

(iii) The use of written or oral representations which may mislead the person addressed as to the true role of the company or its representatives as one of the participating companies;

(iv) The use of written or oral representations which may mislead a person addressed as to rights, privileges, coverage, premiums, or similar matters under Servicemen's Group Life Insurance or any policy issued or proposed to be issued as a conversion or other replacement coverage;

(v) Violation of regulations of a uniformed service concerning solicitation of life insurance.

(e) Each reinsuring and converting company must agree to issue conversion policies to any qualified applicant regardless of race, color, religion, sex, or national origin, under terms and conditions established by the primary insurer.

§ 9.30 Reinsurance formula.

The allocation of insurance to the insurer and each reinsuring company will be based upon the sum of paragraphs (a) and (b) of this section:

(a) One-half of the exact, or a reasonable estimate of the volume of the company's life insurance in force, at some time between June 30, 1965, and November 15, 1965, on active-duty personnel of the U.S. Armed Forces, paid for by service allotments. The volume of insurance on active-duty personnel written through the medium of Service Membership Associations on an allotment basis is to be included.

(b) An amount of the remaining balance of the total life insurance in force under the policy in proportion to the company's total life insurance in force in the United States on December 31, 1964, where:

The first $100 million in force is counted in full,
The second $100 million in force is counted at 75 percent,
The third $100 million in force is counted at 50 percent,
The fourth $100 million in force is counted at 25 percent,
And any amount above $400 million in force is counted at 5 percent.

(c) The allocation will be redetermined at the beginning of each policy year for the primary insurer and the companies then reinsuring, with the portion as set forth in paragraph (b) of this section based upon the corresponding in force (excluding the Servicemen's Group Life Insurance in force) as of the preceding December 31.

(d) Any life insurance company, which is not initially participating in reinsurance or conversions, but satisfies the criteria set forth in § 9.28, may subsequently apply to the primary insurer to reinsure and convert, or to convert only. The participation of such company will be effective as of the beginning of the policy year following the date on which application is approved by the insurer.

§ 9.32 Actions on the policy.

Servicemen's Group Life Insurance will be payable in accordance with the group policy purchased by the Veterans' Administration. The Director, Insurance Service, will furnish the name and address of the insuring company upon written request of a member of the uniformed services or his beneficiary. Actions at law or in equity to recover on the policy, in which there is not alleged any breach of any obligation undertaken by the United States, should be brought against the insurer.

§ 9.34 Forfeiture.

(a) Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to Servicemen's Group Life Insurance.

(b) No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States.

These VA regulations are effective the date of approval.

Approved: February 22, 1971.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.71-2699 Filed 2-26-71;8:47 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 51a—SPECIAL PROJECT GRANTS FOR FAMILY PLANNING SERVICES

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the transfer of the regulations relating to grants for family planning services from Chapter II (Part 208) of Title 42 to Chapter I, redesignation as Part 51a, and amendments. The amendments reflect the transfer from the Social and Rehabilitation Service to the Health Services and Mental Health Administration of the functions under Title V of the Social Security Act, 34 F.R. 14700, September 23, 1969, and changes made largely for editorial and clarification purposes.

The following amendments to Title 42 shall become effective on the date of publication in the FEDERAL REGISTER.

Chapter I of Title 42 is amended by adding, after Part 51 thereof, the following new Part 51a:

Sec.
51a.1 Applicability.
51a.2 Definitions.
51a.3 Eligibility for grants.
51a.4 Application.
51a.5 Matching requirements.
51a.6 Personnel and facilities standards.
51a.7 Availability of services.
51a.8 Provision of services.

Sec.
51a.9 Payment for services.
51a.10 Confidentiality of information.
51a.11 Project expenditures.
51a.12 Interest and other income.
51a.13 Equipment.
51a.14 Control of project funds or services.
51a.15 Effect of State or local law.
51a.16 Termination of grants or withholding of payments.
51a.17 Records, reports, inspection.
51a.18 Copyright.
51a.19 Effect of payment.
51a.20 Nondiscrimination.

AUTHORITY: The provisions of this Part 51a issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 508, 81 Stat. 926, 42 U.S.C. 708.

§ 51a.1 Applicability.

The regulations in this part are applicable to the award of grants under section 508(a)(3) of the Social Security Act (42 U.S.C. 708(a)(3)) for projects for the provision of family planning services to ensure that individuals have available to them the freedom of choice to determine the spacing of their children and the size of their families, and to help improve the general health of mothers and children.

§ 51a.2 Definitions.

As used in this part:

(a) "Act" means section 508 of the Social Security Act as amended (42 U.S.C. 708).

(b) "State" means any of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

§ 51a.3 Eligibility for grants.

In order to be eligible for a grant under this part, an applicant must be (a) the State health agency of any State; (b) with the consent of such State health agency, the health agency of a political subdivision of the State; or (c) any public or nonprofit private agency, institution, or organization.

§ 51a.4 Application.

(a) An application for a grant under this part shall be submitted to the Secretary in such form and manner and at such time as the Secretary may prescribe.[1] The application shall contain a budget and a narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant award, including the regulations of this part and the policies and procedures prescribed by the Secretary for grants under this part.

(c) The applicant will be notified of action taken on his application.

(1) If a grant is made, the initial award will set forth the amount of funds granted and will specify the project period for which support is contemplated if the activity is satisfactorily carrier out and Federal funds are available. For continuation support, grantees must make separate application annually.

(2) Neither the approval of any project nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof, but this provision shall not preclude the Secretary from making upward adjustments to actual costs as to amounts awarded on a provisional basis as provided in subparagraph (1) of this paragraph.

§ 51a.5 Matching requirements.

Federal funds will be granted on the basis of project applications and may be used to meet not more than 75 percent of the cost of the project. The non-Federal participation may be derived from a variety of sources, including (a) new State or local appropriations or other new grantee funds, and (b) existing funds and time of personnel used for the ongoing activities of the grantee agency which are made a part of the project. Voluntary services or space donated to the project may not be included as a grantee contribution. Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program except as otherwise specifically allowed by Federal statute.

§ 51a.6 Personnel and facilities standards.

The application shall describe the standards required for personnel and facilities utilized in the provision of services under the program. These standards for personnel and facilities must (a) be those which are found upon investigation by the grantee to be best adapted for the attainment of the specific purposes of the project, (b) assure a reasonably high standard of care, and (c) be in substantial accordance with national standards as accepted by the Secretary or standards prescribed by the Secretary. However, if a project is planned for an area in which it is not possible to meet standards accepted or prescribed by the Secretary, the best available resources must be used, and steps must be taken to improve the standard of care. In such case, the application must include a description of such proposed remedial action.

§ 51a.7 Availability of services.

Project services must be made available:

(a) Without any requirement for legal residence other than a requirement that the person or family to be served is currently residing in the project area;

(b) Upon referral from any source or upon the patient's own application;

(c) With respect for the dignity of the individual;

(d) With efficient administrative procedures for registration and delivery of services;

(e) Without regard to religion, family size, or marital status (see also section 51a.20); and

(f) Only to persons who because of low income or for other reasons beyond their control could not otherwise obtain services comparable to those provided under the project. However, if specific income standards are used, they must be applied flexibly, with due regard for total family needs in the particular case. Determinations of eligibility for services under the project shall be made by the project director or a member of the project staff designated by him, and shall be made in accordance with this section, the policies and procedures governing the project, and the project plan and budget as approved.

§ 51a.8 Provision of services.

(a) Acceptance of services provided under the project must be voluntary, and individuals must not be subjected to any coercion to receive services or to employ or not to employ any particular method of family planning. Acceptance of family planning services shall not be a prerequisite to eligibility for or receipt of any other services.

(b) Measures must be taken to promote community understanding of the objectives of the program, to make the availability of services known to the community, and to encourage and facilitate attendance in the program.

(c) The project must be coordinated with related services of local health and welfare departments, hospitals and related voluntary agencies, and health projects supported by the Office of Economic Opportunity. Where appropriate, there should be referral arrangements with local welfare departments for services to persons under the Aid to Families With Dependent Children Program.

(d) The program must include counseling, and interpretation to individuals of the service provided.

(e) Family planning medical services shall be under the direction and responsibility of a physician with special training or experience in family planning.

(f) Projects are to be designed to assure comprehensiveness and continuity in the health management and supervision of project patients with respect to family planning services.

(g) A variety of medically approved methods of family planning, including the rhythm method, must be available to persons to whom family planning services are offered and provided.

(h) Diagnostic and treatment services for infertility must be provided for in the family planning project.

§ 51a.9 Payment for services.

(a) Project plans shall set forth the methods utilized by the grantee in establishing the rates of payment for medical

[1] Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

care, and in substantiating that the rates are reasonable and necessary to maintain standards relating to the provision of services established pursuant to § 51a.6. Grantees will maintain a schedule of rates for such services.

(b) All services purchased for project patients must be authorized by the project director or his designee on the project staff.

(c) No charge shall be made to any person or family for services under the project, except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charges. Where the cost of care and services furnished by or through the project is to be reimbursed under Title XIX of the Social Security Act, a written agreement with this Title XIX agency is required. Reimbursement may be either to the project or directly to the provider.

§ 51a.10 Confidentiality of information.

All information as to personal facts and circumstances obtained by the project staff shall be treated as privileged communications, shall be held confidential, and shall not be divulged without the individual's consent except as may be necessary to provide services to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 51a.11 Project expenditures.

(a) Project funds (Federal and matching) are available for the direct costs of operating and maintaining the project approved in the plan and budget.

(b) Funds may not be used for the following:

(1) Construction of buildings;

(2) Depreciation of existing building or equipment;

(3) Dues to societies, organizations, or federations;

(4) Entertainment costs;

(5) General agency overhead;

(6) Fundraising material and activities;

(7) Consultants or other personnel paid from other Federal grant funds;

(8) Any other costs not approved in the plan and budget.

(c) Prior approval of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 51a.12 Interest and other income.

(a) Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4213, a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as so defined, must return to the Health Services and Mental Health Administration all interest earned on grant funds.

(b) All grantees must either return to the Health Services and Mental Health Administration that part of any other project income proportionate to the grant contribution to the support of the project, or use such income for the activities of the project.

§ 51a.13 Equipment.

Items of equipment purchased with project funds are to be used for the purposes of the project, and the grantee shall maintain a complete equipment inventory and property controls adequate for prompt identification and accountability.

§ 51a.14 Control of project funds or services.

Funds or services made available to the project for project purposes, whether or not utilized to meet the grantee's share of the costs, shall be under the control of the grantee and expended and utilized in accordance with this part, policies and procedures governing the project, and the project plan and budget as approved.

§ 51a.15 Effect of State or local law.

Except as otherwise authorized, where the grantee is a public agency, administrative provisions of State or local law applicable to the moneys appropriated to the public agency shall apply to the project funds.

§ 51a.16 Termination of grants or withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or with the terms of the grant, including the regulations of this part, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 51a.17 Records, reports, inspection.

(a) *Records and reports.* Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Secretary such progress and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever is earlier, except that where audit questions have arisen before the end of 5 years, records shall be retained until resolution of such questions.

(b) *Inspection and audit.* Any application for a grant under this part shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent that such resources and personnel are, or will be, involved in the project. In addition, the acceptance of any grant under this part shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 51a.18 Copyright.

The United States reserves a royalty-free, nonexclusive license to use and authorize others to use all copyrightable or copyrighted material resulting from a project.

§ 51a.19 Effect of payment.

Neither the approval of a project plan nor any certification of funds or payment to a grantee pursuant thereto shall be deemed to waive the obligation of the grantee to observe, before or after such action, any Federal requirements, or to waive the right of the Secretary to withhold funds for noncompliance with Federal requirements.

§ 51a.20 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such act which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

Dated: December 28, 1970.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: February 19, 1971.

ELLIOT RICHARDSON,
Secretary.

[FR Doc.71-2559 Filed 2-26-71;8:45 am]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 30—CLAIMS COLLECTION

Delegation of Authority

In order to reflect the redelegation by the Department Claims Officer of additional authority to compromise, suspend, and terminate, pursuant to the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953) claims of more than $100, but less than $200, paragraph (b) of § 30.3 of Title 45 of the Code of Federal Regulations (33 F.R. 17292, Nov. 22, 1968) is hereby amended to read as follows:

§ 30.3 Delegation of authority.

* * * * *

(b) The appropriate office, local, regional, or headquarters, shall take all necessary administrative action required under the Act and Joint Regulations, except that, with respect to claims of $200 or more, no compromise of a claim shall be effected, nor collection action suspended or terminated except upon prior approval of the Department Claims Officer or upon his specific delegation.

Effective date. This amendment is effective February 5, 1971.

MANUEL B. HILLER,
Department Claims Officer.

[FR Doc.71-2718 Filed 2-26-71;8:48 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Dockets Nos. 70-16, 70-17; Notice No. 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems; Trucks, Buses, and Trailers

The purpose of this notice is to amend § 571.21 of Title 49, Code of Federal Regulations, by adding Motor Vehicle Safety Standard No. 121, Air Brake Systems—Trucks, Buses and Trailers. Notices of proposed rulemaking on this subject were published on June 25, 1970 (35 F.R. 10368) and June 26, 1970 (35 F.R. 10456). The comments received in response to the notices and information obtained at a technical conference held on October 20, 1970 (35 F.R. 14736, September 22, 1970) have been considered in the development of the final rule. The trailer requirements are joined with the truck and bus requirements in a single air brake systems standard.

The standard as adopted specifies requirements for the safe performance of air brake systems under normal and emergency conditions. It should be noted that the term "air brake system" as defined in the standard applies to the brake configuration commonly referred to as "air over hydraulic," in which failure of either medium can result in complete loss of braking ability.

The standard establishes a set of requirements to govern the braking behavior of a vehicle during application of the service brakes. Principal among these are stopping performance requirements that include a minimum stopping distance requirement for trucks and buses and lateral stability and wheel lockup requirements for all vehicles. To more accurately reflect the friction characteristics of a surface with a skid number of 75, the stopping distances for trucks and buses on a dry surface have been increased over those proposed in the notice. The required distance from 60 m.p.h. is now 245 feet rather than 216 feet and the distance from 20 m.p.h. is 33 feet rather than 29 feet. The stopping distance on a wet surface at 20 m.p.h., 54 feet, has been retained. Several comments indicated that there are no test facilities on which the 60 m.p.h. stop on a wet surface can be safely conducted. As a measure of brake efficiency, moreover, the 20 m.p.h. stop on a wet surface satisfactorily indicates the vehicle's behavior at higher speeds, and the standard therefore specifies only the 20 m.p.h. stopping distance test.

The requirement that the vehicle stay within a 12-foot-wide lane has been adopted as proposed. The proposed requirement that no wheel lock except momentarily has been modified to permit lockup to occur on the leading nonsteerable axle on vehicles having more than two nonsteerable axles. A review of available information indicates that satisfactory control of the vehicle can be maintained if lockup is avoided on two nonsteerable axles. The rule also permits lockup at speeds under 10 m.p.h. Such low speed lockup is not considered hazardous and allows greater flexibility in brake system designs.

Some comments stated that the requirement for a controlled stop without lockup favored one variety of stability-controlling device—the antilock device—over other systems such as load proportioning devices. Several comments seemed to assume that the proposal required antilock devices. The requirement that the vehicle stop without locking its wheels reflects the Administration's judgment that a vehicle with locked wheels, whatever its equipment, is unstable and uncontrollable in an emergency situation. The Administration recognizes the likelihood that manufacturers of some types of vehicles may have to incorporate proportioning or antilock devices into their systems in order to meet the stopping distance requirement. However, the manner in which lockup is prevented is not specified in the standard, and if a proportioning device or any other device can produce the desired result, it may be incorporated into the vehicle's braking system.

Although an antilock device is not required, if it is used on a vehicle it must conform to several requirements. A warning signal must be provided to warn of total system failure, a failed device must not interfere with the operation of the service brake, and electrical elements in the system must be powered through the vehicle's stop lamp circuit. Of these requirements, the first was the subject of comments that indicated some uncertainty as to the nature of a total system failure. The reason for the requirement is that a driver ought to be warned in the event that a system on which he has come to rely has stopped working altogether. Monitoring of each device separately would be difficult and costly, while monitoring of the shared elements of the system, such as the electrical circuitry, would be relatively simple. Although electrical problems would be the most likely cause of total failure, other components may also produce such failure and the language of the requirement has not been limited to a specific type of failure. A requirement that electrical power for antiskid devices on trailers must be provided through the stop lamp circuit has been added to insure the functioning of antilock systems in vehicle combinations in which the towed vehicle has an antilock system.

The requirements for actuation and release times, for brake retardation force, and for brake power have been modified somewhat in the light of information provided by the comments. The notice proposed timing curves for brake actuation and release, but subsequent review has indicated that adhesion to a timing curve is less significant than the basic ability to apply and release the brakes quickly. The curves have therefore been omitted in favor of a single application time of 0.25 second and a single release time of 0.50 second. These values are somewhat less stringent than those proposed in the notice, and reflect the judgment that a system that can meet the stopping distance requirements without lockup has less need for the rapid times originally proposed. Vehicles intended to tow other vehicles equipped with air brakes must still meet the actuation and release times with a 50-cubic-inch test reservoir attached to the service line outlet, but the requirements for pressurization of the test reservoir itself have been deleted.

The brake retardation force requirement was the subject of numerous comments, some to the effect that the retardation force was too high to permit safe operation of vehicle combinations in which new and old vehicles are mixed, and others to the effect that the forces were too high to be achieved with reliability by available friction materials. The Administration has determined that compatibility problems are substantially lessened if the vehicle has the ability to stop without lockup and that the retention of a relatively high retardation force requirement will not lead to significant compatibility problems. It has been determined, however, that the stopping distance requirements can be met by brakes having a somewhat lower retardation force capacity than proposed, and a lower force requirement is therefore adopted.

Comments regarding the proposed brake power requirements stated that the fade characteristics required of the linings might exceed the limits of existing technology and might not be compatible with the retardation force requirements. In the light of these comments and other information it has been determined that the brake power requirements should be reduced. Accordingly the standard as adopted requires 10 decelerations at a rate of 9 feet per second per second at intervals of 72 seconds with the air pressure at 90 p.s.i. or less, and a final deceleration at 14

f.p.s.p.s. from 20 m.p.h. with a service line air pressure of 108 p.s.i. or less. In the light of the diminished power requirements, the recovery requirements have been retained with a minor adjustment from 45 p.s.i. to 40 p.s.i. in the minimum air pressure required.

A series of alterations have been made in the equipment requirements in response to comments and as a result of reevaluation by the Administration. First among these is the alteration of the stop lamp switch requirement to permit use of a pneumatic switch. The requirements for compressor capacity have been modified to require it to increase air pressure in the reservoirs from 85 p.s.i. to 100 p.s.i. in not more than 25 seconds, in place of the proposed requirement of 0–85 p.s.i. in 2 minutes. The mandatory requirement for a supply reservoir has been removed, and the overall reservoir capacity for trucks and buses has been reduced to 12 times the combined brake chamber capacity. The drain valve requirement has been simplified, the tolerance on the air pressure gauge has been broadened to ±7 percent of the compressor cut-out pressure, and the low air pressure warning requirement has been modified to permit visible, nonaudible signals within the driver's forward field of view.

The notice proposed that each truck and bus have a split service brake system. It has been determined that the additional cost and greater complexity of a split system on vehicles equipped with air brakes are not accompanied by safety benefits great enough to justify requiring a split system. Accordingly, the requirement has been deleted. The remaining system with emergency capabilities is the parking brake system, and it has been determined that a parking brake system complying with the applicable requirements of the standard will provide a safe means of stopping the vehicle in the event of service brake failure.

Two aspects of the parking brake system were the subject of considerable comment. A number of comments stated that no maximum static retardation force should be specified, and several comments stated that the parking brakes should not apply automatically. The standard as adopted retains both the maximum retardation and the automatic application requirements. Each has a role in the safe operation of the parking brake system. If no maximum retardation force were specified, there would be considerable risk of lockup during emergency braking. The requirement as adopted, however, raises the upper limit on the quotient

$$\frac{\text{static retardation force}}{\text{GAWR}}$$

from 0.33 to 0.40.

Comments stated that automatic application of the brakes while the vehicle is in motion could induce hazardous instability, due to wheel lockup or to the unexpected nature of the braking. It has been determined that adequate safeguards exist in the standard to avoid such problems. The required low pressure warning signal must operate at a pressure well above the automatic application pressure so that the driver will have sufficient warning of incipient brake application. In addition, the limit on retardation force will act to prevent lockup under all but the most severe conditions. With respect to trailers, the automatic functioning of the parking brake system is further insured by the deletion of the proposed requirement for a check valve or similar device to protect the trailer's air pressure.

The parking brake controls have been considerably simplified by uniting in one control the manual on-off operation and the release-after-automatic-application function.

Many comments revealed a misunderstanding about the Administration's purpose in specifying test conditions. It should be understood that the standards are not instructions for, or descriptions of, manufacturer tests. For example, the condition that states that "(t)he wind velocity is zero," simply means that the vehicle must meet the applicable tests if (among other things) the air is still, that is, if the wind neither helps nor hinders the vehicle's performance. One way in which the manufacturer could check his vehicle's conformity with reference to the zero wind condition is to run the braking test with a resultant tailwind. With reference to another condition, such as the surface with a skid number of 75, the test could be run on a surface having a skid number lower than 75. Manufacturers are required to exercise due care to insure that their vehicles will meet the standard if tested by the Administration under the specified conditions, but they are at their own discretion in devising an appropriate testing program for that purpose.

A few changes have been made in the test conditions. The notice had proposed, in addition to the zero wind condition, that the vehicle stay in the roadway with a wind of 30 m.p.h. from any direction. On review, the 30-m.p.h. speed has been determined to be excessive and to unduly increase the problems of testing. In addition, most stability problems are controlled by preventing wheel lockup, as required by the standard, and the crosswind condition has therefore been deleted. In place of the "lightly loaded vehicle weight," a weight condition based on the vehicle's unloaded weight is used.

Effective date. Because of the development work and preparation for production that this standard will require, it is found that an effective date later than 1 year from the date of issuance is in the public interest. Accordingly, the standard is effective January 1, 1973.

In consideration of the above, § 571.21 of Title 49 of the Code of Federal Regulations is amended by adding Motor Vehicle Safety Standard No. 121 as set forth below. This standard is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority by the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51.

Issued on February 19, 1971.

DOUGLAS W. TOMS,
Acting Administrator, National Highway Traffic Safety Administration.

§ 571.21 Federal motor vehicle safety standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 121

AIR BRAKE SYSTEMS—TRUCKS, BUSES, AND TRAILERS

S1. *Scope.* This standard establishes performance and equipment requirements for braking systems on vehicles equipped with air brake systems.

S2. *Purpose.* The purpose of this standard is to insure safe braking performance under normal and emergency conditions.

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems.

S4. *Definitions.*

"Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver control to the service brake, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

"Antilock system" means a portion of a service brake system that automatically controls the degree of wheel slip at one or more road wheels of the vehicle during braking.

"Gross axle weight rating" (GAWR) means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials Method E–274–65T at 40 m.p.h., omitting water delivery as specified in paragraph 7.1 of that method.

"Unloaded vehicle weight" means the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle, but without cargo or occupants.

S5. *Requirements.* Each vehicle shall meet the following requirements under the conditions specified in S6. All test requirements shall be met without failure of any part of the brake or suspension systems.

S5.1 *Required equipment—trucks and buses.* Each truck and bus shall have the following equipment:

S5.1.1 *Air compressor.* An air compressor of sufficient capacity to increase air pressure in the service reservoirs from 85 pounds per square inch (p.s.i.) to 100 p.s.i. in not more than 25 seconds when the engine is operating at the manufacturer's maximum recommended r.p.m.

S5.1.2 *Reservoirs.* One or more service reservoirs, from which air is delivered to the brake chambers, and either an automatic condensate drain valve for each service reservoir or one or more supply reservoirs between the service reservoir and the source of air pressure.

S5.1.2.1 The combined volume of all service reservoirs and supply reservoirs shall be at least twelve times greater than the combined volume of all service brake chambers at maximum travel of the pistons or diaphragms.

S5.1.2.2 Each reservoir shall be capable of withstanding an internal hydrostatic pressure five times the compressor cut-out pressure.

S5.1.2.3 Each service reservoir shall be protected against loss of air pressure due to failure or leakage in the system between the reservoir and the source of air pressure by check valves or equivalent devices whose proper functioning can be checked without disconnecting any air line or fitting.

S5.1.2.4 Each reservoir shall have a condensate drain valve that can be manually operated.

S5.1.3 *Towing vehicle protection valve.* If the vehicle is intended to tow another vehicle equipped with air brakes, a valve to protect the air pressure in the towing vehicle from the effects of a loss of air pressure in the towed vehicle.

S5.1.3.1 The protection valve shall automatically close the air lines to the towed vehicle when the air pressure in the towing vehicle's service reservoir is less than the automatic closing pressure level. The automatic closing pressure level shall be between 20 and 45 p.s.i.

S5.1.4 *Pressure gauge.* A pressure gauge for a service reservoir in each service brake system, readily visible to a person seated in the normal driving position, that indicates the reservoir air pressure within ±7 percent of the compressor cut-out pressure.

S5.1.5 *Warning signal.* A signal that gives a continuous warning to a person in the normal driving position when the air pressure in a service reservoir is below 60 p.s.i. The signal shall be either visible within the driver's forward field of view, or both audible and visible.

S5.1.6 *Antilock warning signal.* A signal on each vehicle equipped with an antilock system that gives a person seated in the normal driving position a continuous audible and visible warning in the event of a total failure of the antilock system.

S5.1.7 *Service brake stop lamp switch.* A switch that lights the stop lamps when the service brake control is statically depressed to a point that produces a pressure of 6 p.s.i. or less in the service brake chambers.

S5.2 *Required equipment—trailers.* Each trailer shall have the following equipment:

S5.2.1 *Reservoirs.* One or more reservoirs to which the air is delivered from the towing vehicle.

S5.2.1.1 Total reservoir capacity shall be at least eight times greater than the combined volume of all service brake chambers at maximum travel of the pistons or diaphragms.

S5.2.1.2 Each reservoir shall be capable of withstanding an internal hydrostatic pressure of 500 p.s.i.

S5.2.1.3 Each reservoir shall have a condensate drain valve that can be manually operated.

S5.3 *Service brakes.* The service brake system on each truck and bus shall, under the conditions of S6.1, meet the requirements of S5.3.1, S5.3.3, and S5.3.4 when tested in sequence and without adjustments other than those specified in this standard. The service brake system on each trailer shall, under the conditions of S6.1, meet the requirements of S5.3.2, S5.3.3, and S5.3.4 when tested in sequence and without adjustments other than those specified in this standard. Each vehicle shall be capable of meeting the requirements of S5.3.1 or S5.3.2 both (a) when loaded to its gross vehicle weight rating, and (b) at its unloaded vehicle weight plus 500 pounds (including driver and instrumentation). Under the conditions of S6.2, each brake assembly shall meet the requirements of S5.3.5, S5.3.6, and S5.3.7 when tested in sequence and without adjustments other than those specified in this standard. A brake assembly on a vehicle that has undergone a road test need not meet the requirements of S5.3.5, S5.3.6, and S5.3.7.

S5.3.1 *Stopping distance—trucks and buses.* The service brakes shall be capable of stopping the vehicle from 60 m.p.h. and 20 m.p.h. on a surface with a skid number of 75 and from 20 m.p.h on a wet surface with a skid number of 30 in not more than the distances specified in Table I, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway and without lockup of any wheel at speeds above 10 m.p.h. except for momentary lockup allowed by an antilock system and except for lockup of wheels on nonsteerable axles other than the two rearmost nonsteerable axles. If the speed attainable in 5 miles is less than 60 m.p.h., the vehicle shall be capable of stopping from a speed in Table I that is 4 to 8 m.p.h. less than the speed attainable in 5 miles, in not more than the distance specified in Table I.

S5.3.2 *Stopping capability — trailers.* With a service line air pressure of 90 p.s.i., the service brakes shall be capable of stopping the vehicle from 20 and 60 m.p.h. on a surface with a skid number of 75 and from 20 m.p.h. on a wet surface with a skid number of 30, without any part of the vehicle leaving the roadway and without lockup of any wheel at speeds above 10 m.p.h., except for momentary lockup allowed by an antilock system and except for lockup of wheels on nonsteerable axles other than the two rearmost nonsteerable axles.

S5.3.3 *Brake actuation time.* With an initial service reservoir air pressure of 100 p.s.i., the air pressure in each brake chamber shall reach 60 p.s.i. in not more than 0.25 second measured from the first movement of the service brake control. A vehicle designed to tow a vehicle equipped with air brakes shall be capable of meeting the above actuation time requirement with a 50-cubic-inch test reservoir connected to the service line coupling. A trailer shall meet the above actuation time requirement with its brake system connected to the test rig shown in Figure 1.

S5.3.4 *Brake release time.* With an initial brake chamber air pressure of 95 p.s.i., the air pressure in each brake chamber shall fall to 5 p.s.i. in not more than 0.50 second measured from the first movement of the service brake control. A vehicle designed to tow another vehicle equipped with air brakes shall be capable of meeting the above release time requirement with a 50-cubic-inch test reservoir connected to the service line coupling. A trailer shall meet the above release time requirement with its brake system connected to the test rig shown in Figure 1.

S5.3.5 *Brake retardation force.* The retardation force exerted by the brakes on each axle shall be such that the qoutient

$$\frac{\text{brake retardation force}}{\text{GAWR}}$$

relative to brake chamber air pressure, shall have values not less than those shown in Table II. Retardation force shall be determined as follows:

S5.3.5.1 After burnishing the brake pursuant to S6.2.6, retain the brake assembly on the inertia dynamometer. With an initial brake temperature between 125° F. and 200° F., conduct a stop from 50 m.p.h., maintaining brake chamber air pressure at a constant 20 p.s.i. Measure the average torque exerted by the brake, and divide by the static loaded tire radius specified by the tire manufacturer to determine the retardation force. Repeat the procedure six times, increasing the brake chamber air pressure by 10 p.s.i. each time. After each stop, rotate the brake drum until the surface temperature of the brake falls to between 125° F. and 200° F.

S5.3.6 *Brake power.* When mounted on an interia dynamometer, each brake shall be capable of making 10 consecutive decelerations at a rate of at least 9 f.p.s.p.s. from 50 m.p.h. to 15 m.p.h., at equal intervals of 72 seconds, and shall be capable of decelerating to a stop from 20 m.p.h. at an average deceleration rate of 14 f.p.s.p.s. one minute after the 10th deceleration. The series of decelerations shall be conducted as follows:

S.5.3.6.1 With the brake temperature between 150° F. and 200° F. and the drum rotating at a speed equivalent to 50 m.p.h., apply the brake and decelerate at a minimum deceleration rate of 9 f.p.s.p.s. to 15 m.p.h. Upon reaching 15 m.p.h., accelerate to 50 m.p.h. and apply the brake for a second time 72 seconds after the start of the first application. Repeat the cycle until 10 decelerations have been made. The service line air pressure shall not exceed 90 p.s.i. during any deceleration.

S5.3.6.2 One minute after the end of the last deceleration required by S5.3.6.1 and with the drum rotating at a speed of 20 m.p.h., decelerate to a stop at an average deceleration rate of 14 f.p.s.p.s. The service brake line air pressure shall not exceed 108 p.s.i.

S5.3.7 *Brake recovery.* Two minutes after completing the tests required by S5.3.6, the brake shall be capable of making 20 consecuutive stops from 30 m.p.h. at an average rate of 12 f.p.s.p.s., at equal intervals of 1 minute measured from the start of each brake application. The service line air pressure needed to attain a rate of 12 f.p.s.p.s. shall not be less than 40 p.s.i. nor more than 75 p.s.i.

S5.3.8 *Antilock system failure.* On a vehicle equipped with an antilock system, the failure of any part of the antilock system shall not increase the actuation and release times of the service brakes.

S5.3.9 *Antilock system power—trailers.* On a trailer equipped with an antilock system that requires electrical power for operation, the power shall be obtained from the stop lamp circuit. Additional circuits may also be used to obtain redundant sources of electrical power.

S5.4 *Parking brake system.* Each vehicle shall have a parking brake system acting on each axle except steerable front axles that under the conditions of S6.1 meets the following requirements:

S5.4.1 *Static retardation force.* With all other brakes rendered inoperative, the static retardation force produced by the application of the parking brakes on an axle during a static draw bar pull in a forward direction shall be such that the quotient

$$\frac{\text{static retardation force}}{\text{GAWR}}$$

is between 0.28 and 0.40.

S5.4.2 *Application and holding.* The parking brakes shall be applied by an energy source that is not affected by air pressure loss in the service brake system. Once applied, the parking brakes shall be held in the applied position solely by mechanical means.

S5.4.3 *Automatic application.* The parking brakes shall be automatically applied when the air pressure in all service reservoirs is less than the automatic application pressure level. The automatic application pressure level shall be between 20 and 45 p.s.i.

S5.4.4 *Release after automatic application.* After automatic application, the parking brakes shall be releasable at least once by means of a parking brake control. The parking brakes shall be releasable only if they can be automatically reapplied and exert the force required by S5.4.1 immediately after release.

S5.4.5 *Manual operation.* The parking brakes shall be manually operable and releasable by a parking brake control when the air pressure is greater than the automatic application pressure.

S5.4.6 *Parking brake control—trucks and buses.* The parking brake control shall be located to the right of a vertical longitudinal plane tangent to the rightmost edge of the steering wheel and shall be operable by a person seated in the normal driving position. The control shall have a flat red octagonal knob with the word Stop in white letters on its face. The control shall further be identified by the following legend on its escutcheon plate Pull to Apply—Push to Release. The control shall apply the parking brakes when pulled and shall hold the brakes in the applied position until pushed. It shall release the parking brakes after automatic application when pushed and held and shall reapply the parking brakes when released if the air pressure is below the automatic application pressure.

S6. *Conditions.* The requirements of S5 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S6.1 *Road test conditions.*

S6.1.1 Except as specified in S5.3, the vehicle is loaded to its gross vehicle weight rating, distributed proportionally to its gross axle weight ratings.

S6.1.2 Tire inflation pressure is as specified by the vehicle manufacturer for the gross vehicle weight rating.

S6.1.3 Unless otherwise specified, the transmission selector control is in neutral or the clutch is disengaged during all decelerations.

S6.1.4 All vehicle openings (doors, windows, hood, trunk, cargo doors, etc.) are in a closed position except as required for instrumentation purposes.

S6.1.5 The ambient temperature is between 32° F. and 100° F.

S6.1.6 The wind velocity is zero.

S6.1.7 Road tests are conducted on a 12-foot wide, level roadway having a skid number of 75, unless otherwise specified. The vehicle is aligned in the center of the roadway at the beginning of a stop.

S6.1.8 Brakes are burnished before testing as follows: With the transmission in the highest gear range, make 400 applications from 40 m.p.h. to 20 m.p.h. at 10 f.p.s.p.s. After each brake application accelerate to 40 m.p.h. and maintain that speed until making the next application at a point 1.5 miles from the point of the previous brake application. After burnishing, adjust the brakes as recommended by the brake manufacturer.

S6.2 *Dynamometer test conditions.*

S.6.2.1 The dynamometer inertia for each wheel is equivalent to the load on the wheel with the axle loaded to its gross axle weight rating.

S6.2.2 The ambient temperature is between 85° F. and 95° F.

S6.2.3 Air at ambient temperature is directed uniformly and continuously over the brake drum at a rate of 2,200 feet per minute.

S5.2.4 The brake temperature is measured by plug-type thermocouples installed according to SAE Recommended Practice J843a, June 1966.

S6.2.5 The rate of brake rotation on a dynamometer corresponding to the rate of rotation on a vehicle at a given speed is calculated by assuming a tire radius equal to the static loaded radius specified by the tire manufacturer.

S6.2.6 Brakes are burnished before testing as follows: Place the brake assembly on an inertia dynamometer and adjust the brake as recommended by the brake manufacturer. Make 200 stops from 40 m.p.h. at a deceleration of 10 f.p.s.p.s., maintaining a brake temperature on each stop of not less than 315° F. and not more than 385° F. Make 200 additional stops from 40 m.p.h. at a deceleration of 10 f.p.s.p.s. maintaining a brake temperature on each stop of not less than 450° F. and not more than 550° F. After burnishing, the brakes are adjusted as recommended by the brake manufacturer.

S6.2.7 The brake temperature is increased to a specified level by conducting one or more stops from 40 m.p.h. at a deceleration rate of 10 f.p.s.p.s. The brake temperature is decreased to a specified level by rotating the drum at a constant 30 m.p.h.

TABLE I—STOPPING DISTANCES IN FEET

Vehicle speed (MPH)	Stopping distance	
	Skid No. 75	Wet skid No. 30
20	33	54
25	49	
30	68	
35	90	
40	108	
45	143	
50	174	
55	208	
60	245	

TABLE II—BRAKE RETARDATION FORCE

Brake Retardation Force GAWR	*Brake chamber pressure p.s.i.*
0.100	20
0.175	30
0.250	40
0.325	50
0.400	60
0.475	70
0.550	80
0.625	90

FIGURE 1

TRAILER TEST RIG

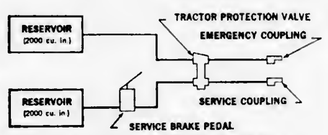

[FR Doc.71-2656 Filed 2-26-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Blackwater National Wildlife Refuge, Md.

On page 1062 of the FEDERAL REGISTER of January 22, 1971, there was published a notice of a proposed amendment to 50 CFR 33.4. The purpose of this amendment is to provide sport fishing and crabbing on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. Since no comments, suggestions, or objections have been received, the proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on sport fishing and crabbing, it shall become effective upon publication in the FEDERAL REGISTER (2-27-71).

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d))

Section 33.4 is amended by the following addition:

§ 33.4 **List of open areas; sport fishing.**

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MARYLAND

Blackwater National Wildlife Refuge.

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FEBRUARY 24, 1971.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-2717 Filed 2-26-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Average Basis for Regulated Investment Company Stock

The proposed amendment to the regulations under section 1012 of the Internal Revenue Code of 1954, relating to average basis for regulated investment company stock appears in the FEDERAL REGISTER for December 3, 1970 (35 F.R. 18389).

A public hearing on the provisions of this proposed amendment to the regulations will be held on Monday, March 22, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

The hearing is to be conducted under the rules of § 601.601(a)(3) of the Statement on Procedural Rules (26 CFR Part 601), which appeared in the FEDERAL REGISTER for October 24, 1970 (35 F.R. 16593). Copies of these rules will be furnished on request.

Under such § 601.601(a)(3) persons who desire to present oral comments (in addition to having submitted written comments or suggestions within the time prescribed in the notice of proposed rule making) should submit by March 10, 1971, an outline of the topics and the time they wish to devote to each topic. The outline should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who plan to attend the hearings and persons who desire a copy (furnished only at the above address) of such written comments, suggestions, or outlines should notify the Commissioner at the above address or telephone 202-964-3935 by March 12, 1971.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-2754 Filed 2-26-71;8:50 am]

[26 CFR Part 1]

INCOME TAX

Limitation on Tax Attributable to Certain Total Distributions From Qualified Plans

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 72(n)(4) of the Internal Revenue Code of 1954 (relating to special rule for employees without regard to section 401(c)(1)), as added by section 515(b)(2) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 645), such regulations are hereby amended as follows. Amendments to conform the Income Tax Regulations to the balance of the amendments made by section 515 of the Tax Reform Act of 1969 will be published in the FEDERAL REGISTER at a later date with a notice of proposed rule making.

PARAGRAPH 1. Section 1.72 is amended by revising so much of section 72(n) as precedes paragraph (2) thereof, by adding a new paragraph (4) to section 72(n), and by revising the historical note. These revised and added provisions read as follows:

§ 1.72 Statutory provisions; annuities; certain proceeds of endowment and life insurance contracts.

SEC. 72. *Annuities; certain proceeds of endowment and life insurance contracts* * * *

(n) *Treatment of total distributions*—(1) *Application of subsection*—(A) *General rule.* This subsection shall apply to amounts—

(i) Distributed to a distributee, in the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or

(ii) Paid to a payee, in the case of an annuity plan described in section 403(a),

if the total distributions or amounts payable to the distributee or payee with respect to an employee (including an individual who is an employee within the meaning of section 401(c)(1)) are paid to the distributee or payee within 1 taxable year of the distributee or payee, but only to the extent that section 402(a)(2) or 403(a)(2)(A) does not apply to such amounts.

(B) *Distributions to which applicable.* This subsection shall apply only to distributions or amounts paid—

(i) On account of the employee's death,

(ii) With respect to an individual who is an employee without regard to section 401(c)(1), on account of his separation from the service,

(iii) With respect to an employee within the meaning of section 401(c)(1), after he has attained the age of 59½ years, or

(iv) With respect to an employee within the meaning of section 401(c)(1), after he has become disabled (within the meaning of subsection (m)(7)).

(C) *Minimum period of service.* This subsection shall apply to amounts distributed or paid to an employee from or under a plan only if he has been a participant in the plan for 5 or more taxable years prior to the taxable year in which such amounts are distributed or paid.

(D) *Amounts subject to penalty.* This subsection shall not apply to amounts described in clauses (ii) and (iii) of subparagraph (A) of subsection (m)(5) (but, in the case of amounts described in clause (ii) of such subparagraph, only to the extent that subsection (m)(5) applies to such amounts).

* * * * *

(4) *Special rule for employees without regard to section 401(c)(1).* In the case of amounts to which this subsection applies which are distributed or paid with respect to an individual who is an employee without regard to section 401(c)(1), paragraph (2) shall be applied with the following modifications:

(A) "7 times" shall be substituted for "5 times", and "14⅔ percent" shall be substituted for "20 percent".

(B) Any amount which is received during the taxable year by the employee as compensation (other than as deferred compensation within the meaning of section 404) for personal services performed for the employer in respect of whom the amounts distributed or paid are received shall not be taken into account.

(C) No portion of the total distributions or amounts payable (of which the amounts distributed or paid are a part) to which section 402(a)(2) or 403(a)(2)(A) applies shall be taken into account.

Subparagraph (B) shall not apply if the employee has not attained the age of 59½ years, unless he has died or become disabled (within the meaning of subsection (m)(7)).

* * * * *

[Sec. 72 as amended by sec. 4 (a), (b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 821); sec. 11(b), Rev. Act 1962 (76 Stat. 1005); sec. 232(b), Rev. Act 1964 (78 Stat. 110); sec. 809(d)(2), Excise Tax Reduction Act 1965 (79 Stat. 167); sec. 106(d)(2), Social Security Amendments 1965 (79 Stat. 337); sec. 1(b), Act of Mar. 8, 1966 (Public Law 89-365, 80 Stat. 32); sec. 515(b), Tax Reform Act 1969 (83 Stat. 644)]

PAR. 2. The following new section is added immediately after § 1.72-18:

§ 1.72-19 Computation of tax on certain total distributions.

(a) *In general*—(1) *Introduction.* Sections 402(a)(5) and 403(a)(2)(C) limit the extent to which an averageable distribution may, under sections 402(a)(2) and 403(a)(2)(A), respectively, be treated as long-term capital gain. Under section 72(n)(1), the limitation provided in section 72(n)(2) applies, with the modifications specified in section 72(n)(4), in determining the tax on the portion of an averageable distribution which, by reason of section 402(a)(5) or 403(a)(2)(C), is income which is not treated as long-term capital gain. This section provides rules for determining the total tax imposed by section 1 or 3 for a taxable year for which an averageable distribution is included in gross income.

(2) *Computation of total tax.* The total tax imposed by section 1 or 3 for a taxable year in which an averageable distribution is included in gross income is the basic tax imposed by section 1 or 3, reduced (but not below zero) by the excess (if any) of—

(i) The portion of such basic tax which, under paragraph (b) of this section, is attributable to the ordinary income element of the averageable distribution, over

(ii) The limitation provided in paragraph (c) of this section on the tax on the ordinary income element of the averageable distribution.

(3) *Definitions.* For purposes of this section—

(i) *Averageable distribution.* The term "averageable distribution" means an amount which is paid or distributed after December 31, 1969, with respect to an employee (including an individual who is an employee within the meaning of section 401(c)(1)) and which constitutes—

(*a*) The total distributions payable (as defined in paragraph (a)(6) of § 1.402(a)-1) with respect to such employee from a trust described in section 401(a) which is exempt under section 501(a), or

(*b*) The total amounts payable (as defined in paragraph (b) of § 1.403(a)-2) with respect to such employee under an annuity plan described in section 403(a).

(ii) *Ordinary income element.* The term "ordinary income element of an averageable distribution" means that portion of an averageable distribution which is includible in gross income and which, by reason of section 402(a)(5) or 403(a)(2)(C), is not treated as long-term capital gain under section 402(a)(2) or 403(a)(2)(A).

(iii) *Basic tax.* The term "basic tax imposed by section 1 or 3" means the tax that would be imposed by section 1 or 3 but for this section and section 72(n).

(b) *Tax attributable to ordinary income element.* For purposes of this section, the portion of the basic tax imposed by section 1 or 3 which is attributable to the ordinary income element of an averageable distribution is the greater of—

(1) Such basic tax, multiplied by a fraction, the numerator of which is such ordinary income element, and the denominator of which is adjusted gross income (without regard to the exclusions provided in section 72(n)(4) (B) and (C) and paragraph (c)(2) of this section), or

(2) The tax that would be imposed by section 1 if taxable income were the excess of such ordinary income element over the deductions allowed by section 151.

(c) *Limitation on tax on ordinary income element*—(1) *In general.* The limitation on the tax on the ordinary income element of an averageable distribution is the greater of—

(i) 7 times the increase in the tax imposed by section 1 or 3 which would result from including in gross income (determined in accordance with section 72(n)(4) (B) and (C) and subparagraph (2) of this paragraph) one-seventh of such ordinary income element, or

(ii) 7 times the tax that would be imposed by section 1 if taxable income were one-seventh of the excess of such ordinary income element over the deductions allowed by section 151.

(2) *Exclusions from gross income.* For purposes of computing the limitation provided in subparagraph (1)(i) of this paragraph, gross income does not include—

(i) Any averageable distribution, and

(ii) If the employee with respect to whom such averageable distribution is paid or distributed died or became disabled (within the meaning of section 72(m)(7) and paragraph (f) of § 1.72-17) before any portion of such averageable distribution is paid or distributed or has attained the age of 59½ years as of the close of the taxable year, any compensation (other than deferred compensation within the meaning of section 404 and the regulations thereunder) received during the taxable year by such employee for personal services performed as an employee for the employer (or a member of the affiliated group of corporations of which the employer is a member) who maintains the plan under which such averageable distribution is paid or distributed.

(3) *Special rule for computing taxable income.* In computing taxable income for purposes of the limitation provided in subparagraph (1)(i) of this paragraph, the deductions taken into account shall be the greater of the deductions referred to in section 63(b) or the deductions taken into account in determining the basic tax under section 1 or 3. However, any deduction which is limited in amount to or by a percentage of adjusted gross income shall be computed upon the basis of the adjusted gross income determined by reference to the amounts includible in gross income under subparagraph (1)(i) of this paragraph.

(d) *Self-employed individuals.* The total tax imposed by section 1 or 3 for a taxable year in which an averageable distribution with respect to a self-employed individual is included in gross income is the sum of—

(1) The tax determined under paragraph (d) of § 1.72-18 (without regard to section 72(n)(4) and this section) with respect to the portion of such distribution which is attributable to contributions made on behalf of the participant while he was self-employed (as defined in paragraph (b)(4) of § 1.72-18), and

(2) The total tax imposed by section 1 or 3, determined under paragraph (a)(2) of this section by excluding such portion of such distribution from gross income for purposes of paragraphs (a) and (b) of this section.

For purposes of subparagraph (2) of this paragraph, income from the trade or business which maintains the plan from which such distribution is made constitutes, for purposes of paragraph (c)(2)(ii) of this section, compensation for personal services to the extent such income constitutes earned income (as defined in section 911(b) and the regulations thereunder).

(e) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). (i) On June 25, 1980, A, an employee of B Corporation, retires at age 67 and receives a total distribution from an employees' trust described in section 401(a). A, a cash basis taxpayer, files a joint return with his wife, age 66, for the calendar year 1980. A has the following items of gross income and deduction for the year:

Total distribution:		
Ordinary income element	$14,000	
Capital gain element	30,000	$44,000
Salary (described in section 72(n)(4)(B))		8,000
Interest income		10,000
Charitable contribution		700
Real property taxes on personal residence		600

(ii) A's basic tax for 1980 is $13,100, determined in the following manner:

Gross income:		
Total distribution	$44,000	
Salary	8,000	
Interest income	10,000	$62,000
Less: Deduction allowed by section 1202		15,000
Adjusted gross income		47,000
Other deductions:		
Standard deduction	2,000	
Personal exemptions	3,000	5,000
Taxable income		42,000
Basic tax under section 1		13,100

(iii) The portion of the basic tax under section 1 attributable to the ordinary income element is $3,902, determined in the following manner:

(a) Computation under paragraph (b)(1) of this section.	
Numerator of fraction (ordinary income element)	$14,000
Denominator of fraction (adjusted gross income ($62,000—$15,000))	$47,000
Fraction	0.29787
Tax attributable to ordinary income element (0.29787×$13,100)	$3,902
(b) Computation under paragraph (b)(2) of this section.	
Ordinary income element	$14,000
Personal exemptions	3,000
Excess	11,000
Tax under section 1 on excess	2,040

Since the amount determined under paragraph (b)(1) of this section exceeds the amount determined under paragraph (b)(2) of this section, the portion of the basic

tax imposed by section 1 which, under paragraph (b) of this section, is attributable to the ordinary income element is $3,902.

(iv) The limitation on the tax on the ordinary income element is $2,261, determined in the following manner:

(a) *Computation under paragraph (c)(1)(i) of this section.*

Gross income without regard to averageable distribution and salary		$10,000
Deductions:		
Standard deduction	$1,500	
Personal exemptions	3,000	4,500
Taxable income		5,500
Tax under section 1 on $5,500		905

Gross income without regard to averageable distribution and salary	10,000	
One-seventh ordinary income element	2,000	
Total gross income		12,000
Deductions:		
Standard deduction	1,800	
Personal exemptions	3,000	4,800
Taxable income		7,200
Tax under section 1 on $7,200		1,228

Accordingly, the increase in the tax imposed by section 1 resulting from including one-seventh of the ordinary income element in gross income without regard to the averageable distribution and salary is $323 ($1,228 − $895). Thus, the limitation under paragraph (c)(1)(i) of this section is 7 times such increase, or $2,261.

(b) *Computation under paragraph (c)(1)(ii) of this section.*

Excess of ordinary income element over personal exemptions		$11,000
One-seventh excess		1,571
Tax under section 1 on one-seventh excess		226

Accordingly, the limitation under paragraph (c)(1)(ii) of this section is 7 times such tax, or $1,582. Since the amount determined under paragraph (c)(1)(i) of this section exceeds the amount determined under paragraph (c)(1)(iii) of this section, the limitation provided in paragraph (c) of this section on the ordinary income element is $2,261. Under paragraph (c)(3) of this section, because A elected the standard deduction for purposes of the basic tax, he must elect the standard deduction for purposes of the limitation under paragraph (c)(1)(i) of this section.

(v) Under paragraph (a)(2) of this section, the tax imposed by section 1 for 1980 is $11,459, that is the basic tax imposed by section 1 ($13,100), reduced by the excess of the portion of the basic tax attributable to the ordinary income element ($3,902) over the limitation on the tax on the ordinary income element ($2,261).

Example (2). (i) The facts are the same as in example (1), except that A has medical expenses of $1,800 and charitable contributions of $1,300.

(ii) A's basic tax for 1980 is $12,961, determined in the following manner:

Gross income (see subdivision (ii) of example (1))		$62,000
Less: Deduction allowed by section 1202		15,000
Adjusted gross income		47,000
Other deductions:		
Medical expenses	$1,800	
3 percent of adjusted gross income	$1,410	$390
Charitable contributions	1,300	
Real property taxes	600	
Personal exemptions	3,000	5,290
Taxable income		41,710
Basic tax under section 1		12,961

(iii) The portion of the basic tax under section 1 attributable to the ordinary income element determined under paragraph (b)(1) of this section is $3,861 (0.29787 (see subdivision (iii)(a) of example (1)) times $12,961 (the basic tax)). Accordingly, $3,861 is the portion of the basic tax imposed by section 1 attributable to the ordinary income element because it exceeds $2,040, the amount determined under paragraph (b)(2) of this section (see subdivision (iii)(b) of example (1)).

(iv) The limitation on the tax on the ordinary income element is $2,681, the amount determined under paragraph (c)(1)(i) of this section, since it exceeds $1,582, the amount determined under paragraph (c)(1)(ii) of this section (see subdivision (iv)(b) of example (1)). This limitation is determined in the following manner:

Gross income without regard to averageable distribution and salary		$10,000
Medical expenses	$1,800	
3 percent of adjusted gross income	300	$1,500
Charitable contributions	1,300	
Real property taxes	600	
Personal exemptions	3,000	
Total deductions		6,400
Taxable income		3,600
Tax under section 1 on $3,600		552

Gross income without regard to averageable distribution and salary	$10,000	
One-seventh ordinary income element	2,000	
Total gross income		12,000
Medical expenses	$1,800	
3 percent of adjusted gross income	360	$1,440
Charitable contributions	1,300	
Real property taxes	600	
Personal exemptions	3,000	
Total deductions		6,340
Taxable income		5,660
Tax under section 1 on $5,660		935

Accordingly, the increase in the tax imposed by section 1 resulting from including one-seventh of the ordinary income element in gross income without regard to the averageable distribution and salary is $383 ($935 − $552). Thus, the limitation under paragraph (c)(1)(i) of this section is 7 times such increase, or $2,681.

(v) Under paragraph (a)(2) of this section, the tax imposed by section 1 for 1980 is $11,781, that is, the basic tax imposed by section 1 ($12,961), reduced by the excess of the portion of the basic tax attributable to the ordinary income element ($3,861) over the limitation on the tax on the ordinary income element ($2,681). However, if A elects the standard deduction in this case, the tax imposed by section 1 for 1980 is $11,459 (see subdivision (v) of example (1)). Under paragraph (c)(3) of this section, if A does not elect the standard deduction for purposes of the basic tax, he may not elect the standard deduction for purposes of the limitation under paragraph (c)(1)(i) of this section because the amount of itemized deductions is greater than the standard deduction.

Example (3). (i) The facts are the same as in example (1), except that A receives a total distribution from X partnership (a calendar year partnership). From January 10, 1964, to March 31, 1974, A was an employee of X partnership from April 1, 1974, to his retirement he was a partner in X partnership. A has no salary income but has $8,000 of earned income (as defined in section 911(b) and the regulations thereunder) from X partnership. A has the following items of gross income and deduction for the year:

Total distribution:		
Ordinary income element	$14,000	
Capital gain element	30,000	
Portion to which § 1.72-18 applies	20,000	$64,000
Earned income from X partnership		8,000
Interest income		10,000
Charitable contribution		700
Real property taxes on personal residence		600

(ii) The tax determined under paragraph (d) of § 1.72-18 (without regard to section 72(n)(4) and this section) is $9,800, computed in the following manner:

(a) Gross income:

Total distribution (exclusive of portion to which § 1.72-18 applies)	$44,000	
Earned income from partnership	8,000	
Interest income	10,000	$62,000
Less: Deduction allowed by section 1202		15,000
Adjusted gross income		47,000
Other deductions:		
Standard deduction	$2,000	
Personal exemptions	3,000	5,000
Taxable income		42,000
Tax on $42,000 under section 1		13,100

(b) Gross income:

Total distribution (exclusive of four-fifths of portion to which § 1.72-18 applies)	$48,000	
Earned income from X partnership	8,000	
Interest income	10,000	$66,000
Less: Deduction allowed by section 1202		15,000
Adjusted gross income		51,000
Other deductions:		
Standard deduction	$2,000	
Personal exemptions	3,000	5,000
Taxable income		46,000
Tax on $46,000 under section 1		15,060

(c) The tax determined under paragraph (d) of § 1.72-18 is the excess of the amount of tax under subdivision (b) of this subdivision (ii) ($15,060) over the amount of tax under subdivision (a) of this subdivision (ii) ($13,000), multiplied by 5, or $9,800.

(iii) A's total tax for 1980, is $21,259, which is the sum of the amount of tax determined under subdivision (ii) of this example ($9,800) and the amount of tax computed under example (1) ($11,459).

[FR Doc.71-2827 Filed 2-26-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 37]

ROENTGENOGRAPHIC EXAMINATIONS OF COAL MINERS

Proposed Statements of General Policy

Pursuant to section 203 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843), the Secretary proposes establishment of the following policies regarding chest roentgenograms not submitted pursuant to an approved plan. It is proposed to publish the policies as new §§ 37.40 and 37.41.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit comments, views, and arguments concerning the proposal.

Part 37 would be amended by adding the following center heading and sections immediately following § 37.33:

STATEMENTS OF POLICY OR INTERPRETATION

§ 37.40 Roentgenograms provided by operator where no plan has been approved.

(a) Part 37 provides that unless operators conduct their chest roentgenogram programs pursuant to an approved plan, the Secretary will either give or make arrangements with an appropriate person, agency or institution to give the chest roentgenograms or supplemental examinations required under this subpart. The Department has contracted with appropriate persons, agencies, and institutions to give initial roentgenograms by June 30, 1971, and operators of mines are required to reimburse the Secretary for the actual cost of conducting each examination made at their respective mines.

(b) It has come to the attention of the Department that certain operators who have not submitted an approvable plan have nevertheless conducted a chest roentgenographic examination program in which the roentgenograms have been submitted to ALFORD.

(c) Where such roentgenograms have been taken, read, classified, and submitted in accordance with the applicable specifications and in the same manner as those under an approved operator's plan, the roentgenograms will be accepted for consideration by ALFORD, thereby avoiding additional radiation exposure to the miners. However, any operator who causes acceptable roentgenograms to be submitted but is not operating under an approved plan will be required to reimburse the Secretary for any damages sustained under the contract the Secretary has with the person, agency, or institution to give such roentgenograms at the operator's mine, plus any additional administrative expenses caused the Department by the submission.

§ 37.41 Roentgenographic examination at miner's expense.

(a) In implementing section 203 of the Act by the adoption of this subpart, the Department of Health, Education, and Welfare has established what it considers to be a reasonable procedure for assuring that every underground miner has the opportunity for an initial chest roentgenogram by June 30, 1971. In accordance with section 203(c) of the Act, the regulations provide that no payment may be required of any miner in connection with any examination or test given him under this subpart.

(b) It has come to the attention of the Department that a number of individual miners desire to obtain roentgenographic examinations at their own expense and have the roentgenograms submitted to ALFORD for its consideration and classification. The Act does not prohibit this activity, and the Department finds no justification for refusing to accept such roentgenograms provided they comply with the applicable specifications of this subpart.

(c) Accordingly, the Department will accept roentgenograms obtained at the expense of individual miners provided such roentgenograms are given in conformity with the specifications set forth in § 37.20 (b), (c), (d), and (e) and § 37.22; and are read, classified, and submitted in conformity with the specifications set forth in §§ 37.30 and 37.32. To assure confidentiality, forms ECA 108 and 116 shall bear in the upper right corner of each form submitted the notation "Taken at miner's expense".

Dated: February 22, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-2705 Filed 2-26-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[45 CFR Part 1201]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Notice of Proposed Rule Making

On February 10, 1970 (35 F.R. 2791), advance notice was given of the Federal Government's intention to adopt an oxides of nitrogen standard applicable to 1973 and subsequent model year light-duty vehicles and engines.

On November 10, 1970, 45 CFR Part 45 was amended by the adoption of regulations, applicable to 1972 and subsequent model year light-duty vehicles and engines, which established a new mass-measurement analytical system and test procedure, adopted a dynamometer schedule representative of urban driving practices, and revised the hydrocarbon and carbon monoxide exhaust emission standards to reflect the changes in measurement procedures. Part 85 was redesignated as 45 CFR Part 1201 on December 18, 1970 (35 F.R. 19181).

It is now proposed to amend the regulations in 45 CFR Part 1201 in order to:

(a) Revise the analytical system to provide for the determination of oxides of nitrogen emissions from light-duty vehicles and engines.

(b) Establish an oxides of nitrogen exhaust standard and a mass measurement procedure applicable to the standard.

45 CFR Part 1201 as revised by the proposed amendments will become effective on republication and will be applicable to 1973 and subsequent model year light duty vehicles and engines. The current regulations which appear at 45 CFR Part 1201 will remain in effect for the purpose of their applicability to 1972 model year vehicles and engines.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Air Pollution Control Office, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 60 days after the publication of this notice will be considered.

This notice of proposed rule making is issued under the authority of section 202, Public Law 91-604 (sec. 6, 84 Stat. 1690).

Dated: February 22, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

It is proposed that Part 1201 of Subtitle A, Title 45 of the Code of Federal Regulations be amended as follows:

1. In § 1201.1, a new subparagraph is added as follows:

§ 1201.1 Definitions.

(a) • • •

(32) "Oxides of Nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if they were all in the form of nitrogen dioxide.

2. In § 1201.2, three new abbreviations are added as follows:

§ 1201.2 Abbreviations.

• • • • • •

NO—Nitric Oxide.
NO_2—Nitrogen Dioxide.
NO_x—Oxides of Nitrogen.

• • • • • •

3. Section 1201.21 is revised to read as follows:

§ 1201.21 Standards for exhaust emissions.

(a) Exhaust emissions from 1972 model year vehicles shall not exceed:

(1) Hydrocarbons—3.4 grams per vehicle mile.

(2) Carbon monoxide—39.0 grams per vehicle mile.

(b) Exhaust emissions from 1973 and 1974 model year vehicles (and 1975 for NO_x) shall not exceed:

(1) Hydrocarbons—3.4 grams per vehicle mile.

(2) Carbon monoxide—39 grams per vehicle mile.

(3) Oxides of Nitrogen—3 grams per vehicle mile.

(c) The standards set forth in paragraphs (a) and (b) of this section refer to the exhaust emitted over a driving schedule as set forth in the applicable sections of "Test Procedures for Vehicle Exhaust and Fuel Evaporative Emissions (Gasoline Fueled Light Duty Vehicles)" of this part and measured and calculated in accordance with those procedures.

4. In § 1201.70, paragraph (b) is revised to read as follows:

§ 1201.70 Introduction.

* * * * *

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles from a cold start. The test consists of engine startup and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix A to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

* * * * *

5. In § 1201.76, paragraph (a) is revised to read as follows:

§ 1201.76 Dynamometer procedure.

(a) The vehicle shall be tested from a cold start. Engine startup and operation over the driving schedule make a complete test run. Exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during the entire test run. The composite sample, collected in a bag, is analyzed for hydrocarbon, carbon monoxide and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed.

* * * * *

6. In § 1201.81, paragraphs (a) and (c) are revised to read as follows:

§ 1201.81 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Figures 1a and 1b) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to coordinate the functions of the component systems. In particular, the HC and CO instruments may be connected in parallel instead of in series.

* * * * *

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentration by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix E. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure 1b.

(1) Quick-connect leak-tight fitting (C3) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected samples.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V3, V4, V5, and V6) for directing samples, span gases or zeroing gas to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, and N10) to regulate the gas flow rates.

(6) Flowmeters (FL3 and FL4) to indicate gas flow rates.

(7) Manifold (M1) to collect the expelled gases from the analyzers.

(8) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(9) Analyzers to determine hydrocarbon, carbon monoxide and oxides of nitrogen concentrations.

(10) An oxide of nitrogen converter to convert any NO_2 present in the samples to NO before analysis. This may be separate from or integral with the nitric oxide analyzer.

(11) Recorders (R1, R2, and R3) to provide permanent records of calibration, spanning and samples measurements.

7. Figure 1b of § 1201.81 is revised as follows:

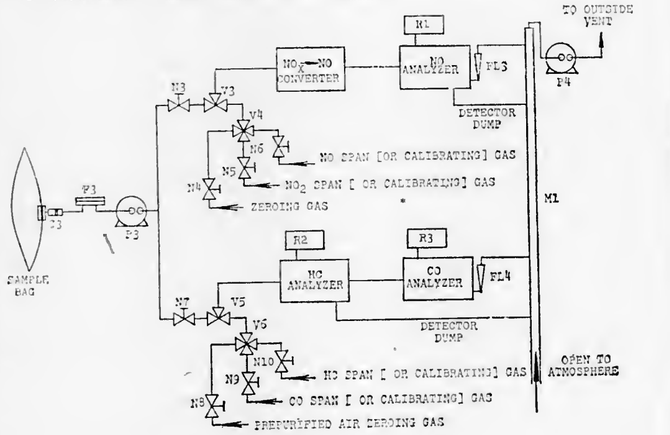

Figure 1b. Exhaust Gas Analytical System

8. Section 1201.84 is revised to read as follows:

§ 1201.84 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero on prepurified air, i.e., less than 6 p.p.m. carbon equivalent of hydrocarbon, 10 p.p.m. of carbon monoxide and 2 p.p.m. NO_x. Check each cylinder of prepurified air for contamination with hydrocarbons, carbon monoxide, and oxides of nitrogen.

(3) Set the CO analyzer gain to give the desired range. Select the desired attenuation scale of the HC analyzer and set the sample capillary flow rate, by adjusting the back pressure regulator, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage to give the desired range. The operating range of the analyzers shall be such that the analyzer deflection which indicates an emission level equivalent to the respective standard is in the upper two-thirds of the scale.

(4) Calibrate the HC analyzer with propane (prepurified air diluent) gases having nominal concentrations equivalent to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases which are equivalent to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) and nitrogen dioxide (prepurified air diluent) gases having nominal concentrations equivalent to 50 and 100 percent of full scale. The purpose of calibrating with nitrogen dioxide is to insure that the NO_2 to NO converter

is functioning properly. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO analyzer with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(b) HC, CO, and NO_x measurements: Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO and NO_x analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motor of the infrared analyzer is turned off and the phototube filament voltage of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements.

(1) Zero on prepurified air. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce span gas and set the CO analyzer gain, the HC analyzer sample capillary flow rate, and the NO_x analyzer high voltage to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equivalent to approximately 80 percent of full scale. If gain has shifted significantly on the CO analyzer, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zero, using prepurified air; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(4) Check flow rates and pressures.

(5) Measure HC, CO, and NO_x concentration of samples. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(6) Check zero and span points.

(c) For the purposes of this paragraph, the term "prepurified air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18- and 21-mole percent.

9. Section 1201.86 is revised to read as follows:

§ 1201.86 Chart reading.

(a) Determine the HC, CO, and NO_x concentrations of the dilution air and dilute exhaust sample bags from the instrument deflection or recordings making use of appropriate calibration charts.

(b) Determine the average dilute exhaust mixture temperature from the temperature recorder trace if a recorder is used.

10. Section 1201.87 is revised to read as follows:

§ 1201.87 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formulae:

(a) For light duty vehicles, excluding off-road utility vehicles:

(1) Hydrocarbon Mass:

$$HC_{mass} = V_{mix} \times Density_{HC} \times \frac{HC_{conc}}{1{,}000{,}000}$$

(2) Carbon Monoxide Mass:

$$CO_{mass} = V_{mix} \times Density_{CO} \times \frac{CO_{conc}}{100}.$$

(3) Oxides of Nitrogen Mass:

$$NOx_{mass} = V_{mix} \times Density_{NO_2} \times \frac{NOx_{conc}}{1{,}000{,}000} \times K_H.$$

(b) For off-road utility vehicles:

(1) $HC_{mass} = V_{mix} \times Density_{HC} \times \frac{HC_{conc} \times 0.85}{1{,}000{,}000}$.

(2) $CO_{mass} = V_{mix} \times Density_{CO} \times \frac{CO_{conc} \times 0.85}{100}$.

(3) $NOx_{mass} = V_{mix} \times Density_{NO_2} \times \frac{NOx_{conc}}{1{,}000{,}000} \times K_H$.

(c) Meaning of symbols:

HC_{mass} = Hydrocarbon emissions, in grams per vehicle mile.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft.).

HC_{conc} = Hydrocarbon concentration of the exhaust mixture sample minus hydrocarbon concentration of the dilution air sample, in p.p.m. carbon equivalent (p.p.m. C.), i.e., equivalent propane × 3.

CO_{mass} = Carbon monoxide emissions, in grams per vehicle mile.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample minus the carbon monoxide concentration of the dilution air sample, in volume percent.

NOx_{mass} = Oxides of nitrogen emissions, in grams per vehicle mile.

$Density_{NO_2}$ = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

NOx_{conc} = Oxides of nitrogen concentration of the exhaust mixture samples in p.p.m.

V_{mix} = Total dilute exhaust volume in cubic feet per mile, corrected to standard conditions (528°R and 760 mm. Hg).

$$V_{mix} = K_1 \times V_o \times N \times \frac{P_p}{T_p}$$

where:

$K_1 = \frac{528°R}{760 \text{ mm. Hg} \times 7.5 \text{ miles}} = 0.09263.$

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test while samples are being collected.

P_p = Absolute pressure of the dilute exhaust entering the positive displacement pump, i.e., barometric pressure minus the pressure depression below atmospheric of the mixture entering the positive displacement pump.

T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

K_H = Humidity correction factor.

$$K_H = \frac{1}{1 - 0.0047\,(H - 75)}$$

where:

H = Absolute humidity in grains of water per pound of dry air.

(d) Example calculation of mass emission values:

Assume $V_o = 0.265$ cu. ft. per revolution; $N = 20{,}250$; $H = 85$ grains per lb. of dry air; $P_p = 730$ mm. Hg; $T_p = 550°R$; $HC_{conc} = 160$ p.p.m. C; $CO_{conc} = 0.09\%$; and $NOx_{conc} = 70$ p.p.m.

Then:

$V_{mix} = (0.09263)\,(0.265)\,(730/550) = 659.8$ cu. ft. per mile.

$$K_H = \frac{1}{1 - 0.0047\,(85 - 75)} = 1.049.$$

(1) For a 1972 light-duty vehicle.

$$HC_{mass} = 659.8 \times 16.33 \times \frac{160}{1{,}000{,}000} = 1.72 \text{ gr. per mile.}$$

$$NO_{mass} = 659.8 \times 54.16 \times \frac{70}{1{,}000{,}000} = 2.62 \text{ gr. per mile.}$$

(2) For a 1972 utility vehicle.

$$CO_{mass} = 659.8 \times 32.97 \times \frac{0.09 \times 0.85}{100} = 16.6 \text{ gr.} = 16.6 \text{ gr. per mile.}$$

11. In § 1201.92, paragraph (c)(1) is revised to read as follows:

§ 1201.92 Compliance with emission standards.

* * * * *

(c) * * *

(1) Separate emission deterioration factors shall be determined from the emission results of the durability data vehicles for each engine-system combination. A separate factor shall be established for the combination for exhaust HC, exhaust CO, exhaust NO_x, and fuel evaporative HC.

(i) The applicable results to be used in determining deterioration factors for each combination shall be:

(*a*) All emission data from the tests required under § 1201.91(b), except the zero mile tests. This shall include the official test results, as determined in § 1201.54, for all tests conducted on all durability vehicles of the combination selected under § 1201.89(c) (including all vehicles elected to be operated by the manufacturer under § 1201.89(c)(3)). Where the Administrator has agreed to

a mileage less than 50,000 miles in accordance with § 1201.91(b), the data for mileages greater than that actually run will be determined by extrapolating the test data generated at lesser mileages.

(b) All emission data from the tests conducted before and after the maintenance provided in §1201.90 (a)(1)(i).

(ii) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in §§ 1201.21 and 1201.22 or the data will not be acceptable for use in calculation of a deterioration factor.

(iii) An exhaust emission deterioration factor shall be calculated for each combination as follows:

$$\text{factor} = \frac{\text{exhaust emissions interpolated to 50,000 miles}}{\text{exhaust emissions interpolated to 4,000 miles}}$$

(iv) An evaporative emission deterioration factor shall be calculated for combination by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles.

* * * * *

12. A new appendix, Appendix E, is added as follows:

APPENDIX E

OXIDES OF NITROGEN ANALYTICAL SYSTEM

The chemiluminescence method utilizes the principle that nitric oxide (NO) reacts with ozone (O_3) to give nitrogen dioxide (NO_2) and oxygen (O_2). Approximately 10 percent of the NO_2 is electronically excited (NO_2^*). The transition of excited NO_2 to the ground state yields a detectable light emission (590–630 nanometer region) at low pressures. The intensity of this emission is proportional to the mass flow rate of NO into the reactor. The light emission can be measured utilizing a photomultiplier tube and associated electronics.

The method also utilizes the principle that the thermal decomposition of NO_2 ($2NO_2 \rightarrow 2NO + O_2$) is complete at about 600° C. The rate constant for the dissociation of NO_2 at 600° is approximately 106 (liters/mole-second).

The method permits continuous monitoring of NO_x concentrations over a wide range. Response time (2 to 4 seconds is typical) is primarily dependent on the mechanical pumping rate at the operating pressure of the reactor. The operating pressure of the reactor is generally less than 5 torr.

The following figure is a flow schematic illustrating one configuration of the major components required for the oxides of nitrogen analytical system.

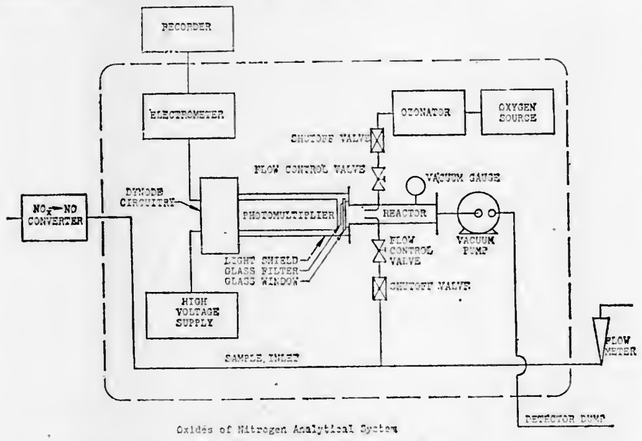

Oxides of Nitrogen Analytical System

[FR Doc.71-2583 Filed 2-26-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 18495]

DOMESTIC COMMUNICATIONS-SATELLITE FACILITATED BY NON-GOVERNMENTAL ENTITIES

Establishment

Upon consideration of the "Motion for Extension of Time to File Applications" filed by Twin-County Trans-Video, Inc. (Twin County) on February 16, 1971,

It is hereby ordered, Pursuant to § 0.303 of the Commission's rules and regulations, That Twin County is granted leave to file on or before March 30, 1971, for consideration in this proceeding, an application for a receive-only earth station to operate with a domestic communications satellite system proposed by some other applicant.

Adopted: February 19, 1971.

Released: February 23, 1971.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.71-2723 Filed 2-26-71;8:48 am]

[47 CFR Part 74]

[Docket No. 19128]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Maintenance of Program Logs for Cablecasting

1. On February 19, 1971, the National Cable Television Association filed a "Motion for Extension of Time" for filing comments and reply comments in Docket No. 19128. Comments and reply comments were scheduled to be filed on February 22, 1971, and March 4, 1971, respectively, and NCTA proposes that these dates be changed to April 2, 1971, and April 15, 1971.

2. In support of the requested extension, NCTA indicates that it has a standing committee which is accumulating data for and alternative program log proposal to be submitted in this proceeding, but that it is also heavily involved in preparing for the CATV en banc hearings scheduled for March 11–26, 1971. NCTA believes that the panel discussions and testimony presented at these hearings may provide further insight into the most suitable logging requirements for CATV systems which cablecast, and would require time for analysis after the hearings have concluded.

3. It appears that the public interest would be served by granting the requested extension of time. In particular, it appears that Topic (c) in the February 4, 1971 en banc hearing order in Docket No. 18397-A, FCC 71-103, ------ FCC 2d ------, concerns, in part, cablecasting, and may elicit information which would be useful in the preparation of alternative program log proposals or other comments. And time for reply comments should be extended to permit adequate analysis of any alternative proposals which may be filed.

4. *Accordingly, it is ordered*, Pursuant to § 0.289(c)(4) of the Commission's rules and regulations, That the "Motion for Extension of Time" filed February 19, 1971, is granted, and the times for filing comments and reply comments in the above-captioned proceeding are extended until April 2, 1971, and April 15, 1971, respectively.

Adopted: February 22, 1971.

Released: February 22, 1971.

SOL SCHILDHAUSE,
Chief,
Cable Television Bureau.

[FR Doc.71-2724 Filed 2-26-71;8:48 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

SURETY BOND COVERAGE FOR FEDERAL CREDIT UNIONS

Minimum Bond Coverage Schedule

Notice is hereby given that the National Credit Union Administration, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise § 701.20 (12 CFR 701.20) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the National Credit Union under authority contained in section 21, Administration, 1325 K Street NW., Washington, DC 20456, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

HERMAN NICKERSON, Jr.,
Administrator.

§ 701.20 Surety bond coverage for Federal credit unions.

(a) The board of directors of each Federal credit union shall at least semi-annually carefully review the bond coverage in force in order to ascertain its adequacy in relation to the exposure and to the minimum requirements fixed from time to time by the Administrator.

(b) All surety bonds must provide for faithful-performance-of-duty coverage for any officer or employee while performing any of the duties of the treasurer as prescribed in the Act, the bylaws, or rules and regulations of the Administration.

(c) No form of surety bond shall be used except as is approved by the Administrator. Credit Union Blanket Bond, Standard Form No. 23 of the Surety Association of America (revised to May 1950), plus Faithful Performance Rider (for use with this form to broaden Clause (A)) (revised to May 1950) shall be considered as the minimum coverage required and is hereby approved. Credit Union Blanket Bonds—NCUA Optional Forms 576, 577, and 578—are also approved. No other bond form may be used unless specifically approved in writing by the Administrator. No form of surety bond is approved for use by a Federal credit union having its office outside of the continental United States unless by the terms of the bond or by an appropriate rider attached thereto the provisions of the bond are made applicable within the jurisdiction in which the office of such Federal credit union is located.

(d) All sureties writing Federal credit union bonds must hold a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13), as an acceptable surety on Federal Bonds in the State or jurisdiction concerned.

(e) The schedule of coverage set forth in paragraph (f) of this section shall not be deemed to cover cash funds of $1,000 or more. When the cash fund is $1,000 or more, additional coverage—to the full amount of the fund—will be required up to total surety bond coverage of $5 million.

(f) The following schedule shall be deemed as the minimum requirements only:

Assets:	*Minimum coverage*
$0,000 to $5,000	$1,000.
$5,001 to $10,000	$2,000.
$10,001 to $20,000	$4,000.
$20,001 to $30,000	$6,000.
$30,001 to $40,000	$8,000.
$40,001 to $50,000	$10,000.
$50,001 to $75,000	$15,000.
$75,001 to $100,000	$20,000.
$100,001 to $150,000	$30,000.
$150,001 to $200,000	$40,000.
$200,001 to $300,000	$50,000.
$30,001 to $400,000	$60,000.
$400,001 to $500,000	$70,000.
$500,001 to $750,000	$85,000.
$750,001 to $1,000,000.	$100,000.
$1,000,001 to $50,000,000.	$100,000 plus $50,000 for each million or fraction thereof of assets over $1,000,000.
$50,000,001 to $150,000,000.	$2,500,000 plus $25,000 for each million or fraction thereof of assets over $50,000,000.
Over $150,000,000	$5,000,000.

It shall be the duty of the board of directors of each Federal credit union to provide proper protection to meet any circumstances by obtaining adequate bond (and insurance) coverage in excess of the above minimum schedule.

(g) The Administrator may require additional coverage for any Federal credit union when, in his opinion, the surety bonds in force are insufficient to provide adequate surety coverage and it shall be the duty of the board of directors of the Federal credit union to obtain such additional coverage within 30 days after the date of written notice.

[FR Doc.71-2695 Filed 2-26-71;8:47 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Notice of Proposed Rule Making

I. In F.R. Doc. 71-1523, published at pages 2518–2520 in the issue dated Friday, February 5, 1971, the reference to "Newcaster" as a check point for upbound vessels, appearing in § 401.103–5, is incorrect and is hereby corrected to read "Newcastle".

II. In the above document, § 401.104–1 would be further amended by inserting the following note immediately below the reference to "South Shore, Beauharnois, Wiley Dondero, and Iroquois":

NOTE: The Seaway Entities are presently carrying out extensive studies directed towards the possible extension of the navigation season. Accordingly, where conditions warrant and other circumstances permit, the above dates may be modified in a Seaway Notice.

III. Also in the above document, § 401.104–1 would be further amended by striking the date "December 10" and inserting the date "December 12" in place thereof.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] DAVID W. OBERLIN,
Administrator.

[FR Doc.71-2698 Filed 2-26-71;8:47 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 223(f) of the Foreign Assistance Act of 1961 as amended, and effective immediately, contracts of guaranty for loan investments in housing under sections 221 and 222 of that Act will be subject to the following restriction:

The interest allowed to an eligible U.S. investor at the time the relevant project is authorized may not exceed a rate of eight per centum (8 percent) per annum. Prior to the execution of the contract of guaranty, the Director of the Office of Housing may amend such rate at his discretion, consistent with the provisions of section 223(f) of the Act.

Dated: February 18, 1971.

STANLEY BARUCH,
Director, Office of Housing.

[FR Doc.71-2694 Filed 2-26-71;8:47 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-61; Customs Delegation Order No. 40]

AREA DIRECTORS, CUSTOMS DISTRICT OF NEW YORK CITY

Delegation of Authority

FEBRUARY 18, 1971.

Order of the Commissioner of Customs delegating functions, rights, privileges, powers, and duties to area directors in the Customs district of New York City, N.Y.

By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), all functions, rights, privileges, powers, and duties delegated to district directors of customs and to regional commissioners of customs by Customs Delegation Order No. 22 (T.D. 56470, 30 F.R. 11180) are hereby delegated also to area directors of customs for the Customs district of New York City, N.Y., effective on April 1, 1971.

This order supersedes Customs Delegation Orders No. 23 (T.D. 66-100, 31 F.R. 7150) and No. 24 (T.D. 66-113, 31 F.R. 7842).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-2742 Filed 2-26-71;8:50 am]

POST OFFICE DEPARTMENT

STANDBY INSTRUCTIONS ON MAIL SERVICE IN EVENT OF NATIONWIDE RAIL STRIKE

The following are excerpts from Regional Instructions No. 583-0-134, issued by the Operations Department under date of February 23, 1971:

I. *Purpose.* To include in one issuance standby instructions for guidance in adjusting postal service and the handling of both domestic and international mail during a nationwide railroad strike.

II. *Mail embargo.* In event of a nationwide railroad strike:

A. *Domestic mail.* 1. Shipments of second-, third- and fourth-class mail addressed for delivery beyond the third parcel post zone from the post office of origin will not be accepted. Regional Directors may publicize local exceptions for selective acceptance of mail beyond the third zone when adequate highway service is assured and the receiving region can handle such movements. Regional Directors are encouraged to maintain as much regular service as practical by contacts with highway contractors and common carriers.

2. The preceding restriction does not apply to the items which are given airlift service to or from military post offices overseas under the provisions of § 127.1(e) of title 39, CFR.

3. First-class and airmail will continue to be accepted without restrictions as to distance.

B. *International mail.* 1. General Procedures—Except as provided in paragraph B2 following, no international surface mail will be accepted other than surface letters and letter-packages and post cards. Airmail postal union mail and international air parcel post will continue to be accepted.

2. *Special instructions.* Post offices at port cities from which international surface mail is dispatched and post offices within the third parcel post zone from such port cities may accept all categories of international surface mail provided it is addressed to countries for which vessels leaving from the port city carry mail for the countries concerned. Also, all categories of mail for Canada and Mexico may be accepted at post offices along the Canadian and Mexican borders and at post offices within the third parcel post zone from such border cities.

III. *Timing of embargo.* The mail acceptance restrictions and service plans contained in this issuance will go into effect automatically when a strike becomes effective unless:

A. Information is received from a reliable source that the strike has been settled or postponed.

B. Specific instructions setting a different deadline are received from USPS Headquarters.

IV. *Traffic conditions.* If possible, all RPO service not scheduled to reach outer terminal of run by strike deadline time will be annulled. Contact railroads and terminal companies relative to their ability to operate terminal mail handling services. Set up alternative services if there is doubt about their continued operation. Regional Directors are authorized to procure emergency highway and related terminal services as required. Proposal and contract forms for emergency terminal services are available from regional counsels. No contract for emergency terminal services may be executed without prior legal review and approval by regional counsel. Make plans to identify any mail vans or cars in transit and set procedures to recover them from railroad custody and get mail involved into post office channels. Keep trailer and van loading and unloading as current as possible. Additional segments of airlift of FCM may be used where necessary for duration of the strike. Exceptional cases or problems should be referred to Traffic Management Division, Operations Department, by telephone.

* * * * *

VII. *Second-, Third-, Fourth-Class Mails—Exceptional Actions—A. Second-Class.* Arrangements may be made by publishers of second-class and controlled circulation publications to ship at their own expense and risk copies of their publications for designated areas to other centrally located post offices for acceptance in the mails under the following conditions:

1. The publisher must continue to pay the postage for the full mailing at the post office where the publication officially has original or additional entry. There will be no change in the method of paying postage. The postage will be computed at the regular rates applicable from the official entry office. The mailer will not be granted a rate reduction for transporting the copies at his expense to other mailing points.

2. The publisher will advise the postmaster at the office of entry of the special mailing points to which he desires to transport the publications and the approximate number of sacks for each special mailing point.

Each postmaster involved in an emergency exceptional dispatch must be advised in advance of the plan so that he will accept the mail—this notice can go out as prestrike planning, to be followed by actual shipping notices on trailer shipments only—not on small lots. When a trailer load or more is involved, the mailer must notify the destination postmaster of the specific exceptional dispatch.

3. The special mailing points selected by a publisher must be sectional center or large post offices which have facilities for handling and transshipping the mail.

4. The copies transported to special mailing points must be for delivery at post offices not beyond the third parcel post zone from the place of mailing, or such additional service areas as regional directors authorize.

5. When the post office of original or additional entry has a request from a publisher with the information specified herein, the arrangement should be approved by the postmaster and notification sent to the other post offices involved. Reports need not be submitted to Headquarters.

B. *Third- and Fourth-Class.* 1. If third- or fourth-class mail is shipped by the mailer at his own expense and risk for mailing at a post office other than where he is located it will be accepted provided the mail is addressed for delivery at a post office not beyond the third parcel post zone for the mailing office and the postage is paid by:

a. Postage Stamps Affixed. It is not required that they be purchased at the place of mailing. The use of precanceled stamps of the office where the mailer is located will be permissible. The requirement for overprinting (39 CFR 142.2(e)) is waived.

b. Permit Imprints of the office accepting the mail. If the mailer does not have a permit at that office the required application and fee must be submitted.

c. Meter Stamps showing postmark of the accepting office. Arrangements may be made under the procedures in § 143.3 (b) of Title 39, CFR, for setting a meter for use on mail to be deposited at an office other than the one where the mailer is located. Postmasters are requested to expedite handling of these requests.

d. Meter Stamps showing the postmark of an office, where the meter is licensed for use, other than the office of deposit provided:

(1) Authority must be obtained through channels specified in § 143.3(c) of Title 39, CFR, for deposit of the mail at the alternate office of mailing.

(2) The postage paid is based on the zone from the office shown in the meter stamp to the post office of destination. Additionally, this postage must be at least equal to that required from office of deposit to destination.

C. *First-Class.* If postage is paid at the first-class rate on articles of the second-, third-, or fourth-class they will be accepted for mailing without distance limitation.

D. *Emergency movements of plant loaded mail.* 1. Any regularly scheduled plant loaded mail movements by highway will continue to operate regardless of distance. The contents of specific destination loads must be checked to insure that they are compatible with the delivery pattern at the destination point.

2. Any mail dispatches which are not sent as regular destination loads will have to be moved at mailer's expense to an exceptional dispatch point under preceding instructions. A unitized shipment regularly sent as mail by rail piggyback may be moved at mailer's initiative and expense to the normal destination. The U.S. Postal Service will consider designating such mailer as an emergency contractor and, upon billing, reimburse him the normal postal transport cost, or the mailer's cost, whichever is lower, less 3 percent for administrative costs. The load must be adjusted to meet the receiving point's service if necessary.

* * * * *

IX. *Instructions Superseded.* This supersedes Regional Instructions 86-0-13, filing No. 317-1 Rev., dated July 18, 1967, "Standby Instructions for Guidance During Nationwide Railroad Strikes".

The foregoing represents a restatement of existing instructions on the subject (32 F.R. 11483) without substantial changes, except as to a relaxation of restrictions relating to the outer limits for which second-, third-, and fourth-class mail will be accepted for delivery by the Postal Service in the event of a strike. Therefore, rulemaking procedures and a delayed effective date respecting these instructions are unnecessary. Accordingly, this document is effective upon publication in the FEDERAL REGISTER (2-27-71).

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-2743 Filed 2-27-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON STATE OFFICE STAFF, EASTERN DISTRICT MANAGERS, ET AL.

Delegation of Authority Regarding Procurement

State Director, Oregon Supplement to Bureau of Land Management Manual 1510.

Redelegation of authority. Pursuant to the delegation of authority contained in Bureau Manual 1510.03C, the purchasing authorities delegated to the Oregon State Director in BLM 1510.03B2d are redelegated as follows:

1. *Negotiated contracts.* For emergency fire suppression the following classes of employees may enter into negotiated contracts pursuant to the section 302(c)(2) of the Federal Property and Administrative Services Act, as amended, for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and the procurement of supplies and materials (excluding capitalized equipment) required in such operations:

District Managers, Eastern Oregon Districts.
Chief, Branch of Resource Services, State Office.
Chief, Division of Management Services, State Office.
Chief, Branch of Administrative Management, State Office.

2. *Open market purchasing.* The following classes of employees may enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services, excluding capitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000; *Provided*, That the requirement is not available from established sources of supply. The same classes of employees may procure necessary supplies and services, except capitalized property, available from established sources of supply regardless of amount. The classes of employees who may make such procurements are:

District Managers.
Chief, Division of Management Services, State Office.
Chief, Branch of Administrative Management, State Office.
Chief, Division of Administration, District Offices.

3. *Further redelegation for open market purchases.*—a. *Up to $300.* Any field employee, when specifically authorized in writing by the head of his office, when away from headquarters, may make open market purchases not to exceed $300 using the SF-44 Purchase Order-Invoice-Voucher form.

b. *Up to $2,000.* Any field employee when specifically authorized in writing by the head of his office, may make open market purchases not to exceed $2,000 using the SF-44 Purchase Order-Invoice-Voucher form. This authority is limited to emergency fire suppression use only.

4. *Limitation of restrictions.* Contracts or other procurements entered into under these authorities must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations. The authority so redelegated shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed in the General Services Administration.

MURL W. STORMS,
Acting State Director.

[FR Doc.71-2688 Filed 2-26-71;8:46 am]

Office of the Secretary

ELLERTON E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Standard Oil Company of California, 3,130, Eastman Kodak, 200, Honeywell, Inc., 300.
(3) None.
(4) None.

This statement is made as of February 2, 1971.

Dated: February 2, 1971.

E. E. WALL.

[FR Doc.71-2690 Filed 2-26-71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(69)-24]

LUCIEN DAHDAH

Order Terminating Indefinite Denial Order

In the matter of Dr. Lucien Dahdah, Post Office Box 4747, and Bechara Chartouni Building, Beirut, Lebanon, respondent.

On June 30, 1970 (35 F.R. 11064, July 9, 1970), an order was entered against the above respondent and Middle East Media, as a related party, denying them, for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States because the respondent failed to answer interrogatories duly served in accordance with § 388.15 of the Export Control Regulations without showing good cause for such failure.

The respondent has applied for termination of the indefinite denial order. It is found that there is good cause for such termination.

Accordingly, it is ordered, The above mentioned order of June 30, 1970, be and the same hereby is terminated.

Dated: February 23, 1971.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.71-2716 Filed 2-26-71;8:48 am]

National Oceanic and Atmospheric Administration

[Docket No. S-542]

MAURICE W. BARSTAD

Notice of Loan Application

FEBRUARY 22, 1971.

Maurice W. Barstad, Star Route, Box 30, Bonneville, OR 97008, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for salmon and shad in the Oregon area.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2673 Filed 2-26-71;8:45 am]

[Docket No. C-338]

JOHN BRANT GREENWOOD

Notice of Loan Application

FEBRUARY 22, 1971.

John Brant Greenwood, 1901 Shoreline Drive, No. 211, Alameda, CA 94501, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 52-foot length overall steel vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-2674 Filed 2-26-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2630) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of cuprous iodide and cuprous bromide of heat stabilizing nylon 66 resins complying with § 121.2502.

Dated: February 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2683 Filed 2-26-71;8:46 am]

FINE ORGANICS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2619) has been filed by Fine Organics, Inc., 205 Main Street, Lodi, NJ 07644, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of alpha phenyl indole as a heat stabilizer for rigid polyvinyl chloride articles intended for food-contact use.

Dated: February 19, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-2684 Filed 2-26-71;8:46 am]

[DESI 6340]

CERTAIN ANTIHISTAMINE-SYMPATHOMIMETIC COMBINATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antihistamine-sympathomimetic combination drugs for oral use:

1. Histadyl and Ephedrine Hydrochloride Pulvules No. 1 and No. 2, containing methapyrilene hydrochloride and ephedrine hydrochloride; marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 6-340).

2. Kryl Tablets, containing isothipendyl hydrochloride with aspirin, phenacetin, phenylephrine hydrochloride, and ascorbic acid; marketed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, New York 10017 (NDA 11-536).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs are possibly effective for hay fever and allergic rhinitis, nasal and sinus congestion, and the symptomatic relief of colds.

2. These drugs lack substantial evidence of effectiveness for the treatment of coughs, bronchial spasm, and for long range prophylaxis in those patients who tend to have repeated colds.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug labeled with indications described in paragraph A2 above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified as lacking substantial evidence of effectiveness. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A2 above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of previously approved new-drug applications for any drug described in this announcement and any person marketing such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which the drug is regarded as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in §130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for these drugs pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6340, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.
Requests for NAS-NRC reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street, SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2685 Filed 2-26-71;8:45 am]

TYROTHRICIN-NITROFURAZONE ADHESIVE BANDAGE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Curad Medicated Adhesive Bandage containing tyrothricin and nitrofurazone; marketed by The Kendall Co., 309 West Jackson Boulevard, Chicago, Illinois 60606.

The Food and Drug Administration concludes that tyrothricin with nitrofurazone is possibly effective for use as a medicated bandage.

Preparations containing tyrothricin and nitrofurazone are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drug in those conditions, either stated or implied in its labeling, for which it has been evaluated as possibly effective, batches of preparations containing tyrothricin and nitrofurazone which bear labeling with this indication will continue to be accepted for certification for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review (as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6898, directed to the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

FEDERAL REGISTER, VOL. 36, NO. 40—SATURDAY, FEBRUARY 27, 1971

Amendments (identify with NDA number if known): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2686 Filed 2-26-71;8:46 am]

[DESI 11340]

CERUMINOLYTIC AGENT; TRIETHANOLAMINE POLYPEPTIDE OLEATE CONDENSATE

Drugs for Human Use; Drug Efficacy Study Implementation

In the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16200), the Food and Drug Administration published conclusions regarding the effectiveness classification for the drug Cerumenex Drops, a ceruminolytic agent containing triethanolamine polypeptide oleate condensate, marketed by The Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 11-340). In that an effective indication was inadvertently omitted in the publication on the drug, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of October 15, 1970, by adding the following indication to the published "Indications" section: "For removal of cerumen."

Accordingly, the "Indications" section for this drug, set forth in the October 15, 1970, announcement is amended to read as follows:

INDICATIONS

For the removal of cerumen. For removal of impacted cerumen prior to ear examination, otologic therapy, and/or audiometry.

The date of publication of this notice in the FEDERAL REGISTER amending the previous notice shall be used to compute all time periods allowed, thus superseding the time periods previously announced in the FEDERAL REGISTER of October 15, 1970.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (22 CFR 2.120).

Dated: February 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-2687 Filed 2-26-71;8:46 am]

Office of the Secretary

OFFICE OF CHILD DEVELOPMENT

Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority for the Office of Child Development reads as follows:

SEC. 1U03.00 *Mission.* The mission of the Office of Child Development is to advise the Secretary and HEW agencies on Department plans and programs related to early childhood development; to operate the Head Start day care and other related child service programs; and to provide leadership, advice and services which affect the general well-being of children and youth as mandated by the Act of April 9, 1912.

SEC. 1U03.10 *Organization.* A. The Director, Office of Child Development reports directly to the Assistant Secretary for Administration. The Director is also the Chief of the Children's Bureau.

B. The Office of Child Development, under the supervision of the Director, consists of:

1. Office of the Director.
2. Bureau of Head Start and Child Service Programs.
3. Children's Bureau.

SEC. 1U03.20 *Functions*—A. *Office of the Director.* Provides executive leadership, policy direction, and management strategy for the Children's Bureau and the Bureau of Head Start and Child Service Programs and other components of the Office of Child Development. Serves as advisor to the Secretary and heads of DHEW agencies administering programs which have a significant impact on the development of children and youth. Directs the development and implementation of the community coordinated child care (4-C) program; directs day care planning and the development of child care delivery systems.

1. *Office of Executive Assistant.* Assists the Director by providing coordination and direction of certain program and staff activities. These activities include the day-to-day relationships with the news media, program inspections, legislative liason, and interagency coordination. Provides leadership to the Board of Advisors on Child Development, the Interdepartmental Committee on Children and Youth, the Federal Panel on Early Childhood, and the National Advisory Committee on Child Development.

2. *Office of Program Analysis.* Provides advice and technical assistance to the headquarters program personnel in the design and review of strategic and operational plans. Designs and gives staff assistance in implementing key program management processes; prepares special program reports and analysis for the Director.

3. *Office of Regional Support.* Exercises leadership and direction for the Director on all matters relating to the management and operations of regional OCD activities. Directs the development and installation of regional work planning; develops and maintains a system of periodic reporting by Assistant Regional Directors to the Director on progress, opportunities, and problems in field operations. Ensures reflection of points of view in the field on program plans, policies, procedures, and guidelines which affect the activities of the regional offices. Conducts analysis of all OCD field activities.

4. *Office of Administration.* Provides management planning and administrative program guidance to the Office of the Director and other components of OCD. Provides centralized support services, including personnel management, manpower utilization, procurement, budget development and execution, fiscal and administrative analysis activities. Develops budget justifications, policies, and procedures; acts as liaison for the Director on budget matters with the Office of Assistant Secretary, Comptroller. Serves as central contact point for policy direction, technical guidance, and regulations governing contract and grant actions. Develops reporting requirements for grant processing and review activities and approves all proposed grant actions.

B. *Bureau of Head Start and Child Service Programs*—1. *Office of the Associate Director.* Plans, directs, and coordinates the activities of the staff of the Bureau. Directs the development and implementation of strategic and operational planning and management processes within the Bureau. Provides guidance to the Office of the Director and the regional offices in the effective utilization of Head Start resources.

2. *Program Management Division.* Provides a focal point for project management, and develops a plan for operational guidance, program analysis, and policy coordination for Head Start programs. Develops annual Head Start improvement plan, including managerial policies, standards, and guides for Head Start grantees. Assists program specialists in assessing the impact of policies and procedures on regional staff and Head Start grantees.

3. *Program Development and Innovation Division.* Provides leadership in experimentation and innovation in Head Start. Participates in the development of technical policy, standards, guides, concepts, and models for enhancing the capacity of local institutions to deliver quality child care services. Directs the development of the Parent and Child Centers program and assists with the development of technical program evaluation standards; assesses technical evaluation findings for program impact and implications. Assists the Research and Evaluation Division in developing programs, reviewing and commenting on proposals, assessing results, and incorporating results in guidance materials for large-scale demonstrations and program operations.

4. *Indian and Migrant Division.* Reviews and recommends approval of grant applications for Head Start programs for Indians living on reservations and for migrants. Develops and recommends policies for and provides staff support to programs for Indians and migrants. Provides or arranges for technical assistance for Indian and migrant grantees and serves as a focal point within OCD for mobilizing resources in addition to Head Start for Indian and migrant programs. Provides assistance to the National Center for Child Advocacy in promoting the establishment of programs for Indians and migrants as appropriate.

5. *Career Development and Technical Assistance Division.* Develops, in conjunction with the Regional offices and the Head Start grantees, a strategy for serving the technical assistance and training needs of local Head Start programs. Provides guidance for the career development efforts of local grantees. Plans and conducts in-service training for OCD staff and provides leadership in developing a Department-wide child care training strategy.

C. *Children's Bureau*—1. *Office of the Associate Chief.* Plans, coordinates, and directs the activities of the Children's Bureau; reviews and analyzes the Bureau's performance. Establishes program goals and objectives for the Bureau and serves as a major advisor to the Office of Director on matters pertaining to conditions which affect the general well-being of children.

2. *National Center for Child Advocacy.* Provides leadership in the planning, development, and coordination of programs aimed at identifying problems and promoting improvements in conditions adversely affecting the growth and development of children and youth. Serves as a clearinghouse on information related to research and demonstrations and service programs in the area of child development; identifies and recommends actions to meet special needs of children at risk, such as minorities, emotionally and physically handicapped children; develops standards and policy guidelines for programs for children at risk; analyzes and responds to inquiries for information concerning child development.

3. *Research and Evaluation Division.* Administers section 426 and other OCD research and demonstration funds and assists with the development of a Department-wide early childhood research strategy. Administers the Head Start evaluation funds and coordinates the development of an OCD-wide evaluation strategy. Provides leadership to the Federal Interagency Panel for Early Childhood Development Research; collects, analyzes, and interprets research reports on child life studies and identifies promising models for service programs. Actively promotes the utilization of research funds.

4. *Public Education Division.* Provides leadership in the development and distribution of all OCD publications. Provides editorial and graphic support to program components and serves as a central contact point on matters related to the communications media, including the preparation of exhibits, films and appropriate public education materials.

Dated: February 11, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-2719 Filed 2-26-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. MC-14; Notice No. 71-2]

FIRE EXTINGUISHERS

Denial of Petitions for Rule Making

The American Trucking Associations, Inc., and the National Tank Truck Carriers, Inc., have filed petitions for reconsideration of the amendment to the Motor Carrier Safety Regulations relating to fire extinguishers that was published in the FEDERAL REGISTER on August 15, 1970 (35 F.R. 13018). The petitions were filed on November 5, 1970, and December 1, 1970, respectively. Because they were filed more than 30 days after publication of the rule to which they relate, the petitions have been treated as petitions for rulemaking in accordance with § 389.35 of the procedural regulations (49 CFR 389.35).

The Director of the Bureau of Motor Carrier Safety has concluded that neither petition contains matter that justifies rulemaking looking toward a change in the recent amendment. Accordingly, both petitions are denied.

Under the amendment, power units not used to transport hazardous materials must be equipped with either a 5 B:C extinguisher or two 4 B:C extinguishers by January 1, 1973. American Trucking Associations' petition seeks deletion of the January 1, 1973 deadline in order to permit the change from the 4 B:C units commonly carried today to the new 5 B:C units to be accomplished asks that the requirement for 10 B:C extinguishers on power units used to transport hazardous materials be changed so that only a 5 B:C unit will be required. The petition of the National Tank Truck Carriers also requests decreasing, from 10 B:C to 5 B:C, the capability of mandatory extinguishers on power units that transport hazardous materials. Alternatively, the NTTC asks for permission to substitute two 5 B:C extinguishers for a single 10 B:C one wherever the latter is required.

The evidence presented by the petitioners in support of their arguments is essentially identical to the material they presented to the Bureau during the rulemaking proceeding that led to issuance of the amended rule on fire extinguishers. That proceeding stemmed from a notice that was issued on Setember 17, 1969 (34 F.R. 14853). Although some 78 letters in support of the present petitions have been received from motor carriers, only 20 comments were filed in response to the invitation contained in the September 17, 1969, notice. Of the five motor carriers who filed comments at that time, two favored the proposal to require larger fire extinguishers on power units, two expressed opposition to the proposal, and one failed to comment on that aspect of the proposed rule.

The American Trucking Associations' petition argues that the Bureau should follow the standards of the National Fire Protection Association, which recommend that 5 B:C extinguishers be installed in trucks, but also recommend that 4 B:C units be replaced by normal attrition. When the National Fire Protection Association commented on the September 17, 1970, notice, however, it recommended that the Bureau require commercial motor vehicles to be equipped with 10 B:C and 20 B:C fire extinguishers. The NFPA has not withdrawn or modified that recommendation.

The American Trucking Associations claims that the changeover from 4 B:C to 5 B:C extinguishers in power units not transporting hazardous materials will cost the motor carrier industry more than $4.4 million. Aside from the broad generalization, the petition contains no evidence to support the thesis that the amendment imposes a cost penalty of that magnitude. Three of the nation's largest carriers, responding to the Bureau's informal inquiries, have indicated that large carriers normally replace approximately one-third of the small (4 B:C and 5 B:C) extinguishers in use each year. This high replacement rate is a function of thefts, losses, and the use of fire extinguishers. Moreover, carriers have been replacing older 4 B:C extinguishers with 5 B:C units for a substantial period of time, owing to the fact that the marketing of the smaller units ceased long before the August 1970 amendment to the fire extinguisher rule was issued. These data would appear to indicate that, even if the amendment had not been issued, the vast majority of the 4 B:C extinguishers would have been replaced with 5 B:C units by January 1, 1973. Furthermore, the amendment provides for installation of two 4 B:C extinguishers in lieu of a single 5 B:C extinguisher. This "doubling up" provision would seem to avoid obsoleting the few 4 B:C units that will remain in use as of that date. In this connection, it should be noted that the Director's

decision to permit "doubling up" was the result of efforts to mitigate the cost impact of the new rule.

As he indicated in the preamble to the recent amendment, the Director has concluded that installation of larger extinguishers on power units that transport hazardous materials is imperative. The bases for that conclusion are fully explained in the preamble and need not be restated here. The coordinate decision not to permit the use of two 5 B : C extinguishers in lieu of a single 10 B : C unit was not arrived at lightly. Comments submitted to the Bureau indicate that two 5 B : C extinguishers provide neither the convenience nor the actual firefighting capacity of one 10 B : C extinguisher. Furthermore, a number of carriers of hazardous materials, particularly those who transport petroleum products, equip their vehicles with extinguishers substantially larger than those required by the regulations. These carriers do so as a matter of prudent management policy.

The Director cannot agree with the contention that installation of 10 B : C extinguishers in power units transporting hazardous materials by July 1, 1971 will impose an undue cost burden. One carrier that submitted cost data to the Bureau indicated that it can purchase a 10 B : C unit for only $2.15 more than the cost of the 5 B : C unit it presently uses. Information received from another carrier indicates that, by the use of larger extinguishers, thefts of fire extinguishers can be reduced by at least 50 percent. In sum, the evidence simply does not support the argument that the cost of improved firefighting capability will be unreasonably burdensome.

It has been said that, because many carriers transport both hazardous and nonhazardous materials using the same power units, the effect of the new rule is to require installation of 10 B:C extinguishers in all power units. That is not the case, however, since nothing in the rule precludes carriers from issuing an extinguisher of the proper size to a driver when he is dispatched. Such a system might well reduce thefts by fixing responsibility for custody of an extinguisher upon the driver to whom it was issued. It would also allow a carrier's fleet to be equipped with extinguishers having the required capacity. Furthermore, there is some evidence, as the Director has noted, that overall costs might well be reduced by equipping every power unit with a larger, 10 B:C extinguisher.

The National Tank Truck Carriers Conference petition notes that the rate of commercial vehicle accidents has decreased in recent years, and that the rate of accidents involving fire has also decreased. As a recently published study of the Bureau of Motor Carrier Safety shows, however, the number of accidents involving fire remains substantial.[1] Hence, the Director cannot accept the position that fires are no longer a problem worth particular attention. He has concluded that the proper use of adequate hand portable fire extinguishers is a vital first line of defense against potential catastrophe.

The Director has, therefore, concluded that the petitions of American Trucking Associations, Inc., and the National Tank Truck Carriers, Inc., do not present sufficient information, arguments, or data to justify rulemaking. Accordingly, those petitions are denied.

This action is taken under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4 (35 F.R. 9209), respectively.

Issued on February 15, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.71-2696 Filed 2-26-71;8:47 am]

[1] 1969 Analysis of Accident Reports Involving Fire.

Hazardous Materials Regulations Board

[Docket No. HM-74]

DOT SPECIFICATIONS 3A, 3AA, AND 39 CYLINDERS MANUFACTURED OUTSIDE UNITED STATES

Notice of Continuation of Public Hearing

On January 19, 1971, the Hazardous Materials Regulations Board published Docket No. HM-74, a notice of Public Hearing (36 F.R. 838), on the subject of DOT Specifications 3A, 3AA, and 39 compressed gas cylinders manufactured outside the United States. The hearing convened, as announced, on February 23, 1971.

In response to several petitions for extension of time to prepare statements, the Board has continued the public hearing. The hearing will reconvene on March 16, 1971, at 10 a.m., in Room 10234, Nassif Building, 400 Seventh Street SW., Washington, DC.

Interested persons are invited to attend the hearing and present oral or written statements on the matter set for hearing. These statements will be a matter of public record. Any persons who wish to make an oral statement at the hearing should notify the Secretary of the Hazardous Materials Regulations Board by March 10, 1971, stating the approximate amount of time required for his initial statement. The Board will also receive written comments until March 30, 1971.

All communications concerning the hearing should be addressed to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590.

This notice is issued on behalf of the Hazardous Materials Regulations Board under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 23, 1971.

ALAN I. ROBERTS,
Secretary.

[FR Doc.71-2697 Filed 2-26-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-382, 50-383]

LOUISIANA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matter

Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70114, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated December 28, 1970, for two construction permits and facility licenses to authorize construction and operation of two pressurized water reactors on the applicant's approximately 100-acre part of the 3,600-acre site on the west bank of the Mississippi River near the town of Taft, La. The site is located in St. Charles Parish, about 20 miles west of New Orleans, La.

The proposed reactors are designated by the applicant as the Waterford Steam Electric Station, Units 3 and 4. Unit No. 3 is designed for a maximum expected output of 3,580 megawatts (thermal) with a net output of about 1,165 megawatts (electrical). The final decision to construct Unit No. 4 has not been made with any supplier or engineering consultant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 13, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the President of St. Charles Parish Police Jury, Hahnsville, La.

Dated at Bethesda, Md., this 10th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2084 Filed 2-12-71;8:50 am]

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matter

Alabama Power Co., 600 North 18th Street, Birmingham, AL 35203, pursuant to the Atomic Energy Act of 1954, as amended, filed an application dated October 10, 1969, and an application Amendment No. 1 dated June 26, 1970 for authorization to construct first one then a second, pressurized water nuclear reactor, designated as the Joseph M. Farley Nuclear Plant, Unit No. 1 and No. 2, respectively, on the applicant's site in Houston County, Ala.

The site is located on the west side of the Chattahoochee River located about 16½ miles east of Dothan, Ala.

The proposed nuclear plant will be comprised of two pressurized water nuclear reactors, which are each to have a net electrical capacity of about 829 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

A copy of the application and Amendment No. 1 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the office of the Honorable A. A. Middleton, Chairman, Houston County Commission, City of Dothan, Houston County, Ala.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2262 Filed 2-19-71;8:45 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, Calif.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after February 20, 1971.

The proposed nuclear power plants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 12th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2263 Filed 2-19-71;8:45 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Schedule and Procedures for Hearing

In the matter of Long Island Lighting Co. (Shoreham Nuclear Power Station).

The Hearing in the captioned matter will be continued on Monday, March 15, 1971, at 10 a.m., local time, at the Holiday Inn, 4089 Nesconset-Port Jefferson Highway, Centereach, Long Island, NY 11720.

Intervenor, the Center for Responsive Law, will furnish in written form the testimony which it proposes for its case in chief, together with summaries of professional qualifications of its proposed witnesses, to the Board and the parties by Friday, March 26, 1971.

Each party will furnish the Board and the other parties their proposed testimony in written form and summaries of professional qualifications of their proposed witnesses for the Rebuttal portion of this proceeding by Friday, April 2, 1971.

Dated at Washington, D.C., this 23d day of February 1971.

ATOMIC SAFETY AND LICENSING BOARD,
JAMES R. YORE,
Chairman.

[FR Doc.71-2672 Filed 2-26-71;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Hearing on Application for Operating License

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Station); Docket No. 50-271.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by the atomic safety and licensing board designated herein, in the vicinity of Vernon, Vt., to consider the application filed under section 104b of the Act by the Vermont Yankee Nuclear Power Corp. (applicant) for an operating license which would authorize the operation of a boiling water reactor (facility), known as the Vermont Yankee Nuclear Station, at steady-state power levels up to 1,593 megawatts (thermal) at the applicant's site in Vernon, Vt. The Atomic Energy Commission (Commission) has determined that this public hearing should be held in view of the substantial public interest.

The hearing will be conducted by an atomic safety and licensing board (board) designated by the Commission, consisting of Dr. David B. Hall, Los Alamos, N. Mex.; Dr. Ira F. Zartman, Annapolis, Md.; and Samuel W. Jensch, Esq., Washington, D.C., Chairman. Dr. Abel Wolman, Baltimore, Md., has been designated as a technically qualified alternate, and Nathaniel H. Goodrich, Esq., Chevy Chase, Md., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the Vermont Yankee Nuclear Station was authorized by Provisional Contruction Permit CPPR-36 issued by the Commission on December 11, 1967, following a public hearing.

A prehearing conference will be held by the board in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT, on Tuesday, April 13, 1971, at 10 a.m., local time, to consider pertinent matters in accordance with the Commission's rules of practice, 10 CFR Part 2, including section II of Appendix A. The date and place of the hearing will be set at or after the prehearing conference and notice thereof will be published in the FEDERAL REGISTER.

The issues to be considered at the hearing will be the following:

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

2. Whether the facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission;

4. Whether the applicant is technically and financially qualified to engage in the

activities authorized by the operating license in accordance with the regulations of the Commission;

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied; and

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

In addition, any party may, in accordance with paragraph 11 of Appendix D of 10 CFR Part 50, raise as an issue in the proceeding whether the issuance of the license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, the atomic safety and licensing board will give consideration to the need for the imposition of requirements for the preservation of environmental value consistent with other essential considerations of national policy, including the need to meet on a timely basis requirements for electrical power in the affected region. These issues do not include (i) radiological effects or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises any such issue, the board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issue. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

While the matter of the full power license is pending before the atomic safety and licensing board, the board may, upon motion in writing, consider and act upon such request as the applicant may make for an operating license authorizing fuel loading and low power testing (operation at not more than one percent of full power for the testing of the facility). Any request for authorization for fuel loading and low power testing will be expeditiously considered and acted upon when it is made. Any such action by the atomic safety and licensing board shall be taken with due regard to the rights of all parties to the proceeding including the rights of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any such action, the atomic safety and licensing board shall, with respect to any contested activity to be authorized, make appropriate findings in the form of an initial decision on the issues specified in this notice of hearing. If no party opposes the motion, the board will issue an order pursuant to 10 CFR 2.730(e) of the Commission's rules of practice, authorizing the Director of Regulation to make appropriate findings on the matters specified in this notice of hearing and to issue a license for the requested operations.

As they become available, the application, the proposed operating license, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Standards (ACRS), the Safety Evaluation by the Commission's regulatory staff, the applicant's Environmental Report, the AEC's Detailed Statement on Environmental Considerations, and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday and 9 a.m. through 6 p.m. on Saturday. Copies of the proposed operating license, the ACRS report, the regulatory staff's Safety Evaluation and the AEC's Detailed Statement on Environmental Considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by March 31, 1971.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than March 31, 1971. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant on or before March 19, 1971.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 24th day of February 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-2737 Filed 2-26-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 532]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 22, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4299-C2-P-71—Charles L. Escue (New), C.P. for a new 1-way station to be located near Warton Lookout Tower, on 81st Street, Birmingham, AL, to operate on 158.70 MHz.

4303-C2-P-71—Two Way Radio of Carolina, Inc. (KIY754), C.P. to replace the repeater transmitter operating on 459.05 MHz, at location No. 1: Northeast of Highway No. 211, 2.7 miles southeast of Aberdeen, N.C.

4304-C2-P-71—Vegas Instant Page (New), C.P. for a new 1-way station to be located 225 East Bridger Avenue, Las Vegas, NE, to operate on frequency 158.70 MHz.

4305-C2-P-71—South Jersey Communications Co. (New), C.P. for a new 2-way station to be located at 1.2 miles southwest of Roadstown, adjacent Chestnut Macanippuck Run, Stone Creek Township, N.J., to operate on frequency 454.025 MHz.

4306-C2-P-71—General Telephone Co. of California (KMA609), C.P. to change the antenna system operating on frequencies 152.66, 152.75, and 454.65 MHz at location No. 1: 28220 Highridge Road, Rolling Hills, CA.

4307-C2-AL-71—Connecticut Mobile Telephone Co. Consent to assignment of license from Connecticut Mobile Telephone Co., Assignor, to: Phone Depots, Inc., doing business as Mobilfone Radio System, Assignee, Station KCA748, Stamford, Conn.

4308-C2-P-71—Lebanon Mobilefone (New), C.P. for a new 2-way station to be located at 133 South Ninth Street, Lebanon, PA, to operate on 152.09 MHz.

4309-C2-P-71—Gerard T. Uht (KGH857), C.P. for additional facilities to operate on frequency 152.060 MHz located at WSEE (TV) Tower, 5 miles south of Erie, PA.

4314-C2-P-71—Relay Communications Corp. (KFL579), C.P. to change the antenna system operating on 152.06 MHz, at location No. 2: On Route 58, Riverhead, N.Y.

4315-C2-P(2)71—General Telephone Co. of the Southwest (KFL875), C.P. for additional facilities to operate on frequencies 454.575 and 454.650 MHz at Shady Oaks Drive, Denton, Tex.

4317-C2-TC-71—Tovey Services, Inc., Consent to transfer of control from Alfred W. Tovey and Vera Kent Tovey, Transferors to: Peter Wonson and Gerda Wonson, Transferees, Station KCC482, Pembroke, N.H.

4362-C2-P-71—Radiofone Corp. of New Jersey (KGI778), C.P. for additional facilities to operate on 454.275 MHz at a new site described as location No. 2: East Cathbert and McArthur Boulevard, Camden, N.J.

4376-C2-P-(3)71—Northwestern Bell Telephone Co. (New), C.P. for a new 2-way station to operate on frequencies 152.63 and 152.75 MHz base at location No. 1: 1.6 miles north of Mandan, N. Dak., and frequencies 157.89 and 158.01 MHz for test facilities at location No. 2: 225 Fifth Street North, Bismarck, N.D.

RURAL RADIO SERVICE

4378-C1-P-71—Texas Telephone & Telegraph Co. (New), C.P. for a new rural subscriber station to be located at Lowe's Creek Marina, Route 2, approximately 7.5 miles northeast of Hemphill, Tex., to operate on 158.07 MHz communicating with Station KLB767, Hemphill, Tex.

4379-C1-P-71—Texas Telephone & Telegraph Co. (New), Same as above except, to be located at Carmichael's Marina, Bayou Route, approximately 14 miles southeast of Hemphill, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

4297-C1-P-71—Rochester Telephone Corp. (New), C.P. for a new station to be located at 95 North Fitzhugh Street, Rochester, NY. Frequency: 10,795 MHz toward Henrietta, N.Y.

4310-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (New), C.P. for a new station to be located 10 miles west of Hertford, N.C. Frequencies: 5967.4 and 6086.0 MHz toward Hertford, N.C.

4311-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KSV98), C.P. to add 6219.5 and 6338.1 MHz toward Welch, N.C. a new point of communication. Station location: West Grubb Street, Hertford, NC.

4312-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KJG98), C.P. to change power, and antenna system and replace transmitter. Station location: 103 South Road Street, Elizabeth City, N.C.

4313-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KJJ67), C.P. to change power and antenna system and replace transmitters. Station location: Battlefield Boulevard, Hickory, City of Chesapeake, VA.

4381-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new station to be located at Main Street, Bly, OR. Frequencies: 11,425 and 11,665 MHz toward Medicine Mountain, Ore., via passive reflector.

4382-C1-MP-71—Pacific Northwest Bell Telephone Co. (KYS79), Modification of C.P. to add frequencies 10,775 and 11,015 MHz toward Bly, Ore. Station location: Medicine Mountain, 3 miles southeast of Beatty, Ore.

4383-C1-MP-71—Pacific Northwest Bell Telephone Co. (KPB50), Modification of C.P. to add frequencies 11,285 and 11,525 MHz toward Klamath Falls, Oreg. Station location: Haymaker, 4.2 miles southwest of Keno, Oreg.

4384-C1-P-71—Pacific Northwest Bell Telephone Co. (KTF99), C.P. to add frequencies 10,835 and 11,075 MHz toward Haymaker, Oreg., via passive reflector Station location: 120 North Eighth Street, Klamath Falls, OR.

4385-C1-P-71—Pacific Northwest Bell Telephone Co. (KTF22), C.P. to change frequency 5937.8 MHz to 11,055 MHz toward Haymaker, Oreg. Station location: 4.4 miles east-southeast of Malin, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4386–C1–P–71—Pacific Northwest Bell Telephone Co. (KPZ75), C.P. to add frequencies 10,855 and 11,095 MHz toward Long Butte, Oreg. Station location: 100 Kearney Street, Bend, OR.

4387–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS74), Modification of C.P. to add frequencies 11,265 and 11,505 MHz toward Bend, Oreg. Station location: Long Butte, 3.2 miles northeast of Tumalo, Oreg.

4388–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS75), Modification of C.P. to change emission designator for frequencies 6063.8 and 10,755 MHz toward Long Butte, Oreg. Station location: Spring River, 16 miles south-southwest of Bend, Oreg.

4389–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS76), Modification of C.P. to change emission designator to 28000F9 for frequencies 6315.9 and 11,405 MHz toward Spring River, Oreg., and 6197.2 and 11,685 MHz toward Welch Butte, Oreg. Station location: Crescent Butte, 1 mile southeast of Gilchrist, Oreg.

4390–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS77), Modification of C.P. to change emission designator for frequencies 6063.8 and 10,755 MHz toward Crescent Butte, Oreg., and 5945.2 and 10,955 MHz toward Cave Mountain, Oreg., to 28000F9. Station location: Welch Butte, 8.9 miles south-southwest of Chemult, Oreg.

4391–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS78), Modification of C.P. to change emission designator to 28000F9 for frequencies 6315.9 and 11,405 MHz toward Welch Butte, Oreg., and 6197.2 and 11,685 MHz toward Medicine Mountain, Oreg. Station location: Cave Mountain, 3 miles northeast of Chiloquin, Oreg.

American Telephone & Telegraph Co., C.P.'s (39) to construct additional Type TH and Type TH–3 radio relay telephone channels and initial Type TL–2 and Lenkurt, 74B–1 plant maintenance channels on existing routes.

4392–C1–P–71—American Telephone & Telegraph Co. (KOB26), C.P. to add 6093.9 MHz toward Pratts Pass, Utah, at its station 3100 Kennedy Drive, Salt Lake City, UT.

4393–C1–P–71—American Telephone & Telegraph Co. (KOB27), C.P. to add 6315.9 MHz toward Salt Lake City and Wasatch, Utah, at 6.5 miles northwest of Gorgoza, Utah.

4394–C1–P–71—American Telephone & Telegraph Co. (KOB28), C.P. add 6063.8 MHz toward Pratts Pass, Utah, and Evanston, Wyo., at 9.5 miles northeast of Castle Rock, Utah.

4395–C1–P–71—American Telephone & Telegraph Co. (KOB29), C.P. add 6315.9 MHz toward Wasatch, Utah, and Church Butte, Wyo., at Evanston, 5.5 miles southwest of Leroy, Wyo.

4396–C1–P–71—American Telephone & Telegraph Co. (KOB61), C.P. add 6063.8 MHz toward Evanston and Green River, Wyo., at Church Butte, 10 miles south of Verne, Wyo.

4397–C1–P–71—American Telephone & Telegraph Co. (KOB62), C.P. to add 6315.9 MHz toward Church Butte and Rock Springs, Wyo., at its station 3.5 miles southwest of Green River, Wyo.

4398–C1–P–71—American Telephone & Telegraph Co. (KOB63), C.P. add 6063.8 MHz toward Green River and Bitter Creek, Wyo., at its station Rock Springs, 1.5 miles northeast of Lionkol, Wyo.

4399–C1–P–71—American Telephone & Telegraph Co. (KOB64), C.P. add 6315.9 MHz toward Rock Springs and Creston, Wyo., at 11 miles north of Bitter Creek, Wyo.

4400–C1–P–71—American Telephone & Telegraph Co. (KOB65), C.P. add 6063.8 MHz toward Bitter Creek and North Rawlins, Wyo., at 5 miles northwest of Creston, Wyo.

4401–C1–P–71—American Telephone & Telegraph Co. (KOB66), C.P. add 6315.9 MHz toward Creston and Hanna, Wyo., at North Rawlins, 5.5 miles northwest of Rawlins, Wyo.

4402–C1–P–71—American Telephone & Telegraph Co. (KOB67), C.P. add 6063.8 MHz toward North Rawlins and Rock River, Wyo., at 2 miles northeast of Hanna, Wyo.

4403–C1–P–71—American Telephone & Telegraph Co. (KOB68), C.P. add 6315.9 MHz toward Hanna and Crow Creek, Wyo., at 4 miles west of Rock River, Wyo.

4404–C1–P–71—American Telephone & Telegraph Co. (KOB69), C.P. add 6063.8 MHz toward Rock River, Wyo., and Buckhorn Mountain, Colo., at Crow Creek Hill, 8.5 miles southeast of Laramie, Wyo.

4405–C1–P–71—American Telephone & Telegraph Co. (KAC61), C.P. add 6315.9 MHz toward Crow Creek Hill, Wyo., and Greeley, Colo., at Buckhorn Mountain, 8 miles west of Bellvue, Colo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4406–C1–P–71—American Telephone & Telegraph Co. (KAM69), C.P. add 6063.8 MHz toward Buckhorn Mountain and Prospect Valley, Colo., at 9 miles southeast of Greeley, Colo.

4407–C1–P–71—American Telephone & Telegraph Co. (KAB26), C.P. add 6315.9 MHz toward Greeley and Strasburg, Colo., at 6.5 miles east of Prospect Valley, Colo.

4408–C1–P–71—American Telephone & Telegraph Co. (KAM70), C.P. add 6063.8 MHz toward Prospect Valley and Limon, Colo., at 3.2 miles southeast of Strasburg, Colo.

4409–C1–P–71—American Telephone & Telegraph Co. (KAR52), C.P. to add 6315.9 MHz toward Strasburg and Hugo, Colo., at its station 9.5 miles southeast of Limon, Colo.

4410–C1–P–71—American Telephone & Telegraph Co. (KAR51), C.P. add 6063.8 MHz toward Limon and Wild Horse, Colo., at its station 5 miles south of Hugo, Colo.

4411–C1–P–71—American Telephone & Telegraph Co. (KAR50), C.P. add 6315.9 MHz toward Hugo and Eads, Colo., at 3 miles south-southeast of Wild Horse, Colo.

4412–C1–P–71—American Telephone & Telegraph Co. (KAR49), C.P. add 6063.8 MHz toward Wild Horse and Lamar, Colo., at 1 mile northeast of Eads, Colo.

4413–C1–P–71—American Telephone & Telegraph Co. (KAR48), C.P. add 6315.9 MHz toward Eads and Hartman, Colo., at 6 miles northeast of Lamar, Colo.

4414–C1–P–71—American Telephone & Telegraph Co. (KAR47), C.P. add 6063.8 MHz toward Lamar, Colo., and Syracuse, Kans., at 1 mile south of Hartman, Colo.

4415–C1–P–71—American Telephone & Telegraph Co. (KAR46), C.P. add 6315.9 MHz toward Hartman, Colo., and Lakin, Kans., at 8.5 miles southwest of Syracuse, Kans.

4416–C1–P–71—American Telephone & Telegraph Co. (KAR45), C.P. add 6063.8 MHz toward Syracuse and Holcomb, Kans., at 7 miles southwest of Lakin, Kans.

4417–C1–P–71—American Telephone & Telegraph Co. (KAR44), C.P. add 6315.9 MHz toward Lakin and Pierceville, Kans., at 3 miles northeast of Holcomb, Kans.

4418–C1–P–71—American Telephone & Telegraph Co. (KAR43), C.P. add 6063.8 MHz toward Holcomb and Dodge City Junction, Kans., at 5 miles south-southeast of Pierceville, Kans.

4419–C1–P–71—American Telephone & Telegraph Co. (KBT49), C.P. add 6078.6 MHz toward Dodge City Junction, Kans., at 6.2 miles southeast of Minneola, Kans.

4420–C1–P–71—American Telephone & Telegraph Co. (KAM47), C.P. change frequencies 6197.2 and 6315.9 MHz to 6212.0 and 6330.7 MHz toward Mullinville, change 11,035 MHz to 6241.7 MHz toward Minneola, add 6315.9 MHz toward Pierceville, and add 6197.2 and 6315.9 MHz toward Montezuma, Kans., at Dodge City Junction, 0.5 mile northwest of Dodge City, Kans.

4421–C1–P–71—American Telephone & Telegraph Co. (KAM48), C.P. to change frequencies 5945.2 and 6063.8 MHz to 5960.0 and 6078.6 MHz toward Dodge City Junction at its station 3 miles south of Mullinville, Kans.

4422–C1–P–71—American Telephone & Telegraph Co. (KAM46), C.P. to add 5945.2 and 6063.8 MHz toward Dodge City Junction and Sublette, Kans., at its station 2.5 miles northwest of Montezuma, Kans.

4423–C1–P–71—American Telephone & Telegraph Co. (KAM45), C.P. add 6197.2 and 6315.9 MHz toward Montezuma and Liberal, Kans., at 1 mile southwest of Sublette, Kans.

4424–C1–P–71—American Telephone & Telegraph Co. (KAM44), C.P. add 5945.2 and 6063.8 MHz toward Sublette, Kans., and Hooker, Okla., at 5 miles north of Liberal, Kans.

4425–C1–P–71—American Telephone & Telegraph Co. (KKU92), C.P. add 6197.2 and 6315.9 MHz toward Liberal, Kans., and add 6375.2 MHz toward Gruver, Tex., at 12 miles southeast of Hooker, Okla.

4426–C1–P–71—American Telephone & Telegraph Co. (KKU91), C.P. add 5945.2 MHz toward Hooker, Okla., and add 6123.1 MHz toward Pringle, Tex., at 9 miles northeast of Gruver, Tex.

4427–C1–P–71—American Telephone & Telegraph Co. (KKU90), C.P. add 6197.2 MHz toward Gruver, Tex., and add 6375.2 MHz toward Borger, Tex., at 2 miles north of Pringle, Tex.

4428–C1–P–71—American Telephone & Telegraph Co. (KKU89), C.P. add 5945.2 MHz toward Pringle and add 6123.1 MHz toward Ady, Tex., at 16 miles southwest of Borger, Tex.

4429–C1–P–71—American Telephone & Telegraph Co. (KZI66), C.P. add 6197.2 MHz toward Borger and add 6375.2 MHz toward Vega, Tex., at 8.5 miles south-southeast of Ady, Tex.

4430–C1–P–71—American Telephone & Telegraph Co. (KKO38), C.P. add 5945.2 MHz toward Ady, Tex., at 12 miles southeast of Vega, Tex.

Major Amendment

987–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), Change frequency directed toward Lantana from 6050 MHz to 6330.7 MHz. All other particulars same as reported in Public Notice Report No. 506 dated Aug. 24, 1971.

The following renewal applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Ponderosa Telephone Co.
- KNL20—O'Neels, Calif.
- KNL21—Big Creek, Calif.
- KNL22—Near south boundary of Shaver Lake, Calif.
- KNL23—South edge of Auberry, Calif.

Virgin Island Telephone Corp.
- WWT57—St. Thomas, V.I.
- WWT60—Crown Mountain, V.I. (St. Thomas).
- WWY43—Christiansted, V.I. (St. Croix).

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4332–C1–ML–71—Frank K. Spain, doing business as Microwave Service Co. (WAD21), Modification of license to pickup and transmit, via audio subcarrier, the programing of the St. Louis Cardinal Baseball Network.

4331–C1–ML–71—Frank K. Spain, doing business as Microwave Service Co. (KLN74), Modification of license to deliver, via audio subcarrier, the programing of the St. Louis Cardinal Baseball Network to Radio Station WELO in Tupelo, Miss.

Major Amendments

3654–C1–P–71—Midwestern Relay Co. (New), Change frequencies 10,855 and 10,935 MHz to read 10,735 and 11,135 MHz on azimuth 301°05'.

3656–C1–P–71—Midwestern Relay Co. (New), Change frequencies 10,815, 10,935, 11,055, 11,135, and 11,175 MHz to read: 11,265, 11,505, 11,425, 11,625, and 11,665 MHz on azimuth 273°45' and frequency 11,505 MHz to read: 11,345 MHz on azimuth 121°05' and frequency 11,265 MHz to read: 11,585 MHz on azimuth 70°10'.

3657–C1–P–71—Midwestern Relay Co. (New), Change coordinates to read latitude 41°54'31" N., longitude 88°06'45" W., and change frequencies 11,265, 11,345, 11,425, 11,505, and 11,585, MHz to read 11,055, 10,855, 10,815, 11,095, and 11,135 MHz on azimuth 338°10' and frequencies 11,225 and 11,465 MHz to read 11,175 and 10,935 MHz on azimuth 93°45'.

3658–C1–P–71—Midwestern Relay Co. (New), Change frequencies 10,855 and 11,095 MHz to read 11,305 and 11,545 MHz on azimuth 158°10'.

3659–C1–P–71—Midwestern Relay Co. (New), Change frequency 6212.0 MHz to read 6226.9 MHz on azimuth 0°33' and add frequency 6271.4 MHz on azimuth 171°13'.

3660–C1–P–71—Midwestern Relay Co. (New), Change frequency 6019.3 MHz to read 6078.6 MHz on azimuth 62°30', change frequencies 5989.7, 6019.3, and 6167.6 MHz to read 10,895, 11,135, and 10,815 MHz on azimuth 278°15', change frequencies 5989.7, 6019.3, 6108.3, and 6137.9 MHz to read 5974.8, 6034.2, 6093.5, and 6152.8 MHz on azimuth 8°45', and change frequencies 5960.0 MHz and 6167.6 MHz to read 6019.3 and 6123.1 MHz on azimuth 180°33'.

3662–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6197.2, 6226.9, and 6375.2 MHz to read 6182.4, 6212.0, and 6301.0 MHz on azimuth 10°25'.

3663–C1–P–71—Midwestern Relay Co. (New), Change frequency 5978.8 MHz to read 5974.8 MHz on azimuth 348°15'.

3666–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6212.0, 6241.7, 6330.7, and 6360.3 MHz to read 11,665, 11,425, 11,585, and 6182.4 MHz on azimuth 278°20', and change frequency 6301.0 MHz to read 6375.2 MHz on azimuth 98°15'.

3667–C1–P–71—Midwestern Relay Co. (New), Change frequencies 5945.2, 5974.8, and 6004.5 MHz to read 10,775, 10,735, and 11,175 MHz on azimuth 139°40', frequencies 5974.8, 6004.5, and 6063.8 MHz to read 10,775, 11,015, and 11,175 MHz on azimuth 257°05', and frequencies 5945.2, 5974.8, 6004.5, 6063.8, and 6123.1 MHz to read 10,775, 11,175, 10,975, 11,015, and 10,735 MHz on azimuth 309°05'.

3668–C1–P–71—Midwstern Relay Co. (New), Delete frequencies 6212.0 and 6256.5 MHz and add frequency 11,345 MHz on azimuth 10°50', and change frequencies 6226.9, 6256.5, 6286.2, and 6345.5 MHz to read 6315.9, 11,345, 11,505, and 11,265 MHz on azimuth 304°50', frequencies 6226.9 and 6404.8 MHz to read 6241.7 and 6330.7 MHz on azimuth 129°05'.

3669–C1–P–71—Midwestern Relay Co. (New), Change frequency 5945.2 MHz to read 5974.8 MHz on azimuth 16°33'.

3671–C1–P–71—Midwestern Relay Co. (New), Change frequency 5945.2 MHz to read 6004.5 MHz on azimuth 2°25'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3672–C1–P–71—Midwestern Relay Co. (New), Change frequencies 5945.2, 5974.8, 6004.5, 6063.8, and 6123.1 MHz to read 6137.9, 6108.3, 6078.6, 6019.3, and 5989.7 MHz on azimuth 245°28', and frequencies 5945.2 and 6063.8 MHz to read 6137.9 and 6167.6 MHz on azimuth 124°50'.

3673–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6226.9, 6345.5, and 6375.2 MHz to read 6360.3, 6241.7, and 6182.4 MHz on azimuth 320°30', and frequency 6315.9 MHz to read 6375.2 MHz on azimuth 65°28'.

3674–C1–P–71—Midwestern Relay Co. (New), Change frequencies 5989.7, 6019.3, 6078.6, 6108.3, and 6167.6 MHz to read 11,425, 11,585, 11,305, 11,545, and 11,225 MHz on azimuth 300°45', frequency 6137.9 MHz to read 6152.8 MHz on azimuth 140°30', frequencies 6108.3 and 6167.6 MHz to read 11,305 and 11,585 MHz on azimuth 260°30', frequencies 6019.3 and 6108.3 MHz to read 11,225 and 11,305 MHz on azimuth 264°35'. Add frequency 11,545 MHz on azimuth 260°30' and 264°35'.

3675–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6197.2, 6286.2, 6345.5, and 6404.8 MHz to read 11,135, 10,815, 11,055, and 6301.0 MHz on azimuth 263°50', and frequency 6241.7 MHz to read 6182.4 MHz on azimuth 120°45'.

3676–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6004.5 and 6123.1 MHz to read 6019.3 and 6137.9 MHz on azimuth 83°50', and frequencies 6049.0, 6078.6, and 6108.3 MHz to read 11,345, 11,505, and 11,265 MHz on azimuth 311°15'.

3678–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6241.7, 6271.4, 6301.0, 6360.3, and 6390.0 MHz to read 6404.8, 10,775, 11,015, 11,175, and 11,095 MHz on azimuth 311°15', frequency 6301.0 MHz to read 6404.8 MHz on azimuth 151°15'.

3679–C1–P–71—Midwestern Relay Co. (New), Change frequencies 5945.2, 5974.8, and 6034.2 MHz to read 11,425, 11,585, and 11,505 MHz on azimuth 338°45', frequencies 6004.5 and 6063.8 MHz to read 6137.9 and 11,585 MHz on azimuth 131°15'.

3680–C1–P–71—Midwestern Relay Co. (New), Change frequencies 11,265 and 11,505 MHz to read 11,015 and 10,855 MHz on azimuth 208°30', frequency 6301.1 MHz to read 6301.0 on azimuth 158°45', frequencies 6212.0, 6241.7, 6330.7, and 6360.3 MHz to read 6184.2, 11,015, 11,175, and 11,095 MHz on azimuth 356°45', and frequencies 11,345, 11,425, 11,505, and 11,585 MHz to read 10,775, 10,935, 11,095, and 10,855 MHz on azimuth 228°00'.

3681–C1–P–71—Midwestern Relay Co. (New), Change frequencies 10,855 and 10,935 MHz to read 11,265 and 11,505 MHz on azimuth 226°15'.

3682–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6108.3 and 6167.6 MHz to read 6019.3 and 6123.1 MHz on azimuth 11°45'.

3683–C1–P–71—Midwestern Relay Co. (New), Change frequencies 6271.4, 6330.7, and 6390.0 MHz to read 6286.2, 6345.5, and 6404.8 MHz on azimuth 42°30', and frequency 6301.0 MHz to read 6271.4 MHz on azimuth 191°45'.

3684–C1–P–71—Midwestern Relay Co. (New), Change frequency 6049.0 MHz to read 6137.9 MHz on azimuth 222°30'.

3685–C1–P–71—Midwestern Relay Co. (New), Change coordinates to read latitude 46°47'18" N., longitude 92°07'17" W. All other particulars same as reported on Public Notice dated Jan. 18, 1971.

[FR Doc.71–2642 Filed 2–26–71;8:45 am]

[FCC 71–157]

AVAILABILITY OF LOCALLY MAINTAINED RECORDS FOR INSPECTION BY MEMBERS OF THE PUBLIC

FEBRUARY 23, 1971.

The Commission has received complaints from members of the public concerning the availability for public inspection of the records which § 1.526 of the rules requires licensees, permittees, and applicants to maintain in their communities. The complaints indicate that some licensees may not fully understand the scope of the Commission's public inspection requirements. Some licensees have stated as justification for not making records available upon request that they were too busy or that there was no one on duty at the station who could make the records available. One complainant stated that when he asked to see the public records file the licensee stated that "* * * he had no time and I should make an appointment with his secretary."

Section 1.526(d) of the Commission's rules provides as follows:

> The file shall be maintained at the main studio of the station, or at any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours.

The rule does not require members of the public to make an appointment to review a licensee's public records, nor does it require that members of the public examine such records only at times most convenient to the licensee or his staff.

The Commission reminds all licensees, permitees, and applicants that the records specified in § 1.526 must be made available for public inspection during the regular business hours of the station and any requirement that a member of the public make an appointment in advance or return at another time is a violation of § 1.526(d) of the Commission's rules.

The Commission notes with interest a memorandum sent to the NAB Membership by the NAB Legal Department which suggests that stations set aside an area with a table at which the public may inspect the records specified in § 1.526. The Commission considers this suggestion to be in keeping with the spirit of the Commission's public inspection requirements.

Action by the Commission February 17, 1971.[1a]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2726 Filed 2-26-71;8:49 am]

[Docket No. 18888; FCC 71R-62]

CENTREVILLE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard application of Centreville Broadcasting Co., Centreville, Va., File No. BP-17564, for construction permit.

1. The application of Centreville Broadcasting Co. (hereinafter referred to as applicant) for a construction permit to build a daytime-only Class II standard broadcast station (1,000 kHz, 1 k.w., DA) in Centreville, Va., was designated for hearing under various issues by Commission memorandum opinion and order, FCC 70-656, 23 FCC 2d 845, released June 30, 1970. The Review Board now has before it a motion to enlarge issues, filed July 23, 1970,[1] by O. K. Broadcasting Corp. hereinafter referred to as WEEL or petitioner), a party respondent in this proceeding, seeking the addition of issues against the applicant to determine whether: (1) Centreville is a "community" within the purview of § 73.37(b); (2) the application complies with the Commission's coverage requirements of § 73.188(b); (3) the proposal is actually designed to serve the larger communities of Fairfax and Manassas, Va.; (4) the applicant conducted a bona fide Suburban survey in the Centreville area before filing its application; (5) the applicant complied with § 1.526(a)—maintenance of local public file; and (6) the applicant is financially qualified. The Review Board will consider these requests seriatim.

Section 73.37(b) issue. 2. In support of its request for a § 73.37(b) issue, petitioner submits that while a § 73.30 issue was specified against the applicant in the designation Order to determine whether Centreville is a community within the meaning of that rule, the Commission failed to specify a similar issue as to whether Centreville qualifies as a "community" as that term is used in § 73.37 (b).[2] According to WEEL, Centreville[3] has no significant community attributes such as local government or defined boundaries and is, in fact, an integral part of Fairfax County, which provides all governmental services for the area. Referring to an earlier-filed pleading, petitioner points out that, in 1967, the Director of Planning and Zoning for the Fairfax County Planning Department advised that his department did not consider Centreville to be a separate community. In addition, WEEL notes that had the applicant specified either Fairfax or Manassas, each of which is already assigned an AM facility, as its proposed station location, such proposal would have been dismissed for noncompliance with § 73.37(b) due to interference within its 0.5 mv/m contour. According to the petitioner, there is substantial evidence that the applicant expects its facility to serve the needs and interests of Fairfax City and Manassas.[4] Finally, WEEL asserts that even if Centreville is found to be coterminous with the "Centreville Magisterial District,"[5] and is thereafter found to be a community within the meaning of § 73.30, the applicant's proposal would still not comply with § 73.37 inasmuch as standard broadcast Station WHRN is already assigned to Herndon, Va. In its comment, the Broadcast Bureau suggests that the § 73.37(b)(2) issue already specified by the Commission could be construed to permit an inquiry into whether the Centreville area meets the requirements of § 73.37(b) here pertinent, i.e., that Centreville is a community which does not have an AM facility. Alternatively, the Bureau also suggests that the Board may want to specify a separate issue in order to resolve any doubts in this regard.

3. In opposition to the instant request, the applicant charges that the same question was before the Commission when it designated this proceeding for hearing, and that, therefore, Board consideration of the § 7337(b) issue is effectively precluded. With regard to the merits of the request, the applicant submits exhibits which purportedly establish that Centreville is a separate community and that Centreville and the Centreville Magisterial District are not the same entity. The applicant contends that the best evidence of these claims is the "Bull Run Planning District Comprehensive Plan" presented by the Fairfax County Planning Commission to the County's Board of Supervisors on July 9, 1969, portions of which are reproduced as attachments to the applicant's responsive pleading. In the applicant's view, the fact that the planning authorities have promulgated different plans for the Bull Run Planning District, the Fairfax Planning District and the Manassas-Manassas Park area is significant since the Centreville and the Bull Run Planning District are completely separate and apart from Fairfax City Manassas and Manassas Park. The applicant asserts htat an examination of the material presented makes it "abundantly clear" that Centreville is a community for purposes of § 73.37 in that Centreville has all the indicia of a community, such as residential, commercial, and industrial areas, schools, fire protection facilities, a library and a planned hospital. In addition, the applicant cites reports to the effect that the long-range population of Centreville and the surrounding area could vary from 50,000 to 100,000 if the Bull Run Planning District becomes a reality. Based on this showing, the applicant seeks denial of the requested § 73.37(b) issue.

4. In reply, WEEL contends that the applicant never addressed itself to petitioner's charge that the "community" question should be considered in the context of both §§ 73.30 and 73.37(b). Instead, petitioner claims that the applicant, in effect, is asking the Board to rule that Centreville is a community, as that term is used in § 73.37(b), even though the Commission has already specified an issue to determine whether Centreville is a community within the meaning of § 73.30.

5. The Review Board does not share petitioner's view that a separate "community" issue based on § 73.37(b) is required in this proceeding. Initially, we note that, in a petition for reconsideration or to deny, filed on February 23, 1967, WEEL contended that Centreville is not a community within the meaning of § 73.37(b) and supported that contention with essentially the same factual allegations now urged before the Board. In response to WEEL's claim, the Commission specified a "community" issue based on § 73.30, although it did note that there is no hard and fast rule by which it can be determined whether a particular population grouping has sufficient community attributes so as to be classified a community for assignment purposes. While WEEL now argues that a separate "community" issue based on § 73.37(b) is needed, the petitioner has not demonstrated any differences in the meaning of "community" as that term is used in §§ 73.30 and 73.37(b) other than to suggest that the latter's adoption at a later date assumes some significance. However, the Commission's report and order in Docket No. 15084, FCC 64-609, 2 RR 2d 1658 (1964), and its discussion of the rationale for the first local service exception to the prohibited overlap rules at paragraph 19 thereof offer no support for petitioner's claim. In the Board's view, if Centreville qualifies as a "community" within the meaning of § 73.30, then it can also be considered as a "community" for the purposes of the exception to the overlap rules contained in § 73.37(b). Moreover, it can be expected that, pursuant to the § 73.30 issue specified by the Commission, evidence adduced thereunder will establish what constitutes the Centreville community and that, at that time, it should be readily determinable whether Centreville constitutes a community for the purposes of § 73.37(b). Since § 73.37 (b) requisites for the first local service exception are subsumed within the pending § 73.37(b)(2) issue and since the size, extent and other characteristics of the specified station location will be developed under the § 73.30 issue, addition of the issue now requested would serve no useful purpose.[6] In this regard, we note that the applicant has refuted WEEL's claim that Centreville is, in effect, the Centreville Magisterial District, which includes the town of Herndon and an existing AM facility.

Section 73.188 issue. 6. In support of this requested issue, petitioner asserts that if the Centreville Magisterial District is found to be the applicant's community of assignment, then the proposal would violate § 73.188(b) inasmuch as the applicant's proposed 5 mv/m contour does not cover the northern portion of the District, near Herndon.[7] The Board concurs in the Bureau's suggestion that the instant request should be denied since there is no indication that the applicant's community of license is the Centreville Magisterial District and since it would be improper to hold the applicant to an engineering standard based on a community which it has not specified. As noted above, the applicant takes exception to petitioner's claim that Centreville is, in effect, the Centreville Magisterial District; moreover, in its opposition pleading, the applicant submits an engineering showing which purportedly demonstrates that: (1) a 25 mv/m contour is placed over the business and industrial areas of Centreville; and (2) a 5 mv/m contour is placed over the entire Bull Run Planning District, of which Centreville is the main part.[8] In regard to the instant request, we also note that WEEL made essentially the same arguments before the Commission in its February 23, 1967, petition for reconsideration or to deny about the applicant's alleged violation of § 73.188(b), but that the Commission did not specify a coverage issue as a result thereof. However, since there is a § 73.30 issue in this proceeding and since evidence adduced thereunder concerning the size and extent of the Centreville community could conceivably establish a basis for a coverage issue, our denial of petitioner's request is without prejudice to its subsequent refiling if circumstances so warrant.

Suburban community issue. 7. In support of its request for a Suburban Community issue, petitioner alleges that the applicant's 5 mv/m contour encompasses all of the City of Fairfax, all of Manassas Park and approximately 50 percent of Manassas; that the population of Centreville is considerably smaller than the aforementioned communities;[9] that the bulk of the applicant's anticipated revenues ($72,000 estimated for first-year operation) will have to be sought in the communities noted; that the applicant proposes power of 1,000 watts, or four times the minimum power at which Class II-D facilities can operate (§ 73.21(a)(iii)); and that the applicant has failed to identify the separate needs and interests of Centreville. According to WEEL, the Commission has indicated that its Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), is not to be limited to substandard facilities proposing 5 mv/m or better service to communities with a population of 50,000 or more. Citing Harry D. Stephenson and Robert E. Stephenson, 15 FCC 2d 335, 14 RR 2d 945 (1968), for the latter proposition, petitioner submits that there is stronger evidence to support the addition of an issue concerning the applicant's "actual community of interest" in this case than in Stephenson, especially since such evidence bears upon the question of whether the applicant is entitled to the first local service exception of § 73.37. In this regard, the petitioner also points out that § 73.37(b) would have barred the applicant's proposal if Fairfax City or Manassas had been specified as the community of assignment. In the Broadcast Bureau's view, petitioner has alleged sufficient facts to warrant an appropriate response by the applicant; in the absence thereof, the Bureau would support the addition of a Suburban Community issue.[10]

8. The applicant opposes the instant request on both procedural and substantive grounds. Initially, the applicant argues that since the same request by WEEL based on identical factual allegations was before the Commission in the predesignation phase of this proceeding, the Board should not consider the merits of the instant request. In any event, it is the applicant's position that petitioner has not met its burden of demonstrating that a substandard central city station is proposed, citing the Board's action in Radio Collinsville, Inc., 14 FCC 2d 1058, 14 RR 2d 559 (1968). The applicant maintains that the factual assertions set forth in its response to the request for a § 73.37(b) issue show that Centreville is a "substantial community," is growing very rapidly, and is separate and distinct from Fairfax City, Manassas and Manassas Park.[11] Again citing Radio Collinsville, the applicant contends that petitioner has failed to establish that Cen-

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[1a] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee, Wells and Houser.

[1] Also before the Board for consideration are: (a) Comment, filed Aug. 10, 1970, by the Broadcast Bureau; (b) opposition, filed Aug. 28, 1970, by the applicant; (c) reply, filed Sept. 8, 1970, by petitioner; (d) letter to the Review Board, dated Oct. 2, 1970, from petitioner; (e) motion for leave to file attached supplement to motion to enlarge issues and supplement, filed Oct. 9, 1970, by petitioner; (f) opposition to (e), filed Oct. 14, 1970, by the applicant; (g) comment on (e), filed Oct. 16, 1970, by the Bureau; and (h) reply to (f) and (g), filed Oct. 28, 1970, by petitioner.

[2] However, the Commission did specify an issue to determine whether the existing 0.50 mv/m contour of Station WIOO, Carlisle, Pa., would overlap the proposed 1 mv/m contour in violation of § 73.37(b)(2).

[3] Petitioner claims that "Centreville" is the name given to the area around the intersection of Routes 28 and 29/211 in Western Fairfax County and that the intersection is located approximately 5 miles from Fairfax City and Manassas. Moreover, WEEL notes that the Centreville area is located in one of the few remaining portions of Fairfax County not included in the Washington, D.C. Urbanized Area.

[4] WEEL refers to its showing in support of its request for a Suburban Community issue, which will be developed infra.

[5] Petitioner claims that the Centreville Magisterial District is the only political subdivision with the name "Centreville" and is a subdivision of Fairfax County whose boundaries include the Centreville crossroads area and the towns of Herndon, Vienna, and Clifton.

[6] The overlap issue specified by the Commission (see note 2, supra) necessarily assumes that Centreville constitutes a community for the purpose of § 73.37(b). However, if it should develop that evidence adduced under the § 73.30 issue concerning Centreville's status as a "community" undermines that assumption, then the applicant should be aware of its obligation to demonstrate the proposal's compliance with those provisions supporting the exception to the overlap rules in addition to its obligation to meet the § 73.37(b)(2) issue already specified.

[7] Section 73.188(b) requires that an applicant provide a signal intensity of at least 25 mv/m to the business or factory areas of its community of assignment and an intensity of at least 5 mv/m to the most distant residential section. WEEL points out that the applicant has never identified the limits of the Centreville area and notes that the area may be coextensive with—or lesser or greater than—the area encompassed within the Centreville Magisterial District.

[8] As noted by the applicant in its opposition pleading, Fairfax City, Manassas, and Manassas Park are not included in the Bull Run Planning District.

[9] Petitioner claims that the preliminary 1970 U.S. Census estimate for Fairfax City is 21,855; according to WEEL, 1970 estimates for Manassas and Manassas Park are not yet available. Although petitioner conjends that the Centreville area is undefined and its present population unknown, it offers its earlier 1967 estimates to the effect that the residential population in the Centreville crossroads area was 100 and that the population within 1½ miles of the crossroads was about 1,000.

[10] The Bureau points out that petitioner, in its petition to deny, alleged the same facts in support of a Suburban Community issue. However, since there was no thorough consideration of the particular question in the designation order, the Bureau is of the view that substantive consideration by the Board is appropriate, citing Atlantic Broadcasting Company (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1966).

[11] The applicant bases this latter assertion on the fact that none of these communities is located within the Bull Run Planning District.

treville is a suburb of these other communities or is dependent on them. The applicant explains that Centreville was chosen as the community of assignment and a power of 1 kw. was proposed since Centreville is the center of the Bull Run Planning District, which "is growing at an incredible pace," and since it was considered desirable "to place a 5 mv/m contour over the entire * * * district."[12] In regard to assertions made by the Bureau concerning the absence of information about the separate and distinct needs of Centreville, the applicant notes that an April 29, 1969, amendment to its application set forth in detail some of Centreville's community needs and how the applicant proposed to meet those needs. In response to the question raised by the Bureau as to whether broadcast revenues would be sought outside of Centreville, the applicant states that just as petitioner solicits revenue outside of its community of license, it, too, hopes to garner revenue from nearby communities. In support of this position, the applicant reasons that "[c]ertainly, the Commission does not expect an applicant to ascertain community problems outside its community of license and seek to meet these problems [pursuant to the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, 20 FCC 2d 880], and not permit an applicant to obtain revenue from these communities."

9. In reply, the petitioner charges that the applicant has failed to deal with the factual allegations in support of the Suburban Community issue. Moreover, in petitioner's view, the applicant's proposal meets one of the most important criteria for the addition of this issue as articulated in the case principally relied on by the applicant (Radio Collinsville), i.e., Fairfax City was part of the Washington, D.C. Urbanized Area in 1960, but Centreville was immediately outside of it. Even though the applicant refers to Centreville as a "substantial community," petitioner points out that the only population figure for Centreville in the material submitted by the applicant is a December, 1969 estimate of 600, or about three percent of Fairfax City's population. The fact that the applicant intends to place a 5 mv/m contour over the Bull Run Planning District is deemed insignificant by the petitioner, who labels the planning district as an "arbitrary study area" and a proposal that may not be adopted. With regard to the applicant's April 29, 1969, amendment, petitioner contends that a review of that amendment will show that the applicant conducted a "program preference survey which identified not a single distinctive Centreville problem which the applicant might rely upon to support a contention of Centreville distinctiveness."

10. In the Board's view, a substantial question has been raised as to whether the applicant will realistically serve primarily a community or communities other than its "specified community," and, therefore, the requested Suburban Community issue will be specified.[13] In adopting its Suburban Community Policy Statement, supra, the Commission was mindful of the fact that the 5 mv/m—50,000 population test was not meant to serve as an inflexible standard. V. W. B., Inc., 8 FCC 2d 744, 10 RR 2d 563 (1967); Babcom, Inc., 12 FCC 2d 306, 12 RR 2d 998 (1968). It is well established that, upon a proper "threshold showing," a Suburban Community issue will be specified even though, as here, the circumstances of the case do not fit precisely within the standards which raise the presumption formulated in the Policy Statement. See Harry D. Stephenson and Robert E. Stephenson, supra; Summit Broadcasting, 18 FCC 2d 470, 16 RR 2d 733 (1969). As noted in the Stephenson and V. W. B. cases, the burden a petitioner must carry under these circumstances is not a light one. A Suburban Community issue will not be specified merely because an applicant intends to place a strong signal over a somewhat larger community; to do so would serve only to disrupt Commission processes and to delay the establishment of competitive broadcast facilities. See Childress Broadcasting Corporation of West Jefferson (WKSK), FCC 70-1032, 20 RR 2d 335; V. W. B., Inc., supra; and Babcom, Inc., supra. In the instant case, petitioner has made the requisite threshold showing warranting the requested issue. In reaching this conclusion, we have given consideration to a number of relevant factors. For example, there appears to be a great disparity in population between Centreville and the communities of Fairfax City and Manassas (including Manassas Park).[14] The applicant's proposed power is four times the minimum power for a Class II–D facility (§ 73.21(a)(2)(iii)), and its explanation for the 1 kw. proposal (see note 12, supra) does not satisfactorily demonstrate the inadequacies of lower power. The applicant's proposed 5 mv/m contour encompasses not only the entire Bull Run Planning District, but also all of the City of Fairfax and Manassas Park and about one-half of Manassas. See, e.g., V. W. B., Inc., supra; compare Childress Broadcasting Corporation of West Jefferson, supra. Additionally, we note that the applicant would not have been able to qualify for the first local service exception of § 73.37(b) if it had specified either Fairfax City or Manassas as its community of assignment. Babcom, Inc., supra; compare Durgin Associates, Inc., 10 FCC 2d 24, 11 RR 2d 205 (1967). The Board is also of the opinion that a substantial question has been raised as to whether there are sufficient advertising sources to support the applicant's estimate of $72,000 in first-year revenues without heavy reliance upon revenues garnered from larger nearby communities like Fairfax City, Manassas, and Manassas Park. Moreover, the applicant has not sufficiently demonstrated that its proposed programing is designed to serve the separate and distinct needs of Centreville.[15] Therefore, in view of these factors and in light of the fact that a substantial question exists concerning Centreville's independent existence as a community, we are convinced that an adequate threshold showing has been made to support the specification of an issue to determine whether the applicant will provide a realistic transmission service for Centerville or for another larger community (or other larger communities).

Community needs survey—candor issue. 11. Petitioner contends that applicant's proposal, which was allegedly prepared in haste only 3 days before it was filed on December 19, 1966,[16] fails to identify any person who was contacted by the applicant during its prefiling community survey. Because of its own doubts about the applicant's survey efforts in 1966, WEEL points out that it contacted some 31 people who live in or work near the Centreville crossroads area in February of 1967, and that, with but one exception (the then-owner of the Centreville Circle Pharmacy and the holder of the applicant's public file), all individuals indicated that they had not been interviewed by the applicant. According to petitioner, the application is devoid of

[12] According to an attached statement of the applicant's consulting engineer, a minimum power of 1 kw. is necessary in order to accomplish contour placement consistent with existing protection requirements and to overcome power line interference. The engineer states that the "placement of the 5 mv/m contour over the City of Fairfax is incidental to the proposal" and that "in the near future the Fairfax City population will be completely overtaken by the planned population increase in Centreville." He also notes that Station WEEL operates with a daytime power of 5 kw. and has a signal superiority within Fairfax City of 10 to 1 over the applicant's proposal.

[13] We agree with the Bureau's position (note 10, supra) that substantive consideration of petitioner's request is appropriate in the circumstances.

[14] The preliminary 1970 U.S. Census estimate for Fairfax City is 21,855 people. The 1960 U.S. Census indicated that Manassas had a population of 3,555 and that Manassas Park contained 5,342 people. Estimates by the parties herein for Centreville's population range from 100 to 1,000. The population projections for the Centreville area contained in the Bull Run Planning District study are entirely too speculative to be of any assistance in determining the present size of the specified community.

[15] In the designation Order herein, the Commission specified a Suburban issue against the applicant to determine its awareness of and responsiveness to local community needs and interests. In addition, we note that, in Exhibit 4 of its original application, the applicant indicated an intention to serve the following communities: Centreville, Chantilly, Manassas, Vienna, Fairfax City, and other communities near Centreville.

[16] For example, WEEL notes that the applicant's articles of incorporation and bylaws were certified as true and correct on December 16th; that an agreement among the applicant's stockholders dealing with the company's financial plan was dated December 16th, as was an equipment credit letter; and that an engineering affidavit in support of the application was dated December 17th.

any information concerning the identification (by name, occupation or otherwise) of any person contacted by the applicant during this alleged prefiling survey, and the applicant does not reveal a single view about "existing radio programming" or about what programming should be broadcast on a Centreville station. While these facts were made known to the applicant in WEEL's petition to deny, petitioner submits that it has received only vague generalizations about the applicant's survey efforts.[17] In view of the applicant's failure to identify its survey contacts in response to WEEL's challenge, petitioner requests that an issue be specified to determine whether a bona fide survey was made by the applicant before the filing of its application.

12. The Review Board concurs in the position taken by the Bureau and the applicant to the effect that petitioner has not set forth sufficient allegations of fact to support the addition of the requested issue.[18] The fact that petitioner has randomly contacted 31 individuals in the Centreville area and has discovered that only one was interviewed by the applicant is insufficient to support a candor issue; at most, WEEL's investigation in 1967 indicates that 30 persons in the Centreville area were not contacted by the applicant in its 1966 prefiling survey. Moreover, the Board finds no statement in Centreville Broadcasting Co.'s application or in the applicant's response to WEEL's petition to deny which renders suspect the applicant's initial survey efforts. In this regard, we also note that, on October 9, 1970, petitioner filed a supplement to its motion to enlarge issues,[19] seeking to augment its showing in support of the requested candor issue with information and documents derived from deposition sessions held on September 17 and 18, 1970. However, this supplementary information appears to establish that the applicant did conduct some survey efforts as evidenced by survey contact sheets, dated December 15, 1966. While such survey efforts are clearly insufficient in terms of Commission requirements, a Suburban issue has already been specified to inquire into this aspect of the applicant's proposal. Furthermore, petitioner has not challenged the applicant's April 29, 1969, amendment to its survey efforts and program proposal which reflects the results of interviews with 17 named community leaders. For these reasons, we agree with the Broadcast Bureau that an inquiry into the applicant's candor concerning its prefiling survey efforts is not warranted.

Section 1.526 issue. 13. Noting that § 1.526 requires all applicants for new facilities to maintain for public inspection a file in the community to which the station is proposed to be licensed, petitioner alleges that, on three separate occasions in July of 1970, its representative attempted to review the applicant's public file at the Centreville Circle Pharmacy, the designated depository, but that, on each occasion, the file was not available or was not produced for inspection. Eventually, on July 21, 1970, petitioner's representative, who supplies an affidavit in support of the requested § 1.526 issue, inspected the applicant's file and found that it contained numerous documentary omissions. On this basis, WEEL contends that the applicant, whose majority owners are experienced communications specialists, failed to maintain a proper public file in accordance with Commission requirements and that, therefore, an appropriate issue is required to determine the effect of this failure on the applicant's qualifications. The Broadcast Bureau is of the view that WEEL's factual allegations clearly raise a substantial question of applicant's compliance with § 1.526, citing North American Broadcasting Company, Inc., 15 FCC 2d 984, 15 RR 2d 367 (1969).

14. In opposition to the instant request, the applicant primarily relies on the attached affidavit of Mr. Irving Beller, the proprietor of the Centreville Pharmacy, who explains that, after he purchased the drugstore in May of 1967, store personnel became somewhat lax in the maintenance of the file due to the lack of inquries concerning the file and that eventually the file was misplaced. Mr. Beller also states that, at about the time of the inquiries by WEEL's representative, the applicant contacted him to ascertain the file's status and that, upon learning of the situation, the applicant provided him with replacement material. The applicant contends that the file is now up-to-date and that, in view of the fact that no member of the public has apparently been prejudiced by the file's unavailability, substantial compliance with § 1.526 has been achieved. Citing Media, Inc., 22 FCC 2d 875, 18 RR 2d 1175 (1970), the applicant argues that there is no reasonable basis for addition of the requested issue.

15. The request for specification of a Rule 1.526 issue will be granted. The applicant has, in effect, conceded that its local public file was not available for public inspection at the designated depository on the relevant dates in July 1970. Its attempt to explain away this failure to comply with Commission requirements can hardly be credited; the applicant cannot delegate its responsibility to maintain such a file to the custodian involved. See *Marvin C. Hanz*, 22 FCC 2d 147, 18 RR 2d 830 (1970). Moreover, the applicant has not effectively responded to the claim that, once the file was made available for public inspection, it did not contain all required materials. Since we are unable to agree with the applicant's characterization of its efforts in this regard as constituting "substantial compliance" with § 1.526, and since the applicant's noncompliance cannot be viewed as "minor" in scope, addition of the requested issue is appropriate. North American Broadcasting Company, Inc., supra; compare Media, Inc., supra.

Financial qualifications issue. 16. Although, in the designation Order, an issue was specified as to the ability of two of the applicant's stockholders (Laurence Levitan and Paul H. Weinstein) to meet their respective commitments to the applicant,[20] petitioner submits that the Commission failed to note that, by an amendment, filed December 24, 1969, the applicant substantially revised its financial proposal.[21] Petitioner argues that, as a result of this revision, there is no way to determine the applicant's estimated prosecution and construction costs or the ability of its five stockholders to meet such costs and that, therefore, appropriate enlargement and modification of issues is warranted. In addition, WEEL claims that the applicant's cost estimates are outdated and underestimated. On the basis of supporting affidavits from its consulting engineer and corporate president, petitioner submits that the funds allocated by the applicant for the proposed transmitter, studio technical equipment, building construction and "other items" are seriously inadequate. The Bureau, as well as petitioner, notes that the December, 1969, amendment places the applicant's financial proposal

[17] Petitioner notes that, in an affidavit attached to the applicant's Apr. 13, 1967, opposition to WEEL's petition for reconsideration or to deny, Laurence Levitan, the then-President of the applicant, stated that he had personally conducted the prefiling survey and that petitioner's canvass of individuals who had not been contacted by him (Levitan) did not render suspect the applicant's representation in Exhibit 4 to the application that a survey of persons in the Centreville area had been conducted.

[18] Even though petitioner's allegations were before the Commission at the time of designation for hearing and a Suburban issue was specified, the Commission did not specifically address itself to the question of the bona fides of the applicant's 1966 survey efforts. Therefore, the Board is not precluded from considering the instant request. Atlantic Broadcasting Company, supra.

[19] Although the applicant, in opposition to the supplement, argues at length about petitioner's misuse of discovery proceedings to support the requested candor issue, we can see nothing wrong in WEEL's pursuit of matters relevant to the Suburban issue and in bringing such matters to our attention.

[20] The issue, as specified by the Commission, reads as follows:

5. To determine, with respect to the financial portion of the Centreville Broadcasting proposal:

(a) Whether Laurence Levitan and Paul H. Weinstein have sufficient liquid assets available to meet their $90,000 loan commitment;

(b) The terms of repayment of the $90,000 loan;

(c) The amount of funds required to construct and operate the station for 1 year without revenues; and

(d) Whether, in light of the evidence adduced pursuant to (a), (b), and (c), above, the applicant is financially qualified.

[21] Originally, Levitan and Weinstein proposed to furnish the funds required for the applicant's proposal in the form of a $90,000 loan. By its Dec. 24, 1969, amendment, the applicant indicated that it intended to rely primarily on Messrs. Morton L. Berfield, Lewis I. Cohen, and Serge Bergen for financing the costs of prosecuting the application and constructing the station. No individual balance sheets were submitted with the amendment.

in a state of uncertainty since it appears that Levitan and Weinstein no longer intend to finance the proposal and since, although other stockholders (Morton L. Berfield, Lewis I. Cohen, and Serge Bergen) are now obligated to provide over 80 percent of the corporation's financing, no current information has been submitted to demonstrate their ability to meet their respective commitments. The Bureau agrees that substantial questions concerning aspects of the applicant's financial proposal have been raised and that addition of the requested issues is warranted unless the applicant supplies additional information which would obviate the need for such issues.

17. In response to the instant request, the applicant submits a copy of a petition for leave to amend, which it filed before the Hearing Examiner concurrently with its opposition pleading.[22] The amendment consists of an updated section III to the application,[23] including a new equipment letter from Gates Radio Company, a commitment from Weinstein to lend the applicant up to $125,000 to finance the construction and initial operation of the proposed facility and Weinstein's August 1, 1970, balance sheet. The amendment also contains a letter from Messrs. Weinstein and Levitan who agree to lease to the corporate applicant at its fair market value land sufficient for the transmitter location; the letter provides that no lease payments will be required until the station has been operational for at least 1 year. Based on this further revision in the applicant's financial proposal, Centreville Broadcasting Co. claims that petitioner's instant request should be denied.

18. In reply, petitioner charges that the applicant has failed to meet all of the objections to the claimed deficiencies in the latter's cost estimates; for example, WEEL points out that the applicant has provided no estimate for the cost of a site-access road and has not claimed that it has or can obtain authority for access rights to its proposed site. In addition, petitioner notes that the applicant has not supplied any studio construction or lease cost estimates and has not shown how it can finance the additional staff cost inherent in a two-site operation.[24] Furthermore, petitioner points out that there has been no delineation of the land that is proposed to be leased to the applicant by Weinstein and Levitan, and that the land has not even been identified as an asset of Weinstein's in his August 1, 1970, balance sheet. Finally, WEEL suggests that, in the circumstances, the Board should modify the existing financial issue (see note 20, supra) to provide for an inquiry into the amount of funds required to construct and operate the proposed station for 1 year and the sources of all proposed funding, the terms of such funding and the ability of all sources to provide the necessary funds.

19. It does appear that the Commission overlooked the applicant's December 24, 1969, amendment when it specified the limited financial qualifications issue in this proceeding. As indicated in note 21, supra, the amendment worked a substantial revision in the applicant's financial proposal. Although, as petitioner correctly points out, that revision raised questions concerning the ability of the applicant's stockholders to meet their respective commitments which could be the subject of hearing issues, the applicant has attempted to meet the infirmities in the December 1969, proposal by a further revision of its financial plan. Pursuant to its August 28, 1970, amendment, which was accepted by the Examiner, Paul H. Weinstein now agrees to lend the corporate applicant up to $125,000 to finance construction and initial operation of the proposed Centreville station. According to Weinstein's commitment letter of August 25, 1970, the loan will be for a 5-year period and will carry an interest charge at the level of 1 percent over the prime rate; no payment of interest or principal will be quired until the station has been operational for at least 1 year. Weinstein also submits a partial balance sheet, as of August 1, 1970, which reflects net liquid assets in excess of the $125,000 commitment. In such circumstances and since the original specification of a financial issue against the applicant was based on a factual error and since there have been no hearing sessions in this proceeding, we believe that the better course would be to delete the existing availability of funds issue on our own motion.[25] We take this somewhat unusual course because of the unique factual situation raised here and because the existing issue has no viability of its own in light of the overlooked predesignation amendment and the subsequent post-designation revision of the applicant's financial plan. While we are mindful of our practice of refraining from the deletion of hearing issues on the basis of post-designation pleadings or revisions in an applicant's proposal,[26] we are faced here with an apparent oversight on the Commission's part in the predesignation stage and with a modified financial proposal which has already been accepted by the Examiner. See Harry D. Stephenson and Robert E. Stephenson, 18 FCC 2d 337, 16 RR 2d 678 (1969); Salter Broadcasting Company, 8 FCC 2d 212, 10 RR 2d 14 (1967). Our action however, is not meant to foreclose the parties from seeking additional issues if the financial plan of the applicant should undergo further revisions which raise substantial questions about the applicant's basic qualifications.

20. With regard to petitioner's claims of inadequate or outdated cost estimates, we are of the opinion that the applicant, through its most recent financial revision, has effectively answered all substantial questions. For example, the applicant has submitted an August 26, 1970, equipment credit letter from Gates Radio Co., which indicates that equipment charges will total some $34,956, including provision for a 1,000-watt broadcast transmitter. This letter satisfactorily meets the contention made by the petitioner that 1966 estimates for necessary technical equipment are outdated. In response to WEEL's additional claim that studio-transmitter building construction costs will total at least $15,000, the applicant has allocated some $15,000 for that purpose in its revised section III; in response to questions raised about its transmitter site, the applicant has also indicated that the site will be leased from two of its stockholders who will not require lease payments until the station has been operational for at least 1 year.[27] The revised financial plan also allocates some $10,000 for engineering costs, $7,000 for installation costs and $10,000 for other miscellaneous costs, which estimates appear reasonable, and provides that stock is to be issued for legal services rendered. Furthermore, the proposal, as amended, shows an available cushion of some $4,425[28] in addition to the $10,000 allocation for other miscellaneous costs with which to meet unexpected expenses. See Jay Sadow (WRIP), ------ FCC 2d ------, 20 RR 2d 1171 (1971); Snake River Valley Television, Inc., 18 FCC 2d 70, 16 RR 2d 442 (1969). In such circumstances, an issue inquiring into the applicant's costs of construction will not be specified by the Board.[29]

21. *Accordingly, it is ordered*, That the motion for leave to file supplement to motion to enlarge issues, filed October 9, 1970, by O. K. Broadcasting Corp. (WEEL), is granted, and the attached supplement is accepted; and

22. *It is further order*, That the motion to enlarge issues, filed July 23, 1970, by O. K. Broadcasting Corp. (WEEL), as supplemented, is granted to the extent indicated herein, and is denied in all other respects; and

23. *It is further ordered*, That, on the Review Board's own motion, the Commission's Memorandum Opinion and Order, FCC 70-656, 23 FCC 2d 845, released June 30, 1970, is modified by the deletion of Issue 5; and

24. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues;

(a) To determine whether the proposal of Centreville Broadcasting Co. will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including but not limited to, evidence showing:

(1) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programming needs;

(2) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(3) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(4) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(b) To determine, in the event it is concluded pursuant to the foregoing issue (a) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the Rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

(c) To determine whether Centreville Broadcasting Co. failed to comply with the provisions of § 1.526(a) of the Commission's rules concerning the maintenance of a local file for public inspection, and, if so, the effect thereof on the qualifications of the applicant to be a Commission licensee.

25. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under issues (a) and (b) added herein shall be upon Centreville Broadcasting Co.; and that the burden of proceeding with the introduction of evidence under issue (c) added herein shall be upon O. K. Broadcasting Corp. (WEEL), and the burden of proof under issue (c) shall be upon Centreville Broadcasting Co.

Adopted: February 19, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[30]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-2728 Filed 2-26-71;8:49 am]

[Dockets Nos. 18912, 18913; FCC 71R-63]

FOLKWAYS BROADCASTING CO., INC., AND HARRIMAN BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In regard applications of Folkways Broadcasting Co., Inc., Harriman, Tenn., Docket No. 18912, File No. BPH-5495; and, F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 18913, File No. BPH-5537; for construction permits.

1. The mutually exclusive applications of Folkways Broadcasting Co., Inc. (Folkways), and F. L. Crowder, trading as Harriman Broadcasting Co. (Harriman), for a construction permit to establish a new FM broadcast station in Harriman, Tenn., were designated for hearing by Commission Order, FCC 70-736, released July 14, 1970. Among the issues specified was a financial qualifications issue against Harriman. Presently before the Review Board is a petition to enlarge issues, filed December 24, 1970, by Folkways, seeking the addition of § 1.65, misrepresentation, lack of candor, and requisite character qualifications issues against Harriman.[1]

2. The basis for Folkways' petition is a law suit filed in the U.S. District Court for the Eastern District of Tennessee on November 23, 1970, by Commercial Credit Corp. (Commercial Credit) against F. L. Crowder (Harriman's sole owner), Crowder's wife, and Crowder Chrysler-Plymouth, Inc., for $38,656.45 allegedly owed plaintiff for financing automobiles.[2] According to Folkways, this amount represents the difference between the original price of the cars and the amount received by Commercial Credit after a foreclosure and auction sale held on May 2, 1970, at the premises of Crowder Chrysler-Plymouth, Inc., in Harriman, Tenn. Institution of the suit, claims petitioner, has brought to light several apparent violations of Commission Rule 1.65: (1) Crowder delayed almost 2 years before amending his application to report his ownership interest in the automobile dealership;[3] (2) Crowder failed to report a guaranty agreement signed by him on January 9, 1968, by which he gave Commercial Credit his personal guarantee for the loan (which Folkways estimates is in excess of $135,000); (3) he failed to amend his application to reflect his personal liability following the May 1970, foreclosure and sale of the automobiles; (4) he failed to report institution of the civil action on November 23, 1970; and (5) he has not amended his application to reflect the effect these matters have on the value of the assets of Crowder Chrysler-Plymouth. These facts take on greater importance, insists Folkways, because a financial qualifications issue has already been designated against Harriman to determine whether it has an additional $20,000 for construction and first-year operating costs, and the suit would directly affect the $50,000 claimed by Crowder in his August 31, 1969, balance sheet as the value of his stock in the automobile dealership. Thus, petitioner concludes, these failures require the addition of a Rule 1.65 issue. Regarding the requested misrepresentation issue, petitioner asserts that the concealment by Crowder of this financial information demonstrates that more than a Rule 1.65 violation is involved here, and that Crowder has not been candid or come forth with the required information in the instant application. The Broadcast Bureau supports addition of the requested issues; it is of the opinion that Crowder has not timely or fully advised the Commission regarding his business interests thereby necessitating full exploration of these matters at the hearing.

3. In opposition, Harriman asserts that the principal allegation of the petition, i.e., the failure to report the institution of the civil suit, cannot support Folkways' request for a § 1.65 issue. Respondent, supported by Crowder's affidavit, submits that the civil action did not have to be reported because it does not substantially affect its financial status; according to Harriman, the proposed FM station's construction and operating costs are to be financed entirely by an $85,000 loan from the First National Bank of Harriman, which is allegedly fully aware of Crowder's relationship with Commercial Credit.[4] Moreover, asserts Harriman, Crowder's balance sheet, dated August 31,

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[22] The amendment to the application was accepted by the Hearing Examiner by Order, FCC 70M-1291, released Sept. 18, 1970.

[23] The applicant estimates its total costs for construction and first-year operation at $136,955, balanced against total available funds of $141,314 (consisting of Weinstein's $125,000 loan and $16,314 in net deferred credit).

[24] WEEL assumes that two sites will be required since the applicant, in its opposition pleading, only refers to the land needed for a transmitter site.

[25] As indicated in note 20, supra, existing Issue 5 includes subissue (c), which requires a determination of the funds required to construct and operate the proposed station for 1 year without revenues and which was specified by the Commission only because the repayment terms of the $90,000 Levitan-Weinstein loan had been omitted by the applicant and those terms could affect total first-year costs. However, as noted above, the proposed $90,000 loan has been superseded, and Weinstein's new commitment specifically identifies its terms, including the provision for no repayments during the first year of station operation.

[26] See, e.g., Viking Television, Inc., 16 FCC 2d 1015, 15 RR 2d 988 (1969).

[27] The Board deems petitioner's arguments with respect to the lease of the transmitter site (see paragraph 18, supra) to be specious. Although the land is not listed as an asset in Weinstein's balance sheet, petitioner has not established that Weinstein and Levitan do not, in fact, own the land; moreover, we note that Weinstein's statement is a partial balance sheet which does not identify all of his assets. In this regard, we also note that, in Weinstein's Oct. 1, 1966, balance sheet submitted to the Commission, numerous real property holdings are listed under assets. In any event, if petitioner entertained any doubts concerning the location and availability of the site, it should have more appropriately sought specific site issues.

[28] The applicant estimates its first-year construction and operating costs at $120,575. This figure is based on the availability of a net deferred credit for technical equipment of $16,314.

[29] As indicated in note 25, supra, the limited costs issue which had been specified by the Commission was based on the originally proposed $90,000 loan from Levitan and Weinstein and was not intended to permit an exploration of the bases for the applicant's estimated construction and operating costs. In fact, in the designation order, the Commission found that $83,499 would be required to construct and operate the proposed station for 1 year without revenues, assuming that no loan repayments would be required during the period. 23 FCC 2d at 846.

[30] Board Members Slone and Pincock absent.

[1] Also before the Board for consideration are: (a) Support, filed Jan. 6, 1971, by the Broadcast Bureau; (b) opposition, filed Jan. 18, 1971, by Harriman; and (c) reply, filed Jan. 28, 1971, by Folkways.

[2] A copy of the complaint is attached to the petition.

[3] Harriman's application was filed on Sept. 1, 1966; and the automobile dealership began operating in January 1968. The dealership, which is 100 percent owned by Crowder, was not reported to the Commission until Dec. 9, 1969.

[4] Until Jan. 8, 1971, Harriman was relying, in part, on Crowder's personal assets to finance the proposed FM station. On that date, the Hearing Examiner accepted an amendment to Harriman's application to reflect the new financial plan (FCC 71M-35).

1969, reflects a net worth of over $333,000; thus, even if Commercial Credit's claim is reduced to judgment, a decrease of $38,656.45 in Crowder's net worth would not seriously impair his available resources. Regarding its failure to report the guarantee instrument and the foreclosure, Harriman avers, as to the former, that such a contract is part of normal business practice and, being a contingent agreement, does not have to be reported to the Commission. As to the letter, Harriman claims that Commercial Credit repossessed the automobiles from third persons and that Crowder was never served with foreclosure papers; therefore, this cannot be considered a foreclosure of the automobile agency's assets. Finally, Harriman claims that Folkways' assertion that Crowder waited for 2 years to report his ownership of the dealership is untimely, as it had amended its application to reflect such ownership in 1969. Harriman, in conclusion, asserts that Folkways has not shown good cause for its untimely request seeking an issue based on the alleged failure to report the ownership interest in the Crowder Chrysler-Plymouth agency, that the personal obligation between Crowder and Commercial Credit is a routine business transaction, contingent in nature, and that the suit, even if successful, does not represent a substantial decrease in the assets of the corporation [5] or in Crowder's net worth.

4. In reply, Folkways emphasizes that prior to November 17, 1970, when Harriman amended its application to reflect an $85,000 bank loan, its financial proposal for construction of the FM station was based partly on Crowder's commitment of his personal resources. See note 4, supra. Thus, Crowder's financial position was important in determining the financial qualifications of Harriman, and, petitioner maintains, neither the contingent liability nor the fixing of the liability following the sale of the security on May 8, 1970, was reported to the Commission. Folkways asserts that Crowder was certainly aware of his financial disability on May 8th when the security was sold and it clearly affected his then pending financial proposal until November 17th when the new bank loan was reported. The filing of the financial amendment to show an enlarged bank loan and the argument that even if the suit is reduced to judgment it would not adversely affect the applicant's financial ability, cannot, insist Folkways, diminish the seriousness of the prior concealments, misrepresentations and § 1.65 violations. Moreover, petitioner asserts, even the recent amendment does not set forth any of this information on Crowder's personal balance sheet. Finally, petitioner disputes the actual value of the assets of Crowder Chrysler-Plymouth since of the $21,036.42 of receivables claimed, $11,225.79 is due from Commercial Credit and Crowder's answer to the law suit does not claim a setoff for this amount. Therefore, concludes Folkways, these allegations go to the heart of Crowder's application to be a permittee and thus require addition of the requested issues.

5. The Review Board is of the opinion that a Rule 1.65 issue is warranted to explore Harriman's failure to notify the Commission of the guaranty agreement; the foreclosure [6] and sale of the mortgaged automobiles and the apparent liability of Crowder for the deficiency; and the institution of the civil suit. Before amending its application in November 1970, to reflect a proposed bank loan to fully cover construction and first-year operating costs, Harriman was relying on Crowder's resources to aid in financing the proposed station; yet, the respondent made no attempt to inform the Commission of his personal guarantee of a substantial loan to one of his corporations and his alleged liability to Commercial Credit. As to the reporting of Crowder's "contingent liability," the Board has held that, not only are such liabilities required to be particularized, but that where, as here, a wholly owned corporation is involved, it is incumbent upon the applicant to show that the debt could be repaid without a substantial impact on its principal's financial position. Louis Vander Plate, FCC 68R390, 14 RR 2d 309. Equally important is Crowder's failure to report the foreclosure and sale; certainly there cannot be a difference of opinion as to the possible consequence of a potential liability of over $38,000 on this applicant's financial status. See 1400 Corp. (KMBI), 14 FCC 2d 281, 13 RR 2d 1198 (1968). These omissions take on even greater significance after the financial issue was designated against Harriman (July 1970), and it still failed to report the agreement and foreclosure. Harriman's argument that the foreclosure proceedings were brought against third parties and that Crowder never was served with foreclosure papers is irrelevant to Crowder's knowledge, which Harriman does not deny, that the automobiles were sold and that he might be liable for the deficiency. If Harriman had such knowledge, the relevant facts should have been disclosed to the Commission. See United Television Co., Inc. (WFAN-TV), 19 FCC 2d 1060, 17 RR 2d 467 (1970).

6. Regarding the law suit, although it is true that even a judgment of $38,000 against Crowder would now have no decisional signficance since Harriman no longer relies on Crowder's personal assets, when the suit was filed on November 23, 1970, Harriman's application still reflected reliance on Crowder's assets. Respondent's amendment, while filed 6 days before the suit, was not accepted by the Hearing Examiner until January 8, 1971; [7] therefore, at least technically, the institution of the law suit on November 23, 1970, was of decisional significance. However, even if we assume that Harriman's application was amended to include the bank letter when its petition was filed (on November 17), a §1.65 issue would still be warranted. Although it is well established that an applicant need not report every civil suit filed against it or its principals, an applicant must report those suits which may be of decisional significance. Royal Broadcasting Co., Inc. (KHAI), 4 FCC 2d 857, 8 RR 2d 639 (1966). See also Lorain Community Broadcasting Co. 18 FCC 2d 686, 16 RR 2d 946 (1969). Here, the bank is committing $85,000 on Crowder's signature alone and there exists a distinct possibility that the institution of the suit could affect the bank's willingness to lend the money. Crowder's allegations that the bank, when it made the commitment, was aware of his relationship with Commercial Credit does not detract from a possible violation of § 1.65. Thus, a substantial question has been raised as to whether Crowder failed to report changes of decisional significance; an appropriate issue will threfore be added. Compare Mace Broadcasting Co., 25 FCC 2d 621, 19 RR 2d 1135 (1970). Since, from the pleadings, we are unable to determine whether this liability was intentionally concealed, we will specify the issue on a disqualifying basis. See Sumiton Broadcasting Co., 20 FCC 2d 669, 17 RR 2d 1038 (1969). We do agree with Harriman that the 1.65 issue should not include an inquiry into the reporting of Crowder's ownership of Crowder Chrysler-Plymouth nearly 2 years late. Harriman amended its application in 1969, and the proceeding was designated for hearing in July 1970; therefore, Folkways has not shown good cause for its late request in regard to this matter. [8] Cf. Lamar Life Broadcasting Co., —— FCC 2d ——, 20 RR 2d 1162 (1971).

7. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 24, 1970, by Folkways Broadcasting Co., Inc., is granted to the extent indicated above, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether F. L. Crowder, trading as Harriman Broadcasting Co. has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in matters specifically referred to in this memorandum opinion and order, and, if not, to determine the effect of such noncompliance on the basic and comparative qualifications of F. L. Crowder, trading as Harriman Broadcasting Co. to be a Commission licensee.

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein, shall be upon Folkways Broadcasting Co., Inc., and the burden of proof shall be upon F. L. Crowder, trading as Harriman Broadcasting Co.

Adopted: February 22, 1971.

Released: February 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-2729 Filed 2-26-71;8:49 am]

[5] Harriman claims that the value of Crowder's stock in Crowder Chrysler-Plymouth has not substantially changed from the $50,000 previously reported.

[6] Crowder, in his affidavit, states that the liens on the automobiles were not foreclosed, but that the automobiles were "repossessed"; such a distinction appears to be irrelevant to the requests now before us.

[7] See note 4, supra.

[8] Petitioner's request for a misrepresentation issue will be denied; Folkway's allegations are insufficient to warrant an inquiry into this area. Cf. United Television Co., Inc. (WFAN-TV), supra. However, the general question of Crowder's candor may be examined under the issue being specified herein.

[9] Board Member Slone absent; Board Member Berkemeyer dissenting in part and voting to add misrepresentation issue.

CIVIL AERONAUTICS BOARD

[Docket No. 22362]

ON-ROUTE CHARTER AUTHORITY OF FOREIGN AIR CARRIER PERMITS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be held on March 9, 1971, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, beginning at 2 p.m.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on January 19, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 23, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71-2738 Filed 2-26-71;8:49 am]

[Docket No. 22301; Order 71-2-103]

PIEDMONT AVIATION, INC.

Order Granting Motion To Consolidate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February 1971.

By Order 70-8-90, August 21, 1970, the Board set for hearing the application of Piedmont Aviation, Inc. (Piedmont), in Docket 22301 for an amendment of its certificate to delete the point Southern Pines/Pinehurst/Aberdeen.

Southern Pines and Pinehurst, N.C., have filed a motion to consolidate their petition in Docket 23057, which petition seeks to amend Piedmont's certificate for Route 87 by deleting condition 12(b). The latter condition provides that Piedmont shall serve Southern Pines/Pinehurst/Aberdeen, N.C., only during the period between October 1 and April 30.

In support of its motion, Southern Pines contends, in pertinent part, that Piedmont does not serve the community when service is most needed, i.e., May 1 through September 30 of each year, and that grant of the motion will not substantially broaden the issues or otherwise substantially delay the proceeding.

The Bureau of Operating Rights filed an answer supporting the motion to consolidate. Piedmont filed an answer opposing the motion to consolidate. In support of its answer, Piedmont alleges, inter alia, that the traffic at Southern Pines will be far less during the off-season and it is obvious that there is no need to provide year-round service to the point. Consequently, according to Piedmont there is no justification for trying such an issue. In addition, Piedmont contends that consolidation of Southern Pines' application would unduly expand the issues.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant the motion to consolidate Docket 23057 with the instant proceeding, thus expanding the issues to consider whether Piedmont should be authorized and required to provide year-round service to Southern Pines. We note that the two proceedings involve the same parties and issues which are closely related, and we find that consolidation will be conducive to the proper dispatch of the Board's business and to the ends of justice, and will not unduly delay the proceedings.

Accordingly, it is ordered, That:

1. The motion to consolidate filed by Southern Pines and Pinehurst, N.C., be and it hereby is granted; and

2. The petition of Southern Pines and Pinehurst, Docket 23057, be and it hereby is consolidated for hearing and decision with the proceeding in Docket 22301.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-2739 Filed 2-26-71;8:49 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-17]

FUEL SURCHARGES ON MILITARY SEALIFT COMMAND RATES

Order to Show Cause

Violations of sections 14 fourth, 16 first and 17, Shipping Act, 1916, in the nonassessment of fuel surcharges on military sealift command (MSC) rates under the MSA request for rate proposals (RFP) bidding system.

Beginning in the fall of 1970, common carriers in the foreign commerce of the United States began filing in their tariffs bunker surcharges to offset increases in the cost of fuel. A comparison of bunker fuel costs from April 1, 1970 through January 1, 1971 showing the upward trend of prices is attached as Attachment A.[1] These surcharges range from $1 per freight ton to as high as 5 percent of the applicable rate. However, most of the surcharges are published as either a $2 or $3 per freight ton or a 2 or 3 percent increase in the applicable freight rate. To this date all the surcharges have been assessed solely against commercial and nonmilitary government cargoes.

The American flag common carriers who transport most military cargoes (under the cargo preference laws) have not assessed similar surcharges against military traffic. The military cargo moving via these lines under shipping and container agreements, which are filed with the Commission in lieu of tariffs, moves in the same vessels at the same time that commercial cargoes are moving. It thus appears that any increase in the cost of fuel which necessitates the carrier to assess a surcharge against commercial cargoes would also necessitate the assessment of a surcharge against those military cargoes carried having the same general characteristics.

The failure to impose a similar surcharge on military cargo, which constitutes a large share of cargo carried, results in a prima facie violation of sections 14 Fourth, 16 First, and 17 of the Shipping Act, 1916.

Section 14 Fourth prohibits common carriers by water from making any unjustly discriminatory contract with any shipper based on volume of freight. The fact that the shipping and container agreements do not allow the carriers the right to assess additional charges thereunder, even as a result of the unexpected cumulative increase experienced in regard to bunker fuel costs, results in a prima facie violation of section 14 Fourth.

Section 16 First makes it unlawful for any common carrier by water to give any unreasonable preference or advantage to any description of traffic. Thus the failure to impose a bunker surcharge on military cargo while commerical cargo has to pay for the increased bunker costs would also create a prima facie violation of section 16 First.

Also, section 17 forbids common carriers from charging or collecting any rate or charge which is unjustly discriminatory between shippers. As the commercial shippers are being charged a bunker surcharge, while a large portion of cargo is not similarly assessed a surcharge, this also results in a prima facie violation of section 17.

Therefore it is ordered, Pursuant to section 22 of the Shipping Act, 1916, that the carriers who participate in the carriage of military cargo through shipping and container agreements show cause why the failure to impose a bunker fuel surcharge on military cargo, while at the same time a similar surcharge is imposed on commercial cargo, is not in violation of sections 14 Fourth, 16 First and 17 of the Shipping Act, 1916.

It is further ordered, That there appearing to be no material issues of fact in dispute that this proceeding shall be limited to the submission of affidavits

[1] Filed as part of the original document.

and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before March 10, 1971. Affidavits of fact and memorandum of law shall be filed by respondents, and any interested intervenor in favor of continuing the existing practices, and served upon all parties no later than the close of business March 10, 1971. Reply affidavits and memorandum shall be filed by the Commission's Bureau of Hearing Counsel and other intervenors, if any, no later than close of business March 17, 1971. An original and 15 copies of affidavits of fact, memorandum of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument if requested and/or deemed necessary by the Commission will be announced at a later date.

It is further ordered, That all carriers who participate in the carriage of military cargo through shipping and container agreements be made respondents in this proceeding. A list of respondents appears as Attachment B.

Is is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof be served upon the respondents.

It is further ordered, That any person other than those named as respondents herein who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

ATTACHMENT B—RESPONDENT CARRIERS

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.
American Mail Line, Ltd., 601 California Street, San Francisco, CA 94108.
American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.
American Union Transport, Inc., 15 East 26th Street, New York, NY 10010.
Central Gulf Steamship Corp., Suite 2700, International Trade Mart, No. 2 Canal Street, New Orleans, LA 70150.
Columbia Steamship Co., Inc., 2300 Southwest First Avenue, Portland, OR 97201.
Global Bulk Transport, Inc., High Ridge Park, Post Office Box 1540, Stamford, CT 06904.
Gulf & South American Steamship Co., Inc., Commerce Building, Post Office Box 50938, New Orleans, LA 70150.
Isthmian Lines, Inc., High Ridge Park, Post Office Box 1540, Stamford, CT 06904.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, LA 70112.
Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.
Moore-McCormack Lines, Inc., Two Broadway, New York, NY 10004.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, CA 94111.
Prudential-Grace Lines, Inc., One Whitehall Street, New York, NY 10004.
Sea-Land Service, Inc., Corbin & Fleet Streets, Post Office Box 1050, Elizabeth, NJ 07207.
Seatrain Lines, Inc., Port Seatrain, Weehawken, NJ 07087.
States Marine International, Inc., High Ridge Park, Post Office Box 1540, Stamford, CT 06904.
States Steamship Co., 320 California Street, San Francisco, CA 94104.
United Fruit Co., 321 St. Charles Avenue, Post Office Box 61150, New Orleans, LA 70160.
United States Lines, Inc., 1 Broadway, New York, NY 10004.
Waterman Steamship Corp., 61 St. Joseph Street, Post Office Box 231, Mobile, AL 36601.

[FR Doc.71-2730 Filed 2-26-71;8:49 am]

MARYLAND PORT AUTHORITY AND CONSOLIDATED STEVEDORING CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2 Pratt Street, Baltimore, MD 21202.

Agreement No. T-2485, between the Maryland Port Authority (Authority) and Consolidated Stevedoring Corp. (Consolidated), provides for the 1 year use of portions of Transit Shed 2 and preferential berthing rights at Dundalk, Md. Consolidated will pay the Authority $100,000 annually as rental for the premises plus all taxes and assessments arising out of its operations as well as all taxes on improvements placed on premises by Consolidated. The Authority will be entitled to the prevailing tariff charges in connection with the premises, except that no demurrage will be assessed on cargo held within the leased area.

By order of the Federal Maritime Commission.

Dated: February 24, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2733 Filed 2-26-71;8:49 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Co., Inc., 21 Karageorgi Servias Street, Athens 125, Greece.

Dated: February 24, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2731 Filed 2-26-71;8:49 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Co., Inc., 2 Karageorgi Servias Street, Athens 125, Greece.

Dated: February 24, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-2732 Filed 2-26-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. E-7605]

COMMUNITY PUBLIC SERVICE CO.

Notice of Proposed Stock Dividend

FEBRUARY 17, 1971.

Take notice that on February 3, 1971, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Co., which is incorporated in the State of Texas and domesticated in the State of New Mexico, with its principal place of business at Fort Worth, Tex. The applicant proposes to issue and deliver to its stockholders, a maximum amount of 123,188 shares of common capital stock as a stock dividend at the rate of one share for each 10 shares held on the record date.

Stockholders entitled to a fractional-share interest will receive, in lieu of fractional shares, order forms whereby the fractional shareholder may, for a limited period, sell such fractional share interest or purchase sufficient additional fractional share interest to make up one full share of stock. The price at which such fractional share interest will be sold or purchased will be based on the closing sale price of the common capital stock of applicant on the American Stock Exchange on the record date (close of business on March 17, 1971), reduced by 9.09 percent, or the mean between the closing bid and asked prices on such date if there is no sale.

Applicant contends the purpose for which the securities are to be issued is to increase the marketability of the common capital stock by making more shares available for trading purposes which will aid the applicant in future equity financings by reason of broadened investor interest in the stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2675 Filed 2-26-71;8:45 am]

[Docket No. CP71-197]

HAMPSHIRE GAS CO.

Notice of Application

FEBRUARY 16, 1971.

Take notice that on February 4, 1971, Hampshire Gas Co. (applicant), 1100 H Street, NW., Washington, DC 20005, filed in Docket No. CP71-197 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the rendition of natural gas storage service for Washington Gas Light Co. (Washington), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate a 1,640 horsepower compressor station and appurtenant facilities to be used for injecting natural gas into its storage reservoirs. Pursuant to the storage service agreement between applicant and Washington, applicant is to receive natural gas from Atlantic Seaboard Corp. (Atlantic), for and on behalf of Washington, at a new delivery point to be constructed near Atlantic's Lost River Compressor Station in Hardy County, W. Va. This gas is to be transported 25 miles to the storage field through a pipeline owned by United Fuel Gas Co. and stored by applicant in the Whip Cove Anticline, Hampshire County, W. Va.

Applicant further states that Washington and Atlantic have entered into an exchange agreement whereby applicant is to deliver up to 35,000 Mcf of natural gas per day, from the storage field, during the months of October through April, to Atlantic at a point near Atlantic's Lost River Compressor Station. Atlantic will redeliver this same amount to Washington at points of delivery in Washington's market area near the District of Columbia.

Applicant states that the estimated cost of the facilities proposed herein, including royalty payments on recoverable native gas and the cost of cushion gas, will be $2,120,000, which cost is to be provided by Washington, applicant's parent company, through open account advances.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-2676 Filed 2-26-71;8:45 am]

NATIONAL GAS SURVEY ADVISORY COMMITTEES

Order Authorizing Establishment and Prescribing Procedures

FEBRUARY 23, 1971.

The Federal Power Commission has determined that a National Gas Survey is necessary and appropriate to the purposes of the Natural Gas Act, 15 U.S.C. 717(a) et seq. As carried out, the survey will serve the interests of all who are, and may be, dependent upon or affected by the use and further development of the Nation's natural gas resources. Within the areas to be studied, the Commission contemplates detailed analyses inter alia of factors of demand, supply and alternate fuel sources, facility expansion, economic and environmental considerations, inflation, interfuel competition, import-export relationships and policies, and regulatory considerations—Federal, State, and local. Other matters will be studied as appropriate.

To accomplish the objectives of the Natural Gas Act, in providing for the ultimate consumer an adequate and reliable supply of natural gas at a reasonable price and the Nation a vital energy resource base, the Commission will direct the conduct of the Survey through the members of the Commission and its staff.

To assist the actions of the Commissioners and Commission staff, the Commission will use various advisory committees which shall be conducted under the general direction of the Commission and in accordance with the provisions of Executive Order No. 11007, February 26, 1962 (27 F.R. 1875). Currently, the Commission contemplates these advisory committees will include a National Gas Survey Executive Advisory Committee, a General Technical Advisory Committee and a number of Regional Advisory Committees. Others may be established. All will be conducted pursuant to the general requirements as set forth in this order. The Commission contemplates the issuance of specific order or orders from time-to-time establishing each committee and denominating its membership and chairmanship.

The advice of all committees shall be limited to matters relating solely to the planning and carrying out of the National Gas Survey. The Commission will have complete responsibility for the National Gas Survey with respect to its

conduct, scope, the ultimate recommendations and the acceptance of the final report. In discharging these responsibilities, the Commission will approve the Survey's objectives, scope of work, organization and schedule of performance, make any required policy determinations and give its advice directed toward the coordination and cooperation between the Survey and any intergovernmental, State, industry, agency or representative, including any other expertise as required.

1. *Purpose.* The committees shall advise and make recommendations to the Commission in planning and carrying out the Commission's proposed National Gas Survey.

2. *Selection of committee members.* All committee members, alternates and persons designated to act as committee chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission.

3. *Conduct of meetings.* The Chairman of the Commission, or in his absence, the Vice Chairman of the Commission, or any full-time salaried officer or employee of the Commission designated by the Chairman of the Commission, who shall act as chairman of a committee, shall be responsible for opening, conducting and adjourning committee meetings when, in his judgment, adjournment is in the public interest. When a committee is chaired by a person, designated by the Chairman of the Commission as chairman of that committee, who is not a full-time salaried officer or employee of the Commission, no meeting of such committee shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the Commission designated by the Chairman of the Commission, and with an agenda formulated or approved by such officer or employee; and all such meetings shall be conducted in the presence of such full-time salaried officer or employee of the Commission, who shall be responsible for opening the meeting, assisting in the conduct thereof, and for adjourning any meeting whenever he considers adjournment to be in the public interest.

4. *Minutes.* The Chairman of the Commission having made a finding that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the secretary of each committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by each committee.

5. *Secretary of the committee.* The Chairman of the Commission shall appoint a secretary of each commitee from among the members of the Commission staff who shall be responsible for preparing summary minutes of all committee meetings, preparing agenda, notifying members of the meetings, and maintaining all records related to organization, membership and operations of the committee. The secretary shall be present during all meetings and shall certify the accuracy of all minutes.

6. *Location and time of meetings.* Unless otherwise directed, committee meetings will convene at the call of the Chairman of the Commission at the Office of the Federal Power Commission, located at 441 G Street NW., Washington, D.C. 20426, or at such place and time as may be designated by the chairman of the committee with the approval of the Chairman of the Commission. Ordinarily, these meetings will be held during the regular working hours of the Federal Power Commission.

7. *Advice and recommendations offered by the committee.* The advice and recommendations of the members of the committees may be presented to the Commission at committee meetings either orally or in written form. The advice of all committees shall be limited to matters relating solely to the planning and carrying out of the National Gas Survey and ultimate decisions based on the committees' advice or recommendations are reserved to the Federal Power Commission.

8. *Duration of the committee.* All committees shall terminate not later than 2 years subsequent to their date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such 2-year period, that continued existence of a committee is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent 2-year period to continue the existence of each committee thereafter.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER in accordance with the provisions of the Office of Management and Budget Circular No. A-63.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-2702 Filed 2-26-71;8:47 am]

FEDERAL RESERVE SYSTEM

FIRST ARKANSAS BANKSTOCK CORP.

Order Disapproving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Arkansas Bankstock Corp., Little Rock, Ark., for approval of acquisition of 80 percent or more of the voting shares of The Stephens Security Bank, Stephens, Ark.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Arkansas Bankstock Corp., Little Rock, Ark., the only registered bank holding company in Arkansas, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Stephens Security Bank, Stephens, Ark.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the State Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval unless legislation were to be approved prohibiting holding company expansion.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 9, 1970 (35 F.R. 18699) providing an opportunity for interested persons to submit comments and views with respect to the proposal. Subsequent to the filing of the application, on February 5, 1971, the State of Arkansas enacted legislation prohibiting the formation and expansion of multi-bank holding companies (Act 47 of the 68th General Assembly of the State of Arkansas). Pursuant to section 7 of the Bank Holding Company Act of 1956 (12 U.S.C. 1846), and the case of Whitney National Bank v. Bank of New Orleans, 379 U.S. 411 (1965), the Board is precluded from approving acquisitions by holding companies in those States in which such acquisitions are prohibited by State legislation. Due to this conclusion, the Board has neither reached nor considered the merits of the application and expresses no view thereon.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is denied.

By order of the Board of Governors,[1] February 22, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-2712 Filed 2-26-71;8:48 am]

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 80 percent or more of the voting shares of Bank of Tavares, Tavares, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Tavares, Tavares, Fla. (Tavares Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 6, 1971 (36 F.R. 189), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served and finds that:

Applicant presently controls 17 banks with aggregate deposits of approximately $347 million, representing 2.8 percent of all deposits of commercial banks in Florida. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions approved by the Board through December 31, 1970.) Upon acquisition of Tavares Bank ($13 million deposits), Applicant would remain the sixth largest registered bank holding company in Florida. On the basis of deposits, Tavares Bank ranks sixth among the ten banking organizations in Lake County, which approximates the relevant market, and controls 9.3 percent of market deposits. It appears that there is no significant competition between Tavares Bank and any of Applicant's present subsidiary banks, of which the nearest to Tavares Bank are two banks in Seminole County and one in Orange County, about 35 miles distant. A number of banks are located in each of the intervening areas between Applicant's subsidiaries and Tavares Bank. Branch banking is not permitted under Florida law, and there appears to be little likelihood that Applicant would establish a de novo office in Lake County. Thus, it appears that consummation of this proposal would not eliminate significant existing competition nor foreclose potential competition. Affiliation with Applicant may enhance the ability of Tavares Bank to compete with the larger banks in its area without having any adverse effect on the smaller banks located there.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market. The financial condition, managements and prospects of Applicant, its subsidiaries, and Tavares Bank are regarded as satisfactory. Applicant proposes to make specialized services available to customers of Tavares Bank. Thus, considerations concerning community convenience and needs lend some support to approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons in the findings summarized above, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 22, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-2677 Filed 2-26-71;8:45 am]

TRUST COMPANY OF GEORGIA

Order Approving Application for Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

In the matter of the application of Trust Company of Georgia, Atlanta, Ga., for approval of acquisition of assets and assumption of liabilities of Peachtree Bank and Trust Co., Chamblee, Ga.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Trust Company of Georgia, Atlanta, Ga. (Trust Company), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Peachtree Bank and Trust Co., Chamblee, Ga. (Peachtree Bank), by means of the purchase of assets and assumption of liabilities of Peachtree Bank. As an incident to the merger, the two offices of Peachtree Bank would become branches of Trust Company. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Trust Company (deposits $470 million) and six banks (aggregate deposits $284 million), which it controls through its wholly owned subsidiary registered bank holding company, hold about 11 percent of the deposits of commercial banks in Georgia. Together they comprise the second largest banking organization in the State. (All banking data are as of June 30, 1970.) Consummation of the proposed merger would not substantially increase the concentration of banking resources in the State.

Trust Company operates 20 offices, all within the city limits of Atlanta. Peachtree Bank (deposits $15 million) operates its two offices in De Kalb County, about 3 to 5 miles northeast of the city limits of Atlanta. Trust Company was instrumental in organizing Peachtree Bank in 1960, and the banks have been closely associated since that time. Trust Company has furnished three chief executive officers to Peachtree Bank, as well as other officers and employees. In addition, Trust Company provides credit services for Peachtree Bank, assists it with its investments, and serves as its principal correspondent. In view of the close relationship which has existed between Trust Company and Peachtree Bank since the inception of the latter, it may be reasonably concluded that present and potential competition would neither be foreclosed by approval of the application nor encouraged by its denial.

The Board concludes that consummation of the proposed merger would not have a substantially adverse effect on competition in any relevant area. Considerations relating to the financial and managerial resources and prospects of the banks involved are regarded as consistent with approval of the application. Customers of Peachtree Bank will benefit through more convenient access to a full range of banking services. Therefore, considerations relating to convenience and needs lend some support to approval of the application. Based upon the foregoing, it is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided,* That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 22, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-2713 Filed 2-26-71;8:48 am]

TRUST COMPANY OF GEORGIA

Order Approving Application for Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

In the matter of the application of Trust Company of Georgia, Atlanta, Ga.,

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Governor Brimmer.

for approval of acquisition of assets and assumption of liabilities of Trust Company of Georgia Bank of Sandy Springs, Sandy Springs, Ga.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Trust Company of Georgia, Atlanta, Ga. (Trust Company), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Trust Company of Georgia Bank of Sandy Springs, Sandy Springs, Ga. (Sandy Springs Bank), by means of the purchase of assets and assumption of liabilities of Sandy Springs Bank. As an incident to the merger, the sole office of Sandy Springs Bank would become a branch of Trust Company. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Trust Company (deposits $470 million) and six banks (aggregate deposits $284 million), which it controls through its wholly owned subsidiary registered bank holding company, hold about 11 percent of the deposits of commercial banks in Georgia. Together they comprise the second largest banking organization in the State. (All banking data are as of June 30, 1970.) Consummation of the proposed merger would not increase substantially the concentration of banking resources in the State.

Trust Company operates 20 offices, all within the city limits of Atlanta. Sandy Springs Bank (deposits $4 million) operates its sole office in Fulton County, about 3 miles north of the city limits of Atlanta and 4.5 miles from the nearest office of Trust Company. Trust Company sponsored the organization of Sandy Springs Bank in 1966, and the banks have been closely associated since that time. Trust Company has furnished two chief executive officers and other officers to Sandy Springs Bank. In addition, Trust Company provides credit services for Sandy Springs Bank, assists it in its investments, and serves as its principal correspondent. In view of the close relationship which has existed between Trust Company and Sandy Springs Bank since the inception of the latter, it may be reasonably concluded that present and potential competition would neither be foreclosed by approval of the application nor encouraged by its denial.

The Board concludes that consummation of the merger would not have a substantially adverse competitive effect in any relevant area. The financial and managerial resources and prospects of the banks are regarded as consistent with approval of the application. Customers of Sandy Springs Bank would benefit from the more convenient access to certain banking services. Considerations relating to the convenience and needs factors, therefore, lend some support to approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, on the basis of the findings summarized above, that said application be and hereby is approved: *Provided*, That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 22, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-2714 Filed 2-26-71;8:48 am]

OTTO BREMER FOUNDATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by the Otto Bremer Foundation, which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by applicant of voting shares of American Bancorporation, Inc., a bank holding company located in St. Paul, Minn., that holds more than 80 percent of the voting shares of (1) American National Bank and Trust Co., and (2) Commercial State Bank, both located in St. Paul, Minn. The acquisition, if consummated, would increase the shareholding of the Otto Bremer Foundation in American Bancorporation, Inc., to 10 percent of the latter's voting shares. Otto Bremer Foundation presently owns approximately 7 percent of the shares of American National Bank and Trust Co. and proposes to exchange such shares for the shares of American Bancorporation, Inc., that are the subject of the present application.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monoplize or to attempt to monoplize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

By order of the Board of Governors, February 22, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc 71-2678 Filed 2-26-71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Governor Brimmer.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 806]

OREGON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Clatsop and Tillamook Counties, Oreg.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on January 22, 1971.

OFFICE

Small Business Administration District Office, 700 Pittock Block, Portland, OR 97205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1971.

Dated: February 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2692 Filed 2-26-71;8:47 am]

[Declaration of Disaster Loan Area 800; Amdt. 1]

WASHINGTON

Amendment to Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 800 dated February 9, 1971, is hereby amended as follows:

1. By adding "and Counties adjacent thereto" immediately after "Counties" in paragraph No. 1.

Dated: February 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-2691 Filed 2-26-71;8:47 am]

[Delegation of Authority No. 4.4-1 (Region VII) For Designated Disasters, Amdt. 1]

REGIONAL DIVISION CHIEFS, ET AL.

Delegation of Financial Assistance

Delegation of Authority No. 4.4-1 (Region VII) for Designated Disasters (36 F.R. 2835), published February 10, 1971, is hereby amended by revising Items 1, 2, 3, 4, and 5, to read as follows:

1. a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disastser No. 797.

b. District Director and Chief, District Financing Division, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

2. a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

b. District Director, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

3. a. Chief, District Financing Division, Des Moines, Iowa, for the following disasters:

(1) Iowa, al areas affected, Disaster No. 787.

(1) Iowa, all areas affected, Disaster No. 797.

4. a. Regional Supervisory Loan Officer (Financing Division), for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

5. a. Chief and Assistant Chief, Regional Financing Division, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

b. District Director, Des Moines, Iowa, for the following disasters:

(1) Iowa, all areas affected, Disaster No. 787.

(2) Iowa, Fort Dodge area, Disaster No. 797.

Effective date: January 22, 1971.

C. I. MOYER,
Regional Director, Region VII, Kansas City, Mo.

[FR Doc.71-2693 Filed 2-26-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application 7, Amdt. 5]

ASSOCIATION OF AMERICAN RAILROADS

Per Diem, Mileage, Demmurage and Storage; Agreement

FEBRUARY 19, 1971.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed February 5, 1971, by Mr. Gregory S. Prince, Attorney-in-fact, American Railroads Building, 1920 L Street NW., Washington, DC 20036.

The amendments involve: Changes in the agreement so as to (1) reduce the membership of the General Committee from 20 to 17 members; and (2) show Stephen Ailes as president of Association and attorney-in-fact for the member carriers, in lieu of Thomas M. Goodfellow.

The application is docketed and may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2734 Filed 2-26-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42137—*Beet or cane sugar to points in Minnesota.* Filed by Southwestern Freight Bureau, agent (No. B-215), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from Bayport, Houston, and Sugar Land, Tex., to Austin, Minneapolis, Minn., Transfer, and St. Paul, Minn.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 28 to Southwestern Freight Bureau, agent, tariff ICC 4886.

FSA No. 42138—*Liquid caustic soda from LeMoyne, Ala.* Filed by O. W. South, Jr., agent (No. A6228), for and on behalf of the Southern Railway Co. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from LeMoyne, Ala., to Graniteville, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S-938.

FSA No. 42139—*Perlite from Antonito, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2638), for interested rail carriers. Rates on perlite, other than crude, in carloads, as described in the application, from Antonito, Colo., to points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 252 to Western Trunk Line Committee, agent, tariff ICC A-4620.

FSA No. 42140—*Alcohol from Tuscola, Ill.* Filed by Illinois Freight Association, agent (No. 365), for and on behalf of the Illinois Central Railroad Co. Rates on alcohol (other than denatured or wood alcohol), in tank carloads, as described in the application, from Tuscola, Ill., to Good Hope, La.

Grounds for relief—Rate relationship.

Tariff—Supplement 169 to Illinois Freight Association, agent, tariff ICC 1044.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2735 Filed 2-26-71;8:49 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

•

Social and Rehabilitation Service

•

PUBLIC ASSISTANCE PROGRAMS

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PUBLIC ASSISTANCE PROGRAMS

Notice of proposed rule making was published in the FEDERAL REGISTER on June 5, 1970 (35 F.R. 8780), setting forth, for transfer from the Handbook of Public Assistance Administration to the Code of Federal Regulations, requirements and provisions for the public assistance programs under the Social Security Act. After consideration of the views presented by interested persons, certain changes have been made.

1. The requirements for annual review of the State plan (§ 205.5(a)) and for an annual multiyear program and financial plan (§ 205.6) have been deleted;

2. The policy on safeguarding information (§ 205.50) has been clarified and strengthened;

3. The standard of promptness for determining eligibility and furnishing assistance (§ 206.10(a)(3)) now applies to the period from the filing of the application to the mailing of the first check;

4. Changes are made in the advance notice policy (§ 206.10(a)) for consistency with proposed fair hearings regulations;

5. The policy on determination of disability (§§ 233.80 and 248.80) is changed to clarify when "homemaking"—rather than gainful employment—is the appropriate test. (Other changes in this policy are under consideration for issuance as proposed rule making.)

6. Factors specific to AFDC (§ 233.90) now include the definition of parent, previously published as § 203.1;

7. A new optional group for title XIX (Medicaid) coverage, based on the cost of child care, is added to § 248.10.

In addition, notice of proposed rule making was published on December 3, 1970 (35 F.R. 18402), to provide that applicants for and recipients of public assistance may be accompanied by other individuals in their contacts with the agency, if they so wish. After consideration of comments received, minor clarifying and editorial changes have been made.

Accordingly, the following amendments are made to Chapter II of Title 45 of the Code of Federal Regulations:

PART 203—DEPRIVATION OF PARENTAL SUPPORT OR CARE

1. Part 203 is vacated and reserved. The content of § 203.1 has been transferred to and incorporated as § 233.90(a) of Part 233.

PART 204—GENERAL ADMINISTRATION—SOCIAL AND REHABILITATION SERVICE GRANT PROGRAMS

2. Part 204 is added as follows:

§ 204.1 Submittal of State plans for Governor's review.

A State plan under title I, IV–A, IV–B, X, XIV, XVI, or XIX of the Social Security Act, section 5 or 15 of the Vocational Rehabilitation Act, title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act, title III of the Older Americans Act, or title I of the Juvenile Delinquency Prevention and Control Act of 1968, must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon. This requirement does not apply to periodic statistical or budget and other fiscal reports. Under this requirement, the Office of the Governor will be afforded a specified period in which to review the material. Any comments made will be transmitted to the Social and Rehabilitation Service with the documents.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b); sec. 139, 84 Stat. 1323, 42 U.S.C. 2677b; sec. 101 et seq., 79 Stat. 218–226, 42 U.S.C. 3001 et seq.; and secs. 131 and 401, 82 Stat. 466, 471, 42 U.S.C. 3841, 3881)

PART 205—GENERAL ADMINISTRATION — PUBLIC ASSISTANCE PROGRAMS

3. Part 205 is amended to add the following sections:

§ 205.5 Plan amendments.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that the plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy or State agency operation.

(b) *Federal financial participation.* Except where otherwise provided, Federal financial participation is available in the additional expenditures resulting from an amended provision of the State plan as of the first day of the calendar quarter in which an approvable amendment is submitted or the date on which the amended provision becomes effective in the State, whichever is later.

§ 205.30 Methods of administration.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan.

§ 205.40 Quality control system.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide for a system of quality control in accordance with Federal specifications. Under this requirement:

(a) The State agency's system of quality control must be implemented through:

(1) Application of one of the sampling methods prescribed by the Social and Rehabilitation Service;

(2) Use of federally prescribed schedules and instructions, or schedules which provide for identical information as a minimum;

(3) Field investigations, including a personal interview in all cases which fall within the sample of the active caseload and, as necessary, with persons who have been denied assistance or whose assistance has been terminated;

(4) Use of qualified staff under appropriate direction;

(5) Reporting to the Federal Government as prescribed.

(b) The State agency must submit to the Social and Rehabilitation Service, in accordance with Federal instructions:

(1) A brief description of the State's sampling plan including the system of selecting the sample;

(2) The State's plan for use of staff; and

(3) The plan for analysis of and action on findings.

§ 205.50 Safeguarding information.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act, except as provided in paragraph (b) of this section, must provide that:

(1) Pursuant to State statute which imposes legal sanctions:

(i) The use or disclosure of information concerning applicants and recipients will be limited to purposes directly connected with the administration of the program. Such purposes include establishing eligibility, determining amount of assistance, and providing services for applicants and recipients.

(ii) The State agency has authority to implement and enforce the provisions for safeguarding information about applicants and recipients;

(iii) Publication of lists or names of applicants and recipients will be prohibited.

(2) The agency will have clearly defined criteria which govern the types of information that are safeguarded and the conditions under which such information may be released or used. Under this requirement:

(i) Types of information to be safeguarded include but are not limited to:

(a) The names and addresses of applicants and recipients and amounts of assistance provided (unless excepted under paragraph (b) of this section);

(b) Information related to the social and economic conditions or circumstances of a particular individual;

(c) Agency evaluation of information about a particular individual;

(d) Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

(ii) The release or use of information concerning individuals applying for or receiving financial or medical assistance is restricted to persons or agency representatives who are subject to standards of confidentiality which are comparable to those of the agency administering the financial and medical assistance programs.

(iii) The family or individual is informed whenever possble of a request for information from an outside source, and permission is obtained to meet the request. In an emergency situation when the individual's consent for the release of information cannot be obtained, he will be notified immediately thereafter.

(iv) In the event of the issuance of a subpoena for the case record or for any agency representative to testify concerning an applicant or recipient, the court's attention is called, through proper channels to the statutory provisions and the policies or rules and regulations against disclosure of information.

(v) The same policies are applied to requests for information from a governmental authority, the courts, or a law enforcement official as from any other outside source.

(3) The agency will publicize provisions governing the confidential nature of information about applicants and recipients, including the legal sanctions imposed for improper disclosure and use, and will make such provisions available to applicants and recipients and to other persons and agencies to whom information is disclosed.

(4) All materials sent or distributed to applicants, recipients, or medical vendors, including material enclosed in envelopes containing checks, will be limited to those which are directly related to the administration of the program and will not have political implications. Under this requirement:

(i) Specifically excluded from mailing or distribution are materials such as "holiday" greetings, general public announcements, voting information, alien registration notices;

(ii) Not prohibited from such mailing or distribution are materials in the immediate interest of the health and welfare of applicants and recipients, such as announcements of free medical examinations, availability of surplus food, and consumer protection information;

(iii) Only the names of persons directly connected with the administration of the program are contained in material sent or distributed to applicants, recipients, and vendors, and such persons are identified only in their official capacity with the State or local agency.

(b) *Exception.* In respect to a State plan under title I, IV–A, X, XIV, or XVI of the Social Security Act, exception to the requirements of paragraph (a) of this section may be made by reason of the enactment or enforcement of State legislation, prescribing any conditions under which public access may be had to records of the disbursement of funds or payments under such titles within the State, if such legislation prohibits the use of any list or names obtained through such access to such records for commercial or political purposes.

§ 205.60 Reports and maintenance of records.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(a) The State agency will maintain or supervise the maintenance of records necessary for the proper and efficient operation of the plan, including records regarding applications, determination of eligibility, the provision of financial or medical assistance or social services, and administrative cost; and statistical, fiscal and other records necessary for reporting and accountability required by the Secretary; and will retain such records for such periods as are prescribed by the Secretary. Under this requirement, individual records are kept which contain pertinent facts about each applicant and recipient and include information as to the date of application and date and basis of its disposition; facts essential to determination of initial and continuing eligibility, need for, and provision of financial or medical assistance or social services, and basis for discontinuing assistance or services.

(b) The State agency will make such reports in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

§ 205.100 Single State agency.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must:

(1) Except as provided in paragraph (b) of this section, provide for the establishment or designation of a single State agency with authority to administer or supervise the administration of the plan.

(2) Include a certification by the attorney general of the State identifying the single State agency and citing the legal authority under which such agency administers, or supervises the administration of, the plan on a statewide basis including the authority to make rules and regulations governing the administration of the plan by such agency or rules and regulations that are binding on the political subdivisions, if the plan is administered by them.

(3) In the event the single State agency responsible for the plan for MA is other than the State agency responsible for the plan for OAA or for AABD (insofar as it relates to the aged), provide:

(i) That determination of eligibility for medical assistance under the plan will be made by the State or local agency administering such plan for OAA or for AABD (insofar as it relates to the aged) in accordance with standards, rules, regulations, and policies established by the single State agency responsible for the MA program, and

(ii) That there is a written agreement between the two State agencies, showing the relationships and respective responsibilities of the two agencies. Such agreement should include provision for employment by the OAA or AABD agency of sufficient personnel with appropriate skills to cary out effectively the responsibilities and relationships covered by the agreement.

(b) *Exceptions.* (1) A State plan for AABD may provide for the designation of a separate State agency to administer or supervise the administration of the plan which relates to blind individuals, but only if, on January 1, 1962, and on the date of the submittal of the plan for AABD, such separate agency was responsible for the plan for AB and was different from the State agency responsible for the plans for OAA and APTD. In such case, the requirements and conditions of this section must be met by each such agency.

(2) A State plan for MA may provide for the designation of a separate State agency to administer or supervise the administration of the plan which relates to blind individuals, but only if, on January 1, 1965, and on the date of the submittal of the plan for MA, such separate agency was responsible for the plan for AB or for AABD (insofar as it relates to the blind) and was different from the State agency responsible for the plan for OAA or for AABD (insofar as it relates to the aged). In such case, the requirements and conditions of this section must be met by each such agency.

(c) *Conditions for implementing the requirements of paragraph (a) of this section.* (1) The State agency will not delegate to other than its own officials its authority for exercising administrative discretion in the administration or supervision of the plan, including the issuance of policies, rules, and regulations on program matters.

(2) In the event that any rules and regulations or decisions of the single State agency are subject to review, clearance, or other action by other offices or agencies of the State government, the requisite authority of the single State agency will not be impaired.

(3) In the event that any services are performed for the single State agency by other State or local agencies or offices, such agencies and offices must not have authority to review, change, or disapprove any administrative decision of the single State agency, or otherwise substitute their judgment for that of the agency as to the application of policies,

rules, and regulations promulgated by the State agency.

§ 205.101 Organization for administration.

(a) A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act shall include a description of the organization and functions of the single State agency and an organizational chart of the agency.

(b) A State plan under title XIX of the Act must:

(1) Provide for the establishment of a medical assistance unit in the single State agency which shall include the program director and other appropriate staff for participation in the development, analysis, and evaluation of the State's medical assistance program,

(2) Include a description of the organization and functions of the medical assistance unit and an organizational chart of the unit, and

(3) Include a description of the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have.

(c) Where applicable, a State plan under title I, IV–A, X, XIV, or XVI of the Act shall identify the organizational unit within the State agency which is responsible for operation of the plan, and shall include a description of its organization and functions and an organizational chart of the unit. (See also Part 220 of this Chapter for requirements concerning the organization for administration of the service programs under title IV–A and title IV–B of the Act.)

§ 205.120 Statewide operation.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(a) It shall be in operation, through a system of local offices, on a statewide basis in accordance with equitable standards for assistance and administration that are mandatory throughout the State;

(b) If administered by political subdivisions of the State, the plan will be mandatory on such political subdivisions;

(c) The State agency will assure that the plan is continuously in operation in all local offices or agencies through:

(1) Methods for informing staff of State policies, standards, procedures and instructions; and

(2) Regular planned examination and evaluation of operations in local offices by regularly assigned State staff, including regular visits by such staff; and through reports, controls, or other necessary methods.

§ 205.130 State financial participation.

State plan requirements:

(a) A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(1) State (as distinguished from local) funds will be used in both assistance and administration; and

(2) State and Federal funds will be apportioned among the political subdivisions of the State on a basis consistent with equitable treatment of individuals in similar circumstances throughout the State.

(b) A State plan under title I, IV–A, X, XIV, or XVI of the Act must provide further that State funds will be used to pay a substantial part of the total costs of the assistance programs.

(c) A State plan under title XIX of the Act must provide further that State funds will be used to pay not less than 40 percentum of the non-Federal share of the total expenditures under the plan and either:

(1) State funds will be used to pay all of the non-Federal share of the total expenditures under the plan, or

(2) If there is local financial participation, there will be a method of apportioning State and Federal funds among the political subdivisions of the State on an equalization or other basis that will assure that lack of funds from local sources does not result in lowering the amount, duration, scope, or quality of care and services or level of administration under the plan in any part of the State.

§ 205.145 Fiscal policies and accountability.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that the State agency, in discharging its fiscal accountability, will maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements. Under this requirement, State and, where applicable, local agencies are required to maintain accounting records, identifiable for each of the above titles of the Act, for a period of 3 years after the end of the Federal fiscal year if audit by or on behalf of the Department has occurred by that time. If such audit has not occurred, the records must be retained until audit or until 5 years following the end of the Federal fiscal year, whichever is earlier. However, in all cases, records shall be retained until resolution of audit questions.

§ 205.150 Cost allocation.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that the State agency will establish and maintain methods and procedures for properly charging the costs of activities under the plan to the program in accordance with Federal requirements (Bureau of the Budget Circular A–87 and Department and Social and Rehabilitation Service regulations and instructions). Such methods and procedures and revisions of them are subject to approval by the Department; revisions must be submitted promptly and in no case later than 12 months following the effective date of the change. The State's methods and procedures must include a description of the method for:

(a) Allocating all administrative costs of the State department in which the State agency is located between Federal and non-Federal programs;

(b) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(c) Segregating costs in paragraph (b) of this section by service and income maintenance functions, where applicable, and such other classifications as are found necessary by the Secretary.

§ 205.170 State standards for office space, equipment, and facilities.

State plan requirements: A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(a) The State agency will establish and maintain standards for office space, equipment, and facilities that will adequately and effectively meet program and staff needs. Under this requirement, offices must be well marked and clearly identifiable in the community as a public service.

(b) The State agency will assure that the standards are continuously in effect in all State and local offices or agencies, including agency suboffices, and special centers through:

(1) Making information about the standards available to State and local staff and other appropriate persons;

(2) Regular planned evaluation of housing and facilities by regularly assigned staff through visits, reports, controls and other necessary methods;

(3) Methods for enforcement when necessary to secure compliance with State standards.

§ 205.190 Standard-setting authority for institutions.

(a) *State plan requirements.* If a State plan under title I, X, XIV, XVI, or XIX of the Social Security Act includes financial or medical assistance to or in behalf of individuals in institutions as defined in § 233.60(b) (1) and (2) of this chapter, the plan must:

(1) Provide for the designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions;

(2) Provide that the State agency will keep on file and make available to the Social and Rehabilitation Service upon request:

(i) A listing of the types or kinds of institutions in which an individual may receive financial and/or medical assistance;

(ii) A record naming the State authority(ies) responsible for establishing and maintaining standards for such types of institutions;

(iii) The standards to be utilized by such State authority(ies) for approval or licensing of institutions including, to the extent applicable, standards related to the following factors:

(*a*) Health (continuing physician and nursing services, dietary standards, drug controls, and accident prevention);

(*b*) Humane treatment;

(*c*) Sanitation;

(*d*) Types of construction;

(*e*) Physical facilities, including space and accommodations per person;

(*f*) Fire and safety;

(*g*) Staffing, in number and qualifications, related to the purposes and scope of services of the institution;

(*h*) Patient records;

(*i*) Admission procedures;

(*j*) Administrative and fiscal records;

(*k*) The control by the individual, or his guardian or protective payee, of the individual's personal affairs.

A plan under title XIX must describe these standards.

(3) Provide for cooperative arrangements with the standard-setting authority(ies) in the development of standards directed toward assuring adequate quality of care; in upgrading of institutional programs and practice; in actions necessary to close institutions that mistreat or are hazardous to the safety of the patients; and in planning so that institutions may be geographically located in accordance with need.

(b) *Federal financial participation.* (1) Federal financial participation is available in staff and related costs of the State or local agency that are necessary to discharge the responsibilities of the State agency under this section, including such costs for staff:

(i) Participating with other agencies and community groups in activities to set up the authority(ies) and to advise on the formulation of policy for the establishment and maintenance of standards;

(ii) On loan for a time limited period to work with the standard-setting authority(ies) in upgrading institutional care;

(iii) Engaged in the function of coordination in States where there is more than one authority; and

(iv) Engaged in adjusting complaints and making reports and recommendations to the standard-setting authority(ies) on conditions which appear to be in violation of such standards.

(2) Federal financial participation is not available in the costs incurred by the standard-setting authority(ies) in establishing and maintaining standards for institutions.

§ 205.200 Standards of personnel administration.

(a) A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the State plan and in local agencies administering the State plan in conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70. Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 must be submitted to the Department of Health, Education, and Welfare for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) The Secretary of Health, Education, and Welfare shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods.

§ 205.202 Staff development.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide for a staff development program for personnel in all classes of positions and for volunteers, to improve the operation of the State program and to assure a high quality of service, including:

(1) An orientation program for new staff;

(2) A program of continuing training opportunities held under expert leadership at suitable intervals;

(3) Provision for paid educational leave to enable subprofessional, technical, and professional staff to improve their performance and to advance to more responsible positions.

(b) *Conditions for staff development programs.* A staff development program under paragraph (a) of this section shall:

(1) If it includes educational leave for employees in a worker-in-training classification, provide that the tenure of such employees will be limited to the period of education and that such persons will be promoted to the appropriate regular classification upon successful completion of the education;

(2) If it includes educational grants for persons preparing for employment, provide for

(i) The use of criteria for selection of candidates, and

(ii) Conditions under which such grants are to be made;

(3) If it includes teaching grants to educational institutions, provide that such grants are made only to establish or expand educational programs necessary to prepare persons for the administration of the agency's program, and only to institutions accredited by the appropriate accrediting body.

(c) *Federal financial participation.* (1) For the State plan under title IV–A of the Act, Federal financial participation is available at 75 percent for training and staff development costs.

(2) For the State plans under titles I, X, XIV, and XVI of the Act, Federal financial participation is available at 75 percent for training and staff development costs if the plan provides for social services in accordance with the regulations in Part 222, Subparts A and B of this chapter. Otherwise, Federal financial participation in such costs is available at 50 percent.

(3) Costs which may be claimed under titles I, IV–A, X, XIV, and XVI of the Act are the following:

(i) *State and local staff development personnel.* Payment of personal services for staff development personnel, including clerical and other staff, and all other expenses, e.g., travel, per diem, rent, postage, communications, equipment, etc. Only personnel who are assigned at least half time to staff development or who are detailed to staff development activities for at least 4 consecutive weeks may be considered staff development personnel.

(ii) *Agency session planned to train staff in content dealing with public assistance.* (*a*) Costs of operating training centers, including personal services and travel of staff, equipment, rental of space, and other expenses of operating the center.

(*b*) Payment of personal services, travel, per diem and training expenses of staff while attending full-time training sessions which are for four or more consecutive work weeks

(*c*) Payment of travel, per diem and educational expenses of staff while attending training sessions which are for less than 4 consecutive work weeks.

(*d*) Payment for purchase and development of necessary teaching materials and equipment: e.g., books, audiovisual aids, and technical devices.

(*e*) Costs of maintaining and operating the agency library as an essential resource to the agency's in-service training program. If the library is maintained as a general reference library for total agency operations, the staff development director and the librarian will recommend the appropriate proportion of library costs to be charged to the training program.

(*f*) Payment to outside experts employed to conduct special courses, including personal services, travel, and per diem.

(*g*) Payment of the costs of special courses developed outside the agency, in collaboration with staff development personnel, as a special part of the agency's organized in-service training program.

(*h*) Costs of rental of space attributable to training activities.

(iii) *Persons preparing for employment in public assistance.* Payments made directly to an individual, or to an educational institution on behalf of such individual, for costs of education in preparing for employment in public assistance.

(iv) *Education for work in public assistance.* (*a*) Costs of field instruction in public assistance for graduate social work students, field experience for undergraduate social welfare students, and student training programs including: rental of space, salaries, travel to and from field work units, clerical assistance; teaching materials and equipment, such as books and audiovisual aids

necessary for effective instruction, and salaries of persons participating in summer student training programs in social work and related professional assignments.

(b) Grants to graduate schools of social work or to undergraduate colleges offering a social welfare sequence for classroom instruction or for other purposes related to the needs of the public assistance programs including: salaries, clerical assistance, necessary travel, teaching material and equipment necessary for effective instruction, such as books, and audiovisual aids.

(v) *Educational leave.* (a) Direct payments to employees on educational leave in an amount not to exceed salary plus the additional costs of obtaining the education.

(1) Payment of personal services, travel, per diem, costs of education and educational expenses of persons granted full-time educational leave, and for those on work-study leave.

(2) Payment of travel, per diem, costs of education and expenses other than personal services of persons granted part-time educational leave or of persons on work-study plan with more than one-half of work load.

(b) Payments covering some or all of the items, in (a) of this subdivision (v), made directly to an educational institution on behalf of an employee on educational leave.

(vi) *Training leave.* (a) Payment of personal services, travel, per diem and training expenses of staff granted training leave for attendance at sessions of four or more consecutive workweeks.

(b) Payment of travel, per diem, and other training expenses of staff granted training leave for attendance at sessions of less than 4 workweeks.

(vii) *Special leave.* Direct payments to employees on special leave in an amount not to exceed salary, plus such additional costs of the educational program as may be agreed upon by the agency and the staff member.

(viii) *Agency membership in other organizations.* Payment for costs of State or local agency membership in organizations for the advancement of education or training when such membership primarily is attributable to the agency's staff development program needs.

(4) (i) For the State plan under title XIX of the Act, Federal financial participation is available at 75 percent for training and educational leave, with respect to title XIX, of skilled professional medical personnel, and staff directly supporting such personnel, of the State agency or any other public agency in the administration of the medical assistance program at the State or local level. In addition, Federal financial participation in expenditures for training personnel who are working both under title XIX and under title I, IV–A, X, XIV, or XVI may be claimed under such other title at applicable rates. Any other expenditures are matchable at 50 percent.

(ii) Costs which may be claimed as training and staff development expenditures for Federal financial participation under title XIX of the Act are those specified in subparagraph (3) of this paragraph, under subdivision (i) for State and local staff development personnel; under subdivision (ii) for agency sessions planned to train staff in content dealing with medical assistance; under subdivision (v) (a) for educational leave; under subdivision (vi) for training leave; and under subdivision (vii) for special leave; and, in addition, the costs of field instruction in medical assistance for graduate students, field experience for undergraduate students, and student training programs.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

4. Part 206 is added as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(1) Each individual wishing to do so will have the opportunity to apply for assistance without delay. Under this requirement: (i) the agency accepts application from the applicant himself, his designated representative, or someone acting responsibly for him, in person, by mail or by telephone; (ii) an applicant may be assisted, if he so desires, by an individual(s) of his choice (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility, and may be accompanied by such individual(s) in contacts with the agency; (iii) individuals eligible for financial assistance are eligible for medical assistance without a separate application.

(2) Applicants will be informed about the eligibility requirements and their rights and obligations under the program. Under this requirement individuals are given information in written form, and orally as appropriate, about coverage, conditions of eligibility, scope of the program, and related services available, and the rights and responsibilities of applicants for and recipients of assistance. Specifically developed bulletins or pamphlets explaining the rules regarding eligibility and appeals in simple, understandable terms, are publicized and available in quantity.

(3) A decision will be made promptly on applications, pursuant to reasonable State-established time standards not in excess of 30 days for OAA, AFDC, and AB (and in AABD and MA as to the aged and blind) and 60 days in APTD (and in AABD and MA as to the disabled). Under this requirement, the applicant is informed of the agency's time standard in acting on applications, which covers the time from date of application to the date that the assistance check, or notification of denial of assistance or change of award, or the eligibility decision with respect to medical assistance, is mailed to the applicant or recipient. The State's time standards apply except in unusual circumstances (e.g., where the agency cannot reach a decision because of failure or delay on the part of the applicant or an examining physician, or because of some administrative or other emergency that could not be controlled by the agency, in which instances the case record shows the cause for the delay. The agency's standards of promptness for acting on applications or redetermining eligibility may not be used as a basis for denial of an application or for terminating assistance.

(4) Written notice will be sent to applicants and recipients to indicate that assistance has been authorized (including the amount, if financial assistance) or that it has been denied or terminated for a specified reason and the agency policy on which the decision is based. Under this requirement, the notice must include the right to request a fair hearing about the decision (see section 205.10 of this chapter).

(5) Financial assistance and medical care and services included in the plan will be furnished promptly to eligible individuals without any delay attributable to the agency's administrative process, and will be continued regularly to all eligible individuals until they are found to be ineligible. Under this requirement there must be arrangements to assist applicants and recipients in obtaining medical care and services in emergency situations on a 24-hour basis, 7 days a week.

(6) Entitlement will begin as specified in the State plan, which (i) for financial assistance must be no later than the date of authorization of payment and, for purposes of Federal financial participation, may be as early as the first of the month in which an application has been received and the individual meets all the eligibility conditions, and (ii) for medical assistance must be no later than the date of application for either financial or medical assistance, and may be as early as the third month prior to the month of application if the individual was eligible in that month.

(7) In cases of any proposed action to terminate, suspend, or reduce assistance, the agency will give timely and adequate notice. See § 205.10(a)(5) of this chapter.

(8) Each decision regarding eligibility of ineligibility will be supported by facts in the applicant's or recipient's case record. Under this requirement each application is disposed of by a finding of eligibility or ineligibility unless:

(i) The applicant voluntarily withdraws his application, and there is an entry in the case record that a notice has been sent to confirm the applicant's notification to the agency that he does not desire to pursue his application; or

(ii) There is an entry in the case record that the application has been disposed of because the applicant died or could not be located.

(9) Where an individual has been determined to be eligible, eligibility will be reconsidered or redetermined:

(i) When required on the basis of information the agency has obtained previously about anticipated changes in the individual's situation;

(ii) Promptly, within 30 days, after a report is obtained which indicates changes in the individual's circumstances may affect the amount of assistance to which he is entitled or may make him ineligible; and

(iii) Periodically, within agency-established time standards, but not less frequently than every 6 months in AFDC, and every 12 months in the other categories, including medical assistance, on eligibility factors subject to change.

(10) Standards and methods for determination of eligibility will be consistent with the objectives of the programs, will respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964, and all other relevant provisions of Federal and State laws, and will not result in practices that violate the individual's privacy or personal dignity, or harass him or violate his constitutional rights. Under this requirement, the agency especially guards against violations of legal rights and common decencies in such areas as entering a home by force, or without permission, or under false pretenses; making home visits outside of working hours, and particularly making such visits during sleeping hours; and searching in the home, for example, in rooms, closets, drawers, or papers, to seek clues to possible deception.

(11) With respect to title XIX, policies and procedures will assure that eligibility for medical assistance will be determined in a manner consistent with simplicity of administration and the best interests of the applicant or recipient.

(12) In determining initial and continuing eligibility:

(i) Applicants and recipients will be relied upon as the primary source of information in making the decision about their eligibility.

(ii) The agency will help applicants and recipients provide needed information, as necessary, or will obtain the information for them if, because of physical, mental, or other difficulties, they themselves are unable to provide it.

(iii) Verification of circumstances pertaining to eligibilty will be limited to what is reasonably necessary to ensure the legality of expenditures under this program.

Under the requirements of this subparagraph:

(a) The agency takes no steps in the exploration of eligibility to which the applicant or recipient does not agree. It obtains specific consent for outside contacts, gives a clear explanation of what information is desired, why it is needed, and how it will be used;

(b) If other procedures are followed in an exceptional situation, they are consistent with subparagraph (10) of this paragraph, and the case record specifies what procedures were followed and why they were needed;

(c) When information available from the applicant or recipient is inconclusive and does not support a decision of eligibility, the agency explains to the individual what questions remain and how he can resolve or help to resolve them, what actions the agency can take to resolve them and the need for their resolution if eligibility is to be established or reconfirmed. If the individual is unwilling to have the agency seek verifying information, the agency, unable to determine that eligibility exists, denies or terminates assistance;

(d) If a simplified method is used in the determination and redetermination of eligibility, the requirements of § 205.20 of this chapter apply.

(13) The State agency will establish and maintain methods by which it will be kept currently informed about local agencies' adherence to the State plan provisions and to the State agency's procedural requirements for determining eligibility, and it will take corrective action when necessary.

(b) *Definitions.* For purposes of this section:

(1) "Applicant" is a person who has, directly, or through someone acting responsibly for him, requested public assistance from the agency administering the program, and whose application has not been terminated.

(2) "Application" is an action by which an individual indicates to the agency administering public assistance his desire to receive assistance. The relative with whom a child is living or will live ordinarily makes application for the child for AFDC. An application is distinguished from an inquiry, which is simply a request for information about eligibility requirements for public assistance. Such inquiry may be followed by an application.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

PART 208—ASSISTANCE TO AGED INDIVIDUALS IN INSTITUTIONS FOR MENTAL DISEASES

5. Part 208 is added as follows:

§ 208.1 Assistance to individuals 65 years of age or older in institutions for mental diseases.

(a) *State plan requirements.* A State plan under title I, XVI, or XIX of the Social Security Act which includes assistance to or in behalf of individuals 65 years of age or older who are patients in institutions for mental diseases must provide for:

(1) Having in effect written agreements with the State authority (or authorities) concerned with mental diseases, and with those individual institutions not under the jurisdiction of such State authorities, in which assistance is provided, which clearly set forth the respective responsibilities of the State agency and the State authorities or institutions, with respect to the individuals to whom or on whose behalf payments are made, including arrangements for:

(i) Joint planning and for development of alternate methods of care;

(ii) Immediate readmittance to the institutions when needed for individuals in alternate methods of care;

(iii) Access by appropriate representatives of the State agency to the medical facility, the patient, and the patient's records as necessary for carrying out the State agency's responsibilities;

(iv) Necessary recording, reporting, exchange of medical and social information, and other procedures.

(2) A recorded individual plan of treatment and care to assure that the institutional care provided serves the best interest of each patient, i.e., maintains the patient at or restores him to the greatest possible degree of health and independent functioning, including:

(i) Initial and periodic review of his medical, psychiatric and social needs. In fulfilling this requirement initial reviews shall be conducted for each patient not later than 90 days after approval of the State plan, and for each recipient-patient subsequently included, not later than 30 days after payments are initiated in his behalf;

(ii) Appropriate medical treatment within the institution;

(iii) Periodic determination of his need for continued treatment in the institution and for alternate care arrangements. In fulfilling this requirement such determinations shall be conducted at least quarterly;

(iv) Appropriate social services.

(3) The development of alternate plans of care, making maximum utilization of available resources, for recipients 65 years of age or older who would otherwise need care in such institutions, to meet their medical, social, and financial needs.

(4) Making available social services referred to in section 3(a)(4)(A) (i) and (ii) or section 1603(a)(4)(A) (i) and (ii) of this Act which are appropriate for such recipients.

(5) Methods of determining the reasonable cost of institutional care for such patients in compliance with § 250.30 of this chapter.

(6) Methods of administration necessary to assure that the responsibilities of the State agency under the State plan with respect to such recipients and such patients will be effectively carried out.

(7) If the State plan includes patients in public institutions for mental diseases, showing that the State is making satisfactory progress toward developing and implementing a comprehensive mental health program for all age groups, through appropriate mental health and public welfare resources, including provision for utilization of community mental health centers, nursing homes and other alternatives to care in public institutions; for arrangements for joint planning with the State authority(ies) for this purpose; and for annual reports showing the progress made. In fulfilling this requirement such annual reports are to be submitted within three months after the close of each fiscal year in which the State has a program of assistance to individuals 65 years of age or

older in public institutions for mental diseases.

(b) *Federal financial participation.* (1) Federal payments under this section for any quarter shall be made only to the extent that total expenditures in the State from Federal, State, and local sources for mental health services for such quarter exceed the average of the total expenditures for such services for each quarter of the fiscal year ending June 30, 1965. As a basis for determination of the proper amount of Federal payments, the State agency shall submit to the Secretary annual reports which show total expenditures from Federal, State and local sources for mental health services (including payment to or in behalf of individuals with mental health problems) under State and local public health and public welfare programs including total expenditures for each quarter of the fiscal year ending June 30, 1965, and total expenditures for each quarter in which the State has received Federal financial participation in making payments in behalf of individuals 65 years of age or over in institutions for mental diseases; and which show for each quarter all assistance payments and administrative costs incurred in behalf of individuals 65 years of age or older in institutions for mental diseases, and of Federal shares of such payments and such costs. In fulfilling this requirement such reports should be submitted not later than 3 months after the close of the fiscal year.

(2) For purposes of this section, an institution for mental diseases is one that meets the definition contained in § 249.10(b)(14)(iv) of this chapter.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

6. Part 233 is amended to add the following sections:

§ 233.10 General provisions regarding coverage and eligibility.

(a) *State plan requirements.* A State plan under title I, IV–A, X, XIV, or XVI, of the Social Security Act must:

(1) Specify the groups of individuals, based on reasonable classifications, that will be included in the program, and all the conditions of eligibility that must be met by the individuals in the groups. Under this requirement:

(i) States have substantial latitude and corresponding responsibility for determining the coverage, nature and scope of their public assistance programs. Although the public assistance titles define the coverage in which the Federal Government will participate financially, a State may provide coverage on a broader or more limited basis. However, it may not impose any eligibility condition that is prohibited under the Social Security Act.

(ii) The groups selected for inclusion in the plan and the eligibility conditions imposed must not exclude individuals or groups on an arbitrary or unreasonable basis, and must not result in inequitable treatment of individuals or groups in the light of the provisions and purposes of the public assistance titles of the Social Security Act.

(iii) There must be clarity as to what groups are included in the plan, and which are within, and which are outside, the scope of Federal financial participation.

(iv) Eligibility conditions must be applied on a consistent and equitable basis throughout the State.

(v) A plan under title XVI must have the same eligibility conditions and other requirements for the aged, blind, and disabled, except as otherwise specifically required or permitted by the Act.

(vi) Eligibility conditions or agency procedures or methods must not preclude the opportunity for an individual to apply and obtain a determination of eligibility or ineligibility.

(vii) Methods of determining eligibility must be consistent with the objective of assisting all eligible persons to qualify.

(2) Provide that the State agency will establish methods for identifying the expenditures for assistance for any groups included in the plan for whom Federal financial participation in assistance may not be claimed.

(3) In addition, a State plan under title IV–A, X, XIV, or XVI of the Act, must: Provided that no aid or assistance will be provided under the plan to an individual with respect to a period for which he is receiving aid or assistance under a State plan approved under any other of such titles or under title I of the Act.

(b) *Federal financial participation.* (1) The provisions which govern Federal financial participation in assistance payments are set forth in the Social Security Act, throughout this chapter, and in other policy issuances by the Secretary. Where indicated, State plan provisions are prerequisite to Federal financial participation with respect to the applicable groups and payments. In general, State plan provisions on need also determine the limits of Federal financial participation. Questions of Federal financial participation are raised regarding assistance payments in which the State refuses to participate because of the failure of a local authority to apply State requirements. With these exceptions, the Federal agency does not ordinarily determine, for purposes of financial participation, whether State plan provisions which are not required by the Federal Act, regulations, or policies have been met.

(2) The following is a summary statement regarding the groups for whom Federal financial participation is available. (More detailed information is given elsewhere.)

(i) OAA—for needy individuals under the plan who are 65 years of age or older.

(ii) AFDC—for:

(*a*) Needy children under the plan who are:

(*1*) Under the age of 18, or under 21 if regularly attending a school, college, or university, or regularly attending a course of vocational or technical training;

(*2*) Deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or unemployment of a father; and

(*3*) Living in the home of a parent or of certain relatives specified in the Act, or in foster care under certain conditions.

(*b*) The parent or other caretaker relative of a dependent child and, in certain situations, the parent's spouse.

(iii) AB—for needy individuals under the plan who are blind.

(iv) APTD—for needy individuals under the plan who are 18 years of age or older and permanently and totally disabled.

(v) AABD—for needy individuals under the plan who are aged, blind, or 18 years of age or older and permanently and totally disabled.

(3) Federal financial participation is available for assistance payments for the entire month if for any portion of the month the individual met all of the eligibility conditions imposed by Federal requirements.

(4) Federal financial participation is available in assistance payments which are continued, in accordance with the State plan, for a temporary period during which the effects of an eligibility condition are being overcome, e.g., blindness in AB, disability in APTD, physical or mental incapacity, continued absence of a parent, or unemployment of a father in AFDC.

§ 233.30 Age.

(a) *Condition for plan approval.* A State plan under title I or XVI of the Social Security Act may not impose any age requirement of more than 65 years.

(b) *Federal financial participation.* (1) Federal financial participation is available in financial assistance provided to otherwise eligible persons who were, for any portion of the month for which assistance is paid:

(i) In OAA or AABD with respect to the aged, 65 years of age or over;

(ii) In AFDC, under 18 years of age; or under 21 years of age if a student regularly attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment;

(iii) In AB or AABD with respect to the blind, any age;

(iv) In APTD or AABD with respect to the disabled, 18 years of age or older.

(2) Federal determination of whether an individual meets the age requirements of the Social Security Act will be made according to the common-law method (under which a specific age is attained the day before the anniversary of birth), unless the State plan specifies that the popular usage method (under which an age is attained on the anniversary of birth), is used.

(3) The State agency may adopt an arbitrary date such as July 1 as the point from which age will be computed in all instances where the month of an individual's birth is not available, but the year can be established.

§ 233.50 Citizenship.

Conditions for plan approval:

(a) A State plan under title, I, X, XIV, XVI of the Social Security Act may not exclude an otherwise eligible citizen of the United States, regardless of how (by birth or by naturalization), or when, citizenship was obtained.

(b) A State plan may include all persons without regard to citizenship status. Where there is an eligibility requirement applicable to noncitizens, a State plan may, as an alternative to excluding all noncitizens, provide for qualifying noncitizens, otherwise eligible, who have resided in the United States for a specified number of years.

§ 233.60 Institutional status.

(a) *Federal financial participation.* (1) Federal financial participation under Title I, X, XIV, or XVI of the Social Security Act is not available in payments to or in behalf of any individual who is an inmate of a public institution except as a patient in a medical institution.

(2) (i) Federal financial participation under title X or XIV of the Social Security Act is not available in payments to or in behalf of any individual who is a patient in an institution for tuberculosis or mental diseases.

(ii) Federal financial participation under title XVI of the Social Security Act is not available in payments to or in behalf of any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

(3) For purposes of this paragraph:

(i) Federal financial participation is available in payments for the month in which an individual (if otherwise eligible) became an inmate of a public institution, or a patient in an institution for tuberculosis or mental diseases;

(ii) Whether an institution is one for tuberculosis or mental diseases will be determined by whether its overall character is that of a facility established and maintained primarily for the care and treatment of individuals with tuberculosis or mental diseases (whether or not it is licensed);

(iii) An institution for the mentally retarded is not an institution for mental diseases;

(iv) An individual on conditional release or convalescent leave from an institution for mental diseases is not considered to be a patient in such institution.

(b) *Definitions.* For purposes of Federal financial participation under paragraph (a) of this section:

(1) "Institution" means an establishment which furnishes (in single or multiple facilities) food and shelter to four or more persons unrelated to the proprietor, and in addition, provides some treatment or services which meet some need beyond the basic provision of food and shelter.

(2) "In an institution" refers to an individual who is admitted to participate in the living arrangements and to receive treatment or services provided there which are appropriate to his requirements.

(3) "Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

(4) "Inmate of a public institution" means a person who is living in a public institution. An individual is not considered an inmate when:

(i) He is in a public educational or vocational training institution, for purposes of securing education or vocational training, or

(ii) He is in a public institution for a temporary emergent period pending other arrangements appropriate to his needs.

(5) "Medical institution" means an institution which:

(i) Is organized to provide medical care, including nursing and convalescent care;

(ii) Has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of patients on a continuing basis in accordance with accepted standards;

(iii) Is authorized under State law to provide medical care;

(iv) Is staffed by professional personnel who have clear and definite responsibility to the institution in the provision of professional medical and nursing services including adequate and continual medical care and supervision by a physician; sufficient registered nurse or licensed practical nurse supervision and services and nurse aid services to meet nursing care needs; and appropriate guidance by a physician(s) on the professional aspects of operating the facility.

(6) "Institution for tuberculosis" means an institution which is primarily engaged in providing diagnosis, treatment, or care of persons with tuberculosis, including medical attention, nursing care, and related services.

(7) "Institution for mental diseases" means an institution which is primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care, and related services.

(8) "Patient" means an individual who is in need of and receiving professional services directed by a licensed practitioner of the healing arts toward maintenance, improvement, or protection of health, or alleviation of illness, disability, or pain.

§ 233.70 Blindness.

(a) *State plan requirements.* A State plan under title X or XVI of the Social Security Act must:

(1) Contain a definition of blindness in terms of ophthalmic measurement. The following definition is recommended: An individual is considered blind if he has central visual acuity of 20/200 or less in the better eye with correcting glasses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°.

(2) Provide that, in any instance in which a determination is to be made whether an individual is blind according to the State's definition, there will be an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select. Under this requirement, no examination is necessary when both eyes are missing.

(3) Provide that each eye examination report will be reviewed by a State supervising ophthalmologist who is responsible for making the agency's decision that the applicant or recipient does or does not meet the State's definition of blindness, and for determining if and when reexaminations are necessary.

(b) *Federal financial participation.*— (1) *Assistance payments.* Federal financial participation is available in assistance provided to or in behalf of any otherwise eligible person who is blind. Blindness may be considered as continuing until an examination by a qualified examiner establishes the fact that the recipient's vision has improved beyond the State's definition of blindness.

(2) *Administrative expenses.* Federal financial participation is available in any expenditures incident to the eye examination necessary to determine whether an individual is blind.

§ 233.80 Disability.

(a) *State plan requirements.* A State plan under title XIV or XVI of the Social Security Act must:

(1) Contain a definition of permanently and totally disabled, showing that:

(i) "Permanently" is related to the duration of the impairment or combination of impairments; and

(ii) "Totally" is related to the degree of disability

The following definition is recommended:

"Permanently and totally disabled" means that the individual has some permanent physical or mental impairment, disease, or loss, or combination thereof, this substantially precludes him from engaging in useful occupations within his competence, such as holding a job.

Under this definition:

"Permanently" refers to a condition which is not likely to improve or which will continue throughout the lifetime of the individual; it may be a condition which is not likely to respond to any known therapeutic procedures, or a condition which is likely to remain static or to become worse unless certain therapeutic measures are carried out, where treatment is unavailable, inadvisable, or is refused by the individual on a reasonable basis; "permanently" does not rule out the possibility of vocational rehabilitation or even possible recovery in light of future medical advances or changed prognosis; in this sense the term refers to a condition which continues indefinitely, as distinct from one which is temporary or transient;

"Totally" involves considerations in addition to those verified through the medical findings, such as age, training, skills, and work experience, and the probable functioning of the individual in his particular situation in light of his impairment; an individual's disability would usually be tested in relation to ability to engage in remunerative employment; the ability to keep house or to

care for others would be the appropriate test for (and only for) individuals, such as housewives, who were engaged in this occupation prior to the disability and do not have a history of gainful employment; eligibility may continue, even after a period of rehabilitation and readjustment, if the individual's work capacity is still very considerably limited (in comparison with that of a normal person) in terms of such factors as the speed with which he can work, the amount he can produce in a given period of time, and the number of hours he is able to work.

(2) Provide for the review of each medical report and social history by technically competent persons—not less than a physician and a social worker qualified by professional training and pertinent experience—acting cooperatively, who are responsible for the agency's decision that the applicant does or does not meet the State's definition of permanent and total disability. Under this requirement:

(i) The medical report must include a substantiated diagnosis, based either on existing medical evidence or upon current medical examination;

(ii) The social history must contain sufficient information to make it possible to relate the medical findings to the activities of the "useful occupation" and to determine whether the individual is totally disabled, and

(iii) The review physician is responsible for setting dates for reexamination; the review team is responsible for reviewing reexamination reports in conjunction with the social data, to determine whether disabled recipients whose health condition may improve continue to meet the State's definition of permanent and total disability.

(3) Provide for cooperative arrangements with related programs, such as vocational rehabilitation services.

(b) *Federal financial participation*—(1) *Assistance payments.* Federal financial participation is available in payments to or in behalf of any otherwise eligible individual who is permanently and totally disabled. Permanent and total disability may be considered as continuing until the review team establishes the fact that the recipient's disability is no longer within the State's definition of permanent and total disability.

(2) *Administrative expenses.* Federal financial participation is available in any expenditures incident to the medical examinations necessary to determine whether an individual is permanently and totally disabled.

§ 233.90 Factors specific to AFDC.

(a) *State plan requirement.* A State plan under title IV–A of the Social Security Act must provide that the determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extend that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State. In establishing financial eligibility and the amount of the assistance payment, only such net income as is actually available for current use on a regular basis will be considered, and the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions.

(b) *Condition for plan approval.* A child may not be denied AFDC either initially or subsequently "because of the conditions of the home in which the child resides", or because the home is considered "unsuitable", unless "provision is otherwise made pursuant to a State statute for adequate care and assistance with respect to such child". (Section 404(b) of the Social Security Act.)

(c) *Federal financial participation.* (1) Federal financial participation under title IV–A of the Social Security Act in payments with respect to a "dependent child", as defined in section 406(a) of the Act, is available within the following interpretations:

(i) *Needy child deprived by reason of.* The phrase "needy child * * * deprived * * * by reason of" requires that both need and deprivation of parental support or care exist in the individual case but does not require an affirmative showing that a causal relationship exists in the individual case. The phrase encompasses the situation of any child who is in need and otherwise eligible, and whose parent—father or mother—either has died, has a physical or mental incapacity, or is continually absent from the home. This interpretation is equally applicable whether the parent was the chief breadwinner or devoted himself or herself primarily to the care of the child, and whether or not the parents were married to each other. The determination whether a child has been deprived of parental support or care is made in relation to the child's natural parent or, as appropriate, the adoptive parent or stepparent described in paragraph (a) of this section.

(ii) *Death of a parent.* If either parent of a child is deceased, the child is deprived of parental support or care, and may, if he is in need and otherwise eligible, be included within the scope of the program.

(iii) *Continued absence of the parent from the home.* Continued absence of the parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and he may have left only recently or some time previously.

(iv) *"Physical or mental incapacity".* "Physical or mental incapacity" of a parent may be deemed to exist when one parent has a physical or mental defect, illness, or disability, whatever its cause, degree, or duration, or accompanying factors.

(v) *"Living with [a specified relative] in a place of residence maintained * * * as his * * * own home".* (*a*) A child may be considered to meet the requirement of living with one of the relatives specified in the Act if his home is with a parent or a person in one of the following groups:

(*1*) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great:

(2) Stepfather, stepmother, stepbrother, and stepsister.

(*3*) Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with State law.

(*4*) Spouses of any persons named in the above groups even after the marriage is terminated by death or divorce.

(*b*) A home is the family setting maintained or in process of being established, as evidenced by assumption and continuation of responsibility for day to day care of the child by the relative with whom the child is living. A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporarily absent from the customary family setting. Within this interpretation, the child is considered to be "living with" his relative even though

(*1*) He is under the jurisdiction of the court (e.g., receiving probation services or protective supervision); or

(2) Legal custody is held by an agency that does not have physical possession of the child.

(vi) *"Regularly attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment."* A child may be considered in regular attendance at school or a training course in months in which he is not attending because of official school or training program vacation, illness, convalescence, or family emergency, and for the month in which he completes or discontinues his school or training program.

(2) Federal financial participation is available in:

(i) Initial payments made on behalf of a child who goes to live with a relative specified in section 406(a)(1) of the Social Security Act within 30 days of the receipt of the first payment, provided payments are not made for a concurrent period for the same child in the home of another relative or as AFDC–FC;

(ii) Payments with respect to an unborn child when the fact of pregnancy has been determined by medical diagnosis;

(iii) Payments made for the entire month in the course of which a child leaves the home of a specified relative, provided payments are not made for a concurrent period for the same child in the home of another relative or as AFDC–FC; and

(iv) Payments made to persons acting for relatives specified in section 406(a)(1) of the Act in emergency situations that deprive the child of the care of the relative through whom he as been receiving aid, for a temporary period necessary to make and carry out plans for the child's continuing care and support.

(3) Federal financial participation (at the 50 percent rate) is available in any expenses incurred in establishing eligibility for AFDC, including expenses incident to obtaining necessary information to determine the existence of incapacity of a parent or pregnancy of a mother.

7. Part 233 is further amended by revising § 233.110 to read as follows:

§ 233.110 AFDC foster care.

(a) *State plan requirements.* A State plan under title IV–A of the Social Security Act must:

(1) Provide that aid will be given in the form of foster care for each otherwise eligible child:

(i) Who was removed after April 30, 1961, from the home of a relative specified in the AFDC plan, as a result of a judicial determination that continuance in the home of the relative would be contrary to his welfare, for any reason, and who has been placed in foster care as a result of such determination; and

(ii) (*a*) Who, in or for the month in which that court action was initiated, was receiving AFDC, or would have received AFDC if application had been made, or

(*b*) Who lived with a relative specified in the AFDC plan within 6 months prior to the month in which that court action was initiated, and who would have received AFDC in or for such month if in such month he had been living with (and removed from the home of) such a relative and application had been made for him; and

(iii) Whose placement and care are the responsibility of the State agency administering or supervising the administration of the AFDC plan, or, if the State so elects, are the responsibility of any other public agency, or type or types of public agencies specified in the plan, with whom the State agency has a currently effective agreement that provides for development of a plan satisfactory to the State agency for AFDC–FC children in accordance with subparagraph (2) of this paragraph and that contains other provisions necessary to achieve the objectives of the State's AFDC plan.

(2) Provide for development of a plan for each child described in subparagraph (1) of this paragraph, so that:

(i) He will be placed in a foster family home or a child care institution in accordance with his needs;

(ii) His need for and the appropriateness of his care and services in such placement will be reviewed not less frequently than every 6 months;

(iii) Services will be provided to improve the conditions in the home from which he was removed or to make possible his placement in the home of another relative under the State's AFDC plan. (See § 220.19 of this chapter.)

(3) Provide that maximum use will be made of the services of employees of the State public welfare agency responsible for the plan for child-welfare services under title IV–B of the Act or of any local agency participating in the administration of such plan.

(4) Specify:

(i) In what types of child care institutions (private nonprofit, or public, or both), in addition to foster family homes, placement will be made; and

(ii) Whether payments will be made to foster homes and institutions only or also to other agencies.

(5) Provide that there will be specific criteria for determining the amount of payment for foster care in foster family homes and in child care institutions. In establishing rates of payment to institutions, only those items included for care in foster family homes will be included, and overhead costs of the institution will be excluded.

Under the requirements of this paragraph, provision must be made for both foster family care and institutional care in accordance with the individual child's needs; public institutions may be used, without Federal financial participation, to discharge the institutional obligation in whole or in part; and the use of institutions outside the State will also meet the requirement for the provision of institutional care.

(b) *Federal financial participation.* (1) Federal financial participation is available, effective January 1, 1968, in AFDC–FC payments not to exceed an average of $100 per month per recipient, made on behalf of children as specified in section 408 of the Social Security Act, who are included in the approved State AFDC plan and who are placed in a foster family home, or nonprofit private child-care institution, licensed or approved by the agency which is responsible for licensing or approval of such facilities in the State where it is situated. The maximum of $100 average per month per recipient may be disregarded when the State claims Federal funds under the provisions of section 1118 of the Act.

(2) Federal financial participation is available in AFDC–FC payments made to an individual providing care in a foster family home, to a private nonprofit child care institution, or to a cooperating public or nonprofit private child placement or child-care agency.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

8. Part 235 is added as follows:

Sec.
235.70 Notice to law enforcement officials.
235.110 Fraud.

AUTHORITY: The provisions of this Part 235 issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.

§ 235.70 Notice to law enforcement officials.

State plan requirements: A State plan under title IV–A of the Social Security Act must provide that:

(a) The appropriate law enforcement officials will be notified in writing promptly as soon as AFDC has been furnished in respect to a child who is believed to have been deserted or abandoned by a parent. This requirement has no effect upon the determination of eligibility. It is a requirement upon the agency, and is fulfilled by providing the following information after a family has been found eligible and been granted assistance: A statement that AFDC has been furnished (date) to relative (name and address) in behalf of children (name and ages) in his home, who appear to have been deserted or abandoned by their parent(s) (name and address, if known). Under this requirement, the appropriate law enforcement officials are those responsible for initiating actions in cases of desertion or abandonment, as those terms are defined under State law.

(b) Criteria will be established for the selection of cases in which notice is given to law enforcement officials that AFDC has been furnished in respect to a dependent child believed to have been deserted or abandoned by a parent. In fulfilling this requirement, the criteria will include instructions for identification of the classes of persons who, under State law, are defined as parents responsible for support of minor children, and against whom legal action may be taken under such laws for desertion or abandonment.

(c) All applicants affected by the reporting requirement will be informed as early as possible during the application process, and each applicant will be afforded the opportunity to withdraw his application, if he wishes, before payment is issued and the required notice sent to the law enforcement officials.

§ 235.110 Fraud.

State plan requirements: A State plan under title I, IV–A, X, XIV, or XVI of the Social Security Act must provide:

(a) That the State agency will establish and maintain:

(1) Methods and criteria for identifying situations in which a question of fraud in the program may exist, and

(2) Procedures developed in cooperation with the State's legal authorities for referring to law enforcement officials situations in which there is valid reason to suspect that fraud has been practiced.

The definition of fraud for purposes of this section will be determined in accordance with State law.

(b) For methods of investigation of situations in which there is a question of fraud, that do not infringe on the legal rights of persons involved and are consistent with the principles recognized as affording due process of law.

(c) For the designation of official position(s) responsible for referral of situations involving suspected fraud to the proper authorities.

PART 246—STATE ORGANIZATION—MEDICAL ASSISTANCE PROGRAMS

9. Part 246 is added as follows:

§ 246.10 State medical care advisory committees.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must provide that:

(1) There will be an advisory committee to the State agency director on health and medical care services, appointed by the director of the State agency or a higher State authority. Appointments to the committee will provide for rotation and continuity.

(2) The medical care advisory committee will include:

(i) Board certified physicians and other representatives of the health professions who are familiar with the medical needs of low income population groups and with the resources available and required for their care;

(ii) Members of consumers' groups including title XIX recipients, and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others; and

(iii) The director of the public welfare department or of the public health department, whichever does not head the single State agency for the title XIX plan.

(3) The medical care advisory committee will have adequate opportunity for meaningful participation in policy development and program administration, including the furtherance of recipient participation in the program of the agency.

(4) The medical care advisory committee will be provided such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations, and will be provided with financial arrangements, where necessary, to make possible the participation of recipients in the work of the committee.

(b) *Federal financial participation.* Federal financial participation of 50 percent is available for the activities of the medical care advisory committee.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

10. Part 248 is amended to add the following sections:

§ 248.10 Coverage and conditions of eligibility for medical assistance.

(a) *Definitions.* When used in this part:

(1) The term "categorically needy" refers to an individual who is receiving financial assistance under the State's approved plan under title I, IV–A, X, XIV, or XVI of the Social Security Act, or is in need under the State's standards for financial eligibility in such plan. (See § 233.20 of this chapter.)

(2) The term "medically needy" refers to an individual whose income and resources equal or exceed the State's standards under the appropriate financial assistance plan but are insufficient to meet his costs for medical insurance premiums and for necessary medical and remedial care and services recognized under State law but not encompassed in the State plan for medical assistance, plus his costs for medical and remedial care and services included in the State plan.

(b) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

(1) Provide that medical assistance will be available to the following groups of "categorically needy" persons:

(i) All individuals receiving aid or assistance under the State's approved plans under titles I, IV–A, X, XIV, and XVI of the Act; this includes all individuals who (*a*) are essential persons under the State plan and (*b*) could be recipients, if the State plan were as broad as permitted for Federal financial participation;

(ii) All individuals under 21 who are, or would be, except for age of school attendance requirements, dependent children under the State's approved AFDC plan;

(iii) All persons who would be eligible for aid or assistance under one of the other approved State plans except for any eligibility condition or other requirement in such plan that is specifically prohibited in a program of medical assistance under title XIX of the Act.

(2) Specify any other groups of "categorically needy" individuals (not covered by subparagraph (1) of this paragraph), that will be included in the program. These may include:

(i) Persons who meet all the conditions of eligibility, including financial eligibility, of one of the State's other approved plans, but have not applied for such assistance.

(ii) Persons in a medical facility—skilled nursing home, hospital, institution for tuberculosis, or mental disease—who, if they left such facility, would be eligible for financial assistance under another of the State's approved plans. This includes persons in medical facilities who have enough income to meet their personal needs while in the institution, but not enough to meet their needs outside the facility according to the appropriate State plan.

(iii) Persons who would be eligible for financial assistance under another State public assistance plan, except that the State plan imposes eligibility conditions more stringent than, or in addition to, those required under the Social Security Act. For example, persons who are needy and 18 years of age or older and permanently and totally disabled under the Federal definition of permanent and total disability, but who are excluded from APTD under the State's more restricted definition of disability; or persons who would be eligible for AFDC if the State's program covered families with children deprived of parental support or care to the full extent permitted under title IV–A of the Act, including AFDC for families with unemployed fathers.

(iv) All individuals under 21 who qualify on the basis of financial eligibility, but do not qualify as dependent children under a State's AFDC plan; or groups of such individuals if based on reasonable classifications. Children in foster homes or private institutions for whom public agencies are assuming financial responsibility, in whole or in part, constitute a reasonable classification. The additional inclusion of children placed in foster homes or private institutions by private, nonprofit agencies would also be considered reasonable.

(v) Caretaker relatives enumerated in section 406(a)(1) of the Act who have in their care one or more children under 21 who, except for age or school attendance requirements, would be dependent children under the State's AFDC plan.

(vi) Individuals who would be eligible for financial assistance if their work related child care costs were paid out of earnings rather than as a service expenditure by the agency, provided the State plan for financial assistance otherwise recognizes child care costs in determining the amount of the payment.

(3) Specify, if the plan includes the medically needy, that it covers all medically needy groups that correspond to the covered categorically needy groups. Exception: coverage of "essential" spouses of recipients of OAA, AB, APTD, or AABD does not require coverage of essential spouses of nonmoney payment recipients, either categorically needy or medically needy.

(4) Specify all conditions of eligibility that must be met by members of all optional groups included in the plan.

(5) If the plan includes groups of individuals for whose medical care and services Federal financial participation is not available, specify such groups, and provide that the State agency will establish methods for identifying the expenditures for medical care and services in which Federal financial participation may not be claimed.

(c) *Conditions for plan approval.* (1) All groups the State elects to include in the program are based on reasonable classifications, that is, they do not result in arbitrary or inequitable treatment of individuals or groups, or result in exclusion of groups or persons on the basis of any classification that is arbitrary or unreasonable, or is otherwise

inconsistent with the broad objectives of title XIX of the Act.

(2) There is clarity as to what groups are included, and which are within the scope, and which are outside the scope, of Federal financial participation in the cost of medical assistance provided.

(3) Except for need, the conditions of eligibility that are imposed on elective groups (including any groups for whose medical care and services Federal financial participation is not available) are not more stringent or more numerous than those imposed on individuals receiving aid or assistance under any of the approved State plans.

(4) No age, residence, citizenship, or other requirement is imposed that is prohibited by title XIX of the Act.

(5) No person unrelated to the applicant or recipient is held financially responsible for him; nor is any condition of eligibility imposed that holds a relative responsible who is not the spouse of the individual who needs medical care or services, or the parent of such individual, who is under 21, or is blind, or is permanently and totally disabled.

(d) *Federal financial participation—*(1) *Administrative costs.* Federal financial participation is available in the administrative costs of providing medical care and services to all persons covered under the plan, including those in the cost of whose medical care and services the Federal Government does not share, provided all other provisions of the approved State plan are applicable to them.

(2) *Medical assistance.* Federal financial participation is available, pursuant to part 250 of this chapter, in payments for medical care and services provided under the State plan to any financially eligible individual who is:

(i) Under the age of 21; or

(ii) A parent or other caretaker relative specified in section 406(a)(1) of the Act (see § 233.90(c)(1)(v)(*a*) of this chapter with whom a child under the age of 21 is living, if such relative is eligible or would, except that the child is not regularly attending school or a course of vocational training, and except for need, be eligible to receive payments within the scope of Federal financial participation under title IV–A of the Act; only one such parent or other caretaker relative, plus the spouse of such parent (who meets the conditions specified in section 406(b)(1) of the Act (see § 237.50(b) (3) (4) of this chapter)), are within the scope of Federal financial participation under title IV–A of the Act; or

(iii) 65 years of age or older; or

(iv) Blind; or

(v) 18 years of age or older and permanently and totally disabled; or

(vi) The spouse of a recipient of OAA, AB, APTD, or AABD who is considered "an essential person" (see § 248.11 of this part);

but excluding any such care or services provided to any individual who is an inmate of a public institution (except as a patient in a medical institution), or who is under age 65 and a patient in an institution for tuberculosis or mental diseases. See § 248.60.

(3) Federal financial participation is available in medical assistance provided to individuals who were eligible therefor in the month in which the medical care or services were provided.

(4) Federal financial participation is available in medical assistance for individuals, in accordance with the State plan, during a temporary period while the effects of certain eligibility conditions such as blindness, disability, continued absence or incapacity of a parent, or unemployment of a father, are being overcome.

11. Part 248 is further amended by revising § 248.21 to read as follows:

§ 248.21 Financial eligibility—medical assistance programs.

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

(1) With respect to the categorically needy:

(i) Specify that the financial eligibility conditions of the pertinent financial assistance plan will apply;

(ii) Provide for the application of income first to maintenance costs.

(2) With respect to both the categorically needy and, if they are included in the plan, the medically needy:

(i) Provide that only such income and resources as are actually available will be considered and that income and resources will be reasonably evaluated;

(ii) Provide that financial responsibility of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21, or blind, or permanently and totally disabled;

(iii) Specify the extent to which the financial responsibility of any such relatives is taken into account.

(3) With respect to the medically needy, if they are included in the plan:

(i) Provide levels of income and resources for maintenance, in total dollar amounts, as a basis for establishing financial eligibility for medical assistance. Under this requirement:

(*a*) Such income levels must be comparable as among individuals and families of varying sizes;

(*b*) The income levels for maintenance must be, as a minimum, at the levels of the most liberal money payment standard used by the State, at any time on or after January 1, 1966, as a measure of financial eligibility in any categorical money payment program in the State, or at the level for which Federal financial participation is available pursuant to paragraph (b) of this section, whichever is less. Where a State imposes any deduction, cost sharing, enrollment fee, premium, or similar charge under the plan with respect to any medical assistance furnished to an individual thereunder, such charge may not be imposed to the extent that it would reduce the individual's income below the most liberal money payment standard referred to in the preceding sentence;

(c) A lower income level for maintenance must be used for individuals not living in their own homes but receiving care in nursing homes, institutions for tuberculosis or mental diseases or other medical facilities providing long-term care. This lower income level must be reasonable in amount for clothing and personal needs for such individuals. When such an individual's home is maintained for a spouse or other dependents, the appropriate income level for such dependents, plus the individual's income level for maintenance in a long-term care facility, is applicable;

(*d*) Resources which may be held must, as a minimum, be at the most liberal level used in any money payment program in the State on or after January 1, 1966, and the amount of liquid assets which may be held must increase with an increase in the number of individuals in the family. There must be separate levels established for resources.

(ii) Provide that there will be a flexible measurement of available income which will be applied in the following order of priority:

(*a*) First, for maintenance, so that any income in an amount at or below the established level will be protected for maintenance;

(*b*) Next, income in excess of that needed for maintenance will be applied to costs incurred for medical insurance premiums and for necessary medical or remedial care recognized under State law and not encompased within the State plan for medical assistance. States may set reasonable limits on such medical services for which excess income may be applied.

(c) All of the remaining excess income will be applied to costs of medical assistance included in the State plan.

(iii) Provide that all income and resources (after all State policies governing the disregard, or setting aside for future needs, of income and resources in the State's approved plans under titles I, IV–A, X, XIV, and XVI have been applied) will be considered in establishing eligibility, and in the flexible application of income to medical costs not in the State plan, and payment toward the medical assistance costs.

(iv) Provide that only such income and resources will be considered as will be "in hand" within a period, preferably of not more than 3 months, but not in excess of 6 months, ahead, including the month in which medical services were rendered, for which payment would be made under the plan.

(b) *Federal financial participation.* (1) Federal financial participation is available in payments made in behalf of categorically needy individuals.

(2) Payments in behalf of medically needy individuals are subject to Federal financial participation only to the extent that they are made for a member of a family the annual income of which is within the income levels established in the following:

(i) In the case of any State, the applicable income levels with respect to periods after December 31, 1969 are 133⅓ percent of the amounts specified in subdivision (ii) of this subparagraph. Any total yearly income levels established by applying the above percentage which

are not multiples of $100 shall be rounded to the next higher multiple of $100. Federal financial participation is available for a person whose annual income exceeds this level to the extent that medical expenses exceed the income excess (see subdivision (ii) (c) of this subparagraph).

(ii) The amounts to be applied in calculating the income levels referred to in subdivision (i) of this subparagraph are the highest amounts which would ordinarily be paid to a family of the same size without any income or resources in the form of money payments, under the approved AFDC plan of the State, subject to the following modifications:

(a) In the case of a single individual the amount of the income level shall be reasonably related to the amounts payable under such plan to families consisting of two or more individuals who are without income or resources.

(b) If the amounts established under such plan are subject to a maximum family limit, the income level for families which exceed such limit will be determined by adding an amount for each member of the family to such limit. The amounts to be added shall be reasonably related to those established under the plan for families which are within the maximum family limit.

(c) In computing a family's or individual's income for purposes of subdivisions (i) and (ii) of this subparagraph, there shall be excluded any costs (whether in the form of insurance premiums or otherwise) incurred by such family or individual for medical care or for any other type of remedial care recognized under State law.

(3) If a State furnishes medical assistance on the basis of income levels which are higher than those specified in this section, the State agency must submit to the Department of Health, Education, and Welfare for its approval income levels which are calculated on the basis provided in this section, and must establish procedures to assure that claims for Federal financial participation are limited accordingly.

12. The following sections are also added:

§ 248.30 Age.

(a) *Conditions for plan approval.* A State plan under title XIX of the Social Security Act may not impose:

(1) Any age requirement of more than 65 years;

(2) Any age requirement which excludes any individual who has not attained the age of 21 and is or would, except for the provisions of section 406(a)(2) of the Act (regarding attendance at school or a training course), be a dependent child under the State's AFDC plan; or

(3) Age requirements more stringent than are imposed in the State's approved plans for financial assistance.

(b) *Federal financial participation.* (1) Federal financial participation is available in medical assistance provided to otherwise eligible persons who were, for any portion of the month in which they received medical care or services, under 21 years of age, or 65 years of age or over, or 18 years of age or over and permanently and totally disabled. There is no Federal requirement as to age for blind persons.

(2) Federal determination of whether an individual meets the age requirements of the Social Security Act will be made according to the common-law method (under which a specific age is attained the day before the anniversary of birth), unless the State plan specifies that the popular usage method (under which an age is attained on the anniversary of birth) is used.

(3) The State agency may adopt an arbitrary date such as July 1 as the point from which age will be computed in all instances where the month of an individual's birth is not available, but the year can be established.

§ 248.50 Citizenship.

Conditions for plan approval:

(a) A State plan under title XIX of the Social Security Act may not exclude an otherwise eligible citizen of the United States, regardless of how (by birth or by naturalization), or when, citizenship was obtained.

(b) A State plan which includes the medically needy must include all otherwise eligible individuals, regardless of citizenship status, unless all of the State's approved financial assistance plans require citizenship as a condition of eligibility.

(c) A State plan may include persons without regard to citizenship status, even though all of the State's financial assistance plans contain such a requirement.

§ 248.60 Institutional status.

(a) *Federal financial participation.* (1) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who is an inmate of a public institution except as a patient in a medical institution.

(2) Federal financial participation under title XIX of the Social Security Act is not available in medical assistance for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

(3) For purposes of this paragraph:

(i) Federal financial participation is available in the costs of medical assistance for the month in which an individual (if otherwise eligible) became an inmate of a public institution, or a patient in an institution for tuberculosis or mental diseases;

(ii) Whether an institution is one for tuberculosis or mental diseases will be determined by whether its overall character is that of a facility established and maintained primarily for the care and treatment of individuals with tuberculosis or mental diseases (whether or not it is licensed);

(iii) An institution for the mentally retarded is not an institution for mental diseases;

(iv) An individual on conditional release or convalescent leave from an institution for mental diseases is not considered to be a patient in such institution.

(b) *Definitions.* For purposes of Federal financial participation under paragraph (a) of this section: (1) "Institution" means an establishment which furnishes (in single or multiple facilities) food and shelter to four or more persons unrelated to the proprietor, and in addition, provides some treatment or services which meet some need beyond the basic provision of food and shelter.

(2) "In an institution" refers to an individual who is admitted to participate in the living arrangements and to receive treatment or services provided there which are appropriate to his requirements.

(3) "Public institution" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

(4) "Inmate of a public institution" means a person who is living in a public institution. An individual is not considered an inmate when:

(i) He is in a public educational or vocational training institution, for purposes of securing education or vocational training, or

(ii) He is in a public institution for a temporary emergent period pending other arrangements appropriate to his needs.

(5) "Medical institution" means an institution which:

(i) Is organized to provide medical care, including nursing and convalescent care;

(ii) Has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of patients on a continuing basis in accordance with accepted standards;

(iii) Is authorized under State law to provide medical care;

(iv) Is staffed by professional personnel who have clear and definite responsibility to the institution in the provision of professional medical and nursing services including adequate and continual medical care and supervision by a physician; sufficient registered nurse or licensed practical nurse supervision and services and nurse aid services to meet nursing care needs; and appropriate guidance by a physician(s) on the professional aspects of operating the facility.

(6) "Institution for tuberculosis" means an institution which is primarily engaged in providing diagnosis, treatment, or care of persons with tuberculosis, including medical attention, nursing care, and related services.

(7) "Institution for mental diseases" means an institution which is primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care and related services.

(8) "Patient" means an individual who is in need of and receiving professional services directed by a licensed

practitioner of the healing arts toward maintenance, improvement or protection of health, or alleviation of illness, disability, or pain.

§ 248.70 Blindness.

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

(1) Contain a definition of blindness in terms of ophthalmic measurement. The following definition is recommended: An indviidual is considered blind if he has central visual acuity of 20/200 or less in the better eye with correcting glasses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°.

(2) Provide that, in any instance in which a determination is to be made whether an individual is blind according to the State's definition, there will be an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select. Under this requirement, no examination is necessary when both eyes are missing.

(3) Provide that each eye examination report will be reviewed by a State supervising ophthalmologist who is responsible for making the agency's decision that the applicant or recipient does or does not meet the State's definition of blindness, and for determining if and when reexaminations are necessary.

(b) *Federal financial participation—*(1) *Assistance payments.* Federal financial participation is available in medical assistance provided to any otherwise eligible person who is blind. Blindness may be considered as continuing until an examination by a qualified examiner establishes the fact that the recipient's vision has improved beyond the State's definition of blindness.

(2) *Administrative expenses.* Federal financial participation is available in any expenditures incident to the eye examination necessary to determine whether an individual is blind.

§ 248.80 Disability.

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

(1) Contain a definition of permanently and totally disabled, showing that:

(i) "Permanently" is related to the duration of the impairment or combination of impairments; and

(ii) "Totally" is related to the degree of disability.

The following definition is recommended:

"Permanently and totally disabled" means that the individual has some permanent physical or mental impairment, disease, or loss, or combination thereof, that substantially precludes him from engaging in useful occupations within his competence, such as holding a job.

Under this definition:

"Permanently" refers to a condition which is not likely to improve or which will continue throughout the lifetime of the individual; it may be a condition which is not likely to respond to any known therapeutic procedures, or a condition which is likely to remain static or to become worse unless certain therapeutic measures are carried out, where treatment is unavailable, inadvisable, or is refused by the individual on a reasonable basis; "permanently" does not rule out the possibility of vocational rehabilitation or even possible recovery in light of future medical advances or changed prognosis; in this sense the term refers to a condition which continues indefinitely, as distinct from one which is temporary or transient;

"Totally" involves considerations in addition to those verified through the medical findings, such as age, training, skills, and work experience, and the probable functioning of the individual in his particular situation in light of his impairment; an individual's disability would usually be tested in relation to ability to engage in remunerative employment; the ability to keep house or to care for others would be the appropriate test for (and only for) individuals, such as housewives, who were engaged in this occupation prior to the disability and do not have a history of gainful employment; eligibility may continue, even after a period of rehabilitation and readjustment, if the individual's work capacity is still very considerably limited (in comparison with that of a normal person) in terms of such factors as the speed with which he can work, the amount he can produce in a given period of time, and the number of hours he is able to work.

(2) Provide for the review of each medical report and social history by technically competent persons—not less than a physician and a social worker qualified by professional training and pertinent experience—acting cooperatively, who are responsible for the agency's decision that the applicant does or does not meet the State's definition of permanent and total disability. Under this requirement:

(i) The medical report must include a substantiated diagnosis, based either on existing medical evidence or upon current medical examination;

(ii) The social history must contain sufficient information to make it possible to relate the medical findings to the activities of the "useful occupation" and to determine whether the individual is totally disabled; and

(iii) The review physician is responsible for setting dates for reexamination; the review team is responsible for reviewing reexamination reports in conjunction with the social data, to determine whether disabled recipients whose health condition may improve continue to meet the State's definition of permanent and total disability.

(b) *Federal financial participation—*(1) *Assistance payments.* Federal financial participation is available in medical assistance provided to any otherwise eligible individual who is permanently and totally disabled. Permanent and total disability may be considered as continuing until the review team establishes the fact that the recipient's disability is no longer within the State's definition of permanent and total disability.

(2) *Administrative expenses.* Federal financial participation is available in any expenditures incident to the medical examination necessary to determine whether an individual is permanently and totally disabled.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

13. Part 249 is amended to add the following sections:

§ 249.70 Liens and recoveries.

State plan requirements: A State plan under title XIX of the Social Security Act must provide that:

(a) No lien or encumbrance of any kind will be required from or be imposed against the property of any individual prior to his death because of medical assistance paid or to be paid on his behalf or at any time if he was under 65 years of age when he received such assistance (except pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual).

(b) There will be no adjustment or recovery of medical assistance correctly paid, except from the estate of an individual who was 65 years of age or older when he received such assistance, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under age 21 or is blind or permanently and totally disabled

Under this regulation, the term "property" includes not only the homestead but all other personal and real property in which the recipient has a legal interest; and a money payment under another program may not be reduced as a method of recovery for vendor payments incorrectly paid under title XIX of the Act.

§ 249.82 Contracts with health insurance organizations, fiscal agents, and private nonmedical institutions.

(a) *Definitions.*—(1) *Arrangement with health-insuring organization.* A health-insuring arrangement is present where the contractor agrees to pay the costs of benefits provided under the contract in consideration of an amount called a premium, paid by the State agency for each eligible individual. Under this arrangement, the State agency would be obligated to pay for eligible individuals a monthly premium for each month for which coverage of the medical care and services provided for in the contract is to be made available, whether or not such individuals needed such care and services. Such payment might be made in advance of the coverage period or shortly thereafter. Also, the State agency would not pay for any loss incurred by the contractor from claims exceeding premiums paid or from increases in administrative costs of the contractor during the covered period, and, normally, the State agency would not be charged separately for the administrative functions performed by the contractor since these functions are a coordinate part of the health insurance agreement.

(2) *Arrangement with fiscal agent.* A fiscal agent type arrangement is present

where the contractor agrees to process and audit vendor claims for payment and may perform certain other functions which would otherwise be performed by the State agency in providing medical care and services to recipients for an amount sufficient to cover his costs of performing the agreed-upon functions. Under this arrangement, the State agency assumes liability for vendor claims for medical care and services rendered eligible recipients, and frequently pays a separate charge to the contractor for costs incurred in performing the agreed-upon functions.

(3) *Arrangement with private nonmedical institution.* An arrangement with a private nonmedical institution, such as a child-care institution or maternity home, is present where the contractor agrees to provide specified medical services through its own salaried medical personnel or to provide such services through contracts or other arrangements with medical providers. Under this arrangement, the State agency would be obligated to pay for eligible individuals a monthly capitation amount for each month for which coverage of the medical care and services provided for in the contract is to be made available, whether or not such individuals needed such care and services. Such payment might be made in advance of the coverage period or shortly thereafter.

(b) *State plan requirements.* (1) A State plan under title XIX of the Social Security Act which provides part or all of its medical assistance through arrangement with health-insuring organizations must provide that, as a minimum, the contract will:

(i) Identify the amount of the premium to be paid, when it is to be paid, and the coverage group and period;

(ii) Specify the amount, duration, and scope of medical care and services to be provided, and the fee schedule or other basis on which the contractor will make payment;

(iii) Provide that the premium payment constitutes full discharge of all responsibility by the State for costs of covered medical care and services provided to covered eligible recipients during the contract period;

(iv) Provide for periodic renegotiation of the premium rate and/or medical care and services furnished under contract;

(v) Provide that the contractor shall maintain and provide such records as are necessary for the State to meet the requirements for reporting placed on the State by the Federal agency, and provide that the contractor shall furnish such other reports as required by the State or local agency; and

(vi) Include the period of time the contract will be in effect, together with provisions for termination.

(2) A State plan under title XIX of the Act which provides part or all of its medical assistance through arrangement with fiscal agents must provide that, as a minimum, the contract will:

(i) Identify the type of functions to be performed by the contractor, the amount to be paid the contractor for performing the functions, the basis for the amount, when payment is to be made, and the coverage group;

(ii) Provide that the contractor will make payments for medical care in accordance with the rules and regulations established by the State agency;

(iii) Provide that the contractor shall maintain and provide such records as are necessary for the State to meet the requirements for reporting placed on the State by the Federal agency, and provide that the contractor shall furnish such other reports as required by the State or local agency;

(iv) Provide for periodic renegotiation of the amount paid in relation to the costs of service provided; and

(v) Include the period of time the contract will be in effect together with provisions for termination.

(3) A State plan under title XIX of the Act which provides part of its medical assistance through arrangement with private nonmedical institutions must provide that, as a minimum, the contract will:

(i) Identify the capitation amount to be paid, when it is to be paid, and the coverage group;

(ii) Specify the amount, duration and scope of medical care and services to be provided;

(iii) Specify the basis for payment to the provider for authorized service;

(iv) Provide for periodic renegotiation of the amount paid in relation to the costs of services provided;

(v) Provide that the contractor shall maintain and provide such records as are necessary for the State to meet the requirements for reporting placed on the State by the Federal agency, and provide that the contractor shall furnish such other reports as required by the State or local agency; and

(vi) Include the period of time the contract will be in effect, together with provisions for termination.

(c) *Conditions for Federal financial participation.* (1) The total amount paid to the health-insuring organization (pursuant to paragraph (b)(1) of this section) for carrying out the provisions of the contract will be regarded as assistance costs for Federal financial participation even if the contract provides for a separate charge for the contractor's administrative costs.

(2) The total amount paid to the private nonmedical institution (pursuant to paragraph (b)(3) of this section) for carrying out the provisions of the contract will be limited to cost of medical care and services and will be regarded as assistance costs for Federal financial participation.

(3) Under contracts with fiscal agents, the amount paid to the supplier of medical care will be considered for Federal financial participation as assistance costs, and the amount paid to the contractor for performing the agreed-upon functions will be considered as administrative costs.

(4) For Federal financial participation, the State agency must submit the contract to the Social and Rehabilitation Service not later than the end of the first quarter for which Federal financial participation will be claimed for expenditures made thereunder.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER (2-27-71).

Dated: January 21, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: February 22, 1971.

ELLIOT L. RICHARDSON,
Secretary.

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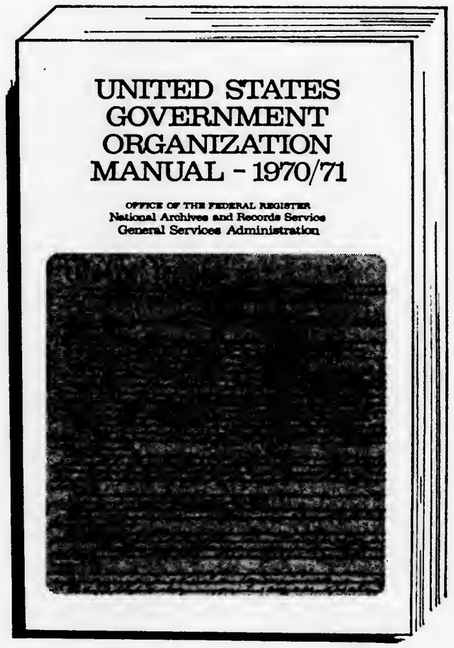

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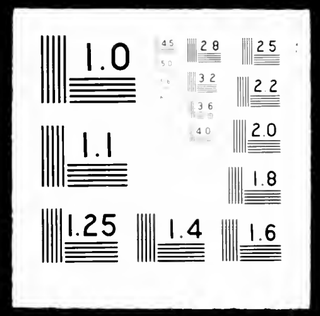

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

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